



Amended Statement of Environmental Effects

Concept Development
Application for Seniors
Housing and Residential
Development ('The Estuary')


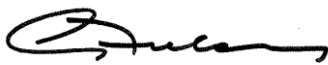
No. 49 Beach Road, Batemans Bay

Submitted to Eurobodalla Shire Council

On Behalf of Global Lifestyle Communities Pty Ltd

JUNE 2019

REPORT REVISION HISTORY

Revision	Date Issued	Revision Description	
01 - DRAFT	14/06/19	Revision tracking notes	
		Prepared by	Verified by
		Lydia Kuczera <i>Project Planner</i>	 Garry Fielding <i>Director, Major Projects</i>
02 - FINAL	14/06/19	Revision tracking notes	
		Prepared by	Verified by
		Lydia Kuczera <i>Project Planner</i>	 Garry Fielding <i>Director, Major Projects</i>

This document is preliminary unless approved by a Director of City Plan Strategy & Development.

Disclaimer

This report has been prepared by City Plan Strategy & Development P/L with input from a number of other expert consultants (if relevant). To the best of our knowledge, the information contained herein is neither false nor misleading and the contents are based on information and facts that were correct at the time of writing. City Plan Strategy & Development P/L accepts no responsibility or liability for any errors, omissions or resultant consequences including any loss or damage arising from reliance in information in this publication.

Copyright © City Plan Strategy & Development P/L
ABN 58 133 501 774

All Rights Reserved. No material may be reproduced without prior permission.

TABLE OF CONTENTS

1. Executive Summary	10
2. The Site and Context.....	12
2.1. Site Details	12
2.2. Existing Development & Improvements	13
2.3. Key Environmental Constraints	22
2.4. Zoning.....	23
2.5. Context and Surrounding Land Uses	24
2.6. Strategic Planning Context	30
3. Description of development.....	31
3.1. Overview.....	31
3.2. Development Statistics	31
3.3. Concept Development Details	32
3.3.1. Proposed Built Form and Siting	32
3.3.2. Site Preparation & Ancillary Development.....	33
3.3.3. Development 'Zones' and Stages	38
3.3.4. Signage.....	45
3.3.5. Landscaping and Open Space	45
3.4. Stage 1B Details.....	48
3.4.1. Site Preparation & Ancillary Development.....	48
3.4.2. Self-contained dwellings	49
3.4.3. Vehicular Access and Car Parking	50
3.4.4. Temporary Community Centre	51
3.4.5. Landscaping	51
3.5. Pre-lodgement Consultation	52
3.6. Post-lodgement Consultation	54
3.7. Cost of Works	54
4. Statutory Planning Considerations	55
4.1. Overview.....	55
4.2. Environmental Planning and Assessment Act 1979	55
4.2.1. Section 1.3 – Objects.....	55
4.2.2. Section 4.15 - Matters for consideration	56

4.2.3.	Section 4.22 - Staged Development Applications	57
4.2.4.	Section 4.46 - Integrated Development	57
4.3.	Environmental Planning and Assessment Regulation 2000	57
4.4.	Biodiversity Conservation Act 2016	58
4.5.	Marine Estate Management Act 2014	59
4.6.	Coastal Management Act 2016	60
4.7.	Environment Protection and Biodiversity Conservation Act 1999 (Cth)	60
4.8.	State Environmental Planning Policy No. 33 – Hazardous and Offensive Development	61
4.9.	State Environmental Planning Policy No. 44 – Koala Habitat Protection	63
4.10.	State Environmental Planning Policy No.55 - Remediation of Land	63
4.11.	State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development	64
4.12.	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	65
4.13.	State Environmental Planning Policy (Coastal Management) 2018	65
4.14.	State Environmental Planning Policy (Housing for Seniors or People with a Disability)	67
4.15.	State Environmental Planning Policy (Infrastructure) 2007	72
4.16.	State Environmental Planning Policy (State and Regional Development) 2011	72
4.17.	Eurobodalla Local Environmental Plan 2012	72
5.	Non-Statutory Considerations	77
5.1.	Provisions of any draft environmental planning instrument	77
5.2.	Batemans Bay Regional Centre Development Control Plan 2011	77
6.	Environmental Impact	82
6.1.	Built Environment	82
6.1.1.	Visual Impact	82
6.1.2.	View Loss	88
6.1.3.	Overshadowing	92
6.1.4.	Aboriginal Heritage	95
6.1.5.	Internal Amenity	96
6.1.6.	Visual Privacy	97
6.1.7.	Acoustic Amenity	97
6.1.8.	Solar Access and Natural Ventilation	98
6.1.9.	Sustainability	98
6.1.10.	Accessibility for People with a Disability	99

6.1.11. Services, Utilities and Infrastructure	99
6.2. Natural Environment	100
6.2.1. Flooding, Stormwater Management and Water Quality	100
6.2.2. Contamination.....	102
6.2.3. Geotechnical	106
6.2.4. Acid Sulfate Soils	107
6.2.5. Tree Management	108
6.2.6. Ecological	111
6.2.7. Bushfire.....	116
6.3. Movement, Access and Servicing	118
6.3.1. Waste Management.....	118
6.3.2. Traffic, Parking and Access	119
6.4. Social and Economic	123
6.4.1. Social and Economic Impacts	123
6.4.2. Crime, Safety and Security	130
6.5. Suitability of the Site [Sec.4.15(1)(c)]	131
6.6. The public interest [Sec.4.15(1)(e)]	132
7. Concluding Comments	133

FIGURES

Figure 1: Aerial view of subject site, showing site outlined in red (Source: Nearmap).	12
Figure 2: Existing resort conference centre, looking south (Source: BHI Architects).	14
Figure 3: Oblique view of existing conference centre and swimming pool, looking west (Source: BHI Architects).....	15
Figure 4: Existing cabins within resort, looking north.	16
Figure 5: Existing resort recreational facilities.....	17
Figure 6: View of site's entrance from Beach Road, looking south-east.....	18
Figure 7: Recently constructed wall and reclaimed land along site's northern boundary, looking west.	19
Figure 8: Recently constructed wall and reclaimed land along site's northern boundary, looking east.....	20
Figure 9: Map of existing Coachhouse Marina Resort (Source: www.coachhouse.com.au)	21
Figure 10: Site Analysis (Source: BHI Architects)	23

Figure 11: Current land zoning (Source: ELEM 2012).....	23
Figure 12: Site context (Source: Nearmaps)	24
Figure 13: Batemans Bay Marina to the north-west of the site	25
Figure 14: Basin fronting site to the north	26
Figure 15: Hanging Rock Boat Ramp fronting site to the north-east	27
Figure 16: Existing dwelling houses and tourist accommodation/holiday units along Marlin Avenue to the south of the site, showing site fence in background (Source: Google maps)	28
Figure 17: Existing dwelling houses and tourist accommodation/holiday units along Marlin Avenue to the south of the site, showing site fencing in foreground	28
Figure 18: Existing development along Beach Road to the south-west of the site (Source: Google maps)	29
Figure 19: Existing development along Beach Road to the west of the site (Source: Google maps).....	29
Figure 20: Design Principles Section (Source: BHI Architects).....	33
Figure 21: Design Principles Plan (Source: BHI Architects)	33
Figure 22: Indicative foreshore sections (Source: BHI Architects)	35
Figure 23: Proposed electrical works (Source: BHI Architects)	36
Figure 24: Proposed LPG tank enclosure	37
Figure 25: Typical ramps section (Source: BHI Architects).....	37
Figure 26: Indicative Staging Plan (Source: BHI Architects).....	38
Figure 27: Artists impression of residential apartment buildings (Source: BHI Architects)	40
Figure 28: Artists impression of seniors apartment buildings (Source: BHI Architects).....	41
Figure 29: Artists impression of Community Centre (Source: BHI Architects)	42
Figure 30: Artist's impression of proposed RCF, looking south (Source: BHI Architects)	44
Figure 31: Artist's impression of proposed wellness consulting centre, looking south (Source: BHI Architects).....	45
Figure 32: Landscape Masterplan (Source: Ground Ink)	46
Figure 34: Key Views Diagram (Source: Ground Ink)	47
Figure 35: Location of Stage 1B (Source: BHI Architects)	48
Figure 36: Artists impression of self-contained dwellings (Source: BHI Architects).....	50
Figure 37: Stage 1B Landscape Masterplan (Source: Ground Ink)	52
Figure 38: Oblique view of proposed concept development from the water (Source: BHI Architects)	82
Figure 39: Urban Design Principles Section – Demonstrating the two storey seniors built form, significantly below the height plane, being setback 14m to the Southern boundary (Source: BHI Architects)	84
Figure 40: Typical Zone B Seniors Southern Boundary Elevations	84

Figure 41: View of proposed concept development from Beach Road (Source: BHI Architects)	85
Figure 42: Street Perspective of existing and proposed development viewed from Tuna Street (Source: BHI Architects).....	86
Figure 43: Street Perspective of existing and proposed development viewed from Marline Avenue (Source: BHI Architects).....	87
Figure 44: View Analysis - Contextual (Source: BHI Architects).....	89
Figure 45: View Analysis - Neighbouring (Source: BHI Architects)	90
Figure 46: Shadow impact of proposed Stage 1B development during the winter-solstice (Source: BHI Architects).....	93
Figure 47: Shadow impact of proposed concept development during the winter-solstice, 9am (Source: BHI Architects).....	94
Figure 48: Shadow impact of proposed concept development during the winter-solstice, 12pm (Source: BHI Architects).....	94
Figure 49: Shadow impact of proposed concept development during the winter-solstice, 3pm (Source: BHI Architects).....	95
Figure 50: Test pit locations within Area A and B (Source: Douglas Partners).....	103
Figure 51: View of land reclamation works undertaken at the site, showing pumping of clean sand	104
Figure 52: View of land reclamation works undertaken at the site, showing pumping of clean sand	105
Figure 53: View of weathered-looking fibrous cement fragment found near Pit 1 (Source: Douglas Partners)	106
Figure 54: Location of trees within subject site (Source: Horticultural Management Services)	108
Figure 55: Location of identified 'zones' of trees within subject site (Source: Horticultural Management Services).....	109
Figure 56: watercourse location and the 40m buffer boundaries of the riparian area (Source: Umwelt). 115	
Figure 57: Proposed rehabilitation Landscaping (Source: Umwelt)	116
Figure 58: Bushfire prone land map, showing 'Vegetation Buffer' in yellow and 'Vegetation Category 1' in red (Source: NSW Property Portal).....	117
Figure 59: Eurobodalla Shire age structure, 2011 and 2016 (Source: Australian Bureau of Statistics, Census of Population and Housing 2006 and 2011, i.d. The Population Experts)	125
Figure 60: Eurobodalla Shire forecast age structure, 2011, 2026 and 2036 (Source: Australian Bureau of Statistics, Census of Population and Housing 2006 and 2011, i.d. The Population Experts).....	125
Figure 61: Eurobodalla Shire need for assistance, 2011 and 2016 (Source: Australian Bureau of Statistics, Census of Population and Housing 2006 and 2011, i.d. The Population Experts)	126
Figure 62: Eurobodalla Shire net migration, 2016-2021 and 2021-2026 (Source: Australian Bureau of Statistics, Census of Population and Housing 2006 and 2011, i.d. The Population Experts).....	126

TABLES

Table 1: Development Statistics	31
Table 2: Details of each zone	38
Table 3: Issues raised by Council	52
Table 4: Section 4.15(1)(a) Considerations.....	56
Table 5: BASIX results	58
Table 6: Compliance with the Coastal Management SEPP	65
Table 7: Compliance with Part 2 Site Related Requirements (Seniors Housing SEPP)	68
Table 8: Part 3 Design Requirements (Seniors Housing SEPP).....	68
Table 9: Compliance with Part 4 Development Standards (Seniors Housing SEPP).....	69
Table 10: Compliance with Part 5 requirements for land adjoining urban land (Seniors Housing SEPP) .	70
Table 11: Compliance with Part 7 Development Standards (Seniors Housing SEPP)	71
Table 12: Compliance with Eurobodalla LEP 2012.....	73
Table 13: Compliance with Batemans Bay Regional Centre DCP 2011	77
Table 14: View loss analysis (neighbouring)	90
Table 15: Assessment of identified 'zones' of trees	109
Table 16: Car Parking Requirements and Compliance	122

APPENDICES

Appendix	Document	Prepared By	Date
1	Site Survey	Rygate & West	14/11/18
2	Amended Concept Architectural Plans Amended Stage 1B Architectural Plans	BHI Architects	14/06/19
3	Amended SEPP 65 Apartment Design Guide Design Statement - Concept Amended SEPP 65 Apartment Design Guide Design Statement – Stage 1B	BHI Architects	28/02/19

4	Site Compatibility Certificate	NSW Department of Planning & Environment	10/08/18
5	Amended Landscape Documentation – Concept Amended Landscape Documentation – Stage 1B	Ground Ink	14/06/19 26/02/19
6	Amended Stormwater Drainage Strategy & Flooding Assessment Supplementary Flooding Impact Assessment	MIEngineers	22/02/19 23/04/19
7	Amended Concept Stormwater Drainage Plan	MIEngineers	22/02/19
8	Waste Management Plan – Concept Waste Management Plan – Stage 1B	Solution1 Traffic Engineers	November 2018
9	Arboricultural Impact Assessment Arborist Supplementary Letter	Horticultural Management Services	28/10/18 25/02/19
10	Archaeological Assessment & Heritage Impact Statement	EMM Consulting	November 2018
11	Ecological Assessment	Umwelt	February 2019
12	Report on Preliminary Geotechnical Assessment	Douglas Partners	November 2018
13	Crime Risk Assessment -Concept Crime Risk Assessment -Stage 1B	CHD Partners	November 2018
14	Amended Assessment of Traffic & Parking Implications - Concept Amended Assessment of Traffic & Parking Implications – Stage 1B	Transport & Traffic Planning Associates	February 2019
15	Statement of Compliance – Access for People with a Disability	Accessible Building Solutions	08/11/18

16	Bushfire Assessment Report	Bushfire & Evacuation Solutions	18/10/18
17	DA Cost Report DA Cost Report Stage 1B	Mitchell Brandtman	08/11/18
18	Basix Certificate	Eco Certificates	14/11/18
19	Amended Clause 4.6 Variation Request	CPSD	14/06/19
20	Pre-DA Meeting Minutes	Eurobodalla Shire Council	-
21	Pied Oystercatcher Ecological Assessment	Umwelt	01/11/18
22	Review of Vegetation Clearance and Potential Offsetting Opportunities Letter	Umwelt	07/06/19
23	Pavement Impact Assessment	MIEngineers	17/04/19
24	Basement Car Park and Groundwater Management Letter	MIEngineers	17/04/19
25	Flood Emergency Management Plan	MIEngineers	16/04/19
26	Report on Preliminary Site Investigation for Contamination	Douglas Partners	September 2017
27	Overview of Local Retirement Facilities	-	June 2019

1. EXECUTIVE SUMMARY

This Amended Statement of Environmental Effects (SEE) has been prepared by City Plan Strategy & Development (CPSD) on behalf of Global Lifestyle Communities Pty Ltd, the applicant. It is to accompany amended Development Application (DA) No 272/19 and is to replace the original Amended SEE prepared by CPSD dated 1 March 2019. Pursuant to Section 4.22(1) of the *Environmental Planning & Assessment Act 1979* (the Act), DA272/19, as amended, seeks concept approval for a Seniors Housing and Residential Development Proposal (known as 'The Estuary') at **No. 49 Beach Road, Batemans Bay** (the subject site).

The proposal represents a carefully considered, master planned approach for the site to meet an increasing demand for seniors housing and medium-density residential development in Batemans Bay. A Site Compatibility Certificate [pursuant to clause 25(4)(a) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (referred to as the Seniors Housing SEPP)] was issued with regard to the proposed seniors housing concept development on part of the site on 10 August 2018 (see Appendix 4).

A number of changes have been made to the amended proposal in order to address concerns raised by respondents to the public exhibition of the amended DA and to ensure there will be minimal impact on the surrounding natural and built environment. The changes have also been made having regard to the matters raised by the Southern Joint Regional Planning Panel (the JRPP) following the public briefing meeting held on 9 March 2019 and the Additional Information Requests issued by Eurobodalla Shire Council on 6 April & 27 May 2019 in relation to the amended DA.

The amended concept proposal involves seniors housing and residential development within three separate 'zones' over the site, and comprises the following key components:

- Staged demolition of the existing resort accommodation and ancillary development;
- Staged site preparation work including earthworks and clearing of select vegetation within the site;
- Installation of ancillary services and infrastructure to the site;
- Construction of 20 buildings across the site, comprising:
 - 9 x residential flat buildings comprising 128 apartments (Zone A);
 - a retirement village comprising 210 self-contained dwellings in the form of 'serviced self-care housing', within 8 separate buildings (Zone B);
 - a 3-storey residential care facility, accommodating 150 beds (Zone C);
 - ancillary facilities in the form of a 2-storey community centre with a ground floor café and restaurant (Zone B) and a 1-storey wellness consulting centre (Zone C);
- Use of the existing conference centre as a temporary community centre (Zone B);
- Sub-basement and above-ground car parking, service areas and associated vehicular access;
- Coastal protection works involving replacement of the existing temporary wall with a stabilised natural beach edge and small section of rock embankment; and
- Associated landscaping (including retention and protection of selected native and ornamental trees), community spaces and facilities, and a publicly-accessible boardwalk along the subject site's waterfront.

This DA will include a 'first stage of development', pursuant to Section 4.22(2) of the Act. The first stage (Stage 1B) will primarily relate to the construction of 18 self-contained dwellings within Zone B. Additional stages within each zone will be subject to subsequent, future DAs.

The DA will be determined by the Southern Joint Regional Planning Panel, as the concept proposal will have a CIV in excess of \$30 million.

This Amended SEE has been prepared in accordance with Clause 2(1)(c) & 4 of Schedule 1 of the *Environmental Planning & Assessment Regulation 2000*, having regard to Section 4.15 of the Act. It provides a description of the existing land and the site context in Section 2, with details of the proposed concept development, including Stage 1B, in Section 3. The environmental planning controls applying to the site and an assessment of compliance with these controls is set out in Sections 4-6. Section 7 contains concluding comments in respect of the proposed concept development.

The Amended SEE demonstrates that the concept proposal is generally consistent with relevant statutory controls. In particular, the concept proposal represents permissible development under either the Seniors Housing SEPP or Eurobodalla Local Environmental Plan 2012 (ELEP), and generally achieves the objectives of the SP3 and R3 zones. It is acknowledged that the proposed concept development exceeds the maximum Height of Buildings development standard prescribed for the site under Clause 4.3 of the ELEP. A request to vary this development standard pursuant to Clause 4.6 of the ELEP is included at Appendix 19. Importantly, the additional height is partly a result of raising the buildings above the flood planning level and does not present any unreasonable view loss or amenity impacts upon nearby residential development, nor any unreasonable visual impacts on the public domain.

The proposed concept development has been designed with due regard to the requirements of the Seniors Housing SEPP, the Apartment Design Guide and *State Environmental Planning Policy No. 65- Design Quality of Residential Apartment Development* (see Sections 4.11 and 4.14 and of this Amended SEE for further details).

The application is Integrated Development for the purposes of Section 4.46 of the Act as it requires approval under Section 100B of the *Rural Fires Act 1997* and Section 91 of the *Water Management Act 2000* before certain aspects of the development may lawfully be carried out. In addition, a permit under Section 55 of the *Marine Estate Management Act 2014* will be sought for the proposed works within the Marine Estate boundary. Additional approvals are likely to be required under future DAs for subsequent stages.

Overall, the concept proposal will result in the provision of high-quality apartment development and high and low care housing for seniors in an integrated, resort-style community. The proposed land uses are considered entirely suitable uses for this land, particularly with respect to accessibility to services, current and future surrounding land uses, and the site's natural environmental constraints. Importantly, the proposal will continue tourism-related uses on the site, with approximately 50% of the residential apartments anticipated to ultimately be used for such purposes. In addition, the proposed ancillary community centre and boardwalk will be accessible to the local community, including visitors to the area. The proposal will provide excellent opportunities for social and community interaction and improved public access to the waterfront and beach.

The proposed concept development has been sensitively designed to complement and protect the scenic character of the waterfront. The proposed design is also compatible with the surrounding built form, including the current and desired future character of the adjoining R3 zoned land to the south. No adverse impacts on nearby development, the natural environment, aboriginal heritage, traffic, parking, drainage or other external features or services are anticipated as a result of the development. Accordingly, CPSP is supportive of the development proposal.

2. THE SITE AND CONTEXT

2.1. Site Details

The subject site is located at No. 49 Beach Road, Batemans Bay. It comprises of two allotments and is legally described as Lot 101 in DP 850637 and Lot 12 in DP 124295.

An aerial photograph of the subject site is provided at Figure 1.



Figure 1: Aerial view of subject site, showing site outlined in red (Source: Nearmap).

The amalgamated site forms an irregular shaped parcel of land with an area of approximately 6.239ha. It has a direct frontage to two basins formed by a rock wall extending along the shores of the Clyde River estuary in a south-easterly/north-westerly direction. The outlet of Hanging Rock Creek is located at the north-western end of the site where it flows into the larger basin before entering the Clyde River.

Current vehicular access to the site is primarily available from Beach Road to the west via a bridge over Hanging Rock Creek. Gated access driveway crossings are also located at the ends of Tuna Street and Marlin Avenue along the site's southern boundary.

The site is relatively flat, with existing ground levels ranging from RL 0.9m AHD to RL 2.4m AHD. An earth embankment runs along the site's southern boundary with a crest height ranging from RL 2.2m AHD to RL 2.9m AHD.

2.2. Existing Development & Improvements

The subject site is currently occupied by tourist accommodation known as the 'Coachhouse Marina Resort', which has operated in this location for over 40 years. The resort contains the following key components:

- 89 timber villas (comprising 536 beds in total);
- a 686m² 2-storey function/conference centre containing a restaurant (the 'Rockwall Restaurant'), 3 conference rooms and an outdoor swimming pool;
- a 450m² single-storey conference facility (the 'Seabreeze');
- a large marquee utilised for special events;
- a manager's residence/office;
- open space and recreational facilities, including a tennis court and volley ball court, playground equipment and barbecue facilities; and
- at-grade visitor car parking and servicing areas.

The majority of buildings within the resort are single storey in height, with the exception of the two storey function centre located centrally within the subject site and the manager's residence/office located near the site's entrance off Beach Road.

An internal private road network provides vehicular access throughout the site, connecting to Beach Road to the west and Hanging Rock Place to the east. No public access is currently available through the site.

The northern boundary of the subject site is protected by a recently constructed temporary concrete block retaining wall, approximately 1m in height, which was approved by Council as part of a boundary readjustment. The extent of the readjusted boundary is indicated on the Survey Plan (Appendix 1). A continuous timber fence extends the length of the site's southern boundary.

The existing stormwater drainage network consists of a series of pits, pipes and open channels through the site.

The following series of photographs illustrate existing improvements on the subject site. Figure 9 shows the approximate layout and location of existing development within the resort.



Figure 2: Existing resort conference centre, looking south (Source: BHI Architects).



Figure 3: Oblique view of existing conference centre and swimming pool, looking west (Source: BHI Architects).



Figure 4: Existing cabins within resort, looking north.



Figure 5: Existing resort recreational facilities.



Figure 6: View of site's entrance from Beach Road, looking south-east.



Figure 7: Recently constructed wall and reclaimed land along site's northern boundary, looking west.



Figure 8: Recently constructed wall and reclaimed land along site's northern boundary, looking east.



Figure 9: Map of existing Coachhouse Marina Resort (Source: www.coachhouse.com.au)

2.3. Key Environmental Constraints

Key environmental constraints affecting the subject site are as follows:

- The subject site is located within the NSW coastal zone and is in proximity to sensitive coastal areas including the Clyde River estuary and the Batemans Marine Park. As shown in Figure 10, the boundary of the Batemans Marine Park extends partly into the subject site, comprising the land that was reclaimed as part of the recent boundary adjustment on the site. The site is adjacent to Hanging Rock Creek which flows into the Clyde River.
- The site is already developed and contains little undisturbed natural environment. It is understood that the original site vegetation was removed as part of the development of the existing resort. Existing vegetation within the site comprises a mixture of planted native and exotic species, with Cocos Palms being the most prevalent. A total of 4675sqm of native vegetation is present on the site, comprising mixed local and non-local tree plantings. A patch of swamp oak floodplain forest located adjacent to the south-east corner of the site conforms to the state-listed Endangered Ecological Community, *Swamp Oak Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregion*.
- Important habitat for threatened flora and fauna, such as hollow bearing trees, hollow logs and rock outcrops is absent from the subject site due to past disturbance. Foraging habitat for the majority of threatened species is also absent from the site. The site directly adjoins breeding and foraging habitat for pied oystercatcher (*Haematopus longirostris*) to the north, however, no pied oystercatcher habitat is present in the site. Refer to Section 6.2.6 of this Amended SEE for further discussion.
- The site is currently affected by the 1 in 100 year ARI flood event, according to the Council's 2017 Eurobodalla Coastal Hazard Assessment. Council has advised that it is currently unable to determine the flood hazard for the site but that '[t]he length of inundation across the site would generally be short term and would be determined by tidal and storm events'. It further advises that '[t]he site is located within the 'Area of Critical Utility' in accordance with Council's Interim Coastal Hazard Adaptation Code and as such is protected from coastal erosion and wave surge'.
- The western portion of the subject site includes the 'Hanging Rock Conservation Area', a place of Aboriginal Heritage Significance (see Figure 10).
- The majority of the subject site is mapped as containing Class 3 Acid Sulfate Soils (ASS). Testing undertaken of the site found an isolated sample of Potential ASS in the north-western part of the site (refer to Section 6.2.3 of this Amended SEE for further discussion).
- The eastern portion of the site contains a small portion of bushfire prone land (Vegetation Buffer).
- The subject site is considered to have a low likelihood of contamination based on the current condition of the site and its current and historical use for tourist accommodation purposes.

Some of the site's key environmental features are shown in the Site Analysis extracted in Figure 10.

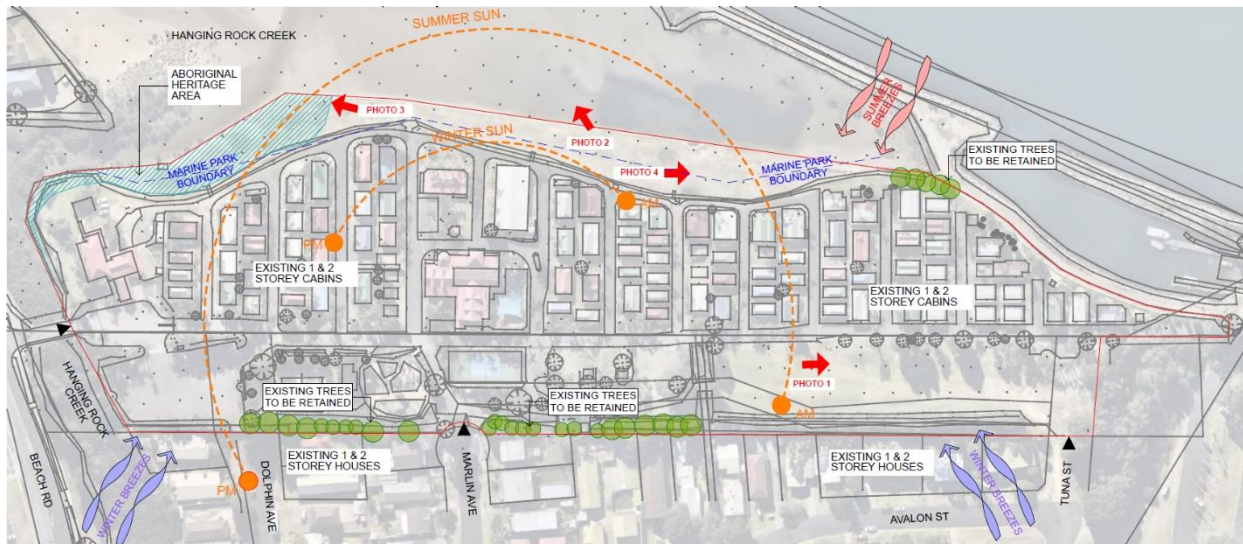


Figure 10: Site Analysis (Source: BHI Architects)

2.4. Zoning

As shown in Figure 11 below, the subject site is currently zoned part SP3 Tourist and part R3 Medium Density Residential under the *Eurobodalla Local Environmental Plan 2012* (ELEP).

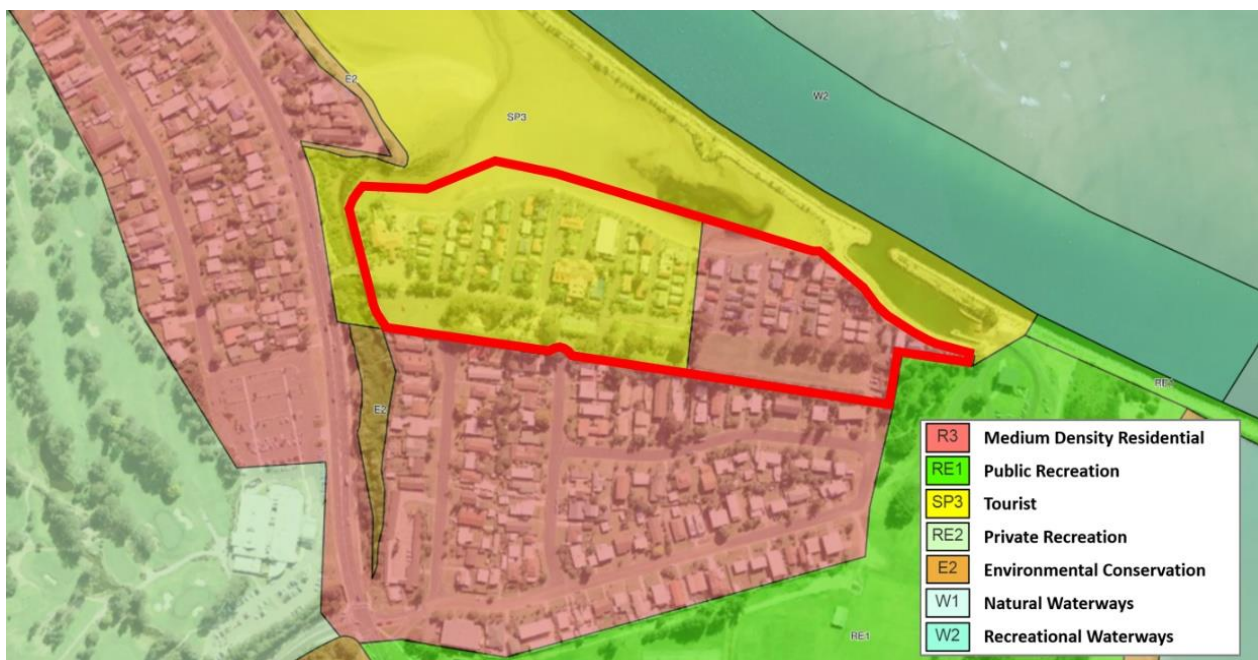


Figure 11: Current land zoning (Source: ELEP 2012)

2.5. Context and Surrounding Land Uses

The subject site is located along the shores of the Clyde River Estuary, approximately 1.5km to the south-east of the Batemans Bay town centre. The shoreline between the town centre and Corrigan's Beach to the south-east is developed and armoured.

The site is surrounded by a mixture of recreational facilities, tourist accommodation and low-density residential development, as well as small bush reserves and open space areas.

The surrounding area to the east, south and west of the subject site (beyond Beach Road) is zoned R3 Medium Density Residential under the ELEG 2012 and principally comprises detached single and two storey dwelling houses and tourist accommodation/holiday units. Adjoining land to the south is subject to a maximum building height of 11.5m under the ELEG 2012.

Batemans Bay Marina is located at the north-western end of the main basin fronting the subject site, while Hanging Rock boat ramp is located within a smaller basin fronting the south-eastern end of the site (zoned SP3 Tourist). A range of dining, recreational and leisure facilities associated with the marina are located along the shoreline in the vicinity of the site.

Land zoned for RE1 Public Recreation is located to the east of the subject site, and includes car parking and areas of open space. A small strip of E2 Environmental Conservation zoned land directly adjoins the western end of the subject site along Hanging Rock Creek.

The site's local context is illustrated in Figure 12. Views of the surrounding area are provided in the following photographs.

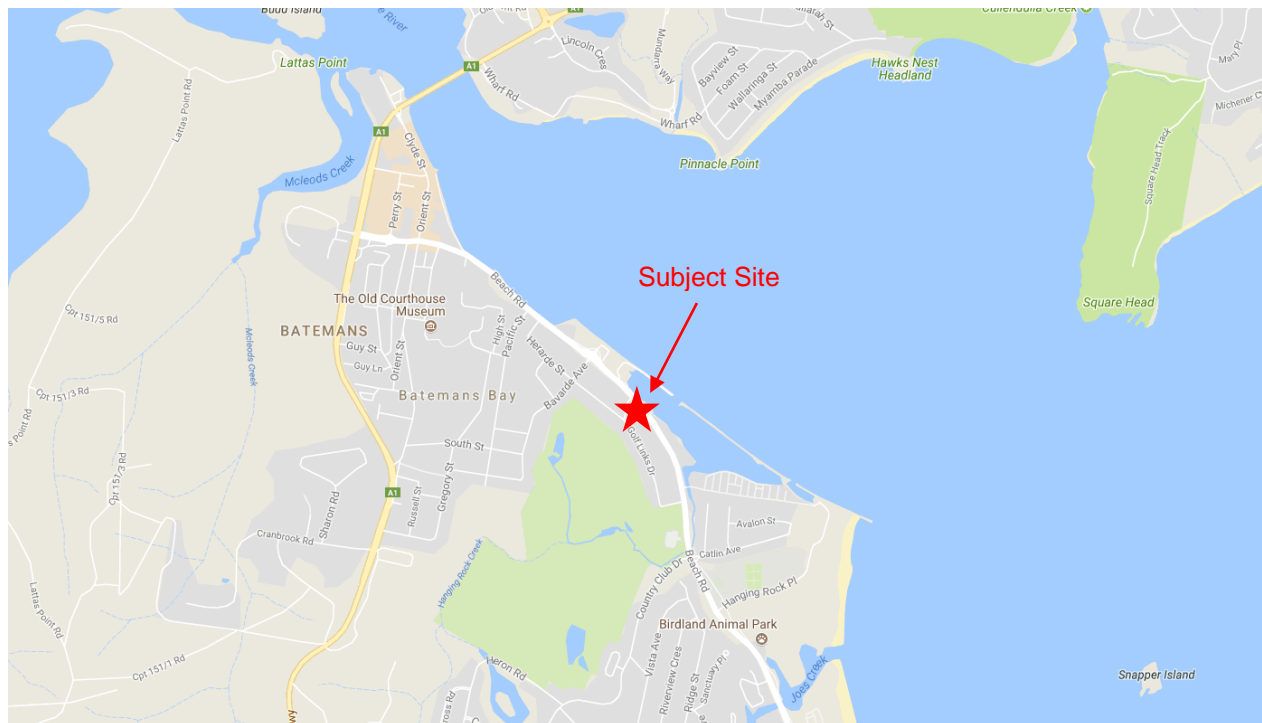


Figure 12: Site context (Source: Nearmaps)



Figure 13: Batemans Bay Marina to the north-west of the site



Figure 14: Basin fronting site to the north



Figure 15: Hanging Rock Boat Ramp fronting site to the north-east



Figure 17: Existing dwelling houses and tourist accommodation/holiday units along Marlin Avenue to the south of the site, showing site fencing in foreground



Figure 16: Existing dwelling houses and tourist accommodation/holiday units along Marlin Avenue to the south of the site, showing site fence in background (Source: Google maps)



Figure 19: Existing development along Beach Road to the west of the site (Source: Google maps)



Figure 18: Existing development along Beach Road to the south-west of the site (Source: Google maps)

2.6. Strategic Planning Context

South East and Tablelands Regional Plan 2036

The *South East and Tablelands Regional Plan 2036* (the SETR Plan), released by the NSW Government in 2017, is the regional strategy applying to the subject site.

Batemans Bay is identified as a strategic centre in the Eurobodalla Local Government Area. While not providing any specific directions for the subject site, the SETR Plan does provide a context for the growth and change expected to occur in the Batemans Bay area. In particular, to meet the needs of an ageing population, the SETR highlights the need for more diverse and affordable housing choices in the area, particularly for older people, that is adequately serviced with community and transport infrastructure.

Eurobodalla Shire Council Local Plans and Strategies

Eurobodalla Shire Council has a series of local plans and strategies in place to guide development within the LGA. Relevant to the subject site and concept proposal these include

- *Eurobodalla Positive Ageing Strategy 2009 – 2018 (adopted 2009)*
This is a whole-of-Council strategy to address issues facing the LGA's ageing population. It was developed in response to statistics showing that, in 2006, 22.8% of residents in the LGA were over the age of 65. The strategy supports making more seniors housing available within the LGA to enable residents to age in place, and introduces a series of actions intended to improve seniors' overall health, well-being and access to services.
- *Eurobodalla Settlement Strategy 2006-2031 (adopted December 2006)*
This strategy provides a framework to direct future planning and investment decisions in the LGA over the next 25 years. It highlights the challenge for coastal towns like Batemans Bay to balance growth with the need to retain their existing character. Infill development is encouraged to increase housing densities in well serviced locations.
- *Greater Batemans Bay Structure Plan 2006-2031 (adopted 2006)*
This Plan sets out the strategic planning framework for protection of the environment and major transport priorities in the Batemans Bay area. It includes settlement profiles for each of the twelve communities within the Greater Batemans Bay Area. Relevant to the subject site, the Plan encourages more intensive development (up to a height of 3 or 4 storeys) around the Batemans Bay Marina Area and Hanging Rock, which can benefit from access to services and recreational facilities.
- *Recreation and Open Space Strategy (adopted August 2010)*
This strategy provides a framework and strategic direction for Council and stakeholders to further develop and enhance open space and recreation facilities in the LGA. Specific to the Batemans Bay town centre and local area, the strategy highlights the increasing demand for a range of facilities and spaces to support differing age and interest groups, including seniors.
- *Residential Land Strategy (under development)*
Council is currently developing policy directions for the management of residential lands in the LGA which will ultimately culminate in a rural lands strategy for the LGA. The Housing Needs Report prepared in 2014 makes recommendations on sustainable and affordable housing supply, providing a range of housing types to meet the diverse needs of the community and increased density in well serviced areas.

3. DESCRIPTION OF DEVELOPMENT

3.1. Overview

This Amended Concept Development Application (DA) seeks approval for a seniors housing and residential development on the subject site. It is proposed to carry out the conceptual development over 10 stages. Each stage will be distributed within one of three development 'zones' (Zones A-C), with separate access points and servicing arrangements.

Specifically, the amended concept DA involves:

- Staged demolition of the existing resort accommodation and ancillary development;
- Staged site preparation work including earthworks and clearing of select vegetation within the site;
- Installation of ancillary services and infrastructure to the site;
- Construction of 20 buildings across the site, comprising:
 - 9 x residential flat buildings comprising 128 apartments (Zone A);
 - a retirement village comprising 210 self-contained dwellings in the form of 'serviced self-care housing', within 8 separate buildings (Zone B);
 - a 3-storey residential care facility, accommodating 150 beds (Zone C);
 - ancillary facilities in the form of a 2-storey community centre with a ground floor café and restaurant (Zone B) and a 1-storey wellness consulting centre (Zone C);
- Use of the existing conference centre as a temporary community centre (Zone B);
- Sub-basement and above-ground car parking, service areas and associated vehicular access; and
- Coastal protection works involving replacement of the existing temporary wall with a stabilised natural beach edge and small section of rock embankment; and
- Associated landscaping (including retention and protection of selected native and ornamental trees), and community spaces and facilities.

The DA will also include the 'first stage of development', pursuant to Section 4.22(2) of the Act. The first stage ('Stage 1B') will primarily relate to the construction of 18 self-contained dwellings. Additional stages will be subject to subsequent, future DAs.

Further details of the concept proposal, including Stage 1B, are provided in the following sections.

3.2. Development Statistics

The key statistics and elements of the amended concept proposal are summarised in Table 1 below.

Table 1: Development Statistics

Element	Zone A	Zone B	Zone C
Area	20,811.4m ²	33,186.24m ²	8,460.07m ²

Gross Floor Area	Apartment: 14,423m ²	Self-contained dwellings: 23,954m ² Community Centre: 1,441m ²	Residential Care Facility: 6,544m ² Wellness Consulting Centre: 700m ²
Floor Space Ratio	0.78:1	0.81:1	0.86:1
Maximum Height	AHD 16.05m RL	AHD 16.38m RL	AHD 14.91m RL
Communal open space	10,053m ² (48%), including 3,471m ² (17%) deep soil	12,831m ² (41%), including 5,193m ² (16%) deep soil	-
Total basement car parking	256 resident spaces and 26 visitor spaces	242 resident spaces and 42 visitor spaces	100 spaces
Total at-grade car parking	-	20 public visitor spaces, including 4 shared accessible spaces	4 public visitor spaces, including 1 shared accessible spaces

3.3. Concept Development Details

3.3.1. Proposed Built Form and Siting

The amended concept development has been sited and designed to respond to a number of key considerations including the site analysis (particularly the site's waterfront location, adjoining residential development to the south and the site's flooding constraints); the 'Batemans Bay Regional Centre' DCP controls; the requirements of *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004*, the *Apartment Design Guide* and *State Environmental Planning Policy No. 65- Design Quality of Residential Apartment Development*, and specific advice obtained from Council's Development Assessment Section (see Sections 3.5 and 3.6 of this Amended SEE).

The scale of the proposed concept development is broken up into a series of detached buildings that are separated by extensive areas of landscaping and communal open space, allowing for views through the site. The dwellings in Zones A and B will be provided in 4 different building 'types', ranging in height between 2 storeys and 4 storeys.

The proposed concept development is elevated above the flood plane to ensure the longevity and ongoing operation of the overall development. This elevation is achieved via a raised podium throughout the site, which consists of sub-basement carparking and raised landscaping.

A detailed architectural design statement is provided at Appendix 3. Figures 20 and 21 demonstrate the design principles of the proposed concept development. Artist's impressions and detailed plans are provided at Appendix 2 of this Amended SEE.

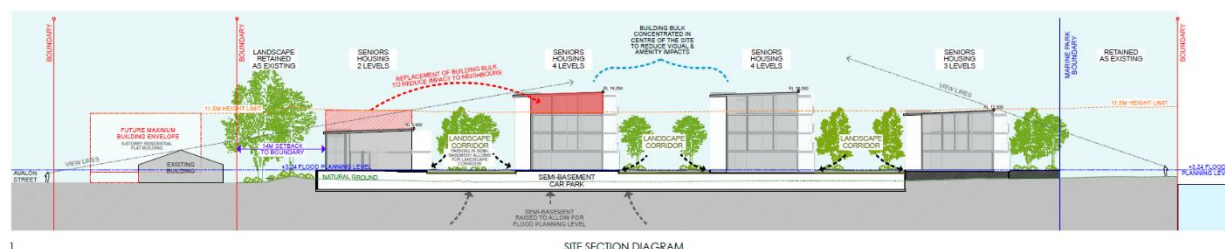


Figure 20: Design Principles Section (Source: BHI Architects)



Figure 21: Design Principles Plan (Source: BHI Architects)

3.3.2. Site Preparation & Ancillary Development

The amended development will involve the following site preparation works and ancillary development:

- All existing development within the site is proposed to be demolished or removed prior to the construction of each stage. It is anticipated that the existing tourist accommodation may be relocated to an off-site location.

- Coastal protection works as follows (see indicative sections in Figure 22):
 - Retention of existing rock embankment in north-western corner
 - Removal of temporary block seawall and replacement with a stabilised natural beach edge along the majority of the site's water frontage, with the exception of a small section adjoining the existing rock embankment. This section will be replaced with a rock embankment to match the existing embankment to the west.
 - Vegetated and non-vegetated rock batter is proposed
 - Temporary blocks (and associated Geotech fabric) will be removed once the vegetated shoreline is established
- As discussed in Section 6.2.5 of this Amended SEE, it is proposed to clear the majority of vegetation and trees from within the site. Importantly, however, it is proposed to retain and protect select native and ornamental trees along the southern boundary and north-eastern portion of the site fronting the water. Protection measures for these trees, including Tree Protection Zones, are outlined in Appendix 9.
- A flood emergency evacuation route is proposed, providing a connection through the site for emergency vehicles.
- Service and utility upgrades or installations are proposed as follows:
 - Removal of existing power pole and overhead powerlines on the site located near the existing conference centre (Stage 1B) - see Figure 23
 - Installation of a new electricity substation and underground connection to existing power pole in Marlin Avenue (Stage 1B) - see Figure 23
 - Relocation of the existing power pole in Tuna Street to accommodate the proposed access road (Stage 7A) - see Figure 23
 - Relocation of sewer pump station (located in Stage 1B, but installation will occur in Stage 5B)
 - Existing sewer pump station to be decommissioned following new pump station construction and cut over (Stage 5B)
 - Installation of an LPG bulk storage tank with enclosure near the Tuna Street entrance (located in Stage 7A, but installation will occur in Stage 1A). The enclosure requirements for the proposed tank is shown in Figure 24
 - Installation of hydrant boosters (Stages 1B and 7A)
 - Installation of new stormwater pump, water/pump and fire/pump stations (Stage 1B)
 - Utilise existing water supply and connect to each zone in stages
- Proposed stormwater drainage works are discussed in Section 6.2.1 of this Amended SEE and include upgrading the existing open central channel and outlet, upgrading or installing minor drainage pipe outlets, and installation of on-site detention comprising 7 tanks.
- As discussed at Section 6.2.2 of this Amended SEE, earthworks are proposed throughout the site to achieve the basement carparking levels, as well as the installation of required service and drainage infrastructure. It is anticipated that proposed excavation depths will range from approximately RL -0.5m AHD, necessitating maximum cuts of approximately 1.5m.
- The basement will be situated in groundwater, which was observed in the range of -0.2-0.6m AHD during geotechnical investigations undertaken by Douglas Partners. Accordingly, dewatering would be required for basement construction in order to draw down the groundwater level. Typical construction methodologies are proposed (see Appendix 24), which will be further development

during detailed design. A dewatering management plan will be prepared prior to commencement of construction to establish the proposed dewatering treatment and disposal methodology.

- An indicative cross-section of the proposed sub-basement car parking level and access ramp is provided in Figure 25. The sub-basement car parking level, including the construction of retaining walls to ensure the landform is adequately retained, will be subject to detailed engineered design at the construction stage.

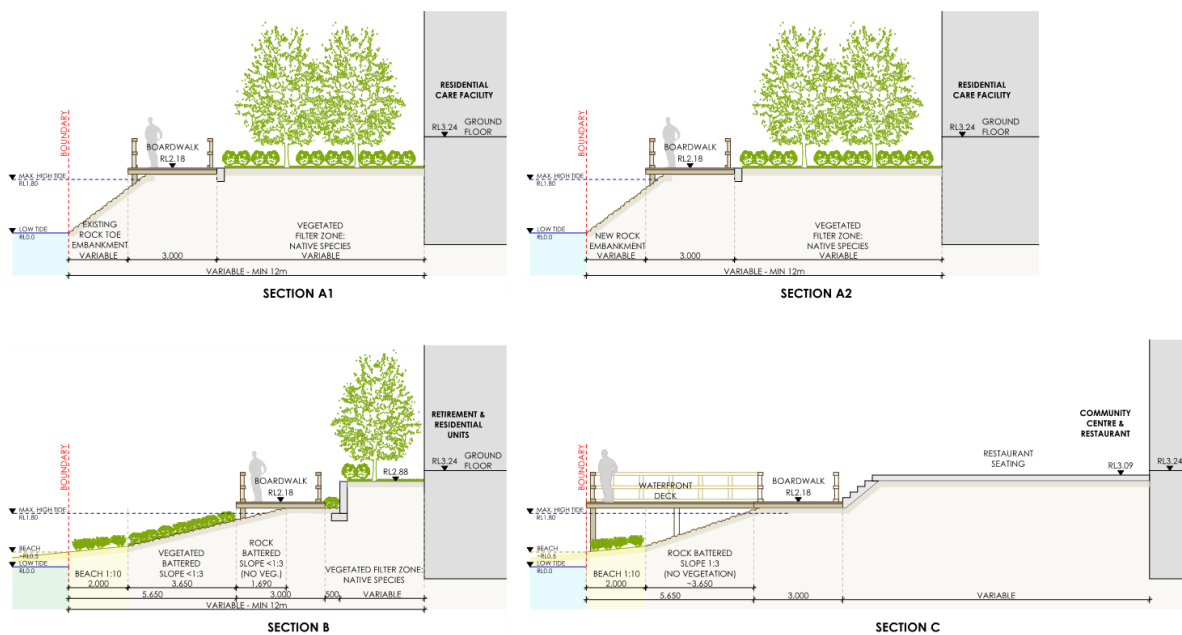


Figure 22: Indicative foreshore sections (Source: BHI Architects)



Figure 23: Proposed electrical works (Source: BHI Architects)

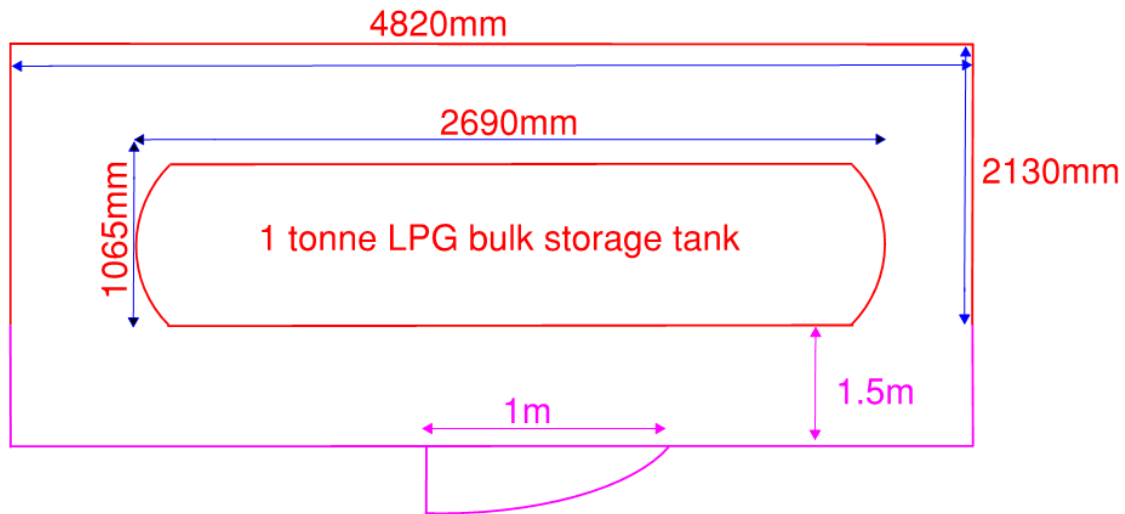


Figure 24: Proposed LPG tank enclosure

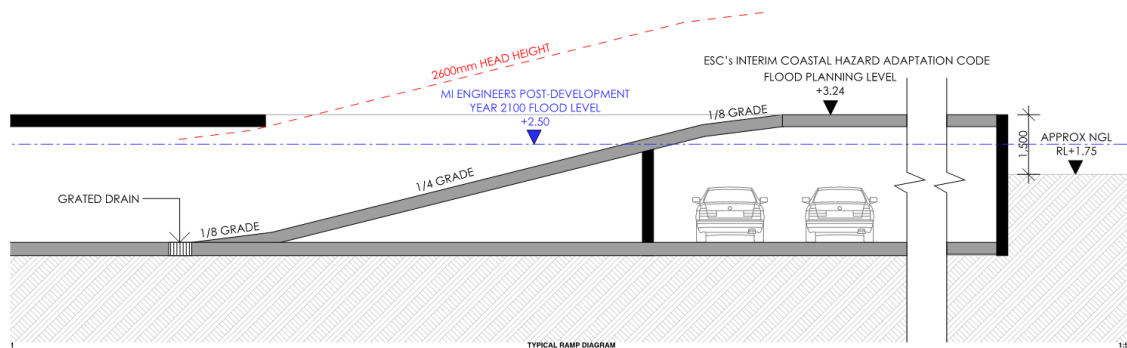


Figure 25: Typical ramps section (Source: BHI Architects)

3.3.3. Development 'Zones' and Stages

The concept plan comprises three development 'zones', being:

- Zone A (Residential Apartment Development);
- Zone B (Retirement Village – serviced self-care housing); and
- Zone C (Residential Care Facility).

Each zone will have separate secure access points and servicing arrangements.

As indicated on the Indicative Staging Plan included at Appendix 2 and extracted in Figure 26 below, Zones A and B have been further divided into separate stages, resulting in 10 stages in total. In terms of timing, it is proposed to develop Zone B first, followed by Zone C. Zone A will be the final stage.

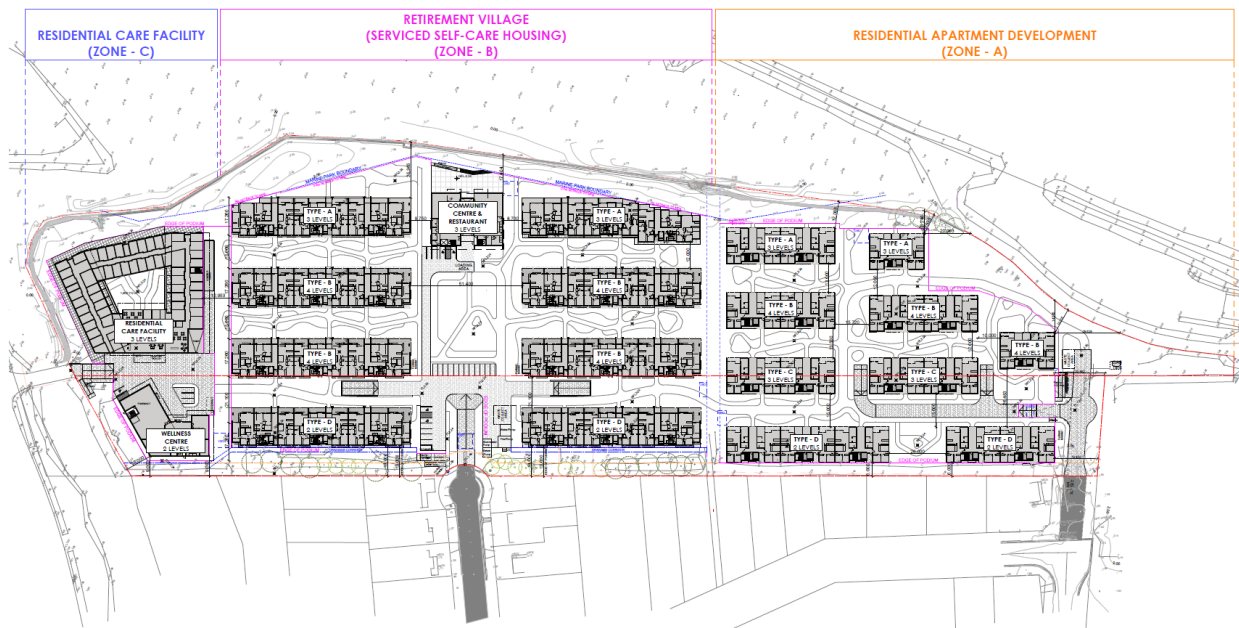


Figure 26: Indicative Staging Plan (Source: BHI Architects)

Additional details relating to each development zone and stage are provided in Table 2 below and in the following sections. Note that, with the exception of Stage 1B (the 'first stage of development'), the proposed development is for concept only, and minor amendments to the number, design, location or orientation of the buildings, landscaping and site layout may occur during detailed design phases but be subject to separate development applications for each stage.

Table 2: Details of each zone

Stage	No. Dwellings / Beds	No. Buildings & Storeys
Zone A – Residential Apartment Development		

7A	25 dwellings	2 x 2-storey plus subbasement ('type' D)
8A	32 dwellings	2 x 3-storey plus subbasement ('type' C)
9A	50 dwellings	3 x 4-storey plus subbasement ('type' B)
10A	21 dwellings	2 x 3-storey plus subbasement ('type' A)
Total:	128 dwellings	9 buildings
Zone B – Retirement Village (serviced self-care housing)		
1B	18 dwellings	1 x 2-storey plus subbasement ('type' B) 1 x 2-storey existing building (temporary)
2B	66 dwellings	2 x 4-storey plus subbasement ('type' B)
3B	42 dwellings	2 x 3-storey plus subbasement ('type' A) 1 x 3-storey community centre
4B	66 dwellings	2 x 4-storey plus subbasement ('type' B)
5B	58 dwellings	1 x 2-storey plus subbasement ('type' B)
Total:	210 dwellings	9 buildings
Zone C – Residential Care Facility		
6C	150 beds	1 x 3-storey RCF plus subbasement 1 x 1-storey wellness consulting centre plus subbasement

Zone A – Residential Apartment Development (Stages 7A-10A)

Zone A will accommodate 128 x 3-bedroom residential apartments. These apartments will be accommodated in 8 separate buildings (4 building 'types'), which vary in height from between 2 storeys and 4 storeys. Communal open space areas will be provided between the buildings.



Figure 27: Artists impression of residential apartment buildings (Source: BHI Architects)

A shared sub-basement car park for residents and visitors is proposed beneath the buildings, accessible via 2 separate access ramps. The sub-basement car park will accommodate 256 car parking spaces for residents and 26 visitor spaces, as well as storage and servicing areas. A shared waste collection and servicing area is proposed near the eastern boundary of Zone A.

Vehicular access to Zone A will be via a new driveway from Tuna Street. A turning bulb will provide connections to the sub-basement car park access ramps and a separate connection to the waste collection and servicing area.

Zone B – Retirement Village - serviced self-care housing (Stages 1B-5B)

Zone B will comprise a retirement village and accommodate 210 x 1, 2 and 3-bedroom self-contained dwellings in the form of serviced self-care housing. The dwellings are proposed to accommodate senior residents needing little or no living assistance on a day-to-day basis.

The proposed dwellings will be accommodated in 8 separate buildings (2 building 'types'), built around a community centre and a large communal open space area. The buildings will vary in height from between 2 storeys and 4 storeys, and will be separated by communal open space areas servicing each building (in addition to the main communal open space areas).



Figure 28: Artists impression of seniors apartment buildings (Source: BHI Architects)

From the time of first occupation, meals, cleaning services, personal care and nursing care will be available on site to residents of the self-contained dwellings. Accordingly, pursuant to Clause 13(3) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, the proposed self-contained dwellings can be defined as 'serviced self-care housing'. The development within Zone B is proposed to be owned, managed and operated as a 'retirement village' in accordance with the Retirement Villages Act 1999.

A minibus will be available to transport residents to nearby shops and services within the Batemans Bay town centre. From the time of first occupation, the bus will be available both to and from the site and Batemans Bay town centre at least once between 8am and 12pm, and at least once between 12pm and 6pm, daily. In addition, residents will also have access to scheduled bus trips and planned activities away from the site.

Overlooking the basin and river beyond, the proposed community centre comprises a 2-storey building with a generous internal void. The community centre will include the following key components:

- Ground Level:
 - a central foyer with void above, providing access through the building from the communal open space to the outdoor seating area;
 - a café and restaurant flanking the central foyer, including outdoor seating areas fronting the water, kitchens, associated service and store areas;
 - accessible, female and male amenities and a cleaning storeroom;
 - a foyer at the western building entrance providing lift and stair access to Level 1 and the rooftop;
 - separate fire stairs;
- Level 1:

- a fitness centre including female, male and accessible change rooms/amenities, and a balcony overlooking the water;
- 1 x administration and 1 x office room;
- 2 x flexible multi-purpose rooms, one with an ancillary kitchen and store room, and one with a balcony overlooking the water;
- accessible, female and male amenities and a cleaning storeroom;
- internal corridors and lift and stair access to all building levels;
- separate fire stairs;
- Rooftop:
 - Swimming pool and associated pool deck and barbeque area;
 - Community deck and barbeque areas; and
 - Lift and stair access.

The restaurant and café will be open to the general public, accessible from the entrance to Zone B as well as via the publicly-accessible boardwalk. An artist's impression of the proposed community centre is provided at Figure 29 below.



Figure 29: Artists impression of Community Centre (Source: BHI Architects)

The proposed communal open space will be centrally located within Zone B. The communal open space will be built in the approximate location of the existing conference centre, which will be used as a temporary community centre to residents of Stages 1B and 2B. The conference centre will be demolished and redeveloped as a communal open space area during Stage 3B, following construction of the proposed community centre. Refer to Section 3.4.4 of this Amended SEE for further details.

Two shared sub-basement car parks are proposed beneath the 2 and 3-storey buildings in Zone B (Stages 1B-2B and Stages 4B-5B), accessible via 2 separate access ramps. Each sub-basement car park will

accommodate 141 car parking spaces for residents and 21 visitor spaces, as well as storage and servicing areas. Eighteen at-grade public visitor car parking spaces (including 2 shared accessible spaces) and waste collection/servicing areas (substation, pump and waste etc) are proposed in the central and southern portion of Zone B. In addition, two shared accessible public parking spaces and a loading area are proposed adjacent to the community centre's western entrance.

Vehicular access to Zone B will be provided via a new driveway from Marlin Avenue which currently abuts the southern boundary of the site. The new private road from Marlin Avenue will provide access to all car parking and servicing areas within Zone B, including those adjoining the Community Centre. The gated access to Zone B will be open during daylight hours and closed at night. Access control measures will be in place after sunset, with parking access for the restaurant controlled by intercom.

Zone C – Residential Care Facility (Stage 6C)

Zone C will accommodate a 3-storey RCF with roof-top garden and an ancillary 1-storey wellness consulting centre above a shared sub-basement car park, as well as site landscaping, communal open space and at-grade visitor car parking.

The RCF is proposed to contain the following key components:

- A covered drop off/pick up zone at the building's main entrance, adjacent to the ground level foyer;
- 150 x beds over Levels G-2;
- Lounge and/or dining areas, serveries, nursing stations, storage areas and staff amenities on each level;
- Foyers, administration and reception areas, and visitor amenities at ground level;
- Space for ancillary services and facilities to support residents, including;
 - A physio at Level 1; and
 - A gymnasium, day spa and hair dresser at Level 2;
- Lifts and stairs providing circulation throughout the building; and
- A roof-top garden (see Section 3.3.5 of this Amended SEE for details).

The wellness consulting centre is proposed to contain the following key components:

- Accessible amenities and staff meeting room; and
- A reception and waiting area, pharmacy and 2 x professional health consulting rooms.

The wellness consulting centre will form an ancillary component of the seniors housing development, providing residents with a range of healthcare services. It will not be open to the general public.

An artist's impression of the proposed RCF and wellness consulting centre is provided at Figures 28 and 29, respectively.

As discussed above in relation to Zone B, a minibus will be available to transport residents of the RCF to nearby shops and services within the Batemans Bay town centre.

The shared sub-basement car park will accommodate 100 car parking spaces, as well as a kitchen, staff room, laundry, bin storage and other service rooms at the northern end. One shared accessible space and 3 at-grade public visitor spaces are proposed adjacent to the wellness consulting centre.

Vehicle access to Zone C will be from the site's existing entrance off Beach Road via the existing bridge over Hanging Rock Creek.



Figure 30: Artist's impression of proposed RCF, looking south (Source: BHI Architects)



Figure 31: Artist's impression of proposed wellness consulting centre, looking south (Source: BHI Architects)

3.3.4. Signage

Stand-alone 'business identification signage' is proposed adjacent to the driveway access to each 'zone', comprising 3 signs in total. The signage will include the name of the development ('The Estuary') and will be approximately 2m in width in 1m in height. Colours and materials will be consistent with the proposed buildings. Additional details relating to the proposed signage will be provided in subsequent, future DAs.

3.3.5. Landscaping and Open Space

The concept proposal includes site landscaping and the provision of a communal open space areas, as indicated in the landscape documentation prepared by Ground Ink Landscape Architects (Appendix 5). The intent for the proposed landscaping scheme is to 'respond to the existing site character, respond to the proposed architectural form and meet the needs of the waterfront community.'

The landscaping design process is outlined in the Landscape Design Statement included at Appendix 5, as follows:

The proposed landscape design recognises the site's location and ecological character within the waterfront community and endeavours to retain existing views and community connections where feasible to do so. The proposed landscape works aim to build on the existing character of the site whilst balancing the future needs of the waterfront village.

The landscape design works have been developed in collaboration with the consultant team and aim to respond to the architectural form and character being developed by BHI Architects. The

building typology has been used as a catalyst for the development of the external communal spaces and this is evident in the design development diagrams included in the landscape documentation. This strategy has been explored to determine opportunities for visual diversity in the development of external pavement surfaces and the inclusion of communal courtyard spaces for the variety of residential, aged care and senior housing zones. The connecting pathways provide opportunities for the creation of secondary spaces and differentiating materials.

An annotated extract of the Landscape Masterplan is provided at Figure 32 below.



Figure 32: Landscape Masterplan (Source: Ground Ink)

Key features of the proposed conceptual landscaping scheme are as follows:

- **Waterfront area:** A waterfront viewing platform and publicly-accessible boardwalk are proposed along the site's waterfront (northern) boundary connecting each development zone to the community centre. Educational signage detailing the ecological and heritage significance of the site and surrounding area will be installed at key points along the boardwalk. The boardwalk will provide links between Beach Road and Corrigans Beach to the south-east. The vegetated filter zone behind the boardwalk provides visual connections through the site whilst also representing a green extension of the site and recognising its important visual and physical connection to the waterfront. The waterfront area provides opportunities for mixed-use – both passive and active.
- **Social interactive spaces:** Passive and active communal areas are proposed within each zone. Communal gardens with garden beds and turf areas are proposed between the buildings in Zones A and B. A rooftop communal space is proposed above the RCF in Zone C, overlooking the waterfront, in addition to an internal landscaped courtyard. A large, centrally located communal open space area is proposed in Zone B, including amenity and shade tree planting. Decking to the waterfront space fronting the community centre will provide an outdoor seating area for the proposed café and restaurant. In addition, a 'pocket park' with playground equipment is proposed in Zone A, fronting the water.
- **Accessibility and circulation:** Pedestrian pathways are proposed throughout the site connecting each development zone to the community centre. A fire truck path will provide emergency vehicle access through the site, connecting to Beach Road to the west and Tuna Street to the east. The fire truck paths will be integrated into the landscaped areas.

- **Views:** Norfolk Island Pine Trees will be provided to accentuate the site's 3 access points and frame views and pedestrian connections to the waterfront. Localised canopy trees in raised planter boxes will be provided at the end of view corridors between the buildings to provide amenity and outlook for future residents. Retention of existing vegetation and mixed native tree plantings is proposed along the site's southern boundary to soften views of the development from adjoining development to the south. The development will also facilitate the provision of new view corridors through the site. Specifically, views into the development and to the water will now be provided from Marlin Avenue and Tuna Street.

KEY VIEWS DIAGRAM

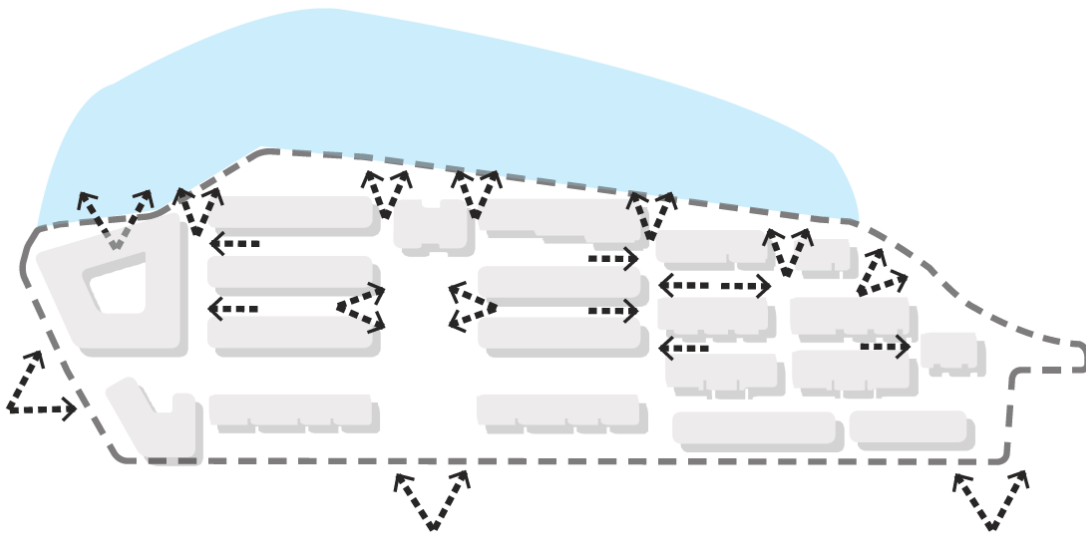


Figure 33: Key Views Diagram (Source: Ground Ink)

- **Stormwater:** The proposal includes a turfed overland flow path along the site's southern boundary, and planting of the stormwater drainage easement with water-tolerant native plants.
- **Safety and Security:** Security fencing with gated access points is proposed between each zone, as well as at the vehicular access point to each zone. Gates to each zone will generally be open during daylight hours and closed at night. Access control measures will be in place after sunset, with parking access for the restaurant controlled by intercom. Appropriately sized plants will be selected to promote clear lines of sight, in accordance with CPTED principles.
- **Planting scheme:** The proposed planting scheme includes a mixture of exotic and native, low-water-use plants. The tree selections provide an opportunity to build on the existing character of the site whilst also contrasting in site-specific areas for specific design decisions i.e. accentuating site entrances and allowing for waterfront viewing opportunities.

3.4. Stage 1B Details

Stage 1B involves the construction of 18 x 1, 2 and 3 bedroom self-contained dwellings, associated at-grade and sub-basement car parking, vehicular access, communal open space and landscaping in the southern portion of Zone B. Stage 1B will also include the use of the existing conference centre as a temporary community facility.

The location of Stage 1B within the broader site is demonstrated Figure 35 in below.

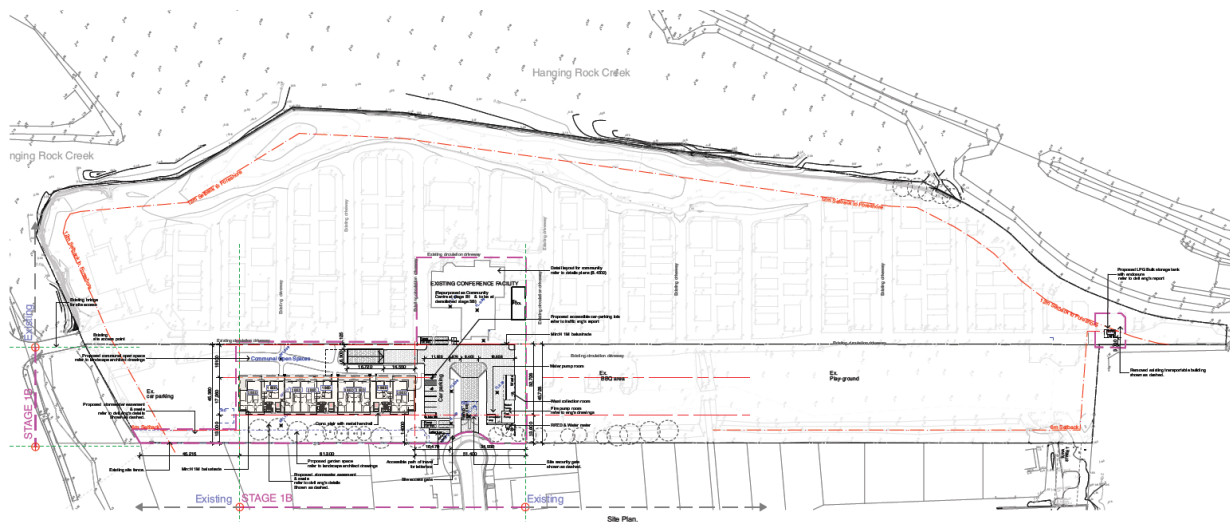


Figure 34: Location of Stage 1B (Source: BHI Architects)

Details of the proposed Stage 1B development are provided in the following sections.

3.4.1. Site Preparation & Ancillary Development

Consistent with the proposed works outlined in Section 3.3.2 of this Amended SEE, Stage 1B works will involve demolition of the existing covered barbeque area and tennis court near the site's southern boundary, vegetation removal (including the removal of 6 trees), earthworks associated with the sub-basement carpark, stormwater drainage works, and utility upgrades/installations.

The following service and utility upgrades or installations are proposed in Stage 1B:

- Removal of existing power pole in site located near existing conference centre
- Installation of new existing electricity substation and underground connection to existing power pole in Marlin Avenue
- Installation of an LPG bulk storage tank with enclosure near the Tuna Street entrance
- Installation of hydrant boosters
- Installation of new stormwater pump, water/pump and fire/pump stations
- Connection to existing water supply

3.4.2. Self-contained dwellings

The self-contained dwellings will be located in a 2-storey building above sub-basement car parking. Each of the proposed dwellings will include the following key components:

- personal entryways from the internal shared foyers;
- an open-plan kitchen, dining and living area;
- a bathroom and laundry facilities;
- 1, 2 or 3 bedrooms with built in wardrobes, including a master bedroom with an ensuite bathroom and walk in robe;
- A linen/storage cupboard; and
- a study area in the 3 bedroom dwellings and some 2 bedroom dwellings.

All dwellings will have direct access to a private balcony or patio from living rooms, with areas between 23.16m² and 44.63m².

Three separate lift cores will provide stair and lift access to all building levels. In addition, 6 separate pedestrian entry points are available to the building from ground level.

Each dwelling has been designed to be adaptable in accordance with *AS4299 – Adaptable Housing*.

An artist's impression of the proposed buildings is provided at Figure 36 below.



Figure 35: Artists impression of self-contained dwellings (Source: BHI Architects)

3.4.3. Vehicular Access and Car Parking

Two public visitor car parking areas are proposed to the east and north-east of the proposed apartment building, accessible via the new driveway from Marlin Avenue. Combined, they will provide 18 at-grade car parking spaces for visitors (public), including 2 shared accessible spaces. Twenty-eight car parking spaces are proposed at sub-basement level beneath the apartment building, accessible by a ramp via the visitor car parking area. The car spaces will be allocated as follows:

- 4 visitor spaces, including 2 shared accessible spaces;
- 10 single spaces within individual garages, including storage;
- 5 adaptable spaces within individual garages, including storage;
- 8 spaces within 4 double garages, including storage;

The sub-basement car park will accommodate approximately 6 bicycle storage racks, turning bays, a carwash bay, bulk waste storage, bin and service rooms, and stair and lift access to the building's upper levels.

3.4.4. Temporary Community Centre

The existing conference centre will be repurposed as a temporary 'community centre' during Stage 1B, and will be accessible to residents of Stages 1B and 2B from the time of first occupation.

No changes are proposed to the Ground Level of the conference centre, including the swimming pool.

Level 1 is proposed to be utilised as follows:

- The existing restaurant ('Rockwall Brasserie') will be used as an informal dining area, offering meals to residents;
- The existing conference rooms (the 'Clyde River Conference Room' and the 'Corrigans Conference Room') will be used as general-purpose entertainment rooms, accommodating any activities as required, including residents' day-to-day activities (e.g. cards, knitting, reading, etc), as well as social events coordinated by the retirement village operator;
- The existing break out area will be used as a function room, accommodating any activities as required such as social events coordinated by the operator; and
- The existing board room (the 'Marina Board Room') will be used as a manager's office.

Level 1 will be accessible via the existing stairs and lift in the south-western portion of the building. Two accessible amenities are located at Level 1.

It is noted that no alterations or additions are proposed to the existing building. Refer to the floor plans included in the *Stage 1B Architectural Plans* at Appendix 2 for further details.

3.4.5. Landscaping

Stage 1B includes site landscaping and the provision of a communal open space area, as indicated in the landscape documentation at Appendix 5. An annotated extract of the Stage 1B Landscape Plan is provided at Figure 37 below.

The proposed landscaping scheme for Stage 1B is consistent with the concept landscaping for the overall site, and includes the following key features:

- Retention and protection of existing trees;
- Norfolk Island Pine Trees accentuating the site's access point from Marlin Avenue;
- Potential for differentiating paving treatment and the communal gathering space;
- The opportunity for public art;
- Retaining walls and fencing around private terraces; and

- Mounded garden areas supporting tree planting.



Figure 36: Stage 1B Landscape Masterplan (Source: Ground Ink)

3.5. Pre-lodgement Consultation

A pre-lodgement meeting was held on 27 September 2018 with senior staff of Eurobodalla Shire Council's Development Assessment Section. A copy of the meeting minutes is provided at Appendix 20. An additional pre-lodgement was held on 10 October 2018. At the time of writing, minutes of this meeting had not been supplied to the applicant.

Council's Officers expressed general support for the concept proposal during both meetings, subject to providing certain information to accompany any future development application(s). Careful consideration has been undertaken by the applicant to ensure all matters raised by Council are adequately considered, justified or resolved in the submitted concept development scheme.

Table 3 itemises the key matters raised by Council in relation to the concept development scheme, and the manner in which these issues have been addressed in this amended application.

Table 3: Issues raised by Council

Item	Comment
Building variation height	An amended request to vary the Height of Buildings development standard pursuant to Clause 4.6 of the ELEP is included at Appendix 19. Importantly, the additional height does not present any unreasonable view loss or amenity impacts upon nearby residential development, nor any unreasonable visual impacts on the public domain.

Built environment impacts, including view loss/sharing, visual impact, overshadowing	View loss, visual amenity/impacts and overshadowing are addressed in the submitted amended Architectural Plans (Appendix 2) and considered in further detail in Sections 6.1.1, 6.1.2 and 6.1.3 of this Amended SEE, respectively.
Loss of tourist accommodation	<p>The overall concept proposal will continue tourism-related uses on the site, with approximately 50% of the residential apartments proposed within the R3 zoned portion of the site anticipated to ultimately be used for such purposes. These apartments will be sold with a short-term accommodation letting scheme option, allowing owners to rent their properties to tourists visiting the Shire. As outlined in Section 6.4.1 of this SEE, this arrangement alone is envisaged to provide the per sqm accommodation utilisation of the current site operations (due to current low occupancy rates).</p> <p>In addition, the proposed restaurant and café and publicly-accessible boardwalk will all be accessible to the local community, including visitors to the area.</p>
Flooding and stormwater	<p>An amended <i>Stormwater Drainage Strategy and Flooding Assessment</i> (SDSFA) and accompanying amended <i>Concept Stormwater Drainage Plan</i> (CSDP) have been prepared for the amended concept development, including Stage 1B (see Appendices 6 and 7). Overall, the SDSFA found that the proposed development meets Council's requirements.</p> <p>Refer to Section 6.2.1 of this Amended SEE for further details.</p>
Marine Parks	The project architect has sought direct input from Justin Gilligan at NSW Department of Primary Industries (Batemans Marine Park) in relation to the proposed foreshore treatment. A copy of the correspondence undertaken to date, including a table outlining how each matter raised by DPI - Fisheries (as well as additional recommendations provided by DPIE NSW National Parks and Wildlife Service) has been addressed in the revised foreshore works, is attached to the RFI Letter dated 14 June 2019. Where appropriate, the table outlines additional information and assessment that will be provided as part of future detailed DA(s), in consultation with DPI - Fisheries.
Traffic and transport	<p>Amended <i>Assessment of Traffic and Parking Implications(s)</i> (ATPIs) have been prepared for both the amended concept and Stage1B proposals (Appendix 14). The ATPIs assessed the potential traffic and parking impacts of the amended concept and Stage 1B development taking into consideration the current and future local traffic environment, and relevant standards and Council requirements. Overall, the ATPIs found that the amended concept and Stage 1B proposal can be supported from a traffic and parking perspective.</p> <p>Updated modelling has been undertaken based on the relevant peak holiday data obtained from the RMS. The modelling results are presented in the amended ATPIs, which confirms that the revised AM counts were marginally lower and PM counts marginally higher than previously assumed, and</p>

	therefore essentially consistent with the existing analysis (based on August 2018 traffic counts). Refer to Section 6.3.2 of this Amended SEE for further details.
Services – water and sewer	Utility upgrades or installations are discussed in Sections 3.3.2 and 6.1.11 of this Amended SEE.

3.6. Post-lodgement Consultation

Consultation with Council and relevant agencies has been ongoing since lodgement of the original DA. In particular, Council has issued two separate additional information requests in relation to the original DA, dated 10 January 2019 and 1 February 2019. The key matters raised in these additional information requests were subsequently discussed with officers of Council and the NSW Department of Primary Industries (DPI) – Fisheries (Marine Parks) during meetings on 5 & 6 February 2019.

A response to each issue raised in Council's information requests, as well the community submissions received during the exhibition period of DA 272/19, have been previously provided to Council as part of the RFI Response Package.

Council has issued two separate additional information requests in relation to the amended DA, dated 6 April & 27 May 2019. A response to each issue raised in Council's 6 April information request, as well the objector town planners' submissions received during the exhibition period of Amended DA 272/19, have been previously provided to Council as part of the RFI Response Package. A response to each issue raised in Council's 27 May information request, including feedback from Department of Primary Industries - Fisheries and DPIE NSW National Parks and Wildlife Service, have been provided to Council as part of the RFI Response Package dated 14 June 2019.

3.7. Cost of Works

The cost of construction of the project, including Stage 1B, is estimated at \$189,467,919. The cost of construction of Stage 1B is estimated at \$8,836,907. Refer to the Cost Reports provided at Appendix 17.

As the Capital Investment Value of the proposed concept development is above \$30million, the proposed concept development is deemed to be 'regionally significant development' pursuant to Clause 2 of Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011. Accordingly, the Southern Joint Regional Planning Panel will determine this concept DA.

4. STATUTORY PLANNING CONSIDERATIONS

4.1. Overview

In determining the DA, the Council is required to have regard to the relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. The following sections provide an assessment of the proposal under these statutory matters for consideration.

4.2. Environmental Planning and Assessment Act 1979

4.2.1. Section 1.3 – Objects

The *Environmental Planning and Assessment Act 1979* (the Act) is the principle planning and development legislation in New South Wales. In accordance with Section 1.3, the objectives of the Act are:

1.3 Objects of Act

The objects of this Act are as follows:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

For the reasons set out below, it is considered that the amended concept development satisfies these objects of the Act:

- The concept development will provide for the social needs of the community in providing higher density housing accommodation and high and low care seniors housing in a well-served location;
- It will create additional employment opportunities during the construction phase and operational phase both in the short and long-term;

- The amended proposal will result in the orderly and economic use and development of land, as the subject site is of an appropriate size, location and land use zoning to enable the development;
- The amended concept development is attractively designed to respect and complement surrounding built form and scenic values;
- Appropriate utility services are available to serve the subject site; and
- There will be no unreasonable adverse environmental impacts, including on aboriginal heritage or the natural environment.

4.2.2. Section 4.15 - Matters for consideration

Section 4.15 of the Act, as amended, specifies the matters which a consent authority must consider when determining a DA. The relevant matters for consideration under Section 4.15 of the Act are addressed in Table 4. Reference should also be made to the *Batemans Bay Regional Centre Development Control Plan 2011* compliance table provided in Table 13.

Table 4: Section 4.15(1)(a) Considerations

Section	Comment
Section 4.15(1)(a)(i) Any environmental planning instrument	Consideration of relevant instruments is discussed in Sections 4.4 and 4.5.
Section 4.15(1)(a)(ii) Any draft environmental planning instrument	There are no draft instruments of relevance to this application.
Section 4.15 (1)(a)(iii) Any development control plan	Consideration of the relevant development control plan is provided in Section 5.2.
Section 4.15 (1)(a)(iiia) Any planning agreement	Planning agreements are not applicable to or proposed as part of this application.
Section 4.15 (1)(a)(iv) Matters prescribed by the regulations	The relevant matters for consideration are provided in Section 4.3.
Section 4.15(1)(a)(v) Any coastal zone management plan	Not relevant to this application.
Section 4.15(1)(b) - (e)	Refer to Sections 6.1 and 6.2.

4.2.3. Section 4.22 - Staged Development Applications

Pursuant to Section 4.22(1) of the Act, this application is being made as a 'concept development application' for seniors housing and residential development on the site. This DA will include the 'first stage of development', pursuant to Section 4.22(2) of the Act.

Additional stages will be subject to subsequent, future DAs. Pursuant to Section 4.24(2) of the Act, it is noted that the determination of any such subsequent DA(s) cannot be 'inconsistent' with a consent granted for this concept proposal.

4.2.4. Section 4.46 - Integrated Development

National Parks and Wildlife Act 1974

As outlined in 6.1.4 of this Amended SEE, no Aboriginal places or objects have been identified on the site and the proposed concept development will not result in any adverse impacts on Aboriginal cultural heritage. Accordingly, an Aboriginal heritage impact permit under Section 90 of the *National Parks and Wildlife Act* is not required.

Rural Fires Act 1997

The subject site is mapped as containing a small portion of bushfire prone land. The proposed seniors housing use is defined as a 'Special Fire Protection Purpose' pursuant to Section 100B of the *Rural Fires Act*. Bushfire matters are addressed in Section 6.2.7 of this Amended SEE.

Water Management Act 2000

A Controlled Activity Approval (CAA) under Section 91, Part 3, Chapter 3 of the *Water Management Act* is required for works occurring within 40m of waterfront land. Aspects of the amended concept development will occur within 40m of Hanging Rock Creek and the basin fronting the site, both defined as 'water front land'. Accordingly, a CCA will be required for future stages which involve work within 40m of waterfront land. Umwelt has also undertaken a review of the proposal's net ecological outcomes within the riparian buffer to assist in planning for the NSW Natural Resources Access Regulator's CAA. Refer to Appendix 22 and Section 6.2.6 for further details.

In addition, an Aquifer Interference Approval under Section 91 will be required for the Stage 1B DA (and subsequent DAs) to undertake the dewatering.

4.3. Environmental Planning and Assessment Regulation 2000

Clause 50(1A) of the *Environmental Planning & Assessment Regulation 2000* (the 'Regulation') provides that a development application (DA) for residential apartment development must be accompanied by a statement by a qualified designer. The Statement must:

- (a) verify that he or she designed, or directed the design, of the development, and
- (b) provide an explanation that verifies how the development:
 - (i) addresses how the design quality principles are achieved, and
 - (ii) demonstrates, in terms of the Apartment Design Guide, how the objectives in Parts 3 and 4 of that guide have been achieved

Amended *SEPP 65 Apartment Design Guide Design Statement(s)* have been prepared by BHI Architects for the Concept and Stage 1B proposals, and are attached at Appendix 3.

This amended DA has been made pursuant to Clause 55 of the Regulation. In accordance with Clause 55, particulars of the proposed amendments to the DA are outlined in the Clause 55 Amendment Letter, dated 1 March 2018, and amended Architectural Plans (Appendix 2).

Schedule 1 (Clause 2A) of the Regulation requires that a BASIX certificate accompany any application for 'BASIX affected development'. Pursuant to the Regulation, the self-contained dwellings and general residential apartments are defined as 'BASIX affected development' as they involve the erection of a 'BASIX affected building' (meaning *any building that contains one or more dwellings but does not include a hotel or motel*). Accordingly, a BASIX Certificate has been prepared for the Stage 1B proposal by Eco Certificates, and is attached at Appendix 18 of this Amended SEE. Note that the RCF is not required to be accompanied by a BASIX certificate, as it does not comprise 'BASIX affected development'.

The proposed self-contained dwellings in Stage 1B meet the BASIX targets for sustainability as outlined in Table 5 below. Note, BASIX certificates will be prepared for the self-contained dwellings and general residential apartments as part of future DAs for each subsequent stage.

Table 5: BASIX results

	Target	Score
Water	47	40
Thermal comfort	Pass	Pass
Energy	20	20

This proposal will satisfy additional relevant clauses of the Regulation, as follows:

- Clause 92(1)(b) - Demolition will be undertaken in accordance with AS 2601 - 1991: The Demolition of Structures; and
- Clause 98 - All building work will be carried out in accordance with the provisions of the Building Code of Australia.

4.4. Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) lists and protects threatened species, populations and ecological communities that are under threat of extinction in NSW. Impacts upon threatened species and endangered ecological communities listed under the BC Act are required to be assessed in accordance with Section 7.3 of the BC Act and Applicants must also consider whether their proposal will exceed the following Biodiversity Offset Scheme (BOS) Development Thresholds:

1. Exceeding the clearing threshold on an area of native vegetation;
2. Carrying out development on land included in the Biodiversity Values Land Map; or
3. Having a 'significant effect' on threatened species or ecological communities.

An *Ecological Assessment* (EA) has been prepared for the amended proposal by Umwelt (Australia) Pty Limited to consider whether the proposal exceeds the BOS Development Thresholds (see Appendix 11).

The EA confirms that the proposal does not exceed the BOS Development Thresholds on the following basis:

- The subject site supports less than 0.5 hectares of native vegetation, and less than 0.5 hectares of native vegetation would be cleared;
- The subject site does not cover any areas identified on the Biodiversity Values Map (OEH 2019); and
- No significant impacts on NSW BC Act threatened species or ecological communities are anticipated.

Ecological matters are discussed further in Section 6.2.6 of this Amended SEE.

4.5. Marine Estate Management Act 2014

The *Marine Estate Management Act 2014* (MEM Act) provides a legislative framework for the management of marine estates across NSW to be consistent with the principles of ecological sustainable development.

As discussed in Section 2.3 of this Amended SEE, the Batemans Marine Park extends partly into the subject site along the shoreline.

Coastal protection works and the associated boardwalk, as well as landscaping and upgrades to existing stormwater infrastructure, are proposed within the Batemans Marine Park. As discussed in Section 6.2.1 of this Amended SEE, appropriate sediment and erosion control, stormwater and water quality measures will be implemented throughout the course of the proposed works to ensure there will be no adverse impact on water quality. Additional assessment of the proposed coastal protection works will be undertaken as part of future detailed DA(s) for each relevant stage.

The stormwater upgrades are proposed to ensure there are no adverse impacts on water quality as a result of the proposal. Importantly, the *Ecological Assessment* prepared by Umwelt (see Appendix 11) considered the potential impact of the proposed works on the Marine Park and noted the following:

Minor works to upgrade the existing stormwater outlet infrastructure within and adjacent to the Batemans Marine Park are unlikely to have a significant impact on native vegetation or the Batemans Marine Park. A restricted area of predominantly exotic pasture is likely to be disturbed at each of the three proposed stormwater outlet sites, two of which lie within the Batemans Marine Park. The proposed on-site detention strategy to be implemented in the Project Area will reduce the post-development runoff to the pre-development levels. The proposed stormwater outlets will not increase the peak runoff volumes currently entering Hanging Rock Creek and the Batemans Marine Park (MI Engineers 2018).

Accordingly, pursuant to Section 56(3) of the MEM Act, no adverse impacts on the Marine Park are anticipated.

A permit under Section 55 of the MEM Act will be sought for the proposed stormwater and coastal protection works.

4.6. Coastal Management Act 2016

Concept approval for coastal protection works, involving replacement of the existing temporary wall with a natural beach edge and new rock embankment (in part), is being sought as part of this application. The proposed works will be subject to a future, detailed DA(s).

Section 27(1) of the *Coastal Management Act 2016* (CM Act) provides that, before granting consent under the Act to development for the purpose of coastal protection works, the consent authority must be satisfied that:

- (a) the works will not over the life of the works:*
 - (i) unreasonably limit or be likely to unreasonably limit public access to or the use of a beach or headland, or*
 - (ii) pose or be likely to pose a threat to public safety, and*
- (b) satisfactory arrangements have been made (by conditions imposed on the consent) for the following for the life of the works:*
 - (i) the restoration of a beach, or land adjacent to the beach, if any increased erosion of the beach or adjacent land is caused by the presence of the works,*
 - (ii) the maintenance of the works.*

With respect to Section 27(1), the following is noted:

- The proposed works will be located wholly within the subject site;
- No public access to the foreshore is currently available through the subject site;
- The proposed works will not limit public access to the beach/foreshore. Rather, the publicly-accessible boardwalk proposed along the site's waterfront will be integrated with the works, providing access between Beach Road and Corrigan's Beach;
- Additional assessment regarding impacts to and from the proposed works, in relation to public safety and coastal processes and hazards, will be addressed in the detailed DA; and
- Additional details regarding beach restoration and maintenance works will be addressed in the detailed DA.

Having regard to Section 27(2) and (3) of the CM Act, funding obligations and arrangement for restoration and maintenance works will be addressed in the detailed DA.

Accordingly, for the purposes of the concept approval, Council can be satisfied with respect to Section 27 of the CM Act.

4.7. Environment Protection and Biodiversity Conservation Act 1999 (Cth)

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is the Commonwealth Government's key piece of environmental legislation. It provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities, migratory species and heritage places — defined in the EPBC Act as Matters of National Environmental Significance (MNES).

The *Ecological Assessment* (EA) prepared by Umwelt (see Appendix 11) provides an assessment of potential impacts to MNES and migratory species listed under the EPBC Act with the potential to occur in the subject site. In summary, the EA found that significant impacts were considered unlikely.

4.8. State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

Purpose and objectives of SEPP 33

This SEPP applies to new development proposals that are potentially hazardous or offensive industrial or storage establishments. SEPP 33 is an enabling instrument for the consideration and assessment of a development proposal to be accurately considered and categorised, inclusive of the mitigation measures to be employed, to determine its land use suitability and permissibility.

Equally, it aims to ensure that the merits of a proposal are properly assessed in relation to off-site risk and offence before being determined.

The Policy ensures that only those proposals which are suitably located and are able to demonstrate that they can be built and operated with an adequate level of safety and pollution control, can proceed.

Predominantly provided and set up for consent authorities, SEPP 33 aims to ensure that the consent authority has sufficient information to assess the proposal and apply adequate conditions of consent.

Application of SEPP 33 to proposed development

The *Hazardous and Offensive Development Application Guidelines* (HODAG) published by the Department of Planning & Environment in January 2011 provides detailed guidance on determining whether SEPP 33 applies to a development.

As outlined below, it is considered that SEPP 33 does not apply and accordingly, a Preliminary Hazard Analysis (PHA) is not required to be undertaken. The SEPP and HODAG detail clearly that the consent authority is to make their own conclusions and assessments. Accordingly, the following matters of consideration are detailed to assist the JRPP, as the determining authority, in drawing a similar conclusion.

Land Use Definition

The first consideration within the HODAG is to ascertain whether the proposed use falls within the land use definition of 'industry' or 'storage establishment'. In this respect, the HODAG advises as follows:

For the purposes of SEPP 33, a hazardous storage establishment is included in the definition of potentially hazardous industry. Similarly, an offensive storage establishment is included in the definition of potentially offensive industry.

This means that a storage development is considered 'industry' for the purposes of applying the SEPP 33 tests, even if the development is non-industrial. An example may be a storage facility associated with the reticulation of LPG within a housing development.

Based on the above, it is considered that the proposed LPG bulk storage tank could be considered 'industry' for the purposes of SEPP 33.

Approval Route

The second consideration is whether the proposal requires development consent or an approval under Part 3A of Part 4 of the EP&A Act. Consent is being sought under Part 4.

Potentially Hazardous or Offensive – Risk Screening

Chapter 7 and Appendix 2 to the HODAG provide guidance to determine if the proposal is potentially hazardous or offensive and therefore within the scope of applying SEPP 33.

The HODAG provides a list of threshold levels, for the storage of dangerous goods and otherwise hazardous materials, above which the regulator considers the dangerous goods or hazardous materials storage to be potentially hazardous. In the event the threshold levels are exceeded, SEPP 33 applies and a PHA is required.

With the exception of the LPG bulk storage tank, no other dangerous goods and otherwise hazardous materials are proposed to be stored on site as part of the development.

The approximate quantity, classification and threshold quantities of the hazardous material is below:

Class	Description	PG	Quantity	SEPP 33 Threshold
2.1	Flammable Gases - LPG bulk storage tank (above ground)	n/a	1t	10t - threshold not met

It is concluded that SEPP 33 does not apply to the proposed development and, accordingly, a PHA is not required to be undertaken.

Notwithstanding the above finding, it is noted that the storage tank and enclosure will be sited and designed in line with Section 4 of the AS/NZS1596 requirements. These requirements include:

- Must be a minimum of 1m clear of fence (boundary)
- Must be a minimum distance of 3m to a protected place
- Must be 6m clear of any filling area for flammable or combustible material
- Must be surrounded by a vapor barrier/Firewall. The wall must be:
 - Impervious to LPG vapor
 - Non-combustible
 - Durable for site conditions
 - FRR/FRL 240/240/240
- A strong constructed fence of chain wire (min material standard) shall surround the tank and be no less than 1.8m high and incorporate an outward lockable gate no less than 1m wide. In addition the surrounding fence shall be no less than 1.5m from the tank and kept locked when not under supervision.

The above measures are intended to ensure that potential hazards (e.g. gas leaks) and potential impacts of this hazard (e.g. fire, explosion) are minimised. It is additionally noted that the enclosure will be located more than 24m from the nearest proposed residential apartment and more than 55m from the nearest existing residential development to the south.

4.9. State Environmental Planning Policy No. 44 – Koala Habitat Protection

SEPP 44 aims to encourage the proper management of vegetation that serves as habitat to Koalas, to ensure the conservation and ongoing maintenance of free-living populations. The SEPP applies when a DA is lodged in relation to land within the Eurobodalla LGA (amongst others) which has an area of more than 1 hectare, as is the case with the subject site.

The SEPP provides a number of considerations which must be addressed in order to determine if Koalas are likely to be present, which in turn has a bearing as to whether or not development should be permitted.

Schedule 2 of the SEPP lists tree species which are considered to be indicators of 'Potential Koala Habitat', defined as 'areas of native vegetation where the trees of the types listed in Schedule 2 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.'

The *Ecological Assessment* (EA) prepared by Umwelt (see Appendix 11) identified a single planted forest red gum (*Eucalyptus tereticornis*), a primary koala feed species, was present in the subject site. Based on historic site vegetation, previous mapping of the site, and the site's highly urban context and the lack of potential movement corridors for koalas to access the site, the EA concludes that 'potential for the urban plantings in the Project Area [subject site] to provide potential koala habitat is highly unlikely.' Accordingly, no further provisions of this SEPP apply.

4.10. State Environmental Planning Policy No.55 - Remediation of Land

The objective of this SEPP is to provide a state-wide planning approach to the remediation of contaminated land for the purpose of reducing risks to human health and the environment.

Relevant to this proposal, Clause 7 provides that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. Further, if the land is contaminated, the consent authority must be satisfied that the land is suitable (or will be made suitable, after remediation) for the proposed use.

A *Preliminary Site Investigation for Contamination* (PSIC) was undertaken for the site by Douglas Partners and is attached as Appendix 26. The PSIC found there is a low likelihood of substantial widespread contamination at the site, however, anthropogenic materials (brick, concrete, plastic) were encountered in three test pits. One test pit contained a fragment of fibrous cement tested as asbestos. Based on these findings, the PSIC recommended a detailed site investigation for asbestos be undertaken in areas of elevated risk to assess the potential for asbestos contamination to exist at the site. Refer to Section 6.2.2 of this SEE for further details.

Importantly, no asbestos or anthropogenic materials were identified in the Stage 1B area. In addition, it is emphasised that the anthropogenic materials identified in 2 of the 3 test pits are in an area containing clean fill from the estuary. Notwithstanding, in accordance with the recommendation of the PSIC, further investigations can be undertaken as part of future DAs located in the areas of pits 1, 3 and 5. In addition, a condition of consent can be imposed requiring additional testing during or following demolition works in each stage to cover central areas of the site that have not been tested.

As such, the consent authority can be satisfied with respect to Clause 7.

4.11. State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development

This SEPP aims to improve the design quality of residential apartment development.

Clause 4 specifies that the SEPP would apply to the residential apartment development (Zone A) and serviced self-care housing (Zone B) components of the proposed concept development, as these components comprise a *residential flat building*; contain over 3 storeys and contain 4 or more dwellings.

Clause 6A provides that a development control plan must not be inconsistent with the *Apartment Design Guide* (the ADG). In effect, if the *Batemans Bay Regional Centre Development Control Plan 2011* (the DCP) contains requirements, standards or controls in relation to a number of matters listed in the clause (e.g. private open space), these provisions have no effect. The provisions of the DCP are addressed in Section 5.2 of this Amended SEE.

Clause 28 of the SEPP requires the consent authority to take into consideration the following:

- the advice of a design review panel;
- the design quality of the proposal when evaluated in accordance with the design quality principles, and
- the *Apartment Design Guide* (the ADG).

Council does not have a Design Review Panel and therefore the application has not been considered by such a panel. Importantly, however, the amended concept development, including Stage 1B, has been designed to respond to the 'design quality principles' found in Schedule 1 of the SEPP and the relevant objectives of the ADG. BHI Architects has outlined how the proposed Concept and Stage 1B proposal responds to each of these principles, as outlined in the amended *SEPP 65 Apartment Design Guide Design Statement(s)* at Appendix 3. In addition, compliance with the key ADG objectives (i.e. those containing specific design criteria) is discussed in Appendix 3 with respect to Stage 1B. The amended concept proposal's compliance with the key ADG objectives relating to solar access and ventilation is also discussed in Appendix 3. More detailed ADG compliance assessments will be undertaken as part of future DAs.

Clause 30(1) outlines standards which, if met, cannot be used as grounds to refuse development consent. The relevant standards are discussed in Appendix 3 (objectives 4C-1 and 4D-1) and Section 6.3.2 of this Amended SEE (objective 3J-1) with respect to Stage 1B. In summary, the Stage 1B proposal complies. It is additionally noted that the additional stages comply with objective 3J-1, and are capable of complying with objectives 4C-1 and 4D-1.

Clause 30(2) states that consent must not be granted if adequate regard has not been given to the design quality principles and the objectives of the ADG for the relevant design criteria. These matters have been adequately considered, as demonstrated in Appendix 3.

Note - the *Environmental Planning & Assessment Regulation 2000* provides additional requirements for residential apartment building development. These provisions are addressed in Section 4.3 of this Amended SEE.

4.12. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The *Environmental Planning & Assessment Regulation 2000* (the Regulation) contains provisions which establish the BASIX Scheme. The BASIX SEPP aims to support the Regulation by overriding provisions of other plans / DCPs which would conflict with obligations under the BASIX Scheme, thereby ensuring consistency in its implementation across the State.

The Stage 1B proposal's compliance with the BASIX Scheme is discussed in Section 4.3 of this Amended SEE ('the Regulation'). No other specific provisions of the SEPP are relevant to the proposal.

4.13. State Environmental Planning Policy (Coastal Management) 2018

The State Government recently implemented a new coastal management framework. As part of this framework, *State Environmental Planning Policy (Coastal Management) 2018* was released. The SEPP establishes a new, strategic land use planning framework for coastal management and will support implementation of the management objectives set out in the *Coastal Management Act 2016*. It provides the single land use planning policy for coastal development and brings together and updates provisions from SEPP 14 (Coastal Wetlands), SEPP 26 (Littoral Rainforests) and SEPP 71 (Coastal Protection).

The subject site is located within the 'coastal zone' and therefore the SEPP applies. The site is also located within the 'Coastal Environment Area' and the 'Coastal Use Area'.

The amended proposal's compliance with the relevant provisions of the SEPP are outlined in Table 6 below. In summary, the proposal complies.

Table 6: Compliance with the Coastal Management SEPP

Clause	Comment	Comply
13 Development on land within the coastal environment area	The site is within the 'Coastal Environment Area'. The proposal is considered against the relevant matters of consideration in the following sections.	-
13(1)(a)	A <i>Concept Stormwater Drainage Plan</i> has been prepared for the concept proposal, including Stage 1B (see Appendix 7). It presents an appropriate stormwater management regime which will protect the integrity and resilience of the hydrological environment. In addition, recommendations in regard to dewatering and basement excavation are included in the <i>Report on Preliminary Geotechnical Assessment</i> (see Appendix 12).	✓
13(1)(b)	The proposed coastal protection works will be designed to protect the site from natural coastal processes, without impacting or increasing the likelihood of coastal impacts.	✓

13(1)(c)	As discussed in Section 6.2 of this Amended SEE, the proposal will not have any detrimental impacts on water quality, due to the proposed stormwater management regime.	✓
13(1)(d)	The site is significantly separated from any headlands or rock platforms. As the stormwater from the subject site would be appropriately managed, no impacts on marine vegetation is anticipated. The <i>Ecological Assessment</i> included at Appendix 11 provides recommendations to minimise potential adverse impacts on adjacent pied oystercatcher breeding habitat and BC Act listed Swamp Oak Forest during the design, construction and operational phases of the proposal. No adverse impacts are anticipated, as discussed in Section 6.2.5 of this Amended SEE.	✓
13(1)(e)	No existing public access is currently available through the site. A publicly-accessible boardwalk is proposed along the site's waterfront, providing access between Beach Road and Corrigan's Beach.	✓
13(1)(f)	As outlined in Section 6.1.4 of this Amended SEE, the proposed concept development will not result in any adverse impact on Aboriginal cultural heritage.	✓
13(1)(g)	The proposal would have no impact on the surf zone.	✓
13(2)	Pursuant to this subclause, the proposal is designed, sited and would be managed to avoid an adverse impact on the matters for consideration listed above.	✓
14 Development on land within the coastal use area	The site is within the 'Coastal Use Area'. The proposal is considered against the relevant matters of consideration in the following sections.	-
14(1)(a)(i)	As discussed above, a publicly-accessible boardwalk is proposed along the site's waterfront, providing access between Beach Road and Corrigan's Beach.	✓
14(1)(a)(ii)	As discussed in Section 6.1.8 of this Amended SEE, the proposal will not overshadow the foreshore. In addition, the proposal will not adversely impact on views to the foreshore from any public place (see Section 6.1.2 of this Amended SEE).	✓
14(1)(a)(iii)	As discussed in Section 6.1.1 of this Amended SEE, the proposal will not result in any adverse impacts on the visual amenity and scenic qualities of the foreshore.	✓

14(1)(a)(iv)	As discussed above, the proposed concept development will not result in any adverse impact on Aboriginal cultural heritage.	✓
14(1)(a)(v)	The proposed concept development will not result in any adverse impacts on cultural and built environment heritage.	✓
14(1)(b)	Pursuant to this subclause, the proposal is designed, sited and would be managed to avoid an adverse impact on the matters for consideration listed above.	✓
15 Development in coastal zone generally - development not to increase risk of coastal hazards	The proposed concept development is not likely to cause increased risk of coastal hazards on the subject site or other land. The proposed coastal protection works will be designed to protect the site from natural coastal processes, without impacting or increasing the likelihood of coastal impacts.	✓
16 Development in coastal zone generally - coastal management programs to be considered	The concept proposal is not inconsistent with the provisions of the <i>Eurobodalla Coastal Management Program</i> , which is currently being prepared by Council.	✓

4.14. State Environmental Planning Policy (Housing for Seniors or People with a Disability)

This SEPP (referred to as the Seniors Housing SEPP) aims to encourage the appropriate supply of housing that meets the needs of seniors and people with disabilities.

Pursuant to clause 25(4)(a) of the Seniors Housing SEPP, a Site Compatibility Certificate was issued with regard to the proposed seniors housing concept development on part of the site on 10 August 2018 (see Appendix 4). Consent for the proposed seniors housing concept development is now being sought pursuant to the provisions of the Seniors Housing SEPP.

As discussed in Section 3.3.3 of this Amended SEE, from the time of first occupation, meals, cleaning services, personal care and nursing care will be available on site to residents of the self-contained dwellings in Zone B. Accordingly, pursuant to Clause 13(3) of the SEPP, the self-contained dwellings within Zone B can be defined as 'serviced self-care housing'.

In satisfaction of subclause 17(1) of the SEPP, the proposed seniors housing development comprises a 'residential care facility' and 'serviced self-care housing'. Further, the proposed self-care housing will be provided as a retirement village (within the meaning of the *Retirement Villages Act 1999*), in satisfaction of subclause 17(2)(b).

The Seniors Housing SEPP provides important standards and requirements for the development of high-quality seniors housing developments. The proposal's compliance with the relevant provisions of the SEPP are addressed below.

Part 2: Site related requirements

The proposal's compliance with the SEPP's site related requirements is addressed in Table 7 below.

Table 7: Compliance with Part 2 Site Related Requirements (Seniors Housing SEPP)

Clause	Comment	Comply
26 - Location and access to facilities	In satisfaction of this clause, access to the nominated services and facilities will be provided via a private minibus. Further, the existing conference centre on site will operate as a temporary community centre to residents from the first time of occupation, offering meals, recreational activities and social events. The proposed community centre will be constructed during Stage 3B, providing a café, restaurant, gymnasium and swimming pool. Additionally, the proposed consulting centre will be open to all residents of the seniors housing development from Stage 6C onwards, and will include a pharmacy and professional health consulting rooms. It is noted that a SCC has previously been issued in relation to this proposal by the NSW DP&E, certifying that the access proposed is suitable for proposed seniors housing development (see Appendix 21).	✓
27 - Bush fire prone land	The eastern portion of the site contains a small portion of bushfire prone land (Vegetation Buffer). The proposed seniors housing is not located within bushfire prone land. Nevertheless, a <i>Bushfire Assessment Report</i> (BAR) was prepared for the proposed concept development (see Appendix 16). The BAR concluded that, provided the recommended measures are implemented, the proposal can comply with the acceptable solutions of Planning for Bushfire Protection 2006. Bushfire matters are discussed in Section 6.2.6 of this Amended SEE.	✓
28 - Water and sewer	As discussed in Section 6.1.11 of this Amended SEE, appropriate water and sewerage services will be provided to the site.	✓

Part 3: Design requirements

The proposal's compliance with the SEPP's design requirements is addressed in Table 8 below.

Table 8: Part 3 Design Requirements (Seniors Housing SEPP)

Clause	Comment	Comply
30 - Site analysis	The clause requires a site analysis be provided which contains certain listed information. Such site analysis documentation has been prepared by BHI Architects (see Appendix 2). In addition, the amended <i>SEPP 65 Apartment Design Guide Design Statement(s)</i> prepared by BHI Architects (Appendix 3) discuss the design development, including the responses to various site constraints and opportunities. The design principles are	✓

	further addressed below in this table (Clauses 33-39). Accordingly, the proposal satisfies the requirements of Clause 30.	
32 - Design of residential development	This clause requires that the proposal demonstrates adequate regard to the design principles set out in Division 2. The proposal's satisfaction of these principles is set out in the Table sections below.	✓
33 - Neighbourhood amenity & streetscape	The proposal has been sensitively designed to complement and protect the residential and waterfront character of the area, as outlined throughout this Amended SEE. The detached / semi-detached built form of the buildings has been designed to maintain appropriate neighbourhood character and amenity, and provides opportunities for extensive landscaping appropriate to the site's location.	✓
34 - Visual & acoustic privacy	The proposal provides for appropriate visual and acoustic privacy, as outlined in Sections 6.1.2 and 6.1.7 of this Amended SEE, respectively.	✓
35 - Solar access & design for climate	The proposal allows for appropriate solar access, as outlined in Section 6.1.8 of this Amended SEE.	✓
36 - Stormwater	The proposal includes an appropriate stormwater management system, as discussed in Section 6.2.1 of this Amended SEE.	✓
37 - Crime prevention	The proposal adequately considers security and crime prevention, as discussed in Section 6.4.2 of this Amended SEE.	✓
38 - Accessibility	Adequate and appropriate pedestrian links are proposed from the site to the public pedestrian network. Parking provision has been adequately addressed, as outlined in Section 6.3.2 of this Amended SEE.	✓
39 - Waste management	As outlined in Section 6.3.1 and the <i>Waste Management Plan</i> at Appendix 8, the proposal includes the provision of recycling bins to promote recycling.	✓

Part 4: Development standards to be complied with

Clause 40 sets out development standards that must be complied with. The proposal's compliance with these standards is set out in Table 9.

Table 9: Compliance with Part 4 Development Standards (Seniors Housing SEPP)

Clause	Comment	Comply
40(1) - General	Compliance with the standards is considered in the table sections below.	N/A

40(2) - Site size	The site significantly exceeds the minimum 1,000m ² area requirement.	✓
40(3) - Site frontage	The site exceeds the minimum site frontage, with a frontage to Beach Road well in excess of 20m.	✓
40(4) - Height in zones where residential flat buildings are not permitted	The seniors housing development is not proposed in a residential zone.	N/A
41 - Standards for hostels and self-contained dwellings	A <i>Statement of Compliance – Access for People with a Disability</i> report has been prepared for the Stage 1B proposal (see Appendix 15). The report includes a compliance assessment under Schedule 3 of the Seniors Housing SEPP. In summary, the report found that the Stage 1B proposal generally complies with the standards contained in Schedule 3. Each future DA for subsequent stages will be accompanied by an access compliance report.	✓

Part 5: Development on land adjoining land zoned primarily for urban purposes

Part 5 sets out requirements that must be complied with. The proposal's compliance with these standards is set out in Table 10.

Table 10: Compliance with Part 5 requirements for land adjoining urban land (Seniors Housing SEPP)

Clause	Comment	Comply
42 - Serviced self-care housing	As discussed in Section 3.3.3 of this Amended SEE, the provision of home-delivered meals, cleaning services, personal care and nursing care will be available to residents of the self-contained dwellings from the time of first occupation.	✓
43 - Transport services to local centres	A minibus will be available to transport residents to nearby shops and services within the Batemans Bay town centre. The bus will be available both to and from the site and Batemans Bay town centre at least once between 8am and 12pm, and at least once between 12pm and 6pm, daily.	✓
44 - Availability of facilities and services	The existing conference centre on site will operate as a temporary community centre to residents from the first time of occupation, offering meals, recreational activities and social events. The proposed community centre will be constructed during Stage 3B, providing a café, restaurant, gymnasium and swimming pool.	✓

	In addition, as discussed above, personal care and nursing care will be available to residents of the self-contained dwellings from the time of first occupation.	
--	---	--

Part 7: Development standards that cannot be used as grounds to refuse consent

Clauses 48 and 50 set out standards which cannot be used as grounds to refuse development consent, for RCFs and self-contained dwellings respectively. These are addressed in Table 11 below.

Table 11: Compliance with Part 7 Development Standards (Seniors Housing SEPP)

Clause	Comment	Comply
48(a) - Building Height	Whilst the proposed RCF will have a height in excess of 8m, this height and scale is considered appropriate in the context of the subject site. Importantly, the height is consistent with the SCC for the site. Further discussion on this issue is provided in Section 6.1.1 of this Amended SEE.	x
48(b) - Density & scale	The floor space ratio of the RCF is well below 1:1.	✓
48(c) - Landscaped area	The proposed communal landscaped area servicing the RCF is well in excess of 25m ² .	✓
48(d) - Parking	The proposal will comply with the parking provision requirements. Further details are provided in Section 6.3.2 of this Amended SEE.	✓
50(a) - Building height	Whilst the proposed buildings containing the self-contained dwellings will have a height in excess of 8m, this height and scale is considered appropriate in the context of the subject site.	x
50(b) - Density & scale	The floor space ratio of the self-contained dwellings is well below 0.5:1.	✓
50(c) - Landscaped area	Zone B accommodates the self-contained dwellings and has a total landscaped area well in excess of 30%.	✓
50(d) - Deep soil zones	Zone B includes 16% deep soil areas. Overall site deep soil areas exceed 15%.	✓
50(e) - Solar access	All self-contained dwellings will receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter - see the <i>SEPP 65 Apartment Design Guide Design Statement(s)</i> at Appendix 3.	✓

50(f) - Private open space for in-fill self-care housing	The proposal does not include in-fill self-care housing.	N/A
50(h) - Parking	The proposal will meet or exceed the parking provision requirements. Further details are provided in Section 6.3.2 of this Amended SEE.	✓

Clause 55 provides that consent cannot be granted for an RCF for seniors unless the proposed development includes a fire sprinkler system. The proposed RCF will include such a system.

4.15. State Environmental Planning Policy (Infrastructure) 2007

This SEPP aims to facilitate the effective delivery of infrastructure across NSW.

Clause 45 - Determination of development applications - other development

Clause 45 requires the DA to be referred to Essential Energy for comment as development is proposed to be carried out within 5m of an exposed overhead electricity power line. The placement of power lines underground is also proposed.

The original proposal was referred to Essential Energy for comment, and additional information has been provided in response to concerns raised. Should the amended proposal also be referred to Essential Energy for comment, any referral comments received will be considered by the applicant and any recommendations will be implemented during the detailed design and construction phase.

Accordingly, it is considered that the proposal satisfies the matters for consideration contained in clause 101(2) of the SEPP.

4.16. State Environmental Planning Policy (State and Regional Development) 2011

As the Capital Investment Value (CIV) of the proposed development is above \$30million (see Appendix 17), the proposed concept development is deemed to be 'regionally significant development' pursuant to Clause 2 of Schedule 8 of this SEPP. Accordingly, the Southern Joint Regional Planning Panel (JRPP) will determine this application.

Future Das for each subsequent stage will be determined by either the JRPP or Eurobodalla Shire Council, depending on the CIV of each stage.

4.17. Eurobodalla Local Environmental Plan 2012

The *Eurobodalla Local Environmental Plan 2012* (ELEP) applies to the subject site. The provisions relevant to the amended concept development (including Stage 1B) are addressed in Table 12.

In summary, the amended concept development (including Stage 1B) will comply with most of the provisions of the ELEP.

The amended concept development exceeds the maximum Height of Buildings development standard prescribed for the site under Clause 4.3 of the ELEP. An amended request to vary this development standard pursuant to Clause 4.6 of the ELEP is included at Appendix 19. Importantly, the additional height does not present any unreasonable view loss or amenity impacts upon nearby residential development, nor any unreasonable visual impacts on the public domain.

Table 12: Compliance with Eurobodalla LEP 2012

Clause	Comment	Comply
1.2 Aims of Plan	<p>The amended concept development complies with the relevant objectives of the ELEP as:</p> <ul style="list-style-type: none"> Consistent with the aims of the <i>Eurobodalla Settlement Strategy 2006-2031</i>, the proposal comprises infill development to increase housing densities in a well serviced location, creating a denser urban form near the Batemans Bay town centre. The proposed concept development promotes quality urban design, and encourages walking, cycling and public transport use, including through the provision of a publicly-accessible pedestrian path along the site's waterfront. The proposed concept development will provide employment opportunities during the construction and operational phases. The residential zoned portion of the site will be redeveloped to provide additional, high-quality housing to help meet the future residential needs of the local area. Measures are proposed to ensure the site's environmental constraints (including flooding, coastal hazards and bushfire) are appropriately managed, and that the development is unlikely to result in any environmental impacts, including on water quality or Aboriginal heritage. 	✓
2.2 Zoning of land to which plan applies	As shown in Figure 11 of this Amended SEE, the site is zoned part SP3 Tourist and part R3 Medium Density Residential.	-
2.3 Zone objectives & Land Use Table	The objectives and permissible uses of the zones are addressed below ('Land Use Table').	✓
Land Use Table	<p><u>SP3 Tourist</u></p> <p>While the proposed seniors housing will not provide tourist accommodation, it is submitted that the proposal is not significantly inconsistent with the relevant objectives of the SP3 zone. In particular, the restaurant and cafe will be open to the local community, including visitors to the area. In addition, the overall concept proposal will continue tourism-related uses on the site, with approximately 50% of the residential</p>	✓

	<p>apartments proposed within the R3 zoned portion of the site anticipated to ultimately be used for such purposes.</p> <p>It is noted that a SCC has previously been issued in relation to the seniors housing proposal by the NSW DP&E, certifying that the subject site is suitable to accommodate seniors housing, including associated community facilities and spaces.</p> <p>The development of 'seniors housing', including a 'residential care facility', 'self-contained dwellings' and the ancillary wellness consulting centre and community centre, is prohibited in the SP3 zone. Accordingly, consent for the proposed seniors housing development, including the ancillary consulting centre and community facilities within the community centre, is being sought pursuant to the provisions of the Seniors Housing SEPP (refer to Section 4.14 of this Amended SEE). It is emphasised that the statutory definitions of 'seniors housing', 'residential care facility', 'self-contained dwellings' and 'retirement village' do not specifically exclude the consulting centre component of the proposed seniors housing development.</p> <p>The development of a 'restaurant or cafe', a type of 'food and drink premises', is permissible with consent in the SP3.</p> <p><u>R3 Medium Density Residential</u></p> <p>The proposal complies with the relevant objectives of the R3 zone as it will provide 128 x 1, 2 and 3-bedroom apartments in a well-served location in proximity to the Batemans Bay town centre.</p> <p>The proposal will encourage tourist and visitor accommodation. Council could consider controls as part of the future DAs for Stages 7A-10A to help ensure the adequate provision of permanent residential housing supply and amenity within the site if so desired.</p> <p>The proposed residential development encourages walking, cycling and public transport use by positioning higher-density residential development in a well-served location, as well as through the provision of a publicly-accessible pedestrian path along the site's water frontage.</p> <p>The development of 'residential flat buildings' is permissible with consent in the R3 zone.</p>	
4.3 Height of buildings	<p>The maximum Height of Buildings provided on the <i>Height of Buildings Map</i> is 11.5m. Twelve of the 20 proposed buildings within the site reach a maximum building height of ranging between 11.51m and 14.9m as measured from ground level (existing), exceeding the prescribed maximum height by between 0.1m (0.08%) and 3.4m (29.5%).</p> <p>There is considered to be appropriate circumstances to justify this exceedance. A separate submission under Clause 4.6 of the ELEP in this regard is appended to this Amended SEE (see Appendix 19).</p>	x

4.6 Exceptions to development standards	It is considered that compliance with the maximum Height of Buildings development standard is unreasonable in respect of the proposed concept development. Accordingly, a request to vary this development standard pursuant to Clause 4.6 of the ELEP is included at Appendix 19.	-
5.10 Heritage Conservation	An <i>Archaeological Assessment and Heritage Impact Statement</i> (AAHIS) has been prepared for the proposed concept development (see Appendix 10). The AAHIS assessed the site as being of low archaeological potential due to the high level of disturbance and the susceptibility of the natural landform to inundation. In addition, no Aboriginal objects were identified on site. Refer to Section 6.1.4 for further discussion.	✓
6.3 Acid Sulfate Soils	The majority of the subject site is mapped as containing 'Class 3' soils. The <i>Report on Preliminary Geotechnical Assessment</i> (RPGA) prepared for the proposed concept development (see Appendix 12) identified an isolated sample of Potential Acid Sulfate Soils (PASS) in the north-western part of the site. Accordingly, additional investigation and preparation of an ASS Management Plan (if required) will be undertaken as part of the Stage 6C DA. The <i>Groundwater Management</i> letter prepared by MI Engineers refers to ASS treatment in the event that ASS are detected on the site.	✓
6.4 Earthworks	The proposal involves earthworks, associated predominantly with the excavation of sub-basement levels (see Section 6.2.2 of this Amended SEE). Appendix 7 includes a proposed <i>Concept Stormwater Drainage Plan</i> (CSDP), which will ensure that the proposed works will not have detrimental impacts on drainage. The CSDP includes a <i>Concept Erosion and Sediment Control Plan</i> which demonstrates the site will be appropriately managed throughout the course of works (Appendix 7). In addition, the RPGA found that the conditions of the site are appropriate for the excavation and construction works proposed (see Appendix 12). The report provides parameters to be considered in the detailed design phase to protect the sub-surface conditions. Refer to Sections 6.2.1 and 6.2.2 for further discussion. As discussed in this Table above, the site has a low archaeological potential and no Aboriginal objects have been identified on site.	✓
6.5 Flood planning	A <i>Stormwater Drainage Strategy and Flooding Assessment</i> (SDSFA) has been prepared for the proposed concept development (see Appendix 6). The SDSFA included pre and post-development modelling to determine the flooding and hydraulic impacts of the proposed development. The SDSFA found that proposed stormwater drainage design lowers the predicted flood levels when compared to the modelled pre-development	✓

	<p>conditions. A flood planning level of 3.24m AHD is proposed in line with <i>Council's Interim Coastal Hazard Adaptation Code</i>.</p> <p>Refer to Section 6.2.1 of this Amended SEE for further discussion.</p>	
6.6 Biodiversity	<p>The subject site is not identified as containing 'Endangered Ecological Community', 'Extant Native Vegetation' or 'Biocorridor' on the <i>Terrestrial Biodiversity Map</i>.</p>	N/A
6.7 Riparian lands and watercourses	<p>The subject site is located within 10m of a Riparian Category 3 watercourse shown on the Riparian Lands and Watercourses Map. Advice provided by Umwelt has indicated that Hanging Rock Creek is a 4th order watercourse (see Appendix 22).</p> <p>The letter prepared by Umwelt found that, due to the proposed shoreline rehabilitation and proposed net gain in native vegetation within the riparian corridor, there is likely to be an overall improvement in the extent and condition of native vegetation within the riparian corridor at the site.</p> <p>In addition, as discussed in Section 6.2.1 of this Amended SEE, appropriate sediment and erosion control, stormwater and water quality measures will be implemented throughout the course of the proposed development to ensure there will be no adverse impact on water quality.</p> <p>Importantly, no works are proposed within Hanging Rock Creek.</p>	✓
6.9 Stormwater management	<p>As discussed in Section 6.2.1 of this Amended SEE, the proposed stormwater strategy will improve conveyance of Council's drainage network through the site. The proposal will not result in any adverse stormwater impacts on adjoining development, native bushland or receiving waters.</p>	✓

5. NON-STATUTORY CONSIDERATIONS

5.1. Provisions of any draft environmental planning instrument

No draft environmental planning instruments apply to the proposed concept development.

5.2. Batemans Bay Regional Centre Development Control Plan 2011

The *Batemans Bay Regional Centre Development Control Plan 2011* (the DCP) applies to the proposed concept development. Compliance with the relevant controls is addressed in Table 13. Note that satisfaction of the DCP Objectives will be achieved through compliance with the specific controls in each section.

It is noted that many of the performance criteria and acceptable solutions contained within the DCP do not apply to the SP3 Tourist zone. Nevertheless, as demonstrated below, the components of the development within the SP3 zone are consistent with the relevant objective of each control.

Table 13 demonstrates that the proposal is compliant with all but one of the prescriptive controls of the DCP (where applicable), and more importantly, consistent with all relevant objectives and/or performance-based controls.

Table 13: Compliance with Batemans Bay Regional Centre DCP 2011

Relevant control	Compliance	Comply
1.0 Introduction		
1.8 Precinct Statements	<p>The SP3 zoned portion of the subject site is located within the 'Batemans Bay Marina' precinct, while the R3 zoned portion of the site is within the 'Residential East' precinct.</p> <p>The proposal responds to Council's vision for the 'Batemans Bay Marina' precinct, providing new publicly-accessibly recreational and dining facilities along the site's waterfront.</p> <p>Consistent with Council's vision for the 'Residential East' precinct, the proposal will position higher-density residential development in a well-served location, in proximity to the Batemans Bay town centre.</p>	✓
2.0 Site Planning		
2.1 Siting of Development	The subject site is relatively flat, with existing ground levels ranging from RL 0.9m AHD to RL 2.4m AHD.	✓
2.2 Setbacks	The site's frontage to Beach Road is located within the SP3 zone and is therefore not subject to the DCP front setback controls. The proposed concept development will maintain the Hanging Rock Creek frontage to	✓

	<p>Beach Road, consistent with adjoining development to the south along Beach Road.</p> <p>The proposed buildings in Zones A and B are located within the SP3 zone, and are therefore not subject to the DCP front setback controls. Notwithstanding, all proposed buildings have been setback between 6m and 12m from the adjoining residential development to the south, and more than 19m from the rear boundary, well in excess of DCP controls.</p> <p>The roof terrace to the community centre is significantly separated from adjoining residential development, and will not result in any adverse privacy or amenity impacts.</p>	
	<p>As shown on the <i>Site Plan</i> included at Appendix 2, minor building elements encroach within the prescribed 12m foreshore reserve setback. These building elements are generally limited to small parts of balconies and terraces. It is submitted that no adverse impacts on the scenic qualities and public enjoyment of the foreshore will result from the minor encroachments.</p>	Acceptable
2.3 Garages, Carports and Sheds	No garages or carports are proposed, with the majority of proposed parking at sub-basement level.	✓
2.4 Private Open Space	The proposal's compliance with the ADG private open space requirements is discussed at Appendix 3. In summary, the proposal complies.	✓
2.5 Landscaping	Landscaping throughout the site has been designed to improve the amenity and sustainability of the development. Landscaping within Zone A will occupy approximately 50% of the zone, well in excess of DCP requirements.	✓
2.6 Parking and Access	<p>Parking and access have been assessed in the amended <i>Assessment(s) of Traffic and Parking Implications</i> prepared for the concept and Stage 1B proposals (Appendix 14).</p> <p>Refer to Section 6.3.2 of this Amended SEE for additional details.</p>	✓
2.7 Safer By Design	<p><i>Crime Risk Assessment(s)</i> (CRAs) were prepared for the concept proposal and Stage 1B by CHD Partners (see Appendix 13). As discussed in the CRAs, Crime Prevention through Environmental Design (CPTED) principles have been incorporated into the proposal to maximise safety and security for residents and the local community.</p> <p>Refer to Section 6.4.2 of this Amended SEE for additional details.</p>	✓
2.8 Views	The proposed built form comprises a series of detached buildings, separated by generous areas of landscaping and communal open space to allow view corridors and walkways through the site. As discussed in	✓

	Section 6.1.2 of this Amended SEE, the proposal will not result in adverse view loss impacts.	
2.9 Signage	Standalone 'business identification signage' is proposed adjacent to the driveway access to each 'zone', comprising 3 signs in total. The signage will include the name of the development ('The Estuary') and will be approximately 2m in width in 1m in height. Colours and materials will be consistent with the proposed buildings. Additional details relating to the proposed signage will be provided in subsequent, future DAs.	✓
2.10 Footpath Trading	No footpath trading is proposed.	N/A
4.0 Built Form		
4.1 Building Bulk and Scale	As discussed in Section 6.1.1 of this Amended SEE, the bulk and scale of the proposed concept development has been designed to be compatible with existing and likely future development in the area, particularly in relation to desired future medium density development to the south in the R3 zone.	✓
4.2 Street Frontage and Facade Treatment	The proposed concept development has been orientated and designed to address (and be addressed from) the water, rather than the Beach Road street frontage. Nevertheless, the concept proposal creates an attractive presentation to Beach Road, including through the proposed landscape treatment.	
4.3 Style and Visual Amenity	As discussed in Section 6.1.1 of this Amended SEE, the proposal creates a resort-style appearance within a high-quality landscape setting that is respectful of the site's waterfront location. The publicly-accessible boardwalk along the site's waterfront will provide public access between Beach Road and Corrigan's Beach to the east, as well as connections to the restaurant, café and recreational areas fronting the water. In addition, the apartment buildings within Zones A and B have been designed to be compatible with existing and likely future residential development to the south. Importantly, the tallest buildings within the site will be located centrally to maintain a respectful interface with the residential development to the south and the waterfront to the north.	✓
4.4 Building Materials	A mixture of naturally finished materials such as sandstone and timber are used throughout the development to complement the site's waterfront setting.	✓
4.5 Fences in Residential Zones	Security fencing with gated access points is proposed between each zone, as well as at the vehicular access point to each zone. The fencing will not adversely affect the streetscape.	✓

4.6 Adaptable Housing	Each dwelling within Stage1B has been designed to be adaptable in accordance with <i>AS4299 – Adaptable Housing</i> .	✓
4.7 Accommodation Mix	The subject site is not within the B4 Mixed Use zone.	N/A
5.0 Amenity		
5.1 Visual Privacy	As discussed in Section 6.1.6 of this Amended SEE, the development has been designed, and appropriate measures are proposed, to maximise visual privacy for future residents.	✓
5.2 Solar Access	The proposal's compliance with the ADG solar access requirements is discussed in Appendix 3. In summary, the proposal complies.	✓
6.0 Site Considerations		
6.1 Tree Preservation	The proposal involves the retention and protection of selected vegetation within the site. The <i>Ecological Assessment</i> prepared for the amended proposal (see Appendix 11) found that there would be no adverse impacts on native flora and fauna, including threatened species. Refer to Section 6.2.5 of this Amended SEE.	✓
7.0 Site Works		
7.1 Sustainability	As discussed in Section 6.1.9 of this Amended SEE, the proposal includes a number of features to minimise its environmental footprint.	✓
7.2 Earthworks / excavation	The subject sit is relatively flat, however, earthworks are proposed throughout the site to achieve the sub-basement carparking levels. The earthworks will not result in any adverse visual impacts.	✓
7.3 Stormwater Management	<p>The proposed stormwater strategy for the site has been prepared in accordance with Section 7.3 and is documented in the <i>Stormwater Drainage Strategy and Flooding Assessment and Concept Stormwater Drainage Plan</i> included at Appendices 6 and 7, respectively. In summary, the SDSFA found that:</p> <ul style="list-style-type: none"> ▪ the proposed stormwater strategy will improve conveyance of Council's drainage network through the site. ▪ the proposed OSD strategy will reduce the post-development runoff to the pre-development levels within the site. <p>MUSIC modelling has been undertaken to confirmed the proposed water quality treatment train meet the requirements of Chapter 11.3.1 of Council's Infrastructure Design Standard.</p>	✓

	Refer to Section 6.2.1 of this Amended SEE for further details.	
7.4 Waste Management	<p><i>Waste Management Plan(s)</i> have been prepared for the Concept Stage 1B proposal and is included at Appendix 8. These documents outline the proposed waste management regime during the operational phase of the development. Details of waste management procedures for the demolition and construction phases will be provided following submission of this DA.</p> <p>In addition, detailed waste management plans will be submitted with future DAs for each subsequent stage.</p>	✓

6. ENVIRONMENTAL IMPACT

6.1. Built Environment

6.1.1. Visual Impact

The visual environment of the site and surrounding area is generally suburban in character, but with the dominant feature of the waterfront and its water vistas uniquely defining the visual environment. It is noted that the shoreline in the vicinity of the site, between the town centre and Corrigan's Beach to the south-east, is developed and armoured.

An oblique view of proposed concept development from the water is provided in Figure 38 below.



Figure 37: Oblique view of proposed concept development from the water (Source: BHI Architects)

Numerous elements have been incorporated into the design to minimise potential visual impacts and maximise the visual amenity of the development when viewed from public areas (including the water and Beach Road) and adjoining development, including the following:

- Creation of a resort-style appearance within a high-quality landscape setting that is respectful of the site's waterfront location. BHI Architects notes the proposal creates *'an inviting setting on the waterfront to encourage the use of public walkways and parks by residents and other locals. The glazed facades of residential buildings also provide a good sense of passive surveillance of public spaces, while furthering the sense of openness that is provided by the generous use of light colours.'*

- BHI Architects further notes, *'the proposed landscape scheme accentuates and activates the existing shoreline by providing ample public space and a restaurant/café along the site's northern boundary. These spaces include private and communal open space, informal pedestrian access across the existing grassed shoreline and the outdoor deck of the public restaurant being oriented to engage with the shoreline.'*
- According to BHI Architects, *'the design intent is for each building type to be differentiated with a distinct architectural style, with some commonality in materials to ensure aesthetic harmony of the overall proposal. A mixture of naturally finished materials such as sandstone and timber are used throughout, complementing the site's waterfront setting. Other materials are employed in ways that reflect and differentiate building function.'*
- The following key concept design features have been adopted in each development 'zone':
 - Zone A – buildings are rendered and painted white, adopt subtle curved corners, and provide a distinct architectural style. Timber soffits create visual interest and contrast. The basement podium is finished in sandstone.
 - Zone B – the aesthetic of the Seniors Apartments use modulated rectilinear geometry throughout with significant glazing, screening louvres, a mix of materials and textures and articulated roof and built forms to decrease the perceived bulk of the buildings and add a human scale and visual interest to facades. The community centre opens up to the waterfront while maintaining privacy to residents. Use of timber softens the design and delineates it from residential buildings.
 - Zone C – the 2-3 storey built form of the RCF provides a sense of enclosure and quiet for the residents, including dementia patients, while taking advantage of the waterfront views through rooftop landscaping. A mix of darker materials is used, differentiating this building from other residential buildings in the development. The wellness consulting centre has been designed to be more civic in appearance while still using a light colour scheme consistent with other buildings.
- Generally, the proposed buildings on the subject site will be higher than the existing buildings, which range between 1 and 2-storeys in height. It is noted, however, that the existing conference centre and office buildings currently located within the subject site are large and bulky in scale.
- The bulk, scale and built form of the proposed concept development has been designed to be compatible with existing and likely future development to the south. The scale of the proposed concept development is broken up into a series of detached buildings, separated by generous areas of landscaping and communal open space. Importantly, the taller proposed buildings will be located centrally within the site to maintain an appropriate interface with the residential development to the south and to the waterfront to the north of the site. Proposed concept development along the southern boundary will be limited to 1 and 2-storeys in height and setback between 6m and 12m, consistent with adjoining residential development to the south. The lower built forms towards the site's southern and northern boundaries will assist in limiting the visibility of the taller buildings when viewed from surrounding areas (see Figure 39).

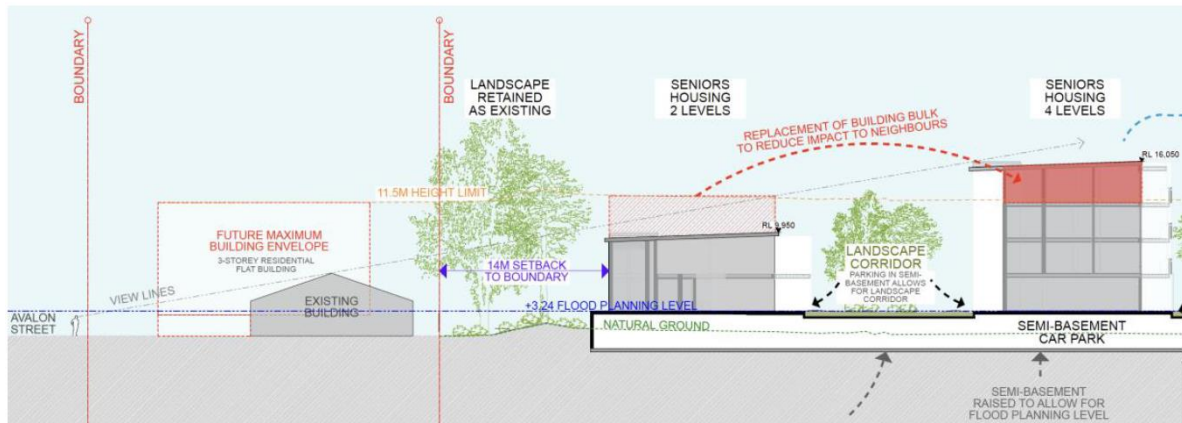


Figure 38: Urban Design Principles Section – Demonstrating the two storey seniors built form, significantly below the height plane, being setback 14m to the Southern boundary (Source: BHI Architects)

- Retention of existing trees and the provision of mixed native tree plantings along the site's southern boundary to soften views of the development from adjoining development to the south. As noted by BHI Architects, 'The rear of the Seniors Apartment buildings are designed to minimise privacy impacts and reduce the perceived scale of buildings. The living spaces are oriented towards the North, with service spaces and bedrooms facing the boundary. Large screening trees are retained, and a mix of materials and textures reduce built form impacts.' (refer Figure 40).



Figure 39: Typical Zone B Seniors Southern Boundary Elevations

- The proposal maintains the site's existing Hanging Rock Creek frontage, consistent with adjoining development to the south along Beach Road and ensuring integration of the proposal into the streetscape (refer Figure 41).



Figure 40: View of proposed concept development from Beach Road (Source: BHI Architects)

- Loss of some existing site vegetation will be mitigated by the extensive landscaping regime, which has been designed to soften built form and contribute to the coastal character of the site.
- The amended development will result in an improved visual connection to the water from the public domain and adjoining dwelling houses, including through the provision of new view corridors through or into the site from Tuna Street and Marline Avenue (refer to Figure 42 and Figure 43 and Section 6.1.2 of this Amended SEE).

EXISTING STREET VIEW



PROPOSED STREET VIEW



Figure 41: Street Perspective of existing and proposed development viewed from Tuna Street (Source: BHI Architects)

EXISTING STREET VIEW



PROPOSED STREET VIEW



Figure 42: Street Perspective of existing and proposed development viewed from Marline Avenue (Source: BHI Architects)

6.1.2. View Loss

Operating as a private resort, the site is currently inaccessible by the general public and acts as a barrier to a substantial portion of the area's shoreline. Views towards Hanging Rock Creek and Batemans Bay are also obstructed by the existing resort's fencing and landscaping. Most dwelling houses in the area do not have water views due to a combination of fencing, dense vegetation and existing buildings on the site. The amended concept development creates multiple view corridors towards the waterfront and through the site, thereby strengthening its visual presence in the local area.

A *View Analysis* (VA) has been undertaken for the concept development, as amended, and is included in the Amended Architectural Plans at Appendix 2. The VA considers potential view loss impacts resulting from the amended concept development from:

- 6 key viewpoints to the south, west and north-west of the site ('Contextual Analysis' - see Figure 44); and
- 9 key viewpoints along the site's southern boundary ('Neighbouring Analysis' - see Figure 45 and Table 14).

Both components of the VA are discussed below.

Contextual Analysis

The existing dwelling houses to the north-west of the site (photo 6) have clear views to the water due to their elevated position. As demonstrated in Figure 44, these views will not be obstructed by the amended development. Views to the water from existing dwelling houses to the south and south-west of the site (photos 1-4) are currently obscured by existing trees and vegetation within and near the site. The only potential view loss impact that could result from the proposed development would be the partial views to the water currently available from existing dwelling houses to the west of the site fronting Beach Road (Photo 5). However, due to the generous 12m foreshore setback adopted by the amended development, any such view loss to the water would be minimal if at all.



Figure 43: View Analysis - Contextual (Source: BHI Architects)

Neighbouring Analysis


As demonstrated in Figure 45, views to the water from existing dwelling houses immediately to the south are currently obscured by a combination of fencing, dense vegetation and existing buildings on the site.




Only minor glimpses of the water are available through the site from several properties, as outlined in Table 14 below.



Figure 44: View Analysis - Neighbouring (Source: BHI Architects)

Table 14: View loss analysis (neighbouring)

Comment	Photo
<p>No. 12 Marlin Avenue has a glimpse of water from the balcony, only available by looking directly through the palm trees and down 5th Street of the existing resort. Any views either side of the palm trees are restricted.</p>	

	
<p>At the front of Nos. 1-3 Avalon Street is a unit block that faces the street and does have a glimpse of the resort. There is also a 2-storey dwelling house on the opposite side of Avalon Street that may also have a glimpse of the resort. These views are only of the resort and not of water.</p>	
<p>Abutting No. 13 Avalon Street again is thick vegetation with some recently being removed to create a glimpse of the water.</p>	

No. 21 Avalon Street is on the corner of Avalon Street and proposed Tuna Street. It is situated at the end of the vegetation buffer which allows it some limited views through the resort to the water. No other water views are available as the view directly opposite is of thick vegetation.



Having regard to the above findings, the amended concept development will not result in any unreasonable adverse view loss impacts upon the immediately adjoining residential development to the south. It is additionally noted that the development, as amended, will facilitate the provision of new view corridors through the site. Specifically, views into the development and to the water will now be provided from Marlin Avenue and Tuna Street (see Figure 42). In this respect, the amended development will result in improved views to the water from the public domain and adjoining dwelling houses.

6.1.3. Overshadowing

Shadow diagrams have been prepared for the amended concept proposal, including Stage 1B, by BHI Architects and are included in the Architectural Plans at Appendix 2. These diagrams show the overshadowing impacts of the amended concept development on the site and surrounding area during the 'worst-case' overshadowing scenario (21st June - the winter solstice).

The buildings have been sited to minimise mid-winter overshadowing of neighbouring residential development and the public domain. As indicated in Figures 45-48, shadows cast by the amended development will generally be confined within the site's boundaries. With the exception of some minor overshadowing of Hanging Rock Creek to the west of the site during the morning period from the amended concept development, no overshadowing will impact public domain areas.

The most significant overshadowing will occur along the site's southern boundary, from the 2 southern-most residential flat buildings in Zone A. Specifically, during the winter solstice, shadows cast by the residential flat buildings will extend into the rear yards of a number of dwelling houses fronting Avalon Street.

The adjoining residential development along the site's southern boundary is currently significantly overshadowed by dense vegetation positioned along the site's southern boundary. Due to the extent of this existing impact, the amended proposal does not significantly accentuate the existing level of overshadowing to the adjoining dwelling houses and residential units to the south. It is noteworthy that all proposed building's along the southern boundary are limited to either 1 or 2 storeys in height, and meet or exceed the setback requirements prescribed by the ADG.

Accordingly, no unreasonable adverse impacts with regard to overshadowing will result from the amended concept and Stage1B proposal.



Figure 45: Shadow impact of proposed Stage 1B development during the winter-solstice (Source: BHI Architects)



Figure 46: Shadow impact of proposed concept development during the winter-solstice, 9am (Source: BHI Architects)



Figure 47: Shadow impact of proposed concept development during the winter-solstice, 12pm (Source: BHI Architects)



Figure 48: Shadow impact of proposed concept development during the winter-solstice, 3pm (Source: BHI Architects)

6.1.4. Aboriginal Heritage

The western portion of the site includes the 'Hanging Rock Heritage Conservation Area', listed as a place of Aboriginal Heritage Significance in Schedule 5 of the *Eurobodalla Local Environmental Plan 2012*.

An *Archaeological Assessment and Heritage Impact Statement* (AAHIS) was prepared for the originally submitted concept development by EMM Consulting (see Appendix 10). It was prepared to determine whether the proposal had the potential to harm Aboriginal objects, sites or areas of archaeological potential and to assess the impact of the proposed concept development on the heritage conservation area.

The AAHIS was prepared in accordance with the Office of Environment and Heritage's *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (the Code) and involved an archaeological survey of the site; ongoing consultation with the Batemans Bay Local Aboriginal Lands Council (LALC); a review of the site's environmental, archaeological and ethno-historical context, historical aerial photographs and previous site investigations; and a search of the Aboriginal Heritage Information System (AHIMS) database.

Key findings of the AAHIS are discussed below:

- No Aboriginal objects were identified as a result of the survey. The site has been assessed as being of low archaeological potential due to the high level of disturbance and the susceptibility of the natural landform to inundation. This assessment was discussed during the site survey and was supported by the Batemans Bay LALC representative, Uncle Les Simon.
- The proposed redevelopment of the site will represent a comparable level of visual impact to the intangible values of the heritage conservation area to the current land use. The proposed concept development will not impact the heritage significance of the conservation area.

Based on these assessments, and in consultation with the Batemans Bay LALC, the AAHIS made the following recommendations:

- *No further assessment is required for the remaining project activities and it can proceed with caution in the project area.*
- *Works in the vicinity of the Hanging Rock Aboriginal heritage conservation area should be kept to a minimum and be sympathetic to the heritage significance of the area.*
- *Aboriginal objects and places remain protected under the NPW Act. Considering this, all workers (including contractors) should be made aware that it is illegal to harm an Aboriginal object, and if a potential Aboriginal object is encountered during activities associated with the project all work will cease in the immediate vicinity of the item and a qualified heritage professional will be contacted for advice.*
- *In the event that known or suspected human skeletal remains are encountered during the activity, the procedure outlined in section 8 is to be followed.*

With respect to the Batemans Bay LALC's request for Aboriginal heritage monitoring of basement excavation works, the AAHIS notes that no further archaeological investigation is required under the Code. Accordingly, the AAHIS notes that the requirement for monitoring would be discretionary based on arrangements with the applicant and the Batemans Bay LALC.

6.1.5. Internal Amenity

The amended concept development has been designed with particular attention to the living amenity of future residents. It has been sited and designed to address the waterfront, providing an attractive lifestyle opportunity for seniors and non-seniors alike.

As discussed in the Amended *SEPP 65 Apartment Design Guide Design Statement(s)* prepared by BHI Architects (Appendix 3), the development is responsive to the opportunities and constraints of the site and its surrounds with regard to neighbouring buildings, visual amenity and privacy, solar access, natural ventilation, acoustic privacy and overall liveability. This has resulted in a unique design which creates a sense of space and connectivity and a good level of residential amenity.

In particular, as outlined in Appendix 3, the following key design initiatives have been incorporated into the amended concept and Stage 1B proposal to enhance residential amenity:

- *The proposal aims to provide high amenity for residents across all internal and external aspects of the design, including generous apartment layouts and communal open space.*
- *In addition to communal open space between apartment buildings, the proposal includes public amenities including parks, walkways, play areas, restaurant (Zone B) and the Wellness Centre (Zone C). The proposal also includes a residents' community centre (Zone B).*
- *All residential buildings (Zone A and B) are oriented east-west with single-loaded corridors. All units therefore have access to abundant northern sunlight year-round. Cross ventilation is also readily achievable in most apartments as many are dual-aspect, and building depths do not exceed 18m.*
- *Many of the apartments are oversized and provide a wide variety of living arrangements.*
- *Large windows and sliding glass doors maximise daylighting and natural cross ventilation.*
- *All private open spaces (terraces and balconies) are oversized compared to the minimum requirements of the ADG.*

- *The internal layouts of all apartments provide an open plan living and dining kitchen area to allow for flexible living arrangements.*
- *All apartments have a mixture of internal and undercover storage in the basement.*
- *Private open spaces are provided for all units and are oversized compared with minimum standards in most cases. For example, the average private open space available to 2 bedroom units not on the ground floor in Stage 1B is above 18.5m²; private open spaces available on the ground floor are larger - Refer to State 1B Design Verification Statement for details.*

Overall, the design of the amended development results in a positive outcome with regard to residential amenity. Careful consideration has been undertaken to mitigate potential aspects of the design which could degrade the quality and liveability of the apartments both individually and for the development as a whole.

Visual privacy, solar access / ventilation and acoustic amenity are discussed in detail in Sections 6.1.6, 6.1.7 and 6.1.8, respectively.

6.1.6. Visual Privacy

The amended concept development has been designed to protect the privacy of the adjoining residential development to the south and to ensure adequate visual privacy is achieved for future residents. The following key measures are proposed to provide privacy between dwellings within the site and also adjacent to the site:

- The built form has been setback between 6 and 12m from the southern boundary to ensure appropriate separation distances are maintained to adjoining residential development;
- Living spaces are oriented towards the north, with service spaces and bedrooms facing the southern boundary;
- Generous separation distances have been adopted between apartment buildings;
- Orientation of all dwellings towards the north, away from the southern boundary;
- Landscaping, screening and fencing around private outdoor spaces;
- Retention of existing vegetation and additional landscaping along the southern boundary; and
- Aluminium louvres to windows and balconies.

Overall, the amended concept development will maintain the privacy of nearby residential development and protect the privacy of future residents. Additional privacy measures will be considered at the detailed design of Stage1B, and within future DAs for each subsequent stage.

6.1.7. Acoustic Amenity

Potential noise sources impacting future residents would include the use of the existing conference centre as a temporary community centre, as well as the proposed community centre in Stage 3B. There are not likely to be any other significant sources of noise in the vicinity of the site, other than ongoing construction works associated with the staged development.

The temporary and proposed community centres will be managed by the retirement village operator in conjunction with the self-contained dwellings, and noise from the centres would be appropriately managed to ensure there is minimal disturbance to nearby residents (e.g. restriction on hours of operation, amplified music, etc). In addition, the proposed café and restaurant within the new community centre have been orientated towards the water, away from the apartment buildings. Additional assessment of potential

acoustic impacts from the proposed community centre (including consideration of restricted hours for outdoor dining and use of the roof-top recreational area) will be provided as part of the future DA for Stage 3B.

Internal acoustic amenity would be enhanced through the utilisation of walls / ceilings of an appropriate thickness for acoustic attenuation.

It is anticipated that construction works associated with the staged development would create noise impacts for neighbours, as well as residents within the earlier stages of the development. A construction management plan will be implemented to ensure there are no unreasonable impacts.

Following construction, the proposed seniors housing and residential apartment use is not anticipated to generate any intrusive noise impacts for existing neighbours.

6.1.8. Solar Access and Natural Ventilation

A number of design measures have been implemented to assist in maximising solar access and natural ventilation to future residents, including:

- Breakdown of the built form into separate buildings with generous separation distances, allowing solar access between.
- Restriction of apartment depths to less than 18m.
- All residential buildings (Zone A and B) are oriented east-west with single-loaded corridors.
- All apartments are either north-facing or have dual aspects (north and south).
- Large windows and sliding glass doors maximise daylight and natural cross ventilation.

BHI Architects has confirmed that 100% of apartments in Zones A and B achieve more than the optimal 3 hours access to sunlight during mid-winter. In addition, a minimum of 79.7% of residential apartments and 74.3% of the self-contained dwellings achieve cross ventilation (Appendix 3).

Usable areas of principal useable open space within the development (excluded semi-public spaces between buildings) have predominately been sited along the site's waterfront to achieve a high level of solar access. BHI Architects has confirmed that 76.2% of principal useable open space achieves at least 2 hours sunlight mid-winter (Appendix 3).

6.1.9. Sustainability

The amended proposal aims to make efficient use of natural resources, energy and water. The built form is designed to minimise energy usage through passive solar design and incorporates natural ventilation, maximising solar access in winter and excluding heat gain in summer.

Specifically, the proposal includes the following key features to minimise its environmental footprint:

- Rainwater will be collected on site and reused for irrigation of landscaping.
- Significant landscaping of the buildings and surrounds to mitigate urban heat island effects and provide shade for site users, purify the air, and provide habitat for local wildlife.
- Maximisation of natural cross-ventilation and solar access to apartments wherever possible. Due to the northern exposure of all buildings, direct sunlight is readily available to all apartments year-round. The balconies also provide a level of shading in summer to prevent harsh sunlight from penetrating into the apartment.

- Thermal mass will be maximised through adequate insulation of the roof and walls between apartments and the provision of dense concrete slabs, allowing buildings to better regulate their temperature throughout winter and summer.
- Deep soil zones are provided across the site and exceed minimum requirements.
- There is an opportunity to use recycled bricks for the RCF.
- The proposed apartments in Stage 1B meet or exceed the BASIX targets for water and energy efficient development (see Appendix 18).

6.1.10. Accessibility for People with a Disability

A *Statement of Compliance – Access for People with a Disability* report has been prepared for the Stage 1B proposal by Accessible Building Solutions (see Appendix 15). The report was prepared based on the Stage 1B plans and is intended to ensure that the proposal complies with the Building Code of Australia, *Disability (Access to Premises) Standard 2010*, the Seniors Housing SEPP, Council's DCP, the accessibility standards identified in the AS 1428 suite of standards, AS 2890.6 for car parking, AS 1735.12 for lifts, as well as the spirit and intent of the *Disability Discrimination Act 1992*.

Overall, the report indicates that the Stage 1B proposal generally complies with the various accessibility standards. Where information is not available for full assessment at the DA stage, it is anticipated that the accessibility features of the proposal can be further refined at the detailed design stage.

Each future DA for subsequent stages will be accompanied by an access compliance report.

6.1.11. Services, Utilities and Infrastructure

The subject site is currently serviced by existing utilities, including water, sewer, electricity, gas and telecommunication networks. However, to meet additional infrastructure demands generated by the proposed development, the following upgrades or installations will be required as part of the Stage 1B and subsequent DAs:

- New existing electricity substation
- New sewer pump station and decommissioning of existing
- Utilise existing water supply and connect to each zone
- Install an LPG bulk storage tank with enclosure near the Tuna Street entrance

All installations will be capable of meeting the requirements under the Australian Standards and the Building Code of Australia. As discussed in Section 4.8 of this SEE, the LPG storage tank enclosure will be sited and designed in line with Section 4 of the AS/NZS1596 requirements.

As discussed in Section 3.3.2 of this Amended SEE, removal and relocation of existing power poles is proposed, as well as underground connection of the electricity substation to the existing power pole in Marlin Avenue. The original proposal was referred to Essential Energy for comment, and additional information has been provided in response to concerns raised. Should the amended proposal also be referred to Essential Energy for comment, any referral comments received will be considered by the applicant and any recommendations will be implemented during the detailed design and construction phase.

As discussed in Sections 3.3.2 and 6.2.1 of this Amended SEE, it is proposed to replace or upgrade existing drainage infrastructure across the site.

Having regard to the proposed coastal protection works, the relevant provisions of the *Coastal Management Act 2016* have been addressed in Section 4.6 of the SEE. Additional details regarding beach restoration and maintenance works and funding obligations will be addressed in the detailed DA.

A *Pavement Impact Assessment* (PIA) has been prepared by MI Engineers and is attached to this SEE at Appendix 23. The PIA concludes that *'based on the traffic surveys undertaken by TTPA and RMS and the Traffic Report completed by TTPA, the proposed development will increase the AADT volume at the Catlin Ave/Beach Rd intersection from 615 to 2,100. Using Austroads Guide to Pavement Technology, it has been calculated that the existing pavement is suitable to cater for the increase in traffic created by the proposed development.'*

The existing and proposed road network provides convenient and logical access to the site to facilitate future construction, servicing, seniors and residential activities. The proposed flood emergency evacuation route will provide a connection through the site for emergency vehicles.

6.2. Natural Environment

6.2.1. Flooding, Stormwater Management and Water Quality

A *Stormwater Drainage Strategy and Flooding Assessment* (SDSFA) has been prepared for the proposed concept development by MIEngineers (see Appendix 6). The SDSFA was prepared in accordance with Chapter 7.3 of Council's DCP to review and assess the site's existing drainage and flooding characteristics and to model the flooding and hydraulic impacts of the proposed concept development. The SDSFA also provides recommendations for flooding controls and water quality measures. The SDSFA is accompanied by a *Concept Stormwater Drainage Plan* (CSDP) demonstrating the proposed stormwater drainage design for the overall site and Stage 1B.

Key outcomes of the SDSFA and details of the proposed stormwater drainage design are outlined in the following sections. Overall, the SDSFA found that the proposed concept development meets the requirements and performance criteria outlined in Section 7.3 of the DCP.

In addition, a *Flood Emergency Management Plan* has also been prepared by MI Engineers (see Appendix 25). As the Plan indicates, and in accordance with Batemans Bay State Emergency Service advice, a medical emergency evacuation during a flood event will involve the use of watercraft.

Existing Drainage and Flooding Characteristics

The subject site is located within a broader catchment that extends to the Hanging Rock Reserve and consists of an area of approximately 19.6ha. This catchment comprises of three primary sub-catchments which are generally delineated by the change in land type from commercial (within the site), to residential (the Hanging Rock Urban Area) and public recreation (the Hanging Rock Sporting Precinct North of Hanging Rock Place).

The site contains a series of pits, pipes and open channels which convey stormwater runoff from the adjoining residential area to the south through the site with outlets into the Clyde River (Primary Central Outlet) and Hanging Rock Creek (Secondary Outlet).

The existing catchment's flood behaviour was determined using hydrological (DRAINS) and hydraulic (HEC-RES) modelling. The analysis confirmed that the existing drainage network is undersized and does not cater for local catchment flows.

Proposed Drainage Strategy

Stormwater management, as outlined in the CSDP, includes the following key components:

- Upgrading the existing open central channel and outlet.
- Upgrading or installing minor drainage pipe outlets, including installation of floodgates.
- Implementing an on-site detention (OSD) strategy, primarily using rainwater tanks to harvest rainwater.

Using accepted industry standard methodology, the OSD requirement for the proposal has been calculated as follows:

- Site area = 6.24ha
- Pre-developed impervious area = 39%
- Post-development impervious area = 65%
- Total OSD required to control 100 year event flows = 312m³

A total of 7 OSD tanks are proposed across the site to cater for the storage requirements of the development to maintain pre-development runoff, including 2 within Stage 1B.

Flooding and Stormwater Impacts

The proposed concept development will marginally increase the impervious area and stormwater volume generated at the site. The impacts of the proposed concept development, including the implementation of the proposed stormwater management strategy, were simulated. The key results of this modelling are summarised as follows:

- The proposed concept development lowers the predicted flood levels when compared to the modelled pre-development conditions.
- The proposed stormwater strategy will improve conveyance of Council's drainage network through the site.
- The proposed OSD strategy will reduce the post-development runoff to the pre-development levels within the site. Hence, the proposed stormwater outlets will not increase the volume of runoff currently entering Hanging Rock Creek and the Marine Park.

Water quality

The CSDP includes a *Concept Soil Water Management Plan* (CSWMP) relating to the concept and Stage 1B proposals. As outlined in the CSWMP, prevention measures and sediment control measures will be implemented during the construction phase, including sediment traps, control of stockpiles, temporary use of existing drainage infrastructure, and a temporary contract vehicle access way to prevent sediment being tracked off-site.

Water quality measures are proposed to control the quality of stormwater discharge from the proposed development. The following water quality treatment train is proposed:

- Installation of underground tanks throughout the development to harvest roof water.
- Drainage channels are proposed to be constructed as bioretention swales or equivalent water quality swales. These channels propose to provide stormwater treatment and conveyance via a combination of vegetated lining and bioretention media.
- Gross pollutant traps are proposed at stormwater outlets 1, 3 and 5.

MUSIC modelling has been undertaken to meet the requirements of Chapter 11.3.1 of Council's *Infrastructure Design Standard (IDS)*.

More detailed water quality measures for Stages 2B – 10A will form part of future DAs for each stage.

Recommendations

The SDSFA makes the following key recommendations:

- Water quality measures are to be implemented to control the quality of stormwater discharge on the site to meet the requirements of IDS Chapter 11.3.1.
- A flood planning level of 3.24m AHD is proposed in line with Council's *Interim Coastal Hazard Adaptation Code*.

Supplementary Assessment

A *Supplementary Flooding Impact Assessment* was subsequently prepared by MI Engineers to:

- Revise the flood model to include the Hanging Rock Creek catchment using AR&R 2016 values;
- Revise the proposed flood impact assessment in light of the amended flood model;
- Verify (or otherwise) the proposed stormwater drainage measures for the proposed development; and
- Verify (or otherwise) the adopted flood planning levels for the proposed development.

The supplementary report concludes, in part, that:

- The proposed development lowers the predicted flood levels when compared to the modelled pre-development conditions under a downstream boundary condition of 0.90m AHD, representing the present-day peak spring high tide.
- The proposed development has negligible impacts on flood levels when under the downstream control level of 2.56 m AHD, representing the year 2065 static coastal inundation level.
- A flood planning level of 3.24 m AHD is proposed in line with Eurobodalla Shire Council's Interim Coastal Hazard Adaptation Code.

The report notes that: "*The post-development model was simulated for the 1% AEP storm and PMF under the 2.56m downstream boundary condition with a 10% increase in rainfall intensity to account for climate change. The peak water levels for the 1% AEP storm are shown in Figure 6.3 below. The results show that the proposed development site remains flood free under the 1% AEP, year 2065 downstream flood level (except for the proposed drainage channels)*".

6.2.2. Contamination

A *Preliminary Site Investigation for Contamination (PSIC)* was undertaken for the site by Douglas Partners and is attached as Appendix 26. The PSIC was undertaken in September 2017 to support a pre-purchase due diligence for the site. The investigation concentrated on two areas within the overall site that have been subject to filling or disturbance: Area A, which comprises a variably 10 – 30m wide area of reclaimed land adjacent to the northern boundary of the site; and Area B, which comprises a variably 42 – 48 m wide area along the southern site boundary (see Figure 50).

The investigation considered the suitability of the site, from a contamination perspective, for ongoing tourism and recreational purposes with potential future residential development. It included a review of

historic and current site information, a site walkover, collection of soil and asbestos samples at 10 test pits (ranging from 1.6 – 2.5 m below ground level), and laboratory analysis of samples.

Based on the above investigation parameters, the findings of the PSIC are considered entirely relevant and suitable to support the current concept and Stage 1 DA.



Figure 49: Test pit locations within Area A and B (Source: Douglas Partners)

The results of the preliminary investigation indicated the following:

- The site was largely vacant up until 1948. Residential and tourist related-development subsequently occurred on the site, with the majority of the site being developed as it is today by 1989. Levelling and disturbance along the site's southern boundary appeared to have occurred between 1989 and 2002. Reclamation of the site's northern boundary occurred as part of a recent boundary readjustment.
- All contaminant concentrations for the analysed soil samples were within the typical background concentrations. The natural soils are preliminarily classified as VENM.
- Subject to the results of further investigation the filling material tested may be classifiable as General Solid Waste (non-putrescible).
- There is a low likelihood of substantial widespread contamination at the site. However, anthropogenic materials (brick, concrete, plastic) were encountered in Pit 1, Pit 3 and Pit 5. A fragment of fibrous cement was observed on the surface of the site near Pit 1 and was collected for laboratory analysis for the presence or absence of asbestos.

Based on the above findings, the PSIC makes the following recommendation:

It is recommended that a detailed site investigation for asbestos (in accordance with NEPC, 2013) be undertaken in areas of elevated risk to assess the potential for asbestos contamination to exist at the site. The detailed site investigation would target areas of the site where anthropogenic materials were observed in the subsurface filling, and will include a sampling grid for asbestos across the remainder of the site in line with the recommendations of NEPC (2013).

Based on the above findings, the following is noted:

- The anthropogenic materials identified in 2 of the 3 test pits are in an area containing clean fill from the estuary. Figures Figure 51 -Figure 52 below show the pumping of clean sand into Area A as part of land reclamation works. The asbestos was identified in a small weathered-looking fragment of fibrous cement, on the surface of an area containing clean fill (see Figure 53).
- The occurrence of anthropogenic materials within the site is highly incidental, and not indicative of broader site conditions.
- No asbestos or anthropogenic materials were identified in the Stage 1B area.

Further investigations can be undertaken as part of future DAs located in the areas of pits 1, 3 and 5. In addition, a condition of consent can be imposed requiring additional testing during or following demolition works in each stage to cover central areas of site that have not been tested.



Figure 50: View of land reclamation works undertaken at the site, showing pumping of clean sand



Figure 51: View of land reclamation works undertaken at the site, showing pumping of clean sand



Figure 52: View of weathered-looking fibrous cement fragment found near Pit 1 (Source: Douglas Partners)

6.2.3. Geotechnical

A *Report on Preliminary Geotechnical Assessment* (RPGA) has been prepared for the site by Douglas Partners (see Appendix 12). The purpose of the investigation was to provide comments and recommendations on a range of geotechnical parameters. Fieldwork for the RPGA included observation of site features, monitoring of groundwater wells for the measurement of groundwater levels, testing and analysis of soil samples, and 4 Cone Penetration Tests to assess foundation conditions.

Regional mapping indicates that northern edge of the site is underlain by estuarine sediments of a tidal delta and the remainder is underlain by marine sands associated with a beach ridge of a coastal barrier. The RPGA utilised the results of the investigation to develop a general model of the subsurface profile up

to a depth of approximately 50m, identifying a range of sand, silty and clay soils, overlying firm alluvial sediments. Groundwater was recorded at depths ranging from 1.1m to 2.0m below ground level.

The RPGA considers two development alternatives, namely:

- Option A: 2-4 storey buildings with semi-basement car park at RL 1.6m AHD necessitating cuts of approximately 0.0-0.6m.
- Option B: 2-4 storey buildings with basement car park between RL 0-0.5m AHD necessitating maximum cuts of approximately 1.5m.

The RPGA notes that dewatering would likely be required in Option A for local excavation (e.g. lift wells). With respect to Option B, a cut-off wall would be required around the site prior to construction to facilitate dewatering. Further investigation and modelling will be required to determine the required cut-off depths.

It is noted that the development proposes Option B only. Option A was provided as an alternative if due diligence proved Option B untenable, and was included for information purposes only.

A number of groundwater treatment options are outlined in the *Groundwater Management* letter prepared by MI Engineers (see Appendix 24). These options included treating groundwater on-site in a sediment basin, an off-site treatment area or disposal at an approved waste facility. Based on these options, a dewatering management plan will be prepared prior to commencement of construction to establish the proposed dewatering treatment and disposal methodology.

The RPGA provides a range of design parameters in relation to proposed works, including in relation to excavation support, dewatering methods, slabs, footings and earthquake design. The RPGA also notes that the following additional investigations would be required in relation to Options A or B:

- Borehole drilling to obtain soil samples for analysis of particle size distribution, consolidation properties, and preliminary waste classification;
- Borehole drilling to determine rock level and quality;
- Installation and monitoring of standpipe piezometers; and
- Detailed modelling and analysis of groundwater flow to determine appropriate cut-off depths to ensure surrounding development is not affected by construction.

These recommendations will be taken into account during the detailed design of Stage 1B, as well as in the preparation of future DAs for subsequent stages of the concept development. In summary, there are not likely to be any significant geotechnical constraints to the feasibility of the concept development, including Stage 1B.

6.2.4. Acid Sulfate Soils

The *Report on Preliminary Geotechnical Assessment* (RPGA) prepared by Douglas Partners (see Appendix 12) considered the potential for Acid Sulfate Soils within the subject site.

Key findings of the RPGA with respect to ASS are outlined below:

- Reference to the 1:25 000 acid sulfate soil risk mapping indicates that the site is located in an area generally not expected to contain ASS material (i.e. a low probability of occurrence).
- The results of the initial screening tests indicated Actual ASS conditions are not present at the locations and depths sampled in all but one of the 34 samples.

- One sample (test pit 106, located in the north-western part of the site) indicated that localised Actual ASS conditions may be present. Additional testing of this sample indicated the presence of Potential ASS (PASS).

Further investigation will be required to delineate the extent of PASS materials in the north-western part of the site. Importantly, however, due to the isolated location of the PASS materials from Stage 1B, additional investigation is not considered necessary to support the Stage 1B development. Additional investigation and preparation of an ASS Management Plan (if required) will be undertaken as part of the Stage 6C DA.

The groundwater treatment options outlined in the *Groundwater Management* letter prepared by MI Engineers (see Appendix 24) provide guidance as to the potential options for treating any ASS encountered within the site. For example, PASS may be treated on-site via a bunded areas, an off-site treatment area or disposal at an approved waste facility.

6.2.5. Tree Management

An *Arboricultural Impact Assessment* (AIA) has been prepared for the proposal by Horticultural Management Services (see Appendix 9). The AIA includes a detailed assessment of the health, condition and significance of the 37 key trees within the site (see Figure 49). For ease of reference, the AIA divided all existing trees within the site into 18 separate zones, as shown in Figure 50. The AIA includes an assessment of the trees within each zone.



Figure 53: Location of trees within subject site (Source: Horticultural Management Services)



Figure 54: Location of identified 'zones' of trees within subject site (Source: Horticultural Management Services)

A brief overview of the 'zones' of trees is provided in Table 15 below.

Table 15: Assessment of identified 'zones' of trees

Tree Zone	Tree Type(s)	Assessment
Coachhouse Entrance	20 x Cocos palm (<i>Syagrus romanzoffiana</i>)	Semi Mature – Mature Generally good health and vigour

	2 x Mexican fan palm (<i>Washingtonia robusta</i>) 1 x Weeping Bottlebrush (<i>Callistemon viminalis</i>)	Low landscape significance
Car park	20 x Cocos palm (<i>Syagrus romanzoffiana</i>) 2 x Mexican fan palm (<i>Washingtonia robusta</i>) 1 x Weeping Bottlebrush (<i>Callistemon viminalis</i>)	Semi Mature – Mature Generally fair to good health and good vigour Low landscape significance
Boundary	Weeping Bottlebrush (<i>Callistemon viminalis</i>) 12 x Sydney Blue Gum (<i>Eucalyptus saligna</i>)	Semi Mature – Mature Generally fair to good health and good vigour Low landscape significance
Open Space	7 x Southern Blue Gum (<i>Eucalyptus bicostata</i>) 2 x Swamp Oak (<i>Casuarina glauca</i>)	Mature Generally poor to good health and good vigour Low landscape significance
Tennis Court & BBQ Area	25 x Cocos palm (<i>Syagrus romanzoffiana</i>) 10 x Mexican fan palm (<i>Washingtonia robusta</i>) 1 x Weeping Bottlebrush (<i>Callistemon viminalis</i>)	Semi Mature – Mature Generally good health and vigour Low landscape significance
Kids Play Area	30 x Cocos palm (<i>Syagrus romanzoffiana</i>) 8 x Mexican fan palm (<i>Washingtonia robusta</i>) 2 x Sydney Blue Gum (<i>Eucalyptus saligna</i>)	Semi Mature – Mature Generally good health and vigour Low landscape significance
1st – 12th Avenue	Cocos palm (<i>Syagrus romanzoffiana</i>) Date palm (<i>Phoenix canariensis</i>) Mexican fan palm (<i>Washingtonia robusta</i>)	Semi Mature – Mature Generally good health and vigour Low landscape significance

	Weeping Bottlebrush (<i>Callistemon viminalis</i>) Weeping Myrtle (<i>Agonis flexuosa</i>) Brush box (<i>Lophostemon confertus</i>) Swamp oak (<i>Casuarina glauca</i>) Large Leaf Privet (<i>Ligustrum lucidum</i>) Dwarf Date Palms (<i>Phoenix roebelenii</i>)	
--	--	--

In summary, the AIA found that existing vegetation located throughout the site ranged from medium to good quality throughout its lengths. It is understood that the original site vegetation was removed as part of the development of the existing resort. Existing vegetation within the site comprises a mixture of planted introduced native and exotic species, with Cocos Palms being the most prevalent. Existing site vegetation was found to have limited visual amenity, due to current maintenance practices resulting in incorrect lopping/pruning techniques.

Due to the extent of basement excavation, the AIA recommended the removal of all site vegetation, including trees, shrubs and palm trees. However, as outlined in the Arborist Supplementary Letter prepared by Horticultural Management Services (see Appendix 9), the amended proposed allows for the retention and protection of select native and ornamental trees along the southern boundary and north-eastern portion of the site fronting the water. Protection measures for these trees, including Tree Protection Zones, are provided in the Supplementary Letter.

6.2.6. Ecological

General Assessment

An *Ecological Assessment* (EA) has been prepared for the amended proposal by Umwelt (Australia) Pty Limited (see Appendix 11). This report documents the extent and type of native vegetation present on site, assesses current biodiversity values of the subject site and surrounding area and assesses the significance of potential impacts of the proposed development on threatened species, populations and communities that are listed under the schedules of the BC Act and the EPBC Act.

The EA also considers whether the Biodiversity Offsets Scheme (BOS) is triggered under the BC Act. As discussed in Section 4.4 of this Amended SEE, the EA confirms that the BOS is not triggered by the proposal.

Key findings of the EA are discussed below:

- The majority of the subject site supports exotic vegetation and developed areas, with a total of 4675sqm of native vegetation present. The majority of native vegetation constitutes mixed local and non-local tree plantings.
- Two native Plant Community Type (PCTs), *PCT1232 - Swamp Oak floodplain forest, Sydney Basin Bioregion and South East Corner Bioregion* and *PCT920 - Mangrove Forest in estuaries of the Sydney Basin Bioregion and South East Corner Bioregion*, were identified within and adjacent to the subject site.

- Important habitat for threatened flora and fauna, such as hollow bearing trees, hollow logs and rock outcrops is absent from the subject site due to past disturbance. Foraging habitat for the majority of threatened species is also absent from the site.
- While no vegetation within the subject site met criteria for classification as any EPBC Act and/or BC Act listed threatened Endangered Ecological Communities (EECs), a patch of swamp oak floodplain forest located adjacent to the south-east corner of the site was determined to conform to the BC Act listed EEC *Swamp Oak Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregion*.
- Areas of intertidal mudflat immediately adjacent to the subject site were identified as being potential habitat for a range of threatened and migratory shorebirds. A known long-term nesting site for pied oystercatcher (*Haematopus longirostris*), an endangered species listed under the BC Act, was confirmed to the north-east of the site.
- Assessments of significance under the EPBC Act and/or the BC Act were conducted for one non-local threatened flora species (narrow-leaved black peppermint) identified on site, the Swamp Oak EEC adjoining the site, and for 23 threatened or migratory fauna species that have a moderate or high probability of occurring in the subject site or on the intertidal mudflats adjacent to the site.
- Assessment of significance tests indicated that the proposed development is unlikely to have any significant adverse impacts on any matters listed under the EPBC Act and/or the BC Act, including the pied oystercatcher and Swamp Oak EEC.

While the EA found that significant impacts were considered unlikely, the following recommendations were made to minimise potential adverse impacts on pied oystercatcher breeding habitat during the design, construction and operational phases of the proposal:

- Design
 - Include physical measures to restrict access by people and dogs to mudflat areas from the proposed coastal walk. Potential measures would include fencing or maintaining a steep or impassable batter between the top of the embankment and the mudflat.
 - Installation of approximately 15 - 20 metres of solid fencing forming a low visual barrier on the top of the embankment immediately adjacent to the nesting areas to reduce visual and acoustic disturbance resulting from pedestrians, dogs and vehicles within 60 metres of the nesting area.
 - Obtain approval from DPI for suitable access restrictions from DPI for works within Bateman's Marine Park.
- Construction phase
 - Close access points from the reclaimed land to the mud flats.
 - Construction of the residential care facility in zone c and the retirement village in zone B to commence immediately after the pied oystercatcher breeding season to minimise impact on nesting birds the following breeding season.
- Operational phase
 - Close access points from the reclaimed land to the mud flats.
 - Dog restrictions comprising on-leash and no-go zones to be established to minimise disturbance to pied oystercatcher. Establishment of a no-go zone which encompasses all areas of mudflat adjacent to the Project Area would reduce disturbance to breeding and non-breeding pied oystercatcher and other threatened shorebirds at the site.

- *The establishment of an on-leash zone encompassing the area of reclaimed land in which dogs must always be kept on a leash. This would be operational until adequate fencing is erected on the edge of the area of reclaimed land to prevent canine or pedestrian access to the mudflat. Establishing this restriction would reduce the risk of dogs approaching the pied oystercatcher nesting site, thereby minimising the risk of disturbance to breeding adults, juveniles and nest sites.*

The EA also made the following recommendations to minimise potential adverse impacts on hydrology affecting the adjacent BC Act listed Swamp Oak Forest:

- *The use of perimeter fencing around swamp oak floodplain forest during construction and operation to exclude access by vehicles, people or domestic animals.*
- *Maintain the quantity surface runoff draining from the Project Area into the adjacent swamp oak floodplain forest by ensuring that the catchment surface area draining into the Swamp Oak floodplain forest remains consistent from the pre-construction to the post-construction phase. Based on the site inspection, it is recommended that a minimum distance of 10 metres adjacent to the swamp oak floodplain forest should drain into the swamp oak floodplain forest.*
- *Using erosion control measures such as sediment barriers to prevent increased sedimentation of the adjacent swamp oak floodplain forest during construction.*

In addition to the above, the EA made specific recommendation in relation to weed management and bushfire management.

Pied Oystercatcher Assessment

A *Pied Oystercatcher Ecological Assessment* (POEA) was also prepared for the proposed concept development by Umwelt (see Appendix 21), which included an assessment of the potential impacts of the previously proposed coastal protection works and boardwalk on potential pied oystercatcher habitat.

Key findings of the POEA are discussed below:

- Direct impacts on pied oystercatcher resulting from the proposed concept development would be minimal. Restricted loss of foraging habitat may occur as a result of the construction of the revetment wall. Successful fledging of young in the 2017/2018 breeding season while land reclamation works were undertaken indicates that the local breeding individuals are resilient to disturbance in the subject site.
- Potential indirect impacts on pied oystercatcher include disturbance to breeding individuals arising from construction activities and increased human activity in proximity to suitable habitat following finalisation of the projects. Susceptibility of breeding individuals to disturbance by people and / or dogs active on the proposed coastal walk in the subject site is uncertain.

Based on these assessments, the POEA made the following recommendations to minimise potential adverse impacts on pied oystercatcher during the design, construction and operational phases of the proposal:

- Design:
 - *Include physical measures to restrict access by people and dogs to mudflat areas from the proposed coastal walk. Potential measures would include fencing or maintaining a steep or impassable batter between the top of the embankment and the mudflat.*

- *Installation of approximately 15 - 20 metres of solid fencing forming a low visual barrier on the top of the embankment immediately adjacent to the nesting areas to reduce visual and acoustic disturbance resulting from pedestrians, dogs and vehicles within 60 metres of the nesting area.*
- Construction:
 - *Construction of the proposed rock batter and proposed boardwalk to be undertaken during the non-breeding season to minimise disturbance to breeding pied oystercatcher.*
 - *Construction of the residential care facility in zone c and the retirement village in zone b to commence immediately after the pied oystercatcher breeding season to minimise impact on nesting birds the following breeding season.*
- Operation:
 - *Dog restrictions comprising on-leash and no-go zones to be established to minimise disturbance to pied oystercatcher. Establishment of a no-go zone which encompasses all areas of mudflat adjacent to the proposed boardwalk would reduce disturbance to breeding and non-breeding pied oystercatcher and other threatened shorebirds at the site.*
 - *The establishment of an on-leash zone encompassing the area of reclaimed land and including the proposed boardwalk in which dogs must always be kept on a leash. This would reduce the risk of dogs approaching the pied oystercatcher nesting site, thereby minimising the risk of disturbance to breeding adults, juveniles and nest sites.*

Riparian Buffer

Umwelt has also undertaken a review of vegetation clearance and potential offsetting opportunities within the riparian buffer adjacent to Hanging Rock Creek and the associated tidal flat (referred to as the 'riparian buffer'). The purpose of this letter was to review the proposal's net ecological outcomes within the riparian buffer to assist in planning for the NSW Natural Resources Access Regulator's (NRAR) Controlled Activities Approval.

The findings of this review are contained in the letter at Appendix 22, and can be summarised as follows:

- Adjoining the eastern and northern boundaries of the site, Hanging Rock Creek is a 4th order watercourse supporting estuarine mangroves and tidal mudflats. The applicable riparian corridor for a 4th order watercourse is 40m either side of the top of the watercourse banks. The watercourse location and the 40m buffer boundaries of the riparian area within the site are shown in Figure 56.
- The 40m riparian buffer within the site has been extensively modified as a result of past land use and disturbance and consequently has limited natural ecological value. The buffer currently supports predominantly exotic vegetation and developed areas, with small areas of native vegetation comprising tidal mudflats and native plantings.
- No mudflats or mangrove forest within the riparian buffer is proposed to be cleared. The majority of native vegetation within the riparian buffer will be retained, with approximately 44m² of native vegetation proposed to be cleared for construction of the boardwalk. Rehabilitation and native plantings within the riparian buffer would result in an overall net gain in native vegetation cover of approximately 6,050m² (see Figure 57). Restriction of public access to tidal mudflats through establishment of the boardwalk would have the additional benefit of protecting the tidal mudflats and associated pied oystercatcher nesting habitat.
- Due to the proposed shoreline rehabilitation and proposed net gain in native vegetation within the riparian corridor, there is likely to be an overall improvement in the extent and condition of native vegetation within the riparian corridor at the site.

- Potential environmental risks resulting from construction should be assessed consistent with the NRAR Controlled Activities process. Potential indirect impacts to retained native vegetation should be minimised and mitigated through application of standard control measures such as temporary exclusion fencing and erosion and sediment controls.



Legend








 40m Riparian Buffer	Native Vegetation Inside 40m Riparian Buffer
 Proposed Boardwalk Concept (indicative)	 1232 Swamp Oak floodplain swamp forest, Sydney Basin Bioregion and South East Corner Bioregion (Nominal)
 Strahler Stream Order 4	 1746 Saltmarsh Estuarine Complex
 Project Area	 920 Mangrove Forests in estuaries of the Sydney Basin Bioregion and South East Corner Bioregion

Figure 55: watercourse location and the 40m buffer boundaries of the riparian area (Source: Umwelt)



Legend







	Proposed Boardwalk Concept (indicative)	Indicative Rehabilitation Landscaping
	Watercourse	 Mixed native species plantings
	Project Area	 Native shoreline plantings
		 Mixed native species plantings (including species characteristic of she-oak swamp forest)

Figure 56: Proposed rehabilitation Landscaping (Source: Umwelt)

6.2.7. Bushfire

The eastern portion of the site contains a small portion of bushfire prone land (Vegetation Buffer) – see Figure 58. Accordingly, a *Bushfire Assessment Report* (BAR) was prepared for the proposed concept development by Bushfire & Evacuation Solutions (see Appendix 16).

The BAR provides an assessment of the bushfire risk and bushfire protection measures relevant to the proposed concept development at the subject site. It assessed the capability of the subject site to be developed for seniors housing and residential development with respect to the relevant guidelines and standards, including *Planning for Bushfire Protection 2006* ('PBP') and AS 3959 – *Construction of Buildings in Bushfire-Prone Areas*.



Figure 57: Bushfire prone land map, showing 'Vegetation Buffer' in yellow and 'Vegetation Category 1' in red (Source: NSW Property Portal)

Key findings of the BAR are discussed below:

- The subject site is mapped as containing bushfire prone land ('Vegetation Buffer') by virtue of a small section of the eastern portion of the site being within the 100m buffer to 'Vegetation Category 1'.
- With regard to PBP, the vegetation to the east of the site, mapped as 'Vegetation Category 1', can be described as coastal heathlands (Short heath – open shrub) located along the foreshore dune area of Corrigans Beach (to the east of the site). All other surrounding land is considered as managed land and / or non-hazard vegetation.
- All proposed building development on the subject site is located more than 100m from the nearest bushfire hazard. The Bushfire Attack Level (BAL) to future development is therefore assessed as VERY LOW (i.e. BAL-LOW).

Based on these assessments, the BAR made the following recommendations:

- Landscaping and maintenance of the site should be consistent with the objectives of PBP (Appendix 5).
- Hydrants servicing the site are installed in accordance with Australian Standard AS2419.1 – 2005.
- Electrical supply lines servicing the subject site are located underground.
- Any proposed reticulated or bottled gas is installed and maintained in accordance with AS1596 and the requirements of the relevant authorities.

- All exposed/external gas service piping is metal.

Overall, the BAR concluded that, provided the above recommendations are adopted, the proposal can comply with the acceptable solutions of PBP for special fire protection purpose development, as required under section 100B of the *Rural Fires Act 1997*.

6.3. Movement, Access and Servicing

6.3.1. Waste Management

Waste Management Plan(s) (WMP) have been prepared for the proposed Concept and Stage 1B proposal and are included at Appendix 8. These documents outline a preliminary waste management regime during the operational phase of the development, as well as estimated waste generation.

Key aspects of the Stage 1B proposal's waste management procedures are as follows:

- Operational waste from the proposed self-contained dwellings will be stored in the bin rooms in the basement, and consolidated for collection at the waste collection area by a building manager.
- The bins in the basement will be relocated, by small collection cart, to the designated waste collection area at-grade for collection.
- Operational waste from the temporary community centre will also be stored in the waste collection area.
- Waste will be managed via a contractor.
- The waste collection vehicle will access the waste collection area via the new access point from Marling Avenue at an arranged time with management and wheel the bins to/from the waste vehicle.
- The waste collection area is intended to cater for all subsequent stages of development within Zone B.

Key aspects of the concept proposal's waste management procedures are as follows:

- Waste will be managed via a contractor.
- The main waste collection areas for Zones A and B are located at-grade near the entrance to each zone, while the waste collection area servicing Zone C will be located at basement level.
- In terms of the waste collection arrangement for Zone C, the waste vehicle will collect waste from the basement level by a separate ramp adjacent to the general access driveway.

The positioning of the proposed basement bin rooms and waste collection areas within each zone are indicated in the Architectural Plans included at Appendix 2. These locations enable adequate and practical access to the bins as required by the private contractor. Sufficient space is available for the waste vehicle to enter and exit each zone in a forward motion, as discussed in Section 6.3.2 of this Amended SEE below.

Details of waste management procedures for the demolition and construction phases of the Stage 1B development will be provided following submission of this DA. At this stage, it is anticipated that the following key procedures will be implemented:

- Spoil won from cutting will be re-used on site as topsoil or disposed of at a suitable site if required.
- Vegetation removed will be mulched onsite and reused or recycled.
- In general, demolition and unused building materials will be recycled.

Detailed waste management plans will be submitted with future DAs for each subsequent stage.

6.3.2. Traffic, Parking and Access

Amended Assessment(s) of Traffic and Parking Implications (ATPIs) have been prepared for the amended concept and Stage 1B proposal by Transport and Traffic Planning Associates (TTPA) and are included at Appendix 14. The ATPIs assessed the potential traffic and parking impacts of the amended concept and Stage 1B development taking into consideration the current and future local traffic environment, and relevant standards and Council requirements.

Key outcomes of the ATPIs are addressed in the following sections.

Overall, the ATPIs found that the amended concept and Stage 1B proposal can be supported from a traffic and parking perspective as: there will not be any unsatisfactory traffic implications; the proposed parking provision is appropriate; and the proposed vehicle access, internal circulation and servicing arrangements are suitable. In addition, the proposed provisions for pedestrians and cyclists will be suitable and appropriate, and there will be good access to transport services.

Existing and Future Traffic Environment

The ATPIs provide details of the road network serving the site and the existing and future traffic environment. Some of the key characteristics are as follows:

- Current vehicular access to the site is primarily available from Beach Road to the west via a bridge over Hanging Rock Creek. All current site visitation is restricted to the main Beach Road access. Service vehicles are able to access the site via two gated access driveway crossings into the site at the ends of Tuna Street and Marlin Avenue.
- Beach Road is a Distributor Road which links to George Bass Drive, providing the route along the coast connecting to the Princes Highway at Batemans Bay and at Moruya. In the vicinity of the site, Beach Road is relatively straight and level with a marked 4-lane carriageway and a separate shared bicycle/pedestrian pathway.
- Catlin Avenue / Dolphin Avenue / Marlin Avenue / Avalon Street / Tuna Street are local access roadways. Marlin Avenue and Tuna Street have 11m wide roadways with the former having a cul-de-sac bulb which extends partly into the site.
- Existing traffic volumes for the intersections of Beach Road / Catlin Avenue and Beach Road and the site's main entrance were recorded during a survey on a normal weekday in August 2018. Existing traffic volumes and trip distribution are outlined in the ATPIs. Modelling of these prevailing traffic circumstances indicated a satisfactory performance of the existing road network.
- Vehicle movements generated by the existing uses on the site fluctuate significantly, with heightened activity during holiday periods, events (conferences, weddings, etc) and peak restaurant times.
- Noting that recorded AADT volumes in the 2nd week of December and 2nd week of February represent appropriate 90th percentile holiday peak traffic demands, SCATS count data for the Beach Road, Catlin Avenue and Country Club Drive intersection for 12 December 2018 and 13 February 2019 was obtained from the RMS. Compared to the August 2018 data, the following is noted:
 - in the holiday time AM peak the total intersection volume is up to 10% more (7% on average) than the normal weekday
 - in the holiday time PM peak the total intersection volume is less than the normal weekday
- The subject site is regularly serviced by public transport. Route 760 travels along Beach Road past the site, providing access between Batemans Bay and Moruya. Route 761 also travels along Beach

Road past the site, circuiting through Catalina to/from Batemans Bay. The nearest bus stops are located at the intersection of Beach Road and Catlin Avenue.

- Council is proposing to construct a central median island along the Beach Road/George Bass Drive route, including adjacent to the site's main access. No program for the implementation of the island is currently in place. It is also envisaged that the Beach Road / Country Club Drive intersection will be upgraded in the future.

Proposed Development - Traffic Generation & Impacts on the Road Network

In relation to anticipated traffic generation from the concept and Stage 1B development, the following is noted:

- Locations such as Batemans Bay generally have lower traffic generation characteristics for residential development due to the significant retiree/holiday home demographics. As such, the RMS's *Guide to Traffic Generating Developments* (GTGD) does not contain traffic generation criteria relevant to the proposed residential apartment development in Zone A.
- The GTGD criteria for 'Housing for Aged Persons' is 0.20 vehicle trips per hour (vtph) per dwelling for the AM and PM peak periods. However, the recent RMS study, *Housing for Seniors*, contained surveys of 4 sites outside of the Sydney Metropolitan Area indicating lower rates.
- The GTGD does not contain data in relation to RCFs and the recent Housing for Seniors study does not relate to the RCF uses separately. Accordingly, reference is made to recent studies undertaken by TTPA of comparable RCF developments.
- The proposed community centre/restaurant will have a fluctuating level of activity with virtually no activity in the AM peak, very little in the PM peak (approximately 10 vtph) and peak activity in the middle of the day, lunch times and at night (when the apartment generated movements will be quite minor).

Having regard to the above considerations, the ATPI (Concept) calculates that the proposed concept development would generate the following peak vehicular movements:

- Tuna Street and the eastern section of Catlin Avenue - 38 vtph in the AM peak and 38 vtph in the PM peak.
- Marlin Avenue - 65 vtph in the AM peak and 54 vtph in the PM peak.
- Catlin Avenue between Beach Road and Marlin Avenue - 103 vtph in the AM peak and 92 vtph in the PM peak.

The likely trip distribution pattern of this traffic throughout the local road network is detailed within the ATPI.

Importantly, with respect to traffic generation on Tuna Street and the eastern section of Catlin Avenue, the ATPI notes that 'if the normal RMS "10 times" factor is applied, then this generation would equate to 380 vtpd which is substantially below environmental capacity factor of 1,500 vpd for a local access road even with the existing traffic movements taken into account.'

Modelling indicated that the intersections of Catlin Avenue / Beach Road and Beach Road / site's main entrance will still perform with satisfactory levels of service on all turning movements once the development is completed, through to at least 2028.

Updated modelling was undertaken based on the relevant SCATS count data obtained from the RMS. The modelling results are presented in the amended ATPIs, which confirm that the revised AM counts were marginally lower and PM counts marginally higher than previously assumed, and therefore essentially consistent with the existing analysis (based on August 2018 traffic counts).

The ATPI (Stage 1B) calculates that the proposed Stage 1B development would generate 6 vtpm in the AM peak and 4 vtpm in the PM peak. The ATPI (Stage 1B) notes that these very minor volumes will be ingress and egress through Catlin Avenue at the Beach Road intersection in the same pattern as existing Catlin Avenue traffic movements. These vehicle movements are so minor that they would not be perceptible in any modelling assessment. The Catlin Avenue / Beach Road intersection will continue to operate at the existing satisfactory level of service with the Stage 1B development.

Proposed Vehicle Access and Servicing

Each development 'zone' will have a separate vehicle access as follows:

- Zone A – new driveway into the site from Tuna Street, with a turning bulb located at the basement car park connections.
- Zone B – new driveway into the site from Marlin Avenue (comprising separate 3.5m wide ingress and egress driveways), with basement access connections extending through at-grade parking. The existing cul-de-sac bulb at the end of Marlin Avenue will be retained to enable vehicles not wanting to enter the site to turn around.
- Zone C – utilisation of the existing bridge over Hanging Rock Creek and connecting to Beach Road.

The ATPIs confirm that the design of the proposed driveways and internal circulation elements will comply with the AS2890.1 and 2 criteria and relevant Council standards in regard to dimensions of roadways and ramps, ensuring convenient forward entry and exit from the site.

Each zone will include provision for waste collection and other service/delivery vehicles as follows:

- Zone A – a loading bay area with capacity for 2 trucks at the end of the driveway adjacent to the waste area. Small service vehicles will be able to park in the basement visitor spaces.
- Zone B – a loading bay area located adjacent to the driveway from Marlin Avenue as well as a loading area adjacent to the Community Centre. Small service vehicles will be able to park in the visitor spaces.
- Zone C – a loading bay located within the basement of the RCF as well as short-stay visitor spaces adjacent to the wellness consulting centre. Small service vehicles will also be able to park in the visitor spaces.

Residential waste will be collected by private contract service using 11.2m trucks while deliveries and servicing of the RCF and community centre/restaurant, is likely to be undertaken by 8.5m long trucks.

The ATPIs include detailed turning path assessments for these vehicles indicating a satisfactory provision for access, turning and manoeuvring.

Proposed Parking

All proposed car parking for residents and staff will be provided at sub-basement level, while servicing areas and public visitor car parking will be provided within Zones B and C at-grade.

The concept and Stage 1B proposal's compliance with the relevant DCP and Seniors Housing SEPP on-site car parking requirements is outlined in the ATPIs and summarised in Table 16 below. In summary, the proposal meets or exceeds relevant car parking requirements and provides an appropriate component of accessible spaces.

Table 16: Car Parking Requirements and Compliance

Land Use	DCP / Seniors Housing SEPP Requirement	Required	Proposed
Zone A – Residential Apartment Development			
Residential apartments	1 bed: 1 space 2 & 3 beds: 2 spaces Visitors: 1 space per 5 apartments	78 x 2 beds = 156 spaces 50 x 3 beds = 100 spaces Visitors (128 apartments) = 26 spaces Total = 282 spaces	282 spaces
Zone B – Retirement Village (serviced self-care housing)			
Self-contained dwellings	Preferred application of higher rate as follows: 1 & 2 beds: 1 space 3 beds: 2 spaces Visitors: 1 space per 5 apartments	18 x 1 bed = 18 spaces 120 x 2 beds = 120 spaces 72 x 3 beds = 144 spaces Visitors (210 apartments) = 42 spaces Total = 324 spaces	324 spaces
Community Centre	1 space per 10m ² (8m ² standalone restaurant)	220m ² = 22 spaces	22 spaces
Zone C – Residential Care Facility			
RCF	1 space per 10 beds (15 dementia) 1 space per 2 staff	150 beds = 15 spaces 45 staff = 23 spaces	100 spaces
Medical Rooms	2 spaces per practitioner + 1 per staff	8 tenancies = 32 spaces	
Office	1 space per 30m ²	289m ² = 10 spaces	
Shop (Pharmacy)	1 space per 24m ²	321m ² = 14 spaces	

The ATPIs confirm that the design of the proposed car parking areas will comply with the AS2890.1 & 2 criteria and relevant Council standards in regard to dimensions of ramps, aisle widths and parking bays ensuring convenient forward entry and exit from the site.

Overall, the ATPIs found that the proposed concept and Stage 1B development can be supported from a parking impact perspective.

6.4. Social and Economic

6.4.1. Social and Economic Impacts

In formulating a suitable concept scheme for the site, the applicant undertook an extensive review of a range of socio-economic considerations with respect to Council's strategic vision for the area, local demographic trends, seniors housing demand in the area, the local economy and tourism trends.

The applicant's key considerations and findings are outlined below.

Overview

The proposed multigenerational masterplan for the site was carefully developed and refined based upon the economic and social influences of the local region. Eurobodalla Shire is currently in a technical economic recession and faces in-excess of 13% unemployment. To address these sliding economic conditions, Eurobodalla Shire Council has developed an *Economic Development Strategy* (EDS) with a stated vision to:

foster economic growth and improve the socio-economic wellbeing of the community by taking advantage of our valued natural assets to build a vibrant economy.

Council's EDS identifies an action plan to boost economic development within the Shire. The major points noted in the EDS are:

- Industry Assistance and Engagement
- Investment Attraction
- Workforce Development
- Infrastructure and Place Enhancement

The proposed development will enhance economic activity by:

- A direct investment of ~\$180m of direct economic activity over a four-year period
- Creating significant jobs within the Construction and Services industry, providing additional employment opportunities for local workers with up to 250 jobs through construction
- Delivering permanent employment for up to 70 full-time and 45 part-time workers across health, hospitality and building services post construction
- Conversion of seasonal employment into permanent year-round employment, providing further consistency in employment and flow-on economic activity to the locality
- Offering local skilled labour important experience of a larger-scale project, enhancing workforce development
- Delivery of improved coastal infrastructure through the public boardwalk from Beach Road to Corrigans Beach

- Improving accommodation options for residents and assisting the LGA to meet state based multi-dwelling target ratios
- Delivering a new multigenerational community, providing an opportunity for residents to access an ageing in place community experience
- Enabling greater access for residents to live and breathe the natural beauty of the Batemans Bay waterfront
- Providing enhanced accommodation for visitors to Batemans Bay through the delivery of waterfront residential accommodation with the option for short-term accommodation utilisation

Council's EDS notes that while tourism provides a significant contribution of \$85m to Gross Regional Product (GRP), the health care and social assistance services (which includes Retirement and Aged Care) provides \$156m to GRP. This indicates that the proposed use of a significant portion of the subject site is aligned with the largest contributor to GRP.

The proposed development will provide a direct benefit of ~\$180m in its initial delivery, while providing for further enhancement of the GRP of the health care sector through the full-time employment and enhancement of services provided within the aged care facility and independent living units. Further to this, the proposed café and restaurant will enhance the food and service industry with additional food and drink premises around the Clyde River waterfront, enhancing amenities for both residents, locals and visitors to the area.

The Shire is in a unique situation whereby significant public infrastructure commitments in-excess of \$400m have attracted large scale private investment. The proposed regentrification of the site has provided further stimulus for private capital investment with a Development Application (DA) for higher density residential development or a site along Beach Road being submitted in May 2019. This DA is considered to be a result of the significant private investment proposed at the subject site under this development.

Global Living has considered the local demographic profile carefully during its planning process for this development. It is anticipated that the delivery of the proposed development will significantly improve the amenity of the locality for local residents through improved access to the waterfront, a greater mixture of housing opportunities (both in type and price point), and through the provision of a unique multigenerational community. It is considered that the multigenerational nature of the development will also attract further population migration from Canberra and Sydney.

Population Overview

Eurobodalla Shire is a retirement 'hot spot'. Statistics for the area indicate that 56% of the population is above the age of 55 years, compared to the NSW regional average is 28% (see Figure 59). This is a significant portion of the population within an age bracket that requires unique housing and amenities to ensure quality of life is maintained.

Age structure - Five year age groups							
Eurobodalla Shire - Total persons (Usual residence)							
	2016			2011			Change
Five year age groups (years)	Number	%	Regional NSW %	Number	%	Regional NSW %	2011 to 2016
0 to 4	1,474	4.0	5.8	1,787	5.0	6.3	-314
5 to 9	1,888	5.1	6.4	1,882	5.3	6.3	+6
10 to 14	1,955	5.3	6.1	2,130	6.0	6.7	-175
15 to 19	1,799	4.8	6.0	2,062	5.8	6.6	-263
20 to 24	1,278	3.4	5.6	1,204	3.4	5.6	+73
25 to 29	1,238	3.3	5.5	1,134	3.2	5.2	+104
30 to 34	1,376	3.7	5.5	1,283	3.6	5.2	+93
35 to 39	1,484	4.0	5.4	1,790	5.0	6.1	-306
40 to 44	1,922	5.2	6.1	2,027	5.7	6.5	-105
45 to 49	2,140	5.7	6.4	2,309	6.5	6.9	-169
50 to 54	2,529	6.8	6.8	2,563	7.2	7.2	-34
55 to 59	3,176	8.5	7.1	2,925	8.2	6.7	+250
60 to 64	3,598	9.7	6.7	3,328	9.3	6.5	+270
65 to 69	3,741	10.0	6.4	2,907	8.1	5.4	+833
70 to 74	2,869	7.7	5.0	2,208	6.2	4.3	+661
75 to 79	2,022	5.4	3.7	1,731	4.8	3.4	+291
80 to 84	1,357	3.6	2.6	1,286	3.6	2.7	+71
85 and over	1,388	3.7	2.7	1,160	3.2	2.3	+228
Total population	37,234	100.0	100.0	35,723	100.0	100.0	+1,510

Figure 58: Eurobodalla Shire age structure, 2011 and 2016 (Source: Australian Bureau of Statistics, Census of Population and Housing 2006 and 2011, i.d. The Population Experts)

The forward-looking age group projections for the Shire also prove significant, with census data forecasting that a minimum of 55% of the population (approximately 24,000 residents) will be above the age of 55 by 2036. This indicates the demographic profile of the region is anticipated to remain a progressive retirement area well into the future.

Forecast age structure - 5 year age groups							
Eurobodalla Shire - Total persons							
	2011		2026		2036		Change between 2011 and 2036
Age group (years)	Number	%	Number	%	Number	%	Number
0 to 4	1,934	5.2	1,873	4.6	2,002	4.5	68
5 to 9	1,983	5.3	2,213	5.4	2,383	5.3	400
10 to 14	2,214	6.0	2,309	5.6	2,510	5.6	296
15 to 19	2,127	5.7	1,893	4.6	2,031	4.5	-96
20 to 24	1,286	3.5	1,262	3.1	1,383	3.1	98
25 to 29	1,278	3.4	1,290	3.2	1,385	3.1	107
30 to 34	1,331	3.6	1,535	3.7	1,614	3.6	283
35 to 39	1,819	4.9	1,869	4.6	2,044	4.6	225
40 to 44	2,068	5.6	2,116	5.2	2,336	5.2	268
45 to 49	2,416	6.5	2,225	5.4	2,470	5.5	54
50 to 54	2,725	7.4	2,438	6.0	2,638	5.9	-88
55 to 59	3,032	8.2	2,915	7.1	3,091	6.9	58
60 to 64	3,410	9.2	3,546	8.7	3,689	8.2	279
65 to 69	3,020	8.1	3,807	9.3	3,934	8.8	913
70 to 74	2,274	6.1	3,480	8.5	3,727	8.3	1,454
75 to 79	1,739	4.7	2,853	7.0	3,186	7.1	1,447
80 to 84	1,294	3.5	1,893	4.6	2,390	5.3	1,096
85 and over	1,127	3.0	1,413	3.5	1,961	4.4	834
Total persons	37,079	100.0	40,931	100.0	44,774	100.0	7,695

Figure 59: Eurobodalla Shire forecast age structure, 2011, 2026 and 2036 (Source: Australian Bureau of Statistics, Census of Population and Housing 2006 and 2011, i.d. The Population Experts)

In the review of these age groups, consideration is given to the older demographics requiring assisted living within Batemans Bay and the surrounding Shire. Currently, it is forecasted that approximately 2,800 residents in the Shire, including approximately 1,500 above the age of 55 years, will require assisted living (see Figure 61). While the forecasted growth in future residents requiring assisted living has not been collected, it is interesting to note that the Shire experienced a 377% growth in residents requiring living

assistance between 2011 to 2016 as per census data. Given the forecasted growth in total population and the retained apportionment of residents aged over 55 years, it can be assumed that future growth in residents requiring assisted living will achieve similar percentage increases. This, in turn, will create further demand on current seniors housing facilities within the Batemans Bay area.

Need for assistance with core activities							
Eurobodalla Shire - Persons (Usual residence)							
Assistance needed by age group (years)	2016			2011			Change
	Number	% of total age group	Regional NSW %	Number	% of total age group	Regional NSW %	2011 to 2016
0 to 4	23	1.6	1.3	23	1.3	1.1	0
5 to 9	68	3.6	3.8	41	2.2	3.0	+27
10 to 19	121	3.2	3.6	103	2.4	2.6	+18
20 to 59	762	5.0	3.6	692	4.6	3.2	+69
60 to 64	234	6.5	7.0	251	7.5	7.3	-18
65 to 69	258	6.9	7.9	183	6.3	7.7	+75
70 to 74	220	7.7	9.6	159	7.2	9.6	+60
75 to 79	282	13.9	14.1	214	13.1	14.8	+68
80 to 84	310	22.8	23.1	285	21.6	24.7	+25
85 and over	525	41.0	42.1	552	48.7	48.3	-27
Total persons needing assistance	2,883	7.7	6.3	2,505	7.0	5.8	+377

Figure 60: Eurobodalla Shire need for assistance, 2011 and 2016 (Source: Australian Bureau of Statistics, Census of Population and Housing 2006 and 2011, i.d. The Population Experts)

Net Migration

The growth in the core target group of residents aged over 55 years is driven through an in-place ageing population and the net migration to the area. In an ageing survey undertaken by Council, 39% of migrants to the Shire identified retirement as the major driver to their move.

The historical figures for net migration profile of the Shire provide a strong pipeline of residents migrating, with the largest age group between 66 to 84 years of age, contributing close to 600 residents between 2016 to 2021. Migration to the Shire is forecasted to continue at a similar rate during the period 2021 to 2026 (Figure 62).

Forecast net migration by age group

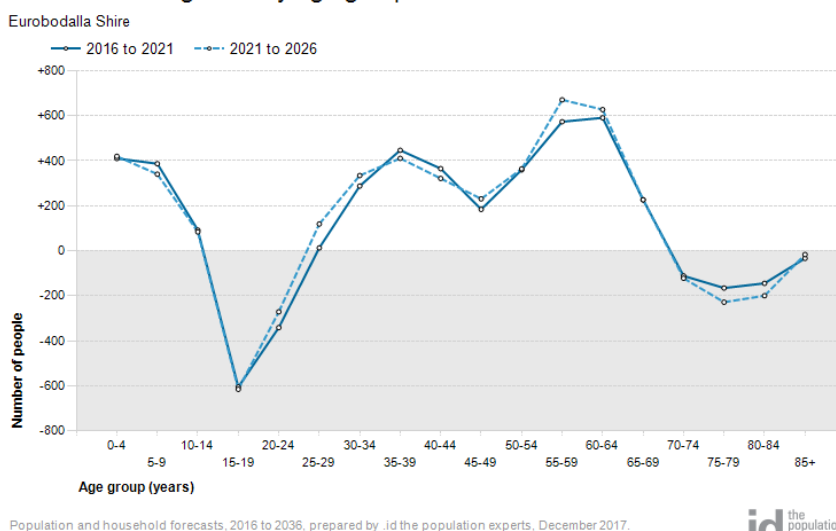


Figure 61: Eurobodalla Shire net migration, 2016-2021 and 2021-2026 (Source: Australian Bureau of Statistics, Census of Population and Housing 2006 and 2011, i.d. The Population Experts)

This strong target group provides a further catalyst for the growing demand for seniors housing facilities within the area.

Eurobodalla Positive Aging Strategy 2009 - 2018

This is a whole-of-Council strategy to address issues facing the Shire's ageing population. The strategy supports making more seniors housing available within the LGA to enable residents to age in place, and

introduces a series of actions intended to improve seniors' overall health, well-being and access to services.

The strategy identified that:

Given that the vast majority of future households in the Eurobodalla Shire are predicted to be couples or singles, the new Local Environment Plan includes zone objectives and development controls to increase the opportunities for and to encourage a variety of housing types and density. This will encourage an improved housing mix and make more efficient use of existing and future housing stocks, improve diversity and economic activity around town centres, improve housing affordability and provide more housing choice.

The proposed development will assist in delivering these objectives by provide further density within a central location surrounded by critical social infrastructure, offering an enhanced lifestyle for senior residents within the Shire.

Key matters identified in Council's strategy are addressed by the proposed development as follows:

Community Feedback	'The Estuary' development delivers
Improve accessibility and transport options	Centrally located, with a short, flat walk to the the CBD The publicly-accessible boardwalk proposed along the site's waterfront will provide access between Beach Road and Corrigans Beach The seniors living residents will have a bus to utilise ensuring access and transport for residents
Support the availability of a range of housing options	Delivery of 210 independent living units ranging from \$380k to \$1.2m Delivery of 128 general residential apartments ranging from \$450k to \$1.3m
Maintain safety and security	Master planned community will be gated and provide for an enhanced level of security for residents
Encourage healthy and active lifestyles	Excellent lifestyle opportunities, being located adjacent to Catalina Golf Course and the Marina, 300m walk to Corrigans Beach and sporting fields
Improve the range of health and community services	Wellness consulting centre will allow access to residents to health care and associated services

Aged Care Demand & Local Facilities

The Shire is a category 1 aged care region. Currently there are approximately 1,200 approved aged care beds with a local demand profile of approximately 1,400 beds. The demand profile has been determined

using ABS Census statistics which identify approximately 2,800 residents requiring assisted living and additional care needs within the Shire. This number has been halved to determine an effective care facility demand estimate.

Global Living has also commissioned an independent review of local retirement facilities by a Retirement Advisory service. The service provider conducted market research on the product offering with the local market and developed a demand profile based on the demographic data. An overview of each local facility is provided in Appendix 27.

A current demand profile within the Batemans Bay area of approximately 185 dwellings was derived through the established waitlist at Banksia Village, Broulee. Utilising this as a base demand, death and newly retired ageing estimates were forecasted utilising ABS census data and projections. Following this, a core market group of net migration residents (assuming all couples) were estimated over an annual period. This amount was further reduced by 50% for conservatism.

Based on the above, a running demand profile over the 5-year period to 2025 was established. The forecast has not accounted for any further growth in residents attracted to retirement living who are yet to place their name on the waitlist of a competing village.

The proposed development has been overlaid to the net absorption demand profile. This identifies that the delivery of the development is unlikely to supply the full market demand expectation, with an estimated demand profile of 382 dwellings further required by 2025 once the proposed development is factored in.

Batemans Bay Net Absorption

Year	2019	2020	2021	2022	2023	2024	2025
Opening Demand	185	172	130	150	208	266	324
Deaths	(465)	(465)	(465)	(465)	(465)	(465)	(465)
Newly Retired	488	488	488	488	488	488	488
Net Migration	36	36	36	36	36	36	36
Development Activities	(71)	(100)	(39)	0	0	0	0
Closing Demand	172	130	150	208	266	324	382

Assumptions

Opening demand	waitlist total for Banksia Village
Deaths	ABS statistics (assumed all above age of 65)
Net Migration	ABS statistics (based upon 360 net over 65 migration per 2011 to 2016) assumption all couples, therefore single residence
Development Activities	Global Living development

Global Living has undertaken discussions with several Aged Care providers within the Shire who have expressed interest based upon the population demographics and lack of contemporary supply within the market. Currently, Global Living is in advanced negotiations with HammondCare on the lease and running of the Aged Care Facility. This is a significant endorsement of the local need and demand for ageing in place care within the Shire.

In addition, discussions with the South Eastern NSW Primary Health Network, Coordinare, have revealed that there is a significant undersupply of medical and care facilities catering for the aged community within the Batemans Bay area. The ancillary wellness consulting centre will help alleviate current medical service constraints within the community by helping to meet the new residents' medical needs.

Inter-generational Living

The co-location of residential apartments, self-contained dwellings and a Residential Care Facility will assist senior residents to 'age in place'. Residents of the self-contained dwellings would have access to on-site support services as their needs increase, and be faced with only a short move should they no longer be able to live independently and require a higher level of care. Similarly, residents of the residential apartments also face a short move should they require the support services provided to residents of the self-contained dwellings. The co-location of seniors and general residential housing within an integrated, resort-style 'community' with access to shared communal open space and facilities will promote social interaction. The community and recreational facilities that are open to the public will further encourage social interaction and help support the tourist industry.

Tourist Accommodation

Tourism is seen as a significant contributor to the economy of Batemans Bay and the broader Shire. The site has operated as a tourist facility for over 40 years. During this time, no significant capital works have been undertaken to the accommodation facilities. The site is currently tired and has experienced diminished occupancy.

The site comprises 89 cabins, with approximately 589 beds. Information provided by the owners indicates that the annual occupancy rate for the last 12 months of park operations has dropped to 35%, down from the heights of over 55% over the past 10 years. In data recently published by Destination NSW, the Eurobodalla Shire closed 2016 with an average occupancy rate of 48.8%.

Given the low occupancy rates, current economic activity and economic contribution of the site can be attributed to approximately 35% of the site. The site is approximately 63,500 sqm in area, meaning only approximately 19,000sqm of the land is being economically utilised. This represents a significant underutilisation of premium waterfront land, resulting in an under-contribution to the GRP of the Shire.

The proposed development will unlock over \$180m of initial economic activity through its construction, an amount more than double the annual contribution from the entire tourism market for the Shire.

In addition to the initial activity generated, the 128 residential apartments will be sold with a short-term accommodation letting scheme option, allowing owners to rent their properties to tourists visiting the Shire. Currently, there are several operators that will undertake these services, such as Mantra, Oaks and Wyndham. While Global Living is yet to determine the most suitable operator of this program, it is anticipated that the name recognition provided by these brands will result in many incoming tourists choosing to stay within the residential apartments for their accommodation needs.

The residential apartments will create short term accommodation options that are far superior to the accommodation options in the market currently. Offers are currently limited to Motel, Holiday Parks or 'Air B&B' style residential premises letting. Given the limited community-style residential apartment developments within the Shire, and the waterfront and central location of the site, it is considered that the desirability for prospective tourists will be significant.

The proposed development will result in approximately 19,000 sqm of residential apartments being delivered. This is envisaged to provide the per sqm accommodation utilisation of the current operations

and provide a sustainable delivery of both residential accommodation, in addition to significantly enhanced short term accommodation for visitors to Batemans Bay.

Conclusion

The proposed development will provide a significant economic enhancement for the local community. During construction, up to 250 jobs will be created with \$180m of direct expenditure being undertaken. During operation, up to 50 permanent jobs will be created for the local community. The development will also provide a substantial uplift in facilities for the local community, improving public access to the waterfront and beach, and providing additional food and drink premises and improved medical offerings.

The demographic profile of the local area identifies that retirees are the major driving force of the community, and this is forecast to continue well into the future. The local offering for retirement living as an asset class is limited, tired and under-supplied. Current operations are at capacity and with the forecasted demand drives increasing, this provides for a community need in housing suitable for the population profile.

In addition to the provision of a 150-bed RCF, the delivery of an additional 210 waterfront apartments for seniors will help alleviate current demands and provide a significant incentive for residents to relocate. This, in turn, will open housing stock for younger local residents to relocate and upgrade. The seniors living component of the development has been designed to ensure residents of various financial means are able to buy into the development. The starting price of \$380k creates an opportunity for local residents of limited financial means to still enjoy the premium waterfront development. The provision of additional seniors housing will attract a larger number of potential residents from surrounding regions, providing for future economic growth and enhancement.

Whilst the proposal would result in an increase in the number of senior citizens in the area, many of the residents' needs would be met on-site, such as the provision of nursing, laundry and cleaning services. Further, the proposed wellness consulting centre would assist in meeting the new residents' medical needs. For this reason, it is not anticipated that the proposal would result in a detrimental or unacceptable increase in demand for publicly-funded community services or facilities within the area.

The transition of the current tourist facility into a new seniors living and residential apartment development that will offer short-term accommodation will provide for a significant upgrade in stock, potentially attracting more visitors to Batemans Bay. Having regard to the current and historic occupancy rates within the site, the delivery of residential apartments with the option for short-term accommodation utilisation is considered to be a far more sustainable outcome than the redevelopment of the site as a tourist facility, which is uneconomic.

Global Living has crafted this development to meet the needs of the entire community. The proposal delivers a new multigenerational community, providing an opportunity for residents to access an ageing in place community experience. Prospective residents will benefit from resort-style waterfront apartment living, and the broader community will benefit through a significant enhancement of economic activity in the delivery and operational phase of the asset. It is envisaged that this asset will be seen as the flagship development that drives further capital investment into the Shire for many years to come.

6.4.2. Crime, Safety and Security

Crime Risk Assessment(s) (CRAs) have been prepared for the Concept and Stage 1B proposal by CHD Partners (see Appendix 13). Each CRA included an analysis of crime statistics in the local area and consultation with key stakeholders, including the local Police.

The CRAs found that, overall, the concept and Stage 1B proposals are unlikely to adversely affect crime levels in the area. Rather, a number of features are likely to have a beneficial impact on the locality, including:

- The increased population density associated with the development will increase the activation of the area during the day.
- The development will maximise surveillance and activity throughout the day and will increase the number residents and pedestrian traffic. The diverse temporal and functional activity in and around the site will stimulate activity and surveillance, which will help to minimise crime and reduce perceptions or fear of crime.

In addition, a number of features of the concept and Stage 1B proposals reflect *Crime Prevention through Environmental Design* (CPTED) principles and address potential crime risks, including the following:

- Clear legibility and clear transition from private to semi-private space. The semi-private areas are distinct from public space which helps promote territoriality. Residential accommodation is clearly distinct from commercial / retail space, with clear and specific entrance points to residential accommodation providing good access control. Moreover, the public areas are distinct from the privately-owned spaces, which help promote territoriality.
- There are clear sightlines through the public domain and good visibility into the site generally. The wide public thoroughfares through the site will draw people in and through the site. The surveillance into these areas from the residential accommodation, the clear sightlines and the considerable width of the public spaces will promote surveillance and safety.
- No signs of entrapment spots and limited long blank walls that would contribute to crime in the area.
- The site and landscaping plans demonstrate that there is good surveillance of public areas, no sights of entrapment spots and few blank spaces.
- Car park plans indicate that there will be distinct areas for residents and “other” parking. The separation of these areas reduces potential excuse making for would-be offenders in the area.

In order to further maximise safety, the CRAs make the following recommendations:

- Consideration will be given to erecting suitable signage around the development reminding car owners to secure their vehicles.
- Lighting in and around the development needs to be carefully planned such that it exceeds the AS 1158, thus increasing surveillance and promoting feelings of safety.
- Carefully planned landscaping to ensure plants and foliage do not obstruct sightlines and lighting.
- Use of signage and other physical cues to help people find their way around the facility easily.
- Development of space management strategies to include ongoing site maintenance, landscaping, graffiti removal etc.

Overall, the CRAs conclude that the proposed concept and Stage 1B development have the potential to positively contribute to the Batemans Bay area.

6.5. Suitability of the Site [Sec.4.15(1)(c)]

As discussed throughout this Amended SEE, the site is considered suitable for the amended concept development. A summary of the key reasons for its suitability is provided below.

- A SCC has previously been issued in relation to this proposal by the NSW DP&E, certifying that the subject site is suitable for proposed seniors housing development;
- The suitability of the eastern part of the site to accommodate residential development is established by the site's R3 zoning under the ELEP;
- The site is bounded by residential development in only one direction, thereby reducing potential privacy and amenity impacts upon adjacent residential development;
- The site is an appropriate size to accommodate the proposed concept development, including adequate space for landscaping, community facilities, vehicular access and car parking;
- Located near the Batemans Bay town centre, the site is within an area well serviced by public transport, commercial and recreational facilities;
- The site is also located in proximity to numerous recreational and leisure facilities, including the nearby Marina, Golf Club, reserves and open space;
- The site is not affected by significant environmental constraints that would preclude development. In particular, flooding, ecological, bushfire, aboriginal heritage and geotechnical matters have been assessed, and measures are proposed to ensure there will be no adverse impacts to or from the development in relation to these matters; and
- The site is well serviced for infrastructure and emergency services.

Given the current condition of the site and the current and historical land use activities, it is considered that the site is suitable for the proposed residential development.

6.6. The public interest [Sec.4.15(1)(e)]

The proposal represents a carefully considered, master planned approach for the site to meet an increasing demand for seniors housing and higher-density residential development in Batemans Bay. The demographic diversity inherent in the proposal and the generous landscaped communal spaces, shared facilities and publicly-accessible boardwalk will transform the site into a vibrant resort-style residential community, providing economic and social benefits to Batemans Bay generally.

Overall, the proposal aligns with state and local government strategic objectives for the area by promoting increased housing diversity, particularly seniors housing, in an accessible and well-serviced location supported by the nearby Batemans Bay town centre. It is anticipated that the delivery of the proposed development will significantly improve the amenity of the locality for local residents through improved access to the waterfront, a greater mixture of housing opportunities (both in type and price point), and through the provision of a unique multigenerational community.

There are not likely to be any impacts arising from the proposal which will detrimentally affect the public interest. Accordingly, the proposed concept development supports and promotes the public interest.

7. CONCLUDING COMMENTS

This Amended Concept Development Application (DA) seeks approval for a Seniors Housing and Residential Development Proposal at **No. 49 Beach Road, Batemans Bay** (the subject site). The DA will include the 'first stage of development', pursuant to Section 4.22(2) of the Act. Additional stages within each zone will be subject to subsequent, future DAs.

This Amended SEE demonstrates that the proposal is generally consistent with relevant statutory controls. In particular, the proposal represents permissible development under either *the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (the Seniors Housing SEPP) or *Eurobodalla Local Environmental Plan 2012* (ELEP), and generally achieves the objectives of the SP3 and R3 zones. It is acknowledged that the proposed concept development exceeds the maximum Height of Buildings development standard prescribed for the site under Clause 4.3 of the ELEP. A request to vary this development standard pursuant to Clause 4.6 of the ELEP is included at Appendix 19. Importantly, the additional height does not present any unreasonable view loss or amenity impacts upon nearby residential development, nor any unreasonable visual impacts on the public domain.

The amended concept development has been designed with careful reference to the requirements of the Seniors Housing SEPP, the objectives and design criteria of the *Apartment Design Guide*, and *State Environmental Planning Policy No. 65- Design Quality of Residential Apartment Development*.

The proposal is compliant with all but one of the prescriptive controls of the DCP (where applicable), and, more importantly, consistent with all relevant objectives and/or performance-based controls.

Overall, the amended proposal will result in the provision of high-quality apartment development and much needed high and low care housing for seniors in an integrated, resort-style community. The proposal will provide excellent opportunities for social and community interaction, improved public access to the waterfront and beach, and will continue tourism-related uses on the site. The proposal is sensitive to its setting and context, is of appropriate scale and design, and will have no adverse amenity, environmental, flooding, drainage or traffic impacts.

As demonstrated throughout this Amended SEE, the proposed concept development satisfies the relevant heads of consideration under Section 4.15 of the Act. Accordingly, it is recommended that the proposal be granted development consent.