

# COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSSTH-247
<b>DA Number</b>	DA0593/23
<b>LGA</b>	Eurobodalla Shire Council
<b>Proposed Development</b>	Demolition and construction of a Residential Flat Building (60) units (2 x 1 bed; 12 x 2 bed; 42 x 3 bed and 4 x 4 bed) including basement car parking for 88 vehicles (plus 3 car wash bays)
<b>Street Address</b>	Lot 1 DP 1135117 [20 Heradale Parade Batemans Bay]
<b>Applicant/Owner</b>	M Alexander-Hatziplis/ Edam Properties Pty Ltd
<b>Date of DA lodgement</b>	17 May 2023
<b>First submission period - 3 submissions</b>	<ul style="list-style-type: none"> <li>• First submission period - 3 submissions</li> <li>• Second submission period – 1 submission</li> </ul>
<b>Recommendation</b>	<b>Approval</b>
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011</b>	Clause 4, Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 : Regionally significant development – General development where the CIV exceeds \$30,000,000
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• SEPP No 65 (Design Quality of Residential Apartment Development), Infrastructure SEPP, Biodiversity and Conservation SEPP, Resilience and Hazards SEPP, Planning Systems SEPP; Sustainable Buildings SEPP;</li> <li>• Eurobodalla LEP 2012proposed</li> <li>• Batemans Bay Regional Centre Development Control Plan</li> <li>• Applicable regulations e.g. Regs 92, 93, 94, 94A, 288</li> <li>• Eurobodalla Open Coast Coastal Management Program</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Statement of Environmental Effects</li> <li>• Clause 4.6 Variation to development standard</li> <li>• Aboriginal Heritage report</li> <li>• Archaeological Technical report</li> <li>• BASIX Certificate</li> <li>• Nathers Certificate and summary</li> <li>• (incl. Links to each Unit number certificate)</li> <li>• Statement of Compliance</li> <li>• Access for People with a Disability (Access report)</li> <li>• Acid sulphate soil (ASS) investigation and management plan report</li> <li>• DA Noise Assessment (acoustic report)</li> <li>• Apartment design guide compliance table</li> <li>• Design Verification Certificate</li> <li>• Arboriculture Impact Assessment report (Arborist report)</li> <li>• Building Code of Australia (2022) Assessment Report</li> <li>• Report</li> <li>• Fire Engineering Statement</li> <li>• Flood Impact Assessment</li> <li>• Hydrogeological (groundwater) assessment</li> <li>• Geotechnical Investigation report</li> <li>• Preliminary site investigation (PSI) report</li> <li>• Revised Traffic and Parking assessment report</li> <li>• Site waste minimisation and management plan</li> <li>• Visual Impact assessment</li> <li>•</li> </ul>
<b>Clause 4.6 requests</b>	<ul style="list-style-type: none"> <li>• Variation to Clause 4.3 Height of Buildings of Eurobodalla Local Environmental Plan 2012</li> <li>• The proposal has building heights varying between: <ul style="list-style-type: none"> <li>○ Building A: 618mm – 3.75m (lift) (within 11.5m HOB) 5.3% – 32.6%</li> <li>○ Building B: 1.7m – 2.96m (lift) (within 12.5m HOB) 13.6% - 23.68%</li> <li>○ Building C: 420mm – 4.15m (lift) (within 11.5m HOB) 3.7% - 36%</li> </ul> </li> <li>• Within R3 Medium Density residential zone</li> </ul>
<b>Summary of key submissions</b>	<ul style="list-style-type: none"> <li>• Concerns relating to building height, visual impacts, waste collection, footpath provision, visitor parking and stormwater management.</li> </ul>

<b>Report prepared by</b>	C Watkins Senior Development Assessment Planner Eurobodalla Shire Council
<b>Report date</b>	20 January 2025

#### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

#### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

#### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Yes**

#### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **No**  
*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

#### Conditions

Have draft conditions been provided to the applicant for comment? **Yes**  
*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*