STATEMENT OF ENVIRONMENTAL EFFECTS

20 Heradale Parade, Batemans Bay / Lot 1 DP 1135117

To accompany the Development Application submitted to Eurobodalla Shire Council for a Proposed new Medium-density multi-unit housing development comprised of 60 Units.

Prepared by Place Studio
Rev B | 10 September 2024

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ANNEXURES

1. INTRODUCTION

This Statement of Environmental Effects is to be read in conjunction with the plans and documents submitted for the full Development Application submission for the property at 20 Heradale Parade, Batemans Bay.

The proposal has been designed in accordance with the Eurobodalla Local Environment Plan 2012 (LEP), Eurobodalla Development Control Plan (DCP) for residential zones, the Batemans Bay Regional Centre DCP, SEPP 65 and all other relevant planning controls, as outlined in sections below.

The proposal is comprised of 60 residential units with basement car parking.

This report provides an overview of the Proposal, assessed any associated impacts and demonstrates compliance with relevant planning controls.

Under the provisions of the Eurobodalla Local Environmental Plan (ELEP) 2012, the subject site is zoned R3 Medium Density Residential. The proposal comprises a “residential flat building” and is permissible with development consent under these planning provisions.

The application was subject to pre-lodgement consultation with Eurobodalla Council. The proposed design has been updated to incorporate Council feedback received during the application process.

Clause 4.3 of the ELEP 2012 includes a maximum height of building requirement, and the proposed building has a maximum height that exceeds this. Consequently, the application is also supported by a request pursuant to Clause 4.6 of the ELEP 2012 to consider this aspect of the proposal. This forms Annexure 1 to this SEE.

The application is accompanied by Architectural Plans and comprehensive separate expert assessment including the following:

- Architectural Plans and SEPP 65 Design Statement prepared by Place Studio;
- Landscaping Plans prepared by Place Landscape;
- Traffic and Parking Assessment prepared by CJP Consulting Engineers;
- Access Report prepared by Accessible Building Solutions;
- Acoustic assessment prepared by SLR Consulting Australia;
- Arborist assessment prepared by Jacksons Nature Works;
- BCA assessment prepared by AllCert;
- Stormwater Concept Design prepared by Telford Civil;
- Flood Risk Management Report prepared by Telford Civil;

- Public Domain works – Civil Engineering Plans prepared by Telford Civil;
- Assessor Construction Summary by Gradwell Consulting;
- BASIX & NatHERS prepared by Gradwell Consulting;
- Geotechnical Reports prepared by CEC Geotechnical;
- Cost plan prepared by MCG Quantity Surveyors:
- SWMMP prepared by Auswide Consulting.
- Archaeological Technical Report by Eco Logical Australia
- Fire Engineering Review by Holmes Fire

This SEE considers the site, the surrounding locality, the proposed development and relevant town planning controls. The SEE includes an assessment of the proposal having regard to the matters for consideration as listed under Section 4.15 of the Environmental Planning and Assessment Act, 1979. The assessment concludes that the development, within its local context, is satisfactory and should be approved.

1.1 DESCRIPTION OF SITE AND LOCALITY

The subject site is located in Batemans Bay and is within walking distance to a range of amenities including the beach, shops, cafes, restaurants, clubs, medical facilities, supermarkets and other essential services.

The subject site is located at 20 Heradale Parade, Batemans Bay. The cadastral description of the block is Lot 1 DP 1135117.

- The site has a primary frontage to Heradale Parade & Bavarde Avenue.
- The site has a total site area of 8410m^2
- The site currently has two residential dwelling houses
- The site shares the north and western boundaries with 'Batemans Bay Hospital'
- Across the road, to the south is a City Church
- Surrounding land uses are primarily residential in nature consisting of detached houses - low density residential.

Figure 1: Locality – Source: SixMaps

1.2 DESCRIPTION OF PROPOSAL

20 Heradale Parade, Batemans Bay has two small residential structures on the site. The proposal aims to demolish the existing dwelling and build a new medium-density multi-unit housing development.

The proposed works include:

- 2 One-Bedroom, 12 Two-Bedroom, 42 Three-Bedroom units & 4 Four-Bedroom units including 17 adaptable units.
- Provision for new driveway to basement with 88 car spaces and 3 Car wash bays on Heradale Parade
- Communal Gym & Pool and New landscaping around the site.

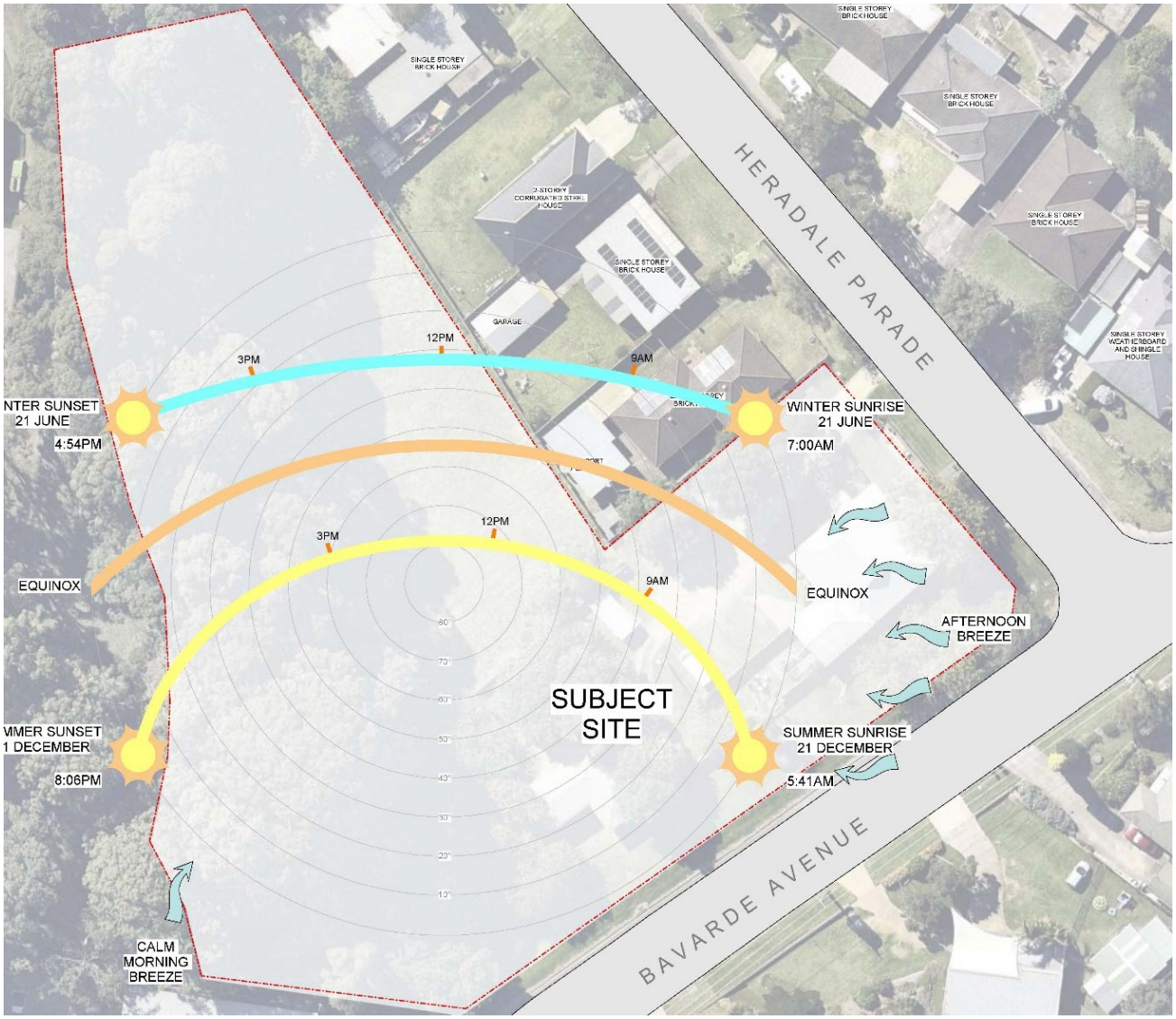


Figure 2: Site Plan - Source: Place Studio

The design is contemporary with glazing employed to maximize natural light and the outlook towards the vegetation to the west and water to the north-east. The façade articulation and expressed finishes act to modulate the building scale and provide privacy to surrounding properties, resulting in a design that is considered appropriate for the locality.

The design is also considered compatible with the future character of the area which is largely zoned medium-density residential (refer Figure 3). Sites surrounding the development are likely to be redeveloped in coming years as older single dwelling houses are re-generated through urban infill and redevelopment to meet the housing needs of the south coast region.

2. PLANNING CONSTRAINTS

Key planning constraints for the site are discussed in the following sections.

2.1 Solar Access

45 out of 60 apartments (75%) receive three or more hours of solar access to their primary living area and principle outdoor area between 9am and 3pm on the Winter solstice.

9 apartments (15%) do not receive solar access between 9am and 3pm on the Winter solstice. This is primarily due to the south-easterly orientation of Bavarde Avenue.

Generally, apartments have very good solar access with the majority of units having North-facing living spaces, achieving the targeted solar access to the primary living area and principle outdoor area outlined in the Apartment Design Guide.

2.2 Overlooking

There are neighboring houses along one side of the subject site with their backyards oriented towards the proposed development. Potential overlooking has been addressed through significant setbacks and the provision of a substantial landscape buffer through this section of the site.

2.3 Car Parking & Infrastructure

Parking

The subject site has a basement entry on Heradale Parade. It is noted that the acid sulphate soil risk creates limitations in terms of the basement footprint and depth, which in turn restricts the Proponent's ability to provide multiple levels of basement car parking.

Discussions with Council during the DA review process indicated Council were supportive of applying the "high density residential" parking rates specified in the RMS Guide, given the proximity of the site to the Batemans Bay town centre. Based on this target, parking is provided at the below rates:

Use	Rate	Quantity	Target
1 Bedroom	0.6 Spaces / Unit	2 Units	1.2 Spaces
2 Bedroom	0.9 Spaces / Unit	12 Units	10.8 Spaces
3 Bedroom +	1.4 Spaces / Unit	46 Units	64.4 Spaces
Visitor	0.2 Spaces / Unit	60 Units	12 Spaces
Total:			**88.4 Spaces**

Parking Provided on Site: 88 Car spots + 3 dedicated Car wash bays for residents.

Infrastructure

The site is accessible via Heradale Parade & Bavarde Ave and hasbasement access and waste facilities access via Heradale Parade. As these services are provided on site, parking and waste management will not extend into or impact the surrounding street network. The proximity of the development to Batemans Bay provides good access to public transport routes to Moruya, Catalina and Princess Hwy.

2.4 Natural Hazards

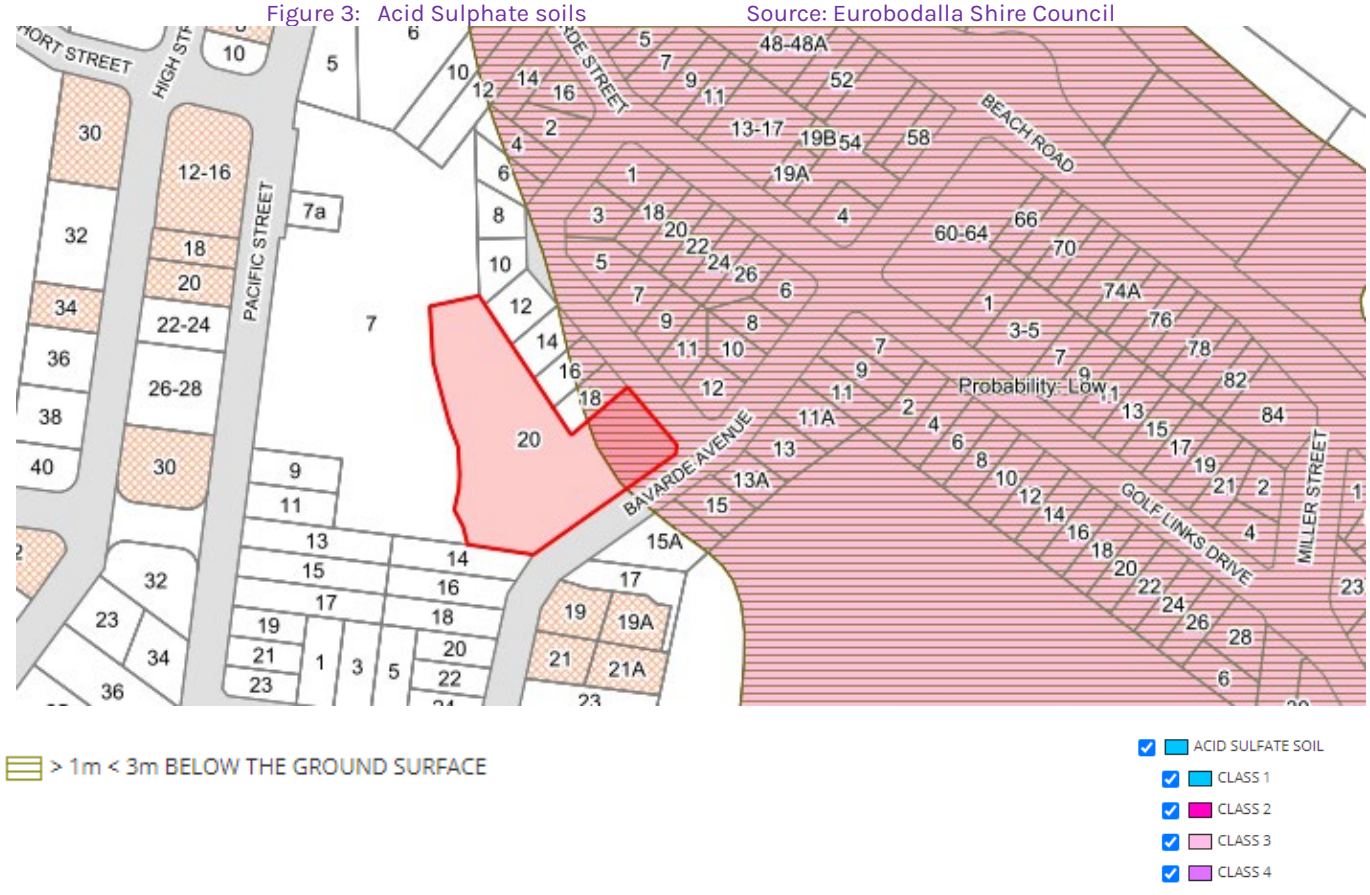
2.4.1 Bushfire

The subject site not identified as being Bush Fire Prone on the rural fire service bushfire prone map tool. As such, the development is not subject to any additional BAL requirements.

2.4.2 Acid Sulphates

The subject site is located within an acid sulphate soil area and has been categorised as 'class 3' which means acid sulphate is expected to be found beyond 1m below the natural ground level. Given the size of the site and the requirement for on site car parking, disturbance of some soils is considered an unavoidable impact. Notwithstanding this, to minimise disturbance excavation has been minimised through incorporation of only one level of basement parking.

Figure 3: Acid Sulphate soils Source: Eurobodalla Shire Council



3. SITE SUITABILITY

The subject site is suitable for the proposed development as follows:

3.1 Location

The subject site is located in Batemans Bay and is within walking distance (approx. 500m-1km) to a range of amenities including the beach, shops, cafes, restaurants, clubs, medical facilities, supermarkets and other essential services.

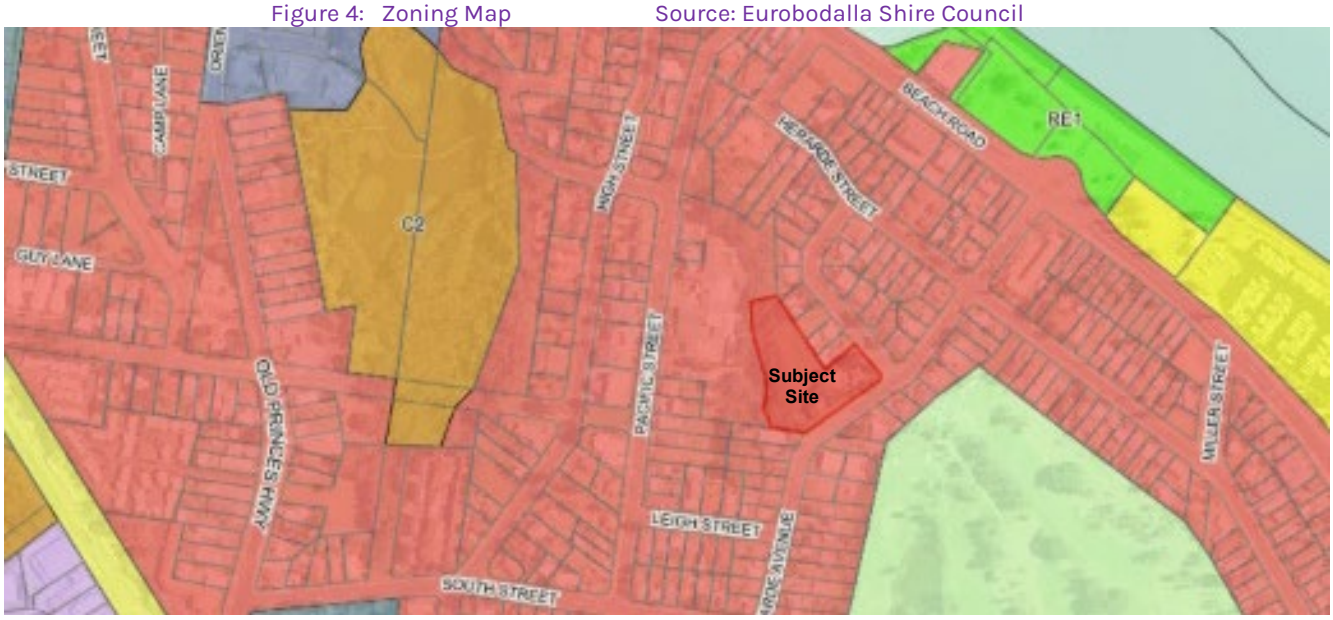
There are also a number of other residential developments occurring in the surrounding areas of a similar scale and density as what is proposed on the subject site. The development is also consistent with the zone. As such, the subject site is considered a suitable location for a multi-unit residential development.

3.2 Character

The proposed development takes into consideration the future desired character of this precinct. Setbacks, articulation, and material application ensure that the height and visual aspects of the proposal provide a high-quality outcome, while also considering the existing context.

The materials proposed in the development include pre-cast concrete and timber look cladding. The architecture features horizontal and vertical elements through balustrades and louvered screening, in addition to vertical feature timber cladding. The design is considered compatible with the future character of the area which is largely zoned medium-density residential (refer Figure 4). Sites surrounding the development are likely to be redeveloped in coming years as older single dwelling houses are re-generated through urban infill and redevelopment to meet the housing needs of the south coast region.

Figure 4: Zoning Map Source: Eurobodalla Shire Council



3.3 Visual Compatibility

Other adjoining areas are expected to go through a transitionary period of intensification with older single dwelling houses being redeveloped for medium density housing compatible with the zoning. As such, the development is both consistent with recent redevelopments in the area and will also be consistent with the future character of the area.

In addition, the proposed development does not have any unacceptable impacts on surrounding properties by way of overshadowing, noise or traffic. The site is presently being utilised for housing. On this basis, redevelopment is considered to generate an improved visual outcome for the Street.

3.4 Zoning

The subject site is zoned R3: Medium Density Residential. The proposed development is permitted in the zone and the scale of the development is consistent with Local Environmental Plan (LEP).

The objectives of the zone are addressed through the proposed development as follows:

Objective	To provide for the housing needs of the community within a medium density residential environment.
Response	The proposed development will provide an 60 residential units to Batemans Bay which will help to alleviate some of the housing shortfalls being experienced by residents of the area.
Objective	To provide a variety of housing types within a medium density residential environment.
Response	The proposed development includes a mix of one bedroom, two-bedroom and three-plus bedroom apartments in a range of formats and sizes.
Objective	To enable other land uses that provide facilities or services to meet the day to day needs of residents.
Response	Only residential uses are proposed as part of this residential redevelopment.
Objective	To encourage tourist and visitor accommodation in areas of demand subject to controls to ensure the adequate protection of a permanent residential housing supply and amenity.
Response	The proposed development is comprised solely of residential units. However, individuals could choose to sublet the units for tourist accommodation.
Objective	To encourage walking, cycling and the use of public transport.
Response	The subject site is well located in close proximity to a broad range of amenities and essential services.

3.5 Use of the Land

The site is zoned R3 Medium Density Residential, and the proposed medium density residential use is consistent with the zone and LEP. Surrounding land uses are generally residential, with Batemans Bay Hospital located to the west, separated by both vegetation and significant topography. On this basis, the proposed development is considered an appropriate use of the land.

4. STATUTORY PLANNING

This part of the SEE assesses the proposal in accordance with the Environmental Planning and local Council Controls. The following planning controls have been considered in the preparation of this application:

- Environmental Planning and Assessment Act 1979
- SEPP Biodiversity and Conservation 2021
- SEPP Building Sustainability Index: BASIX 2004
- SEPP Exempt & Complying Development Codes 2008
- SEPP Housing 2021
- SEPP Industry & Employment 2021
- SEPP Planning Systems 2021
- SEPP Primary Production 2021
- SEPP (Resilience and Hazards) 2021
- Eurobodalla Shire Local Environmental Plan 2012
- Eurobodalla Shire Development Control Plan 2011
- SEPP 65 – Apartment Design Guide

Environmental Planning and Assessment Act 1979
In accordance with the Planning & Assessment Act (1979), Council is required to consider relevant matters under Section of the Act. The following sections provide details to assist council in this assessment. The key environmental planning issues associated with the proposed development are:

- Compliance with relevant planning policies and controls
- Flooding, Stormwater and Drainage
- Transport, Traffic and Parking

An assessment of issues including compliance with relevant policies and controls, environmental considerations like flooding, stormwater, drainage, transport, traffic, and parking is provided in the following subsections.

4.1 State Environmental Planning Policies (SEPP)

The following subsections assess the proposal against the relevant provisions of applicable Environmental Planning Instruments (EPIs), Draft EPIs, Development Control Plans (DCPs), Planning Agreements and matters prescribed by the Regulation in accordance with section 4.15(1)(a) of the EP&A Act.

4.2 SEPP Biodiversity & Conservation 2021

The subject site is zoned R3 and as such, this SEPP applies to development.

However, it is not assessed as applicable as no significant tree or vegetation clearing is required or proposed as part of this application and the site is outside the Sydney Water Drinking Catchment.

4.3 SEPP Building Sustainability Index: BASIX 2004

A BASIX certificate has been prepared and is submitted with the DA.

4.4 SEPP Exempt & Complying Development Codes 2008

This SEPP has been reviewed and is assessed as being non-applicable as the proposed development cannot be assessed as an exempt or complying development.

4.5 SEPP Housing 2021

The Housing SEPP has been reviewed and is not applicable to the proposed development as the development does not include any of the housing types mentioned in the SEPP.

4.6 SEPP Industry & Employment 2021

This SEPP has been reviewed and is not applicable as the site is outside of the mapped employment and industry areas to which the policy applies.

4.7 SEPP Planning Systems 2021

Not applicable. No state significant development is proposed.

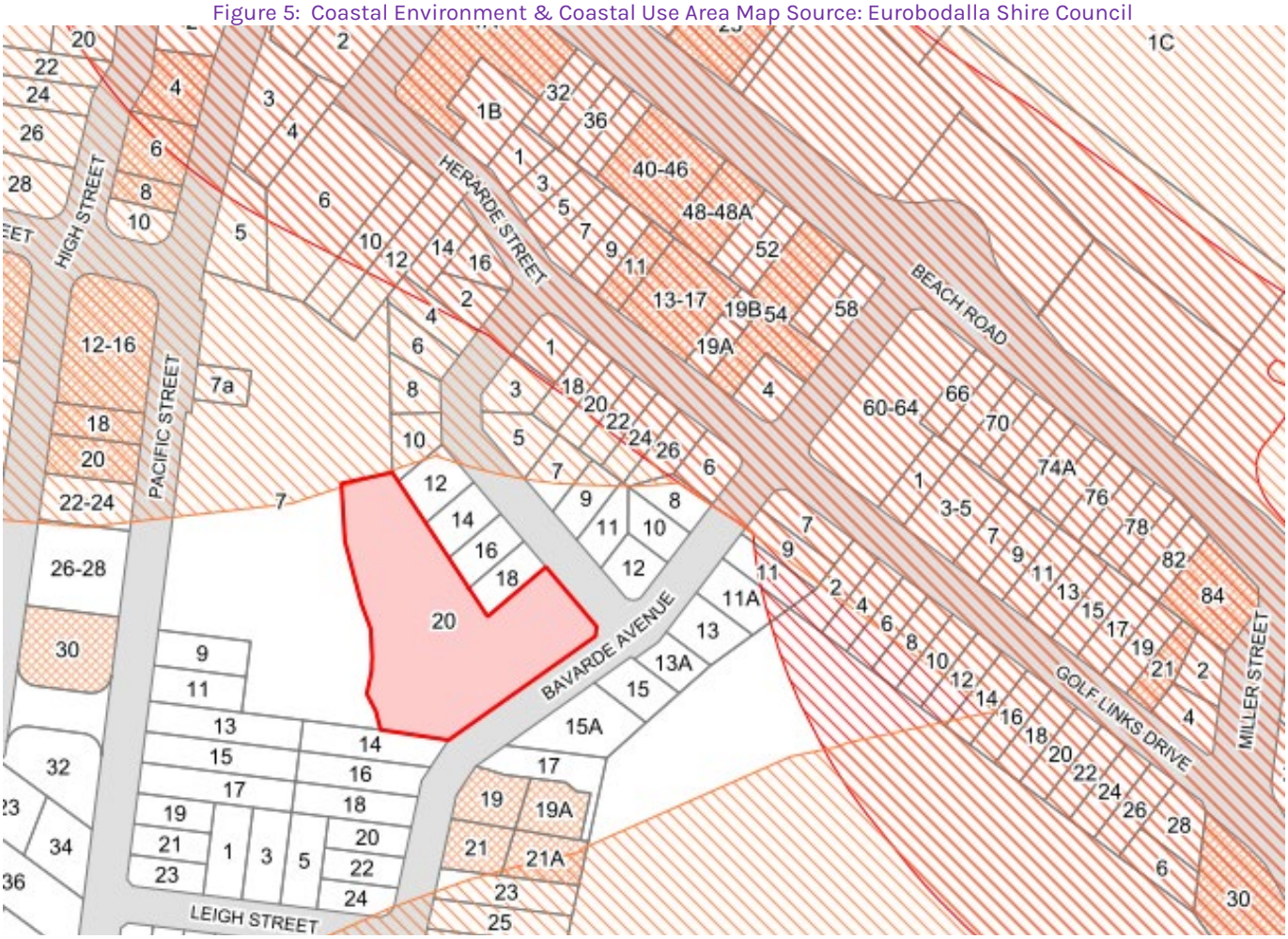
4.8 SEPP Primary Production 2021

This SEPP has been reviewed and it is not applicable as no primary production is proposed.

4.9 SEPP (Resilience and Hazards) 2021

The development site is located out of a Coastal Environment Area and a Coastal Use Area of State Environmental Planning Policy (Coastal Management) 2018.

Figure 5: Coastal Environment & Coastal Use Area Map Source: Eurobodalla Shire Council



COASTAL MANAGEMENT SEPP - COASTAL ENVIRONMENT AREA (CMA 3)

COASTAL MANAGEMENT SEPP - COASTAL USE AREA (CMA 4)

4.10 SEPP 65 – Apartment Design Guide

Relevant sections of the Apartment Design Guide are assessed in *Annexure 2*

4.11 Eurobodalla Shire Local Environmental Plan 2012

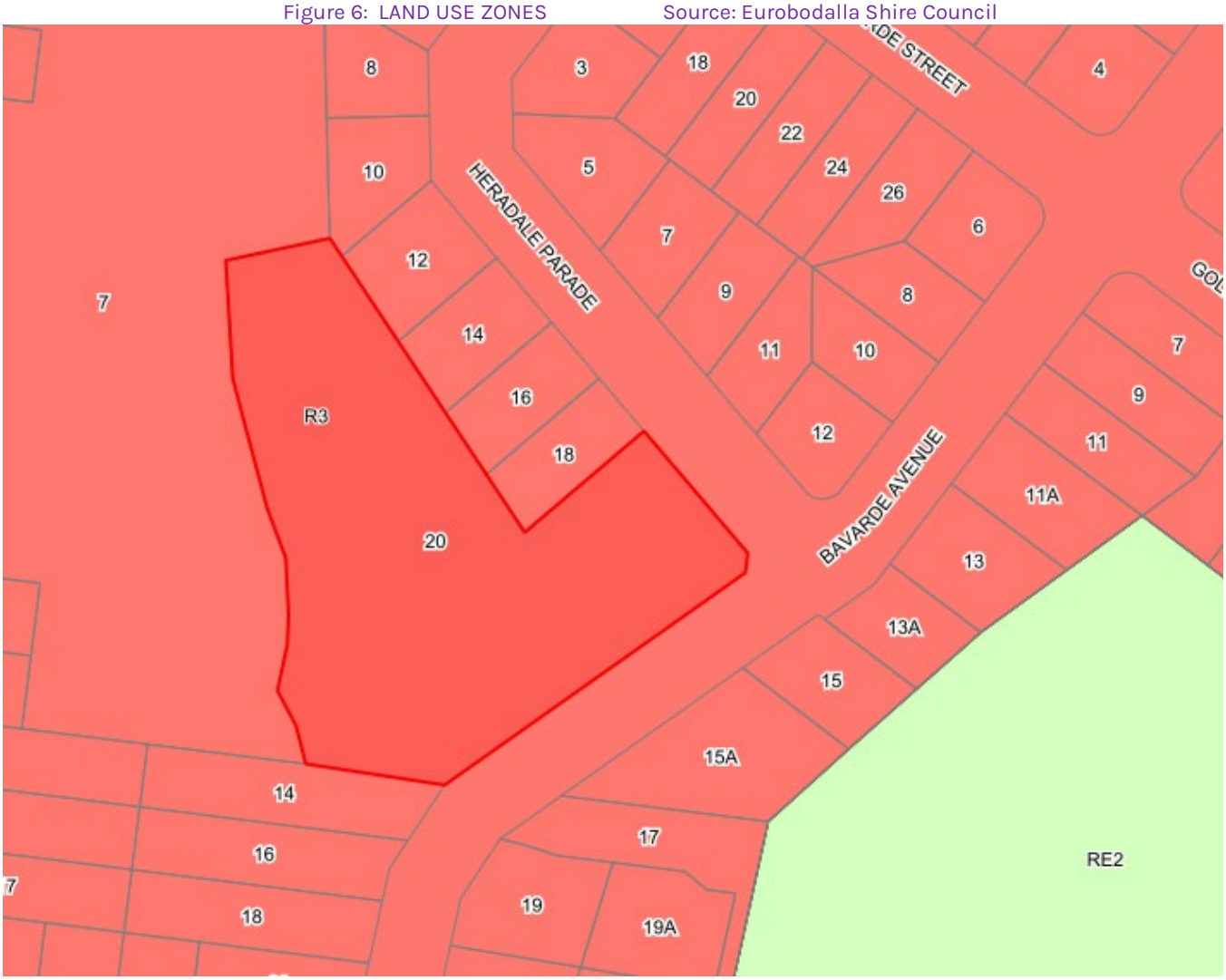
The relevant provisions of LEP2012 as they relate to the subject site are considered below.

Cl 2.1 Land use zones

The subject site is zoned R3 Medium Density.

The proposed development is a medium-density residential development consistent with permitted use 'residential flat building'. This type of development is permitted with consent under Part 3 of the land use table in the ELEP.

Figure 6: LAND USE ZONES Source: Eurobodalla Shire Council

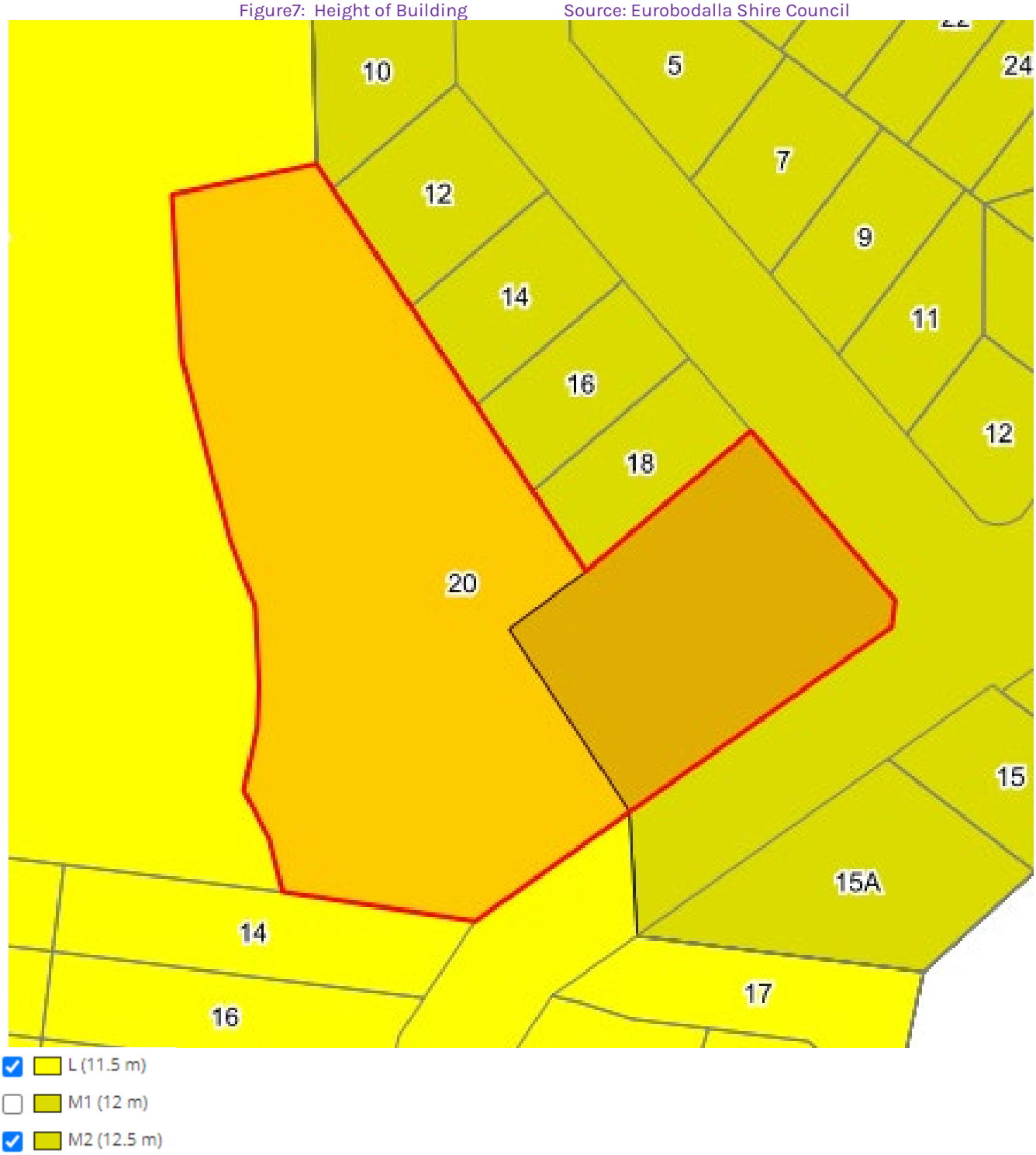


Cl 4.3 - Height of Buildings

The proposed maximum building height is up to 15.65m (lift overrun). The maximum building height provisions of the LEP 2012 is 12.5m & 11.5m. Therefore, the proposed building height is over the allowable height limit as noted in the drawing set.

A Clause 4.6 variation is submitted with this application (Ref: Clause 4.6 Variation Statement (cl 4.3 Height by BMA Urban) is submitted with this application.

Figure7: Height of Building Source: Eurobodalla Shire Council



Compliance Table

No.	Item	LEP Control	Proposed	Compliance
1	Zoning	R3 Medium Density.	Medium-density residential development	Yes
2	Height	12.5m & 11.5 m	13.5 m	No

Cl 4.4 - Floor Space Ratio
There is no FSR restriction on the site. In the absence of this rule, the development is assessed as compliant.

Cl 5.21 – Flood Planning
The proposed development responds to environmental conditions by raising the ground floor level of the building and units to mitigate risk of flood impact to units. The development also maintains an overland drainage easement along the southern boundary to comply with flood and stormwater management requirements from Council.

Cl 5.3 Development Near Zone Boundaries
The subject site is not within 20m of any different zonings.

Cl 6.3 Acid Sulfate Soils
The subject property is identified as being affected by Class 3 Acid Sulphate Soils. The proposed development does not involve excessive excavation and the works are not anticipated to impact the water table. Based on the soil conditions, only one level of basement parking has been included to minimise the risk of disruption, exposure and impact.

Cl 4.6 Exceptions to Development Standards
The proposed development contravenes the height of building standard. There is a height breach to allow for overland flow considerations, facade articulation, and lift overrun to service all levels of the building. Due to the site topography this is required to provide suitable vertical circulation for the development.

This is addressed in more detail in the Clause 4.6 included as part of this application.

4.12 Eurobodalla Shire Development Control Plan 2011

Relevant sections of the DCP are addressed as follows:

Batemans Bay R3 Medium Density Residential Zone

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

Performance Criteria	Acceptable Solution	Proponent Response
P1 All buildings are sited to minimise the risk to human life and damage to property by avoiding steep and unstable land.	**A1.1** No development or land clearing shall occur on slopes equal to or greater than 1:4 (or 25 %). **A1.2** Where slopes are greater than 1:6.5 (or 15%) a report prepared by a qualified geo-technical engineer or soil conservationist is required to consider the suitability of the site for residential development having regard to the stability of the land.	**Complies.** Subject site does not have a slope greater than 1:4.
Front Boundary Setbacks **P4** Buildings are setback to contribute to the existing or proposed streetscape character, assist in the blending of new development into the streetscape, make efficient use of the site and provide amenity for residents	**A4.1** For infill development other than neighbourhood shops, buildings and all other structures must be setback from the road frontage to within 20% of the average front setbacks of the adjoining buildings, but no less than the smaller of the existing setbacks. **A4.2** Neighbourhood shops must be setback a minimum of 3 metres from the road frontage. **A4.3** In new subdivisions where a setback has not been established a setback of 5.5m applies. Up to 50% of the front façade of the dwelling (excluding garages or carports) may be setback 4.5m from the front boundary. **A4.4** Garages that have the door facing the street frontage and all carports must be set back a minimum of 5.5 metres from the property boundary	**Complies.** The development is setback by 4.5m & 4m.
Side Boundary Setback	**A5** The minimum setback to a side boundary is;	**Complies.** The proposal is setback 6m from side boundary.

Performance Criteria	Acceptable Solution	Proponent Response
P5 Buildings are setback to reduce overbearing and perceptions of building bulk on adjoining properties and minimises overshadowing impacts on adjoining properties	• For the first floor, or for a single storey building, 900mm (including a minimum of 600mm to the eaves or gutters, whichever is the closest); • For any part of the building higher than 4.5m, 1.5m (including a minimum of 1.2m to the eaves or gutters, whichever is the closest); • For any part of the building higher than 7.5m, 1.5m (including a minimum of 1.2m to the eaves or gutters, whichever is the closest) where it adjoins land zoned R3 Medium Density Residential or a Business Zone and 2m (including a minimum of 1.7m to the eaves or gutters, whichever is the closest) elsewhere; • For single storey (up to a height of 3.8m) sheds, detached garages and other detached ancillary buildings (eg. gazebos, aviaries, green houses, pool	
Rear Boundary Setback **P6** Buildings are setback so that they do not reduce the use and enjoyment of public, private or communal open space provided at the rear of adjoining residential development by being in close proximity, overshadowing or overlooking the open space.	**A6.1** A minimum rear boundary setback of 3m applies to all buildings except: – sheds; – detached garages; and – other detached non-habitable ancillary buildings. up to a height of 3.8m. **A6.2** A minimum rear boundary setback of 450mm applies to all: – sheds; – detached garages; and – other detached not-habitable ancillary buildings, up to a height of 3.8m. The above minimum rear boundary setbacks also apply to allotments with a rear boundary to a road	**Complies.** All structures are setback at least 3m-12m from the rear boundary.
Private Open Space **P1** Private open space is designed and located to: - enhance residential amenity - be functional for private recreational activities; - allow for landscape design; - optimise solar access; and - increase visual privacy, to promote the enjoyment of outdoor living by residents.	**A1.1** Each dwelling must be provided with a minimum of 24m² of private open space at ground level and/or above ground level which must: - not be steeper than 1 in 50 in grade - be of a predominantly northern exposure, that takes advantage of outlook and reduces adverse privacy and overshadowing impacts from adjacent buildings;	**Complies**. Areas of private open space provide amenity, functional and privacy. Private open space is graded, and all areas are accessible from habitable living spaces and is oriented to achieve maximum solar access and visual privacy.

Performance Criteria	Acceptable Solution	Proponent Response
	- serve as an extension of the dwelling for relaxation, entertainment and recreation purposes by being accessible to the living areas; and - be located behind the building line. **A1.2** Where a secondary dwelling is proposed, it must share the private open space provided for the principal dwelling & not be separated in any way.	
Dwellings with Combinations of Ground and Above Level POS **P3.1** Private open space at ground level or above ground level is functional and responsive to the environment to promote the enjoyment of outdoor living by residents. **P3.2** On land zoned R3: – Where communal open space cannot be provided in accordance with the acceptable solutions, space that meets all of the General Requirements for private open space may be acceptable. Proximity to public outdoor recreation areas within	**A3 Where the dwelling has direct** access to the ground level or similar space on a structure such as a podium or carpark, an individual entrance and is two storeys in height, private open space must meet the general and following requirements: • either be a minimum area of 24 m² of private open space provided mainly at ground level, no part of which has a minimum dimension less than 4m and the balance on a balcony/deck or terrace (the exact area apportionment to be determined by design); or a minimum balcony area of 10m2 and minimum dimension of 2m (greater area and dimension is encouraged where practical) if at above ground level.	Complies. Areas of private open space exceed the minimum dimensions. All dwellings have access to both above ground and ground level private open space.
Dwellings with Above Ground Level POS Only **P4.1** Private open space above ground level and communal open space at ground level is functional and responsive to the environment to promote the enjoyment of outdoor living by apartment residents. **P4.2** On land zoned R3: - Where communal open space cannot be provided in accordance with the acceptable solutions, space that meets all of the General Requirements for private open space may be acceptable. Proximity to public outdoor recreation areas within 400m walking may be taken into account in considering a	**A4** For each dwelling that does not have an individual entrance at ground level or a ground level private open space area, private open space is to be provided in the form of a balcony and communal open space. The general and following requirements must be met in this regard: • contain a balcony with a minimum area of 10m² and minimum dimension of 2 metres (greater area and dimension is encouraged where practical); • locate the balcony with direct access to the main living rooms of the dwelling; • provide a communal open space area on site calculated by multiplying the number of units by the 24m² private open space area,	**Complies.** Balcony private open space is provided to above ground units and complies with requirements as follows: • Balconies have a minimum dimension of 2m and all 3-bedroom units have a balcony with a area greater than 10 m². • All balconies are directly accessible from the main living area • There is a total of 4,440 m² of open space provided at ground level as part of the Proposal.

Performance Criteria	Acceptable Solution	Proponent Response
reduction in the provision of communal open space.	minus the area provided as a balcony;	
Landscaping **P4** Sites are landscaped to complement and soften the built form of development, enhance the streetscape, provide amenity to occupants and reduce stormwater run-off.	**A4** The minimum landscaped area of the site must consist of: • 20% of the site area used for residential development, including; • 50% of the front setback for development other than neighbourhood shops; and Calculation of minimum landscaped area must not include any area with a minimum dimension less than 1m.	**Complies.** The block area is approx. 8,410 m² and the footprint of the residential development is approx. 3,181 m². The site landscaping requirements are met.
Parking & Access **P1** All development must provide parking and access sufficient to cater for the maximum demand for the development in accordance with a Traffic Study performed by a qualified professional and approved by Council.	**A2** All development must comply with the Parking and Access Code. 2cars for 2 or more bedroom unit. 1 car wash bay for every 20 units 2x58 Units = 116 Cars 58 Units = 3 Car Wash Bays	**Achieves Intent** 88 Cars + 3 Car wash bays Parking complies with the RMS Guide for Traffic Generation, per discussions with Council regarding proximity to town centre.
Safer By Design **P1** Developments are designed to ensure the security of residents and visitors and their property, and to enhance the perception of community safety.	**A1.1** For dual occupancies; • The main entrance must be clearly visible from the street • Windows must be located to allow casual surveillance of the street from the dwellings **A1.2** All development must comply with the Safer By Design Code.	**Complies.** The principles of the 'Safer By Design Code' are satisfied as follows: • Passive surveillance to the Street and building entries is provided through windows, balconies and courtyards facing the Street front. • The waste enclosure a secured space in the proposed development. Landscaping to communal areas is generally behind secured gates and there are minimal opportunities for hiding or entrapment given the well-lit nature of the communal areas and ability for passive surveillance noting common areas adjoin public walkways. All car parking areas will be secured within the basement.
Views **P1** Development allows for the reasonable sharing of views through the siting, height and design of buildings.	**A1** The design of development minimises impacts on private views and shares views where necessary by: – locating structures to provide or maintain view corridors; or – adjusting rooflines, or modifying building bulk or scale; or – demonstrating regard and consideration of views in the development design.	**Not applicable.** The proposed development does not significantly impact any view lines.

Performance Criteria	Acceptable Solution	Proponent Response
Building Bulk & Scale **P1** Building design is readily adapted to accommodate two or more different uses over the life of the building without the need for structural alterations. This can be achieved through variations in the inter floor levels of the development. **P3** Development conforms to the topography of the site and is not of a bulk or scale that is out of character with the local area.	A1 Where all levels above ground level are principally dedicated to residential accommodation, the first floor level must be structured so that it can be retro-fitted for commercial space as future demand dictates. **A3** On sloping sites, buildings must step down the block.	The subject site is not within the main business district and does not have frontage to a main pedestrian route. Notwithstanding this, ground level units could accommodate home businesses. **Complies.** The propose work on site are in largely flat and development is compatible with this.
Street Frontage & Façade Treatment **P4** The facades of buildings relate sympathetically to the existing buildings nearby and are designed to architecturally express the different functions of the building. **P6** Building design enhances the streetscape through façade articulation, detailing and window and door proportions.	**A4.1** Development must be orientated toward the street with front entrances visible from the street allow casual surveillance of entrance points. **A6.1** For residential development, façades must be articulated by doors, windows, balconies decks or wall offsets such that no more than five horizontal metres of the facade is blank. **A6.2** The building design must incorporate at least one of the following architectural features: • eaves and overhangs of roof structures; • verandahs and balconies (above ground level); • a variety of building materials and coordinated colours; • recesses and variation to built walls; or • large windows and doors to the street frontages. **A6.3** Buildings must not present blank facades to streets or public spaces	**Complies**. The development has been designed to be complementary. The development is oriented to the Street front and includes windows and balconies addressing the street to ensure passive surveillance. The façade is articulated through incorporation of a variety of materials. The façade includes varying profiles and horizontal elements, as well as fins which protrude beyond the façade and act as a divider between balconies. Balconies and floor to ceiling windows also add visual interest through creation rhythm and verticality. 90% of the Street front is considered articulated through varying façade elements. No blank walls present to the Street front.
Style and Visual Amenity **P4.1** The building design is in the existing or desired character of the area and visually compatible with the existing and desired streetscape and environment. **P4.2** New development does not compromise the design integrity of	**A4** New development must be designed to be consistent with the existing development and sympathetic with surrounding development in terms of style and orientation of openings, roof pitch, materials, colours and general style	**Complies.** The palette of colours, materials and architectural form proposed is compatible with existing residential development in the area. The proposed architecture in no way compromises the design integrity of adjacent dwellings.

Performance Criteria	Acceptable Solution	Proponent Response
the existing development and preserves and enhances the amenity of the surrounding environment.		
Fences in Residential Zones **P1** The design of fences preserves and enhances the existing streetscape and contributes to the amenity of both public and private space.	A1.1 The height of fences must be no greater than 1.2m forward of the building line or the front setback and 1.8m behind the building line (as measured from the finished ground level on the lowest side of the fence). A1.2 Where acoustic fencing is required as part of a development application it must be setback from the boundary in the direction of the noise source, a minimum of 1.5m and augmented by landscape treatments in the form of trees, shrubs and groundcovers provided in front of the fencing.	**Complies.** Front fences to courtyard walls are 1.2m in height from the top of the flood podium height. The fences are transparent in nature to provide street activation and enhancement and a lower retaining wall containing landscape plantings is proposed on the outside of the fence to minimise the impact of the height.
P2 The form, extent and materials of fencing are designed to minimise visual impact.	**A2** Lengths of unmodulated solid fence (ie. Not broken up by the provision of gates or driveways): • on a property boundary fronting a road reserve, and • higher than 1.2m and greater than 15 metres long, must be provided with recessed indentations, • at least 1m wide and 1m deep; • located wholly within private property; • not more than 10m apart; and • containing planting that have a mature height at least that of the fence height. OR Fencing incorporates a combination of visually contrasting materials.	**Not applicable.** No unmodulated fencing is proposed to the front boundary.
Adaptable Housing **P1** Residential development has the ability to cater for residents with a variety of physical abilities and is responsive to the changing lifestyle needs of residents	**A1** Developers proposing multi-dwelling housing, shop top housing or residential flat buildings of 4 units or more must ensure that 25% of the dwellings are adaptable housing. The applicable dwellings must comply with Australian Standard *AS4299 – Adaptable Housing.*	**Complies.** A total of 17 units – 28.3% adaptable units (consistent with 25%) is proposed. Refer access report confirming suitability of the units.
Visual Privacy **P1** Buildings are designed to minimise direct overlooking of main living areas and private open spaces of existing dwellings by	**A1.1** Transparent doors and windows of living rooms must be designed and located so they do not directly face transparent doors or windows of living rooms or the	**Complies.** There are no adjacent residential properties with potential top overlook within 9 meters.

Performance Criteria	Acceptable Solution	Proponent Response
sensitive building layout, location and design of windows and balconies and the use of screening devices and landscaping.	private open space areas of other residential accommodation within 9 metres. **A1.2** Planter boxes, louvre screens, pergolas, landscaping and architectural design of balconies must be used to screen the ground floor private open space of dwelling units or dwelling units from upper level residential accommodation. Acceptable privacy measures include trees, awnings, screens, fences and planter boxes to minimise the ability to directly look into neighbouring homes and yards. The view of the area overlooked must be restricted within 9m and beyond a 45° angle from the plane of the wall containing the opening, measured from a height of 1.7m above floor level.	Screening has not been introduced to balconies to ensure maximum solar access noting site orientation constraints. However, significant landscape buffers have been incorporated to ensure visual separation.
Solar Access to Adjacent Dwellings **P1.1** The use of natural light is maximised and the need for artificial lighting is reduced. **P1.2** Buildings are designed to ensure adjoining residential development maintains adequate daylight to living areas, (i.e. living, dining or family rooms, kitchens), private open space and solar panels.	**A1** Maintain solar access to adjoining residential development as follows: • For all development except where an existing adjacent building has an east-west orientation: – maintain solar access to the front or rear living room windows for a minimum period of 4 hours between 9.00am and 3.00pm at the winter solstice; and – where solar access already exists to the private open space of adjacent dwellings, ensure it is maintained over a minimum of 50% of the principal private open space for a minimum period of 3 hours between 9.00am and 3.00pm at the winter solstice. • Where an existing adjacent building has an east - west orientation: – maintain solar access to the north facing living room windows for a minimum period of 2 hours between 9.00am and 3.00pm at the winter solstice; or where less than 2 hours solar access is currently available to the north facing living room windows	Existing adjoining dwelling have an north/east orientation. Principal private open space and two thirds of the adjoining dwelling footprint will maintain 3 hours of sunlight during the winter solstice. As such, the neighbouring property maintains consistency with solar requirements to both the dwelling and associated private open space.

Performance Criteria	Acceptable Solution	Proponent Response
	of existing dwellings, no additional overshadowing shall be permitted	
Solar Panels **P2** The total energy use in residential buildings is reduced.	**A2.1** Maintain solar access to existing solar panels throughout the day at all times of the year. **A2.2** Maintain solar access to the north facing roofs of existing dwellings (45° West to 45° East variation is possible) to a fixed minimum area of 10m2, capable of accommodating solar panels.	**Complies.** Solar panels are proposed as part of this development and will not impact any panels on adjoining developments.
Sustainability **P1** New development is designed to minimise the generation of greenhouse gases. **P2** No Performance Criteria.	**A1** New development must connect to reticulated electricity supply where available to enable any excess power created from alternative renewable resources to be fed back into the grid **A2** All dwellings in residential development must be provided with a separate water meter to comply with the State Government's Best Practice Management of Water Supply and Sewerage Guidelines.	**Complies.** The development will be connective to reticulated electricity supply. Solar panels are incorporated to improve sustainability and reduce emissions associated with the development. **Complies.** All dwellings will have a separate water meter.
Earthworks & Excavation **P1** Development is designed to ensure that excavation and earthworks are kept to the minimum required for the development without an unreasonable adverse visual impact on the site.	**A1** Beyond the external walls of the building, the maximum cut is to be 1m and the maximum fill is to be 1m.	**Complies.** Earthworks have been minimised to mitigate impact to acid sulphate soil conditions.
Stormwater Management **P1.1** New development is designed in accordance with a site specific Stormwater Management Plan (SMP), approved by Council. The SMP will provide for the integrated management of stormwater in order to: – minimise flooding; – protect and enhance environmental values of receiving waters; – maximise the use of water sensitive urban design principles; – maximise the use of natural waterway corridors and natural channel design principles; – maximise community benefit; and – minimise public safety risk.	**A1.1** To avoid adverse impact on other development in the area, new development must connect to a Council approved drainage system which has sufficient capacity to ensure that any overland stormwater runoff from the property after the completion of the development does not exceed the stormwater runoff level prior to the development. **A1.2** Development must comply with the following where relevant: – AS3500 – Plumbing and Drainage Code; – the Eurobodalla Development Specification Manual – Section D5 Stormwater Drainage Design & D7 Erosion Control and Stormwater Management; and	**Complies.** Stormwater has been designed in accordance with Council requirements at the detailed design stage.

Performance Criteria	Acceptable Solution	Proponent Response
P1.2 The stormwater management system or site works proposed by the SMP does not adversely impact on flooding or drainage of properties that are upstream, downstream or adjacent to the subject site. **P1.3** The design provides for stormwater quality best management practices that are sufficient to treat the target pollutants.	the Design Guidelines for Rainwater Tanks Where an Existing Reticulated Water Supply Exists	
Waste Management **P1** Application of a site specific Site Waste Minimisation and Management Plan, approved by Council having regard to the objectives of the Code. The Plan must show that compliance with the Code is unreasonable or unnecessary in the circumstances of the case.	**A1** All development must comply with the Site Waste Minimisation and Management Code	**Complies.** Refer waste plans submitted with the DA.

5. DEVELOPMENT ASSESSMENT

5.1 Traffic

The proposed use is consistent with the zone and other developments surrounding the site. A total of 91 car parking spaces is provided for 60 units. The provision of parking is therefore consistent with the minimum requirements of the RMS Guide For Traffic Generation in terms of parking spaces.

The Proposed Development is not expected to generate significant traffic and the local network is considered sufficient to accommodate any minor increase.

5.2 Economic

The proposed development represents a significant investment in Batemans Bay, which is an area of the Shire that is going through significant regeneration and investment. The development is expected to generate significant market interest in terms of residential sales and will generate jobs for the local construction industry.

The Proposal will also help to ameliorate the housing crisis being experienced in the Shire through the provision of additional dwellings, as well as affordable dwellings (when compared to a standard house price).

5.3 Public interest

The proposed development meets the zone objectives and does not have any adverse impact on existing adjoining properties.

In addition, the development provides additional affordable housing to the area and contributes towards urban intensification of appropriately zoned land (in keeping with Council strategic objectives). Given the benefits associated, and the fact that there are negligible impacts associated, the development is considered in the public interest.

5.4 Overshadowing

Accompanying the supporting documentation are shadow diagrams which show the extent of overshadowing at the winter solstice.

It must be acknowledged that the locality is transitioning from a low-density residential environment to the more intensive development envisaged under the planning controls applying under the ELEP 2012. The taller, more intensive development will clearly result in greater overshadowing than expected in a low-density environment. Consequently, it is not reasonable to expect the maintenance of direct sunlight at levels currently experienced.

5.5 Noise

The development is a residential proposal and is therefore not considered to be a noisy use. As such, neighbouring properties will not be impacted by way of noise in the long term. There may be some initial disturbance as a result of construction activities. However, construction activities and noise levels will be managed in accordance with EPA requirements and will therefore have limited impact to adjoining residences.

5.6 Accessibility
The Access Report submitted with the DA confirms compliance with access and mobility requirements.

5.7 Privacy
The proposed development has been designed to maximise privacy and reduce potential for overlooking. As discussed in the responses to DCP and SEE requirements, the development is not subject to any internal overlooking of dwellings and dwellings.
In terms of privacy to neighbouring dwellings, the development meets all setback requirements and side boundaries will be landscaped to provide screening and soften the visual impact of the development. Overall, there is minimal impact to privacy as a result of this Proposal.

5.8 Views
The subject site does not have any significant views as views are blocked to by adjoining developments. The proposed development also has no impact to sight lines from adjoining properties. As such, the proposed development is not considered to have an impact in terms of views.

5.9 Flooding
The subject site is in a flood prone area and the ground floor level has been raised to mitigate any risk of flooding. In addition, an overland flow path has been retained on the entire to ensure a clear stormwater run-off path.

5.10 Biodiversity
The subject site holds tree and Vegetation zone, which has been clearly identified and new works are proposed in this area.

5.11 Bushfire
The subject site is not within a bushfire prone area.

5.12 Sustainability & Energy Efficiency
The development has been oriented to maximise solar access and cross ventilation. Most dwellings are cross ventilated which will reduce reliance on cooling during warmer months.
Rooftop solar panels are proposed to improve energy efficiency and reduce emissions associated with the development. The dwellings will be connected to the grid so that any excess power from the panels can be fed back into the local supply.

5.13 Waste Management
Waste is to be managed via an enclosed waste facility within the development.

5.14 Submissions
It is envisaged that the development application once submitted to Council will be placed on public exhibition; and the general public will be afforded an opportunity to review the documentation supporting the application. Any public submissions made following the exhibition will need to be taken into consideration by Council when it determines the application.

6. CONCLUSION

This Statement of Environmental Effects (SEE) supports a development application that seeks Eurobodalla Shire Council's consent to the demolition of an existing dwelling, and construction of a residential flat building comprising a total of 60 residential units, with parking for 88 vehicles & 3 Car wash bays in the basement.

Under the provisions of the Eurobodalla Local Environmental Plan (ELEP) 2012, the subject site is zoned R3 Medium Density Residential. The proposal comprises a "residential flat building" and is permissible with development consent under these planning provisions.

Clause 4.3 of the ELEP 2012 includes a maximum height of building, and the proposed building has a maximum height that exceeds this. Consequently, the application is also supported by a request pursuant to Clause 4.6 of the ELEP 2012 to consider this aspect of the proposal. This forms Annexure 1 to this SEE.

This SEE considers the site, the surrounding locality, the proposed development and relevant town planning controls. The SEE includes an assessment of the proposal having regard to the matters for consideration as listed under Section 4.15 of the Environmental Planning and Assessment Act, 1979.

The proposed new residential flat building is appropriate to the existing and future context and creates large-sized apartments for future occupants to enjoy. The proposal has minimal impact to the surrounding properties and is appropriate to the local streetscape and steep site topography. The assessment concludes that the development, within its local context, is satisfactory and should be approved.