



Amended Statement of Environmental Effects

**Proposed Dual Occupancy Development
Lot 2 DP 773132
217A beach Road Denhams Beach**

For Colbert

Date June 2024.

Version 2

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| | | |
|------------|--|-----------|
| 1.0 | INTRODUCTION | 3 |
| | <i>Table 1 – Consultant Reports</i> | <i>3</i> |
| 2.0 | THE SITE..... | 4 |
| 2.1 | SITE LOCATION AND DESCRIPTION | 4 |
| | <i>Figure 1 – The site</i> | <i>4</i> |
| 2.2 | SITE FEATURES AND EXISTING DEVELOPMENTS | 4 |
| | <i>Figure 2– Photo of site from 217A Beach Road.....</i> | <i>5</i> |
| 2.3 | SURROUNDING LANDS | 5 |
| | <i>Figure 3 – Aerial photo of site with adjoining developments</i> | <i>6</i> |
| 3.0 | ZONING AND PLANNING CONTROLS | 6 |
| 3.1 | ZONING | 6 |
| | <i>Figure 4 – LEP Zoning Map.....</i> | <i>6</i> |
| 3.2 | OTHER PLANNING CONTROLS..... | 7 |
| 3.3 | BUSHFIRE | 7 |
| 4.0 | THE PROPOSAL | 7 |
| | <i>Figure 5 – Architectural render of proposed development.....</i> | <i>8</i> |
| | <i>Figure 6 – Site Plan illustrating development and access points.....</i> | <i>8</i> |
| | <i>Figure 7 Photo of beach looking at the site.....</i> | <i>9</i> |
| | <i>Figure 8 Photo from beach directly in front of site.....</i> | <i>9</i> |
| 5.0 | PLANNING CONSIDERATIONS..... | 9 |
| 5.1 | EUROBODALLA LEP 2012 | 9 |
| | <i>Table 2 land use table.</i> | <i>10</i> |
| | <i>Table 3 – Eurobodalla LEP compliance table.....</i> | <i>12</i> |
| | <i>Figure 9 height variation illustrations</i> | <i>12</i> |
| 5.2 | EUROBODALLA RESIDENTIAL ZONES DCP..... | 12 |
| | <i>Table 5 Compliance with the Eurobodalla Residential zones Development Control Plan.....</i> | <i>35</i> |
| 5.3 | STATE ENVIRONMENTAL PLANNING POLICIES | 35 |
| 6.0 | ENVIRONMENTAL IMPACTS | 36 |
| 7.0 | SECTION 4.15 CONSIDERATIONS | 37 |
| 8.0 | CONCLUSION | 39 |
| | APPENDIX 1 – ARCHITECTURAL PLANS – | 40 |
| | APPENDIX 2 AHIMS REPORT | 41 |
| | APPENDIX 3 LANDSCAPING DESIGN..... | 42 |
| | APPENDIX 4 –SITE SURVEY..... | 43 |
| | APPENDIX 5 – ARBORIST REPORT | 44 |
| | APPENDIX 6 – PRELIMINARY ENVIRONMENTAL ASSESSMENT REPORT | 45 |
| | APPENDIX 7 – STRUCTURAL REPORT..... | 46 |

1.0 Introduction

PM.Anderson Consulting Pty Ltd has been engaged to prepare a Statement of Environmental Effects (SoEE) to accompany a development application (DA) to be submitted to Eurobodalla Shire Council (**ESC**) for a proposed dual occupancy and beach storage shack. The subject site is located at 217A Beach Road Denhams Beach. This SEE is to be read in conjunction with the other documentation prepared for lodgement of the DA and the information previously submitted to Council.

The proposal is not an integrated development requiring a bush fire safety authority from the NSW Rural Fire Service Commissioner under section 100B of the Rural Fires Act 1997 or any other authority.

The site is zoned R2 – Low Density Residential under the Eurobodalla Local Environmental Plan 2012 and the proposal is permissible with consent.

This SEE has been prepared in accordance with the requirements of S4.112 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Part 3 of the *Environmental Planning and Assessment Regulation, 2021*.

The purpose of this SEE is to:

Provide a description of the development and its context, assess the development as proposed against the applicable planning instruments, standards and controls, and assess the potential environmental impacts and mitigation measures.

The SEE has been compiled, through on ground investigations, research, analysis and discussions with the client and design team.

This Statement considers the proposal against the provisions of relevant planning controls, including Eurobodalla LEP 2012, the Eurobodalla Residential Zones DCP and relevant state planning controls. The statement also addresses the matters identified in Council's Development Application Guide and the matters for consideration under Section 4.15 of the Environmental Planning & Assessment Act, 1979.

The following table provides a list of reports and plans to be considered with the SEE.

| Plan/Report | Author |
|-------------------------|---|
| Survey Plan | Bereza Surveying |
| Architectural Plans | Adhami Pender Architecture |
| Civil design/Stormwater | Southeast Engineering and Environmental |
| Landscaping Plan | Adhami Pender Architecture |

Table 1 – Consultant Reports

2.0 The Site

2.1 Site Location and Description

The site is located at 217A beach Road Denhams Beach and has a real property description of lot 2 DP 773132. The site is located on Eastern side of Beach Road. The site is bounded on 2 sides by other residentially zoned lands and the south pacific ocean to the rear.

The site has an area of approximately 1069m².

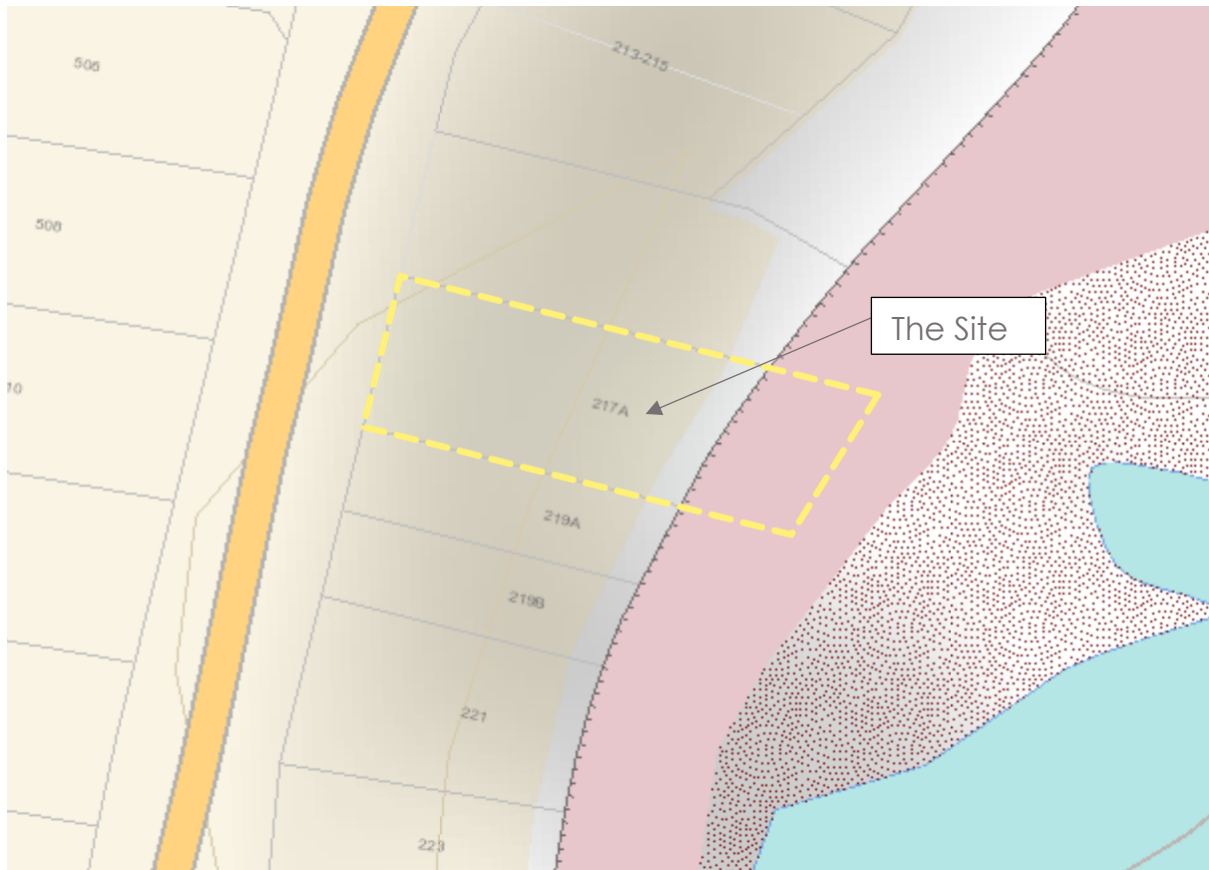


Figure 1 – The site

Source: NSW Planning Portal

2.2 Site Features and existing developments

The site is generally regular in shape and having a street frontage of approximately 19.0m to beach Road. The site is currently vacant with the exception of some works undertaken as Environmental protection works to save the batter to the rear of the site. At the time of preparing this SoEE there were some retaining walls and revegetation of the batter towards the beach at the rear that were carried out as environmental protection works. These works were designed and supervised by a consulting structural engineer.

The frontage of the site is afforded with kerb and gutter and an existing vehicular access crossing.

The front of the site is relatively level with a very slight fall towards the rear of the site. The fall across this portion of the site is approximately 2.4m. The rear of the site is subject to a significant fall which as mentioned above has been the subject of recent works to stabilise and secure the batter in the form of environmental protection works. The fall over the rear of the property is approximately 22m.



Figure 2– Photo of site from 217A Beach Road

2.3 Surrounding Lands

Surrounding the site are a range of residential developments including dual occupancy developments on the adjoining boundaries. The existing dwellings in the locality are typical of a coastal community.

The developments adjoining the site have all recently carried out some works to stabilize the rear battered area and include a range of beach access and shacks and storage facilities.



Figure 3 – Aerial photo of site with adjoining developments

Source: Nearmap

3.0 Zoning and Planning Controls

3.1 Zoning

The site is zoned R2 – Low Density Residential under the Eurobodalla LEP 2012. Under this zoning, Dual Occupancies are permitted with consent.

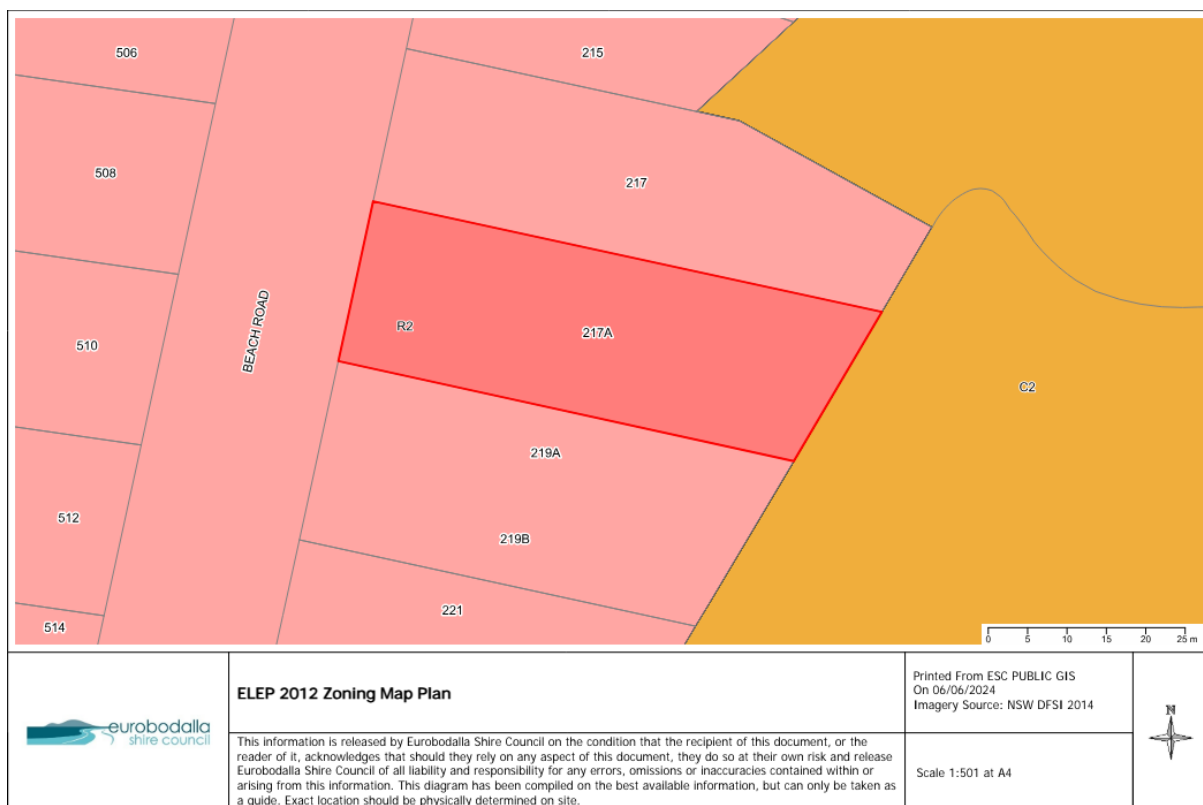


Figure 4 – LEP Zoning Map.

Source: Eurobodalla Electronic Mapping

3.2 Other Planning Controls

The site is also affected by the Eurobodalla Residential Zones DCP, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Primary production) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Industry and Employment), State Environmental Planning Policy (Transport and Infrastructure) 2021 and State Environmental Planning Policy (Sustainable buildings) 2022. There are other SEPPs that apply to the land but are less relevant for this application.

3.3 Bushfire

The site is not mapped as being bushfire prone lands under the provisions of the Planning for Bushfire Provisions 2019.

4.0 The Proposal

The proposal is to develop an attached dual occupancy dwelling and a beach storage shed on the subject site.

Stormwater generated on site and from the development will be controlled by the construction of stormwater detention/Retention systems design to meet the 1% AEP Event.

The site will be provided with landscaping to help soften the development and improve visual impacts associated with the development.

The use of the site for the proposed development is permitted with consent.

The dual occupancy building will be a generally 2 storey structure with a small section of lower ground floor. The building maintains the appearance of a 2 storey building from Beach Road. Each dual occupancy will be provided with 2 under cover car parking spaces in the form of a car port behind a timber slated screen within the front setback area. The external colours and finishes of the proposed buildings have been designed to reflect the local environment and are of a low reflective nature.

The beach storage shed is reflective of the recently constructed structures in the local vicinity and does not intrude to the operation or enjoyment of the beach below the site.

Neither the proposed dual occupancy or the proposed beach storage shed impacts on the adjoining properties by way of overshadowing and ensures that at least 3hrs of solar access is available on the winter solstice.

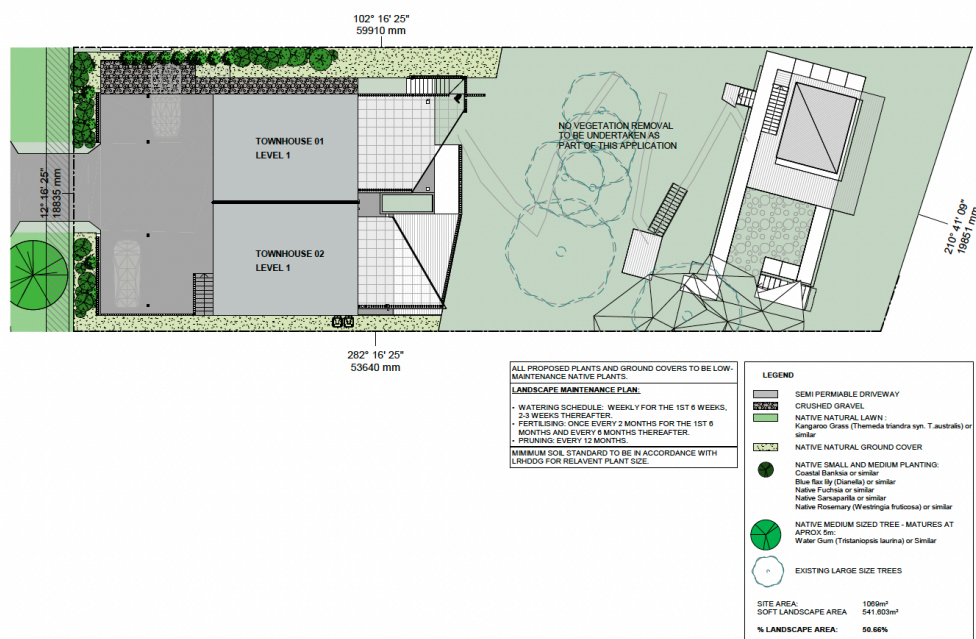




Figure 7 Photo of beach looking at the site.



Figure 8 Photo from beach directly in front of site.

5.0 Planning Considerations

5.1 Eurobodalla LEP 2012

The site is zoned R2 – Low Density Residential under the Eurobodalla LEP 2012. The use of the site for a dual occupancy is permitted under the land use table for the R2 zone. The construction of a beach storage shed is considered to be ancillary development of an outbuilding which is also permissible.

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage residential development that is consistent with the character of the neighbourhood.

2 Permitted without consent

Environmental protection works; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Seniors housing; Sewerage systems; Shop top housing; Tank-based aquaculture; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3

Table 2 land use table.

Source: Legislation NSW.

The land use table identifies that dual occupancies are permitted with Consent. The definition of a dual occupancy in the dictionary to the ELEG 2012 is defined as:

dual occupancy means a dual occupancy (attached) or a dual occupancy (detached).

The proposal is for the construction of an attached dual occupancy. These are defined as:

dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

The proposed development satisfies the objectives of the R2 zone as follows:

To provide for the housing needs of the community within a low density residential environment.

Comment.

The proposed attached dual occupancy will provide for additional housing needs in a low density environment

To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Comment.

The provision of the beach storage shed will provide for additional facilities on site to meet the needs of the residents. The existing access stairs and viewing platform will also provide for enhanced amenity of the residents.

To encourage residential development that is consistent with the character of the neighbourhood.

Comment.

The properties adjoining the site are developed as attached dual occupancies. Within the immediate area of the subject site are a number of dual occupancies and single dwelling houses. The proposed development is entirely consistent to the character of the locality.

The following table provides for the compliance with the provisions of the Eurobodalla LEP 2012

| LEP Provision | Comments | Complies |
|--|--|---|
| Clause 1.2 Aims of Plan | The proposed development satisfies the aim of the plan and, addresses the objectives of preserving the urban growth boundaries and protecting the established residential neighbourhoods. | Yes |
| Part 4 Development Standards | | |
| Clause 4.3 Height of Buildings | <p>The maximum height of buildings on this site is mapped as being 8.5m. The proposed building has a maximum height of 9.114 m.</p> <p>The height limit is exceeded for the proposed development by 614mm or a variance of 7.2% of the development standard. This height exceedance is as a result of the topography of the site and the design has endeavoured to take the site conditions into account.</p> <p>The height variation in this location is for a very small portion of the southern unit where the roof line over the terrace exceeds the height plane as a result of the rapid fall of the site in this location due to the 'cliff face' at the rear of the building site. This area of exceedance is illustrated in the figure 9.</p> | Need sections to determine height. |
| Part 5 Miscellaneous Provisions | | |
| Clause 5.10 Heritage Conservation | The site is not identified as being an item of Environmental Heritage under the LEP. | Yes |

| | | |
|---|--|------------|
| | The site is also not identified on the AHIMS database as containing an aboriginal site or place. | |
| Clause 5.21 Flood Planning | The site is not mapped as being affected by flooding or a flood planning area. | Yes |
| Part 6 Additional Local Provisions | | |
| Clause 6.3 Acid Sulfate soils | The site is not mapped as being impacted by acid sulfate soils. | Yes |
| Clause 6.4 Earthworks | The proposed development requires earthworks for the construction of the building. These earthworks are considered to be ancillary to the proposed development consent being sought and a separate approval is not required. | Yes |

Table 3 – Eurobodalla LEP compliance table

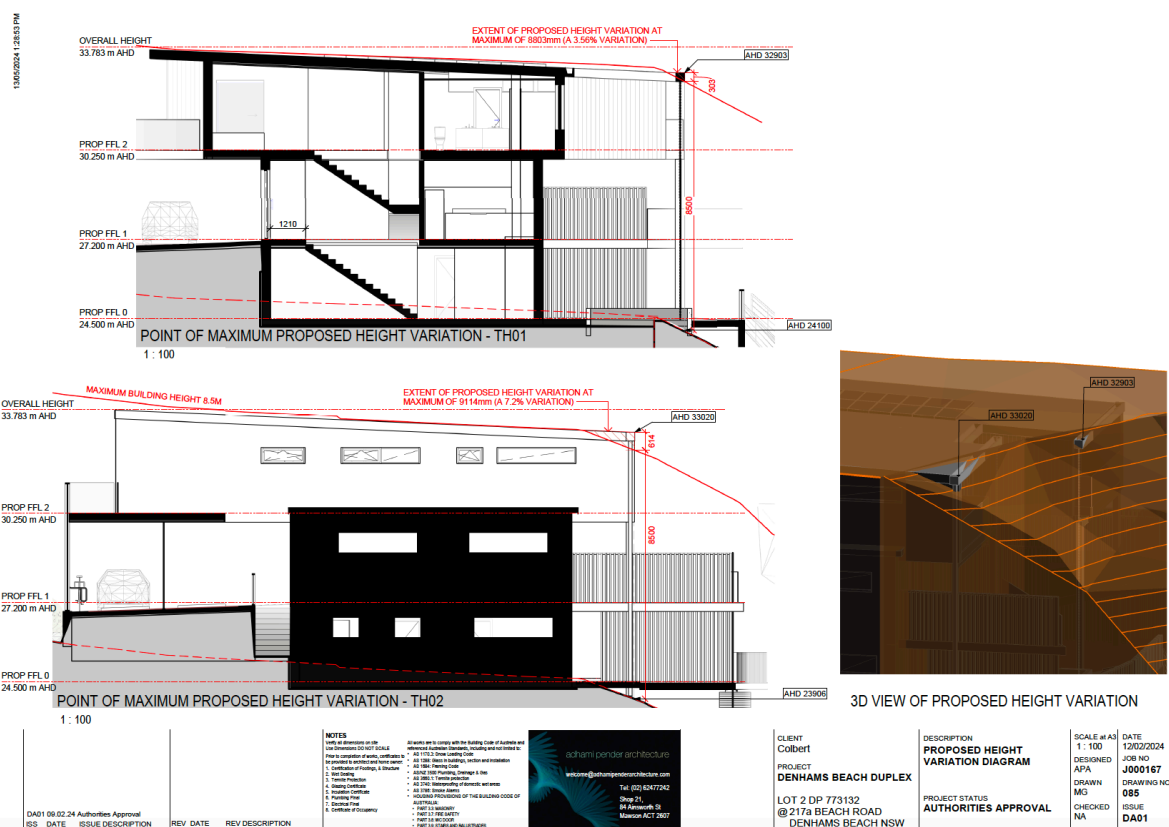


Figure 9 height variation illustrations

5.2 Eurobodalla Residential zones DCP

The subject site is impacted by the provisions of the Eurobodalla Residential zones DCP. Consistency with the provisions of the Eurobodalla Residential zones DCP are set out in the below table.

The proposed development satisfies the provisions of the DCP and its objectives. The development has been designed to reflect the nature and character of residential developments within the Local Government Area. The proposal will not detract from the scenic quality of the area as a result of the proposed development and landscaping.

In assessing the proposal against Eurobodalla Residential zones DCP it is recognised that the Environmental Planning & Assessment Act 1979 reinforces that the provisions contained in a DCP are to provide guidance and to be flexibly applied (Section 3.42 of the Act). Any noncompliance can be addressed through alternative solutions or addressing how a proposal otherwise meets the objectives of the DCP.

The subject site is within the Residential Zones Development Control Plan and is zoned R2.

The DCP has the following objectives:

- conserve the character and environmental quality of the local area enjoyed by residents of, and visitors to, the Eurobodalla
- ensure any development takes into account environmental constraints
- provide opportunity for innovative, well-designed, quality development in the Eurobodalla Shire
- ensure that the design of development will improve the quality of the built environment and is of a scale that complements the local character
- to protect the visual amenity by encouraging the retention of trees and preserving prominent ridgelines and other scenic areas in their natural state

The proposed development satisfies the objectives to the DCP by providing a quality development that will enhance the urban environment and is in line with the character of the Denhams Beach residential area. The development will also enhance the viability of the Batemans Bay CBD with additional residents and visitors to the area. The development reflects the environmental constraints of the site and the visual amenity of the local area.

The site is located within the Denhams Beach R2 Low Density Residential Zone which supports the use of the site as a Dual occupancy housing development

The following table outlines the compliance with the requirements of the Eurobodalla residential Development Control Plan

NEIGHBOURHOOD CENTRES DEVELOPMENT CONTROL PLAN

| DCP Requirement | Acceptable Solution | Compliance | Comment |
|---|--|------------|--|
| 2.1 Siting of Development | | | |
| 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 geotechnical engineer or soil conservationist is required to consider the suitability of the site for residential development having regard to the stability of the land. | Yes | <p>The proposed siting of the dual occupancy building is on a slope of less than 1:4</p> <p>Design for the proposed development is working with the natural gradient of the land.</p> <p>The proposed beach storage shed is within the steep portion of the site but is supported with Geotechnical and structural engineering advice.</p> |
| P2 The scale, location, footprint, and height of buildings is such that: <ul style="list-style-type: none"> • buildings recede into the landscape; • do not compromise ridgelines or areas of high visual significance; and • visual impact on scenic, natural landscape and adjoining properties is minimised. | A2 Buildings must not be located on hilltops, ridgelines or prominent knolls. | Yes | <p>The proposed development is designed to reflect the development in the locality. The proposed beach storage shed is reflective of the structures on adjoining lands and does not create an adverse impact to the enjoyment or operation of the beach.</p> |
| 2.2 Setbacks | | | |
| Front boundary setback | | | |

| DCP Requirement | Acceptable Solution | Compliance | Comment |
|--|---|------------|---|
| P2 Setbacks Consistent with the prevailing setbacks in the area | A2.1 For infill development other than neighbourhood shops, buildings and all other structures must be set back from the road frontage to within 20% of the average setbacks of the adjoining buildings, but no less than the smaller of the existing setbacks | Yes | <p>Proposed development meets the objective as it blends with the existing streetscape of Beach road with the setback for the dual occupancy building.</p> <p>Given the constraints to the site carports are proposed to the front set back areas. These car ports are open structures with a timber slatted screens providing visual relief to Beach Road. The screens are proposed to be setback 1.8m from Beach Road.</p> <p>The variation is considered warranted in this case given the large traffic volume of the road and the minimal impact from the screens to the streetscape or visibility of the building. To gain compliance with the front setback requirements the building would need to be constructed with a considerable canter lever over the cliff top to the rear of the site and would as a result have a much larger impact to the coastal use are and visual impacts from the foreshore area.</p> |
| Side boundary Setback | | | |

| DCP Requirement | Acceptable Solution | Compliance | Comment |
|---|--|-------------------|--|
| <p>P3 Buildings are setback to reduce overbearing and perceptions of building bulk on adjoining properties and minimises overshadowing impacts on adjoining properties</p> | <p>A3 The minimum setback to a side boundary is:</p> <ul style="list-style-type: none"> • For the first floor, or for a single storey building, 900mm (including a minimum of 600mm to the eaves or gutters, whichever is the closest). • For any part of the building higher than 4.5m, 1.5m (including a minimum of 1.2m to the eaves or gutters, whichever is the closest); • For any part of the building higher than 7.5m, 1.5m (including a minimum of 1.2m to the eaves or gutters, whichever is the closest) where it adjoins land zoned R3 Medium Density Residential or a Business Zone and 2m (including a minimum of 1.7m to the eaves or gutters, whichever is the closest) elsewhere. • For single storey (up to a height of 3.8m) sheds, detached garages and other detached ancillary buildings (eg. gazebos, aviaries, green houses, pool houses, etc), 450m | <p>Yes</p> | <p>The side setbacks are compliant to the required setbacks</p> <p>The proposed development satisfies these provisions with the setbacks as proposed Proposed development is within the required setback</p> |
| Rear boundary setback | | | |

| DCP Requirement | Acceptable Solution | Compliance | Comment |
|--|---|------------|---|
| 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 proximity, overshadowing or overlooking the open space. | A6.1 A minimum rear boundary setback of 3m applies to all buildings except: <ul style="list-style-type: none"> • sheds; • detached garages; and • other detached non-habitable ancillary buildings. up to a height of 3.8m. | Yes | Proposed development is within the required setback. The development on site will not overshadow the private open space of the adjoining properties nor will it impact on the enjoyment of the public open space of the beach below the site. |
| setbacks to reserves and cliffs | | | |

| | | | |
|--|--|-------------------|--|
| <p>P8 Buildings are setback to minimise impacts on the public enjoyment of reserves and to minimise adverse impacts on the scenic qualities of reserves and cliffs when viewed from private land, public land, waterway or the ocean.</p> | <p>A8.1 Where development is proposed on land which has a common boundary with a foreshore reserve:</p> <ul style="list-style-type: none"> – for infill development, the minimum setback for any building and all other structures from the reserve must be within 20% of the average setbacks of the adjoining lawfully erected buildings, but no less than the smaller of the existing setbacks; and – where a building line has not been established, the minimum setback for any building and all other structures from the reserve must be 12m. – where the common boundary is a side boundary, the main dwelling may be less than 12m if the dwelling is at the minimum setback on the opposite side boundary and all efforts have been made to achieve a satisfactory setback to the reserve. <p>A8.2 Where development is proposed on land which has a common boundary with a public reserve other than a foreshore reserve, the minimum setback for any building from the reserve must be 3m.</p> <p>A8.3 Where development is proposed on land that contains or is in close proximity to a cliff, even where there is no foreshore reserve:</p> <ul style="list-style-type: none"> – for infill development, the minimum setback for any building or any other structures from the top of the bank of the cliff must be no less than the average setback of the adjoining lawfully erected buildings; and | <p>Yes</p> | <p>The proposed dual occupancy is in line with the adjoining rear walls of those dual occupancies built on the adjoining lands.</p> <p>The proposed beach storage shed is setback further than the adjoining and adjacent storage sheds.</p> |
|--|--|-------------------|--|

| DCP Requirement | Acceptable Solution | Compliance | Comment |
|--|--|------------|---------|
| | – where a building line has not been established, the minimum setback for any building and all other structures from the top of the bank of the cliff must be 12m. | | |
| 2.3 Garages, Carports and Sheds | | | |

| | | | |
|---|---|-------------------------------------|--|
| <p>P1 Carports and garages:</p> <ul style="list-style-type: none"> • are not a prominent feature of the development when viewed from the street; • are compatible with the design of the main building in terms of roof form, detailing, materials and colours; and • do not dominate the streetscape. <p>P2 Carports and garages:</p> <ul style="list-style-type: none"> - are compatible with the design of the main building in terms of building bulk and scale. - do not have an unreasonably adverse impact on the amenity of adjoining residential properties nor dominate the streetscape. | <p>A1 Carports and garages must be no further forward of the front facade of the building than 1.2m and for no more than 50% of that façade.</p> <p>A2.1 The site coverage of</p> <ul style="list-style-type: none"> – sheds; – carports; – detached garages; and – other detached non-habitable ancillary buildings. on lots: <ul style="list-style-type: none"> • ≤1500m² or where a minimum lot size in that range applies, must not be greater than 60m². • >1500m² or where a minimum lot size in that range applies, must not be greater than 100m². <p>A2.2 Metal clad sheds, such as 'old American barns' and 'Quakers barns', are not suited to the urban areas of Eurobodalla Shire as either garages or dwellings.</p> | <p>Yes</p> <p>Yes</p> | <p>The proposed carports are integrated into the building designs and located within the front setback behind an open timber screen. Given the constraints of the site with the rear "cliff" the carports are located in front of the buiding line. These are open structures and do not present an impact to the streetscape.</p> <p>The proposal does not include the construction of a carpaort or shed, with the exception of the beach storage shed. This structure is integrated to the block retaining walls constructed as part of the environmental protection works.</p> |
|---|---|-------------------------------------|--|

2.4 Private Open Space

| DCP Requirement | Acceptable Solution | Compliance | Comment |
|--|--|------------|---|
| General Requirements | | | |
| P1 Private open space is designed and located to: <ul style="list-style-type: none"> – enhance residential amenity. – be functional for private recreational activities. – allow for landscape design. – optimise solar access; and – increase visual privacy, to promote the enjoyment of outdoor living by residents | A1.1 Each dwelling must be provided with a minimum of 24m ² of private open space at ground level and/or above ground level which must: <ul style="list-style-type: none"> – not be steeper than 1 in 50 in grade. – be of a predominantly northern exposure, that takes advantage of outlook and reduces adverse privacy and overshadowing impacts from adjacent buildings. – serve as an extension of the dwelling for relaxation, entertainment and recreation purposes by being accessible to the living areas; – be located behind the building line. | Yes | Each dwelling unit is provided with at least 24m ² of private open space openable off a habitable room. These areas of private open space are designed so as to maximise solar access and enhance the amenity of the buildings for the occupants. In addition the proposed common lot will provide significant open space to the occupants of the dwellings on site. |
| Dwellings with combination of ground and above level POS | | | |

| DCP Requirement | Acceptable Solution | Compliance | Comment |
|--|--|-------------------|--|
| <p>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.</p> | <p>A3 Where the dwelling has direct access to the ground level or similar space on a structure such as a podium or carpark, an individual entrance and is two storeys in height, private open space must meet the general and following requirements:</p> <ul style="list-style-type: none"> • either be a minimum area of 24 m² of private open space provided mainly at ground level, no part of which has a minimum dimension less than 4m and the balance on a balcony/deck or terrace (the exact area apportionment to be determined by design); 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 and the balance (to achieve a total private open space area of 24m²) to be provided at ground level. <p>Where the balcony is adjacent to the main living area of the dwelling, the balance may be provided in the form of communal open space on the site.</p> | <p>Yes</p> | <p>The proposed development provides private open space on multiple levels for each proposed dwelling. All balcony areas exceed the minimum of 10m² and width of 2.0m. The total open space for each dwelling exceeds the required 24m².</p> |
| <p>2.5 Landscaping</p> | | | |

| DCP Requirement | Acceptable Solution | Compliance | Comment |
|---|---|------------|--|
| P3 Sites are landscaped to complement and soften the built form of development, enhance the streetscape, provide amenity to occupants, and reduce stormwater run-off. | A3 The minimum landscaped area of the site must consist of: – 35% of the site area used for residential development, including – 50% of the front setback for development other than neighbourhood shops; and – The minimum landscaped area must be provided in addition to the minimum private open space requirement, | Yes | The landscaping is proposed to compliance with these provisions. The plan has been designed to ensure not only a design which is compatible the surrounding environment but also to soften and reduce the visual impacts of the development from adjoining properties and public roadways. |
| 2.6 Parking and Access | | | |
| P1/P2 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. | A1 All development must comply with the Eurobodalla Parking and Access Code. | Yes | The development proposes a minimum of 2 car parking spaces per dwelling unit |
| P3 Access is located and designed to minimise adverse visual and environmental impact. | A3 Driveways and other internal roads must follow natural contours where possible. Avoid unreasonably steep and visually intrusive driveways. | Yes | The proposed driveway and internal access is from Beach Road to reduce the visual and environmental impact of the development. This location enables the internal access to follow the contour of the site. |
| 2.8 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. | Yes | The layout and levels of the development demonstrate consideration of views sharing between the dwelling units and with the neighbouring blocks. Roof line design, and dual occupancy bulk and scale allow for reasonable sharing of views. |

| DCP Requirement | Acceptable Solution | Compliance | Comment |
|---|---|------------|---|
| 2.9 Safer by Designs | | | |
| P1. Developments are designed to ensure the security of residents and visitors and their property, and to enhance the perception of community safety. | A1.2 All development must comply with the Eurobodalla Safer By Design Code. | Yes | The proposed dual occupancy dwelling units have main entrances and windows visible from the internal driveway spaces to facilitate casual surveillance and ensure security of residents |
| 4.1 Building Bulk and Scale | | | |
| P2 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. | A2 On sloping sites, buildings must step down the block. | Yes | Proposed development has been designed to conform to the topography of the site and follows the contours. The development is at a respectful scale in volume to the character of the local area and compliments the proposed character of Denhams Beach. |
| 4.2 Street Frontage and Facade Treatment | | | |
| P1 The facades of buildings relate sympathetically to the existing buildings nearby and are designed to architecturally express the different functions of the building. | A1.1 Development must be orientated toward the street with front entrances visible from the street allow casual surveillance of entrance points. | Yes | <p>The development proposed is for the construction of a dual occupancy. The scale, use of materials and design are appropriate for the residential function of the development and are sympathetic to existing buildings in the area.</p> <p>The dual occupancy is directed to the driveway and allow for casual surveillance.</p> |

| DCP Requirement | Acceptable Solution | Compliance | Comment |
|--|--|-------------------|---|
| <p>P3 Building design enhances the streetscape through façade articulation, detailing and window and door proportions.</p> | <p>A3.1 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.</p> <p>A3.2 The building design must incorporate at least one of the following architectural features:</p> <ul style="list-style-type: none"> – eaves and overhangs of roof structures. – verandahs and balconies (above ground level); – a variety of building materials and coordinated colours. – recesses and variation to built walls; or – large windows and doors to the street frontages. <p>A3.3 Buildings must not present blank facades to streets or public spaces.</p> | <p>Yes</p> | <p>The proposed dual occupancy has been designed to ensure articulation and proportion control to the front façade. These architectural features ensure that the objective of visual separation, reduction of visual bulk and scale.</p> <p>The dual occupancy building is provided with eaves and other features to ensure a visual presentation and ensures that no blank walls are provided to the public streets</p> |
| 4.3 Style and Visual Amenity | | | |
| <p>P1.1 The building design is in the existing or desired character of the area and visually compatible with the existing and desired streetscape and environment.</p> <p>P1.2 New development does not compromise the design integrity of the existing development and preserves and enhances the amenity of the surrounding environment.</p> | <p>A2 New development must be designed to be consistent with the existing development and sympathetic with surrounding development in terms of style and orientation of openings, roof pitch, materials, colours, and general style.</p> | <p>Yes</p> | <p>Proposed is consistent with the contemporary development and modern in appearance while being respectful to the existing architecture of the area it provides well considered amenities to the users.</p> <p>The design of Roofs, windows, doors, decks and terrace, and the selection of material's variety and allocation are all articulated to be visually compatible with the existing in the area, to express interest and enhance street scape.</p> |

| DCP Requirement | Acceptable Solution | Compliance | Comment |
|---|--|------------|---|
| P3 Attached dual occupancy is designed to have the appearance of a single dwelling and using matching building materials, colours and design elements, for example, roof pitch, gables, etc. | A3 Attached dual occupancy development must be designed so that the 2 dwellings are: (a) Attached by a garage, carport or common roof or attached by a covered walkway no longer than 6m, to give the appearance of a single dwelling; and (b) Designed to create a harmonious building by the use of matching building materials, colours and design elements, for example, roof pitch, gables, etc. | Yes | The proposed development is located over a harmonious roof structure to give the appearance of a single dwelling unit. The materials and colours for the dual occupancy are the same for each dwelling unit. |
| 4.4 Building Materials | | | |
| | A1 Zincalume must not be used as an external building material. A2 Building materials that have a BCA colour rating of Very Light must not be used as an external roofing material. | Yes | Zincalume is not part of the proposed material pallet. Proposed metal roofs and are in Colourbond light grey or similar. The external walls are to be finished in a redered off white colour with timber cladding and screening. |
| 5.1 Visual Privacy | | | |

| DCP Requirement | Acceptable Solution | Compliance | Comment |
|--|---|-------------------|---|
| <p>P1 Buildings are designed to minimise direct overlooking of main living areas and private open spaces of existing dwellings by sensitive building layout, location and design of windows and balconies and the use of screening devices and landscaping.</p> | <p>A1.1 Transparent doors and windows of living rooms must be designed and located so they do not directly face transparent doors or windows of living rooms or the private open space areas of other residential accommodation within 9 metres;</p> <p>A1.2 Planter boxes, louvre screens, pergolas, landscaping and architectural design of balconies must be used to screen the ground floor private open space of dwelling units or dwelling units from upper level residential accommodation. Acceptable privacy measures include trees, awnings, screens, fences and planter boxes to minimise the ability to directly look into neighbouring homes and yards. The view of the area overlooked must be restricted within 9 m and beyond a 45° angle from the plane of the wall containing the opening, measured from a height of 1.7 m above floor level.</p> | <p>Yes</p> | <p>All the external openings have been designed and considered to protect privacy of users of dwellings and their neighbours both in their habitable spaces and private open spaces.</p> <p>1700mm sill height for some windows, and privacy glass up to 1700.m height are some strategies used. Plantation screening will also used to provide visual privacy where needed.</p> <p>Generally the view lines from the proposed development will be towards the ocean and away from the proposed or existing living and private open spaces of adjoining properties.</p> |

| DCP Requirement | Acceptable Solution | Compliance | Comment |
|--------------------------------------|---------------------|------------|---------|
| 5.2 Solar Access | | | |
| Solar Access to Adjacent Development | | | |

| DCP Requirement | Acceptable Solution | Compliance | Comment |
|--|---|-------------------|--|
| <p>P1.1 The use of natural light is maximised and the need for artificial lighting is reduced.</p> <p>P1.2 Buildings are designed to ensure adjoining residential development maintains adequate daylight to living areas, (i.e. living, dining or family rooms, kitchens), private open space and solar panels.</p> | <p>A1 Maintain solar access to adjoining residential development as follows:</p> <ul style="list-style-type: none"> • For all development except where an existing adjacent building has an east-west orientation: <ul style="list-style-type: none"> – maintain solar access to the front or rear living room windows for a minimum period of 4 hours between 9.00am and 3.00pm at the winter solstice; and – where solar access already exists to the private open space of adjacent dwellings, ensure it is maintained over a minimum of 50% of the principal private open space for a minimum period of 3 hours between 9.00am and 3.00pm at the winter solstice. • Where an existing adjacent building has an east - west orientation: <ul style="list-style-type: none"> – maintain solar access to the north facing living room windows for a minimum period of 2 hours between 9.00am and 3.00pm at the winter solstice; or – where less than 2 hours solar access is currently available to the north facing living room windows of existing dwellings, no additional overshadowing shall be permitted. | <p>Yes</p> | <p>The proposed development does not cause an overshadowing or loss of solar access issue to the adjoining property.</p> <p>The shadow diagrams attached to the proposal illustrate that the private open space and solar panels are not impacted by the proposed development.</p> |

| DCP Requirement | Acceptable Solution | Compliance | Comment |
|---|---|------------|---|
| Solar panels | | | |
| P2 The total energy use in residential buildings is reduced. | <p>A2.1 Maintain solar access to existing solar panels throughout the day at all times of the year.</p> <p>A2.2 Maintain solar access to the north facing roofs of existing dwellings (45° West to 45° East variation is possible) to a fixed minimum area of 10m², capable of accommodating solar panels.</p> | Yes | Proposed does not affect solar access of any neighbouring roofs or existing solar panels. |
| 6.2 Tree Preservation | | | |

| DCP Requirement | Acceptable Solution | Compliance | Comment |
|---|---|------------|---|
| | <p>A1 All development on land to which the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 applies must comply with that policy.</p> <p>A2 Clearing of vegetation that is not likely to significantly affect threatened species must comply with the Eurobodalla Tree Preservation Code. Clause 7.2 of the Biodiversity Conservation Act 2016, describes when an activity is likely to significantly affect threatened species which includes:</p> <p>(a) If it is found to be likely to significantly affect threatened species according to the test in Section 7.3 of the Biodiversity Conservation Act 2016;</p> <p>(b) If the area of clearing exceeds the threshold described in Clause 7.2 of the Biodiversity Conservation Act 2016; or</p> <p>(c) If the clearing is of native vegetation on land included on the Biodiversity Values Map.</p> | Yes | <p>Land subject to this development is relatively cleared in the areas proposed for development.</p> <p>The removal of the vegetation on site is supported by an attached AIA. A BDAR is not required under the BCA 2016 as a result of the small area of vegetation removal.</p> <p>The site is not mapped as having high biodiversity values.</p> <p>The removal of 2 trees is supported by the arborist on the basis of the termite damage and condition of the trees.</p> |
| 7.1 Sustainability | | | |
| P1 New development is designed to minimise the generation of greenhouse gases. | A1 New development must connect to reticulated electricity supply where available to enable any excess power created from alternative renewable resources to be fed back into the grid. | Yes | The dual occupancy development will be provided with mains connected reticulated electricity supply. PV units have been proposed for the roof space. |

| DCP Requirement | Acceptable Solution | Compliance | Comment |
|-----------------------------------|---|------------|---|
| P2 No Performance Criteria | A2 All dwellings in residential development must be provided with a separate water meter to comply with the State Government's Best Practice Management of Water Supply and Sewerage Guidelines. | Yes | Each dwelling unit will be supplied with a water meter. |
| 7.2 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. | Yes | No excavation or fill greater than 1m is proposed beyond the external walls of the dwelling units. |
|--|--|------------|--|

| DCP Requirement | Acceptable Solution | Compliance | Comment |
|---|--|------------|---|
| 7.3 Stormwater Management | | | |
| <p>P1.1 New development is designed in accordance with a site specific Stormwater Management Plan (SMP), approved by Council. The SMP will provide for the integrated management of stormwater in order to:</p> <ul style="list-style-type: none"> – minimise flooding; – protect and enhance environmental values of receiving waters; – maximise the use of water sensitive urban design principles; – maximise the use of natural waterway corridors and natural channel design principles; – maximise community benefit; and – minimise public safety risk. <p>P1.2 The stormwater management system or site works proposed by the SMP does not adversely impact on flooding or drainage of properties that are upstream, downstream or adjacent to the subject site.</p> <p>P1.3 The design provides for stormwater quality best management practices that are sufficient to treat the target pollutants.</p> | <p>A1.1 To avoid adverse impact on other development in the area, new development must connect to a Council approved drainage system which has sufficient capacity to ensure that any overland stormwater runoff from the property after the completion of the development does not exceed the stormwater runoff level prior to the development.</p> <p>A1.2 Development must comply with the following where relevant:</p> <ul style="list-style-type: none"> – AS3500 – Plumbing and Drainage Code; – the Eurobodalla Development Specification Manual – Section D5 Stormwater Drainage Design & D7 Erosion Control and Stormwater Management; and – the Design Guidelines for Rainwater Tanks Where an Existing Reticulated Water Supply Exists. | Yes | The stormwater management system designed by Southeast Engineering and Environmental has ensured that the stormwater detention is sufficient to harvest the stormwater from the site and to discharge the stormwater to the beach front land via an energy dissipator or rip rap to avoid and prevent erosion and impact to the coastal zone areas. |
| 7.4 Waste Management | | | |
| <p>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.</p> | <p>A1 All development must comply with the Site Waste Minimisation and Management Code.</p> | Yes | The proposed development is residential in nature and anticipated to generate typical or less than typical residential wastes. These wastes will be collected by the Council contractor in the same manner as any other waste collection for residential developments. |

5.3 State Environmental Planning Policies

State Environmental Planning Policy (Biodiversity and Conservation) 2021

This SEPP deals with the clearing of vegetation and protection of Koalas in NSW generally. The location of the proposed general industrial development is on lands that are clear of vegetation as a result of the former approved subdivision. A review of aerial photographs of the site indicate that this area has been clear of vegetation as a result of this approved subdivision. As a result this portion of the site is not considered suitable as habitat for koala population. On this basis the proposal is not considered to impact the Koala protection program.

The proposed development requires the removal of 2 mature trees from the site. These trees have been assessed by the project arborist as having declining health and significant termite damage and the removal of these trees was supported.

State Environmental Planning Policy (Resilience and Hazards) 2021

This SEPP deals with the contamination and remediation of lands across the state. The proposed use is not considered as a change of use and subsequently does not require the production of a preliminary site investigation for the site. A review of aerial photos of the site indicates the site was previously used for residential development and as a result unlikely to have impacts from contamination.

Chapter 2 of the SEPP deals with Coastal management. The site is located in a Coastal use area and Coastal environment area. The site is not mapped as being a coastal vulnerability area.

Council must consider the impacts of development in the Coastal Environment area to ensure that the development does not have adverse impact to such areas.

The proposed development is not likely to have an adverse impact to the surface and ground water environments of the site given the stormwater controls proposed. The development does not impact on the coastal environmental process' as it is located wholly above the high water mark for the site. Access to and along the small section of beach below the site is not impacted by this proposed development nor will the development impact on any headlands or rock platforms.

The site and surrounds are not listed on the AHIMS database as being an aboriginal site or place and as a result the development will not impact or aboriginal culture places or sites.

The development does not increase the overshadowing of the foreshore area nor does it reduce the views from any public place to the foreshore. The design of the dual occupancy and beach storage shed has been undertaken in such a manner as to improve the visual amenity and scenic quality of the coast while being respectful and considerate the development on the adjoining parcels of land.

The development has been designed to ensure that any impacts have been mitigated and that the enjoyment and use of the coastal area is not reduced or hampered by the proposed development.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The site does not access directly off a classified road nor does the development generate large volumes of traffic that would facilitate the need for concurrence of the roads authority. The development is minor in nature and the local roads in the vicinity of the development have the capacity to manage the vehicle movements from the site.

State Environmental Planning Policy (Sustainable Buildings) 2022

The proposed development is accompanied by a basix report and commitments which satisfies the provisions of the SEPP.

6.0 Environmental Impacts

Vegetation Removal

The proposed development only requires or proposes the removal of 2 items of vegetation from the site. The removal of these trees has been supported by the arborist on the basis of poor health and significant termite infestations and damage.

Fauna and Flora Impacts

The site of the proposed development is generally vacant, cleared residential land approved under a separate approval. No impacts are anticipated to the fauna and flora of the site as a result of the development.

Flooding

The proposed residential development on the site is located outside of any areas mapped as being flood prone or a flood planning area on the mapping available as part of the Eurobodalla LEP 2012.

Aboriginal Cultural Heritage

The site is not listed as having an aboriginal site or aboriginal place as per the AHIMS database. A copy of the AHIMS report is attached to this report. There are no recordings of aboriginal places or sites nearby the proposed development or subject site.

Social and Economic Impacts

The development of the site as dual occupancy is considered to have a positive impact on social and economic grounds. The development of the site will assist Council in diversifying the residential development of the region and assist in creating long term sustainable housing opportunities in the region. The proposed development in this location also reinforces the use of the and as residential lands and prevents the use of other lands for such purposes.

General Amenity Impacts

The proposal is to develop the site into dual occupancy and associated ancillary beach storage shed. The impact of this facility to the adjoining properties and the amenity of the adjoining properties is minor in nature and unlikely to cause harm. The amenity of the surrounding properties will be maintained and the proposal is not likely to impact on the enjoyment or operation of adjoining land uses in the public or private domain.

7.0 Section 4.15 Considerations

The following assessment addresses the matters required to be considered under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instruments

Comment: the proposal has been assessed against the Eurobodalla LEP 2012, and relevant State Environmental Planning Policies. The proposal is permissible in the zone.

- (ii) *any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved)*

Comment: The site is not subject to a draft environmental planning instrument.

- (iii) *any development control plan*

Comment: the proposal has been assessed against Eurobodalla residential zones DCP and is consistent with relevant DCP requirements.

- (iiia) *any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F*

Comment: There is no planning agreement relevant to the subject land or the proposal

- (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates*

Comment: There are no matters prescribed in the regulations that impact on the proposal.

- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*

Comment: As detailed in the Statement, environmental impacts have been considered and addressed for the proposal. The social and economic impacts of the proposal are positive in terms of ensuring the strengthening and maintenance of residential sector and contributing to the overall development of the Eurobodalla Regional area.

- (c) *the suitability of the site for the development*

Comment: The site is zoned for the proposed use and is therefore considered suitable for the proposed development.

- (d) *any submissions made in accordance with this Act or the regulations*

Comment: This is a matter Council will consider once the application has been notified.

- (e) *the public interest*

Comment: the proposal will provide a development that will provide for the strengthening and maintenance of the Residential sector in this area and will ensure the land is not fragmented for other uses that may be in conflict with the residential uses adjacent to the property as required under the Eurobodalla LEP. The development of the site is consistent with

the desired future vision of the area, and in this regard is in the public interest.

8.0 Conclusion

The use of the site for the development of a proposed dual occupancy development is permitted under the Eurobodalla planning instruments that affect the site.

An assessment of the proposal confirms the following:

- The proposal is for the construction of a dual occupancy and ancillary beach storage shed development.
- The land exceeds the minimum allotment size for a dual occupancy.
- The proposal is generally consistent with the provisions of the Eurobodalla Residential zoned DCP.
- The proposal will provide for a suitable residential development to cater for the residential needs and diversity needs for the growing community.
- The proposal is consistent with the future desired character of the Denhams Beach and the greater Batemans Bay area.
- The development will generate positive social and economic impacts to the areas with the construction of the development and ongoing occupation and use of the development in this location.

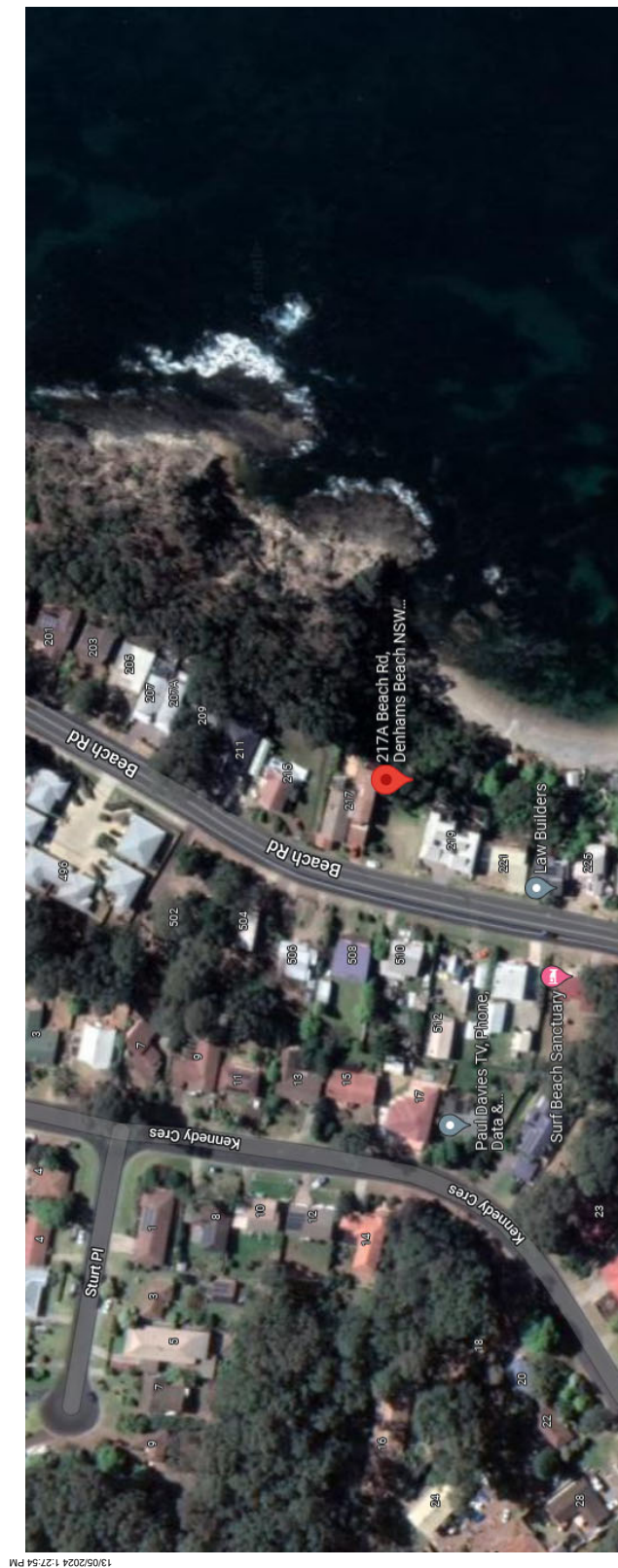
This Statement has addressed the impacts of the development on traffic, environmental, social and economic grounds and it is considered that the proposal is satisfactory.

The proposal is generally consistent with the provisions of the Eurobodalla Residential zones DCP and Eurobodalla Shire Council are requested after assessment of the impacts to issue a consent pursuant to the provisions of the Eurobodalla LEP 2012.

Paul Anderson
Director
PM Anderson Consulting Pty Ltd

6th June 2024





Appendix 2 AHIMS Report



AHIMS Web Services (AWS) Search Result

Your Ref/PO Number : 217A BEACH

Client Service ID : 898893

Paul Anderson

Date: 06 June 2024

Unit 1.4 69 Central Coast highway
West Gosford New South Wales 2250

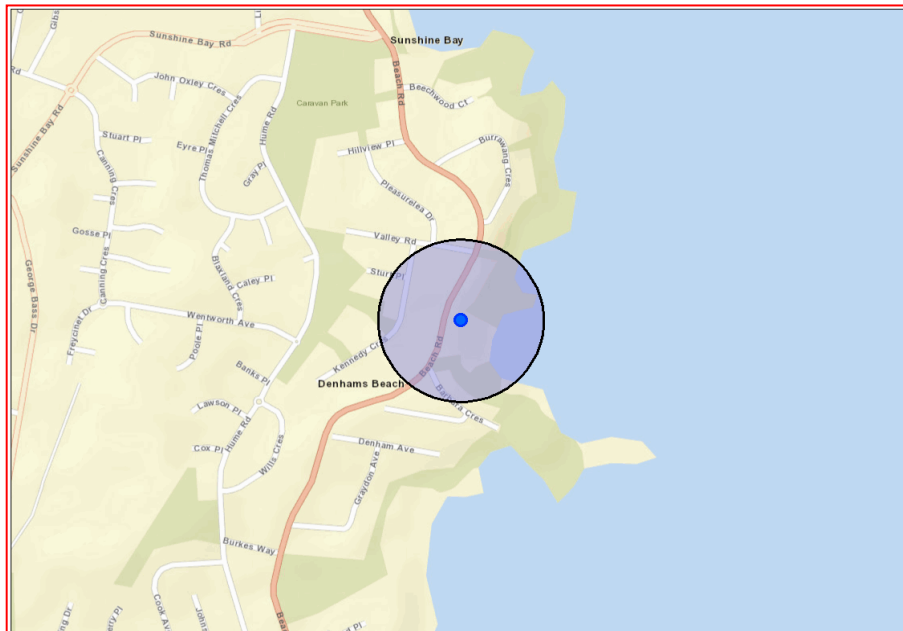
Attention: Paul Anderson

Email: paul@pmandersonconsulting.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Address : 217A BEACH ROAD DENHAMS BEACH 2536 with a Buffer of 200 meters, conducted by Paul Anderson on 06 June 2024.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.

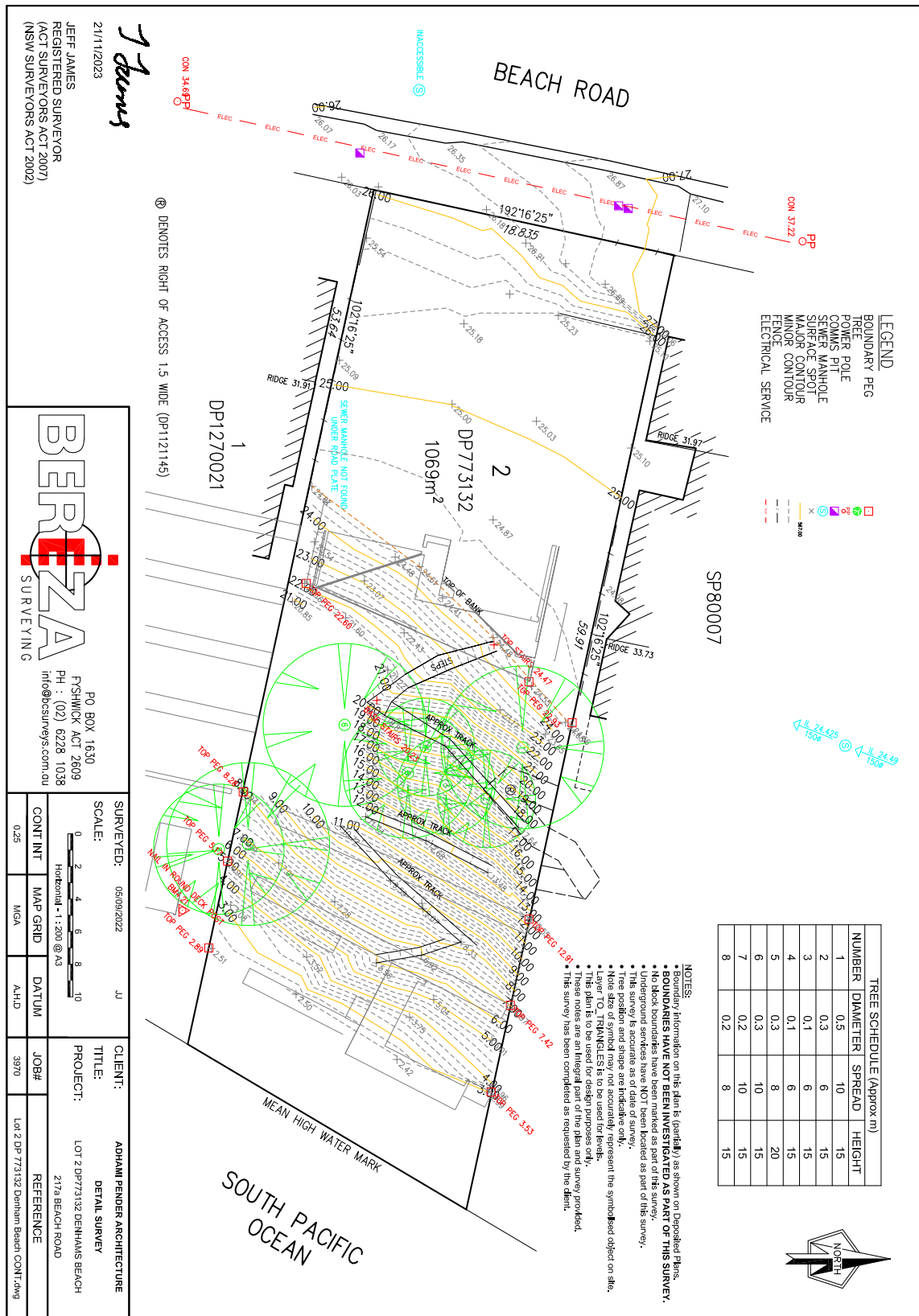


A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

| | |
|---|---|
| 0 | Aboriginal sites are recorded in or near the above location. |
| 0 | Aboriginal places have been declared in or near the above location. * |

Appendix 3 Landscaping design

Appendix 4 –Site Survey



Appendix 5 – Arborist Report



Memorandum

Date: 7 December 2023

From: Robert de Jong (Arbor Express) – AQF Level 5 Arborist

To: Beachline Construction Pty Ltd

Subject: Removal of 2 trees

Discussion

I have been asked to examine the removal of 2 Iron Bark trees. I have 2 stumps located on the cliff face. Both stumps show clear evidence of major termite infestations. Given the size of the stumps with photos provided, they were mature trees. Tree 1 in the photos shows evidence of limb failure with epicormic growth. The tree closest to the top Tree 2, is in very poor condition with the top part mostly dead. There has been a major landslide around the trees basal roots as indicated by the photos. Again, this area is being strategically drilled with large bolts into the cliff face with terra mating to secure the area.

Conclusion

Given the situation the builder has been presented with, the removal of the trees appears to be necessary.

Appendix 6 – Preliminary Environmental Assessment Report



ACT Geotechnical Engineers Pty Ltd
ACN 063 673 530

2/157 Newcastle Street, Fyshwick, ACT, 2609
PO Box 9225, Deakin, ACT, 2600
Ph: (02) 6285 1547
Fax: (02) 6285 1861

16 April 2024
Our ref: JF/C14369

Adhami Pender Architecture
Via email: nabil@adhamipender.com

Attention: Nabil Adhami

Dear Sir

PROPOSED RESIDENCE
217A BEACH ROAD, DENHAMS BEACH, NSW

PRELIMINARY ENVIRONMENTAL ASSESSMENT REPORT

We are pleased to present our preliminary environmental assessment report for the proposed residence at 217a Beach Road, in Denhams Beach, NSW.

Adhami Pender Architecture engaged ACT Geotechnical Engineers to undertake a 'Phase 1' preliminary site investigation with soil sampling at 217a Beach Road in Denhams Beach, NSW, to assess the suitability of the site for the proposed residential development. The area that was the subject of this investigation is legally described as Lot 2 of DP 773132 and is approximately 1070m² in size.

The objective of this investigation was to assess the site for potentially contaminating activities that may have occurred on the site or on adjacent properties that may affect the suitability of the site for the proposed development.

The scope of the investigation included the following:

- A site walkover to assess the presence of any pre-existing wastes or material stored on site.
- Reviewing the site history using aerial photographs and undertaking limited soil samples from four (4) boreholes drilled to a maximum depth of 1.0m.
- Laboratory testing of the soil samples for Total Recoverable Hydrocarbons (TRH), Benzene, Toluene, Ethylbenzene, Xylenes, Naphthalene (BTEXN), Organochlorine Pesticides (OCP), Polycyclic Aromatic Hydrocarbons (PAHs), Polychlorinated Biphenyls (PCBs), Heavy Metals and Asbestos.

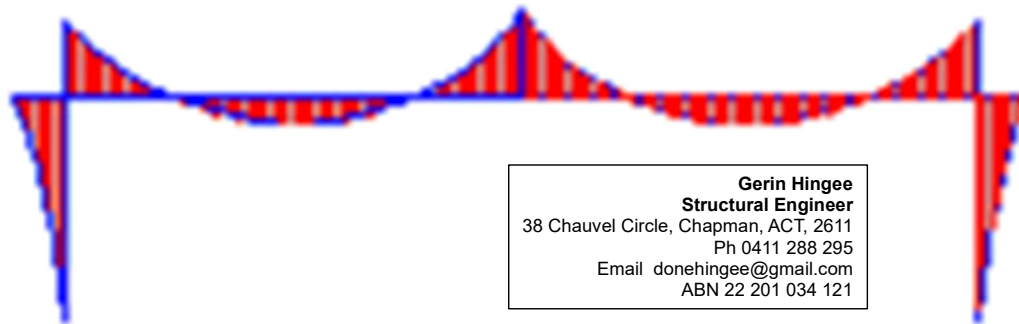
A summary of the results of this investigation is provided below:

- Based on a review of the site history, surface and sub-surface samples were collected and analysed.
- Fill was encountered at borehole locations 1A, 2A and 3A.
- The natural material comprised of residual/colluvial soils and extremely weathered shale bedrock.
- Loose construction debris (bricks, concrete, etc.) and several small pieces of fibrous sheeting (potentially asbestos) were noted during sampling. No olfactory indicators of contamination were noted and no staining was observed in the soil from the boreholes.



ACT Geotechnical Engineers Pty Ltd

Appendix 7 – Structural Report



217 Beach Rd, Denhams Beach Cliff Stabilisation

The retaining walls needed to be installed as part of the environmental protection works to secure and stabilise the bank and batter.

The bank and batter will then be able to withstand loadings from the proposed dual occupancy buildings,

As an additional safety measure, the buildings at the top of the embankment will be designed to cantilever off the western excavation and support the entire structure in the remote chance the stabilised batter collapses,

Gerin Hingee
30 / 5 / 24