



LOTS 1 & 9 DP 701830  
BATEMANS BAY

## **BAY WATERS INN REDEVELOPMENT**

# **PRELIMINARY ASSESSMENT**

**MAJOR PROJECT  
PART 3A  
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

**SEPTEMBER 2006**





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# 01\_SECTION

## — INTRODUCTION



## INTRODUCTION

This report is a preliminary assessment of a proposal to develop a tourist, residential and commercial complex in Batemans Bay north (Eurobodalla Shire) and accompanies a Major Project Application and request for Director-General's Requirements for an environmental assessment.

The assessment is submitted to the Department of Planning (the Department) under Part 3A of the *Environmental Planning and Assessment Act 1979* (the Act). The Department advised that the project was a major project under SEPP (Major Projects) on 22 August 2006.

The project is a major project as the subject site is located wholly within the coastal zone and partly within a sensitive coastal location, and the proposed development may contain tourist accommodation and buildings in excess of 13 metres in height. The proposed development will also include residential, but as it is to be strata titled, the development does not come within the ambit of the residential subdivision proposals of the SEPP (Major Projects).

### 1.1 BACKGROUND

In 2004, Purdon Associates submitted Master Plan 31-8-2004 to the then Department of Infrastructure, Planning and Natural Resources for a residential and commercial complex under the requirements of SEPP 71. The proposal included up to 233 residential units and associated recreational facilities, and a service station. This application was withdrawn in April 2006.

The planning intentions for the site have been substantially revised. Whilst the land uses remain the same, the development concept retains a higher proportion of trees, has a lower overall building height and a lower density than the former master plan.



# 01 SECTION

## INTRODUCTION

### 1.2 PURPOSE

The purpose of the report and accompanying material is to seek:

- Ministerial authorisation to lodge a Concept Plan application for the proposed development and a Development Application for Stage 1 under Part 3A of the Act
- Ministerial authorisation under Section 75P(1)(b) of the Act for subsequent development applications for future stages to be lodged with the Eurobodalla Shire Council and determined under Part 4 of the Act
- the release of the Director-General's Requirements for environmental assessment.

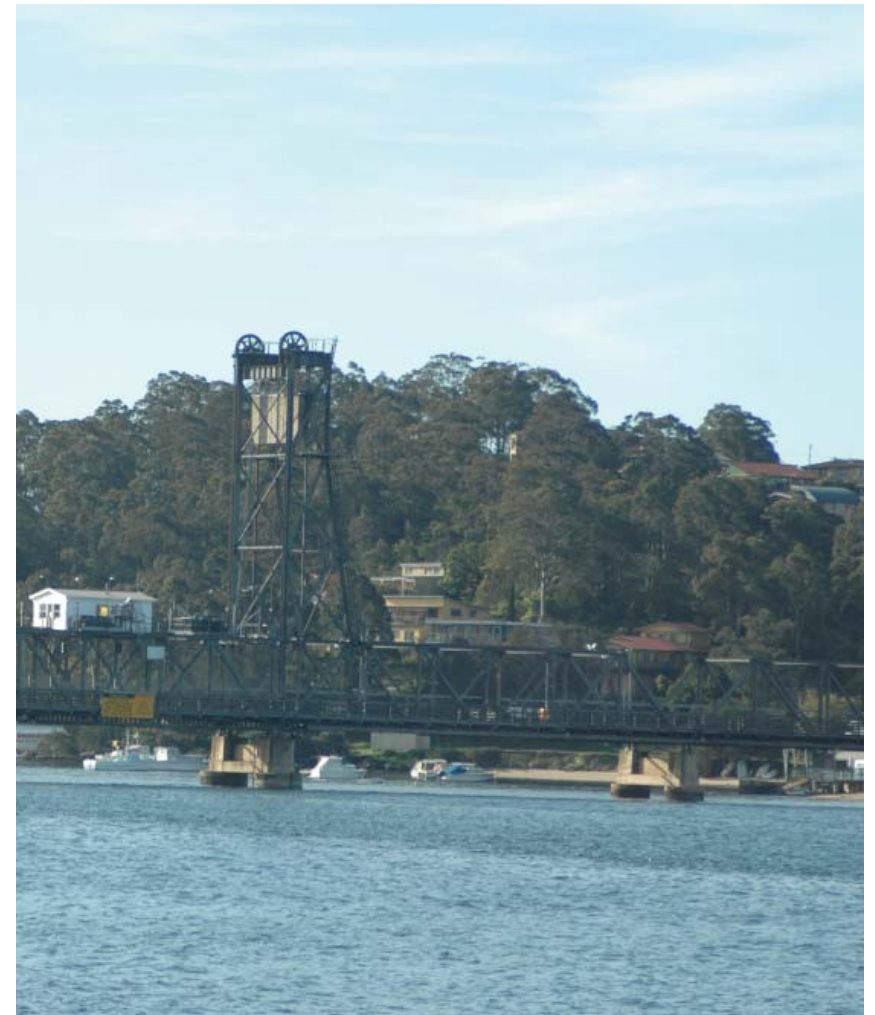
This report provides the Minister with an outline of the proposed development and background information sufficient to establish the key environmental issues and the level of environmental assessment that is required. The report identifies issues where it is anticipated that the Minister will require further assessment.

### 1.3 THE PROPONENT

The owner of the land is Old Punt Road Pty Ltd which acquired the site in 2003. The proponent for the development and main point of contact is Purdon Associates Pty Ltd.

### 1.4 CONSULTATION

The initial development concept has been discussed informally with the Department of Planning and the Eurobodalla Shire Council. Both organisations have not raised any major issues about the proposal. Further discussions will be held as part of the environmental assessment.









# 02\_SECTION

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## PROJECT DESCRIPTION





CLYDE RIVER

RESIDENTIAL

KINGS  
HIGHWAY

PRINCES  
HIGHWAY

CAR SALES  
YARD

SUBJECT SITE

SCHOOL

CLYDE RIVER

RESIDENTIAL

CARAVAN PARK

BATEMANS BAY  
TOWN CENTRE

BATEMANS BAY



250

500m



FIGURE 1 LOCATION



## 02\_SECTION

### PROJECT DESCRIPTION



### 2.1 SITE LOCATION AND DESCRIPTION

#### 2.1.1 Location

The site is located on the northern foreshore of the Clyde River at Batemans Bay on the NSW south coast in the Eurobodalla Shire. It is situated to the south-west of the intersection of the Princes Highway and the Kings Highway and is separated from the Batemans Bay town centre by the Clyde River (Figure 1).

#### 2.1.2 Description

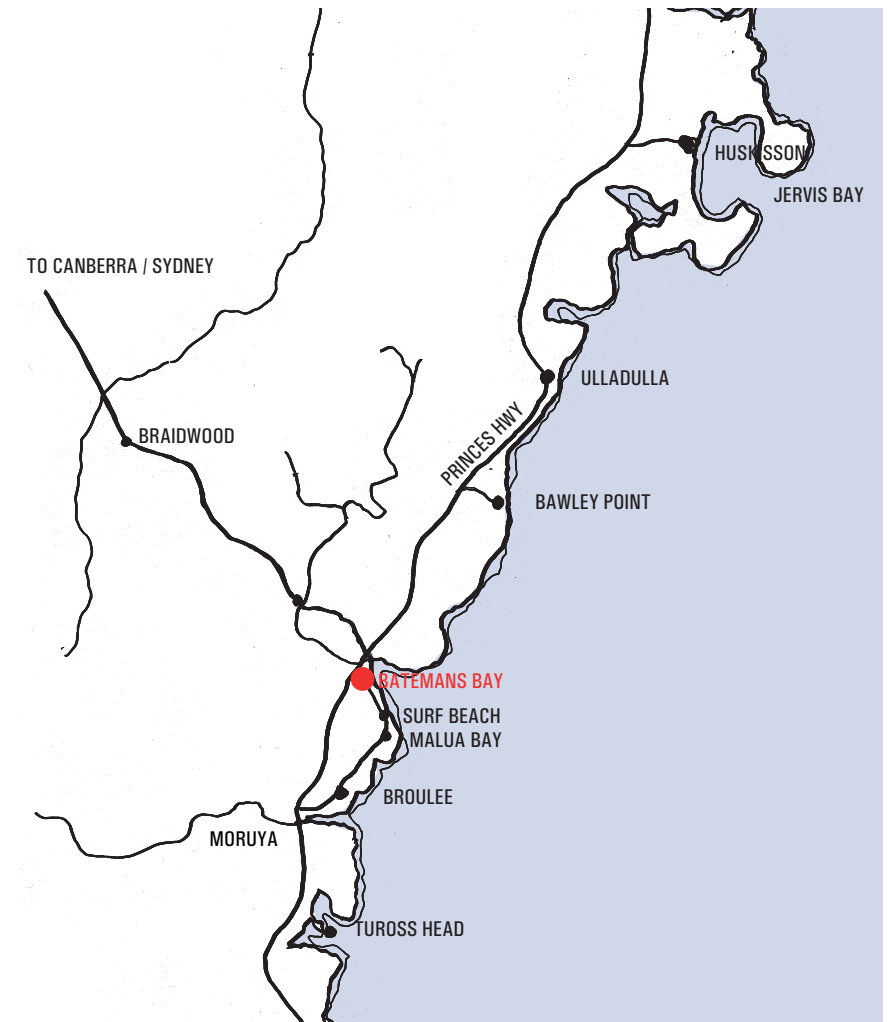
The site has an area of 3.297ha and comprises Lots 1 and 9 DP701830. The Department of Lands and the Eurobodalla Shire Council have agreed in principle to a road closure of part of Old Punt Road, immediately to the north of the site (769m<sup>2</sup>) (Figure 2). The road closure will proceed following approval of the Concept Plan application and the land consolidated with the subject site.

The site is bounded by the Princes Highway (south-eastern boundary), the Kings Highway (north-eastern boundary), Old Punt Road (north-western boundary) and the Clyde River foreshore (south-eastern boundary).

### 2.2 SITE CHARACTERISTICS

#### 2.2.1 Topography

A small unnamed hill in the south-western part of the site, which is part of a larger east-west ridge through the surrounding area, divides the site into two sections. To the east of the ridge the ground slopes gently to moderately (about 5°-10°) and to the west the site is steeper with slopes of approximately 10°-15°. The south-east to south-west (foreshore) boundary is defined by high cut batters of up to 8 metres with very steep slopes. Site elevation is between 2 and 21 metres AHD.





**FIGURE 2**  
**INDICATIVE SITE PLAN**

## 02\_SECTION

### PROJECT DESCRIPTION



#### 2.2.2 Site Contamination

The site has not been identified as being affected by acid sulphate soils. There is no evidence of contamination from the existing or previous activity on the site. The subject site is not considered to be contaminated as a result of previous land uses and is not identified as being contaminated under the *Contaminated Land Management Act 1997*.

#### 2.2.3 Vegetation

The vegetation is predominantly introduced pasture with remnant trees, woodland and exotic shrubs around the motel.

There are approximately 300 remnant and woodland trees including about 75 individual trees with the balance being located in groups. The woodland is located around the perimeter, and visually connected to off-site vegetation. There are several groups of trees located within the site, including two groups which define the skyline and ridgeline when viewed from the north-east approach. The native trees establish the landscape character of the site.

### 2.3 EXISTING DEVELOPMENT

The site is currently used as a hotel/motel complex containing 56 rooms, conference facilities and recreation facilities. The five main buildings are generally of one and two storey brick construction and are at the end of their economic life. There are two vehicular access points to the site: one from the Princes Highway and the other from Old Punt Road. Both permit all turning movements and do not include any formal traffic management arrangements.



## 2.4 OUTLINE OF THE DEVELOPMENT CONCEPT

It is proposed to develop residential/tourist and associated uses, and commercial activities on the subject land. The site would be subdivided into two parcels to accommodate the different uses (Figure 2).

### 2.4.1 Residential/Tourist Development

The residential and tourist development would consist of approximately 170-180 units and a network of open space. Depending on market conditions at the time of development, some of the units might be retained, operated and centrally managed as tourist accommodation. Therefore consideration of the proposal as tourist and residential accommodation is sought.

A mix of two and three bedrooms units would be located in a range of two, three and four storey buildings distributed across the site. Low buildings would be located adjacent to the foreshore. In order to integrate the development with the foreshore, recessive colours would be used on the buildings and edge planting and key ridgeline planting retained.

Access to the site would be via two new roads off Old Punt Road. An on-site open space network would link all parts of the site and connect it with the foreshore. The open space would be a combination of private and communal areas. The private open space would consist of balconies and courtyards attached to each unit. The communal open space would include a tennis court, swimming pools, BBQ areas and playgrounds.

The landscape character of the communal open space would be defined by the existing mature vegetation, which would be augmented by additional planting using native species.



## 02\_SECTION

PROJECT  
DESCRIPTION



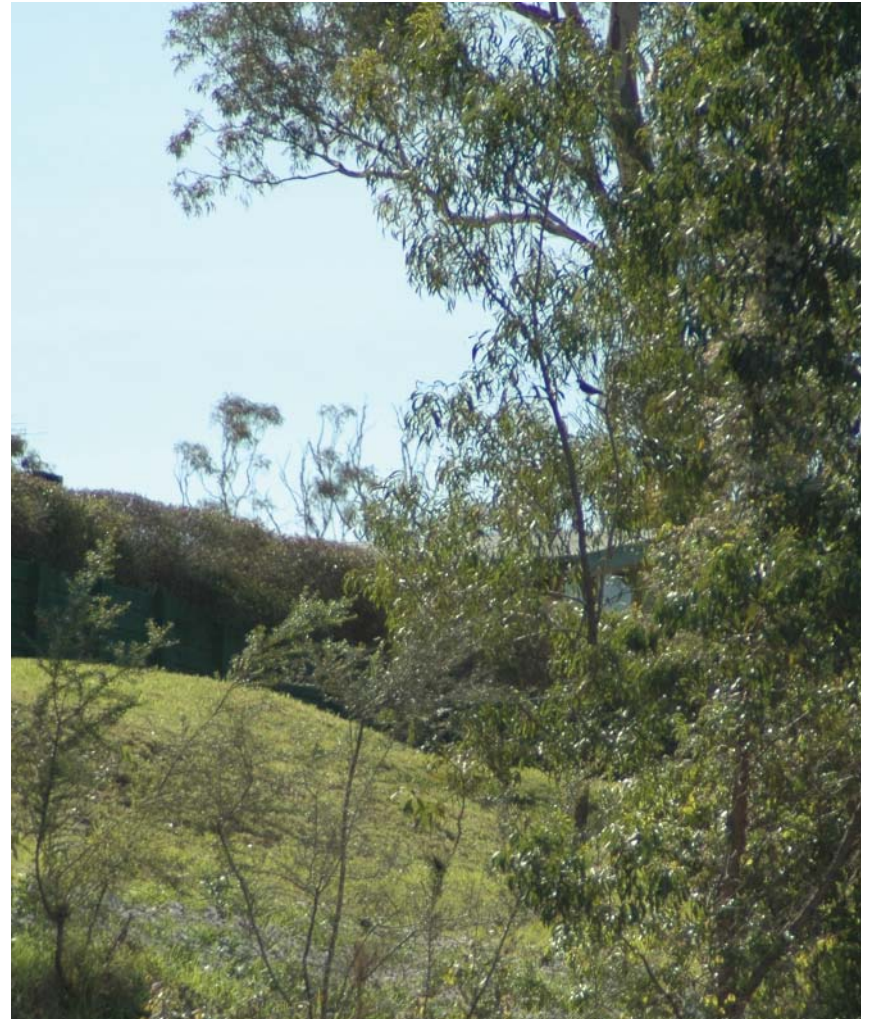
The proposed development would be connected to the foreshore by pedestrian paths as well as via the road connections with Old Punt Road. As part of the subject development (and other developments in the vicinity) a new pedestrian path system would be constructed which will pass under the Clyde River Bridge and connect with the existing network to the east of the Princes Highway. The proposed location of the pathway system would be in accordance with Council's Pedestrian and Cycleway Plan.

### 2.4.2 Commercial Development

Commercial development would consist of a service station and tourist facility.

The service station would be located on the northern part of the site. Buildings would be on the north-eastern corner adjacent to an embankment with the short façade of the service station canopy oriented towards the intersection of the Princes Highway and the Kings Highway. The existing connection from the Princes Highway to the site would be retained for access only and an access/egress point would be provided off Old Punt Road. There would be no road connections between the commercial and residential/tourist parts of the site.

A triangular parcel of land of approximately  $xxm^2$  at the northern apex of the site would be used for a tourist facility. It is anticipated that Council may have a use for the facility or alternatively it would potentially be used as the administrative facility for any centrally managed tourist accommodation.

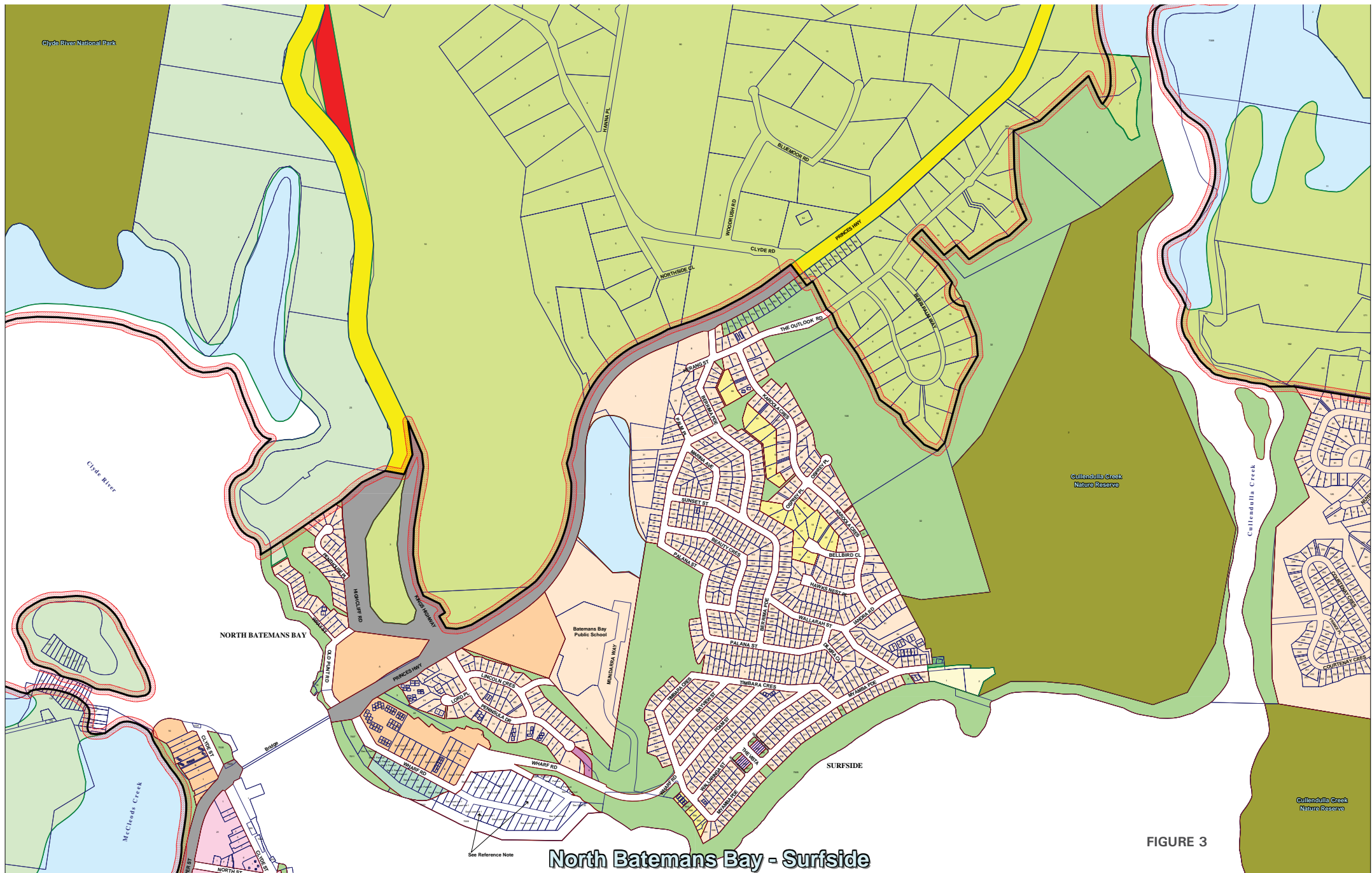






# 03 SECTION

RELEVANT PLANNING POLICY,  
**INSTRUMENTS AND CONTROLS**



Scale 1 : 5,000

Compiled by : H Weber  
Strategic Planning Unit  
Land Information Centre 1998  
Eurobodalla Shire Council 2004  
Printed November 2005

**DISCLAIMER:**  
This map is a G.I.S. copy of the gazetted Urban Local Environmental Plan 1999 (as amended), and the Rural Local Environmental Plan 1987 (as amended).  
If zones or property boundaries are in question, reference must be made to the gazetted Plans held by Council.

**Council is NOT liable for the information shown on this map.**

**G.I.S. Duplicate of**  
**Eurobodalla**  
**URBAN LOCAL ENVIRONMENTAL PLAN 1999 (as amended)**  
First gazetted 19 March 1999  
**with adjacent Rural LEP 1987 land**  
**also displaying the Coastal Zone boundary, SEPP 71, National Parks and State Forest areas**

**LEGEND - Urban L.E.P.1999 Zones**

<b>Residential</b>		<b>Special Uses</b>	
2g - Residential - General		5b - Arterial Roads	
2t - Residential - Tourism		5c - Main Roads	
2ec - Residential - Environmental Constraints		5d - Car Park	
<b>Business</b>		<b>Open Space</b>	
3a - Business		6a1 - Public Open Space	
<b>Industrial</b>		6c1 - Private Recreation	
4a - Industrial			

**LEGEND - Rural L.E.P.1987 Zones**

1a - Rural (Environmental Constraints and Agricultural)		5f - Existing Arterial Road	
1c - Rural (Small Holdings)		5c - Proposed Arterial Road	
7a - Environmental Protection (Wetlands)			
711 - Environmental Protection (Coastal Land Protection)			
Urban Expansion 10			

FIGURE 3

**Urban LEP 1999 Boundary**  
**Coastal Zone boundary**

**National Parks & State Forests**  
National Park  
State Forest

**Reference Note**  
★The land is affected by a special provision, refer to Part 5 of the written instrument.



# 03 SECTION

## RELEVANT PLANNING POLICY, INSTRUMENTS AND CONTROLS



### 3.1 ZONING

The subject land is zoned 2(t) – Residential Tourism and 5(c) - Main Road under the provisions of the Eurobodalla Urban LEP 1999 (Figure 3).

Under the LEP, residential (residential flat buildings) and service stations are permissible within the 2(t) zone. The area zoned 5(c) forms part of the land that will be acquired for the duplication of the Clyde River Bridge (see below).

### 3.2 RELEVANT INSTRUMENTS

The site is also subject to various policies and strategies and to state, regional and other local planning instruments.

Relevant policies and instruments are listed opposite. Additional detail on each policy and planning instrument is at Appendix A.

The proposed development will be assessed against each of the above as part of the environmental assessment supporting the Concept Plan application. The proposed development is consistent with the directions of the relevant policies and planning instruments and broadly consistent with the local DCPs. The two key exceptions are the proposed building heights and setbacks from the foreshore, which are not consistent with the acceptable standards of the Eurobodalla Residential Design Code.

It is noted that section 75R of the Act provides that environmental planning instruments, other than State Environmental Planning Policies do not apply to, or in respect of, a declared project. Notwithstanding these provisions, the proposed development should be assessed against all relevant planning instruments and policies.

#### Relevant Policies and Strategies

- Coastal Policy (1997)
- Coastal Design Guidelines
- Draft Regional Strategy for the South Coast (2006)
- Draft Eurobodalla Urban Settlement Strategy

#### State Planning Instruments

- State Environmental Planning Policy 11 – Traffic Generating Development
- State Environmental Planning Policy 65 – Residential Flat Buildings
- State Environmental Planning Policy 71 – Coastal Protection
- State Environmental Planning Policy (Major Projects) 2005

#### Regional Planning Instruments

- Lower South Coast Regional Environmental Plan (No.1)
- Lower South Coast Regional Environmental Plan (No.2)

#### Eurobodalla Shire Planning Instruments/DCPs

- Eurobodalla Urban Local Environmental Plan 1999
- Eurobodalla Residential Design Code 2005
- Zone 2t Residential - Tourism Development Guidelines
- Parking Code 2004



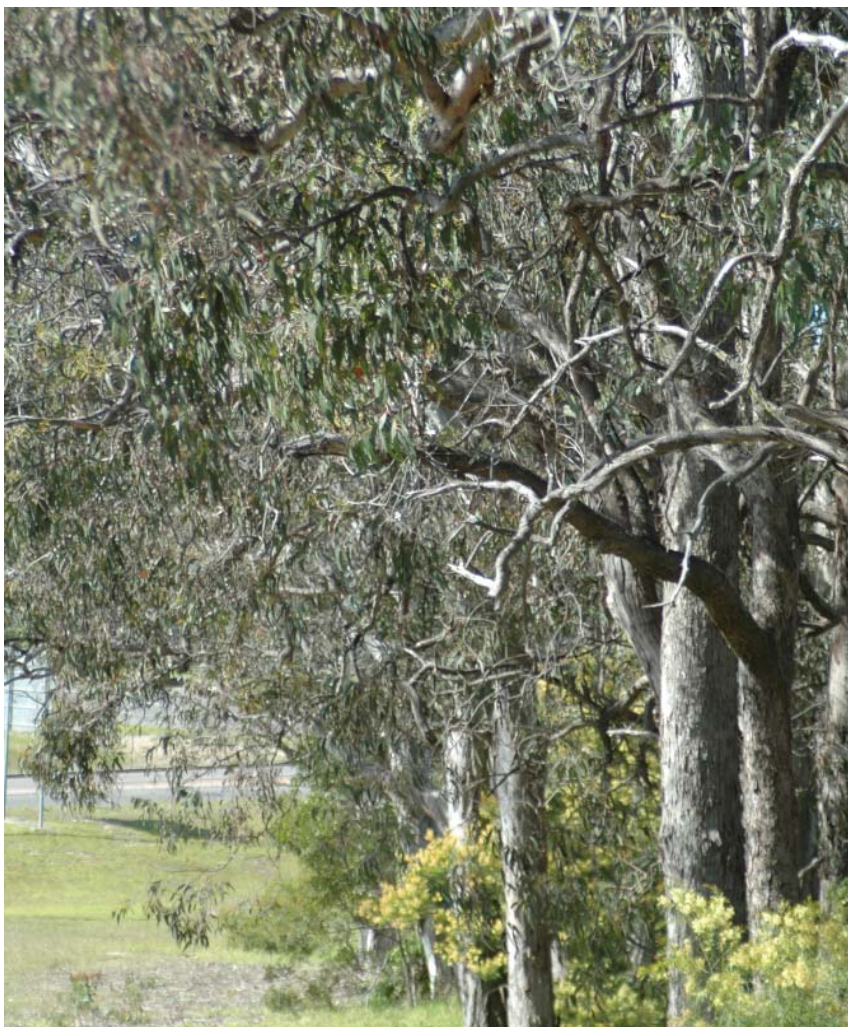




# 04 SECTION

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## ENVIRONMENTAL ISSUES



## **4.1 POTENTIAL IMPACTS ON THE BIOLOGICAL ENVIRONMENT**

### **4.1.1 Flora and Fauna**

Bushfire and Environmental Services Pty Ltd completed a flora and fauna study in 2004 and as there has been no major change to the ecological environment since, this study has not been updated.

#### **Flora**

The site supports predominantly introduced pasture with remnant trees and some woodland. In total 66 plant species were identified, of which 48 species were native. The study concluded that the study area did not provide suitable habitat for any of the threatened species likely to occur in the locality.

It is not considered necessary to undertake further investigations into the on-site flora.

#### **Fauna**

The study found that the fauna habitats on the site were those generally associated with introduced pasture and disturbed woodland. The site contains a variety of foraging resources but does not provide any habitat connectivity with nearby areas of bushland. Twenty-one faunal species were observed on the site.

The study found that suitable or sub-optimal habitat is present in the area for some threatened species of bat, glider, and owl, although none were observed.

Three living trees with hollows were observed providing limited habitat for arboreal animals. The study recommended that these trees, should be retained if possible. If not, nest-boxes should be established in nearby trees and the animals relocated or released in suitable habitat in the area. The space study concluded that the loss of the trees with hollows did not constitute a significant impact on threatened species nor their habitats.

It is not considered necessary to undertake further investigations into the on-site fauna, but the environmental assessment would identify mitigating measures to re-establish the habitat of trees which cannot be retained.



## 04 SECTION

### ENVIRONMENTAL ISSUES



#### 4.1.2 Bush Fire Management

As part of the previous master planning study, Bushfire Protection Planning and Assessment Pty Ltd undertook a bushfire risk assessment. The study found that it was most likely that bushfire would attack the site from the north-north-east, with a much lower probability of attack from other directions. The primary bushfire vegetation in the study area is Group 1 Forest and Group 3 vegetation. Remaining vegetation was not considered to be fire prone as per Planning for Bushfire Protection Guidelines.

This study remains relevant in relation to the assessment of risk but updated mitigation measures would be developed specifically for the Concept Plan. The mitigation measures would address asset protection zone requirements, construction requirements (based on AS 3959 – 1999 (Construction of Buildings in Bushfire Prone Areas)), access arrangements and water supply level.

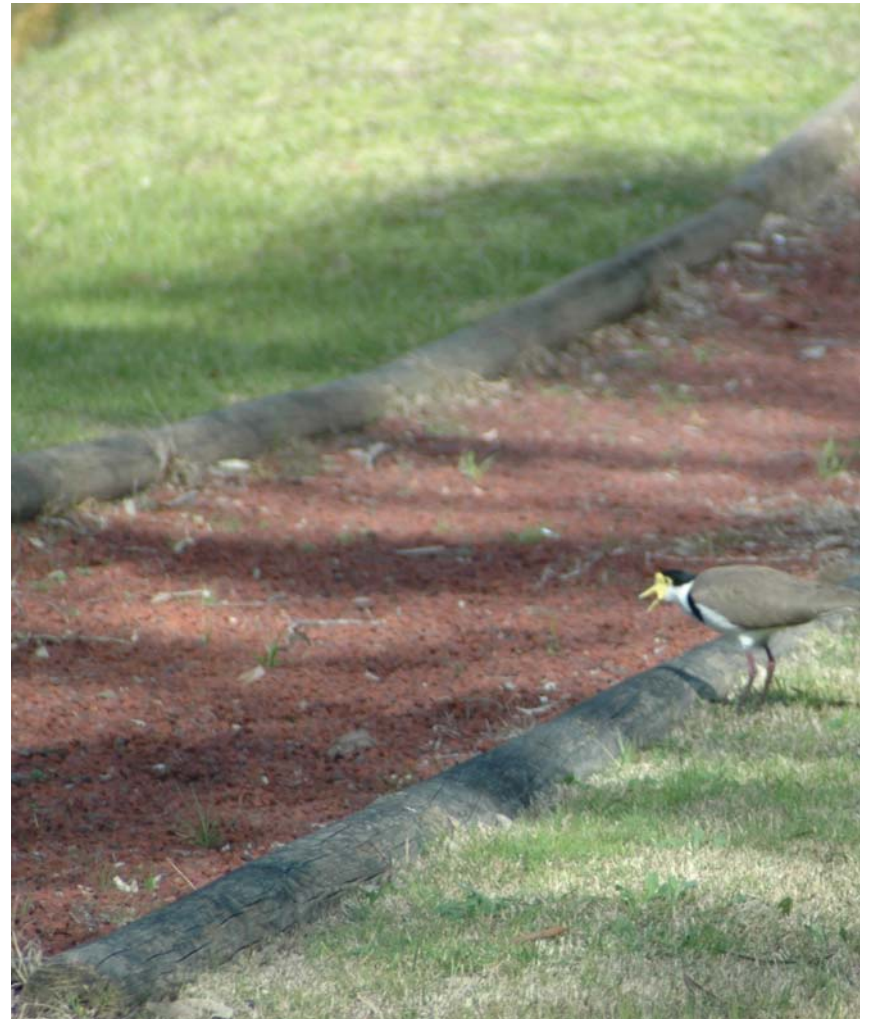
#### 4.1.3 Soils

Coffey Geosciences Pty Ltd has undertaken a geotechnical investigation of the site. There is no evidence of large scale slope instability in the vicinity of the existing road batters nor on the steeper terrain of the site. It is not considered necessary to undertake further geotechnical investigations.

#### 4.1.4 Estuary Management, Water Quality and Use

Stormwater from the proposed development would drain directly into the Clyde River. The development could have an adverse impact on estuary management and water quality, if not appropriately managed.

An assessment of the impact of the proposed development on the estuary, including whether the proposed development addresses the objectives and requirements of the Batemans Bay and Clyde River Estuary Management Plan, would be undertaken as part of the environmental assessment, which would also identify mitigation measures to address any adverse impacts.





## **4.2 POTENTIAL IMPACTS ON THE PHYSICAL ENVIRONMENT**

### **4.2.1 Built Form**

The built form of the proposed development could have an impact on the scenic quality of the natural environment, the amenity of public places and the nearby residential areas. The environmental assessment would consider the impact of the proposed built form including height, density, setbacks and relation to surrounding open space. The assessment would take into account the appearance of the proposed development, its impact on the foreshore, views from public places and its compatibility with surrounding development, taking into account the draft South Coast Regional Strategy and the draft Eurobodalla Urban Settlement Strategy.

As noted above, the proposed built form is not consistent with the acceptable setback and building height standards in the Eurobodalla Residential Design Code. The development concept includes some 14 metres high buildings, whereas the acceptable standard is 8.5 metres, and proposes that some buildings be setback less than 12 metres from the boundary with the foreshore (the minimum acceptable standard on this boundary).

The environmental assessment would specifically address these departures from planning standards. The assessment would demonstrate if and how the objectives of the relevant controls are achieved, identify any adverse impacts and how these would be mitigated.

### **4.2.2 Vehicular and Pedestrian Access**

#### **Vehicular access and traffic impacts**

The proposed development will generate additional traffic, which could impact on surrounding areas and the existing road network.



## 04 SECTION

### ENVIRONMENTAL ISSUES

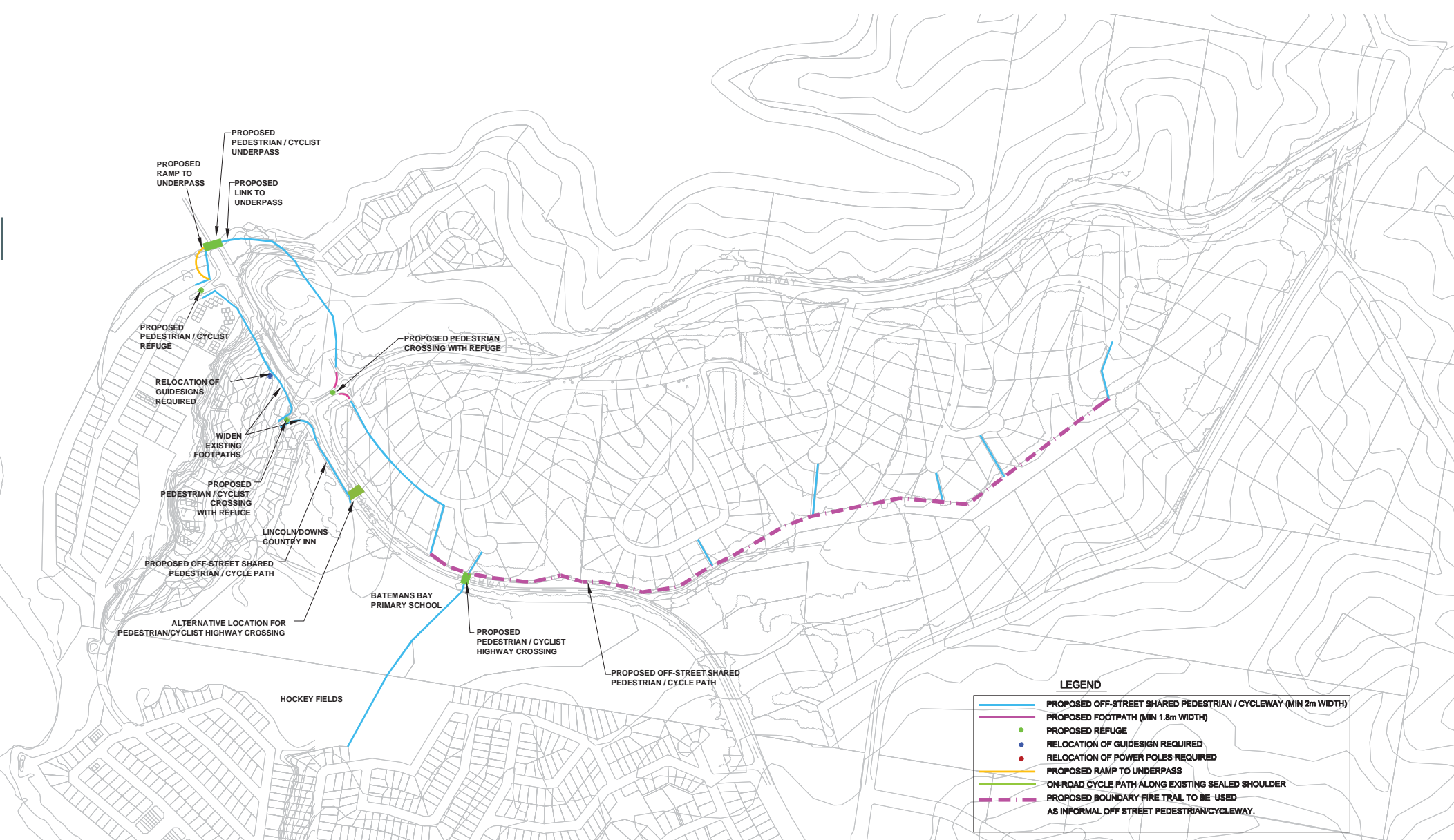
The RTA have agreed to a left-in only access point from the Princes Highway to the service station site and also require that the median on the Princes Highway south of the existing roundabout with the Kings Highway be extended to prevent right-turning movements from the site. The RTA has recommended, in relation to the previous development proposal, that any access point onto Old Punt Road should be a minimum of 100 metres from the junction with the Kings Highway, whereas in the revised proposal the access point from the service station to Old Punt Road is less. The environmental assessment would justify any departure from the RTA's recommendations and the proponent would also consult the RTA.

In addition, an assessment of the impacts of the proposed development would be undertaken and would include:

- the capacity of the existing road network to accommodate the additional traffic generated by the proposed development
- any potential impacts on residents in nearby areas
- the adequacy of the road alignment, sight lines and other traffic measures for the proposed new access points onto Old Punt Road
- the location and design requirements for the access point from the Princes Highway into the service station taking into account the RTA Road Design Guide.

The traffic impact assessment would identify measures to address any traffic impacts, including appropriate traffic calming measures and intersection treatments. It would include a plan of the junction treatment with the Princes Highway and access points to Old Punt Road, in order to demonstrate compliance with the RTA Road Design Code.





0 40 80 120 160 200m  
SCALE IN METRES (1:4000 BEFORE REDUCTION)



FIGURE 4  
PROPOSED PEDESTRIAN AND  
CYCLEWAY NETWORK



## 04 SECTION

### ENVIRONMENTAL ISSUES



#### **Pedestrian and Cyclist Linkages**

The subject site is one of a number of planned developments in this part of north Batemans Bay that are within walking distance of the Batemans Bay town centre. Eurobodalla Council has prepared a Pedestrian and Cycleway Plan for the area which integrates the proposals of the various developments with Council's own objectives (Figure 4). The plan aims to develop a legible pedestrian and cycle path system that connects to the wider local and regional network, including the town centre.

A pedestrian and cycle plan would be included as part of the environmental assessment and would show the on-site network as well as connections with the off-site system. The plan would be consistent with Council's plan and would identify those parts of the network for which the proponent would assume construction responsibility. These works would be identified in the draft Statement of Commitments.

#### **Bridge Duplication**

The RTA has long term plans to duplicate the Clyde River Bridge which will require the acquisition of part of the subject site for the northern bridge approach. In response to the subject development, the RTA has investigated the amount of land that would need to be acquired for the bridge duplication (Figure 5).

The bridge duplication may affect the proposed development. Potential impacts could include additional traffic noise and the visual impact of any noise barriers required as part of the bridge works.

The Concept Plan takes the proposed land acquisition into account and the environmental assessment would consider the impact of the proposed bridge on future residents.

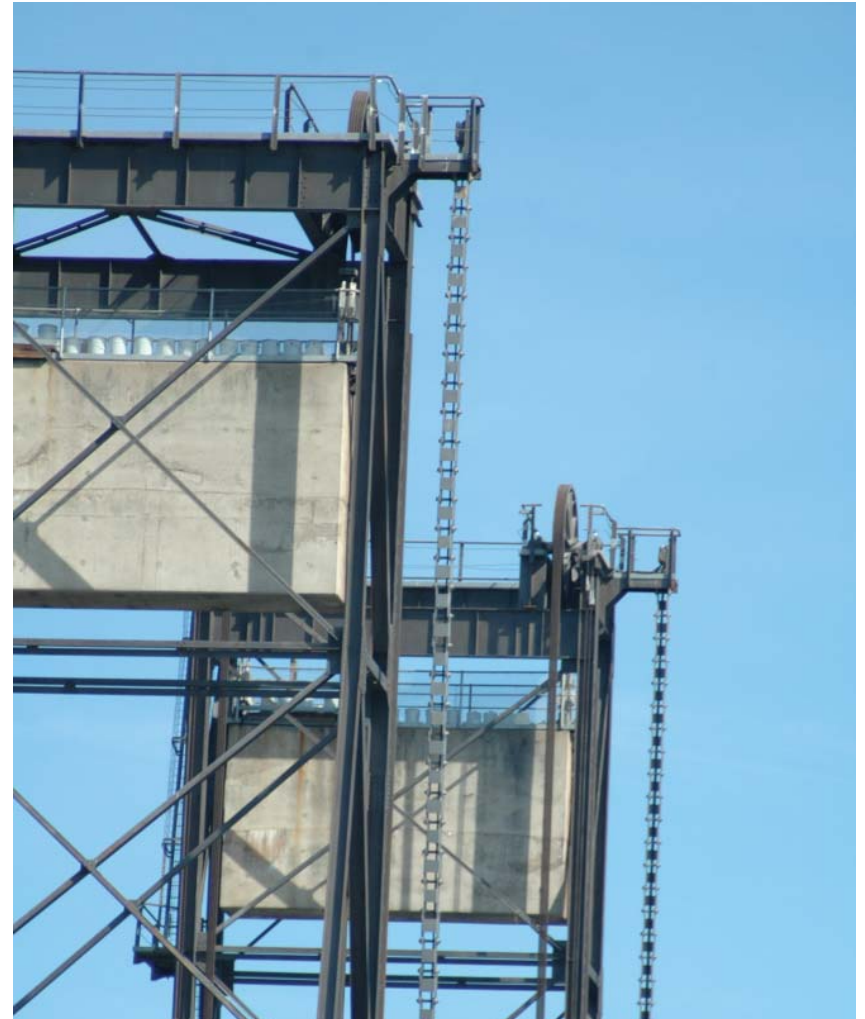




FIGURE 5  
BRIDGE DUPLICATION  
REQUIREMENTS



# 04 SECTION

## ENVIRONMENTAL ISSUES

### 4.2.3 Physical Infrastructure

#### Sewer

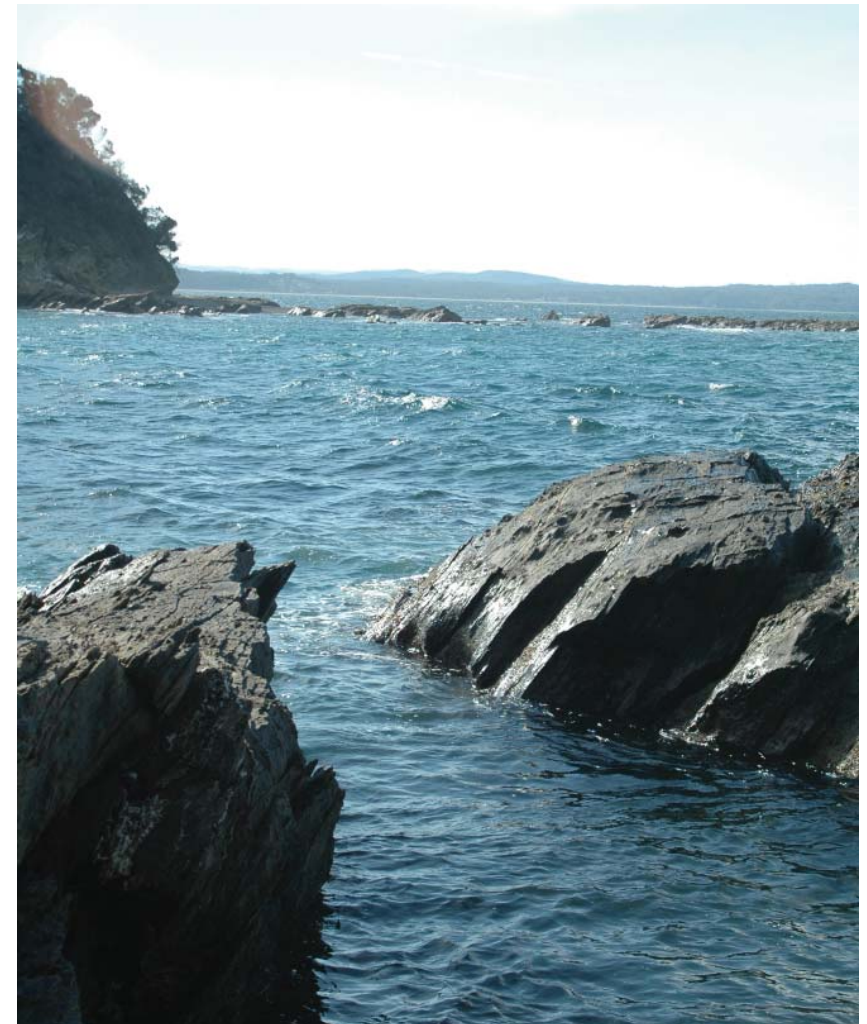
The additional population (Equivalent Tenements) in the development would place additional demand on services and especially sewer infrastructure. Council has previously advised that the existing sewerage system is unable to meet the additional loading until it is upgraded. Until then, measures would be required to manage the peak discharge rate. These measures are likely to include on-site sewerage detention, off-site sewerage detention and/or rising mains diversions.

The environmental assessment supporting the Concept Plan application would provide details of how the development would be adequately serviced by a reticulated sewer system. It would also include details of the on-site detention systems and their associated management (such as information about flows into the Council reticulated system and whether any pre-treatment of the sewage would be required to ensure acceptance into the Council reticulated system).

#### Stormwater

The site is divided into two drainage catchments. The western catchment flows directly into the Clyde River and the north-eastern catchment discharges to an existing system that flows through a small creek and into Batemans Bay. The stormwater from the western part of the site could, if not captured, have an adverse impact on water quality in the Clyde River and Batemans Bay.

Council has advised that the proposed development would be required to provide a new independent stormwater discharge directly into the Clyde River. The environmental assessment supporting the Concept Plan application would document how the proposed development would be adequately serviced by a stormwater system and in particular how the system would ensure that the volume and quality of stormwater discharged into the Clyde River would be similar to that of the natural environment and no worse than that generated by the present development on the site.



### **Community Facilities**

The proposed development would increase the demand for community facilities. The developer would be required to contribute towards the provision of facilities provided by Council in accordance with Council's Section 94 Contributions Plan.

An outline of developer contributions pursuant to Sections 93F to L and 94 of the Act would be provided as part of the Concept Plan application. The necessary works would be identified in a draft Statement of Commitments.

### **4.2.4 Noise**

The site is adjacent to the Princes Highway and at times, especially during the peak tourist season, traffic noise could be above acceptable standards. The noise environment could also change following the bridge duplication.

There is little likelihood that traffic noise from the development would affect existing residents in nearby areas, as they are oriented away from the development and noise generated would be low.

There is potential for construction noise to affect the nearby community. These impacts would be relatively short term and could be mitigated through noise management procedures.

The environmental assessment would consider the impact of noise from existing traffic along the Princes Highway and the impact of the bridge duplication on future residents. It would also consider the potential impact of construction noise and noise from traffic generated by the development on residents in nearby areas. The assessment would also identify how any noise impacts could be mitigated.



# 04 SECTION

## ENVIRONMENTAL ISSUES



### 4.3 POTENTIAL IMPACTS ON THE HUMAN ENVIRONMENT

#### 4.3.1 Tree retention and removal

The balance between tree removal and tree retention could have an impact on the character of the site and the surrounding areas.

The environmental assessment would assess the extent to which the Concept Plan provides for the protection and enhancement of the existing tree cover, including measures to ensure its long term retention and short term measures to minimise damage during construction. In particular the environmental assessment would assess if:

- the proposed setback from the Princes Highway is adequate to enable existing planting to be augmented in order to mitigate the long term impacts associated with the duplication of the Clyde River Bridge
- the proposed setbacks on other boundaries provide appropriate opportunities to retain and augment the existing landscape character, retain the coastal character of the area, especially along the foreshore, and blend in with the locality
- the interface between buildings is sufficient to create tree planting opportunities, augment the environmental amenity within the site and retain the treed ridgeline
- the distance between trees and buildings is sufficient to ensure the long-term survival of the trees.

The Department of Environment and Conservation(DEC) has recommended that there should be no disturbance to the roots of the trees to be retained and that to achieve this, temporary fencing should be constructed beyond the drip lines of all trees and clumps of trees that are to be retained. The fenced off areas are not to be used for any storage during the construction phase of the development. These requirements would be incorporated into a draft Statement of Commitments to accompany the environmental assessment.





#### **4.3.2 Views Of Site**

The existing development occupies a small proportion of the site. It is inevitable that the proposed development would have a larger footprint and alter the character of the area to some extent. The site is elevated within the landscape, located at the intersection of two main roads and is visually prominent. The proposed development could have a visual impact on the surrounding areas, including the foreshore, nearby residential areas and the Princes Highway. An adverse visual impact could affect the amenity and scenic qualities of the Clyde River and Batemans Bay.

The Concept Plan application would include sufficient details of the design of the development including bulk and built form, façade treatment, height and setbacks (building envelope). A visual impact assessment of the proposed development based on the building envelope details provided would be undertaken. The interface between the built form of the development and natural areas and between the built form and nearby residential areas would be carefully assessed.

The environmental assessment would include an assessment of the visual impact of the proposed development from major vantage points, nearby residential areas and from the Highway approaches to Batemans Bay. The assessment would also identify ways to mitigate any adverse impacts which could include provision of effective vegetation screening, use of colours and materials, the location of buildings and tree retention.

#### **4.3.3 Heritage**

As part of the previous master planning study, Tingaringy Cultural Heritage Services undertook an assessment of the heritage significance of the site, although this work has not been signed-off by the local Aboriginal Land Council.

It was concluded that there was a moderate to high potential for the site to contain undetected sub-surface archaeological material although no archaeological sites or materials were identified. The report also concluded that no natural significant Aboriginal cultural values would be adversely affected during the proposed redevelopment of the site and that there would be no adverse impacts on contemporary Aboriginal cultural values.



# 04 SECTION

## ENVIRONMENTAL ISSUES



The report recommended that representatives of the Batemans Bay Aboriginal community, nominated by the Batemans Bay Aboriginal Land Council, be on-site to monitor any ground disturbance during the proposed redevelopment works.

It is not considered necessary to undertake further heritage assessment but the environmental assessment would provide evidence that the Batemans Bay Aboriginal Land Council endorses the archaeological report. It would identify measures to ensure that representatives of the Batemans Bay Local Aboriginal Council are on-site at each development stage when earthworks are to be undertaken. These measures would be included in the draft Statement of Commitments.

### 4.3.4 Land Use

The proposed service station is a permissible use with consent in the zone. At the same time its proximity to the intersection of the Princes Highway and the Kings Highway could have potential adverse impacts including that:

- the service station may not contribute to the sense of arrival and may have an adverse visual impact
- a tree which has habitat value and which contributes to the landscape integrity of the site will have to be removed
- the proposed entry from the Princes Highway could have adverse traffic safety impacts
- the proposed entry point could adversely affect traffic flows once the bridge is duplicated.

The environmental assessment would examine the above issues and identify how they could be mitigated if the commercial development were to proceed. It would also address the extent to which the proposed use is consistent with the DCP regarding non-residential development in 2(t) zones.







# 05 \_ SECTION

## SUMMARY AND CONCLUSION



## **5.1 ENVIRONMENTAL ISSUES**

The analysis of site conditions and issues affecting the site, review of comments on the previous master plan and more recent considerations for this preliminary assessment have identified the issues on which the environmental assessment would focus. The preliminary assessment has also identified the issues which do not require further or more detailed consideration.

### **5.1.1 Key Issues**

The key issues to be addressed in the environmental assessment are:

- issues relating to the building envelope and particularly setbacks in the vicinity of the foreshore and building height
- mix of land uses and especially commercial development on the site
- traffic impacts on the surrounding road network, including the location of access points
- impact of the proposed development on estuary management, water quality and use
- impact on the existing stormwater and sewerage systems
- visual impacts
- impact of traffic noise on the proposed development.

### **5.1.2 Other Issues**

There are also a number of environmental issues which only require limited investigation. These are:

- bushfire impacts
- impact of the development on fauna habitat
- acceptance of the proposal by the Batemans Bay Aboriginal Land Council.

The key issues and the other issues would be assessed in more detail in the environmental assessment. It is anticipated that any impacts associated with these issues could be managed through the design of the development and associated works, and specific mitigation measures.

# 05\_SECTION

## SUMMARY AND CONCLUSION

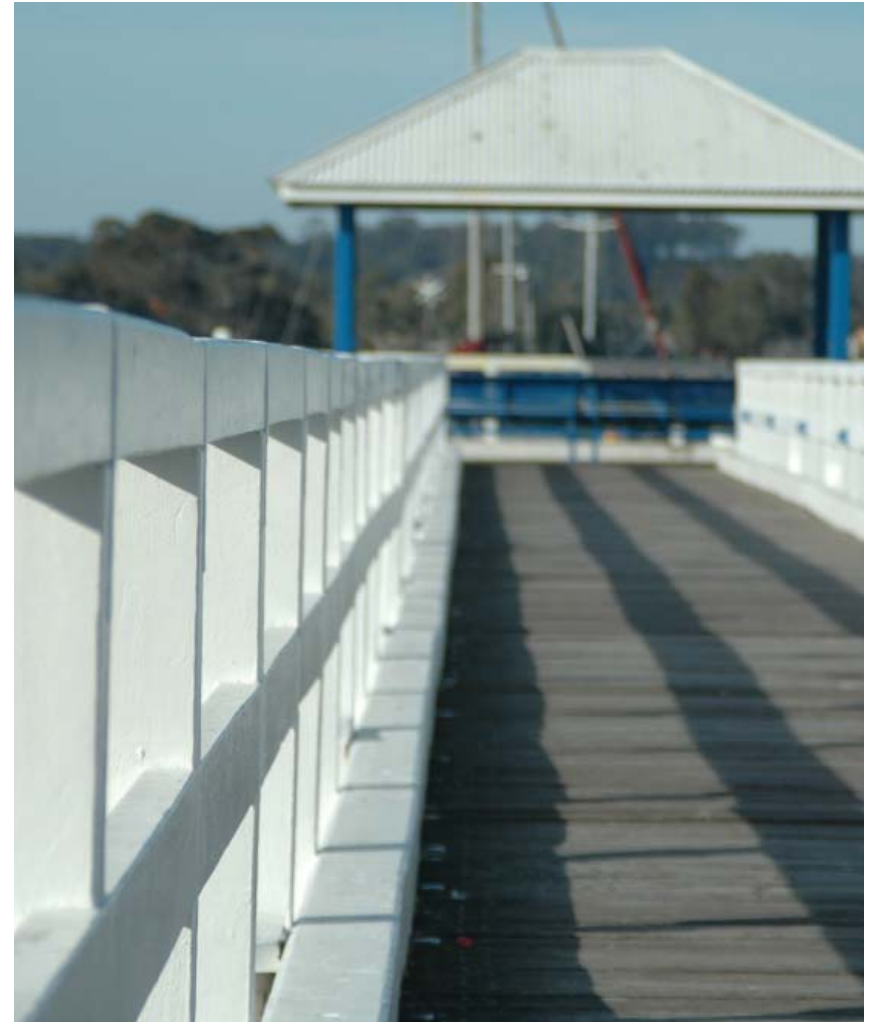
### 5.2 CONCLUSION

This preliminary assessment should be read in conjunction with the letter to the Minister requesting authorisation to lodge a Concept Plan. The assessment describes the development, identifies the relevant policy and planning instruments and the potential environmental impacts of the proposed redevelopment of Lots 1 and 9 DP701830 (Bay Waters Inn) for residential, tourist and commercial uses.

It is intended to assist the Director General define the scope of the environmental assessment and the issues to be taken into account.

It is requested that the Director General issue the environmental assessment requirements for the development proposal in accordance with the provisions of Part 3A of the Act and taking into account the issues considered in this assessment.

The following provides additional information about the relevant planning policies, instruments and controls applying to the site and should be read in conjunction with Section 3.









# 06 SECTION

## APPENDIX A - RELEVANT PLANNING POLICIES, INSTRUMENTS AND CONTROLS

## RELEVANT POLICY

### Coastal Policy 1997

The policy is designed to guide management and planning of the coastal zone, which covers the landward strip one kilometre from the low water mark and extends three nautical miles out to sea.

The overriding vision of the policy is the ecological sustainability of the NSW Coast. The goals of the policy are:

- protecting, rehabilitating and improving the natural environment of the coastal zone;
- recognising and accommodating the natural processes of the coastal zone
- protecting and enhancing the aesthetic qualities of the coastal zone
- protecting and conserving the cultural heritage of the coastal zone
- providing for ecologically sustainable development and use of resources
- providing for ecologically sustainable human settlement in the coastal zone
- providing for appropriate public access and use
- providing information to enable effective management of the coastal zone
- providing for integrated planning and management of the coastal zone.

### Coastal Design Guidelines

The Coastal Design Guidelines for NSW (UDAS 2003) are a place-based approach to planning and urban design and provide a framework within which to assess and consider local issues and develop appropriate local responses. The guidelines consider the NSW coast in terms of a hierarchy of settlements that are different and also interconnected.

At the local level the key objectives are to:

- protect and enhance the cultural, ecological and visual characteristics of a locality
- limit coastal sprawl by establishing separation and greenbelts between settlements
- integrate new development with surrounding land uses
- integrate land use with transport
- protect the local character
- encourage new coastal settlements to be appropriately located
- create neighbourhoods centred around services and facilities.

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### APPENDIX A - RELEVANT PLANNING POLICIES, INSTRUMENTS AND CONTROLS



There are also five principles that describe the elements of the public domain and the built form for coastal settlements. They are:

1. defining the footprint and boundary of the settlement;
2. connecting open spaces;
3. protecting the natural edges;
4. reinforcing the street pattern; and
5. appropriate buildings in a coastal context.

*The planning and design for Bay Waters is to be undertaken in accordance with these guidelines. The detailed implications of the Coastal Policy would be addressed as part of the environmental assessment supporting the Concept Plan application.*

#### **Draft Regional Strategy for the South Coast (2006)**

The South Coast Regional Strategy applies to the local government areas of Shoalhaven, Eurobodalla and Bega Valley. The primary purpose of the Regional Strategy is to ensure that the significant natural and scenic assets that define the region's character and underpin its economy are not compromised by growth.

The Strategy aims to support future urban development adjacent to existing well serviced centres and towns and to provide a future housing mix that meets the needs of smaller households and aged residents. It also aims to encourage urban design which respects the coastal character and lifestyle of the Region.

Batemans Bay is identified as a major regional centre and the main growth centre in the Shire. The Strategy proposes that growth be concentrated in town centre type development encouraging mixed use and higher density living.

*The proposed development is consistent with the directions of the draft Regional Strategy. It will reinforce Batemans Bay as a major regional centre, increase housing diversity and offer higher density living. The detailed implications of the Settlement Strategy would be addressed as part of the environmental assessment supporting the Concept Plan application.*



### **Draft Eurobodalla Urban Settlement Strategy**

The draft Eurobodalla Urban Settlement Strategy applies to all urban land within the Shire. The Strategy aims to facilitate the following outcomes:

- balanced growth within ecological, natural resource and coastal constraints – through preservation of sensitive and valued environmental attributes
- a strengthened role for the major centres of Batemans Bay, Moruya and Narooma – which will enhance opportunities for provision of higher order public and private services
- protected or managed change of the character and identity of coastal settlements
- consolidating growth in existing areas, preventing new, unsustainable settlement patterns and providing certainty about ecological change
- efficient provision of infrastructure and services by managing land release and development fronts
- facilitating community economic development and protecting industry.

The Strategy considers four scenarios for increasing the population in existing settlements, whilst still retaining their existing character. The first scenario retains the current proportion of multi-unit dwellings in each settlement and the remaining three scenarios propose increased but varying proportions of multi-unit housing.

The Strategy provides that Batemans Bay should continue to be one of three main centres in the Shire and it is identified as a sub-regional centre.

*The proposed development is consistent with the directions and intended outcomes of the draft Eurobodalla Urban Settlement Strategy. The detailed implications of the Settlement Strategy would be addressed as part of the environmental assessment supporting the Concept Plan application.*



# 06 SECTION

## APPENDIX A - RELEVANT PLANNING POLICIES, INSTRUMENTS AND CONTROLS



### STATE AND REGIONAL PLANNING INSTRUMENTS

#### SEPP (Major Projects) 2005

The relevant aims of SEPP (Major Projects) include:

- (a) to identify projects under which the development assessment and approval process under Part 3S of the Act applies
- (c) to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those sites for the benefit of the State.

Schedule 2 of the SEPP (Major Projects) identifies specified sites to which the policy applies. This includes development in the coastal zone for various purposes including:

- recreational or tourist facilities in the case of facilities wholly or partly in a sensitive coastal location outside of the metropolitan area that provide accommodation for any number of persons
- buildings or structures that are more than 13 metres.

*The proposed development meets these criteria and is a major project under Schedule 2 of the SEPP (Major Projects). The proposed development will also include residential, but as it is to be strata titled, the development does not come within the ambit of the residential subdivision proposals of the SEPP (Major Projects).*

#### SEPP 11 – Traffic Generating Developments

The Policy applies to the whole of the State and aims to ensure that the Traffic Authority is aware of certain developments. The Policy identifies development applications that are to be referred to the Traffic Authority including development on land that has direct vehicular or pedestrian access to an arterial road, or a road connecting with an arterial road, if the access is within 90 metres of the alignment of an arterial road. SEPP 11 also applies to development applications for service stations.

*The proposed service station will have access only from the Princes Highway and an access/egress onto Old Punt Road within 90 metres of its intersection with the Kings Highway. The relevant provisions of SEPP 11 would be addressed in greater detail as part of the environmental assessment supporting the Concept Plan.*



### **SEPP 65 – Design Quality of Residential Flat Development**

The policy, which applies to the whole State, aims to improve the quality of residential flat development in NSW. It recognises that the design quality of residential flat development is of significance for environmental planning for the State.

Improving the design quality of residential flat development aims to:

- ensure that it contributes to the sustainable development of NSW
- achieve better built form and aesthetics of buildings and of streetscapes and the public spaces they define
- better satisfy the increasing demand, changing social and demographic profile of the community and the needs of the widest range of people from childhood to old age, including those with disabilities
- maximise amenity, safety and security for the benefit of its occupants and the wider community
- minimise the consumption of energy from nonrenewable resources, to conserve the environment and to reduce greenhouse gas emissions.

The policy introduces design review panels to provide design advice to the consent authority on development applications and requires that residential flat buildings be designed by a qualified designer, that is a person registered as an architect.

*The relevant provisions of SEPP 65 would be addressed in greater detail as part of the environmental assessment of the Concept Plan application.*

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## APPENDIX A - RELEVANT PLANNING POLICIES, INSTRUMENTS AND CONTROLS

### SEPP 71 – Coastal Protection

The policy applies to land within the coastal zone, the definition of which has the same meaning as in the Coastal Policy 1997. The Bay Waters site is located wholly within the coastal zone and part of the site is within the sensitive coastal zone.

The aims of the policy are:

- (a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and
- (b) to protect and improve existing public access to and along coastal foreshores, and
- (c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and
- (d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and
- (e) to ensure that the visual amenity of the coast is protected, and
- (f) to protect and preserve beach environments and beach amenity, and
- (g) to protect and preserve native coastal vegetation, and
- (h) to protect and preserve the marine environment of New South Wales, and
- (i) to protect and preserve rock platforms, and
- (j) to manage the coastal zone in accordance with the principles of ecologically sustainable development, and
- (k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and
- (l) to encourage a strategic approach to coastal management.

*Parts 2 and 5 of the SEPP apply to the site. The requirement to prepare a development control plan (or a master plan) may be satisfied by the lodgement and approval of a concept plan. This report seeks approval to lodge a concept plan for approval under Part 3A of the Act. The matters for consideration in SEPP 71 would be addressed the environmental assessment supporting the concept application.*





## REGIONAL PLANNING INSTRUMENTS

### Lower South Coast Regional Environmental Plan (No.1)

The Lower South Coast REP No. 1 applies to the Shires of Eurobodalla and Bega. The objectives of the plan are:

- (a) to conserve the scenic and environmental character of the Region
- (b) to maintain the scale and character of the built environment
- (c) to preserve views to and from public places
- (d) to protect public places for overshadowing
- (e) to encourage development sympathetic to the natural landform and
- (f) to enable flexibility in building design consistent with the general aims and objectives of this plan.

The Policy limits the height of buildings in the Lower South Coast Region to a maximum height of 14 metres.

*The proposed development includes three structures which would have a maximum height of up to 14 metres from natural ground level. The achievement of the objectives of REP 1 would be assessed in more detail in the environmental assessment supporting the Concept Plan application.*

### Lower South Coast Regional Environmental Plan (No.2)

The REP provides a framework to guide decisions on local planning and development in the Bega Valley and Eurobodalla Shires. The plan also outlines matters for Council to consider when assessing development applications, incorporating the policies and guidelines of the NSW Coastal Policy.

The REP specifies matters Council is required to take into account when considering any application for development on land in the vicinity of waterways:

- (a) whether the development will cause pollution or siltation of the waterway and measures to minimise any adverse impacts
- (b) whether the development will have adverse effects on terrestrial or aquatic fauna, flora or their habitats
- (c) the need to maintain or improve the water quality of the waterway
- (d) whether the development will have an adverse effect on drainage patterns or cause shoreline erosion
- (e) the appearance of the development from the waterway and its foreshores
- (f) the desirability of requiring the dedication of appropriate land for open space or waterway access purposes for the purpose of ensuring public access to the waterway and its foreshores
- (g) whether the development will cause excessive congestion of, or generate conflicts between, people using the waterway or nearby land
- (h) the noise likely to be generated by the development and the effect that any such noise would have on existing beneficial uses of the waterway or nearby land.

*These matters would be addressed in the environmental assessment supporting the Concept Plan application.*



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## APPENDIX A - RELEVANT PLANNING POLICIES, INSTRUMENTS AND CONTROLS



### EUROBODALLA PLANNING INSTRUMENTS

#### **Eurobodalla Urban Local Environmental Plan**

The subject land is zoned 2(t) – Residential Tourism and 5(c) - Main Road under the provisions of the Eurobodalla Urban LEP.

The objectives (Clause 16) of the 2(t) zone are:

- (i) to provide a variety of residential opportunities at relatively higher densities in localities where full services are provided and which are close to commercial centres and community facilities, and
- (j) to encourage tourist facilities and accommodation in areas close to commercial centres, and
- (k) to provide for limited commercial activities where they are compatible with adjoining buildings and uses.

In assessing a development application for the subject land Clauses 7, 8, 17, 19, 21, 22A, 33, 34, 35, 51, 58, and 63 of the LEP are relevant. Further Clause 64 of the LEP permits subdivision of land only with the consent of Council.

*Under the LEP, residential (residential flat buildings) and service stations are permissible within the 2(t) zone. The relevant provisions of the Eurobodalla Urban LEP would be addressed in greater detail in the environmental assessment supporting the Concept Plan application.*

### **Eurobodalla Residential Design Code 2005**

The Design Code provides guidance to achieve the aims and objectives of the Eurobodalla Urban LEP in relation to development residential development.

The Code identifies the 2t Residential – Tourism as being characterized by medium density residential development, such as residential flat buildings and including tourist accommodation. This zone is generally located in areas which are fully serviced and close to commercial centres.

The objectives of the Residential Design Code are to:

- ensure that the scale, design and appearance of new residential development is compatible with and respects the character of the surrounding neighbourhood, and with what is desired in new areas having regard to an adopted masterplan
- encourage high quality design that enhances the streetscape and amenity for adjacent residents
- allow flexibility in development controls to ensure that the design of new residential development relates to the particular characteristics and potential of each site
- protect and/or re-establish environmental integrity by retaining and enhancing ecological values and environmentally sensitive areas
- ensure residential development complements and enhances the scenic quality of natural areas and coastal waterway environments of the Shire
- encourage energy and water efficient residential development through the use of solar energy and other design elements in order to promote the principles of sustainable development and reduce greenhouse gas emissions and implement water sensitive urban design
- require and maintain high quality landscaped areas, primarily through the use of fire resistant and drought-tolerant native species
- promote a high level of protection from natural hazards in residential design and development for both current and future inhabitants
- provide the widest possible choice of housing to meet the demands of the community and to encourage the private sector to contribute to the provision of affordable housing for all sectors of the community
- promote the consolidation and containment of existing urban areas of the Shire through the provision of a range of housing styles and densities, aimed at minimising urban sprawl
- ensure development does not result in an unreasonably high cost burden to the community in terms of maintenance of public land and provision of services
- ensure development proceeds in a manner that is consistent with Council's existing and future servicing requirements
- protect the community interest through leadership and by example.

The Code also identifies principles which apply to developments in coastal areas.

*The relevant provisions of the Residential Design Code would be addressed as part of the environmental assessment supporting the Concept Plan application.*

## 06 SECTION

### APPENDIX A - RELEVANT PLANNING POLICIES, INSTRUMENTS AND CONTROLS

#### OTHER DCPS

The Zone 2(t) Residential – Tourism Development Guidelines and the Parking Code also apply to the site. The Tourism Development Guidelines are intended to implement controls relating to non-residential and tourism related land uses that are permissible in the 2t Residential – Tourism zone.

The Parking Code aims to ensure that appropriate street parking is provided in conjunction with development and applies to all lands within Eurobodalla Shire.

*The relevant provisions of these DCPs would be addressed as part of the environmental assessment supporting the Concept Plan application.*



