

APPENDIX B CONSIDERATION OF RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS, OTHER PLANS AND POLICIES

The aims and objectives of the relevant environmental planning instruments, development control plans and relevant policies are assessed below in relation to this application. It is considered that the proposal is capable of satisfying the objectives of the environmental planning instruments, development control plans and policies applicable to the site as outlined below.

- *State Environmental Planning Policy (Major Projects) 2005 (discussed in section 4.1 of Assessment Report);*
- *State Environmental Planning Policy No.71 – Coastal Protection;*
- *State Environmental Planning Policy No. 55 - Remediation of Land;*
- *State Environmental Planning Policy No. 65 – Design of Residential Flat Buildings;*
- *Lower South Coast Regional Environmental Plan No. 1;*
- *Lower South Coast Regional Environmental Plan No. 2;*
- *Eurobodalla Urban Local Environmental Plan 1999;*
- *Eurobodalla Development Control Plan: Batemans Bay Town Centre Development Guidelines;*
- *Eurobodalla Development Control Plan: Parking Code;*
- *Batemans Bay Town Centre Structure Plan;*
- *Batemans Bay Coastline Hazard Management Plan;*
- *Residential Flat Design Code;*
- *South Coast Regional Strategy;*
- *NSW Coastal Policy 1997; and*
- *NSW Coastal Design Guidelines 2003.*

The environmental planning instruments required to be addressed and not discussed in the Director-General's Environmental Assessment Report are considered below.

1. STATE ENVIRONMENTAL PLANNING POLICY NO. 71 – COASTAL PROTECTION (SEPP 71)

MATTERS	COMPL	COMMENT
CLAUSE 2: AIMS OF POLICY		
(a) To protect and manage the natural, cultural, recreational and economic attributes of New South Wales coast and	YES	<p>The proposal reduces the number of driveways into the site from 2 (one each on Clyde and North Streets) to one on North Street. This will improve the streetscape and pedestrian environment.</p> <p>The ground floor of the building will be raised to mitigate against potential flooding and storm event impacts.</p> <p>The proposal provides a covered pedestrian colonnade on the Clyde Street frontage which may be used to provide tables and chairs for outdoor dining. A landscape concept plan for the proposal provides for street tree planting on Clyde Street, and several large trees in the central courtyard.</p> <p>The proposal has been designed in accordance with the recommendations of a coastal processes and flooding review report. It also incorporates an integrated water cycle management system to mitigate against potential flooding and inundation of the ground level tenancies.</p> <p>The water resource management report notes protection of groundwater quality is important in this location, as the shallow water table would be vulnerable to contamination. It notes that the development applies best practice: a 'G-Pile' piling system, precast concrete piles installed by hydraulic injection, obviating the need for excavation. It concludes that this technique avoids dewatering for footing construction, generates negligible vibration and does not pose a risk of groundwater contamination. It also concludes that the only site item that may require local excavation to water table level is a submersible pump within the water storage tank. It notes that due to its small dimensions (600mm x 600mm), dewatering (if necessary) would be over a short time, and water volumes insignificant and simply managed. There would be no discharge of pumped groundwater by dewatering to Batemans Bay, either directly or indirectly via the stormwater system.</p> <p>The proponent's estuary management plan notes that the Clyde River estuary is in near pristine condition, with a significant portion being nominated by the NSW State Government as 'High Conservation Value'. The estuary supports a variety of commercial activities, for example, oyster farming. It concludes that the proposed best practice techniques during and after construction are of very low risk in terms of potential pollution to Batemans Bay.</p>

cont ...		The proposal provides tourist facilities which will provide potential economic benefits in the form of increased tourist spending and employment, for the region.
(b) To protect and improve existing public access to and along coastal foreshores to the extent that it is compatible with the natural attributes of the coastal foreshore, and	YES	The site is located approximately 40m from the foreshore, and the proposal does not specifically provide access thereto.
(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	YES	The issue is addressed above.
(d) To protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and	YES	There are no known Aboriginal cultural heritage matters of relevance to the site.
(e) To ensure that the visual amenity of the coast is protected, and	YES	The proposal provides an articulated building form with finishes sympathetic with the surrounding natural features. The higher parts of the proposed building are located at the rear of the site, and the building is set on a podium and massed into two distinct forms to reduce its visibility. The massing also avoids the bulk and scale of nearby buildings, (for example, Stocklands, (Perry and North Streets) which are inward looking, and provides different perspectives from various vantage points. The Clyde Street elevation will be the lower of the 2 masses being 16m /3 storeys. The bulk, scale and size of the proposal is consistent with the desired future character if Batemans Bay.
(f) To protect and preserve beach environments and beach amenity, and	YES	The site is located in an existing urban area adjacent to Batemans Bay foreshore. The proposal does not affect any beach environment.
(g) To protect and preserve native coastal vegetation, and	YES	The proposal does not affect any native coastal vegetation.
(h) To protect and preserve the marine environment of New South Wales, and	YES	The water resource management report notes that there will be no discharge of pumped groundwater by dewatering to Batemans Bay, either directly or indirectly via the stormwater system. It concludes there will not be any adverse effects on the estuary during construction or in the long term; and seagrasses in the estuary and the wetlands will not be affected. The sediment and erosion control plan recommends measures to manage potential stormwater and erosion impacts during construction.
(i) To protect and preserve rock platforms, and	YES	The site is not located in the vicinity of any rock platforms.

(j) To manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6(2) of the <i>Protection of the Environment Administration Act 1991</i>), and	YES	The proposal incorporates measures to minimise impacts on the waters of Batemans Bay and McLeod's Creek including integrated water cycle management. This matter is also addressed in the Assessment Report.
(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	YES	The higher parts of the proposed building are located at the rear of the site, and the building is set on a podium and massed into two distinct forms to reduce its visibility. The massing also avoids the bulk and scale of nearby buildings, (for example, Stocklands, corner Vesper and North Streets) which are inward looking, and provides different perspectives from various vantage points. The Clyde Street elevation will be the lower of the 2 forms being 16m/3 storeys. The bulk, scale and size of the proposal is consistent with the desired future character if Batemans Bay.
(l) To encourage a strategic approach to coastal management.	YES	The site is located in the Batemans Bay business district, zoned General Business 3(a) and has been used for a motel for at least thirty years. The proposal is consistent with the South Coast Regional Strategy. The proposal incorporates Council's requirements for minimum floor levels for coastal processes impacting upon Batemans Bay CBD.
CLAUSE 8: MATTERS FOR CONSIDERATION		
(a) The aims of this Policy set out in clause 2		See above
(b) Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved	YES	The site is not located on the coastal foreshore and does not provide any direct access to it. Nonetheless, the proposal provides pedestrian/disability access. Ramps will be provided from footpath level on both street frontages to the ground floor level of the development. Disabled access is also provided to all retail tenancies and serviced apartments in the western part of the building.
(c) Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability	YES	The matter is discussed above.

(d) The suitability of development given its type, location and design and its relationship with the surrounding area	YES	The proposal is located in an established business district on a site used for a motel for approximately thirty years. The streetscape is mixed with surrounding development ranging in height/scale from 1 to 4 storeys. The proposal has been designed in collaboration with Council and the Department and reflects the desired future character for the area. The area is expected to undergo renewal in line with Council's proposed controls. The permanent residential component of the proposal will add to the vitality of the business district. The foreshore area opposite the site will undergo beautification by Council. The proposal is compatible with the town's tourist destination and its current mix of land uses. The ground floor of the building has been designed to minimise potential flooding impacts. The bulk/mass and height of the proposal have been designed to minimise visual impacts.
(e) Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore	YES	The proposal has been designed as two distinct building forms, breaking up its mass and enabling the retention of view corridors between them in a north-south direction. A large proportion of existing views to and from the foreshore will be retained. Setbacks of between 3 and 6m at upper levels will also maintain view corridors through the site. Shadow diagrams prepared by the proponent indicate there will be no overshadowing of the coastal foreshore.
(f) The scenic qualities of the New South Wales coast, and means to protect and improve these qualities	YES	The higher of the two buildings will be located at the rear of the site. The building design has been modulated to provide a varied and interesting façade. Facade materials and colours have been chosen to reflect the changing colours of the surrounding landscape and to respond to the history of timber (industrial) buildings in the area.
(g) Measures to conserve animals (within the meaning of the <i>Threatened Species Conservation Act 1995</i>) and plants (within the meaning of that Act), and their habitats	YES	There are no threatened species recorded at the site or in the locality which would be affected by the proposal.
(h) Measures to conserve fish (within the meaning of Part 7A of the <i>Fisheries Management Act 1994</i>) and plants (within the meaning of that Act), and their habitats	YES	The proponent's coastal processes and flooding review concludes the proposal will not have any adverse effects on local waterways or species therein. The estuary and groundwater issues report notes the proposal incorporates protective measures during construction and operation which will protect the receiving water quality and not affect the seagrass beds fringing Batemans Bay opposite Clyde Street.
(i) Existing wildlife corridors and the impact of development on these corridors	YES	The site does not contain any wildlife corridors.

(j) The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards.	YES	<p>The proponent's coastal processes and flooding review adopts a median local sea level rise of 0.6m based on discussions and agreement with Council. This compares with the expected maximum of 0.91m in DECC's Floodplain Risk Management Guideline. The review calculates that coastal inundation of the CBD could occur around once every 20 years, and that waves would overtop the foreshore training wall and encroach upon the CBD foreshore area to a level of 2.4m AHD, noting that wave impact would not be an issue on the western side of Clyde Street.</p> <p>For coastal processes, the review incorporates allowances for sea level rise of 0.2m (based on a DLWC 1196 study). Council adopts the 1% flood event and adds a freeboard of 0.3m to inundation levels to determine minimum floor levels for commercial development. The proponent's review adopts an additional (Clyde) river flood component of 0.1m to cater for climate change impacts given the relatively minor contribution river flooding makes to overall flood levels in the CBD. From this, it derives 1% design flood planning levels of 2.6m AHD for Clyde Street and 2.4m AHD for North Street.</p>
k) Measures to reduce the potential for conflict between land based and water based coastal activities.	YES	The site is part of the established Batemans Bay town centre, located opposite Clyde River estuary, and does not pose any potential for conflict between land based and water based coastal activities.
(l) Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals	N/A	There are no known Aboriginal cultural heritage matters of relevance to the site.
(m) Likely impacts of development on the water quality of coastal water bodies	YES	This issue is discussed in (h) and (j) of Clause 2: Aims of Policy, and in the DG's Report.
(n) The conservation and preservation of items of heritage, archaeological or historic significance	N/A	The site does not contain any heritage items, and the proposal will not have any adverse heritage related impacts.
(o) Only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities	YES	A Draft Eurobodalla Comprehensive LEP will apply to the land. The proposal increases the density of development of the site, allowing more efficient use of the site and increased accessibility to the town's infrastructure and resources.
<p>(p) Only in cases in which a development application in relation to proposed development is determined:</p> <ul style="list-style-type: none"> (i) the cumulative impacts of the proposed development on the environment, and (ii) measures to ensure that water and energy usage by the proposed development is efficient. 	N/A	There is no determined development application in relation to the proposed development.

CLAUSE 14: PUBLIC ACCESS		
A consent authority must not consent to an application to carry out development on land to which this Policy applies if, in the opinion of the consent authority, the development will, or is likely to, result in the impeding or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore.	YES	The proposal does not affect public access to or along the coastal foreshore.
CLAUSE 15: EFFLUENT DISPOSAL		
The consent authority must not consent to a DA to carry out development on land to which this Policy applies in which effluent is proposed to be disposed of by means of a non-reticulated system if the consent authority is satisfied the proposal will, or is likely to, have a negative effect on the water quality of the sea or any nearby beach, or an estuary, a coastal lake, coastal creek or other similar body of water, rock platform.	N/A	The site is connected to the town's sewer infrastructure by a gravity sewer main.
CLAUSE 16: STORMWATER		
The consent authority must not consent to a DA to carry out development on land to which this Policy applies if the consent authority is of the opinion that the development will, or is likely to, discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.	YES	The proposed stormwater management measures are expected to decrease the pollution impacts from stormwater runoff due to an increase in water quality.

2. STATE ENVIRONMENTAL PLANNING POLICY NO. 55 - REMEDIATION OF LAND (SEPP 55)

MATTERS	COMPLY	COMMENT
CLAUSE 7: CONTAMINATION AND REMEDIATION TO BE CONSIDERED IN DETERMINING DEVELOPMENT APPLICATION		
<p>(1) A consent authority must not consent to the carrying out of any development on land unless:</p> <p>(a) it has considered whether the land is contaminated, and</p> <p>(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</p> <p>(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</p>	YES	<p>The site has been used for a motel since the 1960s when a DA was approved (23 September 1969) for extensions to the existing motel. The EA states that apart from approvals for the motel use issued since that time, investigation of Council's and the Department of Lands' records (including historic aerial photographs) has not revealed any information in respect of potentially contaminating uses.</p> <p>A condition of approval requires the proponent to notify Council and the Principal Certifying Authority of any new information revealed during demolition works with the potential to alter previous conclusions about site contamination or hazardous materials.</p>
<p>(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.</p>	N/A	
<p>(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The</p>	N/A	

consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.		
<p>(4) The land concerned is:</p> <p>(a) land that is within an investigation area,</p> <p>(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,</p> <p>(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:</p> <p>(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</p> <p>(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</p>	N/A	

5. STATE ENVIRONMENTAL PLANNING POLICY NO. 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT (SEPP 65)

MATTERS	COMPLY	COMMENT
Clause 4 – Application of Policy		
<p>(1) This Policy applies to development being:</p> <p>(a) the erection of a new residential flat building, and</p> <p>(b) the substantial redevelopment or the substantial refurbishment of an existing residential flat building, and</p> <p>(c) the conversion of an existing building to a residential flat building.</p> <p>(2) If particular development comprises development to which subclause (1) applies and other development, this Policy applies to the part of the development that is development to which subclause (1) applies and does not apply to the other part.</p>	YES	<p>The proposal includes a new residential flat building. The SEPP does not apply to the proposed serviced apartments (although it applies whether or not the building includes uses for other purposes, such as shops), however, the proponent has generally applied the Rules of Thumb contained in the Code to the design of those apartments.</p>
Part 2 – Design Quality Principles		
<p>Principle 1: Context</p> <p>Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.</p> <p>Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.</p>	YES	<p>The Batemans Bay CBD comprises predominantly single and double storey older style commercial premises with some newer three to four storey scale developments. The area is undergoing change and many properties are likely to be redeveloped. Council's intention, as detailed in the <i>Batemans Bay Structure Plan</i>, is for a range of heights (up to 18m) to apply across the CBD depending upon proximity to the foreshore and prominence. Council wants to maintain a 'human scale' built-form with heights limited to 3 or 4 floors with upper floors stepped back, in consideration of view sharing. Council also intends to increase pedestrian mobility and enhance the foreshore atmosphere and active street frontages.</p> <p>The proposal provides a building form responsive to site's foreshore location and the desired future character for the area. It provides stepped heights in two separate building forms, which will assist in retaining views to public places. It will make use of varied colours and materials to reflect the changing nature of the estuary and sky and with reference to wharf and jetty structures. The proposal's orientation and use of recessed balconies will take advantage of water views and breezes, and provide good internal amenity. Both street frontages will be provided with active (retail) uses with covered</p>

		colonnades at ground level providing disabled access and opportunities for outdoor dining.
<p>Principle 2: Scale</p> <p>Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.</p> <p>Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.</p>	YES	<p>The Clyde Street frontage will be stepped in height from 12m on the building alignment to 16m at a 6m setback. The setback will have the effect of reducing the visual impact of the upper level. The North Street elevation will be 18m in height. The proposed heights generally reflect Council's desired future character of the area.</p>
<p>Principle 3: Built Form</p> <p>Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook</p>	YES	<p>The building forms are aligned to the street boundaries consistent with the pattern in the CBD. The proposed building form is generally oriented east-west to optimise foreshore outlook and breezes, and the proposed central landscaped communal courtyard. Recessed balconies will provide internal amenity and assist in articulating the façade. The rear building will address the driveway and North Street, with views of McLeod's Creek, the distant mountains, and the coast to the south and improve the appearance of both elevations. The rear elevation is currently degraded and is bordered by a footpath walled on both sides and presents as an unsafe and uninviting space. The proposed driveway will allow pedestrian and vehicle movement along the rear of the site,</p>
<p>Principle 4: Density</p> <p>Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).</p> <p>Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.</p>	YES	<p>The density of the proposal is 1.79:1 and complies with the Batemans Bay Town Centre Guidelines DCP FSR policy control of 3:1.</p>
<p>Principle 5: Resource, Energy and Water Efficiency</p> <p>Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.</p>	YES	<p>The permanent residential apartments have achieved ABSA and BASIX certification. The construction is predominantly timber framed with insulation. It will be clad in long lasting, low embodied energy terracotta tile, and clear finished Australian hardwood. Balconies will be lined with finished timbers and balustrades with finished timbers and green tinted glass. Windows will be provided with shaded performance glazing. The</p>

<p>Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.</p>		<p>colours and materials of external cladding will vary between levels to reflect the natural colours in the landscape and to provide differentiation. Street level materials will be concrete in natural grey, finished hardwood and glass. Levels 2 and 3 will be grey/green terracotta tile with a natural variation in colour and articulated horizontal banding. Level 4 will be clad in timber to reflect the wharf and jetty structures.</p> <p>Roof water from the site will be stored in a tank below the car park and used for toilet flushing and garden watering. The serviced apartments have been designed in accordance with the SEPP's Rules of Thumb to ensure good access to sunlight, shade and natural ventilation and will meet the requirements of the SEPP if they are converted to permanent residential apartments. Both buildings incorporate large expanses of glazing, private open space (balconies) off living rooms, sun hoods, balcony overhangs, common open space, cross flow ventilation and orientation to achieve solar access. The upper level of the permanent residential apartments will have clerestory windows. A common courtyard over the car park podium will have soil depths of 1m and will be landscaped with small trees, shrubs and groundcovers for privacy and amenity.</p>
<p>Principle 6: Landscape</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.</p> <p>Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.</p> <p>Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.</p>	<p>YES</p>	<p>See Principles above. In addition, two street trees will be planted, and several large trees will be planted in the common courtyard.</p>
<p>Principle 7: Amenity</p>	<p>YES</p>	<p>See Principles above. There will be a 24m separation (excluding balconies) between the 2 residential buildings (20.5m between the 2 buildings to balcony line). This will provide</p>

<p>Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.</p>		<p>adequate good levels of solar access, natural ventilation, acoustic and visual privacy, and amenity. Room layouts will be large enough to be furnished. Natural lighting of common circulation spaces will be provided, minimising the need for artificial light. The proposed design aims to minimise transmission of noise through walls by use of staggered stud construction to prevent a direct path for noise and vibration between dwellings. Floors will have a discontinuous structure and will work similarly to the walls. Trafficable floor surfaces will be mounted on shock-absorbing hangers to prevent foot-fall being heard in units below. Soft floor surfaces will be used in high traffic areas over units to further dampen noise transmission. The proposed buildings will incorporate good levels of thermal mass, minimising the need for artificial heating and cooling.</p> <p>The communal courtyard will comprise a landscaped area, reflection pool, outdoor terrace and clothes drying area. All levels of the development will be accessible by lift. Entry to the ground floor from both street frontages will be via steps and ramped access.</p>
<p>Principle 8: Safety and Security</p> <p>Good design optimises safety and security, both internal to the development and for the public domain.</p> <p>This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.</p>	<p>YES</p>	<p>The active street frontage uses will provide casual and passive surveillance of the street and entries to the dwellings. The permanent residential apartments will provide movement and surveillance during off-peak times. The entries to the serviced apartments and the permanent residential apartments will be on separate street frontages, distinct from the adjacent retail/restaurant uses, respectively. The reception for the serviced apartments will be staffed 24 hours a day. The provision of balconies for all units will maximise overlooking and surveillance of the streets, internal communal courtyard, and the driveway. The separation distance between the two buildings will allow for satisfactory level of privacy. The communal courtyard will be designated for the serviced and permanent residential apartments only.</p> <p>The proponent was requested to address the design of the rear elevation to the proposed shared access way to improve its ground level appearance and perceived safety. Amended details were submitted with the Preferred Project Report incorporating replacement of the shared access way with a driveway; and embossed, pre-cast panels, increased glazing, and lighting to the rear elevation. Those amendments will improve the appearance of the rear elevation.</p>
<p>Principle 9: Social Dimensions</p> <p>Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.</p> <p>New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing</p>	<p>YES</p>	<p>The introduction of permanent residential accommodation into the CBD will reduce reliance on cars and encourage pedestrian life and vitality. The proposal provides a range of dwelling sizes (2 x 1 bed, 6 x 2 bed, 2 x 3 bed) plus serviced apartments (27 x studio and 19 x 1 bed) with the potential to be converted to permanent residential units. This will increase the housing stock within the LGA and in a CBD location with a range of services and facilities.</p>

transition, provide for the desired future community.		
<p>Principle 10: Aesthetics</p> <p>Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.</p>	YES	See Principle 5 above:

6. LOWER SOUTH COAST REGIONAL ENVIRONMENTAL PLAN NO. 1

MATTERS	COMPLY	COMMENT
Clause 2 Aims, objectives, etc	YES	The proposal will maintain the site's bushland setting land and amphitheatre landform, provides 2 to 4 storey building heights appropriate to the site's topography and orientation, retains views corridors to and from the water, and is compatible with the scale and character of surrounding development.
Clause 5 Interpretation	YES	The height of the proposal is measured in accordance with the definitions in the REP.
Clause 6 Height – 14m height limit	N/A	Clause 6 was repealed on 12 December 2008 by <i>SEPP (Repeal of Concurrence and referral Provisions) 2008</i> . Although the height limit applied to the site at the time of lodgement of the Major Project Application, and was referred to in the DGRs, at the time of determination of the application, due to the repeal of the clause, it does not apply. Refer to the section on the Batemans Bay Structure Plan for applicable (policy) height controls.

7. LOWER SOUTH COAST REGIONAL ENVIRONMENTAL PLAN NO. 2

MATTERS	COMPLY	COMMENT
Part 2 Division 1 Provisions relating to natural areas	N/A	The land is zoned for urban development.
Part 2 Division 2 Development control provisions relating to coastal and waterway environments clause 13	YES	The proposal incorporates measures to minimise impacts on water quality, and minimise risks from exposure to coastal processes.
Part 3 Provisions relating to rural lands	N/A	
Part 4 Division 1 Provisions relating to natural resources	YES	The proposal incorporates measures to improve the quality of stormwater discharge to Council's system and minimise impacts on the qualities of Batemans Bay and McLeod's Creek.
Part 4 Division 3 Fishery resources policies for development control	YES	As above
Part 5 Division 2 Urban land	YES	The proposal provides a mix of dwelling sizes, tourist facilities which make use of existing infrastructure and will provide economic benefits for the area.
Part 6 Provisions relating to tourism and recreation development control	YES	The proposal provides tourist facilities which make use of existing infrastructure and will provide economic benefits for the area.

8. EUROBODALLA URBAN LOCAL ENVIRONMENTAL PLAN 1999

The land is zoned 3(a) Business under the provisions of the Eurobodalla Urban LEP 1999. The proposal is permissible in the zone with consent.

The LEP stipulates a number of general and particular aims. An assessment of the proposal against those aims is provided in the table below:

OBJECTIVES	COMPLY	COMMENT
Clause 7 The general objectives of the plan:		
(a) to encourage orderly and proper development within the area of Eurobodalla, and	YES	The proposal provides for tourist, residential and retail development within the Batemans Bay town centre.
(b) to identify zones in which particular classes of development are most likely to be appropriate, having regard to the environmental characteristics of the locality, servicing and access requirements and constraints, and the characteristics of the development, and	YES	The proposal is permissible within the zone.
(c) to optimise the use of existing services and infrastructure and promote the efficient provision of any services and infrastructure in the future in accordance with the intensity and type of development proposed for the locality, and	YES	The site is located in an established urban area, and the EA states that adequate services exist in the locality. The proponent's Engineering Services Brief (Appendix Q) states that this is subject to provision of an on-site electricity substation (in the north west corner), and the relocation of an electrical control panel for Council's sewer pump station to the laneway at the rear of the site.
(d) to ensure that provision is made for public amenities, public services and community facilities early in the process of development, and	YES	The proposal does not provide for public amenities, public services and community facilities. But it provides ground level colonnades on both street frontages with the opportunity for outdoor seating, and a rear vehicular/pedestrian access lane to service the site and future redevelopment of properties to the north, minimising vehicular street crossings.
(e) to ensure that no development on any land is likely to jeopardise the future orderly and economic development of the land or of the land in its vicinity, and	YES	The land and surrounding lands are zoned for Business. The proposal provides for rear vehicular/pedestrian access which will service future developments of adjoining land. The proposal provides for ground floor colonnades designed to form a continuous colonnade along both street frontages as adjoining properties are redeveloped.
(f) to provide a broad, long-term framework of planning controls based on a strong emphasis on general, particular and zone-specific objectives and strategies in concert with development control plans giving expression to detailed planning provisions, and	N/A	

(g) to enhance individual and community wellbeing and welfare by following a path of economic development that safeguards the welfare of future generations, and	YES	The proposal will increase employment opportunities and tourist facilities in the locality, potentially generating economic benefits for the community. It will also provide a range of housing types, providing social benefits for the community.
(h) to accommodate population growth and facilitate expansion and diversification in the area's economy.		See aim (g) above.
Clause 8: The particular objectives of the plan		
(a) in relation to environmental protection:		
i) to protect coastal areas, estuaries, wetlands, rainforests and other environmentally sensitive areas from the effects of inappropriate use or other inappropriate development, and	YES	<p>The water resource management report notes there will be no discharge of pumped groundwater by dewatering to Batemans Bay, either directly or indirectly via the stormwater system. It concludes there will not be any adverse effects on the estuary during construction or in the long term; and seagrasses in the estuary and the wetlands will not be affected. The sediment and erosion control plan recommends measures to manage potential stormwater and erosion impacts during construction.</p> <p>The proposal will be provided in two building forms, with the lower component at the front, closest to the Clyde River, providing a stepped effect away from the foreshore, and retaining a view corridor through the site.</p>
(ii) to promote the retention of trees and tree cover and to conserve as far as practicable the existing pattern of vegetation to maintain landscape quality and remaining natural ecosystems, and	N/A	The site does not contain any significant trees, but the proposal provides for a landscaped, central courtyard.
(iii) to conserve soil, flora and fauna and significant natural features, and	YES	See clause 8(a)(i) above.
(iv) to conserve and manage significant natural resources in such a way that their essential values are maintained and enhanced, and	YES	See clause 8(a)(i) above.
(v) to provide for the existing and potential functions of water courses and floodways for domestic water supply, drainage, aquaculture, recreation and ecological purposes, and	YES	See clause 2(a) SEPP 71 above.
(vi) to control development in the catchment of the Deua River to protect water quality for domestic and ecological purposes, and	YES	See clause 2(a) SEPP 71 above.
(vii) to maintain the overall scenic beauty of the rural landscape of the area of Eurobodalla and protect significant views from public roads, reserves and waterways, and	YES	See clause 2(e) SEPP 71 above.
(viii) to maintain air quality and avoid noise pollution, having regard to the nature and extent of their effects and	YES	The proponent's Statement of Commitments (4) (Appendix T) provides for compliance with noise control legislation to minimise adverse amenity impacts. It states that a

the sensitivity of affected people or things, and		construction noise and vibration management plan is to be prepared prior to commencement of works. It also states that noise associated with mechanical plant will comply with the <i>Protection of the Environment Operations Act 1997</i> .
(ix) to provide for the existing and potential functions of riparian and foreshore areas to ensure stability and to protect water quality and ecological, visual and recreational values, and	YES	See clause 2(a) SEPP 71 above.
(x) to ensure that development or activities in one zone do not adversely affect environmentally sensitive land in adjacent zones, and	YES	See clause 2(a) SEPP 71 above.
(b) in relation to ecologically sustainable development:		
(i) to integrate economic, environmental and social goals into policies, practices and decision-making, and	YES	The proposal incorporates measures to minimise impacts on the natural environment, eliminates the need for excavation of the site, incorporates rainwater reuse and natural ventilation in its design; and provides social and economic benefits to the town in the form of tourist facilities and housing.
(ii) to take a precautionary approach to decision-making to ensure that resources are utilised in a sustainable manner, and	YES	The proposed mitigation measures aim to minimise environmental impacts during construction and operation.
(iii) to protect biological diversity, and	YES	See clause 2(a) and (h) SEPP 71 above.
(iv) to ensure that natural and environmental assets are properly valued, and	YES	The proposed conditions of approval and mitigation measures address the range of natural and environmental assets associated with the site.
(v) to provide for equity within and between generations, and	YES	The proposal provides a design which minimises disturbance to the site for piling, mitigates against potential flooding and inundation of ground level tenancies, minimises energy and water usage by use of natural ventilation, energy efficiency measures and rainwater reuse. It also provides employment as well as housing.
(c) in relation to land management generally:		
(i) to minimise risks to life and property from bushfires, and geological or other hazards, and	YES	The EA lists the main geotechnical limitations affecting the site as: groundwater encountered at depths of around 1.45m below existing ground level; bedrock not encountered until a depth of 53.1m; and the possibility of affectation by acid sulphate soils. The proponent's geotechnical report assesses the proposal based on three options: basement, semi basement and at-grade parking. The report notes that the site's characteristics strongly favour all structural loads being supported on piles-to-rock. It notes that the at-grade parking option would result in a relatively straightforward design and construction approach without the need for expensive excavation support and retaining wall construction. It considers that only precast concrete or steel G-piles would be suitable for the site given the required founding depths. It notes that such piles are installed virtually vibration/noise-free with minimal spoil brought to the surface.

		<p>The proposal incorporates design measures in accordance with the geotechnical report, namely, provision of at-grade car parking to minimise soil disturbance from excavation; hydraulic injected, pre cast concrete piling; timber framed structure reducing the weight of the structure; and minimal requirement for dewatering.</p> <p>The EA notes that additional detailed geotechnical and structural engineering input and design will be undertaken prior to issue of a Construction Certificate. This is included at Statement of Commitment 8 and the conditions of approval.</p>
(ii) to reduce the impact of flooding/ocean inundation on land owners and occupiers and to reduce public and private losses due to flooding/ocean inundation in accordance with the NSW Government's Flood Prone Land Policy, and	YES	This issue is discussed elsewhere in this table and in section 5.3 of the Director-General's Report.
(iii) to ensure that coastal development is compatible with the degree of coastline hazard in accordance with the NSW Government's Coastline Hazard Policy, and	YES	
(iv) to encourage community services and facilities for residents of non-urban areas to be located in existing villages and towns, and	N/A	
(d) in relation to heritage conservation—to conserve items, structures and places of natural, historic, scientific or cultural significance, including Aboriginal relics and places, and	N/A	
<p>(e) in relation to transport</p> <p>to encourage the provision of a balanced transport system, including safe and convenient facilities for pedestrians, cyclists, public transport users and road users generally, and</p> <p>(ii) to encourage the development of transport networks and systems in a manner integrated with land use, including a hierarchy of roads to service varying transport functions, and</p> <p>(iii) to ensure that the provision of roads supports and facilitates the desired pattern of development as indicated on the land use map, and</p> <p>(iv) to ensure adequate reservation of land for roads and access in places where new development is carried out, and</p> <p>(v) to minimise conflicts between the transport function of</p>	YES	The proposal provides adequate on-site parking and will have minimal impacts on the surrounding road system. This issue is discussed in section 5.2 of the Director-General's Report.

roads and the access needs of adjoining land, and (vi) to protect visual amenity for road users, and (vii) to require adequate off-street parking to meet demand generated by redevelopment or new development, and		
(f) in relation to recreation and tourism: (i) to promote the development of a range of recreational opportunities and facilities to meet the needs of people of various ages and with various interests at the neighbourhood, local and regional levels, and (ii) to provide for multiple use of public buildings and facilities, and (iii) to promote provision of land for neighbourhood recreational use in or adjacent to residential areas and for local recreational use in reasonable proximity to residential areas, and (iv) to encourage tourist accommodation primarily in urban areas, and (v) to protect the quality, accessibility and attractiveness of the area's natural recreational resources and to protect their environmental characteristics and sensitivity, and	YES	The proposal provides a serviced apartment/hotel complex and complies with the objectives.
(g) in relation to housing: (i) to encourage a range of housing opportunities to meet the needs of the community for a choice of dwelling size, type, tenure, cost and location, and (ii) to ensure that new development is consistent with the character of existing residential areas, having regard to the physical characteristics of the land, the nature of the vegetation and landscape, and existing buildings in the locality, and (iii) to provide opportunities for higher residential densities where essential public services are available or can be provided efficiently and economically, and in locations convenient to shops, entertainment and other facilities, and	YES	The proposal provides a range of unit sizes for the permanent residential component: 2x1, 6x2 and 2x3 bedrooms. The units have been designed in accordance with SEPP 65. The proposal provides a higher density of living to take advantage of the site's town centre location.
(h) in relation to industry and commerce: (i) to encourage and facilitate commercial and industrial	YES	The proposal provides an architect-designed mixed development in an urban area, and complies with this objective.

development primarily in existing commercial centres, and (ii) to provide for residential development and tourist accommodation in commercial centres, where such development will contribute to the vitality of the centres without increasing demand for public car parking, and (iii) to provide sufficient appropriately zoned and serviced land for industrial and commercial uses, and (iv) to encourage a high standard of commercial development in accordance with development control plans for the major centres, and (v) to encourage a high standard of industrial development, and		
(i) in relation to villages and towns: (i) to encourage the development of existing towns and some villages as centres of commercial activity, public facilities, indoor recreation and entertainment, and (ii) to maintain and enhance the character of towns and villages, and (iii) to encourage forms of settlement which are energy efficient, cost effective and environmentally sound, and	YES	The proposal promotes commercial activity within the town, will contribute to the character of the area, and is based on principles of ESD.
(j) generally: (i) to provide opportunities for public involvement and participation in environmental planning and assessment, and	YES	The proposal was exhibited and submissions invited as per the legislative requirements, and the issues raised in those submissions addressed in the Director-General's Assessment Report and the conditions of approval.
(ii) to minimise the need for amendments to planning controls, and	YES	The proposal has addressed and largely complied with relevant planning controls.
(iii) to establish an appropriate balance between certainty and flexibility in the requirements that are imposed on development proposals.	N/A	

<p>Clause 24 Objectives of the 3(a) Business zone</p> <p>(a) to provide for and encourage a range of commercial activities that rely on direct and frequent access by members of the public, especially retail, office, entertainment and personal service activities, including those carried out by public authorities, and</p> <p>(b) to recognise and reinforce a hierarchy of commercial centres, ranging from the three major centres of Batemans Bay, Moruya and Narooma, to village and neighbourhood shopping centres, and</p> <p>(c) to provide for and encourage intensive tourist accommodation, such as motels and holiday flats, in commercial centres if, and only if, on-site car parking is provided, and</p> <p>(d) to provide for and encourage dwellings on the upper floors of commercial buildings where on-site car parking is provided and to recognise that residential car parking demand will be lower in such a case than in the case of residential development in localities less convenient to commercial facilities, and</p> <p>(e) to enable small scale industries to operate in commercial centres, especially where they retail to or directly service the public, and</p> <p>(f) to ensure that small commercial centres providing primarily for the daily needs of nearby residential areas retain a scale and character consistent with a residential neighbourhood, and</p> <p>(g) to establish a zone where a broad range of uses is permissible to facilitate more detailed planning in the form of development control plans for specific commercial areas, and</p> <p>(h) to encourage a high standard of design in commercial</p>	YES	The proposal is a mixed use development provides tourist, residential and retail uses within an established town centre.
	YES	The proposal's size and range of uses reflects the designation of Batemans Bay as a major centre.
	YES	The proposal provides 46 tourist units/hotel rooms, and provides one on-site parking space per unit. A detailed discussion of parking is provided at section 5.2 of the Director-General's Report.
	YES	The proposal provides 10 residential units on the upper floors and provides 1 on-site parking space per unit. The proponent's traffic report notes that the site's location in the town centre and proximity to a range of services and facilities will encourage walking and lower private vehicle usage. The site's constraints and the importance of a good urban design outcome given its waterside location, mitigated against providing more car parking which would have raised its height. Overall, the proposed on-site parking is a measured response and is considered satisfactory.
	N/A	
	N/A	
	N/A	

<p>centres, and</p> <p>(i) to encourage access for people with disabilities to commercial buildings.</p>	<p>YES</p> <p>YES</p>	<p>The proposal's design is in response to the site's waterside location in the main centre of Batemans Bay. Its two building forms separated by a courtyard aim to provide protection from prevailing winds and provide solar access. The buildings provide a strong articulated street address, and adopt a materials and colour scheme in sympathy with the surrounding natural landscape.</p> <p>The proposal provides disabled access to every level of the buildings. There is ramped access from the street to colonnade level, and lift access to all levels. There are no steps in any of the apartments. The serviced apartments contain three accessible apartments, one each on levels 1 – 4. Those apartments contain disabled bathrooms and full circulation throughout. There is also 1 dual-key apartment: 1 disabled apartment next to a standard apartment for a carer. The Statement of Commitments (11) requires compliance with the BCA with details to be submitted prior to issue of a CC.</p>
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<p>Clause 25 What development may be carried out in the 3(a) Business zone</p>		<p>The zone permits retail, restaurant, hotels, tourist accommodation and residential units; serviced apartments not being defined. The definition of tourist accommodation excludes hotels.</p>
<p>Clause 26 Controls for residential development in the 3a Business zone (2) The objectives for residential development in the 3a Business zone are: (a) to encourage greater vitality in business areas, especially outside standard business hours, and (b) to provide for convenient living opportunities, while minimising conflicts between commercial and residential land uses.</p> <p>(3) Residential development may be carried out in the 3a Business zone only if each of the following conditions can be met:</p> <p>(a) no residential development is provided on the ground floor of any building, except for access to dwellings and for car parking spaces, and</p> <p>(b) at least one car parking space is provided on the land for each dwelling on that land.</p>	<p>YES</p>	<p>As discussed above, the proposal provides residential units on the upper floors only, and provides one on-site parking space per dwelling.</p>
<p>56 Objectives for developing flood prone land The objectives of this plan for the development of flood prone land are: (a) to ensure that the nature and extent of flooding or inundation hazard are taken into account prior to development taking place, and</p> <p>(b) to minimise the risk of hazards to life and property from flooding and inundation without unreasonably sterilising the use of land, and</p> <p>(c) to provide for flexibility in controlling development in flood prone localities so that new information or approaches to hazard management can be employed where appropriate, and</p>	<p>YES</p>	<p>Flooding is discussed elsewhere in this table and in section 5.3 of the Director-General's Report.</p>

(d) to reduce private and public losses due to flooding and inundation in accordance with the Government's Flood Prone Land Policy.		
<p>57 Special controls for development of flood prone land</p> <p>(1) Before granting consent to development of flood prone land, the Council must consider the following:</p> <p>(a) the extent and nature of the flooding or inundation hazard affecting the land,</p> <p>(b) whether or not the proposed development would increase the risk of or severity of flooding or inundation affecting other land or buildings, works or other land uses in the vicinity,</p> <p>(c) whether the risk of flooding or inundation affecting the proposed development could be reasonably mitigated and whether conditions should be imposed on any consent to further the objectives of this plan,</p> <p>(d) the social impact of flooding on occupants, including the ability of emergency and support services to access, rescue and support residents of flood prone areas,</p> <p>(e) the provisions of any Floodplain Management Plan, Interim Local Flood Policy or Development Control Plan adopted by the Council.</p> <p>(2) Regardless of any other provision of this plan, development for the purpose of residential or tourist accommodation is prohibited on mapped flood prone land zoned 3a Business within the Town of Moruya.</p>	YES	The proposal has been designed in consultation with Council and the Batemans Bay Coastline Hazard Management Plan. The flooding issues are discussed in section 5.3 of the Director-General's Report and the conditions of approval.
59 Objectives for development of land subject to coastline hazard	YES	This issue is discussed elsewhere in this table and in section 5.3 of the Director-General's Report.

<p>The objectives of this plan for land subject to coastline hazard, in accordance with the State Government's Coastline Hazard Policy, are:</p> <p>(a) to reduce the impact of coastline hazards on owners/occupiers of coastal land, and</p> <p>(b) to reduce private and public losses resulting from coastline hazards, and</p> <p>(c) to design developments subject to the influence of coastline hazards with due regard to the nature of the hazard, so as not to unnecessarily sterilise the use of land, and</p> <p>(d) to take into account social, economic, aesthetic, recreational and ecological issues in considering uses of such land, and</p> <p>(e) to provide for flexibility in controlling development in the coastal zone so that new information or approaches to hazard management can be employed where appropriate.</p>		
<p>60 Special controls applying to development of land subject to coastline hazard</p> <p>Before granting consent to development of land subject to coastline hazard, the Council must consider the following:</p> <p>(a) the extent and nature of coastline hazard affecting the land,</p> <p>(b) whether or not the proposed development would increase the risk or severity of coastline hazard affecting other land or buildings, works or other land uses in the vicinity,</p>	<p>YES</p>	<p>This issue is discussed elsewhere in this table and in section 5.3 of the Director-General's Report.</p>

<p>(c) whether the risk of coastline hazard affecting the proposed development could be reasonably mitigated and whether conditions should be imposed on any consent to further the objectives of this plan,</p> <p>(d) the provisions of any coastline management plan or relevant development control plan.</p>		
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9. SOUTH COAST REGIONAL STRATEGY

AIMS	COMPLY	COMMENT
Protect high value environments including pristine coastal lakes, estuaries, aquifers, threatened species, vegetation communities and habitat corridors by ensuring that no new urban development occurs in these important areas and their catchments	YES	The site is located in an established urban area and the natural environment is significantly altered from its natural condition. However, the site is located adjacent to the Batemans Bay foreshore and the proposal incorporates design and mitigation measures to minimise impacts on the adjacent ecosystems. This is addressed elsewhere in this table and in the Director-General's Assessment Report.
Cater for a housing demand of up to 45,600 new dwellings by 2031 to accommodate the additional 60,000 people expected in the Region over the next 25 years	YES	The development will provide an additional 10 permanent residential dwellings. It also provides 46 serviced apartments/hotel rooms which are capable of conversion to permanent residential dwellings in the future.
Increase the amount of housing in existing centres to ensure the needs of future households are better met, in particular the needs of smaller households and an ageing population	YES	The development provides a range of dwelling sizes to meet the needs of future residents. All units are accessible via a lift.
Prioritise and manage the release of future urban lands to ensure that new development occurs in and around existing well serviced centres and towns	YES	The site is zoned Business, permitting medium density and tourist accommodation, is located in an established urban area, and is close to a range of services and facilities.
Use the recommendations of the Sensitive Urban Lands Panel to guide the finalisation of the development form and environment management of the 17 'sensitive urban lands'	YES	The site is not categorised as 'sensitive urban land'.
Manage the environmental impact of settlement by focusing new urban development in existing identified growth areas such as Nowra-Bomaderry, Milton-Ulladulla,	YES	The site is located in Batemans Bay town centre.

Batemans Bay and Bega		
Only consider additional development sites if it can be demonstrated that they satisfy the Sustainability Criteria (Appendix 1)	N/A	The site is zoned Business.
No new towns or villages will be supported unless compelling reasons are presented and they can satisfy the Sustainability Criteria No new rural residential zones will be supported unless as part of an agreed structure plan of settlement strategy	N/A	
Ensure an adequate supply of land to support economic growth and provide capacity to accommodate a projected 25,800 new jobs, particularly in the areas of finance, administration, business services, health, aged care and tourism	N/A	The site is zoned Business.
Limit development in places constrained by coastal processes, flooding, wetlands, important primary industry resources and significant scenic and cultural landscapes	YES	This issue is addressed elsewhere in this table and in the Director-General's Assessment Report.
Protect the cultural and Aboriginal heritage values and visual character of rural and coastal towns and villages and surrounding landscapes.	YES	The site does not contain any cultural or Aboriginal heritage values. The proposal has been designed in response to the visual character of Batemans Bay and its natural values. This is addressed elsewhere in this table and in the Director-General's Assessment Report.

10. EUROBODALLA DEVELOPMENT CONTROL PLAN BATEMANS BAY TOWN CENTRE DEVELOPMENT GUIDELINES

1.3 OBJECTIVES	COMPLY	COMMENT
To provide more detailed controls to assist developers to achieve the aims and objectives in the Urban LEP in relation to development in the business zone.	N/A	
To encourage the creation of an effective and attractive commercial precinct.	YES	The proposal will provide an attractive, mixed use building which will also bring economic benefits to the town.
To reinforce the role of Batemans Bay Town Centre as a sub-regional and resort shopping centre	YES	The proposal will provide tourist accommodation and retail facilities in recognition of Batemans Bay sub-regional status.
To recognise the importance of pedestrian amenity in the Town Centre by reducing conflict with through traffic and providing for the integration of commercial development with open space and pedestrian areas.	YES	The proposal provides colonnades on both street frontages which provide opportunity for outdoor dining, and which can form the basis of continuous street colonnades as adjacent sites are redeveloped. The proposal improves pedestrian safety and amenity by reducing the number of footpath driveway crossings from two to one.
To provide design guidelines which provide guidance and identify the future direction and appearance of development in the Batemans Bay Town Centre	N/A	
To determine height and site density requirements which encourage development to complement the Murra Murra Mia Walkway and the Orient Street landscape	YES	The Murra Murra Mia Walkway Guidelines do not strictly apply to the proposal. Nonetheless, the proposal's Clyde Street frontage is oriented to Murra Murra Mia Walkway and maximises pedestrian safety and amenity by the colonnade and absence of vehicular crossings. The proposal's height varies, and the two building forms provide opportunity for a view corridor through the site. The retail tenancies facing the Murra Murra Mia Walkway will provide opportunity for outdoor dining. The balconies of the residential units facing Clyde Street will take advantage of the water front atmosphere.
To provide specific design guidelines for foreshore development along the Murra Murra Mia Walkway	N/A	
2.2 DESIRED FUTURE CHARACTER	COMPLY	COMMENT

(a) emphasises the linkage between the built environment and the river foreshore	YES	The proposal provides retail, tourist and residential accommodation which will provide greater patronage of the foreshore. The building design and articulation with provision of balconies addresses its waterfront context and will provide a pleasant outlook for inhabitants.
(b) provides a focus for tourist and retail functions which integrate with landscaped public areas, community facilities, outdoor eating and the like	YES	The Clyde Street frontage of the proposal is oriented towards the public open space the Murra Murra Mia Walkway. The retail tenancies will activate the street frontages and the colonnades will provide for outdoor dining, complementing the public uses of footpaths and water front open space.
(c) provides a safe and pleasant pedestrian environment	YES	The proponent's indicative subdivision that, upon subdivision, all lots will comply with the requirement.
2.3 DESIGN THEME	COMPLY	COMMENT
A resort town with strong emphasis on linkages between the buildings and river foreshore	YES	See above 'Desired future character (a)'.
Buildings of varying heights and will obtain views to the river. A variety of uses with retail functions at ground level and commercial and residential uses on other levels.	YES	All lots containing multi unit housing building envelopes comply with the maximum FSR.
Materials and colours will be varied and reflect the riverside environment	YES	Neutral and earth coloured external materials and finishes will be used, including timber, terracotta cladding and copper (or similar) roofing.
Arcades and thoroughfares are encouraged to provide visual and pedestrian links to the waterfront. The use of outdoor space for eating and cafes is encouraged.	YES	To be addressed in future DAs.
3.3 Building Appearance Objective: To encourage the creation of an effective and attractive commercial area which complements its natural setting. Acceptable solution: New development when viewed from the street an public places should ensure that the external design of buildings is attractive and visually compatible with attractive	YES	The proposed building form is broken into 2 distinct masses, both with a street address. It will be of timber framed construction, articulated with façade elements, including balconies, colonnades, and balustrades and sunshades. An open courtyard will be provided in between the two building elements. The facades will be treated with a natural terracotta tile in a colour reflecting the changing colours of the estuary waters. Balustrades will be timber and glazing with the use of timber reflecting the town's wharf and marine history. Balconies have been designed for light, views and breezes, with sufficient depth to

<p>surrounding development and the streetscape.</p> <p>Use of awnings is encouraged to break up building facades. Awnings should have a maximum width of 3.6m and be a minimum of 3.6m above finished pavement level.</p> <p>Tower elements are encouraged to break the skyline and create interest.</p>		<p>provide shade and privacy to units.</p> <p>The proposal provides for a colonnade along the Clyde Street frontage in as required by the Department and Council. The first 1.5 is required to provide stairs and/or disabled access ramps to allow pedestrians to negotiate the change in levels (minimum 2.7m AHD flood planning level). The remaining 4m of the colonnade is required to be used to provide a continuous covered walkway between sites at the flood planning level.</p> <p>The proposal provides for a colonnade along the North Street frontage to a depth of 3m including stairs and disabled access ramps. The proposal provides with the intent of the awnings requirement.</p> <p>The site is not located on a corner and is not recommended for a corner/tower feature as recommended in DCP Map No. 6 Masterplan for Built Form and Landscape.</p>
<p>3.4 Streetscape and pedestrian links: Objective: To recognised the importance of linking the commercial area with the streetscape and open space in and around the Town Centre.</p> <p>Acceptable solution: New development should comply with Masterplan for Built Form and Landscape (DCP Map No. 6). Maintain existing links and create new links between streets and the waterfront</p> <p>New development is encouraged to maintain existing pedestrian links and to create new links between streets and/or the waterfront.</p> <p>3.6 Flood and Ocean Influences Mitigation</p>	<p>YES</p> <p>YES</p>	<p>The proposal improves pedestrian amenity through the provision of colonnades (with opportunity for outdoor eating), and disabled access. The proposal will generally improve pedestrian amenity surrounding the site, adjacent to the waterfront.</p> <p>This issue is addressed elsewhere in this table and in section 5.3 of the Director-General's Report.</p>

3.7 Energy Efficiency	YES	This issue is addressed elsewhere in this table and in section 3.8.7 of the Director-General's Report.
4 Development Guidelines 4.1 Site coverage Floor space ratio (FSR) 3:1 Height 10m	YES NO	The proposal's FSR is 1.79:1 which complies with the FSR requirement. The height of the proposal is also subject to higher controls than contained in this DCP, and this issue is discussed elsewhere in this table and in section 5.1 of the Director-General's Report.
4.3 Setbacks Tourist or residential accommodation on an upper storey should have a minimum setback of 3m to enable the provision of private open space.	YES	The upper storey of the residential building is set back 6m from the Clyde Street frontage. The upper storey of the serviced apartment building is not set back, to maintain a uniform setback from North Street. All units have their own balconies which will provide functional private open space.
4.4 Flooding and coastal inundation – development in accordance with the NSW Government's Coastline and Flood Policies	YES	The proposal has been designed in accordance with Council's Bateman's Bay Coastline Hazard Management Plan which, in turn, is based on the NSW Government's requirements. This issue is discussed elsewhere in this table and in section 5.3 of the Director-General's Report.
4.5 Service access Locate service/garbage storage areas so not visible/screened from public places; Integrate service areas into overall building design; Locate service areas to provide easy access; and Minimise turning movements.	YES	All servicing will be undertaken on-site. Three valet/service standing spaces will be provided on the rear driveway, and adequate manoeuvring space will be provided on the driveway and in the car park for small rigid waste vehicles. The garbage storage room is located adjacent to the driveway, with internal access only. This issue is discussed elsewhere in this table and in section 5.2 of the Director-General's Report.

4.7 Access for persons with a disability – comply with BCA requirements.	YES	Disabled patrons of the serviced apartments will be able to drive their cars onto the driveway and have their car parked by the valet. They can then gain lift access to the building via the car park entry. Disabled access is provided from the street via the colonnades, and internally via lift access. This issue is discussed '16. Residential Flat Design Code' in this table
4.8 Landscaping: Landscape open space with trees for shade; Landscape parking and peripheral areas to reduce visual impact of parking; Landscape in keeping with surrounding environment and scale of adjacent structures.	YES	The proposal provides street trees and a common landscaped central courtyard for all units. Parking will be accommodated in the car park out of public view. The driveway will provide 3 parking spaces at the rear of the site, largely out of public view. The design of the proposal and the rationalisation of parking and vehicular access to the site (currently detracting from the streetscape with large vehicular driveways) will improve the streetscape and pedestrian amenity.
4.9 Advertising signs	YES	Discreet vertical naming signs will be erected flush with the colonnade aprons and columns at ground level on both street elevations. A horizontal flush naming sign ('Clyde River Motor Inn') will be erected on the third floor balcony to the North Street elevation. This signage complies with the aims of the control.
4.10 Car parking: Acceptable solution: Comply with DCP No. 130. Tourist and residential accommodation to provide on-site parking in accordance with Batemans Bay Parking Strategy. Sites identified on Map 8 will not be entitled to section 94 contributions in lieu of on-site parking. 1 car parking space per residential and accommodation unit.	YES	The site is not within Map 8 in the DCP, thus s94 contributions can be accepted in lieu of on-site parking. Parking and Section 94 are discussed elsewhere in this table and in sections 5.2 and 5.6 of the Director-General's Report. The proposal provides one parking space per serviced apartment and one per permanent residential unit and complies with the control.

11. BATEMANS BAY TOWN CENTRE STRUCTURE PLAN

CONTROLS	COMPLY	COMMENT
<p>Section 6.3 Heights and Discretionary Heights: Waterfront Precinct - maximum height of 12m (3 storeys), with the third level set back approximately 3m from the Clyde Street boundary. Discretionary height of 15m for Clyde Street elevation.</p> <p>Marketplace Precinct/Commercial core - maximum height of 18m (5 storeys).</p>	YES	<p>The eastern part of the proposed Clyde Street elevation complies with the height limit where it is 12m for the first 3 storeys but does not comply with the 3m setback requirement for the 3rd storey. The EA was prepared in accordance with the Draft Structure Plan which set a 10m/3 storeys height limit for Clyde Street with the 3rd level set back 3m. The EA notes that the heights of the proposal are consistent with those developed in extensive consultations with the Department and Council, and which subsequently formed the basis for amendments to the controls now contained in the Structure Plan.</p> <p>The proposed 16m high 4th storey complies with the 16m discretionary height limit for Clyde Street. Council has acknowledged a discrepancy in the Foreshore Precinct height controls in the Structure Plan, with the text referring to a 15m discretionary height limit and illustrations referring to a 16m height limit. Council advised that a 16m height limit applies and it and the 18m North Street height limit are intended for the proposed Draft Comprehensive LEP. The proposed North Street elevation complies with the 18m height limit for the Marketplace Precinct.</p> <p>The proposed heights comply with the controls.</p>
<p>Section 6.4 Floor Space Ratio – Foreshore Precinct: maximum 2:1 and 68% site coverage.</p>	YES	<p>The PPR states that the proposal has an FSR of 1.79:1. The tourist GFA is 3,024sqm and the residential GFA is 1,407sqm.</p>
<p>Section 6.5.1 Building alignments and setbacks – Foreshore & Marketplace Precincts: 5.5m ground level setback Main building/mid levels set to zero setback Top level of building minimum 6m setback Clyde Street frontage setback to form continuous colonnade</p>	<p>YES (Clyde St) NO (North St)</p>	<p>The ground level setback complies with the control only for Clyde Street, where it is 5.5m. The North Street ground level setback is 3.2m and does not comply. The main building setback complies with the zero setback on both street elevations.</p> <p>The Clyde Street setbacks comply with the controls: the 1st and 2nd levels are set back 2-3m (excluding balconies), and the top storey is set back 6m.</p> <p>The 1st and 2nd levels on the North Street elevation are set back 1.5-2.5m</p>

		<p>(excluding balconies) and the 3rd level is set back 1.5m. The North Street elevation does not comply with the minimum 6m setback for the top level. The proponent's compliance table (Appendix Z) states that the setbacks were agreed to by the Department and supported by Council. The EA states that the proposed setbacks are acceptable in the town centre context, and will ensure adequate separation as adjoining properties are developed with similar setbacks.</p> <p>Both ground level setbacks provide for ramped access to the retail tenancies and a covered colonnade. The colonnades will provide a continuous, covered walkway between sites (as they are redeveloped) at retail flood planning level.</p>
<p>Section 6.5.2 Street frontage heights: Clyde Street: 16m (where discretionary heights apply)</p> <p>North Street: 8.5m</p>	<p>YES</p> <p>NO</p>	<p>The Clyde Street elevation complies with the 16m street frontage height, as it is 12m at the street frontage, increasing to 16m at a 6m setback from the street alignment.</p> <p>The North Street elevation is 18m and does not comply with the 8.5m street frontage height. The proponent's compliance table (Appendix Z) does not discuss the street frontage height, referring only to an overall height limit of 18m. The proponent's justification for the height is that it presents as strong street address and was designed in consultation with Council and the Department</p>
<p>Section 6.5.3 Site plot areas: Foreshore Precinct: 68% of site area.</p> <p>Comply with % accommodation mix: Mix of unit sizes; 2 bed units max 75% of total residential component; Permanent residential max 25% of total accommodation</p>		<p>The proposal achieves 89% site coverage and does not comply with the control. However, the design allows for separation between the two building forms providing amenity, sunlight access, balconies and privacy for the apartments, as well as a common central landscaped courtyard above the podium. The courtyard will have sufficient deep soil zones to provide for substantial planting.</p>
<p>Section 6.5.4 Building separation: Foreshore Precinct: residential accommodation above 8.5m height: 9m side setback from adjacent allotments; 21m separation within allotment</p>	<p>YES</p>	<p>The proposal does not fully comply with the 9m side setback from adjacent allotments. The proposed rear building is set back 8.7-9.2 (excluding boundaries) from the northern side boundary, 5-5.5m from the western side (laneway), and zero setback to the southern side (North Street). The proposed front building has a zero northern side setback for the first 3 levels, increasing to 1.6-3.8m for the top level.</p> <p>The Structure Plan allows for separation of mixed use buildings to be considered in the light of adjacent uses and the aspect that achieves best</p>

		<p>amenity and view sharing. Adjoining properties are commercial/retail and likely to be redeveloped for mixed uses. The proposal takes advantage of the site's aspect and prevailing breezes by orienting the buildings east-west, affording views for the Clyde Street units.</p> <p>The EA (section 6.2.1.3) states that buildings in the town centre are typically built to the street and side boundaries, providing a strong street address and avoiding gaps in the streetscape.</p> <p>The proposal complies with the 21m separation within the allotment as there is a 24m separation (excluding balconies) between the 2 residential buildings. The separation between the 2 buildings to balcony line is 20.5m.</p>
Section 6.6 Residential Design – Design Considerations	YES	<p>This section contains Design Considerations rather than development standards, and it is considered that they have been adequately addressed elsewhere in relation to the Structure Plan and in this compliance table (see SEPP 65, and BBTC Development Guidelines DCP above).</p>
<p>Section 6.7 Mixed Use Buildings:</p> <p>Single entry/shared access driveway to rear</p> <p>Provide safe pedestrian access through the site</p> <p>Locate commercial service requirements separately from residential access</p> <p>Avoid blank building walls at ground level</p>	YES	<p>Some of the considerations in this section are design considerations have been adequately addressed elsewhere (See Section 6.6 above).</p> <p>The proposal (as amended in the PPR) provides a single entry vehicular driveway on the North Street elevation. The driveway (designated as pedestrian to the north of the proposed valet/service standing spaces) allows for pedestrian access to the rear of the serviced apartment building. Safety on the driveway will be provided by pedestrian-level lighting on the ground level elevation.</p> <p>The ground floor plan does not indicate commercial service requirements separate from residential access. The EA states that loading and servicing will occur from the proposed shared access way and loading zones located in the vicinity of the site. The PPR provides amended servicing details in that two valet/service standing spaces will be provided on the driveway. The proponent's traffic report notes that the proposed driveway and car park will accommodate small rigid vehicles used for waste collection. This is discussed in more detail elsewhere in this table, and in section 5.2 of the Director-General's Report.</p>

Section 6.8 In-development Parking		<p>On-site parking is addressed in Eurobodalla Development Control Plan: Parking Code elsewhere in this table and in section 5.2 of the Director-General's Report.</p> <p>The Structure Plan acknowledges that some developments may have minimal on-site parking in recognition of the fact that some areas are better positioned to accommodate parking areas in respect of urban design outcomes. It also acknowledges the need to reduce private vehicle trips, possible with mixed uses and higher residential densities close to the town centre. It states that one way to encourage mixed use developments 'is to reduce the necessary on-site parking requirement.' Specifically, 'new developments in the Foreshore Precinct can reduce the provision of on-site parking for retail and commercial use and only provide the parking component for residential use.'</p> <p>As part of planning for the proposal the Department and Council discussed the appropriateness of reducing on-site parking given its foreshore location and complementary uses, and to maximise urban design outcomes for the site. This involved proposing reduced parking for the residential component and Section 94 levies for the shortfall and for the commercial component.</p>
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12. EUROBODALLA DEVELOPMENT CONTROL PLAN 130 – PARKING CODE

MATTERS	COMPLY	COMMENT
3.2 Contributions in lieu of on-site parking: Where site identified in contributions Plan, development may be eligible for monetary contribution, for commercial development only unable to be provided on site, or where site conditions prevent meeting the requirements or create undesirable traffic movement problems.		
3.5 Parking credits: Accrued parking credits for existing development. If new use requires more parking, can be added to accrued credits.		

3.7.3 Restaurants: 1 space/30m ² GFA.	NO	The proposal requires 10 spaces based on 300m ² , and does not comply as no parking is provided for the non-residential uses. However, Council will accept a Section 94 contribution for those spaces and this is a condition of approval.
4.2 Car Parking Requirements Schedule: Residential - Mixed use: 1 space/1 bed unit 1.5 spaces/2 bed unit 2 spaces/3 bed unit Visitor parking: 0.25 spaces/unit. Commercial premises – Retail: 1 space/30m ² GFA (minimum of 2 spaces). Tourist accommodation: 1 space per each accommodation unit 1 space/4 units for visitors 1 space/manager's/owner's residence, 1 space/employee/fulltime equivalent, 1 space/4 units for trailer/caravan/boat parking.	YES NO NO NO YES YES NO N/A NO NO	<p>The proposal requires a total of 17.5 spaces including 2.5 visitor spaces. The proposal provides 10 spaces (1 space each for the units only) and does not comply.</p> <p>The proposal requires 4 spaces for the proposed 120sqm of retail space. One retail employee space will be provided on the driveway. Section 5.2 of the Director-General's Assessment Report addresses the commercial/retail parking requirements of the proposal.</p> <p>The proposal requires 46 spaces for the serviced apartments and the 48 spaces proposed complies with the requirement.</p> <p>The proposal requires 11.5 spaces for visitors, and does not comply as no visitor spaces are proposed.</p> <p>The proposal does not include an on-site manager's residence.</p> <p>The proposal requires 20 employee spaces, however it does not provide employee parking, and does not comply with the requirement.</p> <p>The proposal requires 11.5 spaces for trailer/caravan/boat parking and does not comply with the requirement.</p> <p>As discussed in s6.8 of Batemans Bay Town Centre Structure Plan above, and in section 5.2 of the Director-General's Assessment Report, the proposal provides on-site parking for the serviced and permanent residential apartments only and not the commercial/retail component. Council has advised that the proposed on-site parking is satisfactory subject to the payment of a Section 94 contribution by the proponent of a total of \$318,000.00. The characteristics of the car stacker system are also discussed elsewhere. Refer to section 5.2 of the Director-General's Assessment Report for a detailed assessment of this issue.</p>
S6.2 Access and manoeuvrability	YES	The EA, as exhibited, proposed a shared access way in compliance with Council's

<p>S6.2.1 Relationship of access driveway:</p> <p>Where parking provision exceeds 50 spaces, separate provision required for entry and exit driveways.</p> <p>If combined driveway proposed, shall be separated at the entry if likely to be used by vehicles entering and leaving simultaneously.</p>		<p>requirements. It was amended following Council's objection and advice that it would not give owner's consent to use of its land for this purpose. The vehicular driveway proposed in the PPR provides for two cars to pass in opposite directions simultaneously, and adequate manoeuvring space for cars and service vehicles. This is discussed in more detail in section 5.2 of the Director-General's Assessment Report,</p>
<p>Pt 6.2.2 Sight distances to pedestrians</p> <p>Minimum sight distances</p>	YES	<p>The proposed ground floor colonnade on North Street adjacent to the site's vehicular entry will permit visibility for pedestrians on the footpath and vehicles on the proposed driveway. The line of sight on the western side of the proposed driveway adjoins private land (1 North Street), and treatment of that boundary would need to be by condition of approval to maximise visibility.</p>
<p>Pt7 Parking design & dimensioning as per Australian Standard</p> <p>Minimum dimensions 2.5 x 5.5, or 3.0 x 5.5 adjacent to wall structure</p> <p>7m aisle width</p>		<p>The proposed standard parking spaces are 2.5m x 5.5m and comply with Council's minimum dimensions. The spaces adjacent to a wall structure are also 2.5m x 5.5m, and the aisle width is 5.9m, and both do not comply. The traffic report states that dimensions comply with the Australian Standard.</p> <p>Twenty two of the total spaces proposed to be provided will be in car stackers. The proponent's traffic report states that the car stacker is not covered by the Australian Standard and will be installed according to the manufacturer's requirements. A wider aisle width for the upper stacked spaces is necessary to allow vehicles to enter such spaces (at an angle of close to 90 degrees), and 6.95m is required compared with a standard aisle width of 5.8m. The proponent's traffic report states that the proposed effective aisle width is 5.9m for lower spaces and 6m for the upper spaces. The traffic report notes that during non-peak times, the stacker platforms would remain in the high position to allow the ground floor spaces to operate as standard spaces. The car stacker will be operated by a valet only and used for the serviced apartments. The conditions of approval require a plan of management to be submitted addressing the valet system.</p>
<p>Pt8 Parking for people with a disability</p> <p>As required by the BCA</p>	YES	<p>No disabled parking is proposed to be provided and provision is not addressed in the traffic report. The PPR addressed this issue by providing 3 valet parking spaces on the driveway for use by disabled patrons. Patrons will then be able to access the building via lift from the car park and ramped access via the street level colonnades.</p>
<p>Pt 9 Service and Delivery Areas</p> <p>9.2 Developments of a commercial/industrial nature or</p>	YES	<p>The proponent's traffic report states in respect of servicing that:</p>

where indicating necessity for such a facility, shall demonstrate compliance with inclusion of a service and delivery area incorporating a loading/unloading space. Entry and exit in a forward direction.		<ul style="list-style-type: none"> • larger trucks will not need to access the site as the proposal will provide on-site laundry facilities; • waste bins will be collected from North Street, and managed by an on-site manager; • the retail premises will be likely serviced from vehicles parking on the street; • it is unlikely that a vehicle larger than a van will access the car park, • the car park can accommodate a small rigid truck, however, due to limited height clearance, some areas of the car park will not provide the required minimum 3.5m height; • there are several private contractors which use low clearance small rigid trucks; • signage can be erected at the site entry in respect of height clearance; and • overall, the servicing arrangements are satisfactory.
Pt 10 Landscaping Provide landscaping as appropriate to reflect the character of the area	YES	The character of the surrounding area is one of a town centre with public at-grade car parks with minimal landscaping. Parking will be provided at grade within the confines of the building, thus landscaping is inappropriate. Given the constraints of the site landscaping is not proposed on the driveway. The central communal courtyard will be landscaped with trees, shrubs and a reflection pool, and street trees will also be planted.

16. DRAFT BATEMANS BAY HAZARD COASTLINE MANAGEMENT PLAN

MATTERS	COMPLY	COMMENT
<p>S4.3.3 Central Business District Minimum commercial floor levels (including 0.2m freeboard):</p> <p>Foreshore areas (Clyde Street): 2.6mAHD</p> <p>Backshore areas (North Street): 2.4mAHD</p>	<p>YES</p> <p>YES</p>	<p>The proposed Clyde Street minimum floor level is 2.7mAHD and North Street minimum floor level is 2.5mAHD which both comply with Council's commercial flood planning level. With provision for the fitting of a 0.9m flood gate, this will provide adequate protection to 3.6mAHD for Clyde Street and 2.4mAHD for North Street in the event of maximum sea level rise. The car park entry will be 2.2mAHD also complying with Council's requirement. Provision for a 1.2m floodgate, will provide adequate protection to 3.3mAHD in the event of maximum sea level rise.</p>

14. NSW COASTAL POLICY 1997

GOALS	COMPLY	COMMENT
Protecting, rehabilitating and improving the natural environment of the coastal zone.	YES	The proposed measures to capture and reuse stormwater and improve the quality of discharge to the waters of Batemans Bay will assist in protecting natural environment of the coastal zone. This issue is discussed in sections 5.4, 5.5 and 5.7 of the Director-General's Report.
Recognising and accommodating the natural processes of the coastal zone.	YES	The proposal has been designed in accordance with flood planning levels and prevailing coastal processes, including sea level rise. See the discussion in section 5.3 of the Director-General's Report.
Protecting and enhancing the aesthetic qualities of the coastal zone	YES	The proposal is stepped in height away from the foreshore (Clyde Street) frontage; and has a modulated design with recessed balconies and the use of materials and colours sympathetic with the locality's natural features.
Protecting and conserving the cultural heritage of the coastal zone.	YES	There are no known Aboriginal or cultural heritage issues relating to the site.
Providing for ecologically sustainable development and use of resources.	YES	The proposal incorporates IWCM and passes the BASIX requirements and is satisfactory in respect of ESD. This issue is also addressed in sections 5.4 and 5.7 of the DG Report.
Providing for appropriate public access and use.	YES	The proposal provides ground floor colonnades on both street frontages with ramped access. This will enable outdoor seating and improved public access to the site.
Providing for integrated planning and management of the coastal zone.	YES	In making its recommendation on the proposal, the Department has taken into consideration relevant environmental, social and economic matters. Appropriate management plans, the proponent's Statement of Commitments, and conditions of approval ensure that the development will not have an adverse impact on the environment. The development will have a positive impact on the local economy through the creation of new employment opportunities, and a range of dwelling types in the Batemans Bay town centre.
Providing information to enable effective management of the coastal zone.	YES	The application is supported by a range of management plans and assessments, and conditions of approval will ensure that additional details

		are prepared prior to the issue of construction and occupation certificates.
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15. NSW COASTAL DESIGN GUIDELINES 2003

MATTERS	COMPLY	COMMENTS
Part 1 Determining a hierarchy of settlements		
Desired Future Character		
1. Relationship to the environment	YES	The current proposal is lower and less dense than the original proposal and responds to the need for a good urban design outcome. The proposal's design takes into account the site's coastal location, resulting in a development compatible with its surroundings. The site is part of the Batemans Bay town centre and is zoned for business uses.
2. Visual Sensitivity	YES	The proposed building heights comply with Council's controls. The development steps up away from the foreshore in order to reduce the impact on the surrounding area and protect views to and from the site. The two separate building forms provide a view corridor through the site.
3. Edges to the water and natural areas	YES	The site is located approximately 50m from the foreshore. The proposal has been designed to take advantage of this aspect while achieving a high quality architectural design with an articulated form.
4. Streets	YES	A street pattern is already established in the area, and the proposal provides strong addresses to both street frontages, as well as vehicular access from North Street.
5. Buildings	YES	The proposed buildings range from 4 to 5 storeys. They are consistent with the LEP objectives and newer development in the town centre.
6. Height - generally up to 4 storeys in town centres.	YES	See above and section 5.1 of the D-G's Report.
Part 2: Design Principles for Coastal Towns		
2. Maintaining a compact settlement footprint	YES	The proposal promotes growth of the Batemans Bay town centre within its existing boundaries. It will provide a high level of residential and public domain amenity, housing choice and support efficient public transport and infrastructure provision. The mixed use will activate the street frontages.
Connecting open spaces	YES	The proposal does not provide public open space but by its mixed uses and higher density will promote use of public open space in the town centre, including the foreshore open space (Murra Murra Walkway). Its ground level

		colonnades with ramp access promote pedestrian access to the development and provide opportunity for café seating. The central courtyard will be landscaped with native species, and street trees will be planted.
Protecting the natural edges	YES	The design and density of the proposal promotes public and pedestrian use of the foreshore area.
Reinforcing the street pattern	YES	The proposal has a strong street address to both frontages with clear demarcation between pedestrian and vehicular entries. Facades are articulated with recessed balconies, and varied use of colours and materials sympathetic to the area's natural features.
Appropriate buildings for a coastal context	YES	The proposal is a high quality design responsive to surrounding natural features. External colours and materials will reflect the foreshore characteristics. The proposal is appropriate for the town centre and will create economic benefits.

16. RESIDENTIAL FLAT DESIGN CODE (SEPP 65)

Prescribed Requirements	Merit Considerations	Compliance	Comments
Standard – Building Depths			
In general an apartment building depth of 10m to 18m is appropriate	If wider than 18m must demonstrate good solar access & ventilation	Yes (Clyde St)	Building depth 13.4m.
Standard – Building Separation			
<u>4 storeys</u> 12m between habitable & balconies. 9m between habitable / balconies & non habitable. 6m between non habitable. <u>5-8 storeys</u> 18m between habitable & balconies. 13m between habitable/ balconies & non-habitable. 9m between non habitable. <u>9 storeys +</u> 24m between habitable & balconies. 18m between habitable/ balconies & non-habitable. 12m between non habitable.	Building Separation controls may be varied in response to site constraints. Developments proposing less than recommended distances must demonstrate that daylight access, urban form & visual & acoustic privacy have been achieved.	Yes	Minimum suggested building separations met for both buildings (21m achieved). The North Street building only is 5 storeys so the 5-8 storey controls do not apply.
Standard – Deep Soil Zones			
25% of open space area of a site should be deep soil	Exceptions may be granted where sites are built out & have no capacity for water infiltration. Stormwater measures must be integrated with the design of the building.	Yes	A central courtyard (approximately 675sqm or 25% of the site area) is provided with soil depths to 1m to accommodate substantial planting (of native species) and provide passive open space with solar access. The site is constrained by groundwater levels and potential ASS. The site is in a built up urban area where development typically accommodates 100% of the site. Stormwater measures are integrated with the design of the building.
Standard – Open Space			
At least 25-30% of site area dedicated to communal open space.	Exceptions to the communal open space requirement may be	Yes N/A	Approximately 675sqm or 25% of the site area is provided as communal open space.

Minimum private open space (at ground level) is 25sqm per unit of which the minimum dimension is 4m.	accepted if residential amenity is provided in the form of increased private open space or contribution to public open space		No ground level apartments are proposed.
Standard – Safety			
Carry out a formal crime risk assessment for all residential developments of more than 20 new dwellings		N/A	The residential component of the proposal comprises only 10 units so this is not applicable.
Standard – Pedestrian Access			
Comply with accessibility standard set out in AS 1428 (parts 1 and 2). Provide barrier free access to at least 20% of all dwellings		Yes	The proposal provides disabled access to every level of the buildings. There is ramped access from the street to colonnade level, and lift access to all levels. There are no steps in any of the apartments. The serviced apartments contain three accessible apartments, one each on levels 1 – 4. Those apartments contain disabled bathrooms and full circulation throughout. There is also 1 dual-key apartment: 1 disabled apartment next to a standard apartment for a carer. The Statement of Commitments (11) requires compliance with the BCA with details to be submitted prior to issue of a CC.
Standard – Vehicle Access			
Maximum width of the driveway is 6m. Vehicle entries to be located away from main pedestrian entries and on second frontages where possible.		Yes	Maximum 7.5m driveway width with vehicular entry on secondary (North Street), located away from the main pedestrian entries (from North and Clyde Street footpaths).
Standard – Apartment Layout			
Single aspect apartments should be limited to 8m from a window. Back of kitchen should be no more than 8m from a window. Width of dual aspect apartments that are greater than 15m deep is 4m.	Exceptions may apply if it is demonstrated how day lighting and natural ventilation can be achieved.	Yes	All residential apartments are dual aspect. All kitchens are located within 8m of a window. The units are in excess of 4m wide.
Standard – Apartment Size			
1 bedroom - 50sqm min 2 bedroom - 70sqm min		Yes	1 bedroom units: 84sqm 2 bedroom units: 99sqm

3 bedroom - 95sqm min			3 bedroom units: 123sqm
Standard – Balconies			
Provide a minimum depth of all primary balconies of 2m. Required scale plans of balcony with furniture layouts.		Yes	All primary balconies at least 2m or more.
Standard – Ceiling Heights			
Min 3.3m ground floor Min 3.3m 1st floor (mixed use only) 2.7m for habitable & 2.4m for non habitable. 2 storey units 2.4m for second storey if more than 50% of the unit is 2.7m. 2 storey units with 2 storey void space 2.4m. Attic 1.5m at edge of room with 30 degree roof pitch.	Developments seeking to vary requirements to demonstrate that apartments will receive satisfactory day light.	Yes	4m ground floor 3.1m first floor (serviced apartments) 2.9m first floor (residential apartments) 2.4m for non habitable. 2.7-2.9m habitable.
Standard – Ground Floor Apartments			
	Optimise the number of ground floor apartments with separate entries. Consider provision of accessible units. Provide ground floor units with access to private open space as a terrace or garden.	Yes	There are no ground floor units.
Standard – Internal Circulation			
Max 8 units accessed from a single corridor	Exceptions for adaptive reuse buildings, where streetscape is achieved & where a high level of amenity for lobbies, corridors & units is achieved	Yes	A maximum of 2 apartments are accessed from each common lobby on each level of the building.
Standard – Storage			

Provide accessible storage facilities, in addition to kitchen cupboards and bedroom wardrobes, a suggested rates: Studio - 6m ³ 1 bedroom - 6m ³ 2 bedroom - 8m ³ 3 bedroom - 10m ³		Yes	Storage is provided in each apartment in excess of the minimum requirement.
Standard – Daylight Access			
70% of apartments should receive 3 hours between 9am and 3pm midwinter. Single aspect apartments with a southerly aspect are limited to 10% of all units.	In dense urban areas a minimum of 2 hours may be acceptable. Variations to demonstrate how constraints & orientation prohibit compliance & energy efficient are addressed.	Yes	All units are dual-aspect. Solar access is maximised to all apartments and habitable spaces due to the separation between the two buildings, and their north-easterly orientation.
Standard – Natural Ventilation			
Building depths which support natural ventilation typically range from 10-18m. 60% of units to be naturally cross ventilated. 25% of kitchens within a development should have access to natural ventilation	Variations must demonstrate how natural ventilation can be satisfactorily achieved particularly in relation to habitable rooms.	Yes	Building depth 13.4m. All of the 80% of apartments achieve cross ventilation. All kitchens have access to natural ventilation being located within 8m of a window.
Standard – Waste			
Waste Management plan submitted		Yes	Waste management has been considered and is included in the Statement of Commitments and conditions.