

Supplementary Director-General's Report

Major Project MP 06_0133

1 BACKGROUND

This report is a supplementary Director-General's Report for the assessment of Major Project MP06_0133 for the redevelopment of the Blue Dolphin Holiday Park at Yamba Road in Yamba (Lot 1 and Lot 2 DP 706628).

In April 2007 the Department prepared a Director-General's Report to the Minister, recommending approval to the proponent's Preferred Project Report, subject to the effective implementation of the proponent's Statement of Commitments and the Department's recommended Instruments of Approval.

Following consideration of the Director-General's report and the proponent's Preferred Project Report, the Minister requested further amendments to the concept plan to facilitate improved public access to and along the Yamba Bay Foreshore Reserve, adjacent to the Clarence River. This report outlines the Amended Preferred Project submitted to the Department on 15 June 2007, and provides a consideration and assessment of these amendments.

2 CONSIDERATION

2.1 Vehicular Access to the Foreshore

Preferred Project Report

The proponent's Preferred Project (dated 16 February 2007) incorporated 2 access points from Yamba Road to the Yamba Bay Foreshore Reserve, on in the south-eastern corner of the site and the other in the north-western corner. These access points are shown in purple and orange in **Figure 1** below.



Figure 1: Proposed public access ways through the Blue Dolphin development – Preferred Project

A public **pedestrian** (shown in purple) right of way was to be created along the internal access road (part of proposed lot 1) adjoining Stage 1 of the development (the residential flat buildings) from the south-western access.

A more significant **pedestrian and vehicular access way** (shown in orange) was to be created via an easement on the north-western side of the site, along the boundary adjoining the Clarence Valley Estuary Nature Reserve from the north-western site access. This will be a two lane entrance from Yamba Road with vegetated medium strip and then narrowing to approximately 5 metres wide to connect to the car park, which provides spaces for 50 cars for use by the public (refer **Section 6.8** in the Director-General's Report). This road and pathway will be publicly accessible 24 hours a day.

Following consideration of the proponent's Preferred Project and the Department's Director-General's Report, the Minister requested that the proponent provide both pedestrian and vehicular access along the internal access road as part of Stage 1 of the development, and requested that a public car park be provided adjacent to the Reserve.

Amended Preferred Project

On 15 June 2007, the proponent submitted an amended concept plan layout that provided both pedestrian and vehicular access along the internal access road adjoining Stage 1 of the development from the south-eastern site access. The amended plans also incorporate a public car park for 10 vehicles adjacent to the Yamba Bay Foreshore Reserve between the Building 1 (Stage 1) and the residential villas (Stage 3) (refer **Figure 2**).



Figure 2: Proposed Stage 1 public vehicle and pedestrian access road and car park – Amended Preferred Project

The Stage 1 access road is now proposed to be very similar to the road to be constructed in the north of the site at Stage 2. The Stage 1 access road will be a two lane entrance from Yamba Road with a 2 metre wide vegetated medium strip, each lane a minimum of 3 metres wide with a 1.5 metre wide footpath alongside, separated from the road by a 1 metre wide vegetated strip. This is illustrated in **Figure 3** overleaf.

A condition of approval requires an easement to be created along the access road in Stage 1 to allow pedestrian, bicycle and vehicular access for the general public 24 hours a day. The amended subdivision plan is to be submitted to the Director-General for approval prior to issue of a subdivision certificate for the community title subdivision. Traffic entering the site will be controlled to left-in left-out only via a median strip to be constructed at Stage 2 of the development.

The Amended Preferred Project improves the visibility of the Clarence River from Yamba Road and further facilitates public access to the foreshore, in accordance with SEPP 71 and the *NSW Coastal Design Guidelines*. These are seen as positive outcomes of the development.

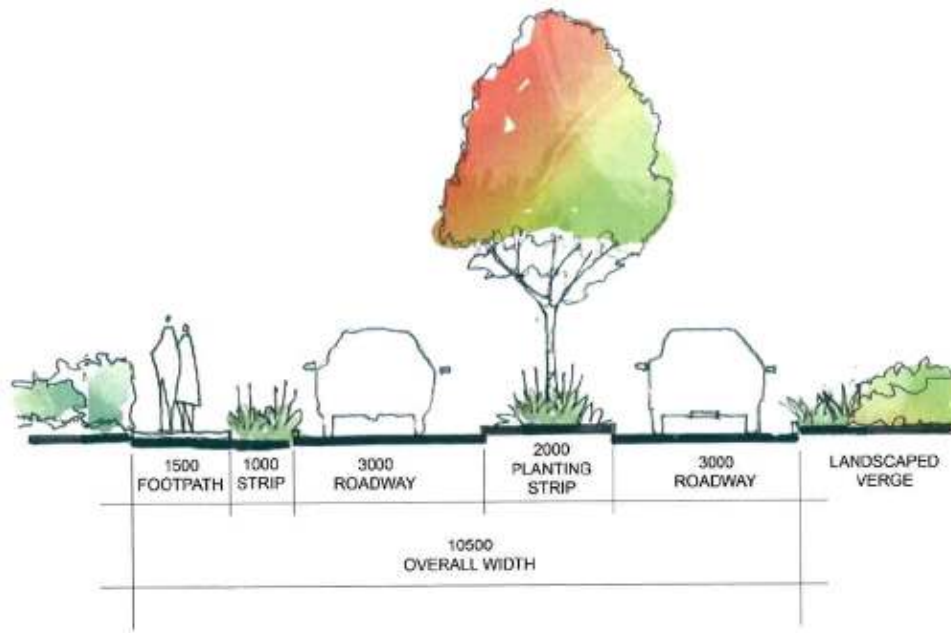


Figure 3: Proposed road section of public vehicle and pedestrian access road adjoining Stage 1 of the development.

2.2 Pedestrian Access Along the Foreshore

Preferred Project Report

The proponent's Preferred Project (dated 16 February 2007) incorporated setbacks of 5 metres from the north-eastern site boundary to Buildings 11 and 13 and the 12 residential villas. In addition, the upper 2 storeys of these buildings had been set back by 13 metres. Therefore, the buildings read as 2 storey buildings from the foreshore reserve. The Department considered that setting back Buildings 11 and 13 by 5 metres and the setting back of the upper 2 storeys of these buildings would adequately reduce the overall impact of these buildings on users of the foreshore reserve, views from the Clarence River and overshadowing of the foreshore reserve.

Notwithstanding, the Minister requested that Buildings 11 and 13 and the residential villas be set back further to provide for improved public access along the Clarence River foreshore, in accordance with SEPP71 requirements.

Amended Preferred Project

The proponent's Amended Preferred Project (dated 14 June 2007) incorporates setbacks of 8 metres from the north-eastern site boundary to the residential villas and 10 metres to Buildings 11 and 13. A condition of approval requires that an easement for pedestrian access be created along the north-eastern site boundary from the Stage 1 car park to the Clarence Estuary Nature Reserve to the north.

The Amended Preferred Project will not only improve public access along the foreshore, but will also further reduce the overshadowing impacts of these buildings on the foreshore reserve and present a more human scale of development for users of the foreshore and river (refer **Figure 4**).



Figure 4: Public pedestrian (purple) and vehicular access (orange) – Amended Preferred Project

3 CONCLUSION

As can be seen in **Figure 4**, the Blue Dolphin development now provides 2 direct publicly accessible roads from Yamba Road to the Yamba Bay Foreshore Reserve and car parking for the general public for a total of 60 vehicles (shown shaded orange). Easements for pedestrian and bicycle access (shown shaded purple) will also be created to allow the general public to walk or cycle through the site using the loop road and pathways within the site and along the Yamba Bay Foreshore Reserve.

The proponent's Amended Preferred Project will provide environmental, social and economic benefits to the Yamba region, including:

- Improved public access to and along the Clarence River foreshore;
- Reduced overshadowing of the Clarence River foreshore;
- Improved visibility of the Clarence River from Yamba Road;
- Improved access and parking arrangements on the site;
- Medium and high density residential housing and increased housing choice;
- \$300,000 to youth facilities in Yamba (via a VPA);
- Improved management of the Yamba Bay Foreshore Reserve (via a VPA);
- Improved stormwater management and stormwater quality discharge to the Clarence River;
- Improved bushfire hazard management; and,
- High quality (5 star) tourist accommodation.

A more detailed list of public benefits is outlined in **Attachment 1** to this report. As a result of the proponent's Amended Preferred Project, the Department recommends further modifications to the concept plan and additional conditions of approval for Stage 1. These are outlined in **Attachment 2** to this report.

The concept plan application has largely demonstrated compliance with the existing environmental planning instruments. On these grounds, the Department considers the site to be suitable for the proposed development and that the project is in the public interest. Consequently, the Department recommends that the project be **approved**.

4 RECOMMENDATION

The nature of the recommended approval is outlined in **Section 7.2** of the Director-General's Report dated April 2007. It is recommended that the Minister:

- (A) consider the findings and recommendations of this supplementary report and the Director-General's Report dated April 2007;
- (B) approve the concept plan for the project, under section 75O *Environmental Planning and Assessment Act, 1979*; subject to modifications of the concept plan; and sign the determination of the Major Project (**Tag A**).
- (C) approve the carrying out of the project, under Section 75P(1)(c) of the *Environmental Planning and Assessment Act 1979*, for construction of the construction of 55 residential apartments (GFA 8,920m²), basement car parking, ancillary infrastructure, landscaping and strata subdivision of Stage 1, subject to conditions and sign the determination of the Major Project (**Tag B**);
- (D) approve the carrying out of the project, under Section 75P(1)(c) of the *Environmental Planning and Assessment Act 1979*, for strata subdivision of Stage 1, subject to conditions and sign the determination of the Major Project (**Tag B**);
- (E) approve the carrying out of the project, under Section 75P(1)(c) of the *Environmental Planning and Assessment Act 1979*, for the Community Title subdivision of the site creating one common lot and 3 development lots, subject to conditions and sign the determination of the Major Project (**Tag B**).
- (F) pursuant to Section 75P(1)(b) of the *Environmental Planning and Assessment Act 1979*, determine that all subsequent stages of the development be subject to Part 4 of the *Environmental Planning and Assessment Act 1979* (**Tag A**).