

# Submission on the Eurobodalla Draft Batemans Bay Master Plan

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To: Eurobodalla Shire Council

RE: Environmental and Climate Change Concerns in the Draft Batemans Bay Master Plan

## I. Executive Summary

This submission responds to the Eurobodalla Shire Council's *Draft Batemans Bay Master Plan* (April 2024), with a **focus on critical environmental, climate, and ethical governance issues**. While we commend the ambition to revitalise Batemans Bay, the draft suffers from serious deficiencies that require significant attention, development and elaboration. These include:

- Unsubstantiated and Excessive Population Projections
- Inadequate Community Consultation
- Improper Recognition of and Response to Climate Change
- Flood Risk Neglect
- Unquantifiable Ecological Aspirations

This submission presents a detailed analysis of the issues, their implications and resultant recommendations for their resolution. This ensures that the master plan aligns with the best practices of environmental and urban planning, as well as relevant statutory frameworks. The master plan is aspirational and impressive; however, without further review, it risks undermining Bateman Bay's community strength and well-being, as well as its environmental integrity.

## II. Unsubstantiated and Overextended Population Projections

### Issue

The Draft Master Plan predicts a population of 'The Town' to be 40,000 by the year 2100. This is inconsistent with both observed trends and standard planning practice; it lacks empirical justification and is likely to overestimate population growth. 'The Town' refers to the study area of Batemans Bay.

- The current population of Batemans Bay is approximately 11,000. The draft claims 40,000 residents by 2100, which implies a 1.7% compound annual growth rate over 75 years, vastly exceeding regional and historical growth trends. The standard 1% model is ignored, which would result in a projection of approximately 27,000. Moreover, the average growth rate in this area over the past two decades has been between 0.7 and 1%.
- Planning NSW advises using a 20–30 year planning horizon, consistent with sustainable development and forecasting best practice.

- No demographic modelling methodology or source is provided to substantiate the projection (one should utilise historical trend analysis, authoritative forecasts, or investments into demographic modelling due to the importance of this statistic for the project).
  - For example, the NSW Department of Planning and Environment (DPE) Population Projections.

## Implications

- Overstated growth forecasts can distort infrastructure investment, place undue pressure on ecologically sensitive areas, and justify unsustainable or unnecessary development.
- Planning over a 75-year horizon reduces accountability and increases the risk of speculative land development.
- In a time more drastically affected by climate change than any other, without significant scientific research and preparation, it is extremely difficult to predict both population and environmental stability for 75 years. There would need to be significant and consistent revaluation of this master plan if it is intended to remain functional for 75 years.
- A 75-year plan also involves a drastic financial commitment.
- Premature and environmentally harmful development
  - Construction on land in sensitive and high-risk locations, premature infrastructure developments that attempt to induce population growth, rather than accommodate it (indirectly affecting biodiversity, flood vulnerability, the environment and wider community).

## Recommendation

- **If these population assessments are grounded in robust research, this research or sources must be made evident.**
- Reassess population forecasts based on effective and transparent modelling. Expand growth drivers and articulate what is driving growth (tourism, natural increase, immigration, etc). Include references to research and forecasts.
- Adopt a 20–30 year planning horizon aligned with Planning NSW guidelines (Greater Sydney Commission, Regional Plans for South East and Tableland models), and continue to move in these ‘planning blocks’ throughout the development process. It would be best, for the orientation of funding and saving our resources, to move ‘step-by-step’ due to the drastic potential for change, and slow (and undetermined) population growth.
  - There must be a sensitivity analysis through low, medium, and high-growth scenarios (varied outcomes depending on growth models)
- Implement precautionary zoning, meaning urban expansion (and certain building plans) are limited unless medium or high growth scenarios are met.

## III. Lack of Community Consultation and Participatory Planning

## Issue

The draft does not summarise community engagement findings or identify how its "vision" reflects community input. Although there is potential for this, including the submissions (such as this one), due by June 30th. The lack of community consultation thus far suggests a reluctance to engage with valuable members of the community, due to the extensive length of the master plan thus far.

## Evidence

- No community survey results, consultation summary, or evidence of stakeholder engagement are included in the draft.
- The plan lacks detail on how Indigenous stakeholders, conservation groups, and coastal residents were involved.
- As per s 402 of the *Local Government Act* 1993 (NSW), the importance of community consultation is legislatively entrenched, as each council must have a community strategic plan. This attitude must be extrapolated for more significant developments like Eurobodalla Shire's 'Master Plan'.
- This is furthered by the *EPA Act* 1979 which outlines, that (under s 2.23 (2)) (d) the community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered and (e) community participation should be inclusive and planning authorities should actively seek views that are representative of the community.

## Implications

- Violates principles of procedural justice and best practice in local government planning.
- Risks undermining public trust and social licence for implementation.
- Without community consultation, serious questions are raised in regard to whose interests are represented in the plan.

## Recommendation

- Include an appendix documenting all community engagement, including dates, formats, outcomes, and how input shaped the draft.
- Commit to ongoing community-led planning panels. Including re-exhibition of the draft plan in community workshops. It would be beneficial to engage with specific community groups (traditional custodians, youth groups, etc) on relevant issues as well.
- Model the consultation process after precedents set in legislation and by other Councils, such as the Bega Valley Shire and their Eden Planning Statement. This model included a draft merely for public discussion, multiple public surveys, and workshop opportunities.

## IV. Failure to Adequately Address Climate Change

## Issue

The draft makes only superficial references to climate change, lacking detail on adaptation, mitigation, and ecological resilience. In the executive summary, it says by 2100, ‘the goal is to blend natural beauty with an urban environment, meeting the community's needs and addressing climate change’. Under the “ecology” section, there are loose and indirect commitments to environmental sensitivity, but nothing concrete. What is missing is (1) climate risk and hazard assessments, (2) emissions, net-zero targets and developmental controls for the project, and (3) policy and framework integration.

## Evidence

- The term "climate change" is mentioned only in broad, non-committal language, without detail on planning implications or concrete strategies.
- No integration of the NSW Government’s *Net Zero Plan Stage 1: 2020–2030* or the *Climate Change Policy Framework*. No integration or mention of other relevant frameworks such as the *Climate Change Act 2022* (Cth), *NSW Coastal Design Guidelines* (EOH 2003), etc.
- No climate risk assessment, vulnerability analysis, or emissions inventory is included.
- No analysis of risks such as sea level rise - likely between 0.4m and 0.9m by 2050 and 2100 (Per NSW Benchmarks and Adapt NSW). Sea level rise is likely to impact storm surges and flood implications. Urban heat island effects are also likely with increasing temperatures and extremely tall building proposals.
- Minimal integration or exploration of renewable energy options and nature-based solutions or developments, but superficial references (as per the ecology section).

## Implications

- Excessive development projects are likely to have significant environmental impacts. These development projects are also likely to be extremely impacted by environmental events or shifts.
  - For these reasons, the master plan must be aware of and consider climate change and its environmental impact.
  - A lack of consideration poses a threat to the environment, surrounding biodiversity, the success of the development proposal, and the wider community.

## Recommendations

- Introduce a clear and dedicated climate change section to outline and include the following recommendations.
- Integrate a climate adaptation framework consistent with the *NSW Climate Change Policy Framework* and the *NSW Net Zero Plan*. It would also be beneficial to reference the *Coastal Management Act 2016* and *Planning for Resilient Communities Framework*, as well as the *Climate Change Act 2022* (Cth)
- Climate risks are referenced, understood and incorporated when creating developmental controls (e.g. sea level rise, bushfire and flood risk).

- Include clear emission reduction targets for council-controlled infrastructure and precinct-level renewable energy goals. Further elaborate on the introduction of renewable energy into the development and continued existence of the master plan proposals.
- Mandate and strengthen developmental controls to ensure allegiance to policy frameworks (green infrastructure and compulsory energy efficiency standards).

## V. Inadequate Flood Risk and Coastal Hazard Planning

### Issue

The plan fails to integrate findings from the Council's *Open Coast Coastal Management Program (CMP)* and the *2021 Flood Study*. This plan underrepresents flood risk and scale in the study area.

### Evidence

- 75% of areas proposed for increased building heights lie within the *Probable Maximum Flood* extent.
- No climate-adjusted flood modelling or risk-based land-use zoning is evident. Flood infrastructure funding shortfalls are acknowledged but not addressed.
- Master plan promotes higher residential developments (and mixed-use developments in low-lying areas without significant reference to flooding risks or plans to mitigate impact).
- Insurance companies are refusing or significantly increasing premiums for 'high risk' areas in Batemans Bay.
- There is a general reference to flooding risks, regarding parking and the existing 'floodplain', but completely unsatisfactory measures for protecting against these threats.
  - There is also a lack of reasoning for why these developments will be sound and are necessary in the context of such a dangerous floodplain.
- No reference to funding or resources for mitigating flood risk
- Non-compliance or lack of reference to key policy and frameworks, such as the *NSW Coastal Management Act 2016*.

### Implications

- Contravenes State Environmental Planning Policy (Resilience and Hazards) 2021.
- Poses a material risk to future residents, infrastructure, and emergency services.
- May attract liability for the Council under tort or administrative law for negligent approval of unsafe development.
- Significant developments that are detrimentally impacted by floods pose a significant threat to the safety of the community.
- These plans must also be aware of the flooding risk, to minimise environmental impact and avoid the catalytic effect of a natural disaster like a flood.

## Recommendation

- Secure and illustrate funding and resources for flood mitigation infrastructure.
- Restrict high-density development in areas of extreme flood or coastal risk. Only develop to the extent of absolute confidence in the safety of the community, environment and developments themselves.
- Aligns actions and developments with key policy and frameworks (SEPP, *NSW Coastal Management Act 2016*, etc).
- Secure state and federal funding for flood mitigation as a condition of development approval.
- Implement all feasible ‘flood-risk reduction’ measures related to development areas, countering the ‘current and future flood risk’ (CMP 2022) depicted below. A feature of this introduction must be comprehensive flood and coastal hazard assessments (sea level rise, rainfall and runoff patterns, etc).

Management Option	Option Type	Location	Current Risk (2021)	Future Risk (2100)	Source of Option	Reduces risk	Statutory and policy compliance	Engineering feasibility	Adaptive	Outcome of Feasibility Assessment
Reshaping and additional rock are required to repair the existing training wall	Active intervention	Batemans Bay CBD	Medium	High	Batemans Bay Coastline Hazard Management Plan (2001)	TBC	Yes	TBC	Yes	Proceed to Viability Assessment
Seawall raising	Active intervention	Batemans Bay CBD	Medium	High	Stage 2 Coastal Hazard Mapping	TBC	Yes	TBC	Yes	Combined with CH4_K
Seawall raising. See CBD masterplan for proposed extent. Install wave return barriers (e.g. curved capping) on the sea wall protecting the Batemans Bay foreshore, to reduce impact of wash-over in short to medium term.	Active intervention	Batemans Bay to Batehaven	Medium	High	Umwelt Internal Discussion Paper (2018)	TBC	Yes	TBC	TBC	Proceed to Viability Assessment
Gradually raise the road level of Beach Road (its entire length), through routine maintenance.	Avoid risk	Batemans Bay to Batehaven	High	Extreme	Stage 2 Coastal Hazard Mapping	Yes	Yes	TBC	Yes	Proceed to Viability Assessment
Adaptation pathway through filling and asset raising	Planning for change	Batemans Bay: Corrigan area	Extreme	Extreme	Stage 2 Coastal Hazard Mapping	TBC	TBC	TBC	Yes	Proceed to Viability Assessment
Construction of a levee around the caravan park area	Active intervention	Hanging Rock	Extreme	Extreme	Batemans Bay Coastline Hazard Management Plan (2001)	Yes	Yes	No	Yes	Do not proceed due to drainage impacts and feasibility issues associated with access across the levee
Construction of a levee around all of the Hanging Rock subdivision	Active intervention	Hanging Rock	Extreme	Extreme	Batemans Bay Coastline Hazard Management Plan (2001)	Yes	Yes	No	Yes	Do not proceed due to drainage impacts and feasibility issues associated with access across the levee
Levee / flood barrier along foreshore and flood gates at Marina Entrance	Active intervention	Batemans Bay	Extreme	Extreme	Stage 2 Coastal Hazard Mapping	Yes	Yes	No	Yes	Do not process to viability assessment due to engineering constraints
There are a significant number of properties impacted by both coastal and catchment flooding between Hanging Rock Creek and Joes Creek. A flood refuge should be established to allow safe evacuation of homes in the event of flooding. The refuge should be set above PMF Catchment, and 100 Year ARI Coastal Inundation flood levels.	Emergency Response	Batemans Bay	Extreme	Extreme	Stage 2 Coastal Hazard Mapping	Yes	Yes	Yes	Yes	To be considered as part of Floodplain Risk Management Program

current and future flood risks (CMP 2022)



## VI. Omission of Legislative Protections and Quantifiable Green Infrastructure Planning

### Issue

The Draft Batemans Bay Master Plan includes an “Ecology” section, which articulates the intention to preserve and enhance the surrounding natural ecosystems of Batemans Bay. The plan and inclusion of this

section is admirable; however, it must be improved to ensure allegiance to vital legislative and framework-related standards, alongside quantifiable targets to ensure compliance with developmental goals and intentions.

However, it is worth noting that the ecology section is commendable, and the recognition of threatened species and commitments to environmental protections should be applauded.

## Implications

- Without statutory mechanisms and quantifiable targets, the plan and the Council are unable to ensure their allegiance to developmental goals. It will be much easier to fall short, detrimentally impacting the environment, community and development without these targets.
- Without key mapping or baseline data on existing vital ecological or vegetation communities may be in danger of destruction through development.

## Recommendation

- Quantifiable goals, timelines and performance indicators must be introduced to the master plan.
  - E.g. this may mean “40% tree canopy cover by 2050” or “50% of total water use from non-potable sources by 2040”
- Include references to the Kunming Montreal Global Biodiversity Framework and relevant targets or legislations, such as ‘minimise the impacts of climate change on biodiversity and build resilience’.
  - E.g. “aligned with Target 8 of the Kunming-Montreal Global Biodiversity Framework, we will, by 2035, integrate disaster risk reduction strategies such as a levee near the Caravan Park area into Batemans Bay’s residential areas to minimise biodiversity loss and enhance ecosystem resilience.”
- Further references to the enforceable Local Environmental Plan (under the *Environmental Planning and Assessment Act 1979 (NSW)*) to align with zoning standards (specifically, environmentally sensitive areas and flood zones)
  - Include references to the Developmental Control Plan to support this process.

## VII. Conclusion

Therefore, the *Draft Batemans Bay Master Plan* currently does not meet the essential standards required of such a significant urban planning project. It must be sustainable, informed, comprehensive and legally compliant. It falls short of key environmental and planning legislation such as the *Environmental Planning and Assessment Act 1979 (NSW)*, the *Coastal Management Act 2016 (NSW)*, and the *Climate Change Act 2022 (Cth)*. Without proper consideration of the true needs of the community, amongst climate change, biodiversity, flooding and population concerns, the Master Plan risks accelerating environmental degradation, placing future communities at risk, and breaching legal duties of care and public trust. The Plan must be revised to be climate-resilient, future-proofed, transparent, consultative,

and ethical. It must also ensure compliance with NSW planning instruments and environmental law. Without these changes, the future of Batemans Bay, its community, council and environment could be irrevocably harmed. The community's safety and the natural environment must not be left vulnerable to significant and avoidable risks. Through the aforementioned issues and reforms, these concerns may be resolved.