

17 March 2006

Our ref: 05070

The Director General
Director, Urban Assessments
GPO Box 39
SYDNEY NSW 2001

Attention: Mr John Arnold

Dear Mr Arnold,

**RE MAJOR PROJECT NO. 06_0008
3 CLYDE STREET, BATEMANS BAY**

We refer to your correspondence of 1 February 2006 in relation to the property at No. 3 Clyde Street, Batemans Bay (the site). As you are aware, we act on behalf of the owners of this site. Pursuant to Section 75E of the Act, we hereby submit a Major Projects Application for the site, seeking approval for demolition of the existing buildings on the site, and construction of a serviced apartments complex with retail tenancies at ground floor including the approximately the following (specific details to be confirmed):

- basement parking for fifty-four (54) vehicles;
- at-grade parking for twenty-six (26) vehicles (3 of which are disabled spaces) and one (1) loading bay;
- three (3) ground floor retail tenancies (potentially a restaurant, café and retail shop) fronting onto Clyde Street;
- reception, office, meeting room, conference room associated with the proposed serviced apartments;
- various back-of-house facilities; and
- a serviced apartments complex containing seventy-two (72) dwellings (24 x studios, 28 x 1 bed apartments, 6 x 2 bed apartments, 2 x 3 bed apartments, 8 x 1 bed terraces and 4 x 2 bed terraces) over part three (3) and part four (4) levels.

This correspondence is accompanied by the following documentation:

- Batemans Bay Regional Context Plan dated 19 December 2005 and prepared by Workshop 1 Architects contained in **Attachment 1**;
- Batemans Bay Retail Centre Plan dated 19 December 2005 and prepared by Workshop 1 Architects contained in **Attachment 2**;
- Micro-climate and View Analysis Plan prepared by Workshop 1 Architects contained in **Attachment 3**;
- Batemans Bay Town Centre Plan prepared by Workshop 1 Architects contained in **Attachment 4**;
- Site Plan dated 21 December 2005 and prepared by Workshop 1 Architects contained in **Attachment 5**; and
- a section through the proposed development dated 21 December 2005 and prepared by Workshop 1 Architects contained in **Attachment 6**.

The following sections address the information requirements outlined in your correspondence of 1 February 2006 and subsequent emails to the undersigned.

1.0 THE SITE

The site is located on the western side of Clyde Street, is legally described as Lot 4 DP 585556 and is commonly known as No. 3 Clyde Street, Batemans Bay (the site). The site is L-shaped, has a total area of 2,700m², and the following dimensions:

- eastern (primary frontage) boundary to Clyde Street of 30.6m;
- an irregular western (rear) boundary of 40.006m; and
- a southern (secondary frontage) boundary to North Street of 33.35m.

The site is located within the Batemans Bay Town Centre and contains a two (2) storey motel complex, containing twenty-nine (29) rooms with at-grade off-street parking and an in-ground swimming pool. The site also contains a restaurant with frontage to Clyde Street. Vehicular access is achieved from both Clyde and North Streets.

The site is located in a flood prone area. We attach a regional location plan and a locality plan, showing the location of the site within the Eurobodalla Region and the Batemans Bay Town Centre respectively (see **Attachments 1 to 5** inclusive).

2.0 THE PROPOSAL

As discussed above, the proposal involves demolition of the existing buildings on the site, and construction of a serviced apartments complex with some retail tenancies at ground floor, including the approximately the following (specific details to be confirmed):

- basement parking for fifty-four (54) vehicles;
- at-grade parking for twenty-six (26) vehicles (3 of which are disabled spaces) and one (1) loading bay;
- three (3) ground floor retail tenancies (potentially a restaurant, café and retail shop) fronting onto Clyde Street;
- reception, office, meeting room, conference room associated with the proposed serviced apartments;
- various back-of-house facilities; and
- a serviced apartments complex containing seventy-two (72) dwellings (24 x studios, 28 x 1 bed apartments, 6 x 2 bed apartments, 2 x 3 bed apartments, 8 x 1 bed terraces and 4 x 2 bed terraces) over part three (3) and part four (4) levels.

The proposal has a maximum height ¹ of approximately 19.72m (RL 21.5 to the top of the roof projection to the building fronting onto North Street) (see **Attachment 6**).

3.0 CAPITAL INVESTMENT VALUE

BDA Consultants Quantity Surveyors and Building Economists have assessed the Capital Investment Value (CIV) of the project. The firm has considered the preliminary architectural plans of the proposal and advised that the CIV of the proposal would be approximately \$19,196,288.00 exclusive of GST, Council charges, loose furniture and fitout, construction finance and future cost increases (i.e. CPI).

¹ “**Height**” is defined in State Environmental Planning Policy (Major Projects) 2005 in the following manner:

“Height of a building or structure means the greatest height measured from any point on the building or structure to the natural ground level (being the ground level of the site as if the land comprising the site were undeveloped) immediately below that point.”

4.0 MAJOR PROJECTS CRITERIA

Schedule 2 of the Major Projects SEPP states that development within coastal areas for the following, is classified as a Major Project:

“(f) recreational or tourist facilities (other than internal refits of, or minor alterations or minor additions to, existing facilities:

(i) in the case of facilities wholly or partly in a sensitive coastal location outside the metropolitan coastal zone – that provide accommodation (or additional accommodation) for any number of persons

.....

(g) buildings or structures (other than minor alterations or minor additions to existing buildings or structures) that are:

(i) greater than 13m in height, in the case of buildings or structures located wholly or partly within a sensitive coastal location; or

(i) greater than 13m in height, in the case of buildings in locations outside the metropolitan coastal zone.”

The proposal is for a building providing tourist accommodation, which is in excess of 13m in height and located within a sensitive coastal area. It therefore follows that the proposal is State Significant Development.

5.0 RELEVANT PLANNING PROVISIONS

The planning instruments applicable to the proposal are as follows:

- State Environmental Planning Policy No. 71: Coastal Protection (SEPP 71);
- Lower South Coast Regional Environmental Plan No. 2 (REP No. 2);
- Eurobodalla Urban Local Environmental Plan 1999 (LEP 1999);
- Development Control Plan: Batemans Bay Town Centre Development Guidelines (Town Centre DCP); and
- Eurobodalla Parking Code.

Furthermore, the Draft Batemans Bay Town Centre Structure Plan is currently being publicly exhibited. We understand that Council's intent is for the Structure Plan to replace the Town Centre DCP. This draft document is on public exhibition until 25 January 2006.

5.1 Zoning and permissibility

The site is zoned 3(a) Business pursuant to Eurobodalla Local Environmental Plan 1999. The proposed development would be defined as tourist accommodation ² and restaurants ³, both of which are permissible with Council consent in the 3(a) zone.

LEP 1999 does not contain any specific development controls applicable to the proposal, in terms of FSR, height and the like. These are contained in the Town Centre DCP.

5.2 Main development controls in the Town Centre DCP

The main controls contained in the Town Centre DCP of relevance to this proposal are as follows:

- maximum building height of 10m. The DCP notes that the 10m height limit may be punctuated by tower elements which do not exceed 10% of the building area of the structure or 30% of the maximum height. In this regard, the DCP permits small intrusions of up to 13m in height;
- maximum FSR of 3:1; and
- car parking at the following rates:
 - restaurant/café: one (1) space per 30m² of public area⁴, provided that car parking is complimented by sufficient general complex parking or public provided parking; and
 - tourist establishment: one (1) space per accommodation unit or similar, plus one (1) space per four (4) units for visitors, plus one (1) space per managers/owner's/ residence, plus one (1) space per employee or full-time equivalent, plus one (1) space per four (4) units for trailer/caravan/boat parking (maximum 3 spaces, soft stand).

² **"Tourist accommodation"** is defined in Eurobodalla Urban Local Environmental Plan 1999 (LEP 1999) in the following manner:

"Means a building or buildings used for the provision of temporary accommodation to tourists or travellers, but does not include:

- (a) a bed and breakfast establishment; or*
- (b) a caravan park; or*
- (c) a hotel; or*
- (d) a dwelling house or dwelling let casually for holiday accommodation where there is only one dwelling house on the land or the dwelling is part of a dual occupancy."*

³ **"Restaurant"** is defined in LEP 1999 in the following manner:

"Means a building, place or structure used principally for the sale of food and refreshments for consumption on the premises or on the land where it is located."

⁴ **"Public area"** is defined in Eurobodalla Parking Code in the following manner:

Means any floorspace provided for the use of the general public which is capable of being used for one or more of the following activities: dining, drinking, functions, meetings, religious worship or the like, but not including offices, counselling or interview rooms, storage areas, stages, kitchens etc."

5.3 Compliance with development controls

As stated above, the proposal has an FSR of approximately 2.19:1 and therefore complies with the maximum FSR control contained in the Town Centre DCP. The proposal has a height of approximately 19.72m, and is therefore non-compliant with the height control contained in the Town Centre DCP.

Application of the numeric requirements of the Parking Code indicate that the proposal would be required to provide approximately 104 car parking spaces (excluding staff parking), including the following:

- 13 retail spaces;
- 72 spaces for the apartments; and
- 18 visitor spaces.

The proposal would also need to provide three (3) trailer spaces and additional parking for staff. The proposal provides parking for eighty (80) vehicles, and is therefore deficient. Notwithstanding, it is considered that given the proposal is located within the commercial centre, and walking distance to all local attractions, that such a deficiency may not be problematic. A traffic consultant has been commissioned to provide additional discussion in respect of the parking and traffic impacts of the proposal.

6.0 CONSULTATION WITH BATEMANS BAY COUNCIL

The Applicant and his architects, Workshop 1 Architects have held discussions with Batemans Bay Council staff, during the preparation of this proposal. In particular, the Applicant and Workshop 1 Architects presented a preliminary version of the proposal to Council's Development Review Panel on 8 September 2005.

We understand that Council was generally supportive of the proposal, and provided the following comments:

- proposal is permissible in the zone;
- site is affected by SEPP 71, so the Minister will be the consent authority and Council a referral agency;
- proposal does not comply with the Town Centre DCP or draft Structure Plan provisions;
- flood management and measures to prevent flood water from entering the lower levels of the proposed development;
- the Draft Batemans Bay Town Centre Structure Plan will need to be considered;
- design comments pertaining to materials and finishes, articulation and setting back the upper levels to Clyde Street; and
- vehicular access in North Street should be restricted to one (1) point, and the driveway located as far away from Perry Street as possible.

7.0 PRELIMINARY ASSESSMENT OF LIKELY ENVIRONMENTAL ISSUES

In our opinion, the main environmental issues likely to arise during the assessment of this proposal are as follows:

- non-compliance with height control contained in current Town Centre DCP;
- non-compliance with height control contained in draft Structure Plan which was recently publicly exhibited;
- traffic and parking management;
- flooding and drainage issues;
- potential acid sulfate soils;
- groundwater management; and
- amenity impacts in respect of streetscape and adjoining properties (i.e. urban design, overshadowing and potential view loss).

8.0 CONCLUSION

We trust the enclosed information satisfies the Department's requirements, and look forward to the Department's advice in relation to any additional information required to be provided in respect of this application.

Should you require any additional information or clarification in respect of this matter, please do not hesitate to contact the undersigned or Spiro Stavis from our office.

Yours faithfully,

Genevieve Slattery
Senior Urban Planner

Cc: Workshop 1 Architects
Mr Roy Syne

Attachments

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