

The Clyde River Motor Inn

Preferred Project Report

Major Project Application No: MP06_0008

Demolition of existing structures and construction and stratum/strata subdivision of a new mixed use development comprising shop, restaurant, 46 Serviced apartments, 10 permanent residential apartments and parking for 60 vehicles at No. 3 Clyde Street, Batemans Bay.

Prepared by Workshop 1 Dunn + Hillam Architects on behalf of Mr. Roy Syne
Date: January 2009

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1. Introduction

1.1. Submissions Received

The development application for this project was put on public exhibition by the NSW Department of Planning in August 2008.

Several submissions were received during the exhibition period. Concerns raised in those submissions have been addressed in this report and are reflected in amendments to the proposed building.

The following Agency submissions were received during the exhibition period;

- The Department of Planning
- Eurobodalla Shire Council
- The Roads and Traffic Authority
- Country Energy
- The Department of Water and Energy

A point by point response to all agency submissions can be found in Section 2 of this report. The agency submissions in full are provided in Appendix A of this report.

The following submissions from the general public were also received during the exhibition period;

- LIF Pty Ltd as owners of the neighbouring Bridge Plaza shopping centre.
- A member of the General Public has also provided two separate submissions – the name attached to these submissions was not disclosed.

A point by point response to the submissions received from the general public can be found in Section 3 of this report. The submissions from the general public can be found in full in Appendix B of this report.

1.2. Key Issues Raised

The primary concerns raised during the exhibition period were as follows:

1.2.1. North Street Shared Access way

The proposal for a shared vehicle and pedestrian access that utilised neighbouring land owned by council along the Western boundary of the site was questioned in four of the submissions received.

1.2.2. On site car parking

The provision and method of onsite car parking was questioned in three of the submissions received

1.2.3. Site servicing

Further clarification was sought on the ability to adequately service the site from within the site boundaries in one of the submissions received.

1.2.4. Façade treatments to the Western Façade at ground level

Amendments to the Ground level façade treatment was requested along the Western Façade in one of the submissions received.

- 1.2.5. Façade treatments to the North Street (Southern) Elevation at ground level
Amendments to the Ground level façade treatment of the fire utility rooms was requested along the Northern Facade in one of the submissions received.
- 1.2.6. Climate Change and Sea Level Rise
Further clarification that the proposed design can accommodate the full range of predicted climate change impacts was requested in one of the submissions received.

Section 4 of this report details amendments to the proposed building in response to the key issues raised.

2. Agency Submissions

2.1. Issues Raised by the Department of Planning

KEY ISSUES REQUIRING AMENDMENTS

- 2.1.1. *North Street shared access way – Provide physical separation between pedestrian and vehicular movements on the access way and the footpath entry to improve public safety.*

Response

Please refer to Appendix C of this report for a revised plan (Drawing Number DA03-02 rev 01). A shared access is no longer proposed and vehicular access has been provided wholly on the proponents land.

- 2.1.2. *Western elevation – ground level – Address safer-by-design principles by providing greater activation of the ground level elevation to improve passive surveillance and perceived pedestrian and public safety, especially at night; and to avoid the “back lane” appearance. This can be achieved by greater articulation/variety of finishes/pedestrian- level lighting of the “dead” spaces (garbage store, plant and switch rooms).*

Response

Please refer to Appendix C of this report for a revised western elevation (Drawing Number DA03-10 rev 01). The western elevation has been amended to achieve greater articulation/variety of finishes/pedestrian level lighting to the “dead spaces” along this façade.

- 2.1.3. *North Street (southern) elevation – provide aesthetic treatment to the fire utility rooms (G.02 – 04) more in keeping with the remainder of the elevation to improve its appearance.*

Response

Please refer to Appendix C of this report for a revised North Street elevation (Drawing Number DA03-09 rev 01). The North Street elevation has been amended to provide aesthetic treatment to the fire utility rooms along this façade that is more in keeping with the remainder of the elevation.

OTHER ISSUES TO BE ADDRESSED

- 2.1.4. *Climate Change – Provide justification for adopting a median sea level rise rather than the maximum (0.91m) in assumptions made in Appendix N. Provide details of scenarios based on the maximum sea level rise as a precautionary measure.*

Response

Please refer to Appendix F of this report for a revised Coastal Processes and Flooding Review that adopts the maximum predicted sea level rise as opposed to the median predicted sea level rise. Minor amendments to the size of floodgates proposed have been made in response to the revised Coastal Processes and Flooding Review .

- 2.1.5. *Right of way – Indicate location of the existing right of way on the ground floor plan and provide details of the beneficiary of the right of way.*

Response

Please refer to Appendix C of this report for a revised plan indicating the right of way (Drawing Number DA03-02 rev 01). The right of way referred to is also noted on the Survey Report prepared by the Lawrence Group (appendix C of the Environmental Assessment). As discussed with the NSW Department of Planning the right of way to the benefitted lot is no longer in existence on the neighbouring site preventing access to the benefitted lot by this right of way (refer meeting notes CRI 036 and dated 15.10.08 in Appendix D of this report). The owner of the benefitted lot has indicated that they are willing to extinguish

the right of way across the site at 3 Clyde Street. The application to extinguish this right of way is currently being prepared.

2.1.6. *Council easement – Indicate location of the sewer easement on the ground floor plan.*

Response

Please find enclosed an amended ground floor plan (Drawing Number DA03-02 rev 01) with Council's sewer easement clearly indicated on the drawings.

2.2. Issues Raised by Eurobodalla Shire Council

Eurobodalla Shire Council raised several points regarding the proposed building at 3 Clyde St, Batemans Bay in a letter prepared by Phil Costello dated 02.10.08. Please find below responses to points raised by Eurobodalla shire. The letter in full can be found at Appendix A of this report.

GENERAL

2.2.1. *Council Notes that the development proposal has changed significantly throughout the course of the Major Project assessment. Whilst the current proposal is considered to be more in keeping with council's strategic vision for this area of Batemans Bay, the latest iteration of the development raises some significant issues that council feels would need to be resolved prior to advancing the assessment.*

Response

Throughout the schematic design and design development stages of this project the proponent of this project and Workshop 1 Dunn + Hillam Architects have actively sought and encouraged an open dialogue regarding the proposed building with Eurobodalla Shire Council. Workshop 1 Dunn + Hillam Architects and the proponent of the proposed building met with Council's Development review committee on two occasions in the lead up to the formal lodgement of the application to the NSW Department of Planning to present the project as it was intended to be submitted. The first meeting took place on the 19.11.07 and the second meeting took place on the 25.02.08. At the second meeting council indicated that they would require further detail with regard to servicing of the site but that they were supportive of the proposed building and that there would be no hold up from their end with regard to development approval. Refer to meeting minutes from these meetings CRI 031 dated 19.11.07 and CRI 034 dated 25.02.08 in Appendix D of this report.

The proposal has not changed since it was presented to council on the 25.02.08, other than recent amendments as a result of the submissions made during the exhibition period.

Built Form

2.2.2. *The Batemans Bay Town Centre Structure Plan identifies a maximum height within the Foreshore and Market Place Precincts as being 10m and 18m respectively. The site for the proposal occupies land across both precincts. Opportunities exist for higher structures using nominated discretionary height considerations contained within the structure plan. The nominated height of the proposal in Clyde Street is 16.0m. Discounting for the 700mm podium height (tidal inundation) brings this back to 15.3m as the built height. The Discretionary provisions of the structure plan have a maximum built height of 15m for this area. Also the draft Local Environment Plan 2009 reflects the 15m maximum height. Compliance with the objectives of REP 1 for both this part of the proposal and the proposed 18m tower facing North Street would need to be addressed.*

Response

The proposed building was designed to meet building envelope controls that were understood to be an agreed position between the NSW Department of Planning and Eurobodalla Shire Council for buildings in

the Batemans Bay Town Centre. The proposed building is designed in accordance with these controls. A summary of how the building controls were defined is as follows:

- The NSW Department of Planning advised Workshop 1 that the Department would be assisting Eurobodalla Shire Council to develop a strategy for the block that 3 Clyde Street is located in, in the Batemans Bay town Centre at a meeting on the 15.05.07. Workshop 1 discussed the project with Margaret Petrakowski and Andrew Spencer at this meeting (refer to meeting minutes meeting CRI 024 dated 15.05.07 in Appendix D of this report)
- The NSW Department of Planning's Urban Design team headed by Margaret Petrakowski workshopped the building controls with Council in May, June and July 2007.
- Workshop 1 Dunn and Hillam Architects were advised of the building controls at a meeting held at the NSW Department of Planning's offices and attended by Andrew Parkinson, as Council's representative at that meeting. (refer to meeting minutes CRI 025 and dated 31.07.07 in Appendix D of this report for further details of the meeting). The agreed heights were: 18 meters above natural ground level for the section of the site fronting North Street; 12m above natural ground level for the section of the building fronting Clyde Street increased to 16 meters with a setback of 6 meters from the façade line. The Clyde Street frontage was also to include a ground level colonnade consisting of a 1.5m wide zone fronting the site for ramp and stair access and a subsequent 4m wide zone at flood planning level for pedestrian walkway to allow level access between adjoining sites fronting Clyde Street at flood planning level and outdoor dining.
- The proponent of this development and Workshop 1 Dunn and Hillam Architects met with Council's development review committee on the 19.11.07 to present a revised building for the site that took into account the new building envelope controls. Refer to meeting minutes CRI 031 in appendix D of this report for further details of this discussion.
- Council provided written support for the project and committed to furthering the Batemans Bay Town centre Structure plan to reflect the articulation of the built form adopted in the proposal put before council on the 19.11.07. Refer to correspondence received on the 19.11.07 from David Seymour of Eurobodalla Shire Council in Appendix D of this report.
- Eurobodalla Shire Council made a commitment at this meeting to adopt the controls in the then draft structure plan. (Refer to meeting notes CRI 031 dated 19.11.07 in Appendix D of this report)
- Eurobodalla Shire Council adopted the Batemans Bay Structure Plan on the 22.04.08 - refer to discussion below regarding the adopted plan and building form.

The Batemans Bay Structure Plan mentions building heights in several areas. References to the Market place precinct consistently refer to a maximum height limit of 18m. The proposed building has a maximum height of 18m in the Market Place precinct.

Height limits for the Foreshore precinct appear less defined. We have noted the following references to height limits in the adopted structure plan for the Foreshore precinct:

- The height limit for the foreshore precinct is first referred to on page 62. The overall height limit for the Foreshore precinct is described as 10m with discretionary heights to 14m available on selected sites.
- The table on page 128 refers to the Foreshore Precinct height limit being 12m.
- The height map on page 129 of the adopted structure plan identifies the Foreshore precinct as having a height limit of 12m with discretionary heights to 15m (as does the revised height map issued as an accompaniment to the structure plan).
- The cross section drawing on page 136 through Clyde Street identifies a maximum height of 12m at street frontage with 16m for an upper level set back from the street – as agreed with the NSW Department of Planning.

- The Clyde Street Façade study on page 146 identifies a site specific 16m height limit for 3 Clyde street.
- The discussion on street scaping on page 186 is accompanied by a diagram that describes in detail the colonnade, height and setback controls advised by the NSW Department of Planning for Clyde Street on the 31.07.07. The diagram clearly notes heights of 12m to the street frontage and a greater height limit of 16m set back 6 meters from the street frontage.

With regard to the Draft LEP 2009 we are not in a position to comment on whether or not the building complies with the provisions of this document as this document is not publicly available. However we would assume that given that the Batemans Bay Town Centre Structure Plan was developed to provide a strategic direction for the Batemans Bay Town Centre and to inform the process of writing the comprehensive LEP and shire wide DCP, the amended draft LEP 2009 would facilitate building envelope controls set out in the Batemans Bay Town Centre Structure Plan.

The proposed building has been designed to the building envelope controls developed by and agreed to by the NSW Department of Planning in consultation with Eurobodalla Shire Council. Council committed to adopting the building envelope controls that the building has been designed to as documented above. The structure plan appears to adopt these agreed controls and in other places provides a very unclear and disjointed picture as to what the building controls actually are. The building height remains as originally agreed.

2.2.3. As 10 of the units are proposed for permanent residential, the issue of private open space for these units should be addressed.

Response

Each of the 10 apartments proposed as permanent residential apartments have significant areas of private open space in the form of balconies directly accessible from living spaces. Supplementary private open space is provided in the form of balconies accessed from the bedrooms. The private open space provided for each apartment exceeds the minimum recommended areas stipulated in the Residential Flat Design Code (Planning NSW 2005).

Shared communal open space available to serviced apartment guests and residents is available in the form of the courtyard, located between the serviced apartments and the permanent residential apartments. Clothes drying facilities for the permanent residential apartments are also provided in the courtyard.

Public open space is readily available to permanent residents of the proposed building in the form of the colonnade fronting Clyde Street, the council owned park across the road from the proposed building and the numerous beaches, state forests and national parks that are all easily and readily accessible from the proposed building.

2.2.4. It is noted that the proposed built form is over an existing right of way as identified on the deposited plan. A legal right to construct over this area would need to be established by the applicant.

Response

The right of way runs from North Street along the eastern boundary shared with No.1 Clyde Street and continues to across the site to the northern boundary. The right of way terminates at this boundary with a fence. The right of way does not continue to the benefitted lot commonly known as Bridge Plaza as the right of way no longer exists on the property at 5 Clyde Street. The right of way has not been used during the time that the proponent has owned the property at 3 Clyde Street, Batemans Bay. The owner of the benefitted lot has indicated to the proponents of the building that they are willing to extinguish the right of

way across the site. An application to extinguish the right of way across the site is currently being prepared and will be completed in order to allow development consent to be given. The right of way is indicated on Drawing number Da03-02 rev1 in Appendix C of this report.

TRAFFIC SERVICING AND PARKING

2.2.5. *The assumptions made in the SPD report at 6.2.2.7 and 6.4.2 in regard to access to the site are incorrect. The strip of land adjoining the subject site is owned by Eurobodalla Shire and is classified as community land being an access walkway between North Street and Bridge Plaza. Council cannot consent to this walkway being used as part of the vehicle access to the site. Council considers the applicant would need to show a 6 meter unencumbered two way access located wholly on their property with such standard of access being maintained on any vehicle path where two way traffic was proposed. Physical separation would need to be provided from the pedestrian way to ensure the safety of foot traffic.*

Response

Please refer to the revised plan in Appendix C of this report (Drawing Number DA03-02 rev 01). The revised plan indicates vehicle access contained wholly within the proponent's site.

We note that what Phil Costello describes as incorrect assumptions in the SPD report was in fact advice provided by the Eurobodalla Shire Council's Development Review committee on the 8th of September 2005. Refer to meeting minutes prepared by Eurobodalla Shire Council from this meeting in Appendix D of this report. Phil Costello was present at this meeting.

2.2.6. *Whilst some discussions have occurred regarding long term traffic movements and the possibility of one way traffic in this area, these have been conceptual only and have not been developed to the point of use in this current proposal. Council is willing to discuss this matter further with the proponents.*

Response

Building access is located wholly within the proponents' site. Refer to previous point 2.2.5 above.

2.2.7. *The traffic and parking assessment report submitted with the application (appendix H) refers to an agreed position between Council and the applicant regarding the provision of carparking spaces. Council's agreed position in this matter is that total number of carparking spaces should be calculated in accordance with Council's DCP 130, Eurobodalla Parking Code, and that the required number for residential use must be provided on site and the number for other uses may be provided off site or dealt with by way of Councils Section 94 contributions plan. The required number of spaces calculated according to Council's DCP is approx 110 of which 75 are associated with the residential development (61 occupants/residents and 14 visitor). The application provides only 56 spaces on site and has not sought any variation of Council's policy nor provided justification for departure from adopted policy.*

Response

A ratio of 1 car park per apartment on the site was discussed and agreed to as being acceptable by the NSW Department of Planning and Eurobodalla Shire Council at a meeting at the NSW Department of Planning's offices on the 31/07/07. Andrew Parkinson was Eurobodalla Shire Council's representative at this meeting. Refer to meeting minutes CRI 025 and dated 31/07/07 in Appendix D of this report for further details.

A detailed justification for the number of car parking spaces provided on site has been provided by Masson Wilson Twynney in Appendix E of this report. This letter concludes that the proposed building provides an appropriate level of parking on the site.

Reasons for departure from Council's car parking policy include those put forward by Masson Wilson

Twiney and the following:

- Deep excavation would be necessary to provide more car parking on site.
- ground water is 1m below natural ground level making deep excavation difficult, expensive and environmentally unsustainable.
- The site and all neighbouring sites in this part of town are potentially subject to acid sulphate soils. Deep excavation would result in the disturbance of acid sulphate soils and potential contamination to the groundwater and significant problems as to where soil removed from the site can be taken.
- rock upon which a building of this size can be founded is up to 60 meters below ground. Deep excavation next to neighbouring sites, which do not have foundations to this level would cause significant issues with protecting neighbouring buildings from being destabilised.
- The Batemans Bay Coastline Hazard Management Plan (Eurobodalla Shire Council's flood planning policy for Batemans Bay) stipulates that all entrances to underground car parking must be above a flood planning level of AHD 2.9m some 900mm above the average ground level along Clyde Street. A ramp that brings cars up from natural ground level to AHD 2.9m and back down to a full level below ground to accommodate underground car parking is in excess of 17m long. Due to the floor space required to accommodate a ramp of this nature a minimum of two levels and quite probably three levels of car parking would be required to achieve the number of car parking spaces Eurobodalla Shire Council's DCP 130 is requiring for the site.

Given the ground conditions, that are common to all sites in this part of town and the compounding effects of needing to prevent floodwaters from entering underground carparks, multilevel excavations are not a reasonable solution to the problems of providing car parking in the Batemans Bay Town Centre.

We also note that figures quoted by Phil Costello differ to the total number of spaces calculated by Masson Wilson Twiney for the proposed building.

2.2.8. *Provision on site will need to be made on site for a delivery/loading zone. Whilst the SPD report states at 6.22.7 and 4.4 that this has been dealt with, there are no details regarding nominated areas, sizes of vehicles, height of vehicles, frequency etc. Such issues would need to be qualified along with nominated tracking paths of delivery/service vehicles.*

Response

Refer to the letter by Masson Wilson Twiney at Appendix E of this report that demonstrates that vehicles up to 6.5m long and 2.5m tall can fit through the car park. Please note also the provision of 2 additional car parking spaces to the North of the Driveway to be set aside for the purposes of loading and unloading.

2.2.9. *Having regard to the use of a 'car stacker' it will need to be demonstrated that sufficient manoeuvring is available to access these and adjoining spaces.*

Response

Refer to the letter by Masson Wilson Twiney at Appendix E of this report for a detailed discussion manoeuvring and vehicle sizes that can be accommodated in the car stackers and the remainder of the car parking spaces in the car park.

2.2.10. *Parking for disabled persons would need to be provided in accordance with required standards.*

Response

Refer to the letter by Masson Wilson Twiney at Appendix E of this report.

2.2.11. *Adequate provision needs to be made for the collection of, storage and collection of waste from*

the site. Whilst the SPD submission states that waste bins will be wheeled to North Street for collection, there has been no detail provided regarding size of bin(s) or servicing arrangements. Council is concerned regarding the busy nature of North Street and possible pedestrian/vehicle conflict servicing from this point. If a collection vehicle needs to enter the site, tracking paths would need to make allowance for this at this time. Council would suggest a waste management plan be considered as part of this application.

Response

The existing motel is serviced with seven 230lt sulo bins (5x garbage and 2x recycling) that are emptied once per week .It is estimated that a second garbage removal each week would be necessary to accommodate additional waste generated in the proposed building. The bins can be accommodated in the garbage room adjacent to the car park entrance along with shared bins for the permanent residential needs. This room has the capacity to store a total of twenty nine (29) 230lt wheelie bins.

Park Cairn Garbage Contractors are the current garbage contractors for the existing motel on the site. They have advised that their garbage truck, a 3 tonne Mitsubishi Canter, can negotiate driveways with a height clearance of 2.5 meters. Please refer to the letter prepared by Masson Wilson Twyney Appendix E of this report for confirmation that a vehicle of this size is capable of driving through the car park. Garbage removal associated with the restaurant could be removed by the same contractor from inside the site, with garbage being stored in the storage area to the rear of the restaurant. A detailed waste management plan will be drawn up for submission with the construction certificate application once the building is approved.

SITE HYDROLOGY AND FLOODING

2.2.12. The applicant has provided a number of reports in support of the application. In summary the reports are acceptable and the developer should be required to make allowances for storm events that exceed the floor level of the building by the building in of protection measures and implementation of a management plan that outlines when and how these mitigation measures should be implemented. This would include underground car parking area.

Response

As outlined in the flooding report the building has flood mitigation measures that would afford storm protection against storms that exceed the flood planning level stipulated by council. There is also a commitment to prepare a flood management plan within 12 months of the building being occupied with relevant user groups of the building in the statement of commitments.

With regard to the car park the car park is above ground with a minimum floor level that is above the 1% AEP flood level. The car park has been designed with provision for floodgates to be installed in the event that sea levels rise and to be free draining towards the car park entrance so that any water that did enter the car park can flow out easily as flood waters recede.

The Coastal Processes and Flooding Review prepared by Peter Spurway and Associates (Appendix F of this report) states that the proposed design takes into account the maximum predicted sea level rise to the year 2100 and there is capability in the proposed design to accommodate greater sea level rise should it occur. Confirmation by Royce Toohey of Eurobodalla Shire Council that the proposed flood mitigation measures are acceptable to council is provided in Peter Spurway's report.

SECTION 94 CONTRIBUTION PLAN

2.2.13. The contribution rates nominated in 5.17 of the SPD report are lower than current rates and need to be updated. Whilst the commitments regarding access over council's pedestrian way are noted, the comment made above is reflective of council's current position.

Response

Our understanding is that the section 94 contribution rates to be levied are the current rates at the time that they are levied. However, we note that the council has advised in the Batemans Bay Town Centre Structure Plan that parking contributions for retail and commercial car parking, that is not required to be provided on site, are to be levied at a reduced rate (construction cost only). The proponent would expect that this statement from the Town Centre structure plan be honoured.

It is also noted that the Eurobodalla Shire Council representatives offered the proponent up to 50% discount on Section 94 contributions when the project was first presented to Councils Development Review meeting on the 08.09.05.

2.3. The Roads and Traffic Authority

- 2.3.1. The Roads and Traffic Authority advised that they had reviewed the application and had no objection to the development application in principle. The Roads and Traffic Authority Submission can be found in full in Appendix A of this report.

2.4. Country Energy

- 2.4.1. Julian Besestri of Country Energy advised;
"I have no further comment to make re this project. All issues relevant to Country Energy have been adequately addressed."

2.5. Department of Water and Energy

- 2.5.1. The Department of Water and Energy Raised points in two key areas Ground Water and Riparian Land. The Department of Water and Energy submission can be found in full in Appendix A of this Report.
- 2.5.2. With respect to ground water the need to obtain appropriate licensing prior to undertaking any works affecting ground water is noted. It is also noted that Permanent or Semi-Permanent pumping/extraction of ground water is not permitted and that a water licence for temporary construction dewatering will need to be obtained, should dewatering be found to be necessary on the site prior to the commencement of construction.
- 2.5.3. With regard to Riparian Land Management within close proximity to the Clyde River. We confirm that native species are proposed in the landscape plan across the site. We note that the site is in the Town Centre of Batemans Bay and does not front the Clyde River and that the Planning controls do not facilitate landscaping to the street frontage as suggested by the Department of Water and Energy.

3. Submissions from the Public

3.1. ISSUES RAISED BY LIF PTY LTD

- 3.1.1. *Concern over the lack of consultation regarding the proposed closure of the laneway during construction.*

Response

We note that LIF Pty Ltd purchased Bridge Plaza Shopping Centre in August 2008. The preparation of the report for this project was finalised and sent to print on the 25.07.08 and the project was lodged with the NSW Department of Planning on the 14.08.08. LIF Pty Ltd was not consulted, as they did not own Bridge Plaza Shopping Centre at the time that the report was prepared. A meeting was held with Kelly Miller and Rob Doak as representatives for the previous owners of Bridge Plaza, Stockland Property Trust, on the 05.12.07. No objections to the proposed were put forward at this time. Refer to meeting minutes CRI 033 dated 05.12.07 in Appendix D of this report.

- 3.1.2. *Concern over the closure of the laneway during construction.*

Response

Works on Councils sewer easement are no longer proposed by the proponent of this project. Consequently the laneway can remain open during construction unless deemed dangerous by the Consent authority or Eurobodalla Shire Council.

3.2. Member of the Public – Submission 1

- 3.2.1. *Manifestly inadequate parking spaces*

- a. *The development proposal manifestly breaches the ESC requirements for provision of car parking spaces.*
- b. *ESC guidelines require a minimum of 131 car spaces plus 3 boat/trailer spaces for a total of at least 134 car parking spaces.*

Response

An additional 2 car parking spaces have been provided on the site as well as two further spaces provided for temporary valet use and loading/servicing of the site bringing the total number of car parking spaces on site to 60. Refer to the letter prepared by Masson Wilson Twiney located at Appendix E of this report for detailed justification of the car parking numbers proposed on the site.

- c. *Instead of 131 car parking spaces plus 3 boat trailer spaces, there are only 56 car parking spaces provided – but this is further reduced to only 44 actual ground level spaces (without the activation of the stacker car parking which contains 20 but has the ground space of 8 (refer to compaction capability of the stacker))*

Response

With regard to the car stackers the author of this submission is misinformed. The proposal is to use a simple stacker that converts a single car parking space into a double car parking space by raising the first car up in the air so that a second car can be parked underneath. It is proposed that 21 of these stackers are used. The use of the stackers will allow 21 ground parking spaces to accommodate 42 vehicles. Refer to letter prepared by Masson Wilson Twiney located at Appendix E of this report for further details of the car stacker proposed. We note that the model number of the stacker has been revised since the preparation of the Environmental Assessment report. The new stacker is to be a Klaus G61 (also known as a Klaus 2061. The new stacker can accommodate slightly taller vehicles and has a level deck unlike the Klaus 2051 previously specified.

- d. *The proposal is for 56 units (46 hotel serviced units (27 studio and 19*1 bedroom units) plus 10 fulltime residential apartments (2*1 Bedroom, 6*2 bedroom and 2*3 bedroom)) plus visitor parking plus a ground level restaurant fronting Clyde Street plus ground level retail tenancy fronting North Street plus 20 full time staff equivalents.*

Response

Noted with the exception that there is no proposal to provide visitor parking on site.

- e. *The car spaces are manifestly inadequate in that they total only 44 spaces during the daytime which is at least at least 12 fewer actual daytime car parking spaces than total units in the development.*
- f. *The gross shortfall of parking spaces to be partially made up by the proposed provision of a new stacking parking bay that when in operation increases the spaces by 12 spaces to equate to a total of 20 spaces in the stacker. Please note that the storage compaction when not in use yields only 8 ground level car spaces but expands its capacity to 20 when activated*

Response

Again with regard to the proposal to use car stackers the author is misinformed. The application was for 56 car parking spaces to be provided on site. The car parking spaces are operational 24 hours a day seven days a week. Please refer to the response provided at point c of 3.2.1 above.

- g. *I urge you to use great caution when considering/assessing the car stacker system.*
- h. *The stacking parking bay is manifestly inadequate as it will not be operational during the day so the motel will have at least 12 units plus their visitors without any parking spaces during the day let alone any parking for anything else. In terms of lack of common sense, do you honestly believe that they will round up the cars each and every night and ask their 4.5 star accommodation seeking holiday makers to get out of their room and relocate their car into stacking bays at night – their patrons will be out and about dining etc doing what tourists do and the stacking operation will be a logistical nightmare that will be abandoned when the constructed project is completed. You have got to be kidding if you think this is a realistic solution for the short term let alone the life of the building.*

Response

We reiterate our previous comments above with regard to the hours of operation and configuration of the car stackers. With regard to the ease of use of the system the proposal is to have a valet parked car park that utilises stackers for guests of the serviced apartments. Valet parking is commonplace for the vast majority of hotels in cities around the world. The use of valet parking is particularly common in luxury hotels and has been proven to work.

- i. *The Stacker will require down time and costly maintenance and will not be a long term viable proposition.*

Response

Stackers are used in Australia and across the world in both public and private car parks. The stackers proposed for this project are from a German company that has been making car stackers since 1962. The stackers use a hydraulic pump to raise and lower the platforms. The manufacturer has advised the following.

- The pump is simple and there is very little that can go wrong with it.
- In the event that there was a maintenance issue the product is backed by a warranty and a service agreement to ensure that regular maintenance is carried out and that the stackers can be repaired in the event that they do break down.
- In the event that a pump failed there would be a maximum of five spaces that could not be

used – the remaining 41 spaces would remain operational.

- j. *The stacking parking bay does not meet Australian Design Standards and must be rejected.*

Response

The Australian Standard for Off Street Parking Facilities – AS2890.1 does not make specific recommendations regarding the use of car stackers. This by no means prohibits their use nor does it suggest that they are not a viable means of parking a car. The MWT letter provided at Appendix E of this report demonstrates how the stackers meet the intent of the car parking requirements set out in AS2890.1.

- k. *There is no parking provision whatsoever for any staff of which 20 staff at stated [SIC] in the proposal under job creation benefits and also stated in ESC parking space assessment – ie stated 20 full time staff equivalents.*

Response

The proposed building is expected to generate 20 full time positions however the peak staff demand is anticipated to be 10 staff on site at any one time. The building is a 24 hour operation and staff are required at different times throughout the day. Eurobodalla Shire Council's DCP 130 requires that 1 parking space per 2 staff on site be provided – equivalent to 5 car parking spaces. The revised ground floor plan (drawing number DA03-02 rev 1 which can be found at Appendix C of this report) shows 2 dedicated staff car parking spaces. The remaining 3 car parking spaces for staff can be accommodated in bays left available by guests who are not in their apartments at the time and by serviced apartments that are vacant at the time. We note that the peak staff demand is during the middle of the day when staff are required for cleaning and guests are usually either out and about for the day or have vacated their apartment/yet to arrive. Please refer to the letter provided by Masson Wilson Twiney at Appendix E of this report for confirmation that the on site car parking provision is sufficient.

- l. *There is no parking provision whatsoever for consideration for the proposed North Street based business activities – refer to site plan for street frontage commercial activity incorporated into in the design.*
- m. *There is no parking provision whatsoever for consideration for the proposed Clyde Street based business activities – refer to site plan for street frontage commercial activity incorporated in the design.*
- n. *Please note that both North and Clyde Streets are high profile street frontages for proposed high profile business activities therefore generating significant new customer traffic requiring additional parking spaces.*
- o. *There is no provision whatsoever for other customer traffic utilisation business and [SIC] business activities incorporated into the design such the proposed [SIC] restaurant and the proposed conference centre etc.*

Response

We refer to the Batemans Bay Town Centre Structure Plan that states that “New developments within 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. *In total the development proposal for parking spaces is only 32.8% of the minimum ESC requirements with a staggering shortfall of 62.7% of ESC requirement (44 daytime spaces where 134 (131 plus 3 boat trailer spaces required)) – a staggering shortfall of 90 parking spaces – these are indisputable facts.*

Response

We refer to points made above regarding parking numbers and car stacker configuration and operation

and Masson Wilson Twiney's letter located at Appendix E of this report. We also note that the percentages quoted by the author of this submission above do not add up.

- q. *Other proposed developments where car spaces have dramatically exceeded this ratio (32.8%) and have not met ESC requirements have been rejected and so should this proposal. There are no grounds for this proposal to set a precedent to proceed and there by [SIC] unilaterally alter ESC requirements.*
- r. *To approve this then ESC must adopt a new car space requirement and from then on approve all commercial developments where car spaces do not meet ESC requirements or this would represent favourable bias to this developer.*

Response

We refer to the Batemans Bay Town Centre Structure plan that describes a marked shift in council policy towards car parking in this part of the Batemans Bay Town Centre for all land owners. Further comment has already been provided regarding numbers in the discussion above. The minister is the consent Authority for this development application and we are not in a position to comment on other Development Applications.

- s. *The photo's with views to the east on the page 23 show car parking, the next page show the [SIC] photos to the west. What has been deliberately excluded is the photo of the views directly opposite the development where in the past year over half of the then existing car park of was removed by ESC (over 60 spaces removed) and turned into a green space thereby creating intense shortage of car parking in the immediate locality. See attached photo's West Views 1-4 where the car park used to be and is now a green grassed tourist strolling/relaxing area.*

Response

The proponent of this building supports and applauds council's efforts to improve the foreshore environment in Batemans Bay and there was no deliberate attempt to mislead the consent authority. This report was first prepared in early 2007 and the photographs have not been updated since. The detailed plans of the foreshore park were provided on page 192 of the Environmental Assessment Report for this project and provision of public car parking both current and future was also discussed in the urban massing diagrams.

- t. *The lack of car parking spaces in the Batemans Bay CBD is a serious matter which will compound alarmingly if development proposals such as this are approved with inadequate parking provisions. ESC raised the parking metre rates by 50% (from \$0.60 to \$0.90 last week to try to reduce parking demand)*

Response

We refer to the Batemans Bay Town Centre Structure plan that describes a marked shift in council policy towards car parking in this part of the Batemans Bay Town Centre. There is also a detailed discussion on the number of public car spaces available in the Town Centre in the structure plan document. With regard to this building there is sufficient parking on site for the residential needs of the development as required under the Batemans Bay town Centre Structure Plan. Refer to the letter provided by Masson Wilson Twiney located at Appendix E of this report.

3.2.2. North Street Access

- u. *The existing North Street access to the Motel is being relocated.*
- v. *It will not only adjoin the boundary but also will intrude and totally take over the public owned walkway adjoining Comfort Footwear (see photo's) 100% at the street entry – the point where*

accidents are most likely and inevitable.

- w. *This relocation to take over the public walkway is an intrusion onto and misuse of public property for the sole purpose to provide the developer with greater profits by rewarding lazy design preference. Be fair about this – this is a lazy design issue – he has a very large block but wants to grab more land that he does not own rather than design to utilise what he owns. If it was a building on the pathway he could not do it and neither should he be allowed now.*
- x. *This relocation to take over the public walkway created a shared access endangering the public who use it and they will be confronted without protection and without warning with vehicles turning into the motel in a highly dangerous head on collision with pedestrians pushing prams etc – inevitable serious injury in what would be a death trap. (see photos) pedestrian [SIC] would be slow moving shoppers with prams and children accompanying them. This is simply unacceptable.*
- y. *Throughout the document the various depictions of the site plans etc. deliberately or inadvertently misrepresent it as a clear walkway for pedestrians – this is simply not true as shown by appendix D DA 03-02. Which is the detailed site plan. Scrutiny must be made with reference to the precise details of the plan in Appendix D and not those shown elsewhere for example the walkway diagrams on pages 198, 199 and 201 are grossly accurate and misleading [SIC].*

Response

Please refer to the revised plan (drawing number DA03-02 rev1) in Appendix D of this report indicating an alternative driveway providing physical separation between pedestrian and vehicular movements at the driveway access to the site.

Response

- z. *This requires relocating all ESC sewerage pumps etc. (see photos)*

Response

Details regarding this matter are tabled in the Environmental Assessment Report. Costs are to be met by the proponent and Eurobodalla Shire Council have confirmed that they are amenable to the proposal. Refer meeting notes CRI 031 dated 19.11.07 in Appendix D of this report for confirmation of this.

3.3. Member of the Public – Submission 2

3.3.1. Closure of the Public Walkway

- a. *The Building Construction Site Drawing clearly shows and states that the North Street Public Walkway “existing laneway blocked off at both ends” and therefore this public amenity will be denied to the public throughout construction. This is not mentioned or considered elsewhere in the document but should be. The removal of the public walkway access is unacceptable.*

Response

Appendix S of the exhibited environmental assessment report prepared by SPD Town Planners is the construction traffic management plan. This plan details pedestrian and vehicular traffic arrangements on and around the site to ensure minimum disruption to the surrounding environment and ensure public health and safety. As construction works were proposed over the laneway in the drawings exhibited it was necessary to prevent access during construction. We note that in the revised drawings associated with this report no works are proposed on the laneway. The Construction Traffic Management plan will be revised to reflect works that are approved to be undertaken on the site. The revised Construction Traffic Management plan will accompany the Construction Certificate application.

3.3.2. *Danger of the shared public walkway*

- b. *The 'shared' public pedestrian walkway tapers as you get closer to North Street to become 100% driveway for inbound cars: on closer examination this will present a death trap to unsuspecting pedestrians walking toward North Street to face the suddenly turning inbound cars with the adjoin wall of the footwear shop blocking any visual warning. Also the pedestrians walking from North Street will have their backs to the inbound cars increasing the danger of very serious injury or death. A large proportion of the users of the pedestrian way are women with shopping and young children and babies in strollers/prams and are highly vulnerable and need to be protected by sound planning. The proposed shared walkway is dangerous and madness.*

Response

Refer to 3.2.2 above. This point has been made and answered previously.

3.3.3. *Parking Space*

- c. *Because all the cars for the serviced apartments are required to be valet parked, they will be required to park in the 5 minute space on North Street outside the reception, then the valet is required to drive around the block (reception parking space is past the turn into the driveway) and back into North Street – look at the map – this is simply not practicable with the volume of cars to be moved (both parked and fetched) several times everyday for every unit. In addition this greatly adds to the immediate road traffic and was not considered in the road traffic report.*

Response

Two additional car parking spaces have been provided to the North of the driveway for the valet parking and loading needs of the building. Please refer to the revised ground floor plan (Drawing Number DA03-02 rev 01) in appendix C of this report.

- d. *The upper level of the stacker system will be raised rendering it out of action throughout the day and operational at peak times only. This means that for most of the day the parking spaces will be confined to 26 spaces (56 less the 10 residential spaces less the 20 upper level spaces). This is simply just not practical.*

Response

56 car parking spaces were provided on the site in the exhibited proposal. The spaces are operational 24 hours a day 7 days a week. Whether or not there is a need to utilise spaces on the upper level of the stackers is a matter for hotel management and dependant upon the levels of occupancy at the particular time. In the worst case scenario, that is the highly unlikely event that all 46 serviced apartments are occupied there is a minimum of 1 car parking space per serviced apartment.

- e. *The 46 serviced apartment occupants will not be able to access their cars or property in the cars without valet assistance (valets to have custody of the keys to mover[SIC] the cars) due to the dangers of injury due to the operation of the stacker. This is not a practical solution.*

Response

As stated above valet parking is a common arrangement for tourist accommodation world wide and has been proven to work. Whether or not this is a practical solution is a matter for the proponent.

- f. *I was wrong when I said in my previous correspondence (19 September 2008) that the parking stacker system had 8 spaces below which when in operation expanded to 20 spaces and I withdraw that specific aspect as I was confused with actual system and research a different rotational stacker system. Having now (Saturday) had a good look at the plans and identified*

the specific stacker (Klaus Varioparker 2015) it is clear that the parking stacker system is a non-rotational system and therefore represents a greater problem than I first thought. There are in fact 2 different parking stacker system systems - - the upper levels and the lower levels. There are 4 bays, each with an upper deck and a lower deck with each bay having five spaces for a total of 20 upper level spaces with narrow tray alignment and 20 ground level spaces with a slightly wider tray alignment.

Response

Please refer to the response provided at point c of 3.2.1 above. With regard to the configuration of the car stackers the author of this submission remains misinformed.

- g. Both the nominated stacker systems essentially allow small cars as the tight parking turning circle means that you cannot get bigger cars to readily turn into them – particularly the upper decks where the turning circle is even tighter and they are for small cars such as Audi A3 hatchback, Toyota Corolla Hatchback, Honda Jazz and Volkswagen Golf. These are not the type of cars that 4.5 star[SIC] accommodation seekers drive.*

Response

Only one stacker type is being proposed (Klaus G61-190) refer to the letter prepared by Masson Wilson Twiney at Appendix E of this report that discusses the vehicles that can be accommodated in the car stackers in detail. Masson Wilson Twiney's advice confirms that the stackers can accommodate the 85th percentile vehicle in the Australian vehicle fleet in the upper deck and the 99th percentile vehicle in the lower deck. There are also 6 spaces unencumbered by car stackers that can fit the 1% of larger vehicles if required. We note that the author of this submission has provided no concrete evidence to suggest that patrons of 4.5 star accommodation have vehicles that are radically different to the average Australian vehicle fleet. Arguably there are equal numbers of small luxury cars (Mercedes SLK, Mazda MX5, Audi TT, etc) as there are large luxury vehicles (Mercedes Benz E class and S class, Audi A6, BMW 7 series) and to argue that the average 4.5 star accommodation seeker only drives large cars without evidence is simply ill informed speculation.

- h. Also they are difficult to actually drive into and accordingly for access you need a skilled valet service to access them. I understand that because of this limited access difficulty they fail the basic Australian Standards turning circle requirement and therefore are not recommended for use in Australia. I assert that they just will not be practical in the tight access location and only the wider type of parking stacker that meets Australian design standards should be approved. If a stacker were selected which met the Australian standard it would probably result in 8 to 10 fewer parking spaces (wider spaces). Sometimes a compromise is a compromise too far - in my opinion the use of inappropriate standards creates long term problems and I believe that this will be the case and in the long term I assert that in my opinion the stacker will be removed and only 32 actual spaces remain.*

Response

Refer to responses provided above and in the previous submission by this author regarding car stackers and the Australian Standards. We note that the numbers quoted in the point made above are also incorrect.

- i. To say that the 4.5 star serviced apartment users usage of small to medium cars is 87% (40 out of 46 spaces for all non resident spaces for the motel) is absolute rubbish and not supported by research on tourism nor the size of cars in the Australian fleet or new registrations. In addition, the stacker can accommodate two vehicles concurrently up to a height of 1500mm each. That means that the stacker cannot accommodate cars higher than*

1.5m which according to my calculations is higher than anything higher than for example a commodore and excludes most 4 wheel drives, all vans, etc. Again this is not a suitable solution.

Response

Refer to the letter prepared by Masson Wilson Twiney in Appendix E of this report and the response to point g of 3.3.3 above on this matter.

- j. The total number of parking spaces to be provided in the re-development is 56 including 20 in the parking stacker system. This fails the ESC requirements of 134 (131 plus 3 boat/trailer spaces) also fails to meet the RTA requirement of a minimum of 88 spaces. The actual parking space is 36 ground spaces with an addition 20 with the upper level of the parking stacker system. The 56 parking spaces fundamentally failures the RTA requirement as it is only 63% (56/88) of the minimum RTA requirement as stated in 2006*
- k. The report claims that there is agreement with exceeding the RTA standards. I assert that this was based on the prior submission of 99 car parking spaces and therefore is invalid for this current proposal.*
- l. I assert that a gullible person would assume that agreements and meetings suggested in the report were based on the correct number of car spaces and not delve further and look for discrepancies between the evidence presented in the reaching agreements in the compliance table.*
- m. The previous report states that the "parking provision exceeds the requirements of the RTA guide and is below the requirements of ESC for parking". Again this is not true with the current proposal.*
- n. The 2006 report also concludes (conclusion 4) that "the proposed development provides parking in excess of the RTA guide and is below the requirements of ESC for Parking". Again this is not true with the current proposal.*

Response

The building proposed in 2006 is a significantly different building to the current proposal. There are less Apartments and correspondingly less car parking spaces in the proposed building.

Agreement regarding numbers of car parking spaces was determined in September 2007 as part of the NSW Department of Planning's proposed building envelope controls for the Batemans Bay Town Centre that Eurobodalla Shire has subsequently adopted. Refer to meeting minutes CRI 025 in appendix D of this report dated 31.07.07, please also refer to meeting notes of subsequent meetings with council regarding this development also included in Appendix D.

- o. I allege that any and all claims relating to any parking capacity above a maximum of 56 spaces are simply not true.*

Response

No claims relating to parking capacity being any greater than 56 spaces have been made with regard to the exhibited scheme. The revised car park layout submitted with this report accommodates 58 long stay cars on site + 2 loading/valet totalling 60 car parking spaces.

- p. I allege that any and all claims relating to any parking capacity exceeding RTA's recommended or required parking spaces are simply not true.*

Response

Refer to letter provided by Masson Wilson Twiney at Appendix E of this report.

- q. *I allege that claims and statements and consequently the agreements with ESC and the compliance tables, which are based on this[SIC] superseded claims, are wrong and must be disregarded as these agreements are invalid as they are based on superseded claims. Consequently I assert that any and all claims that the parking spaces are reasonable or acceptable etc are superseded.*

Response

We are not clear as to what point is being made here but please refer to Masson Wilson Twiney's letter in Appendix E of this report. The letter clearly concludes that the current car park proposal;

- no longer presents an issue with site traffic and pedestrians mixing in a shared zone;
- does not present any undue impact from traffic generation;
- provides appropriate geometry for the proposed parking spaces;
- will satisfactorily accommodate a service vehicle; and
- provides an appropriate level of parking on the site.

3.3.4. Parking Exemptions with the re-development

- r. *The current number of motel units is 29 and the number of car spaces in the motel at present is 43. So do the Math[SIC]-13 additional parking spaces buys the following:-*
- i. *27 new units*
 - ii. *parking exemption for the new 300m restaurant (upgrade of the tiny Domino's Pizza takeaway floor space)*
 - iii. *Parking exemption for the new 200m usable colonnade eating and drinking area*
 - iv. *Parking exemption for the new retail developments etc.*
 - v. *Parking exemption for the conference centre*
 - vi. *Allowing the number of actual ground spaces to be decreased to 36 (net increase by 13 if you add parking stacker system)*

Response

The proposal is for a new building under current development controls. The existing building, which is to be demolished, has no bearing on what should or should not be permissible. No parking exemption has been sought for the retail commercial spaces only a request to provide them by way of section 94 contributions in lieu of onsite provision as is permissible under the Batemans Bay Town Centre Structure Plan.

The colonnade is a required building envelope control for all buildings fronting Clyde Street. No parking is required for this space as it is a public precinct provided by the proponent

- s. *This is an abysmal and totally inadequate allowance for so much new development and will put tremendous pressure on the parking in the area. There is no plan for any new public car parking in the precinct. Indeed ESC has just removed half of the very large pre-existing car park on Clyde Street opposite the motel.*

Response

Refer to previous discussion on parking numbers.

- t. *The report states " It has been agreed with the NSW Department of Planning of Planning and Eurobodalla Shire Council that the proposed development should provide one space per short term serviced apartment and one space per permanent residential unit. Car parking for retail and restaurant tenancies as well as staff of the proposed new complex is not required to be provided. This is considered a reasonable parking provision, as all serviced apartments are either studio or one bedroom in size, which would accommodate only one or two people." I assert that essentially most of the comparisons and statements relate to the previous*

proposal and are therefore invalid in regard to the current proposal. For example these agreements were based on the superseded information relating to the size of the restaurant as shown under retail on page 2 where it uses superseded information about the comparison of a small restaurant with the Dominoes Pizza.

Response

Refer to previous discussion on this matter above.

- u. The report states " whilst the RTA has been applied in this report, it is expected the traffic generation rate for the restaurant component would be somewhat lower given that it would mainly serve patrons of the serviced apartments." I assert that this is an unsubstantiated claim which is simply not true and the main business for the restaurant will be passing trade and bar trade as it is with every other restaurant in the precinct.*

Response

The restaurant is primarily provided for the benefit of residents and house guests, the restaurant is a permitted use in the foreshore precinct of the Batemans Bay Town Centre and as previously stated parking for commercial/retail uses in this precinct do not need to be provided on site.

4. Project Amendments

4.1. Shared Access

The vehicle access arrangements to the site have been revised in response to concerns raised in several of the submissions received over the proposal for a shared pedestrian and vehicle access way along the western boundary of the site. Concerns raised included opposition to the idea of private development using public land as the proposal utilised the neighbouring council owned sewer easement. Eurobodalla Shire Council's also advised that they are unable to provide landowners consent to build on their land for this purpose as it was discovered that the land in question was designated community use.

The new proposal is for vehicle only access, contained wholly within the site at 3 Clyde Street Batemans Bay. Councils existing sewer easement, currently used for pedestrian access will remain as is. Please refer to the letter from Masson Wilson Twiney located at Appendix E of this report for confirmation that the revised vehicle access arrangements comply with the relevant Australian Standards.

The amended driveway has resulted in the following changes to the proposed building:

- The building housing the serviced apartments fronting North Street has been shifted east towards Clyde Street by approximately 800mm.
- The floor plate of the same building has also been reduced slightly (up to a further 800mm in places) to accommodate the new driveway.
- Minor amendments to the Ground floor retail and house laundry space.
- The gaining of two (2) additional car parking spaces in the car park by the provision of 1 additional car stacker

The abovementioned changes have resulted in no significant changes to the layout of the apartments and the total number of apartments has remained the same. There has been no change to the building fronting Clyde Street housing the permanent residential apartments. Amended drawings reflecting this change can be found in Appendix C of this report. It is noted that Jane Flanagan of the Department of Planning confirmed that the revised drawings did not need to be stamped by the BASIX assessor as no changes were made to the permanent residential apartments. Documentation of this correspondence can be found at Appendix D of this report.

4.2. On site car parking

In response to concerns raised over the car parking provisions on site the following amendments have been made to the proposal.

- An alternative model car stacker is proposed – the revised car stacker (Klauser G61-190) has the same configuration as the stacker previously proposed whereby the first car drives onto a tray and is hoisted into the air to allow a second vehicle to be parked underneath. The revised stacker can accommodate taller vehicles in the lower compartment of the stacker, Please refer to Masson Wilson Twiney's detailed discussion on the car stackers in Appendix E of this report for confirmation that the car stackers can satisfactorily accommodate the majority of vehicles in the Australian vehicle fleet and that their proposed use in this building is acceptable.
- 2 x additional car parking spaces have been provided for staff use through the provision of 1 additional car parking space with car stacker located in it.
- 2 x additional car parking spaces have been provided for the purposes of temporary valet parking and loading needs on the site.

The above mentioned amendments bring the total number of on site car parking spaces to 60 spaces.

Please refer to the letter prepared by Masson Wilson Twiney at Appendix E for confirmation that the total

number of car parking spaces provided on site is sufficient for the residential needs of the building and a detailed justification for reasons for a departure from Eurobodalla Shire Council's adopted Car parking policy DCP 130.

4.3. Site Servicing

In response to concerns raised by Eurobodalla Shire Council over site servicing the following changes have been made to the proposed building.

- Minor changes have been made to kerbs and traffic islands in the car park to ensure access for a 6.5m rigid truck to pass through the car park, facilitating forward entry and exit from the site for delivery and service vehicles.
- An additional 2 car parking spaces have been provided to the north of the driveway for valet, loading and site servicing needs. The two additional spaces allow room for a delivery vehicle to load and unload wholly within the site. And allows a 6.5 meter rigid vehicle to do a 3 point turn in the driveway to facilitate forward entry and exit from the site.

The above mentioned amendments facilitate the loading and garbage removal needs of the site within the site. Please refer to the letter prepared by Masson Wilson Twiney at Appendix E of this report that confirms the turn paths through the site for larger vehicles. We reiterate also that a detailed waste management plan is to be submitted as part of the Construction Certificate application

4.4. Façade treatments to the Western Façade at ground level

Concerns over the façade treatment to the ground level western façade were raised in one submission. It is noted that the building uses along this façade, namely car park entry, plant rooms and fire escapes, do not readily accommodate an active street frontage and dictate the appearance of the façade to some degree. However, several amendments have been made to ameliorate the façade as requested.

The amendments are as follows.

- Pedestrian level lighting has been applied to the façade
- The predominant façade material has been changed from off form concrete to precast concrete panels with an embossed pattern.
- The ventilation louvers are to be natural anodized aluminium.
- The fire escape has been amended to have a glazed door.

It is also noted that entry to the car park is now entirely on the proponents land and no longer relies on a shared access way with the sewer easement running along the western boundary. As a result of this required change there is no longer public access along the western edge of the building.

4.5. Façade treatments to the North Street (Southern) Elevation at ground level

Concerns over the façade treatment to the fire assembly on the ground level of the North Street elevation were raised in one submission. We note that the NSW fire brigade requires that the fire assembly be located directly on the street frontage and that the fire assembly be constructed with non combustible materials 3 meters above and 2 meters either side of the fire assembly. Openings are not permitted within this area except to access the fire assembly. Some amendments have been made within the constraints of the aforementioned regulations to try to soften the appearance of the fire assembly street frontage.

The amendments are as follows.

- The predominant façade material has been changed from off form concrete to precast concrete panels with an embossed pattern.
- The doors to the fire assembly are now glazed.

4.6. Climate Change and Sea Level Rise

One of the submissions raised concerns that the Coastal Processes and Flooding Review prepared by Peter Spurway and associates did not address the maximum predicted sea level rise. Please refer to Appendix F of this report for an amended Coastal Processes and Flooding Review taking in to account the maximum predicted sea level rise. The recommendations of this amended report have been adopted.

Further correspondence has been had with the NSW Department of Planning on this matter. The Department has reviewed the revised report and asked if it would be possible to raise the ground floor floor level by 250mm (AHD2.950m).

The floor level of the ground floor cannot be raised to a height above the maximum predicted flood level (AHD2.950m) for the following reasons.

1. Paulina Hon of the NSW Department of Planning directed the proponent to adopt the recommendations of the Batemans Bay Coastline Hazard Management Plan on the 16th of March 2007 (refer to appendix D).
2. The building has been designed to a flood design level of AHD 2.700m as advised by Eurobodalla Shire Council on 02.09.05 (See memo in Appendix D) and as specified in Council's adopted Flood Plane management policy known as the Batemans Bay Coastline Hazard Management Plan – a thoroughly researched and risk assessed document prepared by Webb, McKeown & Associates Pty Ltd.
3. Eurobodalla Shire Council have reviewed and agreed to the proposed flood mitigation measures. Refer to documentation by Royce Toohey of Eurobodalla Shire Council contained within the revised Coastal Processes and Flooding Review located at Appendix F of this report.
4. To raise the floor level above Council's design level would make the proposed colonnade on Clyde Street unviable due to it being 950mm above existing ground level. For the proposed colonnade to work all sites along Clyde Street must have a consistent ground floor level. Any change in level between sites would make this colonnade defunct.
5. If the ground floor of the building were to be raised a further 250mm then it would result in ramps being a further 3500mm longer than they are at present and generally make pedestrian access between the existing footpath and the colonnade/ground floor of the building unworkable. We note that this was one of the major issues dealt with by Margaret Petrakowski of the NSW Department of Planning Urban Design team, and was a primary reason for adopting the colonnade in the first place.
6. Disabled access in accordance with AS1428 to the North Street Reception and Retail would not be possible without the use of a public lift from the street.
7. In order for vehicles to access the car park due to the height differential between existing Ground Level and the raised Ground Floor level a significant ramp would be required resulting in significantly less car parking spaces on site.
8. The range of predicted sea level rise is vastly variable and is constantly being revised based on current research. The design response to climate changes needs to be equally adaptable to accommodate the actual effects of climate change. Taking a belts and braces approach to put the floor above the maximum predicted flood level allows no ability to adapt the building in the future should climate change predictions be incorrect and exacerbates pedestrian and vehicle access problems in the town that already exist.
9. In the event that flood waters rise to the maximum predicted level of AHD2.91m the street and the vast majority of shops in Batemans bay will be an average of 900-1100mm below water. This is

a significantly greater problem than a site specific issue and is one that will need to be dealt with as a town wide response with serious consideration put to relocating the town rather than simply a matter of raising specific buildings off the ground to accommodate the possibility that the town might flood at some point in the future.

We agree that climate change is a serious issue and that it needs to be considered. Council has commissioned and adopted a flood study for the area. They have also adopted risk assessed flood mitigation policies. The proposed building substantially exceeds the minimum requirements of these mitigation policies. The proponent has also engaged Peter Spurway and Associates to conduct a site specific Flood Investigation Review and all recommendations made under this review have been adopted in the design and endorsed by Council. There is also scope in the proposed design to accommodate greater flood levels should current predicted flood levels prove to be conservative in the long term.

Consequently we suggest that a thorough flood investigation has been undertaken for this project and we confirm that appropriate flood mitigation measures have been undertaken to ensure the safe occupancy of this building based on the predicted maximum flood levels for this part of Batemans Bay.

5. Conclusion

The proposed building is designed as a high quality, environmentally sustainable building that sits well within and responds directly to its surrounding environment. The building envelope, set backs, public access and urban design strategies implemented in the project have been developed and agreed with the NSW Department of Planning. The design of the building supports the new planning controls adopted in the Batemans Bay Town Centre Structure Plan. This building represents a benchmark building for future development in this part of Batemans Bay.

Contained within this report are responses to all issues raised by government agencies and the general public during the exhibition period. Details of all amendments made in response to the questions raised during the exhibition period have also been detailed.

We conclude that:

1. The revised vehicle access arrangements contained wholly within the site addresses concerns raised over the shared access way previously proposed.
2. Masson Wilson Twiney have confirmed that car parking arrangements are satisfactory to accommodate the residential parking needs of the building and that the proposed car parking arrangements for the commercial needs of the building are generally in accordance with the guidelines of the Batemans Bay Town Centre Structure Plan.
3. There is sufficient space to accommodate the loading needs of the building and garbage removal from within the site.
4. Façade treatments at ground level on the Western façade and the North Street Fire assembly have been revised and ameliorated.
5. Climate change issues have been satisfactorily addressed.

Appendices

- A Agency Submissions
- B Submissions from the Public
- C Revised Project Drawings
- D Meeting minutes and Correspondence referred to in this report
- E Response to submissions prepared by Masson Wilson Twiney
- F Amended Coastal Processes and Flooding Review

A Agency Submissions

B Submissions from the Public

C Revised Project Drawings

D Meeting minutes and Correspondence referred to in this report

E Response to submissions prepared by Masson Wilson Twiney

F Amended Coastal Processes and Flooding Review