Batemans Bay Masterplan

Height and density study

FINAL

Prepared by MGS Architects
Architecture Urban Design Interiors
August 2024

Acknowledgement of Country

We acknowledge the Traditional Owners of Country throughout Australia and recognise their continuing connection to land, waters and culture. We pay our respects to their Elders past, present and emerging.

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Document details
Batemans Bay Height and Density Study
Update 2024
Version: Final
Date of Issue: 22 August 2024
Prepared by MGS Architects

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MGS acknowledge the Wurundjeri people of the Kulin Nation, the Traditional Custodians of the land on which our office is located and pay our respects to their Elders past and present.

Date	Status	Version	Approved
02.08.24	Draft	V01	RM/VM
15.08.24	Draft	V02	RM/VM
22.08.24	Final	V03	RM/VM

Contents

Introduction

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1.1 Introduction

In 2024, MGS Architects were engaged by Eurobodalla City Council to prepare an analysis of height and density to support a future vision of Bateman's Bay. The Height and Density Study will inform the preparation of a new Masterplan currently being prepared by council for a large area extending from Batemans Bay to Catalina/Batehaven. A separate Movement and Place analysis will also inform the development of the Masterplan.

The Height and Density Study area includes most of the land subject to the 2024 masterplan being prepared by council. With the project study area is a large proportion of the Batemans Bay Town Centre as per the Batemans Bay Town Centre Structure Plan, 2008, excluding industrial areas outside the project study area boundary.

The Height and Density Study provides analysis of the study area and advice on the potential future growth of the area testing the capacity of Batemans Bay to support desired residential growth targets.

This study has also been informed by a high level vision for Batemans Bay as 'a beautiful, high density urban centre providing a high quality of life for residents and visitors.'

Vision and urban design principles

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2.1 Vision and urban design principles

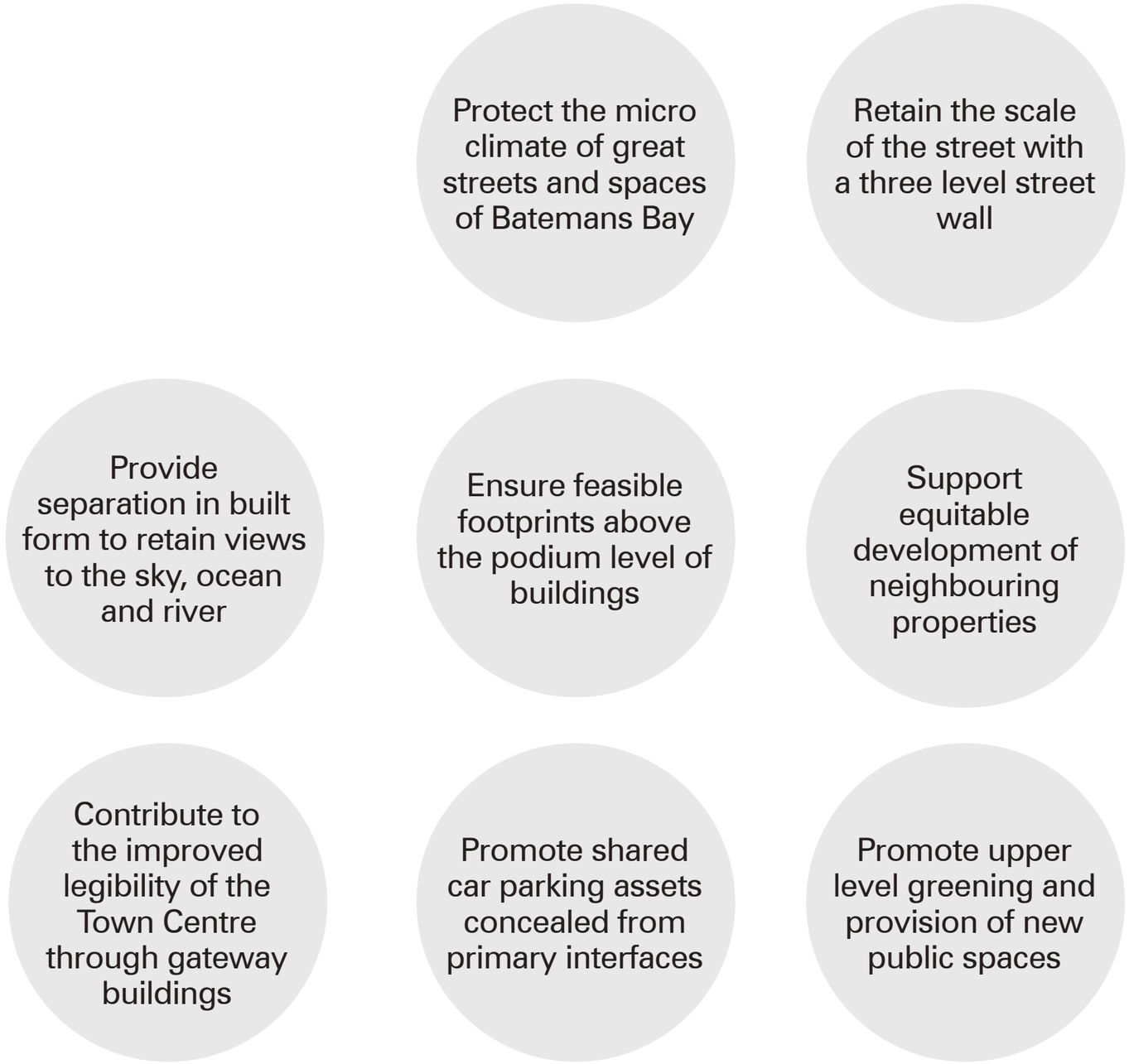
Vision for Batemans Bay

ARTISTS IMPRESSION

2.2 Vision and urban design principles

Urban design principles

The following urban design principles have been referenced in the Height and Density Study informing decisions about potential future built form outcomes. Urban design outcomes such as heights, streetwall, setbacks, creating new pedestrian links and ground floor uses, collectively contribute to the character and qualities of a place and, here, are tied to critical qualities such as access to sunlight in open spaces, views to the sky and equitable development ensuring Batemans Bay develops over time as a vibrant and attractive town centre.



Context and analysis

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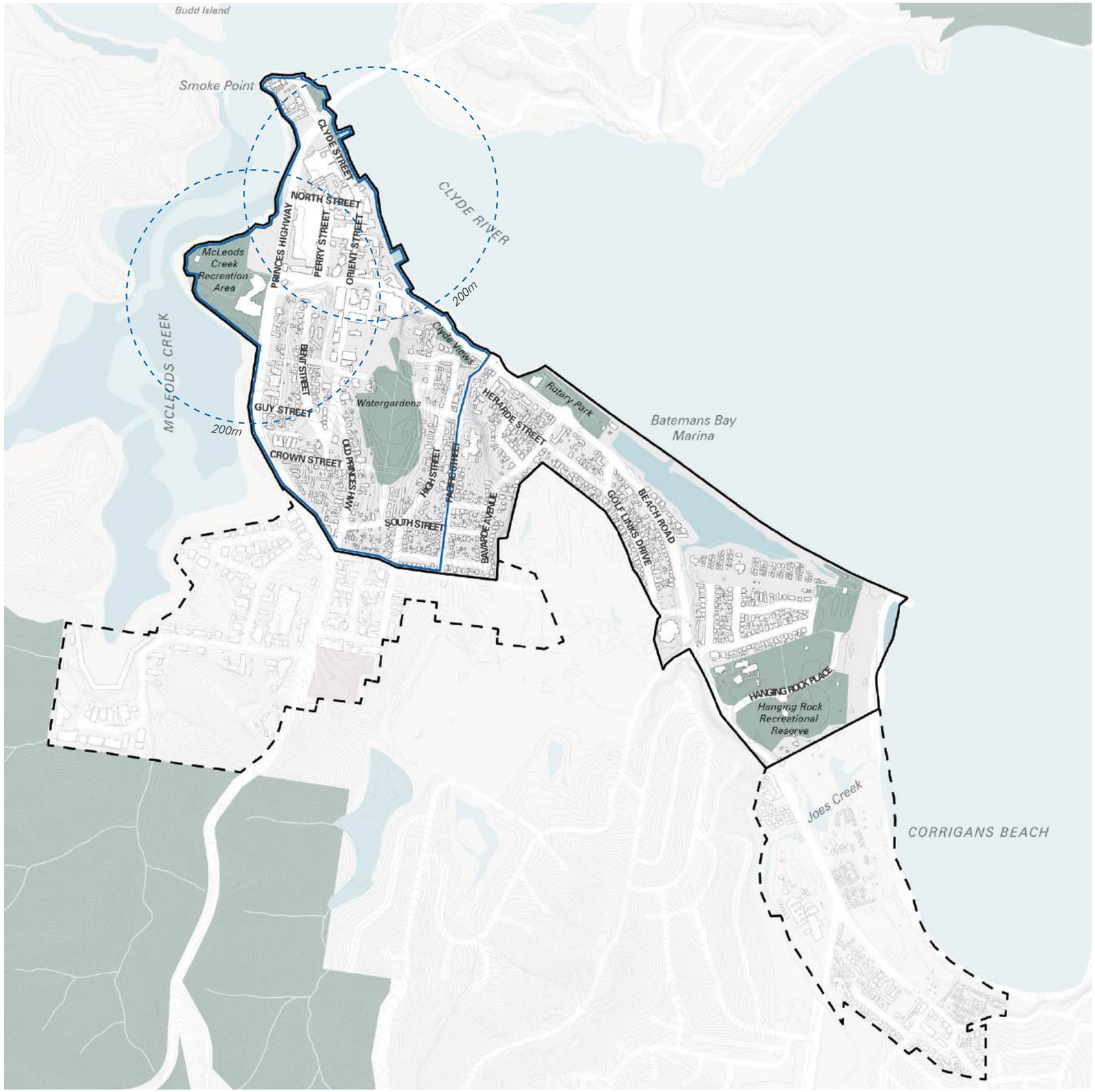
3.1 Context and analysis

Project scope

The Height and Density Study area covers 323Ha all of which is located within the proposed 2024 Batemans Bay masterplan study area.

The study area includes the Batemans Bay town centre as per the Batemans Bay Town Centre Structure Plan, 2008. Areas of the masterplan area not included are industrial areas to the south west and Catalina/ Batehaven to the east.



Batemans Bay Height and Density Study Area

Current LEP height controls support higher built form in the Town Centre and along Beach Road and Golf Links Drive.

The greatest heights allowable (18m) are concentrated along Princes Highway, Perry and North Streets and on the RSL site and adjoining property at the intersection of Beach Road and Flora Crescent.

Current LEP allowable maximum building heights

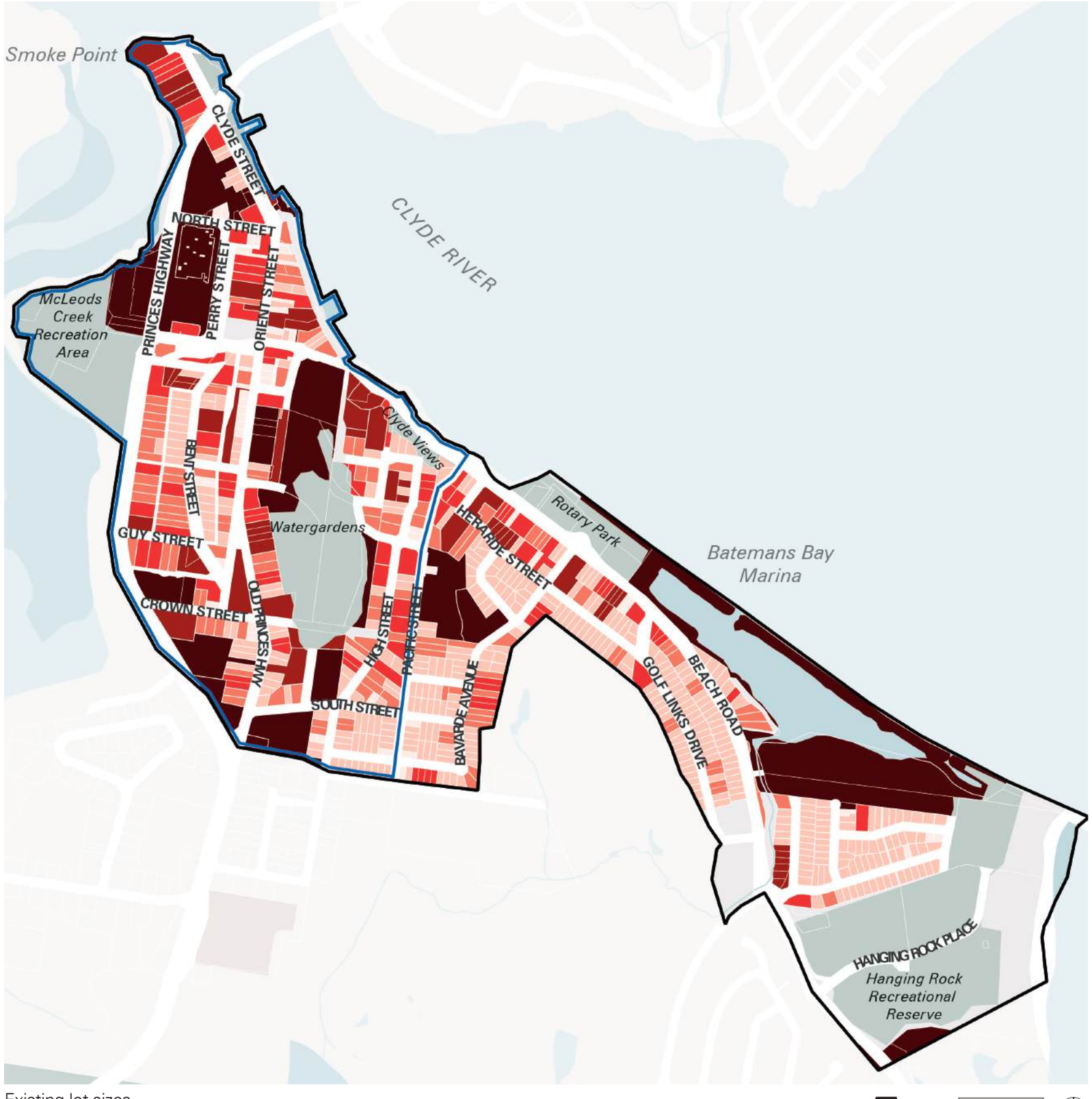
Batemans Bay has largely low rise existing built form with the majority of buildings, including residential, commercial, mixed use and industrial 1-2 storeys in height.

Exceptions include residential developments along Beach Roach (6 storeys + semi-basement parking) and Golf Links Drive (7 storeys + semi-basement parking)
The number of storeys represented on the plan opposite does not include semi basements as a result of raised ground floors in response to Flood Planning Levels.

Existing building heights

Existing lot sizes vary is size from a number of sites over 6,000sqm including lots in the Town Centre, industrial areas, the hospital site and around the marina, to smaller lot sizes, less than 500sqm, typical of residential subdivision patterns.

Larger lots provide important opportunities for renewal including over the short to medium terms while smaller lots would potentially require consolidation to support higher growth scenarios for Batemans Bay.



Existing lot sizes

3.5 Context and analysis

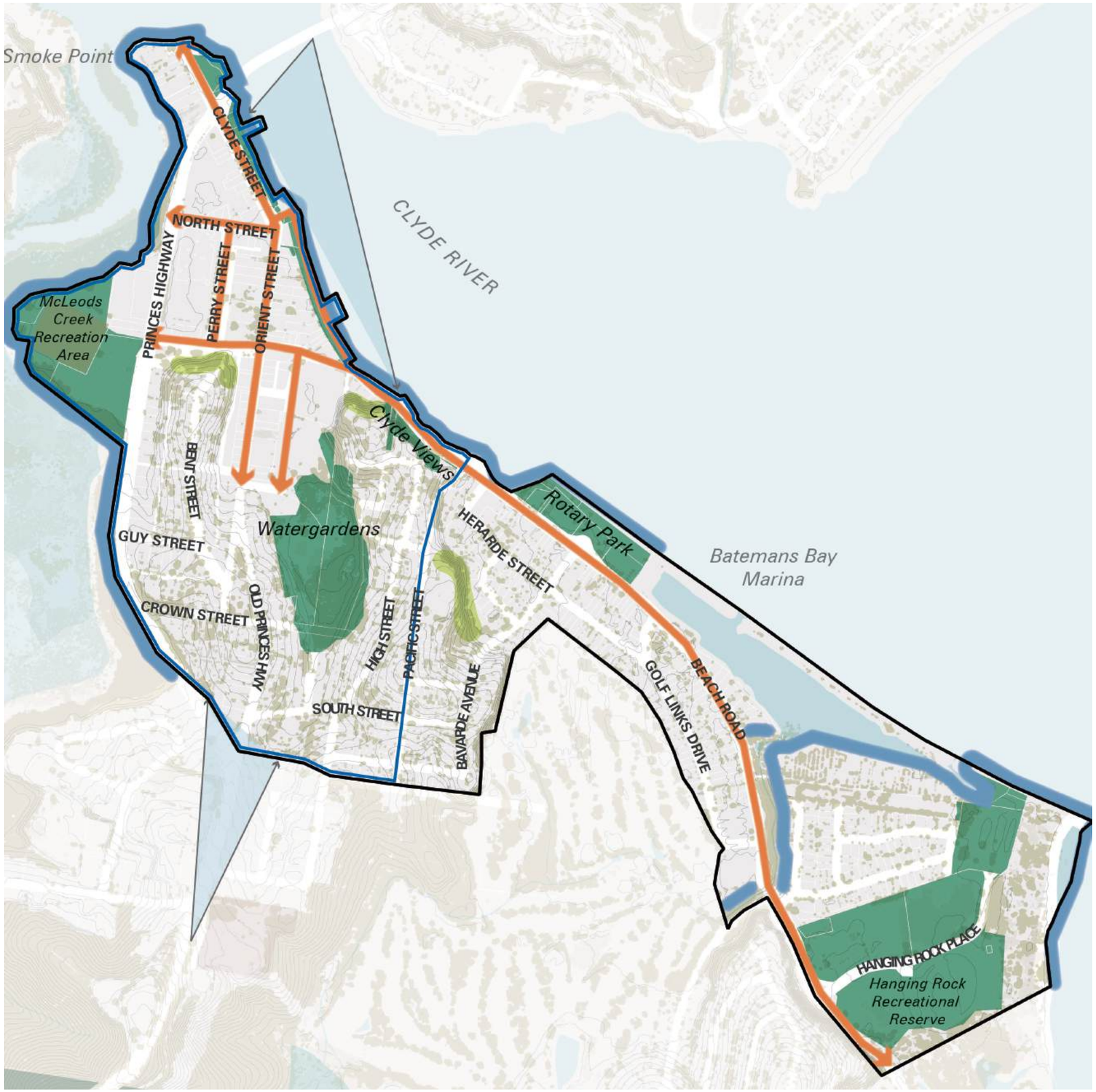
Existing open spaces and key pedestrian streets

Batemans Bay has a range of existing open spaces that vary in size, character and use, ranging from large natural spaces, such as the Water Gardens Precinct to areas for sport and recreation such as the McLeod's Creek Recreation Area and Hanging Rock Precinct.

In addition, a range of spaces are connected to or form part of the waterfront including spaces with the Town Centre, and along the key movement spine of Beach Road heading east/south-east. Reinforcing the notable topographic features within Batemans Bay, significant trees line the escarpments along Beach Road.

Retaining and improving the use and access to these spaces, along with potential new open spaces is important to support population growth with improved quality of life in the township.

Key views on arrival into Batemans Bay help create a sense of place. Built form outcomes should complement and where appropriate protect views as valued features of Batemans Bay.



Existing open space assets and key pedestrian streets

The NSW Office of the Government Architect provides the following advice with regards to the meaning and purpose of Design Excellence within the NSW planning context.

'Within the planning system, the term design excellence refers to both a process and an outcome. Design excellence clauses in environmental planning instruments are typically applied to projects that are prominent for physical or cultural reasons.

These design excellence requirements can be triggered by factors such as the location of the project, capital investment value, building height or lot size. Because design excellence is connected to project prominence, it implies a higher standard of design quality than 'good design' and is often described as 'the highest standard of architectural, urban and landscape design'.

Source: https://www.planning.nsw.gov.au/government-architect-nsw

Batemans Bay LEP

6.14 Design excellence

1. This clause applies to development involving the erection of a new building or external alterations to an existing building on land in Batemans Bay that is in Zone MU1 Mixed Use.
2. Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.
3. In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—
4. Whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
   a. whether the form and external appearance of the development will improve the quality and amenity of the public domain,
   b. whether the development detrimentally impacts on view corridors,
   c. how the development addresses the following matters—
   d. the suitability of the land for development,
   e. existing and proposed uses and use mix,
   f. heritage issues and streetscape constraints,
   g. the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
      i bulk, massing and modulation of buildings,
      ii. street frontage heights,
      iii environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
      iv the achievement of the principles of ecologically sustainable development,
      v pedestrian, cycle, vehicular and service access, circulation and requirements,
      vi the impact on, and any proposed improvements to, the public domain.

3.6 Context and analysis
Design excellence

Within the context of Batemans Bay Master Plan and specifically the Height and Density Study the inclusion of Design Excellence in the LEP has the potential to be a useful tool to incentivise and enable high quality built form and public realm outcomes for Batemans Bay.

Design excellence refers to a wide range of outcomes from appearance to embedded ESD principles and response to context. All proposed developments within the study area should reach a minimum standard to design excellence regardless of scale and type

Within the Town Centre, the strategic sites identified in this report have the potential to deliver significant change with a range of potential benefits to the community alongside increases to commercial and residential floor area. Subsequently, it is recommended that these sites must be assessed against the design excellence requirement including a design competitions as part of the design approval. In addition to the 6 strategic sites the hospital site is considered an important strategic site and recommended for design excellence assessment.

Strategic sites where this should be explored include but are not limited to:

- 29-31 Clyde Street
- 17-21 Clyde Street
- 13 Clyde Street and 4A / 6-8 North Street
- 1 Perry Street and 3-5 Beach Road
- 2 Vesper Street
- 17-21 Beach Road and 31 Orient Street

The Design Excellence requirement is currently not a mandatory requirement of the Standard Instrument -Principle Local Environmental Plan (2006). It provides a list of criteria that is required to be considered by Council for any development that is the Batemans Bay Town Centre limited to the Mixed Use Zone.

The purpose is to ensure that development applications exhibit design excellence with criteria required for applications under a proper assessment of Section 79 C of the Environmental Planning and Assessment Act 1979. The provisions result in buildings that are designed to consider surrounding development, are appropriate in setting and provide a satisfactory level of amenity for the future residents without detracting from the amenity of surrounding developments.

Challenges in achieving design excellence objectives

Currently, there are no incentives to deliver buildings with the qualities that can be ascribed to design excellence including, for example, beauty (materials, form and expression), sustainable design and design responses to context. Recent development applications in the Batemans Bay Town Centre have not resulted in innovative design, iconic buildings or buildings that align with natural and cultural characteristics of Batemans Bay.

Whilst many other LEPs in NSW contain similar provisions, these combine a Design Excellence Clause with other provisions that encourage excellence through height and Floor Space Ratio Bonuses. For example, Newcastle LEP 2012 contains a clause which provides height bonuses where a competitive architectural design competition is undertaken. Similarly, Sydney City LEP 2012 accompanies the design excellence clause with a competitive design process

Other Local government areas have "key site" provisions where height and floor space ratio bonus are available if design competition is undertaken in particular locations where development is encouraged and true design excellence can be achieved.

For Batemans Bay strategic sites could be identified for design excellence and subsequent design competitions with criteria to achieve particular outcomes such as a defined percentage of affordable housing. While in this instance this could imply that proposed increases to heights need not be reduced.

Affordable housing

There is a strong need for affordable accommodation in Batemans Bay for purchase and rental, to provide housing for workers to provide services for locals, businesses and the tourist industry.

The ELEP 2012 does not provide any provisions to encourage rental accommodation or affordable housing but relies upon the incentives and bonuses in the Housing SEPP (Housing) 21 which currently provides floor space bonuses and not height bonuses.

Future planning controls for the Batemans Bay height and Density Study Area should incentivise the delivery of affordable housing on a range of sites across the study area including those identified as strategic sites in this study.

Height and density study

4

Overview

4.1 Height and density study

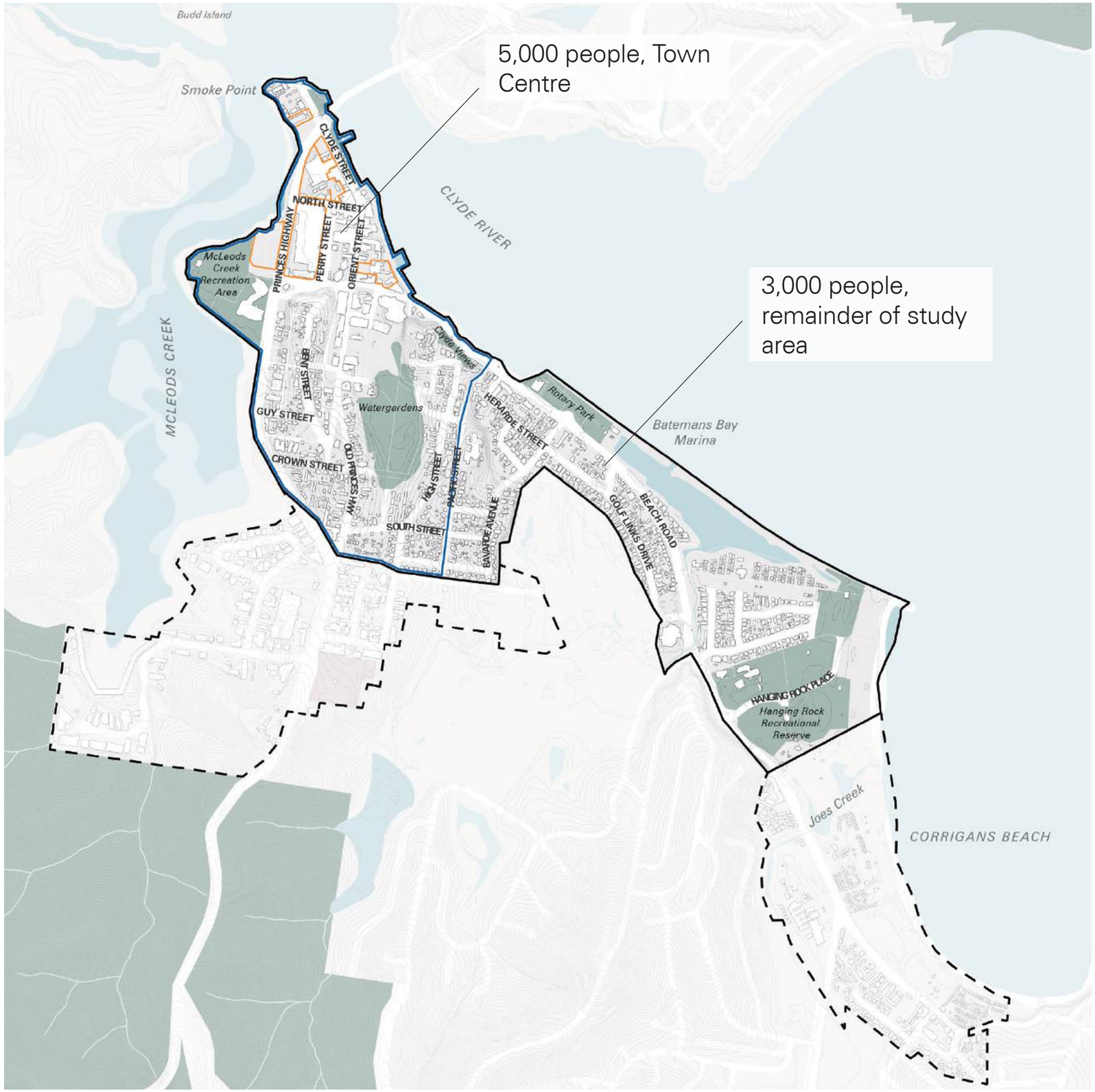
Population growth scenario

The focus of the Height and Density Study has been to investigate the capacity of the study area to accommodate up to 8000 new residents and supporting employment space while maintaining and improving the character and sense of place within Batemans Bay.

The study has included:

— developing credible built form that is aligned with the vision and urban design principles stated at the beginning of this document for 6 key sites in order to determine preferred heights and potential development outcomes.
— proposing improvements to the open space network to support increased density
— consideration of movement networks including primary pedestrian routes
— benchmarking residential, mixed use, and commercial developments to establish assumptions on land use and site coverage
— preparing yield analysis for the development potential sites of the study area based on assumptions above.

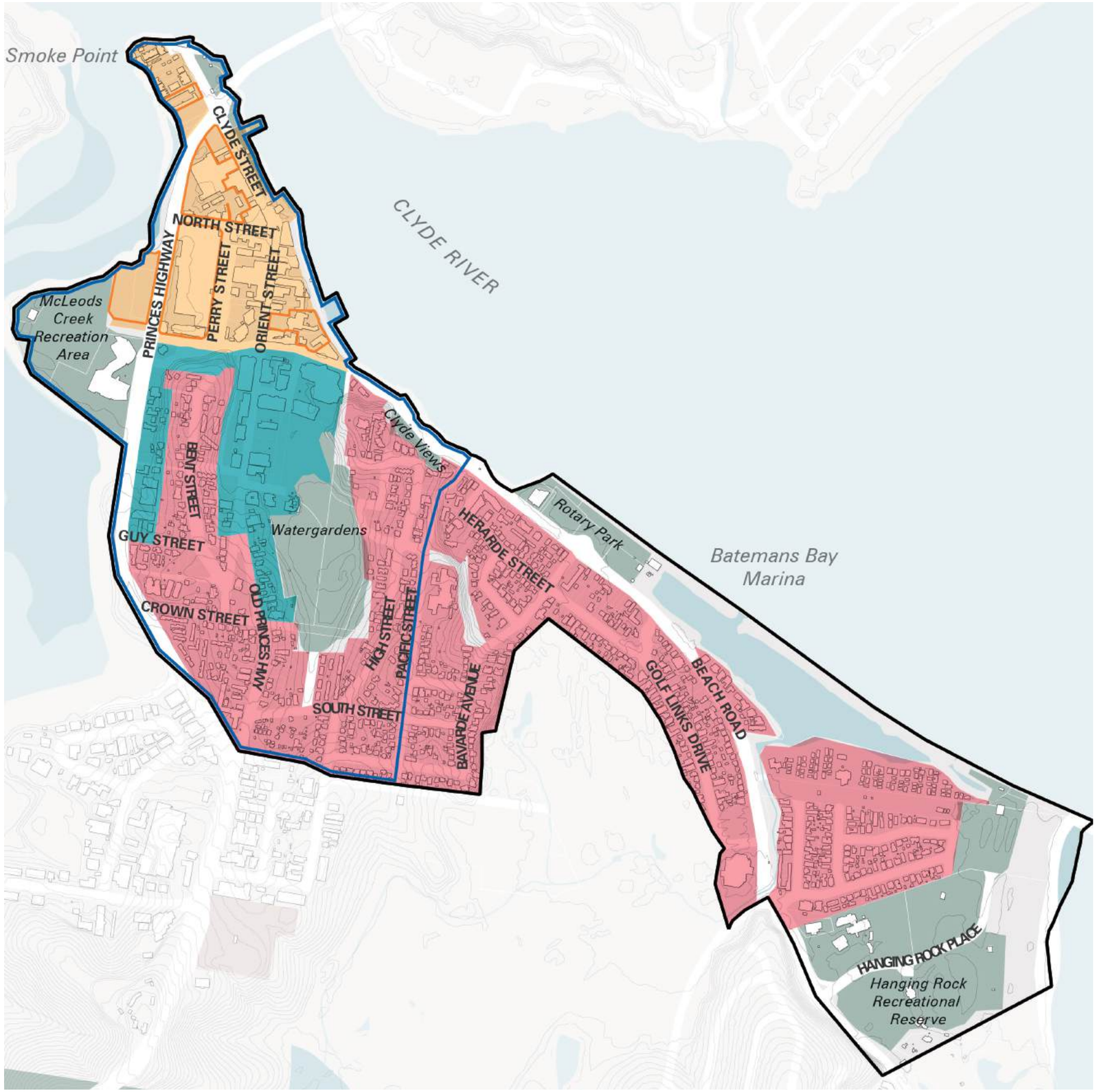
Note: the Height and Density Study assumes all future developments will comply with flood planning levels as required. Considerations of other issues associated with flooding and inundation have been excluded for this purposes of this study.



Population growth targets for study

4.2 Height and density study
Land use precincts

Preferred future land use within the study area has been developed to reflect current land use, the potential for renewal within the Town Centre 'triangle' and constraints such as topography.



The precincts within the study area

4.3 Height and density study

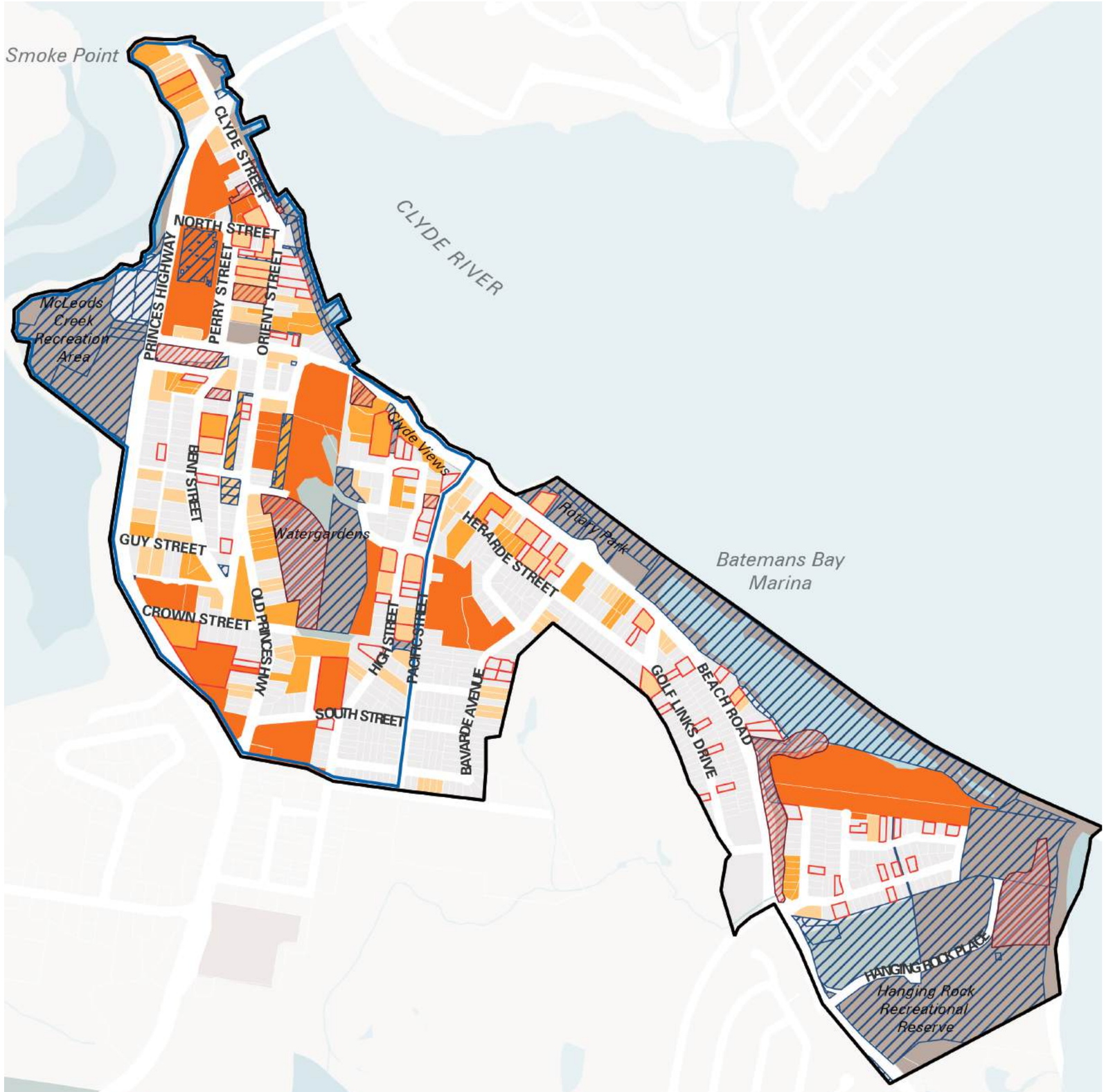
Development potential considerations

A range of existing conditions inform the potential for sites to be redeveloped, for example, lot size, location and ownership.

Redevelopment of council or other public held land is an opportunity to deliver a range of potential benefits to the community such as housing or community spaces. Council or government-led projects can act as an active catalyst for change demonstrating high-quality outcomes.

Strata titles can present as a barrier to further development in the short to medium term while heritage controls can be a constraint, although this is dependent on the nature of the heritage classification.

Larger and very large sites offer key opportunities for renewal within the study area.



Existing development considerations of the study area

4.4 Height and density study

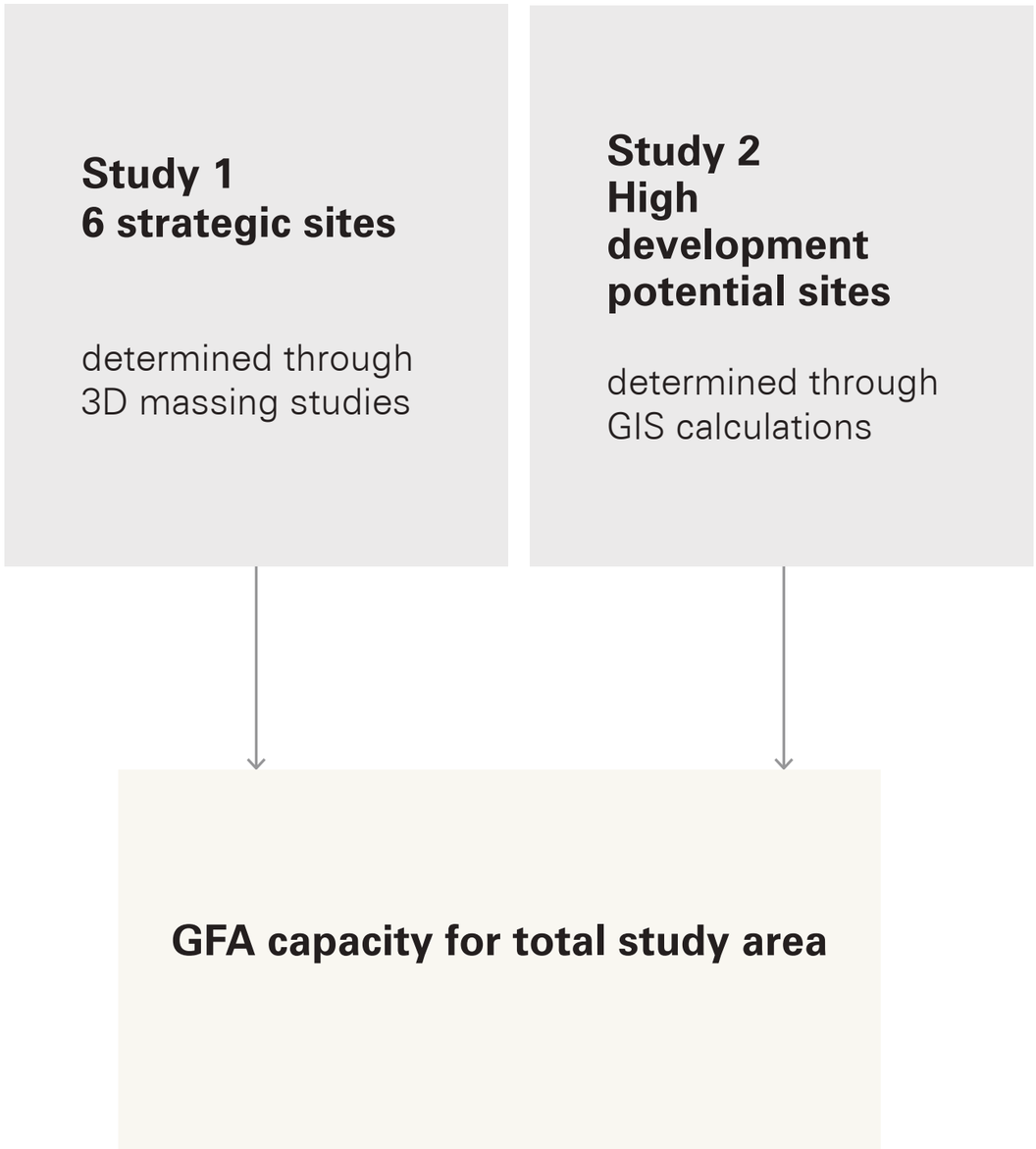
Capacity testing methodology

GFA calculations were undertaken to determine if the height and density study area has the capacity to accommodate 8,000 additional people in Batemans Bay.

Two different methods of calculations were used:
Study 1 - 3D massing for each strategic site
Study 2 - GIS calculations for the high development potential sites of the study area based on a series of assumptions around height, site coverage, and land use. High-level calculation on dwelling numbers are also based on dwelling size assumptions.
A step-by-step methodologies for each study is on the following pages.

Limitations
Whilst these studies look at a high level potential GFA for the hight and density study area, there are limitations to this process as outlined below:
- does not account for potential lot consolidation
- does not account for granular built form controls (e.g. setbacks)
- does not account for access constraints and car parking provision

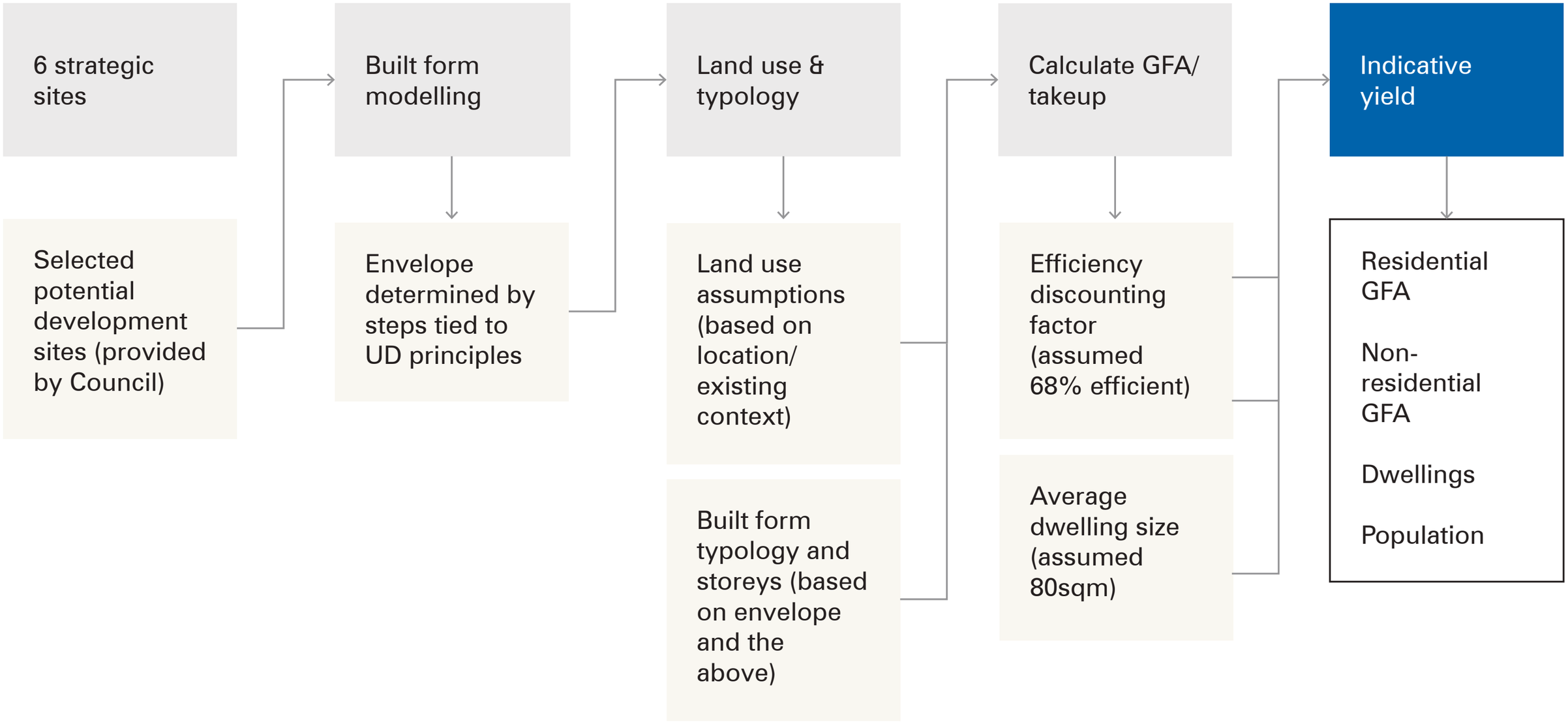
Larger sites should be investigated further to test scenarios for redevelopment outcomes.



4.4 Height and density study

GFA methodology

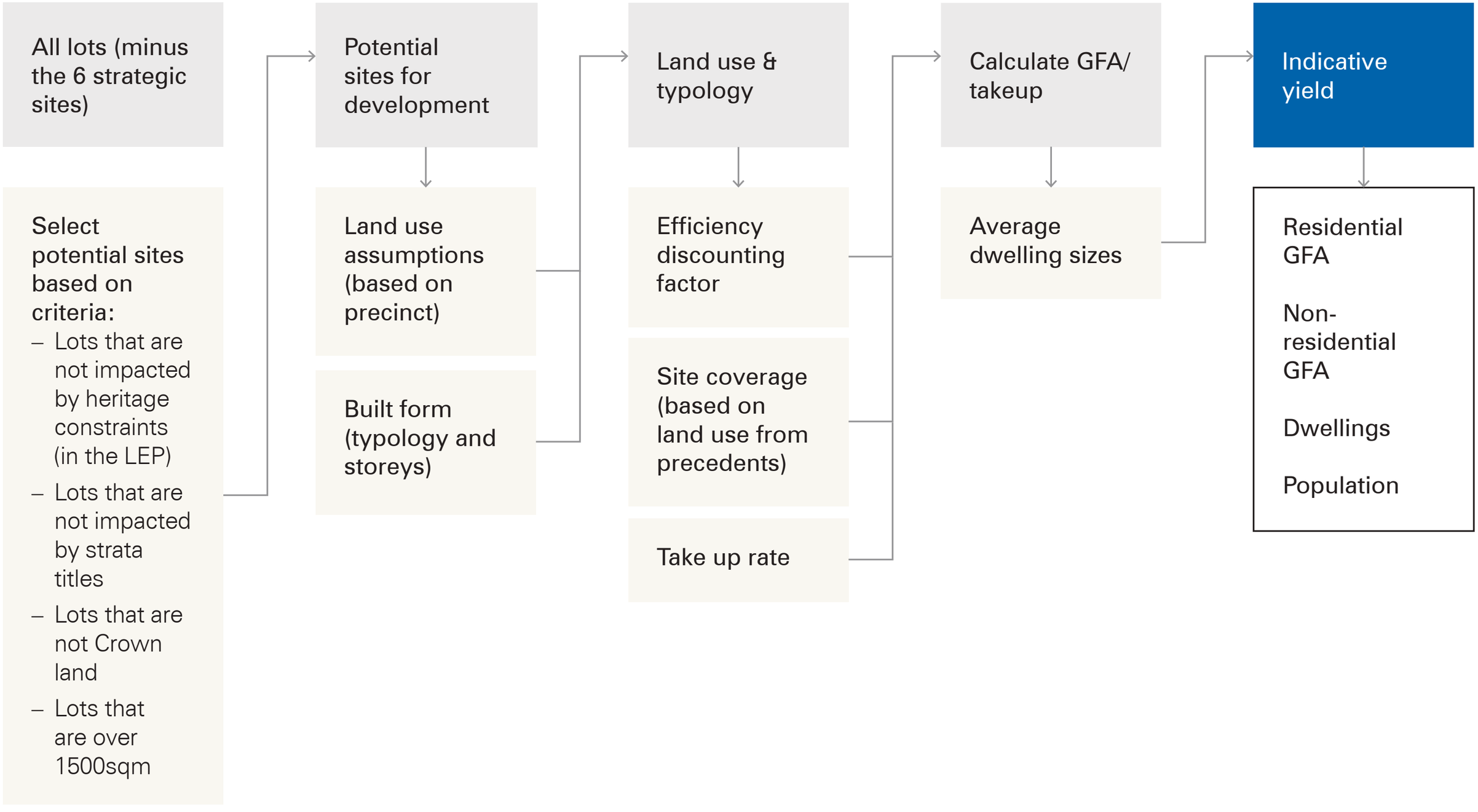
Study 1 - 6 strategic sites



4.4 Height and density study

Capacity testing methodology

Study 2 - high development potential sites



Study 1 - Strategic sites

4.5 Height and density study

Strategic sites

Strategic sites have been identified due to their significant potential for redevelopment.

They:

- are located within the 'heart' of the Batemans Bay Town Centre
- are under the one landowner or have a high potential for lot consolidation
- have development plans that are existing or underway
- are large lot sizes
- have multiple frontages and the majority have pedestrian laneways or thoroughfares.

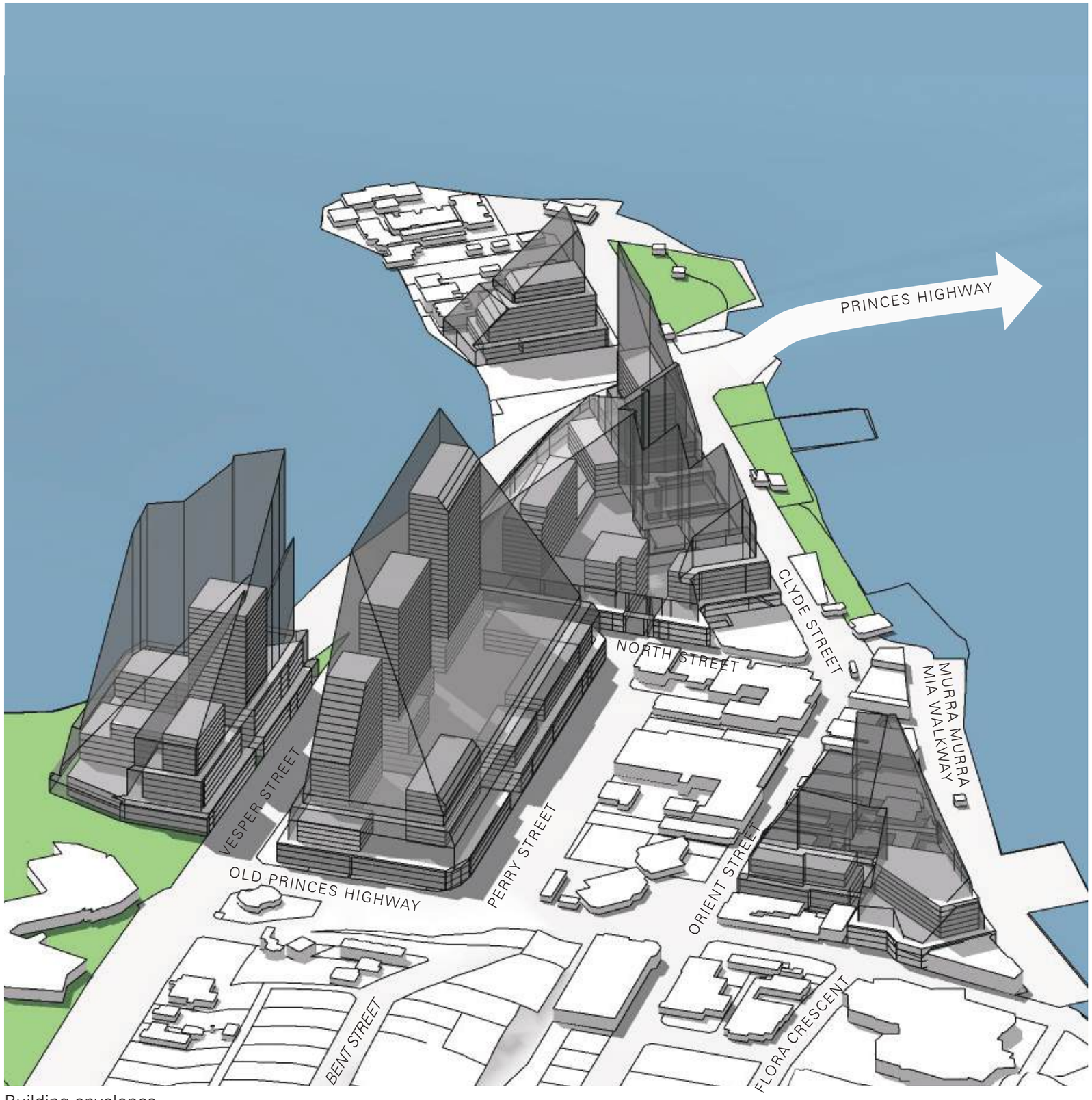
The 6 strategic sites within the study area

NTS

4.6 Height and density study
Strategic sites

Development envelopes were established for each site incorporating the following assumptions:

- floor to floor heights of 3.2m for residential use and 4m for retail, commercial and mixed use
- 80% built form efficiency for plant/core etc.
- 15% balconies for residential uses
- dwelling size of 80sqm (average of 1-2 bedroom apartments)



Building envelopes

4.5 Height and density study

Strategic sites

Massing methodology

Step 1:

Maximise mass, envelop cut away to protect the micro climate of key streets and public spaces between 11am and 3pm during the autumn equinox

Step 2:
Setback mass 5m above three storeys (12m) from primary interfaces to create a podium

Step 3:
Setback 4.5m from each lot siding for residential/sensitive use development

Step 4:
Above 30m, setback another 5m from all boundaries to create visual breaks between towers

Step 5:
Remove any height where floorplates are less than 500sqm/width is less than 17m

Plan view, strategic sites with built form

NTS

4.6 Height and density study

Strategic sites - yield summary

	Site address	Total height (meters)	Total height (storeys)	Total non-residential GFA* (sqm)	Total residential GFA** (sqm)	Indicative number of dwellings***
1	29-31 Clyde Street	35	12	5,425	6,630	80
2	17-21 Clyde Street	45	14	7,700	7,205	90
3	13 Clyde Street and 4A / 6-8 North Street	12-50	3-14	57,410	16,750	200
4	1 Perry Street and 3-5 Beach Road	85-100	26-30	59,460	86,125	1,070
5	2 Vesper Street	50-85	14-25	49,580	17,880	220
6	17-21 Beach Road and 31 Orient Street	20-30	5-9	15,372	7,935	90
	Total					1,750

*Assumed 80% built form efficiency for plant/core etc.

**Assumed 15% balconies and an 80% built form efficiency for plant/core etc.

***Assumed dwelling size of 80sqm (average of 1-2 bedroom apartments)

See appendix for breakdown of land use for each site - some sites have considered parking within development whereas others have assumed access to nearby parking facilities and thus do not include parking in their calcualtions.

NOTE: NO TAKE UP RATE HAS BEEN APPLIED TO THESE SITES

4.7 Height and density study

Proposed height controls

- Proposed changes to LEP height controls
- RLS shown reflect heights established through massing exercise above.
- Assessment of development applications on these sites should be against development meeting the urban design principles and core criteria and the delivery of additional benefits to the community - see Design Excellence.

Notes on heights in the LEP

- LEP height maps comprise 2 distinct ways to identify the maximum height permitted on particular sites. Height in metres above existing ground level is the common way to express maximum heights as it the easiest way to understand the proposed development outcome. However in certain cases a maximum RL can be used to prescribe the maximum height of buildings.
- Maximum RLs can be used where there are site specific outcomes required that generally have an effect on more than just the subject site. RL height standards can be used where solar access studies require particular parts of a building or group of buildings to be at exact height to preserve sunlight to a public space such as open space or public space. A similar approach can be taken to protect views or enhance views. RLs can also be used when a particular design outcome is prescribed on large sites as it can provide a more nuanced built form outcome.

Proposed height control plan

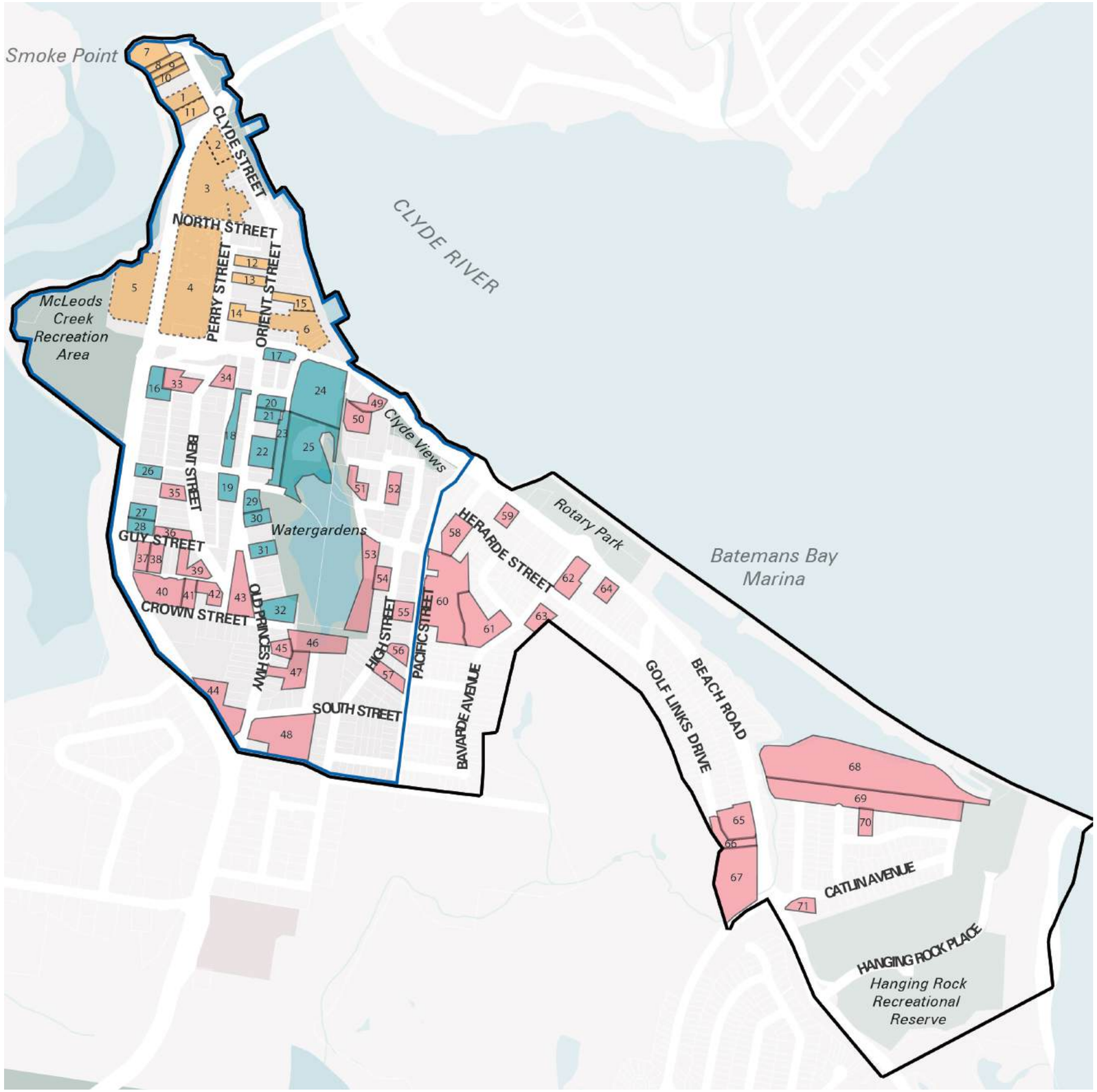
NTS

Study 2 - High development potential sites

4.8 Height and density study

High development potential sites

Across the remainder of the study area, and land use precincts, a series of sites have been identified with high development potential (see development potential considerations plan). A series of assumptions around the potential built form outcomes has the capacity testing exercise. Note, this is a high level exercise. Larger sites should be investigated further to further test feasible development outcomes.

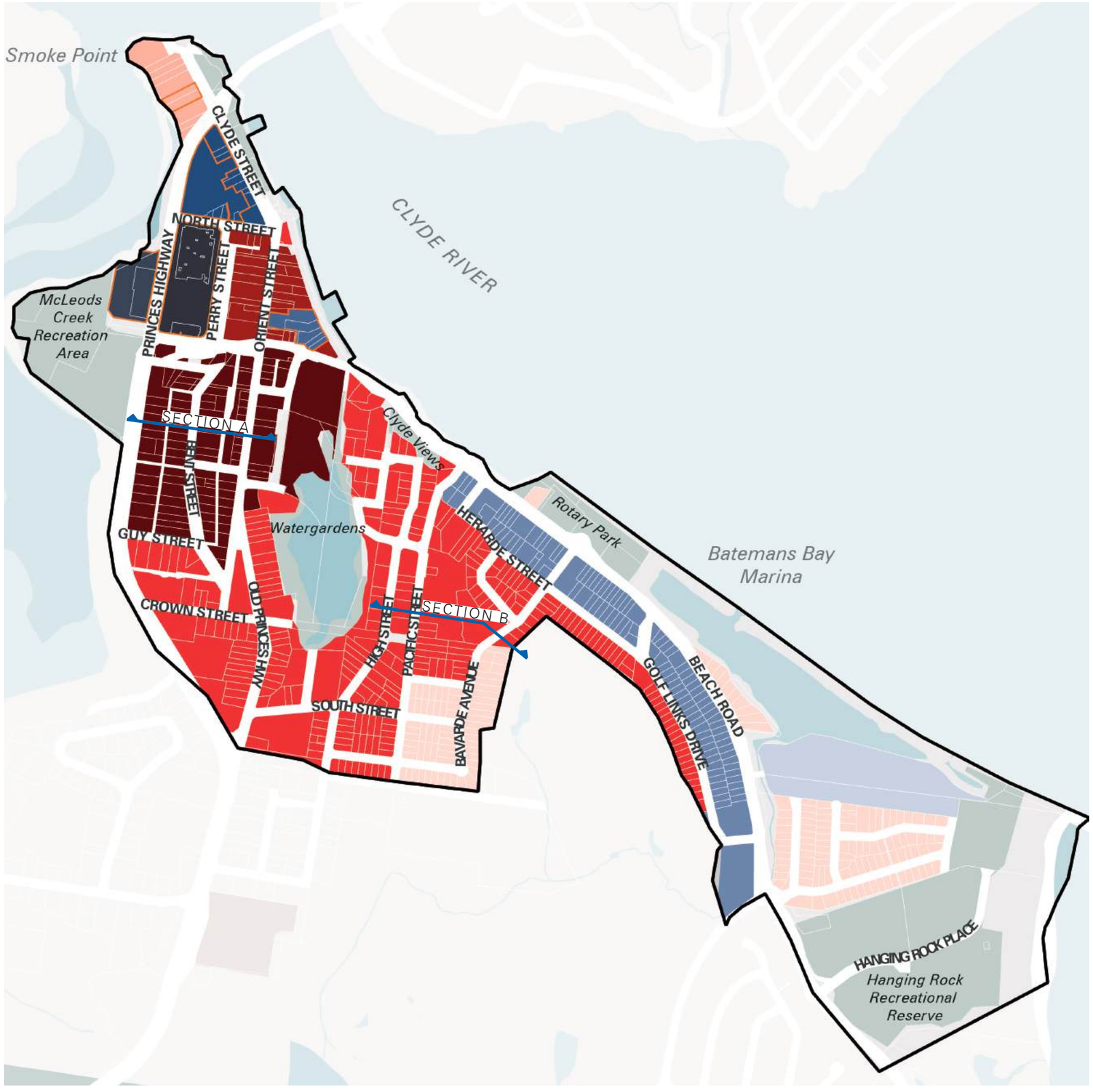


Strategic sites and precinct within the study area

4.9 Height and density study

Building height plan for yield study

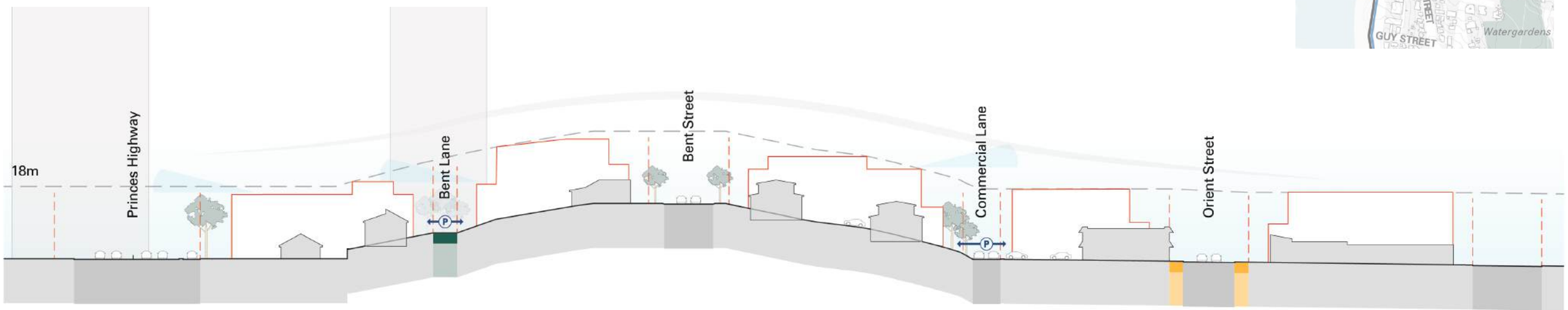
The heights plan is a core assumption for the capacity testing. Heights have been established through consideration of the proposed land use precincts, proximity to the town centre, strategic sites and main roads, and topography.



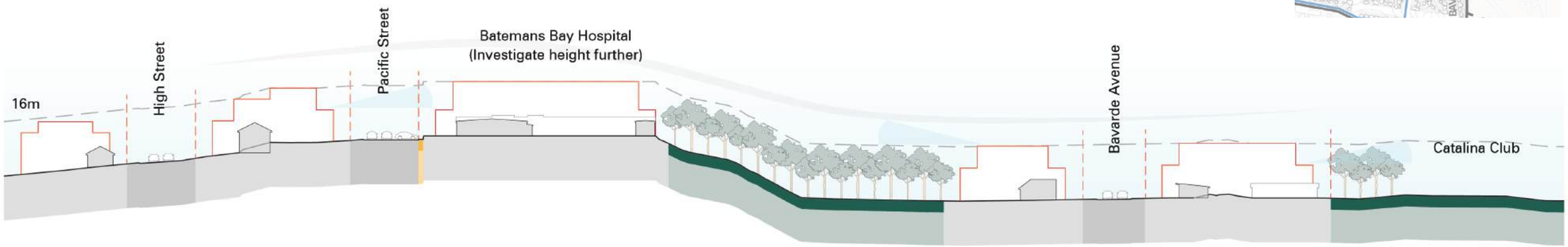
Proposed building heights across the study area

4.10 Height and density study

Concept sections



Proposed built form envelopes along Princes Highway, Bent Street and Orient Street



Proposed built form envelopes along Pacific Street and Bavarde Street

4.11 Height and density study

High development potential sites - yield summary

	Total non-residential GFA (sqm)	Total residential GFA (sqm)	Indicative number of dwellings
High development potential sites	123,170	167,530	1,650

PLEASE REFER TO EXCEL SPREADSHEET IN APPENDIX C FOR DETAIL

Public realm and landscape

5

5.1 Public realm and landscape

Landscape principles

This vision of a growing Batemans Bay will be framed around an environmentally diverse suite of open spaces, contemporary in their expression, which together enable everyone to actively participate in the healthy life of Batemans Bay.
In this vision, open spaces are not spaces waiting to be filled, but rather to be valued as an essential component of a liveable city – places where bonds are formed, a sense of place grows and a defining element of what it means to live in Batemans Bay.
The open space principles have been identified as a way of guiding change to achieve this vision.

Make open spaces people places

Open spaces that support the health of the community should be created that incorporate multiple opportunities for creative expression, play, relaxation and social engagement. Ensure the open spaces of Batemans Bay can be enjoyed by everyone including people of all ages, abilities and sensory/ cognitive capacity.

Activate open spaces day and night

The integration of open space with building development offers opportunities for arts, culture and the environment to create a day/night, indoor/ outdoor activation of the City of a quality commensurate with the importance of Batemans Bay in the life of the coast.

Ensure open spaces address the expected impacts of climate change

Open space has a central role in addressing the effects of climate change through the provision of ecosystem services. The open spaces of the city should be planned to be sustainable, climate resilient locales that support urban biodiversity while contending with the threats of flooding and sea level rise – a cultivated ecology of ecological diversity and beauty.

Foster a strongly connected open space network

Envisage the open spaces and streets of the City as green-blue corridors that underpin active and vehicular transport, provide for passive and active recreation, support urban biodiversity, address flooding and create a thriving city life.

Ensure open spaces work to the benefit of local business

Safe, well considered connections via high-quality streets, promenades, pathways and upper level greening with areas to meet, collaborate and relax connected with vibrant, activated streetscapes are a great platform around which to build a thriving business economy.

5.2 Public realm and landscape

Proposed open space network - Town Centre

Green spaces and the streets and paths that connect them are the heart of an open space network.

Together, parks, streets, forecourts and squares provide for social connection, recreation and the experience of nature. The suggested open space strategy for Batemans Bay imagines the major green areas of the Town Centre such as the Watergardens and the proposed central green of a reconsidered Perry Street as part of a well-connected series of green rooms, extending onto the built form through green walls and elevated gardens. These are linked by green/blue streets and shared pedestrian/cycle corridors supported by streetside footpaths across the fringes of and linking to the Town Centre. Opportunities for wider connections are also proposed and consideration given to the creation and/or uplift of existing open spaces.

New and existing green spaces are pictured as a contemporary public realm with a variety of programmatic uses supported by quality furniture and dark sky sensitive night lighting. Streets are tree lined and runoff is managed for multiple benefits including support for streetscape plantings, aesthetics and flood control.

Aker Brigge Wharf, Norway

Namba Parks, Osaka

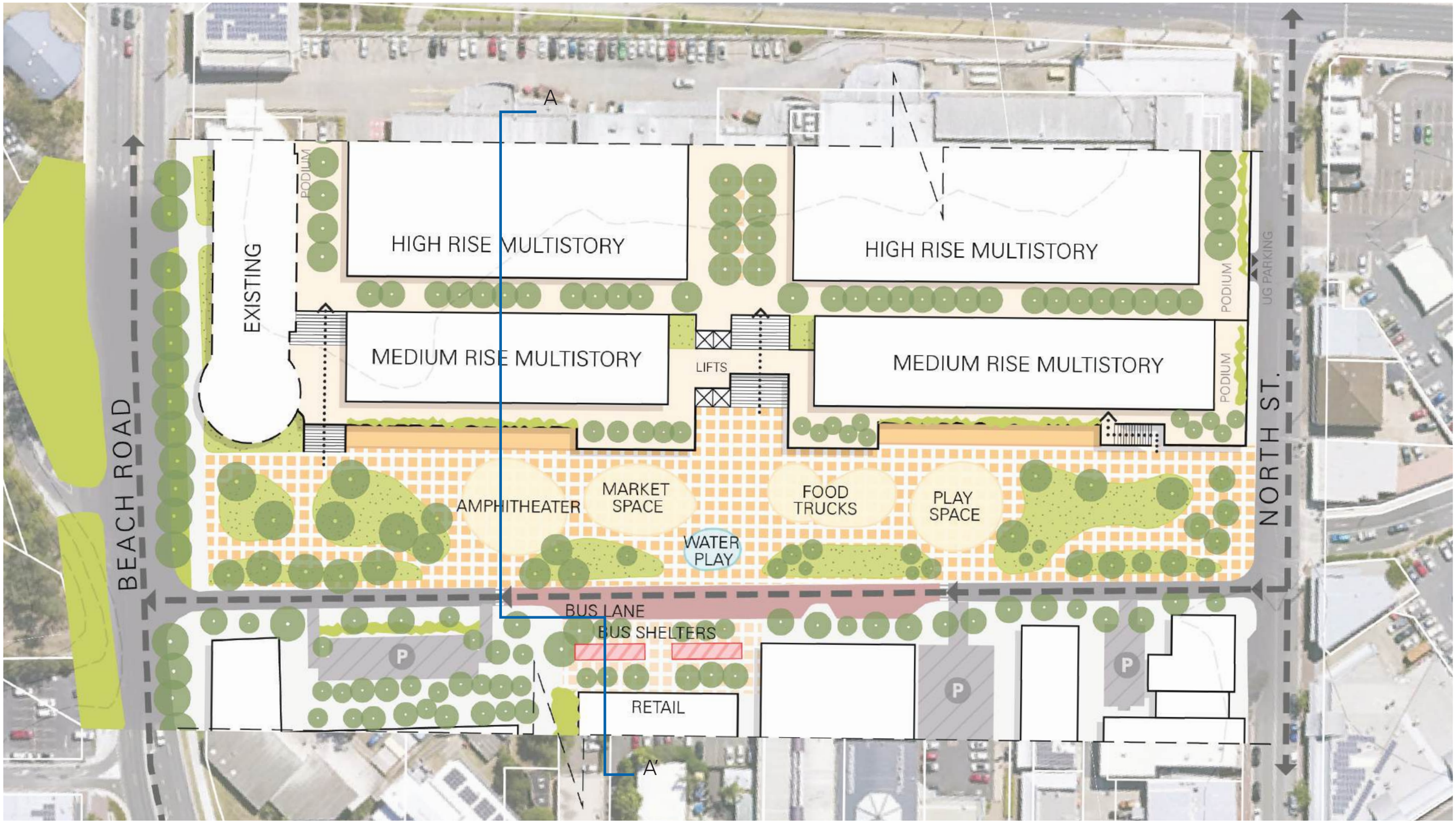
Adelaide Botanical Gardens Wetlands, Adelaide

Bellerive Marina, Hobart

Proposed open space network plan (Town Centre detail)

5.3 Public realm and landscape

Perry Street concept plan

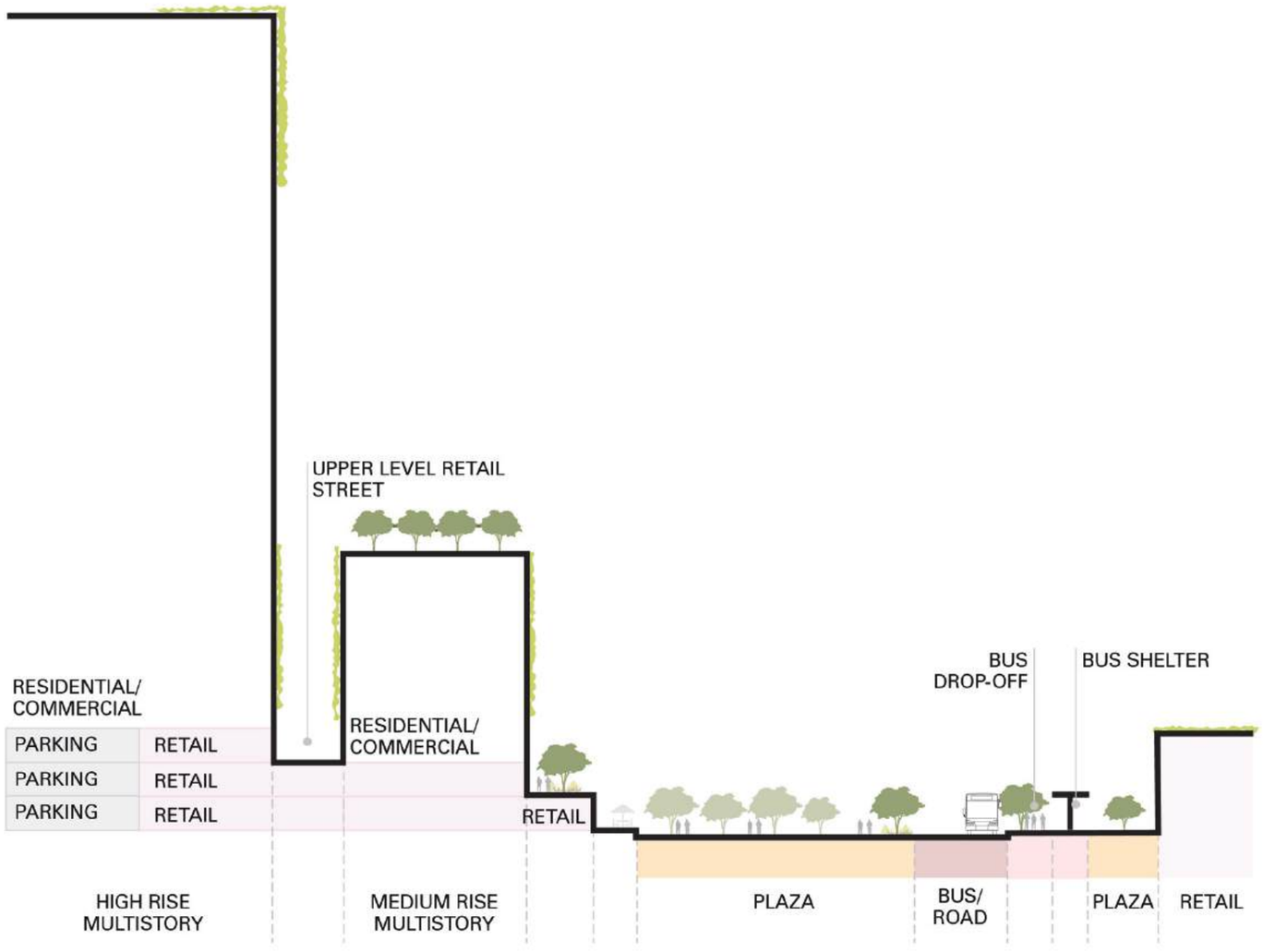


Perry Street plaza concept plan

5.4 Public realm and landscape

Perry street concept section

Perry Street offers the opportunity to integrate new development, hanging gardens, public open space and an upgraded bus interchange. Staging is critical, with early works closing the street and creating a new link on the east to access existing parking and begin redevelopment of the bus pick/up drop off area. In time, the street will give way to open lawns, programmed space such as children's play and become a central Town Square meeting place for Batemans Bay.



Perry Street plaza section (Section AA')

Proposed planning framework

6

6.1 Proposed planning framework

Recommendations

LEPs are produced having regard to Local Strategic Planning Statements (LSPS), in this case the Eurobodalla LSPS 2020-2040 which identifies the vision for the Shire based on a number of criteria including demographics. Planning Proposals are prepared to amend LEPs in a manner consistent with the NSW Government Local Environmental Plan Making Guideline 2023. The LEP sits between the various State Environmental Planning Policies and Council's Development Control Plan. The State Environmental Planning Policy (Housing 21) provides controls relating to residential apartment buildings and affordable housing. The SEPP (Housing) 21 calls up the Apartment Design Guide which is a design and assessment tool .

The main purpose of an LEP is to identify appropriate land uses and the built form on land and identifies what factors may restrict development.

In this regards the LEP provides the land use zones that determine what land uses are permissible on each parcel of land. The LEP may determine height limits and floor space ratios for each site. The LEP will identify heritage items, acid sulphate soils, identify flood planning levels, identify bushfire hazards and land with stability issues.

A Development Control Plan is adopted by Council and provides the design criteria to be considered when designing a building on a parcel of land. It contains the fine grain, local criteria for development applications to be assessed against .

Amendments to LEP provisions to include:

- Zoning to align future use with preferred land use and character
- Activation of streets with a focus on the key pedestrian network, through the design and use of ground and lower levels of buildings
- Controls to support a mix of housing typologies including medium and higher density housing, provision of affordable housing
- Adequate employment GFA across the centre to meet projected employment growth
- Providing height limits as RL(m)s
- Incorporate Urban Design principles
- Widening of laneways through development sites to enable laneway access to rear or lower level parking (e.g.. Bent Lane and Commercial Lane) This would be located in the DCP unless there was a necessity to reserve land for acquisition

Prepare a Development Control Plan to provide greater detail on the future of the Town Centre including:

- Built form controls e.g. setbacks, reverse amenity, etc. this is not a term used in NSW, Do you mean where sensitive land uses are affected by existing uses. We would use the term minimise land use conflict
- Strategic sites and other development or renewal opportunities
- Transport and movement including active and public transport, vehicular access and parking
- Public space and open realm - laneway network and open spaces including existing and potential new open spaces delivered through key development and other sites
- Placemaking and activation – ground floor use, transparency, opportunities for placemaking and activities

The SEPP Housing 21 provides development incentives for providing affordable rental accommodation that is rented by a registered community housing provider.

The Apartment Design Guide provides the criteria for residential apartment buildings to be designed and assessed against.