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NOTES

ALL DIMENSIONS IN MILLIMETRES UNLESS OTHERWISE SHOWN. WORK TO FIGURED DIMENSIONS IN PREFERENCE TO SCALING FROM DRAWING.

ALL DIMENSIONS TO BE VERIFIED ON SITE PRIOR TO CONSTRUCTION.

ANY DISCREPANCIES TO BE REPORTED TO PRIMARY CONSULTANT PRIOR TO PROCEEDING WITH THE WORK.

READ DRAWINGS IN CONJUNCTION WITH ALL OTHER CONTRACT DOCUMENTS.

ABBREVIATIONS

[illegible]

**AUSTRALIAN
STANDARDS**

M MIRROR

ALL WORKS TO COMPLY WITH, BUT NOT LIMITED TO
THE FOLLOWING STANDARDS:

BALUSTRADE LOADING:	AS 1170
GLAZING:	AS 1288
LIGHT TIMBER FRAMING:	AS 1684-1988
TERAZO TILE PRECAST:	AS 2060-1-2008
WATERPROOFING WET AREAS	AS 3740
SMOKE DETECTORS	AS 3798
SUB-FLOOR VENTILATION:	SCA PART 3.4.1

ENERGY
EFFICIENCY
NOTES

UNLESS OTHERWISE NOTED, ALL RESIDENTIAL PROJECTS SHALL INCORPORATE THE FOLLOWING:

1. PROVIDE MINIMUM R-5.0 INSULATION TO CEILING AND REFLECTIVE FOIL TO UNDERSIDE OF ROOF
2. PROVIDE MINIMUM R-11 INSULATION FOR TIMBER FRAMED WALLS INCLUDING BRICK VENEER
3. PROVIDE SEALS FOR ALL EXTERNAL WINDOWS & DOORS
4. NEW HOTWATER HEATERS SHALL BE A MINIMUM OF 2.0 STAR ENERGY RATING

GENERAL NOTES

UNLESS OTHERWISE NOTED OR DIRECTED,
FLOOR TILES SHALL BE NON-SLIP WITH A MINIMUM READING
OF 0.41 ON THE TORTUOS TEST AND 0.4 ON THE BIGLER TEST
FOR BOTH DRY AND WET SLIP RESISTANCE.

FOR APPROVAL
NOT FOR CONSTRUCTION

AMENDMENTS

[illegible]

TITLE	SECTIONS 01
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PROJECT PACIFIC HOTEL - YAMBA

LOCATION LOT 1 DP 884 800
18 PILOT STREET
YAMBA NSW

CLIENT JOHN D. McINTOSH

SCALE 1:100 (A0) DATE JAN 2000

DRAWN LG APPROVED

PROJECT NO 418

DRAWING NO DA1601 ISSUE NO A

SNELL

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NOTES

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ALL WORKS TO COMPLY WITH, BUT NOT LIMITED TO
THE FOLLOWING STANDARDS:

BALUSTRADE LOADING:	AS 1170
GLAZING:	AS 1288
LIGHT TIMBER FRAMING:	AS 1584-1988
TREXITE PROTECTION:	AS 3380-1-2005
WATERPROOFING WET AREAS:	AS 3745
SMOKE DETECTORS:	AS 3788
SUB-FLOOR VENTILATION:	BCA PART 3.4.1

ENERGY
EFFICIENCY
NOTES

UNLESS OTHERWISE NOTED, ALL RESIDENTIAL PROJECTS SHALL INCORPORATE THE FOLLOWING:

1. PROVIDE MINIMUM R=2.0 INSULATION TO CEILING AND REFLECTIVE FOIL TO UNDERSIDE OF ROOF
2. PROVIDE MINIMUM R=11 INSULATION FOR TIMBER FRAMED WALLS INCLUDING BRICK VENEER
3. PROVIDE SEALS FOR ALL EXTERNAL WINDOWS & DOORS
4. NEW HOTWATER HEATERS SHALL BE A MINIMUM

**GENERAL
NOTE8**

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OF 0.41 ON THE TORTUS TEST AND 0.4 ON THE SIGLER TEST
FOR BOTH DRY AND WET SLIP RESISTANCE.

FOR APPROVAL
NOT FOR CONSTRUCTION

AMENDMENTS

[illegible]

TITLE	NORTH AND SOUTH ELEVATIONS
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PROJECT PACIFIC HOTEL - YAMBA

LOCATION LOT 1 DP 884 000
18 PILOT STREET
YAMBA NSW

CLIENT JOHN D. McINTOSH

SCALE 1:100 (A0) DATE JAN 2009

DRAWN LG APPROVED

PROJECT NO 418

DRAWING NO DA1803 ISSUE NO A

SNELL



Photo 5: Pre-development as proposed



Photo 6: Post-development as proposed.



Photo 7: Photomontage showing the view of the site post-development, taken from the same point as the view of the site shown in Photo 1

The appearance of the proposed development, as indicated in Photograph 7, will be one of a low-scale development which incorporates design elements that will allow for significant relief when the structure is viewed from surrounding public areas. Also, when viewed from the ocean at distances further to the east, the design of the development will limit the overall visibility of the lower unit levels.

SECTION 79C EVALUATION FOR DA2010/0264
Lot 1 DP 554606 - 16 Pilot Street YAMBA NSW 2464 -

Details of proposal

The application proposes redevelopment of the Pacific Hotel site in Yamba. The development retains the southern portion of the hotel and demolishes the northern section to be replaced by a building of similar structure and form.

Existing hotel includes 23 accommodation rooms in a two storey northern portion (to be demolished) and a 3 storey southern portion. A 5 bedroom private residence is also located in the southern section. The bar, lounge and gaming area is located in the southern section. A single storey detached dwelling is located on the lower section of the site, which will be demolished.

Proposed development includes:

- Four (4) new tiered levels of units on the eastern side of the site; to include eight (8) new residential units in levels 1 and 2; sixteen (16) new hotel rooms in levels 3 and 4;
- Refurbishment of the existing lower level of the southern portion of the hotel to provide pool, spa, gym, video games area, bar and lounge, outdoor seating and toilets;
- Demolition of the 2 storey northern section of the hotel, including 9 existing hotel rooms & replacement with levels 5 to 8 in a four level structure. This will include internal entry at level 5; basement carpark for 10 vehicles at level 6; carparking for 6 vehicles at level 7 and eight (8) new hotel accommodation units in new level 8;
- A further two (2) existing hotel rooms will be demolished in level 7 to allow for construction of stairs and a ramp between levels 7 and 8.

With the demolition of the northern section, eleven (11) of the existing 23 accommodation rooms will be lost. The twelve (12) remaining rooms, along with 24 new rooms will mean that post development the Hotel will contain 36 hotel accommodation rooms. This is a net increase of thirteen (13) rooms.

In respect to the 8 residential units on levels 1 & 2; they will have privacy to access their own front doors; and will have secure parking on level 5. Other facilities such as the pool area will be shared between residents of those units and other hotel guests.

Therefore, post development, the Hotel complex will have eight (8) new residential units (6 x 2 bedroom and 2 x 3 bedroom); and 36 hotel accommodation rooms (a net increase in hotel rooms of 13).

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:
- (i) any environmental planning instrument

SEPP (Major Developments) 2005

The development is considered to be Regional Development under the terms of the SEPP, and under Part 4 of the EPA Act. As such, Council manages the application and assessment processes relating to the application; and the Joint Regional Planning Panel becomes the determining authority under clause 13C (a) (1) of the SEPP.

Coastal Protection Act 1979

The primary aim of the Act is to protect the coastal environment *‘for the benefit of both present and future generations’*. It requires that any development have regard to the principles of ecological sustainability. Assessment of the development proposed notes that it will not adversely impact on the beach environment or beach amenity, and it will not affect public access to the beach or foreshore areas. Assessment of the impact from the development proposed is captured in the Table attached for assessment against SEPP 71.

SEPP 71 Coastal Protection

The site is located within the coastal zone. An assessment against the main provisions of the SEPP is contained in the Assessment Table attached. It is concluded that the design proposed will not adversely impact on coastal views or amenity; it will not restrict public access to the foreshores; and with the imposition of appropriate conditions to address slope stability, the aims of the SEPP will be met.

The NSW Coastal Policy 1997

The NSW Coastal Policy also seeks to promote ecological sustainable development on the NSW coastline. The parameters for review of a development within the coastal zone, are contained in Table 3 of the Policy. Matters such as access; visual amenity, hazard prevention, and conservation have been considered during assessment of the subject application.

The Pacific Hotel is an iconic structure that sits high on Yamba hill, overlooking Main Beach. The finished height of the new development will not exceed the height of the existing northern building, which will be demolished to make way for the new building.

It is demonstrated that access to the coastline will not be affected by the development; the beach will not be overshadowed due to the design proposed; visual amenity of the immediate locality will not be adversely affected; and hazard reduction will be addressed through the imposition of appropriate conditions.

North Coast Regional Environmental Plan (NCREP) 1988

The NCREP is now considered to be a SEPP (1 July 2009) and a number of sections of the SEPP apply to this development. In particular, the following have been considered:

Part 3 Division 2 Coastal Development has the objectives:

- (a) to enhance the visual quality of the coastal environment,*
- (b) to provide for the appropriate recreational use of beaches,*
- (c) to protect the water quality of the coastal environment,*
- (d) to minimise risks to people and property resulting from coastal processes,*
- (e) to minimise changes to coastal processes resulting from development, and*
- (f) to encourage retention of natural areas and regeneration of those natural areas which are already degraded.*

It is considered that the development proposed has been designed in such a manner as to not conflict with the objectives of this section of the SEPP. In respect to development control over lands affected by the SEPP; clause 32B requires that Council take into account the NSW Coastal Policy 1997 (see comments above); the Coastline Management Manual; and the North Coast Design Guidelines (see below).

The interest of NSW Government Coastline Management Manual 1990 relates to the effect of the development on the soil / geological stability of the site. Some geotechnical information was provided with the application; this was supplemented with the response to council's information request; and it appears that the design can be accommodated on site. The applicant contends that *'the proposal has been designed with the benefit of geotechnical information to protect both the existing and proposed development from landslip and to limit the instability of the site as a result of removal of the existing vegetation from the eastern part of the site'*. However, this element is recognised as an extremely significant matter that needs to be fully addressed prior to any disturbance of the site.

NSW Coastal Design Guidelines

These Guidelines seek to achieve built form that fits in with the natural landscape.

The site contains the existing Pacific Hotel building, which is visually prominent and, while it does not have a heritage listing, it is a readily identified building. The

southern section of the Hotel is the most recognizable in form, function and character, and this is to be retained. The redevelopment of other sections proposed; and the introduction of the new levels, must be responsive in form and character.

The northern section of the Hotel is to be demolished and redeveloped. The new northern portion retains the form, height and character as that being removed, and is *'unlikely to represent any interruption to the existing and future ridgeline and skyline above main beach'*.

Levels 1 – 4 are stepped down the natural slope line, which architecturally limits the mass and scale of the development, as these are seen as several tiers against the hillside. The applicant notes in their brief that this low profile design ensures that the visibility of the lower level units will be limited when viewed from main beach, due mainly to the natural topography of the Crown reserve area immediately behind the beach.

Shadow diagrams have been provided which demonstrate that Main Beach will not be overshadowed by the development at 3pm midwinter; or 7pm midsummer (daylight saving time). It should be noted that the beach is already overshadowed due to it being located to the east, at the foot of the hill.

Clause 75 of the NCREP relates to tourist development. This clause sets out the criteria for assessment as:

- (a) adequate access by road, railway or water transport (or any combination of them) exists or will be provided to service the development, taking into account the scale of the development proposed, and*
 - (b) if the proposal involves permanent residential accommodation, all social and community services reasonably required by those residents exist in close proximity to the development, and*
 - (c) the development will not be detrimental to the scenery or other significant features of the natural environment, and*
 - (d) reticulated water and sewerage are available, or arrangements satisfactory to the council have been made for the provision of those facilities.*
- (2) In considering an application for consent to tourism development, the council must have regard to principles contained in the Tourism Development Along the New South Wales Coast: Guidelines.*

The development will contain residential accommodation, which may be permanent; however it is contained in close proximity to the main CBD of Yamba. It is a redevelopment of the existing Pacific Hotel, which is an accepted part of the visual landscape for Yamba Hill. The proposal will not compromise the intent for tourist development as contained in the criteria above.

In terms of the Tourist Guidelines mentioned in point (2) above, the development is considered to be a 'small scale development' comprising less than 50 accommodation units. This is within the scale envisaged for Yamba.

The applicant has articulated how the development meets all criteria of the Tourist Guidelines; and has satisfactorily demonstrated that infrastructure is available to the site; and that the residential component fits appropriately into the whole redevelopment. By having the residential units downslope from the main hotel, separated in built form and by landscaping; the visual and acoustic privacy of those units can be achieved.

Clause 81 of the NCREP relates to development adjacent to the ocean. This site is within 100m of the ocean, and therefore clause 81 applies. The NCREP requires that Council be satisfied that:

- (a) there is a sufficient foreshore open space which is accessible and open to the public within the vicinity of the proposed development,*
- (b) buildings to be erected as part of the development will not detract from the amenity of the waterway, and*
- (c) the development is consistent with the principles of any foreshore management plan applying to the area.*

The development proposed does not offend any of the above criteria, and therefore the application can be recommended for approval.

SEPP 65 design Quality of Residential Flat Development

The proposed development is considered to be a 'residential flat building' for the purposes of SEPP 65 as the building comprises three or more storeys and contains four or more self contained dwellings.

The development application has been accompanied by design verification from a registered architect, as required by the EPA Regulations. The architect verifies that the design quality principles set out in Part 2 of the SEPP have been achieved. The design verification can be provided as an attachment to the planning report, to support and explain the design brief for the redevelopment.

There is no Design Review Panel (as referred to in the SEPP) for the north coast region. Therefore, the proposal is assessed using the design report from the architect.

Maclean LEP 2001

The land is zoned 2 (t) Residential (Tourism) under the Maclean LEP. The aim and objectives of the Zone are:

*The primary **aim** of this zone is to enable the provision of tourist facilities and high density residential accommodation and associated facilities.*

*The particular **objectives** of this zone are:*

- (a) development of a diverse tourism industry to strengthen the local economic base of the local government area of Maclean, which does not detract from the natural, social and built environment, and*
- (b) provision of tourist facilities, recreation facilities and high density residential development and associated uses without adverse impact on surrounding development, and*
- (c) provision of employment opportunities and economic benefits, and*
- (d) adequate provision for water and effluent disposal.*

The use proposed is defined under the LEP as a tourist facility which is defined as:

***‘tourist facility** means an establishment providing for holiday accommodation or recreation and may include backpackers’ accommodation, bed and breakfast accommodation, boat landing facilities, boat sheds, camping grounds, caravan parks, guest houses, holiday cabins, hotels, houseboats, marinas, motels, playgrounds, recreation facilities, refreshment rooms, serviced apartments, kiosks, water sport facilities or clubs used in conjunction with holiday accommodation or recreation, but does not include a total destination resort.’*

A tourist facility is a permitted use in the Zone.

The development proposed is consistent with the aims and objectives of the 2 (t) Zone, demonstrated by the following points:

- Supports and maintains a diverse tourism industry in Yamba, and adds value to the local economic base of the Clarence valley;
- It does maintain the character of the current built environment through retaining the core features of the Pacific Hotel, including the main façade on the south-western side of the building;
- The proposed redevelopment, including the addition of the four lower tiers of units and the redevelopment of the northern wing; has been designed to respect slope and natural features of the land;
- The Pacific Hotel provides an important recreation focal point within the township, and is recognized as part of the social fabric of Yamba;;
- Significant employment opportunities should spill from the redevelopment, during both the construction and operational phases; and
- The development can be connected to all services.

Clause 13 Development within the Coastal Zone

This clause requires consideration against the NSW Coastal Policy. This has been undertaken (see section above).

- (ii) **any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved)**

The site is designated as SP3 Tourism Zone in the Clarence Valley Draft LEP 2010. The draft LEP was placed on public display, and is to be considered by Council again at the September meeting. The use would likely be defined as a 'pub' which is a permissible use in the Zone. Maximum height in the subject location is 9.0m and the new extension for the northern wing is below that height. The development proposed will not compromise any provisions of the draft LEP.

- (iii) **any development control plan**

The DCP for Development in a Residential Zone is applicable to this development. A summary of assessment is as follows:

ISSUE	REQUIREMENT	Develop in Residential Zones DCP CL.	PROPOSED	COMPLIES
Objectives for development in Res Zones	Siting; Character & Identity; Streetscape; Building design; building height and setbacks; open space & landscaping	D1	Each of these elements is discussed below.	Generally yes
Site Assessment	Opportunities and constraints for the site - Topography, drainage, vegetation, aspects, views, access, etc	D3	Apart from that section of the site where the hotel is sited, the land falls away steeply to the east. The new sections of the development (levels 1 – 4) will be located on this slope, but they are tiered into the slope to reduce	Yes -condition

			<p>visual impact.</p> <p>Access will be from Pilot street, not from the Crown reserve to the east.</p> <p>The development is well in excess of 25m inshore from high water mark.</p> <p>Further geotechnical detail (to establish site stability) will be required prior to any disturbance of the site.</p>	
Potential to impact on coastal views	Does the development affect coastal views	D4	<p>Views from residences to the north should not be impeded. Photomontages were provided.</p> <p>Views from the beach landward will be impacted to a degree by the new levels 1 – 4 on the south eastern slope. However, the main building that dominates the view from the beach is the existing hotel building.</p>	Yes
Streetscape	Presentation; setbacks, height (9m max),	D5	There will be little change to the Hotel when	Yes condition for roof colour

	roofing, heritage and landscaping		<p>viewed from Pilot Street. The southern section will be unchanged with a replacement northern wing provided. A top storey balcony is provided within the setback for the northern section.</p> <p>The height of the new wing is similar to the existing building (to be demolished) and complies with DCP provisions – this section will contain reception and entrance to carpark.</p> <p>Preliminary landscape concept plans have been provided</p>	
Building Design	Siting, cut and fill; energy efficiency; materials & colours, carports/garages, privacy, design quality	D6	<p>Siting requirements must be supported by geotechnical data</p> <p>The proposed residential units face due east and a solid wall is provided at the southern and northern ends of each unit to</p>	Yes -condition Geotech data

			<p>maintain visual and acoustic privacy.</p> <p>Design certification has been provided to satisfy SEPP65</p>	
Development in heritage precincts	Heritage areas or items identified in LEP?	D7	Not in heritage precinct	yes
Lot Size residential flats and cluster development	Minimum 400m ² if in 2 (t) zone in Yamba Hill area	D10.4	Site exceeds minimum requirement	Yes –
Building Height	<p>Top Plate: 6.5m</p> <p>Maximum: 9m</p>	D13	<p>Drawings have been provided to show heights at the Pilot Street frontage.</p> <p>The northern wing will be below the height of the existing structure, with a top plate of 5.72. (nth end); and 6.25m (sth end). Maximum height is 7.73 m (approx)</p>	Yes

Set Backs (Additions Only). And variations	Front: 6 metres	D15 & D16	The hotel is situated with minimal setback to the front boundary. The southern section will remain as-is; and the northern section will be demolished and rebuilt within generally the same setback; with vehicle access mid way along the new structure.	Existing buildings
	Side: 0.900m to 3.0m depending on the height of the building		The existing hotel abuts the southern boundary (in fact part of the building may extend out onto the adjacent land; and has minimal clearance to the northern boundary. See comments below.	See comment below
	Rear: 1.5m		complies	Yes
	Sewer: 1.5m		conditioned	
Landscaping	35% in 2(t) zone	D18.2	The applicant notes that no definite landscape concept has been developed – and also notes that landscape and ground cover needs to be	Condition

			cognisant of the geotechnical constraints of the site.	
Private Open Space - residential flats	<p>Balconies 15m² with min dimension of 2m; plus Min. Area 50m² per unit</p> <p>Regular Shape and min. 4.5m dimension - Located on northern or eastern side of dwelling - May include balconies and then communal open space</p>	D20	<p>Balconies provided to residential units at level 2, and private areas on the ground for level 1 units comply.</p> <p>Communal open space of 280m².</p>	Yes
Landscape plan		D21	This will be required with construction certificate	Condition
Fences and walls	Fences not located in front setback max 1.8m	D22	There are no fences at the front of the building	Yes
Services	All services	D24	All services to be provided	Yes condition
Land subject to landslip/ geotech hazard		D26	See discussion below	Condition
Waste management		D27	The area for storage of bins has been relocated from on-street to within the site (currently a skip bin is located on-street).	Yes with condition for waste management plan
Contributions	Section 64 and 94 charges and contributions	D29	Section 64 charges and section 94	Condition

			contributions will be required	
Parking & Vehicular Access	1 space per unit + 1 visitor space /each 10 units for a 'tourist facility. Vehicles Enter and Leave the site in a forward direction (E6)	Part E (part W does not make reference to 'tourist facility')	See discussion below relating to on-site parking and valet parking for off-site location. Deliveries to the Hotel currently occur from land to the south which is not part of the site, but is owned by the Crown. The LPMA has advised that it is willing to issue a long term lease over this land (see discussion below)	See below

Matters for discussion

Carparking

Carparking provisions for development in the 2 (t) zone on Yamba hill are contained in Part W5 of the DCP. However, this section pertains to car parking spaces for residential flat buildings only, and while part of this development might function as a 'residential flat building'; the application is for (and has been assessed as) a 'tourist facility'.

There is no reference to the parking calculations for a tourist facility in Part W, so reference is made to Table E1 of the DCP which gives the rate of 1 space per unit, plus 1 visitor space per 10 units. For the 8 units, the minimum requirement would be 8 spaces plus 1 space for visitor parking.

There are 6 x 2 bedroom units and 2 x 3 bedroom units contained in the tourist facility. The application proposes 13 spaces to be attributed to these residential units, (1 space per 2 bed unit; 1.5 spaces per 3 bed unit; plus 4 visitor spaces). As sixteen (16) on-site spaces are to be provided within the basement areas, the

additional 3 spaces will be set aside to assist in management and operation of the valet parking.

There is also a net increase of thirteen (13) hotel rooms which draw a need for 13 car parking spaces. It is intended that these be provided off-site through valet parking.

The valet parking referred to above is proposed to be located on lots 9 and 10 DP11577, on the corner of Yamba and Convent Street within the Yamba CBD. Approval for development of that site (DA2006/0943) was granted on 19 January 2007 allowed for *a two storey commercial building and basement carpark for the purpose of providing valet parking for the redevelopment of the Pacific Hotel on lot 1 DP554606*. Condition 44 of that approval required redesign of the basement carpark to provide a minimum of 12 car parking spaces with access, driveway and maneuvering areas. The property was at the time of that approval; and still is held in the same name as the Pacific Hotel.

It is intended that the valet parking will be provided to clients to the Hotel. After checking in they will have their vehicle parked off-site, which is not an uncommon practice in the hotel accommodation industry. However, there is no legal ability to link the two developments together; ie, to require that parking for the Pacific Hotel only be provided in accordance with the approval granted over lots 9 and 10 DP11577. It would be prudent, however, to require that the Hotel demonstrate prior to issue of an Occupation Certificate that an approved site exists within the Yamba Township to accommodate the off-site parking, and condition the valet parking requirement.

The applicant has provided a detailed car parking and traffic management plan to support the parking numbers and operation. Further detail of the management of the valet parking can be provided with the application for the building construction certificate.

Given the sixteen (16) spaces to be provided on-site; and the thirteen (13) spaces off site; the development can meet the parking requirements of the DCP.

Setbacks

The existing hotel is located on (or over in parts) the southern boundary, adjacent to the reserve land. This will not alter.

Setback to southern boundary of the new residential units and hotel accommodation units in levels 1 – 4 maintains a setback consistent with existing hotel. The applicant maintains that this *‘assists in integrating the new building with the existing and is unlikely to have an impact on the amenity of the existing reserve that adjoins to the south.’* (the public stairway to the beach is located against the southern boundary of the site. The retaining wall for the units will be on the

boundary, with a pathway/stairway to the units located between the retaining wall and the wall of the units on both sides.

Setback to the northern boundary the new component has been designed '*to respect the existing setback of the main part of the hotel building to the property to the north.*' A closer setback for the redeveloped northern section of the complex to the properties to the north is proposed; however, the applicant advises that this will be generally consistent with the existing hotel building'.

Section D15 of the DCP provides for a 0.900m – 3.0m setback depending on the height of the building.

Part 16.1 of the DCP provides opportunity for variations to the setback in particular instances. The section states that new development should complement the existing setback pattern and goes on to say that reasons for variation may include steep slope and existing setbacks. The setbacks shown on plan are the result of the location of existing buildings on the site; the alignment of new sections with those established setbacks; and the constraints to building on the site; particularly the steep slope. Council's Building Surveyor has no issue with the setback under the BCA, and it is considered reasonable to vary the setback provisions in the manner proposed.

Servicing the site from Crown Land

The Hotel is currently serviced from land to the south which is public land; being part of a crown reserve. The applicant has applied to the Land and Property Management Authority (LPMA) for a long term lease to continue this practice.

Insufficient area is available on-site to deliver goods to the Hotel due to the location on the land of the existing Hotel building, which is within close proximity to the front boundary. Servicing would need to be either from the Pilot Street (which is not preferred) or be allowed to continue from the public land.

The LPMA has provided Council with a letter and a copy of a draft lease document indicating that it is prepared to enter into a long term (20 year) lease arrangement with the Hotel. This is sufficient to give some certainty of continued use of the land, but should be appropriately conditioned in any approval (ie, that the lease is formalized before occupancy of the building in its redeveloped form).

Section D26 – sites subject to landslip/geotechnical hazards. The site of the Pacific Hotel has been indicated in studies as having potential for landslip due to both its natural slope and soil conditions. Some geotechnical investigation has been undertaken with reports provided to accompany the application. Further information and certification from a qualified geotechnical engineer will be required, and conditioned on any approval.

Part M – Controls for Developing Steep Land

This part of the DCP relates to sites within a residential zone with a slope of 1:5 or greater. The subject site exceeds 1:5. The controls in this section relate to both environmental and visual impact.

In respect to environmental impact, and particularly the geotechnical impact/constraints of the development, some preliminary reports have been provided to indicate that the site can safely accommodate the development proposed. Prior to any disturbance of the site, full certification and reports from a suitably qualified geotechnical engineer will be required in relation to the proposed redevelopment; the impact on the stability of the existing development; and the impact on the neighbouring development.

Access to the development will generally be through the Pilot Street entrance for reception and vehicle parking. Movement throughout the site for pedestrians will be provided, and a condition should be imposed to address disabled access. Visual impact of the redevelopment is addressed by setting levels 1 – 4 into the hillslope as these are the elements of the development located on the steepest part of the slope. It is important that building materials, colours (especially roof colours) are controlled to reduce visual impact. The existing hotel will remain as visually apparent on the top of the slope.

Part W Yamba Hill Controls

The hotel site is contained within the area to which Part W of the DCP applies. The objectives of the controls for Yamba hill are as follows:

- (a) Development which is responsive to site constraints and the surrounding Environment*
- (b) Buildings which complement the existing streetscape.*
- (c) Buildings which reflect a North Coast character and minimise adverse impacts on adjacent properties.*

Part W3 of the section requires that the NSW Coastal design Guidelines be considered in the design of new buildings. These have been considered (see section at beginning of this Assessment).

In respect to the objectives (a) to (c) above, the development proposed does address site constraints through design; it maintains the character of the streetscape through retention of the most recognizable feature of the existing hotel (including the form of the southern wing and the front façade); and the design does minimise the impact on surrounding properties (including views).

Part W5 of the section pertains to car parking spaces for residential flat buildings. While this development is not strictly termed a 'residential flat building' (being

considered a 'tourist facility'), it does contain 8 residential units that may be used on a permanent residential basis. For that reason, consideration is given here to the requirements for parking.

The table specifies 2 spaces for 1 or 2 x bedroom units, and 3 spaces for 3 x bedroom units. No spaces for visitor parking are required. There are 8 units (6 x 2 bed; 2 x 3 bed) so this would equate to 18 spaces. Sixteen (16) spaces are to be provided on-site in a two level carpark. The applicant has provided a detailed car parking and traffic management plan to support the reduced car parking numbers.

Part W6 Building Height - In respect to height, it is located in Area 2 which specifies a limit of 6.5m to top plate and 9.0m for maximum height. The height of the building at the Pilot Street frontage is 5.72m to top plate at northern corner; 6.25m to top plate at southern corner (of new wing); and an overall height at the highest point of 7.73m (approx).

The planning report states that '*the proposed redevelopment of the hotel does not involve the erection of any building that will be higher than the existing northern portion of the hotel which is to be demolished to make way for the proposed development.*' The proposed redevelopment at the Pilot Street frontage will comply with this DCP provision.

The new units on the eastern slope are single storey and will not exceed the height requirement.

Part W7 requires shadow diagrams. These have been provided and do demonstrate that adequate solar access is available, and that there will be no significant overshadowing of neighbouring properties.

- (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F**

No

- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates**

The proposed development complies with the matters prescribed within the Regulations.

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

The natural environment needing consideration in this application relates to the site and the surrounding beachfront area. The site has some significant constraints, particularly in relation to geotechnical stability which must be fully addressed prior to commencement of any work on site; and then monitored during and post construction. The beach will not be significantly impacted by the development.

The built environment surrounding the Pacific Hotel (ie, residences to the north and development in Pilot Street) will be impacted to a degree by the redevelopment. The Pilot Street frontage will change with the redevelopment of the northern wing which will include a new building, reception and vehicle entry; however, it will not increase the bulk or scale of buildings. The residences to the north will have an altered viewline when looking east/south-east given the new levels 1 – 4 proposed for the eastern side of the slope. However, those buildings will be set back into the hillslope, and while altering the view should not impede views to the ocean.

The Pacific Hotel is a part of the social fabric of Yamba, and redevelopment of the Hotel should add an improved recreational/social facility for the town. Economic benefit should accrue from construction of the complex and through increased employment opportunities.

In summary, the impacts from the redevelopment of the Pacific Hotel should be of a positive nature.

(c) the suitability of the site for the development

The site accommodates the Pacific Hotel and is zoned as 2(t) for tourist – type development. The Pacific Hotel is an iconic building located on the top of Yamba Hill overlooking the beach. A beer garden is located at the Pilot Street frontage of the Hotel.

The site is steeply sloping – to the east, away from the Hotel. The new residential units and hotel accommodation units proposed are tiered down the slope to fit them into the landscape, thereby reducing the height, bulk and scale of the development. By placing levels 1 – 4 downslope of the Hotel, views can be maintained from the Hotel and from surrounding residences to the north.

The site is 3109m² in area. Against the eastern boundary is the Crown foreshore reserve which presently provides informal access to properties to the north of the Hotel site. The Yamba main beach is located to the east of the reserve.

Surrounding development includes two existing residences immediately to the north; the surf club to the south east; a public park and access stairway to the beach to the south; (some of this area is used to service the Hotel); and 2 -3 storey residential and commercial development across Pilot Street to the west.

Buildings within the immediate vicinity of the Hotel include a variety of architectural styles. The frontage to Pilot Street will retain the existing façade for the main part of the Hotel at the southern end of the development. The part of the new development that extends down the eastern slope is low profile to fit into the hillslope. The applicant notes that the view for a person sitting in the hotel will not be impeded by the new units, as the height is generally below existing view lines. Units 1 – 4 are unlikely to interfere with views from the residential dwellings to the north

A number of alternatives were considered to maintain the viability of the Hotel, which included; do nothing (but the Hotel could fall into a state of disrepair); demolish the building (not preferred due to the iconic perception of the Hotel); or develop in the manner proposed (which will allow the *'viability of the Hotel to be assured'*).

The main constraint to development of the site relates to the geotechnical stability of the land, and what level of risk and impact will be created through the redevelopment proposed. Some reports and studies have been provided to Council to support feasibility of development of the site in the manner proposed; however, further investigation and detail will be required from a specialist geotechnical engineer pre-construction to satisfactorily demonstrate that existing and proposed structures can safely be retained/constructed on the land. Appropriate measures for development should be developed to protect the development (and surrounding structures) from any risks associated with potential instability of the land. Details of additional investigations required have been suggested in the reports provided.

The redevelopment of the site does not conflict with Council's planning instruments; however, conditions will be required to address the constraints of the land.

(d) any submissions made in accordance with this Act or the regulations

The Submission Period for the application closed on Friday 7th May 2010. At the close of that period, eight (8) submissions were received in total; with five (5) against the proposal and three (3) in support. A further letter was received from the Yamba Surf Club offering no objection, but suggesting matters needing to be addressed during construction.

Matters raised and comments are as follows:

A. Opposing the development:

1. Geotechnical hazard

The impact of the proposed development on the existing and future geological stability of the site is questioned (for pre and post construction phases).

Comment

This is a valid concern. A number of reports have been provided to demonstrate that the site can safely accommodate the redevelopment proposed; however, conditions will be placed on any approval to require further reports and investigation from a suitable qualified geotechnical engineer. These investigations must cover pre and post construction; both on the site and for surrounding properties. A dilapidation report will also be required.

This is not a planning reason for refusal of the application; it is a geotechnical constraint on the land. However, for the development to proceed, the studies will need to satisfactorily demonstrate that the development can safely proceed with no risk to the site and surrounding areas.

2. Impact on surrounding environment

- Impact on main beach from a visual perspective – it would dominate the hillside
- Replacement of vegetation –loss in visual amenity

Comment

The view from Main Beach will be altered by the development proposed; but it must be remembered that the use is not a new use being introduced into a pristine coastal environment. The Pacific Hotel already dominates the view from the beach, and the units proposed for levels 1 – 4 on the eastern slope will be set back into the hillside. They will be shielded from dominance of the landscape by the topography of the land immediately behind the beach and the crown reserve. Landscaping of the site will also be required to soften the view.

3. Parking and traffic

- increased traffic through increase in activity through the redevelopment
- patrons park across residential driveways now – this will increase
- valet parking won't work – patrons will park in the street
- increased delivery vehicles in the street
- pedestrian movements on-street further affected
- increased traffic and heavy vehicles during construction – further disruption

- staff parking

Comment

It is understood that traffic in the Pilot Street area can be concentrated, and parking difficult at peak periods. While there is some refurbishment of the hotel component of this facility; the use of the existing hotel is not to be significantly altered through this redevelopment (it covers mainly the increased accommodation facilities). Therefore, parking for the hotel component has been excluded from the parking calculations.

There will be an on-site car park for the residential units contained in levels 1 and 2; and the net increase of 13 hotel rooms will be dealt with by valet parking. Council approved a site for that parking in 2007; and operational/management plans will be required before any occupancy of the redeveloped facility occurs.

In respect to traffic during construction; traffic management plans will be required for review and approval prior to any disturbance of the site.

The current arrangement of having the skip bin located on the footpath will change with operation of the redeveloped facility, which will free up the footpath for pedestrian use.

Staff parking is generally related to operation of the Hotel, and the requirement is taken up and accounted for in the parking calculations expressed in the DCP. There is no additional requirement for staff parking.

4. Density of development – impact on local character

- The construction of levels 1 – 4 will increase the density of development to an unacceptable level – overdevelopment of the site – retain development in the existing hotel footprint
- Out of character with surrounding development
- Not sympathetic to existing hotel architecture

Comment

The Pilot Street frontage of the building will not change for the existing hotel (ie, the southern section of the building). The northern wing will be replaced. The Pilot Street area contains 7 residential dwellings to the north of the Hotel, and some 33 units in the immediate vicinity.

The density of the site will change by addition of eight (8) residential units and thirteen (13) new hotel accommodation rooms. This is considered to be an acceptable and sustainable increase in density for this site.

Redevelopment within the existing footprint would not provide a sufficient increase in accommodation to make the redevelopment financially viable. The development of the eastern slope is permissible in the zone, and it has been demonstrated that it is possible to develop the land with consideration given to any constraints.

5. Impact on emergency services

Access by emergency service vehicle is restricted by the design

Comment

Access to the Hotel component by emergency service vehicles will not change. Access to levels 1 – 4 will be by way of internal access. This matter is again considered with the building construction certificate as a requirement of the BCA.

6. Anti social behaviour

Patrons from the hotel, particularly late at night and after closing time, frequently exhibit anti social behaviour in the Pilot Street area. This could get worse through redevelopment of the Hotel.

Comment

The use of the premises as a Hotel is an approved use and is not the subject of this application. It is unlikely that either the refurbishment of the facility or the addition of the residential units/rooms will trigger increased anti-social behaviour. This is a matter for a different forum; to find solutions to problems that may currently exist.

7. Stormwater management

Stormwater from the site must be dealt with and not allowed to flow downslope onto the beach, or onto adjoining properties.

Comment

Some details of stormwater management for the proposed development have been provided. Any approval will be conditioned to deal with matters related to management of stormwater on and from the site. However, to be realistic, it needs to be recognised that stormwater will ultimately flow down the hill...it is how that water is treated and conveyed downslope that needs to be managed (and will be the subject of an approved management plan).

8. Information provided.

Information submitted is insufficient in respect to details of landscaping, the physical form of the buildings proposed, access by the disabled

Comment

It is considered that sufficient information has been provided to assess and recommend the application for approval, with conditions. Further landscaping detail will be required, as will fine details of the 'finish' for the buildings.

Supporting the development

The matters listed in support of the development included:

- Commercial opportunities need to be maximized in the subject location to support the town
- Yamba Hill needs to build stock of high quality accommodation and tourist facilities such as that proposed by this application
- From an immediate neighbour – views will not be negatively impacted by the development; however conditions should be imposed on any approval to ensure respect for privacy and to reduce noise and any overlooking.
- Heritage/historic significance of *'think Yamba – think big white hotel on top of the hill'* needs to be protected

(e) the public interest.

The proposed development will not affect the public interest in any negative way. The Pacific Hotel is a recognisable building which is an integral part of the Yamba 'experience'. It will be retained in this state, and redeveloped to improve tourist accommodation and social outlets for the town.

SUSTAINABILITY ASSESSMENT**Summary Statement**

The site is zoned as 2 (t) Residential (Tourism), and redevelopment of the Hotel is sustainable use of the land. However, the land does exhibit some potentially significant constraints in relation to site stability and this must be fully addressed before any works commence on the redevelopment. Infrastructure is available to the development, and best practice must be established in respect to stormwater management and energy efficiency design.

Key Issues and Opportunities**Ecological:**

The land has no stands of significant vegetation. However, the impact from removal of what vegetation is there on site stability must be fully addressed.

Economic:

There is a potential opportunity for economic gain within the community through building during the construction phase; through employment post-construction; and by economic multipliers that may result from an upgraded and redeveloped facility for other businesses within the town and region.

Social and Cultural:

There is no cultural impact from the development proposed. The opportunity for social benefit may accrue from provision of additional residential accommodation (both permanent and tourist) and improved recreational facilities within the Hotel.

Human Habitat & Infrastructure:

The redevelopment of the Hotel will include opportunity for both tourist accommodation in the 'hotel rooms' and longer term accommodation in the self contained units. All infrastructures will be provided to the development.

Governance:

The application is considered to be Regional Development under the terms of the SEPP (Major developments), and under Part 4 of the EPA Act. As such, Council staff manage the application and assessment processes but the Joint Regional Planning Panel (JRPP) becomes the determining authority under clause 13C (a) (1) of the SEPP. The report on the application must be provided to the JRPP for a determination, and at the same time a copy of the report will be forwarded to Council 'for information'. Council then has the opportunity to give a deputation to the JRPP either as a whole, or as individual councilors. This process will need to be conveyed to Councilors within a memo attached to the report.

Guiding Sustainability Principles:

The Clarence Valley Sustainability Initiative is a high level strategic document that contains a vision for the Valley and number of guiding principles for development. The development proposed and any conditional approval granted is supported by Guiding Principle 2 (supporting social and intergenerational equity; Guiding Principle 3 (promoting ecologically sustainable development); and Guiding Principle 5 (taking a precautionary and anticipatory approach).

Officer: Cheryl Sisson, Acting Planning Services Coordinator

Date: 10 September, 2010

SEPP 71 Checklist

The matters for consideration in clause 8 of SEPP 71 are addressed below:

Clause 8 Matters for consideration	Comment
(a) the aims of this Policy as set out in clause 2	The aims of the Policy are addressed through the matters detailed below.
(b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved	The proposed development will not prejudice any existing public access to the coastal foreshore. The Hotel is located high on Yamba hill overlooking the Beach, and all redevelopment proposed is accommodated on private property, except for the area of public land to the south of the Hotel, over which the Hotel continues to hold a lease.
(c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability	It is not intended to provide for additional public access to any coastal foreshore. The Land and property management Authority have restricted access from the redeveloped facility to the Crown land adjacent to the beachfront.
(d) the suitability of the development given its type, location and design and its relationship with the surrounding area	The proposal takes account of the highly visible location above Main beach, Yamba. The design is to build the new units into the slope to reduce the height and scale, and to address the constraints (steep slope) of the site.
(e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore	The proposal will not have any detrimental impact on the coastal foreshore. Assessment of potential overshadowing of the beach area was undertaken. In considering the impact, it is noted that the main Hotel building will remain on the hill, and that the Main Beach area is already affected by overshadowing from the topography of the immediate area (ie, it lies below the hill). It is considered that there will be little, if any additional overshadowing of the beach area, due to the low profile design of the new units, which sit into the slope, and the current existence of the main Hotel building .
(f) the scenic qualities of the New South Wales Coast, and means to protect and improve these qualities	The proposal will not have any detrimental impact on the scenic qualities of the NSW Coast. It will maintain the visual prominence of the iconic Pacific Hotel on Yamba hill.
(g) measures to conserve animals (within the meaning of the <i>Threatened Species Conservation Act 1995</i>) and plants (within the meaning of that Act), and their habitats	The proposal will have no adverse impact on animals or plants.
(h) measures to conserve fish (within the meaning of Part 7A of the <i>Fisheries Management Act 1994</i>) and marine vegetation (within the meaning of that Part), and their habitats	The proposal will have no impact on aquatic habitat.
(i) existing wildlife corridors and the impact of the development on these corridors	There are currently no known wildlife corridors across this site, which already contains the Pacific Hotel. The redevelopment will not have any

	significant adverse impact on wildlife corridors.
(j) the likely impact of coastal processes and coastal hazards on the development and any likely impacts of development on coastal processes and hazards	The subject property is located within the coastal zone and is identified within the Yamba Coastline Management Plan as being subject to potential slope instability. Appropriate conditions will be imposed on any approval to ensure this potential hazard is addressed, and neither the site nor buildings on the site increase the potential (or become the subject of landslip)
(k) measures to reduce the potential for conflict between land-based and water-based coastal activities	The proposal will have no impact on water based activities.
(l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals	The development will have no effect on aspects of cultural significance for aboriginals..
(m) likely impacts of development on the water quality of coastal water bodies	The development will not adversely impact on water quality. Stormwater will be dealt with in an appropriate manner.
(n) the conservation and preservation of items of heritage, archaeological or historic significance	There are no items of heritage of historic significance in the vicinity of this development. The Hotel is not listed as a heritage item or site.
(o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact cities and towns	The development fits with the vision for Yamba Hill and the particular site, as outlined in the draft LEP (see comment elsewhere in this assessment).
(p) only in cases in which a development application in relation to proposed development is determined : (i) the cumulative impacts of the proposed development on the environment, and (ii) measures to ensure that water and energy usage by the proposed development is efficient	The proposal will not have any cumulative impact on the area, however, appropriate conditions must be applied to ensure slope stability during the construction and post construction phases. Sustainable water measures will also be conditioned

CONCLUSION

It is concluded that, with application of appropriate conditions on any approval, the aims of the SEPP will not be compromised.

Design Brief

The following comment has been provided by the architect in relation to the relationship between the proposed development and the ten (10) design quality principles outlined in Part 2 of SEPP 65.

Principle 1: Context

The design seeks to set the building into the site. The objective being to allow the reading of the existing Hotel when viewed from the beach and retaining the view from the existing Hotel to the beach.

The design seeks to be a seamless connection to the Hotel and to be absorbed into the Hotel context. The proposal is a low scale development aligning with existing development continuing a lower tier and upper tier context i.e. the Hotel and adjacent buildings addressing the street, and residences set down the hill addressing the beach.

Principle 2: Scale

The design is set into the site and reads as a single storey structure when viewed from the adjacent park and the adjacent residences.

Planting boxes and privacy screens break the building into individual residential components, reinforcing a domestic scale.

Principle 3: Built Form

The design ensures a high level of amenity for all residents. Privacy is achieved, magnificent views and vistas are created for new residents. Magnificent views and vistas are achieved for existing adjacent residents.

The public domain (which might be argued flows from the street into the existing hotel) is not demeaned by this proposal.

Icon views from the park, beach and headlands are not impacted on by the built form of this proposal.

Principle 4: Density

The precincts of Yamba are undergoing transition. Densities are increasing in accordance with Council's planning strategy. This site provides an activity focus for the precinct providing a critical mass, a density of residential options within walking distance of the main street and beach.

Together with the Hotel redevelopment the eight (8) residential units represent an appropriate contribution to the yield of this key site.

Principle 5: Resource, Energy & Water Efficiency

The proposed development will aim to incorporate efficient use of energy & water resources by incorporating the following strategies:

- Minimal requirement/need for mechanical air conditioning due to good sun penetration and natural ventilation.*
- Use of energy saving devices such as motion sensors, use of gas hot water heaters and installation of efficient water saving fixtures & fittings.*

A stormwater management plan has been compiled by Michael Samms & Associates Pty Ltd.

A traffic report has been compiled by Michael Samms & Associates Pty Ltd.

A defining objective of this proposal is to incorporate environmentally sustaining principles, particularly regarding solar access, energy systems and water reuse.

Principle 6: Landscape

The existing Hotel reads as a strong building form in the urban landscape together with the beach and the adjacent park.

The proposal seeks to reinforce the Hotel complex. The landscape provided along the beach frontage contributes to linking the park to the headland and the planter boxes will extend the green from the park across the proposed building. The strongest landscape element, the steep hill from the beach to Pilot Street is reinforced by the proposal.

Principle 7: Amenity

The residential units provide the highest standard of amenity. Sunlight, natural ventilation and light straight from the abundant sky and sea. Privacy is achieved by the building's elevation and by privacy screens. Acoustic privacy is enhanced by concrete structure and no development east of the units.

Outdoor terraces and internal links to car parking, street and beach provide comfortable association with the outdoors.

Principle 8: Safety & Security

The proposed development will provide a high level of safety & security. Good lighting and controlled access systems (key card) to be incorporated will define the private & public zones.

Signage will also be used to further define the private and public zones.

The building has been designed in such a way that the residential apartments are physically separated from the Hotel by the Hotel rooms allowing a delineation of use and, therefore, enhancing safety and security.

Direct access from the security residential parking to the key card accessed lift is allowed for.

Principle 9: Social Dimensions

A Hotel provides an important component to the social dimension of a community.

By investing in a diversification of use in this development, namely Hotel, accommodation, leisure and residential, the social dimension of the community is enhanced.

The development will also impact by providing additional employment in the area. The increased residential densities will encourage and stimulate development of existing and future community & commercial type facilities in the surrounding area.

The proposal provides living and accommodation with great amenity to the beach and the main street, as well as the service of a well established Hotel.

Principle 10: Aesthetics

The nine precedent principles all contribute to the resultant aesthetic of this proposed building.

The design is a perceptive response to development on this site.

The context of Pilot Street, the beach and village are understood in the scale and built form of the proposal.

The proposed building recedes into the site respecting and retaining ownership of 'The Hill' to the existing Hotel and adjacent buildings.

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The aesthetic of 'The Place' is enhanced by contributing activity, residential choice and good style to the precinct.