

<b>JRPP No.</b>	2014HCC005
<b>DA No.</b>	DA 2012/1418
<b>Proposal</b>	Alterations & Additions to the existing Recreation Club Building and Carpark including motel accommodation
<b>Property</b>	4 and 5 Tyrell Street Wallsend
<b>Applicant</b>	Wallsend RSL and Community Club Ltd.
<b>Report By</b>	Glendinning Minto & Associates on behalf of The City of Newcastle Council
<b>Checked by</b>	Team Co-ordinator Development Assessment Team

## **Assessment Report and Recommendation**

### **Executive Summary**

The applicant is seeking consent for extension to the Club premises, additions to the carpark and a two level motel. The estimated value of the development is \$12.2 million.

The proposal includes separate components as follows:

- i) Extension of the existing Club Building to the east, including a new lounge and terrace area plus the modification and extension of the existing gaming area.
- ii) Erection of a third additional level to the existing two level car park consisting of 46 additional car parking spaces and a two level motel (i.e. the motel forms levels 2 and 3 across the northern part of the multi deck car park and will include 46 motel units).

The overall proposal will provide a total of 256 spaces. This having regard to the loss of existing spaces due to the Club Building extension and internal modifications to the existing multi deck car park.

- iii) A third component being the proposed purchase of land from Newcastle City Council to accommodate the eastern extension of the Club Building.

Council has granted its consent as landowner to the lodgement of this DA.

### **Proposed Development**

The proposed development involves the following:

- Alterations and additions to the Club building, the extensions to be located on the parcel of land to the east of the existing Club building which is currently undergoing transfer of ownership from Council to the Club.
- Alterations to the layout of lounge, foyer and administration spaces within the Club, and alterations to the layout of the existing courtyard adjacent to the brasserie and restaurant
- A new secure enclosure for the Club's courtesy bus is proposed to be built within the existing driveway area to the west of the Club building.
- Addition of another level of parking above the existing two-storey carpark, with associated alterations to the existing stair and lift blocks to allow connection to the new level.
- A new two-storey motel with 46 units.
- Demolition of existing timber and steel deck and modifications to the external dining courtyard.

Refer to **Appendix B** for a copy of the floor plans and elevations of the proposal.

#### Referral to Joint Regional Planning Panel (JRPP)

The development application is required to be determined by the JRPP pursuant to Schedule 4A, Clause 3 of the Act, given that Council is an owner of part of the development site (former road reserve being acquired) and the capital investment value of the proposal is greater than \$5M (project has a stated cost of \$12.2 million).

#### Permissibility

The site is zoned B2 Local Centre pursuant to Newcastle Local Environmental Plan 2012. The proposal is categorised as a 'Recreation Facility' and 'Tourist and Visitors Facility', and is permissible within the B2 Local Centre zone subject to development consent. All required owner(s) consent has been provided. The proposal is local development.

#### Consultation

In accordance with Council's Notification Development Control Plan, the application was notified from 15 January 2013 to the 31 January 2013 and received two submissions in support and two submissions of concern.

The proposal was referred to the Newcastle Licensed Premises Reference Group and Crime Prevention Officer - Newcastle Police Force. The response from the Newcastle Licensed Premises Reference Group was positive. No response was received from the Crime Prevention Officer of the Newcastle Police Force.

#### Key Issues

The main issues identified in the assessment and/or raised in the submissions are as follows:

- Traffic & Parking – No Traffic or Parking Report has been submitted for the proposal
- Flooding & Stormwater – concern that the proposed motel is within a floodway and patrons would be at risk in a flood event. Concern that the northern walls may obstruct the flow of floodwaters.
- Heritage & Streetscape – this development will be the highest building in Wallsend and will completely alter the streetscape and amenity of the area by towering over significant heritage listed buildings.

#### Recommendation

That the Joint Regional Planning Panel grant consent to DA 2012/1418, subject to the conditions contained within **Appendix A**.

## 1. Background

The Wallsend Diggers Club has had a presence on the current site since the 1960's with various buildings being constructed between the 1960's and 1970's with materials comprising brick and concrete with corrugated metal roof wrapped around what was the former Wallsend Council Chambers.

## 2. Site and Locality Description

The location of the proposed works is the existing site of the Wallsend 'Diggers' Club building located at 5 Tyrrell Street, Wallsend (Lot 1, DP 1040278), and the existing carpark located at 4 Tyrrell Street Wallsend (Lot 1 and 2, DP 798946).

The site is occupied by the existing Club building and carpark and is divided by Tyrrell Street. The site is approximately 9441m<sup>2</sup> in size, including land being acquired at the eastern end of the site. The land being acquired by the applicant is adjoining road reserve area known as Low Street.

The southern part of the site is bounded by Tyrrell Street to the north, Low Street to the east and Kemp Street to the south. The northern part of the site is bounded by Charles Street to the north, Low Street to the east, Tyrrell Street to the south and old Wallsend Police Station, Court House and Post Office complex to the west. Refer to **Appendix B** for a plan showing the site and general locality.

No. 5 (The Club) has an area of 5456m<sup>2</sup> inclusive of the land currently owned by Council. The site is bounded by Tyrrell Street to the north, Low Street to the east and Kemp Street to the south. The proposed works on this site is an extension of the Club lounge and terrace at the eastern end of the building and include alterations to the lounge and gaming room area.

The site at No. 4 Tyrrell Street is occupied by the existing Club carpark and is approximately 3797m<sup>2</sup> in area.

The site is at the eastern edge of the Wallsend Town Centre. It is relatively level with a fall towards the east and an existing drainage easement.

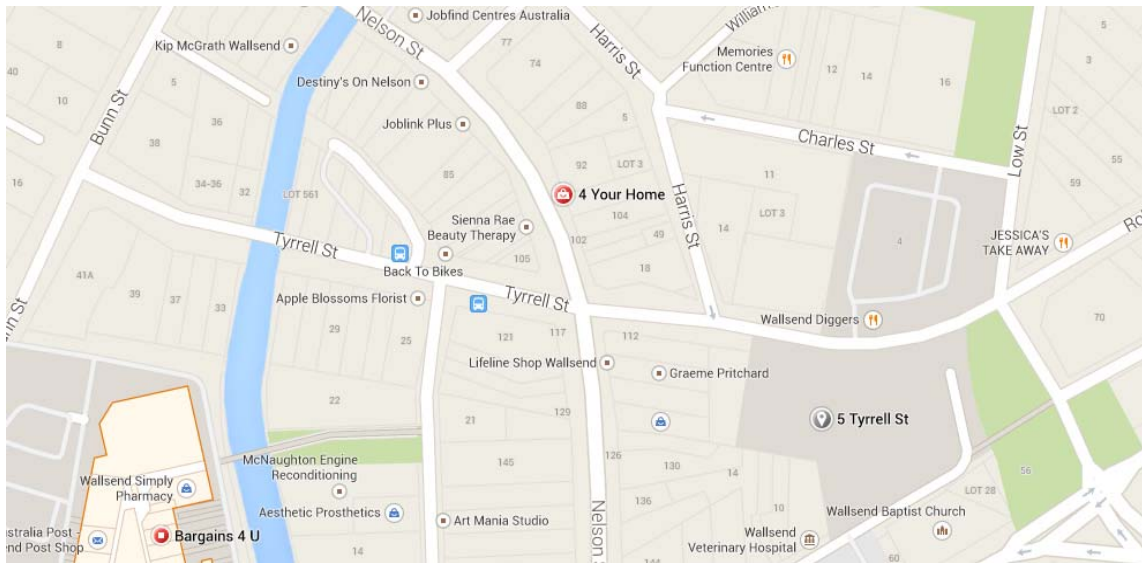
The streetscape and surrounding development to Tyrrell Street is retail/commercial in nature and the Diggers Club development creates a formal entry into the retail/commercial area.

A feature of the location is the use and retention of the Heritage Listed Former Police Station, Court House and Post Office for new commercial use.

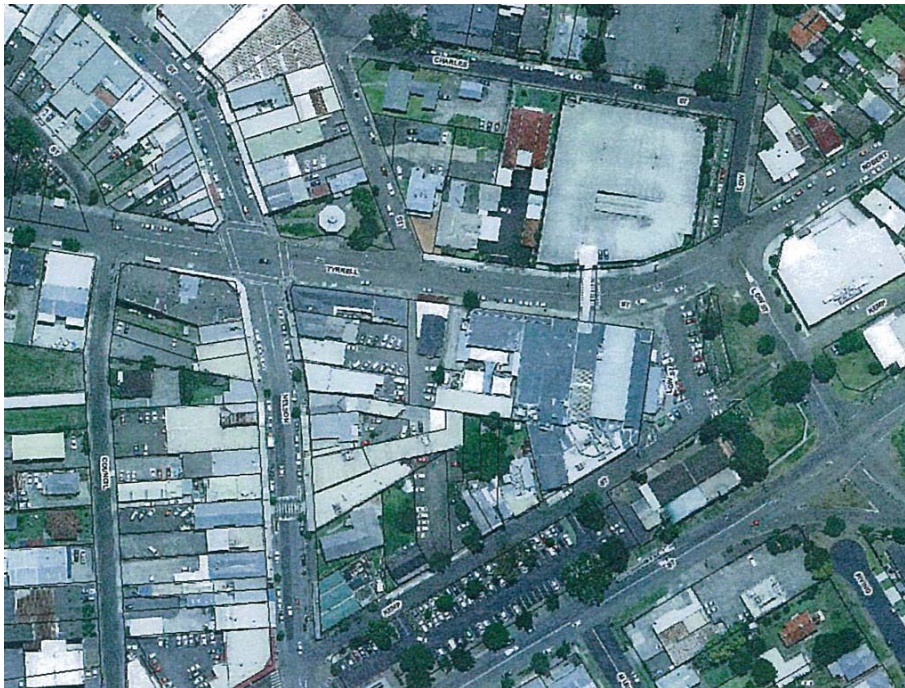
The existing building facades present varied combinations of glazed and solid elements to the street frontage on the south side of the street. On the north side of the street, the Club's existing multi storey carpark is located adjacent to the former Police Station/Court House precinct to the west.

The proposed new building and additions do not increase the existing built-upon area/hard surface area. All stormwater can be managed on site and directed to the existing urban drainage system.

The subject site and buildings are not listed as Heritage Items in the Newcastle Local Environmental Plan 2012, Schedule 5, nor are they located within a Heritage Conservation Zone. They are however, located in close proximity to the historic Wallsend Precinct comprising the former Wallsend Police Station and Court House and Rotunda Park with rotundas. These are identified as Heritage Items 653, 654 and 655 being identified as having local significance. It is also in proximity to the Lemon Grove Hotel – Item 649 which is also of local significance. The application is supported by a Statement of Heritage Impact prepared by EJE Heritage – December 2012.



**Location Map**



**Aerial Photograph**

### **3. Project Description**

The proposed development involves the following:

- Alterations and additions to the Club building, the extensions to be located on the parcel of land to the east of the existing Club building which is currently owned by Council.
- Alterations to the layout of lounge, foyer and administration spaces within the Club, and alterations to the layout of the existing courtyard adjacent to the brasserie and restaurant
- A new secure enclosure for the Club's courtesy bus in proposed to be built within the existing driveway area to the west of the Club building.

- Addition of another level of parking above the existing two-storey carpark, with associated alterations to the existing stair and lift blocks to allow connection to the new level.
- A new two-storey motel with 46 suites above the existing car park.
- Demolition of existing timber and steel deck and modifications to the external dining courtyard.

The applicant submits the project has a cost estimate of \$12.2 million.

The development indices in respect of the development are as follows:

Extend Club – GFA	6008m <sup>2</sup>
The Club's site area	5456m <sup>2</sup>
resulting in an FSR of	1.1:1
The carpark motel- GFA	2088m <sup>2</sup>
Site area	3787m <sup>2</sup>
resulting in an FSR of	0.6:1
The allowable FSR under the Newcastle LEP 2012 is	2:1
Building height	Allowable 14m
Proposed maximum height is	13.9m

#### **4. Consultation**

In accordance with Council's Notification Development Control Plan the application was notified/exhibited from 15 January 2013 to 31 January 2013 with two submissions being received.

The proposal was notified in writing to 40 surrounding local premises.

One submission objected to the carpark/motel development element of the proposal. The concerns were:

- Height of proposed motel/carpark & impact on streetscape
- Impact on local Heritage Items adjacent to the proposal
- Overshadowing the former Wallsend Court House

The other submission was concerned about:

- Traffic generation and traffic impact on local road network
- Potential noise impacts
- Floodplain risk management
- Qualified support subject to their concerns being considered and addressed.

#### **5. Referrals**

There were no statutory referrals required under relevant legislation.

The following internal referrals were sent in relation to the application:

- Development Engineering
- Compliance Services Unit
- Heritage Strategist
- Building Surveyor
- Food Surveillance Officer

The application has been considered by relevant Council Officers – all of whom have provided qualified support. The relevant concerns are as follows:

### Flood Impacts

The applicant has submitted a Flood Study Report prepared by SMEC dated 13 July 2013. Table 1 states:

**Table 1 - Summary of Flood Management Controls & Predicted Impacts**

Flood Management Issue	Proposed Management Controls / Summary of Impacts
Building Controls	<p><b>Minimum Floor Levels</b> – With reference to the architectural drawings attached as <b>Attachment A</b>, the proposed ground floor levels are <b>5.18m AHD</b>. This is above the minimum flood planning level of <b>4.82m AHD</b> which was calculated as the 1% AEP level of 4.32m AHD plus a 0.5m freeboard.</p> <p><b>Flood Refuge</b> - The proposed extensions will be two stories. The second floor will provide suitable flood refuge for club patrons and staff in the event of a PMF event.</p>
Impacts to flood conveyance	<p>The development area is partially located within a floodway as defined in the Newcastle City Wide Floodplain Management Plan (2012). The ground floor will comprise openings in the dwarf foundations to enable some flow permeation through the structure. The openings will be covered with a metal grate to prevent public access. This flow permeation has been conservatively modelled as described in <b>Section 4.1</b>.</p>
Flood Impacts on Adjoining Properties	<p>Model results discussed in <b>Section 5</b> indicate that:</p> <ul style="list-style-type: none"> <li>• During a 1% AEP event: <ul style="list-style-type: none"> <li>– No flood level increases are likely on adjoining properties.</li> <li>– Localised peak velocity increases of up to 0.4m/s are likely to occur to east and north of the development area.</li> <li>– No material increase in flood hazard is expected in areas surrounding the development area.</li> </ul> </li> <li>• During a PMF event: <ul style="list-style-type: none"> <li>– Flood level increases of up to 90mm are predicted at adjoining properties located to the south of Kemp Street.</li> <li>– Flood level increases of up to 20mm are predicted in 16 properties located to the south-east of the development area.</li> <li>– Flow velocity increases of up to 0.8m/s are predicted on Kemp Street (upstream of the development area) and immediately downstream of the development area.</li> <li>– Flood hazard is predicted to marginally increase in areas where velocity increases are predicted.</li> </ul> </li> </ul>

Council's Senior Development Engineer has reviewed this report and advised that, *'Flood issues associated with the development have been addressed to Council's satisfaction'*.

### **Stormwater Management**

A Stormwater Management Plan and Certification has been prepared by Michael Fitzgerald Engineers Pty. Ltd. This plan outlines the discharge controls and water storage and re-use arrangement. It being noted that there is no additional impervious open area. The proposed plan incorporates an 18,000 litre water re-use tank for the motel and a 9,000 litre tank being provided for the Club expansion. Subject to conditions, Council's Senior Development Engineer advises that the proposal satisfies Council's stormwater requirements.

### **Heritage**

The application requires a Heritage Assessment pursuant to the provisions of Clause 5.10 (5) of the Newcastle LEP 2012.

The application was supported by a Statement of Heritage Impact to address the statutory requirements. Council's Heritage Strategist advises that the Statement of Heritage Impact has been prepared in accordance with the standard guidelines of the NSW Office of Environment and Heritage.

Council's Heritage Strategist commented as follows:

*'The SHI states that the design of the alterations and additions has taken into consideration the location of the nearby heritage items. The SHI identifies that the carpark addition has the potential to alter the existing hierarchies of the former police station and former court house, because of their close proximity to each other. The post office, rotunda park and Lemongrove Hotel are further away and therefore will not be affected by the additions.'*

*In considering the heritage impacts, the SHI states that there are three main elements of the design which have been devised to mitigate the potential to affect the existing hierarchies of the police station and the former court house buildings. These comprise; on the western side of the proposed motel addition, the proposed motel walls are setback from the boundary with the former court house to minimise the dominance of the building on the smaller single storey courthouse, the inclusion of a screening elements that breaks up the bulk of the western wall of the motel; and landscaping on the boundary to soften and conceal the western wall element.'*

### **Conclusion**

*'Given the existing two level carpark already has an impact on the curtilage of the former court house in particular, and the mitigation strategies offered by the design for the additions, the heritage impact is acceptable.'*

The proposal is considered acceptable on heritage grounds.





**Heritage Map**

## 6. Section 79C Considerations

### (a)(i) Newcastle Local Environmental Plan 2012

The subject site is zoned B2 Local Centres under Newcastle Local Environmental Plan 2012 (NLEP).

The proposed development is defined as a 'Recreation Facility' and 'Tourist and Visitor Accommodation' under NLEP and is permissible in the zone with consent.

The proposal is considered to be consistent with the zone objectives.

Clause 4.3 of NLEP prescribes the maximum height of buildings which, in this case, is 14.0m.

Clause 4.4 of NLEP prescribes the maximum allowable floor space ratio which in this case is 2:1.



Development Standard	Requirement	Proposal	Compliance
4.3 - Height	Maximum height limit 14m	13.9m	Yes
4.4 - FSR	Maximum FSR 2:1	Club – 1.1:1 Motel - 0.6:1	Yes

**(a)(ii) the provisions of any draft environmental planning instrument**

There is no draft EPI that applies to this site.

**(a)(iii) any development control plans**

Newcastle DCP 2012 commenced on the 15 June 2012 and applies to this development.

The following sections of Newcastle DCP 2012 apply to the proposal and are addressed within this report:

- Section 3.0.9 – Tourist and Visitor Accommodation
- Section 4.01 – Flood Management
- Section 5.05 - Heritage Items
- Section 4.04 – Safety and Security
- Section 7.01 – Building Design Criteria
- Section 7.03 – Traffic and Parking
- Section 7.05 – Energy Efficiency
- Section 7.06 – Stormwater
- Section 7.07 – Water Efficiency
- Section 7.08 – Waste Management
- Section 7.09 – Outdoor Advertising and Signage

**3.0.9: Tourist and Visitor Accommodation**

The aim of this section is:

- To encourage tourist and visitor accommodation where permissible and ensure that tourist and visitor accommodation has minimal effect on surrounding development and the environment.

The proposal will provide an additional facility comprising 46 motel units in close proximity to the commercial centre and the Club precinct and is consistent with the DCP objectives.

**4.01: Flood Management**

SMEC Engineers have prepared a Flood Management Study which was submitted on the 30 July 2013.

In response to this report, Council's engineers have advised that the proposal is acceptable as detailed below.

*'Existing Floor is 4.05/5.18m AHD  
Proposed floor level of addition 5.18m AHD*

*Flood refuge provided as the building has a second storey*

*The addition has been raised to meet the flood planning level of 5.18m AHD. A flood refuge is also provided above the PMF level. The bearer and joist design meets the requirements for flood storage.*

*Generally building in the floodway is not allowed (or discouraged). However the affects this building proposal may have on the floodway and flooding in the area were further investigated to determine if the proposal is acceptable.*

*A report and further localised modelling were done by SMEC who modelled the impacts on the site and all adjoining areas and found that in the peak of the 1% that no flood level increases are likely on adjoining property and velocities of up to 0.4m/s are likely to occur to the east and the north of the development area.*

*In the PMF it indicated that flows were likely to increase 0.8m/s and up to 20mm increase in flood level that affects 16 properties, but the risk to life does not significantly increase which is the main concern in that sort of event. Therefore, the development as proposed in the flood report is acceptable.'*

The proposal is considered acceptable on flooding grounds, subject to the imposition of consent conditions, as outlined in **Attachment A**.

#### **4.4 Safety & Security**

The aims of this section are:

- To ensure safe and activated places that are used by people day and night
- To encourage a built environment that maintains and enhances the sense of identity.

The Club extension will enhance the physical appearance of the building and remove unsightly structures that otherwise provide the opportunity for concealment.

All external spaces will be required to be well lit to ensure safe pedestrian movement between the Club premises and the carpark.

The Club Security and Surveillance Plan will be extended to ensure a safe environment for Club patrons and members of the public.

#### **5.05 Heritage Provisions**

The proposed development is in close proximity to Local Heritage Items being the abandoned Court House and Police Station Precinct, the original Post Office and the adjoining Rotunda Park.

A Statement of Heritage Impact has been submitted. Following initial assessment, concerns were expressed relating to adverse impacts due to the initial design. Amended plans were prepared and submitted on the 15 May 2013. These amendments were assessed by Council's Heritage Strategist who has submitted that the proposal is acceptable.

The amendments include:

- Increased setbacks to the Heritage Item to the west and articulation to the lane.
- Submission of plans to detail the articulation and colours and materials of external finishes.
- Creation of positive streetscape impact of the proposal and its contribution to a more active and lively gateway element in this otherwise plain carpark façade.

### **7.01 Building Design Criteria**

This section of the DCP aims to promote appropriate urban design outcomes for new buildings. That the buildings enhance the local sense of identity and has an appropriate scale and setting.

The proposal satisfies the Council's building height and density controls, has been designed having regard to potential adverse impacts and designed to ensure a satisfactory response to the potential flooding of the site.

Overall, the proposal will enhance the character of the location by removing an existing unsightly, unfinished aspect of the existing recreational Club facility, with additional car parking to meet the increased demands and will provide a new motel facility which appears to be a much needed addition to the Wallsend Town Centre.

### **7.03 Traffic, Parking & Access**

Council required the submission of a comprehensive assessment of the parking generation for the Club addition and the motel component. A Traffic and Parking Report was prepared by TDK & Associates Pty. Ltd. Dated July 2013. The submission said that with the assessment of DA 01/2642 for Club additions, the parking rate was assessed as one (1) space/15m<sup>2</sup> of public area. This was accepted by Council and it is in accordance with the guidelines for parking.

The report identified a total combined parking demand of 248 spaces for the Club and motel (211 for the club and 37 spaces for the motel).

This proposal is acceptable with Council's Traffic Engineer advising as follows:

*'I believe it has been accepted that the additional parking provided is satisfactory due to cross use of facilities in the Club and good access to alternate transport services and infrastructure. The car park access does not change and therefore there is no adverse impact on local road networks. The proposed development is supported with conditions'.*

### **7.05 Energy Conservation**

The application advises that the Wallsend Diggers Club has management processes ensuring efficiency in the use of resources such as water and power. This is to be continued in the new development with new fittings to be energy efficient and new hydraulic fittings to be water saving. The new works will need to satisfy the provisions of section J of the BCA – energy conservation.

## **7.06 Stormwater**

A Stormwater Management Plan prepared by Michael Fitzgerald Consulting Engineers has been prepared and submitted in August 2013.

This plan has been assessed by Council's Senior Development Engineer who found the proposal acceptable.

The plan includes provision of an 18,000 litre water storage and re-use tank with the retained water to be used in the Motel development for toilet flushing and a 9,000 litre rainwater tank for re-use within the Club.

## **7.08 Waste Management**

An acceptable Waste Management Plan has been lodged with the proposal.

## **7.08 Outdoor Advertising**

No details of any advertising structures or signage have been lodged. Proposed advertising will need separate consent.

**(a)(iia) any planning agreement that has been entered into or any draft planning agreement that the developer has offered to enter into**

There are no planning agreements.

**(a)(iv) any matters prescribed by the regulations**

All required matters are addressed.

**(b) the likely impacts of the development**

Section 79C (i) (b) of the Act requires Council to consider *the likely impacts of that development including environmental impacts on both the actual and built environment and social and economic impacts in the locality.*

## **Natural Environment**

The site is identified as flood prone land. A Flood Assessment Report has been prepared and its recommendations accepted. This aspect would not preclude approval of the proposed development.

## **Built Environment**

The development has been assessed as having acceptable and minimal impacts. The Club extension will create an enhanced visual impact.

The motel, due to its height, may have generated adverse impacts; however, the building design has successfully mitigated these potential impacts.

The new works will be highly visible but will be moderated by the building design and the proposed external treatment.

## **Noise Impact**

A noise impact assessment report prepared by Reverb Acoustic Consultants Pty Ltd and dated July 2013 has been submitted. This report addressed noise impact for both the club extension and the proposed motel and the carpark modification. The report notes a number of recommendations with respect to noise attenuation requirements. It concludes that subject to compliance with the report's recommendations, operation and construction of the development, *'will not have any long term adverse noise impacts upon the acoustic amenity of nearby residents'*.

A consent condition is recommended to ensure compliance with the submitted acoustic report (see **Attachment A**).

## **Social Impact**

The development will make a positive social contribution to the local and wider community by providing an improved recreational facility and much needed visitor and tourist accommodation facilities. It will also improve the entry to the Wallsend Town Centre.

## **Economic Impacts**

The proposed development will have a positive economic impact by the provision of improved facilities with the recreational Club and the provision of the motel accommodation.

### **(c) the suitability of the site for development**

The site is currently used as a recreational facility and a two level carpark. The attributes of the site are conducive to the proposed development.

### **(d) any submissions made in accordance with this Act or the Regulations**

The proposed development was notified to adjoining and nearby landowners and occupiers between 15 January 2013 and 31 January 2013, in accordance with Council's Notification Policy. During this period Council received four submissions, two in support of the proposal and two raising concerns but not objecting to the development.

The matters raised in public submissions have been addressed in the body of the report.

### **(e) the public interest**

The public interest is an overarching requirement, which includes the consideration of the matters discussed in this report. Implicit to the public interest is the achievement of future built outcomes adequately responding to and respecting the future desired outcomes expressed in environmental planning instruments and development control plans.

The application is considered to have satisfactorily addressed Council's criteria and would provide a development outcome that, on balance, would result in a positive impact for the community. Accordingly, it is considered that the approval of the proposed recreation Club and new motel extensions would be in the public interest.



## **7. Conclusion**

The application proposes alterations and additions to the existing recreational Club and construction of a 46 unit motel and additions to the existing car park for the Wallsend Diggers Club at No. 4 (the Club) and No. 5 (the carpark and motel) Tyrrell Street Wallsend.

The proposal is consistent with the objectives of the B2 – Local Centre Zone and the provisions of the Newcastle LEP 2012 and Newcastle DCP 2012.

The development is unlikely to result in any significant impacts upon the natural and build environment or have any negative social or economic impacts. The development provides for improved recreational facilities for Club members and guests and the provision of a motel facility which is in high demand. Given this, it is recommended that the application be approved subject to the conditions in **Attachment A**.

## **8. Recommendation**

That the Joint Regional Planning Panel grant consent to 2012/1418 subject to the conditions contained in **Appendix A**.