

# Statement of Environmental Effects

## Proposed Holiday Inn Express Hotel

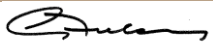
Part No. 500 King Street, Newcastle West

Submitted to the City of Newcastle  
On Behalf of Pro-Invest Developments

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July 2016 | N-16029

## Report Revision History

Revision	Date Issued	Prepared by	Reviewed by	Verified by
Rev A-Draft	7/07/16	<b>J. Sjostedt, J. Kuczera</b>  <i>Project Planner, Snr. Project Planner</i>	<b>G. Fielding</b>  <i>Senior Consultant</i>	  <i>G. Fielding</i>  <i>Senior Consultant</i>
Rev 0-Final	07/07/16	<b>J. Kuczera</b>  <i>Snr. Project Planner</i>	-	

*This document is preliminary unless approved by a Project Manager or Director of City Plan Strategy & Development.*

### CERTIFICATION

This report has been authorised by City Plan Strategy & Development, with input from a number of other expert consultants, on behalf of the Client. The accuracy of the information contained herein is to the best of our knowledge not false or misleading. The comments have been based upon information and facts that were correct at the time of writing this report.

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## Appendices

Appendix	Title	Prepared by	Date / Reference
1	Response to SEPP 64 - Schedule 1 Assessment Criteria	City Plan Strategy & Development	July 2016
2	Response to Clause 5.5 of NLEP – Development within the Coastal Zone	City Plan Strategy & Development	-
3	Aboriginal Heritage Information Management Service Search Results	Office of Environment and Heritage	16/05/16

## Associated Attachments (see DA Folders by Tactical Group)

Title	Prepared by	Date / Reference
Site Survey	Delfs Lascelles Consulting Surveyors	10/05/16
Architectural Plans	Reid Campbell	Rev DA 1, 30/06/16
Building Code of Australia Report	McKenzie Group	Rev B, 16/06/16
Landscape Concept Plans and Preliminary Landscape Design Report	Terras Landscape Architects	Rev B, 22/06/16
CPTED - Crime Risk Assessment	TPG Town Planning & Urban Design	Ver 2, 22/06/16
Copy of UDCG Meeting Minutes, 21st April 2016	Newcastle City Council	21/04/16
Urban Design Consultative Group Meeting Response	Reid Campbell Architects	Undated
Design Statement	Reid Campbell Architects	07/07/16
Site Contamination Assessment	Regional Geotechnical Solutions	05/04/16
DA Elemental Cost Estimate – Capital Investment Value	Rider Levett Bucknall	04/07/16
Statement of Heritage Impact	EJE Heritage	April 2016
Civil Engineering DA Package	Northrop Consulting Engineers	Rev 2, 01/07/16
Flood Impact Assessment	Northrop Consulting Engineers	11/05/16
Stormwater Management Letter	Northrop Consulting Engineers	01/07/16
Mine Subsidence Board Conditional Approval	Mine Subsidence Board	26/05/16
Traffic and Parking Assessment	Intersect Traffic	Rev D, 21/06/16
ESD Report	Cundall	Rev B, 24/06/16
Broad Scale Development Self Assessment Checklist – Water Sensitive Urban Design	Pro-Invest	Undated
Construction & Demolition Waste Management Plan	Foresight Environmental	Rev 2, 07/07/16
Ongoing Operation Waste	Foresight Environmental	Rev 4, 07/07/16

Title	Prepared by	Date / Reference
Management Plan		
Development Application Noise Assessment	Wilkinson Murray	Ver A, 14/06/16
Report on Geotechnical Investigation	Douglas Partners	Rev 0, 30/06/16
Geotechnical Assessment	Regional Geotechnical Solutions	Rev 1, 05/04/16
Mine Subsidence Risk Assessment & Preliminary Grouting Requirements	Ditton Geotechnical Services	27/04/16
Accessibility & DDA Sign Off	McKenzie Group Consulting	24/06/16
Letter of Support	Pro-Invest Hotels Group	Undated



## 1. Introduction

This Statement of Environmental Effects (SEE) has been prepared by City Plan Strategy & Development (CPSD) on behalf of Pro-Invest Developments, the project applicants.

The subject site is located at Part No. 500 King Street in Newcastle West, and currently accommodates part of the disused Newcastle City Holden car sales yard. Under the *Newcastle Local Environmental Plan 2012* the land is zoned B3 Commercial Core and is positioned within the 'Newcastle City Centre' key site.

This SEE is to support a Development Application (DA) for the demolition of existing development within the site, and for the construction of a proposed 8-storey 'Holiday Inn Express' hotel. Key features of the proposal include:

- 2 levels of car parking integrated into the fabric of the building (Levels 1 and 2);
- A retail tenancy on the Ground Floor. This floor also accommodates the administrative and servicing elements of the hotel;
- 5 levels of hotel guest rooms (170 rooms in total); and
- Landscaping of the building frontage and associated public domain works.

This SEE has been prepared in accordance with Clause 2(1)(c) & 4 of Schedule 1 of the *Environmental Planning & Assessment Regulation 2000*, having regard to Section 79C of the *Environmental Planning & Assessment Act 1979* (EP&A Act).

The SEE provides a description of the existing land and the site context in **Section 2**, with details of the proposed development in **Section 3**. The environmental planning controls applying to the site and an assessment of compliance with these controls are set out in **Section 4**. **Section 5** contains concluding comments in respect of the proposed development.

Images of the site's location, deposited plan and aerial photograph are provided in **Figures 1 to 4**.

This SEE demonstrates that the proposal complies with most development objectives and controls and will result in development that demonstrates design excellence. Accordingly, it is recommended that the proposal be granted development consent.





Figure 1: Site Location



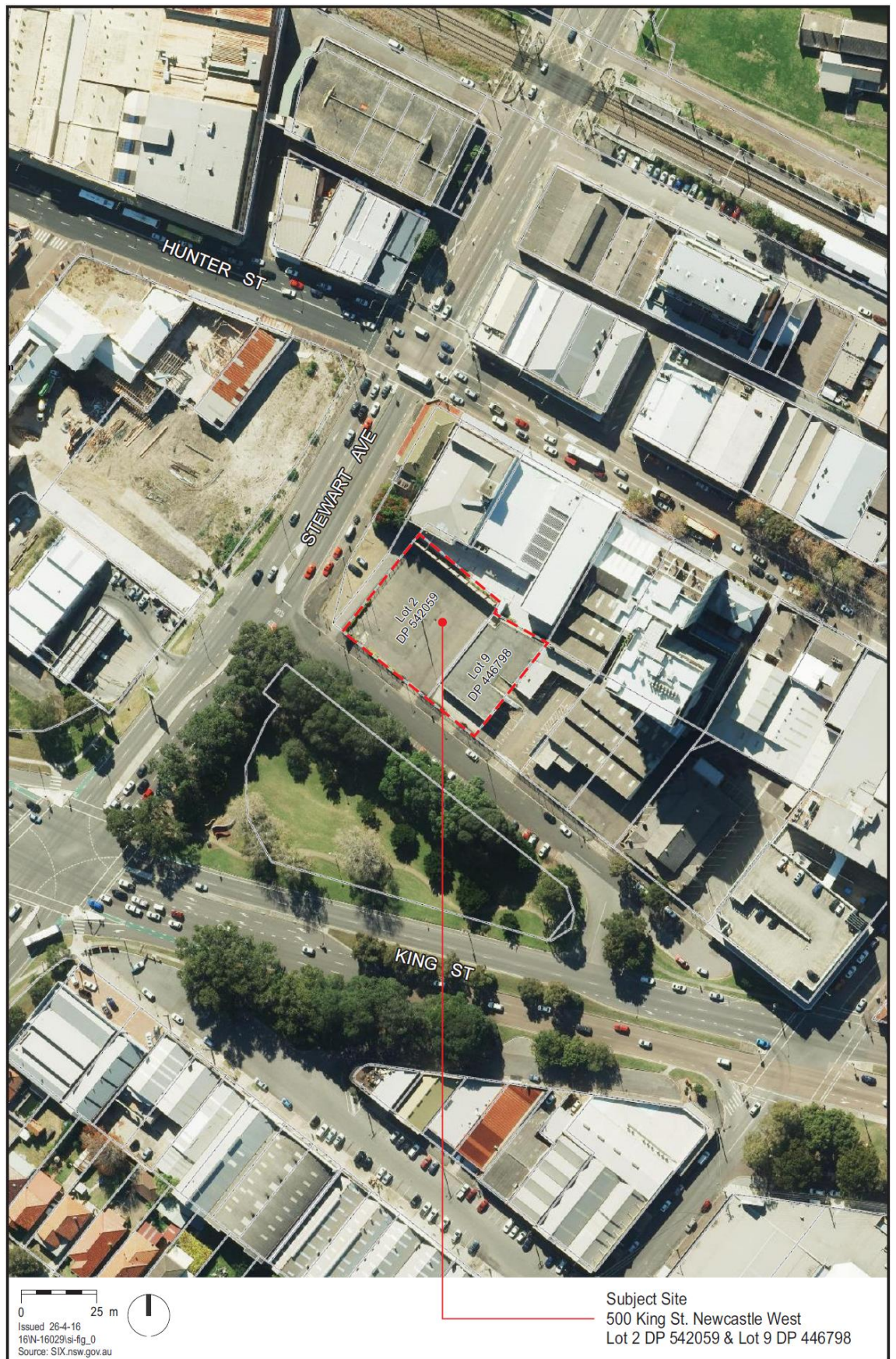


Figure 2: Aerial View





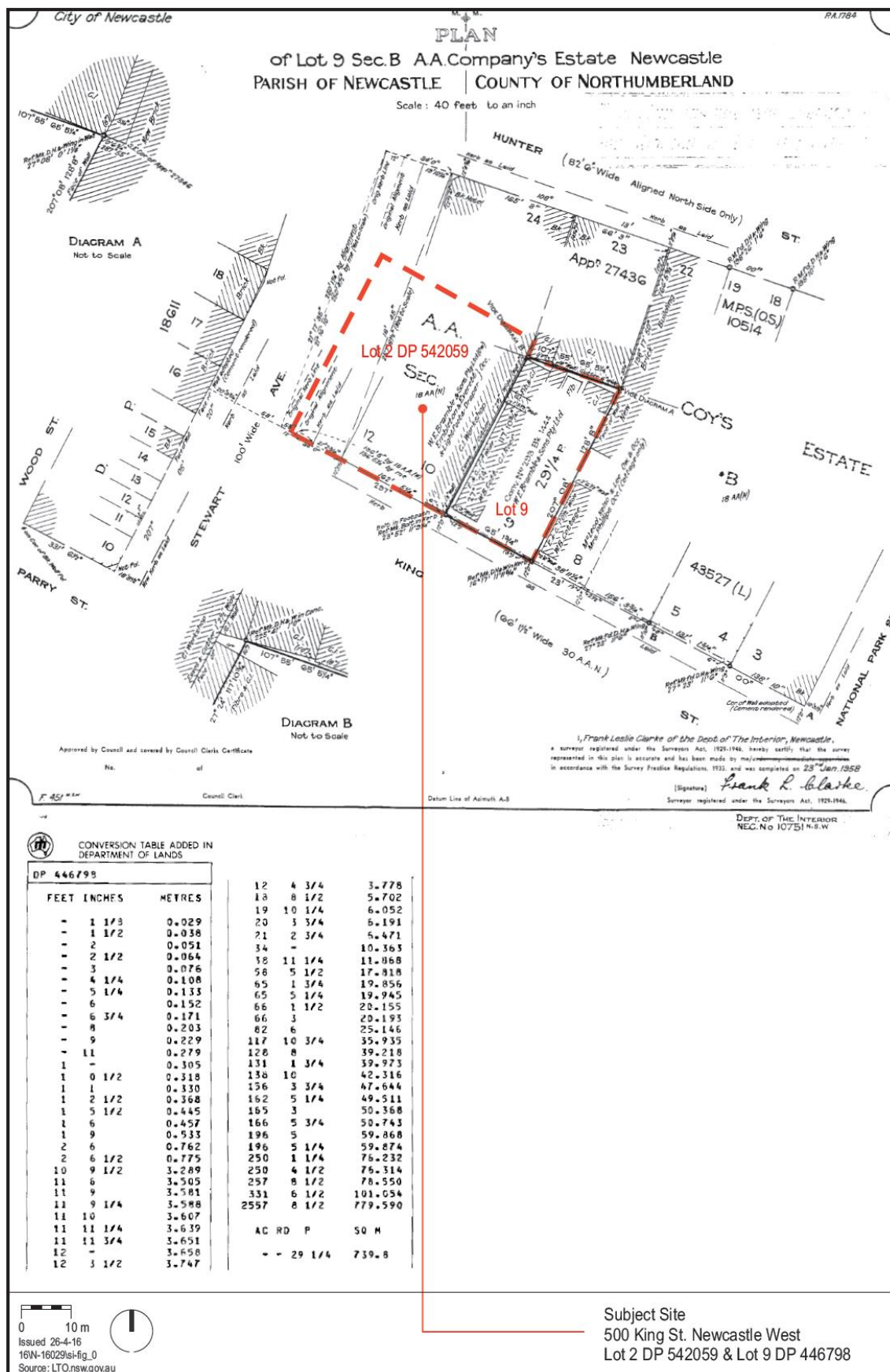


Figure 4: Deposited Plan (2)

## 2. The Site and Context

### 2.1 The Site and Existing Development

The subject site is located at Part No. 500 King Street, Newcastle West, and is legally described as follows:

- Lot 2 in DP 542059
- Lot 9 in DP 446798

Whilst the site's formal street address is King Street, the street adjoining the site to the south may be described within this SEE as '**Little King Street**' to differentiate it from the main King Street thoroughfare further to the south-east.

Plans showing the site's location, an aerial view and the Deposited Plan are provided at **Figures 1-4**.

Some of the site's key attributes and constraints are summarised below:

- **Site details:** The site has a predominantly rectangular shape with the exception of the irregular northern boundary. It has an area of approximately 2,175m<sup>2</sup>, as shown in the related attachment *Site Survey* (Delfs Lascelles Consulting Surveyors). The land has a frontage to Little King Street of approximately 56m. The site is near-level with minor slope variations of less than 2 degrees.
- **Existing development:** The site formerly accommodated part of the Newcastle City Holden car sales yard, which extended along much of the Little King Street frontage until it was vacated in early 2016. The land currently accommodates the storage of cars by Klosters on a temporary basis. Existing development on the site includes a single-story vehicle showroom in the eastern portion of the site, and a concrete car parking area to the west. With the exception of narrow strips of garden bed along the southern and western frontages, the site does not support any vegetation.
- **Access:** Access to the site is provided off 'Little King Street', a 2-lane wide local road connecting to the adjacent arterial King Street and Stewart Avenue. The site is fenced along the street frontages, and is accessible via 2 gates and driveways off Little King Street. By vehicle, Little King Street is accessible either southbound from Stewart Avenue, or eastbound along King Street. Asphalt footpaths adjoin the subject site.
- **Key environmental constraints:** The site contains no significant flora or fauna, and is affected by Class 4 Acid Sulphate Soils. It is considered 'floodprone land' and contains areas of 'flood storage', however, this issue is readily managed through the height of finished floor levels (see **Section 4.8.8**). A *Site Contamination Assessment* has indicated that the land is not affected by contamination levels inappropriate for the proposed use (see related attachment). The site does not contain a heritage item but is located near the locally heritage-listed *Birdwood Park, Fig Trees and Army Drill Hall*. It is also located within the *Newcastle City Centre Heritage Conservation Area*. All these constraints can be effectively managed through the design and layout of the proposal, as outlined within this SEE.
- **Zoning:** The site is zoned B3 Commercial Core under the *Newcastle Local Environmental Plan 2012* (NLEP), as shown in **Figure 5**.

Views of existing development on the site are provided in the following photographs.





Plate 1: View of the site from Little King Street (near the site's western boundary) looking north-east



Plate 2: View of the western portion of the site, looking north



Plate 3: View of the site from the opposite (western) side of Stewart Avenue, looking east



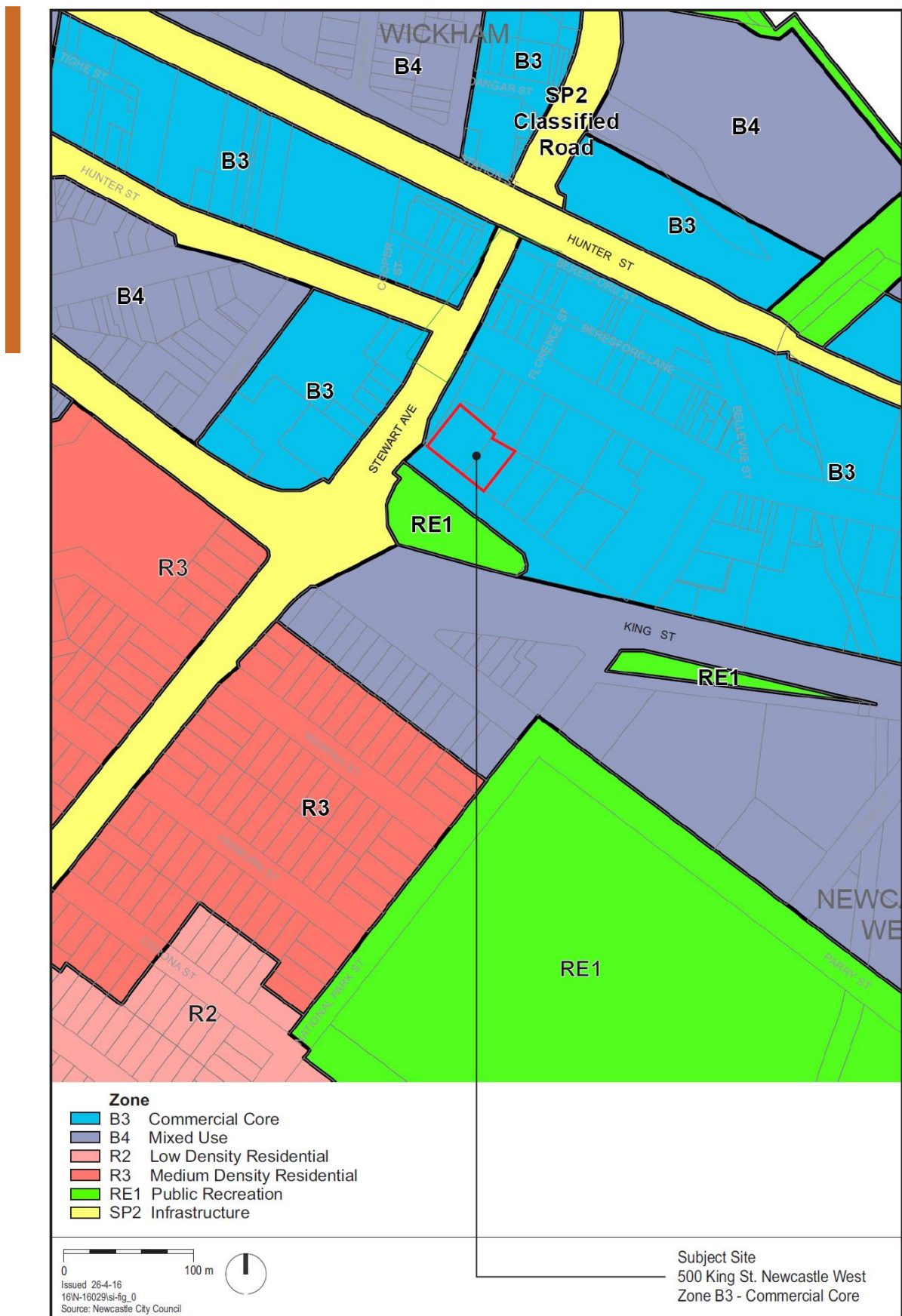


Figure 5: Land zoning (Newcastle LEP 2012)

## 2.2 The Site Context and Surrounding Land Uses

The existing character of the area is predominantly commercial, with the major exception of Birdwood Park itself. Most land in the vicinity of the site which lies north of King Street is zoned B3 Commercial Core, while land to the south is zoned B4 Mixed Use (see **Figure 5**).

Existing development in the vicinity of the site is described below:

- **North:** Commercial development along Hunter Street, including the 3-storey 'Rundle Tailoring' building, the 2-storey 'West End Accommodation' hotel building, and a 2-3 storey commercial consultancy building. The 13-storey 'Pinnacle' building (formerly known as 'Latec House', accommodating short and long-term room rentals) is located approximately 24m to the north-east of the site.
- **East:** The former Newcastle City Holden site continues to the immediate east of the site. This area is subject to a recently-submitted development application for a 14-storey seniors housing development with a ground floor commercial element. Further east along Little King Street is the heritage-listed *Army Drill Hall*, comprising a 1-2 storey brick and weatherboard building.
- **South:** 'Little King Street' (a 2-way local street) separates the site from the heritage-listed Birdwood Park. Birdwood Park accommodates mature trees, grassed areas, paths, formal seating areas and a memorial statue.
- **West:** A narrow lot, accommodating a carpark for the 'West End Accommodation' hotel, (situated on the corner of Hunter Street and Stewart Avenue), separates the site from Stewart Avenue. Further to the west sits additional commercial development, including a 'Key Site' identified within the NLEP. A 5-storey retail and commercial building has recently been constructed on that part of the site fronting the intersection of Parry Street and Stewart Avenue, while the remainder of the key site is currently vacant.

Key features of the local context are as follows:

- **Public transport and walkability:** Numerous bus routes provide services along King Street, Stewart Avenue and Hunter Street, with the closest bus stop approximately 130m from the site. Bus stops on Hunter Street include access to the Hamilton Train Station shuttle buses, ensuring adequate connections to CityRail rail lines. The site is approximately 275m walking distance from the proposed Wickham Transport Interchange (to the north-west, at the corner of Stewart Avenue and Beresford Street). The Interchange is proposed to connect heavy rail, light rail, local buses and taxis. Numerous sites of interest are also within walking distance, including the Marketown shopping centre (160m), the Hunter Street Medical Centre (250m), and multiple shops, restaurants and services along Hunter and King Streets.
- **Key views:** The site benefits from direct views to Birdwood Park to the south at ground level and above, and more extensive views to the east, south and west at higher elevations. The site does not contain any 'key views' or 'vistas', as identified within the *Newcastle Development Control Plan 2012*.
- **Heritage items:** The closest listed item is *Birdwood Park*, located on the opposite (southern) side of Little King Street. A number of large fig trees, also items of local heritage significance, are located south-west of the site, adjacent to Stewart Avenue and Birdwood Park. The locally significant *Army Drill Hall* lies east of the site at No. 498 King Street. See **Figure 11** in this SEE.

Photographs showing views of the local area are provided in the following sections.





Plate 4: View of Little King Street (looking south-east)



Plate 5: View of facilities in Birdwood Park, south of the subject land





Plate 6: Access land and car parking area west of the subject site



Plate 7: Heritage-listed 'Army Drill Hall', east of the subject site

## 2.3 Strategic Planning Context & Desired Character

The subject site sits in the western portion of the Newcastle City Centre, to the north of the locally significant Birdwood Park. The *Newcastle Development Control Plan 2012* (the 'DCP') identifies the site as being within the 'Birdwood Park precinct' of Newcastle's 'West End Character Area' (see **Figure 6**). This precinct is identified as the *western gateway to the Newcastle City Centre* and its desired future character (as described within the DCP) is as follows:

*This precinct has the potential to become part of the future central business district of Newcastle. This is due to the location of the new transport interchange in the precinct. There is also a predominance of larger consolidated land holdings and fewer environmental and heritage constraints combined with generous floor space and height allowances. Improvements to streetscapes and Birdwood Park will raise the quality of the public domain...*

The key objectives of the Birdwood Park precinct are to:

1. Guide development that contributes to the realisation of a future commercial core.
2. Create a sense of arrival into the city centre from the western approach.
3. Promote active street frontages.
4. Protect heritage items and contributory buildings.
5. Promote a permeable street network in Birdwood Park precinct with well-connected easily accessible streets and lanes.
6. Provide new public spaces and improve pedestrian amenity, particularly to Birdwood Park.
7. Improve Birdwood Park with a strong built edge and protecting sunlight access.

The DCP includes a precinct plan which sets out specific controls and desired outcomes for the precinct, including in relation to the subject site (see **Figure 7**).



Figure 6: Character Areas and Key Precinct Map (DCP 2012)



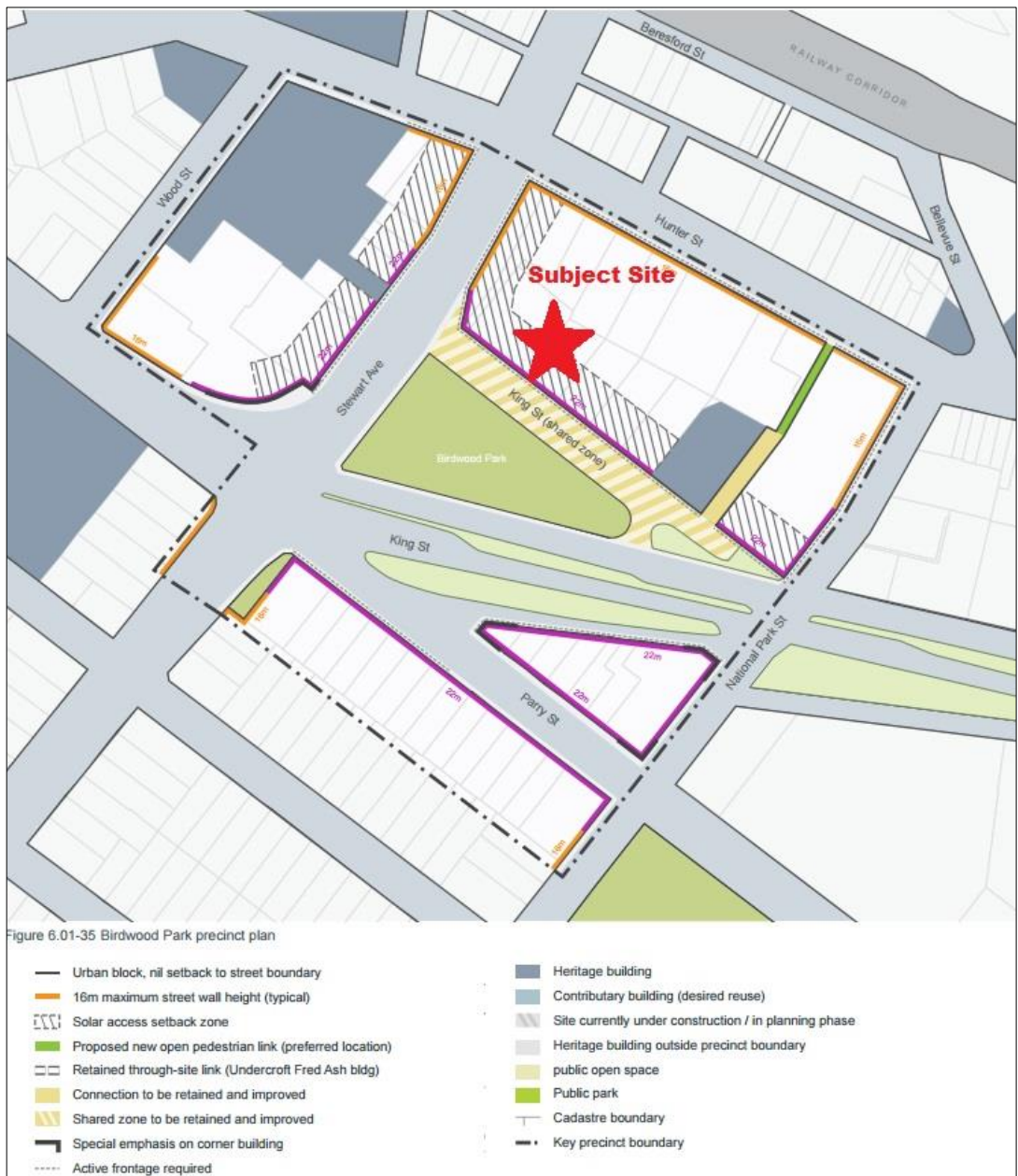


Figure 7: Birdwood Park precinct plan

### 3. Description of the Development

#### 3.1 Overview

The proposal comprises the demolition of existing development within the site, and the construction of a proposed 8-storey 'Holiday Inn Express' hotel. Key features of the proposal include:

- 2 levels of car parking integrated into the fabric of the building (Levels 1 and 2);
- A retail tenancy on the Ground Floor. This floor also accommodates the administrative and servicing elements of the hotel;
- 5 levels of hotel guest rooms (170 rooms in total); and
- Landscaping of the building frontage and associated public domain works.

The proposed development forms part of a larger development concept for the immediate locality, which includes a proposed 14-storey RSL Lifecare seniors housing development east of the site; an adaptive re-use of the heritage-listed *Army Drill Hall* further east; and future development fronting Hunter Street to the north-east. However, the current application deals only with the proposed Holiday Inn Express development on the subject site.

Further details of the proposal are provided in the following sections.

#### 3.2 Demolition and Earthworks

All existing development within the site is proposed to be demolished. The proposal will involve some minor earthworks, such as those associated with the levelling of the building footprint and installation of services. No other significant excavation is proposed.

#### 3.3 Siting, Streetscape and Built Form

The proposal's bulk, scale, siting and contribution to the streetscape have been subject to refinement as a result of discussions with Council's Urban Design Consultative Group (UDCG) - see **Section 3.8** of this SEE.

In essence, the built form comprises a tower element set over an extensive 3-storey podium base. The proposed development has the following key features:

- Maximum building height of approximately 30m, and Floor Space Ratio of 2.7:1;
- Podium levels have a large floorplate with a nil to minimal setback to all site boundaries to maintain uninterrupted facades to the street and to provide continuity with adjoining development (existing and proposed);
- Upper levels are set back from site boundaries to maintain visual and acoustic privacy for hotel guests;
- Extensive façade articulation and treatment on all sides, including the setback of accommodation levels beyond the podium street-frontage, the use of coloured glass elements, aluminium window louvres, vertical metal fin features to carpark levels, variation in window forms between the podium and upper levels, use of a variety of exterior building materials and colour palettes, and a proposed artwall to the Little King Street façade at ground level (artwork detail to be confirmed at detailed design stage);



- Several street-level pedestrian entrances along the street frontage;
- Positioning of the vehicular entry point away from key pedestrian access points;
- An internal loading dock and waste storage rooms; and
- Continuous pedestrian awning along the length of the Little King Street frontage.

An artist's impression of the proposed development is shown in **Figure 8** below. Additional artist's impressions and detailed plans are provided in the separately attached *Architectural Plans* (Reid Campbell).



Figure 8: Artist's impression of the proposed development (Source: *Architectural Plans* by Reid Campbell)

### 3.3.1 Building Code of Australia Compliance

A *Building Code of Australia Report* has been prepared for the proposal by the McKenzie Group (see related attachment). Assessment of the development plans indicated a number of areas which will need to be assessed against the relevant performance requirements of the Building Code of Australia. These matters, along with the refinement of other detailed design issues (e.g. door hardware specifications), will be resolved prior to the Construction Certificate stage.

## 3.4 Retail Component

The proposed Ground Floor of the building is proposed to accommodate approximately 275m<sup>2</sup> of retail space. The exact use of this space is yet to be determined (and will be subject to a separate future development application, if required), however it is likely to accommodate a café or restaurant use. Anticipated hours of operation would be from 6am to 11pm.

Pedestrian access to the retail space will be provided via the stairs and ramp connecting to Little King Street, shared with the hotel. Access from the carparking levels will be via the lifts connecting into the adjacent hotel lobby.

A significant length of transparent glazing along the space's Little King Street façade will allow pleasant views outward towards Birdwood Park, and views into the space from the street, providing visual interest and activating the street frontage.

### 3.5 Hotel Component

The proposed hotel component comprises 5 storeys of guest accommodation, with a total of 170 rooms (34 rooms to a floor). The majority of rooms are of uniform size and dimensions, and can accommodate up to 2 single beds, plus ensuite bathroom, kitchenette and writing desk. Ten of the proposed rooms (2 on each floor) are accessible to people in wheelchairs.

The ground floor areas of the hotel include:

- Reception;
- 'Greatroom' and bar;
- Communal dining, buffet, lounge and study areas;
- Meeting room;
- Gym (for hotel guests only);
- Toilets; and
- Various 'back of house' facilities including staff rooms, laundry, store rooms and services.

Access to the upper floors is provided via a single elevator shaft with two lifts, plus 2 fire stairs.

The hotel is anticipated to operate 24 hours per day, 7 days per week. The proposed bar / reception area is intended for use predominantly by hotel guests, however it will also be open to the general public. A small array of snack-style food offerings will be available for purchase, along with beverages.

The proposed buffet and dining areas will be available for use during breakfast periods by hotel guests only. Various food options will be prepared within a re-heat pantry, and will be accompanied by packaged offerings such as yoghurt, juice, cereal etc. The use of a kitchen is not required.

### 3.6 Vehicle Access and Parking

Parking is proposed over 2 floors (Levels 1 and 2), accessible via a 2-way driveway off Little King Street near the site's eastern boundary and internal ramps. Proposed parking provision is as follows:

- 104 x carparking spaces, 7 of which are proposed to be accessible for people with disabilities;
- At least 6 x motorcycle parking spaces, within 6 designated locations;

- 2 x bicycle storage racks, capable of holding up to 12 bicycles, within carparking Level 1.

In addition, a loading bay is proposed on the Ground Floor, with direct access to the back-of-house areas of the hotel and retail space. The loading bay can accommodate Medium Rigid Vehicles up to 8.8m in length, and includes sufficient turning space for vehicles to enter and exit the site in a forward direction.

Vehicle access to the parking areas will be restricted via boom gates. The gates will be generally open during business hours and otherwise closed for security purposes. Staff and residents will be provided with swipe cards for out-of-hours access.

Additional discussion on parking and access matters is provided at **Section 4.8.6** of this SEE.

### 3.7 Landscaping & Public Domain Works

The proposal involves low-level landscaping and public domain works, as indicated in the *Landscape Concept Plans and Preliminary Landscape Design Report* prepared by Terras Landscape Architects (see related attachment). Key features of the landscaping and public domain works are as follows:

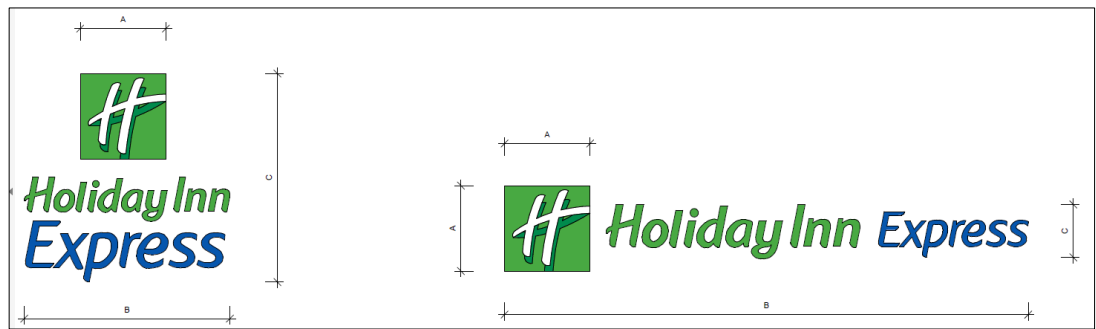
- Upgrading of the Little King Street streetscape, including footpath paving, the making good of redundant kerb breaks, and the positioning of bollards adjacent to the proposed driveway;
- Landscaping of the pavement edge under the proposed raised ground floor slab at the Little King Street frontage; and
- The provision of tub plantings, waste receptacles and bench seating at the building entrance.

Note that landscaping of the building rooftops or podia is not proposed, due to hotel operational, safety and security concerns. The *CPTED - Crime Risk Assessment* (prepared by TPG Town Planning & Urban Design - see related attachment) notes that *from a hotel operations view, an accessible roof above the carpark would prove difficult to manage and pose a greater uncontrolled risk from a guest safety, privacy, security and noise management position... the proposed hotel is located directly opposite Birdwood Park and greater public benefit could be achieved by encouraging the use and activation of this park rather than providing podium roof areas within the hotel itself* (p20).

### 3.8 Signage

Three signs are proposed, to be positioned on the King Street and Stewart Avenue facades of the building. These signs will be building identifications signs only, comprising the 'Holiday Inn Express' name and corporate logo. Examples of the proposed signage are shown in **Figure 9** below, and in more detail in the attached *Architectural Plans* by Reid Campbell.

These signs will be square or rectangular in shape, and the largest sign will have an area of 18m<sup>2</sup>. Signage will include modern low voltage LED lighting, incorporated into the sign's fabric. Further discussion on signage is provided in **Section 4.2.2** of this SEE (SEPP 64).



9: Examples of proposed signage (Source: *Architectural Plans* by Reid Campbell)

### 3.9 Pre-lodgement Consultation

Two meetings were held with the Council's Urban Design Consultative Group (UDCG), on 16th March 2016 and 21 April 2016. The minutes of the April meeting (which incorporate those of the March meeting) are provided in the related attachment (*Copy of UDCG Meeting Minutes, 21st April 2016* by Newcastle City Council).

Overall, the UDCG found that *the submission is in principle a very desirable development in relation to the activities proposed, and the general height, scale and density of the buildings* (p9). There were a number of outstanding matters raised by the UDCG in its minutes which have since been addressed by the project architects (Reid Campbell) in the current building design, as shown in the architectural plans and discussed throughout this SEE. In addition, Reid Campbell has provided a brief textual response to the key matters identified in the UDCG meeting minutes - see the related attachment *Urban Design Consultative Group Meeting Response*.

## 4. Statutory Planning Considerations

### 4.1 Overview

In determining the DA, the Council is required to have regard to the relevant matters for consideration under Section 79C(1) of the *Environmental Planning and Assessment Act 1979*. The following sections provide an assessment of the proposal under these statutory matters for consideration.

### 4.2 Provisions of any environmental planning instrument [Sec. 79C(1)(a)(i)]

The following environmental planning instruments have some application to the proposed development and are addressed in the following sections:

- *State Environmental Planning Policy No 55 - Remediation of Land*;
- *State Environmental Planning Policy No 64 - Advertising and Signage*;
- *State Environmental Planning Policy No. 71- Coastal Protection*;
- *State Environmental Planning Policy (Infrastructure) 2007*;
- *State Environmental Planning Policy (State & Regional Development) 2011*; and
- *Newcastle Local Environmental Plan 2012*

#### 4.2.1 State Environmental Planning Policy No. 55- Remediation of Land

The objective of this SEPP is to provide a state-wide planning approach to the remediation of contaminated land for the purpose of reducing risks to human health and the environment. Relevant to this proposal, Clause 7 provides that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. Further, if the land is contaminated, Council must be satisfied that the land is suitable (or will be made suitable, after remediation) for the proposed use.

Subclause 7(2) specifies that, before determining a DA involving certain land (which would include the subject site, due to the potential for engine works to have occurred at some time during the site's occupation) the consent authority must consider a preliminary contamination investigation of the land. Accordingly, a *Site Contamination Assessment* was prepared for the proposal by Regional Geotechnical Solutions (see related attachment).

The assessment found that soil contaminant levels were either at concentrations below the laboratory detection limits or at concentrations below the adopted assessment criteria for the proposed commercial land use. It was determined that further assessment regarding site contamination is not required.

Accordingly, pursuant to Clause 7, the consent authority can be satisfied that the site *is suitable or will be made suitable for the proposed use*, in satisfaction of SEPP 55.

#### 4.2.2 State Environmental Planning Policy No. 64 - Advertising and Signage

The objectives of this Policy are to ensure due consideration is given to public amenity, aesthetics and visual character before consent is granted to any development encompassing signage.

Clause 8 requires that any proposed signage must demonstrate consistency with the objectives of the SEPP, as well as the assessment criteria provided in Schedule 1.

As outlined in **Section 3.8** of this SEE, the proposal includes 3 building identification signs to be positioned on the Little King Street and Stewart Avenue building facades. The signs will be compatible with the desired commercial character and amenity of the area, will effectively communicate the building's identity, and will be of a high quality design and finish. The proposal is compliant with the Schedule 1 Assessment Criteria, as detailed within the compliance table at **Appendix 1** to this SEE. Accordingly, the proposal satisfies the requirements of Clause 8, and thereby the relevant provisions of the SEPP.

For the avoidance of doubt, the proposal does not include any 'advertisements' as defined under the SEPP.

#### **4.2.3 State Environmental Planning Policy No. 71- Coastal Protection**

The subject site lies within the boundary of the NSW Coastal Zone, and therefore SEPP 71 would normally apply. However, as outlined in **Section 4.2.6** of this SEE (Newcastle LEP) SEPP 71 does not apply to land within the Newcastle City Centre and therefore is not applicable to the current proposal.

#### **4.2.4 State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)**

The ISEPP aims to facilitate the effective delivery of infrastructure across NSW.

Clause 104 of the ISEPP relates to 'traffic generating development'. This clause applies, as the proposal involves 'tourist facilities' with parking for 50 or more vehicles and the site is within 90m of a connection to a classified road (Pacific Highway, also known as Stewart Avenue in this location). Accordingly, it is anticipated that Council will refer this development application to the RTA (now RMS) for its comments. Detailed consideration of the road safety and parking implications of the proposal is provided in **Section 4.8.6** of this SEE.

For the avoidance of doubt, the subject site does not have a 'frontage to a classified road', pursuant to Clause 101, as it is separated from Stewart Avenue by a narrow lot accommodating carparking associated with a nearby hotel. Nevertheless, the proposal has been appropriately designed to manage traffic and noise impacts, as outlined in **Section 4.8** of this SEE.

Accordingly, the proposal is considered to be consistent with the ISEPP.

#### **4.2.5 State Environmental Planning Policy (State & Regional Development) 2011**

The aim of this policy, relevant to this proposal, is to confer functions on Joint Regional Planning Panels to determine development applications in certain circumstances.

Part 4 of the SEPP provides that a regional panel (in this case the Hunter-Central Coast Joint Regional Planning Panel) may exercise consent authority functions, including the determination of development applications, for development identified within Schedule 4A of the *Environmental Planning & Assessment Act 1979* (EP&A Act). Clause 3 of Schedule 4A includes *development that has a capital investment value of more than \$20 million*.

The proposed development has a capital investment value of approximately \$28,941,000 (see related attachment - *DA Elemental Cost Estimate – Capital Investment Value* by Rider Levett Bucknall) and therefore this application will be determined by the Joint Regional Planning Panel.



#### 4.2.6 Newcastle Local Environmental Plan 2012

The *Newcastle Local Environmental Plan 2012* (NLEP) applies to the subject site. The provisions relevant to the proposed development are addressed in **Table 1** below.

In summary, the proposed development complies with the provisions of NLEP.

Table 1: Compliance with Newcastle Local Environmental Plan 2014

Clause	Comment	Comply
1.2 Aims of Plan	The proposal involves a well-designed and significant building in a well-serviced location within the CBD. It is located in close proximity to various public transport nodes and a wide range of services and community facilities. The proposal will contribute to the economic prosperity of the area by providing jobs (through both the construction and operational phases), as well as accommodation for tourists and their associated economic flow-on impacts. The proposal provides retail space to service the local community and activate the streetscape. Further, it respects the heritage significance of nearby buildings and the local area.	✓
1.9 Application of SEPPs	This clause provides that SEPP 71 ('Coastal Protection') does not apply to land within the Newcastle City Centre. Accordingly, it does not apply to the subject site.	-
2.2 Zoning of land to which plan applies	As shown in <b>Figure 5</b> in this SEE, the site is zoned B3 Commercial Core.	-
2.3 Zone objectives & Land Use Table	The objectives and permissible uses of the zone are addressed below ('Land Use Table').	-
Land Use Table	<p>The proposal complies with the relevant objectives of the B3 Commercial Core zone as it:</p> <ul style="list-style-type: none"> <li>provides a mix of ground floor retail and short term accommodation uses that will serve the needs of the local and wider community;</li> <li>positions tourist accommodation and associated employment opportunities in close proximity to public transport nodes, services, shops and a range of community and recreational facilities (see <b>Section 2.2</b> of this SEE for further details);</li> <li>provides for commercial floor space within a mixed use development;</li> <li>does not adversely affect any significant view corridors.</li> </ul> <p>The following uses are listed as permissible with consent in the zone:</p> <ul style="list-style-type: none"> <li>'commercial premises' (including 'retail premises' and 'restaurants or cafes') - for the proposed ground floor retail component; and</li> <li>'hotel or motel accommodation' - for the hotel aspect of the development.</li> </ul> <p>Accordingly, the proposed development is permissible with consent in the zone and is considered to be consistent with the relevant zone objectives.</p>	✓



Clause	Comment	Comply
2.7 Demolition requires consent	This clause specifies that demolition works can only be undertaken where development consent has been granted. Consent for the demolition of existing structures on the subject land is being sought as part of this application, hence the proposal is consistent with this clause.	✓
4.3 Height of buildings	The maximum height of buildings provided on the <i>Height of Buildings Map</i> is 90m (see <b>Figure 10</b> in this SEE). The proposal complies, with a maximum building height of approximately 30m.	✓
4.4 Floor space ratio	The maximum FSR provided on the <i>Floor Space Ratio Map</i> is 8:1 (see <b>Figure 10</b> in this SEE). The development has a total Gross Floor Area (as defined in the NLEP) of approximately 5,850m <sup>2</sup> and the site area is approximately 2,175m <sup>2</sup> . Accordingly, the FSR is 2.7:1 and the proposal complies.	✓
5.5 Development within the coastal zone	A complete assessment of the proposal against the provisions of this clause is provided at <b>Appendix 2</b> of this SEE. In summary, the proposal complies.	✓
5.10 Heritage conservation	Relevant to this proposal, development consent is required for the erection of a building on land that is within a heritage conservation area (the site is within the <i>Newcastle City Centre Heritage Conservation Area</i> - see <b>Figure 11</b> ). The effect of the proposal on the heritage significance of the conservation area, and on nearby heritage items, has been assessed as part of the <i>Statement of Heritage Impact</i> prepared for the proposal by EJE Heritage (see related attachment). The Statement concluded that the proposal is appropriate for the area and will enhance the heritage significance of nearby items - see <b>Section 4.8.5</b> for further details.	✓
6.1 Acid Sulfate Soils	The subject site is mapped as containing 'Class 4' Acid Sulfate Soils (see <b>Figure 11</b> in this SEE). This clause requires the preparation of an acid sulfate soil management plan (or preliminary assessment indicating a management plan is not required) if works are proposed more than 2m below the natural ground surface. While the proposal is not expected to result in excavations deeper than 2m, an <i>Acid Sulfate Soil Assessment</i> was prepared which provides recommendations for the appropriate management of acid sulfate soils - see <b>Section 4.8.13</b> and related attachment by Regional Geotechnical Solutions for further details.	✓
6.2 Earthworks	<p>The proposal will involve some minor earthworks, associated with the levelling of the building footprint and installation of services.</p> <p>The proposal is not likely to have detrimental impacts on soil stability or drainage patterns, as outlined in <b>Sections 4.8.10</b> and <b>4.8.9</b>. A <i>Sediment &amp; Erosion Control Plan</i> is provided as part of the <i>Civil Engineering DA Package</i> prepared by Northrop Consulting Engineers (see related attachment). Appropriate soil waste classification and disposal requirements are discussed in the <i>Site Contamination Assessment</i> by Regional Geotechnical Solutions. The subject site is an already-disturbed CBD site, and it is unlikely that the proposal will result in the disturbance of any</p>	✓

Clause	Comment	Comply
	previously undiscovered archaeological objects.	
6.5 Public safety - licensed premises	<p>This clause requires that, before development consent can be granted for a 'licensed premises' (as defined in the <i>Liquor Act 2007</i>), consideration must be given to potential impacts on public safety. The proposal includes a licensed premises, associated with the sale of alcohol in the proposed hotel bar area.</p> <p>Accordingly, public safety is addressed in the <i>CPTED - Crime Risk Assessment</i> by TPG Town Planning &amp; Urban Design (see section 4.2 of the related attachment). In summary, it noted that public safety will be ensured through <i>rigorous management practices including the responsible service of alcohol</i>. Further, <i>introducing a vibrant hotel use, supported by retail and commercial opportunities that contribute to activity 24 hour, 7 days a week, will assist in crowding out opportunities for antisocial behaviour</i> (p16).</p>	✓
7.2 Land to which this Part applies (Newcastle City Centre)	As shown in <b>Figure 12</b> , the subject site is located within the Newcastle City Centre, and therefore Part 7 of the NLEP applies.	-
7.3 Minimum building street frontage	This clause stipulates a minimum 20m street frontage for developments in the B3 zone. The street frontage of the proposed development to Little King Street is well in excess of the minimum requirement at approximately 56m.	✓
7.5 Design excellence	<p>This clause requires that the proposed development exhibits design excellence. The proposal does exhibit design excellence for the following reasons, and therefore complies with this clause:</p> <ul style="list-style-type: none"> <li>▪ a high standard of architectural design has been achieved, particularly through the attractive building façade treatments, stepping built form, and variation in materials and finishes;</li> <li>▪ the proposal contributes to the amenity of the surrounding area by providing attractive ground floor retail space, awnings and a generally attractive building façade;</li> <li>▪ the proposal respects and enhances the heritage significance of nearby heritage items and the Newcastle City Centre Heritage Conservation Area, as outlined in <b>Section 4.8.5</b>;</li> <li>▪ the proposal minimises overshadowing impacts and impacts on view corridors for surrounding development; and</li> <li>▪ the proposal incorporates high quality materials and finishes.</li> </ul> <p>The project architects, Reid Campbell, have provided an additional statement on how the proposal achieves design excellence - refer to clause 1.0 of the related attachment <i>Design Statement</i>.</p> <p>For the avoidance of doubt, an architectural design competition is not required to be held in relation to the proposal, as the building will not exceed 48m in height, and the land is not identified as a 'Key Site' on the Key Sites map (see <b>Figure 12</b>).</p>	✓
7.6 Active Street Frontages	This clause aims to promote uses that attract pedestrian traffic along street frontages within the B3 Commercial Core zone. All premises on the ground floor of the proposed building facing the	✓

Clause	Comment	Comply
	street comprise 'retail premises' (i.e. potential restaurant or café). Other parts of the ground floor frontage comprise necessary pedestrian and vehicle entrances and service areas / accesses. Accordingly, the proposal provides an 'active street frontage'.	
7.10 Floor space ratio for certain development in Area A	The subject site is located within Area A, as shown in <b>Figure 10</b> . The site has an area of more than 1,500m <sup>2</sup> and the FSR map identifies a maximum FSR of more than 6:1 on the site. However, the proposed building comprises a wholly 'commercial building' (i.e. tourist and visitor accommodation) and therefore this clause has no effect on the maximum FSR provided by clause 4.4 of the NLEP.	<b>N/A</b>

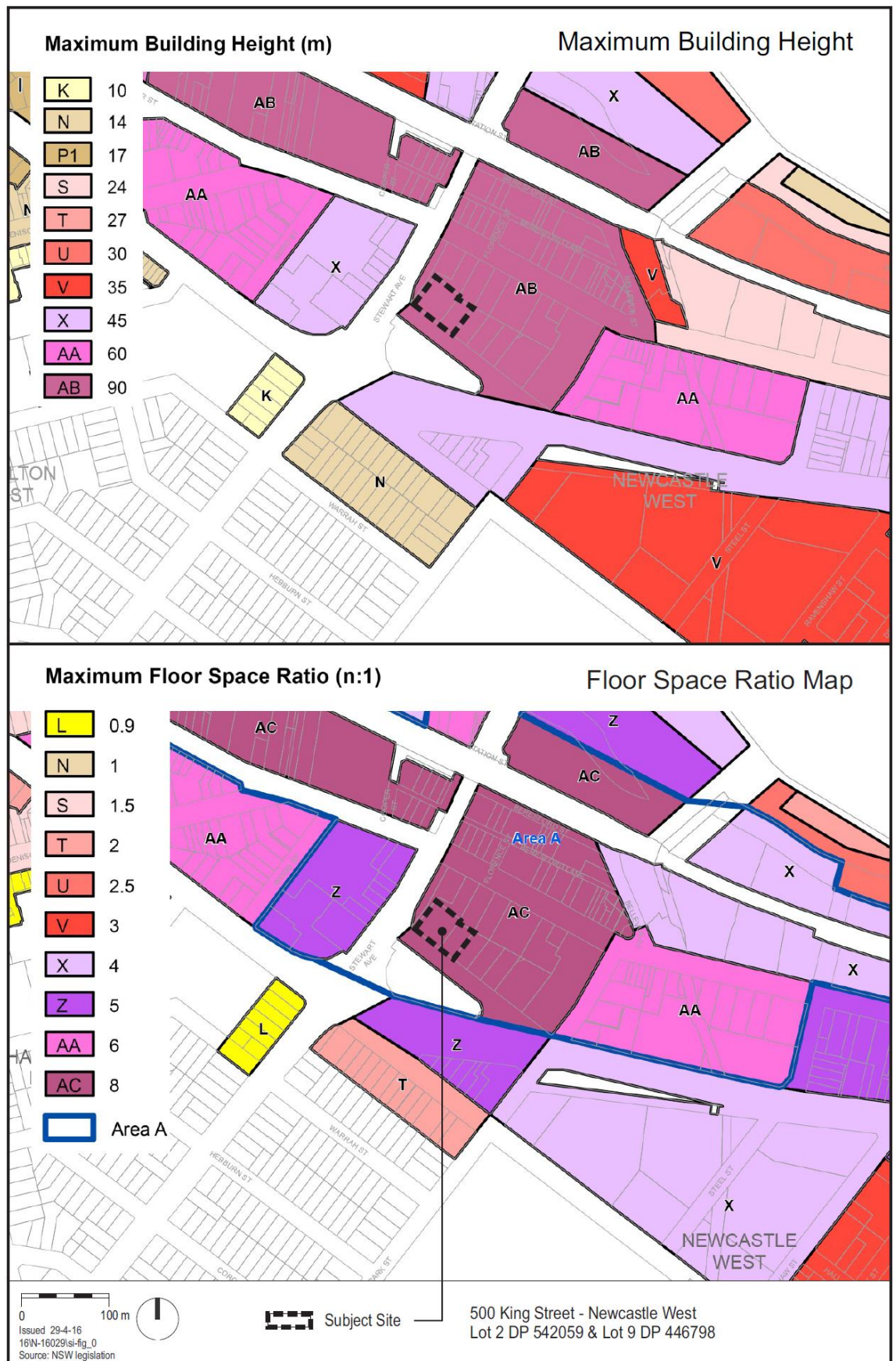


Figure 10: Maximum Building Height and Maximum Floor Space Ratio map (Newcastle LEP 2012)



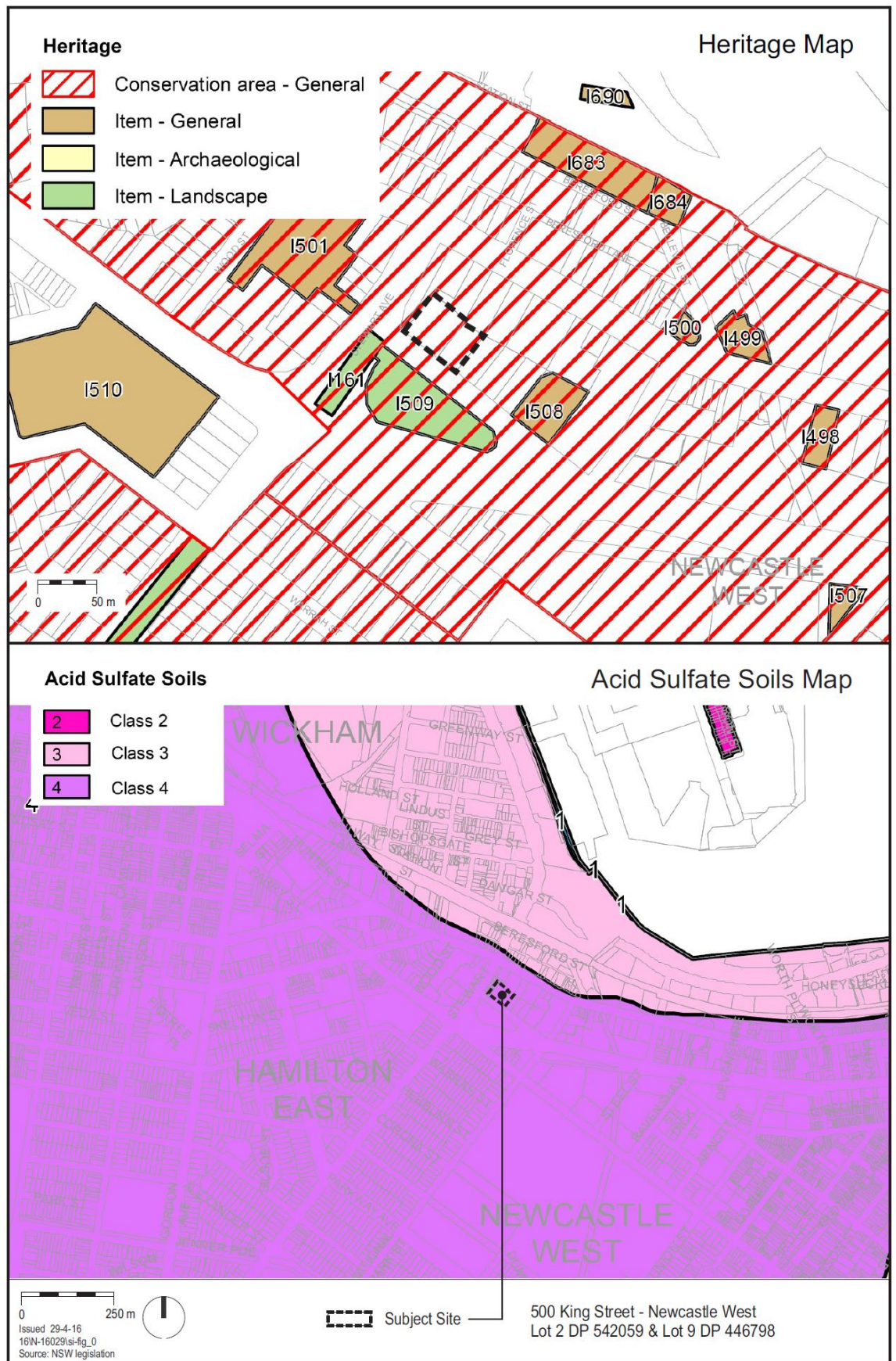


Figure 11: Heritage & Acid Sulfate Soils Maps (Newcastle LEP 2012)



Figure 12: Key Sites Map (Newcastle LEP 2012)

#### 4.3 Provisions of any draft environmental planning instrument [Sec. 79C(1)(a)(ii)]

No draft environmental planning instruments apply to the proposed development.

#### 4.4 Any development control plan [Sec. 79C(1)(a)(iii)]

The *Newcastle Development Control Plan 2012* (the DCP) applies to the proposed development. Compliance with the relevant controls is addressed in **Table 2** below. Note that satisfaction of the DCP objectives will be achieved through compliance with the specific controls in each section.

Table 2: Compliance with relevant provisions of the Newcastle Development Control Plan 2012

DCP Controls	Compliance	Comply
<b>3.09 Tourist and Visitor Accommodation</b>		
1.	The DCP aims to encourage tourist and visitor accommodation where permissible, whilst minimising potential impacts on surrounding development. This section of the DCP outlines other controls which may apply to a proposed tourist and visitor accommodation development. The relevant sections have been considered for this proposal, as outlined in the Table below.	✓
<b>3.10 Commercial Uses</b>		
3.10.01 Street Activation	<p>The proposal involves ground-floor retail uses (potential restaurant or café) to activate the street frontage. The retail space has a single tenancy entrance (due to the necessary raising of the floor level due to flooding constraints) however the overall building has multiple pedestrian accesses, including a ramp and stairs.</p> <p>Glazing is proposed for the full length of the ground floor retail façade. The proposed length of solid wall at ground level does exceed 3m, however the non-glazed lengths relate only to the pump room, substations and other non-public spaces. These lengths of wall are proposed to be treated with locally relevant artworks (details to be provided at the detailed design stage), to add visual interest and vitality to the ground level street frontage.</p>	Variation
<b>4.01 Flood Management</b>		
4.01.02 Flood Storage Areas	<p>The <i>Flood Impact Assessment</i> prepared by Northrop Consulting Engineers (see related attachment) confirms that the proposal would result in a reduction in existing flood storage of approximately 70m<sup>3</sup>. However, to compensate for lost flood storage a void will be created under the building of equal volume, resulting in no net loss in flood storage under the defined flood level.</p> <p>Ordinary stormwater drainage matters are addressed within the <i>Civil Engineering DA Package</i> and <i>Stormwater Management Letter</i> by Northrop Consulting Engineers (see related attachments).</p>	✓
4.01.03 Management of potential risk to property	<p>The DCP controls stipulate how the built elements of a proposal must be oriented with regards to the Flood Planning Level (FPL), Probable Maximum Flood and 1% Annual Exceedance Probability Event. In accordance with these controls:</p> <ul style="list-style-type: none"> <li>▪ No occupiable rooms are to be constructed below the FPL (i.e. Ground Floor finished floor levels will be set at 3.4m AHD);</li> <li>▪ No basement level garages or car parking is proposed;</li> <li>▪ Those parts of the building and fixtures below the FPL will be constructed of water-resistant materials.</li> </ul> <p>Further details are provided within the <i>Flood Impact Assessment</i> and associated plans by Northrop Consulting</p>	✓

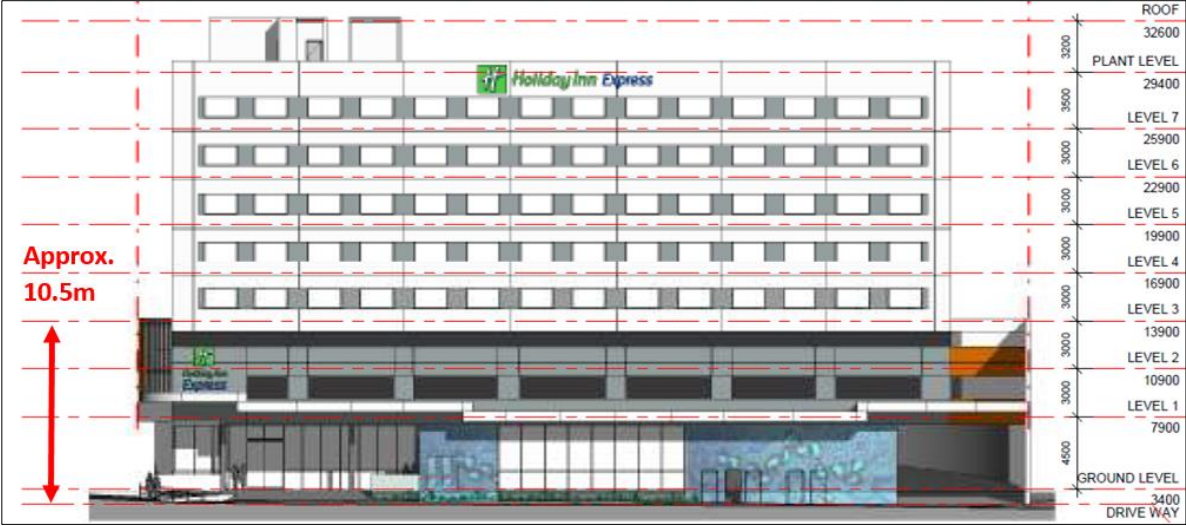


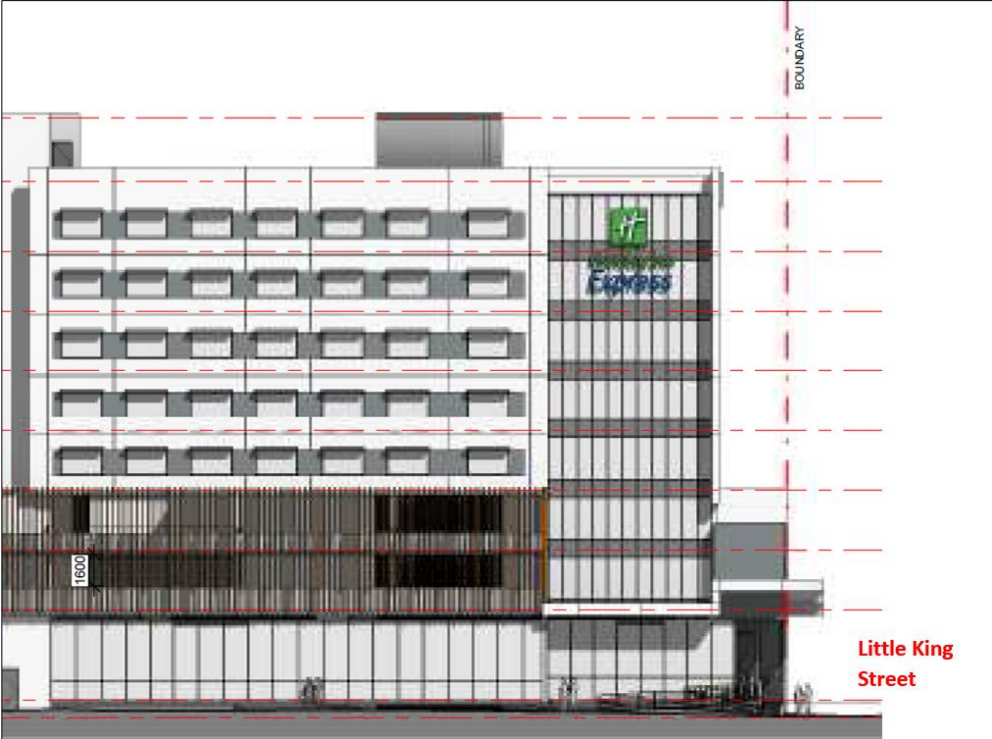
DCP Controls	Compliance	Comply
	Engineers (see related attachment).	
4.01.03 Management of potential risk to life	Flood refuge will be available on upper levels of the development, which are well above the Probable Maximum Flood level of 4.10m AHD and will have clear access via stairs.	✓
<b>4.03 Mine Subsidence</b>		
1.	The subject site is located within the <i>Newcastle Mine Subsidence District</i> . The MSB considered an application for the proposed development on the 25th May 2016, and granted its conditional consent (see related attachment <i>Mine Subsidence Board Conditional Approval</i> ). Mine subsidence is discussed further in <b>Section 4.8.11</b> of this SEE.	✓
<b>4.03 Safety and Security</b>		
4.04.01 Crime prevention and public safety	The <i>CPTED - Crime Risk Assessment</i> prepared for the proposal by TPG Town Planning & Urban Design (see related attachment) addresses the DCP controls in detail. In summary, the proposal satisfies the controls.	✓
4.04.02 Crime risk assessment	A <i>CPTED - Crime Risk Assessment</i> has been prepared by TPG Town Planning & Urban Design, and is provided at the related attachment.	✓
<b>4.03 Social Impact</b>		
4.05.01 Social Impact	<p>The proposed development will result in a number of positive social impacts, including:</p> <ul style="list-style-type: none"> <li>the provision of much-needed tourist accommodation in a well-serviced and central CBD location;</li> <li>the retail component will help to activate Little King Street and contribute to the amenity and character of the streetscape;</li> <li>additional activity generated by the proposal will provide more opportunities for passive surveillance of the adjoining Birdwood Park;</li> <li>the creation of up to 750 part-time jobs (or 100 full-time equivalent jobs) during the construction phase and around 35 jobs during the operational phase (as outlined within the <i>DA Elemental Cost Estimate – Capital Investment Value</i> prepared by Rider Levett Bucknall - see related attachment);</li> <li>flow-on economic impacts to the local economy, both through the purchase of construction goods and services, and through purchases by guests and staff throughout the operational phase i.e. up to 300 tourists can be accommodated within the hotel.</li> </ul> <p>The potential for crime risks associated with the development has been appropriately addressed within the <i>CPTED - Crime Risk Assessment</i> (see related attachment). Due to the temporary nature of tourism accommodation, the development is not likely to result in a detrimental or unacceptable increase in demand for publicly-funded community services or facilities within the area, such as medical or welfare services.</p>	✓

DCP Controls	Compliance	Comply
	Overall, the proposal is considered to have a net positive social impact. Due to this, and the proposal's consistency with Council's vision for development in the area, the preparation of a formal Social Impact Statement is not considered necessary.	
<b>5.01 Soil Management</b>		
5.01.01 Erosion Prevention	A <i>Concept Sediment and Erosion Control Plan</i> has been prepared by Northrop and is provided as part of the <i>Civil Engineering DA Package</i> (see related attachment).	✓
5.01.02 Sediment Control	A <i>Concept Sediment and Erosion Control Plan</i> has been prepared by Northrop and is provided as part of the <i>Civil Engineering DA Package</i> (see related attachment).	✓
5.01.03 Cut and Fill	A <i>Detailed Survey</i> has been prepared for the site by Delfs Lacelles Consulting Surveyors (see related attachment). Areas proposed to be cut and filled are identified on the elevation and section plans within the <i>Architectural Plans</i> by Reid Campbell. Stormwater runoff will be appropriately managed, as outlined in the stormwater documentation prepared by Northrop Consulting Engineers (see related attachments). Cut and fill will be minimised wherever possible.	✓
<b>5.02 Land Contamination</b>		
5.02.01 Plan making & development assessment	Due to the potential for historical contaminating uses to have occurred on the site, a <i>Site Contamination Assessment</i> was prepared for the proposal by Regional Geotechnical Solutions (see related attachment). The Assessment found that soil contaminant levels were either at concentrations below the laboratory detection limits or at concentrations below the adopted assessment criteria for the proposed commercial land use. It was determined that further assessment regarding site contamination is not required. Refer to <b>Section 4.8.12</b> of this SEE for further discussion.	✓
<b>5.04 Aboriginal Heritage</b>		
5.04.01 Due diligence & development assessment	The site is within a CBD location that has a long history of site disturbance. There are no remaining site or landscape features which would indicate the likelihood of the presence of Aboriginal objects. Nevertheless, an AHIMS database search was conducted for part of the subject site (Lot 9 DP 446798) plus a 50m buffer- see <b>Appendix 3</b> of this SEE. It confirmed the absence of any recorded Aboriginal sites or Aboriginal places within the study area. Further, the proposal involves only minimal earthworks, as outlined in <b>Section 3.2</b> . Accordingly, the proposed development is not likely to harm Aboriginal objects.	✓
<b>5.02 Heritage Items</b>		
5.05.06 Development in the vicinity of a heritage item	The proposal has been designed to respect the heritage significance of nearby heritage items (including Birdwood Park and the Army Drill Hall). Further discussion is provided in <b>Section 4.8.5</b> .	✓

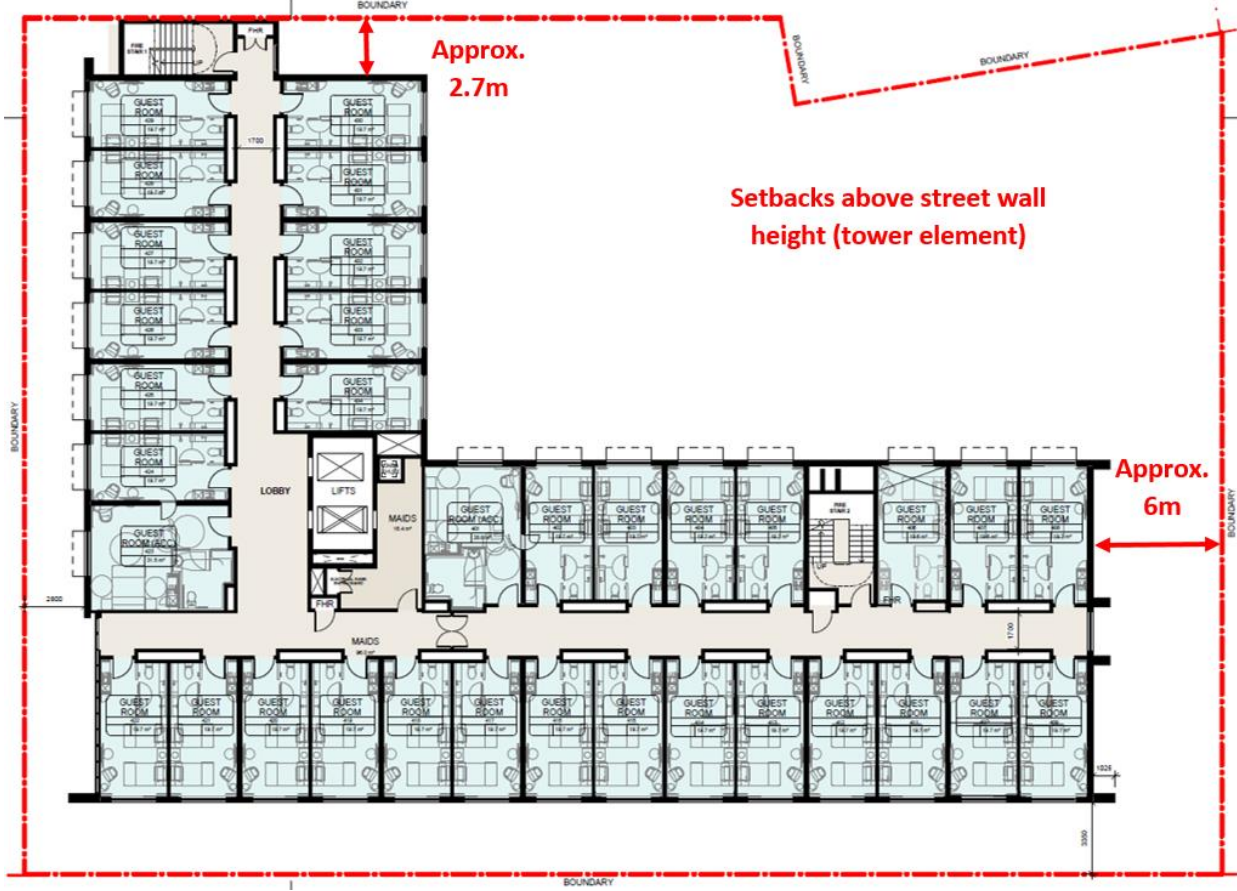
DCP Controls	Compliance	Comply
<b>5.06 Archaeological Management</b>		
5.06.01. Archaeological Management	The subject site is not listed as an 'Archaeological site' under the NLEP. It is located within a CBD site with a long history of heavy site disturbance. Further, the proposal involves only minimal excavation works, as outlined in <b>Section Error! Reference source not found.</b> Accordingly, the proposal is not considered likely to disturb any archaeological sites.	✓
<b>5.07 Heritage Conservation Areas</b>		
5.07.02 Materials and details in heritage conservation areas	The subject site is within the <i>Newcastle City Centre Heritage Conservation Area</i> , although the existing 'host' building (car sales building) contributes little to the heritage significance of the area, as outlined within the <i>Statement of Heritage Impact</i> by EJE Heritage (see related attachment). The proposed materials palette is illustrated within the <i>Architectural Plans</i> by Reid Campbell ('External Finishes' plan). The proposed materials, colours and detail have been designed to complement the character of the surrounding area, and have been refined in response to the Urban Design Consultative Group's specific advice (see the related attachment <i>Copy of UDCG Meeting Minutes, 21st April 2016</i> ).	✓
5.07.03 Accommodating vehicles in heritage conservation areas	The DCP requires that new developments that intend to accommodate vehicles should minimise associated visual impacts. The development proposes only a single vehicular crossing, a reduction from the existing 2 into the subject site. Car parking areas will be integrated into the fabric of the building and not visible from the street. Carparking levels are to be treated with attractive finishes to soften their visual impact. No sandstone kerbing will be disturbed.	✓
5.07.05 Gardens in heritage conservation areas	The proposed plantings will be contained within the lot boundaries. No street trees are proposed.	✓
5.07.07 Infill development in a heritage conservation area	This control requires new developments in heritage conservation areas to be sympathetic to the original character and context of the locality. The proposed development satisfies the key development controls for the area (e.g. maximum height and FSR controls under the NLEP). A <i>Statement of Heritage Impact</i> has been prepared for the proposal by EJE Heritage (see related attachment) which confirms that the proposal is beneficial and appropriate for the area. The Urban Design Consultative Group has stated that <i>the submission is in principle a very desirable development in relation to the activities proposed and the general height, scale and density of the buildings</i> (p9 of <i>Copy of UDCG Meeting Minutes, 21st April 2016</i> ). Accordingly, the proposal is considered to respect the character of the heritage conservation area.	✓
<b>6.01 Newcastle City Centre</b>		
6.01.01 Development Application requirements	The <i>Architectural Plans</i> prepared by Reid Campbell include a 3D image of the proposal, as well as shadow diagrams - see related attachment. Electronic 3D files will be supplied to Council separately, as required.	✓
6.01.01 Urban Design Consultative Group	The Urban Design Consultative Group has twice considered the proposed development and has supported the submission in principle - see <b>Section 3.9</b> .	✓

DCP Controls	Compliance	Comply
6.01.02 Character areas	<p>The proposed development sits within the 'West End Character Area' as indicated in <b>Section 2.3</b> of this SEE. The DCP identifies the subject locality as an area of 'unrealised potential', suggesting that investment should be made in public open space infrastructure to support its growth as a commercial precinct. The proposed development is seen as being consistent with the West End DCP principles as it:</p> <ul style="list-style-type: none"> <li>Provides opportunities to enhance the overview and passive surveillance of Birdwood Park</li> <li>Provides a substantial and attractive development at a key gateway area to Newcastle West</li> <li>Is built to the street alignment along Little King Street, creating a sense of enclosure for Birdwood Park</li> <li>Provides inviting and active frontages that will contribute to the activation of Little King Street</li> <li>Will not significantly impact lunchtime solar access for Birdwood park</li> <li>Appropriately responds to the heritage significance of the area and nearby heritage items</li> </ul>	✓
<b>6.01.03 General Controls</b>		
A1.01 Street wall heights of new buildings define and enclose the street, are appropriately scaled and respond to the adjacent development	<p>The DCP calls for a street height of 22m, and a setback of 6m above the street wall height. However, the proposed street height (to top of podium) is approximately 10.5m, as indicated in the image below (Little King Street frontage). Further, the front setback above street wall height is less than 6m, with an approximate building (tower) setback of 3.35m from the boundary.</p> <p>The built form of the proposal, including the street height and setbacks, has been the subject of discussion with the Urban Design Consultative Group (UDCG), which noted that <i>this is an unusual case where two major new adjoining buildings are being designed concurrently</i> (i.e. the current proposal and a proposed RSL Lifecare seniors housing building directly to the east), <i>and the best outcome must be obtained, rather than insisting on DCP compliance</i> (p4 of <i>Copy of UDCG Meeting Minutes, 21st April 2016</i>). Further, the UDCG noted the following with regard to the current proposal:</p> <p><i>The upper accommodation levels of the hotel to be set back 3.5m from the front boundary with an approximately 10.5m high podium below. This would respond to the podium as proposed for the adjoining RSL development. Although lower than the latter, it would be acceptable in principle, provided that the designs for the two podiums are refined to include articulation / stepping etc to ensure that they are sensitively related in detail where they interface (p5).</i></p> <p>The architectural treatment of the eastern portion of the podium has been designed to respond to this aspect in altering the built form to provide for a transitioning articulated 'end of podium' addition. Specifically, the eastern 3m section of podium has been recessed, lowered and a different finishing material applied providing a physical space from the eastern boundary. The change in finishing materials has created a softer transition to the boundary reducing any abrupt finish to the building and to any future development on the neighbouring site. It is additionally noted that the lower podium for the proposed development responds to the scale and height of the overall built form.</p> <p>As noted by the UDCG, the proposal has the benefit of being privy to the proposed RSL development immediately adjacent. Whilst this does not form part of this development application, it is understood that the future development site</p>	Variation

DCP Controls	Compliance	Comply
	<p>has replied to this design approach and is likely to incorporate additional transitioning features to allow the podium to 'step up' to align. The created space between the podiums allows for each building to incorporate articulation in the return frontages assisting in the delineation of the two buildings in the streetscape.</p> <p>The variation to this control is considered minor and the current design will result in a better design outcome meeting the objectives of this clause. The proposal has been designed to sensitively relate to the interface with the adjoining RSL development, as indicated on the plans. Accordingly, the proposed street height is considered appropriate in this case.</p> 	
<p>A2.01 Building setbacks define and address the street and public domain spaces, and respond to adjacent buildings</p>	<p>The DCP sets a nil (zero) front setback for the subject site. The proposal complies, as the podium levels will be built in line with the front boundary (see image below). Only a minor element of the proposal (the front awning) projects into this setback, as permitted.</p>	<p>✓</p>

DCP Controls	Compliance	Comply
		
<p>A2.02 Side and rear setbacks enhance amenity and allow for ventilation, daylight access, view sharing and privacy for adjoining buildings</p>	<p>The DCP allows for a nil (zero) setback to the side and rear boundaries below the street wall height; and a 6m setback to the side and rear boundaries above the street wall height.</p> <p>The proposed podium complies (i.e. below street wall height) with a predominantly nil setback to the northern, eastern and western boundaries (with the exception of small areas along the irregular northern boundary). The setback to the eastern boundary above street wall height also complies, with an approximately 6m separation (see image below).</p> <p>The setback to the northern (rear) boundary above street wall height varies from nil (stairway) to approximately 2.7m (guest rooms) - see image below. Whilst this setback is less than the DCP control, the proposed walls facing this boundary have no windows or other external openings, ensuring that there are no privacy or overlooking implications for neighbours to the north. Further, the Urban Design Consultative Group (UDCG) noted that <i>some further intrusion into the DCP 6m rear setback by the northern wing - beyond that already proposed</i> (in an original design) - <i>would be acceptable, since the main bulk of the building is to be set back far beyond this line</i> (p4 of <i>Copy of UDCG Meeting Minutes, 21st April 2016</i>). Accordingly, the proposed setback is considered to be appropriate in this case.</p>	<p><b>Variation</b></p>




DCP Controls	Compliance	Comply
		
<p>A3.01 Sites that accommodate more than one building achieve adequate daylight, ventilation, outlook, view sharing and privacy for each building</p>	<p>The proposed development is for only one building; hence this control does not apply.</p>	<p>N/A</p>
<p>A4.01 Building depth and floor plate sizes relate to the desired urban form and</p>	<p>The DCP calls for a maximum Gross Floor Area (GFA) of 1,200m<sup>2</sup> per floor, and a maximum building depth of 25m, for the proposed 'commercial' tower element. The proposal complies, with a GFA of approximately 895m<sup>2</sup> per floor for</p>	<p>✓</p>



DCP Controls	Compliance	Comply
skyline of the city centre	<p>Levels 3-7, and a maximum building depth of around 15m.</p> <p>The maximum proposed building length above street wall height is approximately 45m, less than the permitted 50m. Floorplates could be adapted to a range of potential uses in the future if desired (e.g. other forms of more permanent residential accommodation).</p>	
A4.02 Buildings achieve good internal amenity with minimal artificial heating, cooling and lighting.	The building involves a number of design measures to minimise the need for artificial climate control (e.g. window shading devices, optimal window sizes to reduce heat gain in summer etc), as well as a number of proposed management measures (e.g. participation in the 'Green Engage' sustainability system). Additional details are provided at <b>Section 0</b> of this SEE.	✓
A5.01 Building exteriors feature high quality design with robust materials and finishes	A proposed <i>External Finishes</i> plan is provided as part of the <i>Architectural Plans</i> by Reid Campbell. The proposed materials and finishes complement the character of the precinct and are of durable high quality, and have been refined in accordance with specific advice provided by the Urban Design Consultative Group (see related attachment <i>Copy of UDCG Meeting Minutes, 21st April 2016</i> ).	✓
A5.02 Building exteriors make a positive contribution to the streetscape and public domain	The proposal involves significant articulation of the building. The built form comprises an extensive podium base, with a more slender 'tower' element above, set back from the street wall height. All visually prominent parts of the building will be of high design quality, and the facades do not incorporate large expanses of any single material.	✓
A5.03 Building exteriors are designed ensure a positive contribution to streets and public spaces	<p>The building exteriors clearly define the property boundaries, particularly with Little King Street and the frontage facing towards Stewart Avenue.</p> <p>With the exception of blank walls which will directly adjoin other development, the proposal does not include any significant expanses of blank wall. The slender tower elements adjoining the northern boundary (with no window openings) will be treated with pre-cast concrete and will be set back significantly from any public vantage point (i.e. they will not be readily visible due to existing development along Hunter Street and Stewart Avenue, which provides barriers to views of these elements at street-level e.g. awnings). The visual impact of these elements will be reduced by distance, wherever they may be visible.</p> <p>Whilst the provision of balconies and terraces are not appropriate for a hotel development of this nature, a large number of windows are provided along the entire Little King Street frontage to contribute to casual surveillance of Birdwood Park. Lighting will be appropriate and integral to the building design - specifications can be provided at detailed design stage.</p>	✓
A5.04 Building exteriors respond to adjoining buildings	The building design responds appropriately to the built form of existing developments to the north, and the proposed RSL Lifecare building to the east. The UDCG has considered the building's relationship with these developments, particularly with regard to street wall height and front setbacks, and has indicated its general support for the proposal (see related attachment <i>Copy of UDCG Meeting Minutes, 21st April 2016</i> ).	✓

DCP Controls	Compliance	Comply
A6.01 Development conserves and enhances the cultural significance of heritage items	A <i>Statement of Heritage Impact</i> has been prepared for the proposal by EJE Heritage (see related attachment). It confirms that <i>the proposed development is entirely appropriate and beneficial for the area. The heritage significance of the identified items will only be enhanced by the proposed development</i> (p26).	✓
A6.02 Infill development conserves and enhances the cultural significance of heritage items and their settings	This control specifies that infill development should respond to the heritage character and existing streetscape of the area. The proposed development forms part of a wider development concept for Little King Street and adjoining areas, including the proposed RSL Lifecare building (directly to the east) and the future restoration of the historic Army Drill Hall building further east. Consultation has been undertaken with the Urban Design Consultative Group to ensure consistency between the proposed developments, and with the existing heritage character of the area. This has been achieved for the proposal by alignment of building elements, awnings and the application of attractive finishes and materials on the building façade. The proposal is seen as being consistent with this control.	✓
A7.01 Awnings provide shelter for public streets where most pedestrian activity occurs	This control requires that continuous awnings are provided for new developments that require an active street frontage (including the subject site). In accordance with this control, a continuous street awning is proposed for the entire development length along Little King Street.	✓
A7.02 Address the streetscape by providing a consistent street frontage in the City Centre	This control requires that awnings be flat, and not consist of angular, geometric shapes that break up the edge fascia. The proposed development provides a flat, traditional style suspended awning that runs the entire length of the development site. The proposed awning is consistent with this control.	✓
A8.01 At-grade or above-ground parking structures are well designed	The proposal involves 2 levels of above-ground parking, however, this component is fully integrated into the fabric of the building. The UDCG has reviewed the proposed development during 2 meetings, including consideration of the carparking component, and has provided its general endorsement of the building's design (see related attachment <i>Copy of UDCG Meeting Minutes, 21st April 2016</i> ).	✓
A8.02 Minimise the visual impact of at grade or above-ground parking structures	This control requires that parking is integrated into the building footprint, and screened from view from public spaces. Car parking in the proposed development is entirely encapsulated in the building podium, and is successfully screened from public view with materials compatible with the theme and design of the rest of the building. Screening includes an interesting vertical metal fin treatment, predominantly along the Stewart Avenue façade, as indicated in the plans. The Urban Design Consultative Group noted that <i>the proposed patterned screen to the podium-level parking is supported...</i> (p8 of <i>Copy of UDCG Meeting Minutes, 21st April 2016</i> ). Access to the carparking area can only feasibly be obtained from Little King Street, as proposed.	✓
B1.01 Streets prioritise pedestrian, cycling and public transport users to support sustainable travel	As shown in the image below, the DCP recommends the improvement of existing pedestrian spaces along Little King Street, and the creation of a potential pedestrian link between Little King Street and Hunter Street, to the east of the subject site.  The proposal includes the enhancement of the Little King Street streetscape via paving, bollards and plantings (within	✓

DCP Controls	Compliance	Comply
behaviour	<p>the lot boundaries), as indicated in the landscape documentation by Terras Landscape Architects (see related attachment). The proposed RSL Lifecare development, directly east of the subject site, includes a proposal for a pedestrian laneway connecting to Hunter Street between the RSL building and the adjoining Army Drill Hall, further east than the location shown in the image below. This position is considered most beneficial for several reasons, particularly as it will allow for the maintenance of an appropriate curtilage to the heritage-listed Army Drill Hall, and enhanced public viewing opportunities to the Hall.</p> 	
B1.02 Lanes, through-site links and pedestrian paths are retained, safe and enhanced to promote access and public use.	<p>No laneways are to be removed as a result of this proposal, nor are any new laneways proposed (see above for the location of a proposed laneway east of the site).</p> <p>The DCP control requires developments adjacent to footpaths to have appropriate lighting and active uses at ground level. Street lighting is provided along the extent of Little King Street at regular intervals, and the proposed development also incorporates lighting fixtures that will contribute to the illumination of the footpath area.</p>	✓
B1.05 Cycle routes are safe, connected and well-designed	<p>The proposal includes active street frontages (to maximise safety for cyclists) and secure bicycle parking facilities (within carparking Level 1).</p>	✓
B2.01 Public views and sight lines to key public spaces, the waterfront, prominent heritage items and landmarks are	<p>The subject site is not associated with any identified views or vistas, although it is located in close proximity to the 'public open space' of Birdwood Park. Accordingly, the proposal will not have any impacts on key public views.</p>	✓



DCP Controls	Compliance	Comply
protected		
B2.02 New development achieves equitable view sharing from adjacent development	<p>Most development surrounding the site in any direction comprises lower-scale commercial uses with a primary outlook to the adjacent street (with the exception of the 'Pinnacle' building to the north-east). For this reason, the proposed building is not likely to significantly affect views for the majority of surrounding development, including the Pinnacle (due to the separation from the site).</p> <p>It is noted that the NLEP envisions the subject area as containing the tallest building elements in the CBD. The proposed building height is significantly less than the maximum height permissible on the site under the NLEP (90m), and therefore impacts on views are significantly less than those which could conceivably be permitted.</p> <p>Further discussion on views is provided at <b>Section</b> Error! Reference source not found. of this SEE</p>	✓
B3.01 In identified activity hubs ground floor uses add to the liveliness and vitality of the street	<p>This control provides requirements regarding active street frontages. Of the approximately 54m building length along Little King Street, approximately 30m (55%) comprises transparent glazing into the hotel lobby, associated office and retail shopfront. However, as outlined in the NLEP (Clause 7.6), an active street frontage is not required for <i>entrances and lobbies, access for fire services and vehicle access</i>. The remainder of the building frontage comprises necessary service areas (e.g. substation and pump room) and vehicle accesses. With the exception of the vehicle access, the walls of the service areas will be treated with a locally relevant artwork (specifications to be provided at the detailed design stage) to provide visual interest and activation to the street.</p> <p>The proposed ceiling height of the proposed café use is over 4m, to allow flexibility for a range of uses. The hotel lobby will have a length of approximately 11m, or 20% of the total street frontage, as permitted.</p> <p>The proposed ground floor level is necessarily raised above the level of the footpath in response to the flooding constraints of the site (see <b>Section 4.8.8</b>). However, equitable pedestrian access is maintained through the provision of a wheelchair-accessible ramp.</p>	Variation
B4.01 Buildings positively address streets, footpaths, lanes and other public spaces	The proposed building will positively address the street and other public spaces, as indicated in the <i>Architectural Plans</i> by Reid Campbell. The proposed ground floor level is necessarily raised above the level of the footpath in response to the flooding constraints of the site (see <b>Section 4.8.8</b> ). However, equitable pedestrian access is maintained through the provision of a wheelchair-accessible ramp.	✓
B4.02 Ground levels are designed to mitigate flood risk while ensuring accessibility and a positive relationship to the public domain	The proposed ground floor level is necessarily raised above the level of the footpath in response to the flooding constraints of the site (see <b>Section 4.8.8</b> ). However, equitable pedestrian access is maintained through the provision of a wheelchair-accessible ramp.	✓

DCP Controls	Compliance	Comply
B5.02 Artworks in new buildings are to be located so they can be appreciated from streets and public spaces	As indicated in the plans, the proposal includes the provision of an artwall along the Little King Street frontage at ground-level. This wall is to be treated with locally-relevant artworks, the details of which can be confirmed at a later design stage. This artwork will provide visual interest at street level.	✓
B6.01 Reasonable sunlight access is provided to new and existing significant public spaces	<p>As indicated in the shadow diagrams within the <i>Architectural Plans</i>, shadows over Birdwood Park will be increased from the current scenario (i.e. 1-2 storey existing structures). However, the great majority of the Park will remain unaffected by shadowing from the proposed development for periods longer than 2 hours between 9am-3pm during mid-winter.</p> <p>It is important to note that the proposed development will create significantly less overshadowing than what would be permitted by a building built to the maximum allowable bulk and scale under the NLEP and DCP controls. The proposed building has a height significantly less than the 90m permitted, resulting in substantially less overshadowing of the Park. Further, the Urban Design Consultative Group (UDCG) has reviewed the proposed development, and raised no concerns with regard to overshadowing impacts on the Park (see related attachment <i>Copy of UDCG Meeting Minutes, 21st April 2016</i>). Additional discussion on overshadowing impacts is provided at <b>Section 4.8.7</b> of this SEE.</p>	✓
6.01.04 - Key Precincts		
D.01 Pedestrian permeability and amenity is improved	This control indicates the desired location for new laneway linkages. The proposed development is not within the area suggested for new laneway networks.	N/A
D.02 Building bulk	This control requires new developments to be of a bulk and scale that promotes good amenity and integrates with existing heritage items. A breakup of the building bulk is achieved for the subject development through appropriate setbacks, variation in finishes across floors and a compact, "L" shaped configuration.	✓
D.03 Public domain	<p>This control aims to promote Birdwood Park as the primary open space asset in the precinct. As indicated in the shadow diagrams within the <i>Architectural Plans</i>, shadows over Birdwood Park will be increased from the current scenario. However, the great majority of the Park will remain unaffected by shadowing from the proposed development for periods longer than 3 hours between 9am-3pm during mid-winter.</p> <p>It is important to note that the proposed development will create significantly less overshadowing than what would be permitted by a building built to the maximum allowable bulk and scale under the NLEP and DCP controls. The proposed building has a height significantly less than the 90m permitted, resulting in substantially less overshadowing of the Park. Further, the Urban Design Consultative Group (UDCG) has reviewed the proposed development, and raised no concerns with regard to overshadowing impacts on the Park (see related attachment <i>Copy of UDCG Meeting Minutes, 21st April 2016</i>). Additional discussion on overshadowing impacts is provided at <b>Section 4.8.7</b> of this SEE.</p> <p>The Council has responsibility for the form and use of Little King Street. However, the proposal involves public domain works adjacent to the subject site and the road carriageway, in the form of improved pedestrian paving, bollards and the</p>	✓

DCP Controls	Compliance	Comply
	'making good' of redundant kerb breaks.	
D.04 Servicing and access minimises conflicts with pedestrians	The proposal involves a single driveway crossing, to be positioned close to the eastern boundary, away from key areas of pedestrian movement associated with the building entrances. Bollards are proposed to be positioned near the driveway, to alert pedestrians to the presence of the driveway and maximise safety.	✓
<b>7.02 Landscape, Open Space &amp; Visual Amenity</b>		
7.02.01 Categories of development	Being a commercial development in excess of \$2,000,000, the proposed development generally falls within the 'Category 3' development description provided. A <i>Site Survey</i> has been prepared by Delfs Lascelles Consulting Surveyors, and a site analysis plan is provided within the <i>Architectural Plans</i> (see related attachments). <i>Landscape Concept Plans</i> and a <i>Preliminary Landscape Design Report</i> have been prepared by Terras Landscape Architects.	✓
7.02.02 General controls	<p>This control aims to ensure that landscaping is appropriate for the locality and context of the development site, and to minimise impacts on adjoining properties.</p> <p>The proposal involves an appropriate level of landscaping for a multi-storey commercial development within a CBD location. The proposed use of the site, including requirements for nil site boundary setbacks, preclude the establishment of a ground-level deep soil planting zone. Proposed landscaping within the front facade will assist in providing a pleasant street level amenity which helps to integrate the building with the streetscape.</p>	✓
7.02.05 Car parking	Car parking areas are entirely contained within the proposed building fabric, hence this control does not apply.	N/A
<b>7.03 Traffic, Parking &amp; Access</b>		
7.03.01 Traffic studies & plans	A <i>Traffic and Parking Assessment</i> has been prepared by Intersect Traffic (see related attachment), addressing the requirements of the DCP. It includes provision for the preparation of a Construction Traffic Management Plan (at detailed design stage), and concludes that there is not likely to be any significant impacts from construction traffic generation.	✓
7.03.02 Parking provision	A detailed discussion on the provision of parking is provided at <b>Section 4.8.6</b> of this SEE and within the related attachment ( <i>Traffic and Parking Assessment</i> ). In summary, the provision of car and motorcycle parking exceeds the requirements of the DCP, with 104 car spaces and at least 6 motorcycle spaces proposed.	✓
7.03.03 Travel demand management	<p>The subject site is located less than 400m from a number of bus stops on various streets, many of which are sheltered by building awnings. All nearby bus stops are accessible via conveniently accessible footpaths.</p> <p>The <i>Traffic and Parking Assessment</i> provides a discussion on alternate transport mode facilities. The proposal involves the provision of personal secure lockers and dedicated showers / change room facilities for hotel staff, in excess of requirements. Secure bicycle parking facilities will be provided in the form of bicycle racks within the Level 1 carparking</p>	✓



DCP Controls	Compliance	Comply
	area.	
7.03.04 Design & layout of parking & access	The <i>Traffic and Parking Assessment</i> notes that a review of the car park design and layout indicates compliance with Australian Standard AS2890.1- 2004 <i>Parking Facilities – Part 1 Off-street car parking and suitable car spaces (minimum 2.4 metres x 5.4 metres) and aisle widths (&gt; 5.8 metres) have been provided. Manoeuvrability through the car park is satisfactory and convenient enough to ensure forward entry and exit from the site</i> (p19). Additional details are provided in the related attachment.	✓
<b>7.04 Movement Networks</b>		
7.04.01 Network	The proposal involves upgrading of the existing pedestrian paths along Little King Street only - no extension or significant modifications to the existing movement network are proposed.	✓
<b>7.05 Energy Efficiency</b>		
7.05.02 Business development	<p>An <i>ESD Report</i> has been prepared for the proposal by Cundall, which sets out the energy efficiency measures which form part of the development (see related attachment). The proposed hotel will take part in the 'InterContinental Hotels Group's Green Engage System'. Additional discussion is provided in <b>Section 4.8.16</b> of this SEE.</p> <p>Proposed glazing materials will be of low reflectivity which will not result in uncomfortable glare.</p>	Variation
<b>7.06 Stormwater</b>		
7.06.01 Plan requirements	<p>Advice provided to the applicant's consultant (Northrop) by Council's engineer indicates the development will be considered a 'Type 3 Development'. A <i>Civil Engineering DA Package</i> has been prepared for the proposal by Northrop, along with a <i>Stormwater Management Letter</i> and associated MUSIC-link report (see related attachments). Plans include an erosion and sediment control plan and stormwater management plans.</p> <p>In addition, a <i>Broad Scale Development Self Assessment Checklist - Water Sensitive Urban Design</i> has been completed by Pro-Invest and is provided at the related attachment.</p>	✓
7.06.02 All development	<p>The <i>Civil Engineering DA Package</i> and <i>Stormwater Management Letter</i> address the DCP requirements - see related attachments by Northrop Consulting Engineers.</p> <p>Note that information on flooding is provided in <b>Section 4.8.8</b> of this SEE and in the <i>Flood Impact Assessment</i> by Northrop Consulting Engineers.</p>	✓
<b>7.07 Water Efficiency</b>		

DCP Controls	Compliance	Comply
7.07.01 Water efficiency	Plumbing fixtures will have a minimum WELS 3 Star Water Rating. A 15KL rainwater tank is proposed for the re-use of water within the site. Additional discussion is provided at <b>Section 4.8.16</b> of this SEE.	✓
<b>7.08 Waste Management</b>		
7.08.01 General requirements	An <i>Ongoing Operation Waste Management Plan</i> and a <i>Construction &amp; Demolition Waste Management Plan</i> have been prepared for the proposal by Foresight Environmental (see related attachments). The positioning of proposed waste management facilities are indicated in the <i>Architectural Plans</i> by Reid Campbell. See <b>Section 4.8.17</b> for further discussion on waste management.	✓
7.08.02 Demolition & construction	The <i>Construction &amp; Demolition Waste Management Plan</i> outlines details of anticipated demolition and construction waste. The <i>Concept Sediment &amp; Erosion Control Plan</i> (within the <i>Civil Engineering DA Package</i> by Northrop Consulting Engineers) nominates an area for the temporary stockpiling of materials. Additional details can be provided at the detailed design stage, as required.	✓
7.08.02 Operational waste	See the <i>Ongoing Operation Waste Management Plan</i> for details of operational waste management. See <b>Section 4.8.17</b> for further discussion on waste management.	✓
<b>7.09 Outdoor Advertising &amp; Signage</b>		
7.09.01 General limitations on outdoor signage	Proposed signage is described in <b>Section 3.8</b> of this SEE. The proposed signage does not comprise any of the 'undesirable' types listed within the DCP.	✓
7.09.03 Commercial zones	<p>The Little King Street site frontage has a length of approximately 56m, and the combined area of proposed signage on this frontage is 22.6m<sup>2</sup>. This would equate to approximately 0.4m<sup>2</sup> of signage per lineal metre, in compliance with requirements.</p> <p>The Stewart Avenue site frontage has a length of approximately 40m, and the combined area of signage on this frontage is 18m<sup>2</sup>. This would equate to approximately 0.45m<sup>2</sup> of signage per lineal metre, in compliance with requirements.</p> <p>Signs will be separated from each other by more than 3m in the horizontal plane. The maximum area of any proposed sign is 18m<sup>2</sup>, in compliance with requirements.</p> <p>Proposed signage will be visually appropriate and integrates well with the scale and design of the building, and does not include any projections beyond the building façade. Illumination will be integral with the structure of the sign, and will not detract from the architecture of the host building. The illumination intensity may be adjusted if necessary.</p> <p>Refer to <b>Section 4.2.2</b> of this SEE (SEPP 64) for further discussion on signage).</p>	✓

DCP Controls	Compliance	Comply
7.09.07 Signs on heritage items or signs located within heritage conservation areas	This control aims to ensure that signage constructed of high quality materials, and is compatible with the heritage significance of the area. None of the signage types prohibited by this control are proposed as part of this development. Proposed signage will be constructed of high quality materials and will be sympathetic to the heritage significance of the area.	✓
<b>7.10 Street Awnings &amp; Balconies</b>		
7.10.01 Street awnings over public roads	This control stipulates that street awnings are to be provided where compatible with the streetscape. A suspended street awning is proposed across the entire development frontage along Little King Street, and will be in keeping with the design of the building. The UDCG has assessed the proposed development, including the awning, and noted that <i>the design of street level frontages ... now provides for continuous awning cover</i> (p5 of the <i>Copy of UDCG Meeting Minutes, 21st April 2016</i> ). No concerns were raised with regard to the awning design.	✓
7.10.03 Design requirements for awnings & balconies	<p>This control outlines design, safety and other requirements for street awnings. The <i>Architectural Plans</i> by Reid Campbell outline the proposed design of the street awning. In summary, the proposed awning has the following key features:</p> <ul style="list-style-type: none"> <li>▪ Depth of approximately 2m from the building facade</li> <li>▪ Extends for the length of the entire Little King Street frontage</li> <li>▪ Setback from the kerb line approximately 2.8m</li> <li>▪ Lowest element approximately 4.3m above the footpath</li> <li>▪ Consistent in design with awnings proposed at the adjoining lot to the east (RSL Lifecare development)</li> </ul> <p>The awnings have been designed, and are to be constructed, in accordance with Building Code of Australia requirements. Lighting is also to be included as an integral part of the awning, in accordance with the relevant Australian Standard. Drainage infrastructure is to be incorporated into the awning in a manner that directs flows towards the building, without intruding into the road reserve.</p>	✓

#### 4.5 Any planning agreement [Sec. 79C(1)(a)(iiia)]

No planning agreements are known to apply to the site.

#### 4.6 The Regulations [Sec. 79C(1)(a)(iv)]

No special matters arising from the *Environmental Planning and Assessment Regulation 2000* (apart from general provisions setting out the form and content of a development application, addressed throughout this submission) are considered to apply to the proposed development.

#### 4.7 Any coastal zone management plans [Sec. 79C(1)(a)(v)]

No coastal zone management plans are known to apply to the site.

#### 4.8 Likely impacts [Sec. 79C(1)(b)] and site constraints

The likely impacts of the development and the constraints affecting the site have been explored throughout this SEE. The following sections explore the major potential impacts and constraints in greater detail.

##### 4.8.1 Visual Amenity and Views

###### Visual Amenity

Numerous elements have been incorporated into the design to maximise the visual amenity of the building when viewed from public areas, including the following:

- Whole-building articulation into 2-3 separate horizontal forms, plus a separate vertical element on the north-western elevation, to break up the appearance of bulk and scale;
- Extensive façade articulation and treatment on all sides, including the setback of accommodation levels beyond the podium street-frontage, the use of coloured glass elements, aluminium window louvres, vertical metal fin features to carpark levels, variation in window forms between the podium and upper levels, use of a variety of exterior building materials and colour palettes, awnings at ground level, and a proposed artwall to the Little King Street façade at ground level (artwork detail to be confirmed at detailed design stage);
- The extensive podium form (from boundary to boundary) and moderate street height provide a pleasant, pedestrian-scale environment appropriate to the commercial environment of Little King Street whilst being sympathetic to the open space of Birdwood Park;
- Retail uses at street level, inclusive of extensive transparent window glazing into the café, activates and enlivens the street frontage;
- Mass planting of garden beds along the Little King Street frontage and the use of planter tubs at building entrances, to help soften the built form at street level.

*Landscape Concept Plans* and a *Preliminary Landscape Design Report* have been prepared for the proposal by Terras Landscape Architects (see related attachments). These documents outline the proposed landscaping treatment for the development. The landscaping elements enhance public amenity from the street (as outlined above) and help to integrate the building at street level with the 'green' character of Birdwood Park, on the opposite side of the street.



Overall, the proposed building is considered to provide an attractive design outcome with good visual amenity.

#### Views

Almost all hotel guest rooms - particularly on the upper levels - will benefit from views to the surrounding city centre and Birdwood Park (to the south), and / or glimpse views of the Harbour and foreshore (to the north-east).

The subject site and surrounding area do not benefit from any 'key' views or vistas as identified within the DCP. The site is significantly separated from the Harbour, with numerous large-scale developments in between. Most development surrounding the site in any direction comprises lower-scale commercial uses with a primary outlook to the adjacent street (with the exception of the 'Pinnacle' building to the north-east). For this reason, the proposed building is not likely to significantly affect views for the majority of surrounding development, including the Pinnacle (due to the separation from the site).

It is noted that the NLEP envisions the subject area as containing the tallest building elements in the CBD. However, the proposed building height is significantly less than the maximum height permissible on the site under the NLEP (90m), and therefore impacts on views are significantly less than those which could conceivably be permitted.

#### **4.8.2 Acoustic Amenity**

A *Development Application Noise Assessment* has been prepared for the proposal by Wilkinson Murray (see related attachment). This report measured existing ambient noise levels, and assessed potential noise impacts of likely proposed mechanical plant, traffic noise intrusion and impacts on internal acoustic amenity. Data for the purposes of this report was gathered from two data loggers placed at the east-west extremes of the subject lots. The following key findings were obtained from the analysis:

- Noise impacts from mechanical plant: mechanical services and plant have not yet been selected, however, it is envisaged that standard engineering noise control can be implemented at design stage to meet established noise criteria. Accordingly, the proposal is not likely to have any detrimental noise impacts on the nearest sensitive receivers (residents within the 'Pinnacle' building to the north-east).
- Traffic noise intrusion: the proposal will not generate significant traffic volumes and therefore no appreciable increase in traffic noise is predicted at any surrounding residences. An acceptable level of acoustic amenity within the proposed hotel rooms can be achieved by using window glazing of a recommended thickness (to be confirmed at detailed design stage).
- Noise transfer between habitable areas of the hotel: specifications of wall and floor construction that will meet the requirements of the BCA (including for internal acoustic amenity) will be determined at the detailed design stage. Potential recommended measures for achieving requirements (e.g. acoustic insulation of walls) are provided.

In summary, the proposal is not anticipated to result in any detrimental acoustic impacts for guests of the proposed hotel or for surrounding development.

#### **4.8.3 Visual and Acoustic Privacy**

##### Within the site

The proposed hotel rooms are oriented to avoid facing directly into other hotel rooms, protecting visual privacy. Due to security considerations hotel room windows will be fixed

panes (see Section 4.3 of the *CPTED- Crime Risk Assessment* by TPG Town Planning & Urban Design for a discussion on this security matter). Accordingly, there will not be noise impacts between rooms derived from open windows.

Internal acoustic amenity between rooms will be maximised through the positioning of beds away from adjacent bathroom and kitchen areas, and through the use of internal walls of appropriate thickness for acoustic attenuation.

#### Relationship with adjacent development

The proposed hotel rooms will be at a greater height than all existing surrounding development, i.e. adjacent buildings to the north are limited to 3-storeys in height, while the hotel rooms will be positioned on the 4th floor and higher. Accordingly, hotel guest's privacy will not be impacted by overlooking or through views into adjacent windows. The 13-storey 'Pinnacle' apartment building to the north-east will be separated from the nearest hotel room by approximately 40m, and the orientation relationship between the buildings ensures there are unlikely to be any privacy issues.

Surrounding existing development comprises commercial buildings with no associated private outdoor areas, or public open space (Birdwood Park). Accordingly, the proposed development is not likely to have any impacts on the privacy of surrounding development, including from overlooking.

The proposed RSL Lifecare seniors housing development directly to the east comprises a 14-storey seniors housing development. To avoid privacy impacts into this site, no hotel room windows are proposed along the building's eastern façade, closest to the boundary. Common hallway windows along this eastern façade are anticipated to be oriented to avoid directly looking into adjacent RSL Lifecare windows, and will consist of obscure glass to minimise direct overlooking of private open space areas. Regardless, these windows will be separated from the adjoining building by over 13m. This setback exceeds the minimum 12m recommended within the *Apartment Design Guide* for the maintenance of visual privacy between developments.

The 5 proposed hotel rooms on each floor with windows facing east (in the northern portion of the site) will be separated from the site's eastern boundary by approximately 36m, ensuring there will be no privacy impacts on the adjoining RSL development.

Proposed podium levels of the building (Ground Floor to Level 2), which will directly adjoin the RSL development to the east, will not contain any windows or other openings, thereby avoiding impacts on privacy.

#### **4.8.4 Aboriginal Heritage**

The subject site is within a CBD location that has a long history of site disturbance. There are no remaining site or landscape features which would indicate the likelihood of the presence of Aboriginal objects or other items of heritage significance.

Nevertheless, an *Aboriginal Heritage Information Management System* (AHIMS) database search was conducted for part of the subject site (Lot 9 DP 446798) plus a 50m buffer in June 2016 - see **Appendix 3** of this SEE. It confirmed the absence of any recorded Aboriginal sites or Aboriginal places within the study area. Further, the proposal involves only minimal earthworks, as outlined in **Section 3.2**. Accordingly, the proposed development is not likely to harm Aboriginal objects.

#### 4.8.5 Non - Aboriginal Heritage

The subject site does not include a listed item of heritage significance. However, as indicated in **Figure 11** in this SEE, the site is located in proximity to a number of heritage items. The closest listed items are as below:

- *Army Drill Hall* (NLEP Heritage Item 508, of local significance) - approximately 60m to the east of the site;
- *Birdwood Park* (NLEP Heritage Item 509, of local significance) - on the opposite (southern) side of Little King Street;
- *Fig Trees* (NLEP Heritage Item 161, of local significance) - adjacent to Birdwood Park and Stewart Avenue, south and south-west of the site;
- *Former Castlemaine Brewery* (NLEP Heritage Item 501, of state significance) - on the opposite (western) side of Stewart Avenue.

In addition, the site is located within the *Newcastle City Centre Heritage Conservation Area* pursuant to the NLEP.

To ensure the proposal does not have any detrimental impacts on heritage matters, a *Statement of Heritage Impact* (SoHI) was prepared for the proposal by EJE Heritage (see related attachment).

The SoHI outlines the historical context of the local area, and includes a historical description of the nearby heritage items and the subject site. It also includes an assessment of the heritage significance of the subject site. Key aspects of the subject site and nearby heritage items are as follows:

- The subject site has accommodated the sale of Holden cars since at least the 1960s, only ceasing in March 2016 when Newcastle City Holden moved premises to Wickham. All parts of the buildings within the subject site have been altered on at least one occasion, with very little original fabric left visible or tangible to identify the original design. Through the Analysis of Significance, the SoHI determined that the site and its buildings are of little overall historical significance. However, the location of the site by its position close to Birdwood Park, the Army Drill Hall and the Stewart Avenue Fig Trees has *significance that is not being realised by the site being underutilised* (p23).
- The Army Drill Hall was built in 1910 as an Army training facility, and continued operation as an Army training depot until around 1992. Around 1993 the site was purchased by Newcastle City Holden, and was utilised to house their Spare Parts department. This use ceased around March 2016. The Drill Hall has high historical significance because of its association with the cultural events and military defence of Newcastle.
- Birdwood Park was first established in 1910 and is one of Newcastle's oldest reserves. For the same reasons as the Drill Hall, it has high historical significance.
- The visible and accessible portions of the listed former Castlemaine Brewery site are well away from the subject site, and the proposed development will have no effect on the significance of this heritage item.

The SoHI found that the proposed development did not contain any aspects which could detrimentally impact on the heritage significance of the area. It found that the proposal respects and enhances the heritage significance of the area for the following key reasons:

- The form and scale of the building respect and respond to the adjacent heritage protected items;
- The proposed use of the building and the location of the retail facility (potential restaurant or café) all combine to enhance and reinvigorate Birdwood Park;
- The raised Ground Floor level enhances views of, and association to, the heritage protected items; and
- The proposal will bring the site usage to a population and purpose appropriate for the scale of the surroundings and encourage a civic nature to the area.

The SoHI recommends that the *cues as demonstrated in the design of the proposal should be maintained to allow sunlight and public pedestrian access to the nearby heritage items. Setback distances should be respected and overshadowing should be considered so as to allow public enjoyment of these spaces and items (p25).*

The SoHI concludes that the above listed factors show the proposal *is entirely appropriate and beneficial for the area and the heritage significance of the identified items will only be enhanced by the proposed development (p26).*

#### 4.8.6 Traffic and Parking

A *Traffic and Parking Assessment (TPA)* has been prepared for the proposal by Intersect Traffic (see related attachment). The TPA assessed the likely impact of the proposal on traffic and parking matters, taking into consideration the current and future local traffic environment and relevant standards and Council requirements. Key outcomes of the TPA are discussed in the following sections.

In summary, the TPA found that the proposed development can be supported from a traffic and parking impact perspective as it will not adversely impact on the local and state road network and complies with all relevant Australian Standard and NSW Roads and Maritime Service requirements.

##### Existing Traffic Environment

The TPA provides details of the existing traffic environment. Some of the key characteristics are as follows:

- Stewart Avenue to the west is a classified State Highway (SH 10- Pacific Highway). Hunter Street to the north is also part of SH 10. Both roads function as major arterial roads which connect Newcastle to the inner west of Newcastle, and the Central Coast and Sydney beyond.
- Little King Street is an urban local road under the control of Newcastle Council. Its primary function is to provide access to properties along its length, however, it is also used as a 'rat run' for vehicles seeking to avoid the traffic lights at the intersection of Stewart Avenue and King Street. On-street parking in Little King Street is time restricted and metered, and comprises parallel parking on the north-eastern side and 90 degree angle parking on the south-western side of the street.
- Newcastle Council is undertaking strategic planning into the future function and form of Little King Street, which may include traffic calming measures, a shared carriageway and reduced speed environment. A one-way traffic system is also being considered, however, this is seen as a negative proposal for developments on Little King Street unless the one-way system is eastbound.



- Existing mid-block peak traffic volumes for surrounding streets were recorded during surveys in April and May 2016. Adopting a background traffic growth rate of 1.5% per annum the future 2026 peak traffic volumes adopted for the TPA are:
  - Stewart Avenue: 2,845 vehicle trips per hour (vtpH)
  - King Street: 3,375 vtpH
  - Hunter Street: 1,950 vtpH
  - Little King Street: 305 vtpH.
- The TPA considers that the adjacent road network is currently operating within its technical mid-block capacity and has scope to cater for additional traffic generated by new development in the area.
- The site has excellent access to public transport options. Pedestrian connections around the site are considered good with a reinforced concrete or asphalt footpath network existing along both sides of King Street, Hunter Street, Stewart Avenue and Little King Street all connecting to the available public transport facilities in the area. There are, however, limited dedicated bicycling paths in the vicinity of the site.

#### Proposed Development - Traffic Generation & Impacts on the Road Network

With reference to the RMS' *Guide to Traffic Generating Developments* and other guidance documents, the TPA calculates that the proposed development will result in the following additional traffic:

- 674 additional vehicle trips per day
- 82 additional vehicle trips per hour (in the PM peak hour)

The likely trip distribution pattern of this traffic throughout the local road network is illustrated within the TPA.

The TPA concluded that the additional traffic generated by the proposal will not result in the capacity thresholds for the local roads being reached - the network has sufficient spare two way mid-block capacity to cater for the proposed development.

The intersections likely to be most affected by the proposal are:

- Stewart Avenue / Parry Street / King Street intersection; and
- Hunter Street / Stewart Avenue intersection.

Based on modelling for the critical PM peak period post development (2016) and for 10 years background traffic growth at 2.5% per annum (2026) scenarios, the TPA found that the proposed development will on its own not adversely impact on the operation of the intersections. No change in overall level of service will be experienced and the increases in average delay and queue length are minor and within acceptable limits.

With regard to construction traffic, the TPA notes that the construction traffic generation from the site will be less than the calculated operational traffic generation. As it was determined that the operational traffic generation would not adversely impact on the capacity of the local road network, the construction traffic will have a similar lack of impact. Regardless, the TPA recommends the preparation and implementation of a construction management plan, in particular to manage off-street construction employee traffic.

The proposal is likely to result in an increase in pedestrian traffic to the area. The extent of the proposed public domain works (e.g. upgraded footpaths) would ensure that suitable pedestrian facilities are provided in the vicinity of the site to meet the additional pedestrian demand generated by the development.

#### Proposed Vehicle Access

All vehicle access to the proposed building will be via a combined entry / exit driveway off Little King Street. The driveway will have a width of approximately 7m, and will be positioned approximately 60m east of Stewart Avenue. It will serve as an entry to both the car parking and servicing /loading dock areas. The TPA found that the proposed access way is compliant with Australian Standard (AS2890.1-2004 *Parking Facilities – Part 1 Off-street car parking*) and is therefore satisfactory for this development.

#### Proposed On-site Parking

On-site parking requirements were determined with reference to AS2890.1-2004 *Parking Facilities – Part 1 Off-street car parking* and the Newcastle DCP. With regards to the DCP, the following provisions apply:

*Except for residential development, car parking for development in the City Centre is provided at the rate of one space per 60 m<sup>2</sup> gross floor area.*

Bicycle and motorcycle parking is also required by the DCP as follows:

##### Restaurant / Cafe

*Bike parking – 1 space per 100 m<sup>2</sup> GFA (Class 2)*

*Motor bike parking – 1 space per 20 cars*

##### Motels / Hotels

*Bike parking – 1 space per 20 units (Class 2)*

*Motor bike parking – 1 space per 20 cars*

With reference to the above, the TPA determined the following parking requirements for the proposed development:

- Car parking - 98 spaces
- Bicycle parking - 12 spaces
- Motorbikes - 5 spaces

As indicated within the *Architectural Plans* by Reid Campbell, the proposal incorporates 104 dedicated car parking spaces and at least 6 motorbike parking spaces. It also includes secure bicycle storage racks to accommodate up to 12 bicycles, within the Level 1 carparking area.

Overall, it is concluded that sufficient and suitable on-site car and motorbike parking has been incorporated into the development.

#### Proposed Servicing and Loading

To accommodate service vehicles, a loading bay is proposed on the Ground Floor, accessible via the shared driveway. The TPA estimates service vehicle flow for the

proposed development will be in the order of 3 - 4 vehicles per day. The loading bay, as depicted in the *Architectural Plans*, has been designed to accommodate the turning movements for a Medium Rigid Vehicle (up to 8.8m in length), ensuring that vehicles can enter and leave the site in a forward direction. The majority of deliveries for the development are anticipated to occur within the loading bay.

Any occasional deliveries which might require a Heavy Rigid Vehicle will be accommodated in an on-street loading zone to be provided on Little King Street (currently the subject of negotiations with Council).

Overall the TPA concludes that the proposed servicing arrangements for the development are satisfactory.

#### 4.8.7 Overshadowing

Shadow diagrams have been prepared for the proposal by Reid Campbell - see the *Architectural Plans*.

Importantly, these diagrams show the overshadowing impacts of the building on Birdwood Park to the south, during the 'worst-case' overshadowing scenario (21st June - the winter solstice - the day of the year with the least daylight hours). As indicated in **Figure 13**, while shadows over the Park will be increased from the current scenario, these shadows will traverse the Park fairly rapidly due to the relatively slender form of the proposed tower. The great majority of the Park will remain unaffected by shadows from the proposed development for in excess of 3 hours at lunchtime during the winter solstice, in compliance with the DCP requirements.



Figure 13: Shadow diagrams for the proposed development - winter solstice (Source: *Architectural Plans* by Reid Campbell)

It is important to note that the proposed development will create significantly less overshadowing than what would be generated by a building built to the maximum allowable bulk and scale under the NLEP and DCP controls. As shown in **Figure 13**, the proposed building has a height significantly less than the 90m permitted, resulting in substantially less overshadowing of the Park.

Further, the Urban Design Consultative Group (UDCG) has reviewed the proposed development, and raised no concerns with regard to overshadowing impacts on the Park (see the *Copy of UDCG Meeting Minutes, 21st April 2016*).

The proposal will not have any impacts on solar access for any surrounding residential development. Shadows cast will be predominantly towards the south (towards Little King Street and Birdwood Park), and no residential development is present or proposed to the east or west of the site. The development will not have any shadowing impacts on the 'Pinnacle' building (former Latec House) to the north-east.

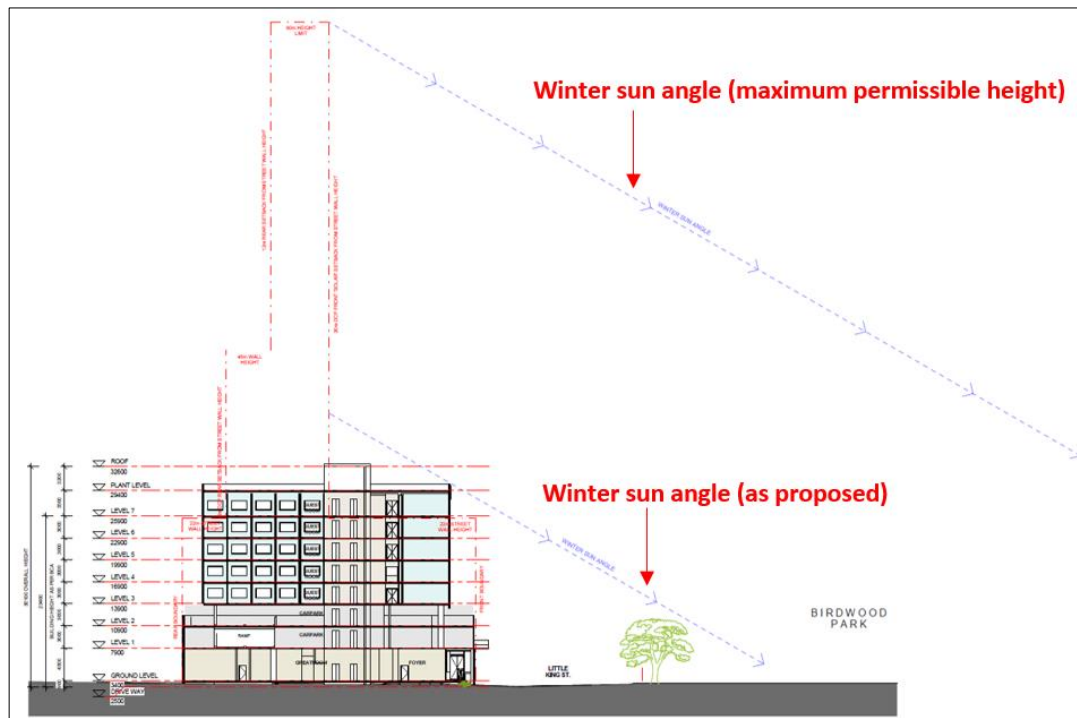


Figure 14: Winter sun angle (shadowing impacts) of proposed development versus maximum permissible building height

#### 4.8.8 Flooding

A flooding certificate obtained from Council (included at Appendix B of the *Flood Impact Assessment* by Northrop Consulting Engineers) indicates that the subject site is affected by flooding, with a classification of 'flood storage'. Based on the flooding certificate:

- The critical flood level for the 1% Annual Exceedance Probability event is 2.9m AHD
- The critical flood level for the Probable Maximum Flood (PMF) event is 4.1m AHD.

Northrop's *Flood Impact Assessment* (see related attachment) notes that Council's flooding certificate specifies a minimum occupiable floor level of 3.4m AHD. This level has been adopted as the finished floor level of the proposed Ground Floor, and therefore satisfies Council's requirements. Flood refuge will be available on the upper levels of the development, which are well above the PMF level of 4.1m AHD. All building occupants will have clear access via stairs.

Part of the existing flood storage area within the site will need to be filled in to accommodate the slab-on-fill design of the building, resulting in a loss of approximately 70m<sup>3</sup> of flood storage. However, to compensate for the lost flood storage a void will be created under the western corner of the building of equal volume to what will be lost, resulting in no net loss in flood storage under the defined flood level (see **Figure 15**). Note that a 'sub-floor flood storage plan' is included within the *Civil Engineering DA Package*, also prepared by Northrop.

The report concludes that *we believe it is possible to provide adequate flood protection for the site during the critical flood event whilst avoiding adverse flood impacts to adjoining properties.*



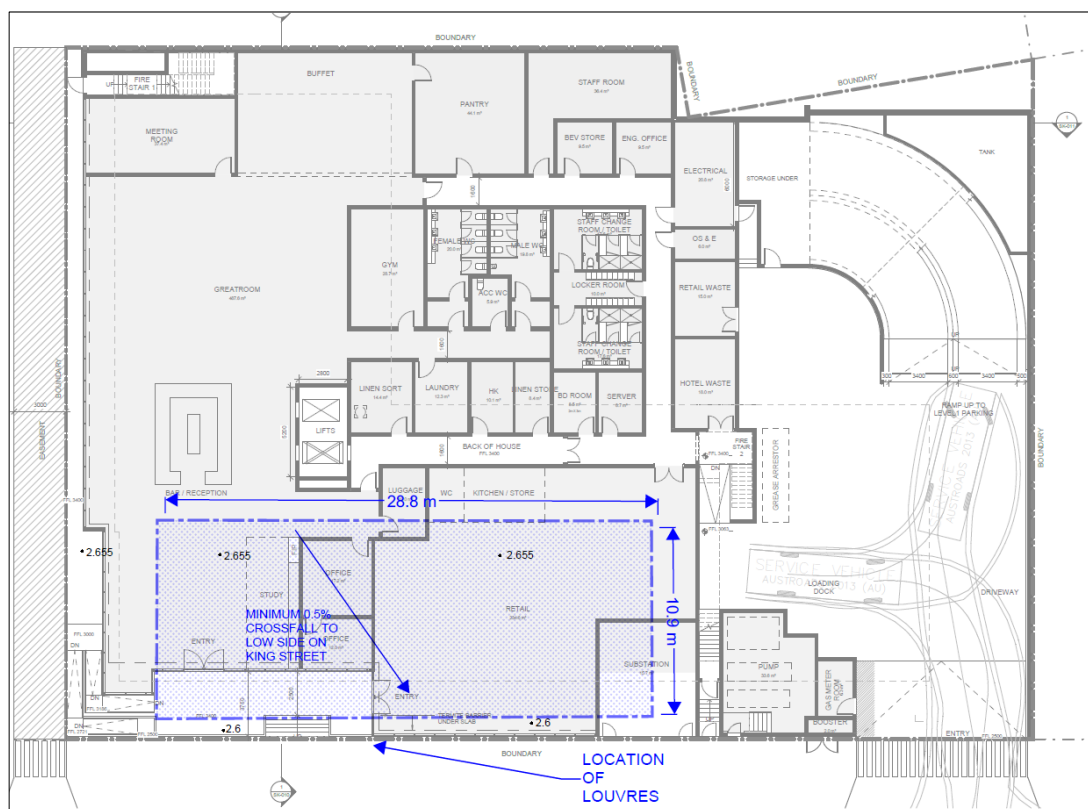


Figure 15: Extract of proposed flood storage layout and details (Source: *Flood Impact Assessment* by Northrop Consulting Engineers)

#### 4.8.9 Stormwater Management and Sediment / Erosion Control

In order to address stormwater and soil management issues, Northrop has prepared a *Civil Engineering DA Package* (see related attachment) which includes a *Concept Sediment & Erosion Control Plan*, *Stormwater Management Plans*, a *Stormwater Catchment Plan*, detail / specifications plans, a *Sub-Floor Flood Storage Plan* and *Stormwater Catchment Plan*. Northrop has also prepared a *Stormwater Management Letter* and associated MUSIC-link report (see related attachments).

In addition, a *Broad Scale Development Self Assessment Checklist - Water Sensitive Urban Design* has also been completed by Pro-Invest (see related attachment).

This package presents a stormwater management strategy which has been completed in accordance with the requirements of the Newcastle DCP. Key facets of the strategy are as follows:

- Installation of a 10-cartridge (690mm) Detention StormFilter system.
- Installation of a 15KL rainwater tank, proposed to be located below the ground floor. This will collect rainwater from the roof for its reuse for landscape irrigation, staff toilet flushing and vehicle wash down purposes.
- Installation of an 80,000L On-Site Detention Tank, also beneath the ground floor, to attenuate peak flows from the site in accordance with Council requirements.

The water treatment train is anticipated to exceed Council pollutant reduction objectives, as indicated in **Figure 16** below.

Stormwater Pollutants	% Reduction in average annual load	Council objectives
Total Suspended Solids	85.2%	85%
Total Phosphorus	76.8%	65%
Total Nitrogen	50.5%	45%
Gross Pollutants	96.4%	90%

Figure 16: Modelled performance outcomes of the proposed water treatment train (Source: *Stormwater Management Letter* by Northrop Consulting Engineers)

#### 4.8.10 Geotechnical

A *Geotechnical Assessment* of the site and surrounding land has been prepared by Regional Geotechnical Solutions (see related attachment). The purpose of the Assessment was to provide comments and recommendations on a range of geotechnical parameters, including the site's geotechnical profile, recommended foundation types and site classification. Fieldwork for the Assessment included observation of the site features, logging and sampling of 6 boreholes to assess the depth of fill, and 6 Cone Penetration Tests over an extended study area to assess foundation conditions.

In addition, a *Report on Geotechnical Investigation* (RGI) was prepared by Douglas Partners (see related attachment) which builds on the results of the Geotechnical Assessment above, and other relevant reports, and relates specifically to suitable foundation systems for the proposed development. The RGI included the undertaking of 5 Cone Penetration Tests (CPT) to depths of 15m within the subject site boundaries.

The RGI found that groundwater was typically encountered at depths in the range of 1.6m to 2m. These levels are variable over time and can be affected by several factors, including recent weather conditions. Results of the CPTs also allowed for the development of a generalised geotechnical model of the subsurface profile of the site and its vicinity, which is presented within the RGI.

Based on the findings, the Geotechnical Assessment provides a number of design recommendations, including site preparation, excavation conditions and dewatering, earth retention and battered slopes, fill placement and compaction requirements, and foundation options. The RGI presents additional design comments and recommendations in relation to the driving and placement of piles within the site.

The recommendations from both assessments will be taken into account during the detailed design of the proposal. In summary, there are not likely to be any significant geotechnical constraints to the feasibility of the proposed development.

Note that mine subsidence issues are addressed separately in **Section 4.8.11** of this SEE.

#### 4.8.11 Mine Subsidence

The subject site is included within the *Newcastle Mine Subsidence District* as mapped by the NSW Mine Subsidence Board (the MSB). Accordingly, a *Mine Subsidence Risk Assessment & Preliminary Grouting Requirements* document (MSRA) was prepared for the site by Ditton Geotechnical Services (see related attachment).

This document confirms that the site is located above old AA Company bord and pillar workings in the Borehole Seam. Subsidence damage has already occurred to buildings 1-1.5km east of the site in the early 1900s due to several pillar (failure) run events known as 'Creeps 1, 2 and 3'. These events affected a total area of approximately 32ha, and resulted

in subsidence between 0.3m and 0.8m. The consequence of a pillar run event beneath the subject site is therefore likely to be considered an unacceptable business and public safety hazard.

Accordingly, the MSRA presents an assessment of pillar stability of current workings (based on available information) and an estimate of worst-case subsidence effects beneath the site in the event of a 'pillar run' (failure). It also outlines a proposed grouting program to reduce worst-case subsidence tilt, curvature and horizontal strain values to within tolerable limits as defined by structural engineers.

More detailed information is proposed to be provided (as required) for detailed structural design purposes and to meet MSB approval requirements.

The MSB considered an application for the proposed development on the 25th May 2016, and granted its consent (see related attachment *Mine Subsidence Board Conditional Approval*). The consent included a number of conditions which will need to be met, including the provision of additional information and documentation to MSB, and the obtainment of baseline data following installation. The consent is valid for a period of 2 years.

The detailed design of the proposal will have appropriate regard to the recommendations of the above documents, including the MSB approval requirements. Accordingly, mine subsidence matters have been adequately considered and risks will be appropriately managed.

#### 4.8.12 Contamination

A *Site Contamination Assessment* (SCA) has been prepared for the proposal by Regional Geotechnical Solutions (see related attachment). It involved a review of the site history, a site walkover, a search of all relevant contamination databases and registers, and the drilling and sampling of soils from within 7 sample locations.

The SCA found that the subject site has been occupied by the former Newcastle City Holden dealership since at least the early 1960s. Four existing underground fuel storage tanks are located within the adjacent Lot 8 DP95173, to the east of the subject site, but none were encountered within the site.

A review of the NSW Office of Environment and Heritage register identified no notices had been issued under the *Contaminated Land Management Act 1997* for the subject land.

Soil testing conducted for the subject site indicated that heavy metals, TPH, BTEX, PAH, OC/OP pesticides and the presence of asbestos were either at concentrations below the laboratory detection limits or at concentrations below the adopted assessment criteria for commercial / industrial land use.

The report concluded that the site is suitable for the proposed development, and that further site assessment is not required with regards to contamination.

#### 4.8.13 Acid Sulfate Soils

Acid Sulfate Soils (ASS) produce sulfuric acid when exposed to oxygen due to the presence of iron sulphides within the soil. Prior to oxidation, these soils are referred to as Potential ASS. ASS that have produced acid as a result of oxidation are referred to as Actual ASS.

Pursuant to the NLEP, the subject site is mapped as containing 'Class 4' soils (see **Figure 11** in this SEE), which equates to a low probability of the occurrence of ASS. Regardless, an *Acid Sulfate Soil Assessment* was prepared for the site by Regional Geotechnical

Solutions (see related attachment). The Assessment involved the sampling and screening of soils for the presence of Actual or Potential ASS. While the samples were not obtained from within the boundaries of the subject site, they were obtained from land adjacent to the site (as the land was considered as part of a study area encompassing all of Nos 498-500 King Street), and the results and conclusions are relevant to the current proposal.

One of the samples (from 3.9 - 4m depth) indicated the presence of an Actual ASS. Three of the samples (from 2.9 - 4m depth) were considered to be Potential ASS. However, none of the samples at depths of 2m or shallower indicated the presence of either Actual or Potential ASS. Accordingly:

- Excavation of soils at depths of shallower than 2m from existing surface may be undertaken without the need for an ASS management plan;
- Excavation of soils below 2m depth will require the preparation of an ASS management plan.

As the proposed development is not likely to involve any significant excavations (see **Section 3.2** of this SEE), excavations below 2m in depth are not likely to be required and therefore no ASS management actions will be necessary.

Regardless, in the case that such excavations should be required, the Assessment provides recommended ASS management measures involving the use of agricultural lime to neutralise the soils. Additional details of the proposed ASS management regime can be provided as required.

The *Site Contamination Assessment* prepared for the site by Regional Geotechnical Solutions notes that, after neutralising the sulfuric acidity with lime in accordance with the ASS management plan (where necessary), excavated natural Aeolian and marine soils at the site may be classified as Virgin Excavated Material and may be disposed of accordingly.

#### **4.8.14 Safety and Security**

A *CPTED - Crime Risk Assessment* (CRA) has been prepared for the proposed development by TPG Town Planning & Urban Design (see related attachment). The CRA involved a review of the development plans and the locality in the context of local crime data, the key principles of *Crime Prevention through Environmental Design* (CPTED), and the relevant provisions of the DCP (Section 4.04 Safety and Security).

It found that the locality inclusive of the subject site has a relatively higher incidence of crime. In particular, in the categories of crime of most concern with respect to the day to day operation of the development and the safety and security of employees and patrons e.g. assault (non-domestic violence related), break and enter (non-dwelling) and disorderly conduct. The CRA noted that the design of the proposed building can play a key role in reducing the potential for opportunistic crime.

The CRA presents a detailed analysis of the proposed development against the CPTED principles and relevant DCP controls. It concluded that the proposal has appropriately considered these matters and *will make a positive contribution to establishing a safer urban environment within the hotel and retail development itself and within the immediate locality. The proposed development would result in an improved situation than otherwise currently exists in the locality, particularly with regard to the levels of activity and passive surveillance in the locality and for Birdwood Park opposite the subject site* (pp20-21). The proposed development was found to be consistent with the following key CPTED principles:



## Surveillance

- Provides uninterrupted sight lines and reduces visual barriers and hiding spots to reduce potential for undetected criminal and/ or unsocial activity.
- Upper levels overlook the public realm (King Street, Stewart Avenue and Birdwood Park) to assist in prevention and also to promote detection of antisocial activity and opportunistic criminal activity.
- Promotes increased activity within the locality around the clock through the combination of hotel and retail land uses that provide complementary activities during day time and night time hours.
- CCTV will be utilised as appropriate for various building components including lift access, entrances to building and car parks and will be further considered in later detailed design stages.
- Effective lighting will be provided as a part of detailed design processes to ensure that an appropriate balance for lighting public realm, King Street and internal spaces within the building without creating excessive glare or opportunities for concealment.

## Access Control

- Electronic security mechanisms will be provided to control access as appropriate to various building components including, entrances, hotel rooms, car parking facilities and lifts.
- Ensuring all service, back of house and car park entries are appropriately monitored and gated where necessary to prevent unauthorised access.

## Activity/ Crowding out crime

- Providing a combination of hotel and retail land uses will assist in increasing activity and attraction to the locality resulting in more eyes on the street during both day and night time hours.
- Increased surveillance of Birdwood Park will encourage use by hotel guests and the public to crowd out opportunities for antisocial behaviour and criminal activity.

## Ownership/ Territorial Reinforcement

- Clear distinction is provided between public, semi public and private areas of the development, particularly with respect to public streets and transitional areas.
- Providing clear visual distinction to appropriately demarcate all entrances to various building components will ensure the public, semi public and private realm are clearly distinguishable.

## Management and Maintenance

- The visual quality of a hotel and its immediate surrounds are essential to shaping perception of the establishment and therefore employing appropriate management practices are an essential element of the hotel operation. In this regard the introduction of a hotel use is conducive to promoting positive place management in the locality, which will lift the perception of a presently blighted area and encourage social activity bringing positive safety impacts.

#### 4.8.15 Accessibility for People with a Disability

The proposed development proposes a number of features to accommodate people with disabilities or other special needs, including the provision of 10 hotel rooms accessible for people with disabilities, 7 accessible car parking spaces, ramps and/or level walkways within all areas of the building and grounds, and lifts to all levels of the building.

An *Accessibility & DDA Sign Off* report has been prepared for the proposal by the McKenzie Group (see related attachment). The Report has been prepared based on the development plans and is intended to ensure that the proposal complies with the Building Code of Australia, the *Disability (Access to Premises - Buildings) Standards 2010*, the *Disability Discrimination Act 1992* (DDA) and pertinent Australian Standards.

Overall, the Report indicates that the proposal provides a high degree of accessibility, according to the spirit and intent of the DDA.

#### 4.8.16 Water and Energy Efficiency

The proposal involves a number of design and management measures to help efficiently manage water and energy use. An *ESD Report* (Ecologically Sustainable Development) has been prepared for the proposal by Cundall, which addresses these matters (see related attachment). In addition, a letter prepared by the proposed owner / manager of the development (Pro-invest Hotels Group) sets out a number of additional water / energy efficiency measures (see related attachment *Letter of Support*).

The key efficiency measures proposed include the following:

- Window sizes have been optimised in order to reduce heat gain or heat loss in summer and winter periods respectively;
- External shading has been provided on the western elevation to help restrict summer sun whilst permitting winter sun;
- Use of an energy efficient centralised air conditioning plant, inclusive of economy cycles and heat recovery systems;
- Use of energy efficient instantaneous domestic hot water systems;
- Use of energy efficient lighting and lighting control systems;
- Rainwater collection for re-use in irrigation, staff toilet flushing and washdown;
- Use of water efficient taps, shower and other fixtures (minimum 3 Star WELS rating);
- Use of water efficient and indigenous planting for landscaping purposes;
- Preference will be given to environmentally responsible materials during the materials selection process, including recycled and / or low embodied energy building materials where possible;
- Ongoing operational management strategies for monitoring energy and water consumption, including implementation of the 'InterContinental Hotels Group's Green Engage System'. This system is an online sustainability tool that measures actual data (energy, carbon, water and waste) to provide customised environmental performance benchmarking, and recommends various 'green solutions' to reduce impacts. The system supports hotels to create environmental action plans and targets, and allows hotels to pursue certification under the Green Engage system as

well as third-party avenues (e.g. Green Globe and Green Tourism). Additional information is provided within the attachment, *Letter of Support*.

Note that, whilst preferable for natural ventilation purposes, safety and security concerns and the operational realities of tourism accommodation preclude the inclusion of openable windows in hotel rooms. As outlined in the *CPTED - Crime Risk Assessment* by TPG Town Planning & Urban Design (see related attachment), *opening windows poses a significant security risk particularly, resulting in some rooms being vulnerable to intruders, unauthorised surveillance and theft. Accessing natural ventilation would be reliant on personal choice of individual guests whether to leave their room open to airflow, utilise air conditioning or in some cases a combination of both. This could potentially result in zonal inefficiencies and put greater pressure on air conditioning and therefore result in greater energy consumption* (p20).

#### 4.8.17 Waste Management

An *Ongoing Operation Waste Management Plan* and a *Construction & Demolition Waste Management Plan* have been prepared for the proposal by Foresight Environmental (see related attachments). These documents provide details of the proposed waste management regime during the demolition, construction and operational phases, and should be read in conjunction with the *Architectural Plans* by Reid Campbell.

It is noted that a temporary waste stockpile area for the demolition / construction phases is indicated on the *Concept Sediment & Erosion Control Plan* within the *Civil Engineering DA Package* by Northrop Consulting Engineers. The *Site Contamination Assessment* by Regional Geotechnical Solutions provides recommendations with regard to the appropriate management of excess excavated soils, if necessary.

Key aspects of the operational waste management regime are as follows (refer to **the Ongoing Operation Waste Management Plan** for further details):

- General hotel and retail waste is to be housed separately in dedicated storage rooms directly adjoining the Ground Floor loading dock. Waste storage areas are to be appropriately ventilated, signed and serviced in accordance with the relevant Australian Standards;
- Onsite management protocols are provided with regard to the collection of different waste streams from both the hotel and retail components, including cardboard / paper recycling, co-mingled recycling, general waste and oil recycling;
- Waste will be collected from the site by private contractors. Contractors will wheel the bins from the waste storage rooms and empty them into a rear-lift Medium Rigid Vehicle within the loading dock;
- Weekly recommended collection frequencies for the various waste streams are nominated for both the hotel and retail components, including the collection of general waste for landfill up to 5 times per week;
- Hotel staff will be provided with education and awareness training to ensure they are aware of their responsibilities in relation to the segregation of recyclables and to ensure they are following the building protocols, including recommendations on how to minimise waste generation.

#### 4.9 Suitability of the site [Sec. 79C(1)(c)]

As discussed throughout this SEE, the site is considered suitable for the proposed development. A summary of the key reasons for its suitability is provided below:

- the site has been identified for this scale / form of development through a strategic planning process (e.g. the NLEP, DCP);
- the site is located within walking distance of a large range of shops, services, tourism and recreational opportunities within the Newcastle CBD;
- the site is located adjacent to an area of attractive public open space (Birdwood Park), providing enhanced amenity for tourists and other short-term visitors;
- the site is located within walking distance of major public transport nodes (bus and the proposed Wickham Transport Interchange), providing connections to the local area, Newcastle Airport and tourism attractions farther afield (e.g. Hunter Valley vineyards);
- the site is of an appropriate size to accommodate the proposed hotel use; and
- the site is heavily disturbed, not affected by significant environmental constraints.

#### 4.10 Any submissions [Sec. 79C(1)(d)] & community consultation

Any submissions received in respect of this proposal will be considered by the Council as required under the Act and Regulation.

#### 4.11 The public interest [Sec. 79C(1)(e)]

The proposed development will contribute to the social and economic prosperity of the area, particularly with regard to the significant ongoing employment opportunities generated by the hotel's construction and operation.

The anticipated inflow of activity to both the retail component and the hotel will result in activation of Little King Street, and higher levels of passive surveillance of Birdwood Park. The site is well serviced by public transport options, and is within close proximity to the proposed Wickham transport interchange. The provision of carparking within the site is considered adequate. Overall, the proposal is generally consistent with relevant development controls.

There are not likely to be any impacts arising from the proposal which will detrimentally affect the public interest. Accordingly, the proposed development supports the public interest.



## 5. Concluding Comments

As demonstrated throughout this SEE, the proposed development complies with the relevant heads of consideration under Section 79C of the EP&A Act. In particular, it is consistent with the zoning provisions and other key development standards for the site, and with Council's stated vision for how development should proceed in the area.

The proposal is expected to provide a net positive effect with regards to social, environmental and economic impacts, and any potentially detrimental impacts have been effectively managed by mitigation measures outlined in this SEE.

Accordingly, it is recommended that the proposal be granted development consent.



## APPENDIX 1

### *Response to SEPP 64 - Schedule 1 Assessment Criteria*

## RESPONSE TO SEPP 64 - SCHEDULE 1 ASSESSMENT CRITERIA

The proposed development's compliance with the provisions of Schedule 1 of *State Environmental Planning Policy No. 64 (Advertising and Signage)* is addressed in the Table below.

Criteria	Comment	Comply
1. Character of the area	The proposed signage is of a type and scale that is consistent with the existing and desired commercial character of the area.	✓
2. Special areas	The proposed signage is not considered detrimental to the visual amenity of the area, and is consistent with the existing and desired future character of the area as outlined above. The signage is well-integrated into the building's fabric, and does not unreasonably impact on the heritage significance of the Newcastle City Centre Heritage Conservation Area.	✓
3. Views and vistas	The proposed signage will not protrude beyond the facades of the building. No key views or vistas will be impacted by the presence of the signage.	✓
4. Streetscape, setting or landscape	The proposed signage will not protrude beyond the facades of the building. Signage will be limited to 3 building identification signs over 2 facades, which is considered reasonable in the context of the building's size and scale. The size of the signage is appropriate in the context of the building's proportions and the city-centre character of the locality. No ongoing vegetation management will be required.	✓
5. Site and building	The size of the signage is appropriate in the context of the building's proportions and the city-centre character of the locality. The form of the signage relates well to the architectural style of the proposed building.	✓
6. Associated devices and logos with advertisements and advertising structures	Proposed signage will incorporate modern low voltage LED lighting within the signage structure. No separate illumination devices are proposed.	✓
7. Illumination	Proposed illumination will be discreet and limited to the signage itself. It will not result in unacceptable glare, or affect safety or amenity for neighbours or passers-by. Note that no signage is proposed to face towards residential development. Illumination intensity can be adjusted if necessary.	✓
8. Safety	The proposed signage is not considered to be a potential source of distraction for pedestrians or vehicles. The signs would be visible from nearby local and arterial roads; however,	✓

Criteria	Comment	Comply
	they do not contain any flashing elements or other attention-seeking devices.	





## APPENDIX 2

### *Response to Clause 5.5 of NLEP – Development within the Coastal Zone*

## RESPONSE TO CLAUSE 5.5 - 'DEVELOPMENT WITHIN THE COASTAL ZONE'

The proposed development's compliance with Clause 5.5 of the *Newcastle Local Environmental Plan 2012* is addressed in the Table below.

Clause	Comment	Comply
2(a) Existing public access & opportunities for new public access	The proposal will have no impact on public access to the foreshore.	✓
2(b) Suitability of development	The proposal is for a combined tourist accommodation and retail development in accordance with the permissible uses in the B3 zone and of a scale (i.e. height and footprint) in accordance with the desired future character for the area, as set out in the NLEP and DCP 2012.	✓
2(c) Amenity	The site is set back significantly from the foreshore (over 350m from the Newcastle Harbour) and so will not have any overshadowing impacts or impacts on views to the area.	✓
2(d) Scenic qualities	The building has a height significantly less than the maximum building height provisions of the NLEP and presents an appropriate built form for the CBD, therefore it will not have detrimental impacts on the coastal scenery.	✓
2(e) Measures to conserve biodiversity and ecosystems	The site is highly disturbed and contains no significant vegetation, and the surroundings are heavily urbanised. It is significantly separated from the foreshore and is not within a mapped wildlife corridor. Therefore the proposal is not likely to have any impacts on biodiversity or ecosystems.	✓
2(f) Cumulative impacts	The proposal involves the redevelopment of an already-disturbed CBD site, and will not involve the creation of significant volumes of pollution.	✓
3(a) Public access	The proposal will have no impact on public access to the foreshore.	✓
3(b) Effluent disposal	The proposal will utilise the existing reticulated sewerage system.	✓
3(c) Stormwater	The proposal will utilise the established CBD stormwater management system.	✓
3(d) Coastal hazards	The site is located a significant distance (over 350m) from the Newcastle Harbour waterfront. There are not likely to be any special coastal hazards that may impact upon the site, nor will the proposed development impact or increase the likelihood of coastal impacts.	✓



## APPENDIX 3

### *Aboriginal Heritage Information Management Service Search Results*

Jon Sjostedt

Date: 16 May 2016

Suite 2 14 Watt Street  
Newcastle West 2300

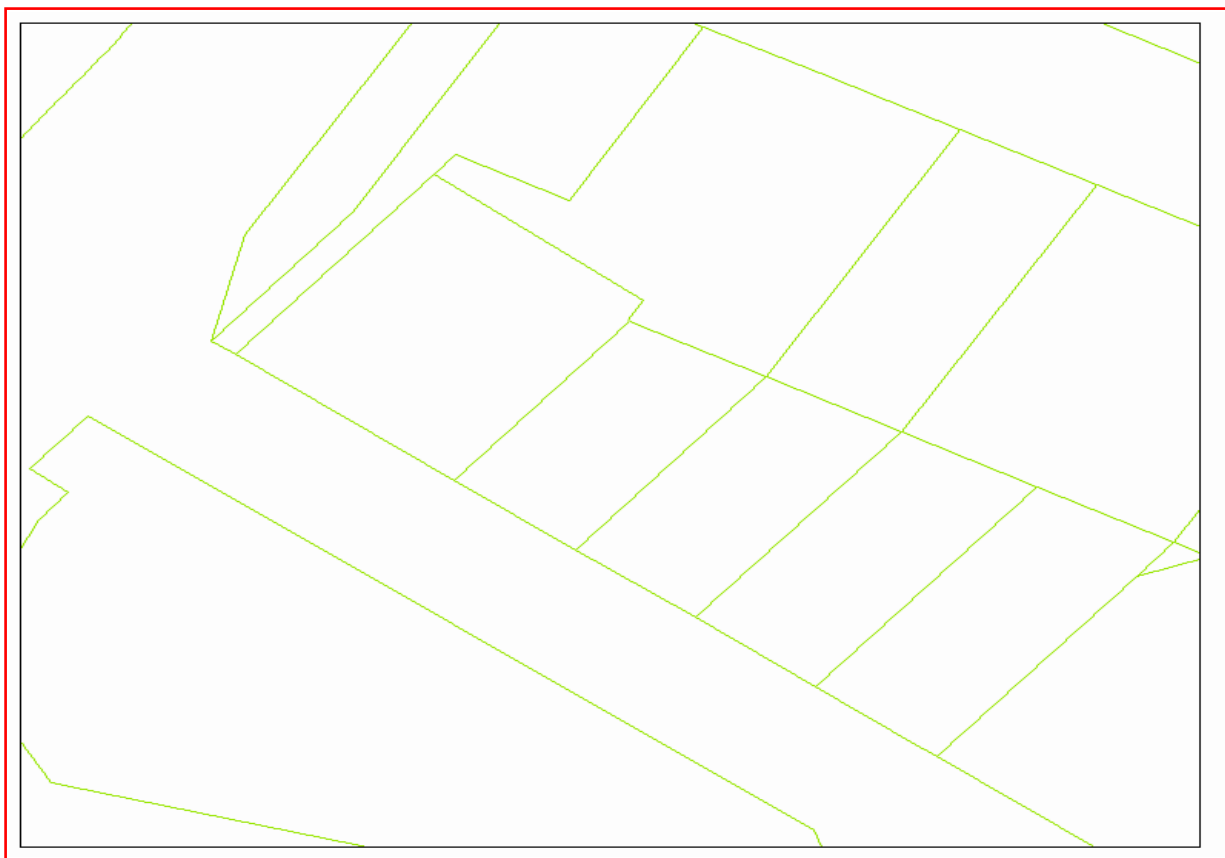
Attention: Jon Sjostedt

Email: jonathans@cityplan.com.au

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 9, DP:DP446798 with a Buffer of 50 meters,  
conducted by Jon Sjostedt on 16 May 2016.**

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

**If your search shows Aboriginal sites or places what should you do?**

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(http://www.nsw.gov.au/gazette\)](http://www.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

**Important information about your AHIMS search**

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date .Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.