

Part 3A Request for Minister's Declaration and Preliminary Assessment

Novotel Hotel Brighton Le Sands, Sydney Concept Plan and Stage 1a & 1b Project Applications

Submitted to
The Department of Planning
On Behalf of Thakral Holdings Limited

November 2008 ■ 08389

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1.0 Introduction

This report is submitted for Thakral Holdings Limited on behalf of Thakral Brighton Hotel Pty Limited as Trustee for Brighton Beach Unit Trust (Thakral) to support a proposed Concept Plan and Stage 1a and 1b Project Applications for refurbishment works to the existing Novotel Hotel Brighton Le Sands (the Grand Parade, Brighton Le Sands), and development of additional hotel accommodation (and commercial development) on sites to the west of the existing Hotel. The proposed sites to the west include a vacant block of land immediately adjoining the existing Hotel (6 -14 Princess Street), and the 'cottages site' further to the west (16 – 20 Princess Street), which currently accommodates three residential cottages.

The Concept Plan will include refurbishment works to the existing Novotel Hotel Brighton Le Sands, the development of an additional 227-rooms (minimum) to the Hotel on the vacant site to the west (Stage 1b Project Application), and the potential for the future development of additional hotel or commercial facilities on 'the cottages' site. The redevelopment and expansion of this beachside Hotel will create a world-class tourist venue in one of Sydney's most picturesque beachside locations. It will also facilitate the redevelopment of the Brighton Le Sands precinct into an international tourist location consistent with Council's visions for the area.

The purpose of this report is to seek the Minister's support that the proposed development is of a kind described in Schedule 1 (Classes of development) of State Environmental Planning Policy (Major Projects) 2005 (the Major Projects SEPP) and therefore, is a 'major project' to be determined under Part 3A of the Environmental Planning & Assessment Act, 1979 (the EP&A Act).

Should the Minister agree, it is requested that the Minister authorise Thakral to submit a Concept Plan and Stage 1a and 1b Project Applications for the proposed development. We also request that the Director General issue the requirements for the preparation of an Environmental Assessment Report (EAR) to accompany the Concept Plan, as well as the Environmental Assessment Requirements for the staged Project Applications.

To support the request for the Director General's requirements relating to the environmental assessment, a Preliminary Environmental Assessment Report (PEAR) relating to the project is provided below. The PEAR provides detail on the site location and an outline of the project, and identifies the likely environmental and planning issues associated with the proposal.

The PEAR has been prepared on behalf of the applicant, Thakral Holdings Limited, by JBA Urban Planning Consultants Pty Ltd, and is based on information provided by Perrott Lyon Mathieson and D + R Architects in Association (the Project Architects);

This preliminary assessment includes the following information relevant to the proposal:

- a background to the proposal;
- a description of the project;
- proposed Concept Plan and staged Project Application(s) scope;
- site description;
- existing planning provisions applying to the site;
- identification of the environmental issues associated with the project; and
- a list of other approvals required.

1.1 Project Background

In 1988 development consent was granted for the construction of a 15-storey hotel – the Novotel Hotel Brighton Le Sands – at the Grand Parade, Brighton Le Sands with a maximum of 4:1 floor space ratio (FSR). Recently, Thakral purchased the vacant site (6-14 Princess Street, Brighton Le Sands) to the west of the existing Hotel to accommodate future expansion.

In 2005 two DAs were lodged with Council for demolition and redevelopment of no 16 Princess Street and 18 Princess Street (two of the cottages on the Cottages site). A subsequent DA was lodged in 2006 for the remaining cottage at 20 Princess Street. All of these DAs have now expired.

On 7 May 2008, a meeting was held at Rockdale City Council to discuss the proposed extension of the existing Novotel Hotel Brighton Le Sands on the vacant land to the west. Representatives from Council, Thakral, JBA and the Project Architects attended.

Council indicated that the proposed extension of the existing Novotel Hotel Brighton Le Sands is consistent with Council's vision to develop a tourism precinct at Brighton Le Sands, and that an appropriate design and development control response to support the proposed Concept Plan (including a site-specific FSR and a maximum 51m (AHD) height limit) will be incorporated into its draft local environmental plan (LEP) and development control plan (DCP). Council stated that it would be seeking to zone the Hotel site and Hotel extension site as well as immediately surrounding land for business and tourism use under its new LEP in an attempt to phase-out residential development in the locality.

Council requested that Thakral prepare a planning study outlining proposed site-specific planning controls for the existing Hotel site, the extension site and surrounds to be incorporated into Council's draft DCP. This Planning Study is currently being prepared and will be consistent with the built form proposed under the Concept Plan.

At the May 2008 meeting, Council indicated that a development application for the Hotel extension building could only be submitted when draft zoning and planning controls were available under its new LEP which was then expected to be exhibited in mid-2008.

In July 2008, Thakral and the Project Architects met with Council to discuss the proposed scheme for the Hotel extension. Council raised no specific concern in relation to the height and bulk of the building but requested that the Hotel extension have a more articulated façade consistent with the existing Hotel building. The proposed design for the new Hotel has since been revised in response to Council's comments. At the meeting Council indicated that the drafting and exhibition of its new LEP would be delayed until March 2009.

In August 2008, discussions were held with the Department of Planning and Council regarding the proposed lodgement of a Concept Plan for the refurbishment of the existing Hotel, development of the Hotel extension on the vacant site to the west, and the potential for future development on the cottages site. The combined value of the proposed works will exceed \$100 million - the capital investment value (CIV) above which a tourist development triggers classification as a Major Project. It was recommended that a Concept Plan (and Stage 1a and 1b Project Applications) be submitted to the Department for the proposed works and that Council act as the delegated assessment authority for the proposal.

On 17 September 2008, an additional meeting was held at Rockdale Council to discuss the Concept Plan proposal at which time Council was provided with a draft of the Minister's Declaration and PEAR for the Concept Plan and associated Project Applications. Council requested the minor amendments be made to the draft. The draft PEAR and Minister's Request was amended consistent with Council requests.

2.0 The Site

The land to which the Concept Plan relates is located at Brighton Le Sands in the Rockdale Local Government Area (LGA) some 5km south-west of Sydney Airport and approximately 2km east of the Rockdale Town Centre. The site accommodates the existing Novotel Hotel Brighton Le Sands on The Grand Parade, a vacant block of land to the west, and the cottages site adjoining the vacant land. The characteristics of the each parcel of land that make up the Concept Plan site are described below.

The Concept Plan site is identified in **Figure 1** below.



1. Existing Novotel Hotel
2. Proposed Novotel Extension Site
3. Cottages Site

Figure 1 – Concept Plan site

Site 1 - Existing Novotel Hotel Brighton Le Sands

The existing Novotel Hotel Brighton Le Sands is located at The Grand Parade, Brighton Le Sands between Princess and Bay Streets. It has a frontage of some 95 metres to The Grand Parade to the east and side boundaries of approximately 80m to Princess Street to the north and Bay Street to the south. The existing structure is located approximately 77 metres from the mean high water mark of Botany Bay

The Hotel site has a legal property description of Lot 101 in DP 773760 and a total site area of approximately 7,600sqm. The building contains 296 rooms, two bars, a restaurant, 16 meeting rooms, a tennis court, gymnasium, spa and sauna, outdoor barbecue area and gaming lounge, as well as three levels of basement parking. A number of independent retail outlets and commercial offices are located on the site. Some 560 parking spaces are accommodated in the basement parking area.

The Novotel Hotel Brighton Le Sands is one of the largest structures in the area rising up to 15 storeys above the ground level. An existing pedestrian footbridge connects the Hotel to the beachfront and extends over The Grand Parade. The footbridge is available for use by the public at all times.

Site 2 –The Proposed Novotel Hotel Brighton Le Sands Extension Site

The proposed site for the extension of the Novotel Hotel Brighton Le Sands is located at Nos 6 -14 Princess Street, directly to the west of the existing Hotel site. It is owned by Thakral and is currently vacant. This site is located 169m from the mean high water mark in Botany Bay.

The site has a legal property description of Lots 6 to 8 (inclusive) in DP 435253 and Lot 1 in DP 200686 and Lot 102 in DP 773760.

It has a total site area of approximately 1,530sqm, a frontage of some 38m to Princess Street to the north, a southern boundary of approximately 38m to Saywell Lane and a 40m eastern boundary to the existing Hotel site.

To the west of the site, adjoining the site's 40m western boundary, are three single-storey brick cottages. Further to the west is a four-storey brick residential flat building which has a dual frontage to Moate Avenue and Princess Street.

Site 3 – The Cottages Site - No 16 to 20 Princess Street

Immediately to the west of the proposed Hotel extension site are three single-storey dwelling houses (the cottages site). The site accommodates three cottages which are located across three allotments with a real property description of lots 3 to 5 (inclusive) in DP 435253. These allotments have an approximate site area of 920sqm, a combined frontage of 20m to Princess Street and a rear boundary of some 20m to Saywell Lane. Side boundaries of approximately 40m adjoin the proposed Hotel extension site to the east and a four-storey residential flat building (RFB) to the west. This site is not currently owned by Thakral but consent from the owner will either be sought before the Concept Plan is determined, or the Cottages site will be removed from the Concept Plan.

Photographs of the site and surrounds are provided at **Figures 2 to 4**.

2.1 Surrounding Area

The site is also located in close proximity to the Brighton Le Sands beachfront on the shores of Botany Bay, a major tourist and local attraction. Rockdale City Council's vision for The Grand Parade as a key pedestrian-orientated beachside environment is expressed in Council's strategic visionary document - 'Destinations Rockdale 2005 + 20'. Council's vision includes a pier / marina development on Botany Bay at Brighton Le Sands, and urban renewal and streetscape improvements along Bay Street (to which the Novotel has a key frontage).

The surrounding area is characterised by four to eight storey residential flat buildings (RFB). In developing the Concept Plan design and particularly the design of the Hotel extension, practical consideration has been given to retaining sunlight to living rooms and private open space at the northern facades of the RFBs.

The refurbishment and upgrade of the existing Hotel and development of a 227-room (minimum) Hotel extension is consistent with Council's vision for revitalisation of the beachfront area as a major tourist and recreation destination. The proposed Hotel upgrade will ensure delivery of a function / conference centre of national and international standing, and will act as a major attractor of business tourism and employment growth for Brighton Le Sands and the wider South Subregion.

The site is not located in a heritage conservation area and does not accommodate any heritage items. However, to the north of the site, is a row of Victorian terraces at 64 to 69 The Grand Parade which have local heritage significance.



Figure 2 – Existing Novotel Hotel Brighton Le Sands viewed from the west



Figure 3 – Existing Novotel Hotel Brighton Le Sands viewed from the pedestrian footbridge



Figure 4 – View from pedestrian footbridge looking north

3.0 Project Description

Preliminary architectural plans have been prepared for the proposed Concept Plan by the Project Architects and are included at **Appendix A**. Detailed plans have been prepared for the Stage 1a and Stage 1b Project Application (which include some of the refurbishment works to the existing Hotel and the development on proposed Hotel extension). An indicative building footprint has been developed for the cottages site as no definitive use or design has yet been established. The Concept Plan includes the following key deliverables:

- Upgrade of the existing Hotel facilities including a significant expansion of the existing conference facilities; and
- Extension of the Hotel on land to west to create a 227-room (minimum) Hotel extension; and
- Potential development of a tourist or commercial facility on the cottages site with the associated increase in employment opportunities.

Details for each stage of the development are provided below:

Stage 1a Project Application – Expansion of Novotel Hotel Brighton Le Sands Conference Facilities

- At level 2 of the existing Hotel an expansion and upgrade of the existing Hotel's conference facilities to 3200sqm, is proposed to create, the second largest conference hotel in Australia after the Sydney Hilton. The upgraded Novotel Hotel Brighton Le Sands will be the largest waterfront conference hotel in Australia;
- Services associated with the proposed conference facilities will also be upgraded.

The above works will take place wholly within the existing Hotel building and are all permissible development on the site. It is envisaged that these works will begin as soon as possible. Although these works form part of the Concept Plan, it is expected that, should the Concept Plan assessment be delayed, approval for the Stage 1a Project Application could be granted ahead of the Concept Plan being approved.

Stage 1b Project Application - Extension of the Novotel Hotel Brighton Le Sands

- Development of an additional 227-room (minimum) extension of the Novotel Hotel Brighton Le Sands to bring its total room numbers up to 520 rooms which will make it one of the ten largest hotels in Australia;
- The Hotel extension will have a maximum height of approximately 44m, consistent with the height of the existing hotel and will be 15 levels in total (including ground floor and plant room level) which is below 51m AHD;
- A small amount of additional parking (approximately 12 spaces including three disabled parking spaces) is proposed within a single level extension of the existing basement car park. The basement extension will also accommodate some storage / plant room space and access to the Hotel extension. The existing vehicle entrance to the basement car park will be relocated further west along Princess Street and the porte cochere will be extended along this frontage;
- An appropriate FSR to accommodate the extent of development proposed over the vacant site and the existing Hotel site will be incorporated into the DCP Planning Study to be submitted to Council. Council has indicated that the future development controls for the site will be based on a high quality design response to this unique site.

The above development will include the vacant site to the west of the existing Novotel Hotel Brighton Le Sands which is currently zoned for residential use, on which hotel development is currently not permitted. However, subject to the Minister authorising the drafting of a Concept Plan for the site, which envisages the proposed Hotel extension, the proposed Stage 1b Project Application can be approved.

Potential Future Development on the Cottages Site

- An indicative building envelope for potential future development of commercial or tourism development at 16-20 Princess Street (the cottage site) has been prepared. It is expected that this site will have similar planning parameters to the existing Hotel and proposed extension site depending on whether it is consolidated with adjoining Thakral allotments.

A Concept Plan can be lodged for the cottages site without the owner's consent provided the owner is notified prior to its lodgement. However, owner's consent is required before the Concept Plan can be determined. Thakral proposes to undertake discussions with the owner of the cottages site regarding future development options.

Other upgrade works to the existing Novotel Hotel Brighton Le Sands

The following additional upgrade works are proposed for the existing Hotel:

- Refurbishment of the interiors of the existing 296 rooms and suites within the existing Novotel Hotel Brighton Le Sands;
- Refurbishment and re-branding of the existing ground floor retail areas including new footpath paving, street furniture and landscaping in accordance with Rockdale City Council's draft plans recently issued for Bay Street;
- Refurbishment of the existing Bay Street office building façade and interiors;
- Refurbishment of the existing facades of the podium and the existing Hotel tower.

It is expected that these works will be undertaken once the development of the Hotel extension site is underway and that, where appropriate, no further assessment of the above works will be required subject to appropriate commitments being made in the Concept Plan.

3.1 Capital Investment Value and Employment

The CIV of the Concept Plan development is \$150,500,000. A draft Quantity Surveyors Report is included at **Appendix B**.

The existing Novotel Hotel Brighton Le Sands provides employment for 265 staff, 75% of which live in the local area. The proposed development will result in the addition of 65 new permanent positions in the upgraded Hotel facilities and Hotel extension.

3.2 Major Projects SEPP

Item 17 in Schedule 1 (Part 3A – Classes of Development) of the Major Projects SEPP identifies development for 'tourist, convention and entertainment facilities' with a capital investment value of more than \$100 million as development to which Part 3A of the EPA Act applies. The proposed Concept Plan development is for new and upgraded Hotel facilities that exceed \$100 million in CIV.

3.3 Minister's Declaration

The request for the Minister's declaration is submitted on the basis that owner's consent will be obtained for the Cottages site prior to the Concept Plan being determined. However, to ensure that the determination of the Concept Plan is not delayed, it is requested that the Minister's declaration be flexible enough to accommodate the potential removal of the Cottages site from the Concept Plan development. This will ensure that the redevelopment of the Novotel Hotel Brighton Le Sands occurs and that the subsequent revitalisation of Brighton Le Sands area can be realised.

Should the Minister form the opinion that the proposal is a Major Project we request that the wording of the declaration be flexible enough to allow the removal the Cottages site if necessary. The declaration could be worded as follows:

I, the Minister for Planning, have formed the opinion that the development described in the Schedule below, is development of a kind that is described in Schedule 3 of the State Environmental Planning Policy (Major Projects) 2005 – namely development for the purpose of tourist related facilities, major convention and exhibition facilities or multi-use entertainment facilities that has a capital investment value of more than \$100 million – and is thus declared to be a project to which Part 3A of the Environmental Planning and Assessment Act 1979 applies for the purpose of section 75B of that Act. A Concept Plan for the development described in the Schedule below is to be lodged.

Schedule

A proposal to design and construct development for the purposes of tourist and / or commercial uses within the area bound by The Grand Parade, Princess Street, Moate Avenue and Saywell Lane, Brighton Le Sands (excluding the residential flat building at the corner of Princess Street, Moate Avenue and Saywell Lane SP 11172).

The proposal includes a Concept Plan for refurbishment works to the existing Novotel Hotel Brighton Le Sands, and development of additional hotel accommodation (and potential commercial uses) on sites to the west of the existing Hotel.

The proposal includes a Stage 1b application for upgrade and expansion of the existing conference facilities at the Novotel Hotel Brighton Le Sands, and a Stage 1b Project Application for development of an additional 227-rooms (minimum) to the Hotel on the vacant site to the west of the existing Hotel.

4.0 Relevant Planning Instruments and Controls

4.1 Strategic Planning Context

South Subregion Draft Subregional Strategy

Thakral made a submission on the Department of Planning's South Subregion Draft Subregional Strategy (the Draft Strategy) in which it articulated its support for Council's vision document – Destinations Rockdale. Thakral supports Council's submission to the Department of Planning on the Draft Strategy, in particular the recommendation that Brighton Le Sands be specifically and clearly identified as an existing and future tourism hub.

Thakral's submission recommended that Brighton Le Sands be included in the Strategy as a 'Metropolitan Attractor' as the area already accommodates an international hotel (the Novotel Hotel Brighton Le Sands) and a range of restaurants and entertainment venues. The 'Destinations Rockdale' vision for Brighton Le Sands will result in the transformation of the beachfront into 'a place which draws visitors from across the metropolitan region, interstate and internationally which in turn creates transport and other planning needs'¹. This vision is supported by the proposed Concept Plan and Project Applications for the Novotel Hotel Brighton Le Sands.

4.2 Overview of Planning Instruments Applying to the Site

The following planning instruments and policy documents are of key relevance to the proposed development:

- Commonwealth Civil Aviation (Buildings Control) Regulations 1988 and the Airports (Protection of Airspace) Regulations 1996 (Civil Aviation Regulation)
- Environmental Planning and Assessment Act 1979 (EPA Act) and Environmental Planning and Assessment Regulation 2000 (EPA Reg);
- State Environmental Planning Policy (Major Projects) 2005 (SEPP Major Projects);
- State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure);
- State Environmental Planning Policy 55 – Remediation of Land (SEPP 55);
- Draft State Environmental Planning Policy No 66 – Integration of Land Use and Transport (Draft SEPP 66);
- Rockdale Local Environmental Plan 2000 (RLEP);
- Rockdale City Council Parking and Loading Code (Parking Code);
- Rockdale City Council Development Control Plan No 28 – Requirements for Access (Access DCP);
- Rockdale City Council Development Control Plan 50 - Community Engagement in Development Decisions (Community Engagement DCP);
- Rockdale City Council Development Control Plan 53 - Construction Site Waste Management (Construction Waste DCP);
- Rockdale City Council Development Control Plan 67 - Crime Prevention through Environmental Design (Crime Prevention DCP);

1 NSW Department of Planning, South Subregion Draft Subregional Strategy' (2007), 66

- Rockdale City Council Development Control Plan 71 - Landscape Design Principles and Guidelines (Landscape DCP);
- Rockdale City Council Stormwater Management Development Control Plan 78 (Stormwater DCP).

4.3 Key Planning and Environmental Controls

The zoning and other key relevant provisions of relevant planning instruments are set out in **Table 1** below.

Table 1 – Key Planning and Environmental Controls

Planning Instrument	Control
Civil Aviation Regulation	An obstacle limitation surface (OLS) of 51m AHD applies on the Concept Plan site. Any development above this height is required to be referred to the Civil Aviation Safety Authority (CASA) for concurrence.
EPA Act and EPA Reg	Should the Minister form the necessary opinion that the proposed Concept Plan and Stage 1 Project Application is a type of development to which Part 3A of the EPA Act applies, the development will be assessed in accordance with the provisions of Part 3A of the EPA Act and Part 1A of the EPA Reg.
SEPP Major Projects	Provides the categories under which a project becomes a Major Project assessed under Part 3A of the EPA Act
SEPP Infrastructure	SEPP Infrastructure requires that any development proposal for a type of development identified in Schedule 3 of the SEPP be referred to the RTA for comment. Tourist facilities with more than 200 parking spaces are included within Schedule 3.
SEPP 55	Requires the consent authority to consider whether a site (on which development is proposed) is contaminated, and whether remediation of the site is required to accommodate the proposed use. The site is not affected by any matters arising under the <i>Contaminated Land Management Act 1997</i> .
Draft SEPP 66	Aims to ensure that new development provides improved access to public transport and minimises reliance on private vehicles.
RLEP	
Zoning	The existing Hotel site is zoned 3(a) – General Business in which 'hotels' and 'tourist facilities' are permissible development. The sites to the west including the Hotel extension site and the cottages site are zoned Residential 2(c) in which a range of residential uses are permitted but hotel development is prohibited. However, in accordance with the provisions of the EPA Act and EPA Reg, the Minister can grant development to a Major Project that involves a use prohibited if a Concept Plan has been authorised. Further detail is provided in Section 6.1 below.
Noise and Vibration	Consent must not be granted for a hotel development on land with an Aircraft Noise Exposure Forecast (ANEF) of greater than 25.
Land Filling and Excavation	Before granting consent to a development that involves extensive amounts of land filling and excavation, the consent authority is required to consider whether there will be any detrimental impact on drainage patterns, vegetation, sedimentation and soil stability in the locality or the amenity of adjoining properties.
Ecologically Sustainable Development	The consent authority must consider whether the principles of ecologically sustainable development have been applied to a development.
Hotel and Motel Development	A hotel must not be erected on an allotment of land which has an area of less than 4,000 square metres.
Heritage	The consent authority must take into consideration the likely effect of the proposed development on the heritage significance of the nearby Victorian terraces.

Planning Instrument	Control
Parking Code	The following parking requirements apply to Hotels: <ul style="list-style-type: none"> - 1 space per 2 bedrooms; plus - 1 space per 2 employees; plus - 1 space per resident manager.
Access DCP	Requires access to be provided in accordance with the requirements of AS 4299.
Community Engagement DCP	Provides procedures and requirements for the notification and advertising of development applications.
Construction Waste DCP	Sets out requirements of the control and removal of construction waste on development sites.
Crime Prevention DCP	Provides design guidelines to encourage crime prevention and safety in new and existing developments.
Landscape DCP	Establishes guidelines and standards for landscaping works on development sites.
Stormwater DCP	This DCP sets out the drainage requirements for new and existing development within the Rockdale LGA.

5.0 Consultation and Delegation

5.1 Rockdale City Council and the Department of Planning

Extensive consultation has been undertaken with the Department of Planning and Rockdale City Council (details are provided in Section 1.1 above).

As mentioned, above, Council's request that the design of the Hotel extension accommodate a more articulated façade has lead to a redesign of the proposed Hotel extension and a resulting reduction in the number of proposed hotel rooms. Council has indicated its strong support for the proposal which is consistent with Council's vision to revitalise Brighton Le Sands as a key tourist and recreational destination. Council has also indicated its intention to provide zoning and planning controls within its new LEP and DCP which will accommodate the proposed building envelopes in the Concept Plan.

In accordance with the discussions between Council, the Department and Thakral, it is expected that the Director General will delegate the assessment of the Concept Plan and Project Applications to Council under Section 23(1) of the EPA Act. However, in accordance with Section 23(8) of the EPA Act, the Minister will remain the approval authority for the Concept Plan and Project Applications.

5.2 Civil Aviation Safety Authority

No part of the proposed Concept Plan development will exceed 51m AHD. Concurrence of the CASA will not be required.

5.3 Community Consultation

A process of community consultation will be conducted in accordance with the expected requirements of the Director General.

Consultation with other government agencies, service providers and the public will be undertaken for the Concept Plan where required.

5.4 Consultation with 'Cottages Site' Owner

Thakral are undertaking discussions with the owner of the cottages site to obtain his approval to participate in the Concept Plan proposal which will continue throughout the Concept Plan development and assessment.

6.0 Preliminary Assessment

It is requested that the Director General issue the requirements for an environmental assessment to accompany for the lodgement of a Concept Plan application and Stage 1a and 1b Project Applications for the proposed development.

The requirements will identify the key issues to be addressed, the level of assessment required in relation to these issues and any other requirements in accordance with the environmental assessment guidelines.

The information below has been prepared to assist the Director-General in identifying the general requirements and key environmental issues associated with the project.

6.1 Compliance with Key Planning and Environmental Controls

The Concept Plan and Stage 1a and 1b Project Applications compliance with the key environmental and planning controls is outlined in **Table 2** below.

Table 2 – Compliance with Key Planning and Environmental Controls

Planning Instrument	Control
Civil Aviation Regulation	The proposed development will be below 51m AHD and is not affected by the Civil Aviation Regulation
EPA Act and EPA Reg	Should the Minister form the necessary opinion that the proposed Concept Plan (and Project Applications) is a type of development to which Part 3A of the EPA Act applies, the development will be assessed in accordance with the provisions of this Part and Part 1A of the EPA Reg.
SEPP Major Projects	As detailed above, the proposed development is considered to be of a type to which Part 3A of the EPA Act applies. It is requested that the Minister form the necessary opinion under Clause 6 of the Major Projects SEPP and authorise the submission of a Concept Plan for the project.
SEPP Infrastructure	Although only a minimal amount of additional parking is proposed for the Hotel extension, as ample parking is already provided within the existing Hotel's basement carpark, the consent authority may wish to refer the Concept Plan and / or Project Applications to the RTA for comment.
SEPP 55	The Brighton Le Sands area has historically been used for residential, tourism and recreational purposes. No known contaminating activities have been undertaken on the site. However, a preliminary site investigation assessment will be submitted with the Concept Plan.
DSEPP 66	Only a few additional parking spaces are proposed in the basement car park extension and extensive public domain works are proposed at the street frontages to encourage a pedestrian-friendly environment. The site is located in close proximity to regular bus services and many of the Hotel guests access the site by taxi from the airport.
RLEP	
Zoning	The existing Novotel Hotel Brighton Le Sands is located within a General Business 3(a) zone in which hotel development is permissible. Hotel development is only permissible on Residential 2(c) zoned land to the west subject to the authorisation by the Minister of a Concept Plan which envisages the Hotel development. Further detail is provided below.
Noise and Vibration	The site is not affected by any noise conditions which would prohibit the development of a hotel on the site.

Planning Instrument	Control
Land Filling and Excavation	Minor excavation work will be required for the basement car park extension. Approval will be sought for these excavation works as part of the Stage 1b Project Application and will be carried out in a way that will minimise any potential impacts on the surrounding environment.
ESD	The principles of ESD will be applied in the design and development of the refurbishments to the existing Novotel Hotel Brighton Le Sands and the development of the Hotel extension.
Hotel and Motel Development	The combined site area of the existing Novotel Hotel Brighton Le Sands and Hotel extension site exceeds the minimum site area requirement for Hotel development.
Heritage Conservation	No adverse impact on the heritage items on the northern side of Princess Street (fronting the Grand Parade) is expected to occur as a result of the proposal. A heritage report will be submitted with the Concept Plan.
Parking Code	The proposed Hotel extension will result in the provision of up to 520 rooms at the Novotel Hotel Brighton Le Sands with an associated parking requirement of 260 parking spaces. A total of 330 staff will be located across both the existing Hotel and the Hotel extension resulting in a parking requirement for 165 spaces. Some 560 parking spaces are provided in the existing basement car park of the Hotel and an additional 12 parking spaces (approximately) will be provided in the basement extension. The parking requirements for the existing and extended Hotel will be met.
Access DCP	Access to and within the Hotel extension, as well as within the refurbished Hotel facilities in accordance with the DCP. An access report will be submitted with the Project Applications.
Community Engagement DCP	Notification and advertising will be undertaken in accordance with the requirements of the DCP and established notification procedures for Major Projects. If necessary additional community consultation will be undertaken.
Construction Waste DCP	Construction waste will be managed and removed from the site in accordance with this DCP.
Crime Prevention DCP	The upgrade to the existing Novotel Hotel Brighton Le Sands will uplift the area and deter anti-social behaviour. The development of a Hotel extension on a currently vacant site will further encouraging the revitalisation of the area. The activation of the ground floor frontage in both the existing Novotel Hotel Brighton Le Sands and proposed Hotel extension will ensure casual surveillance and continue activity on the street. Other crime prevention and safety mechanism will be incorporate into the design including street lighting and a secure car park entry.
Landscape DCP	A landscape plan will be prepared for landscaping works as part of the Hotel extension in accordance with the Landscape DCP.
Stormwater DCP	Drainage will be undertaken in accordance with the requirements of the Stormwater DCP.

Zoning and Permissible Use

Under Part 3A of the Act, the Minister must be satisfied that the Hotel extension is permissible under an applicable environmental planning instrument, unless (relevantly) the Minister has authorised the submission of a Concept Plan.

On this occasion, the proposed Stage 1 Project Application includes the extension on the vacant site to the west which is zoned Residential 2(c) and on which hotel development is not permitted.

However, it is requested that the Minister authorise a Concept Plan to be prepared for the site. Subject to Minister forming the necessary opinion and authorising the preparation of a Concept Plan, the Minister may consider and approve the Stage 1 Project Application in accordance with Clause 80 of the Regulation.

It is noted that the existing Hotel site and adjoining sites to the west are located outside of the coastal zone. Even though the existing Hotel site is located within 100m of the mean high water mark of Botany Bay, it is not identified as a sensitive coastal location as defined in Schedule 2 of the Major Projects SEPP. Thus, Clause 80 of the EPA Regulation applies and the Minister can approve a Project Application for a prohibited use on the Hotel extension site (which in any case is beyond 100m of the mean high water mark) subject to a Concept Plan being authorised.

Built Form Controls

No specific built form controls apply to the Concept Plan site, although some built form controls are provided for RFBs in the Residential 2(c) zone. It is expected that the Concept Plan will establish built form controls which can be translated into Council's new LEP and DCP. These controls will be outlined in a site specific planning study to be submitted to Council.

6.2 Key Environmental Impacts applying to the Concept Plan

The key environmental considerations associated with the proposed Concept Plan are detailed below. To assist the Director General in preparing the Environmental Assessment Requirements for the Concept Plan and Project Applications, a list of additional environmental considerations that relate to the Stage 1a and 1b Project Applications are provided in Section 6.3 below.

- Site Suitability
- Transport and Access
- Infrastructure Provision and Staging
- Contaminated Land
- Flood and Water Management
- Heritage
- Employment Generating Uses and Economic Development
- Streetscape and public domain
- Built form and Visual Impact
- Amenity and Sunlight Access
- Zoning and Development Controls

Site Suitability

The Concept Plan will accommodate the extension and redevelopment of the existing Novotel Hotel Brighton Le Sands located at the Grand Parade, Brighton Le Sands overlooking the Brighton Le Sands beachfront, and is a key international tourist facility in this attractive beachside location.

The locality accommodates a range of uses including residential, commercial and tourism development. Council has indicated its intention to promote the area as a tourism and commercial hub under its new standard LEP.

The major refurbishment and upgrade of the existing Novotel Hotel Brighton Le Sands and extension of the Hotel on land to the west is consistent with Council's vision for revitalisation of the beachfront area as a major tourist and recreation destination. The proposed Concept Plan development is consistent with the desired future character for the locality.

Transport and Access

Vehicular access is currently available to the Hotel site from Princess Street which provides access to porte cochere at its main entrance. A vehicular driveway entry to its basement car park is currently provided from Bay Street at the site's southern frontage. Extensive vehicle parking (approximately 560 spaces) is available within the existing Hotel basement. A small number of additional parking spaces are proposed in an extension of the existing basement car park. The existing vehicle entry (to the basement car park) at the Princess Street frontage is proposed to be relocated further west along Princess Street to provide access to the basement car park extension. The existing porte cochere at this frontage will also be extended.

A key component of Council's vision for Brighton Le Sands is the redirection of the majority of vehicle traffic around the beachfront area via the F6 Reservation or an alternative route. Whilst the Department has expressed its intent to investigate and resolve the potential future use of the reserved F6 Corridor, no specific indication of the timing of this investigation is given. The redirection of traffic away from the Grand Parade is an essential part of the vision for the Brighton Le Sands area as a pedestrian-orientated environment and attractive, recreational, beachside location. Thakral support Council's vision for the area as a pedestrian-orientated environment and have chosen not to include a significant amount of basement parking below the proposed Hotel extension.

The extension of the Hotel will provide only a small amount of additional parking (an estimated additional 12 spaces including 3 disabled spaces) and will seek to promote a pedestrian-orientated environment within the Brighton Le Sands area.

Infrastructure Provision and Staging

Existing utilities on the existing Hotel site can accommodate the proposed Hotel refurbishment and upgrade works. Where necessary, augmentation of existing utilities will be provided for the Hotel extension. Consultation with relevant utility providers will be undertaken prior to submission of the Environmental Assessment Report.

The Stage 1a Project Application relates to the upgrade and expansion of existing Hotel conference facilities. The upgrade works will be undertaken as soon as possible to accommodate the growing demand for the Novotel's conference facilities, with the extension of the Hotel (Stage 1b) to follow.

Relocation of the substation to the vacant Hotel extension site will be required at Stage 1b.

As discussed with Council, an appropriate developer contributions framework for the Concept Plan development will be established through a Voluntary Planning Agreement mechanism, which will provide for a reasonable contribution to public infrastructure, and will be linked to the staging of the proposed development.

Contaminated Land

As detailed above, the existing Hotel site, the extension site and the cottages site have no known history of contaminated uses. However, a preliminary site investigation assessment will be submitted with the Concept Plan.

Flood and Water Management

The site is not affected by any flood management development controls.

The site is located within proximity to the Brighton Le Sands beachfront and any flood report prepared for the site will take into account the impact of climate change.

Heritage

The site is not located within a heritage conservation area and does not accommodate any heritage items. An improved backdrop to the Victorian terraces to the north of the site will be provided through the upgrade works to the Novotel Hotel Brighton Le Sands and development of a high-quality Hotel extension on the vacant site to the west. A heritage report will be submitted with the Concept Plan.

No known aboriginal heritage significance is associated with the site. However, a search of the National Parks and Wildlife's Aboriginal Heritage Information Management System will be undertaken and submitted with the Concept Plan.

The cottages do not have any known heritage significance and no development is proposed to be undertaken on this site in the near future. As detailed in Section 1.1, previous DAs have been granted which permitted the demolition of the cottages, but these have now expired.

Employment Generating Use and Economic Development

The project will provide additional employment within the locality. Current staff numbers of 265 staff (75% of which live locally) will be increased through the addition of 65 additional permanent staff positions in the upgraded and extended Novotel Hotel Brighton Le Sands.

The Novotel Hotel Brighton Le Sands already makes a significant contribution to Brighton Le Sands and Rockdale's economic prosperity. The proposed Concept Plan and Project Applications will provide increased economic activity in the locality and will initiate the revitalisation of the Brighton Le Sands area as envisaged by Council. The redevelopment will act as a major attractor of business tourism and employment growth for Brighton Le Sands and the wider South Subregion.

Streetscape, Public Domain and Visual Impact

The proposed Concept Plan will provide for the upgrade of the existing Novotel Hotel Brighton Le Sands and development of a Hotel extension on the site to the west. The upgrade to the existing Hotel will provide for an enhanced relationship with the street frontage, particularly at The Grand Parade. A new entry and alfresco dining restaurants are proposed along this frontage with specialty shops and a modified entry to the Bay Street frontage. As shown in the photomontages, an upgrade of the Hotel's external façade, as well as the development of a new Hotel with a high design quality and attractive interface to the Princess Street frontage.

Built Form and Visual Impact

The design of the new Hotel extension is intended to integrate with the built form of the existing Hotel to ensure that the Novotel Hotel Brighton Le Sands continues to operate as an iconic emblem of Brighton Le Sands beachfront. At the same time, the Hotel extension has been designed to provide a fresh and distinctive face to the upgraded Hotel.

The height of the Hotel extension will be consistent with the existing Novotel Hotel Brighton Le Sands and it is expected that overall FSR on the site will be approximately 6:1.

The proposed upgrade works and development of the Hotel extension will uplift the area and have a positive visual impact, particularly when viewed from the Brighton Le Sands foreshore.

To minimise the overshadowing and amenity impacts of the Hotel extension on existing RFB's to the west, the majority of the additional floor space for the Hotel extension will be concentrated on the eastern portion of the Hotel extension site. The Hotel extension will include a 12 level tower (at the eastern portion of the site) above a three storey podium which will extend across the entire extension site. A landscaped roof is proposed over the southern portion of the podium above level 3 (see architectural plans at **Appendix A**).

Amenity and Sunlight Access

As mentioned above, the Hotel extension has been designed to preserve as much sunlight as possible to the living rooms and private open space of residential developments to the south. Cundalls has been appointed to undertake extensive solar access modelling and the currently proposed building envelope for the Hotel extension represents the best possible outcome for existing residential developments to the south, whilst still accommodating a viable Hotel development.

Council has also previously indicated its preference for the locality to be transformed from a predominantly residential neighbourhood to a commercial and tourist location. The proposed built form on the Hotel extension site will be consistent with the desired future character for the area. The proposed Hotel extension has been designed to ensure amenity to surrounding properties is maintained during the area's transition to a tourism and commercial hub.

Zoning and Development Controls

As mentioned above, the locality in which the proposed development is situated is expected to significantly change and new zoning and development controls for the site to facilitate this transformation have not yet been finalised. It is understood that Council will seek to rezone the subject sites for a range of commercial and tourism uses which will accommodate a Hotel development. The built form controls for the site will be established through this Concept Plan which will be consistent with the Planning Study to be submitted to Council to assist in the preparation of site-specific development controls for the site under Council's new DCP

6.3 Key Environmental Impacts applying to the Project Applications

This section is intended to deal with additional key issues associated with the proposed Stage 1a and 1b Project Applications.

- Disabled Access
- Internal amenity
- Acoustic impact
- Environmental sustainability
- Building Code of Australia

Disabled Access

Disabled access will be provided to and within the upgraded Novotel Hotel Brighton Le Sands and Hotel extension in accordance with Council's Access DCP and relevant Australian Standards. Three passenger lifts are proposed in the Hotel extension which will also provide disabled access from the basement to all floors in the extended Hotel. Three disabled parking spaces are proposed in the extended basement. However, more can be provided if necessary. An Access Report will be submitted with the Environmental Assessment Report.

Internal Amenity

Internal spaces within the upgraded Novotel Hotel Brighton Le Sands and Hotel extension will be designed to be consistent with relevant standards for short term accommodation. Extensive outdoor space is provided for users of the Hotel facilities and the Hotel has been designed to accommodate natural ventilation and daylight access within the internal Hotel spaces.

Acoustic Impact

It is not expected that the upgrade to the existing Novotel Hotel Brighton Le Sands and Hotel extension will result in significant levels of noise in the locality as the Hotel will not accommodate any nightclubs. However, a noise impact assessment will be submitted with the proposal.

Environmental Sustainability

Thakral is committed to ensuring its developments achieve the highest standards possible. The proposed upgrading of services to the existing Novotel Hotel Brighton Le Sands will result in significant energy-efficiency improvements. Additionally, the Hotel extension will be designed and constructed to take advantage of innovative water and energy saving technologies where possible.

Building Code of Australia

The proposed upgrade works to the existing Novotel Hotel Brighton Le Sands and Hotel extension will be designed to be consistent with all deemed-to-satisfy provisions of the BCA.

7.0 Conclusion

It is requested that the Minister declare the proposed upgrade of the existing Novotel Hotel Brighton Le Sands, development of a Hotel extension on the vacant site to the west, and the future development of a tourist / commercial facility on the cottages site to be a Major Project to be assessed under Part 3A of the EPA Act. Subject to the Minister forming the necessary opinion, it is requested that the Minister authorise a Concept Plan and Stage 1 Project Application to be developed for the proposal.

The information contained in this preliminary assessment is to assist the Director General in determining the level and scope of any requirements for an environmental assessment to accompany the lodgement of a Concept Plan and Project Application under Part 3A of the EP&A Act.

In considering this submission and in accordance with provisions in Part 3A of the EP&A Act, it is requested that the Director General issue the environmental assessment requirements for the Concept Plan and Stage 1 Project Applications.

Thakral continues to believe that this upgrade of the Novotel Hotel Brighton Le Sands will be an essential catalyst for Councils' plans to create a vibrant and thriving Tourism / Commercial Centre for the City of Rockdale at Brighton as proposed under its Draft LEP 2008.