



Our Ref:239848
Department Ref: SSD-9827

1 April 2020

Planning Industry & Environment
GPO Box 39
Sydney NSW 2001

ATTENTION: AMY WATSON

Dear Amy,

**RE: PART LOT 4 DP 1238761
45 HONEYSUCKLE DRIVE, NEWCASTLE.**

Thank you for your letter dated 21 February 2020 providing the Departments request for additional information in relation to the above application following further assessment. Please accept this submission as our formal response to the matters raised.

NSW Department of Planning Industry & Environment

COMMENTS

Provide an assessment of view loss impacts, using Tenacity Principles, to the residential apartments and hotel rooms of the approved development at 42 Honeysuckle Drive. The assessment should consider the current proposal as well as an LEP compliant scheme.

RESPONSE

Principles for View Sharing Analysis

The view analysis of 42 Honeysuckle Drive has been prepared in consideration of the four planning principles for view sharing established by the NSW Land and Environment Court in *Tenacity v Warringah Council (2004) NSWLEC 140* (Tenacity v Warringah Council). The principles are:

1. **The assessment of the views affected** – Water views and 'iconic views' are given a higher value, as are whole views. Water views are valued more highly than land views. Iconic views are valued more highly than views without icons. Whole views are valued more highly than partial views. This is, a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

ADW JOHNSON PTY LIMITED
ABN 62 129 445 398

Sydney
Level 35 One International Towers
100 Barangaroo Avenue
Sydney NSW 2000
02 8046 7411
sydney@adwjohnson.com.au

Central Coast
5 Pioneer Avenue, Tuggerah NSW 2259
PO Box 3717, Tuggerah NSW 2259
02 4305 4300
coast@adwjohnson.com.au

Hunter
7/335 Hillsborough Road,
Warners Bay NSW 2282
02 4978 5100
hunter@adwjohnson.com.au

www.adwjohnson.com.au

2. **Consideration of from what part of the property the views are obtained** – The protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. Additionally, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.
3. **Assessment of the extent of the impact** – The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). It is usual to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.
4. **Assess the reasonableness of the proposal that is causing impacts** – A development which complies with all planning controls would be more reasonable than one that breaches them.

View Impact Analysis

The following section provides an assessment of the view impacts of the proposed development. The assessment focuses on 42 Honeysuckle Drive located to the south-west of the subject site.

A desktop view analysis has been undertaken to assess the impact of the proposed development on views of 42 Honeysuckle Drive.

Views affected by the proposed development

Currently there is no constructed development on 42 Honeysuckle Drive and so there are no views from any built form that exist from the site. Accordingly this assessment has considered the approved development of the site. The approval is for a 10 storey mixed use development comprising ground floor retail premises, a hotel including 152 rooms and 52 residential apartments. It should be noted that at the time of writing, a new DA has been submitted amending the proposal to a mixed use development including a hotel and commercial premises.

The proposed development will obscure views from 42 Honeysuckle Drive to the north. Views to the north are of the harbour and ancillary working harbour infrastructure and then very distant views from the proposed upper levels to the ocean beyond. The views are considered partially iconic views in a local context. The Google Earth image below provides an indication of the views that would likely be available from the upper levels of 42 Honeysuckle Drive across 45 Honeysuckle Drive.



Photo 1 – Google Earth Image from 42 Honeysuckle Drive.

However, it should be noted that 42 Honeysuckle Drive is located on the southern side of Honeysuckle Drive and is not a waterfront property. Given its locality, views from this locality are also subject to the outcome of development at 45 Honeysuckle Drive and adjoining site.

From what part of the property are views obtained?

Views of the harbor are achieved across the front boundary of 42 Honeysuckle Drive from rooms on the northern and eastern side of the building.

Extent of Impact

Given that 42 Honey Suckle Drive does not have a waterfront location it is considered important to measure the extent of impact in terms of what development could typically be built on 45 Honeysuckle Drive versus what is proposed. It would be unreasonable for example to expect that no development of 45 Honeysuckle Drive could occur in order to provide perfect view outcomes in favour of 42 Honeysuckle Drive.

A typical built outcome on 45 Honeysuckle Drive would be one assumed to comply with the relevant planning provisions. In this regard, it is considered that a compliant development outcome would see the entire footprint of the site developed up the maximum height would have a greater impact on views from 42 Honeysuckle Drive than what is currently proposed.

However, because the proposed development footprint has been reduced and because a more slender built form with separation between the three (3) buildings the retained views from 42 Honeysuckle Drive are improved. Views from 42 Honeysuckle Drive will be available through the site and via the available space along the Cottage Creek corridor as shown on the below photomontage, which outlines a compliant scheme (in block form) and the proposed development.

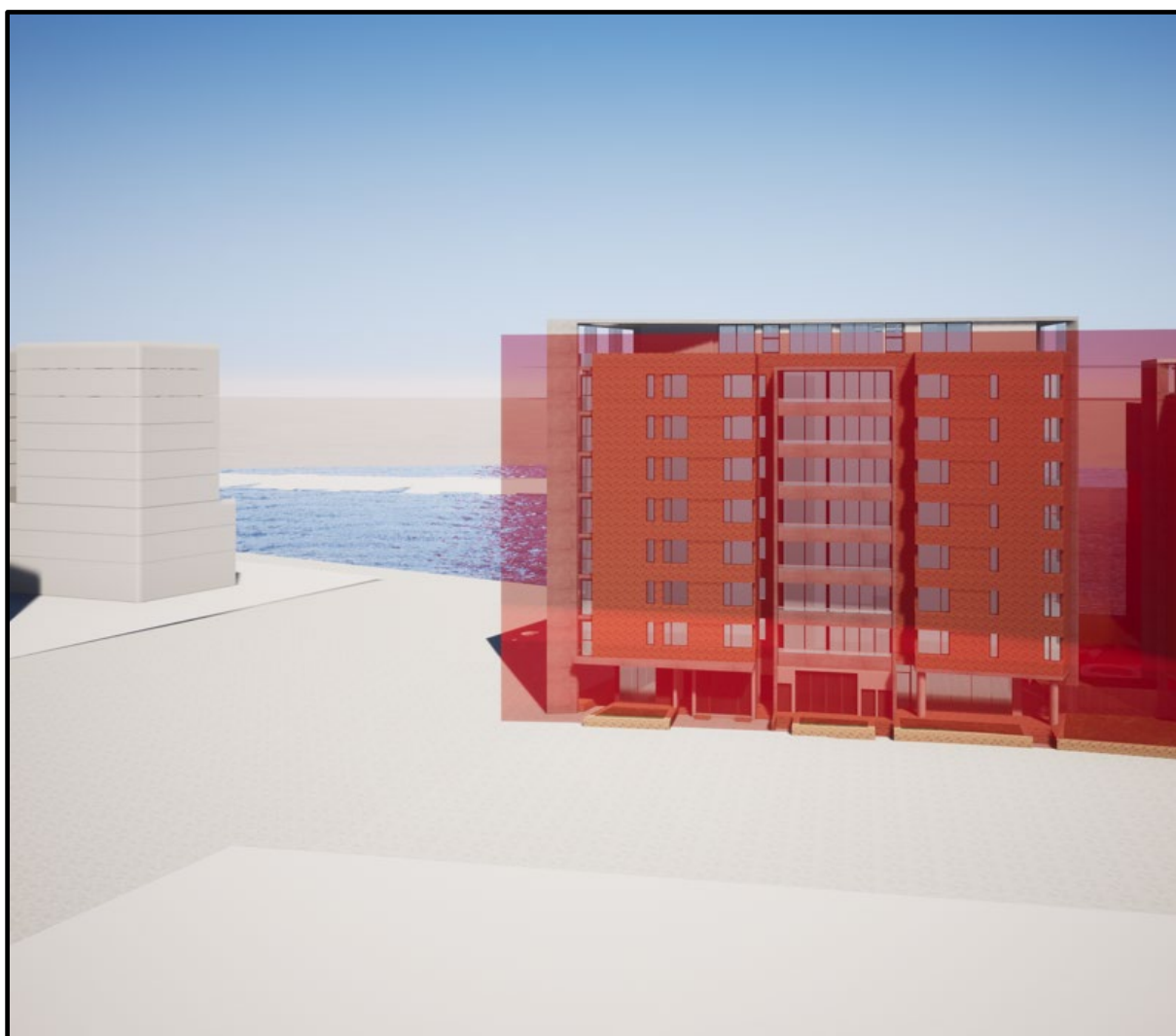


Figure 1 – Photomontage showing a compliant scheme and proposed development.

Horizon proposes three (3) distinct buildings, with open garden courtyards between the buildings. This allows much better visual connections from Honeysuckle Drive to the harbour, and much better solar access to this significant street. This is a key design feature to prevent a solid built form screening the harbour from the City, the design is an example of reasonable view sharing. Importantly it also allows properties deeper within Newcastle's urban fabric to retain more connection to the harbour.

The additional proposed building height has no perceptible impacts on views as any views it blocks are skyward.

Figure 2 below show the extent of views retained as part of the proposed development.

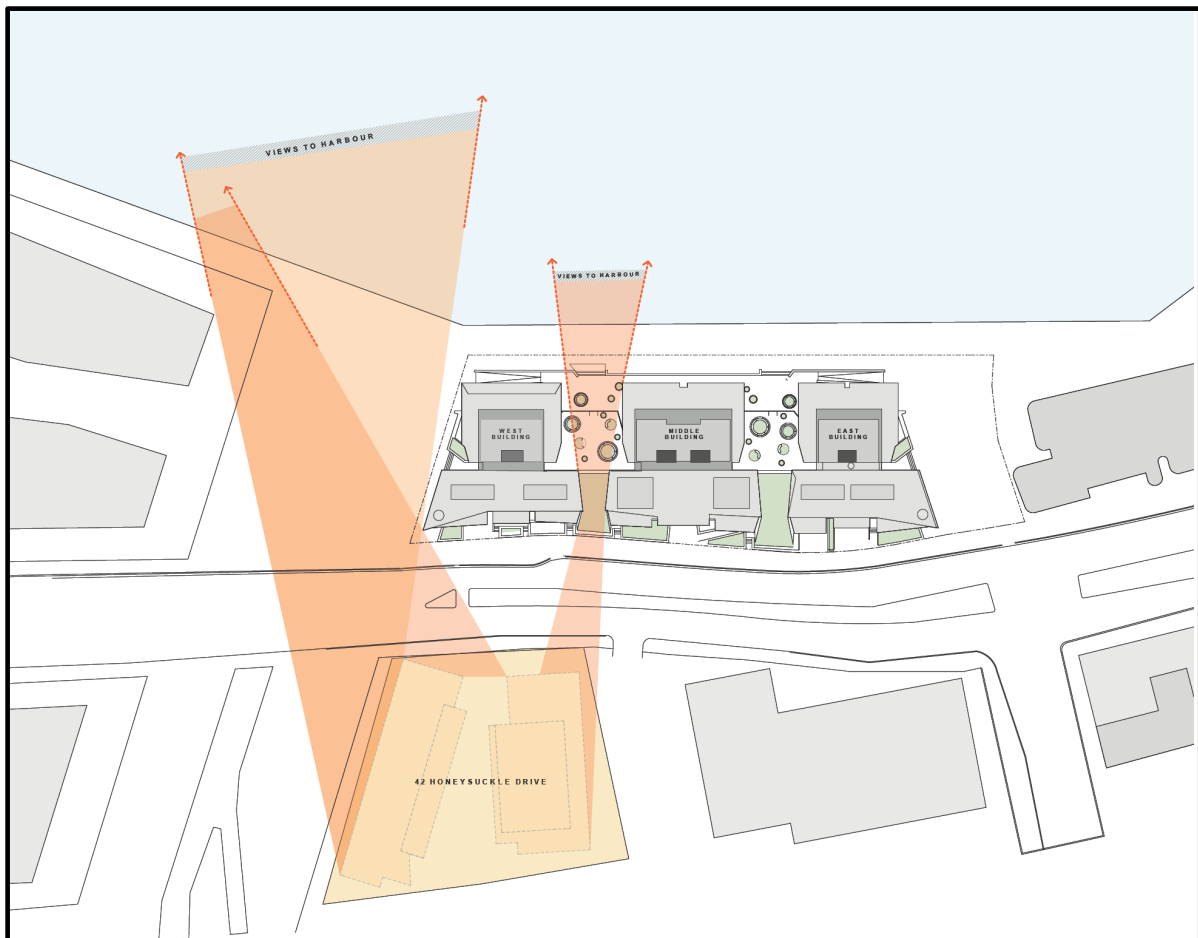


Figure 2 – View Analysis Diagram.

Reasonableness of the proposal

In order to assess the reasonableness of the proposed development, its consistency with the relevant planning controls has been reviewed. As established above it can be seen that the extent of impact has been improved from a compliant scheme.

The developer and future occupants of 42 Honeysuckle Drive would be well informed of what the available built form capacity of 45 Honeysuckle Drive would be at the time of submitting their development application. This includes information from the following sources the Newcastle LEP 2012 and the extensive master planning led by HCCDC, which includes the broader *Honeysuckle Public Domain Plan*, as well as the *Lee 5 Public Domain Concept Plan* and the *Lee 5 Site Design Objectives and Guidelines*.

We note that the experts which comprise the Design Review Panel support the proposed development in consideration of the context, no public objection to the proposal has been received to date.

It is considered that the proposed development is reasonable given the extent of compliance with the planning controls and that the minor variation in height provides for an improved outcome compared with a compliant outcome.

Having regard to the view sharing principles it is considered that the proposed development can be approved.

Comments

Further consideration of the communal open space is required, including:

- a. confirm sunlight access to communal open spaces during mid-winter.
- b. clarify the exact location (providing a plan and an itemised area schedule) of the 649m² communal open space.
- c. provide further detailed justification for the departure from the Apartment Design Guide (ADG) requirements. In particular, consider the objective, design criteria and guidelines for the communal open space provision.

Response

- a) As shown on the Communal Open Space Solar Access Plan provided within **Appendix A**, the Communal Open Space areas receive adequate solar access during mid-winter.
- b) As shown on the Communal Open Space Solar Access Plan provided within **Appendix A**, the exact location of the communal open space has been provided along with an itemised schedule confirming the total areas of communal and public open space.

As detailed on the plans, the following areas have been provided:

- Private Resident Communal Area 816.5m².
 - Public Communal Area 1,102m².
 - Steel St Reserve 899m².
 - Total = 2,817.5m².
- c) Additional comments to the ADG requirements have been provided within **Appendix B** to specifically address the comments provided in point c) above.

Ample landscaped communal open space is provided. The two (2) central common garden areas provide access to all apartments. Each apartment has own private open space. All apartments can use the upper common lounge and roof terrace, with additional common utility areas such as a Gym and Common Room located on the ground floor.

Total area of dedicated private communal open space is 816.5m² or 14.5% of the site area. The total is 10.5% below the ADG requirement but is justified by the following items under the design guidance:

- Generous balconies to all units with most having more than 1 balcony.
- Extra facilities dedicated to the development with a gym and common room provided to the ground floor (124m² total space).
- Dedicated new Public Square to end of Steel Street to provide a pedestrian connection through to the harbour foreshore. This will be a high-quality open space that can be accessed by all residence as well as the public (899.5m²).
- There will be direct access to a high level of public open space along the Hunter River Foreshore.

If the areas of common facilities are included and the new dedicated Public Square, the total area of communal space is 1,840m² or 32.8% of the site area.

Comments

Provide a response to the National Trust's submission.

Response

Umwelt Australia Pty Ltd have prepared a response to the National Trust submission. A copy of this response is provided within **Appendix C**.

As outlined within the attached response, views to and from the harbour and the original harbour setting of the School have been irrevocably eroded, and no longer have strong contributory value to the School or its setting. Irrespective of this, the proposed redevelopment of 45 Honeysuckle Drive will form part of existing wider views from the School towards the harbour, but will not directly obscure these views. Views of the harbour facing north-east (rather than east) from the School will remain observable.

The proposed redevelopment of 45 Honeysuckle Drive will occur, at its closest point 200 metres to the east of the School. The immediate setting of the School, which has experienced considerably less disturbance over time than its wider setting, will not be directly impacted by the current proposal. The curtilage and immediate setting of the School, as defined by its legal boundaries, will remain unchanged by the current proposal at 45 Honeysuckle Drive.

Comments

The size (MB) of the architectural drawings file is causing loading issues. Please break down the file into smaller parts for ease of access.

Response

As requested, the amended architectural plans issued to the Department as part of the Response to Submissions on the 11 February 2020 have been separated into smaller files and resubmitted as part of the upload this response for ease of access.

CONCLUSION

We trust that the additional information provided is satisfactory and allows the Department to finalise its assessment and issue an approval for the proposed development.

Should you have any questions in relation to the contents of this submission or would like to arrange a meeting to discuss any of the above matters further, please do not hesitate to contact the undersigned on (02) 4978 5100 or via email at zacs@adwjohnson.com.au.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Zac'.

Zac Smurthwaite
Senior Planner
ADW Johnson Pty Ltd
Hunter Office

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Appendix A

COMMUNAL OPEN SPACE SOLAR ACCESS PLAN - CKDS

Appendix B

ADDITIONAL COMMENTS TO ADG REQUIREMENTS – HILLS TALIS

Appendix C

RESPONSE TO THE NATIONAL TRUST SUBMISSION – UMWELT AUSTRALIA PTY LTD