



MAJOR PROJECT ASSESSMENT
Commercial Office Building,
Lot 231, Honeysuckle Drive,
Newcastle
Proposed by Honeysuckle 231 Pty Ltd

Director-General's Environmental Assessment
Report
Section 75I of the
Environmental Planning and Assessment Act 1979

January 2007

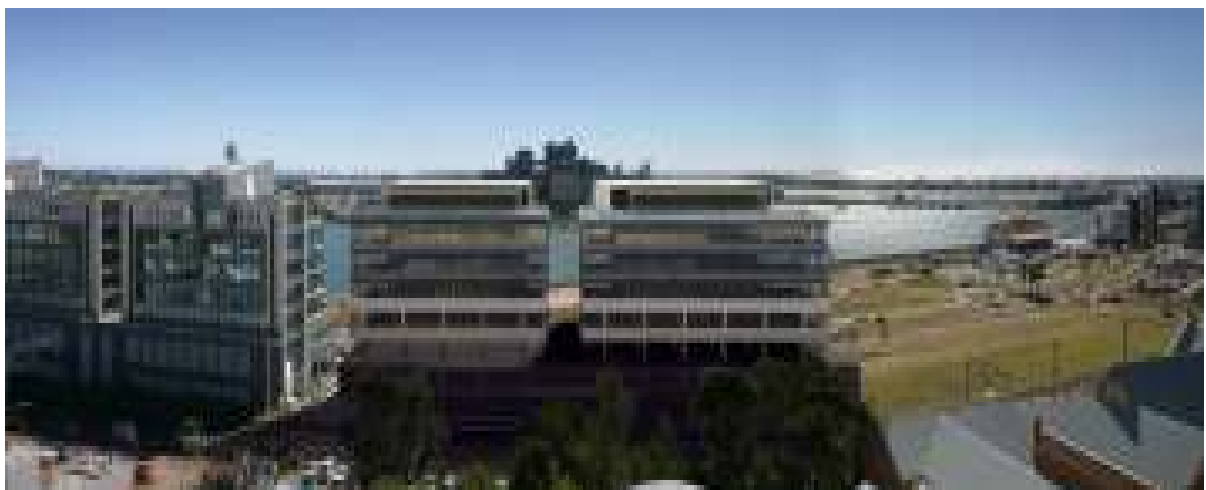


Figure 1 – photomontage of proposed building on site

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1 EXECUTIVE SUMMARY

1.1 The Proposal

This is a report on a project application.

Honeysuckle 231 Pty Ltd (the Proponent) is proposing to 7 level mixed use commercial office development comprising of two towers, basement parking, ground floor retail space, a childcare centre and commercial offices 2 Lot Torrens title subdivision on land owned by the Honeysuckle Development Corporation (HDC) at 20 and 22 Honeysuckle Drive, Newcastle (Part Lot 231, DP 1072217) ("the proposal").

The proposal comprises of the construction of:

- a. 3 levels of car parking (259 spaces);
- b. Two towers with a total gross floor area (GFA) of 15,558sqm including;
- c. 4 retail tenancies and a child care centre for 50 child spaces of 1,112sqm (GFA);
- d. Commercial office space of 14,446sqm (GFA);
- e. Associated site improvements, landscaping and public domain works; and
- f. Subdivision of the land into two Torrens title allotments with associated easements and rights of use.

The site is located within the Honeysuckle Precinct on the southern side of Newcastle Harbour. The site has a total area of 4,817m². The subject site is located between Honeysuckle Drive and the Great Northern Railway Line on Honeysuckle Drive.

The subject site forms part of the Honeysuckle Development Corporation precinct (HDC precinct) which comprises 50 hectares of land along the Newcastle Harbour directly north of Newcastle CBD. The HDC precinct is undergoing significant transformation through revitalisation and redevelopment as a mixed use harbourside precinct.

The estimated project cost of the development is \$40,052,100. The proposal will create 120 full time equivalent construction jobs and 900 full time equivalent operational jobs.

During the exhibition period, the Department received a total of 8 submissions from public authorities and no submissions from the public. Key issues raised during exhibition and in the Department's assessment included:

- Easements;
- Floor space ratio;
- Building height;
- Contamination and remediation of the site for the proposed use;
- Flood management;
- Storm water management;
- Traffic and car parking.

The Department has assessed the merits of the project and is satisfied that the impacts of the proposed development have been addressed via the Proponent's Statement of Commitments and the Department's recommended conditions of consent, and can be suitably mitigated and/or managed to ensure a satisfactory level of environmental performance. The proposal complies with the FSR, Height and Car Parking requirements of the LEP and DCP and on these grounds, the Department is satisfied that the site is suitable for the proposed development and that and will provide environmental, social and economic benefits to the region. All statutory requirements have been met.

The Department recommends that the project be approved, subject to conditions.

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2 BACKGROUND

2.1 THE SITE

2.1.1 Site context and location

The site, at 20 and 22 Honeysuckle Drive, Newcastle (Part Lot 231, DP 1072217)), is located within the local government area of Newcastle City Council and is owned by Honeysuckle Development Corporation (HDC).

The site is located within the Honeysuckle Precinct on the southern side of Newcastle Harbour, and has a total area of 4,817m². The subject site is located between Honeysuckle Drive and the Great Northern Railway Line to the east of the Price Waterhouse Coopers' building at 26 Honeysuckle Drive. (refer to figure 1)

The subject site forms part of the Honeysuckle Development Corporation precinct (HDC precinct) which comprises 50 hectares of land along the Newcastle Harbour directly north of Newcastle CBD.

To the north of the site is Honeysuckle Drive, which forms the northern boundary. Further north of the site is vacant land that is zoned for future commercial development and open space purposes pursuant to Newcastle DCP 2005. Newcastle Harbour and the steel works form the northern backdrop to the HDC precinct.

To the south of the site and forming the sites southern boundary is the Northern Railway Line. Newcastle City buildings form the backdrop to the site including commercial buildings which front Hunter Street.

2.1.2 Existing site features

The subject site has a frontage of 122 metres to Honeysuckle Drive and depth of the site ranging from 33.9 metres to 44.3 metres. The site is vacant and is grassed. The site topography slopes gently from the centre of the site to the northern and southern boundaries with a crossfall of about 1.8m.

A 20m wide easement for public access and floodway purposes, benefiting Newcastle City Council, burdens the site, adjacent to the western side boundary and, extending from Honeysuckle Drive to the Great Northern Railway line. This easement incorporates supplementary easements for electricity substation and underground cables (including access thereto) and for a sewer main.

2.1.3 Surrounding development

The northern boundary of the site fronts Honeysuckle Drive. On the opposite side of the Honeysuckle drive is vacant land that is zoned for future commercial development and open space purposes pursuant to Newcastle DCP 2005. Newcastle Harbour and the steel works form the northern backdrop to the HDC precinct.

To the south of the site and forming the sites southern boundary is the Northern Railway Line. Newcastle City buildings form the backdrop to the site including commercial buildings which front Hunter Street.

To the west of the site is the Price Waterhouse Cooper Centre (HDC headquarters), the recently built Sparke Helmore House and the Hunter Water building, to the east of the site is a vacant future commercial development site.

2.1.4 Zoning

The subject site is zoned 3(c) City Centre; and the proposed development for a mixed use commercial development with retail component and a childcare centre and is permissible with development consent.

2.2 SITE HISTORY

2.2.1 Previous applications

There have been no recent previous development applications or approvals on this site in its current configuration.

From the documentation submitted by the proponent the site history is as follows:

The site identified railway infrastructure and workshops at the site mid 1950s until the mid 1990s, as identified by aerial photographs, and has since been cleared and is now vacant.

The site was originally part of Newcastle Harbour, possibly being mud flats, and formerly the mouth of Cottage Creek. The area was reclaimed using dredged Harbour sand prior to 1944. Until approximately 1993 the site was part of the Trackfast site and used for handling rail cargo. The site contained railway lines, sidings and goods storage sheds.

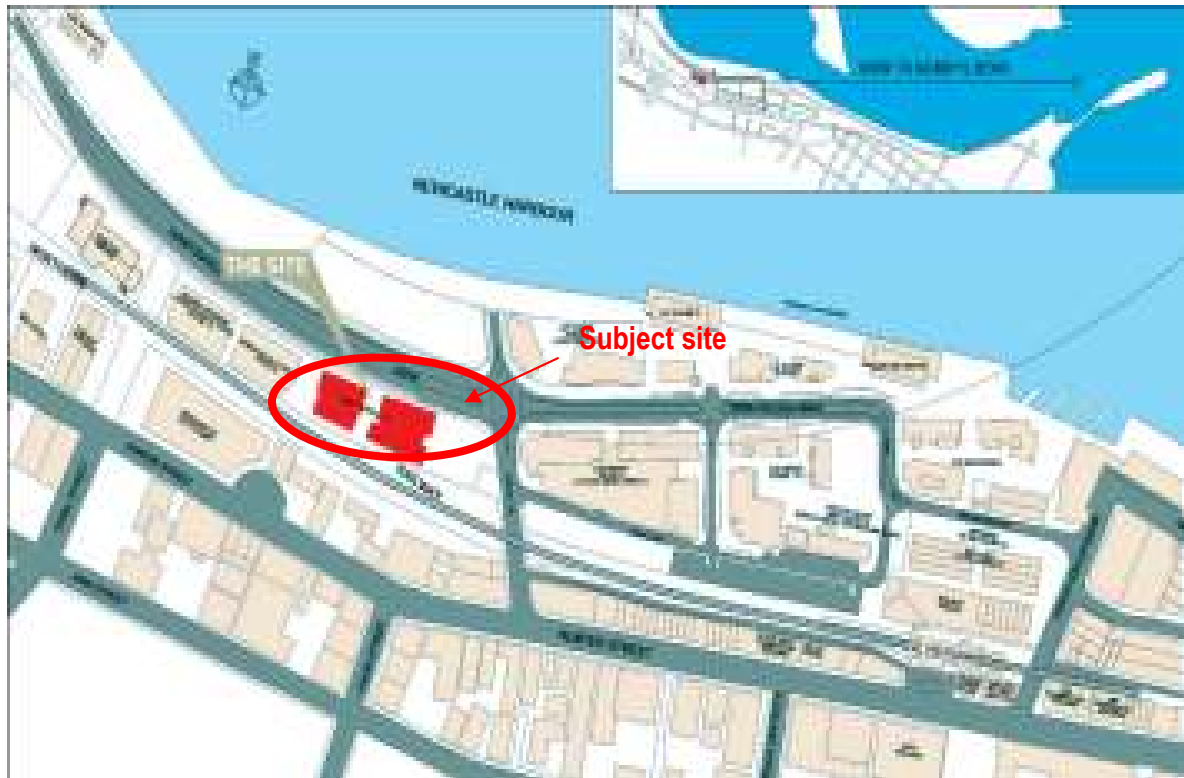


Figure 1. Site Location (Source: EA)

3 PROPOSED DEVELOPMENT

3.1 The proposed development

This is an application for approval to carry out a project .

- Construction of a 7 level and 1 basement level, mixed use development comprising two office towers with a total gross floor area of 15,558sqm (3.23:1) distributed as follows:
 - 1,112sqm (GFA) of floor space attributed to the retail space (4 retail tenancies) and a child care centre located in the ground floor ; and
 - 14,446sqm (GFA) of commercial office space located in Levels 2 to 6 of the proposed development.
- Excavation to accommodate 259 carparking spaces over 3 levels of parking (basement, partial ground floor and first floor levels).
- Roof plant rooms located at the highest level of both towers.
- A chamber substation located in the north-east corner of the site. (in accordance with Energy Australia requirements).
- Driveway access to the site from Honeysuckle Drive.
- Associated site improvement, landscaping and public domain works.
- Subdivision of the development and the associated land into two (2) Torrens title allotments (prior to construction) with associated easements and rights of use.

Development Data

	Proposed	Relevant Development Standard (SEPP, REP, LEP, DCP)	Compliance
Lot size	Pt 2312 – 2399m ² Pt 2311 - 2419m ²	4,817m ²	Yes
Height	30.9 metres	33 metres	Yes
GFA	15,558sqm or 3.23:1	15,655sqm or 3.25:1	Yes
FSR	FSR of 3.23:1	3.25:1	Yes
Setbacks	20 metres (excluding deck for childcare centre).	20 metre from the western boundary.	Yes
	2-3 metres set back from Northern side of boundary for hard paving		Yes
Landscaping	Yes. (Proponent plans to use all specified plants)	Newcastle City Council Landscaping Technical Manual	Yes
Building Envelope	8 metre street wall	<ul style="list-style-type: none"> • Max 18 metre street wall. 	Yes
		<ul style="list-style-type: none"> • Max 30 metre height 	
	30.9 metre with plant	<ul style="list-style-type: none"> • Max 3 metre above 	

		roof height for plant	
Car parking	259 car spaces are provided.	259.3 spaces	Yes
Zoning	No change. Development is permissible.	3(c) City Centre	Yes

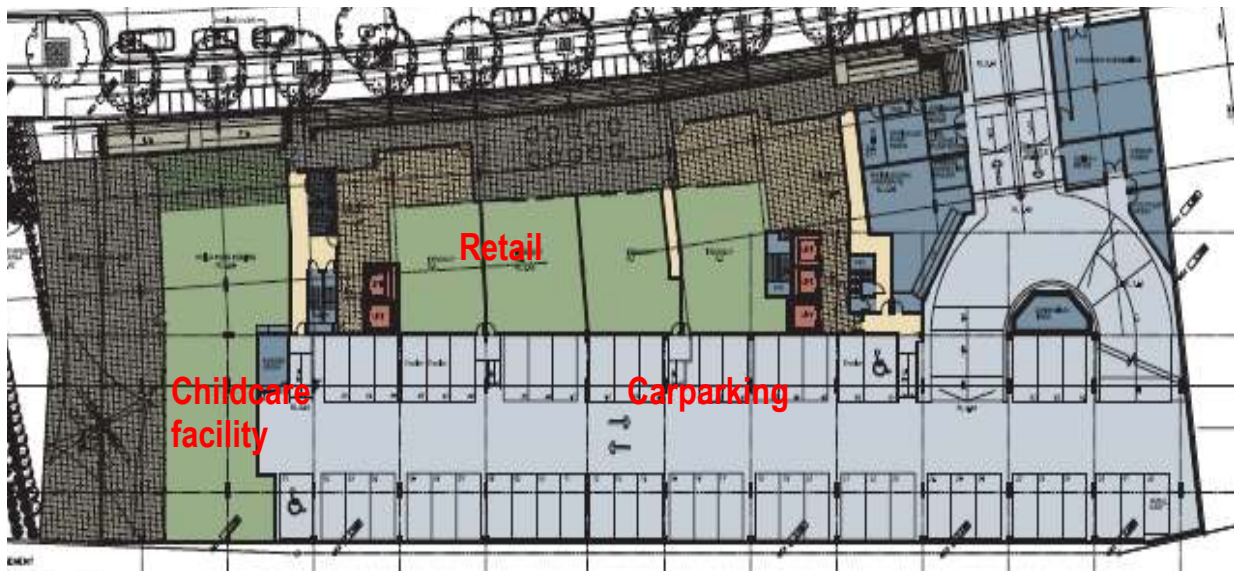


Figure 2: Ground floor plan of the development.

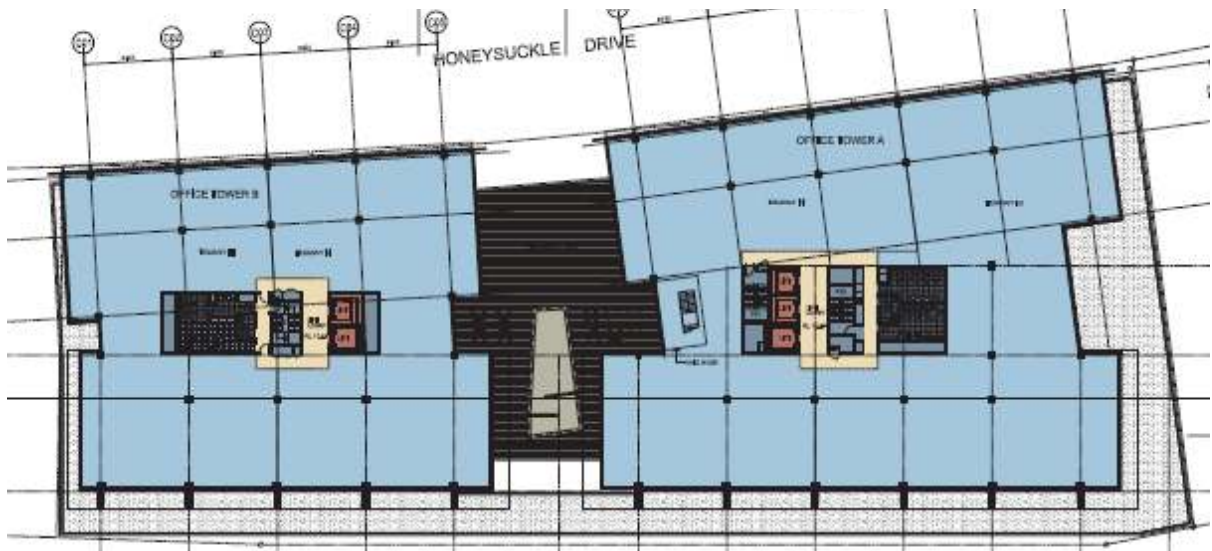


Figure 3: Level 2 floor plan of the commercial office towers



Figure 4: East and West Elevations (Source EA)



Figure 5-. Photo montages of building in context with the existing Novotel and Ibis hotels (source EA)

3.2 Project Chronology

- 01/09/2005 – request for cl 6 opinion lodged with the Department.
- 25/11/2005 – Director-General, as delegate for the Minister formed the opinion that the proposal is a Project and that Part 3A of the Act applies.
- 23/02/2006 – Preliminary Assessment lodged with the Department.
- 16/3/2006 – Director- General's Environmental Assessment Requirements (DGRs) issued.
- 21/4/2006 - Environmental Assessment lodged with the Department.
- 14/6/2006 - Assessment deemed adequate
- 17/8/2006 – EA placed on public exhibition
- 17/9/2006 – Summary of submissions provided to proponent and issues from the Department
- 23/11/2006 – preferred project report submitted
- 23/11/2006 - Meeting with proponent

3.3 PROJECT AMENDMENTS

A preferred project report was submitted on 23/11/2006 incorporating the following amendments:

- Elevation of the child care centre from ground level RL 2.50 to the floor level on RL 3.65 to address flooding issues.
- The internal area of the child care centre has been relocated eastward into the area previously occupied by part of the ground floor car park area.
- Relocation of 3 car parking spaces from ground floor to Level 1 car park.
- Raising the level of the outdoor child care play area to be the same level as the ground floor level.
- Reduction in the width of the child care centre playground to cover no more than 30% into the view corridor and easement.
- The torrens title subdivision of Lot 231 into 2 separate Lots will now occur prior to construction.

4 STATUTORY CONTEXT

4.1 MAJOR PROJECT DECLARATION

The project is a Major Project under *State Environmental Planning Policy (Major Projects) 2005* being schedule 2 of the MP SEPP identifies "specific sites" to which Part 3A of the EP & A Act applies. Clause 5 of Schedule 2 identifies the area known as Honeysuckle in Newcastle as an area Part 3A applies. The opinion was formed by the Director-General as delegate for the Minister on 25/11/2005.

4.2 PERMISSIBILITY

The Proposal is consistent with the objectives of Zone No3 (c) City Centre and is listed as a permissible use in Clause 16: Zone 3(c) City Centre Zone s therefore permissible subject to the Minister's approval.

4.3 MINISTER'S POWER TO APPROVE

The Department has exhibited the Environmental Assessment (EA) in accordance with section 75H (3) of the Environmental Planning and Assessment Act, 1979, as described in section 5, below. The project is permissible and meets the requirements of the Major Projects SEPP. Therefore, the Department has met its legal obligations and the Minister has the power to determine this project.

4.4 DIRECTOR GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS (DGRS)

The DGRs issued on 16 March 2006 required the following issues to be addressed:

- Heads of Consideration,
- Relevant EPI's,
- Site Investigation,
- Built Form,
- Urban Design and Landscaping,
- Traffic,
- Water Management,
- Impacts on Newcastle Port ,
- Geotechnical,
- Heritage,

The DGRs are in **Appendix A**

The EA lodged by the proponent on 21/4/2006 was considered to be adequate on 14/6/2006.

4.5 ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)

4.5.1 Application of EPIs to Part 3A projects

To satisfy the requirements of section 75(2)(d) and (e) of the Act, this report includes references to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project. A summary of compliance with the relevant EPIs is in **Appendix B**.

The provisions, including development standards of local environmental plans, and development control plans are not required to be strictly applied in the assessment and determination of major projects under Part 3A of the Act. Notwithstanding, these standards and provisions are relevant considerations as the DGRs require the proponent to address such standards and provisions. Accordingly the objectives of a number of EPIs and the development standards therein and other plans and policies that substantially govern the carrying out of the project are appropriate for consideration in this assessment as follows:

- **State Environmental Planning Policy (Major Projects) 2005**

The MP SEPP applies to the project as discussed in section 4.1 above.

- **State Environmental Planning Policy no. 71 – Coastal Protection**
- **State Environmental Planning Policy No. 55 (Remediation of Land)**
- **State Environmental Planning Policy No. 11 (Traffic Generating Developments)**
- **Newcastle City Council Local Environmental Plan 2003**

4.6 OTHER PLANS AND POLICIES

The Proposal has been considered against the following non-statutory documents:

- **Newcastle Development Control Plan 2005**
- **Newcastle City Council Landscaping Technical Manual**
- **Newcastle City Council Flood Management Technical Manual**

The proposed development has been assessed against these controls in **Appendix C** to this report.

5 ASSESSMENT OF ENVIRONMENTAL IMPACTS

Key issues raised in submissions considered in the Department's assessment of the proposal and the Preferred Project Report and consideration of the proponent's draft Statement of Commitments include the following:

- Floor space ratio and Bonus FSR provisions;
- Building height;
- Contamination and remediation of the site for the proposed use;
- Flood management (Easement for public access and floodway);
- Stormwater management;
- Existing easement for public access and flood way and modifications of easement,
- Traffic and car parking impacts.
- Urban Design , built form and Landscaping,
- Impacts on Newcastle Port ,
- Geotechnical,
- Heritage impacts
- Proposed subdivision
- Impacts on rail infrastructure, facilities and operations during excavation and construction;

5.1 SUBDIVISION LAYOUT

The site is proposed to be subdivided into 2 lots being Tower A – Lots 2311 and Tower B – Lot 2312, with some overlapping stratum lots on the lower three floors of the building (refer to Fig 6 below). The boundaries separating these two stratum parcels will pass through walls and floor slabs once the building is constructed. Relevant easements are proposed to address shared access to certain areas in the development. The applicant also intends to lodge a Building Management Statement (BMS) with the final subdivision plan to be registered and noted on each title. The BMS will cover issues such as rules of building management over the 2 lots, Costs regulated under a BMS, Obligations under a BMS, Terms of Easement for support and shelter of both lots, Obligations of Grantees and Grantors and Obligations of Authorised Users.

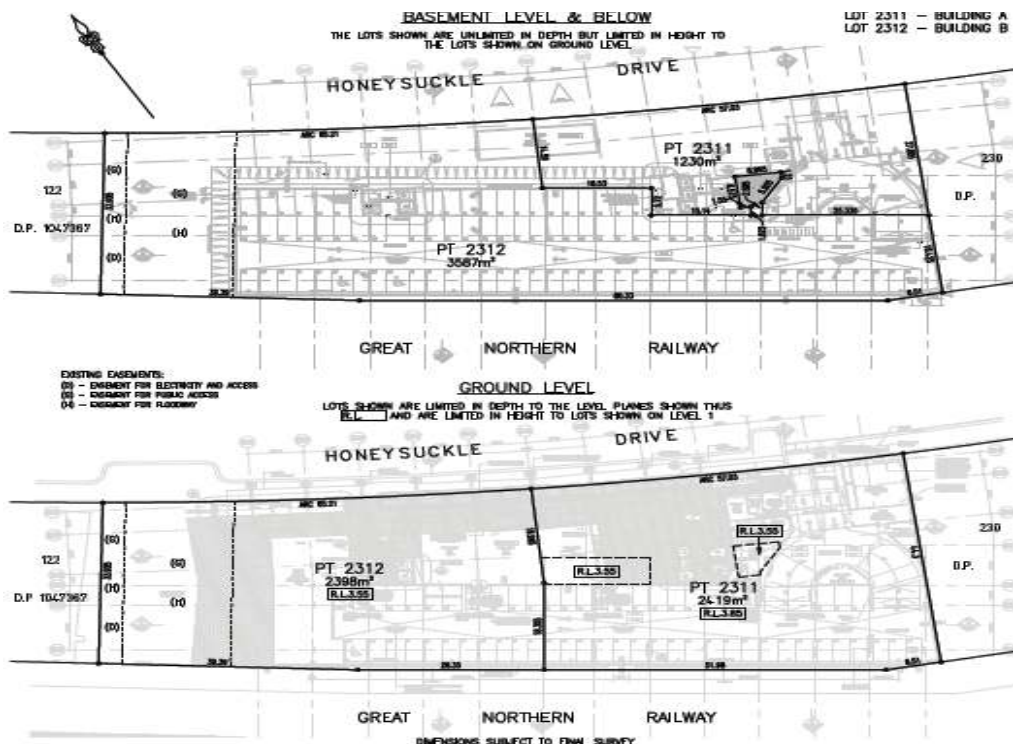


Figure 6 : Subdivision proposal into 2 lots – Basement and Ground Floor Plan.

5.2 STAGING

The development is proposed to be constructed in stages and will require a series of Construction Certificates for the following stages:

Stage 1 – Early works involving excavation, utilities, site preparation and early drainage;

Stage 2 - Construction of the building structure;

Stage 3 - Construction / installation of building services and internal linings.

Stage 4 - External works to the site (including landscaping) and public domain works.

The proponent undertakes to submit to the satisfaction of the PCA a **Construction Staging and Occupation Plan** prior to the release of the first construction certificate. The Plan will be prepared in consultation with the Department of Planning, HDC and Council. No occupation of the car park is permitted prior to the building.

5.3 DENSITY AND BONUS FSR PROVISIONS, HEIGHT AND SETBACKS

Density

The proposals building provides a floor space ratio (FSR) of 3.23:1 over the site. This complies with the maximum FSR of 3.25:1 allowable under the DCP including a total bonus of 0.25:1 where significant public benefit is proposed, in association with the development project. The form and scale proposed is acceptable.

The applicant is seeking the full 0.25:1 floor space bonus in respect of the proposed childcare centre which is to be available to both the occupants of the building and the broader community.

The childcare centre is to be operated by a community based childcare provider on a rent-free basis.

The proposed childcare centre qualifies as a 'community facility' as the applicant in their supplementary submission has revised the proposal to incorporate the childcare centre as an integral part of the development which is to be operated by a community based childcare provider on a rent-free basis. The proposal has adhered to the guidelines outlined in the NDCP 2005 and is considered to provide a direct public benefit.

Newcastle City Council is satisfied with the public benefit delivered by the development and with granting of bonus floor space.

Building Height

Newcastle DCP 2005 allows a maximum building height of 30m for the site; however plant structures may extend up to 3m above the height limits, if such structures complement the overall design of the proposed building.

The overall proposal is 30.9 metres in height and does not strictly comply with the DCP control. The additional height of 900mm is required for the plant room and is considered acceptable. The rooftop plant is integrated within the overall building design.

The proposal meets the intent of the DCP and is acceptable.

Setbacks

The required setbacks required are:

- A 6 metre wide electricity and access easement;
- A 20 metre easement for public access; and
- A 20 metre floodway easement.
- A 2 - 3 metre setback along the northern edge of Honeysuckle Drive.

A 20m wide easement for public access, view corridor and floodway purposes, is located within the site to the western side boundary. The public authorities benefiting from this easement are the Honeysuckle Development Corporation and Newcastle Council. The terms under S.88B of the Conveyancing Act relating to the existing 20m wide easement currently allow unrestricted public access. The proposed development application is proposing for part of the raised terrace play area servicing the childcare centre to be located over part of the easement.

The applicant has submitted Preferred Report which locates the childcare centre above the flood liable zone (raised terrace play area) and narrows the width of the playground to facilitate an overland flow path to the waterfront. The raised terrace play area encroaches 5m of the total 20m wide easement for public access. It is considered that it does not prohibit public access to Honeysuckle Drive and views to the harbour. The issue has been resolved through the reconfiguration of the childcare centre playground.

The proposal has included the required 3 metre set back of the building off the pedestrian footpath along Honeysuckle Drive, as required in the DCP.

The proposal meets the intent of the setbacks required under the Newcastle City Council Development Control Plan the variation of the childcare centre playground is acceptable due to the need to raise the children's playground above the flood way, so ensuring the safety of the children.

The Newcastle City Council is agreeable to this amendment and required the raised level of the Childcare centre and playground, as the resultant structure is elevated, lightweight and relatively transparent therefore the view corridor is not unduly impacted by the proposal.

5.4 DESIGN ISSUES

The development proposal is a design refinement of the winning scheme prepared by Crone Partners, undertaken by the Honeysuckle Development Corporation (HDC).

The buildings design and materials are typical of a contemporary style of commercial architecture, with a defined base, middle and termination. Building façades are articulated with an emphasis placed on horizontal expression through the use of sunshading devices and expressed spandrels.

The ground floor of buildings are elevated above the natural ground level in response to the flood liability of the land. The roof top plant is well integrated in the building design and setback sufficiently from the street façade to minimise its impact when viewed from the immediate public domain. Building lobbies and retail tenancies at the ground floor level are create an active and dynamic edge to the interface with the public domain.

Ground floor level awnings, landscaping and access to the building are predominant features of the building design which assist in the integration of the development into the streetscape and improve pedestrian amenity. The proposed design, is considered to be consistent with key emerging design elements in the Honeysuckle precinct, as stated below.

The development is aligned with Honeysuckle Drive to respect the established neighbouring development. Sufficient landscaping opportunities and the activation of the setback areas are afforded by the building siting.

The street wall height of the development provides a human scale to the street. The development has a 6-storey street wall with the two upper levels of the development being setback to respond to the established form of the Sparke Helmore House (located immediately to the west of the site).

The first two floors (ground and first floor) of the development assist in breaking up the building mass by the horizontal emphasis of the building awning and selected materials and finishes. The building mass above the Level 1 is further reduced by its deliberate form comprising two towers, its articulation and materials and finishes. The proposal incorporates an awning at ground floor level to assist with the activation of the public

domain, improving pedestrian amenity and providing continuity in urban form, and is the same height as the adjoining buildings so keeping to the built form language of the existing neighbouring built form.

The carparking within the development has been designed to minimise its impact when viewed from the public domain. At ground level, the carparking is located directly behind the retail tenancies and therefore, will not be visible from the public domain.

The Department is satisfied with the design of the building and that is appropriate within the Honeysuckle current built form context, in built form, active ground level frontages and materials used.

Materials used for the building Envelope and Façade treatment

The proposed buildings construction is reinforced concrete framework with the facades combining a variety of finishes such as masonry walls, metal cladding, metal screens for shading the large areas of glazing to take advantage of harbour views. The ground floors consist of glazed retail shopfronts as well as glazed tower lobbies with solid section cladding. The entrance lobbies and terrace are protected by cantilevered metal awnings.

The commercial level facades include painted masonry, curtain walling, metal panels and timber or metal screens. All roof areas are flat and are generally lined with non-reflective metal panels concealed from the ground level by parapets.

Materials and finishes proposed include painted and rendered block work/masonry walls, glazing and perforated metal cladding. Articulation of the building facades is created to by the use of sun shading screens, perforated metal panels and expressed spandrels. Colours proposed externally are generally off-white and light to mid greys with some coloured highlight areas of rusty red and darker grey articulating the facade.

5.5 VIEWS

The building podium level is setback by 3m from the footpath of Honeysuckle Drive for the minor view corridor to the west of the site and potential flood conditions. The ground floor of the proposal is designed to have strong relationships with the streetscape to reinforce required view corridors to the west of the site.

The proposed building towers are orientated to the north which will respond to both environment amenity and harbour views.

The 20metre easement to the west of the site is for the major view corridor from the city to Newcastle harbour and for the flood path, which is also a landscaped part of the public domain as required by Newcastle City Council and its Development Control Plan 2005.

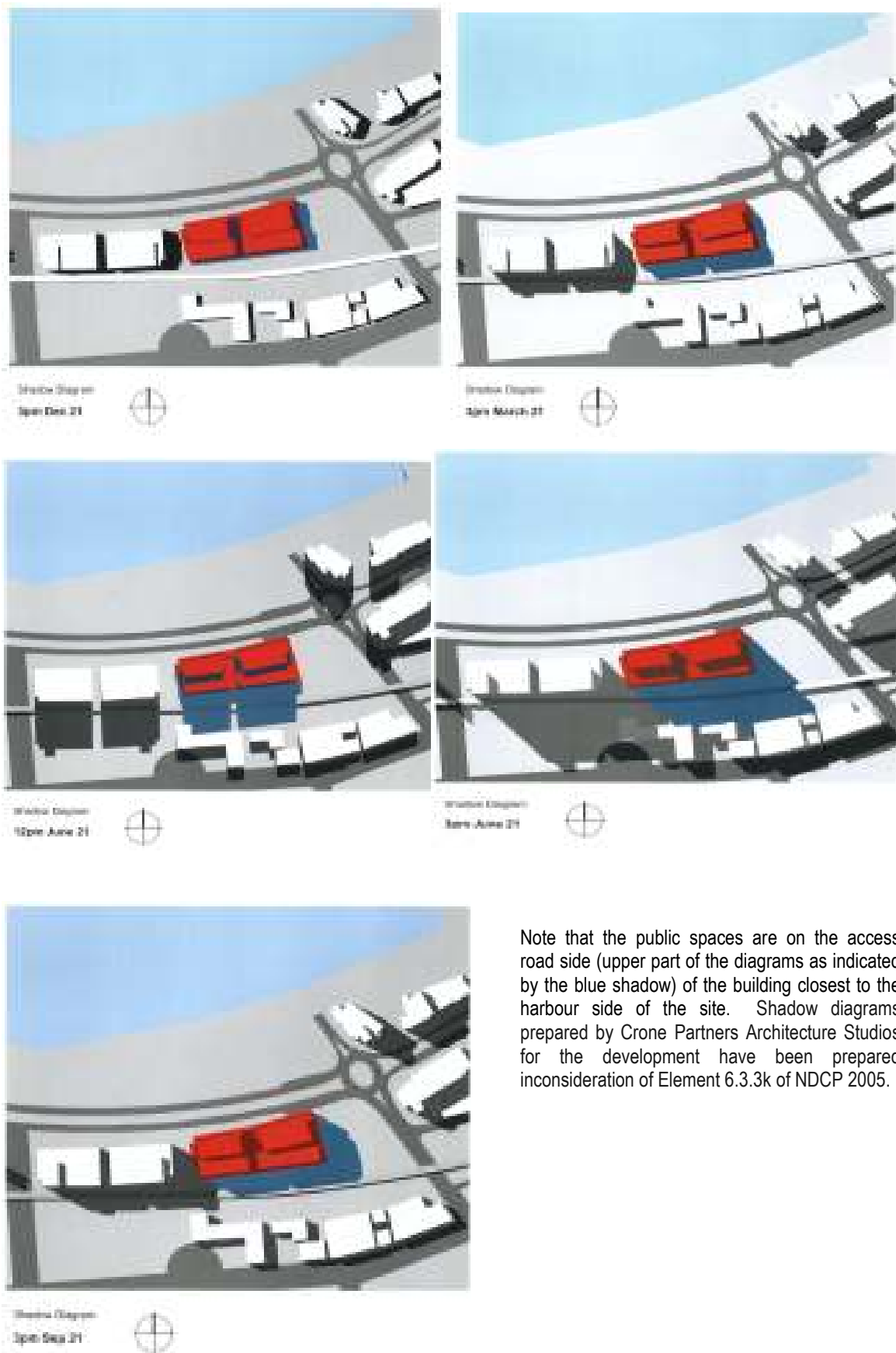
The proposal will maintain the view corridors across the site and is not anticipated to impact upon any other views from surrounding buildings/ public domain.

5.6 SOLAR ACCESS AND OVERSHADOWING

The sun and overshadowing diagrams provided illustrate that there is minimal impact on the adjoining buildings.

The shadow diagrams demonstrate that the impact of the proposed on the surrounding public domain in Honeysuckle Drive is minimal largely due to the sites orientation and the modest height of the development. The proposed building will not result in adverse overshadowing impacts. The predominant shadows cast by the development are to the south and are consistent with the extent of overshadowing cast by neighbouring development.

There is no overshadowing of the pedestrian walkway and the retail edge which is on the northerly aspect of this area any time during the year.



Note that the public spaces are on the access road side (upper part of the diagrams as indicated by the blue shadow) of the building closest to the harbour side of the site. Shadow diagrams prepared by Crone Partners Architecture Studios for the development have been prepared inconsideration of Element 6.3.3k of NDCP 2005.

Figure 7 - 12 - Sun shading or overshadowing of surround public spaces or buildings.

The most significant overshadowing occurs in the late afternoon in mid winter. The areas impacted by the development at this time are the section of the subject site between the rear of the building and a pedestrian path adjoining the railway line and the rear of buildings which front Hunter Street. The public open space is on the west end of the site and is only overshadowed by the adjoining existing building to the west of the development.

5.7 WIND IMPACTS

A Wind Report prepared by Windtech was submitted by the proponent in the EA Report. This report makes an assessment of the likely wind impacts of the proposed development on the surrounding public domain and within the development.

The report concludes that the proposal will not have an adverse environmental impact on the surrounding public domain. Recommendations are made to ameliorate adverse wind conditions at the ground floor, Level 2 and Level 6 terraces of the building including the implementation of planting along Honeysuckle Drive and the provision of 1.2 metre high impermeable balustrading to terraces areas.

The preliminary analysis by the Windtech report of the proposal has indicated that street planting and the provision of balustrades to terrace areas will be required in order to ensure acceptable environmental conditions. Additionally, a baffle screens have been recommended for the Level 2 terrace in order to stagnate any funnelling of winds through this terrace.

The recommendations of the Wind Environment Assessment are appropriately reflected in the draft Statement of Commitments in **Section 9.0** which undertakes to implement these measures and will translate into the design development and construction phases of the development, as appropriate.

5.8 STORMWATER

A Storm Water Management Report for the proposed development was prepared by Arup. The increased site discharge resulting from the proposed development will require the inclusion of an onsite detention system in order to limit flows to the authority's drainage systems within Honeysuckle Drive.

As detailed in the Storm Water Management Report, the stormwater collection strategy for the proposed development has been developed and forms part of the approved plans and Statement of Commitments.

Stormwater falling on the roofs, terraces and uncovered surfaces above ground level will be collected by a combination of gutters, grated drains and roof outlets. These will be drained through a series of down pipes to an above ground detention tank.

The proposed OSD strategy meets the OSD requirements of Newcastle City Council. Specifically 25 m3 stormwater storage per 1,000 m2 of site area will be provided achieving 14l/s permissible site discharge per 1,000 m2 of site area.

The recommendations of the Stormwater Management Report are appropriately reflected in the draft Statement of Commitments in **Section 9.0** and will translate into the design development, construction and occupational phases of the development, as appropriate.

5.9 MANAGEMENT DURING CONSTRUCTION

Construction Management Plan

Prior to the commencement of construction, a **Construction Management Plan** will be required by condition to be submitted to and approved by the PCA. The Plan will address the following, including making recommendations regarding procedures to be adopted to minimise the impacts of construction activities:

- *pedestrian management*: proposed protection of pedestrians adjacent to the site;

- *traffic management*: proposed ingress and egress from the site and construction vehicle routes; and
- *construction staging*.

The proponent/site manager will implement the approved Construction Management Plan during excavation and construction of the development.

5.9.1 On-going management

Staging of development and occupation

The proponent undertakes to finalise the construction staging for the development and the sequence of building occupation prior to the issue of a construction certificate.

The proponent undertakes to submit to the satisfaction of the PCA a **Construction Staging and Occupation Plan** prior to the release of a construction certificate, and this has been reinforced by condition. Covered in 5.2 Staging.

5.9.2 Water Quality

Requirements of Hunter Water

A condition has been imposed requiring the proponent to obtain a Compliance Certificate from Hunter Water under section 7503 of the Hunter Water Act 1991.

5.10 FLOODING AND FLOOD MANAGEMENT

The subject site is identified as being flood liable and the *Waterfront and Cottage Creek Flood Management Plan* identifies the western part of the site as forming part of the HWC floodway.

A Flood Report for the development has been prepared by Patterson Britton & Partners Pty Ltd. The Floodways Survey has been prepared by Monteath & Powys Pty Ltd. The following flood management measures have been designed into the development to mitigate against the flood liable nature of the land.

The ground floor level of the building has been elevated having regard to the 1 in 100 year flood level. The driveway access has been designed to be above the Probable Maximum Flood (PMF) level. Pedestrian access to and from the basement level of the building is above the PMF flood level.

The development will comply with the recommendations of the *Flood Report* prepared by Patterson Britton & Partners Pty Ltd dated 17 March 2006.

The top of the basement slab level is just above the naturally occurring water table level, and it is likely that water will pond at the lowest level of the building during times of flood.

The geotechnical conditions of the site will allow for the use of piles in the range of 8 – 13 metres for structural support.

- Possible dewatering will be required during construction due to the existence of water in the bore holes. Accordingly, the following structural design measures are proposed:
- The structural format of the building will include a system of approximately parallel band beams on the column lines with a depth in the range of 350-375 mm by 1800 wide, post tensioned;
- Support of the structure on ATLAS piles; Setting of the basement slab thickness at 20mm which is sufficient to provide uplift resistance during flooding equal to a head of 0.44 m;
- The proposed building structure will be designed in accordance with the requirements of all relevant Australian Standards.

The floodway identified through the subject site has subsequently been confirmed as the 20m wide easement adjacent to the western boundary. The originally proposed childcare play area terrace encroached onto the floodway easement. Concern was raised that the proposed outdoor childcare area would lead to some modification of the design floodway profile and obstruction due to the proposed siting of the terrace.

The applicant has since submitted an amended plan proposing the construction of an elevated children's play area partly within the nominated floodway area. The elevated play area will be level with the 3.65AHD and suspended over the floodway approximately 800mm above the 1 in 100 year ARI flood level.

Newcastle City Council has submitted additional conditions to cover the Flood management issue for the proposal and is satisfied with this approach.

The recommendations of the Structural Design Report are appropriately reflected in the draft Statement of Commitments and will translate into the design development, construction and occupational phases of the development.

Modification of the 20m wide easement

The issue of the 20 metre wide easement was raised by Newcastle City Council.

A 20m wide easement for public access and floodway purposes is located within the site to the western side boundary. The public authorities benefiting from this easement are the Honeysuckle Development Corporation and Newcastle Council. The terms under S.88B of the Conveyancing Act relating to the existing 20m wide easement currently allow unrestricted public access. The proposal is for part of the raised terrace play area servicing the childcare centre to be located over part of the easement.

The applicant has submitted Preferred Project which locate the childcare centre above the flood liable zone (raised terrace play area) and narrows the width of the playground to facilitate an overland flow path to the waterfront. The raised terrace play area encroaches 5m of the total 20m wide easement for public access. It is considered that it does not prohibit public access to Honeysuckle Drive and views to the harbour. The issue has been resolved through the reconfiguration of the childcare centre playground.

5.11 GEOTECHNICAL ASSESSMENT

Prior to the submission of the EA report the applicant undertook a geotechnical investigation of the site and mine workings affecting the proposal and consulted with the Mine Subsidence Board.

The Mine Subsidence Board requested the following for further consideration during the aforementioned consultation and in the DGRs:

- An analysis to determine the likely amount of any residual movement which could occur over the site as a result of mine subsidence;
- The buildings are to be designed to cater for predicted movements to result in negligible damage as a result of mine subsidence;
- Final drawings are to be submitted prior to the commencement of construction, containing a certification by a qualified structural engineer, to the effect that any improvement constructed to meet the specifications of such final drawings will be safe, serviceable and repairable taking into account the geotechnical conditions on the site;
- All assessments/analysis must be to the satisfaction of the Mine Subsidence Board.

Subsequently the proponent has undertaken ongoing consultation throughout the design development of the proposal with the Mine Subsidence Board and in particular, with respect of the geotechnical characteristics of the site and the site specific construction and engineering requirements.

The proponent has submitted reports by Douglas Partners, the appointed structural engineers.

Major issues raised are:

- The subject site lies within a proclaimed Mine Subsidence District. In particular, old mine workings from the Borehole Seam are located approximately 80m below the ground level.
- The workings are generally co-incident with the northern boundary of the lot, but locally extend up to 10 metres onto the lot.
- The workings are at the edge of an extensive area of mining which extends across the harbour and under the southern end of Carrington.

Geotechnical investigations carried out by Douglas Partners (refer Report dated 21 October 2005), have demonstrated that convergence has occurred at the site.

Meetings between the proponent and the Mine Subsidence Board concluded that no further site investigations are necessary, and that as convergence has already occurred, and the likelihood of further subsidence is very much reduced. Douglas Partners have identified that future 'accommodation' settlements will not exceed 10% of the observed maximum seam convergence.

The outcome of the above investigation and discussions with the Mine Subsidence Board are that :

- The structure will need to be designed to accommodate strains from possible future minor settlement of the workings adjacent to the site, the foundation design parameters that would be imposed by the Mine Subsidence Board are therefore expected to be within acceptable limits for economic design of the structure.

Based on the above conclusions, Douglas Partners have recommended the following mine subsidence parameters for the proposed building construction:

- *Maximum subsidence:* 25mm;
- *Maximum tensile strain:* 0.5 mm/m;
- *Maximum compression strain:* tension only; and
- *Maximum tilt:* 1.7 mm/m.

To achieve consistency with the above, the detailed structural design of the building will need to:

- Give consideration to falls laid in services and increasing the falls to allow for potential tilt;
- Make allowance in the basement floor structure for lateral forces;
- Make allowance for horizontal movement of footings;
- Consider and allow for additional bending in columns and means resulting from settlement.

The Proponent has satisfactorily addressed this issue and the Mine Subsidence Boards structural requirements have been included as conditions of approval.

5.12 GROUNDWATER

The geotechnical investigation undertaken for the site by Connell Mott MacDonald has identified the presence of ground water in the bore hole testing. Dewatering of the site may be required depending on the ultimate depth of piling.

The Structural Design Report has confirmed that there is no need to extract ground water from the site for or site stability. The extent and method of disposal of ground water will be determined prior to construction and in consultation with Council.

The requirement to obtain a licence under Section 10 of the Water Act 1912 to extract water for the purposes of carrying out excavation works is acknowledged and has translated in the draft Statement of Commitments.

5.13 TRAFFIC, ACCESS AND PARKING

The traffic impacts of the proposal have been assessed by Traffix in accordance with the requirements in NDCP 2005 and the RTA Guide Traffic Generating Developments.

The report includes an assessment of the impact on the local road network using traffic counts and ten year projections, as required in the EA Requirements.

The general conclusions of the Traffic Report are:

- The traffic generation arising from the development can be accommodated on the road network without the need for any external road improvements.

- In the event that a child care centre for 50 child places is incorporated, this will have minimal additional impact due to the fact that the centre will not generate 'external' trips but will serve the local employment population.

Newcastle City Council were concerned with the impacts of parents dropping off and picking up children from the childcare centre would have on traffic in the area during the morning and afternoon traffic peaks. As a result 15 minute restricted parking areas to allow the safe and legal dropping off and picking up of children to occur should be recommended.

The originally submitted traffic Impact Assessment by Traffix dated March 2006 did not adequately address the traffic generating potential of the development. The assessment had not taken into consideration the full applicable RTA traffic generation rates, and the operation of and impact of the development on the critical intersections. In addition the report did not cover any planned upgrade of the road network in line with other developments in the Honeysuckle Precinct.

A supplementary Traffic Impact Assessment prepared by Traffix dated 26 October 2006 was submitted addressing the traffic impacts relating to the proposed development and is accepted by Council and the Council's traffic committee.

Notwithstanding this advice, it is noted that the Honeysuckle Development Corporation has the overall traffic management responsibility and, as a result, the Corporation has commenced a strategic traffic study of the area which will incorporate the loadings generated from this development. This traffic study will be accessible and utilised by future developments within the Honeysuckle precinct.

Traffic and Access

The proposed means of site access is considered the optimal arrangement in all the circumstances. Traffic will be able to enter and exit the site safely and efficiently in a forward direction from Honeysuckle drive. The internal design arrangements comply fully with the requirements of AS 2890.1 and will provide a high level of comfort and convenience.

In this regard, it is noted that Council's Parking Code embraces AS 2890.1; and Loading, bicycle parking and disabled parking is provided for the development.

No objection to the development is raised on traffic impact grounds.

5.13.1 Loading Bay located outside the development on Honeysuckle Drive, adjacent to the Child Care Centre Drop off point.

No loading bay has been provided within the basement car park, instead the loading bay is located outside the building in Honeysuckle Drive. This issue has been discussed by the Department with the proponent and Newcastle City Council, the outcome of the discussions is that the provision of an on street loading bay is consistent with the approach taken in other developments in Honeysuckle and Newcastle CBD. It is noted that the 3 on site service parking bays have been provided for smaller service vehicles such as vans and utilities.

5.13.2 Parking

Parking for the site (259 spaces) is consistent with the maximum number of spaces required under Council's DCP (258 spaces) and is therefore satisfactory in the circumstances. Schedule 1 Car Parking Standards Commercial Premises - City East/City West – 1 space per 60m² of gross floor area.

The level of parking proposed will ensure that on-street parking is minimal. This parking includes 22 stacked spaces and five parking bays for disabled persons. The stacked parking 'pairs' will be allocated to a single tenant.

5.14 ACOUSTIC AMENITY

Issues relating to Noise and Vibration from the development and measures required to mitigate impacts on the development (ie. due to the sites proximity to the Northern Railway Line) have been addressed in the structural and façade design and use of specific materials to alleviate noise transmission, and by the imposition of conditions. The proposal is satisfactory in this regard.

5.15 CONTAMINATION AND REMEDIATION

The remediation of the land has already been undertaken such that it is sufficient for the site to be used for high density residential or commercial use as recommended by the Site Audit Report – Honeysuckle Development South Park, prepared by Environ Australia P/L 2005.

However, the applicant's proposal to include a childcare centre use within the development is required to meet more stringent criteria. A condition has been added requiring the applicant to provide a validation report confirming that the site remediation of the site is to the standard for a childcare centre prior to issue of any construction certificate.

Clause 7 of State Environmental Planning Policy No. 55- Remediation of Land generally states that consent must not be granted to development unless consideration has been given to whether the land is contaminated, and if it is contaminated, whether the land is suitable or can be made suitable for the use proposed through remediation.

An Environmental Site Assessment (ESA) prepared by RCA Australia was commissioned by HDC prior to the Lot 231 being subdivided and tendered. The ESA required the preparation of a Remediation Action Plan (RAP) which was subsequently prepared by RCA Australia in 2004.

The remediation required for the site in order to remove low levels of identified contaminants (including elevated concentration of TPH-C10- C36, Benzo(a)pyrene, PAHs and heavy metals on the surface and within the depth of 1.0 metre fill) has been completed.

Subsequently, a Site Remediation and Validation Report was prepared by RDC Australia in April 2005. Based on results of testing undertaken on soil samples collected from the excavated sections of the site in April 2005, the following conclusion was reported:

"Environmental site assessment undertaken at South Park identified soil contamination present in a 0.2m thick layer of dark soils in one area of the South Park site. The contaminants were considered likely related to a former road surface or hardstand surface during previous site operations.

Site remediation has involved the excavation and off site disposal of 241 tonnes of PAH and TPH contaminated soil. Validation sampling from the base and walls of the excavation has confirmed the removal of the soil contaminants."

Based on the Environmental Site Assessment, site remediation and validation sampling has been undertaken, the Validation Report concluded that the site is now considered suitable for high density residential development.

A further report will be commissioned by the proponent, prior to excavation commencing on site, to verify that the level of remediation undertaken on the site deems the site suitable for the commercial, retail and childcare uses proposed in this application. Should the findings of future report require further site remediation to be undertaken, the proponent undertakes to remediate the site accordingly. This requirement is undertaken are reflected in the Statement of Commitments and Conditions.

In this instance it is considered satisfactory to impose a condition in relation to this matter as a subsequent application is required for the child care centre. The child care centre and playground area are well elevated as to not make contact with the ground level which reduces the risk for this use.

5.16 ACID SULFATE SOILS

The Department of Natural Resources Acid Sulphate Soil maps have identified the site as being in Class 3 of a Acid Sulphate soil which requires work beyond 1 metre below the natural ground surface and works by which the water table is likely to be lowered beyond 1 metres below the natural surface requiring approval of works before excavation.

When exposed these soils become oxidised and sulphuric acid is produced. From the RCA Australia report for Honeysuckle corporation on the soil quality and contamination on the Honeysuckle site, the soil is described is as follows:

- The site is underlain with quaternary alluvial deposits of the Cainozoic era comprising of gravel, fine sandy clay and silt.
- During the soil investigation for contamination the works fill was encountered across the site and comprised of silty sand, medium to coarse grained sand and varying amounts of cobbles, slag, timber and brick pieces.
- Fill was encountered across the site to depths of 0.7m to 2.5m, underlain by alluvial sand and shell fragments.

Therefore the design of the basement car park and ground floor of the development needs to take the acid sulphate soil into consideration in the structural design and a condition requiring the preparation of an Acid Sulphate Soil Management Plan has been imposed.

5.17 SECTION 94 AND OTHER CONTRIBUTIONS

Section 94 Contributions are payable for the proposed development pursuant to Newcastle City Councils Section 94 Development Contribution Plan No.1 2005.

The development rate for the waterfront commercial development within Honeysuckle precinct is \$7.00 per sq metre. (as at the date of operation of the plan 9 January 2006). The monetary contribution amount detailed in the condition was calculated using a CPI adjusted rate since the Plan became operational. This increased rate is \$7.15 per sq metre and applied to the 15,558 sq m of commercial and retail floor space contained within the development.

Therefore, the amount for Section 94 contribution payable to Newcastle City Council for this development is as follows:

$$\$7.15 \times 15,558 = \$111,239.7$$

A condition has been imposed requiring payment prior to issue of the construction certificate.

5.18 SUSTAINABILITY

In consideration of Newcastle City Councils Ecologically Sustainable Development principles, the development has set the following ESD objectives:

The building's design will apply the principles of ESD, in accordance with the Newcastle City Council LEP. The building targets a 4.5 ABGR star base building energy efficiency rating Water management techniques will be developed according to Newcastle City Council NDCP 2005.

Numerous ESD initiatives have been incorporated into the development's current design.

The primary initiatives are summarised below:

- High performance building envelope
- High efficiency mechanical and electrical systems
- Energy efficient controls through Building Automation System (BAS)
- On site stormwater detention
- Water efficient fixtures and fittings

- Water Management Plan
- Water Cycle Management Plan
- Water efficient planting and irrigation
- Cyclists' facilities to encourage use of bicycles

With consideration of these various initiatives, the development is considered capable of achieving each of the above stated objectives.

The design has addressed the requirements of the Newcastle LEP, as they apply to the development. In particular, the development will assist in minimisation of the use of non-renewable resources, and in minimising waste and pollution.

The Department is satisfied that the proponents building design and proposed landscape design meet the ecologically sustainable development criteria of :

- *Sustainable Development* – By the provision of a high performance building envelope, efficient mechanical and electrical systems using minimal power, and an energy efficient building automation system. The proposal also has an onsite stormwater detention pond and uses water efficient fixtures. The project also proposes a water and water cycle management plan with the planting (using native plants) and irrigation of the landscaping. The building provides for cyclists facilities to promote sustainable transport options.
- *Precautionary Principle* which requires protection of the *intergenerational and intragenerational equity* of the community. This is addressed by the developments design which uses an environmentally conservative building envelope design and building materials. Where the requirement for a high level of air conditioning of spaces (production of greenhouse gases) is minimised, by the use of external shading devices on the west and north façade.
- The site is on reclaimed land with potential acid sulphate soil and soil contamination issues, these matters have been dealt with by remediation of the site and are addressed in the building design and reinforced by the development conditions.
- As the site as discussed above, is on reclaimed land and does not front Newcastle Harbour directly, the impacts on the *conservation of biological diversity and ecological integrity* of the site is not an issue. The future promotion of biological diversity of the ecology is promoted by following Councils recommended native plant types for the development which will give back diversity to the ecological environment of the harbour surrounds.
- The building proposal use as a commercial office development with ground floor retail and child care centre is *not perceived as being a high risk polluter* of the environment for Newcastle Harbour (as the site is set back by a block from the waterfront).
- Therefore the Department is not betraying its position of protecting the *Public Trust* by approving this development.

5.19 IMPACTS OF EXCAVATION ON RAIL INFRASTRUCTURE, OPERATIONS, AND SURROUNDING INFRASTRUCTURE

The issue of excavation on rail infrastructure, operations, and surrounding infrastructure raised by RailCorp, It is unclear from the EA whether excavations and construction will impact the rail corridor, rail infrastructure, RailCorp facilities, and rail operations. RailCorp has submitted a request that the Proponent must ensure facilities are protected, adverse effects avoided and a deed defining the controls to be implemented is arranged with RailCorp. The Proponent's response to submissions dated 7 June 2006 (summarised at Appendix D) indicates a willingness to be bound by conditions of consent regarding these issues. In addition the impacts of excavation on surrounding infrastructure including roads must be evaluated. The proposal includes the construction of an underground tunnel beneath Herb Elliott Avenue and the structural integrity of the road must not be jeopardised.

The requirements of RailCorp and the impacts of excavation will be addressed by conditions of consent.

5.20 COMMENTS ON DRAFT STATEMENT OF COMMITMENTS

The Draft statement of Commitments appears to cover most of the issues raised in the above assessment and submissions made by the authorities. All other outstanding issues have been dealt with in the Development Conditions.

5.21 PUBLIC INTEREST

Public benefits

The Department considers that public benefits of this development are:

- The provision of a community based childcare centre.
- The creation of opportunities for a variety of social and commercial activities that will contribute positively to the public amenity of the precinct;
- The design of the proposal is a positive addition that is complementary to the existing urban forms within the precinct whether viewed from the immediate streetscape.

Suitability of the site

The site is considered suitable for the proposed development for the following reasons:

- The site is currently vacant and is zoned 3(c) City Centre for business and commercial purposes;
- The size of the commercially zoned vacant allotment.
- The site is located in the Honeysuckle Development Corporation precinct.
- The site is considered appropriate for development as a commercial building because of its proximity to the existing City Centre and adjacent commercial buildings, thus creating a business precinct.
- The site is located in close proximity to rail and bus transport links.

Future opportunities

The proposal will provide opportunities for future development as follows:

- The proposed development may increase the likelihood of future commercial and business employment in Newcastle.
- The improvements to the public domain including the upgrade of Honeysuckle Drive and the retention of the view corridor and potential for public access across the site.

6 CONSULTATION AND ISSUES RAISED

6.1 PUBLIC EXHIBITION DETAILS

The major project application was exhibited from 17/8/2006 for 30 days and was published in the Newcastle Herald. The EA was made available to the public in the Department's Information Centre and at Newcastle City Council, at the Hurter Regional Office (Dept of Planning).

A Preferred Project Report was lodged on 23/11/2006 and as the changes to the nature of the project were not significant, it was not re-exhibited.

6.2 SUBMISSIONS RECEIVED ON ENVIRONMENTAL ASSESSMENT

The Department received a total of 8 submissions comprising no submissions from members of the public and 8 submissions from public authorities being: Newcastle City Council; RailCorp; Mine Subsidence Board; Department of Natural Resources; Heritage Council of NSW, Honeysuckle Corporation, Heritage Office and Energy Australia

None of the public authority submissions raised objections, but instead recommended conditions to be added to the Development conditions.

Discussion on the key issues which include those raised in submissions is in **Section 5** of this report. A summary of all submissions received can be found in **Appendix D**. The proponent responded to these submissions on 23/11/2006 and the proponent's response to submission is in **Appendix E**.

6.2.1 Newcastle City Council

The issues have been discussed in detail above in Section 5

7 CONCLUSION

The Department has assessed the EA and considered the submissions in response to the proposal. The key issues raised in submissions related to easements; floor space ratio; building height; contamination and remediation of the site for the proposed use; flood management; storm water management; traffic and car parking and management and mitigation of construction impacts. The Department has considered these issues and a number of conditions are recommended to ensure the satisfactory addressing of these issues and minimal impacts as a result of the proposal.

Furthermore, the project application has largely demonstrated compliance with the existing environmental planning instruments.

The Department considers the site to be suitable for the proposed development and that the project is in the public interest. Consequently, the Department recommends that the project be approved, subject to the conditions of approval.

8 RECOMMENDATION

For project application:

It is recommended that the Minister:

- (A) consider the findings and recommendations of this Report; and
- (B) approve the carrying out of the project, under Section 75J *Environmental Planning and Assessment Act, 1979*; subject to modifications of the project and conditions and sign the Determination of the Major Project (**tag A**).

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APPENDIX A. DIRECTOR GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

CONSTRUCTION OF COMMERCIAL OFFICE BUILDING, LOT 231, HONEYSUCKLE DRIVE, NEWCASTLE

AMENDED ENVIRONMENTAL ASSESSMENT REQUIREMENTS UNDER PART 3A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Project	Construction of a 9 storey (includes 1 basement level) mixed use commercial development comprising of two towers, including retail tenancies, childcare centre, commercial office space, parking, associated site improvement, landscaping and public domain works.
Site	20 and 22 Honeysuckle Drive, Newcastle Lot 231 DP 1072217
Proponent	JBA Planning on behalf of Honeysuckle 231 Pty Ltd
Date of Issue	16 March 2006
Date of Expiration	2 years after issue.
General Requirements	<p>An Environmental Assessment for each project must include:</p> <ol style="list-style-type: none"> (1) an executive summary; (2) a description of the proposal including: <ol style="list-style-type: none"> (a) description of the site, including cadastre and title details; (b) design, construction, operation, maintenance, rehabilitation and staging as applicable; and (c) project objectives; (3) an assessment of the environmental impacts of the project, with particular focus on the key assessment requirements specified below; (4) draft Statement of Commitments detailing measures for environmental mitigation, management and monitoring for the project; and (5) certification by the author of the Environment Assessment that the information contained in the Assessment is neither false nor misleading.
Key Assessment Requirements	<p style="text-align: center;">Part A – Heads of Consideration</p> <ol style="list-style-type: none"> (a) Likely environmental, social and economic impacts; (b) Justification for undertaking the project; and (c) The public interest <p style="text-align: center;">Part B – Relevant EPIs and Guidelines to be addressed</p> <ol style="list-style-type: none"> (1) Planning provisions applying to the site, including permissibility and the provisions of all plans and policies; (2) Nature and extent of non-compliance with specified EPIs; and

Part C – Key Issues to be addressed

- (1) **Site Investigation** – the Environmental Assessment must include, but not be limited to a site investigation including property and title searches to determine boundaries between the site and RailCorp facilities, services searches, and a geotechnical report.
- (2) **Built Form, Urban Design and Landscaping** – the Environmental Assessment must include, but not be limited to, consideration of the design quality of the proposal with specific consideration of maintenance of view corridors including a view analysis; maintenance of pedestrian linkages along Honeysuckle Drive; provision of shelter for pedestrians; height; FSR; façade presentation, (particularly the frontage to the existing rail corridor and the possibility that in the long term this space may not be utilised for rail purposes), graffiti reduction, screening and landscaping adjacent to the rail corridor; the impacts of flooding with reference to the Cottage Creek Catchment flood study; consideration of the impacts of rail including reference to the RailCorp *Interim Guideline on Noise and Vibration* and an electrolysis report; consideration of landscaping and works in the public domain in consultation with Newcastle City Council; and consideration of building design including a photomontage and demonstration that the design avoids the repetition of design idioms and thus provides visual interest by way of contrast, complementing the development already existing within the precinct.
- (3) **Traffic** - the Environmental Assessment must include a traffic report prepared by a suitably qualified person in accordance with RTA's Guide to Traffic Generating Developments, that addresses matters including, but not limited to, a traffic report that assesses the impact of the development on the local road network using traffic counts and ten year growth projections; identifies any improvements required to accommodate the traffic impact of the project and traffic management; vehicular access; public transport; pedestrian and cyclist facilities; and internal traffic arrangements including car parking.
- (4) **Water Management** - the Environmental Assessment must include details of any proposed groundwater extraction, including purpose, location and construction details of all proposed bores and expected annual extraction volumes; any proposed works likely to intercept groundwater; the predicted impacts of any final landform on the groundwater regime; the predicted highest groundwater table at the development site; an assessment of the quality of the groundwater for the development site; the proposed method of disposal of tail or waste water; and a stormwater management plan.
- (5) **Impacts on Newcastle Port** - the Environmental Assessment must include an assessment of the proposal's relationship with Newcastle Port including identification of any significant interference with safe navigation or shipping; and consideration of lighting, reflective materials, and noise.
- (6) **Geotechnical** - the Environmental Assessment must include a geotechnical investigation and assessment to the satisfaction of the Mine Subsidence Board which must also address impacts on the geotechnical, structural stability and integrity of RailCorp facilities during demolition and excavation.
- (7) **Heritage** - the Environmental Assessment must assess the impact of the proposed development on the adjacent heritage conservation area and an archaeological assessment with reference to "*Honeysuckle Project, Historical and Industrial Archaeological Survey October 1991*" by C and MJ Doring Pty Ltd. The assessment must include procedures and processes to be implemented in the event that archaeological relics are uncovered

during excavation.

Part D – Statement of Commitments

- (1) Proposed mitigation and management of residual impacts and
- (2) A draft Statement of Commitments detailing measures for environmental management and mitigation measures and monitoring for the projects. The draft Statement of Commitments should include consideration of stormwater management, construction impacts (including soil and sediment run-off, the proposed controls and monitoring procedures to prevent any sediment, waste or pollutants from entering Newcastle Harbour, and noise); waste generation and collection; the use of cranes; staging of development and occupation; mitigation of amenity impacts from construction activities including access to RailCorp facilities and impacts of vibration during construction on RailCorp facilities; development of the site in accordance with any relevant site audit statements and/or remediation plans; commitment to the preparation of a dilapidation report prior to construction in consultation with RailCorp including but not limited to, a survey and proposed monitoring process and identification of the ongoing responsibility for ownership, maintenance, and the ultimate renewal of landscaping and works in the public domain.

Test of adequacy

If the Director General considers that the Environmental Assessment for each Project does not adequately address the Environmental Assessment Requirements, the Director General may require the proponent to submit a revised Environmental Assessment to address the matters notified to the proponent.

The Director General may modify these requirements by further notice to the proponent.

General Environmental Risk Analysis (in relation to all components of the project)

Notwithstanding the above key assessment requirements, the Environmental Assessment must include an environmental risk analysis to identify potential environmental impacts associated with the project (construction, occupation, and impacts on rail referring to RIC Standard TS 30 000 3 01 SP Structures – Design Standards), proposed mitigation measures and potentially residual environmental impacts after the application of proposed mitigation measures. Where additional key environmental impacts are identified through this environmental risk analysis, an appropriately detailed impact assessment of the additional key environmental impacts must be included in the Environmental Assessment.

Consultation Requirements

You must undertake an appropriate and justified level of consultation with the following parties during the preparation of the Environmental Assessment:

- (a) Newcastle City Council, regarding identification, ownership, and specifications for future public assets including landscaping;
- (b) Newcastle Urban Design Consultative Group regarding building design;
- (c) RailCorp regarding details of construction management, management of impacts on RailCorp infrastructure, risk assessment and creation of a deed to define controls; and
- (d) Mine Subsidence Board regarding geotechnical assessment and analysis.

The Environmental Assessment must clearly indicate issues raised by stakeholders during consultation, and how those matters have been addressed in the Environmental Assessment.

Deemed refusal period

Under clause 8E(2) of the *Environmental Planning and Assessment Regulation 2000*, the applicable deemed refusal period is 60 days from the end of the proponent's environmental assessment period for the project.

APPENDIX B. COMPLIANCE WITH ENVIRONMENTAL PLANNING INSTRUMENTS INCLUDING STATE ENVIRONMENTAL PLANNING POLICIES THAT SUBSTANTIALLY GOVERN THE CARRYING OUT OF THE PROJECT

Environmental Planning Instrument	Consideration
<u>State Environmental Planning Policy (Major Projects) 2005</u>	The proposed project is in an area identified under the MP SEPP as a Part 3A specified site (Clause 5, Schedule 2), within the Honeysuckle Development Precinct (as identified in Map 3), and the works proposed are not listed as exclusions under Clause 5 of this schedule meets the criteria under 5 (c) in that the capital investment value is in excess of \$5million.
<u>State Environmental Planning Policy No. 55 (Remediation of Land)</u> 7 Contamination and remediation to be considered in determining development application	The remediation of the land is sufficient for the site to be used for high density residential or commercial use as recommended by the Site Audit Report – Honeysuckle Development South Park, prepared by Environ Australia P/L 2005. However, the applicant's proposal to include a childcare centre within the development is required to meet more stringent criteria. A condition will be added requesting the applicant to provide a Site Audit Statement confirming that the site is remediated to the standard for a childcare centre prior to issue of the construction certificate.
<u>State Environmental Planning Policy No. 11 (Traffic Generating Developments)</u> Schedule 1 Clause 7(3), Clause 7(4)	The proposal was referred to the RTA in accordance with SEPP 11 on 6 January 2006 and 12 July 2006. Comments from the RTA have been included in this report at Appendix C. The assessment in the body of the report & RTA both concluded that the proposal is acceptable in terms of its traffic generation impacts.
<u>State Environmental Planning Policy No. 71 (Coastal Protection (SEPP 71))</u>	
(a) To protect and manage the natural, cultural, recreational and economic attributes of New South Wales coast and	The proposal will not adversely affect the natural attributes of New South Wales coast or Newcastle Harbour as the site is on reclaimed land and the site is set back for the foreshores green recreational area..
(b) To protect and improve existing public access to and along coastal foreshores to the extent that it is compatible with the natural attributes of the coastal foreshore, and	The proposed development does not affect pedestrian access along the foreshore.
(c) To ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and	The proposed development does not affect pedestrian access along the foreshore, as it allows public access from the site to the foreshore in the compulsory access and view corridor to the west of the building.
(d) To protect and preserve Aboriginal cultural heritage, and	No Aboriginal cultural heritage places or items on site

Aboriginal places, values, customs, beliefs and traditional knowledge, and	as it is reclaimed land.
(e) To ensure that the visual amenity of the coast is protected, and	It is acknowledged that the proposed development will not be visually prominent when viewed from Newcastle harbour pedestrian path as another development is permissible between the site and the harbour. The building is also in context with the surrounding built form and building heights and design.
(f) To protect and preserve beach environments and beach amenity, and	N/A
(g) To protect and preserve native coastal vegetation, and	N/A
(h) To protect and preserve the marine environment of New South Wales, and	The site is set back significantly from the harbour foreshore, as it is a commercial office and ground floor retail building it will have minimal impact on the marine environment.
(i) To protect and preserve rock platforms, and	N/A
(j) To manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6(2) of the <i>Protection of the Environment Administration Act 1991</i>), and	The proposed development is cleared of vegetation is on reclaimed land, and will connect to existing sewer and stormwater systems (with on site retention pond). The building is also efficient design with sun shading on the north and west facades and energy efficient. Therefore it will not contravene the general principles of ecologically sustainable development.
(k) To ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and	This is addressed by the projects design which uses an environmentally conservative building envelope design and building materials. Where the requirement for a high level of air conditioning of spaces (production of greenhouse gases) is minimised, by the use of external shading devices on the west and north façade. The building form and height as well as design is in keeping with the existing buildings and desired character of the honeysuckle precinct.
(l) To encourage a strategic approach to coastal management.	The proposal is consistent with the aims of SEPP 71 (see above), and therefore it is considered that the development does display a strategic approach to coastal management.
Clause 8: Matters for consideration	
(b) Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved.	Public access to the foreshore is by way of the 20 metre view, flood easement, which has been landscaped with ease of access for all pedestrians including disabled taken into consideration. The building also provides for disabled access via ramps.
(c) Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability	As above
(d) The suitability of development given its type, location and design and its relationship with the surrounding area	The building form and height as well as design is in keeping with the existing buildings and desired character of the honeysuckle precinct.
(e) Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore	The proposed development does not cast any shadow on the Newcastle Harbour foreshore, and the public access and view corridor to the foreshore is at the western end of the

	development and has no significant overshadowing or view blockages.
(f) The scenic qualities of the New South Wales coast, and means to protect and improve these qualities	The development is in keeping with the urban and built form context of the Honeysuckle precinct on Newcastle harbour
(g) Measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act) and their habitats	N/A
(h) Measures to conserve fish (within the meaning of Part 7A of the <i>Fisheries Management Act</i> 1994) and plants (within the meaning of that Act), and their habitats	N/A
(i) Existing wildlife corridors and the impact of development on these corridors	N/A
(j) The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards.	N/A
(k) Measures to reduce the potential for conflict between land based and water based coastal activities.	The proposed development is set back significantly from the harbour foreshore.
(l) Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals	N/A
(m) Likely impacts of development on the water quality of coastal water bodies	The site has a site stormwater retention pond and will be connected to the exiting sewer and water system.
(n) The conservation and preservation of items of heritage, archaeological or historic significance	N/A
(o) Only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities	The proposal meets the density and built form requirements for the honeysuckle precinct.
(p) Only in cases in which a development application in relation to proposed development is determined: (i) the cumulative impacts of the proposed development on the environment, and measures to ensure that water and energy usage by the proposed development is efficient.	The impact of the development is that it is a Sustainable Development – By the provision of a high performance building envelope, efficient mechanical and electrical systems using minimal power, and an energy efficient Building automation system. The proposal also has an onsite stormwater detention pond and uses water efficient fixtures. The project also proposes a water and water cycle management plan with the planting(using native plants) and irrigation of the landscaping. The building provides for cyclists facilities to promote sustainable transport options.

CLAUSE 14 : PUBLIC ACCESS

A consent authority must not consent to an application to carry out development on land to which this Policy applies if, in the opinion of the consent authority, the development will, or is likely to, result in the impending or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore.

The proposed development does not impact on public access to the foreshore

CLAUSE 15: EFFLUENT DISPOSAL

The consent authority must not consent to a DA to carry out development on land to which this Policy applies in which effluent is proposed to be disposed of by means of a non-reticulated system if the consent authority is satisfied the

The proposed development will be connected to the existing reticulated system.

proposal will, or is likely to, have a negative effect on the water quality of the sea or any nearby beach, or an estuary, a coastal lake, coastal creek or other similar body of water, rock platform.

CLAUSE 16: STORMWATER

The consent authority must not consent to a development application to carry out development on land to which this Policy applies if the consent authority is of the opinion that the development will, or is likely to, discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.

stormwater from the site will be collected via a pipe and pit network and has an onsite stormwater storage pond/ pit.

Newcastle City Council Local Environmental Plan 2003

5 Aims and General Objectives

Aim 1 To respect, protect and complement the natural and cultural heritage, the identity and image, and the sense of place of the City of Newcastle

Objectives:

- (a) respect and build upon positive aspects of local character and amenity,
- (b) contribute positively to the public domain, namely its urban streetscapes and open spaces,
- (c) conserve the environmental heritage of the City,
- (d) conserve the Heritage significance of the existing built fabric, relics, settings and views associated with identified heritage items and heritage conservation areas,
- (e) ensure that archaeological sites and places of Aboriginal heritage significance are conserved,
- (f) protect places and structures which have the potential to have heritage significance but have not been identified as heritage items,
- (g) ensure that nominated heritage conservation areas retain their heritage significance.

The following matters have been considered in relation to the proposal and that the proposal is consistent with the objectives.

Aim 2 To conserve and manage the natural and built resources of the City of Newcastle for present and future generations, and to apply the principles of ESD in the City.

Objectives:

- (a) protect and enhance biodiversity,

The following matters have been considered in the assessment of the proposal, and that the

- (b) minimise the use of non-renewable resources and optimise the use of renewable resources,
 - (c) minimise, and where possible eliminate, waste and pollution,
 - (d) rehabilitate soil, water and vegetation, where damaged by past activities,
 - (e) address natural hazards and other risks such as flooding, bushfire, mine subsidence, landslip, coastal inundation, soil and groundwater contamination, and acid sulphate soils and the like,
 - (f) ensure buildings are designed to be capable of being readily adapted for reuse for one or more purposes.
- proposal is consistent with the objectives.

Aim 3 To contribute to the economic well being of the community in a socially and environmentally responsible manner.

Objectives:

- (a) where possible create sustainable employment opportunities,
- (b) contribute to a greater degree of economic and employment self-sufficiency in the City, its urban centres and its neighbourhoods, as well as in the Hunter Region,
- (c) not jeopardise the ongoing operation and potential of the port of Newcastle, the adjacent industrial lands and the associated significant freight transport undertakings,
- (d) reinforce the roles of established urban centres in their present hierarchy, comprising the city centre, the district centres and the local centres as generally described in the Newcastle Urban Strategy,
- (e) contribute positively to urban centres being focal points for employment, particularly in the service sectors of the economy,
- (f) provide for home based businesses that are compatible with the character and amenity of the neighbourhood in which they are to be located,
- (g) take advantage of and contribute to those locations not in urban centres, which are valuable to the economy of the City and the Region.

The following matters have been considered in the assessment of the proposal and that the proposal is consistent with the objectives.

Aim 4 To improve the quality of life and well being of the people of Newcastle.

Objectives:

- (a) maximise positive social impacts and eliminate or minimize potentially detrimental social impacts,
- (b) optimise safety and security both for the development,

The following matters have been considered in the assessment of the proposal and that the proposal is consistent with the objectives.

<ul style="list-style-type: none"> (c) promote inclusiveness in the provision of access to accommodation, facilities or services, (d) contribute positively to the functional efficiency, accessibility and urban quality of the City, (e) ensure adequate provision of utility services. 	
<p>Aim 5 To facilitate a diverse and compatible mix of land uses in and adjacent to the urban centres of the City of Newcastle, to support increased patronage of public transport and help reduce travel demand and private motor vehicle dependency.</p>	<p>The subject site is zoned 3(c) City Centre; the proposed development is permissible with development consent. The development proposes a mixed use commercial development and retail component which is permissible in the zone.</p>
<p>Objectives:</p> <ul style="list-style-type: none"> (a) contribute to the diversity of and synergies between activities in and around urban centres, including housing, employment, service delivery, and community activity, (b) contribute positively to urban centres being places that are and will become more highly desirable places in which to reside as well as work, (c) optimise the shared use of streets and parking facilities, while improving or creating a safe, attractive, friendly and efficient pedestrian and cycling environment. 	<p>The ground floor of the development provides a community childcare facility and retail tenancies resulting in, so an active street edge.</p>
<p>Part 2 Clause 16: Zone 3(c) City Centre Zone</p>	
<p>Objectives:</p> <p>(a) To promote the Newcastle City Centre as the pre-eminent regional centre of the Hunter providing for the activities of a higher functional order and development intensity than is provided for in District centre and Local centre zones under this plan.</p>	<p>The proposal is consistent with the objective.</p>
<p>(b) To accommodate a diverse and compatible range of uses and activities within the City Centre, within its street blocks and within individual buildings and sites, including high density residential development and a wide range of employment generating activities, such as commercial and retail development.</p>	<p>The proposal is a mixed use commercial development which is considered compatible in terms of density, form and scale.</p>
<p>(c) To accommodate compatible mixed use development above or adjacent to core retail and commercial street frontages that contributes to a safe, attractive and efficient pedestrian environment.</p>	<p>The proposed mixed use commercial development proposes a retail component of the development at ground floor level.</p>
<p>(d) To conserve and enhance the rich cultural and built heritage of the City Centre to reinforce its unique character and improve its vitality and viability.</p>	<p>The site is not located within a conservation area. The proposal is considered to take into consideration the heritage significance of the Newcastle Heritage City Centre.</p>
<p>(e) To enable development of waterfront sites to take advantage of the harbour while avoiding a continuous built edge along the waterfront, and not compromising or devaluing the scale and operations</p>	<p>The proponent has provided photomontages of the development within the setting of the existing skyline. The development will be visible from Newcastle Harbour Foreshore but in the context</p>

of the port of Newcastle.

of being rather within a precinct of urban elements. The proposed development does not directly front onto the Newcastle Harbour waterfront. The proposed development is consistent with the vision for the Honeysuckle Development Precinct.

(f) To provide for the creation and maintenance of easily located public access and view corridors.

A 20m public access and view corridor (floodway easement) has been located along the western boundary of the site. The proposal retains the corridor with a minor intrusion by an elevated deck. The deck does not result in loss of public access or view corridors across the site.

(g) To provide for development that is consistent in scale and character with:

- (i) other development in the locality and the City centre generally,
- (ii) the landscape and streetscape context of the City Centre including, but not limited to, the city skyline, the foreshore, the coast, and the Port of Newcastle.

The building form is considered to respond to the site context of adjoining commercial development and the architecture of development in the Honeysuckle Development Precinct.

Part 4 Environmental Heritage Conservation

27 Heritage assessment

(1) In assessing a development application within a heritage conservation area, the consent authority shall have regard to the extent to which the proposed development would affect the heritage significance of the heritage item or the heritage conservation area.

(2) The assessment shall include consideration of a heritage impact statement that addresses:

- (b) for development proposed to be carried out within a heritage conservation area:
 - (i) the heritage significance of the heritage conservation area and the contribution which any building, work, relic, tree, or place affected makes to the heritage significance of the area,
 - (ii) the impact the proposed development would have on the heritage significance of the heritage conservation area,
 - (iii) the compatibility of the proposed development with nearby original buildings and the character of the heritage conservation area, taking into account the scale, form, orientation, setbacks, materials and detailing of the proposed development,
 - (iv) the measures proposed to protect the significance of the heritage conservation area and its setting,
 - (v) whether any landscape or horticultural features which contribute to the heritage significance of the area would be affected by the proposed development.

The subject site is located adjacent to the Newcastle City Centre Heritage Conservation Area and in the vicinity of items of State Significance including Lee Wharf and the former Civic Railway workshops.

The site is on reclaimed land, which has no historic value in itself.

The area has been used as railway storage area since the 1940s.

The proposal will not impact adversely on the adjoining historic Newcastle Town centre and harbour areas.

Development affecting archaeological sites or relics of non-Aboriginal heritage significance

(1) The consent authority shall consider a heritage

"Honeysuckle Project, Historic and Industrial Archaeological Survey October 1991" undertaken by C and MJ Doring as required by the DGEARS

<p>impact statement which addresses the heritage impact of the proposed development.</p>	<p>states that the subject site is not identified as an area of high archaeological potential.</p>
<p>33 Development in the vicinity of a heritage item Before granting consent to development in the immediate vicinity of a heritage item or a heritage conservation area, the consent authority shall assess the impact of the proposed development on the heritage significance of the heritage item or the heritage conservation area and in this regard may require the submission of a heritage impact statement.</p>	<p>The subject site is located adjacent to the Newcastle City Centre Heritage Conservation Area and in the vicinity of items of State Significance including Lee Wharf and the former Civic Railway workshops. The proposal does not raise any heritage issues requiring special attention as the site is on reclaimed land, previously used as railway storage and tracks (since the 1940,s) and the building design is in keeping with the character statement for the honeysuckle precinct.</p>
<p>Part 5 Central Honeysuckle Clause 35 (1) Central Honeysuckle means land at Honeysuckle marked on the map in Schedule 7. (2)(a) not less than 6.5 ha or 25% of the total land area of Central Honeysuckle will be available as public open space or public domain. (2)(b) a continuous public promenade at least 6m wide is provided along the harbour foreshore, which may divert away from the water's edge only because of reasonable operational requirements made by adjoining land uses. (3) Despite any other provision of this plan, land in Central honeysuckle within either Zone 3(c) or 6(a) may, with consent, be developed, but only if the consent authority is satisfied that carrying out the proposed development: (a) will achieve better urban design outcomes than would be achieved if not carried out, (b) will not reduce the total amount of land in Central Honeysuckle that is available for public open space purposes below the amount specified above shown in Schedule 7, 3(c) if the consent authority is satisfied that the development is compatible with other lawful development that is or may be carried out on land in Central Honeysuckle. (4) Despite any other provision of this plan, consent may be granted for the carrying out on any land in Central Honeysuckle of development that is prohibited in Zone</p>	<p>(1) The subject land is located within Central Honeysuckle and is marked on the map in Schedule 7.</p> <p>(2)(a) The Honeysuckle precinct comprises 50ha of land along the Newcastle Harbour directly north of Newcastle CBD. The proposal provides a 20m easement for public space/ access and as a view corridor. The proposal also has a 3 metre set back for the footpath along Honeysuckle drive for pedestrian use and landscaping.</p> <p>(b) The subject site is not located directly on the Newcastle harbour foreshore and will not impact on the public promenade.</p> <p>The proposal is considered to complement the neighbouring development by adopting similar contemporary design features.</p> <p>(b) The development has been designed to respond to the Honeysuckle public domain strategy and will not detrimentally impact on available public open space in the honeysuckle precinct.</p> <p>(c) The proposed development is considered to be compatible with the zoning requirements, NLEP 2005 and the HDC.</p> <p>(4) The proposed development is permissible in the zone.</p>

APPENDIX C. COMPLIANCE WITH DCPS AND OTHER PLANS AND POLICIES

Environmental Planning Instruments considered in the assessment of the proposal:

Newcastle Development Control Plan 2005	Consideration
Part B Development Provisions	
Element 4.1 Car Parking	
4.1.2 Variation to parking rates	
Parking provision at a lower of higher rate than specified by the DCP will be considered if justified by a detailed analysis submitted with the development application.	Variation to parking rates has not been requested.
Schedule 1 Car Parking Standards	
Commercial Premises - City East/City West – 1 space per 60m ² of gross floor area.	256 car spaces and 3 service car spaces are provided.
Element 4.2 Contaminated Land Management	This issue has been previously addressed in the main assessment report.
Element 4.3 Flood Management	This issue has been previously addressed in the main assessment report.
4.3.2 Floodways	The developer has incorporated a change to the development which now includes a suspended deck over the floodway representing an encroachment of 5 metres. The underside of the slab will be approximately 800mm above the 1 in100 year flood level. There will also be a row of 300mm by 300mm columns supporting the deck.
i) No building or structure is to be erected and no land is to be filled by way of the deposition of any material within any area identified as a floodway except for: Minor alterations to ground levels for roads, parking, below ground structures and landscaping, provided that the fundamental flow patterns are not significantly altered.	
ii) Where dividing fences across floodways are unavoidable, they are to be constructed only of open type fencing that will not restrict the flow of flood waters and be resistant to blockage. New development shall be designed to avoid fences in floodways.	The developers engineers Patterson Britton advise that they have adopted the guidelines in the Flood Management Plan in establishing the minimum habitable floor levels for the proposed development.
4.3.4 Risk to property	It is considered that the information submitted addresses the requirements for minimum building floor levels, basement carpark entry and bunding arrangements and the existing floodway crossing.
i) Floor levels of all occupiable rooms of all buildings are not to be set lower than the FPL.	The subject site is flood prone land. A report by Lawson and Treloar, "Waterfront and Cottage Creek Flood Management Plan" for the Department of Public Works and Honeysuckle Development Corporation (1999), established design guidelines for new works within the Honeysuckle area to minimise flood impacts during extreme
ii) Garage floor levels are to be set no lower than 300mm below the FPL. However it is recognised that in some circumstances this may be impractical due to vehicular access constraints. In these cases garage floor levels should be as high as practicable.	

iii) Basement garages may be acceptable where all potential water entry points are at or above the probable maximum flood (PMF), excepting that vehicular entry points can be at the FPL. In these cases, explicit points of refuge should be accessible from the car park in accordance with the provisions for risk to life set out below.

iv) Electrical fixtures such as power points, light fittings and switches are to be sited above the FPL unless they are on a separate circuit (with earth leakage protection) to the rest of the building.

v) Where parts of the building are proposed to be below the flood planning level, they are to be constructed of water resistant materials.

vi) Areas where cars, vans and trailers etc are parked, displayed or stored are not to be located in areas subject to property hazard of P2 or higher. Containers, bins, hoppers and other large floatable objects also are not to be stored in these areas. Heavy vehicle parking areas are not to be located in areas subject to property hazard P3 or higher.

vii) Where property hazard is P4, the structure shall be certified by a practising structural engineer to withstand the hydraulic loads (including debris) induced by flood waters.

viii) Property hazards of P5 discouraged and require certification by a practising structural engineer to withstand the hydraulic loads (including debris) induced by flood waters.

4.3.5 Risk to life

N/A

4.3.5 a) On site refuge

i) onsite refuge is to be provided for all development where the life hazard is category L4 or higher unless the proposed development is less than 40m from the perimeter of the PMF extent and the higher ground is accessible.

4.3.6 Riparian Zone

Newcastle City Council Landscaping Technical Manual

4.4 Landscaping

Newcastle City Council Landscaping Technical Manual

The proponent will include the following works along the Honeysuckle Drive frontage in a 'Public Domain Plan'. This plan will be submitted to the satisfaction of Newcastle City Council.

events.

The applicants consulting engineers Patterson Britton advise that they have adopted the guidelines in the Flood Management Plan in establishing the minimum habitable floor levels, car park entry and bunding arrangements and the existing floodway crossing the site for the proposed development.

- (i) Street tree planting within the footpath areas of Honeysuckle Drive across the development frontage;
- (ii) The street tree species will include- Lilly Piily (*Syzygium Paniculatum* or *Syzygium Australe*);
- (iii) Street trees located within the footpath areas will be protected with suitable tree guards in accordance with Council's - Treeguard and Planting detail A350;
- (iv) Street tree planting within the central

- island of-Honeysuckle Drive will be provided in a staggered pattern;
- (v) The central island tree species will include— Norfolk Island Pines (*Araucaria Heterophylla*);
 - (vi) Trees will be a minimum 150 litre pot size and comply with the current NATSPEC guide with respect to height, trunk diameter and branch structure and balance;
 - (vii) Footpath areas along the Honeysuckle Drive site frontage will include plain Portland grey concrete with banding at maximum 10.0m intervals in Bowral 'London Chestnut' paving bricks;
 - (viii) The provision of a suitable pedestrian crossing facility incorporating a 5 metre wide central medium cut-through in Honeysuckle Drive at the western end of the building near the proposed floodway.

4.5 Water Management

4.5.11 a) Erosion and Sediment Control Plans

4.5.11 b) Soil and Water Management Plans

4.5.13 Flooding and Runoff Regimes

Proponent has addressed these issues in the storm water management report and these issues have been reinforced in the conditions and the proponents statement of commitments.

Newcastle Council's Senior Development Officer Engineering has requested that the following these additional conditions be imposed to satisfy the Flood and Stormwater Management Issue.

- I. The building meets the specific requirements of the Waterfront and Cottage Creek Flood Management Plan (FMP) including satisfying the minimum floor level, carpark entry level and bunding requirements, structural stability for the Probable Maximum Flood and suitable flood refuge arrangements.
- II. Full details being provided with the Construction Certificate application addressing the flood management issues identified in the FMP.
- III. The 20m wide HWC floodway on the western boundary of the site is to be maintained to the profile detailed in the FMP. Any landscaping proposed for the floodway easement is to be designed to ensure there is no significant obstruction to flood flows or potential flood impact on

neighbouring properties. Full details are to be provided with the Construction Certificate application.

- IV. Proposed deck over the floodway is to be designed to withstand the impact of floods up to the Probable Maximum Flood level of 3.65m AHD with no direct access to be provided from the deck to the floodway below and the deck fencing is to be designed to be child safe.
- V. Flood warning signs are to be erected in the floodway warning of the possibility of flash flooding.
- VI. All stormwater runoff from the proposed development being collected in a stormwater management system is to be designed to satisfy the requirements of Element 4.5 of the Newcastle Development Control Plan 2005. Full details are to be provided with the Construction Certificate application.
- VII. A copy of the stormwater drainage design plans approved with the Construction Certificate with "work as executed" levels indicated, shall be submitted to Newcastle City Council prior to occupation of the building. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.

4.6 Waste Management

Maximise reuse and recycling of building/construction waste materials, commercial waste;

Consider waste minimisation hierarchy;

Ensure adequate waste minimisation and management measures incorporated;

Lodge Waste Management Plan.

6.1 Commercial Development

6.1.1 c) Archaeological Assessment Report

An Ongoing Waste Management Plan in accordance with the *Waste Minimisation and Waste Management Act 1995* is to be prepared by the proponent, as required by the recommended conditions.

The *Newcastle Archaeological Management Plan* (Suters Architects, February 1997) grades the site as "low-largely undisturbed" which is an indication of the likelihood of disturbance of relics on the site.

During the remediation of the site the subject land has been disturbed. This was undertaken by Honeysuckle Development Corporation prior to the site being offered for tender.

As the site is reclaimed land there is a little likely hood of finding relics in the original location.

According to the documentation submitted it may not be expected that any significant archaeological relics will be uncovered on this site; nonetheless the following condition is to be imposed:

- "If any archaeological relics are discovered during construction, work must cease and the Heritage Office is to be notified in accordance with section 146 of the Heritage Act. The Heritage Office may require the remains to be recorded by a suitably qualified archaeologist prior to the recommencement of works."

6.1.1 d) Visual Analysis Report required by development seeking bonus FSR.

The proponent has provided various photomontages of the project proposal and the surrounding buildings to justify the seeking of the bonus FSR, and the provision of the childcare centre as a community facility.

6.1.1 f) ESD Assessment

In consideration of Newcastle City Councils ESD principles, the development has set the following ESD objectives:

The building's design will apply the principles of ESD, in accordance with the Newcastle City Council LEP

The building targets a 4.5 ABGR star base building energy efficiency rating

Water management techniques will be developed according to Newcastle City Council NDCP 2005

Numerous ESD initiatives have been incorporated into the development's current design. The primary initiatives are summarised below:

High performance building envelope

High efficiency mechanical and electrical systems

Energy efficient controls through Building Automation System (BAS)

On site stormwater detention

Water efficient fixtures and fittings

Water Management Plan

Water Cycle Management Plan

Water efficient planting and irrigation

Cyclists' facilities to encourage use of bicycles

With consideration of these various initiatives, the development is considered capable of achieving each of the above stated objectives.

The design will address the requirements of the Newcastle LEP, as they apply to the development.

In particular, the design will minimise the use of non-renewable resources, and in minimising waste and pollution.

6.1.1 g) Traffic Impact Assessment

A Traffic impact Statement has been prepared by a suitably qualified and experienced traffic engineer.

As a commercial development requiring more than 200 car parking spaces the application triggers Schedule 1 of SEPP 11 – Traffic Generating Developments.

c) the erection of a building for the purposes of shops and commercial premises where the gross floor area of the building is or exceeds 4 000 square metres or the enlargement or extension of a building used for the purposes of shops and commercial premises where the gross floor area of that enlargement or extension is or exceeds 4 000 square metres.

Such an application would normally be referred to the Regional Traffic Committee for consideration.

Concerns were raised by councils traffic committee regarding the additional traffic generated by this development and the impacts on the operation of intersections at Hunter Street/Merewether Street and Merewether Street/Workshop Way.

RTA have previously requested that applicants investigate the operation of the traffic signals at the Hannell Street/Honeysuckle Drive intersection.

The right-turn movement from Workshop Way into Merewether Street has space for only 2 vehicles (12m) and any additional vehicles will obstruct the left turn movement from Workshop Way into Merewether Street.

The right-turn movement from Merewether Street into Workshop Way has space for approx. 5 vehicles (30m) and any additional vehicles will obstruct traffic in Merewether Street.

A Traffic Impact Assessment is to be prepared in accordance with the RTA's Guide to Traffic Generating Developments addressing the above and must include:

- Current and 10 year traffic growth projections;
- Delays and the level of service for all legs;
- 95% back of queue lengths;
- Input/output data;
- Intersection modelling geometry.

A traffic impact statement report was prepared and submitted in the EA and an amendment in November 2006. The proponent has now met the councils concerns regarding traffic generation and its consequences. Primarily the Traffic management issues within Honeysuckle are the responsibility of the Honeysuckle Corporation to resolve. The solutions to the traffic issues are satisfactory to the Department and the council.

6.1.1 h) Social impact Assessment

The proposed development will have a positive and beneficial social and economic impact on the HDC precinct and the City of Newcastle in that it will:

- * Provide new commercial and retail floor space in the HDC precinct which is accessible to services, transport and the Newcastle City centre;
- * Activate and add to the vitality to the HDC precinct by contributing to the economic well being of the City of Newcastle in a socially and environmentally responsible manner;
- * Provide the impetus for further development in the HDC precinct and therefore, the timely provision of public improvements to the locality including foreshore access, streetscape improvements and services and facilities provided by Section 94 contributions;
- * Generate economic and employment opportunities during and post construction;
- * Generate additional demand for local retail

and business services;

* Improve the safety and passive surveillance of the public domain immediate to the site;

* Create opportunities for increased social interaction and thus contribute to the 'sense of the place'; and

* Promote public access and the embellishment of the pedestrian and open space network between the City and the foreshore through the realisation of the new view and access corridor.

*No significant adverse social or economic impact has been identified and is likely to result from the development.

6.1.2 Environmental Sustainable Design

Sustainable, compact and efficient design;

Integration with and embellishment of natural features and values that support biodiversity within local context;

Reduced car dependency and encourage alternative transport options;

Efficient use of energy and natural resources;

Recognition and support of cultural identity and social equity.

6.1.2 b) Energy Impacts

Utilise materials and construction methods with low energy inputs, reduce overall construction energy;

Minimise overshadowing of both the proposed building and neighbouring buildings by appropriate building separation.

6.1.3 Utilities and Services

6.1.4 Geotechnical considerations

Compliance with Mine Subsidence Board requirements

6.1.6 Site Management

6.3 City West

Objectives:

Significantly increase people living and working in the area;

Revitalise/establishment of key activity nodes;

Conserve, respect and enhance the existing character whilst fostering contemporary design responses in new buildings to support a revitalised city and reflect aspirations of new and existing residents;

Provide transport choices for workers;

Provide quality open space network as an access corridor and a recreational and environmental resource;

Integrate the waterfront and Hunter Street through

Sustainable and efficient design has been addressed in this proposal by the utilisation of sun screens on the North, East and West facades of the building.

Energy impact elements have been considered and are satisfactory.

The Mine Subsidence Board has reviewed the EA and has no objections to the major project. .

The proposed development does not incorporate a residential component as the site is zoned 3(c) City Centre.

The proposal does however; aim to enhance the existing character of the HDC.

additional north/south linkages.

6.3.2 a) Land Use, activity nodes and Special areas

Objectives:

Focus retail, leisure and other commercial uses within defined nodes;

Encourage a mix of residential, retail, commercial, recreational, etc land uses in appropriate locations;

Provide useful commercial/retail floor space in mixed use development.

6.3.2 b) Gateways, Landmarks and View Corridors

Objectives:

Protect view corridors and provide for public access.

6.3.3 City Form

Ensure development contributes towards the desired urban form for City West; simple building forms aligned to the street, open spaces or public domain.

6.3.3 b) Building Density (FSR)

Map 8 indicates the maximum FSR allowable for the site as 3.0:1

Any proposal that seeks to depart from the nominated maximum FSR shall be supported by a report from a recognised urban design consultant and will be subject to assessment by Council's Urban Design Consultative Group;

Provide a clear visual separation between taller building elements to avoid a continuous wall of buildings;

Provide a high level of amenity for private and public space including solar access;

Encourage the establishment of distinct nodes of commercial/retail activity in terms of form and functional use;

Within Honeysuckle - view corridors to be included as site area in FSR calculations where they pass through a development site.

6.3.3 c) Bonus FSR Provisions

Objective:

To provide development incentives that can achieve substantial benefit in the revitalisation of City West Additional FSR up to a maximum of 0.25:1 where significant public benefit may be delivered: such as Dedicated landscaped open spaces, provision of public art, community facilities, works or improvements at the discretion of Council.

6.3.3 d) Height

Objectives:

The proposal is a mixed use development comprising four retail tenancies, commercial office space and a community run childcare centre.

A 20m view corridor (floodway easement) has been located along the western boundary of the site and is considered to enhance the sites appearance when viewed from Hunter Street. .

The following matters have been considered in the assessment of the proposal and it is considered that the proposal is consistent.

The overall gross floor area of the proposed building provides a FSR of 3.23:1 over the site. This exceeds the maximum allowable FSR of 3:1.

The applicant proposes to receive the Bonus FSR of 0.25:1 in consideration of the public benefit associated with the provision of a childcare centre on the ground floor level of the development as part of the application. The assessment in the body of the report concluded that this is acceptable.

The applicant is seeking the full 0.25:1 bonus floor space in respect of the proposed childcare centre which is to be available to both the occupants of the building and the local community. The childcare centre is to be operated by a community based child care provider on a rent-free basis. This is to be reinforced by a positive covenant registered on the title.

It is therefore considered that the childcare centre is regarded as a community facility that provides a direct public benefit.

The proposal has a maximum height of 30.9m.

Enable intensive development within City West while respecting lower scale areas;

Reinforce and enhance the character of the major streets within City West;

Ensure the public domain is not dominated or overshadowed;

Encourage attractive roof forms.

Building height shall be no higher than 30m from ground to upper point of the building as specified in Map 9.

Consideration will be given to plant structures, modulated parapets and the like extending above the height limit, if in the opinion of the consent authority these structures complement the overall building design. Structures shall not exceed 3m above the height limit or 20% of the roof plan area.

Newcastle DCP 2005 allows a maximum building height of 30m for the site; however plant structures may extend up to 3m above the height limits, if such structures complement the overall design of the proposed building.

The additional height of 0.9m proposed is required for the plant room is considered acceptable as it is considered to be integrated as part of the overall building design.

6.3.3 e) Street alignments

(ii) Developments that adjoin the rail corridor can be set back but should address the corridor as if it were a major street. Tree planting and landscaping along the rear of lots adjoining the railway, particularly in external car parks to be provided where practical to improve the amenity of the rail corridor.

RailCorp has reviewed the proposal and have provided comments and conditions of consent.

6.3.3 f) Setback

Street wall height and upper storey setback

iv) All visible elevations of taller building elements should be articulated and provided with appropriate architectural expression;

v) Any departure from the 2-4 storey street wall or reduction in setback to taller building elements will need to be justified as to how the departure would provide an improved outcome. For example: stronger corner elements achieved by variation in street wall height;

increase in street wall height to achieve compatible forms with adjacent development;

reduction in setback to taller building elements on shallow sites could also be considered to enable improved building separation from rear buildings/boundary.

vii) Within the Honeysuckle area, buildings should generally be simple forms with minimal upper storey setbacks. However sheer street walls should be avoided. In this regard it may be appropriate to introduce setbacks of at least 3m above street wall height of 18m.

The following matters have been considered in the assessment of the proposal and it is considered that the proposal is consistent with the aims.

The requirement in the DCP is that they have a street wall less than 18 metres. The podium level of the project is under 10 metres so meets the requirement.

The towers are adequately set back of the podium of 10 metres.

viii) Within Honeysuckle street wall heights on the north and south sides of Honeysuckle Drive should generally relate in terms of height and massing to create a human scaled 'Grand Boulevard effect'.

As stated above the requirement in the DCP is that the street wall is less than 18 metres. The podium level of the project is under 10 metres so meets the requirement.

The proposal meets this requirement and is in context with the existing Honeysuckle Drive buildings.

6.3.3 g) Building Separation

Objectives:

Achieve acceptable levels of amenity in terms of solar access and privacy for occupants, neighbouring sites and the public domain;
Ensure appropriate scale of development in terms of massing and space between buildings to support the Desired Urban Form for City West;
Avoid blank party walls on taller building elements;
Provide rectilinear building forms;
Provide opportunities for deep soil planting.

i) Building separation is to be generally constant above the street wall, in response to total building height.

Table 2.

Building separation within a development, for internal courtyards and between adjoining sites:
For development over 25m in height, 24m between habitable rooms/balconies, 18m between habitable rooms/balconies and non-habitable rooms, 12m between non-habitable rooms/ walls.
Setback to side and rear boundaries where no adjoining development exists: For development over 25m in height, habitable rooms/balconies to be setback 12m from side and rear boundaries, walls and non-habitable rooms to be setback 6m from side and rear boundaries.

6.3.3 i) Taller Buildings

Faces of building to align with the street;
All exposed faces to be designed to be seen, from adjacent streets and distant views;
The diagonal plan dimensions of unarticulated taller blocks are not to exceed 45m;
Environmental effects on surrounds to be considered;
Test impact on skyline by graphic means.

The proposed development location, scale and setback is in context with the adjoining built form and urban form and there is appropriate spacing between this development and surrounding buildings.

The proposed development is for a commercial and retail use. There is no residential component proposed.

Total building height including roof plant is 30.9m above the existing ground level. (ground level RL 2.50 building height above roof plant RL 33.4).

All of the building facades are articulated with the south facade having floor to window height treated with cement blocks, then window lines and expressed spandrels above giving a horizontal treatment to the façade.. Colours proposed externally are generally off-white and light to mid greys with some coloured highlight areas of rusty red and darker grey articulating the façade.

The North façade in order to capture the light has mostly a glass treatment with horizontal sunscreens providing sun shading.

The East and West façades are treated with a mix of weathered steel screens in front of glazing and use of concrete panelling, less than a 1/3 of the façade is concrete panels. These facades also mix vertical and horizontal elements.

6.3.3 I) Vehicle Access Management

ii) New crossings should service a minimum of 10 cars and are a minimum of 15m from existing crossings. Grouping of driveways discouraged.

iv) No more than 25% of the frontage of the building shall be occupied for vehicular access purposes and no more than 60% of the ground floor will be used for car parking purposes. The balance of the ground floor area adjacent to the street to be retained as commercial shopfront.

vi) Provide appropriate surfaces, pedestrian safety, signage, pavement treatment, etc;

vii) Vehicles shall enter and exit the site in a forward direction;

viii) Honeysuckle Drive will not support direct vehicular access where an alternate street frontage is available, otherwise left-in/left-out only.

6.3.4 a) Heritage and Archaeology

iii) The siting scale and external design of the development shall respond to the heritage significance of the item and maintain appropriate scale and context for the item.

iv) Regard will be given to the streetscape context of the site within the Newcastle City Centre Heritage Conservation Area to ensure that it does not detract from the heritage significance of the conservation area or an adjoining conservation area.

6.3.4 Building Articulation and Façade Treatment

Provide articulation of building façades to reinforce the street character and minimise bulk of buildings; Recognise and respond to the contextual elements from surrounding context.

i) Articulation zones of 2-3m in depth located behind the nominated building setback.

ii) Façade articulation:

Street wall elements to be subtracted or cut out from the façade;

Above street wall, articulation a combination of cut out elements and additive elements.

iii) Employ the following design principles;

Employ a clearly defined tripartite horizontal composition, comprising of base, middle and top elements;

Horizontal elements at street edge, relate to existing buildings;

Estb. Well proportioned vertical rhythm by breaking façade into bays of 6m width;

Entrances readily apparent and address the street, should not be accessed through car parks;

Positively contribute to views from public spaces;

Relate sympathetically to existing buildings.

6.3.4 c) Materials and colours

Vehicle access management has been addressed by the Applicant, Newcastle Council and the RTA. Conditions have been imposed.

There is only one entry and exit to the buildings car park.

There is no loading bay in the development as it is provided on the roadside.

Less than 50% of the ground floor level is used for the purpose of the car park.

This issue is addressed in the proponents statement of commitments and the Landscaping plan and has been conditioned.

The subject site is located adjacent to the Newcastle City Centre Heritage Conservation Area and in the vicinity of items of State Significance including Lee Wharf and the former Civic Railway workshops. The EA does not raise any heritage issues requiring special attention.

The HDC Design Review Panel has reviewed the proposal in relation to building articulation and façade treatment, and is satisfied with the design of the development.

The HDC Design Review Panel has

Estb. Distinctive 'Urban Quarter' north of rail line;
Complement existing buildings in vicinity;
No large, unbroken expanses of solid materials or glass. Glass curtain walls, metal cladding, flush aluminium windows and dark coloured glass inappropriate;
Reflectivity not to exceed 40% and 20% in waterfront areas;
Respond to env. Conditions and solar access reqts;
Facilitate graffiti removal and convenient cleaning.

6.3.4 d) Roofs and Skyline Elements

Roof plant, lift towers, vents etc to be an integral part of overall design, sympathetic with contributory buildings in terms of profile, materials, colour and modelling.

6.3.4 e) Awnings

adequate pedestrian amenity from sun and rain along street frontages;

i) Provide awnings along frontages of all commercial/retail uses extending at least 2m over footway;

ii) Continuity of adjacent awnings.

6.3.4 g) Streetscape Design

v) Building, window and door proportions and types of surface articulation at ground floor level provide comfortable scale and an interesting environment for pedestrians.

6.3.4 h) Pedestrian activity and active street fronts

Long lengths of blank wall at street level are to be avoided;

Vehicular entry and exit points are minimised;

Multi-deck car parks are set back from the street frontage behind commercial/retail premises;

Retail/Commercial development to provide continuous weather protection extending 2m wide at least over footways;

Buildings to address the street with main entrances and windows to street frontage or public open space.

6.3.4 j) Public Open Space Design

Encourage the protection and public use of the open space network as an access corridor, etc.

v) Maintain access to all parts of the open space and drainage system for maintenance purposes.

6.3.4 Environmental Effects on Public Open Space

Minimise wind turbulence, overshadowing and glare;

Shadow diagrams to assess impact of overshadowing, duration etc;

Footpath awnings where practicable.

reviewed the proposal in relation to design, colour and finishes, and is satisfied with the design of the development.

Roof and skyline elements have been considered and are satisfactory.

The design of the ground level of the development has the retail area set back under level 1 therefore providing a covered area for pedestrian activity.

The design of the ground floor retail and the childcare centre addresses this issue.

Ground level of the development provides a covered pedestrian walkway, by virtue of the overhang of the commercial building above.

The ground level of the development facing Honeysuckle Drive is retail, so providing an active street frontage.

Addressed in the Landscape plan and the easement allowing public access to the open space adjoining the development.

The shadow diagrams demonstrate that the impact of the proposed on the surrounding public domain in Honeysuckle Drive is minimal largely due the site Orientation and the modest height of the development. The proposed building will not result in adverse overshadowing impacts. The predominant shadows cast by the development are to the south and are consistent with the extent of

overshadowing cast by neighbouring development.

There is no overshadowing of the pedestrian walkway and the retail edge which is on the Northerly aspect of this area and will not be overshadowed at any time during the year.

6.3.4 m) Access to Public Places

Provide, safe, legible, convenient public access into and through the public domain.. for all members of the community.

The proposal includes the provision of a view corridor which will provide legible, safe and convenient access to the waterfront in the future, i.e. if the rail line is diverted.

Section 94 Contribution for commercial development.

To assist Council in the provision of open space and community facilities within the locality in response to the additional demand likely to result from the proposed development.

A total monetary contribution of \$111,251.00 is required to be paid to Council, pursuant to Section 94 of the Environmental Planning and Assessment Act and Councils Contribution Plan, towards the provision of open space within the locality, prior to the issue of a Construction Certificate in respect of the proposed development. This has been imposed as a condition of consent.

APPENDIX D. SUMMARY OF SUBMISSIONS

APPENDIX E. RESPONSE TO SUBMISSIONS.....
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INTRODUCTION

This Statement of Commitments (Statement) has been prepared by SJB Planning Pty Ltd for the construction of an eight (8) storey mixed use building comprising commercial office and retail use.

This Statement is issued as a 'Revised Statement of Commitments', and supersedes the previous Statement of Commitments issued with the Environmental Assessment prepared by JBA Planning Pty Ltd and dated June 2006.

This Statement has been prepared to satisfy Part D of the Director General's Environmental Assessment Requirements issued on 16 March 2006 and Part 3A of the Environmental Planning and Assessment Act 1979 (Division 2, 75f (6)) in reference to Major Project application MP05_0166.

The objective of this Statement is for the proponent to:

- Commit to environmental outcomes; and
- Commit to management and mitigation measures to be employed to achieve the environmental outcomes.

THE SITE AND THE PROJECT

The subject site is located on the southern side of Honeysuckle Drive and Newcastle Harbour, and is known as Lot 231 Honeysuckle Drive, Newcastle, and forms part of the Honeysuckle Development Corporation precinct.

The site is legally described as Part Lot 231 in Deposited Plan 1072217. It has a total site area of 4,817sqm and is generally rectangular in shape. It has a frontage of 125 metres to Honeysuckle Drive and 40 metres to the east and west boundaries. The site is constrained by the following easements adjacent to its western boundary:

- A 6 metre wide electricity and access easement;
- A 20 metre easement for public access; and
- A 20 metre floodway easement.

This Statement relates to the proposed development described and detailed in the Preferred Project Report prepared by SJB Planning Pty Ltd and dated November 2006, and is further described as the Preferred Project.

In summary, the Preferred Project comprises the following:

- The construction of an eight (8) storey mixed use building comprising commercial and retail uses, over a basement parking level. The building comprises two towers with a total gross floor area of 15,558 sqm, including 1,112sqm (GFA) of floor space dedicated to retail space and 14,446sqm of commercial office space.
- Excavation to a depth of approximately 1.45metres to RL1.0 to accommodate 259 car parking spaces over 3 levels of parking (basement, partial ground floor and partial first floor levels)
- Allocation of ground floor space as a child care centre accommodating up to 50 children. This child care centre will be required to be operated by a community based child care provider to the satisfaction of Newcastle City Council.
- Inclusion of short term drop off pick up points on Honeysuckle Drive for the child care centre.
- Subdivision of the development and the associated land into two (2) Torrens title allotments prior to construction. Following completion of construction works and prior to occupation an easement plan, and 88B Instrument, including any boundary adjustments (if necessary) will be registered.
- Inclusion of a chamber substation in the north-east corner of the site in accordance with Energy Australia.

- Inclusion of roof plant rooms to the top level of each tower of the development.
- Inclusion of driveway access to the site from Honeysuckle Drive in the north-east corner of the site.

The architectural plans detailing the Preferred Project are nominated below in Table 1:

Prepared by	Drawing Number	Revision	Dated
Crone Partners Pty Ltd	Z-0001	A	16 March 2006
Crone Partners Pty Ltd	Z-1001	A	16 March 2006
Crone Partners Pty Ltd	Z-1002	B	22 November 2006
Crone Partners Pty Ltd	Z-1003	B	22 November 2006
Crone Partners Pty Ltd	Z-1004	B	22 November 2006
Crone Partners Pty Ltd	Z-1005	A	16 March 2006
Crone Partners Pty Ltd	Z-1006	A	16 March 2006
Crone Partners Pty Ltd	Z-1007	A	16 March 2006
Crone Partners Pty Ltd	Z-1008	A	16 March 2006
Crone Partners Pty Ltd	Z-1009	A	16 March 2006
Crone Partners Pty Ltd	Z-1010	A	16 March 2006
Crone Partners Pty Ltd	Z-3001	A	16 March 2006
Crone Partners Pty Ltd	Z-3002	B	22 November 2006
Crone Partners Pty Ltd	Z-2002	B	22 November 2006
Crone Partners Pty Ltd	Z-2001	B	22 November 2006
Crone Partners Pty Ltd	Z-3002	B	22 November 2006

Table 1: Architectural plans of the Project

The development is proposed to be constructed in stages and will require a series of Construction Certificates for the following stages

- early works
- building works for structure/shell
- building works for services/
- external works to the site/public domain works

SCOPE AND FORMAT

The following sections details the proponent's intent to address those issues identified throughout the development of the Environmental Assessment including those proposed by relevant agencies and stakeholders.

The structure of this Statement is illustrated below in Figure 2.

In essence the Statement is divided into key Project Components that follow the general construction phases of the Project, as well as the ongoing operation of the building. Each Project Component is associated with a set of Environmental Outcomes.

Subsequently, each Environmental Outcome is associated with a set of Measures, generally known as commitments. These Measures are designed to ensure the Environmental Outcomes are achieved.

PROJECT COMPONENTS

The Statement of Commitments has been set out under five (5) key components for clarity and consistency. The five key components are as follows:

- Administration This comprises a detailed list of the necessary approvals associated with the subdivision of the site prior to the commencement of construction works, and the dedication of the childcare centre facility.
- Pre-construction This comprises the environmental commitments that the proponent will deliver prior to the commencement of construction works
- During construction This comprises the environmental commitments the proponent will achieve during any construction works associated with the project.
- Prior to occupation This outlines the environmental commitments the proponent will achieve and deliver upon completion of the construction works and prior to the occupation of the building
- Operation This outlines the environmental commitments the proponent will delivery during the future use, occupation, and operation of the building,

ENVIRONMENTAL OUTCOMES

The Environmental Outcomes for each Project Component are identified below.

Project Component	Environmental Outcome
Administration	1.1 Childcare centre (detail design) 1.2 Childcare centre (restrictive covenant) 1.3 General
Pre-construction	2.1 Approvals 2.2 Construction management plan 2.3 Construction waste management plan 2.4 Soil and water sediment control 2.5 Stormwater 2.6 Parking and traffic 2.7 General
During construction	3.1 Approvals 3.2 Construction management plan 3.3 Construction waste management plan 3.4 Soil and water sediment control 3.5 Public domain 3.6 Building structure 3.7 Railway land and railway operation 3.8 General
Prior to occupation	4.1 Approvals 4.2 Parking and traffic 4.3 Subdivision 4.3 Public domain 4.4 Building structure 4.5 Railway land and railway operation 4.6 General

Operation	5.1 Parking and traffic
	5.2 Flood management
	5.3 Public domain
	5.4 Building structure
	5.5 General

ENVIRONMENTAL MEASURES

The following is a comprehensive list of the environmental measures (commitments) to be implemented and maintained prior, during and post construction of the Preferred Project, as well as the ongoing management and operation of the building to directly control environmental impacts.

1.0 ADMINISTRATION

1.1 Child Care Centre (detail design)

Measure (Commitment)	Timing
1.1.1 The operator of the childcare centre will be charged no rent for the tenancy and no more than 50% of outgoings	Ongoing.
1.1.2 The ground floor tenancy shown on plan shall be used only for the purpose of a child care centre operated by a community based childcare provider accommodating up to 50 children.	Ongoing.
1.1.3 The proponent shall within fifteen (15) months of the date of any approval under Part 3A of the EP&A Act lodge a development application for the fitout of the child care centre.	Within fifteen (15) months of approval of Major Project MP05_0166
1.1.4 The subsequent development application for the fitout of the child care centre will include details demonstrating compliance with the <i>Children (Care and Protection) Act 1987</i> and the <i>Children's Services Regulation 2004</i> .	Prior to the occupation of the child care centre tenancy.
1.1.5 The subsequent development application for the fitout of the child care centre will be designed to accommodate no more than 50 children.	Prior to the occupation of the child care centre tenancy.
1.1.6 Any subsequent development application in respect of the subject site will allocate 8 parking spaces to the child care centre.	Prior to the occupation of the child care centre tenancy.
1.1.7 Occupation and use of the proposed child care centre will not occur until a development application is lodged and approved in respect of the fit out of the proposed child care centre.	Prior to the occupation of the child care centre tenancy.
1.1.8 A drop off pick up point for three (3) vehicles on Honeysuckle Drive will be provided prior to occupation of the child care centre.	Prior to the occupation of the child care centre tenancy.

1.2 Child Care Centre (restrictive covenant)

Measure (Commitment)	Timing
1.2.1 A covenant be created benefiting Newcastle City Council or its successor that the tenancy within the building nominated as 'child care centre' on drawing SKO1 Revision 1 be used only for a child care centre to the satisfaction of Newcastle City Council.	Prior to the occupation of the child care facility.
1.2.2 The covenant include a requirement that the childcare centre tenancy be leased to a community based child care centre provider to the satisfaction of Newcastle City Council and Department of Community Services.	Prior to the occupation of the child care facility.
1.2.3 The covenant include a statement requiring the site owner or building owner not to charge any rent or lease costs in respect of the operation of the child care centre and the space it occupies.	Prior to the occupation of the child care facility.
1.2.4 The covenant include a statement requiring the site owner or building owner to charge no more than 50% of the outgoings	Prior to the occupation of the child care facility.

- associated with the operation of the child care centre tenancy.
- 1.2.5 The covenant include a statement that in the event that the child care centre cease operating, the space shall revert to the owner of the building. Prior to the occupation of the child care facility.
- 1.2.6 The covenant shall provide a requirement that in the event that a child care centre can no longer operate from the premises, a piece of public art be provided to the value of \$200,000 in a suitable location. Prior to the occupation of the child care facility.

1.3 General Measure (Commitment)

Timing

- 1.3.1 The existing section 88B Instrument be varied to allow for the construction of the terrace over the view corridor and floodway, to the satisfaction of Newcastle Council and Honeysuckle Development Corporation. Prior to release of the Construction Certificate for building works.
- 1.3.2 The proponent will comply with the requirements of any government agency or authority in relation to the connection to relocation and or adjustment of the utility services affected by the construction of the proposed development. During any construction works and prior to the issue of an Occupation Certificate.
All costs associated with the connection to the relocation and/or adjustment of the services will be the responsibility of the proponent
- 1.3.3 Prior to commencement of any building or construction work the proponent may apply for a subdivision certificate in accordance with plan 060123 DSUB prepared by Mark John Andrew, Surveyor Prior to construction of building works.
- 1.3.4 Provide a report from a suitably qualified environmental consultant to confirm that no further remediation is required to accommodate the childcare facility Prior to the commencement of any construction works.

2.0 PRE-CONSTRUCTION

2.1 Approvals

Measure (Commitment)

Timing

- 2.1.1 The proponent will provide an accurate survey locating the proposed development with respect to the rail boundary and rail infrastructure. This will be undertaken by a registered surveyor. Prior to the commencement of any construction works.
- 2.1.2 The proponent will undertake service searches to establish the existence and location of any RailCorp services and structures. Where RailCorp services are identified the proponent will enter into negotiations with RailCorp to determine how these services are to be accommodated in the development. Prior to the commencement of any construction works.
- 2.1.3 To determine if any impacts have occurred on railway infrastructure as a result of construction works the proponent will organise a joint inspection of the rail infrastructure and any immediately adjacent RailCorp structures. Prior to the commencement of construction works, and prior to the issue of an Occupation Certificate.
This inspection will include a detailed dilapidation survey incorporating photographic evidence unless otherwise notified by RailCorp.
This inspection will include representatives from RailCorp, the proponent and project builder.
- 2.1.4 The proponent will undertake an acoustic assessment of the proposed development. This assessment will demonstrate compliance with RailCorp's *Interim Guidelines for Applicants - consideration of rail noise and vibration in the planning process* to the satisfaction of RailCorp. Prior to the issue of a Construction Certificate for building works.
- 2.1.5 The proponent will prepare a report on the Electrolysis Risk to the development from stray currents, and the measures that will be taken Prior to the issue of a Construction Certificate

- | | |
|--|---|
| <p>to control that risk.
The report will be submitted to RailCorp for review by the Senior Electrolysis Engineer or nominated Electrolysis Section personnel.</p> <p>2.1.6 The proponent will provide a Geotechnical Engineering report to RailCorp, Geotechnical section.
The report will demonstrate the development has no significant impact upon the rail corridor or the integrity of the infrastructure through its loading and ground deformation.
The report will include structural design details/analysis, and an analysis on the potential impact of demolition and excavation, and demolition- and excavation-induced vibration in rail facilities, and loadings imposed on RailCorp Facilities by the development.</p> <p>2.1.7 The proponent will provide a risk assessment, carried out in accordance with RIG standard IS 30 000 3 01 SP Structures - Design Standards.
The proponent will incorporate any design standard within the building as required by this assessment.
The risk assessment will be provided to RailCorp.</p> <p>2.1.8 The proponent will prepare a Risk Assessment/ Management Plan and detailed Safe Work Method Statements (SWMS) to the satisfaction of RailCorp.</p> <p>2.1.9 To minimise impacts on the integrity of the RailCorp's facilities and as large-scale excavation is involved, the proponent will install a vibration monitoring system to monitor vibration levels on the adjoining rail corridor for the duration of the excavation works.
Details of this monitoring system will be submitted to RailCorp for review.</p> <p>2.1.10 The proponent will provide details of any piling, sheet piling, batter and anchors if proposed to RailCorp's satisfaction.</p> <p>2.1.11 The proponent will provide a construction management plan to RailCorp illustrating all craneage and other aerial operations for the proposed development.</p> <p>2.1.12 The proponent will enter into an agreement with RailCorp defining the mitigation measures to be implemented prior, during and post construction to ensure the impact upon safety, integrity and operation of the rail network is minimised.</p> <p>2.1.13 The proponent will provide all necessary documentation and monetary payments as set out in Energy Australia correspondence to Mr Richard Padfield, ARUP dated 7 April 2006.</p> <p>2.1.14 The proponent will submit to the Newcastle City Council Traffic Section a Construction Traffic Management Plan ("CTMP") for works to be undertaken in the road reserves.
This CTMP will detail traffic control measures to be utilised during each construction phase ensuring the provision for safe, continuous movement of traffic and pedestrians within the existing and proposed public road reserves. This CTMP plan will be prepared in accordance with Australian Standard 1742.3-2002.</p> <p>2.1.15 The proponent will obtain written approval from Newcastle City Council prior to the commencement of any works upon the public road reserves.</p> <p>2.1.16 The proponent will obtain written approval from Newcastle City Council Traffic Committee for the alteration of any kerb side parking conditions, inclusive of linemarking and regulatory signage as a result of the proposed development.
The proponent will undertake any linemarking or regulatory signage</p> | <p>for building works.</p> <p>Prior to the issue of a Construction Certificate for building works.</p> <p>Prior to the issue of a Construction Certificate for building works</p> <p>Prior to the commencement of construction works.</p> <p>Prior to the commencement of any construction works.</p> <p>Prior to the commencement of any construction works.</p> <p>Prior to the commencement of any construction works.</p> <p>Prior to the issue of a Construction Certificate for building works.</p> <p>Prior to the commencement of any construction works.</p> <p>Prior to any works upon the public road reserve.</p> <p>Prior to the alteration of side parking conditions, inclusive of linemarking and regulatory signage.</p> |
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- in accordance with AUSTRROADS – Guide to Traffic. Engineering Practice.
- 2.1.17 The proponent will include the following works along the Honeysuckle Drive frontage in a 'Public Domain Plan'. This plan will be submitted to the satisfaction of Newcastle City Council.
- (ix) Street tree planting within the footpath areas of Honeysuckle Drive across the development frontage;
 - (x) The street tree species will include- Lilly Pilli (*Syzygium Paniculatum* or *Syzygium Australe*);
 - (xi) Street trees located within the footpath areas will be protected with suitable tree guards in accordance with Council's - Treeguard and Planting detail A350;
 - (xii) Street tree planting within the central island of-Honeysuckle Drive will be provided in a staggered pattern;
 - (xiii) The central island tree species will include— Norfolk Island Pines (*Araucaria Heterophylla*);
 - (xiv) Trees will be a minimum 150 litre pot size and comply with the current NATSPEC guide with respect to height, trunk diameter and branch structure and balance;
 - (xv) Footpath areas along the Honeysuckle Drive site frontage will include plain Portland grey concrete with banding at maximum 10.0m intervals in Bowral 'London Chestnut' paving bricks;
- The provision of a suitable pedestrian crossing facility incorporating a 5 metre wide central medium cut-through in Honeysuckle Drive at the western end of the building near the proposed floodway.
- 2.1.18 The proponent undertakes to submit to the Principal Certifying Authority final stormwater drainage plans prepared by a suitably qualified practising engineer in accordance with the recommendations of the Stormwater Management Report prepared by Arup included in Appendix P of the Environmental Assessment Report. The plan shall incorporate the following OSD measures:
- (i) Provide 25m³ stormwater storage per 1,000m² of site area.
 - (ii) Achieve 14l/s permissible site discharge per 1,000m² of site area.
 - (iii) Allow a maximum 15% site area to bypass detention
 - (iv) Reduce permissible site discharge by 0.4l/s for every 10m² bypassing detention; and
 - (v) Provide for emergency overflow from the OSD to public drainage to cater for the 1:100 ARI without adversely affecting nearby properties.
- The plans will be developed in consultation with Newcastle Council and Honeysuckle Development Corporation.
- The stormwater management will be designed to satisfy the requirements of the Newcastle DCP 2005.
- The hydraulic and hydrology calculations will be based on models described in the 'Australian Rainfall and Runoff' (current edition).
- 2.1.19 The proponent will provide written evidence to the Principal Certifying Authority that arrangements have been made with Hunter Water Corporation Limited for the provision of water supply and sewerage.
- Prior to the issue of a Construction Certificate, for public domain and external works to the site.
- Prior to the issue of a Construction Certificate for building work.
- Prior to the issue of a Construction Certificate for building works

2.2 Construction Management Plan

Measure (Commitment)

- 2.2.1 A Construction Management Plan will be prepared by the proponent

Timing

- Prior to the issue of the

and will be submitted to the satisfaction of the Principal Certifying Authority.

Construction Certificate, for early works.

This Plan will include the following:

- (i) *Pedestrian management:*
Management methods to ensure safe pedestrian paths are providing adjacent to the site;
- (ii) *Traffic management:*
Management of construction access and egress to the site, including vehicle routes.
- (iii) *Construction staging.*
Management of construction sequence on site and on public land.
- (iv) *Noise and vibration control plan*
Management methods to reduce construction noise at nearby receivers by appropriate selection and operation of equipment.

The proponent/ site manager will implement the approved Construction Management Plan during excavation and construction of the development.

- 2.2.2 The proponent will provide written notification to adjoining landowners of the intention to start works, advising details of the scheduling of works and nominating a contact person.

Prior to the issue of the Construction Certificate for early works.

- 2.2.3 A Health and Safety Plan (HASP) in accordance with the *Environmental Management Plan-Honeysuckle Development Newcastle* prepared by the AGC Woodward-Clyde Pty Ltd on behalf of the NSW Department of Public Works and Services dated 14 January 1999

Prior to the commencement of any construction works for early works.

2.3 Construction Waste Management Plan Measure (Commitment)

Timing

- 2.3.1 A Construction Waste Management Plan in accordance with the *Waste Minimisation and Waste Management Act 1995* will be prepared by the proponent and will be submitted to the satisfaction of the Principal Certifying Authority.

Prior to the issue of the Construction Certificate for early works.

The Plan will address the following:

- (i) Procedures by which waste will be minimised, managed and recycled
- (ii) Details of the removal of spoil and rubbish from the site associated with the excavation operations including procedures by which waste will be minimised, managed and recycled.
- (iii) Details of the removal of spoil and rubbish from the site associated with the excavation operations including:
 - (a) Type and quantities of materials expected to be excavated;
 - (b) Name and address of transport company;
 - (c) Address of proposed disposal site;
 - (d) Name/Address of company/organisations accepting the material;
- (iv) Procedures to ensure compliance with the Plan including monitoring of work

The Building Contractor/ Site Manager will implement the Plan during construction.

2.4 Soil and Water Sediment Control Plan Measure (Commitment)

Timing

- 2.4.1 A Soil and Water Sediment Control Plan Water and Sediment Control Statement will be prepared by the proponent and will be submitted to the satisfaction of the Principal Certifying Authority.
The statement will include the following:

Prior to the issue of the Construction Certificate for early works.

- (i) Procedures for the treatment and disposal (as appropriate) of stormwater and waste water;
- (ii) The proposed method of discharge;
- (iii) Methods for the prevention of run-off from the site to neighbouring land; and
- (iv) Monitoring procedures to prevent sediment, waste or pollutants from entering Newcastle Harbour and the street stormwater system.
- (v) Statement requiring all erosion and sediment control measures will being maintained at design capacity for the duration of the construction period.
- (vi) The proponent will obtain any necessary approvals from Newcastle City Council or any other government agency for any discharge of construction runoff to Council's (street) stormwater system.

Soil and water sediment mitigation measures will be designed in accordance with the document *Managing Urban Stormwater – Soils and Construction* (NSW Department of Housing, 1998).

- 2.4.2 The proponent will prepare a Dust Management Strategy detailing the measures to minimise the generation of dust on the site and to prevent dust affecting the amenity of the neighbourhood. This dust generation and will be submitted to the satisfaction of the Principal Certifying Authority.
- Prior to the issue of the Construction Certificate for early works.

2.5 Stormwater and Flood Management

- | | Measure (Commitment) | Timing |
|--------|---|--|
| 2.5.1 | The proponent will prepare detail work plans and specifications that demonstrate the proposed stormwater system is consistent with the requirements set out in <i>DA Stormwater Management Report</i> prepared by Arup dated February 2006. | Prior to the issue of the Construction Certificate for building works. |
| 2.5.2 | The proponent will prepare an appropriate building works plan that demonstrates the building meeting the specific requirements of the Waterfront and Cottage Creek Flood Management Plan (FMP) including satisfying the minimum floor level, car park entry level and building requirements, and suitable flood refuge arrangements. | Prior to the issue of the Construction Certificate for building work. |
| 2.5.3. | The proponent will prepare an appropriate building works plan that demonstrates the 20metre wide HWC floodway on the western boundary of the site be maintained to the profile detailed in the Waterfront and Cottage Creek Flood Management Plan (FMP). Any landscaping proposed for the floodway easement will be designed to ensure there is no significant obstruction to flood flows or potential flood impact on neighbouring properties. | Prior to the issue of the Construction Certificate for building works. |
| 2.5.4 | The proponent will ensure the proposed deck over the floodway will be designed to withstand the impact of floods up to the Probable Maximum Flood level of 3.65m AHD with no direct access being provided from the deck to the floodway below and the deck fencing being designed to be child safe. | Prior to the issue of the Construction Certificate for building works. |

2.6 Parking and Traffic

- | | Measure (Commitment) | Timing |
|-------|---|--|
| 2.6.1 | The proponent will prepare appropriate building work plans illustrating on-site parking for a minimum of 256 vehicles, inclusive of 6 disabled parking spaces will be provided in | Prior to the issue of the Construction Certificate for building works. |

accordance with AS 2890.1 – 2004.

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| 2.6.2 | The proponent will prepare appropriate building work plans that ensure a 6 metre landing being provided within the site at the property boundary at the vehicular entry/exit ramps, and sets back the roller doors 6 metres from the property frontage. | Prior to the commencement of Construction for building work |
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2.7 General

Measure (Commitment)

- 2.7.1 The proponent will prepare and submit the appropriate documentation in accordance with Part 3 of Schedule 1 of Environmental Planning and Assessment Regulations 2000 to the satisfaction of the Principal Certifying Authority for the issue of a Construction Certificate.
- 2.7.2 The proponent will prepare structural engineering documentation, including detailed plans, and specifications certified by an accredited structural engineering to the satisfaction of the Principal Certifying Authority.

Timing

Prior to the issue of any Construction Certificate

Prior to the issue of the Construction Certificate

3.0 DURING CONSTRUCTION

3.1 Approvals

Measure (Commitment)

- 3.1.1 The proponent will obtain approval from RailCorp for any encroachments upon easement benefited by RailCorp, or the use of RailCorp owned lands.
- 3.1.2 The proponent will obtain approval from Newcastle City Council for the erection of a hoarding, or the hoisting of material or equipment over public land.
- 3.1.3 The proponent will obtain written approval from Newcastle City Council for any part closure of a public road or footway.
- 3.1.4 The proponent will obtain any necessary approvals from Newcastle City Council for any discharge of construction runoff to Council's (street) stormwater system.
- 3.1.5 The proponent will obtain a licence under Part 5 of the *Water Act 1912* prior to any excavations that intercept the groundwater during construction or approval for bores or wells for dewatering purposes.
- 3.1.6 The proponent will comply with the requirements of any government agency or authority in relation to the connection to relocation and or adjustment of the utility services affected by the construction of the proposed development.
All costs associated with the connection to the relocation and/or adjustment of the services will be the responsibility of the proponent

Timing

Prior to any encroachments upon easement benefited by RailCorp, or the use of RailCorp owned lands.

Prior to the erection of a hoarding, or the hoisting of material or equipment over public land.

Prior to the part closure of the public road or footway.

Prior to the discharge of construction runoff to Council's (street) stormwater system.

Prior to the interception of groundwater during construction or approval for bores or wells for dewatering purposes.

During any construction works and prior to the issue of an Occupation Certificate.

3.2 Construction Management Plan

Measure (Commitment)

- 3.2.1 The proponent will ensure operating noise level of any machinery,

Timing

During any construction

- plant and equipment during the course of any construction works will be in compliance with the NSW EPA's Noise Control Manual and Australian Standards AS2436: 1981 *Guide to Noise Control on Construction, maintenance and Demolition Sites*. works
- 3.2.2 The proponent will ensure construction works will be confined to the following: During any construction works
- (i) Between the hours of 7.00am and 6.00pm Monday to Friday and 7.00am and 4:00pm Saturday if inaudible to residential and to 4pm on Saturday if audible to residents
 - (ii) No construction work is to take place on Sundays or Public Holidays.
- Mechanical rock breaking or blasting is to be confined, to between 9.00am and 3.30pm Monday to Friday excluding any Public Holiday.
- 3.2.3 Any imported fill will be validated to ensure its suitability for the proposed land use from a contamination perspective. During any construction works
- 3.2.4 Any excavated material removed from the site is to be assessed, classified, transported and disposed of in accordance with the NSW Department of Environment and Conservation requirements During any construction works
- 3.2.5 The proponent will ensure any alteration to natural surface levels on the site will be undertaken to ensure that no surface water is drained onto or impounded upon adjoining properties. During any construction works
- 3.2.6 The proponent will ensure the project builder will make provision for safe, continuous movement of vehicular traffic and pedestrians in public roads. This will include the erection of traffic warning signs conforming to the Roads and Traffic Authority General Specifications identified as *RTA Spec. Part G10 "Control of Traffic" and RTA Spec. 355*). During any construction works
- 3.2.7 The proponent will ensure the project builder implements and complies with the *Construction Management Plan*. During any construction works
- 3.3 Construction Waste Management Plan**
- Measure (Commitment)** Timing
- 3.3.1 The proponent will ensure the project builder implements and complies with the *Construction Waste Management Plan*. During any construction works
- 3.4 Soil and Water Sediment Control**
- Measure (Commitment)** Timing
- 3.4.1 The proponent will ensure the project builder implements and complies with the soil and water sediment control plan. During any construction works.
- 3.4.2 The proponent will ensure the project builder implements and complies with the Dust Management Strategy. During any construction works
- 3.5 Public Domain**
- Measure (Commitment)** Timing
- 3.5.1 The proponent will ensure all public domain works are carried out in accordance with the Public Domain Plan. During any construction works within the existing public road reserve.
- 3.5.2 The proponent will ensure the works within the existing public road reserves will be inspected during construction by Council, and documentary evidence will be provided at the following key stages: During any construction works within the existing public road reserve.
- Sediment Control
- (i) Upon initial installation and prior to commencement of works;
 - (ii) Upon completion of stormwater drainage; and
 - (iii) Final inspection.

Earthworks

- (iv) Subgrade, prior to laying of fill; and
- (v) Final inspection.

Road Construction

- (vi) Subgrade, prior to laying of sub-base;
- (vii) Sub-base, prior to laying kerb and/or gutter;
- (viii) Kerb and/or gutter, prior to laying base course;
- (ix) Base course, prior to Behklemah Beam testing;
- (x) Base course, immediately prior to prime sealing;
- (xi) Prime seal, prior to laying AC wearing surface;
- (xii) Footpaths, prior to seeding/tuning/landscaping; and
- (xiii) Final inspection

Footpaths

- (xiv) Subgrade, prior to laying of base course;
- (xv) Base course, prior to laying of-pavers; and
- (xvi) Final inspection.

Stormwater Drainage

- (xvii) Trench and bedding
- (xviii) Prior to laying of pipes;
- (xix) Pipes, prior to backfilling;
- (xx) Pits, prior to backfilling;
- (xxi) Backfilling, prior to capping; and
- (xxii) Final inspection.

Landscaping

Final inspection.

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| 3.5.3 | The proponent will ensure public access along the frontage of the site will not be obstructed during the construction period unless written approval has been obtained from Newcastle City Council. | During any construction works |
| 3.5.4 | The proponent will ensure all paving works within the Honeysuckle Drive public footway will be constructed in accordance with the requirements of Newcastle City Council specification identified as Form PLE/SO09. | Prior to the issue of an Occupation Certificate. |
| 3.5.5 | The proponent will construct a commercial type vehicular crossing 7 metres wide in accordance with Newcastle City Council Driveway Standard A17/6B (Concrete Vehicular Crossings) design specifications. This will include appropriate splays being constructed across the footway at the proposed driveway entrance exit. | Prior to the issue of an Occupation Certificate. |

3.6 Heritage Office

Measure (Commitment)

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| 3.6.1 | If any archaeological relics are discovered during construction, the proponent will cease work and notify the Heritage Office in accordance with section 146 of the Heritage Act.
Recommencement of works will be undertaken to Heritage Office representatives satisfaction. | Timing
During any excavation or construction works |
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3.7 Building Structure

Measure (Commitment)

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| 3.7.1 | The proponent will ensure the construction of the proposed development will be generally in accordance with the following: <ul style="list-style-type: none"> (i) <i>Building Services DA Report</i> prepared by Arup dated February 2006. (ii) <i>Architectural Design Statement</i> prepared by Crone Partners Architecture Studios dated March 2006. (iii) <i>Façade Performance Schedule Commercial Systems</i> prepared by | Timing
During any construction works. |
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- Connell Wagner dated 20 February 2006.
- (iv) *Solar Reflectivity Analysis* prepared by Windtech Consultants Pty Ltd dated 15 March 2006.
 - (v) *Access Review* prepared by Morris-Goding Accessibility consulting dated 22 February 2006.
 - (vi) *Wind Environment Statement* prepared by Windtech Consultants Pty Ltd dated 20 February 2006.
 - (vii) *External Noise and Vibration Assessment* prepared by Acoustic Logic Consultancy Pty Ltd 20 February 2006.
 - (viii) *ESD DA Report* prepared by Arup dated February 2006.
 - DA Stormwater Management Report* prepared by Arup dated February 2006.
- 3.7.2 The proponent undertakes to achieve a 4 Greenstar / 4.5 ABGR star base building energy efficiency rating. During any construction works and prior to the issue of an occupation certificate
- 3.7.3 The proponent will ensure all proposed driveways, parking bays and vehicular turning areas will be constructed with a suitable base course of adequate depth to suit design traffic volumes and anticipated vehicle loadings. During any construction works and prior to the issue of an occupation certificate
- 3.8 Railway Land and Railway Operation.**
- Measure (Commitment)**
- 3.8.1 The proponent will ensure the use of any crane, plant or machinery will comply with the RIC Electrical Safety Manual and all relevant RIC Standards and Guidelines. Construction equipment such as scaffolding will not impinge over the rail corridor. Timing During any construction works
- 3.8.2 The proponent will ensure no metal ladders, tapes, scaffolding and plant/machinery, or conductive material will be used within 6 horizontal metres of any five electrical equipment, including train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor. No metal ladders will be used within the rail corridor. The proponent will ensure no excavation or boring will be undertaken within 2.0 metres (measured horizontally) of high voltage underground cable and 1.0 metre (measured horizontally) for low voltage cables. During any construction works
- 3.8.3 The proponent will ensure no plant or vehicle will encroach the ballast shoulder or track without prior arrangements being made to certify the track for the effects of disturbance. During any construction works
- 3.8.4 The proponent will ensure no equipment will be placed or installed on the rail corridor without proper assessment by authorised persons to ensure no act will occur to rail infrastructure. e.g. signal sighting, safety signage, emergency access. During any construction works
- 3.8.5 The proponent will ensure preventative measure will be undertaken to prevent environmental harm within the railway corridor during all stages of the proposed development. During any construction works
- 3.8.6 The proponent acknowledges that any form of environmental harm to areas within the railway corridor or legislative non-compliance that During any construction works

	arises as a consequence of the development activities shall remain the full responsibility of the proponent.	
3.8.7	The proponent will take all necessary measures to prevent any form of pollution entering the railway corridor during all stages of the development.	During any construction works
3.8.8	The proponent will ensure drainage from the development will not be discharged into the railway corridor unless agreed by RailCorp.	During any construction works
3.8.9	The proponent will obtain approval or enter into an Access Deed with RailCorp for any access or work upon RailCorp land and its easements. Any costs associated with this approval will be borne by the proponent. The proponent will also enter into a Release & Indemnity agreement which will cover all railway parties from any possible claims whilst the Applicant is carrying out any work within or adjacent to the railway corridor.	Prior to any construction works upon RailCorp land and its easements
3.8.10	The proponent will ensure all works on RailCorp land will be carried out in accordance with railway Safeworking rules and regulations, including the Network Rules and Procedures.	During any construction works upon RailCorp land and its easements.
3.8.11	The proponent will ensure no cranes, plant and machinery will be operated within 3.0 metres (horizontally) of any electrified infrastructure, or with the potential to reach the rail corridor at any time.	During any construction works
3.9	General	
	Measure (Commitment)	Timing
3.9.1	The detail design of the building, and the subsequent construction of the building will include plumbing and electrical infrastructure to accommodate a child care centre layout for up to 50 children.	
4.0	PRIOR TO OCCUPATION	
4.1	Approvals	
	Measure (Commitment)	Timing
4.1.1	The proponent will obtain approval from Newcastle City Council for the fitout and use of the retail and commercial tenancies of the proposed development if required under Part 4 of the <i>Environmental Planning and Assessment Act 1979</i> .	Prior to the occupation of the tenancies.
4.1.2	The proponent will obtain a Compliance Certificate from Hunter Water under <i>Section 50 of the Hunter Water Act 1991</i> .	Prior to the issue of an Occupation Certificate.
4.1.3	The proponent will comply with the requirements of any government agency or authority in relation to the connection to relocation and or adjustment of the utility services affected by the construction of the proposed development. All costs associated with the connection to the relocation and/or adjustment of the services will be the responsibility of the proponent	During any construction works and prior to the issue of an Occupation Certificate.
4.2	Parking and Traffic	
	Measure (Commitment)	Timing
4.2.1	The proponent will ensure on-site parking for a minimum of 256 vehicles, inclusive of 6 disabled parking spaces in accordance with AS 2890.1 - 2004 will be provided within the building.	Prior to the issue of the Occupation Certificate.
4.2.2	The proponent will ensure all commercial, disabled and small parking spaces are clearly indicated by means of signs and pavement markings.	Prior to the Issue of the Occupation Certificate.
4.2.3	The proponent shall install measures such as signage at appropriate locations to advise users that the carpark is restricted to use by	Prior to the Issue of the Occupation Certificate.

commercial tenants.

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| 4.2.4 | The proponent shall ensure all stacked carparking spaces are allocated to the same tenancy. | Prior to the Issue of the Occupation Certificate. |
| 4.2.5 | The proponent will ensure the minimum height between the carpark flow surface and the lowest overhead obstruction will be a minimum of 2.3m. | Prior to the Issue of the Occupation Certificate. |
| 4.2.6 | The proponent will install and maintain signage to the carpark entrance of the building advising drivers that all vehicles must enter and egress the site in a forward direction. | Prior to the issue of the Occupation Certification. |

4.3 Subdivision

Measure (Commitment)

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|-------|---|---|
| 4.3.1 | <p>The proponent will provide a statement from a registered surveyor to Newcastle City Council verifying:</p> <ul style="list-style-type: none"> (i) no survey control marks were interfered with during site work; (ii) or appropriate approvals were obtained in respect of any survey control marks which were interfered with or destroyed. <p>Any damage as a result of the project will be rectified at the proponent's expense.</p> | <p>Timing</p> <p>Prior to the Issue of the Occupation Certificate.</p> |
| 4.3.2 | <p>The proponent will provide a 'works as executed' plan of the stormwater drainage design to Newcastle City Council prior to the occupation of the building. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.</p> | <p>Prior to occupation of the building.</p> |
| 4.3.3 | <p>The proponent will provide Newcastle City Council with a works-as-executed (WAE) plans for the works within the existing and proposed public road reserves. The WAE plans should be prepared by a suitably qualified 'consulting engineer or registered surveyor, and will illustrate:</p> <ul style="list-style-type: none"> (i) any alterations made to the approved plans; (ii) service conduits; (iii) all kerb and gutters, pits and pipelines; and <p>Certification will also be provided by a Registered Survey demonstrating all pipes and services etc. are totally within their proposed easements.</p> | <p>On completion of construction works upon public (Council) land</p> |
| 4.3.4 | <p>The proponent will create an easement plan together with an accompanying instrument under Section 88B of the Conveyancing Act for the following:</p> <ul style="list-style-type: none"> (i) easements for interallotment drainage lines in favour of upstream properties utilising the lines, (ii) rights of carriageway in favour of the property serviced and for the easements for services in favour of the property serviced and/or the appropriate utility provider, (iii) rights of public access in favour of Council, stormwater mains and overland flow paths in favour of Council. <p>The survey and Instrument will include written approval from all burden land owners and will be submitted to the satisfaction of Newcastle City Council and the NSW Department of Lands.</p> <p>In addition to the easement plan, the proponent will update the plan of subdivision in reference to any boundary adjustment as a result of the construction works.</p> | <p>Prior to the Issue of the Occupation Certificate.</p> |
| 4.3.5 | <p>The proponent will ensure the Deposited Plan and associated 88B Instrument will include provisions to require the maintenance of the floodway, including the area under the proposed deck, at the required profile as detailed in the Waterfront & Cottage Creek Flood Management Plan and kept free of rubbish or significant obstructions to the floodway.</p> | <p>Prior to the Issue of the Occupation Certificate.</p> |

4.4 Public Domain

<p>Measure (Commitment)</p> <p>4.4.1 Should damage to occur to the public road(s) or associated structures as a result of the proposed construction works the proponent will rectify any damage.</p> <p>4.4.2 The proponent will ensure all works within the Public Domain Plan will be constructed and completed prior to the occupation of the building</p> <p>4.4.3 All works within the public domain will be maintained by the proponent until such time as a twelve (12) month defects liability period has satisfactory completed.</p> <p>4.4.4 The proponent will ensure any floodlighting of the premises is positioned and directed to not interfere with traffic safety or detract from the amenity of the adjacent premises.</p> <p>4.4.5 The proponent will install flood warning signs within the floodway warning the public of the possibility of flash flooding events.</p>	<p>Timing</p> <p>Prior to the issue of the Occupation Certificate.</p> <p>Prior to the issue of the Occupation Certificate.</p> <p>The defects liability period will commence on issue of the Occupation Certificate.</p> <p>Prior to the issue of the Occupation Certificate.</p> <p>Prior to the issue of the Occupation Certificate.</p>
<p>4.5 Building Structure</p> <p>Measure (Commitment)</p> <p>4.5.1 The proponent will ensure the proposed development will include access for the disabled in accordance with the requirements and recommendations contained in the Access Review prepared by Morris-Goding Accessibility Consulting dated 22 February 2006.</p>	<p>Timing</p> <p>Prior to the issue of the Occupation Certificate.</p>
<p>4.6 Railway Land and Railway Operation.</p> <p>Measure (Commitment)</p> <p>4.6.1 To determine if any impacts have occurred on railway infrastructure as a result of construction works the proponent will organise a joint inspection of the rail infrastructure and any immediately adjacent RailCorp structures.</p> <p>This inspection will include a detailed dilapidation survey incorporating photographic evidence unless otherwise notified by RailCorp.</p> <p>This inspection will include representatives from RailCorp, the proponent and project builder.</p>	<p>Timing</p> <p>Prior to the commencement of construction works, and prior to the issue of the Occupation Certificate.</p>
<p>4.7 Child Care Centre</p> <p>Measure (Commitment)</p> <p>4.7.1 The proponent shall ensure that the fitout of the child care centre has been completed within (nine) 9 months from the issue of the Occupation Certificate being obtained for the building.</p>	<p>Timing</p> <p>Within (nine) 9 months from the issue of the Occupation Certificate being obtained for the building.</p>
<p>4.8 General</p> <p>Measure (Commitment)</p> <p>4.8.1 An Ongoing Waste Management Plan in accordance with the <i>Waste Minimisation and Waste Management Act 1995</i> will be prepared by the proponent.</p> <p>4.8.2 A Flood Emergency and Management Plan will be prepared by the proponent and will be submitted to the satisfaction of the Principal Certifying Authority.</p> <p>4.8.3 The proponent will ensure flood warning signs will be erected and maintained in the areas subject to flood inundation to warn tenants and the public of the risk of inundation.</p>	<p>Timing</p> <p>Prior to the issue of the Occupation Certificate.</p> <p>Prior to the issue of the Occupation Certification.</p> <p>Prior to the issue of the Occupation Certification.</p>

5.0 OPERATIONAL

5.1	Parking and Traffic	Timing
	Measure (Commitment)	Timing During the operation of the building.
5.1.1	The operation of the building must maintain 8 parking spaces dedicated to the child care centre use in an easily accessible location.	
5.2	Flood Management	Timing
	Measure (Commitment)	Timing During the operation of the building.
5.2.1	The building owner will ensure systems are in place so that all tenants are aware of the Flood Emergency and Management Plan. Tenants will be advised on an annual basis of the procedural requirements in the event of a flood.	
5.2.2	The operator of the childcare centre will ensure suitable training is provided on an annual basis to the staff of the child care centre to co-ordinate and manage evacuation of the child care centre in the event of a flood event.	Timing During the operation of the building.
5.2.3	The 20m wide Hunter Water Corporation floodway on the western boundary of the site being maintained to the profile detailed in the Water and Cottage Creek Flood Management Plan. Any future structures or landscaping proposed for the floodway easement will be designed to ensure there is no significant obstruction to floor flows or potential flood impact on neighbouring properties.	Timing During the operation of the building.
5.3	Public Domain	Timing
	Measure (Commitment)	Timing Following completion of a twelve (12) month maintenance period.
5.3.1	The proponent will provide a Landscape Establishment Report for landscape works within the: public road reserves to Newcastle City Council. This report will verify that satisfactory maintenance of the landscape works has been undertaken and any necessary rectification measures have been carried out to a satisfactory standard.	
5.4	Building Structure	Timing
	Measure (Commitment)	Timing During the operation of the building
5.4.1	The proponent will ensure annual inspections will be undertaken of the essential services installed within the building for fire safety.	
5.4.2	The proponent will ensure a Fire Safety Certification will be provided to Newcastle City Council that the annual inspection essential services have been undertaken.	Timing During the operation of the building
5.4.3	The proponent will ensure all mechanical building services are monitored and maintained to optimize the overall building energy consumption and efficiency.	Timing During the operation of the building
5.4.4	The proponent will ensure the forecourt and surrounds of the building are maintained keep clean at all times.	Timing During the operation of the building
5.5	General	Timing
	Measure (Commitment)	Timing During the operation of the building
5.5.1	Waste generated on the site will be managed in accordance with the DEC's <i>Environmental Guidelines: Assessment, classifications and Management of Liquid and Non-liquid wastes (1999)</i>	

APPENDIX E. ENVIRONMENTAL ASSESSMENT

To be provided on disk.