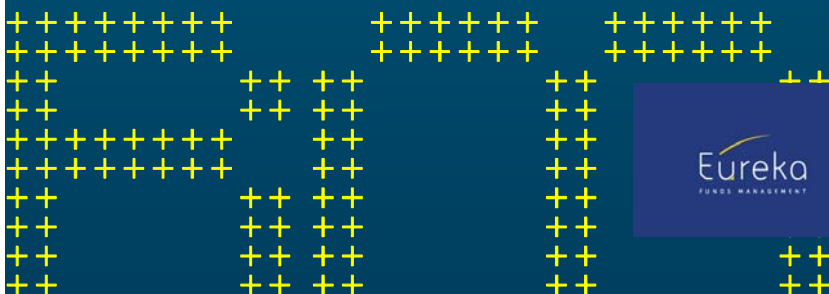
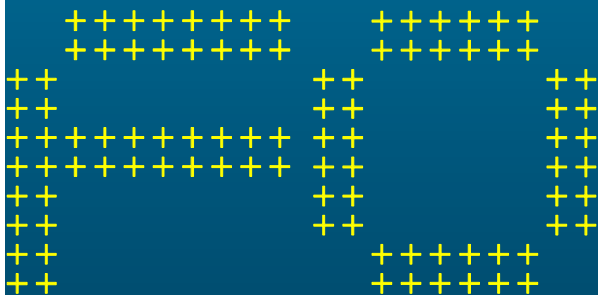
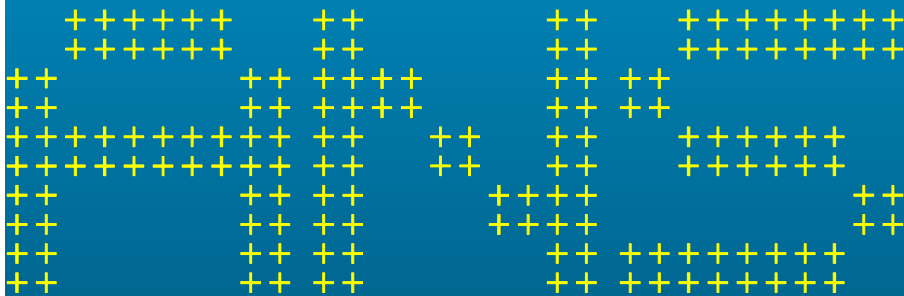
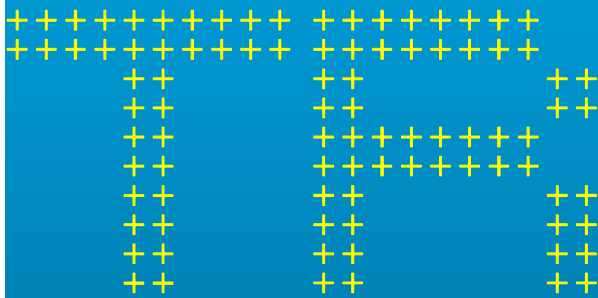


Environmental Assessment Report – Honeysuckle Central (Stage 4 & 5 Lee Wharf), Newcastle

23 January 2009



Environmental Assessment Report – Honeysuckle Central, Newcastle

Prepared for Eureka / Buildev Joint
Venture (Proponent)

Eureka 2 Project 8 Pty Ltd and
BD (NSW) Project BD24 Pty Ltd as
trustee of the BD (NSW) Project BD
24 Unit Trust

255 George Street
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23 January 2009

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Statement of Validity

Submission of Environment Assessment:

Prepared under Part 3A of the Environmental Planning and Assessment Act 1979.

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In respect of:	Honeysuckle Central, Newcastle	

Certification:

We certify that we have prepared the contents of the Environmental Assessment and to the best of our knowledge; the information contained in this report is neither false nor misleading.



.....
Signature

Peter Strudwick

.....
Name

23.1.09

.....
Date



.....
Signature

Leanne Lloyds

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23.1.09

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Date

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Executive Summary

This report relates to the land at Lot 25 Honeysuckle Drive, Newcastle. The site forms part of the Hunter Development Corporation land which comprises 50 hectares of land along the Newcastle Harbour directly north of Newcastle Central Business District.

The Eureka / Buildev Joint Venture (the Proponent) is proposing the Torrens title subdivision of the land into three separate lots and the development of three buildings, each with basement parking, ground floor retail / commercial services and commercial offices above.

The proposal comprises the following key elements:

- Subdivision of the land into three Torrens title lots with associated easements and rights of use;
- Excavation of the site to facilitate the installation of services and construction of basement parking;
- Construction of utilities services and associated infrastructure required to service the development, including water, sewerage, electricity, gas and telecommunications;
- Construction of a mixed use development comprising a total gross floor area of 21,370m², including the following key elements:
 - provision of three commercial office buildings with a maximum height of 30 metres (7 levels) sited around a number of publicly accessible and communal open spaces;
 - commercial services / retail uses at ground floor;
 - one level of basement car parking and 3 levels of above ground car parking (total of 356 car parking spaces);
- Construction of three separate driveway accesses from Wright Lane to the site;
- Associated site improvements, landscaping and public domain works.

The site is located within the Honeysuckle Precinct on the southern side of Newcastle Harbour and the northern side of the Great Northern Railway Line. The site is bounded by Honeysuckle Drive (to the north), Wright Lane (to the south), Worth Place (to the west) and a new road (to the east). The site has a total area of 8,548m².

Redevelopment of the site, known as Honeysuckle Central, is an integral part of the significant transformation that the Honeysuckle Precinct is undergoing, being redeveloped into a vibrant mixed use harbourside precinct.

The physical attributes of the site, namely its size, shape, topography and access to street frontages, provides optimal opportunities for further subdivision of the land in the manner proposed which is compatible with the established subdivision pattern within this locality.

It has been demonstrated through the design of the proposed development that the subdivision of land into three Torrens title lots can successfully accommodate an integrated and coordinated design outcome across the broader site, albeit consisting of (potentially) three separate buildings. The proposed scheme simply represents one solution for the development of the overall site.

Detailed consideration has been given to the design quality of the proposed development as outlined in the report. The proposal is considered to provide a contemporary and dynamic development that is compatible with the surrounding built form character, particularly within the Lee Wharf locality immediately to the east of the site. The proposal reinforces the high quality of the built environment and the public domain within the Honeysuckle Precinct.

Each of the issues raised in the Director General's Environmental Assessment Requirements (DGEARs) has been considered and addressed. As demonstrated throughout this report, the proposed development is consistent with the key aims, objectives and controls contained within each of the Environmental Planning Instruments identified within the DGEARs.

1 Introduction

1.1 Application Format

This application has been prepared on behalf of the Eureka / Buildev Joint Venture ('the Proponent') for the development of the site known as 'Honeysuckle Central', formerly Lee Wharf Stage 4 and 5, Newcastle.

This application is submitted to the NSW Department of Planning (DoP) in the form of a Project Application in accordance with Part 3A of the Environmental Planning and Assessment (EP&A) Act, 1979 for the proposed construction of a mixed use retail and commercial development at Lot 25 Honeysuckle Drive, Newcastle.

This application is accompanied by supporting documentation and plans, which are included as appendices to this report.

1.2 Background

The progress to date of this proposal is listed below:

- A 'Clause 6 request' was submitted to the DoP on 3 March 2008.
- The Minister declared the proposal a Major Project, in accordance with Clause 6 of the Major Project SEPP on 14 March 2008 (Refer **Appendix A**).
- A Preliminary Environmental Assessment (PEA) was submitted to the DoP on 21 May 2008 seeking the Director General's Environmental Assessment Requirements (DGEARs).
- The DGEARs were issued on 17 June 2008, forming the basis for the content within this application (Refer **Appendix B**).

1.3 Project Value

Capital investment value (CIV) is defined in the State Environmental Planning Policy (Major Projects) 2005 (Major Projects SEPP) as:

*The **capital investment value** of development includes all costs necessary to establish and operate the development, including the design and construction of buildings, structures, associated infrastructure and fixed or mobile plant and equipment (but excluding land costs).*

The CIV of the proposal is \$54,535,123. A Quantity Surveyors report verifying the capital investment value of the development is included at **Appendix C**.

1.4 Proponent and the Consultant Team

The Proponent is the Eureka / Buildev Joint Venture consisting of Eureka 2 Project 8 Pty Ltd and BD (NSW) Project BD24 Pty Ltd as trustee of the BD (NSW) Project BD 24 Unit Trust.

The Joint Venture has appointed the following consultants to prepare documentation supporting the Project Application. They include:

- Urbis – Urban Planning.
- Suters Architects – Architectural Design.
- Monteath & Powys – Survey and Subdivision Design.
- Site Image – Landscape Design.

- Better Transport Futures – Transport and Parking.
- Godden Mackay Logan – Heritage Impact Assessment and Archaeology.
- Coffey Geotechnics – Geotechnical and Contamination Assessment.
- Hunter Acoustics – Noise Impact Assessment.
- MPC – Flooding and Stormwater Management.
- GHD – Services Infrastructure and ESD.

1.5 Objectives of the Proposal

The objectives of the proposal are as follows:

- To create a dynamic development that reflects the character of this cultural precinct by reinforcing the high quality of the built environment and its public domain.
- To provide a contemporary development that is integrated and shares the same design character across the site, while allowing flexibility for the site to be developed in stages to reflect market demands.
- To create a benchmark environmental development that will house professional organisations throughout its levels, with an engaging commercial / retail operation at ground level.
- To provide a high quality public art component to the car park facade that will be of significant and unique public benefit.

1.6 Design Philosophy and Key Design Elements

Suters Architects have referred to a design philosophy of producing a ‘family of buildings’ linked by a car park structure which incorporates an innovative design solution. Angled northern facades create dynamic forms that appear to be extending towards the harbour and simple building forms are combined with simple façade detailing; incorporating extended horizontal transoms to add solar shading.

Key elements that have been considered in the design development process include the following:

- The screening of the above ground car park adds texture, light and shade in contrast to the sleek glazed forms of the office buildings. Large scale vertical ‘slats’ are staggered in plan, providing opportunities for natural ventilation to the car park as well as screening of the vehicles. The staggered screens create a kinetic form that unfolds as users move around the open space below. The addition of public art along the car park screen elevates the façade beyond a simple screening element, forming a piece of community art.
- The permeable nature of the development will activate all four boundaries of the site and is in keeping with the existing ‘Lee Wharf’ development to the east, where ground planes are open encouraging pedestrian movement through the site.
- The development will have a dynamic commercial use that will bring workers and visitors to this part of the City Centre and will set a new benchmark for superior quality office space in the CBD.
- All buildings incorporate ‘winter gardens’ on the east and west facades of the commercial levels. These sheltered, outdoor spaces will provide valuable breakout areas for the future commercial tenants of the buildings.
- The detailing and material choices have been selected to suit the location and respond to the surrounding environment, with the inclusion of solar glazing to all facades. These elements complement the simple open plan floor plate to create a highly functional and energy efficient commercial building.

- The building design is also articulated and detailed to reflect the character of surrounding development and will provide both function and feature to the finished built form.
- The proposed development will incorporate strong environmentally sustainable design principles to achieve a 4.5 AGBR (NABERS) rating.

A detailed description of the proposed development is included in Section 4 of this report.

2 Site Context

2.1 Site Description

The site is known as Honeysuckle Central (formerly known as Lee Wharf Stage 4 and 5), situated at Lot 25 Honeysuckle Drive, within the Honeysuckle Precinct of Newcastle. The site is a single vacant allotment having an area of 8,548m². The land is situated between the Great Northern Railway Line and a public car park to the south, and Newcastle Harbour to the north.

The legal description of the site is Lot 25 in DP 1096520. It is an irregular shaped allotment with street frontages on all sides. The primary street frontage is to Honeysuckle Drive (to the north), with other active frontages to Worth Place to the west and a new road to the east. The passive street frontage is in Wright Lane to the south. A copy of the Survey Plan is included in **Appendix D**.

2.2 Local Context

Lee Wharf's proximity to the Newcastle CBD makes it a prime location for mixed use development with a commercial land use focus. The site is close to Civic Railway Station situated approximately 200 metres east of site. The site is also serviced by high frequency bus routes which run along Hunter Street situated approximately 100 metres south of the site and accessed via an overhead pedestrian footbridge at Civic station.

The site is situated within the Honeysuckle project, which has been the subject of a major urban renewal area on the Newcastle Harbour. Within the Honeysuckle project there are seven development precincts. The subject site is within the Lee Wharf part of the "Honeysuckle" precinct.

Recent development at Lee Wharf has resulted in a large portion of the Honeysuckle precinct already being developed, particularly to the east of the subject site, as illustrated in the aerial photographs at **Figure 1** and **Figure 2**. Development has been of a mixed use nature with commercial, hotel (tourism), residential and retail components.

Figure 1 – Local Context Aerial Image



Figure 2 – Local Context Aerial Photograph



3 Site Analysis

3.1 Location and Access

The site is located between the new commercial hub of Honeysuckle that incorporates buildings such as Honeysuckle House (Sparke Helmore and Price Waterhouse Coopers), Hunter Water and the new HQO Development (NIB), and the established residential and retail spaces of the Lee Wharf and Boardwalk developments.

The key location and access benefits of the site and the proposed development are:

- It directly adjoins existing development within the Newcastle City Centre.
- It adjoins the Newcastle Railway Line and Civic Station providing excellent rail transport linkages to train services between the site and the Hunter Region, the Central Coast and Sydney.
- More than 20 bus routes service the site from Scott Street and Hunter Street, which provide access to all parts of greater Newcastle.
- It is situated within Newcastle's major urban redevelopment project, with newly designed and constructed road systems to provide vehicular access to the site.
- Having street frontages on all boundaries enables the separation of pedestrian and vehicle access points, with vehicle access points situated away from the site's active frontages.

The key access and circulation features of the site and immediate surrounds are illustrated in the Site Analysis Plan prepared by Suters Architects included at **Appendix E**.

3.2 Aspect and Views

The site benefits from existing view corridors to the north to the Harbour, with filtered views to the east and west. These views have been identified through the site analysis process and the proposed design has incorporated design elements and materials that will take advantage of these aspects, while also respecting the preservation of view corridors identified in the planning policy. A view analysis is illustrated in the Site Analysis Plan prepared by Suters Architects included at **Appendix E**.

3.3 Land Use and Built Form

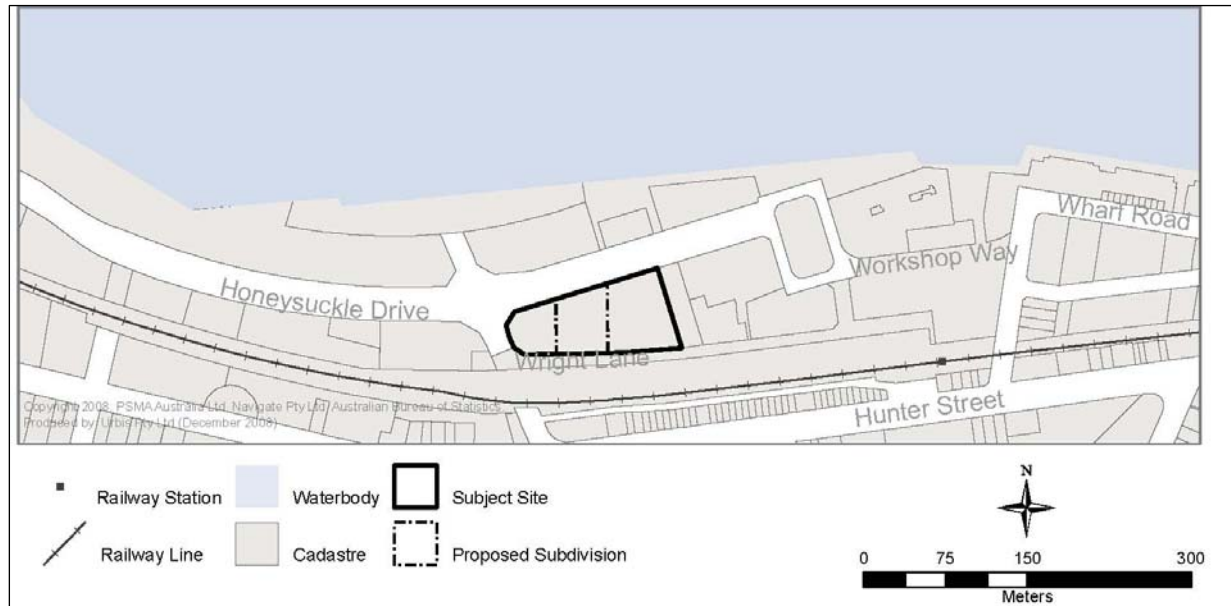
This site is important in providing a transition between the Newcastle CBD and the Honeysuckle precinct. It links the high intensity, minimum setback, large buildings of the commercial precinct with the residential / retail buildings which incorporate outdoor plazas and promenades providing a pedestrian friendly environment with view sharing and through-site links.

The proposal comprises predominantly commercial land uses with opportunities for ground floor retail uses and associated car parking. This is consistent with the intentions of not only the Newcastle City Centre planning strategies and documents but also the vision of the Hunter Development Corporation (formerly Honeysuckle Development Corporation).

3.4 Subdivision Pattern

As shown at **Figure 3**, the site is relatively large in the context of the surrounding sites within the Honeysuckle Precinct. The physical attributes of the site, namely its size, shape, topography and access to street frontages on all sides, provides optimal opportunities for further subdivision of the land in the manner proposed which is compatible with the established subdivision pattern within this locality.

Figure 3 – Map of Subdivision Pattern in Honeysuckle Area



4 Description of Proposal

4.1 Overview of Proposal

Located in a highly visible position at the junction of Worth Place and Honeysuckle Drive, the proposal provides an integrated development consisting of three buildings visually and physically linked to form a homogenous development incorporating large areas of publicly accessible open space with deep soil planting.

The proposed development encompasses the entire site, however it also provides for construction of three separate buildings with separate car parking, vehicular and pedestrian access and separate allotments as part of the proposed subdivision.

The built form of the proposed development consists of three distinct, seven storey buildings anchored by the car park spine at ground level. The buildings incorporate a mix of retail / commercial service tenancies and a foyer at ground level for each of the commercial towers above, fronting a wide pedestrian promenade and plaza oriented towards Honeysuckle Drive.

The proposed development provides a total of 356 car parking spaces over four levels, including one level below ground. Each building has its own dedicated car parking and direct lift access to each of the buildings above to support the development on each proposed lot.

4.2 Proposed Development

This application seeks development consent for the following:

- Subdivision of the land into three Torrens title lots with associated easements and rights of use;
- Excavation of the site to facilitate the installation of services and construction of basement parking;
- Construction of utilities services and associated infrastructure required to service the development, including water, sewerage, electricity, gas and telecommunications;
- Construction of a mixed use development comprising the following:
 - three commercial office buildings with a maximum height of 30 metres (7 levels) sited around a number of public and communal open spaces;
 - commercial services / retail uses at ground floor;
 - one level of basement car parking and 3 levels of above ground car parking;
- Construction of three separate driveway accesses from Wright Lane to the site;
- Associated site improvements, landscaping and public domain works.

The proposed works for which consent is sought are detailed in the Architectural Drawings prepared by Suters Architects included at **Appendix E**.

A summary of the development data is included in **Table 1**.

Table 1 – Summary of Proposed Development

Key Component	Proposal
Gross Floor Area / Floor Space Ratio	GFA 21,370m ² / FSR 2.5:1
Building Height (including plant equipment)	30 metres
Number of Levels	7 levels (total) including: - 7 levels of commercial floor space; - 3 levels of above ground car parking; and - 1 level of basement car parking.
Number of Buildings	3
Landscaped Area (hard and soft)	4,700m ² / 55% of site (approximate)
Number of Car Parking Spaces	356
Number of Torrens lots	3

4.3 Staging and Subdivision

As stated in the PEA, the application seeks consent for the staged construction of the mixed use development. It is intended that the development will be constructed in four stages as follows:

- Stage 1: Torrens title subdivision into three lots.
- Stage 2: Construction of the first building.
- Stage 3: Construction of the second building.
- Stage 4: Construction of the third building.

The proposed subdivision layout for which consent is sought is shown on the Proposed Subdivision Plan prepared by Monteath & Powys included at **Appendix F**.

The proposed development has been designed to accommodate the following development scenarios:

- Each of the three commercial buildings proposed on the site can be constructed (and operate) independently of one another, as a dedicated portion of basement car parking and separate dedicated driveway access is proposed for each building.
- Multiple stages of the development can be constructed concurrently should market conditions permit.
- Each of the three buildings is capable of subsequent strata subdivision, if required. Note that the architectural plans include an indicative strata layout for the western building however any strata subdivision for the development will be the subject of a future application, as required.

5 Director-General's Environmental Assessment Requirements

Table 2 provides a summary of the DGEARs issued by the DoP on 17 June 2008 and identifies where each requirement has been addressed in this report.

A copy of the DGEARs is attached as **Appendix B**.

Table 2 – Director General's Environmental Assessment Requirements

Director General's Requirements		Relevant Section of this Report
Key Issues	The Environmental Assessment (EA) must address the following key issues:	
	1. Relevant EPI's, Policies and Guidelines to be Addressed Planning provisions applying to the site, including permissibility and the provisions of all plans and policies including: - SEPP (Infrastructure) 2007 - SEPP No. 55 – Remediation of Contaminated Sites - Draft SEPP No. 66 – Integration of Land Use and Transport - SEPP No. 71 – Coastal Protection - Lower Hunter Regional Strategy 2006 - Newcastle City Centre LEP 2008 - Newcastle City Centre DCP design requirements as inserted into the Newcastle DCP 2005. Nature and extent of any non-compliance with relevant environmental planning instruments and plans, and justification for non-compliance.	6.0 7.1 Appendix I Appendix J
	2. Built Form/Design/Visual Impacts The EA shall demonstrate that the proposal is of a high standard of architectural and urban design which addresses: - Height, bulk and scale of the proposal within the context of the locality and adjoining building. - Design quality with specific consideration of the façade, massing, setbacks, proportions to openings, building articulation, materials and colours and amenity (internal and external). - Measures to screen any above ground parking (prefer active uses to street frontage). - Visual impacts of the proposal when viewed from the street frontages, city centre, nearby foreshore areas, waterways and along significant view corridors. - The development's interface with the public domain.	4.1 7.2 Appendix G Appendix U
	3. Environmental Amenity The EA must provide details of solar access, acoustic privacy, visual privacy, view loss and wind impacts and achieve a high level of environmental amenity.	7.3 Appendix G
	4. Noise Impacts The EA should include a comprehensive noise assessment of the existing environment, potential impacts and proposed noise amelioration measures for the proposed development. The NSW Industrial Noise Policy (DEC, 2000) provides a guide to the methodology and assessment criteria preferred by DECC to determine noise planning levels.	7.4 Appendix K

Director General's Requirements		Relevant Section of this Report
	5. Water Quality The EA must provide sufficient information to demonstrate that the proposed development can be operated while complying with the Protection of the Environment Operations Act 1997, in particular, the protection of water quality during construction and operation of the proposed development.	7.5 Appendix R
	6. Car Parking / Traffic Impacts (Construction and Operational) The EA must demonstrate the provision of sufficient on-site car parking for the proposal having regard to local planning controls and RTA guidelines. The EA must demonstrate that the closure of Worth Place or Honeysuckle Drive during construction is not necessary. The EA shall also provide a Traffic Impact Study prepared in accordance with the RTA's Guide to Traffic Generating Development, considering traffic generation, any required road / intersection upgrades, access, loading docks, car parking arrangements, measures to promote public transport use & pedestrian / bicycle links. The EA must also have regard for the traffic study prepared by Mark Waugh Pty Ltd for the Honeysuckle Development Corporation. If the proposed development is likely to cause traffic generation rates that are higher than anticipated by the Mark Waugh Pty study, then further modelling of the impacted intersections are to be provided.	7.6 Appendix L
	7. Mine Working and Risk of Subsidence Include an assessment/information in regards to: ▪ The suitability of the site to support the proposal given the existing mine workings; ▪ Location, condition and risk of subsidence from mine workings. ▪ Removal of any risk of mine subsidence by a suitable means, such as grouting. Alternatively, geotechnical investigations must confirm that the workings are long term stable and there is no risk of mine subsidence affecting the site. ▪ The geotechnical investigation undertaken must address the Mine Subsidence Board's requirements and include a sufficient number of boreholes to the floor of the seam and numerical modelling/sensitivity analysis to demonstrate the appropriateness of the strata to support the development.	7.7 Appendix N
	8. Ecologically Sustainable Development Detail how the development will incorporate ESD principles in the design, construction and ongoing operation phases of the development, including water, energy use, and waste minimisation and recycling strategies. Demonstrate that the commercial office buildings achieve a 4.5 star AGBR and detail the specific ESD measures incorporated into the design.	7.8 Appendix G Appendix O Appendix P
	9. Heritage Include a Heritage Impact Statement prepared in accordance with the NSW Heritage Office publication "Statements of Heritage Impact" addressing impacts on state significant heritage items in the vicinity of the site including Lee Wharf and former Civic Railway Workshops and the impact of the proposed development on the adjacent Newcastle City Centre Heritage Conservation Area. An archaeological assessment is required given the likelihood of disturbance of known Aboriginal sites within the locality and must determine the potential Aboriginal heritage significance of the site.	7.9 Appendix Q

Director General's Requirements		Relevant Section of this Report
	10. Stormwater/ Flooding The EA is to address drainage issues associated with the development / site and, where relevant, incorporation of Water Sensitive Urban Design measures. The site is identified as flood liable land. The EA must review and address existing flood models and reports and the Council's Floodplain Risk Management Plans. The proposed design must minimise flood and associated risks.	7.10 Appendix R
	11. Safety/ Public Domain/ Landscaping Demonstrate how the proposal will: ▪ Maximise safety and security, activity and surveillance within the public domain and basement car park and show consistency with the 'Safer by Design' principles. ▪ Minimise potential for vehicle and pedestrian conflicts. ▪ Ensuring access for people with disabilities.	7.11 Appendix G Appendix H
	12. Utilities In consultation with the relevant agencies, the EA shall address the existing capacity and requirements of the development for the provision of utilities including staging of infrastructure works in particular: ▪ Include details of how the easement for noise, vibration and electrolysis is to be addressed in the design of the proposal. ▪ Address the impacts of the development on the adjacent rail infrastructure.	7.12 Appendix K
	13. Staging The EA must provide details regarding the staging of the proposed development (if proposed).	4.3 7.13
	14. Contributions The EA shall address provision of public benefit, services and infrastructure having regard to the relevant Contribution Plan and/or details of any Voluntary Planning Agreement.	7.14
	15. Contamination The EA is to demonstrate compliance that the site is suitable for the proposed use in accordance with SEPP 55.	7.15 Appendix S Appendix T
	16. Consultation Undertake an appropriate and justified level of consultation in accordance with the Department's Major Project <i>Community Consultation Guidelines October 2007</i> .	7.16 8.0

6 Environmental Planning Assessment

The following Environmental Planning Instruments and policies are applicable to the site and proposed development:

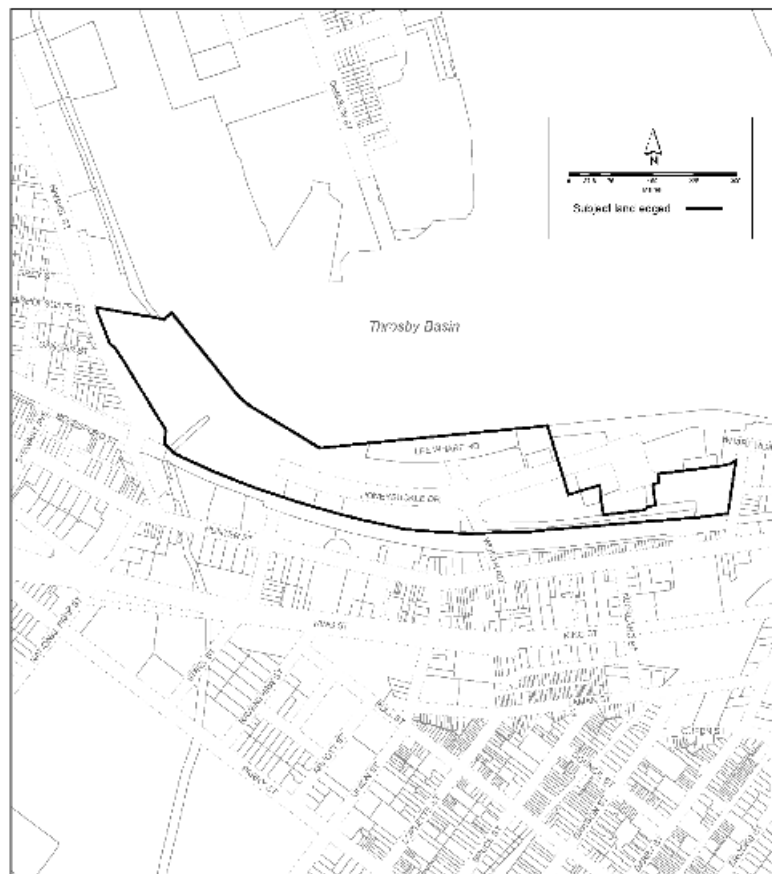
- State Environmental Planning Policy (Major Projects) 2005.
- State Environmental Planning Policy (Infrastructure) 2007.
- State Environmental Planning Policy No.55 – Remediation of Land.
- State Environmental Planning Policy No 71 – Coastal Protection.
- Lower Hunter Regional Strategy 2006.
- Newcastle City Centre Local Environmental Plan 2008.
- Newcastle Development Control Plan 2005.

The application of these planning instruments and policies, and an assessment of the proposal against the relevant provisions, is considered below.

6.1 SEPP (Major Projects) 2005

The site is affected by *State Environmental Planning Policy (Major Projects) 2005* as it is a development with a capital investment value of more than \$5 million (estimated \$54.5 million) and is identified within Map 3 in Schedule 2 being Honeysuckle Newcastle, as extracted in **Figure 4**.

Figure 4 – Map 3, Schedule 2 (Honeysuckle, Newcastle) extracted from SEPP (Major Projects) 2005



On 14 March 2008, the Minister made a declaration under Clause 6 of the SEPP that the proposed development is a project to which Part 3A applies. A copy of the Clause 6 declaration is attached in **Appendix A**.

6.2 SEPP (Infrastructure) 2007

State Environmental Planning Policy (SEPP) Infrastructure 2007 aims to assist in the effective delivery of public infrastructure and outlines issues to be addressed when a development is situated over or immediately adjacent to a rail corridor. The southern boundary of the site is approximately 10m away from the northern boundary of the rail corridor and is physically separated by Wright Lane.

Clause 85 of *SEPP (Infrastructure)* therefore requires the application to be referred to the Chief Executive Officer of the rail authority as part of the approval process. The potential effects of the proposed development on the existing rail infrastructure have been assessed by GHD (refer Section 7.12) and it is considered that the proposal will not have any impact on adjacent rail infrastructure.

6.3 SEPP No.55 – Remediation of Land

State Environmental Planning Policy (SEPP) 55 seeks to ensure remediation of contaminated land is carried out on development sites in order to minimise the risk of harm to human health. Clause 7 of *SEPP 55* requires that a consent authority must consider whether land is contaminated prior to issuing development consent.

Several investigations have been undertaken for the site prior to the remediation of the whole of the Honeysuckle precinct. The remediation work has resulted in the issuing of a Site Audit Statement by Contamination Management Pty Ltd certifying the site has been appropriately remediated and is suitable for the proposed uses. A copy of the Site Audit Statement is attached at **Appendix S**.

6.4 Draft SEPP. 66 – Integration of Land Use and Transport

Draft SEPP 66 is no longer a matter for consideration as outlined in the Planning Circular PS 08-013 issued by the DoP on 13 November 2008. Therefore this draft policy has not been addressed.

6.5 SEPP No. 71 – Coastal Protection

State Environmental Planning Policy (SEPP) 71 seeks to ensure development in the NSW coastal zone is appropriate and suitably located; there is a consistent and strategic approach to coastal planning and management; and there is a clear development assessment framework for the Coastal Zone.

The matters for consideration set out in Clause 8 of *SEPP 71* are required to be taken into account by a consent authority when it determines a development application to carry out development on land to which this Policy applies.

The matters for consideration and an assessment of the proposed development against these matters is provided at **Appendix I**.

6.6 Lower Hunter Regional Strategy

The Lower Hunter Regional Strategy (LHRS) identifies Newcastle as a Regional City. Newcastle accommodates high density commercial and residential development with large scale retail and commercial floor areas which provide for higher order administration, education, health services, cultural and recreational facilities servicing the Lower Hunter Region.

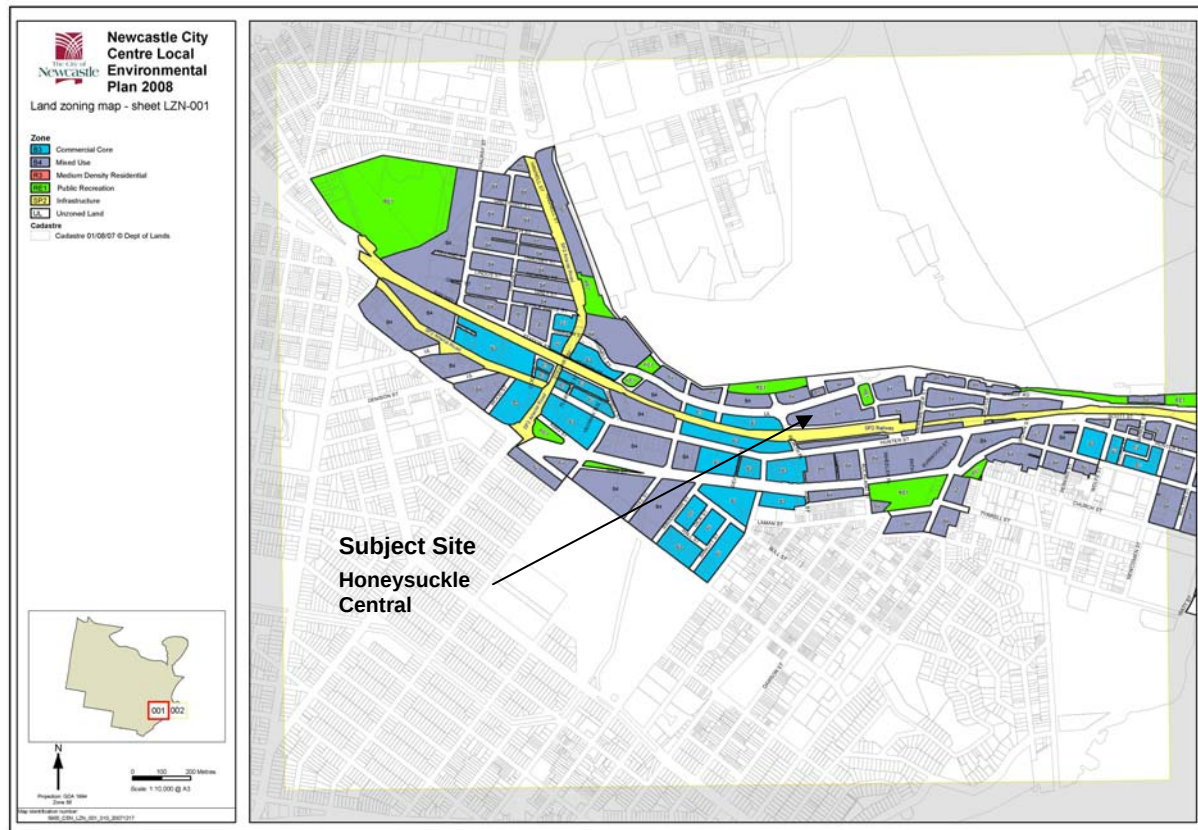
The LHRS seeks to provide capacity to expand employment in the CBD by 10,000 jobs by the year 2030. The proposed mixed use development will contribute to achieving this strategic aim by creating employment opportunities both during construction as well as during the ongoing operation of the commercial uses. In this respect, the proposal is consistent with the LHRS.

6.7 Newcastle City Centre Local Environmental Plan 2008

6.7.1 Zone Objectives and Permissibility

The land is currently zoned B4 Mixed Use on the recently gazetted *Newcastle City Centre Local Environmental Plan 2008 (NCC LEP)* zoning map, as illustrated in **Figure 5**.

Figure 5 – Land Use Zoning Map from Newcastle City Centre LEP 2008



The B4 Mixed Use zone has the following objectives:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To support the higher order Commercial Core zone, while providing for the daily needs of the Mixed Use zone.
- To encourage a diverse and compatible range of activities including:
 - commercial and retail development, and
 - cultural and entertainment facilities, and
 - tourism, leisure and recreation facilities, and
 - social, education and health services, and
 - Higher density residential development.

- *To allow development along the coastline to take advantage of and retain view corridors whilst avoiding a continuous built edge along the waterfront.*
- *To create opportunities to improve the public domain and pedestrian links within the Mixed Use zone.*
- *To protect and enhance the unique qualities and character of special areas within the Newcastle city centre.*

Within the B4 Mixed Use zone, all development is permitted with development consent, except where expressly prohibited in subclause 5 of the B4 Mixed Use Land Use Table. The B4 Mixed Use land use table prohibits the following land uses on the site:

Bulky goods premises having a gross floor area greater than 400 square metres; Car parks (other than car parks required by this Plan or public car parks provided by or on behalf of the Council); Caravan parks; Cemeteries; Extractive industries; Hazardous industries; Hazardous storage establishments; Industries (excluding light industries); Liquid fuel depots; Mines; Offensive industries; Offensive storage establishments; Roadside stalls; Warehouses or distribution centres; Waste management facilities.

The proposal is seeking approval for a mixed use development comprising commercial and retail land uses (and associated car parking) which are defined by NCC LEP as:

mixed use development means a building or place comprising 2 or more different land uses.

commercial activity, in relation to the use of a building, means the use of the building for the purposes of office premises, retail premises, business premises, hotel accommodation (but not hotel accommodation that is subdivided under a strata scheme) or other like uses or a combination of such uses.

retail premises means a building or place used for the purpose of selling items by retail, or for hiring or displaying items for the purpose of selling them by retail or hiring them out, whether the items are goods or materials (or whether also sold by wholesale).

car park means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

The proposed car park is required under Clause 26 of NCC LEP and is therefore not prohibited within the B4 Mixed Use zone.

The proposed subdivision of land into 3 Torrens title lots is permissible with consent under Clause 16 of NCC LEP.

As such, the proposed development is wholly permissible and is consistent with the objectives of the B4 Mixed Use zone as summarised below:

- It provides a mix of compatible land uses, with active ground floor uses to complement surrounding development.
- It provides a range of land uses to support the adjoining Commercial Core zone.
- It provides public domain improvements and facilitates pedestrian connectivity between the commercial areas to the west and the Lee Wharf mixed use precinct to the east.
- It protects the view corridors to the Harbour which is a special attribute of the Honeysuckle area.

6.7.2 Development Standards

An assessment of the proposed development against the relevant development standards contained within *NCC LEP* is outlined in **Table 3**. As shown, the proposed development complies with the relevant development standards contained within *NCC LEP*.

Table 3 – Newcastle City Centre LEP 2008 – Compliance with Development Standards

LEP Clause	Development Standard	Compliance	Comment
Clause 21 – Height of Buildings	30m (maximum)	Yes	The height of the proposed development (including the roof plant) is 30m from ground level, thereby complying with this development standard.
Clause 23 – Floor Space Ratio	2.5:1 (maximum)	Yes	With a total GFA of 21,370m ² , the proposed development has an FSR of 2.5:1, thereby complying with this development standard.
Clause 26 – Car Parking	1 car space per 60m ² of commercial GFA (minimum)	Yes	With a proposed GFA of 21,370m ² , the number of parking spaces permitted on the site is 356. The proposal complies with this development standard as 356 parking spaces have been provided within the basement and above ground car parking levels of the development.

6.7.3 Miscellaneous LEP Provisions

An assessment of the proposed development against the relevant miscellaneous provision of *NCC LEP* is outlined in **Table 4**. As shown, the proposed development is consistent with the relevant provisions contained within *NCC LEP*.

Table 4 – Newcastle City Centre LEP 2008 – Compliance with Miscellaneous Provisions

LEP Clause	Compliance	Comment
Clause 33 – Ecologically Sustainable Provisions	Yes	Numerous passive and active systems will be employed to minimise the environmental impact of the development, which will be designed to achieve a 4.5 star NABERS energy rating and a 5 Green Star rating. A summary of the ESD initiatives proposed for the development are outlined in the 'ESD Summary' prepared by GHD (refer Appendix O).
Clause 36 – Design Excellence	Yes	The proposed development meets the design excellence provisions of the LEP as outlined in Section 7.2 of this report. The proposed development is of a scale that does not require a design competition to be undertaken.
Clause 40 – Development in Proximity to a Rail Corridor	Yes	The Acoustic and Vibration Report prepared by Hunter Acoustics (refer Appendix K) recommends appropriate mitigation measures for rail noise and vibration to ensure the proposed development is not adversely affected by the adjacent rail corridor.
Clause 43 – Development on Flood Prone Land	Yes	The Stormwater Management Plan (refer Appendix R) has been designed to ensure that the proposed development will not adversely impact on the existing flood regime and will provide for safe occupation of the site in the event of a flood.
Clause 44 – Excavation and Filling of Land	Yes	The proposed excavation of the site has been designed to minimise impacts on environmental functions and processes, neighbouring uses, and cultural / heritage items. Where appropriate, mitigative measures have been provided.

LEP Clause	Compliance	Comment
Clause 46 – Heritage Conservation	Yes	A Heritage Impact Statement (refer Appendix Q) prepared by Godden Mackay Logan has been prepared to assess the heritage and archaeological impacts of the proposed development.

6.8 Newcastle Development Control Plan 2005

Element 6.3 (City Centre – West) of the *Newcastle Development Control Plan 2005 (NDCP)* applies to all development within the City Centre – West area which includes the site.

The proposed development has been assessed against the key development controls of Element 6.3 of *NDCP* (refer to Compliance Table in **Appendix J**).

Section 6.3.6 of *NDCP* provides precinct-specific controls, including specific urban design guidelines for the Honeysuckle Special Area, which apply in addition to the objectives and relevant controls in the DCP.

As demonstrated above and in the Compliance Table included at **Appendix J**, the proposed development is consistent with the relevant objectives and controls contained in *Newcastle DCP 2005*, and in particular *Element 6.3 (City Centre – West)* and *Section 6.3.6 (Honeysuckle Special Area)*.

The key provisions of Section 6.3.6 (b) of the *NDCP* are addressed below:

6.8.1 Built Form

Requirements:

- *Building setbacks in accordance with Figure 15 of NDCP*
- *include multiple frontages addressing principle roads, foreshore promenade, public domain and / or open space*
- *facades to have articulation zones of 2-3m*
- *pedestrian entrances directly off pedestrian footpaths*
- *pedestrian entries to have design statement*

Comment:

- The development proposes a zero setback to Honeysuckle Drive, as required.
- Street alignment is maintained by the northern frontage of the site with the proposed building being broken up by large landscaped open spaces which provide visual relief and articulation;
- The building design encourages pedestrian movement through the site. The three office buildings extend to the street edge on Honeysuckle drive, defining the street edge and heralding the entry to each building.
- The proposed landscaping has been designed to reinforce pedestrian entries to the development.

6.8.2 Public Domain

Requirement:

- *Development to accommodate view corridors to the Harbour (refer to Figure 16 of NDCP)*
- *Public Domain to be provided in accordance with Figure 17 of NDCP*

Comment:

- The proposed urban design symbolises the importance of the site as a visual connection between Harbour and the City. Existing view corridors which link Honeysuckle Drive to the harbour are extended through the site, providing views and physical connection from Wright Lane to the Harbour.
- At the upper levels, the orientation of the office buildings with short East/West facades maintains high level views from existing and future development on and across Hunter Street to the south of the site.
- The proposal retains the existing publicly accessible walkways and cycleways surrounding the site.
- The development has a permeable ground plane with large publicly accessible open spaces which provide through block connections and enhance the site's connection with the public domain.

6.8.3 Open Space Character

Requirement:

- *All open space to employ distinctive feature elements to create a particular identity*

Comment:

A number of distinctive feature elements have been incorporated into the proposed open space areas on the site to create an 'Urban Park' feel on the site including:

- Use of terraced landscaping with blade walls and steps to provide flat usable spaces while the steps and blade walls will provide visual interest as well as areas for informal seating.
- Use of mass planting with low shrubs and visually unobtrusive trees along the frontage of the site to maintain views from the site to the harbour and beyond.
- Incorporation of passive recreation opportunities for the general public and the future staff of the proposed commercial development.

6.8.4 Activity Nodes

Requirement:

The building should include:

- *strong building elements*
- *retail and commercial uses particularly at ground level*

Comment:

- The building has been designed to incorporate strong building elements, including the three glass structures anchored by the car park spine, to reinforce the important nature of the location. Angled northern facades create dynamic forms that appear to be extending towards the harbour. The building forms are combined with simple façade detailing; incorporating extended horizontal transoms to reinforce the dynamic built form.
- The proposed development incorporates commercial services and/or retail uses at the ground floor to activate the public domain both within and surrounding the site.

7 Assessment of Key Issues and Impacts

An assessment of each of the issues raised in the DGEARs and the potential impacts of the proposed development is provided below.

7.1 Planning Instruments and Policies

An assessment of the proposal against the relevant Environmental Planning Instruments (EPIs) identified within the DGEARs has previously been provided in Section 6 of this report. As outlined, the proposed development is consistent with the key aims, objectives and development standards contained within each of the relevant EPIs.

7.2 Built Form, Design and Visual Impacts

The proposal comprises a dynamic development which reflects the character of this cultural precinct by reinforcing the high quality of the built environment and its public domain.

To further emphasise the important nature of the location, the building has been designed as three simple glass structures anchored by the car park spine. Angled northern facades create dynamic forms that appear to be extending towards the harbour. Simple building forms are combined with simple façade detailing; incorporating extended horizontal transoms to add solar shading and reinforce the dynamic buildings.

The design proposes to provide a high quality public art component to the car park facade, which will be of significant and unique public benefit. Following liaison with Council's Public Art Committee, a brief has been prepared to allow the engagement of an artist to design the facade elements of the car park, which will address the City to the south and Honeysuckle Drive to the north.

Key details of the proposed built form include:

Building Density

- The FSR for the site is 2.5:1. With a site area of 8,548m² and a GFA of 21,370m², the proposed development results in an FSR of 2.5:1 which is the maximum permissible FSR for the site.

Building Height

- Newcastle LEP sets a maximum building height of 30m above natural ground. The proposed development comprises a maximum building height of 30m (including roof plant) which is within the height limit specified for the site.

Street Alignment

- The building design provides a physical connection with the existing streetscape while avoiding a monolithic form along the Honeysuckle Street frontage. Street definition and alignment is still maintained by the northern facades of the office buildings, however the built form is broken up by large landscaped open spaces which provide visual relief and articulation;
- Full 'street wall' height is maintained along Honeysuckle Drive, Worth Place and Wright Lane. The articulated streetscape provides interest and change in scale along all boundaries;
- The simple building design reinforces the nodal point of Worth Place / Honeysuckle Drive to the West and likewise to the East, providing a landmark development fronting onto Honeysuckle Drive.

Building Envelope

- The development is designed as three independent, seven storey office buildings which share a common language and are physically linked by a four storey car park structure with ground floor commercial / retail activity;

- The contemporary design complements the existing commercial development to the west, whilst the addition of landscaped open space oriented towards the principal street frontage and the change in scale provided by the car park spine adds visual interest and relief;
- The minimisation of basement car park increases the undeveloped area of the site which allows opportunities for large areas of open space and deep soil planting as well as providing a permeable development with high levels of pedestrian connectivity.

Design Quality

The Proponent undertook a tender process calling for various architects and specialist consultants to demonstrate their capability and commitment to achieving a development that exhibits design excellence. The proposed development has been designed to meet the design excellence provisions contained with Clause 36(3) of *NCC LEP*.

The following items prepared in support of the proposal demonstrate that the proposed development exhibits design excellence:

- An analysis of the site and key development opportunities (refer **Appendix E**);
- The overall design philosophy and the incorporation of innovative design elements including the provision of a public art component integrated with the development (refer **Appendix G** and **Appendix U**);
- The perspective drawings and external materials and finishes board (refer **Appendix E**);
- An analysis of important view corridors (refer **Appendix E**);
- An assessment of the heritage and streetscape impacts (refer **Appendix Q**);
- The achievement of a 4.5 star NABERS energy rating and incorporation of extensive ESD initiatives (refer **Appendix O** and **Appendix P**).

The proposal has been designed with high quality and materials as summarised below:

- The three modern glass fingers which present to Honeysuckle Drive appear floating and are exaggerated by splayed facades, horizontal treatments and a seemingly transparent ground plane. This is juxtaposed by the textured spine element (car park) which links all three buildings.
- The preliminary fenestration is a continuation of the concept with exploration into vertical and horizontal proportions and standardised cladding systems.
- The cladding for the car park is a series of blades that envelop the concrete car park structure.

Measures to screen any above ground parking

It is proposed to screen the above ground car parking through the use of a number of innovative design solutions as summarised below:

- The proposed screening will add texture, light and shade in contrast with the sleek glazed forms of the flanking office building.
- The screening comprises large scale vertical 'slats' which are staggered in plan, providing opportunities for natural car park ventilation, whilst screening the cars behind.
- The staggered screens create a 'kinetic form' that unfolds as users move around the open space below.
- The provision of a public art component integrated with the car park screen elements will elevate the façade beyond a simple screening element, forming a piece of community land art (refer to Artist Brief included at **Appendix U**).

Visual Impacts

- The urban design solution for the proposed building symbolises the importance of the site as a potential link between Harbour and the City.
- The development does not 'turn its back' on the City, but encourages through-site linkages acknowledging future pedestrian movement and providing activation of Wright Lane.
- The stepping scale from the car park spine to the office buildings increases the feeling of height and scale at the dominant corners of the site.
- Existing view corridors which link Honeysuckle Drive to the Harbour are extended through the site, providing views and physical connection from Wright Lane to the Harbour.
- At the upper levels, the orientation of the office buildings with short East/West facades provide high level views from existing and future development on and across Hunter Street, reducing the potential 'wall of development', thereby maintaining high level views for existing and future developments.
- The permeable nature of the proposed development helps to activate all four street frontages of the site and is compatible with the existing 'Lee Wharf' development to the East and North of the site, where ground planes are open encouraging pedestrian movement through the site.

Interface with the public domain

- The building design encourages pedestrian movement through the site. The three office buildings extend to the street edge on Honeysuckle drive, defining the street edge and heralding the entry to each building. The landscaped public open space between each building draws users of the footpath encouraging public use of the open space and increasing public amenity in the precinct.
- The overall proposal retains the existing publicly accessible walkways and cycleways surrounding the site, and will strengthen the site's relationship to the nearby waterfront.
- The development has a permeable ground plane with large publicly accessible open spaces which provide through block connections and enhance the site's connection with the public domain.

7.3 Environmental Amenity

7.3.1 Solar Access

The proposed buildings have been oriented in a North-South position to reduce over shadowing to the South of the site. Shadow diagrams have been prepared by Sutera Architects and are included with the architectural drawings at **Appendix E**.

Orientating the office buildings in a North-South position also allows for the provision of large landscaped open space areas, which receive solar access throughout the year. The landscape strategy incorporates deciduous trees throughout the landscaped areas providing summer shade whilst maximising solar access during winter.

7.3.2 Acoustic Privacy

The predominant office use and associated mechanical plant will not adversely affect the amenity of adjacent residential development located to the East and North of the site.

It is noted that the proposed setback from the Eastern boundary and the width of Honeysuckle Drive to the North will provide sufficient buffer to ensure that acoustic privacy to these residents is maintained.

7.3.3 Visual Privacy

The predominant office use of the development will not adversely impact upon the visual privacy of the adjacent residential development, due to its predominant day time use. Furthermore, it is considered that the setbacks to the nearest residential development will provide sufficient separation ensure that visual privacy is maintained.

7.3.4 View Loss

The North-South orientation of the buildings allows high level views between the buildings from the City to the harbour, thereby reducing the potential 'wall of development' that would compromise view sharing. Existing view corridors which link Honeysuckle Drive to the harbour are maintained though the site, providing views and physical connection from Wright Lane to the Harbour.

The view analysis which is included in the proposed development plans illustrates how the proposal has been designed to minimise view loss and maximise view sharing.

7.3.5 Wind Impacts

The proposed development provides adequate space between each building to allow breezes to penetrate the landscaped open spaces to maximise comfort and safety for pedestrians. Furthermore, the thoroughfares through the car park spine and site permeability ensure that through site breezes are possible.

The proposed relatively low building height (30m) and appropriate siting will ensure that the proposed development will satisfy wind criteria for public safety and comfort at ground level.

7.4 Noise Impacts

An Acoustic Assessment has been undertaken for the proposed development by Hunter Acoustics and is included as **Appendix K**. Key conclusions of the Acoustic Assessment include:

- While the site is subject to noise from the adjacent railway corridor and from local traffic, the noise levels are considered acceptable for commercial development;
- With appropriate glazing treatments, the proposal will be able to comply with the relevant regulatory requirements specified in Newcastle DCP 2005 and the relevant Australia Standards governing the impact of road and rail noise, rail vibration and impacts from various ambient sources;
- With the appropriate restriction of Sound Power Levels, the noise emitted by the proposed mechanical plants will not detrimentally impact on the amenity of surrounding residents; and
- The overall vibration levels, in terms of rail induced vibration, are also considered acceptable.

7.5 Water Quality

Appropriate Water Quality Management procedures have been identified to ensure that the proposed development will comply with the *Protection of the Environment Operational Act 1997*.

A preliminary design of erosion and sediment controls for the development site is included as part of the Stormwater Management Plan. Controls will be provided on the site prior and during all earthworks in accordance with EPA Site Work Practices.

Furthermore, installation of an Inline Gross Pollutant Trap (GPT) at the end of each stormwater run will control pollutants, such as oils, greases, hydrocarbons, sediments and nutrients, from discharging off site during the construction and operational phases of the proposed development. Details of the proposed GPT are included in the Stormwater Management Plan.

7.6 Car Parking and Traffic Impacts

Better Transport Futures have prepared a Traffic Impact Statement (TIS) for the proposed development (refer **Appendix L**). Overall, the report finds that the traffic and parking arrangements for the proposed development proposed are satisfactory and the proposal will not result in any traffic, parking or access impediments.

Key findings of the TIS include:

- All vehicle access to the site is proposed to be provided via three new access points on Wright Lane with no access off Honeysuckle Drive. The provision of three separate access points will allow each building to be constructed and operate independently of each other and will also ensure that traffic movements are split between each point, allowing for disbursement of vehicle movements. The proposed development will not result in any adverse impacts on the access arrangements of adjacent developments;
- The proposed 356 parking spaces are in accordance with the parking requirements of NLEP 2008 (1/60m² GFA) and RTA guidelines for the total proposed commercial GFA (21,370m²) across the site. The parking provision for each of the three individual buildings also complies with the parking requirements of NLEP 2008 to ensure that each building can be constructed with adequate parking. The proposed parking provision will ensure that the parking demand created by the proposed development will be catered for wholly onsite, with minimal impact on the external parking network. The car park has been designed in accordance with Newcastle Council Design requirements as well as the Australian Standard for Off-Street Parking;
- Service vehicle access is proposed to be provided via a loading bay on Wright Lane which can be used for normal service vehicle access. The existing on-street parking bays along Honeysuckle Drive can be also used for deliveries as required;
- The anticipated traffic generation of the proposed development is within the flows predicted by previous modelling undertaken by Mark Waugh Pty Ltd as part of the redevelopment of the wider Honeysuckle Precinct. Therefore, the proposal will not result in additional impacts compared to those identified and documented in the report prepared by Mark Waugh Pty Ltd. Accordingly; no additional specific Traffic Impact Assessment is required for the proposed development;
- The additional traffic movements associated with the proposed development will have a minimal impact on road safety. The siting of driveway locations and design of ramp access points within the development provide priority for inbound traffic movements, thus reducing any delays at each of the access points;
- All construction access can be provided via Wright Lane with the intent to limit construction access via Honeysuckle Drive. This will ensure that Honeysuckle Drive and Worth Place will not need to be closed for construction works. If necessary, the existing parking lane along the site frontage on Honeysuckle Drive could be used for the parking of construction vehicles without impacting on the through traffic movements along Honeysuckle Drive;
- No external road works, pedestrian facility upgrades, or public transport upgrades are required as part of the proposal. Pedestrian linkages within the site will ensure that all pedestrians will have high quality, safe and appropriate access routes to aid ease of movements between the site, existing bus stops and surrounding locations.

7.7 Geotechnical and Mine Subsidence

7.7.1 Geotechnical Assessment

Coffey Geotechnics have undertaken a Geotechnical Review for the proposed development (refer **Appendix M**). This assessment has outlined the existence of reports conducted on the subject site and adjacent sites over the last 10 years including:

- 'Report on Geotechnical & Mine Subsidence Investigation – Proposed Commercial Development, Civic Workshops, Honeysuckle' by D J Douglas & Partners Report 16670/1 November 1993;
- 'Newcastle Newspapers Proposed Development, Lot 4 Honeysuckle, Geotechnical Investigation' Coffey Partners International Report N6074/1-AB July 1997;
- 'Honeysuckle Development, Geotechnical Investigation Report' Golder Associates;
- 'Lee Wharf Development, HB5B, HB7 and HB9 Honeysuckle Drive, Newcastle, Geotechnical Investigation' Coffey Geosciences Report N08459/01-AH 21 May 2003.

As part of the Geotechnical Assessment, Coffeys have reviewed these reports including the logs of the boreholes, results of laboratory testing and conclusions and recommendations of each report and have concluded that:

These reports note that the conditions experienced on site will permit the construction of a multi storey building subject to detailed assessment and design towards construction certificate stage. Each of the reports indicated that numerous design solutions were available for support of multi storey development similar to the proposed Honeysuckle Central Development and with normal design and construction procedures such development would ensure the stability of the land and structures and safety of persons.

Consequently, the conclusion of this review states that the geotechnical conditions at this site have not changed and the conclusions and recommendations from these previous studies, as outlined in the Geotechnical Review (refer **Appendix M**) remain the same and can be applied to the future development of the site.

7.7.2 Mine Working and Risk of Subsidence

Coffey Geotechnics have undertaken a Review of Mine Subsidence in relation to the site (refer **Appendix N**). The review states that the risk of mine subsidence of the area covered by Lee Wharf Stage 3, 4 and 5 was investigated over a considerable period of time, and resulted in the submission of the two following reports:

- 'Lee Wharf Development – Stage 3, 4 and 5 Honeysuckle Drive, Newcastle – Mine Subsidence Assessment', report reference N08459/04-AG Volume 1 and 2 dated 9 August 2004;
- 'Lee Wharf Development – Stage 3, 4 and 5 Honeysuckle Drive, Newcastle – Supplementary Mine Subsidence Assessment', report reference N08459/07-AM dated 24 February 2005.

The Mine Subsidence review identifies the following key points:

- *The MSB has issued 'In Principal' support for the grouting option proposal (refer to letter dated 31 August 2006, copy of which is attached to the Mine Subsidence Assessment in **Appendix N**).*
- *The Honeysuckle Stage 3 area (adjacent to the subject site) was grouted in 2007 with some modifications to the grouting method particularly in the western area used in consultation with the MSB. On completion of the grouting Coffey issued a report, 'Lee Wharf Development, Stage 3 Honeysuckle Drive, Newcastle – Abandoned Mine Grouting – Completion Report' (report reference N08459/11-AP dated 22 June 2007).*
- *The MSB subsequently issued approval for the Lee Wharf Development Stage 3.*
- *The area grouted to date and the proposed area of grouting for Stages 4 & 5 is shown on Drawing AP1 (refer **Appendix N**).*
- *The proposed remediation grouting program of Stages 4 and 5 (including the subject site) is still covered by MSB's 'In Principal' letter of 31 August 2006. The current grouting plan indicates 22 proposed grout hole locations with 13 perimeter holes for injection of flash/cement grout and nine internal holes for injection of bulk flash grout.*

The Mine Subsidence Assessment outlines a schedule of work that is to be carried out as part of the proposed development to ensure satisfactory mine remediation (refer **Appendix N**). These have been included in the Statement of Commitments in **Section 9** of this report.

7.8 Ecologically Sustainable Development

A summary of the environmentally sustainable design (ESD) initiatives proposed for the development are outlined in the 'ESD Summary' (refer **Appendix O**) and the 'NABERS Computer Simulation Report' (Refer **Appendix P**), both prepared by GHD.

The proposed development has been designed having regard to ESD principles without detracting from its contemporary appearance. The detailing and material choices have been selected to suit the location and respond to the environment. Detailed modelling and analysis has been undertaken by GHD to ensure façade performance reduces heat load throughout the year.

Numerous passive and active systems will be employed to minimise the environmental impact of the development, which will be designed to achieve a 4.5 star NABERS energy rating and a 5 Green Star rating.

In addition to energy and water conservation measures, the proposal will implement appropriate waste minimisation and recycling strategies both during construction and ongoing operation.

A Waste Management Plan for the ongoing operation of the development will be prepared prior to the issue of occupation certificate incorporating appropriate waste and recycling measures as outlined below:

- Commercial waste storage bins and recycle sorting areas are to be provided in the basement of each building.
- Major tenancies to implement and manage their own waste management systems, equipment and collections.
- Tenants may nominate an appropriate size of mobile garbage bins for their particular use.
- Daily collection cycle is recommended for putrescibles waste generated but can be modified to suit the tenant's particular needs.
- A building caretaker to be employed to manage the waste management system for the development.

7.9 Heritage and Archaeology

Godden Mackay Logan have prepared a Heritage Impact Statement (HIS) for the proposed development (refer **Appendix Q**).

The HIS investigated the potential impact of the proposed development on items of Heritage and Aboriginal Archaeological significance. The HIS identifies that the site does not contain any listed Heritage Items and is near to, but not part of, the Newcastle City Centre Heritage Conservation Area and a site listed on the State Heritage Register.

The HIS concludes that the proposed development:

"Will not be dominant in views from the conservation area and sits alongside development of a similar scale. It is consistent with the scale of development envisaged for Honeysuckle area".

Previous nearby Archaeological investigations suggest that the construction of railway workshops in the vicinity of the Honeysuckle precinct in 1854 significantly disturbed or destroyed any evidence of aboriginal occupation of the site and that there is a low potential for archaeological relics to survive. Therefore the overall archaeological significance of the site is considered to be low.

Due to the historical presence of many railway buildings on or nearby to the site, there is high potential for relics of the early years of industrial development to survive on the site, although the potential for earlier relics relating to the first European settlers of the area are likely to also be highly disturbed and of low significance. The HIS states that:

The significance of the relics do not warrant their in-situ retention. It would be acceptable for the proposed works to disturb or destroy them provided the research value of the relics is met through appropriate investigation and recording before or during the works.

The site may contain relics of a former railway turntable that has previously been identified nearby. It has not been determined if the site of the turntable extends on to the subject site, however, as this item is assessed as being of significance, any disturbance of it (particularly if it has not been previously disturbed) would represent a notable heritage impact.

The HIS recommends a Mitigation Strategy that will adequately mitigate any adverse impacts associated with the proposed works.

7.10 Stormwater Management and Flooding

The Stormwater Management Plan (refer **Appendix R**) has been prepared for the proposed development by MPC Consulting Engineers, in consultation with Newcastle City Council. The plan incorporates the requirements of Council's DCP with the aim to incorporate Water Sensitive Urban Design measures. The Stormwater Management Plan addresses the following issues:

7.10.1 Stormwater Management

The Stormwater Management Plan will enable surface runoff from impervious surfaces and overflow from impervious areas to be collected and piped to site retention and water reuse facilities, for irrigation purposes within the site. Details of the Water Sensitive Urban Design (WSUD) measures, including the use of rainwater tanks for toilet flushing within the development, are included in the Stormwater Management Plan.

7.10.2 Flooding

The following requirements for the proposed development have been identified, based on a review of the Waterfront and Cottage Creek Flood Management Plan and discussions with Newcastle City Council:

- *The minimum floor level is to be adopted as 2.58m AHD (based on 1% AEP (Annual Exceedance Probability) + 300mm freeboard)*
- *Entry/Exit ramp level to the car park is to be adopted at 2.28m AHD, with the emergency exit landing and any air ducts or other openings to the car park at PMF (Probable Maximum Flood) level, which is 3.38m AHD.*
- *A safe flood refuge of 10m² at a level above the PMF (3.38m AHD) is "desirable" according to the Honeysuckle Flood Management Plan.*

The above requirements have been incorporated in the building design of the proposed development and thus the proposal is considered adequate in terms of minimising flood and associated risks

7.11 Landscaping, Safety and the Public Domain

7.11.1 Landscaping and Interface with Public Domain

Site Image Landscape Architects have prepared the landscape concept and accompanying report (refer **Appendix H**) which provides a design commentary on the proposed landscaping treatments in response to the site setting, the proposed building design and the functionality of the open space.

The proposed landscape has been designed to create high quality and functional spaces as summarised below:

- The proposed siting of buildings has been driven by a desire to create large publicly accessible open spaces with opportunities for deep soil planting. The minimisation of basement car park increases the undeveloped area of the site allowing large tree planting across the site. Proposed tree planting within the deep soil areas occurs across the site and will provide an 'Urban Park' feel, enhancing the amenity of the overall development.
- The integration of ramps with gentle gradients and terraced landscaping will produce a landscape that is permeable and inviting. The landscape is deliberately informal between the buildings to provide areas for relaxation and lunch time activity associated with the commercial buildings. The proposed landscaping has been designed to herald the formal entries to each building.
- Strips of public footpath and feature paving are extended into the site, blurring the edge between public and private domain.
- Bands of concrete paving decking and a variety of paving finishes mixed with large areas of soft landscape elements suggest a vibrant useable outdoor space. These artful and playful surfaces combined with some level changes result in a rhythmic and interactive environment in which to sit and have lunch or simply move through.

7.11.2 Safety

This proposal has considered the 'Safer by Design' principles of surveillance; access control; territorial reinforcement; and space management associated with Crime Prevention Through Environmental Design (CPTED).

The proposal has been designed to incorporate the following measures to maximise safety and security:

- Provision of clear sightlines between public and private spaces;
- Removal of any potential concealment areas which could provide opportunities for offenders to hide or entrap victims;
- Provision of publicly accessible open space ensuring activity and passive surveillance around the buildings at all times;
- Provision of unobtrusive lighting to the landscaped areas including highlighting particular pathways and plantings to guide people into, between the buildings and to other areas in the Honeysuckle precinct;
- CCTV cameras will be placed strategically at the building and car park entries, connected to a 24 hour monitoring and recording regime;
- The physical spaces have been designed for ease of maintenance so that the building appears to be well kept and therefore deter crime.

Suters Architects, in their Design Statement (refer **Appendix G**), states that the site has no high risk areas that require special attention. However, access to the car park will be controlled by roller shutters and access to the lifts will be controlled by security swipe cards or proximity readers to prevent unauthorised access into the buildings.

In addition to the crime prevention measures outlined above, the proposal has been designed to ensure pedestrian safety within the site. The site has street frontages on all four boundaries which enable the physical separation of pedestrian and vehicle access points. Vehicular access is limited to Wright Lane (southern boundary of the site) which allows safe pedestrian access via the main activity street of Honeysuckle Drive. As such, the potential for vehicle and pedestrian conflicts is minimised.

7.11.3 Non Discriminatory Access

Suters Architects, in their Design Statement (refer **Appendix G**), states that careful consideration has been made to ensure non discriminatory access within the proposed development in accordance with AS 1428.1.

The proposed development has been designed to ensure that disabled access is available across the site incorporating 'walkways' with gradients of 1:20 or less wherever possible, and incorporated into the landscape to ensure seamless integration.

7.12 Utilities and Impacts on Rail Infrastructure

7.12.1 Utilities

The existing capacity and requirements of the development for the provision of utilities has been assessed by GHD and is outlined below. GHD have made preliminary enquiries with relevant service providers in relation to the proposed development and the response suggests that staging of infrastructure provision to the site will not be required.

Electrical Services

Preliminary power load assessments have been sent to Energy Australia (Newcastle). The advice is that high voltage cabling in the vicinity of the site is sufficient to provide a suitable supply to the three buildings on the site. It is intended that each building will be provided with an individual kiosk type sub-station so that separate titles can be managed within individual site boundaries.

Gas

Gas will not be required for the mechanical services within the buildings, however, where cafes / restaurants require gas for cooking purposes, provision will be made for connection to the gas street mains for these tenants. Further, provision can be made for backup of hot water systems if required.

Telecommunications

The whole of the immediate area in and around Honeysuckle Drive is served with an underground conduit and pit system installed as part of the original development of the land. These conduits contain copper and fibre cables presently installed to provide communications connectivity to the local telephone exchange. The conduit systems have sufficient capacity for the proposed development of the site.

Water and Sanitary Waste

Domestic and fire water supply along with sewer connection for the proposed development shall be provided by Hunter Water. A Section 50 (Application for Developer Services) is required to be submitted to Hunter Water to assess the capacity of services in regard to the proposed development.

It is considered that Hunter Water has provided for the future development of the Honeysuckle Drive business and residential precinct and there is sufficient capacity for both water and sewer for the proposed development.

7.12.2 Impact on Easement and Adjacent Rail Infrastructure

The site is subject to an easement favouring the State Rail Authority/Rail Corp in relation to the noise, vibration and electrolysis issues associated with the nearby rail infrastructure.

Hunter Acoustics have undertaken an assessment of the impacts of the proposed development on the easement for noise and vibration (refer **Appendix K**). The findings are as follows:

- There are no identified impacts from sound generated by the proposed development that have the potential to impact on Railway Infrastructure.

- There is no risk that vibration from construction and operation of the proposed development would impact adversely on Railway Infrastructure.

If required, investigations and appropriate mitigative measures will be undertaken to ensure that the effects of stray currents (electrolysis) on the development are eliminated, particularly in the locations where the basement car park is proposed to be constructed below the water table.

It is noted that all relevant services currently pass along Honeysuckle Drive and there will be no need to excavate near the rail corridor for infrastructure provision. In this regard, it is not considered that the proposal will have any impact on adjacent rail infrastructure.

7.13 Staging and Subdivision

The development of any of the three buildings will require its own construction certification, funding and eventual occupation certification. Further, it is likely that one or more of the proposed buildings will be subdivided by a strata plan. In order for a building to be subdivided by a strata plan, that building must be on its own lot, otherwise the strata subdivision cannot occur. Accordingly, it is proposed to create three Torrens title lots prior to construction of the proposed development.

The proposed Torrens title subdivision of the site into three lots is appropriate for the following reasons:

- Subdivision of land is permitted in accordance with Clause 16 of Newcastle City Centre LEP 2008.
- Section 75S of the Environmental Planning and Assessment Act allows for Torrens title subdivisions to be given consent under Part 3A of the Act.
- The proposed subdivision layout is compatible with the predominant subdivision pattern of the surrounding locality, particularly the Lee Wharf precinct to the east of the site.
- The size and shape of each proposed lot:
 - allows appropriate building separation and siting to address each street frontage; and
 - provides adequate street frontages to facilitate safe vehicular access to each lot.
- The two new side boundaries have been designed to provide a minimum of 3 metres between the proposed building and their respective side boundary to ensure the proposed buildings comply with relevant BCA fire separation requirements.
- Separate dedicated vehicular access and adequate car parking will be provided for each proposed building to ensure that each building can be constructed and operate independently of each other.
- Rights of access are intended be created over all open space areas on the site to ensure that public access is maintained across the site.
- All of the necessary public utility services are located within or adjacent to the site and each of the three proposed lots can be serviced by these existing public utilities.

Further to the above, it has been demonstrated through the design of the proposed development that the subdivision of land into three lots can successfully accommodate an integrated and coordinated design outcome across the broader site, albeit consisting of (potentially) three separate buildings. The proposed scheme simply represents one solution for the development of the overall site.

7.14 Contributions and Public Benefits

7.14.1 Contributions

Section 94A contributions are payable for the proposed development pursuant to Newcastle City Council's Section 94A Development Contributions Plan 2006. This payment will enable Council to provide any public amenities and services required as a result of the proposed development.

Part B of Council's Section 94A Development Contributions Plan 2006 applies to all new development that has an estimated cost of more than \$250,000 on land in the Newcastle City Centre. The Section 94A contributions levy for the Newcastle City Centre is 3% of the estimated cost of development.

It is anticipated that a condition of consent be imposed requiring payment of the 3% levy, prior to issue of the construction certificate.

7.14.2 Public Benefits

The proposed development provides substantial public benefits including:

- Provision of large areas of usable publicly accessible open space on the site for the benefit of existing and future communities.
- Improved pedestrian amenity on the site through the provision of appropriate pedestrian through-site links and integrated, safe and attractive areas for pedestrian movement.
- Provision of a public art component integrated with the car park screen elements, forming a piece of community land art.
- Creation of substantial employment opportunities during both construction and operational use of the development.
- Promotion of public transport use (rail and bus) as well as cycling and walking through the location and type of development, in close proximity to existing services and facilities.
- Increased utilisation and activation of community assets including parks and promenades within the Honeysuckle Precinct.
- Realisation of the master plan vision and objectives for the Honeysuckle Precinct and contribution to the continual process of renewal of the Newcastle CBD.

7.15 Contamination

Coffey Environments have reviewed the Site Audit Statement issued by Dr William Ryall for the site. The Site Audit Statement states that the site is suitable for the proposed use.

The Site Audit Statement (refer **Appendix S**) contains the following relevant conditions:

- 1. Development of the land being completed so that occupiers of and visitors to the site have no contact with the soil by either covering the soil with buildings pavements or landscaped area, the latter of which must contain a depth of at least 0.5m of clean imported topsoil; and*
- 2. Newcastle City Council making notation on any Certificate relating to the site issued under S.149 of the Environmental Planning and Assessment Act 1979 that the site was formerly used for industrial purposes and that some levels of chemical substances remain present in the soil, but that the levels of these substances are safe for the proposed use of the site; and.*
- 3. Newcastle City Council making notation on any Certificate relating to the site issued under S.149 of the Environmental Planning and Assessment Act 1979 that any works carried out on the site that involve the disturbance or contact with the fill or soils, other than clean soil in landscaped areas, are carried out in accordance with requirements of the "Environmental Management Plan: Honeysuckle Redevelopment" by AGC Woodward Clyde dated January 1999.*

7.16 Consultation

The proponent has undertaken consultation in accordance with the Department of Planning's *Major Project Community Consultation Guidelines October 2007*. A summary of the key findings and issues raised during the consultation process is provided in Section 8 of this report.

8 Consultation

The proponent has undertaken consultation in accordance with the Department of Planning's *Major Project Community Consultation Guidelines October 2007*.

Given that the proposed development will be publicly notified as part of the formal assessment process inviting submissions from the wider community, the level of consultation prior to lodgement of the application was generally limited to liaison with relevant Government agencies and adjoining landowners. This level of consultation was supported in principle by representatives of the Department of Planning.

As such, the proposal has been prepared in consultation with the Department of Planning, Newcastle City Council and the Hunter Development Corporation. Feedback received throughout the consultation process was reviewed by the project team and informed the final proposal.

A summary of the key findings and issues raised during the consultation process is provided below.

8.1 Department of Planning

A presentation was given to senior representatives at the DoP on 29 September 2008. The general feedback on the proposed scheme was favourable, subject to addressing the issues raised in the DGEARs.

Subsequent to the formal presentation, the scheme was amended to reflect a similar concept to that originally provided with the PEA.

As such, further discussions were carried out with DoP Officers to provide an update on the design development progress and to obtain feedback on the overall approach. It is noted the comments provided by DoP Officers have been used to inform the proposed scheme.

8.2 Newcastle City Council's Urban Design Consultative Committee

A briefing session was held with Council's Urban Design Consultative Committee on 15 October 2008 on the original scheme. At this meeting, the Committee expressed their support for the scheme and commended the architects on the overall design of the development.

8.3 Hunter Development Corporation

As the owner of the subject site and the majority of adjoining sites, a presentation was given to Hunter Development Corporation (HDC) on 15 October 2008 with the original scheme and again on 18 November and 5 December 2008 with the revised scheme. The HDC expressed their support for the both schemes and have provided written consent for lodgement of the application with the DoP.

8.4 Lee Wharf Land Owners

As the owner of the land to the north of the site, a presentation was given to 'Lee Wharf Developments' with the original scheme and again with the revised scheme. 'Lee Wharf Developments' expressed their support for the proposed scheme.

8.5 Community

A sign was erected on the boundary fence of the site on 22 September 2008 which provides high level details of the proposed development and invites enquiries directed to the Joint Venture. Enquires to date have been limited to potential users and trade and service providers. It is noted that the wider community and other relevant stakeholders will be advised of the details of the proposed development during the formal public notification period and any submissions received will be appropriately addressed.

9 Draft Statement of Commitments

9.1 Subdivision

The following outlines the Statement of Commitments proposed by the Joint Venture to facilitate the subdivision component of the Project Application. The Statement of Commitments identifies the following:

- General terms that the project will adhere to.
- Measures to mitigate for any environmental impacts.
- Achieving minimal impact in the environment and a positive environmentally sustainable outcome.

General

- The proposed development will be carried out generally in accordance with the plans provided with the Environmental Assessment Report and accompanying Appendices, except as otherwise provided by this Statement of Commitments.
- Prior to the endorsement of a Subdivision Certificate, all specific commitments addressing infrastructure and services (below) will be complied with.
- A copy of the Minister's approval in accordance with Section 75J(1) of the Act, a copy of the Statement of Commitments, and relevant Construction Certificates, including associated approved plans, will be kept onsite at all times during construction.

Infrastructure and Services

- The Proponent will provide reticulated potable water and sewage services to each lot in the subdivision in accordance with Hunter Water.
- The Proponent will conserve, protect or relocate (as appropriate) the existing services passing through the site, including stormwater, sewer, water, telecommunications and electricity.
- The Proponent will provide underground power to each lot in accordance with Energy Australia's standards and requirements.
- The Proponent will provide underground telecommunications infrastructure to each lot in the subdivision in accordance with Telstra requirements.
- A gas connection to the street mains shall be provided to each site.

9.2 Construction

The following outlines the Statement of Commitments proposed by the Joint Venture to facilitate the building construction component of the Project Application. The Statement of Commitments identifies the following:

- General terms that the project will adhere to.
- Contributions made by the proponent in accordance with Newcastle City Council's Section 94A Development Contributions Plan 2006.
- Measures to mitigate for any environmental impacts.
- Measures to monitor the environmental performance of the project.
- Achieving minimal impact in the environment and a positive environmentally sustainable outcome.

General

- The proposed development will be carried out generally in accordance with the plans provided with the Environmental Assessment Report and accompanying Appendices, except as otherwise provided by this Statement of Commitments.
- Prior to the issue of a Construction Certificate, all general commitments, and all specific commitments relating to the Construction Certificate will be complied with.
- A copy of the Minister's approval in accordance with Section 75J(1) of the Act, a copy of the Statement of Commitments, and relevant Construction Certificates, including associated approved plans, will be kept onsite at all times during construction.

Public Domain Improvements

- Public domain improvements shall be undertaken in accordance with the Landscape Master Plan prepared by Site Image.
- Improvements along the street frontages of the site shall have regard to Council's City West Streetscape Design Specifications and the Honeysuckle External Works Manual.

Open Space

- A minimum of 15% of the total site area will be provided as open space accessible to the public.

Public Art

- The proponent shall commit to a process to investigate and evaluate the opportunity to incorporate public art elements into the external screens to the ramp and car park. The process shall be undertaken generally in accordance with the Artist Brief prepared by Suters Architects (refer **Appendix U**) and shall include consultation with Newcastle City Council's Public Art Committee.
- The inclusion of the art element shall be subject to the preferred option's design outcome being consistent with the current architectural designs, form and function of the car park.

Accessibility

- Non-discriminatory access shall be provided within the proposed development in accordance with AS 1428.1.

Mine Subsidence

- The proponent shall undertake Mine Subsidence remediation work in accordance with the Statement prepared by Coffey Geotechnics (refer **Appendix N**).
- This site remains subject to an "in principle" approval issued by the Mines Subsidence Board with respect to a program to remediate the former mine workings and facilitate the future development of the site.

Geotechnical

- Following approval of the project application, more detailed investigations shall be carried out to allow final detailed design of the approved development.
- The field investigation program for the Geotechnical component will be designed to address the requirements of the structural engineers including support of foundations and retaining walls.

Stormwater Management

- All stormwater runoff from the proposed development shall be collected into suitable retention facility and disposed of by appropriate means into the local drainage system as shown on the Stormwater Plans prepared by MPC Consulting Engineers and in accordance with the requirements of Council's DCP.
- The development shall incorporate the provision of rainwater tanks, with captured rainwater to be used for irrigation of landscaping within the site.
- The site drainage system is to incorporate pollution control measures designed to remove any site generated pollutants.
- Institute appropriate erosion protection and soil stabilisation measures in association with the proposed works in accordance with the Site Sedimentation and Erosion Control Plan prepared by MPC Consulting Engineers. Such measures are to be designed in accordance with the requirements of Council's DCP 2005.
- The Proponent will apply the principles of Water Sensitive Urban Design (WSUD) to the stormwater flows that enter and leave the site, as well as those that are generated through impervious surfaces on the site.
- The Proponent will ensure that all proposed measures related to treatment or filtration of all stormwater will be designed and constructed in accordance to DECC guidelines. The proposed measures should include:
 - Details as to treatment measures of stormwater to water quality specifications as required by Council and DECC guidelines; and
 - Details on how the stormwater quantity shall be ensured in regards to the satisfaction of pre or post conditions (i.e. downstream properties are not affected by any increased flows from the site).

Flood Levels

- The minimum floor level adopted for the site shall be 2.58m AHD.
- The entry / exit ramp level to the car park shall be 2.28m AHD.

Waste Management

A Waste Management Plan for the ongoing operation of the development shall be prepared prior to the issue of occupation certificate. In particular the following shall occur:

- Commercial waste storage bins and recycle sorting areas are to be provided in the basement of each building.
- Major tenancies to implement and manage their own waste management systems, equipment and collections.
- Tenants may nominate an appropriate size of mobile garbage bins for their particular use.
- Daily collection cycle is recommended for putrescibles waste generated but can be modified to suit the tenant's particular needs.
- A building caretaker to be employed to manage the waste management system for the development.

Vehicle Access

- Vehicular access to the site shall be provided via three separate driveways off Wright Lane.
- No vehicular access is to be provided via Honeysuckle Drive.

Car Parking

- Car parking for a minimum of 356 vehicles shall be provided within the buildings on site.
- Car parking layout and access shall be designed to comply with the relevant Australia Standards including AS2890.1 and AS2890.2.

Safety and Security

- The exterior spaces between the buildings at ground level shall be provided with suitable external lighting to provide a high level of security for tenants and the public.
- CCTV cameras shall be located at the building and car park entries to provide a high level of security and shall be connected to a 24 hour monitoring and recording regime.
- In order to prevent un-authorised access into the buildings, access to the car park shall be controlled by boom gate across entry / exits and access to the lifts shall be controlled by security swipe cards or the like.

ESD

- The development will commit to achieving the following green building rating targets:
 - 4.5 Star NABERS Energy; and
 - 5 Star Green Star.

Environmental and Construction Management

- Prior to any works commencing, a Construction Environmental Management Plan (CEMP) will be prepared and implemented to manage all environmental aspects associated with the construction. The CEMP will identify construction measures and practices to be established for the purposes of minimising potential construction impacts such as erosion and sediment transfer, construction traffic, noise and worker safety.

Acoustic and Vibration

Construction

- Construction noise and vibration will be managed and controlled in accordance with the NSW DECC Draft Construction Noise Guideline August 2008.
- High level construction vibration activities such as, piling, heavy excavation, high compression compaction, or the like shall not be carried out within 20 metres of a sensitive receiver as defined in section 3.1.2 of the Industrial Noise Policy unless monitoring and control of the vibration levels is undertaken by an appropriately qualified consultant.

Façade Treatment

- To ensure that rail traffic noise levels will meet the internal noise level requirements of AS 2107, the façade of the building shall be appropriately designed and constructed so as to achieve the minimum façade sound attenuation of:
 - External walls $R_w + C_{tr} = 50$
 - Windows $R_w + C_{tr} = 27$

Mechanical Services

- To avoid impacting on the amenity of the neighbouring residents once the project is completed, the maximum effective Sound Power Level of the total mechanical plant for each building, after the application of any necessary acoustic treatment, is not to be more than:

- Daytime Sound Power Level of mechanical plant not to exceed 82 dB(A) overall and not to exceed 80 dB in any Octave Band 125 to 4000 Hz.
- Evening Sound Power Level of mechanical plant not to exceed 79 dB(A) overall and not to exceed 75 dB in any Octave Band 125 to 4000 Hz.
- Daytime Sound Power Level of mechanical plant not to exceed 75 dB(A) overall and not to exceed 70 dB in any Octave Band 125 to 4000 Hz.

Utilities

Sewer

- A sewer mains connection shall be provided to the development with sufficient capacity in accordance with Hunter Water requirements.

Gas

- A gas connection to the street mains shall be provided with sufficient capacity for potential backup of hot water systems and café / restaurant tenancies within the development.

Water

- A Section 50 certificate shall be obtained from Hunter Water and a water mains connection provided to the development with sufficient capacity.

Electricity

- A connection to the existing high voltage cabling in the vicinity of the site shall be provided to the development in accordance with Energy Australia guidelines.
- Individual kiosk type substations shall be provided for each individual building to facilitate separate titles to be maintained within the site boundary.

Telecommunications

- The development shall be provided with connections from each building to the existing underground conduit and pit communications system provided as part of the original development of the Honeysuckle area.

Electrolysis

- Investigations shall be undertaken, and appropriate mitigative measures employed, to ensure that the effects of stray currents (electrolysis) on the development are eliminated, particularly in the locations where the basement car park is proposed to be constructed below the water table.

Provision of Public Services and Infrastructure

- A contribution shall be provided to Council as a contribution for infrastructure services under Section 94A of the *Environmental Planning and Assessment Act 1979* (as amended). This contribution is to be paid in stages throughout the development and construction process.
- The proponent shall fund the cost of any augmentation of any utility works required to service the site and that the proponent enter into further consultation with each provider.
- The proponent shall enter into a Voluntary Planning Agreement in relation to the provision of additional facilities and services required by various government agencies, where appropriate.

Heritage

The proponent undertakes to observe the following methodology during ground disturbance on the site:

- Prior to works commencing, a brief 'heritage induction' shall be undertaken in which an archaeologist informs all relevant contractors of the heritage values of the site, the proposed excavation methodology, and obligations under relevant legislation and consents.
- Ground disturbance shall be monitored by at least two qualified archaeologists (this number may be reduced to one as works proceed if the likelihood for relics to survive proves to be very low). The archaeologists will have authority to direct site works, as required, in order to undertake all necessary recording.
- If Aboriginal archaeological objects are exposed, works shall cease immediately and the local Aboriginal land council will be contacted. Aboriginal community consultation would be undertaken observing Department of Environment and Climate Change guidelines. Works would proceed in consultation with the local Aboriginal land council.
- If non-Aboriginal archaeological relics are exposed, they shall be investigated using a combination of machine excavation and manual excavation (pick, shovel, trowel etc)—the method to be determined by the archaeologists.
- The archaeologists shall monitor any machine work carefully and will make recommendations for tracks used, access and egress points etc, as appropriate.
- The depth of excavation (so far as archaeology is concerned) required across the site shall be determined by the excavation director, based on the nature of the subsurface profile.
- The need for detailed investigation and recording of specific deposits or features shall be determined by the excavation director throughout the course of the investigation to ensure that the important parts of the site are adequately investigated and recorded.
- The investigation shall continue until the archaeologists are satisfied that the research potential of the subsurface deposits has been realised and that the site has been adequately investigated and recorded, or that culturally sterile deposits have been encountered across the site.
- The entire investigation process shall be recorded photographically. Additional detailed site recording would be undertaken (measured drawings, context sheets etc) if and when archaeological deposits and features are encountered. Measured drawings of physical remains shall be made. The location of exposed structural relics shall be recorded by survey.
- Any artefacts that are recovered shall be provenanced according to their contexts. Artefacts shall be conserved (washed and bagged) and stored in an appropriate repository, observing specialist conservation requirements where appropriate (for example, for leather or metal artefacts). Artefacts shall be logged in a database that reflects current best-practice archaeological data recording.
- A succinct report presenting the outcomes of the excavation shall be prepared within 12 months of the completion of the archaeological investigation. This report will include a description of the results of the investigation and the excavation methodology used, and will include a response to the research questions in Section 4.5 of the Honeysuckle Central—Heritage Impact Statement, December 2008.
- Works shall proceed in the vicinity of the rail turntable under the direction of the archaeologists. If the turntable proves to extend into the site, it would be appropriate to expose its extent by archaeological excavation. It would be comprehensively recorded observing archaeological best practice. An assessment of its heritage significance, based on the nature and extent of the surviving relics, would then be prepared, including recommendations with respect to its management (in-situ retention or removal, interpretation recommendations etc). Opportunities would be explored for its in-situ retention, guided by the results of the excavation. The assessment shall be prepared in consultation with the NSW Heritage Branch.

Staging

- Should an individual building be constructed on the site, landscaping of the overall development site shall be carried out to ensure disabled access is maintained throughout the developed site. Any remaining undeveloped lots shall be grass seeded to ensure visual amenity of the precinct is maintained.

10 Conclusion

The assessment provided throughout this report demonstrates that the proposed development is appropriate and suitable for the site, as summarised below:

- The proposal is consistent with the relevant aims, objectives and controls contained within each of the applicable planning instruments and policies.
- The proposal is justifiable having regard to the environmental impacts of the proposal.
- The proposal is in the public interest as it will deliver a wider choice of commercial office / retail space, provide large areas of publicly accessible open space on the site and create integrated, safe and attractive areas for pedestrian movement. Further, the proposal represents a significant financial commitment by the Proponent to the Newcastle Local Government Area and will result in the creation of substantial employment opportunities during both construction and operational use of the development.
- The proposal will provide a contemporary and dynamic development that is compatible with the surrounding built form character. The proposal reinforces the high quality of the built environment and the public domain within the Honeysuckle Precinct.

Having regard to the above and the details provided in this report, the assessment concludes that the proposed development represents an optimal outcome for the site that warrants approval. Accordingly, it is recommended that the project application be approved under Part 3A of the Environmental Planning and Assessment Act 1979.

