

27 May 2019

Newcastle City Council
PO Box 489
NEWCASTLE NSW 2300



Response to Newcastle City Council's Submission

RE: Response to Submission from Newcastle City Council on Mixed Use Development (SSD 8440 Mod 2) at 42 Honeysuckle Drive, Newcastle NSW 2300.

As a result of the public exhibition process of State Significant Development Modification (SSD 8440 Mod 2) a submission, dated 3 May 2019, was received from the Newcastle City Council (Council).

The Department of Planning and Environment (Department) have requested that the submission be addressed as part of the assessment process. Consequently, please find below a summary of the points raised by Council and the corresponding response.

Proposed Restaurant

Council has requested specific details of the proposed restaurant use replacing the approved retail space.

The Land Use Table for the B4 Mixed Use Zone within Newcastle LEP 2012 notes that Commercial Premises are permitted with consent. Commercial Premises is the parent definition for Restaurants by way of Food and Drink Premises and Retail Premises. The parent definition use (retail) has previously been approved under the original SSD 8440 and therefore the restaurant use does not require a further refinement at this stage.

It is not commercially viable for the development to specifically nominate a tenant of the site other than it will be reserved for a restaurant use. At this stage of the development it is unreasonable to be required to specifically note details of operation without a tenant being known.

Council raises concern based on the possible implications of outdoor tables and seating. This would again be detail specific to the intentions of a prospective tenant and would require a separate approval post SSD through Council in accordance with their Outdoor Trading Policy and would not simply commence operation without prior consultation with Council.

Car Parking

Council raised question as to how the car parking rate was calculated.

The carparking was calculated on the basis of carparking rate for non-residential uses in the Newcastle City Centre DCP rate i.e. 1 per 60m² of GFA.

There has been a reduction in non-residential GFA of approximately 147m² as a result of the modification, which at a rate of 60m² equates to 3 carparking spaces. This has created an excess of 3 carparking spaces while the total number of spaces provided has not changed (234).

Consequently, this creates a potential GFA increase of 39m² as the parking provided exceeds the minimum required for the non-residential components against the DCP controls. Rather than calculating the excess of spaces as additional GFA it is requested that these 3 spaces be absorbed into the public carpark component of the development, thus increasing the public carpark from 25 spaces to 28 spaces. Accordingly, this has no impact on the total carparking provided for the development and does not provide any additional spaces to the use that exceed the 1 per 60m² requirement of the DCP.

As a result of this minor reallocation of spaces, Condition B20 is requested to be amended as follows:

CAR PARKING

B20 The development shall provide 234 car parking spaces comprising:

- *93 residential car spaces*
- *11 visitor car spaces*
- *2 retail car spaces*
- *128 hotel car spaces (including ~~25~~ **28** public car spaces)*

Drop-off/Pick Up Facility

Council has highlighted future intentions of the Hunter and Central Coast Development Corporation to realign Honeysuckle Drive which will result in the loss of the approved hotel drop-off/pickup up facility. While this is the case this currently has no direct impact on this Mod application as there is no proposal to alter the drop-off/pickup up facility as part of this application.

As noted within the RTS, a submission to Councils Traffic Committee has been made to obtain approval for the facility under the Roads Act 1993. The structure of the revised drop-off/pickup up facility has been provided with the Traffic Committee submission and a strategy is still being investigated.

KDC trusts that this response to the submissions suitably addresses the concerns raised by the Council. If you have any questions regarding this letter, please do not hesitate to contact Samuel Newman on (02) 4940 0442.

Yours sincerely



Samuel Newman
Town Planner
KDC Pty Ltd