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Our ref: 20019

24 January 2020

Department Planning, Industry and Environment
GPO Box 39
Sydney NSW 2001

Attention: Marcus Jennejohn - Senior Planning Officer

Dear David,

RE: Proposed S4.55(1A) Application for the Modification of Consent SSD 8019 – Proposed Minor Design Changes and Amendment to Conditions of Consent – 21 Honeysuckle Drive, Newcastle NSW 2300

1 INTRODUCTION

KDC Pty Ltd (KDC) acts on behalf of its client DOMA Group (DOMA) in lodging this s4.55(1A) application to the Department of Planning, Industry and Environment (the Department) for minor changes to the approved architectural plans and conditions of consent (Condition B16 and Condition B17) relating to SSD 8019, being a mixed-use development located at 21 Honeysuckle Drive, Newcastle NSW 2300.

Section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979* (EP& A Act) states that a consent authority may, on application, modify a development consent if it is satisfied that the proposed modification is of minimal environmental impact and the modification is substantially the same as the development for which the consent was originally granted. Given the minor nature of the proposed modification, it is considered that this is the most suitable approval pathway.

2 THE SITE AND SURROUNDS

The site is located at 21 Honeysuckle Drive, situated within the Local Government Area (LGA) of Newcastle. The site comprises a polygon configuration with an area of approximately 7,292m². The land is currently legally identified as part of Lot 2 in Deposited Plan 1236735.

The site exists within the western end of the Honeysuckle Precinct in the Newcastle City Centre, which is yet to fully realise its redevelopment and revitalisation potential. To the direct north of the site exists public recreational land in the form of a foreshore promenade. To the immediate west of the site is a large-scale mixed-use development under construction (35 Honeysuckle Drive, Newcastle). To the immediate east is mixed use development. Honeysuckle Drive forms the southern boundary of the site and beyond this, mixed-use and commercial developments typically six to eight storeys in height.

The location of the site is illustrated in Figure 1.

Figure 1 – Site Aerial (Source: Six Maps)



3 BACKGROUND

A State Significant Development (SSD) for the construction a mixed-use development consisting of three mixed use buildings totalling 148 residential apartments and commercial tenancies on the ground level was approved by the Department of Planning and Environment on 23 February 2018. A subsequent modification (MOD 1) was approved on 12 July 2019 for minor alterations to the approved plans and amendments to conditions of consent.

SSD 8019 MOD 2 is currently under assessment to clarify the intent of Condition B24, relating to the probable maximum flood planning level and materials and finishes to protect against flood waters. It is expected this modification will be resolved in the coming weeks.

It is noted that many of the identified additional spaces form part of previously approved oversized car parks, which were intended to be allocated to the larger apartments. The previous arrangement was designed to facilitate a flexibility of use for these apartments, i.e. for storage or for tandem parking. Subsequent market research indicates that the configuration of these spaces are not the preference for purchaser, but that apartment owners seeks specific identification of these spaces as a parking space. Accordingly, now that these spaces are now identified as separate car spaces and not as a flexible storage option, for completeness these spaces are included in the revised Gross Floor Area (GFA) calculations.

KDC consulted with Newcastle City Council prior to the lodgement of the subject modification (MOD 3) to streamline the referrals process on the 17 January 2020. KDC discussed the proposal with Geof Mansfield (Principal Planner) and Rajnesh Prakash (Senior Development Officer – Engineering), the purpose of the modification was explained and the architectural plans presented. Council requested an addendum to the Traffic Impact Assessment be prepared, this comment has been addressed and an addendum has been provided at Appendix B. Council also requested that justification to the FSR variation be provided, this is noted and had been included below.

4 PROPOSED DESIGN CHANGES

The proposed modification seeks to amend the approved plans relating to the mixed-use development. It is noted that many of the identified additional spaces form part of previously approved oversized car parks, which were intended to be allocated to the larger apartments. The previous arrangement was designed to facilitate a flexibility of use for these apartments, i.e. for storage or for tandem parking. Subsequent market research indicates that the configuration of these spaces are not the preference for purchaser, but that apartment owners seeks specific identification of these spaces as a parking space.

Specifically, the amendments are detailed in Table 1, by level. It is noted only amendments to the Ground Floor and Basement are proposed and no changes to the unit mix is proposed.

Table 1 – Proposed Design Changes

Level	Proposed Modification	Reasoning for Changes	Impact of Change
Basement Level	+ Amendments to carparking layout including conversion of storage to carparking.	+ Detailed design phase revealed opportunities to be more efficient with space and provide additional parking to meet the consumer demand. All additional carparking will be allocated to residential apartments.	+ The modifications at basement level result in increase to floor space ratio (FSR) due to the requirement for surplus parking to be included in gross floor area (GFA). Overall, the impact of change is considered to be negligible, given the bulk and scale of the development will not change as a result of the additional GFA in the basement level.
Ground Level	+ Minor amendments to carparking configuration for the terraces and visitor carparking. + Revision of bicycle parking.	+ Detailed design phase revealed opportunities to be more efficient with space and provide additional parking to meet the consumer demand. + Detailed design phase revealed opportunities to improve the location of the bicycle spaces and be aligned with the Newcastle Development Control Plan 2012.	+ Minimal impact as on ground level one additional parking space is proposed and bicycle parking will be compliant with the Newcastle Development Control Plan 2012 and be highly accessible. The relocation of the visitor and commercial bicycle spaces from internal to external to the building results in a better outcome, as the bicycle spaces are

Level	Proposed Modification	Reasoning for Changes	Impact of Change
			positioned in a highly accessible location in comparison to the previously approved (MOD 1). It is also proposed to convert one visitor car space to a residential space to align with the DCP.

Figure 2 and Figure 3 compare the basement level from the approved arrangement to the proposed sought under this modification.

Table 2 below outlines the approved GFA (as per SSD 8019 as modified) against the proposed GFA (as per SSD 8019 MOD 3) and highlights the difference in GFA and the areas of change that attribute to the differing GFA.

Figure 2 – Approved Basement Level (Source: SJB)

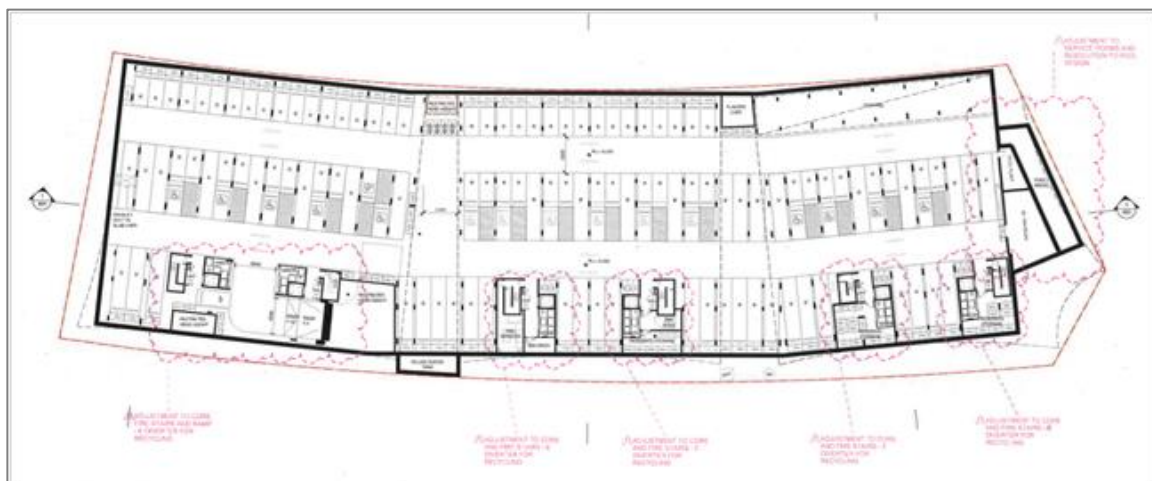


Figure 3 – Proposed Basement Level (Source: SJB)

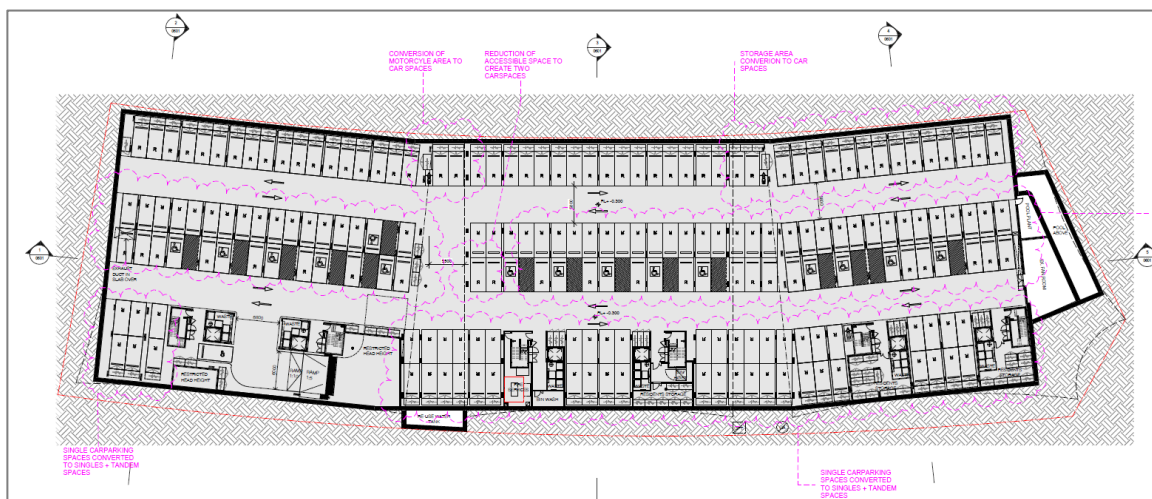


Table 2 – Numerical Changes

Level	Approved GFA (MOD 1)	Proposed GFA (MOD 3)	Difference	Reason for Change/Location
Basement 01	143m ²	994.92m ²	+851.92m ²	The modifications at basement level result in an increase to FSR due to the requirement for surplus parking to be included in GFA. Overall, the impact of change is considered to be negligible given the bulk and scale of the development will not change as a result of the additional GFA in the basement level.
Ground Level	1,681m ²	1,712.92m ²	+ 31.92m ²	Minor reconfiguration as a result of parking and bicycle storage room changes. The modifications at Ground Level result in an increase to FSR due to the requirement for surplus residential parking to be included in GFA for residential parking. Overall, the impact of change is considered to be negligible given the bulk and scale of the development will not change as a result of the additional GFA in the Ground Level.
Level 01	3,249m ²	3,249m ²	0m ²	N/A - Nil change
Level 02	2,404 m ²	2,404m ²	0m ²	N/A - Nil change
Level 03	2,418m ²	2,418m ²	0m ²	N/A - Nil change
Level 04	2,417m ²	2,417m ²	0m ²	N/A - Nil change
Level 05	2,415 m ²	2,415 m ²	0m ²	N/A - Nil change
Level 06	2,410 m ²	2,410 m ²	0m ²	N/A - Nil change
Roof	31m ²	31m ²	0m ²	N/A - Nil change
Total	17,171m²	18,051.84m²	+880.84m²	

5 PROPOSED MODIFICATION TO CONDITIONS OF CONSENT

The s4.55(1A) modification seeks to modify Condition B16 and Condition B17 of SSD 8019, to reflect the proposed design changes. The proposed amendment is as follows:

Existing Condition B16

B16 The development shall provide car parking in accordance with the following requirements:

a) a total of 190 on-site car parking spaces comprising:

(i) 154 residential car parking spaces

(ii) 31 residential visitor car parking spaces

(iii) 5 commercial car parking spaces.

b) all vehicles should enter and leave the site in a forward direction

c) Car park entry/exits shall be designed in such a manner as to ensure that the future queuing areas and capacity requirements comply with Appendix D of AS 2890.1-2004

d) The layout of the proposed car parking areas associated with the subject development (including driveways, ramps, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) shall be accordance with AS 2890.1-2004, AS 2890.6 for accessible spaces and AS2890.22002 for heavy vehicles where applicable.

Proposed Condition B16

B16 The development shall provide car parking in accordance with the following requirements:

a) a total of ~~190~~ 257 on-site car parking spaces comprising:

(i) ~~154~~ 222 residential car parking spaces

(ii) ~~31~~ 30 residential visitor car parking spaces

(iii) 5 commercial car parking spaces.

b) all vehicles should enter and leave the site in a forward direction

c) Car park entry/exits shall be designed in such a manner as to ensure that the future queuing areas and capacity requirements comply with Appendix D of AS 2890.1-2004

d) The layout of the proposed car parking areas associated with the subject development (including driveways, ramps, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) shall be accordance with AS 2890.1-2004, AS 2890.6 for accessible spaces and AS2890.22002 for heavy vehicles where applicable.

Comment: The purpose of amending the condition is to reflect the changes to the architectural plans. Detailed design phase revealed opportunities to be more efficient with space and provide additional parking to meet the consumer demand. An assessment of the additional parking is provided within the Addendum to Traffic Assessment at Appendix B and below in this planning report.

It is noted that the detailed design phase revealed opportunities to be more efficient with space and provide additional parking to meet the consumer demand, and all additional carparking will be allocated to residential apartments.

Existing Condition B17

B17 The development shall provide bicycle parking in accordance with the following:

- a) 222 bicycle spaces, including 154 residential storage cages and 68 lockable spaces on the ground floor*
- b) The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities except that:*
 - (i) all bicycle parking for occupants of residential buildings must be Class 1 bicycle lockers*
 - (ii) all bicycle parking for staff / employees of any land uses must be Class 2 bicycle facilities*
 - (iii) all bicycle parking for visitors of any land uses must be Class 3 bicycle rails.*

Proposed Condition B17

B17 The development shall provide bicycle parking in accordance with the following:

- a) ~~222 bicycle spaces, including 154 residential storage cages and 68 lockable spaces on the ground floor~~*
- b) The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities except that:*
 - (i) all bicycle parking for occupants of residential buildings must be Class 1 bicycle lockers*
 - (ii) all bicycle parking for staff / employees of any land uses must be Class 2 bicycle facilities*
 - (iii) all bicycle parking for visitors of any land uses must be Class 3 bicycle rails.*

Comment: It is noted that the SSD-8019 approved additional bicycle parking spaces above and beyond the recommendation provided by Intersect Traffic and the DCP 2012. Refer to discussion under Newcastle DCP 2012.

The relocation of the visitor and commercial bicycle spaces external to the building results in a better outcome as the bicycle spaces are well located in a highly accessible location in comparison to the previously approved (MOD 1). The provision of external bicycle parking in a convenient and well utilised location by pedestrian will result in higher usage of the bicycle spaces as visitors are likely to be more aware of the bicycle space location. This modification will provide bike parking in accordance with the DCP 2012, providing the relevant class bicycle spaces external to the building.

The proposal will not have any impact on landscaping and will result in an improved accessibility and function for visitors to the site, due to the highly accessible location within the pedestrian linkway.

6 LEGISLATION AND PLANNING CONTROLS

Compliance with all requirements under various legislation, Environmental Planning Instruments (EPI's) and Council policies remains unaffected by the proposed modifications. The proposed amendment does not change the overall design, function or off-site impacts of the development (as approved).

The following legislation, Environmental Planning Instrument (EPI) and Development Control Plan (DCP) are relevant to the modified development:

- + Environmental Planning and Assessment Act 1979;
- + State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development and the Apartment Design Guidelines (ADG);
- + State Environmental Planning Policy – Infrastructure 2007;
- + Newcastle Local Environmental Plan 2012 (NLEP 2012); and
- + Newcastle Development Control Plan 2012 (DCP 2012).

6.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (EP&A ACT) 1979

It is considered that the modification of the development consent proposed will result in minimal environmental impact and is substantially the same development as that for which the original consent was granted. Accordingly, the approval path for the proposed modification is s4.55(1A) Minimal Environmental Impact under the EP&A Act 1979:

Section 4.55 Modification of consents - generally

(1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) It is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
 - (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

This application is made pursuant to section 4.55(1A) of the EP&A Act 1979 and the proposed modification is 'substantially the same' as the approved development, for the following reasons:

- + The proposal retains the approved use, being a 'mixed use development' with retail and residential uses;
- + The proposed amendments are predominately the result of the architectural plans progressing to detailed construction drawings and in response to the original conditions of consent;
- + The proposed modification will not alter the proposal's acceptability having regard to the relevant legislation and planning controls, as demonstrated in Section 5 of this report; and
- + The proposal results in negligible environmental impacts in addition to those considered and assessed under the original application.

6.2 STATE ENVIRONMENTAL PLANNING POLICY 65 – DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

Compliance with State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP 65) remains consistent with assessment undertaken as part of the Environmental Impact Statement (EIS) for SSD8019. It is noted notwithstanding the conversion of storage to parking at basement level, the development still provides adequate storage and complies with the Apartment Design Guidelines (ADG) in respect to storage.

6.3 STATE ENVIRONMENTAL PLANNING POLICY – INFRASTRUCTURE 2007

Relevant clauses of State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) are discussed below.

Clause 104 - Traffic Generating Development

The proposal is identified as being 'traffic generating development'.

(3) Before determining a development application for development to which this clause applies, the consent authority must:

(a) give written notice of the application to RMS within 7 days after the application is made, and (b) take into consideration:

(i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and

(ii) the accessibility of the site concerned, including:

(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and

(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and

(iii) any potential traffic safety, road congestion or parking implications of the development.

An addendum to the Traffic and Transport Access Assessment has been prepared by Intersect and is provided at Appendix B. The addendum concludes that the proposal will have acceptable impact on the road network and the proposed modification does not change in terms of the number and type of apartments being provided as well as the GFA for commercial space. Therefore, the modified development will not generate any increase in traffic on the local road network therefore will have no impact on the effectiveness or efficiency of the adjoining road network.

The proposed modification is consistent with ISEPP and necessary referrals will be undertaken during assessment of the modification.

6.4 NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

6.4.1 ZONING

The zoning of the site under LEP 2012 is B4 Mixed Use Zone, as illustrated in Figure 4.

The Land Use Table for the B4 Mixed Use Zone is extracted below:

1 Objectives of zone

- *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 nearby or adjacent commercial centres without adversely impacting on the viability of those centres.*

2 Permitted without consent

Environmental protection works; Home occupations

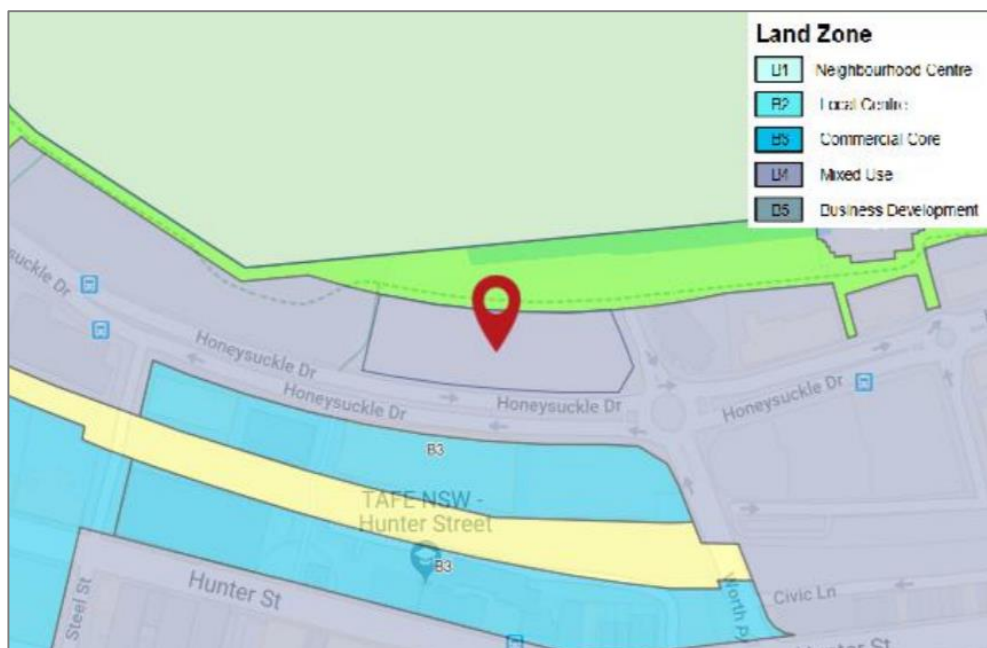
3 Permitted with consent

Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Camping grounds; Caravan parks; Cemeteries; Dual occupancies; Dwelling houses; Eco-tourist facilities; Electricity generating works; Farm buildings; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Heavy industrial storage establishments; Heavy industries; Helipads; High technology industries; Open cut mining; Pond-based aquaculture Resource recovery facilities; Rural industries; Secondary dwellings; Semi-detached dwellings; Sewage treatment plants; Truck depots; Vehicle body repair workshops; Waste disposal facilities; Water recycling facilities; Water supply systems

Figure 4 – Extract from LEP 2012 (LZN_004G)



The proposed modification does not amend the approved land uses and the development remains consistent with the objectives of the B4 Mixed Use zone.

6.4.2 CLAUSE 4.3 – HEIGHT OF BUILDINGS

This s4.55(1A) modification does not seek to increase the overall building height.

6.4.3 CLAUSE 4.4 – FLOOR SPACE RATIO

In accordance with this clause and the adopted Floor Space Ratio Map (refer to Figure 5), the site has two maximum floor space ratio standards, being 2:1 and 2.5:1. The higher FSR standard corresponds with the increased Height of Building standard within the site, being along the Honeysuckle Drive edge of the site.

Given the conversion of basement storage to surplus parking the gross floor area for the site has increased from 17,171m² to 18,051.84m², this results in a non-compliance with the FSR control.

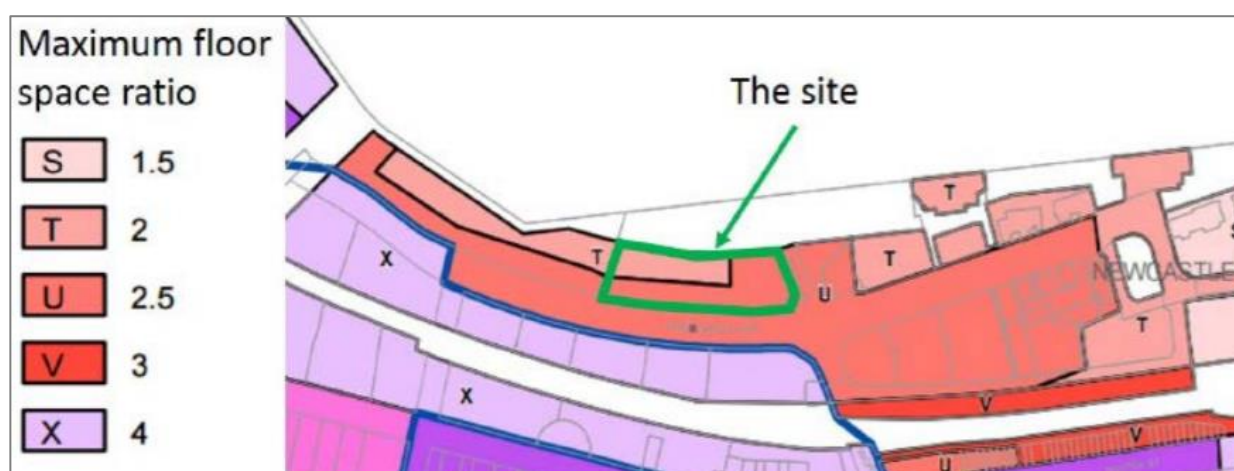
The FSR of the proposed development that is on the portion of the site to which the 2:1 FSR applies, is 1.8:1. This is well below the standard. However, the FSR of the development that is on the portion of the site to which the FSR 2.5:1 applies, is 2.86:1 which results in a non-compliance with the development standard.

Table 3 outlines the permissible and proposed GFA, as well as identifies the non-compliance.

Table 3 – Floor Space Ratio Variation

Location	Permissible FSR	Permissible GFA	Proposed GFA	Proposed FSR	% non-compliance
Northern Frontage	2:1 (2,774.75m ² site area)	5,604m ²	5,110.42m ²	1.8:1	Compliant (non-variation)
Southern Frontage	2.5:1 (4,517.65m ²)	11,180m ²	12,941.42m ²	2.86:1	Non-compliant (15.75% variation)
Overall (as an average across the site)	2.3:1 (7,292.4m ²)	16,820m ²	18051.84m ²	2.48:1	Non-compliant (7.32% variation)

Figure 5 – Extract from LEP 2012 (FSR_004G)



6.4.4 CLAUSE 4.6 – EXCEPTION TO DEVELOPMENT STANDARDS

The objective of this clause is to provide an appropriate degree of flexibility in applying certain development standards to particular developments in the essence of achieving better design outcomes for and from development.

Caselaw (North Sydney Council v Michael Standley & Associates Pty Ltd [1998] NSWSC 163) demonstrates that for a Section 4.55 application, a Clause 4.6 Exceptions (or SEPP 1 objection) to Development Standards is not required.

A Section 4.55 enables the development to be approved notwithstanding any breach of development standards. Section 4.55 is a broad power to approve, subject to its own stand-alone tests (such as the “substantially the same” test, and a requirement to consider all relevant s.4.15 matters). Section 4.55 does not rely upon having any SEPP 1 objection or Clause 4.6 variation in order to enliven that power to approve.

This modification report demonstrates that the proposed development is substantially the same and appropriate for the setting. Consideration of the impact of the proposed modification is detailed in Section 7 of this SEE.

6.5 NEWCASTLE DEVELOPMENT CONTROL PLAN 2012

The proposal seeks to amend the number of car and bicycle spaces. The Newcastle Development Control Plan 2012 (DCP) applies to the proposed development. In accordance with 7.03.02 Parking Provisions, the parking and bicycle parking requirements for a development in the Newcastle City Centre are outlined below.

Except for residential development, car parking for development in the City Centre is provided at the rate of one space per 60 m² gross floor area.

For residential development: -

- + *Small (<75m² or 1 bedroom) average 0.6 spaces per dwelling*
- + *Medium (75m² - 100m² or 2 bedrooms) average 0.9 spaces per dwelling*
- + *Large (>100m² or 3 bedrooms) average 1.4 spaces per dwelling*
- + *1 space for the first 3 dwellings plus 1 space for every 5 thereafter or part thereof for visitors.*

Table 4 – NCC DCP Car Parking Calculation

Parking For	Based upon	Spaces Required DCP City Centre	Proposed Supply
One Bedroom Units (0.6 per unit)	43 dwellings	25.8	
Two Bedroom Units (0.9 per unit)	57 dwellings	51.3	
Three- & Four-Bedroom Unit (1.4 per unit)	48 dwellings	67.2	
Residential Sub Total	148 dwellings	144	207 plus 15 accessible spaces
Visitors (1 space for first 3 units then 1 space per 5 units)		30 spaces	30 spaces
Commercial/ Retail	226m ²	4 + 1 for servicing (5)	5
Total		179 spaces	257 spaces (79 spaces surplus accounted for as GFA given the provision for additional residential spaces)

The proposal provides 257 car spaces which exceeds the minimum requirement of the DCP. However, this includes the conversion of oversized single spaces, to 26 'tandem'/stacked spaces, which shall be utilised for three-bedroom or four-bedroom residential apartment allocation for functionality and/or retail spaces.

The remaining additional spaces have been created through more detailed design of the basement, resulting in further efficiencies in the height clearance for some areas facilitating their use for car parking.

It is acknowledged that the surplus parking is required to be accounted for in the FSR as per Council and the Department's previous advice.

While the proposed car parking exceeds the controls; it noted that the road network can accommodate the increase in traffic and would not result in detrimental traffic impacts. An Addendum to the Traffic and Parking Assessment has been included in Appendix B. 12 motorcycle spaces are provided which is consistent with the approved development and DCP 2012.

Further, the Newcastle DCP requires the following in regard to motorcycle and bicycle parking:

Residential

- + *Bike parking of 1 space per dwelling is required unless separate storage is provided (Council determine the required class of security) plus 1 space per 10 dwellings (Class 3) for visitors.*

Non - Residential

- + *Bicycle Parking - 1 space per 100m² GFA (Class 2)*

Under the DCP 2012, the following bicycle parking required:

- + 148 bicycle spaces in storage cage (1 per dwellings)
- + 14.8 bicycle spaces for visitors (Class 3)
- + 2.26 bicycle spaces for ground floor non-residential (Class 2)
- + Total: bicycle spaces, rounded down to **165 bicycle spaces.**

It is noted that the SSD-8019 approved additional bicycle parking spaces above and beyond the recommendation provided by SECA Solutions and the DCP 2012. This modification seeks to amend B16 to reduce the number of bicycle parking to 165 spaces (currently conditioned for 222 spaces).

The relocation of the visitor and commercial bicycle spaces external to the building results in a better outcome as the bicycle spaces are well located in a highly accessible location in comparison to the previously approved (MOD 1). The provision of external bicycle parking in a convenient and well utilised location by pedestrian will result in higher usage of the bicycle spaces as visitors are likely to be more aware of the bicycle space location. This modification will provide bike parking in accordance with the DCP 2012, providing the relevant class bicycle spaces external to the building. The proposal will not have any impact on landscaping and will result in an improved accessibility and function for visitors to the site due to the highly accessible location within the pedestrian linkway.

7 ENVIRONMENTAL IMPACT ASSESSMENT

The following is an assessment of the environmental impacts of the proposed development, as described in the preceding sections of this SEE. The assessment considers only those matters under Section 4.15 (1) of the EP&A Act 19179 that are relevant to the proposal.

7.1 BUILT FORM AND URBAN DESIGN

The unique building design proposed for this site was successful in the tender process coordinated by Hunter and Central Coast Development Corporation (HCCDC) and achieves the desired high quality of design for apartment buildings as sought by SEPP 65 and the ADG.

The proposal is designed in keeping with the bulk and scale of existing developments within the precinct. The proposed development consists of a high quality, architecturally designed building that makes a positive contribution to the street frontage of Honeysuckle Drive. The proposed modification application does not significantly change the external appearance of the building. Despite the non-compliance with FSR control, the proposal does not alter the existing bulk and scale of the development; due to the additional gross floor area being located within the basement.

The proposal represents an efficient use of land, activating the Honeysuckle Precinct and providing a variety of housing opportunities. The proposed development achieves the objectives of this Clause and therefore strict compliance with the required FSR would be unreasonable, unnecessary and would not achieve a greater planning or urban design outcome.

7.2 TRAFFIC AND PARKING

Traffic

No changes to peak hour traffic flows would be experienced and the proposal would not impact current levels of service experienced by motorists. Any changes to traffic generation would be negligible. An Addendum to the Traffic and Parking Assessment has been included in Appendix B.

Access

No changes are proposed to vehicular or pedestrian access to the site.

Parking

As detailed in Section 6.4 of this modification statement, the proposal provides 257 car spaces, which exceeds the minimum requirement of the DCP. However, this includes 26 'tandem'/stacked spaces, which shall be utilised for three-bedroom or four-bedroom residential apartment allocation for functionality and/or retail spaces. It is acknowledged that the surplus parking is required to be accounted for in the FSR as per Council and the Department's previous advice.

The number of carparks has increased from the approved 190 spaces to 257 spaces due to the change to the layout and conversion from storage to carparking.

While the proposed car parking exceeds the controls; it is acceptable as the road network can accommodate the increase in traffic and would not result in detrimental traffic impacts

Servicing

No changes to servicing are proposed as part of this modification.

8 CONCLUSION

The proposed development (as modified) at 21 Honeysuckle Drive is a mixed use development comprising retail premises at ground level, basement carpark, and residential flat building comprising 148 apartments. The proposed development represents a high-quality outcome for the site in the waterside location of the Honeysuckle Precinct.

As demonstrated in Section 6 and 7, the proposed internal alterations will not change the design intent of the building. The proposed development will continue to provide a high-quality mixed-use building in the Greater Newcastle community within the Honeysuckle precinct. The proposal is permissible with consent within the B4 Mixed Use under Newcastle Local Environmental Plan 2012.

The proposed development is consistent with the desired character and overall built form of Newcastle City Centre, bringing a diversity of housing choice integrated on site with retail activities for the convenience of residents and visitors alike.

Given its overall consistency with Newcastle LEP 2012 and, in particular the design principles and objectives of SEPP 65; and the absence of any significant adverse environmental impacts, the DA is considered to be in the public interest and worthy of gaining approval.

Should you have any questions please don't hesitate to contact the undersigned on (02) 4940 0442.

Yours sincerely



Naomi Weber
Town Planner
KDC Pty Ltd

Appendices

Appendix A – *Revised Architectural Plans – SJB*

Appendix B – *Addendum to Traffic and Parking Assessment – Intersect Traffic*