



21 Honeysuckle Drive, Newcastle Modification 3

Amendments to bicycle and car parking spaces
State Significant Development Modification Assessment
(SSD 8019 MOD 3)

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Glossary

Abbreviation	Definition
Applicant	DOMA Group
CBD	Central Business District
CIV	Capital Investment Value
Consent	Development Consent
Council	Newcastle City Council
Department	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
HURP	Honeysuckle Urban Renewal Project
LEP	Local Environmental Plan
LGA	Local Government Area
Minister	Minister for Planning and Public Spaces
NDCP	Newcastle Development Control Plan 2012
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development

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1 Introduction

This report is an assessment of a modification application seeking approval to modify the State significant development approval (SSD 8019) for a mixed-use development at 21 Honeysuckle Drive, Newcastle.

The modification application has been lodged by DOMA Group (DOMA) (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The modification application seeks to increase the car parking capacity of the basement and ground levels of the development, relocate the bicycle parking spaces from the basement to the public domain and to remove the on-site servicing area.

1.1 Background

The site is located at 21 Honeysuckle Drive, Newcastle (the site), which forms part of the Honeysuckle Precinct within the broader Honeysuckle Urban Renewal Project (HURP) in the Newcastle City Council (Council) local government area (LGA) (**Figure 1**). The site has an area of 7,292 m², is irregular in shape, and was previously used as an at-grade car park.

The HURP commenced more than two decades ago to remediate and redevelop 50 hectares of surplus government land stretching from the Newcastle Central Business District (CBD) in the east to Wickham and Carrington in the north-west.

The surrounding area is characterised by a mix of buildings and uses. To the north is Worth Place Park and the Hunter River, and to the east is a mixed use seven storey building. To the south is Honeysuckle Drive with various commercial and mixed-use buildings ranging from seven storeys to nine storeys. To the west is vacant land, with the adjoining 35 Honeysuckle Drive site receiving SSD Approval (SSD 8999) on 21 June 2019 for two, eight-storey mixed use buildings.

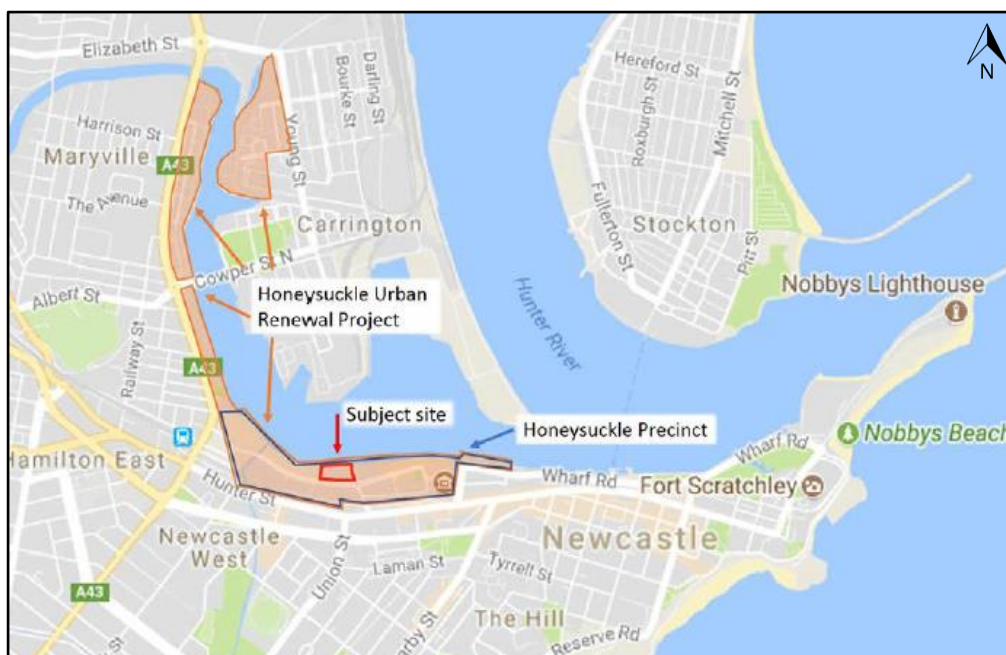


Figure 1 | Site Location (Source: Department)

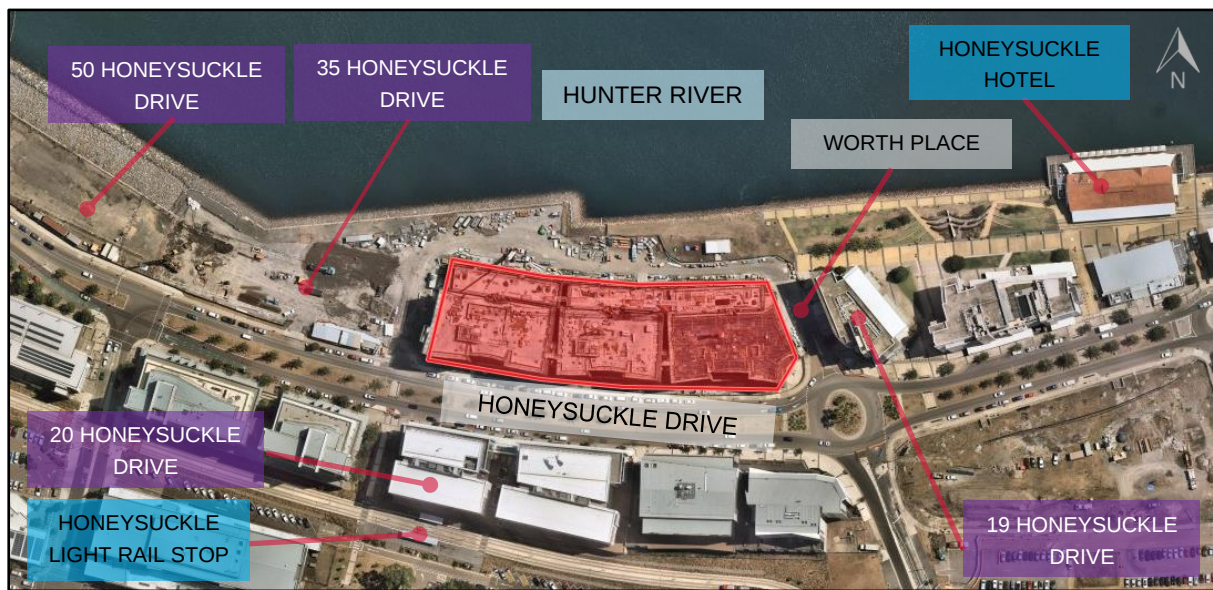


Figure 2 | The development surrounding the site with the site shown by the area of red shading (Base source: Nearmap)

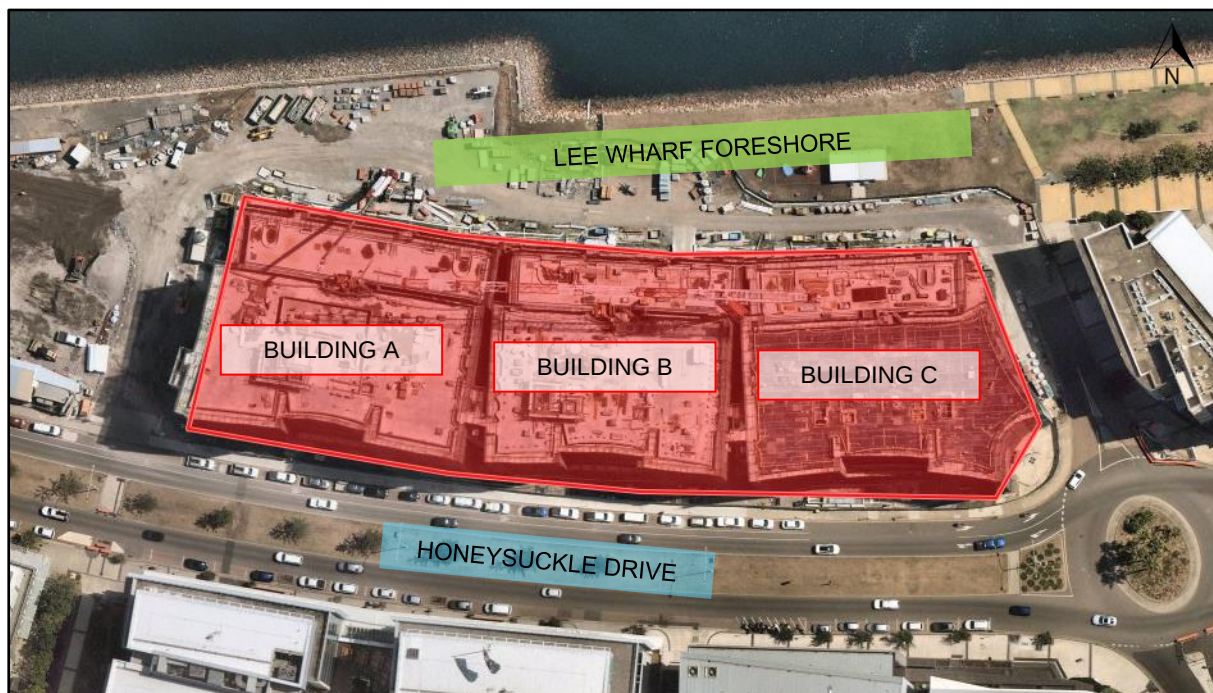


Figure 3 | The site (Base source: Nearmap)

1.1 Approval History

On 23 February 2018, the Executive Director, Key Sites and Industry Assessments, granted development consent to SSD 8019 for the construction of a mixed-use development at 50 Honeysuckle Drive, Newcastle (as the site was previously known) comprising the following:

1. three, two to seven storey buildings
2. two levels of parking (basement and ground floor)

3. commercial/retail space on the ground floor
4. 154 residential units including 10 terraces
5. communal rooftop areas on Buildings A and B.

Construction works are currently taking place on the site (**Figures 2 and 3**).

The development consent has been modified on two occasions (see **Table 1**)

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Reconfigured apartment layouts by reducing the total number of units to 148, altered the roof structure, changed the Probable Maximum Flood (PMF) design level from 3.65 m to 3.4 m and deleted Condition F5 relating to anti-graffiti paint	Executive Director	4.55(1A)	12 August 2019
MOD 2	Re-worded of Condition B24 relating to flood planning levels.	Director	4.55(1)	29 January 2020

2 Proposed modification

The modification application as amended by the RTS and in response to the Department's review of the application, seeks approval to:

Basement level:

- amend the car park layout to accommodate an additional 15 residential car parking spaces. The additional spaces would result from the conversion of an approved storage area shown in **Figure 5**.

Ground floor

- relocate sixteen visitor and staff bicycle parking spaces from the basement to three bike stores in the public domain (**Figure 7**)
- locate three retail bicycle parking spaces in an internal store accessed from the lobby.

The proposed modifications are shown in **Figures 4 to 7**.

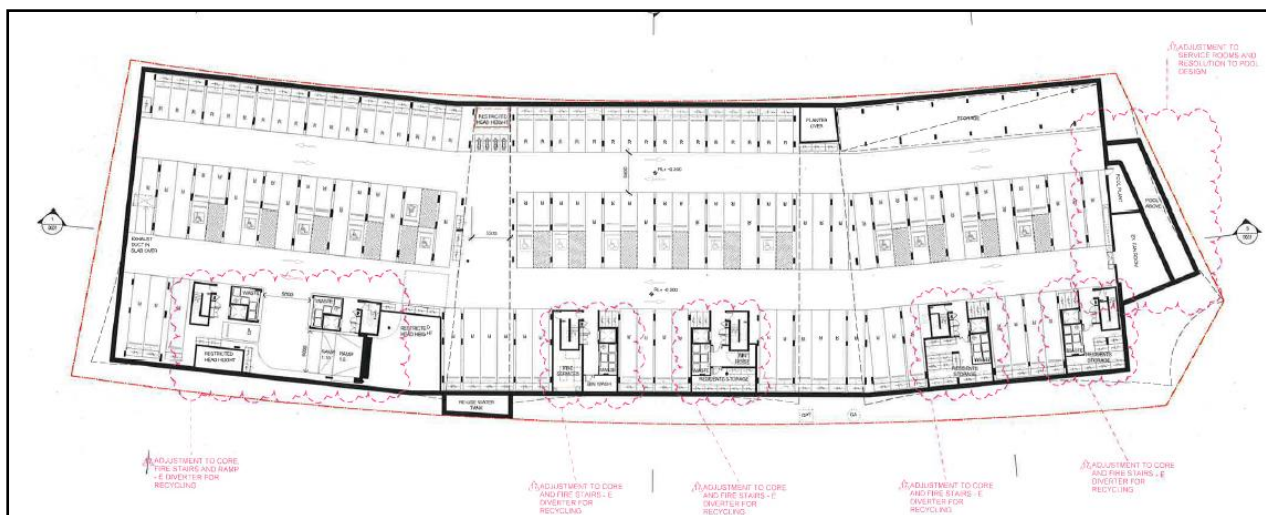


Figure 4 | Approved Basement Level (Source: SSD 8019)

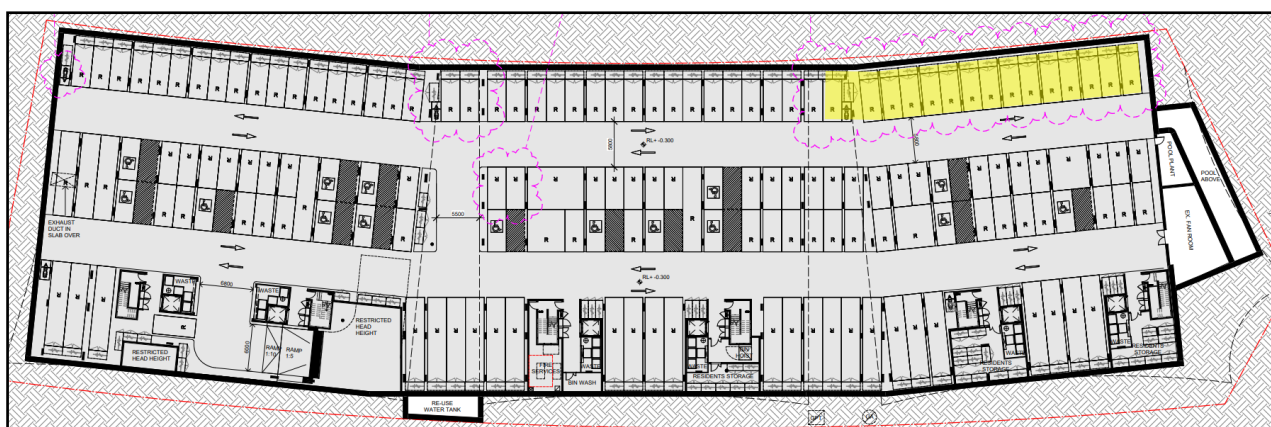
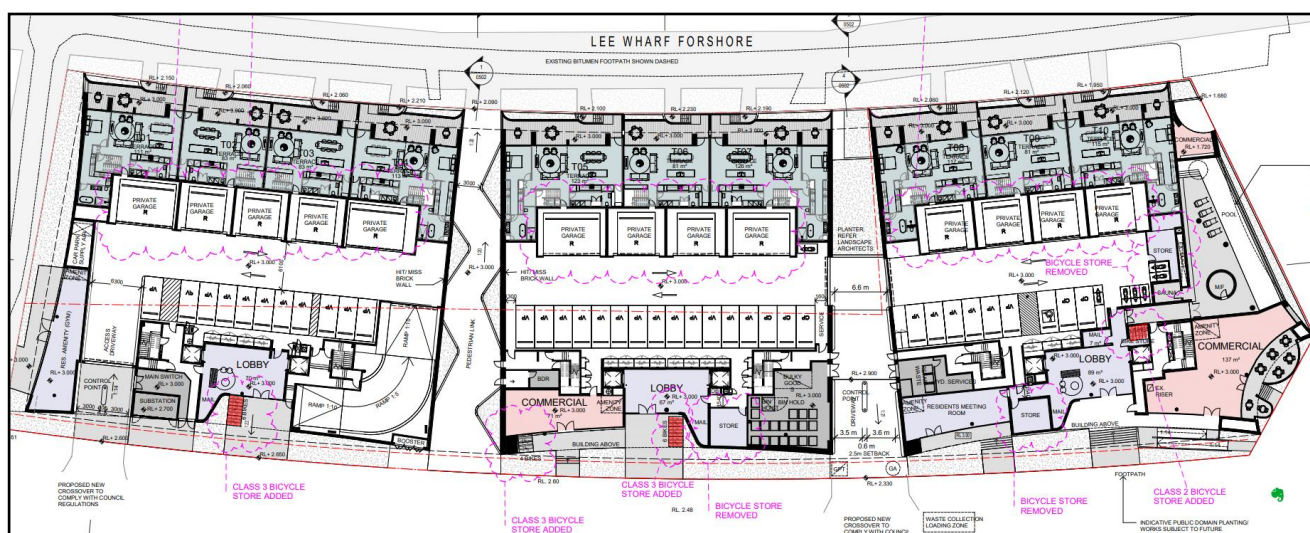
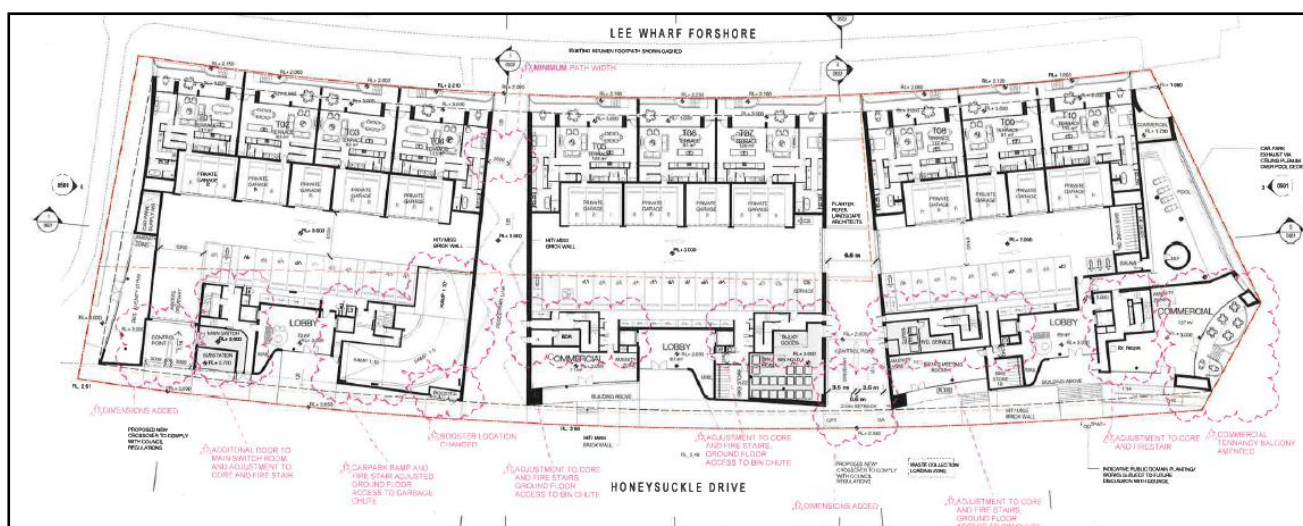


Figure 5 | Proposed Basement Level with the additional residential parking spaces shown by the yellow shading (Source: Applicant)



The Department notes Modification 1 to SSD 8019 reduced the total number of apartments at the site by six apartments (from 154 to 148) but there was no corresponding reduction in bicycle parking. The Applicant now seeks to reduce the bicycle parking provision by six bicycle parking spaces to align with the NDCP 2012 requirement and the revised number of apartments.

3 Statutory context

3.1 Scope of Modifications

The Department has reviewed the scope of the modification and is not satisfied the modification is of minimal environmental impact due to the substantial increase in car parking (refer to **Section 5** of this report).

Therefore, the Department is not satisfied the modification application is within the scope of section 4.55(1A) of the EP&A Act. An assessment of the proposed modification application against the requirements of section 4.55(1A) of the EP&A Act is provided in **Appendix B**.

3.2 Consent Authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(a) of the EP&A Act.

Minister's delegate as consent authority

In accordance with the Minister's delegation, the Director, Key Sites Assessments, may determine this application as:

- a political disclosure statement has not been made
- there are 10 or less public submissions in the nature of objections.

3.3 Mandatory matters for consideration

The following are relevant mandatory matters for consideration:

- section 4.55(1A) of the EP&A Act, including environmental planning instruments or proposed instruments;
- EP&A regulation;
- likely impacts of the modification application, including environmental impacts on both the natural and built environments, and social and economic impacts;
- suitability of the site;
- any submissions;
- the public interest; and
- the reasons for granting approval for the original application.

The Department has considered all of these matters in its assessment of the proposal. The Department has also given consideration to the relevant matters in **Section 5** and **Appendix B**.

4 Engagement

4.1 Department's Engagement

Section 4.55(1A) modifications are not required to be notified under the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation). However, the modification application was made publicly available on the Department's website from 28 January 2020. The application was also referred to Newcastle City Council (Council) and Transport for NSW (TfNSW).

4.2 Summary of Submissions

The Department received one submission from Transport for NSW (RMS) that did not object the proposal. The submission noted the proposed development would not have any significant impact on the nearby classified road network.

The Department also received one submission from Council providing comments.

No public submissions were received.

Council submission

Council's submission raised concern with the following matters:

- the calculations and justification included in the Traffic and Transport Access Assessment Addendum (TTAAA)
- the justification for the reduction of one commercial car parking space, as the proposed loading zone is only available between 6 am and 9 am and reverts to metred parking during the daytime
- the gross floor area analysis
- the lack of documentation confirming if the proposed modification would increase the cost of works and the subsequent development contribution.

4.3 Response to Submissions

On 30 March 2020, the Applicant provided a response to submission (RtS) report to address Council's submission and the Department's comments, including justification of the proposed increase in car parking. The Applicant's response was made publicly available on the Department's website and no further submissions were received.

5 Assessment

In assessing the merits of the proposal, the Department has considered:

- the modification application and associated documents
- the Environmental Assessment and conditions of approval for the original approval
- all submissions received on the proposal and the Applicant's RtS
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act.

The Department considers the key assessment issue associated with the proposal are residential car parking, traffic impacts, bicycle parking and floor space ratio noncompliance.

5.1 Car Parking

Residential car parking

The approved development provides a total of 190 car parking spaces, comprising 154 residential spaces, 31 residential visitor spaces and 5 retail/commercial spaces. The total number of approved residential spaces (190) exceeds the NDCP 2012 rates by 11 spaces (179). Ten of these spaces are residential car parking spaces and one is a visitor space.

The proposal originally sought approval to increase residential car parking by an additional 69 spaces from 154 spaces to 223 spaces. This represented a 45% increase in residential car parking and is 79 spaces greater than the NDCP rate of 144 spaces. The original proposal also sought to convert one commercial (from five to four) and one visitor space (from 31 to 30) into residential spaces.

The Applicant advised the proposed increase in car parking was justified because market research demonstrated consumer demand beyond the approved number of spaces and NDCP maximums.

Council's submission identified the development already exceeds the maximum NDCP 2012 rate but this can be varied by a merit based assessment of the proposal. Council raised concern the removal of the commercial car parking space would add to the demand for on-street car parking which is already high. Council therefore considered the proposed removal of the commercial space to be unjustified.

The Department reviewed the proposed changes to car parking and considered they were not reasonable or acceptable for the following reasons:

- market demand is not an appropriate justification or basis on which to support the proposed significant increases in car parking
- a 45% increase in residential car parking (from 154 spaces to 223 spaces) cannot be considered as resulting in a minimal environmental impact or resulting in substantially the same development pursuant to section 4.55(1A) of the EP&A Act
- car parking significantly exceeds the maximum car parking rates prescribed in the NDCP 2012
- the increase is significantly beyond any comparable increase in car parking in similar developments in the area

- the five commercial and 31 visitor spaces should remain as approved to service the approved development
- it is not in the public interest.

The Department therefore recommended a condition be imposed to limit the total number of residential car parking spaces to 169 (+15) and recommended the retention of all five commercial/retail spaces and 31 visitor spaces. The Department considers this modest increase of 10% would strike a reasonable balance between the Applicant's request to meet market demand, while at the same time, remain consistent with controls by suppressing car parking in this inner city area. The Department also considers this increase to be commensurate with other applications that have sought to increase car parking in the area, such as SSD 6580 at 18 Honeysuckle Drive.

The Applicant subsequently submitted modified basement and ground level plans in response to the draft conditions of consent.

The Department has reviewed the revised plans which identify an additional 15 residential car parking spaces resulting in a total of 169 residential car parking spaces at the site. The additional spaces are located in the basement and have resulted from the conversion of an approved storage area. The modified proposal does not seek to convert any commercial or visitor car parking spaces.

The Department is therefore satisfied the revised proposal is acceptable. The Department recommends a condition of consent be imposed to limit the capacity of the car park, post occupation, to 169 on-site car parking spaces.

5.2 Traffic impacts

The Applicant provided a Traffic Impact Assessment (TIA) which advised that the originally proposed number of additional car parking spaces (69 spaces) would not generate any increase in traffic on the local road network.

Council raised concern the proposed increase in car parking provision at the site would generate additional traffic movement from the site.

In response to Council's concerns, the Applicant provided a supplementary TIA which advised the proposed increase in residential car parking would result in an additional 11 new vehicle trips during the AM and PM peak periods.

The Department notes the revised increase in car parking (15 spaces) would generate less traffic than was forecast for the original increase in car parking spaces (69 spaces) which was deemed acceptable.

The Department therefore concludes the traffic impact resulting from the modification would be significantly less than that calculated in the TIA and is acceptable.

5.3 Bicycle Parking

The modification application originally sought approval to reduce the number of bicycle parking spaces in the basement from 222 to 167 (55 spaces). The proposal sought to remove six residential bicycle parking spaces and 49 visitor bicycle parking spaces. The proposal also sought to relocate the

remaining 16 visitor bicycle parking spaces from the basement to the through site link on the ground level.

Council recommended the bicycle spaces that are proposed to be moved to the through-site link to be more evenly distributed across the site in accordance with the NDCP 2012.

The Department notes that SSD 8019 MOD 1 reduced the total number of residential units from 154 to 148 (-6 residential units) but bicycle parking was not reduced. The amended proposal now seeks to align the provision of bicycle parking with the NDCP2012 rate and the revised number of residential apartments.

The amended plans illustrate 167 bicycle spaces at the site, including 16 bicycle parking spaces in the ground floor public domain, three in the ground floor lobby and 148 in the ground and basement level car parking areas. No bicycle parking spaces are proposed in the through site link.

The Department accepts the revised plan accommodates 167 bicycle parking spaces in accordance with the NDCP 2012. The Department generally supports the proposed relocation of bicycle parking and concludes the revised bicycle parking is acceptable.

5.4 Floor Space Ratio

The NLEP 2012 sets a maximum FSR of 2.5:1 for one portion of the site and 2:1 for the remainder of the site. The original proposal would have resulted in an additional 893.8 m² of GFA as any carparking provided beyond Council's controls is calculated as GFA.

The Applicant subsequently submitted an updated GFA plan due to the reduction in car parking that identified the modified proposal would result in an additional 194.4 m² of GFA at the site. This would result in the total GFA at the site increasing from 17,241.56 m² to 17,435.96 m² and an overall FSR increase of 0.03:1, from 2.36:1 to 2.39:1.

The Department considers the additional GFA resulting from the modified proposal is acceptable as it represents an increase in FSR of 1.3% which is minor and it would be contained within the existing basement and therefore not result in any additional visual or amenity impacts, beyond those already assessed and approved.

6 Evaluation

The Department has reviewed the proposed modification application and taken the submissions from Council and Transport for NSW (RMS) into consideration. The Department is satisfied the development, subject to the conditions of consent, is appropriate on the basis that the proposed modification:

- would strike a reasonable balance between increasing carparking to meet market demand, while at the same time continuing to suppress car parking numbers in an inner city area
- would not result in any changes to the built form of the proposal
- would distribute bicycle parking at highly accessible and visible locations at the site
- would not result in any significant traffic impacts to the local road network.

Consequently, the Department concludes the modification application is in the public interest and should be approved, subject to conditions.

7 Recommendation

It is recommended that the Director, Key Sites Assessments, as delegate of the Minister for Planning and Public Spaces

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 8019 MOD 3 falls within the scope of section 4.55(1A) of the EP&A Act;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modify** the consent SSD 8019
- **signs** the attached approval of the modification (**Appendix C**).

Recommended by:



Tim Green
Planning Officer
Key Sites Assessments

Recommended by:



Cameron Sargent
Team Leader
Key Sites Assessments

8 Determination

The recommendation is **Adopted** / ~~Not adopted~~ by:



Anthony Witherdin

Director

Key Sites Assessments

(as delegate of the Minister for Planning and Public Spaces)

Date: 11 May 2020

Appendices

Appendix A – List of referenced documents

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning, Industry and Environment's website as follows:

Modification Report

<https://www.planningportal.nsw.gov.au/major-projects/project/26931>

Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/26931>

Submissions Report

<https://www.planningportal.nsw.gov.au/major-projects/project/26931>

Appendix B – Statutory Considerations

Under section 4.55(3) of the EP&A Act, the consent authority must consider the matters referred to in section 4.15(1) of relevance to the development. **Table 5** identifies the matters for consideration under section 4.15 of the EP&A Act that apply to the proposed modification. The table represents a summary for which additional information and consideration is provided in other sections of this report, as referenced in the table.

Table 5 | Assessment of Section 4.15 of the EP&A Act

Section 4.15(1) Matters for consideration	The Department's assessment
(a)(i) any environmental planning instrument	The modified proposal does not comply with the floor space ratio (FSR) development standard in the NLEP 2012. The Department considers the modification does not result in any significant changes that would alter the considerations and conclusions made as part of the original assessment. The Department has considered the variation to these standards in Section 5.
(a)(ii) any proposed instrument	Notwithstanding the FSR noncompliance, the modified proposal complies with the relevant legislation.
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, Development Control Plans (DCPs) do not apply to SSD.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the <i>Environmental Planning and Assessment Regulation 2000</i> , including the procedures relating to applications (Part 6), the requirements for notification (Part 6, Division 6) and fees (Part 15, Division 1AA) (refer to Section 4).

(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department is satisfied the proposal would result in minimal environmental impact and therefore support the proposed changes (refer to Section 5).
(c) the suitability of the site for the development	The Department considers the proposed changes are suitable at the site. Refer to Section 5 .
(d) any submissions	The Department received one submission from Council and one submission from Transport for NSW (RMS). Refer to Sections 4 and 5 .
(e) the public interest	The Department considers the proposal is in the public interest as it would result in minimal environmental impact to the local road network and would continue to provide bicycle parking spaces to residents and visitors to the site.

Table 6 | Section 4.55(1A) evaluation

Section 4.55(1A)	Assessment
That the proposed modification is of minimal environmental impact	Section 5 of this report provides an assessment of the impacts associated with the proposal. The Department is not satisfied the modification is of minimal environmental impact due to the substantial increase in car parking. However, the Department considers a more moderate increase of 15 residential car parking spaces (10% increase) can be accommodated with minimal environmental impact. Refer to Section 5.2.
That the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all).	On the basis that car parking is being reduced to a 10% increase, the Department considers the modified proposal would result in substantially the same development as originally approved.
The application has been notified in accordance with the regulations.	Section 4 of this report demonstrates that the modification application followed the consultation requirements as outlined in the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation)
Any submission made concerning the proposed modification has been considered.	The Department received one submission from Council and one submission from Transport for NSW (RMS). Refer to Sections 4 and 5 .

Environmental Planning Instruments

The following Environmental Planning Instruments (EPIs) apply to the site:

- State Environmental Planning Policy (State & Regional Development) 2011
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Coastal Management) 2018.
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Newcastle Local Environmental Plan 2012 (NLEP 2012).

The Department has considered the proposed modification against these above-mentioned EPIs in its original assessment.

The Department has also considered SEPP (Coastal Management) 2018 and considers that the proposed modifications raise no implications with the SEPP as they relate to the internal configuration within the development and the relocation of bike storage.

With the exception of a variation to the floor space ratio (FSR) development standard in the NLEP 2012, the Department considers the modification does not result in any significant changes that would alter the considerations and conclusions made as part of the original assessment. The Department has considered the variation to these standards in **Section 5**.

Objects under the Act

The Minister or delegate must consider the objects of the EP&A Act when making decisions under the Act. The Department is satisfied the proposed modification is consistent with the objects of the EP&A Act.

Appendix C - Modification Instrument