

18 October 2018



PLANNING DEVELOPMENT PROPERTY

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Dear Sir/Madam,

RE: Proposed S4.55(1a) Application for the Modification of Consent for SSD8440 for Amendments to the Floor Plans for Mixed Use Development (Hotel, Serviced Apartments, Residential and Carpark)

Our Ref: 17058

1 Introduction

KDC Pty Ltd (KDC) acts on behalf of its client Doma Holdings (Honeysuckle) Pty Ltd in preparing this supporting Statement of Environmental Effects for the proposed s4.55(1a) modification of consent for SSD8440 under the Environmental Planning and Assessment Act 1979 (EP&A Act) for amendments to the approved floor plans for the mixed use development approved at 42 Honeysuckle Drive, Newcastle NSW 2300.

The subject site is legally identified as Lot 22 in DP1072217. Refer to Figure 1 which identifies the location of the approved mixed use development.

Figure 1 – Location Plan



2 Background

A State Significant Development (SSD) for the construction and use mixed use development was lodged with the Department of Planning and Environment (DoPE) on 18 December 2016. The SSD was approved by the DoPE on 22 June 2018.

3 Proposal

This modification seeks to amend Schedule 2, Part A, Condition A2 of SSD 8440 to allow for a change to the floor plans.

The extent of the modification of the floor plans is to make minor adjustments to the hotel units on the most south western corner on the ground floor, and reconfiguration of the accessible room on the north eastern side of the building on floors 1-4.

Figure 2 below shows the existing approved floor plan for Unit 00.07 on the left, and the proposed changes on the right.

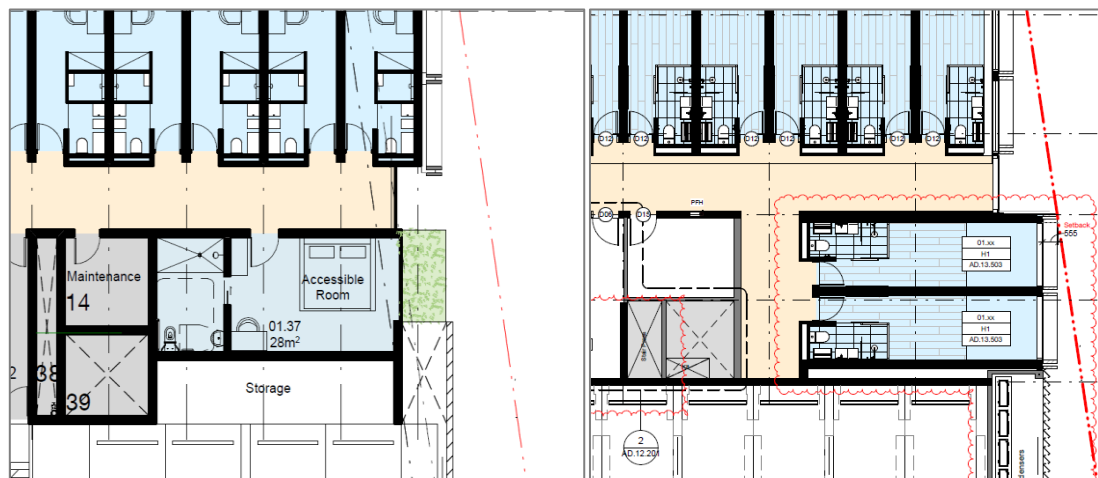
The extent of the changes includes the extension of the building to encompass the area under the external columns to fill in the building line from the unit above. The existing two-bedroom unit will be altered to be 2 single bedroom units. The net increase in floor area will be 29m² on the ground floor, and 2m² on each of the levels 1 to 4 (8m²).

Figure 2 – Approved First Floor Plan and Proposed Modification to First Floor Plan



Further changes are proposed to the accessible units (1.37, 2.37, 3.37) on floors 1 to 4 on the eastern portion of the building. It is proposed that the existing single bed accessible unit be altered to contain 2 single bedroom units running on an east/west orientation. It is proposed that the existing inaccessible landscaping currently located to the east of units 1.37, 2.37, 3.37 be incorporated into the floor area of the units. Figure 3 below shows the existing floor plan on level 2, and the proposed floor plan. This format for the units will be replicated on the floors above.

Figure 3 – Approved Floor Plan and Proposed Modification to Floor Plan



The extent of the proposed changes will result in the net increase of 4 hotel rooms.

In terms of the modification of the condition of consent, below is the existing condition followed by the recommendation for the modification of the condition.

The Condition Currently States:

TERMS OF CONSENT

A2. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) in accordance with the EIS and Response to Submissions;
- (d) in accordance with the management and mitigation measures;
- (e) in accordance with the approved plans in the table below.

<i>Architectural (or Design) Drawings prepared by Bates Smart Pty Ltd (Architects)</i>			
<i>Drawings No.</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
AD.01.001	-	Site Plan	12.04.2018
AD.03.101	2	Ground Floor Plan	24.04.2018
AD.03.102	2	Level 01 General Arrangement Plan	24.04.2018
AD.03.103	2	Level 02 General Arrangement Plan	24.04.2018
AD.03.104	2	Level 03 General Arrangement Plan	24.04.2018
AD.03.105	2	Level 04 General Arrangement Plan	24.04.2018
AD.03.106	2	Level 05 Parking General Arrangement Plan	24.04.2018
AD.03.107	2	Level 05 General Arrangement Plan	24.04.2018
AD.03.108	2	Level 06	24.04.2018

		General Arrangement Plan	
AD.03.109	2	Level 07 General Arrangement Plan	24.04.2018
AD.03.110	2	Level 08 General Arrangement Plan	24.04.2018
AD.03.111	2	Level 09 Roof General Arrangement Plan	24.04.2018
AD.09.001	2	North Elevation	03.05.2018
AD.09.002	2	West Elevation	03.05.2018
AD.09.003	2	South Elevation	03.05.2018
AD.09.004	2	East Elevation	03.05.2018
AD.09.0010	2	Courtyard Elevation – South	03.05.2018
AD.09.0011	2	Courtyard Elevation – East	03.05.2018
AD.09.0012	2	Courtyard Elevation – West	03.05.2018
A11.001	1	Section East-West	24.04.2018
A11.002	1	Section North-South	24.04.2018
SK.014	1	Core Plans (Ramps) Carpark Ramp 01/02 Section	24.04.2018
<i>Landscape Drawings prepared by Sydney Design Collective</i>			
<i>Drawing No.</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
SK-01	A	Landscape Design Development Level 5 - Sketch	March 2018
SK-02	A	Landscape Design Development Level 5 – Detail Plan Sketch	March 2018

The Proposed Modified Condition:

TERMS OF CONSENT

A2. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) in accordance with the EIS and Response to Submissions;
- (d) in accordance with the management and mitigation measures;
- (e) in accordance with the approved plans in the table below.

<i>Architectural (or Design) Drawings prepared by Bates Smart Pty Ltd (Architects)</i>			
<i>Drawings No.</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
AD.01.001	-	Site Plan	12.04.2018
AD.03.101	10	Ground Floor Plan	16.10.2018
AD.03.102	10	Level 01 General Arrangement Plan	16.10.2018
AD.03.103	9	Level 02 General Arrangement Plan	16.10.2018

AD.03.104	9	Level 03 General Arrangement Plan	16.10.2018
AD.03.105	9	Level 04 General Arrangement Plan	16.10.2018
AD.03.106	2	Level 05 Parking General Arrangement Plan	24.04.2018
AD.03.107	2	Level 05 General Arrangement Plan	24.04.2018
AD.03.108	2	Level 06 General Arrangement Plan	24.04.2018
AD.03.109	2	Level 07 General Arrangement Plan	24.04.2018
AD.03.110	2	Level 08 General Arrangement Plan	24.04.2018
AD.03.111	2	Level 09 Roof General Arrangement Plan	24.04.2018
AD.09.001	7	North Elevation	17.10.2018
AD.09.002	7	West Elevation	17.10.2018
AD.09.003	7	South Elevation	17.10.2018
AD.09.004	7	East Elevation	17.10.2018
AD.09.0010	2	Courtyard Elevation – South	03.05.2018
AD.09.0011	2	Courtyard Elevation – East	03.05.2018
AD.09.0012	2	Courtyard Elevation – West	03.05.2018
A11.001	1	Section East-West	24.04.2018
A11.002	1	Section North-South	24.04.2018
SK.014	1	Core Plans (Ramps) Carpark Ramp 01/02 Section	24.04.2018
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Justification

It is considered that the increase in the GFA as a result of the proposed changes is minor and is consistent within the approve built form. While there is an increase in floor area of 37m² overall between the ground level and level 4, this equates to an average of 7.4m² per level. This minor increase represents an increase in total of 0.0034% of an increase in GFA for the building, which is considered extremely minor.

As with the increase in in floor area, there is a minor reduction in landscaping provided. The small landscaping area provided to the east of the units on levels 1 to 4 has been removed so as to not extend beyond the eastern property boundary. The reduction in landscaping is approximately 2m² which is extremely minor in the context of the development as a whole. While the landscaping provided a visual buffer to the hotel unit from the adjoining development, the buffer is considered unnecessary in light that the building separation to the development to the east exceeds 18m, both buildings are commercial, and the building to the east has existing screening on their windows.

There will be no impacts caused on the visual impact of the building as a result of the proposed modification. The modification is wholly contained within the existing footprint of the building. The impacts that the development will have from a visual impact figures 4, 5, 6 and 7 below demonstrate the minor changes to the elevations showing the minor visual impact.

Figure 4 – Approved Northern Elevation and proposed Northern Elevation.

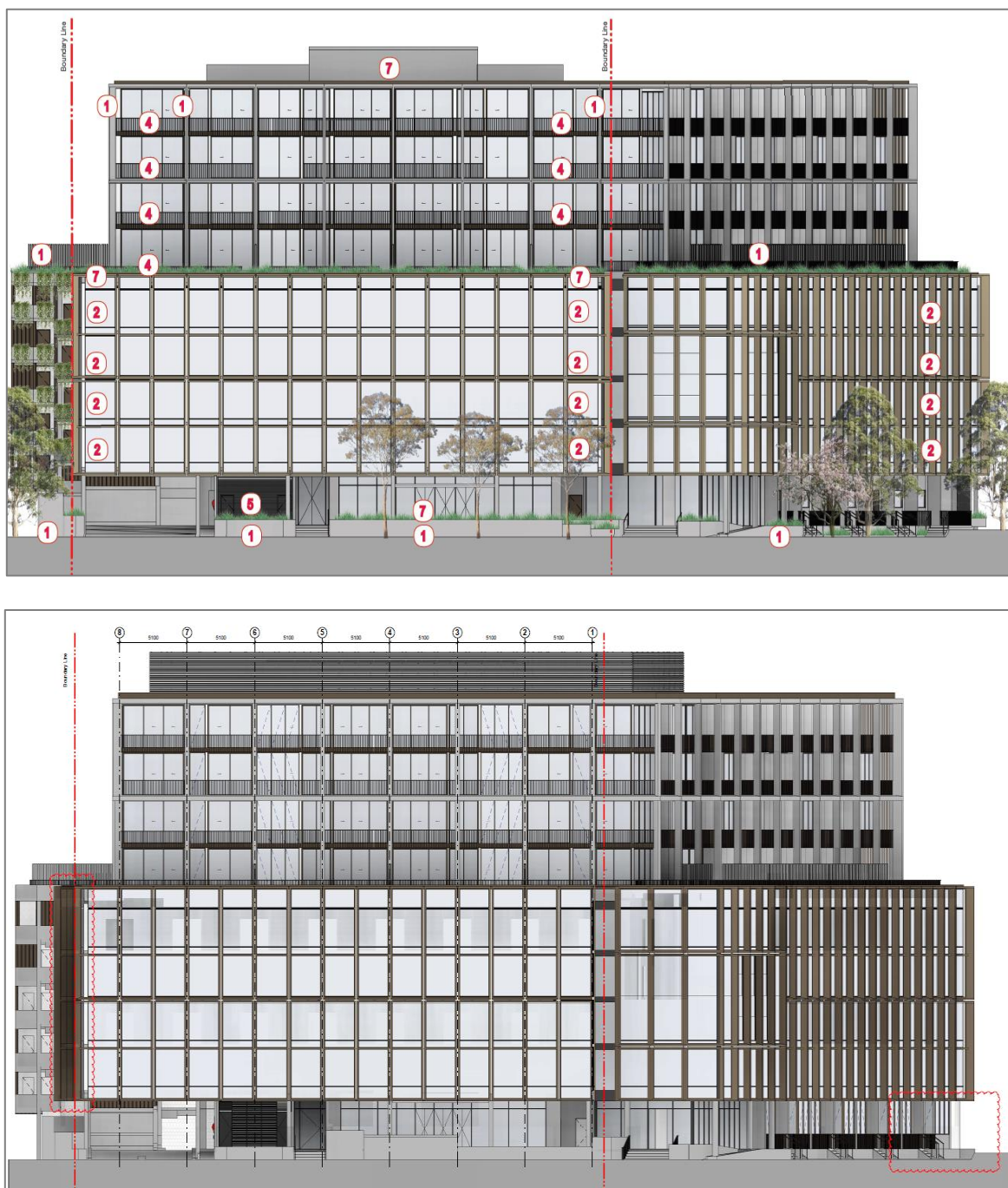


Figure 5 – Approved Western Elevation and proposed Western Elevation

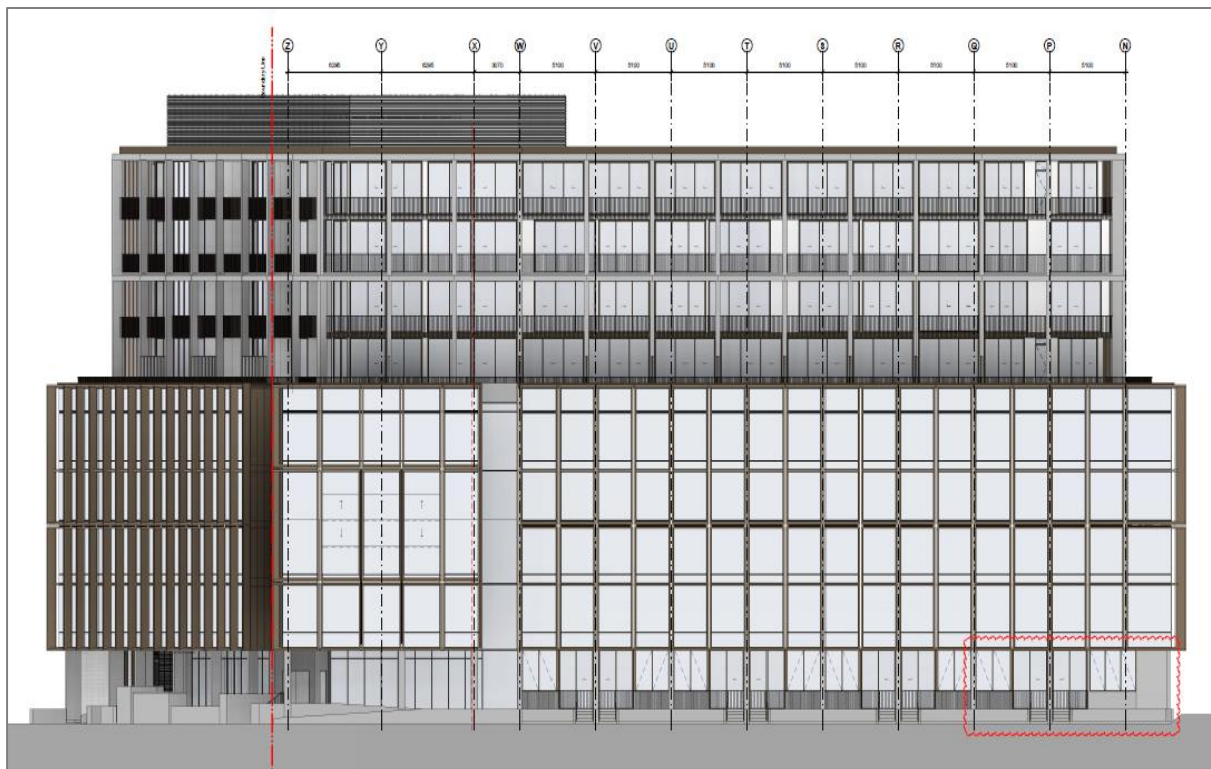
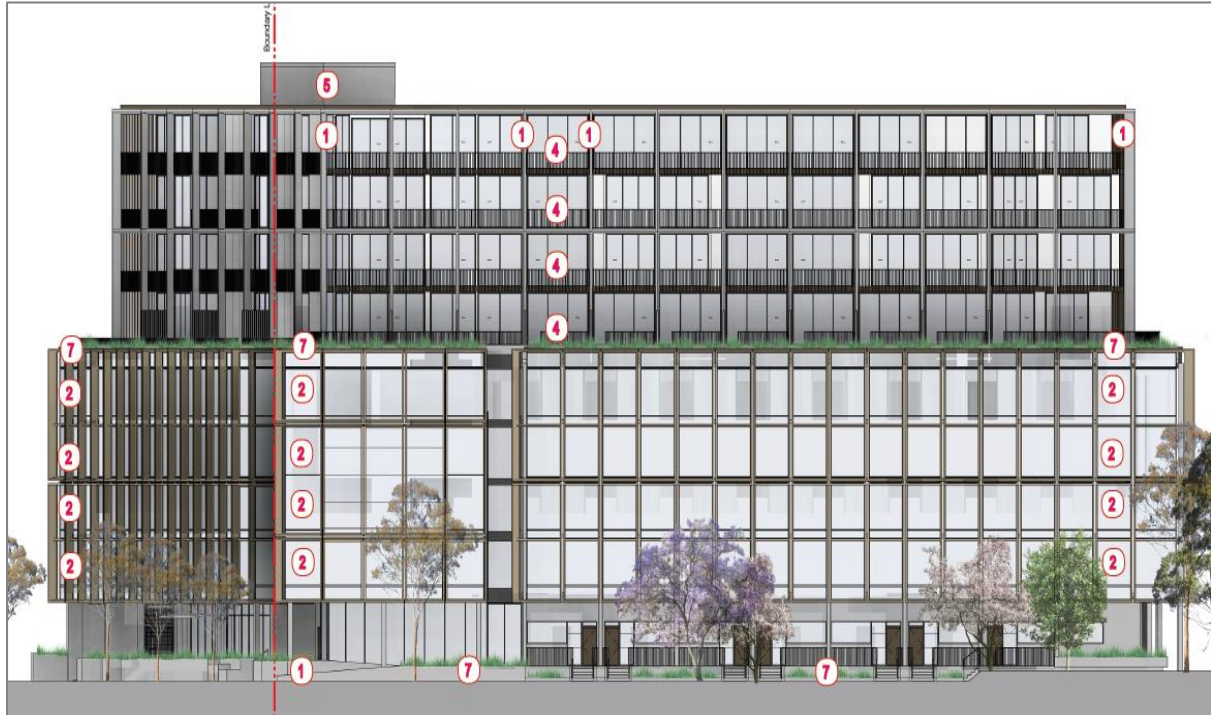


Figure 6 – Approved Southern Elevation and proposed Southern Elevation.

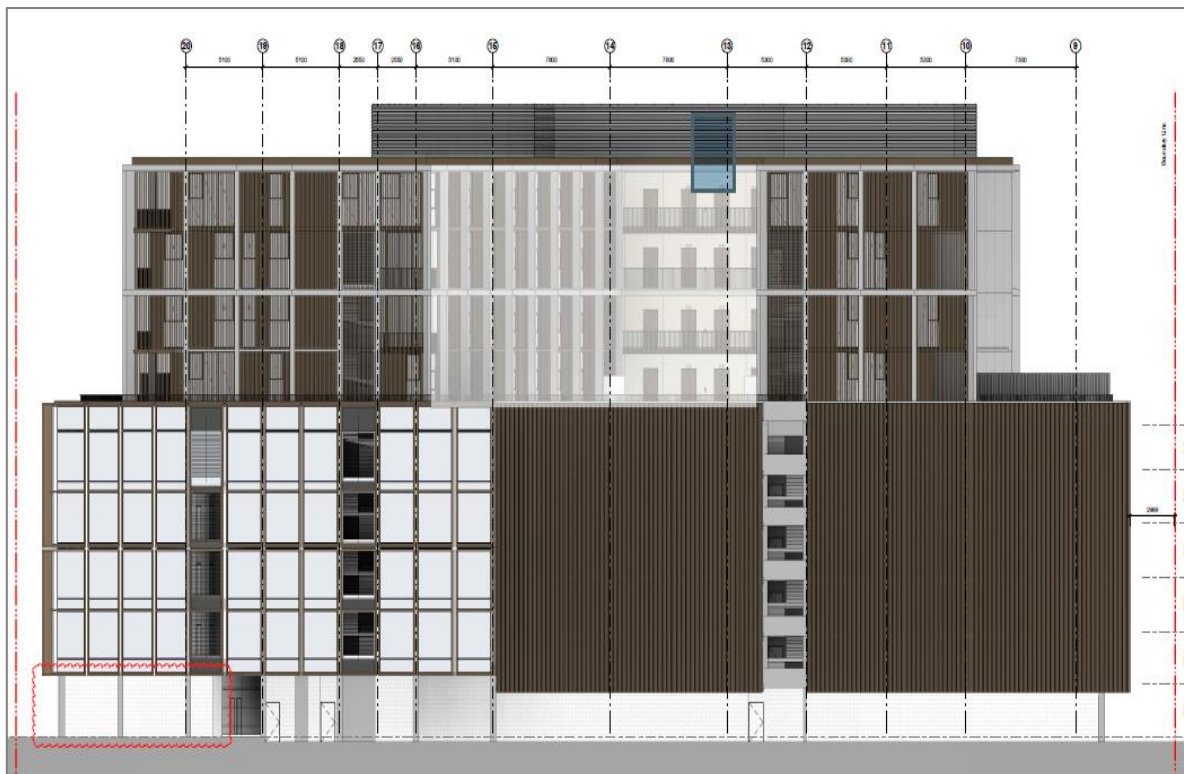
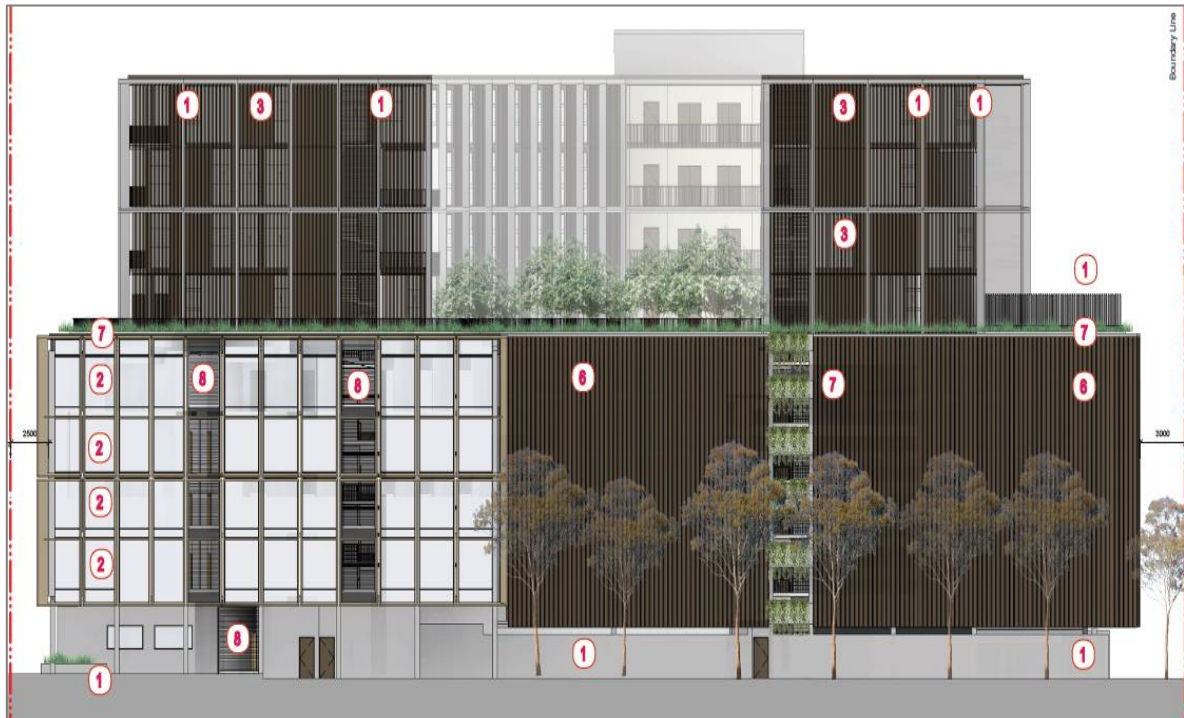
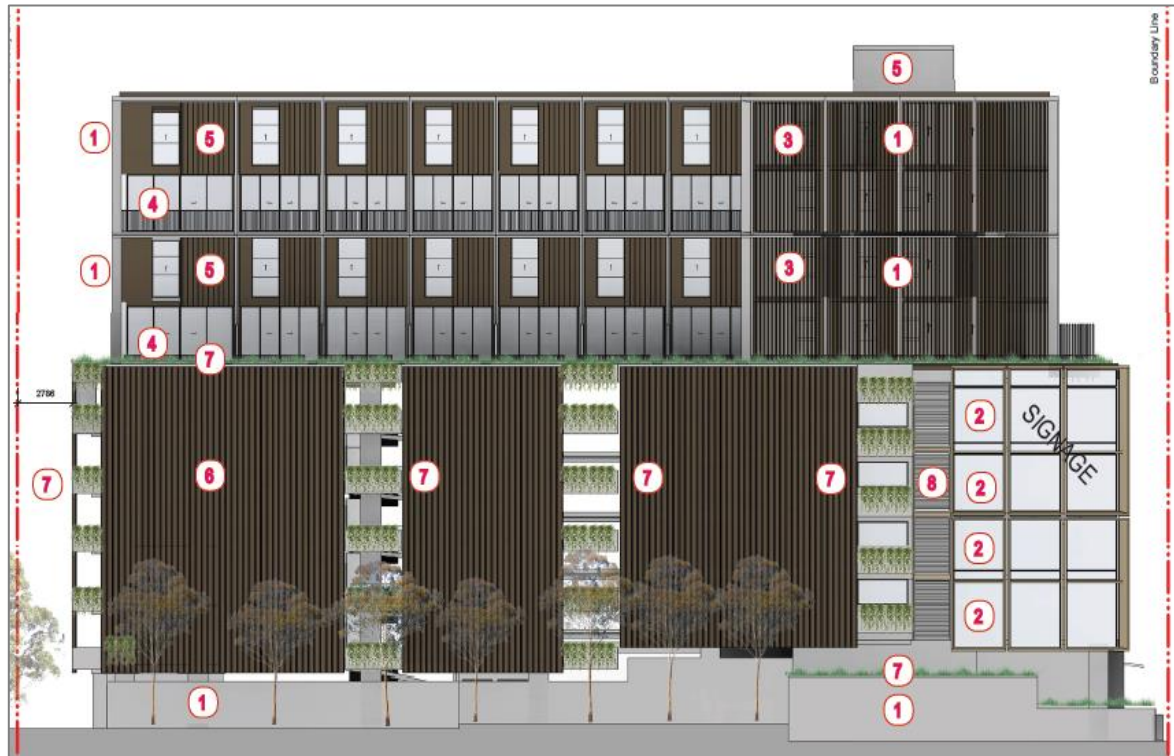


Figure 7 – Approved Eastern Elevation, and proposed Eastern Elevation



Planning Assessment

Compliance with all legislative requirements under various Environmental Planning Instruments (EPI's) remains unchanged under this application. The proposed amendments do not significantly change the overall design, appearance or impact of the development (as approved).

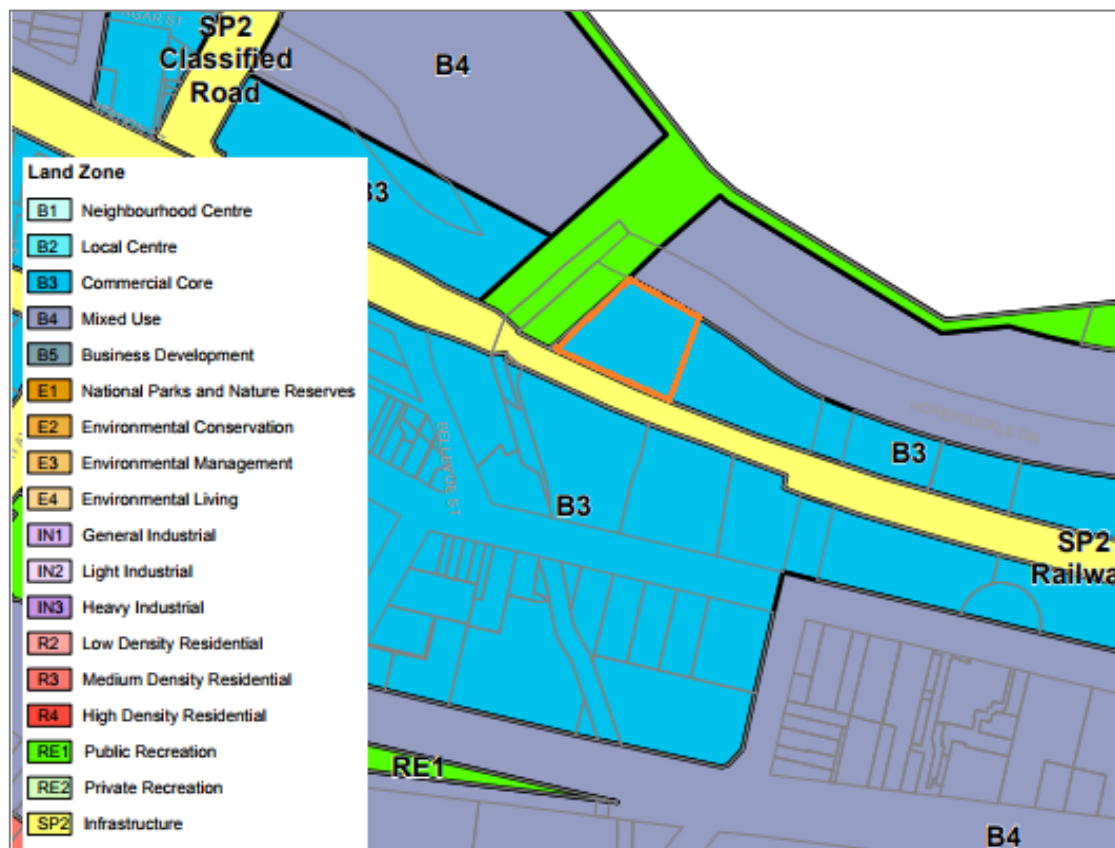
3.1 Environmental Planning and Assessment Act 1979 (EP&A Act 1979)

It is considered that the modification of the development consent is substantially the same development as that for which the original deferred commencement consent was granted and that it has minimal environmental impact. Therefore, the approval path for the proposed modification is a *s4.55 (1A) Minimal Environmental Impact* under the EP&A Act.

3.2 Newcastle Environmental Plan (LEP) 2012

Under the provisions of the Newcastle LEP 2012, the site is zoned B3 Commercial Core (refer to Figure 8). The proposal comprises a mixed-use development having ground floor retail premises, ground floor serviced apartments, hotel accommodation, residential flat building and public carpark which are identified as permissible with development consent in this zone. The proposed changes to approved floor layouts do not affect consistency of the development with the relevant zoning objectives and does not change the approved use at the site.

Figure 8 - LEP Zoning Map Extract (LZN_04FA)



3.3 Newcastle DCP 2012

Although not strictly applicable to SSD in a statutory sense, the DCP provisions that would ordinarily apply to the proposed development have been considered and the proposed modification will not cause any impacts or conflicts with the DCP.

3.4 Mine Subsidence Compensation Act 1961

As the site is within a mine subsidence district, approval from the Subsidence NSW (SNSW) is has been provided for the development. The proposed modification will not have any impact on the approval provided by the mines subsidence board as there is no additional impact to the footprint of the building

3.5 Biodiversity Conservation Act 2016

The site is cleared land that is void of any vegetation or natural features and is therefore does not have biodiversity values of any significance. The proposed modification will not have in further impact on the site in terms of biodiversity conservation.

3.6 Roads Act 1993

The approved development incorporates new access to the site being provided direct to Honeysuckle Drive, involving a new vehicular access crossing, hotel drop-off zone nominated in the existing parking lane and street tree planting. The proposed modification does not alter these arrangements and consequently no modification or further approval other than originally conditioned is required.

3.7 NSW Heritage Act 1977

The approved development incorporates some excavation and for these works an Archaeological Management Plan (AMP) has been prepared and approved. As discussed in the AMP, there is potential for relics to exists sub-surface of the site given the history of the site being reclaimed land; having once contained the Throsby Creek and Cottage Creek alignments; and having supported twentieth century rail infrastructure. The proposed modification does not intend to increase the site coverage of the building and therefore will have no impact on the potential of sub-surface relics to be discovered.

3.8 National Parks and Wildlife Act 1974

A preliminary Aboriginal Archaeological Assessment (AAA) has been undertaken by AMAC Archaeological and was approved under the original SSD. As the proposed modification does not intent to increase the site coverage of the development there will be no additional impact in regards to the discovery of potential Aboriginal objects.

3.9 Water Management Act 2000

The approved development is within the prescribed distance (40 metres) of Cottage Creek ('waterfront land') and therefore triggers the need for a controlled activity approval under Section 91 of the Water Management Act 2000 (WM Act). The water sensitive design and water management regimes for the development are unaltered as a result of this modification.

3.10 SEPP 65 – Design Quality of Residential Apartment Development

This Policy applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if the development consists of any of the following:

- (i) the erection of a new building,*
- (ii) the substantial redevelopment or the substantial refurbishment of an existing building,*
- (iii) the conversion of an existing building, and*
- (b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and*

(c) the building concerned contains at least 4 or more dwellings.

The proposed development involves the erection of a new building that exceeds three storeys and contains more than four dwellings. SEPP 65 is therefore applicable to the residential component of the proposal.

The proposed modification is considered generally in accordance with the approved SEPP65 ADG report, and is still compliant in relation to solar access and cross ventilation of units as the changes to units are not significant.

4 Conclusion

The proposed amendment to the floor plans to alter the layout of the first four levels will not change the general purpose or intent of the approved use at the site, it is therefore considered a S4.55(1A) application under the EP&A Act 1979.

The proposed amendments to the floor plans are intended to better suit the operations of the hotel, and will have minor impacts on amenity or change the footprint of the development. There will be no detrimental traffic impacts on the surrounding road network or noise impacts on neighbouring properties.

Given the merit of the proposal and the absence of any significant adverse impacts, the modification to SSD8440 as approved by the Department of Planning and Environment is considered to be worthy of support.

Yours sincerely,



Samuel Newman
Senior Town planner
KDC Pty Ltd

Supporting Documents:

Appendix A – Amended Architecturals

Appendix A – Architectural Plans

Bates Smart Pty Ltd