

6 March 2019



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 of a 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

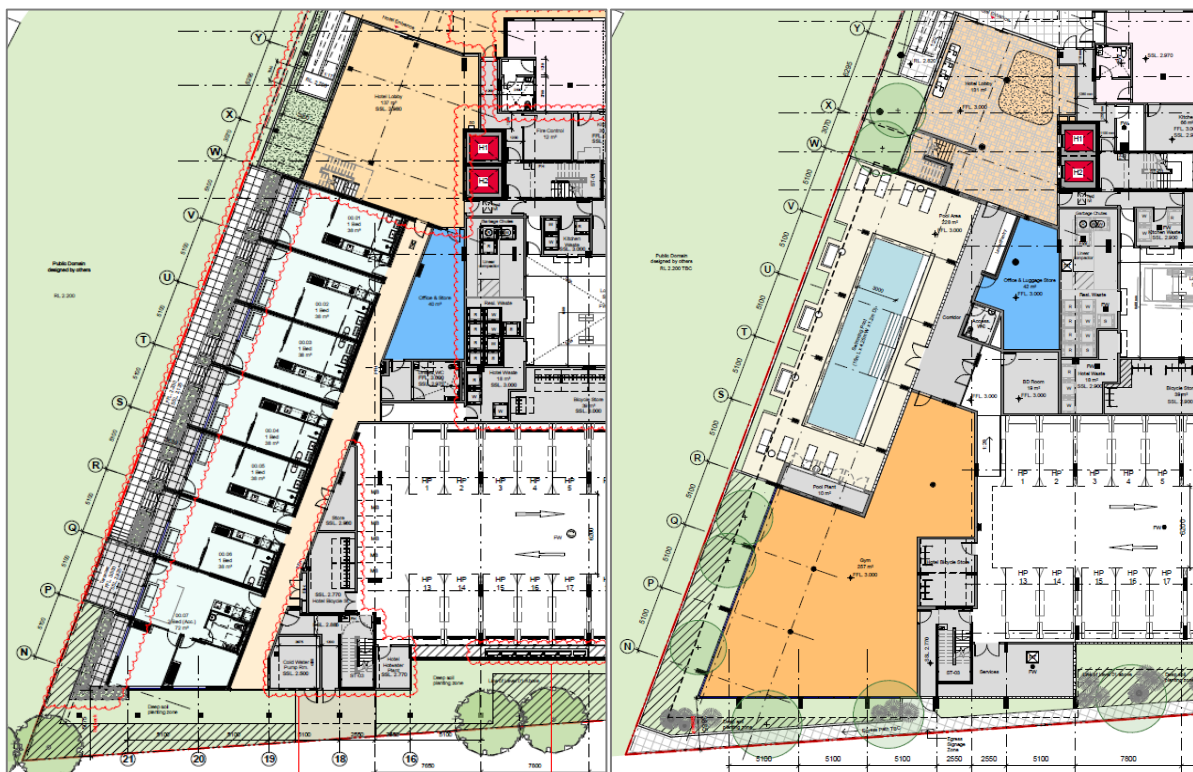
This modification seeks to amend Schedule 2, Part A, Condition A2 of SSD 8440 to allow for a change to the lower floor plans.

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. There are no proposed changes to the upper levels 5-8.

Figure 2 below shows the existing approved floor plan for the lower level. The extent of the changes include modification of the ground floor on the western side of the building. The changes predominantly relate to the removal of serviced apartments and replacement with a gym, swimming pool and service rooms. This will also include the extension of the ground floor to the south to encompass the area under the external columns to fill in the building line from the unit above.

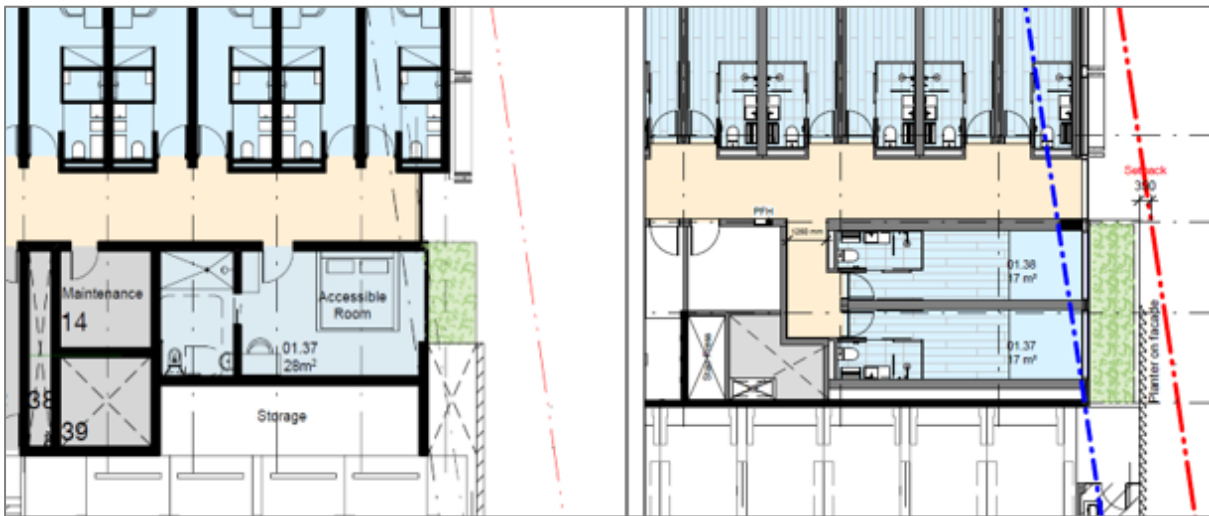
The proposed change will result in the net decrease of 7 serviced apartments.

**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. The landscaping outside the windows have also been adjusted. Figure 3 below show 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 addition to the above main changes, a number of minor changes are also being sought as a result of the progression of the construction design. This includes (but is not limited to) changes to the service and storage room configurations, relocation of water meters and hydrant boosters, minor adjustments to finished floor levels, widening of stairwells and changes to glass louvres. A full list of the schedule of changes is included in Appendix A. A set of architectural drawings have been provided in Appendix A that show the proposed changes on plan with red markings showing the approved floor layouts. As can be seen there are no changes proposed to any other section of the building. Floor plans for levels 6-9 have been excluded from this application as no changes are proposed to these levels.

There is no intention to modify the hotel drop-off/pick-up facility.

In terms of the modification of the conditions 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 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	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.

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<i>Drawings No.</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
AD.01.001	-	Site Plan	12.04.2018
<b>AD.03.101</b>	<b>13</b>	<b>Ground Floor Plan</b>	<b>04.03.2019</b>
<b>AD.03.102</b>	<b>12</b>	<b>Level 01</b> <b>General Arrangement Plan</b>	<b>04.03.2019</b>
<b>AD.03.103</b>	<b>11</b>	<b>Level 02</b> <b>General Arrangement Plan</b>	<b>04.03.2019</b>
<b>AD.03.104</b>	<b>11</b>	<b>Level 03</b> <b>General Arrangement Plan</b>	<b>04.03.2019</b>
<b>AD.03.105</b>	<b>11</b>	<b>Level 04</b> <b>General Arrangement Plan</b>	<b>04.03.2019</b>
<b>AD.03.106</b>	<b>10</b>	<b>Level 05 Parking</b> <b>General Arrangement Plan</b>	<b>04.03.2019</b>
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
<b>AD.09.001</b>	<b>8</b>	<b>North Elevation</b>	<b>04.03.2019</b>
<b>AD.09.002</b>	<b>8</b>	<b>West Elevation</b>	<b>04.03.2019</b>
<b>AD.09.003</b>	<b>8</b>	<b>South Elevation</b>	<b>04.03.2019</b>
<b>AD.09.004</b>	<b>8</b>	<b>East Elevation</b>	<b>04.03.2019</b>
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
<b>A11.001</b>	<b>5</b>	<b>Section East-West</b>	<b>04.03.2019</b>
<b>A11.002</b>	<b>6</b>	<b>Section North-South</b>	<b>04.03.2019</b>
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

### **Justification**

As a result of the modification to the hotel component of the development, the GFA of Level Ground to Level 4 have reduced from 5,743m<sup>2</sup> to 5,595m<sup>2</sup>. This is a 2.04% decrease in GFA. A breakdown of the GFA calculations have been provided in Appendix A

There has be some modification to the landscaping on site as a result of the change of units on levels 1 to 4. Previously a garden was provided to the west of the single room that was approximately 2.8m long. This has now been increased to cover the windows of the two new apartment windows with dimensions approximately 5.8m long.

In light of the new pool area being located along the western boundary, this has potential to interact with the public open space areas to Cottage Creek. The landscape design has incorporated planter beds to buffer the interface between the pool area and the public open space area. Further details of this can be found in the amended landscaping plan in Appendix C

While the modification of the number of serviced apartment and hotel units has altered, the impact this has in carparking has resulted in a net increase of 3 spaces. There is no carparking modification proposed to the carpark section of the development. This number of spaces is considered to be an insignificant increase in parking demand on site which can be absorbed by the public carparking component of the development. As a result it is not proposed to modify condition B20.

There will be no significant 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 are shown in figures 4, 5, 6 and 7 below which demonstrate the minor visual impacts.

Figure 4 – Approved Northern Elevation and proposed Northern Elevation.

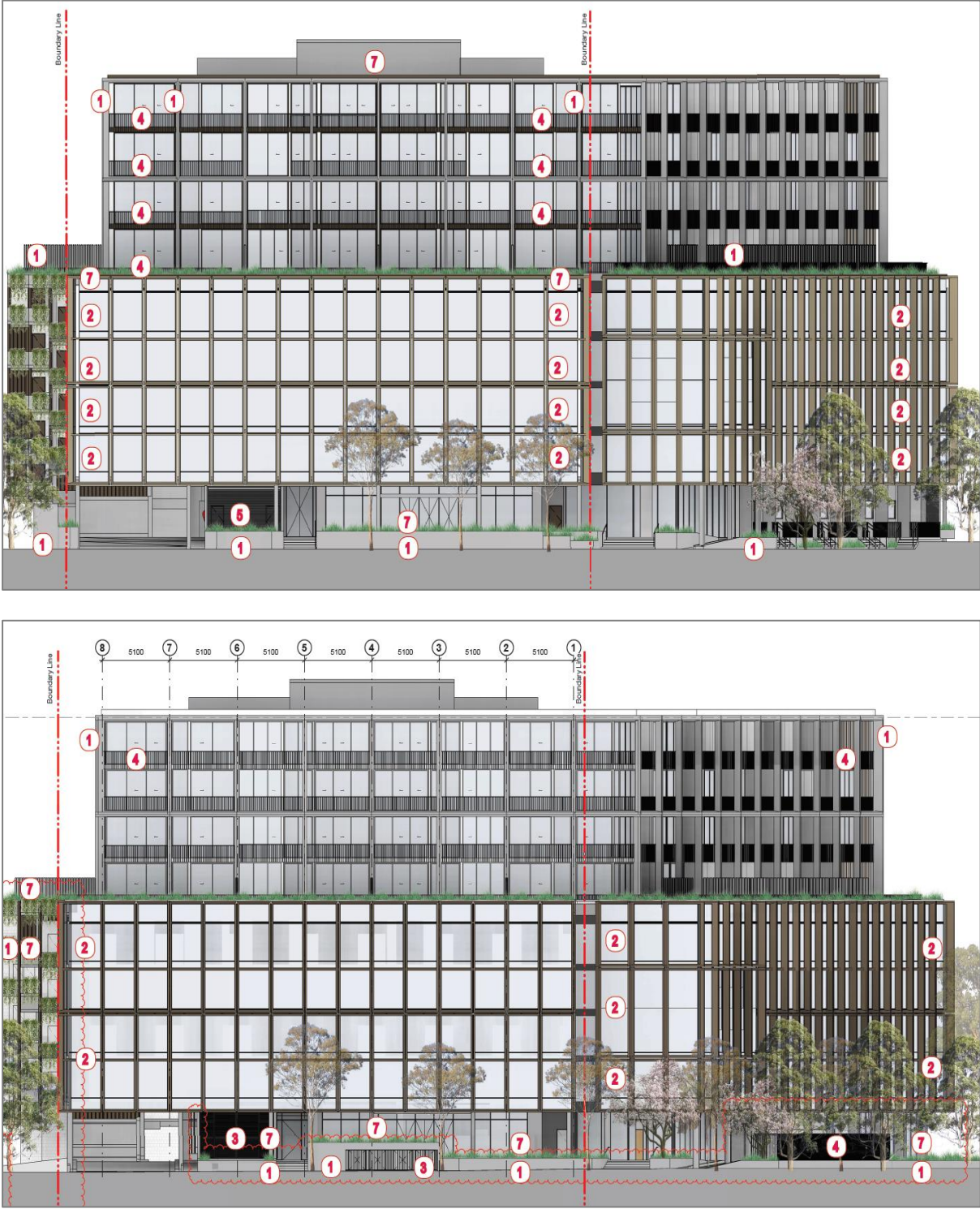


Figure 5 – Approved Western Elevation and proposed Western Elevation



Figure 6 – Approved Southern Elevation and proposed Southern Elevation.

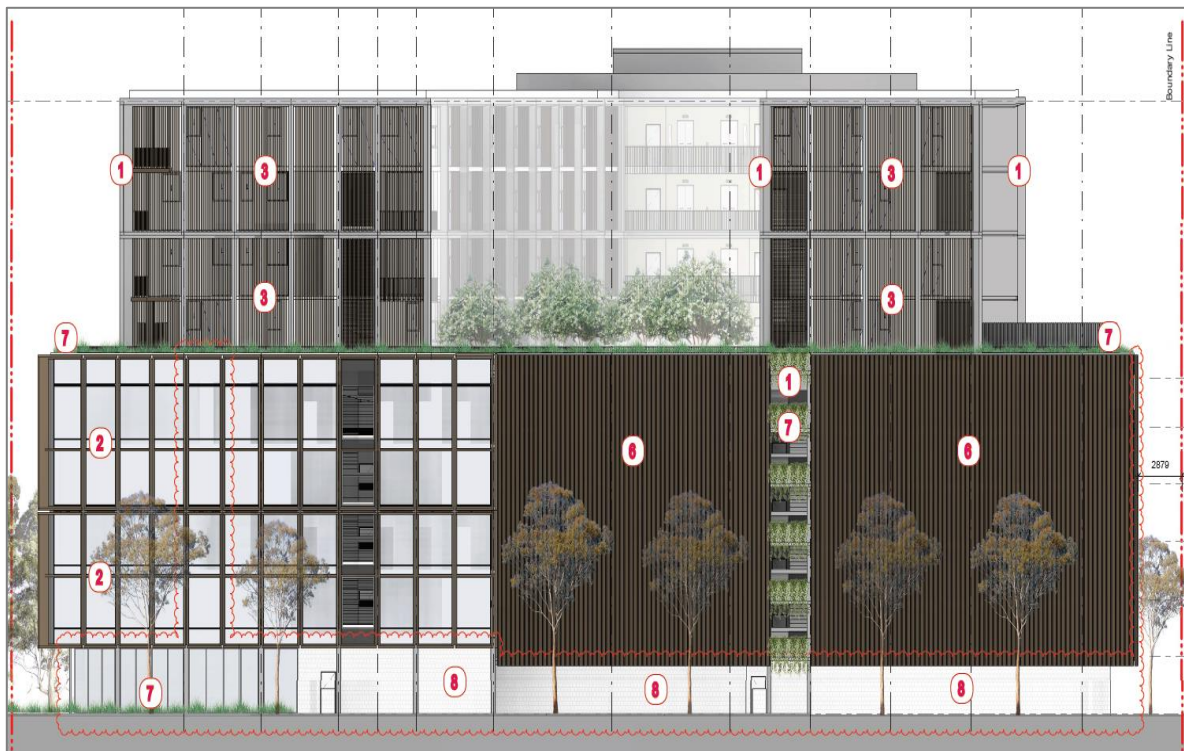
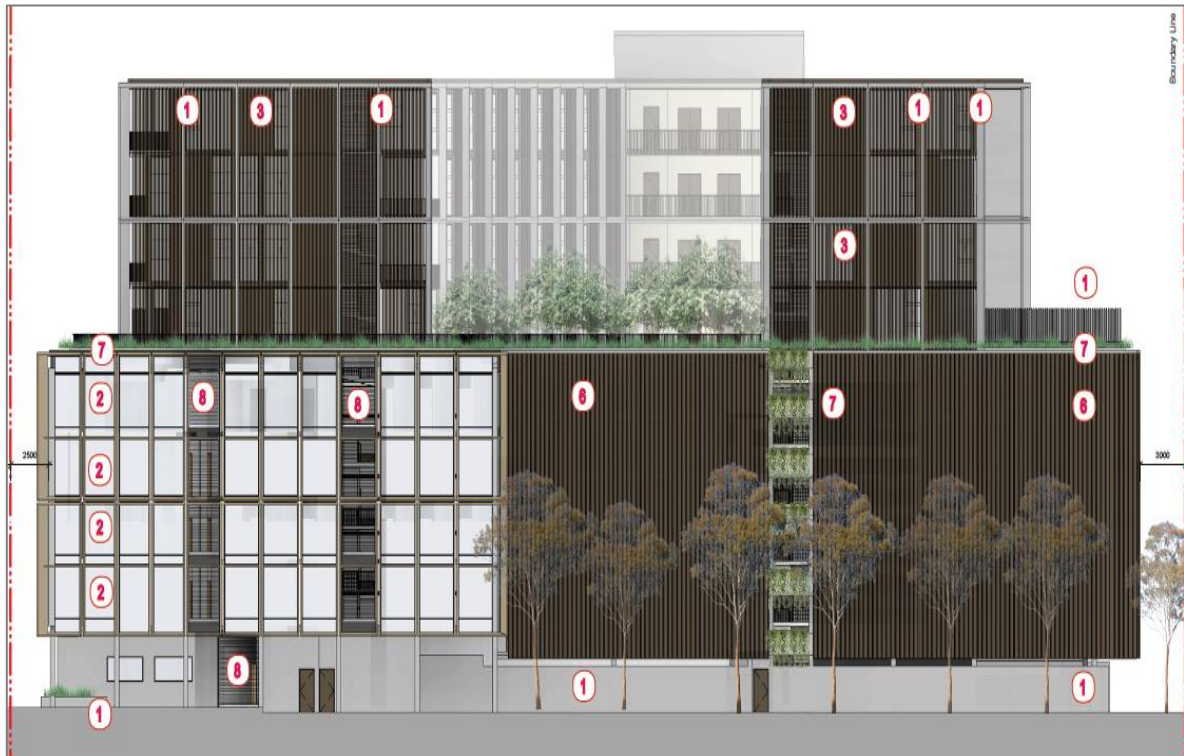
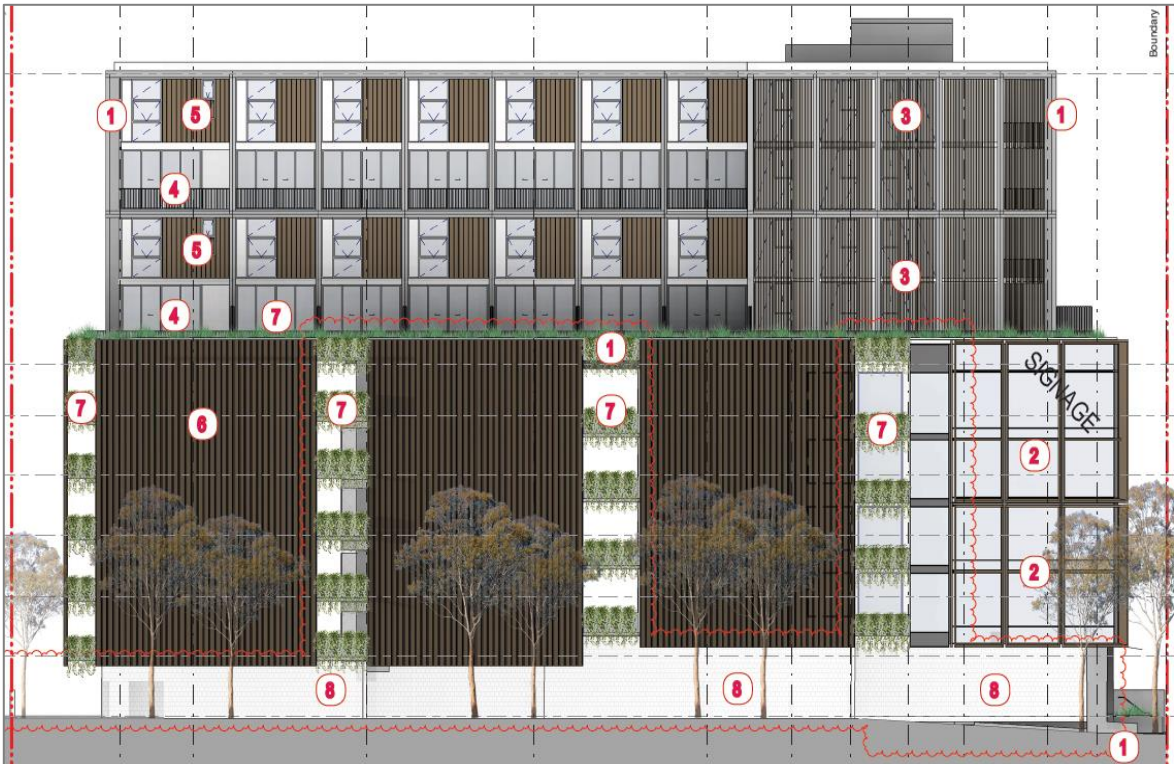
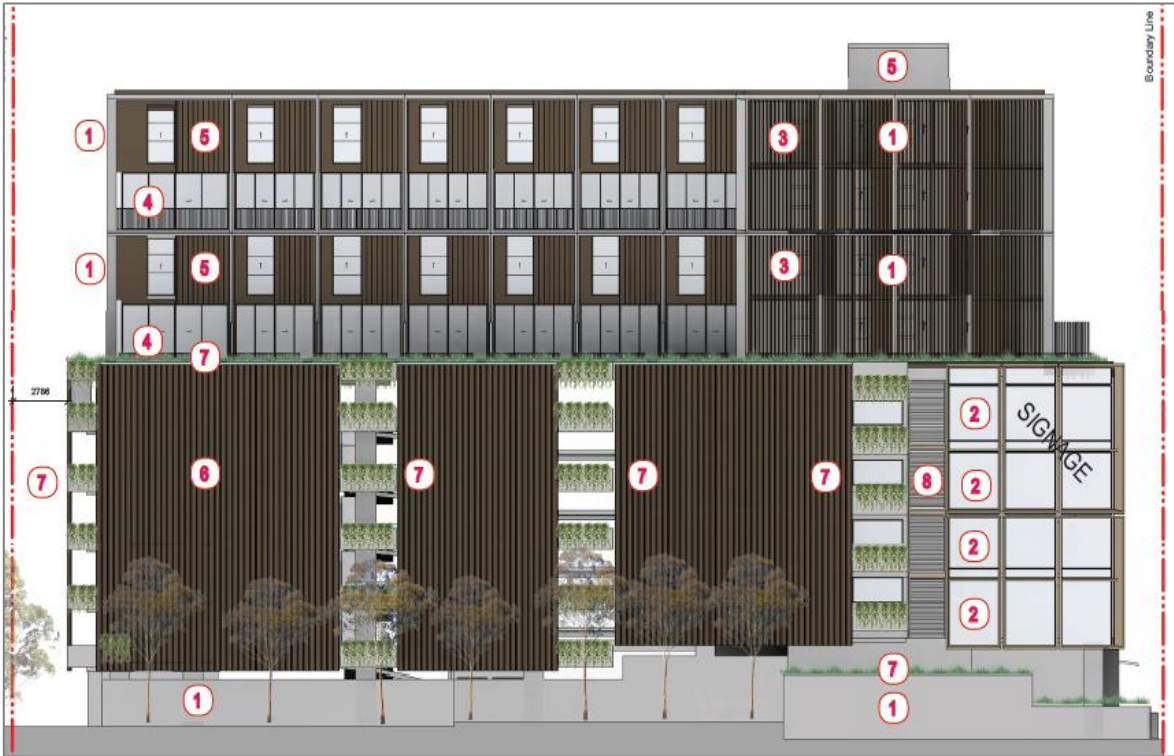


Figure 7 – Approved Eastern Elevation, and proposed Eastern Elevation



## 4 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).

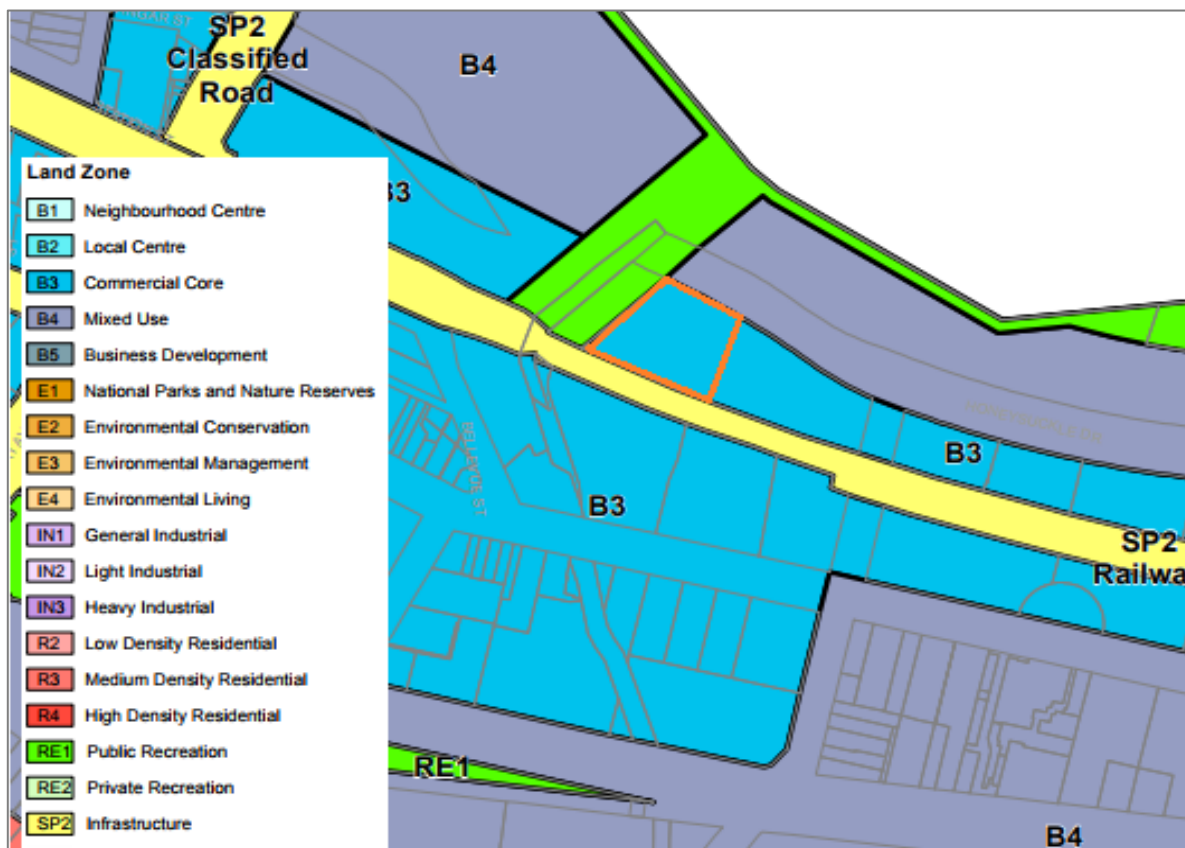
### 4.1 Environmental Planning and Assessment Act 1979 (EP&A Act 1979)

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.

### 4.2 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)



### 4.3 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.

The reduction of the 7 serviced apartments and the increase of 4 hotel units equates to a net reduction of 3 carparking spaces. Rather than making modification to the carparking level to adjust spaces the additional 3 spaces will be absorbed in to the public carpark component. The existing public carpark component is 25 spaces. The 3 additional spaces will equate to a 12% increase in spaces available, but there will be no physical increase in carparking spaces.

#### 4.4 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

#### 4.5 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.

#### 4.6 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.

#### 4.7 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.

#### 4.8 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.

#### 4.9 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.

#### 4.10 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, cross ventilation of units, unit separation, as there are no changes to the residential units.

## 5 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 Architectural Drawings*
- *Amended Architectural Comparison (approved vs proposed)*
- *Comparison GFA Schedule (approved vs proposed)*
- *Schedule of Changes*
- *Swimming Pool Perspectives*
- Appendix B** – *Amended Civil Design*
- Appendix C** – *Amended Landscape Plan*

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Appendix A – Architecturals  
Bates Smart Pty Ltd

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Appendix B – Amended Civil Design  
Northrop Pty Ltd

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Appendix C – Amended Civil Design  
Sydney Design Collective

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