

ADW JOHNSON PTY LIMITED

ABN 62 129 445 398

Sydney
Level 35 One International Towers
100 Barangaroo Avenue
Sydney NSW 2000
02 8046 7411
sydney@adwjohnson.com.au

Central Coast
5 Pioneer Avenue
Tuggerah NSW 2259
Ph. 02 4305 4300
Fax. 02 4305 4399
coast@adwjohnson.com.au

Hunter Region
7/335 Hillsborough Road,
Warners Bay NSW 2282
Ph. 02 4978 5100
Fax. 02 4978 5199
hunter@adwjohnson.com.au

Environmental Impact Statement

Horizon at Lee 5 Mixed Use Development

Property:

Part Lot 40 DP 1251908
45 Honeysuckle Drive, Newcastle

Applicant:

The Trustee for Horizon Newcastle Unit Trust

Date:

August 2019

Document Control Sheet

Issue No.	Amendment	Date	Prepared By	Checked By
A	Draft	17/5/2019	JBAY	CM
B	Draft	18/6/2019	JBAY	CM
C	Final	03/07/2019	JBAY/KS	CM
D	Updated Final	19/09/2019	ZS	CM

Limitations Statement

This report has been prepared in accordance with and for the purposes outlined in the scope of services agreed between ADW Johnson Pty Ltd and the Client. It has been prepared based on the information supplied by the Client, as well as investigation undertaken by ADW Johnson and the sub-consultants engaged by the Client for the project.

Unless otherwise specified in this report, information and advice received from external parties during the course of this project was not independently verified. However, any such information was, in our opinion, deemed to be current and relevant prior to its use. Whilst all reasonable skill, diligence and care have been taken to provide accurate information and appropriate recommendations, it is not warranted or guaranteed and no responsibility or liability for any information, opinion or commentary contained herein or for any consequences of its use will be accepted by ADW Johnson or by any person involved in the preparation of this assessment and report.

This document is solely for the use of the authorised recipient. It is not to be used or copied (either in whole or in part) for any other purpose other than that for which it has been prepared. ADW Johnson accepts no responsibility to any third party who may use or rely on this document or the information contained herein.

The Client should be aware that this report does not guarantee the approval of any application by any Council, Government agency or any other regulatory authority.

Author Certification

Name: Craig Marler

Position: Planning Manager

Qualifications: Bachelor Applied Science (Environmental Planning)
G.D.P. Applied Science (Building)

Address: ADW Johnson Pty Ltd
Unit 7, 335 Hillsborough Road
Warners Bay NSW 2282

Applicant: The Trustee for Horizon Newcastle Unit Trust

Project: Mixed Use Development

Subject Land: Part Lot 40 DP 1251908
45 Honeysuckle Drive, Newcastle

Environmental Assessment

Certificate: I certify that I have prepared the content of this
Environmental Impact Statement and to the best of my
knowledge:

- It is consistent with Part 4 of the Environmental Planning and Assessment Act 1979;
- The statement contains all available information that is relevant to the environmental assessment of the development to which the assessment relates; and
- The information contained in the Environmental Impact Statement is not false or misleading.

Signature: 
.....
Craig Marler

Date: 19 August 2019

Table of Contents

AUTHOR CERTIFICATION	II
EXECUTIVE SUMMARY	9
1.0 INTRODUCTION	11
1.1 INTRODUCTION	11
1.2 DEVELOPMENT APPLICATION DETAILS	11
1.3 PURPOSE OF THE REPORT	11
1.4 SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS (SEARS)	12
1.5 DOCUMENTATION	24
2.0 BACKGROUND	25
2.1 PROJECT BACKGROUND	25
3.0 SITE ANALYSIS	26
3.1 SITE DESCRIPTION, LOCATION & CONTEXT	26
3.2 SURROUNDING DEVELOPMENT	31
3.3 TOPOGRAPHY, DRAINAGE AND FLOODING	34
3.4 ECOLOGY	34
3.5 GEOTECHNICAL	35
3.5.1 Mine Subsidence	35
3.5.2 Soils	36
3.5.3 Groundwater	36
3.5.4 Acid Sulphate Soils	36
3.5.5 Contamination	37
3.6 TRAFFIC ACCESS & ROAD NETWORK	38
3.7 ABORIGINAL ARCHAEOLOGY & CULTURAL HERITAGE	39
3.8 EUROPEAN HERITAGE	39
3.9 COASTAL MANAGEMENT	40
3.10 UTILITY SERVICES	40
3.11 OBSERVATIONS OF THE SITE AND LOCALITY	40
4.0 PROPOSED DEVELOPMENT	42
4.1 OVERVIEW OF THE PROPOSAL	42
4.1.1 Development Particulars	42
4.1.2 Demolition	43
4.1.3 Earthworks	43
4.1.4 Design & Built Form	43
4.1.5 Parking & Access	44
4.1.6 Stormwater Management	45
5.0 STATUTORY & PLANNING CONTROLS	46
5.1 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATION 2000	46
5.1.1 Objects of EP&A Act	46
5.1.2 State Significant Development Assessment	49
5.1.3 Other Approvals	50
5.1.4 Section 4.15 Assessment	50
5.2 MINE SUBSIDENCE COMPENSATION ACT 1961	52
5.3 BIODIVERSITY CONSERVATION ACT 2016	52
5.4 ROADS ACT 1993	52
5.5 NSW HERITAGE ACT 1977	52

5.6	NATIONAL PARKS & WILDLIFE ACT 1974	52
5.7	WATER MANAGEMENT ACT 2000	53
5.8	STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)	53
5.8.1	<i>State Environmental Planning Policy (State and Regional Development) 2011..</i>	53
5.8.2	<i>SEPP 65 – Design Quality of Residential Apartment Development</i>	54
5.8.3	<i>SEPP (Building Sustainability Index: BASIX) 2004</i>	55
5.8.4	<i>SEPP (Infrastructure) 2007</i>	55
5.8.5	<i>SEPP 55 - Remediation of Land</i>	55
5.8.6	<i>SEPP (Coastal Management) 2018</i>	56
5.9	NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012	59
5.9.1	<i>Zoning & Permissibility</i>	59
5.9.2	<i>Principal Development Standards</i>	60
5.9.3	<i>Miscellaneous Provisions</i>	63
5.9.4	<i>Additional Local Provisions - Generally</i>	63
5.9.5	<i>Additional Local Provisions – Newcastle City Centre</i>	64
5.10	NEWCASTLE DEVELOPMENT CONTROL PLAN 2012	67
6.0	STRATEGIC CONTEXT	69
6.1	PREMIER’S PRIORITIES (FORMERLY NSW 2021)	69
6.2	HUNTER REGIONAL PLAN 2036	70
6.3	GREATER NEWCASTLE METROPOLITAN PLAN 2036	72
6.4	FUTURE TRANSPORT STRATEGY 2056	73
6.5	GREATER NEWCASTLE FUTURE TRANSPORT PLAN	74
6.6	NEWCASTLE URBAN RENEWAL STRATEGY 2014	75
6.7	BETTER PLACED – AN INTEGRATED DESIGN POLICY FOR THE BUILT ENVIRONMENT OF NSW 2017	76
6.8	NEWCASTLE 2030 COMMUNITY STRATEGIC PLAN	76
6.9	HONEYSUCKLE FORESHORE PUBLIC DOMAIN PLAN	77
6.10	PORT MASTER PLAN 2040	78
6.11	GUIDE TO INVESTIGATING, ASSESSING AND REPORTING ON ABORIGINAL CULTURAL HERITAGE IN NSW (DECCW 2011)	78
6.12	ABORIGINAL CULTURAL HERITAGE CONSULTATION REQUIREMENTS FOR PROPONENTS 2010	79
6.13	NEWCASTLE ARCHAEOLOGICAL MANAGEMENT STRATEGY 2015	79
6.14	ABORIGINAL HERITAGE MANAGEMENT STRATEGY 2018-2021	79
6.15	INTERIM CONSTRUCTION NOISE GUIDELINES (DECCW, 2009)	79
6.16	GUIDELINES FOR CONTROLLED ACTIVITIES ON WATERFRONT LAND (2012)	79
6.17	POLICY & GUIDELINES FOR FISH HABITAT CONSERVATION AND MANAGEMENT (2013)	80
6.18	CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN PRINCIPLES	80
6.19	GUIDE TO TRAFFIC GENERATING DEVELOPMENTS (ROADS & MARITIME SERVICES) ..	80
6.20	GUIDE TO TRAFFIC MANAGEMENT – PART 12: TRAFFIC IMPACTS OF DEVELOPMENT (AUSTROADS)	80
6.21	ROADS & RELATED FACILITIES DPE EIS GUIDELINES	80
6.22	NSW & ACT GOVERNMENT REGIONAL CLIMATE MODELLING (NARCIIM)	80
6.23	URBAN GREEN COVER IN NSW TECHNICAL GUIDELINES (OEH 2015)	81
6.24	AUSTRALIAN GUIDELINES FOR WATER RECYCLING: MANAGING HEALTH & ENVIRONMENTAL RISKS (PHASE 1) 2006	81
6.25	NEWCASTLE SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN 2009	81
6.26	AQUIFER INTERFERENCE POLICY (2012)	82
7.0	CONSULTATION	83
8.0	KEY ISSUES	86

8.1	DESIGN EXCELLENCE.....	86
8.2	BUILT FORM, URBAN DESIGN & RESIDENTIAL AMENITY	86
8.3	SOCIAL IMPACT	88
8.4	SAFETY, SECURITY & CRIME PREVENTION	89
8.4.1	<i>Surveillance</i>	89
8.4.2	<i>Access Control</i>	89
8.4.3	<i>Territorial Reinforcement</i>	90
8.4.4	<i>Space Management</i>	90
8.5	ECOLOGICALLY SUSTAINABLE DEVELOPMENT	91
8.5.1	<i>BASIX Commitments</i>	92
8.6	NOISE	92
8.7	TRANSPORT & ACCESSIBILITY (OPERATION)	92
8.7.1	<i>Vehicular Access</i>	93
8.7.2	<i>Parking</i>	93
8.7.3	<i>Traffic Generation</i>	95
8.7.4	<i>Alternate Transport Options</i>	96
8.8	FLOODING.....	96
8.9	WATER QUALITY	97
8.9.1	<i>Stormwater Quality</i>	97
8.9.2	<i>Groundwater Quality</i>	98
8.10	MINE SUBSIDENCE.....	99
8.11	HERITAGE.....	100
8.11.1	<i>European Archaeological Heritage</i>	100
8.11.2	<i>Aboriginal Cultural Heritage</i>	100
8.12	BIODIVERSITY	101
8.13	SEDIMENT, EROSION & DUST CONTROLS	101
8.14	UTILITIES	101
8.15	PUBLIC BENEFIT & CONTRIBUTIONS.....	101
8.16	SERVICING & WASTE	102
8.16.1	<i>Construction Waste</i>	102
8.16.2	<i>Operational Waste</i>	103
9.0	ENVIRONMENTAL IMPACT ASSESSMENT	105
9.1	MITIGATION MEASURES INCORPORATED	105
10.0	CONCLUSION.....	106

APPENDIX A

SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS (DPE 31 JAN 2019)

APPENDIX B

QS REPORT (PROPERTY CONCEPT & MANAGEMENT)

APPENDIX C

DESIGN REPORT (HILL THALIS AND CKDS) & DESIGN EXCELLENCE STRATEGY (ADW JOHNSON)

APPENDIX D

ARCHITECTURAL DRAWINGS (HILL THALIS AND CKDS)

APPENDIX E

LANDSCAPE PLANS (JILA)

APPENDIX F

FLOOD ASSESSMENT (NORTHROP)

APPENDIX G

SEPP 65 VERIFICATION STATEMENT (HILL THALIS AND CKDS)

APPENDIX H

SEPP 65 80 OBJECTIVES STATEMENT (HILL THALIS AND CKDS)

APPENDIX I

NOISE ASSESSMENT (REVERB ACOUSTICS)

APPENDIX J

BASIX REPORT (EVERGREEN ENERGY CONSULTANTS)

APPENDIX K

STORMWATER MANAGEMENT PLAN (BG&E)

APPENDIX L

TRAFFIC AND TRANSPORT ASSESSMENT (SECA SOLUTION)

APPENDIX M

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (BLOC)

APPENDIX N

CONSTRUCTION TRAFFIC MANAGEMENT PLAN (SECA SOLUTION)

APPENDIX O

DEWATERING MANAGEMENT PLAN (ADE CONSULTING)

APPENDIX P

MINE SUBSIDENCE ADVICE (COFFEY PROJECTS)

APPENDIX Q

MINE SUBSIDENCE DESIGN STATEMENT (BG & E)

APPENDIX R

HERITAGE ASSESSMENT (UMWELT)

APPENDIX S

BIODIVERSITY WAIVER (OEH, DPE)

APPENDIX T

CONCEPT EROSION AND SEDIMENT CONTROL PLAN (BG&E)

APPENDIX U

ACID SULFATE SOILS MANAGEMENT PLAN (ADE CONSULTING)

APPENDIX V

DETAIL SURVEY (ADW JOHNSON)

APPENDIX W

CONSULTATION DOCUMENTATION

APPENDIX X

WASTE MANAGEMENT PLAN (ELEPHANTS FOOT RECYCLING SOLUTIONS)

APPENDIX Y

PROPOSED SUBDIVISION PLAN

APPENDIX Z

GEOTECHNICAL ASSESSMENT (ADE CONSULTING)

APPENDIX AA

REMEDIATION ACTION PLAN (ADE CONSULTING)

APPENDIX AB

STORMWATER CONCEPT PLAN (BG & E)

APPENDIX AC

PLAN OF MANAGEMENT

APPENDIX AD

CLAUSE 4.6 VARIATION (ADW JOHNSON)

APPENDIX AE

ACCESS REPORT (IN DESIGN)

APPENDIX AF

BCA REPORT (NEWCERT)

APPENDIX AG

GOVERNMENT ARCHITECT NSW ADVICE LETTER

APPENDIX AH

HUNTER & CENTRAL COAST DEVELOPMENT CORPORATION CONSENT TO LODGE

APPENDIX AI

ENVIRONMENTAL RISK ASSESSMENT (ADW JOHNSON)

LIST OF FIGURES

Figure 1 - Site Context (Source: SixMaps 2018).

Figure 2 - Aerial Image of the Subject Site (Source: SixMaps 2019).

Figure 3 - Photo of the subject site looking north-west.

Figure 4 - Photo of the subject site looking north/north-west.

Figure 5 - Photo of the subject site looking east.

Figure 6 - Photo of the subject site looking east.

Figure 7 - Photo of the subject site looking north/north-west from opposite side of Honeysuckle Drive.

Figure 8 - Photo of the Honeysuckle Drive frontage of the site looking west/north-west near the intersection of Steel Street.

Figure 9 - Photo of Steel Street looking south from the subject site.

Figure 10 - Photo of Honeysuckle Drive looking east/south-east and multi-storey commercial and office buildings to the south of the site.

Figure 11 - Photo of the neighbouring Huntington development site to the east.

- Figure 12 - Photo of Honeysuckle Drive and Steel Street intersection and other residential tower developments further west of the site (opposite Stewart Avenue).
- Figure 13 - Photo of surrounding residential tower developments to the west (opposite Stewart Avenue) and south-west (on Beresford Street and Bellevue Street) of the subject site.
- Figure 14 - EPBC Act Protected Matters (Source: DEE Website, 19 December 2018).
- Figure 15 - Extract from the NSW Planning Portal Mine Subsidence Layer.
- Figure 16 - Extract from the NSW Planning Portal Mine Subsidence Layer.
- Figure 17 - Areas of Environmental Concern (ADE, May 2019).
- Figure 18 - Extract from the NSW Planning Portal Heritage Layer.
- Figure 19 - Extract from SEPP Coastal Management Mapping.
- Figure 20 - State Significant Development Sites Map – Honeysuckle.
- Figure 21 - Extract from the NLEP Land Zoning Map.
- Figure 22 - Extract from the NLEP Height of Buildings Map.
- Figure 23 - Proposed building heights (CKDS 2019).
- Figure 24 - Extract from the NLEP Floor Space Ratio Map.
- Figure 25 - Extract from the NLEP Newcastle City Centre Map.
- Figure 26 - Extract from the Hunter Regional Plan (Inner Newcastle).
- Figure 27 - Extract from the Greater Newcastle Metropolitan Plan 2036 Hunter Regional Plan (Inner Newcastle).
- Figure 28 - Extract from the Honeysuckle Public Domain Plan.
- Figure 29 - Showing Building Arrangements.
- Figure 30 - Photomontage of building looking east from Honeysuckle Drive.
- Figure 31 - Photomontage of building looking west from Honeysuckle Drive.

LIST OF TABLES

- Table 1: Summary response to SEARs
- Table 2: Development Particulars
- Table 3: S4.15 Matters for Consideration
- Table 4: Clause 13(1) Considerations
- Table 5 : Clause 14(1) Considerations
- Table 6: Clause 7.5 (3) Design Excellence Considerations
- Table 7: Pre-Lodgement Consultation
- Table 8: Parking Requirements (Seca Solution, May 2019)

Executive Summary

This Environmental Impact Statement (EIS) has been prepared by ADW Johnson Pty Ltd on behalf of Horizon Newcastle Pty Ltd to accompany a State Significant Development (SSD) Application for a proposed mixed-use development at 45 Honeysuckle Drive, Newcastle.

The proposal involves the construction of three (3) buildings on the site, varying between seven (7) and eight (8) storeys. The development will comprise 110 residential units and four (4) commercial premises, plus ancillary service, landscaping and communal space areas. Two (2) basement levels are proposed to accommodate 212 car spaces, accessed via a single entry / exit point to Honeysuckle Drive.

Due to the sites location within Honeysuckle and the developments capital investment value being in excess of \$10 million, the proposed development is classified as State Significant Development (SSD) in accordance with Schedule 2 of *State Environmental Planning Policy (State & Regional Development) 2011* (SEPP State and Regional Development).

In December 2018, the Applicant sought the Secretary's Environmental Assessment Requirements (SEARs) to inform the preparation of the EIS. The SEARs were issued on 31 January 2019 (Ref: SSD 9827), and the EIS has subsequently been prepared to address the key issues identified by the Secretary.

The proposed development has been designed by a team of architects, being CKDS and Hill Thalys, with due consideration being given to the site's context, opportunities and constraints as well as the relevant legislation and guidelines. The design has been prepared through extensive consultation with the Government Architect's appointed State Design Panel, and it is considered the proposed development achieves high quality design, which responds to its surrounding environment.

The proposal is supported by various specialist studies, site investigations and management plans. These studies confirm that the site is suitable for the proposed development, and in some instances recommend mitigation measures to manage development impacts.

This EIS is structured in accordance with, and contains the information required by, the Secretary's Environmental Assessment Requirements. The EIS contains descriptive and summarised text with appropriate comment, while the appendices provide the detailed specialist assessment reporting. A summary of the document is provided below:

Sections 1 & 2 – Provides an introduction and background to the proposed development.

Section 3 – Provides the property description as well a detailed site analysis and overview of the existing environment.

Section 4 – Provides a description of the proposed development.

Section 5 – Provides the planning context for the proposed development, including the relevant Commonwealth, State, Regional and local legislation and planning controls.

Section 6 – Details consultation undertaken and how the project team identified the key issues associated with the development.

Section 7 – Investigates and assesses key environmental issues associated with the site and proposed development. This section summarises the findings of specialist environmental reporting which is provided within the appendices to the report.

Section 8 – Details the key mitigation measures to be undertaken or incorporated into the proposed development.

1.0 Introduction

1.1 INTRODUCTION

ADW Johnson Pty Ltd has been commissioned by Horizon Newcastle Pty Ltd to prepare a Development Application and Environmental Impact Statement (EIS) for the construction of a seven (7) and eight (8) storey mixed use development, comprising commercial and residential uses at 45 Honeysuckle Drive, Newcastle.

Due to the site's location within Honeysuckle and the developments capital investment value being in excess of \$10 million, the proposed development is classified as State Significant Development in accordance with the provisions of the *State Environmental Planning Policy (State & Regional Development) 2011*.

1.2 DEVELOPMENT APPLICATION DETAILS

Environmental Impact Statement Prepared by

Name:	ADW Johnson Pty Ltd Unit 7, 335 Hillsborough Road WARNERS BAY NSW 2282
Contact:	Craig Marler Planning Manager Ph: (02) 4978 5100 Email: craigm@adwjohnson.com.au Website: www.adwjohnson.com.au
Development Application:	Horizon at Lee 5 – mixed use development
Applicant Name:	Horizon Newcastle Pty Ltd
Applicant Address:	Horizon Newcastle Pty Ltd C/- ADW Johnson Pty Ltd 7/335 Hillsborough Road, Warners Bay NSW 2282
Property Description:	Part Lot 40 DP 1251908 45 Honeysuckle Drive, Newcastle
Project Description:	Seven (7) and Eight (8) storey mixed use development

1.3 PURPOSE OF THE REPORT

This Environmental Impact Statement (EIS) has been prepared pursuant to Clauses 6 & 7 of Schedule 2 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation). Its purpose is to:

- Describe the proposed development;
- Identify and summarise the relevant controls which guide assessment of the proposal;
- Provide information on the site and its context; and
- Review key issues associated with the proposal to aid in assessment by the Consent Authority and other relevant authorities.

1.4 SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS (SEARS)

The NSW Department of Planning and Environment (DPE) issued Secretary's Environmental Assessment Requirements (SEARS) for the project (REF: SSD 9827) on 31 January 2019. The SEARS identify the key issues required to be addressed as part of the EIS, and reinforce the statutory context and requirements of the development. A copy of the SEARS is enclosed as **Appendix A**.

Table 1 below provides a summary response to the general requirements and key issues identified by the SEARS.

Table 1: Summary response to SEARS

Secretary's Environmental Assessment Requirements (SSD 9827)	
Environmental Assessment Requirement	EIS Response
GENERAL REQUIREMENTS	
The Environmental Impact Statement (EIS) must meet the minimum form and content requirements in clauses 6 and 7 of Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i>. Notwithstanding the key issues specified below, the EIS must include an environmental risk assessment to identify the potential environmental impacts associated with the development. Where relevant, the assessment of the key issues below, and any other significant issues identified in the risk assessment, must include: - adequate baseline data; - consideration of potential cumulative impacts due to other development in the vicinity; and - measures to avoid, minimise and if necessary, offset the predicted impacts, including detailed contingency plans for managing any significant risks to the environment.	The EIS has been prepared to satisfy the requirements of Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i>. The EIS and its supporting appendices have considered the key issues identified by the SEARS, based on adequate baseline data, consideration of potential cumulative impacts, and outline measures to avoid, minimise and offset (where necessary) potential adverse impacts associated with the development.
The EIS must be accompanied by a report from a qualified quantity surveyor providing: - a detailed calculation of the capital investment value (CIV) (as defined in clause 3 of the EP&A Regulation 2000) of the proposal, including details of all assumptions and components from which the CIV calculation is derived; - a detailed cost report prepared in accordance with Newcastle Section 94A Development Contributions Plan 2009; - an estimate of the jobs that will be created by the future development during the construction and operational phases of the development; and - certification that the information provided is accurate at the date of preparation.	A cost summary report has been prepared by PCM Pty Ltd, and is provided as Appendix B. In terms of job creation, it is anticipated that approximately 600 jobs will be created by the future development, mainly during the construction phase.

KEY ISSUES		
Statutory and Strategic Context	Address the statutory provisions applying to the development contained in all relevant environmental planning instruments, including: • State Environmental Planning Policy (State & Regional Development) 2011; • State Environmental Planning Policy 55 - Remediation of Land; • State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development & Accompanying Apartment Design Guide; • State Environmental Planning Policy (Building Sustainability Index BASIX) 2004; • State Environmental Planning Policy (Infrastructure) 2007; • State Environmental Planning Policy (Coastal Management) 2018; • Honeysuckle Foreshore Public Domain Plan 2019; and • Newcastle Local Environmental Plan (LEP) 2012. Permissibility - Detail the nature and extent of any prohibitions that apply to the development. Development Standards - Identify compliance with the development standards applying to the site and justification for any variations proposed. The EIS shall address the relevant planning provisions, goals and strategic planning objectives in the following: • NSW 2021 (State Plan); • Hunter Regional Plan 2036; • Greater Newcastle Metropolitan Plan 2036; • Future Transport Strategy 2056 and supporting plans; • Greater Newcastle Future Transport Plan; • Newcastle Urban Renewal Strategy 2014;	The applicable and relevant legislation, EPIs and strategies are addressed in Sections 5 and 6 of the EIS, and throughout the relevant specialist reports.

	• Better Placed - an integrated design policy for the built environment of NSW 2017; • Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (DECCW, 2011); • Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010; • Newcastle Archaeological Management Strategy 2015; • Aboriginal Heritage Management Strategy 2018-2021; • Interim Construction Noise Guidelines (DECCW, 2009); • Guidelines for Controlled Activities on Waterfront Land (2012); • Policy and Guidelines for Fish Habitat Conservation and Management (2013) • Crime Prevention Through Environmental Design Principles; • Guide to Traffic Generating Developments (Roads and Maritime Services); • Guide to Traffic Management - Part 12: Traffic Impacts of Development (AUSTROADS); • Roads and related facilities OPE EIS guidelines; • NSW and ACT Government Regional Climate Modelling (NARCLIM); • OEH (2015) Urban Green Cover in NSW Technical Guidelines ; • Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (phase 1) 2006; • Newcastle Section 94A Development Contributions Plan 2009; • Port Master Plan 2040; and • Aquifer Interference Policy (2012).	
Design Excellence	• Describe the design process leading to the proposed design • Provide a design excellence strategy, including opportunities for design review throughout the planning process, which demonstrates how design excellence will be achieved in accordance with the requirements of clause 7.5 of the Newcastle LEP 2012, in consultation with the Government Architect NSW.	Documentation detailing the design process and design excellence strategy has been prepared by the project architects, Hill Thalys and CKDS. A copy of this information is contained in Appendix C , and discussed in Section 8.1 of this report.

Built Form and Urban Design	• Address design quality, with specific consideration of bulk and scale, overall site layout, axis, vistas and connectivity, open spaces and edges, ground floor activation, primary elements, facade, rooftop, mechanical plant, massing, setbacks, building articulation, materials and colours; • Provide a detailed landscape design that demonstrates how the proposal provides pedestrian access and amenity along the foreshore; • Provide design approaches to mitigate any potential flooding; • Detail how services, including but not limited to waste management, loading zones, deliveries and mechanical plant are integrated into the building operation; and • Consider and address the Newcastle Development Control Plan.	Site analysis and architectural drawings that consider the built form and urban design elements are provided as Appendix D, and discussed in Section 8.1 of this report. The design has been prepared taking into account the integration of services. Landscape Plans have been prepared by JILA, and are contained in Appendix E. Potential flood impacts and mitigation measures have been addressed by Northrop. Refer to Appendix F. The SEARs request consideration of the Newcastle DCP in the context of built form and urban design. This has been addressed within Section 5.10 of this report, and within the architectural plans and Design Report (Appendix C and D).
Residential Amenity	• Demonstrate consistency with SEPP 65 and the Apartment Design Guide (ADG) to ensure a high level of environmental and residential amenity; • Demonstrate how hierarchy of entrances and provision of common areas achieves best practice for residents; and • Address any impacts resulting from the colocation of commercial and residential uses at ground floor level and outline measures to minimise and mitigate any potential impacts.	The design has been prepared in accordance with SEPP 65 and the ADG to ensure a high level of environmental and residential amenity. Residential amenity has been considered through the design process, as confirmed by the SEPP 65 Verification Statement and SEPP 65 80 Objectives Statement provided in Appendices G and H respectively.
Noise	• Identify the likely noise impacts and any acoustic measures required to ensure acceptable residential amenity, noting the proximity to the operational areas of the Port of Newcastle, and the proximity of the proposed commercial and residential uses; and • Identify the main noise generating sources and activities at all stages of	A noise impact assessment has been prepared by Reverb Acoustics, which identifies potential noise impacts on the future occupants of the development, along with impacts to nearby sensitive receivers during construction and operation. Refer to Appendix I.

	construction, and any noise sources during operation. Outline measures to minimise and mitigate the potential noise impacts on surrounding occupiers of land and future occupiers of the development.	
Ecologically Sustainable Development (ESD)	• Detail how ESD principles (as defined in clause 7(4) of Schedule 2 of the Environmental Planning and Assessment Regulation 2000) will be incorporated in the design, construction and ongoing operation phases of the development; • Demonstrate how the proposed development responds to sustainable building principles and best practice, and improves environmental performance through energy efficient design, technology and renewable energy; • Demonstrate how material selection responds to ESD principles, including sustainable sourcing, recycled content and durability; and • Include a description of the measures that would be implemented to minimise consumption of resources, water and energy, including an Integrated Water Management Plan which details any proposed alternative water supplies, proposed end uses of potable and non-potable water, and water sensitive urban design.	Assessment of the ESD principles is provided in Section 8.4 of this report. A BASIX assessment has been undertaken by Evergreen Energy Consultants, and is provided as Appendix J. A stormwater management plan has been prepared by BG&E, and contained as Appendix K, demonstrating consistency with the principles of water sensitive urban design.
Transport and Accessibility (Operation)	The EIS shall include a Traffic and Transport Impact Assessment that includes, but is not limited to the following: • Details of the current daily and peak hour vehicle, public transport, pedestrian and bicycle movements and existing traffic and transport facilities provided on the road network and located adjacent to the proposed development; • Traffic modelling and analysis of the future daily and peak hour vehicle, public transport, pedestrian and bicycle movements likely to be generated by the proposed	A Traffic and Transport Assessment has been undertaken by Seca Solution, addressing impacts to the road network, access arrangements, alternative transport options and car parking. A copy of the assessment is provided in Appendix L.

	development and assessment of the impacts on the local road network, including key intersection capacity and any potential need for upgrading or road works (if required); • Assessment of the operation of existing and future transport networks and their ability to accommodate the forecast number of trips to and from the development; • Assessment of the cumulative impacts of traffic volumes from the proposal together with existing and approved developments in the area, and proposed measures to mitigate any associated impacts on public transport, pedestrian, cycle and traffic networks; • Proposed access arrangements and measures to mitigate any associated traffic, public transport, pedestrian and bicycle network impacts; • Appropriate car and bicycle parking provisions including end of trip facilities considering the availability of public transport and the requirements of the relevant parking codes and Australian standards; • Location of pedestrian and bicycle parking facilities in secure, convenient, accessible areas close to main entrances incorporating lighting and passive surveillance; • Measures to promote sustainable travel choices for employees, visitors and residents, such as implementing a location-specific travel plan and provision of end of trip facilities; • Service vehicle access, delivery and loading arrangements and estimated service vehicle movements (including vehicle type, routes and the likely arrival and departure times); and • A road safety assessment of any proposed signage, lighting displays and reflectivity on roads.	
Construction	The EIS shall include a Construction Pedestrian and Traffic Management Plan addressing: • details of peak hour and daily	A Construction and Environmental Management Plan (CEMP) has been prepared by Bloc, being the construction manager for the

	construction and servicing vehicle movements and access arrangements, and cumulative impact from surrounding development sites on the local road network, public transport services and parking; • road safety at key intersections and locations subject to heavy vehicle movements and high pedestrian activity; • details of access arrangements for workers to/from the site, emergency vehicles and service vehicle movements, including measures to reduce construction worker private vehicle trips; • details of temporary cycling and pedestrian access during construction; • details of proposed construction vehicle access arrangements at all stages of construction; • assessment of traffic and transport impacts during construction and how these impacts will be mitigated for any associated traffic, pedestrians, cyclists and public transport operations; • potential impacts of the construction on surrounding areas and the public realm with respect to noise and vibration, air quality and odour impacts, dust and particle emissions, water quality, storm water runoff, groundwater seepage, soil pollution and construction waste; • annual volume of materials to be extracted, processed or stored onsite during construction and how the extracted material will be disposed of or reused; • details of any crane locations and road closures; and • details of a consultation strategy for liaison with surrounding stakeholders.	Project. The CEMP details appropriate mitigation measures to manage potential impacts during construction, including dust, noise, vibration, environmental matters, waste and community consultation. In addition, a Construction Traffic and Pedestrian Management Plan has been prepared by Seca Solution. Copies of the management plans are contained in Appendix M and N respectively.
Flooding	The EIS is to include an assessment of any potential flood risk on site in accordance with any relevant provisions of the NSW floodplain Development Manual (2005), the Honeysuckle Redevelopment Area Flood Study 2018 and the Newcastle	A Flood Impact Assessment has been prepared by Northrop. The assessment identifies potential flood risks and appropriate mitigation measures to ensure the site is

	Floodplain Risk Study 2012 including an: • assessment of existing flood behaviour and impact of sea level rise, climate change, and ecosystem migration; • assessment of potential flood impacts on the proposed development and measures to mitigate any potential flooding; • assessment of potential impacts of the proposed development on flood behaviour at the site and impacts on adjacent land, and measures to mitigate any potential flooding; • emergency management measures and evacuation; • consistency with any floodplain risk management plans; • compatibility with the flood hazard of the land; • assessment of whether the proposal will significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses; and • detailed consideration of the proposed drainage associated with the proposal, including stormwater and drainage infrastructure.	suitable for development. A copy of the assessment is provided as Appendix F.
Water Quality	The EIS shall: • provide an assessment of existing site hydrogeology, groundwater quality and levels and licensing requirements (including details of groundwater dewatering required during the construction phase and for ongoing water take following completion of the project); • detail any structural works due to potential subsidence impacts and whether such activity will cause displacement of groundwater to surface; • provide an assessment of any potential cumulative impacts on water resources, and any proposed options to manage the cumulative impacts; and	A Stormwater Management Plan (SMWP) has been prepared by BG&E, which includes assessment of stormwater quality impacts. A copy of the SWMP is enclosed as Appendix K. In addition, a dewatering management plan has been prepared by ADE Consulting, addressing groundwater impacts. A copy of this plan is enclosed as Appendix O.

	provide an assessment of impacts to surface water and groundwater resources as they relate to infrastructure, adjacent licensed water users, watercourses and riparian land and details of proposed monitoring activities and methodologies.	
Mine Subsidence	The EIS shall provide a Geotechnical Investigation and Report (prepared by a recognised professional in consultation with the Mine Subsidence Board) which addresses potential subsidence risks, stabilisation works required/undertaken and confirms suitability of the site for the proposal.	Mine subsidence advice has been obtained from Coffey, addressing the potential subsidence risks, stabilisation works and confirming site suitability. A copy of the advice is provided as Appendix P. A Mine Subsidence Design Statement has also been prepared by BG&E, and provided as Appendix Q.
Heritage	The EIS shall: - identify if there are any listed or potential heritage items and conservation areas within or in the vicinity of the site. If any listed or potential heritage items and areas are likely to be affected, a Heritage Impact Statement (HIS) must be prepared in accordance with the Heritage Council of NSW guidelines. The HIS must identify the level of significance of any listed or potential heritage items and conservation areas, the likely impact due to the proposal and measures to avoid adverse impacts to heritage resources such as significant buildings, structures, natural heritage areas, gardens, landscapes, trees, plantings, streetscapes and views; - identify if there are any areas with historical archaeological potential within the proposed project area that could be impacted by the works. If impact on potential archaeology is identified, a historical archaeological assessment should be prepared by a suitably qualified historical archaeologist in accordance with the Heritage	A Heritage Impact Assessment has been undertaken by Umwelt to inform this EIS. The assessment covers Aboriginal, built and archaeological heritage. A copy of the Heritage Impact Assessment is provided as Appendix R.

	Council Guidelines for Archaeological Assessment (1996) and Assessing Significance for Historical Archaeological Sites and 'Relics' (2009). This assessment should identify what relics, if any, are likely to be present, assess their significance and consider the impacts from the proposal on this potential resource. Where harm is likely to occur, it is recommended that the significance of the relics be considered in determining an appropriate mitigation strategy. If harm cannot be avoided in whole or part, an appropriate Research Design and Excavation Methodology should also be prepared to guide any proposed excavations; • identify and describe the Aboriginal cultural heritage values that exist across the whole area to be affected and document these in the Aboriginal Cultural Heritage Assessment Report (ACHAR); and • address Aboriginal Heritage in accordance with the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW 2011 and Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010.	
Biodiversity	The EIS shall provide an assessment of the proposal's biodiversity impacts in accordance with the Biodiversity Conservation Act 2016, including the preparation of a Biodiversity Development Assessment Report where required under the Act.	As the site is void of vegetation and the development unlikely to impact on biodiversity, the OEH and DPE have waived the requirement for a Biodiversity Development Assessment Report. A copy of each waiver is contained in Appendix S.
Sediment, Erosion and Dust controls (Construction and Excavation)	The EIS shall: • identify measures and procedures to minimise and manage the generation and off-site transmission of sediment, dust and fine particles; and • provide an assessment of presence of acid sulphate soils on the site and any mitigation measures required.	The CEMP prepared by Bloc (Appendix M) provides measures and procedures to minimise and manage the transmission of sediment, dust and fine particles. An erosion and sediment control plan has been

		prepared by BG&E, and is provided in Appendix T. An Acid Sulphate Soils Management Plan has been prepared by ADE Consulting, and provided as Appendix U.
Utilities	The EIS shall: • address the existing capacity and future requirements of the development for the provision of utilities, including staging of infrastructure in consultation with relevant agencies; and • detail impacts to any existing infrastructure assets of utility stakeholders from demolition/construction and any proposed mitigation/protection measures.	The site has access to essential services and utilities, as indicated on the Detail Survey prepared by ADW Johnson (Appendix V). Consultation with the relevant utility providers has commenced, with details provided in Appendix W. It is noted that further consultation with the utility providers will be undertaken during the detailed construction design phase.
Public Benefit and Contributions	The EIS shall: • provide confirmation of the public benefit offer to be derived from the proposal and address Council's Section 94A Contribution Plan and/or details of any Voluntary Planning Agreement; and • public benefit contribution should consider the surrounding public domain and waterway.	Section 94A Contributions and public benefit are discussed in Section 6.25 and Section 8.15 of the EIS.
Servicing and Waste (Construction and operation)	The EIS shall: • identify, quantify and classify the likely waste streams to be generated during construction and operation and describe the measures to be implemented to manage, reuse, recycle and safely dispose of this waste; and • identify appropriate servicing arrangements (including but not limited to, waste management, loading zones, mechanical plant) for the site.	An operational waste management plan has been prepared by Elephants Foot Recycling Solutions and is provided in Appendix X. Construction waste management is addressed in the CEMP, prepared by Bloc, provided in Appendix M.
Plans and documents	The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the EP&A Regulation 2000. Provide these as part of the EIS rather than as separate documents.	This EIS is accompanied by the requested and necessary plans and documentation in accordance with the Regulation.

Consultation	During the preparation of the EIS, you are required to consult with the relevant local, State or Commonwealth Government authorities, service providers, and the local community. You must consult with the City of Newcastle, Government Architect NSW, Transport for NSW and Roads and Maritime Services. The EIS must describe the pre-submission consultation process, issues raised and how the proposed development has been amended in response to these issues. A short explanation should be provided where amendments have not been made to address an issue.	Pre-Lodgement consultation with the relevant stakeholders has been undertaken, and discussed in further detail in Section 7. Further consultation will take place by virtue of the formal exhibition period
---------------------	---	--

1.5 DOCUMENTATION

The following documentation has been provided to support the proposed development and includes the following:

Appendix A - Secretary's Environmental Assessment Requirements (DPE 31 Jan 2019);
Appendix B - QS Report (Property Concept & Management);
Appendix C - Design Report (Hill Thalys and CKDS) & Design Excellence Strategy (ADW Johnson);
Appendix D - Architectural Drawings (Hill Thalys and CKDS);
Appendix E - Landscape Plans (JILA);
Appendix F - Flood Assessment (Northrop);
Appendix G - SEPP 65 Verification Statement (Hill Thalys and CKDS);
Appendix H - SEPP 65 80 Objectives Statement (Hill Thalys and CKDS);
Appendix I - Noise Assessment (Reverb Acoustics);
Appendix J - BASIX Report (Evergreen Energy Consultants);
Appendix K - Stormwater Management Plan (BG&E);
Appendix L - Traffic and Transport Assessment (Seca Solution);
Appendix M - Construction Environmental Management Plan (Bloc);
Appendix N - Construction Traffic Management Plan (Seca Solution);
Appendix O - Dewatering Management Plan (ADE Consulting);
Appendix P - Mine Subsidence Advice (Coffey Projects);
Appendix Q - Mine Subsidence Design Statement (BG & E);
Appendix R - Heritage Assessment (Umwelt);
Appendix S - Biodiversity Waiver (OEHL, DPE);
Appendix T - Concept Erosion and Sediment Control Plan (BG&E);
Appendix U - Acid Sulphate Soils Management Plan (ADE Consulting);
Appendix V - Detail Survey (ADW Johnson);
Appendix W - Consultation Documentation;
Appendix X - Waste Management Plan (Elephants Foot Recycling Solutions);
Appendix Y - Proposed Subdivision Plan;
Appendix Z - Geotechnical Assessment (ADE Consulting);
Appendix AA - Remediation Action Plan (ADE Consulting);
Appendix AB - Stormwater Concept Plan (BG & E);
Appendix AC - Plan of Management;
Appendix AD - Clause 4.6 Variation (ADW Johnson);
Appendix AE - Access Report (In Design);
Appendix AF - BCA Report (NewCert);
Appendix AG - Government Architect NSW Advice Letter;
Appendix AH - Hunter & Central Coast Development Corporation Consent to Lodge; and
Appendix AI - Environmental Risk Assessment (ADW Johnson).

2.0 Background

2.1 PROJECT BACKGROUND

The subject site forms part of the Hunter & Central Coast Development Corporation (HCCDC) Honeysuckle landholding. The land has been identified for future development, as part of the ongoing revitalisation of the Newcastle City Centre.

Horizon Newcastle Pty Ltd has entered into a commercial agreement with HCCDC to purchase and develop the land known as Lee 5, having been selected by the Corporation as the preferred candidate following the release of the site to the market in 2018.

The site has been the subject of extensive master planning led by the HCCDC. This includes the broader *Honeysuckle Public Domain Plan*, as well as the *Lee 5 Public Domain Concept Plan* and the *Lee 5 Site Design Objectives and Guidelines*. The intent of these documents is to lift the standard of designs proposed for the site, and to provide a basis for evaluation of the final design.

3.0 Site Analysis

3.1 SITE DESCRIPTION, LOCATION & CONTEXT

The site is located at 45 Honeysuckle Drive, Newcastle, within the Newcastle Local Government Area. The site currently forms part of Lot 40 DP 1251908; however, it is understood that HCCDC intends to subdivide the site from the broader land parcel to create a Torrens Title lot to contain the Lee 5 site. This subdivision is subject to a separate application; however, a draft subdivision plan is provided as **Appendix Y** for context.

The site is generally rectangular in shape, with an approximate area of 5,600m² and a frontage of approximately 150m to Honeysuckle Drive to the south. The site's eastern boundary will align with Steel Street and adjoins the Lee 4 development site. Cottage Creek forms the western boundary of the site, with the northern boundary fronting the foreshore promenade.

The site is shown in **Figure 1** and **2** below.

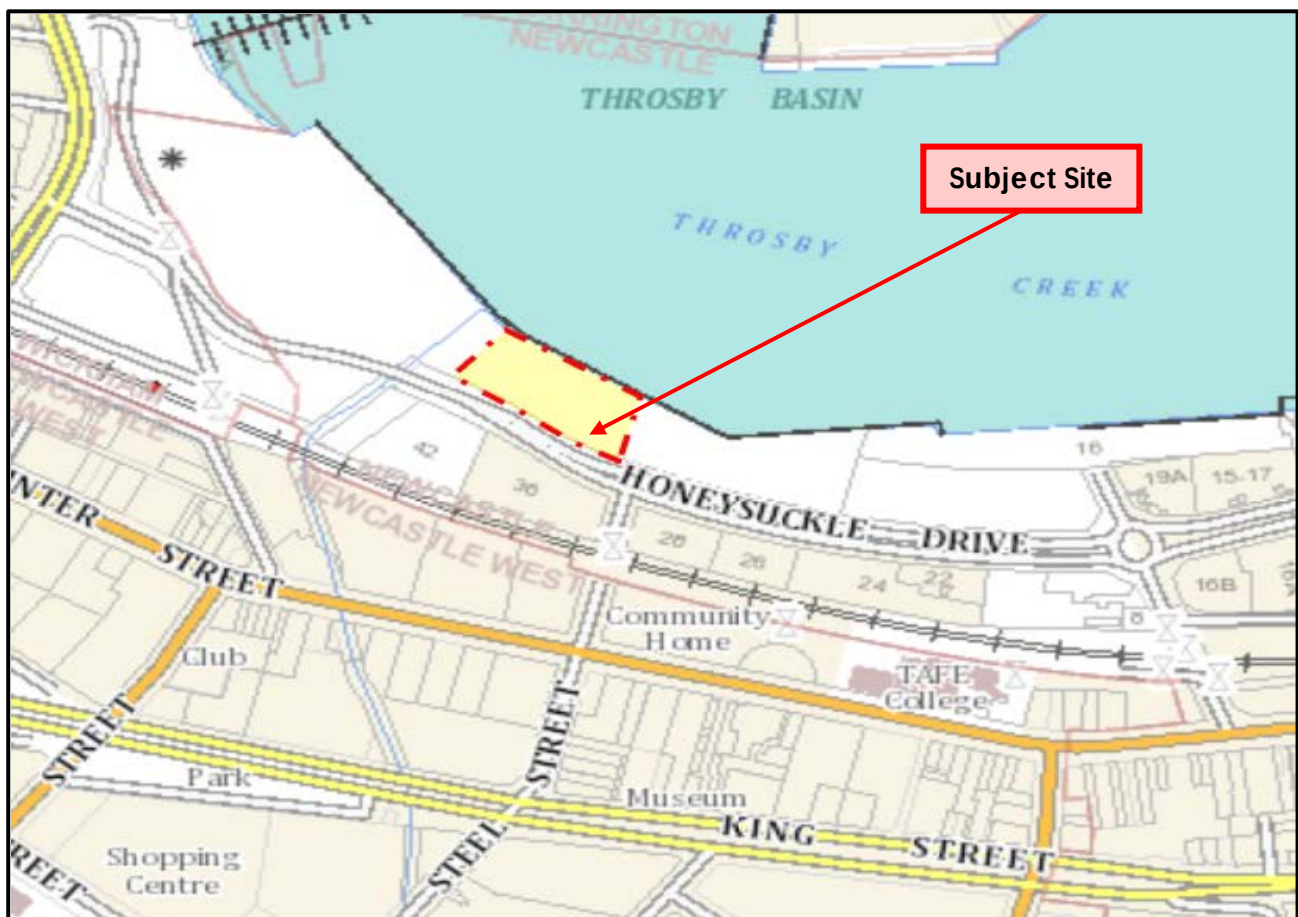


Figure 1 - Site Context (Source: SixMaps 2018).



Figure 2 - Aerial Image of the Subject Site (Source: SixMaps 2019).

Based on its zoning and location, the subject site is currently underutilised, with the current structure being used by a construction firm as an office and remnant hardstand areas from previous industrial uses that is used for car parking.



Figure 3 - Photo of the subject site looking north-west.



Figure 4 - Photo of the subject site looking north/north-west.

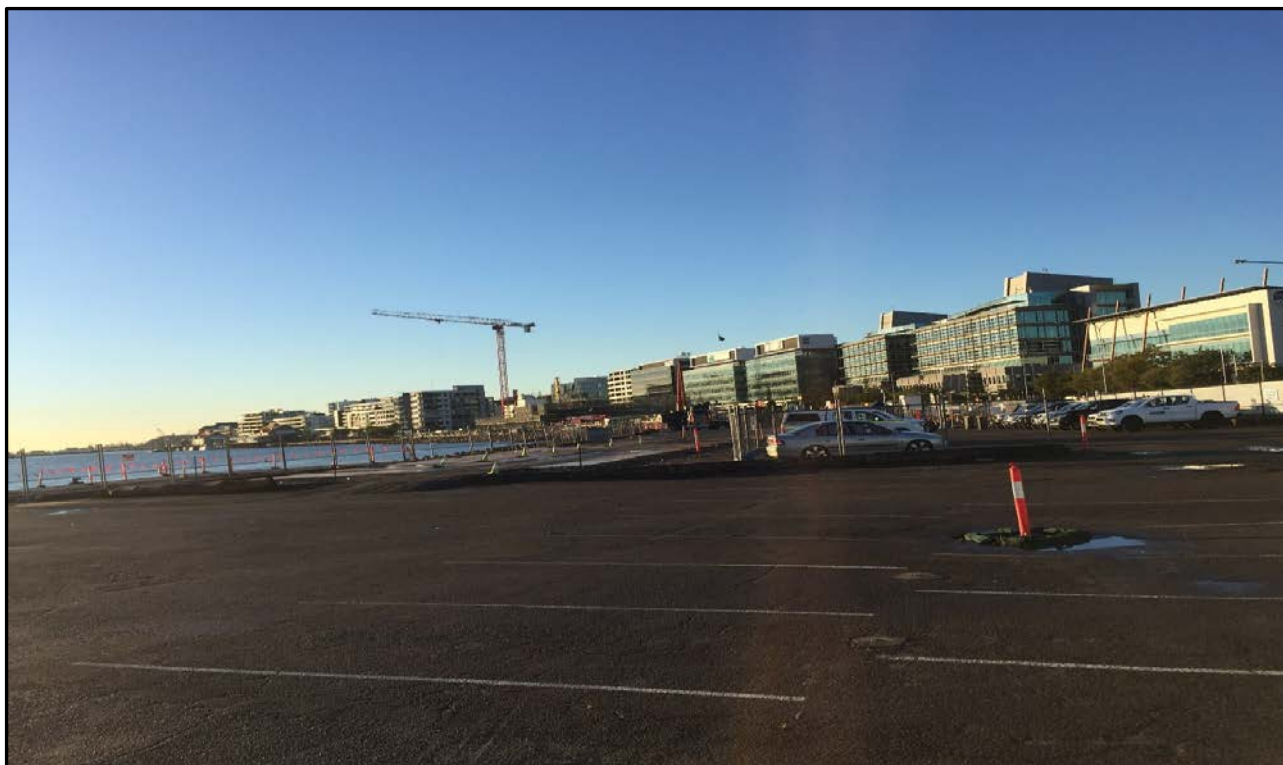


Figure 5 - Photo of the subject site looking east.



Figure 6 - Photo of the subject site looking east.



Figure 7 - Photo of the subject site looking north/north-west from opposite side of Honeysuckle Drive.



Figure 8 - Photo of the Honeysuckle Drive frontage of the site looking west/north-west near the intersection of Steel Street.

3.2 SURROUNDING DEVELOPMENT

The site is situated within the Honeysuckle Precinct, and specifically identified by the HCCDC as part of the Cottage Creek Precinct. Honeysuckle is an emerging hub, and currently comprises a mix of relatively new multi-storey development, construction sites and vacant parcels identified for future development and open space.

Directly south of the site are a number of multi-storey commercial and office buildings. To the east, construction is occurring on a number of mixed-use multi-storey buildings, that tie in with the existing development of Honeysuckle. The site is bounded to the north by Throsby Creek, and Cottage Creek to the west.



Figure 9 - Photo of Steel Street looking south from the subject site.

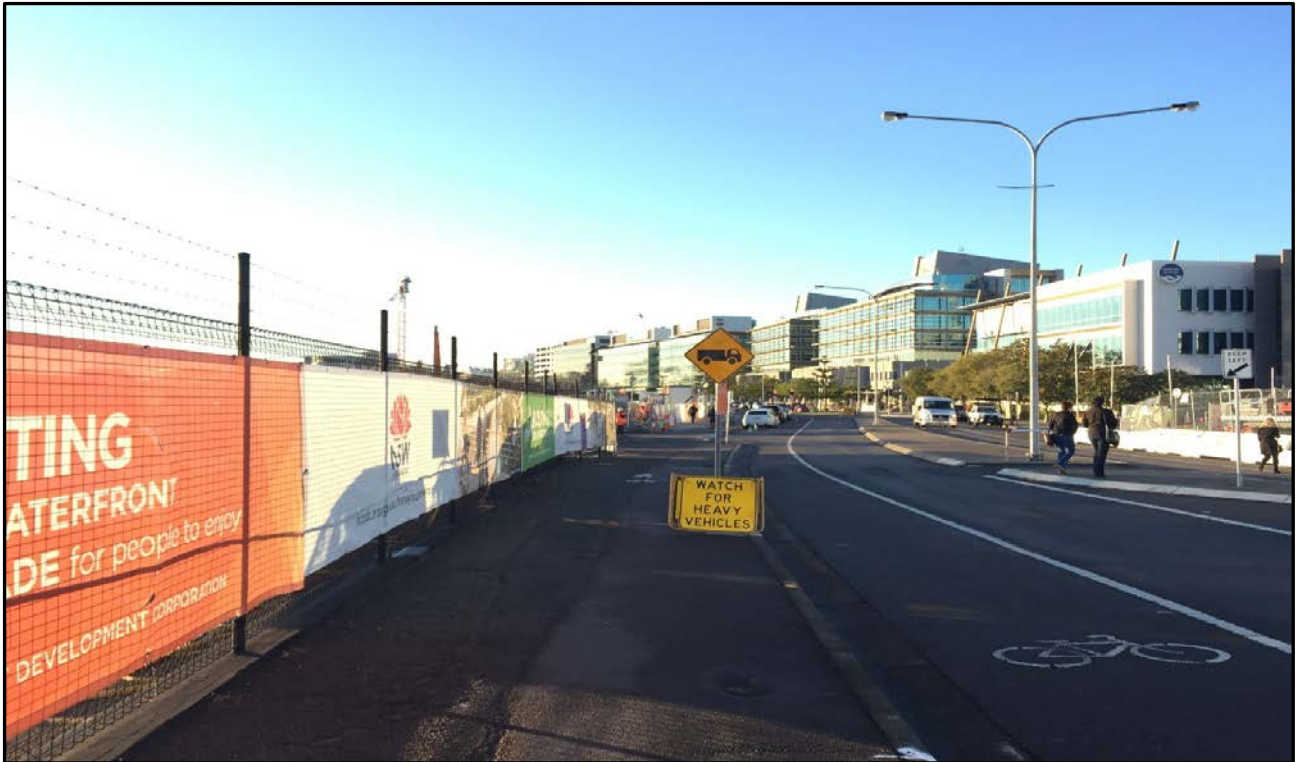


Figure 10 - Photo of Honeysuckle Drive looking east/south-east and multi-storey commercial and office buildings to the south of the site.



Figure 11 - Photo of the neighbouring Huntington development site to the east.



Figure 12 - Photo of Honeysuckle Drive and Steel Street intersection and other residential tower developments further west of the site (opposite Stewart Avenue).



Figure 13 - Photo of surrounding residential tower developments to the west (opposite Stewart Avenue) and south-west (on Beresford Street and Bellevue Street) of the subject site.

There is a significant amount of vacant land in the vicinity of the site. It is noted that majority of this land is earmarked for redevelopment as part of the City's revitalisation. Many of these sites benefit from approvals, or are currently under assessment, for mixed used development comprising retail, commercial, residential and hotel uses. Further, planning is underway for the enhancement of the public domain, including the development of the waterfront promenade and reinstatement of Cottage Creek adjoining the site to the west.

3.3 TOPOGRAPHY, DRAINAGE AND FLOODING

The site is generally flat, and falls to the north towards the foreshore promenade and Throsby Creek. Site elevations range from approximately RL 1.97m to RL 2.21m AHD. The site is elevated in comparison to the adjacent roadway.

The Steel Street Floodway is adjacent to the site's eastern boundary, within the proposed public domain pedestrian link. The Cottage Creek Floodway sits adjacent to the site's western boundary. Based on the Flood Information Certificate obtained from City of Newcastle, the site is affected by ocean and local catchment flooding.

3.4 ECOLOGY

The subject site is heavily disturbed and consists entirely of hardstand areas. It does not contain any vegetation.

A search of the Department of the Environment & Energy (DEE) Protected Matters Search Tool was undertaken 19 December 2018. The results, shown below in **Figure 14**, indicate the site is in proximity to the broader Kooragang Nature Reserve. It is considered unlikely, however, that the proposal will have a significant impact on the Reserve.

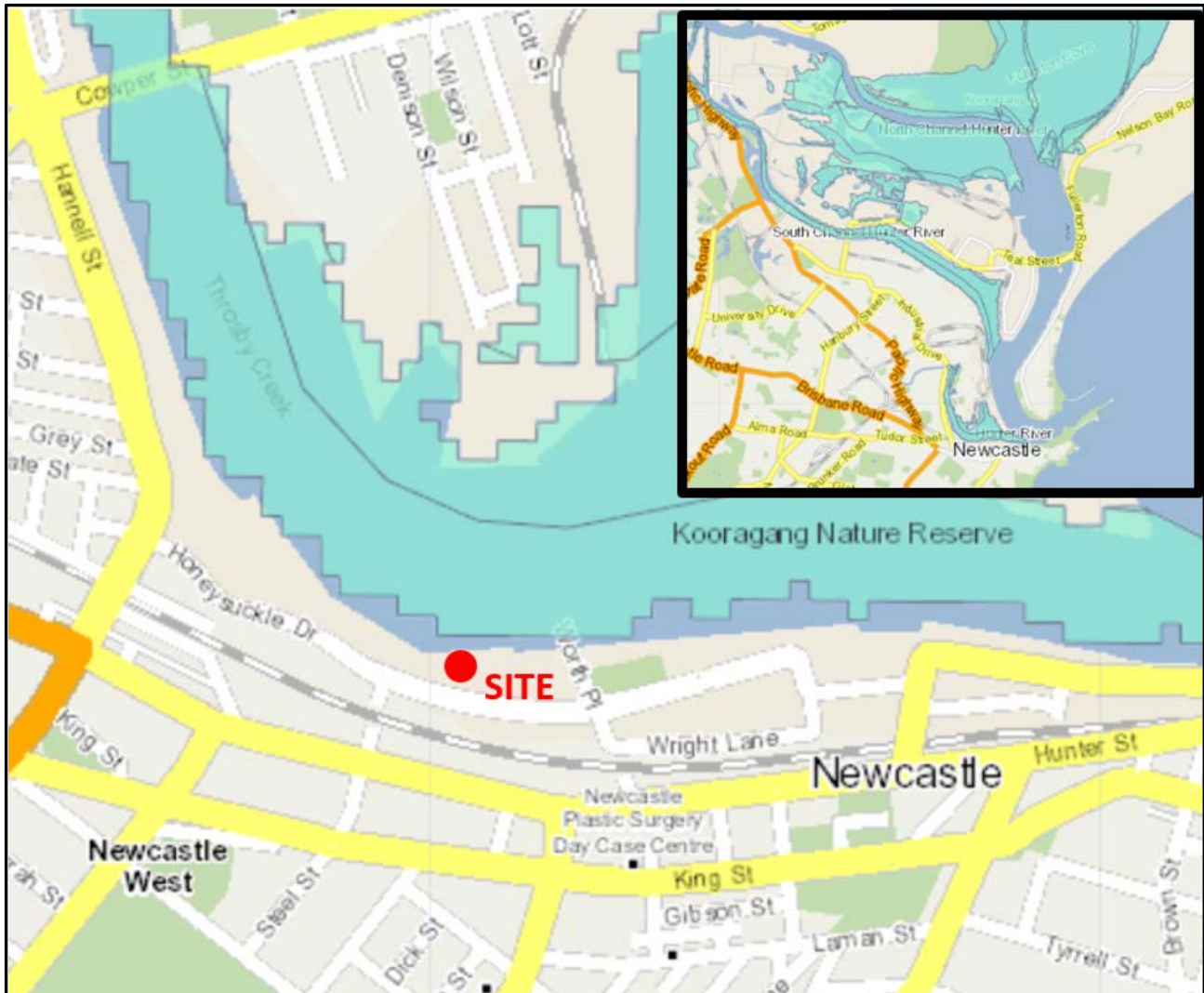


Figure 14 - EPBC Act Protected Matters (Source: DEE Website, 19 December 2018).

3.5 GEOTECHNICAL

3.5.1 Mine Subsidence

The site is mapped within a mine subsidence district, as shown in **Figure 15** below.

The site has been the subject of various mine subsidence assessments. As per the advice provided by Coffey (**Appendix P**), the site is known to be underlain by abandoned bord-and-pillar mine workings that date back to the 1880s and 1890s. It is understood that mine stabilisation works occurred in 2017, which mitigated the effects of mine subsidence subject to structural design making allowance for specific subsidence parameters.

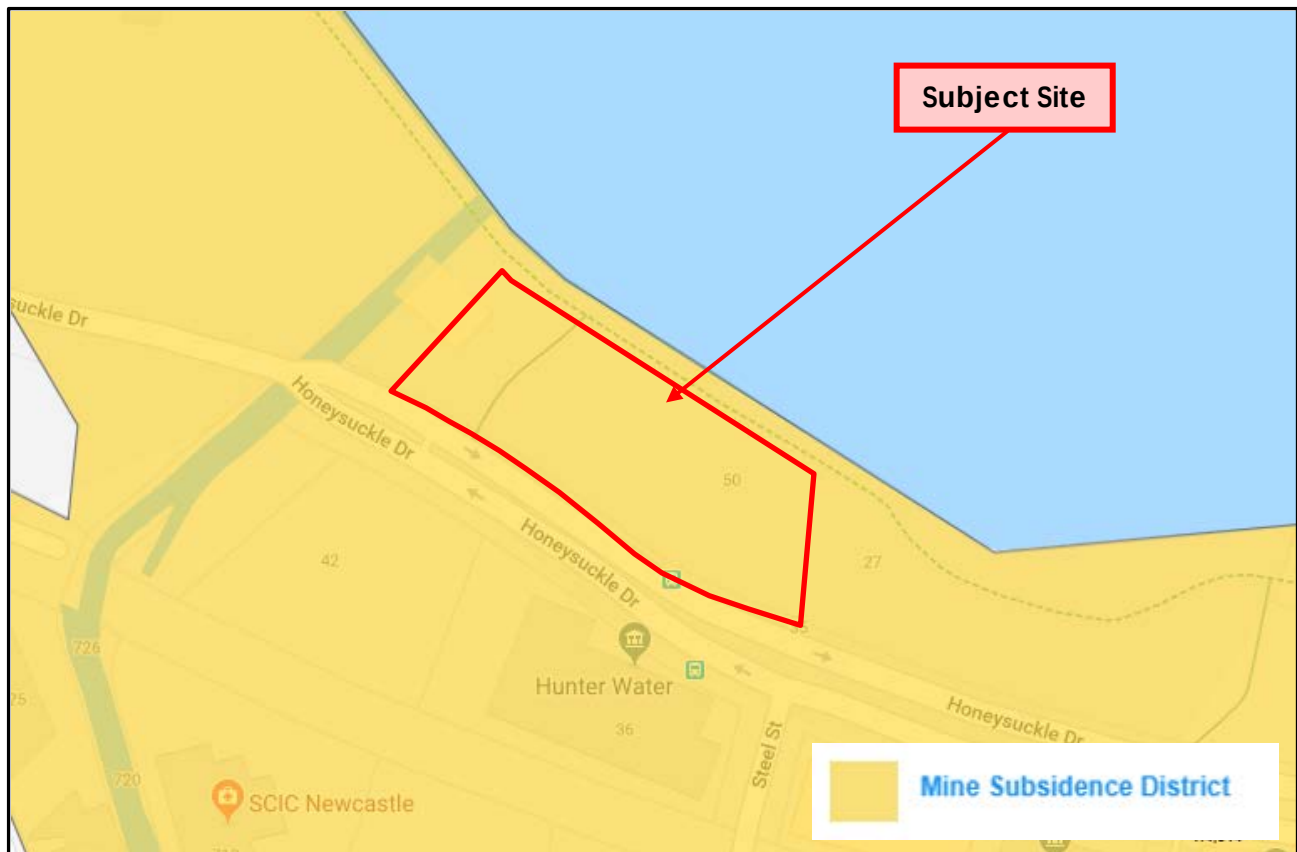


Figure 15 - Extract from the NSW Planning Portal Mine Subsidence Layer.

3.5.2 Soils

The site area has been subject to filling, particularly with dredged sand, as well as with other material. Based on reporting undertaken by ADE Consulting, the site is underlain by multiple geological units, being Quaternary Alluvium, Permian aged Lambton Subgroup of the Newcastle Coal Measures and Waratah Sandstone.

Further details on the existing geotechnical conditions are provided in **Appendix Z**.

3.5.3 Groundwater

Approximate groundwater levels were measured at depths ranging between 2.0m and 3.0m.

3.5.4 Acid Sulphate Soils

The subject site is identified within the NLEP Acid Sulphate Soils Map as containing Class 3 Acid Sulphate soils (refer **Figure 16**).

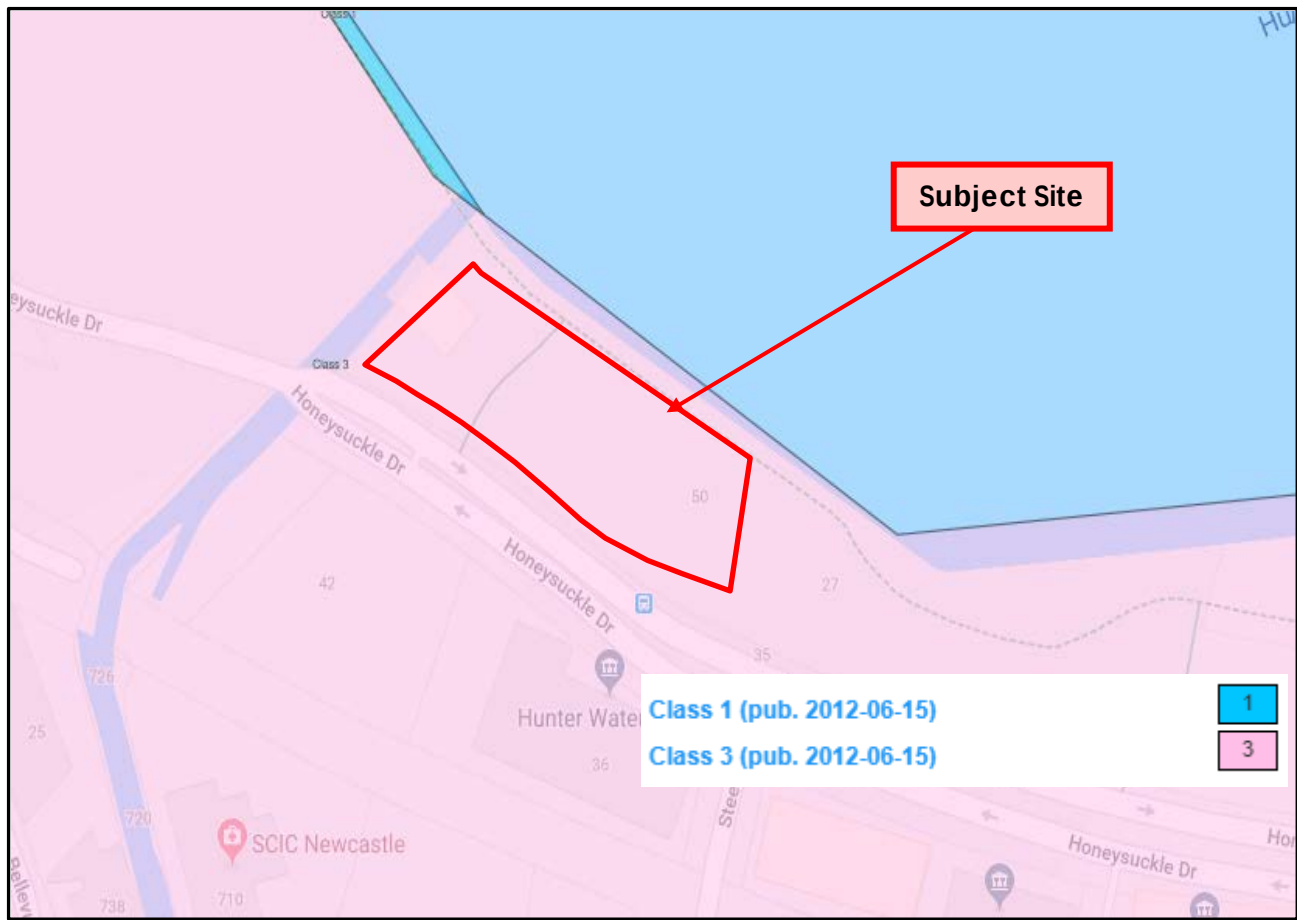


Figure 16 - Extract from the NSW Planning Portal Mine Subsidence Layer.

3.5.5 Contamination

Based on previous reporting undertaken by various environmental specialists, the site contains several areas of environmental concern (AEC). These areas include:

- Surficial / near surface asbestos containing materials;
- In-situ acid sulphate soils;
- Former electrical sub-station area;
- Brown-slag fill material; and
- Heavy metals, Polyaromatic Hydrocarbon, Benzene, Toluene, Ethylbenzene and Xylenes groundwater exceedances.

Several of the AECs are mapped in **Figure 17** below, with further detail provided in the Remediation Action Plan, prepared by ADE Consulting Group (**Appendix AA**).

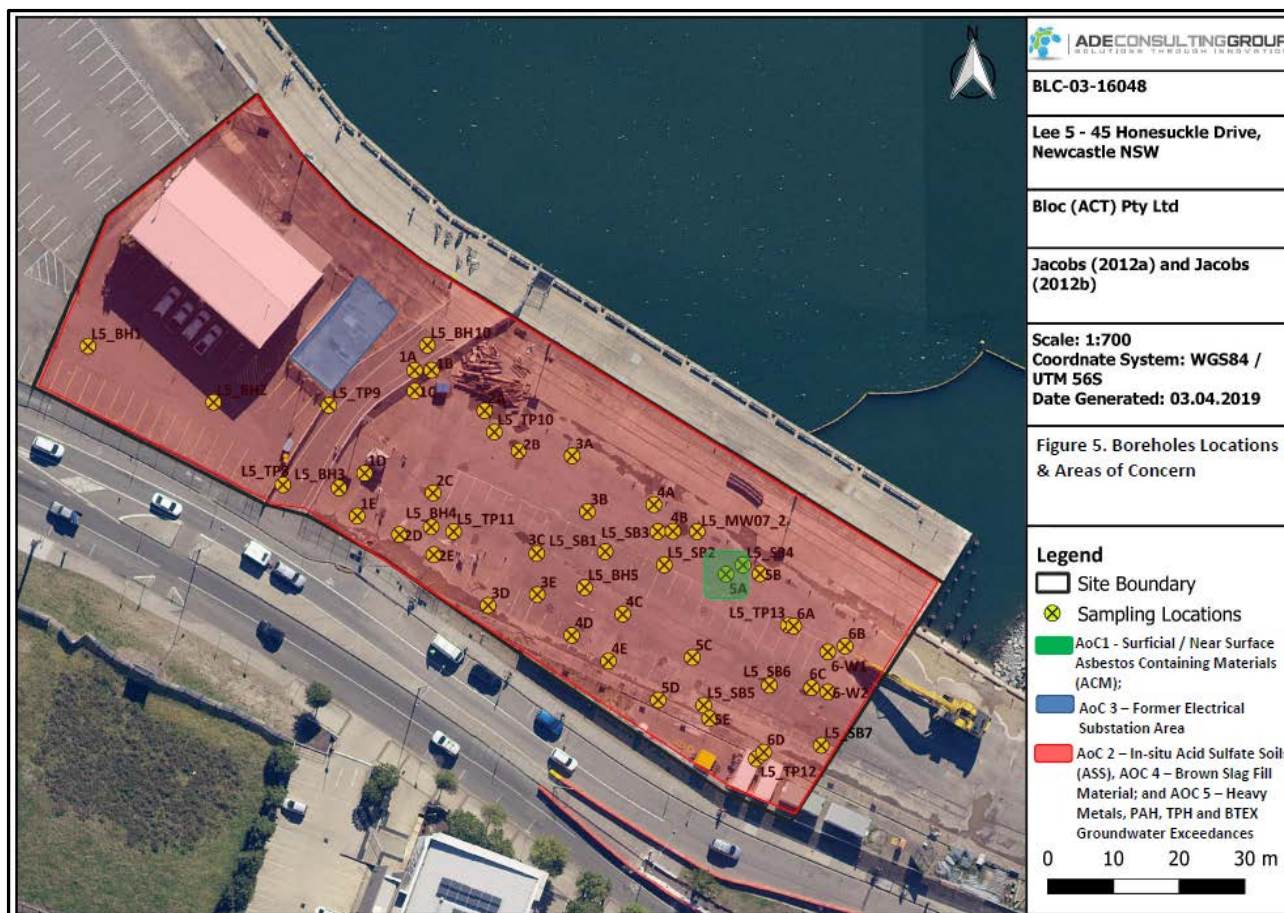


Figure 17 - Areas of Environmental Concern (ADE, May 2019).

3.6 TRAFFIC ACCESS & ROAD NETWORK

The site is located on the northern side of Honeysuckle Drive, to the immediate west of Steel Street.

The major road through the locality is Honeysuckle Drive, which provides an important road link through the Honeysuckle Precinct, connecting with Hannell Street to the west and through to Merewether Street to the east.

Vehicular access to the site is obtained via Honeysuckle Drive.

Footpaths are available along both sides of Honeysuckle Drive, along with kerbside parking and a marked cycle lane. Pedestrian / cyclist connections are provided through to Hunter Street via Steel Street.

The subject site is well located in terms of public transport options, being situated between the Newcastle Interchange to the west and a Light Rail stop to the east. Bus services are available along Hunter Street, south of the site, offering high frequency services throughout the CBD and the broader Newcastle area.

3.7 ABORIGINAL ARCHAEOLOGY & CULTURAL HERITAGE

Based on a search of the OEH Aboriginal Heritage Information Management System (AHIMS) register on 10 April 2019 by Umwelt, there are no recorded sites within the project area.

The nearest recorded sites are located over 90m away, with a significant proportion of these sites being identified within the existing former rail corridor to the south of the project area.

Further detail is contained in the Heritage Assessment prepared by Umwelt, contained in **Appendix R**.

3.8 EUROPEAN HERITAGE

The subject site does not contain any state or locally listed heritage items, nor is it mapped within a heritage conservation area (refer to **Figure 18**).

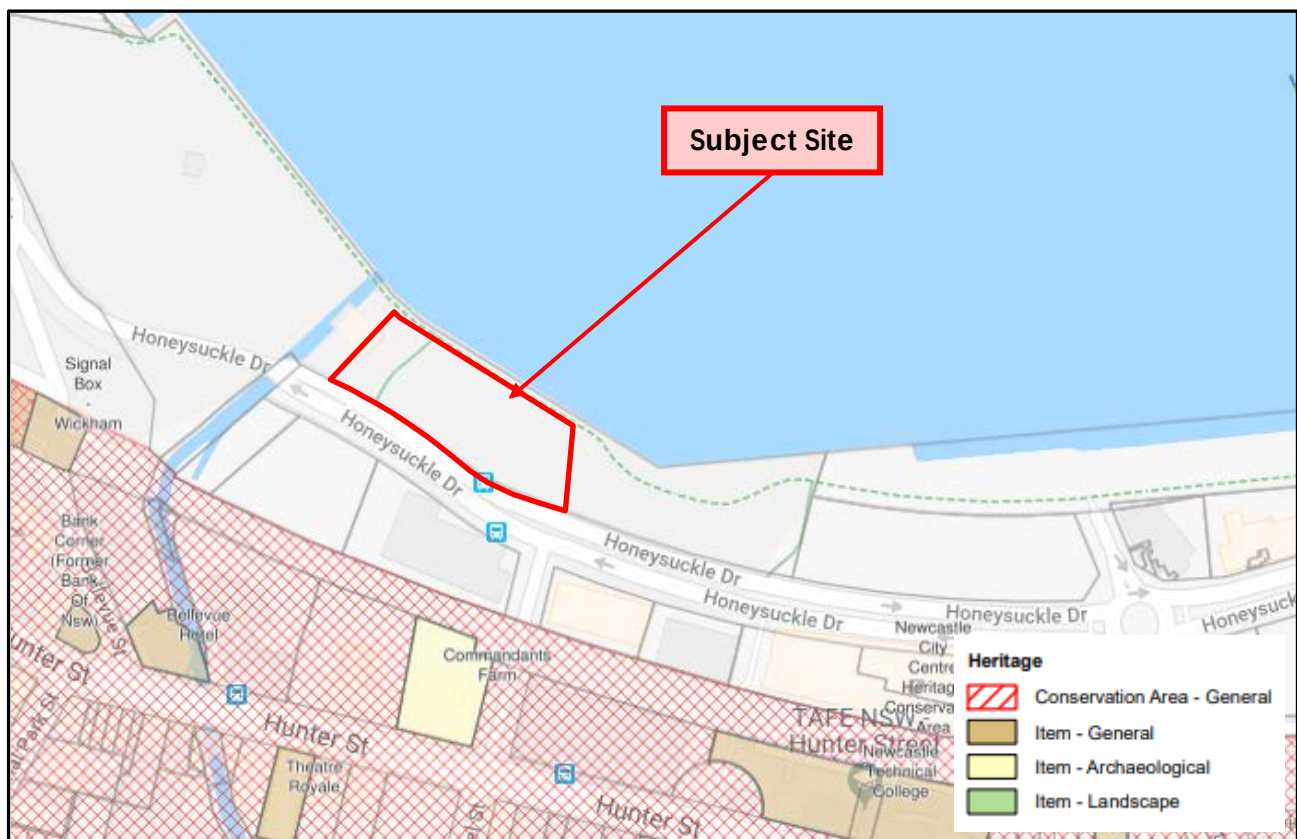


Figure 18 - Extract from the NSW Planning Portal Heritage Layer.

The Newcastle City Centre Heritage Conservation Area and a number of items of heritage significance occur to the south of the subject site. The site is separated from these items by existing and approved future development on the southern side of Honeysuckle Drive.

3.9 COASTAL MANAGEMENT

The subject site is Mapped in State Environmental Planning Policy (Coastal Management) 2018 (SEPP Coastal Management) mapping as being located within both a coastal Use Area and Coastal Environment Area (refer **Figure 19**). Consideration of the development controls relating to Coastal Use Areas and Coastal Environment Areas are discussed in **Section 4** below.



Figure 19 - Extract from SEPP Coastal Management Mapping.

There are no identified Coastal Wetlands or Littoral Rainforests within the site or its surrounds.

3.10 UTILITY SERVICES

Service infrastructure including reticulated water, sewer, electricity, gas and telecommunications is available to the site and can be augmented to accommodate the proposed development.

3.11 OBSERVATIONS OF THE SITE AND LOCALITY

The subject site is located at the western end of the Honeysuckle Precinct, and has been identified as being suitable for future mixed-use development. The site is located within an emerging hub, comprising of a mix of modern multi-storey development, construction sites and vacant parcels identified for future development as open space. The subject site is underutilised in its current state.

The site has excellent access to public transport services, the surrounding road and pedestrian networks, the Newcastle CBD, essential services and recreational facilities. The site has been identified by Newcastle Council in the strategic planning process as being suitable for future mixed use development and zoned B4 Mixed Use.

The proposal is for a highly functional mixed-use development, consistent with the zoning of the site. The location offers a high standard of liveability for future residents. The proposed development will contribute to the public domain through the provision of public spaces and pedestrian links which provide accessibility along, and to, Newcastle Harbour.

The proposal will allow the orderly economic use of a currently underutilised site located in a desirable inner-city location. The proposal will contribute to the continued development of the Honeysuckle precinct and revitalisation of the Newcastle City Centre. The site is capable of accommodating the proposed development without significant environmental impacts. The proposed development is considered ideal for the subject site.

4.0 Proposed Development

This section of the EIS provides a detailed description of the proposed development.

The application seeks approval for the construction of a multi-storey mixed-use development within the Honeysuckle Precinct. The key objective of the Project is to deliver a high-quality, architecturally designed development, comprising residential and commercial land uses compatible with the existing and future planned development of the Precinct.

This application is the result of a competitive expressions of interest process led by HCCDC for the Lee 5 development site, and represents a step forward in the ongoing transformation of the Precinct and broader revitalisation of the Newcastle CBD.

More specifically, this SSD application seeks approval for:

- The erection of three buildings varying between seven and eight stories, and containing a total of 110 apartments, three retail tenancies and one commercial suite;
- Two basement levels for carparking, providing 211 car spaces and accessed via a single driveway directly to Honeysuckle Drive;
- Associated landscaping design and public spaces, connecting to adjoining public domain treatments (such as Cottage Creek and the Foreshore Promenade) being undertaken by others; and
- Ancillary works required to deliver the development, including but not limited to, the installation of utility services, demolition and remediation works.

For further detail, refer to the architectural drawings prepared by CKDS and Hill Thalys, enclosed as **Appendix D**.

4.1 OVERVIEW OF THE PROPOSAL

This Section of the EIS provides a detailed breakdown of the proposed development.

4.1.1 Development Particulars

Table 2: Development Particulars

Development Particulars		Proposal	
Site Area	5,599m ²		
Gross Floor Area	Retail / Commercial – 527.5m ²		
	Residential – 13,107m ²		
	Total – 13,634.5m ²		
Floor Space Ratio	2.42:1		
Building Height	Building 1 (West)	8 storeys (26.85 m and 30.15m)	
	Building 2 (Central)	7 storeys (23.45m and 27.05m)	
	Building 3 (East)	7 storeys (23.45m and 27.05m)	
	Basement	2 levels	
Land Use Mix	110 residential units, 3 retail premises and 1 commercial suite		
Vehicle Parking Provision	211 car spaces		
Dwelling Mix	1 Bed	14	13%
	2 Bed	52	47%
	3 Bed	44	40%

4.1.2 Demolition

For the most part, the site is vacant. However, it does comprise part of a site office structure, hardstand surface and redundant rail tracks.

It is understood that the demolition of the site office is being undertaken by HCCDC as part of the subdivision works, however all other improvements will be removed from the site as part of site preparation works. This will facilitate the proposed excavation, remediation works, ground level works and associated landscaping.

4.1.3 Earthworks

Earthworks will be required across the site to facilitate the proposed development.

Excavation for the proposed basement will be required to a depth of approximately 6.5m below the existing surface levels. Near-surface filling includes large areas of pavement materials, which will need to be broken-up for appropriate classification and removal from the site. Beyond the upper fill, material to be excavated will be sandy soils which can be excavated using conventional earthmoving equipment. Because the sands will not be self-supporting, full depth retention systems will need to be installed prior to commencement of excavations.

Due to the presence of groundwater between depths of 2.0m and 3.0m below existing surface levels, temporary dewatering will be required in conjunction with excavation works to construct the proposed basement levels. It is anticipated that the dewatering will be carried out from inside the shoring walls around the basement perimeter.

The geotechnical assessment prepared by ADE Consulting Group contains further details on required earthworks and dewatering techniques (refer to **Appendix Z**).

Any excess soils requiring off-site disposal or re-use during construction will be appropriately classified prior to reuse or removal from the site.

4.1.4 Design & Built Form

The proposal has been designed by an architectural team comprising CKDS and Hill Thalix.

Extensive analysis has been undertaken by the team to ensure that the design responds to the site's constraints and opportunities, the surrounding environment and the broader vision for the Honeysuckle Precinct.

The proposed design is constant with the Master Plan developed for the site by HCCDC.

The design features three distinct but related buildings, which are positioned to reinforce the curved geometry of Honeysuckle Drive to the south and the Harbour foreshore to the north. The central and eastern buildings comprise seven storeys, while the western building comprises eight storeys.

The ground level comprises a mix of residential, commercial and retail land uses, gently raised from the predominant public domain level. Generous ramps and gentle runs of shallow steps provide numerous points of access along the majority of the perimeter, allowing activity to spill to and from the adjoining harbourfront, Cottage Creek Park and Steel Street Square.

Multiple building entries ensure that each frontage is given maximum activation and passive surveillance, while landscaped corridors provide separation and connectivity between the three buildings and the public domain.

Each of the buildings ground floors serve various purposes:

- The western building incorporates a retail tenancy and commercial suite presenting to Cottage Creek and the foreshore, and building services such as bike storage, fire pump room, a substation and main switch room;
- The central building incorporates residential uses only, with three apartments presenting to the foreshore, mailroom and resident facilities including a gym, multipurpose common room and storage; and
- The eastern building comprises two retail tenancies presenting to Steel Street Square and the foreshore. It also incorporates driveway access to the basement carparking, waste room and services, and resident bike storage.

Each of the buildings provides resident access to the apartments above.

In relation to the internal design, the design provides efficient and functional layouts that will achieve a high level of amenity. This has been achieved through due consideration of access to natural light and ventilation, orientation, outlook and privacy. These design considerations are discussed in further detail in the SEPP 65 assessments, provided as **Appendix G** and **H**.

The proposed landscape treatment is an important part of the proposal. The design, prepared by JILA, reinforces the promenade interface, to support an active and vibrant waterfront that ties the development in with the public spaces. Through-site links have been embellished to provide attractive spaces for walking-through and gather. The Honeysuckle Drive frontage will see improvements through the additional planting and provision of street trees.

Further details of the proposed landscape design are contained in **Appendix E**.

4.1.5 Parking & Access

Vehicular access to the development is proposed via a single entry / exit point onto Honeysuckle Drive. The access is incorporated at the ground floor of the eastern building, and will operate as a left-in left-out arrangement due to the existing raised central median strip on Honeysuckle Drive.

Car parking will be provided in the two basement levels, and will comprise 211 car spaces, some of which will be tandem. Motorcycle parking will also be provided within the basement. Bicycle storage is provided at ground level, within the eastern and western buildings.

With regard to service and delivery vehicles, one service parking space is provided in the basement parking suitable for small commercial vehicles (such as a Toyota HiAce). It is proposed that larger service vehicles, such as waste collection, will park on-street. A Loading Zone is proposed on Honeysuckle Drive to the front of the eastern building and in proximity to the bin storage area.

Further details relating to carparking and access arrangements are shown on the architectural plans (**Appendix D**) and in the Traffic Impact Assessment (**Appendix L**).

4.1.6 Stormwater Management

The proposal incorporates a number of stormwater management measures, addressing both water quality and quantity changes as a result of the development. The strategy has been prepared having regard to the requirements of the Newcastle DCP 2012, and proposes the following:

- Three separate raingardens are proposed along the northern boundary of the site, which will control stormwater discharge from the site. These raingardens will be located in large planter boxes (or similar). Discharge of raingarden flows will be via the existing 450mm pipe and headwall infrastructure;
- Roof water from the eastern and western buildings will be captured and conveyed via downpipes into two below-ground rainwater tanks (5kL), which will be used to service landscaped areas within the development site. Rainwater tank overflow will discharge into the proposed rain gardens;
- Roof water from the central building will discharge directly into the proposed raingardens; and
- Sump-and-pump infrastructure will be located on each basement level to pump stormwater onto the podium level and into raingardens.

Further detail is provided in the Stormwater Management Plan (**Appendix K**) and the Concept Stormwater Plan (**Appendix AB**).

5.0 Statutory & Planning Controls

This section of the EIS addresses the legislation and Environmental Planning Instruments (EPI) applicable to the site and proposed development, including:

- Environmental Planning & Assessment Act 1979 and Regulation 2000;
- Coal Mine Subsidence Compensation Act 2017;
- Heritage Act 1977;
- National Parks & Wildlife Act 1974;
- Water Management Act 2000;
- Roads Act 1993;
- Biodiversity Conservation Act 2016;
- SEPP (State & Regional Development) 2011;
- SEPP (Building Sustainability Index) 2004;
- SEPP (Coastal Management) 2018;
- SEPP (Infrastructure) 2007;
- SEPP 55 – Remediation of Land;
- SEPP 65 – Design Quality of Residential Apartment Development; and
- Newcastle Local Environmental Plan 2012.

5.1 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATION 2000

The *Environmental Planning and Assessment Act 1979* (as amended) and the accompanying *Environmental Planning & Assessment Regulation 2000* constitute the principle planning legislation in NSW and provides the statutory framework for the assessment of this proposed development.

5.1.1 Objects of EP&A Act

Consideration has been given to the objectives of the EP&A Act, which are addressed below:

(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,

The proposed development is consistent with this objective noting the following:

- The subject site is suitable for the proposed development as evidenced by the sites zoning for mixed use purposes (the proposed development is permissible in the zone).
- The proposed development will allow the provision of additional high-quality housing to meet the growing demand for housing in the Newcastle CBD. The proposed development will also contribute to housing diversity in the LGA, providing a range of apartment sizes and configurations, at varying price points;

- The proposal incorporates ground floor commercial uses, providing opportunities for future business growth and employment opportunities and the activation of the area through commercial activity;
- Public domain activation forms a key feature of the proposal. The proposal provides generous public connections to the water front promenade;
- The proposed development allows the efficient economic development of currently underutilised land; and
- The proposed development will provide economic benefits during the construction and operational phases of the project.

(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,

ESD principles are outlined in Clause 7(4) of Schedule 2 of the EP&A Regulation, which are addressed below:

*(a) the **precautionary principle**, namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:*

(i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and

(ii) an assessment of the risk-weighted consequences of various options,

This EIS provides a comprehensive assessment of the environmental impacts of the proposed development. Specialist studies have been prepared to guide the assessment of the proposed development. A conservative approach has been taken to the assessment of environmental impacts, particularly in cases where uncertainty of outcomes was identified.

It is unlikely that the proposal will result in any practicable, serious or irreversible damage to the environment.

*(b) **inter-generational equity**, namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,*

The proponent has endeavored to ensure the needs of the current generation are met without compromising the needs of future generations through comprehensive environmental assessment of the proposed development, as outlined within this report and annexures.

*(c) **conservation of biological diversity and ecological integrity**, namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,*

The sites biodiversity values have been considered. Given the site's highly altered state, urban setting and lack of vegetation, the development is unlikely to affect biological diversity or ecological integrity of the site and surrounding environment.

*(d) **improved valuation, pricing and incentive mechanisms**, namely, that environmental factors should be included in the valuation of assets and services, such as:*

*(i) **polluter pays**, that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,*

*(ii) **the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,***

*(iii) **environmental goals, having been established, should be pursued in the most cost-effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximize benefits or minimize costs to develop their own solutions and responses to environmental problems.***

The cost of avoiding and minimizing environmental impacts resulting from the proposed development, by implementing the recommendations of this EIS and accompanying specialist studies will be absorbed by the proponent.

The proposed development is considered to be consistent with principles of ESD.

*(c) **to promote the orderly and economic use and development of land,***

The proposed development is consistent with this objective and represents the development and economic use of currently underutilized land, for a purpose identified by Council through the strategic planning as appropriate for the subject site.

*(d) **to promote the delivery and maintenance of affordable housing,***

The proposed development will contribute to the maintenance of affordable housing through the provision of additional dwellings to meet the growing demand for such in the Newcastle LGA, particularly within the Newcastle CBD.

*(e) **to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,***

The proposal is unlikely to compromise any biodiversity values, given the site's highly altered state, lack of vegetation and urban setting.

(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),

The proposed development will not compromise this objective on the basis that the site does not hold any significant built or cultural heritage value.

(g) to promote good design and amenity of the built environment,

The proposal represents high quality urban and architectural design, having been the subject of multiple design processes including a competitive tender through HCCDC and various reviews by the Design Review Panel.

The development will deliver a range of high quality, functional and amenable apartments, commercial units and areas of public open space which take advantage of the site's urban location, outlook and orientation. The proposed development has been designed to integrate with existing and proposed development adjoining the site, and will provide a consistent and improved streetscape for Honeysuckle Drive and integrated public access along the foreshore promenade.

(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,

The proposed development will be constructed in accordance with best practice construction practices and in accordance with relevant construction standards.

(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,

Planning considerations of Local and State Governments planning strategies relevant to the proposal have been considered in the preparation of this EIS. Input has also been sought from the relevant State and local government agencies during the preparation of this EIS.

(j) to provide increased opportunity for community participation in environmental planning and assessment.

The Development Application process allows for public involvement and participation, in accordance with the formal exhibition period.

The proposed development is considered consistent with the objectives of the EP&A Act.

5.1.2 State Significant Development Assessment

Division 4.7 of Part 4 of the EP&A Act sets out provisions relating to State Significant Development (SSD). As discussed in **Section 5.8.1** below, the proposed development is categorised as SSD.

In accordance with Clause 4.40 of the EP&A Act, Section 4.15 of the EP&A Act applies to the determination of the application. This EIS addresses the heads of consideration listed under Clause 4.15 of the EP&A Act.

5.1.3 Other Approvals

In accordance with Section 4.41 of the EP&A Act, the following authorisations are not required for SSD:

- a permit under section 201, 205 or 219 of the *Fisheries Management Act 1994*;
- an approval under Part 4, or an excavation permit under section 139, of the *Heritage Act 1977*;
- an Aboriginal heritage impact permit under section 90 of the *National Parks and Wildlife Act 1974*;
- a bush fire safety authority under section 100B of the *Rural Fires Act 1997*; and
- a water use approval under section 89, a water management work approval under section 90 or an activity approval (other than an aquifer interference approval) under section 91 of the *Water Management Act 2000*.

Further, pursuant to section 4.42, an authorisation of the following kind cannot be refused if it is necessary for carrying out SSD.

- an aquaculture permit under section 144 of the *Fisheries Management Act 1994*;
- an approval under section 22 of the *Mine Subsidence Compensation Act 1961*;
- a mining lease under the *Mining Act 1992*;
- a production lease under the *Petroleum (Onshore) Act 1991*;
- an environment protection licence under Chapter 3 of the *Protection of the Environment Operations Act 1997* (for any of the purposes referred to in section 43 of that Act);
- a consent under section 138 of the *Roads Act 1993*; and
- a licence under the *Pipelines Act 1967*.

Based on the above, other approvals to be sought as part of the development include:

- An aquifer interference approval under the *Water Management Act 2000*; and
- Approval under section 22 of the *Coal Mine Subsidence Compensation Act 2017*;

5.1.4 Section 4.15 Assessment

Section 4.15 of the EP&A Act requires the consent authority to take into consideration specified matters of relevance to the development. **Table 3** below provides a summary evaluation of the proposed SSD against the relevant heads of consideration.

Table 3: S4.15 Matters for Consideration

S4.15 MATTERS FOR CONSIDERATION		RESPONSE
(a)(i)	The provisions of any EPI;	All relevant EPIs have been addressed in Section 5 of this EIS.
(a)(ii)	Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred	There are no known proposed instruments applicable to this application.

S4.15 MATTERS FOR CONSIDERATION		RESPONSE
	indefinitely or has not been approved);	
(a)(iii)	Any development control plan;	As this is an application for SSD, the provisions of development control plans do not apply. Notwithstanding, the SEARs request consideration of the Newcastle DCP in the context of built form and urban design. This has been addressed within Section 5.10 of this report, and within the architectural plans and Design Report (Appendix C and D).
(a)(iia)	Any planning agreement that has been entered into under S7.4, or any draft planning agreement that a developer has offered to enter into under S7.4;	There are no known planning agreements applicable to the site or proposed development.
(a)(iv)	the regulations (to the extent that they prescribe matters for the purposes of this paragraph).	Clause 92(1) of the Regulation outlines additional prescribed matters that a consent authority must consider in determining a development application. None of the additional matters, however, are relevant to this application.
(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 EIS addresses the likely impacts of the development, as required by the SEARs.
(c)	the suitability of the site for the development,	The EIS demonstrates that the site is suitable for the proposed development. This is on the basis of its strategic planning context, as well as the results of detailed site investigations.
(d)	any submissions made in accordance with this Act or the regulations,	Any submissions made will be considered and assessed by the consent authority. It is noted that pre-lodgement consultation has occurred with a number of relevant stakeholders, which has informed the final design.
(e)	The public interest.	The development is considered to be in the public interest on the basis that it is highly consistent with the site's zoning and the strategic planning direction for the Newcastle CBD. It will provide additional housing supply within a well-serviced location, benefiting from existing and future infrastructure such as public transport, open space and services.

5.2 MINE SUBSIDENCE COMPENSATION ACT 1961

The site is located within a Mine Subsidence District. As such, approval under Section 15 of the Mine Subsidence Compensation Act will be required from Subsidence Advisory NSW (SA NSW) prior to commencement of the development.

It is noted that the SEARs require consideration of mine subsidence constraints associated with the site and its development. Further information is contained in the mine subsidence advice provided as **Appendix P**.

5.3 BIODIVERSITY CONSERVATION ACT 2016

The broad purpose of the Biodiversity Conservation Act 2016 (BC Act) is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development.

The site is in a highly altered state, comprised entirely of hardstand areas associated with previous land uses. Further, the site is also void of any vegetation and exists within an urban setting. In this regard, the site does is not considered to hold any significant biodiversity value.

It is noted that the SEARs list Biodiversity as a key issue for consideration, including an assessment of the proposal's biodiversity impacts in accordance with the BC Act 2016 and, if required, the preparation of a Biodiversity Development Assessment Report (BDAR).

Noting the site's condition, the Applicant requested a waiver for the requirement to prepare a BDAR for this application. A copy of the request and the waivers provided by OEH and DPE are contained in **Appendix S** of this EIS.

5.4 ROADS ACT 1993

As the proposal involves the carrying out of works within the Honeysuckle Drive road reserve, consent from the relevant road authority under s138 of the Roads Act 1993 will be obtained for such works prior to commencement of the development.

5.5 NSW HERITAGE ACT 1977

In accordance with Section 4.41 of the EP&A Act, the following authorisations under the Heritage Act 1977 are not required for SSD:

- Approval under Part 4; and
- Excavation permit under Section 139.

Notwithstanding, the SEARs require consideration of potential impacts on historical archaeology. A historical archaeological assessment is contained in **Appendix R**.

5.6 NATIONAL PARKS & WILDLIFE ACT 1974

In accordance with Section 4.41 of the EP&A Act, Aboriginal heritage impact permit under section 90 of the *National Parks and Wildlife Act 1974* are not required for SSD.

Notwithstanding, the SEARs require consideration of Aboriginal cultural heritage, which is contained in **Appendix R** of this EIS.

It is noted that the site does not contain any recorded Aboriginal archaeological sites, and based on the heritage assessment, there is low to no likelihood that the proposed works will result in harm to Aboriginal objects.

5.7 WATER MANAGEMENT ACT 2000

In accordance with Section 4.41 of the EP&A Act, the following Water Management Act authorisations are not required for SSD:

- Water use approval under Section 89;
- Water management work approval under Section 90; and
- Activity approval under Section 91 (other than an aquifer interference approval).

It is noted that an aquifer interference approval may be required as a result of temporary impacts during construction. This approval will be sought by the Proponent prior to the commencement of works, if required.

Notwithstanding the exemptions above, the SEARs require consideration of flooding, water quality and groundwater impacts associated with the development. These matters are addressed in various specialist reports accompanying this EIS, including the stormwater management plan (**Appendix K**), dewatering management plan (**Appendix O**) and flood assessment (**Appendix F**).

5.8 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)

5.8.1 State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) identifies development and infrastructure projects that are considered to have State or regional significance.

Of relevance to this application is Clause 8(1), which outlines that development is declared State significant development if it is not permissible without development consent under Part 4 of the Act and specified in Schedule 1 or 2 of the SEPP. Schedule 2 includes development on specified sites, where the development has a capital investment value (CIV) of more than \$10 million.

The subject site is located within the Honeysuckle Site, as shown in **Figure 20**. The development's CIV exceeds \$10 million, as confirmed by the cost estimate contained in **Appendix B**. As such, the proposal is classified as State significant development.

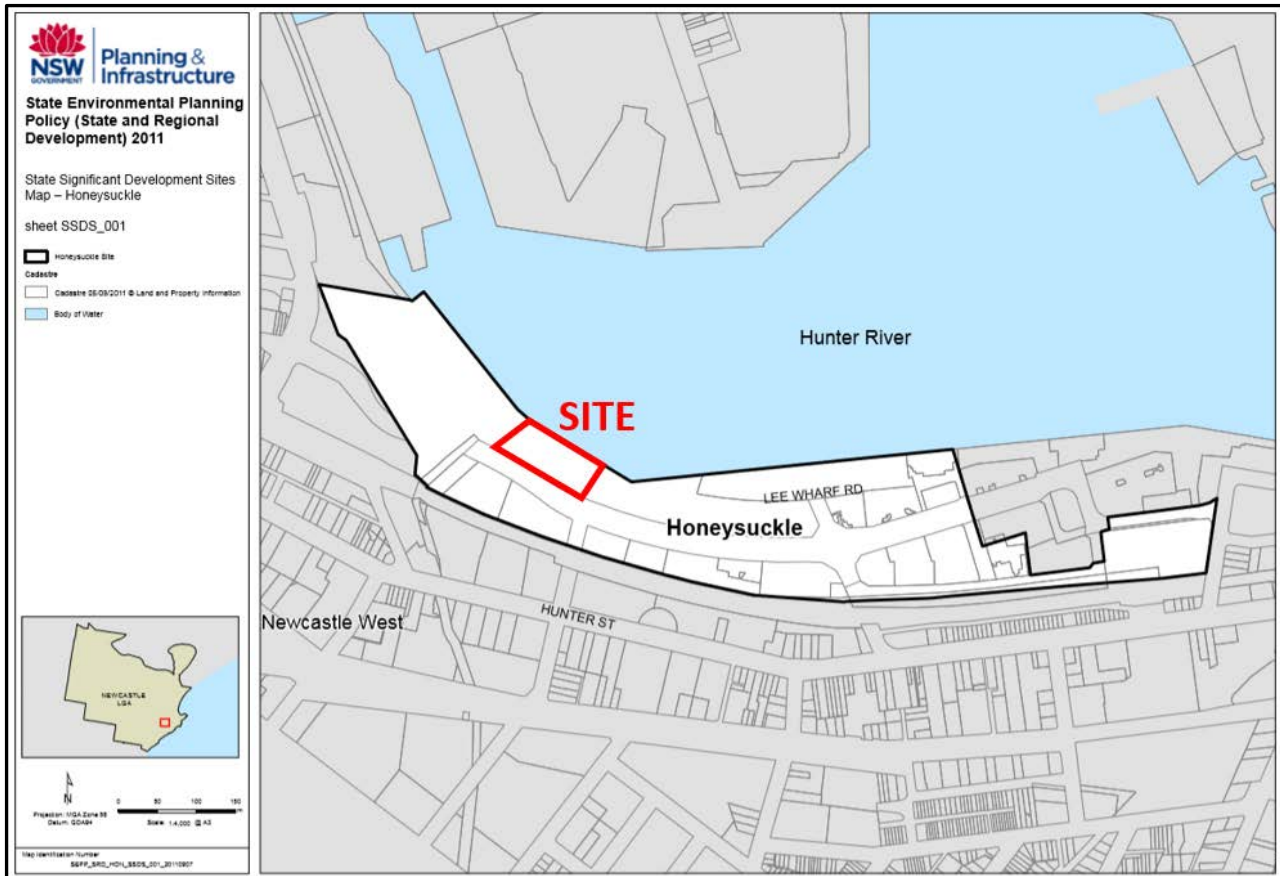


Figure 20 - State Significant Development Sites Map – Honeysuckle.

5.8.2 SEPP 65 – Design Quality of Residential Apartment Development

The broad objective of SEPP 65 is to improve the design quality of residential apartment development across NSW.

As per Clause 4, the policy applies to this Development Application as the development is for the purpose of mixed-use development with a residential component, involves the erection of a new building that exceeds three storeys and proposes more than four dwellings.

It is noted, however, that the provisions of the SEPP do not apply to the proposed commercial land uses.

Clause 28 (1) of the SEPP requires the consent authority to refer the development application to the relevant design review panel (DRP) for advice concerning the design quality of the development, prior to determination. Further, sub-clause (2) outlines that the consent authority must take into consideration:

- any advice obtained from the DRP;
- the design quality of the development when evaluated in accordance with the design quality principles; and
- the Apartment Design Guide (ADG).

The proposal has been prepared in consultation with a constituted DRP, with various revisions and refinement being undertaken to address the advice provided. Further, the design has also been prepared having regard to the ADG. Documentation demonstrating consultation with the SDRP is contained in **Appendix C**. A statement responding to the ADG is contained in **Appendix H**.

While it is acknowledged that the development application will be referred to the DRP by virtue of Clause 28 (1), it is anticipated that the final design will be to satisfaction of the SEPP 65 DRP.

Detailed assessment in accordance with the provisions of SEPP 65 is contained in **Appendix G** and **H** of this EIS.

5.8.3 SEPP (Building Sustainability Index: BASIX) 2004

The aim of the BASIX SEPP is to encourage sustainable residential development across the State, through the reduction of water and energy consumption in dwellings.

A BASIX Certificate has been prepared by Evergreen Energy Consultants for the residential component of the development. The report details the BASIX commitments required to satisfy the relevant targets for water, energy and thermal comfort. A copy of the Certificate is contained in **Appendix J** of the EIS.

5.8.4 SEPP (Infrastructure) 2007

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State. It also ensures appropriate levels of consultation is undertaken with authorities where development is likely to affect, or be affected by, existing infrastructure. The SEPP also contains consultation requirements for development that may affect existing infrastructure.

The following Clauses have trigger consultation with the relevant authorities. These have been considered in the context of the development:

- Clause 45, which relates to development likely to affect an electricity transmission or distribution network;
- Clause 87, relating to impacts of rail noise or vibration on non-rail development; and
- Clause 104, relating to traffic generating development.

A review of the provisions of these Clauses has been undertaken, and it is confirmed that the development does not trigger the need for further referrals required under the Infrastructure SEPP.

5.8.5 SEPP 55 - Remediation of Land

The objective of SEPP 55 is to provide a consistent planning approach to the remediation of contaminated land across the State. In particular, the policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Clause 7 of the SEPP outlines that a consent authority must not grant development consent, unless:

- Considered whether the land is contaminated;
- If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable following remediation) for the purpose which the development proposed; and
- If the land requires remediation in order for it to be made suitable, it is satisfied that the land will be remediated prior to the land being used for that purpose.

An assessment of site contamination has been undertaken by ADE Consulting, indicating the presence of contaminants on site. In its current state, the site is not considered to be suitable for the proposed development. As such remediation will be required to render the site suitable for the development.

A remediation action plan has been prepared by ADE Consulting, identifying the works required to render to site suitable for the proposal. Thus, the consent authority can be satisfied the development will meet the requirements of SEPP 55.

A copy of the remediation action plan is contained as **Appendix AA**.

5.8.6 SEPP (Coastal Management) 2018

State Environmental Planning Policy (Coastal Management) 2018 (Coastal Management SEPP) consolidates coastal related SEPPs and replaces SEPP 71. The SEPP seeks to provide for appropriate and sensitive coastal development and maintenance of public access to foreshore areas.

The SEPP defines four coastal management areas, and specifies assessment criteria tailored for each coastal management area. These areas include:

- the coastal wetlands and littoral rainforests area;
- the coastal vulnerability area;
- the coastal environment area; and
- the coastal use area.

The site is identified as being within the Coastal Environment Area and the Coastal Use Area. **Figure 8** in **Section 3** identifies these two areas.

Clause 13 of the Coastal Management SEPP sets out areas of consideration for the development of land within the Coastal Environment areas.

Development consent must not be granted to development on land within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

Table 4: Clause 13(1) Considerations

CLAUSE 13 (1) CONSIDERATIONS		RESPONSE
(a)	<i>the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment.</i>	It is unlikely that the proposed development will result in any significant adverse impacts on the biophysical, hydrological and ecological environment of the area, as potential impacts can be appropriately managed through design.

CLAUSE 13 (1) CONSIDERATIONS		RESPONSE
(b)	<i>coastal environmental values and natural coastal processes.</i>	Coastal environmental values and natural coastal processes are unlikely to be adversely affected by the proposed development.
(c)	<i>the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1.</i>	The proposed development incorporates best practice stormwater drainage. It is unlikely that the proposal will result in adverse impacts to the quality of downstream marine environments.
(d)	<i>marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms.</i>	The proposal will not have an adverse impact on marine vegetation, native flora and fauna (and their habitats), or developed headlands and rock formations.
(e)	<i>existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability.</i>	The proposed development will improve public access to the Hunter River foreshore through the provision of public access through to the foreshore promenade.
(f)	<i>Aboriginal cultural heritage, practices and places.</i>	Given the site is highly disturbed from its natural condition, it is unlikely that the proposal will impact on Aboriginal cultural heritage, practices and places.
(g)	<i>The use of the surf zone.</i>	The proposal development is not located in proximity to the surf zone.

Further to the above, Clause 13 (2) outlines that development consent must not be granted to development identified within a Coastal Environment Area unless the consent authority is satisfied that:

(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or

(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

The development has been designed, sited and will be managed to avoid any adverse impacts on the matters discussed in Clause 13(1). In this regard, Clause 13 (2) does not prevent the consent authority from granting consent.

Further to the considerations relating to Coastal Environment Areas, Clause 14 of the SEPP provides matters for consideration for development on land within Coastal Use Areas.

Development consent must not be granted to development on land that is within the coastal use area unless the consent authority has considered the following:

Table 5 : Clause 14(1) Considerations

CLAUSE 14 (1) CONSIDERATIONS	RESPONSE
(a) <i>Whether the proposed development is likely to cause an adverse impact on the following:</i> <i>existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability;</i> <i>overshadowing, wind funnelling and the loss of views from public places to foreshores;</i> <i>the visual amenity and scenic qualities of the coast, including coastal headlands;</i> <i>Aboriginal cultural heritage, practices and places;</i> <i>cultural and built environment heritage.</i>	The proposed development will improve public access to the foreshore by providing links through the site to the promenade. The proposal has been designed to facilitate view sharing from public places through the provision of through-links. Shadowing impacts as a result of the proposed development are illustrated on the Shadow Diagrams enclosed with Appendix D, demonstrating no unreasonable impacts. The proposed development will contribute to the visual amenity of the foreshore by transforming an underutilised site through development which is of high architectural merit and comprises quality finishes. The proposed development is consistent with the bulk and scale of development to east of the site. The proposal is unlikely to have an adverse impact on heritage matters, including Aboriginal, cultural and built heritage, given that the site is in a highly altered state and does not contain any heritage sites.
(b) <i>Whether the consent authority is satisfied that:</i> <i>the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</i> <i>if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i> <i>if that impact cannot be minimised—the development will be managed to mitigate that impact, and</i>	The proposed development is designed and sited and will be managed to avoid any adverse impacts on the matters discussed in Clause 14(1).
(c) <i>Has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</i>	The proposal is consistent with the bulk and scale of approved development to the east of the site as well as the bulk and scale of future development within the locality as provided for through the various planning controls.

Clause 15 of the SEPP restricts the granting of consent unless the consent authority is satisfied that an increase in risk of coastal hazards is unlikely and the consent authority has considered any provisions of relevant certified coastal management programs that apply.

It is unlikely that the proposal will cause increased risk of coastal hazards on the land or other land.

No certified coastal management program applies to the land and therefore Clause 16 of the SEPP does not apply.

It is considered that the proposal is consistent with the relevant objectives and planning controls of the Coastal Management SEPP, and that the development is acceptable in terms of coastal impact considerations.

5.9 NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

The proposed development is subject to the provisions of the Newcastle Local Environmental Plan 2012 (NLEP).

5.9.1 Zoning & Permissibility

The site is zoned B4 Mixed Use Zone under the NLEP, as shown in **Figure 21** below.

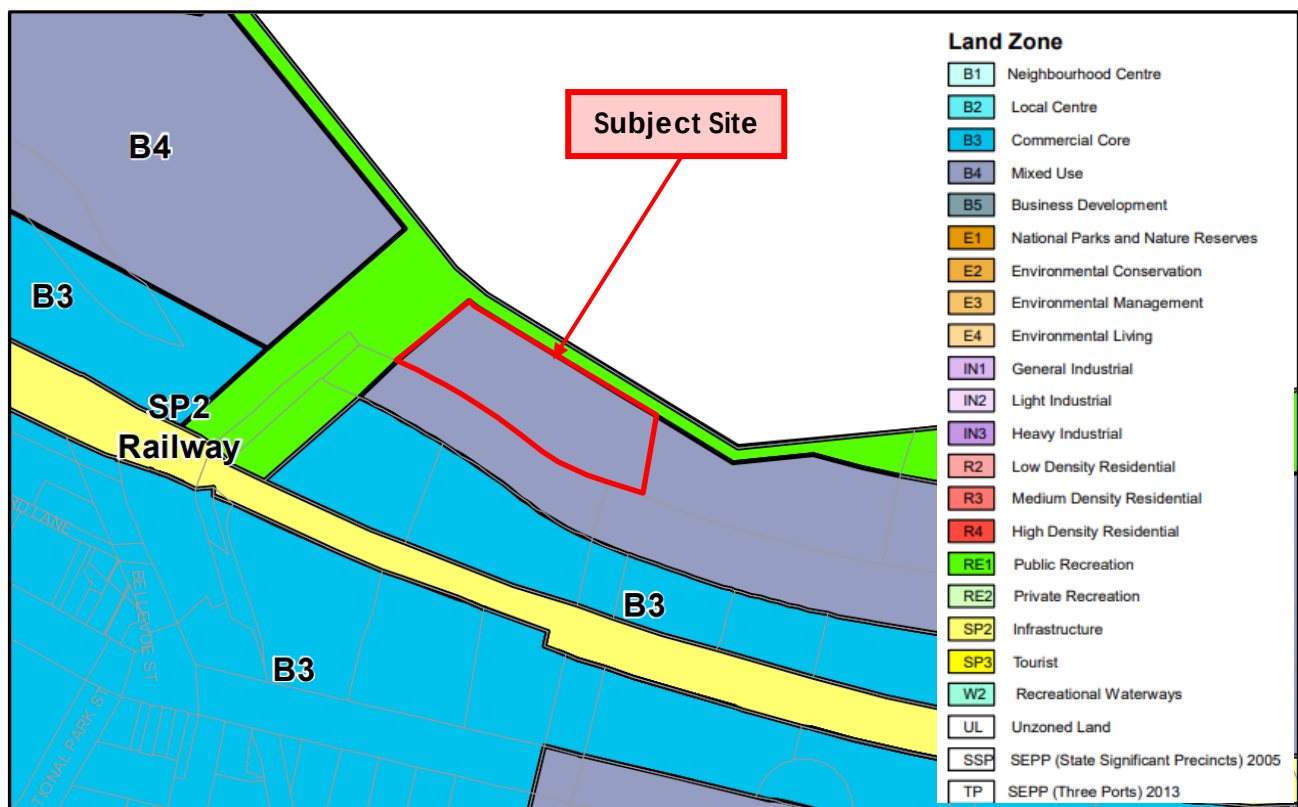


Figure 21 - Extract from the NLEP Land Zoning Map.

The proposed development is defined as a mixed-use development, consisting of *commercial premises* and *shop top housing*. The following definitions from the NLEP apply:

mixed use development means a building or place comprising 2 or more different land uses.

commercial premises means any of the following:

- (a) *business premises,*
- (b) *office premises,*
- (c) *retail premises.*

shop top housing means one or more dwellings located above ground floor retail premises or business premises.

The proposed land uses are permissible within the B4 Zone with development consent.

The objectives of the B4 Mixed Use zone are as follows:

- *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.*

The proposed development is consistent with the objectives of the zone. It will provide a mix of commercial and residential development in an accessible location, encouraging the use of public transport, walking and cycling. The proposal will support nearby and adjacent commercial centres.

5.9.2 Principal Development Standards

Clause 4.3 Height of Buildings

The objectives of this Clause are to ensure the scale of development makes a positive contribution towards the desired built form, consistent with the established centres hierarchy and to allow reasonable daylight access to all developments and the public domain.

Under the NLEP, the site is subject to two (2) building height controls. A maximum height of 14m applies to the northern portion of the site, with 24m applying to the southern and western portion, as shown in **Figure 22** below.

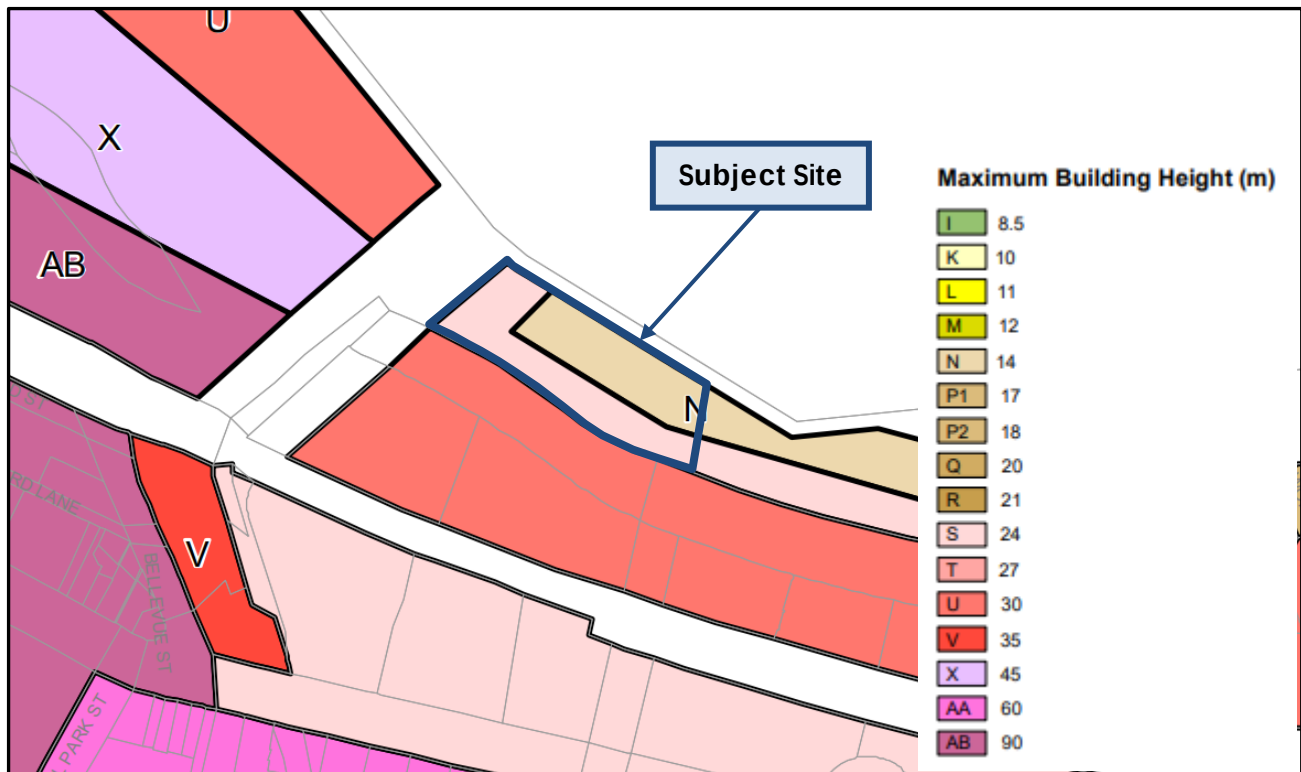


Figure 22 - Extract from the NLEP Height of Buildings Map.

The proposal consists of three buildings varying in height. The proposed heights exceed those nominated by Clause 4.3 of the LEP, as shown in **Figure 23** below.

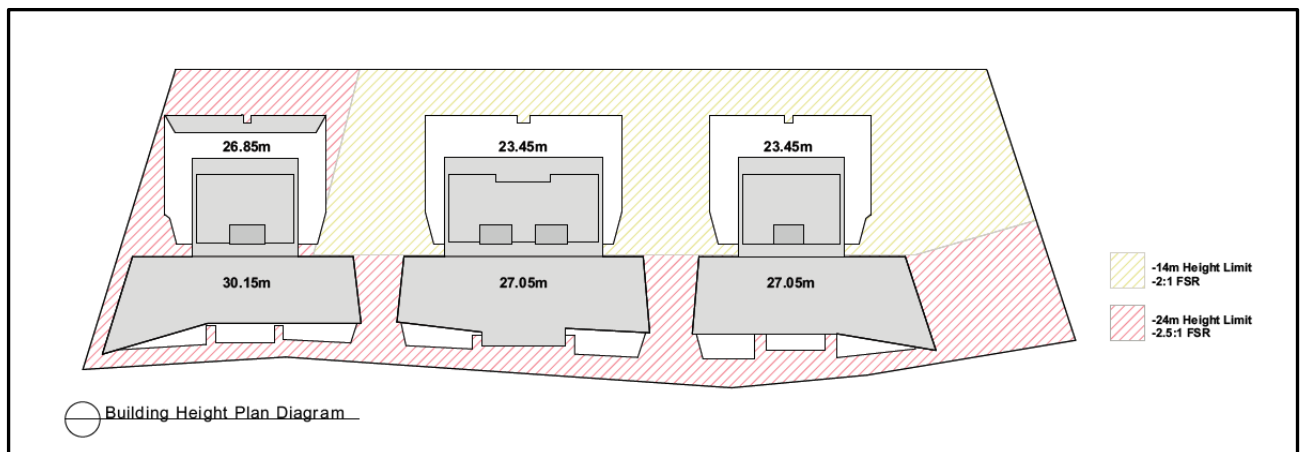


Figure 23 - Proposed building heights (CKDS 2019).

In this regard, this proposal seeks a variation under Clause 4.6 from the LEP height controls. It is also noted that additional height allowances are provided through Clause 7.5 of the LEP, which is discussed in further detail below and in the Clause 4.6 submission.

Clause 4.4 Floor Space Ratio

Clause 4.4 aims to provide an appropriate density of development consistent with the established centres hierarchy and to ensure building density, bulk and scale makes a positive contribution towards the desired built form as identified by the established centres hierarchy.

Similar to the building height restrictions, the site is subject to two floor space ratios (FSR). The LEP establishes an FSR of 2:1 for the northern portion, and 2.5:1 for the southern and western portion of the site, as shown in **Figure 24** below.

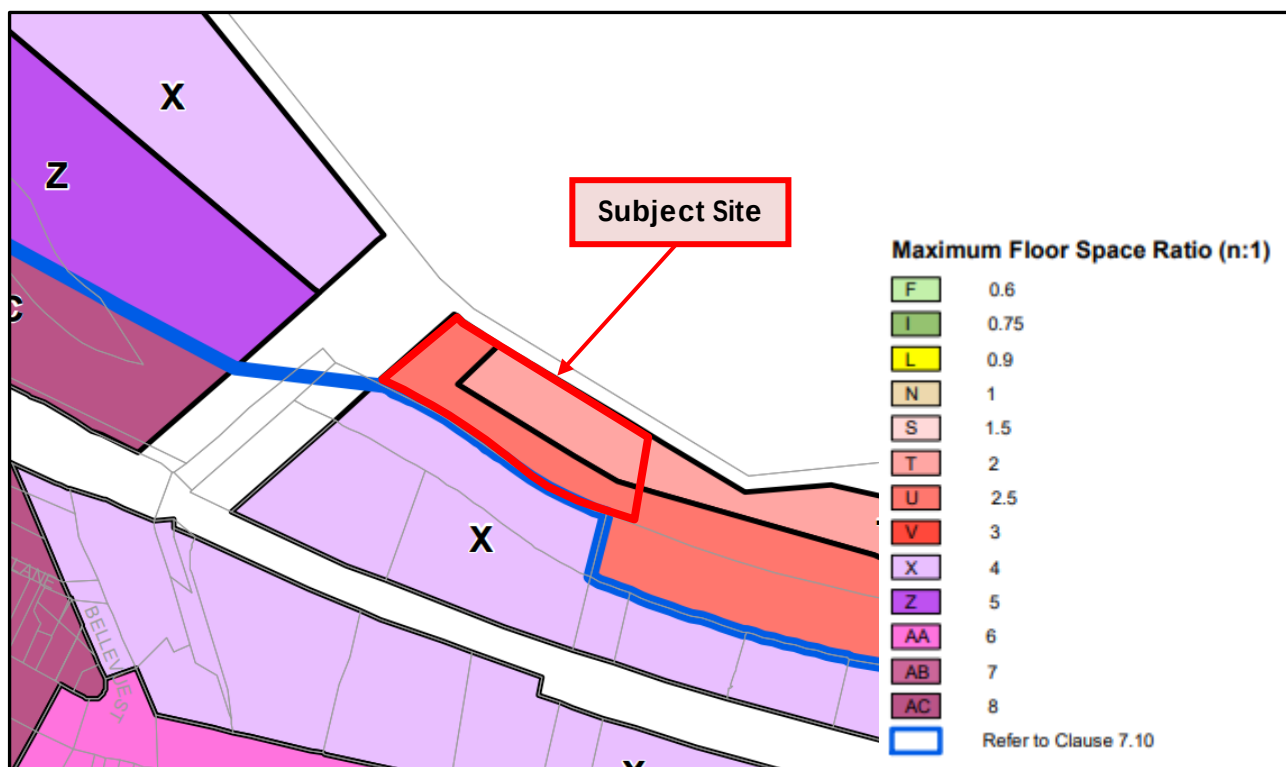


Figure 24 - Extract from the NLEP Floor Space Ratio Map.

The development proposes a maximum GFA of 13,634.5m². The subject development site has a total area of 5,600m², resulting in a total proposed FSR of 2.44:1 for the entire site.

Based on the area calculations for the FSR categories, under the NLEP controls a total available GFA for the development is 12,714m² resulting in a total available FSR of 2.27:1. As referenced above a total building GFA of 13,634.5m² is proposed, equating to a proposed FSR of 2.44:1 resulting in an overall variation of approximately 6.94%.

Noting the above, this EIS seeks a variation to the FSR controls applicable to the site. This is discussed and justified in further detail in the Clause 4.6 Submission, provided as **Appendix AD**.

Clause 4.6 Exceptions to Development Standards

The objective of Clause 4.6 is to provide an appropriate degree of flexibility in applying certain development standards to particular development, and to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

In granting development consent to development that contravenes a development standard, the consent authority must consider whether compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

This application seeks variations to the development standards relating to building height and FSR. A written request for the Clause 4.6 variation is contained in **Appendix AD**.

5.9.3 Miscellaneous Provisions

Clause 5.10 Heritage Conservation

The objectives of Clause 5.10 are to conserve the environmental heritage of the City of Newcastle, the heritage significance of heritage items and conservation areas, archaeological sites and Aboriginal objects and places of heritage significance.

The site is not located within a heritage conservation area, nor does it contain any items of heritage significance, as identified under the LEP.

Further, the site does not contain any recorded Aboriginal archaeological sites. The site is assessed as having low to no archaeological potential, and there is low to no likelihood that the proposed works will result in harm to Aboriginal objects. In accordance with the provisions of relevant legislation (including the due diligence code), there is no requirement for further Aboriginal archaeological assessment.

In terms of historical archaeology, there is low to no potential for any significant archaeological relics to be present within the site. It is noted that remaining visible rail lines that serviced the wharves from the 1910s onwards have been recorded on the site. However, the rail tracks are classified as 'works' rather than 'relics' for the purposes of the Heritage Act, and do not trigger assessment under Clause 5.10. Notwithstanding, it is noted that the rail lines have been appropriately recorded through aerial imagery, survey and site inspection photographs by various heritage specialists.

In this regard, it is considered that the proposal is unlikely to adversely affect historical archaeology, and no further archaeological investigation is required for the project area.

The above information is reflected in the heritage impact assessment prepared by Umwelt to inform this application, with a copy provided as **Appendix R**.

5.9.4 Additional Local Provisions - Generally

Clause 6.1 Acid Sulfate Soils

The objective of Clause 6.1 is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

The site is mapped as Class 3 Acid Sulfate Soils. Under Clause 6.1, development consent is required for the carrying out of works within a Class 3 area that involve works more than 1m below the natural ground surface or works by which the water table is likely to be lowered more than 1m below natural ground surface.

As per sub-clause (3), development consent must not be granted under Clause 6.1 unless an acid sulfate soils management plan has been prepared for the proposed works and provided to the consent authority.

An acid sulfate soils management plan has been prepared by ADE Consulting, and is contained in **Appendix U** of this EIS.

Clause 6.2 Earthworks

This Clause aims to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land and allow earthworks of a minor nature without requiring a separate development consent.

The proposed earthworks associated with the development require consent under this clause. Consideration has been given to the matters raised by Clause 6.2 (3), with the following safeguards proposed:

- Installation of sediment control devices, prior to commencement of works;
- Areas of exposed surfaces to be minimised during construction and stabilised as soon as practicable;
- Stormwater to be diverted around stockpiles, and exposed areas;
- Control of dust emissions, through water spraying, dust screens, manage vehicle speeds and regular checks of weather forecasts; and
- Implementation of an environmental complaints and enquiries procedures.

With the proposed safeguards in place it is considered that no significant impacts will result from the proposed earthworks.

Further details regarding earthworks management are contained in the CEMP (**Appendix M**).

5.9.5 Additional Local Provisions – Newcastle City Centre

Part 7 of the NLEP relates to land within the Newcastle City Centre. The subject site is identified within the Newcastle City Centre (refer **Figure 25**). The relevant provisions of Part 7 are addressed below.

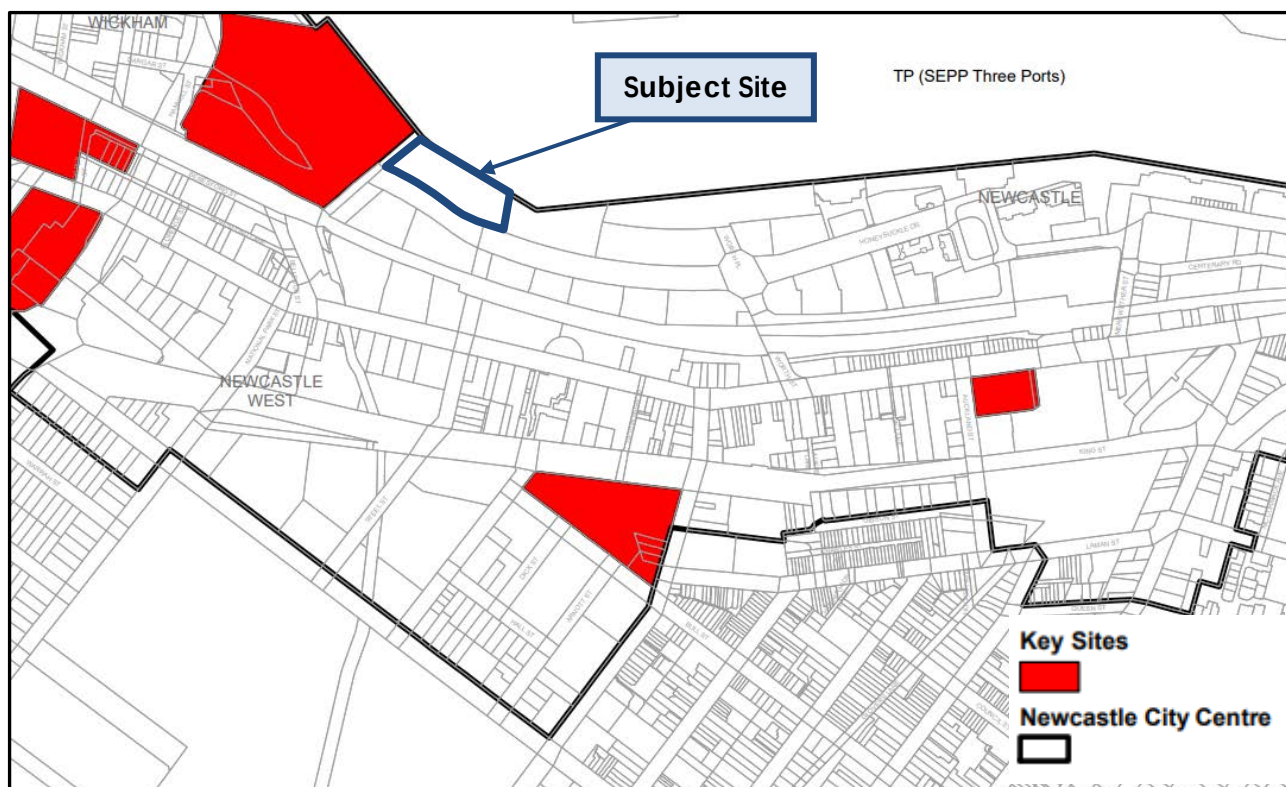


Figure 25 - Extract from the NLEP Newcastle City Centre Map.

7.5 Design excellence

Clause 7.5 requires the consent authority, prior to the issuing of development consent for a new building, to be satisfied that the development exhibits design excellence.

In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:

Table 6: Clause 7.5 (3) Design Excellence Considerations

Clause 7.5 (3) Consideration		Response
(a)	<i>Whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved;</i>	The proposed development presents a high-quality architectural design which is well articulated and consistent with proposed and approved developments to the east of the site.
(b)	<i>Whether the form and external appearance of the development will improve the quality and amenity of the public domain,</i>	The proposal incorporates high quality materials and finishes and contributes to the streetscape and visual character of the area. The proposed development presents a well-articulated and visually interesting façade to Honeysuckle Drive and it is considered that this will contribute to the amenity of the local public domain. The development incorporates public links through the site to the waterfront and street tree planting which will benefit the amenity of the public domain in the area.

Clause 7.5 (3) Consideration	Response
(c) <i>Whether the development detrimentally impacts on view corridors identified in the Newcastle City Development Control Plan 2012,</i>	The proposed design maintains two major view corridors along Cottage Creek to the west and Steel Street to the east. The proposed design also offers additional view corridors through the central portion of the site from Honeysuckle Drive through to the Harbour.
(d) <i>How the development addresses the following matters:</i> (i) <i>heritage issues and streetscape constraints,</i> (ii) <i>the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,</i> (iii) <i>bulk, massing and modulation of buildings,</i> (iv) <i>street frontage heights,</i> (v) <i>environmental impacts such as sustainable design, overshadowing, wind and reflectivity,</i> (vi) <i>the achievement of the principles of ecologically sustainable development,</i> (vii) <i>pedestrian, cycle, vehicular and service access, circulation and requirements,</i> (viii) <i>the impact on, and any proposed improvements to, the public domain.</i>	The proposed development will have no significant impact on heritage and streetscape given the separation between the site and any heritage items or conservation areas and given the consistency of the proposed development with the surrounding built form. The site has been the subject of extensive master planning as part HCCDC strategy for the redevelopment of the Honeysuckle Precinct. In this regard, the heights, bulk, massing and modulation of buildings is consistent with the overall vision for the site and locality. The location of the proposed buildings has been considered in the context of the existing and proposed development in the area. Appropriate setbacks and design features have been incorporated to ensure amenity and privacy is not compromised between the proposed buildings or neighbouring sites. Environmental impacts associated with the proposal have been appropriately managed, through the incorporation of sustainable building design elements, harnessing opportunities for active and public transport usage and appropriate landscaping of communal areas. The proposal will have a positive impact on the public domain, with activation a key feature of the proposal. The development provides generous public connections through the site between Honeysuckle Drive and the foreshore promenade, as well as Cottage Creek and Steel Street frontages. Retail premises fronting the promenade, along with attractive landscaped areas will activate public areas.

Further details demonstrating how the proposal exhibits design excellence are contained in the architectural plans and associated design report (**Appendix C and D**).

The site has been subject to a detailed master planning process commissioned by HCCDC prior to the proponent commencing detailed building design. The proposed design aligns with the outcomes of the Master Plan. The proposed building design has been the subject of a Design Review Panel process chaired by the NSW Government Architect. The combined Master Planning and Design Review Panel process has provided for a high level of design scrutiny ensuring a very well-considered outcome to a high design standard.

Based on the above and information enclosed with this EIS, it is considered that the consent authority can be satisfied that the development exhibits design excellence, in accordance with Clause 7.5 (2) and (3).

Further to the above, Clause 7.5(6) provides development bonuses in relation to FSR or building heights. Specifically:

The consent authority may grant consent to the erection or alteration of a building to which this clause applies that has a floor space ratio of not more than 10% greater than that allowed by clause 7.10 or a height of not more than 10% greater than that allowed by clause 4.3, but only if the design of the building or alteration has been reviewed by a design review panel.

The available bonus for the significant design effort and exhibited design quality has been applied to the proposed building height. The additional 10% building height results in the maximum building height for the site being increased to 15.4m and 26.4m. The actual proposed height is above this and is addressed in detail in the Clause 4.6 submission.

5.10 NEWCASTLE DEVELOPMENT CONTROL PLAN 2012

The proposed development is State Significant Development, and therefore the Newcastle Development Control Plan (DCP) 2012 does not apply, the SEARs request consideration of the DCP in the context of built form and urban design.

The DCP identifies the subject site as being located within the Honeysuckle Precinct which is characterised as being the premier locale for A-grade large floor plate commercial office development, and a range of complementary uses including higher density residential development, restaurants and hotels which take advantage of Honeysuckle's prime position on the Hunter River foreshore. Honeysuckle is also noted as having opportunities for significant public domain, and the foreshore park westwards will form a continuous publicly accessible foreshore extending from Maryville to Merewether around the city centre peninsula.

The key precinct principle relevant to the site is to provide a waterfront development with a building address that encourages activity, pedestrian and cycleway movement, and improves safety.

Since the adoption of the DCP, further significant master planning for the broader Honeysuckle Precinct and the subject site has been undertaken, and extensive analysis by the project design team has ensured that the design responds to the sites constraints and opportunities, the surrounding environment and the broader vision for the Honeysuckle Precinct identified by the DCP and master plan documentation.

The proposed design features three distinct but related buildings, positioned to reinforce the curved geometry of Honeysuckle Drive to the south and the Harbour foreshore to the north. The central and eastern buildings comprise seven storeys, while the western building comprises eight storeys.

The ground level comprises a mix of residential, commercial and retail land uses, gently raised from the predominant public domain level. Generous ramps and gentle runs of shallow steps provide numerous points of access along the majority of the perimeter, allowing activity to spill to and from the adjoining harbourfront, Cottage Creek Park and Steel Street Square.

Multiple building entries ensure that each frontage is given maximum activation and passive surveillance, while landscaped corridors provide separation and connectivity between the three buildings and the public domain.

6.0 Strategic Context

This section of the EIS addresses the relevant planning provisions, goals and strategic planning objectives of the following documents. In some instances, these documents are addressed in further detail within the relevant specialist reports.

- NSW 2021 (State Plan);
- Hunter Regional Plan 2036;
- Greater Newcastle Metropolitan Plan 2036;
- Future Transport Strategy 2056 and supporting plans;
- Greater Newcastle Future Transport Plan;
- Newcastle Urban Renewal Strategy 2014;
- Better Placed - an integrated design policy for the built environment of NSW 2017;
- Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (DECCW, 2011);
- Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010;
- Newcastle Archaeological Management Strategy 2015;
- Aboriginal Heritage Management Strategy 2018-2021;
- Interim Construction Noise Guidelines (DECCW, 2009);
- Guidelines for Controlled Activities on Waterfront Land (2012);
- Policy and Guidelines for Fish Habitat Conservation and Management (2013);
- Crime Prevention Through Environmental Design Principles;
- Guide to Traffic Generating Developments (Roads and Maritime Services);
- Guide to Traffic Management - Part 12: Traffic Impacts of Development (AUSTROADS);
- Roads and related facilities OPE EIS guidelines;
- NSW and ACT Government Regional Climate Modelling (NARClIM);
- OEH (2015) Urban Green Cover in NSW Technical Guidelines;
- Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (phase 1) 2006;
- Newcastle Section 94A Development Contributions Plan 2009;
- Port Master Plan 2040; and
- Aquifer Interference Policy (2012).

6.1 PREMIER'S PRIORITIES (FORMERLY NSW 2021)

The NSW Premier has set out 12 Premier's Priorities which aim to make NSW a stronger State in which all citizens have access to first class services. The Premier's Priorities include:
Creating jobs;

- Delivering infrastructure;
- Driving public sector diversity;
- Improving education results;
- Improving government services;
- Improving service levels in hospitals;
- Keeping our environment clean;
- Making housing more affordable;
- Protecting our kids;
- Reducing Domestic violence;
- Reducing youth homelessness; and
- Tackling childhood obesity.

In addition, the following State Priorities which are being actioned by the NSW Government, which include:

- Strong budget and economy;
- Building infrastructure;
- Protecting the vulnerable;
- Better services; and
- Safer communities.

The proposed development is consistent with the relevant Premier and State priorities, contributing to achieving these through:

- Providing additional housing to contribute to assist with meeting the growing demand for housing;
- Generating employment through the construction and operational phases of the development;
- Providing additional housing close to existing jobs, services and facilities;
- Encouraging the use of alternate transport methods to private vehicles such as public transport and active transport, thus reducing road congesting;
- Contributing to the delivery of public infrastructure through the payment of developer contributions; and
- Safe accessible and environmentally sensitive urban design.

6.2 HUNTER REGIONAL PLAN 2036

The NSW Government has developed the Hunter Regional Plan 2036 as an overarching framework to guide land use planning priorities and infrastructure funding decisions in the Hunter region over the next 20 years.

The Plan sets priorities and provides a direction for regional planning decisions. It focuses on new housing and jobs, and targets growth in strategic centres and renewal corridors close to transport to deliver social and economic benefits. It sets in place line-of-sight land use planning for the region, regional districts like the Greater Newcastle metropolitan area and each council area.

The vision of the Hunter Regional Plan 2036 is for the Hunter to be the leading regional economy in Australia with a vibrant new metropolitan city at its heart. To achieve this vision, the NSW Government has acknowledged the growing importance of Greater Newcastle and set the following regionally focused goals:

- The leading regional economy in Australia;
- A biodiversity-rich natural environment;
- Thriving communities; and
- Greater housing choice and jobs.

The Greater Newcastle area comprises the closely connected urban areas of Cessnock, Lake Macquarie, Maitland, Newcastle and Port Stephens local government areas.

The subject site is identified in the plan as being located within an urban renewal corridor extending from Wickham to Newcastle East (refer **Figure 26**).

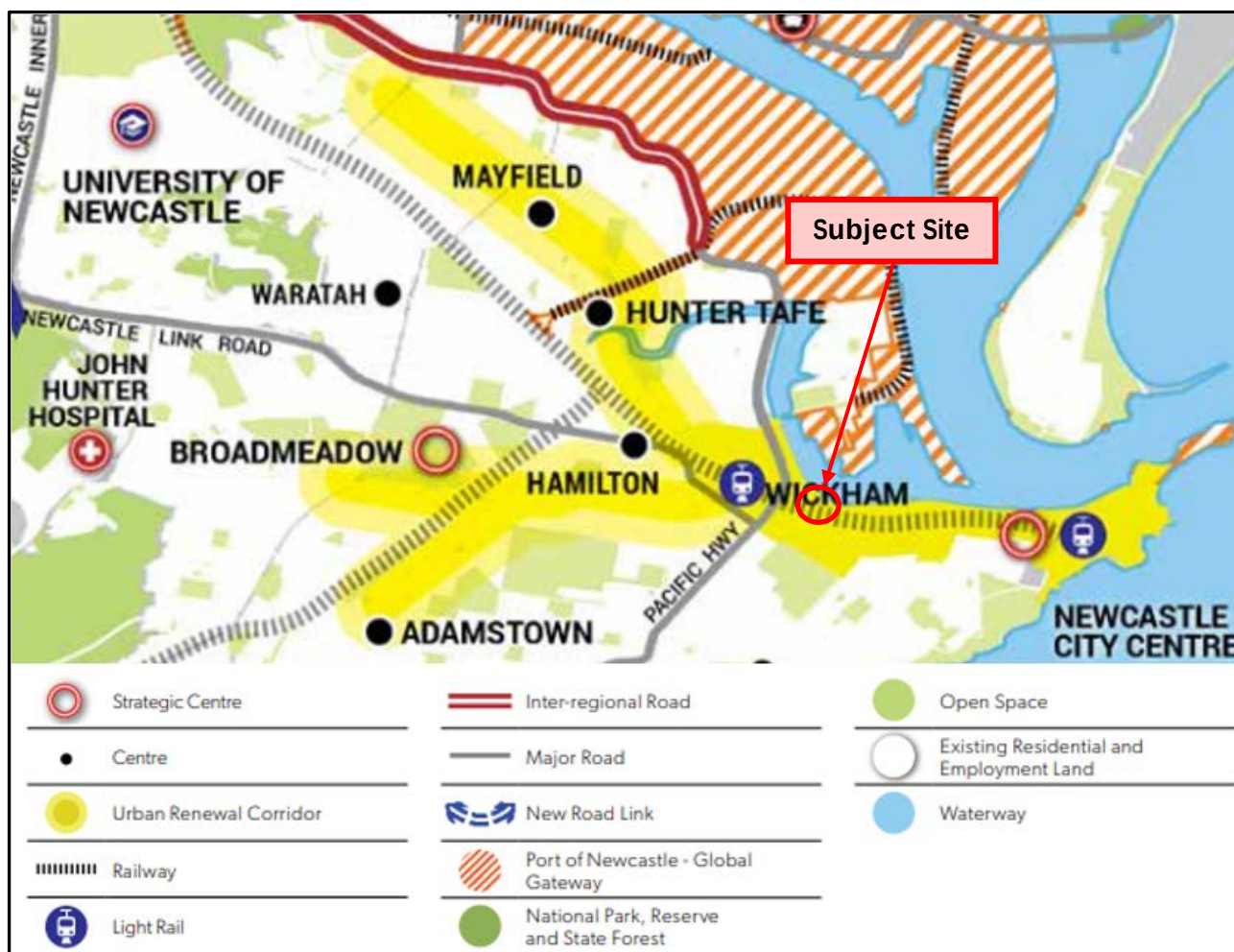


Figure 26 - Extract from the Hunter Regional Plan (Inner Newcastle).

Of relevance to this site and proposal, the plan details the following visions and directions:

- Growing Greater Newcastle as Australia's next metropolitan city;
- Revitalising Newcastle City Centre;
- Creating healthy built environments through good design;
- Creating a compact settlement;
- Promotion of housing diversity; and
- Growing centres and renewal corridors.

The proposed development will assist in achieving the abovementioned visions through contributing towards the revitalisation and growth of the Newcastle City Centre, establishing additional compact housing close to facilities and public transport.

The Plan identifies that an additional 70,000 dwellings will be needed in the region by 2036 (of which 33,300 are in LMCC), and providing the housing and infrastructure to meet this demand is central to the Plan. Delivering new housing in established areas is a key focus of the plan to contribute to achieving the dwelling targets established in the plan. While providing additional housing, the proposed development will also assist with continuing the revitalisation of the Newcastle City Centre, a key regional priority for the Newcastle area.

Greater housing choice is sought by the plan through encouraging the delivery of diverse housing option. The proposed development provides units ranging in size from 127m² and 167m², with a combination of one (1), two (2) and three (3) bedroom units.

Newcastle is the largest regional centre in NSW and the economic, service and administrative centre for the region. The plan projects that an additional 17,964 jobs will be created in the Newcastle Local Government area. Of these jobs, it is predicted that approximately 8,000 of these jobs will be within the Newcastle City Centre. Providing additional commercial floor space to accommodate this growth is a priority for the Newcastle City Centre

The proposed development is considered consistent with the objectives of the Hunter Regional Plan 2036.

6.3 GREATER NEWCASTLE METROPOLITAN PLAN 2036

The Greater Newcastle Metropolitan Plan (GNMP) was released in September 2018. The Plan sets out strategies and actions that will drive sustainable growth across Cessnock City, Lake Macquarie City, Maitland City, Newcastle City and Port Stephens communities, which together make up Greater Newcastle.

The Plan places a strong emphasis on the Newcastle City Centre as the heart of Greater Newcastle. It reinforces the need for continued revitalisation of the City Centre and expansive transformation along the waterside, through the development of sites for public open space, new retail and residential opportunities and connecting the city to the waterfront.

The GNMP also recognises the need to deliver additional housing in the region, with a priority on the delivery of infill housing opportunities within existing urban areas, close to jobs and services. The Plan envisages Newcastle City Centre as playing an important role in accommodating future housing and employment growth.

The subject site is identified within an Urban Renewal Corridor, and within the Newcastle City Centre Catalyst Area. Within the catalyst area, the site in the West End Precinct (refer **Figure 27**). The proposed development will contribute to the revitalisation of the West End Precinct, and the broader urban renewal corridor, providing housing in a well-served and established location.

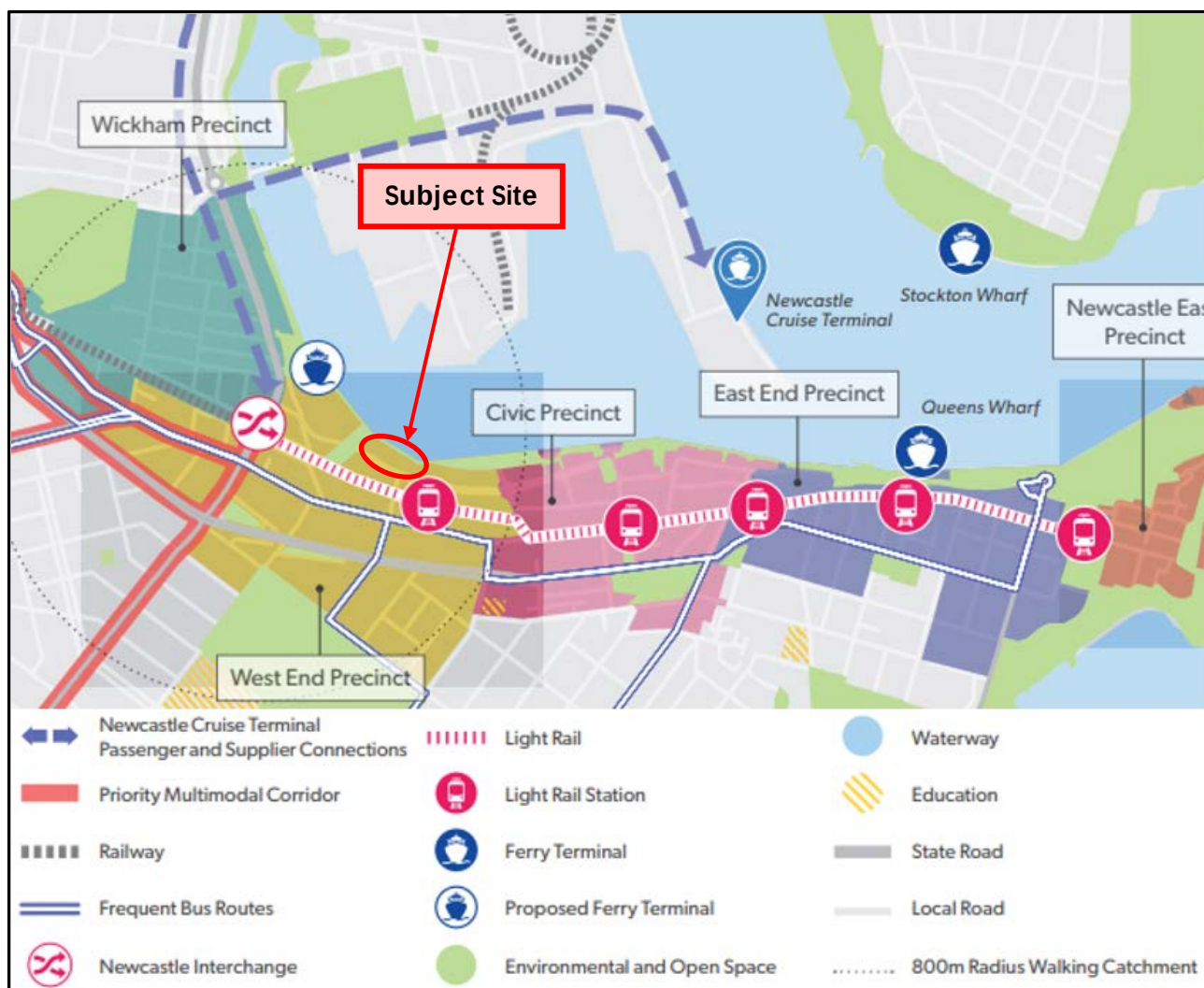


Figure 27 - Extract from the Greater Newcastle Metropolitan Plan 2036 Hunter Regional Plan (Inner Newcastle).

The proposal is consistent with the relevant strategies and actions detailed in the GNMP.

6.4 FUTURE TRANSPORT STRATEGY 2056

Future Transport 2056 is an update of NSW's long-term transport master plan. It provides a suite of strategies and plans for transport which provides an integrated vision for the NSW transport system.

The Future Transport Strategy sets the 40 year vision, directions and outcomes framework for customer mobility in NSW, which will guide transport investment over the longer term. It will be delivered through a series of supporting plans.

The strategy outlines six (6) state-wide outcomes to guide investment, policy and reform service provision which provide a framework for planning and investment aimed at harnessing rapid change and innovation to support a modern innovative transport network. The outcomes are reproduced below:

1. *Customer focused - Customer experiences are seamless, interactive and personalised, supported by technology and data.*
2. *Successful Places - The liveability, amenity and economic success of communities and places are enhanced by transport.*
3. *A strong Economy - The transport system powers NSW's future \$1.3 trillion economy and enables economic activity across the state.*
4. *Safety and Performance - Every customer enjoys safe travel across a high performing, efficient network.*
5. *Accessible Services - Transport enables everyone to get the most out of life, wherever they live and whatever their age, ability or personal circumstances.*
6. *Sustainability - The transport system is economically and environmentally sustainable, affordable for customers and supports emissions reductions.*

The proposed development includes the provision of additional housing in an area close to existing and future jobs, services and public transport facilities. The proposal encourages the use of walking/cycling and public transport as an alternate to private vehicular use. The strategy includes supporting plans which are more detailed placed-based planning documents that help to implement the strategy across NSW. Relative to the proposed development is the Greater Newcastle Future Transport Plan. This is addressed below.

6.5 GREATER NEWCASTLE FUTURE TRANSPORT PLAN

The Greater Newcastle Future Transport Plan provides the overarching strategic transport network and vision that will guide future transport planning for the Greater Newcastle area.

The vision of the plan is for Greater Newcastle's residents, employees and visitors to have and use a world class transport system that meets everyone's needs.

The strategy seeks to increase the share of trips that people make on public transport, walking and cycling. Given its location within the Newcastle CBD, and its accessibility to existing and future public transport services including the Newcastle Interchange, the proposed development will encourage residents to utilise walking, cycling and public transport. The proposed development, through creating an additional resident population within the Newcastle CBD will support the viability of improvements to the public transport network. The proposed development will provide public connections along the waterfront promenade, providing a missing link to the existing pedestrian and cyclist link which connections Wickham and Newcastle West and the Newcastle CBD. This will encourage cyclist and pedestrian movements across this area.

The plan sets out customer outcomes for Greater Newcastle. The proposed development is not inconsistent with any of the customer outcomes.

The proposed development is considered consistent with the Greater Newcastle Future Transport Plan.

6.6 NEWCASTLE URBAN RENEWAL STRATEGY 2014

The Newcastle Urban Renewal Strategy aims to make the Newcastle city centre a vibrant and innovative regional hub and an attractive destination for business, residents and visitors, providing accessible and suitable employment opportunities, a choice of retail and other services, and local, national and international investment opportunities.

The Urban Renewal Strategy sets out nine (9) principles to guide the growth of the Newcastle City Centre. Principles and comments on the consistency of the proposed development with the principles are discussed below:

Opportunities to grow and expand – The proposed development represents the orderly economic use of a site which is currently underutilised for the purpose of a quality mixed use development comprising of commercial and residential uses. The proposed development will assist in accommodating projected growth in the demand for dwellings and commercial floor space in the Newcastle CBD.

Economic viability and competition – The proposed development will provide additional commercial floorspace within the Newcastle CBD. The proposal incorporates residential units comprising of a range of sizes and internal layouts.

Busy and vibrant city – Public domain activation is a key feature of the proposal. The development will provide generous public connections to the waterfront promenade at either end of the site, encouraging public access through the site and along the foreshore of the Hunter River. It is envisioned that retail uses will activate the Steel street frontage of the site.

Integrity and viability – The foreshore of Newcastle Harbour is becoming one of Newcastle's signature public places. The proposal provides a high quality architectural design which is consistent with approved development adjoining the site to the east. The proposed development, in combination with existing development to the east complement the existing development pattern of the Honeysuckle precinct and present an aesthetic appearance which compliments the harbour.

Investment, employment and growth – The proposed development will provide additional dwellings and commercial floor space to accommodate project growth in population and employment demands in the city centre.

Transport, access and connectivity – The proposed development has good access to existing public transport facilities and presents opportunities for future residents to utilise existing pedestrian connections to major jobs, services and recreational precincts. The site has good access to major links in the local and regional road network.

Housing mix and affordability – The proposal incorporates a range of unit sizes and layouts, within the Newcastle city centre.

Retail variety and choice – The proposed development incorporates ground floor commercial spaces.

Provide for future employment growth – The proposed development will introduce commercial opportunities to the ground floor of the site.

The proposed development is consistent with the aims and objectives of the Newcastle Urban Renewal Strategy

6.7 BETTER PLACED – AN INTEGRATED DESIGN POLICY FOR THE BUILT ENVIRONMENT OF NSW 2017

Better Placed is an integrated design policy for the built environment in NSW. The policy establishes a baseline of what is expected to achieve good design across all projects in NSW, with an emphasis on designing better places.

Better Placed details seven broad design objectives for consideration in the design of the built environment. These include:

1. Contextual, local and of its place;
2. Sustainable, adaptable and durable;
3. Inclusive, connective and diverse;
4. Safe, comfortable and liveable;
5. Functional, efficient and fit for purpose;
6. Creating and adding value; and
7. Engaging, inviting and attractive.

The final proposal is the result of extensive design and evolution by CKDS and Hill Thalys, in consultation with GA NSW. It considers the above principles to provide a high-quality development, and therefore is consistent with the objectives of Better Placed.

6.8 NEWCASTLE 2030 COMMUNITY STRATEGIC PLAN

The Newcastle 2030 Community Strategic Plan is based on the aspirations, knowledge and values of our community. The Community Strategic Plan (CSP) is a shared community vision to inform actions over the next 10 years. This plan is reviewed every four years to ensure it still meets our community's needs

The vision set out for Newcastle in the plan is a smart, liveable and sustainable global city. Based on the community's values, the plan seeks to create the following:

- Integrated transport network;
- A protected environment;
- Vibrant, safe and active public places;
- An inclusive community;
- A liveable built environment;
- A smart and innovative city; and
- A city with open and collaborative leadership.

The proposed development represents the orderly and efficient use of a currently underutilised parcel of land. The proposal will provide additional high-quality housing, commercial spaces and public spaces to meet the growing demands of the community.

The proposal is consistent with the vision and desired character of the Newcastle Area.

6.9 HONEYSUCKLE FORESHORE PUBLIC DOMAIN PLAN

The Honeysuckle Foreshore Public Domain Plan provides a framework for the delivery of a high-quality public domain in the Honeysuckle Precinct and supports the broader renewal of Newcastle city centre. The Plan integrates three important areas of Tree of Knowledge Park, Cottage Creek, and Worth Place Park West, which for the first time will be connected by the Waterfront Promenade – Newcastle’s missing foreshore link.

The plan seeks to link Tree of Knowledge Park to the north-west of the site with Worth Place Park to the east, providing a network of vibrant and accessible green spaces along the foreshore promenade that attract a range of people and respect the heritage significance of the area.

The Honeysuckle Foreshore Public Domain Plan is reproduced below:

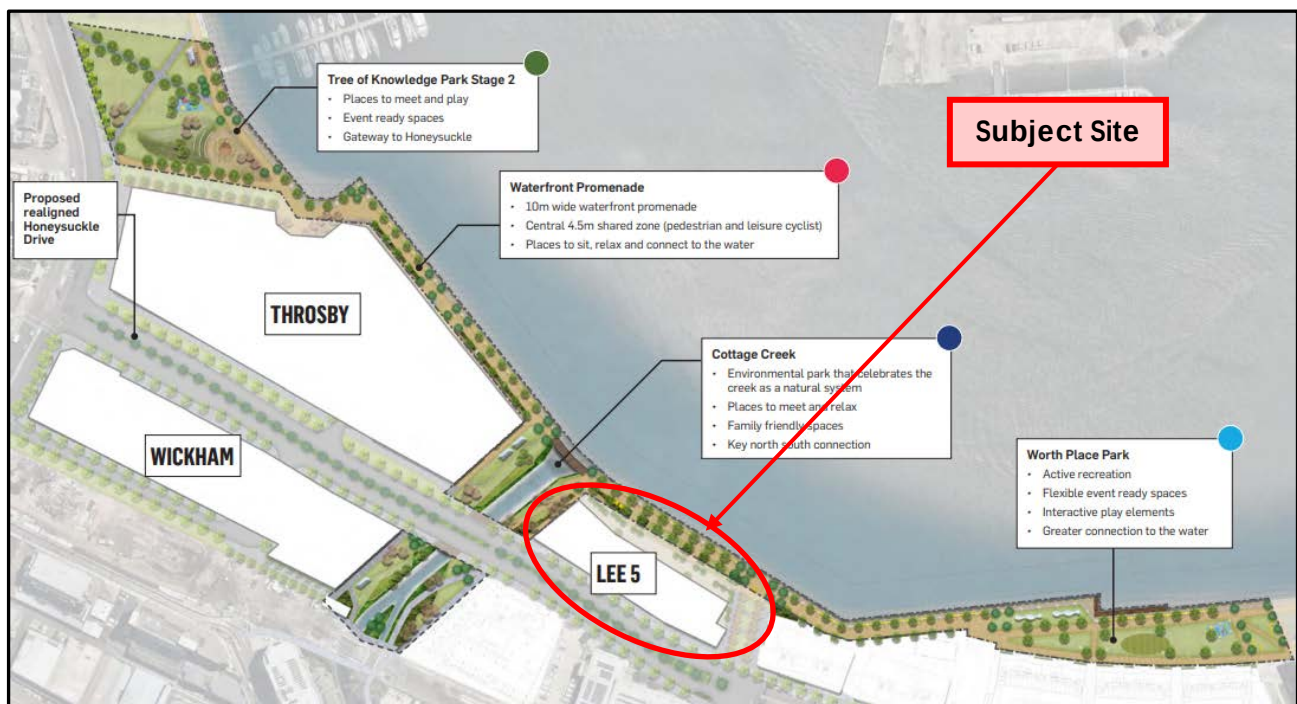


Figure 28 - Extract from the Honeysuckle Public Domain Plan.

As shown in **Figure 28** above, the northern portion of the site which adjoins the foreshore is identified in the plan to form a shared pedestrian and cyclist promenade which extends to the north-west and east. This area consists of a central shared promenade zone, lighting, seating and shade trees. The proposed development is consistent with this vision, with the development presenting to the promenade, with a combination of residential, retail and landscaped areas activating the frontage.

Adjoining the site to the west, the master plan shows a park adjoining Cockle Creek, which will be reinstated to a form an open creek channel. The vision for this area is a family friendly open space comprising shade trees, new planting pathways and seating structures. The proposed development incorporates an alfresco zone adjacent to the western building, with retail and commercial tenancies activating this frontage.

The proposed development is consistent with the objectives of the Honeysuckle Foreshore Domain Plan providing for adequate setbacks, access and landscaping.

6.10 PORT MASTER PLAN 2040

The Port Masterplan 2040 provides a broad strategic approach to long term development and operation of the port of Newcastle. The plan sets out a vision of the Port of Newcastle to become Australia's first choice east coast port, able to accommodate, attract and grow a diverse trade base in an efficient, sustainable, profitable and innovative manner.

To achieve this vision, the Port of Newcastle has identified the following goals:

- Promote the capacity of the port and supply chain to support the economy;
- Utilise existing road and rail transport assets to improve freight efficiencies;
- Facilitate new trades and supply chains;
- Support the development of new facilities and enabling infrastructure; and
- Protect the port and transport corridors from urban encroachment.

The Port of Newcastle lease area includes lands within Kooragang, Mayfield, Walsh Point, Carrington and adjoining harbour areas. The subject site is not located within the Port of Newcastle lease area, being located adjacent to the lease area to the south. Given the site's proximity to the port lease area, consideration has been given to the plan.

Relative to the proposal, the plan seeks to protect the port from urban encroachment, proactively managing the port's interface to focus on economic and environmental sustainability, and forward planning are essential for the benefit of the port and community.

The Port lands provide for development that by its nature or scale, requires separation from residential areas and other sensitive land uses. The master plan seeks to ensure that sensitive receptors and residential, recreational or commercial developments are located such that they would not impede expansion of current Port facilities, or restrict facilities in the future. The proposed development will not impact on port operations as follows:

- The proposed development is located outside of the port lease area on land identified for future urban development and will not impede the future growth of the port;
- The proposed development incorporates the recommendations of a noise assessment prepared for the site (refer **Appendix I**) which gives consideration to the existing acoustic environment, inclusive of port operations. The proposed development is therefore unlikely to create a conflict between future residents of the site and the port;
- The proposal will not obstruct the navigation of vessels through blocking sightlines or navigational aids; and
- The proposed development will not result in impacts to port related vehicular traffic.

The proposed development is consistent with the vision set out for the Port of Newcastle in the Port Master Plan 2040.

6.11 GUIDE TO INVESTIGATING, ASSESSING AND REPORTING ON ABORIGINAL CULTURAL HERITAGE IN NSW (DECCW 2011)

The heritage impact assessment prepared by Umwelt (**Appendix R**) addresses the relevant provision of this Guide.

6.12 ABORIGINAL CULTURAL HERITAGE CONSULTATION REQUIREMENTS FOR PROPONENTS 2010

The heritage impact assessment prepared by Umwelt (**Appendix R**) addresses the application of this policy, as relevant to the development.

6.13 NEWCASTLE ARCHAEOLOGICAL MANAGEMENT STRATEGY 2015

The heritage impact assessment prepared by Umwelt (**Appendix R**) addresses the application of this policy, as relevant to the development.

6.14 ABORIGINAL HERITAGE MANAGEMENT STRATEGY 2018-2021

The heritage impact assessment prepared by Umwelt (**Appendix R**) addresses the application of this policy, as relevant to the development.

6.15 INTERIM CONSTRUCTION NOISE GUIDELINES (DECCW, 2009)

The noise impact assessment prepared by Reverb Acoustics has been prepared having regard to the relevant requirements of the Interim Construction Noise Guidelines. Refer to **Appendix I**.

6.16 GUIDELINES FOR CONTROLLED ACTIVITIES ON WATERFRONT LAND (2012)

Although referenced in the SEARs, it is noted that as an SSD application, the proposal does not require a controlled activity approval, in accordance with the EP&A Act and as confirmed on the NSW Department of Industry website.

Further, it is understood that the policy referenced in the SEARs was superseded in May 2018.

Notwithstanding the exemption, consideration has been given to the May 2018 Guideline.

The overarching objective of the controlled activity provisions of the Water Management Act is to establish and preserve the integrity of riparian corridors, with a view of maintaining or rehabilitating riparian corridors where possible.

Although the development is located within 40m of waterfront land, the site adjoins Throsby Creek (Newcastle Harbour) which is in a highly altered state within an urban environment. As such, the majority of the objectives of the Guideline as it relates to riparian corridors are irrelevant to the proposal, with the exception of treating stormwater prior to discharge.

The stormwater management plan prepared by BG&E addresses water quality management. A copy of the plan is provided as **Appendix K**.

While the majority of this Guideline is not applicable to the proposal, the development will not compromise its objectives.

6.17 POLICY & GUIDELINES FOR FISH HABITAT CONSERVATION AND MANAGEMENT (2013)

The Policy and Guidelines for Fish Habitat Conservation and Management aim is to maintain and enhance fish habitat for the benefit of native fish species, including threatened species, in marine, estuarine and freshwater environments.

Although the site is in close proximity to Throsby Creek, it is unlikely to have an adverse impact on native fish species. The site is setback from the Creek and no construction will occur beyond the seawall edge. Water quality management measures have been incorporated into the project.

6.18 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN PRINCIPLES

The principles of Crime Prevention Through Environmental Design have been considered and discussed in **Section 8.3** of this report.

6.19 GUIDE TO TRAFFIC GENERATING DEVELOPMENTS (ROADS & MARITIME SERVICES)

The traffic impact assessment prepared by Seca Solutions (**Appendix L**) addresses the application of this policy, as relevant to the development.

6.20 GUIDE TO TRAFFIC MANAGEMENT – PART 12: TRAFFIC IMPACTS OF DEVELOPMENT (AUSTROADS)

The traffic impact assessment prepared by Seca Solutions (**Appendix L**) addresses the application of this policy, as relevant to the development.

6.21 ROADS & RELATED FACILITIES DPE EIS GUIDELINES

Whilst referenced in the SEARs, the Guideline relates to projects for roads and related facilities and provides guidance for key issues relating to such development.

As the proposal relates to a mixed-use development, the Guideline is not directly applicable to this application. However, consideration has been given to the broader principles and recommended structure when preparing this EIS.

6.22 NSW & ACT GOVERNMENT REGIONAL CLIMATE MODELLING (NARCIIM)

The NSW and ACT Regional Climate Modelling (NARCIIM) Project is a research partnership between the NSW and ACT governments and the Climate Change Research Centre, and is designed to create regional scale climate projections for use in climate impacts and adaptation studies, ultimately being used to inform climate change policy making.

The application of regional climate modelling for a development of this scale is not considered warranted; however, climate change and sustainability has been considered through the design of the proposal. For example, the implementation of BASIX commitments.

6.23 URBAN GREEN COVER IN NSW TECHNICAL GUIDELINES (OEH 2015)

The Urban Green Cover Technical Guidelines were prepared to offer built environment professionals practical information and typical details to encourage best practice applications of green cover, in an effort to minimise urban heat impacts across NSW. The Guidelines detail measures that can be incorporated into built form to cool our urban spaces, while providing benefits such as reduced energy costs for cooling, stormwater management, cleaner air and biodiversity habitat.

The proposed development incorporates various green cover elements, including:

- Minimising expanses of hard, unshaded pavement;
- Utilising permeable pavements;
- Incorporating areas of mass planting;
- Street tree planting; and
- Use of water sensitive urban design features, such as raingardens.

Further detail is provided in the Landscape Plan, provided as **Appendix E**.

As the proposal incorporates green cover in a variety of forms, it is considered that the proposal is consistent with the Urban Green Cover Technical Guidelines.

6.24 AUSTRALIAN GUIDELINES FOR WATER RECYCLING: MANAGING HEALTH & ENVIRONMENTAL RISKS (PHASE 1) 2006

The Australian Guidelines for Water Recycling: Managing Health and Environmental Risks deal with recycling of stormwater, greywater and treated sewage.

Various options for water recycling as part of the development proposal were considered, with rainwater harvesting to be incorporated into the design. Further detail and discussion are provided in the stormwater management plan prepared by BG&E (**Appendix K**).

6.25 NEWCASTLE SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN 2009

The development will be levied in accordance with Council's Section 94A Development Contributions Plan 2009 (updated August 2017).

As the site is identified within the Newcastle City Centre, Part B of the Plan will apply. Contributions collected under Part B will be used for public domain projects and city projects. Part B of this Plan is based on the growth and development projected in the Newcastle City Centre Plan – Vision for an additional 6,500 residents and 10,000 jobs over the next 25 years to the year 2031.

The works schedule for the expenditure within the City Centre are outlined within Appendix B of Council's Section 94A Development Contributions Plan 2009. The proposed works are needed to support growth and development within the City Centre, of particular relevance to this project will be works public domain areas of the Honeysuckle Waterfront Precinct listed under the schedule targeting completion by 2024. It is expected that the proposed development will have a significant contribution to the delivery of these works through the payment of required contributions.

The levy applies to development with an estimated cost exceeding \$250,000. A cost estimate of approximately \$54 million has been provided by a quantity surveyor. A copy of this estimate is provided in **Appendix B**.

It is noted that different rates apply for residential and non-residential development, being 3% or 2% of the estimated development cost respectively it is understood that conditions of consent will require the contributions to be made, which is required to be paid prior to release of the construction certificate.

6.26 AQUIFER INTERFERENCE POLICY (2012)

The purpose of the NSW Aquifer Interference Policy is to explain the role and requirements of the Minister administering the Water Management Act 2000 in the licensing and assessment processes for aquifer interference activities.

The proposal will involve dewatering during construction, and will therefore require an aquifer interference license. Consideration has been given to groundwater impacts and dewatering practises, as detailed in the dewatering management plan prepared by ADE Consulting Group (**Appendix O**). Further consideration of the Aquifer Interference Policy will be undertaken as part of the relevant license application.

7.0 Consultation

The SEARs require consultation to be undertaken with the relevant local, State or Commonwealth Government authorities, service providers and the local community during the preparation of the EIS. More specifically, the SEARs require the Proponent to consult with the City of Newcastle, Government Architect and the NSW Roads & Maritime Service.

This section describes the pre-submission consultation process, issues raised and how the proposed development has been amended in response to these issues.

Input was sought during the preparation of the EIS with the following agencies:

- Hunter Central Coast Development Corporation;
- NSW Roads & Maritime Service;
- NSW Government Architect;
- Transport for NSW;
- Office of Environment & Heritage;
- City of Newcastle;
- Subsidence Advisory NSW;
- Hunter Water Corporation;
- Jemena; and
- Ausgrid.

Details of the consultation are provided in **Table 7** below.

Table 7: Pre-Lodgement Consultation

STAKEHOLDER	NATURE OF CONSULTATION	OUTCOMES
Hunter Central Coast Development Corporation	Ongoing consultation throughout tendering and design process.	Various design iterations, leading to approval of final EIS and supporting documentation. A copy of the Hunter & Central Coast Development Corporation consent to lodge has been provided within Appendix AH .
NSW Roads & Maritime	Letter dated 17 April 2019 requesting feedback / comment by 30 April 2019.	An email response was provided by RMS on 11 May 2019, indicating that their primary concern is the ongoing operation of the Hannell Street / Honeysuckle Drive intersection. RMS suggested that the intersection should be modelled to assess the impact of the development and continued redevelopment of the area. Assessment of this intersection was not undertaken as part of the traffic assessment on the basis that the existing road network has been modelled extensively by HCCDC to accommodate ongoing development of the Honeysuckle Precinct and road upgrades, where appropriate, including modelling undertaken in 2019.
NSW Government	Three meetings were held	Following each meeting, the SDRP provided formal feedback to the Project design team for consideration.

STAKEHOLDER	NATURE OF CONSULTATION	OUTCOMES
Architect	between December 2018 and April 2019, between the Project's design team (CKDS, Hill Thalys and JILA) and the Government Architect NSW / State Design Review Panel.	Matters raised included: • Landscaping and public domain; • Entry hierarchy and circulation; • Internal planning and circulation; • Additional height; and • Façade materials. The Design Report prepared by the Project design team details the evolution of the proposal, based on consultation with the SDRP (refer to Appendix C). Copies of the correspondence received from the SDRP is contained in Appendix C and Appendix AG.
Transport for NSW	Letter dated 17 April 2019 requesting feedback / comment by 30 April 2019.	No response received.
Office of Environment & Heritage	Letter dated 16 April 2019, providing details of the proposal and requesting BDAR waiver.	Correspondence received from OEH and DPE, dated 8 May 2019 and 13 May 2019 respectively, waiving the requirement for a BDAR assessment. Refer to correspondence contained in Appendix S.
City of Newcastle	Letter dated 17 April 2019 requesting feedback / comments by 30 April 2019.	Email response from Council's Principal Planner (Development) indicating Council would provide comments by 7 May. Response provided 13 May 2019, which noted a meeting with Council officers was not required at this stage of the project and that Council will have the opportunity to comment on the proposal during the formal exhibition period. However, Council identified that any proposal to create a loading zone along the kerbside of Honeysuckle Drive would require a separate approval from the Newcastle Local Traffic Committee (NLTC). It is acknowledged that separate approval from the NLTC will be required.
Subsidence Advisory NSW	Letter dated 17 April 2019 requesting feedback / comments by 30 April 2019.	No response received.

STAKEHOLDER	NATURE OF CONSULTATION	OUTCOMES
Hunter Water Corporation	Section 50 Application lodged with HWC. Letter dated 17 April 2019 requesting feedback / comments by 30 April 2019.	Section 50 Notice of Requirements issued by HWC 16/4/2019, which will be used to inform detailed design. Email response from HWC dated 24 April 2019 advising that there should be no issues connecting to water and wastewater services, and consideration should be given to any relocation of water and sewer mains due to potential realignment of Honeysuckle Drive.
Jemena	Letter dated 17 April 2019 requesting feedback / comments by 30 April 2019.	No response received.
Ausgrid	A preliminary enquiry was lodged with Ausgrid by the Applicant on 27 March 2019. A connection application for the temporary builders supply was lodged with Ausgrid by the Applicant on 28 March 2019. A connection application for the chamber substation was lodged with Ausgrid by the Applicant on 18 April 2019	A response was provided by Ausgrid on 9 April 2019, advising that extension / augmentation of the Ausgrid network is required and it is likely Ausgrid will require the installation of a 1000kVA Unitised chamber sub-station. The development has been designed to accommodate the above-mentioned sub-station. An assessment response offer was provided by Ausgrid on 29 April 2019 for the temporary builders supply connection, providing guidance on how to obtain a certified design and associated certification number. An assessment response was provided by Ausgrid on 30 April 2019 for the chamber substation, providing guidance on how to obtain a certified design and associated certification number.

A copy of the correspondence issued to the various authorities and service providers are contained in **Appendix W**, with the responses provided in the table above.

In addition to the pre-lodgement consultation, it is noted that following lodgement of the application, the EIS will be exhibited, providing the community and relevant agencies further opportunity to comment on the proposal.

8.0 Key Issues

8.1 DESIGN EXCELLENCE

As part of the HCCDC competitive tender process for Lee 5, the Project design team articulated a strong concept plan for the site which resulted in Horizon Newcastle Pty Ltd becoming the successful candidate to undertake development of the site.

The design team continued to develop the scheme and presented to the State Design Review Panel (SDRP) on three occasions between December 2018 and April 2019. Through consultation and review, the design has evolved into its current form. Following the final meeting in April 2019, the panel indicated that no further meetings would be required and the outstanding items could simply be addressed through the EIS submission.

The Project design team has described the process, the matters raised and agreed outcomes in their Design Report and Design Excellence Strategy (**Appendix C**). Copies of correspondence from the SDRP are also contained in **Appendix C** and **Appendix AG**.

The design process has satisfied the design excellence requirements of NLEP 2012. A copy of the Design Excellence Strategy has been provided within **Appendix C**.

8.2 BUILT FORM, URBAN DESIGN & RESIDENTIAL AMENITY

The building form and surrounding interfaces consider the key design objectives established through site master planning, including consideration of the CHOFRI report.

The proposal has been developed having regard to the requirements of SEPP 65 and the ADG, and has evolved through ongoing consultation with the SDRP. The proposed design represents a high-quality mixed-use development, taking advantage of the sites opportunities and responding to the surrounding environment.

Key built form and urban design features of the development include:

- Three related, but distinct buildings, united by their waterfront alignment, scale, design and colour palette;
- Positioning of buildings to reinforce the general curvature of the harbour and Honeysuckle Drive. The development continues a consistent built edge along the harbour, with heights and massing consistent with adjoining and surrounding developments;
- Suitable separation from neighbouring site, with public squares providing a buffer at the eastern and western extents of the site;
- Creation of generous public and communal landscape spaces, ensuring that majority of the proposed apartments will have an outlook to at least one landscaped area;
- Ample communal spaces for residents, including two common garden areas, a roof terrace and common rooms;
- Private open space for each apartment is afforded through the provision of balconies, extending from internal living spaces;
- Amenity and privacy are achieved between the three buildings through the use of setbacks, massing, solid wall panels, external vertical louvres, screening, fin walls and internal planning; and
- Majority of the apartments are north-facing, achieving positive solar access outcomes.

The key elements described above are evident in the following figures, showing the arrangements of the built form and its appearance within the street scape.

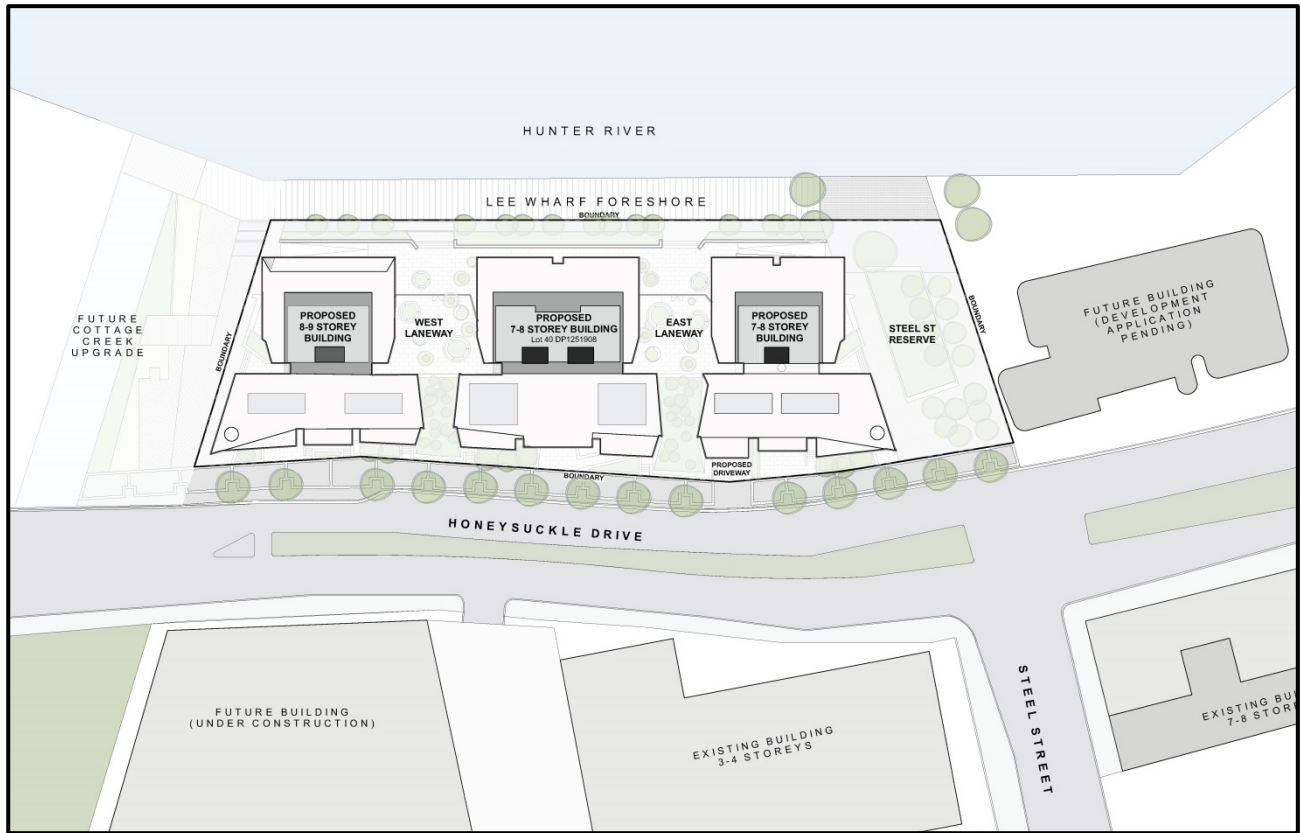


Figure 29 - Showing Building Arrangements.



Figure 30 - Photomontage of building looking east from Honeysuckle Drive.



Figure 31 - Photomontage of building looking west from Honeysuckle Drive.

For further details regarding built form and urban design, refer to the architectural drawings (**Appendix D**), SEPP 65 Verification Statement (**Appendix G**), SEPP 65 80 Objectives Review (**Appendix H**), and the Landscape Plans (**Appendix E**).

8.3 SOCIAL IMPACT

The proposed development will have a positive socio-economic impact on the community for the following reasons:

- The proposal will deliver additional, high-quality housing stock within the Newcastle City Centre;
- The proposed apartments vary in size and configuration, providing housing diversity for future residents;
- In relation to accessibility, approximately 23% of the proposed dwellings have been designed to incorporate universal design features to meet the Livable Housing Design Guidelines Silver Level (refer to **Appendix AE** for further detail). Thus, increasing housing options for those with mobility requirements;
- The proposal is well-located in terms of access to employment, services and public transport;
- The proposal will enhance the public domain as development of the Foreshore Promenade and surrounding open space is developed; and
- The development will generate approximately 150-200 positions of employment during the construction phase, and additional positions of ongoing employment once the commercial and retail tenancies become occupied.

On a broader scale, the proposal is consistent with the vision for the Honeysuckle Precinct and the revitalization of the City Centre, which is considered to have a significant positive impact on the community.

8.4 SAFETY, SECURITY & CRIME PREVENTION

Safety, security and minimising opportunities for crime can be achieved through design and place management principles. Crime Prevention through Environmental Design (CPTED) employs four key strategies, being surveillance, access control, territorial reinforcement and space / activity management.

Consideration of the safety, security and crime prevention has been considered in the context of *Crime prevention and the assessment of development applications* (Department of Urban Affairs and Planning, April 2001).

8.4.1 Surveillance

The CPTED Guidelines provide:

The attractiveness of crime targets can be reduced by providing opportunities for effective surveillance, both natural and technical.

Good surveillance means that people can see what others are doing. People feel safe in public areas when they can easily see and interact with others. Would be offenders are often deterred from committing crime in areas with high levels of surveillance.

The design and layout of the development provides an appropriate level of natural surveillance through the following elements:

- Direct connectivity from the ground floor commercial and retail tenancies to the public domain, including Cottage Creek, Steel Street and the Foreshore Promenade;
- Communal resident facilities, such as the gym and common room, presenting to Honeysuckle Drive and incorporating large expanses of glass;
- Incorporating a range of uses (commercial, retail and residential) on the ground level to encourage ongoing casual surveillance, rather than being limited by business hours;
- Direct views from apartment balconies and habitable windows at each public domain frontage as well as communal areas for residents, enabling clear sight lines to all parts of the site;
- The multi-storey nature of the building allows for elevated views across the site;
- Appropriate lighting to the building and public domain interface; and
- The landscaping will be of an open design preventing the ability to shield offenders.

8.4.2 Access Control

The CPTED Guidelines provide:

Physical and symbolic barriers can be used to attract, channel or restrict the movement of people. They minimize opportunities for crime and increase the effort required to commit crime.

By making it clear where people are permitted to go or not go, it becomes difficult for potential offenders to reach and victimize people and their property. Illegible boundary markers and confusing spatial definition make it easy for criminals to make excuses for being in restricted areas. However, care needs to be taken to ensure that the barriers are not tall or hostile, creating the effect of a compound.

The proposed development incorporates the following access controls:

- Active street frontages have been designed to encourage and attract the general public to the commercial and retail tenancies;
- Ground floor communal spaces will be fenced and gated to differentiate between public and private spaces;
- A clear vehicular access point is provided to the basement car parking, with restricted access for occupants and their visitors only;
- Multiple building entrances, with restricted access to the apartments and communal facilities to residents only; and
- Attractive landscaped spaces throughout the private and public domain areas, to encourage gathering of people.

8.4.3 Territorial Reinforcement

The CPTED Guidelines provide:

Community ownership of public space sends positive signals. People often feel comfortable in, and are more likely to visit, places which feel owned and cared for. Well used places also reduce opportunities for crime and increase risk to criminals. If people feel that they have some ownership of public space, they are more likely to gather and to enjoy that space. Community ownership also increases the likelihood that people who witness crime will respond by quickly reporting it or by attempting to prevent it.

The proposed development will achieve natural territorial reinforcement through the following:

- Providing clear transitions and boundaries between public and private spaces, through the use of fencing, gates and restricted access;
- The design encourages people to gather in public spaces, by providing generous outdoor spaces that flow from the retail tenancies onto the Foreshore Promenade;
- Enhancement of public and private spaces through high quality design and landscaping, encouraging new residents and commercial tenants to take pride and ownership of the buildings and their surrounds; and
- Provision of signage throughout the development to provide clear cues as to who is to use the space or access point, for example entrances restricted to residents only.

8.4.4 Space Management

The CPTED Guidelines provide:

Popular public space is often attractive, well maintained and well used space. Linked to the principle of territorial reinforcement, space management ensures that space is appropriately utilized and well cared for.

The following space and activity management measures have been incorporated into the development:

- It is anticipated that the development will be subject to regular maintenance and upkeep, particularly the landscaped public and private domain areas. Maintenance assists with developing pride of place for its occupants, and can indicate that users have more control over their surroundings and less likely to tolerate disorder or vandalism.

It is considered that through the employment of the above strategies, the likelihood and opportunity for criminal, anti-social or intimidating behaviour will be reduced. Taking the above into consideration, the proposed development will have a positive impact upon the site and surrounds in terms of the relevant CPTED principles.

8.5 ECOLOGICALLY SUSTAINABLE DEVELOPMENT

The four broad principles of ecologically sustainable development are as follows:

- The precautionary principle;
- Intergenerational equity;
- Conservation of biological diversity and ecological integrity; and
- Improved valuation, pricing and incentive mechanisms.

The proposal incorporates sustainable building practices and elements, demonstrating a genuine effort to improve the sustainability performance of the development. The design places a focus on reducing the demand for resources, whilst offering excellent amenity to future occupants.

The following measures have been considered and incorporated into the design:

- The proposal meets the required BASIX targets, promoting a high standard of environmental performance, as discussed in **Section 8.4.1** below;
- Site planning and building design maximize the benefits of passive solar design to the apartments, providing passive heating and improving daylight penetration during cooler months;
- Buildings have been designed to maximize natural ventilation, with majority of apartments benefiting from cross ventilation;
- Material selection is intentionally robust, reducing ongoing maintenance requirements;
- Installation of WSUD measures, including raingardens to manage water quality and rainwater tanks for water reuse on landscaped areas, thus reducing water consumption; and
- Generous landscaping throughout the ground level, using suitable hardy, endemic plant species, providing green cover in an urban environment.

By incorporating the above measures, the development encourages a reduction in the demand for resources and energy usage. This will not only provide benefit to the current generation, include cost savings, but also to future generations through the equitable sharing of resources.

Further, the development is an example of intensifying development within an existing urban environment, utilizing highly altered land with minimal biodiversity or ecological integrity. In this regard, it will not impact on areas of biological diversity and ecological integrity.

It is considered that the proposal is consistent with the relevant ESD principles, in particular promoting sustainability and intergenerational equity, and does not compromise the conservation of biological diversity and ecological integrity.

8.5.1 BASIX Commitments

A BASIX Certificate has been obtained for the proposed development by Evergreen Energy Consultants. A copy of the Certificate is provided in **Appendix J**.

The proposed development meets the required water, energy and thermal comfort targets required by BASIX. All relevant BASIX commitments are indicated on the architectural drawings, provided in **Appendix D**.

8.6 NOISE

A noise impact assessment has been prepared by Reverb Acoustics to accompany the application. The purpose of the report is to determine the impact that road traffic, commercial and Port-related noise would have on the development, as well as an assessment to determine the noise impact activities and equipment associated with the proposed development may have on nearby properties.

The assessment indicates the site is suitable for the proposed development, provided the recommended noise attenuation measures are implemented. The assessment of external noise impact on the development requires a combination of measures be incorporated including minimum glazing, wall and roof construction in order to meet the relevant EPA and RMS requirements.

In relation to the impact on adjoining neighbors, potential noise sources include commercial and residential air conditioner condensers and carpark exhausts. Results indicate that the noise emissions from anticipated plant is predicted to be compliant with the relevant EPA criteria at the nearest residences, provided plant is installed at the specified location being the roof. Notwithstanding, Reverb Acoustics recommends that once final mechanical plant selections and locations have been finalized, details should be provided to the acoustic consultant for approval.

8.7 TRANSPORT & ACCESSIBILITY (OPERATION)

A traffic and transport impact assessment has been prepared by Seca Solution to inform the proposed development. The assessment includes consideration of the following:

- Future traffic generation associated with the proposed development;
- Impact on the local road network due to additional flows;
- Review of access arrangements for the development;
- Assessment of other transport impacts associated with the development, including active and public transport options; and
- Consideration of the development in the context of the relevant State and local transport plans.

This section of the EIS provides a summary of the traffic and transport considerations, and a copy of the assessment is contained in **Appendix L**.

8.7.1 Vehicular Access

The site has road frontage to Honeysuckle Drive. The development proposes a vehicular access via a single combined entry / exit point off Honeysuckle Drive, towards the eastern end of the site. Access will be restricted to left-in, left-out, with motorists having the ability to use the Honeysuckle Drive / Worth place roundabout to perform a U-turn function, if required.

The proposed driveway will accommodate light vehicle movements only. Larger service vehicles will park on-street, with no access within the building footprint due to height limitations. Excluding waste management vehicles, the servicing requirements for the development are relatively minor and it is anticipated that majority of the servicing would be completed by small commercial vehicles (such as a Toyota HiAce).

To manage the above, a loading zone is proposed on Honeysuckle Drive along the front of the proposed eastern-most building, in proximity to the development's waste storage area. It is proposed that the loading zone will operate at set times, allowing for waste collection to occur on street.

It is acknowledged that the location of the Loading Zone will need to be reviewed and discussed with Council.

8.7.2 Parking

The development proposes two levels of basement parking, with access from a single entry / exit point from Honeysuckle Drive. The objective of the carparking strategy is to provide ample parking for the residents and staff living and working within the proposed development.

In order to determine the minimum number of car spaces required for the proposal, reference is made to the Newcastle Development Control Plan 2012 as a guide. The DCP specifies parking rates for residential flat buildings and non-residential development, within the Newcastle City Centre.

The DCP parking requirements and the proposed supply is detailed in **Table 8** below.

Table 8: Parking Requirements (Seca Solution, May 2019)

Parking For	Based On	Spaces Required DCP City Centre
One Bedroom Units (0.6 per unit)	14 dwellings	8.4
Two Bedroom Units (0.9 per unit)	51 dwellings	45.9
Three Bedroom Units (1.4 per unit)	45 dwellings	63
Residential Sub total		118
Visitors (1 space for first 3 units then 1 space per 5 units)	110 dwellings	22.4
Commercial/Retail	556 m ² GFA	9.3
Total		150

As outlined above, the DCP would require a total of 150 parking spaces to service the development.

The development proposes a total supply of 212 car spaces, which exceeds the minimum number of spaces required by the DCP.

In terms of the allocation, however, the Proponent is conscious that the proposed development is a luxury development and it is anticipated that future residents will expect that private vehicles can be housed within the development, rather than on-street or in public parking stations. It is considered that the number and breakdown of car spaces required by the DCP does not reflect likely resident expectations in terms of car parking.

In this regard, the development proposes the following:

- Eleven (11) parking spaces for non-residential uses, including one (1) space for service vehicles (eg. Toyota Hi-Ace). These spaces will double as visitor spaces after-hours and on weekends; and
- 201 parking spaces for residential uses, allowing for majority of two- and three-bedroom units to have two (2) parking spaces (in some instances tandem) and a single space per one-bedroom unit.

It is proposed that the eleven (11) non-residential parking spaces will provide opportunities for visitor parking outside of commercial business hours. This is on the basis that demands for residential visitor parking typically occur in the evening or on a weekend. These dual-use spaces, if made available to visitors out-of-hours, ensure visitor spaces are not subject to abuse by residents utilising them for private parking. It also provides more efficient use of parking supply within the site, enabling a higher level of parking for residents and an effective management and utilisation of non-residential and visitor parking spaces.

The proposed approach to parking responds to the increasing demand for on-street parking in the Honeysuckle Precinct, particularly during the day. Demand has increased in the area with the removal of public car parks in the vicinity of the site.

The provision of adequate parking capacity to accommodate the parking needs and expectations of Lee 5 residents on-site will not only benefit the occupants, but also the general public by minimising the need for Lee 5 occupants to use existing on-street parking supply.

Further, the proposed approach to visitor parking is likely to encourage visitors to utilise the existing nearby public transport network to access the site. Thus, reducing the number of vehicle trips to and from the site, and utilising the public transport facilities on offer.

It is considered that the number and distribution of car parking is appropriate to accommodate the needs of the development and its occupants. Further, it responds to the current carparking situation within the Precinct and is likely to encourage the use of public transport, particularly by visitors. Whilst it differs from Council's DCP, it is noted that this is a guide in the context of this application and the proposed outcome is justified.

8.7.3 Traffic Generation

Traffic generation rates associated with the proposed development have been determined using the *RMS Guide to Traffic Generating Development*. This guideline identifies traffic generation rates based on land use, including high density residential flat buildings and commercial uses (such as retail, offices and cafes).

With regard to the traffic generation rates used for the assessment, the following is noted:

- As the intended use of the commercial spaces are yet to be determined, specific traffic generation rates cannot be applied. It is anticipated that the ground floor commercial spaces are likely to attract a combination of passing trade from Honeysuckle Drive as well as future residents of the Honeysuckle Precinct. In this regard, a rate of five vehicles per hours has been applied; and
- Trip generation rates for high density residential flat buildings are split between Sydney and Regional NSW. Given the location of the site within the Newcastle City Centre, it is anticipated that the traffic generation rate would be somewhat lower than that for Regional NSW. A peak traffic generation rate of 0.3 trips per dwelling has been allowed for in both the AM and PM peak. This is consistent with the upper limits for developments in Sydney.

The above assumptions also factor in the development's location which is likely to encourage the use of public transport, walking and cycling for connections within the CBD and other locations throughout Newcastle.

It is anticipated that the development could generate in the order of 380 vehicle movements per day, which would be reasonably split between 190 entering the site and 190 exiting the site per day.

As discussed in the traffic impact assessment, it is noted that the subject site and proposed land use is consistent with the overall master plan for the Honeysuckle Precinct, which has been informed by previous traffic assessments and the appropriate road upgrades identified. In this regard, the traffic impacts associated with the proposal have been accounted for.

8.7.4 Alternate Transport Options

The site is well located with respect to public transport opportunities. The site is situated in convenient walking distance to the Newcastle Interchange, being a multi-modal transport interchange located at Wickham, west of the site on Stewart Avenue. This major transport hub links trains, buses, taxis and the Newcastle Light Rail.

The Honeysuckle light rail station is located 220m east of the site, providing a convenient connection to the light rail network that runs east-west through the CBD. Pedestrian footpaths connect Honeysuckle Drive through to the light rail stop.

Multiple bus services are available along Hunter Street, which can be easily accessed by pedestrians via the Steel Street link. These services provide access to other parts of the Newcastle CBD, and further afield to locations such as John Hunter Hospital, Charlestown Square and the University of Newcastle.

The development is also within convenient and easy walking distance to the Stockton Ferry Terminal, further east.

In terms of pedestrian and cyclist access, the site is well connected to the existing network of pedestrian and cyclist pathways.

Residents, workers and visitors will benefit from the existing facilities between the site and the broader Honeysuckle and CBD precincts. The development further supports active transport options through the provision of bicycle storage for building occupants.

Overall it is considered that the proposed development is well-positioned to access and benefit from the existing public transport and pedestrian / cyclist network.

8.8 FLOODING

The subject site is identified as being affected by ocean and local catchment flooding. A flood impact assessment has been prepared by Northrop to inform the application, and is enclosed as **Appendix F**.

The proposed building footprint will inhibit flood water in the 1% AEP ocean flooding event the development site. In PMF events, however, flood water will be able to enter the development site at localized locations, most notable the pedestrian linkage path and vehicle access points.

It is noted that the proposed development footprint has been accounted for in the broader Honeysuckle Redevelopment Flood Study (2018). The Study, which has been endorsed by Council to support development in the Honeysuckle area, identifies the most critical flood classification for the subject area as floodway – being the Steel Street Floodway.

As the proposed development remains outside of the Steel Street Floodway, the most critical flood classification within the development footprint is Flood Fringe. As per the Newcastle DCP, Flood Fringe areas are described as the remaining areas of floodplain not included in flood storage areas and floodways. Flood Fringe areas can typically be developed without reference to how the development will affect the flood behavior either upstream or downstream.

In this regard, it is expected that the development will not have a significant adverse impact on the flood behavior both on-site or on the adjacent properties.

In relation to habitable floor levels, vehicular access and on-site refuge, the proposed development is generally consistent with Newcastle DCP 2012 and Newcastle Citywide Floodplain Risk Management Study and Plan. In summary:

- All ground floor levels are situated at or above the 1% AEP of 2.50m AHD;
- All habitable flood levels are set at the Flood Planning Level, being 2.90m AHD;
- Non-habitable flood levels (such as bin storage and the proposed substation) are situated at 2.50m AHD, being the 1% AEP; and
- The lowest basement parking level is proposed at -3.3m AHD. It is acknowledged that this level is below the FPL, however, the proposed crest level is set at FPL of 2.90 AHD, which is consistent with the requirements of Newcastle DCP (Section 4.01 Flood Management).

The Flood Information Certificate obtained for the site indicates that the highest Life Hazard Category for the overall site is L4, relating to local catchment flooding. An L4 hazard classification is commensurate with flash flooding and requires evacuation to a suitable flood free refuge within the proposed development site, in this instance being refuge above the PMF level of 3.40m AHD. On this basis, refuge may be sought in all levels above the ground floor.

In summary, the flood assessment undertaken concludes that:

- The proposed development is compatible with the flood hazard on site and the floodplain risk management plans applicable to the site;
- It is unlikely that the proposal will cause significant adverse impacts on flood behavior on adjacent properties;
- The proposal incorporates appropriate design features to minimize risk to property and life as a result of flooding;
- A Flood Emergency Management should be prepared and implemented prior to occupation of the building;
- It is unlikely that the proposal will cause migration of the ecosystem in the vicinity of the development; and
- The development is unlikely to cause avoidable stream erosion, destruction of riparian vegetation or reduce the stability of river banks and watercourses.

Based on the above, and the assessment provided in **Appendix F**, it is considered that flooding can be appropriately managed on site to mitigate potential impacts to surrounding properties as well as flood hazard on site.

8.9 WATER QUALITY

8.9.1 Stormwater Quality

To manage stormwater quality, water sensitive urban design elements have been incorporated as part of the development design.

During the operational phase of the development, there is potential for the following pollutants to occur in the sites stormwater runoff:

- Litter;
- Sediments;
- Hydrocarbons;
- Toxic materials; and
- pH altering substances.

MUSIC modelling has been undertaken to assess the post-development stormwater discharge concentration of key pollutants from the site. Whilst Newcastle DCP does not apply to this application, Council's stormwater pollutant reduction targets have been applied to the development as a benchmark.

In order to achieve the pollutant reduction targets, the following stormwater quality improvement devices (SQID) are proposed:

- Two 5kL rainwater tanks, with reuse demands for landscaped areas; and
- Three raingardens, proposed to be located in raised beds aligned with the northern edge of the subject site.

By incorporating the above SQIDs into the design, it is considered that the proposal will satisfactorily mitigate potential stormwater quality impacts associated with the development.

For further detail, refer to the stormwater management plan prepared by BG&E, enclosed as **Appendix K**.

8.9.2 Groundwater Quality

Site investigations undertaken by ADE Consulting Group, including review of previous studies, include an assessment of groundwater and appropriate management measures.

The results of the groundwater assessment indicate that groundwater was inferred between depths of about 2.0m and 3.0m below existing surface levels, which is above the basement level. Therefore, temporary dewatering will be required in order to construct the proposed basement level.

Groundwater is expected to be extracted during the dewatering process, and may require treatment and management prior to discharge to the stormwater or sewer system if contaminants are present. Heavy metals, PAH, BTEX and TRH exceedances were detected within groundwater monitoring wells, through previous site investigations, and it is recommended that additional testing be undertaken to determine whether contaminants are still present.

Groundwater quality monitoring will be necessary for the duration of dewatering activities at the Site.

It is expected that dewatering will be carried out from inside the shoring walls around the basement perimeter.

ADE recommend that modelling of the dewatering be carried out in order to access the required depth of the shoring walls to provide partial cut-off and the expected drawdown outside of the basement perimeter.

Due to the deep excavation and proximity to the Hunter River a 600mm diameter concrete secant retaining wall around the site perimeter is proposed to withstand lateral earth and hydrostatic groundwater pressures.

It is also recommended that footing details of the adjoining buildings and structure must be confirmed. Monitoring of the adjacent ground surface levels must be assessed of their susceptibility to ground settlements.

A hydrostatic basement slab is also proposed to withstand uplift pressures, with ground anchors and/or dewatering suggested to resist uplift in the temporary construction state. ADE recommend that groundwater monitoring wells be installed, and readings taken regularly to assess the longer-term groundwater levels. Allowance should be made within the slab design for a rise in groundwater levels of about 1.5m above the measured levels.

Further details regarding the remediation and management of groundwater and dewatering activities are contained in the geotechnical assessment, remediation action plan and dewatering management plans, provided as **Appendices Z, AA and O** respectively.

8.10 MINE SUBSIDENCE

The site has been the subject of several investigations to understand and respond to mine subsidence constraints. Further, it is understood that mine stabilization works were completed in 2017, which included drilling a number of boreholes to the mine workings and infill grouting.

As the stabilization strategy for the site was to control the crush front rather than blanket fill whole workings within the angle of draw, it is recommended that future development of the site is designed to accommodate the following subsidence parameters:

- Maximum surface subsidence (S_{max}) of 0.1m;
- Maximum surface tensile strain ($+E_{max}$) of 1.0mm/m;
- Maximum surface compressive strain ($-E_{max}$) of 1.45mm/m;
- Maximum surface tilt (G_{max}) of 2.7mm/m;
- Minimum radius of curvature concave down 10km; and
- Minimum radius of curvature concave up 7km.

Further detail is contained in the mine subsidence advice prepared by Coffey Projects, enclosed as **Appendix P**.

In response to the above, a structural engineering mine subsidence design statement has been prepared by BG&E to support the proposed development. A structural assessment against the above parameters has been undertaken, with BG&E confirming that the proposed structural design will be designed to remain safe, serviceable and any potential damage from mine subsidence shall be limited to 'very slight' damage in accordance with AS2870 (Damage Classification) and readily repairable.

A copy of the structural engineering mine subsidence design statement is enclosed as **Appendix Q**.

8.11 HERITAGE

A heritage assessment has been undertaken by Umwelt to accompany this application. A copy of the report is contained in **Appendix R**, with the key findings summarized below.

8.11.1 European Archaeological Heritage

There are no listed heritage items within, or within the vicinity of (100m), the project area. The project area is located approximately 75m to the north of the boundary of the Newcastle City Centre Heritage Conservation Area, which is located on the southern side of the rail corridor.

The development surrounding the project area, which is of a similar scale and character to the proposed development, effectively separates and screens all heritage items and areas within proximity to the proposed development. On this basis, the proposal will not have an adverse impact on built heritage in the area and no further management or mitigation is required in relation to built heritage.

In relation to historical archaeology, the heritage assessment concludes that there is low to no potential for any significant archaeological relics to be present and therefore exposed within the project area. Whilst there is high potential for rail lines (still visible) on the site, these are considered 'works' rather than 'relics' for the purposes of the Heritage Act, and have already been effectively recorded through aerial imagery, survey and site inspection photographs.

In this regard, it is considered that the proposal is unlikely to adversely affect historical archaeology, and no further archaeological investigation is required for the project area.

8.11.2 Aboriginal Cultural Heritage

The project area has been assessed with reference to the requirements of the NPW Act, including assessment under the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* to determine whether the proposal is likely to harm an Aboriginal object. The Heritage Assessment prepared by Umwelt is attached at **Appendix R** of this report.

The project area does not contain any recorded Aboriginal archeological sites. Further, the project area comprises reclaimed land, with the land reclamation primarily occurring in the early 20th century. The site is underlain by 20th century fill deposits. Prior to land reclamation, the project area consisted of Throsby Creek and in its original state would not have been suitable for Aboriginal people (being underwater or only exposed at low tide). Based on ongoing alluvial action, any Aboriginal objects that may have been deposited would have been relocated by flooding and changes in deposition over the period elapsed since deposition.

In this regard, the project area has low to no archeological potential and there is low to no likelihood that the proposed works will result in harm to Aboriginal objects. On this basis, there is no requirement for further Aboriginal archeological assessment in accordance with the Due Diligence Code, including consultation under the *Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation 2005* and *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

8.12 BIODIVERSITY

As discussed previously in this EIS, the subject site is highly disturbed and consists entirely of hardstand areas. As the project area is void of vegetation and situated in an urban setting, the development will have no significant impact on biodiversity values.

As per correspondence contained in **Appendix S**, the DPE and OEH have considered the proposal and waived the requirement to prepare a Biodiversity Development Assessment Report. As such, no further consideration of biodiversity is warranted for the proposal.

8.13 SEDIMENT, EROSION & DUST CONTROLS

During construction and excavation, there is potential for the development to result in adverse soil, water and quality impacts if not effectively managed. Possible impacts include:

- Exposure of soils during earthworks leading the sediment runoff into downstream locations;
- Exposure and disturbance of acid sulfate soils; and
- Generation of dust as a result of plant and vehicle movements, excavation works, and machine operation.

Such impacts have the potential for affecting nearby sensitive receivers and environments.

A range of soil, water and dust control measures will be implemented during the construction phase of the development. These are detailed specifically in the CEMP (**Appendix M**), the acid sulfate soils management plan (**Appendix U**) and the concept erosion and sediment control plan (**Appendix T**).

It is considered that impacts associated with erosion, sediment and dust will be mitigated effectively through the implementation of the measures detailed in these documents.

8.14 UTILITIES

Essential utility infrastructure is available to the site, as shown on the detail survey plan (**Appendix V**). Ausgrid and Hunter Water have issued preliminary advices on their requirements to accommodate the proposed development. It is noted that further consultation and applications will be required to the relevant utility providers as part of the development's detailed design phase.

8.15 PUBLIC BENEFIT & CONTRIBUTIONS

As discussed in **Section 6.25**, the proposal is subject to payment of Section 94A contributions, in accordance with Council's Development Contributions Plan. Based on the plan, it is understood that contributions will be utilized by Council for public domain projects, which will benefit not only residents of the City Centre but also the broader community.

As the site is identified within the Newcastle City Centre, Part B of the Plan will apply. Contributions collected under Part B will be used for public domain projects and city projects. Part B of this Plan is based on the growth and development projected in the

Newcastle City Centre Plan – Vision for an additional 6,500 residents and 10,000 jobs over the next 25 years to the year 2031.

The works schedule for the expenditure within the City Centre are outlined within Appendix B of Council's Section 94A Development Contributions Plan 2009. The proposed works are needed to support growth and development within the City Centre, of particular relevance to this project will be works public domain areas of the Honeysuckle Waterfront Precinct listed under the schedule targeting completion by 2024. It is expected that the proposed development will have a significant contribution to the delivery of these works through the payment of required contributions.

8.16 SERVICING & WASTE

The proposal will generate waste during the construction and operation phases. The types of waste requiring management and disposal will differ significantly between these two phases, and are therefore addressed separately below.

8.16.1 Construction Waste

The CEMP prepared for the development details waste management strategies, with the objective of preventing or minimizing adverse environmental impacts from wastes during construction. Specifically, the waste management strategies aim to minimize generation, maximize reuse and recycling, and to ensure safe and lawful disposal of all waste.

Possible sources of waste include material used for construction activities (such as concrete, steel, plastic, bitumen, masonry and timber), personnel waste, and excess soil.

The following waste mitigation measures will be implemented during construction, as and when required:

- All contaminated waste (as defined by Environmental Waste Guidelines) that may be encountered on site will be stored and disposed of in a manner that minimises the impacts of the waste on the environment, including appropriate segregation for storage and separate disposal by a licensed waste transporter;
- Asbestos waste will be removed in accordance with the relevant guidelines and disposed of at a licensed landfill by licensed transporter;
- Contaminated concrete or brick will be disposed of as per item 1 above;
- Recyclable wastes (scrap metal) will be transferred by a licensed waste carrier to an appropriate recycling facility where possible;
- Waste will be stored neatly in appropriate bins or stockpiles, in such a manner that storm water run-off does not come into contact with the waste;
- Contaminated soil will be managed as per the Soil and Water Management Plan;
- All personnel working on the site will be informed of their responsibility to reduce waste where possible and will receive instruction on what waste materials can be recycled and where the appropriate bins are located during the site induction; and
- Secure lids would be fitted to bins that store food waste to prevent scavenging by birds and animals.

Further details regarding construction waste management are contained in the CEMP (**Appendix M**).

8.16.2 Operational Waste

A waste management plan has been prepared by Elephants Foot Recycling Solutions which addresses operational waste for the residential and commercial uses, post-occupation. The overall waste management strategy promotes the following key objectives:

- Promote responsible source separation to reduce the amount of waste that results in landfill, by implement convenient and efficient waste management systems;
- Ensure adequate waste provisions and robust procedures that will cater for potential changes during the operational phase of the development; and
- Compliance with all relevant codes, policies and guidelines.

Multiple waste storage rooms and areas are proposed on the ground level and in the two basement levels, which will be available for both commercial and residential waste. The waste rooms have been arranged so that all bins are accessible at all time, with sizing determined by the numbers of bins likely to be required by the development.

Residential Waste Management

Estimated waste volumes and provisions are detailed in the waste management plan. In summary, the recommended bin quantities and collection frequencies are as follows:

- General waste: 8 x 660L MGBs collected twice weekly; and
- Recycling: 8 x 660L MGBs collected weekly.

Residents will be responsible for transporting their general waste and recyclables to one of the waste rooms.

Communal areas such as the gym and lobby are likely to generate minimal waste; however, where appropriate will be supplied with suitable waste and recycling bins.

Commercial and Retail Waste Management

Estimated waste volumes and provisions are detailed in the waste management plan. In summary, the recommended bin quantities and collection frequencies to support commercial and retail uses are as follows:

- General waste: 5 x 660L MGBs collected twice weekly; and
- Recycling: 7 x 660L MGBs collected weekly.

Tenants will be responsible for their own storage of garbage and recycling back of house during daily operations. On completion of each trading day, or as required, nominated retail staff / cleaners will transport their garbage and recycling to the waste room and place garbage and recycling into the appropriate collection bins.

Waste Collection and Servicing

Council will be engaged to collect waste and recycling from the residential component of the development, twice weekly for general waste and weekly for recycling. The building manager will be responsible for transporting the 660L MGBs to and from each of the residential waste rooms in the basement levels to the waste collection area on the

ground floor. On collection days, a Council HRV will park in the designated Loading Zone off Honeysuckle Drive and service the bins. Bins will be returned to their designated location upon servicing, by the building manager.

For the commercial and retail tenancies, a private waste contractor will be engaged to service these bins on an agreed schedule. On service day, a private collection vehicle will park in the Loading Zone on Honeysuckle Drive and service the bins. Access will be arranged by the building manager or via key card provided to the contractor.

Full details of the development's waste management strategy are detailed in the Waste Management Plan, provided as **Appendix X**.

9.0 Environmental Impact Assessment

9.1 MITIGATION MEASURES INCORPORATED

Following a review of the key issues in **Section 8**, this Section of the EIS addresses the likely impacts of the proposed development and the measures proposed to mitigate any adverse impacts:

- Building and site design to ensure adequate separation to maintain privacy, view corridors and solar access;
- Appropriate floor levels to mitigate potential flood impacts;
- Incorporating noise attenuation measures (such as glazing) to mitigate external noise impacts on future occupants;
- Incorporating WSUD devices to manage impacts on water quality and encourage re-use of rainwater;
- Implementation of the CEMP, including traffic and pedestrian management, to minimise impacts associated with the constructions work on the surrounding environment, local road network and nearby sensitive receivers;
- Implementation of sediment and erosion controls during excavation and construction, to minimise impacts on downstream environment; and
- Implementation of dust suppression strategies during excavation and construction to minimise air quality impacts on the surrounding environment.

The following ongoing management measures will mitigate potential ongoing impacts of the development once operational:

- Implementation of the Plan of management (**Appendix AC**) for the building, detailing for example arrangements for delivery and service vehicles, noise management, maintenance and dealing with antisocial behaviour; and
- Implementation of the waste management plan to ensure effective and efficient management of waste for both the residential and commercial uses.

10.0 Conclusion

This SSD application seeks development consent for the construction of a mixed-use development at 45 Honeysuckle Drive, Newcastle.

The development proposes 110 apartments, three retail tenancies and one commercial tenancy, plus two levels of basement carparking. The development consists of three separate buildings, aligning with the curvature of the harbour and Honeysuckle Drive. The proposal represents a high-quality design outcome, which emphasises activation of the public domain whilst providing a high level of amenity to residents.

The proposed design has been the subject of a competitive tender process through HCCDC, as well as ongoing review and evolution in consultation with the SDRP. In this regard, it is considered that the proposal achieves design excellence.

This EIS considers the potential impacts of the development, and determines that the proposal does not present any significant or adverse environmental impacts. The proposal is generally compliant with the relevant planning controls and statutory considerations. Where variation is sought from specific planning controls, the variation has been suitably justified.

On a broader scale, the proposed development is consistent with the objectives and vision for the Honeysuckle Precinct and will contribute to the revitalisation of the Newcastle City Centre.

For the above reasons, this application is considered to be in the public interest and worthy of development consent.

Appendix A

SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS (DPE 31 JAN 2019)

Appendix B

QS REPORT (PROPERTY CONCEPT & MANAGEMENT)

Appendix C

DESIGN REPORT (HILL THALIS AND CKDS) & DESIGN EXCELLENCE STRATEGY (ADW JOHNSON)

Appendix D

ARCHITECTURAL DRAWINGS (HILL THALIS AND CKDS)

Appendix E

LANDSCAPE PLANS (JILA)

Appendix F

FLOOD ASSESSMENT (NORTHROP)

Appendix G

SEPP 65 VERIFICATION STATEMENT (HILL THALIS AND CKDS)

Appendix H

SEPP 65 80 OBJECTIVES STATEMENT (HILL THALIS AND CKDS)

Appendix I

NOISE ASSESSMENT (REVERB ACOUSTICS)

Appendix J

BASIX REPORT (EVERGREEN ENERGY CONSULTANTS)

Appendix K

STORMWATER MANAGEMENT PLAN (BG&E)

Appendix L

TRAFFIC AND TRANSPORT ASSESSMENT (SECA SOLUTION)

Appendix M

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (BLOC)

Appendix N

CONSTRUCTION TRAFFIC MANAGEMENT PLAN (SECA SOLUTION)

Appendix O

DEWATERING MANAGEMENT PLAN (ADE CONSULTING)

Appendix P

MINE SUBSIDENCE ADVICE (COFFEY PROJECTS)

Appendix Q

MINE SUBSIDENCE DESIGN STATEMENT (BG& E)

Appendix R

HERITAGE ASSESSMENT (UMWELT)

Appendix S

BIODIVERSITY WAIVER (OEH, DPE)

Appendix T

CONCEPT EROSION AND SEDIMENT CONTROL PLAN (BG&E)

Appendix U

ACID SULFATE SOILS MANAGEMENT PLAN (ADE CONSULTING)

Appendix V

DETAIL SURVEY (ADW JOHNSON)

Appendix W

CONSULTATION DOCUMENTATION

Appendix X

WASTE MANAGEMENT PLAN (ELEPHANTS FOOT RECYCLING SOLUTIONS)

Appendix Y

PROPOSED SUBDIVISION PLAN

Appendix Z

GEOTECHNICAL ASSESSMENT (ADE CONSULTING)

Appendix AA

REMEDIATION ACTION PLAN (ADE CONSULTING)

Appendix AB

STORMWATER CONCEPT PLAN (BG & E)

Appendix AC

PLAN OF MANAGEMENT

Appendix AD

CLAUSE 4.6 VARIATION (ADW JOHNSON)

Appendix AE

ACCESS REPORT (IN DESIGN)

Appendix AF

BCA REPORT (NEWCERT)

Appendix AG

GOVERNMENT ARCHITECT NSW ADVICE LETTER

Appendix AH

HUNTER & CENTRAL COAST DEVELOPMENT CORPORATION CONSENT TO LODGE

Appendix A1

ENVIRONMENTAL RISK ASSESSMENT (ADW JOHNSON)