

***MODIFICATION REQUEST:  
Honeysuckle Central  
Mixed Use Development  
Honeysuckle Drive, Newcastle  
(MP08\_0043 MOD 1)***



***Description of Modification Request***

- modify external facades
- remove two vehicle access ramps
- increase GFA and landscaped area
- increase car parking provision
- modify ESD targets.

Director-General's  
Environmental Assessment Report  
Section 75W of the  
*Environmental Planning and Assessment Act 1979*

April 2012

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## EXECUTIVE SUMMARY

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This report is an assessment of a modification request (MP08\_0043 MOD1) lodged by Honeysuckle Central Unit Trust (the proponent) requesting to modify to project approval MP08\_0043, which permitted the construction of 3 x 8 storey buildings connected via a 3 storey podium car park at Honeysuckle Drive, Newcastle.

Condition B6 of the project approval (MP08\_0043) required the proponent to prepare revised architectural and landscape plans to address the following:

- include individual building identity features on the northern facades;
- reduce the visual bulk and dominance of the southern façade; and
- increase the deep soil planting, reduce paving or hard surfaces, and locate shade trees along Honeysuckle Drive subject to accessibility requirements still being satisfied.

In revising the design, the proponent has elected to revisit the building footprint, vehicle access and car parking provisions of the proposal. Specifically, the proposed revised design includes revised building facades, removal of 2 vehicle access ramps, a reduction of 447 m<sup>2</sup> in the ground level building footprint, an increase of 1,085 m<sup>2</sup> in GFA, an increase of 447 m<sup>2</sup> in landscaped area and provision of an additional 83 car parking spaces. Additionally, the modification request seeks approval to modify the ESD targets identified in condition B10 and the Statement of Commitments in the project approval.

The modification request was made publicly available on the department's website, and at Newcastle City Council from 25 May 2011 to the 24 June 2011. The Department received eight (8) submissions from public authorities, including Newcastle City Council, Hunter Development Corporation, Mine Subsidence Board, Railcorp, RTA, Office of Environment and Heritage, Hunter Water and Transport NSW. No submissions were received from the general public. Issues raised in submissions included ESD, car and bicycle parking, access, and rail corridor impacts.

The department has assessed the merits of the proposed modifications and considers that the design changes will not result in any significant adverse impacts and represent an overall improvement to the approved proposal, particularly in regard to built form and urban design. The department considers that the proposed revised design satisfactorily responds to condition B6. The department also considers the modification to ESD targets to be acceptable.

It is recommended that this modification request be generally approved and the conditions of the project approval amended accordingly. One aspect of the modification, to provide increased car parking over and above council's requirements has not been recommended for approval, and new additional stacked car parking spaces proposed in the modification will be required to be deleted.

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## 1. BACKGROUND

On 28 September 2009, the (then) Minister for Planning approved a project application for the construction of three buildings connected via a three storey podium car park, and subdivision at Honeysuckle Drive, Newcastle (MP08\_0043). The approval provided for:

- subdivision, basement structure and construction of three eight storey buildings for commercial / retail use
- 4 levels of car parking (1 level of basement and 3 levels of above ground parking) comprising a total of 360 car parking spaces to serve the commercial buildings
- associated bulk excavation and landscaping of the site.

The site forms part of the Honeysuckle precinct and is located on the southern side of Newcastle Harbour and the northern side of the Great Northern Railway Line. The site is bounded by Honeysuckle Drive to the north, Wright Lane to the south, Worth Place to the west and a new road to the east. The site has an area of 8,548 m<sup>2</sup> and is legally described as Lot 1 – 3 in DP1163346.

The project location is shown in Figure 1.

**Figure 1: Project Location**

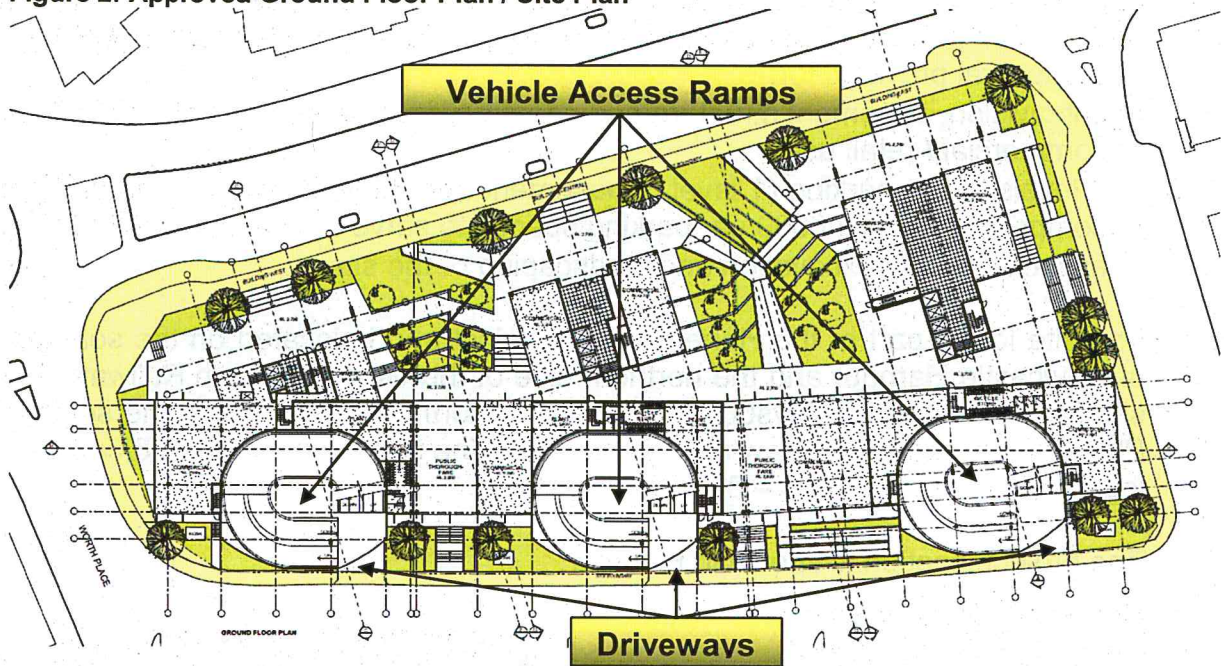


The approved project is currently at the pre-construction stage. The proponent for the original project approval (MP08\_0043) was Eureka / Buildev Group joint venture, however Eureka are no longer involved in the project. The proponent of the subject modification request is Honeysuckle Central Unit Trust, which is a subsidiary of the



Buldev Group. The approved project layout is shown in Figure 2 and a site photo is shown in Figure 3.

**Figure 2: Approved Ground Floor Plan / Site Plan**



**Figure 3: Site Photo (looking north-west from Wright Lane towards the site)**



Condition B6 of the original project approval (MP08\_0043) requires the proponent to submit revised architectural and landscape plans to the department prior to the issue of a construction certificate. Condition B6 of the original project approval is identified over.



**"B6 Further Building and Landscaping Re-Design**

*Prior to the issue of a Construction Certificate, the Proponent shall submit to the Department of Planning for approval revised architectural plans and a revised landscaped master plan developed in consultation with Council to address the following:*

- (1) Design of the northern façades including any individual building identity features.*
- (2) Details of treatment of the southern façade to reduce visual bulk and dominance.*
- (3) Details of increased deep soil planting, any reduction in paving or hard surfaces and location of shade trees to be planted along Honeysuckle Drive subject to accessibility requirements still being satisfied.*

*Should, after a reasonable period of time, no agreement be reached between the Proponent and Council on the revisions outlined above, the revised architectural plans and revised landscaped master plan are to be submitted for the determination of the Director-General."*

In revising the design in response to condition B6, the proponent has elected to revisit the building footprint, vehicle access and car parking provisions of the proposal. Specifically, the proposed revised design includes revised building facades, removal of 2 vehicle access ramps, a reduction of 447 m<sup>2</sup> in the ground level building footprint, an increase of 1,085 m<sup>2</sup> in GFA, an increase of 447 m<sup>2</sup> in landscaped area and provision of an additional 83 car parking spaces.

In addition to the proposed design changes, the proponent is seeking to modify the ESD targets identified in condition B10 and Statement of Commitments in the original project approval.

## **2. PROPOSED MODIFICATION**

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### **2.1 Modification Description**

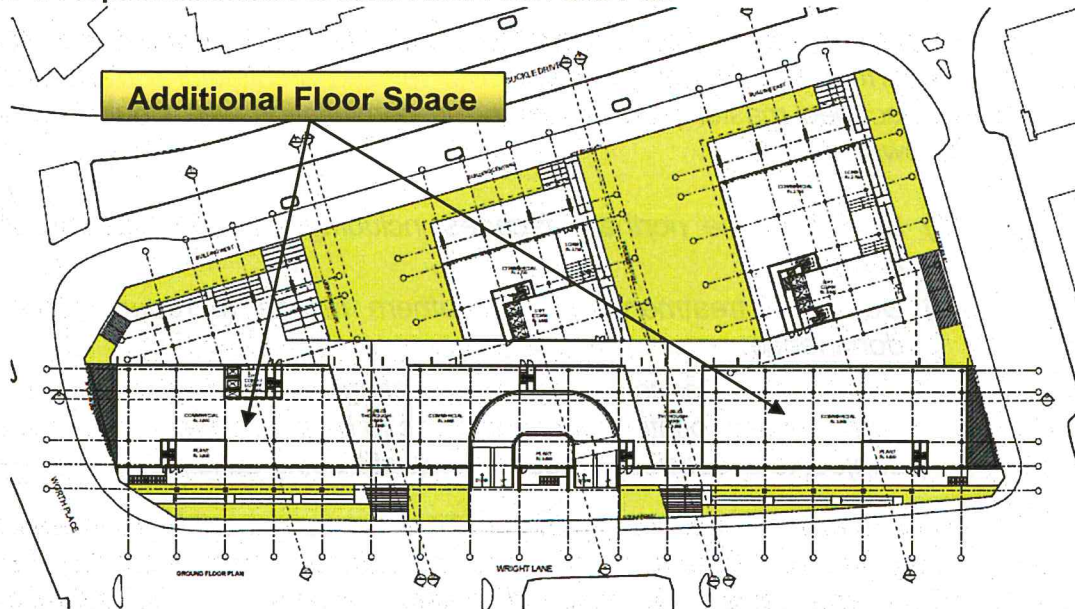
The modification request seeks approval for:

- the revised design of the northern facade to Honeysuckle Drive and southern facade to Wright Lane (in response to condition B6 of the original approval);
- removal of 2 of the 3 vehicle access ramps off Wright Lane (removal of vehicle access ramps to the east and west towers);
- a reduction in the ground level building footprint from 3,826 m<sup>2</sup> to 3,379 m<sup>2</sup> (reduction of 447 m<sup>2</sup>);
- an increase in GFA from 21,370 m<sup>2</sup> to 22,455 m<sup>2</sup> as a result of commercial floor space replacing the removed vehicle access ramps (increase of 1,085 m<sup>2</sup>);
- an increase in landscaped area from 4,722 m<sup>2</sup> to 5169 m<sup>2</sup> as a result of the reduced ground level building footprint (increase of 447 m<sup>2</sup>); and
- an increase in car parking from 360 spaces to 443 spaces.

The proposed modified ground floor layout is shown below in Figure 4.



**Figure 4: Proposed Modified Ground Floor Plan / Site Plan**

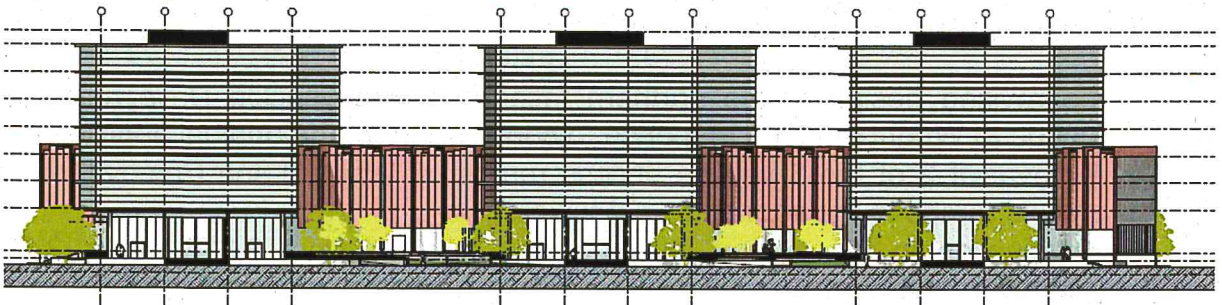


The approved development and the proposed modified development include one level of underground basement car parking and three levels of above ground car parking. The ability to provide further underground basement car parking is constrained by the high water table in the locality.

The removal of two of the three approved car park driveways from the south elevation (see Figure 8) is intended to improve the urban design of the building and provide for additional deep soil zone and soft landscaping areas. Additionally, the removal of the vehicle access ramps to the east and west towers has increased the opportunity for ground floor commercial / retail space which will improve activation along the southern elevation of the development.

A comparison of the original north and south elevations and proposed modified north and south elevations is shown below in Figures 5 to 8.

**Figure 5: Original North Elevation**



**Figure 6: Proposed Modified North Elevation**





Figure 7: Original South Elevation

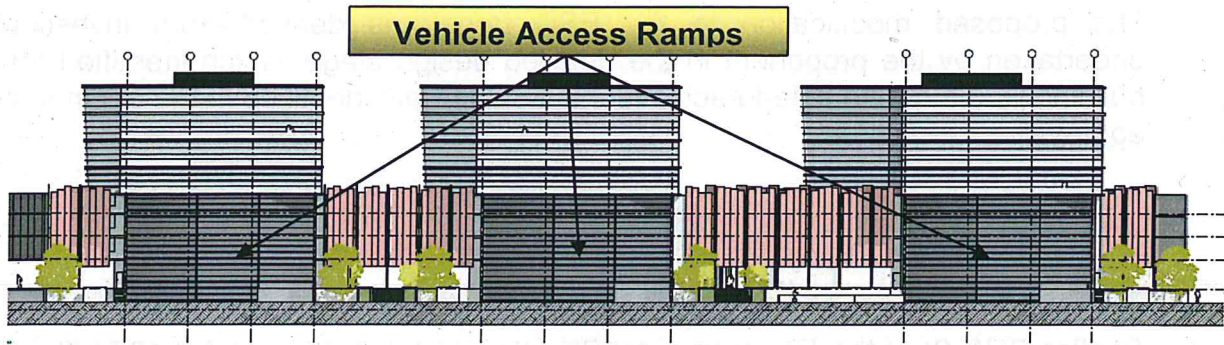
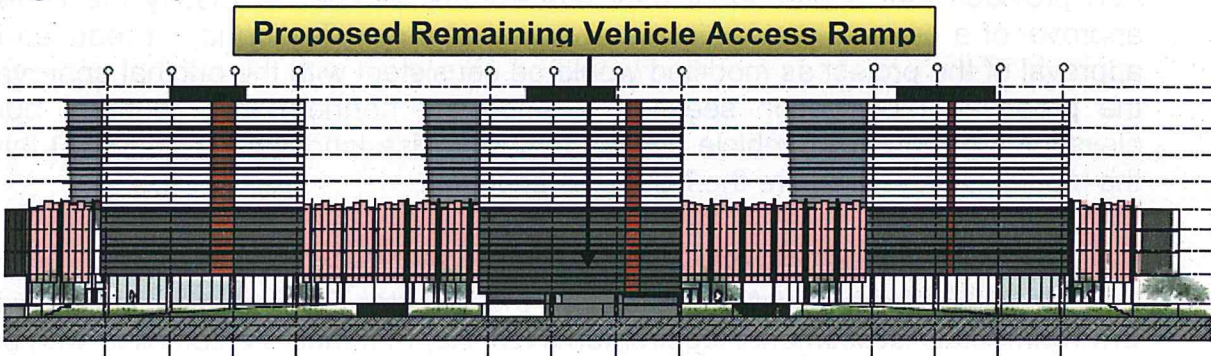


Figure 8: Proposed Modified South Elevation



A breakdown of the changes proposed in the modification request is provided in Table 1.

Table 1: Breakdown of the approved and proposed modified development

Element	Approved	Proposed Modification	Change
Total Site Area	8,548 m <sup>2</sup>	8,548 m <sup>2</sup>	No Change
GFA	21,370 m <sup>2</sup>	22,455 m <sup>2</sup>	+ 1,085 m <sup>2</sup>
Ground Level Building Footprint	3,826 m <sup>2</sup>	3,379 m <sup>2</sup>	- 447 m <sup>2</sup>
Building Height	32 m	32 m	No Change
FSR	2.5:1	2.63:1	+ 0.13:1
Total Landscaped Area	4,722 m <sup>2</sup>	5,169 m <sup>2</sup>	+ 447 m <sup>2</sup>
Deep Soil Zone	773 m <sup>2</sup>	1,281 m <sup>2</sup>	+ 508 m <sup>2</sup>
Hard Stand Spaces	3,041 m <sup>2</sup>	2,983 m <sup>2</sup>	- 58 m <sup>2</sup>
Car Parking Provision	360 spaces	443 spaces	+ 83 spaces

Note: The original approval included the subdivision of the site in to three lots, such that each building is on its own lot. The table shows the details of the development as a whole. Also see Table 3 of page 13.

In addition to the proposed design changes, approval is sought to modify the ESD targets identified in the original project approval. Condition B10 of the original approval and the proponent's Statement of Commitments identifies that the development will achieve the following green building rating targets:

- 4.5 Star NABERS Energy
- 5 Star Green Star rating.

The modification request seeks approval to modify the ESD targets identified in condition B10 and the Statement of Commitments to the following green building rating targets:

- 4.5 Star NABERS Energy Base Building rating
- 5 Star Green Star Office Design rating.



The proposed modification to the ESD targets is derived from investigations undertaken by the proponent in the detailed design stage, which identified that the building would not be able to achieve the ESD targets identified in the original project approval.

### **3. STATUTORY CONTEXT**

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#### **3.1 Modification of the Minister's Approval**

Section 75W(2) of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) provides that a proponent may request the Minister to modify the Minister's approval of a project. The Minister's approval of a modification is not required if the approval of the project as modified would be consistent with the original approval. As the proposed modification seeks to change the northern and southern building elevations, remove two vehicle access ramps, revise landscaping and ESD targets, the modification will require the Minister's approval.

#### **3.2 Environmental Assessment Requirements**

Section 75(3) of the EP&A Act provides the Director-General with scope to issue Environmental Assessment Requirements (DGRs) that must be complied with before the matter will be considered by the Minister. Environmental Assessment Requirements were not issued for this modification as the proponent had addressed the key issues in the modification request.

#### **3.3 Delegated Authority**

In accordance with clause 3 of Schedule 6A of the EP&A Act, section 75W of the EP&A Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

On 14 September 2011, the Minister delegated his powers and functions under section 75W of the EP&A Act to the Planning Assessment Commission effective from 1 October 2011 for applications made before or after 1 October 2011 (including reportable political donation applications) other than applications made by or on behalf of a public authority.

The proponent disclosed a reportable political donation with this modification application. Accordingly, the modification request is being referred to the PAC for determination.

### **4. CONSULTATION AND SUBMISSIONS**

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#### **4.1 Exhibition**

Under Section 75X(2)(f) of the EP&A Act and Clause 8G of the EP&A Regulation 2000, the modification request was made publically available on the Department's Website.

The Department also:

- publically exhibited the modification request from 25 May 2011 until 24 June 2011 (30 days):



- at the Department of Planning and Infrastructure Information Centre
- Newcastle City Council.
- Notified landowners in the vicinity of the site about the exhibition
- Notified relevant State Government Authorities and Newcastle City Council
- Advertised the public exhibition in the Newcastle Herald on the 25 May 2011.

The Department received eight (8) submissions from public authorities and no submissions from the general public and / or special interest groups during the exhibition of the modification request.

A summary of the issues raised in submissions is provided below.

## **4.2 Public Authority Submissions**

Eight (8) submissions were received from public authorities. One of the public authority submissions (HDC) originally objected to the proposed variation of the ESD requirements, however has since retracted its objection following discussions with the proponent. The remaining submissions provided general comments and recommendations.

### **Hunter Development Corporation (HDC)**

HDC initially raised objection to the proposal as well as providing general comments and recommendations as detailed below:

- HDC supported the amended building plans and amended landscape plan in response to condition B6 of the original approval
- HDC objected to the proposed modification to condition B10 ESD 5 Star Green Star Rating
- HDC identified that it is undertaking discussions with the proponent regarding the proposed modification to the 5 Star Green Star requirements.

HDC subsequently submitted an additional submission which identified that HDC and the proponent have reached agreement regarding the proposed modification to ESD targets. HDC agreed with the proponent to modify the ESD targets as follows:

*"The development will achieve the following green building rating targets:*

- 4.5 Star NABERS Energy Base Building rating
- 5 Star Green Star Office Design rating".

### **Mine Subsidence Board (MSB)**

MSB raised no objection to the proposed modifications.

### **Newcastle City Council (NCC)**

NCC raised no objection, however, provided some general comments and recommendations as summarised below:

- NCC identified that the findings from the traffic review are supported and council has always supported the reduction in vehicular access points to the site. However, reverting to one access will require that appropriate rights of carriageway be applied to the car parking areas to ensure all vehicles have the legal right to access across adjacent private property to reach their designated parking space.
- The slight increase in GFA will also require a slight increase in bicycle parking to be provided, as noted in the modification request.

- As a result of the minor increase in GFA, NCC recommended that condition B9 be amended to identify the increased requirement for car parking and bicycle parking in accordance with Newcastle DCP 2005.
- NCC recommended that condition B9 be amended to require the proponent to register a survey plan and instrument with the Land Titles Office which identifies the common driveway and manoeuvring aisles and reciprocal rights of way associated with the development.

### **RailCorp**

RailCorp raised no objection, however, provided some general comments and recommendations as summarised below:

- RailCorp identified that the excessive provision of car parking would result in a car dependant development which does not encourage the use of public transport.
- RailCorp recommended that the number of car parking spaces be reduced to council's requirements. Car parking has been considered in section 5.2.2 of this report.
- RailCorp provided some general recommendations with regard to rail noise and vibration and to protect their assets. These will be applied as conditions of approval.

### **Roads and Traffic Authority (RTA)**

The RTA raised no objection to the proposed modification.

### **Office of Environment and Heritage (OEH)**

The OEH raised no objection to the proposed modification.

### **Transport NSW (TNSW)**

TNSW raised no objection, however, recommended that the number of proposed car parking spaces be reduced to council's requirements to discourage, where possible, private vehicle trips and promote travel by public transport, walking and cycling. Car parking has been considered in section 5.2.2 of this report.

### **Hunter Water**

Hunter Water raised no objection to the proposed modification.

The department has considered the issues raised in submissions in its assessment of the modification request.



## **5. ASSESSMENT**

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The Department considers the key issues for the modification request to be:

- Built Form and Urban Design
- Parking and Access
- Ecologically Sustainable Development
- Heritage.

### **5.1 Built Form and Urban Design**

#### **5.1.1 Building Facades**

The approved project comprised the construction of three eight storey commercial / retail buildings connected via a three storey podium car park sited around a number of public and communal open space areas. The original northern elevation comprised sloping facades on each of the three towers fronting Honeysuckle Drive, and consisted largely of grey performance glass contrasted with pre-finished fibre cement panel screening (see Figure 9). The original southern elevation included three vehicle access ramps and screening for three levels of above ground podium car parking, and glazed facades for the remaining four levels of commercial floor space above (see Figure 11).

During the assessment of the original application, NCC raised concern with the design of the northern and southern facades of the building. Specifically, NCC recommended that the northern façade should present increased variety in the design approach and provide an individual identity to each tower element to break down the somewhat monolithic appearance of the development. The department also considered it appropriate for the proponent to undertake further investigation into changes to the northern facades to introduce some variety, whilst maintaining the overall consistency in the design.

NCC and the department also considered that the southern elevation needed further refinement to reduce the visual bulk and dominance of the base elements of the three towers. Consequently, the department imposed a condition (condition B6) in the original project approval which required the proponent to prepare revised plans, in consultation with NCC, to address design concerns of the northern and southern facades of the buildings.

The modification request seeks approval of design revisions to the northern and southern façades of the building in response to the abovementioned condition. The proposed revised design of the northern façade to Honeysuckle Drive includes further articulation of the splayed glass facades by introducing slab projections to each floor, angled vertical splits and introducing colour panel break ups. The additional design features have a number of protruding and recessed elements which add light and shade to the facades. Additionally, the position of the protruding and recessed elements and architectural features is different for each building facade and is intended to provide variety to each building fronting Honeysuckle Drive. The original northern facade and proposed modified northern facade is shown in Figures 9 and 10.



**Figure 9: Original Northern Facade (perspective view from North-West)**



**Figure 10: Proposed modified Northern Facade (perspective view from North West)**



The proposed revised design of the southern façade to Wright Lane includes the removal of vehicle access ramps from the eastern and western buildings. The vehicle access ramps have been replaced with additional commercial floor space at ground level, and space for tandem car spaces, mechanical plant and bicycle storage for the three above ground car park levels.

The proposed modified southern facade also adopts some of the architectural design features included in the revised northern façade, including articulated screens which cover the three levels of car parking and the remaining vehicle access ramp in the central building. The original southern facade and proposed modified southern facade are shown in Figures 11 and 12.



**Figure 11: Original Southern Facade (perspective view from south-west)**



**Figure 12: Proposed modified Southern Facade (perspective view from south-west)**



In accordance with the requirements of condition B6, prior to lodgement of the modification request, the proponent consulted NCC's Urban Design Consultative Group (UDCG) regarding the revised design. The UDCG supported the removal of two of the three vehicle ramps facing Wright Lane. Additionally, UDCG identified that the general design direction of the eastern, northern and western facades was considered to be a positive development and contributed towards alleviating concerns with the bland and repetitious façade treatment of the original proposal. However, the UDCG recommended further refinement of the design to assist in providing more individual building identity and visual interest. The UDCG also noted that the material quality and finish of the exposed floor slabs would be important to the overall presentation of the building.



In response, the proponent identified that the proposal is intended to present a 'family' of buildings which are linked in appearance, yet separate individual building entities. The proponent also identified that the 'pocket parks' included in the proposed modified development provide extensive landscape voids between each of the three buildings which break down the block nature of the streetscape. Additionally, the proponent identified that the different overall size of each building and the individual fenestration treatment of each building further enhances the individual identity of each building and responds to the intent of condition B6.

The department has considered the proposed modified design of the northern and southern facades on merit, and considers that it satisfactorily responds to the intent of condition B6 for the following reasons:

- the introduction of slab projections, and colour break-ups and the addition of light and shade on the splayed glass northern façades has broken up the built form and increased the articulation of each building;
- the positioning of the new design elements is different on each building and has introduced some variety and individual identity to each building, whilst maintaining the overall consistency in the design;
- the removal of car park ramps and car park screening on the southern façade and its replacement with glazing and commercial floor space has changed the composition of the southern façade and significantly reduced the visual bulk and dominance of the building;
- the introduction of design elements to the southern façade, such as articulated screens, angled walls and colour break-ups has also further enhanced the presentation of the building from the south;
- the inclusion of additional commercial floor space on the ground floor facing Wright Lane will result in an increase in activation at the pedestrian scale; and
- the reduction in the number of vehicle ramps will also improve pedestrian safety along Wright Lane.

Accordingly, the department does not consider that further design revisions are warranted, and considers that the proposed modified development satisfies condition B6.

### **5.1.2 Public Domain and Landscaping**

The department's assessment of the original project identified that the amount of hard surface / paving included in the public domain and landscaping areas was considered excessive. Accordingly, the department imposed a condition (condition B6) in the original project approval which required the proponent to prepare a revised landscape masterplan detailing increased deep soil planting, reductions in paving or hard stand surfaces and location of shade trees along Honeysuckle Drive subject to accessibility requirements.

The modification request seeks approval of a revised landscape masterplan in response to the abovementioned condition. The revised landscape masterplan includes two 'pocket parks' off Honeysuckle Drive which provide increased areas for deep soil planting between each of the interconnected buildings. A breakdown comparison of the original landscape masterplan against the revised landscape masterplan is provided in Table 2 and Figure 13 and 14.



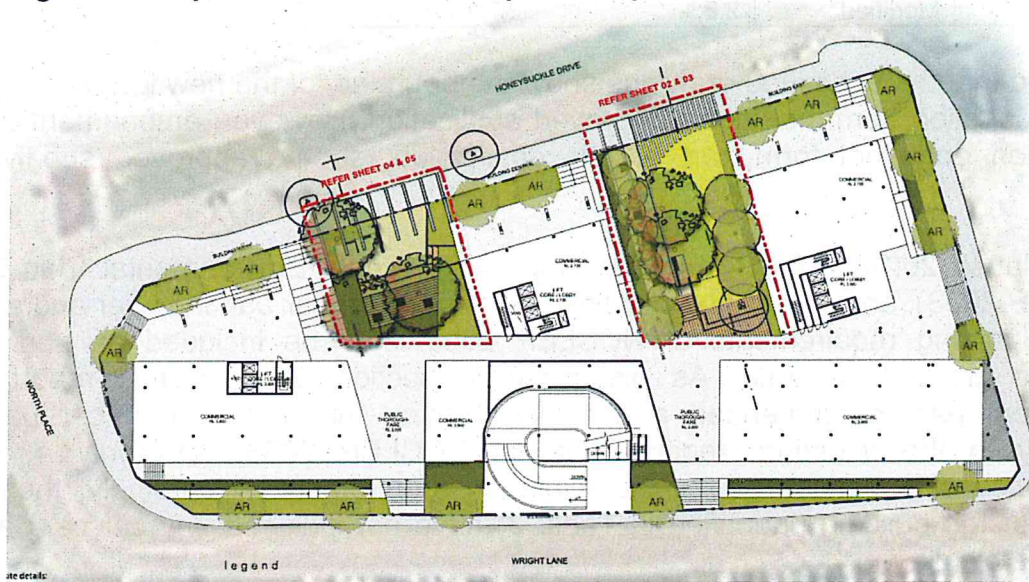
**Table 2: Original and Proposed Modified Landscape Masterplan**

Element	Original	Proposed Modification	Change
Total Area for Hard and Soft Landscaping	4,722 m <sup>2</sup>	5,169 m <sup>2</sup>	increase of 447 m <sup>2</sup>
Total Area of Hardstand Space	3,041 m <sup>2</sup>	2,983 m <sup>2</sup>	decrease of 58 m <sup>2</sup>
Total Area of Deep Soil Zone	773 m <sup>2</sup>	1,281 m <sup>2</sup>	increase of 508 m <sup>2</sup>

**Figure 13: Original Landscape Masterplan**



**Figure 14: Proposed Modified Landscape Masterplan**



The department considers that the revised landscape masterplan satisfactorily addresses the landscape requirements of condition B6 for the following reasons:

- deep soil planting areas of the development have increased by 508 m<sup>2</sup> under the revised landscape masterplan;
- the extensive landscaped voids or 'pocket parks' have accommodated larger deep soil tree plantings such as *Jacaranda mimosifolia* (Jacaranda) and *Delonix regia* (Poinciana), which will provide an alternative landscape element when viewed from Honeysuckle Drive;
- paving and hard stand spaces have decreased by 58 m<sup>2</sup> under the revised landscape masterplan; and



- the revised landscape masterplan incorporates additional vegetation planting, including a series of *Agathis robusta* (Kauri Pine ) plantings along the Honeysuckle Drive site boundary, as well as the eastern and southern site boundaries, which will assist in providing an added vegetation buffer and reducing the apparent scale of the development from surrounding vantage points.

### 5.1.3 Floor Space Ratio

The replacement of vehicle access ramps in the east and west towers with commercial / retail floor space has increased the GFA of the total development from 21,370 m<sup>2</sup> to 22,455 m<sup>2</sup> (increase of 1,085 m<sup>2</sup>). Consequently, the FSR for the total development has correspondingly increased from 2.5:1 to 2.63:1.

The proposed changes to the floor space have also altered the FSR of each building element as identified in Table 3 below:

**Table 3: FSR Breakdown**

<b>FSR Breakdown For Each Building</b>					
		<b>West Building</b>	<b>Central Building</b>	<b>East Building</b>	<b>Total</b>
Site Area	Approved	1,843 m <sup>2</sup>	2,749 m <sup>2</sup>	3,956 m <sup>2</sup>	8,548 m <sup>2</sup>
GFA	Approved	5,006 m <sup>2</sup>	6,734 m <sup>2</sup>	9,629 m <sup>2</sup>	21,370 m <sup>2</sup>
	Modified	5,141 m <sup>2</sup>	7,340 m <sup>2</sup>	9,974 m <sup>2</sup>	22,455 m <sup>2</sup>
FSR	Approved	2.7:1	2.4:1	2.4:1	2.5:1
	Modified	2.8:1	2.7:1	2.5:1	2.63:1

It is noted that the submitted drawings show the boundary of the new lots in a slightly different location from that in the approved application. However, amendment to the subdivision does not form part of this application, so the approved subdivision prevails.

Under clause 26(3) of the Newcastle City Centre Local Environmental Plan 2008 (NCCLEP 2008), any area of the building that is used for car parking over and above the car parking requirements of NCCLEP 2008 is to be included as part of a building's gross floor area. As discussed in section 5.2.2 of this report, the department has recommended a condition limiting the provision of car parking generally to the minimum requirements of NCCLEP 2008, with only a minor exceedance of 6 spaces above the minimum requirement. Accordingly, the GFA figures for the building (identified in Table 3) have not included any car park areas within the building.

Under clause 23 of the NCCLEP 2008, the maximum floor space ratio for the site is 2.5:1, therefore the total proposed modified development represents a 5% exceedance in the applicable development standard. Additionally, the department notes that the West Building and Central Building also exceed the FSR controls for the individual lots within the development.

Clause 28 of the NCCLEP 2008 identifies exceptions to development standards where consent may be granted for development even though the development would contravene a development standard. Specifically, clause 28 identifies that the consent authority must be satisfied that compliance with the development standard is



unreasonable or unnecessary in the circumstances and that there is sufficient environmental planning grounds to justify contravening the development standard.

The department considers that the development reads collectively as one building through the above ground podium car park which links each of the three building elements. Accordingly, in consideration of the exceedance of the NCCLEP 2008 FSR control, the department has considered the FSR of the total development against the total site area, as opposed to the individual building elements and individual allotments.

The department notes that the underlying objective of FSR is to control the size, bulk and scale of developments. The revised design proposed in the modification request comprises a reduction in the ground level building footprint from 3,826 m<sup>2</sup> to 3,379 m<sup>2</sup> (reduction of 447 m<sup>2</sup>), the building height remains the same, and the landscaped area has increased from 4,722 m<sup>2</sup> to 5169 m<sup>2</sup> (increase of 447 m<sup>2</sup>). As such, the revised proposal represents an overall reduction in the building envelope and an increase in the provision of landscaped area. The department also considers that the removal of car park ramps and replacement with additional commercial floor space will result in an improved design outcome.

Accordingly, the department considers that the minor 5% exceedance of the NCCLEP 2008 FSR control is justified and that the revised proposal will not result in any increase in building size, bulk or scale compared to the approved development.

## **5.2 Traffic, Parking and Access**

### **5.2.1. Traffic**

Traffic modelling was undertaken as part of the redevelopment of the entire Honeysuckle Precinct in 2008, prior to lodgement of the original project application. The traffic modelling was based on future floor areas and land use assumptions, which were documented for each of the sites which make up the Honeysuckle Precinct, including the project location site.

The traffic modelling assumed a commercial floor area of 22,000 m<sup>2</sup> for the subject site. As the approved development comprised 21,370 m<sup>2</sup> of GFA and was within the assumptions used in the original traffic modelling, no specific traffic impact assessment was undertaken for the approved development.

The proposed modified development comprises 22,455 m<sup>2</sup> in GFA which represents a 455 m<sup>2</sup> increase in the assumed GFA used in the original traffic modelling (an increase of 2%). A traffic and parking assessment (TPA) accompanied the modification request and identified that the proposed modified development is comparable with the assumed GFA used in the original traffic modelling. Further, the TPA identified that the additional commercial floor space could represent an increase of 22 vehicle movements during the afternoon peak based on the RTA's Guide to Traffic Generating Development, and the potential increase in traffic volumes will have a negligible impact on Honeysuckle Drive.

The department considers that the proposed modified development is substantially the same as the approved development with regard to potential traffic impacts on the surrounding road network, and would only result in a minor increase in vehicle



movements. Accordingly, the department does not consider that further traffic assessment is warranted and is satisfied that the surrounding road network will be able to accommodate the negligible increase in traffic generation from the proposed modified development.

### 5.2.2. Car Parking Requirements

A breakdown of the car parking provision of the approved development and proposed modified development is provided in Table 4.

**Table 4: Car Parking Breakdown**

Car Parking Breakdown For Total Development					
Level	Approved Development		Proposed Modified Development		
Basement	113		116 (inc. 9 tandem)		
Level 1	78		108 (inc. 18 tandem)		
Level 2	78		108 (inc. 18 tandem)		
Level 3	87		111 (inc. 18 tandem)		
Total	356 (complies with NCCLEP 2008 requirement)		443 (complies with NCCLEP 2008 requirement)		
NCCLEP 2008 Requirement	356 (1 car parking space per 60 m <sup>2</sup> )		374 (1 car parking space per 60 m <sup>2</sup> )		
Compliance	Yes		Yes (excess provision by 69 car parks)		
Car Parking Breakdown For Each Building					
		West Building	Central Building	East Building	Total
GFA	Approved	5,006 m <sup>2</sup>	6,734 m <sup>2</sup>	9,629 m <sup>2</sup>	21,370 m <sup>2</sup>
	Modified	5,141 m <sup>2</sup>	7,340 m <sup>2</sup>	9,974 m <sup>2</sup>	22,455 m <sup>2</sup>
NCCLEP 2008 Requirement	Approved	84	112	160	356
	Modified	86	123	166	374
Compliance	Approved	85 (excess provision of 1 car parking space to NCCLEP 2008 requirement)	110 (shortfall provision of 2 car parking spaces to NCCLEP 2008 requirement)	161 (excess provision of 1 car parking space to NCCLEP 2008 requirement)	356
	Modified	131 (excess provision of 45 car parking spaces to NCCLEP 2008 requirement)	118 (shortfall provision of 5 car parking spaces to NCCLEP 2008 requirement)	194 (excess provision of 28 car parking spaces to NCCLEP 2008 requirement)	443

Clause 26(1)(b) of the NCCLEP 2008 requires at least one car parking space per 60 square metres of gross floor area that is used for office premises. The approved development provided a total of 356 car parking spaces which satisfied the NCCLEP 2008 minimum car parking requirement. The proposed modified development includes a total of 443 car parking spaces which exceeds the NCCLEP 2008 minimum requirement of 374 car parks by 69 car spaces.

The proponent has identified that 63 of the total 443 car parking spaces are tandem or 'stacked' spaces, which would be self managed by tenants of the building. The proponent identified that stacked spaces are to be allocated together with the front spaces to ensure they can operate in an efficient manner.



Newcastle City Council raised no objection to the car parking arrangement in the modification request and identified that the proposal would not generate any on street parking demand in the area. However, Transport for NSW and RailCorp recommended that the number of car parking spaces for the development be reduced to the minimum requirement of council to encourage and promote travel by public transport, walking and cycling.

The department notes that the proposal is approximately 250 m from the Civic Train Station, and is well serviced by at-grade pedestrian connections to and from the Newcastle CBD, and the surrounding foreshore and the surrounding retail/commercial district. The proposal also includes the provision of 112 bicycle parking spaces (see section 5.2.4 of this report) which is consistent with the requirements of Newcastle City Council's Development Control Plan 2005 (NCCDCP 2005). The department also notes that a key objective identified in NCCDCP 2005 4.1 Parking and Access, is to encourage measures to reduce motor vehicle dependency and increase the use of public transport, cycling and walking. The department also notes that the NCCDCP 2005 identifies that stacked car parking is generally discouraged and may only be approved in circumstances in which it can be demonstrated that it will be operationally efficient and will not cause unreasonable obstruction.

The department has considered the proposed car parking provision of the development on merit, and has concluded that the provision of stacked car parking should be deleted to reduce the overall car parking provision of the development towards the minimum requirement of NCCLEP 2008 the following reasons:

- The excessive provision of car parking above the minimum NCCLEP 2008 requirement is inconsistent with the objectives of NCCDCP 2005 which encourages measures to reduce motor vehicle dependency and increase the use of public transport, cycling and walking;
- The proposal is highly accessible to public transport with the Civic Train Station approximately 250 from the site;
- The proposal is well serviced by at-grade pedestrian connections to and from the Newcastle CBD, and the surrounding foreshore and the surrounding retail/commercial district;
- Additional car parking above the minimum NCCLEP 2008 requirement should be included as additional GFA, therefore, the excessive car parking provision would result in an inflated FSR exceedance;
- The proposal includes the provision of 112 bicycle parking spaces which is consistent with the requirements of NCCDCP2005;
- The proposal includes the provision of 63 stacked car parking spaces which is discouraged in NCCDCP2005; and
- A reduction in car parking provision is consistent with the recommendations of Transport for NSW and RailCorp.

Accordingly, the department has recommended a condition be inserted in the approval deleting the provision of stacked car parking, thereby reducing the overall car parking provision of the development to 380 spaces (six spaces above the 374 minimum requirement of NCCLEP 2008). The provision of the 380 car parking spaces is to be allocated as a minimum 86 spaces for the West Building, a minimum 122 spaces for the Central Building, and a minimum 166 spaces for the East Building) in accordance with the requirements of NCCLEP 2008.

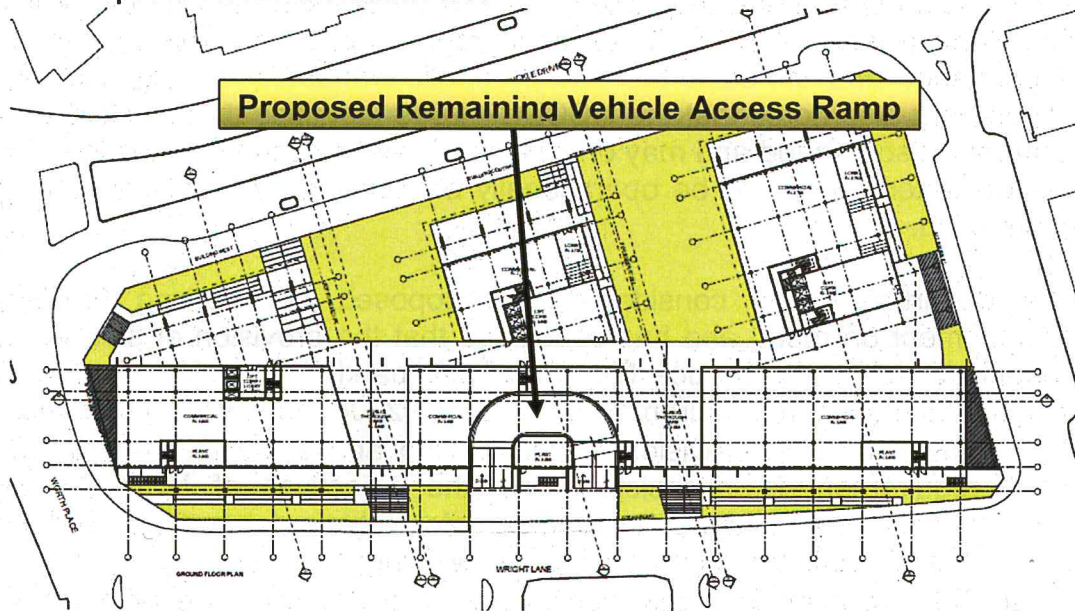


The department is satisfied that, subject to the recommended conditions, the provision of car parking will adequately service the demand generated from the development, whilst also encouraging the use of public transport, cycling and walking.

### 5.2.3. Car Parking Access

The proposed modified development includes the removal of two of the three vehicle access ramps (from the eastern and western buildings). As a result, the proposed modified development allows for a single vehicular access and egress to the car parking areas via the central building ramp off Wright Lane. The proposed modified ground floor layout, including the single vehicle access ramp is shown in Figure 15.

Figure 15: Proposed Modified Ground Floor



Newcastle City Council's (NCC) submission supported the reduction in vehicular access points to the site due to the resultant improvements in pedestrian movement and safety. However, NCC's submission identified that reverting to one access will require that appropriate rights of carriageway be applied to the car parking areas to ensure all vehicles have a legal right to access across adjacent private property to reach their designated parking space. In this regard, NCC recommended that condition B9 of the original project approval be amended to include the following additional provision:

*"The common driveway and manoeuvring aisles being the subject of appropriate reciprocal rights of way and the necessary survey plan and accompanying instrument under Section 88B of the Conveyancing Act being registered with the Land Titles Office prior to occupation of the premises. It is noted that the instrument is to provide that the right of way is unable to be relinquished, varied or modified with the concurrence of Newcastle City Council."*

The department notes that the maximum recommended lane capacity for the site entry is 400 vehicles per lane per hour where the entry point includes a card reader. When considering the car parking demand of the development is 374 (under NCCLEP 2008), and given the broad range of start times for various commercial



uses which will occupy the buildings, the department is satisfied that the single access point will provide sufficient vehicular access to the car parking areas.

The department also considers that the removal of the two vehicle access points results in an improved design outcome through increased activation at the pedestrian scale and improved pedestrian safety. Additionally, in accordance with NCC's recommendation, the department has recommended an additional condition requiring the proponent to obtain the necessary covenant to facilitate reciprocal rights of way from the central entry to the car parking areas for each of the buildings.

#### **5.2.4. Bicycle Parking Requirements**

Condition B9 in the original approval required 107 bicycle storage spaces in accordance with the requirement of Newcastle DCP 2005 (1 space per 200 m<sup>2</sup> GFA). As the proposed modified development comprises 22,455 m<sup>2</sup> in GFA (an increase of 1,085 m<sup>2</sup> in GFA), the requirement under Newcastle DCP 2005 has correspondingly increased to 112 bicycle storage spaces. Accordingly, the department has recommended a modification to condition B9 of the original approval to ensure the provision of 112 bicycle storage spaces and the provision of male/female shower facilities and lockers for the development.

### **5.3 Ecologically Sustainable Development**

The modification request seeks approval to modify the ESD targets identified in the original project approval.

Condition B10 of the original approval and the proponent's Statement of Commitments identifies that the development will achieve the following green building rating targets:

- 4.5 Star NABERS Energy
- 5 Star Green Star rating.

The modification request seeks approval to modify the ESD targets identified in condition B10 and the Statement of Commitments to require that the development achieve the following green building rating targets:

- 4.5 Star NABERS Energy Base Building rating
- 5 Star Green Star Office Design rating.

The proposed revised NABERS Energy target requires the proposal to achieve a 4.5 Star NABERS Energy rating for the central services and common areas of the buildings, as opposed to the entire development under the approved NABERS Energy target. As such, the proposed revised NABERS Energy Rating target does not apply to the individual tenancy areas of the buildings.

Additionally, the proposed revised Green Star target requires the proposal achieve a 5 Star Green Star Rating for the design of the buildings, however, it does not require the proposal to gain an "as built" 5 Star Green Star accreditation.

The proponent has identified that the proposed modification to the ESD targets is derived from investigations undertaken in the detailed design stage, which identified that the building would not be able to achieve the original ESD targets.



The department considers the proposed revision to the NABERS Energy Rating acceptable as the differing energy demands of the individual tenancies of the building could result in an unrealistically high NABERS rating. Additionally, the department notes that the NABERS report accompanying the original EA focused on obtaining a Base Building Rating which excluded the individual tenancy areas.

Additionally, the department considers that the proposed revision to the Green Star target is acceptable as it is consistent with the ESD report accompanying the original EA which focused on achieving a 5 Star Green Star Rating for the design of the buildings.

The department notes that both the NABERS energy rating system and Green Star are both voluntary environmental rating system and considers that the proposed modified ESD Targets clarifies the intended ESD targets established in the assessment of the original project.

## **5.4 Heritage**

A number of heritage items exist within the vicinity of the site, including Lee Wharf Building C, the Civic Railway Workshops Group and the Newcastle City Centre Heritage Conservation Area. The department's assessment of heritage impacts in the original project approval concluded that the scale of the building on Lee Wharf Building C is appropriate within the context of existing development and that no impacts will result on the setting of the Civic Railway Workshops Group. The department's assessment also indicated that the proposed development is sufficiently removed from the conservation area and notable views of city landmarks will remain unaffected by the proposal.

The proposed modified development remains largely the same in built form and scale and still presents as three buildings connected via a three storey podium car park. The height of the proposed modified development remains the same and the design revisions result in a minor reduction in the ground level building footprint and the overall scale of the development. Accordingly, the department is satisfied that the proposed modified development will not result in any significant impacts to heritage items or heritage conservation areas in the vicinity of the site.

## **6. CONCLUSION**

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The proposed modification seeks approval of revised building façade designs, removal of vehicle access ramps, a reduction in building footprint, an increase of in GFA, an increase in landscaped area, provision of an additional car parking, and modification of ESD targets.

The department has reviewed the proponent's modification request and considers the key issues to be built form and urban design, parking and access, ESD and heritage. In assessing the key issues, the department considers that the proposed modified development satisfactorily addresses the building façade design and landscape requirements of the conditions in the original project approval (MP08\_0043) and represents an overall improved design outcome when compared to the approved development. Whilst the proposed modified development results in a minor deviation from the FSR controls in the NCCLEP 2008, the department



considers that there are sufficient environmental planning grounds to justify contravening the development standard.

Notwithstanding the improvements in the design, the provision of stacked car spaces over and above council's requirements has not been recommended for approval as the proposal is sited in close proximity to public transport and is well serviced by surrounding at-grade pedestrian connections. This recommendation is supported by RailCorp and Transport for NSW.

The department considers that the proposed modification to ESD targets brings clarity to the intended ESD targets in the original approval.

Accordingly, the department recommends that the modification request be approved, subject to the conditions of the project approval being amended accordingly.

## **7. RECOMMENDATIONS**

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It is recommended that the Planning Assessment Commission:

- a) **Consider** the findings and recommendations of this report
- b) **Approve** the modification, subject to conditions, under section 75W of the *Environmental Planning and Assessment Act, 1979*, and
- c) **Sign** the attached instrument of modification approval (**Tag A**).

  
Heather Warton  
A/Executive Director  
Major Projects Assessment

20/4/12

  
Richard Pearson  
Deputy Director-General  
Development Assessment and  
Systems Performance

20/4/12



