

Regulatory, Planning and Assessment.MBisson/GMansfield
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Phone: 02 4974 2000

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Tim Green
Key Sites Assessments
Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 2001

Reply by Major Projects External Portal: majorprojects.planningportal.nsw.gov.au

Dear Tim

MIXED USE DEVELOPMENT (SSD 10378) 42 HONEYSUCKLE DRIVE NEWCASTLE

I refer to the Department's letter of 16 March 2020 advising Doma Holdings (Honeysuckle) has submitted a State significant development application for the above development which was being placed on public exhibition and inviting City of Newcastle ('CN') to provide advice.

The Environmental Impact Statement (EIS) dated 24 February 2020 prepared by KDC Pty Ltd has been reviewed and the following advice is provided for your consideration:

1. Ancillary uses

Small Bar

The EIS (Pg. 12) indicates that the application is seeking approval for a mixed-use development including a hotel with 'guest facilities' including a bar. However, in considering Clause 6.5-Public Safety-Licensed premises of the Newcastle Local Environmental Plan 2012 the EIS states that:

'It is anticipated that the bar will be predominantly used by patrons of the other uses in the mixed-use development.'

According to the Plan of Management (Appendix M of the EIS), the bar and terrace area are expected to operate between 6:00am and 12:00 midnight, 7 days per week.

It is recommended that clarification is sought from the applicant explaining how the proposed bar will function as an ancillary use of the hotel rather than as a separate use.

Car park

The EIS has considered the permissibility of the car park of the development and concluded it is an ancillary component of the hotel and office premises. According to the Traffic Impact Assessment (Pg.11) it is proposed *'that the excess car parking within the development will be utilised for paid public parking.'* It is recommended the applicant is required to provide further justification to demonstrate how the operation of the car park will be subordinate or subservient to the hotel and office premises and not serve its own purpose. Such information is to include whether the car park will be operated by a third party.

2. Newcastle Development Control Plan 2012

While it is acknowledged that clause 11 of State Environmental Planning Policy (State & Regional Development) 2011 provides that a development control plan does not legally apply to State significant developments, notwithstanding this, consideration has been given to the Newcastle Development Control Plan (NDCP) 2012 in some of the supporting reports of the EIS, namely those relating to traffic, parking, stormwater and flooding. Like other State significant developments in Honeysuckle it is requested that the EIS considers the NDCP in the context of built form and urban design.

3. On-site Parking

Car Parking

The Newcastle Development Control Plan (NDCP) 2012 provides that parking for developments, other than residential in the City Centre, are calculated based on a 'flat' parking rate of 1 space per 60m² of Gross Floor (GFA) area. Based on a GFA of 12,510m² and the above parking rate the development requires 209 spaces. The submitted plans provide a total of 173 spaces, and therefore equates to a deficiency of 36 spaces.

The Traffic Impact Assessment (Amended Feb 2020), prepared by Intersect Traffic Pty Ltd has calculated the required parking for the hotel based on a parking rate for outside the City Centre, that is, 1 space per 2 staff plus a minimum 0.5 spaces per room and a maximum 1 space per room. Based on this ratio, the hotel component requires 100 parking spaces compared with 119 spaces based on the City Centre rate.

For the commercial component, it is argued that a rate of 1 space per 75m² GFA is appropriate given the same rate was accepted by CN for a development (DA2018/01107) comprising a 12 storey commercial development with ground floor retail and basement car park at 6 Stewart Avenue Newcastle. It is also stated that the basis for the proposed concession, as detailed in the supporting traffic report, was also accepted by the Hunter and Central Coast Joint Regional Planning Panel (HCCJRPP).

An examination of the above development application documentation does not support such claims. The CN's Assessment Report dated 28 February 2018 to the HCCJRPP identifies the parking deficiency of the development as one of the primary concerns of CN staff in respect of traffic and parking. It was recommended that this concern be addressed by the imposition of an appropriate condition on the consent. Accordingly, condition C21 of the development consent granted by the HCCJRPP required the provision of 278 on-site parking spaces as required by the NDCP.

Given the above circumstances, it is considered that the EIS has not satisfactorily justified the variation from the above City Centre parking rate and it is recommended the applicant amend the design to ensure satisfactory compliance with the requirements of the NDCP.

Bicycle Storage

The development includes a bicycle storage area for up to 48 bicycle spaces on the ground floor. According to the Traffic Impact Assessment (TIA), the NDCP requires 63 spaces and therefore the development has a deficiency of 15 bicycle spaces. It is argued that the NDCP parking rate *'is not appropriate for the size of the development proposed and that the generation rate for such a large development should be less than the DCP requirement.'* No supporting evidence is provided to validate this statement.

It is also argued that the hotel is unlikely to generate much demand for bicycle parking. The TIA does not indicate how many of the proposed spaces are allocated to the non-residential uses and the hotel. Based on the NDCP rate of 1 space per 20 units the hotel requires 9 spaces. According to the EIS (Pg14), the number of hotel rooms has increased from the previously approved development as a direct growth in the tourist sector. Given the city centre location of the development and proximity to the harbour foreshore cycleway it is considered desirable that hotel guests have access to non-car modes of transport to explore the city.

Given the above circumstances, it is recommended more bicycle storage is provided in the development.

4. Servicing

It is noted that the ground floor of the development will be accessed by service and waste collection vehicles with Medium Rigid Vehicles (MRV) being the largest vehicle expected on-site. The application is not supported with vehicular maneuvering plans which demonstrate that an MRV can maneuver within the ground floor service area to enter/exit in a forward direction.

The Traffic Impact Assessment indicates that a 3.9m height clearance is provided and should be adequate for MRVs. This height does not meet the minimum height of 4.5m required for MRVs by Australian Standard AS2890.2. accordingly, it is recommended the applicant be required to amend the design of the development to ensure compliance.

5. Public Domain works

Condition B34 of the development consent (SSD 8440) of the previous mixed-use development required the 'developer', in consultation with the Hunter Development Corporation, to design and provide public domain works within the Honeysuckle Drive frontage of the site, including a raise pedestrian crossing generally in the vicinity of the existing refuge. The EIS has not specifically addressed these works. It is considered that these works should form part of the proposed development.

It is recommended the applicant be required to amend the development to incorporate the above public domain works.

6. Flood Management

Flood Planning Levels

In 2018 the Hunter Development Corporation engaged consultants BMTWBM to undertake a flood study for the Honeysuckle precinct. The recommended flood planning level (FPL) from this study for the site is set at 2.9m Australian Height Datum (AHD).

The proposed ground floor retail, gym and hotel lobby and lift areas and generally majority of the northern frontage along Honeysuckle Drive have been set at 3.0m AHD. The vehicular access will be graded from the road level to 3.0m AHD within the site. Some areas are set at 2.77m AHD, which is set at above the 1% AEP event level for local flooding.

While the proposed floor levels generally comply with the relevant requirements of the Newcastle Development Control Plan (NDCP) 2012, as indicated in section 3 of this letter, the height clearance for the car parking entry is 3.9 metres. Australian Standard AS2890.2. requires a 4.5m height clearance for Medium Rigid Vehicle (MRV) to service the development. In this regard, the vehicular access and parking area floor levels may need to be adjusted to allow for the required MRV height clearance.

Flood Risks

Under the NDCP 2012 the risk to life is L4 -Flood refuge. Accordingly, a flood refuge is required to be provided as part of the development. In this regard, the first-floor areas could be used as a flood refuge.

As the site adjoins Cottage Creek which is a floodway a flood risk management plan will need to be developed for the development incorporating a flood warning system. This issue can be addressed by an appropriate condition of consent which will be provided by CN after the other matters raised in this letter have been responded to by the applicant.

7. Stormwater and Groundwater Management

The submitted Concept Stormwater Management Plan (CSMP) prepared by Northrop Consulting Engineers does not include rainwater tanks for the reuse of stormwater as required by the NDCP 2012. It is requested that the CSMP is amended to include rainwater tanks.

8. Contamination

It is noted that the Remediation Action Plan (RAP) is a draft version which was superseded by a final version submitted in support of the previously approved application for the site.

The RAP on the Department's Planning Portal is:

- Douglas Partners Pty Ltd (December 2017) Remediation Action Plan. Proposed Mixed Use Development 42 Honeysuckle Drive, Newcastle. Project 91181.00. Draft A.

The latest version of the RAP:

- Douglas Partners Pty Ltd (April 2018) Remediation Action Plan. Proposed Mixed Use Development 42 Honeysuckle Drive, Newcastle. Project 91181.00. Revision 0.

The applicant should confirm the correct version of the RAP has been submitted to the Department.

9. Section 7.12 Local Infrastructure Contribution

As indicated in the EIS (Pg71), the Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019 applies to the subject land, and. Under Part C - Honeysuckle Foreshore Public Domain Area a contribution levy rate of 3% applies. Based on the estimated cost of the development of \$44,608,821.51, a contribution of \$1,338,264 is payable to City of Newcastle prior to the issue of a Construction Certificate for the development. An appropriate condition of consent will be provided by CN.

It is noted that the submitted 'Detailed Cost Report' is not dated and signed. It is recommended that this be attended to by the applicant's quantity surveyors prior to the determination of the application.

10. Servicing and Waste Report

CN's Waste and Commercial Collection Manager has reviewed the EIS and provided the following advice:

'Waste management looks to have been satisfactorily addressed by the development. The Waste Management Plan utilises the most-current revision of the NSW EPA's publication Better Practice Guide for Resource Recovery in Residential Developments (2019)

It is assumed, based on the information supplied, regarding the type and configuration of the development that the site is only envisaged to be a single business-rating (under the waste management service charge structure). As such, an inference can be reached that the site does not need to demonstrate that the site can accommodate CN's standard domestic waste management service, only that a satisfactory waste management service is able to be provided (as the service can be provided under a commercial arrangement). Accordingly, it would be prudent to request from the applicant prior to approval of the development a satisfactory engagement agreement / statement of intent from the relevant commercial waste collection provider/s that the waste management services as detailed in the final Waste Management Plan are able to be conducted. This is important, as depending on the design of further stages and the introduction of "permanency" around servicing area/s, it may largely preclude services being provided by CN due to inadequate clearances being available to cater for heavy rigid collection vehicles'.

It is recommended the applicant provide an engagement agreement/statement of intent from a commercial waste collection provider for the development.

11. Licensed Premises Reference Group

As the proposed development incorporates a bar the application has been referred to the City of Newcastle's Licensed Premises Reference Group (LPRG) for comment. The next meeting of the Group is 27 April 2020. A copy of the minutes will be forwarded to the Department as soon as they become available.

If you have any questions in relation to the various matters raised in this letter, please contact Geof Mansfield Principal planner (Development) on 4974 2767 or by email on gmansfield@ncc.nsw.gov.au ..

Yours faithfully



Michelle Bisson
MANAGER REGULATORY, PLANNING AND ASSESSMENT