

Regulatory, Planning and Assessment.MBisson/GMansfield
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Russell Hand
Key Sites Assessments
Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 2001

Reply by email: <https://www.planningportal.nsw.gov.au/major-projects/projects/11431>

Dear Mr Hand

**45 HONEYSUCKLE DRIVE, NEWCASTLE - MIXED USE DEVELOPMENT
(SSD-9827-MOD1)**

I refer to the Department's electronic notification of 20 August 2020 advising the applicant has submitted a Section 4.55 (1A) application seeking consent to modify the development consent and inviting City of Newcastle ('CN') to provide advice.

The submitted documentation and amended plans have been reviewed and the following advice is provided for your consideration:

1. Pedestrian Through Site Links

The applicant is seeking the deletion of condition A23 requiring the creation of an easement for public access in and through the pedestrian through site links.

While it acknowledged that development control plans do not legally apply to State significant development, the Department has previously relied on some requirements of the Newcastle Development Control Plan 2012, notably parking rates, in its assessment of other State significant developments.

Part B1-Access Network (Pg33) of Section 6.01-Newcastle City Centre of NDCP 2012 includes (amongst others) the following acceptable solutions:

'Acceptable solutions

- 1. Improved and new pedestrian connections are as shown in Figure 6.01-19 (Should read Figure 6.01-20) and are designed in accordance with the City Centre Public Domain Technical Manual.*
- 2. Sites with a street frontage 100m or greater incorporate additional pedestrian connections to improve access and permeability.'*

The following extract from Figure 6.01- 20 shows the primary links to the eastern end of subject site and Cottage Creek connection.



Extract from Figure 6.01-20: Network Access Map

The Honeysuckle Drive frontage of the site is approximately 124m long (excluding the provided accessway at the eastern end of site), so therefore additional through site pedestrian permeability would generally be required under the provisions of the DCP in addition to the primary pedestrian links identified above.

The issue of through site pedestrian links was first raised in CN's letter of 9 October 2019 which stated:

'1. Pedestrian Links

The EIS indicates that the development will provide pedestrian links through to the harbour from Honeysuckle drive.

The Site Analysis Plan (DA-007 C) indicates three 'Pedestrian Through Links', two between the three buildings and another along the Steel Street Floodway. However, the Landscape Concept Plan show fences and gates constructed across the harbour side of the pedestrian links between the buildings. Further, these areas are identified as 'internal courtyards.' It is recommended clarification is sought from the applicant as to the purpose of the above areas and the location of the pedestrian links.

Any intended public access through the site between Honeysuckle drive and the Harbour promenade should be covered by an appropriate legal right for public access.'

In CN's letter of 1 May 2020 regarding the applicant's Response to the Submissions report, the following supplementary advice was provided:

'Concern is raised regarding the proposed dual use of the two 'Pedestrian Though Links' between the buildings as 'Internal courtyards. Pedestrian linkages through the site intended to operate as public thoroughfares should remain unobstructed and be fully accessible. In this regard, gates and fencing should not be installed across these areas and accessible ramps utilised in lieu of stairs. Furthermore, such linkages should be the subject of appropriate 'Rights of Public Access'.

The applicant's submission dated 19 August 2020 now raises a number of points as to why the through site links are not appropriate in this instance:

'Formalised pedestrian through links are provided via Cottage Creek and Steel Street at the eastern and western extent of the site. These connections provide a natural continuation of pedestrian through links when travelling on foot from Hunter Street, with pedestrian crossings provided across Honeysuckle Drive at Steel Street and Cottage Creek which will channel pedestrians directly to these connections.'

Comment: It is agreed that the primary pedestrian connections under Section 6.01 City Centre of NDCP 2012 are achieved.

'The proposed pedestrian links via Cottage Creek and Steel Street are consistent with Figure 6.01-19, Section 6.01 of Newcastle City Centre DCP 2012. There is no desire line or point of interest that requires access at this site. The natural desire lines to and from the foreshore are as identified in the DCP.'

Comment: It is agreed that the primary pedestrian connections under Section 6.01 City Centre of NDCP 2012 are achieved.

'The width of the private access links have not been designed to cater for public foot traffic.'

Comment: The mid-block connections are for increased pedestrian permeability, rather than major pedestrian thoroughfares, and accordingly the width itself would not be a major impediment.

'The ground floor is on a podium level design above the flood planning level and well above footpath level. This does not promote easy access or access that is immediately identifiable as a viable access to the members of the public.'

Comment: The mid-block connections are for increased pedestrian permeability, rather than major pedestrian thoroughfares, and accordingly the changes in levels itself would not be a major impediment.

'A secure residents and visitor only entrance allows security and CPTED issues to be appropriately managed.'

Comment: A review of the plans does suggest that it would be difficult to retrospectively address this issue without a fundamental redesign of the access control arrangements.

'The links between the buildings were always intended to be private property with the design of the fencing and gates a key point of discussion during meeting with the State Design Review Panel. It should be noted that Condition B2(a) conditions the fencing and gates which are to be provided at the northern and southern ends of the two through-site links.'

Comment: The documentation and plans as originally submitted were inconsistent and unclear on this issue. However, it is evident that the design evolution of the project evolved to include residential on ground floor within the central building and the central reception area, with the latter effectively controlling access into the development. Given the nature of the current approved development the functionality of the development would now be compromised if the courtyard areas were open to general public passage. To be successful would likely require a comprehensive redesign including likely total ground floor commercial uses.

On balance, given the current approved development and the above circumstances it is considered to not be appropriate to include additional through site links. Accordingly, condition A23 could be deleted.

It is noted that the submitted amended plans do not include an amended version of approved plan 'Site Analysis DA-007 Issue E' which shows three pedestrian sites through links. It is recommended that you draw this oversight to the attention of the applicant prior to determining the modification application.

2. Amendment to parking conditions

The applicant seeks to amend Condition B2(b) and Condition B26(a) and (c) both relating to carparking provision. The applicant has outlined that the commercial parking rate was incorrectly calculated utilising 1 space per 50m² Gross Floor Area (GFA) instead of 1 space per 60m² of GFA consistent with Section 7.03 Traffic, Parking and Access of the NDCP 2012.

It is confirmed that car parking for 'non-residential' development in the Newcastle City Centre is calculated at 1 space per 60m² of GFA and therefore it is appropriate for the Department to apply this rate to assess the carparking requirements of the commercial component of the development.

The applicant's submission claims that *'There was also an error in the calculation of the residential spaces (stating 137 not 134) this is why the Departments report refers to 41 additional spaces.'* This error could not be found and in any event is a matter for consideration by the Department.

3. Section 7.12 Local Infrastructure Contribution

It is recommended the applicant is required to submit a cost of development report for the modified development. Such report would assist the Department to make an informed decision as to whether to change the infrastructure contribution required under condition B8.

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 at gmansfield@ncc.nsw.gov.au.

Yours faithfully



Michelle Bisson
MANAGER GOVERNANCE