

# Environmental Impact Statement for State Significant Development

Amendment to Mixed-Use Development from  
Residential Flat Building to Serviced Apartments

42 Honeysuckle Drive  
NEWCASTLE NSW 2300

Prepared by KDC Pty Ltd | June 2019



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## Environmental Impact Statement

Report Job No. 17240 Prepared by KDC Pty Ltd | May 2019

### Application Details

Responsible Applicant: Doma Holdings (Honeysuckle) Pty Limited  
Unit 4/3 Sydney Avenue, Barton ACT 2600

Proposed Development: Amendment to Approved SSD for Mixed Use Development comprising ground floor retail premises; 144 Hotel Rooms, and 60 Serviced Apartments.

Land to be developed: 42 Honeysuckle Drive, Newcastle NSW 2300

### EIS Preparation

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Date 13<sup>th</sup> July 2018

Declaration I certify that the contents of this Environmental Impact Statement to the best of my knowledge, has been prepared as follows:

- In accordance with Schedule 2 of the Environmental Planning and Assessment Regulation 2000;
- Containing all available information that is relevant to the environmental assessment of the proposed development; and
- The information contained in this Statement is neither false nor misleading.

Signature



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## Summary

This Environmental Impact Statement (EIS) has been prepared under Section 4.12(8) of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) in support of a State Significant Development (SSD) Application for a proposed mixed-use development located at 42 Honeysuckle Drive, Newcastle (hereafter referred to as “the site”).

Schedule 2 Clause 2 of *State Environmental Planning Policy (State and Regional Development)* 2011 specifies that development within the identified Honeysuckle Precinct having a capital investment value (CIV) of more than \$10 million, is SSD. The proposed mixed-use development is within the Honeysuckle Precinct and has a CIV of approximately \$11 million.

Correspondence was forwarded to the Department of Planning and Environment (the Department) in March 2019 seeking the Secretary’s Environmental Assessment Requirements (SEARs) for preparation of an EIS in respect of the proposed development. The Department issued SEARs dated 16 April 2019. This EIS has been prepared in accordance with the SEARs.

This SSD amendment involves a mixed-use development within a nine (9) storey buildings, comprising:

- Modification of the upper four (4) levels of the building changing from Residential Apartments to 60 Serviced Apartments;
- 237 carparking spaces associated with the uses and public carpark;
- Associated landscaping design; and
- Ancillary works as detailed on the Architectural drawings at Appendix A.

Under Newcastle Local Environmental Plan 2012 (LEP 2012) the site is zoned B4 Mixed Use Zone and is located within the Honeysuckle Precinct of the Newcastle City Centre.

The proposed development is defined as Serviced Apartments; which is a permissible land use on the site under the provisions of LEP 2012. The proposal is consistent with the objectives for the B3 Commercial Core Zone, as well as the specific aims of the Honeysuckle Precinct, in which a mix of commercial office development and complementary land uses such as serviced short term accommodation. The proposal will provide a development that will meet current and future demand for visitor accommodation within the Newcastle City Centre area and will likely appeal to a wide range of people.

The site has an area of 3,728m<sup>2</sup> in a regular polygon configuration having frontage to Honeysuckle Drive along its northern boundary; public land adjacent to its western boundary; Newcastle Light Rail Corridor to the southern boundary; and private land supporting the Hunter Water commercial building to the site’s immediate east.

The proposed development has been designed by renowned Architects *Bates Smart* and achieves high quality design and environmental outcomes for the site, as well as compliance with all relevant environmental planning instruments and legislation including the Newcastle LEP 2012. This EIS addresses each of the requirements and key issues identified in the SEARs to demonstrate the suitability of the proposed SSD for the site.

The proposal is accompanied by various specialist consultants’ reports and site investigations, which have indicated the suitability of the site for the proposal and the ability to meet the relevant standards. These specialist reports also identify appropriate measures to be undertaken to ensure optimal environmental outcomes are achieved and relevant standards are complied with. The recommendations of each specialist consultant report are to be fully implemented.

The proposed development has addressed many difficult site attributes, including the potential noise impact of nearby port activities, land contamination, main road access, acid sulfate soils, potential items of archaeological significance, and mine subsidence. The proposal presents a highly functional, contemporary building that has been carefully planned and designed in accordance with the HDC’s design excellence tender process; to afford future occupants a high standard of comfort and amenity; whilst contributing positively to

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the public domain as a unique and interesting building on a visually prominent site having public space on three boundaries.

# 1 Introduction

The development to which this State Significant Development (SSD) application relates is for an amendment to the previously approved mixed-used development comprising of changing the residential flat building component to serviced apartments on the upper levels, located at 42 Honeysuckle Drive, Newcastle, NSW 2300.

This SSD amendment involves a mixed-use development within a nine (9) storey buildings, comprising:

- Modification of the upper four (4) levels of the building changing from Residential Apartments to 60 Serviced Apartments;
- 237 carparking spaces associated with the uses and public carpark;
- Associated landscaping design; and
- Ancillary works as detailed on the Architectural drawings at Appendix A.

A Construction Certificate (CC) will be sought separately following the granting of development consent.

This Environmental Impact Statement (EIS) has been prepared by KDC Pty Ltd (KDC) on behalf of Doma Holdings (Honeysuckle) Pty Limited (Doma) to accompany the SSD application. It describes the site, its environs, the proposed development and provides an assessment of the proposed development in terms of the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the requirements of the Secretary's Environmental Assessment Requirements (SEARs). It should be read in conjunction with all supporting documentation and architectural drawings appended to this EIS.

## 1.1 Secretary's Environmental Assessment Requirements (SEARs)

The SEARs for the project were outlined in the Department's correspondence dated 15 January 2018 (refer to Appendix P). The SEARs reiterate the statutory context and requirements for the preparation of an EIS, particularly as outlined in Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (the Regulation). The SEARs identify key issues, which are addressed throughout this EIS. Table 1 summarises the key issues and the design response in relation to each.

**Table 1 - Secretary's Environmental Assessment Requirements**

General Requirements		
Issue	Requirement	This EIS Response
	<p>The EIS must meet the minimum form and content requirements in clauses 6 and 7 of Schedule 2 of the Environmental Planning and Assessment Regulation 2000.</p> <p>Notwithstanding the key issues specified below, the EIS must include an environmental risk assessment to identify the potential environmental impacts associated with the development.</p>	<p>This EIS has been prepared in accordance with the EP&amp;A Regulation 2000 as detailed in Section 4.1 of this report.</p>

	<p>Where relevant, the assessment of the key issues below, and any other significant issues identified in the risk assessment, must include:</p> <ul style="list-style-type: none"> <li>- Adequate baseline data</li> <li>- Consideration of potential cumulative impacts due to other development in the vicinity</li> <li>- Measures to avoid, minimise and if necessary, offset the predicted impacts, including detailed contingency plans for managing any significant risks to the environment.</li> <li>- Justification of impacts</li> </ul>	<p>Potential cumulative impacts are considered, and mitigation measures identified throughout professional consultants' investigations and reports appended to this EIS, and discussed throughout this EIS.</p>
Cost of Works	<p>The EIS must be accompanied by a report from a qualified quantity surveyor providing:</p> <ul style="list-style-type: none"> <li>• A detailed calculation of the CIV of the proposal, as defined by clause 3 EP &amp; A Regulation 2000; including details of all assumptions and components from which the CIV calculation is derived.</li> <li>• A detailed cost report prepared in accordance with Newcastle S. 94A Development Contributions Plan 2009</li> <li>• An estimate of the jobs that will be created by the future development during the construction and operational phases of the development</li> <li>• Certification that the information provided is accurate at the date of preparation.</li> </ul>	<p>A QS Report has been prepared by <i>PCM</i> and is provided at Appendix O.</p> <p>An estimated 600 jobs are expected to be created associated with the construction of this development.</p>
<b>Key Issues</b>		
<b>Issue</b>	<b>Requirement</b>	<b>This EIS Response</b>
<b>Statutory and Strategic Context</b>	<p>Address the statutory provisions applying to the proposal in all EPIs including:</p> <ul style="list-style-type: none"> <li>• SEPP (State &amp; Regional Development) 2011</li> <li>• SEPP (Coastal Management) 2018</li> <li>• SEPP (Urban Renewal) 2010</li> <li>• SEPP (Infrastructure) 2007</li> <li>• SEPP 55 – Remediation of Land</li> <li>• Draft SEPP Remediation of Land</li> <li>• Newcastle Local Environmental Plan (LEP) 2012.</li> </ul>	<p>All applicable and relevant EPIs and strategies are addressed within Section 4 and 5 of this EIS.</p>

	<p>Address the planning provisions, goals and strategic planning objectives in the following:</p> <ul style="list-style-type: none"> <li>- NSW State Priorities</li> <li>- Future Transport Strategy 2056 and supporting plans</li> <li>- Better Placed – an integrated design policy for the built environment of NSW 2017</li> <li>- NSW Planning Guidelines for Walking and Cycling</li> <li>- Hunter Regional Plan 2036</li> <li>- Newcastle Urban Renewal Strategy</li> <li>- Greater Newcastle Future Transport Plan</li> <li>- Greater Newcastle Metropolitan Plan 2036</li> <li>- Port of Newcastle Port Development Plan (PDP) 2015</li> <li>- Newcastle Section 94A Development Contributions Plan 2009</li> <li>- Guide to Traffic Generating Development (RMS, 2002)</li> <li>- Relevant City of Newcastle policies, codes and guidelines (where required pursuant to relevant Local Environmental Plan).</li> </ul>	
<b>Amending Development Application</b>	<p>The EIS shall illustrate and describe the amendments sought to the existing Development Approval (SSD 8440), including a comparative analysis of the building envelopes, car parking, floor spaces, uses and any relevant conditions of consent between the existing Development Approval and the proposed amending DA.</p>	<p>The following EIS describes the proposed amendments sought by providing the specific analysis of the mentioned criteria in Section 3 of this EIS.</p>
<b>Building Use</b>	<p>The EIS shall:</p> <ul style="list-style-type: none"> <li>- Include a table identifying the proposed land uses including a floor-by-floor breakdown of gross floor area (GFA), total GFA and site coverage</li> <li>- include details of the proposed uses and/or operational details for the development, including but not limited to: <ul style="list-style-type: none"> <li>o fit-out and operational details</li> <li>o preliminary operational management plan.</li> </ul> </li> </ul>	<p>The following EIS provides detail as to the intended uses and floor-by-floor changes proposed. This detail can be found in Section 6 of this EIS.</p>
<b>Design excellence</b>	<p>The EIS shall include a design excellence strategy prepared in consultation with the Government Architect NSW, demonstrating how the proposal will continue to achieve design excellence. This strategy shall:</p>	<p>At date of lodgement the development is still waiting on feedback from the Government Architect as to the whether the design excellence process needs to be amended.</p>

	<ul style="list-style-type: none"> <li>- identify the process to ensure that continued design excellence is achieved</li> <li>- demonstrate how comments from the Government Architect NSW have been addressed.</li> </ul>	
<b>Built Form and Urban Design</b>	The EIS shall demonstrate how the orientation, height, bulk, scale, massing, articulation, setbacks and materials of the proposed development will integrate with the existing Development Approval.	<p>The proposal exhibits a very high quality of architectural design, prepared following a competitive design excellence and design review process. The design excellence strategy for this proposal is discussed in Section 6.4 of this EIS and supported in a Clause 4.6 which is provided in Appendix R.</p> <p>A detailed design statement is provided by <i>Bates Smart</i> (refer to Appendix B).</p> <p>The design addresses these matters providing high amenity apartments and interaction between the site and its adjacent public spaces.</p> <p>A landscape design has been prepared by <i>Sydney Design Collective</i> and is provided at Appendix C.</p>
<b>Ecologically Sustainable Development</b>	The EIS shall demonstrate how ESD principles are achieved through the proposed amending DA, in accordance with clause 7(4) of Schedule 2 of	An ESD Statement and Section J have been prepared by <i>S4B</i> (refer to Appendix F), explaining how the principles of ESD have been incorporated.
<b>Noise</b>	<ul style="list-style-type: none"> <li>- identify any sensitive receivers to noise in the vicinity of the site</li> <li>- identify the main noise generating sources and activities at all stages of construction, and any noise sources during operation</li> <li>- outline measures to minimise and mitigate the potential noise impacts on surrounding occupiers of land</li> </ul>	A Noise Assessment Report has been prepared by <i>Acoustic Logic</i> (refer to Appendix M) which demonstrates the likely acoustic impacts on the amenity of nearby residences as well as identifying the main noise generating sources and activities during all stages of the development.

	<ul style="list-style-type: none"> <li>- identify the likely noise impacts and acoustic measures required to ensure acceptable internal amenity, noting the proximity to the operational areas of the Port of Newcastle.</li> </ul>	
<b>Transport &amp; Accessibility (Construction &amp; Operation)</b>	The EIS shall include a traffic, parking, servicing and access assessment identifying any additional impacts of the proposed amending DA on the traffic and transport network and pedestrian and cyclist safety adjacent to the site when compared to the existing Development Approval. Any associated impacts and/or mitigation measures are to be included in the EIS.	Transport and accessibility is discussed in Section 6.7 of this EIS. All arrangements are clearly explained and illustrated on the accompanying plans.
<b>Mine Subsidence</b>	Provide a revised Geotechnical Investigation and Report which addresses potential subsidence risks, stabilisation works required/undertaken and confirms suitability of the site for the proposed amending DA.	A Geotechnical Investigation has been undertaken by <i>Douglas Partners</i> and report is included at Appendix G. Further discussion is provided in Section 6.8 of this EIS.
<b>Heritage</b>	The EIS shall including a revised Heritage Impact Statement that considers any potential impact(s) of the proposed amending DA.	A revised heritage impact statement has been prepared by John Carr Architects and is included in Appendix Q
<b>Utilities</b>	In consultation with relevant agencies, the EIS shall demonstrate how the capacity of utilities to service the existing Development Approval will be augmented to service the proposed amending DA.	The site has access to the appropriate services and utilities as indicated on the Site Survey Plan at Appendix N.
<b>Public Benefit and Contributions</b>	The EIS shall including a detailed cost report prepared in accordance with Newcastle Section 94A Development Contributions Plan, including a cost comparison between the existing Development Approval and the proposed amending DA.	Contributions and public benefit are discussed in Section 6.11 of this EIS.
<b>Biodiversity</b>	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 (BDAR) where required under the Act, except where a waiver for preparation of a BDAR has been granted.	The site has no vegetation and no likely biodiversity impacts. An exemption has been requested from the Office of Environment and Heritage (OEH), to the usual Framework for Biodiversity Assessment Report requirements (refer to Appendix L).
<b>Servicing and Waste</b>	The EIS shall identify any changes to the servicing and waste collection between the existing Development Approval and the proposed amending DA.	A Waste Management Plan has been prepared for the proposal by <i>Elephant's Foot Recycling Solutions</i> (refer to Appendix E). Waste and servicing are discussed in Section 6.13 of this EIS.

<b>Plans &amp; Documents</b>	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 separate documents.	This EIS is accompanied by the requested and necessary plans and documentation in accordance with the Regulation.
<b>Consultation</b>	<p>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 and the Office of the Government Architect.</p> <p>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.</p>	Consultation with public authorities has been undertaken, as discussed in Section 7 of this EIS. Further consultation with the general public will take place during exhibition of the proposal.

## 2 Site Analysis

### 2.1 Site Description, Location and Context

The site is described as 42 Honeysuckle Drive Newcastle, situated within the Local Government Area (LGA) of Newcastle. The site is legally described as Lot 22 DP 1072217. The site is currently undeveloped land, 3,728m<sup>2</sup> in area with a ground covering of low maintained grass.

The site is a regular quadrilateral configuration, its boundaries shared with public space on three sides, being Honeysuckle Drive (north), public reserve (west), Light Rail Corridor (south) and private land that supports a three-storey commercial building to the immediate east.

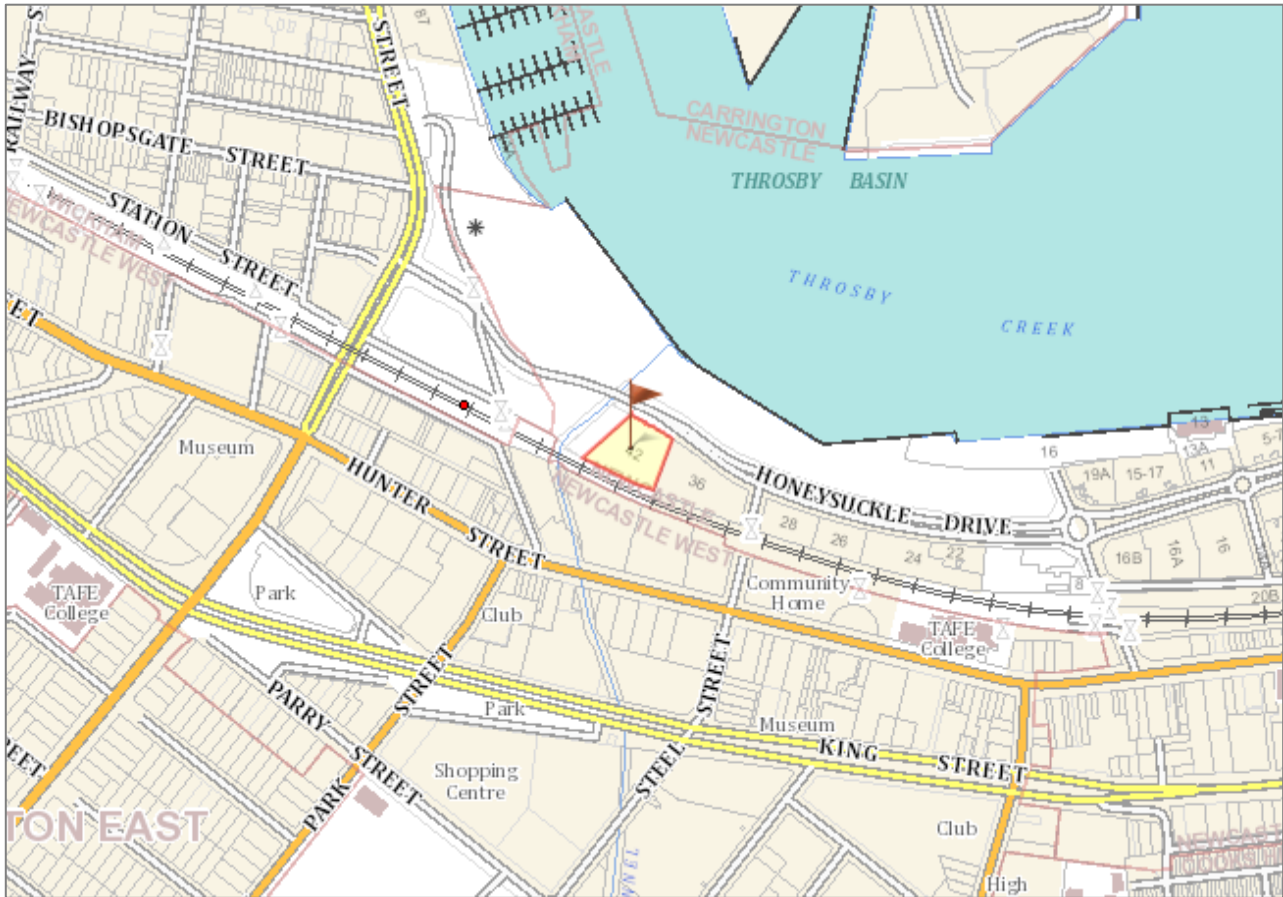
The Wickham Transport Interchange is located approximately 200 metres west of the site, with the new Light Rail Corridor extending along the rear, southern boundary of the site.

Refer to Figure 1 below for the site and the surrounding area and Figure 2 shows the cadastral map of the site.

**Figure 1 - Locality Plan**



**Figure 2 - Cadastral Plan**



The gradual reclamation of tidal flats associated with the Cottage and Throsby Creeks and the development of wharves, railway land and industry, has kept the Honeysuckle area relatively undeveloped until the mid nineteenth century when the railway land and goods yards were placed under the control of the HDC.

The site previously was part of the land holding that is being sold by HDC as part of the Newcastle and the harbour foreshore revitalisation. Several large buildings have already been constructed on such land, with the site likely to be surrounded by mixed-use development comprising apartments with retail land uses along the harbour foreshore.

Figure 3 - Honeysuckle Precincts (HDC, 2015)



## 2.2 Surrounding Development

The site exists within the western end of the Honeysuckle Precinct in the Newcastle City Centre, which is yet to realise its redevelopment and revitalisation potential. To the north of the site exists undeveloped waterfront land and an open carpark, both having a mixed use zoning. To the west, land is undeveloped within a commercial core zoning; and to the east, land has been developed for commercial land uses with intermittent ground floor activation along Honeysuckle Drive. South of the Light Rail Corridor land supports a mix of commercial and residential development typical for its city centre location.

The following photographs depict the site and its surroundings.

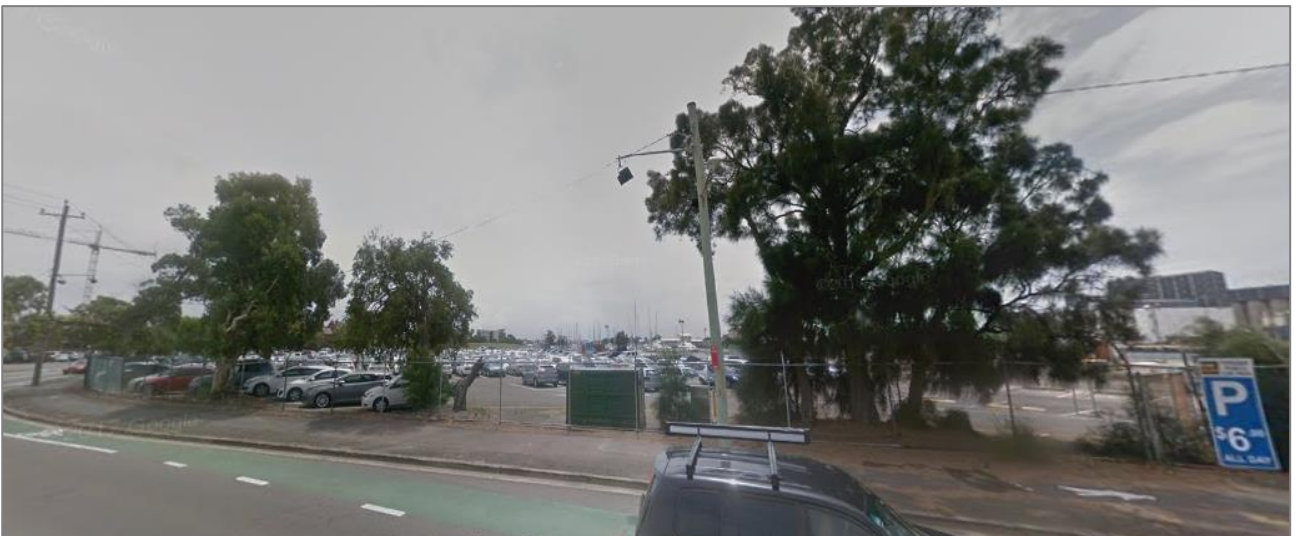
**Photograph 1 – View of the site from Honeysuckle Drive**



**Photograph 2 – View of the site from the west across the drainage line**



**Photograph 3 - Waterfront land to the north-west of the site**



**Photograph 4 - Waterfront land north of Honeysuckle Drive**



**Photograph 5 - Developed land to the southern side of the light rail corridor, as viewed from Hunter Street**



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## 3 Proposed Development

This section of the EIS provides a detailed description of the proposed development. The objective of the proposed development is to provide a high quality, mixed use development comprising land uses which are each compatible and desirable in the location of Honeysuckle.

The objectives of site and the development are a key plank in the NSW Government Revitalising Newcastle Program. This program commenced in 1992 to transform the industrial and coal mining contaminated soil legacy of Newcastle foreshore (Honeysuckle area). Honeysuckle has seen the restoration of heritage buildings, the creation of new public spaces, new walking and cycling promenades and new homes right on the waterfront.

The NSW Government is committed to the continuation of the restoration, decontamination and revitalisation of the Honeysuckle Precinct with the delivery of the 2012 Newcastle Urban Renewal Strategy and associated planning instruments.

This SSD amendment involves a mixed-use development within a nine (9) storey buildings, comprising:

- Modification of the upper four (4) levels of the building changing from Residential Apartments to 60 Serviced Apartments.
- 237 carparking spaces associated with the uses and public carpark
- Associated landscaping design; and
- Ancillary works as detailed on the Architectural drawings at Appendix A.

Refer to architectural drawings prepared by *Bates Smart Architects* Pty Ltd at Appendix A for full details of the proposed development.

### 3.1 Overview of the Proposal

#### 3.1.1 Development Particulars

Development Particulars	Proposal
Site Area	3,728m <sup>2</sup>
Gross Floor Area	11,250m <sup>2</sup> – Total 186m <sup>2</sup> – Retail Premises 11,082 m <sup>2</sup> – Hotel Accommodation (152 rooms and 60 serviced apartments)
FSR	3:1
Building Height	Ground floor – Commercial Premises, Hotel and Serviced Apartments and Carpark and Servicing. Levels 1 – 4 – Hotel and Carpark Levels 5 –8 – Serviced Apartments <b>Total building height 9 Storeys (approx. 32.82m)</b>

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Land Use Mix	152 hotel rooms; 60 serviced apartments; 1 retail premises and a carpark.
Vehicle Parking Provision	237 spaces total

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### 3.1.2 Demolition

As the site is presently vacant and void of any improvements or natural features, there is no demolition sought for the proposed development.

### 3.1.3 Earthworks

As this proposal is for the modification of the upper levels of the building no component of this application requires earthworks.

### 3.1.4 Design and Built Form

The proposal has been designed by Bate Smart Architects and appropriately responds to the constraints and opportunities of the site whilst relating to its setting and context. The design features an active ground level presence to the Honeysuckle Drive frontage and incorporates serviced apartments along the western frontage to the public reserve, having individual apartment entries and suitable visual connection to the public land.

The building is articulated into 3 main parts:

- 1- The approved Hotel component (for the first 4 levels above ground) has a light bronze metal cladding facade that reveals the grid of the internal room subdivision. The detail of the frame has been designed in order to provide and integrate the rooms' exhausts on facade.
- 2- The Serviced Apartments component (the 4 topmost levels) has a façade with dark bronze metal cladding with a single height expression. The intent is to bring onto the facade the structural grid expression. The balconies are provided with dark metal balustrades.
- 3- The Carpark for the first 5 levels has a metal louvered facade that provides natural ventilation. Planters are allocated on each level providing landscaping on the facade.

Internally, the building layout and arrangement of uses is functional and aesthetic and will afford a high level of amenity though natural light and ventilation opportunities, orientation and outlook. The central common garden area on Level 5 is open to the sky with upper level apartments wrapped around. This achieves sustainable apartments with outlook onto the attractive communal garden space.

**Figure 4 – Perspective View of the approved development and the proposed development from Honeysuckle Drive**



The proposed building is appropriate in its context and achieves a suitably contemporary built form addressing and relating to the adjoining public spaces, as desired in the Honeysuckle Precinct of Newcastle (see Figure 4).

### 3.1.5 Parking and Access

An approved vehicular access crossing will to be provided for the site direct to Honeysuckle Drive, providing the sole entry and exit point for all associated vehicles. The carpark is provided with secure entry and provides a total of 237 spaces across the first five levels of the building as follows:

- 3 car spaces for the commercial premises;
- 90 car spaces for the hotel (including staff);
- 81 car spaces for serviced apartments (including staff); and
- 63 surplus parking spaces for public use.

The rate for car parking has been provided using the 1 space per 60m<sup>2</sup> GFA as per the Newcastle DCP.

For service vehicles, a generous ceiling height is incorporated within the Ground Level of the carpark to ensure that service and loading vehicles can safely enter and leave the carpark in a forward direction.

A Traffic Impact Assessment addendum has been prepared by *TTPP* and is provided at Appendix K.

### 3.1.6 Stormwater Management

An approved stormwater management design has been developed to accord with the Newcastle Development Control Plan (DCP) 2012 and Technical Manual (2013). The stormwater design and report prepared by *Northrop* are provided within Appendix D. The stormwater management strategy for the proposal incorporates the following elements:

- Runoff from all roof areas will be collected and diverted to a below ground re-use tank of approximately 7m<sup>3</sup> storage volume. This will enable the reuse of water for non-potable purposes through the ground level serviced apartments and hotel lobby toilets, with the re-use demand based on the data presented in the *Draft NSW MUSIC Modelling Guidelines (WBM, 2015)*;
- All downpipes reporting to the re-use tank will be connected to a first flush device;

- Overflow from the re-use tank and stormwater runoff from the podium level of the building will be collected and conveyed through a proprietary water quality treatment system, before ultimately being discharged to the existing stormwater line in Honeysuckle Drive;
- Approximately 643m<sup>2</sup> of pedestrian pavement and landscaping around the building perimeter will bypass the stormwater treatment network; and
- Pit and pipe networks are designed to cater for all storms up to and including the 1% AEP event.

The Stormwater Management Strategy and Civil drawings will not be modified from that which has already been approved.

### 3.1.7 Landscaping

The landscape design has been developed by *Sydney Design Collective* in collaboration with *Bates Smart Architects* and forms an integral part of the design solution. It includes design of the pedestrian links, communal courtyard and apartments' private terraces. It gives careful consideration to the public domain interface to the west side of the site; the interface with Honeysuckle Drive to the north and pedestrian links; and aims to provide a gradual transition between public and private space.

For the development is expressed in the proposal as follows:

#### Public Domain

- Medium sized exposure tolerant street trees to provide shade and greenery.
- Suggested species include locally native *Syzygium leuhmanniana*, *S. australe* or *Glochidion ferdinandii*
- Additional massed planting may be possible where space permits to contribute greenery on the street.

#### Green Building Facades

- A number of different native vine species will be utilized depending on exposure and shade conditions.
- Tensioned systems will be proprietary, high quality 316 stainless steel cables and fittings,

#### Planting for the Level 5 Courtyards and Terraces

- Tree species will be a mixture of small to medium trees that are selected for adaptability to the varied conditions.
- Tree species will be smaller in private terraces to enable views and to be of an appropriate scale.
- Low planting and shrubs will provide privacy and screening, design interest and will predominantly use local native species in clever ways to create a bold planting scheme.

Refer to Appendix C for the Landscape Design Report.

### 3.1.8 Construction Management

A preliminary Construction Management Plan (CMP) including traffic management proposals has been prepared by *BLOC* and is provided at Appendix H. The preliminary CMP has been designed to set out the broad and preliminary parameters for the management of the construction site, including traffic, noise and vibration, waste, dust, soil and water and the overall impact to neighbouring sites. It will be the responsibility of the successful contractor to prepare, disseminate and implement an appropriate and comprehensive Management Plan for the construction phase of the proposal.

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## 4 Statutory Context

The statutory provisions of the following NSW legislation and Environmental Planning Instruments (EPIs) are relevant to the proposed development and are therefore addressed in this Section of the EIS:

- Environmental Planning and Assessment Act 1979 and Regulation 2000;
- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy (Coastal Management) 2018;
- State Environmental Planning Policy (Urban Renewal) 2010;
- State Environmental Planning Policy - Infrastructure 2007 (SEPP Infrastructure);
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55);
- Draft State Environmental Planning Policy – Remediation of Land
- Newcastle Local Environmental Plan 2012 (LEP 2012).

### 4.1 Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000

The proposed development, as with all development applications in NSW, is subject to the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and associated Regulation 2000.

#### 4.1.1 Objects of the EP&A Act

The proposal is consistent with the objects of the EP&A Act, as explored on the following pages:

*(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 will have a positive impact within the community as it will provide additional, well-designed visitor accommodation opportunities within the Newcastle City Centre locality.

As with all of Doma's developments, they are partnered with *BLOC* who manage the construction component. *BLOC* has substantial experience in the construction of large scale multi-use developments in the Lower Hunter region with a number of recent developments specifically at Honeysuckle. *BLOC* advises that the number of employment opportunities generated during the construction of this development type and scale, is likely to be approximately 600.

The employment opportunities created by the construction phase and through the operation of the retail premises and apartments, will benefit the broader Hunter region. When operational, the retail premises combined are anticipated to generate approximately 100 jobs.

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

The proposal is consistent with the objectives of Ecologically Sustainable Development (ESD) as demonstrated within the ESD Statement provided at Appendix F.

Features and elements which enhance sustainability principles such as passive solar design and natural ventilation have been incorporated into the design of the proposed building providing enhanced amenity for residents, patrons, and staff.

The proposal will provide enhanced social and economic outcomes along Honeysuckle Drive, Newcastle City, and the broader Lower Hunter Region by providing opportunities for employment, increasing short term accommodation options, and appropriate development for this prime location.

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

At present the site is reclaimed, undeveloped land which has been previously capped. Surrounding development includes commercial buildings along Honeysuckle Drive, and recently approved mixed-use development to the east and north of the site. The site also directly adjoins the Newcastle light rail.

The proposed development represents a compatible mixed-use development and is consistent with the desired future vision for the Honeysuckle Precinct. By providing a mix of short term accommodation options the proposal will enhance the economic success of the Newcastle City Centre.

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

The proposed use does not include any residential uses.

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

As the site is currently cleared, undeveloped land within the Newcastle City Centre, there is no expected impacts upon threatened or other native species of flora, fauna, or ecological communities or their habitats.

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

The proposed development aims to minimise any impact on the cultural heritage of Newcastle City. The development has been designed to maintain views toward the foreshore whilst contributing to the vibrant culture of the City and interest in the cultural heritage of Newcastle. A Heritage Impact Assessment was provided for the original application which concluded that the proposal is unlikely to have any impact on cultural heritage.

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

Design elements which enhance the amenity of residents, patrons, and staff have been incorporated into the design of the development consistent with the objectives of ESD.

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

A preliminary Construction Management Plan (CMP) has been prepared and provided within the application package. The CMP sets out the preliminary parameters for the management of the construction site, including traffic, noise and vibration, waste, dust, soil and water and the overall impact to adjacent sites. A final CMP will be prepared prior to the construction phase of the development commencing.

Throughout the process of this development relevant government agencies have had the opportunity for input guiding the design and outcomes of the proposal. It is considered that the consultation process has resulted in an improved development and the input of various levels of government has been invaluable. The proposal is consistent with all relevant policies and priorities for the State and Council's objectives for the area.

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

The community has had the opportunity to provide input on the proposed development throughout the design and through the application process. Input from the community has been considered and implemented into the design of the development where practical and the proposal has been designed to meet market demand for such development. During the public exhibition phase of the SSD application further opportunity for public participation will be available.

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#### 4.1.2 State Significant Development Assessment

Part 4 Division 4.7 of the EP&A Act deals with SSD, for which the Minister is the consent authority.

The usual Section 4.15 evaluation applies to SSD applications, as addressed throughout this EIS.

Section 4.42 - Approvals etc legislation that must be applied consistently

*(1) An authorisation of the following kind cannot be refused if it is necessary for carrying out State significant development that is authorised by a development consent under this Division and is to be substantially consistent with the consent:*

- (a) an aquaculture permit under section 144 of the Fisheries Management Act 1994,*
- (b) an approval under section 15 of the Mine Subsidence Compensation Act 1961,*
- (c) a mining lease under the Mining Act 1992,*

*Note. Under section 380A of the Mining Act 1992, a mining lease can be refused on the ground that the applicant is not a fit and proper person, despite this section.*

- (d) a production lease under the Petroleum (Onshore) Act 1991,*

*Note. Under section 24A of the Petroleum (Onshore) Act 1991, a production lease can be refused on the ground that the applicant is not a fit and proper person, despite this section.*

- (e) 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),*

- (f) a consent under section 138 of the Roads Act 1993,*

- (g) a licence under the Pipelines Act 1967.*

As discussed on the following pages, the necessary approval from Council under the *Roads Act 1993* must be sought and obtained post development consent.

Approval from the Subsidence Advisory NSW under the *Mine Subsidence Compensation Act 1961* was issued for the original SSD application.

#### 4.1.3 Other Approvals

The proposed development would typically require the following approval be obtained:

- Activity Approval under the *Water Management Act 2000* (Office of Water).

However, Section 4.41 of the EP&A Act provides the following in respect of SSD:

Section 4.41 Approvals etc legislation that does not apply

*(1) The following authorisations are not required for State significant development that is authorised by a development consent granted after the commencement of this Division (and accordingly the provisions of any Act that prohibit an activity without such an authority do not apply):*

- (a) the concurrence under Part 3 of the Coastal Protection Act 1979 of the Minister administering that Part of that Act,*
- (b) a permit under section 201, 205 or 219 of the Fisheries Management Act 1994,*

- (c) an approval under Part 4, or an excavation permit under section 139, of the Heritage Act 1977,*
- (d) an Aboriginal heritage impact permit under section 90 of the National Parks and Wildlife Act 1974,*
- (e) Repealed)*
- (f) a bush fire safety authority under section 100B of the Rural Fires Act 1997,*
- (g) 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.*

#### 4.1.4 Section 4.15 Assessment

Under Section 4.15 of the EP&A Act, in determining a development application a consent authority is to take into consideration specified matters that are of relevance to the development. The following provides a summary evaluation of the proposed SSD against the relevant Section 4.15 specified matters:

##### ***(a)(i) the provisions of any Environmental Planning Instrument***

Response: The relevant EPIs applying to the development have been addressed in detail in Section 4 of this EIS. The proposed development is consistent with the applicable EPIs, with the exception of Building Height under Newcastle Local Environmental Plan 2012. These variations are discussed in Section 4.3.2 of this EIS and a formal Submission seeking the variations is provided at Appendix R.

##### ***(a)(ii) the provisions of 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 Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)***

Response: There are no known proposed instruments of relevance to the proposal.

##### ***(a)(iii) the provisions of any development control plan***

Response: For SSD, the provisions of a development control plan (DCP) are not applicable as provided by SEPP (State and Regional Development) 2011.

##### ***(a)(iiia) the provisions of any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F***

Response: No planning agreements apply to the site or are relevant to the proposed development.

##### ***(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)***

Response: Clause 92(1) of the Regulation outlines the additional prescribed matters that a consent authority must consider in determining a development application, as follows:

*'(a) in the case of a development application for the carrying out of development:*

*(i) in a local government area referred to in the Table to this clause, and*

*(ii) on land to which the Government Coastal Policy applies,*

*the provisions of that Policy...'*

Response: Only the seaward part of the *NSW Coastal Policy* has been adopted in Newcastle for the purposes of the EP&A Act and therefore this does not apply to the proposed development.

*'(b) in the case of a development application for the demolition of a building, the provisions of AS 2601...'*

Response: The proposal does not involve building demolition and therefore AS 2601 does not apply.

*'(c) in the case of a development application for the carrying out of development on land that is subject to a subdivision order made under Schedule 5 to the Act, the provisions of that order and of any development plan prepared for the land by a relevant authority under that Schedule...'*

Response: The site is not subject to a subdivision order.

*'(d) in the case of the following development, the Dark Sky Planning Guideline:*

*(i) any development on land within the local government area of Coonamble, City of Dubbo, Gilgandra or Warrumbungle Shire,*

*(ii) development of a class or description included in Schedule 4A to the Act, State significant development or designated development on land less than 200 kilometres from the Siding Spring Observatory.'*

Response: The proposed development is not within 200km of the Siding Spring Observatory.

***(a)(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)***

Response: Section 5 of the *Coastal Management Act 2016* provides that the coastal zone means the area of land comprised of the following coastal management areas:

- (a) the coastal wetlands and littoral rainforests area,
- (b) the coastal vulnerability area,
- (c) the coastal environment area,
- (d) the coastal use area.

The site is mapped as being within the coastal use and coastal environment zones. The recently adopted *SEPP (Coastal Management) 2018* is addressed in Section 4.2.2 of this EIS.

***1(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***

Response: In responding to the key assessment issues of the SEARs, this EIS has demonstrated that the proposal is appropriate for the site. The proposed development provides desirable foreshore retail services and employment opportunities in a well-designed building that will make a positive contribution to the locality.

***1(c) the suitability of the site for the development***

Response: The preceding sections of this EIS demonstrate that the site is suitable for the proposal. The redevelopment of the site for a mix of relevant and related land uses is consistent with the objectives of the B4 Mixed Use Zone and is compatible with the existing and permissible land uses within the locality of Honeysuckle. The site is acknowledged as being a highly accessible site with excellent access and proximity to services and facilities.

Detailed site investigations were undertaken by professional consultants during the preparation of the original SSD application which identified the suitability of the site for the proposal, along with mitigation measures and management practices to ensure quality environmental outcomes. In this regard, waste classification will be undertaken prior to the removal of material from the site; an acid sulfate soil management plan and remedial action plan will be prepared prior to excavation work; dewatering will occur during construction should the groundwater be encountered; traffic will be managed during the construction phase to minimise impact on local road and neighbouring properties; and the construction management plan will be implemented to minimise environmental impacts associated with the construction activities in the locality.

Once operational, a plan of management will be implemented that will ensure the smooth operation of the retail uses within the same building; the waste management plan will be implemented to ensure the effective and efficient management of waste for the development; and a maintenance plan will be developed to ensure the ongoing care and responsibility for common areas of the building.

There are no significant natural or environmental constraints that hinder the proposed development of the site and accordingly the site is suitable for the proposal.

### ***1(d) any submissions made in accordance with this Act or the regulations***

Response: Any submissions made will be assessed by the Department of Planning and Environment (the Department). A consultation program has been undertaken during the preparation of this EIS. This involved consultation with key stakeholders and referral agencies relevant to the project to communicate the development proposal and the matters being further investigated and assessed during resolution of the final design.

In addition to the consultation undertaken during the EIS process, an information session for members of the community will be held during the formal public exhibition of the SSD proposal. Information gathered during the information session will be forwarded directly to the Department to assist in the assessment process.

### ***1(e) the public interest***

Response: The development of the site for Tourist and Visitor Accommodation purposes and retail uses is considered consistent with the zone objectives and provides short term accommodation opportunities within close proximity to key tourist areas of Newcastle. The proposal will provide appropriate amenity for the intended occupants with close proximity to public transport facilities. As discussed throughout this EIS the likely impact on the environment has been minimised with the adoption of mitigation measures and thoughtful architectural design. The proposal is therefore considered to be in the public interest.

## **4.2 State Environmental Planning Policies (SEPPs)**

### **4.2.1 SEPP (State and Regional Development) 2011**

Clause 8 Declaration of State significant development: section 89C

*(1) Development is declared to be State significant development for the purposes of the Act if:*

*(a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and*

*(b) the development is specified in Schedule 1 or 2.*

Schedule 2 Section 2: Development on specified sites

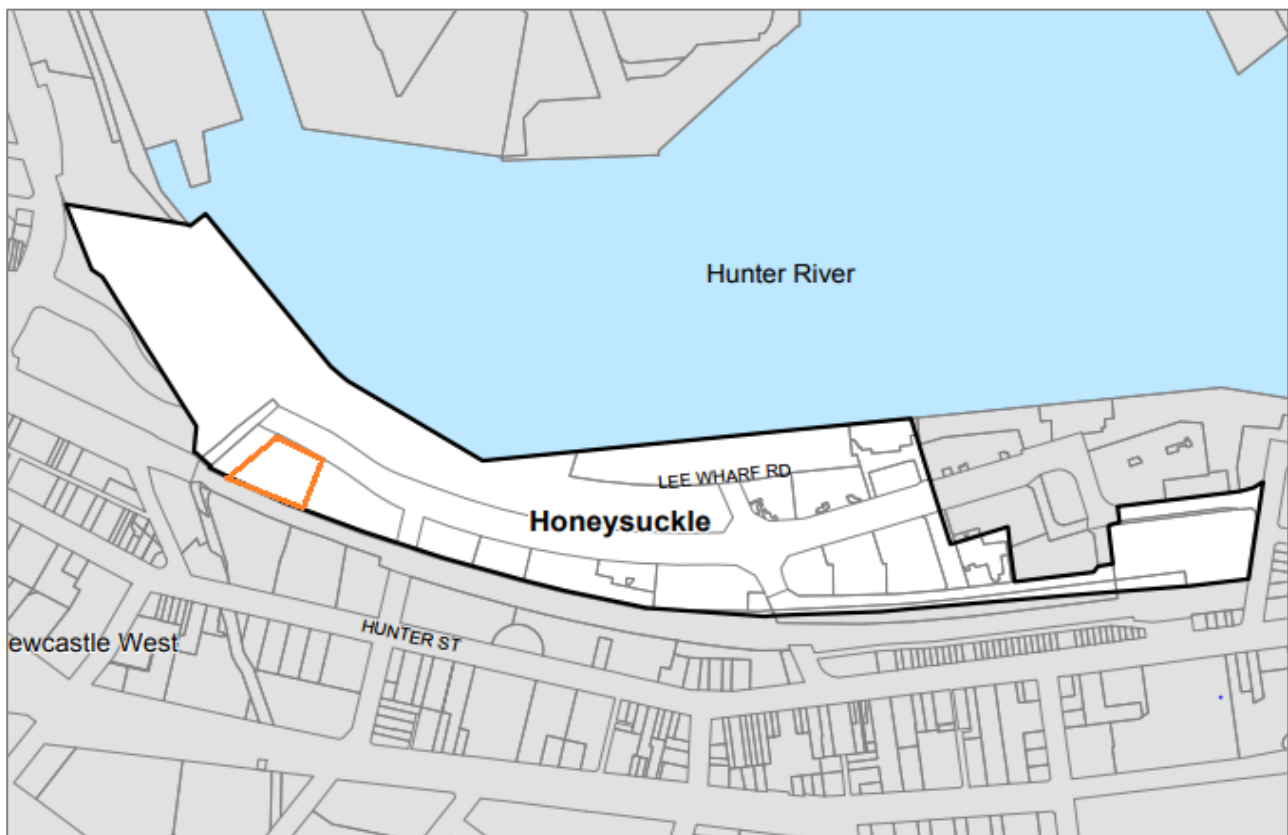
*Development that has a capital investment value of more than \$10 million on land identified as being within any of the following sites on the State Significant Development Sites Map:*

*(a) Bays Precinct Site,*

- (b) Darling Harbour Site,
- (c) Broadway (CUB) Site,
- (d) Honeysuckle Site,
- (e) Luna Park Site,
- (f) Sydney Olympic Park Site,
- (g) Redfern-Waterloo Sites,
- (h) Taronga Zoo Site.

The site is identified as being within the Honeysuckle Site on the Map, as illustrated in Figure 5. As the development has a CIV in excess of \$10M, by definition, it is SSD.

**Figure 5 - Honeysuckle Precinct Extract Map**



## Clause 11 Exclusion of application of development control plans

*Development control plans (whether made before or after the commencement of this Policy) do not apply to:*

- (a) State significant development, or
- (b) development for which a relevant council is the consent authority under section 89D (2) of the Act.

It is worth noting here that Section 89D (2) of the Act is now Section 4.37.

## 4.2.2 SEPP (Coastal Management) 2018

This Coastal Management SEPP was recently adopted as part of the NSW Government coastal reforms aimed at ensuring coordinated planning and management of the coast.

Under the Coastal Management SEPP, the definition of the coastal zone recognises four distinct areas:

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

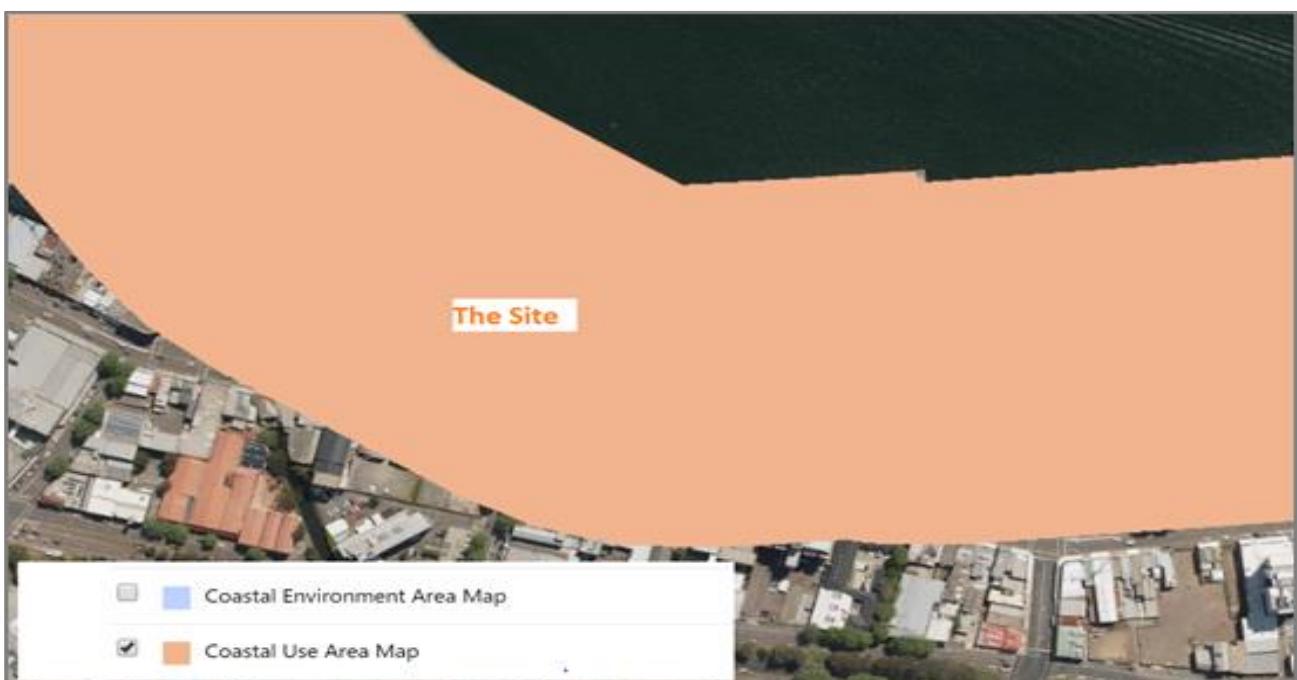
The site is identified as being within the coastal use area (refer to Figure 9). The management objectives for the coastal use area are to accommodate both urbanised and natural stretches of coastline and to protect and enhance the scenic, social and cultural values of the coast by ensuring that:

- The type, bulk, scale and size of development is appropriate for the location and natural scenic quality of the coast
- Adverse impacts on cultural and built environment heritage are avoided or mitigated
- Urban design, including water sensitive urban design, is supported and incorporated into development activities
- Adequate public open space is provided, including for recreational activities and associated infrastructure
- The use of the surf zone is considered.

The proposed development on the site is consistent with these objectives, as it:

- is designed in accordance with water sensitive urban design principles to maintain catchment water quality;
- has been assessed by a heritage consultant and is unlikely to have any impact on cultural or built heritage;
- incorporates substantial open space areas on site to connect with the foreshore; and
- enhances the scenic value of the foreshore area.

**Figure 6 - SEPP (Coastal Management) 2018 Map Extract**



Clause 14 of the SEPP provides that:

- (1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*
- (a) has considered whether the proposed development is likely to cause an adverse impact on the following:*
- (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
  - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
  - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
  - (iv) Aboriginal cultural heritage, practices and places,*
  - (v) cultural and built environment heritage, and*
- (b) is satisfied that:*
- (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
  - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
  - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
- (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

In response:

- The proposal has been designed with optimum public access to the foreshore;
- The proposal has been designed to be accessible, with minor transition between proposed floor levels of the buildings and the surrounding public domain, Suitable ramps have been incorporated and integrated in the landscape design;
- The shadowing of the proposal has been illustrated on the plans prepared by *Bates Smart* at Appendix A, demonstrating reasonable impact;
- The proposal will contribute to the vibrancy of the foreshore area and the built form in the locality;
- The proposed built form will contribute positively to the foreshore scenic quality and is enhanced with suitable transition to the foreshore with low scale retail form and active land uses; and
- The proposal will not likely have any impact on Aboriginal, cultural or built heritage.

The proposal is therefore permissible under the SEPP and considered consistent with the objectives.

#### 4.2.3 SEPP – Urban Renewal 2010

The purpose of the State Environmental Planning Policy (SEPP) Urban Renewal is to establish a process for assessing and identifying sites as urban renewal precincts, and to ensure that these sites are redeveloped in an orderly and economic fashion.

The subject land has been identified as being located within the *Newcastle Potential Precinct Map* as determined by the SEPP.

The proposed development at 42 Honeysuckle Drive, Newcastle has taken the SEPP into account and is compliant with the controls outlined in the SEPP.

#### 4.2.4 SEPP (Infrastructure) 2007

The relevant clauses of this Policy are set out below.

Clause 45 Determination of development applications—other development

- (1) This clause applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following:*

- (a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,*
- (b) development carried out:*
  - (i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*
  - (ii) immediately adjacent to an electricity substation, or*
  - (iii) within 5m of an exposed overhead electricity power line,*
- (c) installation of a swimming pool any part of which is:*
  - (i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or*
  - (ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,*
- (d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.*
- (2) Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must:*
  - (a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and*
  - (b) take into consideration any response to the notice that is received within 21 days after the notice is given.*

The site survey prepared by *DeWitt Consulting* indicates that underground electricity line exists through the site. This DA will therefore require referral to the electricity supply authority in accordance with this clause, inviting comment.

#### Clause 86 – Excavation in, above or adjacent to rail corridors

- (1) This clause applies to development (other than development to which clause 88 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land:*
  - (a) within or above a rail corridor, or*
  - (b) within 25m (measured horizontally) of a rail corridor. or*
  - (c) within 25m (measured horizontally) of the ground directly above an underground rail corridor.*
- (2) Before determining a development application for development to which this clause applies, the consent authority must:*
  - (a) within 7 days after the application is made, give written notice of the application to the chief executive officer of the rail authority for the rail corridor, and*
  - (b) take into consideration:*

- (i) any response to the notice that is received within 21 days after the notice is given, and*
- (ii) any guidelines issued by the Secretary for the purposes of this clause and published in the Gazette.*

The proposal involves minor excavation works for the plant and tank room, to a depth of approximately 2.5 metres below ground; and for building foundations. This excavation will take place within 25 metres of the rail corridor. The minor extent of earthworks is considered unlikely to have any significant impact on the rail infrastructure or safe operation of the rail corridor infrastructure; however, this DA will require referral to the Rail Authority in accordance with this clause.

#### Clause 87 - Impact of rail noise or vibration on non-rail development

*(1) This clause applies to development for any of the following purposes that is on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration:*

- (a) a building for residential use,*
- (b) a place of public worship,*
- (c) a hospital,*
- (d) an educational establishment or child care centre.*

*(2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.*

*(3) If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:*

- (a) in any bedroom in the building-35 dB(A) at any time between 10.00 pm and 7.00 am,*
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)-40 dB(A) at any time.*

SEPP Infrastructure defines rail corridor as land:

- (a) that is owned, leased, managed or controlled by a public authority for the purpose of a railway or rail infrastructure facilities, or*
- (b) that is zoned under an environmental planning instrument predominantly or solely for development for the purpose of a railway or rail infrastructure facilities, or*
- (c) in respect of which the Minister has granted approval under Part 3A or Part 5.1 or (before its repeal) Division 4 of Part 5 of the Act, or consent under Part 4 of the Act, for the carrying out of development (or for a concept plan for a project comprising or including development) for the purpose of a railway or rail infrastructure facilities.*

A noise assessment has been undertaken in respect of the proposed development to identify nearby noise sources and quantify the anticipated noise levels to be received by the development.

#### Clause 101- Development with frontage to classified road

*(1) The objectives of this clause are:*

*(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads; and*

*(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

*(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*

*(a) where practicable, vehicular access to the land is provided by a road other than the classified road; and*

*(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*

*(i) the design of the vehicular access to the land, or*

*(ii) the emission of smoke or dust from the development, or*

*(i) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*

*(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

This clause does not apply as Honeysuckle Drive is not listed as a classified road.

Notwithstanding, the proposed access arrangement is acceptable in the context of the site and surrounding street network; and will not adversely affect the safety or operation of Honeysuckle Drive.

#### 4.2.5 SEPP 55 - Remediation of Land

State Environmental Planning Policy (SEPP) No 55 – Remediation of Land contains guidelines and prescriptive measures with regard to site contamination and remediation requirements for all land based development across NSW. In considering a development application for new development, the consent authority is to have regard for the prescriptive requirements of Clause 7 of the SEPP provided below:

*Contamination and remediation to be considered in determining development applications.*

*A consent authority must not consent to the carrying out of any development on land unless:*

*(a) It has considered whether the land is contaminated. And*

*(b) If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

*(c) If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The site has previously been associated with a number of potentially contaminating land uses including industrial railway yards; and has been subject to extensive filling including importation of excess potentially contaminated fill materials from other Honeysuckle development sites.

Investigations regarding this was undertaken as part of the original SSD application on the site. As this proposal does not involve any additional impacts to the ground there will be no further impacts as a result of the development.

## 4.2.6 Draft State Environmental Planning Policy – Remediation of Land

This draft SEPP was recently placed on public exhibition, which closed 13 April 2018. The draft Remediation of Land SEPP is part of the NSW Government review program aimed at ensuring coordinated planning and management of remediation of land. The draft SEPP is anticipated to replace SEPP 55 – *Remediation of land*.

The new SEPP will retain the following objectives from SEPP 55 as they remain relevant:

- Establish a Statewide planning approach for the remediation of contaminated land
- Promote the remediation of contaminated land to reduce the potential risk of harm to human health or/and the environment by:
  - making remediation work permissible, despite anything to the contrary in another environmental planning instrument
  - specifying when development consent is, and is not required, for remediation work
  - specifying considerations that are relevant in determining development application
  - requiring remediation work meet certain standards and notification requirements.

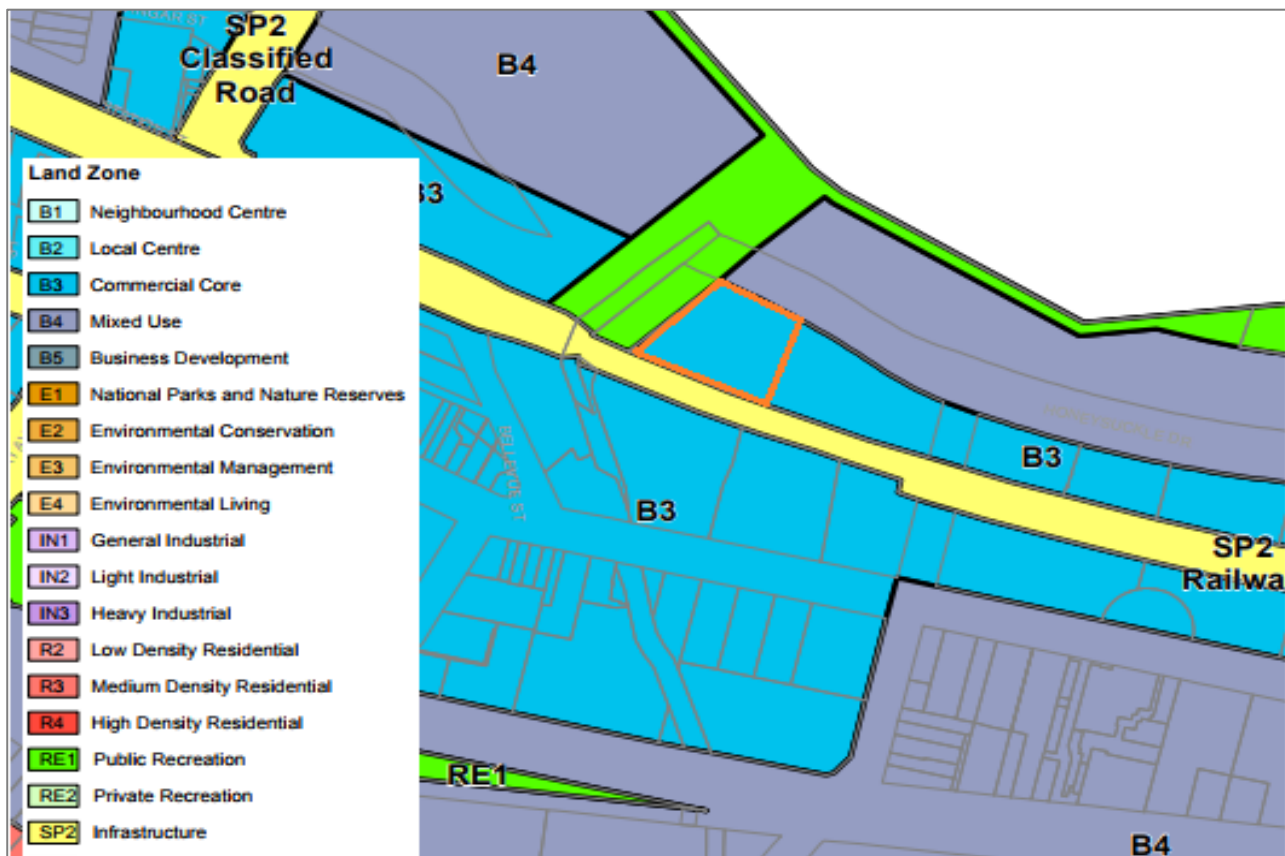
While it is noted that the proposed SSD will not involve any additional impact to the surface of the site, or penetrate into any potentially contaminated land, the specific key policy changes that relate to this draft SEPP will be complied with.

## 4.3 Newcastle Local Environmental Plan 2012

### 4.3.1 Zoning

The Newcastle LEP 2012 indicates that the site is within the B3 Commercial Core Zone, as illustrated in Figure 7.

Figure 7 – Extract from LEP 2012 (Map LZN\_04FA)



The Land Use Table for the B3 Commercial Core Zone is extracted below:

## **Zone B3 Commercial Core**

### *1 Objectives of zone*

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To provide for commercial floor space within a mixed use development.*
- *To strengthen the role of the Newcastle City Centre as the regional business, retail and cultural centre of the Hunter region.*
- *To provide for the retention and creation of view corridors.*

### *2 Permitted without consent*

*Environmental protection works; Home occupations*

### *3 Permitted with consent*

*Car parks; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Environmental facilities; Flood mitigation works; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Mortuaries; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Sex services premises; Shop top housing; Signage; Tourist and visitor accommodation; Transport depots*

### *4 Prohibited*

*Any development not specified in item 2 or 3*

The proposal comprises a mixed-use development having ground floor retail premises, hotel accommodation, and public carpark. The following land use definitions from LEP 2012 are provided as relevant to the proposed land uses in this mixed-use development proposal:

The proposed hotel and serviced apartments are defined as tourist and visitor accommodation under Newcastle LEP 2012, as follows:

***tourist and visitor accommodation*** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers' accommodation,*
- (b) bed and breakfast accommodation,*
- (c) farm stay accommodation,*
- (d) hotel or motel accommodation,*
- (e) serviced apartments,*

*but does not include:*

- (f) camping grounds, or*
- (g) caravan parks, or*
- (h) eco-tourist facilities.*

**hotel or motel accommodation** means a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that:

- (a) comprises rooms or self-contained suites, and*
  - (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,*
- but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.*

*(Note. Hotel or motel accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary)*

**serviced apartment** means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

*(Note. Serviced apartments are a type of tourist and visitor accommodation—see the definition of that term in this Dictionary)*

The proposed ground floor retail premises is defined in Newcastle LEP 2012 as follows:

**commercial premises** means any of the following:

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

**retail premises** means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:

- (a) bulky goods premises,*
- (b) cellar door premises,*
- (c) food and drink premises,*
- (d) garden centres,*
- (e) hardware and building supplies,*
- (f) kiosks,*
- (g) landscaping material supplies,*
- (h) markets,*
- (i) plant nurseries,*

(j) roadside stalls,

(k) rural supplies,

(l) shops,

(m) timber yards,

(n) vehicle sales or hire premises,

*but does not include highway service centres, service stations, industrial retail outlets or restricted premises.*

The intended public carpark component of the development is defined as *car park*, as follows:

***car park*** means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

This mixed-use development proposal comprises land uses which are consistent with the objectives for the Commercial Core Zone, as the proposal integrates compatible land uses within the site in a location that is highly accessible by public transport, cycling and walking networks; and provides an active street frontage to Honeysuckle Drive.

#### 4.3.2 Relevant Clauses

The following clauses of LEP 2012 are of particular relevance for development of the site:

##### Clause 1.9 Application of SEPPs

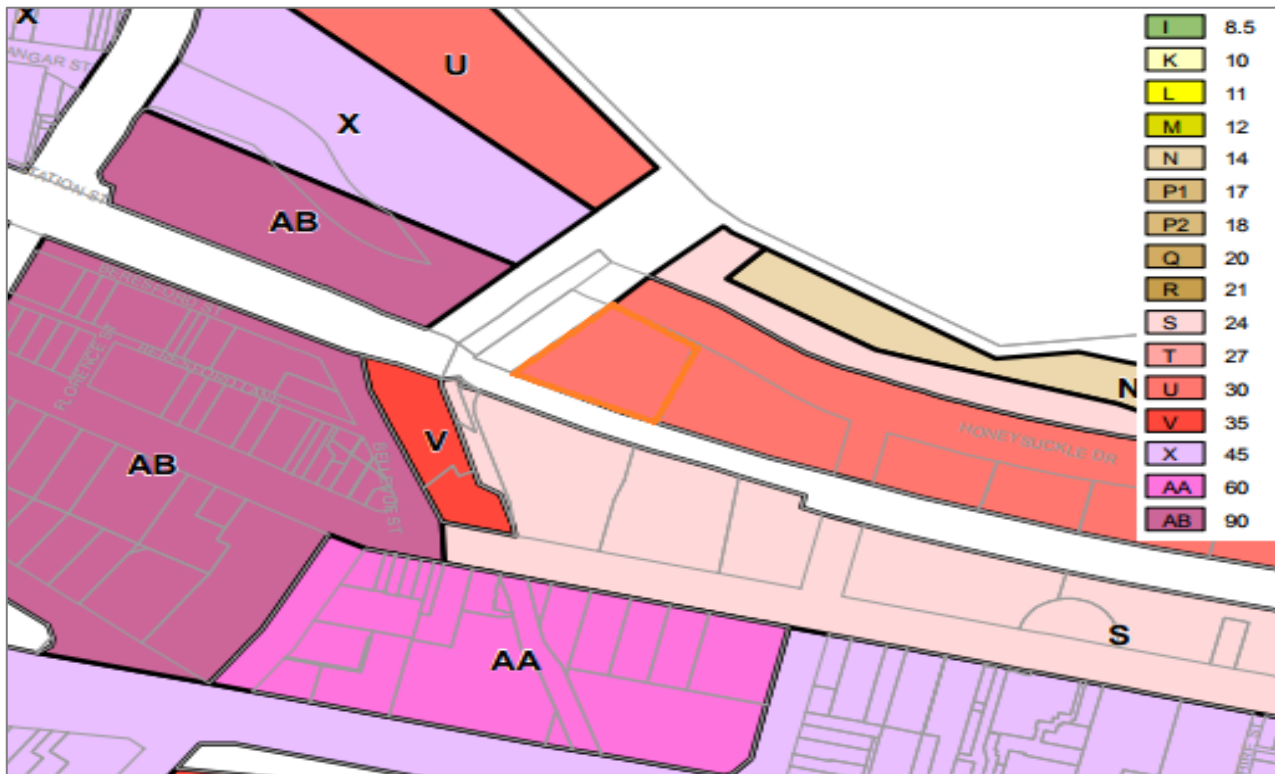
*(2A) State Environmental Planning Policy No 71—Coastal Protection does not apply to land in the Newcastle City Centre.*

The site is within the Newcastle City Centre and therefore SEPP 71 is not applicable.

##### Clause 4.3 - Height of Buildings

In accordance with this clause and adopted Height of Buildings Map, building on the subject site is not to exceed the maximum height of 30 metres. This is illustrated in Figure 8.

Figure 8 – Extract from LEP 2012 (HOB\_04G)



Building height is measured from between the ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

The proposed development has a height to the rooftop of RL 32.82m AHD; and a plant level height of RL 35.62m AHD. With an average surface level on site of RL 3.7m AHD, the proposal is compliant with the maximum 30 metre height under this clause based on natural ground level at the points directly below.

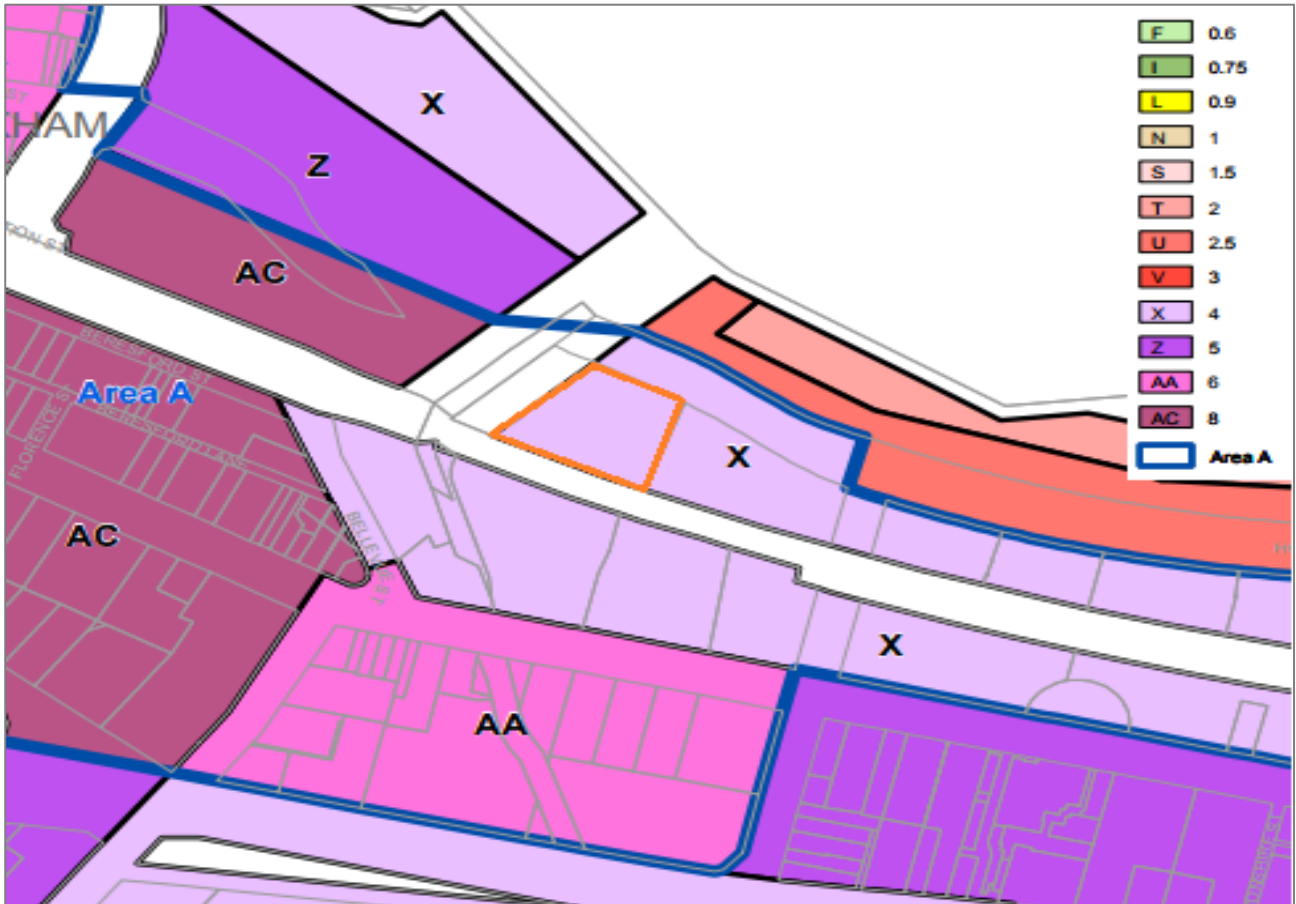
However, for a small portion of the site at the front (toward Honeysuckle Drive) and rear (toward the light rail corridor) the existing ground level dips down to experience levels of approximately RL 2.33m AHD and RL 2.20m AHD respectively. This results in the front and rear of the proposed building experiencing very minor exceedance of the 30-metre building height.

In this regard, the proposal seeks to utilise the additional building height allowable under clause 7.5(6) of LEP 2012. Please refer to appendix R for the proposed Clause 4.6 variation.

#### Clause 4.4 - Floor Space Ratio

In accordance with this clause and the adopted Floor Space Ratio Map (refer to Figure 9), the maximum floor space ratio for a building on the site is not to exceed 4:1. However, as the site is also within 'Area A' the provisions of LEP clause 7.10 apply. Clause 7.10 effectively reduces the floor space ratio standard for the site to 3:1.

Figure 9 – Extract from LEP 2012 (FSR\_04G)



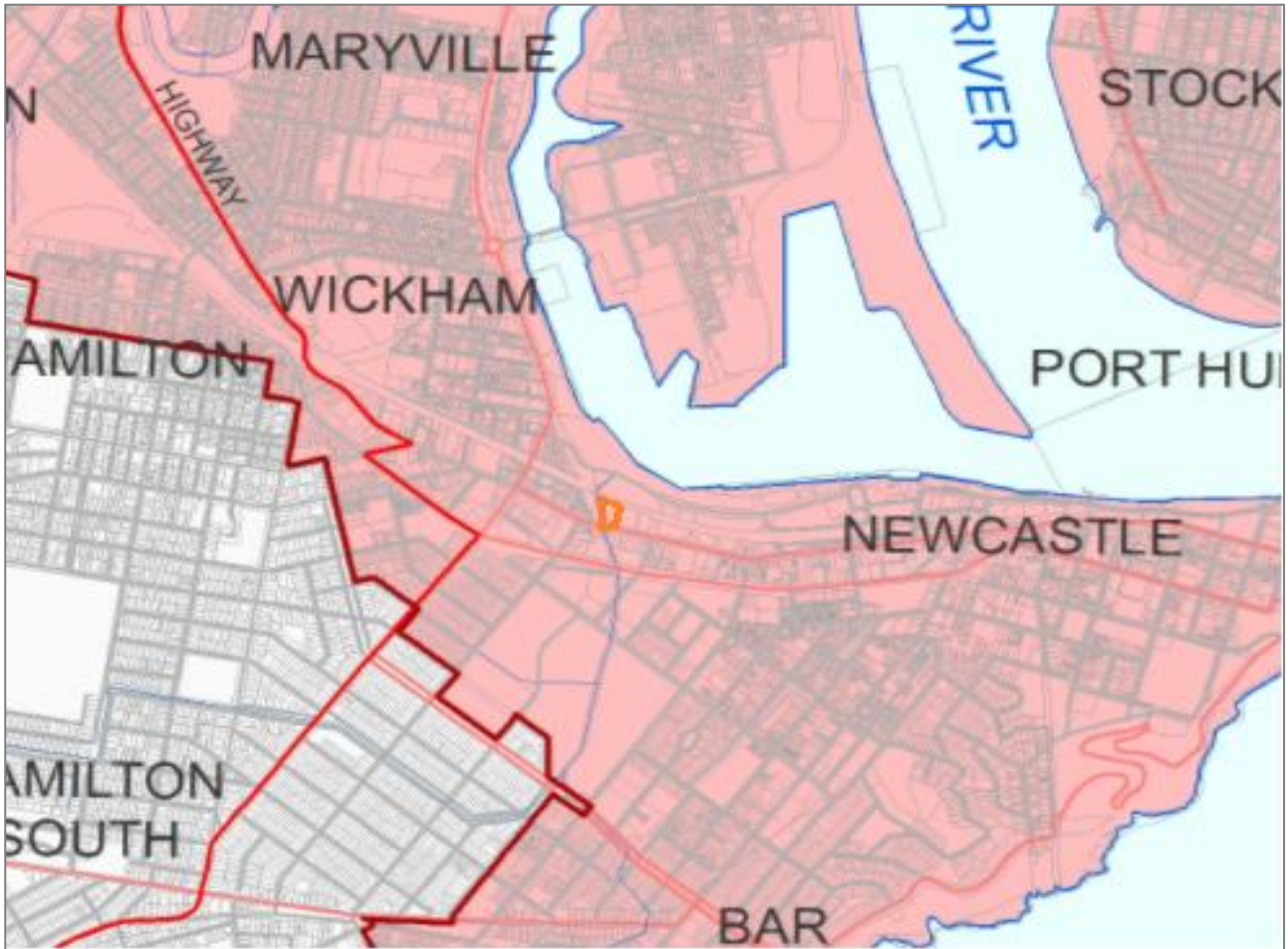
## Clause 5.5 Development within the coastal zone

- (2) Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority has considered:
- (a) existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to:
    - (i) maintaining existing public access and, where possible, improving that access, and
    - (ii) identifying opportunities for new public access, and
  - (b) the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:
    - (i) the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and
    - (ii) the location, and
    - (iii) the bulk, scale, size and overall built form design of any building or work involved, and
  - (c) the impact of the proposed development on the amenity of the coastal foreshore including:
    - (i) any significant overshadowing of the coastal foreshore, and

- 
- (ii) any loss of views from a public place to the coastal foreshore, and*
  - (d) how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected, and*
  - (e) how biodiversity and ecosystems, including:*
    - (i) native coastal vegetation and existing wildlife corridors, and*
    - (ii) rock platforms, and*
    - (iii) water quality of coastal waterbodies, and*
    - (iv) native fauna and native flora, and their habitats,**can be conserved, and*
  - (f) the cumulative impacts of the proposed development and other development on the coastal catchment.*
  - (3) Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority is satisfied that:*
    - (a) the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and*
    - (b) if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and*
    - (c) the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and*
    - (d) the proposed development will not:*
      - (i) be significantly affected by coastal hazards, or*
      - (ii) have a significant impact on coastal hazards, or*
      - (iii) increase the risk of coastal hazards in relation to any other land.*

The site has been identified as being within the coastal zone (refer to Figure 10). Accordingly, the above matters have been taken into consideration in the proposal. In response, the proposed development is compliant by not limiting or restricting any public access to or along foreshore areas; nor impacting any views to foreshore areas. The proposed development incorporates a stormwater management system that will appropriately capture and treat stormwater prior to discharge to Council's existing stormwater infrastructure.

Figure 10 – Coastal Zone Map Extract (GMR Map2)



## Clause 5.6 – Architectural Roof Features

Development may include an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3, if the consent authority is satisfied that:

(a) *the architectural roof feature:*

(i) *comprises a decorative element on the uppermost portion of a building, and*

(ii) *is not an advertising structure, and*

(iii) *does not include floor space area and is not reasonably capable of modification to include floor space area, and*

(iv) *will cause minimal overshadowing, and*

(b) *any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.*

The proposed development does not have any architectural roof features that cause the building to exceed the allowable height for this site.

## Clause 5.10 - Heritage Conservation

The proposal is consistent with the objectives of this clause, which are:

- (a) to conserve the environmental heritage of the City of Newcastle,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

The site does adjoin the Newcastle City Centre Heritage Conservation Area, and there are items of significance in the vicinity of the site. A Statement of Heritage Impact has been prepared and is provided within Appendix Q.

The nearest items are illustrated in the heritage map extract provided in Figure 11. The proposed development will not affect the significance of the listed heritage buildings, nor detract from their setting or obstruct any view of these items from public places. This is discussed in Section 5.11 of this EIS as well as the Statement of Heritage Impact prepared by John Carr Heritage Design (refer to Appendix Q).

**Figure 11 – Extract from LEP 2012 (HER\_04G)**



*(2) Requirement for consent Development consent is required for any of the following:*

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):*
  - (i) a heritage item,*
  - (ii) an Aboriginal object,*
  - (iii) a building, work, relic or tree within a heritage conservation area,*

- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
- (d) disturbing or excavating an Aboriginal place of heritage significance,*
- (e) erecting a building on land:*
  - (i) on which a heritage item is located or that is within a heritage conservation area, or*
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*
- (f) subdividing land:*
  - (i) on which a heritage item is located or that is within a heritage conservation area, or*
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*

In respect of Aboriginal heritage, a preliminary AAA was undertaken and approved under the original development application. As this application does not entail any further modification of the surface this clause is no longer relevant.

## Clause 6.1 - Acid Sulphate Soils

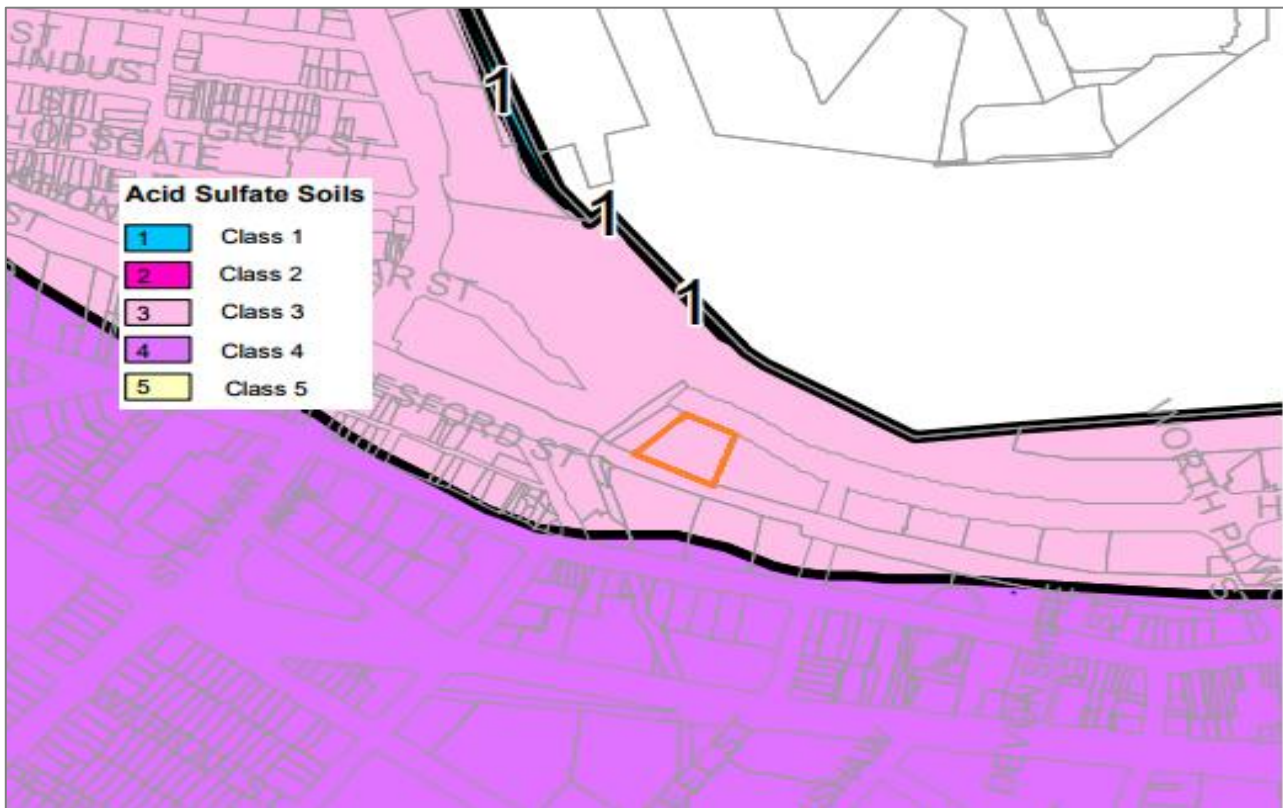
The site is identified as having potential class 3 acid sulfate soils (refer to Figure 12).

The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. For class 3 land, works more than 1 metre below the natural ground surface or by which the watertable is likely to be lowered more than 1 metre below the natural ground surface, requires development consent.

- (3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.*
- (4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if:*
  - (a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and*
  - (b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.*

A Contamination and Acid Sulfate Soil assessment was undertaken and approved during the application process for the original SSD. As this application does not entail any modification of the surface this clause is no longer relevant.

Figure 12 – ASS Extract from LEP 2012 (ASS\_004)



## Clause 6.3 Serviced apartments

- (1) *The objective of this clause is to prevent substandard residential building design occurring by way of converted serviced apartment development.*
- (2) *Development consent must not be granted for the subdivision, under a strata scheme, of a building or part of a building that is being, or has ever been, used for serviced apartments unless the consent authority has considered the following in relation to the development, as if it were a residential flat development:*
  - (a) *the design quality principles set out in Schedule 1 to State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development,*
  - (b) *the design principles of the Apartment Design Guide (within the meaning of that Policy).*
- (3) *Subclause (2) (a) does not apply if the development is the subdivision of a building to which State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development has ever applied.*

The proposal seeks serviced apartments as a legitimate part of the hotel use and the proposal does not include subdivision.

### 4.3.3 Newcastle City Centre Locality Specific Provisions

The development standards in Part 7 of Newcastle LEP 2012 apply to land within the Newcastle City Centre. As illustrated in Figure 13, the site is located within the Honeysuckle precinct within the Newcastle City Centre.

Figure 13 – Extract from LEP 2012 (CL1\_04G)



## Clause 7.1 Objectives of Part

The objectives of this Part are as follows:

- (a) to promote the economic revitalisation of Newcastle City Centre,
- (b) to strengthen the regional position of Newcastle City Centre as a multi-functional and innovative centre that encourages employment and economic growth,
- (c) to protect and enhance the positive characteristics, vitality, identity, diversity and sustainability of Newcastle City Centre, and the quality of life of its local population,
- (d) to promote the employment, residential, recreational and tourism opportunities in Newcastle City Centre,
- (e) to facilitate the development of building design excellence appropriate to a regional city,
- (f) to encourage responsible management, development and conservation of natural and man-made resources and to ensure that Newcastle City Centre achieves sustainable social, economic and environmental outcomes,
- (g) to protect and enhance the environmentally sensitive areas and natural and cultural heritage of Newcastle City Centre for the benefit of present and future generations,

*(h) to help create a mixed use place, with activity during the day and throughout the evening, so Newcastle City Centre is safe, attractive, inclusive and efficient for its local population and visitors alike.*

The proposed development is demonstrably compatible with these objectives, contributing to the revitalisation of the city centre; contributing residential, employment and tourism opportunities; exhibiting design excellence; and being sensitive to the cultural heritage of Newcastle.

### 7.3 Minimum building street frontage

*(1) A building erected on land in Zone B3 Commercial Core must have at least one street frontage of at least 20 metres.*

*(2) Despite subclause (1), the consent authority may grant development consent to the erection of a building that does not comply with that subclause if the consent authority is of the opinion that:*

*(a) due to the physical constraints of the site, it is not physically possible for the building to have at least one street frontage of at least 20 metres, and*

*(b) the erection of the building is consistent with the other relevant provisions of this Plan.*

*(3) Nothing in this clause restricts the operation of clause 4.6.*

The site has a frontage to Honeysuckle Drive of approximately 49 metres and satisfies this clause.

### Clause 7.5 – Design Excellence

Development consent must not be granted for the erection of a new building on land within the Newcastle City Centre unless the consent authority considers that the development exhibits design excellence.

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

*(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*

*(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,*

*(c) whether the development detrimentally impacts on view corridors identified in the Newcastle City Development Control Plan 2012,*

*(d) how the development addresses the following matters:*

*(i) heritage issues and streetscape constraints,*

*(ii) 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,*

*(iii) bulk, massing and modulation of buildings,*

*(iv) street frontage heights,*

*(v) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,*

*(vi) the achievement of the principles of ecologically sustainable development,*

*(vii) pedestrian, cycle, vehicular and service access, circulation and requirements,*

*(viii) the impact on, and any proposed improvements to, the public domain.*

The proposed development exhibits a high standard of architectural design, with high quality materials selected to articulate the various uses, well suited to the locality. The design contributes positively to the public domain not only as a visually striking element of the built landscape but also in its improved amenity to the public domain through awning design, active street frontage, improved streetscape planting and connectivity of the site with the surrounding public domain and networks.

The development has suitably responded to its context and site attributes and considers each of the items expressed within subclause (d). Specifically:

- (i) The impact of the proposed development on heritage is negligible, as discussed in Section 4.3.2 of this EIS. There are no significant impacts of the proposal on any known items of heritage significance.
- (ii) The proposed building does not impede development of the neighbouring site as a result of building separation distances.
- (iii) The building has distinct elements and is architecturally well balanced.
- (iv) The street wall height is consistent with the desired built form along Honeysuckle Drive.
- (v) The design is sustainable and does not present any unreasonable shadowing, wind or reflectivity concerns.
- (vi) The design incorporates ecologically sustainable building design elements including apartment orientation for natural light, ventilation and aspect; active transport options; building materials with good thermal mass; native and hardy vegetation selection and planting on the building.
- (vii) The design incorporates suitable facilities to encourage active transport use.
- (viii) The design proposes improvements to the public domain including tree and garden planting and pavement improvements; and contributes to an active and vibrant street front.

*(6) 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 proposal has an FSR of 3:1, which is consistent with the allowable 3:1. The design does not seek to utilise the additional FSR that is allowable under this clause.

However, the minor portion of building height exceedance resulting from the landform becomes compliant through the utilisation of this clause. Up to 10% additional height is allowable, and the proposal will utilise 2% of additional building height.

## Clause 7.6 Active street frontages in Zone B3 Commercial Core

*(1) The objective of this clause is to promote uses that attract pedestrian traffic along street frontages in Zone B3 Commercial Core.*

*(2) Development consent must not be granted to the erection of a building, or a change of use of a building, on land in Zone B3 Commercial Core unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.*

*(3) Despite subclause (2), an active street frontage is not required for any part of a building that is used for any of the following:*

*(a) entrances and lobbies (including as part of mixed-use development),*

(b) access for fire services,

(c) vehicle access.

(4) In this clause, a building has an **active street frontage** if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.

The proposed development incorporates a retail premises with outdoor dining space at ground level fronting Honeysuckle Drive. This will provide a suitably active ground floor use and will connect well with the streetscape. The remainder of the ground floor facing the street is utilised for building entrance, lobby and carpark access.

#### Clause 7.10 Floor space ratio for certain development in Area A

(1) This clause applies to land in "Area A" as shown on the Floor Space Ratio Map.

(2) The maximum floor space ratio for a building other than a commercial building on land with a site area of 1,500 square metres or more is as follows:

(a) where the Floor Space Ratio Map identifies a maximum floor space ratio of 6:1 (or greater)—5:1,

(b) where the Floor Space Ratio Map identifies a maximum floor space ratio of 5:1—4:1,

(c) where the Floor Space Ratio Map identifies a maximum floor space ratio of 4:1—3:1.

(3) In this clause:

**commercial building** means a building used wholly for either or both of the following purposes:

(a) commercial premises,

(b) tourist and visitor accommodation that is not subdivided under a strata scheme

The site is identified within Area A (refer to Figure 7). As the subject building is for commercial and tourist and visitor accommodation the maximum permitted is not reduced for the site, as the proposed development is a *commercial building*.

With a site area of 3,728m<sup>2</sup>, the site is therefore capable of achieving a Gross Floor Area of up to 14,904m<sup>2</sup>.

The proposed development has a Gross Floor Area of 11,250m<sup>2</sup> which equates to an FSR of 3:1; and is therefore compliant with this development standard.

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## 5 Strategic Context

The relevant provisions, goals and strategic planning objectives of the following strategic documents are addressed in this Section of the EIS and include:

- NSW State Priorities
- Future Transport Strategy 2056 and supporting plans
- Better Placed – An Integrated Design Policy for the Built Environment of NSW (2017)
- NSW Planning Guidelines for Walking and Cycling
- Hunter Regional Plan 2036
- Newcastle Urban Renewal Strategy 2014
- Greater Newcastle Future Transport Plan
- Greater Newcastle Metropolitan Plan 2036
- Port of Newcastle Port Development Plan (PDP) 2015
- Newcastle Section 94A Development Contributions Plan 2009
- Guide to Traffic Generating Developments (RMS, 2002)

### 5.1 NSW State Priorities and NSW State Plan: Making It Happen

*NSW: Making it Happen* was released by the Premier for NSW on 14 September 2015 and replaces the State's previous 10-year plan *NSW 2021*. *NSW: Making it Happen* outlines 30 key reforms for the State, including personal priorities for the Premier.

The Premier's priorities include:

• Creating jobs	• Delivering infrastructure
• Reducing domestic violence Improving service levels in hospitals	• Improving service levels in hospitals
• Tackling childhood obesity	• Improving education results
• Protecting our kids	• Reducing youth homelessness
• Driving public sector diversity	• Keeping our environment clean
• Making housing more affordable	• Improving government services

The State Priorities include:

• Boosting apprenticeships	• Accelerating major project assessment
• Increasing housing supply	• Protecting our credit rating
• Delivering strong budgets	• Improving Aboriginal education outcomes
• Transitioning to the National Disability Insurance Scheme	• Better government digital services
• Cutting waiting times for planned surgeries	• Increasing cultural participation
• Ensure on-time running for public transport	• Creating sustainable social housing
• Improving road travel reliability	• Reducing violent crime
• Reducing adult re-offending	• Reducing road fatalities

The proposal aligns with these priorities, in particular through:

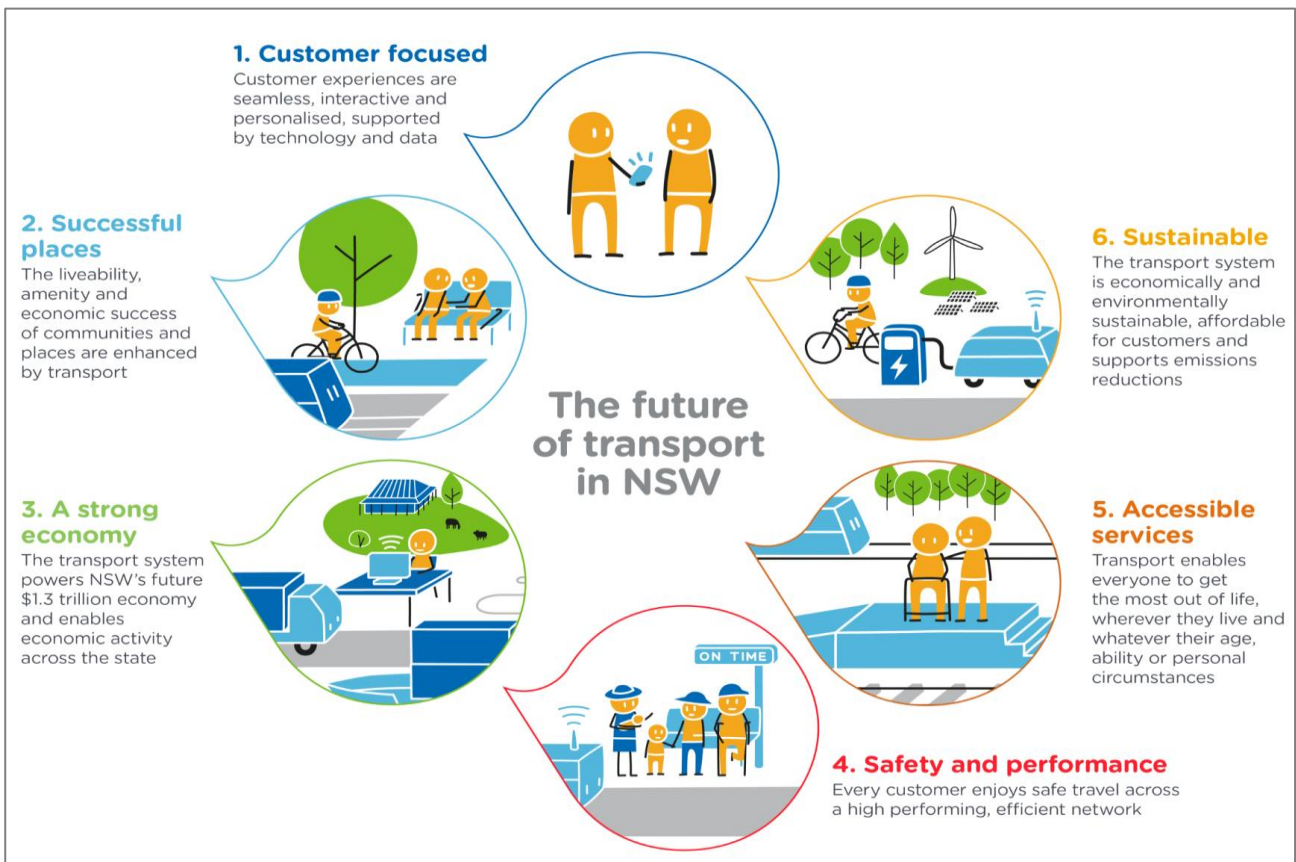
- Increased housing supply with serviced apartments proposed;
- Commercial space and hotel provided, bringing business opportunity and employment;
- Sustainable building design for optimum environmental performance;
- Safe building design that relates to and connects with the surrounding public domain;
- Section 94 Contributions toward infrastructure and facilities; and
- Green Travel Plan encouraging and facilitating a variety of transport modes.

## 5.2 Future Transport Strategy 2056

*Future Transport 2056* is an update of NSW's long-term Transport Master Plan. It is a suite of strategies and plans for transport developed in concert with the Greater Sydney Commission's Sydney Region Plan, Infrastructure NSW's State Infrastructure Strategy, and the Department of Planning and Environment's regional plans, to provide an integrated vision for the state. 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, which include the Greater Newcastle Future Transport Plan.

*Future Transport 2056* outlines six state-wide outcomes to guide investment, policy and reform and service provision. They provide a framework for planning and investment aimed at harnessing rapid change and innovation to support a modern, innovative transport network (refer to Figure 14).

**Figure 14 - State-wide Outcomes (Future Transport 2056)**



At a high level, the proposed development contributes to the desired outcomes of this strategy, by facilitating alternate modes of transport in addition to private motor vehicle use, including bicycle lockers and racks, motorcycle space. The site is also well placed and highly accessible to pedestrians along the foreshore, possible ferry transport patrons, rail and light rail patrons, cyclists and public transport patrons.

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### 5.3 Better Placed – An Integrated Design Policy for the Built Environment of NSW 2017

This Policy outlines a series of seven distinct principles, which capture the key considerations and measures relating to the built environment. It is helpful to consider, discuss and assess design proposals and outcomes through this series of distinct yet interrelated lenses:

#### *1 Contextual, local and of its place*

*Great design in the built environment is informed by and derived from its location, context and social setting. It is place based and is relevant to and resonant with local character, heritage and communal aspirations.*

#### *2 Sustainable, efficient and durable*

*Design excellence must incorporate environmental sustainability and responsiveness in its construction and usage, meeting the highest performance standards for living and working. Sustainability is no longer an optional extra, but a fundamental aspect of functional, liveable design.*

#### *3 Equitable, inclusive and diverse*

*By creating accessible, inclusive and welcoming environments, the design of the built environment can contribute to addressing economic and social inequity. Incorporating diverse uses, housing types and economic opportunities will support engaging places and resilient communities.*

#### *4 Enjoyable, safe and comfortable*

*The built environment must be designed for people to enjoy using and inhabiting. The many aspects that affect the vibrancy, character and 'feel' of a place must be addressed to support good places for people.*

*5 Functional, responsive and fit for purpose Design excellence reflects a considered, tailored response to the program or requirements of a building or environment, allowing it to meet usage demands efficiently, with the potential to adapt to changes over time.*

#### *6 Value-creating and cost effective*

*Design excellence generates ongoing value and reduces costs over time. It is an essential component of achieving durable, resilient and cost effective urban buildings and places. As the arena for daily life, the built environment can dramatically improve value creation if effectively designed.*

#### *7 Distinctive, visually interesting and appealing*

*The appearance and visual quality of the built environment is essential to conveying quality, character and community identity. The visual environment has a substantial impact on our feelings of wellbeing, comfort, safety and community identity. Design excellence is the fundamental determinant of these outcomes.*

The proposed development accords with these principles for optimum built environment outcomes.

### 5.4 NSW Planning Guidelines for Walking and Cycling

The NSW Planning Guidelines for Walking and Cycling have been introduced to improve consideration of walking and cycling in the development of building and urban form.

The proposed development is generally consistent with the guidelines for the following reasons:

- The developments proximity to shared paths and cycleways.
- The incorporation of bicycle storage facilities on site.
- The connectivity of the site to alternative transport methods such as public transport, and
- Close proximity to useable public open spaces.

## 5.5 Hunter Regional Plan 2036

The Hunter Regional Plan 2036 was released by the NSW Government in October 2016. The Plan contains an overarching vision for the Hunter Region, supported by four goals, 27 directions and associated actions. It also contains local government narratives.

### Vision

*"The leading regional economy in Australia with a vibrant new metropolitan city at its heart"*

The proposed development accords with the overall vision for the Hunter Region by contributing to a vibrant city with mixed use development and ground floor street activation.

### Goals, directions and actions

The proposal is consistent with the relevant goals and directions of this Regional Plan, as outlined in the Table 2.

**Table 2 - Regional Plan**

Goals	Directions	How the Proposal Relates to relevant Actions
<b>The leading regional economy in Australia</b>	Direction 1: Grow Greater Newcastle as Australia's next metropolitan city	The proposal contributes to the growth of the city centre, offering a mixed-use development that will supply tourist accommodation and retail uses in a suitable location within the Honeysuckle Precinct of Newcastle City Centre.
	Direction 2: Enhance connections to the Asia-Pacific through global gateways	The proposal is in close proximity to the Port of Newcastle and will likely contribute to the vitality of the harbour foreshore and provide land uses that will support the port relates activities and operations. The proposal will not adversely impact noise or air quality in the portside location.
	Direction 3: Revitalise Newcastle City Centre	The proposal promotes growth and renewal of the corridor, representing new development on an undeveloped parcel of land in the emerging Honeysuckle Precinct. The proposal enhances the surrounding public domain and connects with the improvement works planned.

	Direction 4: Enhance interregional linkages to support economic growth	The site is well placed with access to a variety of transport options. The Newcastle Interchange is nearby, the light rail corridor aligns the rear site boundary, public bus transport is available in Honeysuckle Drive, pedestrian and cycle networks connect the site to the foreshore and beyond; and the Port of Newcastle is nearby for access to ferry services.
	Direction 8: Promote innovative small business and growth in the service sectors	The proposal provides opportunity for small business growth in the Newcastle City Centre as desired.
	Direction 9: Grow tourism in the region	Whilst not in a natural area, the proposal accords with this direction by providing tourist accommodation in a desirable waterfront precinct.
	Direction 10: Protect and enhance agricultural productivity	The proposal has the opportunity to support the region's agricultural productivity through use of local produce in the future food and beverage provision of the hotel and retail premises.
<b>A biodiversity-rich natural environment</b>	Direction 15: Sustain water quality and security	The proposal incorporates suitable water-sensitive design that is likely to minimise impact on coastal water catchments, water quality and flows.
	Direction 16: Increase resilience to hazards and climate change	The potential risks of climate change in relation to flooding, sea level rise and mine subsidence have been considered in the design of the proposal.
<b>Thriving communities</b>	Direction 17: Create healthy built environments through good design	The proposal incorporates natural areas on level 5 of the building, which are to be enjoyed and overlooked by the serviced apartments. The design of the building also incorporates sustainable healthy building practices such as natural ventilation, optimum solar access and outlook opportunities.
	Direction 18: Enhance access to recreational facilities and connect open spaces	The site is well connected and accessible to recreational walking and cycling paths.
	Direction 19: Identify and protect the region's heritage	The proposal has considered the cultural, archaeological and Aboriginal heritage of the area as addressed in the original SSD application.

	Direction 20: Revitalise existing communities	The proposal enhances the streetscape and will contribute positively to the public domain surrounding the site.
<b>Greater housing choice and jobs</b>	Direction 21: Create a compact settlement	<p>The proposal is consistent with the objective to focus development to create compact settlements in locations with established services and infrastructure, being within the Newcastle City Centre.</p> <p>The site also represents a prime opportunity for urban redevelopment or renewal with access to public transport and services.</p> <p>The proposal will increase greater housing choice by delivering diverse housing options. The proposal also maximises use of existing infrastructure.</p>
	Direction 22: Promote housing diversity	The proposal responds to the demand for housing and services for weekend visitors, seasonal workers and resource industry personnel.
	Direction 23: Grow centres and renewal corridors	<p>The proposal is situated in an identified renewal corridor. The proposal is consistent with the Honeysuckle Precinct planning guidelines which integrate transport, open space, urban form and liveable neighbourhoods' objectives.</p> <p>The proposed retail development is located within an existing centre and is integrated with existing and new tourist development.</p>
	Direction 25: Monitor housing and employment supply and demand	The proposed retail premises are suitably located in a commercial core zone and therefore will not compromise other land use opportunities. The proposal is suitable for the location of the site.
	Direction 26: Deliver infrastructure to support growth and communities	The site is well serviced and accessible for the intended uses. The developer levy applied for the proposal will also contribute to future works in the locality.

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## 5.6 Newcastle Urban Renewal Strategy 2014

The Newcastle Urban Renewal Strategy (NURS) is the principal land use strategy for the Newcastle City Centre. The proposal aligns with each of the nine guiding principles of the Strategy, as discussed in the following pages:

### **1. Opportunities to grow and expand**

The site presents a prime opportunity for new development, being a cleared and vacant tract of land yet to be built upon, located amidst the western extremity of the Honeysuckle Precinct. The proposed development brings, business opportunity and the associated positive economic benefits associated therewith to the locality; supported by suitable housing supply.

### **2. Economic viability and competition**

The provision of additional commercial space and hotel within the proposed development will expressly increase competition in the Honeysuckle locality.

### **3. Busy and vibrant city centre**

The proposal will accommodate additional tourist and permanent occupants, as well as commercial ground floor use. This mix of land uses within the site will ensure a vibrant addition to the Honeysuckle fabric and complements existing land uses within the Precinct.

### **4. Integrity and viability**

The proposal represents a significant private investment within the Honeysuckle Precinct, offering with potential for many positive social and economic returns to the community.

### **5. Investment, employment and growth**

As described above, the proposed development brings business opportunity and the associated positive economic benefits associated therewith to the locality; supported on site by new housing supply.

### **6. Transport, access and connectivity**

The site is highly accessible by a variety of transport modes:

- The site has direct access to Honeysuckle Drive with safe and efficient access provided for all vehicles;
- Footpath access is provided along the frontage for pedestrian access, which connects with the foreshore promenade and surrounding pedestrian and cycle networks;
- Honeysuckle Drive is serviced by public buses; and
- The site is within walking distance of the Newcastle Interchange, providing opportunities for light rail and railway travel.

### **7. Housing mix and affordability**

Short term housing choice is supplied within the development by means of serviced apartments. The supply of additional apartments to the locality of Honeysuckle will contribute positively to overall housing affordability.

### **8. Retail variety and choice**

The proposal incorporates a hotel business as well as separate ground floor commercial space to contribute to the retail choice and variety in the locality.

## 9. Provide for future employment growth

The proposal will establish itself as a key development in Honeysuckle with a mix of compatible land uses within the one site, including employment opportunities within the commercial space and the hotel business.

### 5.7 Greater Newcastle Future Transport Plan

The Greater Newcastle Future Transport Plan is a supporting plan to the Future Transport Strategy 2056 that considers the Greater Newcastle Area. It provides the overarching strategic transport network and vision that will guide future transport planning for the Greater Newcastle area. It is a 'Supporting Plan' in the Future Transport suite. The 'Supporting Plans' are more detailed issues-based or place-based planning documents that will support the implementation of Future Transport 2056.

The proposal aligns with the identified transport network hierarchy and vision for the next 40 years, as follows:

- Public transport accessible site;
- Capitalises on the strong walking and cycling network available and includes suitable facilities to encourage its use; and
- Suited to the road network and having an acceptable impact on network capacity.

The proposal also aligns with the specific customer outcomes for Regional NSW that are explored in the Plan, which are:

*Customer Outcome 3: Customers enjoy improved connectivity, integrated services and better use of capacity*

*Customer Outcome 4: The appropriate movement and place balance is established enabling people and goods to move efficiently through the network whilst ensuring local access and vibrant places*

*Customer Outcome 6: A transport system that adapts to and embraces new technology*

*Customer Outcome 7: Changes in land use, population and demand, including seasonal changes, are served by the transport system*

*Customer Outcome 8: Flexible services are an integral part of the transport system helping to deliver reliability and the most appropriate type of service for customer needs*

*Customer Outcome 9: Support the development of the Global Gateway Cities of Greater Newcastle and Canberra*

The proposal is therefore considered to be consistent with the direction and vision for integrated transport planning for the Newcastle region identified within the *Draft Greater Newcastle Future Transport Plan*.

### 5.8 Greater Newcastle Metropolitan Plan 2036

This Greater Newcastle Metropolitan Plan aims to deliver a collaborative framework to achieve a significant part of the regional plan by identifying the strategies and actions needed to create an integrated metropolitan city as well as and prioritise infrastructure and services needed in catalyst areas.

Newcastle City Centre is identified among the catalyst areas and is anticipated to provide an additional 4000 dwellings and 7750 jobs by 2036. Importantly:

- *Newcastle City Council will align local plans to increase commercial and accommodation floorspace surrounding the Newcastle Interchange.*
- *Hunter Development Corporation will promote the West End as a location for professional, finance and office employment.*

- *Transport for NSW will investigate an extension to the ferry network, including a new ferry wharf with pedestrian access to the Newcastle Interchange.*

The proposed development is consistent with this Draft Plan as it proposes additional commercial and tourist uses on a site that is well-located, highly accessible and serviceable.

## 5.9 Port of Newcastle Port Development Plan (PDP) 2015

The Port of Newcastle manages and operates the seaport of Newcastle under the terms of a 98-year lease from the NSW Government. The Port Development Plan (PDP) outlines the Port of Newcastle's development objectives for the next 5 years.

The site is located outside the Port Lease Area and outside the Three Ports SEPP application area, although it is in close proximity to the Port of Newcastle and the Throsby basin.

The PDP recognises that the revitalisation of the Newcastle city centre and strengthening links to the harbour foreshore as a place to live, work and play will bring increased density of housing and increased demand for access to the waterfront for leisure activities. The proposal is consistent with the adopted height limit for development along the Honeysuckle Precinct; the port related activities and operations have been taken into consideration in the Acoustic Assessment for the proposal; the proposal will not interfere with or obstruct land based navigation aids; and the proposal has regard for potential sea level rise, traffic implications and heritage significance; in accordance with the PDP.

The proposal is therefore considered consistent with the intended development as outlined in the PDP.

## 5.10 Newcastle Section 94A Development Contributions Plan 2009

The Site is situated within the land application area of the Newcastle Section 94A Contribution Plan (2009). The proposal has a capital investment value (CIV) of approximately \$10.5 Million as determined by the Quantity Surveyor's Report.

Under Part B of the Plan, which applies to land within the Newcastle City Centre area, the maximum development levy applied in accordance with the Plan is outlined in Table 3, extracted from the Plan:

**Table 3 – Development Contribution Levy**

<b>Type of Development</b> <i>** Levy only applies to development with an estimated cost of more than \$250,000**</i>	<b>Maximum % of the Levy</b>
<b>Residential Development</b> <i>Applies to all development defined as Residential Accommodation in the Newcastle Local Environmental Plan 2012.</i>	3%
<b>Non Residential Development</b> <i>A minimum of 60% of the gross floor area of the proposed development must contain a non residential use as defined by the Newcastle Local Environmental Plan 2012.</i>	2%

As the proposal incorporates entirely commercial development the 2% levy is likely to be applied.

The development levy payable will contribute toward the provision of various public domain works as listed in the Plan.

## 5.11 Guide to Traffic Generating Developments (RMS, 2002)

The Traffic Impact Assessment undertaken by *PPTT* has regard for this Guide and finds that the proposal is satisfactory having regard for the traffic generation rates within the Guide; and meets the recommended minimum parking rates for the proposed land uses. A copy of the Traffic Impact Assessment Report is provided at Appendix K.

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## 6 Key Issues

### 6.1 Amending Development Application

Essentially, this SSD amendment involves a mixed-use development within a nine (9) storey buildings, comprising:

- Modification of the upper four (4) levels of the building changing from Residential Apartments to 60 Serviced Apartments.
- 237 carparking spaces associated with the uses and public carpark
- Associated landscaping design;

Specific details of the proposed application can be found in Section 3.1 of this EIS.

A floor by floor breakdown of changes has been provided in the Design Statement prepared by *Bates Smart* in Appendix A. The design statement includes a comparative analysis of the building envelopes, carparking, floor spaces, uses as well as a breakdown of GFA calculations for each level. These have been provided as a direct comparison from what was approved and what is proposed to be amended.

The carpark is proposed to be managed by a 3<sup>rd</sup> party carpark management due to the fluctuation of the demand required for the specific uses on site. Further explanation of this can be found in Section 6.7.2 of this EIS.

The conditions proposed to be amended have been listed below:

Proposed conditions to be amended	Amendment	Reason
A2	Update approved drawing references	Drawings have been updated as a result of this proposed amendment.
A13	Remove reference to paid parking	To allow for the management of the public carpark component
B12	Remove reference to landscaping screening  Remove reference to overlooking from residential apartments.	No longer relevant as residential component removed
B4	Amendment of s94 contribution rate to 2%	The 3% rate applies only to development that includes residential uses
B9	Changing reference to acoustic report to included addendum report.	To include the additional report
B12	Removal of BASIX conditions	The development no longer includes residential uses.

B20	Modification of carparking condition	To reflect the changes of the demand for parking as a result of the use changes
B21	Modification of bicycle parking condition	Removing references to residential use requirements.
B23	Removal of adaptable housing condition	No longer required as residential component removed from development
B32	Removal of mailbox condition	No longer required as residential component removed from development
C7	Removal of community communication strategy	This condition has been undertaken already as part of the existing approval.
C15	Removal of aboriginal cultural heritage conditions	This condition is not relevant as the proposal only includes the upper levels and will not impact on the surface level
C16	Removal of de-watering management plan condition	This condition is not relevant as the proposal only includes the upper levels and will not impact on the surface level
C17	Removal of groundwater management and monitoring plan	This condition is not relevant as the proposal only includes the upper levels and will not impact on the surface level
E6	Removal of Site Validation Report	The site validation report is not required under this application as the proposed works do not include works on ground level.
E10	Removal of resident refence	Removal of resident reference as the residential uses are being removed from the development.
E12	Removal of BASIX condition	BASIX is no longer relevant as the residential components of the building have been removed.
F1	Removal of access to communal areas condition	This condition is no longer relevant as the communal areas previously related to the residential communal areas.
F6	Modification of condition relating to public carparking and residential visitor spaces	The modification of the condition relating to the public carpark is to allow the maximum number of public parking spaces on site to not be fixed to a particular number of spaces and allow flexibility.

F7	Deletion of residential visitor parking conditions	The condition relating to residential visitor spaces has been deleted as the site no longer consists of residential uses.
AN10	Deletion of street numbering references for residential units.  Inclusion of additional hotel units	As the residential component of the building has been removed this advice is no longer required.

A recommended list of conditions from the original application has been provided in Appendix B which outlines the proposed conditions to be included in a final SSD approval.

## 6.2 Building Use

Below is a brief summary outlining the proposed changes to the development.

- Accommodation on Levels 05-08 amended from 52 residential apartments to 60 serviced apartments.
- Modifications to the south eastern building volume from Level 05 to 08 in response to the revised apartment typology.
- Adjustments to the facade design from Level 05-08 in response to the revised apartment typologies. General materiality and facade components have been retained from the previously approved design.
- Adjustments to the location of the south western fire stair. To accommodate the revised serviced apartment floorplate, the fire stair shifts to the west by one hotel bay. Facade treatment from Ground to Level 04 are adjusted to suit.
- Adjustments to the location of the south eastern fire stair. To accommodate the revised serviced apartment floorplate, the fire stair shifts to the east. Facade treatment from Ground to Level 05 Parking are adjusted to suit.
- Storage cage arrangements updated.
- Modifications to the landscaped courtyard design on Level 05 to suit the revised envelope and orientation of serviced apartments.
- Adjustments to the extent of landscaped planters to Level 05.
- Deletion of the residential building entrance and lobby with floorspace incorporated into the restaurant tenancy.
- Addition of serviced apartment lift lobby at Ground Floor, accessed via the main hotel lobby. BOH and loading dock area revised as required.
- Re-planning of loading dock, waste rooms, services rooms and bike stores at ground floor. Reduction in width of loading dock.
- Addition of signage zones to the external building façade.
- Adjustments to the extents of rooftop plant enclosure.
- Fixed skylights to 2-storey apartments facing into central courtyard.

A floor by floor breakdown of changes has been provided in the Design Statement prepared by *Bates Smart* in Appendix A.

A preliminary Operational Management Plan has also been provided for the site and can be found in Appendix J.

## 6.3 Design Excellence

The original application was required to go through a stringent Design Excellence process to which it was approved under SSD 8440.

Advice was sought regarding the update of this process in relation to the proposed amendment to the building. The SEARs that was issued by the Department of Planning and Environment on 16 April 2019 noted that the

Government Architect had been notified as part of the SEARs process, however no response had been provided.

At this stage the development is awaiting further advice from the DPE regarding the required procedure to follow in relation to the Design Excellence process for this amendment.

## 6.4 Built Form and Urban Design

The original SSD was developed following its selection as the preferred design in a design excellence competition held in respect of the site. The design excellence competition was conducted by HDC (now HCCDC). The proposed design was also presented to the Newcastle Urban Design Consultative Group (UDCG), who provided comment in relation to the design merit of the proposal and its achievement of the SEPP 65 principles. The feedback from the UDCG was overall very positive and concluded that *'the preliminary application was generally good quality and supported in principle.'*

The unique building design proposed for this site was successful in the tender process coordinated by HDC and achieves the desired high quality of design for apartment buildings. Below is a summary of the pertinent aspects of the proposal in relation to applicable planning policies and design requirements.

### Bulk and Scale

The proposal is designed in keeping with the bulk and scale of existing developments within the precinct, as demonstrated in the photomontage in Figure 15, whereby the proposed development is superimposed on a contextual photograph of the locality. The existing foreshore land in the photograph is yet to be developed. One such site is currently the subject of an SSD proposal with the Department. The proposal is appropriate in building height and satisfies the applicable development standards of the Newcastle LEP 2012 in respect of building height and FSR.

**Figure 15 – The Proposed Development Shown in the Context of Existing Built Form in the Locality**



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## Setbacks

The proposal incorporates building setbacks typically required under Newcastle DCP, being approximately 2 to 5 metres at ground level to the north (Honeysuckle Drive), south (light rail corridor) east (commercial development) and west (public space).

The proposal incorporates a suitable street wall height to Honeysuckle Drive; and provides appropriate building separation distances for the residential component of the proposal having regard for the recommended building separation distances of the ADG and the unique site attributes having only one privately owned, developable neighbouring property.

## Height

As discussed in Section 4.1.4 of this EIS, the building height is approximately 30 metres, albeit with a very minor exceedance at the front and rear of the building as a result of the existing landform. As provided by clause 7.5(6) of Newcastle LEP 2012 the proposal is eligible to utilise up to 10% additional building height (3 metres), as it exhibits design excellence. Utilisation of this clause results in a compliant building height.

## Communal Open Space

Communal open space is provided as follows:

- Common garden space for the serviced apartments on level 5 with planting and a communal space which will provide outdoor facilities.
- Common spaces for the hotel guests include gym, pool, library and lounge; and a food and beverage space.

## Passive Design and Solar Access

The carpark is provided with a louvered façade to achieve natural ventilation. The design of the apartments with east and west wings facilitates this cross-ventilation along with open balconies, openable windows and doors. Apartments achieve minimum 2 hours of direct solar access; and all apartments achieve at least *some* direct solar access between 9am and 3pm during winter solstice.

## Privacy, Views and Overshadowing

The design of the proposal capitalises on opportunities for views and vistas toward the harbour to the north of the site; ocean to the east of the site; and the public space and creek to the west. The design does not impede existing views currently from nearby developments.

Serviced apartments achieve an outlook to the adjoining public space west of the site.

Hotel rooms experience outlook toward the public space to the west as well as the light rail corridor to the south and the harbour foreshore to the north.

The apartments on upper levels of the proposed building have been designed to ensure a high level of occupant amenity, with outlook, solar access, ventilation and privacy achieved for all apartments.

As the site experiences a north-facing frontage to Honeysuckle Drive, the rear of the building is south and will cause some overshadowing to the light rail corridor. The extent of the overshadowing is not significant (refer to Appendix A) and as it affects a portion of the light rail corridor this is not considered unreasonable.

The changes that relate to the amendment proposed are generally consistent with the extent of the built form of the originally approved building.

## 6.5 Ecologically Sustainable Development (ESD)

An Ecologically Sustainable Development (ESD) Statement is provided as an attachment to this EIS, addressing the principles of ESD as expressed in Schedule 2 of the Environmental Planning and Assessment Regulation 2000. This statement is provided within Appendix F.

### 6.5.1 Principles of ESD expressed in Schedule 2 of the Regulation 2000

(4) The principles of ecologically sustainable development are as follows:

*(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,*

*(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,*

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

*(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 maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.*

The design of the proposed amendment and various environmental investigations undertaken in respect thereof, highlights a significant effort toward meeting the needs of the current generation without compromising the ability of future generations to meet their own needs. This is also being accomplished by the program of subsurface test excavations with the possibility of further salvage excavation if needed; as well as extensive consultation with the relevant Aboriginal community in the process.

The proposed design responds to sustainable building principles and best practice, and improves environmental performance through energy efficiency design, technology and renewable energy. The proposed design has focused on reducing the demand on resources via the use of simple passive strategies, which also offer excellent amenity to future occupants. These passive strategies are supplemented with building systems to further reduce ongoing resource use:

- Apartments have been oriented to provide a good level of solar access in mid-winter, providing passive heating and improving daylight penetration in the winter months.
- Material selection is intentionally robust, reducing ongoing maintenance requirements.

- Building fabric is to be specified with higher than industry standard insulation values to reduce heat transfer, improving thermal comfort.
- Wide eaves and horizontal projections are proposed to reduce solar gains.
- Rainwater reuse tanks are to be installed to reduce water consumption.
- High efficiency appliances will be specified to reduce on-going water and power consumption.
- Suitable hardy, endemic plant species are proposed in the landscape design for the development.

Inter-generational equity refers to the equitable sharing of resources between current and future generations. This is fostered in the proposal through a building designed to have as little disturbance to the ground surface as possible and as such any archaeological or cultural material that may be present in these areas can be identified or left intact and persevered for future generations. The maintenance of water quality; planting new tree specimens; and the remediation of contaminated soils on site are also consistent with this principle.

## 6.6 Noise

A Noise Assessment has been undertaken by *Acoustic Logic* in respect of the proposal, quantifying the noise impact to and from the proposal (refer to Appendix M).

The Noise Assessment report made general recommendations in context with noise intrusion from airborne traffic noise intrusion, and mitigation of noise emission from mechanical plant and construction noise.

The report concluded that the proposed development is capable of complying with relevant acoustic criteria though the means of standard acoustic treatment and management.

## 6.7 Transport and Accessibility (construction and operation)

### 6.7.1 Construction

Traffic Management during construction has been addressed by *Intersect Traffic* in its Traffic Assessment in the original SSD application. An updated preliminary Construction Management Plan (CMP) has also been prepared for the proposal by *BLOC* (refer to Appendix H) including a Construction Traffic Management Plan. It is envisaged that construction vehicle movements will be managed in accordance with the preliminary CMP and parking for construction workers will be planned for in a final CMP prior to commencement of work. Potential off site car parking areas have been identified as follows:

- Parking provided by HDC in the existing vacant heavy rail corridor west of the site;
- Council's established park and ride service; and/or
- An alternative specific park and ride service provided by the building contractor.

### 6.7.2 Operation

A Traffic Assessment addendum has been prepared by *PPTT* for the proposed development, and is provided at Appendix K. The report comments on the following aspects of the proposal:

#### Vehicular Access

Suitable pedestrian and vehicular sight lines in accordance with Australian Standard AS2890.1-2004 Parking Facilities – Part 1 Off-street car parking can be provided with the use of a combined entry / exit driveway and appropriate on-street car parking controls around the access.

As the carpark will have a control point the carpark also needs to provide suitable queuing. The proposed security gate will therefore need to be provided 6 metres inside the boundary which can be accommodated and thus compliant with Newcastle Council and Australian Standard requirements. As all ramps within the development are straight ramps they need to be a minimum 5.5 metres wide however no traffic flow separation median is required (see Table 2.2 of Australian Standard AS2890.1-2004 Parking Facilities – Part 1 Off-street car parking.). The car park design is also compliant with this requirement of the Australian Standard.

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## Traffic Generation and Road Network Capacity

The traffic generation rates for the proposed development have been devised in accordance with the RTA Guide to Traffic Generating Development for each of the land uses proposed. The Traffic Assessment identifies that the local road network is currently operating well within its technical capacity; and that the modelling of the proposed development will not result in the capacity thresholds for the surrounding roads being reached.

With respect to nearby intersection operation, the SIDRA modelling undertaken in the assessment identifies that the Honeysuckle Drive / Worth Place roundabout will continue to operate satisfactorily post development. The SIDRA modelling shows the Hannell Street / Honeysuckle Drive signalised intersection is currently operating near capacity in both the AM and PM peak periods and with continued background traffic growth it would be expected that this intersection would begin to fail particularly in the AM peak period requiring some form of upgrading for this intersection in future. However, the additional traffic from the proposed development has little impact on the operation of the intersection and will not directly result in any change in the level of service experienced by motorists on the road network. A factor of 3% annual growth in the locality has been included in the modelling to cater for the cumulative impact of traffic generated by new development.

## Alternate Transportation

The site is serviced by public transport being within convenient walking distance from bus routes operated by Keolis Downer and Hunter Valley Buses. The bus routes operating along Honeysuckle Drive past the site are route 110 (Keolis Downer) which is a shuttle service running between the new Newcastle Transport Interchange via Queens Wharf and the bus terminal at Watt Street and returns to the new Interchange via King and Stewart Avenue and the Hunter Valley Buses route 138 (Lemon Tree Passage – Williamstown – Newcastle) and route 140 (Raymond Terrace – Hexham – Newcastle). At the time of writing this report some other services were utilising this route as a detour due to Light Rail construction works in Hunter Street.

Bus routes 11, 12, 13, 24 and 47 travel along Hunter Street within 150 metres of the site, whilst routes 22, 23, 24, 26 and 28 are accessed at the Newcastle Interchange. These services provide access to the Newcastle CBD and connections directly, or with other bus services, to John Hunter Hospital, Charlestown Square, the University of Newcastle and the nearby Newcastle Interchange and the Queens Wharf facilitating access to many parts of the Newcastle. Hunter Valley Buses and Port Stephens Buses also provide regular bus services to and from Port Stephens (including the Newcastle Airport), Lake Macquarie and Maitland suburbs from some of these bus interchanges.

The site is within convenient walking distance to the Stockton Ferry terminal and Newcastle Transport Interchange.

There is an off-road cycleway that runs along the foreshore north of the site.

The site is surrounded by a suitable pedestrian footpath network which provides suitable connections to the nearby public transport infrastructure and other attractions and services within the CBD, foreshore and Honeysuckle Precincts.

## Parking

DCP 2012 specifies the following parking rates relevant to the proposed development being located within the Newcastle City Centre:

- *1 space per 60m<sup>2</sup> commercial floor area*
- *1 space per 40m<sup>2</sup> retail floor area*

For the proposal this rate requires a total parking requirement of 171 spaces for the proposed development, to comply with the DCP, broken down as follows:

- Hotel rooms GFA 5,405m<sup>2</sup> = 90 spaces.

- Serviced Apartments of 4,870m<sup>2</sup> GFA = 81 spaces.
- Retail GFA 187m<sup>2</sup> = 3 spaces.
- Public Carpark = 63 spaces

Total spaces = 237 spaces

Further detail of these calculations can be found in the traffic report addendum prepared by TTPP in Appendix K.

Suitable queuing space is provided for a vehicle to safely queue between the road pavement and the carpark entry gate. All parking will be contained within the site, with no impact on the surrounding road network; and the carpark design and layout is generally compliant with AS2890.

The proposal provides 237 car parking spaces, exceeds the minimum requirement of the DCP. However, this includes 63 additional spaces, which shall be utilised as a component of public carpark on site.

While the existing condition B20 of the development consent notes that the minimum number of public carparking spaces is 63, this is still intended to be achieved but will operating in a floating manner with the carparks not in use for the serviced apartments and the hotel.

Statistics recorded from other Doma Hotels (Little National), the peak check-in and checkout times are as follows:

	Check-in Peak	Checkout Peak
<b>Monday to Thursday</b>	16:30 – 18:30	
<b>Tuesday to Friday</b>		07:30 – 09:00
<b>Friday</b>	17:00 – 19:00	
<b>Saturday</b>		10:00 – 11:00
<b>Saturday</b>	14:00 – 15:00	
<b>Sunday</b>		10:00 – 11:00
<b>Sunday</b>	Generally no peak	
<b>Monday</b>		07:30 – 09:00

What this table demonstrates is that there is a period during the day that the carpark of the hotel is not being utilised. These times are indicated in the table below.

	Time of day hotel parking not in demand
<b>Monday</b>	08:00 – 17:30
<b>Tuesday</b>	08:00 – 17:30

<b>Wednesday</b>	08:00 – 17:30
<b>Thursday</b>	08:00 – 17:30
<b>Friday</b>	08:00 – 17:30
<b>Saturday</b>	11:00 – 14:00
<b>Sunday</b>	11:00 – 18:00

On this basis it is proposed that the spaces for the hotel that are not being utilised be operated under the component of the consent for the public carpark under a third party management operation. That is, the spaces that not used for the purposes of hotel can be used for public carpark outside of the peak demand times.

To ensure that the integrity of the hotel carpark remains it is proposed to incorporate the following into the management of the public carpark:

- Penalty rates for cars that overstay the allocated times.
- Reduce the availability of public carparking between 17:00 and 08:00 during the hotel peak times.
- Installation of an intercom at carpark entry with a direct line to the hotel reception who will be able to remotely open the entry and exit gates to the car park. There will also be a full time building manager employed by the hotel that will be able to immediately assist with any issues.

### 6.7.3 Accessibility

The proposal has been designed to comply with the BCA and relevant standards for achieving access for people with disabilities. An access assessment has been conducted by *Indesign access* (refer to Appendix I). The assessment provides a comprehensive review of the proposal with consideration to all aspects of accessibility to the site and throughout the development and with reference to the Building Code of Australia (BCA), *Disability (Access to Premises – Buildings) Standards 2010* (Premises Standards), relevant Australian Standards as they relate to access to premises and the intent of the *Disability Discrimination Act 1992* (DDA).

The assessment finds the design acceptable, a copy of the Assessment Report is provided at Appendix I.

## 6.8 Mine Subsidence

An addendum to the original geotechnical report has been prepared by *Douglas Partners* (refer to Appendix G) which confirms that despite the changes to the SSD that the existing report recommendations are still relevant.

Approval from the SNSW is required under the Mines Subsidence Compensation Act 1961 prior to commencement of works. A copy of the proposed plans was provided the SNSW however no response has been received to date.

## 6.9 Heritage

The Statement of Heritage Impact prepared by John Carr Heritage Design (Appendix Q) discusses the heritage significance of the area and identifies individual items within the context of the site. The proposed development is found likely to have minimal impact on the heritage significance of the adjoining heritage conservation area of Newcastle City Centre and on nearby individual heritage items, largely due to compliance with the existing planning controls and the retention of view and pedestrian corridors through the development, linking the public streets to the waterfront.

The Archaeological Assessment by AMAC Archaeology (Appendix Q) identifies that the site holds moderate archaeological potential for locally significant items that demonstrate the natural and cultural history of the local area, as well as unknown potential for items of unknown condition or significance. The items include the original course of Throsby and Cottage Creeks, twentieth century railway infrastructure and items potentially used to fill reclaimed land. There also stands an undefined archaeological potential in these areas of finding unexpected relics in an unknown condition that may have been buried within reclamation fills. These may be minor, such as sea walls, or major, such as disused boats or vessels. There may be evidence of wharves or jetties that are not known from the documentary sources, and there may be areas where artefacts have been deposited on the creek bed. Locally significant relics impacted by the development without archaeological mitigation procedures would result in a negative heritage outcome.

To ensure that relics of significance are not impacted by the proposed development, as the exact depth of relics is unknown, archaeological monitoring is recommended as a precaution for all excavation that is proposed to occur on site. The monitoring will occur for the entire depth of the excavation required for the development, or to the point at which a sterile, natural soil horizon is reached. For this reason, a qualified archaeologist must be on site to supervise all work where there is a possibility of revealing archaeological relics.

Archaeological identification, recording and removal of relics through monitoring as guided by the Historical Archaeological Management Plan, would mitigate the archaeological heritage impact of the proposed development and result in a positive heritage outcome by systematically recording and retrieving the archaeological data inherent to the site and ensuring its accessibility and relevance to the study of archaeology in New South Wales and an appreciation of the historic and heritage values of Newcastle.

This report was previously approved under the original SSD application.

## 6.10 Utilities

Appropriate utilities are available to the site as illustrated on the site survey plan at Appendix N. The previous application was provided to hunter water who stamped and approved the application; and hydraulic plans shall be submitted for approval prior to commencement of works. As this amendment does not impact on the sub surface utilities it is considered that no further investigation is required.

## 6.11 Public Benefit and Contributions

The proposal attracts Section 94 contributions payable in accordance with the adopted Section 94A Contribution Plan for Newcastle. For residential development within the Newcastle City Centre the developer contribution levy is 2% of the cost of works. Refer to Section 5.10 of this EIS.

## 6.12 Biodiversity

As discussed in Section 4.3 of this EIS, the site is cleared land that is void of any vegetation or natural features, features a hardstand surface finish and old rail tracks; and is not considered to have potential biodiversity values of any significance.

An exemption to the FBA Assessment Report requirement has been formally requested for this proposal (refer to Appendix L).

## 6.13 Servicing and Waste

### 6.13.1 Construction and Excavation Waste

The management of waste during construction to minimise environmental impacts shall be dictated by the final CMP. The recommended actions as outlined in the preliminary CMP (Appendix H) are as follows:

- Appropriate measures shall be implemented to ensure that material brought to site is free from contaminants, and any dangerous/ hazardous goods are managed appropriately.
- Waste shall be collected within the site area and transported off-site to an approved disposal facility via a covered truck or other safe means. Waste products shall be disposed of off-site in accordance with government and Council regulations.
- All material to be brought to the site shall be tested and verified by the Contractor as being free from contamination and suitable for placement, prior to being brought to site. The Contractor is to manage both clean and contaminated soil such that double handling is minimised.

## 6.13.2 Operational Waste

A Waste Management Plan (WMP) for the ongoing management of waste for the development post-occupation has been prepared by *Elephant's Foot Recycling Solutions* and is provided at Appendix E. Ultimately, the objective of waste management for the proposal is to:

- i. Ensure waste is managed to reduce the amount of waste and recyclables to land fill by assisting residents to segregate appropriate materials that can be recycled; displaying signage to remind and encourage recycling practices; and through placement of recycling and waste bins in the retail precinct to reinforce these messages;*
- ii. Recover, reuse and recycle generated waste wherever possible; and*
- iii. Comply with all relevant codes and policies to ensure best practice.*

The building design incorporates separate waste storage rooms for each of the hotel, serviced apartments and commercial uses within of the development, all located at Ground Level. These waste storage rooms have been designed and sized in direct relation to the waste demanded and number of bins thereby necessitated for each use. A summary of the waste management practices adopted for the proposal is provided in the following pages.

### Hotel

Waste generation for the hotel has been calculated in accordance with the rates identified in the *EPA Better Practice Guide for Waste Management in Commercial and Industrial Facilities, 2012*. The waste rates for the serviced apartments have been calculated using the residential apartment rates in the *Newcastle Waste Management Technical Manual*.

The hotel is expected likely to generate waste as per the Table 4:

**Table 4 – Waste Rates and Calculations for the Hotel**

Land Use	Waste Generation Rate 1	Recycling waste generation rate	Proposed Bin Provision
Hotel	152 units x 5L/bed/day = 5,320L /week.	152 x 1L/bed/day = 1,064L /week.	Waste: 4 x 1100L bins collected weekly
Serviced apartments	60 x 140L/unit/week = 8,400L/week	60 x 120L/unit/week = 7,200L/week.	Recycling: 6 x 1100L bins collected weekly
Total	13,720L / week (6,860L/ Week compacted 2:1)	8,264L / week	Service: 2 x 1100L bins collected weekly

Waste is to be stored in an isolated, waste room on the Ground Floor, as illustrated on the proposed plans. The bins will be stored in this room and collected direct from the carpark by a private waste contractor.

#### Commercial Premises

Waste generation for the hotel has been calculated in accordance with the rates identified in the Newcastle *Waste Management Technical Manual*.

The Ground Floor commercial premises is expected to accommodate a restaurant and is provided with suitable facilities. With a GFA of 175m<sup>2</sup>, the premises is likely to generate waste as per the Table 5:

**Table 5 – Commercial Premises Waste Rates and Calculations**

Land Use	Waste Generation Rate 1	Recycling waste generation rate	Proposed Bin Provision
Commercial Premises (restaurant)	175m <sup>2</sup> GFA x (10L / 1.5m <sup>2</sup> / day) = 8166.7 L/week.	175m <sup>2</sup> GFA x (2L / 1.5m <sup>2</sup> / day) = 1633.3L/week	Waste: 2 x 1100L bins collected four times weekly. Recycling: 1x 1100L bin collected twice weekly.

Waste is to be stored in an isolated, waste room on the Ground Floor, as illustrated on the proposed plans. The bins will be stored in this room and collected direct from the carpark by a private waste contractor.

For further details please refer to the Waste Management Plan prepared by *Elephant's Foot Recycling Solutions* provided at Appendix E.

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## 7 Consultation

Consultation with the following authorities and nearby community has taken place during preparation of this EIS:

- Department of Planning and Environment
- Port of Newcastle
- Hunter Development Corporation
- Roads and Maritime Service
- City of Newcastle
- Subsidence Advisory NSW
- Sydney Trains
- Hunter Water

Council was consulted through a number of informal Pre-DA meetings.

Additional consultation has been provided through billboard signage on site announcing the development and the developer.

Upon lodgement of this EIS to the Department, public exhibition will be initiated; and it is anticipated that formal community consultation will be undertaken during the assessment process.

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## 8 Environmental Impact Assessment

In accordance with the requirements of Section 7 of Schedule 2 of the Regulation 2000 this section of the EIS addresses the likely impacts of the proposed development on the environment and the measures proposed to mitigate any adverse impacts.

### 8.1 Mitigation Measures Incorporated

As detailed in this EIS various mitigation measures have been incorporated in the design of the proposal, including:

- Floor levels to mitigate flooding impacts;
- Building separation distances to prevent visual privacy conflict;
- Maintenance of view corridors to the foreshore experienced from neighbouring properties;
- Waste classification will be undertaken prior to the removal of material from the site;
- An acid sulfate soil management plan and remedial action plan have been prepared;
- Dewatering will occur during construction when groundwater is encountered;
- Suitable glazing will be utilised to maximise acoustic amenity within the apartments;
- Erosion and sediment control measures will be implemented on site to mitigate environmental impacts;
- Dust control measures including wind fences for stockpiles and spraying;
- Traffic will be managed during the construction phase to minimise impact on local roads and neighbouring properties; and
- A construction management plan will be implemented to minimise environmental impacts associated with the construction activities in the locality.

Once operational, the following management practices shall mitigate potential adverse impacts:

- Plan of management for the residential occupants outlining the management of conflict relating to use of public space in the proposed adjoining park;
- Waste management plan will be implemented to ensure the effective and efficient management of waste for the development;
- Final sustainable travel plan will be implemented to promote active transport choices by patrons and residents of the development; and
- Maintenance plan will be developed to ensure the ongoing care and responsibility for common areas of the building.

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## 9 Conclusion

The proposed development amendment at 42 Honeysuckle Drive is a 9-storey mixed use development comprising one commercial premises, hotel accommodation serviced apartments, and carpark. The proposed development represents a high quality outcome for the site in the waterside location of the Honeysuckle Precinct.

The proposed development achieves a stimulating and sustainable urban form whilst considering the context of neighbouring public spaces and buildings and the potential future development of the surrounds. The proposed development represents a high quality urban design, which seeks to invigorate and enhance the western end of the Honeysuckle Precinct with an interesting mixed use development incorporating ground floor commercial space, visitor accommodation and additional housing for the locality. The proposed development will have a positive impact on the overall amenity and vibrancy of the precinct and provide a well-designed development for a visually prominent site.

Potential impacts of the development have been carefully considered in the evolution of the design for the site, which presents no unreasonable or significant adverse environmental impact. The proposal is compliant with applicable planning controls and instruments, and this EIS has addressed all relevant statutory considerations. The proposed development achieves the desired planning outcomes for the locality.

The proposed development is consistent with the desired character and built form of Newcastle City Centre, bringing a diverse range of housing options within one development, integrated on site with retail activities for the convenience of residents and visitors alike.

Given its overall consistency with Newcastle LEP 2012, and the absence of any significant adverse environmental impacts, the SSD is considered to be in the public interest and worthy of gaining approval.

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## Appendix A – Architectural Drawings

Bates Smart

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## Appendix B – Proposed Conditions Modification

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## Appendix C – Landscape Plan

Sydney Design Collective

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## Appendix D – Civil Drawings

Northrop

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## Appendix E – Waste Management Plan

### Elephants Foot

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## Appendix F – ESD/Section J

S4B Studio

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## Appendix G – Geotechnical Report

Douglas Partners

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## Appendix H – Construction Management Plan

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## Appendix I – BCA Access

Indesign Access

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## Appendix J – Operational Management Plan

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## Appendix K – Traffic Report

PPTT

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## Appendix L – BDAR

Anderson Environmental

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## Appendix M – Acoustic Report

Acoustic Logic

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## Appendix N – Survey Plan

de Witt Consulting

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## Appendix O – QS Report

PCM

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## Appendix P – SEARs

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## Appendix Q – Heritage Impact Report

John Carr

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## Appendix R – Clause 4.6

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