

ASSESSMENT REPORT

18 Honeysuckle Drive, Newcastle SSD 6580 MOD 1

1. INTRODUCTION

This report is an assessment of an application seeking approval to modify a State Significant Development (SSD) approval for a mixed use development at 18 Honeysuckle Drive, Newcastle. The application has been lodged by Doma Honeysuckle Pty Ltd pursuant to section 96 (1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval to include one additional two bedroom unit into the approved development.

2. SUBJECT SITE

The subject site is located at 18 Honeysuckle Drive, Newcastle, forming part of the Honeysuckle Urban Renewal Project (HURP), shown by the black outline in **Figure 1** below. The HURP precinct is situated within the Newcastle City Centre. The site itself is located approximately 1.5 kilometres from the Newcastle CBD and is bounded by Honeysuckle Drive to the north, the railway corridor to the south, a surface sewer pump station and Worth Place to the east and an existing seven storey commercial building to the west.

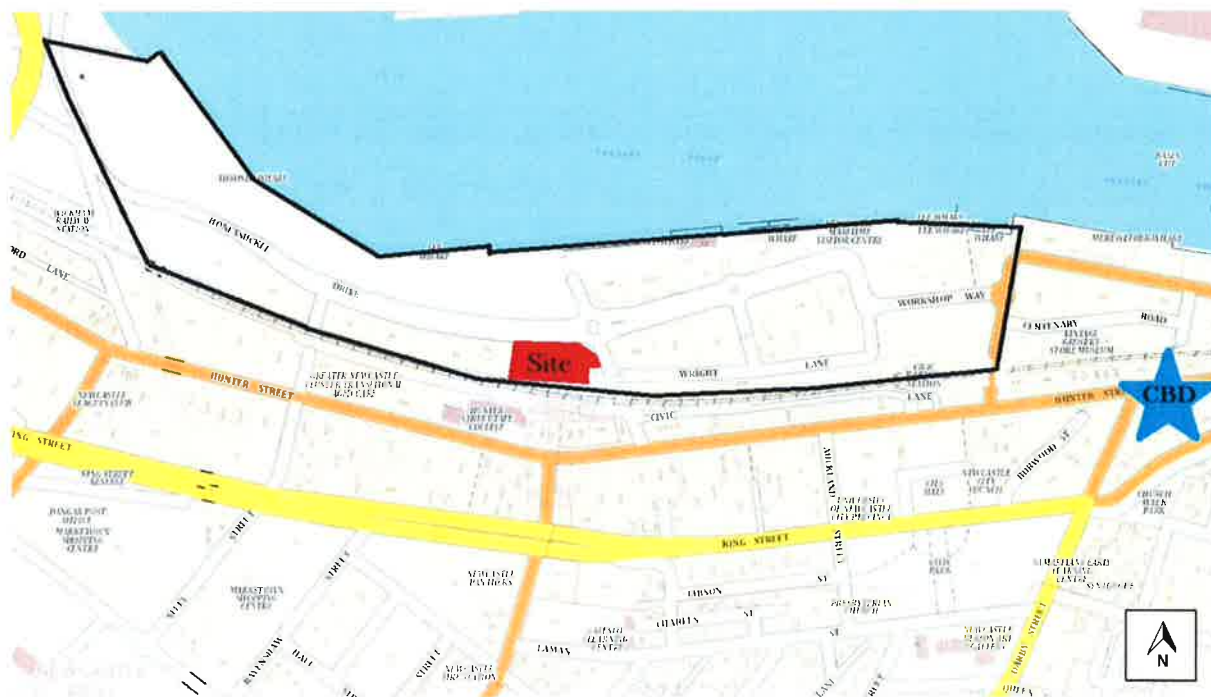


Figure 1: Site Location

3. APPROVAL HISTORY

On 18 June 2015, SSD approval was granted under delegation for a mixed use commercial and residential development, with a Gross Floor Area (GFA) of 12,380m², including 6,834m² of commercial and retail floor space, 71 residential apartments and 193 above ground car parking spaces.

4. PROPOSED MODIFICATION

On 4 January 2016 the Proponent lodged an application (SSD 6580 MOD 1) seeking to amend approved plans to include an additional two bedroom unit, accessible from the carpark on level two, and to make some minor changes to the carpark layout.

The modification is requested on the basis that the inclusion of an additional apartment on parking level two will provide better integration with the façade and improved surveillance of the street frontage along Honeysuckle Drive.

The proposed changes are shown in **Figure 2** and **Figure 3**

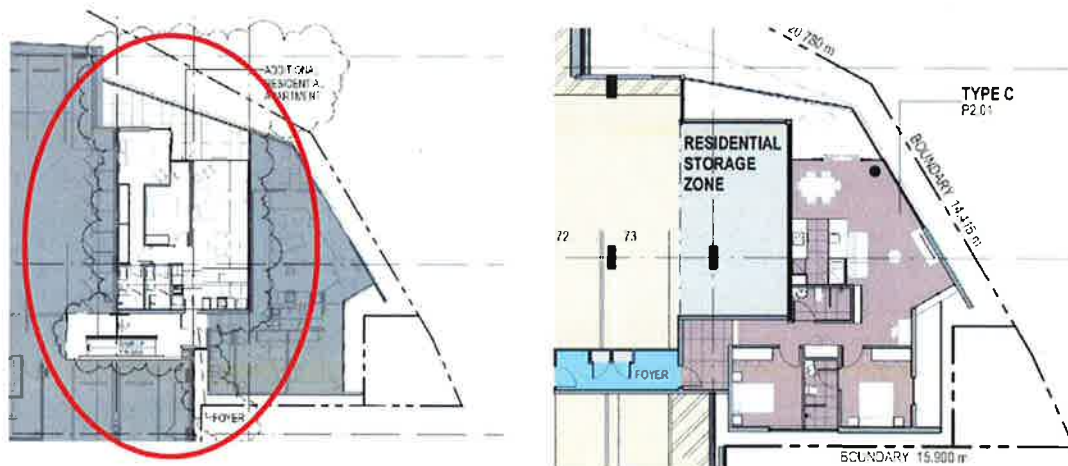


Figure 2: Circled in red, proposed internal changes (left) and approved changes (right)

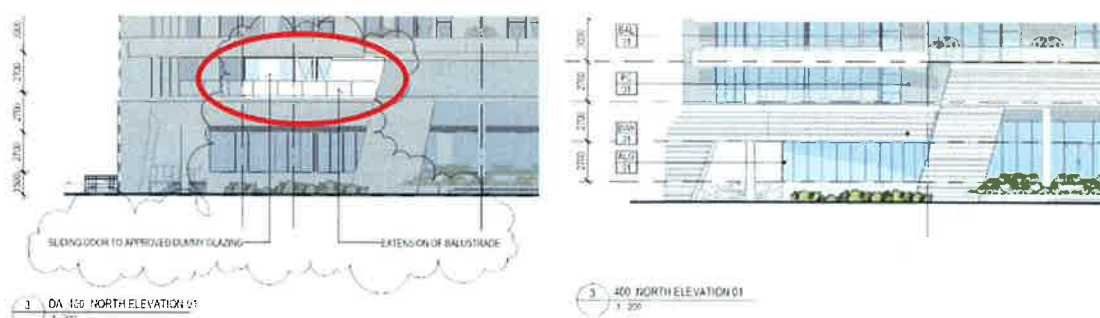


Figure 3: Circled in red, proposed elevation changes (left) and approved elevation changes (right)

5. STATUTORY CONSIDERATION

5.1 Modification of approval

Section 96(1A) of the EP&A Act requires the consent authority to be satisfied that the following matters are addressed in respect of all applications that seek modification approvals:

Section 96(1A) matters for consideration	Comment
That the proposed modification is of minimal environmental impact	Section 7 of this report provides an assessment of the impacts associated with the proposal. The Department is satisfied that the proposed modifications will have minimal environmental impacts.
That the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).	The proposed modification seeks approval for minor changes and does not result in any additional adverse impacts on the surrounding area. On this basis, the proposal would result in development that is substantially the same as the originally approved development.
The application has been notified in accordance with the regulations	The modification application has been notified in accordance with the regulations. Details of the notification are provided in Section 6 of this report.
Any submission made concerning the proposed modification has been considered.	The Department received one submission on the proposal. The issues raised in submissions have been considered in Section 7 of this report.

5.2 Environmental Planning Instruments

The following Environmental Planning Instruments (EPIs) are relevant to the application:

- State Environmental Planning Policy (State & Regional Development) 2011;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy No.55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development & accompanying Apartment Design Guide; and
- Newcastle Local Environmental Plan (LEP) 2012

The Department undertook a comprehensive assessment of the redevelopment against the above mentioned EPIs in its original assessment. EPIs that are directly relevant to the proposed modification have been considered in this report and the Department is satisfied that the modification is generally consistent with all relevant EPIs.

5.3 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Acting Director, Modification Assessments may determine the application under delegation as:

- the relevant local council has not made an objection; and
- a political disclosure statement has not been made; and
- there are no public submissions in the nature of objections.

6. CONSULTATION

The application was notified in accordance with the *Environmental Planning & Assessment Regulation 2000*. The modification request was made publicly available on the Department's website and was referred to Newcastle City Council for comment. Due to the minor nature of the proposed modification, the modification request was not exhibited by any other means.

Newcastle City Council did not object to the proposal, but asked that the applicant address clause 4.6(3) of the Newcastle Local Environment Plan, 2012, relating to Exceptions to Development Standards as the proposal exceeds the prescribed Floor Space Ratio (FSR) for the site. Council also requested the Proponent to demonstrate compliance with the relevant Australian standards for parking facilities in terms of aisle widths and parking space dimensions within the Level 2 car park. Council outlined that as the modification would increase the cost of the development, the Section 94A development contribution would also increase.

There were no public submissions received on the proposal.

7. ASSESSMENT

Key issues associated with the proposed modification are considered in Table 2 below.

7.3 Key Issues

Table 1: Assessment of Key Issues

Issue	Consideration	Recommendation
<i>Built Form and Urban Design</i>	<ul style="list-style-type: none">• The proposal seeks approval to include an additional apartment within level 2 of the approved building. The proposed changes are predominantly internal and would not materially change the approved built form or the appearance of the building from the public domain.• The only perceptible external change to the building would be a small change to the balcony and balustrade alignment as shown in Figure 2 and Figure 3. This is considered to be a minor change which would improve the appearance of this part of the building.• The Department is therefore satisfied that the integrity of the overall building design will be retained.	No additional conditions or amendments necessary.
<i>Floor Space Ratio</i>	<ul style="list-style-type: none">• The additional apartment would increase the Gross Floor Area (GFA) of the development by 77sqm. This would increase the Floor Space Ratio (FSR) from 3:1 to 3:02:1.• Council raised concerns that the proposed development had not addressed clause 4.6(3) of the Newcastle Local Environmental Plan (LEP), 2012, relating to exceptions to development standards.• However, the Department has confirmed that the FSR applicable to	No additional conditions or amendments necessary.

Issue	Consideration	Recommendation
	<p>the site is 4:1 (refer Figure 4).</p> <ul style="list-style-type: none"> Therefore the increase in FSR to 3:02:1 fully complies with the development standards of Newcastle LEP 2012. The Department is therefore satisfied the development does not contravene the prescribed FSR for the site and a written submission under Clause 4.6 is not required. 	
Residential Amenity	<ul style="list-style-type: none"> The proposal has been considered against the provisions of State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development and the accompanying Apartment Design Guide (ADG). An assessment against the key design criteria of solar access, ventilation, unit size, ceiling height, storage facilities, and balcony size is set out in Appendix C. The assessment demonstrates that the new apartment would meet most of the design criteria in the ADG, with the exception of cross ventilation. While the apartment is not cross ventilated the Department is satisfied that the apartment would still receive good levels of amenity as it is orientated to the north which maximises solar access, water views and sea breezes at this location. The Department is therefore satisfied that the additional unit would have an acceptable level of residential amenity. 	No additional conditions or amendments necessary.
Car Parking Provision and Layout	<ul style="list-style-type: none"> The proposed modification seeks to increase car parking from 193 to 195 spaces. The Department is satisfied that the additional car parking spaces would adequately service the new two bedroom apartment. The Newcastle City Council submission outlined that plans for the proposed modification did not demonstrate compliance with Australian Standard 2890.1-“Parking Facilities” in terms of aisle widths and parking space dimensions. In response, the Proponent outlined that the aisle width of the car park on Level 2 is designed to be equal to, or greater than the standard 5.8m requirement, and the width of the individual parking bays would be equal to or greater than the 2.4m minimum requirement. The Department is therefore satisfied that the carpark would comply with the Australian Standards. 	No additional conditions or amendments necessary.
Section 94 Contributions	<ul style="list-style-type: none"> Newcastle City Council outlined in its submission that the increased cost of development would result in a corresponding increase in the section 94A development contribution. The Department has recommended an amended Section 94A Developer Contribution accordingly. 	The Department has recommended a modified condition to include the amended Section 94A Developer Contributions.
Basix	<ul style="list-style-type: none"> An updated BASIX certificate has been provided, ensuring the modified proposal meets the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004; 	No additional conditions or amendments necessary.

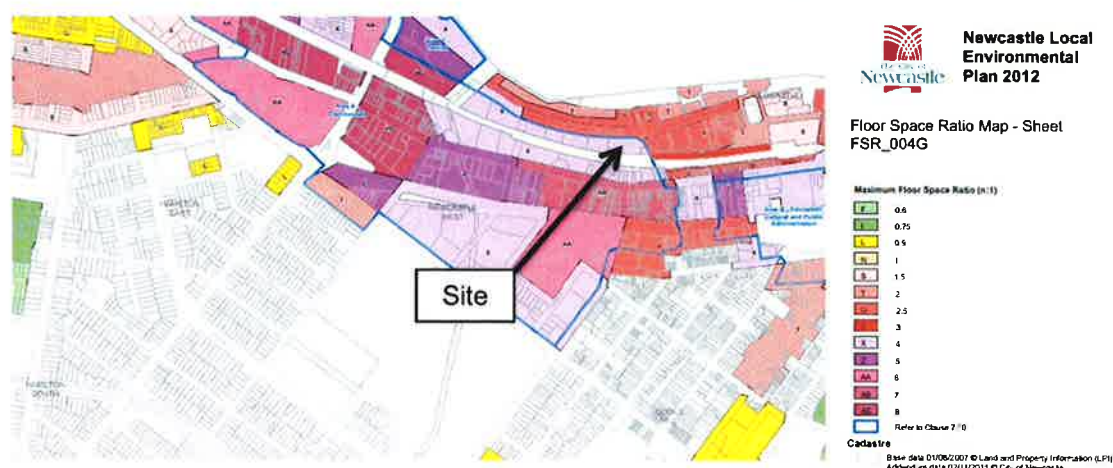


Figure 4: Newcastle LEP Floor Space Ratio Map

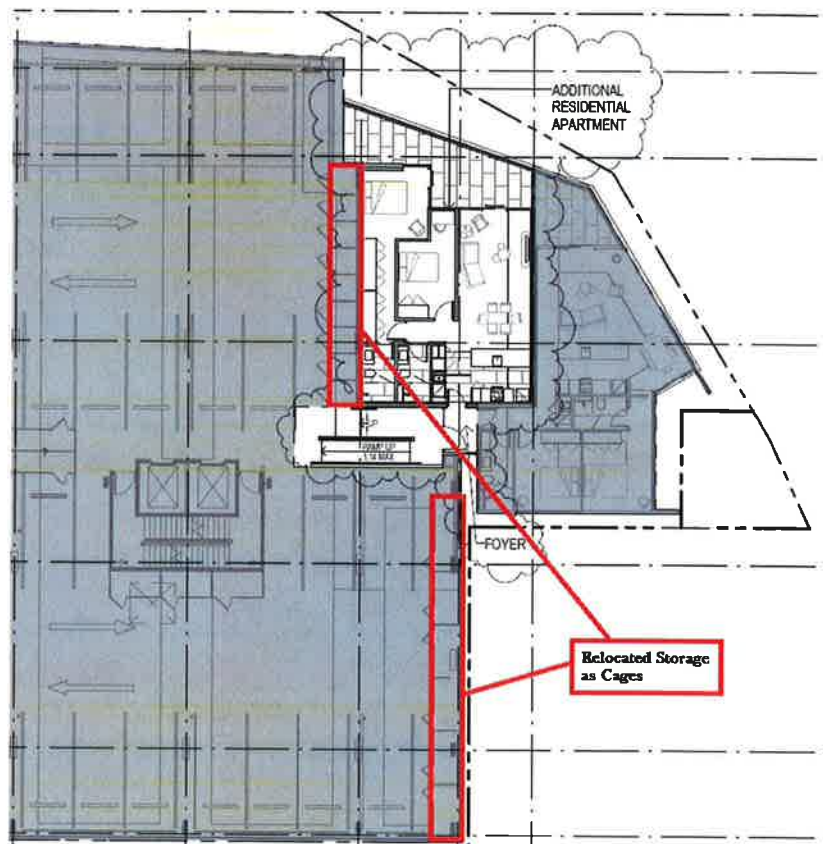


Figure 5: Proposed Relocation of Storage Cages

8. CONCLUSION

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate on the basis that:

- the proposed modification is of minimal environmental impact as it only results in a minor change to the approved built form of the development;
- the apartment would provide an acceptable level of internal residential amenity; and
- adequate parking would be provided to service the unit.

Consequently, it is recommended that the modification be approved subject to the recommended conditions.

9. RECOMMENDATION

It is **RECOMMENDED** that the Acting Director Modification Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **approves** the application under section 96 (1A), subject to conditions; and
- **signs** the notice of modification (**Appendix A**).

Prepared by:
Ella Wilkinson



Ella Wilkinson
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Modification Assessments

 25/12/16

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Acting Director
Modification Assessments

APPENDIX A: NOTICE OF MODIFICATION

The Notice of Modification can be found on the Department's website at the following address:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7477

APPENDIX B: SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Modification request

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7477

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7477

3. Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7477

APPENDIX C: ASSESSMENT AGAINST THE DESIGN CRITERIA OF THE ADG

Design Criteria	Assessment	Complies
<i>Unit Size</i>	<ul style="list-style-type: none"> The Apartment Design Guideline (ADG) recommends a minimum internal floor area of 70m² for 2 bedroom units. The proposed unit would have a floor area of 77m² and therefore complies with the ADG design criteria. 	Yes
<i>Solar Access</i>	<ul style="list-style-type: none"> The ADG recommends that 70% of apartments within a development should receive at least three hours or more of direct sunlight between 9am and 3pm in mid-winter. The Department notes that the proposed apartment faces north and would receive more than 3 hours of solar access between 9am and 3pm therefore meeting the minimum requirement. The Department also notes that the proposal would marginally increase the percentage of apartments (within the overall development) which meet the ADG solar access requirement, from 66% to 67%. 	No – Acceptable on merit
<i>Ventilation</i>	<ul style="list-style-type: none"> The ADG recommends that 60% of apartments within the development should achieve cross ventilation. The Department notes that of the 71 apartments proposed in the original development, 31 (43%) would be capable of natural cross ventilation, and this figure would remain unchanged as the proposed apartment is not cross ventilated. While the apartment is not cross ventilated the Department is satisfied that the apartment would still receive good levels of amenity as it is orientated to the north, maximising solar access, water views and sea breezes. For this reason the Department considers that the proposed apartment will receive adequate amenity despite not being cross ventilated. 	No – Acceptable on merit
<i>Ceiling Height</i>	<ul style="list-style-type: none"> The ADG outlines that habitable rooms should achieve a minimum ceiling height of 2.7m and non-habitable rooms 2.4m. The additional two bedroom apartment proposed in MOD 1 has a ceiling height of 2.7m in habitable rooms and 2.4m in non-habitable rooms and therefore complies with this ADG requirement. 	Yes
<i>Storage Facilities</i>	<ul style="list-style-type: none"> The proposal seeks approval to relocate storage cages, to accommodate the additional two bedroom apartment on Level 2. The relocated position of these storage cages is shown in Figure 5 and was clarified in email from DWP Suters architects dated 29/01/2016. The modification proposal increases storage cages by 1, from 71 to 72, in line with the increase in apartment numbers. The Department is satisfied that the proposal provides adequate storage facilities for all apartments. 	Yes
<i>Balconies</i>	<ul style="list-style-type: none"> The proposal results in a small reduction in the size of the balcony of the adjoining unit. Despite the reduction in size, the balconies of both units comply with the requirements of the ADG in that they have a depth of at least 2 metres, which is the minimum requirement for a 2 bedroom apartment. 	Yes