

# 50 Honeysuckle Drive, Newcastle

Environmental Impact Statement for State Significant Development  
(SSD 8019)



# Table of Contents



	Declaration	7
	Executive Summary	8
1.0	Introduction	10
1.1	Overview	10
1.2	Project Objectives	10
1.3	Secretary's Environmental Assessment Requirements (SEARs)	10
1.4	Structure of the EIS	12
1.5	Supporting Technical Documentation	13
2.0	The Site and Its Context	15
2.1	Site Context	15
2.2	Site Description	15
2.3	Description of Surrounding Development	17
3.0	Proposed Development	20
3.1	Background to the Proposal	20
3.2	Overview	20
3.3	Development Statistics	21
3.4	Land Uses	22
3.5	Building form and siting	23
3.6	External Materials and Finishes	24
3.7	Open Space and Landscaping	24
3.8	Parking, Vehicular Access and Servicing	25
3.9	Accessibility	25
3.10	Stormwater Management	26
3.11	Waste Management	26
3.12	Demolition and Construction	26
3.13	Capital Investment Value and Cost of Works	26
3.14	Public Domain – Worth Place Park West	26
4.0	Consultation	27
4.1	Stakeholders Engagement	27
4.2	Community Consultation	28
5.0	Key Assessment Issues	29

# Table of Contents



5.1	Overview	29
5.2	Environmental Planning Instruments (EPIs)	29
5.3	Policies, Guidelines and Planning Agreements	53
5.4	Built form and Urban Design	64
5.5	Environmental and Residential Amenity	80
5.6	Noise and Vibration	81
5.7	Transport and Accessibility (Construction and Operation)	81
5.8	Crime and Safety	84
5.9	European and Aboriginal Heritage	85
5.10	Drainage and Flooding	87
5.11	Waste	88
5.12	Construction Management	88
5.13	Utilities	89
5.14	EP&A Regulation 2000 - Schedule 2 Considerations	89
<hr/>		
6.0	Section 79C Assessment	93
<hr/>		
6.1	Overview	93
6.2	The Provision of any Environmental Planning Instrument or Development Control Plan	93
6.3	Planning Agreements under the <i>EP&amp;A Act 1979</i>	93
6.4	Any Matters Prescribed by the Regulations	93
6.5	Likely Impacts of the Development	93
6.6	Any Submissions Made	93
6.7	Suitability of the Site for the Development	93
6.8	The Public Interest	94
<hr/>		
7.0	Conclusion	95

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## List of Figures

- Figure 1: Location Plan (Source: SIX Maps)
- Figure 2: Aerial view of site and locality (Source: SIX Maps)
- Figure 3: Detailed aerial view of site
- Figure 4: Existing carpark at 50 Honeysuckle Drive (looking north - northwest)
- Figure 5: Worth Place Park West (looking eastward)
- Figure 6: 19 Honeysuckle Drive (foreground) on the corner of Worth Place and Honeysuckle Drive
- Figure 7: Railway land to the west of site including bicycle / pedestrian path
- Figure 8: Mixed use and commercial buildings located to the south on Honeysuckle Drive. NB: Recently completed 18 Honeysuckle Drive located to the left of photo (Source: Google Street View)
- Figure 9: Perspective of the proposed concept design
- Figure 10: NLEP 2012 Zoning Map Extract
- Figure 11: Newcastle LEP 2012 Lot Size Map Extract
- Figure 12: Newcastle LEP 2012 Height of Buildings Map Extract
- Figure 13: Variation to Height of Building Standard – Building A (West)
- Figure 14: Variation to Height of Building Standard – Building B (Central)
- Figure 15: Height of Building Standard – Building C (East)
- Figure 16: 3D view of Variation to the 14m Height of Buildings Standard outlined in red
- Figure 17: NLEP 2012 Floor Space Ratio Map Extract
- Figure 18: Maximum GFA as specified by FSR Development Standard
- Figure 19: Proposed GFA / FSR
- Figure 20: Newcastle LEP 2012 Heritage Map Extract
- Figure 21: Extract from NLEP 2012 - Acid Sulfate Soils Map
- Figure 22: Built Form – Option 1 (compliant)
- Figure 23: Built Form – Option 2 (current proposal)
- Figure 24: Built Form – Option 1 – Through site link
- Figure 25: Built Form – Option 2 – Through site links
- Figure 26: Option 1 – Solar Access – 72%
- Figure 27: Option 1 – Cross Ventilation – 42%
- Figure 28: Option 2 – Solar Access – 80%
- Figure 29: Option 2 – Cross Ventilation 74%
- Figure 30: Option 2 – proposed built form noting non-compliance with 14m building height control in red
- Figure 31: 18 Honeysuckle Drive – Level 6 floor plan (NB: Commercial building to the west and apartment building to the east)
- Figure 32: 18 Honeysuckle Drive – Northern elevation
- Figure 33: View looking north towards development site and Hunter River foreshore – Level 6 Apartment balcony (L6-57)
- Figure 34: View looking northwest towards development site and Hunter River foreshore – Level 6 Apartment balcony (L6-55)

# Table of Contents



- Figure 35: View looking north towards development site and Hunter River foreshore – Level 7 (Commercial tenancy)
- Figure 36: View looking north – Level 6 Apartment balcony (L6-57) - Option 1
- Figure 37: View looking north – Level 6 Apartment balcony (L6-57) - Option 2
- Figure 38: View looking northwest – Level 6 Apartment balcony (L6-55) - Option 1
- Figure 39: View looking northwest – Level 6 Apartment balcony (L6-55) – Option 2
- Figure 40: View looking north – Level 7 (Commercial tenancy) – Option 1
- Figure 41: View looking north – Level 7 (Commercial tenancy) – Option 2
- Figure 42: Photomontage of the proposed development looking south from Hunter River towards Newcastle CBD
- Figure 43: Photomontage showing proposal looking Northwest along Honeysuckle Drive
- Figure 44: Photomontage showing proposal looking North within through-site link
- Figure 45: Detailed map of the City of Newcastle – 1920 (NB: 50 Honeysuckle Drive outlined in blue) (Source: Newcastle Archaeological Management Plan Review)

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## List of Tables

- Table 1: Summary of Secretary Environmental Assessment Requirements and EIS Location Reference
- Table 2: Development Statistics
- Table 3: Key elements - Residential apartments
- Table 4: Key elements - built form
- Table 5: Breakdown of car parking
- Table 6: Breakdown of bicycle parking
- Table 7: Summary of Stakeholder Issues and Response Reference
- Table 8: Summary of Response to Design Criteria of Apartment Design Guide Objectives
- Table 9: 'B4 Mixed Use Zone Objectives Assessment Table
- Table 10: Height of proposed building
- Table 11: Clause 4.3 Height of Buildings Objectives Assessment Table
- Table 12: Clause 4.4 Floor Space Ratio Objectives Assessment Table
- Table 13: Requirements for Class 3 Acid Sulfate Soils Land
- Table 14: NSW State Priorities - Premier
- Table 15: NSW State Priorities - State
- Table 16: Assessment against the relevant development assessment requirements of the 'NSW DPINR Planning Guidelines for Walking and Cycling'
- Table 17: NDCP 2012 Part 6.0 Locality Specific Provisions - Honeysuckle
- Table 18: Car Parking Rates
- Table 19: DCP 2012 Car Parking Requirements
- Table 20: Mitigation Measures
- Table 21: Approvals Requires Under Other Legislation

# Table of Contents



## List of Attachments

---

Attachment 1:	Survey Plan prepared by de Witt Consulting
Attachment 2:	Approved Subdivision Plan prepared by de Witt Consulting
Attachment 3:	Built Form Analysis Report prepared by SJB Architects
Attachment 4:	Architectural Drawing Package prepared by SJB Architects
Attachment 5:	Landscape Plans prepared by Sydney Design Collective
Attachment 6:	Traffic Assessment prepared by SECA Solution
Attachment 7:	Access Report prepared by Cheung Access
Attachment 8:	Stormwater Concept Plan prepared by Northrop
Attachment 9:	Flood Impact Assessment prepared by Northrop
Attachment 10:	Mine Subsidence Mitigation Review prepared by Douglas Partners
Attachment 11:	Structural Plans prepared by AWT Structural Engineers
Attachment 12:	Waste Management Plan prepared by Elephants Foot
Attachment 13:	Preliminary Construction Management Plan and Erosion and Sediment Control Plan prepared by Northrop
Attachment 14:	Geotechnical Investigation Report prepared by Douglas Partners
Attachment 15:	CIV Estimate prepared by Property Concept & Management Pty Ltd
Attachment 16:	Cost of Works Estimate for Calculation of s94 Contributions prepared by Property Concept & Management Pty Ltd
Attachment 17:	Remediation and Validation Report – August 2005 prepared by RCA Australia
Attachment 18:	Site Audit Report and Site Audit Statement – September 2005 prepared by Environ
Attachment 19:	Preliminary Classification of Materials Report – June 2007 prepared by JBS Environmental
Attachment 20:	Waste Classification and Groundwater Quality Assessment Report prepared by Douglas Partners
Attachment 21:	Acid Sulfate Management Plan prepared by Douglas Partners
Attachment 22:	SEPP 65 Design Verification Statement and ADG Compliance Assessment prepared by SJB Architects
Attachment 23:	BASIX Certification prepared by Gradwell Consulting
Attachment 24:	Clause 4.6 Objection - Height prepared by SJB Planning
Attachment 25:	Clause 4.6 Objection - FSR prepared by SJB Planning
Attachment 26:	Plan of Management prepared by SJB Planning
Attachment 27:	Heritage Impact Statement prepared by Umwelt
Attachment 28:	Acoustic and Vibration Report prepared by Renzo Tonin & Associates
Attachment 29:	Hunter Water Stamped Plans
Attachment 30:	Secretary's Environmental Assessment Requirements (SEARs)
Attachment 31:	Council's Urban Design Consultative Group comments dated October 2016
Attachment 32:	Council's Pre-DA comments dated March 2017
Attachment 33:	Council's comments response table

# Declaration

## Submission of Environment Impact Statement:

Prepared in accordance with Schedule 2 of the Environmental Planning and Assessment (EP&A) Regulation 2000.

### Development Application Details

Applicant:	21 HD – Doma Holdings (NSW) Pty Ltd ACN 612 047 631 as nominee trustee
Applicant Address:	Unit 4/3 Sydney Avenue Barton ACT 2600
Land to be developed:	50 Honeysuckle Drive Newcastle NSW 2300
Proposed development:	Mixed use development including: <ul style="list-style-type: none"><li>• Two (2) levels of parking (basement and at-grade), providing 190 car park spaces, storage, plant rooms and associated services.</li><li>• Construction of three (3), part two (2) to part seven (7) storey mixed use buildings consisting of 154 residential units including ten (10) terrace style dwellings and ground floor commercial/retail units.</li></ul>

### Environmental Impact Statement

Prepared by:	Simon Smith
Address:	SJB Planning Level 2, 490 Crown Street Surry Hills NSW 2010
In respect of:	State Significant Development – Development Application
Declaration:	<p>I certify that the contents of this Environmental Impact Statement to the best of my knowledge, has been prepared as follows:</p> <ul style="list-style-type: none"><li>• In accordance with Schedule 2 of the Environmental Planning and Assessment Regulation 2000;</li><li>• Containing all available information that is relevant to the environmental assessment of the proposed development; and</li><li>• To the best of my knowledge the information contained in this report is neither false nor misleading.</li></ul>
Name:	Simon Smith – Senior Planner  Master of Urban & Regional Planning, 2007 University of Sydney, Sydney, Australia
Signature:	
Date	8 June 2017

# Executive Summary

This Environmental Impact Statement (EIS) has been prepared under Section 78A (8A) of the *Environmental Planning and Assessment (EP&A) Act 1979* in support of a State Significant Development (SSD) Application for a proposed mixed use development at 50 Honeysuckle Drive, Newcastle ('the site').

Under Schedule 2, Clause 2 of the State Environmental Planning Policy (State and Regional Development) (SEPP SRD) 2011, development within the Honeysuckle area with a capital investment value (CIV) of more than \$10 million is identified as a SSD. As the proposed development will have a CIV in excess of \$10 million, it is defined as SSD, in accordance with the provisions of the SEPP SRD 2011.

An earlier iteration of the proposal was provided to the Department of Planning and Environment (DP&E) in October 2016. The Department issued the Secretary's Environmental Assessment Requirements (SEARs) for the proposal on 10 November 2016 (reference SSD 8019). This EIS has been prepared in response to the SEARs.

This EIS has been prepared in accordance with the requirements of Part 4 of the *EP&A Act 1979*, Schedule 2 of the Environmental Planning and Assessment (EP&A) Regulation 2000, and the SEARs.

This SSD application will seek consent for the redevelopment of the site for a mixed use development at 50 Honeysuckle Drive, Newcastle. Specifically, the proposal includes the following:

- Two (2) levels of parking (basement and at-grade), providing 190 car park spaces, storage, plant rooms and associated services. Vehicle access to the basement is via both Honeysuckle Drive and Worth Place;
- Construction of three (3), part two (2) to part seven (7) storey mixed use buildings consisting of commercial/retail uses and terraces / apartments. The proposal will comprise the following:
  - 226m<sup>2</sup> of commercial/retail space provided at ground level along Honeysuckle Drive and Worth Place; and
  - 154 residential units including ten (10) terrace style dwellings facing Worth Place Park West.
- Green roof areas.

This EIS addresses the SEARs and demonstrates that the proposal is consistent with the aims and objectives of SEPP SRD and Newcastle Local Environmental Plan (NLEP) 2012. The proposal complies with the principal development standards contained in NLEP 2012, including the maximum floor space ratio (FSR) permitted across the site and maximum 24m height limit applying to the majority of the site. However, the proposal does seek a variation to the 14m height control applying to the northern section of the site to provide greater amenity for residents whilst responding to the sites context, surrounding development and physical constraints including flooding.

The proposal has been designed with careful consideration of the design quality principles contained in State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65), and the supporting objectives, guidelines and criteria contained within the Apartment Design Guide (ADG).

The proposal is also consistent with the intent and objectives of the provisions of the Newcastle Development Control Plan (NDCP) 2012.



The proposal will provide a positive social impact to the development of the area and contribute to the renewal of the Honeysuckle Precinct.

This EIS includes an assessment of the potential environmental impacts arising from the proposal including overshadowing, privacy, view loss, visual impacts, noise, wind, safety and security, and traffic and transport.

It is considered that the proposal will not give rise to unreasonable adverse environmental impacts upon adjoining properties, the public domain or surrounding development. Where appropriate, mitigation measures have been identified to manage potential environment impacts, which have been implemented in the design of the proposal, or otherwise can be addressed through standard conditions of development consent.

Based on the assessment undertaken in this EIS, approval of the application is sought.

# 1.0 Introduction

## 1.1 Overview

This EIS has been prepared by SJB Planning under section 78A (8A) of the *EP&A Act 1979*, on behalf of Doma Holdings (NSW) Pty Ltd, in support of a proposed mixed use development at 50 Honeysuckle Drive, Newcastle ('the site').

Under Schedule 2, Clause 2 of the SEPP SRD 2011, development within the Honeysuckle area with a CIV of more than \$10 million is identified as a SSD. As the proposed development will have a CIV value in excess of \$10 million it is defined as SSD, in accordance with the provisions of the SEPP SRD 2011.

SSD requires the preparation of an EIS. This EIS addresses the SEARs and the requirements of Schedule 2 of the *EP&A Act 1979*.

## 1.2 Project Objectives

In accordance with Schedule 2, Part 3, Subclause 7(1)(B) the objectives of the development proposed at 50 Honeysuckle Drive, Newcastle are to:

- Provide a building that achieves a standard of architectural design and which will make a positive contribution to Honeysuckle Drive and Worth Place, as well as the wider Newcastle city centre and locality;
- Provide a building that minimises impacts on adjoining and nearby development, as well as the public domain;
- Provide a building that delivers a high level of amenity for future occupants;
- To provide a mix of apartment sizes to cater for a range of household types and sizes;
- To maintain commercial uses at ground level to activate Honeysuckle Drive and Worth Place and provide services for residents and workers within area; and
- To contribute to the ongoing urban renewal of the Honeysuckle area.

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

This EIS has been prepared to address the SEARs that were issued on 10 November 2016 for application number SSD 8019. Table 1 below provides a summary of the matters listed in the SEARs and identifies where they have been addressed in the EIS. A full copy of the SEARs is provided at Attachment 30.

Secretary Environmental Assessment Requirements	Location in EIS
General Requirements	
The Environmental Impact Statement (EIS) must meet the minimum form and content requirements in Clause 6 and 7 of Schedule 2 of the EP&A Regulation 2000, specifically:	
• Declaration	Page 7
• Executive Summary	Pages 8-9
• Statement of Objectives	Section 1.2

Secretary Environmental Assessment Requirements		Location in EIS
•	Identification of alternatives to carrying out the development	Sections 5.4 to 5.12
•	Detailed description of the development	Section 3.0
•	Identification and description of likely environment impacts	Section 5.4
•	Identification of mitigation measures	Section 5.13
•	Approvals under Acts	Section 5.14
•	Justification for carrying out the development	Section 5.13
Key Issues		
(1)	Statutory Context	Sections 5.2 and 5.3
(2)	Built Form and Urban Design	Section 5.4, Attachments 3, 4 and 22
(3)	Residential amenity	Section 5.4 and Attachment 22
(4)	Ecological Sustainable Development (ESD)	Section 5.13 and Attachment 23
(5)	Noise	Section 5.6 and 5.12 and Attachment 28
(6)	Transport and Accessibility	Section 5.7 and Attachment 6
(7)	Flooding	Section 5.10 and Attachment 9
(8)	Water	Section 5.8 and Attachments 8 and 20
(9)	Mine Subsidence	Section 5.2 and Attachment 10
(10)	Historic Heritage	Sections 5.2 and 5.9 and Attachment 27
(11)	Aboriginal Heritage	Sections 5.2 and 5.9 and Attachment 27
(12)	Sediment, erosion and dust controls (construction and excavation)	Section 5.13 and Attachment 13
(13)	Utilities	Section 5.11 and Attachment 29
(14)	Staging	N/A
(15)	Public benefit and contributions	Sections 3.13 and 6.8 and Attachments 15 and 16
(16)	Servicing and waste	Section 5.11 and Attachment 12
Plans and Documents		
•	Architectural Drawings	Attachment 4
•	Architectural Design Statement	Attachment 22
•	Landscape Drawings and Design Statement	Attachment 5
•	Site Survey	Attachment 1

Secretary Environmental Assessment Requirements	Location in EIS
• Site Analysis	Attachments 3 and 4
• Shadow Diagrams	Attachment 4
• ESD Statement	Section 5.13
• Pre-submission Consultation Statement	Section 4.0 and Attachments 31, 32 and 33
• Heritage Impact Assessment	Attachment 27
• Archaeological Impact Assessment	Attachment 27
• Bushfire Assessment	N/A – Site is not bushfire prone
• Access Impact Statement	Attachment 7
• Traffic and Parking Assessment	Attachment 6
• Visual and View Impact Analysis / Photomontages	Section 5.4 and Attachment 3
• Stormwater Concept Plan	Attachment 8
• Flood Risk Assessment	Attachment 9
• Sediment and Erosion Control Plan	Attachment 13
• Operational Management Plan	Attachment 26
• Preliminary Construction Management Plan	Attachment 13
• Geotechnical Investigation and Report	Attachment 14
• Services and Infrastructure Report	Section 5.13 and Attachment 29
• Contamination Assessment	Attachments 17, 18, 19, 20 and 21
• Schedule of Material and Finishes	Attachment 4
Consultation	Section 4.0 and Attachments 31, 32 and 33

Table 1: Summary of Secretary Environmental Assessment Requirements and EIS Location Reference

## 1.4 Structure of the EIS

The EIS addresses the SEARs and the requirements of Schedule 2 of the *EP&A Act 1979*. The EIS is set out as follows:

- Section 1 provides an introduction;
- Section 2 describes the site and local context;
- Section 3 provides a detailed description of the proposed development, including the stated objectives of the proposal and overview of the background to the proposal;
- Section 4 provides an overview of the community consultation that has undertaken for the proposal;
- Section 5 addresses the key environmental issues as set out in the SEARs and includes an assessment of the statutory and policy controls applicable to the site;
- Section 6 provides an assessment of the impacts of the proposal and identifies mitigation measures where appropriate; and
- Section 7 presents the conclusions of the assessment.

## 1.5 Supporting Technical Documentation

The proposal SSD is supported by the following technical documentation, prepared by the identified specialists, which are included as attachment to this EIS:

- Attachment 1: Survey Plan prepared by de Witt Consulting;
- Attachment 2: Approved Subdivision Plan prepared by de Witt Consulting;
- Attachment 3: Built Form Analysis Report prepared by SJB Architects;
- Attachment 4: Architectural Drawing Package (plans, sections elevations, montages, materials and finishes) prepared by SJB Architects;
- Attachment 5: Landscape Plans prepared by Sydney Design Collective;
- Attachment 6: Traffic Assessment prepared by Seca Solutions;
- Attachment 7: Access Report prepared by Cheung Access;
- Attachment 8: Stormwater Concept Plan prepared by Northrop;
- Attachment 9: Flood Impact Assessment prepared by Northrop;
- Attachment 10 Mine Subsistence Mitigation Report prepared by Douglas Partners;
- Attachment 11: Structural Plans prepared by AWT Structural Engineers;
- Attachment 12: Waste Management Plan prepared by Elephants Foot;
- Attachment 13: Preliminary Construction Management Plan and Erosion and Sediment Control Plan prepared by Northrop;
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- Attachment 15: CIV Estimate prepared by Property Concept & Management Pty Ltd;
- Attachment 16: Cost of Works Estimate for Calculation of s94 Contributions prepared by Property Concept & Management Pty Ltd;
- Attachment 17: Remediation and Validation Report – August 2005, prepared by RCA Australia;
- Attachment 18: Site Audit Report and Site Audit Statement – September 2005 prepared by Environ;
- Attachment 19: Preliminary Classification of Materials Report – June 2007, prepared by JBS Environmental;
- Attachment 20: Waste Classification and Groundwater Quality Assessment Report prepared by Douglas Partners
- Attachment 21: Acid Sulfate Management Plan prepared by Douglas Partners;
- Attachment 22: SEPP 65 Design Verification Statement and ADG Compliance Assessment prepared by SJB Architects;
- Attachment 23: BASIX Certification prepared by Gradwell Consulting;
- Attachment 24: Clause 4.6 Objection - Height prepared by SJB Planning;
- Attachment 25: Clause 4.6 Objection - FSR prepared by SJB Planning;
- Attachment 26: Plan of Management prepared by SJB Planning;
- Attachment 27: Heritage Impact Statement prepared by Umwelt Australia;
- Attachment 28: Acoustic and Vibration Report prepared by Renzo Tonin & Associates;
- Attachment 29: Hunter Water Stamped Plans;
- Attachment 30: Secretary's Environmental Assessment Requirements.

- Attachment 31: Council's Urban Design Consultative Group comments dated October 2016
- Attachment 32: Council's Pre-DA comments dated March 2017
- Attachment 33: Council's comments response table





The site enjoys extensive views and outlook to the Hunter River to the north.



Figure 2: Aerial view of site and locality (Source: SIX Maps)



Figure 3: Detailed aerial view of site





Figure 4: Existing carpark at 50 Honeysuckle Drive (looking north - northwest)

## 2.3 Description of Surrounding Development

The character of the immediate locality is mixed, and includes residential, commercial and public use buildings.

### *North*

To the north, directly opposite the site, is a landscaped public open space area including a shared pedestrian and cycleway adjoining the Hunter River foreshore known as Worth Place Park West (see Figure 5). The HDC will be upgrading this landscaped public domain in the future.



Figure 5: Worth Place Park West (looking eastward)



## **East**

To the east is a mixed use seven (7) storey building including ground floor commercial terraces (see Figure 6).



Figure 6: 19 Honeysuckle Drive (foreground) on the corner of Worth Place and Honeysuckle Drive

## **West**

To the west the site lies former railway tracks fronting onto the Hunter River foreshore. This area contains a shared pedestrian / cycle pathway providing direct linkage between Honeysuckle and the city centre (see Figure 7).



Figure 7: Railway land to the west of site including bicycle / pedestrian path

## **South**

To the south of the site on the opposite side of Honeysuckle Drive is a range of seven (7) storey commercial buildings, including the NIB building at 22 Honeysuckle Drive (see Figure 8). To the south-western corner of Honeysuckle Drive and Worth Place is a recently constructed building known as 18 Honeysuckle Drive. The site obtained State Significant Development approval from the Department of Planning in 2015 for the construction of two (2) buildings over a shared podium, comprising 71 apartments, commercial and retail tenancies, and associated car parking. Building works on the site were completed in January 2017.



Figure 8: Mixed use and commercial buildings located to the south on Honeysuckle Drive. NB: Recently completed 18 Honeysuckle Drive located to the left of photo (Source: Google Street View)

## 3.0 Proposed Development

### 3.1 Background to the Proposal

A concept proposal was submitted to DP&E on 13 October 2016 with the request for SEARs.

A summary of key changes between the concept design submitted with the SEARs request and the current proposal is provided below. The modifications have responded to the SEARs and authority engagement undertaken. The refinements comprise:

- Modified building form, to create a stronger aesthetic expression of the elevations with regard northern façade treatment including balconies.
- Introduction of articulated privacy screens to the laneway elevations.
- Further development of ground floor plan including:
  - Lowering of ground floor level (RL 3.55 to RL3.00) to ensure the proposal appropriately connects to surrounding public domain;
  - Kiosk tenancy to north eastern corner of site;
  - Communal spaces including swimming pool, gymnasium and meeting room;
  - Waste bin holding area; and
  - Commercial tenancies within Building 2 and 3.
- Reduction in off-street car parking allocation to ensure consistency with the City of Newcastle requirements.

Overall, the proposed changes are considered to result in an improved scheme from the concept submitted with the SEARs request. As detailed in the Built Form Analysis prepared by SJB Architects included at Attachment 3, the current proposal has been the outcome of a considered design process, which has involved consideration and analysis of a number of development options for the site. The subject proposal is considered to provide the best outcome for the site in terms of the urban context, design quality and amenity.

### 3.2 Overview

The proposed SSD application seeks consent for the redevelopment of the site for a mixed use development at 50 Honeysuckle Drive, Newcastle. Specifically, the proposal includes the following:

- Two (2) levels of parking (basement and at-grade), providing 190 car park spaces, storage, plant rooms and associated services. Vehicle access to the basement is via both Honeysuckle Drive and Worth Place;
- Construction of three (3), part two (2) to part seven (7) storey mixed use buildings consisting of commercial/retail uses and terraces / apartments. The proposal will comprise the following:
  - 226m<sup>2</sup> of commercial/retail space provided at ground level along Honeysuckle Drive and Worth Place;
  - 154 residential units including 10 terraces facing Worth Place Park West; and
  - Green roof areas.



As illustrated in the ground floor plan, the proposal has been designed to provide high levels of activation to both the Honeysuckle Drive and Worth Place frontages, through the provision of commercial/retail uses. It is noted that two (2) storey terrace dwellings are also directly accessible from Worth Place Park West to the north of the site.

The design and architectural treatment of the three (3) buildings has been pursued in recognition of the prominence of the site on the Hunter River foreshore. The façade treatment proposed provides high amenity for future occupants of the building and proposes a high quality visual presentation (see Figure 9). The indicative materials and finishes incorporated into the design are both robust and durable, and both sensitive to, and reflective of the character of the surrounding area.



Figure 9: Perspective of the proposed concept design

### 3.3 Development Statistics

A summary of the development particulars is provided in Table 2 below:

Development Particulars	Proposal
Site area	7,292m <sup>2</sup>
Gross Floor Area (GFA)	16,811m <sup>2</sup> – total 226m <sup>2</sup> – commercial 16,585m <sup>2</sup> – residential
Floor Space Ratio (FSR)	2.30:1 (total across the site)
Building Height	Part two (2) storeys (RL 9.5 AHD) Part seven (7) storeys (RL 25.5 AHD – Parapet; RL 26.15 AHD – lift overrun)
Dwellings	154 dwellings
Floor to Floor Heights	3.1m - 3.7m (ground floor)

Development Particulars	Proposal
	3.1m (Levels 1-7)
Vehicle Parking Provision	154 residential spaces 31 visitor spaces 5 commercial spaces Total:190 spaces
Motorcycle Parking Provision	11 spaces
Bicycle Parking Provision	222 (including resident storage cages)

Table 2: Development Statistics

### 3.4 Land Uses

Commercial/retail uses are located at the ground floor level fronting onto Honeysuckle Drive and Worth Place. Residential units are proposed to Worth Place Park West and above the proposed commercial/retail uses. Each use is described below.

#### **Residential**

Key elements of the residential component of the proposal are described in Table 3.

Element	Description
Dwellings Total	154 dwellings including 10 terrace style dwellings
Residential GFA	16,585m <sup>2</sup> residential
Dwelling mix	48 x one (1) bedroom dwellings – 31% 60 x two (2) bedroom dwellings – 43% 40 x three (3) bedroom dwellings – 22% 6 x four (4) bedroom dwellings – 4%
Adaptable apartments	16 (10%)
Dwelling sizes	One (1) bedroom dwellings – 50 m <sup>2</sup> (min) 52m <sup>2</sup> (max) Two (2) bedroom dwellings – 75m <sup>2</sup> (min) 75m <sup>2</sup> (max) Three (3) bedroom dwellings – 90 m <sup>2</sup> (min) 95m <sup>2</sup> (max) Four (4) bedroom dwellings – 190 m <sup>2</sup> (min) 226m <sup>2</sup> (max)
Private open space/balconies	One (1) bedroom dwellings – 10m <sup>2</sup> (min) 20m <sup>2</sup> (max) Two (2) bedroom dwellings – 41m <sup>2</sup> (min) 76m <sup>2</sup> (max) Three (3) bedroom dwellings – 54 m <sup>2</sup> (min) 74m <sup>2</sup> (max) Four (4) bedroom dwellings – 29 m <sup>2</sup> (min) 44m <sup>2</sup> (max)

Table 3: Key elements - Residential apartments

#### **Commercial/Retail Premises**

A total of 226m<sup>2</sup> of commercial/retail GFA is proposed, including a kiosk located on the corner of Worth Place Park West and Worth Place.

### 3.5 Building form and siting

The building form comprises the following:

- Three (3) x part two (2) to part seven (7) storey buildings;
- A two (2) storey street wall height to Worth Place Park;
- A two (2) storey height wall at the corner of Worth Place Park West and Worth Place; and
- A seven (7) storey street wall height to Honeysuckle Drive.

Other elements of the built form and siting are outlined in Table 4.

Element	Proposal
Building height	Two (2) storeys to Worth Place Park and Seven (7) storeys to Honeysuckle Drive  Overall: Two (2) to seven (7) storeys (8m to 23.5m)
Floor to Floor Heights	3.1m to 3.7m - ground level 3.1m- residential levels
Building setbacks	Honeysuckle Drive: <ul style="list-style-type: none"> <li>• Building A (West) 2.5m to 3.75m (Ground level) 2.5m to 3.6m (Level 1 and 2) 2.5m to 6.05m (Levels 3-6)</li> <li>• Building B (Central) 2.5m to 3.95m (Ground level) 2.5m to 3.8m (Level 1 and 2) 2.5m to 6.5m (Levels 3-6)</li> <li>• Building C (East) 2.5m to 4.9m (Ground level) 2.5m to 4.8m (Level 1 and 2) 2.5m to 7.5m (Levels 3-6)</li> </ul> Worth Place: <ul style="list-style-type: none"> <li>• Building C (East) 0m to 1.2m (Ground level) 0m to 2.1m (Level 1 and 2) 2.5m to 7.5m (Levels 3-6)</li> </ul> West: <ul style="list-style-type: none"> <li>• Building A (West) 2.5m to 4m (Ground level) 2.5m to 4m (Level 1 and 2) 2.5m to 4m (Levels 3-6)</li> </ul> Worth Place Park West(North): <ul style="list-style-type: none"> <li>• Building A (West) 2.5m (Ground level) 2.5m (Level 1 and 2)</li> </ul>

Element	Proposal
	16m to 16.4 (Levels 3-6)
	· Building B (Central) 2.5m (Ground level) 2.5m (Level 1 and 2) 16m to 16.5 (Levels 3-6)
	· Building C (East) 2.5m (Ground level) 2.5m (Level 1 and 2) 16.3m to 16.5 (Levels 3-6)

Table 4: Key elements - built form

### 3.6 External Materials and Finishes

The proposal incorporates high quality materials and finishes, as detailed in the Material and Finishes schedule prepared by SJB Architects included in the architectural drawings package at Attachment 4. The finishes and materials comprise:

- Terracotta brick;
- White painted brick;
- Turquoise glazed brick;
- Vertical metal screen;
- Clear glazing; and
- Metal screening.

### 3.7 Open Space and Landscaping

The proposed concept development occupies the entire site area and accordingly no deep soil landscaping is provided on the site. Landscaping opportunities will be introduced into the building with the provision of green roof areas and laneway plantings. As illustrated within the Architectural Drawing Package, each residential unit is provided with private open space in the form of balconies/terraces.

It is noted that the Honeysuckle Precinct includes a 6m wide pedestrian promenade which runs directly to the north of the site, and connects the area both visually and physically with the river and foreshore.

The proposed landscaping is detailed in the Landscape Plan prepared by Sydney Design Collective and included at Attachment 5. The landscape plan details the landscaping treatment for the proposed green roof treatment proposed for the terrace dwellings, laneway plantings and reinstatement works in the public domain around the site.

#### ***Communal Open Space***

The proposal includes communal open space areas (totalling 320m<sup>2</sup>) consisting of a swimming pool, gymnasium, and residents meeting/common room. The internal laneways accommodate landscaping and various configurations of seating to maximise the use and enjoyment of these spaces by residents.

#### ***Private Open Space***

All dwellings are provided with private open space in the form balconies/terraces that are directly accessed from the main living area. The balconies range from a minimum area of 10m<sup>2</sup> up to a maximum of 76m<sup>2</sup>.



### 3.8 Parking, Vehicular Access and Servicing

The proposal will provide 190 parking spaces across two (2) levels (ground floor and basement). Vehicle access is proposed to be from Honeysuckle Drive and Worth Place via a two-way access ramp.

Details of parking and vehicular access are provided in the architectural drawings and the Transport Assessment Report prepared by Seca Solutions Traffic Consultants included at Attachment 6.

#### ***Car Parking***

The proposal provides a total of 190 car parking spaces, which is within the average parking rates applying to this locality under NDCP 2012. A breakdown of the parking is provided in Table 5.

Use	Proposed
Resident car parking spaces	154
Resident visitor car spaces	31
Retail car spaces	5
<b>Total</b>	<b>190</b>

Table 5: Breakdown of car parking

#### ***Bicycle Parking***

The proposal provides a total of 222 bicycle parking spaces on site as outlined in Table 6 below.

Use	Proposed
Resident bicycle spaces	154
Commercial / visitor car spaces	68
<b>Total</b>	<b>222</b>

Table 6: Breakdown of bicycle parking

#### ***Vehicular Access***

Vehicle access to the car parking will be provided from Honeysuckle Drive and Worth Place.

#### ***Loading/Servicing***

A loading bay is provided on Honeysuckle Drive adjacent to the eastern most vehicle access point to service Council's waste vehicles. In addition, a loading space is provided within Building B at ground floor level.

### 3.9 Accessibility

The Accessibility Report prepared by Cheung Access Services, included at Attachment 8, provides an assessment of the accessibility of the proposal in accordance with the relevant provisions of:

- The Building Code of Australia 2016 the BCA (2016);
- The Disability (Access to Premises- Buildings) Standards 2010;
- Australian Standard AS1428.1 2009; and
- Newcastle Development Control Plan (NDCP) 2012.

### **3.10 Stormwater Management**

The Civil Engineering Package has been prepared by Northrop and is included at Attachment 8. The proposed stormwater management for the development consists of:

- Removal of existing pit and pipe networks located onsite;
- Onsite reuse storage tanks (minimum storage volume 30m<sup>3</sup>);
- Overflow from reuse storage tank transferred via proprietary water quality treatment system and connected to Council's existing stormwater system in Honeysuckle Drive; and
- Pit and pipe networks to be designed to convey all storms up to and including the 1% Annual Exceedance Probability (AEP) event.

### **3.11 Waste Management**

A Waste Management Plan (WMP) has been prepared by Elephants Foot Recycling Solutions and is included at Attachment 13. The Plan details the waste and recycling facilities to be provided for the operational stages of the development. Waste and recycling facilities are detailed on the architectural drawings prepared by SJB Architects included at Attachment 4.

Details of the demolition and construction waste are included in the Preliminary Construction Management Plan included at Attachment 13.

### **3.12 Demolition and Construction**

The proposal requires the demolition of the existing building structures on the site. The demolition works are to be undertaken in accordance with the provisions of Australian Standard AS 2601-1991.

A preliminary Construction Management Plan (CMP) has been prepared by the Northrop and is included at Attachment 14.

### **3.13 Capital Investment Value and Cost of Works**

As detailed in the CIV Estimate prepared by Property Concept & Management Pty Ltd included at Attachment 15, the proposal has a CIV of \$53,046,331.

A Cost of Works Estimate for Calculation of s94A Contributions prepared by Property Concept & Management Pty Ltd has also been provided, and is included at Attachment 16, which indicates the costs of the works is \$58,350,964.10 (incl. GST), which will yield a contribution of \$1,167,019.28.

### **3.14 Public Domain – Worth Place Park West**

The public domain parcel adjacent to the site is known as Worth Place Park West. It has an area of approximately 4,130m<sup>2</sup> and sits partly on the lot described as Lot 2 DP1167364.

It is currently being used as a temporary park, however it is intended to be upgraded to be a high standard public space at the same time, or soon after the majority of the subject site is developed.

HDC intends to commission an updated design for the final treatment of Worth Place Park West which will include a continuation of the 8m waterfront promenade and subsequent delivery timeline for the required works.

## 4.0 Consultation

As required by the SEARs, a community engagement program was undertaken with relevant public authorities, Council and the community.

This program involved consultation with key stakeholders and referral agencies relevant to the project to clearly communicate the development proposal and establish if there are any issues and actions required prior to the application lodgement. The consultation programme is summarised below and consisted of meetings and correspondence with Council and State agencies.

The outcomes of the consultation program have been analysed and informed the design of the proposed development.

It is noted following lodgement with the Department of Planning and Environment (DP&E), the application will be placed on public exhibition for 30 days in accordance with Clause 83 of the EP&A Regulation 2000. During the public exhibition period, Council, State agencies, and the public will have a further opportunity to make submissions to the application.

### 4.1 Stakeholders Engagement

In accordance with the SEARs, consultation was undertaken with the following stakeholders:

- Newcastle City Council – Independent Urban Design Consultative Group (UCDG) (see Attachment 31);
- Newcastle City Council – Planning (Development Assessment) (see Attachment 32); and
- Transport for NSW (TfNSW).

Table 8 below provides a brief summary of the key items discussed with each of the stakeholders and identifies in how these items have been responded to in the EIS.

Stakeholder Issues	Response
City of Newcastle - Urban Design Consultative Group	
• Context and Neighbourhood Character	Sections 2.1 to 2.3 and Attachments 3 and 4
• Built Form and Scale	Section 3.5 and Attachment 3 and 4
• Density	Section 5.2 and Attachment 22
• Sustainability	Sections 5.2 and 5.13 and Attachment 23
• Landscape	Section 3.7 and Attachment 5
• Amenity	Section 5.5 and Attachments 3, 4 and 19
• Housing Diversity and Social Interaction	Sections 5.5 and 5.8 and Attachment 3
• Aesthetics	Attachments 3 and 4

Stakeholder Issues	Response
<b>City of Newcastle - Planning</b>	
• State Environmental Planning Policies	Section 5.2 and Attachments 14, 22, 23, and 33
• Council's Urban Design Consultative Group	Section 5.4 and Attachments 3, 4 and 33
- Activation	
• Newcastle LEP 2012	Section 5.2 and Attachment 33
• Newcastle DCP 2012	Sections 5.3 and Attachment 33
• Traffic and Parking	Section 5.7 and Attachments 6 and 33
- Bicycle Parking	
- Motorbike Parking	
- Driveway access	
• Public Domain	Sections 3.7, 3.14 and 5.8 and Attachments 3, 4, 5 and 33
• Flood Management	Section 5.10 and Attachments 8, 9 and 33
- Flood Certificate	
- Proposed Building Floor Levels	
• Stormwater	Section 5.10 and Attachments 8, 9 and 33
- Local and Road Drainage	
• Waste Management	Section 5.11 and Attachments 12 and 33
• Noise	Section 5.11 and Attachments 25 and 33
• Development Contribution Plans and Voluntary Planning Agreements	Section 3.13
<b>Transport for NSW - TfNSW</b>	
• Vehicle access	Attachment 5 and 33

Table 7: Summary of Stakeholder Issues and Response Reference

## 4.2 Community Consultation

A request regarding contact details of any neighbouring community groups was made to Council prior to lodgement of the subject application. However, given no community groups within the locality were identified by Council it was determined that the best way to inform nearby residents and the local community would be by way of an information session held during the formal public exhibition of the proposal.

The information session will be held at an existing ground floor commercial tenancy located adjacent to the site at 19 Honeysuckle Drive.

The information session will include representatives from SJB Architecture, SJB Planning and the applicant, to answer queries, provide assistance in reading plans and supporting documentation, and record issues and matters raised. Information gathered during the information session will then be forwarded directly to the DP&E to assist in the assessment process.

## 5.0 Key Assessment Issues

### 5.1 Overview

The EIS has been prepared in accordance with the requirements of Schedule 2 of the EP&A Regulations 2000. Schedule 2, Clause 3, Subclause 8 of the EP&A Regulation 2000 requires an EIS to comply with the Environmental Assessment Requirements that have been provided by the Secretary. On 10 November 2016, the Secretary issued the SEARs, which contains 11 'Key Issues' that are required to be addressed. This section addresses the key issues, including:

- The relevant environmental planning instruments that apply to the proposal, including a comprehensive assessment of the development standards, objectives and provisions;
- The strategic policy documents that apply to site and proposal;
- The provisions of relevant development control plans and other policies;
- An assessment of the potential environmental impacts of the proposal and identification of appropriate measures to mitigate such impacts; and
- Heads of consideration listed under section 79C of the *EP&A Act 1979*, that are additional to the items listed above.

### 5.2 Environmental Planning Instruments (EPIs)

The following section provides an assessment against the statutory provisions applying to the proposed development under the relevant environmental planning provisions as required by the SEARs.

#### ***Environmental Planning and Assessment Act 1979 – Integrated Development***

##### *Water Management Act 2000*

The proposed development constitutes Integrated Development pursuant to Section 91 of the *EP&A Act 1979*, as the proposal involves temporary construction dewatering. Accordingly, the proposed development requires approval from the NSW Office of Water under the *Water Management Act 2000*.

##### *Mine Subsidence Compensation Act 1961 No 22*

The proposed development constitutes Integrated Development pursuant to Section 91 of the *EP&A Act 1979*, as the proposal involves construction over a former mine site. Accordingly, the proposed development requires approval from the Mine Subsidence Board.

The site is within a limited restriction area and requires geotechnical investigations for high rise and large foot print structures in accordance with the HDC Grouting Strategy. This issue has been addressed in the Mine Subsidence Review prepared by Douglas Partners and is included at Attachment 14.

Ongoing discussions with the Mine Subsidence Board and HDC have occurred and will continue through the assessment process.

### **State Environmental Planning Policy (State & Regional Development) (SEPP SRD) 2011**

Under Schedule 2, Clause 2 of SEPP SRD 2011, development within the Honeysuckle area with a CIV of more than \$10 million is identified as SSD. As the proposed development will have a CIV value in excess of \$10 million, it is defined as SSD, in accordance with the provisions of the SEPP SRD 2011.

### **State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)**

ISEPP 2007 provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process.

The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.

Division 15 sets out the requirements of development in or adjacent to rail corridors, whilst Division 17 sets out requirements for development fronting classified roads. The site is located approximately 70m from the rail corridor and therefore it is unlikely to adversely impact rail safety or operation. Furthermore, it is noted that the site is not located on a classified road and does not exceed the thresholds of Schedule 3 of the ISEPP. As such the provisions of the SEPP are not applicable in this instance.

### **State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)**

State Environmental Planning Policy No. 55 – Site Remediation (SEPP 55) prescribes a statutory process associated with the development of land that is contaminated and needs remediation.

Clause 7 of SEPP 55 provides the following:

- “(1) 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.”*

Several onsite contamination investigations and associated reports have previously been undertaken at the site including the following:

- Remediation and Validation Report, prepared by RCA Australia, August 2005 (see Attachment 17);
- Site Audit Report and Site Audit Statement prepared by Environ, September 2005 (see Attachment 18); and
- Preliminary Classification of Materials Report, prepared by JBS Environmental, June 2007 (see Attachment 19).

The remediation and validation report identified that the upper level of fill at the site (uppermost 0.5m) was contaminated with elevated levels of Total Petroleum Hydrocarbons (TPH), benzo(a)pyrene (B(a)P) and total Polycyclic Aromatic Hydrocarbons (PAH). On the basis of these finds, soil remedial works were undertaken at the site which comprised of the excavation of the upper 0.3m to 0.7m of impacted material in the north west corner of the site. Following the completion of the remediation works, RCA concluded that the site was considered suitable for medium density residential development *“given that the residual contaminants at the base of the excavation is minimal in extent and pose no human or ecological risk as the proposed development will further limit exposure pathways”*.

The Site Audit Report and Site Audit Statement identified that the site was suitable for the following uses:

- Residential with minimal opportunity for soil access, including units;
- Secondary school;
- Recreational open space; and
- Commercial/industrial.

The material classification report was undertaken in 2007 following completion of the abovementioned remediation works, and prior to construction of the existing car park in 2011. However, given the limited amount of testing conducted, an updated waste material classification and groundwater quality assessment was undertaken in March 2017 by Douglas and Partners (see Attachment 20). Field work consisted of the following:

- 34 test bores;
- 34 dynamic penetrometer tests;
- Nine (9) core penetration tests;
- Development, purging of groundwater wells and measurement of field groundwater parameters;
- Collection of soil and groundwater samples for laboratory testings;
- Installation of three (3) automatic water level data loggers in groundwater monitoring wells; and
- Collection of two (2) surface water samples from the Hunter River.

The waste classification report notes the following:

*"The soils present within the site are generally suitable to remain on-site, subject to the conditions presented in the Site Audit Statement and Report dated 2005 i.e. minimal soil access and no beneficial use of groundwater"*

Based on the results of the assessment, the following recommendations are made to facilitate effective reuse/disposal of materials during construction:

- Confirmation of the possible use of suitable materials within the greater 'Honeysuckle' area.
- Application for specific exemptions for Unit 1.1A – Pavement Gravels and Unit 1.2 Sand Fill if reuse on another site is required.
- Preparation of an Excavation Management Plan to accompany the CMP for the project, including an Unexpected Finds Protocol, detailing requirements for progressive excavation, segregation and validation to maximise the reuse potential of excavated materials.
- Preparation of an Acid Sulfate Soil Management Plan (see Attachment 21) due to the presence of Acid Sulfate Soils within the site that may be disturbed during development.
- Preparation of Dewatering Management Plan to assist with the management of extracted waters during construction dewatering.
- If reuse of upper filling containing anthropogenic inclusions is proposed additional assessment will be required to confirm the suitability and feasibility for reuse on another site. Reuse of these materials is likely to require segregation and localised remediation, and a specific exemption for reuse on another site. Reuse will also be subject to regulatory and statutory requirements.

In light of the previously undertaken onsite contamination and remediation reports and works, site audit statement, and the latest waste classification report undertaken by Douglas Partners, the Department can be satisfied that the site is suitable for residential development. As such the proposal is considered to be consistent with the requirement of SEPP 55.

**State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) and Apartment Design Guide (ADG)**

The proposal seeks to construct a mixed use development, including a residential component, and accordingly the provisions of SEPP 65 and the ADG apply to the proposal. SEPP 65 establishes nine (9) design quality principles to be applied in the design and assessment of residential apartment development.

As set out below, under Clause 6A, if a development control plan contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect.

***“6A Development control plans cannot be inconsistent with Apartment Design Guide***

- (1) This clause applies in respect of the objectives, design criteria and design guidance set out in Parts 3 and 4 of the Apartment Design Guide for the following:*
  - (a) visual privacy,*
  - (b) solar and daylight access,*
  - (c) common circulation and spaces,*
  - (d) apartment size and layout,*
  - (e) ceiling heights,*
  - (f) private open space and balconies,*
  - (g) natural ventilation,*
  - (h) storage.*
- (2) If a development control plan contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect.*
- (3) This clause applies regardless of when the development control plan was made.”*

Clause 30 identifies standards that cannot be used to refuse an application.

Clause 50(1AB) of the EP&A Regulation 2000 requires:

***“(1AB) The statement by the qualified designer must:***

- (a) verify that he or she designed, or directed the design, of the development, and*
- (b) provide an explanation that verifies how the development:*
  - (i) addresses how the design quality principles are achieved, and*
  - (ii) demonstrates, in terms of the Apartment Design Guide, how the objectives in Parts 3 and 4 of that guide have been achieved.”*

A SEPP 65 Design Verification Statement has been prepared by SJB Architects addressing the nine (9) design quality principles contained in the SEPP (Refer to Attachment 22). The Verification Statement is supported by an ADG Compliance Assessment also prepared by SJB Architects (Attachment 22).

As demonstrated in the ADG Compliance Assessment, and the summary included in Table 11 below, the proposal substantially complies with the design criteria and design guidance.



Design Criteria for relevant Objectives of Apartment Design Guide	Consistency with Objectives / Compliance with Design Criteria
Part 3 Siting the Development	
3D Communal & Public Open Space	
1. Communal open space has a minimum area equal to 25% of the site.	<p>Non-compliance – refer to discussion below.</p> <p>The development proposes three (3) primary areas of communal open space totalling 320m<sup>2</sup> (4%); a swimming pool to the eastern elevation of the site fronting Worth Place; a communal meeting room fronting Honeysuckle Drive and a gymnasium fronting the western site boundary. Whilst it is noted that the combined area of communal space does not meet the minimum requirement; due to the proximity of Worth Place Park West directly to the north of the site the proposal is deemed acceptable in this instance.</p>
2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of two (2) hours between 9:00am and 3:00pm on 21 June (mid winter)	<p>Complies.</p>
3E Deep Soil Zones	
<p>Deep soil zones for sites greater 1500m<sup>2</sup> are to meet the following minimum requirements:</p> <ul style="list-style-type: none"> <li>Minimum Dimension: 6m</li> </ul> <p>Percentage of site area: 7%</p>	<p>Non-compliance with design criteria, however as the proposal has 100% site coverage with non-residential uses at ground level it complies with the design guidance.</p>
3F Visual Privacy	
<p>Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <ul style="list-style-type: none"> <li>Buildings up to 12m (4 storeys) <ul style="list-style-type: none"> <li>Habitable rooms 6m</li> <li>Non-habitable rooms 3m</li> </ul> </li> <li>Buildings up to 25m (5-8 storeys) <ul style="list-style-type: none"> <li>Habitable rooms 9m</li> </ul> </li> </ul> <p>Non-habitable rooms 4.5m</p>	<p>Non-compliance – refer to discussion below.</p> <p>The development comprises three (3) seven (7) storey towers. Setbacks within the site range from 6m to 9m between habitable rooms. Whilst it is noted the abovementioned separation distances do not satisfy minimum requirements, the proposed orientation and angled screens within the eastern and western laneway elevations ensure that no direct line of sight between habitable rooms results. Furthermore, the setbacks are considered appropriate given the benefits of the proposed buildings and laneway layout, which ameliorates the massing of the development and provides a through-site link from Honeysuckle Drive to Worth Place Park.</p>

Design Criteria for relevant Objectives of Apartment Design Guide	Consistency with Objectives / Compliance with Design Criteria
<b>3J Bicycle &amp; Car parking</b>  For development in the following locations: <ul style="list-style-type: none"> <li>on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or</li> <li>on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre</li> </ul> <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p>The car parking needs for development must be provided off street</p>	Complies.  Car parking complies with the off street car parking requirements contained in NLEP 2012
<b>Part 4 Designing</b>	
<b>4A Solar &amp; Daylight Access</b>	
1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of two (2) hours direct sunlight between 9:00am and 3:00pm at mid winter in Sydney Metro Area and Newcastle and Wollongong LGAs	Complies.  80% of apartments achieve two (2) hours of sunlight access.
2. A maximum of 15% of apartments in a building receive no direct sunlight between 9:00am and 3:00pm at mid winter	Complies.
<b>4B Natural Ventilation</b>	
1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.	Complies.  74% of apartments are cross ventilated.
<b>4C Ceiling Heights</b>	
<ul style="list-style-type: none"> <li>Retail: 3.3m</li> <li>Residential               <ul style="list-style-type: none"> <li>Habitable rooms 2.7m</li> </ul> </li> </ul> <p>Non-habitable 2.4m</p>	Complies.

Design Criteria for relevant Objectives of Apartment Design Guide	Consistency with Objectives / Compliance with Design Criteria
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#### 4D Apartment Size & Layout

Apartments are required to have the following minimum internal areas:

- Studio: 35m<sup>2</sup>
- One (1) bedroom: 50m<sup>2</sup>
- Two (2) bedroom: 70m<sup>2</sup>
- Three (3) bedroom: 90m<sup>2</sup>

Complies:

- One (1) Bed 54m<sup>2</sup> - 67m<sup>2</sup>
- Two (2) Bed 90m<sup>2</sup> - 98m<sup>2</sup>
- Three (3) Bed 118m<sup>2</sup> - 131m<sup>2</sup>
- Four (4) Bed 190m<sup>2</sup> - 226m<sup>2</sup>

Additional 5m<sup>2</sup> for second bathroom

#### 4E Private Open Space & Balconies

All apartments are required to have primary balconies as follows:

- Studio apartments. 4m<sup>2</sup> area,
- One (1) bedroom apartments. 8m<sup>2</sup> area, minimum depth 2m
- Two (2) bedroom apartments: 10m<sup>2</sup> area, minimum depth 2m
- Three (3)+ bedroom apartments: 12m<sup>2</sup> area, minimum depth 2.4m

Apartments at ground level or on a podium or similar structure, private open space is to be a minimum depth of 3m and area of 15m<sup>2</sup>.

- Partial non-compliance: One (1) bed. balconies: 10m<sup>2</sup> (min) 20m<sup>2</sup> (max) minimum depth 600mm maximum depth 2400mm
- Complies: Two (2) bed. balconies: 41m<sup>2</sup> (min) 76m<sup>2</sup> (max) minimum depth >2m
- Complies: Three (3) bed. balconies: 54m<sup>2</sup> (min) 74m<sup>2</sup> (max) minimum depth >2m
- Complies: Four (4) bed. balconies: 37m<sup>2</sup> (min) 44m<sup>2</sup> (max)

As noted above, balconies to the one (1) bedroom apartments range from 10m<sup>2</sup> to 20m<sup>2</sup> with depths ranging from 600mm (min) to 2400mm (max). The variation relates to the one (1) bedroom apartments facing Honeysuckle Drive. The variation is considered reasonable as the enlarged area sizes of the balconies ensures they are useable.

#### 4F Common Circulation & Spaces

The maximum apartments off a circulation core on a single level is eight

Complies  
Four (4) apartments off a core.

#### 4G Storage

Design Criteria for relevant Objectives of Apartment Design Guide	Consistency with Objectives / Compliance with Design Criteria
<p>In addition to storage in kitchens, bathrooms and bedrooms, the following is provided:</p> <ul style="list-style-type: none"> <li>• Studio apartments: 4m<sup>3</sup></li> <li>• One (1) bedroom apartments: 6m<sup>3</sup></li> <li>• Two (2) bedroom apartments: 8m<sup>3</sup></li> <li>• Three (3)+ bedroom apartments: 10m<sup>3</sup></li> </ul> <p>At least 50% of the required storage is to be located within the apartment</p>	<p>Non-compliance – refer to discussion below.</p> <ul style="list-style-type: none"> <li>• One (1) Bed 4.6m<sup>3</sup> – 5.7m<sup>3</sup></li> <li>• Two (2) Bed 8.1m<sup>3</sup></li> <li>• Three (3) Bed 10.5m<sup>3</sup> – 11.3m<sup>3</sup></li> <li>• Four (4) Bed 20m<sup>3</sup></li> </ul> <p>The proposed development will provide a range of storage areas between 4.6m<sup>3</sup> to 5.5m<sup>3</sup> for one (1) bedroom apartments which is below the requirement. However, given the proposed development substantially exceeds storage requirements for the remaining units the minor non-compliance is considered acceptable in this instance.</p>

Table 8: Summary of Response to Design Criteria of Apartment Design Guide Objectives

### **State Environmental Planning Policy (Coastal Protection 71) (SEPP 71)**

SEPP 71 prescribes a statutory process associated with the development of land within the coastal zone.

Clause 8 of SEPP 71 details what needs to be taken in account by a consent authority when it determines a development application to carry out development on land to which this Policy applies. The matters for consideration are as follows:

- “(a) *The aims of this Policy set out in clause 2,*
- (b) *Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,*
- (c) *Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,*
- (d) *The suitability of development given its type, location and design and its relationship with the surrounding area,*
- (e) *Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,*
- (f) *The scenic qualities of the New South Wales coast, and means to protect and improve these qualities,*
- (g) *Measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats,*
- (h) *Measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats*
- (i) *Existing wildlife corridors and the impact of development on these corridors,*
- (j) *The likely impact of coastal processes and coastal hazards on development and any likely impact of development on coastal processes and coastal hazards,*

- (k) *Measures to reduce the potential for conflict between land-based and water-based coastal activities,*
- (l) *Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,*
- (m) *Likely impacts of development on the water quality of coastal waterbodies,*
- (n) *The conservation and preservation of items of heritage, archaeological or historic significance,*
- (o) *Only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,*
- (p) *Only in cases in which a development application in relation to proposed development is determined:*
  - *The cumulative impacts of the proposed development on the environment, and*
  - *Measures to ensure that water and energy usage by the proposed development is efficient.”*

The proposed development is consistent with Clause 8 of the SEPP as outlined below:

- The siting, scale and design of the proposed mixed use development are consistent with the coastal/mixed use character of the area;
- The development will be sited on an existing at-grade carpark and therefore will not adversely impact the environmental features of land including wildlife corridors nor increase the risk of natural hazards on coastal processes;
- The development through its siting and design will not restrict existing public access along the coastline;
- The site is not identified as being of heritage or Aboriginal significance;
- The development will not result in significance overshadowing of the foreshore;
- The proposed shadow diagrams indicate that the proposal development will maintain a minimum of two (2) hours solar access to neighbouring properties in accordance with Council's solar access controls; and
- The proposed stormwater drainage system will not adversely impact the water quality within the coastal zone.

#### ***State Environmental Planning Policy (Building Sustainability Index: BASIX) (BASIX SEPP) 2004***

A BASIX Certificate has been issued for the proposal by Gradwell Consulting and is included at Attachment 23. The Certificate ensures the proposal meets the required water and energy targets and accordingly satisfies the aims of the BASIX SEPP.

#### ***State Environmental Planning Policy (Urban Renewal) (Urban Renewal SEPP) 2010***

The Urban Renewal SEPP prescribes a statutory process associated with assessing and identifying sites as potential urban renewal precincts.

On 15 December 2010, the NSW Government published the Urban Renewal SEPP. The Urban Renewal SEPP outlines the necessary criteria and steps for identifying an existing urban precinct as having potential for renewal and revitalisation.

The Newcastle City Centre is one (1) of three (3) precincts to which the Urban Renewal SEPP applies.

The key principles of the Urban Renewal SEPP are to:

- Integrate land use planning with existing or planned infrastructure;
- Create revitalised local communities;
- Provide greater access to public transport; and
- Supply a broader range of housing and employment options.

The Urban Renewal SEPP requires that the Director-General arrange for a study to be undertaken to determine the suitability of urban renewal within a nominated potential precinct.

In accordance with Clause 9(2) of the Urban Renewal SEPP, in 2012 the then Department of Planning and Infrastructure in consultation with the City of Newcastle, key NSW Government agencies and the community prepared the Newcastle Urban Renewal Strategy (NURS).

The NURS considers the suitability of the Newcastle City Centre for urban renewal and outlines a strategy, underpinned by a range of initiatives and implementation plan to support the revitalisation of Newcastle over the next 25 years.

The provisions of the NURS and amendments to the planning framework are discussed in detail in Section 5.3.

The planning framework to implement the NURS comprises:

- The State Environmental Planning Policy Amendment (Newcastle City Centre) 2014 which was gazetted on 29 July 2014 and amended the NLEP 2012; and
- NDCP 2012 Amendment Newcastle City Centre, which was made and commenced on 9 October 2014.

Given the planning framework has been made, Newcastle will no longer be identified as a potential urban renewal precinct.

### ***Newcastle Local Environmental Plan (NLEP) 2012***

#### Zoning and Permissibility

The subject site falls within the B4 – Mixed Use zone under NLEP 2012 (refer to Figure 10). The NLEP states that any use not prohibited in the zone is permitted with consent. The proposed development is characterised as a Residential Flat Building and commercial premises. Commercial premises and shop-top housing are identified as permitted with consent. Furthermore, as Residential Flat Buildings are not identified in item 2 (Permitted without consent) or item 4 (Prohibited) they are permitted with consent in the B4 Mixed Use zone.

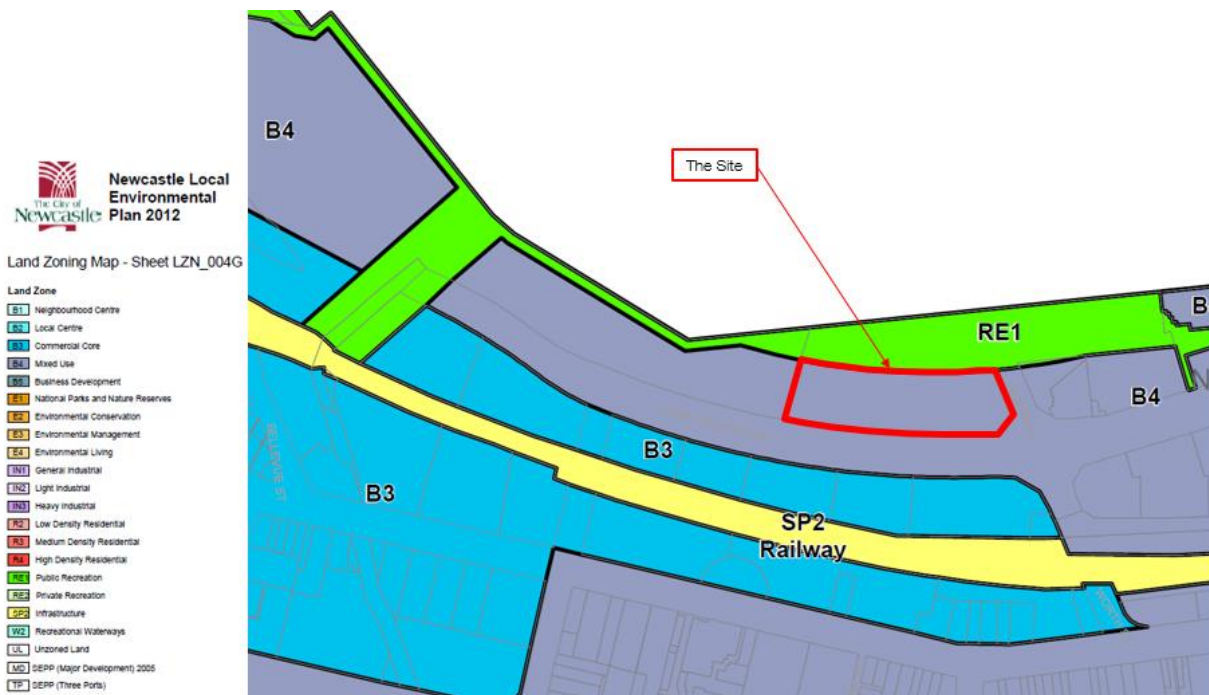


Figure 10: NLEP 2012 Zoning Map Extract

The proposal is consistent with the objectives of the B4 Mixed Use zone as detailed in Table 9 below.

Objective	Comment
<i>To provide a mixture of compatible land uses.</i>	The proposal provides for a mix of compatible land uses. The building will accommodate retail/commercial premises and dwellings.
<i>To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.</i>	The proposal provides for retail and commercial, opportunities and residential development in an integrated development in a highly accessible location.
<i>To support nearby or adjacent commercial centres without adversely impacting on the viability of those centres.</i>	The subject site is within easy walking distance of established and emerging business and retail development within the Honeysuckle Precinct and the wider Newcastle City Centre. The proposed mixed use development is considered to support the viability of the commercial centres given the proposal contains a significant residential component.

Table 9: 'B4 Mixed Use Zone Objectives Assessment Table

#### Minimum subdivision lot size (Clause 4.1)

Clause 4.1 of NLEP 2012 establishes a minimum lot size development standard within the LGA. As illustrated in the extract of the Lot Size Map at Figure 11, a minimum lot size does not apply to the site.



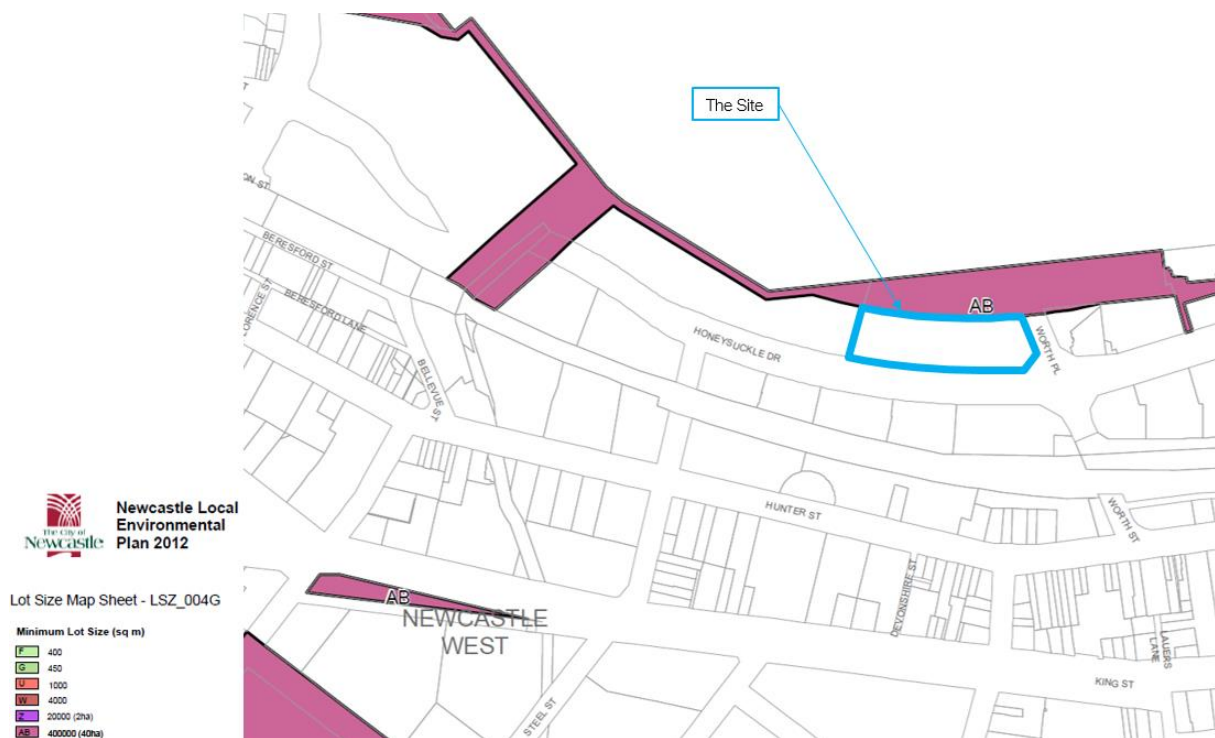


Figure 11: Newcastle LEP 2012 Lot Size Map Extract

### Height of Buildings (Clause 4.3)

Clause 4.3 of NLEP 2012 establishes two (2) height controls for the site including:

- A maximum building height of 14m along the northern frontage; and
- A maximum building height of 24m along the southern and eastern frontage (refer to Figure 12).



Figure 12: Newcastle LEP 2012 Height of Buildings Map Extract

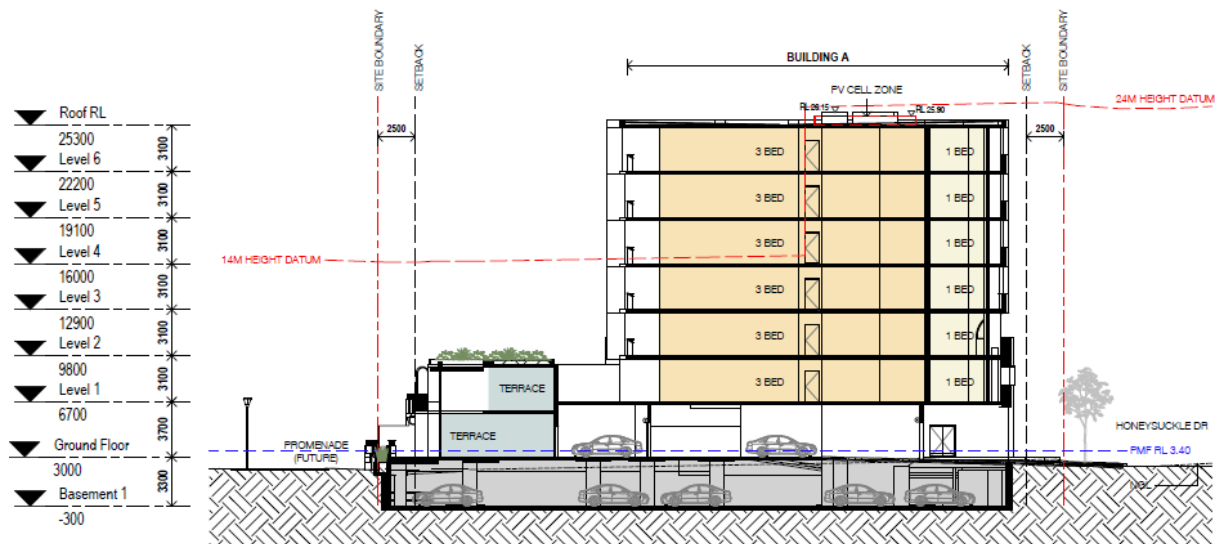


Table 10 details the degree of compliance or otherwise with the height controls.

Proposed Building	Control	Proposed Height	Compliance	Variation	% Varied
Building A (West)	14m	Terraces (Roof parapet – 7.4m / RL9.50)	Yes	N/A	N/A
		Apartments (Main roof – 22.5m / RL25.30)	No	8.5m	60%
	24m	Apartments (Main roof – 22.5m / RL25.30)	Yes	N/A	N/A
		(Lift overrun – 23.9m / RL26.15)	Yes	N/A	N/A
Building B (Central)	14m	Terraces (Roof parapet – 7.4m / RL9.50)	Yes	N/A	N/A
		Apartments (Main roof – 22.5m / RL25.30)	No	8.5m	60%
	24m	Apartments (Main roof – 22.5m RL25.30)	Yes	N/A	N/A
		(Lift overrun – 23m / RL26.15)	Yes	N/A	N/A
Building C (East)	24m	Terraces (Roof parapet – 7.4m / RL9.50)	Yes	N/A	N/A
		Apartments (Main roof – 23m RL25.70)	Yes	N/A	N/A
		(Lift overrun – 23.5m / RL26.15)	Yes	N/A	N/A

Table 10: Height of proposed building

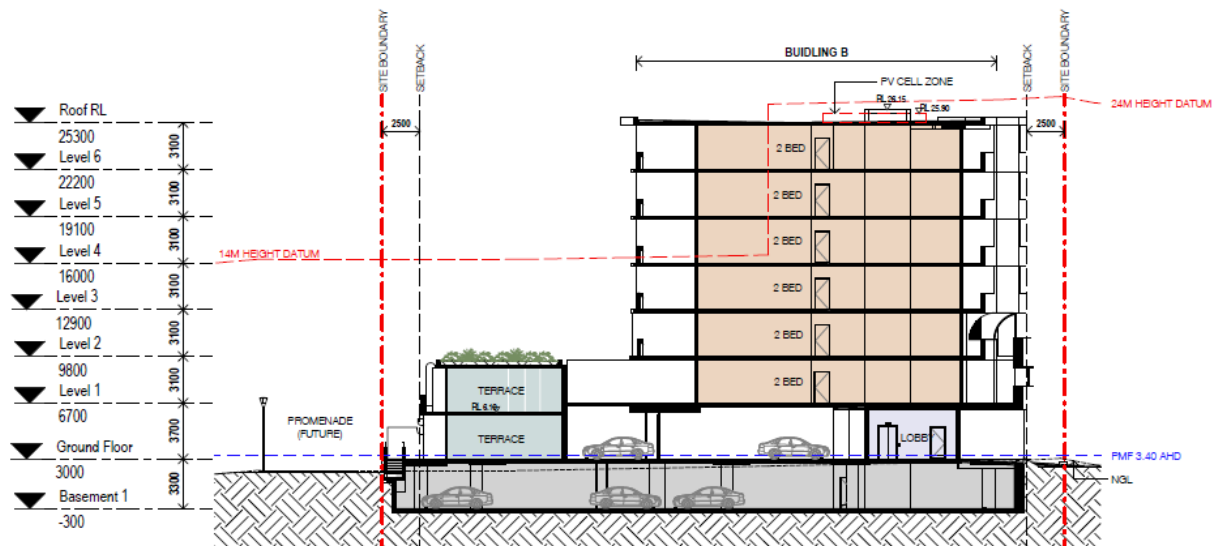
The following Figures 13 to 16 demonstrate the degree of non-compliance with the relevant height controls which, at the same time, identify the degree that the proposal is below the height controls for other portions of the building.



## 2 BUILDING A - TYP. SECTION

0200 1:250

Figure 13: Variation to Height of Building Standard – Building A (West)



## 3 BUILDING B - TYP. SECTION

0200 1:250

Figure 14: Variation to Height of Building Standard – Building B (Central)

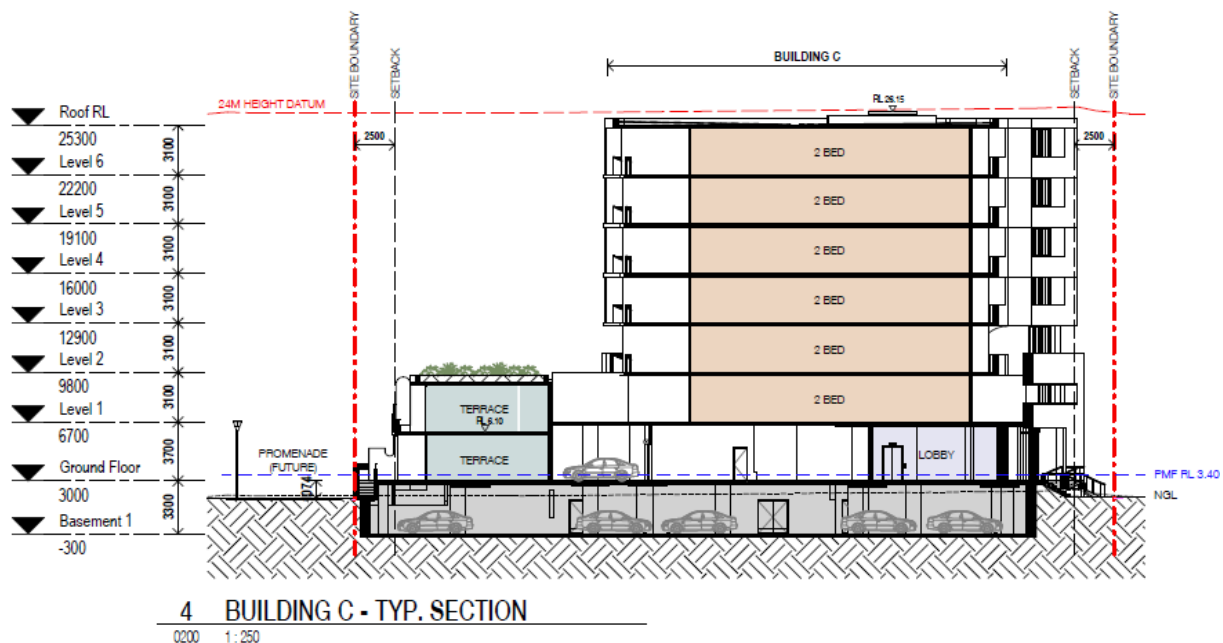


Figure 15: Height of Building Standard – Building C (East)

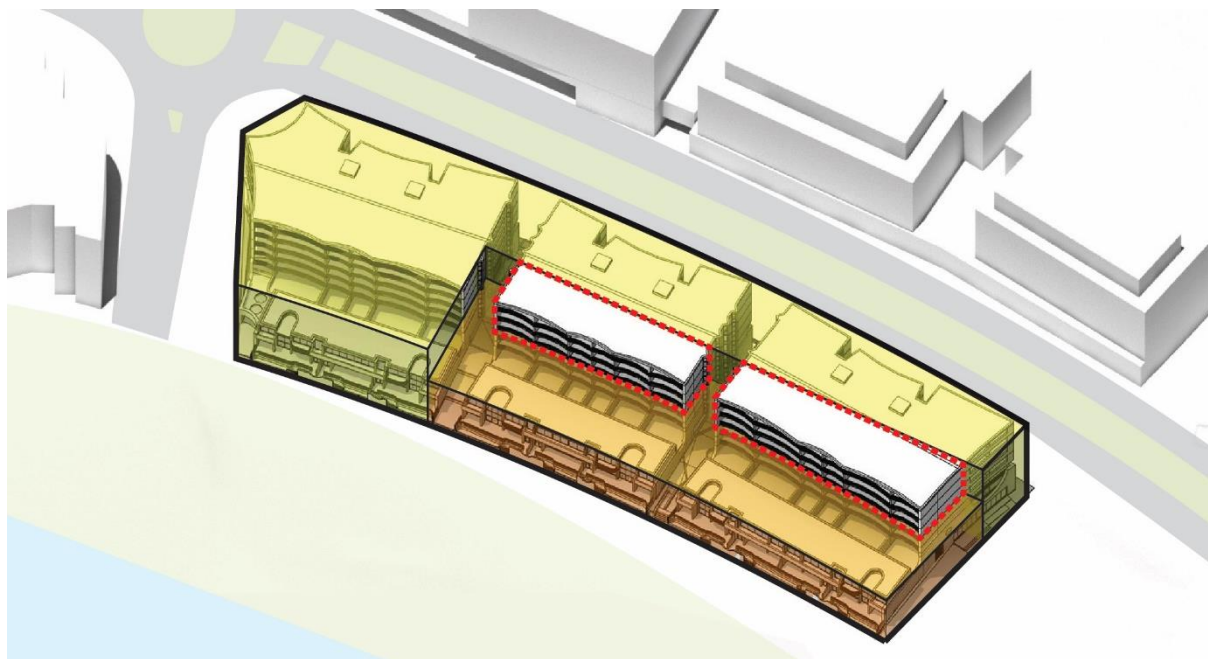


Figure 16: 3D view of Variation to the 14m Height of Buildings Standard outlined in red

Notwithstanding the abovementioned non-compliance the proposal is consistent with the objectives of the height standard outlined in Subclause 4.3(1), as detailed in Table 11.

Objective	Comment
(a) <i>to ensure the scale of development makes a positive contribution towards the desired built form, consistent with the established centres hierarchy,</i>	The site is within the Newcastle City Centre and is an appropriate location for increased height.
(b) <i>to allow reasonable daylight access to all developments and the public domain.</i>	The areas of increased height have been sited so as to respect the public domain and views to and from Hunter River foreshore, and maintains adequate daylight access to key areas of the public domain.

Table 11: Clause 4.3 Height of Buildings Objectives Assessment Table

The resultant heights are based on:

- The redistribution of height from the edges to permit small variations across the site;
- A density of residential development that will support the retail and commercial offering and contribute to the vibrancy of the city;
- Provide a greater amenity for the residents under SEPP 65;
- Enable the site to deliver an activated ground plane and strong urban planning outcomes; and
- A response to topography, flooding and mine subsidence constraints.

The proposed variation to the controls does not raise any matters of State or regional planning significance and there is no benefit in maintaining the development standard in circumstances where the exceedance does not result in adverse environmental impacts. Maintaining the development standard would only serve to restrict the extent of development and in turn limit the potential of this proposal to assist with the renewal of the Honeysuckle Precinct.

The proposed building height control maintains the following planning outcomes:

- Facilitates the delivery of a finer pedestrian grain;
- Provides greater amenity for future residents under SEPP 65;
- Maintains key view corridors to and from the Hunter River foreshore, and does not dominate the views available from public places;
- Delivers a mix of land uses;
- Delivers a built form compatible with the desired future character; and
- Protects the amenity of adjoining developments.

For those portions of the building exceeding the control, a Clause 4.6 Variation Statement has been prepared and is included at Attachment 10.

The Clause 4.6 Variation Application demonstrates that the variation is justified, and compliance with the height standard is unreasonable and unnecessary in the circumstances for the following reasons:

- The proposal satisfies the objectives of the B4 Mixed Use zone and the objectives of the building height standards;
- The non-compliance to the building height development standard facilitates the accommodation of the density envisaged under the relevant strategic and statutory controls for the site in a manner that achieves superior amenity outcomes relative to a compliant scheme;

- The form and scale responds to the broader context of the site and the high density residential form that has emerged as the locality has transitioned from an industrial precinct to a mixed residential/commercial precinct;
- A strictly compliant development would fail to maximise the housing contribution of the site in a locality that is well served by public transport services within walking distance to services and facilities;
- Non-compliance with the standard does not contribute to adverse environmental impacts in terms of visual impacts, privacy or view loss;
- The variation to the height does not increase the intensity of the development in such a way that will give rise to significant adverse overshadowing, noting that neighbouring properties to the south and east will continue to receive a minimum two (2) hours solar access to principle living areas and private open space areas in accordance with NDCP 2012;
- The proposed development is generally compliant with the objectives and controls, or the intent of the objectives and controls, contained in NDCP 2012; and
- Overall, it is unreasonable to deny a variation that would encourage mixed use development in a mixed use zone in circumstances where the variation can occur without significant adverse impacts and which accords with the density envisaged for the site.

Further details are identified in a Clause 4.6 Statement submitted with the proposal at Attachment 24.

#### Floor Space Ratio (Clause 4.4)

Clause 4.4 of NLEP 2012 establishes two (2) FSR controls for the site including:

- A maximum FSR of 2:1 running along the northern frontage to Worth Place Park West; and
- A maximum FSR of 2.5:1 running along the southern frontage and wrapping around the eastern side boundary to Worth Place (refer to Figures 17 and 18).

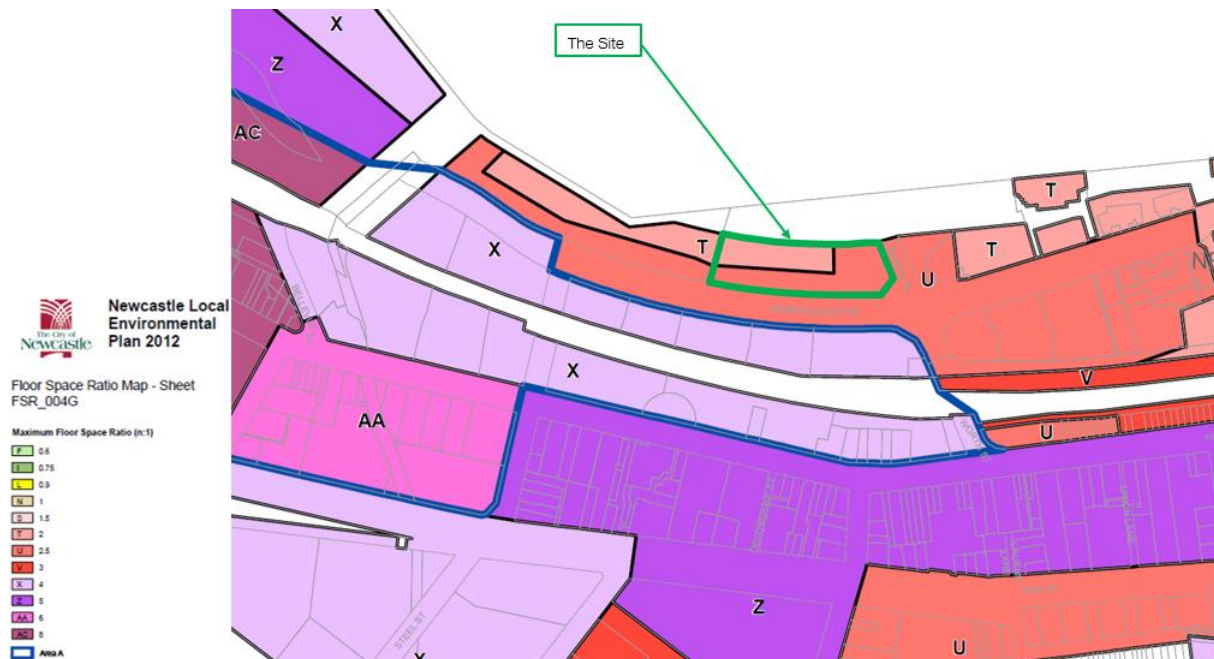


Figure 17: NLEP 2012 Floor Space Ratio Map Extract



**Total Allowable GFA = 16820sqm**

Figure 18: Maximum GFA as specified by FSR Development Standard

The development proposes a maximum GFA of 16,811m<sup>2</sup> (FSR 2.3:1) and therefore will comply with the maximum GFA (16,820m<sup>2</sup>) permitted across the entire site. However, it is noted that the distribution of FSR will result in a numerical non-compliance to the rear, southern portion of the site (see Figure 19) where the 2.5:1 FSR standard applies.

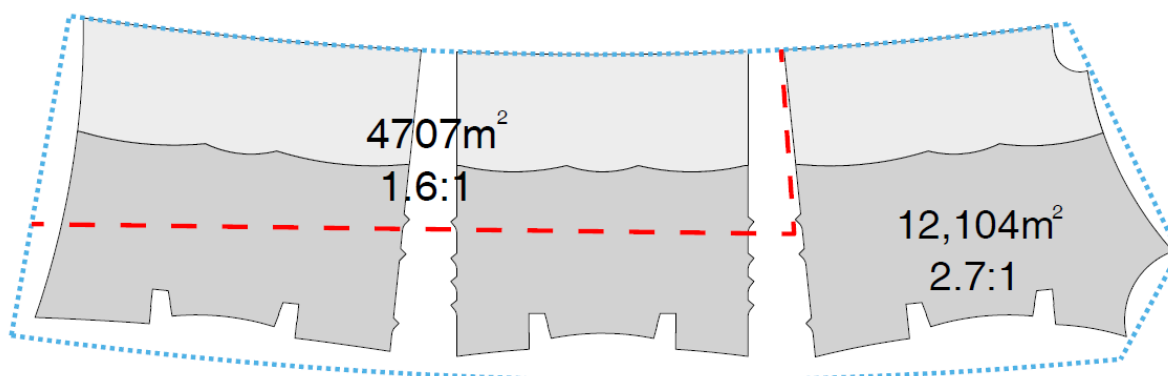


Figure 19: Proposed GFA / FSR

The proposal is consistent with the objectives of the FSR standard outlined in Subclause 4.4(1) as detailed in Table 12.

Objective	Comment
(a) to provide an appropriate density of development consistent with the established centres hierarchy,	The proposal is consistent with the densities considered appropriate by the NLEP 2012 for the city centre
(b) to ensure building density, bulk and scale makes a positive contribution towards the desired built form as identified by the established centres hierarchy.	The building density, bulk and scale, respects the heritage fabric of the city, provides for urban spaces for the public and is of a scale suitable for the city centre location.

Table 12: Clause 4.4 Floor Space Ratio Objectives Assessment Table

The proposed development maintains the following planning outcomes:

- Facilitates the delivery of a finer pedestrian grain through the inclusion of internal laneways;
- Maintains key view corridors and ensures that built form is subservient and does not dominate the views available from public places; and
- Delivers a mix of land uses.

The allocation of FSR across the site enables a better development outcome in terms of provision of public spaces and pedestrian linkages throughout the site. This is consistent with the objectives of the FSR controls, in that the overall density of development is consistent with the scale and massing permitted in the city centre location and the distribution of FSR makes a positive contribution towards the desired built form.

The proposed development does not exceed the overall FSR permitted across the development site and has the potential to deliver:

- A commercial/retail component that can facilitate the finer grain pedestrian linkages.
- Allows for a density of residential development that will support the retail and commercial offering and contribute to the vibrancy of the Honeysuckle Precinct and wider city centre.
- Strict compliance with the control would be unreasonable and unnecessary as the proposal does not seek a greater yield than what is currently permitted on the site, rather it delivers a better planning and urban design outcome through a superior distribution of the permitted FSR.

A Clause 4.6 submission in relation to the maximum FSR as it applies to part of the site has been submitted.

The request to vary the standard concludes that the proposal remains consistent with the objectives despite the numerical variation to part of the development, and that there are justifiable planning grounds for the variation.

#### Exceptions to development standards (Clause 4.6)

Clause 4.6 of NLEP 2012, Exceptions to Development Standards, reads as follows:

- “(1) The objectives of this clause are as follows:*
- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) Development consent must not be granted for development that contravenes a development standard unless:*



- (a) *the consent authority is satisfied that:*
  - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
  - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *the concurrence of the Secretary has been obtained."*

As previously stated, the proposal exceeds the 14m maximum height standard applying to the site. Accordingly, a Clause 4.6 Submission has been included with the proposal (see Attachment 24) and a Clause 4.6 submission has also been included with regard to the distribution of FSR onsite relative to the FSR standard (see Attachment 25).

#### Development within the coastal zone (Clause 5.5)

The provisions of Clause 5.5 of NLEP 2012 seek to provide protection of the coastal environment and implement the principles in the NSW Coastal Policy.

The site is located within the coastal zone, therefore the provisions of Clause 5.5 apply to the site.

Given the existing development on the site (at-grade carpark) and urbanised character of surrounding sites, the proposed development will not impact on existing public access to and along the foreshore or the biodiversity and ecosystems of the foreshore.

The proposal is considered to meet the objectives of Clause 5.5 given the following

- The proposal will not affect existing or future access along the foreshore;
- The site is suitable for the proposal;
- The development has no impacts on amenity of the foreshore or impacts on the scenic qualities of the foreshore;
- The proposal will not affect any animals or plant habitat, marine vegetation or wildlife corridors;
- The proposed works will not affect coastal processes, coastal hazards, water based coastal activities or coastal water bodies;
- Impacts on the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals have been addressed in the Heritage Impact Statement at Attachment 27;
- Heritage, archaeological or historic significance has been addressed in this section in relation to Clause 5.10; and
- The proposal will encourage compact development of the city centre with increased densities and the introduction of residential development to the centre.

#### Architectural roof features (Clause 5.6)

Clause 5.6 seeks to permit variations to maximum building height standards only where roof features contribute to the building design and overall skyline. The standard identifies that architectural roof features are not to include floor space. Whilst the design features a scallop style roof form of architectural quality given the non-compliant building height is restricted to a central portion of the site containing residential floor space the provisions of Clause 5.6 are not applicable in this instance.

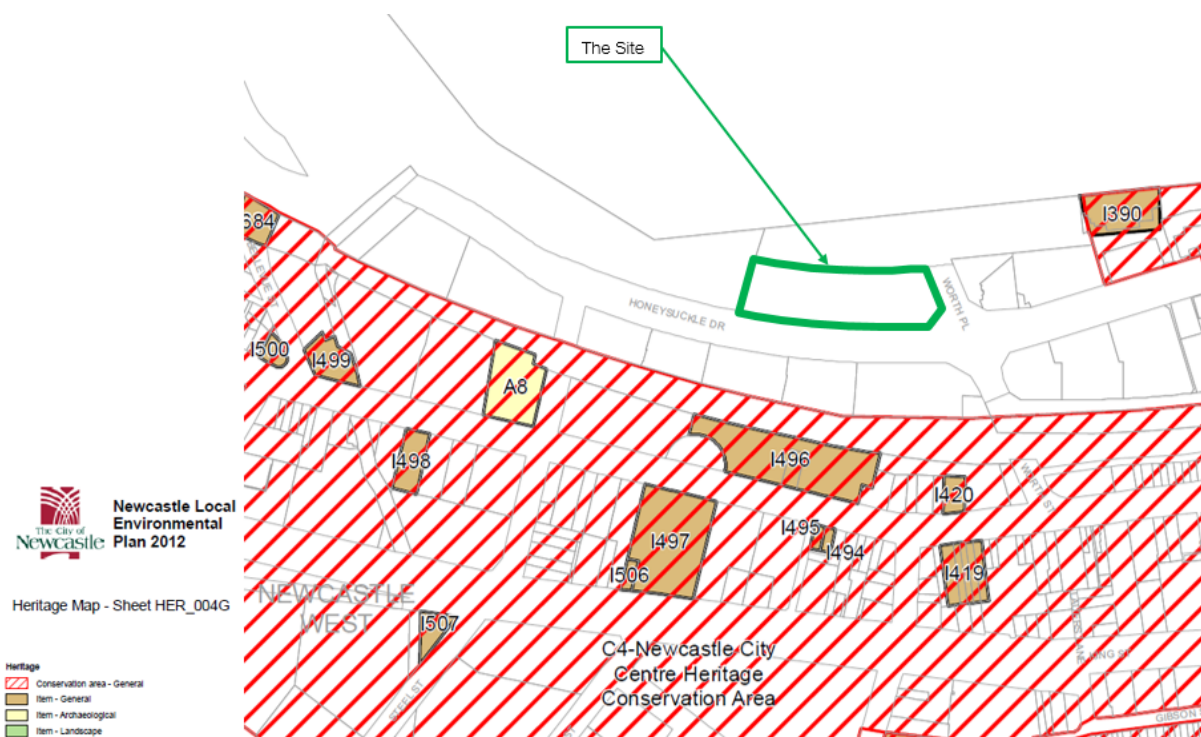
### Preservation of trees or vegetation (Clause 5.9 and Clause 5.9AA)

Clause 5.9 seeks to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation by requiring consent for their removal. This clause requires development consent for the removal of various trees. The subject proposal does not include tree or vegetation removal and therefore the provisions of Clause 5.9 and Clause 5.9AA are not applicable in this instance.

### Heritage conservation (Clause 5.10)

Clause 5.10 seeks to conserve the environmental heritage of the Newcastle LGA including heritage items, conservation areas, archaeological sites and Aboriginal objects and places of heritage significance.

As illustrated on the extract of the Heritage Map at Figure 20, the site is not listed as a heritage item and is not located within a conservation area.



The proposal is supported by a Statement of Heritage Impact prepared by Umwelt (refer to Attachment 27).

The report concludes, amongst other matters, that the project area is located approximately 75m to the north of the boundary of the Newcastle Centre Conservation Area, and a number of heritage listed items are located in the surrounding locality, including:

- No 2 Lee Wharf Building C (current Honeysuckle Hotel) – approximately 140m to the east;
- Former Police station – approximately 130m to the south;
- Civil Railway Workshops Group – approximately 280m to the east;
- Newcastle Technical College – approximately 100m to the south;
- Former Hunter Water Board Building – approximately 160m to the south; and
- Palais Royale (Government Farm archaeological site) – approximately over 180m to the northeast.

It is noted that the site is visually screened from the Newcastle City Centre Heritage Conservation Area (75m to the south) by the existing six (6) storey commercial buildings fronting the southern side of Honeysuckle Drive.

In summary, the development surrounding the project area which is of similar scale and character to the proposed development, effectively separates and screens all the listed heritage items. On this basis, the proposal will not impact on the heritage setting or significance of any heritage item or conservation area.

The site is not a known archaeological site or place of Aboriginal heritage significance, or known to contain Aboriginal objects of heritage significance. It is recommended that appropriate conditions be imposed on any future consent outlining the measures to be taken during the demolition, excavation and construction phases should any potential archaeological relics or Aboriginal objects be encountered.

Acid sulfate soils (Clause 6.1)

Clause 6.1 seeks to minimise the impacts of acid sulfate soils to the environment. Classes of acid sulfate soils have been applied to land throughout the LGA and mapped on the Acid Sulfate Soils Map. The site and surrounds are mapped as Class 3 Acid Sulfate Soils land (see Figure 21).

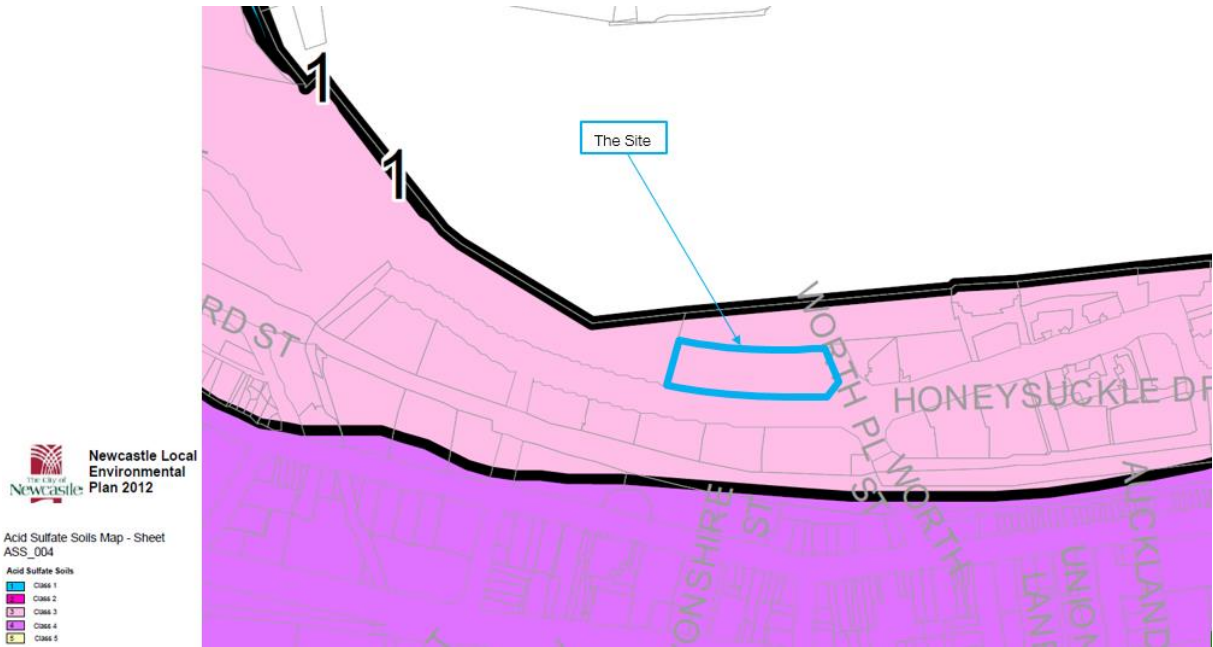


Figure 21: Extract from NLEP 2012 - Acid Sulfate Soils Map

For each class of Acid Sulfate Soil Land, Clause 7.14(2) identifies the type of works that require consent and where preparation of an acid sulfate soils management plan is required. The requirements for Class 3 acid sulfate soils land is provided in Table 13 below:

Class of Land	Works Requiring Consent
Class 3 acid sulfate soils land	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.

Table 13: Requirements for Class 3 Acid Sulfate Soils Land

Given the proposed development will result in excavation works greater than 1 m below the natural ground surface, consent will be required. In light of the above an Acid Sulfate Management Plan prepared by Douglas Partners forms part of this application (see Attachment 21).

### Earthworks (Clause 6.2)

Clause 6.2 seeks to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. It is noted that an erosion and sediment control plan prepared by Northrop has been submitted in support of the application (see Attachment 13).

### Part 7 – Additional local provisions – Newcastle City Centre Land to which this Part Applies (Clause 7.2)

The proposed development is located within Newcastle City Centre. It is noted that a provision in this Part of NLEP 2012 prevails over any other provision to the extent of any inconsistency.

### Minimum building street frontage (Clause 7.3)

Clause 7.3 of NLEP 2012 applies to buildings erected on Zone B3 commercial core. As the site is located on land zoned B4 Mixed Use this provision is not applicable in this instance.

### Building separation (Clause 7.4)

Clause 7.3 of NLEP 2012 applies to buildings erected on zone B3 commercial core. As the site is located on land zoned B4 Mixed Use, this provision is not applicable in this instance.

### Design excellence (Clause 7.5)

Clause 7.5 seeks to ensure development delivers the highest standard of architectural, urban and landscape design. This clause applies to development involving the erection of a new building or external alterations to an existing building that, in the opinion of the consent authority is significant.

The consent authority must not grant development consent to development unless it is satisfied that the proposed development exhibits design excellence, based on the consideration of criteria set out in Subclause 7.5 (3).

It is considered that the proposal achieves the design excellence criteria of the clause and fulfils the objective for the following reasons:

- The development will achieve a high standard of design with a building that is contextually appropriate to the site's location and surrounding development, and which incorporates quality detailing and a variety of materials as detailed in the Material and Finishes schedule prepared by SJB Architects included in the drawings package;
- The proposal replaces an existing at-grade car park with a mixed use development containing commercial and residential components. The residential component includes a range of apartment sizes and layouts including terraces facing Worth Place Park. This proposed uses are consistent with the desired future character of the area and other recently approved mixed use developments in the locality;
- The proposed commercial tenancies and communal areas (swimming pool, gymnasium and meeting room) address and will activate the primary frontages. Furthermore, the proposed commercial tenancies are of arrangements that are flexible and responsive to the site's location;
- The proposal will have no adverse impacts on the significance of any heritage items or conservation areas;
- The bulk and massing of the building fits in with the scale of the surrounds of the existing surrounding development, the Honeysuckle Precinct and wider Newcastle City Centre locality;

- The proposal does not give rise to adverse environmental impacts, such as overshadowing and solar access, visual and acoustic privacy, noise and view loss. These have been addressed within the design and as demonstrated in the drawings and supporting technical information included as attachments to this report;
- The proposal incorporates the principles of ecologically sustainable development as demonstrated by the BASIX report included at Attachment 23;
- As detailed in the Traffic and Parking Assessment Report (refer to Attachment 5) the proposed vehicle access, circulation and service facilities are adequate; and
- The proposed landscaping is well integrated with the building and contributes to the design excellence of the development (refer to Attachment 4).

Subclause 7.5 (4) also stipulates a requirement for a competitive design process to be held where:

- Development for which an architectural design competition is required as part of a concept plan approved by the Minister for a transitional Part 3A project;
- Development in respect of a building that is, or will be, higher than 48m in height;
- Development having a CIV of more than \$5,000,000 on a site identified as a “Key Site”, and shown edged heavy black and distinctively coloured on the Key Sites Map; and
- Development for which the applicant has chosen to have such a competition.

The proposed new building is not part of a transitional Part 3A project, is not greater than 48m in height, and is not identified as a ‘Key Site’. The proposed development is considered satisfactory with respect to the provisions of Clause 7.5 and will deliver a building that achieves a high standard of architectural and urban design.

#### Active street frontage in Zone B3 Commercial Core (Clause 7.6)

Clause 7.6 of NLEP 2012 applies to buildings erected on zone B3 commercial core. As the site is located on land zoned B4 Mixed Use this provision is not applicable in this instance.

#### Residential flat buildings in Zone B3 Commercial Core (Clause 7.7)

Clause 7.7 of NLEP 2012 applies to buildings erected on zone B3 commercial core. As the site is located on land zoned B4 Mixed Use this provision is not applicable in this instance.

#### Height of buildings (Clause 7.9)

Clause 7.9 of NLEP 2012 applies to buildings erected on zone B3 commercial core. As the site is located on land zoned B4 Mixed Use this provision is not applicable in this instance.

#### Height of buildings (Clause 7.10)

Clause 7.10 of NLEP 2012 applies to land in “Area A” as shown on the Floor Space Ratio Map. As the site is located on land in “Area A” this provision is not applicable in this instance.

### 5.3 Policies, Guidelines and Planning Agreements

The following section provides an assessment against the relevant planning provisions, goals and strategic planning objectives as required by the SEARs.

#### **NSW State Priorities**

In September 2015, former NSW Premier Mike Baird unveiled 12 personal priorities, and 18 state priorities to grow the economy, deliver infrastructure, protect the vulnerable, and improve health, education and public services across NSW. An assessment of the development against relevant priorities is provided in Table 14 and 15.

Premier's priorities	Target	Comment
Creating jobs	150,000 new jobs by 2019	The proposed commercial/retail floor space will provide business investment floor area and employment opportunities
Keeping our environment clean	Reduce the volume of litter by 40% by 2020	A comprehensive waste management plan for construction and ongoing use accompanies the proposal. It is considered that the proposed waste strategies will assist in ensuring adjacent public areas are litter free.

Table 14: NSW State Priorities - Premier

State priorities	State Plan Target	Comment
Accelerating major project assessment	Halve the time taken to assess planning applications for State Significant Developments	Project assessment times for state significant proposals have been increasing from 598 days in 2008 to 1089 days in 2014. It is noted that the Department of Planning permits electronic lodgement for major project assessment applications which assists in assessment time frames for the proposed development.
Increasing housing supply	Increase housing supply across NSW – Deliver more than 50,000 approvals every year	The proposal will provide a range of additional housing within Newcastle within an existing urban area and will contribute to achieving the approval target.

Table 15: NSW State Priorities - State

### ***Hunter Regional Plan 2036***

The Hunter Regional Plan 2036 acknowledges the growing importance of Greater Newcastle and sets the following regionally focused goals:

- The leading regional economy in Australia;
- A biodiversity rich natural environment;
- Thriving communities; and
- Greater housing choice and jobs.

The plan identifies that revitalising Newcastle City Centre will be the catalyst that transforms Newcastle as a regional centre to Greater Newcastle as a metropolitan city. The proposal is considered to support the goals of the plan through the redevelopment of an existing car park in the Honeysuckle Precinct for mixed use purposes including apartments, multi-dwellings and commercial units.

### ***Newcastle Urban Renewal Strategy (NURS) 2014***

The NURS 2014 sets out the vision for the renewal of Newcastle City Centre. The Strategy seeks to strengthen the role of Newcastle City Centre, ensure it is a destination for businesses, residents and visitors and to encourage suitable employment opportunities. The Strategy aims to secure growth in the Honeysuckle Precinct through the redevelopment of large consolidated lots, increased and improved public domain, and the expansion of the City Centre.

The proposal supports the aims of the Strategy through the redevelopment an existing car park in the Honeysuckle Precinct for mixed use purposes.

### ***NSW 2021***

NSW 2021, the State's Plan, seeks to deliver sustainable development through increasing the supply of housing in existing urban areas with access to centres, services and transport. The proposal supports the objectives of NSW 2021 through the development of new residential and commercial development floor space in close proximity to public transport and services within the locality.

### ***Lower Hunter Regional Strategy***

The Lower Hunter Regional Strategy sets out the NSW Government's vision for the Newcastle, Lake Macquarie, Port Stephens, Maitland and Cessnock LGAs until 2031. The Strategy anticipates that the population of the Lower Hunter Region will increase by 160,000 by 2031 and this will result in the need for approximately 115,000 new homes and 66,000 new jobs across the region.

The City of Newcastle is designated as the Regional City of the Lower Hunter and forms the main focus for the region. A key priority for the Regional City is to provide capacity for business, professional services, specialised shops, recreation, entertainment and housing.

It is considered that the proposed development supports the strategic aims of the Strategy by including commercial and residential uses as part of a mixed use development within the Newcastle City Centre.

### ***Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010***

The purpose of this document is to establish the requirements for consultation with the registered Aboriginal parties as part of the heritage assessment process to determine potential impacts of proposed activities on Aboriginal objects and places and to inform decision making for any application for an AHIP. No AHIP is required in this instance.



## ***Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage***

The purpose of this document is to provide:

- Guidance on the process for investigating and assessing Aboriginal cultural in NSW and
- OEH's requirements for an Aboriginal cultural heritage assessment report.

A Heritage Impact Statement has been prepared by Umwelt in support of the proposal (see Attachment 27). The assessment report notes that the project area is located within an artificial landform created as a result of land reclamation. Prior to land reclamation the site was part of Throsby Creek and the southern tip of Bullock Island which consisted of landforms inundated at high tide. The report identifies that based on ongoing alluvial action, any Aboriginal objects that may have been historically deposited would have been relocated by flooding and changes in deposition over the period lapsed since deposition. Consequently, there is very low likelihood that Aboriginal objects will be present within any residential landforms below the fill. In addition, the deposits within the site contain introduced fill for the purpose of land reclamation. Therefore, the site meets the description of a disturbed landscape specified in the due diligence code.

Geotechnical test results indicate natural sands occur beneath reclamation fill at a depth of 2.5m below the current ground surfaces. Bulk excavation of the project area is proposed to a depth of 2.3m below the current ground surface. As such, with the exception of localised deeper excavation there is unlikely to be any disturbance or impact to natural deposits.

In light of the above the report concludes that the project area does not contain any recorded Aboriginal archaeological sites.

### ***Transport Policies***

The following transport policies are addressed in the Transport Assessment prepared by Seca Solutions:

- Guide to Traffic Generating Development (RMS 2002);
- Austroads Guide to Traffic Management Part 12: Traffic Impacts of Development;
- NSW Planning Guidelines for Walking and Cycling;
- Public Transport Service Planning Guidelines: Rural and Regional NSW (2015); and
- NSW Long Term Transport Master Plan 2012.

The aim of these guidelines is to assist land-use planners to improve consideration of walking and cycling to create more opportunities for people to live in places with easy walking and cycling access to urban services and public transport. An assessment against the relevant Development assessment requirements (Chapters 5.8 and 7) of the Guide is provided in Table 16.

Principle	Comment
5.8 Building and Site Design: <ul style="list-style-type: none"><li>• Ensure building and site designs identify and respond to walking and cycling routes identified;</li><li>• Encourage active uses on ground floors of building in centres along key walking routes;</li><li>• Ensure shopfronts and windows of building overlook the street;</li></ul>	<p>The proposal has been designed to be consistent with these building and site design considerations and incorporates:</p> <ul style="list-style-type: none"><li>• Active uses on the ground floors;</li><li>• Does not adversely impact upon the surrounding traffic and transport network and its efficiency;</li><li>• Pedestrian and vehicular entrances to the building are clearly defined and provided at</li></ul>

Principle	Comment
<ul style="list-style-type: none"> <li>Design pedestrian entrances to buildings to be directly off the street and visually dominant;</li> <li>Build office, commercial and mixed use buildings close to the lot line to provide a continuous edge to the street and provide weather protection of footpaths;</li> <li>Design driveways crossing footpaths so that vehicles cross at low speed and motorists have a clear view of pedestrians;</li> <li>Design driveways out of basement car parks to include a level motor vehicle stopping platform and splayed building corners to improve visibility;</li> <li>Design driveways out of basement car parks with a low grade to facilitate entry and exit by cyclists;</li> <li>Delineate and mark key walking routes through car parks and give pedestrians priority along those routes.</li> </ul>	<ul style="list-style-type: none"> <li>grade with clear sight lines to avoid conflict with passing pedestrians and cyclists;</li> <li>The proposal incorporates a built form to clearly define the street; and</li> <li>An active frontage to the key pedestrian frontage of Worth Place Park West and Honeysuckle Drive.</li> </ul>
7.4 Transport Management and Accessibility Plans	<p>The application is supported by a Traffic Assessment report prepared by Seca (Attachment 5).</p> <p>The report assesses the impacts of the development upon the surrounding transport network and identifies that the proximity of the site to public transport and active transport routes maximises the use of public transport, walking and cycling and therefore reduces car reliance.</p>
7.5 Transport Access Guide	The proposal is adjoined by bus stops that connect the Honeysuckle Precinct and wider Newcastle City Centre.
7.6 Bicycle Parking and End-of-Trip Facilities	The proposal implements the provision of bicycle rails and lockers.

Table 16: Assessment against the relevant development assessment requirements of the 'NSW DPINR Planning Guidelines for Walking and Cycling'

### **Interim Construction Noise Guidelines**

The aim of the guideline is to provide guidance on managing construction works to minimise noise (including airborne noise, ground-borne noise and blasting), with an emphasis on communication and cooperation with all involved in, or affected by, construction noise.

A construction management plan and acoustic report form part of the submission to mitigate the impact of noise associated with the proposal in accordance with the guideline.

### ***Newcastle Section 94A Development Contributions Plan 2009***

The relevant contribution plan applicable to the Newcastle LGA is the s94A Contribution Plan 2009. This plan:

- Authorises the imposition of conditions on development for contributions towards identified community infrastructure;
- Assists Council to provide appropriate public facilities; and
- Identifies the purposes for which levies are being required.

Part B of this Plan applies to all new development that has an estimated cost of more than \$250,000 on land in the Newcastle City Centre. The purpose of part B is to provide for funding towards the public domain projects and city projects included:

- Open space and recreation;
- Public Domain Works;
- Community Facilities; and
- Newcastle Cycling Strategy and Action Plan Works.

The contribution payable under the plan for development involving the erection of a building, works or subdivision is 2% of the estimated cost of development as per Council's Pre-DA advice dated 29 March 2017. The contribution payable relative to the estimated cost of development is \$1,167,019.28 which will be levied by way of condition.

### ***Newcastle Development Control Plan 2012***

It is noted that consideration of Development Control Plans is not necessary for SSD as specified by Clause 11 of SEPP SRD 2011. However, the SEARs have required consideration of NDCP 2012. Accordingly, an assessment of the key provisions contained within the following sections of NDCP 2012 has been provided:

- Section 3 Land Use Specific Provisions;
- Section 4 Risk Minimisation Provisions;
- Section 5 Environmental Protection Provisions;
- Section 6 Locality Specific Provisions; and
- Section 7 Development Provisions.

As the site is subject to the provisions of NDCP 2012, consideration of some of the items have only been provided to demonstrate the proposal has responded to the planning framework applying to the wider site context.

#### Landuse Specific Provisions (Section 3)

##### Subdivision (Section 3.01)

Section 3.01 relates to all development consisting of subdivision. As previously stated Development Consent for the subdivision to create proposed Lot 2 in a subdivision of Lot 2000 in DP 1145678 was approved by Council in December 2016 (see Attachment 2). As such, subdivision does not form part of this application.

### Residential Flat Buildings (Section 3.05)

Section 3.05 identifies that residential flat buildings are to comply with SEPP 65 and the provisions set out in the NSW Residential Flat Design Code (RFDC). This issue has been addressed in Section 5.2 noting that the RFDC has been replaced by the ADG.

### Commercial Uses (3.2.2)

Section 3.2.2 relates to commercial uses within Newcastle LGA including B4 Mixed Use zones. In particular, Section 3.2.2 identifies that ground floor retail uses provide multiple pedestrian accesses along the street frontage, and the use of solid walls or covered glass for lengths greater than 3m are to be avoided. The proposed development features commercial tenancies along Worth Place and Honeysuckle Drive. Each tenancy features extensive use of glazing and multiple entry points. The inclusion of two (2) through-site links and the siting of the development to the corner of Worth Place and Honeysuckle Drive enables the provision of multiple entry points.

### Risk Minimisation Provisions (Section 4.0)

#### Flood Management (4.01)

This section applies to all development on flood prone land in the Newcastle LGA, as defined by Council's Flood Policy and The NSW Government Floodplain Development Manual – the management of flood liable land (2005). The subject site is flood prone land, and as such a flood impact assessment prepared by Northrop (see Attachment 9) forms part of the application. The flood impact assessment identifies that the proposed development has been designed in accordance with Council's flood requirements as identified in the Flood Certificate dated 11 November 2016.

#### Mine Subsidence (4.03)

This section applies to all land within a mine subsidence area to which NLEP 2012 applies. The subject site is identified within a mine subsidence area and as such supporting documentation regarding the structural design of the proposal has been prepared by Douglas Partners and AWT Structural Engineers (see Attachments 10 and 11). This information will be forwarded to the Mine Subsidence Board for approval.

### Environmental Protection Provisions (Section 5.0)

#### Soil Management (5.01)

Section 5.01 seeks to prevent the environment against soil erosion and loss of soil from construction. As previously stated an Erosion and Sediment Control Plan prepared by Northrop forms part of the application.

#### Land Contamination (5.02)

Section 5.02 seeks to ensure that planning and development decisions take into account available information relating to the likelihood of land contamination. This issue has been addressed in Section 5.2 and Attachment 20 in relation to SEPP 55.

#### Tree Management (5.03)

Section 5.03 relates to the preservation of trees and vegetation in conjunction with Clause 5.9 of NLEP 2012. There are no significant trees or vegetation within the existing site

Aboriginal Heritage (5.04), Heritage Items (5.05), Archaeological Management (5.06), Heritage Conservation Areas (5.07)

Section 5.04 seeks to ensure that due diligence is followed before carrying out development that may harm Aboriginal objects. This issue has been addressed in Section 5.2 in relation to Clause 5.10 of NLEP 2012, and a Heritage Impact Assessment prepared by Umwelt (refer to Attachment 27).

Locality Specific Provisions (6.0)

Section 6.0 of NDCP 2012 contains objectives and provisions relating to development in Newcastle's city centre. The provisions have been prepared as an implementation action of the NURS and integrates place-based planning for Newcastle East, Honeysuckle and Newcastle West. Table 17 below addresses provisions relating specifically to Honeysuckle.

Control	Compliance
<i>Section 6.01.03 Newcastle City Centre – General controls</i>	
<i>A1. Street wall heights</i>	
A1.01 Street wall heights of new buildings define and enclose the street, are appropriately scaled and respond to adjacent development.	<p>A street wall height of 16m is identified for the site in the DCP. However, it is noted that acceptable solutions in the DCP note that <i>"corner sites may be emphasised by design elements that incorporate some additional height above the nominated street height."</i></p> <p>The proposed development has a predominant 'street wall' height of 23m to Honeysuckle Drive. The development steps from 8m to 23m to side boundaries and includes a two (2) storey podium wrapping around each part two (2) to part seven (7) storey tower, resultant from the 'scallop-like' roof form and corresponding elevations.</p> <p>The development site is located on a prominent corner, and the breaking up of the built form by way of three (3) tower buildings, it is considered that the proposed building form suitably responds to the existing streetscape of the area, including 19 Honeysuckle Drive to the east, and 18 and 22 Honeysuckle Drive to south whilst maintaining sunlight and pedestrian access to the foreshore.</p> <p>Furthermore, the eastern most building to Worth Place suitably frames views to the Hunter River. As such it is considered that the variation to Council's street wall height is acceptable in this instance.</p>
<i>A2. Building setbacks</i>	
A2.01 Building setbacks define and address the street and public domain spaces, and respond to adjacent buildings.	<p>The development is setback 2.5m from all property site boundaries in accordance with the primary building setback requirements specified in the Figure 6.01-13 of DCP.</p>

Control	Compliance
A2.02 Side and rear setbacks enhance amenity, daylight access, view sharing and privacy for adjoining buildings	The development comprises three (3) seven (7) storey towers. Setbacks within the site range from 6m to 9m between habitable rooms. Whilst it is noted the abovementioned separation distances do not satisfy minimum requirements, the proposed orientation and angled screens ensure that no direct line of sight between habitable rooms is achieved. Furthermore, the setbacks are considered appropriate given the benefits of the proposed buildings and laneway layout, which ameliorates the massing of the development and provides a site-through link from Honeysuckle Drive to Worth Place Park.
<i>A3. Building separation</i>	
A3.01 Sites that accommodate more than one building achieve adequate daylight, ventilation, outlook, view sharing and privacy for each building.	The proposed development features three (3) towers which are setback between 6m and 9m.  The internal facades feature blade walls and associated screens which will minimise overlooking within the site.
<i>A4. Building depth and bulk</i>	
A4.01 Building depth and floor plate sizes relate to the desired urban form and skyline of the city centre.	The proposed building depth and floor plates ensure that the development suitably responds to the context of the area whilst ensuring direct access to the foreshore is maintained. Furthermore, the proposed building depth and floor sizes are consistent with adjacent development and existing uses within the Honeysuckle Precinct.
<i>A5. Building exteriors</i>	
A5.01 Building exteriors feature high quality design with robust material and finishes.	The proposed building materials consists of tiles and face brick as identified in the architectural drawing package prepared by SJB Architects (see Attachment 4).
A5.02 Building exterior make a positive contribution to the streetscape and public domain	The scallop design and distinct building form will make a positive contribution to the streetscape and reflects the maritime location.
A5.03 Building exteriors are designed ensure a positive contribution to streets and public spaces.	The building exteriors feature articulated forms which will draw pedestrians to the site including the pedestrian laneways to the foreshore.
A5.04 Building exteriors respond to adjoining buildings	The proposed building respond to neighbouring buildings within the area through the continuation of a two storey podium level through the use of complimentary building materials.
<i>A6. Heritage buildings</i>	
A6.01 Development conserves and enhances the cultural significance of heritage items.	N/A - The subject site does not contain a heritage item.
A6.02 Infill development conserves and enhances the cultural significance of heritage items and their settings.	N/A - It is noted that no heritage items are located within 100m of the subject site.

Control	Compliance
<i>A8. Design of parking structures</i>	
A8.01 At-grade or above-ground parking structures are well designed.	The proposed development features two (2) levels of car parking area at ground floor and basement level. The at-grade parking areas are screened by commercial tenancies and access points to the street.
A8.02 Minimise the visual impact of at grade or above ground parking structures.	As noted above, the ground floor parking has been integrated with the building design and therefore will not adversely impact the streetscape.
A8.03 Basement car parks are designed to provide protection against flooding.	The basement and associated entry ramps have been designed to achieve the required flooding crest heights. Furthermore, refuse points have been provided to satisfy the provisions of Council's DCP.
<i>B1. Access network</i>	
B1.01 Streets prioritise pedestrians cycling and public transport users to support sustainable travel behaviour.	The proposed development features through-site links and pedestrian paths to maintain direct access to the foreshore and existing pedestrian and cycle paths adjacent to the site. Furthermore, the site is in close proximity to bus stops and the future light rail line (see further discussion below).
B1.02 Lanes, through-site links and pedestrian paths are retained, safe and enhanced to promote access and public use.	The existing site contains an at-grade car park. The proposed development features two (2) internal laneways which will promote pedestrian access through the site towards to the foreshore.
B1.03 Street and block network is permeable and accessible to promote pedestrian use.	The development responds to the existing established block network and pedestrian routes in the locality.
B1.04 Public transport facilities are integrated into the access network.	he wider Honeysuckle area is well served by public transport, including buses and trains. The area will also benefit from the light rail infrastructure to be developed within Newcastle City Centre. A light stop known as "Honeysuckle" is proposed approximately 100m to the south of the site. Furthermore, the Wickham Transport Interchange (currently under construction) it located approximately 600m to the west. Once completely the interchange will provide access to light rail to the Newcastle CBD and heavy rail services to via the Hunter Line, Central Coast and Newcastle Line.
B1.05 Cycle routes are safe, connected and well-designed.	The development site is well served by public transport and cycle ways.
<i>B2. Views and vistas</i>	
B2.01 Public views and sight lines to key public spaces, the waterfront, prominent heritage items and landmarks are protected.	The development has been designed to ensure that the existing view corridor along Worth Place to the foreshore is maintained.
B2.02 New development achieves equitable view sharing from adjacent development.	The proposed development has minimal impact on view sharing from adjacent properties. A detailed view impact assessment is outlined in Section 5.4 and Attachment 3.



Control	Compliance
<i>B3. Active street frontages</i>	
B3.01 In identified activity hubs ground floor uses add to the liveliness and vitality of the street.	The proposed development features commercial / retail tenancies and a kiosk unit at ground floor level. The development features two through-site links that in combination with the ground floor will add to the vitality of the streetscape.
<i>B4. Addressing the street</i>	
B4.01 Buildings positively address streets, footpaths, lanes and other public spaces.	The proposed development will positively address all street frontages by way of integrated landscaping, glazed commercial elevations and direct entry to residential terraces fronting Worth Place Park. Furthermore, passive surveillance to the street and internal laneways will be provided by both commercial and terraces and upper level apartments.
B4.02 Ground levels are designed to mitigate flood risk whilst ensuring accessibility and a positive relationship to the public domain.	As previously stated, the subject site is flood prone, and as such has been designed in accordance with Council's Flood Certificate dated 11 November 2016. The proposal features ramps and stairs integrated into the building design to provide a gradual series of level changes to the building from the street.
<i>B5. Public artwork</i>	
B5.01 Significant development incorporates public artwork	N/A
B5.02 Artworks in new buildings are to be located so they can be appreciated from streets and public spaces.	N/A
B5.03 Public artworks are used to interpret heritage components or recognise former uses of large development sites.	N/A
<i>B6. Sun access to public spaces</i>	
B6.01 Reasonable sunlight access is provided to new and existing significant public spaces.	The proposed development will not adversely sun access to public spaces noting that the site is located directly to the south of Worth Place Park.

Table 17: NDCP 2012 Part 6.0 Locality Specific Provisions - Honeysuckle

### Environmental Protection Provisions (Section 7.0)

#### Landscape, Open Space and Visual Amenity (7.02)

The Landscape Plan prepared by Sydney Design Studio included at Attachment 5 is considered to satisfy the requirements of Section 7.02 of NDCP 2012. The plan identifies significant landscape improvements for the site within the landscape plantings on the roof-top of the terrace units fronting Worth Place Park West and landscaped outdoor areas for located within the internal laneways through the site

### Traffic, Parking and Access (7.03)

Section 7.03 of NDCP 2012 outlines requirements in relation to transport and parking.

Section 7.03 requires the submission of:

- A Traffic Impact Study; and
- A Construction Traffic Management Plan

In accordance with Section 7.03 of NDCP 2012, a Traffic Impact Assessment has been prepared and submitted with the proposal (refer to Attachment 6) and provides an assessment of the traffic, parking and access implications of the proposed development.

The findings of the Traffic Impact Assessment are discussed in detail in Section 5.7.

A Construction Management Plan (CMP) has been prepared by Northrop (refer to Attachment 13). The CMP provides details of proposed truck haulage routes to and from the site during the various indicative stages of the development and likely pedestrian routes during construction.

#### Section 7.03.02 - Parking Provision

The NDCP 2012 identifies that within the Newcastle City Centre, with the exception of residential development, car parking for development is to be provided at a rate of one (1) space per 60m<sup>2</sup> of GFA.

The car parking rates for residential development within the Newcastle City Centre are identified in Table 18 below.

Land Use	Car Parking Rate
Small (<75m <sup>2</sup> or 1 bedroom)	Average 0.6 spaces per dwelling
Medium (75m <sup>2</sup> - 100m <sup>2</sup> or 2 bedrooms)	Average 0.9 spaces per dwelling
Large (>100m <sup>2</sup> or 3 bedrooms)	Average 1.4 spaces per dwelling
Visitor	One (1) space for the first three (3) dwellings plus one (1) space for every five (5) thereafter or part thereof for visitors

Table 18: Car Parking Rates

A detailed analysis of the car parking generation of the proposal and compliance with the DCP is provided in the Traffic Impact Assessment (refer to Attachment 6) and is discussed in detail in Section 5.7

### Energy Efficiency (7.05) / Water Efficiency (7.07)

A BASIX Certificate prepared by Gradwell Consulting is considered to address the provisions of Section 7.05 and 7.07.

### Waste Management (7.08)

Section 7.08 of NDCP 2012 outlines requirements in relation to waste management including:

- Construction and demolition waste (7.08.02) and
- Operational waste (7.08.03).

The following documents submitted with this application are considered to address the requirements of Section 7.08:

- The WMP prepared by Elephants Foot which details the waste management measures to be provided for the ongoing operational phase of the development. The WMP is included at Attachment 12;
- The architectural plans prepared by SJB Architects, which detail the location of waste and recycling facilities (refer to Attachment 4); and
- The Preliminary CMP provided at Attachment 13 details the waste management measures during the demolition and construction stages of the proposed development.

Section 3.12 sets out the accessible design requirements for development. An Accessibility Report has been prepared by Philip Chun Access Pty Ltd and is included at Attachment 7. It is noted that the proposal provides 16 (10%) adaptable dwellings, which is consistent with the requirement of AS 4299 (Australian Housing Standard).

### ***City Centre Public Domain Technical Manual***

The Public Domain Technical Manual sets out the requirements for the submission of Public Domain Plans, and Footpath Alignment Levels and Gradients that arise from conditions of consent for development applications.

The proposal is yet to be approved, and as such no conditions of consent have been imposed. Notwithstanding its application, the proposal has been designed to appropriately connect to the surrounding public domain and its footpaths and gradients.

## **5.4 Built form and Urban Design**

The following section addresses the matters identified in the SEARs relating to built form and urban design.

### ***Design Excellence***

The requirement to achieve design excellence is reinforced by Clause 7.5 of NLEP 2012, which requires that the consent authority must have regard to whether a proposal exhibits Design Excellence. The requirements of Clause 7.5 have been addressed in Section 5.2 of this EIS which demonstrates that the proposal exhibits design excellence.

### ***Analysis of design alternatives***

As detailed in the Urban Design and Built Form Analysis Report prepared by SJB Architects (Attachment 3) a range of design options were explored and analysed for the site.

Key considerations in exploring the built form included:

- The building height and FSR standards contained in NLEP 2012;
- The siting design criteria and guidelines contained in Part 3 of the ADG (SEPP 65), in particular, the visual privacy/setback provisions; and
- Street wall heights contained in NDCP 2012.

These options are represented in Figures 22 to 25 below and broadly include:

- Option 1 fully compliant - height/setback controls in NLEP / NDCP; non-compliant with the setbacks in the ADG; and
- Option 2 compliant with the height/setback controls in NLEP, non-compliant with the setbacks in the ADG. In developing this option, achievement of the intent of the height/setback and separation controls was identified as critical, ensuring a built form that was consistent with setbacks of approved development to the east and south along Honeysuckle Drive and providing direct site-through links from Honeysuckle Drive to the foreshore.

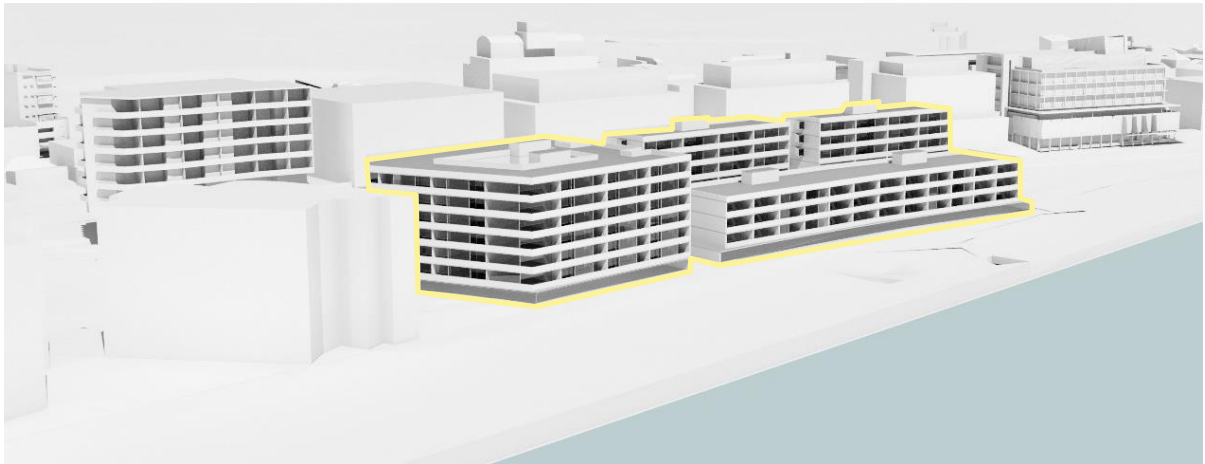


Figure 22: Built Form – Option 1 (compliant)

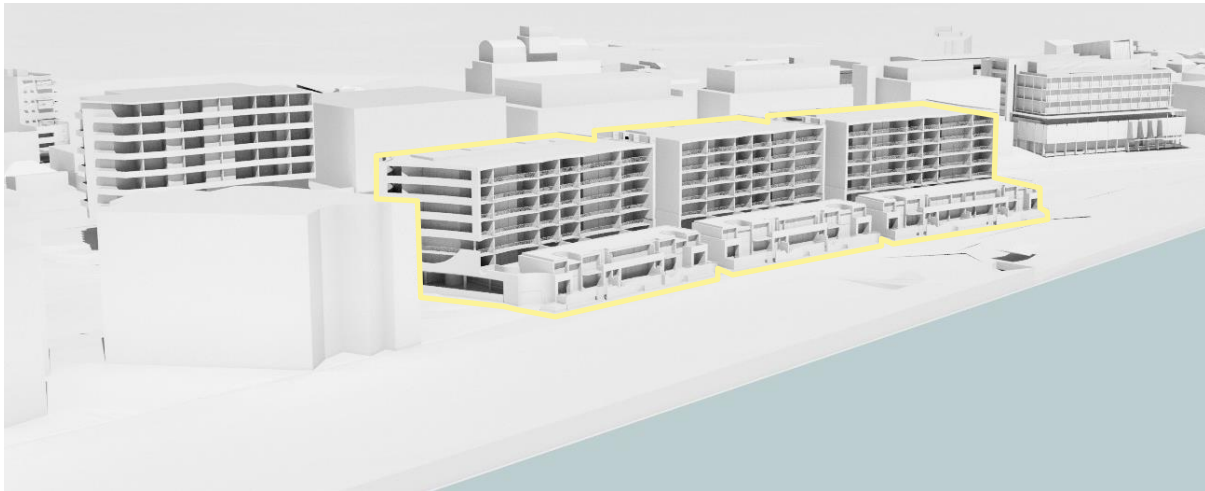


Figure 23: Built Form – Option 2 (current proposal)

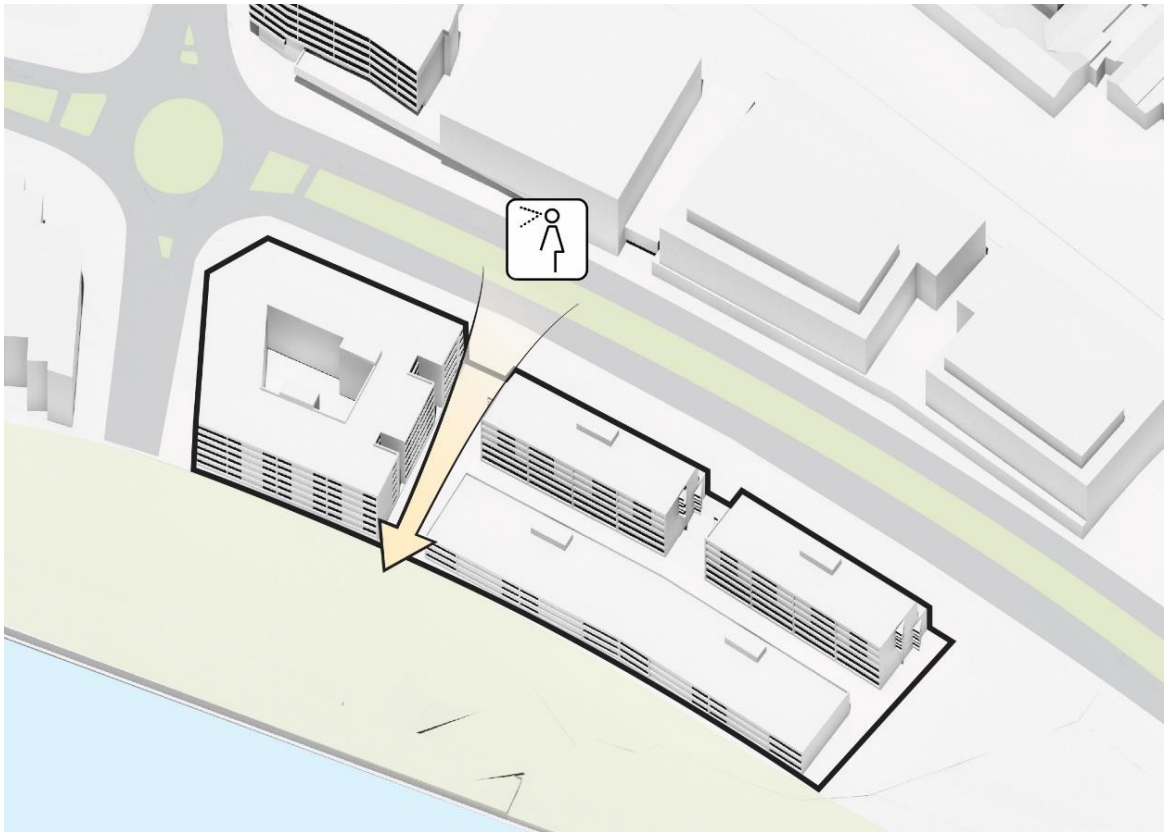


Figure 24: Built Form – Option 1 – Through site link

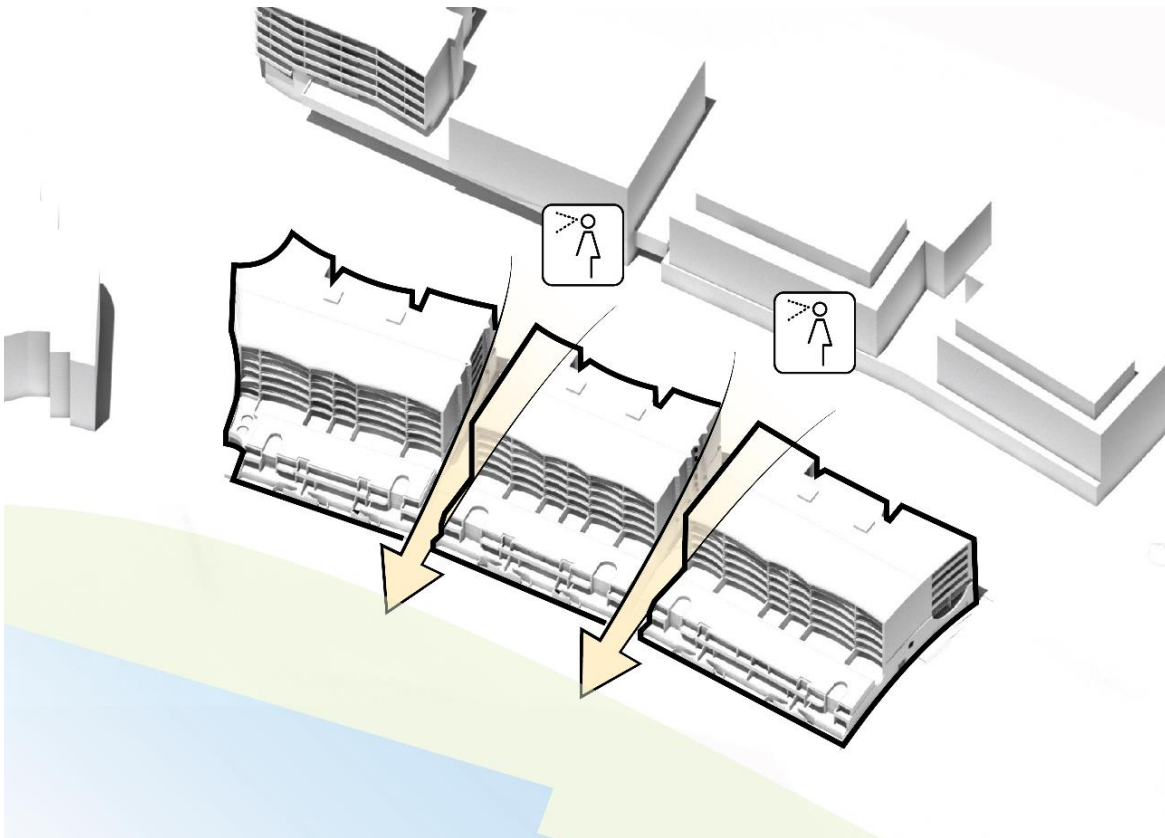


Figure 25: Built Form – Option 2 – Through site links

As previously identified, the site has variable height and FSR controls resulting in a compliant built form featuring a maximum height of 24m running along the southern frontage and wrapping around the eastern side boundary to Worth Place. The remaining portion of the northern frontage has a maximum height of 14m.

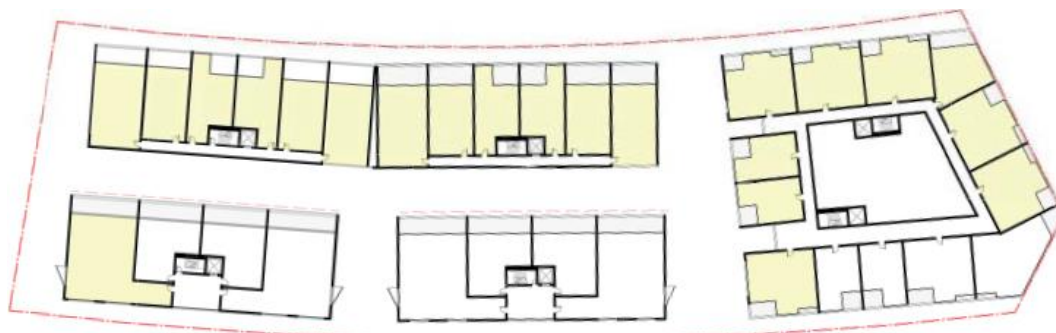
The compliant built form, identified as Option 1 features a courtyard building typology (seven (7) storeys high) occupying the eastern corner of the site to provide a scale and proportion suitable to its context.

Activation of the site and connection to the foreshore is provided by way of a single through-site link. The remainder of the site features three (3) towers (four (4) and seven (7) storey) orientated to the foreshore.

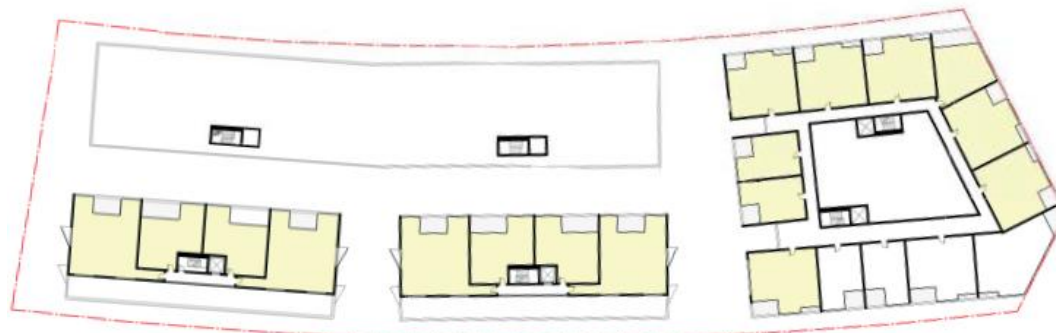
Whilst the bulk and scale of the compliant scheme to Honeysuckle Drive responds to the surrounding context to the south, it is considered that the eastern corner building visually dominates the site. The corner building would dominate the Worth Place / foreshore corner of the site relative to the lower three (3) storey block to the northern boundary.

Considering the incongruous relationship of a compliant built form to the surrounding area, a variation was sought to improve the interrelationship as expressed within the compliant scheme. The resulting proposed scheme (identified as Option 2) shifts the massing of the built form from the eastern edge to provide a two (2) storey scale for the entire northern frontage. Two (2) through-site links are provided, which results in a built form interspersed by three (3) tower buildings. The redistribution of height and FSR, as identified in Option 2, results in a better urban outcome as the resultant built form steps from part two (2) storeys to part seven (7) storeys.

As part of the design analysis, a review of both options has been undertaken relative to solar access and cross ventilation requirements prescribed under the Apartment Design Guide. Approximately 72% of residential units within Option 1 would comply with solar access requirements, whilst 42% of residential units would be cross ventilated. The ADG requires that a minimum of 70% of all units are to receive solar access and a minimum of 60% are to be cross ventilated. As such, Option 1 would be non-compliant with cross ventilation requirements as prescribed by the ADG (see Figures 26-29).



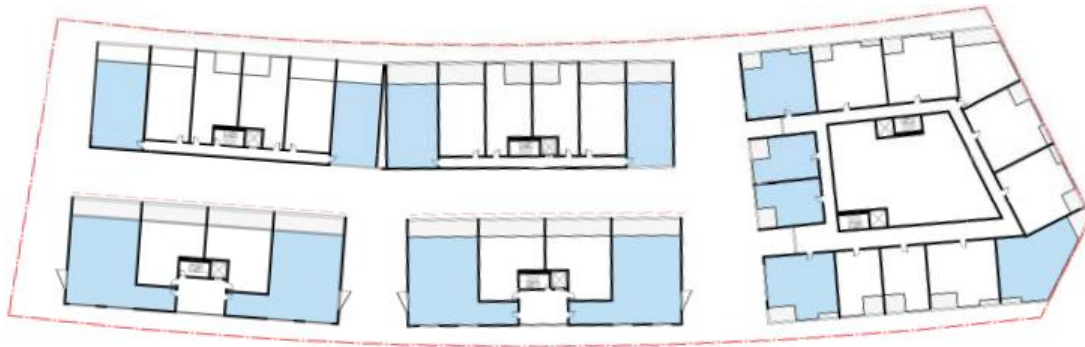
Solar Access: Levels 1-3:



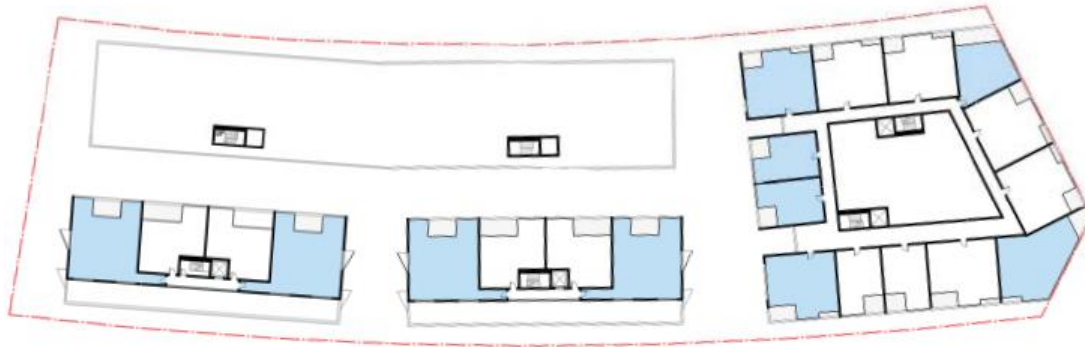
Solar Access: Levels 4-6:

Figure 26: Option 1 – Solar Access – 72%





Cross-ventilation: Levels 1-3:

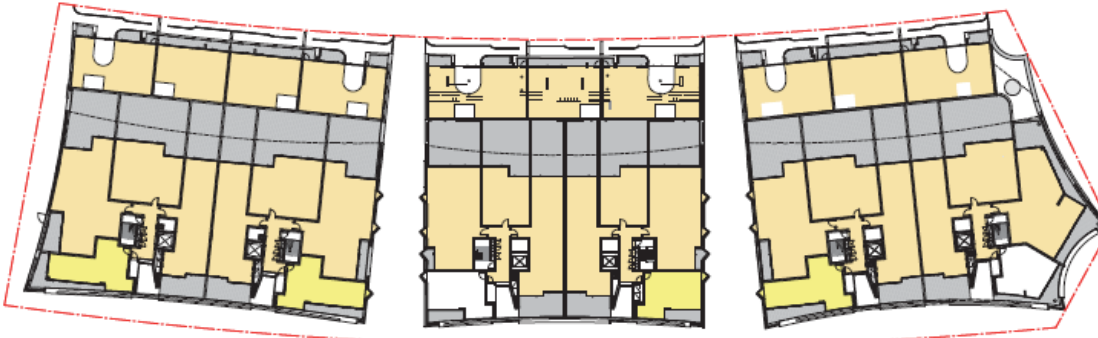


Cross-ventilation: Levels 4-6:

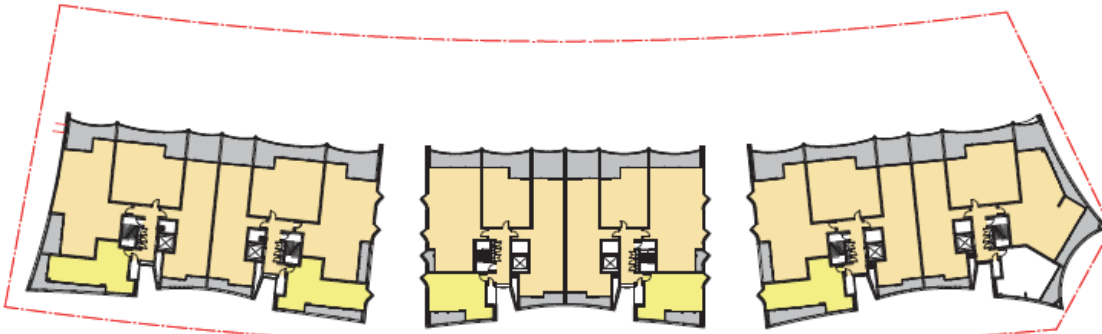
Figure 27: Option 1 – Cross Ventilation – 42%

By way of comparison 80% of residential units in Option 2 receive a minimum of two (2) hours solar access, whilst 74% are cross ventilated (see Figure 28). As such, Option 2 would provide a better urban outcome for future residents of the site in terms of the provisions of the ADG, relative to the Option 1.



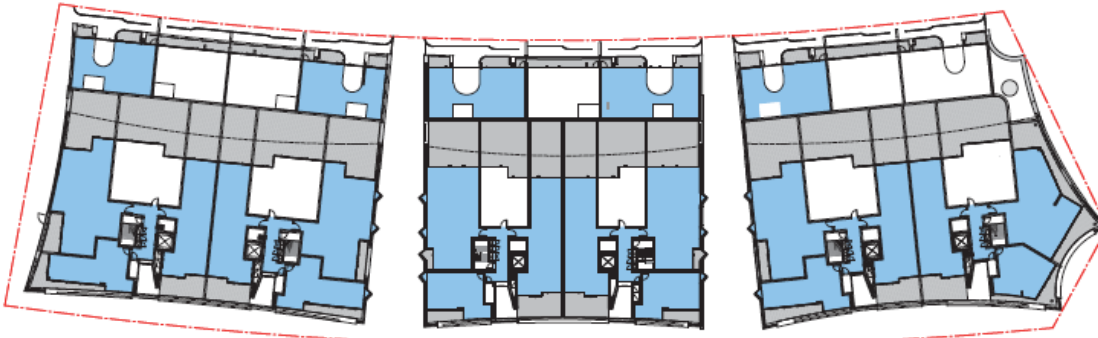


Solar Access: Level 1

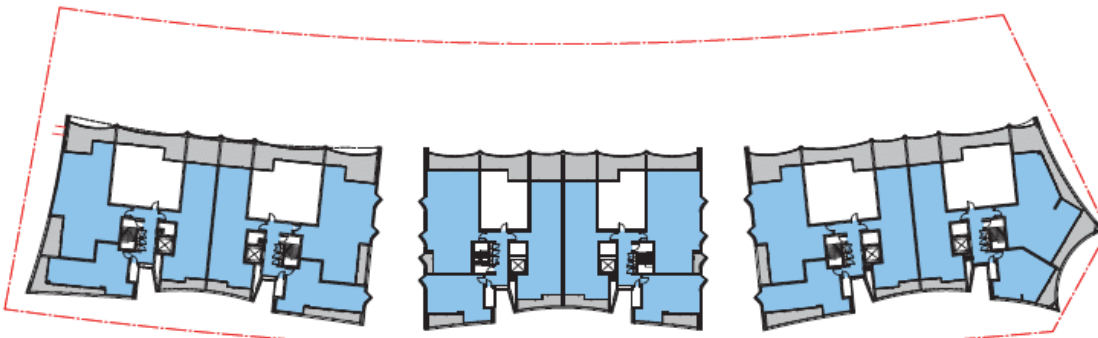


Solar Access: Levels 2 - 6

Figure 28: Option 2 – Solar Access – 80%



Cross-ventilation: Level 1



Cross-ventilation: Levels 2 - 6

Figure 29: Option 2 – Cross Ventilation 74%

Overall, Option 2, the current proposal, was the preferred option as:

- It allowed for the realisation of the development potential of the site within three (3) viable tower footprints;
- The built form features through-site links to achieve visual and physical connection and views to the foreshore;
- The two (2) storey built form to the northern boundary will provide a pedestrian, 'human' scale to Worth Place Park;
- It provides greater residential amenity relative to solar access and cross ventilation requirements under the ADG;
- Adequate privacy could be achieved for the proposal despite the reduced setbacks/separation distances.

### ***Height, Bulk and Scale***

#### Maximum Building Height, Street Wall Height and Setbacks

The height controls contained within the NDCP contemplate the creation of a 16m street wall height along Honeysuckle Drive with additional height (up to 24m) provided above. In addition to the street wall height control, a primary building setback of 2.5m is required.

As noted in Section 5.2 and the Clause 4.6 Objection (Attachment 24) the development exceeds the 14m height control through the central portion of the site. A visual representation of the exceedance is provided in Figure 30 below.

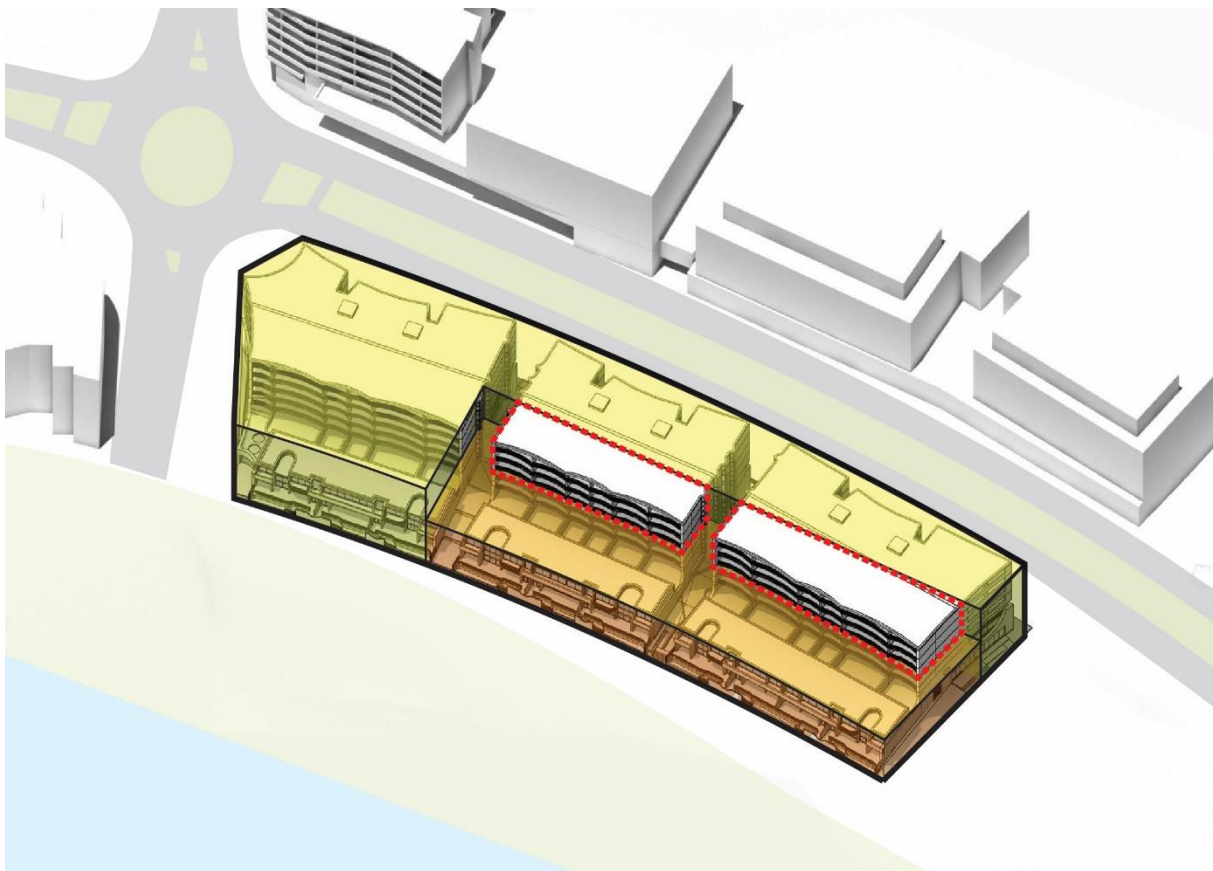


Figure 30: Option 2 – proposed built form noting non-compliance with 14m building height control in red

While the configuration of building height is not wholly consistent with the heights and setbacks in the NLEP and NDCP, it is considered acceptable for the following reasons:

- The setbacks and heights are the outcome of a considered urban design and site analysis which is articulated in the Urban Design and Built Form Analysis Report prepared by SJB Architects. As outlined above, this included formulation and analysis of alternative options for the massing of the proposal;
- The proposal achieves the intent of the controls as it responds to the scale of the seven (7) storey buildings located to the east and south on Honeysuckle Drive that have characterised the street;
- Compliance with the 16m street wall height and 6m setback significantly constrains the opportunity to accommodate a viable floor plate on the site. This is further compounded by the variable maximum building heights of 14m and 24m within the site;
- It does not result in unacceptable overshadowing impacts of the adjoining development or public domain as outlined in shadow diagrams at Attachment 4;
- Compliance with the controls would not reduce the potential view impacts from adjacent properties, as outlined at Attachment 4;
- It does not result in unacceptable privacy impacts on the existing or approved adjoining developments as demonstrated in the consideration of the setback and separation requirements of the ADG;
- Compliance with the street wall setback controls will effectively prevent the redevelopment of the site as envisaged under the NLEP; and
- The proposal complies with the overall maximum 24m height limit and provides a building mass and configuration that is consistent with the adjoining buildings, both existing and approved.

Having regard to the above, the proposed variation to the controls is considered reasonable as it provides a building of an approximate height, scale and mass anticipated by the applicable planning controls

#### View Loss

An assessment of the potential view loss caused by the proposed development has been undertaken with the four steps applied in the NSW Land and Environment Court planning principle on view sharing arising from the case *Tenacity Consulting v Warringah* [2004] LEC140. Details are as follows:

##### 1. Identify the views to be affected.

The photos presented below show typical views enjoyed by the recently completed nine storey mixed use development at 18 Honeysuckle Drive to the south. The site contains two (2) buildings over a shared podium, including a commercial building to the west and an apartment building to the east. An extract of the approved Level 6 Floor Plan and Northern Elevation Plan are provided below in Figure 31 and Figure 32.

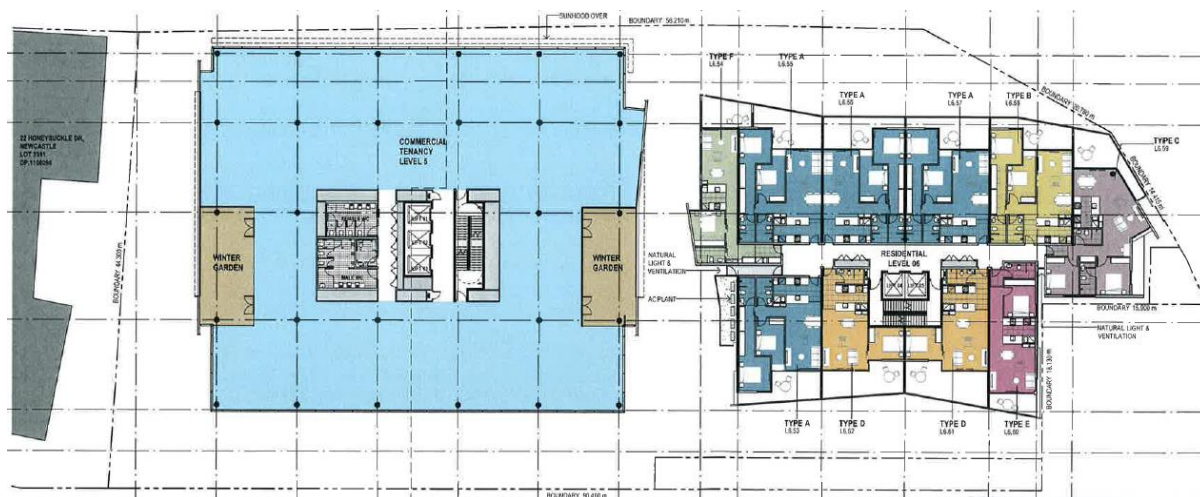


Figure 31: 18 Honeysuckle Drive – Level 6 floor plan (NB: Commercial building to the west and apartment building to the east)



Figure 32: 18 Honeysuckle Drive – Northern elevation

Reference to a 'view' is of water views and views of the coastline (i.e. interface between land and water). Access to apartments L6-55 and L6-57 on Level 6 within 18 Honeysuckle Drive was undertaken to ascertain the scope of views currently experienced from the eastern (residential) portion of the building. Access to level 7 of the commercial building to the western portion of site was also undertaken for clarity purposes. It is noted that an inspection of 22 Honeysuckle Drive was not deemed to be required as this site is fully occupied by commercial tenancies. Details of existing views are provided in Figures 33 to 35 below.





Figure 33: View looking north towards development site and Hunter River foreshore – Level 6 Apartment balcony (L6-57)



Figure 34: View looking northwest towards development site and Hunter River foreshore – Level 6 Apartment balcony (L6-55)



Figure 35: View looking north towards development site and Hunter River foreshore – Level 7 (Commercial tenancy)

2. Consider from what part of the property the views are obtained.

As noted above, the views are available from north facing balcony areas serving the eastern apartment building at 18 Honeysuckle Drive. For clarity purposes, the view obtained from north facing windows of the commercial tenancy of the 18 Honeysuckle Drive has also been provided.

3. Assess the extent of the impact.

The views that will be impacted are north and northwest views to the land water interface of the Hunter River foreshore obtained from 18 Honeysuckle Drive to the south of the site. Given the site contains an existing at-grade car park, any development will be considered to impact views across the site to the Hunter River foreshore. In order to appropriately assess the extent of view impact an analysis of a compliant built form (Option 1) has been compared relative to the proposed development (Option 2) as demonstrated in Figures 36 to 41 below.



Figure 36: View looking north – Level 6 Apartment balcony (L6-57) - Option 1



Figure 37: View looking north – Level 6 Apartment balcony (L6-57) - Option 2



18 Honeysuckle Drive is located approximately 30m to the south of the development site and the view to be impacted is obtained from north facing balconies. A comparison of a compliant versus proposed built form relative to Apartment L6-57 identifies that the existing view corridor along Worth Place to the Hunter River foreshore will be maintained. Direct views over the development site will be obstructed by both the compliant and proposed built forms. As such it is considered that the view impact from L6-57 is 'negligible' relative to a compliant built form.



Figure 38: View looking northwest – Level 6 Apartment balcony (L6-55) - Option 1



Figure 39: View looking northwest – Level 6 Apartment balcony (L6-55) – Option 2

A comparison of a compliant versus proposed built form relative to Apartment L6-55 identifies views of the land water interface (including boat moorings) to the north west and part of the Hunter River will be partially impacted by the proposal. However, it is noted that views of the confluence of the Hunter River and Thorsby Creek will be retained by way of the proposed development. As such, on balance it is considered that the view impact from L6-55 is 'moderate' relative to a compliant built form.



Figure 40: View looking north – Level 7 (Commercial tenancy) – Option 1



Figure 41: View looking north – Level 7 (Commercial tenancy) – Option 2

A comparison of a compliant versus proposed built form relative to the commercial tenancy at 18 Honeysuckle Drive identifies views of the Hunter River foreshore will be partially impacted by the proposal.

Whilst the proposed development features a narrower through-site link to the foreshore between Building 2 and Building 3 (relative to Option 1) the overall building height (including lift overruns) is lower than that of the compliant scheme. As such although views to the Hunter River will be impacted through a narrower eastern



through-site link for the proposed scheme, views of Throsby Creek and the Hunter River will be greater than that of the compliant scheme. It is noted that the proposed non-compliant scheme includes two (2) through site links and will therefore provide greater views through the site relative to the compliant scheme. In light of the above it is considered that the view impact from L6-55 is 'moderate' relative to a compliant built form.

4. Assess the reasonableness of the proposal that is causing the impact.

Given the site contains an existing at-grade carpark, it is not reasonable to expect the existing views to be fully maintained. Given the statutory and strategic planning framework envisage high rise development for the site, and the existing views are the result of the underdevelopment of the site. On balance, the impact upon views resultant from the proposed development in comparison to a compliant scheme is within the level that should be expected from the development controls applying to the site.

Overall it is considered that the view impacts are reasonable given:

- The proposal is consistent with the overall maximum building height control of 24m and the height of surrounding buildings. In this regard the view impacts are consistent with impacts that would be expected from the building height applying to the site;
- The proposed built form consists of three (3) separate buildings, which ensures that the site will achieve visual and physical connection from Honeysuckle Drive to the foreshore; and
- Views to the foreshore will be maintained between the proposed building gaps on the development as well as along existing view corridor of Worth Place.

### **Visual Impacts**

An analysis of the visual impacts of the proposal on the street and surrounding context is provided in the Built Form and Urban Design Analysis (Attachment 3), using photomontages of the proposal from key vantage points. Extracts of the photomontages, which are included in Figure 42 and 43, below demonstrate that the proposal is consistent height, bulk and scale of the existing and approved development within the precinct. The development provides a good fit within its context and will not detract from the streetscape or vantage points, but will make a positive contribution to the urban landscape (see Figure 44).

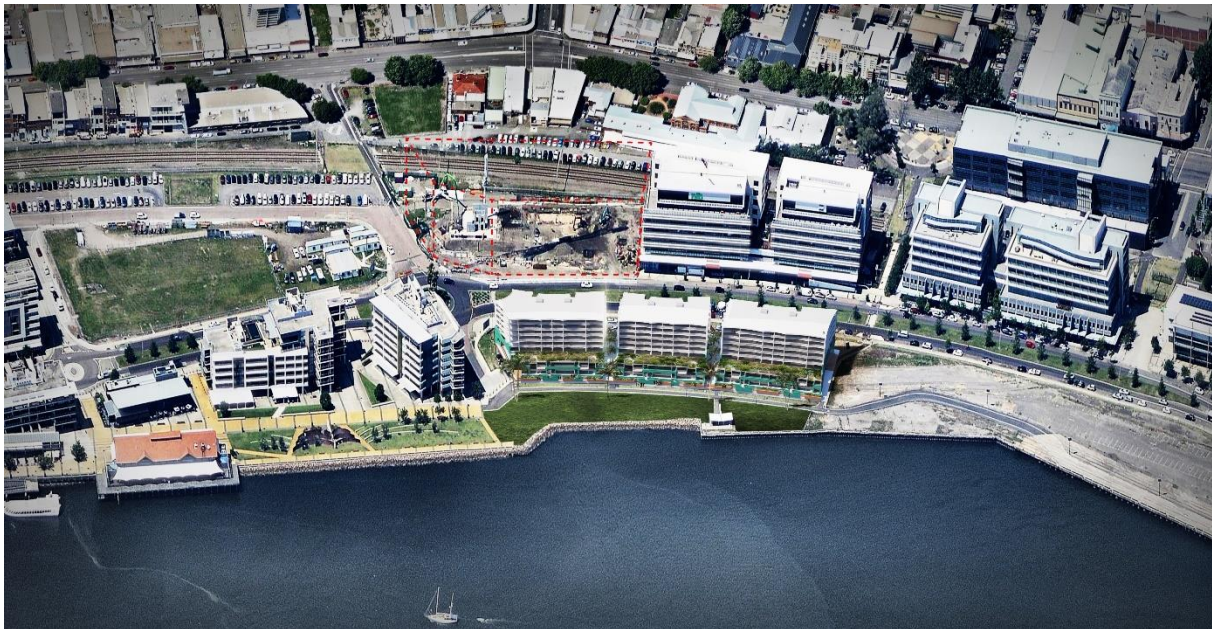


Figure 42: Photomontage of the proposed development looking south from Hunter River towards Newcastle CBD





Figure 43: Photomontage showing proposal looking Northwest along Honeysuckle Drive



Figure 44: Photomontage showing proposal looking North within through-site link

## ***Overshadowing***

Shadow diagrams for the proposed development have been prepared by SJB Architects at hourly intervals on 21 June (winter solstice), and are included in the Urban Design and Built Form Analysis at Attachment 3, and architectural drawings at Attachment 4. The shadow diagrams indicate that the proposal will not have unacceptable overshadowing impacts as outlined below:

- It will not result any additional overshadowing to the adjoining residential development at 19 Honeysuckle Drive;
- A significant proportion of the shadows created by the proposal will fall within the shadows cast by the existing development to the east at 19 Honeysuckle Drive;
- The majority of the additional shadows are cast on the existing commercial/retail premises located along Honeysuckle Drive to the south; and
- It does not result in additional overshadowing to Worth Place Park, located to the north of the site.

## ***Activation of Honeysuckle Drive and Worth Place***

The proposal incorporates the following elements to maximise activation of Honeysuckle Drive and Worth Place:

- An active commercial frontage is proposed at ground level along Honeysuckle Drive, which wraps around Worth Place;
- The commercial frontages are articulated with full height glazing along Honeysuckle Drive and Worth Place to maximise visibility from within the spaces onto the street;
- Each building contains a large, separate residential entrance lobby located on Honeysuckle Drive to generate additional pedestrian activity along this street. In addition, direct access off Worth Place Park West is provided to the 10 terrace units;
- Vehicle entry is located off William Lane to minimise disruption to the active frontage along Worth Place. The articulation of the building form provides a street definition and positive pedestrian interface, which also enhances the public domain; and
- The balconies of the residential apartments overlook all site boundaries to further increase opportunities for passive surveillance.

## **5.5 Environmental and Residential Amenity**

### ***Environmental and Residential Amenity – The Proposal***

The assessment of the SEPP 65 ADG (Section 5.2) and the NDCP 2012 (5.3) provided in this EIS, as along with the SEPP Design Verification Statement (Attachment 22), the Acoustic and Vibration Assessment (Attachment 28), and various other consultant inputs demonstrate that the proposed apartments will benefit from a high level of amenity, in relation to:

- Access to sunlight and daylight;
- Natural and cross ventilation;
- Dwelling size and layouts;
- Private and communal open space provision;
- Privacy and outlook;
- Storage and bicycle parking; and
- Satisfaction of internal noise criteria and minimise impacts from road and rail noise and vibration.

## ***Environmental and Residential Amenity – Surrounding development***

The preceding sections of the EIS (as referenced below) demonstrates that the amenity of the existing surrounding residential properties and the public domain will not be unreasonably impacted in relation to:

- Overshadowing;
- View loss;
- Visual impacts;
- Wind impacts; or
- Privacy (Section 5.2.6 in the assessment of the ADG).

In addition, the Acoustic and Vibration Assessment included at Attachment 28 and discussed in Section 5.6 confirms the proposal will not give rise to unreasonable noise emissions.

As detailed in the Transport Assessment at Attachment 6, the additional traffic generated from the proposal will have a negligible impact on the surrounding road network, and will not compromise the safety of pedestrians. Vehicle parking access and the loading/service bay will be accommodated off Honeysuckle Drive.

### **5.6 Noise and Vibration**

The Acoustic and Vibration Assessment prepared by Renzo Tonin (Attachment 28) provides an assessment of the proposal against the relevant criteria contained in:

- Australian Standards AS2107:2000 - Recommended Design Sound Levels and Reverberation Times for Building Interiors; and
- NDCP 2012.

#### ***Noise emissions***

The assessment concludes potential ongoing noise impacts associated with mechanical plant and equipment can be managed and satisfactorily attenuated to levels complying with noise emission criteria through appropriate location and standard acoustic treatments if required.

#### ***Construction Noise and Vibration***

Renzo Tonin have provided an indicative analysis of construction noise and vibration, including consideration of the relevant criteria. The acoustic report has identified processes and measures that should be followed to mitigate noise and vibration impacts during construction in accordance with the EPA's Interim Construction Noise Guideline. The appropriate measures will be determined once the detailed construction programme is known.

### **5.7 Transport and Accessibility (Construction and Operation)**

#### ***Transport and Accessibility - Operation***

The proposal is supported by a detailed Transport Assessment prepared by GTA (refer to Attachment 6) which addresses traffic, transportation, access and parking consideration and impacts associated with the proposed development as identified in the SEARs, and addressed below.

## Existing and future vehicle, public transport, pedestrian and bicycle movements

The Transport Assessment provides a comprehensive assessment of the existing public transport patronage and services, cycling and pedestrian movements.

The subject site is well located to benefit from the future public transport opportunities and improvements to existing services which are currently planned for the area. The Newcastle Transport Interchange is currently being constructed at Wickham, approximately 600m to the west of the site, and once completed will provide access to light rail through the Newcastle CBD and heavy rail services along both the Hunter Line and Central Coast and Newcastle Line.

The site connects directly with existing pedestrian facilities in Honeysuckle enabling resident, employee and visitor access to and from the site to the wider city centre. It is considered that pedestrian movement associated with the through-site internal laneways will be of benefit to the viability of the site and wider area.

Cyclists can be accommodated on the local roads and the shared pathway along the Honeysuckle foreshore, with dedicated bicycle storage to be provided onsite in accordance with Council requirements. It is noted that Council is currently planning to upgrade local cycling facilities by way of separated cycle lanes in conjunction with upgrades associated with light rail services.

## Traffic Generation

The proposed development is expected to generate up to 87 vehicular movements during morning peak hour, and 55 movements during the evening peak hour period. Based on existing survey data, the development could increase the peak hour flows on Honeysuckle Drive (west of Worth Place) by 70 vehicles per hour during morning peak (split 50 westbound, 20 eastbound) and 52 vehicles per hour during the evening peak (split 41 eastbound, 11 westbound). Observation on site indicates that Honeysuckle Drive (westbound) can experience delays and congestion during the evening peak (5:00pm to 5:30pm) which is associated with delays and queuing at the intersection of Hannell Street and Honeysuckle Drive. During this period the proposed development will only increase the westbound flows along Honeysuckle Drive approaching this intersection by 11 vehicles, which corresponds to one (1) vehicle every five (5) minutes. This represents a minimal increase and as such is not considered to have a significant impact upon the operation of the intersection.

It is considered that the change of use of the site from an existing public car park will see an overall improvement to the road network and intersections within vicinity of this site. Outside of the evening peak hour this intersection operates well and does not create significant delays or queuing. Improvements on Hannell Street including the removal of the heavy rail crossing to the south of Honeysuckle Drive have improved its overall capacity to accommodate the current demands.

## Car parking

As detailed in Section 5.2, the proposal provides a total of 190 car parking spaces which complies with the parking rates specified in NDCP 2012. The assessment concludes that the car parking provision is adequate.

Section 7.03.02 of NDCP 2012 outlines the required parking provisions and car parking rates. The objectives of the parking rates include:

- "1. Ensure an appropriate level and mix of parking provision, having regard to the likely demand and the impacts of over/undersupply of parking.*
- 2. Establish an appropriate parking standard for the City Centre that recognises its locational advantages in relation to public transport access."*

A review of the car parking requirement rates based on an indicative floor area schedule results in a NDCP 2012 average parking requirement for the proposed development as summarised in Table 19.



Use	Type	Number/Size	DCP Parking Rate	DCP Parking Requirement
Residential	1 bed	48	0.6 spaces / dwelling	28.8 spaces
	2 bed	60	0.9 spaces / dwelling	54 spaces
	3 bed	40	1.4 spaces / dwelling	56 spaces
	4 bed	6	1.4 spaces / dwelling	8.4 spaces
	Visitors		1 space / 3 dwellings + 1 space / 5 dwellings thereafter	31 spaces
<b>Subtotal (Residential)</b>				<b>177 spaces</b>
Retail / commercial		226m <sup>2</sup> GFA	1 space/ 60sqm GFA [1]	3.8 spaces
<b>Total</b>				<b>182 spaces</b>

[1] Control 1 of Section 7.03.02 states that "Car parking is generally provided in accordance with the rates set out in Table 1 – Parking Rates, except for car parking for non-residential development in the Newcastle City Centre, which is provided at the rate of one per 60sqm gross floor area."

Table 19: DCP 2012 Car Parking Requirements

Based on the above, the proposed development is required to provide up to 182 car parking spaces.

The DCP also requires motorbike parking to be supplied at a rate of one (1) space per 20 car spaces for all relevant land uses. As such, the proposed development is required to provide up to nine (9) motorbike parking spaces.

#### Adequacy of Parking Supply

The parking rates for residential development within the Newcastle City Centre are expressed as 'average' rates (i.e. 0.6 spaces per one (1) bed, 0.9 spaces per two (2) bed, 1.4 spaces per three (3) bed) rather than minimum or maximum rates. A direct application of the rates rather than as an average would result in the proposed development requiring a total of 147 parking spaces. However, as the proposed development features 154 dwellings, a total of seven (7) dwellings would not be provided with a dedicated parking space.

Council's Pre-DA advice letter dated 29 March 2017 (see Attachment 32) recommended in relation to a previous iteration of the proposal which features 244 off-street parking spaces that "...an allocation of one parking space per dwelling is provided. Additional parking can be provided to three bedroom dwellings and it is suggested that tandem parking may be more suited as it will be easier to manage."

In light of the above the proposed car parking allocation was revised to provide a total of 154 residential spaces including 16 adaptable spaces. This will ensure that each dwelling will be allocated an off-street car parking space, consistent with Council's Pre-DA advice. In addition, 31 visitor spaces and five (5) commercial spaces are proposed resulting in a total of 190 off-street parking spaces.

It is noted that there is currently a high demand for parking along Honeysuckle Drive and the wider precinct. The existing site contains a 258-space public car parking facility which will be removed by way of the proposed development. The provision of 190 car parking spaces including 154 residential spaces will ensure that parking demands, including visitors, can be contained within the site and therefore not impact on existing on-street parking. Furthermore, the proximity of the proposed 'Honeysuckle' Light Rail stop located 100m to the south of the site will reduce demand for parking within the wider precinct.

As such it is considered that the proposed off-street parking of 190 spaces is in accordance with Council requirements, and will ensure that the proposed development will not result in adverse impacts to off-street parking within the locality.

### Achievement of State Plan Targets – Green Travel

Overall, it is considered that the site is highly accessible with regard to existing public transport and the proposed Newcastle Light rail development, including the proposed ‘Honeysuckle’ stop located approximately 100m to the south. As such, the implementation of a green travel plan is not considered necessary given the ongoing improvements within the vicinity and associated promotions / advertising in the public domain.

### Bicycle parking and end of trip facilities

The proposed development generates a total minimum requirement for 173 bicycle parking spaces to be provided onsite, including 157 spaces for residents/staff and 16 spaces for visitors. The development proposes a total of 222 bicycle spaces, including 154 spaces within resident storage cages and 68 lockable spaces on the ground floor. End of trip facilities will be detailed in future application(s) for the fitout of the commercial / retail tenancies.

### ***Transport and Accessibility – Construction***

The Preliminary CMP prepared by Northrop included at Attachment 13 outlines access and parking arrangements, traffic control measures during the demolition, excavation and construction, and associated measures that will be implemented to mitigate impacts on pedestrians, cyclists, public transport and vehicle traffic adjoining and surrounding the site.

It is noted that the approval from Newcastle City Council will be required for the establishment of a construction zone along Honeysuckle Drive and Worth Place frontages of the site.

## **5.8 Crime and Safety**

An assessment of the proposal against the Crime Prevention Through Environmental Design (CPTED) framework has been undertaken in accordance with SEARs. CPTED identifies the principles to incorporate into the design of developments to minimise the opportunity for crime.

The consistency of the proposed development with the key these principles is of CPTED is below. Further details regarding the ongoing management of the site is provided in the Plan of Management included at Attachment 26.

### ***Surveillance***

The inclusion of ground floor commercial uses in conjunction with residential uses at ground/first floor via terraces and residential apartments from Levels 1 to 7 will increase opportunities for passive surveillance along Honeysuckle Drive, Worth Place and Worth Place Park, and increase pedestrian movements and activity within the precinct. The inclusion of the commercial tenancies and landscaped sitting area will activate the proposed internal laneways within the site.

### ***Access Control***

Access controlled entries will be provided to the residential lobby with security cards or similar devices. Access control will also be implemented for the residential letter boxes

### ***Territorial Reinforcement***

The proposal provides a strong street edge and associated plantings which clearly delineates the private spaces from the public domain along Honeysuckle Drive, Worth Place and Worth Place Park.

Entries into the building are located on the street edge and will be easily identifiable.

## ***Space Management***

The design of the proposal seeks to minimise the need for extensive maintenance or intervention. The selection of plant species within the laneways are hardy, low maintenance species. Notwithstanding, an ongoing maintenance program will be implemented for this space to ensure it remains functional and attractive to users.

Robust materials have been selected, including brick, which weathers naturally.

## ***Lighting and Technical Supervision***

Lighting will be provided in building entry points, lobbies, corridors, the basement areas, and other common areas as necessary to maximise visibility and provide a sense of safety. CCTV cameras will also be installed where appropriate.

## ***Mitigation Measures***

The following outlines potential mitigation measures that could be implemented to minimise opportunities for crime and antisocial behaviour, and maximise safety:

- CCTV cameras should be installed in the parking area, basement entry point, and pedestrian entry points;
- Ceilings and walls in the basement parking area should be painted a light colour;
- Lighting should be provided at entry points and to all communal and public areas. This lighting should be automatically controlled by time clocks and/or sensors where appropriate, and to provide an energy efficient and controlled lighting environment;
- The entry/exit doors and fire exit doors should be fitted with appropriate locksets, intercoms and central access measures to restrict unauthorised access to the building;
- Secure basement access should be controlled using a swipe card and/or intercom to restrict unauthorised access to both pedestrians and motorists;
- Signage should be provided at entry/exit points to public spaces;
- Graffiti and vandalism should be removed/repaired as soon as practicable;
- Any burnt-out lighting should be replaced as soon as practicable;
- Landscaping on the site is to be maintained; and
- Regular maintenance and cleaning of communal areas, and collection of rubbish.

## **5.9 European and Aboriginal Heritage**

### ***European Heritage***

A HIS has been prepared by Umwelt (Attachment 27) to assess the heritage significance of the site, and any impact the development may have on this significance.

The HIS addresses the statutory heritage framework applying under NLEP 2012, including listed heritage items and heritage conservation areas. The HIS has been prepared in accordance with the NSW Heritage Branch guideline 'Assessing Heritage Significance' (2001). The philosophy and process adopted is that guided by the Australia ICOMOS Burra Charter 1999 (revised 2013).

## Heritage Significance of the Site

An assessment of the heritage significance of the site was undertaken in accordance with the Heritage Council of NSW's Assessment of Heritage Significance (2001) guides. The findings of the assessment indicate that at the time of European settlement the site was part of Throsby Creek, until the 1920s when the area was reclaimed through the deposition of fill. The southern tip of the Bullock Island likely extended into the project area to the immediate west of the current alignment of Worth Place (see Figure 45).

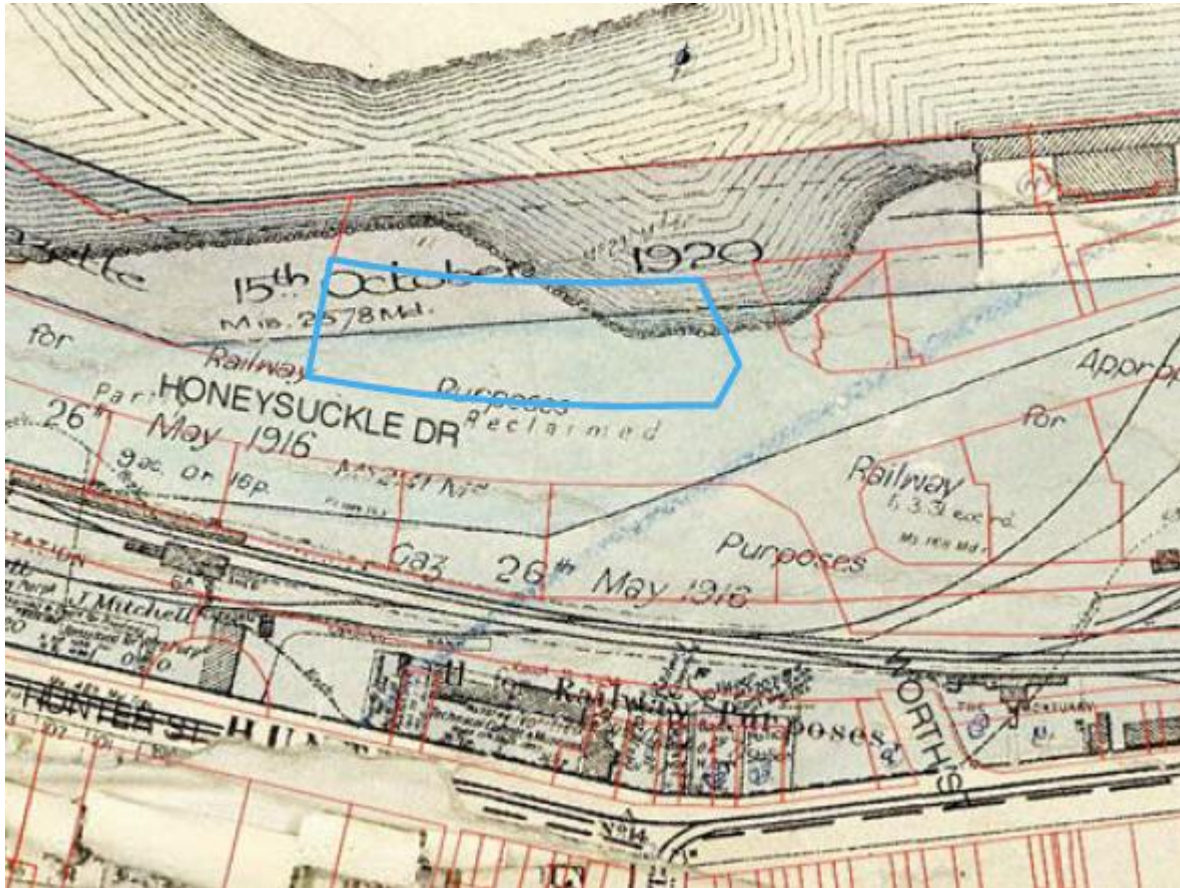


Figure 45: Detailed map of the City of Newcastle – 1920 (NB: 50 Honeysuckle Drive outlined in blue) (Source: Newcastle Archaeological Management Plan Review)

By 1927, no structures were present on the site, however historic maps indicate the location of an access road or railing along the edge of the harbour.

Aerial photos and plans from the 1940s indicate that several structures were on-site, including a galvanised iron wool store leased to John Reid, and a wool store leased to Newcastle Exports Pty Ltd. The wool stores are shown within the project area in the 1950s, but by the mid-1960s these buildings were demolished. A larger storage building was built onsite and further to the south.

A 1992 aerial photograph indicated several smaller buildings and sheds directly adjacent to railway lines.

## Impacts on Significance of Heritage Listings

The HIS indicates the site is not a listed heritage item under NLEP 2012, and there are no items within the vicinity of the site. The site is located 75m to the north of the Newcastle City Centre Conservation Area (C56) which is listed on NLEP 2012.

NDCP 2012 indicates that the significance of the Newcastle City Centre Conservation Area is vested in the mix of commercial, retail and civic buildings as a reminder of the city's past, and its economic and social history. The historic foundation of the city was the discovery and exploitation of coal with good shipping access. The HIS concludes that the proposal will not detract from the significance of the conservation area or any listed items, as summarised below:

- There are no listed heritage items within the project area or within the vicinity (within 100m of the project area);
- The project area is located approximately 75m to the north of the boundary of the Newcastle City Centre Heritage Conservation Area which is located on the south side of the rail corridor and screened by the existing six (6) storey commercial buildings fronting the south side of Honeysuckle Drive;
- The existing recent development surrounding the project area, which is of a similar scale and character to the proposed development, effectively separates and screens all the listed heritage items from the project area; and
- Note that the history of development of the project area and the surrounding locality or the site inspection identified no additional potential unlisted heritage items within or in the vicinity of the project area.

### ***Aboriginal Heritage***

An Aboriginal Archaeological Due Diligence Desktop Assessment has been prepared by Umwelt in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (OEH, 2010) and is included at Attachment 27.

The assessment was based on a review of the site's history and environmental context and visual inspection of the site. A summary of the assessment findings is provided below:

- The project area does not contain any recorded Aboriginal archaeological site;
- The project area also has low to no archaeological potential (with no potential for deposits of Pleistocene age) and there is low to no likelihood that the proposed works will result in harm to Aboriginal objects;
- In accordance with the provisions of the due diligence code, there is consequently no requirement for further Aboriginal archaeological assessment;
- The proposed works may proceed without any further Aboriginal cultural heritage or archaeological investigation, provided that the impacts and extent of the proposed works are consistent with those discussed in this report; and
- In the highly unlikely event that an Aboriginal object is identified whilst carrying out works within the project area, all activities in the immediate vicinity of the identified Aboriginal object should cease and a suitably qualified archaeologist should be contacted to confirm the validity of the object. Should the object be confirmed to be of Aboriginal cultural origin, the landholder/contractor must notify OEH and the relevant Aboriginal parties and develop an appropriate management strategy.

### **5.10 Drainage and Flooding**

A Stormwater Concept Report has been prepared by Northrop and included at Attachment 8. The key of the proposed on site stormwater management of system are outlined below:

- Removal of the existing pit and pipe networks located within the development footprint to facilitate the construction of the proposed basement level carpark;
- Runoff from new roof areas (excluding the green roof) will be collected and diverted to a below ground reuse tank (minimum storage volume of 30m<sup>3</sup>). This will enable the reuse of water through irrigation connections;

- All downpipes reporting to the tank will be connected to a first flush device located prior to the tank inlet;
- The green roof, overflow from the reuse tank and a portion of the pedestrian link, driveways, landscaping, and carparking will be collated and conveyed through a proprietary water quality treatment system, before connecting to the existing stormwater line in Honeysuckle Drive;
- Runoff from approximately 430m<sup>2</sup> of ground level verandas, pedestrian link, and landscaping will be collected and conveyed to above ground bio-retention basins/gardens. Outlet sub-soil drainage pipes from these basins will be conveyed to the existing stormwater line in Worth Place. Overflow from the basins will flow to the adjacent open space to the north as per the current site arrangement;
- Approximately 930m<sup>2</sup> of pedestrian pavement and landscaping from various parts of the site will bypass the treatment system and pit and pipe networks, and sheet into the adjacent lots;
- Pit and pipe networks shall be designed to convey all storms up to and including the 1% AEP event.

### **5.11 Waste**

A WMP prepared by Elephants Foot is included at Attachment 12, and the architectural plans (Attachment 4) detail the proposed waste storage, handling and collection systems for each of the residential, retail/commercial and child care uses.

The waste storage areas will be designed and constructed in accordance with Part 7.08 – Waste Management of Council's DCP.

For the residential component of the development, waste chutes will be provided on each level of the building to manage waste and recyclable materials. Waste will discharge into a waste room located on the ground mezzanine level within the centre of the building. From this point waste will be transferred to the waste holding area on the ground level by the building manager for collection off Honeysuckle Drive by Council.

### **5.12 Construction Management**

A Preliminary CMP has been prepared for the proposed development by Northrop, and is included at Attachment 13. The CMP details how the site will be managed during the demolition, exaction and construction phases of the development to minimise environmental impacts associated with these works.

#### ***Construction Traffic and Parking***

As detailed in Section 5.12 of this EIS, the CMP outlines access and parking arrangements, traffic control measures during the demolition, excavation and construction and associated measures that will be implemented to mitigate impacts on pedestrians, cyclists, public transport and vehicle traffic adjoining and surrounding the site.

It is noted that the approval of the NSW Roads and Maritime Services (RMS) and the Newcastle City Council will be required for the establishment of a construction zone along the Honeysuckle Drive frontage of the site. The frontage is currently occupied by on-street parking. This will result in a temporary reduction in on-street parking.

#### ***Sedimentation Erosion and Dust Controls***

An Erosion and Sedimentation Plan has been prepared by Northrop, and is included in the CMP at Attachment 13. The plan details the various measures that will be implemented on site during demolition, excavation and construction to minimise dust generation and as well as impacts on water quality.

## **Construction Noise and Vibration**

As detailed in Section 5.6 of this EIS, the Vibration and Acoustic Report prepared by Renzo Tonin & Associates (Attachment 28) details measures that will be implemented during the demolition, excavation and construction of the development to manage noise and vibration impacts on the surrounding development, including residents, and the public domain.

### **5.13 Utilities**

#### **Electricity**

Detailed design of electrical infrastructure will be undertaken in accordance with Ausgrid requirements.

#### **Telecommunications**

The development site has access to existing telecommunication infrastructure within the locality,

#### **Sewer/Water**

Consultation has been undertaken with Hunter Water (Section 50 Application) in terms of providing water/sewer services to the site. Accordingly, stamped plans from Hunter Water confirming that the proposed building is clear of a sewer main is found at Attachment 29. It is noted that future applications will be required to be submitted to Hunter Water subject to SSD approval from the DP&E.

### **5.14 EP&A Regulation 2000 - Schedule 2 Considerations**

The following addresses the additional items specified in Schedule 2 of the EP&A Regulation 2000.

#### **Mitigation Measures**

The measures required to mitigate the impacts associated with the proposed works are detailed in Table 20 below. These measures are informed by the consideration of key issues outlined in Section 5 and the attached consultant reports.

#### **Mitigation Measures Response**

##### **Construction Management and Construction Traffic Management**

The Preliminary CMP (Attachment 13) and the Acoustic and Vibration Report (Attachment 28) outline mitigation measures to manage potential impacts arising during the demolition, excavation and construction phases of the development. It is noted that a comprehensive CMP and acoustic and vibration assessment will be required to be prepared in accordance with standard conditions of consent.

##### **Dewatering Management Plan**

In accordance with the findings of the Waste Classification and Groundwater Quality Assessment Report (Attachment 20) a Dewatering Management Plan is to be prepared to assist with the management of extracted waters during construction dewatering.

##### **Acoustic**

The Acoustic and Vibration Report (Attachment 28) outlined various mitigation measures in relation to the following:

- Minimising impacts from external noise sources, namely traffic, on the proposed development;
- Minimising noise operational impacts from the proposed development on surrounding development; and
- Minimising noise and vibration impacts associated with the demolition, excavation and construction phases of the development on adjoining properties and the public domain.



## Waste Management

The provision of waste and recycling facilities and management and disposal of waste generated from the operation of the proposal will be undertaken in accordance with the WMP (Attachment 12).

## Traffic and Access

The Transport Assessment (Attachment 6) identifies that a Green Travel Plan for the proposed development is not considered necessary due to the proximity of the site to public transport (including the future light rail development) and cycleways.

Table 20: Mitigation Measures

## Approvals Under Acts

As required by the Clause 7 of Schedule 2, the following identifies that the proposal will not require approval under the Acts identified in Table 21 below

Act	Approval Required
<i>Coastal Protection Act 1979</i>	N/A
<i>Fisheries Management Act 1994</i>	N/A
<i>Heritage Act 1977</i>	N/A
<i>Mine Subsidence Compensation Act</i>	Yes
<i>National Parks and Wildlife Act 1979</i>	N/A
<i>Native Vegetation Management Act 2003</i>	N/A
<i>Roads Act</i>	N/A
<i>Rural Fires Act 1997</i>	N/A
<i>Water Management Act 2000</i>	Yes

Table 21: Approvals Requires Under Other Legislation

## Justification of the proposal

### Social and Economic Considerations

The proposed development will have social and economic benefits for the Honeysuckle Precinct and wider area including:

- Flow on economic benefits for local business as a result of the additional expenditure that will be generated from the residents residing in the 154 dwellings and the staff and patrons of the retail and child care premises;
- Generating additional employment opportunities through construction jobs;
- Increased supply of housing within the area and providing greater housing choice with a mix of dwellings types and sizes, including adaptable housing, to suit a range of households;
- The provision of affordable housing contribution that can go towards increasing the supply of affordable housing within the area; and
- Improved safety and security for the area with the introduction of additional pedestrian activity, active street uses and increased passive surveillance along Honeysuckle Drive and Worth Place Park.

## Biophysical Considerations

The environmental impact assessment of the proposed development has demonstrated that:

- Future occupants of the building will not be subject to adverse noise impacts;
- Noise from the operation of the proposed development will not give rise to any unreasonable adverse impacts on nearby sensitive receivers;
- The proposal does not give rise to any adverse impacts on the local road or transport network;
- There is not expected to be any impacts on aboriginal or European heritage values or heritage significance associated with the site, or the adjacent areas;
- Excavated soil can be transferred offsite for reuse or disposal off the site in accordance with the preparation of an Excavation Management Plan and Dewatering Management Plan;
- Waste will be managed in an efficient and coordinated manner to avoid potential odour, overflow, dumping or pollution;
- The site will be managed during construction to mitigate potential impacts on the amenity of the surrounding development and pedestrians in terms of noise, vibration, access and traffic, as well as physical environmental impacts; and
- The proposed development can be adequately serviced by existing utilities and stormwater management infrastructure, subject to the provision of onsite stormwater management measures.

## Ecologically Sustainable Development (Schedule 2 Clause 7(4) of the EP&A Regulation 2000)

The EP&A Regulation 2000 requires the following four (4) principles of ecologically sustainable development be considered in assessing a project:

- The precautionary principle;
- Intergenerational equity;
- Conservation of biological diversity and ecological integrity; and
- Improved valuation and pricing of environmental resources.

An analysis of these principles follows.

### Precautionary Principle

The precautionary principle is applied where there is uncertainty as to potential environmental impacts. It provides 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. It requires:

- Careful evaluation of potential environmental impacts in order to avoid, wherever practicable, serious or irreversible damage to the environment; and
- An assessment of risk-weighted consequences of variation options.

This EIS has not identified any serious threat of irreversible damage to the environment that would arise from the proposal. On this basis the precautionary principle does not require further consideration for the subject proposal.

### Inter-generational equity

Inter-generational equity requires that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations. The proposal has been designed to benefit both the existing and future generations by:

- Maintaining existing business and employment with the retention of retail and commercial uses on the site, while fostering new employment and business with the introduction of a child care centre and creation of flexible retail tenancies at ground level;
- Providing jobs and new housing within walking distance to public transport, employment and a range of services and facilities to minimise private vehicle usage and the associated environmental impacts;
- Improving the public domain and amenity in the Honeysuckle Precinct and wider city centre; and
- Implementing management measures to protect the environment during the construction and ongoing operation of the development.

#### Conservation of biological diversity and ecological integrity

This principle requires that conservation of biological diversity and ecological integrity should be a fundamental consideration for development.

The proposal will not have any significant effect on the biological diversity and ecological integrity of the locality or wider area.

#### Improved valuation, pricing and incentive mechanisms

This principle identifies the need to consider environmental factors, in valuation of assets and services, including the cost of pollution, the costs of environmental resources that are used or impacted in the production of goods and services, and the cost of waste disposal.

The proposal provides for the implementation of mitigation measures for avoiding, reusing, recycling and managing waste during construction and operational phases of the development. Additional measures will be implemented to ensure no environmental resources in the locality are adversely impacted during the construction or operational phases.

## 6.0 Section 79C Assessment

### 6.1 Overview

The proposed development is defined as development under the *EP&A Act 1979*, and accordingly an assessment under the matters listed under section 79C of the Act is required. This assessment is provided below.

### 6.2 The Provision of any Environmental Planning Instrument or Development Control Plan

The relevant EPIs applying to the development have been addressed in detail at Section 5.2 as required by the SEARs issued for the proposal.

### 6.3 Planning Agreements under the *EP&A Act 1979*

No planning agreements apply to the site or the proposed development.

### 6.4 Any Matters Prescribed by the Regulations

The proposed demolition works will be undertaken in accordance with Australian Standard AS 2601-1991: The Demolition of Structures. Further management, safety and waste plans in accordance with this standard will be provided prior to the commencement of works.

### 6.5 Likely Impacts of the Development

In responding to the key assessment issues of the SEARs, the proposal has been demonstrated to be appropriate for the site. The resulting development provides housing and employment opportunities in a well designed building that will be a positive contribution to the locality.

### 6.6 Any Submissions Made

Any submissions made will be assessed by the DP&E. It is, however, noted that as required by the SEARs, a consultation programme with state agencies and Council has been undertaken.

The program involved consultation with key stakeholders and referral agencies relevant to the project to clearly communicate the development proposal and establish if there are any issues or action required prior to the application lodgement. In addition, an information session for members of the community will be held during the formal public exhibition of the proposal. Information gathered during the information session will then be forwarded directly to the DP&E to assist in the assessment process.

### 6.7 Suitability of the Site for the Development

The preceding sections of this statement demonstrate that the site is suitable for the proposal. The redevelopment of the site for mixed use purposes is consistent with the objectives of the zone and is compatible with the existing and permissible land uses within the locality.

The site is acknowledged as being a highly accessible site with excellent access and proximity to services and facilities. In this regard, the site is ideal for a mixed use development.

There are no significant natural or environmental constraints that would hinder the proposal and accordingly the site is considered suitable for the proposal.

## **6.8 The Public Interest**

The development of the site for residential purposes concurrently with commercial/retail uses is considered consistent with the zone objectives and provides additional housing opportunities within close proximity to employment opportunities and public transport nodes. The increase in residential density will also promote the diversification of employment opportunities within the locality to service the residential needs. The proposal will provide appropriate amenity for the intended occupants and provides a variety of housing opportunities in close proximity to employment and public transport facilities.

The proposal is considered to be in the public interest.

## 7.0 Conclusion

The SSD application seeks consent for a part two (2) part seven (7) storey mixed use development incorporating 154 residential apartments, commercial premises at ground floor level, basement and at-grade parking areas, and associated facilities.

This EIS has been prepared in accordance with the requirements of Part 4 of the *EP&A Act 1979*, Schedule 2 of the EP&A Regulation 2000, and the SEARs. The development is supported by a broad range of supporting studies that confirm that the proposal is consistent with the assessment framework that has been established by the SEARs.

The proposal is permitted in the zone applying to the site and is therefore permissible with consent. The proposal complies with the principal development standards contained in NLEP 2012, including the FSR over the entire site and the maximum overall height limit of 24m. Whilst it is noted that the development includes a variation to the 14m building height standard (central and western portion of the site) and 2.5:1 FSR standard (southern and eastern portion of the site) in order to provide greater amenity for residents under SEPP 65, whilst responding to the surrounding area. The distribution of height and associated floor space allocates the permitted density in a more skilful manner. The non-compliance with the 14m height control is a direct result of providing a transition in built form that crucially achieves a superior outcome in terms of residential amenity without undue impact on surrounding sites.

The scale and corresponding built form is considered to satisfy the zone objectives, result in a building form that is consistent with the intended urban design outcomes for the locality.

The proposal has been designed with careful consideration of the design quality principles contained in SEPP 65) and the supporting objectives, guidelines and criteria contained within the ADG. The proposed dwellings are considered to be efficient and well designed.

The development is well located in relation to transport, employment, shopping, business and community services as well as recreation facilities. It will deliver an efficient use of the site with well designed, high amenity dwellings.

The proposal will provide for the activation of Honeysuckle Drive, Worth Place and Worth Place Park West with the provision of retail/commercial uses. The contribution to the upgrade and activation of the area both from a physical consideration and ongoing land use perspective is desirable and consistent with the intended development outcomes for the area under NLEP 2012 and SEPP (SSD).

Based on the assessment presented in this EIS and the supporting studies, the proposal is appropriate for the locality and can be undertaken without unacceptable adverse impacts, and the approval of the application is sought.



Attachments



## Attachment 1: Survey Plan prepared by de Witt Consulting

Attachment 2: Approved Subdivision Plan prepared by de Witt  
Consulting

## Attachment 3: Built Form Analysis Report prepared by SJB Architects

Attachment 4: Architectural Drawing Package prepared by SJB  
Architects

## Attachment 5: Landscape Plans prepared by Sydney Design Collective

Attachment 6: Traffic Assessment prepared by SECA Solution



## Attachment 7: Access Report prepared by Cheung Access

Attachment 8: Stormwater Concept Plan prepared by Northrop

## Attachment 9: Flood Impact Assessment prepared by Northrop

Attachment 10: Mine Subsidence Mitigation Review prepared by Douglas  
Partners

## Attachment 11: Structural Plans prepared by AWT Structural Engineers

Attachment 12: Waste Management Plan prepared by Elephants Foot



Attachment 13: Preliminary Construction Management Plan and Erosion  
and Sediment Control Plan prepared by Northrop

Attachment 14: Geotechnical Investigation Report prepared by Douglas  
Partners

Attachment 15: CIV Estimate prepared by Property Concept &  
Management Pty Ltd

Attachment 16: Cost of Works Estimate for Calculation of s94  
Contributions prepared by Property Concept &  
Management Pty Ltd

Attachment 17: Remediation and Validation Report – August 2005  
prepared by RCA Australia

Attachment 18: Site Audit Report and Site Audit Statement – September  
2005 prepared by Environ

Attachment 19: Preliminary Classification of Materials Report – June 2007  
prepared by JBS Environmental



Attachment 20: Waste Classification and Groundwater Quality  
Assessment Report prepared by Douglas Partners

Attachment 21: Acid Sulfate Management Plan prepared by Douglas  
Partners

Attachment 22: SEPP 65 Design Verification Statement and ADG  
Compliance Assessment prepared by SJB Architects

## Attachment 23: BASIX Certification prepared by Gradwell Consulting

## Attachment 24: Clause 4.6 Objection - Height prepared by SJB Planning

## Attachment 25: Clause 4.6 Objection - FSR prepared by SJB Planning

Attachment 26: Plan of Management prepared by SJB Planning

Attachment 27: Heritage Impact Statement prepared by Umwelt



Attachment 28: Acoustic and Vibration Report prepared by Renzo Tonin &  
Associates

## Attachment 29: Hunter Water Stamped Plans

## Attachment 30: Secretary's Environmental Assessment Requirements (SEARs)

Attachment 31: Council's Urban Design Consultative Group comments  
dated October 2016

Attachment 32: Council's Pre-DA comments dated March 2017

## Attachment 33: Council's comments response table