

14 December 2018



PLANNING DEVELOPMENT PROPERTY

KDC PTY LTD ABN 61 148 085 492  
PHONE (02) 4940 0442  
EMAIL reception@kdc.com.au  
WEBSITE www.kdc.com.au  
ADDRESS Suite 2B, 125 Bull Street  
Newcastle West NSW 2302

Dear Sir/Madam,

**RE: Proposed S4.55(1a) Application for the Modification of Consent for SSD8019 for Amendments to the Floor Plans for Mixed Use Development**

**Our Ref: 18307**

## 1 Introduction

KDC Pty Ltd (KDC) acts on behalf of its client Doma Holdings (NSW) Pty Ltd in preparing this supporting Statement of Environmental Effects for the proposed s4.55(1a) modification of consent for SSD8019 under the Environmental Planning and Assessment Act 1979 (EP&A Act) for amendments to the approved floor plans for the mixed use development approved at 21 Honeysuckle Drive, Newcastle NSW 2300.

The subject site is legally identified as Lot 2 in DP 1236735. Refer to Figure 1 which identifies the location of the approved development.

**Figure 1 – Location Plan**



## 2 Background

A State Significant Development (SSD) for the construction a mixed-use development consisting of 154 residential apartments and 3 commercial tenancies. The SSD was lodged and approved by the Department of Planning and Environment on 23 February 2018.

### 3 Proposal

Below is a breakdown of the proposed modifications, followed by the existing condition to be modified and the proposed modification of the condition followed by the appropriate justification.

#### 3.1 Reconfiguration of apartments resulting in the amalgamation of 12 apartments into 6, and the reduction of the number of adaptable apartments from 16 to 15.

Removal of a 30 AC condenser rooms.

Changes to the roof structure relating to parapet and re-position of the mechanical condensers from the roof slab to sit on plant platforms on the roof as a result of design finalisation. The following approximate changes are proposed

- a) Height of rooftop plant has increased by 1050mm.
- b) Parapet has increased by 300mm.
- c) Planters have increased in height by 250mm.
- d) Lift overrun has decreased in height by 200mm based on lift design
- e) Level 2 terrace roof increased by 200mm

#### Conditions A2 and B19 Currently State:

- A2 *The development may only be carried out:*
- a) *in compliance with the conditions of this consent*
  - b) *in accordance with all written directions of the Secretary*
  - c) *generally in accordance with the EIS and Response to Submissions*
  - d) *in accordance with the approved plans in the table below:*

<b>Architectural (or Design) Drawings prepared by SJB Architects</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
DA0103	13	Site Plan/ site analysis	30.11.2017
DA0200	13	Basement Plan	30.11.2017
DA0201	13	Ground floor plan	30.11.2017
DA0202	13	Level 01 floor plan	27.11.2017
DA0203	13	Level 02 floor plan	27.11.2017
DA0204	13	Level 03 – 06 floor plan	27.11.2017
DA0205	13	Roof plan	27.11.2017
DA0220	13	Apartment types – 1 beds	27.11.2017
DA0221	13	Apartment types – 2 beds	27.11.2017
DA0222	13	Apartment types – 3 beds	27.11.2017
DA0250	13	Adaptable apartments	27.11.2017
DA0501	13	Site elevations	27.11.2017
DA0502	13	Internal elevations	27.11.2017
DA0601	13	Site sections	27.11.2017
DA4000	13	External finishes	27.11.2017
DA5000	13	Façade detail	27.11.2017
<b>Landscape Drawings prepared by Sydney Design Collective</b>			

<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
LDA 01	D	Landscape identify and principles	Nov 2017
LDA 02	D	Landscape plan	Nov 2017
LDA 03	D	Landscape elevation B-B and C-C	Nov 2017
LDA 04	D	Landscape elevation D-D and section E-E	Nov 2017
LDA 05	D	Landscape roof plan and Section	Nov 2017
LDA 06	B	Communal rooftop plan	Nov 2017
LDA 07	D	Communal rooftop section and planting	Nov 2017
LDA 08	D	Indicative planting list	Nov 2017

*Consistent with the requirements in this consent, the Secretary may make written directions to the Applicant in relation to:*

- (a) *the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Secretary; and*
- (b) *the implementation of any actions or measures contained in any such document referred to in (a) above.*

*The conditions of this consent and directions of the Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition [2](c) or [2](d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition [2](c) and [2](d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.*

## **ADAPTABLE HOUSING**

**B19** *Prior to issue of the relevant Construction Certificate, the Certifying Authority is to ensure that the building has been designed to accommodate a total of 16 adaptable residential units and that the requirements are referenced on the relevant Construction Certificate drawings. In addition, information shall be provided confirming:*

- a) *the required number of units are able to be adapted for people with a disability in accordance with the BCA*
- b) *compliance with Australian Standard AS4299 – Adaptable Housing.*

## **The Proposed Modified Conditions:**

- A2** The development may only be carried out:
- a) in compliance with the conditions of this consent
  - b) in accordance with all written directions of the Secretary
  - c) generally in accordance with the EIS and Response to Submissions
  - d) in accordance with the approved plans in the table below:

<b>Architectural (or Design) Drawings prepared by SJB Architects</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
DA0103	15	Site Plan/ site analysis	11.12.2018
DA0200	15	Basement Plan	11.12.2018

DA0201	15	Ground floor plan	11.12.2018
DA0202	15	Level 01 floor plan	11.12.2018
DA0203	15	Level 02 floor plan	29.01.2019
DA0204	15	Level 03 floor plan	11.12.2018
DA0205	15	Level 04 floor plan	11.12.2018
DA0206	15	Level 05 floor plan	11.12.2018
DA0207	15	Level 06 floor plan	11.12.2018
DA0208	15	Roof plan	11.12.2018
DA0220	15	Apartment types – 1 beds	11.12.2018
DA0221	15	Apartment types – 2 beds	11.12.2018
DA0222	15	Apartment types – 3 beds	11.12.2018
DA0223	15	Apartment types – 4 beds	11.12.2018
DA0250	15	Adaptable apartments	11.12.2018
DA0501	15	Site elevations	13.12.2018
DA0502	15	Internal elevations	13.12.2018
DA0601	15	Site sections	13.12.2018
DA4000	15	External finishes	11.12.2018
DA5000	15	Façade detail	11.12.2018
<b>Landscape Drawings prepared by Sydney Design Collective</b>			
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LDA 08	D	Indicative planting list	Nov 2017

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*Consistent with the requirements in this consent, the Secretary may make written directions to the Applicant in relation to:*

- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Secretary; and*
- (b) the implementation of any actions or measures contained in any such document referred to in (a) above.*

*The conditions of this consent and directions of the Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition [2](c) or [2](d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition [2](c) and [2](d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.*

## **ADAPTABLE HOUSING**

*B19 Prior to issue of the relevant Construction Certificate, the Certifying Authority is to ensure that the building has been designed to accommodate a total of ~~16~~ **15** adaptable residential units and that the requirements are referenced on the relevant Construction Certificate drawings. In addition, information shall be provided confirming:*

- a) the required number of units are able to be adapted for people with a disability in accordance with the BCA*
- b) compliance with Australian Standard AS4299 – Adaptable Housing.*

## **Justification**

The modifications to conditions A2 and B19 are considered to be generally in accordance with the original approval for the SSD. The modification of the apartment numbers have been reduced which is an overall reduction in density on the site while not creating any additional floor area. The units that are proposed to be amalgamated have been indicated with notation on the amended floor plans provided in Appendix A, specifically level 3, 5 and 6 floor plans.

Figure 2 below is an example of the amalgamation of units before and after on level 5.



**Figure 2 – Indication of amalgamation of units**



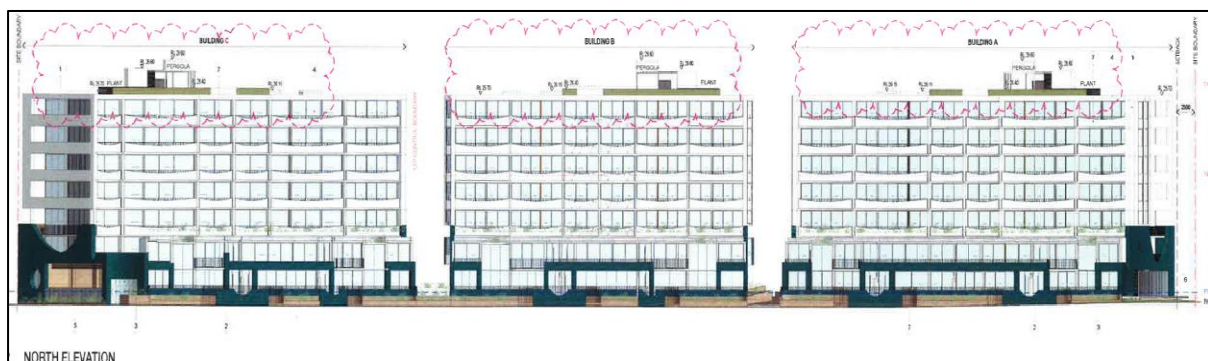
The layouts of the units that are being amalgamated are mostly changing from combinations of two 2 bedroom units to one 4 bedroom unit. The total floor area of each unit does not alter as a result of the amalgamations. The total number of apartments drops from 154 to 148.

As a result of the reduction in total apartment numbers, the required proportion of adaptable dwellings has also dropped which results in the amendment to Condition B19 to change the total number of adaptable units from 16 to 15.

The minor changes proposed to the elevations of the building relating to the height of the parapets, plant items and lift overruns have come as a result of further finalisation of the design. The changes are minor in context to the building as a whole. The parapets on the northern side of the builds have increased in height by approximately 265mm. The planter boxes have increased in height by approximately 200mm, and the lift overruns have decreased in height by approximately 250mm.

Below are elevations that show the proposed changes.

**Figure 3 – Approved northern elevation**



**Figure 4 – Proposed northern elevation**



**Figure 5 – Proposed Western Elevation showing changes**



There are also other adjustments to the floor plans that are considered generally in accordance with the approved plans and will be addressed at Construction Certificate Stage. These include but are not limited to the modification of the stairs on the south eastern corner, and the change of layout of the footpath between the buildings.

- 3.2 Amendment to Conditions B23 and B24 relating to Probable Maximum Flood (PMF) design level to reflect the new flood study for the area.

### Conditions B23 Currently States:

#### FLOOD MANAGEMENT

**B23** On site refuge is to be provided for the proposed development. The minimum refuge level is to be the level of the PMF (Local Catchment Flood Level RL3.65m Australian Height Datum). On site refuge is to be designed to cater for the number of people reasonably expected to be on the development site. Openings such as exhaust ducts, car park air intake, vents and the like that could potentially allow for flood waters to enter the basement (except for carpark and access) are to be designed at minimum RL3.65m AHO. Full details are to be included in documentation for a Construction Certificate application.

B24 The whole of the proposed structure below known probable maximum flood planning level (RL3.65m) is to be constructed in materials and finishes that are resistant to damage from floodwaters. Any new machinery or equipment, electrical circuitry or fitting, storage unit or similar items likely to be damaged by floodwaters being installed above the PMF level or alternatively being of materials and functional capability resistant to the effects of floodwaters. Full details are to be included in documentation for a Construction Certificate application.

## The Proposed Modified Condition:

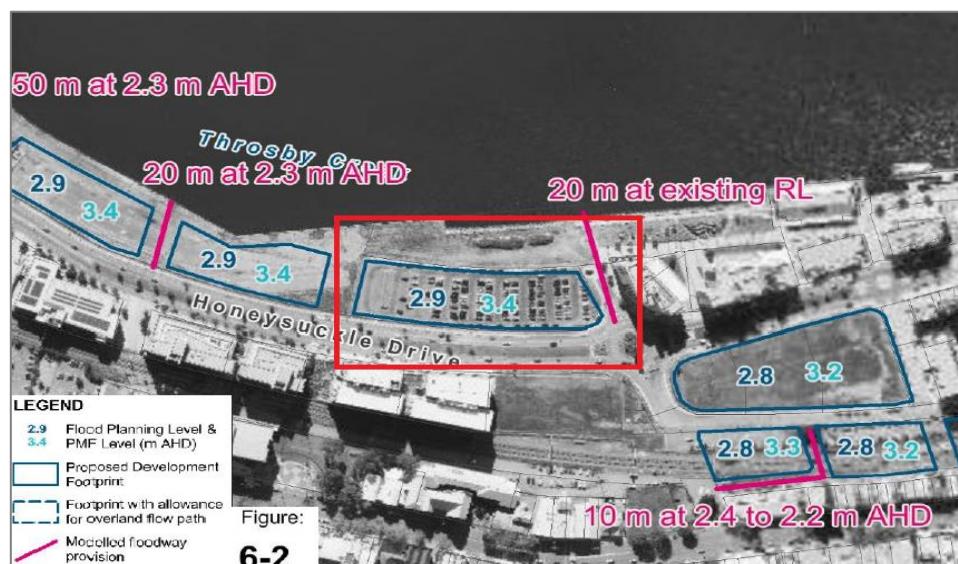
### FLOOD MANAGEMENT

- B23 On site refuge is to be provided for the proposed development. The minimum refuge level is to be the level of the PMF (Local Catchment Flood Level ~~RL3.65m~~ **RL3.4m** Australian Height Datum). On site refuge is to be designed to cater for the number of people reasonably expected to be on the development site. Openings such as exhaust ducts, car park air intake, vents and the like that could potentially allow for flood waters to enter the basement (except for carpark and access) are to be designed at minimum RL3.65m AHO. Full details are to be included in documentation for a Construction Certificate application.
- B24 The whole of the proposed structure below known probable maximum flood planning level (~~RL3.65m~~) (**RL3.4m**) is to be constructed in materials and finishes that are resistant to damage from floodwaters. Any new machinery or equipment, electrical circuitry or fitting, storage unit or similar items likely to be damaged by floodwaters being installed above the PMF level or alternatively being of materials and functional capability resistant to the effects of floodwaters. Full details are to be included in documentation for a Construction Certificate application.

### Justification

The Honeysuckle Redevelopment Area Flood Study prepared by BMT was revised on the 8 of March 2018 and provided further investigations relating to the PMF levels of sites at Honeysuckle. Figure 6-2 of the attached report in Appendix 2 notes that the new PML level for the development shown at 21 Honeysuckle drive is now 3.4m AHD and the Flood Planning Level now being 2.9m AHD. Figure 6 below is an excerpt from the Flood Study, specifically figure 6-2 of the report which indicates the updated levels.

Figure 6 – FPL and PMF levels for Honeysuckle Drive





As the study has been updated the conditions which were drafted based on the previous version of the study should be updated to reflect the latest version of the report.

### 3.3 Deletion of condition F5 relating to anti-graffiti paint

#### Condition F5 Currently States:

##### ***ANTI-GRAFFITI***

*F5 All ground level walls and surfaces are to be treated with an anti-graffiti coating where possible. In addition, any graffiti evident on the exterior facades and visible from a public place is to be removed within 48 hours.*

#### The Proposed Modified Condition:

##### **~~ANTI-GRAFFITI~~**

~~F5 All ground level walls and surfaces are to be treated with an anti-graffiti coating where possible. In addition, any graffiti evident on the exterior facades and visible from a public place is to be removed within 48 hours.~~

#### Justification

The materials that have been chosen to be used on the walls and surfaces around ground level consist of glass and tile finishes that already exhibit anti-graffiti properties and consequently no additional treatment by the application of anti-graffiti coatings is necessary. The materials specifically are the turquoise brick which is finished with a glazed finish, as well as glazing sections.

Clear Glazing



Torquoise Glazed Brick



## 4 Planning Assessment

Compliance with all legislative requirements under various Environmental Planning Instruments (EPI's) remains unchanged under this application. The proposed amendments do not significantly change the overall design, appearance or impact of the development (as approved).

### 4.1 Environmental Planning and Assessment Act 1979 (EP&A Act 1979)

It is considered that the modification of the development consent is substantially the same development as that for which the original deferred commencement consent was granted and that it has minimal environmental impact. Therefore, the approval path for the proposed modification is a *s4.55 (1A) Minimal Environmental Impact* under the EP&A Act.

### 4.2 Newcastle Environmental Plan (LEP) 2012

Under the provisions of the Newcastle LEP 2012, the site is zoned B4 Mixed Use (refer to Figure 8). The proposal comprises a mixed-use development having ground floor retail premises, ground floor serviced apartments, hotel accommodation, residential flat building and public carpark which are identified as permissible with development consent in this zone. The proposed changes to approved floor layouts do not affect consistency of the development with the relevant zoning objectives and does not change the approved use at the site.

**Figure 6 - LEP Zoning Map Extract (LZN\_04G)**



### 4.3 Newcastle DCP 2012

Although not strictly applicable to SSD in a statutory sense, the DCP provisions that would ordinarily apply to the proposed development have been considered and the proposed modification will not cause any impacts or conflicts with the DCP.

## 4.4 SEPP 65 – Design Quality of Residential Apartment Development

This Policy applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if the development consists of any of the following:

- (i) the erection of a new building,*
- (ii) the substantial redevelopment or the substantial refurbishment of an existing building,*
- (iii) the conversion of an existing building, and*
- (b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and*
- (c) the building concerned contains at least 4 or more dwellings.*

The proposed development involves the erection of a new building that exceeds three storeys and contains more than four dwellings. SEPP 65 is therefore applicable to the residential component of the proposal.

The proposed modification is considered generally in accordance with the approved SEPP65 ADG report, an is still compliant in relation to solar access and cross ventilation of units. Window location, height and sizes are not altered.

## 5 Conclusion

The proposed amendment to the floor plans to to alter the layout of the first four levels will not change the general purpose or intent of the approved use at the site, it is therefore considered a S4.55(1A) application under the EP&A Act 1979.

The proposed amendments the floor plans are intended to better suit the layout and owner requirements for the units and will have minor impacts on amenity or change the footprint of the development. There will be no detrimental traffic impacts on the surrounding road network or noise impacts on neighbouring properties.

Given the merit of the proposal and the absence of any significant adverse impacts, the modification to SSD8019 as approved by the Department of Planning and Environment is considered to be worthy of support.

Yours sincerely,



Samuel Newman  
**Senior Town planner**  
**KDC Pty Lt**

### Supporting Documents:

**Appendix A – Amended Architecturals**

**Appendix B – Honeysuckle Redevelopment Area Flood Study**

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## Appendix A – Architectural Plans

SJB

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## Appendix B – Honeysuckle Redevelopment Area Flood Study

BMT

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