



21 Honeysuckle Drive - Newcastle

State Significant
Development
Modification Assessment
(SSD 8019 MOD 1)

August 2019

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Glossary

Abbreviation	Definition
ADG	Apartment Design Guide
AHD	Australian Height Datum
Applicant	21 HD - Doma Holdings (NSW) Pty Ltd
AS	Australian Standard
CIV	Capital Investment Value
Consent	Development Consent
Council	City of Newcastle Council
Department	Department of Planning, Industry and Environment
EESG	Environment, Energy and Science Group of the Department (former NSW Office of Environment and Heritage)
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
FSR	Floor Space Ratio
GFA	Gross Floor Area
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
MOD	Modification
NLEP 2012	Newcastle Local Environmental Plan 2012
PMF	Probable Maximum Flood
RtS	Response to Submissions
Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development



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1. Introduction

1.1 Background

This report provides an assessment of a request to modify the State significant development (SSD) consent (SSD 8019) for a mixed-use development at 50 (now 21) Honeysuckle Drive, Newcastle, in the Newcastle local government area (LGA).

The modification application seeks approval to:

- reconfigure the apartment layouts
- amend the height of the roof parapet, plant items and lift overruns
- reduce the Probable Maximum Flood (PMF) level
- delete the anti-graffiti paint condition.

The application was lodged by KDC Pty Ltd, on behalf of 21 – HD Doma Holdings (NSW) Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.2 Subject Site

The subject site is located at 21 Honeysuckle Drive, Newcastle (see **Figures 1** and **2**). It is noted that the SSD consent refers to the site as 50 Honeysuckle Drive, however the subdivision of the site has since been registered and the address is now 21 Honeysuckle Drive. The site has an area of 7,292m², is irregular in shape, and was previously used as an at-grade car park. Construction works are currently taking place on the site (see **Figure 2**).

The surrounding area is characterised by a mix of buildings and uses. To the north is Worth Place Park and the Hunter River, and to the east is a mixed use seven storey building. To the south is Honeysuckle Drive with various commercial and mixed-use buildings ranging from seven storeys to nine storeys. To the west is vacant land, with the adjoining 35 Honeysuckle Drive site receiving SSD Approval (SSD 8999) on 21 June 2019 for two, eight-storey mixed use buildings.

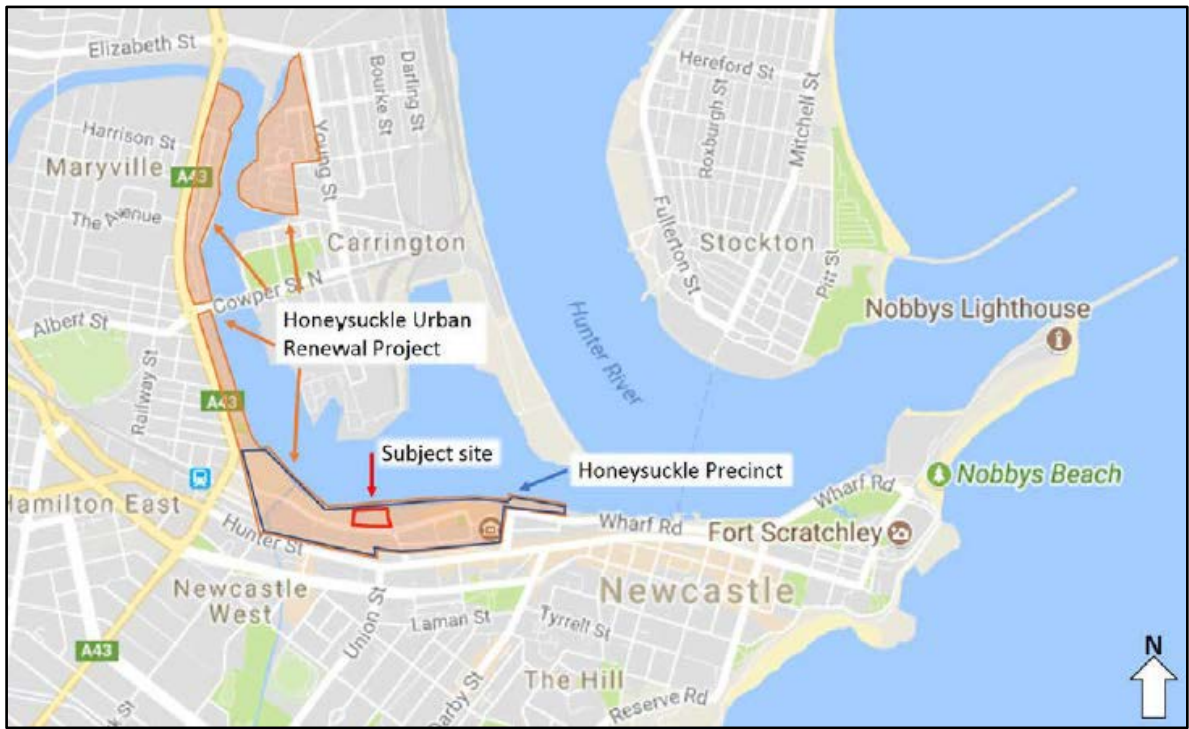


Figure 1 | Site Location (Source: Department's SSD 8019 Assessment Report)

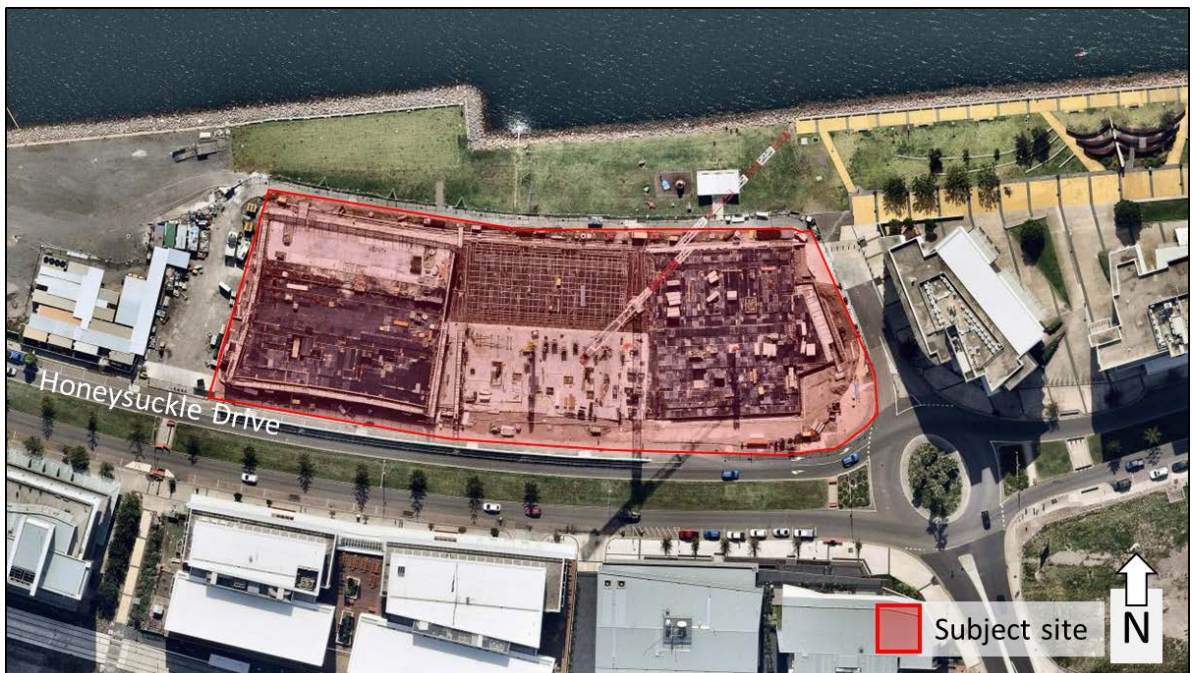


Figure 2 | Subject site (Basemap: Nearmap)



Figure 3 | Photomontage of the development (Note: rooftop elements not pictured) (Base source: Applicant's Architectural drawings)

1.3 Approval History

On 23 February 2018, the Executive Director, Key Sites and Industry Assessments granted development consent to SSD 8019 for the construction of a mixed-use development at 50 Honeysuckle Drive, Newcastle comprising the following:

- three, two to seven storey buildings
- two levels of parking (basement and ground floor)
- commercial/retail space on the ground floor
- 154 residential units including 10 terraces
- communal rooftop areas on Buildings A and B.



2. Proposed Modification

On 14 December 2018, the Applicant lodged a section 4.55(1A) modification request (SSD 8019 MOD 1) seeking approval for various amendments to the SSD Approval (SSD 8019). Key aspects of the proposed modification include:

- reconfiguration and amalgamation of 12 apartments into 6 apartments and a reduction in the of the number of adaptable apartments from 16 to 15.
- removal of 30 AC condenser rooms to provide additional internal storage for 1-bedroom apartments, resulting in a 176m² increase in Gross Floor Area (GFA)
- amendments to the roof structure relating to the height of the parapets, plant items and lift overruns, including the following changes:
 - height of rooftop plant increase by 1050mm
 - parapet increase by 300mm
 - plant increase in height by 250mm
 - lift overrun decrease in height by 200mm

- o level 2 terrace roof increase by 200m
- amendment to Conditions B23 and B24 relating to the Probable Maximum Flood (PMF) design level from RL 3.65m to RL 3.4m.
- deletion of Condition F5 relating to anti-graffiti paint.

The Response to Submissions (RtS) and additional information clarified that the modification also proposes the following:

- extension of the commercial tenancy balcony on the corner of Worth Place and Honeysuckle Drive to create outdoor seating
- minor façade amendments including the addition of bay windows on Building A and changes to materials
- inclusion of the floor area of the approved 11 additional residential carparking spaces as gross floor area (GFA), in response to Newcastle City Council's request that additional carparking be included as GFA
- addition of a parking schedule identifying the number and type of car parks on the basement and ground floor plans, solar compliance schedule, adaptable apartment schedule and GFA calculations, to the architectural plans.

Key aspects of the proposed modification are shown in **Figures 4 to 9**

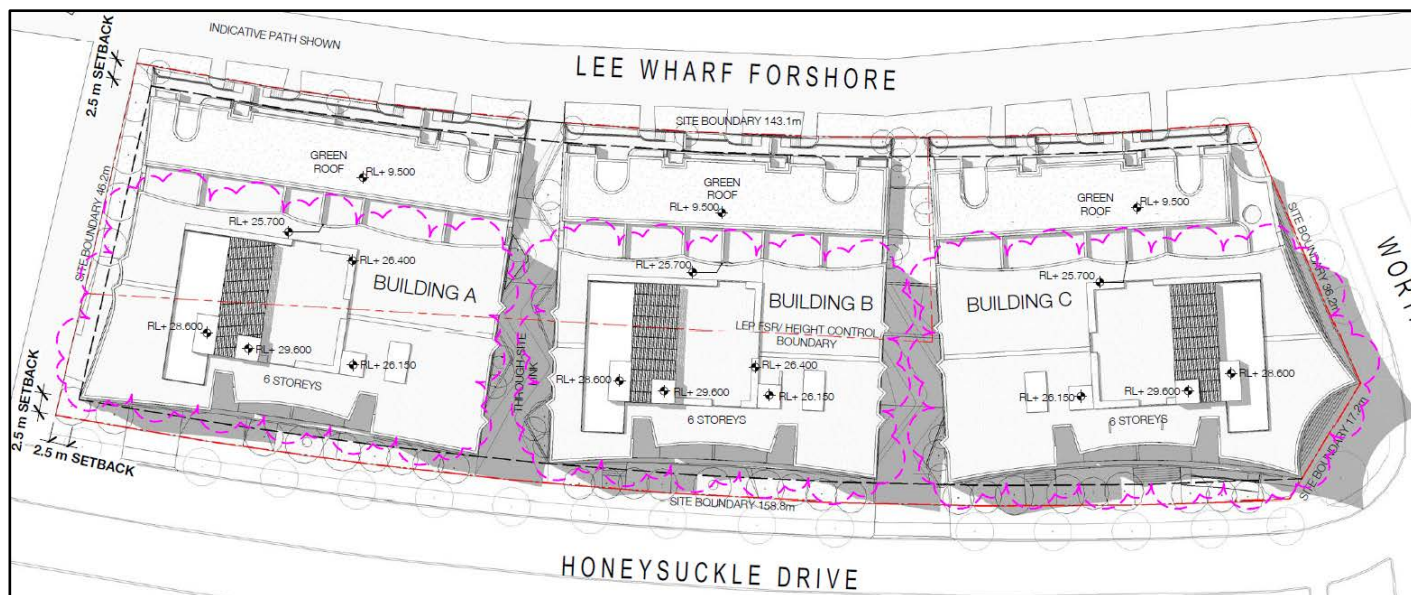


Figure 4 | Approved Site Plan (Source: DA-0103 Rev 13). Note: SSD Approval Condition B2 requires the removal of the rooftop area and associated elements on Building C

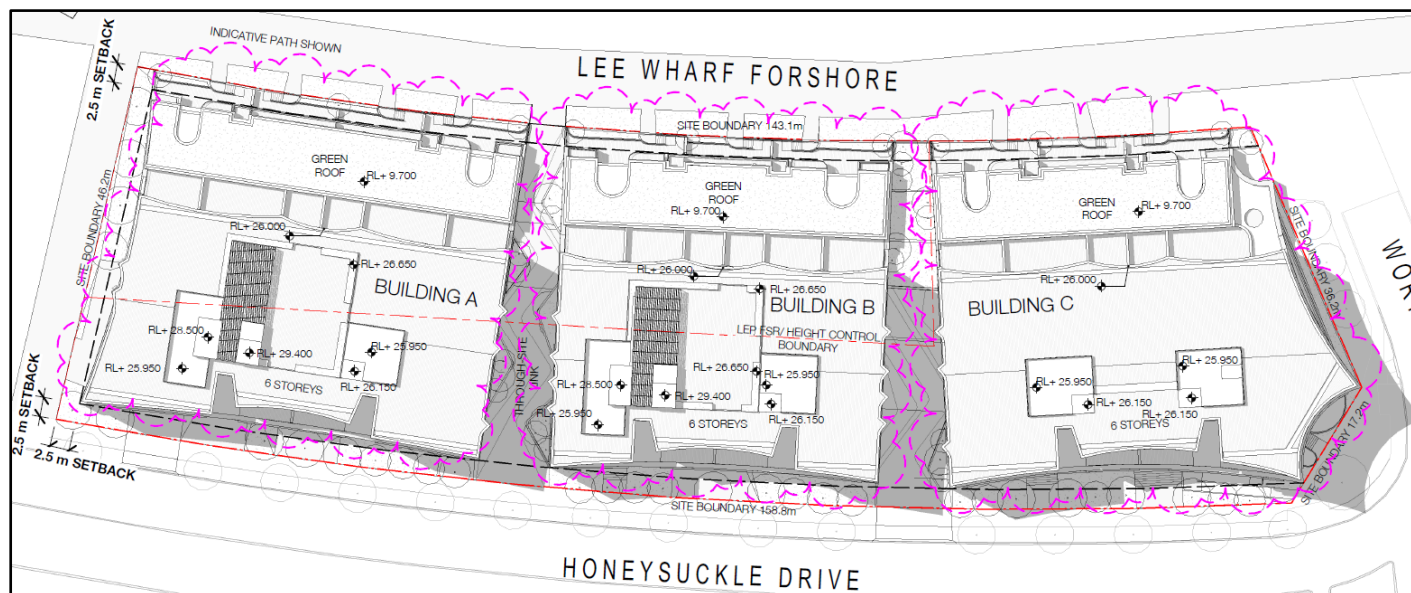


Figure 5 | Proposed Site Plan (Source: DA-0103 Rev 17 dated 15.05.19)



Figure 6 | Approved (left) and proposed (right) floor plans showing apartment amalgamation (Source: SSD 8019 Approved Plans and Applicant's Modification Application)



Figure 7 | Photomontage of the site looking northwest along Honeysuckle Drive showing brick colours - approved (top) and proposed (below) (Source: Applicant's Modification Application)

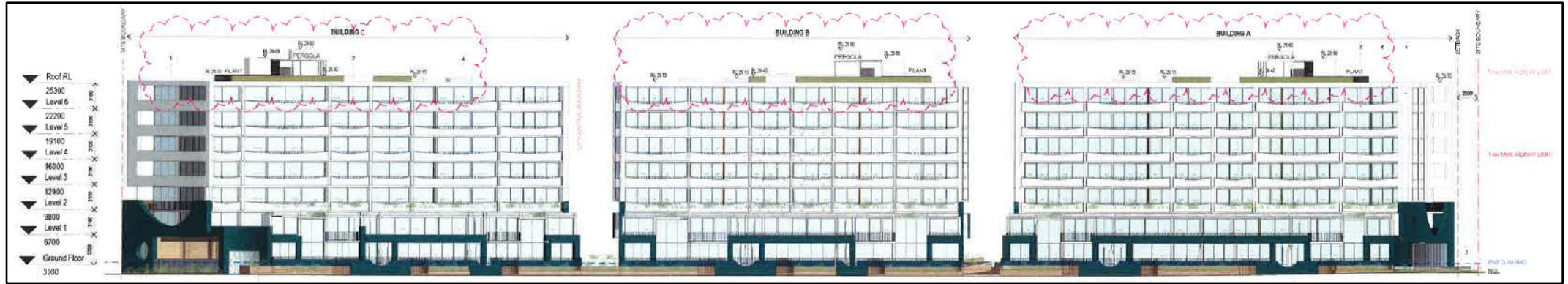


Figure 8 | Approved Northern Elevation Plan (Source: DA-0501 Revision 13 dated 27.11.17). Note: SSD Approval Condition B2 requires the rooftop area and associated elements on Building C to be removed.

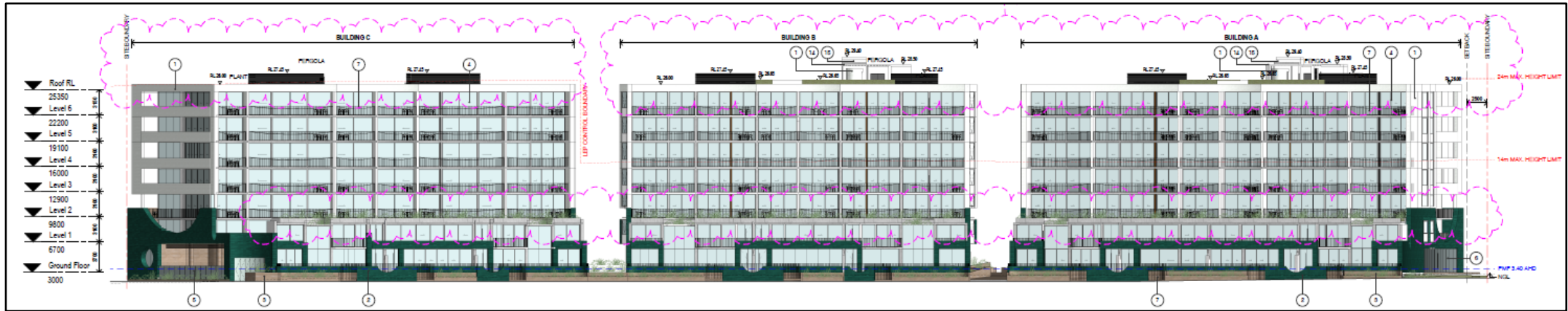


Figure 9 | Proposed Northern Elevation Plan (Source: DA-0501 Revision 17 dated 15.05.19)



3. Statutory Context

3.1 Scope of Modifications

Section 4.55(1A) of the EP&A Act outlines the matters that a consent authority must take into consideration when determining an application that seeks to modify an SSD application and results in minor environmental impacts.

The matters for consideration under section 4.55(1A) of the EP&A Act that apply to the modification of the development consent have been considered in **Table 1**.

Table 1 | Section 4.55(1A) Modification involving minimal environmental impact

Section 4.55 (1A) Evaluation	Consideration
a) that the proposed modification is of minimal environmental impact, and	Section 5 of this report provides an assessment of the impacts associated with the proposal. The Department is satisfied that the modification is of minimal environmental impact.
b) that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and	The proposed modification seeks approval to make minor changes including amendments to apartment layouts, the roof structure and PMF design level. The overall use of the development remains as approved and the appearance of the building remains largely unchanged. On this basis, the Department is satisfied the modification is substantially the same as the originally approved development.
c) the application is notified in accordance with the regulations, and	The modification application was notified in accordance with the regulations. Details of the notification are provided in Section 4 of this report.
d) any submissions made concerning the proposed modification have been considered.	The Department received a total of five submissions. Details of the submissions and the Department's consideration can be found in Section 4 and 5 of this report.

3.2 Environmental Planning Instruments

The following EPIs are relevant to the application:

- State Environmental Planning Policy (State & Regional Development) 2011
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Coastal Management) 2018.
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Newcastle Local Environmental Plan 2012 (NLEP 2012).

The Department has considered the proposed modification against these above-mentioned EPIs in its original assessment.

The Department has also considered SEPP (Coastal Management) 2018 and considers that the proposed modifications raise no implications with the SEPP as they relate to the internal configuration of apartments within the development and modest roof top alterations.

With the exception of minor variations to the building height and floor space ratio (FSR) development standards in the NLEP 2012, the Department considers the modification does not result in any significant changes that would alter the considerations and conclusions made as part of the original assessment. The Department has also considered the Applicant's clause 4.6 variation to these standards in **Sections 5.1** and **5.2**.

3.3 Consent Authority

The Minister for Planning and Public Spaces is the consent authority for the application. However, the Executive Director, Compliance, Industry and Key Sites, may determine the application as:

- the relevant local council has not made an objection
- there are less than 25 public submissions in the nature of objection
- a political disclosure statement has not been made.



4. Engagement

4.1 Department's Engagement

The Department notified the modification for 14 days between 14 February 2019 and 28 February 2019. The request was made publicly available on the Department's website, notified to surrounding landowners and residents and the following agencies:

- City of Newcastle Council (Council);
- Environment Energy and Science Group of the Department, Industry and Environment (EESG) (former NSW Office of Environment and Heritage); and
- Hunter & Central Coast Development Corporation (HCCDC).

The Department received a total of five submissions, comprising two public authority submissions and three public objections. A summary of the submissions is provided below, and a full copy of the submissions is provided in **Appendix A**.

4.2 Public Authority Submissions

The issues raised by the public authorities are summarised below.

EESG did not object to the proposal and stated they are satisfied with the proposed conditions for flood management.

Council provided the following comments:

- there are amendments to the plans that have not been acknowledged, such as extensions to the commercial tenancy balcony on the ground floor plan, and the inclusion of bay windows to the western elevation at level
- the Applicant should address whether the inclusion of the 30 AC condenser rooms into the apartments increases the overall gross floor area (GFA) and floor space ratio (FSR) of the development
- an acoustic assessment is required in relation to the proposed amendments to the rooftop plant rooms and AC condensers.

4.3 Public Submissions

The Department received three public objections to the modification request. Key concerns raised in the public submissions included:

- the building further exceeds the maximum building height limit and results in a loss of views
- neighboring properties will be devalued because of the view loss
- the requirement for any graffiti evident on the exterior facades and visible from a public place to be removed within 48 hours should be retained.

4.4 Response to Submissions

On 29 March 2019, the Applicant provided a Response to Submissions (RtS) to address the issues raised during the notification period (**Appendix A**). As part of the RtS, the Applicant submitted an Acoustic Report and a View Analysis. The Department made the RtS publicly available on its website and notified Council of the RtS.

Council provided the following comments:

- the changes to the floor area of the dwellings should be quantified and an overall GFA and FSR provided
- the potential acoustic impacts have been satisfactorily addressed provided the recommendations in the assessment are implemented.

4.5 Response to Submissions – Additional Information

On 24 May 2019, the Applicant submitted additional information which included:

- additional information and justification for the rooftop plant
- assessment of the increase in GFA and identification of proposed GFA/FSR against approved GFA/FSR
- a clause 4.6 variation for additional height and FSR
- consideration of the Flood Risk and Impact Assessment prepared by BMT dated December 2018
- a floor by floor list identifying all proposed changes and impacts
- assessment of the modification against the ADG requirements.

This additional information includes clarification that the Applicant also proposes the following amendments:

- extension of the commercial tenancy balcony on the corner of Worth Place and Honeysuckle Drive to create outdoor seating (**Figure 10**)
- minor façade amendments including the addition of bay windows on Building A
- the floor area of the 11 approved additional carparking spaces included as GFA
- details about parking, solar compliance, adaptable apartments and GFA calculations were added to the plans.

On 6 June 2019, the Applicant provided supplementary additional information that confirmed Council's support of the revised PMF level and provided a revised clause 4.6 variation.

On 22 July 2019, the Applicant provided additional information to revise the proposed external brick work from white brick to terracotta finish material and confirmed the proposed ground floor tenancy balcony is open and would not create any additional GFA.

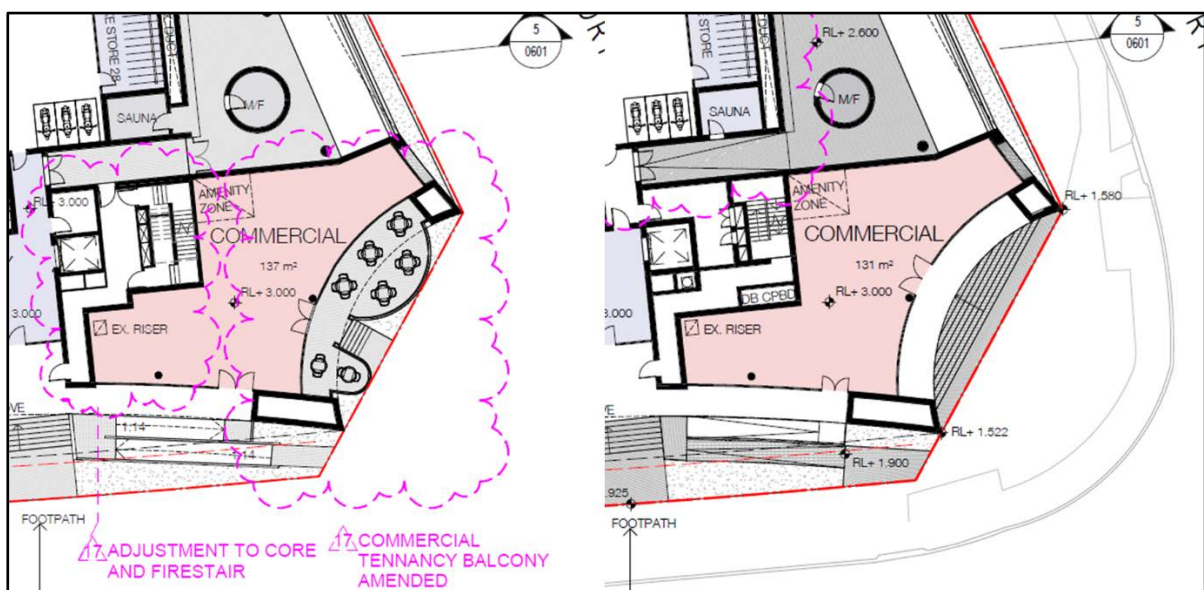


Figure 10 | Approved (right) and proposed (left) ground floor commercial tenancy layout (Source: SSD 8019 Approved Plans and SSD 8019 MOD 1 Plans)



5. Assessment

In assessing the merits of the proposed modification, the Department has considered the:

- modification application and associated documents (**Appendix A**)
- the Environmental Impact Statement and SSD Approval conditions
- submissions received on the proposal and the Applicant's response to the submissions
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act.

The Department considers the key assessment issues for the modification are building height, floor space ratio and view impacts. The Department's assessment of other issues is set out in **Section 5.4**.

5.1 Building Height

The NLEP 2012 specifies that the maximum building height for the subject site is 14m along the majority of the northern frontage to Worth Place Park and 24m along the southern frontage and wrapping around the eastern side boundary to Worth Place, as shown in **Figure 11**.

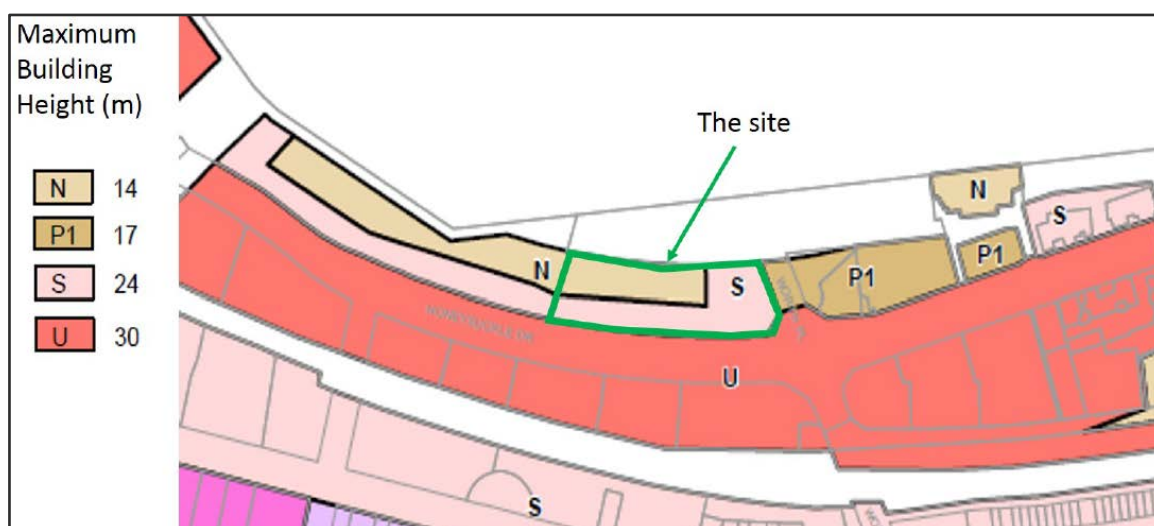


Figure 11 | Extract from Height of Buildings Map – NLEP 2012 (Source: Applicant's SSD EIS)

The original application permitted parts of the building to exceed the height controls (see **Table 2**) by up to 12.11m in part (86%) for the 14m control and 2.98m (12%) for the 24 m control.

The proposal seeks to modify the building heights, resulting from amendments to the rooftop plant, parapet, and lift overruns. This increases the height of some sections of the building and reduces others (see **Table 2**).

Table 2 | Comparison of approved and proposed heights for the development

Building	NLEP Control	Approved height	Approved compliance with NLEP	Proposed height	Proposed compliance with LEP	Variation against approved
Building A (west)	14m	Terraces: 7.4m	Yes	Terraces: 7.7m	Yes	+0.3m (4.05%)
		Communal open space pergola: 26.11m	No (+12.11m /86%)	Communal open space pergola: 26.23m	No (+12.23m/87.4%)	+0.12m (0.46%)
	24m	Apartment roof: 22.5m	Yes	Apartment roof: 22.55m	Yes	+0.05m (0.22%)
		Communal open space lift: 26.98m	No (+2.98m/12%)	Communal open space lift: 26.78m	No (+2.78m /11.6%)	-0.2m (-0.74%)
Building B (central)	14m	Terraces: 7.4m	Yes	Terraces: 7.7m	Yes	+0.3m (4.05%)
		Communal open space pergola: 26.11m	No (+12.11m /86%)	Communal open space pergola: 26.23m	No (+12.23m/87.4%)	+0.12m (0.46%)
	24m	Apartment roof: 22.5m	Yes	Apartment roof: 22.55m	Yes	+0.05m (0.22%)
		Communal open space lift: 26.98m* <i>*Note: incorrect figures used in Applicant's clause 4.6</i>	No (+2.98m/12%)	Communal open space lift: 26.78m	No (+2.78m /11.6%)	-0.2m (-0.74%)
Building C (east)	24m	Terraces: 7.4m	Yes	Terraces: 7.7m	Yes	+0.3m (4.05%)
		Apartment roof: 23m	Yes	Apartment roof: 22.55m	Yes	+0.05m (0.22%)
		Communal open space lift: 27.78m	No (+3.78m/15.8%)	Open space lift removed	N/A	N/A
		2 Rooftop plant boxes: 24m	Yes	2 Rooftop plant boxes: 25.13m	No (+1.13m/4.7%)	+1.13m (4.7%)

The following components of the development would exceed or further exceed the LEP height controls:

- the height of the communal open space pergolas on Buildings A and B would increase by a maximum of 0.12m above the previously approved 26.11m height. This would result in a minor further non-compliance with the 14m NLEP height control, however the Department considers the additional exceedance to be acceptable as it is minimal and there are no discernable visual or amenity impacts.
- the new rooftop plant boxes on Building C would exceed the 24m NLEP height control by 1.13m (4.7%), are setback from the façade of the building and also have a negligible visual impact. See **Figure 12**.

All other proposed modifications are either minor increases to approved heights that remain under the LEP height control (**Appendix A**) or are minor decreases in height that reduce the exceedance of the NLEP height controls.

The Applicant has submitted a clause 4.6 variation request relating to the components of the building that exceed the height controls. The Applicant argues that the proposed variations would reflect the character of the Honeysuckle Precinct and would not result in any additional environmental impacts, including visual or noise impacts.

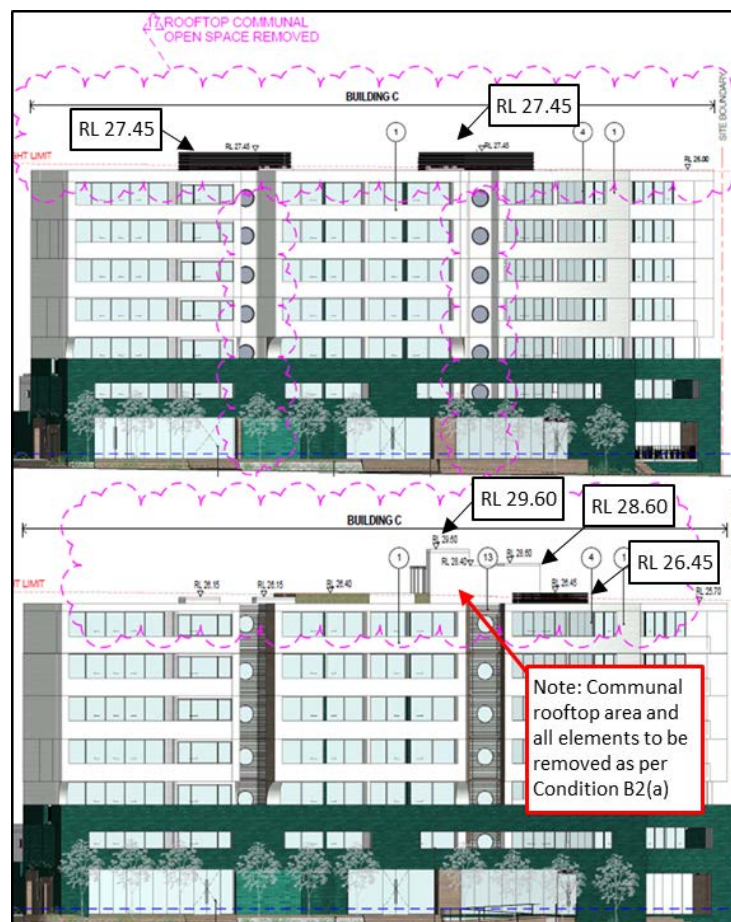


Figure 12 | Proposed (top) and approved (bottom) Building C elevations (Source: SSD 8019 Approved Plans and SSD 8019 MOD 1 Plans)

The SSD approval included a condition requiring the communal rooftop area and associated structures on top of Building C to be removed due to view loss impacts. While the communal rooftop area and majority of roof top structures would still be removed, the height of the rooftop plant would increase. As such the Department requested the Applicant provide further justification to demonstrate the suitability of locating plant on Building C.

The Applicant advised it explored alternative locations for the AC condenser units and plant, however the proposal is considered the most appropriate from a serviceability, architectural design and amenity perspective.

The Department has carefully considered the clause 4.6 request and the merits of the proposal and finds the proposal to be acceptable as:

- the increase in height is minor and the plant is located in the centre of the rooftop and well setback from the site boundaries. As such, it would not have an adverse visual impact when viewed from the street or any neighbouring properties
- it would not generate any unacceptable amenity impacts with respect to view loss (discussed further in **Section 5.3**) or noise (see **Section 5.4**), to nearby landowners
- the variation would not result in a development that would be out of character with the existing streetscape.

Conclusion

The Department has considered the Applicant's request to further contravene the building height standard contained in NLEP 2012 and found it to be reasonable. The proposed changes would not be significant and the areas of increased height are generally set back from the rooftop parapet and not visible from street level. The more notable increase in height of Building C, would also have a minimal impact on the views of adjoining properties. The Department therefore considers the minor adjustments to the building heights are acceptable.

5.2 Floor Space Ratio

The proposed modification would result in a minor increase to the floor space ratio (FSR). The NLEP 2012 sets an FSR of 2.5:1 and 2:1 for the site as shown in **Figure 13**.

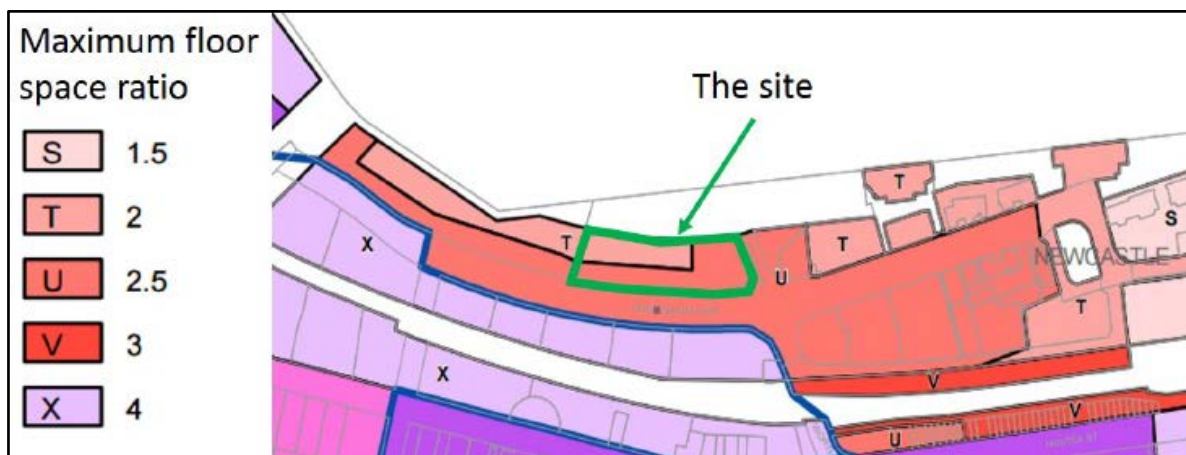


Figure 13 | Extract from Height of Buildings Map – NLEP 2012 (Source: Applicant's SSD EIS)

The Applicant submitted a clause 4.6 variation request to justify the proposed additional increase, which is a 1.4% increase to the approved GFA for the 2.5:1 section of the development, and a 1.8% increase to the approved overall GFA for the development (see **Table 3**).

The Applicant advises that the additional GFA arises from the following:

- 11 additional residential carparking spaces that have now been included as GFA (143m²)
- the removal of 30 AC condenser units and attributing that area to 1-bedroom apartments for additional storage (176m²).

Table 3 | Approved and proposed FSR for the development

NLEP Control	Permissible GFA	Approved GFA/FSR	Approved compliance with LEP	Proposed GFA/FSR	Proposed compliance with LEP	Variation against approved
2:1	5,640m ²	4,707m ² (FSR 1.6:1)	Yes	4,843m ² (FSR: 1.72:1)	Yes	+136m²/0.12:1 (2.89%)
2.5:1	11,180m ²	12,156m ² (FSR 2.7:1)	No (+976m ² / 8.7%)	12,328m ² (FSR 2.76:1)	No (+1,148m ² / 10.3%)	+172m²/0.6:1 (1.4%)
Aggregate-2.3:1	16,820m ²	16,863m ² (FSR 2.31:1)	No (+43m ² / 0.3%)	17,171m ² (FSR 2.35:1)	No (+351m ² /2.1%)	+ 308m²/0.5:1 (1.8%)

The Department notes that the Applicant's clause 4.6 request indicates that the overall site GFA/FSR is compliant, however as approved, the development exceeds the aggregate GFA 16,820m² control applicable over the entire site by 43m² and is now proposed to exceed the control by 351m².

The Department has considered the merits of this request and finds the majority (176m²) of additional GFA arises from the Applicant removing the 30 AC condenser units to provide additional internal storage space for the 1-bedroom apartments. The Department notes this amendment responds to Condition B2(b) of the approval which requires storage areas to increase in accordance with the Apartment Design Guide (ADG). As such, the Department considers this increase acceptable as it is minor and responds to the existing condition. Further, the additional floorspace attributed to the 11 additional residential car parking spaces in the basement and ground floor would not add to the visual bulk and scale of the buildings. The Department also notes there would be no increase the number of apartments. As such, the proposal would not result in any unexpected impacts on infrastructure demand or additional impacts on the local environment generally.

The Department is therefore satisfied the minor increase in GFA is acceptable, and the proposal would not result in any additional impacts beyond those previously assessed and approved.

5.3 View Impacts

Public submissions raised concerns about the potential impact of the proposed modification on views from apartments at 10 Worth Place. In response, the Applicant provided an assessment of the potential view loss caused by the proposal as part of its RtS and additional information.

The view assessment identifies that the majority of existing views of the water and horizon from residential level seven and below at 10 Worth Place would be lost once the site is developed, regardless of the proposed changes to building heights. Some views towards the water would be retained from apartments located to the north-east.

The views most affected by the proposal are those from the uppermost two levels at 10 Worth Place. The detailed view assessment can be viewed in **Appendix A**. The visual impacts to some key locations (**Figure 14**) under the approved and proposed development are shown in **Figures 15 to 17** which show the views from key levels based upon the original SSD (incorporating Condition B2 requirements), and the current modification as well as an impact comparison.

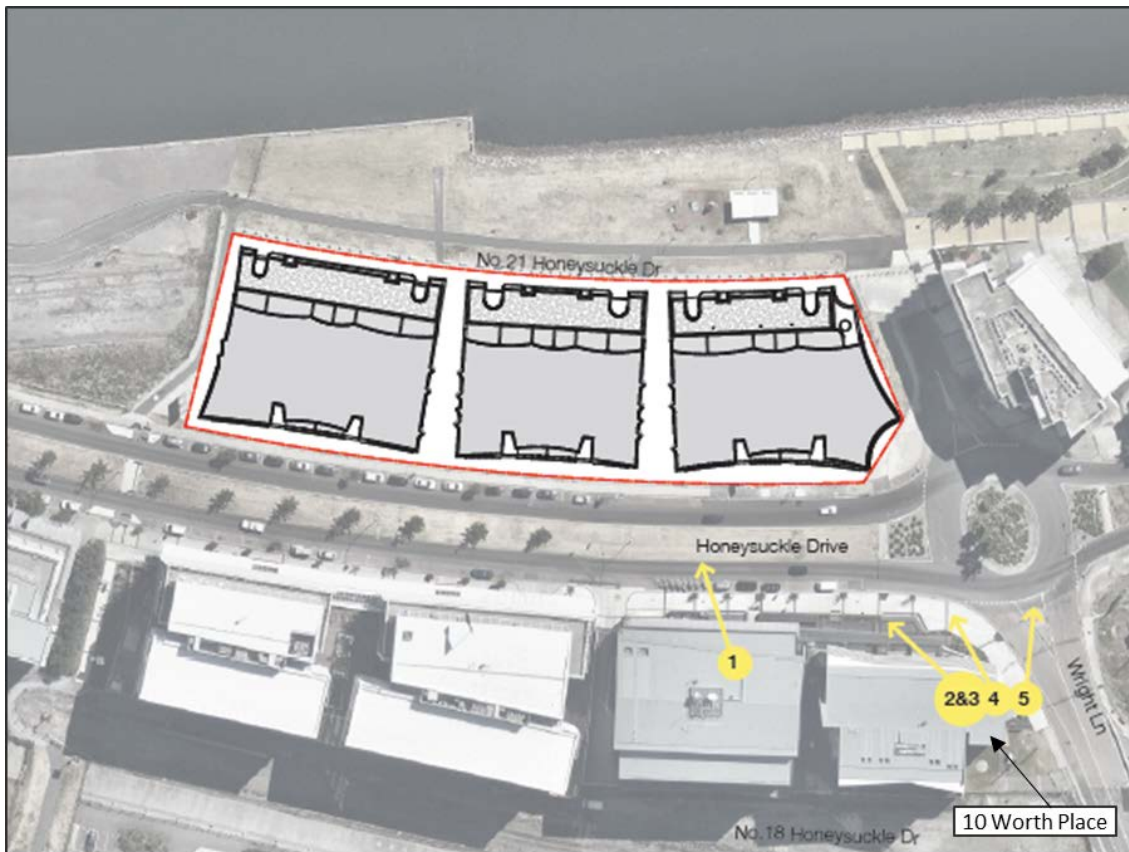


Figure 14 | Aerial photograph showing the viewpoints (Source: Built Form Analysis by SJB Architects)

The view assessment demonstrates that from levels 7 and below, the impacts of the modification would not be significant. At locations 2 and 4 on level 9, the overall appearance of the site remains similar. There is a marginal loss of strips of water views as a result of the plant on Building C. Views of the district, horizon and areas of water towards the Hunter River are retained.

The Department has assessed the impact of the proposal on the most affected floor (level 9) having regard to the planning principle established by *Tenacity Consulting v Warringah* [2004] NSWLEC 140, which sets out four steps for the assessment of view sharing and notes the following:

1. The affected views: The affected view is not an iconic view. While it includes narrow tracts of water views of the Hunter River/Throsby Creek above Building C (as shown in **Figure 15**) the overall view is dominated by sky views and the approved development in the mid and foreground.
 2. From where the views are obtained: The views are obtained from level 9 apartments in the north and north/east windows at 10 Worth Place.
 3. The proposal would result in the following:
 - two tracts of Throsby Creek/Hunter River water view in the background of Building C would be lost.
 - a small portion of district land views to the west would be lost.
 - foreground building form views, horizon and overall sky views would not be affected.
- The Department considers the overall change in views compared to the original approval is minor.
4. Reasonableness of the proposal and compliance with controls: As part of the SSD application, a clause 4.6 variation request was submitted and assessed by the Department to allow exceedance of height and FSR development standards. The proposal seeks a minor further variation to height and FSR

development standards and the Applicant has submitted a new clause 4.6 variation request (see detailed discussion in **Sections 5.1 – 5.2**) to support this. The proposal has been assessed in detail and in all other regards the proposed building form and height are considered to be reasonable and would not result in any unacceptable impacts for the surrounding area.

Based on the above assessment, and a detailed consideration of view impacts from the most affected floors at 10 Worth Place, the Department is satisfied that the view loss impacts are reasonable. In this regard, the overall view loss impacts are considered negligible compared to the approved development.

Approved DA Scheme



Section 4.55 Submission



View 2

View 4

View 5

Figure 15 | Visual impacts of approved development incorporating Condition B2 requirements (top) and proposed development (bottom) from level 9 at 10 Worth Place
(Source: SJB Architects)

5.2 Other Issues

Table 4 | Summary of other issues raised

Issue	Findings	Recommended Condition
Probable Maximum Flood (PMF) Level	<ul style="list-style-type: none"> The proposal seeks to reduce the Probable Maximum Flood (PMF) level from RL 3.65m to RL 3.4m. The Proponent states that this is sought as there is an updated flood study for the area, the 'Honeysuckle Redevelopment Area Flood Study – March 2018' prepared by BMT which nominates 3.4m as the PMF level. The Department notes this PMF level is also confirmed in a more recent flood study which was prepared for the 35 Honeysuckle Drive site, located adjacent to the site titled '35 Honeysuckle Drive – Flood Risk & Impact Assessment' prepared by BMT dated December 2018. The Department considers the proposed PMF level is acceptable as: <ul style="list-style-type: none"> it is consistent with the updated flood level recommended in the BMT Honeysuckle Area Flood Studies (March and December 2018) both OEH and Council confirmed that the proposed change to the PMF level is acceptable, and Council has the March 2018 flood study on its website. The Department is therefore satisfied the proposed amendment to the condition is acceptable and the revised PMF level is consistent with the latest flood study. 	<ul style="list-style-type: none"> Conditions B23 and B24 are recommended to be amended to reflect the revised RL 3.4m PMF level.
Noise Impacts	<ul style="list-style-type: none"> Council raised concerns about the potential noise impacts from the proposed amendments to the rooftop plant rooms and AC condensers. In response, the Applicant provided a Noise Assessment report (Report) as part of the RtS that assessed potential noise impacts from the mechanical air conditioning plant associated with the proposal (148 rooftop air conditioning condensers and the ventilation fans). The Report concluded that the noise emissions would remain below relevant operational and sleep disturbance criteria for all assessed receivers with the implementation of the noise control recommendations. The Report recommended that the acoustic screens surrounding the mechanical plant should consist of impervious material (i.e. Colourbond or equivalent) and not be louvres. <p>The Department considers the proposal is acceptable in relation to noise impacts, subject the inclusion of the Report's recommendations in the conditions.</p>	<ul style="list-style-type: none"> Conditions B9 and B10 are recommended to be amended to include the Noise Assessment report prepared for this modification.
Anti-Graffiti	<ul style="list-style-type: none"> The proposal seeks to delete Condition F5 relating to anti-graffiti. The Applicant argues that the materials chosen on the walls and surfaces around ground level consist of finishes that already exhibit anti-graffiti properties, and as such there is no need to require additional treatment. The Department considers the first part of the condition, requiring treatment with anti-graffiti coating is acceptable to be removed as the proposed finishes contain anti-graffiti properties. A public submission raised concern about the deletion of the 	<ul style="list-style-type: none"> Minor modification is recommended to Condition F5 to remove the requirement for anti-graffiti coating treatment.

second part of the condition, which contains the requirement for graffiti to be removed within 48 hours. The Applicant in the RtS, stated it does not intend to allow graffiti to remain on the building and graffiti removal would likely be included in the strata management plan. Alternatively, the Applicant stated that the condition could be amended to retain the requirement to remove graffiti within 48 hours.

- The Department recommends retaining the requirement for any graffiti evident on the exterior facades and visible from a public place to be removed within 48 hours. This part of the condition ensures the visual impacts of graffiti are appropriately managed and is commonly included in SSD Approvals, including SSD 8999 adjacent to the site. The Department also notes that there is no requirement for graffiti to be addressed in strata management plans, and as such, this part of the condition would ensure the prompt removal of any graffiti.

Adaptable Apartments

- Due to the proposed reduction in total apartment numbers, the Applicant is also seeking to reduce the number of adaptable apartments from 16 to 15.
- The Department considers this reduction acceptable as 15 out of 148 apartments would be adaptable which equates to 10% of the total apartments as required in Australian Standard AS 4299-1995 Adaptable Housing.

- No additional conditions or amendments necessary.

Façade Bricks

- The proposal initially sought to change the colour of strips of exterior brick work on the southern elevation of Buildings A, B and C from Terracotta Brick to White Brick (see **Figure 7**).
- The Department considers this proposed change was not acceptable as the proposed white brick work would result in the development having a bulkier appearance.

Building Material

- In response, the Applicant proposed a terracotta finish material instead of terracotta brick work.
- The Department considers the proposed terracotta finish is acceptable as it would continue to provide a visual interest and break up the bulk of the building.

- A new condition. Condition B3A, is recommended to require the external decorative brick work must be a terracotta finish material or a similar dark tone.

Plant Materials

- The Applicant has identified the material used for the rooftop elements. The Department notes that as per Condition B3, the Department would review final materials, prior to the issue of a Construction Certificate.

Apartment Design Guide (ADG)

- The Applicant has provided an assessment of the proposal against key provisions in SEPP 65 and the Apartment Design Guide (ADG). The assessment demonstrates that the reconfigured apartments are compliant with the ADG in relation to solar and daylight access and cross ventilation.
- The Department notes the proposal includes alterations to 1 bedroom apartments to increase the internal storage size as per Condition B2 of the consent. The Applicant has stated that all apartments would now comply with the ADG storage control.
- The Department considers the amalgamation of apartments increases the variety and mix of 1 to 4 bedroom apartments, as supported by the ADG.
- Overall, the Department considers the reconfigured apartments would continue to provide sufficient levels of residential amenity.

- No additional conditions or amendments necessary.

Extended

- The proposal seeks to amend the balcony of the commercial tenancy on the ground floor at the corner of Worth Place and

- No additional conditions or

balcony	<p>Honeysuckle Drive to provide 42m² of outdoor seating.</p> <ul style="list-style-type: none"> • The Applicant advised the outdoor balcony seating would not be enclosed and would not therefore create any additional GFA. • The Department considers the proposed outdoor seating area to be acceptable as: <ul style="list-style-type: none"> ○ access would continue to be provided by the front stairs and side ramp ○ outdoor seating is not expected to have any amenity impacts, with nearby ground floor developments also being used for retail/commercial uses ○ outdoor seating would activate the corner street frontage management issues associated with noise and hours of operation would be dealt with under a separate DA for the fit out and use. 	<p>amendments necessary.</p> <ul style="list-style-type: none"> • Existing Condition A3 provides that separate DAs must be lodged, and consent obtained for retail, commercial and café works and uses.
Property Values	<ul style="list-style-type: none"> • Concern was raised in public submissions about the modification resulting in a reduction to property values. The Department notes that impacts on property values is not a planning consideration under the EP&A Act. Notwithstanding, the Department has undertaken a detailed merit assessment of the proposal and is satisfied it would not result in any unreasonable amenity impacts. On this basis, the Department considers the proposal would not negatively impact on property prices. 	<ul style="list-style-type: none"> • No additional conditions or amendments necessary.



6. Evaluation

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. The Department considers the proposed modification is appropriate as:

- the proposed height and FSR variations are minor and would not result in any significant visual or amenity impacts.
- the potential view loss impacts associated with the proposal would be negligible.
- the proposal would not result in any significant noise impacts compared to the original approval and appropriate conditions are recommended to ensure levels remain acceptable.
- the proposal would largely be undertaken within the approved building envelope.
- in the context of the entire development, the proposed changes are relatively minor and would not materially change the nature of the approved development.
- the proposed building material changes are acceptable as they continue to provide visual breaks in the appearance of the development.



7. Recommendation

It is recommended that the Executive Director, Compliance, Industry and Key Sites, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the application (SSD 8019 MOD 1) falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application
- **modifies** the consent (SSD 8019)
- **signs** the attached approval of the modification (Appendix B).

Recommended by:

Recommended by:

Silvio Falato

Team Leader

Regional Assessments

Anthony Witherdin

Director

Regional Assessments



8. *Determination*

The recommendation is: **Adopted by:**

Anthea Sargeant

Executive Director

Compliance, Industry and Key Sites



Appendices

Appendix A – Relevant Supporting Information

The following supporting documents and supporting information to this assessment report can be found on the Department's website at:

1. Modification Request
<https://www.planningportal.nsw.gov.au/major-projects/project/12236>
2. Submissions
<https://www.planningportal.nsw.gov.au/major-projects/project/12236>
3. Response to Submissions
<https://www.planningportal.nsw.gov.au/major-projects/project/12236>
4. Response to Submissions - Additional Information
<https://www.planningportal.nsw.gov.au/major-projects/project/12236>

Appendix B – Modification of Development Consent

The recommended modification of Development Consent can be found on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/12236>