



Our Ref:239848  
Department Ref: SSD-9827

11 February 2020

Planning Industry & Environment  
GPO Box 39  
Sydney NSW 2001

**ATTENTION: ADRIEN LALCHERE**

Dear Adrien,

**RE: PART LOT 4 DP 1238761,  
45 HONEYSUCKLE DRIVE, NEWCASTLE.**

Thank you for your letter dated 5 November 2019 providing the Departments request for additional information in relation to the above application following further assessment. Please accept this submission as our formal response to the matters raised.

**NSW Department of Planning Industry & Environment**

**BUILT FORM**

**Comments**

Provide further justification for the proposed variations to the height and floor space ratio controls under the Newcastle Local Environmental Plan 2012, including consideration of:

- the overshadowing impacts of the proposal compared to a complying development;
- the visual and view impacts of the proposal compared to a complying development, from the foreshore, waterway and neighbouring properties to the south; and
- how the proposed variation allows for improved public domain outcomes.

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## Response

### Overshadowing

The proposed development has been designed by a team of architects, being CKDS and Hill Thalix, with due consideration given to the site's context, opportunities and constraints as well as the relevant legislation and guidelines. The design has been prepared with consideration given to site master planning and through extensive consultation with the Government Architect's appointed State Design Review Panel, and it is considered that the proposed development achieves high quality design, which responds to its surrounding environment.

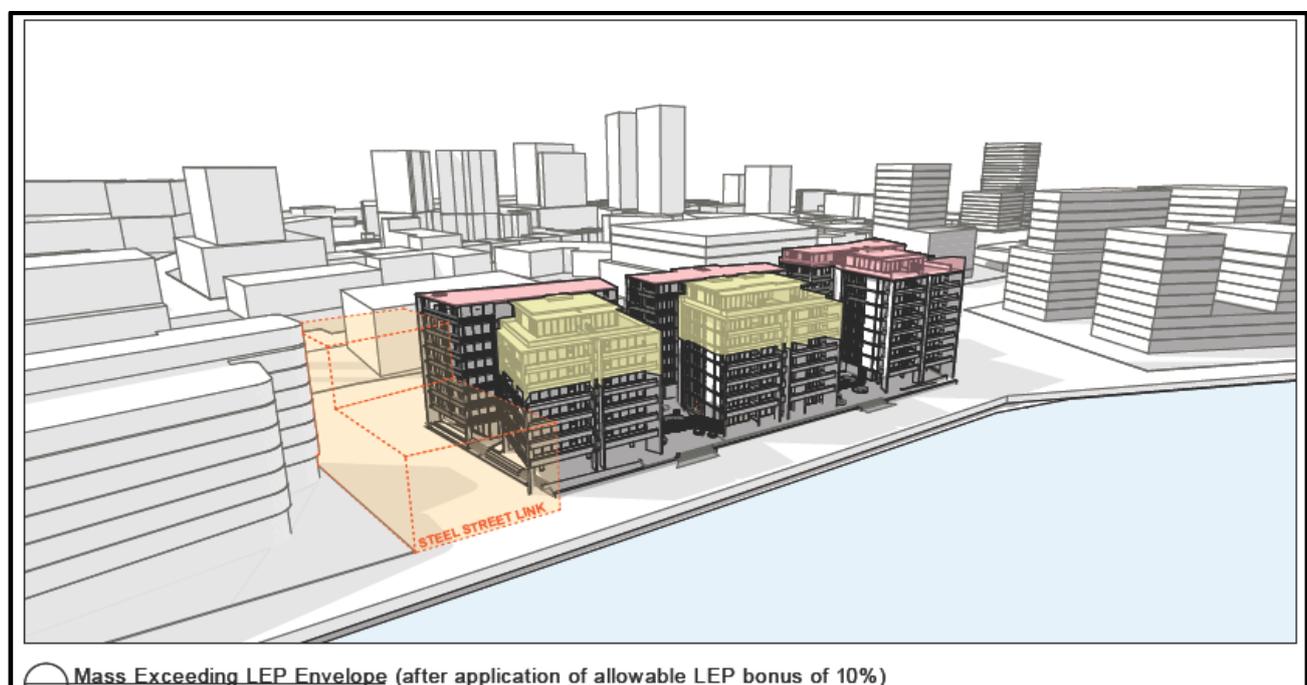
At State Design Review Panel 1, the panel supported investigation of increased height to the westernmost building of Lee 5.

Redistribution of height and floor area could afford improved communal open space at roof level and better respond to the unique urban design context of the site and its adjacency to future high-density development proposed to the west. The panel supported the team in exploring increased height where impacts to neighbouring buildings and public space can be demonstrated to be negligible.

As shown on the amended Architectural Plans provided within **Appendix A**, Sheets DA-709 and DA-710 have been revised to show a compliant overshadowing overlay, with the proposed overshadowing which demonstrates the difference between the LEP compliant scheme and the proposed.

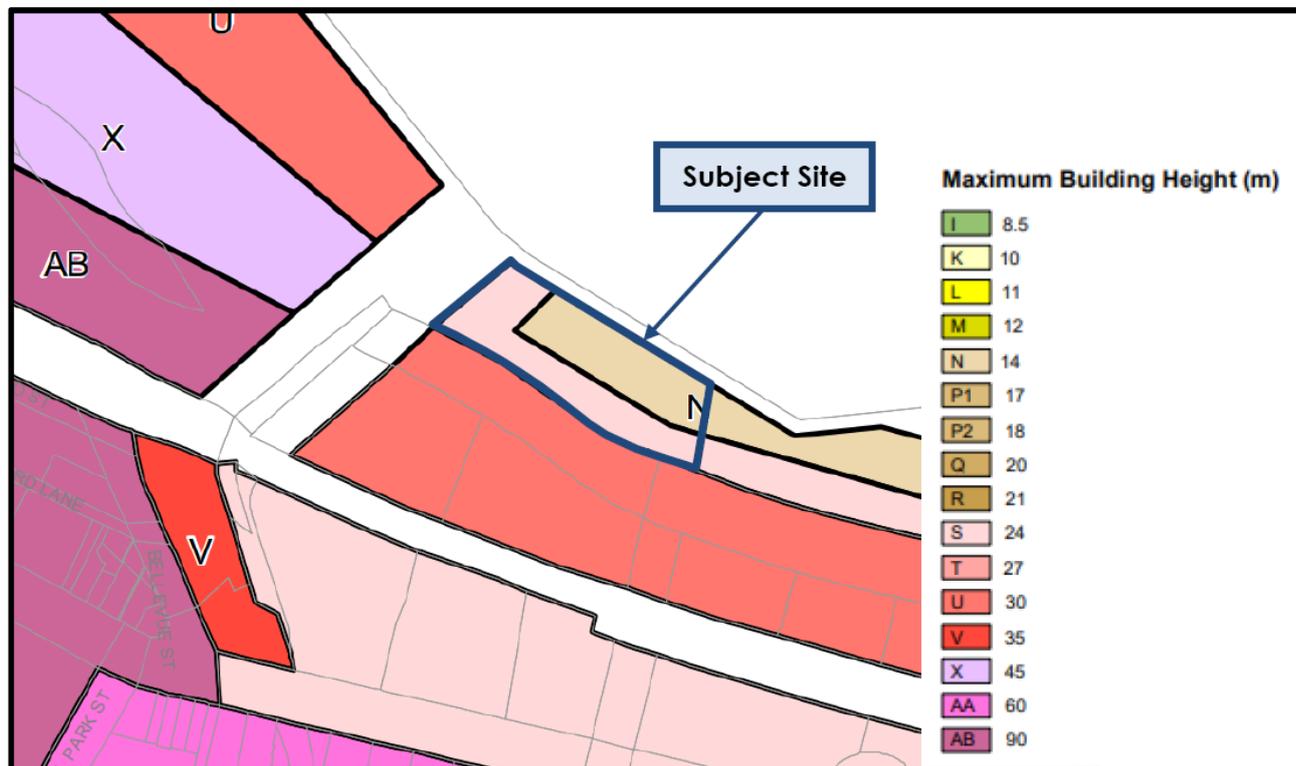
### Visual and View

The proposed variation in building height is identified in **Figure 1** below.



**Figure 1 – Mass Exceeding LEP Envelope (after application of allowable LEP bonus of 10%).**

To assist the discussion the following is an extract of the height map from Newcastle Local Environmental Plan 2012.



**Figure 2 - Extract from the NLEP Maximum Building Height Map.**

When viewed from the foreshore and water the variations will be of negligible impact and mostly imperceptible. The additional height for the north east building elements are lower than the elements behind and on the same site. While the southern and western portions comfortably sit within the context of the surrounding built form noting the height limit of 30m immediately to the south of the site and then 90m, 45m and 30m to the west. Furthermore, we strongly believe that the small variation is an appropriate transition of built form from the east to west and from north to south.

From the south the proposed heights again are sitting comfortably within the context of the surrounding heights. Any views from development south of the site will not be significantly impact by the relatively small variations. Distant views from properties to the south looking north at the height proposed would generally be skyward and not of any particular point of interest. It is also noted that the small increase in height assists in permitting the proposed separation of the built form into three elements providing for viewing opportunities around the built form which is considered in this instance to be superior to opportunities to view skyward.

As shown on the amended Architectural Plans provided within **Appendix A**, Sheets DA-004 and DA-005 show compliant massing and the proposed scheme. Diagrams showing connectivity through the site have also been provided.

The proposed variation does not detract from the public domain and offers opportunity for enhancement as follows:

- Increased visual connection through the development by locating the built form into taller separate elements rather than as one larger element.
- Provision of a substantial physical public connection on the eastern side of the development (as a pedestrian and visual connection at the extension of Steel Street).
- Increased developer contributions resultant from the increased development cost will be available to public domain works.

We note that the experts that comprise the Design Review Panel support the proposed heights in consideration of the context. We note that no public objection to the proposed heights has been received.

## RESIDENTIAL AMENITY

### Comments

- Provide details of the total amount of communal open space provided across the site and provide an assessment of how much sunlight the communal open spaces would receive during mid-winter. Justification will need to be provided for any variations from the recommendations of the Apartment Design Guide (ADG) including demonstration that communal open space provision and amenity has been maximised.
- Clarify the dimensions and area of private open space for each apartment having regard to the recommended area and depths in the ADG.
- Detail any impacts resulting from co-location of commercial and residential uses and outline how any potential impacts would be appropriately mitigated and managed.
- Detail how privacy will be addressed for residential apartments on the ground floor facing the foreshore promenade.
- Provide further detail regarding access to storage spaces for residents and the amount of storage space to be provided for each apartment.

### Response

- As shown on the amended plans provided within **Appendix A**, Communal Open Space is provided throughout the Ground Floor and Level 7. A combined total of 649m<sup>2</sup> Communal Open Space area has been provided throughout the development. The proposed amount and location of Communal Open Space provided throughout the development is considered to be appropriate for a development of this nature, with larger open areas provided at ground level and more private communal area on Level 7 will cater for the needs of the future residents and guests. The location of the proposed development is ideal to take full advantage of the surrounding public places and civic open spaces in central Newcastle, both currently available and those set to be further development in the future.
- All private open space areas and dimensions have been shown on the amended plans provided. As shown on the plans all apartments exceed the minimum area and depth requirements of the ADG.

- Given the location and arrangement of the commercial spaces within the development, impacts resulting from the co-location of commercial spaces and residential uses are likely to be minimal. It is expected that the operating hours will be between 6am – 11pm for the commercial premise. It is requested the final conditions of consent reflect this. In addition to this, taller shrubs and 1.8m high fencing will also be provided along the eastern and western residential units to assist with security and privacy.
- As shown on the amended Landscape Plans provided within **Appendix B**, buffer planting and fencing will be provided to deal with privacy for the ground floor units facing the foreshore. This buffer planting will consist of taller shrub planting and 1.8m high fencing. Further forward of this foreshore planting will also be provided. It should be noted there is a level change of 0.76m from the foreshore promenade to the ground floor podium level of the development which will also assist with ensuring privacy is maintained to the ground floor units.
- Further details have been provided on the amended plans to detail the storage circulation for each apartment. It is considered that each apartment will have suitable access to all storage spaces provided.

## ECOLOGICALLY SUSTAINABLE DEVELOPMENT

### **Comments**

Please provide an ESD Statement addressing how the proposal responds to best practice sustainability. The statement should include a description of the proposed measures to be implemented to improve the environmental performance of the buildings through energy efficient design to reduce the consumption of resources, water and energy.

### **Response**

As outlined within the EIS, the proposal incorporates sustainable building practices and elements, demonstrating a genuine effort to improve the sustainability performance of the development. The design places a focus on reducing the demand for resources, whilst offering excellent amenity to future occupants.

The following measures have been considered and incorporated into the design:

- The proposal meets the required BASIX targets, promoting a high standard of environmental performance;
- Site planning and building design maximize the benefits of passive solar design to the apartments, providing passive heating and improving daylight penetration during cooler months;
- Buildings have been designed to maximize natural ventilation, with majority of apartments benefiting from cross ventilation;
- Material selection is intentionally robust, reducing ongoing maintenance requirements;

- Installation of WSUD measures, including raingardens to manage water quality and rainwater tanks for water reuse on landscaped areas, thus reducing water consumption; and
- Generous landscaping throughout the ground level, using suitable hardy, endemic plant species, providing green cover in an urban environment.

By incorporating the above measures, the development encourages a reduction in the demand for resources and energy usage. This will not only provide benefit to the current generation, include cost savings, but also to future generations through the equitable sharing of resources.

The development has been designed to achieve the energy requirements of the BCA. The design incorporates efficiencies such as water re-use and energy minimisation while ensuring tenant comfort through appropriate orientation, glazing, energy efficient air conditioning and lighting. A BASIX Certificate has been obtained for the proposed development by Evergreen Energy Consultants. A copy of the Certificate was provided within Appendix J of the EIS. The proposal achieves a NATHERS 6.7 star band rating. The proposed development meets the required water, energy and thermal comfort targets required by BASIX.

A BCA report has been prepared by NewCert and was provided within Appendix AF of the EIS. This report provides a BCA Section J Compliance Certificate and confirms that the proposed commercial component of the development can comply with Section J of the BCA 2016 as the design is at a point where the inherent BCA philosophies have been checked and development consent can be sought. The finer details with respect to BCA 2019 compliance can be finalised prior to the issue of a Construction Certificate.

The building form and surrounding interfaces consider the key design objectives established through site master planning, including consideration of the CHOFRI report. The proposal has been developed having regard to the requirements of SEPP 65 and the Apartment Design Guidelines (ADG), and has evolved through ongoing consultation with the State Design Review Panel. The proposed design represents a high-quality mixed-use development, taking advantage of the sites opportunities and responding to the surrounding environment. Beyond compliance with BASIX's numerical standards, the site planning and building design maximise the benefits of passive solar design to the dwellings, exceeding ADG minimum standards.

The proposed design has incorporated water reuse strategies to improve efficiency and reduce demand, identify and use alternatives to the potable drinking water supply.

It is considered that the proposal is consistent with the relevant ESD principles, in particular promoting sustainability and intergenerational equity, and does not compromise the conservation of biological diversity and ecological integrity.

## OTHER ISSUES

### Comments

- Confirm that 212 car parking spaces will be provided noting the EIS states 211 spaces.
- Confirm the amount of motorcycle parking to be made available.
- Confirm the amount of bicycle storage that will be provided for residents and describe how access will be distributed across the development.
- Detail if end of trip facilities will be provided for commercial/retail users.
- Show the location of the proposed loading zone for waste collection, large vehicle deliveries, removalist vehicles on the plans.
- Provide details of any local community consultation undertaken during exhibition, including how any issues raised have been responded to.
- Address the need for amendments to the plans to meet the recommendations of the Accessibility Report including increased width of entrance doors, corridors and area around toilets.
- Provide the roof plan for the western building.
- Ensure the GFA for all apartments is displayed on the plans.
- Provide further detail on any signage to be installed including indicative signage zones on plans.
- Confirm how the landscaping would be maintained during the life of the development.
- Provide details on the height and materials of the proposed fencing to the communal open space between the buildings and clarify any signage and security details in these locations.

### Response

In response to each of the above points the following is provided:

- As shown on the plans submitted the following parking is proposed:
  - Basement Level 2 (Plan ref: DA-101) – 104 spaces + 2 tandem; and
  - Basement Level 1 (Plan ref: DA-102) – 101 spaces + 4 tandem.
  - **Total = 211**
- In accordance with Council's DCP rates 11 Motorbike spaces have been provided as shown on the amended plans.
- Bicycle storage has been provided throughout the ground floor at either side of the main entry as shown on the amended plans. A total of 14 bicycle spaces have been provided for residents and visitors either side of the entrance.
- An additional 63m<sup>2</sup> area has been provided at the ground floor for bike storage and end of trip facilities for residents. Green Travel Plan has been prepared by SECA and is provided within **Appendix D**.
- The location of the proposed loading zone for waste collection, large vehicle deliveries, and removalist vehicles has been shown on the amended plans provided.

- The application was publicly exhibited. No public submissions were received during the exhibition period.
- As shown on the plans provided, the development is entirely capable of complying with the recommendations of the Accessibility Report. The revised Floor Plans indicate units have been designed to silver level of the Livable Housing Guideline's (LHD).
- Roof Plan has been added to the Amended Architectural Plans provided within **Appendix A**.
- Gross Floor Area (GFA) has been added to and clouded on all plans as shown on the amended Architectural Plans provided within **Appendix A**.
- Signage detail has been included as part of the amended Architectural Plans, please refer to sheets DA-507 and DA-508.
- Landscaping will be maintained for the life of the development through the body corporate. A landscaping contractor will be engaged and managed by the body corporate to ensure ongoing maintenance of landscape areas and communal open space areas.
- As shown and described on the amended Landscape Plans provided within **Appendix B**, the fencing and gates to the Communal Open Space areas will be 1.8m high and a dark bronze powdercoat finish. Signage plans have been included as part of the amended Architectural Plans provided within **Appendix A**.

**NSW Department of Planning Industry & Environment – Biodiversity and Conservation Division**

**FLOODING AND FLOOD RISK**

**Comments**

1. The information provided is insufficient to adequately assess the egress from the underground carpark to the flood refuge.

The Flood Risk and Impact Assessment (Northrop 2018) does not address the flood risks in the underground carparks. During rare flood events, the carparks will be inundated and extremely hazardous. People trapped in the carpark will need to evacuate via internal stairwells. However, there is the potential that people will not be able to access the stairs if the stairway doors are locked or if there is a significant build-up of hydrostatic pressure against the doors. No information has been provided on how this risk will be managed.

Recommendation 1

The proponent demonstrate that the underground car park can be safely evacuated during an extreme flood event.

## Response

Northrop Consulting Engineers have prepared a response to the matters raised in the Biodiversity and Conservation Division correspondence dated 23<sup>rd</sup> September 2019, a copy of their addendum letter is provided within **Appendix E**.

The entry ramp to the basement car park has been designed to the Flood Planning Level (FPL), in accordance with Item 3 of Section 4.01.03 of City of Newcastle DCP. We understand the reference to "extreme flood events" to mean those above the 1%AEP and up to the PMF. In this instance it is likely that inundation of the two basement levels will occur. The proposed management of this risk is as follows.

- Early warning system – when the flood water level exceeds the 1% AEP flood level it is proposed that an evacuation warning is sounded in the basement levels directing anyone in the basement to move to the ground level via stair wells. The basement and stairwells will be immune to flood waters up to the FPL (1%AEP + freeboard).
- The basement stair wells will be clearly identified and are not intended to be locked at any time.
- One of the three tower stair wells will be pressurised and will therefore have airtight doors. The remaining two stair wells won't be airtight and will allow hydrostatic pressure to equalise on both sides of the doors as the basements become inundated. These doors will therefore be able to open during inundation of the basement. Flood evacuation signage in basement levels will direct people to the two non-pressurised stair wells.
- On-site refuge access is via the stair wells and will be clearly marked so people evacuating basement levels will have direct access to refuge above the PMF level.

### Comments

2. The information provided is insufficient for BCD to adequately assess if people can safely evacuate from the isolated retail building.

A flood emergency response plan has not been provided that shows suitable flood egress routes to access flood-free refuge areas. The Honeysuckle Redevelopment Area Flood Study (BMT, March 2018) shows that during very rare and extreme events all three towers are surrounded by high hazard floodways. During these events occupants of the public retail areas will need to evacuate vertically and seek flood refuge in the residential areas. However, security doors will typically prevent public access to the residential areas. Insufficient information has been provided to assess if flood egress routes will allow public access to the flood-free refuge areas.

### Recommendation 2

The proponent demonstrates that flood egress routes, from the public retail areas to the on-site flood refuge, are fail safe, plainly evident and self-directing.

## Response

It is noted that the preparation of a Flood Emergency Response Plan (FERP) is a requirement of the draft Conditions of Consent and will be prepared prior to award of Construction Certificate. This will detail egress paths and signage locations.

On site refuge will consist of the foyer areas on Level one and above, accessible via stair wells. Clear signage will be provided to direct public from the retail areas to the stair wells. Foyer doors are expected to be locked to public for security, however, will be automatically unlocked in the event of an emergency. Further details will be provided in the FERP.

## COASTAL MANAGEMENT

### Comments

3. The information provided is not sufficient to adequately consider increased risk of coastal hazards.

Section 5.8.6 of the EIS does not address the potential increased risk resulting from an increase in development intensity within the coastal zone, particularly with regard to potential coastal and tidal inundation of the site. The Coastal Management Act 2016 provides Object (f) being "to mitigate current and future risks from coastal hazards, taking into account the effects of climate change". Given the proximity of the site to the Hunter River, the EIS should give appropriate consideration to the coastal hazards of coastal inundation and tidal inundation taking into account the effects of climate change over the design life of the development. No information has been provided on how this potential risk will be addressed or managed into the future.

### Recommendation 3

The proponent assess coastal hazards over the life of the development, particularly with regard to coastal and tidal inundation taking into account the effects of climate change.

## Response

The development is situated several meters behind a seawall recently constructed by Hunter and Central Coast Development Corporation (HCCDC).

As noted in Council's Flood Information Certificate FL2019/00060 included in the Flooding Assessment (Northrop Consulting Engineers, 2019), the 1% AEP and PMF from Ocean Flooding and Hunter River Flooding are at or below the levels from Local Catchment Flooding. The Ocean Flood Level estimates include a sea level rise relative to 1990 mean sea levels of 90cm by 2100, as used in the Newcastle City-wide Floodplain Risk Management Study and Plan (June 2012). Similarly, the Property Hazard Category and Life Hazard Category from Local Catchment Flooding is higher than that for Ocean Flooding and Hunter River Flooding.

Inundation from Local Catchment Flooding is therefore more critical to the development than inundation from Hunter River and Ocean Flooding. The development has been designed to account for Local Catchment Flooding as noted in the Flooding Assessment provided within Appendix F of the EIS.

## City of Newcastle

### SITE

#### **Council Comments**

The EIS (Pg.26) indicates that while the subject site currently forms part of Lot 40 DP 1251908, the current property owners the Hunter and Central Coast Development Corporation (HCCDC) intend to subdivide the site to create a separate Torrens Title allotment for the site as depicted on the draft subdivision plan provided in Appendix Y of the EIS.

While CN has granted conditional development consent to the above subdivision, the details on the approved plan differ from the above draft plan in respect to lot area, the length of the north-east boundary, the length and alignment of the south east boundary and the alignment of Steel River Floodway and associated easement. These changes will necessitate modifications to the development. It is recommended that the applicant be required to submit amended plans which address this matter.

A copy of the approved subdivision plan was forwarded on 16 August 2019 to a representative of the applicant company.

### Response

As shown on the amended Architectural Plans provided within **Appendix B**, the proposed boundary has been amended to reflect the current boundary alignment. The proposed site area has slightly increased from approximately 5,600m<sup>2</sup> to 5,711m<sup>2</sup>. Due to the minor change in site area, the Clause 4.6 Variation Request has also been updated to reflect the current site area and address the variation to FSR standards. A copy of the amended Clause 4.6 Variation Request is provided within **Appendix G**.

### CHARACTERISATION OF DEVELOPMENT

#### **Council Comments**

The EIS (Pg.60) defines the proposed development as a 'mixed-use development, consisting of commercial premises and shop top housing.' Under the Newcastle Local Environmental Plan (NLEP) 2012, shop top housing is defined as meaning '...one or more dwellings located above ground floor retail premises or business premises.'

The proposed development involves the construction of three buildings with the central building having no ground floor commercial/retail floor space. Legal precedents established by the NSW Land and Environment Court have established that for a mixed-use development, as proposed, the dwellings must be located in the same building as the commercial/retail elements, and must be above those elements, in the sense of being at a floor level higher than the top of the level where the

retail/commercial elements are located. It is recommended that further clarification be sought from the applicant regarding this matter.

### **Response**

In line with legal precedents established as outlined by Council's comments, the proposal can be defined in accordance with the following definitions from the NLEP:

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

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

**residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

As the proposed central building contains no ground floor commercial space, the central building is defined as a residential flat building. The proposal is described as a mixed-use development comprising commercial premises and residential flat building.

The proposed land uses are permissible within the B4 Zone with development consent.

### **PROPOSED COMMERCIAL DEVELOPMENT**

#### **Council Comments**

The proposal includes commercial/retail floor space on the ground floor with no specific uses nominated. The definition of 'retail premises' under NLEP 2012 comprises a wide range of retail uses, including licenced premises. As the submission of a development application is not required for the occupation of these tenancies it is recommended that an appropriate condition of consent is imposed restricting their operating hours to ensure their future use does not unreasonably impact on the amenity of the occupants of the dwellings on the site and adjoining properties.

### **Response**

Noted. It is expected that the operating hours will be between 6am – 11pm. It is requested the final conditions of consent reflect this.

## GROSS FLOOR AREA AND SURPLUS CAR PARKING

### **Council Comments**

According to the EIS (Pg.94), the proposed development will provide 62 spaces in excess of 'the minimum number of spaces' required by the Newcastle Development Control Plan (DCP) 2012. It should be noted that the parking rates in Table 1 of DCP 2012 are maximums not minimum numbers of spaces required.

The number of car parking spaces proposed is relevant to the calculation of both the gross floor area (GFA) and floor space ratio (FSR) of the development. The definition of the gross floor area under the NLEP 2012 states that 'car parking to meet any requirements of the consent authority (including access to that car parking) 'is excluded from the calculation of gross floor area. It follows that car parking that exceeds the requirements of the consent authority, is included in the calculation of GFA, for the purposes of calculating the FSR of the development.

While the provisions of the State Environmental Planning Policy (State and Regional Development) 2011 provide that a development control plan does not generally apply to State significant developments, DCP 2012 has been used by the Department to assess other State significant developments in the Honeysuckle precinct. Therefore, it is considered appropriate that consideration be given to the DCP in respect of the proposed development.

### **Response**

We note that the calculation of FSR is based upon Gross Floor Area and that Gross Floor Area is defined as:

*gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—*

- (a) the area of a mezzanine, and*
- (b) habitable rooms in a basement or an attic, and*
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,*  
*but excludes—*
- (d) any area for common vertical circulation, such as lifts and stairs, and*
- (e) any basement—*
- (i) storage, and*
- (ii) vehicular access, loading areas, garbage and services, and*
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and*
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and*
- (h) any space used for the loading or unloading of goods (including access to it), and*
- (i) terraces and balconies with outer walls less than 1.4 metres high, and*
- (j) voids above a floor at the level of a storey or storey above.*

Council has raised issue with the calculation relative to component (g) of the definition.

In the first instance we make the point that the calculation is not based on the DCP but is based on the requirements of the Consent Authority which in this instance is the Minister (on advice of the Department). The traffic and parking report establishes a strong case as to why the provision of additional residential parking in this location is appropriate and so we do not believe that (g) in this instance requires the inclusion of any car parking within the calculation of GFA.

In addition we note that basement parking because of component (e) of the definition is excluded from GFA. Storage is broad and includes the storage of cars and we note under (e)(ii) that access to them is also excluded. The interpretation of the clause in this manner makes sense as basement areas of building do not contribute to building bulk.

## **TRAFFIC AND PARKING**

### Visitor Parking

#### **Council Comments**

The development proposes to rely on on-street kerbside parking for visitors during business hours and then utilise the on-site commercial spaces for visitor parking outside of business hours.

This approach is not supported on the basis that kerbside parking is at a premium in the Newcastle City Centre and therefore the availability of these spaces to cater for the additional visitor parking demand generated by this development is problematic. As indicated above, the development is providing on-site parking in excess of the maximum rates of DCP 2012 and therefore has the capacity to provide these spaces on site consistent with the mixed-use developments approved at both 21 and 35 Honeysuckle. Accordingly, it is recommended that 23 dedicated on-site visitor parking be provided to adequately cater for the parking demands of this development in accordance with DCP 2012.

#### **Response**

As outlined in the response above, the calculation is not based on the DCP but is based on the requirements of the Consent Authority which in this instance is the Minister (on advice of the Department). The Traffic Impact Assessment provided within Appendix L of the EIS establishes a strong case as to why the provision of additional residential parking in this location is appropriate.

In terms of the allocation, the applicant is conscious that the proposed development is a luxury development and it is anticipated that future residents will expect that private vehicles can be housed within the development, rather than on-street or in public parking stations. The demand for on-street parking within the Honeysuckle Precinct, particularly during the day, has increased with the removal of the public car parks previously available within the general vicinity of the site. The provision of adequate parking capacity for residents of Lee 5, Horizon is therefore not only of benefit to the occupants but also important in supporting the local parking supply.

As the site is well connected to public transport both within the city centre and the broader bus and train network visitors to the site can attend without being reliant on private vehicle use. Many of the visitors would be people attending the commercial spaces where these spaces add to the overall mix of services, retail and hospitality options across the precinct. These visitors are often themselves residents within the CBD or workers from the many businesses within the city centre and immediate surrounds. Others may be attending the CBD for entertainment and so would include these potential businesses (e.g. bars or cafes) as part of an evening out in the city.

For those that do choose to drive, particularly if visiting residents, parking is available on-site or within the various parking areas around the site.

The provision of the additional parking spaces within the site will ensure that parking demands for the development can be contained within the site and that visitors are able to park within the site outside business hours or arrange to travel to the site using public transport.

Secure bicycle storage for residents has also been provided throughout the site to accommodate the potential demands for these facilities.

#### Stacked Parking

##### **Council Comments**

The proposed use of 'stacked' car parking spaces are acceptable provided they are assigned to a common unit / tenancy.

##### **Response**

Noted.

#### Motorcycle Parking

##### **Council Comments**

According to the EIS (Pg.44) motorcycle parking will be provided in the basement of the development. It is recommended that the number of spaces provided complies with the relevant requirements of DCP 2012. This matter could be addressed by an appropriate condition of development consent.

##### **Response**

As shown on the amended Architectural Plans 11 Motorcycle spaces have been provided.

### Green Travel Plan

#### **Council Comments**

The Traffic Impact Assessment report (Appendix L of the EIS) contends that '...the implementation of a specific Green Travel Plan for the project is not considered necessary, given the ongoing improvements to public transport in this vicinity this information is readily available and promoted in the public domain.' This viewpoint is not supported as the provision of a Green Travel Plan was required for other mixed-use developments in the locality and therefore it is recommended that the applicant also be required to provide a Green Travel Plan prepared in accordance with the requirements of DCP 2012. In addition, adequate end of trip facilities should to be provided in accordance with the DCP.

#### **Response**

As requested a Green Travel Plan has been prepared and is provided within **Appendix D**.

### Vehicular Access

#### **Council Comments**

A driveway profile is required to be submitted in support of the application detailing compliance with Australian Standard AS 2890.1 and adhering to the nominated flood level for the site.

#### **Response**

It is requested that this be a standard condition of consent.

### Alignment of Honeysuckle Drive

#### **Council Comments**

It is proposed to re-align Honeysuckle Drive in 2020 resulting in possible boundary adjustments across the frontage of this site. In this regard, clarification is sought from the applicant in relation to the location of the Honeysuckle Drive boundary and whether this realignment has been considered as part of development. The existing footway widths in Honeysuckle Drive across the frontage of the site are required to be maintained.

It is recommended the applicant be requested to submit an amended ground floor plan which shows both the realignment of Honeysuckle Drive, the approved site boundaries and the proposed development.

#### **Response**

Amended Site and Ground Floor Plans have been included as part of the Architectural Plans provided within **Appendix A**.

## SERVICING

### **Council Comments**

The development incorporates a parking bay in the basement car park for servicing by small commercial vehicles. It is proposed that larger service vehicles, including waste collection, will park in a proposed Loading Zone to be provided on the Honeysuckle Drive frontage of the site in front of the eastern building.

The provision of this zone will require in principle approval of the Newcastle City Traffic Committee prior to the determination of this application. In the event that the Committee's approval is not obtained adequate provision will be required on-site for all service activity resulting in alterations to the proposed development.

A CN officer discussed this issue with a representative of the applicant's planning consultants ADW Johnson in mid May 2019.

### **Response**

It is requested that this be a standard condition of consent.

## PEDESTRIAN LINKS

### **Council Comments**

The EIS indicates that the development will provide pedestrian links through to the harbor from Honeysuckle Drive. The Site Analysis Plan (DA-007 C) indicates three 'Pedestrian Through Links', two between the three buildings and another along the Steel Street Floodway. However, the Landscape Concept Plan show fences and gates constructed across the harbour side of the pedestrian links between the buildings. Further, these areas are identified as 'internal courtyards'. It is recommended clarification is sought from the applicant as to the purpose of the above areas and the location of the pedestrian links.

Any intended public access through the site between Honeysuckle Drive and the harbour promenade should be covered by an appropriate legal right for public access.

### **Response**

As shown on the amended Landscape Plans provided within **Appendix B**, three (3) pedestrian links will be provided through the site, being one link between each of the three buildings. Additional links will also be provided via Cottage Creek and Steel Street Public Domain. While the areas identified as 'internal courtyards' there will be gates providing access. It is envisaged these gates will be open during the day to provide a pedestrian link from Honeysuckle Drive through to the Harbour.

## STEEL STREET FLOODWAY

### **Council Comments**

The Steel Street Floodway works needs to be built at a level of 2.3m Australian Height Datum (AHD) in accordance with the Honeysuckle Redevelopment Area Flood Study (March 2018) prepared by BMT for the Hunter and Central Coast Development Corporation (HCCDC). The submitted landscape and architectural plans do not satisfy this requirement and need to be modified. Any landscaping in the floodway must not impede the design floodwaters and cause upstream flood impacts. The raised garden bed in the Steel Street Floodway cannot be above ground as required by the above Study, unless it can be demonstrated by a flood impact assessment that it is satisfactory and will have negligible impacts.

The floodway works is required to be completed prior to occupation of the development as flood levels and floor levels used in the development rely on the floodway. This is potentially a problem on the basis that the construction of the promenade area will be completed by others and is not part of this application.

### **Response**

Noted.

## STORMWATER MANAGEMENT

### **Council Comments**

in support of the application:

- Two stormwater pipes will require relocation to facilitate the development.
- There appears to be a design issue between the alignment of the rerouted stormwater pipe and the location of the underground carpark.
- The alignment of the floodway and the associated easement does not correspond with that shown on the approved subdivision plan.
- It is recommended a porous material is used for the surface treatment of the Steel Street Floodway to infiltrate stormwater directly into the ground and water the trees. A minor drainage system may be required to prevent water from pooling to an unsafe depth in this area.
- It is preferred that the diversion of the existing stormwater pipe is made to the harbour and not into Cottage creek, as the latter does not need this extra burden.
- The existing pipeline is proposed to be diverted around the site. The existing outlet is proposed to be retained to convey private/non-roadway stormwater and will therefore be a private asset once the diversion is complete.
- The new outlet is to be incorporated into its surroundings and be scour resistant. The pipe will have to be imbedded to the appropriate standard and not rely on geofabric alone to prevent particle migration; in this regard, the material must be gradually graded from the bedding zone all the way through to the rock armouring.
- All reinforced concrete structures are to be designed to exposure classification C2. Mass concrete shall be polymer fibre reinforced as a minimum.
- The diverted stormwater system is to be adequately designed to meet CN's conveyance requirements and does not result in pits surcharging or a reduction in capacity.
- General drainage requirements-See notations on attached plan.

The above matters and those relating to the Steel Street Floodway were brought to the attention of the applicant's planning consultant by email on 8 October with a view to a meeting with CN engineers being convened as soon as possible.

The HCCDC and the Hunter Water Corporation are preparing to open up the northern section of Cottage Creek from the Honeysuckle Drive to the harbour. Any proposed pipe diversion should be liaised by the applicant with these agencies.

The promenade seawall is also being rebuilt in this location by HCCDC. It is proposed to reuse the City of Newcastle pipe on the promenade side of the subject site for site discharge. To ensure the pipe remains as part of the seawall works the applicant should liaise with the HCCDC.

## **Response**

It should also be noted a meeting was also held with the applicant and representative from BG&E on the 22<sup>nd</sup> October following Council's request for a meeting on the 8<sup>th</sup> October. Attached within **Appendix C** is a copy of the updated Stormwater Management Strategy which was provided to Council on the 4<sup>th</sup> November 2019. The report has been update to address the discussion around external drainage diversions and interim measures for the site which includes:

- Allowed 2x5kL tanks (total 10kL) collecting roof water from the west and east towers;
- Allowed for external re-use to the ground level garden areas and now conservatively includes irrigation to the public domain extension of Steel Street;
- Now allows for internal re-use to the ground level toilets servicing the retail/commercial areas;
- Meets the minimum 70% demand efficiency target in Council's technical manual; and
- Does not require significant site storage for detention control as the site discharges directly to the harbour.

As requested the applicant will liaise with HCCDC in relation to this matter. It is expected that HCCDC will undertake these works as part of the Honeysuckle Drive realignment.

## **REMEDIAL ACTION PLAN**

### **Council Comments**

The Remedial Action Plan (RAP) (Appendix AA of the EIS) prepared by ADE Consulting Group outlines the need for further contamination assessment and remedial options that are not specified in detail. A general approach of removing contamination which does not meet appropriate guidelines for offsite disposal is identified as well as capping asbestos contaminated soil (and a potential option of creating a specific containment cell under part of the site not specifically identified is mentioned). A long-term environmental management plan is proposed to potentially be required which would outline the areas of the site where contamination has been capped (or containment cell located).

Given the broad nature of the RAP, the staged construction process, the further contamination investigations required and likely requirement of a long term Environmental Management Plan to manage risks arising from onsite management of

contamination it appropriate that prior to the determination of the application the applicant be required to engage a NSW accredited contaminated land site auditor to oversee the remediation process and preferably review the RAP and investigation reports to ensure they comply with appropriate standards of reporting. Furthermore, it is recommended an appropriate condition of consent be imposed requiring a Site Audit Statement be provided which confirm the suitability of the site for the proposed land use.

### **Response**

It is requested that this forms part of the conditions of consent.

## **SECTION 7.12 DEVELOPMENT CONTRIBUTION PLAN**

### **Council Comments**

The Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019 became operational on 9 September 2019 and repeals the Section 94A Development Contribution Plan 2009 (Updated 2017) referred to in the EIS regarding this development. However, the savings and transitional provisions of the Plan provide that a development application which has been submitted prior to the adoption of this Plan but not determined shall be determined in accordance with the provisions of the Plan which applied at the date of lodgement of the application. Therefore, the levies applicable under Part B-City Centre of the above Section 94A Plan apply to the development. Based on a levy of 3% and a cost of development of \$59,401,859 (incl. GST) the required monetary contribution is **\$1,782,055.77**. An appropriate condition of consent has been recommended in this regard.

### **Response**

The City of Newcastle have provided a schedule of recommended draft conditions of consent to the Department. We note that C1 states:

*C1 A total monetary contribution of \$1,782,055.77 is to be paid to the City of Newcastle, pursuant to Section 7.12 of the Environmental Planning and Assessment Act 1979, such contribution to be payable prior to the issue of a Construction Certificate in respect of the proposed development.*

#### Note:

- a) This condition is imposed in accordance with the provisions of the City of Newcastle's Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019.*
- b) The City of Newcastle's Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019 permits deferred or periodic payment of levies in certain circumstances. A formal modification of this condition will be required to enter into a deferred or periodic payment arrangement.*

The proponent would like the option of either paying the contribution or alternatively entering into a VPA with Council. In addition, the proponent requests the option of paying the 7.12 Contribution at occupation certificate stage rather than at construction certificate stage (should the outcome be that the 7.12 contribution is to be paid).

Accordingly as part of the Department's review and implementation of final conditions of consent, it is requested that the wording of the above condition be amended as follows:

*C1 A total monetary contribution of \$1,782,055.77. is to be paid to the City of Newcastle, pursuant to Section 7.12 of the Environmental Planning and Assessment Act 1979, such contribution to be payable prior to the issue of an Occupation Certificate in respect of the proposed development. Alternatively if a VPA is entered into the terms of the VPA are to be satisfied.*

## WASTE MANAGEMENT

### **Council Comments**

The application is supported by an Operational Waste Management Plan (OWMP) prepared by Elephants Foot Recycling Solutions (Appendix X of the EIS). The following advice is provided in respect of the Plan:

- Based on Environmental Protection Authority estimated waste/comingled recycling generation rates, the anticipated generation rates for general waste and recycling per week per dwelling are inadequate.
  - General Waste: at least either 9 x 660 litre bins collected twice a week (total of 18 x 660 litre bins per week), or 6 x 1,100 litre bins collected twice a week (total of 12 x 1,100 litre bins per week).
  - Comingled Recycling: at least either 18 x 660 litre bins collected once a week, or 11 x 1,100 litre bins collected once a week.
  - Green Waste: at least 12 x 240 litre bins.
- A waste storage bin area is required to cater for the number of and size of the dwellings proposed. There would need to be adequate contingency in the bin room size to allow for such things as future proofing the site, bin manoeuvring and access, as well as storage in the eventuality of an operational issue or excessive waste generation by the residents.
- A bulky goods storage area of 15 square metres is allowed for in the OWMP. It is suggested that the following calculation be used  $\text{Bulky Goods Area (m}^2\text{)} = [110 \text{ units} \times 4] / 26 = 17\text{m}^2$ . This allows for each dwelling to use their yearly entitlement of 2 x 2m<sup>3</sup>, which is a floor space of 1m high x 2m wide x 1m long, each (allowing to "stack" bulky material only 1m high helps provide a lower-risk strategy). If the development doesn't wish to allow for this size, they can arrange to utilise the self-haul vouchers only (this is noted in the OWMP, although it is one or the other - not both options).
- It is not clear from the plans whether the bin carting route (from the bin presentation point to the waste collection vehicle) is no more than 10 metres, although it is stated in the OWMP that it won't be.
- Bin presentation / collection point access for CN's collection personnel should, wherever possible, be able to be facilitated without the use of a key or similar.
- If a heavy vehicle service area is not provided on site there needs to be adequate

provision for a heavy rigid collection vehicle to safely and legally park at the front of the property in close proximity to the bin presentation / collection point allowing for bins to be wheeled safely to the rear of the collection vehicle and be free from obstructions and not be required to be carried over any steps, landscape edging or gutters /kerb.

## Response

In response to each of the above points the following is provided:

- Based on the estimated waste generated by the residential component of this development, the recommended bin quantities and collection frequencies are as follows:
  - General Waste: 8 x 660L MGBs collected **2 x weekly**; and
  - Recycling: 8 x 660L MGBs collected **2 x weekly**.

Bin sizes, quantities, and/or collection frequencies may be modified by the building manager once the proposed development is operational. Green waste is not usually generated from multi-unit developments apart from the surrounding landscaped areas, which is then removed by the maintenance and/ landscape contractor. If green waste is produced by residents of the proposed development (e.g. trimming of indoor or balcony plants) disposal may be coordinated with the building manager. Small quantities of green waste may be disposed of via the general waste stream.

Based on the estimated waste generated by the commercial/retail component of the proposed development, the following bin quantities and service frequencies are suggested:

- General Waste: 5 x 660L MGBs collected **2 x weekly**; and
- Recycling: 7 x 660L MGBs collected **2 x weekly**.

It is recommended that 4 x 660L MGBs are dedicated for the collection of cardboard/paper, and the other 660L MGBs are dedicated to either comingled recycling or paper/cardboard as needed.

- A bulky goods storage area of 26.5m<sup>2</sup> has been provided. In addition to this, a voucher system for bulky goods will be utilised for future residents, this will be managed by the building manager and / or strata manager.
- As shown on the amended plans, the proposed bin carting route is less than 10m.
- Noted. However, it will be the building manager / waste caretakers who will be responsible for transporting the 660L MGBs to and from each of the residential waste rooms in the basement levels to the waste collection area on the ground floor.
- On collection days, a Council HRV will park in the designated Loading Zone on Honeysuckle Drive and service the bins. Bins will be returned to their designated location upon servicing, by the building manager.

## NIGHT TIME ECONOMY

### **Council Comments**

Since the drafting of the Secretary's Environmental Assessment Requirements for the development CN's first specific strategy for guiding the development of the city's night-time economy was adopted. It is requested that both the applicant and Department consider the publication 'Newcastle After Dark 2018-2022' which can be downloaded from our website at <http://www.newcastle.nsw.gov.au> .

### **Response**

The Newcastle After Dark identifies strategic principles to shape the Newcastle night-time economy over the next decade, and a four (4) year framework of programs and actions to ensure the safety, amenity and economic value of the city at night. It will guide decision making around investment, planning and project implementation across Council, and also provide direction for key stakeholders and partners in a safe and vibrant night-time city.

The Newcastle After Dark Principles are;

- Safe - A safe city at night is one in which people are confident they will not experience threat or harm;
- Diverse - A diverse night-time city has a wide range of options and offerings available;
- Inclusive - An inclusive city after dark welcomes and enables all kinds of people to participate;
- Vibrant - A vibrant night time city is renowned for a lively and energetic atmosphere or ambience; and
- Creative - A creative Newcastle at night is a source of innovation and cultural production enhancing city life.

The subject site is located within the Honeysuckle Precinct. As outlined within the strategy one of the opportunities that has been identified for the area is the ongoing waterfront development towards Cottage Creek and increasing residential density. The proposal will achieve significant contribute to this and see the further progression of this identified opportunity.

## STANDARD CONDITIONS OF CONSENT

### **Council Comments**

A schedule of recommended 'standard' conditions is attached for the Department's consideration.

### **Response**

Noted.

**IMPACT ON HANNELL STREET FROM FUTURE DEVELOPMENT**

**Comments**

The submitted Seca Traffic Impact Assessment (TIA), dated April 2019 states that no improvements are required to the local network as a direct consequence of the development site as the traffic associated with the subject site has been assessed in the modelling undertaken for the light rail project as well as in considering the appropriate layout of Honeysuckle Drive and the intersection of Hannell Street/Stewart Avenue. It is noted that the report did not analyse the existing Hannell Street / Honeysuckle Drive intersection.

It is advised that:

- Roads and Maritime recently reviewed a report by Seca for the Hunter and Central Coast Development Corporation (HCCDC) regarding the realignment of Honeysuckle Drive. This report demonstrated that the continuing development along Honeysuckle Drive, which includes the subject site, will result in significant delays including Hannell Street southbound, with the queue doubling in length and the delay more than tripling in time. It is unclear in the TIA if HCCDC has committed to upgrading Honeysuckle Drive including intersection improvements at Hannell Street/ Honeysuckle Drive. Regardless, the proposed improvements do not mitigate the impact of the continuing development within the Honeysuckle area.

Recommendation

Roads and Maritime raise concern regarding the impact of the increasing trip generation within the Honeysuckle area without a plan in place to ensure the impact of these developments on the surrounding road network are mitigated. It is recommended that the proponent (HCCDC) provide clarification around the commitment to and timing of widening Honeysuckle Drive including the intersection with Hannell Street and that planning commence to ensure equitable contributions are collected towards any required upgrades, particularly the Hannell Street at Honeysuckle Drive intersection.

**Response**

As requested, HCCDC have provided confirmation of their commitment and timing of widening Honeysuckle Drive including the intersection with Hannell Street. A copy of their response is provided within **Appendix F**.

HCCDC have outlined the following in relation to timing of the required works:

- The tender for the realignment of Honeysuckle Drive was released in mid-November 2019;
- The tender is expected to close on 9 January 2020; and
- Works are proposed to commence in February 2020 for approximately 12 months.

## ACTIVE TRANSPORT

### Comments

The supporting documentation does not specify the type, location and operation of the end of trip facilities for both pedestrians and bicycle riders connecting to the site, this includes:

- showers, lockers, change rooms.

### Recommendation

The development should indicate the proposed quantum for bicycle parking. Bicycle parking and end of trip facilities should be located in secure, convenient and accessible areas close to the main entries incorporating adequate lighting and passive surveillance to encourage residents, staff and visitors to use walking and cycling modes to connect with the development.

Develop wayfinding strategies and travel access guides to assist with increasing the mode share of walking and cycling.

### Response

As requested, bicycle parking has been shown on the amended plans provided within **Appendix A**. The development incorporates a total of 14 visitor bicycle spaces on either side of the main entrance and a 63m<sup>2</sup> bike storage area on ground level. This provided, secure storage for the residents.

A large number of public facilities are within walking distance of the subject site. The building design and management team are committed to provide pedestrian links to key communal and public spaces areas which will be encouraged and supported by good wayfinding signage in visually prominent areas. Signage will give directions and distance to nearby facilities such as tram, train station, buses, ferry's and other key public facilities. Further details have also been provided within the Green Travel Plan provided within **Appendix D** It is expected wayfinding signage will be a standard condition of development consent.

## Heritage Council of NSW

### Comments

The subject site is not listed on the State Heritage Register (SHR), nor is it in the immediate vicinity of any SHR items. The archaeological assessment indicated that the historical archaeological potential and significance of the project area was low. Therefore, no further heritage comments are required. The Department does not need to refer subsequent stages of this proposal to the Heritage Council of NSW.

As there are local heritage items in the vicinity of the project area, advice should be sought from the relevant local council.

Please note that the Hunter Central Coast Planning Team within the Biodiversity and Conservation Division may provide separate comment in relation to Aboriginal cultural heritage.

## **Response**

The Biodiversity and Conservation Division provided their comments to the Department in correspondence dated 23<sup>rd</sup> September 2019. As stated in the submission, no comments in relation to Aboriginal Cultural Heritage were provided at that time.

## **Hunter New England Local Health District**

### **AIR QUALITY MANAGEMENT PLAN**

#### **Comments**

The Air Quality Management Plan should include measures to monitor and reduce the generation of particulate matter and indicate how particulate matter generation will be managed in relation to construction, operation, adverse weather conditions or community complaints.

## **Response**

This matter would be addressed by a standard condition of development consent requiring the submission of a Construction Environmental Management Plan (CEMP).

### **SOIL CONTAMINATION**

#### **Comments**

The site has a long history of mixed uses which may have led to soil contamination. Any soil contamination should be addressed before the residential and commercial development occurs. The remediation plan for the site should require that all land being used for residential and commercial purposes will have all contaminated soil removed and the final remediation be validated as safe by a Site Auditor.

## **Response**

Site contamination has been addressed within the EIS. As outlined within the Remediation Action Plan accompanying the EIS, a validation report will be prepared by a qualified environmental consultant in accordance with the NSW EPA Contaminated Sites Guidelines for Consultants Reporting on Contaminated Sites (1997) and other appropriate documentation.

The validation investigation shall confirm whether the Site has been remediated to a suitable standard for the proposed development and that no adverse human health and environmental effects have occurred as a result of the works.

Subject to proper implementation of the RAP it is considered that the Site can be rendered suitable for the proposed commercial and residential uses. It is expected that the preparation of validation report will form a condition of development consent.

## MOSQUITO MANAGEMENT PLAN

### **Comments**

As this development is within 400m from an international first port of entry under the International Health Regulations there is potential for exotic mosquitoes imported through shipping vessels and containers, to establish and spread exotic diseases including dengue. Thus a Mosquito Management Plan including a risk assessment should be included to ensure any potential mosquito breeding sites are identified e.g. natural or constructed wetlands, stormwater drains, fountains and low lying areas. The mosquito management plan will also assist to prevent both nuisance biting mosquitoes and disease transmitting mosquitoes affecting workers, employees and residents. The proponent should consult with the Department of Medical Entomology at the University of Sydney when drafting mosquito management plans to ensure both native and exotic mosquito risks addressed.

### **Response**

We are not aware of any development within the locality having to deal with this issue and it is beyond the scope of this development to control the presence of mosquitos within the broader community. We also note that the proposed development contains no areas that provide any significant breeding opportunity for mosquitos.

## WATER MANAGEMENT PLAN

### **Comments**

A Water Management Plan should be prepared and contain a complete water management review, including surface water, potable water, groundwater and wastewater associated with this project and its ongoing operation. The review should include strategies for current and long-term monitoring, including remediation.

The water management strategies should also include any water re-use systems.

Any proposed re-use system will need to comply with the Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (phase 1) 2006 and be validated in the EIS.

### **Response**

Water recycling has been considered throughout the design of the proposed water reuse system throughout the development and the principles within the Australian Guidelines for Water Recycling: Managing health and Environmental Risks (phase 1) 2006 considered.

As outlined above the proposal will include:

- Allowed 2x5kL tanks (total 10kL) collecting roof water from the west and east towers;
- Allowed for external re-use to the ground level garden areas and now conservatively includes irrigation to the public domain extension of Steel Street;
- Now allows for internal re-use to the ground level toilets servicing the retail/commercial areas; and
- Meets the minimum 70% demand efficiency target in Council's technical manual.

It is considered that the above recommendation for the preparation of a Water Management Plan can be a condition of development consent and be required to be provided prior to the issue of any construction certificate.

## **Port Authority of NSW**

### **ACOUSTIC ASSESSMENT**

#### **Comments**

Port Authority of NSW (Port Authority) notes that the acoustic assessment (Reverb Acoustics, April 2019) appears to have considered and assessed noise from shipping and port activities and makes recommendations to ensure nominated internal noise criteria are met, particularly in relation to glazing systems.

To help ensure that the acoustic amenity of future sensitive receivers residing in the proposed development meets the criteria and objectives outlined in the acoustic assessment, Port Authority considers that appropriate conditions should be placed on any approval. Specifically, the Port Authority recommends that:

- Prior to a construction certificate being granted, verification be provided to the consent or certifying authority that the development has been designed and will be constructed to achieve the internal noise criteria outlined in the acoustic assessment. Condition B9 of SSD 8440 provides a useful example.
- Prior to an occupation certificate being granted, verification be provided to the consent or certifying authority that the building has achieved the required acoustic performance for all living/dining and sleeping areas. Condition E17 of SSD 8440 provides a useful example.

#### **Response**

Noted. It is understood that the above recommendation will form a condition of development consent.

## **Subsidence Advisory NSW**

### **MINE SUBSIDENCE**

#### **Comments**

Mine stabilisation and verification works accepted by SA NSW have previously been carried out at the site. The verification reports predict residual ground movements that may impact the site.

SA NSW merit assessment policies require that the development is designed to remain "safe, serviceable with any damage being limited to 'very slight' (in accordance with AS 2870 Damage Classification) if subjected to these predicted residual ground movements.

As such SA NSW strongly recommend that SA NSW approval is included as a condition of consent. This will ensure the development is appropriately designed and constructed to mitigate against mine subsidence impact.

#### **Response**

Noted.

### **CONCLUSION**

We trust that the additional information provided is satisfactory and allows the Department to finalise its assessment and issue an approval for the proposed development.

Should you have any questions in relation to the contents of this submission or would like to arrange a meeting to discuss any of the above matters further, please do not hesitate to contact the undersigned on (02) 4978 5100 or via email at [zacs@adwjohnson.com.au](mailto:zacs@adwjohnson.com.au).

Yours sincerely,



**Zac Smurthwaite**  
**Town Planner**  
ADW Johnson Pty Ltd  
Hunter Office

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## **Appendix A**

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*AMENDED ARCHITECTURAL PLANS*



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## **Appendix B**

AMENDED LANDSCAPE PLANS



## **Appendix C**

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AMENDED STORMWATER MANAGEMENT PLAN



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## **Appendix D**

*GREEN TRAVEL PLAN*



## **Appendix E**

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*ADDENDUM TO FLOOD IMPACT STATEMENT*



## **Appendix F**

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*HCCDC HONEYSUCKLE DRIVE WORKS PROGRAM*



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## **Appendix G**

*REVISED CLAUSE 4.6 REPORT*