

5 March 2020

218153

Mr Jim Betts  
Secretary  
NSW Department of Planning, Industry and Environment  
GPO Box 39  
Sydney NSW 2001

Attention: Matthew Rosel (Senior Planning Officer)

Dear Matthew,

**RE: Response to Submissions to SSD 9510  
University of Newcastle Honeysuckle City Campus, Stage 1A**

Ethos Urban has prepared this letter on behalf of the University of Newcastle (the University) in response to your letter dated 13 February 2020, and the associated submissions received during the exhibition period of SSD 9510 relating to Stage 1A of the University of Newcastle Honeysuckle City Campus

In total, 15 submissions were received in response to the public exhibition of the Environmental Impact Statement (EIS). The submissions were from government agencies and the general public, including:

- City of Newcastle
- NSW Government Architect
- Department of Primary Industries
- Biodiversity and Conservation Division of the Department of Planning, Industry and Environment
- Ausgrid
- Environmental Protection Agency
- Hunter Water
- Newcastle Ports
- NSW Heritage Council
- Transport for NSW
- RMS

Of the 15 submissions, one (1) objected to the proposed development, three (3) supported the proposed development, and eleven (11) provided comment.

The University and its specialist consultant team have reviewed and considered all issues raised in the submissions. This letter provides a response to the key issues raised in the submissions and outlines the proposed amendments to the exhibited EIS. Where individual issues are not discussed in this report, a response can be found in the table at **Attachment A**.

This letter is accompanied by the following:

- Response to Submissions Table prepared by Ethos Urban (**Attachment A**);
- Amended Architectural Plans prepared by EJE Architecture (**Attachment B**);

- Design Excellence Letter prepared by the Design Evaluation Panel (**Attachment C**);
- Amended Landscape Plans prepared by Terras Landscape Architects (**Attachment D**);
- Lighting Impact Assessment prepared by AECOM (**Attachment E**);
- Amended Noise and Vibration Impact Assessment prepared by AECOM (**Attachment F**);
- Updated Preliminary Construction Management Plan prepared by APP (**Attachment G**);
- Amended Pedestrian Wind Environment Statement prepared by Windtech (**Attachment H**);
- Design Response to NSW Government Architect prepared by EJE Architecture (**Attachment I**);
- Civil Engineering Response to Newcastle City Council prepared by Northrop Consulting Engineers (**Attachment J**);
- Civil Works Plan prepared by Aurecon (**Attachment K**);
- Enabling Works Plan prepared by Northrop Consulting Engineers (**Attachment L**);
- Traffic Response to Newcastle City Council and TfNSW prepared by SECA Solution (**Attachment M**); and
- Public Domain Cost Plan prepared by Donald Cant Watts Corke (**Attachment N**).

## 1.0 Key Issues and Applicant's Response

A response to the key issues raised by the NSW Government Architect and the Department during the public exhibition of the Stage 1A EIS is provided below. The Department provided an overarching letter (as the assessment authority) summarising the key matters to be addressed and additional information to be provided.

These matters include:

- Design Excellence
- Built Form
- Amenity Impacts
- Transport and Servicing
- Development Contributions

A number of other submissions comprised agencies or authorities confirming that they had no comment on the EIS, or providing guidance on recommended conditions or post-determination processes. The remaining agencies and authorities made a variety of comments and sought further clarification and information on a number of matters, including the provision of interim car parking spaces, servicing and waste collection, construction traffic, bicycle infrastructure and the architectural design of Stage 1A. A response to these issues is provided below and at **Attachment A**.

### 1.1 Design Excellence

The University's Design Evaluation Panel (the Panel) has reviewed the amended building design. The Panel note that EJE Architecture, the winning architect from the procurement process, has been retained and that the amended building design has been prepared in consultation with the Panel.

As discussed in the Design Excellence Letter (**Attachment C**), the Panel acknowledge that significant changes were made to the design of the building which were required following consultation with the building's users and to align with the available project budget. Notwithstanding, the Panel is satisfied that the amended building design continues to achieve design excellence. The Panel, having reviewed the final design submitted as part of this RTS, which has been subject to further detailed design interrogation by EJE Architecture, believe that the comments

provided by the State Design Review Panel (SDRP) and the Department have been appropriately resolved. On this basis, it is considered unnecessary to again present the building design to the SDRP.

## 1.2 Built Form

### 1.2.1 Ground Floor Design

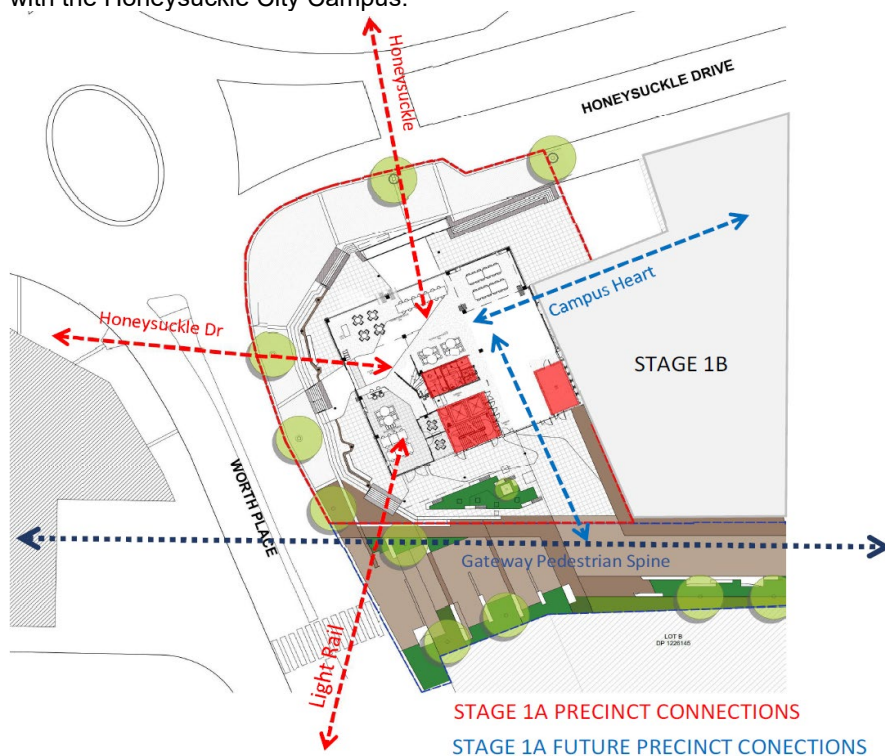
The NSW Government Architect and the Department provided a number of recommendations on the design of Stage 1A, with a particular focus on how the building relates to the surrounding public domain and future stages of the Honeysuckle City Campus.

#### Ground Floor Layout

On the advice of the NSW Government Architect and the Department, EJE Architecture has revised the layout of the ground floor and design of the façade to improve access and provide flexible interfaces with outdoor learning spaces and Stage 1B (Lot A2 to the east of Stage 1A). This has been achieved by:

- A flexible layout and façade design that allows for future connections to the east with Stage 1B and expanded connections to the south from Worth Place;
- Provision of operable walls along the northern frontage to enable the outdoors extension of the flexible event space, with shade provided by the awning above; and
- Revised location of the maker space and machine room, which will now present a visible display of activity along Honeysuckle Drive.

EJE Architecture has also allowed for the future relocation of the ground floor pump room to a combined facility within Stage 1B. This, combined with the consolidation of ground floor amenities and vertical circulation, will enable the future provision of an expanded entrance along the southern façade that improves the relationship of Stage 1A with the Honeysuckle City Campus.



**Figure 1 Existing and Future Connection of Stage 1A**

Source: EJE Architecture

## Servicing

A single-storey extension along the eastern frontage of the building has been added. This extension will accommodate a 'machine room' (connected to the maker space), temporary waste storage enclosure and a secure bicycle storage area (refer to **Figure 2** and **Figure 3**), providing an interim solution for waste and bicycle storage.

The temporary extension will ultimately be absorbed into the future Stage 1B, which will provide the consolidated waste, servicing and bicycle storage arrangement envisaged under the Concept Plan. This will limit the overall service areas and maximise the amount of active façade along the southern frontage of Stage 1A. Refer to Section 1.4.2 below for further detail.



**Figure 2 South-West Perspective**

Source: EJE Architecture



**Figure 3 South-East Perspective**

Source: EJE Architecture

### 1.2.2 Arrangement of the Stair and Plinth (on the Southern Façade)

On the advice of the NSW Government Architect and Department, the design of the southern façade and internal building service arrangement has been amended to maximise access and activity along the southern façade.

EJE Architecture has allowed for the future relocation of the ground floor pump room to a combined facility within Stage 1B. This, combined with the consolidation of ground floor amenities and vertical circulation, will enable the future provision of an expanded entrance along the southern façade that improves the relationship of Stage 1A with the Honeysuckle City Campus.

The amendments have allowed for a more integrated, rationalised and permeable southern façade, which maximises the amount of active façade along the southern frontage of Stage 1A.

### 1.2.3 Rooftop Plant Enclosure

The proposed development has been designed to achieve a 5-Star Green Star Rating, which has necessitated the adoption of a number of environmental initiatives related to the design of building services, including:

- Locating the Sprinkler Tank on the roof to improve pump efficiency; and
- Use of a Water-Cooled HVAC System, which provides greater energy efficiency, resilience, and lower operational demands than a traditional air conditioning system.

The design of the rooftop plant enclosure has responded to the need to accommodate these environmental initiatives. It is emphasised that these environmental initiatives are integral to the building achieving a 5-Star Green

Star Rating. Locating these building services on the roof will also maximise the amount of programmable space for future users of the building, while improving the overall structural engineering performance of the design.

Notwithstanding, the design of the roof top has been reviewed and a fall arrest system will be introduced to the perimeter of the roof top plant to negate the need for the handrail previously proposed. This system will facilitate safe maintenance access in accordance with AS/NZS 1891.4 (Industrial Fall-Arrest Systems and Devices) and reduce the visual impact of the roof top structure.

#### 1.2.4 Awning

The organic form of the awning has been designed to be complementary to the design of the landscaping and accentuate the main entrances to the building and the broader Honeysuckle City Campus. The awning has been extended further along the western and southern frontages to allow for additional external activity and respond to the gateway location of the building. Furthermore, an additional entry point has been located on the south western corner of the building, addressing Wright Lane as the gateway pedestrian spine of the precinct.

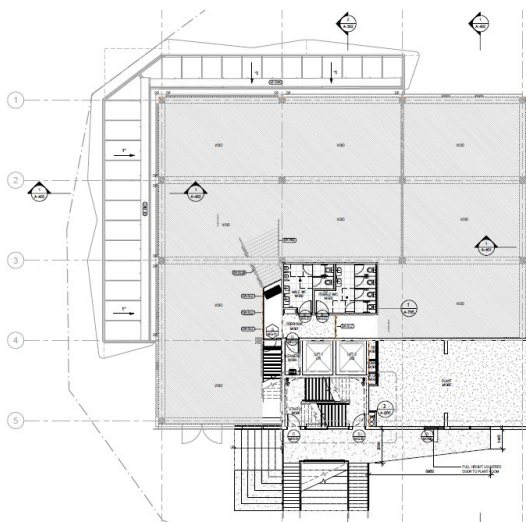


Figure 4 Original Awning Design

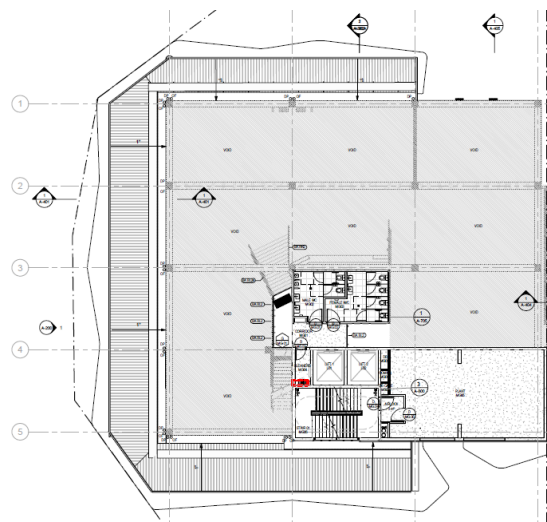


Figure 5 Amended Awning Design

#### 1.2.5 Relationship with Building A2

Noting Council's preference for long term servicing of the building to occur within the site, and the SDRP's concern regarding servicing in the south-eastern square, the servicing arrangement for the proposed building has been revised.

A temporary waste storage enclosure and a secure bicycle storage area (refer to **Figure 2** and **Figure 3** above) has been added along the eastern frontage, providing an interim solution for waste and bicycle storage as recommended by Council. The temporary extension will ultimately be absorbed into the future Stage 1B, which will provide the consolidated waste, servicing and bicycle storage arrangement envisaged under the Concept Plan. This will limit the overall service areas and maximise the amount of active façade along the southern frontage of Stage 1A.

The proposed servicing arrangement for Stage 1A has also been revised, with a view to minimising vehicular movements along Wright Lane. As described at Section 1.5.2, Stage 1A will be serviced via the existing short-term loading zone along Honeysuckle Drive and waste will be wheeled from the temporary waste storage enclosure to Worth Place for collection. This will occur outside of core University hours. These measures will limit vehicular movements along Wright Lane to emergency services and maintenance vehicles.

It is also noted that a flexible layout and façade design allows for future internal connections to the east with Stage 1B, as described at Section 1.2.1 above (refer to **Figure 1**).

### 1.2.6 Electrochromic Glazing

The eastern and western facades of the building provide the greatest opportunity for public views into the proposed building. However, typically eastern and western facing facades require either reduced window apertures or, if fully glazed, substantial external sun shading devices (e.g. louvres). These traditional design initiatives restrict views into buildings.

The proposed electrochromic glazing therefore provides an opportunity to provide a highly transparent façade that maximises views into the internal areas of the building. This is because the electrochromic glazing is only required for limited periods of the day, when the façade is exposed to direct sunlight. The electrochromic glazing therefore allows the eastern and western facades to be fully transparent for the majority of the day and during the evening.

## 1.3 Public Domain

Updated Landscape Plans prepared by Terras Landscape Architects are included at **Attachment D** in response to the comments provided by the Department and SDRP.

Additional loose planter and seating fixtures have been located to the north and western frontages of Stage 1A to provide additional greenspace and maintain to flexibility to these frontages. The location of the makerspace and machine room complements this and presents a visible display of activity to Honeysuckle Drive. The provision of the adjacent north east square provides an outdoor extension of these activates, and can be utilised for demonstrations, and exhibition of work associated with creative industries. The square can be further expanded upon completion of the future Stage 1B building.

The southern external podium has also been revised to accommodate a mix of seated and standing social activity, and addresses its role as a prominent entry to the site. The arrangement of external seating and perimeter tiering in proximity to greenspace encourages outdoor study and social breakout. Additional external bicycle parking offers a further a point of contact with users of the precinct. Paved hardscaping located to the east of the greenspace, along with the provision of externally power and data outlets, provides a flexible platform for larger events, both within the site, and in conjunction within the broader public domain. The provision of a flexible square allows periodic access to ground floor services, but also anticipates the future role of an entry promenade to service the future integration of an additional southern entry, and the frontage of the adjoining Stage 1B site.

## 1.4 Amenity Impacts

### 1.4.1 Lighting Impacts

AECOM has prepared a Lighting Impact Assessment (**Attachment E**) which identifies and assesses potential lighting impacts. The Lighting Impact Assessment confirms that the external lighting complies with Australian Standard 4282 'Control of the Obtrusive Effects of Outdoor Lighting' (2019). AECOM confirm that external lighting has been carefully selected to ensure that light spill is contained, and the intensity and vertical illuminance values are within the specified limits of AS 4282:2019.

It is also noted that the visual screen on the western façade of the building is no longer proposed as part of this application. A separate DA will be lodged for this at a future date, if required.

### 1.4.2 Noise

AECOM has updated their Noise and Vibration Impact Assessment (**Attachment F**) to include an assessment of all residential properties adjoining the site on Hunter Street. The amended Noise and Vibration Impact Assessment confirms that the environmental noise and vibration impacts associated with the construction and operation of Stage 1A can be appropriately managed in accordance with the relevant guidelines and standards.



### 1.4.3 Construction Hours

This matter has been reviewed and it is noted there is no difference between the construction hours nominated in the Noise and Vibration Impact Assessment (**Attachment F**) and the updated Preliminary Construction Management Plan (**Attachment G**).

### 1.4.4 Wind

Windtech has prepared an updated Pedestrian Wind Environment Statement (**Attachment H**) to confirm the predicted wind environment and pedestrian comfort levels at the key locations surrounding the proposed building, including the north-east and south-east squares, entrances to the building and areas of the public domain. Windtech confirms that subject to the inclusion of the identified mitigation measures into the detailed design of the proposed building, the wind environment at key locations surrounding the proposed building are expected to be suitable for their intended uses. These mitigation measures have been adopted as part of the revised Landscape Plans included at **Attachment D**.

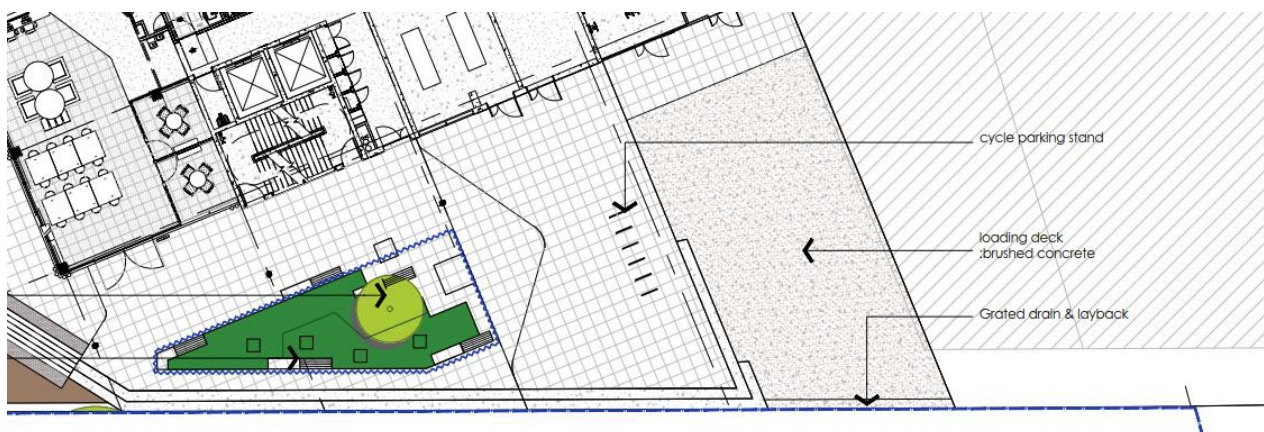
## 1.5 Transport and Servicing

### 1.5.1 Bicycle Parking and Bin Storage

The temporary extension will ultimately be absorbed into the future Stage 1B, which will provide the consolidated waste, servicing and bicycle storage arrangement envisaged under the Concept Plan. This will limit the overall service areas and maximise the amount of active façade along the southern frontage of Stage 1A.

#### Public Domain Bicycle Parking

The proposal provides additional public bicycle parking spaces in the area of public domain along Wright Lane as suggested by the SDRP. These bicycle parking spaces are shown in the amended Architectural Plans at **Attachment B** and **Figure 6** below.



**Figure 6 Bicycle Parking Space in the Public Domain**

Source: EJE Architecture

#### End of Trip Facilities

The end of trip facilities, including the shower and locker facilities, have been located in close proximity to the bicycle storage area. Due to the constraints of the floor plate it is not possible to co-locate all these facilities. However, the bicycle storage area has been designed as an interim solution and the co-location of the end of trip facilities and bicycle storage area will be explored as part of the future Stage 1B.

### 1.5.2 Servicing

The Honeysuckle City Campus will be developed in a staged approach over a number of years, as envisaged under the Concept Plan. Stage 1A is the first stage and will be followed by development on Lot B (to the south) and Lot A2 to the east (refer to **Figure 7**).

The location of Stage 1A on the corner of Worth Place and Honeysuckle Drive, in conjunction with future construction on the land to the south and east, has necessitated a staged servicing strategy. This includes the short term proposal for a loading zone along Honeysuckle Drive, which will provide an area for waste collection outside of operational areas. The loading zone along Honeysuckle Drive will be used for a drop-off/set down area for taxis, private vehicle and buses during operational hours.

Following the completion of construction on Stage 1B, servicing for Stage 1A can be accessed from within the Honeysuckle City Campus (off Wright Lane). The operational procedures will aim to limit servicing to outside of operational hours in order to maintain Wright Lane as a pedestrian thoroughfare during the standard operational hours of the University. Ultimately, consistent with the Concept Plan, a consolidated servicing arrangement will be established for Stage 1A and Stage 1B development.



**Figure 7 Proposed Servicing and Waste Collection Arrangement**

Source: EJE Architecture



## 1.6 Contributions

The Department has requested that the University engages with Council to resolve its concerns regarding Section 7.12 development contributions.

It is reiterated that the payment of any contribution on this development is discretionary, and that the approval authority, in this case the Minister for Planning, while empowered to impose a condition requiring the payment of a monetary contribution is not required to under either the EP&A Act or Council's Contributions Plan. Rather, there is clear policy which directs that development contributions should not be levied for this kind of development. Notwithstanding, the University is in dialogue with Council and will be undertaking significant public domain works for certain stages of the campus development which align with works identified under Council's Section 7.12 Plan. This is outlined further below.

### **Crown Applications – Department of Planning Circular D6**

Whilst the revised Circular D6 "Crown Development Applications and Conditions of Consent" was formulated in 1995, it still remains the guiding document in relation to Crown applications and development contributions. Although the circular refers specifically to Section 94 contributions, its principles remain relevant to contributions under Section 7.12.

Crown activities provide facilities which lead to significant benefits for the public in terms of essential community services and employment opportunities and the activities are not likely to require the provision of public services and amenities in the same way as development undertaken with a commercial objective. Accordingly, the effect of this circular is, that where the applicant is a Crown authority and the development is for Educational Services, no contributions should be collected for open space, community facilities, parking, and general local and main road upgrades.

The University is considered a Crown authority for the purpose of this development and, as the proposal comprises a new educational building within a new university campus, it is clearly development for the purposes of Educational Services.

The exception from payment of contributions relating to community facilities, public domain and new open space is considered appropriate, as the new campus (including Stage 1A) will provide significant areas of accessible open space for public recreation, as well as a range of community facilities available for the general public. These include:

- Grounds and open space (providing activity after hours, enhancing the safety of the area);
- Innovation hub;
- Library (NeW Space);
- Gallery – (Watt Space);
- Concert hall (Conservatorium of Music);
- Gymnasiums, pool and other recreation facilities (The Forum Harbourside);
- Teaching space for schools and schools' programs (such as moot trials and debating); and
- Auditoriums.

The availability of these amenities and services, which are maintained by the University, reduces the demand on public amenities outside the campus.

It is recognised that drainage is listed as an appropriate category for contributions in the Circular, however, a previous Development Consent for site preparation works, issued by Council (DA 2018/00933), already provides for upgrades to drainage in the surrounding public domain and as such an additional monetary contribution is unnecessary.

The Circular also states that consideration should be given to the Crown's role in providing a community service, the cost of which is accountable to all taxpayers in the State. The university is a not-for-profit public institution which relies on government grants (approximately 65% of funding), donations, and community funding to carry out its important educational role. The future use of the site and the proposed improvements are of an inherently public nature, providing crucial educational, cultural and economic benefits to the State and City of Newcastle.

The underlying purpose of Council's Contributions Plan is to raise funds from private, commercially driven developments to be put towards the cost of public facilities and infrastructure which are burdened by those developments. Imposing a levy on the University's own public infrastructure (and in doing so financially compromising the University's ability to perform its teaching and research functions) conflicts with the public tenet of the Contributions Plan. Indeed, to do so would be simply diverting taxpayer and other donated education-based funding away from the University for other unrelated purposes, potentially with no nexus to the University. This would deprive the University of scarce funding relied upon, and specifically granted to the University, in order for it to provide an important State and regional service.

Additionally, the project represents a significant benefit to the immediate community, the City of Newcastle, and the wider region. Not only is the campus expansion acting as a key catalyst for the revitalisation of Newcastle's CBD, fulfilling a key NSW Government initiative, the project is a key piece of education infrastructure. The proposal has direct public benefits and is purpose built to assist and improve the prosperity of present and future generations of people within Newcastle and the state of NSW.

### **Precedents**

The approach to this application is consistent with the Department's position in its determination of other University of Newcastle projects, including the SSD application for the University's 'New Space' building in 2015 (SSD 6457) and the Bioresources Facility Building at the Callaghan Campus in February 2019 (SSD 8937). It is also consistent with the approach taken for the new Courthouse.

It is noted that the Department's assessment report for New Space stated:

*The proposed development is Crown development and the only works that educational facilities can be levied for as per the guidelines is contributions for drainage works or local traffic management purposes. Accordingly, as Council's contribution plan defers to section 94a of the EP&A Act establishing a flat levy for a range of works, the Crown development should not be levied. Furthermore, the proposal is for social infrastructure which would be providing a significant public benefit to Newcastle by strengthening the University's presence in the Newcastle CBD and providing further teaching and learning facilities.*

Similarly, the Department's assessment report for the Bioresources Facility Building stated:

*The Department considers that as the proposal is Crown development, and the University is a not for profit organisation that provides a significant social benefit to the wider community, the principles of Circular D6 apply as they would for any Crown development proposing social infrastructure. As the proposal would not result in increased runoff or the need for roadworks to the site entrance, the Department is of the opinion that the contribution requirement should not apply in this circumstance. This is consistent with the Department's position in its determination of the SSD application for the new Newcastle University building known as 'New Space' in the Newcastle CBD in 2015.*

A consistent approach to the assessment of the Stage 1A development is therefore requested.

### **Cooperative Relationships and Public Domain Works**

Notwithstanding the above, the University is conscious of its central position in the Newcastle LGA and its ongoing relationship with Council and the local community. The University also understands the need to continue to work cooperatively with Council to reach agreement on an appropriate balance of development conditions that meet Council's planning responsibilities, whilst also meeting the University's need to provide critical infrastructure.

The University of Newcastle operates as a key strategic partner to the City of Newcastle and Hunter and Central Coast Development Corporation. Whom under the Section 7.12 Contributions Plan are apportioned 20% and 80% of development funds respectively. This is highlighted through the University's expansion of the city campus being central to achieving the objectives of the *Greater Newcastle Metropolitan Plan 2036* and City of Newcastle Council's *Draft Newcastle Local Strategic Planning Statement*. In particular, the project's role as a catalyst development to further grow the regional economy and support its ongoing transition and diversification.

The University of Newcastle Honeysuckle City Campus development will be providing significant public benefit to the city through the upgrade of surrounding laneways and public domain spaces. The campus will be open to the public, cyclists, pedestrians for the community to share and enjoy the publicly accessible spaces. This plan can be seen within **Figure 8** and includes:

1. Upgrade and widening of Civic Lane to City of Newcastle Council's standards;
2. Upgrade of Wright Lane (east);
3. Modifications to Settlement Lane;
4. Cycleway connections;
5. Street tree planting to City of Newcastle Councils' Street Tree Masterplan;
6. Lane way links between Civic Lane and Honeysuckle Drive to the waterfront;
7. Pedestrian boulevard along Wright Lane West; and
8. Various Public Domain areas with differing themes and engagement of the community.



**Figure 8**      **Public Domain Plan Extract**

Source: Oculus

The development will provide open and transparent pedestrian connections along Wright Lane in the east-west direction and through public domain spaces between buildings in the north-south to the waterfront and back to Civic Lane. The proposed cycleway connection from Hunter Street will also provide connection to the Honeysuckle site via Wright Lane East and Settlement Lane down to Honeysuckle Drive and the waterfront. Civic Lane will also form a major connection for both pedestrians and service vehicles in a potential 'shared zone'.

*Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019* came into effect in September 2019, however, the former *94A Development Contributions Plan 2009* would apply to this development (in the absence of Circular D6) due to savings and transitional provisions. The University's Honeysuckle City Campus site is within Part B – City Centre of the plan which identifies that for developments greater than \$250,000 a maximum levy of 2% may be requested. The purpose of this levy is to provide funding towards public domain projects within the City Centre, which includes the Honeysuckle foreshore area.

The University of Newcastle would undertake and provide the Public Domain developments and road infrastructure upgrades as shown in **Figure 8** and outlined above. The outcomes of this development are aligned with the contribution plans purpose of funding public domain and infrastructure works within the City Centre. Importantly, these works have been assessed to be in excess of \$17 million which is greater than 2% of the CIV for the development of the Honeysuckle City Campus, which is in excess of \$450 million. Refer to the Public Domain Cost Plan prepared by Donald Cant Watts Corke, which is provided at **Attachment N**.

Therefore, the University of Newcastle request that no contribution be applied to this development and advises that they will continue to consult with Council around the delivery of the significant public domain works as part of future stages of the campus. This will be undertaken outside of the Section 94A / 7.12 framework.

## 2.0 Conclusion

The University and its specialist consultant team have considered all submissions made in relation to the public exhibition of the EIS for Stage 1A of the Honeysuckle City Campus. A considered response to all submissions has been provided within this letter and the accompanying documentation attached.

In addressing the range of matters raised by the government agencies, authorities and the community, the proposed design of Stage 1A has been refined. The changes proposed to Stage 1A address concerns raised within the submissions and do not result in any new environmental impacts relative to surrounding sites or the wider community. On this basis, renotification of the revised design is considered unnecessary.

We trust that the information provided satisfies the requirements of the additional information request. We look forward to the Department progressing the assessment of the application and to receiving a set of draft conditions for consideration in due course.

Should you have any further queries about this matter, please do not hesitate to contact me on 9409 4927 or [CForrester@ethosurban.com](mailto:CForrester@ethosurban.com).

Sincerely,



**Thomas Atkinson**  
Urbanist, Planning  
02 9956 6962  
[TAtkinson@ethosurban.com](mailto:TAtkinson@ethosurban.com)



**Chris Forrester**  
Principal, Planning  
02 9409 4927  
[CForrester@ethosurban.com](mailto:CForrester@ethosurban.com)