

9 August 2023

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Social and Infrastructure Assessments  
Department of Planning and Environment  
12 Darcy Street  
**PARRAMATTA NSW 2150**

Submission via email: [Patrick.andrade@dpie.nsw.gov.au](mailto:Patrick.andrade@dpie.nsw.gov.au)

Dear Patrick Andrade

**NEWCASTLE EDUCATION CAMPUS (SSD-4181431) 25A NATIONAL PARK STREET  
NEWCASTLE WEST**

I refer to the Department of Planning and Environment's (DPE) notification of 30 June 2023, via the Major Project Portal, advising it has received an Environmental Impact Statement (EIS) for the Newcastle Education Campus on land known as 25A National Park Street Newcastle West. The State significant development application (SSD-4181431) and EIS was being publicly exhibited and City of Newcastle (CN) has been invited to provide advice on the development. I also refer to CN's letter of 2 August confirming our intentions to forward a submission on the development.

While the provisions of a development control plan do not legally apply to a State significant development, in the absence of other appropriate standards, the Newcastle Development Control Plan (NDCP) 2012 has been used by the DPE in its assessment of other State significant developments in the Newcastle Local Government Area. Furthermore, in this case the supporting documentation has had regard to various sections of the NDCP 2012.

The EIS has been reviewed and the following comments are offered for consideration by the DPE:

**1. Flood management**

The submitted flood report prepared by BMT has generally addressed the relevant requirements of the Newcastle Local Environmental Plan (NLEP) 2012 and the NDCP 2012. In this regard, flood modelling has been undertaken for the development which takes into consideration the cut and fill of the site to analysis flood storage, flood planning level design and impacts from the overall development. Furthermore, this analysis has been coordinated with the proposed stormwater design.

The Emergency Flood Response Plan (FERP) has considered the flood risks for the development and has made provisions for shelter in place (flood refuge) for the overall development. The ability of the building structural design to withstand flood loads at Probable Maximum Flood events have also been reviewed by structural engineers and confirmation provided indicating the new buildings can be designed to withstand flood loadings. The State Emergency Service have also been consulted.

While it is understood that proposed temporary demountable buildings (adjoining the proposed Multipurpose Facility) will be subject to a separate approval pathway, the location of these buildings is within a high-risk flood area within the site. Accordingly, it is strongly recommended that the flood risk analysis, including the FERP, should also consider the risks associated with these temporary buildings.

## **2. Stormwater management**

The Stormwater report prepared by Stantec and associated civil and stormwater plans have generally addressed the relevant provisions of Section 7.06 -Stormwater of the NDCP 2012 and associated Technical Manual regarding stormwater detention and quality aspect. However, rainwater reuse element and tank sizes and reuse calculations have not been provided to demonstrate that the proposed tank sizing is adequate for the development. As proposed, there is ample opportunity to provide stormwater harvesting and reuse. In this regard, the development must be designed to cater for the reuse demand, generally being toilets and other site-specific use, landscape areas, waste refuge cleaning (noting that sewer connections to run-off will be required) and for indoor/outdoor washing.

## **3. Vehicular Access, Driveway Design and Crossing Location**

It is recommended the development comply with Section 7.03 Traffic, Parking and Access of the NDCP2012 and Australian Standard AS/NZS2890 series.

The submitted swept path drawings Nos 1, 3 and 4 included (Appendix B) of the Traffic Impact Assessment (TIA) prepared by Stantec show a heavy rigid vehicle (12.5m in length) and trucks, 12.5m and 9.8m in length, respectively, entering the site via National Park Street near existing Building C and from Smith Street via the existing driveways.

The following concerns are raised regarding these access arrangements:

- The truck turning areas have been drawn over the existing aerial images and have also not been indicated on the architectural plans of the development. It being noted that the use of these accesses will impact on site access, staff car parking areas and landscaped areas.
- There is a potential for vehicular conflicts with either cyclists or pedestrian at the two truck accesses from Smith Street. It is being noted the Smith Street frontage will have a desired shared path access over the footway for cyclists to access the bicycle parking and end user facility at the proposed multipurpose facility building. Moreover, Smith Street is the main point of pedestrian access to the subject site from the Union Street campus.
- Truck access to the east of Smith Street (rear of multipurpose facility building) appears to have a direct impact on the landscaped areas and bicycle parking facility.
- The proposed Porte-cochere style drop/off area driveway has been designed with footway cross fall grades over 2.5%. This design does not comply with CN's minimum design standards.

## **4. Traffic and parking**

### On-Street Parking

Overall, the proposed development will change the on-street and pedestrian access to the site as indicated in Appendix A – Vehicle Access Management Plan of the TIA. These changes, although generally agreed in principle by CN's Traffic and Transport team, will still require the approval of Newcastle City Traffic Committee. In this regard, further community consultation may also be required on such sensitive matters which impact on daily use of the local roads.

Moreover, the bus stop zones, proposed Porte-cochere pick-up/drop-off driveways, proposed Kiss and Ride facility and bicycle access facility will generate a big demand for

on road infrastructure. A shared path footway between Parkway Avenue and Smith Street multipurpose facility building must be provided as well as a crossing link on Smith Street at this location for students to safely cross to access/transfer between Union Street Campus and this site. In this regard, safe and accessible pedestrian footway, bus stops and associated infrastructure must be delivered by the development.

### Off-street Parking

The staff parking access via Smith Street driveway and Parkway Avenue east of proposed Building A are to be maintained. However as indicated above, concern is raised regarding waste truck access and turning within the staff parking area and its associated impact on the parking provision. This impact must be reviewed and appropriately addressed.

Also, the staff car park accessed from Smith Street should be formalised to ensure that the area is futureproofed for staff parking purposes.

## **5. Public Domain**

The following public domain works are required in connection with the development, and will be subject to separate approval under Section 138 of *Roads Act 1993*:

<b>Works</b>	<b>Reason</b>
<p>Reconstruct new pedestrian foot path across site frontages as follows:</p> <ul style="list-style-type: none"> <li>• Entire extent of Parkway Av including provision of DDA compliant standard bus stops.</li> <li>• Part of National Park St at locations of redundant and new driveways and pedestrian entry locations.</li> <li>• Smith St between Parkway Av to the Multipurpose Facility building designed as a shared path.</li> </ul>	<p>To enhance pedestrian amenity and safety due to increased pedestrian demand from development.</p>
<p>Reconstruct kerb and gutter at locations of new and redundant driveway and at high hazard locations.</p>	<p>To improve street drainage, streetscape and facilitate compliant footway grades.</p>
<p>Provision of a pedestrian crossing on Smith St at the existing hump location and pedestrian link to the adjoining park.</p>	<p>To provide safe and accessible crossing for students to cross when changing between Union St Campus and this site.</p>
<p>On-street traffic and parking changes as proposed by the submitted Traffic Impact Assessment.</p>	<p>To facilitate for new development and enhance use of public transport</p>

## **6. Heritage**

It is recommended that appropriate conditions be included in any determination issued which address the following matters:

- All the recommendations contained in the submitted statement of heritage impact, archaeological assessment and Aboriginal cultural heritage assessment are to be individually conditioned.
- Archival photographic record of all buildings to be demolished prepared in accordance with the requirements of the NSW Heritage Office publication 'How to prepare archival records of heritage items' (1998) and the Department of Planning's publication 'Recording places of cultural significance' (1991). The record in digital form is to be submitted to CN prior to any works commencing on site.
- Prior to commencement of any works on site, the project heritage consultant is to identify any significant internal and external elements of the buildings that will be demolished for salvage and, if necessary, storage, for reuse as appropriate, including future interpretation opportunities. Removal of any items to be carried out in accordance with specific salvage methodologies provided by the built heritage specialist.
- Prior to commencement of any works on site, a temporary protection plan is to be prepared that identifies the potential risks and outlines measures to reduce the potential for damage to significant built and landscape elements (including heritage significant trees) during site preparation and the works.
- Before the issue of a construction certificate, an interpretation plan must be prepared by a suitably experienced heritage interpretation practitioner and be in accordance with the Heritage Council's 'Interpreting Heritage Places and Items Guidelines' (2005). The plan must make allowance for the display of any potential archaeology uncovered during the works, interpret the multiple uses and history of the various heritage buildings and elements on the site, in a way that is engaging, informative and readily accessible to the majority of visitors. The Interpretation Plan must be implemented prior to the issue of the Occupation Certificate.
- Informative: unexpected finds procedure for discovery of archaeological relics during works (i.e. in the event that an archaeological relic is unexpectedly discovered during works) requirement for development works to immediately stop in area of discovery, and to inform Heritage NSW and await their instruction.
- Informative: unexpected finds procedure for discovery of Aboriginal objects during works (i.e., in the event that an Aboriginal object is unexpectedly discovered during works) requirement for development works to immediately stop in area of discovery, and to inform Heritage NSW and await their instruction.

## 7. Social impacts assessment

### 7.1 Literature review, community engagement and social baseline

As part of the literature review of the Social Impact Assessment (SIA), the inclusion of a comprehensive set of state and local government policy and planning documents, including the CN Community Strategic Plan, draft Local Social Strategy and draft Social Infrastructure Strategy (SIS) are welcomed. While the SIA took note of the draft SIS "*Action 4.3.4 - Investigate opportunities to increase access to non-Council owned community spaces for public use through shared and joint use arrangements and agreements and equitable fees and charges*" as relevant to the proposed development, further consideration should be given to best practice trends regarding social infrastructure into the development such as:

- Multipurpose, shared and flexible design of social infrastructure to allow for a range of services and programs to be delivered to diverse community groups.
- Shared use of social infrastructure to increase usage of facilities.
- Co-location within community hubs for the integration of public space, community facilities and services in one location.

As part of the community engagement approach, it is noted the low levels of participation by surrounding residents, despite stakeholder engagement activities that included numerous community updates and works notifications, newspaper articles and letter box drops. It is agreed with the report authors this may be indicative of disengagement with the development or Newcastle High School (NHS) generally. Increased resident engagement

is recommended, particularly to encourage equitable community use of the shared school infrastructure by the wider community, as well as those experiencing disadvantage and/or representative of diverse community groups.

It is noted the comprehensive demographic and social baseline prepared as part of the SIA and the intended use of this baseline to measure eventual social change as a result of the Project. It is not clear what is the SINSW or NHS's planned approach to measure this eventual change. CN would be interested to remain informed on its progress in measuring this social change over time.

## 7.2 Social impact assessment ratings and mitigation and enhancement measures

While the ratings assigned to the various social impacts as per the NSW DPE SIA Guideline Assessment Matrix are generally agreed with, the following points are raised for consideration:

- *Social impact: The project may impact on Aboriginal cultural heritage.*

The SIA report has assigned this a significance rating of Medium B1, which we believe to be incorrect as the likelihood score was "Possible" and the magnitude rating was "Minor" which should then score as a Medium C2 (as per the Social impact significance matrix pictured below).

The development of an Aboriginal heritage management plan is welcomed as the loss of cultural heritage items would be of considerable impact to local Aboriginal people as they, and the wider community, value these items highly. As such, it is recommended the magnitude rating of this social impact to be changed to a Moderate, rather than Minor.

- *Social Impact: The Project will provide additional community infrastructure that may improve liveability.<sup>1</sup>*

While the significance rating of High B3 for this possible social impact is supported, the following matters regarding the 'mitigation and enhancement measures' proposed should be considered:

*Measure 1: Implement the NSW Department of Education's Community Use of School Facilities policy to promote utilisation of new facilities.*

It is not clear how will the implementation of this policy be rolled out. Will there be greater opportunities for local residents and those from vulnerable community groups to benefit from this?

*Measure 2: Continue to work with the City of Newcastle Council to investigate funding of joint use facilities.*

Clarification is required on what is meant by investigating funding of joint use facilities.

*Measure 3: Work with the City of Newcastle Council to develop a licence agreement for community use of the outdoor multipurpose courts.*

This measure is welcomed by CN.

- *Social Impacts: The Project may impact the health and wellbeing of students, staff and residents due to additional noise; decreased air quality.*

It is agreed that students, staff and surrounding residents will experience some negative impact during the construction phase. The rating of High C3 is appropriate.

As per the mitigation measures proposed, it is noted the Construction Management Plan will be prepared prior to Construction Certificate, as well as the development

of an issues register and maintaining ongoing proactive communication with surrounding residents to identify emergent issues before they escalate.

These measures are supported and emphasises the need to ensure open and clear communication channels with local residents, who may be unsure how to raise any concerns they may have.

- *Social Impact: The Project may provide employment for the local construction workforce and will have a positive impact on local business and retailers.*

The enhancement measure which seeks to increase the number of construction jobs available to diverse groups, including women, Aboriginal people and young people from the local region is welcomed. However, clarification is required on how many construction jobs are estimated to be created.

- *Social Impact: The Project will continue to provide opportunities for community and key stakeholder input and comment.*

The development of a comprehensive working draft community engagement and communications plan to effectively manage engagement and communication throughout each phase of the project is welcomed. Efforts to engage local residents who were not as involved during the initial community consultation would be good.

Furthermore, opportunities to continue community engagement once construction of the development is complete, to strengthen community ties between NHS and the broader community should be considered.

## 8. Trees

### 8.1 Canopy cover

According to the EIS and supporting Landscape Design Report (LDR), the development involves the removal of 94 trees which will be replaced by 117 trees, thereby increasing the existing canopy cover from 24% to 31%. It is noted that Figure 4 - Proposed plant schedule and images refer to tree, shrubs/ groundcovers. The associated Landscape Schematic Concept drawings identifies the locations of 'proposed new trees' but not their species. It is recommended that the drawings include a table which indicate each proposed tree, its species and pot size. It is also recommended that the LDR include a statement which indicates the anticipated time for such plantings to reach maturity and achieve the above canopy cover target.

The application is supported by an Arborist Report (AR) prepared by Joeseeph Pidutti, Consulting Arborist. The report has undertaken an assessment of the impact of the development on the existing trees on site. The report identifies the retention value of each of the 276 trees on site and identifies those trees that are to be retained or removed. In undertaking this assessment including the provision of compensatory plantings consideration has been given to Section 5.03 Vegetation Management Plan of the NDCP 2012 and associated Urban Forest Technical Manual.

The report indicates that of the 97 trees proposed to be removed 22 trees have been assessed with moderate or high retention value, but their removal ' *would be mostly only be noticeable from within the school ground from within the school grounds*' and ' *their removal would not significantly diminish from the nature of the neighbourhood and replacement with new plantings will compensate for their removal and provide a positive contribution to the amenity of the area.*' Notwithstanding this, in the interest of minimising the impact on the existing canopy cover on the site, it is recommended that the Applicant give further design consideration to retaining more of the trees having a moderate or high retention value.

It is further noted that LDR makes no reference to the Arborist Report. It is recommended that the LDR indicate how each of the recommendations of the AR have been addressed in the Landscape Schematic Concept drawings.

### 8.3 Street trees

A street tree is located on the National Park and Smith Street frontages of the site. Both trees appear are to be retained and protected in accordance with Section 8.0 Protection Measures of Part B Public Trees of the Newcastle Urban Forest Technical Manual. The tree protection fencing must remain in place and be maintained until all works have been completed, with no waste materials washouts, equipment or machinery to be store within the fenced area. No pruning of a public tree is to occur without prior consent from CN's City Greening Services.

## 9. Development Contributions

CN's Section 7.12 Development Contributions Plan commenced on 1 January 2022 and applies to all land within the Newcastle City Council LGA. A levy of 1% applies to non-residential developments having a cost more than \$200,000.

The EIS acknowledges the applicability of the plan to the development but seeks an exemption principally on the grounds that it is best practice to exempt community infrastructure from paying contributions. In this regard, reference is made to Circular D6 'Crown Development Applications and Conditions of Consent' issued by the former Department of Urban Affairs and Planning in 1995.

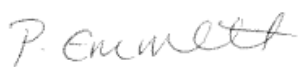
This circular is the government's guiding document in relation to '*where councils intend to levy contributions on Crown developments*' under former Section 94, now known as Section 7.11, of the Environmental Planning and Assessment Act 1979. It also states that if a contribution is required for an educational establishment under a Section94 development contributions plan, that justification is required. However, this circular predates the introduction of development contributions being levied under section 94A, now known as Section 7.12.

Educational establishments are a development type captured under City of Newcastle's Section 7.12 development contributions plan and are not an exempt form of development. A Section 7.12 levy under the above plan, unlike a section 7.11 levy above, is not required to demonstrate a nexus between the proposed development and imposition of the levy. Therefore, the imposition of a levy is appropriate and it is recommended the Applicant is required to submit a cost report in accordance with the plan.

It is recommended that the Applicant is required to respond to the various matters raised in this letter.

If you have any questions in relation to this letter, please contact Geof Mansfield Development Assessment Section Manager on 4974 2767 or by email on [gmansfield@ncc.nsw.gov.au](mailto:gmansfield@ncc.nsw.gov.au) .

Yours faithfully



**Priscilla Emmett**  
**CITY WIDE DEVELOPMENT ASSESSMENT MANAGER**