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Reply via Major Project Portal: <https://majorprojects.planningportal.nsw.gov.au/>

Dear Ryan Lennox

UNIVERSITY OF NEWCASTLE CITY CAMPUS - STUDENT ACCOMMODATION (SSD-61618229) - 20 CIVIC LANE NEWCASTLE

I refer to the Department of Planning, Housing and Infrastructure's (DPHI's) notification on 5 September 2024 of the public exhibition of State Significant Development Application (SSD-61618229). It is for the University of Newcastle City Campus Student Accommodation and invites City of Newcastle (CN) to provide advice on the proposal.

The exhibited Environmental Impact statement (EIS) and architectural plans have been reviewed and CN is supportive of the proposal which will result in additional student accommodation servicing the City. However, following a detailed assessment it is recommended the applicant respond to the following matters prior to the determination of the application:

1. Newcastle Local Housing Strategy

The proposal aligns with most priorities in CN's Local Housing Strategy, except for Housing Priorities 3 and 6, where further information is required.

- a. *Housing Priority 3: Increase Accessible and Adaptable Housing* - The proposal includes 10 accessible units (4.8% of the total 205 units), based on an assumption that 2.2% of students require accessible accommodation.

However, the submitted 'Building Code of Australia 2022 and DDA Premises Standards Review' (Appendix T) indicates eight additional accessible units are required to meet the minimum standards of the Disability Discrimination Act 1992 and the Building Code of Australia. While eight ambulant units and eight ambulant bathrooms are proposed, details on how these differ from standard units are missing. The concern is that the proposed bathroom configuration, with only one ambulant bathroom per six occupants, may not be adequate. CN recommends revising the design to include eight more accessible units in addition to the ambulant units.

Further, while development control plans don't legally apply to State significant developments (SSD), CN recommends using Section C13 of the Newcastle Development Control Plan (NDCP) 2023. This would ensure all units meet Platinum Level standards of the Livable Housing Design Guideline, promoting accessibility and inclusivity.

- b. *Housing Priority 6: Ecologically Sustainable Homes* - This priority seeks to ensure new housing supports community health and well-being and contributes to CN's net-zero emissions goal by 2050.

The Environmental Impact Statement (EIS) proposes some sustainability measures, however, to satisfy Section B6 of the NDCP 2023 and address urban heat mitigation, CN recommends the applicant provide a reflectivity modelling report, detailing how the design will reduce urban heat impact and solar reflection in both public and private spaces.

2. Capacity - Number of beds

The proposed development includes 205 student accommodation units providing 445 beds. However, the approved Concept Proposal (SSD 9262) limited the number of beds to 400 beds (refer to 'University of Newcastle Honeysuckle City Campus Development and Development Volume 1-Master Plan' January 2020 -pp 58 & 80 and the 'Department of Planning, Industry and Environment Assessment Report' May 2020 -pp 8,12, 59 & 75). The EIS does not provide justification for exceeding this limit and it is recommended that the applicant be requested to address this matter.

3. Design

The following matters which require further consideration with regards to the proposed design:

- a. *Street activation* - Worth Place and Civic Lane elevations lack street activation. The approved design guidelines (Appendix A Condition B1 of the Concept Plan Approval) state that Worth Place is the primary address, with additional frontage to Wright Lane. It is suggested that relocating the student lounge and laundry to an upper floor would enable additional retail floor space at the ground level. Moving the administration functions from the Worth Place elevation to the Wright Lane elevation would also improve street activation.
- b. *Room sizes and functionality* - Unit sizes range from 13m² (micro studio) to 90m²-103m² (5 & 6 beds clusters). While there are no minimum size requirements for student accommodation, the small sizes impact functionality. Twin rooms with a floor area of 28.5m² are constrained by access ways, the cooking facilities for the clusters are insufficient having only a single cooktop, and desk space and storage is limited. These issues stem from the proposal's inclusion of 445 beds, exceeding the 400-bed capacity under the Concept Plan Approval.
- c. *Shading* - Additional shade structures to the western and northern elevations are recommended to enhance the buildings sustainability performance.
- d. *Retail design* - CN recommends the retail premises be grease arrestors and mechanical ventilation ducting suitable for food and drink establishments for accommodate future tenants needs.

4. Building Height

Condition A11 of the CPA set a maximum building height of 'reduced level' (R.L.) 38.85m. The proposed development has a maximum building height of R.L. 33.85m, excluding plant and equipment. While the EIS states this is consistent, the definition of Newcastle Local Environmental Plan (NLEP) 2012 defines building height to include plant and lift overruns. As a result, the development exceeds the maximum building height. The EIS and Roof Plan (Drawing No DA-1010) propose the following exceedances:

- Enclosed Plant on the eastern rooftop by 2.8m (R.L. 36.65)
- Enclosed Plant of the western rooftop by 3.55m (R.L. 37.4)
- Two cooling towers on the western rooftop by 7.05m (R.L. 40.9)

While the CPA provides for '*minor intrusions*' of rooftop plant above the maximum height subject to approval, CN is concerned these exceedances are not minor and although they are less noticeable from street level, they will impact visual amenity from distant viewpoints. Given the site's prominence, CN recommends amendments to ensure compliance with the approved building height.

5. Flood management

- Flood Refuge* - The Flood Impact and Risk Assessment (FI&RA) report (p10) (Appendix GG) states the ground floor retail area will be exposed to low hazard flood conditions at the probable maximum flood event. In such an occurrence, people on the ground floor '*...can take refuge on furniture or move to the upper floors of the building*' to avoid exposure to floodwaters. The use of furniture as a refuge is a risky option.

CN recommends identifying Level 1 Living Room as the flood refuge in the Flood Emergency Response Plan (FERP) for the proposal. The FERP could be conditional, submitted with the Construction Certificate application with implementation before occupation.

- Overland Flow Path and Floodway* - The FI&RA report identifies an overland flow path between proposed Building B and Wright Lane. An issue to be considered is how the floodway (i.e. overland flow path) over Wright Lane will be managed in conjunction with the design of the proposed public domain works.

CN recommends the applicant undertake a detailed review of the design of the proposed public domain works in consultation with the flood consultant to determine how the works will be designed to manage flooding. It is recommended that typical sections be prepared indicating the flooding outcomes, ensuring the proposed public domain works do not compromise safety, risks, and amenity, and that the public domain footway grades for accessibility are achievable.

6. Traffic and parking

- Existing car park* - On 4 July 2024, CN issued a conditional consent for site preparation works (DA2023/00787). The works included the demolition of the western portion of Wright Lane carpark and a new carpark with lighting adjacent to the existing carpark immediately east of proposed Building B, with no net loss in the total number of parking spaces. The works included the installation of bollards and new line markings to convert the western end of Wright Lane to a restricted access service lane on a temporary basis.

The EIS acknowledges the approved site preparation works. However, the spatial and functional interactions between those works and the proposed development is unclear, and the approved works are not shown on the architectural plans for the proposal.

For example, it is not clear how the use of the service vehicle access to the rear of the Q Building (A1) and the future Building A2 will interact with the proposed public domain works in Wright Lane to minimise vehicular/pedestrian conflict. The approved DA plans use bollards and pavement markings which are not shown on

the proposed development landscape plan. It is requested that the application provided further information to address this matter.

- b. *Accessible parking* - The EIS (p46) indicates interim accessible parking at an undisclosed location in the existing carpark to be located immediately to the east of the proposed student accommodation building. Long term accessible parking is to be part of a future campus public domain plan. However, later the EIS (p85) states that the proposal seeks on-street accessible parking.

The applicant should provide clarity on the intended provision of accessible parking for the short and long term, supported by revised plans that indicate the location of such parking and access routes to the proposed and existing buildings.

- c. *Bicycle storage* - The proposed development provides storage facilities for 82 bicycles for students and staff. The Parking and Assessment (P&A) report (Appendix X) indicates that at a rate of one space per 5.5 residents the capacity of the facility exceeds the applicable rates for students and staff under NDCP 2023.

However, condition C24 of the CPA includes the statement that future DAs should explore opportunities to provide bicycle parking above the requirements of the NDCP, where this would facilitate the proposed site-wide travel mode share. It is recommended that the bicycle storage facilities should be significantly increased, including provisions for visitors and end users (e.g. proposed retail) to the site.

Further, the proposed two-metre-wide pathway abutting the site's southern boundary is insufficient to accommodate bicycle movements, noting that the doors for the bike store and three plant rooms open outwards across the pathway. CN's requires a shared pathway to have a minimum width of 2.5m.

- d. *Other forms of transport*- The P&A report (p40) assumes that the residents of the proposed student accommodation will use E-bikes. It is not stated in the EIS how the use of E-bikes and scooters by students and staff has been addressed through the provisions of appropriate facilities such as EV charging stations and parking. Further, there is no long-term solution to manage the provisions for other alternative forms of transportation such as co-sharing of cars. It is recommended that further information be provided in response.

7. Waste collection and servicing

- a. *Proposed Student Accommodation & retail tenant* - A private contractor is proposed using medium rigid vehicles (MRV) to collect the waste and recycling of the development using the loading dock at the rear of the building via Civic Lane. In this regard, waste collection must not occur from the kerbside, with bins being serviced from within the loading dock. Concern is raised that the reversing movements of the MRVs will impact three kerbside parking spaces in the lane. Civic Lane is a dedicated resident permit parking area used by the residents of housing located above the commercial properties fronting Hunter Street which back onto the lane. Any reduction in parking space numbers will impact residents and businesses and is not supported. Relying on on-street parking restrictions to ensure MRV access to the dock is problematic.

CN recommends a revised development design address MRV access, or an alternative. Wright Lane may provide a more coordinated, centralised approach to servicing the campus, involving the proposed development, the existing Q building A1, and future buildings A2, C and D.

The student accommodation will likely generate a high demand for parcel drop-off and other services including food deliveries. It is not clear in the P&A report how the development will accommodate such services, noting the kerbside loading zone in Civic Lane is in high demand for use by the Hunter Street properties.

CN recommends the waste collection bay be designed with adequate sightlines for pedestrians, cyclists and end users, and comply with the relevant requirements of Australian Standard AS2890.2. It is also recommended the applicant be required to demonstrate compliance.

While the Operational Waste Management Plan (Appendix NN) mentions the NDCP 2024, it does not provide detailed consideration of Section C6. CN recommends the applicant be required to demonstrate compliance with the relevant requirements.

- b. *CN waste collection* – As mentioned above, the proposal is for a private contractor to collect the waste and recycling of the development. Should the applicant wish to use CN's waste collection service in the future the design will need to be revised to accommodate servicing by HRVs.
- c. *Existing Q Building* - Waste collection and serving of the existing Q Building A1 is via on-street waste collection from Honeysuckle Drive and from the rear of the building with access off Wright Lane. The development proposed changes to the timed on-street parking on Honeysuckle Drive between Worth Place and Settlement Lane to accommodate waste collection, approved by the Newcastle City Traffic Committee (NCTC) (15 March 2021 Item No. 22). The changes included, as interim solutions, the provision of a disabled person parking space and changes to the timed parking to accommodate the needs of the occupants of Q Building, as well as student drop off/pick up. It was reported to the Committee that the proposed changes were an interim arrangement until servicing is incorporated into the site along with pedestrian/service access off Worth Place with later stages of campus development.

The proposed development's public domain upgrade will result in the closure of a major portion of the western end of Wright Lane, which includes access to the rear of the Q Building A1 and the future Building A2. This leaves these buildings with no opportunity to be serviced from Wright Lane. It is a significant concern that no permanent long-term solution has been provided for waste collection and servicing needs for these buildings and must be addressed appropriately.

This interim arrangement is having undue impacts on the amenity of the locality, public spaces and parking. Given the temporary nature of the NCTC's approval and the recently approved works to Wright Lane it is appropriate the applicant provides permanent on-site facilities for the Q Building A1. CN recommends the applicant be required to provide supplementary information which addresses the following:

- i. Provision of a permanent waste collection facility for the existing Q Building A1 and the future Building A2 accessed from the internal road network of the site.
- ii. Provision of on-site accessible parking for the Q Building A1.
- iii. Provision for other servicing and a student and teacher drop-off be planned or at least discussed in consultation with CN to ensure early planning is carried out.

8. Social Impact Assessment

In addition to the social planning related recommendations and mitigations of the EIS, CN provide the following recommendations and comments:

- a. *Incorporate CPTED Recommendations*: the recommendations from the Crime Prevention Through Environmental Design (CPTED) report (Appendix V) should be included in the Consolidated Mitigation Measures table (Appendix E).
- b. *Crime statistics review*: The CPTED report (p5) analysis crime statistics for Newcastle and notes that the site, located in the CBD near ear Honeysuckle and the Civic Light Rail Station, experiences a moderately high risk of victimization due to significant pedestrian traffic around Hunter Street and Honeysuckle Drive. The proposal must outline clear mitigation measures to address these trends.
- c. *'Back of house' (i.e. Civic Lane)* - The CPTED report is to address, including mitigation measures, access and use of the lane by students and the occupants of neighbouring residential/commercial properties, as well as campus bike storage, and end of trip and changeroom facilities (24hr/7days week).
- d. *Gender-based Violence in Higher Education (EISp65)* - the development should implement the recommendations of the Federal Department of Education's 'Draft Action Plan Addressing gender-based violence in higher education'(Nov 2023) and incorporate learnings from the plan in future stages of the UoN City Campus.
- e. *Affordable and Accessible* - The EIS and SIA state the development will contribute to affordable accommodation for students at the university. According to the EIS (p65), *'The University is committed to providing students with affordable, accessible housing across all campuses and offer various options at different price points.'* CN recommends the EIS include details of the levels of affordability proposed and how they will be maintained. Further, as identified previously CN recommends increasing the number of accessible units to achieve this objective and compliance with the minimum standards of the Disability Discrimination Act 1992 and the Building Code of Australia
- f. *Student accommodation strategy* - CN recommends the UoN prepare a Student Accommodation strategy to implement focusing on supporting students and sourcing local affordable accommodation. This relates to the low vacancy rate and the identified higher dwelling occupancy rate for such accommodation in the suburb of Newcastle. As noted in the SIA (p76), a higher occupancy rate corresponds with a lower availability of housing properties.
- g. *The UoN's 2024 Student Living Standards* - should be amended to include:
 - i. Respecting the privacy and peace of neighbouring external city residential and commercial.
 - ii. Safety guides for using campus amenities accessed from Civic Lane, (i.e. bike storage, end of trip change facilities and secondary Building B entry point).
- h. *UoN provided social infrastructure* - The SIA (p53) indicates the proposal contributes to affordable UoN provided social infrastructure for student population including childcare, a medical centre, makers' space, and sporting (the Forum), accessible by a shuttle bus Monday to Friday. CN requests that information be provided demonstrating how the affordability of these assets is ensured for students and how they will be delivered/maintained for the development.

- i. *Campus wayfinding* - The development should provide wayfinding signage in several languages on the City Campus to accommodate the needs of international students.

9. Submitted plan detail

- a. *Kerb alignment* - The submitted plans incorrectly show the alignment of the kerb on the north-east corner of Civic Lane and Worth Place. The correct alignment is evident in the photo image underlying the Landscape Plan-Ground Floor Stage 1. CN recommends the applicant provide revised drawings with the correct location of the kerb alignment.
- b. *Boundarie* - The submitted documentation identifies the subject site as including the western portion of Lot 2 DP1247375. While the application is supported by a comprehensive topographical survey of the Honeysuckle Precinct (Appendix J), it does not include the dimensions of the site boundaries of that part of Lot 2 to be occupied by the proposed development. It is recommended the applicant provide a survey plan including details of these boundaries.

10. Aviation

The Aviation Impact Assessment Report (Appendix UU) has not considered the following:

- a. The proposed Defence Aviation Area (DAA) for RAAF Base Williamtown. Under Part 11A of the *Defence Regulation 2016*, prior approval from the Department of Defence is required for any building, structure, or object that exceeds the height restriction indicated on the DAA map. The boundary of the 15km radius from the Aerodrome Reference Point appears to traverse the UoN City Campus.
- b. Impacts on helicopter operations at the Aero Logistics Helicopter base at 10 Laurio Place, Mayfield West.

CN recommends seeking clarification from the applicant regarding these omissions.

11. Conditions and other approvals

- a. *Public Domain works* - CN's public infrastructure considerations for the UoN City Campus seeks to ensure is an adequate footpath and cycleway to the east leading to the Museum precinct. The development will generate a high demand for pedestrian and cycleway infrastructure in the Civic precinct, as well a high demand for kerbside car parking for transport services, such as Uber, and the delivery of food.

The proposal includes a two-metre-wide paved corridor between the southern elevation of the proposed building and the adjoining property boundary. The one-metre-wide road widening, indicated in DP 1247375 was to ensure at least a temporary footway along the northern side of Civic Lane abutting the southern boundary of the campus linking to the existing footway at the Museum Precinct

The proposal necessitates major upgrades to Civic Lane, Worth Place and Wright Lane. CN is progressing concept designs and welcomes the opportunity to discuss these with the applicant. It is requested the applicant contact CN's Senior Development Officer (Engineer) Rajnesh Prakash on 49742137 or by email on rprakash@ncc.nsw.gov.au.

- b. *Dewatering* - As part of the development dewatering discharge will be done to the existing drainage network. Any discharge leading to CN's drainage network will require CN's prior approval. The applicant must demonstrate all requirements regarding environmental management and controls including a dewatering licence have been satisfactorily addressed. This could be a condition of consent, addressed before the construction begins.
- c. *Construction Crane* - Given the campus's proximity to medium density residential properties, CN recommends the EIS includes details of the assembling of any proposed crane associated with the construction of the development. CN's prior approval under the *Roads Act 1993* will be required for activities involving the use of a public road. This can be addressed by an appropriate condition of consent.
- d. *Heritage*: If the development is to be approved, it is recommended appropriate conditions are imposed to address the following matters:
 - i. All recommendations in the submitted statement of heritage impact, archaeological assessment and Aboriginal Cultural Heritage Assessment Report (Appendix OO) are individually conditioned.
 - ii. 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, landscape and archaeological elements during site preparation and the works.
 - iii. A suitably qualified and experienced heritage consultant is to be commissioned to provide detailed heritage advice to the project for its duration, including guiding the construction documentation, the implementation of the conditions of consent and through the construction process. Written documentation to support the commission of the heritage consultant is to be submitted with the Construction Certificate.
 - iv. Before a construction certificate is issued, a suitably experienced heritage interpretation practitioner must prepare a detailed heritage interpretation plan following the Heritage Council's 'Interpreting Heritage Places and Items Guidelines' (2005). The plan must build on themes and opportunities identified in the Heritage Interpretation Strategy (Appendix RR), make allowance for the display of any potential archaeology uncovered during the works, and 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 most visitors. The Interpretation Plan must be implemented before the Occupation Certificate is issued.
 - v. Before works commence on site, all contractors and subcontractors are to undergo an induction session, delivered by the project heritage consultant, highlighting the historical significance of the site, and particularly those building elements and archaeology requiring conservation.
 - vi. An unexpected finds procedure for discovery of archaeological relics during works i.e. if 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.
 - vii. An unexpected finds procedure for discovery of Aboriginal objects during works i.e. if 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.

Conclusion

Thank you for the opportunity to review the submitted State Significant Development Application (SSD-61618229) for the University of Newcastle City Campus Student Accommodation. It is requested that the above matters be considered and addressed by the application and during the assessment by DPHI to ensure that the development appropriately responds to this matter and makes a positive contribution to the City.

If you have any questions about the matters raised in this letter, please contact Geof Mansfield Principal Development Officer (Planning) on 02 4974 2767 or on gmansfield@ncc.nsw.gov.au.

Yours faithfully,



Shane Cahill
CITY SIGNIFICANT AND STRATEGIC PLANNING MANAGER