



Planning &
Environment

**STATE SIGNIFICANT DEVELOPMENT
ASSESSMENT REPORT:
New Space Project at the University of
Newcastle CBD Campus
409 Hunter Street and 300 King Street,
Newcastle and 20 Laman Street Cooks
Hill
(SSD 6457)**



Secretary's Environmental Assessment Report
Section 89H of the *Environmental Planning and
Assessment Act 1979*

February 2015

ABBREVIATIONS

Applicant	University of Newcastle
ATZ	Active Transport Zone
CIV	Capital Investment Value
Consent	Development Consent
Council	City of Newcastle
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EPA	Environmental Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
LEP	Newcastle Local Environmental Plan 2012
Minister	Minister for Planning
OEH	Office of Environment and Heritage
RMS	Roads and Maritime Services
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development

Cover Photograph: Photomontage from Hunter Street (*Source: Lyons and EJE Architecture*)

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EXECUTIVE SUMMARY

This report is an assessment of a State significant development application lodged by the University of Newcastle seeking approval for the construction and operation of the New Space project, at 409 Hunter Street and 300 King Street, Newcastle and 20 Laman Street Cooks Hill. The New Space project comprises the construction of a 10 storey education building (including lecture theatres, a library, teaching and learning spaces, office spaces and ancillary retail space), refurbishment works to University House, pedestrian links between the new education building and University House, ground level pedestrian linkages, upgrade and expansion of the existing Laman Street Car Park and associated civil and landscaping works.

The project has a capital investment value (CIV) of approximately \$90 million and will generate 300 operational jobs and 918 construction jobs.

The proposal is State significant development under clause 15 of Schedule 1 to the State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP), as it is a development for education purposes and has a CIV of more than \$30 million. The Minister for Planning is the consent authority.

The New Space site is zoned B3 Commercial Core and the Car Park site is zoned R3 Medium Density Residential under the Newcastle Local Environmental Plan 2012 (NLEP). The proposed development is permissible with consent.

The proposal was exhibited from 21 August 2014 until 19 September 2014. The Department received submissions from the City of Newcastle Council, Roads and Maritime Services, Transport for NSW and the Heritage Division of the Office of Environment and Heritage. A total of 24 submissions were received from the public, including seven from organisations and community groups. A total of nine submissions support the proposal whilst six object and nine provide comments regarding the proposal. The matters raised in the submissions included car parking provisions, loss of heavy rail and reliance on the future light rail; and the design of the building.

The applicant submitted a Response to Submissions (RtS), which provided minor design modifications including a reduction in height from RL 50.8 to RL 48.05, removal of an additional tree within the Car Park site and offset planting and external design refinements. The RtS also included an amended Heritage Impact Statement, revised Noise and Vibration Assessment, further travel demand and parking analysis including revised travel demand management measures and an additional arborist assessment.

The Department has carried out an assessment in accordance with the requirements of the Act, including consideration of the relevant environmental planning instruments and the key issues, including transport and traffic impacts and built form and urban design.

Importantly, the Department's assessment concludes that:

- reduced on-site car parking is acceptable given the high level of accessibility of the site to public transport options and the proposed measures to promote reduced private vehicle travel to the site, including two 'park and ride' facilities;
- the proposal would support and be supported by the future light rail;
- traffic impacts would be acceptable as the reduced on-site car parking would limit traffic generation and any traffic generation would be dispersed given the availability of parking around the site and the restrictions on this offsite parking; and
- the proposal has demonstrated design excellence and provides a contemporary and unique design that would activate the area and initiate the revitalisation of the commercial centre, particularly Hunter Street, as well as improving permeability and connectivity within and around the site;

- the proposal is sympathetic to the surrounding heritage items and would encourage greater appreciation of these items; and
- the proposal would have acceptable heritage impacts on University House and would result in an overall positive outcome for University House, with the additional program of conservation management works and future site interpretation.

The Department is satisfied that the residual impacts of the proposed development have been addressed in the Environmental Impact Statement and Response to Submissions, and can be adequately managed through the recommended conditions of consent.

The Department considers the application is consistent with the objects of the EP&A Act (including ecologically sustainable development), NSW 2021 and the Newcastle Urban Renewal Strategy. The Department is satisfied that the subject site is suitable for the proposed development and would support over 2,000 students in the new building which is located within the City Centre closer to jobs and services. The \$90 million investment in the City Centre would initiate the urban renewal process as well being a catalyst for further investment to support the new student population. The proposal would also directly support 300 additional employment opportunities and 918 construction jobs. The proposal would support jobs and students within the City Centre which would benefit from an improved interface with industry and support growing sectors of the Newcastle economy. Further, the proposal would contribute to the State's social infrastructure and would promote its capacity for providing further education facilities and ensuring the State has a skilled workforce.

The Department therefore considers the development would be in the public interest and recommends that the State significant development application be approved, subject to the recommended conditions.

1. PROPOSED DEVELOPMENT AND SITE DESCRIPTION

1.1 Site Description and Surrounding Development

The University of Newcastle (the applicant) proposes to construct and operate the New Space Project, including refurbishment works to University House, located at the University of Newcastle CBD Campus, on two parcels of land at 409 Hunter Street and 300 King Street, Newcastle and 20 Laman Street, Cooks Hill.

The proposed development is located on two separate sites known as the New Space site and Car Park site.

The project location is shown in **Figure 1**.

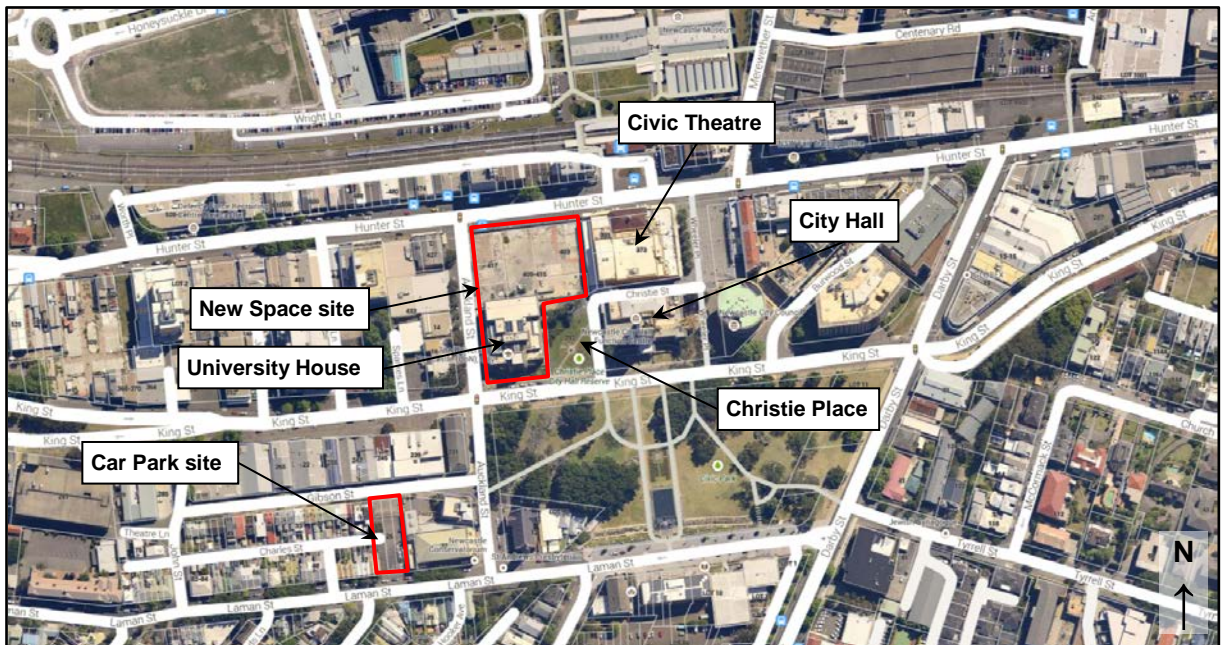


Figure 1: Project Location (Source: nearmaps)

New Space site

The New Space site (see **Figure 2**) comprises two lots being 409 Hunter Street (Lot 1 DP1188877) and 300 King Street (Lot 2 DP225689). The site is bounded by Hunter Street to the north, the Civic Theatre to the east, Christie Place and King Street to the south and Auckland Street to the west. The New Space site has a primary frontage of approximately 75 metres to Hunter Street. It accommodates University House (see **Figure 3**) on the southern parcel (300 King Street) and a vacant site at 409 Hunter Street. The vacant part of the site formerly accommodated a number of two to three storey brick buildings used for retail and commercial purposes before being demolished by Council in 2013 under a separate approval (see **Figure 4**). Mine subsidence stabilisation works have also been approved by Council and are currently being undertaken to prepare the site for development.

The New Space site is located within the civic precinct of the Newcastle CBD and is surrounded by civic buildings and commercial and retail buildings to the north, east and west. Newcastle's central open space area, Civic Park, is located to the south of the site.



Figure 2: Existing New Space site layout (Source: nearmaps)



Figure 3: View of University House from Christie Place



Figure 4: View of the New Space site from Auckland Street

Car Park site

The Car Park site is located approximately 150 metres from the New Space site at 20 Laman Street, Cooks Hill (Lot 1 DP150762, Lot 1-2 DP995015 and Lot 15 DP 999751). The site is bounded by Gibson Street to the north, the University of Newcastle Conservatorium to the east, Laman Street to the south and residential dwellings to the east (see **Figure 5**). The Car Park site has 20 metre frontages to Laman Street and Gibson Street. The Laman Street car park currently contains 27 car spaces and vacant areas. The site has a significant change in level with the southern part of the site forming the main at-grade car park accessible from Charles Street (see **Figure 5**) and is approximately four metres higher than the smaller portion of the site fronting Gibson Street. The Gibson Street frontage provides seven off-street car parking spaces (see **Figure 6**).



Figure 5: Existing Car Park site layout (Source: nearmaps)



Figure 6: View of the Car Park site from Gibson Street

The Car Park site is surrounded by commercial and retail to the north, the University of Newcastle's Conservatorium to the east and residential to the south and west.

1.2 Light Rail

The State government has committed to providing a new light rail from the proposed transport interchange at Wickham to the beach to replace the truncated heavy rail system. The light rail is proposed to travel through the CBD (see **Figure 7**) and facilitate revitalisation of the area by improving north-south connectivity and access to the foreshore. The New Space site is located along the preferred light rail route and would be indicatively supported by stops on Hunter Street. The proposed Civic stop has been located to support the expanded University campus and the civic precinct.

Trains are currently terminating at Broadmeadow and Hamilton, whilst works to deliver the Wickham interchange are being reviewed and finalised. These works are expected to commence in July 2015. Shuttle bus services to Newcastle from Broadmeadow and Hamilton stations are currently provided and would continue until works to establish the Wickham transport interchange are completed. This work is expected to be completed by the end of 2016. Trains would then terminate at the Wickham interchange, where bus services would be available until light rail services start, which is currently scheduled for 2019.

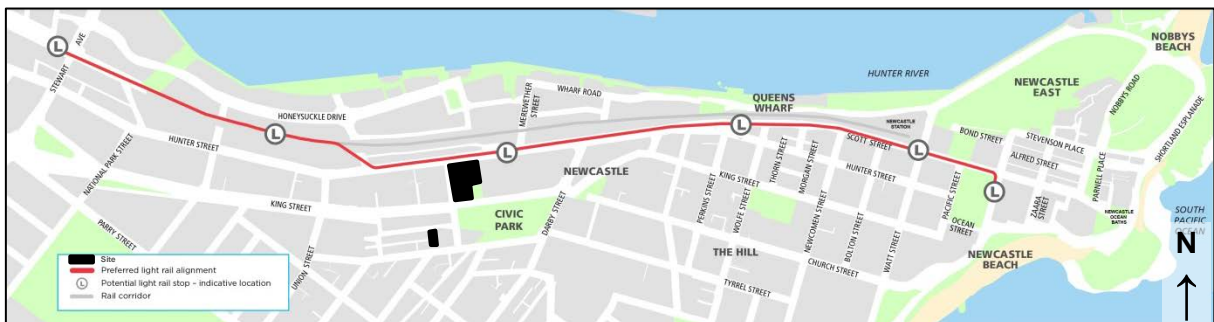


Figure 7: Indicative light rail route

1.3 Key Development Components and Features

The State significant development application (SSD 6457) proposes the construction of the New Space Project and operation of the facilities for education purposes. **Table 1** provides a summary of the development proposal's key components and features. **Figures 8 to 10** show the proposed site layout and a visual perspective of the proposal..

The proposal seeks to expand the University's operations at the CBD Campus and consolidate the Business and Law Faculty at the CBD Campus, which would operate in conjunction with the main Callaghan campus. The Callaghan campus is located to the north-west of the CBD and approximately 6.5 km from the New Space site.

Table 1: Key Development Components

Development Summary	New Space site: <ul style="list-style-type: none"> • construction of a 10 storey education building (including plant level) to provide lecture theatres, a library, teaching and learning spaces, office spaces and ancillary retail space; • refurbishment works to University House (formerly 'Nesca House'); • construction of pedestrian links between the new education building and University House on levels one to three; • ground level pedestrian linkages; and • associated civil and landscaping works. Car Park site: <ul style="list-style-type: none"> • upgrade and expansion of the existing Laman Street Car Park; and • associated civil and landscaping works. 	
GFA	New Space Building	12,434 sqm
	University House	5,676 sqm
	Total	18,110 sqm
Site Area	New Space Building	3,810 sqm
	University House	2,188 sqm
	Car Park site	1,029 sqm
FSR - New Space site	3.02:1	
New Space Building Height	45.55 metres (Max RL 48.05)	
New Space Building Population	2,347	
Car Parking Spaces	A total of 52 car spaces (5 new spaces on the New Space site and 20 additional spaces on the Car Park site)	
Bicycle Parking Spaces	248	
Capital Investment Value	\$89,983,369	
Jobs	300 operational and 918 construction jobs	



Figure 9: Photomontage view of the site from the corner of Hunter Street and Auckland Street

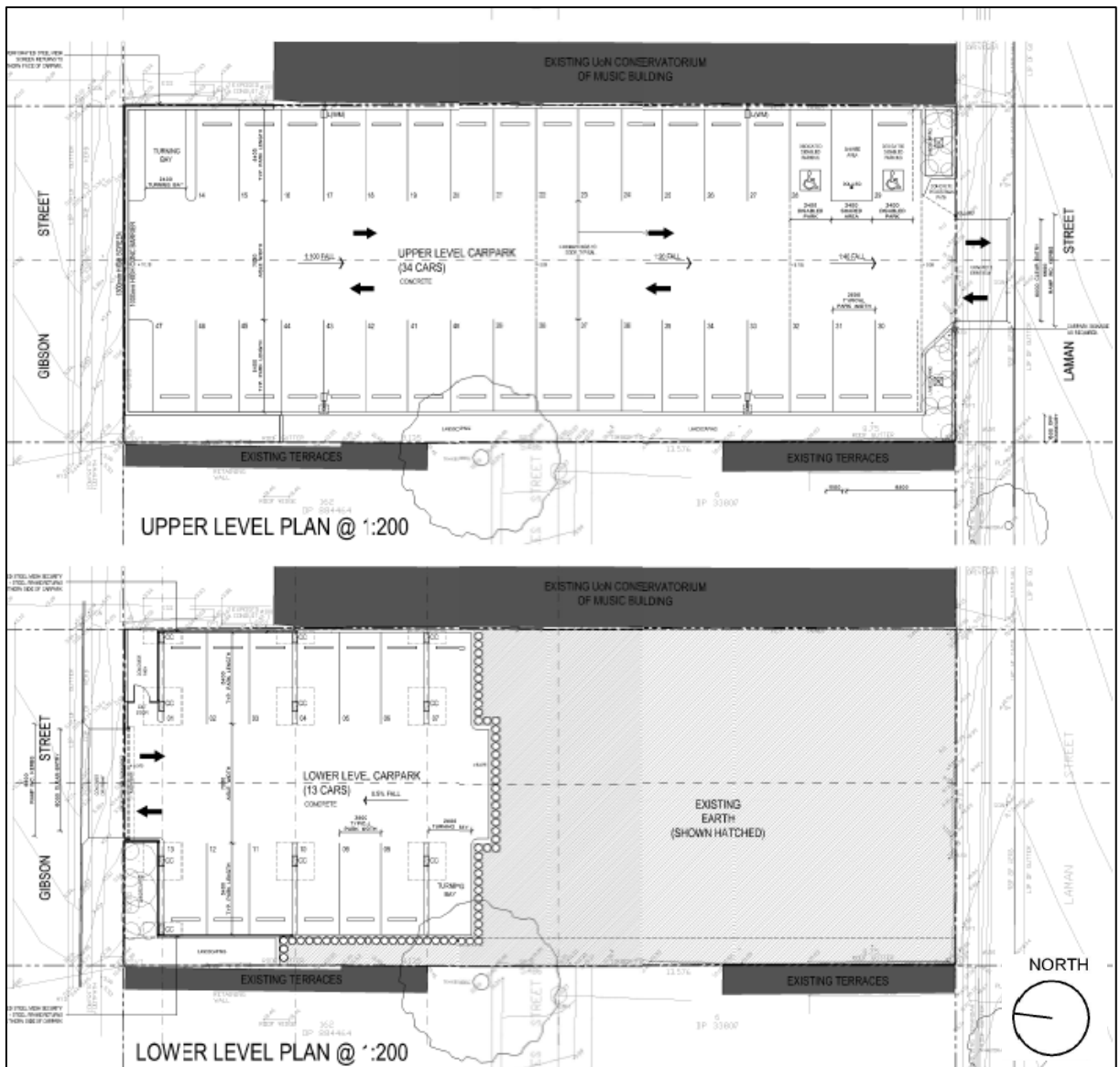


Figure 10: Proposed plans for Car Park site

2. STATUTORY AND STRATEGIC CONTEXT

2.1. SEPP (State and Regional Development) 2011

The proposal is State significant development given it is development for the purpose of an educational establishment with a capital investment value (CIV) in excess of \$30 million under clause 15 (Educational establishments) of Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011. Therefore the Minister for Planning is the consent authority.

2.2. Delegated Authority

In accordance with the Minister's delegation dated 10 November 2014, the Executive Director, Infrastructure and Industry Assessments, can determine the subject application as Council has not objected to the proposal, no political disclosure statement has been made and less than 25 public submissions have been received objecting to the proposal.

2.3. Permissibility and Zoning

The New Space site is zoned B3 Commercial Core under the Newcastle Local Environmental Plan 2012 (NLEP). The proposed development for the purposes of an educational establishment and ancillary retail is permissible with consent.

The Car Park site is zoned R3 Medium Density Residential under the NLEP. The proposed use of the site as a car park is permissible with consent.

The New Space site is also identified as a key site and University House is identified as a local heritage item under the NLEP. The New Space and University House sites are located within the Newcastle City Centre Heritage Conservation Area and the Car Park site is located within the Cooks Hill Heritage Conservation Area.

Further consideration of NLEP is also provided in **Appendix B**.

2.4. Environmental Planning Instruments

The Department's consideration of relevant EPIs (including SEPPs) is provided in Appendix B. The proposal is consistent with the relevant requirements of the EPIs.

2.5. Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the Act (see glossary at **Appendix C**), as set out in section 5 of the Act. The proposal complies with the objects of the Act as it would deliver new educational facilities and continue the adaptive use of the State Heritage listed, 'Nesca House', for educational purposes. The proposal promotes the social and economic welfare of the State through the orderly development of previously disturbed land within an urban setting for social infrastructure.

2.6. Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991* (see glossary at **Appendix C**). Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle,*
- (b) *inter-generational equity,*
- (c) *conservation of biological diversity and ecological integrity,*
- (d) *improved valuation, pricing and incentive mechanisms.*

The Department has considered the project in relation to the ESD principles. The Precautionary and Inter-generational Equity Principles have been applied in the decision

making process via a thorough and rigorous assessment of the environmental impacts of the project. The proposal is considered to be consistent with ESD principles as described in Section 5.4 and 8.3 of the applicant's EIS, which has been prepared in accordance with the requirements of Schedule 2 of the Regulation.

The proposal is located on previously developed and disturbed sites and seeks to construct a new education building, undertake conservation works and construct an underground level of car parking. It would not result in the loss of any threatened or vulnerable species, populations, communities or significant habitats. The site is not subject to any known effects of flooding and is not subject to bushfires. The site would not be impacted by changes in sea level resulting from climate change.

The applicant has also identified a range of ESD initiatives within the design of the project that would ensure the building achieves a 5 star Green Star rating, including:

- a reduction in energy use through the design of a high performance façade with sun shading and double glazing, use of escalators for vertical transport of large numbers of students and internal stairs for office areas, solar hot water system and adoption of building systems that can minimise energy usage and maximise natural ventilation;
- a reduction of potable water use through capture and re-use of rainwater and use of water efficient fixtures;
- the use of reused or recycled materials where possible; and
- the support for active transport through the provision of cyclist facilities and sustainable transport through the provision of minimal additional car parking.

The Department has considered the development in relation to the ESD principles and is satisfied that the proposed sustainability initiatives would encourage ESD, in accordance with the objects of the EP&A Act and EP&A Regulation. The Department has included a condition that requires the applicant to certify that the building achieves a 5 star Green Star rating.

2.7. Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the Regulation cited in this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with.

2.8. Strategic Context

The Department considers that the proposal is appropriate for the site given:

- it is consistent with the priorities of NSW 2021, the State's 10 year plan, to provide quality education services by providing new facilities to ensure optimal teaching and learning spaces are provided to support tertiary education and ensure the State has a skilled workforce that can fully participate in the workplace;
- it is consistent with the Lower Hunter Regional Strategy which promotes stronger centres, and recognises Newcastle's City Centre role as the regional city and need for revitalisation to support renewed investment;
- it will support future Newcastle light rail infrastructure, a key component of the Newcastle Urban Renewal Strategy, with a strong modal shift towards the use of public transport options;
- it is consistent with the guiding principle of the Newcastle Urban Renewal Strategy to integrate infrastructure, transport and land use as the development would provide education facilities with a large student base that would activate the site and support the viability of the light rail infrastructure;
- it will be the catalyst for urban renewal being the first major development within the CBD and a key infrastructure asset that promotes further investment to support the student population;
- it will provide social infrastructure that will promote the State's capacity for further education; and

- it will provide direct investment in the region of \$90 million, which would support 918 construction jobs and 300 operational jobs.

2.9. Secretary's Environmental Assessment Requirements

The EIS is compliant with the Secretary's Environmental Assessment Requirements and is sufficient to enable an adequate consideration and assessment of the proposal for determination purposes.

3. EXHIBITION CONSULTATION AND SUBMISSIONS

3.1. Exhibition

In accordance with section 89F of the EP&A Act and clause 83 of the EP&A Regulation, the Secretary has made the application and accompanying information publicly available for at least 30 days following the date of first publication, in accordance with the Regulation. The Department publicly exhibited it:

- on the Department's website from 21 August 2014 until 19 September 2014 (30 days)
- at the Department's Information Centre and City of Newcastle Council's offices from 21 August 2014 until 19 September 2014 (30 days).

The Department also advertised the public exhibition in the Newcastle Herald on the 20 August 2014. The Department notified adjoining landholders, and relevant State and local government authorities in writing.

A total of 24 submissions were received from the public, including seven submissions from organisations and community groups. Four submissions were received from public agencies. A summary of the issues raised in submissions from the public agencies and the public are provided in the following sections.

3.2. Public Agency Consultation and Submissions

A total of four submissions were received from public agencies. While none objected, all raised issues for consideration as follows.

City of Newcastle Council provided the following comments for consideration:

- the provision of only 25 car spaces is not supported and the proposal should be modified to provide 208 car spaces (based on the car parking rate of one space per 60 sqm for the CBD) and if the development is unable to provide the required car parking and seeks to rely on public car spaces, the applicant should pay a monetary contribution toward the provision of public parking facilities;
- the security and safety risk assessment submitted with the proposal should address travel between the New Space site and the Car Park site and should focus on the Active Transport Zone (ATZ) where people are anticipated to walk and cycle and not the whole Newcastle LGA;
- the car park use is not consistent with the aims and objectives of the residential zoning;
- the EIS does not consider the heritage conservation and traffic, parking and access provisions of the DCP;
- the public domain works should be consistent with council's technical requirements, including tree selection, pavement design, pavement width (with consideration of light rail requirements);
- the widening of Auckland Street footpath is not supported;
- the proposed works on Lot 1 DP225689 to facilitate pedestrian movements from Christie Place to the New Space site requires Council's landowners consent;
- further details should be provided regarding how future heavy vehicle access, pedestrian movement and construction impacts on the Civic Theatre and City Hall would be managed;

- the heritage impacts have been managed appropriately and the management framework is supported and conditions are recommended regarding archaeological management, remedial façade repair for University House, preparation and implementation of an interpretation strategy that recognises the former name for University House, 'Nesca House', and its contribution to modernising Newcastle;
- the works to University House should not be undertaken until a Conservation Management Plan and site interpretation strategy have been prepared and all works should be supervised by a qualified heritage architect;
- the Statement of Heritage Impact should consider the impacts of the proposed landscaping works within Christie Place on the heritage significance of the State significant Christie Place;
- the landscaping plan for the Car Park site should be revised to ensure that the visual impact of the new driveway and vehicle crossover to Laman Street on the streetscape is minimised;
- conditions are recommended to address localised flooding and stormwater management;
- the noise and vibration assessment should be revised to include consideration of the impact of noise generated by the additional vehicles to the Car Park site on surrounding residents, impact of traffic noise generated by the development, impact of roads and rail noise on the development and vibration impacts if piling is required; and
- an arborist assessment is required for the Car Park site.

Roads and Maritime Services (RMS) provided the following comments for consideration:

- the parking supply assessment has not used recent data and does not factor in impacts from the light rail project;
- further evidence is required to support statements that Newcastle has a well established and extensive transport system;
- an eight kilometre radius for the Active Transport Zone is not considered appropriate and a five kilometre distance should be adopted;
- the assumptions that 66 percent of staff and students would reside within the ATZ and that 54 percent of students would reside within two kilometres of the site has not been adequately justified and does not factor in housing affordability, rental availability or income potentials;
- a mode share target of zero percent for car travel and 36 per cent for public transport is unrealistic and cannot be supported given that 91 percent of journeys to work in the Hunter are made by car, the NSW 2021 target for public transport is 20 percent and Newcastle LGA has the lowest rates of public transport and walking rates when compared to both Sydney and the Illawarra;
- the benchmarking comparison to other tertiary institutions is considered to be overly simplistic as it does not factor in type and quality of public transport options, cost of living, housing affordability and availability, availability and cost of parking options;
- car sharing should not be considered as an alternative transport mode as there are no plans to establish a scheme in Newcastle or the Hunter; and
- the Transport and Accessibility Assessment should be revised to provide further evidence and analysis to support the assumptions and also consider the potential traffic and parking impacts given a significant number of students and staff are expected to travel to the site via cars.

Transport for NSW provided the following comments for consideration in relation to the Transport Access Strategy:

- dedicated bus lanes on Hunter Street are to be removed for the light rail and a limited number of buses would continue to use Hunter Street;
- dedicated cycle lanes on Hunter Street are not identified in strategic planning documents and cannot be provided due to the planned route of the light rail;
- it should reference current plans and more recent figures in relation to car parking supply.

Transport for NSW also recommended that a Construction Traffic and Pedestrian Management Plan be prepared prior to the commencement of construction and that it addresses any potential impact on traffic, cyclist, pedestrians, bus services and bus facilities.

The **Heritage Division** of the **Office of Environment and Heritage (OEH)** as delegate of the Heritage Council provided the following comments for consideration:

- the Statement of Heritage Impact should be revised to address all endorsed Conservation Management Plans;
- a fabric survey and schedule of conservation works for University House should be undertaken as part of the development;
- potential heritage interpretation should be considered for University House;
- the landscaping and materials, colours and finishes should be sympathetic to the adjoining State listed Civic Theatre and Christie Place; and
- recommended conditions regarding management of discovery of any non-aboriginal archaeology.

The Department has fully considered the issues raised in submissions in its assessment of the development.

3.3. Public Submissions

The Department received a total of 24 public submissions, including seven from the following organisations/groups:

- Urban Development Institute of Australia;
- Newcastle Bike Ecology Centre;
- Hunter Tomorrow Inc;
- Newcastle NOW;
- Cooks Hill Community Group Inc;
- Hunter Business Chamber; and
- Save Our Rail.

A total of nine submissions support the proposal whilst six object and nine provide comments regarding the proposal.

The submissions that support the proposal consider it to be critical in driving the urban renewal process and associated job growth in Newcastle and activation of the site. They were also supportive of the integrated transport approach and the proposal's ability to support the future light rail infrastructure.

A summary of the key issues raised in all public submissions received, including organisation submissions, are listed in **Table 2**.

Table 2: Public Submission Comments

Issue	Issue summary
<i>Car parking</i>	Inadequate supply of car parking and need for alternative solutions or payment of section 94 contributions to allow Council to provide additional public car parking facilities
<i>Public Transport</i>	Loss of heavy rail and adequacy of new public transport to support the new development
<i>Building Design</i>	The visually provocative design is not appropriate within the streetscape or local context. Cantilever approach is overbearing.
<i>Bicycle storage</i>	Greater bike storage facilities and end of trip facilities are required
<i>Car park design</i>	A more sympathetic design is required for the heritage conservation area
<i>Site suitability</i>	Redevelopment on the Callaghan campus would be more appropriate
<i>Heritage Impacts</i>	The proposed design is not sympathetic to the heritage character

3.4. Applicant's Response to Submissions

The applicant provided a response to the issues raised in submissions. The response included:

- additional travel demand and parking analysis, including revised travel mode share targets, and further details regarding the assumptions adopted within the travel demand and parking analysis;
- a reduction in building height from RL 50.8 to RL 48.05;
- the additional removal of a tree within the Car Park site and additional offset planting;
- minor external design refinements
- amended Heritage Impact Statement;
- amended Noise and Vibration Assessment; and
- an additional arborist assessment.

The applicant's response to submissions was forwarded to council and agencies for comment.

Council has reviewed the response and changes to the proposal and:

- maintains concerns regarding the car parking proposed and the assumptions used to justify the car parking provided;
- maintains that the applicant should voluntarily enter into negotiations regarding providing contributions to Council for the provision of public parking facilities;
- raised concerns with the two proposed 'park and ride' facilities as the perceived surplus of car parking at the Callaghan campus is required to support the strategic growth of that campus and the proposed Broadmeadow facility is still in the conceptual phase; and
- advised that if the envisaged mode shift to walking and cycle is achieved, it would warrant widened pathways and additional bicycle paths.

The Heritage Division of OEH reviewed the revised Statement of Heritage Impact and recommended that an interpretation strategy be prepared within six months of any approval and a schedule be prepared for the conservation works to University House.

Transport for NSW were generally satisfied with the responses provided to comments raised in its submission

RMS maintains its concerns regarding mode shift assumptions and requirement for further assessment of the traffic impacts.

4. ASSESSMENT

4.1. Section 79C Evaluation

Table 3 identifies the matters for consideration under section 79C (see glossary at **Appendix C**) that apply to State significant development, in accordance with section 89H of the EP&A Act. The table represents a summary for which additional information and consideration is provided for in Section 4 (Key and Other Issues) and relevant appendices or other sections of this report and the EIS, referenced in the table.

The EIS has been prepared by the applicant to consider these matters and those required to be considered in the SEARs and in accordance with the requirements of section 78(8A) of the EP&A Act and Schedule 2 of the EP&A Regulation.

Table 3: Section 79C(1) Matters for Consideration

Section 79C(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Complies - see Appendix B
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Not applicable *
(a)(iiia) any planning agreement	Not applicable
(a)(iv) the regulations	The development application meets the relevant requirements of the Regulation, including the procedures relating to development applications (Part 6 of the Regulations), public participation procedures for SSD's and schedule 2 of the Regulation relating to environmental impact statements. Refer to discussion at Section 2.7.
(a)(v) any coastal zone management plan	Not applicable
(b) the likely impacts of that development	Appropriately mitigated or conditioned - refer to Section 4.2
(c) the suitability of the site for the development	Suitable - Refer to Sections 2.8 and Section 5
(d) any submissions	Refer to Sections 3.2 and 4.2
(e) the public interest	Refer to Section 4.2.3
Biodiversity values exempt if: (a) On biodiversity certified land (b) Biobanking Statement exists	Not applicable

* Under clause 11 of the SRD SEPP, development control plans do not apply to state significant development.

4.2. Key and Other Issues

The Department considers the key environmental assessment issues for the application to be:

- transport and traffic impacts; and
- built form and urban design.

4.2.1. Transport and Traffic Impacts

Transport mode shares and car parking

The development would result in a total of 2,347 students and staff using the CBD campus. The development will provide a total of 52 car spaces across both the sites. This comprises:

- five on-site car spaces on the New Space site primarily to be used for the purposes of servicing the site; and
- 47 car spaces on the redeveloped Car Park site.

A total of 20 of the car spaces on the Car Park site would be new spaces that would be available for users of the New Space building. The additional car spaces within the Car Park site would be restricted to staff use.

The applicant proposes to rely on public transport and alternative transport modes for students given the accessibility of the site (22 bus routes) and the anticipated public transport improvements to be delivered with the Newcastle light rail (expected opening in 2019). The originally proposed mode shares for travel to the site were 57 per cent walking, 36 percent public transport and seven percent cycling. This was based on assumptions that 82 per cent of students and 100 staff that lived within the two kilometres of the site would walk to the site, 10 per cent of students would live within cycling distance and all remaining staff would utilise public transport to travel to the site. The applicant indicated that discussions with Transport for NSW has confirmed that there would be sufficient capacity in the public transport system to support the demand on public transport generated by the proposal.

Council, RMS and a number of the public submissions identified the minimal car parking provided and reliance on the anticipated improvements to public transport as a key concern. In particular, Council advised that 208 car parking spaces would be required for the use of the site. Council and RMS also raised concern with a number of the assumptions used to support the proposed shift in travel behaviour particularly given there has been a historic low usage of public transport by students and for journeys to work within the Newcastle LGA in general. The Active Transport Zone (the zone where it is reasonable to expect people to commute by cycling and walking) with a distance of eight kilometres was also considered to be high given the State government has previously adopted a distance of five kilometres.

The applicant provided a further Travel demand and parking analysis in its RtS and further justification regarding the adopted assumptions. It found that there would be an ongoing demand for 319 car spaces based on the existing and anticipated travel behaviours, including the following key assumptions:

- 45 percent of students would relocate to within the ATZ for the New Space site;
- 66 percent of students would live within the ATZ and 82 percent within two kilometres of the New Space site;
- 43 percent of students outside of the ATZ would utilise public transport given the improved accessibility of the site compared to the Callaghan campus; and
- 13 percent of students would continue to travel by car.

Accordingly, the applicant has provided revised transport management measures to support the proposal and reduced on-site car parking. The key measure is the provision of two 'park and ride' facilities to be located at the Callaghan campus (156 car spaces) and indicatively at existing Hunter Venues in Broadmeadow (150 car spaces) where there may be underutilised car parking spaces outside of event periods. These facilities would be located approximately 6.5 kilometres to the north-west and 4.5 kilometres to the west of the site respectively.

Council and Transport for NSW have reviewed the Response to Submissions. Whilst Transport for NSW is generally satisfied, Council maintains that the assumptions regarding students moving to the ATZ cannot be supported as the applicant has not provided any evidence that affordable housing can be provided, details regarding the light rail are yet to be finalised and the delivery of the 'park and ride' facilities has not been secured.

The Department acknowledges the concerns raised by Council regarding the validity of assumptions in relation to housing affordability and supply. However, the Department considers that the proposed additional travel demand management measures, in particular the 'park and ride' facilities, are adequate to address the reduced on-site parking.

The Department concludes that the reduced car parking on-site is acceptable as:

- Council has a reduced car parking rate for the CBD to encourage a mode shift to public transport and the proposal is consistent with this approach;
- the applicant has proposed travel demand management measures, including two 'park and ride' facilities that would provide a total of 306 car spaces to support the reduced on-site car parking, which exceeds Council's car parking requirements. The applicant has indicated that 150 of these spaces would be free for the first two years as part of its plan to support the gradual shift towards alternate transport modes;
- students are unlikely to park in nearby streets given costs and time restrictions on parking in and around the CBD;
- the site is highly accessible by public transport given its central location on Hunter Street in the Newcastle CBD with 22 bus routes travelling past the site on Hunter Street; and
- the future light rail infrastructure would further improve accessibility of the site by public transport.

The Department recommends conditions requiring the applicant to demonstrate that prior to the occupation of the new building, the 306 'park and ride' car spaces are identified and made

available to students studying at the New Space site and staff located at the New Space site. This would ensure that Council's concerns regarding the delivery of this measure is addressed prior to commencement of operations.

Further, the proposed 'park and ride' facilities should be provided as a convenient and attractive alternative to private vehicle travel to the city centre. Therefore, the Department recommends that the applicant demonstrate that the car parking spaces are provided at a lower cost to car parking facilities in the CBD. Prior to the use of these car spaces the applicant must also demonstrate to the Department that any relevant approvals have been obtained for use of the car parking facilities as 'park and ride' facilities. The 'park and ride' facilities must also be supported by a free shuttle bus service to operate between the 'park and ride' facility and the New Space campus at regular intervals. The applicant must provide details of the facilities and operational management issues to the satisfaction of the Department prior to the occupation of the new building, including scheduling for the shuttle service and fee structure.

Traffic

The applicant's Transport and Accessibility Assessment found that traffic generation would be minimal with only 100 additional vehicle movements per day, which would be distributed throughout the day due to the education use of the building and varied attendance schedules. Therefore, the assessment concludes that the traffic generated from the development is not expected to have any significant impacts on the operation of existing intersections in the local road network.

RMS raised concern with the assumptions used to support the optimistic mode shifts away from car usage and recommended that a further traffic impact assessment be prepared.

The Department is satisfied that:

- the proposal promotes a mode shift away from private vehicle mode share to align with State policy;
- the site is highly accessible by public transport with over 22 bus routes;
- the proposal provides 248 bicycle storage spaces and adequate end-of-trip facilities to support the alternate active transport modes;
- students are unlikely to travel by car given the reduced car parking on-site and the cost and time restrictions on parking in and around the CBD;
- the reduced car parking would assist in promoting use of public transport for travel to the CBD;
- promoting a change in travel behaviour and modal choice would support any future light rail system; and
- the applicant has committed to preparing work place travel plan and University travel plan.

Accordingly, the Department concludes that that the traffic impacts would be minimal given the nature of attendance patterns, the restricted car parking supply and the promotion of alternative travel modes. Staff and students travelling by private vehicle would also be dispersed amongst the various existing public parking facilities. Therefore, the Department considers the overall traffic impacts to be acceptable.

4.2.2. Built Form and Urban Design

New Space Site

The development seeks to construct a ten storey building, including a plant level, on the corner of Hunter and Auckland Street. The New Space Project is intended to be a contemporary, technology-enabled building containing UON's Faculty of Business and Law, which is to be consolidated within the New Space building upon completion. The building comprises a combination of lecture halls, a library, offices and various study areas. **Figures 11 and 12** show the main Hunter and Auckland Street elevations of the new building, while **Figures 13 to 15** show the building in perspective when viewed from surrounding streets.

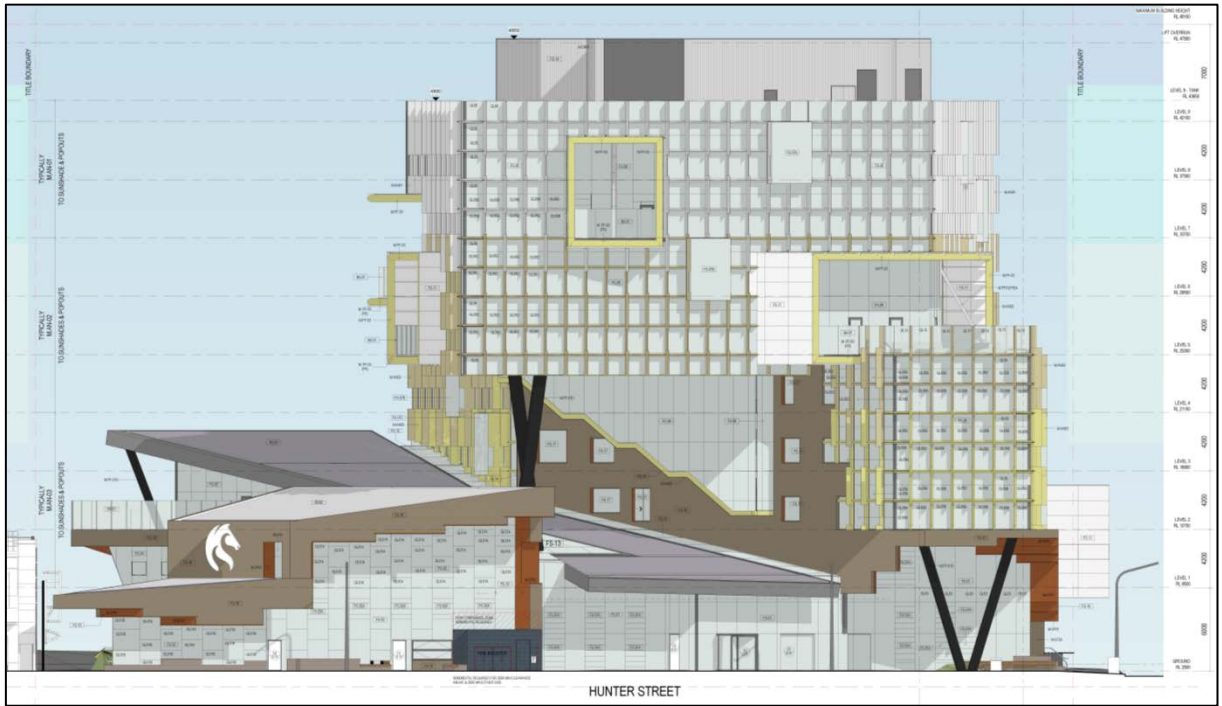


Figure 11: Hunter Street Elevation

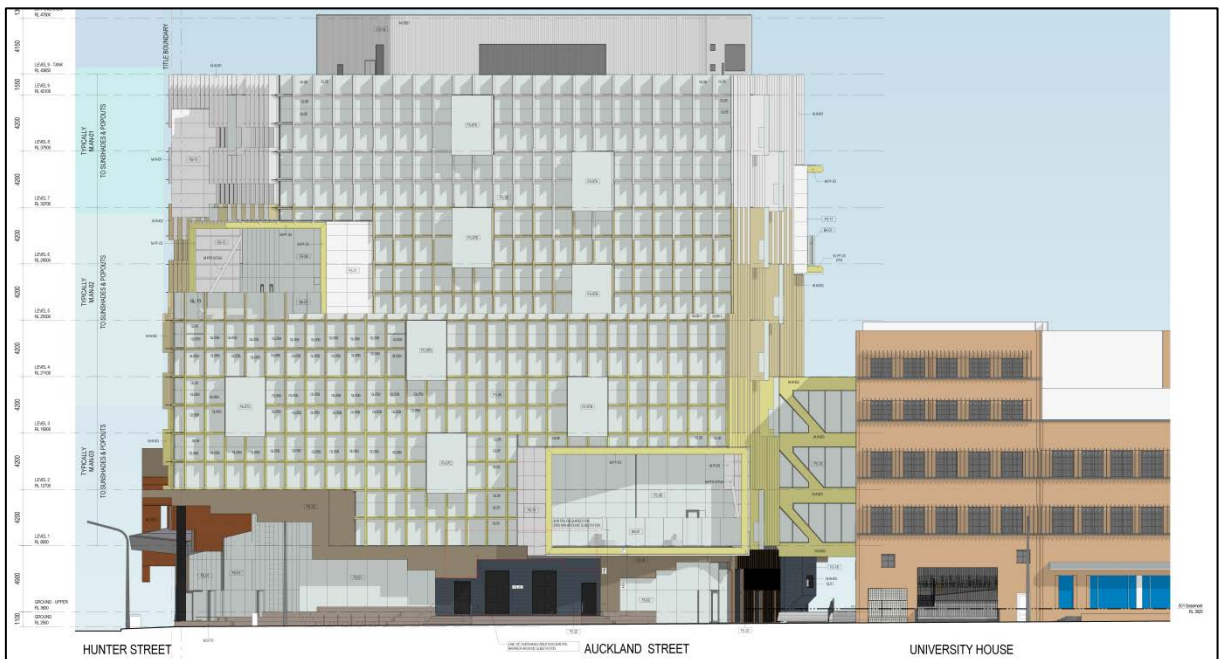


Figure 12: Auckland Street Elevation



Figure 13: Perspective view of New Space building from northern side of Hunter/Auckland Street intersection



Figure 14: Perspective view of New Space building from northern side of Hunter Street, adjacent to Civic Theatre



Figure 15: Perspective view of New Space building from Christie Place

The proposed building has an irregular and unique shape and footprint. The building would be built up to the site boundary at some locations along both the Hunter Street and Auckland Street boundaries, while setbacks are recessed near building access points to clearly define entries to the proposed building. At the ground level, the New Space building would be setback from University House to allow for vehicular access to the parking and service vehicle area proposed onsite from Auckland Street.

The New Space building has been designed with a unique floor plate, enabling the creation of both intimate and large spaces within the building, resulting in significant external visual interest. The ground and first levels extend across the majority of the site, before a more slender and angled tower is provided from Levels 2 to 8. The floor plates of Levels 2 to 8 are not regular, and a number of voids, cut outs and pop outs are provided across the building. **Figures 16** and **17** illustrate the floor plates of Level 1 and Level 5, highlighting the unique shape and variations of the building. At levels one to three, the New Space building would be connected to University House, enabling internal pedestrian connections between the two buildings.

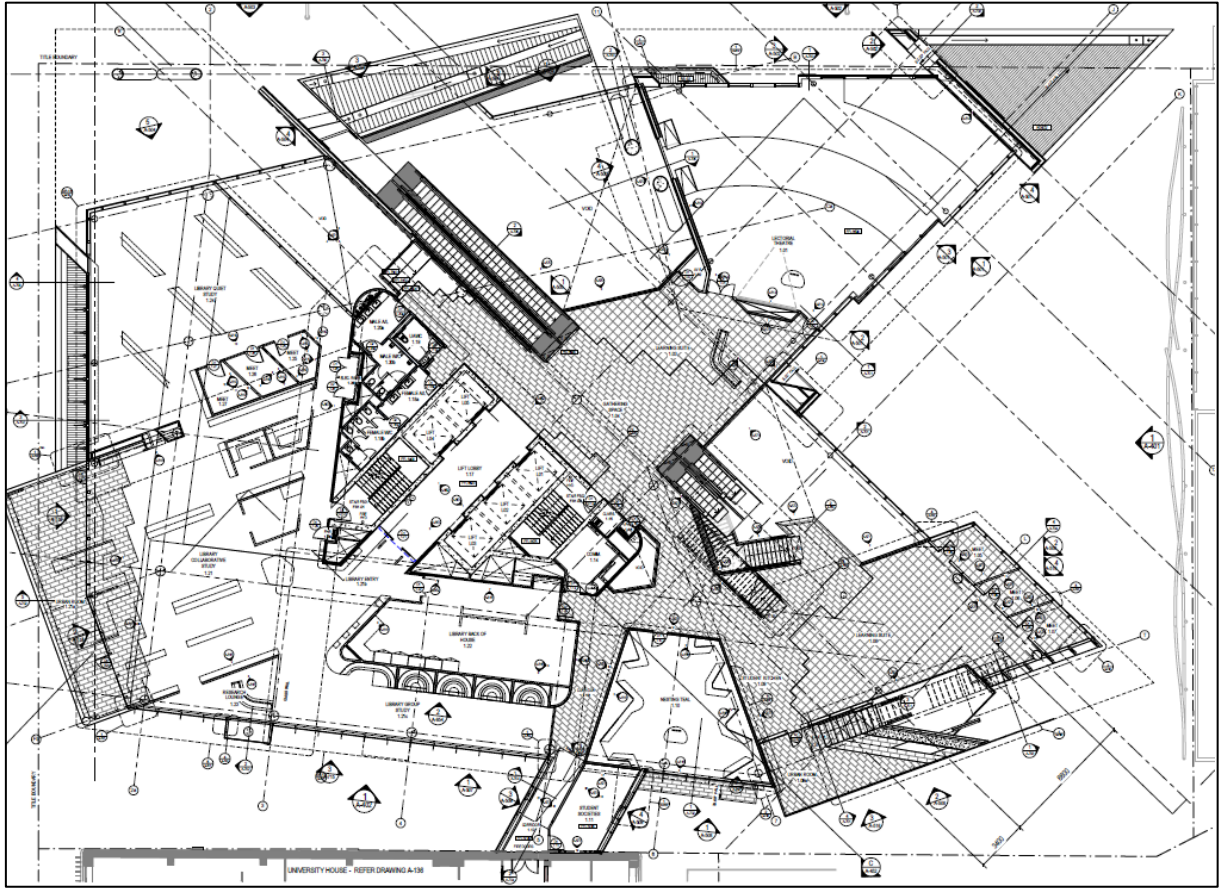


Figure 16: Level 1 Floor Plan

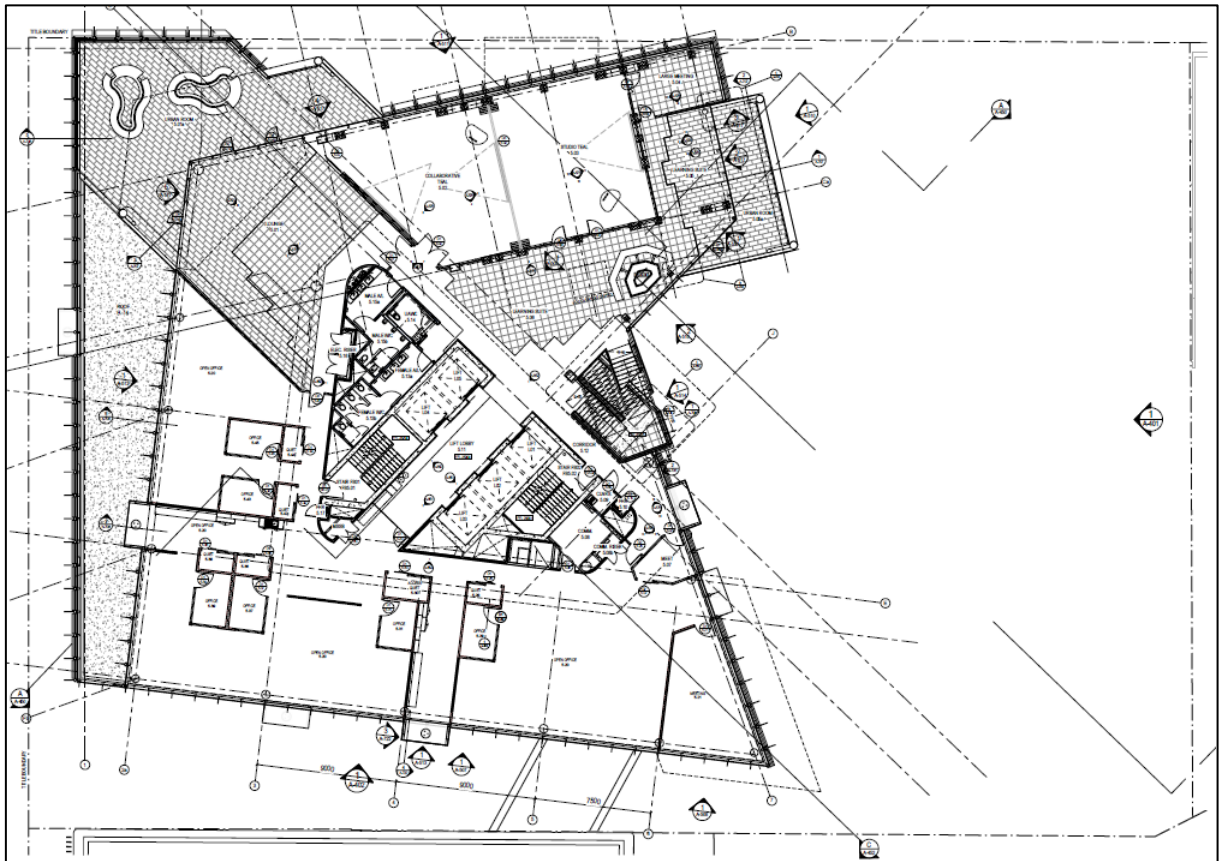


Figure 17: Level 5 Floor Plan

The proposed New Space building has an overall maximum height of 45.55 metres (RL 48.05) and a maximum wall height of 44.1 metres. The NLEP sets a maximum height of RL 49.1 for the subject site and maximum floor space ratio for the New Space site of 5:1, which is equivalent to 19,050 sqm (based on a site area of 3,810 sqm). The GFA of the New Space building is 12,434 sqm, equating to an FSR of 3.3:1. The proposal therefore fully complies with the development standards controlling bulk and scale in the NLEP.

The site is also identified as a 'key site' in the NLEP where design excellence must be demonstrated. In accordance with the design excellence requirements of the NLEP, the NSW Government Architect has required the establishment of a design review panel to oversee the design development through the assessment process. The design review panel established for the project consisted of three qualified design experts representing the applicant, Council and the NSW State government.

The proposal was reviewed by the design review panel whose members concluded that design excellence had been achieved. A number of minor issues with the initial design of the New Space building were raised by panel members (such as choice and location of external highlight colours, relationship between Christie Place and New Space courtyard, the design of the link between University House and the New Space building should be simplified), which have generally been satisfactorily addressed by the applicant in its Response to Submissions. The positive design refinements in the RtS included:

- the reduced height which improves the relationship with the nearby Newcastle Courthouse development;
- the revised urban room structures which improve the overall articulation of the building; and
- the canopy amendments which improve the relationship with the streetscape.

The Department has considered the development of this unique and contemporary design through the established design excellence process as well as the concerns raised in public submissions regarding the design and visual impact of the building.

Whilst the proposed building would be contemporary in nature and unlike any other structure currently in the Newcastle CBD, the development would enliven the area and provide a kick-start for the revitalisation of the commercial centre, and particularly Hunter Street. The building would also incorporate materials and finishes which would complement the locality in terms of colour and texture, and would be sympathetic with adjoining heritage buildings. The proposal would provide active street frontages and make full use of existing public spaces such as Christie Place. The inclusion of significant articulation in the form of fins and pop-out glass enclosures further enhances the articulation of the building and reduces any potential bulk and building mass.

The proposal would also improve site connectivity. A key component of the development is the linkage between New Space and University House. The new bridge connections on level one to three joining the two buildings would provide ready access between the buildings. At ground level, connections would be available along Hunter Street and Auckland Streets, along the Civic Theatre boundary, through the new laneway between the buildings and generally through the site as an open and permeable ground level is proposed.

Accordingly, the Department concludes that the proposed built form and design are appropriate for the site.

Laman Street Car Park Site

Additional car parking is proposed to be included on the Laman Street Car Park site. This site is currently being used as an existing car park with 20 spaces on the top level (fronting Laman Street) and seven spaces fronting Gibson Street at the lower level (see **Figure 6**).

A total of 47 spaces are proposed to be provided on the site, comprising the upgrade of existing spaces and the provision of new spaces. Access would be provided to the upper deck from Laman Street, which would accommodate 34 spaces, including two disabled spaces. Landscaping would be provided at the Laman Street frontage. The lower deck is proposed to be extended under the upper deck to provide 13 spaces, with access from Gibson Street.

The enlarged car park would have a negligible visual impact on the streetscape of Laman and Gibson streets. The upper level would remain uncovered and landscaping would be provided along the Laman and Gibson Street frontages in order to assist in the screening of the parking areas. In addition, a planting bed would be provided on the upper level parking structure adjacent to the western property boundary in order to provide screen planting to adjoining residential terraces. Subject to the establishment of the landscaping, the Department's assessment concludes that the proposal is acceptable.

4.2.3. Other Matters

Heritage

The New Space site contains the locally listed and State Heritage item 'University House' as well as being located adjacent to the State and locally listed heritage items, City Hall and Civic Theatre. Christie Place is also identified as a local heritage item under the NLEP. Both the sites are also located within local heritage conservation areas being the Newcastle City Centre Conservation Area for the New Space site and the Cooks Hill Heritage Conservation Area for the Car Park site.

The proposal includes refurbishment works to ensure the ongoing use of University House (former 'Nesca House') for education purposes. The proposed works would contribute to the cultural significance as it would continue the civic type use of the building. A number of conservation works such as the restoration of the façade are recommended in the Statement of Heritage Impacts for the New Space site. The Department considers the proposal would be appropriate for the site given the civic role 'Nesca House' played in modernising Newcastle and the role of the New Space project would have in stimulating the urban renewal of the precinct and Newcastle.

The Heritage Division raised the timing of conservations works as an issue and recommend that a program be developed for the works as well as the preparation of an interpretation strategy. The Department has included these requirements as recommended conditions of consent. The Department considers that the proposal would have an overall positive impact on the University House and surrounding heritage items as it would activate the area and encourage greater interaction and appreciation of the heritage items. The proposal has also been designed to maintain views to the heritage items and has been designed with a sympathetic materials and colours palette. Overall, the Department's assessment concludes that the design of the building is appropriate providing a contrasting contemporary development whilst contributing to the civic character of the area and cultural significance of the precinct.

Aboriginal Heritage

Initial archaeological test excavations have identified the presence of archaeological deposits that are both locally and regionally significant, and that these deposits are retained relatively intact. OEH supports the recommendation that further archaeological excavations be undertaken under an Aboriginal Heritage Impact Permit (AHIP) issued by OEH and raised no other concerns with respect to the proposed management and recommendations for Aboriginal cultural heritage associated with the site.

The Department has included recommended conditions regarding further Aboriginal archaeological investigation and management if items are uncovered.

Mine Subsidence

Mine subsidence stabilisation works were approved by Council (DA 201/1405) and are currently being undertaken to prepare the site for redevelopment.

The Department has included a condition that requires the site works for mine stabilisation approved by Council be completed prior to any commencement of works.

Overshadowing

The open space area immediately to the south of the development, known as Christie Place, would be overshadowed by the proposed building on the New Space site. The shadow diagrams illustrate that overshadowing of Christie Place would occur in the afternoon during mid-winter as a result of the development. However, a minimum of 50 percent of Christie Place would retain a minimum two hours of sunlight between 9:00am and 3:00pm in mid-winter. Importantly, solar access would be retained between 11:30am and 1:30pm ensuring appropriate amenity is retained during the lunchtime period. Accordingly, Christie Place would maintain acceptable levels of solar access during mid-winter and therefore the overshadowing impacts of the proposal are acceptable.

Contributions

The City of Newcastle Section 94A Development Contributions Plan 2009 (Section 94A Plan) applies to the majority of land within the Newcastle LGA. The New Space site is located within the area to which the plan applies, and ordinarily, development would be subject to contributions under the plan.

The Department notes that Council has not specifically requested that the applicant pay contributions in accordance with the plan and has requested the applicant enter into a voluntary planning agreement to address reduced car parking on site.

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 contributions plan defers to section 94A of the EP&A Act establishing a flat levy for a range of an extensive 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.

Public interest

The proposal is considered to be in the public interest as it would have significant benefits including:

- delivering sustainable development through the redevelopment of a site identified as part of an urban renewal process;
- providing a catalyst for the urban renewal and revitalisation of the Newcastle CBD;
- strengthening the University's presence at its CBD campus and greater activation of the site;
- consolidating the Business and Law faculty at the CBD Campus closer to industry with a greater potential for collaboration and partnerships;
- investing in education infrastructure in the Newcastle CBD and supporting jobs and learning in growing sectors of the economy to compliment the traditional industrial sectors to ensure the sustainability of the Newcastle economy;
- improved urban design and pedestrian outcomes for the site; and
- establishing a staff and student population that could benefit from and support the future light rail infrastructure.

5. CONCLUSION

The construction of the New Space project would provide a contemporary high-tech teaching and learning facility and continue the adaptive use of State listed heritage item. The proposal would activate the site and improve connections through and around the civic precinct. The proposal would revitalise the commercial centre, particularly Hunter Street, which is a key component of the Newcastle Urban Renewal Strategy

The proposal is considered to be in the public interest as it would deliver significant social, economic and environmental benefits to the wider community by providing significant investment in social infrastructure and a catalyst for the revisitation of the Newcastle City Centre as well as supporting the generation of operational and construction jobs.

The Department is satisfied that the proposed development satisfactorily responds to the issues raised and recommends that the SSD application for the construction of the New Space project be approved, subject to conditions. In particular, the conditions will require the applicant to demonstrate that the proposed 'park and ride' facilities have been established prior to the operation of the new facilities to address the reduced on-site car parking and potential demand on public parking facilities. The Department's recommended conditions of consent will ensure that the construction and future operation of the proposed facilities will maintain the environmental and residential amenity of the surrounding environment.

6. RECOMMENDATION

In accordance with section 89E of the *Environmental Planning and Assessment Act 1979*, it is recommended that the Executive Director, Infrastructure and Industry Assessments, as delegate of the Minister for Planning, grants development consent for the construction and operation of the University of Newcastle's New Space Project (SSD 6457).

Prepared by: Megan Fu, Senior Planner, Social Infrastructure

Endorsed by:



Ben Lusher
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Key Sites

Approved by:



Chris Wilson
Executive Director
Infrastructure and Industry Assessments

APPENDIX A RELEVANT SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning's website as follows.

1. Environmental Assessment
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6457.
2. Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=list_submissions&job_id=6457.
3. Applicant's Response to Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6457.

APPENDIX B CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENT(S) (INCLUDING DRAFT) AND DCP(S)

The primary controls guiding the assessment of the proposal are:

- a) *State Environmental Planning Policy (State and Regional Development) 2011*
- b) *State Environmental Planning Policy No.55 – Remediation of Land*
- c) *State Environmental Planning Policy (Infrastructure) 2007*
- d) *Newcastle Local Environmental Plan 2012*

State Environmental Planning Policy (State and Regional Development) 2011

The aims of this SEPP are to identify State significant development and State significant infrastructure and confer the necessary functions to joint regional planning panels to determine development applications.

The proposal is for SSD in accordance with s. 89C of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it is development for the purpose of an educational establishment with a capital investment value (CIV) in excess of \$30 million, under clause 15 (Educational establishments) of Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011.

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55) is the primary environmental planning instrument guiding the remediation of contaminated land in NSW. SEPP 55 aims to:

- provide a state-wide planning approach to the remediation of contaminated land
- identify when consent is required or not required for a remediation work
- specify certain considerations that are relevant to applications for consent to carry out a remediation work
- require that remediation work meet certain standards and notification requirement.

Clause 7 of SEPP 55 identifies that a consent authority must not consent to the carrying out of any development on land unless:

- it has considered whether the land is contaminated
- if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out

- if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

A Preliminary Contamination Assessment report accompanied the EIS, which assessed the potential for contamination, identified areas of potential environmental concern (AEC) and provided comment on the need for further investigations. The preparation report included a site walk over, review of site history and previous environmental reports, desktop assessment of existing and historical information and collection of soil samples and laboratory analysis and assessment.

From the seven borehole samples and review of historical information, some AECs were identified on the site that contain fill material of unknown origin, and the use of hazardous materials in the construction of buildings that previously occupied the site (since removed). Notwithstanding, the contamination assessment did not identify contamination levels above the adopted criteria and furthermore, these areas would be covered by the proposed development.

The contamination assessment concluded that the site and the soil conditions are suitable for continued use of the site for proposed development and that no remediation and/or management of contamination issues would be required.

The Department is satisfied that, in accordance with clause 7 of the SEPP, the investigations undertaken of the subject site demonstrate that the site is suitable for the proposed educational establishment use.

State Environmental Planning Policy (Infrastructure) 2007

The aim of *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP) is to facilitate the effective state wide delivery of infrastructure by providing greater flexibility in the location of infrastructure and service facilities, allowing the development of surplus government land, identifying relevant environmental assessment categories for development and relevant matters to be considered and providing for consultation with relevant public authorities.

The subject development site is zoned B3 Commercial Core under the Newcastle Local Environmental Plan 2012 (NLEP). Clause 27 of Division 3 Educational Establishments of the Infrastructure SEPP identifies the land use zone B3 Commercial Core as a 'prescribed zone', within which development for the purposes of an educational establishment may be carried out with consent.

Clause 104 Traffic-generating development of the Infrastructure SEPP applies to the proposed development as the proposal involves more than 50 students. In this regard, and in accordance with clause 104(3) of the Infrastructure SEPP, the Roads and Maritime Services were given written notice of the SSD application and due consideration was given to its comments.

Newcastle Local Environmental Plan 2012

Consideration of the relevant controls contained within NLEP is provided below.

Table 1: Newcastle LEP Compliance Table

Newcastle LEP 2012	Objectives	Department Comment/ Assessment	Yes/No
Clause 2.3 Zone B3 Commercial	- provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of	The proposed New Space building and refurbishment works to University House are for education	Yes

core	<p>the local and wider community;</p> <ul style="list-style-type: none"> - encourage appropriate employment opportunities in accessible locations; - maximise public transport patronage and encourage walking and cycling; - provide commercial floor space within a mixed use development; - strengthen the role of the city centre as the regional business, retail and cultural centre of the Hunter region; and - provide for the retention and creation of view corridors. 	<p>purposes and is permissible with consent. As a land use, the development will serve the educational needs of the local and wider community and make provision for appropriate pedestrian and cyclist facilities.</p> <p>The proposed location of the development along Hunter Street supports the urban renewal strategy for the city centre in strengthening the Hunter Street corridor and encouraging other supporting commercial and retail development surrounding the educational hub.</p>	
Clause 2.3 Zone R3 Medium Density Residential	<ul style="list-style-type: none"> - provide for the housing needs of the community within a medium density residential environment; - provide a variety of housing types; - enable other land uses that provide facilities or services to meet the day to day needs of residents; - allow some diversity of activities if compatible with the character of the locality and there would be no significant adverse amenity impacts; and - encourage increased population levels to support the commercial viability of centres whilst having regard to the desired future character and the existing amenity of nearby development. 	<p>The car park use is permissible with consent and is ancillary to the educational uses which will encourage an increased population in the City Centre. The use is also considered compatible with the surrounding area given the use is an existing use and the proposal seeks to expand that use.</p>	Yes
Clause 4.3 Height of buildings	<ul style="list-style-type: none"> - ensure the scale of development makes a positive contribution towards the desired built form, consistent with the established centres hierarchy; and - allow reasonable daylight access to all developments and the public domain. 	<p>A maximum RL 49.1 applies to the New Space site and 30 metres to the University House site under NLEP. A maximum building height of RL 48.05 is proposed which complies with the development standard for the site.</p> <p>The architectural design of the proposed university building would make a positive contribution to the built environment and retains daylight access to other developments and public domain areas.</p> <p>Further consideration of the development's built form and height is provided in section 4.2.2 of this report.</p>	Yes
Clause 4.4 Floor space ratio	<ul style="list-style-type: none"> - provide an appropriate density of development consistent with the established centres hierarchy; and - ensure building density, bulk and scale makes a positive 	<p>A maximum FSR of 5:1 and 4:1 applies to the New Space site which has a total site area of 5,988 sqm. The proposed development, including New Space building and University House, has a total gross</p>	Yes

	contribution towards the desired built form as identified by the established centres hierarchy.	floor area of 18,110 sqm, which equates to a compliant FSR of 3.02:1.	
Clause 5.9 Preservation of trees or vegetation	- preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation	The redevelopment of the car park site would require the removal of some trees but the Department is satisfied that the proposed offset tree planting is appropriate to mitigate the tree removal proposed.	Yes
Clause 5.10 Heritage conservation	- conserve the environmental heritage of the City of Newcastle; - conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views; - conserve archaeological sites; and - to conserve Aboriginal objects and Aboriginal places of heritage significance.	University House is listed as a local heritage item under NLEP and the both sites are also identified within heritage conservation areas. The proposed New Space development works are not considered to have a detrimental impact on the significance of the existing University House heritage item, with the proposed modern development and associated public domain works considered to provide a new and positive perspective of University House that would contribute to the appreciation of the existing item. Similarly, the proposed development is not considered to have a detrimental impact on the existing heritage conservation areas. Aboriginal artefacts were identified on site, though are capable of extraction and exhibition to celebrate the traditional custodians of the land.	Yes
Clause 6.1 Acid sulfate soils	- ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage	The proposed works for the New Space site do not involve any deep excavation and excavation works for the car park site are not expected to reach a level where there is expected to be the presence of acid sulphate soils.	Yes
Clause 7.3 Minimum street frontage	- a building erected on land in Zone B3 Commercial Core must have at least one street frontage of at least 20 metres. - development consent may be granted for a development that does not comply with that subclause if: (a) due to the physical constraints of the site, it is not physically possible for the building to have at least one street frontage of at least 20 metres, and (b) the erection of the building is consistent with the other relevant provisions of this Plan.	The proposed New Space building will have active frontages along the site's approximate 76 m frontage to Hunter Street and 170 m secondary frontage to Auckland Street, satisfying the requirements under the NLEP.	Yes

<p>Clause 7.4 Building separation</p>	<ul style="list-style-type: none"> - a building must be erected so that the distance from the building to any other building is not less than 24 metres at 45 metres or higher above ground level. 	<p>The height of the proposed development exceeds 45 m, however, no other buildings surrounding the site exceed this height. Notwithstanding the existing adjacent University House, the proposed development is located appropriately 25 m from existing development on adjoining land.</p>	<p>Yes</p>
<p>Clause 7.5 Design excellence</p>	<ul style="list-style-type: none"> - consent must not be granted unless the development is considered to exhibit design excellence; - consent must not be granted unless an architectural design competition has been held in relation to the proposed development. 	<p>The proposed development is considered to exhibit design excellence, with an architectural design that proposes to kick start the revitalisation of the city centre and activation of Hunter Street and surrounding civic precinct.</p> <p>The site is identified as a key site under NLEP, which requires a design competition if the proposal have a value over \$5 million. However, clause 7.5(5) of the NLEP prescribes that the design competition requirement does not apply if the Secretary certifies in writing that the development is one for which an architectural design competition is not required.</p> <p>The NSW Government Architect's Office was delegated the role of determining whether design competitions are required in the Newcastle LGA. In this instance, it was determined that a design competition was not required subject to the establishment of a design review panel to oversee the design development during the assessment process.</p> <p>In accordance with the NSW Government Architects exemption, a design review panel was established to review the development of the design. The design review panel has advised that the proposal demonstrates design excellence.</p>	<p>Yes</p>
<p>Clause 7.6 Active street frontages</p>	<ul style="list-style-type: none"> - promote uses that attract pedestrian traffic along street frontages in Zone B3 Commercial Core. 	<p>The ground floor design and layout of the proposed development's Hunter Street frontage promotes an active pedestrian environment, with multiple entry points and public domain space proposed to encourage activity. In addition, a ground floor café is envisaged in this location that would similarly encourage an active pedestrian environment.</p>	<p>Yes</p>

APPENDIX C GLOSSARY

Ecologically Sustainable Development can be achieved through the implementation of:

- (a) *the precautionary principle - namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:*
 - (i) *careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
 - (ii) *an assessment of the risk-weighted consequences of various options,*
- (b) *inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,*
- (c) *conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,*
- (d) *improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:*
 - (i) *polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,*
 - (ii) *the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,*
 - (iii) *environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.(Cl.7(4) Schedule 2 of the Regulation)*

Objects of the Act

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*
 - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

Section 79C Evaluation

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into

consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:
 - (i) any environmental planning instrument, and
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
 - (iii) any development control plan, and
 - (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
 - (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

Note. See section 75P (2) (a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

Note. The consent authority is not required to take into consideration the likely impact of the development on biodiversity values if:

- (a) the development is to be carried out on biodiversity certified land (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995), or
 - (b) a biobanking statement has been issued in respect of the development under Part 7A of the Threatened Species Conservation Act 1995.
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APPENDIX D RECOMMENDED CONDITIONS OF CONSENT
