

ENVIRONMENTAL ASSESSMENT REPORT

Section 96(1A) Modification

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 MOD 2)

1. INTRODUCTION

This report is an assessment of an application seeking to modify the State significant development (SSD) approval for the construction and operation of 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 application has been lodged by the University of Newcastle (the Applicant) pursuant to section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval for an interim parking arrangement and minor design modifications to the deck approved for Christie Place.

2. SUBJECT SITE

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

The project location is shown in **Figures 1 to 3**.

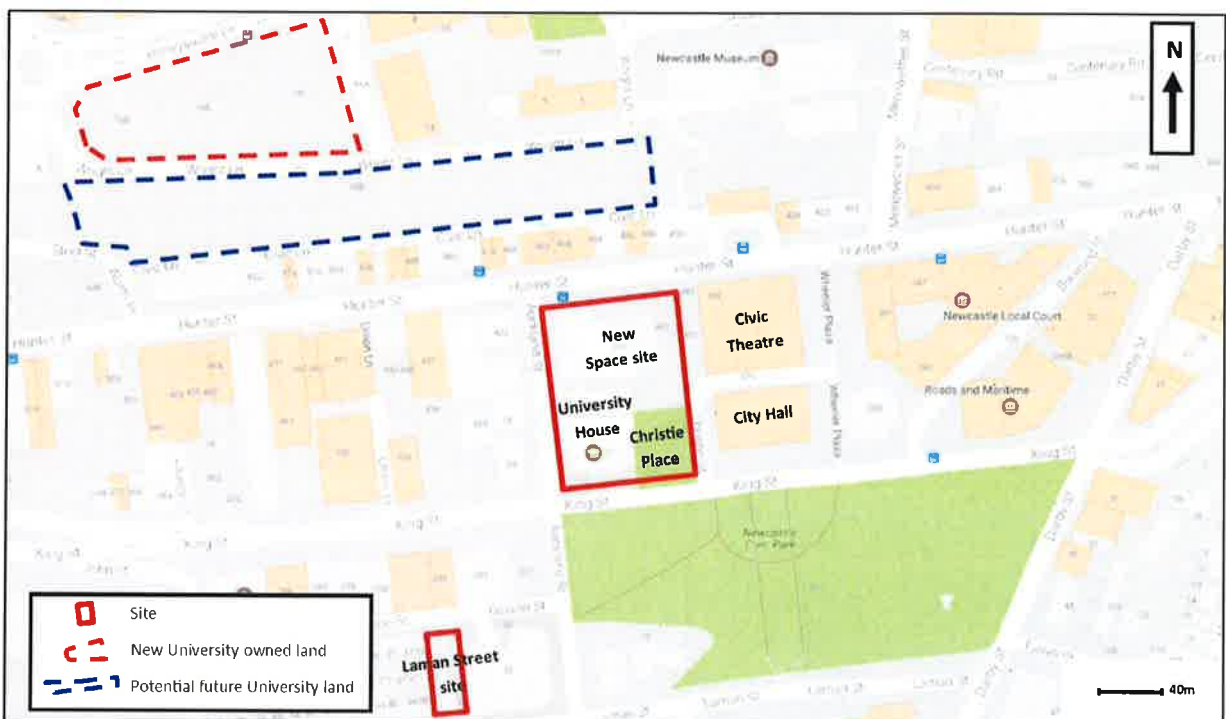


Figure 1: Project location (source: nearmaps)



Figure 2: New Space site (outlined in red) (source: nearmaps)



Figure 3: Laman Street site (outlined in red) (source: nearmaps)

3. APPROVAL HISTORY

On 5 February 2015, the Executive Director, as delegate of the then Minister for Planning, approved the construction of an educational establishment, known as the New Space Project, comprising:

- construction of a new ten storey educational building to provide lecture theatres, library, teaching and learning spaces, office spaces and ancillary retail space;
- refurbishment works to University House;
- construction of pedestrian links between the new education building and University House;
- upgrade and expansion of the existing Laman Street car park; and
- associated civil and landscaping works.

On 19 August 2015, the Director, as delegate of the then Minister for Planning, approved a Section 96(1A) application comprising design modifications, including reduction in depth of vertical sun shade louvres from 800 mm to 400 mm, deletion of vertical sun shade louvres along southern façade, reduction of pop-out window boxes, changes to landscape paving elements and removal of the green walls.

The development is currently under construction and nearing completion.

4. PROPOSED MODIFICATION

On 23 March 2017, the Applicant lodged an application (SSD 6457 MOD 2) seeking approval for:

- an interim car parking arrangement, which proposes to utilise commercial car parking spaces for up to five years to address car parking demand in-lieu of expanding and upgrading Laman Street carpark, whilst a long-term strategy is developed for the future Newcastle CBD education precinct; and
- modifications to the design of the approved deck in Christie Place.

The Applicant is therefore seeking to amend condition A5 to include the following **bold and italicised** text:

Car Parking

A5.

- a) The Applicant shall provide a minimum of 306 car spaces at designated 'park and ride' facilities for students that attend courses, and staff that work, within the new building. The car spaces to be used for 'park and ride' facilities must be clearly sign posted and identified in any associated car parking management plan. The cost of parking at these facilities should not exceed the equivalent costs of parking within the Newcastle City Centre. A free shuttle bus service from the 'park and ride' facilities to the subject site must be provided frequently for users of the 'park and ride' facilities.*
- b) The Applicant shall provide a minimum of 20 car spaces in a nearby commercial car parking facility as an interim strategy to accommodate parking demand of the 20 existing Laman Street car parking spaces to be used for NeW space staff car pooling. The car spaces to be used must be clearly sign posted and identifiable as UON spaces. The cost of parking should not exceed the equivalent costs of parking within the Newcastle City Centre.***

These spaces are to be used for a maximum period of five (5) years from the date of section 96 modification 2. By the conclusion of this five year period, a holistic car parking strategy is to be in place accommodating the demand for

20 car spaces and endorsed by the Secretary or the approved works to the Laman Street car park are to be completed.

Note: The approved Laman Street car park works are to be completed prior to the conclusion of this five year period unless a separate strategy is in place and endorsed by the Secretary.

Note: If an agreement between the UON and a commercial car parking facility is amended to reduce the number of spaces available below 20, a new agreement is to be made within 21 days or the approved Laman Street car park works are to be completed.

Modification to condition A2 to include reference to the modification application and the additional landscape drawing illustrating details of the revised extended deck is also sought.

The changes are sought as the University has recently purchased additional land and has an option to purchase further land within the Newcastle CBD as illustrated in **Figure 1**. The University intends on redeveloping the land to create an education precinct. The Applicant therefore considers that there is an opportunity to provide a holistic approach to addressing car parking demand and supply across the future CBD campuses, instead of delivering the additional car parking spaces at an upgraded Laman Street car park.

5. STATUTORY CONSIDERATION

5.1 Modification of approval

Section 96(1A) of the EP&A Act requires the consent authority to be satisfied that the matters in **Table 1** are addressed in respect of all applications that seek modification approvals.

Table 1: Section 96(1A) matters for consideration

Section 96(1A) matters for consideration	Comment
That the proposed modification is of minimal environmental impact.	Section 7 of this report provides an assessment of the impacts associated with the proposal. The Department is satisfied that the proposed modifications would have minimal environmental impacts.
That the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).	The proposal seeks to make minor changes to the size of the deck in Christie Place and introduce an interim parking arrangement whilst the University develops a broader parking strategy for its current and future CBD campuses. The proposal continues to deliver educational floorspace and continues to ensure car parking demand is effectively met in the interim and long-term. On this basis, the proposal would result in development that is substantially the same as the originally approved development.
The application has been notified in accordance with the regulations.	The modification application has been notified in accordance with the regulations. Details of the notification are provided in Section 6 of this report.
Any submission made concerning the proposed modification has been considered.	The Department received a submission from Council, which advised that Council raises no objection to the proposed modifications. Details of the consultation are provided in Section 6 of this report.

5.2 Environmental Planning Instruments (EPIs)

The following EPIs are relevant to the application:

- *State Environmental Planning Policies (State and Regional Development) 2011;*
- *State Environmental Planning Policy No. 55 – Remediation of Land;*
- *State Environmental Planning Policies (Infrastructure) 2007; and*

- *Newcastle Local Environmental Plan 2012 (NLEP 2012).*

The Department undertook a comprehensive assessment of the development against the above-mentioned EPIs in its original assessment. The Department has considered the above EPIs and is satisfied that the modification is generally consistent with the EPIs.

5.3 Approval Authority

The Minister for Planning is the consent authority for the application. However, the Director, Social and Other Infrastructure Assessments may determine the application under delegation as:

- the relevant local council has not made an objection; and
- a political disclosure statement has not been made; and
- there are no public submissions in the nature of objections.

6. CONSULTATION

The application was notified in accordance with the *Environmental Planning and Assessment Regulation 2000*. The modification request was made publicly available on the Department's website. No other advertising or notification requirements apply. The City of Newcastle Council (Council) was also notified in writing.

Council raises no objection to the proposed modifications but sought clarification regarding the number of spaces being delivered in the interim parking arrangements, the boom gate access and the retention of the trees within Christie Place.

There were no public submissions received on the proposal.

The Applicant has subsequently submitted a revised plan illustrating the extension of the deck and retention of the existing trees within Christie Place. The Applicant also responded to the queries regarding car parking, including numbers and access, which is discussed in the following section.

7. ASSESSMENT

The key assessment issue for the proposed modification is car parking. The approved development includes the upgrade and expansion of the Laman Street carpark to increase the number of car spaces from 20 to 40 permanent car parking spaces.

The New Space site provides minimal car parking, with only five spaces to be provided and primarily used for the purposes of servicing the site. Consequently, the Applicant proposed to redevelop the existing Laman Street site to address car parking demand in addition to developing a 'park and ride' strategy for the development. The redevelopment of the Laman Street site would provide an additional 20 permanent car parking spaces near the New Space site that would be utilised by staff members. The Applicant has subsequently purchased additional land within the Newcastle CBD located approximately 150 metres from the New Space site, which it intends on redeveloping to create an educational precinct. As well as an option to purchase land formerly used as part of the railway line between the two sites, approximately 70 metres from the New Space site and adjacent to the recently purchased land (refer to **Figure 1**). This would result in multiple CBD campuses.

The Applicant is seeking to implement an interim car parking arrangement, comprising the temporary use of existing commercial car parking spaces in the CBD whilst a comprehensive car parking strategy is developed for the University's multiple existing and future CBD campuses. These spaces would be signposted and access controlled by a boom gate. As part of the interim arrangements, the Applicant would delay the delivery of the permanent car

parking spaces within the Laman Street site for up to five years whilst a parking strategy is prepared.

Council queried the number of spaces being used as part of the interim arrangements. Council advised that it was aware that approximately 130 spaces were being leased by the University and has requested that the additional spaces form part of the interim parking arrangements as they are required to address the demand generated by the development.

In response, the Applicant has acknowledged that spaces are being leased to support students transitioning from the University of Newcastle Callaghan Campus to the CBD campus as well as supporting other University initiatives that are being developed. The Applicant contends, however, that this is a private commercial arrangement and not a relevant matter in terms of the modification request.

The Department considers the additional car parking spaces above the 20 required to offset those which would have been provided in the Laman Street car park should not be incorporated into the requirements of the modified consent as these are not required to address the supply lost because of the modifications. The Department concurs with the Applicant regarding the commercial lease of these additional spaces not being within the ambit of the modification request and the lease not being a relevant matter for consideration.

The Department is of the opinion that the use of commercial car parking spaces is not an appropriate long term means of addressing car parking demand generated by a development as there is no certainty regarding the secured use of the spaces. Further, the supply of those spaces is for all users of the CBD (both visitors and workers) and the University using these spaces to address demand generated by the New Space development would reduce the overall parking supply in the CBD for existing users. However, as the use of the spaces is proposed as a temporary measure, the Department considers the interim parking arrangements satisfactory. The delivery of the permanent spaces at the Laman Street car park may also be abandoned in the long-term. This would be acceptable to the Department if alternate spaces are provided within University owned land within the CBD. This would likely provide a better outcome as the spaces would likely form part of the University's core facilities within the education precinct compared to the Laman Street site, which is located within a residential area isolated from the main CBD campus.

Accordingly, the Department recommends that the proposed modifications be approved, subject to the following revised version of condition A5:

Schedule 2, Part A, Administrative Conditions

Car Parking

A5

- b) ***As an alternative to construction of the Laman Street car park, the Applicant may provide a minimum of 20 car spaces in a nearby commercial car parking facility as an interim arrangement to accommodate parking demand generated by this development. Evidence of the agreement to use these spaces must be submitted to the Certifying Authority and the Secretary prior to occupation or commencement of use of the New Space building. The car spaces to be used must be clearly sign posted and identifiable as University of Newcastle spaces. The cost of parking for users is not to exceed the equivalent costs of parking within the Newcastle City Centre.***

These spaces are to be used for a maximum period of five years from occupation or commencement of use of the New Space building. After which, the approved works to the Laman Street car park are to be

completed or suitable alternate car parking arrangements are to be in place whereby a minimum 20 spaces are to be provided for the New Space Project on University owned land within the Newcastle City Centre (including the Honeysuckle precinct). Evidence of the alternate car parking arrangements must be submitted to and approved by the Secretary prior to the expiration of the agreement for the commercial car spaces.

If the agreement to use commercial car parking spaces is varied to reduce the number of spaces or is terminated before the end of the five year period, a new agreement must be made within 21 days or the approved Laman Street car park works are to be completed within three months of variation or termination of the agreement, or as otherwise agreed by the Secretary.

8. CONCLUSION

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate on the basis that:

- the changes are minor and whilst it would potentially result in the loss of the proposed upgrades to the Laman Street car park, this would result in the site remaining generally the same as the existing layout and therefore there would be no significant environmental impact; and
- the proposal would not result in any additional impacts beyond those already assessed and approved as any loss of car parking at the Laman Street car park would only occur if acceptable alternative arrangements are made to the satisfaction of the Secretary.

Consequently, it is recommended that the modification be approved subject to the recommended revised conditions.

9. RECOMMENDATION

It is RECOMMENDED that the Director, Social and Other Infrastructure Assessments as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **approves** the application under section 96(1A); and
- **signs** the notice of modification (**Appendix A**).



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APPENDIX A: NOTICE OF MODIFICATION

APPENDIX B: SUPPORTING INFORMATION

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

1. Modification request

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8225.

2. Council submission

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8225.