



EA/BH  
13473  
4 April 2017

Ms Carolyn McNally  
Secretary  
Department of Planning and Environment  
320 Pitt Street  
SYDNEY NSW 2000

Attention: David Gibson (Team Leader – Industry, Key Sites and Social Projects)

Dear David

**SECTION 96(1A) MODIFICATION APPLICATION TO SSD 6457  
409 HUNTER STREET, 300 KING STREET, NEWCASTLE AND 20 LAMAN STREET, COOKS  
HILL**

On behalf of the University of Newcastle (UON) we hereby submit an application pursuant to section 96(1A) of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) to modify Development Consent SSD 6457 relating to a refined car parking strategy and the design of the outdoor deck area fronting Christie Place.

Specifically, the modification relates to the provision of an interim car parking strategy to be provided in lieu of the upgrades and expansion approved to the existing car park at 20 Laman Street, Cooks Hill. This interim car parking strategy will accommodate the previously identified demand for staff parking from the University of Newcastle NeW Space development. The second component of this modification application is the amendment of the outdoor deck area fronting Christie Place given design development changes which have occurred.

Fundamentally, the proposed changes result in a development that is substantially the same as originally approved. The changes do not affect the quality of design or the delivery of a key educational establishment and associated pedestrian connections that will facilitate the first stage of the Newcastle City Centre urban renewal.

This application identifies the consent, describes the proposed modifications and provides a planning assessment of the relevant matters for consideration contain in Section 96(1A) and 79C(1) of the EP&A Act. It should be read in conjunction with the Environmental Impact Statement (EIS) prepared by JBA dated August 2014; the first modification application prepared by JBA and dated June 2015; and is accompanied by:

- Section 96 application form; and
- Amended Drawing prepared by McGregor Coxall (**Attachment A**).

## 1.0 BACKGROUND

### 1.1 Consent Proposed to be Modified

Development consent SSD-6457 was granted by the delegate of the Minister for Planning on 5 February 2015. The approved development includes the construction of a 10-storey educational establishment, known as the NeW Space Project providing lecture theatres, a library, teaching and learning spaces and offices.

The UON campus is located at 409 Hunter Street, 300 King Street, Newcastle and 20 Laman Street Cooks Hill within the Newcastle Local Government Area. The development at 409 Hunter Street and 300 King Street is currently under construction, with the majority of external works to the new campus building completed.

SSD-6457 was previously modified on 19 August 2015. The modification related to design development changes and minor internal modifications to the NeW Space building.

### 1.2 UON Landholdings

UON recently purchased land known as Lot 1, 2, & 3 DP 1163346 and entered into an option to purchase two further sites to the north of the NeW Space campus, legally known as DP 1219708 Lot 2, 3, 6 and DP 115985 Lot 22. These three sites comprise vacant land and a portion of the disused railway corridor, strategically located within the Newcastle CBD to allow for the expansion of the UON CBD presence (refer to **Figure 1**).

The development of these sites has not yet been finalised, with the UON undertaking a detailed review and strategic visioning process to ensure that the right mix of uses are proposed to allow for the most economic and efficient development of the land.

In light of the UON agreement to purchase additional sites in the Newcastle CBD, in turn allowing for the creation of a strengthened education precinct, it is the intention of the University to adopt a more holistic and strategic co-ordinated approach to car parking and transport.

The University is seeking to develop a holistic Newcastle CBD parking strategy, ensuring that land is used efficiently and responsibly as the precinct develops. In order to allow for this longer-term strategy, an interim strategy is proposed in the short-term. This interim strategy will allow for sufficient time for the development of plans for the new UON CBD sites, as well as the formation of a more comprehensive car parking plan.

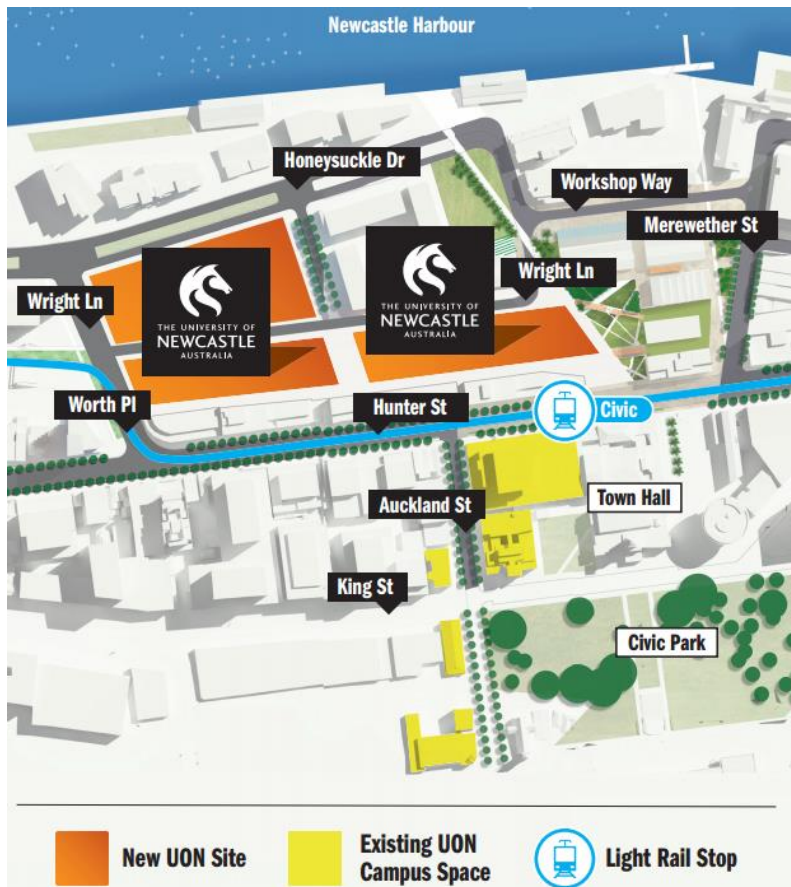


Figure 1 – UON Newcastle CBD landholdings

## 2.0 PROPOSED MODIFICATIONS TO CONSENT

### 2.1 Modifications to the Development

#### Interim Car Parking Strategy

Currently, under the existing development consent, car parking for staff of the NeW Space campus is to be accommodated in the upgraded and expanded Laman Street carpark. The satisfaction of this demand is approved through the provision of 20 new spaces at the Laman Street carpark. These 20 spaces will be reserved for car pooling staff members, effectively accommodating the capacity of 60 users (car pooling of at least three staff members per car). Separate parking measures/strategies have been approved for the management of other demands, such as student car parking demand (i.e. park-n-ride facility).

Given the changed context of UON CBD landholdings, an interim car parking strategy is proposed to manage and accommodate staff car parking demand for the NeW Space campus in the short-term. In summary, 20 of the existing Laman Street car parking spaces will be devoted to car pooling staff members, consistent with the approved strategy for NeW Space. The 20 displaced car parking spaces (currently occupied by other users), will be accommodated in a nearby commercial car parking facility.

This interim strategy comprises the following key elements:

- Provision of a minimum of 20 car parking spaces are to be provided in a secure commercial car parking facility located within approximately 350 metres of the NeW Space Campus.
- These spaces are to be provided for a minimum term of 5 years.
- An opportunity is available in the commercial contract to renew the parking spaces for a further 5 years.
- Boom gate access will secure the UON parking site.
- Numberplate recognition technology will be adopted to regulate access and ensure eligible users are provided access to the spaces.
- Proposed pricing is to be bench marked on surrounding commercial car parking stations and is to be provided at a slight discount to ensure it is not price prohibitive for users.

As set out above, along with this strategy, minor upgrade works, including line marking and new signage will be provided to the Laman Street car park.

#### Christie Place Deck

The proposed modifications to Christie Place deck comprise a slight extension of the deck and amendments to the form of the deck around the substation. An amended drawing illustrating the revised deck design is provided at **Attachment A. Figure 2** illustrates the approved and proposed design of the Christie Place deck.

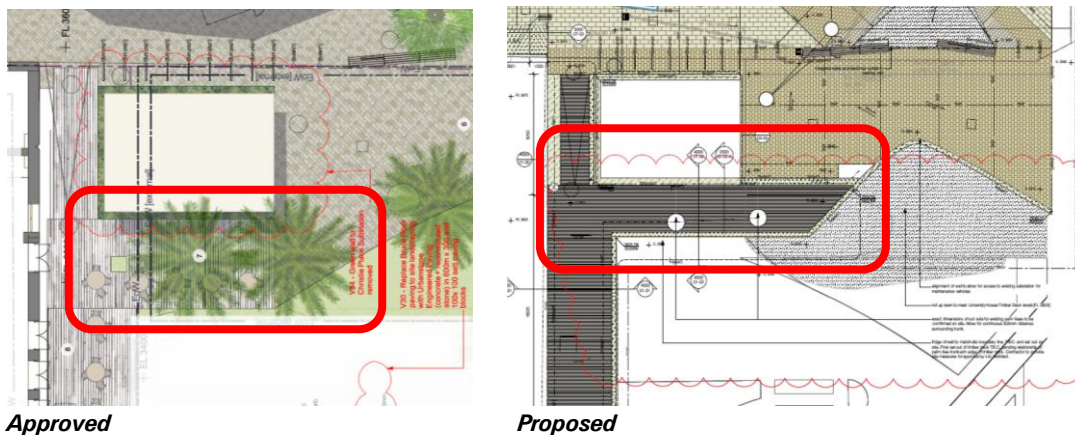


Figure 2 – Approved and proposed Christie Place deck design

**2.2 Modifications to Conditions**

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. Words proposed to be deleted are shown in ~~**bold italics strike**~~ through and words to be inserted are shown in **bold italics**.

- A2. *The applicant shall carry out the development generally in accordance with the:*
- a) *Environmental Impact Statement titled State Significant Crown Development, 409 Hunter Street, 300 King Street, Newcastle and 20 Laman Street, Cooks Hill, University of Newcastle NeW Space Campus, prepared by JBA Urban Planning Consultants Pty Ltd, August 2014.*
  - b) *Response to Submissions report titled State Significant Crown Development, 409 Hunter Street, 300 King Street, Newcastle and 20 Laman Street, Cooks Hill, University of Newcastle NeW Space Campus, prepared by JBA Urban Planning Consultants Pty Ltd, December 2014.*
  - c) *section 96(1) modification application SSD 6457 MOD 1;*
  - d) ***section 96(1) modification application SSD 6457 MOD 2;***
  - ~~e) following drawings, except for:~~
    - i) *any modifications which are Exempt or Complying Development;*
    - ii) *as otherwise provided by the conditions of this consent.*
  - ~~f) the conditions of this consent.~~

<b>New Space Project Landscape (or Design) Drawings prepared by McGregor Coxall</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
<b>LS-005</b>	<b>C</b>	<b>Layout and Grading</b>	<b>8/02/2017</b>

Reasoning: This condition is sought to be updated to reference the modification application and amended drawings.

*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.*

Reasoning: The proposed interim strategy seeks to accommodate the demand for car parking in the short-term whilst a longer-term strategy is developed for the entire Newcastle CBD education precinct.

### **3.0 SUBSTANTIALLY THE SAME DEVELOPMENT**

Section 96(1A) of the EP&A Act states that a consent authority may modify a development consent if *“it is satisfied 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 development, as proposed to be modified, is substantially the same development as that originally approved in that:

- there are no changes to the extent of the NeW Space site or approved building elements of the new campus, which is currently under construction and nearing completion;
- there is no change proposed to the architectural qualities and materials of the new building;
- there is no change proposed to the facilities and services provided to meet the needs of the staff, students and visitors at the UON NeW Space site;
- the proposal fundamentally retains the same relationship to the public domain and surrounding buildings;
- the proposal retains the existing number of car parking spaces and design at the Laman Street car park with only minor upgrades to the line markings and signage in the short-term;
- the proposal retains the same built form envelope and footprint with only minor design development changes to the outdoor Christie Place deck;
- the proposed amendment to the Christie Place deck does not result in any significant environmental impacts; and
- the proposed development will continue to act as a catalyst project for the renewal of Newcastle’s CBD.

All the key elements of the approved development remain, resulting in a development that is substantially the same. The modifications sought are simply to allow for a short-term car parking strategy and minor design development changes to the Christie Place deck. These modifications are considered to be of minimal environmental impact as they do not involve major development changes.

### **4.0 ENVIRONMENTAL ASSESSMENT**

Section 96(3) of the Act requires the consent authority to take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application.

#### **4.1 Section 79C(1)(a)**

The EIS submitted with the original State Significant Development Application (SSDA) addressed the proposed development’s level of compliance against the relevant environmental planning instruments.

The proposed modifications involve a short-term car parking strategy and minor external changes that respond to design development changes. The proposed modifications will not alter the level of compliance with the relevant planning instruments.

**Table 1** provides a summary overview of the proposed modified development’s continued level of compliance with the relevant planning instruments.

**Table 1 – Compliance with key planning instruments**

Environmental Planning Instrument	Comments
Mine Subsidence Compensation Act, 1961	Mine subsidence stabilisation works have been completed as part of Development Consent SSD-6457
SEPP (State & Regional Development)	The modified development continues to meet the threshold for State Significant Development.
SEPP (Infrastructure)	Due to the minor nature of changes to the development, referral of this modification application to relevant approval agencies and bodies is not necessary.
SEPP 55 (Remediation of Land)	The site remains suitable for the proposed development as determined in the original assessment.
Newcastle Local Environmental Plan 2012	The modifications do not alter the development’s consistency with the Newcastle LEP 2012 in regards to land use, height or FSR compliance.

**4.2 Section 79C(1)(b) Impact on the Environment**

The proposed modifications do not give rise to any material alteration to the assessment of the potential impacts considered as part of the original SSDA. The following matters warrant further assessment and consideration.

**Traffic and Parking**

The interim car parking strategy proposed does not reduce the amount of car parking provided once the NeW Space campus becomes operational. A total of 20 car pooling spaces will be available in the Laman Street car park, catering to a minimum of 60 users. Separately, a minimum of 20 car parking spaces will be available within a nearby commercial car parking facility, replacing those spaces being used within the Laman Street car park for car pooling. This is consistent with the number of spaces that would have been provided if the Laman Street car park works were to be completed immediately.

Furthermore, the interim car parking strategy is a short-term solution that has a time limit of five years. The amendment proposed to Condition A5 of the development consent will ensure that if an alternative CBD-wide strategy has not been adopted and endorsed by the Secretary, the Laman Street works are required to be completed. The proposed wording of the amended Condition A5 requires these Laman Street car park works to be completed by the conclusion of the five year period, ensuring demand is continuing to be satisfied and allowing the University to develop a longer term, more permanent, approach to car parking and transport within the Newcastle CBD.

The use of these 20 car parking spaces will be governed by a commercial agreement. If this commercial agreement were to be altered or broken, the amended wording of Condition A5 sought will ensure that works to the Laman Street car park are completed or a new commercial agreement is entered into with a suitable nearby commercial car parking facility. This will ensure that the demand for spaces continues to be satisfied and there is a clear requirement for the continuation of the commercial agreement.

UON have entered into an agreement to lease spaces in an existing commercial car parking facility. This facility currently has capacity for the leasing of a minimum of 20 spaces for a five year period. Given the agreed arrangement with UON, the commercial car parking facility operator has indicated that plans for an expanded facility may be sought. As such, UON agreeing to lease spaces for a five (5) year term may contribute to a cumulative increase in car parking capacity within the Newcastle CBD.

Importantly, the short-term use of these commercial car parking spaces will not detrimentally affect the availability of car parking spaces within the Newcastle CBD. Throughout the original assessment, it was identified that there is a current underutilisation of 2,500 car parking spaces in the Newcastle CBD. The use of 20 of these spaces for car parking associated with NeW Space would represent a less than 1% usage of existing capacity. Furthermore, the subject car parking spaces are contained within a commercial car parking facility rather than on-street spaces. The University, like any other users of the CBD, is entering into a commercial agreement for the lease of these spaces, consistent with the commercial framework available and intended for the use of the spaces.

Overall, the long-term benefits and opportunities made available through the interim strategy ensures that the most responsible and effective use of land is being considered and carried out. In light of the lack of any impacts associated with the interim strategy, and the certainty provided through amended Condition A5, the interim strategy is considered acceptable.

#### **Natural and Built Environment Impacts**

There are expected to be no natural or built environment impacts as a consequence of the proposed modifications to SSD-6457. The proposed modifications simply seek to introduce a short-term car parking strategy and amend the Christie Place deck.

The modifications to the Christie Place deck are minor. These changes have evolved from ongoing design development and in consultation with the relevant agencies, primarily Ausgrid who require access to the substation located adjacent to the deck and are in early planning stages for future upgrades to the electricity infrastructure and substation. Additionally, Newcastle City Council have advised UON that a licence is not able to be provided to the University over the land as it is not classified as Operational Land. As such, the deck must be restricted in part. The amendments proposed to the deck are minimal and will not result in any significant visual change to the approved landscaping scheme.

#### **Social and Economic Impacts**

The proposed modifications will not give rise to any adverse social and economic impacts. The modifications sought to SSD-6457 will continue to;

- provide designated parking for users of the NeW Space Campus;
- result in enhanced accessibility to the substation for Ausgrid in a response to design development changes; and
- continue to act as a catalyst for the renewal of Newcastle's CBD.

#### **Site Suitability**

The NeW Space Campus and land to which it relates remain suitable for the proposed development and will continue to provide a catalyst for the renewal of Newcastle's CBD.

#### **Public Interest**

The proposed modifications to the approved development are considered to be in the public interest, especially given the changes will:

- contribute to the delivery of a high quality educational establishment;
- improve the relationship of the NeW Space Campus with the public domain through the revised deck design;
- result in the ability for a longer-term strategic car parking strategy to be developed; and
- facilitate improved staff, student and visitor accessibility and transport options.

## 5.0 CONCLUSION

This Section 96(1A) seeks to introduce an interim car parking strategy and minor amendments to the Christie Place Deck. The proposed modifications will allow for a holistic and co-ordinated approach to be developed for car parking in the education precinct of the Newcastle CBD. This will in turn ensure that the effective and efficient development of land can occur, achieving the aims and aspirations for a revitalised Newcastle CBD.

In accordance with section 96(1A) of the EP&A Act, Council may modify the consent as:

- the proposed modification is of minimal environmental impact;
- the modifications result in an overall improvement to the UON parking facilities and landscape design;
- the building's compliance with the key statutory plans and controls remains the same as that original approved; and
- substantially the same development as the development for which the consent was originally granted.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request. Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or [bhoskins@jbaurban.com.au](mailto:bhoskins@jbaurban.com.au).

Yours faithfully



Brendan Hoskins  
*Principal Planner*