



University of Newcastle City Campus Concept Proposal

State Significant Development Assessment
SSD 9262

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Cover image: Perspective looking west towards Turntable Plaza and building envelope B (left), A1 and A2 (right)

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Glossary

Abbreviation	Definition
ACHAR	Aboriginal Cultural Heritage Assessment
ADG	State Environmental Planning Policy 65 Apartment Design Guide
ARH SEPP	Affordable Rental Housing) 2009
Applicant	University of Newcastle
BDAR	biodiversity development assessment report
BCA	Building Code of Australia
BDC	Biodiversity and Conservation Division of the Department of Premier and Cabinet
CBD	Newcastle Central Business District
CIV	Capital Investment Value
CNVMP	construction noise and vibration management plan
Concept Proposal	State significant development application SSD 9262
Consent	Development Consent
Contributions Plan	City of Newcastle Section 94A Development Contributions Plan 2009
Council	Newcastle City Council
CRW West	The western site of the Civic Railway Workshops Group, including the 'Boiler House and Machine Shop' and the two storey 'Divisional Engineer's Office'
CTPMP	Construction Traffic and Pedestrian Management Plan
DA(s)	Development application(s)
DCP	development control plans
Department	Department of Planning, Industry and Environment
DES	Design Excellence Strategy
Education SEPP	Education Establishments and Childcare Facilities) 2017
EESG	Environment, Energy and Science Group, Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FSR	Floor space ratio
GANSW	The Government Architect NSW
GBA Targets	Gross building envelope area efficiency targets

GFA	Gross floor area
GNFTP	Greater Newcastle Future Transport Plan
GNMP	Greater Newcastle Metropolitan Plan 2036
Heritage NSW	Heritage NSW, Department of Premier and Cabinet
HIS	Heritage Impact Statement
HRP	Hunter Regional Plan 2036
HURP	Honeysuckle Urban Renewal Project
Hunter Health	Hunter New England Local Health District
LEP	Local Environmental Plan
LGA	Local government area
Minister	Minister for Planning and Public Spaces
NDCP	Newcastle Development Control Plan 2012
Newcastle CA	Newcastle City Centre Conservation Area
NLEP	Newcastle Local Environmental Plan 2012
NRAR	Water and Natural Resources Access Regulator of the Department of Planning, Industry and Environment
NURS	Newcastle Urban Renewal Strategy
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
PDS	concept Public Domain Strategy
Proposal	State significant development application for the staged expansion of the University of Newcastle Honeysuckle City Campus, 16 Honeysuckle Drive, Newcastle (SSD 7684)
PWES	Pedestrian Wind Environment Statement
RAP	Remedial action plan
RFIR	Response to Future Information Request
RtS	Response to Submissions
SDRP	NSW State Design Review Panel
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SRtS	Supplementary Response to Submissions
SSD	State Significant Development
SHR	State heritage item on the Stage Heritage Register
TAS	Transport and Parking Assessment and Transport Access Strategy
TfNSW	Transport for NSW
UoN	University of Newcastle
UDRP	University of Newcastle Design Review Panel

Executive Summary

Introduction

This report provides an assessment of a State significant development (SSD) application for the staged expansion of the University of Newcastle Honeysuckle (UoN) City Campus at 16 Honeysuckle Drive, Newcastle (SSD 7684) (the Proposal).

The application has been lodged by the University of Newcastle (Applicant) and seeks approval for a Concept Proposal comprising seven building envelopes for tertiary education (university), student accommodation and retail uses.

The site forms part of the Honeysuckle Precinct, which is located within the broader Honeysuckle Urban Renewal Project, within the Newcastle City Council (Council) local government area. The Capital Investment Value (CIV) of the development is \$382,508,000 and is predicted to generate up to 2,558 construction jobs and 850 operational jobs across all stages.

Engagement

The Department of Planning, Industry and Environment (the Department) publicly exhibited the Environmental Impact Statement (EIS) between 2 August 2018 and 29 August 2018 (28 days). The Department received 14 submissions, comprising nine from Government agencies, one from Council and four public submissions.

Of the four public submissions, two raised objections and two provided comments on the proposal. The key concerns raised in public submissions relate to car parking, travel mode-share assumptions, building heights and setbacks, residential amenity, landscaping and impact on redevelopment potential of neighbouring sites.

Council does not object to the proposal, however, it raised concerns relating to design and amenity impacts, the traffic and transportation strategy and car parking provision. Council recommended conditions to guide future detailed developments.

In response to the issues raised, the Applicant provided its response to submissions (RtS), which was subsequently amended on two occasions. The responses included additional information and it also made changes to the proposal including amendments to building envelope heights, setbacks, separation distances and gross floor areas, gross building envelope area efficiency targets and inclusion of Wright Lane into the development site.

Assessment

The Department has considered the merits of the proposal in accordance with the relevant matters under section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the issues raised in the submissions and the Applicant's response to these.

The key assessment issues associated with the proposed development are design excellence, building envelopes and traffic and car parking. The Department considers the proposal is acceptable for the following reasons:

- The proposal is consistent with the strategic planning framework established for the site as it would expand the UoN's CBD campus and support employment growth by attracting and creating high skilled jobs in education, training and research. The proposal will also contribute to the activation of the surrounding area, attract new residents and students to the City Centre to live, work and study helping to revitalise the Newcastle CBD

- the proposal, provides a height, scale and density that is compatible and appropriate within the Newcastle CBD and Honeysuckle Precinct
- the massing and setbacks of building envelopes are acceptable subject to amendments to building envelopes E and F to ensure future developments do not have an adverse visual or view impact on the setting of the State heritage listed City Railway Workshop West and nearby locally listed heritage items
- the proposal includes an appropriate mix of uses (education, student accommodation and retail) within the new campus, which would support the university facilities and contribute to the vibrancy of the precinct
- the detailed design of future developments would be subject review by the State Design Review Panel (SDRP) and prior to lodgement and would also be guided by amended Design Guidelines, to ensure developments achieve design excellence
- the proposal includes a site-wide concept landscape masterplan including new through site links, open spaces, hard and soft landscaping and tree planting to ensure a high-quality public domain is delivered
- the proposal would not have adverse amenity impacts subject to amendments to building envelopes B, E and F to ensure future development does not unreasonably obscure sunlight to the residential developments fronting Hunter Street
- the proposed travel mode share, of 100% of trips by walking, cycling and public transport and no private car use, is ambitious but acceptable as it is consistent with policy objectives to drive down private car use and increase public transport patronage in inner city locations, subject to the temporary retention of existing car parking and stage-by-stage monitoring
- the provision of limited on-site car parking is acceptable in light of the travel mode share targets
- the future developments would be designed in accordance with ecologically sustainable development principles.

Conclusion

The issues raised by Government agencies, Council and the community have been addressed in the proposal, the Department's assessment report or by recommended conditions of consent.

Following its detailed assessment, the Department concludes the proposal is consistent with the state's strategic planning objectives, is an appropriate density and subject to amendments would not have adverse built form, heritage or amenity impacts and would not result in any significant traffic impacts. The proposal would also generate an estimated 2,558 construction and 850 operational jobs across all stages of the development.

The Department concludes the proposal would result in benefits to the local community and is therefore in the public interest, subject to appropriate conditions.

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1 Introduction

1.1 Introduction

This report provides an assessment of a State significant development (SSD) application for the staged expansion of the University of Newcastle Honeysuckle City Campus at 16 Honeysuckle Drive, Newcastle (SSD 7684) (the Proposal).

The application has been lodged by the University of Newcastle (UoN) (Applicant) and seeks approval for a Concept Proposal comprising:

- seven building envelopes with maximum building heights of between RL 23.10 to 34.05 metres (m) (five to nine storeys)
- maximum gross floor area (GFA) of 65,615 square metres (m²) comprised of education, student accommodation and retail floorspace
- design guidelines and design excellence strategy to guide future development within the building envelopes and achieve design excellence.

1.2 Honeysuckle Urban Renewal Project and Honeysuckle Precinct

The site forms part of the Honeysuckle Precinct, which is located within the broader Honeysuckle Urban Renewal Project (HURP), within the Newcastle City Council (Council) local government area (LGA) (Figure 1).

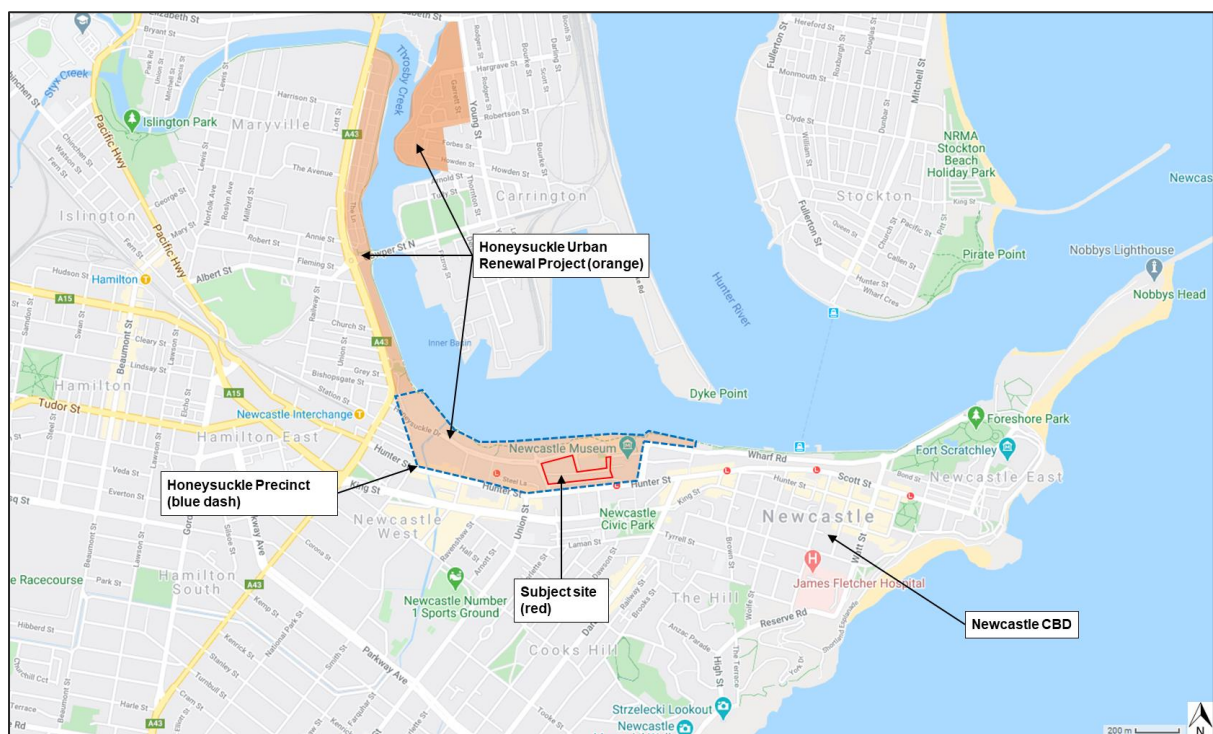


Figure 1 | Location of the HURP, Honeysuckle Precinct and the site (Source: Nearmap)

The HURP commenced over two decades ago to remediate and redevelop 50 hectares of surplus government land stretching from the Newcastle Central Business District (CBD) in the east to Wickham and Carrington in the north-west. The area comprises seven precincts spanning four kilometres of waterfront supporting a diverse mix of employment and residential uses, tourism and public domain.

The Honeysuckle Precinct is located west of the Newcastle CBD, south of the Hunter River and north of Newcastle West and Cooks Hill. Recently the Honeysuckle Precinct has been the subject of significant redevelopments, including the construction of developments up to nine storeys for mixed-use purposes, open space, public domain improvements and the Newcastle light rail.

1.3 The site

The subject site is located at the eastern end of the Honeysuckle Precinct. It is irregular in shape and comprises four lots, including land north and south of Wright Lane and Wright Lane itself. Overall the site covers an area of approximately 24,396 m² and is bounded by Honeysuckle Drive to the north, Settlement Way and Musuem Park to the east, Civic Lane to the south and Worth Place to the west (**Figure 2**).

Currently the southern part of the site contains a paid public car park, known as the Wright Lane car park, providing for 172 car parking spaces accessed off Wright Lane, beyond this is hard-standing associated with the former heavy rail line. The northern part of the site is currently used for the temporary storage of construction materials. The parts of the site not providing for car parking spaces are surrounded by hoardings.



Figure 2 | Aerial view of the site and the surrounding context (Source: Nearmap)

In 2019 the Applicant acquired the part of Wright Lane located between Worth Place in the west and the Wright Lane / Workshop Way intersection (roundabout) in the east. This part of Wright Lane is located within the site boundary and forms part of the Concept Proposal application.

As the site comprises low-lying reclaimed land (formerly forming part of the Hunter River tidal flats) it is generally flat without any noticeable variation in land levels. Due to its low level (between RL 2.0 m to 2.6 m), and as Worth Place is identified as a major floodway, the site is subject to flooding with possible flood depths up to 1.0 m. The site does not contain any trees or street-trees.

There are no State or local heritage items located on the site, however, the part of the site located south of Wright Lane is contained within the Newcastle City Centre Conservation Area under the Newcastle Local Environmental Plan 2012 (NLEP) (**Figure 18**). Although not listed as a heritage item, the site

contains the archaeological remnants of a locomotive turntable constructed between 1856-1896 and associated with the former Honeysuckle Station.

Historically the site was used extensively for railway purposes and in the late 19th century was subject to the importation of unknown fill to facilitate the land-reclamation process. Due to its industrial history, the site is predicted to contain contaminants including chemicals, metals and asbestos.

1.4 Surrounding context

The site is set within a diverse urban context on the edge of the Newcastle CBD and the buildings surrounding the site vary in use and architectural design and form (**Figure 3**).



Figure 3 | Location of the HURP, Honeysuckle Precinct and the site (Source: Nearmap)

The surrounding context includes (**Figure 4**):

- two, seven storey mixed-use residential buildings and one single storey retail building to the north of the eastern part of the site
- three, eight and nine storey mixed-use residential buildings and a part single, part two storey buildings forming part of Civic Railway Workshops Group to the north of the eastern part of the site
- Museum Park public open space and single storey buildings forming part of the Civic Railway Workshops Group and containing the Newcastle Museum to the east
- Civic Lane. Beyond Civic Lane is the rear elevations of commercial, mixed-use and residential buildings up to seven storeys fronting Hunter Street. These include an apartment building at 522-526 Hunter Street and shop-top apartments at 474, 502 and 510 Hunter Street. On the opposite (southern) side of Hunter Street is the UoN city campus consisting of the NeW Space building to the south
- a nine storey mixed-use residential building and an open grassed area, which is bisected by the light rail route to the west.



Figure 4 | The site and surrounding uses and developments (Base source: Applicant's EIS)

The site is adjacent to a number of heritage items of State and local heritage significance. The closest heritage items to the site are listed below. The Newcastle City Centre Conservation Area (Newcastle CA) is located to the north, south and east of the site (**Figure 18**):

- Civic Railway Workshops Group (State heritage item on the Stage Heritage Register (SHR))
- Former Civic Railway (local heritage item under the NLEP).

The Civic Railway Workshops Group are located over two parcels of land. The western site of the Civic Railway Workshops Group (CRW West) is located directly north of the site and contains two buildings including the 'Boiler House and Machine Shop' and the two storey 'Divisional Engineer's Office'.

All roads around the site are local roads and consist of two-way roads with the exception of Civic Lane, which is a one-way road travelling west. Civic Lane, Honeysuckle Drive, Settlement Lane and Hunter Street contain on-street car parking and a number of off-street private car parking stations are located within the city and nearby the site.

The site is well served by public transport and is within walking distance to key connections including:

- the Civic light rail stop 30 m to the south (Hunter Street) and Honeysuckle light rail stop 215 m west of the site
- bus routes along Hunter and King Streets located approximately 200 m south and 400 m west of the site (routes 11, 13, 14, 24 and 47), which service the surrounding Newcastle area
- the Queens Wharf to Stockton ferry, approximately 850 m east of the site

- the existing UoN city campus / NeW Space shuttle bus service, which provided a direct connection between the city and the UoN Callaghan campus for students and staff.



Figure 5 | Existing site, pedestrian, public transport and road access/connections (Source: Applicant's EIS)

1.5 Previous approvals and relevant applications and other previous approvals

1.5.1 Previous relevant planning approvals to adjoining sites

UoN NeW Space

On 5 February 2015, the Executive Director, Infrastructure and Industry Assessments approved an SSD application (SSD 6457) for the construction of a UoN city campus (UoN NeW Space) comprising the construction of a 10 storey building for academic and ancillary uses, refurbishment of University House, construction of pedestrian links, upgrade and expansion of the existing Laman Street Car Park and associated civil and landscape works (**Figure 6**).

UoN NeW Space included a transport strategy establishing a mode share targets which prioritised active and public transport options (**Table 11**). To encourage the mode share UoN NeW Space included the following key features:

- provision of park-and-ride facilities at the UoN Callaghan campus located approximately 6.5 km north-west of the site comprising two car parking areas providing for 335 parking spaces
- establishment of shuttle bus service between the park-and-ride / Callaghan campus (six stops) and UoN NeW Space.
- 150 parking spaces in the Civic West car park, available to staff and students at a rate of \$10 per day.

UoN has continued to monitor the travel habits of students and staff and its surveys undertaken in:

- 2019 indicate the peak shuttle bus service usage was 6,749 patrons (total trips over a week period) and this represented a 12.8% increase in usage from the previous year
- 2018 indicate the peak usage of the Civic West car park was 70 users, which equates to an occupancy rate of 47%.



Figure 6 | Perspective view of the refurbished University House and NeW Space buildings (Source: SSD 6457)

Neighbouring properties fronting Hunter Street

Neighbouring properties fronting Hunter Street and backing onto Civic Lane, to the south of the site, have been the subject of a number of conversions from commercial to residential use, as summarised at **Table 1**.

Table 1 | Previous relevant applications to properties fronting Hunter Street

Address	Reference	Description of Development	Consent Authority	Approval Date
522-526 Hunter Street	BA1996/0200	Conversion of existing commercial building to 26 apartments and ground floor commercial space.	Council	11 Apr 1996
510 Hunter Street	DA2000/1603	Conversion of first/second floor commercial space into one apartment.	Council	2 May 2001
502 Hunter Street	DA2002/1116	Conversion of first/second floor commercial space into one apartment and provide a loading bay.	Council	1 Jul 2002
474 Hunter Street	DA2001/2614	Conversion of first floor commercial space into one apartment.	Council	16 Jan 2002

1.5.2 Stage 1A

The Department is concurrently considering an SSD application (SSD 9510) for the redevelopment of Stage 1A of the Concept Proposal at 16B Honeysuckle Drive, Newcastle. The proposal seeks approval for the construction and fit-out of a four storey building (RL 27.82 m) providing 2,473 m² of GFA for academic and ancillary uses and landscaping works (**Figure 7** and **Figure 8**).

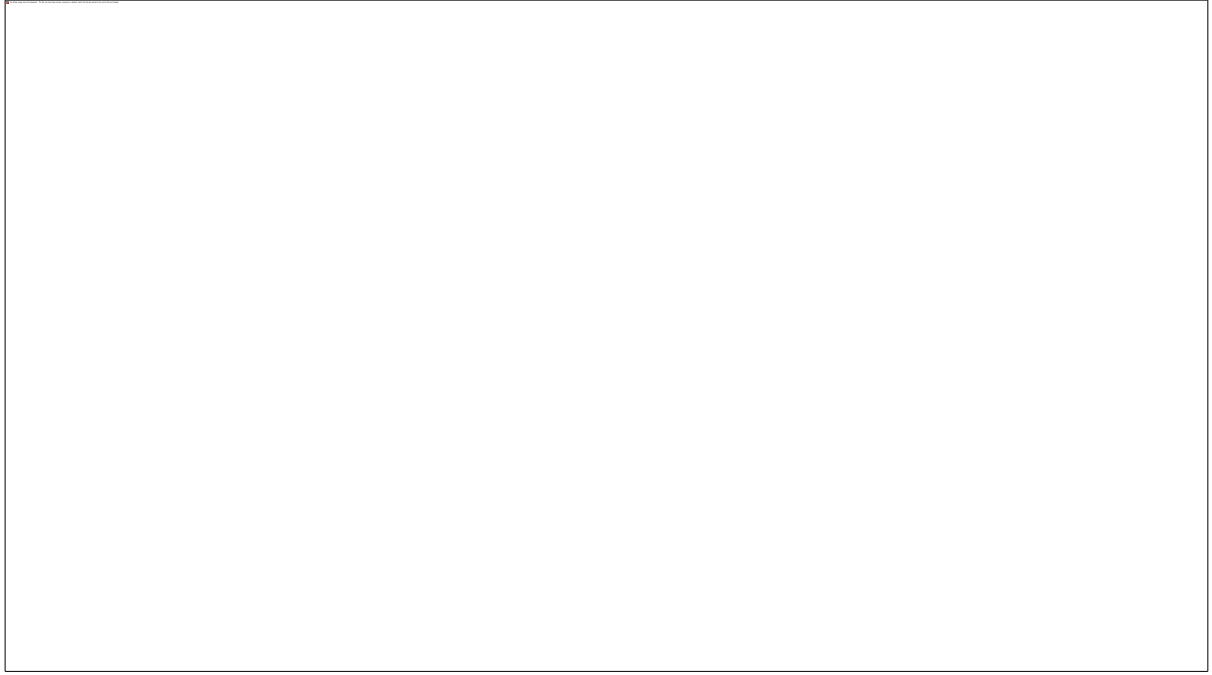


Figure 7 | Perspective looking north from Worth Place to the Stage 1A building and building envelope A2 beyond (right) (Source: Applicant's RtS SSD 9510)

2 Project

The proposal seeks approval for a Concept Proposal comprising seven building envelopes for tertiary education (university), student accommodation and retail uses. The proposal would set the vision for UON's expansion of its existing NeW Space (city campus) and establish the planning and development framework that will form the basis for the assessment of future development proposals for the site.

The key components and features of the Concept Proposal (as amended) are summarised at **Table 2**. A link to the application is provided at **Appendix A**.

Table 2 | Main components of the proposal

Component	Description		
Building envelopes, heights and GFA	Seven building envelopes providing for the following maximum height and GFA:		
	Building envelope	Height	GFA
	A1	RL 26.75 m (up to six storeys)	4,000 m ²
	A2	RL 34.05 m (up to eight storeys)	10,770 m ²
	B	RL 33.85 m (up to nine storeys)	11,480 m ²
	C	RL 30.40 m (up to seven storeys)	11,595 m ²
	D	RL 30.40 m (up to seven storeys)	8,525 m ²
	E	RL 30.40 m (up to seven storeys)	8,210 m ²
	F	RL 30.40 m (part seven, part five storeys)	11,035 m ²
		Total 65,615 m ²	
Uses	A mixture of uses across the site including: - education (university) and ancillary uses - retail use - student accommodation (maximum 400 beds)		
Floor space ratio (FSR)	A total site-wide FSR of 2.7:1		
Gross building envelope area efficiency targets (GBA Targets)	The proposal includes GBA Targets for all building envelopes to limit the volumetric percentage of the building envelope that can be occupied by future buildings: 85% for all education buildings (building envelopes A1, A2, C to F) 80% for student accommodation building (building envelope B).		
Car parking	A total of 12 on-site car parking spaces, comprising: - six spaces for operational vehicles - three spaces for visiting lecturers - three mobility impaired spaces.		
Landscaping	- Landscaping and public domain concept masterplan including layout, design and hard and soft landscaping - North-south and east-west through site links - Creation of new university open spaces, including University Green, Wright’s Walk and Turntable Plaza - Heritage interpretation of the retained turntable as part of landscaping works.		
Guidelines	Design guidelines and Design Excellence Strategy (DES) to inform the detailed built form design of the development		

Indicative staging	The development is proposed to be constructed in four stages: • Stage 1a / 1b building envelopes A1 and B • Stage 2 building envelope A2 • Stage 3 building envelope C • Stage 4 building envelopes D, E and F.
Indicative university student and staff numbers	• approximately 11,600 university students • approximately 680 university staff • approximately 100 staff associated with non-university uses • up to 400 student accommodation residents.
Jobs	• 2,558 full time equivalent (FTE) construction jobs • 850 FTE operational jobs
Capital investment value (CIV)	\$382,508,000

The proposal is shown at **Figure 8** to **Figure 11**.

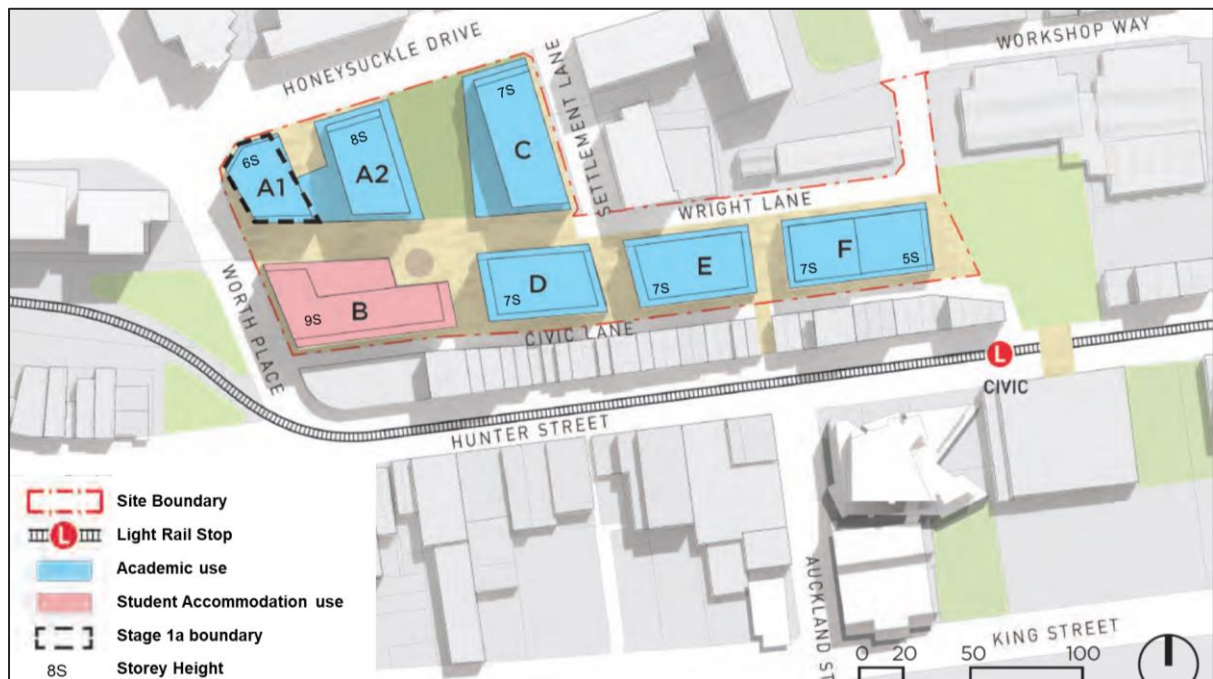


Figure 8 | Building envelope location and layout (Source: Applicant's SRtS)



Figure 9 | Site-wide concept public domain strategy (Base source: Applicant's SRtS)



Figure 10 | Aerial perspective looking south towards Honeysuckle Precinct and the site (Source: Applicant's SRtS)



Figure 11 | Perspective looking north from Honeysuckle Drive across the central open space and between indicative developments within building envelopes A2 (right) and Building C (left) (Source: Applicant's SRtS)



Figure 12 | Indicative location of uses/GFA within the proposed building envelopes (Base source: Applicant's SRtS)

3 Strategic context

3.1 Hunter Regional Plan 2036

The proposal aligns with the vision of the Hunter Regional Plan 2036 (HRP) which seeks to strengthen the regional economy and transform the city centre into a vibrant, metropolitan heart. It contributes towards Newcastle City Centre's role as the capital of the region by hosting more students, residents and educators to engage in research and new technologies.

The proposal is consistent with the following HRP Directions and Actions:

Direction 3 *revitalise Newcastle City Centre*

- The proposal will attract new residents and students to the City Centre to work, live and study.

Action 3.2 *Leverage the increased presence of the University of Newcastle in the city centre and*

Action 3.3 *Develop local housing strategies for student and visitor accommodation*

- The proposal expands the CBD campus and would be a catalyst for other commercial and residential development for surrounding sites. The proposal also contributes to the planning for student accommodation in the City Centre by delivering 400 student beds.

One of the HRP priorities for Newcastle is to prioritise the expansion of the UoN and support initiatives to develop the city centre as a hub for innovation. The proposal delivers on this priority by integrating technology, innovation and research into the fabric of the city centre.

3.2 Greater Newcastle Metropolitan Plan 2036

The Greater Newcastle Metropolitan Plan 2036 (GNMP) seeks to deliver the vision of the HRP through four outcomes:

1. Create a workforce skilled and ready for the new economy
2. Enhance environment, amenity and resilience for quality of life
3. Deliver housing close to jobs and services
4. Improve connections to jobs, services and recreation.

The proposal is consistent with the following GNMP Outcomes and Strategies:

Outcome 1 *create a workforce skilled and ready for the new economy* and **Strategy 1**, *reinforce the revitalisation of Newcastle city centre and expand transformation along the waterside.*

- The proposal is compatible with the urban design outcomes delivered by Hunter Development Corporation elsewhere in Honeysuckle and transforms the site by redeveloping for educational, mixed use and open space precinct near to the waterfront.

Outcome 2 *enhance environment, amenity and resilience for quality of life* and **Strategy 10**, *to create better buildings and great places*

- The in-situ retention of the locomotive turntable reinforces the GNMP's objective to regenerate heritage assets through adaptive re-use and will reveal the site's past while creating a unique and contemporary public space.

Outcome 4 improve connections to jobs, services and recreation primarily and **Strategy 20** integrate land use and transport planning.

- The site is in close proximity to the Civic light rail stop and will also contribute to managing the supply of new car parking in strategic centres to avoid road congestion by providing a limited number of car parking spaces and encouraging use of public and active transport.

3.3 Newcastle Urban Renewal Strategy 2012 and 2014

In 2012, the NSW Government prepared the Newcastle Urban Renewal Strategy (NURS), which set a clear vision for Newcastle to grow, evolve and strengthen its position as the Hunter's regional capital. In 2014, the NURS was updated to take account of actions/works already completed and to set the Strategy's next steps for the City Centre's revitalisation.

The proposal would contribute to meeting the NURS following key objectives:

Obj1 deliver up to 10,000 new jobs and 6,000 new homes over the next 25 years.

- The proposal is predicted to provide for 2558 construction and 850 operational jobs.

Obj2 re-establish Hunter Street as Newcastle's main street, recognising the city's heritage as an important asset and improving the quality of open space.

- Subject to the Department's recommended amendments, the proposal would not prejudice the potential redevelopment of properties fronting Hunter Street and would have an acceptable relationship to adjoining heritage items (**Section 6.2**).
- The proposal has minimised overshadowing on streetscapes and open space. In addition, it also capitalises on its north facing aspect and takes advantage of its waterfront views.

Obj3 supporting employment growth, such as establishing a university presence within the Civic Precinct and bringing retail businesses back to the city centre.

- The purpose of the application is to set the concept planning framework for the future development of the site for use by UoN as their Honeysuckle city campus, within the Civic Precinct.
- The increase in students studying and living on the site would add vitality to the area and would contribute to bringing businesses back to the centre of Newcastle.

Obj4 improving transport to make the city easier to access and move around in, better connected to the waterfront and provide alternatives to car transport.

- The proposal is designed to complement existing north-south connections, will provide additional shared paths through the site and provide for a permeable site that is connected to the waterfront.
- The site has excellent access to existing public transport and the proposal includes only limited on-site car parking. In addition, the proposal aims to encourage a mode-shift away from private car use (**Section 6.3.1**).

3.4 Greater Newcastle Future Transport Plan 2056

The Greater Newcastle Future Transport Plan (GNFTP) provides the overarching strategic transport network and vision to guide future transport planning for the Greater Newcastle area. The GNFTP seeks to facilitate increased liveability in Greater Newcastle through more sustainable travel behaviour.

The GNFTP indicates that over 80% of all trips made by people in Greater Newcastle are by private vehicle and public transport use is low. However, there are strong rates of active transport including walking or cycling (**Figure 13**).

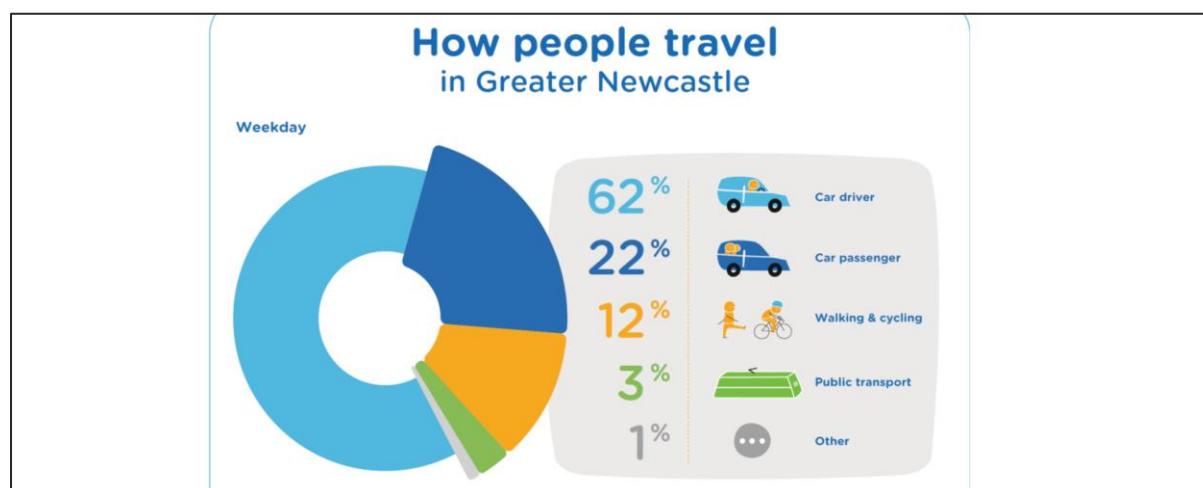


Figure 13 | Existing mode share (Greater Newcastle) (Source: GNFTP)

The GNFTP states Greater Newcastle has strong potential to achieve significant increases in the portion of trips taken by bus, train, light rail, ferry and on demand services. The GNFTP notes recent improvements have already been seen with the transformation of the city centre as a result of the new light rail. More frequent bus and ferry services and an on demand trial area will continue to support this transition.

The GNFTP sets an overall target of 25% of total trips within Greater Newcastle to be made by public transport (7.6%) or walking and cycling (17%) by 2056. It seeks to achieve this target through government initiatives and also encouraging:

- urban renewal around development around train stations
- review of car parking provision across Greater Newcastle, limiting parking in centres where strong public transport exists and exploring opportunities for park and ride, car-pooling and car sharing services.

The site is located within the Newcastle CBD and has excellent access to existing public transport light rail and bus services, cycling and pedestrian infrastructure. In addition, it is predicted that 66% of future students and staff would live close to the proposed campus and the site would benefit from the expansion of the existing UoN NeW Space shuttle bus services.

In this context, the proposal is well placed to exceed the GNFTP public transport, walking and cycling targets and minimise car dependency. The Department has considered travel mode share in detail at **Section 6.3.1**.

4 Statutory Context

4.1 State significance

The proposal is SSD under section 4.36 (development declared SSD) of the EP&A Act as the development has a CIV in excess of \$10 million (\$382,508,000) and is located within an identified site (the Honeysuckle Site) under clause 2 of Schedule 2 of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

The Minister for Planning and Public Spaces (the Minister) is the consent authority under section 4.5 of the Act.

In accordance with the Minister's delegation to determine SSD applications, signed on 9 March 2020, the Executive Director, Regions, Industry and Key Sites may determine this application as:

- the relevant Council has not made an objection
- there are less than 50 public submissions in the nature of objection
- a political disclosure statement has not been made.

4.2 Permissibility

The site is zoned B4 Mixed Use under the Newcastle Local Environmental Plan 2012 (NLEP).

The Department is satisfied that the proposed educational establishment and student accommodation (boarding house) is both permissible under the NLEP and clause 43(b) and 45(7) of the State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017 (Education SEPP). Retail uses are also permissible in the B4 Mixed Use zone.

Therefore, the Minister for Planning and Public Spaces or a delegate may determine the carrying out of the development.

4.2.1 NLEP development standards

The NLEP indicates that the site is subject to height of building and FSR development standards.

The proposal would exceed the height of building development standard as summarised at **Table 3**.

Table 3 | NLEP clause 4.3 height of building development standard and proposed building heights

NLEP Maximum Height Control	Building Envelope	Proposed maximum height (as measured from ground level, excluding rooftop enclosures)	Difference (+/-)	Complies
30 m (measured from ground level)	A1	25.1 m	- 4.9 m	Yes
	A2	31.59 m	+ 1.58 m	No
	B	31.72 m	+ 1.72 m	No
	C	28.2 m	- 1.8 m	Yes
	D	28.2 m	- 1.8 m	Yes
	E	28.2 m	- 1.8 m	Yes
	F	28.2 m	- 1.8 m	Yes

The proposal results in a technical exceedance of the FSR development standard, as summarised in **Table 3** and shown at **Figure 14**.

Table 4 | NLEP clause 4.4 FSR development standard and proposed FSR

FSR Zone and Site Area	Envelope / part of site	NLEP maximum FSR and GFA	Proposed FSR and GFA	Difference (+/-)	Complies
FSR Zone 'U' (10,645 m ²)	A1, A2, C, Wright Lane West	FSR 2.5:1 (26,613 m ²)	FSR 2.47:1 (26,365 m ²)	-0.03:1 -248 m ²)	Yes
FSR Zone 'V' (11,866 m ²)	B, D, E, F	FSR 3:1 35,598 m ²)	FSR 3.31:1 (39,250 m ²)	+0.31:1 +3,652 m ²)	No
FSR Zone 'T' (1,885 m ²)	Wright Lane East	FSR 2:1 (3,770 m ²)	FSR 0 (0 m ²)	-2:1 -3,770 m ²)	Yes
Total		FSR 2.71:1 (65,981 m²)	FSR 2.69:1 (65,615 m²)	-0.02 (-366 m²)	Yes

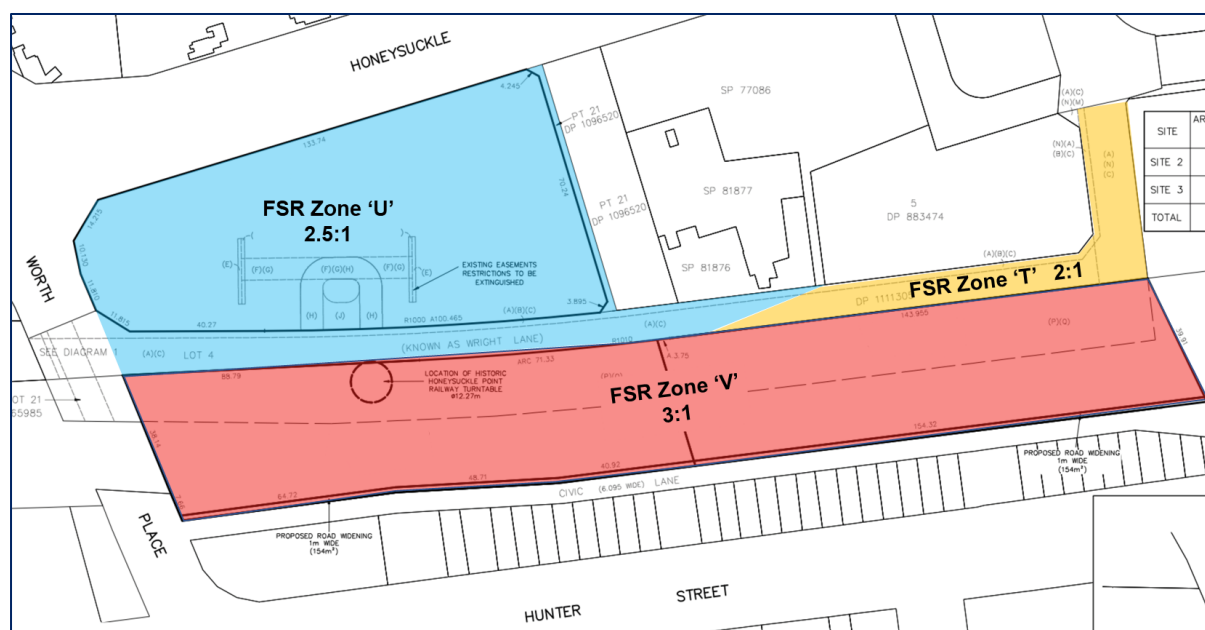


Figure 14 | The location of the three separate FSR zones that apply to the site (Base Source: Applicant's SRTs)

Clause 4.6 of the NLEP includes provisions that allow for exceptions to development standards in certain circumstances. In considering variation to development standards the consent authority must have regard to the requirements of clause 4.6.

The Department has considered the merits of the proposed variations to development standards in **Section 6** and the requirements of clause 4.6 in detail at **Appendix D**.

The Department accepts that the total GFA is below the total FSR allowed across the site under the NLEP, however a significant amount of GFA (3,652m²) has been retributed from zone 'U' and 'T' to zone 'V'

As discussed in **Section 6.2.6**, proposed building envelopes B, D, E cause substantial and unacceptable overshadowing impacts to existing residential dwellings in Hunter Street. In addition, building envelope E and F have overbearing impacts and obstructs views to and from the State heritage listed CRW West (**Section 6.4.2**). The Department considers that these impacts are in part caused by the redistribution of GFA from zone 'U' and 'T' to zone 'V' and has recommended amendments to the building envelopes which are likely to reduce the overall GFA likely to be achieved.

It is only, subject to these amendments, that the Department accepts that compliance with the FSR development standard is unreasonable and unnecessary.

In addition, the variation to the height of buildings development standard is only justified in relation to parapet heights of building envelopes A2 and B. The Department recommends the Concept Proposal drawings be amended to exclude all roof enclosures envelopes from the proposal, as discussed in **Section 6.2**.

4.3 Planning Secretary's Environmental Assessment Requirements

On 8 May 2018, the Department notified the Applicant of the Planning Secretary's Environmental Assessment Requirements (SEARs). The Department is satisfied that the EIS and RtS adequately address the requirements of the SEARs to enable the assessment and determination of the application.

4.4 Biodiversity Development Assessment Report

On 27 April 2018, the Environment, Energy and Science Group of the Department of Planning, Industry and Environment (formerly NSW Office of Environment and Heritage) (EESG) determined that the proposal would not be likely to have any significant impact on biodiversity values and that a biodiversity development assessment report (BDAR) is not required. The Department supported EESG's decision and on 8 May 2018 determined that the application is not required to be accompanied by a BDAR under section 7.9(2) of the *Biodiversity Conservation Act 2006*.

4.5 Mandatory Matters for Consideration

The following are the relevant mandatory matters for consideration:

- the matters in section 4.15(1) of the EP&A Act
- relevant EPIs
- objects of the EP&A Act
- Ecological Sustainable Development (ESD)
- Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

4.5.1 Section 4.15(1) matters for consideration

The matters for consideration under section 4.15(1) that apply to SSD in accordance with section 4.40 of the EP&A Act have been addressed in **Appendix C**.

4.5.2 Environmental Planning Instruments

Under section 4.15 of the EP&A Act, the consent authority is required to take into consideration any EPI relevant to the development that is the subject of a development application. Therefore, the assessment report must include a copy of, or reference to, the provisions of any EPI(s) that

substantially govern the project and that have been taken into account in the assessment of the project.

The Department has undertaken a detailed assessment of these EPIs in **Appendix C** and is satisfied the application is consistent with the requirements of the EPIs.

4.5.3 Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects as set out in section 1.3 of that Act. The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent / approval) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects. Therefore, in making an assessment, the objects should be considered to the extent they are relevant.

The Department has considered the proposal to be satisfactory with regard to the objects of the EP&A Act as detailed in **Appendix C**.

4.5.4 Ecologically sustainable development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*, 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:

- the precautionary principle
- inter-generational equity
- conservation of biological diversity and ecological integrity
- improved valuation, pricing and incentive mechanisms.

Through the implementation of the above preliminary ESD initiatives and other future design measures, the Applicant is targeting to achieve equivalency of a:

- 6-Star Green Star rating for the future developments of the site within all building envelopes excluding A1
- 5-Star Green Star rating for the future development within building envelope A1.

A schedule and information setting out the proposed measures to achieve the credits required to achieve the Green Star ratings is included at Appendix K of the EIS.

The Government Architect NSW (GANSW) has considered the proposal and stated that campus-wide sustainability can also contribute to design quality, particularly in an educational context and recommended the proposal include a sustainability strategy

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 by a thorough assessment of the environmental impacts of the development.

To ensure the ESD measures are achieved, the Department has recommended a Future Environmental Assessment Requirement (FEAR) and amendments to the Design Guidelines to require all future DA(s) achieve a minimum of 5-star (with an aspirational 6-star for Building

Envelopes 1B and B-F) Green Star Design and As Built rating and demonstrate how ESD principles have been incorporated into the proposal. Subject to the above, the proposed development would be consistent with ESD principles and the Department is satisfied the future detailed development is capable of encouraging ESD, in accordance with the objects of the EP&A Act.

4.5.5 Environmental Planning and Assessment Regulation 2000

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

4.6 Other approvals

The Department has recommended conditions for the Concept Proposal in accordance with the following requirements:

- section 4.22(4) of the EP&A Act, all physical works and subsequent stages of the concept proposal are to be subject to future DA(s)
- section 4.24(2) of the EP&A Act, the determination of future DA(s) cannot be inconsistent with the terms of the concept approval.

5 Engagement

5.1 Department's engagement

On 27 July 2018, the Applicant lodged the Concept Proposal SSD application for the redevelopment of the site. The application has been revised three times, by the:

- Response to Submissions and attachments (RtS), dated 19 July 2019
- Supplementary Response to Submissions (SRtS), dated 26 December 2019
- Response to Further Information Request (RFIR), dated 27, 28 and 30 April 2020

The Department publicly exhibited the EIS and notified the Applicant's RtS and SRtS. A summary of the exhibition and notification is provided at **Table 5**.

Table 5 | Summary of public exhibition and notification of the application

Stage	Exhibition / Notification Period	Public notice date (newspaper publication)	Consultation method	Submissions
EIS	2 Aug 2018 until 29 Aug 2018 (28 days)	1 Aug 2018 Newcastle Herald Newcastle Star	Displayed: • Department's website • Council's office • NSW Service Centre Notified: • Adjoining landholders • Council • Government agencies	14 submissions comprising: • 9 Government agencies • Council • 4 public
RtS	15 Aug 2019 until 28 Aug 2019 (14 days)	14 Aug 2019 Newcastle Star	Displayed: • Department's website • NSW Service Centre Notified: • Adjoining landholders • Council • Government agencies	12 submissions comprising: • 7 Government agencies • Council • 4 public
SRtS	12 Feb 2020 until 25 Feb 2020 (14 days)	No publication	• Adjoining landholders • Council • Government agencies	3 submissions comprising: • 1 Government agency • Council • 1 public
RFIR	30 Apr 2020	No publication	Displayed: • Department's website	No submissions

The Department considered the comments raised in Council, government agencies and public submissions during the assessment of the application (**Section 6**) and by recommended conditions of consent at **Appendix G**.

The public, Council and Government agency submissions are summarised at **Section 5.2 to 5.4**.

5.2 Summary of Submissions

A total of 29 submissions were received in response to the exhibition of the EIS, and notification of the RtS, SRtS and RFIR comprising 17 from government agencies, three from Council and nine from the public. A summary of the issues raised in the submissions is provided at **Section 5.3** and **5.4**. Copies of the submissions may be viewed at **Appendix B**.

5.3 Key Issues – Government Agencies

The key issues raised in submissions are summarised in **Table 6**.

Table 6 | Government agency submissions to the EIS, RtS and RRFI of the proposal

Transport for NSW (TfNSW)	
EIS	TfNSW does not object to proposal and recommended conditions requiring future DA(s): - specify the number, type and location of bicycle parking and end of trip facilities for students, staff and visitors in accordance with Austroad guidelines - ensure all pedestrian and cycle paths comply with relevant standards, including AS1428 (Design for access mobility), Ausroads and Road and Maritime Services guidelines - include a Construction Traffic and Pedestrian Management Plan (CTPMP).
RtS	TfNSW reiterated its comments provided in the response to the EIS.
SRtS	TfNSW reiterated its comments provided in the response to the EIS and advised that the proposal would not have an adverse impact on the nearby classified (State) road network.
Heritage Division of the Department of Premier and Cabinet (Heritage NSW)	
EIS	Heritage NSW does not object to the proposal. However, it has raised concern the proposal intrudes into the curtilage of the SHR Civil Railway Workshops Group. Heritage NSW recommends: - the proposal should be amended to remove the intrusion into the SHR curtilage to avoid visual impacts and impact on the setting of the Civil Railway Workshops - the material palette of future developments should not include highly reflective surfaces, large areas of unshaded glass and bright white finishes. External colours should be subdued and take inspiration from the colours of the locality. Heritage NSW recommended conditions to protect / manage non-Aboriginal archaeological relics of State significance.
RtS	Heritage NSW reiterated its concerns that the proposal should not intrude into the curtilage of the Civic Railway Workshops Group. Heritage NSW confirmed its conditions provided in response to the EIS remain valid.
Biodiversity and Conservation Division of the Department of Premier and Cabinet (BDC)	
EIS	BDC does not object to proposal and provided the following comments: - a BDAR waiver was granted on 8 May 2018. No further biodiversity assessment is required and no biodiversity offsetting is required for the project - future DA(s) should include an Aboriginal Cultural Heritage Assessment (ACHAR) - the proposal would not have significant off-site flood impacts. BDC has no comments on flooding or flood risk.
RtS	BDC reiterated its comments provided in the response to the RtS
Water and Natural Resources Access Regulator of the Department of Planning, Industry and Environment (NRAR)	
EIS	NRAR does not object to proposal and recommended future DA(s) address: - potential impacts of the proposal against the NSW Aquifer Interference Policy 2012 - quantification of water take requirements

	relevant policies and guidelines relating to groundwater, water bores and controlled activities on waterfront land.
RtS	NRAR reiterated its comments provided in the response to the EIS
Environmental Protection Authority (EPA)	
EIS	EPA does not object to proposal and confirmed the proposal is not an activity listed in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> (POEO Act). Council is therefore the appropriate regulatory authority for matters under the POEO Act.
RtS	EPA reiterated its comments provided in the response to the EIS
Ausgrid	
EIS	Ausgrid does not object to the proposal and confirmed the site contains significant strategic Ausgrid infrastructure, easements and underground mains. Ausgrid recommended the Applicant engage with Ausgrid to develop an electrical masterplan and future DA(s) consider the impact of development on Ausgrid's assets, maximum demand, staging, substation requirements, streetlighting and integration with other infrastructure projects.
RtS	Ausgrid reiterated its comments provided in the response to the EIS.
Hunter New England Local Health District (Hunter Health)	
EIS	Hunter Health does not object to the proposal and recommended future DA(s) address: - construction noise impacts - soil contamination including final remediation being validated by a Site Auditor - the spread and breeding of exotic mosquitoes, including preparation of a Mosquito Management Plan - the design of air conditioning / ventilation systems and water re-use systems including ensuring these systems meet relevant regulations, standards and guidelines.
Hunter Water	
EIS	Hunter Water does not object to the proposal
Port Authority NSW (Ports NSW)	
EIS	Ports NSW does not object to proposal and confirmed the site would be less exposed to operational port noise than developments fronting Hunter River and therefore future developments do not need to include specific noise mitigation measures to address operational port noise.
Subsidence Advisory NSW (SA NSW)	
RtS	SA NSW does not object to proposal. SA NSW confirmed the site is partly undermined by workings of the Borehole Seam (70 m depth) and on 18 January 2019 it issued a Notice of Determination (including subsidence conditions) for the Concept Proposal.

5.4 Key issues – Council and community

5.4.1 Council key issues

Council provided comments on the proposal, as summarised in **Table 7**

Table 7 | Council's submissions to the EIS, RtS and RRFI of the proposal

Council	
EIS	Council does not object to the proposal and provided the following comments: <u>Design and amenity</u> - the design requirements and standards of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP) and the State Environmental Planning Policy 65 Apartment Design Guide (ADG) apply to the student accommodation - an assessment of future student amenity is required - an assessment of the proposal's impact on the amenity of adjoining residential properties is required - the clause 4.6 variation should include assessment of view loss, bulk and scale impact. <u>Traffic and transport strategy</u> - although supporting sustainable transport initiatives Council is concerned the transport strategy is un-tested and overly ambitious, in addition: - insufficient car parking is provided and no detail is provided on motorcycle and bicycle parking - the proposal should consider the operation of the Civic West car park - the proposal should consider how the existing Callaghan Campus Shuttle will be adapted and expanded and confirm the capacity of existing park and ride facilities - details of staff parking demand and behaviour is required - analysis of public transport travel times from various locations is required - details and analysis of student accommodation car parking is required - the proposal has been compared with other Universities that are subject to different parking circumstances - the assumption that students and staff will not drive to the campus is unrealistic - the proposal will have an adverse impact on the availability of on-street parking in the City Centre and adjoining suburbs - the proposal should consider the overall pedestrian movement impacts in the city centre, including connections from public transport - Civic Lane road surface and street lighting should be upgraded and footpath widened - vehicle movements along Settlement Lane should be converted into one-way only. <u>Future DA requirements</u> - Wright Lane should be designed to meet the construction standards of a public road - the design of the flooding and stormwater works should form part of the first future DA - the principles of Water Sensitive Urban Design (WSUD) and NDCP stormwater design should apply - the proposal should address the management of existing and future drainage infrastructure within the site - future DA(s) should include contamination investigations and remediation action plans - future DA(s) should consider construction and operational noise and vibration impacts - the City of Newcastle Section 94A Development Contributions Plan 2009 (Contributions Plan) applies to the site and the development should not be exempt from the requirement to pay development contributions.

RtS	Council considered the RtS and provided the following updated comments: <u>Design and amenity</u> - the student accommodation component should be categorised as a 'boarding house' and not 'educational establishment' use and the ARH SEPP and ADG apply - the proposal should not adversely impact existing amenity or the future development potential of properties on Civic Lane. <u>Traffic and transport strategy</u> - in the absence of car parking controls, the NDCP car parking rates should be applied - Council supports the revised parking strategy approach requiring each future DA being assessed against transport requirements in force at that time and the temporary retention of the existing surface car parking spaces to manage interim parking demand - the proposal should include generous bicycle parking rates beyond the NDCP - all service vehicle requirements should be accommodated on-site and in accordance with the NDCP rate of 1 space per 2,000 m² GFA. <u>Other matters</u> - the documentation should be updated to reflect current flood planning requirements under the Honeysuckle Redevelopment Area Flood Study 2018 - the proposal should consider Council's night-time economy strategy Newcastle After Dark 2018-2022. Council reiterated the Future DA requirements it recommended in response to the EIS. It also recommended new conditions to address the design and construction of Wright Lane and Settlement Lane.
SRtS	Council considered the SRtS and reiterated its comments provided in response to the RtS regarding student accommodation, NDCP car parking and servicing requirements and flooding. Council provided the following updated/additional comments in response to the SRtS: <u>Design and amenity</u> - further consideration should be given to the loss of sunlight to shop-top apartments at 474, 502, 510 Hunter Street and the apartment building at 522-526 Hunter Street - further consideration should be given to the interface and impact of public domain and adjoining residential developments <u>Traffic and transport strategy</u> - the transport strategy should identify and address all parking needs. Consideration should be given to providing basement car parking - in principle, servicing within Civic Lane could be considered. However, that road: - appears too narrow to accommodate servicing requirements - would conflict with the use of Civic Lane as a 'shared-zone' - would impact current kerbside parking/loading by existing commercial properties - no detail is provided of proposed servicing associated with building envelopes A1, A2 and C - the design requirements and road operation impact of the 'shuttle-stop' on the corner of Wright Lane and Settlement Way should be considered. Council reiterated its previous Future DA requirements and conditions and recommended a new condition requiring Future DA(s) include a Crime Prevention through Environmental Design (CPTED) assessment.

5.4.2 Community issues

A total of nine public submissions were received in response to the public exhibition of the EIS and the public notifications of the RtS and SRtS. Submissions comprised five objections, two comments and one in support. The key issues raised in submissions are summarised below:

- insufficient on-site car parking and adverse parking pressure on existing on-street parking
- mode-share assumptions are unrealistic
- inappropriate building envelope height inconsistent with the NLEP
- setback to Honeysuckle Drive should be increased to 3 m
- overshadowing, view loss and privacy impacts on apartments within 522-526 Hunter Street
- obstruction of Worth Place view corridor
- prejudicial impact on future redevelopment of properties fronting Hunter Street
- inadequate landscaping provision
- concerns about the future detailed design and operation of the development, including operational noise, vehicular servicing, construction impacts, material reflectivity, signage lighting impacts and operational management of student accommodation.

5.4.3 State Design Review Panel and Government Architect NSW

On 30 May 2018, prior to the submission of the application, the Applicant presented the proposal to the State Design Review Panel (SDRP). The SDRP provided comments on the built form and setbacks, solar access, public domain/open space, sustainability and car parking.

The Department referred the EIS and RtS to the GANSW for its consideration and the GANSW provided the following comments:

- the DES should provide a clear and workable strategy to deliver exemplary standards
- the proposed building efficiency (GBA) targets are greater than 75-80% and therefore unlikely to provide enough flexibility to achieve a quality design
- building envelopes should be refined to their reduce bulk and scale and strengthen the architectural design to better reflect university buildings and spaces
- the Applicant should collaborate with a landscape architect to finalise the public domain strategy
- heritage interpretation should consider existing elements such as the turntable and nearby buildings and lost elements such as the original foreshore and railway tracks
- a detailed wind assessment should be undertaken
- a campus-wide strategy should be prepared for Aboriginal and non-Aboriginal heritage
- a campus-wide sustainability strategy should be prepared.

5.5 Applicant's responses to submissions

Following the exhibition / notification of the application, the Department placed copies of all submissions received on its website and requested the Applicant to provide a response to the issues raised.

On 19 July 2019 the Applicant provided its RtS, which was updated on the 20 January 2020 by its SRtS and on 27, 28 and 30 April 2020 by its RFIR. In response to the issues raised during the public exhibition and notification of the proposal the RtS / SRtS / RFIR include additional information and justification. The RtS / SRtS / RFIR also included the following changes:

- incorporation of Wright Lane within the development site
- increase of 2,956 m² GFA (from 62,659 m² to 65,615 m²) and redistribution of GFA between building envelopes, including:
 - A1 – a reduction of 608 m² GFA (from 4,608 m² to 4,000 m²)
 - A2 – a reduction of 541 m² GFA (from 10,229 m² to 10,770 m²)
 - B – a reduction of 348 m² GFA (from 11,828 m² to 11,480 m²)
 - C – a reduction of 662 m² GFA (from 12,217 m² to 11,595 m²)
 - D – a reduction of 890 m² GFA (from 9,415 m² to 8,525 m²)
 - E – an increase of 1,052 m² GFA (from 7,158 m² to 8,210 m²)
 - F – an increase of 3,986 m² GFA (from 7,049 m² to 11,035 m²)
- amendments to the height of building envelopes including:
 - A1 – a reduction of two storeys (from eight to six storeys)
 - A2 – a reduction of one storey (from nine to eight storeys)
 - F – an increase of two and three storeys (from four to part five part seven storeys)
- introduction of an 85% GBA Target for student accommodation building envelope
- introduction of setbacks above podium levels fronting Honeysuckle Drive, Civic Lane and each side of Wright Lane
- increase the east-west building separation distance between building envelopes B and D to a minimum of 15 m
- expansion of the two storey podium of building envelopes B, D, E and F southward to the boundary with Civic Lane.

6 Assessment

The Department has considered the proposal, the issues raised in submissions and the Applicant's RtS and additional information in its assessment of the application. The Department considers the key issues associated with the proposal are:

- design excellence
- building envelopes
- traffic and parking.

These issues are discussed in the following sections of this report. Other issues relating to the application considered during the assessment of the application are addressed in **Section 6.4** of this report.

6.1 Design excellence

Clause 7.5 of the NLEP outlines the requirements for design excellence, including cases where an architectural design excellence competition must be held. The proposal is not on an identified key site and does not propose building heights greater than 48 m and therefore does not trigger the requirement for a design competition.

The Applicant has prepared a DES and Design Guidelines to guide the design of the future development to achieve design excellence.

6.1.1 Design Excellence Strategy

The DES proposes that UoN engage an expert and varied design team through its established competitive procurement process, including:

- shortlisting of design firms
- requirement for each firm to present a concept design for both the built-form and open space demonstrating how design excellence is achieved
- evaluation and technical assessment of the concept designs.

The GANSW considers that the DES should provide a clear and workable strategy to deliver exemplary standards. It recommended amendments to the DES to clarify the ongoing role of project architects, composition of the Design Review Panel (DRP) and interface with the SDRP, clarification of the review process and provision of a statement of design excellence.

In response to the GANSW's comments, the Applicant amended the DES as follows:

- an UoN Design Review Panel (UDRP) comprising of independent experts in architecture and/or urban design as well as UoN strategic planning staff will review and provide feedback on the design of each stage of the development
- external design advisors will be engaged to provide expert advice to the UDRP
- ongoing engagement with the SDRP at key stages throughout the design process
- implementation of reporting and review processes to safeguard design excellence and design integrity
- adoption of Design Guidelines to guide the design development and assist the DRP deliberations

- retention of the selected architectural design team throughout the design and construction phases of each stage.

The Department has considered the DES and in principle supports the Applicant's competitive procurement process, which includes an evaluation of design excellence prior to selecting a design team for future buildings. However, the Department considers the governance and composition of the proposed UDRP may lack the necessary objectivity and independence to critically review future DAs. In addition, the Department notes that the DES does not include any guidance or measures to ensure architectural variety across the seven buildings.

After further consultation with GANSW, the Department recommends that:

- in place of the UDRP, future DAs are presented to the SDRP prior to lodgement, to ensure that independent, expert and impartial design advice is provided and addressed by the Applicant prior to lodgement of each application
- the DES be amended to delete the requirement for the proposal to also be reviewed by the UDRP
- the DES be amended to require the Applicant either engage a variety of architects/design teams or demonstrate how the precinct would foster appropriate architectural diversity throughout the precinct.

The Department recommends modifications and FEARs to secure these requirements and concludes the review of future DAs by the independent SDRP (rather than the UDRP) and fostering architectural variety across the precinct is critical to ensure the future developments achieve design excellence.

6.1.2 Design Guidelines

The Applicant's proposed Design Guidelines provide whole-of-site and building specific guidance relating generally to height, scale, setbacks, and façade presentation and materials and public domain.

The Department has reviewed the Design Guidelines and considers the document provides a coherent vision for the campus and fosters design excellence by ensuring future developments achieve:

- a high standard of architectural and urban design, materials and detailing appropriate to the building type and location
- a form and external appearance for each building that benefits the quality and amenity of the public domain
- a university that is welcoming to students, staff and visitors and contributes to a sense of identity and place
- a functional and inclusive design that satisfies the varied uses and users of the university
- sustainability standards including demonstrating a commitment to social, environmental and economic leadership.

The Department notes, although the Design Guidelines are high-level, they provide a basis for the design of future buildings and spaces.

However, as discussed in **Section 6** and **Appendix E**, the Department has recommended a number of amendments to strengthen the guidelines, including:

- amendments to building envelopes E and F to ensure the proposal does not have adverse setting, visual or view impacts on adjoining heritage items
- future development must not have an adverse overshadowing impact on neighbouring residential properties and should consider view sharing opportunities
- roof enclosures to be discrete and unobtrusive
- buildings be sensitively designed in response to flooding to allow for a seamless connection between buildings and the public domain and prevent inactive facades and extended sections of walls, ramps or other barriers
- buildings are not permitted to expand into the building separation areas or include elevated pedestrian links/walkways between buildings
- buildings provide for appropriate servicing and consider amenity impacts
- the detailed consideration of signage be undertaken at future DA stage.

The Department recommends FEARs requiring detailed elevations and design statement(s) be included in future DA(s) and that future developments demonstrate consistency with the Design Guidelines.

6.1.3 Conclusion

The Department is satisfied the Applicant is committed to a rigorous design process through its competitive procurement process. Further, the Department's recommendation for review of future DAs by the SDRP prior to lodgement and amendment of the DES to foster architectural variety across the precinct will ensure the highest standard of design is achieved across the development.

The Department concludes the Concept Proposal demonstrates that future development can achieve design excellence in accordance with Clause 7.5 of the NLEP as, subject to the Department's recommended amendments to building envelopes (**Section 6.2**) it:

- facilitates the attainment of a high standard of architectural design, materials and detailing
- provides for an appropriate built form that relates well to existing and proposed spaces
- establishes appropriate new view corridors across the site and would not impact on NDCP identified existing view corridors
- establishes a framework to address the relationship of future buildings to surrounding developments, heritage and the public domain.

6.2 Building envelopes

The proposal seeks concept approval for seven building envelopes and includes building envelope (height, GFA and GBA targets) parameters as summarised at **Table 2**.

The Applicant contends the building envelopes are larger than necessary, to allow flexibility around the location and design of future buildings within the building envelope.

Having carefully considered the location, scale and form of the proposed building envelopes the Department considers the key issues of consideration are:

- building height
- GBA targets
- scale of buildings envelopes
- heritage

- setbacks
- impacts on neighbouring properties.

6.2.1 Building height

The proposed building envelopes are consistent with the maximum building heights of 24 m and 30 m which apply to the site under the NLEP, with the exception of building envelopes A2 and B as outlined in **Table 8** and shown at **Figure 15**.

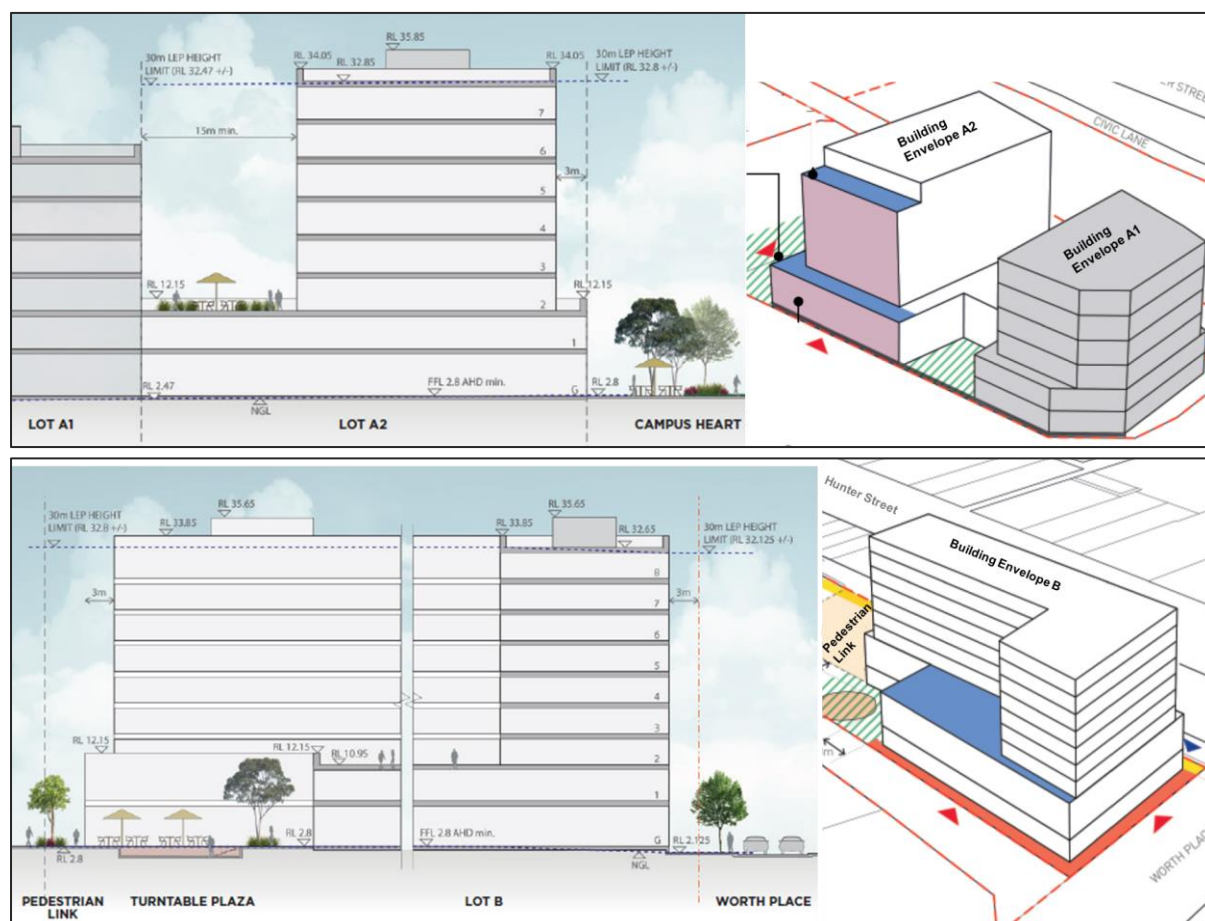


Figure 15 | Height of building envelopes A2 (top) and B (bottom) and the NLEP 30 m building height control (blue dash) (Base source: Applicant's SRTS)

Table 8 | NLEP clause 4.3 height of building development standard and proposed building heights

NLEP Control	Envelope	Proposed Maximum Height	Difference (+/-)
30 m (RL 32.47 m)	A2	RL 34.05m (parapet/roof level) RL 35.85m (enclosures)	+1.58 m (5.2%) +3.38 m (11.2%)
30 m (RL 32.13 m)	B	RL 33.85m (parapet/roof level) RL 35.65m (enclosures)	+1.72 m (5.7%) +3.52 m (11.7%)

The Applicant seeks to vary the maximum height in accordance with clause 4.6 of the NLEP by up to 11.7%. The Applicant contends the proposed heights are appropriate for the site and the variation would not result in any additional adverse environmental impacts.

Concern was raised in public submissions about the height of building envelopes exceeding the NLEP building height control for the site.

The Department has considered the Applicant's clause 4.6 variation request in detail at **Appendix D**. A summary of the Department's consideration of the parapet and roof enclosure elements is provided below.

Parapet

The Department considers that the parapet exceedance for building envelopes A2 (+1.58 m) and B (+1.72 m) is acceptable as the:

- parapet exceedances are minor in nature (up to 1.72 m above the NLEP 30 m height limit), and unlikely to be noticeable from a pedestrian perspective in close and distant views and are appropriate within the context of the Newcastle CBD
- height of the proposed development makes a positive contribution towards the desired built form of the Honeysuckle Drive Precinct
- building envelopes would not result in unacceptable overshadowing or view loss impacts to neighbouring residential developments, subject to the Department's recommended amendments (**Section 6.2**).
- exceedance does not adversely affect solar access to new public domain on the site, with the key proposed open spaces (University Green and Turntable Plaza) achieving between three and six hours of direct sunlight during mid-winter.
- Department has recommended the Design Guidelines be amended to require building height/scale adjacent to Civic Lane consider amenity impacts on adjoining residential properties.
- minor height exceedances would not result in additional obstruction to existing neighbouring views.

Roof enclosures

The rooftop envelopes vary from between +3.38 m and +3.52 m higher than the proposed roof level across the site (**Figure 15** and **Figure 16**).

The Department raises concern about the height and scale of the rooftop enclosures proposed for all building envelopes and in particular for building envelopes A2 and B which exceed the NLEP.

Although the roof enclosure envelopes are generally located centrally within the building roofscapes, the Department is concerned that the proposed height and scale of the enclosures is excessive, particularly as:

- bulky roof structures are likely to be visible in medium-long distance pedestrian views, which would dominate building roofscapes and jeopardise the proposal's achievement of design excellence
- modern buildings are capable of being designed with discrete/low-profile lift overruns, plant enclosures, roof structures and the like.

On this basis, the Department considers the height, scale and design of roof enclosures should be further considered as part of the assessment of future DA(s) and each building's roof enclosure (if proposed) be determined on its merits.



Figure 16 | Illustrative building envelope location plan, including roof enclosures (Base source: Applicant's SRTS)

The Department therefore recommends:

- a Term of Approval (ToA) confirming that no consent is granted for the rooftop envelopes
- future DAs include the location, height and scale of roof enclosures, which may only exceed the height of the approved building envelopes where it can be demonstrated they are discrete and do not have an adverse visual impact on the design and appearance of the building or have adverse visual impacts on the streetscene or public domain
- the Design Guidelines be amended to include a statement requiring roof enclosures to be designed to integrate with the parent building, be unobtrusive and not to have an overbearing visual impact on the building, neighbouring buildings or the streetscene and public domain.

Conclusion

The Department considers that the parapet exceedance of building envelopes A2 (+1.58 m) and B (+1.72 m) above the NLEP 30 m height control are acceptable as they are minor in nature and unlikely to have adverse visual or amenity impacts.

The Department considers the roof enclosure envelopes are excessive and concludes consent should not be granted for this component of the building envelopes at this stage. The Department recommends the appropriate design of roof enclosures be subject to further assessment in future DAs to ensure acceptable visual impacts, and that the Design Guidelines be amended to provide guidance on this.

6.2.2 Gross building envelope area efficiency targets

The GANSW raised concern with the proposed building efficiency (GBA) targets, which were initially up to 95%, throughout the pre-lodgement and assessment process. The GANSW notes that GBA targets higher than 75-80% are unlikely to provide enough flexibility to achieve a quality design, particularly for university buildings which have specific programmatic needs.

In response, the Applicant lowered the GBA target for the student accommodation building to 80% and all other buildings to 85% and included these limits in the Design Guidelines. The Applicant

contends that the proposed GBA targets would allow sufficiently flexibility for the future detailed design of the buildings and further noted that proposal includes appropriate setbacks above the podium level.

The Department has carefully considered the justification and information provided by the Applicant and the advice provided by the GANSW.

The Department notes building envelopes are typically designed to be larger in size/volume than what is necessary to accommodate the maximum proposed GFA. This is the case to provide flexibility for future developments (within the envelopes) to include components that do not count as GFA but contribute to building design and articulation such as balconies, lifts, stairs and open circulation space.

The Department agrees with the GANSW that a higher volumetric fill of a building envelope provides less opportunities for building articulation and void spaces into the detailed design of a building. However, the Department notes, since pre-lodgement, the shape/form of the building envelopes have been reduced in size and refined to include two storey podiums with setback upper levels. The Department considers this change to the building envelopes creates a strong basis for the modulation and articulation of future developments.

The Department therefore considers the Applicant's proposed GBA Target of 85% (which is 5% greater than then GANSW recommendation of 80%), is acceptable and future buildings would be capable of being appropriately articulated. In addition, the Design Guidelines would ensure future buildings achieve a high quality internal and external design.

The Department recommends FEARs requiring the proposed building envelopes (height and GFA) are maximum parameters.

6.2.3 Scale of building envelopes

The GANSW recommended refining the proposed building envelopes to reduce bulk and scale and strengthen the architectural design to better reflect university buildings and spaces.

The Applicant considers the building envelopes reflect the massing of surrounding developments, while providing appropriate educational buildings and spaces for students and staff and a highly permeable campus.

The Department notes the Honeysuckle Precinct has undergone a period of renewal and urban rejuvenation. Recent development of modern mixed-use, residential and educational developments have transformed the built form character of the precinct resulting in a predominance of broad, rectangular buildings of up to nine storeys which strongly frame and define the foreshore, roads and open spaces (**Figure 17**).

The Department has carefully considered the proposed building envelopes and considers their scale to be acceptable as:

- the proposal is consistent with the scale of the surrounding precinct and would contribute positively to its evolving character and appearance
- the detailed internal and external design of buildings will be considered during the assessment of future DA(s) and would be guided by the DES and Design Guidelines (as amended) to deliver design excellence

- building envelopes include setbacks above podium levels, which provides for a more relatable scale of development (**Section 6.2.5**)
- to improve the relationship of the building envelopes to neighbouring developments, the Department has recommended amendments to:
 - building envelopes E and F to ensure they have an acceptable built form and heritage relationship to adjoining heritage items (**Section 6.2.4**)
 - building envelopes B, D and E to ensure the proposal does not adversely overshadow neighbouring residential developments (**Section 6.2.6**).

Subject to the above amendments, the Department concludes, the proposal achieves an appropriate balance between integrating into the surrounding Honeysuckle Precinct and delivering educational floorspace, other mixed uses and high-quality public domain and open spaces.

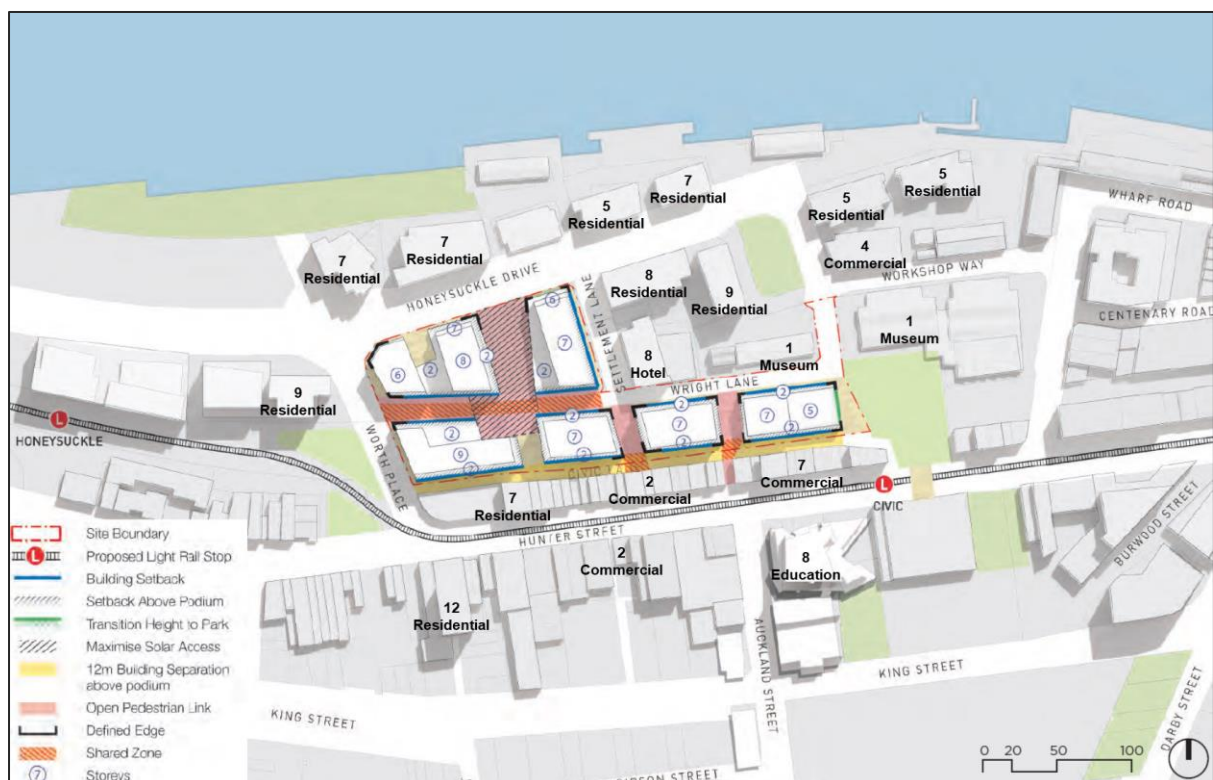
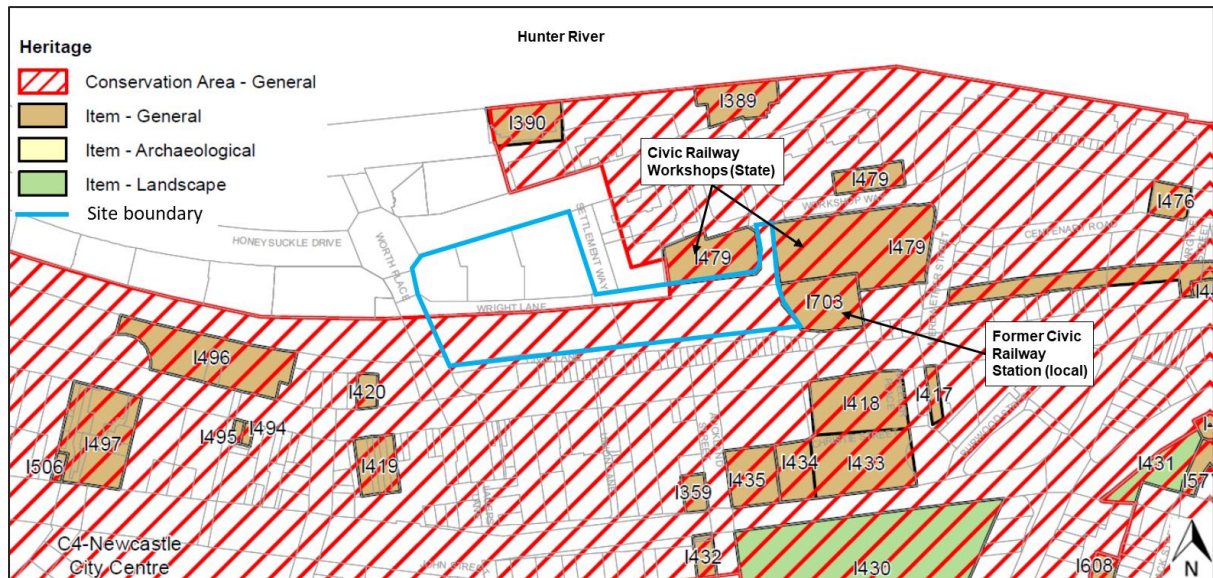


Figure 17 | Building envelopes and the scale of surrounding development (Base source: Applicant's SRtS)

6.2.4 Heritage

Building envelopes E and F are located within the curtilage of the state heritage listed Civic Railway Workshops Group (SHR heritage items). The site is also adjacent to the former Civic Railway Station (a local heritage item) and partly within and adjacent to the Newcastle Conservation Area (CA) **Figure 18** and **Figure 19**).

Heritage NSW raised concern about the impact of the proposed envelopes on the southern setting of the CRW West and obstruction of views from the east to the Divisional Engineer's Office across the site. Heritage NSW recommended the proposal be revised to remove all parts of the development from within the Civic Railway Workshops SHR curtilage.



As part of its RfS, the Applicant increased the height of building envelope F, from four storeys to the currently proposed part five, part seven storeys. The Applicant justified the increase by stating the proposal would balance the visual impact of other (up to nine storey) developments within the curtilage of the CRW West, the two storey podium responds to the height of the CRW West and visual impacts can be addressed as part of the assessment of future DAs.

The Applicant also provided a Heritage Impact Statement (HIS), which confirmed the proposal would have no physical impact on any heritage items and is sympathetic to surrounding heritage items. With regard to potential impact on the setting of the CRW West specifically, it concluded:

- the wider setting of the Civic Railway Workshops Group within the Honeysuckle Precinct has already been altered by a range of higher density, modern developments

- the proposal would not obscure any view lines between the buildings of the CRW West
- the use of a reduced building height immediately adjacent to the CRW West would serve to further reduce the visual impact that a structure of larger height may have on the heritage items
- future developments can be designed and constructed to be sensitive to the existing character and location of the CRW West buildings. Detailed design should seek to use contemporary styles, lightweight modern materials with neutral tones that complement and do not conflict with adjacent heritage items.



Figure 20 | Massing diagram of the proposed building envelopes, the CRW West and adjoining developments (Base source: Applicant's SRtS)

The Department notes there are five modern buildings located within the identified curtilage of the Civic Railway Workshop Group. The two buildings closest to the CRW West include the Chiefly Building at 14 Wright Lane (two to eight storeys) and 2 Honeysuckle Drive (three to nine storeys). Notwithstanding, unobstructed views to the northern and southern long elevations of CRW West currently exist from the north-east and south-east.

While the Applicant argues that the proposed five-seven storey building envelope F is compatible with other buildings within the CRW West curtilage, the Department notes the closest neighbouring buildings have been designed so that the CRW West is afforded a degree of openness (**Figure 21**). In particular:

- the shorter, two to three storey components are located between 12 m and 17 m from the CRW West and are of a comparable height to the heritage item
- the taller, eight/nine storey components of those developments are setback between 26 m to 30 m from the CRW West
- both buildings are located at the western end of the CRW West, closest to the two storey Divisional Engineer's Office and allow for an unobstructed view towards the entire northern elevation of the CRW West across existing parkland.

The Department considers the above design and setbacks result in an appropriate built-form relationship that has successfully protected the setting of the CRW West.

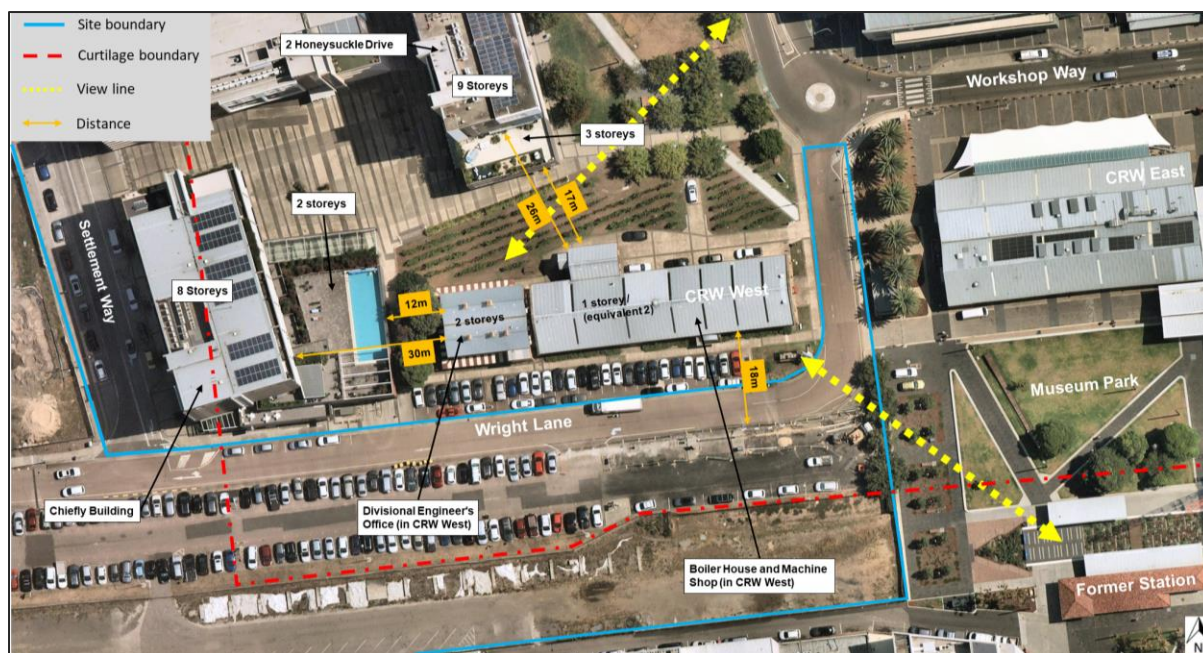


Figure 21 | The height and distance of neighbouring buildings with the Civic Railway Workshops curtilage to the CRW West, relationship to the site and view line between the Civic Station building and the Boiler House and Machine Workshop (Base source: Applicant's SRtS)

The Department has carefully considered the scale of the Applicant's building envelopes, Heritage NSW's comments, the setting of the CRW West, existing surrounding developments and views towards CRW West. After careful consideration, the Department does not consider Heritage NSW's recommendation to completely exclude development within the CRW curtilage is reasonable as:

- five other multi-storey developments are already located within the curtilage of the CRW Group
- two buildings up to nine storeys are located within 26 m to 30 m of the CRW West
- existing developments within the curtilage do not have an adverse impact on the setting of the CRW West as they have been designed to afford an appropriate degree of openness around, and unobstructed views towards, the CRW West.

Notwithstanding, the Department notes the design and setbacks of building envelopes E and F do not follow the same built form approach as neighbouring developments to the CRW West. As a consequence, in its current form, the Department considers the proposal would result in adverse setting, visual and view impacts. The Department considers that the building envelopes should be amended to address Heritage NSW's concerns about the setting and views towards the CRW West.

The Department therefore recommends a condition requiring amended plans to be developed in consultation with Heritage NSW and the GANSW providing increased setbacks and design amendments to the northern and eastern elevations of building envelope F and to the northern elevation of building envelope E to:

- provide an appropriate built form relationship to the CRW West
- ensure building envelope F is setback to maintain visibility from the Civic Station building to the eastern façade and south east corner of the 'Boiler House and Machine Workshop'
- ensure the eastern elevation of building envelope F has an appropriate built form relationship with Museum Park.

Subject to the above changes the Department supports the proposed building heights for building envelopes E (seven storeys) and F (five to seven storeys). The Department has also recommended:

- a FEAR requiring future DA(s) include a HIS and consider the impacts on adjacent and nearby heritage items.
- the Design Guidelines be amended to require future buildings within building envelopes E and F not have adverse setting, visual or view impacts and provide for an appropriate built form transition down to the CRW West, Museum Park and former Civic Station.

The Department concludes subject to the above design amendments, future buildings will preserve the heritage significance of the CRW West.

6.2.5 Setbacks

The proposed podium and setback arrangements for the building envelopes as shown at (Figure 22).

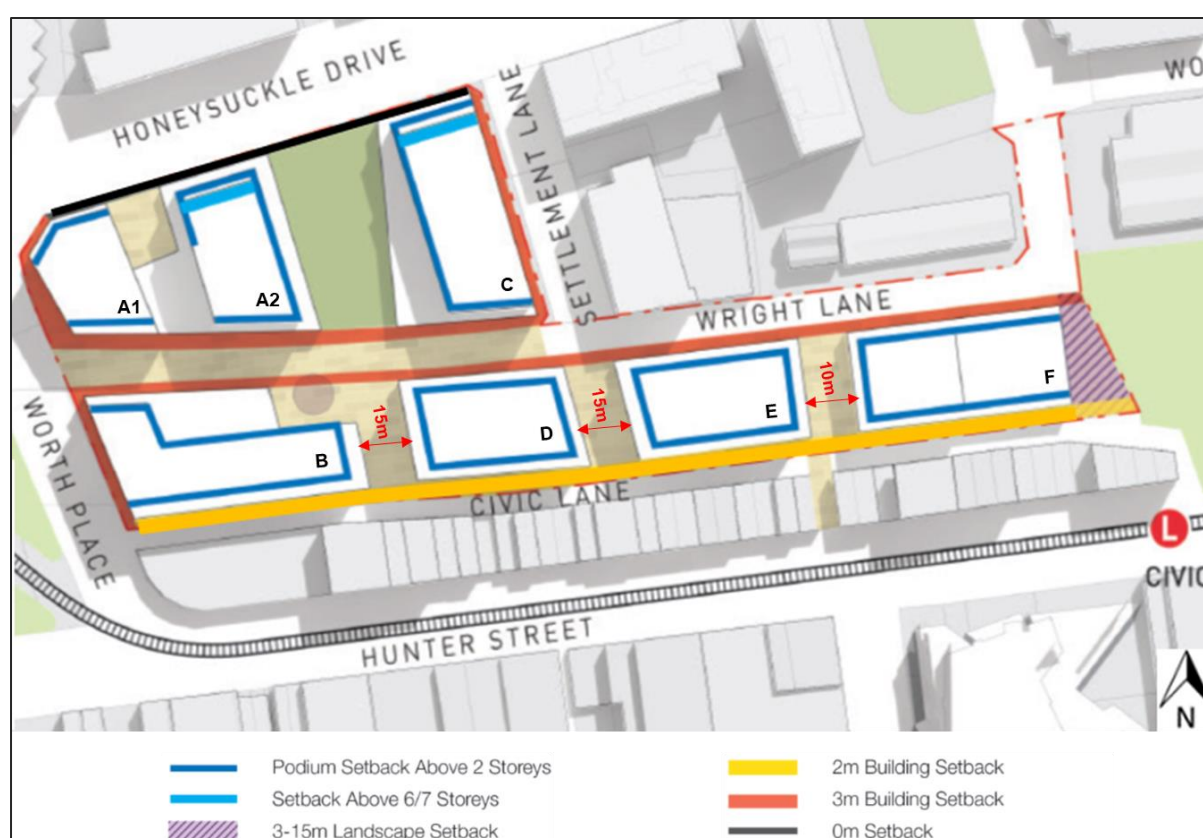


Figure 22 | Building envelope locations and setbacks (Base source: Applicant's SRtS)

Concern was raised in public submissions about the proposed setback to Honeysuckle Drive and recommended this should be increased to 3 m.

In response, the Applicant amended building envelopes fronting Honeysuckle Drive to include a 3 m setback above podium level.

The Department considers proposed setbacks to Honeysuckle Drive are acceptable as:

- the ground floor commercial components of the buildings on the northern side of Honeysuckle Drive have a nil setback. In this context, the provision of a nil setback on the southern side of Honeysuckle Drive is consistent with the character of the established built form

- the University Green and smaller northern open space between building envelope A1 and A2 front directly onto Honeysuckle Drive and would break up the street-level facades
- the inclusion of a 3 m setback above podium level will ensure upper levels are recessive and better integrate with the street-wall of adjacent sites.

The Department has considered all other proposed setbacks and considers that they are appropriate. In particular:

- the building envelopes establish podiums with setback upper levels (between 2m and 3m) and this building typology generally results in a more relatable scale of development
- the proposed minimum building envelope separation between envelopes B, D, E and F are considered appropriate and would create open spaces
- sheer facades to the eastern elevations of building envelopes C and the western elevations of building envelopes A1 and B are appropriate as they front main roads with existing buildings of similar forms
- the recommended setbacks to building envelopes E and F (**Section 6.2.3**) ensure the proposal would have an appropriate built form transition to neighbouring heritage items.

6.2.6 Impacts to neighbouring properties

As summarised at **Section 1.4**, the closest residential properties to the site are located south of the site, on the opposite side of Civic Lane. These existing residential properties, listed below, overlook the site and currently benefit from unobstructed views and access to direct sunlight:

- 522-526 Hunter Street, 24 apartments of which 12 have windows/balconies fronting Civic Lane
- 474 Hunter Street, a first / second floor shop-top apartment with rear window/balcony
- 502 Hunter Street, a second floor shop-top apartment with rear window/balcony
- 510 Hunter Street, a first / second floor shop-top apartment with rear windows/balcony.



Figure 23 | Location of adjoining residential Hunter Street properties (red), the proposed building envelopes and view corridors (blue) (Base source: Applicant's SRtS)

The overshadowing and view loss impacts to these properties are key assessment issues.

Overshadowing

Concern was raised in public submissions on behalf of the occupiers of 522-526 Hunter Street that the proposal would overshadow the windows of the 12 north facing apartments within the building facing Civic Lane.

Council also raised concern about the potential loss of solar access these residential properties.

The ADG recommends standards for new residential developments including their impact on existing residential buildings. While the proposal does not include a residential component, the Department considers the ADG is a helpful guide to assess the impact of the proposal on adjoining existing residential development. The ADG recommends at least 70% of apartments in urban areas should receive at least 2 hours of solar access between 9am and 3pm in mid-winter.

522-526 Hunter Street

The Applicant provided an overshadowing analysis for the 12 north facing dwellings within 522-526 Hunter Street fronting Civic Lane and also increased the eastern setback of building envelope B to increase solar access to 522-526 Hunter Street.

The Applicant's overshadowing analysis concluded (**Figure 24** and **Figure 25**):

- during mid-winter, full solar access will be retained to the:
 - living areas and balconies of six of the 12 dwellings
 - bedrooms of 11 of the 12 dwellings
- overshadowing analysis is based on the worst case scenario and could be improved at detailed design stage.



Figure 24 | Typical layout of apartments within 522-526 Hunter Street that front Civic Lane (Source: Applicant's SRTs)

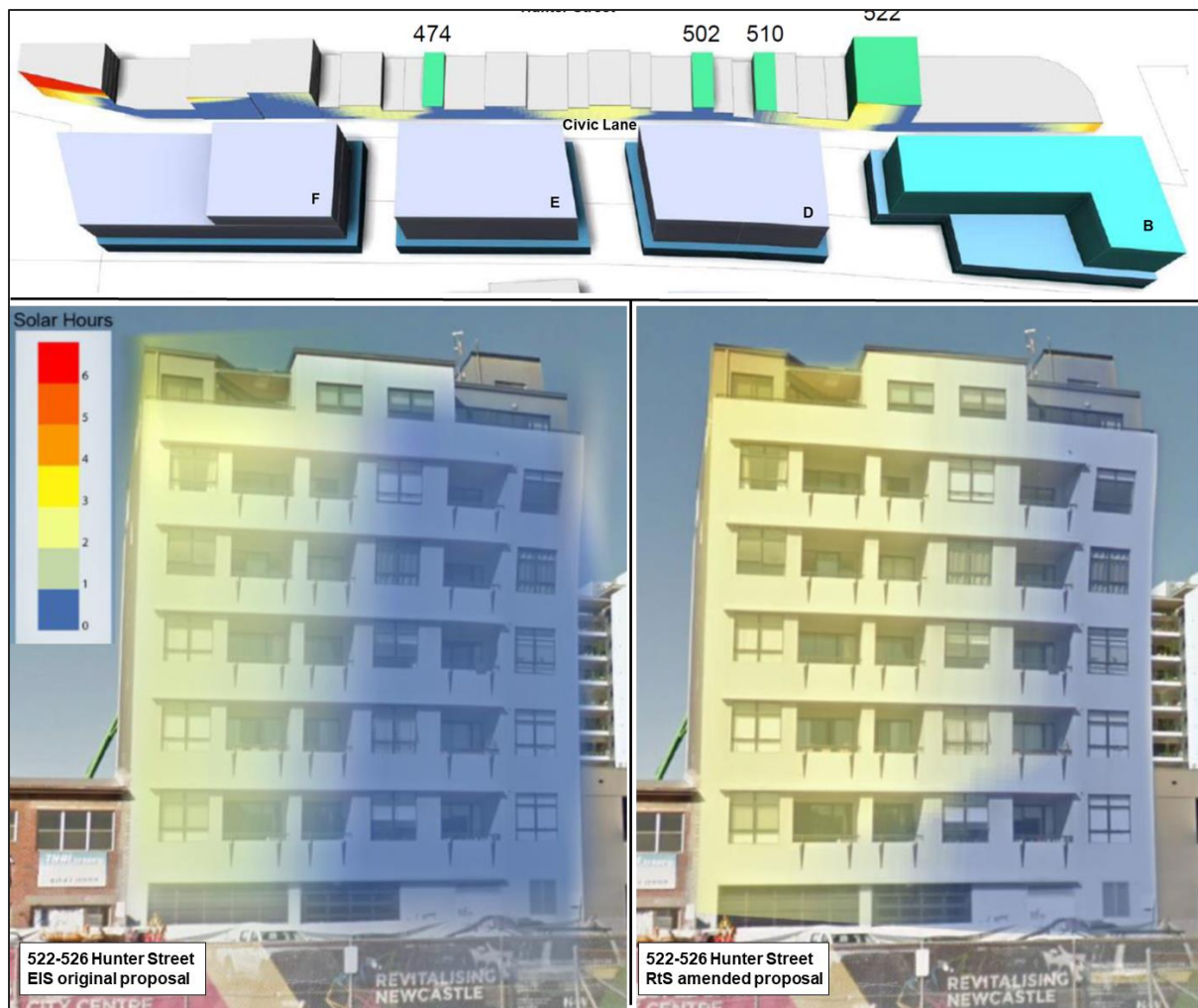


Figure 25 | Relationship of the building envelopes to Hunter Street properties (top) and the EIS (bottom left) and RtS (bottom right) solar access to 522-526 Hunter Street (Base source: Applicant's SRtS)

The Applicant argues that while the properties to the south of the site receive additional overshadowing throughout the day, the impact is acceptable noting the proposed building envelopes are consistent with the scale of surrounding development, as well as that envisioned for the site under the planning controls.

The Department supports the Applicant's amendment of building envelope B to attempt to improve solar access to 522-526 Hunter Street. However, the Department notes only 50% of the 12 north facing units in 522-526 Hunter Street would achieve 2 hours of direct sunlight in mid-winter and these apartments therefore would not comply with the ADG recommended solar access requirements.

The Department acknowledges the proposed building envelopes are consistent with the scale of surrounding modern developments and the NLEP maximum height and FSR controls. Notwithstanding the proposal sits on a large and generally unconstrained site. In this context, the Department considers it is reasonable the development be sensitively designed to minimise its impact on existing neighbouring residential properties. In addition, the NLEP height and FSR development standards are maximums and there should be no presumption that developments are entitled to meet those maximums where negative impacts are identified.

On this basis, the Department recommends building envelope B should be further amended to allow for 70% of the north facing apartments within 522-526 Hunter Street achieve at least two hours of

solar access in midwinter in accordance with the ADG recommendation. This is likely to require only a minor increase in the setback of the eastern elevation of building envelope B (above podium level) and a minor loss of GFA.

[474, 502 and 510 Hunter Street](#)

The Department notes the proposal would result in the complete loss of all direct sunlight to the existing two-level shop top dwellings at 474, 502 and 510 Hunter Street during mid-winter. In addition, as discussed in the following section, the proposal would also result in the complete obstruction of all existing northerly private views from these properties. Noting these impacts on residential amenity, the Department considers the proposal has a significant adverse impact on those residential properties.

The Department notes that these properties have redevelopment potential for retail/commercial and shop top housing up to 24 m in height under the NLEP. The Department considers that maintaining a reasonable level solar access to the third level strikes a balance between protecting existing amenity, preserving future amenity and the efficient use of the site

The Department therefore recommends that the building envelopes be reduced in size and/or include additional setbacks adjacent to 464, 502 and 510 Hunter Street to ensure the top floor north facing windows/balconies receive a reasonable level of direct sunlight in mid-winter.

[Conclusion](#)

The Department concludes that the proposal will maintain a satisfactory level of solar access to existing residential properties, subject to the following recommended FEARS:

- building envelope B be amended to ensure that 70% of the north facing apartments within 522-526 Hunter Street achieve the recommended minimum of two hours of direct sunlight to north facing living areas and balconies in mid-winter
- building envelopes D and E be reduced in size and/or include additional setbacks adjacent to 474, 502 and 510 Hunter Street to ensure the north facing windows and balconies of the top floors of those properties receive a reasonable level of direct sunlight in mid-winter.

The Department has recommended the Design Guidelines be amended to require building height/scale adjacent to Civic Lane consider amenity impacts on adjoining residential properties.

View loss

Concern was raised in public submissions on behalf of the occupiers of 522-526 Hunter Street about potential private view loss and that the Applicant did not provided an assessment of likely impacts. In addition, concern was raised that the concept drawings indicate building envelopes can be enlarged into 'expansion zones' and this would reduce building separation and increase view loss impacts.

The existing view from Level 7 of 522-526 Hunter Street is provided at **Figure 26** the relationship between the building envelopes and neighbouring residential properties is shown at **Figure 23**.

The Applicant has stated the proposal is compliant within the NLEP height controls for the site, no significant view corridors would be impacted and the interruption of existing private views that are currently unimpeded by any development is inevitable in the context of urban renewal and the location of the site. Notwithstanding, the Applicant has stated view loss would be considered further at the

future detailed design stages of the development and it will seek to implement the principles of view sharing and mitigate view loss, where practical.

The Department has considered the view impacts of the proposed building envelopes on adjoining by following a four-step assessment in accordance with the principles established by Tenacity Consulting Vs Warringah [2004] NSWLEC 140. The steps/principles adopted in the decision are:

1. assess what views are affected and the qualitative value of those views
2. consider from what part of the property the views are obtained
3. assess the extent of the impact (Tenacity principles establish an impact spectrum including 'negligible', 'minor', 'moderate', 'severe' and 'devastating')
4. assess the reasonableness of the proposal that is causing the impact.

The Department's assessment of Steps 1-3 is provided in **Table 9**.



Figure 26 | Existing view from Level 7 (rear) of 522-526 Hunter Street (Source: Public submission by Paul McLean)

Table 9 | Department's consideration of view impact to Hunter Street properties

Property	Step 1 - View Affected	Step 2 - View Location	Step 3 – Extent of impact
522-526 Hunter Street	Views over the site towards other developments within Honeysuckle Precinct and the Hunter River	Obtained from balconies and living / bedroom room windows	A view corridor is established between 522-526 Hunter Street and the Hunter River foreshore (Figure 23). The proposal is likely to obstruct views of neighbouring developments within Honeysuckle Precinct and part of view towards Hunter River foreshore.

			The Department's recommended amendment to the setback of building envelope B is likely to enlarge the view corridor from 522-526 Hunter Street. Overall impact is considered moderate to severe.
474, 502 and 510 Hunter Street	Views over the site towards other developments within Honeysuckle Precinct and the Hunter River	Obtained from balconies and living / bedroom room windows	All existing views would be completely obscured due to the low rise of the buildings and siting of the proposed building envelopes. Overall impact is considered severe.

The fourth step of the Tenacity planning principles is to assess the reasonableness of the proposal causing the impact. The Department notes the proposal responds to the height and FSR planning restrictions for the site under the NLEP. However, the Department notes these controls represent maximums for the site. The Department has also taken into account the height and location of buildings in the surrounding area and the State significance of the site.

The Department recognises that outlook, as opposed to private views, is the appropriate measure of residential amenity in a city environment and that there is no guarantee that views, particularly over undeveloped private landholdings, will be maintained. Notwithstanding this, and in accordance with the Tenacity planning principles consideration should also be to whether a more skilful design could provide the Applicant with similar development potential and amenity and reduce the impact on the views from neighbours.

The Department acknowledges the proposal would alter existing views from adjoining residential properties. However, the Department notes the site is located within the Newcastle CBD and the affected residential properties overlook a vacant development site. In this context the Department considers changes to existing views are inevitable.

The Department recommends amendments to building envelopes B, D and E as discussed in the previous section of this report. The Department considers this change will both improve solar access and widen the proposed view corridors between building envelopes B and D and D and E. This would significantly improve the retention of existing views from apartments in 522-526 Hunter Street and, in part, to 474, 502 and 510 Hunter Street. Subject these changes, the Department considers the proposal would provide for appropriate view sharing having regard to CBD location of the site.

With regard to outlook, as opposed to views, the Department considers that the distance between existing residential buildings and the proposed development (approximately 12m) is consistent with the ADG recommended minimum guideline and therefore an acceptable outlook would be maintained.

However, the Department agrees with concerns raised in submissions that the building envelopes should not expand into the view corridors and recommends the Design Guidelines be amended to remove this provision. The Department also recommends a FEAR and amendments to the Design Guidelines to require all future DAs consider view loss impacts and opportunities to increase view sharing.

Subject to the above changes and the recommended FEARs, the Department is satisfied the proposal would provide for an equitable view sharing scenario and the changes to existing residential views

from the Hunter Street residential properties would be reasonable and acceptable. The Department therefore concludes the proposal strikes an appropriate balance between view sharing and the appropriate development of the site in this inner-city location.

6.3 Traffic and parking

The proposal is supported by a Transport and Parking Assessment and Transport Access Strategy (TAS), which analyses the university's predicted transport mode share and sustainable transport measures, existing and proposed transport and parking requirements and potential impacts on the surrounding area.

The Department considers the key assessment issues to be:

- mode share
- car parking
- servicing.

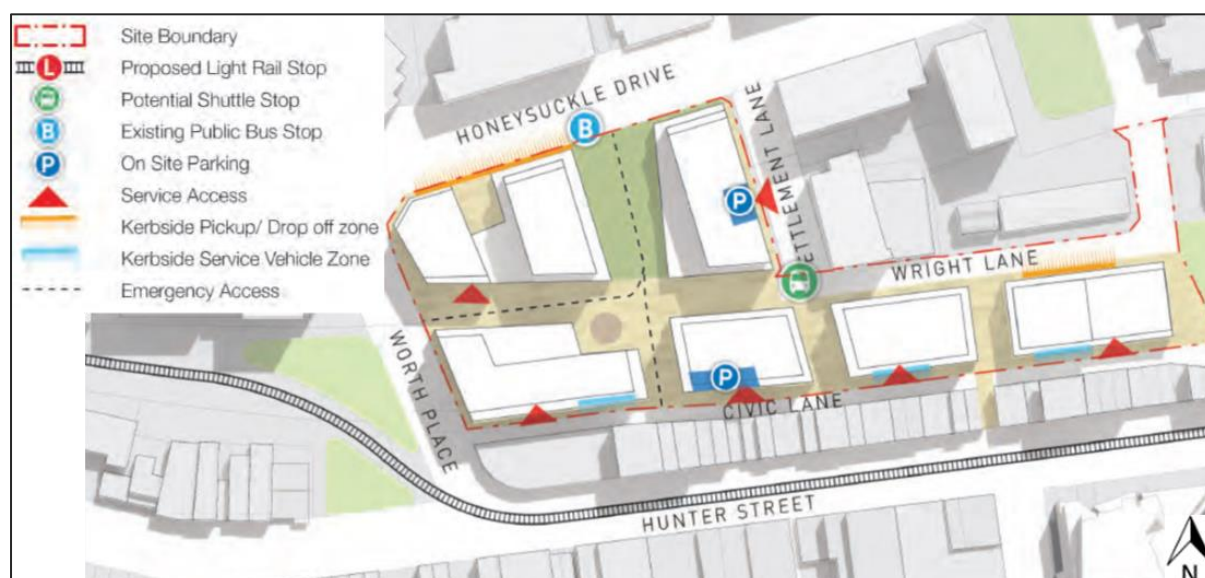


Figure 27 | Indicative car parking, kerbside, vehicular servicing and shuttle bus stop locations (Source: Applicant's SRtS)

6.3.1 Mode share

In support of the strategic vision and targets for sustainable transport, the TAS outlines a travel mode share for future students and staff that is focused on walking, cycling and public transport (**Table 10**).

Table 10 | Anticipated travel mode of primary and secondary students (Source Applicant's RtS)

Travel Mode	Mode Share
Car	0%
Cycling	7%
Public transport	39%
Walking	54%
Total	100%

The TAS references the UoN City Campus, NeW Space building located to the south of the site as its model for sustainable/alternative transport modes and seeks to build on this approach (**Section 1.5.1**). The TAS confirms a travel data survey was undertaken for the first six months operation of UoN NeW Space and asserts this demonstrates that travel modes are on target for cycling and public transport (**Table 11**).

Table 11 | UoN NeW Space post-occupancy mode share and targets (Source Applicant's RtS)

Travel Mode	Actual – Student	Actual – Staff	Long Term Target – Student	Long Term Target – Staff
Cycling	6%	11%	8%	7%
Public Transport	32%	37%	38%	45%
Walking	23%	25%	54%	48%

In support of the proposed mode share, the TAS states:

- the mode share is a long-term strategy that aligns with the future of Newcastle and supports UoN's commitment to promote sustainable transport options
- future planning for the site would incorporate infrastructure to support travel by alternate modes, including areas for taxis, rideshare, pick-up/drop-off and car share, pedestrian infrastructure and cycling and end of trip facilities
- the UoN shuttle service between its City and Callaghan campus' service has a high patronage, is cost effective for from areas with less public transport and would be expanded to accommodate the proposal
- a Travel Demand Strategy will be developed to actively encourage behaviour change and a shift away from travel by private vehicle, and include education and awareness programs, university travel plan, work travel plan and ongoing monitoring/review
- similar to NeW Space, 66% of students and staff are expected to live within a distance suitable for walking and cycling or able to affectively access public transport
- the staged nature of the development enables the desired mode share targets to be achieved progressively over time.

Concern was raised in public submissions that the Applicant's mode-share assumptions are unrealistic. Council generally supports initiatives for the use of sustainable modes of travel and confirms that change is essential for Newcastle in the long term. Notwithstanding this, Council raised concern the proposal's mode share targets may not be achievable.

In response, the SRtS acknowledged the transition from current car use trends to alternative modes may take time and there could be continued parking demand in the short-term.

The Department notes there is a strong strategic basis to support a mode shift away from private car use. In addition, although the GNFTP confirms existing car use is high, Greater Newcastle has strong potential to achieve significant increases in the portion of trips by active and public transport options.

The Department supports the Applicant's aspirational mode share targets to reduce car dependency. In addition, the site is located within the Newcastle CBD, close to existing public transport services and 66% of future students and staff are predicted to live within convenient walking or public transport trip of the campus. In this context, the use of public transport, walking and cycling highly desirable.

UoN should therefore be encouraged to strive to achieve the best sustainable transport outcome feasible for the development.

However, the Department acknowledges that a 100% travel mode share target for public transport, walking and cycling is highly ambitious and are far greater than the GNFTP targets. The Department therefore shares the concerns raised by Council and public submissions that the mode share target is unlikely to be met in the early stages of the development. There is also a possibility the mode share may not be achieved by the final stage of the development.

The Department also notes that UoN NeW Space:

- did not achieve its intended mode share targets following the commencement of use
- included dedicated access (for a fee) to 150 car parking spaces within the Civic West car park for staff/students
- is of a smaller scale to the proposal, which includes multiple buildings with a range of land uses.

In light of the above, and as discussed in **Section 6.3.2**, the Department agrees the proposal should temporarily retain the existing 172 space car parking to ensure the potential parking demand in the initial stages of development is met and the mode share targets are achieved over time. In addition, the Department considers it appropriate that student and staff travel behaviour be monitored at each stage of the development, to ensure that appropriate measures are implemented to achieve the mode share shift completely away from private vehicles to 100% of staff and student trips by public transport, walking and cycling.

In the event the mode share is not achieved, or on track to be achieved, by the final stage of the development (being building envelopes D, E and F) the Department considers future DA(s) should be amended to incorporate an appropriate level of car parking to address the shortfall in the mode shift.

The Department recommends FEARs requiring:

- future DA(s) include a detailed Traffic Impact Assessment, consider sustainable transport management and mitigation measures and the recommendations of the TAS
- the Applicant retain and continue to provide access to the existing 172 space public car park during the initial stages of the development (building envelopes A1, A2, B and C)
- the mode share shift be monitored on a stage by stage basis and this data provided as part of the TIA with future DA(s)
- car parking be provided within building envelopes D, E and/or F in the event the mode shift is not achieved by the final stage of the development.

Overall, the Department supports the Applicant's proposed mode share and ambitious targets for 100% use of public transport, walking and cycling by staff and students. However, to ensure this target can be sustainably achieved, the Department has adopted a precautionary, and performance based, approach and recommends the temporary retention of existing on-site car parking, ongoing monitoring of mode targets over time and amendments to provide parking in the event it is required as the development progresses.

6.3.2 Car parking

The NDCP recommends within the Newcastle City Centre that car parking should be provided at a flat rate of one space per 60 m² of GFA. If the NDCP rates are applied, the proposal would be required to

provide for 1,094 spaces. The proposal, however, seeks that all students and staff will travel by public transport, walking or cycling, and therefore only proposes 12 on-site car parking spaces

The indicative location of on-site car parking and kerb-side parking is shown at **Figure 27**.

Concern was raised in public submissions that insufficient on-site car parking has been provided and the proposal would increase parking pressure on existing on-street parking spaces. Although Council supported the mode share targets, it recommended the NDCP car parking should apply, the existing 172 surface car parking spaces should be retained in the interim and consideration be given to providing basement car parking.

The Applicant considers the provision of 12 car parking spaces for essential services is appropriate, noting that no student or staff trips would be made to or from the site by car. The TAS indicates the impact on demand for on-street parking would be minimal. In response to concerns raised, the Applicant agreed to retain the existing surface car parking during the initial stages of the development, to support the development and local community while the mode shift progresses.

The Department notes that the site has excellent access to public transport including high-frequency light rail and bus services and convenient walking distance to both UoN NeW Space and the Newcastle CBD. The Department notes there is also a variety of existing short term on-street car parking spaces and long-term off-street car parking stations in and around the Honeysuckle Precinct.

The Department has carefully considered the concerns raised in public submissions and by Council. The Department considers that the provision of car parking spaces in accordance with the NDCP (1,094 spaces) would undermine the proposed mode share shift towards reducing car dependency. Noting the strategic context, and subject to the attainment of the mode share shift (**Table 10**), the Department accepts the Applicant's position that 12 on-site car parking spaces is acceptable.

The Department notes the Application seeks concept approval for building envelopes and although not currently proposed, future DA(s) could include basement car parking if this was considered necessary. As discussed at **Section 6.3.1** the Department recommends the existing 172 car parking spaces should be retained for the initial stages of the development, that ongoing monitoring of travel behaviour and mode share be carried out on a stage by stage basis, and amendments be made to provide on-site parking in the event it is required as the development progresses.

The Department recommends a FEAR requiring the TIA submitted with future DA(s) to include consideration of the detailed design of the development and operational car parking.

6.3.3 Servicing

The indicative location and access of vehicular servicing and the shuttle bus stop is shown at **Figure 27**.

Concern was raised in public submission the location of servicing on Civic Lane could impact on vehicle access to 522-526 Hunter Street.

Council raised concern that service vehicles should be contained on-site and in accordance with the NDCP, no detail is provided of proposed servicing associated with building envelopes A1, A2 and C or the design and operation impact of the 'shuttle-stop' on the corner of Wright Lane and Settlement Way. In addition, while Council was open to considering the principle of servicing within Civic Lane it raised concern that the road:

- appears too narrow to accommodate servicing requirements
- would conflict with the use of Civic Lane as a 'shared-zone'
- would impact current kerbside parking/loading by existing commercial properties.

The Applicant has stated demands for servicing of the campus, including waste management, shall be generally contained within the site and addressed specifically in future stages of the development. Consideration would also be given to service access off Civic Lane and on-street provision of bus stops, loading zones, taxi zones and suitable pick-up/drop-off for the shuttle bus.

The Department notes the proposed building envelopes are regularly shaped with broad footprints and have frontages and access to a variety of roads frontages. The Department considers the site is not subject to unusual site constraints that would prevent access for, or the incorporation of, on-site (rather than on-street) servicing requirements. The Department recommends a FEAR requiring the TIA submitted with future DA(s) consider servicing requirements and provides for on-site servicing, unless it can be demonstrated this is not possible.

The Department also notes the shuttle bus is a key component in achieving the Applicant's mode share targets for the site. However, the Department is satisfied the exact location and design requirements of the shuttle stop can be further considered and refined as part of the detailed design of future developments. The Department therefore recommends a FEAR requiring the design and location of the shuttle bus stop, as well as details of its operation and management be submitted as part of the second DA for the site (noting Stage 1A is the smallest development and surface car parking is to be retained for the initial stages).

Civic Lane is already used as a service road providing access to commercial premises fronting Hunter Street. In addition, this road is a one-way road (east to west), which ensures the free flow of traffic and minimises potential for vehicle conflicts.

The Department acknowledges the concerns raised by the public and Council about the potential physical impact and operation of servicing within Civic Lane. However, the Department considers the provision, detailed design and access requirements associated with the potential use of Civic Lane for servicing is best reserved for consideration as part of future DA(s). If it is found at the detailed design stage that Civic Lane is not appropriate for servicing due to its dimensions, use or existing operation amendments could be made to the proposal to address such concerns.

The Department recommends a FEAR requiring the TIA submitted with future DA(s) consider the design, location, access and impact of servicing along Civic Lane in consultation with Council.

The Department also recommends the Design Guidelines be amended to remove specific references to servicing within Civic Lane and require that all servicing be subject to future assessment, consistent with the requirements of the Department's recommended FEARs.

6.3.4 Conclusion

The Department supports the proposed targets for all students and staff to travel by public transport, walking and cycling and considers that limited on-site parking is fundamental to driving the mode shift required to completely eliminate trips by private vehicles.

However, noting that the Applicant's proposed mode share is highly ambitious and are far greater than the GNFTP targets, it is unlikely that this will be achieved in the early stages of the development. On this basis, the Department has adopted a precautionary, and performance-based approach, and

recommends the temporary retention of existing on-site car parking. In addition, ongoing monitoring of student and staff travel over time will inform if any amendments to provide on-site car parking are required as the development progresses. The Department recommends that on-site car parking be provided in the final stages of the development, if the evidence suggests that Applicant's mode share is not achieved.

The Department considers the site is relatively unconstrained and should be able to incorporate on-site (rather than on-street) servicing. The Department recommends the detailed design and access requirements associated with the potential use of Civic Lane for servicing be considered as part of future DA(s).

6.4 Other issues

The Department's consideration of other issues is provided in **Table 12**

Table 12 | Summary of other issues raised

Issue	Findings	Recommended Condition
Density	- The proposal seeks approval for 65,615 m² (FSR 2.7:1), which is consistent with the NLEP maximum FSR for the entire site, noting that three separate FSR requirements apply to the site. - As summarised at Section 4.2.1, although the proposal complies with the site-wide FSR, if the separate FSR requirements are considered individually the proposal would exceed the FSR applying to the southern part of the site between Wright lane and Civic Lane (building envelopes B, D, E and F) by 0.31:1 (resulting in an FSR of 3.31:1, instead of 3:1). - The Applicant provided a clause 4.6 variation to address the FSR non-compliance. - The Department has considered the Applicant's clause 4.6 request at Appendix D and is satisfied that compliance with the individual FSR controls is unreasonable and unnecessary as the: - proposal is consistent with the overall NLEP FSR for the site and the observed non-compliance represents only a technical non-compliance - provision of a university in this location has strategic merit and future development would be designed in accordance with ESD principles (Section 3 and 4) - site is located within an existing urban setting and built form, amenity and traffic impacts can be managed and mitigated and (Section 6). - The Department also notes the recommended amendments to building envelopes B, D, E and F, discussed in Section 6, may have the effect of reducing the total FSR for those buildings and bring the FSR for the southern part of the site more in line with the NLEP maximum FSR (3:1). - The Department therefore concludes the proposed density of the development is acceptable and appropriate for the site.	No additional conditions or amendments to existing conditions necessary.

Public domain and landscaping	• Concern was raised in public submissions that the Concept Proposal did not provide for adequate landscaping. • Council recommended further consideration be given to the public domain interface to minimise impacts on surrounding development. • The GANSW recommended the Applicant collaborate with a landscape architect to finalise the public domain strategy which should include staging, site section and use of spaces. • In response, the Applicant provided a concept Public Domain Strategy (PDS) for the campus (Figure 9). The PDS identifies and provides concept details of four open space areas including: ○ University Green located between building envelopes A2 and B ○ Wrights Walk, being the central east/west pedestrian spine ○ Turntable Plaza, in the location of the historic turntable ○ University links located between building envelopes B, E and F. • The PDS also includes concept details of potential treatments for the trafficable Civic Lane, Honeysuckle Drive and Wrights Lane. • The Department notes that the PDS includes the creation of new pedestrian through site links, open spaces, hard and soft landscaping, including tree planting. The proposal provides for a highly permeable development and the proposed public domain aligns appropriately with key features and connections within the adjoining urban environment. • The Department is satisfied that the PDS provides adequate detail of the future approach to landscaping within the site and demonstrates that future developments can achieve a high standard of landscaping treatment. • To maintain the vibrancy and vitality of the Honeysuckle Precinct, the Department recommends the on-site open space, through site links and Wright Lane should be publicly accessible 24 hours a day seven days a week. • The Department notes the Design Guidelines state an elevated pedestrian link can be provided between building envelopes C and D. As the proposal does not provide any written or visual justification for such a link, the Department recommends it be deleted from the Design Guidelines.	The Department has recommended a FEAR requiring future DA(s) include a detailed landscaping report and plans and the spaces be open to the public 24 hours a day seven days a week.
Heritage interpretation	• The site is not a heritage item, however, it is located partly within the Newcastle CA and adjacent to a number of heritage items. • The GANSW recommended a nuanced response to heritage, including existing elements such as the turntable and nearby buildings and lost elements such as the original foreshore and railway tracks. • The HIS submitted with the RtS acknowledges the site history and recommends the preparation of a HIP including initiatives built into public domain (including but not limited to the turntable, industrial/rail history, Aboriginal history, any archaeological evidence encountered etc.)	The Department has recommended a FEAR requiring future DA(s) include the preparation of a HIP.

	The Department supports the preparation of a HIP as it would facilitate the interpretation and celebration of the site's history for the benefit of the local community, future students/staff and visitors to the Honeysuckle Precinct.	
Privacy	- Concerns were raised in public submissions that the future student accommodation building would overlook the apartments in 522-526 Hunter Street. - In response to the concerns raised, the Applicant has amended the building envelopes adjacent to Civic Lane to provide for a minimum 12 m separation distance between neighbouring residential properties and the building envelopes (above podium level). - As the proposal does not include a residential component, the ADG does not apply to the site. Notwithstanding, the ADG provides helpful guidance in the absence of other controls. The ADG recommends that habitable rooms windows within residential developments should include the following building separation distances: 12 m for buildings up to four storeys 18 m for buildings up to eight storeys - The Department notes, the proposal would comply with the recommended separation distance for existing dwellings at 474, 502 and 510 Hunter Street. - The Department considers, although the proposal would not meet the ADG recommended 18 m separation distance for building envelope B and 522-526 Hunter Street, it would be possible for the future student accommodation development to include architectural features to prevent overlooking. - In addition, the Department considers it would be unreasonable to require additional setback given that 522-526 Hunter Street is built up to Civic Lane and therefore does not equitably provide for its half of the required setback between buildings (being 9 m). - The Department therefore concludes the proposal is capable of being designed not to have adverse overlooking impacts and considers this matter can be address as part of the assessment of future DA(s).	The Department has recommended a FEAR requiring future DA(s) consider potential overlooking impacts.
Construction Impacts	- Council and Hunter Health recommended future DA(s) consider construction noise impacts. - The Application was companied by a Noise and Vibration Strategy (NVS), which considers potential construction methodology to predict indicative noise and vibrations impacts on surrounding properties and likely management and mitigation measures. - The NVS indicates that construction works may have noise impacts on adjoining residential properties, particularly during site establishment works. No adverse vibration impacts are predicted. The NVS recommends the preparation of a construction noise and vibration management plan (CNVMP) including mitigation measures such as noise barriers, selection of quiet plant/machinery, implementation of construction noise respite periods and complaints handling procedures. - TfNSW recommended future DA(s) be required to include a construction pedestrian and traffic management plan	The Department has recommended a FEAR requiring future DA(s) include a CNVMP and CPTMP.

	(CPTMP). The Applicant has agreed to prepare a CPTMP for the future DA(s). The Department considers that the impacts of future construction works can be appropriately managed and mitigated subject to consideration of future detailed developments and associated CPTMPs and CNVMPs.	
Student accommodation operational management	- Concern was raised in public submissions about potential noise and anti-social behaviour associated with the student accommodation component of the development. - The Department notes the proposal seeks concept approval for the introduction of student accommodation use to the site and detailed matters relating to management and operation measures would form part of future DA(s). - The Department considers subject to future detailed assessment and implementation of appropriate management and mitigation measures the operational impacts of the student accommodation would be able to be appropriately addressed.	The Department recommends future DA(s) for the student accommodation should include an Operational Management Plan.
Flooding and stormwater	- The site is subject to flooding inundation and includes existing drainage pits and pipes. - The Application includes a Stormwater and Servicing Assessment report, which considers flooding and drainage impacts. - BDC stated the proposal would not have significant off-site flood impacts. Council has recommended that future DA(s) should: - include detailed design of flooding and stormwater works - incorporate principles of WSUD and respond to the NDCP stormwater design requirements - address management of existing and future drainage infrastructure. - The SDRP recommends buildings should be sensitively designed to respond to flooding impacts and that mitigation measures do not result in inactive facades or buildings that are disconnected from the public domain. - The Department recommends flooding and stormwater assessment reports be submitted with future DA(s) which include management and mitigation measures and address Council's above requirements. - The Department also recommends the Design Guidelines be updated to ensure buildings are appropriately designed in response to flooding and ensure that mitigation measures: - do not result in inactive facades fronting the public domain - do not result in extended sections of walls, ramps or barriers that unreasonably separate the ground floors of buildings from the public domain - allow for a seamless connection between buildings and the public domain - where located within the public domain, are integrated into the hard and soft landscaping of the precinct.	The Department has recommended a FEAR requiring future DA(s) include flooding and stormwater assessment reports. In addition, the Design Guidelines be amended to ensure buildings are sensitively designed in response to flooding.

Water quality	- NRAR has stated future DA(s) should consider aquifer and water-take requirements, groundwater, water bores and controlled activities. - The Department considers NRAR's requirements are reasonable and appropriate as the site is very low-lying and is adjacent to the Hunter River and therefore may have groundwater impacts during construction. The Department has therefore recommended an appropriate FEAR to address this issue as a part of future DA(s).	The Department has recommended a FEAR requiring future DA(s) include address NRAR requirements
Mosquito management	- Hunter Health recommended a Mosquito Management Plan (MMP) be prepared to address the spread and breeding of exotic mosquitos that may arrive from the operational port. - The Applicant has stated the PDS does not include any natural or constructed wetlands and water feature/bodies would not promote the breeding of mosquitos. - The Department considers it reasonable that future DA(s) demonstrate through an MMP that landscaping works do not foster breeding/spread of exotic mosquitos. The Department has therefore recommended an appropriate FEAR to address this issue as a part of future DA(s).	The Department has recommended a FEAR requiring future DA(s) include an MMP
Wind	- The Application was companied by a Pedestrian Wind Environment Statement (PWES), which undertook a desktop study to determine the likely wind conditions affecting various outdoor areas within and around the development. - The PWES confirms that the site is relatively exposed to prevailing winds and certain part of the development may be prone to wind effects arising from prevailing winds, funneling winds between buildings, downwash and side-streaming winds around corners of the development. - The PWES recommends future DA(s) undertake wind tunnel testing and include the following wind mitigation measures to address wind impacts and to ensure outdoor areas are suitable for their intended use: - densely foliating and evergreen tree and shrub planting - awnings over trafficable areas and localised screening and screens at cafés, shopfronts and main entrances - wind screens and/or planting within through site links and near corners of buildings. - The GANSW raised concern about potential wind impacts and recommended a detailed wind assessment be undertaken. - The Department notes building envelopes are a similar height and scale as other new buildings within the Honeysuckle Precinct and would not exceed the NLEP maximum building height control by an appreciable amount. Wind impacts associated with the development are therefore likely to be consistent with that experienced within the precinct. - To ensure wind impacts are appropriately addressed, the Department considers it appropriate future DA(s) to include a detailed Wind Assessment, including wind tunnel testing and wind management and mitigation measures to address any impacts.	The Department recommends a FEAR requiring future DA(s) include a Wind Assessment

Wright and Settlement Lanes	• Council has recommended a condition relating to the detailed design and operational requirements for Wright and Settlement Lanes including: ○ right of access and dedication requirements ○ maximum tonnage capacity of Settlement Land and Wright Lane ○ conversion of Settlement Lane to one-way, northbound, and associated signage. • The Department considers the design and operation of Wright and Settlement Lanes should be addressed in detail as part of future DA(s). The Department considers the Applicant should prepare the detailed design and operation of those roads in consultation with Council.	The Department recommends a FEAR requiring future DA(s) provide for the detailed design, operation and any amendments to Settlement Lane and Wright Lane in consultation with Council.
Pedestrian and bicycle infrastructure	• TfNSW recommended future DA(s) include details of bicycle parking, end of trip (EoT) facilities and pedestrian and cycle paths comply with relevant standards. • Council has stated, given the proposed mode share targets, the proposal should include bicycle parking beyond those required in the NDCP. • The Applicant has agreed to consider bicycle parking, facilities and relevant standards as part of the detailed design of future DA(s). • The Department considers the location, number and design of bicycle parking and facilities should be considered as part of future DA(s). In addition, the Department agrees with TfNSW that pedestrian and bicycle infrastructure should be provided in accordance with relevant standards. • The Department considers the above matters should be addressed within the future TIAs to be submitted with each future DA.	The Department recommends a FEAR requiring future DA(s) include a TIA including bicycle and pedestrian infrastructure.
Reflectivity	• Concern was raised in public submissions about the potential reflectivity of materials. • The Department notes that the indicative development includes buildings containing a high proportion of glass. The Department therefore considers it important that future DA(s) consider potential reflectivity impacts.	The Department has recommended a FEAR requiring future DA(s) include a Reflectivity Assessment.
Archaeology	• The HIS includes an archaeological assessment and concludes the site has potential to contain both Aboriginal and non-Aboriginal archaeological artefacts, both intact and within disturbed contexts. Therefore, future ground disturbing activity would have the potential to impact archaeological resources. • The HIS recommends further investigation including consultation with the Aboriginal community, preparation of an Aboriginal Cultural Heritage Assessment Report (ACHAR), Aboriginal Heritage Impact Permit, Historical Archaeological Research Design and Excavation Methodology reports. • BDC recommended that future DA(s) include an ACHAR. The GANSW recommended a campus-wide strategy be prepared for Aboriginal and non-Aboriginal heritage. • In considering the archaeology impacts, the Department notes that proposal does not include basement levels. Notwithstanding the absence of significant excavations works,	The Department recommends a FEAR requiring future DA(s) include an archaeological assessment.

	future building works could have an impact on archaeological deposits that may exist. To ensure archaeological impacts are appropriately managed, the Department recommends future DA(s) include detailed archaeological assessment, including an ACHAR, in accordance with the requirements of the HIS.	
Contamination	- The EIS includes a Contamination and Mine Subsidence Study (CMSS), which provides a summary of likely contaminants, recommendations on further investigation, remediation and management and the suitability of the site for its intended use. - The CMSS recommends further assessment of the potential site contamination and remediation and contaminated material management strategies. The CMSS concludes provided appropriate remedial action is taken and contaminated material managed in accordance with existing guidance, the overall development can be made suitable for the proposed mixed-use development. - Council and Hunter Health both recommended future DA(s) include contamination investigations and a remedial action plan (RAPs). - The Department has considered contamination impacts in detail at Appendix B. The Department notes the CMSS confirms the site can be made suitable for its intended use and agrees with Council and Hunter Health that appropriate investigations and a RAP should be provided within future DA(s).	The Department recommends a FEAR requiring future DA(s) include a detailed site contamination assessment and a RAP
Mine subsidence	- SA NSW has confirmed the site is partly undermined by workings of the Borehole Seam (70 m depth) and it has issued a Notice of Determination for the Concept Proposal. - The Department considers it necessary that future developments take account of potential mine subsidence matters and has recommended an appropriate FEAR to address this issue as a part of future DA(s).	The Department recommends a FEAR requiring future DA(s) consider mine subsidence and any approvals of SA NSW.
Utilities	- Ausgrid notes that existing Ausgrid easements exist within the site and recommends the Applicant work with it to collaboratively develop the electrical masterplan for the site. - The Department notes future development would need to connect to and potentially augment existing services/utilities. - The Department recommends the Applicant engage with the relevant utility providers to determine utility requirements and any connection/mitigation measures.	The Department recommends a FEAR requiring future DA(s) include a utilities report.
Signage	- The proposal does not seek consent for signage. However, the Design Guidelines include an indicative signage strategy for the site, including setting maximum signage areas. - Concern was raised in public submissions about potential visual and illumination impacts of signage. - The Applicant has confirmed that signage does not form part of this application and, if proposed, signage would form part of an integrated signage strategy would be developed as part of future DA(s).	The Department has recommended a FEAR requiring future DA(s) include a Signage Strategy (if signage is proposed). In addition, the Design Guidelines be amended to require signage to be appropriately located and

	- The Department has reviewed the Design Guidelines (Appendix E) and considers the detailed consideration of signage should be undertaken at future DA stage and in light of the detailed design of buildings. - The Department recommends future DA(s) should include a Signage Strategy including signage location, size, design and illumination. The Department considers it would be premature to establish signage size limits at this stage.	designed.
ARH SEPP	- The Applicant's RtS classifies the student accommodation component of the development as 'educational establishment' and asserts the 'boarding house' requirements of the ARH SEPP should not apply to future DA(s). - Council has stated the student accommodation is a form of 'boarding house' and the requirements of the ARH SEPP apply. In addition, the residential standards of the ADG also apply. - The Department notes the Applicant's classification of student accommodation (as 'educational establishment' use) is inconsistent with: - the NLEP definition of an educational establishment, which includes schools, tertiary institution including university or TAFE - clause 44 of the Education SEPP, which specifically states that development for the purpose of a university does not include student accommodation use. - The Department agrees with Council that the student accommodation component of the proposal is a form of 'boarding house' use. - The Department does not consider the ADG applies to student accommodation as it provides standards for residential apartment buildings and clause 4(4) of SEPP 65 states the policy does not apply to boarding houses. The Department has therefore recommended an appropriate FEAR to address this issue as a part of future DA(s).	The Department recommends a FEAR requiring future DA(s) relating to student accommodation consider student amenity and the ARH SEPP.
Worth Place view corridor	- The NDCP identifies the view north, along Worth Place, as a key public corridor and recommends development should be aligned to maximise and frame view corridors. - Concern was raised in public submission that building envelope B would obstruct existing views along Worth Place towards the Hunter River. - The Department notes that building envelope B is contained wholly within the site and does not project forwards into the view corridor. - The Department concludes proposed building envelope B would not interrupt or have an adverse impact on the Worth Place view corridor.	No additional conditions or amendments are necessary.
Development potential of neighbouring properties	- Concern was raised in a public submission the proposal would have a prejudicial impact on the potential redevelopment of neighbouring properties fronting Hunter Street. - The Applicant has stated development of properties fronting Hunter Street are highly constrained by the narrow depth of the block and the existing planning controls. Considering that a residential development would require greater setbacks to	No additional conditions or amendments are necessary.

	comply with the DCP/ADG controls, a commercial development is more likely in this location, which is a less sensitive land use. • In considering the Applicant's RtS, Council confirmed amenity considerations to non-residential buildings fronting Hunter Street is less of a priority as existing and future uses are likely to be commercial rather than residential. • The Department agrees with Council and therefore concludes the proposal is unlikely to have a prejudicial impact on the redevelopment potential of properties fronting Hunter Street.	
Development Contributions	• The Concept Proposal provides for 65,615 m² GFA, including educational, student accommodation, commercial and mixed-use floorspace. • Council has raised concern the Applicant has not committed to pay development contributions in accordance with the Contributions Plan, which would require contribution of 1% of CIV (being \$1.5 million). Council has recommended a FEAR requiring the Applicant pay development contributions in accordance with the Contributions Plan. • The Applicant has stated that as the site is Crown Land and as the proposal provides for new educational facilities it should be exempt from the requirement to pay development contributions. • The Department notes that Circular D6 'Crown Development Applications and Conditions of Consent' states that Crown activities providing a public service or facility lead to significant benefits for the public in terms of essential community services, and these activities are not likely to require the provision of public services and amenities in the same way as developments undertaken with a commercial objective. • The Circular provides that for Educational Services, contributions should only be levied towards funding for drainage (where the proposal is likely to increase site runoff or add to drainage infrastructure needs) or local traffic management at the site entrance, if required. • The Department considers that the requirement for development contributions for drainage or traffic management should be considered as part of future DAs, on a case by case basis, having regard to the guidance in Circular D6.	No additional conditions or amendments are necessary.

7 Evaluation

The Department has reviewed the EIS, RtS, SRtS and RFIR and assessed the merits of the proposal, taking into consideration advice from the public authorities and comments made by Council. Issues raised in public submissions have been considered and all environmental issues associated with the proposal have been thoroughly assessed.

The proposal is consistent with the objects of the EP&A Act, including facilitating ecologically sustainable development, and is consistent with the State's strategic planning objectives.

The proposed establishment of a new UoN university campus would provide for new tertiary education programs that will strengthen cultural and educational relationships within an urbanised environment with high accessibility and amenity. The proposal will complement the expanding educational sector within Newcastle's city centre.

The Department has considered the merits of the proposal and considers it acceptable as the:

- the detailed design of future developments would be subject to review by the SDRP and advice and would also be guided by the Design Guidelines, as amended by the Department, to ensure developments achieve design excellence
- height, scale and setbacks of building envelopes are acceptable subject to:
 - amendments to building envelopes E and F to ensure future developments do not have an adverse setting, visual or view impacts on the CRW West or adjoining local heritage items
 - amendments to building envelopes B, E and F to ensure future development does not unreasonably obscure sunlight, and is consistent with view sharing principles, to residential developments fronting Hunter Street
 - further consideration of rooftop enclosures as part of future DA(s) to ensure they have acceptable visual impacts and do not dominate the buildings' roofscapes
- the proposed travel mode share and target for 100% of students and staff to use public transport, walking and cycling is ambitious but acceptable subject to measures to meet any parking demand during the initial stages, stage-by-stage monitoring, and the requirement to provide on-site car parking within the final stages if necessary
- servicing location, design and operational requirements can be determined at future DA(s) stage
- future developments would be designed in accordance with ESD principles.

The Department considers the proposal is in the public interest as it would provide the following public benefits:

- the creation of a new UoN city campus conveniently located to Newcastle CBD, other educational establishments, public transport, shops and services
- provision of 400 student beds within the development, which would provide for student housing supply, choice and affordability
- delivery of an estimated 2,558 construction and 850 operational jobs across all stages of the development.

The impacts of the proposal have been addressed in the EIS / RtS / SRtS / RFIR. Conditions of consent are recommended to ensure that future DA(s) are appropriately designed and impacts are appropriately managed and mitigated.

The Department's assessment concludes the development is in the public interest and is approvable subject to conditions (**Appendix F**).

8 Recommendation

It is recommended that the Executive Director, Regions, Industry and Key Sites, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of the University of Newcastle City Campus Concept Proposal (SSD 9262) subject to the conditions in the attached development consent
- **signs** the attached development consent/project approval and recommended conditions of consent/approval (see attachment).

Recommended by:



Amy Watson
Team Leader
Key Sites Assessments

Recommended by:



Anthony Witherdin
Director
Key Sites Assessments

9 Determination

The recommendation is **Adopted** by:



21/5/2020

Anthea Sargeant

Executive Director

Regions, Industry and Key Sites

Appendices

Appendix A - List of Documents

Appendix B - Relevant Supporting Information

Appendix C - Environmental Planning Instruments

Appendix D - Consideration of Clause 4.6 Variation Request

Appendix E - Design Guidelines

Appendix F - Consideration of Issues Raised in Submissions

Appendix G - Recommended Conditions of Consent

Appendix A – List of Documents

List of key documents relied on by the Department in its assessment:

- Environmental Impact Statement and attachments, prepared by Ethos Urban Pty Ltd and dated 6 June 2018
- Response to Submissions report and attachments, prepared by Ethos Urban Pty Ltd and dated 19 July 2019
- Response to Submissions 2 and attachments, prepared by Ethos Urban Pty Ltd and dated 26 December 2019
- The Applicant's response to the Department's request for further information, including:
 - email from Chris Forrester titled 'UoN Concept Proposal' and dated 27 April 2020
 - email from Chris Forrester titled 'UoN Concept Proposal' and dated 28 April 2020
 - email from Chris Forrester titled 'UoN Concept Proposal' and dated 29 April 2020 and including Concept Proposal drawings.

Appendix B – Relevant Supporting Information

The following supporting documents and information can be found on the Department's website:

1. Environmental Impact Statement

<https://www.planningportal.nsw.gov.au/major-projects/project/10406>

2. Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/10406>

3. Applicant's Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/10406>

4. Response to Further Information Request

<https://www.planningportal.nsw.gov.au/major-projects/project/10406>

Appendix C – Mandatory Matters for Consideration

C1 Section 4.15(1) matters for consideration

The matters for consideration under section 4.15(1) that apply to SSD in accordance with section 4.40 of the EP&A Act have been addressed in **Table 13**.

Table 13 | Section 4.15(1) Matters for Consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department's consideration of the relevant EPIs is provided below and in Appendix B of this report.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, development control plans (DCPs) do not apply to SSD. Notwithstanding, consideration has been given to the relevant controls under the Newcastle Development Control Plan 2012 (NDCP) at Section 6
(a)(iiia) any planning agreement	No existing planning agreements apply to the site.
(a)(iv) the regulations Refer Division 8 of the EP&A Regulation	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6), public participation procedures for SSD and Schedule 2 relating to EIS.
(a)(v) any coastal zone management plan	No coastal zone management plan applies to the site.
(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,	Appropriately mitigated or conditioned as discussed in Section 6 of this report.
(c) the suitability of the site for the development	The site is suitable for the development as discussed in Sections 6 of this report.
(d) any submissions	Consideration has been given to the submissions received during the exhibition of the proposal as discussed at Sections 3 and 6 of this report.
(e) the public interest	The proposal is in the public interest as discussed at Section 6 of this report.

C2 Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects as set out in section 1.3 of that Act. The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent / approval) are to be understood as powers to advance the objects of the legislation, and limits on those powers are

set by reference to those objects. Therefore, in making an assessment, the objects should be considered to the extent they are relevant.

The Department has considered the proposal to be satisfactory with regard to the objects of the EP&A Act as detailed in **Table 14**.

Table 14 | Consideration of the proposal against the objects of section 1.3 the EP&A Act

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources	The proposal provides for the development of a university campus, including student and retail accommodation near the Newcastle CBD. The proposal would provide social, cultural and economic benefits to the community. The site is within an existing urban area and its redevelopment would not negatively impact the economic welfare of the community or the natural environment.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal includes measures to deliver ESD (Section 4).
(c) to promote the orderly and economic use and development of land,	The proposal would be an orderly and economic use and development of land as it provide a tertiary educational establishment, student and retail accommodation in an accessible location in close proximity to public transport and the nearby Newcastle CBD. The development of the site will also provide economic benefits through job creation and infrastructure investment during construction stage. The merits of the proposal are considered in Section 6.
(d) to promote the delivery and maintenance of affordable housing,	The proposal will not result in the loss of any existing affordable housing provision in the locality. The proposal includes the provision of a cost-effective housing option for students in the city centre.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The project involves redevelopment of an existing urban site and will not adversely impact on any native animals and plants, including threatened species, populations and ecological communities, and their habitats. The application has been granted a BDAR waiver.

(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The Department has considered the heritage impacts of the proposal in detail at Section 6 and concludes the proposal would not have an adverse impact on the nearby heritage items or the conservation area, subject to the Department's recommended amendments to building envelope setbacks. The Department has recommended a FEAR requiring future DA(s) consider archaeological impacts.
(g) to promote good design and amenity of the built environment,	The proposed building envelopes, subject to conditions, have acceptable impacts as discussed at Section 6 . The Department has recommended built form conditions, which ensure future developments within the building envelopes will achieve a high standard of design.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	Future DA(s) will include detailed report(s) confirming the development is capable of meeting relevant construction standards.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposed development as outlined in Section 5 , which included consultation with Council and other public authorities and consideration of their responses.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department provided opportunities for community participation in the assessment process, which included notifying adjoining landowners, placing a notice in newspapers and displaying the proposal on the Department's website and at Council during the exhibition period. The Department has considered the issues raised in submissions in Section 6 .

C5 Environmental Planning Instruments (EPIs)

To satisfy the requirements of Section 4.15(a)(i) of the Act, this report includes references to the provisions of the EPIs that govern the carrying out of the proposal and have been taken into consideration in the Department's environmental assessment.

The EPIs that have been considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP)
- State Environmental Planning Policy (Urban Renewal) 2010 (Urban Renewal SEPP)
- State Environmental Planning Policy (Coastal Management) 2018 (Coastal SEPP)
- State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

- Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP)
- Newcastle Local Environmental Plan 2012 (NLEP).

State Environmental Planning Policy (State and Regional Development) 2011

The aims of the SRD SEPP are to identify SSD, State significant infrastructure (SSI), critical SSI and to confer functions on regional planning panels to determine development applications. The proposal is SSD as summarised at **Table 15**.

Table 15 | SRD SEPP compliance table

Relevant Sections	Department's consideration	Compliance
3 Aims of Policy The aims of this Policy are as follows: (a) to identify development that is State significant development,	The proposed development is identified as SSD.	Yes
8 Declaration of State significant development: section 4.36 (1) Development is declared to be State significant development for the purposes of the Act if: (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and (b) the development is specified in Schedule 1 or 2.	The proposed development is permissible with development consent. The development is specified in Schedule 1 and Schedule 2.	Yes
Schedule 1 State significant development — general (Clause 15 (3)) Development for the purpose of a tertiary institution (within the meaning of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017), including associated research facilities, that has a capital investment value of more than \$30 million.	The proposal is development for the purpose of a tertiary institution with a CIV of more than \$30 million.	Yes
Schedule 2 State significant development —identified sites (Clause 2 (d)) Development that has a capital investment value of more than \$10 million on land identified as being within any of the following sites on the State Significant Development Sites Map: - Honeysuckle Site	The proposal is within the identified Honeysuckle Site and has a CIV of more than \$10 million.	Yes

State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of

development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

The proposal does not trigger consideration under the Infrastructure SEPP. Notwithstanding, the Department has consulted and considered the comments from relevant public agencies (**Sections 5 and 6**). The Department has recommended conditions to manage and/or mitigate the impacts of the development (**Appendix G**).

State Environmental Planning Policy (Urban Renewal) 2010

The Urban Renewal SEPP establishes the process for assessing and identifying sites as urban renewal precincts. In addition, it seeks to facilitate the orderly and economic development and redevelopment of sites in and around identified precincts.

The Urban Renewal SEPP identified the site as being within the Newcastle Potential Precinct. Clause 10(2) requires that development consent must not be granted unless the consent authority is satisfied the proposed development is consistent with the objective of developing the precinct for the purposes of urban renewal. Clause 10(3) requires the consent authority to take into account whether the proposal would restrict or prevent:

- the development of the precinct for higher density housing, commercial or mixed use development
- future amalgamation of sites
- access to, or development of, infrastructure, other facilities and public domain areas associated with existing and future public transport in the precinct.

The Department is satisfied the proposal is consistent with the objectives of the urban renewal of the precinct. In addition, the proposal would not restrict or prevent the development of the remainder of the precinct.

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

The Education SEPP aims to simplify and standardise the approval process for schools, TAFEs, universities and childcare centres, while minimising impacts on surrounding areas and improving the quality of the facilities. The Education SEPP includes planning rules for where these developments can be built, which development standards can apply and constructions requirements. The application has been assessed against the relevant provisions of the Education SEPP.

Pursuant to clause 44 of the Education SEPP, the proposed student accommodation portion of the proposal does not constitute development for the purpose of a university. The Education SEPP therefore does not apply to this portion of the proposal. Notwithstanding, the proposed student accommodation portion is defined as a boarding house which is permissible with consent in the NLEP B4 Mixed Use zone.

Clause 45(1) of the Education SEPP provides that development for the purpose of a university may be carried out by any person with development consent on land in a prescribed zone. The site is within the B4 – Mixed Use zone, which is identified as a prescribed zone in clause 43 of the SEPP. The proposal is therefore permissible with consent.

Clause 57 requires traffic generating development that involve addition of 50 or more students to be referred to the RMS (now incorporated into TfNSW). The Application was referred to TfNSW and as summarised at **Section 5**, TfNSW confirmed it had no objection to the proposal.

State Environmental Planning Policy (Coastal Management) 2018

The Coastal SEPP gives effect to the objectives of the Coastal Management Act 2016 from a land use planning perspective. It defines four coastal management areas and specifies assessment criteria that are tailored for each coastal management area. The consent authority must apply these criteria when assessing proposals for development that fall within one or more of the mapped areas.

The Coastal SEPP identifies the site is located within the Coastal Environment Area and Coastal Use Area. An assessment of the proposal against the requirements under Divisions 3 to 5 of the Coastal Management is provided at **Table 16**.

Table 16 | Consideration of Division 3 to 5 of the Coastal SEPP

Coastal Management SEPP	Department Comment/Assessment
Clause 13 Development on land within the coastal management area 1. Development consent must not to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:	
(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,	The Department has recommended a FEAR requiring future DA(s) include detailed assessment of flooding and drainage impacts and include mitigation measures where necessary.
(b) coastal environmental values and natural coastal processes,	The site is located approximately between 90-100 m south of the Hunter River foreshore and is separated from the foreshore by intervening existing high-density developments. Having regard to these characteristics, it is not considered that the coastal environmental values or natural processes would be impacted by the proposal.
(c) the water quality of the marine estate (within the meaning of the <i>Marine Estate Management Act 2014</i>), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,	The site is not located near any sensitive coastal lakes and future DA(s) will consider flooding and drainage impacts.

(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,	The proposal will not impact on any marine vegetation, native vegetation and fauna and their habitats or impact on any undeveloped headlands and rock platforms.
(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	The proposal would not impact on access to any existing foreshore, beach or headland areas and the Concept Proposal includes provision of appropriate through-site pedestrian permeability (Section 6.4).
(f) Aboriginal cultural heritage, practices and places,	The site has been identified as potentially having Aboriginal cultural heritage significance as there is a moderate potential for Aboriginal objects (shell material, stone objects) to be found on-site (Section 6.4). The Department has recommended a FEAR requiring future DA(s) include a detailed archaeological assessment including management and mitigation measures where necessary.
(g) the use of the surf zone.	The proposal will not impact on any surf zones.

2. Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or	The proposal located within an existing urban B4 Mixed Use zoned site, behind existing built form and its proposed scale will not have any adverse impacts on the coastal management area.
(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or	
(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.	

Clause 14 Development on land within the coastal use area

1. Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:
- (a) has considered whether the proposed development is likely to cause an adverse impact on the following:

i. existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	The proposal would not impact on access to any existing foreshore, beach or headland areas and the Concept Proposal includes provision of appropriate through-site pedestrian permeability (Section 6.4).
ii. overshadowing, wind funneling and the loss of views from public places to foreshores,	The Department has considered overshadowing, view and wind impacts at Section 6 and has recommended amendments to the proposal to ensure the proposal has acceptable impacts on surrounding amenity. The Department has recommended future DA(s) include detailed analysis of overshadowing, wind and view impacts.
iii. the visual amenity and scenic qualities of the coast, including coastal headlands,	The visual amenity of the local coastal zone and its surroundings will not be impacted on by this proposal. The site is setback from the Hunter River foreshore and behind existing built form such that it would not be readily visible from the coast or any nearby headlands.
iv. Aboriginal cultural heritage, practices and places	Refer to the response to Clause 13(1)(f).
v. cultural and built environment heritage, and	The proposal would not have any physical impacts on adjoining heritage items. The Department has recommended amendments to building envelopes E and F to ensure they do not have an adverse setting, visual or view impacts on the CRW West or nearby locally listed heritage items.

(b) is satisfied that:

i. the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or	The proposal located within an existing urban B4 Mixed Use zoned site, behind existing built form and its proposed scale will not have any adverse impacts on the coastal management area. The proposed use of the site for the purposes of an educational establishment and associated student accommodation will not give rise to adverse impacts on the existing coastal use area.
ii. if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or	
iii. if that impact cannot be minimised—the development will be managed to mitigate that impact, and	

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.	The scale of the proposed built form is generally consistent with the existing surrounding built form. The Department has recommended amendments to building envelopes as discussed at Section 6 .
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Clause 15 Development in coastal zone generally – development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.	The proposal involves the redevelopment of an existing urban B4 Mixed Use zoned site. The location of the proposal, its siting behind existing built form and its proposed scale ensure it would not increase the risk of coastal hazards on the site or other surrounding land.
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State Environmental Planning Policy (Affordable Rental Housing) 2009

The ARH SEPP aims to provide a consistent planning regime for the provision of affordable rental housing and delivery of affordable rental housing and to support local business centres by providing affordable rental housing for workers close to places of work.

The application seeks approval for student accommodation use on the site, which is indicatively shown located within building envelope B. Student accommodation is considered to be a form of 'boarding house' and therefore Division 3 of the ARH SEPP applies, in part, to the proposal.

The Department has considered the proposal against the ARH SEPP boarding house development standards within **Table 17**.

Table 17 | Department's consideration of the ARH SEPP

Clause	Control	Compliance	Compliance
Clause 29 Standards that Cannot be Used to Refuse Consent	(1)(a) The density is not more than the existing max FSR permitted for residential development on that land (being a site-wide FSR of 2.7:1)	(1)(a) The proposal complies with the site-wide FSR for the site. However, it does not comply with the individual FSRs within the site.	No, refer to Section 6.4 and Appendix D
	Building Height b) if building is not more than max permitted height (being 30 m)	b) Building envelopes A2 and B exceed the NLEP height of buildings development standard.	No, refer to Section 6.2 and Appendix D
	Landscaping c) if proposed landscaping is compatible with streetscape	c) A landscaping masterplan has been provided and is considered acceptable and compatible with the streetscape (Section 6.4)	Yes

	Car Parking f) at least 0.2 spaces for each boarding room	f) The proposal seeks approval for 400 student beds. The number of student rooms is not known at this stage. The proposal does not propose any car parking to be associated with the student accommodation.	No, refer to Section 6.3
Clause 30A Character of Local Area	Consideration whether the design of the development is compatible with the character of the local area.	Subject to the Department's recommended amendments to building envelopes (Section 6.2), the Department concludes the proposal would be compatible with the character of the local area.	Yes

The remaining sub-clauses of clause 29 and all of clause 30 of the ARH SEPP set out detailed internal and external design standards for boarding houses. The application is a Concept Proposal and therefore the detailed design and layout of buildings has been reserved for future DA(s). To ensure general compliance with the ARH SEPP standards, the Department has recommended a FEAR requiring future DA(s) consider and respond to the requirements of the ARH SEPP.

State Environmental Planning Policy No.55 – Remediation of Land

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application.

The EIS includes a CMSS, which provides a summary of likely contaminants, recommendations on further investigation, remediation and management and the suitability of the site for its intended use.

The CMSS confirmed that the site has historically contained a variety of industrial workshops, electrical substation, the Bullock Island causeway, railway lines, carriage repair sheds and goods loading area.

As the proposal is for a Concept Proposal, the CMSS did not undertake soil and ground water testing and a conclusive assessment of land contamination status cannot therefore be made at this stage. The CMSS reviewed previous contamination assessment reports relating to the site and identified potential site contaminants include petroleum hydrocarbons, polychlorinated biphenyls heavy metals and asbestos.

The CMSS recommends, further assessment of the potential site contamination is required in order to better understand the current status and extent of contamination. In addition, the assessment will develop site specific in-situ waste classification for the management of excavated material. These assessments will directly inform the remediation and contaminated material management strategies. In addition, the CMSS recommends remediation and management strategy including:

- potential onsite reuse of excavated material as fill, subsurface below hardstand/capping, or within mine-voids
- volumes of excess material may also be subject to resource recovery assessment as a first priority to identify possibility for offsite export

- where onsite retention is unviable, or the material does not meet resource recovery criteria, then offsite disposal will be considered to licenced recycler or landfill.

The CMSS concludes that provided the recommended assessments across the entire site is carried out, appropriate remedial actions taken and contaminated material managed in accordance with existing guidance, the overall development can be made suitable for the proposed mixed-use development.

The Department recommends a FEAR requiring future DAs include a detailed site contamination assessment in accordance with the requirements of the CMSS.

Draft Remediation of Land State Environmental Planning Policy

The Explanation of Intended Effect for a Draft Remediation of Land SEPP was exhibited until 13 April 2018. The Draft Remediation of Land SEPP proposes to better manage remediation works by aligning the need for development consent with the scale, complexity and risks associated with the proposed works. As the proposal has demonstrated it can be suitable for the site, subject to future DA(s), the Department considers it would be consistent with the intended effect of the Remediation of Land SEPP.

Newcastle Local Environmental Plan 2012

The NLEP aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the City of Newcastle LGA. The NLEP also aims to conserve and protect natural resources and foster economic, environmental and social well-being.

The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the NLEP and the matters raised in Council's submissions. (**Sections 5 and 6**). The Department concludes the development is consistent with the relevant provisions of the NLEP.

Consideration of the relevant clauses of the NLEP is provided in **Table 18**.

Table 18 | Consideration of the NLEP 2012

Clause	Control	Department's consideration	Complies
Clause 2.1 Zoning of land to which Plan applies	The proposed development is on land zoned B4 Mixed Use	Educational establishments, boarding houses and retail/commercial development is permitted within the zone. The proposal meets the objectives of the zone (Appendix D).	Yes
Clause 4.3 Height of buildings	A height of buildings development standard of 30 m applies to the site	The maximum height of building envelopes A1, C, D, E and F are below 30 m. The parapet levels of building envelopes A2 (+1.58 m) and B (+1.72 m) would be taller than the 30 m control.	No, refer to Section 6.2 and Appendix D
Clause 4.4	A site-wide FSR development	The proposed development proposed an FSR of 2.69:1. However, individual	No, refer to Section 6.4

Floor space ratio	standard of 2.7:1 applies to the site.	lots within the site would exceed the maximum FSR for the site.	and Appendix D
Clause 4.6 Exceptions to development standards	Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.	The Application has submitted variation requests relating to height of buildings (clause 4.3) and FSR (clause 4.4) under the provisions of clause 4.6. The Department has considered the variations at Section 6.2 and Appendix D .	Yes
Clause 5.6 Architectural roof features	Variations to maximum building height is permitted where roof features contribute to the building design and overall skyline	The Applicant states that this clause would allow lift overruns to exceed the maximum height of buildings development control. The Department concluded that lift overruns are not captured by this clause. The Department has recommended a ToA that defers the consideration of lift overruns to future DA stage (Section 6.2).	Yes
Clause 5.10 Heritage conservation	To conserve the environmental heritage of the City of Newcastle, the significance of heritage items and heritage conservation areas, including associated fabric, settings and views, archaeological sites, Aboriginal objects and Aboriginal places of heritage significance.	The Department has recommended amendments to building envelopes E and F to improve the development's relationship to the State listed Civic Railway Workshops. A Heritage Impact Statement was submitted with the application and recommends measures to manage and mitigate impacts on heritage and archaeological artefacts (Section 6.4).	Yes
Clause 6.1 Acid sulfate soils	The site is mapped as being located on Class 3 and 4 acid sulfate soils. Development should not disturb, expose or drain acid sulfate soils and cause environmental damage.	Future DA(s) will include an Environmental Management Plan, which will consider acid sulfate soils.	Yes
Clause 7.5 Design excellence	Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence	Subject to the Department's recommended FEARs, which further refine the building envelopes and Design Guidelines, and review by the DRP, future detailed development would be capable of achieving design excellence Section 6.1 .	Yes

Appendix D – Consideration of Clause 4.6 Variation Request

D1.1 Clause 4.6

Clause 4.6(2) of the NLEP permits the consent authority to consider a variation to a development standard imposed by an EPI. The aim of clause 4.6 is to provide an appropriate degree of flexibility in applying development standards to achieve better development outcomes. In consideration of the proposed variation, clause 4.6 requires the following:

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

The Applicant has prepared written requests in accordance with clause 4.6(3) (**Appendix B**) to vary two applicable development standards, including the NLEP:

- height of buildings development standard
- FSR development standard.

The development standards and the Applicant's proposed variations are summarised in **Section D1.2**.

Clause 4.6(4)(a) requires the consent authority to be satisfied that:

- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

The Department has considered the proposed exceptions to the development standard under clause 4.6 at **Section D1.2**, applying the tests arising from *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 (as summarised by *Gabriel Stefanidis v Randwick City Council* [2017] NSWLEC 1307) and *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118.

D1.2 Development standards and variations

Height of buildings

Clause 4.3(2) of the NLEP sets a maximum building height for the site of 30 m. Two of the building envelopes would exceed the maximum building height control as summarised at **Table 3**.

Floor space ratio

Clause 4.4 of the NLEP sets three different FSR controls for the site, which equate to a site-wide FSR of 2.7:1. The Concept Proposal is consistent with the site-wide FSR control. However, it would exceed one of the individual FSR controls for a lot within the site as summarised at **Table 3**.

D1.3 Exceptions to development standards

Table 19 | Department's consideration of Clause 4.6 requirements

1: Is the consent authority satisfied that the proposed development will be consistent with the objectives of the zone	
Height of buildings	The objectives of B4 Mixed Used zone are: To provide a mixture of compatible land uses.
FSR	- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. - To support nearby or adjacent commercial centres without adversely impacting on the viability of those centres. The Department is satisfied that the proposed development is consistent with the objectives of the B4 Mixed Use zone, as the: - proposal provides for a mixture of compatible uses including education (university), commercial and student accommodation - site has excellent access to existing public transport connections, including light rail, bus and ferry services. - provision of the UoN campus in this location would help revitalise this part of the Newcastle city centre. The inclusion of commercial uses at ground floor level will ensure that the campus presents active frontages and would also extend the existing Newcastle city centre commercial use to the west and deeper into the Honeysuckle Precinct.
2: Is the consent authority satisfied the proposed development will be consistent with the objectives of the standard	
Height of buildings	The objectives of the height of buildings clause in NLEP 2012 are: - to ensure the scale of development makes a positive contribution towards the desired built form, consistent with the established centres hierarchy - to allow reasonable daylight access to all developments and the public domain. The Department has recommended that the consideration of the location of lift overruns and the potential exceedance of the NLEP height of buildings control not be approved as part of this Concept Proposal (Section 6.2). The Department has recommended a FEAR requiring future DA(s) to demonstrate that rooftop plant and lift overruns are kept to a minimum and to include a clause 4.6 variation request in the instances where they may exceed the NLEP 30 m height of buildings development standard. The Department is satisfied that the other minor exceedance of the 30 m standard (including the parapets of buildings within building envelopes A2 and B) is consistent with the objectives of the height of buildings standard in NLEP 2012, as: - the strategic context nominates the site as within the Honeysuckle Precinct, which is a substantial growth precinct - the difference between the exceedance and a compliant building height would be imperceptible from the public domain. The proposed built form, density and scale are consistent with, and will make a positive contribution towards, the desired built form and housing outcomes in the Honeysuckle Precinct

	- the minor exceedance the height of buildings development standard by building envelopes A2 and B does not unduly interfere with neighbouring properties or public areas receiving satisfactory exposure to sunlight - the submitted shadow diagrams demonstrate that the building which exceed the height control do not have any adverse impacts on the public domain, or nearby residential or commercial properties.
FSR	The objectives of the FSR standard are: - to ensure that the size and scale of development is compatible with the desired future character of the locality, - to ensure that buildings are well articulated and respond to environmental and energy needs, - to ensure that development is compatible with the scale and character of contributory buildings in a conservation area or near a heritage item, - to ensure that development does not adversely impact on the amenity of adjoining and neighbouring land in terms of visual bulk, loss of privacy, overshadowing and views. The Department is satisfied that the proposed development is consistent with the objectives of the FSR standard, as: - the size and scale of the development responds to the character of the immediate surrounding area and includes appropriate buildings setbacks. The Department is satisfied the development is compatible with the desired character of the area - the development has been amended to include appropriate setbacks and improve its relationship with adjoining properties. Future DA(s) are required to demonstrate they have incorporated ESD principles - the proposed height and location of building envelopes, as amended by the Department (Section 6.2.4), sensitively and appropriately respond to the heritage significance of the Civic Railway Workshops and other heritage items and the conservation area - the development would not have an adverse impact on neighbouring amenity in terms of visual bulk, loss of privacy overshadowing and/or views, subject to amendments to building envelopes B, D and E as outlined in Section 6.2.6. - the proposed amendments to building envelopes B, D, E and F will have the effect of reducing the GFA and FSR in the southern part of the site, more in line with the development standard.

3: Has the consent authority considered a written request that demonstrates compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and they are satisfied that the matters required to be demonstrated have adequately been addressed

Height of buildings	The Applicant has demonstrated that compliance with the development standards are unreasonable or unnecessary in the circumstances of the case, having regard to the five tests outlined in <i>Wehbe v Pittwater Council</i> [2007] NSWLEC 827. It establishes proposed development achieves the objectives of the standard and accordingly justifies the variation to the height of buildings (building envelopes A2 and B) and FSR development controls, meeting the first test outlined in <i>Wehbe</i>. The Department supports the Applicant's conclusions that the proposed development achieves the objectives of the standards. Compliance with the development standard is:
FSR	

- unnecessary in this case as the objectives of the height of buildings and FSR standards are still achieved, subject to the amendment to building envelopes B, D, E and F
- unreasonable as no purpose is served by requiring strict compliance.

Having considered the Applicant's written request, the Department is satisfied that the Applicant has adequately addressed that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and the matters required to be demonstrated have adequately been addressed.

In supporting the Applicant's request, the Department considers that the development will deliver an overall better planning outcome for the site, for the following reasons:

- the proposal will make a positive contribution to the urban fabric of the Honeysuckle Precinct with a mixed use development that is consistent with the objectives of the zone
- the proposal provides for a university, student accommodation and retail use and in a location that is highly accessible by public transport and is well connected to existing pedestrian and cycling links
- the site is in proximity to the Newcastle CBD and will support the growth of this commercial centre.

4: Has the consent authority considered a written request that demonstrates there are sufficient environmental planning grounds to justify contravening the development standard and with the Court the matters required to be demonstrated have adequately been addressed

Height of buildings	The Department has considered the Applicant's written request which justifies contravention of the development standard and considers that there are sufficient environmental planning grounds to justify the variation:
FSR	• the development is consistent with the Objects of the EP&A Act • the proposal aligns with the aims of the ARH SEPP to facilitate the effective delivery of new affordable rental housing • subject to the Department's recommended amendments to buildings envelopes, the proposal has demonstrated future developments are capable of achieving a high standard of design and minimising impacts on adjoining properties, is consistent with the future vision for the area and would be sympathetic to the significance of heritage items and the conservation area, subject to amendments to building envelopes E and F • notwithstanding the non-compliance with the FSR control for individual sites, the proposal accommodates significant amounts of landscaping and outdoor open space • the proposal is of a similar height and scale to the existing buildings within the Honeysuckle Precinct • potential impacts on neighbouring residential amenity are minor and/or can be mitigated to an acceptable level by amending building envelopes B, D and E • the proposed amendments to building envelopes B, D, E and F will have the effect of reducing the GFA and FSR in the southern part of the site, more in line with the development standard.

Having considered the Applicant's written request, the Department is satisfied the Applicant has adequately addressed there are sufficient environmental planning grounds to justify the contravention of the development standards and the matters required to be demonstrated have adequately been addressed.

The Department therefore concludes that the Applicant's written request adequately addresses the matters required to be demonstrated under clause 4.6 of the NLEP and the proposed development will be in the public interest because it is consistent with the objectives of the NLEP Height of buildings and FSR development standards and the objectives for development within the zone.

Appendix E – Design Guidelines

The proposal includes Design Guidelines (titled *University of Newcastle Honeysuckle City Campus Development Volume 2 - Design Guidelines*, prepared by Cox Architecture and dated April 2020), which are intended to inform the design excellence process and the detailed design of the development. The Design Guidelines provide guidance on a range of matters including urban design, public domain and built form considerations.

The Department supports the creation of design guidelines for the development. However, the Department recommends a number of amendments to ensure the detailed design of the development achieves the urban design, public domain and open space objectives for the development and incorporates the various changes recommended throughout this report.

The Department's recommended amendments to the design guidelines are provided at **Table 20**. The Department also recommends the Design Guidelines (including imagery) be updated to take account of changes to GFA, building envelope heights and setbacks.

Table 20 | The Design Guidelines and Department's recommended amendments to the Design Guidelines

Design Guidelines

Department's Recommended Amendment

3. Site Wide Guidelines

3.3 Development Parcels

Floor space will be distributed across the precinct to ensure the best functional and urban design outcome.

The table below outlines the GFA for each lot proposed in Concept Plan:

Lot	GFA	Site	Stage	Use
Lot A1	4,000m ²	Site 1	1a	Academic
Lot A2	10,770m ²	Site 1		Academic
Lot B	11,480m ² 386 beds	Site 1	1b	Student Accommodation
Lot C	11,595m ²	Site 2		Academic
Lot D	8,522m ²	Site 2		Academic
Lot E	8,210m ²	Site 3		Academic
Lot F	11,035m ²	Site 3		Academic

Gross floor area (GFA) refers to the Council definition of floor space which counts all internal floor space above ground excluding voids and plant areas.

Scaling factors have been applied to the gross building envelope (GBA) to calculate GFA. This allows for loose fit envelopes and reflects the different floor type requirements:

Academic buildings - 85% GBA to GFA

Student Accommodation - 80% GBA to GFA

3.3 Development Parcels

Floor space will be distributed across the precinct **in accordance with the Concept Approval** to ensure the best functional and urban design outcome.

The table below outlines the **maximum** GFA for each lot proposed in Concept Plan:

Lot	GFA	Site	Stage	Use
Lot A1	4,000m ²	Site 1	1a	Academic + retail
Lot A2	10,770m ²	Site 1	2	Academic + retail
Lot B	11,480m ² 386 beds	Site 1	1b	Student Accommodation + retail
Lot C	11,595m ²	Site 2	3	Academic + retail
Lot D	8,525m ²	Site 2	4	Academic + retail
Lot E	8,210m ²	Site 3	4	Academic + retail
Lot F	11,035m ²	Site 3	4	Academic + retail

Gross floor area (GFA) refers to the Council definition of floor space which counts all internal floor space above ground excluding voids and plant areas.

Scaling factors have been applied to the gross building envelope (GBA) to calculate GFA. This allows for loose fit envelopes and reflects the different floor type requirements:

Academic buildings - 85% GBA to GFA

Student Accommodation - 80% GBA to GFA

3.4 Height

The revised LEP height controls apply over the precinct. The majority of the site has a 30m height limit. A small area adjacent to Civic Link at Civic Lane has a 24m height limit.

Key assumptions underpinning the height response are:

- A maximum height of 8 storeys for academic buildings (floor to floor height min. 3.65m)
- A maximum height of 9 storeys for accommodation (floor to floor height min. 3.1m)
- Floor to floor height at ground level should be greater than of the storeys above
- There may be minor intrusions of rooftop plant areas above the height limit

Building heights for the development may be flexible, however the following principles should be used to determine building heights:

- Buildings should be appropriately scaled and positioned to allow for good solar access to the Campus Heart and Turntable Plaza during winter as well as summer.
- Taller buildings should be located along Civic Lane, transitioning down in height at Civic Link
- Buildings along Honeysuckle Drive should take advantage of views to the north over the Hunter River
- Podiums are used throughout to create human scaled spaces.

3.4 Height

The revised LEP height controls apply over the precinct. The majority of the site has a 30m height limit. A small area adjacent to **Civic Link Museum Park** at Civic Lane has a 24m height limit.

Key assumptions underpinning the height response are:

- ~~A maximum height of 8 storeys for academic buildings~~ **Maximum building heights shall be in accordance with the Concept Approval**
- **Academic buildings should provide a floor to floor height min. 3.65m**
- **Student accommodation building should provide for floor to floor height min. 3.1m**
- ~~A maximum height of 9 storeys for accommodation (floor to floor height min. 3.1m)~~
- Floor to floor height at ground level should be greater than of the storeys above
- **Rooftop plant/enclosures shall integrate with the parent building, be unobtrusive and not have an overbearing visual impact on the building, neighbouring buildings or the streetscene and public domain**
- There may be minor intrusions of rooftop plant areas above ~~the height limit~~ **the maximum building envelope height, subject to approval**

~~Building heights for the development may be flexible, however the~~ **The** following principles should be used to determine building heights:

- Buildings should be appropriately scaled and positioned to allow for good solar access to the Campus Heart and Turntable Plaza during winter as well as summer.
- ~~Taller buildings should be located along Civic Lane, transitioning down in height at Civic Link~~ **Building heights should transition down to the Civic Railway Workshops, Museum Park and the former Civic Station.**
- **Building height/scale adjacent to Civic Lane should consider amenity impacts on adjoining residential properties, in accordance with the Concept Approval.**
- Buildings along Honeysuckle Drive should take advantage of views to the north over the Hunter River
- Podiums are used throughout to create human scaled spaces.

3.5 Setbacks

The Concept Plan proposes a variety of setbacks to create suitably scaled public domain for the pedestrian environment of a university campus within a CBD.

Proposed Setbacks

Frontage	Setback
Honeysuckle Drive	0m Setback above 2 storey podium and 6/7 storeys
Worth Place	0-3m
Wright Lane	3m Setback above 2 storey podium
Civic Lane	2m Setback above 2 storey podium
Settlement Lane	3m to enable underground services corridor within setback
Mid Block Pedestrian Links	Setback above 2 storey podium
Civic Link	3-15m landscape setback to transition to open space

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Settlement Lane	3m to enable underground services corridor within setback
Mid Block Pedestrian Links	Setback above 2 storey podium
Civic Link	3-15m landscape setback to transition to open space

The above setbacks apply, unless they have been amended by Modifications contained within the Concept Approval. The Concept Approval setbacks take precedence over the above setbacks.

3.6 Identity & Address

The design resolution of the buildings should respond to the importance of the Campus and where most students and visitors will access the site. Honeysuckle Drive on the northern edge of the site will be the formal address of the Campus.

Elements that will contribute to the identity and address of the Campus include:

- Formal address on Honeysuckle Drive
- Building form sculpted to create views into the Campus Heart from Worth Place and refurbished rail corridor
- Creation of active public spaces at ground level that engage with the city
- Opportunities to showcase UON's activity through building facades
- Feeling of porosity through the site, enabling new north-south and east-west pedestrian links
- Positioning of service access points along the secondary facades including Civic Lane and Settlement Lane. Service access should not be provided from Honeysuckle Drive and Worth Place, and any service access from Wright Lane limited.

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 - Building form sculpted to create views into the Campus Heart from Worth Place and refurbished rail corridor
 - Creation of active public spaces at ground level that engage with the city
 - Opportunities to showcase UON's activity through building facades
 - **Activation of ground floors**
 - Feeling of porosity through the site, enabling new north-south and east-west pedestrian links
 - Positioning of service access points along the secondary facades including Civic Lane and Settlement Lane. Service access should not be provided from Honeysuckle Drive and Worth Place, and any service access from Wright Lane limited.
- The exact location of servicing access points will be determined at future DA stage for each building.**

3.7 Site Infrastructure

The enabling works investigations indicate that adequate infrastructure to service the site appears to be available.

The Concept Plan has been designed to respond to some key infrastructure requirements including:

- Provision for two new chamber substations on the Campus. One will be developed in each stage and will replace the existing substation located on Civic Lane in the south-west corner of the site
- Allowance for overland flow along Wright Lane.
- Setback along Settlement Lane to allow for underground services infrastructure due to the existence of a subterranean car park under Settlement Lane.

The following flood planning levels guide the design of structures on the site (from ADW Johnson):

Area	Level
Minimum Property and On-ground Garaging	2.28m AHD
Minimum Habitable Floor Level	2.58m AHD
Minimum Upper Floor Level Stairway Exit	3.38m AHD
Basement Parking Entry/Exit Crest/ Flood Barrier	3.38m AHD

The Flood Information Certificate from Newcastle City Council for Lot1 DP1163346 (western part of Site 1), indicates a minimum floor level for occupiable rooms of 2.51m AHD

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The Concept Plan has been designed to respond to some key infrastructure requirements including:

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Basement Parking Entry/Exit Crest/ Flood Barrier	3.38m AHD

The Flood Information Certificate from Newcastle City Council for Lot1 DP1163346 (western part of Site 1), indicates a minimum floor level for occupiable rooms of 2.51m AHD.

Buildings shall be sensitively designed in response to flooding and ensure that mitigation measures:

- **do not result in inactive facades fronting the public domain**
- **do not result in extended sections of walls, ramps or barriers that unreasonably separate the ground floors of buildings from the public domain**
- **allow for a seamless connection between buildings and the public domain**
- **where located within the public domain, are integrated into the hard and soft landscaping of the precinct.**

4. Public Domain Strategies

Section C

Civic Link

Lot F addresses the planned Civic Link open space. The building height transitions down at Civic Link to respond to the low scale of surrounding buildings including the Newcastle Museum located within State heritage listed former railway workshops.

Through-Site Pedestrian Links

Civic-Link Museum Park

Lot F addresses the ~~planned Civic Link Museum Park~~ open space. **Lot F shall provide for an appropriate built form transition down to the Museum Park open space.** The building height transitions down at ~~Civic-Link Museum Park~~ to respond to the low scale of surrounding buildings including ~~the Newcastle Museum located within~~ State heritage listed former railway workshops.

Built form has been positioned to enable clear through-site links between Wright Lane and Civic Lane, with potential connections continuing through to Hunter Street. Links through to Hunter Street are not included within the scope of this project however the project enables links to be created by UON or by others in the future.

The through-site link between Lots E and F should have a minimum width of 10m.

Through-Site Pedestrian Links

Built form has been positioned to enable clear through-site links between Wright Lane and Civic Lane, with potential connections continuing through to Hunter Street. Links through to Hunter Street are not included within the scope of this project however the project enables links to be created by UON or by others in the future.

The through-site link between Lots E and F should have a minimum width of 10m.

The through-site links between Lots B and D, and D and E should have a minimum width of 15m

6. Built Form Elements

6.4 Building Signage

The adoption of signage controls is aimed at creating a cohesive, attractive and informative signage package that allows identification of buildings but does not impact the character and quality of the new campus:

- Building identification signage must relate only to UON.
- Building identification signage is to be a maximum size of 25m².
- Signage lighting is to be arranged and maintained so that the light source is not directly visible from a public right-of-way or adjacent property.
- As part of the detailed proposal submission, a plan is to be submitted for approval by UON showing the location of the proposed signage and detailing dimensions, proposed colour, material, copy, and method of illumination.
- Building Approval must be obtained prior to erecting, altering, displaying or relocating a temporary or permanent signage.
- Buildings must have street numbers prominently displayed on the main street elevation. Numbers must be 500 millimetres in height, non- illuminated and mounted 3 metres above the ground floor level.

The University has adopted a unified signage strategy across both the Callaghan and Ourimbah campuses. The strategy aims to present a cohesive and defined presence both on campus and in the local community as a university of distinction, with outstanding teaching and research and to be a responsive, dynamic and strong organisation.

All signage at Honeysuckle should be consistent with this strategy.

6.4 Building Signage

The adoption of signage controls is aimed at creating a cohesive, attractive and informative signage package that allows identification of buildings but does not impact the character and quality of the new campus:

- **Building signage shall be in accordance with the Concept Approval Signage Strategy**
- Building identification signage must relate only to UON.
- ~~Building identification signage is to be a maximum size of 25m².~~ **The appropriate size of building identification signage shall be determined following consideration of location, visual impact and integration with the parent building.**
- Signage lighting is to be arranged and maintained so that the light source is not directly visible from a public right-of-way or adjacent property.
- As part of the detailed proposal submission, ~~a plan is to be submitted for approval by UON showing~~ **shall show** the location of the proposed signage and detailing dimensions, proposed colour, material, copy, and method of illumination.
- Building Approval must be obtained prior to erecting, altering, displaying or relocating a temporary or permanent signage.
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The University has adopted a unified signage strategy across both the Callaghan and Ourimbah campuses. The strategy aims to present a cohesive and defined presence both on campus and in the local community as a university of distinction, with outstanding teaching and research and to be a responsive, dynamic and strong organisation.

All signage at Honeysuckle should be consistent with this strategy **and the Concept Approval Signage Strategy.**

6.5 Sustainability

The University of Newcastle is committed to incorporating sustainability into its actions and practices as part of its responsibility to the community and the environment, as well as promoting a healthy workplace and campus for staff and students. This means promoting connections to the global community and environment through knowledge gained from research, utilising creative approaches to learning and teaching and modelling sustainability in its campus operations.

New development within the Honeysuckle Campus precinct is required to:

- maintain, respect and restore biodiversity
- create quality, comfortable, healthy and safe environments
- ensure responsible resource use (especially non-renewable resources)
- explore energy collection, energy conservation and waste re-use
- consider adaptation, recycling, and deconstruction of buildings and materials
- minimise pollution and environmental impacts
- balance capital, efficiency and building lifecycle costs.
 - Buildings should achieve a minimum 5-star Green Star rating.
 - Buildings should achieve a minimum 5-star NABHERS rating.

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New development within the Honeysuckle Campus precinct is required to:

- **Be designed in accordance with Ecological Sustainable Development principles**
- maintain, respect and restore biodiversity
- create quality, comfortable, healthy and safe environments
- ensure responsible resource use (especially non-renewable resources)
- explore energy collection, energy conservation and waste re-use
- consider adaptation, recycling, and deconstruction of buildings and materials
- minimise pollution and environmental impacts
- balance capital, efficiency and building lifecycle costs.
- development on the site shall be capable of achieving the following targets:
 - Buildings should achieve a minimum 5-star **with an aspirational 6-star** Green Star rating **(excluding building envelope A1, which should achieve a minimum 5-star Green Star rating)**.
 - Buildings should achieve a minimum 5-star NABHERS rating.

7. Lot Guidelines

7.2 Lot A1

Site	1
GFA	4,000m ²
Indicative Max. Height	6 storeys + rooftop plant / lift motor rooms

Setbacks

Honeysuckle Drive	0m 3m above podium
Worth Place	0-3m
Wright Lane	3m 5m above podium

Guidelines

The primary address for Building A1 is on Worth Place. This prominent corner site will also be viewed along Worth Place from Hunter Street.

The ground level should have a more generous floor to floor height than storeys above.

Servicing of the building will be from Wright Lane, however should not compromise the amenity of this highly visible building frontage.

Building A1 should plan for a physical connection to Building A2 at ground and first floor.

The Flood Information Certificate for this site indicates that the minimum floor level for occupiable rooms on the site is 2.51m AHD. The lowest basement level is - 3.38m AHD.

7.2 Lot A2

Site	1
GFA	10,540m ²
Indicative Max. Height	8 storeys rooftop plant / lift motor rooms

Setbacks

Honeysuckle Drive	0m 3m above podium 6m above 7 storeys
Wright Lane	3m 5m above podium
Campus Heart	3m above podium

Guidelines

The primary address for Building A2 is on Honeysuckle Drive. Additional access points should be provided from the Campus Heart.

The ground level should have a more generous floor to floor height than the storeys above.

Servicing of the building will be through Building A1. Servicing may be provided from Wright Lane if pedestrian priority and amenity can be demonstrated.

Building A2 should have a 2 storey podium connection to Building A1 with the podium providing street wall definition to Honeysuckle Drive.

7.2 Lot A1

Site	1
GFA	4,000m ²
Indicative Max. Height	Up to 6 storeys + rooftop plant / lift motor rooms

Setbacks

Honeysuckle Drive	0m 3m above podium
Worth Place	0-3m
Wright Lane	3m 5m above podium

Guidelines

The primary address for Building A1 is on Worth Place. This prominent corner site will also be viewed along Worth Place from Hunter Street.

The ground level should have a more generous floor to floor height than storeys above.

Servicing of the building will be **subject to future assessment. Any servicing** from Wright Lane, however should not compromise the amenity of this highly visible building frontage.

Building A1 should plan for a physical connection to Building A2 at ground and first floor.

The Flood Information Certificate for this site indicates that the minimum floor level for occupiable rooms on the site is 2.51m AHD. The lowest basement level is - 3.38m AHD.

7.2 Lot A2

Site	1
GFA	10,540-10,770m²
Indicative Max. Height	Up to 8 storeys rooftop plant / lift motor rooms

Setbacks

Honeysuckle Drive	0m 3m above podium 6m above 7 storeys
Wright Lane	3m 5m above podium
Campus Heart	3m above podium

Guidelines

The primary address for Building A2 is on Honeysuckle Drive. Additional access points should be provided from the Campus Heart.

The ground level should have a more generous floor to floor height than the storeys above.

Servicing of the building will be **through Building A1, subject to future assessment. Servicing should be provided for on-site, in appropriate location(s), well designed and not have an adverse impact on residential amenity.** Servicing may be provided from Wright Lane if pedestrian priority and amenity can be demonstrated.

Building A2 should have a 2 storey podium connection to Building A1 with the podium providing street wall definition to Honeysuckle Drive.

In the event that the Stage 1B building results in the removal of the bicycle / waste storage of Stage 1A, the Stage 1A bicycle / waste storage shall be incorporated into the Stage 1B development.

7.3 Lot B

Site	2
GFA	11,480m ²
Indicative Max. Height	9 storeys + rooftop plant / lift motor rooms

Setbacks

Worth Place	3m
Wright Lane	3m 5m above podium
Civic Lane	2m 5m above podium

Guidelines

The primary address is on Worth Place with additional frontage to Wright Lane. This is a prominent site with a high level of visibility from Hunter Street along Worth Place, as well as from Honeysuckle Drive.

Servicing of the building will be from Civic Lane

Adequate setbacks should be provided around the heritage turntable. While indicative setbacks have been shown, these should be agreed with the heritage architect for the project.

The building on Lot B may be expanded towards the east, however pedestrian permeability should be retained between Lots B and D with a minimum building separation of 15m.

7.3 Lot B

Site	2
GFA	11,480m ²
Indicative Max. Height	Up to 9 storeys + rooftop plant / lift motor rooms

Setbacks

Worth Place	3m
Wright Lane	3m 5m above podium
Civic Lane	2m 5m above podium

Guidelines

The primary address is on Worth Place with additional frontage to Wright Lane. This is a prominent site with a high level of visibility from Hunter Street along Worth Place, as well as from Honeysuckle Drive.

Servicing of the building will be ~~from Civic Lane~~ **subject to future assessment. Servicing should be provided for on-site, in appropriate location(s), well designed and not have an adverse impact on residential amenity.**

Adequate setbacks should be provided around the heritage turntable. While indicative setbacks have been shown, these should be agreed with the heritage architect for the project.

~~The building on Lot B may be expanded towards the east, however~~ pedestrian permeability should be retained between Lots B and D with a minimum building separation of 15m.

The eastern setback of Lot B (above podium level) shall be revised in accordance with the requirements of the Concept Approval.

Buildings shall maximise solar access to the north facing windows and balconies of residential properties at 502, 510 and 522-526 Hunter Street, including achieving a reasonable level of direct sunlight to the top floors of 502 and 510 Hunter Street and 2 hours of direct sunlight to 70% of north facing units within 522-526 Hunter Street.

Buildings shall address opportunities for view sharing with the adjoining residential properties at 502, 510 and 522-526 Hunter Street.

7.4 Lot C

Site	1
GFA	11,595m ²
Indicative Max. Height	7 storeys + rooftop plant / lift motor rooms

Setbacks

Honeysuckle Drive	0m 3m above podium Minimum 6m setback above 6 storeys
Wright Lane	3m 5m above podium
Settlement Lane	3m

Guidelines

The primary address is on Honeysuckle Drive with additional frontage to the Campus Heart. This site has a high level of visibility from Honeysuckle Drive.

Servicing of the building will be from Settlement Lane.

A setback must be provided to Settlement Lane to enable new underground services due to the subterranean carpark under Settlement Lane.

The building on Lot C should not overshadow the Campus Heart.

Lot C may have elevated pedestrian links to Lot D across Wright Lane if required and permitted.

7.4 Lot C

Site	1
GFA	11,595m ²
Indicative Max. Height	Up to 7 storeys+ rooftop plant / lift motor rooms

Setbacks

Honeysuckle Drive	0m 3m above podium Minimum 6m setback above 6 storeys
Wright Lane	3m 5m above podium
Settlement Lane	3m

Guidelines

The primary address is on Honeysuckle Drive with additional frontage to the Campus Heart. This site has a high level of visibility from Honeysuckle Drive.

Servicing of the building will be from Settlement Lane.

A setback must be provided to Settlement Lane to enable new underground services due to the subterranean carpark under Settlement Lane.

The building on Lot C should **not overshadow optimise solar access to** the Campus Heart.

~~Lot C may have elevated pedestrian links to Lot D across Wright Lane if required and permitted.~~

7.5 Lot D

Site	2
GFA	8,525m ²
Indicative Max. Height	7 storeys + rooftop plant / lift motor rooms

Setbacks

Wright Lane	3m 5m above podium
Civic Lane	2m 5m above podium
Pedestrian Links	3m above podium

Guidelines

The primary address is on Wright Lane.

Servicing of the building will be from Civic Lane.

A through-site visual and pedestrian connection should be maintained to the east of the building from Civic Lane along Settlement Lane to the waterfront.

7.5 Lot D

Site	2
GFA	8,525m ²
Indicative Max. Height	Up to 7 storeys+ rooftop plant / lift motor rooms

Setbacks

Wright Lane	3m 5m above podium
Civic Lane	2m 5m above podium
Pedestrian Links	3m above podium

Guidelines

The primary address is on Wright Lane.

Servicing of the building will be **from Civic Lane / subject to future assessment. Servicing should be provided for on-site, in appropriate location(s), well designed and not have an adverse impact on residential amenity.**

A through-site visual and pedestrian connection should be maintained to the east of the building from Civic Lane along Settlement Lane to the waterfront.

Pedestrian permeability should be retained between Lots B and D, and D and E, with minimum building separation of 15m.

The western setbacks (above podium level) of Lot D shall be revised in accordance with the requirements of the Concept Approval

Buildings shall maximise solar access to the north facing windows and balconies of residential properties at 502, 510 and 522-526 Hunter Street, including achieving a reasonable level of direct sunlight to the top floors of 502 and 510 Hunter Street and 2 hours of direct sunlight to 70% of north facing units within 522-526 Hunter Street.

Buildings shall address opportunities for view sharing with the adjoining residential properties at 502, 510 and 522-526 Hunter Street.

7.6 Lot E

Site	3
GFA	8,210m ²
Indicative Max. Height	7 storeys + rooftop plant / lift motor rooms

Setbacks

Wright Lane	3m 5m above podium
Civic Lane	2m 5m above podium
Pedestrian Link	3m above podium

Guidelines

The primary address is on Wright Lane.

Servicing of the building will be from Civic Lane.

The building should enable a future pedestrian link through 468 Hunter Street and between Civic Lane and Wright Lane.

A through-site visual and pedestrian connection should also be maintained to the west of the building from Civic Lane along Settlement Lane to the waterfront.

7.6 Lot E

Site	3
GFA	8,210m ²
Indicative Max. Height	<u>Up to 7 storeys+ rooftop plant / lift motor rooms</u>

Setbacks

Wright Lane	3m 5m above podium
Civic Lane	2m 5m above podium
Pedestrian Link	3m above podium

Guidelines

The primary address is on Wright Lane.

Servicing of the building will be ~~from Civic Lane~~ / subject to future assessment. Servicing should be provided for on-site, in appropriate location(s), well designed and not have an adverse impact on residential amenity.

The building should enable a future pedestrian link through 468 Hunter Street and between Civic Lane and Wright Lane.

A through-site visual and pedestrian connection should also be maintained to the west of the building from Civic Lane along Settlement Lane to the waterfront.

Pedestrian permeability should be retained between:

- Lots D and E, with minimum building separation of 15m
- Lots E and F with minimum building separation of 10m

The building on Lot E shall provide for an appropriate built form relationship to the adjacent heritage items in accordance with the requirements of the Concept Approval.

Buildings shall maximise solar access to the north facing windows and balconies of the residential property at 474 Hunter Street, including achieving a reasonable level of direct sunlight to the top floor of 474 Hunter Street.

Buildings shall address opportunities for view sharing with the adjoining residential property at 474 Hunter Street.

7.7 Lot F

Site	3
GFA	11,035m ²
Indicative Max. Height	5-7 storeys + rooftop plant / lift motor rooms

Setbacks

Wright Lane	3m 5m above podium
Civic Lane	2m 5m above podium
Pedestrian Link	3m above podium

Guidelines

The primary address is on Wright Lane.

Servicing of the building will be from Civic Lane.

The building should enable a future pedestrian link through 468 Hunter Street and between Civic Lane and Wright Lane.

The building's height should be lower than Building E to transition down in scale towards Civic Link. The building should be set back to Civic Link to enable ground level outdoor activation and include a landscaped setback.

7.7 Lot F

Site	3
GFA	11,035m ²
Indicative Max. Height	5-7 Up to 7 storeys + rooftop plant / lift motor rooms

Setbacks

Wright Lane	3m 5m above podium
Civic Lane	2m 5m above podium
Pedestrian Link	3m above podium

Guidelines

The primary address is on Wright Lane.

Servicing of the building will be ~~from Civic Lane /~~ **subject to future assessment. Servicing should be provided for on-site, in appropriate location(s), well designed and not have an adverse impact on residential amenity.**

The building should enable a future pedestrian link through 468 Hunter Street and between Civic Lane and Wright Lane.

The building's height should be lower than Building E to transition down in scale towards ~~Civic Link~~ **Museum Park**. The building should be set back to **Civic Link Museum Park** to enable ground level outdoor activation and include a landscaped setback.

The building on Lot F shall provide for an appropriate built form relationship to the adjacent heritage items, maintain appropriate views and provide an appropriate relationship with Museum Park in accordance with the requirements of the Concept Approval.

Pedestrian permeability should be retained between Lot E and F with minimum building separation of 10m

Appendix F – Consideration of Issues Raised in Submissions

The Department's reasons for the determination (decision) and consideration of how community views were considered during the assessment of the case is provided at **Table 21**.

Table 21 | Department's reasons for determination and consideration of community views

Issue	Consideration
Mode share assumptions are unrealistic	<i>Assessment</i> - There is a strong strategic basis to support a mode shift away from private car use. The site is located within the Newcastle CBD, close to existing public transport services and 66% of future students and staff are predicted to live within convenient walking or public transport trip of the campus. - It is appropriate to encourage mode share targets that deliver the best sustainable transport outcomes for the development. However, it is acknowledged the proposed targets are ambitious. - To the mode share targets are achieved over time and manage and mitigate the potential interim parking demand, the proposal is required to retain the existing 172 space car parking during the initial stages of development. In the event the mode share targets are not achieved by the final stage of the development, future DA(s) should be amended to include car parking. <i>Recommended Conditions</i> - To ensure there is no adverse impact during the transition phase to reduced car dependency the existing surface car parking spaces shall be retained for the initial stages of the development - Ongoing monitoring of travel behaviour and mode share be carried out on a stage by stage basis and if it is found that the mode share targets will not be met by the final stages of the development car parking will be required to be provided on-site.
Insufficient car parking and inappropriate servicing on Civic Lane	<i>Assessment</i> - Subject to the attainment of the mode share shift (above), the provision of 12 on-site car parking spaces is acceptable. - The Department considers that the provision of car parking spaces in accordance with the NDCP (1,094 spaces) would undermine the proposed mode share shift towards reducing car dependency. - Servicing of the site would be subject to detailed consideration as part of the assessment of future DA(s) - If it is found at the detailed design stage that Civic Lane is not appropriate for servicing, amendments could be made to the proposal to address such concerns. <i>Recommended Conditions</i> - Future DA(s) are required to include a Traffic Impact Assessment, which would consider traffic and car parking, and the design, location, access and impact of servicing along Civic Lane.
Inappropriate building envelope height	<i>Assessment</i> - Proposed building envelope heights are consistent with the Newcastle Local Environmental Plan 2012 (NLEP), with the exception of building envelopes A2 and B. The exceedance of the NLEP 30m height control for the parapets of building envelopes A2 and B is minor in nature, would not have an adverse visual or amenity impact and is therefore acceptable. - The rooftop enclosure components of the building envelopes are considered to be excessive in height and scale and not approved as part of this application. If proposed as part of future developments, the visual impact of rooftop enclosures would be assessed as part of future DA(s). <i>Recommended Condition</i> - Where rooftop enclosures are proposed, future DA(s) should consider the height, design and visual impact of those enclosures.

Overshadowing, view loss and privacy impacts	<i>Assessment</i> • The proposal would result in overshadowing and view loss impacts to residential properties within 474, 502, 510 and 522-526 Hunter Street. • The Department has recommended amendments to building envelopes B, D and E to ensure that the affected properties maintain access to an acceptable amount of direct sunlight. • The Department's amendments would reduce the private view loss impacts to the residential properties on Hunter Street resulting from the proposed building envelopes. • The location and treatment of windows within buildings adjacent to Civic Lane and the Hunter Street residential properties would be considered as part of the assessment of future DA(s) and any impacts on privacy can be resolved at that stage. <i>Recommended Condition</i> • Amendments to building envelopes B, D and E to ensure that they do not result in adverse overshadowing impacts. • Future applications must address amenity impacts including visual privacy and view loss.
Inadequate landscaping	<i>Assessment</i> • The Applicant provided a public domain strategy, which establishes a concept landscaping strategy for the site. • The detailed landscape design for the site would be considered as part of future DA(s). <i>Recommended Condition</i> Future DA(s) are required to include landscaping report and plans.
Prejudicial impact on future redevelopment of properties fronting Hunter Street	<i>Assessment</i> • the future redevelopment of properties adjoining the site fronting Hunter Street are unlikely to be for residential purposes. In this context the proposal would not have an adverse impact on their future redevelopment potential. <i>Comments</i> • No conditions required.
The Honeysuckle Drive setback should be increased to 3m	<i>Assessment</i> • The Applicant amended building envelopes A1, A2 and C to include a 3m setback to upper levels (above podium level) fronting Honeysuckle Drive. The proposed amendment results in an appropriate scale of built form along Honeysuckle Drive and is acceptable. <i>Comments</i> • No conditions required.

Appendix G – Recommended Conditions of Consent

See the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/10406>