



University of Newcastle Stage 1A

State Significant Development Assessment
SSD 9510

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Glossary

Abbreviation	Definition
ACHAR	Aboriginal Cultural Heritage Assessment
Applicant	University of Newcastle
BDAR	biodiversity development assessment report
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 Approval	State significant development concept proposal application (SSD 9262), approved 21 May 2020
Consent	Development Consent
Council	Newcastle City Council
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
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
FEAR	Future Environmental Assessment Requirement of the Concept Approval
FSR	Floor space ratio
GANSW	The Government Architect NSW
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

LEP	Local Environmental Plan
LGA	Local government area
Minister	Minister for Planning and Public Spaces
NDCP	Newcastle Development Control Plan 2012
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
Proposal	State significant development application for Stage 1A of the staged expansion of the University of Newcastle Honeysuckle City Campus, 16 Honeysuckle Drive, Newcastle (SSD 9262)
PWES	Pedestrian Wind Environment Statement
RAP	Remedial action plan
RFIR	Response to Further 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
SSD	State Significant Development
TfNSW	Transport for NSW
UoN	University of Newcastle

Executive Summary

Introduction

This report provides an assessment of a State significant development (SSD) application submitted by the University of Newcastle (the Applicant) for the first stage of the University of Newcastle (UoN) Honeysuckle City Campus at 16 Honeysuckle Drive, Newcastle (SSD 9510) (the Proposal).

The application seeks approval for the construction of a four-storey building for tertiary education (university) and ancillary uses.

The site is located within the City of Newcastle (Council) local government area (LGA). The Capital Investment Value (CIV) of the development is \$23,250,000 and is predicted to generate up to 170 jobs during construction and operation.

Engagement

The Department of Planning, Industry and Environment (the Department) publicly exhibited the Environmental Impact Statement (EIS) between 15 August 2019 and 11 November 2019 (28 days). The Department received 15 submissions, comprising 10 from Government agencies, one from Council and four public submissions.

Of the four public submissions, one raised objection, one provided comment and two supported the proposal. The key concerns raised in public submissions relate to car parking, amenity impacts, noise and loss of property value.

Council does not object to the proposal, however, it raised concerns relating to development contributions, servicing, operational waste collection and flood management.

In response to the issues raised, the Applicant submitted a response to submissions (RtS) report and made amendments to the building form and design and public domain and landscaping.

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 context for the site as it would establish the first stage of the UoN city campus expansion providing for tertiary education facilities conveniently located to Newcastle CBD, other educational establishments, public transport, shops and services
- the design of the proposal has been refined and improved in response to feedback received from the State Design Review Panel (SDRP) and the Department is satisfied the proposal exhibits design excellence
- the proposal is consistent with the Concept Approval and subject to amendments would be consistent with the Concept Approval Design Guidelines

- the public domain and landscaping strategy for the site is acceptable and would exhibit design excellence, in particular:
 - it provides for a high standard of public domain and landscape design and includes appropriate landscaping treatments
 - it adequately activates the northern and southern squares and establishes an acceptable interface with the southern public domain
 - building entrances are of an acceptable design and the public domain is accessible
- while the proposal does not include car parking, the site has excellent access to public transport (light rail and bus services), provides for on-street servicing and would not have adverse traffic impacts
- the development would not impact on neighbouring amenity in terms of overshadowing, overlooking, lighting or view loss impacts
- the development has been designed in accordance with ESD principles and would achieve a minimum 5 Star Green Star sustainability rating.

Conclusion

Following its detailed assessment, the Department concludes the proposal is consistent with the State's strategic planning objectives and, subject to amendments, would not have adverse built form, heritage or amenity impacts or result in any significant traffic impacts. The proposal would also generate an estimated 170 jobs during the construction and operation phases of the development.

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.

The Department concludes the proposal would result in benefits to the local community and the Newcastle region and is therefore in the public interest.

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1 Introduction

1.1 Introduction

This report provides an assessment of a State significant development (SSD) application for the first building (Stage 1A) within the staged expansion of the University of Newcastle Honeysuckle City Campus at 16 Honeysuckle Drive, Newcastle (SSD 9510) (the Proposal).

The application has been lodged by the University of Newcastle (UoN) (Applicant) and seeks approval for the construction and fitout of a four storey building for tertiary education (university) use.

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).

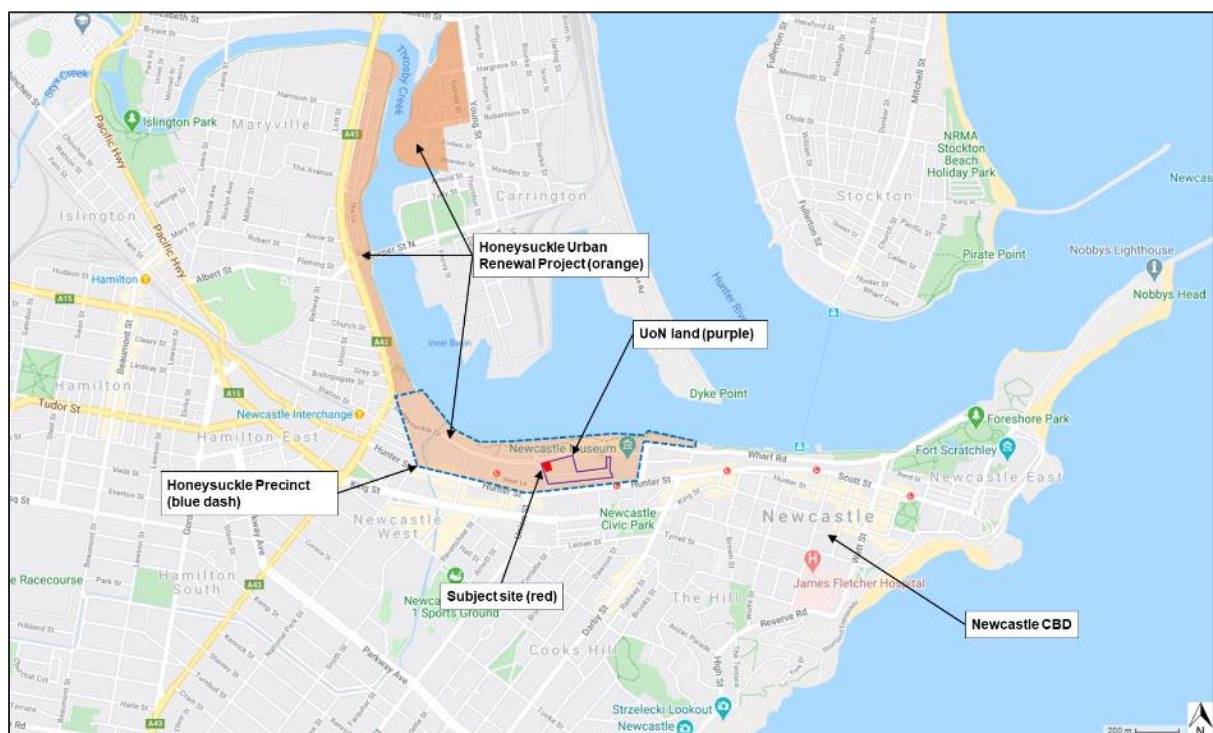


Figure 1 | Location of the HURP, Honeysuckle Precinct, the UoN Concept Approval and the site (Source: Nearmap)

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.

The site is located within a larger parcel of UoN land, which the university intends to develop for its Honeysuckle City Campus (Figure 4).

1.3 The site

The subject site is located at the eastern end of the Honeysuckle Precinct. It is irregular in shape, covers an area of approximately 1,899 square metres (m²) and is bounded by Honeysuckle Drive to the north, Worth Place to the west and land owned by UoN to the east and south comprising vacant lots, surface car parking (172 spaces) and Wright Lane (**Figure 2**).



Figure 2 | Aerial view of the site (red), land owned by UoN (blue) and the surrounding context (Source: Nearmap)

The site was previously used for the temporary storage of construction materials and is now vacant and surrounded by hoardings. The site does not contain any trees or street-trees or contain any State or local heritage items.

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.

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. Immediately opposite the site are two, seven storey mixed-use residential buildings to the north and a nine storey mixed-use residential building is located to the west.

The site is not adjacent or nearby any heritage items of State and local heritage significance.

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

- the Honeysuckle light rail stop approximately 200 m to the west of the site and the Civic light rail stop approximately 300 m east 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 1.1 km 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.

1.5 Relevant planning history

1.5.1 Concept Approval

On 21 May 2020, the Executive Director, Regions, Industry and Key Sites (as delegate of the Minister), approved an SSD concept proposal (SSD 6292) for the redevelopment of the UoN Honeysuckle site (the Concept Approval) for (**Figure 4**):

- seven building envelopes with maximum building heights up to nine storeys
- maximum gross floor area (GFA) of 65,615 m² comprised of education, student accommodation and retail floorspace
- design guidelines and design excellence strategy to guide future development.

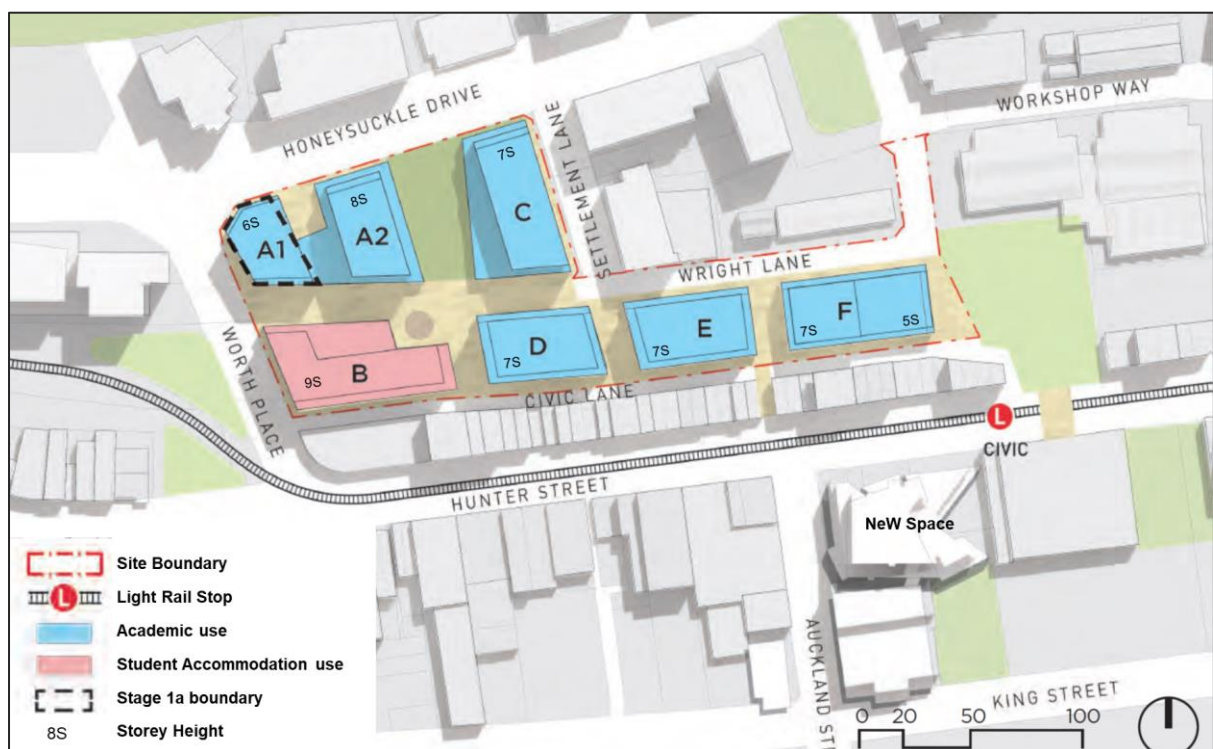


Figure 3 | Concept Approval building envelope location and layout, Stage 1 outlined in black dash line (Source: Applicant's EIS)

1.5.2 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 4**).



Figure 4 | Perspective view of the refurbished University House and NeW Space buildings (Source: SSD 6457)

1.5.3 Previous Approvals

On 1 July 2019, Council approved a development applications (DA) (ref: DA2018/00933) which relates to the application site and approved:

- site preparation works including excavation and fill
- services and drainage works
- land contamination remediation works.

On 18 January 2019, Subsidence Advisory NSW issued a Notice of Decision relating to the whole Concept Approval site, including;

- remediation of underlying mine workings, previously drilled boreholes,
- establishment of survey marks
- works as executed certification.

2 Project

The proposal seeks approval for the construction and fit-out of a four-storey building for tertiary education (university) use. The key components and features of the proposal (as amended) are summarised at **Table 1**. A link to the application is provided at **Appendix A**.

Table 1 | Main components of the proposal

Component	Description
Built form	<ul style="list-style-type: none">• Construction of:<ul style="list-style-type: none">○ a four-storey building and roof top plant enclosures○ a temporary single storey building containing a machine-room, bicycle parking and waste storage area
Fit-out	Internal fit-out works including: <ul style="list-style-type: none">• workspaces and smaller studios• staff rooms and student common rooms• specialised suites and offices.
GFA and use	A total GFA of 2,740 m ² for tertiary education (university) use
Floor space ratio (FSR)	FSR of 1.3:1
Parking	<ul style="list-style-type: none">• 52 bicycle parking spaces and end of trip facilities, including three showers and lockers.• On-street loading/unloading zone on Honeysuckle Drive• No on-site car parking.
Landscaping	<ul style="list-style-type: none">• Landscaping and public domain works including paving, seating and shrub and tree planting.
Events	<ul style="list-style-type: none">• Use of the ground floor and surrounding public domain for occasional events.
Signage	<ul style="list-style-type: none">• Two back-lit building identification signs
Utilities	<ul style="list-style-type: none">• Installation and augmentation of services (as necessary)
Jobs	170 jobs during the construction and operational phases of the development
Capital investment value (CIV)	\$23,350,000

The proposal is shown at **Figure 5** to **Figure 7**.



Figure 5 | Proposed ground floor building and landscaping layout (Source: Applicant's RtS)



Figure 6 | Perspective looking north-east from Wright Lane (Source: Applicant's RtS)



Figure 7 | Elevated perspective looking south-west from Honeysuckle Drive (Source: Applicant's RtS)

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.

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 outcomes and strategies of the GNMP as:

- the proposal transforms the site by establishing the first stage of the UoN city campus expansion providing for an educational, mixed use and open space precinct near to the waterfront
- the proposal would create unique and contemporary public spaces
- the site is in close proximity to the Honeysuckle light rail stop, does not include on-site car parking and forms part of the broader UoN travel mode-share ambition to reduce car dependency by encouraging walking, cycling and 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 as it:

- is predicted to provide for 170 construction and operational jobs
- has minimised overshadowing on streetscapes and open space
- is the first development in the UoN city campus expansion
- increases the number of students studying and living in Newcastle and adds vitality to the Honeysuckle Precinct and economic development within Newcastle.
- has excellent access to existing public transport, does not include on-site car parking and will encourage public and active transport modes of travel.

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 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 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.

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.

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 (\$23,350,000) 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, 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).

An educational establishment is permissible with consent within the B4 Mixed Use zone under the NLEP and clause 43(b) and 45(7) of the State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017 (Education SEPP).

The proposal has been considered against the requirements of the Concept Approval including the building envelope, height and GFA controls. The Department has considered the consistency of the proposal with the Concept Approval in detail at **Section 6.1** and **Appendix D**.

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 the development standards at **Table 2**.

Table 2 | NLEP clause 4.3 height of building development standard and proposed building heights

NLEP Development Standard	Control	Proposal	Complies
Height of buildings	30m (above ground level)	Approximately 26.5 m (above ground level)	Yes
FSR	2.5:1	1.3:1	Yes

4.3 Planning Secretary's Environmental Assessment Requirements

On 27 August 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 10 January 2019, 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 14 January 2019 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).

The Department has undertaken a detailed assessment of these EPIs in **Appendix C** and is satisfied the application appropriately addresses the mandatory matters for consideration.

5 Engagement

5.1 Department's engagement

On 1 August 2019, the Applicant lodged the SSD application for the redevelopment of the site. The application has been revised two times, by the:

- Response to Submissions and attachments (RtS), dated 19 July 2019
- Response to Further Information Request (RFIR), dated 11 May 2020

The Department publicly exhibited the EIS and notified the Applicant's RtS. A summary of the exhibition and notification is provided at **Table 3**.

Table 3 | Summary of public exhibition and notification of the application

Stage	Exhibition / Notification Period	Public notice date (newspaper publication)	Consultation method	Submissions
EIS	15 Aug 2019 until 11 Nov 2019 (28 days)	14 Aug 2018 Newcastle Star	Displayed: <ul style="list-style-type: none"> • Department's website • Council's office • NSW Service Centre Notified: <ul style="list-style-type: none"> • Adjoining landholders • Council • Government agencies 	15 submissions comprising: <ul style="list-style-type: none"> • 10 Government agencies • Council • 4 public
RtS	13 Mar 2020 until 27 Mar 2020 (14 days)	No publication	Displayed: <ul style="list-style-type: none"> • Department's website • NSW Service Centre Notified: <ul style="list-style-type: none"> • Council • Government agencies 	Two submissions comprising: <ul style="list-style-type: none"> • one Government agency • Council
RFIR	11 May 2020	No publication	Displayed: <ul style="list-style-type: none"> • 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 F**.

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

5.2 Summary of Submissions

A total of 17 submissions were received in response to the exhibition of the EIS, and notification of the RtS, comprising 11 from government agencies, two from Council and four 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 4**.

Table 4 | Government agency submissions to the EIS and RtS of the proposal

Transport for NSW (TfNSW)	
EIS	<p>TfNSW does not object to proposal and provided the following comments:</p> <ul style="list-style-type: none"> • details of bicycle parking and end of trip facilities are required • pedestrian and cycle infrastructure/facilities should be designed in accordance with AS1428 (Design for access and mobility), Austroads publications and Roads & Maritime Services guidelines • a Construction Traffic and Pedestrian Management Plan (CTPMP) is required to address construction stage impacts on the surrounding road network are mitigated.
RtS	<p>TfNSW recommended conditions relating to the provision of bicycle parking and end of trip facilities and a CTPMP.</p> <p>TfNSW confirmed the proposal would not have a significant impact on the classified (State) road network.</p>
Heritage Division of the Department of Premier and Cabinet (Heritage NSW)	
EIS	<p>Heritage NSW does not object to the proposal and confirmed the proposal is unlikely to have any impact on heritage items. Heritage NSW recommended the applicant prepare and implement an archaeological unexpected finds policy during construction works.</p>
Biodiversity and Conservation Division of the Department of Premier and Cabinet (BDC)	
EIS	<p>BDC does not object to proposal and confirmed it has no comments in relation to flooding, flooding risk or Aboriginal cultural heritage. BDC confirmed a BDAR waiver was issued for this project on 14 January 2019.</p>
Water and Natural Resources Access Regulator of the Department of Planning, Industry and Environment (NRAR)	
EIS	<p>NRAR does not object to proposal and recommended if any dewatering is required during construction, a site dewatering management plan should be produced in consultation with NRAR.</p>
Environmental Protection Authority (EPA)	
EIS	<p>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.</p>
Ausgrid	
EIS	<p>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 consider the impact of development on Ausgrid's assets.</p>
Hunter Water	
EIS	<p>Hunter Water does not object to the proposal and confirmed there is currently sufficient capacity available in the water and sewer infrastructure to serve the proposed development</p>
Port Authority NSW (Ports NSW)	
EIS	<p>Ports NSW confirmed it has no comments on the proposal.</p>

EIS	DPI confirmed it has no comments on the proposal.
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5.4 Key issues – Council and community

5.4.1 Council key issues

Council's submissions to the EIS and RtS as are summarised in **Table 5**

Table 5 | Council's submissions to the EIS, RtS and RFR of the proposal

Council	
EIS	<p>Council does not object to the proposal and provided the following comments:</p> <p><u>Planning and amenity</u></p> <ul style="list-style-type: none"> the proposal should be consistent with the Concept Approval contributions should be paid in accordance with the Newcastle Local Infrastructure Contributions Plan 2019 the proposal should consider the Newcastle After Dark 2018-22 (night-time economy) further detail is required of the design / operation of the light projections onto facades and impact on neighbouring residential amenity <p><u>Traffic and parking</u></p> <ul style="list-style-type: none"> the Newcastle Development Control Plan (2012) car parking rates should be considered the existing surface car parking spaces should be made available to students, staff and other users temporary on-street servicing may be acceptable until a final on-site servicing is provided in accordance with the Concept Approval separate approval from the Newcastle City Traffic Committee (NCTC) for any proposed parking changes along Honeysuckle Drive associated with construction heavy construction vehicles should avoid Settlement Way and Wright Lane as these roads have weight limitations detailed design and operational requirements should apply to Wright Lane and Settlement Way 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 footpath and streetscape upgrades, pedestrian management, street lighting, civil works and street trees require approval under Section 138 of the <i>Roads Act 1993</i>. <p><u>Environmental</u></p> <ul style="list-style-type: none"> flooding and stormwater runoff between Worth Place and Settlement Way should be designed as part of the current application existing drainage infrastructure should be shown on the stormwater plans easements should be established over existing drainage in favour of Council remediation of contamination land has been addressed under separate development consent granted by Council for site preparation works. These works should be completed prior to commencement of the development update the Construction Management Plan to include acoustic report findings

Council	
	<ul style="list-style-type: none"> the Servicing and Waste Report should be reviewed in accordance with Council's requirements pre and post construction dilapidation reports are required.
RtS	<p>Council considered the RtS and confirmed it has adequately addressed many of Council's comments provided in response to the EIS.</p> <p>Council provided the following updated comments on the proposal:</p> <ul style="list-style-type: none"> contributions should be paid in accordance with the Newcastle Local Infrastructure Contributions Plan 2019 an application should be made to the NCTC for on-street loading the development should demonstrate how Crime Prevention Through Environmental Design (CPTED) principles have been incorporated into the development a statement of intent from a commercial waste collection provider is required a flood refuge and flood management plan are required the site plan should be updated to include subdivisional boundaries. <p>Council provided recommended conditions of consent.</p>

5.4.2 Community issues

A total of four public submissions were received in response to the public exhibition of the EIS. Submissions comprised one objection, one comment and two in support. The key concerns raised in submissions are summarised below:

- inadequate car parking
- overshadowing, overlooking and view loss to apartments within 522-526 Hunter Street
- noise and anti-social behaviour
- loss of property values.

The submissions also raised a number of matters outside the scope of the application, including:

- Civic Lane and the pedestrian link at 468 Hunter Street should be designed to accommodate cyclists
- Auckland / Hunter Street intersection should be converted to a scramble crossing
- the former railway corridor should be a green space.

The submissions in support of the proposal stated the proposal would contribute to the revitalisation and economy of Newcastle CBD, is of a good design and is sustainable.

5.4.3 Government Architect NSW

On 12 September 2018, 28 November 2018 and 3 May 2019 prior to the submission of the application, the Applicant presented the proposal to the Government Architect NSW (GANSW) State Design Review Panel (SDRP). The SDRP's 3 May 2019 response included the following comments on the pre-submission proposal:

- the proposal is not consistent with the design excellence competition scheme, does not exhibit design excellence in its current form and should be deferred until the approval of the Concept Approval
- further justification is required for the lighting / protections on the façade
- the simple glass cubic built form departs from the character of the area and history of the site

- the façade design needs further resolution in terms of the design, visibility of the university activities
- internal spaces should be better resolved to relate to entrances and adjoining outside spaces.
- a landscaping strategy is required, which has been developed with a landscape architect
- public domain and landscaping improvements are required including consideration of accessibility and coherence with adjoining buildings
- the building should activate the northern and southern squares and improve the southern ground floor interface with the public domain
- a sustainability strategy is required
- loading/unloading from the west façade of building 1B is not desirable
- Aboriginal heritage interpretation elements should be consulted with the Aboriginal community.

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 13 April 2020, the Applicant provided its RtS, which was updated on the 11 May 2020 by its RFIR. The RtS / RFIR include additional information, justification and the following key changes:

- amended internal design of the building providing for a flexible layout, increased the visibility of internal activities and operable walls to facilitate expanded connections with outdoor spaces
- internalised ground floor pump room and deletion of external stair on southern façade
- provision of a single storey extension on eastern façade providing a machine-room and bicycle and waste storage areas
- removal of roof-mounted guard rails and replacement with a fall-arrest system
- extension of the awning along the western and southern facades
- provision of an additional entry point on the southern façade
- revised public domain and landscaping treatments
- provision of 12 visitor bicycle parking spaces within the southern public domain and amendments to the internal bicycle end of trip facilities
- removal of the proposed projections of light / animations on the western façade
- updated drawings.

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:

- consistency with the Concept Approval
- design excellence
- design quality.

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 Consistency with the Concept Approval

The UoN Concept Approval establishes several building envelope controls to be addressed in future applications for development within the UoN Honeysuckle City Campus. The proposal is located at Stage 1A of the Concept Approval.

The Department has assessed the current application against the requirements of the Concept Approval and concludes the proposal is consistent with the Concept Approval building envelope controls as outlined in **Table 6** and in detail at **Appendix D**.

Table 6 | Consistency with the Concept Approval building envelope controls

Envelope	Building Envelope Control	Proposed (approx.)	Difference (+/-)	Consistent
A1	Maximum GFA			
	4,000 m ²	2,740 m ²	- 1,260 m ²	Yes
	Maximum building height			
	RL 26.7 m	Parapet RL 22.7 m Roof enclosure RL 26.7 m	- 4 m -	Yes
	Maximum gross building area building efficiency target (Design Guidelines)			
	85%	~70%	- 5 %	Yes

6.2 Design excellence and Concept Approval Design Guidelines

6.2.1 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.

FEAR C1 of the Concept Approval require future DAs to be carried out in accordance with the Design Excellence Strategy (DES) and be subject to review by the State DRP (SDRP). In addition, FEAR C4 of the Concept Approval requires future DAs consider the Concept Approval Design Guidelines (as amended by the Department).

The Applicant undertook a competitive tender process to identify a design team for the built-form and open space, consistent with the DES. The winning architectural firm was EJE Architecture.

As discussed at **Section 5.4.3**, the application was reviewed by the SDRP on three occasions prior to its lodgement. At its final review of the pre-lodgement application the SDRP raised concern the proposal differed from the original design excellence competition scheme for the proposal and did not, in its current form, exhibit design excellence.

Following the SDRP advice, the Applicant has:

- revised the design of the building and public domain as discussed in **Section 5.5**
- confirmed EJE Architecture has been retained through the design of the project
- the proposal has been reviewed by UoN's internal Design Evaluation Panel (UoN DEP) which confirmed:
 - the proposal is significantly different from the original (pre-lodgement) competition winning scheme and the changes have arisen as a result of detailed consultation with, and requirements of, the future users of the building
 - it supports amendments to the building design, believes the proposal has addressed the SDRP comments and that the development achieves design excellence
- confirmed the proposal has been designed to address the Concept Approval Design Guidelines in relation to height, scale, setbacks, and façade presentation and materials and public domain.

The Department notes the Applicant did not present the revised proposal to the SDRP.

Notwithstanding, it has reviewed the RtS amendments to the building, public domain and landscaping and considers these changes:

- significantly improve the design and appearance of the building and its relationship to surrounding spaces
- provide for appropriate places and spaces around the building and are generally consistent with the broader Concept Approval landscape masterplan for the precinct.

The Department has considered the Concept Approval Design Guidelines, detailed design of the building, public domain / landscaping and the detailed SDRP comments within the following sections of this report and concludes, on-balance and subject to amendments, the proposal exhibits design excellence in accordance with Clause 7.5 of the NLEP as 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
- would not impact on Newcastle Development Control Plan 2012 (NDCP) identified view corridors
- provides for an appropriate built form relationship to surrounding developments, heritage and the public domain.

6.2.2 Design Guidelines

The Concept Approval includes Design Guidelines, which provide whole-of-site and building specific guidance relating generally to height, scale, setbacks, façade presentation, materials and public domain to provide a coherent vision for the campus and fosters design excellence.

The Department has considered the proposal against the Concept Approval Design Guidelines in detail at **Appendix D** and concludes the proposal is consistent with the Design Guidelines, except in

relation to the proposed rooftop plant enclosures. The Department has recommended amendments to the rooftop plan enclosures as discussed at **Section 6.3.1**.

6.3 Design quality

The proposal seeks to construct a four storey glazed, cube shaped building with large rooftop plant enclosures.

The SDRP raised concerns in relation to the internal / external design of the building and public domain including:

- the form of the building and the design and treatment of the facade
- internal building layout and relationship with surrounding spaces
- landscaping strategy for the site, activation of public domain / squares and building entrances.

The Department has considered the key building design and public domain issues below.

6.3.1 Building design

Building form

The SDRP was concerned the simple glass cubic form of the building departs from the character of the area and history of the site.

The Applicant has stated the design of the building is intentionally simple and highly transparent to highlight the inner workings and activity within the building. In addition, much of the design features are inspired by the former landscape before site reclamation/fill.



Figure 8 | Perspective looking north from the intersection of Wright Lane and Worth Place (Source: Applicant's RtS)

The Department has carefully considered the concern raised by the SDRP. However, the Department considers the proposed building form is acceptable and appropriate in its context as:

- the building is a modern University building, unique in appearance and identifiably different from other mixed-use and/or historic buildings in the surrounding area
- rectilinear modern buildings are common within the Honeysuckle Precinct
- the northern, western and part of the southern facades are highly transparent which allows the inner workings of the university building to be exposed
- the building form fills approximately 70% of the Concept Approval building envelope and this has resulted in an increased threshold of public domain around the building
- the Department has recommended the rooftop enclosures be amended to reduce their visual prominence as discussed later in this section
- the proposal includes Aboriginal heritage interpretative elements in its design (**Section 6.4**).

Although the building presents a simple cubic form, the Department concludes that it is acceptable for the above reasons and would provide for an appropriate visual marker for the western entrance to the UoN Honeysuckle City Campus.

Building facade

The SDRP commented the building façade requires further design resolution.

In response, the Applicant revised the design of the building by removing the large imposing fire-escape staircase at the southern façade, extending the awning around the western and southern elevations of the building and removing the highly visible roof-mounted guard rails (**Figure 9**).



Figure 9 | Proposed EIS (left) and RtS (right) southern elevation (Source: Applicant's EIS and RtS)

The Department considers the building façade has been appropriately refined in response to the SDRP advice and is acceptable, noting:

- the transparency of the façade treatments expose the extensive timber internal structure, which is an attractive and interesting design feature of the building
- the shape of the wrap-around awning provides a contrasting point of difference to the cubic form of the building and appropriately identifies the building entrances
- the proposal includes electrochromic glazing (an electronically tintable glazing that provides the ability to adjust the transparency of the glass to address solar gain) on the western (Worth Place) elevation and this would result in the building appearance changing throughout the day, while minimising energy consumption and removing the need for internal blinds for sun control
- the limited materials used within the external façade, consisting of glass, steel and concrete panels, provides for an uncluttered façade and reinforces the exposition of internal activities.



Figure 10 | View towards the north-west corner of the building and the organic shaped awning (Source: Applicant's RtS)

Rooftop enclosures

The proposal includes two rooftop plant enclosures containing a sprinkler tank room and air conditioning units (**Figure 11**).

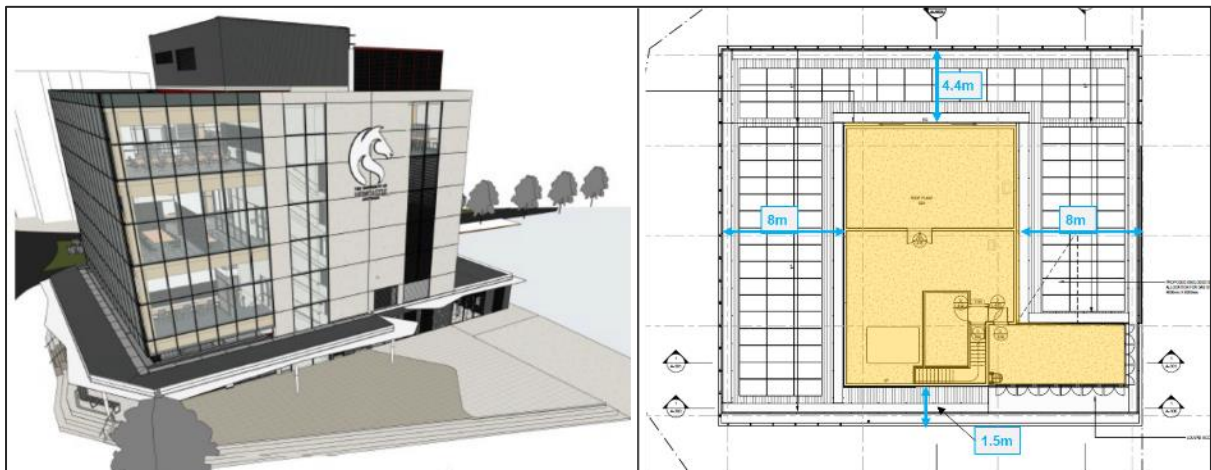


Figure 11 | Proposed southern elevation (left) and rooftop plant enclosure layout highlighted orange (right) (Base source: Applicant's RtS)

The rooftop enclosures:

- occupy approximately half of the roofscape
- are approximately 4 m higher than the roof
- are provided with the following setbacks from the building edge:
 - 1.5 m from the southern elevation
 - 4.4 m from the northern elevation

- 8 m from the eastern and western elevations.

The Design Guidelines state rooftop plant/enclosures should be integrated into the building, be unobtrusive and not have an overbearing visual impact on the building, neighbouring buildings or the streetscene and public domain.

The Department is concerned due to the size, scale and visibility of the rooftop enclosures they are inconsistent with the Design Guidelines and have an adverse impact on the design and appearance of the building.

The Department recommends the building be amended to reduce the prominence and visibility of the large rooftop enclosures. This could be achieved by reducing their size, increasing the height of parapets, incorporating the enclosures into the design of the building or creating a roof feature. The Department has recommended a condition accordingly.

Internal layout

The SDRP commented the internal circulation spaces should be reviewed to improve the opportunity for meeting and interaction. In addition, spaces should be flexible to and adaptable over time.

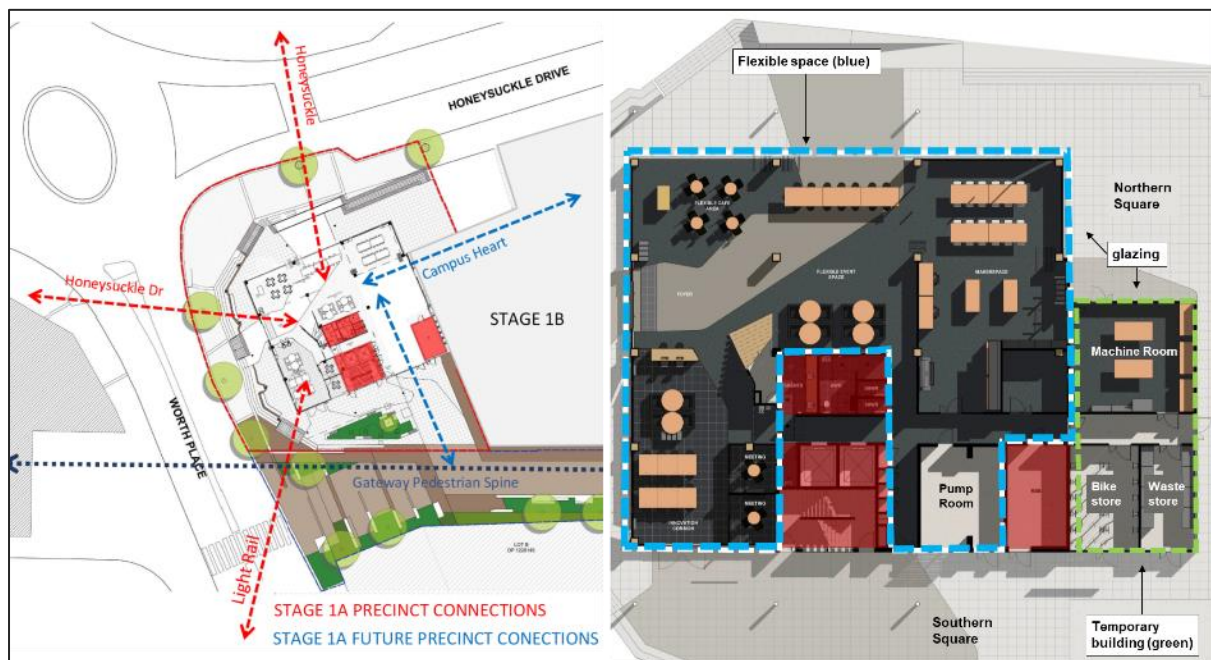


Figure 12 | Views in/out of the building and future connections (left) flexible ground floor space and location of the temporary pump room and single storey machine-room and bicycle/waste stores (right) (Source: Applicant's RtS)

The Applicant amended the internal layout of the ground floor by removing internal obstacles and included operable glazed walls to increase the flexibility of the space. In addition, the Applicant has stated that it proposes:

- the internal pump room would be relocated into Stage 1B (when constructed) to further open up the southern façade
- the single storey machine-room/workshop, bicycle and waste stores are temporary structures that would also be incorporated into Stage 1B (**Figure 12**).

The Department notes the functional ground floor space wraps around a centralised service/stair core and the northern, western and part southern elevations are highly transparent. In addition, the layout

ensures there are limited physical obstructions of the space and a number of walls are operable. At upper levels the building has been laid out in a regular fashion including meeting rooms, studios, workshops and other spaces that are regularly shaped and have the potential for multiple uses.

The Department considers the proposed layout ensures the creation of a highly flexible and adaptable spaces. In addition, at ground floor level, the layout has been designed to include flexibility beyond the current layout, including future access points and the ability for the ground floor to connect with the adjoining Stage 1B building and public domain as the precinct evolves.

The Department notes the single storey machine-room, bicycle and waste stores enclosures are temporary and would need to be removed when Stage 1B is constructed. In addition, the internal pump room will be relocated to Stage 1B. The Department therefore recommends a condition requiring these components of the Stage 1A building be incorporated into the Stage 1B development when it is constructed.

Conclusion

The Department is satisfied that the detailed design of the building has been refined to address concerns raised by the SDRP. The proposed building form and façade treatment is acceptable given the use of the building as a university. The transparency of the façade, the wrap-around awning and the electrochromic glazing would provide additional visual interest to the western façade. The Department also considers the internal layout of the building is flexible and highly adaptable.

The Department concludes, the revised building design exhibits design excellence, subject to amendments to the rooftop enclosures.

6.3.2 Public domain and landscaping

Landscaping strategy

The SDRP commented that a landscape strategy is required, which should be developed with a landscape architect.

The Application includes a landscape design report (LDR), which sets out the landscaping vision for the site. The key components of the LDR strategy includes the provision of hard and soft landscaping around the building, tree planting in the northern and southern squares and tiered seating built into the raised edge of the public domain around the site fronting (**Figure 13**).

The Department notes the LDR is consistent with the broad aims of the Concept Approval landscape masterplan and is satisfied that the LDR provides for adequate detail.

The Department considers the proposal provides for a high standard of landscape design and creates highly permeable public domain that aligns appropriately with key connections and features of the proposed building and the adjoining urban environment. The Department concludes the landscape and public domain treatment is acceptable.



Figure 13 | The southern Square / public domain (Source: Applicant's RtS)

Northern and southern squares / public domain interface

The SDRP recommended the building should activate the northern and southern squares and the southern ground floor interface should be improved.

The Applicant has stated the proposal frames the northern and southern squares and the future relocation of the pump room would provide a direct connection with the southern square / public domain.

The Department considers the northern square would be appropriately activated as the Stage 1A building directly overlooks the western and southern sides of the northern square (through clear glazing, at the ground floor level).

After considering the RtS amendments, the Department is satisfied the southern square would be appropriately activated and the building provides an acceptable interface with the southern public domain as the:

- removal of the fire-escape stairs, associated railings and structure has significantly improved the southern ground floor interface (and appearance) of the building with the public domain
- Applicant has confirmed the pump room would be relocated into Stage 1B (when constructed) and this future amendment would provide for an open relationship between the building and the southern square / public domain
- south square includes public seating and visitor cycle parking spaces which would encourage people to use the space
- southern entrance to the Stage 1A building opens onto the western side of the southern public domain
- southern square is framed on its eastern side by the long western (future) elevation of future Stage 1B and the design of that building could provide for appropriate activation of the square.

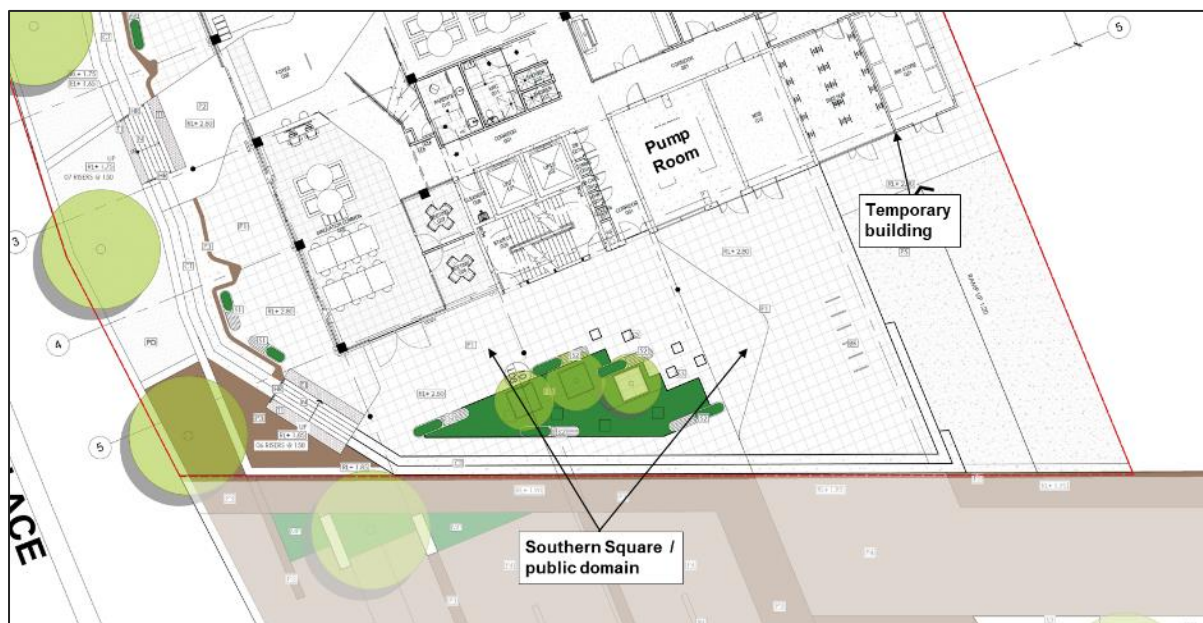


Figure 14 | The southern Square / public domain (Source: Applicant's RtS)

Entrances and access

The SDRP commented entrances should relate to adjoining outdoor spaces and the public domain should be accessible.

The Applicant has stated materials define the entrances and the route to entrances is clear as stairs visibly break the perimeter podium tiered seating wrapping around the edge of the Stage 1A site. The landscaping has considered accessibility pathways and access to the building, which are integrated and inclusive at key pedestrian approaches.

The Department considers the proposed entrances are located in appropriate locations, are visible and identifiable and routes to/from the entrances to the surrounding footpaths are clear and obvious.

The Department notes the public domain surrounding the building is raised approximately 1 m above footpath level in response to potential flooding impacts. However, this change in level has not resulted in obstruction of sight-lines across the site, towards the building or reduced the activation of the street consistent with the Concept Approval Design Guidelines. The proposal includes a ramp at the Honeysuckle Drive entrance to manage the change in levels for mobility impaired access. The Department concludes the entrances relate appropriately to the surrounding spaces and the public domain is accessible.

Conclusion

The Department considers the proposal provides for a high standard of public domain and landscape design, which creates a highly permeable public domain, aligned with key connections and features and includes appropriate treatments.

The proposal adequately activates the northern and southern squares and establishes an acceptable interface with the southern public domain.

The Department considers the proposed entrances are of an acceptable design and location and the public domain is accessible.

The Department concludes, following the RtS amendments to the proposal, the public domain and landscaping is acceptable and the proposal exhibits design excellence.

6.4 Other issues

The Department's consideration of other issues is provided in **Table 7**

Table 7 | Summary of other issues raised

Issue	Findings	Recommended Condition
Development contributions	<ul style="list-style-type: none"> Council recommended contributions should be paid in accordance with the Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019 towards providing essential community infrastructure that the proposed UoN Honeysuckle City Campus would rely on. The Applicant has requested an exemption from payment of contributions as the application is Crown development and provides for substantial social benefit through the provision of tertiary education facilities and also significant public domain, including open space, within the site. The Department has reviewed the Applicant's and the Council's position and notes the Minister can exercise discretion in applying developer contributions. 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 as the proposal is Crown development, and the University provides a significant social benefit to the wider community, the principles of Circular D6 apply as they would for any Crown development proposing social infrastructure. As the proposal would not result in a significant increase in runoff or the need for roadworks to the immediate surrounding area, the Department is satisfied contributions should not be levied in this instance. 	No additional conditions or amendments are necessary.
Overlooking, overshadowing and views	<ul style="list-style-type: none"> Concerns were raised in public submissions the building would have adverse amenity impacts on the north facing apartments in 522-526 Hunter Street in terms of overlooking, overshadowing and loss of private views. The Applicant has stated the proposal is located some distance from 522-526 Hunter Street and would not have any adverse amenity impact. The Department considers the proposal would not have an adverse impact on the north facing apartments of 522-526 Hunter Street as: <ul style="list-style-type: none"> Stage 1A is located approximately 85 m away from 522-526 Hunter Street approved building envelope B of the Concept Approval is located between 522-526 Hunter Street and Stage 1A and Stage 1A would 	No additional conditions or amendments to existing conditions necessary.

Issue	Findings	Recommended Condition
	<p>not be visible from north facing apartments once envelope B is constructed</p> <ul style="list-style-type: none"> ○ Stage 1A does not extend into any existing view corridors or the proposed north facing view corridor from 522-526 Hunter Street to be established by the Concept Approval ○ Stage 1A is four storeys in height and is of a lesser scale than existing surrounding residential developments. • The Department concludes due to the height, location and future intervening development the proposal would not have any adverse amenity impacts on the north facing apartments of 522-526 Hunter Street. 	
Wind	<ul style="list-style-type: none"> • FEAR 26 of the Concept Approval requires future DAs include a wind assessment, including wind tunnel testing to assess the existing and proposed wind environment and include mitigation measures where necessary. • The Application was accompanied 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. A wind tunnel test was not undertaken. • The PWES confirms that the site is relatively exposed to prevailing winds and certain part of the development may be prone to wind effects. The PWES therefore recommends the following wind mitigation measures to address wind impacts and to ensure outdoor areas are suitable for their intended use: <ul style="list-style-type: none"> ○ planting of densely foliating and evergreen trees in the southern public domain and in the north eastern square. ○ provision of awnings over entrances. • The Department notes the building is two storeys shorter than the approved building envelope and three to four storeys shorter than neighbouring buildings within the Honeysuckle Precinct. The Department therefore considers the proposal would have a reduced wind impact compared to what was predicted in Concept Approval or what is currently experienced within the Honeysuckle Precinct. The Department is therefore satisfied wind tunnel testing is not necessary. • The Department supports the PWES recommended mitigation measures and notes the public domain / landscaping design has incorporated the recommended mitigation measures. The Department is satisfied wind impacts have been addressed. 	No additional conditions or amendments are necessary.
CPTED	<ul style="list-style-type: none"> • FEAR C10 of the Concept Approval requires future DAs include a CPTED assessment. • Council recommended the proposal should demonstrate how CPTED principles have been incorporated into the development. • The Application includes a CPTED Report, which recommends improvements to the design of the building relating to sightlines, removal of obstructions, CCTV, lighting, wayfinding signage, graffiti, landscaping and secure access. • The Department considers, subject to the implementation of the CPTED Report's management and mitigation measures the proposal would provide for safe and secure internal and external spaces. 	The Department recommends a condition requiring the proposal incorporate the CPTED management and mitigation measures.

Issue	Findings	Recommended Condition
Façade lighting	<ul style="list-style-type: none"> The proposal originally included a proposal to digitally display / project light and animations onto the western façade. The SDRP requested future justification be provided for the display of light and animations on the western façade and the Department raised concern about the potential adverse impact of light-spill on neighbouring residential amenity. In response to the concerns raised the Applicant's RtS report confirmed the lighting proposal is no longer proposed. Notwithstanding this commitment, the Applicant's RtS design response continues to suggest the use of external projections after dark. The Department recommends a condition confirming no consent is granted for the lighting, animation or projection onto the facades of the building. 	The Department recommends a condition confirming no consent is granted for lighting, animations or projections onto the building facades.
Sustainability	<ul style="list-style-type: none"> FEAR C18 of the Concept Approval requires future DAs demonstrate how the principles of ecological sustainable design (ESD) have been incorporated into the design of buildings. In addition, it requires Stage 1A to achieve at least a 5 Star Green Design and As Built rating. The SDRP recommended the Applicant establish a sustainability strategy. The Applicant has confirmed it has applied the principles of the UoN Sustainability Plan 2015-2025 to the proposal. In addition, the proposal would comply with the National Construction Code energy efficiency requirements and has been designed to achieve a 5 Star Green Star rating. The Department has considered ESD in detail at Appendix C and concludes the proposal has appropriately incorporated ESD principles into its design. The Department notes the proposal is consistent with the sustainability requirements of the Concept Approval and includes appropriate sustainability initiatives and design features. The Department concludes the proposal is acceptable and recommends a condition requiring the development achieve a 5 Star Green Star rating as proposed. 	The Department has recommended a condition requiring the proposal achieve a 5 Star Green Star rating.
Car parking	<ul style="list-style-type: none"> Concern was raised in public submission the proposal does not include on-site car parking and would result in additional parking pressure on surrounding streets. Council initially recommended that car parking be provided in accordance with the NDCP (45 spaces) and that the public car park be retained for use by students, staff and visitors. The Applicant has stated the existing public car park on the site (172 spaces) will be retained and may be used by students, staff and visitors (and the general public) during the initial 3 stages of the UoN Honeysuckle City Campus development. The Department notes the Concept Approval recommends an ambitious travel mode-share target of 7% cycling, 39% public transport and 54% walking, with the ultimate goal of no trips by private vehicles. The Concept Approval envisages the campus would transition to the mode-share target over time and rely on existing (temporarily retained) surface car parking on the site to manage the transition. The Application includes a Green Travel Plan (GTP), which includes various education and information strategies to facilitate the mode-share transition. In addition, the proposal includes sustainable transport measures including on-site bicycle parking and the ongoing operation of 	The Department recommends a condition requiring the implementation of the GTP and sustainable transport measures.

Issue	Findings	Recommended Condition
	<p>the existing UoN shuttle bus service between the Calaghan Campus and UoN NeW Space.</p> <ul style="list-style-type: none"> The Department supports the Applicant's commitment to retain the existing public car park, implementation of the GTP and sustainable transport measures and is satisfied the proposal is consistent with the Concept Approval and is unlikely to have an adverse parking impact. The Department concludes the absence of car parking at this stage is acceptable. 	
Servicing	<ul style="list-style-type: none"> The Application proposes servicing to temporarily occur from a new on-street loading bay on Honeysuckle Drive. Servicing for Stage 1A and 1B would be jointly contained within the future Stage 1B building, once Stage 1B has been approved and constructed. Council recommended the Applicant apply to the NCTC for the creation of the temporary on-street loading bay. The SDRP raised concern that servicing from the western façade of adjoining Stage 1B may have adverse visual and design implications. The Department is satisfied the provision of the temporary on-street loading bay is acceptable subject to the Applicant obtaining the necessary NCTC approvals. The Department recommends a condition accordingly. The Department notes an application for Stage 1B has not yet be lodged and the design, appearance and servicing of that development will be considered as part of that future DA. 	The Department has recommended a condition requiring the Applicant obtain the necessary approval(s) for the on-street Honeysuckle Drive loading bay.
Bicycle facilities	<ul style="list-style-type: none"> FEAR C25 of the Concept Approval requires bicycle parking to be provided in accordance with the NDCP (which equates to 28 spaces) and opportunities be explored to exceed the NDCP requirements. The proposal includes the provision of: <ul style="list-style-type: none"> a single storey temporary bicycle enclosure located on the site of the future Stage 1B building and including 40 bicycle parking spaces for staff and students for Stage 1A 12 visitor bicycle parking spaces within the public domain. end of trip facilities including three showers and lockers are within the ground floor of the building. TfNSW recommended condition requiring the provision of the bicycle parking and end of trip facilities. The Department considers the bicycle parking provision is acceptable, noting the proposal exceeds the minimum NDCP requirement and this would support the anticipated travel mode-share shift for the precinct. As discussed at Section 6.3 the Department has recommended a condition requiring the temporary bicycle store for Stage 1A be incorporated into the Stage 1B development when it is constructed. 	The Department has recommended a condition requiring the provision of bicycle facilities and the incorporation of the Stage 1A bicycle parking into Stage 1B when it is constructed.
Archaeology	<ul style="list-style-type: none"> The Application includes a Heritage Impact Statement (HIS) and an Aboriginal Cultural Heritage Assessment Report (ACHAR), which consider the proposal's potential archaeological impacts. The HIS and ACHAR conclude as the site located wholly within an area of reclaimed land and not associated with the former historical structures it is unlikely archaeological resources would be encountered during construction. 	The Department recommends conditions requiring the implementation of the HIS and ACHAR archaeological mitigation measures.

Issue	Findings	Recommended Condition
	<ul style="list-style-type: none"> The HIS recommends an unexpected finds protocol (UFP) to be implemented during construction phase of the development. The ACHAR recommends the preparation of: <ul style="list-style-type: none"> Aboriginal Cultural Heritage Management Plan (ACHMP) Aboriginal cultural induction for construction workers interpretation of Aboriginal cultural heritage values within the development. The Department supports the conclusions of the HIS and ACHAR and has recommended conditions accordingly. 	
Contamination and mine subsidence	<ul style="list-style-type: none"> Council has granted development consent (DA2018/00933) for site preparation works, including remediation of contaminated land, for the land located between Honeysuckle Drive and Wright Lane (which includes the site). Subsidence Advisory NSW (SA NSW) confirmed in its response to the Concept Approval 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). The Applicant has confirmed the development would be constructed in accordance with these previous consents issued by Council's and SA NSW. The Department recommends conditions requiring adherence to the requirements of the existing consents. 	The Department recommends a condition requiring the development be constructed in accordance with existing consents issued by Council and SA NSW.
Flooding and stormwater	<ul style="list-style-type: none"> The site is subject to flooding inundation and includes existing drainage pits and pipes. Wright Lane is a floodway. FEAR C30 of the Concept Approval requires future DAs consider flooding and drainage and drainage works comply with the NDCP. The Application includes a Civil Engineering Works Report and Plan (Civil Report), which considers flooding and drainage impacts and includes the design of proposed drainage infrastructure. Council recommended conditions requiring the development include a flood refuge, flood signage, flood management plan, ground floor be constructed to meet the Flood Planning Level (FPL) (2.80 m Australian Height Datum) and the stormwater design be submitted to the Certifying Authority and to Council. The Applicant confirms fill will be imported to the site in accordance with Council's previous approval (DA2018/00933) to achieve Council's Flood Planning Level. No changes are proposed to existing land levels or drainage infrastructure beyond the site. The proposed stormwater design complies with Council's NDCP. The Department notes the proposal would be constructed to meet the FPL and would therefore be appropriately protected from the 1:100 flood event. However, given the surrounding area is subject to flooding events the Department agrees that Council's recommended flooding and drainage conditions are necessary to ensure flood risks are appropriately mitigated and managed. Subject to the recommended conditions the Department is satisfied the proposal is acceptable. 	The Department has recommended Council's flooding and drainage conditions.
Operational noise	<ul style="list-style-type: none"> The proposal includes the provision of rooftop mechanical plant and also suggests the potential use of the ground floor of the building and adjoining spaces for occasional events. 	The Department recommends a conditions relating to the management

Issue	Findings	Recommended Condition
	<ul style="list-style-type: none"> Concern was raised in public submission about potential noise nuisance during the operational phase of the development. The Applicant submitted an Acoustic Report (AR), which considers potential operational noise impacts and confirms noise could arise from mechanical plant and events. The AR states specific mechanical plant and equipment has not yet been selected. However, it concludes noise impacts can be managed by standard acoustic treatments, including plant selection, plant enclosures, barriers, duct lining and silencers. The AR confirms the event space / lobby could hold up to 150 patrons and subject to patrons being required to remain indoors after 10 pm and limiting amplified music to internal areas, noise impacts could be managed. The Department is satisfied noise arising from mechanical plant can be appropriately addressed in accordance with the AR's recommended management and mitigation measures and recommends conditions accordingly. The Department considers the use of ground floor spaces for occasional events may be appropriate in principle. However, the Department notes the application does not include information on the likely frequency, hours of operation, servicing or operational management of events. The Department therefore considers insufficient information has been provided to approve the use of the space for event and recommends a condition confirming no consent is granted for events. 	<p>and mitigation of mechanical noise.</p> <p>The Department recommends a condition confirming no consent is granted for events.</p>
Construction Noise	<ul style="list-style-type: none"> The Interim Construction Noise Guideline 2009 (ICNG) recommends construction noise impacts be limited to 10 dB(A) above the background noise level (which is 50 dB(A) at this site) and notes that impacts above 75 dB(A) represent a point where sensitive receivers may be 'highly noise affected'. The AR confirms the: <ul style="list-style-type: none"> noise management level (NML) is 60 dB(A) proposed works have the potential to generate noise between 61 to 75 dB(A) at the nearest sensitive receivers and during site establishment works there may be instances of noise generated in excess of 75 dB(A) works would be undertaken in accordance with the ICNG standard hours of construction <ul style="list-style-type: none"> Monday to Friday 7am to 6pm Saturday 8am to 1pm No work on Sunday or public holidays. Concerns were raised in public submissions about noise impacts associated with the development. Council recommended a condition requiring construction works be undertaken in accordance with the ICNG standard hours. The Applicant acknowledges the proposed construction works may have noise impacts and recommends the following potential mitigation measures: <ul style="list-style-type: none"> preparation and implementation of a construction noise and vibration management plan (CNVMP) 	<p>The Department recommends conditions requiring the preparation of a CVNMP and construction noise mitigation measures.</p>

Issue	Findings	Recommended Condition
	<ul style="list-style-type: none"> ○ construction noise monitoring, reporting and complaints handling procedure ○ where NML's are exceeded all feasible and reasonable mitigation measures to reduce noise should be carried out (e.g. respite periods, consultation, equipment selection and maintenance, non-tonal alarms, noise source shields). • The Department supports the Applicant's proposed mitigation measures. However, considers, given the potential noise impacts, the following additional measures are necessary to mitigate impacts to the nearest residential properties: <ul style="list-style-type: none"> ○ restricting the overall construction hours and incorporate respite periods from the noisiest activities on the site ○ work to be carried out in accordance with the ICNG ○ all construction vehicles only to arrive to the work site within the permitted hours of construction ○ no noise to be 'offensive noise' as defined by the POEO Act ○ preparation and implementation of a CNVMP, including appropriate mitigation measures to reduce noise impacts. • On this basis, and subject to the Applicant's compliance and commitment to implement all reasonable and feasible mitigation measures to mitigate and manage noise, the Department is satisfied construction work can be appropriately managed to minimise disruption to residential amenity. 	
Other construction impacts	<ul style="list-style-type: none"> • Council recommended conditions relating to erosion and sediment control, stormwater runoff, cut and fill, CPTMP and dilapidation. NRAR recommended dewatering conditions. TfNSW recommended the preparation of a CPTMP. • The Applicant has confirmed it agrees with the recommended conditions. • The Department agrees the conditions recommended by Council, NRAR, TfNSW and the Applicant are necessary to address the potential broader construction impacts and recommends conditions accordingly. 	The Department has recommended conditions relating to managing and mitigating construction impacts
Utilities	<ul style="list-style-type: none"> • 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 Applicant has agreed to engage with Ausgrid regarding the management and protection of its infrastructure. • The Department recommends the Applicant engage with the relevant utility providers to determine utility requirements and any connection/mitigation measures. 	The Department recommends conditions regarding consideration and connection to services.
Operational waste	<ul style="list-style-type: none"> • FEAR C27 of the Concept Approval requires future DAs include details of operational waste management. • The Application includes an Operational Waste Management Plan (OWMP). The proposal includes the provision of a single storey temporary waste store located on the site of the future Stage 1B building providing for up to eight bins. Bins are proposed to be collected by a private waste collection provider from either Honeysuckle Drive or Worth Place. 	The Department has recommended a condition requiring the waste facilities and the incorporation of the waste store into Stage 1B when it is constructed.

Issue	Findings	Recommended Condition
	<ul style="list-style-type: none"> Council recommended the Applicant provide confirmation from a commercial waste collection provider that the proposed OWMP waste strategy for the site is workable. The Department recommends the Applicant consult with Council to agree the finalised operational waste management strategy is and recommends a condition requiring the development be carried out in accordance with the OWMP. As discussed at Section 6.3 the Department has recommended a condition requiring the temporary waste store for Stage 1A be incorporated into the Stage 1B development when it is constructed. 	
Signage	<ul style="list-style-type: none"> Two building identification signs are proposed, including one to the southern elevation of the building and the other to the northern low-wall within the public domain. The signs would be flat mounted, metal cutout with LED back-lit illumination and have the following dimensions: <ul style="list-style-type: none"> southern elevation: 20.3 m² (5.2 m x by 4.1 m) northern elevation: 7.1 m² (1.4 m x 5.1 m). The EIS includes an assessment against the provisions of State Environmental Planning Policy 64 – Advertising Signage (SEPP 64) and demonstrates the signs are consistent with the SEPP 64 design criteria. The Department considers the proposed signage is appropriate in terms of its location, dimensions and proposed illumination. In addition, the Department notes the proposed signage would not give rise to any adverse amenity impacts. 	The Department recommends a condition requiring the signage be constructed/installed in accordance with the signage drawings.
Reflectivity	<ul style="list-style-type: none"> The Applicant has confirmed the façade glazing system will adopt a maximum normal specular reflectivity of 20% to prevent glare for pedestrians, motorists, or occupants of surrounding buildings. The Department supports the 20% limitation on material reflectivity and notes this is the usual industry standard. The Department recommends a condition accordingly. 	The Department has recommended a condition limiting the material reflectivity to 20%.
Mosquito management	<ul style="list-style-type: none"> FEAR C9 of the Concept Approval requires future DAs to prepare a Mosquito Management Plan (MMP), which addresses the spread and breeding of exotic mosquitos that may have arrived from the operational port. The proposal does not include an MMP. The Department recommends a condition requiring the Applicant prepare an MMP prior to the issue of an Occupation Certificate in consultation with Hunter New England Local Health District. 	The Department has recommended a condition requiring future DA(s) include an MMP
Matters outside scope of the application	<ul style="list-style-type: none"> Concern was raised in public submissions about matters outside the scope of the application and located some distance from the site, including: <ul style="list-style-type: none"> Civic Lane and 468 Hunter Street should accommodate cyclists Auckland / Hunter Street intersection should be upgraded the former railway corridor should be a green space. Notwithstanding the above matters are beyond the scope of the application, the Department notes the: 	No additional conditions or amendments are necessary.

Issue	Findings	Recommended Condition
	<ul style="list-style-type: none"> ○ Concept Approval does not include additional on-site car parking provision and therefore is not predicted to have an adverse impact on the Auckland / Hunter Street intersection ○ design of potential future pedestrian and cycle links with the UoN Honeysuckle City Campus would be considered as part of future DAs ○ in its assessment of the Concept Approval the Department concluded the site was suitable for mixed-use educational use. 	
Property values	<ul style="list-style-type: none"> • Concern was raised in public submissions the proposal would have an adverse impact on property values. • The Department considers matters relating to the private contracts of sale and/or value of properties are not planning matters for consideration and therefore objections based on loss of property value are not able to inform the assessment of the application. • Notwithstanding, the Department has assessed the merits of the application in detail at Section 6 and concludes, subject to conditions, the proposal is consistent with the Concept Approval and has acceptable impacts. 	No additional conditions or amendments are necessary.

7 Evaluation

The Department has reviewed the EIS, RtS 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 proposal is the first development within the UoN Honeysuckle City Campus and 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 proposal is consistent with the requirements of the Concept Approval and subject to amendment would be consistent with the Concept Approval Design Guidelines
- the design of the proposal has been refined and improved in response to feedback received from the State Design Review Panel (SDRP) and the Department is satisfied the proposal exhibits design excellence
- the design quality of the building is considered to be acceptable subject to the rooftop enclosures being amended to reduce their prominence and visibility
- the public domain and landscaping strategy for the site is acceptable and it exhibits design excellence
- the proposal does not include car parking, provides for on-street servicing and would not have adverse traffic impacts
- the development would not impact on neighbouring amenity in terms of overshadowing, overlooking, lighting or view loss impacts
- the construction impacts can be appropriately managed and mitigated.

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

- establishment of the first building within the broader UoN Honeysuckle City Campus expansion providing for tertiary education facilities conveniently located to Newcastle CBD, other educational establishments, public transport, shops and services
- predicted creation of 170 construction and operational jobs.

The impacts of the proposal have been addressed in the EIS / RtS / RFIR. Conditions of consent are recommended to ensure 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 Honeysuckle City Campus Stage 1A proposal (SSD 9510) 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 –Concept Approval and Associated Design Guidelines

Appendix E - Consideration of Issues Raised in Submissions

Appendix F - 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
- Applicant's further information, prepared by Ethos Urban Pty Ltd, submitted 11 May 2020

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 8**.

Table 8 | 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 in Section C5 below.
(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) in Section 6 of this report.
(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 9**.

Table 9 | 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	<p>The proposal provides for the development of the first building within a new a university campus near the Newcastle CBD. The proposal would provide social, cultural and economic benefits to the community.</p> <p>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.</p>
(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 as discussed in Section C3 below.
(c) to promote the orderly and economic use and development of land,	<p>The proposal would be an orderly and economic use and development of land as it provide a tertiary educational establishment in an accessible location in close proximity to public transport and the nearby Newcastle CBD.</p> <p>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.</p>
(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.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	<p>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.</p> <p>The application has been granted a BDAR waiver.</p>
(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 6.4 and concludes the proposal would not have an adverse impact on the nearby heritage items or Aboriginal cultural heritage.

Objects of the EP&A Act	Consideration
(g) to promote good design and amenity of the built environment,	Following amendments to the building and subject to the Department's recommended changes the proposed building is considered to exhibit design excellence.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The Application has demonstrated the proposal 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 .

C3 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.

The SDRP recommended the proposal include a sustainability strategy

The proposal includes the following ESD features and indicatives:

- innovative cross-laminated timber frame
- dynamic glazing of the exterior glass to control solar gain
- outdoor seating made from UoN soft plastics recycling scheme
- installation of a high capacity, high efficiency rooftop photovoltaic (PV) system
- use of drought tolerant planting
- mixed mode (mechanical/natural) ventilation.

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

- to achieve equivalency of an accredited 5-star Design and As-built Green Star Rating (with a pathway to a 6 Star Green Star Rating)
- compliance with Section J 'Energy Efficiency' of the National Construction Code (2016).

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 condition requiring the development achieve the 5-star Green Star rating. Subject to this condition, the Department concludes the proposal would be consistent with ESD principles in accordance with the objects of the EP&A Act.

C4 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.

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 (Urban Renewal) 2010 (Urban Renewal SEPP)
- State Environmental Planning Policy (Coastal Management) 2018 (Coastal 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 10**.

Table 10 | 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

Relevant Sections	Department's consideration	Compliance
<p>8 Declaration of State significant development: section 4.36</p> <p>(1) Development is declared to be State significant development for the purposes of the Act if:</p> <p>(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</p> <p>(b) the development is specified in Schedule 1 or 2.</p>	<p>The proposed development is permissible with development consent. The development is specified in Schedule 1 and Schedule 2.</p>	<p>Yes</p>
<p>Schedule 2 State significant development —identified sites</p> <p>(Clause 2 (d))</p> <p>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:</p> <ul style="list-style-type: none"> - Honeysuckle Site 	<p>The proposal is within the identified Honeysuckle Site and has a CIV of more than \$10 million.</p>	<p>Yes</p>

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 F**).

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 SEPP and would not restrict or prevent the development of the remainder of the precinct.

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 11**.

Table 11 | Consideration of Division 3 to 5 of the Coastal SEPP

Coastal Management SEPP	Department Comment/Assessment
<p>Clause 13 Development on land within the coastal management area</p> <p>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:</p>	
(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,	The proposal has appropriately responded to the site's flooding and drainage constraints.
(b) coastal environmental values and natural coastal processes,	<p>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.</p> <p>Having regard to these characteristics, the proposal is not likely to impact the coastal environmental values or natural processes of the locality.</p>
(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 flooding and drainage impacts have been considered in Section 6.4 .
(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.

Coastal Management SEPP	Department Comment/Assessment
(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 proposed public domain is highly permeable.
(f) Aboriginal cultural heritage, practices and places,	The site has been identified as having a low potential for Aboriginal cultural heritage objects being found on-site. The Department has recommended conditions relating to Aboriginal archaeological unexpected finds protocol.
(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:

Coastal Management SEPP	Department Comment/Assessment
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.
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 6.4 and concludes the development would not have unacceptable impacts in this regard.
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.

(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	<p>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.</p> <p>The proposed use of the site for the purposes of an educational establishment and would not give rise to adverse impacts on the existing coastal use area.</p>
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	

Coastal Management SEPP	Department Comment/Assessment
(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, subject to amendments to the roof enclosure, as discussed at Section 6.3 .

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 No.55 – Remediation of Land

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

The proposal has separate approval for site preparation works and the remediation of contaminated land. The Department has recommended a condition requiring the remediation of the land be carried out in accordance with the existing consent.

Subject to the development being carried out in accordance with the separate consent, the development can be made suitable for the proposed education use.

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 12**.

Table 12 | 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 are permitted within the zone. The proposal meets the objectives of the zone (Appendix C).	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 is less than 30 m.	Yes
Clause 4.4 Floor space ratio	The FSR development standard for the site is 2.5:1	The proposed development proposed an FSR of 1.3:1.	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.	A Heritage Impact Statement was submitted with the application. The Department concludes the proposal would not have an adverse impact on existing heritage items or archaeological artefacts (Section 6.4).	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	The Department's concludes the proposal exhibits design excellence Section 6.2 .	Yes

Appendix D –Concept Approval and Associated Design Guidelines

D1 – Concept Approval

An assessment of the proposal against the Concept Approval requirements is provided in **Table 13**.

Table 13 | Department's consideration of Clause 4.6 requirements

Condition	Department's consideration	Complies						
<p>Maximum building envelope gross floor area and height controls</p> <p>A11. The gross floor area (GFA) and building envelope heights for the development shall not exceed the maximums within the following table</p> <table> <tr> <th>Building Envelope</th><th>Maximum GFA</th><th>Maximum Height</th></tr> <tr> <td>A1</td><td>4,000 m²</td><td>RL 26.75 m</td></tr> </table>	Building Envelope	Maximum GFA	Maximum Height	A1	4,000 m ²	RL 26.75 m	<p>A11. The proposal provides for 2,7400 m² GFA and has a maximum height of RL 26.7m</p>	Yes
Building Envelope	Maximum GFA	Maximum Height						
A1	4,000 m ²	RL 26.75 m						
<p>Staging</p> <p>A12. The development shall be carried out in accordance with the following stage sequence:</p> <ol style="list-style-type: none"> Stage 1A – building envelope A1 Stage 1B – building envelope A2 Stage 2 – building envelope B Stage 3 – building envelope C Stage 4 – building envelopes D, E & F. 	<p>A12. The proposal is Stage 1A and the first stage of the development.</p>	Yes						
<p>Design excellence</p> <p>C1. Prior to the lodgement of each future development application the Applicant shall present the detailed future development application to the State Design Review Panel (SDRP) for its review. Future development applications shall demonstrate how the proposal responds to the advice and recommendations of the SDRP.</p>	<p>The proposal was presented to the SDRP on three occasions prior to its lodgement.</p> <p>The Department has considered the proposal against the SDRP comments and has recommended amendments to the building as discussed at Section 6.</p>	Yes						
<p>Building Design</p> <p>C2. All future development applications for new built form must include:</p> <ol style="list-style-type: none"> detailed plans, elevations and sections artist's perspectives and photomontages a design statement demonstrating the design quality of the proposed development and having regard to the character of surrounding development consideration of the Design Guidelines (Attachment A). <p>C3. The proposed new built form must be contained within the building envelopes illustrated in the approved plans referenced at ToA A6 as amended by Modification B3 and B4.</p>	<p>C2. The application includes detailed plans, elevations, sections, perspectives, photomontages and a design statement. The Department has considered the proposal against the Concept Approval Design Guidelines in Table 14.</p> <p>C3. The building is wholly contained within the building envelope.</p> <p>C4. The proposal has been amended by the Applicant and the Department (via condition) to address the SDRP comments.</p> <p>C5. The Department has recommended a condition to require the rooftop enclosures be redesigned to reduce their visual prominence.</p> <p>C6. The Department has recommended a condition limiting the reflectivity of materials to 20%.</p>	Yes						

Condition	Department's consideration	Complies
<p>C4. Future development application(s) shall demonstrate consistency with the:</p> <ul style="list-style-type: none"> a) advice of the SDRP b) Design Excellence Strategy prepared by Ethos Urban, dated 17 May 2018, as amended by Modification B1 c) Design Guidelines, as endorsed by the Secretary (Modification B2) d) the height and GFA controls in ToA A11. <p>C5. Future development application(s) shall show the location, height and design of any proposed rooftop enclosure(s). A rooftop enclosure may exceed the height of the approved building envelope(s) where it can be demonstrated that the enclosure is discrete and/or integrated into the design of the building and would not have an adverse visual impact on the design and appearance of the building, the streetscene, public domain or an adverse amenity impact.</p> <p>C6. Future development application(s) shall include a Reflectivity Analysis demonstrating that the external treatments, materials and finishes of the development do not cause adverse or excessive glare.</p> <p>C7. Future development application(s) shall include an Access Report demonstrating that the development achieves an appropriate degree of accessibility.</p>	<p>C7. The proposal considered the accessibility of the building and public domain.</p>	
<p>Open space and public domain</p> <p>C8. Future development application(s) shall include an Open Space, Public Domain and Landscape Report (Landscape Plan) including the design and treatment of all areas of open space, public domain and landscaping and the relationship of these spaces with existing and proposed buildings, spaces, structures and connections.</p> <p>C9. The Landscape Plan must:</p> <ul style="list-style-type: none"> a) be generally in accordance with the Public Domain Plan Report Revision C prepared by Oculus, dated November 2019 submitted with the RtS2 b) include relevant details of the species to be planted (preferably species indigenous to the area) and the landscape treatments, including any pavement and seating areas c) consider, and incorporate where necessary, the recommendations of the heritage interpretation plan (FEAR C15) d) confirm method(s) / arrangement(s) to ensure the on-site open space, through site links and Wright Lane are publicly accessible 24 hours-a-day 7 days-a-week e) include a Mosquito Management Plan (MMP), which addresses the spread and 	<p>C8. The application includes public domain and landscaping report and drawings.</p> <p>C9.</p> <ul style="list-style-type: none"> a) The proposal is generally consistent with the landscaping vision of the Concept Approval. b) The proposal includes a planting schedule with a predominance of native plantings. c) The proposal incorporates Aboriginal heritage interpretation through the use of polished concrete including embedded shell aggregate, which has been consulted with the local Aboriginal community. d) N/A e) the Department recommends a condition requiring the preparation of a MMP. 	Yes

Condition	Department's consideration	Complies
breeding of exotic mosquitos that may have arrived from the operational port. The MMP shall be prepared in consultation with Hunter New England Local Health District.		
Crime prevention through environmental design C10. Future development application(s) shall include a Crime Prevention Through Environmental Design Report (CPTED) including method(s) / treatment(s) to ensure that all buildings, spaces and places within and around the development are safe and secure and the opportunity for crime has been minimised in accordance with CPTED principles.	C10. The Application includes a CPTED report. The Department has recommended a condition requiring the development incorporate the recommendations of the CPTED report.	Yes
Amenity C11. Future development application(s) shall include an Overshadowing Impact Assessment (OIP), including shadow studies and diagrams showing the likely overshadowing impact of the development on surrounding spaces and properties. Buildings shall: <ul style="list-style-type: none"> a) maintain at least 2 hours of direct sunlight to at least 70% of all north facing apartments within 522-526 Hunter Street between 9am and 3pm on 21 June (mid-winter) b) maintain a reasonable level of direct sunlight to the north facing windows and balconies of the top floors of 474, 502 and 510 Hunter Street. c) minimise overshadowing to proposed open spaces and public domain within the site. C12. All future development applications for new built form must include an assessment of amenity impacts including visual privacy, view loss and light spill.	C11 / C12. The EIS considered amenity impacts on the properties on Hunter Street and concluded due to the distance of the building from those residential properties the proposal would not have any overshadowing, privacy or view loss impact. The Department has recommended a condition confirming no consent is granted for the digital display or projection of lights or animations on the facades of the building.	Yes
Heritage C14. Future development application(s) shall include a detailed Heritage Impact Assessment (HIA), which considers the heritage impact of the development, including any visual and view impacts on the: <ul style="list-style-type: none"> a) State heritage listed CRW and particularly the part of the CRW located north of the site b) Newcastle Local Environmental Plan 2012 locally listed former Civic Station, including Museum Park. C15. Future Development Application(s) shall include Heritage Interpretation Strategy informed by the findings / results of the HIA (FEAR C14) and archaeological fieldwork / investigations (FEAR C16).	C14. The Application includes a HIS. Stag is located away from the State and locally listed heritage items and therefore would not have any adverse impacts in that regard. C15. The proposal incorporates Aboriginal heritage interpretation through the use of polished concrete including embedded shell aggregate, which has been consulted with the local Aboriginal community.	Yes

Condition	Department's consideration	Complies
<p>Aboriginal archaeology</p> <p>C16. Future development application(s) shall include an Aboriginal Cultural Heritage Assessment Report (ACHAR) to assess the impacts of the development on the Aboriginal archaeological and cultural heritage values of the site. The ACHAR shall be prepared in consultation with the Biodiversity and Conservation Division of the Department of Premier and Cabinet and the local Aboriginal community.</p>	<p>C16. The Application includes an Archaeological Assessment. As the site is located entirely on reclaimed land, it is predicted there is a low potential of Aboriginal archaeological remains being present on the site.</p> <p>The Department has recommended an unexpected finds protocol be prepared and implemented during the construction phase.</p>	Yes
<p>Environmental performance</p> <p>C17. Future development applications for new built form must demonstrate how the principles of Ecologically Sustainable Development have been incorporated into the design, construction and on-going operation of the new buildings consistent with the Concept Plan Development Application – Sustainability Statement prepared by AECOM and dated 6 June 2018, and demonstrate compliance with the following minimum environmental standards:</p> <ol style="list-style-type: none"> Minimum 5-star with an aspirational 6-star Green Design and As Built rating for building envelopes A2, B, C, D E and F 5 Star Green Design and As Built rating for building envelope A1. <p>C18. All future development applications for new built form must consider opportunities for the incorporation of green roofs.</p>	<p>C17. The Application includes an ESD assessment. The Applicant has committed to achieving a 5-star Green Star rating.</p> <p>The Department has recommended conditions requiring the development achieve at least a 5-star Green Star rating.</p> <p>C18. The roof is almost entirely covered with photovoltaic solar panels and therefore there is no opportunity to include a green roof.</p>	Yes
<p>Traffic and transport</p> <p>C19. Future development application(s) shall be accompanied by a Traffic Impact Assessment (TIA) that assesses the traffic, transport and pedestrian impacts on the road and footpath networks and nearby intersection capacity. The TIA shall also address:</p> <ol style="list-style-type: none"> mode-share, sustainable transport management / mitigation and the recommendations of the Transport Access Strategy prepared by SECA Solutions and dated June 2018 (as amended by letters dated 4 July 2019 and 8 November 2019) any amendments to the design, capacity and operation / safety of Wright Lane, Settlement Lane. Any proposed amendments shall be prepared in consultation with Council vehicle and pedestrian safety within the site loading / unloading, servicing, taxi and coach, pick-up/drop-off arrangements on-site car parking location, access and operation pedestrian and bicycle infrastructure and improvements the expansion of the shuttle bus service including the operation of the service and 	<p>C19. The Application includes a TIA which considers mode share, servicing and sustainable travel measures. The Department has recommended conditions relating to these aspects of the proposal.</p> <p>C20. The 172 car parking spaces have been retained.</p> <p>C21. Not applicable as this is the first stage of the development.</p> <p>C22. Not applicable as this is the first stage of the development.</p> <p>C23. The Application includes a green travel plan.</p>	Yes

Condition	Department's consideration	Complies
<p>the design and operation of the shuttle bus stop.</p> <p>C20. Future development application(s) for the initial stages of the development (i.e up to Stage 3, ToA A12) shall retain 172 on-site surface car parking spaces for use by students, staff and the general public.</p> <p>C21. The Applicant shall monitor the travel mode share split for each stage of the development following commencement of the use of each stage/building. Future development application(s) shall include a traffic and transport study and surveys (including the results of the mode share monitoring), which assesses the travel mode share split achieved for previous stages of the development and compares this with the mode share targets within the Transport Access Strategy prepared by SECA Solutions and dated June 2018 (as amended by letters dated 4 July 2019 and 8 November 2019).</p> <p>C22. Future development application(s) for the final stage of the development (i.e stage 4, ToA A12) shall include an appropriate amount of on-site car parking in the event that the travel the mode share monitoring and assessment (FEAR C21) demonstrates the travel mode share shift (contained the Transport Access Strategy prepared by SECA Solutions and dated June 2018 (as amended by letters dated 4 July 2019 and 8 November 2019)) is not achieved, or on track to be achieved, at the time of the lodgement of the future development application for the final stage.</p> <p>C23. Future development application(s) shall include green travel plans, identifying opportunities to maximise the use of sustainable transport choices, such as incentives and provision of cycle parking and end of trip facilities in the detailed design.</p>		
<p>Bicycle parking and facilities</p> <p>C24. Future development application(s) shall include bicycle parking for students / employees / visitors and end of trip facilities (toilets, change/locker rooms and showers) in accordance with the Newcastle Development Control Plan 2012. Future development application(s) shall also explore opportunities to provide bicycle parking in excess of the Newcastle Development Control Plan 2012, where this would facilitate the proposed site-wide travel mode share.</p>	<p>C24. The proposal provides for 52 bicycle parking spaces, which exceeds the NDCP requirement (28 spaces). The proposal includes end of trip facilities.</p>	Yes
<p>Wind assessment</p> <p>C25. Future development application(s) shall include a Wind Impact Assessment, including wind tunnel testing, which assesses the existing and proposed wind environment, demonstrates spaces within and around the site are suitable for their intended purpose and includes</p>	<p>C25. The Application includes a wind assessment and recommends mitigation measures (awning and planting), which have been incorporated into the design of the development.</p> <p>The wind assessment did not include a wind</p>	Yes

Condition	Department's consideration	Complies
mitigation measures to address adverse wind conditions, where necessary. In the event that the Wind Impact Assessment recommends landscaping / planting mitigation measures, these shall be shown on the Landscape Plan (FEAR C8).	tunnel test. However, this is considered acceptable as discussed in Section 6.4 .	
Waste C26. Future development applications shall include a Waste Management Plan to address storage, collection, and management of waste and recycling within the development.	C26. The Application includes an OWMP. The Department has recommended a condition requiring the preparation of the final OWMP in consultation with Council.	Yes
Utilities C27. Future development application(s) shall include a Utility Services Infrastructure Assessment (USIA) which addresses the existing capacity and any augmentation requirements of the development for the provision of utilities, including staging of infrastructure. The USIA shall be prepared in consultation with relevant agencies and service providers.	C27. The Application has considered likely services connections and has agreed to consult with service providers. The Department has recommended a condition accordingly.	Yes
Operational noise and vibration C28. Future development application(s) shall be accompanied by a Noise and Vibration Impact Assessment (NVIA) that identifies and provides a quantitative assessment of the main noise generating sources and activities during operation. The NVIA shall include details of any mitigations measures to ensure the amenity of sensitive land uses are protected during the operation of the development.	C28. The Application includes a noise assessment, which concludes impacts can be managed or mitigated. The Department has recommended operational and construction noise conditions to address noise impacts.	Yes
Hydrology C29. Future development application(s) shall consider potential flooding, stormwater, climate change/sea level rise and water quality impacts. Buildings shall be designed to appropriately respond to any constraints and address water sensitive urban design principles and the Newcastle Development Control Plan 2012 flooding/stormwater requirements.	C29. The Application include engineering and civil report / drawings, which concludes the development has been designed to respond to the flooding and drainage constraints of the site. The Department has recommended Council's flooding and drainage conditions.	Yes
Contamination and mine subsidence C30. Future development application(s) shall include a Site Contamination Assessment and, as necessary, a Remedial Action Plan reviewed and approved by a site auditor accredited under the <i>Contamination Land Management Act 1997</i> . C31. Future development application(s) shall include a Mine Subsidence Assessment which shall be prepared in consultation with Subsidence Advisory NSW (SA NSW) and shall consider any relevant approvals of the SA NSW relating to the site.	C30/C31. Council has previously approved a DA, which includes site preparation and land remediation works. SA NSW has previously issued an approval relating to mine subsidence. The Department recommends conditions requiring the development be constructed in accordance with the requirements of the previous consents.	Yes

Condition	Department's consideration	Complies
<p>Construction</p> <p>C34. All future development application(s) must provide an analysis and assessment of the impacts of construction and include:</p> <ul style="list-style-type: none"> a) Construction Pedestrian and Traffic Management Plan (CPTMP), prepared in consultation with TfNSW. The CPTMP must detail vehicles routes, numbers of trucks, hours of operation, access arrangements and traffic control measures and cumulative construction impacts (i.e. arising from concurrent construction activity) b) Construction Noise and Vibration Impact Assessments that identifies and provides a quantitative assessment of the main noise generating sources and activities during construction. Details are to be provided outlining any mitigation measures to ensure the amenity of adjoining sensitive land uses is protected throughout the construction period(s) c) Community Consultation and Engagement Plans d) Construction Waste Management Plan e) Air Quality Management Plan f) Water Quality Impact Assessments and an Erosion and Sediment Control Plan (including water discharge and dewatering considerations) g) Geotechnical and Structural Investigation Report h) Acid Sulphate Soil Assessment and Management Plan i) Sediment and Erosion Management Plan. 	<p>C34. The Application includes all necessary construction management reports. The Department has recommended conditions to ensure the construction of the development does not have adverse environmental or amenity impacts.</p>	<p>Yes</p>

D2 – Concept Approval Design Guidelines

The Concept Approval 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.

In its assessment of the Concept Approval application the Department amended the Design Guidelines to ensure the detailed design of the development achieves the urban design, public domain and open space objectives for the development.

The Department has considered the Stage 1A proposal against the Concept Approval Design Guidelines (as recommended to be amended) at **Table 14**.

Table 14 | Consideration of Stage 1A against the Concept Approval Design Guidelines

Design Guideline					Complies																																									
<h3>3.3 Development Parcels</h3> <p>Floor space will be distributed across the precinct in accordance with the Concept Approval to ensure the best functional and urban design outcome.</p> <p>The table below outlines the maximum GFA for each lot proposed in Concept Plan:</p> <table><tr><th>Lot</th><th>GFA</th><th>Site</th><th>Stage</th><th>Use</th></tr><tr><td>Lot A1</td><td>4,000m²</td><td>Site 1</td><td>1a</td><td>Academic + retail</td></tr><tr><td>Lot A2</td><td>10,770m²</td><td>Site 1</td><td>2</td><td>Academic + retail</td></tr><tr><td>Lot B</td><td>11,480m²</td><td>Site 1</td><td>1b</td><td>Student Accommodation + retail</td></tr><tr><td>Lot C</td><td>11,595m²</td><td>Site 2</td><td>3</td><td>Academic + retail</td></tr><tr><td>Lot D</td><td>8,252m²</td><td>Site 2</td><td>4</td><td>Academic + retail</td></tr><tr><td>Lot E</td><td>8,210m²</td><td>Site 3</td><td>4</td><td>Academic + retail</td></tr><tr><td>Lot F</td><td>11,035m²</td><td>Site 3</td><td>4</td><td>Academic + retail</td></tr></table> <p>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.</p> <p>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:</p> <p>Academic buildings - 85% GBA to GFA</p> <p>Student Accommodation - 80% GBA to GFA</p>					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	Site 1	1b	Student Accommodation + retail	Lot C	11,595m ²	Site 2	3	Academic + retail	Lot D	8,252m 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	<ul style="list-style-type: none">- The proposal provides for 2,700 m² GFA- The GBA is ~ 70%	Yes
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	Site 1	1b	Student Accommodation + retail																																										
Lot C	11,595m ²	Site 2	3	Academic + retail																																										
Lot D	8,252m 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																																										

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 Museum Park at Civic Lane has a 24m height limit.

Key assumptions underpinning the height response are:

- 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
- 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 maximum building envelope height, subject to approval

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.
- 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.

- Floor to ceiling heights are appropriate and greatest at ground floor level.
- The Department has recommended a condition to require the rooftop enclosures be redesigned to reduce their visual prominence.
- The building would not have adverse impact on public open space.
- The building does not include a podium. However as it is four storeys this is considered acceptable.

Yes

3.5 Setbacks

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

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

- The proposal exceeds all setback requirements.

Yes

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
- 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.

- The building addresses Honeysuckle Drive.
- The building would not obscure views into the future campus.
- The building provides for an acceptable interface with the public domain.
- The facades are highly transparent.
- The ground floor of the building activates the surrounding public domain.
- The public domain is highly permeable.
- Services were considered as part of the Council's separate approval for site preparation works.

Yes

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 floor level of the building is above the FPL (2.8m AHD).
- The building provides for active facades, does not provide extended sections of walls, ramps or barriers and provides for an appropriate interface with the public domain.

Yes

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.

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.

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.
- 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 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.
- 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 Application includes sufficient information to consider building identification signage.
- The Department concludes the signage it acceptable.

Yes

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:

- 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 Green Star rating 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.

- The Application includes an ESD assessment and demonstrates the building has been designed in accordance with ESD principles.
- The Applicant has committed to achieving a 5 star Green Star rating. The Department has recommended conditions requiring the development achieve at least a 5 star Green Star rating.

Yes

7.2 Lot A1

Site	1
GFA	4,000m ²
Indicative Max. Height	Up to 6 storeys

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 proposal provides for 2,740 m² GFA and is four storeys tall.
- The ground floor has a more generous floor to ceiling height than the upper floors.
- Temporary servicing Honeysuckle Drive is proposed. Servicing would be included into Stage 1B when it is constructed.

Yes

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.

- The building has planned for connections to Stage 1B.
- The floor level of the building is above the FPL (2.8m AHD).

Appendix E – 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 15**.

Table 15 | Department's reasons for determination and consideration of community views

Issue	Consideration
<i>Car parking</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The proposal does not include any on-site car parking. The Applicant has stated the existing 172 surface car parking spaces accessed off Wright Lane will be retained for use by students, staff and visitors during the initial 3 stages of the UoN Honeysuckle City Campus development. The University of Newcastle (UoN) has an ambitious travel mode-share target of 7% cycling, 39% public transport and 54% walking, with the ultimate goal of no trips by private vehicles. UoN envisages the campus would transition to the mode-share target over time and rely on existing (temporarily retained) surface car parking on the site to manage the transition. The Application includes a Green Travel Plan (GTP), which includes various education and information strategies to facilitate the mode-share transition. The Department is satisfied the retention of the existing surface car parking and implementation of the GTP and sustainable transport would ensure the proposal does not have adverse traffic or parking impact. <p><i>Recommended conditions</i></p> <ul style="list-style-type: none"> Preparation and implementation of the GTP and sustainable transport measures.
<i>Operational noise</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant submitted an Acoustic Report (AR) with the EIS which confirmed the proposal includes the provision of rooftop mechanical plant and recommends standard noise mitigation measures including plant selection, plant enclosures, barriers, duct lining and silencers. The Department is satisfied noise arising from mechanical plant can be appropriately addressed in accordance with the Applicant's recommended management and mitigation measures. The AR also suggests the potential use of the ground floor of the building and adjoining spaces for occasional events. The Department considers insufficient information has been provided in relation to the use of the space for occasional events and therefore this aspect of the proposal is not approved. <p><i>Recommended conditions</i></p> <ul style="list-style-type: none"> The installation and operation of mechanical plant shall be undertaken in accordance with the Applicant's management and mitigation measures. No approval is granted for the use of the building for occasional events.
<i>Construction noise</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant submitted an Acoustic Report (AR) with the EIS which confirmed construction may result in noise impacts on adjoining properties. The AR recommended mitigation measures including preparation of a Construction Noise and Vibration Management Plan (CNVMP), noise monitoring and mitigation measures where noise limits are exceeded. The Department supports the Applicant's mitigation measures and recommends works be restricted to standard hours of construction consistent with the Interim Construction Noise Guideline (7am to 6pm Monday to Friday and 8.00 am to 1.00 pm Saturdays). To further manage noise impacts to residential receivers during standard construction hours, the Department also recommends conditions requiring the Applicant to implement the mitigation measures outlined in the AR, preparation and implementation of the CNVMP, respite periods and other controls. The Department is satisfied that, subject to the conditions, noise and vibration impacts can be satisfactorily managed and mitigated to ensure the amenity and operations of surrounding sensitive receivers is not adversely impacted upon.

	<p><i>Recommended conditions</i></p> <ul style="list-style-type: none"> • construction work shall be carried out in accordance with the Applicant's management and mitigation measures • construction work shall be limited to standard construction hours, include respite periods, not be 'offensive noise' and all construction vehicles shall only arrive at the site during the permitted hours of construction • preparation and implementation of a CNVMP.
<p><i>Amenity impact to 522-526 Hunter Street</i></p> <p><i>(overlooking, overshadowing and loss of views).</i></p>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department considers the proposal would not have an adverse impact on the north facing apartments of 522-526 Hunter Street as the: <ul style="list-style-type: none"> ○ proposal is located approximately 85 m away from 522-526 Hunter Street ○ proposal does not extend into any view corridors ○ building is four storeys in height and is of a lesser scale than existing surrounding residential developments. ○ Concept Approval building envelope B is located between 522-526 Hunter Street and the building and Stage 1A would not be visible from north facing apartments if envelope B is constructed • The Department concludes due to the height, location and future intervening development the proposal would not have any adverse amenity impacts on the north facing apartments of 522-526 Hunter Street. <p><i>Recommended conditions</i></p> <ul style="list-style-type: none"> ○ No conditions or amendments are necessary.
<p><i>Loss of property value</i></p>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department considers matters relating to the private contracts of sale and/or value of properties are not planning matters for consideration and therefore objections based on loss of property value are not able to inform the assessment of the application. • Notwithstanding, the Department has assessed the merits of the application and concludes, subject to conditions, the proposal has acceptable impacts, and therefore there is no evidence to suggest that it would adversely impact on property values. <p><i>Response</i></p> <p>No conditions or amendments are necessary.</p>

Appendix F – Recommended Conditions of Consent

See the Department's website at:

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