



Our ref: 20003

15th January 2020

Major Projects
Department of Planning, Industry and Environment
GPO Box 39
Sydney NSW 2001

ATTENTION: MATTHEW ROSEL - PLANNER

**OBJECTION
UNIVERSITY OF NEWCASTLE CITY CAMPUS CONCEPT PLAN
CONCEPT APPLICATION – STATE SIGNIFICANT DEVELOPMENT
SSD9262**

On behalf of the Strata Committee for 522 Hunter Street Newcastle, Resolve Urban Planning hereby objects to the Concept Approval sought for the University of Newcastle City Campus proposal. The objection has been prepared on the basis of a site inspection, review of documentation supporting the rezoning of the heavy rail line and documentation supporting the Concept Application and relevant planning instruments. The objection can be accepted after the completion of the exhibition period as per discussions between yourself and a representative of the Strata Committee.

Whilst it is noted that the application presently only seeks concept approval and will therefore be subject to further applications for the proposed buildings, this objection is based on fundamental issues that require consideration at the concept approval stage where this approval defines the building envelopes for all future building applications.

Subject Site

The subject site is located at 522 Hunter Street and contains a mixed-use building comprising:

- Ground level – commercial premises fronting Hunter and car parking accessed from Civic Lane
- Levels 2 to 7 – Residential apartments

In reflection of the sites north/south orientation, the majority of residential apartments are provided with north facing living areas and open spaces.

The building has also been designed with the reasonable assumption of development proceeding to the east and west along Hunter Street and therefore no additional windows have been provided to each of the side elevations.

Figure 1 522 Hunter Street as viewed from Wright Lane



The building has been built to the boundary with Civic Lane, reflecting the heavy rail line which existed at the time of the building's approval. The development was therefore not required to provide a setback to future development within the corridor, the corridor itself providing a setback to future development to the sites north at the time of its approval.

Objections to Concept Proposal

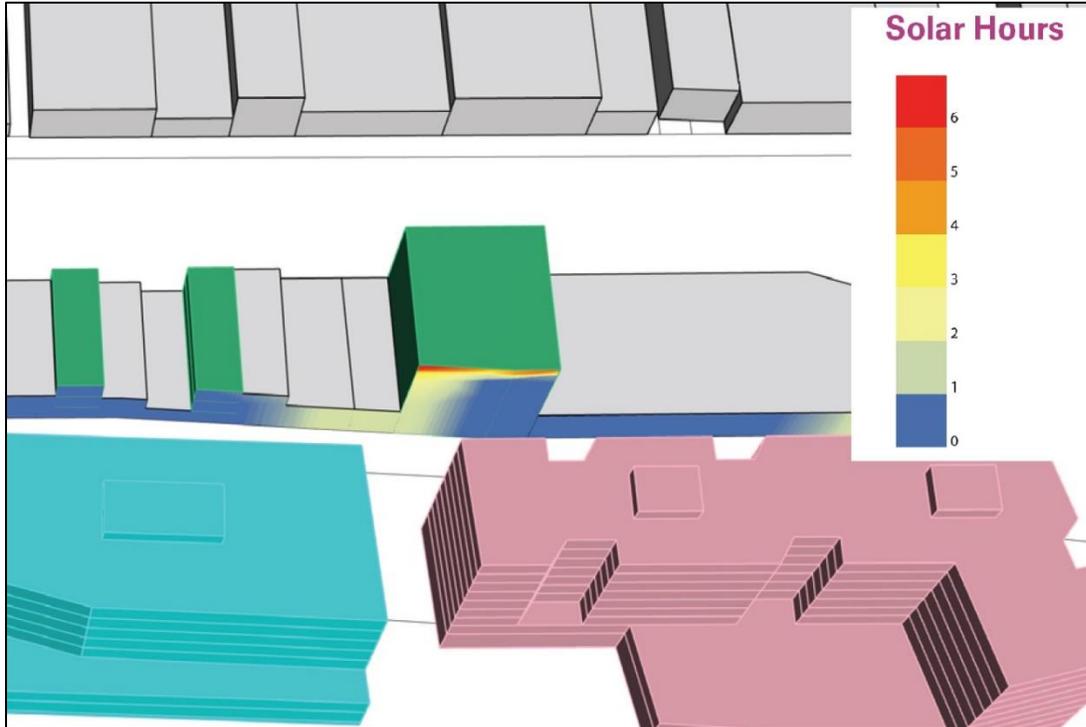
Objection to the concept proposal is made on the basis of:

- Overshadowing
- View loss

Overshadowing

The shadow modelling provided by the applicant indicates that nearly all north facing units within 522 Hunter Street will no longer receive 2 hours of sunlight. The building will predominately be in complete shadow, refer to **Figure 2**.

Figure 2 – Extract from Shadow Analysis



The shadow diagrams would appear to contradict the Environmental Impact Statement assertion that *buildings along Civic Lane are set back 6m to provide appropriate separation between potential future residential development along Hunter Street and to minimise shadowing impacts* (Page 39).

Further, the applicant in the response to submissions document indicates that *it is not possible to achieve the development potential envisaged for the site by the Planning Proposal without causing shadow to the Civic Lane properties*.

There is no question that the development of the rail corridor and adjoining lands will result in some overshadowing of buildings within Hunter Street and specifically 522 Hunter Street.

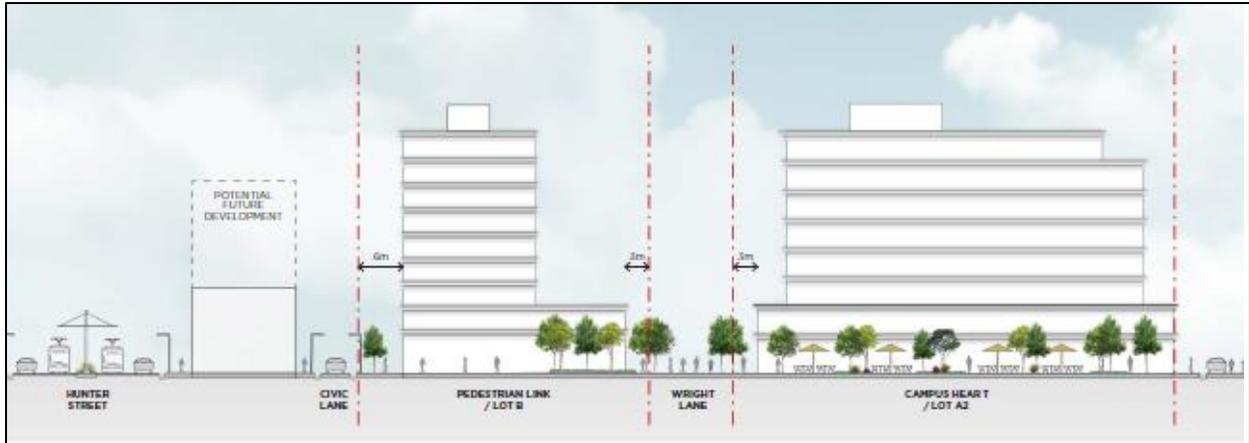
However, it is unreasonable for the applicant to rely on the maximum height controls provided by the rezoning of the rail corridor as a reasonable justification for the loss of compliant sunlight provisions to 522 Hunter Street (and Hunter Street properties more generally). I form this view on the basis that:

- Both the height and Floor Space Ratio controls are maximum development standards. They provide an indication of what may be a maximum height or building floor area when a detailed analysis has been completed on the likely impact of the development. Where site analysis identifies a clear impact to a neighbouring land use, the design must reflect and respond to these conditions;
- The concept proposal has sited its highest elements, including those elements that will require an encroachment of the maximum building height, along the southern boundary of the site. This, in

turn, creates the greatest amount of impact to 522 Hunter Street (and Hunter Street buildings more generally).

- Such an outcome is deemed to be inconsistent with best practise planning outcomes, where increased setbacks and reduced heights are generally implemented to minimise overshadowing impacts along southern boundaries. This is particularly the case where development has the potential to impact on the amenity of existing development. The applicants own section demonstrates this siting (**Figure 3**) and no explanation is provided (beyond an intention to seek a maximum development envelope to reflect the maximum controls) for this outcome.

Figure 3 Concept Proposal Section



It is my view that an alternative Building Envelope scheme could be developed that will readily achieve the design principles for the site whilst maintaining a reasonable level of solar access, being compliance with the Apartment Design Guide Controls, to 522 Hunter Street. This could include reconsideration of the massing of Building B and/or increased separation between Building B and D, subject to investigations by the applicant. It is noted that improved sunlight access is unlikely to be achieved through increased building articulation at the detailed design phase should the proposed building envelopes be approved.

In addition to the identified impact on 522 Hunter Street, the proposed envelopes will unnecessarily constrain future development elsewhere between Hunter Street and Civic Lane, most particularly immediately to the east and west of 522 Hunter Street. Reduced sunlight, or in some areas complete loss of available sunlight, to these sites is highly likely to result in these sites being unsuitable/unfeasible for future development, for either residential or commercial development. This will, in turn, remove the opportunity to provide improved street activation along Hunter Street and the light rail corridor.

The intentions for the University site cannot come at the expense of the opportunities to provide an improved urban design outcome along Hunter Street, which will improve activation and streetscape along the rail corridor and leading up to the Civic Link.

The applicant is therefore required to provide alternate building envelopes that will provide a reasonable amount of sunlight to 522 Hunter Street, and Hunter Street buildings more generally.

View Loss

Whilst it is accepted that some view loss will occur, given the vacant nature of the subject site, it is not unreasonable for the concept proposal to provide building envelopes that will allow for view sharing between the proposed and existing development. Interpretation of the building envelopes relative to onsite observations indicates that the proposed building envelopes will remove a large extent of views provided to occupants on the uppermost floors of 522 Hunter Street. An example of existing views available from the site is provided by **Figure 4**.

Figure 4 Existing Views over Site from Level 7



Whilst an increased separation is noted between Building B and D within the amended documentation provided in the response to submissions, improved view sharing appears possible via a greater increase in the building separation between Building B and D. This increased separation reflects the observations made in respect of overshadowing impacts.

Irrespective of the differing development standards between the two sites, the application is required to demonstrate how it will minimise the loss of views available from 522 Hunter Street. This needs to form part of the concept proposal, given it seeks to define the building envelopes within the site. Any future application will to seek to maximise how it utilises these envelopes and hence will be unlikely to provide any significant improvements to view sharing, irrespective of building articulation.

Items for Consideration at the Detailed Building Design Phase

As per the above it is understood and accepted that the Concept proposal relates only to the building envelope and siting. The following are however noted for careful consideration during the preparation, and assessment, of detailed plans for future buildings within the site:

- Privacy of 522 Hunter Street Occupants, including consideration of window locations/screening measures
- Acoustic impacts including consideration for plant locations, service vehicle access and movements
- Location of service access and possible impact on vehicle access to 522 Hunter Street
- Possible impacts during the construction phase, including requirement for detailed dilapidation surveys of 522 Hunter Street to be completed before, during and after completion of construction within the subject site.

Further items may need to be addressed following the review of detailed plans.

Conclusion

Analysis of the concept proposal relative to the amenity provided to occupants of 522 Hunter Street, and Hunter Street more generally, has identified fundamental issues in respect of overshadowing and view loss resulting from the proposed building envelopes.

The applicant must address these concerns via an amended scheme that is to be made available for further review prior to the application being determined. The applicant is requested to consult directly with the Strata Committee of 522 Hunter Street on how this objection has been taken into account and addressed, and during the design phase of any future adjoining building.

Should you have any enquiries in respect of this objection please do not hesitate to contact the writer via email paul@resolveurbanplanning.com.au or mobile 0401 348 204.

Yours faithfully,



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