

10 September 2019

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Director Key Sites Assessments  
Department of Planning, Industry and Environment  
GPO Box 39  
**SYDNEY NSW 2001**

Reply by email: [james.groundwater@planning.nsw.gov.au](mailto:james.groundwater@planning.nsw.gov.au)

Dear David

**UNIVERSITY OF NEWCASTLE HONEYSUCKLE CITY CAMPUS CONCEPT PLAN  
(SSD-9262)**

I refer to the Department's email of 2 August 2019 advising the University of Newcastle has submitted a Response to Submissions (RtS) for the above application which was placed on public exhibition from 15 to 28 August 2019 and inviting City of Newcastle ('CN') to comment.

The supplementary documentation has been reviewed and the following advice is provided for your consideration:

**1. Student accommodation categorisation**

The RtS (Pg13) states that the proposed student accommodation component of the development, previously characterised in the Environmental Impact Statement as a boarding house, would now be characterised as '*an educational use*'. This new characterisation is not supported by a planning argument.

The original characterisation is still considered appropriate having regard to the following considerations.

Under the Newcastle Local Environmental Plan 2012, there is no specific definition for student accommodation while an educational establishment is defined as:

***'educational establishment means a building or place used for education (including teaching), being:***

*(a) a school, or*

*(b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.'*

Based on this definition, an educational establishment does not include student accommodation. Furthermore, in relation to an existing university campus and proposed student accommodation clause 44 of State Environmental Planning Policy (Educational establishments and Child Care facilities) 2017 states:

*'In this Part, development for the purpose of a university does not include development for the purpose of residential accommodation for students that is associated with a university, regardless of whether, or the extent to which, the*

*university is involved in, or exercises control over, the activities and life of the students living in the accommodation.*

*Note. Clause 45 provides for development for the purpose of student accommodation as a separate category of development.'*

Finally, the Department of Planning and Environment Fact sheet dated February 2019 on State Environmental Planning Policy (Affordable Rental housing) (ARH) 2009 identifies a boarding house as providing low-cost rental accommodation for a wide range of tenants including students. The SEPP (ARH) 2009 is considered to apply to the development and it is appropriate some consideration is given to the required planning provisions, including car parking and floor space ratio, as part of the Concept Plan application.

## **2. Amenity considerations**

In considering the likely overshadowing impacts on the existing development on 522-526 Hunter Street (26 dwellings) and the other 'residential' properties on the southern side of Civic Lane the RtS states:

*'With the exception of the uppermost level, the western side of the northern façade (of 522-526 Hunter Street) would receive no direct solar access if the envelope were to be completed filled. However, it is noted that this would not occur as articulation of the built form will be required through the detailed design process.'*

*'... the building envelopes represent the maximum built form massing for any part of the site and will be refined as part of the design development process. Subsequent applications for the detailed design of buildings will further consider solar access to surrounding properties and the design of the buildings will seek to minimise overshadowing where possible.'*

While the RtS argues that subsequent development applications for the detailed design of the buildings will further consider the solar access to surrounding properties, it is also conceded that:

*'... a substantial reduction to the height of the development at the University campus would be required to allow solar access to reach the lower levels of a potential residential development along Civic Lane.'*

Notwithstanding this, it is argued that;

*'... the delivery of the University's Honeysuckle Campus, and the significant public benefits associated, should not be unreasonably stymied due to potential shadowing impacts.'*

While the likely positive contribution of the development to the revitalisation of the City Centre is recognised, the development should not unreasonably impact on the existing developments or the future development potential of the properties on the opposite side of Civic Lane. As such, consideration should be given to ensuring that these likely impacts have been satisfactorily addressed by the Concept Plan.

## **3. HCCD Transport Strategy**

### **Car parking rates**

#### Newcastle Development Control Plan 2012

The on-site car parking rates for development in the Newcastle Local Government Area are set out in Section 7.03 of the Newcastle Development Control Plan (DCP) 2012. In the

Newcastle City Centre, except for residential development, car parking is provided at a flat rate of one space per 60 square metres of gross floor area (GFA).

The plan provides that the onus is on the applicant of a development to demonstrate compliance with the relevant car parking rate or justify a variation from the rate based on a merit consideration. The RtS outlines that the aims of section 7.03 have been the starting point *'in developing the masterplan strategy and its approach to sustainable travel and parking.'*

While the provisions of State Environmental Planning Policy (State and Regional Development) 2011 provide that a development control plan does not apply to State significant developments, in the absence of other appropriate standards the DCP, including the parking rates, has been used by the Department to assess other State significant developments in the Honeysuckle precinct. Therefore, it is considered appropriate that consideration be given to DCP 2012 in respect of the proposed development.

#### State Environmental Planning Policy (Affordable Rental housing) (SEPP) (ARH) 2009

The provisions of SEPP(ARH) 2009 apply to State significance development. Therefore, if the student accommodation component (i.e. 400 rooms) of the development is being proposed under this policy consideration should be given to the relevant parking rate of 0.5 parking spaces are provided for each boarding room and the development standard of one parking space for a bicycle and motorcycle for every 5 boarding rooms.

#### **Alternative modes of transport**

The Transport & Parking Response of the RtS has sought to provide further justification for a reliance on alternative modes of transport. Many of the assumptions are long term aspirations. Currently the trend of driving is still in place in the Hunter Region, which is evident through the submitted reports and other NSW Transport Strategies such as Future Transport Strategy (March 2018) and Greater Newcastle Future Transport Plan (November 2017). Therefore, change needs to be implemented in a manner that does not adversely impact upon the existing environment and surrounding areas in the short to medium term. In CN's previous submission it was suggested that a more measured approach be applied to the Concept Plan such that the appropriate parking needs can be evaluated for each stage of the project having regard to the planning controls and other circumstances applying at the time.

The RtS acknowledges that the transition from high private vehicle usage to alternative modes could take time and accordingly there could be continued demand in the short term. It therefore suggests that the staged approach to the delivery of the campus over a 10+ year time period will provide opportunity to implement interim parking solutions during this transition period. The approach that each stage be assessed against specific transport requirements at the time (particularly when details of building use are known) is generally supported. The temporary use of the existing 180 space at-grade car park on site to manage the interim general parking demand is also encouraged. It is recommended the Concept Plan is amended to retain this parking facility.

If the Concept Plan is to rely on alternative forms of transport in the longer term, then it is recommended this to be future proofed into any earlier stage. For example, it should integrate a generous target for bicycle parking (and possibly motorcycle parking) beyond those currently required under the DCP 2012, even if such facilities were underutilised in the early stages of the development.

## Servicing

While alternative modes of transport may in the future be able to reasonably cater for general staff and student demand on the campus it is considered that alternative transport cannot cater for the ongoing general servicing requirements for the Concept Plan. In this regard well considered and integrated servicing arrangements need to be considered, planned for and embodied into the Concept Plan design. Each subsequent Stage DA could then leverage off an integrated servicing arrangement approach rather than replicating individual servicing within each new building.

In accordance with DCP 2012, service vehicle arrangements need to be accommodated on-site in a manner that is conveniently accessible for all stages of the development. Demand could include but may not be limited to:

- Parking - service vehicle parking, disability parking, emergency services and any other servicing parking arrangements that cannot be managed by alternative transport modes.
- Appropriate taxi/private vehicle and bus drop off/set down areas. Specifically given the proposal will be heavily reliant on shuttle services to the campus the DCP 2012 requires that bus set down facilities are provided near the main pedestrian access for educational establishments.
- Loading/unloading zone/s for largest anticipated heavy vehicle, including waste collection vehicles (consider in conjunction with waste management).

The Transport & Parking Response indicates that servicing will occur on-street. The policy position under the DCP 2012 is that all servicing facilities are to be accommodated within the site with forward vehicle entry/exit. On-street servicing is considered on a case by case basis but generally only supported in circumstances where on-site servicing is not possible (e.g. constrained development sites). It is considered appropriate for a development of the scale of the Concept Plan that all servicing would occur within the site, ideally with access from either Civic, Settlement or Wright Lane. While specific parking servicing requirements can be developed to suit the Concept Plan as a general guide the DCP 2012, Section 7.03 Traffic, Parking & Access suggests a general rate of 1 space per 2,000m<sup>2</sup> of GFA for servicing parking. It is noted that some temporary on-site facilities may be required to service earlier stages until a final solution is implemented.

## 4. Road Network

### Wright Lane and Settlement Way

It is noted the University of Newcastle (UoN) have recently purchased Wright Lane from the Hunter and Central Coast Development Corporation. CN's initial comments were based on the assumption that Wright Lane would be potentially dedicated as a public road. Based on ownership changes, CN have reviewed the current situation and the following is recommended:

- A right of public access over Lot 6 (Wright Lane) for both foot and vehicle traffic will be required. This is necessary to enable public access and private access to properties with access from Wright Lane.
- CN be granted right of access over Lot 6 (Wright Lane) in favour of Lot 3 DP1111305 (Newcastle Museum) and access to the museum be maintained at all times.
- Wright Lane and Settlement Way be restricted to 23 Tonne maximum loading, noting that Settlement Way currently has a load limit of 23 Tonne imposed due to road slab being the car park roof for private underground parking.
- Settlement Lane be made one way northbound.
- Road and footpath works be undertaken at Settlement Lane/Honeysuckle Drive intersection to enforce one way.

- UoN be required to undertake permanent road widening works along Civic Lane as part of this development. This is to establish the widening approved as part of the subdivision to widen Civic lane to create a footpath zone.
- Any future proposed dedication of Wright Lane will need to be consulted with CN and road design will need to meet relevant CN requirement.

The above matter could be addressed by the imposition of an appropriate condition of consent.

## **5. Flood Management**

Flood management for the Honeysuckle Precinct is to be provided in accordance with the Honeysuckle Redevelopment Area Flood Study (BMT WBM, March 2018).

[http://www.newcastle.nsw.gov.au/Newcastle/media/Documents/environment/Flooding/Honeysuckle-Redevelopment-Area-Flood-Study\\_March-2018.pdf](http://www.newcastle.nsw.gov.au/Newcastle/media/Documents/environment/Flooding/Honeysuckle-Redevelopment-Area-Flood-Study_March-2018.pdf)

A Flood Certificate Reference No. FL2018/00123 has been issued by CN for 16 Honeysuckle Drive. The Certificate has the current flood data based upon the above-mentioned study. It is recommended that future flood management be in accordance with the provisions of the DCP 2012, Section 4.01 Flood Management.

There are a number of references within the RtS documentation that indicate flood planning requirements inconsistent with the above-mentioned study. There are also several statements that basement parking is restricted due to required flood levels, however this is not considered to be the case. The documentation appears to be indicating that the basement car park entry needs to be at the highest Probable Maximum Flood (PMF) level. Based upon Section 4.01 Flood Management basement entry can be set at the recommended Flood Planning Level (FPL), which in accordance with the Flood Certificate, is 2.8m Australian Height Datum (AHD). Having regards to existing site levels this would be approximately 0.5m to 0.3m above ground level and would therefore unlikely prevent basement parking being provided on the site.

It is recommended that documentation be updated to reflect current flood planning requirements in accordance with the Honeysuckle Redevelopment Area Flood Study (BMT WBM, March 2018) and Section 4.01 Flood Management of DCP 2012.

As outlined in CN previous submission the implementation of floodways is an important aspect for the overall flood management within the Honeysuckle Precinct. This is because flood planning levels are based upon an as built scenario including the establishment of appropriate floodways. Accordingly, the floodways identified under the Honeysuckle Redevelopment Area Flood Study (BMT WBM, March 2018) should be implemented as part of the first Stage to ensure adequate flood protection can be achieved.

## **6. Stormwater Design and Drainage and Infrastructure Management**

The RtS has 'noted' CN's previous advice regarding these aspects of the development and therefore no further advice is required. It is noted, however, that drainage infrastructure traverses the northern alignment of Wright Lane and consideration should be given to such infrastructure in the subsequent development application for stage of the campus.

## **7. Contamination and Noise and Vibration**

The RtS agrees with CN's previous advice on consideration of these matters. Therefore, no further advice is necessary.



## **8. Section 7.12 Development Contribution Plan**

While CN acknowledges the many likely benefits of the Honeysuckle City Campus and the importance of its location in the City Centre to support continued revitalisation, the payment of a local infrastructure contribution as provided for under the CN's Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019 is important to providing essential community infrastructure that the city campus will also rely on.

As noted in CN's previous submission, Circular D6 was last updated in 1995 prior to the introduction of s7.11 to the *Environmental Planning and Assessment Act 1979*. Local contributions assist CN in the implementation of our Cycling Strategy and the design and construction of cycleways. The Transport Strategy prepared to support UoN's City Campus relies on a mode share shift away from private vehicle use and towards active and public transport. The Transport Strategy notes that NeW Space Bike Hub usage data shows a significant uptake in 2019 over 2018 figures and the provision of further Bike Hub services in the city as part of the overall HCCD masterplan are planned to support this mode of transport. In order for cycling to be a valid alternative to private vehicle use, the provision of safe cycle ways into the city will be essential, in addition to any bike hub services. Local infrastructure contributions also assist CN to provide public domain works in the City Centre such as urban furniture, street plantings, upgraded footpaths and open space embellishments that will benefit students, staff and visitors to the new campus.

Given the above circumstances, it is appropriate for the UoN to pay an appropriate levy to assist CN to provide these public works that will be of considerable benefit to the functioning of the new campus.

The Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019 became operational on 9 September 2019 and repeals the Section 94A Development Contribution Plan 2009 (Updated 2017) referred to in CN's previous letter regarding this development. However, the Savings and Transitional provisions of the Plan provide that a development application which has been submitted prior to the adoption of this Plan but not determined shall be determined in accordance with the provisions of the Plan which applied at the date of lodgement of the application. Therefore, the levies applicable under Part B-City Centre of the above s94A Plan apply to the development.

## **9. Night-time economy**

Since the public exhibition of the development application CN's first specific strategy for guiding the development of the city's night-time economy was adopted. It is requested that both the UoN and Department consider the publication 'Newcastle After Dark 2018-2022'.

If you have any questions in relation to the various matters raised in this letter, please do not hesitate to contact Geof Mansfield Principal Planner (Development) on 4974 2767 or by return email.

Yours faithfully



**Michelle Bisson**  
**MANAGER REGULATORY, PLANNING AND ASSESSMENT**