

Planning and Regulatory. G.Mansfield.  
Reference: 4921880  
Phone: 02 4974 2767



25 September 2014

Mr Daniel Keary  
Director,  
Industry, Key Sites and Social Projects  
Department of Planning & Environment  
GPO Box 39  
SYDNEY NSW 2001

PO Box 489, Newcastle  
NSW 2300 Australia  
Phone 02 4974 2000  
Facsimile 02 4974 2222  
Email [mail@ncc.nsw.gov.au](mailto:mail@ncc.nsw.gov.au)  
[www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au)

**Attention: Megan Fu**

Dear Mr Keary,

**NEW SPACE PROJECT, UNIVERSITY OF NEWCASTLE (SSD 6457)  
409 HUNTER STREET AND 300 KING STREET, NEWCASTLE AND 20 LAMAN  
STREET COOK HILL.**

I refer to your letter of 18 August, 2014 inviting Council to comment on the above proposal, including advice on any recommended conditions of consent.

The submitted application and Environmental Impact Statement (EIS) have been reviewed by Council officers and the following comments are offered for your consideration:

**A. Transport and Accessibility**

A Transport & Accessibility Assessment and Transport Access Strategy (the reports) prepared by SECA Solution Pty Ltd have been submitted in support of the application and are appended to the EIS.

The most concerning aspect of these reports is the extraordinary assertion that despite there being up to 2,347 people on the *NeW Space* campus at any one time, the development will not generate any demand for the provision of on-site parking spaces for students and staff. (It is noted the 25 on-site parking spaces will cater only for servicing of the building and not be available for general use by students and staff.) This assertion is based on overly optimistic and/or unrealistic presumptions regarding the existing availability of public car parking; transport mode split targets and improvements to the public transport system.

By way of comparison, under the provisions of Council's adopted Newcastle Development Control Plan, 2012, (DCP) based on the proposed floor area of 12,436m<sup>2</sup> and a CBD parking rate of 1 space per 60m<sup>2</sup> Gross Floor Area, the required parking provision would be 208 car parking spaces. It is emphasised that this is a discounted rate because of the availability of public transport in the area. If this development had been proposed on land outside the CBD, the parking requirement under the DCP would increase to 400 on-site car spaces on the basis of 1 space per 8 students and 1 space per 2 staff.

There appears to be an underlying presumption that there is an existing availability of public car parking that can cater for the *NeW Space* proposal. Developments are required to address their parking demand impacts on site. Where this cannot be provided, and at Council's discretion, it may be possible to support the development with a shortage of parking where the applicant makes a monetary contribution in the prescribed amount to enable Council to provide additional public parking at a later date. It is not a simply a matter of development being able transfer its parking impact to Council and take up public parking spaces without an appropriate contribution.

The following aspects of the reports are of particular concern:

1. The reports seeks to justify the parking demand generated by the development on the basis of the proposed parking quantum, as opposed to a calculation of likely peak parking demand based on worst case staff and student numbers with concessions for public transport use, walking, cycling and car sharing. It is considered that this approach amounts to an attempt at superficially reverse engineering to suit a pre-determined outcome. The parking demand needs to be determined from the student and staff numbers and the transport modes used, not from the proposed supply of parking.
2. The reports draw extensively from the Newcastle Urban Renewal Strategy and advice provided by Transport for NSW, in terms of the availability of parking spaces across the whole CBD and broad concepts about reducing private vehicle use. It is considered that a much higher emphasis needs to be placed on the parking situation in the relevant CBD precinct (as opposed to the whole CBD), the realities of ongoing private vehicle use that will apply in at least the short to medium term and corresponding review of road network performance is required.
3. In terms of the parking situation in the relevant CBD precinct, consideration needs to be given to factors such as:
  - The identified impact of the Law Court Building (under construction) on the availability of public parking spaces.
  - The availability of parking at the Gibson Street parking situation, having regard for the current situation and for the reduced availability of parking at the parking station if an approved commercial development on the site proceeds.
  - The availability of on-street spaces in the precinct.
  - The current propensity for workers in the precinct to park in the streets of adjoining residential areas and the potential amplification of this issue.
  - The likely impacts of the routes of the proposed light rail system and express bus lanes on the availability of on-street parking spaces in the precinct.
  - The provision of a set down bay in front of the subject site (presumably for taxis) and the provision of motorcycle parking areas. (These facilities should be provided on-site so that Council is not burden with the ongoing maintenance costs).

4. A principal assumption of the reports is 100% of the whole of trip generation by the proposal will be by alternative transport modes (i.e. cycling, public transport and walking). Such assumption is considered to be unrealistic as current transport modal shares in the CBD would indicate total alternate transport mode trips being less than 20 % of all trips and the NSW Government state target for public transport trips in the future is only 20 %.

Furthermore, according to the *NeW Space* Social and Economic Impact Assessment Report submitted in support of the EIS, a survey of travel and parking at the Callaghan campus undertaken in 2013 revealed that:

*'The vast majority of students travel to the Callaghan University campus as a driver or passenger in a private vehicle, 67%. Only 10.8% use public transport.'*

5. According to the reports, an analysis of the postcodes of the residential location of 2013 Law and Business Facility student registrations has revealed that 60% of the current students live within walking or cycling distance of the future *NeW Space*. While the walking distance parameter is identified as 2 kilometres, there is no indication of the cycling distance parameter used to inform this statement. It would appear to be unlimited and therefore cover the entire LGA.

The above expectations regarding the numbers of students living in the ATZ are considered to be overly optimistic for the following reasons:

- The 2013 student registrations indicate only 20% (i.e. 411 students) of the students who reside in the Newcastle LGA are within the nominated walking distance (i.e. 2 kilometres) of the future *NeW Space* development.
  - The 2013 student registrations also indicate 40% of the students who reside in the Newcastle LGA live in an area within 1 kilometres radius of the campus. This figure, however, includes the 109 students living on the campus within Callaghan.
  - The accuracy of the findings of above analysis are questionable, given a post code may include more than one suburb and extend well beyond the above distance parameters.
  - The fact that a student resides within 2 kilometres of the campus does not necessarily mean that the student will walk or cycle to the campus.
6. According to the Transport and Accessibility Assessment (Pg 24), based on the above analysis it is expected that 66% of future students (i.e. 1351 students) and 59% of staff (i.e. 177 staff) will live within those suburbs located within 2 kilometres of the *NeW Space* campus. It is assumed that 82% of both the total numbers of students and staff (i.e. 1108 students and 145 staff, respectively) will walk to and from the campus. (The Assessment incorrectly refers to 82% of students as *approximately 2,350 students*.)

The above expectations regarding the number of students and staff who will walk to the *NeW Space* campus are unrealistic given the generally accepted convenient walking distance is between 250 and 400 metres. While parking constraints in the CBD may encourage walking, it is considered that the walking option will not be seriously considered by most people once the travel distance

exceed 1 km, particularly when lectures finish late at night and/or during periods of inclement weather.

According to the submitted Transport Access Strategy (Pg 25), one of the criteria for people to walk more often is '*direct, connected and safe routes*'. In respect of safety, it noted that section 7.3.6 of the draft Security Risk Assessment Report, submitted in support of the application, identifies the *NeW Space* campus and its immediate surrounds for a radius of at least 500 metres are located within assault crime 'hotspots'. Students and staff walking regularly to and from the campus will have to traverse these 'hotspots' and possibly be at risk of robbery, harassment, threatening behaviour or assault. The Security Risk Assessment Report is considered to be inadequate because it does not address the security risks to students and staff walking to the campus (This is discussed in the following section of this submission).

Having regard to the above circumstances, it is considered that the numbers of students and staff walking to and from the campus stated in the EIS will not be realised and there will be a greater reliance on car travel and public transport.

8. The reports do not consider or discuss the affordability issues associated with living in the ATZ and the likely timeframes between establishment of the facility and the achievement of the envisaged supply of accommodation. The assumption that 66% of students and 59% of staff will live within the ATZ is totally unrealistic given both the availability and affordability of housing, whether renting or buying, in the zone. Because of the proximity of the ATZ to both the CBD and beaches there is high demand for residential accommodation.

According to section 7.2.1 of the draft Security Assessment Report, the inner city suburb of Newcastle in which the *NeW Space* building will be located is:

*'a high density suburb with 86.7% of dwellings either flats, units or apartments. The NSW state average is 18.8%. The majority of Newcastle dwellings are rented, with 54.1% of residents renting, compared to the NSW average of 30.1%'*

The report also identifies that the main occupation types within Newcastle is professionals (39.8% compared to state average of 22.7%) and managers and clerical and administrative works (15.1% compared to 13.3%).

It is expected that following the opening of the new Law Court building (anticipated in early 2015) the demand by the two above occupations for rental accommodation will increase, thereby further reducing the number of dwellings available for rent by students.

Having regard to the above circumstances, it is considered the percentage of staff and students living in the ATZ will be considerably less than that stated in the reports.

9. It has been Council's consistent approach that the on-site car parking requirement of one space per 60m<sup>2</sup> of Gross Floor Area is a concession in the CBD area, already recognising the availability and use of public transport legitimate transport mode for the area. It is considered that the reports do not adequately justify any significant variation from this rate.

The reports in justifying the parking supply, should address the following:

- Determine the requirements for car parking based on Council's adopted parking rate for the CBD to identify the level of variation being sought for the proposed development.
  - Determine the peak parking demand from a quantitative analysis of the transport modes used by staff and students.
  - Detail proposed alternatives to meet parking demand, given that it could reasonably be anticipated that the peak parking demand will exceed the parking supply within the development.
10. The reports have carried out a road network assessment based on the proposed supply of 5 on-site parking spaces. This assessment is considered to be flawed, given that based on the recommended car parking supply of 208 spaces a traffic generation rate of 400 vehicles per hour during peak period could be reasonably assumed for assessment purposes.
11. The reports rely heavily on a significant use of public transport to justify the proposed parking supply, but at the same time acknowledge improvements to the public transport system will need to be made including:
- Construction of the light rail system,
  - Provision of express buses,
  - Provision of transport interchanges,
  - Provision of '*park and ride*' facilities
  - Installation of dedicated bus lanes.

However, none of these improvements are currently in existence and many have not even reached the strategic planning stage. Furthermore, it is doubtful whether any of the required improvements will have been completed by the time the development is expected to commence in 2017. The announcement on 17 September, 2014 that a State government committee will be set up to inquire into contentious planning decisions in the Hunter, including the truncation of the Newcastle heavy rail system only adds to the uncertainty surrounding these improvements.

Further, the reports provide no details of:

- The timetable for when these improvements will be provided.
- The locations of the transport interchanges and '*park and ride*' systems.
- The capacity of the new public transport infrastructure.
- The cost of these improvements and whether the University will be contributing to these costs.

Given the above circumstances, little weight can be given to the anticipated high percentages of public transport usage stated in the reports.

12. The reports also mentions 'share cars'. While such vehicles provide a useful way of reducing car parking requirements at residential developments, they still generate a parking demand at any destination end point.

As a general concept, the restriction of parking in the CBD alone is not a strategy that will encourage more public transport usage or alternative transport usage. It needs to go hand in hand with other strategies. While this is recognised in the reports people will not utilise public transport unless the utility of using it is favourable for them, including the frequency of the service and stops being located within a convenient walking distance.

At present it is no quicker or cheaper to use public transport in Newcastle, therefore only those that have no choice tend to use it. As a result, public transport use is stagnant if not declining. To reverse this trend public transport services need to be both more frequent and cheaper.

If the proposed development was to proceed in its current form without the provision of an adequate supply of car parking to meet the peak demand of students and staff, it is anticipated that it will have the following impacts:

- Create more competition for existing public car parking spaces and on-street car parking both in the CBD (price time restricted) and in the residential areas adjoining the CBD.
- Lead to further encroachment of on-street parking into the suburbs of Cooks Hill, The Hill, Bar Beach, Hamilton, Hamilton South and Wickham to the detriment of the residential amenity.
- Diminish the supply of available and convenient parking in the vicinity of the subject site and with no improvement in public transport services and facilities some small businesses would relocate outside the CBD; contrary to the strategy for the revitalisation of the CBD.
- Exacerbate existing traffic congestion as a result of circulating traffic, including those of staff and students, seeking parking spaces.
- Lead to an increase in illegal parking activity in the vicinity of the subject site further deteriorating the safety and efficiency of the local road network.

In conclusion, the EIS and the reports are considered to be inadequate. However, should consent be granted to the proposal it is recommended that the proposal be required to be modified to provide on-site car parking in accordance with the current city centre parking rate of 1 space/60sq.m GFA. Alternatively, the University may wish to voluntarily enter into negotiations with Council regarding the payment of a reasonable monetary contribution toward the provision of public parking facilities.

## **B. Risk Assessment**

A draft Security Risk Assessment Report prepared by AECOM has been submitted in support of the application and is appended to the EIS.

The following comments are offered in respect of the submitted report:

1. The report is considered to be inadequate as it only considers the security risks to the *NeW Space* building, no consideration has been given to the risks associated with the use of the enlarged car park in Laman Street and the personal safety of

the significant number of students and staff expected to walk to and from the campus.

2. No explanation is provided why a draft version of the report dated 17 April, 2014 has been submitted.
3. The discussion of the application of Crime Prevention through Environmental Design (CPTED) strategies to the design of the *NeW Space* building (i.e. section 3.1) refers only to natural surveillance measures. There is no acknowledgement of technical/mechanical surveillance and the proposed use of CCTV.
4. While the report indicates that the *New Space* building will be located in the inner city suburb of Newcastle, crime statistics for the entire Newcastle LGA are used to assess security risk. It is considered that an assessment of the crime statistics specifically for the suburb of Newcastle (including the existing University House) and those areas included in the nominated Active Transport Zone would result in a more accurate identification of the most prevalent crimes and likely security risks to both the operation of *NeW Space* building and the Laman Street car park, as well as to the personal safety of staff and students expected to walk to and from the campus.

It is noted that, in terms of the generality of the LGA statistics and specific crimes at or near the University, the report acknowledges that:

*'These statistics are not detailed to suburb or street level and therefore they may not provide a complete representation of historic incidents at the University.'*

### **C. Local Planning Instruments and Controls.**

#### **Newcastle Local Environmental Plan, 2012**

The car park between Gibson and Laman Streets is zoned R3 Medium Density Residential under the provisions of the Newcastle Local Environmental Plan, 2012. Although the development is permissible in the zone, it is not considered to be consistent with the zone aims and objectives. The upgrading of the car park, as outlined the EIS, entrenches the non residential land use of the site and does not meet the strategic direction of the NLEP for this location.

Appendix J of the EIS contains a variation request pursuant to clause 4.6 of the NLEP seeking to justify a contravention of the maximum building height of 49.1m permitted on the *New Space* site. The request incorrectly indicates that the request has been made in support of a development application submitted to Council. As the Minister is in fact the consent authority for this application, this matter will be addressed in the Secretary's Assessment Report.

#### **Newcastle Development Control Plan, 2012**

It is acknowledged that under the provisions of the State Environmental Planning Policy (State and Regional Development) 2011 development control plans do not apply to State significant development, nevertheless the Secretary's Environmental Assessment Requirements for the EIS required consideration be given to the Newcastle Development Control Plan, 2012.

While the EIS has assessed the proposal against the relevant aims and provisions of section 6.02 Newcastle City –West, it has not considered other relevant sections of the DCP including the following:

- Section 5.07 -Heritage Conservation Areas
- Section 7.03- Traffic, Parking and Access

#### **D. Public domain works**

The proposed treatment of the footpath and street furniture location and type for Auckland and Hunter Streets is required to be consistent with the requirements of Council's City Centre Technical Manual (CCTM). Prior to submitting any application under the *Roads Act 1993* for construction within the road verge, the applicant (i.e. University of Newcastle) is to consult with Council's City Centre Team.

The following matters are also required to be addressed:

1. Street trees are to be selected from the CCTM.
2. 'GARAKK' or aboriginal words used within paving for the development are to be confined within the subject site and are not to extend onto Council land. Etching in the footpath is not permitted in this location.
3. The required width of the footpath construction in Hunter Street is yet to be determined, as the final design details of the light rail have not been released. It is known that the maximum width of the footpath in Hunter Street will be 6m. The applicant is to consult with the City Centre Team for confirmation of the requirements of the CCTM prior to the lodgement of any application that involves the reconstruction of the footpath in Hunter Street.
4. The development is to install a minimum of 2 street trees along the Auckland Street frontage of the subject site.
5. The applicant is required to repave King and Auckland Street to the treatment detail of the CCTM as part of the renewal of Nesca House.
6. There is an inconsistency in the submitted documentation concerning the streetscape treatment proposed on Hunter and Auckland Streets. The diagram titled '*Public Domain Interface Option B*' of the submitted Landscape Architecture Schematic Design Report shows several trees in the public domain along the Hunter and Auckland Street frontage of the *NeW Space* site, which are not indicated on the Landscape Master Plan 04.
7. The above diagram indicates a tree close proximity to the traffic lights on north east corner of the intersection of Hunter and Auckland Streets. This tree is to be removed or relocated.
8. The above diagram also shows the footpath in Auckland Street as being increased to 6 metres in width. This extension of the footpath is not supported and the existing width is to be retained and the proposed street trees relocated accordingly.

## **E. Development on Council owned land**

The proposal includes development of a rectangular shaped parcel of Council owned land located between Christie Place (park) and the *NeW Space* site. This land which is known as part of Lot 1 DP 225689 is not identified on the application form and in the EIS as part of the development site.

According to the EIS, the purpose of the development is to facilitate pedestrian flow from Christie Place into the *NeW Space* site. The conceptual Master Plan 04 indicates removal of an existing Palm tree, waste bin store facility and car park and the provision of new lawn, paving and construction of a timber deck.

The submitted Landscape Architect Schematic Design Report acknowledges that the above development requires Council's consent. It is confirmed that any development on Council owned land requires formal Council consent. The consent of any other party with a granted property right over, or other form of Council authorization to use, Council land adjoining the development site (Lot: 1 DP: 1188877) may also required.

As indicated in section 4.0 of the EIS, the above works and potential impacts on the operations of the Civic Theatre and the City Hall have been the subject of preliminary discussions between Council officers and representatives of the University and the *NeW Space* project team. According to the EIS, details of the matters discussed have been considered in the proposed design. However, it is not readily apparent how this has been achieved.

It is recommended that prior to determination of the application, the applicant is required to provide details of how the matters discussed with Council officers have been addressed in the development including, but not limited to, the following:

- Heavy vehicle access to the loading bays of the Civic Theatre and City Hall. The existing car park in Christie Place is used by large semi trailers as a manoeuvring area.
- Potential conflict between students using the Christie Place improvements and above vehicles.
- Relocation of the existing waste bin storage facility.
- Relocation of the existing disabled person parking space.
- Impact on water table issues associated with Civic Theatre.
- Potential noise impacts during the construction phase on the operations of the Civic Theatre and City Hall.

In addition to the above matters, Council's Heritage Strategist has also raised a concern regarding the effect of the proposed development on the heritage significance of Christie Place. This issue is discussed in detail in the following section of this submission.

## F. Heritage

### **NeW Space campus**

The Statement of Heritage Impact, (SoHI) *NeW Space* Education Precinct, University of Newcastle, EJE Heritage July 2014, Appendix K, is a detailed qualitative assessment of direct and indirect impacts that addresses both the building specific and general context issues. The report conforms to the requirements of the NSW Office of Environment and is sufficient for the purposes of assessing the application under the requirements of Part 5.10 of the Newcastle LEP, 2012.

The heritage impacts of the development have been managed appropriately and there is a sound heritage management framework in place. Generally the mitigation measures proposed are satisfactory.

In terms of archaeological management, any consent to this application should refer to the Proposed Archaeological Mitigation Measures, Section 7 of the SoHI. The Heritage Division of the Office of Environment and Heritage will manage the archaeological consent process in this regard.

The following matter could be addressed by the imposition of appropriate consent conditions:

#### 1. Long term physical condition of University House (former NESCA House)

Reference is made to University House (former NESCA House) listing on the State Heritage Register and its overall physical condition. The external sandstone façade is in a poor state of repair and as a result, the façade system is in need of urgent remedial intervention to prolong its life and improve the aesthetic appearance of the façade. The EIS does not include a strategy for remedial repair of sandstone claddings or any other original fabric that may need conservation treatment, although the SoHI does refer to the poor state of the façade.

It is recommended that as a condition of consent, the applicant be required to prepare a Conservation Management Plan to guide the preservation of the building, including a strategy and time frame for remedial façade repair based on current best practice. This development is considered to be the trigger for the University to undertake remedial work with specific emphasis on the long term physical conservation and preservation of the state heritage significance of former NESCA House.

#### 2. Place names of heritage value

In its original use, the NESCA House building featured its name and crest in prominent letters attached to the face of the building. The items were removed some years ago. While this was necessary to demarcate the current use, removing the crest and name plate had a moderate negative impact and reduced the capacity to understand the history and original use. It is now timely that this issue is addressed in the form of an overall interpretation strategy, as a condition of consent to this application.

In accordance with the NSW Heritage Council document *Place Names of Heritage Value: A Heritage Council Policy, 2004*, 'NESCA House' should be acknowledged in recognition of the role it played in modernising Newcastle through a municipal power supply, and addressed in an interpretation strategy.

### 3. Appropriate supervision of 'make good' works and internal re-fit

Both the 'make good' works and the removal of the existing fit-out should not occur until the Conservation Management Plan has been prepared to establish the appropriate conservation policies. This should safeguard any remaining original fabric of significance and seek to ensure that the interior of the building retains its integrity.

Both the 'make good' works and the removal of the existing fit-out should be overseen and supervised by an appropriately qualified heritage architect. In addition, an appropriately qualified heritage architect should be engaged to undertake the detailed design for the proposed fit-out, which would be integrated with the interpretation strategy and the conservation management plan.

#### **Christie Place**

Christie Place is listed on the State Heritage Register of NSW, SHR No. 01883. It is and subject to objectives contained in the *Heritage Places Strategic Plan and Plans of Management*. Christie Place forms part of the visual setting of the Newcastle City Hall and is included in the *City Hall Conservation Management Plan*, (CMP) adopted by Council on 12 August 2008. Policies to conserve its significance, including policies which aim to protect and enhance views of City Hall, are included in the CMP.

As shown on the Master Plan at Appendix F, new paving and lawn to the north side of Christie Place has been proposed on Council land. While considerations which have influenced the concept design are noted and the site programme outlined, Christie Place heritage constraints have not been considered. The SoHI does not specifically deal with the effect of proposed development on the heritage significance of Christie Place.

#### **Laman Street car park**

The proposal to expand the capacity of the existing car park has been addressed in a separate Statement of Heritage Impact. It is noted that the report has not addressed the elements in Section 5.7 of the Newcastle DCP 2012.

The key concern is the interface of the proposed car park opening with the historic residential buildings in Laman Street and the introduction of a new driveway crossover and how this impacts on the streetscape. The landscaping noted in the plans and elevations on Dwg DA-500 Rev 2 is vague and not sufficient as a means of mitigating the heritage impacts arising from the proposal. It is recommended that this matter be resolved prior to the application being determined.

However, if the timing of the assessment does not allow for this, then it is suggested that a condition of consent be imposed requesting further details be submitted which achieve the objectives contained at Section 5.7 of the DCP 2012. This should include a revised landscape plan to minimise visual impact on the streetscape.

For the information of the applicant, any sandstone blocks removed from Council land or street as part of the proposal remain the property of The City of Newcastle and are to be returned to Council.

## **F. Flooding and Stormwater Management**

### Flooding

The site is subject to local flooding. Flooding on the Hunter Street footpath for the 1% AEP flood has a predicted depth of about 300mm (ranging from 2.6m AHD on the corner of Hunter and Auckland Street to 2.7m AHD on the eastern corner of the site).

The proposed minimum floor level on Hunter Street is 2.5m AHD which will expose this part of the building to possible flooding but is argued by the applicant's designers as being necessary to provide good street access. On the Auckland Street frontage (of 409 Hunter Street) has a maximum 1% AEP flood level of 2.8m AHD at its southern corner.

Therefore, it is recommended that measures should be taken to use flood resistant materials and finishes within the proposed building, and raised electrical power points and appliances, and have stored items above 3.3m AHD. A condition has been proposed to address this issue.

The maximum predicted Probable Maximum Flood (PMF) level on No 409 is 3.58m AHD. Flood refuge is available at the upper levels.

### Stormwater Management

The EIS includes a copy of an Integrated Water Management Plan prepared by AECOM, dated 19 June, 2014, which specifies the need for an 80,000L rainwater tank for non potable reuse on the site resulting in water savings of approximately 28% annually.

A Civil Design Report, prepared by Aurecon, dated 13 June 2014, has also been provided which documents the need for an additional 2 onsite stormwater detention tanks with a combined capacity of approximately 60m<sup>3</sup>. Overflows from the tanks will be drained to the existing street drainage system in Hunter and King Streets.

### Recommended Conditions

The following matters being addressed by the imposition of appropriate conditions of consent:

- All stormwater runoff from the proposed development being managed in accordance with the requirements of Section 7.06 Stormwater of the Newcastle Development Control Plan 2012, the associated *'Stormwater and Water Efficiency for Development' Technical Manual (Updated 2013)* and the current version of AS 3500.3 -Plumbing and Drainage.
- The whole of the proposed structure below known flood planning level (i.e. reduced level 3.3m Australian Height Datum) is to be constructed in materials and finishes that are resistant to damage from floodwaters. Any new machinery or equipment, electrical circuitry or fitting, storage unit or similar items likely to be damaged by floodwaters being installed above the said height or alternatively being of materials and functional capability resistant to the effects of floodwaters.

- All on-site stormwater detention or water quality treatment systems are to be individually identified and sign posted in accordance with Council's *'Stormwater and Water Efficiency for Development'* Technical Manual.
- A Maintenance Manual for all water quality devices is to be prepared in accordance with Council's *'Stormwater and Water Efficiency for Development'* Technical Manual (Updated 2013). The Maintenance Manual is to address maintenance issues concerning the water quality devices including routine monitoring and regular maintenance and be kept on site at all times. Establishment and maintenance of the water quality devices in accordance with the Maintenance Manual prepared by the applicant is to be completed prior to occupation of this site for the intended use.
- Erosion and sediment control measures are to be implemented prior to the commencement of works and maintained during the period of construction in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction 4<sup>th</sup> Edition - Vol. 1* (the 'Blue Book') published by Landcom, 2004. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.
- A copy of the stormwater drainage design plans approved with the Crown Certification with *'work as executed'* levels indicated, shall be submitted to the Crown Certifier and to the Council of The City of Newcastle prior to the occupation of the development. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.

## **G. Noise and Vibration**

The Noise and Vibration Assessment prepared by AECOM Australia Pty Ltd dated 19 June 2014 provides project specific noise criteria for the proposed development, but provides no analysis of potential impacts from the proposed building or car park area. Furthermore, no assessment of potential traffic noise impacts or impacts of traffic noise on the proposed development have been provided in the assessment.

Therefore, it is recommended further analysis of potential acoustic impacts from the proposed development be incorporated in the noise and vibration assessment including

- Impact of vehicle noise associated with the expanded existing car park in Laman Street on the residential properties to the west of the site.
- Impact of traffic noise associated with the proposed development in accordance with the Environment Protection Authority's (EPA) *'NSW Road Noise Policy'*.
- Impact of existing road traffic noise and rail noise on the proposed educational establishment in accordance with the Department of Planning's *'Development near Rail Corridors and Busy Roads – Interim Guideline'*. Consideration of rail noise may also include the proposed light rail line.

It is noted piling may also be required for the proposed building and car park. Piling has the potential to generate vibration impacts for surrounding properties, including residential properties along Laman street and Gibson Street. Therefore, it is recommended an analysis of potential vibration impacts from construction activities be undertaken in accordance with the EPA's '*Assessing Vibration: A technical guideline*'.

#### **H. Impact on tree**

The EIS is not supported by a report prepared a suitably qualified Arborist which assesses the likely impact of the alteration and additions to the Laman Street car park on the tree located in the rear yard of 15 Charles Street, Cooks Hill.

Should you have any questions in relation the various matters raised in this submission, please contact me by email [gmansfield@ncc.nsw.gov.au](mailto:gmansfield@ncc.nsw.gov.au) or on 02 49742767.

Yours faithfully



Geof Mansfield  
**PRINCIPAL PLANNER (DEVELOPMENT)**