

Regulatory and Assessment.  
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Dear Mr Roberts

## **UNIVERSITY OF NEWCASTLE HONEYSUCKLE CITY CAMPUS CONCEPT PROPOSAL (SSD 9262)**

I refer to your letter of 30 July, 2018 notifying that the above State significant development application submitted by the University of Newcastle was on public exhibition and inviting the City of Newcastle (CN) to comment on the proposal.

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

### **1.0 Student accommodation categorisation**

In Table 7 of the EIS the proposed student accommodation is categorised as a boarding house. Section 5.6 states that State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH) does not apply to the proposal as 'affordable housing' is not proposed. Based on the available information, it is considered that SEPP ARH would apply to the proposal, in the event that the proposal is categorised as a boarding house. In this regard, the application has not demonstrated that the proposal complies with the development controls contained in Division 3 of the above SEPP, including the provision of bicycle and motorcycle parking.

The EIS argues that State Environmental Planning Policy 65 -Design Quality of Residential Apartment Development (SEPP 65) and the associated Apartment Design Guide (ADG) do not apply to the proposed student accommodation, however, as noted in the '*Supporting new generation boarding houses*' guide prepared by the Department of Planning & Environment dated June 2018, SEPP 65 may apply to boarding houses. Based on the available information, it would appear to apply in this case. As noted below, it is not considered that there is currently sufficient information to consider amenity impacts of the proposed student accommodation.

## **2.0 Amenity considerations**

The EIS has not provided sufficient information to determine whether appropriate amenity will be provided to the proposed student accommodation, and demonstrate the proposal will not unreasonably impact on existing residential properties on the opposite of Civic Lane. Noting the narrowness of Civic Lane, it is considered that more detailed work in relation to the location of existing residential properties, and the overshadowing, view and privacy impacts of the proposal, should be undertaken by the applicant. It is considered likely that the requirements of SEPP65 and the ADG (including building separation requirements) would apply to the student accommodation in this regard.

Consideration of these matters should be undertaken to support the proposed clause 4.6 variations to the maximum allowable building height and floor space ratio (FSR) controls of the Newcastle Local Environmental Plan 2012, as no detailed work regarding potential view loss has been undertaken in relation to the proposed height variation. Further, in regard to the 'averaging' of the FSRs across the site, on that portion of the site where a maximum allowable FSR of 3:1 applies and a FSR of 4.02:1 is proposed no detailed analysis has been undertaken in relation to resulting bulk and scale impacts .

## **3.0 HCCD Transport Strategy**

While the establishment of a larger university campus in the city centre is welcomed serious concerns are raised regarding the Transport Access Strategy of the proposed Honeysuckle City Campus Development (HCCD) Masterplan.

The proposed strategy is based on the NeW Space campus transport strategy. The key points of this strategy are underpinned by the following assumptions:

- Availability of good public transportation in the Active Transport Zone (ATZ) and surrounding areas.
- Availability of housing in Newcastle city centre and ATZ areas.
- Students, teachers and associated staff will use public or alternative transport modes including cycling and walking.

While CN generally supports initiatives for use of sustainable modes of travel and understands that change is essential for long term prospects for the city, applying the yet unproven NeW Space transport strategy to the HCCD and the provision of only 12 'specialised' parking spaces is a significant concern. In addition, despite the emphasis on alternative modes of transport the Strategy has not considered in detail the provision of motorbike or bicycle parking on the campus.

The proposed HCCD Masterplan is a significant precinct scale development while the NeW Space is only part of the overall city campus, thus the dependency on this methodology for determining the overall transport and off-street parking needs of a large precinct campus in the city centre is questioned. Particularly, given the proposed strategy has not been fully tested or the original assumptions made collaborated with hard evidence. Some of this information is unlikely to be available until after the light rail system commences operations.

The NeW Space development was approved on its own merits, and the transport planning assessment of the development was deemed to be acceptable based on its proposed use. In comparison, the masterplan is proposing a new campus with



several buildings with a range of land uses. The strategy and arguments that were presented with NeW Space development therefore cannot be practically applied to HCCD Masterplan.

The submitted Transport Access Strategy and Parking and Transport Assessment prepared by SECA Solutions have compared the Masterplan with several Australian universities to support the development not providing onsite parking facilities for staff and students. However, it is understood that on the campuses of the University of Technology Sydney (UTS), University of Sydney, University of NSW (UNSW) and University Western Sydney (UWS) off-street car parking and servicing parking have been provided for the following purposes:

- Cross campus staff and any other nominated staff who have vehicles allocated via contracts or specialist professionals.
- Parking spaces for people with a disability including temporary incapacity
- Loading areas for associated business and servicing such as garbage collection
- Parking for contractor and service vehicles.
- Shift work where arrival or departure times outside of normal business hours.
- Other significant business-related activity that cannot be undertaken using public transport.
- Parking provisions for private business operators within the campus.
- University operated or lease vehicles.
- Shuttle bus services and drop-off areas.

The UNSW and UWS campuses have been designed with designated student and staff parking, which is comparable to the existing UON Callaghan campus. It is also evident that the majority of the universities do make provisions for off-street motorbike and bicycle parking and end user facilities.

The submitted reports have discussed some of the above aspects, however are silent in regards to the requirements (and non-compliance) with the off-street parking requirements of the Newcastle Development Control Plan 2012 and State Environmental Planning Policy (Affordable Rental Housing) 2009. On any consideration of the parking demand of a proposed development compliance with the relevant parking requirements should be the starting point.

Private vehicle use is still in place in the Hunter Region, which is evident throughout the submitted report. In this regard, concern is raised that the assumption that the majority of the 6,500 additional students and staff will not drive a motor vehicle into the City Centre is unrealistic. It is argued that there are 2,500 surplus car parking spaces in the City Centre. The provision of the Newcastle Light Rail system and other developments in the City Centre has had a significant impact on the number of available car parking spaces. Furthermore, such parking is unlikely to be suitable for use by students due to costing and time restrictions. As a result it is anticipated the development will have adverse impacts on the availability of on-street parking in the City Centre and adjoining residential suburbs.

Specific areas of concern include:

#### General parking

- While acknowledging potential future transport trends, the EIS does not adequately address the current situation, as demonstrated by Figure 4.6 of the Transport Access Strategy, that the greater catchment of Newcastle *'has poor*

*to very poor access to public transport.'* The submitted traffic report has not addressed in detail the differences between the city centres of Newcastle and other cities cited (including Melbourne and Sydney), in terms of access to public transport and the catchments that 'collect' to the University of Newcastle.

- The University has a licence agreement with the operators of the Civic West car park for discount parking on levels 8-11 (150 spaces). The EIS is silent on the role of these parking spaces in terms of the current operation of the NeW Space development and the proposed campus. It is noted that the submission prepared by JBA Urban Planning Consultants dated 4 April 2017 in support of a modification application to the NeW Space development consent indicates that as part of an interim car parking strategy 20 spaces in the car park '*will be reserved for car pooling staff members*' with student car parking demand being met by the park and ride facility. The submitted EIS does not identify who is currently using the 130 other spaces. Do these drivers reside outside or within the Active Travel Zone and why are they using the above facility?
- The Transport Access Strategy states that the 'Campus Shuttle' was established to support travel between the city Campus and the Callaghan Campus. The submitted report provides data that suggests high usage of this service. However, the EIS has not discussed how this service will be adapted for the expanded campus in the City Centre. Furthermore, the question arises as to whether the Callaghan campus actually has surplus parking spaces to accommodate the additional demand generated by the proposed development. The development consent for the NeW Space development required the provision of 306 park and ride spaces, the Response to Submissions Report prepared by JBA (Dec 2014) planning consultants in support of the NeW Space development application states (pg18) that there was a surplus of 156 spaces available on the Callaghan Campus that could be used a park and ride facility. A separate park and ride facility for an additional 150 spaces was to be provided on another site to be confirmed. Ultimately, however, all of the required 306 park and ride spaces were provided on the Callaghan Campus. Based on these figures there would appear to be no surplus capacity available.
- In order to be confident that a park and ride service could function successfully, it is considered that the following data would be required in support of the proposal:
  - Predicted level of parking required to support an expanded park and ride service, and total number of parking spaces available to be allocated to park and ride services at the Callaghan campus.
  - Details of the parking location on the Callaghan campus.
  - Data of the existing occupancy rate of the park and ride carpark at the Callaghan campus.
  - More data regarding the timetable, and peaks of use for the current service, and predictions for an expanded service.
- The report refers to a park and ride service provided by City of Newcastle. It is questioned whether the proposal should rely on services not in the care and control of the University of Newcastle.
- The traffic reports provided do not provide a high level of detail of the parking demand and behaviours relating to staff. It is noted that staff may have a



higher expectation for parking, and be willing to pay a higher cost and/or negotiate provision of parking through contracts.

- The application does not discuss the nature of enrolments for the University of Newcastle, in terms of the likelihood that enrolments are received from people from the greater Newcastle catchment and beyond. An analysis of 'reasonable' public transport travel times from various locations should be considered.

#### Student accommodation parking

- No data has been provided specifically relating to the parking demand for the student accommodation, and the submitted reports do not appear to give regard to the different needs of permanent residents rather than visitors to the University campus.
- The case studies provided are not detailed in relation to the nature of availability of student accommodation (or affordable rental accommodation) in close proximity to the relevant campus, and what level of parking supports the student accommodation.
- The application has not reflected that persons with disabilities may have specific needs in relation to parking for student accommodation.
- The application has not been supported by data of the current parking demand for student accommodation at the Callaghan Campus.
- The application does not discuss the nature of enrolments for the University of Newcastle, in terms of the likelihood that enrolments are received from people from the greater Newcastle catchment and beyond. It is also reasonable to assume that some people using the student accommodation may use cars to commute to and from their home of origin.

A more comprehensive evidence based transport and parking strategy should be prepared for the HCCD Masterplan to justify the future management approach to transport and parking, having regards to the issues outlined above. It is considered important that the strategy include a strong relationship with NeW Space and the Callaghan campus. The report is to detail appropriate parking provisions and should include, but may not be limited to:

- Cross campus staff and any other nominated staff who have vehicles allocated via contracts or specialist professionals.
- Parking spaces for people with a disability including temporary incapacity
- Loading areas for associated business and servicing such as garbage collection
- Parking for contractor and service vehicles
- Shift workers where arrival or departure times outside of normal business hours
- Other significant business-related activity that cannot be undertaken using public transport.
- Parking provisions for private business operators within the campus
- Parking for University or lease vehicles.
- Shuttle Bus Services and Drop-off areas.
- Confirm the off-street car parking to be provided for the student accommodation.

The Department may also wish to consider whether it is in fact more appropriate that specific parking demand for each stage of the masterplan be determined at the time of a future development application which could then take into account the specific land use proposed and the relevant external factors that would exist at that time (such as current Development Control Plan parking rates, public transport and the like).

#### **4.0 Pedestrian Network**

The proposed Masterplan is highly dependent on the pedestrian movement and cycling as modes of transport and will require the provision of safe and accessible footpath and road network infrastructure. The Public Domain Strategy have outlined the expected pedestrian movement through key areas, however concern is raised that the full analysis of the impacts has not been considered.

The Masterplan should consider the overall pedestrian movement impacts in the City Centre including the connections from public transport hubs along Hunter Street and King Street and connections to the other areas of the City Centre including areas such as Honeysuckle, the harbour areas, Marketown shopping centre, Darby St and surrounding precinct, the Newcastle West business precinct and the Hunter St Mall.

#### **5.0 Road Network**

The development site abuts Worth Place, Honeysuckle Drive, Settlement Lane, Wright Lane and Civil Lane.

##### Impact on Civic Lane

The Masterplan will result in a significant increase in intensity of land use for Civic Lane. Civic Lane is indicated to be used as one of the main pedestrian links through to an existing building on Hunter St. The laneway will need to be upgraded with provision of new widened footpath, new road pavement and street lighting.

Civic Lane may be appropriate for provision of loading areas, garbage pick-up, services access and new driveway accesses the site, provided that appropriate upgrading was undertaken to support the intensified use.

##### Settlement Lane

The proposed closure of Wright Lane between Worth Pl and Settlement Lane will require a one-way movement to be established along Settlement Lane. The changes in the traffic and parking will need to be addressed at Stage 1 of the development.

##### Wright Lane

The EIS is silent on the future of the remaining Wright Lane, which is currently owned by Hunter Development Corporation. However, it is noted that Wright Lane may be dedicated to the City of Newcastle (CN) at some stage similar to Settlement Lane and Workshop Way which were dedicated to CN in March 2018. In this regard, it is recommended that the design of the Wright Lane be developed on the basis as a future public road in consultation with CN.



## **6.0 Flood Management**

The submitted Stormwater & Servicing Assessment report prepared by Northrop Consulting Engineers has considered the impacts from flooding for the masterplan. The principles of the flood planning for the masterplan are generally supported; however the report has not stated or recommended the stage in which the flooding aspects of the development will be detailed.

The floodway on Wright Lane adjacent to proposed Buildings B & D and Worth Place floodway is located at a critical part of the overall masterplan. The design of the floodway will be a major factor in determining the overall building design levels and design of the open space areas. Overland flow on Wright Lane fronting Buildings E & F, Settlement Lane, Civic Lane and the upper catchments of Wright Lane will need to be resolved.

It is recommended the flooding and stormwater run-off from the proposed open areas and road network be designed at the first stage (i.e. Stage 1a, Building A1) of the masterplan.

## **7.0 Stormwater Design**

Stormwater assessment has been undertaken by Northrop in order to determine the impact on the ecology of the downstream watercourse. The performance of the stormwater strategy was assessed against the *MUSIC* software targets set in the CN Technical Manual and the *MUSIC* Link and create a Water Sensitive Urban Design (WSUD) for the development.

*MUSIC* modelling has been carried out by Northrop and the submitted report indicates that the development achieves the water quality and quantity targets set by the CN. The detention tanks and 'rain gardens' seem to be embedded within the open space areas and therefore it is assumed that the 'rain gardens' will form part of the feature of the open space area.

The principles of WSUD and the requirements of the DCP have been applied to the development. The submitted stormwater strategy reports and supporting documents have indicated that the proposed development will not impact of the downstream ecology, is sustainable and can be maintained in the long term.

## **8.0 Drainage & Infrastructure Management**

According to our records, there appears to be drainage pipes and pits along Wright Lane, and the former heavy rail corridor which passed through the site. The drainage pipes appear to be servicing the existing road and adjoining properties. As mentioned above, Settlement Lane and Workshop Way have recently been dedicated to CN (March 2018) by the Hunter Development Corporation and it is anticipated that Wright Lane between Settlement Lane and Workshop Way may also be dedicated as a public road. Drainage provisions will need to be provided for these roads. (Refer to Attachment 1)

The masterplan will therefore need to address the management of the existing and future drainage infrastructure within the site, including the legal aspects such as provision of drainage easements and access for maintenance for existing and future road future road network.

## 9.0 Contamination

As outlined in the EIS, there are a number of previous contamination studies which apply to the site. These studies have been reviewed and considered by Coffey in a letter style report dated 21 May 2018 and titled '*Status of Site Contamination and Mine Subsidence at Sites 1, 2 and 3, UoN Honeysuckle Campus Concept Plan DA - Response to SEARs*' (the report).

The report is referred to as a preliminary contamination assessment and remediation strategy in the EIS; however it does not readily fit the description of a preliminary contamination assessment. It would be better described as a summary of previous contamination investigations combined with recommendations for additional investigations and possible remediation strategies.

Given this is a concept development application only, it is a matter for the Department to decide whether this document adequately addresses the requirement of sub-clause 7(2) and (4) of State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55). It is considered that the information provided is probably sufficient to address the consideration of contamination given that this is a concept approval only. A preliminary report will not, provide significantly more information to inform the decision on the current concept plan.

More contamination investigation has been recommended, and remediation action plans will be required, however this work is intended to be undertaken and submitted with subsequent development applications. If further information was submitted, it would be the detailed investigations that would provide the additional detail necessary for determining the remediation works\plan required for each site. To request this information with the current concept application may not be justifiable if, as the EIS indicates, the overall development of this concept plan may occur over 15-20 years.

Within this time period, substantial changes in contamination knowledge and requirements\methods could occur in addition to changes in the proposed design. On this basis, there is a reasonable argument to undertake the investigations with each proposed development application in the future, and meet the requirements of the SEPP for the specific sites of each development application as the concept plan is implemented.

## 10.0 Noise and vibration

A detailed construction noise and vibration strategy report prepared by AECOM (7 June 2018) has been submitted. This document appears to have adequately considered the types of impacts that may occur with the proposed large scale construction projects outlined in the concept plan.

A broad range of mitigation recommendations have been provided, which if considered and applied to future applications, should assist in the appropriate management of noise and vibration impacts throughout the construction phase of the developments.

Each individual development application will need to consider the strategy as it applies to the specific design and proposed construction of the individual buildings. This can be addressed in more detail with the individual applications. In addition, any significant plant installed on the proposed buildings will need to be considered for potential impacts on nearby residential receivers.



## 11.0. Section 94A Development Contributions Plan 2009

The City of Newcastle Section 94A Development Contributions Plan 2009 applies to the subject land. Part B of the Plan applies to all new development with an estimated cost of more than \$250,000 on land within the Newcastle City Centre. The purpose of Part B of the Plan is to provide funding towards the public domain projects and special city projects in the Civic Improvement Plan for the Newcastle City Centre.

The section 94 contribution levy for land in Part B is as follows:

### 5 What is the Part B section 94A contributions levy rate/amount?

Type of Development <i>** Levy only applies to development with an estimated cost of more than \$250,000**</i>	Maximum % of the Levy
<b>Residential Development</b> <i>Applies to all development defined as Residential Accommodation in the Newcastle Local Environmental Plan 2012.</i>	3%
<b>Non Residential Development</b> <i>A minimum of 60% of the gross floor area of the proposed development must contain a <u>non residential</u> use as defined by the Newcastle Local Environmental Plan 2012.</i>	2%

Where the estimate of the proposed cost of the carrying out the development is \$1,000,000 or more a detailed cost report prepared in accordance with Appendix B of the Plan is required to be submitted in support of the development application.

In regard to the request in the EIS for the University of Newcastle to be granted an exemption from paying the levy the following comments are offered:

- According to Departmental guidelines, in imposing a condition under the former s94A of the *Environmental Planning & Assessment Act 1979* (EP&A ACT) it is not necessary for the consent authority to consider the reasonableness of the levy or the nexus between a proposed development and the demand for public facilities provided by a council. In preparing an s94A plan the council only needs to demonstrate that the facilities for which they are levying and the estimated costs of these facilities are reasonable.
- The proposed development is not for a purpose for which a levy is not imposed under the adopted s94 plan. In December 2013, the s94A plan was amended to remove the exemption for education establishments from the payment of the s94A levy. In mid-2017 the plan was further amended. In response to the public exhibition of the draft amended plan a submission was received from the University of Newcastle requesting Council amend the draft Section 94A Plan to exempt the Callaghan Campus from the payment of development contributions and reduce the City Centre levy to 1% (rather than 2%) on developments undertaken by the University. The submission also requested that the University reserve the right to apply for further exemptions or reductions in the s94A levy on a case by case basis.

The following extract from the report to the Ordinary Council Meeting on 25 July 2017 is relevant to the consideration of the current request for an exemption:

*'The University of Newcastle does provide a variety of services and facilities for their students and staff such as childcare, gym pool and sporting fields. The University facilities are required to support the students while they attend university and are crucial to their wellbeing.'*

*The University also provides a variety of programs and services tailored for supporting students into higher education.*

*Although many of these University facilities re open to the public they are not solely offsetting the pressure the continued expansion of the University has on Council's infrastructure. There is no nexus requirement between where S94A development contributions are collected and where they are spent. Development contributions collected from the University can be spent on infrastructure across the Council's local government area, which provides Council flexibility in constructing and upgrading infrastructure required to support the University.*

*The University is also requesting Council include an exemption in the plan to ensure educational establishments are not required to pay development contributions. In December 2013, Council adopted an amendment to this Section 94A Plan which removed the exemption for educational establishments (schools, universities and TAFE) from the payment of the Section 94A levy. The exemption was removed from the plan as these types of development generally create significant infrastructure requirements for Council such as upgrades to roads, new footpaths and cycleways to allow students to get to and from school.*

*Development contribution funding has contributed to the construction and ongoing upgrade of the Newcastle City to University (Callaghan campus) cycleway route. The cycleway is heavily used by students and staff of the University with usage expected to increase as the university expands into the city centre. Council also provides cycleway access from the western Corridor to the Callaghan campus with new sections of the Maryland/Fletcher/Wallsend to University cycleway recently completed.'*

No changes were made to plan in relation to educational establishments and the amended plan was adopted by Council.

- The Department of Planning Circular D6 referred to in the EIS was prepared some 23 years ago and prior to the introduction of s94A to the Act.

Having regard to the above circumstances, it is appropriate that the university is required to pay the full levy. It is acknowledged, however, that the provisions of the above EP&A Act provide that after having regard to the s94A Plan, the Minister for Planning may determine a contribution other than that required by the plan.

If you have any questions in relation to the various matters raised in this submission, please contact me by [gmansfield@ncc.nsw.gov.au](mailto:gmansfield@ncc.nsw.gov.au) or on 02 4974 2767.

Yours faithfully



**Geoffrey Mansfield**  
**PRINCIPAL PLANNER (DEVELOPMENT)**



## Attachment 1

