



Our ref: 20003

24th February 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, as amended, sought for the University of Newcastle City Campus proposal. The objection is formed following review of the revised documentation available from the Department of Planning, Industry and Environment, provided in response to former submissions.

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.

Objections to Concept Proposal

Objection to the concept proposal continues to be made on the basis of:

- Overshadowing
- View loss

Overshadowing

The amended shadow modelling, and additional information, provided by the applicant in the document titled Resubmission of Response to Submissions 2 indicates that the following in respect of 522 Hunter Street:

- Only 6 of the 12 dwellings will receive solar access to the living rooms and balconies
- 11 of the 12 dwellings facing Civic Lane will receive solar access to the north facing bedroom and partial solar access to the balconies

On the basis of this information the concept plan fails to properly address the Apartment Design Guidelines (ADG), where adequate solar access can only be measured to living areas and balconies. Sunlight to bedrooms is therefore excluded from consideration of reasonable solar access to the building.

The revised proposal will remove all reasonable solar access to at least 50% of north facing apartments. This is deemed to be a significant impact and reasonable grounds for objection to the concept plan.

Whilst the additional separation between building B and D are observed, the following is noted:

1. The revised concept plans illustrate a reduced setback to Civic Lane. Relative to the former documentation. The former plans indicated a 6m setback to Civic Lane, the proposal now seeks a maximum 5m setback to the lane.

The total setback to 522 Hunter Street will be 12m, being the minimum separation required between habitable rooms in a 4 storey development in accordance with the ADG.

The revised design guidelines identify floors 3 and above of Building B for use as student accommodation. It would appear that the building footprint and depth will require a significant number of student rooms to have southern facing windows as their only source of light (making screening impractical).

The building footprint could therefore be readily altered to provide the necessary 18m separation between habitable rooms (from the ADG for buildings five storeys and greater in height), to protect the amenity of both the occupants of 522 Hunter Street and future student occupants.

2. The documentation provides no specific justification for the siting of Building B, being the identified student accommodation building. In accordance with the Design Guidelines the accommodation building is the highest building within the site yet remains sited in the area of greatest impact to adjoining allotments, given the existing/future development to its south.

There appears to be no grounds for student accommodation being provided at this specific location, with every opportunity available to relocate this accommodation to other areas of the site and maintain the intended outcomes for the concept plan.

3. The lot guideline information contained within the revised design guidelines refer to a possible expansion zone between buildings B and D. In the context of the significant loss of amenity already identified from these buildings there would be no opportunity for building expansion as generally suggested. This must be removed from the plans to avoid any doubt during the detailed design phase of these buildings.

For completeness, the former objections relating to solar access are provided hereunder, where they continue to apply to the revised documentation.

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.

I reiterate 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. 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 1**.

Figure 1 Existing Views over Site from Level 7



Whilst an increased separation is noted between Building B and D within the amended documentation made available by the Department, improved view sharing appears to only be 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 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.

Further, the identification of possible expansion zones between Buildings B and D is required to be removed from the concept plan. Any further expansion of the buildings, and subsequent reduction in the separation between the buildings, will only compound the potential view loss experienced within 522 Hunter Street.

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 noted for careful consideration during the preparation, and assessment, of detailed plans for future buildings within the site (as previously raised and included for completeness):

- 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 amended concept proposal relative to the amenity provided to occupants of 522 Hunter Street, and Hunter Street more generally, continues to identify 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,



Paul McLean
Resolve Urban Planning
B. Nat Res (Hons.) & B. Urb & Reg Planning (UNE)