JRPP No.	2011HCC041
DA No.	DA 11/1065
Proposal	FOUR DETACHED EIGHT STOREY STUDENT ACCOMMODATION BUILDINGS (778 BED) AND MULTI STOREY CARPARK
Property	LAND ADJACENT TO EVATT HOUSE AND RING ROAD 130 UNIVERSITY DRIVE, CALLAGHAN LOTS 1 & 3 DP 817507
Applicant	THE UNIVERSITY OF NEWCASTLE
Report By	DEVELOPMENT AND BUILDING SERVICES

Assessment Report and Recommendation

Executive Summary

Proposed Development

The application comprises the construction of four detached, eight storey buildings (each approximately 28 metres high) to accommodate 778 students in a mix of 1,2,5 and 6 bed apartments and associated services, amenities, administration and conveniences. The application includes a proposal to erect a new multistorey car park to a height of approximately 12m to the immediate north of the site that will provide 412 car spaces and 20 motorcycle spaces. An additional 16 at grade car spaces are to be provided within the development along with provision for 174 bicycle spaces.

Site demolition, clearing, preparation and general infrastructure works are the subject of separate Development Application's to be determined at a local level.

Referral to Joint Regional Planning Panel

The proposal is referred to the Joint Regional Planning Panel for determination pursuant to clause 13B of State Environmental Planning Policy (Major Development) 2005, given the application is development ancillary to an 'educational establishment' with a capital investment value of more than $5,000,000. The application submitted to Council nominates the value of the project as $72,357,405.

Permissibility

The site is zoned 5(a) 'Special Uses' pursuant to the Newcastle Local Environmental Plan 2003. The new buildings will provide for student accommodation associated with the University. The proposal, with its direct ties to the University continues to be categorised as development ancillary to an 'educational establishment' and is therefore permissible within the 5(a) zone subject to development consent.

The proposed development is on Crown land and represents works on behalf of the Crown. Required owners consent has been provided.

The proposal is 'advertised development' because the concurrence of the NSW Office of Water is required under the provisions of the *Water Management Act 2000*. The development is also 'integrated development' under the provisions of the *Rural Fires Act* 1997 and the applicant has obtained a Bush Fire Safety Authority pursuant to that *Act.*

Consultation

Advertised

The application was publicly exhibited in accordance with the Newcastle Development Control Plan 2005 from 19th September – 18th October 2011. There were no public submissions received.

Integrated

The application is 'advertised development' pursuant to the *Water Management Act 2000.* No objection has been raised and General Terms of Approval have been issued by the NSW Office of Water. The General Terms of Approval are not considered to result in fundamental alterations to the design.

The application is 'integrated development' pursuant to the *Rural Fires Act 1997*. No objection was raised by the Rural Fire Service and General Terms of Approval have been issued. The General Terms of Approval are not envisaged to fundamentally affect the design of the proposal.

Referrals

Internal Referrals

Landscape officer and arborist - No comments or objections

Social Impact - Additional information provided to describe how the additional students on site will affect and be affected by the level of existing services on the site and surrounds – matters include medical, services, groceries, transport and behavioural. Additional information was found to be satisfactory.

Environmental Health / Compliance – The development is likely to have minimal noise impacts; Ecological impact complies with 7 part test under Section 5a of the *EP&A Act 1979*; Adequate provision for the riparian zone provided; Land likely subjected to localised contamination, various conditions recommended; construction impacts – noise, dust and sedimentation to be controlled by recommended conditions.

Building – No comments, no objections.

Engineering (Stormwater) – A stormwater management plan has been reviewed in support of this application. The plan shows that each accommodation building has provided a $24m^3$ detention chamber plus sandfilter and a $20m^3$ reuse tank. These would be satisfactory to meet Council's discharge control requirements.

Engineering (Flooding) – The site is subjected to flooding. Further analysis was undertaken by the applicant demonstrating the development would not be affected, with floor levels of the buildings and structures above identified flood levels. Some of the existing internal roads that provide access to the site are subjected to flooding however, given the proposed building design and heights above flood levels, this is considered acceptable.

Engineering (Traffic) – Development is likely to have a positive impact to the external road network intersections. Provided car parking numbers, bicycle numbers and motorbike spaces are adequate. Proposed access roads to units and car park including layout appear to comply with Council controls and Australian Standards. Comment provided that the University should undertake a site wide Sustainable Transport Management Plan.

External Referrals

Hunter Water Corporation – No comments received. A condition of consent is recommended to ensure compliance with their requirements.

Roads and Maritime Services (RMS) – Required to be notified under Schedule 3 of SEPP (Infrastructure) 2009 by way of proposed parking numbers and total dwelling numbers. The application has been heard at the RMS's Regional Committee. All matters raised by the RMS have been adequately resolved and no objection has been raised to the proposed development.

NSW Police Force – Crime Prevention Officer – No comments or recommendations have been received.

Urban Design Consultative Group (the Group) – The Group was not satisfied that the proposed design adequately addressed the ten design principles of SEPP 65 *'Design Quality of Residential Flat Development'* and advised they did not support the current design. It was recommended that a different design approach be undertaken that may result in a more sympathetic social and environmental outcome for this site.

Key Issues

The main issues identified in the assessment and/or raised in the submissions were as follows:

- Whether the form and layout of the proposed development is acceptable in the context of the site and the proposed use
- Whether the proposed development is adequately located and designed to fit into the broader social and economic context of the University Campus and its future anticipated growth, needs and requirements
- Whether the proposed development will directly result in unreasonable traffic impacts on the surrounding road network
- Whether the new buildings will have unnecessary or detrimental visual impacts

Recommendations:

A) that the University commence detailed discussions with the Department of Planning and Newcastle City Council with the view to formalising an agreed Master Plan that identifies, acknowledges and addresses the current and future capacity of the University and identifies longer term development goals and strategies and provides a framework for assessment and determination of future development propoals on site.

B) that the University be advised of the need to prepare a Sustainability Transport Management Plan (STMP) in conjunction with Council, the Roads and Maritime Services, local bus companies and other key stakeholders that addresses the future growth of the Campus and addresses traffic and transport management with future development at the University Campus.

C) That the JRPP grant consent to Development Application 11/1065, subject to the conditions contained in Appendix A.

1. Background

The application site is within the University of Newcastle Campus which is a 140ha site located approximately 12km west of the City of Newcastle. The Campus provides education and research facilities for some 16,000 students with associated services and facilities such as sporting facilities, banks, book stores, food services and health care.

On-Campus residential accommodation exists but is limited to a current supply of 964 beds within four existing residential colleges. All existing accommodation is owned and managed by the University and is stated as being over-subscribed. An assessment of the accommodation demands for the Campus was undertaken in 2010-2011 and determined that some 750-800 beds with associated amenities and facilities would be required to meet current demands.

A Precinct Masterplan has been prepared by the University to which this scheme is reportedly designed to be incorporated into. The Masterplan highlights future longer term development goals for the University and would give direction to the future development and growth of the Campus. This Plan is a University plan and has not been endorsed by Council. Nevertheless, information provided in the assessment of this application has given some historic background to the project such as the proposed densities and its chosen location in respect of future proposed student and accommodation capacities.

2. Site and Locality Description

The application site includes an irregular strip of land of some 36ha on the east side of the University of Newcastle Campus. The site involves an area of land containing the existing tennis courts adjacent Sportsfield Number 2 and the Ring Road and extends northward beyond Wirra Crescent to provide the site for the proposed multi-storey car park.

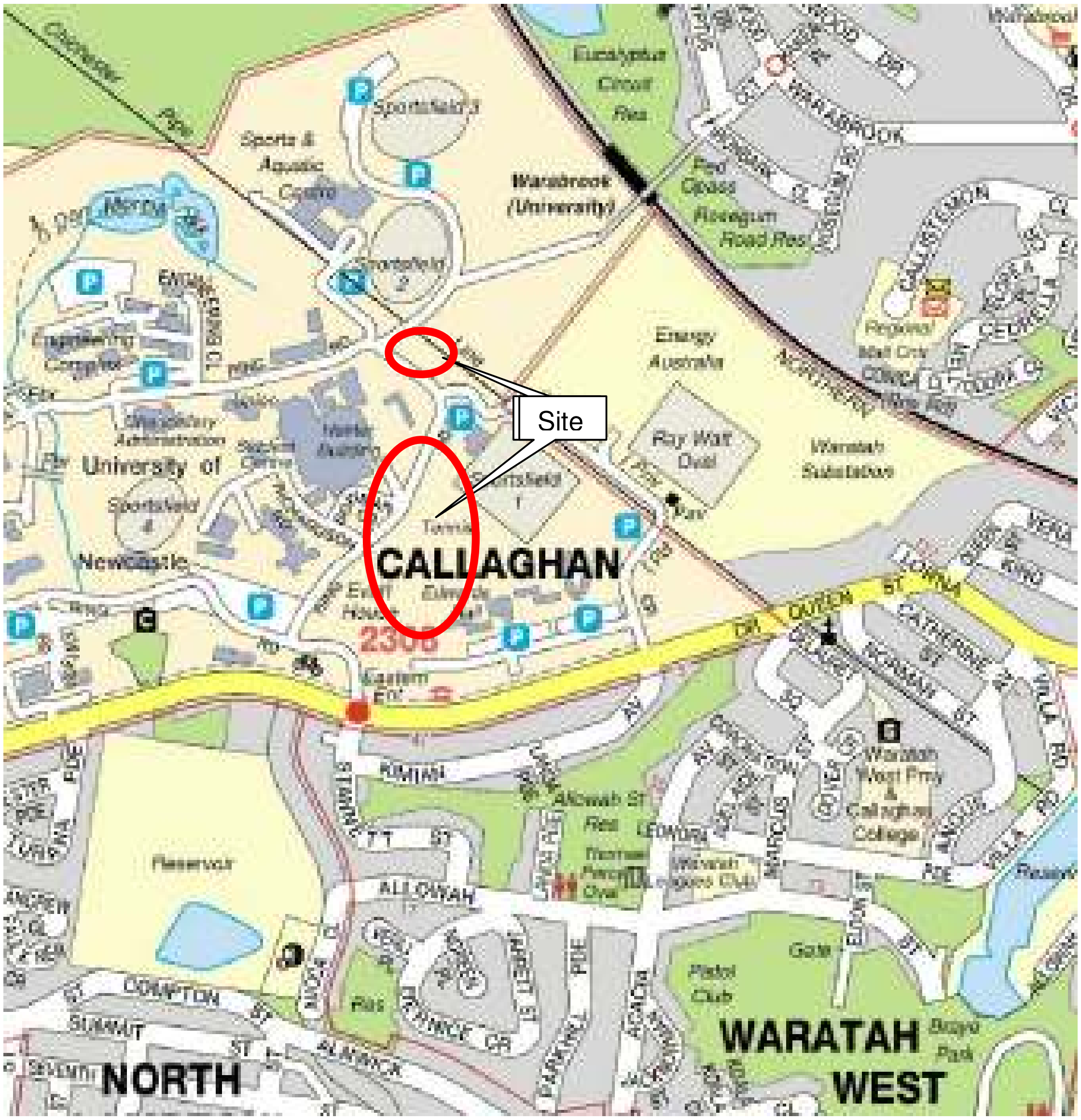
The accommodation buildings are bounded to the east by Sportsfield Number 2. Separated by an ephemeral stream, the accommodation halls of Cutler House and Edwards Hall bound the site to the south and east. The remaining accommodation and the Ring Road bound the site to the west. To the north is an area of bushland leading to Wirra Crescent.

The proposed car park is north of Wirra Crescent on a small parcel of land further bounded to the east by an existing electricity substation and to the west by an unnamed road.

Topographically, the site falls gently from the southwest at 27m AHD to the north east at 11m AHD. A gentle cross fall ranges from 25m AHD in the west to 13m AHD to the ephemeral stream to the east.

The accommodation site is generally open bushland with existing tennis courts. The car park site offers a relatively wooded area segregated by existing infrastructure.

The whole of the University Campus is identified as being Bushfire Prone Land.



3. Project Description

The application comprises the construction of four detached, eight storey buildings (each approximately 28 metres high) to accommodate 778 students and associated services, amenities, administration and conveniences. The application also includes a proposal to erect a new multistorey car park to a height of approximately 12m to the immediate north of the site accommodation that will provide 412 car spaces and 20 motorcycle spaces. An additional 16 at grade car spaces are to be provided within the development along with provision for 174 bicycle spaces.

Site demolition, clearing, preparation and general infrastructure works are the subject of separate Development Application's to be determined at a local level.

The proposed student accommodation will be provided in a mix of studios,1,2,5 and 6 bedroom units with common areas. A detailed break up of this accommodation is provided below.

Apartment type	Building A	Building B	Building C	Building D
6 bed	20	20	19	19
5 bed (accessible)	1	1	2	2
2 bed	11	11	12	12
2 bed (accessible)	3	3	2	2
1 bed	0	0	0	0
Studio (accessible)	2	2	2	2
Studio	40	40	40	40
Total Apartments	77	77	77	77
Total beds	195	195	194	194
			Total	778

Table 1 - Accommodation type

Common Space / Circulation Space (sqm)	Building A		Building B		Building C		Building D	
Ground Floor	Note: entire floor includes plant, amenities, meeting rooms, common areas etc.							
1st Floor	0	69	0	69	0	69	0	69
2nd Floor	33	70	33	70	33	69	33	69
3rd Floor	33	70	33	70	33	69	33	69
4th Floor	33	69	33	69	33	69	33	69
5th Floor	33	69	33	69	33	69	33	69
6th Floor	33	69	33	69	33	69	33	69
7th Floor	33	69	33	69	33	69	33	69
Total Space (sqm) Common / Circulation	198	485	198	485	198	483	198	483
					Total (sqm)		792	1936

Table 2 - Common and Circulation Space

The design and layout of each of the four buildings are similar in design, consisting of three wings emanating from a central core. Each building is rotated and/or flipped in different positions throughout the site. The buildings are to be constructed of coloured pre-cast concrete panels, cladding and aluminium powder-coated ventilation grills. Each building is proposed to have a separate colour scheme and the ground floors to be an 'activity hub' to provide cross utilisation and identification.

Access to the student accommodation is proposed through the provision of two small loop roads off the University's Ring Road. This will provide direct vehicle access to each building for disabled parking and services. The ground level of each building incorporates a main access lobby but allows for 'through access' to a series of footways interlinking each of the four buildings and the surrounding Campus network.

The proposed multi-deck car park is to be constructed into a sloping site which is located immediately south of an electricity substation, approximately 150m north of Building B and 300m north of Building D. Access is provided from the lower eastern side of the car park into Wirra Crescent. Additional access is available from the west side of the upper level of the car park onto the Ring Road.

A copy of the plans are provided in Appendix B.

4. Consultation

The application was publicly exhibited in accordance with the Newcastle Development Control Plan 2005 from 19th September – 18th October 2011. There were no public submissions received.

5 Referrals

Statutory Referrals

Hunter Water Corporation: Hunter Water Corporation were advised of the application. A condition requiring compliance with their requirements is contained in the recommended conditions of consent.

NSW Office of Water: Development is to occur within 40m of a water course and is therefore 'Integrated Development'. The NSW Office of Water have reviewed the proposal and have issued General Terms of Approval (GTA). The GTA's are appended through recommended conditions of consent.

NSW Police Force – *Crime Prevention Officer* – No comments or recommendations have been received. In the absence of any response, Council is satisfied that the Campus is a larger site that is privately managed and covered by their own security arrangements.

Roads and Maritime Services: In accordance with Clause 104 of the State Environmental Planning Policy (Infrastructure) 2007 the application has been referred to the Roads and Maritime Services (RMS) as the application proposes development that will provide for more than 200 motor vehicles and contains more than 300 dwellings. The RMS was satisfied that the proposed development is unlikely to have additional impacts on the road network and raised no objection to the proposal subject to conditions requiring a Construction Transport Management Plan and all costs to be at the developer's expense. These requirements form part of the recommended conditions of consent.

In addition to the above, the RMS minuted that the University currently has an impact on the surrounding traffic network and in the absence of a sustainable transport management plan, this is likely to worsen as the University grows in capacity unless site practices are changed. Accordingly, it was strongly recommended that the University undertake and implement a Sustainable Transport Management Plan for the future development of the University of Newcastle and enter into a legally binding agreement with RMS to ensure any external traffic / transport infrastructure required on state roads, is delivered in a timely manner.

Rural Fire Service: The site is identified as Bush Fire Prone Land on the Bush Fire Prone Land Map for the Newcastle Local Government Area. The proposed development is considered to be a building of *'Special Fire Protection Purpose'* as defined by the *Rural Fire Services Act 1997* and is therefore 'Integrated Development'. A bush fire assessment was undertaken by the applicant and submitted with the application. The Rural Fire Service have reviewed the application and found the development to be acceptable in fire safety terms and have issued General Terms of Approval (GTA) in accordance with the recommendations of the Bush Fire Assessment report. The GTA's are appended through recommended conditions of consent.

Urban Design Consultative Group – See Section 6(a)(i) State Environmental Planning Policy 65 - Design Quality of Residential Flat Development for discussion of this aspect.

Internal Referrals

Internal referrals were made to the following:

- Senior Development Engineer (Traffic) concerning parking provision, traffic generation, vehicle, servicing and pedestrian access.
- Senior Development Engineer (Stormwater and Flooding) concerning water and services.
- Environmental Protection Officer (Compliance Services Unit) with reference to State Environmental Planning Policy 55 - Remediation of Land; *Environmental Planning and Assessment Act 1979* Section 5A (consideration of likely effect on threatened species, populations or ecological communities - the 7-part test) and noise / vibration.
- Senior Strategist (Community Planning) – Regarding the potential impact of providing an additional community of students on the site and its impact locally including reference to public transport and available services.
- Landscape / Arborist Officer regarding proposed planting scheme.

Details of the referrals are provided in **APPENDIX C**.

6. Section 79C Considerations

(a)(i) the provisions of any environmental planning instrument

State Environmental Planning Policy No. 55 - Remediation of Land

The proposal involves the excavation of soils on the site and State Environmental Planning Policy No. 55 applies.

The applicant has provided a geotechnical and environmental assessment for each site (car park and the accommodation site). Both areas were found to contain trace elements of contaminants and reasonable areas of unknown fill specifically associated with the constructed tennis courts, but were however, below the relevant contamination level guidelines. Accordingly, the recommendation of the assessment to prepare a Construction Environmental Management Plan is imposed through planning conditions.

The proposal will involve a reasonable amount of cut and fill within this development. Estimated rates include some 1600m3 of soil reuse within the site and the likely importation of some 5000m3. Whilst all attempts would be made to reuse soil, it is acknowledged that some may require exportation off site due to contamination. Council's Senior Environmental Protection Officer has reviewed the application and recommended adequate conditions to be imposed on any excavated and imported material that may be classified and disposed of / sourced in accordance with the Office of Environment and Heritage Waste Classification Guidelines.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

SEPP 65 is applicable to this development as it is defined as being a 'residential flat building' in that it meets the criteria as being '*a building that is three or more storeys*' and '*consists of four or more self contained dwellings*'.

In accordance with the SEPP, the application was referred to Council's Urban Design Consultative Group (The Group) on two separate occasions to provide independent advice on the design quality of the residential flat building proposal. In summary, the Group remain critical of the current design when applying the 10 design principles of the SEPP 65. The critical points raised by the Group include those associated with built form and scale and social dimensions.

It was reported that the proposed buildings, with their repetitive design distinguished only by material choice and colour would create a form of development that would be difficult to create an individual form of identity; The chosen geometric design would create a visual dominance from all angles that would not necessarily reflect the conservation efforts taken to retain the bushland setting; The choice of an architectural style consistent with large-scale high-rise housing characteristic of mid-20th century expanding cities would not be conducive to the academic setting which incorporates more intimate and individual forms of residential accommodation. Further concern was reported in locating the proposed car park such a distance from accommodation and the associated security and amenity concerns associated with this.

The Group was of the view that a different design philosophy could be undertaken that may result in a more sympathetic social and environmental outcome for this site.

In both instances, the applicant has responded in detail to matters raised by the Group and provided justifications of equal relevance that have been taken into consideration in the overall assessment of this application under Section 79(c) of the Act.

Complete, detailed comments from the Group have been appended as **Appendix D** to this report. The applicant's responses to these comments are attached in **Appendix E**.

Newcastle Local Environment Plan 2003 (Newcastle LEP)

The site is within the 5(a) Special Uses zone under the provisions of the Newcastle LEP 2003. The proposed development is permitted, with the consent of the Council, in the 5(a) Special Uses zone.

The proposed student accommodation and car park would be ancillary to the main use on the site being defined as an 'Educational Establishment' which is defined as follows:

> ***Educational establishment*** *means a building used as a school, college, technical college, university, academy, lecture hall, gallery or museum, but does not include a building used wholly or principally as an institution or a child care centre.*

Educational establishments are permitted within the 5(a) Special Uses zone with the consent of the Council.

The proposal is considered to be consistent with the objectives of the 5(a) Special Uses zone

Clause 25 - Acid Sulfate Soils

There is no known risk associated with Acid Sulfate Soils to this site or within 500m of this site.

Clause 26 - Bush Fire Prone Land

Clause 26 of NLEP 2003 requires the consent authority to be satisfied with the measures proposed to be taken with respect to the development to protect persons, property and the environment from danger that may arise from a bush fire.

The Newcastle Bush Fire Prone Land Map indicates that the site is within the Category 1 Vegetation.

A bushfire assessment was undertaken in accordance with the requirements of Section 100B of the *Rural Fires Act 1997*, AS3959 (2009), 'Building in Bushfire Prone Areas and

Planning for Bushfire Protection' 2006. Various recommendations were made in the conclusions of this report that have been incorporated into the design to ensure a reduced risk to fire damage and safety. The application has been assessed by the NSW Rural Fire Service, who confirmed that the development would be acceptable subject to the conclusions of the report being implemented. These matters are detailed in the recommended planning conditions and include:

- Design and construction
- Provision of Asset Protection Zones
- Building and landscape bushfire management
- Hydrant provision
- Evacuation and emergency management

(a)(ii) the provisions of any draft environmental planning instrument

Draft Newcastle Local Environmental Plan 2011 (draft NLEP 2011)

The Draft Newcastle Local Environment Plan 2011 was adopted by Council on the 21st June 2011. The draft Plan has now been referred to the Department of Planning and Infrastructure for making.

The proposed development is to be within the SP2 – Infrastructure Zone of draft NLEP 2011. The site is specifically identified for the purpose as an 'Educational Establishment' on the relevant draft NLEP 2011 Map.

> *'**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.'*

The new buildings and associated uses are permitted with consent in the SP2 Infrastructure zone as they involve development that would be for '*the purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that* purpose'.

Draft NLEP 2011 is based on the 'Standard Instrument' which contains certain development standards relating to floor space ratio, building height and the like, none of which are applied to this site and are therefore not relevant to the proposed development.

There are no provisions within the draft instrument which would affect the proposed development over and above those which currently apply under NLEP 2003.

The supporting documentation for this application has given reference to a Precinct Masterplan for the University. The Masterplan identifies potential future expansions and development within the Campus. This Plan has not been prepared or endorsed with other Government stakeholders. Noting that the LEP and Draft NLEP reference permissibility on the basis of '*incidental or ancillary*' development to the University the potential development contained in the documents made available to Council Officers suggests that formal recognition of this Masterplan would be an advantage. It is considered that such a Plan should be formalised with the Department of Planning and Infrastructure, Newcastle City Council, the Roads and Maritime Services and any other relevant agencies. This is discussed further throughout this report.

(a)(iii) any development control plans

Newcastle Development Control Plan 2005 (NDCP 2005)

There are a number of development controls relating to the proposed development contained in NDCP 2005. Following is a discussion of the relevant sections of NDCP 2005.

(a) Element 3.1 - Public Participation

The proposal has been notified to the public in accordance with Element 3.1 of NDCP 2005. No submissions were received.

(b) Element 4.1 - Parking and Access

A Traffic Impact Statement has been submitted in support of this application which has analysed the potential impact of this proposal on the internal and surrounding road network. The Statement was reviewed by Council's Senior Traffic Engineer and found to be satisfactory in its conclusions.

In summary, the proposed development will provide onsite accommodation for an additional 778 students that currently reside off-Campus. Traffic counts demonstrate that the majority of students attending the University teaching facilities travel to the Campus during peak times which historically have affected the intersections with University Drive. The provision of additional onsite accommodation would reduce the transport needs of these students effectively reducing the peak travel demands to these intersections. As a result, there would be a positive impact.

Council's parking rates provided within the DCP for student accommodation are provided as a guide and can be altered given the circumstances of the site. The proposal provides for the following:

Car Parks		Motor Cycle		Bicycle	
Council DCP	Proposed	Council DCP	Proposed	Council DCP	Proposed
390	428	39	20	117	174

It is acknowledged and accepted that the University has limited parking provision on the Campus, a surplus of 38 car spaces are proposed which have included the replacement of the existing car spaces that currently service the tennis courts, landscape sheds and other service buildings that presently exist on the site. Limited parking has been provided to the front of each accommodation building. These spaces are restricted to disabled parking spaces, service bays and 'drop off' bays.

Parking is proposed to be mainly provided in a separate multi-level building located approximately 140m to the north of the site, linked with a series of accessible paths and security lighting. The car park is within an accessible distance to the accommodation and is understood to be managed within the existing car park stock associated with the University.

Accordingly, it is reported that this car park will not specifically be managed for sole rights to the proposed accommodation building but rather provided as an option for the future students of this accommodation who will be able to purchase a residential car parking pass for the University. This approach aims to promote the Campus' sustainable transport options and lower the car dependence of this site.

It is on this basis that Council is supportive of the proposal and also of the University compiling a site wide Sustainable Transport Management Plan to promote alternative transport options and reduce the current traffic impacts that are associated with the University. The Roads and Maritime Services are supportive of this approach and recommended that applicant prepare this Plan in conjunction with the RMS and enter into legal agreements to ensure any external traffic and transport infrastructure required on University Drive and other State roads are delivered in a timely manner.

Provision for some 174 bicycle spaces in a mixed storage variety of bike racks to the front of each building and in a long term storage locker solution to the south of the site is proposed. This represents a surplus of some 57 bicycle spaces. The provision and location of this bicycle parking is discussed as being separated from the accommodation building. The applicant discusses that the proposed large lock-up solution is in response to the site needs in that the Campus is walkable and does not, at this current point in time, support large numbers of bicycles throughout the Campus thereby reducing internal trip generation by bicycle. The provision of a longer term storage solution therefore supports this particular development and use. This argument is generally supported by Council, however with reference to the above paragraph, there is a clear need for a longer term solution for the University site in providing a Sustainable Transport Management Plan that is beyond this particular application.

A total of 20 motorcycle spaces are proposed within the multi-level car park representing a 19 space shortfall. Council's DCP further states that this would be a guide only. Council is satisfied that there would be existing motorcycle provision within the Campus grounds that would all be managed and controlled by the University to not require the additional 19 to be provided. Again the need for a Sustainable Transport Management Plan is highlighted.

(c) Element 4.2 - Contaminated Land Management

Refer to above discussion in Section 6 of this report.

(d) Element 4.4 - Landscaping

A detailed landscape plan and landscape report has been submitted in support of this application as required by this Element.

One of the fundamental principles that has been incorporated into the design and maintained as a strong design principle throughout the assessment process is the importance of the large open space that has been provided between the four accommodation buildings.

The University supports its bushland setting and has chosen the taller, three winged, spacious building design to preserve as much of the bushland setting as possible. In addition to providing smaller footprints and thus less tree removal with more deep soil planting, the areas of open space have been landscaped to be an extension to the buildings and provide a more socially interactive environment in response to catering for the modern student.

Accordingly, the landscape plan has responded to these needs by being adapted to protect and restore the remnant spotted gum and iron bark vegetation communities and to make clear and discreet interventions within the site to facilitate modern Campus life. Subsequently, large expanses of planting are proposed involving some 92 trees, 4200 scrubs and scramblers and 40,000 hydroseeded plants. This is discussed further in Tree Management below.

Council Officers are generally supportive of this design approach and have recommended conditions to implement such landscape plans.

(e) Element 4.10 Tree Management

An Arboricultural Impact Assessment was carried out on this site in accordance with this Element. The report identified trees of high and medium retention value that assisted in orientating and locating the proposed buildings. As a result of the development, a total of 78 trees are to be removed. This consists of 29 of high retention value and 25 of medium retention value.

The applicant undertook further analysis of the site in compliance with Council's Urban Forest Manual and concluded that the removal of the trees could be adequately compensated within the immediate site to assist in recovering the urban canopy and enhancing the visual amenity lost by the removal of these trees. The arborist recommended the planting of 54 semi-mature trees. It is further recommended that protection measures be in place to ensure the retention of a further 64 trees of high and medium retention value and 10 of low retention value.

Staff are aware that the University Campus is within a bushland setting and any future development on this site will ultimately lead to the loss of vegetation. Council is satisfied in that adequate consideration to the existing landscape has been undertaken in the locating of the proposed development with reasonable regard to the retention of the maximum number of trees on the site.

The proposed landscape plan has been designed to support the regeneration of the spotted gum and ironbark forest as well as providing a number of useable areas for the students. The landscape plan includes the recommended mature tree replacement planting of 54 x 100L trees plus 20 x 5L trees and an additional 38 trees from tube stock. Significant additional planting is proposed throughout the site for some 4200 tube stock of low scrubs and scramblers, include an 8,900 sqm area of hydroseeding and plant a 4,000sqm area of interplanting of some 40,000 plants.

It is acknowledged that the proposal will include the enhancement of a section of a riparian zone that runs adjacent to the development site and will form part of a detailed Vegetation Management Plan. This area, being within the riparian corridor is unlikely to be affected by future development due to its distance to the water course and protection under the *Water Management Act 2000* and is considered to benefit significantly from the enhancement.

Council is of the opinion that the fundamental basis of this proposal would be acceptable as it achieves Newcastle's urban forest policy objectives in providing urban canopy, as well as greatly assisting and enhancing the area in achieving greater ecological benefits to the immediate area.

(f) Element 4.5 – Water Management

The site is located within the upper reaches of Council's flood model and is therefore subjected to flooding. A detailed flood modelling report was submitted in support of this application further revising the flood level in this location. Council's Senior Development Engineering Officer reviewed this information and noted that part of the existing internal road network providing access to this development is affected by flooding. Council Officers were satisfied that the proposed finished floor levels of both the accommodation and the car park structure would be above this flood level and would satisfy Council's requirements. A number of conditions are recommended in regard to flooding and included in Appendix A.

A stormwater management plan has been prepared in support of this application. The management plan details the adequate treatment, discharge and retention of stormwater from this development. Council's Senior Development Engineering Officer reviewed this information and is satisfied that it meets Council's discharge control requirements. This detail is considered acceptable subject to various conditions that are recommended and included in Appendix A.

(g) Element 4.6 – Waste Management

The development will involve the demolition and removal of a number of existing buildings and structures. A detailed waste management plan has been submitted in this regard that details the management of likely wastes to be generated during and as a result of the construction process. Finite details of waste management during the construction period would form part of any documentation for the Construction Certificate and relevant conditions are recommended to reflect this.

A general operational waste management plan has been prepared for the site based on information from the existing residential accommodation. In summary, the site is anticipated to generate 3900L/day of general waste and 1985L/day of recyclable waste. Each accommodation block has a central integrated waste room providing total capacity for 9600L/day for general waste and 5760L/day of recyclable waste. Consideration has been given to the 'Better Practice Guide for Waste Management in Multi-unit Dwellings' published by the Department of Environment and Climate Change (now Office of Environment and Heritage). Boarding houses are the closest applicable rate which would suggest some 6,670L of general waste and 2,220L of recyclable wastes. The provided capacity would be adequate for the development. In addition to the provision of adequate waste capacity the management plan includes a collection and cleaning strategy for the waste facilities. This involves transporting the full bins by vehicle, daily to the University's central waste collection point involving bin cleansing.

The proposed waste management plan is generally acceptable and adequate conditions are recommended to ensure such detail is provided and maintained.

(a)(iiia) any planning agreement that has been entered into or any draft planning agreement that the developer has offered to enter into

There are no planning agreements which apply to this development.

(a)(iv) any matters prescribed by the regulations

Not applicable.

(a)(v) the provisions of any coastal management plan.

Not applicable.

(b) the likely impacts of the development

a. Impact on the Natural Environment

The application site contains a vegetation community that does not represent an endangered ecological community under the *Threatened Species Conservation Act 1995* but provides a habitat resource for local flora and fauna species. The applicant supplied an ecology report in support of this application that assessed the loss of this bushland and potential impact to threatened flora and fauna species under Section 5A of the *Environmental Planning and*

Assessment Act 1979. Council's Senior Environmental Protection Officer reviewed the information and was generally satisfied with the conclusions of the report in that:

'the proposed development will not significantly impact on any of the seventeen assessed threatened and/or endangered species as the loss of approximately 0.5ha of potentially suitable habitat represents a small portion of the home range of many of these species. Furthermore, the large expanse of similar quality habitat on Callaghan Campus will allow resident individuals to remain in the local area.

The Ecological Assessment prepared by Ecobiological has recommended a number of measures to reduce impacts on native flora and fauna as a result of the proposed development. The recommended mitigation measures include:

- *Implementation of a nesting box program: One hollow bearing trees containing one hollow will be removed as part of the proposed development. The nesting box program will require the replacement of the hollows on a 1:1 ratio with monitoring of the nest box for a period of three years. Council accepts the nesting box program and will require the implementation of the program as a condition of consent.*
- *Ecologist to supervise tree removal: A suitably qualified ecologist will be required to be present during tree felling to ensure fauna have appropriate time periods for relocation and to minimise harm to animals. This requirement will be addressed by an appropriate condition of consent.*
- *Management of the construction site to ensure there are no accidental incursion into area not part of the proposal'*

Adequate conditions are included in Appendix A to ensure the above recommendations are implemented.

The development is within close proximity to the 40m riparian zone buffer to an existing ephemeral stream. As required by Council's DCP Element 4.3.6, the proposed development has been adequately located and designed so that it is unlikely to have an impact of the water quality to this stream. Additionally, a Vegetation Management Plan has been prepared by the applicant that enhances this riparian zone and is likely to have a positive impact.

- Visual Impact

The proposal of introducing four eight storey buildings of identical form and massing in this bushland setting would no doubt create a form of visual impact. In its basic form, the chosen geometric 'Y' shape would undoubtedly create a form of visual dominance when viewed from any angle. This is confirmed in the UDCG responses of the 19th October, the 16th November and through the supplied photomontages.

The University has supplied adequate information indicating the need for additional accommodation and more importantly, the chosen design has addressed the needs of the student. The application site is not subject to any planning controls associated with Floor Space Ratios, density and height.

When viewed in the context of the site and its surrounds, being a spacious bushland setting unique to the University Campus, the site is generally well hidden. The buildings have been designed with minimal building footprint, have building heights within the general bushland canopy, are spacious in their layout, incorporate a high level of deep soil planting and most importantly, are not located on any prominent landscape feature such as a ridge or a hill. The design and building placement within the spacious Campus setting would therefore limit

the visual impact when viewed from surrounding urban areas and it can be concluded that the visual impact would therefore be limited to a local impact and is acceptable.

Whilst acknowledging the comments of the UDCG in this respect, it is the opinion of Council that this built form has been broken up through providing an alternate geometric pattern and material choice which would assist in creating interesting views and shadows at various angles and at various times of days. Although the buildings are repeated in their raw form, the chosen varying orientation of the buildings with a choice of alternate materials and colours, the large distances between the buildings and the detailed landscape analysis and planting scheme, the applicant has demonstrated a development form that connects the buildings and provides a sense of place for the modern student.

It is therefore concluded that the visual impact is local. In the absence of any planning controls associated with Floor Space Ratios, density and height and given the spacious bushland setting of the site within the Campus, it is considered on balance that the proposal would be acceptable in terms of visual impact.

- Parking and access

Parking and access matters have been more closely examined in Section 6a(iii) – Element 4.1 above. In summary, the proposed development includes adequate parking facilities for the accommodation. The proposed multi-deck car park is located a short distance from the accommodation blocks, and whilst not standard practice for residential units, would suit the needs of the students attending the University Campus and utilising this housing stock. A supportive argument provided by the applicant is that limited movements are required for students off site and therefore able to embrace alternative sustainable modes of transport within the site. Council is generally supportive of this approach, however, is aware of the current limited on site opportunities for sustainable transport means and are of the opinion that this development highlights an issue that should be rectified through the imposition of a site wide Sustainable Management Plan.

- Noise and Vibration

With regard to noise and vibration, an acoustic assessment has been undertaken which addresses potential noise impacts on the nearest residents. Council's Senior Environmental Protection Officer has reviewed the documentation. *'The nearest identified noise sensitive receivers which are not part of the university were determined to be residences along the southern side of University Drive approximately 250m and 600m to the south of the nearest residential building and car park respectively. The assessment concludes that any noise impact on the nearest residences along University Drive due to the proposed development would be minimal and well within the assessment objectives recommended in the Department of Environment Conservation and Climate Change and Water (DECCW) Industrial Noise Policy (INP)*

Acoustic considerations including acoustic privacy between sole-occupancies are proposed to be addressed during the detail design construction and commissioning phases of the project.'

Conditions are recommended in Appendix A that comply with the recommendations of the acoustic assessment.

- Social and Economical

Provision for onsite accommodation for students attending the University of Newcastle is currently under supplied. The proposal to provide an additional 778 beds to the current supply of 936 beds will assist in meeting the current demand. The provision of on-site accommodation for students is likely to have a positive social impact to those students attending the University.

The applicant's Social Impact Assessment, as reviewed by Council's Senior Strategist in Community Planning supports higher attainment rates as well as reinforces the viability of existing social, economic, and recreational services both on and surrounding the Campus. Information supplied by the applicant suggests that the Campus' current infrastructure has a level of acceptable capacity to provide for the additional population such as medical services.

It is additionally acknowledged that the increase in population will further ensure the retainability of the existing sporting services that are currently undersubscribed and it is equally recognised that such infrastructure upgrades may be required to public transport access and other basic services. The applicant informs that this development will form part of a greater site masterplan that would see the provision and upgrade of relevant services to suit the needs of the growing population. It was additionally reported that a site wide sustainable transport plan is being prepared that will advise of upgrades for public transport options.

- Safety and security

The provision of an additional 778 students on the site will have both positive and negative impacts with regard to safety and security. The supply of additional people in one given area increases surveillance and security and on the other hand offers more potential for crime. Whilst no formal comments have been received from the NSW Police, Council is aware that this application has been prepared in consultation with University security staff and that the Campus is managed as a larger private entity. The crime risk assessment reports submitted with the application conclude that the accommodation would offer a low crime risk and the multi-deck car park, due to its segregated location would result in a medium crime risk. Through the implementation of various security controls recommended in the report, including lighting, CCTV, building access control, intercom help points, after hours security and landscape management this risk would be reduced.

Council reviewed the design and the Crime Risk Reports for both the accommodation and the car park. Council are satisfied that crime risk reduction has been incorporated into the design and that this needs to be balanced carefully to enable the high level of student interaction that has been so carefully planned for in the design approach.

- Energy and solar access

The application site has good solar access that is only limited by the existing surrounding vegetation. Buildings have been orientated and designed to take advantage where possible of this. The applicant has advised that they are aiming to achieve a 4 star green star rating.

(c) the suitability of the site for development

The proposed development and use is permissible with consent in the 5(a) Special Uses zone. The use would be ancillary to the educational purposes of the rest of the University Campus.

The applicant provided details of a site analysis that identified 14 potential locations within the Campus for the required student accommodation. The application site was chosen for its

proximity adjacent existing accommodation options and its proximity to the future "heart" of the Campus that has been identified in the University's Campus Masterplan. The chosen site is within a five minute walk to the majority of the Campus' facilities and services and allows the flexibility of this accommodation to be integrated into future development.

The site is suitable for the proposed development.

(d) any submissions made in accordance with this Act or the Regulations

No submission were received in respect of this application.

(e) the public interest

Section 94A (Fixed development consent levies) of the *Environmental Planning and Assessment Act 1979* would be applicable and relevant to this application. Council's 'S94A Development Contributions Plan 2009 – updated 2011) would be applicable. The proposal would be for educational establishments and therefore would be exempt from contributions as per Clause 4.2 of this Plan.

The proposal will provide additional accommodation capacity for students of Newcastle University which will assist in relieving the pressures upon local affordable housing stock of the surrounding suburbs of Newcastle.

The University has proposed the accommodation building with reference to a Precinct Masterplan that has been discussed in the above report. The formalisation of an agreed Master Plan that identifies, acknowledges and addresses the current and future capacity of the University and identifies longer term development goals and strategies would be in the interest of the greater community by ensuring the sustainable longevity of the University in this environment and minimising environmental impacts.

The proposed development does not raise any further significant general public interest issues beyond matters already addressed in this report.

7. Conclusion

The application has been referred to the Urban Design Consultative Group as required by State Environmental Planning Policy 65 – Design Quality of Residential Flat Development. Concluding recommendations of the Group have indicated their lack of support for the current design approach and outcome. Whilst the comments of the Group are generally well received and respected, the application is a rarity in that a strong argument in support of the current design has been put forward indicating that an equal analysis has been undertaken of alternate design options including the suggested lower urban form and alternate designs resulting in the current layout. Notwithstanding this and with the greatest respect to the comments, recommendations and assessment provided by the Group, it is the opinion of Council that, in the absence of any specific planning controls as imposed by the NLEP 2003 and DCP 2005, Draft NLEP 2011 and associated Draft DCP controls 2011, and when fully assessed having regard to the relevant heads of consideration under Section 79c(1) of the *Environmental Planning and Assessment Act 1979*, the development proposal is considered to be acceptable subject to compliance with the recommended planning conditions.

Further to the above, it is acknowledged that whilst the application is supported in its current form and likely to have minimal environmental impact, the processing of this application has highlighted some existing and ongoing impacts that the University faces with regard to current and future growth, student numbers, transport accessibility, car dependency and the impact upon the nearby external road network.

The documentation provided in support of this application often referred back to a Campus wide Masterplan and Sustainability Transport Management Plan that implied future aspirations and goals that the University faces on its site whilst acknowledging implementation at key times for associated infrastructure that would be required to assist in this foreseeable change. Accordingly, Council is of the strong opinion that the University has demonstrated the need to progress and adopt both a Campus wide Masterplan for the University and a Sustainability Transport Management Plan. It is the recommendation of Council that such plans should be carried out in conjunction with Council and associated relevant statutory bodies to ensure the growth of the Campus and associated infrastructure remains sufficient and would not impose environmental impacts upon the surrounding area.

8. Recommendations

A) that the University commence detailed discussions with the Department of Planning and Newcastle City Council with the view to formalising an agreed Master Plan that identifies, acknowledges and addresses the current and future capacity of the University and identifies longer term development goals and strategies and provides a framework for assessment and determination of future development propoals on site.

B) that the University be advised of the need to prepare a Sustainability Transport Management Plan (STMP) in conjunction with Council, the Roads and Maritime Services, local bus companies and other key stakeholders that addresses the future growth of the Campus and addresses traffic and transport management with future development at the University Campus.

C) That the JRPP grant consent to Development Application 11/1065, subject to the conditions contained in Appendix A.

APPENDIX A - Conditions of Consent

APPENDIX B – Plans and Elevations

APPENDIX C – Referral Comments

Comments from External Agencies

Agency	Comments
NSW Rural Fire Service	Issued a Bushfire Safety Authority with conditions regarding: Asset Protection Zones; Water and Utilities; Access; Evacuation and Emergency Management; Design and Construction; Landscaping
NSW Office of Water	Issued General Terms of Approval.
Hunter Water	In principle support. Standard conditions to be imposed.
Urban Design Consultative Group	See Appendix D
Roads and Maritime Services	No objections subject to conditions requiring a Construction Transport Management Plan; All works to be completed at full cost to the developer; Applicant undertake a commitment to monitor traffic and transport conditions at the University; A master plan and Sustainable Transport Management Plan be prepared and the UoN enter into a legal agreement to commit to upgrading infrastructure in a timely manner.

Comments from Internal Referrals

Department	Comments
Council Building Surveyor	No concerns raised. Standard conditions to be imposed.
Council Traffic Officer	**Parking** Conclusions of the Traffic Impact Assessment acceptable. Additionally noted that the proponent prepare a Sustainable Transport Management Plan (STMP) to address traffic and transport management with future development at the University Campus. The plan be prepared in consultation with Council, the Roads & Maritime Services, the NSW Police, local bus companies and other key stakeholders. The STMP should identify key objectives and include an Action Plan nominating appropriate time lines for implementation of these objectives and be submitted with future development applications lodged for the Campus. Approval recommended subject to conditions reflected in Appendix A
Council Stormwater and Flooding Engineer	**Flood Management** The site is within the upper reaches of Councils flood model, showing that part of the site is flood prone. Further analysis was done by the developer's consultants to support this application and show that this development

	would not be generally affected by flooding. The details from the modelling show that the floor levels of the accommodation building and carpark are above the flood levels. It is noted that some of the existing internal roads accessing the sites will be subject to flooding. However the accommodation buildings are much higher than the flood level and are considered acceptable. **Stormwater Management** A stormwater management plan has been prepared by GHD. The plan shows that each accommodation building has provided a $24m^3$ detention chamber plus sandfilter, a $20m^3$ reuse tank, this would approximately meet Council's discharge control requirements No objection subject to the various conditions
Community Planning Senior Strategist	No objection or comment based on additional information provided.
Council Environmental Services Officer	**Noise** An acoustic assessment prepared by Acoustic Consulting Engineers addressed potential noise impacts on the nearest residents. The nearest identified noise sensitive receivers which are not part of the university were determined to be residences along the southern side of University Drive approximately 250m and 600m to the south of the nearest residential building and car park respectively. The assessment concludes that any noise impact on the nearest residences along University Drive due to the proposed development would be minimal and well within the assessment objectives recommended in the Department of Environment Conservation and Climate Change and Water (DECCW) Industrial Noise Policy (INP) Acoustic considerations including acoustic privacy between sole-occupancies are proposed to be addressed during the detail design construction and commissioning phases of the project. This DA is linked to DA 11/1063 which addresses the demolition portion of the proposed works. ***Ecology*** The proposed demolition works and site preparation for student accommodation and a parking structure will involve the removal of native vegetation. The Ecological Assessments prepared by Ecobiological dated April 2011 and October 2010 state

	• *The subject site contains a large number of native trees which will potentially be rmoved during the development process. At this state in the proposal the final scale of the development footprint in unclear…* The proposed student accommodation development footprint is approximately 0.5 ha and the proposed car park development footprint is 0.32 ha. The predominant vegetation community located within the subject site is Coastal Foothills Spotted Gum Ironbark Forest. Riparian Closed Forest and Freshwater Wetland are also found on the proposed student accommodation site. The vegetation community assemblage on the site does not represent an endangered ecological community under the *Threatened Species Conservation Act 1995* (NSW). The vegetation required for removal as part of the proposed development provides a habitat resource for local flora and fauna species. The proposed development area may potentially provide habitat for threatened or endangered species listed under the *Threatened Species Conservation Act 1995* (NSW) including insectivorous bats such as the Little Bentwing-bat (*Miniopterus australis*) and Eastern Bentwing-bat (*Miniopterus oceanensis*), and the Grey Headed Flying Fox (*Pteropus poliocephalus*), avifauna such as Gang Gang Cockatoo (*Callecephalon fimbriatum*) and Swift Parrot (*Lathamus discolour*) and plant species such as Black-eyed Susan (*Tetratheca juncea*). The Ecological Assessments prepared by Ecobiological dated April 2011 and October 2010 have undertaken surveying of the area for potential threatened or endangered species and identified two species utilising the proposed development site, the Little Lorikeet (*Glossopsitta pusilla*) and the Grey headed Flying Fox (*Pteropus poliocephalus)* The Ecological Assessments prepared by Ecobiological dated April 2011 and October 2010 identified fifteen other species, which were not identified during the field surveying effort, which may potentially utilise the proposed development area as habitat. The Ecological Assessments prepared by Ecobiological have undertaken seven-part tests under the *Threatened Species Conservation Act 1995* (NSW) for each of the threatened or endangered species identified on the site or may potentially utilize the site as habitat. The Ecological Assessments prepared by Ecobiological conclude the proposed development will not significantly impact on any of the seventeen assessed threatened and/or endangered species as the loss of approximately 0.5ha of potentially suitable habitat represents a small portion of the home range of many of these species. Furthermore, the large expanse of similar quality habitat on Callaghan Campus

	will allow resident individuals to remain in the local area. The Ecological Assessment prepared by Ecobiological has recommended a number of measures to reduce impacts on native flora and fauna as a result of the proposed development. The recommended mitigation measures include: • Implementation of a nesting box program: One hollow bearing trees containing one hollow will be removed as part of the proposed development. The nesting box program will require the replacement of the hollows on a 1:1 ratio with monitoring of the nest box for a period of three years. Council accepts the nesting box program and will require the implementation of the program as a condition of consent. • Ecologist to supervise tree removal: A suitably qualified ecologist will be required to be present during tree felling to ensure fauna have appropriate time periods for relocation and to minimise harm to animals. This requirement will be addressed by an appropriate condition of consent. • Management of the construction site to ensure there are no accidental incursion into area not part of the proposal **Riparian Buffer Zone** A watercourse is located to the south east of the proposed demolition works with remnant riparian vegetation present. Clause 4.3.6 of the *Newcastle Development Control Plan (DCP) 2005* states *'The riparian zone include the stream bed and extends beyond the top of the bank to a point not less than 40m from the top of the bank'* An adequate buffer zone is required to maintain riparian functions such as maintaining or improving water quality and bank stability. A decrease in water quality within these ephemeral creek lines may have adverse effects downstream. The proponent has reviewed the layout of the proposed development with consideration of the riparian zone as defined in the Core Riparian Zone of the *Water Management Act (2000)* and has demonstrated an appropriate riparian buffer zone has been provided to ensure protection of the watercourse. The Vegetation Management Plan prepared by Ecobiological has recommended a number of measures to reduce impacts on native flora and fauna as a result of the proposed development and increase the diversity and cover of native vegetation within the zone itself.

	Soil Contamination The Geotechnical and Environmental Assessment, prepared by Coffey Geotechnics dated 15 June 2011 covers the subject site located between Ring Rd and the Hunter Water pipeline where the proposed car park will be located. Potential areas and chemicals of concern were identified as fuel and oil spills, cooling water being flushed from storage tanks and unknown fill observed on site. DEC 2006 Guidelines for health based investigation for "commercial or industrial" sites were used. Five surface samples were collected and analysed. The results showed concentrations were less than the adopted criteria. The Geotechnical Assessment recommends a Construction Environmental Management Plan (CEMP), including an "unexpected finds" section be prepared. This will be addressed by the appropriate consent condition. The Geotechnical and Environmental Assessment prepared by Coffey Geotechnics dated 5 May 2010 covers the subject site located in the south-eastern portion of the University of Newcastle Callaghan Campus where the proposed student housing will be located. The study was conducted in two stages. Stage 1 involved assessment to determine broad site constraints for consideration in preparation of the Master Plan. Stage 2 involved providing sufficient geotechnical and environmental information to allow detailed design. Potential areas and chemicals of concern (AEC) identified include existing building and sporting fields which may contain asbestos cement building products and or lead paints. Pesticides may also have been used in the area. Additionally fill material of unknown quality were observed in areas of the site. A total of 11 bore holes were dug and 5 surface samples were taken. Nine samples were taken from each AEC, six from fill and two from surface soils. When assessed against the contamination guidelines for residential land use with minimal soil access (HIL 'D'), the laboratory results showed concentrations less than the adopted criteria. An 'oily' odour was noted in one borehole. Although not considered a significant issue the CEMP is to be designed to address any unexpected finds. Recommended conditions are reflected in Appendix A

APPENDIX D – Comments from the Urban Design Consultative Group

APPENDIX E – Response from the University of Newcastle to the comments of the Urban Design Consultative Group