

<b>JRPP No.</b>	2014HCC006
<b>DA No.</b>	DA 13/1470
<b>Proposal</b>	ALTERATIONS AND ADDITIONS TO RESEARCH BUILDING
<b>Property</b>	LAND ADJACENT TO NIER AND VALE STREET 130 UNIVERSITY DRIVE, CALLAGHAN LOT 1 DP 1188100
<b>Applicant</b>	THE UNIVERSITY OF NEWCASTLE
<b>Report By</b>	DEVELOPMENT AND BUILDING SERVICES

## **Assessment Report and Recommendation**

### **Executive Summary**

#### **Proposed Development**

The application comprises:

- Preparation of the site by clearing vegetation and undertaking general earthworks;
- Extension to the recently constructed existing research building involving additional workstations and offices to support the research laboratories for physics and electrical engineering associated with the adjacent Newcastle Institute for Energy Resources (NIER) site and the University;
- Construction of a new internal service road and 61 at grade car parking spaces;
- Provision of landscaping, services and drainage infrastructure.

#### **Referral to Joint Regional Planning Panel**

The proposal is referred to the Joint Regional Planning Panel for determination pursuant to Schedule 4a of the Environmental Planning and Assessment Act 1979, given the application being 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 \$6,600,000.

#### **Permissibility**

##### **Newcastle Local Environmental Plan 2012 (NLEP2012)**

The proposed works are largely contained within land zoned SP2 Infrastructure. A small part of the development works extend into the adjacent land whereby the land is zoned RE2 – Private Recreation.

The proposal is defined as an '*educational establishment*' and is permissible with consent in the SP2 Infrastructure zone.

In relation to the part of the development that is proposed on land zoned RE2 Private Recreation, reference is made to the *State Environmental Planning Policy (Infrastructure) 2007*.

##### **State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)**

Clause 28 (2) of the ISEPP states:

*Development for any of the following purposes may be carried out by any person with consent on any of the following land:*

- (a) development for the purpose of educational establishments—on land on which there is an existing educational establishment,*
- (b) development for the purpose of the expansion of existing educational establishments—on land adjacent to the existing educational establishment.*

On 30 August 2010 consent was granted for a change of use of the former research laboratories on the NIER site to an educational establishment. Accordingly the proposal is permissible on the land zoned RE2 Private Recreation.

#### Consultation

The proposal was not required to be notified in accordance with the Newcastle Development Control Plan 2012. No public submissions have been received in relation to the proposal.

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 (GTA) have been recommended.

#### Key Issues

The main issues identified in the assessment were as follows:

- Whether the proposed development will directly result in unreasonable traffic impacts on the surrounding road network.
- Whether the loss of 35 trees and proposed compensatory ecological enhancement and replacement planting scheme is acceptable.
- Whether the development is acceptable in terms of bushfire protection.

#### Recommendation

**Grant approval to application reference 2014HCC006 (DA13/1470) subject to conditions recommended in Appendix A.**

## **1. Background**

In August 2010 development consent was granted to change the use of the former BHP-Billiton Newcastle Research Laboratories that covered a 3.8 hectare site adjoining the University of Newcastle's Callaghan Campus to the Newcastle Institute for Energy and Resources (NIER).

The NIER is a partly federally funded national and international research centre aimed at addressing national priorities in regard to energy sustainability in both production and use and includes specialist laboratory space for large scale test bed and pilot plant operations.

In December 2011, development consent was granted for a new Research Building at the gateway entrance to the site from Vale Street to provide for state-of-the-art research space to compliment and support the NIER site. Construction has been recently completed and will be occupied by University Faculties conducting research activities under the Newcastle Institute for Energy and Resources (NIER) umbrella. The change of use and new building has provided for a total of 167 people employed across the site. The current application proposes an extension to this building employing a further 148 people.

## **2. Site and Locality Description**

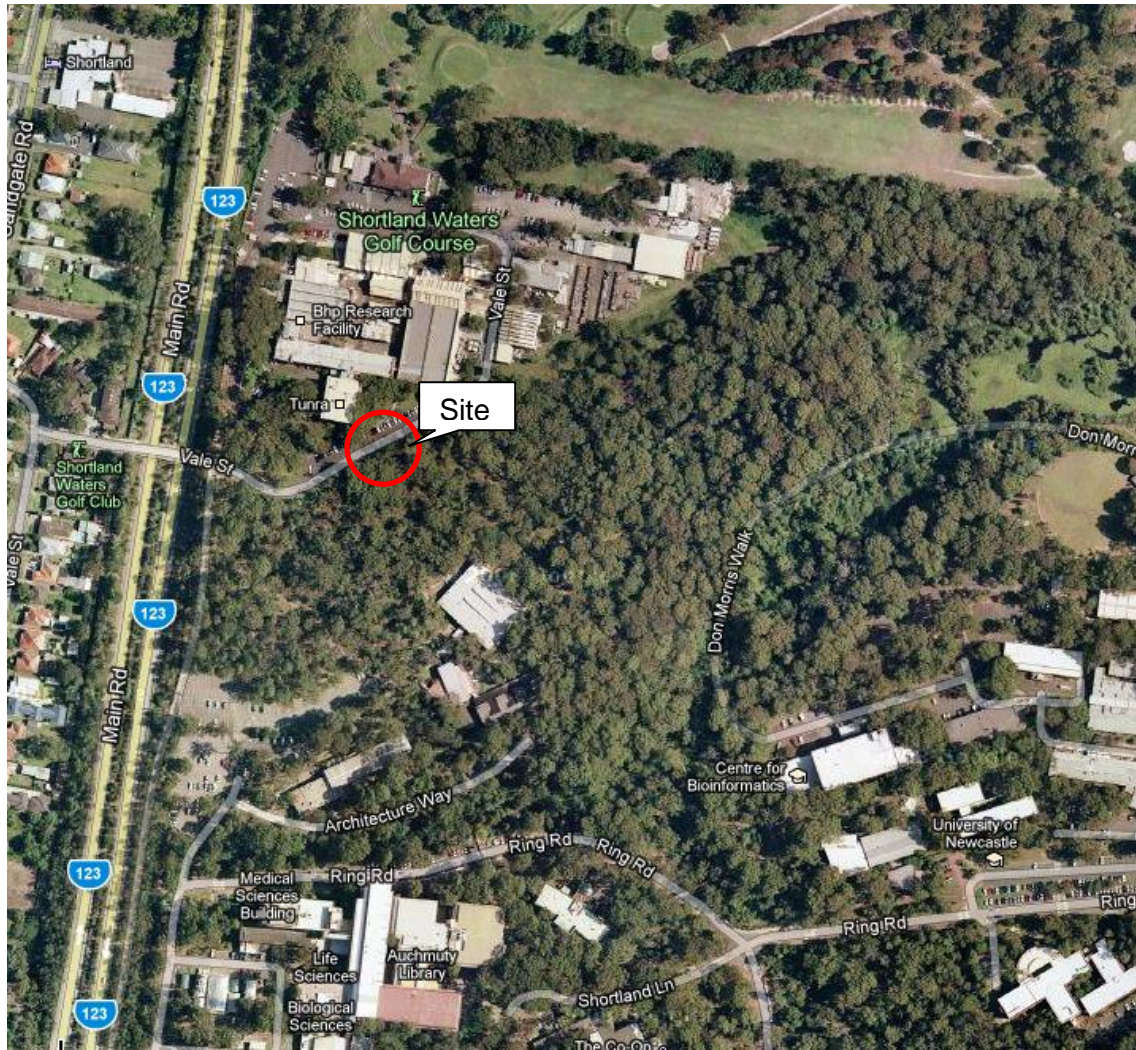
The site of the proposed works comprises vacant land within the south eastern corner of the Newcastle Institute for Energy and Resources (NIER) campus. The proposal is located on Lot 1 DP 1188100 (previously part of Lot 16 DP 817507 and part Lot 101 DP 881682).

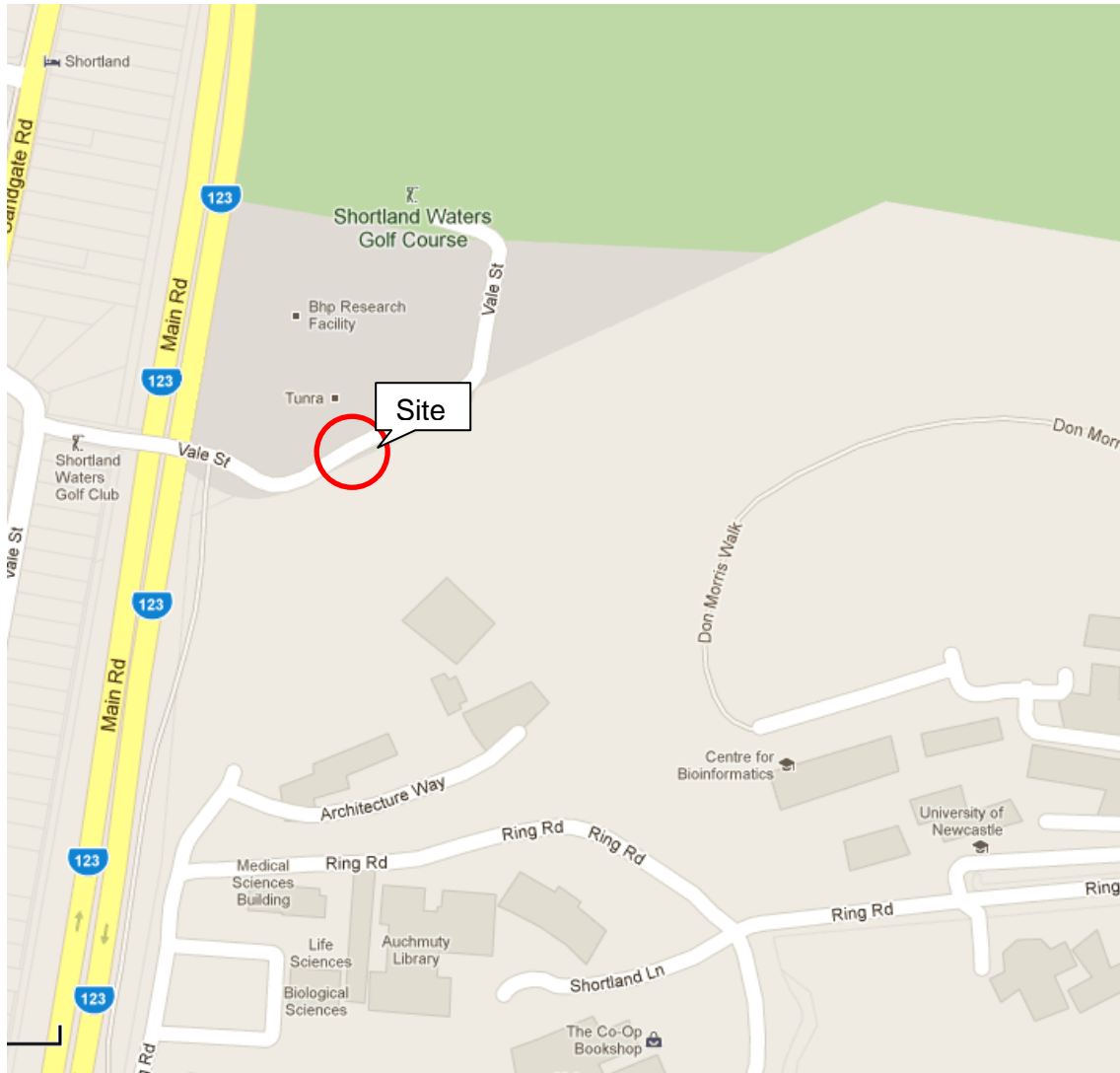
The site has a gentle slope from a high point in the north west of around 29 metres AHD to a low point in the south east of around 25.5 metres AHD. This represents a fall of around 3.5 metres over a distance of around 65 metres (a gradient of around 1:19).

The site immediately adjoins the UON Callaghan campus, which is located to the south. To the south is bushland, beyond which are the UON's Architecture, Science and Engineering facilities. To the east and west are areas of bushland associated with the NIER and UON Callaghan Campus. To the north of the NIER campus is the Shortland Waters golf course.

Stage 1A of this project was approved on 21 December 2011 and has been constructed.

Refer to **Figure 1** for a map showing the site and general locality.





### 3. Project Description

The proposed development involves the construction of Stage 1B of the new research building at the NIER campus, involving an extension of the research space recently constructed as part of Stage 1A.

The subject DA relates to the following works:

- The clearing of selected vegetation on the site and associated earthworks;
- The extension of the two storey research building (Stage 1A);
- The provision of a new internal service road and 61 at-grade car parking spaces to service Stage 1B;
- The provision of landscaping around the new building;
- The provision of associated services and drainage infrastructure.

The occupants of Stage 1B are yet to be specified, however, are likely to comprise researchers from the Primary Research Centre for Organic Electronics (Physics), the Centre for Intelligent Electricity Networks (Electrical Engineering) and Applied Electrochemistry. The applicant has advised that these researchers and academics are currently located on the Callaghan Campus of University of Newcastle.

In relation to staff numbers, the applicant has advised:

*'When the NIER campus was occupied by the former BHP-Billiton Newcastle Technology Centre, there were 240 researchers employed on site. The initial Stage 1A development has resulted in an occupancy level of 167 people across the site. Stage 1B provides for 148 additional people within the facility or a total of 315 people across the site. Some researchers and academics currently operating from the UON Callaghan Campus will transfer to the NIER campus to occupy the new research building provided.'*

Refer to **Appendix B** for a copy of the floor plans and elevations of the proposal.

#### **4. Consultation**

Given the scope of the proposed extensions, ancillary nature to the existing research centre and distance from neighbouring properties, the application was not required to be notified to neighbouring properties as per the Newcastle Development Control Plan 2012. There were no submissions received.

#### **5 Referrals**

##### Statutory Referrals

The site is identified as being 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'* under Section 100b of the *Rural Fire Services Act*.

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 in accordance with the recommendation of the Bush Fire Assessment report. The recommendations are outlined in recommended planning conditions.

##### Internal Referrals

Internal referrals were made to the following:

- Senior Development Officer (Engineering) concerning parking provision, traffic generation, vehicle and pedestrian access, stormwater and flooding.
- Environmental Protection Officer (Compliance Services Unit) with reference to the use of the building; State Environmental Planning Policy 55 - Remediation of Land.

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 assessment of the site. Council's Senior Environmental Protection Officer has reviewed the application and has provided the following comments:

*The primary health and environmental concern associated with this application is the issue of existing site contamination identified in the vicinity of the existing NIER site where part of the construction of a new service road is proposed. The land where the footprint of the stage 1B building itself is proposed is not expected to be significantly impacted by contamination as is indicated by the general absence of contamination identified in previous soil investigations in the vicinity of the building.*

*Further information was requested by the Compliance Services Unit (CSU) to ensure that the issue of contamination has been properly considered as part of the assessment of this application.*

*A detailed contamination investigation, site audit report and long term environmental management plan (EMP) have subsequently been provided to Council which were previously required to be completed as part of the development of the NIER site in previous years. The existing reports indicate that most of the significant contamination impacts occur in the northern part of the NIER site. It is however possible that contaminated soil may be encountered during construction of the proposed development. The applicant has stated that they will comply with the requirements of the existing EMP to ensure contamination will be properly managed. A review of the EMP has been undertaken and the CSU considers that provided it is followed by the applicant the potential health and environmental risks posed by the development can be adequately managed. The CSU considers that the construction of further hardstand areas is likely to result in a reduction in existing exposure risks posed by any existing contaminated fill and this is supported by the site auditor's comments in the site audit statement regarding the appropriateness of hardstand areas to minimise risks posed by existing soil contamination on site.*

Accordingly, it is considered that the proposal is acceptable.

#### **State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)**

The site is partly located within the RE2 – Private Recreation Zone under the provisions of the Newcastle LEP 2012 whereby the proposed use as an 'Educational Establishment' would not be permissible.

Clause 28 (2) of the ISEPP states:

*Development for any of the following purposes may be carried out by any person with consent on any of the following land:*



- (a) development for the purpose of educational establishments—on land on which there is an existing educational establishment,*
- (b) development for the purpose of the expansion of existing educational establishments—on land adjacent to the existing educational establishment.*

On 30 August 2010 consent was granted for a change of use of the former research laboratories on the NIER site (the lot zoned RE2) to an *educational establishment*. It is concluded that the NIER has substantial links to the University of Newcastle on the land adjacent. Accordingly the proposal is permissible on this site.

The proposal is not required to be referred to the Roads and Maritime Service as a 'traffic generating development', as the proposal will not facilitate additional students at the existing 'educational establishment.'

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

#### **Clause 4.3 Height of Buildings and 4.4 Floor Space Ratio**

The site is not mapped as having a defined maximum Height of Buildings or Floor Space Ratio. However it is noted that the proposed building meets the objectives of these clauses and would be suitable in height and density in this location.

#### **Clause 5.9 Preservation of trees or vegetation**

The application was supported by an ecological assessment. The report concluded that the site consists of two vegetation communities, the Coastal Foothills Spotted Gum – Ironbark Forest (CFSGIF) and a mixed native and exotic planted garden area. The CFSGIF is largely cleared of understorey, contains exotic landscaping species or is currently managed as an Asset Protection Zone for bushfire protection purposes. The planted area predominately contains two native species and a large number of exotic species.

The assessment concluded that the area of bushland affected by this development is not likely to contain threatened flora species and there are no identified Endangered Ecological Communities within the site.

Where possible, the application sought to retain significant vegetation however, the proposal will result in the removal of 35 mature trees, the majority of which are of category 3 rating under the Newcastle Urban Forest Technical Manual. An assessment of these trees revealed that they are not hollow bearing. The report recommended a number of protection measures for existing vegetation to be in place during the construction period. These are reflected in the recommended conditions of consent.

The landscaping plan identifies the planting of some 20 native trees within the immediate site. Only three of these are large / tall species, the remainder of the planting constitute small native trees and shrubs and a significant area of mass plantings / groundcovers. This would not be considered to be adequate compensatory planting, but rather standard landscaping works to the car park and building surrounds.

Given the lost tree canopy as a result of this application, it is considered that further compensatory planting is warranted. In the assessment of the previous development application for Stage 1A, a planting ratio of 2:1 was considered adequate and necessary. Since this determination, the Development Control Plan has been amended which has acknowledged the limited areas available within the University site to plant compensatory large scale trees. The DCP stipulates that the compensatory option would be better suited to existing bushland management and enhancement as it is significantly degraded in quality.



In applying this policy, it is considered that the proposal will have a moderate impact to remnant native vegetation and that the University should compensate this by undertaking bush regeneration over the disturbed area using locally native species and targeted weed removal for a minimum of 2 years, in accordance with the Action Plan. This is recommended as a condition of consent.

#### **Clause 5.11 - Bush Fire Prone Land**

The NLEP 2012 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 and confirmed that the development would be acceptable subject to the conclusions of the report being implemented. These matters are detailed in the recommended conditions and include:

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

#### **Clause 6.1 - Acid Sulfate Soils**

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

#### **Clause 6.2 - Earthworks**

The associated earthworks are considered acceptable and relatively minor in that they are required to provide adequate construction levels for this proposed extension. The earthworks do not significantly alter the landscape. Conditions of consent will be imposed controlling the quality of fill and ensuring destination of excavated material is undertaken responsibly.

The works are unlikely to disturb relics, however in this regard an advisory condition is recommended.

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

No draft EPI's relevant.

#### **(a)(iii) any development control plans**

##### Newcastle Development Control Plan 2012 (NDCP 2012)

There are a number of development controls relating to the proposed development contained in NDCP 2012. Following is a discussion of the relevant sections of NDCP 2012.

(a) Section 4.02 – Bushfire Protection

The application site is affected by Bushfire. See discussion in part 6 clause 5.11 above.

(b) Section 4.04 Safety and Security

The application included an assessment in accordance with CPTED principles. The proposal is considered to be acceptable in relation to safety and security.

(c) Section 4.05 – Social Impact

The development will result in additional employment opportunities through the construction phase and during operation. There are likely to be positive social impacts.

(d) Section 5.01 – Soil Management

The application was supported by a sediment and erosion control plan. The plan proposes adequate soil and erosion management techniques to be practiced on site during construction and is generally acceptable. Further conditions will be imposed to any development consent issued.

(e) Section 5.02 – Land Contamination

Refer to above discussion in Section 6 of this report, State Environmental Planning Policy 55.

(f) Section 5.03 Tree Management

This is discussed in Part 6 clause 5.9 – preservation of trees.

(g) Section 5.04 - Aboriginal Heritage

It is unlikely that aboriginal artefacts exist on the site. Conditions are recommended advising the applicant of their responsibilities under the National Parks and Wildlife Act should artefacts be uncovered.

(h) Section 7.01 - Building Design Criteria

*Height and Density*

As previously reported, there is no defined height and density for this site and the building works are taken on the merits. The proposed building extension remains at two levels conducive to the land slope and the existing building to which it will extend. The height of the building is below the tree line and within context of surrounding developments to be acceptable. The additional floor space in this location would be acceptable and conducive to the bushland setting.

*Setbacks and streetscape*

The building is located on the perimeter of the greater University and NIER site and within a large open bushland setting. The site has its own defined character and setbacks and streetscape controls are not relevant in the assessment of this application.

*Building design and appearance*

The building footprint is similar to the existing Stage 1a building to which this will extend further to the west. The building materials, roof slopes, design and appearance represent a sensible extension to the existing building and would be acceptable in the design.

The proposal will not have any significant impacts to solar access, views or privacy.

(i) Section 7.02 - Landscaping Open Space and Visual Amenity

The majority of the application site was previously disturbed and cleared whilst constructing the existing Stage 1a building and maintaining APZ's for bushfire protection. The extension will result in minimal additional bushland and tree species and has been supported by a landscape plan.

The plan provides a basic scheme of native plantings around the immediate surrounds of the new building extension and around the car park. As per the ecological report, trees are to be retained where possible, although, this is limited to the APZ zones. The landscaping has been designed to collaborate with the architecture of the development to visually balance the level of cut and fill, pedestrian walkways and the new building. It is recognised that the site is relatively limited in size for anything more substantial.

(b) Section 7.03 – Traffic, Parking and Access

A traffic assessment was submitted in support of this application which has been reviewed by Council's Senior Development Officer (Traffic), who provided the following comments in relation to the proposal:

*'The proposal provides an additional 42 on-site car parking spaces on site. A full DCP compliance audit of the site is difficult as the GFA's of many of the older buildings is not known. These buildings are currently under utilised therefore have minimal impact on on-site car parking. I believe the current on-site car parking has been approved under the previous DA for the site Stage 1A therefore this represents the base rate for car parking supply. All that can be reasonably asked of Stage 1B is to provide additional parking in accordance with the DCP rates. Using the DCP rate of 1 space per 50 m<sup>2</sup> and a GFA for the stage 1b building of 1,460 m<sup>2</sup>, a DCP parking requirement of 30 spaces is calculated. Therefore the provision of an additional 42 spaces is considered in excess of DCP requirements.*

*The overall supply of 221 spaces for 315 staff results in an overall car occupancy rate of 1.4 if the car parking is fully utilized. This is considered reasonable given likely high usage rate for alternate transport modes and the flexible working arrangements for academics.*

*It is concluded sufficient on-site parking is provided within the proposed development. A review of the plans indicates the parking areas are generally in accordance with AS2890.1-2004.*

*The Traffic Impact Assessment (TIA) has calculated an additional traffic generation of 30 vehicle trips in the peak hour based on RMS rates for commercial development. I concur with this conclusion. This may seem light given researcher numbers proposed i.e. 148 researchers. However given the likely high usage rate for alternate transport modes and the flexible working arrangements for academics I am comfortable that this is still a realistic conclusion. The TIA has concluded that the existing road network has available capacity to cater for this additional traffic as evidenced by the Sidra modeling of the Vale Street / Sandgate Road traffic lights. I*

*concur with this finding and am satisfied the proposal will not adversely impact on the local road network.*

Accordingly, it is considered that the proposal is acceptable in relation to parking and traffic.

(j) Section 7.05 – Energy Efficiency

The applicant has provided an Engineering Services Design Development Report, which adequately addresses this section of the DCP.

(k) Section 7.06 / 7.07 – Stormwater and Water Management

Council's Senior Development Officer (Engineering) reviewed the application and associated details with water management. This detail is considered acceptable subject to various conditions that are recommended to be imposed to ensure stormwater management is undertaken in accordance with Council's controls.

(l) Section 7.08 – Waste Management

Waste streams associated with the proposed development would be mainly limited to office waste comprised of general waste, paper and cardboard. The existing waste management arrangements at NIER will be extended to service the new building.

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.

(m) Section 8.0 - Public Participation

In accordance with the provisions of the DCP, the proposal was not required to be notified. No submissions have been received in relation to the proposal.

**(a)(iia) 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 proposed vegetation clearing has been previously discussed in this assessment. An ecology report has been submitted 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*. The report concluded that based on desktop searches, species evaluations, field studies and significance assessments under the Threatened Species Conservation Act 1995 and the Environment Protection and Biodiversity

Conservation Act 1999, that there is not likely to be a significant impact on threatened flora and fauna.

Suitable conditions have been recommended to ensure that appropriate sediment and erosion control measures are implemented such that sediment laden waters do not enter the Council stormwater system. Conditions are recommended to be imposed to ensure that any waste materials are classified and disposed of in accordance with the Office of Environment and Heritage Waste Classification Guidelines.

- **Impact on the Built Environment**

Impact on the built environment would be limited to visual impact, parking and vehicle access, noise.

Visually, the proposed building is designed to be consistent with the previous approved stage, which does not rise above the canopy of the existing vegetation of the Campus. The building has incorporated Ecologically Sustainable Building Design and through the use of good quality materials it is considered that the any views obtained of the proposed building would not be expected to be detrimental to the views offered to neighbouring properties. Minimal impact is expected to occur in this regard.

Parking and traffic considerations have been previously discussed in this assessment report.

With regard to noise and vibration, there is a considerable buffer between the site and residential neighbours (including state highway 23), so it is considered unlikely that any will be adversely affected by construction noise. Standard conditions relating to construction noise are recommended.

- **Social and Economical**

The proposed development offers the potential to generate additional local employment opportunities during construction. The additional facilities will positively contribute to NIER's priority research as a world class facility. The new building will facilitate additional learning and research capabilities to the University therefore offering contributions to the local, state and federal economy.

The social and economic impacts are considered to be positive.

**(c) the suitability of the site for development**

The proposed development and use is permissible with consent. The use would be conducive to the educational purposes of the rest of the NIER Campus which ultimately is linked to the University of Newcastle Campus.

As indicated previously in this report, the subject site forms part of the University Campus which is recognised as being 'Bush Fire Prone Land'. The NSW RFS has issued General Terms of Approval including recommendations to reduce the risk from bushfire. The site is not subject to any other known risk or hazard that would render it unsuitable 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**

The additional floorspace created by the proposed development will offer a greater level of facilities to the benefit of existing and future researchers at the University.

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

**7. Conclusion**

The proposed development has been assessed having regard to the relevant heads of consideration under Section 79c(1) of the *Environmental Planning and Assessment Act 1979 (as amended)* and is considered to be acceptable subject to compliance with the recommended conditions.

**8. Recommendation**

**Grant consent to Development Application 2013/1470, subject to the conditions contained in Appendix A.**

## APPENDIX A - Conditions of Consent

### A General Conditions

A1 The development being carried out strictly in accordance with the following details, except as otherwise provided by the conditions of this consent:

a. Development plans prepared by EJE Architecture,

Project No	Drawing No	Revision	Date
9992	A102	K	06.02.14
9992	A103	J	06.02.14
9992	A501	F	06.02.14
9992	A502	F	06.02.14
9992	A001	F	26.11.13
9992	A002	H	26.11.13
9992	A101	F	26.11.13
9992	A104	E	26.11.13
9992	A503	E	26.11.13

b. Landscape design report prepared by Terras Landscape Architects job number 9992.5 dated 21.11.13 and associated plans:

Project No	Drawing No	Revision	Date
9992.5	L02	D	20.11.13
9992.5	L03	D	20.11.13
9992.5	L04	C	19.11.13

c. Civil Engineering plans prepared by GHD,

Project No	Drawing No	Revision	Date
Nier Stage 1B	22-16960-C001 Pavement Plan	C	30.09.11
Nier Stage 1B	22-16960-C002 Pavement Plan	C	30.09.11
Nier Stage 1B	22-16960-C003 Road Works Plan	C	30.09.11
Nier Stage 1B	22-16960-C004A Car Park cross sections	B	30.09.11
Nier Stage 1B	22-16960-C004 Road Works Plan	C	30.09.11
Nier Stage 1B	22-16960-C005 Access road plan and longitudinal section	C	30.09.11
Nier Stage 1B	22-16960-C006 Access Road Cross Sections – Sheet 1 of 3	C	30.09.11
Nier Stage 1B	22-16960-C007 Access Road Cross Sections – Sheet 2 of 3	C	30.09.11
Nier Stage 1B	22-16960-C008 Access Road Cross Sections – Sheet 3 of 3	A	30.09.11



Nier Stage 1B	22-16960-C009 Stormwater Layout Plan	B	30.09.11
Nier Stage 1B	22-16960-C010 Stormwater Layout Plan	B	30.09.11
Nier Stage 1B	22-16960-C011 Erosion & Sediment Control Plan	B	30.09.11
Nier Stage 1B	22-16960-C012 Stormwater Layout Plan	B	30.09.11
Nier Stage 1B	22-16960-C014 Erosion & Sediment Control Details	B	30.09.11

- d. Ecological Assessment prepared by Ecological Australia ref 13NEWECO-0051 dated 16 October 2013.
- e. Engineering Services (ESD Design Report) prepared by WSP rev P2 dated 29.11.13
- f. Traffic and Parking Assessment prepared by Seca Solutions dated 16.12.13.
- g. Geotechnical Assessment prepared by Coffey Geotechnics dated 18.11.11.
- h. Long Term Environmental Management Plan prepared by Douglas Partners Pty Ltd. June 2014
- i. Statement of Environmental Effects prepared by De Witt Consulting dated December 2013.
- j. Stormwater Report prepared by GHD dated May 2014

**Note:** Any proposal to modify the terms or conditions of this consent whilst still maintaining substantially the same development to that approved, will require the submission of a formal application for Council's consideration in accordance with the provisions of Section 96 of the Environmental Planning and Assessment Act, 1979.

**B Conditions which must be satisfied prior to the demolition of any building or Construction**

No conditions

**C Conditions which must be satisfied prior to the issue of any Construction Certificate**

**Flooding, Stormwater and Services**

- C1 All stormwater runoff from the proposed development being managed in accordance with the requirements of Element 7.06 'Stormwater' of Newcastle Development Control Plan 2012, the associated Technical Manual and the latest issue of AS 3500.3 as applicable, as indicated on the stormwater management concept plan

prepared by GHD Drawing No. 22-16960-C022 REV A dated 02/05/14. Full details are to be included in documentation for a Construction Certificate application.

- C2 All onsite stormwater detention or water quality treatment systems are to be individually identified and sign posted in accordance with Council's Stormwater and Water Efficiency for Development Technical Manual (Updated 2013). Full details are to be included in documentation for a Construction Certificate application.
- C3 Overflows from the roof water tank and any additional discharge controls (if required) are to be directed to the existing property drainage by means of an underground pipe. Full details are to be provided with the Construction Certificate application.
- C4 The applicant complying with all requirements of the Hunter Water Corporation regarding the connection of water supply and sewerage services, including the payment of any required cash contribution towards necessary amplification of service mains in the locality as a result of the increased intensity of land use proposed. A copy of the Corporation's Certificate of Compliance is to be included in documentation for a Construction Certificate application.
- C5 All new impervious surfaces, including driveways and paved areas are to be drained to the nominated discharge controls, full details are to be included in documentation for a Construction Certificate application.

#### **Access for Persons with Disabilities**

- C6 The building is to be provided with adequate means of access for persons with disabilities, to the extent necessary to comply with the Commonwealth Disability (Access to Premises – Buildings) Standards 2010. Full details are to be included in documentation for a Construction Certificate application.
- C7 All external ramps and pathways within the site required to be accessible for persons with disabilities being designed and constructed in accordance with AS.1428 – '*Design for Access and Mobility*.' Full details are to be included in documentation submitted with the application for a Construction Certificate.
- C8 The car park is to be designed to comply with AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and AS/NZS 2890.6:2009 - Parking facilities - Off-street parking for people with disabilities. Full details are to be included in documentation for a Construction Certificate application.

#### **Access and Parking**

- C9 On-site parking accommodation is to be provided for a minimum of 42 additional vehicles (total on-site car parking supply of 221 vehicles) and such be set out generally in accordance with the minimum parking layout standards indicated in Element 7.03 'Traffic, Parking and Access' of Council's adopted Newcastle Development Control Plan 2012. Full details are to be included in documentation for a Construction Certificate application.
- C10 All proposed driveways, parking bays, loading bays and vehicular turning areas are to be constructed with a basecourse of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained. The driveways are to be constructed in accordance with AS2890

– (Off street parking) design specifications. Full details are to be included in documentation for a Construction Certificate application.

- C11 Kerbing or dwarf walls having a minimum height of 100mm are to be constructed along the edge of all garden or lawn areas adjacent to driveways and parking bays sufficient to discourage the encroachment of vehicles thereon. Full details are to be included in documentation for a Construction Certificate application.

## **Landscaping**

- C12 In accordance with the 'Remnant Native Vegetation – Moderate Impact Class' in the Urban Forest Technical Manual, the applicant shall undertake bush regeneration over the disturbed area using locally native species and targeted weed removal for a minimum of 2 years, in accordance with the Action Plan. *"The Action Plan is the Section 9.3 of the Landscape Management Implementation Plan Callaghan Campus dated 3 September 2012.* Full details are to be included in documentation for a Construction Certificate application.

- C13 All proposed planting and landscape elements indicated on the submitted landscape concept plan or otherwise required under the conditions of this consent are required to be detailed on a comprehensive landscape design plan and specification. The required comprehensive landscape design plan and specifications is to be in accordance with the provisions of Newcastle Development Control Plan 2012 and is to include details of the following:

- a) cross sections through the site where appropriate
- b) proposed contours or spot levels
- c) botanical names
- d) quantities and container size of all proposed trees
- e) shrubs and ground cover
- f) details of proposed soil preparation
- g) mulching and staking
- h) treatment of external surfaces and retaining walls where proposed
- i) drainage, location of taps and
- j) appropriate maintenance periods.

The plan is to be prepared by a qualified landscape designer and be included in documentation for a Construction Certificate application.

- C14 All existing trees on the site outside the envelope of the proposed development are to be preserved where practicable and all such trees being indicated on the required comprehensive landscape design plan and being adequately protected against damage during the building construction period. Full details are to be included in documentation for a Construction Certificate application.

## **Environmental Management**

- C15 Prior to the issue of a Construction Certificate, the proponent is to provide to the Principal Certifying Authority and Council written advice from an appropriately qualified environmental consultant confirming that the final design and construction programme will comply with the requirements of the Long Term Environmental Management Plan prepared by Douglas Partners Pty Ltd. June 2014 (EMP) and outline any additional contamination management requirements as stipulated by section 6.2 of the EMP.

C16 Prior to the issue of a Construction Certificate, the proponent is to prepare and submit to the PCA and Council a Construction Environmental Management Plan (CEMP) which is to be kept on site and made available to authorised Council officers upon request. The EMP is to include but not be limited to:

1. A site management strategy, identifying and addressing issues such as environmental health and safety, site security, and traffic management.
2. A water management strategy, detailing erosion and sediment control, management of soil stockpiles, control and management of surface water, groundwater and process water. Procedures should also be included to ensure that all roads adjacent to the site are kept free and clear from mud and sediment.
3. A dust management strategy, detailing procedures to minimise dust generation, with particular reference to control techniques and operational limits under adverse meteorological conditions. This strategy should be cross-referenced with the water management strategy
4. A soil management strategy, detailing measures to be implemented to manage the identification and control and disposal of any acid sulphate soils or soil contamination identified during site works.
5. A waste minimisation strategy, which aims to avoid production of waste and maximise reuse, recycling or reprocessing of potential waste material.

#### **Section 94A Contributions**

C17 A total monetary contribution of \$66,000 is to be paid to Council, pursuant to Section 94A of the *Environmental Planning and Assessment Act 1979*, such contribution to be payable prior to the issue of a Construction Certificate in respect of the proposed development.

Note:

i) This condition is imposed in accordance with the provisions of the *Newcastle City Council S94A Development Contributions Plan 2009* (updated version operational from 15 March 2011). A copy of the plan may be inspected at Council's Customer Enquiry Centre, ground floor of the City Administration Centre, 282 King Street Newcastle 8.30 am to 5.00 pm, excluding public holidays.

ii) The amount of contribution payable under this condition has been calculated on the basis of the current rate as at the date of consent and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

CPI quarterly figures are released by the ABS on a date after the indexation quarter and as a guide, these approximate dates are provided below. Indexation quarters from the ABS are as follows:

Indexation quarters	Approx release date
September	Late October

December	Late January
March	Late April
June	Late July

Any party intending to act on this consent should contact Council's Customer Enquiry Centre for determination of the indexed amount of contribution on the date of payment.

## **D Conditions which must be satisfied prior to the commencement of any development work**

### **Erosion and Sediment Control**

- D1 Erosion and sediment control measures are to be implemented prior to the commencement of works and maintained during the period of construction in accordance with the requirements of Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1 (the "Blue Book") published by Landcom, 2004. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.

### **Traffic**

- D2 Any proposed work within the public road reserve, including driveway works, reinstatement of a kerb or installation of drainage, is to be the subject of the separate approval of Council prior to commencement.

## **E Conditions which must be satisfied during any development work**

### **General Matters**

- E1 All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- E2 Construction/demolition work that generates noise that is audible at residential premises is to be restricted to the following times:
- Monday to Friday, 7:00 am to 6:00 pm and
  - Saturday, 8:00 am to 1:00 pm.

No noise from construction/demolition work is to be generated on Sundays or public holidays.

- E3 Council's 'PREVENT POLLUTION' sign is to be erected and maintained in a conspicuous location on or adjacent to the property boundary so it is clearly visible to the public or at other locations on the site as otherwise directed by Council for the duration of demolition and construction work.

Note: Council's 'PREVENT POLLUTION' sign can be obtained by presenting your development application receipt at Council's Customer Enquiry Counter at 282 King Street Newcastle.

E4 Building demolition is to be planned and carried out in accordance with Australian Standard 2601:2001 - The Demolition of Structures.

E5 A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- a) showing the name, address and telephone number of the principal certifying authority for the work
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

E6 If construction / demolition work is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the need to enclose a public place, a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

E7 A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- a) showing the name, address and telephone number of the principal certifying authority for the work
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

E8 Should archaeological relics be located during works, the works in the vicinity of the location are to stop. Relics are to be left in-situ and the relevant advice shall be sought from an appropriately qualified heritage consultant and/or archaeologist.

## **Stormwater**

E9 Any alteration to natural surface levels on the site is to be undertaken in such a manner as to ensure that there is no increase in surface water runoff to adjoining properties or that runoff is impounded on adjoining properties, as a result of the development.

- E10 Stormwater is to be conveyed to the existing property stormwater drains by way of a sealed pipe system. The existing drains are to be checked for adequacy and cleared of any obstructions.

### **Earthworks and Environmental Management**

- E11 Any construction works that involve the disturbance of soil are to be carried out in strict accordance with the requirements of the *Long Term Environmental Management Plan* prepared by Douglas Partners Pty Ltd. June 2014.
- E12 Any excavated material to be removed from the site is to be assessed, classified, transported and disposed of in accordance with the Department of Environment and Climate Change's (DECC) 'Waste Classification Guidelines Part 1: Classifying Waste'.
- E13 Any fill material imported into the site is to be Virgin Excavated Natural Material or material subject to a Resource Recovery Exemption that is permitted to be used as a fill material, in accordance with the provisions of the *Protection of the Environment Operations Act 1997* (NSW) and the *Protection of the Environment (Waste) Regulation 2005* (NSW).
- E14 Any fill material subject to a Resource Recovery Exemption received at the site must be accompanied by documentation demonstrating that material's compliance with the conditions of the exemption, and this documentation must be provided to Council officers or the Principal Certifying Authority on request.
- E15 Erosion and sediment control measures are to be maintained during the period of demolition and/or construction in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction 4<sup>th</sup> Edition - Vol. 1* (the 'Blue Book') published by Landcom, 2004. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.
- E16 All necessary measures are to be undertaken to control dust pollution from the site. These measures must include, but not are limited to:
- a) restricting topsoil removal
  - b) regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion)
  - c) alter or cease construction work during periods of high wind and erect green or black shade cloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.
- E17 Waste management shall be implemented in accordance with the approved Waste Management Plan. At a minimum, the following measures shall be implemented during the construction phase:
- a) a waste container of at least one cubic metre capacity shall be provided, maintained and regularly serviced from the commencement of operations until the completion of the building for the reception and storage of waste generated by the construction of the building and associated waste
  - b) the waste container is to be, at minimum, constructed with a 'star' picket (corners) and weed control mat (sides), or equivalent. The matting is to be securely tied to the pickets



- c) appropriate provision is to be made to prevent wind blown rubbish leaving the site and
- d) footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

Note: Fines may be issued for pollution/littering offences under the *Protection of the Environment Operations Act 1997* (NSW).

### **Public Utility Installations**

- E18 Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of both Council and any other relevant authorities. Council and other service authorities should be contacted for specific requirements prior to the commencement of any works. Full restoration of the damage is to be carried out to Council's satisfaction prior to the issue of any occupation certificate in respect of the development.
- E19 It is recommended that, prior to commencement of work, the free national community service "Dial before you Dig" be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.

### **F Conditions which must be satisfied prior to any occupation or use of the building**

#### **Landscaping**

- F1 A Landscape Practical Completion Report is to be submitted to the Principal Certifying Authority prior to the issue of the Final Occupation Certificate. The report is to verify that all landscape works have been carried out in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application and is to verify that an effective maintenance program has been commenced.

#### **Traffic**

- F2 All parking bays are to be permanently marked out on the pavement surface.
- F3 The vehicular entrance and exit driveways and the direction of traffic movement within the site are to be clearly indicated by means of reflectorised signs and pavement markings.
- F4 All public footways, footpaving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to Council's satisfaction prior to the completion of demolition work or prior to the issue of any occupation certificate in respect of development involving building work.

#### **Stormwater**

- F5 The water management measures as indicated on the submitted plans and Statement of Environmental Effects and/or as modified under the terms of this consent are to be

implemented and the nominated fixtures and appliances are to be installed and operational prior to issue of an Occupation Certificate.

- F6 A copy of the stormwater drainage design plans approved with the Construction Certificate with 'work as executed' levels indicated, shall be submitted to the Principal Certifying Authority and to Newcastle City Council prior to the issue of an Occupation Certificate. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.

## **General**

- F7 All building or site works or other written undertaking or obligation indicated in the submitted plans and supporting documentation or otherwise required under the terms of this consent being carried out or implemented prior to occupation of the premises.
- F8 Where the proposed development involves the destruction or disturbance of any existing survey monuments, those monuments affected are to be relocated at no cost to Council by a Surveyor registered under the Surveying and Spatial Information Act 2002 (NSW).

## **G Conditions which must be satisfied prior to the issue of any Subdivision Certificate**

None

## **H Conditions which must be satisfied during the ongoing use of the development**

### **Offensive Noise**

- H1 There being no interference with the amenity of the neighbourhood by reason of the emission of any 'offensive noise', vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.

### **Wastes**

- H2 Any liquid wastes from the premises, other than stormwater being discharged to the sewers of the Hunter Water Corporation in accordance with that authority's requirements.

### **Landscaping**

- H3 A Landscape Establishment Reports for both 'The Site' and 'Bush Regeneration' are to be submitted to the Principal Certifying Authority following completion of a three (3) month maintenance period and at 104 weeks after the date of Practical Completion. This report is to state the actual maintenance carried out on site, including maintenance records such as site work report sheets, diary entries or log books which show frequency of watering, weeding, mulching, personnel and any other remediation or rectification works carried out.

### **Utilities**

- H4 The driveway crossing, parking areas and stormwater management system are to be properly maintained for the life of the development.

## **Traffic**

- H5 All vehicular movement to and from the site is to be in a forward direction.
- H6 Proposed parking areas, vehicle bays, driveways and turning areas are to be maintained clear of obstruction and be used exclusively for purposes of car parking, loading and unloading, and vehicle access, respectively. Under no circumstances are such areas to be used for the storage of goods or waste materials.

## **Stormwater**

- H7 A Maintenance Manual for all water quality devices is to be prepared in accordance with Council's Stormwater and Water Efficiency for Development Technical Manual (Updated 2013). The Maintenance Manual is to address maintenance issues concerning the water quality devices including routine monitoring and regular maintenance and be kept on site at all times. Establishment and maintenance of the water quality devices in accordance with the Maintenance Manual prepared by the applicant is to be completed prior to occupation of this site for the intended use.

## **Environmental Management**

- H8 The use and occupation of the premises, including all plant and equipment installed thereon, is not to give rise to any offensive noise, as defined under the *Protection of the Environment Operations Act 1997* (NSW).

Should Council consider offensive noise has emanated from the premises, the owner/occupier of the premises will be required to submit an acoustic assessment prepared by a suitably qualified acoustical consultant recommending appropriate acoustic measures necessary to ensure future compliance with this condition and will be required to implement such measures within a nominated period. Furthermore, written certification from the said consultant confirming the recommended acoustic measures have been satisfactorily implemented will be required to be submitted to Council prior to the expiration of the nominated period.

- H9 The use and occupation of the premises is not to give rise to the emission of any 'air impurity' as defined under the *Protection of the Environment Operations Act 1997* (NSW), that interferes unreasonably with the amenity of neighbouring premises and/or other sensitive receivers.

Should Council consider that unreasonable levels of air impurities have been emitted from the premises, the owner/occupier will be required to engage a suitably qualified consultant to recommend measures to control emissions of air impurities to an acceptable level and such measures being implemented within a nominated time period. Furthermore, written certification from the suitably qualified consultant will be required to be submitted to Council confirming that air impurity emissions from the premises do not interfere unreasonably with the amenity of neighbouring premises and/or other sensitive receptors before the expiration of the nominated period.

## **I Other Agency Conditions**

### **Rural Fire Service**

- I1 The proposed development is to comply with the General Terms of Approval of the NSW Rural Fire Service dated 19 June 2014 as attached to this schedule, including:

- a) At the commencement of building works and in perpetuity the property around the building to a distance of:
  - 60 metres on the eastern elevation
  - 45 metres on the western elevation and
  - 24 metres on the southern elevation, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
- b) Water, electricity and gas are to comply with Sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.
- c) Property access roads shall comply with sections 4.1.3(2) and 4.2.7 of 'Planning for Bush Fire Protection 2006'.
- d) The University of Newcastle shall include the building within its existing emergency management plans giving specific consideration for bushfire to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.
- e) New construction on the northern and western elevations shall comply with Section Sections 3 and 7 (BAL29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
- f) New construction on the southern elevation shall comply with Section Sections 3 and 8 (BAL40) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
- g) Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.
- h) Full details are to be provided to the Principal Certifying Authority for approval with the required construction certificate application.

All requirements shall be completed and/or implemented prior to the issue of any Occupation Certificate.

## **J      Advisory Notes**

- J1 Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (NSW) (the 'Act') are to be complied with:
  - a) a Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act
  - b) a Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and

- c) Council is to be given at least two days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act.
- J2 Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the proposed development. An application for an Occupation Certificate must contain the information set out in Clause 149 of the Environmental Planning and Assessment Regulation 2000 (NSW).
- J3 A Construction Certificate application for this project is to include a list of fire safety measures proposed to be installed in the building and/or on the land and include a separate list of any fire safety measures that already exist at the premises. The lists must describe the extent, capability and basis of design of each of the measures.

## **APPENDIX B – Plans and Elevations**

## APPENDIX C – Referral Comments

### Comments from External Agencies

Agency	Comments
NSW Rural Fire Service	<p>Issued a Bushfire Safety Authority with conditions regarding: Asset Protection Zones; Water and Utilities; Access; Evacuation and Emergency Management; Design and Construction; Landscaping</p> <p>Conditions reflected in Appendix A</p>

### Comments from Internal Referrals

Department	Comments
Council Building Surveyor	No Comments
Council Stormwater and Flooding Engineer	<p><b>3.0 Stormwater Management</b></p> <p><i>Comment:</i></p> <p><i>The stormwater management concept plan shows the proposed roof water and some road run-off being directed to the existing drainage on the site and into an existing stormwater detention structure. The majority of the new road pavement run-off is to be directed to a new stormwater detention system before discharging into the local receiving water (creek). Whilst I do not have any objection to this concept no detail of the new detention basin or how the overall drainage system complies with Council's DCP requirements for stormwater have been provided.</i></p> <p><i>Before this application can be further consider the applicant should provide details of the proposed new stormwater detention basin and demonstrate how the proposed stormwater system complies with the requirements of Element 7.06 'Stormwater' of Newcastle Development Control Plan 2012.</i></p> <p><b>4.0 Vehicular access, driveway design and crossing location.</b></p> <p><i>Comment:</i></p> <p><i>The proposal does not change the vehicular access to the site. The TIA makes a general comment that the existing access is satisfactory and currently operates with little if any delays for motorists and that this will not change with the additional traffic from occupation of the new stage building.</i></p> <p><i>Whilst I do not necessarily disagree with this conclusion it would have been better if the traffic report included an assessment of the existing access against AS2890.1-2004 requirements as well as modeling its operation using Sidra. Still</i></p>



*I am satisfied from my own experience such work would only show the existing access is satisfactory so see no need to request this information and delay the application.*

#### **5.0 Traffic Generation**

*The TIA has calculated an additional traffic generation of 30 vehicle trips in the peak hour based on RMS rates for commercial development. I concur with this conclusion. This may seem light given researcher numbers proposed i.e. 148 researchers. However given the likely high usage rate for alternate transport modes and the flexible working arrangements for academics I am comfortable that this is still a realistic conclusion. The TIA has concluded that the existing road network has available capacity to cater for this additional traffic as evidenced by the Sidra modeling of the Vale Street / Sandgate Road traffic lights. I concur with this finding and am satisfied the proposal will not adversely impact on the local road network.*

#### **6.0 Parking Demand**

*The proposal provides an additional 42 on-site car parking spaces on site. A full DCP compliance audit of the site is difficult as the GFA's of many of the older buildings is not known. These buildings are currently under utilised therefore have minimal impact on on-site car parking. I believe the current on-site car parking has been approved under the previous DA for the site Stage 1A therefore this represents the base rate for car parking supply. All that can be reasonably asked of Stage 1B is to provide additional parking in accordance with the DCP rates. Using the DCP rate of 1 space per 50 m<sup>2</sup> and a GFA for the stage 1b building of \$ 1,460 m<sup>2</sup> a DCP parking requirement of 30 spaces is calculated. Therefore the provision of an additional 42 spaces is considered in excess of DCP requirements.*

*The overall supply of 221 spaces for 315 staff results in an overall car occupancy rate of 1.4 if the car parking is fully utilized. This is considered reasonable given likely high usage rate for alternate transport modes and the flexible working arrangements for academics.*

*It is concluded sufficient on-site parking is provided within the proposed development. A review of the plans indicates the parking areas are generally in accordance with AS2890.1-2004.*

#### **7.0 Recommendation**

*Whilst overall I believe the proposal is supportable prior to final*

	<p><i>sign-off the applicant needs to provide the following additional information;</i></p> <ol style="list-style-type: none"> <li><i>1. Details of the proposed new stormwater detention facility; and</i></li> <li><i>2. Demonstrate how the proposed stormwater drainage design complies with the requirements of Element 7.06 'Stormwater' of Newcastle Development Control Plan 2012.</i></li> </ol> <p><i>Upon submission of suitable information this application can be further assessed and suitable conditions for inclusion in a consent provided.</i></p> <p><u><i>NOTE: the requested information was provided to Council. As a result the engineer advised:</i></u></p> <p><i>The stormwater report prepared by GHD is satisfactory (not outstanding) in regard to addressing these issues. I therefore believe the development can be supported.</i></p> <p><i>Conditions reflected in Appendix A</i></p>
Council Environmental Services Officer	<p><i>The primary health and environmental concern associated with this application is the issue of existing site contamination identified in the vicinity of the existing NIER site where part of the construction of a new service road is proposed. The land where the footprint of the stage 1B building itself is proposed is not expected to be significantly impacted by contamination as is indicated by the general absence of contamination identified in previous soil investigations in the vicinity of the building.</i></p> <p><i>Further information was requested by the CSU to ensure that the issue of contamination has been properly considered as part of the assessment of this application.</i></p> <p><i>A detailed contamination investigation, site audit report and long term environmental management plan (EMP) have subsequently been provided to Council which were previously required to be completed as part of the development of the NIER site in previous years. The existing reports indicate that most of the significant contamination impacts occur in the northern part of the NIER site. It is however possible that contaminated soil may be encountered during construction of the proposed development. The applicant has stated that they will comply with the requirements of the existing EMP to ensure contamination will be properly managed. A review of the EMP has been undertaken and the CSU considers that provided it is followed by the applicant the potential health and environmental risks posed by the development can be adequately managed. The CSU considers that the</i></p>

	<p><i>construction of further hardstand areas is likely to result in a reduction in existing exposure risks posed by any existing contaminated fill and this is supported by the site auditor's comments in the site audit statement regarding the appropriateness of hardstand areas to minimise risks posed by existing soil contamination on site.</i></p> <p><i>A condition is recommended below to help ensure that the EMP is complied with as part of the construction works.</i></p> <p>Conditions reflected in Appendix A</p>
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