

17 May 2019

218153

Mr Stuart Withington  
Manager  
Planning Panels Secretariat  
320 Pitt Street  
Sydney NSW 2000

Dear Stuart

**RE: 2018HCC035 – 16 HONEYSUCKLE DRIVE, NEWCASTLE  
SITE PREPARATION WORKS (DA2018/00933)**

We write on behalf of the University of Newcastle to advise the Panel that the University, as a Crown body, wishes to accept draft Condition 2 of DA2018/00933 requiring the payment of a Section 7.12 development contribution for the proposed early works at 16 Honeysuckle Drive, Newcastle. This is to facilitate the electronic determination of the application at the Panel's earliest convenience in the interest of enabling the commencement of the early works in a timely manner.

Notwithstanding the acceptance of the condition in the specific circumstances of this DA, the University maintains their position that the levying of a development contribution on the proposed enabling works is inappropriate given the nature of the works and the direction provided by the Department of Planning and Environment's Circular D6.

We reiterate that the proposed enabling works will not generate demand for additional community services or facilities by way of increasing the intensity of the land use and therefore it is considered unreasonable to impose development contributions for the provision of these services or facilities. The University is a not-for-profit public institution which often relies on government grants, donations, and community funding to provide new facilities for both the University community, and the public at large. The levying of a development contribution would divert a portion of these public funds to local services without any direct nexus to the impact on those services.

Ordinarily, if the works were undertaken at one of the University's other campuses, including the Callaghan campus, they would be undertaken without consent in accordance with Part 5 of the EPA & Act and a contribution would not apply. A contribution for routine enabling works should not be imposed just because a DA was necessary in the circumstances.

Furthermore, Circular D6 is clear in its guidance regarding why Crown developers should be exempt from certain developer contributions. The Circular recognises that where the applicant is a Crown authority, the activities are not likely to require the provision of public services and amenities in the same way as development undertaken with a commercial objective. The University, as a Crown developer, is undertaking works that are of an inherent public nature in that they will facilitate the future use of the site for educational and employment opportunities to the benefit of the Newcastle community.

Whilst we disagree with the requirement to pay 7.12 contributions for the enabling works, the University accepts the condition for this particular DA to allow for its determination. Should you have any further queries about this matter, please do not hesitate to contact me on 9409 4953 or [cforrester@ethosurban.com](mailto:cforrester@ethosurban.com).

Yours sincerely,



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