

## COUNCIL ASSESSMENT REPORT

### HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

<b>PANEL REFERENCE &amp; DA NUMBER</b>	PPSHCC-262 - PAN-385733- DA2023/01044
<b>PROPOSAL</b>	Educational Establishment - alterations, additions (part change of use from Car Park)
<b>ADDRESS</b>	Lot 1DP1188100 - 130 University Drive Callaghan
<b>APPLICANT</b>	The University of Newcastle
<b>OWNER</b>	The University of Newcastle
<b>DA LODGEMENT DATE</b>	1 December 2023
<b>APPLICATION TYPE</b>	Crown development application
<b>REGIONALLY SIGNIFICANT CRITERIA</b>	<p>Section 2.19(1) and Clause 4 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as:</p> <p>Development carried out by or on behalf of the Crown (within the meaning of Division 4.6 of the Act) that has a capital investment value of more than \$5 million.</p>
<b>CIV</b>	\$17,650,738.00 (excluding GST)
<b>CLAUSE 4.6 REQUESTS</b>	N/A
<b>LIST OF ALL RELEVANT PLANNING CONTROLS (S4.15(1)(A) OF EP&amp;A ACT)</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Sustainable Buildings) 2022</li> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021 - Chapter 3</li> <li>• Newcastle Local Environmental Plan 2012</li> <li>• Newcastle Development Control Plan 2012</li> </ul>
<b>AGENCY REFERRALS</b>	TfNSW - Provided 24 June 2024 - No objection raised.
<b>TOTAL &amp; UNIQUE SUBMISSIONS</b>	No Submissions (Public Notification - 13 December 2023 to 18 January 2024)

<b>KEY ISSUES</b>	Traffic generation, car parking, building design and bushfire impacts.
<b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b>	Amended Architectural Plans, Landscape Plans, Statement of Environmental effects and other reports including Traffic Impact Assessment (TIA).
<b>RECOMMENDATION</b>	Approval
<b>DRAFT CONDITIONS SENT TO APPLICANT</b>	Yes
<b>SCHEDULED MEETING DATE</b>	31 July 2024
<b>PLAN VERSION</b>	3 May 2024 Amendment 1
<b>PREPARED BY</b>	Iain Watt - Senior Development Officer (Planning)
<b>DATE OF REPORT</b>	24 July 2024

## EXECUTIVE SUMMARY

The development application (DA 2023/01044) seeks consent for the infill of the second level of the existing carpark building. The infill is to enable the construction of additional classrooms to be used for the educational facilities provided by The University of Newcastle.

The subject site is known as 130 University Drive Callaghan ('the site') and contains The University of Newcastle. The University sits on 54.57 hectares in total area, with a varied topography bordering University Drive and Main Road (Newcastle Inner City Bypass).

Existing development on the site consists of a number of buildings of varying heights serving the needs of the University.

The site is located in the SP2 – Infrastructure zone (Educational Establishment) pursuant to Clause 2.2 of the Newcastle Local Environmental Plan 2012 ('LEP 2012'). The construction for the infill of an existing carpark for additional educational space and ancillary office space is permissible with consent in the SP2 zone.

The principal planning controls relevant to the proposal include *State Environmental Planning Policy - (Transport and Infrastructure) 2021* the LEP 2012 and the Newcastle Development Control Plan 2012 ('DCP'). The proposal complies with the various provisions of the planning controls including:

- The proposed educational establishment being permitted with consent pursuant to the LEP 2012;
- Parts 7.03, 7.04 and 7.06 for car parking and stormwater management respectively under the DCP;
- The proposal is considered to be consistent with the various objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act) (orderly and economic development of land) and is in the public interest given it is compliant with various planning controls;
- The proposal also complies with the matters for consideration under Section 4.15(1) of the EP&A Act in relation to potential adverse impacts to the surrounding area.

There were no concurrence requirements from agencies for the proposal and the application is not integrated development pursuant to Section 4.46 of the EP&A Act. A referral to Transport for NSW (TfNSW) pursuant to Section 3.58 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* ('Transport and Infrastructure SEPP') was made and TfNSW raised no objections in response.

Jurisdictional prerequisites to the grant of consent imposed by the following controls have been satisfied including:

- Section 4.6 of the *State Environmental Planning Policy (Resilience and Hazards) 2021* for consideration of whether the land is contaminated.
- Section 3.58 of the Transport and Infrastructure SEPP in relation to 'traffic-generating development.'

The application was placed on public exhibition from 13 December 2023 to 18 January 2024, with no submissions being received.

The application is referred to the Hunter & Central Coast Regional Planning Panel ('the Panel') as the development is '*regionally significant development*', pursuant to Section 2.19(1) and Clause 4 of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* as the proposal is development on behalf of the Crown with a Capital Investment Value over \$5 million.

A briefing was held with the Panel on 30 January 2024 where key issues were discussed, including the parking and transport strategy for the whole campus.

The key issues associated with the proposal included:

1. *Traffic and Car Parking* - There were a number of car parking, vehicle access and traffic matters that were not adequately addressed by the proposal as originally submitted, including the loss of 147 car parking spaces with the proposed development. These concerns have since been resolved with sufficient additional information including the submission of a comprehensive Traffic Impact Assessment (TIA).

Following consideration of the matters under Section 4.15(1) of the EP&A Act, the provisions of the relevant State environmental planning policies, in particular Transport and Infrastructure SEPP the proposal can be supported.

No concerns have been raised with urban design and bulk and scale, as the proposed development is for an infill of an existing structure.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(b) of the *EP&A Act*, DA 2023/01044 is recommended for approval subject to the reasons and conditions contained at **Attachment A** of this report.

## **1. THE SITE AND LOCALITY**

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### **1.1 The Site**

The site consists of a single allotment known as 130 University Drive Callaghan and contains the campus of the University of Newcastle. The site has an area of 54.57 hectares with a varied topography bordering University Drive and Main Road (Newcastle Inner City Bypass).

Despite the university infrastructure the site remains densely vegetated with a combination of large areas of remnant native vegetation interspersed with landscaped gardens.

There are no heritage items of state or local significance identified for the site. Further a AHIMS search within 200m has not indicated any items of aboriginal heritage. The site is identified as bush fire prone land, with the building the subject of this application sitting just outside the boundaries of the Vegetation Category 1 and Vegetation buffer areas on the site.



**Figure 1:** Location map of the Callaghan Campus of the University of Newcastle

## 1.2 The Locality

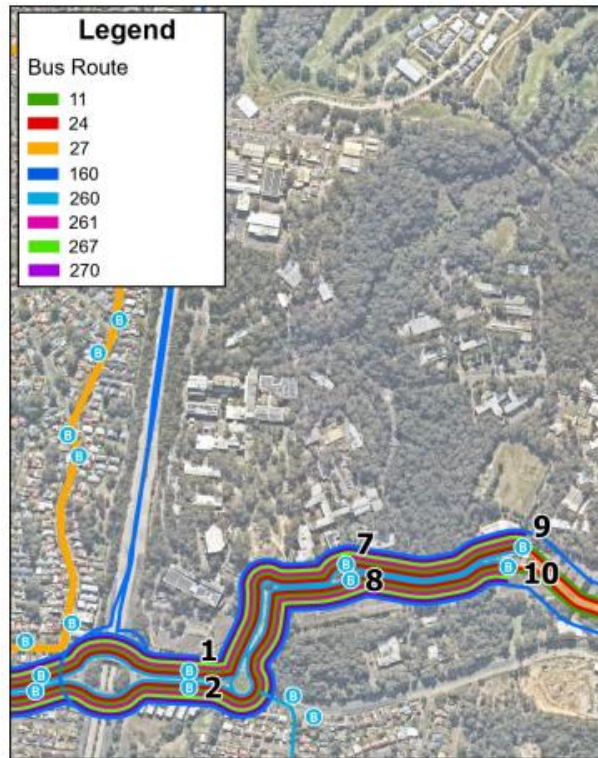
The land has a long history of use as an educational establishment with major infrastructure separating the University's Callaghan campus from other users. The surrounding uses are varied with residential properties located south of University Drive and west beyond the Inner City Bypass.

The existing multi-storey building (i.e. carpark) is setback within the University campus near the southwest corner of the site. The nearest public roads/public places from which the building is visible are:

- southern elevation is setback 118m from University Drive
- western elevation is setback 34m from the Inner City Bypass

The campus is also accessible by both bus and train services. A range of bus services connect the campus to the Newcastle City Centre, Broadmeadow and Warabrook train stations and the greater Newcastle area as detailed below by Figure 2 - Bus Routes:





**Figure 2:** Bus Routes serving Newcastle University

The campus is serviced by the Hunter Line passenger train between Newcastle and Maitland. The nearest train station to the proposed development is Warabrook Station approximately 1.5km away however public buses and the campus shuttle bus service this station making it a viable public transport option.

Furthermore, the site benefits from access to cycleways and pedestrian paths, offering safe routes for those who prefer not to drive or need to park further from their destination.

## **2. THE PROPOSAL AND BACKGROUND**

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### **2.1 The Proposal**

The proposal seeks consent for repurposing level two of the former Information, Communication and Technology (ICT) Building. This building was built in 2005 and is five stories in height, with the existing uses consisting of:

- Ground, Level 1 and Level 2- Above ground car parking of 463 spaces.
- Level 3 - Staff and student spaces, with this level being refurbished in 2021.
- Level 4 - roof plant

The proposal is to repurpose the building to be used by the School of Health Sciences, which includes the School of Nursing and Midwifery. This is a large program of the University in terms of student numbers. The building will be renamed the Health and Education Research Building (HERB). The School of Nursing and Midwifery is currently using the Drama Building and Richardson Wing, which is at the end of its life.

Proposed alterations and additions include:

- Enclosing the Level two carpark to create a new functional space of 3,500m<sup>2</sup>.
- Fit-out of the space to create the School Office, Pro Vice Chancellor (PVC) office-suite, workspace and teaching spaces (SIM Labs and tutorial rooms), as well as access links between level 2 and level 3.
- New plant rooms to the ground floor at the eastern and western ends of the building with upgrades to plant and equipment as required to support the new space.
- Removal of the water tank structure on the ground level.
- New statutory signage and wayfinding.

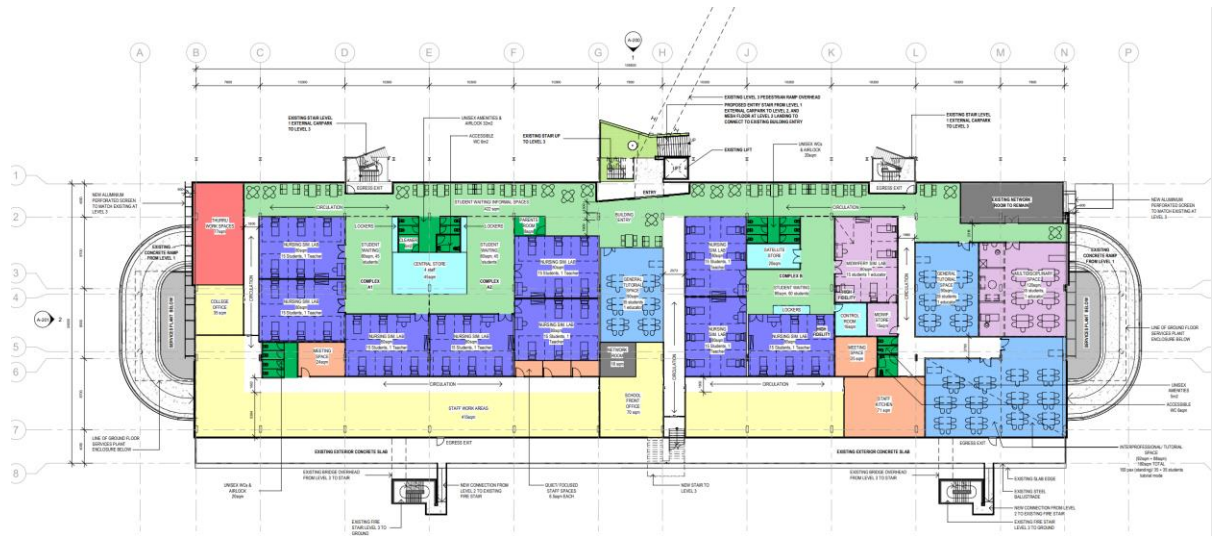
There is no structural demolition or earthworks proposed to facilitate the development.

The key development data is provided in **Table 1**.

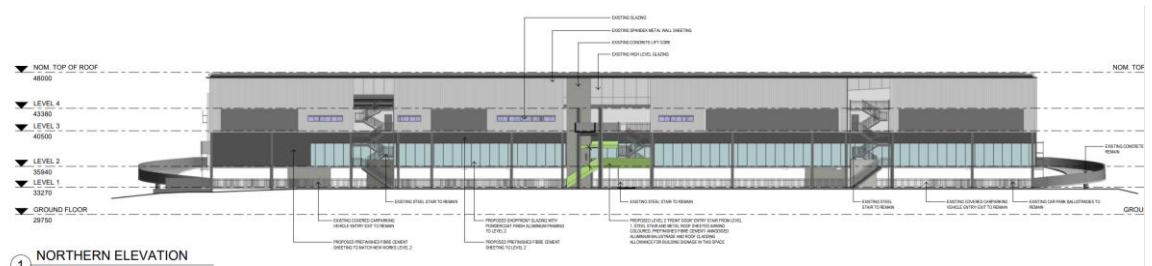
**Table 1:** Key Development Data

Control	Proposal
Site area	54.57 hectares
GFA	Additional 3,500m <sup>2</sup> of educational area.
FSR (retail / residential)	N/A
Clause 4.6 Requests	No
Max Height	No change to existing height of building
Landscaped area	To remain as existing with proposal
Car Parking spaces	Deletion of 141 parking spaces with no replacement or reduction in users
Setbacks	No change with infill of existing building

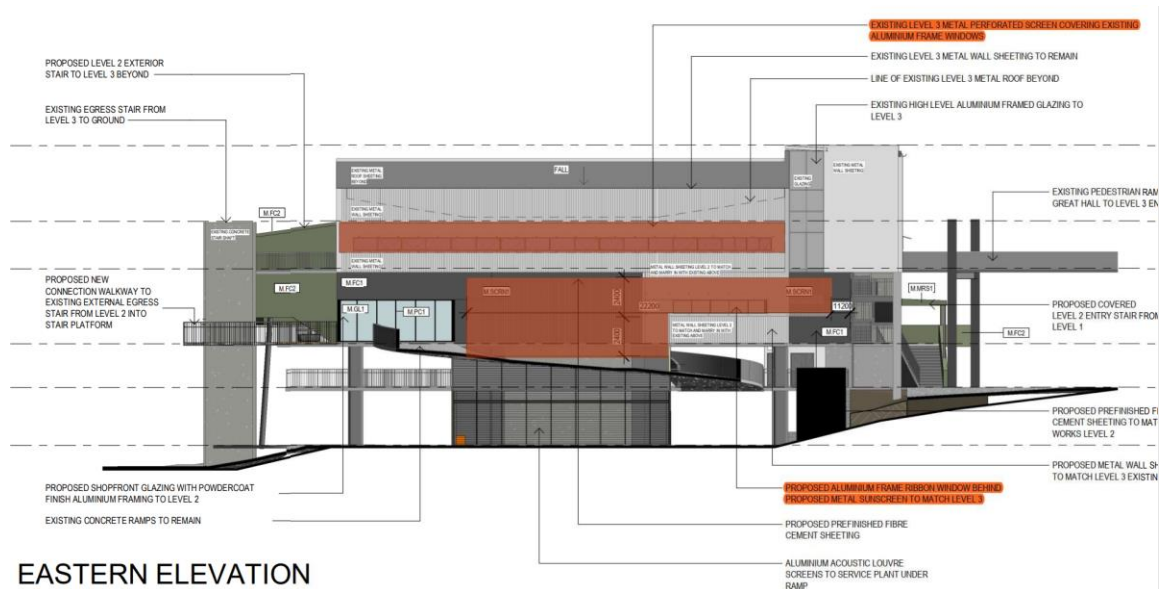
The figures below (**Figures 3-5**) provide a general outline of the proposed development.



**Figure 3 - Second Floor layout.** Source: EJE (20/10/23)



**Figure 4 - Northern Elevation.** Source: EJE (20/10/23)



**Figure 5 - Eastern Elevation.** Source: EJE (05/04/2024)

## 2.2 Background

A pre-lodgement meeting was held prior to the lodgement of the development application (DA) on 11 October 2023. A summary of the key issues and how they have been addressed by the proposal are outlined below:

- Access and Parking

The applicant has provided a TIA to support the creation of additional teaching and learning areas with the loss of the existing car parking spaces.

- Urban Design- Built Form/Building Envelope/Facade

Architectural plans including elevations and facades provided with the DA for consideration and assessment.

The DA was lodged on **1 December 2023**. A chronology of the DA since lodgement is detailed in **Table 2**.

**Table 2:** Chronology of the DA

Date	Event
1 December 2023	DA lodged
13 December 2023	Exhibition of the application
30 January 2024	Initial Panel briefing
31 January 2024	Assessment by CN's Urban Design Review Panel (UDRP)
7 March 2024	Request for Information from Council to applicant
3 May 2024	Amended plans/information lodged - Changes include some minor alterations to the building facade and landscaping presentations consistent with design advice, and additional information on traffic and transportation for the site
11 June 2024	Update Panel briefing

## 2.3 Site History

A development approval was issued in 2023 (DA2022/01138) which included the removal of 90 car spaces. This was a different building on the site, which related to the construction of a new high technology industry and research facilities building. This enabled the movement of different faculties within the University site.

**DA2022/01138** - On 27 April 2023 conditional development consent was granted to '*Education Establishment-demolition, earthworks, tree removal and ancillary structure (driveway and retaining walls)*'. This development included the removal of 90 car parking spaces.



### 3. STATUTORY CONSIDERATIONS

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When determining a DA, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the EP&A Act. Those matters relevant to the DA comprise the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
  - (i) *any environmental planning instrument, and*
  - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
  - (iii) *any development control plan, and*
  - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
  - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are considered in detail below.

The proposal is considered to be Crown development and therefore pursuant to section 4.33 the approval of the applicant to the schedule of conditions must be obtained. The applicant has been provided with a copy of the draft conditions of consent and discussions with the applicant have occurred prior to the determination meeting of this proposal.

#### 3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the EP&A Regulation 2021 are considered below.

##### (a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following environmental planning instruments are relevant to this application:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*

- *Newcastle Local Environmental Plan 2012*

A summary of the key matters for consideration arising from these State environmental planning policies are outlined in **Table 3** and considered in more detail below.

**Table 3:** Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	Chapter 2: Vegetation in non-rural areas Chapter 3: Koala Habitat Protection 2020 Chapter 4: Koala Habitat Protection 2021 Chapter 6: Bushland in Urban Areas	Y
State Environmental Planning Policy (Sustainable Buildings) 2022	Chapter 3: Standards for Non-Residential Development No compliance issues identified subject to imposition of conditions on any consent granted.	Y
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 4 of Schedule 6 as:  The proposed development to be carried out by or on behalf of the Crown (within the meaning of Division 4.6 of the EP&A) that has a capital investment value of more than \$5 million.	Y
SEPP (Resilience & Hazards)	Chapter 4: Remediation of Land <ul style="list-style-type: none"> <li>Section 4.6 - Contamination and remediation has been assessed including a search of both Council and NSW Environment Protection Authority records and no contamination issues were found. Further no excavation, demolition or change of land use is proposed and the development is satisfactory.</li> </ul>	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	<b>Chapter 2: Infrastructure</b> <ul style="list-style-type: none"> <li>Section 2.120 - Impact of road noise or vibration on non-road development - Not applicable as the InnerCity Bypass has below 20,000 trips per day (TfNSW data).</li> <li>Section 2.122 - Traffic-generating development - N/A as 47 vehicles during morning peak.</li> </ul> <b>Chapter 3: Educational Establishments</b> Part 3.7 - General development controls	Y

	<p>Section 3.58 Traffic-generating development</p> <p>Pursuant of s3.58 (2) a written notice of the application was given to TfNSW. A response was provided on 24 June 2024 with no objection or requirements for the proposed development.</p> <p>Section 3.58 (3)(b) The development will not change existing road networks and enables existing alternative means of transport to be continued. The development is satisfactory with respect to accessibility of the site.</p>	
Proposed Instruments	No compliance issues identified.	Y
Local EP	Newcastle Local Environmental Plan 2012	
	<ul style="list-style-type: none"> <li>• Clause 2.3 – Zone Objectives and Land Use Table. Proposal is permitted with consent within the SP2 - Infrastructure Zone (Educational Establishment)</li> </ul>	Y
	<ul style="list-style-type: none"> <li>• Clause 5.11 - Bush Fire Hazard reduction - The site has some bush fire prone land within the site, however the building is located outside of the affected areas.</li> </ul>	Y
	<ul style="list-style-type: none"> <li>• Clause 6.1 - Acid Sulfate Soils - No excavation is proposed with the development.</li> </ul>	Y

Consideration of the relevant SEPPs is outlined below

*State Environmental Planning Policy (Biodiversity and Conservation) 2021*

The aims of this policy are to protect the biodiversity values of trees and other vegetation and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The development is satisfactory with these aims as it involves the infill of an existing building without the need for removal of vegetation. No impact to flora or fauna is expected with the development.

*State Environmental Planning Policy (Sustainable Buildings) 2022*

The objectives of this policy are to ensure that the performance of the development satisfies the requirements to achieve water and thermal comfort standards that will promote a more sustainable development.

The application is accompanied by a NABERS assessment certified by Aplas Group dated 24 October 2023 committing to environmentally sustainable measures with volumes of key

materials. The certification demonstrates the proposed development satisfies the relevant commitments required by the policy, subject to the recommended conditions of consent.

### *State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')*

#### Chapter 2: State and Regional Development

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 4 of Schedule 6 of the policy as the proposal is development for on behalf of the Crown that has a capital investment value of more than \$5 million. Accordingly, the Hunter & Central Coast Regional Planning Panel is the consent authority for the application. The proposal is consistent with this policy.

### *State Environmental Planning Policy (Resilience and Hazards) 2021*

#### Chapter 4: Remediation of Land

The provisions of Chapter 4 of this policy have been considered in the assessment of the DA. Section 4.6 requires the consent authority to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

A search of both Council and NSW Environment Protection Authority records has been conducted and no contamination issues were found. Further no excavation, demolition or change of land use is proposed with the development.

The proposal is considered to be consistent with this policy.

### *State Environmental Planning Policy (Transport and Infrastructure) 2021*

#### Chapter 3: Educational Establishments

The provisions of Chapter 3 of the policy have been considered in the assessment of the DA. The policy requires the consent authority to consider the impacts of the development on stormwater, sewerage water supply and traffic within the local road system.

Section 3.58 Traffic-generating development applies to the development.

Pursuant of s3.58 (2), a written notice of the application was given to TfNSW. A response dated 24 June 2024 raised no objection or requirements for the proposed development.

Pursuant of s3.58 (3)(b), the development will not change existing road networks and enables existing alternative means of transport to be continued. The development is satisfactory with respect to accessibility of the site.

The infill of the existing carpark is not expected to have significant impact on the stormwater, water supply or sewerage systems.

Consideration of the relevant LEP is outlined below:

### Newcastle Local Environmental Plan 2012

The relevant local environmental plan applying to the site is the Newcastle Local Environmental Plan 2012 ('the LEP'). The aims of the LEP are:

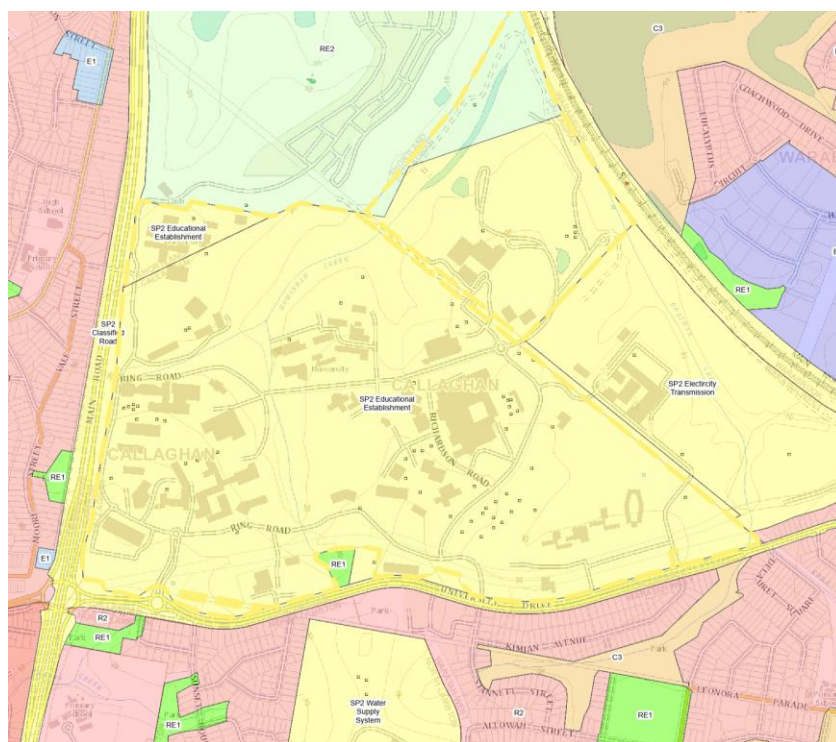
- '(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to respect, protect and complement the natural and cultural heritage, the identity and image, and the sense of place of the City of Newcastle,*
- (b) to conserve and manage the natural and built resources of the City of Newcastle for present and future generations, and to apply the principles of ecologically sustainable development in the City of Newcastle,*
- (c) to contribute to the economic wellbeing of the community in a socially and environmentally responsible manner and to strengthen the regional position of the Newcastle city centre as a multi-functional and innovative centre that encourages employment and economic growth,*
- (d) to facilitate a diverse and compatible mix of land uses in and adjacent to the urban centres of the City of Newcastle, to support increased patronage of public transport and help reduce travel demand and private motor vehicle dependency,*
- (e) to encourage a diversity of housing types in locations that improve access to employment opportunities, public transport, community facilities and services, retail and commercial services,*
- (f) to facilitate the development of building design excellence appropriate to a regional city.'*

The proposal is consistent with these aims as it facilitates the orderly development providing increased employment opportunities within an existing building to prevent further impact on ecology within the subject site.

### *Zoning and Permissibility (Part 2)*

The site is located within the SP2 - Infrastructure Zone (Educational Establishment) pursuant to Clause 2.3 of the LEP





**Figure 6 - Zoning Map.** Source: NSW Planning Portal Spatial Viewer (20/05/2024)

According to the definitions in Clause 4 (contained in the Dictionary), the proposal satisfies the definition of an *Educational Establishment* which is a permissible use with consent in the Land Use Table in Clause 2.3.

The zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

The proposal is consistent with these zone objectives for the following reasons:


- It provides additional educational space.
- Is located within an existing building without detracting from the provision of infrastructure.

#### *General Controls and Development Standards (Part 2, 4, 5 and 6)*

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below.

**Table 4:** Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Minimum subdivision Lot size (CI 4.1)	N/A	No Change	N/A

Height of buildings (CI 4.3(2))	N/A	No Change	N/A
FSR (CI 4.4(2))	N/A	-	N/A
Land acquisition (CI 5.1/5.1A)	N/A	-	N/A
Heritage (CI 5.10)	N/A	-	N/A
Flood planning (CI 5.21)	Site partially effected by flood prone land	Proposal is not located in the flood prone area and is within an elevated building location as shown in the figure below.	Yes
			
Acid sulphate soils (CI 6.1)	Class 5 Acid Sulfate Soils	No ground works or excavations.	Yes

The proposal is consistent with the LEP.


**(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments**

A number of draft State environmental planning policies or updates have been exhibited and are/or under consideration by the Department of Planning, Housing and Infrastructure, however, they are not relevant to the application.

**(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan**

The Newcastle Development Control Plan 2012 ('the DCP') is relevant to this application:

**Table 5: Consideration of the DCP Sections**

Newcastle Development Control Plan 2012	Comply
Section 3.11 – Community Services - The use of the existing carpark within the University site ensures the facilities have considered surrounding buildings, views of the site, access and existing vegetation. The proposal complies with this section of the DCP.	Yes
Section 4.01 – Flood Management	No Change
Section 4.02 – Bush Fire Protection - The building is located beyond the identified bushfire risk area.	Yes
	
Section 4.03 – Mine Subsidence	N/A



Section 4.04 – Safety and Security - The overall building design and functionality, with frontage to other university buildings provides increased casual surveillance of all surrounding footpath areas. The proposal achieves good surveillance by providing clear sight lines between spaces, effective lighting of public places and suitable landscaping for access points to the building.	Yes
Section 4.05 – Social Impact - It is considered unlikely that a development of the nature proposed would result in increased anti-social behaviour. The development provides for increased educational options within an area identified for educational establishments, which is considered a positive social outcome.	Yes
Section 5.01 – Soil Management - No excavation is proposed	N/A
Section 5.02 – Land Contamination - See discussion above with Chapter 4 of the Resilience and Hazards SEPP	Yes
Section 5.03 – Vegetation Management - No impact anticipated with the development	Yes
Section 5.04 – Aboriginal Heritage	Nil
Section 5.05 – Heritage Items	Nil
Section 5.06 – Archaeological Management - No excavation proposed with the development	N/A
Section 7.02 – Landscape, Open Space and Visual Amenity - Maintained with the development as proposed.	Yes
Section 7.03 – Traffic, Parking and Access - Discussed in detail below and is acceptable.	Yes
Section 7.04 – Movement networks - Discussed in detail below and is acceptable.	Yes
Section 7.05 – Energy efficiency - Application has complied with the provisions of Sustainable SEPP and is acceptable.	Yes
Section 7.06 – Stormwater - No additional impervious area is introduced with the proposed development.	Yes
Section 7.07 – Water Efficiency	Yes
Section 7.08 – Waste Management	Yes

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

- *S7.12 Development Contributions Plan 2022*

Consideration has been given to this plan which has been prepared pursuant to section 7.12 of the EP&A Act.

The applicant has demonstrated via a Certificate of Registration with the Australian Charities and Not-for-Profit Commission that they are a charity and as such are exempt from a contribution under this plan.

**(d) Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act**

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

**(e) Section 4.15(1)(a)(iv) - Provisions of Regulations**

Section 61 of the EP&A Regulation 2021 contains matters that must be taken into consideration by a consent authority in determining a DA, with the following matters being listed for consideration:

- If demolition of a building proposed - provisions of Australian Standard AS 2601

Section 62 (consideration of fire safety) and Section 64 (consent authority may require upgrade of buildings) of the EP&A Regulation 2021 are relevant to the proposal.

These provisions of the EP&A Regulation 2021 have been considered and are addressed in the recommended draft conditions (where necessary).

**3.2 Section 4.15(1)(b) - Likely Impacts of Development**

The potential impacts of the development including social, environmental and economic have been considered in the assessment of the application. On balance, the proposed development is considered likely to result in minimal adverse impacts to the natural, built and social environment. The development is located upon a site suitably zoned for educational establishments and requires no additional clearing of any native trees or vegetation.

The development has been designed to generally satisfy applicable SEPP's and Council's LEP and DCP requirements. Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality.

**3.3 Section 4.15(1)(c) - Suitability of the site**

The site is considered to be suitable for the proposed development having had regard to the characteristics of the site and the locality within which it sits.

The broader site is affected by natural hazards including bushfire and flooding. The natural hazards of bushfire and flooding are not identified impacting the location of the development.

The development takes advantage of an existing building and has access to local services and facilities.

The site is considered suitable for the proposed development.

**3.4 Section 4.15(1)(d) - Public Submissions**

No submissions were received with the public notification.



### 3.5 Section 4.15(1)(e) - Public interest

The University of Newcastle as outlined within the Statement of Environmental Effects (SEE) has a long standing history within the Newcastle LGA. It has in recent years, considered various options to achieve economic uplift of its existing land at the site, which in turn contributes to the longevity of the University's operations. The proposed development is suitable for the provision of an up to date midwifery school within the University campus.

In addition, the development is confined to filling in an existing carpark area, thereby safeguarding the remainder of the site and maintaining land use consistent with the SP2 Infrastructure (Educational Establishment) Zone and its objectives as outlined in the NLEP. The location of development on the site, assists greatly in maintaining amenity to the surrounding properties and maintaining a large extent of natural vegetation and overall scenic quality enjoyed by the University.

The proposal is also considered to assist in the provision of additional training opportunities for increased skills within the medical sector.

On balance the proposed development is considered to be within the public interest and adequately responds to environmental, social and economic impacts from the development.

## 4. REFERRALS AND SUBMISSIONS

### 4.1 Agency Referrals and Concurrence

The application has been referred to various agencies for comment as required by the EP&A Act and outlined below in Table 5.

There are no outstanding issues arising from these requirements subject to the imposition of the recommended conditions of consent being imposed.

**Table 5:** Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
<b>Concurrence Requirements</b> (s4.13 of EP&A Act)			N/A
<b>Referral/Consultation Agencies</b>			
Transport for NSW	Section 3.58 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development that is deemed to be traffic generating development in Schedule 3.	TfNSW - " <i>raises no objection to or requirements for the proposed development</i> "	Y
<b>Integrated Development (S 4.46 of the EP&amp;A Act)</b>			N/A

## 4.2 Council Officer Referrals

The application has been referred to various Council officers for technical review as outlined **Table 6**.

**Table 6:** Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	CN's Development Officer (Engineering) reviewed the stormwater concept plan and considered the proposed stormwater management arrangements are satisfactory with the removal of the rainwater tank. No additional impervious area is introduced with the proposed development.	Y
Traffic	<p>CN's Development Officer (Engineering) reviewed the proposal and raised concerns in relation to traffic generation and car parking. In response the applicant submitted supplementary information with expanding the Traffic Impact Assessment (TIA) to include calculations based on the worst-case scenario which have demonstrated the peak repeatable event is 86-96% utilisation of existing car parking.</p> <p>Due to the decreasing availability of parking spaces on campus, car users will be strongly encouraged to explore alternative (more environmentally friendly) travel options such as cycling, walking, or public transport including buses or trains. The University is currently serviced by all of these alternative transport options for students, staff and visitors.</p>	Y
Building	CN's Development Officer (Building) reviewed the proposal. It is confirmed via the submitted BCA Assessment Report that numerous existing building upgrades and other matters need to be addressed in the design of the proposed works, with regards to fire safety. Additional conditions have been included to ensure compliance with the BCA.	Y
Urban Design Review Panel (UDRP)	CN's UDRP considered the proposal on 31 January 2024 and determined that there were no major objections to the development, and it was capable of design excellence with additional information for ground plane paving and landscaping.	Y

## 4.3 Community Consultation

The proposal was notified in accordance with CN's Community Participation Plan from 13 December 2023 until 18 January 2024. No submissions were received in response to the notification.

## 5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail.

### 5.1 Traffic, Parking and Access

The proposal has been assessed and is acceptable having regard to traffic, parking and access, as provided within the detailed assessed below.

#### Traffic Generation

The expanded TIA has considered the additional traffic generated by the development in a scenario that CN considers suitable which involves the existing Drama Building and Richardson Wing still being used and not being demolished (currently used by School of Health Sciences). This is estimated to be 189 additional vehicles per day accessing the campus.

The University campus currently has two main entry points, both on University Drive, one being the western entrance (Ring Road Roundabout) and the other the eastern entrance (Ring Road/Stannett Street signalised intersection). As the development will result in a reduction of car parking spaces near the western entrance, it is expected that additional vehicles will use the eastern entrance. The TIA estimates the increased use of the eastern entrance as a result of the proposal as follows:

- 47 vehicles during the AM peak
- 27 vehicles during the PM peak

The TIA states that this would be in the order of 1-3 additional vehicles per minute which has been assessed by CN as acceptable and does not compromise the safety or function of the surrounding road network.

#### Impact on Parking

A calculation of the total number of staff and students using the proposed development, based on the submitted architectural plans, is included below:

**Table 7 - Estimated Staff and Students in New Building**

	<b>Students</b>	<b>Staff</b>
Nursing Sim Labs	135	9
General Tutorial	70	2
Midwifery Sim Lab	15	1
Multidisciplinary Space	35	1
Interprofessional/tutorial	70	3
Central Store	-	4
<b>Total</b>	<b>325</b>	<b>20</b> (note this is likely to be an underestimate. A total of 89 staff is more reasonable based on existing operations)

The proposed use will be relocating from the Drama Building and Richardson Wing, where it currently operates, to the proposed development. The above calculations demonstrate the proposed development has similar capacity/operations to the current operations.

The TIA considers the future demand for parking across the campus while assuming that the existing buildings where staff and students are being relocated from will still have demand for car parking similar to their existing use. This was requested by CN as the existing buildings (Richardson Wing and Drama Building) are not being demolished as part of this application. This is shown in Table 5.1 of the TIA, extracted below, which shows these existing buildings have an estimated car parking demand of 189 spaces:

**Table 5.1: Empirical Car Parking Demand**

Description	User	Size	DCP Parking Rate	DCP Parking Demand
University or TAFE establishment	Staff	89 staff	1 space per staff	89 spaces
	Students	300 students	1 space per 3 students	100 spaces
Total				189 spaces

The TIA then calculates a comparison between supply and demand for car parking, based on this additional demand and a reduction of 147 parking spaces within the site. Two sets of calculations have been carried out, one for a "typical" Monday and one for a "typical" Tuesday.

- Monday estimate: 86% utilisation of car parking spaces, which is an increase from a current Monday which operates at 80% (based on July 2023 survey).
- Tuesday Estimate: 96% utilisation of car parking spaces, which is an increase from a current Tuesday which operates at 90%.

The TIA has defined the Monday data as being a 'Peak Repeatable Event' which they state to be typical of a normal busy day at the University, while the Tuesday data is defined as being representative of a peak week of the year and a peak day of that week. The TIA also states that infrastructure like car parking should be designed to cater for the peak repeatable event rather than an absolute peak, as this would usually result in an unreasonable amount of car parking infrastructure on a typical development site. Therefore, they state the data for Monday is a more reasonable assessment of car parking demand.

The car parking assessment and utilisation data that has been calculated is based on all car parks within the University being available and does not account for the relative location of available car parking spaces, i.e. available car parking spaces may be several hundred metres away from someone's end location within the University and may not be practical to use. The TIA does refer to the University's shuttle bus service which runs at regular periods throughout the day and can be used by people who park far from their destination.

On the 27 April 2023, CN approved another DA (DA2022/01138) at the University which involved the removal of 90 car parking spaces at the UoN Research Translation Precinct of the campus. This has been considered within the TIA and will result in 87% utilisation of car parking spaces and 689 spaces being available/unused on a 'Peak Repeatable Event' day as a result of the current proposal. The abovementioned approved DA involved the removal of car parking spaces but did not involve any buildings that would generate additional demand for car parking, so there will be no additional demand for car parking except temporarily for the construction period.

### Impact of Parking Reduction

The University campus currently has two main bike hubs for students and staff to securely park bicycles. The TIA states that these existing bike hubs are expected to adequately meet the needs of bicycle parking for the new development. However, CN has requested further provision of bicycle parking in order to encourage bicycle use and assist in reducing demand for car parking. The University has agreed to install 20 additional bicycle hoops nearby the proposed development to support parking of 40 bicycles. Potential locations for bicycle hoops have been identified in the TIA with exact locations being determined through a further detailed design. A condition of consent will be included to ensure 20 bicycle hoops are included as part of this development.

CN currently has parking restrictions on the streets of the residential neighbourhoods located near the campus which include no parking from 9am-5pm on University semester days. As a result of these parking restrictions, the proposed removal of 147 car parking spaces will not result in additional parking impacts on nearby residential streets. Therefore, nearby residents are not expected to be impacted by this development.

As a result of car parking spaces becoming less available on the campus, car users will be directly encouraged to consider alternative (more environmentally friendly) travel options such as cycling, walking, or public transport including buses or trains. The University is currently serviced by all these alternative transport options for students, staff and visitors.

In late 2023, the University endorsed a new Strategic Transport and Parking Management Plan (STPMP). Some of the key recommendations within the STPMP are detailed below:

- Monitor mode share – encouraged to track mode share on a yearly basis via the University's staff and student survey by including questions on mode of travel.
- Increase frequency of shuttle services during peak times and review route efficiency.
- Advocate to TfNSW to improve bus service frequency during first four weeks of semester to promote mode shift.
- Advocate to TfNSW to improve bus service efficiency and route coverage to suit the needs of current and future staff and students. TfNSW is currently investigating opportunities to improve bus travel time, in particular east-west along the Wallsend to Newcastle City Centre Corridor, which is identified as a high priority multimodal corridor.
- Promote sustainable travel options – advertise and educate staff and students on their travel options through issuing educational collateral to new students and staff at the start of semesters, and on the University website and social media pages.
- Host sustainable travel events – examples include 'ride to work' days, 'walk to work' days, active travel breakfasts, cycling clubs and walking clubs.

### Existing Alternative Transport Modes

The campus is well connected by the public bus network with a range of services connecting the campus to the Newcastle City Centre, Broadmeadow and Warabrook train stations, and the greater Newcastle region.

Three shuttle bus services are run by the University including:

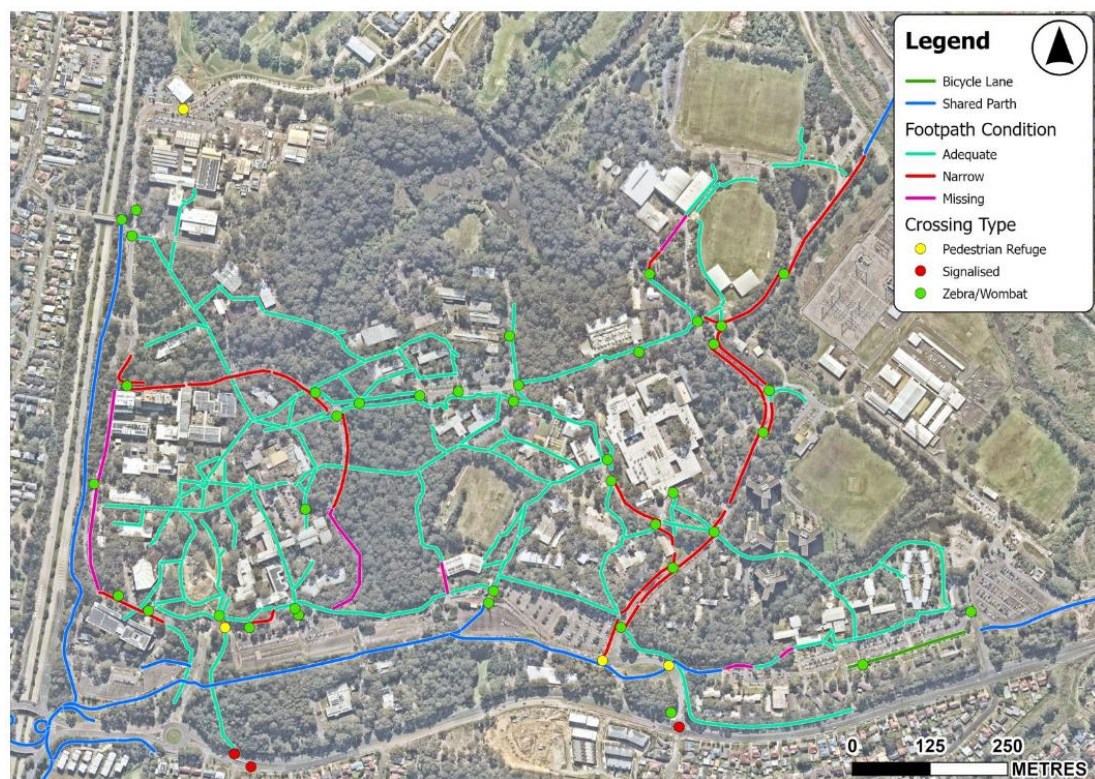
- A link between the Callaghan and City Campuses
- Callaghan campus loop route
- Station shuttle route

Warabrook train station is located adjacent the eastern end of the University providing a train link to the Hunter line running between Newcastle, Dungog and Scone.



An extensive pedestrian network exists throughout the campus, linking all parts of the University. A path network map is extracted below.

Figure 3.9: Footpath and pedestrian crossing infrastructure



The University is also connected to cyclist infrastructure and a low speed environment is encouraged to allow cyclists to safely use roads as connections throughout the campus. Additionally, the R6 cycle route managed by CN connects to the campus and links to several other parts of the city.

### Conclusion

Overall, the proposal to remove 147 car parking spaces as part of this development can be supported as it has been demonstrated that the University has additional car parking capacity, and whilst it is not located in close proximity to the proposed development, shuttle services are available.

Further the reduced availability of nearby car parking spaces will encourage users to consider alternative transport options which are currently available at the University and are being closely considered for future improvements through the implementation of broader strategic plans within the University.

Resolution: The issue has been resolved through further understanding of the operational transport needs and existing parking restrictions. The following condition of consent for additional bicycle Parking is recommended to reflect bicycle parking needs.

*Before the issue of the first Crown certificate for the development (i.e., whether for part or whole of a building), details of additional on-site bicycle parking accommodation are to be provided, demonstrating that a minimum of 20 bicycle hoops (accommodating 40 bicycles) will be installed within 150 metres of the ICT building at the University of Newcastle Callaghan Campus. Full details shall be included in the Crown certificate documentation.*

## 5.2 Urban Design

The application is not subject to design consideration under Chapter 4 (*Design of residential apartment development*) of the Housing SEPP (Formerly SEPP 65). However, the proposal has been determined to warrant referral to the Urban Design Review Panel (UDRP) under City of Newcastle's Urban Design Charter.

The UDRP held that:

*'The Panel was largely supportive of the proposal but suggested the inclusion documentation of the ground plane paving and landscape design for the base of the proposed external stair.'*

Amended plans with additional documents have been provided and show positive design outcomes in keeping with the established character of the University and connection to land.

Resolution: The matter has been resolved via amendments to the design and accordingly, warrants support of the application.

## 6. CONCLUSION

The application has been considered in accordance with the requirements of the EP&A Act and the Regulation as outlined in this report. Following a thorough assessment of the relevant planning controls and the key issues identified in this report, it is considered that the application can be supported.

It is considered that the key issues as outlined in Section 6 have been resolved satisfactorily through additional information on the proposal and in the recommended draft conditions at **Attachment A**.

## 7. RECOMMENDATION

That the Development Application DA2023/01044 for Educational Establishment - alterations, additions with change of use from carpark at 130 University Drive, Callaghan be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at **Attachment A**.

The following attachments are provided:

- Attachment A: Draft Conditions of consent
- Attachment B: Approval from the Crown (applicant) for imposition of Conditions
- Attachment C: Architectural Plans