

COUNCIL ASSESSMENT REPORT

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSHCC-381– DA2025/01137 - PAN-577678
PROPOSAL	Educational Establishment - 8storey campus student accommodation building containing 450 beds including associated demolition and tree removal
ADDRESS	Lot 3 in DP 216528 - 130 University Drive Callaghan
APPLICANT	The University of Newcastle
OWNER	The University of Newcastle
DA LODGEMENT DATE	16 October 2025
APPLICATION TYPE (DA, Concept DA, CROWN DA, INTEGRATED, DESIGNATED)	Crown DA
REGIONALLY SIGNIFICANT CRITERIA	Section 2.19(1) and Clause 4 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 declares the proposal regionally significant development as: 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.
CIV	\$116,861,305 (excluding GST)
CLAUSE 4.6 REQUESTS	N/A
KEY SEPP/LEP	<ul style="list-style-type: none"> • 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 • Newcastle Development Control Plan 2023
TOTAL & UNIQUE SUBMISSIONS ISSUES SUBMISSIONS UNIQUE KEY IN	One submission was received but has been resolved – notification from 30 October 2025 to 13 November 2025

DOCUMENTS SUBMITTED FOR CONSIDERATION	<ul style="list-style-type: none"> • Amended architectural plans • Aboriginal Due Diligence Report • Access Report • Arborist Report • Acoustic Report • Biodiversity Assessment Report • Bushfire Assessment Report • Contamination & Remediation Report • CPTED Report • Landscape plans • Social Impact Assessment • Statement of Environmental Effects • Stormwater Plans • Traffic Impact Assessment • Visual Impact Assessment • Waste Management Plan
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	NA
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	14 April 2026
PREPARED BY	Damian Jaeger – Principal Development Officer (Planning)
DATE OF REPORT	7 April 2026

EXECUTIVE SUMMARY

The development provides for a 450 bed student accommodation on the existing Newcastle University campus. The assessment has shown the proposal is acceptable subject to conditions of consent. The proposal is consistent with the Newcastle Local Environmental Plan 2012 (NLEP 2012) and the Newcastle Development Control Plan 2023 (DCP2023) and appropriate in context of the University's Callaghan campus.

All environmental and pre-conditions to development have been satisfactory addressed including permissibility, bushfire, land contamination, heritage, flooding and acid sulphate soils.

The proposal is acceptable in terms of traffic, parking, waste and servicing. Based on parking surveys, sufficient car parking is demonstrated to exist on site to support the development. Additionally, the car parking is supplemented by 101 bicycle parking spaces.

The provision of 450 student accommodation beds indirectly assists housing supply by reducing demand on housing generally.

Overall, the submitted development is acceptable and is recommended for approval subject to the conditions included at **Attachment A**.

1. THE SITE AND LOCALITY

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 Campus). 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. The majority of the landscaping and existing mature trees have been planted by the University over many years.

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

The subject site is accessed from University Drive, the closest access being the signalised intersection at the corner of University Drive and Ring Road/Stannett Street. The proposal is located on the internal Ring Road within the Newcastle University campus at the corner of the Ring Road and Wirra Crescent, which is a section of road that serves the immediately neighbouring TransGrid Regional Centre. To the south and southeast are a number of student accommodation buildings of varying scale and type. These include four student housing towers that were completed in recent years, which accommodate 778 students and include associated services, amenities, administration and communal spaces. To the west, across the internal ring road lies the main University campus, including teaching and research buildings and related facilities.

The development site currently comprises a semi paved car park and vacant built structures. It is partly occupied by vegetation, with 270 trees identified on the site and within proximity to the proposed built form. It has a site area of approximately 4,500m², with a steep slope from south to north.

The subject site's location within the Campus is shown in **Figure 1** below and the existing site conditions are shown at **Figures 2 – 4**.



Figure 1 University of Newcastle Campus. Location of subject site circled red. Source One Map



Figure 2 Proposed student housing site as viewed from Ring Road looking towards south east - Source Site visit November 2025



Figure 3 Student housing site as viewed from Ring Road looking towards North East - Source Site visit November 2025



Figure 4 Student housing site as viewed from the south looking towards North East (existing car park on the right)- Source Site visit November 2025

1.2 The Locality

The Campus area has a long history of use as an educational establishment, with substantial infrastructure separating the University's Callaghan campus from surrounding areas. The locality features a mix of uses, including residential properties located south of University Drive and further west beyond the Inner City Bypass.

To the north and northeast of the development site are the Transgrid Newcastle Regional Centre and associated substation. The Callaghan Campus buildings and sporting ovals are positioned to the north and west of the Transgrid site.

The Campus' Squash Pavilion lies to the east and south-east, adjacent to the Bernie Curran Oval. The Campus Accommodation Precinct is located immediately to the south of the development site.

An existing parking area is located to the west across Ring Road, with the main campus buildings located further west.

The University campus is well serviced by public transport. Warabrook Railway Station is located on the northern boundary of the campus within 500 metres of the site, and public bus services enter the campus from University Drive.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposed development seeks consent for the construction of an 8 storey student accommodation building comprising:

- Demolition of existing structures and tree removal.
- Ground floor communal areas including games, study, meeting, laundry and waste rooms as well as and back of house areas.
- 450 student beds and communal areas across Level 01 to Level 07.
- 101 bicycle (students and visitor) and 48 car parking spaces.
- Landscaping embellishments immediately surrounding the new building including gathering spaces and pathways.
- Utilities and service provisions, including plant on the ground floor and rooftop.

The proposed built form includes three wings off a central lobby area.

The student accommodation beds include a mix of standard studio and accessible studios, and 6-bedroom apartments. Across Level 1, 60 beds will be accommodated, with the remaining floors (Level 02 to Level 07) providing 65 beds per floor. Each floor will include a communal lounge area, study lounge and library. In total, the proposal will include 148 studios (32.9%), 14 accessible studios (3.1%) and 288 beds within the 6-bedroom apartments (64%).

Vehicular access to the proposed development will be via Wirra Crescent. Two loading/service bays and waste collection will operate from the northern end. As part of the proposal, the existing parking area adjacent to the sports oval will involve the removal of 44 car parking spaces, re-levelling of the southern end for two disabled parking spaces as well as drainage works. In place of this parking, 48 new parking spaces on the northwestern side of the Ring Road will be provided. The proposed 48 new spaces will create the opportunity for multi-use parking spaces involving the Oval, Student Accommodation, and general campus use.

The key development statistics is provided in **Table 1** below.

Table 1: Development Statistics

Control	Proposal
Site area	Total campus area - 54.57 hectares Subject site – 4,500m ²
GFA	11,954m ²
FSR (retail/residential)	No FSR standard applies to the site under the NLEP 2012.
Clause 4.6 Requests	No
Number of student beds	450
Max Height	Maximum height of RL 46.1, equating to 29.9m at the highest point of the building (top of the lift overrun). No height of building standard applies to the site under the NLEP 2012.
Communal area	934m ² (ratio of 2.08m ² /student)
Car Parking spaces	48
Bicycle parking spaces	65 spaces secure within bike storage room, 36 visitor space external to the building

The proposed site plan and perspective is shown at **Figures 5 and 6** below.

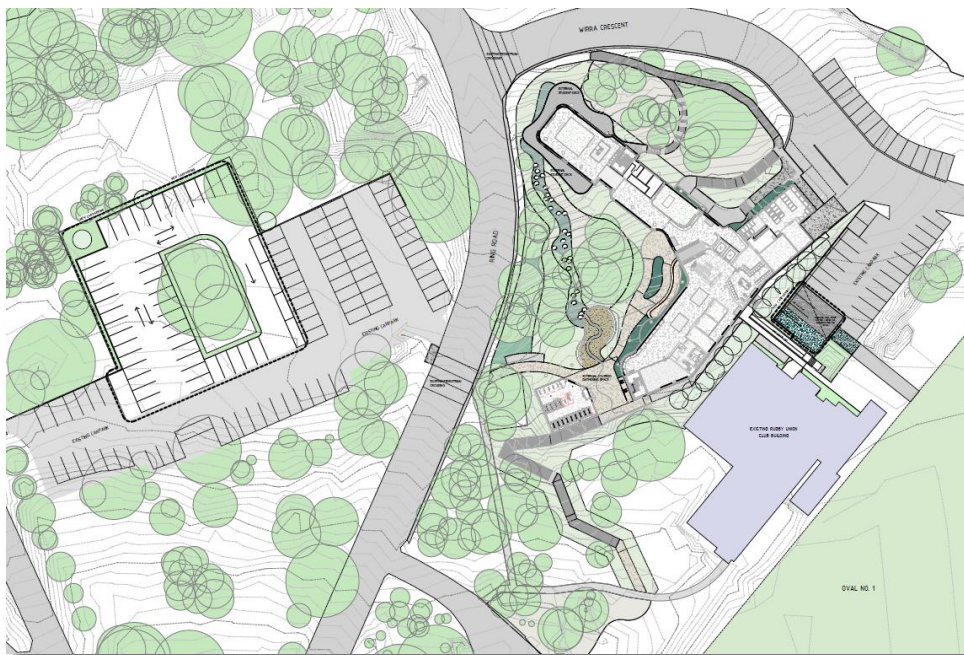


Figure 5 Proposed site context plan – ground level



Figure 6 Perspective plan as viewed from the west

2.2 Background

The proposal sought Pre-DA advice for the development on 2 July 2025 (PR2025/00047) which discussed issues of traffic and parking, planning pathway, bushfire, design, Urban Design Review Panel, tree loss, Crime Prevention Through Environmental Design (CPTED), stormwater design, land contamination and biodiversity.

The application was presented to CN's Urban Design Review Panel (UDRP) on four separate occasions include two pre-lodgement meetings on 25 June 2025 and 27 August 2025 (UD2025/00013 and UD2025/00013.01) and twice post lodgement on 29 October 2025 and 27 November 2025 (UD2025/00013.02 and UD2025/00013.03).

The UDRP determined the proposed development is a well considered and presented scheme and that the architectural, urban design landscape is of an appropriate standard. The application was supported following the December 2025 meeting and no further changes were required.

Table 2: Chronology of the DA

Date	Event
16 October 2025	DA lodged
30 October 2025 - 13 November 2025	Exhibition of the application
3 November 2025	DA referred to Transport for NSW (TfNSW)
3 December 2025	DA referred to NSW Rural Fires Services
16 December 2025	First request for information issued to the applicant
13 January 2026	Second request for information issued to the applicant
6 February 2026	Amended plans lodged
9 February 2026	Third request for information issued to the applicant

2.3 Site History

There are various development consents applying to the University Campus, including various student accommodation buildings in proximity to the proposed development including DA2011/1065 which comprised the construction of four detached, eight storey buildings accommodating 778 students in a mix of 1, 2, 5 and 6 bedroom apartments with associated services, amenities and administration areas.

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include 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),*
- (b) *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 Crown development and therefore pursuant to s4.33 of the *Environmental Planning & Assessment Act, 1979*, the approval of the applicant to the schedule of conditions must be obtained. The applicant has been provided with a copy of the recommended 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 Regulation 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 (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *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 (Biodiversity and Conservation SEPP)	The following Chapters of the Biodiversity and Conservation SEPP apply to the site: <ul style="list-style-type: none"> • 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 <p>The site is not identified on the Biodiversity Values Map.</p>	Y
State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP)	The non-residential provisions of the Sustainable Buildings SEPP applies to development with a CIV of \$5million or more.	Y
State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems)	Chapter 2: State and Regional Development Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 4 of Schedule 6 as: <p><i>“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”.</i></p>	Y
State Environmental Planning Policy (Resilience and Hazards) 2021	The Resilience and Hazards SEPP have been considered in the assessment of the development application. Section 4.6 of Resilience and Hazards SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is	Y

(Resilience and Hazards SEPP)	suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.	
State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)	The proposed development is permissible under Section 3.45 of the Transport and Infrastructure SEPP which states that: <i>“development for the purpose of campus student accommodation may be carried out by a persons with development consent on land within the boundaries of the university.”</i> Section 3.45 of the Transport and Infrastructure SEPP requires the consent authority to consider the design quality of the proposed development in accordance with the principles set out in Schedule 8 of the instrument.	Y
Newcastle Local Environmental Plan 2012	The site is zoned SP2 Infrastructure (Educational Establishment) and the proposed campus student accommodation is characterised as ancillary to the existing Campus and therefore permitted with consent in the SP2 zone.	Y
Newcastle Development Control Plan 2023	The NDCP 2023 applies to the site. Further discussion of the proposal against the relevant provisions is provided in Section 3.1(c) below.	Y

Consideration of the relevant SEPPs is outlined below.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

A Biodiversity Assessment Report has been submitted with the proposed development. The assessment includes the Five Part Test of Significance and has been undertaken in accordance with the EP&A Act 1979 and the Biodiversity and Conservation Act 2016.

The proposed development includes the clearing of approximately 0.25 hectares of vegetation within the highly modified campus setting. The vegetation proposed to be removed is predominantly derived native vegetation, with the building footprint designed to avoid all identified significant remnant old growth trees and hollow bearing habitat trees. The ecological investigations confirm no hollow bearing trees will be removed and key habitat values associated with long term fauna persistence have been retained.

As part of the assessment report, consideration has been given to the Biodiversity Offsets Scheme provisions under the Biodiversity Conservation Regulation 2017. As the land is not mapped on the Biodiversity Values Map and the extent of proposed clearing is below the applicable area threshold for the site’s effective lot size, the Biodiversity Offsets Scheme is not triggered. Consequently, preparation of a Biodiversity Development Assessment Report is not required, and assessment via a Test of Significance under section 7.3 of the Biodiversity Conservation Act 2016 is the correct statutory pathway.

The Test concludes the proposal is not likely to have a significant effect on any threatened species, endangered or critically endangered ecological communities, declared critical habitat, or areas of outstanding biodiversity value. While suitable foraging habitat may be present for some mobile threatened fauna species, including certain microbat species and the Powerful

Owl, the assessment identifies the loss of vegetation is limited, connectivity is retained, surrounding suitable habitat remains available, and impacts are expected to be localised, temporary, and of low to low–moderate intensity. No threatened flora species will be significantly impacted, and no threatened fauna were recorded during site surveys.

A range of mitigation and management measures are recommended to further minimise environmental impacts and improve biodiversity outcomes. These include protection of retained vegetation through exclusion fencing during construction, installation of microbat and glider or bird nest boxes prior to vegetation removal, implementation of standard erosion and sediment controls, and use of local native species consistent with Plant Community Type 3433 (Hunter Coast Foothills Spotted Gum–Ironbark Grassy Forest) in landscaping works. While not mandatory, these measures are considered reasonable and proportionate to the scale of impact and consistent with best practice ecological management.

Based on the information provided, the proposal has satisfied the biodiversity assessment requirements of the EP&A Act 1979 and Biodiversity Conservation Act 2016. The development is unlikely to result in a significant adverse impact on biodiversity values at the site, local or regional scale, and there are no biodiversity related constraints that would preclude approval, subject to the recommendations contained with the assessment being adopted during construction. This will be addressed within the recommended consent conditions.

State Environmental Planning Policy (Planning Systems) 2021

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 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 Resilience and Hazards SEPP have been considered in the assessment of the development application. Section 4.6 of Resilience and Hazards SEPP requires consent authorities 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.

Douglas Partners Pty Ltd prepared a combined Preliminary Site Investigation (PSI) and Detailed Site Investigation (DSI) for the subject land to assess the suitability of the site for the proposed development. The site has historically been largely undeveloped, with identified potential contamination sources limited to past fill placement and re grading, historical vehicle parking and trafficking, and the former presence of a demountable structure. Desktop searches confirmed the land is not subject to any EPA contamination notices, is not listed as significantly contaminated land under the Contaminated Land Management Act 1997 and has no relevant planning certificate constraints with respect to contamination.

The report concludes that the site is suitable for the proposed student accommodation development from a contaminated land perspective and that remediation is not required. This

conclusion is considered reasonable and appropriately supported by the investigations undertaken.

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 3.45 Development for purposes of campus student accommodation

Section 3.45(3) of the Transport and Infrastructure SEPP requires that the development be assessed in accordance with the design quality principles.

The proposed campus student accommodation (as defined below) is permissible with consent within the 'boundaries of the University' under the provisions of cl3.45 of the SEPP (Transport & Infrastructure) 2021.

It is further advised the University is permissible with consent within the SP2 Infrastructure - Educational Establishment zone under the NLEP 2012. The campus student accommodation would also be reasonably ancillary to the University use and, by association, permissible with consent within the SP2 zone.

"campus student accommodation, in relation to a school, university or TAFE establishment, means residential accommodation that is - (a) associated with the school, university or TAFE establishment, and (b) principally for students enrolled at the school, university or TAFE establishment, and (c) not located on land outside the boundaries of the school, university or TAFE establishment, and (d) designed primarily for shared living with common spaces and shared facilities provided for residents."

In accordance with subclause 3.4(3), the proposed development is considered to be satisfactory with regard to Schedule 8 – Design quality principles in schools – Chapter 3 as follows:

1. Responsive to context – the proposed development responds to Country and its immediate context through an integrated landscape design and appropriate finishes and materials that integrate and respond to the setting of the Callaghan Campus. The proposed design has undergone various design iterations and updates in response to UDRP feedback, with the Panel endorsing the final design.
2. Sustainable, efficient and resilient – the proposed development incorporates ESD initiatives to ensure sustainable measures are implemented during the construction and operational phases. The proposed development seeks to retain majority of the existing vegetation, with compensatory planting proposed to replace any canopy cover that is proposed to be removed.
3. Accessible and inclusive – the proposal is located in an accessible area in the University Campus and provides various room types, communal spaces and amenities to ensure the campus accommodation responds to the needs of different students.
4. Healthy and safe – as part of the response to UDRP recommendations, the proposal has undergone various design iterations to improve and respond to amenity and safety concerns raised by the panel. Further detail has been provided to respond to these

concerns to demonstrate how rooms would be functional and provide appropriate amenity to students in living areas and rooms. As well, through the implementation of the recommendations of the CPTED, the proposal is considered to provide a development that is safe and secure in line with the operation of the University.

5. Functional and comfortable – the development includes spaces that provide appropriate amenity for students with a range of communal and private spaces to meet future needs. It provides an appropriate landscape scheme that responds to and improves the site’s integration with the wider Campus and will provide informal spaces for students to interact with one another.
6. Flexible and adaptable – the proposal provides appropriate spaces for different uses as well as varied room types to respond to student needs.
7. Visually appealing – the proposed design has been endorsed by the UDRP as providing a well considered and presented scheme that is of an architectural, urban and landscape design of an appropriate standard. The Panel determined the proposal was acceptable.

Section 3.58 Traffic-generating development

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. On 19 February 2026, written advice was received from TfNSW raising no objection or requirement for the proposed development. The advice confirmed:

TfNSW supports opportunities to reduce private car travel and improve mode choice. Council should be satisfied the development has considered adequate, safe and connected active and public transport infrastructure to the site.

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.

State Environmental Planning Policy (Sustainable Buildings) 2022

An Ecological Sustainable Development Report has been prepared by WSP for the proposal. The non-residential provisions of the Sustainable Buildings SEPP apply to development with a CIV of \$5 million or more.

The proposed development has considered the following sustainability requirements and mitigation measures:

- Minimise demolition and construction waste including the reuse of building materials
- Reduce peak electricity demand through the use of renewable energy
- Reduce reliance on artificial lighting and mechanical heating and cooling through passive design
- Generate and store renewable energy
- Metering and monitoring energy consumption
- Minimal potable water consumption.

The report demonstrates that sustainability initiatives have been incorporated into the design of the built form and the proposal complies with the provisions for non-residential development in the Sustainable Buildings SEPP.

Newcastle Local Environmental Plan 2012

The relevant local environmental plan applying to the site is the NLEP 2012. The relevant aims of the NLEP 2012 are:

“(2) The particular aims of this Plan are as follows—

- (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 well being 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 the aims of the NLEP 2012 as it provides for the orderly development of the land and has regard to its environmental characteristics.

Zoning and Permissibility (Part 2)

The site is located within the SP2 Infrastructure (Educational Establishment) pursuant to Clause 2.2 of the NLEP 2012.

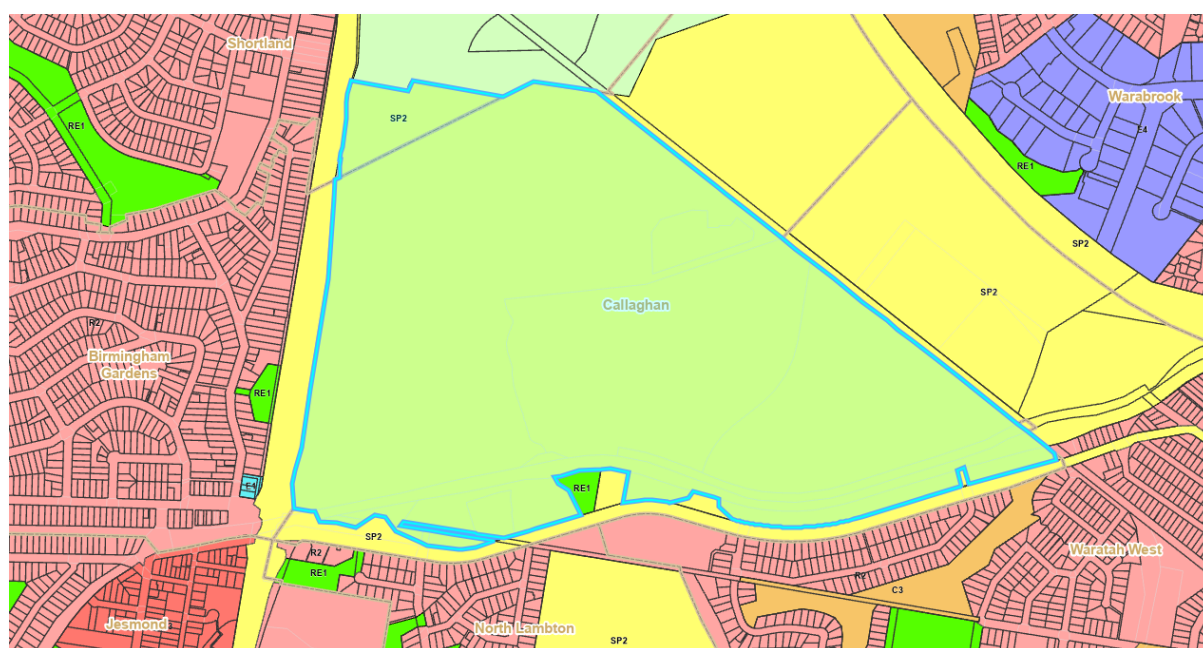


Figure 7 Land zoning map – University Campus outlined blue

As discussed above in relation to the Transport and Infrastructure SEPP, the proposed campus student accommodation is permissible with consent within the boundaries of the University under the provisions of clause 3.45 of the Transport and Infrastructure SEPP. It is further noted the University is permissible with consent within the SP2 Infrastructural (Educational Establishment zone under the NLEP 2012.

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 the objectives of the zone as it provides additional accommodation on campus that is ancillary to the education land use and has regard to the existing infrastructure on site.

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 (Cl 4.1)	No minimum lot standard applies to site.	The development satisfied the provisions of cl4.1.	Yes
Height of buildings (Cl 4.3(2))	No height of buildings standard applies to site.	Maximum height of RL 46.1, equating to 29.9m at the highest point of the building (top of the lift overrun). As there are no height standards applicable to the site, the proposal has met the provisions of cl4.3.	Yes
FSR (Cl 4.4(2))	No FSR standard applies to site.	As there are no FSR standards applicable to the site, the proposal has met the provisions of cl4.4.	Yes
Heritage (Cl 5.10)	The site is acceptable in terms of cl5.10 as: i) it does not contain any heritage items, ii) is not within the vicinity of a heritage item iii) is not within a heritage conservation area	The proposal has no impacts on heritage significance and the provisions of cl5.10 have been met.	Yes

	iv) does not impact any archaeological items		
Acid sulphate soils (Cl 6.1)	The site is Class 5 & no acid sulphate soils exists within 500 metres of site	The proposal, being more than 500 metres from acid sulphate soils, has met the provisions of cl6.1.	Yes
5.21 Flood planning & 5.22 Special flood considerations	The site is not flood affected & cl5.21 & cl5.22 is satisfied	The proposal has met the provisions of cl5.21 & cl5.22 as the site in not affected by flooding.	Yes

The proposal is considered to be consistent with the NLEP 2012.

(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 2023 (NDCP 2023) applies to the proposed development. The relevant provisions and an assessment of the proposal's consistency is provided in the table below.

NDCP2023 Section	Comments
Part B: Site planning controls	
Section B1(b) - Flood management (post 2019)	The site is not located on flood prone land.
Section B2 Bushfire protection	<p>While parts of the wider Campus are identified as bushfire prone land, the subject site is located outside of the Vegetation Buffer and Vegetation Category 1. This has also been confirmed by the NSW Rural Fire Service in its letter dated 29 January 2026 which states:</p> <p><i>The proposal for special fire protection purpose (SFPP) development is not located on mapped bush fire prone land within the site, based on the information provided. Therefore, a bush fire safety authority (BFSA) is not required under section 100B of the Rural Fires Act 1997.</i></p> <p>Notwithstanding, a Bushfire Assessment Report has been prepared by AEP to assess the protection measures required by the NSW Rural Fire Service's "Planning for Bushfire Protection 2019" and the construction requirements of the</p>

NDCP2023 Section	Comments
	<p>proposed development in accordance with the relevant Australian Standards.</p> <p>The Assessment Report found that:</p> <ul style="list-style-type: none"> • A BAL construction standard of BAL 19 and BAL 12.5 has been applied. It is noted majority of the site is identified as BAL 12.5 with the north-western corner identified as BAL 19. • The vegetation is mapped as low hazard and is located on an upslope / flat gradient. The distance between the development to the hazard vegetation is 18m to the west and 63m to the north. • The vegetation within the proposed development area will be cleared and nearby vegetation will be managed in accordance with the existing University's Bushfire Risk Management Plan and Landscape Plan. • Emergency evacuation is adequate with a sports field to the southeast and the University Ring Road providing public access. <p>Accordingly, the proposed protection measures and relevant construction standards are considered appropriate for the proposed development, the proposal meets the required principles of the "Planning for Bushfire Protection 2019" and the proposal does not trigger integrated development provisions under section 4.46 of the EP&A Act 1979.</p>
Section B3 Mine subsidence	The site is not located on land identified as subject to mine subsidence.
Section B4 Aboriginal cultural heritage	An Aboriginal Due Diligence Report was submitted with the application. The Report confirms there are no known Aboriginal objects, or places in the subject area and no further assessment is required.
Section B7 Land contamination	Refer to Section 3.1 above. The PSI and DSI submitted as part of the application confirm the site is suitable for the proposed development.
PART C: General development controls	
Section C1 Traffic, parking and access	<p>The proposal has been supported by a Traffic Impact Access by Seca Solutions October 2025. An assessment of the proposal found it is acceptable in terms of traffic, parking, access and servicing. The development has been designed to allow waste collection by a heavy rigid vehicle (HRV).</p> <p>The development includes 48new parking spaces on the western side of the Ring Road (i.e. opposite the new student accommodation) to replace the existing parking lost as part of this proposal (i.e. 44 spaces). Additionally, the proposal</p>

NDCP2023 Section	Comments
	<p>includes 65 (Level B – secured) and 36 (Level C) bicycle parking spaces – total of 101 bicycle spaces.</p> <p>The Seca report undertook parking surveys of the existing campus parking which determined there is sufficient surplus parking to address the parking generated by this proposal (i.e. 165 spaces being available and 117 space being generated).</p>
<p>Section C3 Vegetation preservation and care</p>	<p>As discussed in Section 4.1(a) above, the proposed development includes the clearing of approximately 0.25 hectares of vegetation within the highly modified campus setting. The vegetation proposed to be removed is predominantly derived native vegetation, with the building footprint designed to avoid all identified significant remnant old growth trees and hollow bearing habitat trees. The ecological investigations confirm no hollow bearing trees will be removed and key habitat values associated with long term fauna persistence have been retained.</p> <p>An Arboricultural Impact Assessment (AIA) has also been prepared to assess existing trees around the site that may be impacted by the proposed development.</p> <p>The AIA assessed 270 trees or groups of trees and recommends the removal of 65 trees or groups of trees to accommodate the proposed development and retains 205 trees. No trees with high retention value are proposed to be removed (i.e. 80 trees). The remaining trees 190 trees were of moderate (108) and low (82) retention value.</p> <p>The AIA provides recommendations in relation to tree protection measures for the 56 trees or groups of trees that will be retained. These recommendations shall be included on any determination.</p> <p>The proposed development is considered to be satisfactory having regard to the provisions of the NDCP 2023.</p>
<p>Section C4 Stormwater</p>	<p>The proposal has submitted a stormwater design which is compliant with the DCP in terms of drainage, detention, reuse and water quality. The proposal has met the provisions of Section C4.</p>
<p>Section C5 Soil management</p>	<p>An erosion and sediment control plan has been prepared by Northrop. Relevant conditions shall be included on the development consent to ensure earthworks are managed during the construction phase.</p>
<p>Section C6 Waste management</p>	<p>A Waste Management Plan has been prepared which addresses construction and operation waste, inclusive of recycling and the proposal meets the provisions of Section C6.</p>

NDCP2023 Section	Comments
Section C7 Safety and security	<p>The overall building design and functionality, with frontage to other University buildings provides increased casual surveillance of all surrounding footpath areas.</p> <p>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.</p> <p>The proposal is acceptable in terms of the CPTED principles and the provisions of Section C7 have been met.</p>
Section C8 Social impact	<p>It is considered unlikely that a development of the nature proposed would result in increased anti-social behaviour. The proposal has included a preliminary plan of management addressing the operation of the student accommodation. The development provides for increased educational options within an area identified for educational establishments, which is considered a positive social outcome.</p>
Section C12 Open Spaces & Landscaping	<p>The development has submitted a comprehensive landscape plan addressing the proposed student accommodation development and its surround. The integrated landscape design is consistent with surrounding native vegetation typified by the overall Newcastle University campus.</p>

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 University of Newcastle has demonstrated via a Certificate of Registration with the Australian Charities and Not-for-Profit Commission they are a charity and as such are exempt from a contribution under Section 1.6 (4) of 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 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, with the following matters being relevant to the proposal:

- If demolition of a building proposed - provisions of AS 2601;

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

These provisions of the 2021 EP&A Regulation have been considered and are addressed in the recommended conditions of consent at **Attachment A**.

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

The potential social, environmental, and economic impacts of the development have been carefully considered as part of the assessment. On balance, the proposal is expected to result in minimal adverse impacts on the natural, built, and social environments. The site is appropriately zoned for educational establishments, and the proposal has taken into account the biodiversity values of existing vegetation. In this regard, the development is considered suitable for the site.

The design of the development generally satisfies the relevant provisions of applicable SEPPs, as well as the NLEP 2012 and NDCP 2023. Accordingly, it is considered that the proposed development will not result in any significant adverse impacts on the locality.

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

The site is considered suitable for the proposed development, having regard to its characteristics and its relationship to the surrounding locality.

While the broader area is subject to natural hazards, including bushfire and flooding, the subject site itself is located outside these hazard areas. Any residual risks have been appropriately addressed and mitigated through the design and assessment process.

The development benefits from the existing road network and internal access roads and is well connected to an established car park. This ensures appropriate access from the wider University campus and its surrounds.

Accordingly, the site is considered suitable for the proposed development.

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

These submissions are considered in Section 5 of this report.

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 additional student accommodation within the University campus.

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.

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

Table 5: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
Referral/Consultation Agencies			
Transport for NSW (TfNSW)	Section 2.122 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development that is deemed to be traffic generating development in Schedule 3.	On 19 February 2026, TfNSW confirmed the proposed development will not result in an uplift in private vehicle use and there will be no significant impact on the nearby classified (State) road network. TfNSW supports opportunities to reduce private car travel and improve mode choice.	Y
Integrated Development (S 4.46 of the EP&A Act)			
NSW Rural Fire Service (RFS)	S100B - <i>Rural Fires Act 1997</i> bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	On 29 January 2026, the NSW Rural Fire Service (RFS) confirmed the proposal for special fire protection purpose development is not located on mapped bush fire prone land and a bush fire safety authority is not required under section 100B of the <i>Rural Fires Act 1997</i> .	Y

4.2 Council Officer Referrals

The development 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	Council's Engineering Officer reviewed the submitted stormwater concept plan and considered there are no objections subject to conditions.	Y

Traffic	Council's Traffic Engineering Officer reviewed the proposal in relation to traffic generation and car parking. These issues are considered in more detail in the Key Issues section of this report.	Y Refer to key Issues
Waste	Council's Waste Services Manager reviewed the Operational Waste Management Plan and considered there were no objections subject to conditions.	Y
Environment	Council's Environmental Assessment Officer reviewed the proposal in relation to contamination, acoustics and biodiversity values. These issues are discussed in more detail in Section 3.1(c) above and also in the Key Issues section of this report.	Y Refer to key issues
UDRP	CN's UDRP considered the proposal on four separate occasions (UD20200013) and determined that there were no major objections to the development, and the proposal provides a well considered scheme with the architectural, urban design landscape being of an appropriate standard.	Y

The outstanding issues raised by Council officers are considered in the Key Issues section of this report.

4.3 Community Consultation

The proposal was notified in accordance with the Council's Community Participation Plan from 30 October 2025 until 13 November 2025. The notification included letters sent to adjoining and adjacent properties and notification on CN's website.

One unique submission was received during the notification period. The concerns regarding the extent of bushfire management works were resolved within the submitter.

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 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 UDRP under City of Newcastle's Urban Design Charter.

The UDRP previously considered the development proposal on a pre-application basis on two occasions, the meetings held on:

- 25 June 2025 UD2025/00013
- 27 August 2025 UD2025/00013.01

And as two post lodgement meetings held on:

- 29 October 2025 UD2025/00013.02
- 27 November 2025 UD2025/00013.03

On 27 November 2025, the UDRP determined to support the submitted development application at the fourth meeting (UD2025/00013.03).

The Panel determined to support the proposal and required no further changes at the final UDRP meeting. The Panel advised the proposal presents a well considered and presented scheme and the architectural, urban design and landscaping is of an appropriate standard.

5.2 Traffic Generation, Parking and Access

The proposal has been supported by a Traffic Impact Assessment by Seca Solutions October 2025. An assessment of the proposal by CN's Senior Development Officer (Engineering) found it is acceptable in terms of traffic, parking, access and servicing. The development has been designed to allow waste collection by a heavy rigid vehicle (HRV) within the northern combined loading and waste servicing bays.

The development includes 48 new parking spaces on the western side of the Ring Road (i.e. opposite the new student accommodation) to replace the existing parking lost as part of this proposal (i.e. 44 spaces). The Seca report undertook parking surveys of the existing campus parking which determined there is sufficient surplus parking to address the parking generated by this proposal (i.e. 165 spaces being available and 117 space being generated).

Additionally, the proposal includes 65 (Level B – secured) and 36 (Level C) bicycle parking spaces – total of 101 bicycle spaces. The extent of bicycle parking is acceptable and supports alternative forms of transport and environmental principles.

Overall, having regard to the proposed student accommodation being located within the existing University grounds, the proposed parking provided is acceptable.

5.3 Tree Removal

The proposal involves clearing approximately 0.25 hectares of vegetation within a highly modified campus setting.

As discussed in **Section 3.1(c)**, the arborist report assessed a total of assessed 270 trees or groups of trees and recommends the removal of 65 trees or groups of trees to accommodate the proposed development and retains 205 trees. No trees with high retention value are proposed to be removed (i.e. 80 trees). The remaining trees 190 trees were of moderate (108) and low (82) retention value.

The AIA provides recommendations in relation to tree protection measures for the 56 trees or groups of trees that will be retained. These recommendations shall be included on any determination.

The vegetation proposed to be removed is predominantly derived native vegetation, with the building footprint designed to avoid all identified significant remnant old growth trees and hollow bearing habitat trees. The ecological investigations confirm that no hollow bearing trees will be removed and that key habitat values associated with long term fauna persistence have been retained.

The arborist report provides recommendations to ensure the retention of trees to be retained. Having regard to the recommendations provided in the report and the biodiversity assessment undertaken, the proposed development is considered to be satisfactory and will not result in adverse impact to existing mature trees, with native small to medium endemic tree planting proposed to replace lost canopy in and around the building envelope and new car park.

5.4 Acoustic Impacts

RAPT Consulting prepared an Environmental Acoustic Assessment to support the proposed student accommodation development at the University's Callaghan Campus. The assessment addresses construction noise and vibration, operational noise emissions, external noise intrusion and internal acoustic amenity, and has been undertaken with reference to the NSW Interim Construction Noise Guidelines (2009), the Noise Policy for Industry (NPfI, 2017), the NSW Road Noise Policy (2011) and AS 2107:2016.

Background noise monitoring was completed at a representative on campus location. Data was reviewed and filtered to remove weather affected periods, and Rating Background Levels for the day, evening and night periods were derived in accordance with the NPfI and AS 1055.

Operational noise modelling was undertaken in line with the NPfI. Key noise sources include rooftop mechanical plant and intermittent delivery activities. As the project remains in a preliminary design phase, representative sound power levels for typical plant items were adopted, and conservative operating scenarios were tested across a range of loads, including full capacity operation.

The modelling demonstrates operational noise emissions comply with all relevant project noise trigger levels at nearby residential and other sensitive receivers across all assessment periods. Compliance is maintained even under conservative worst case assumptions, including 100% mechanical plant load in combination with delivery vehicles, buses and removals. Nighttime maximum noise level criteria relevant to sleep disturbance are also predicted to be satisfied.

While compliance is predicted, RAPT recommends further detailed assessment of rooftop mechanical plant during detailed design once plant selections and final locations are confirmed. This is an appropriate and standard approach to ensure ongoing compliance with the NPfI.

The assessment also examines external noise intrusion from road traffic and nearby mechanical plant. Minimum facade construction requirements - including walls, glazing and entry doors - are specified to achieve internal noise levels consistent with AS 2107:2016.

Potential internal noise sources, including communal areas, music rooms and cinema spaces, have been identified. The assessment recommends that internal acoustic separation and design measures be addressed during detailed design to ensure suitable internal amenity for adjoining habitable spaces. These matters can be appropriately managed through recommended conditions.

Overall, the Environmental Acoustic Assessment is considered adequate for the purposes of the proposal's assessment. It demonstrates operational noise impacts can be managed to achieve compliance with relevant NSW environmental noise criteria, and any residual impacts can be effectively mitigated through standard design and operational measures.

6. CONCLUSION

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

The proposal is consistent with the nature of the site as a major regional University. The provision of additional student accommodation on the University's campus is appropriately located and has minimised its environmental impacts. Furthermore, the provision of dedicated student accommodation effectively contributes to housing supply by reducing overall demand for accommodation. The development is acceptable having addressed all the required assessment criteria.

It is considered the key issues as outlined in Section 5 have been resolved satisfactorily through amendments to the proposal and/or in the recommended conditions at **Attachment A**.

7. RECOMMENDATION

That the Development Application DA2025/01137 for an eight storey campus student accommodation building containing 450 beds including associated demolition and tree removal 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 recommended conditions of consent attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Recommended Conditions of consent
- Attachment B: Architectural Plans