

Department of Planning, Housing and Infrastructure

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UON City Campus Student Accommodation

State Significant Development Assessment Report (SSD-61618229)

June 2025





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Preface

This assessment report provides a record of the Department of Planning, Housing and Infrastructure's (the Department) assessment and evaluation of the State significant development (SSD) application for the UON City Campus Student Accommodation located at 20 Civic Lane, Newcastle. The report includes:

- an explanation of why the project is SSD and who the consent authority is
- an assessment of the project against government policy and statutory requirements, including mandatory considerations
- a demonstration of how matters raised by the community and other stakeholders have been considered
- an explanation of any changes made to the proposal during the assessment process
- an assessment of the likely environmental, social and economic impacts of the project
- an evaluation which weighs up the likely impacts and benefits of the project, having regard to the proposed mitigations, offsets, community views and expert advice; and provides a view on whether the impacts are on balance, acceptable.

Executive Summary

This report provides a record of the Department's assessment and evaluation of a State Significant Development Application (SSD) SSD-61618229 for the UON City Campus Student Accommodation.

This report will be provided to the delegate of the Minister for Planning and Public Spaces (the Minister) for their consideration when deciding whether to grant consent to the SSD.

Project

The University of Newcastle (the Applicant) proposes to construct and operate a 9-storey building (known as Building B) for campus student accommodation, accommodating 445 beds, communal facilities and ground floor retail. The proposal is located at 20 Civic Lane, Newcastle NSW 2300 identified as Lot 2 & 5 DP 1247375 at the University's City Campus in the Newcastle local government area.

The proposal has an estimated development cost of \$87,070,000 and, if approved, is expected to generate 136 construction jobs and 27 operational jobs. If approved, construction of the proposal is proposed to commence in 2025 and be completed in 2026.

Strategic context

The Department considers the proposal is consistent with the principal aims of key relevant strategies including Hunter Regional Plan 2041, Greater Newcastle Metropolitan Plan 2036 and Housing 2041: NSW Housing Strategy.

Statutory context

The proposal is classified SSD under section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as the development is specified in Schedule 2, Item 2 of State Environmental Planning Policy (Planning Systems) 2021 being that the proposed development has an estimated development cost (EDC) of more than \$10 million and is on land identified as being within the Honeysuckle Site. Consequently, the Minister is the consent authority for the proposal under section 4.5A of the EP&A Act.

Engagement

The Department exhibited the environmental impact statement (EIS) from 6 September 2024 until 3 October 2024 (28 days). During the exhibition period, the Department received:

- 19 submissions from the public, comprising 2 submissions from special interest groups and 17 submissions from individuals

- a submission from the Newcastle City Council commenting on the proposal.

Of the 19 public submissions, 13 were objections, 1 supported the proposal, and 5 provided comments. Key concerns raised in submissions related to building height, car parking, amenity impacts and traffic and transport impacts.

The applicant submitted a response to submissions (RtS) report on 25 November 2024 to address the issues raised in submissions and agency advice. The applicant submitted a response to request for further information (RRFS) on the 14 and 19 March 2025 to address outstanding concerns raised by Council, NSW Government Architect and State Emergency Service (SES).

Assessment

Built form and urban design

The 9-storey student accommodation building has a parapet height of RL33.85 and a maximum overall height of RL37.50 to the top of the enclosed rooftop plant, which exceeds the Newcastle Local Environmental Plan 2012 (NLEP) building height control of 30m. Notwithstanding, the proposed height is consistent with the Design Guidelines and the future environmental assessment requirements (FEARs) under SSD concept approval SSD-9262 (the concept approval) for the site as the rooftop enclosures are discrete and/or integrated into the design of the building and would not have an adverse visual or amenity impact.

The concept approval requires future development applications for the site to meet the Design Excellence Strategy and be reviewed by the State Design Review Panel (SDRP). In addition, the NLEP requires the development to demonstrate design excellence. The proposal provides a high standard of architectural design, materials and detailing and relates appropriately to adjoining buildings and spaces. Overall, the proposal demonstrates design excellence and is consistent with the NLEP, concept approval and relevant design guidelines applying to the site.

Traffic, access and parking

The proposal includes 90 internal bike spaces and 46 external spaces, complying with the Newcastle Development Control Plan 2023 (NDCP). No new on-site car parking is proposed.

Public submissions raised concerns regarding the provision of no car parking and as such, the bicycle parking capacity was increased from 82 to 90 spaces, plus provision was made for 23 external hoops within the public domain surrounds capable of providing parking for 46 bikes.

It is noted that the provision of no car parking aligns with the Concept Approval's ambitious transport goals, targeting 7% cycling, 39% public transport, and 54% walking. 172 existing car spaces will be temporarily retained up to stage 3 of the Concept Approval to support the transition away from car dependency.

Overall, the provision of parking across the site is considered acceptable as the site is centrally located in Newcastle CBD, with easy access to public transport (light rail, bus, and train).

Amenity Impacts

The concept approval includes specific controls for overshadowing of surrounding spaces and properties, specifically residential addresses to the south of the site. The development is required to maintain at least 2 hours of direct sunlight to at least 70% of all north-facing apartments within 522-526 Hunter Street between 9am and 3pm on 21 June (mid-winter).

Public submissions raised concerns regarding the overshadowing impacts of the proposal on the surrounding residential developments. However, the solar access analysis provided by the applicant confirms that 83% of affected apartments will meet the required sunlight threshold, exceeding the 70% minimum requirement of the concept approval.

Public submissions also raised concerns regarding potential view loss for residential buildings. Lower-level apartments at 522-526 Hunter Street will experience partial view obstruction, while higher levels will retain significant views of the Hunter River and Newcastle city skyline.

Overall, the Department considers the extent of view loss to be reasonable as the proposal complies with the allowable building heights and setback controls established under the concept approval and the endorsed design guidelines.

Conclusion

Overall, the Department's assessment concludes the proposal would:

- support the development of an existing education precinct in accordance with the Greater Newcastle Metropolitan Plan 2036, the Newcastle Urban Renewal Strategy 2014, and the concept approval for the site
- deliver purpose-built student accommodation with high amenity within the university's education precinct, addressing a clear need for quality student housing close to classes, services and public transport
- deliver public domain upgrades to Civic Lane, including increased tree planting, enhancing the local streetscape and general environmental amenity
- positively contribute to the broader strategic demand for housing as well as the renewal of the Honeysuckle Precinct and Newcastle CBD, and
- provide economic benefits, generating up to 220 construction jobs and 5 operational jobs.

As such, the Department considers that the benefits outweigh the costs and the proposal is in the public interest and is recommended for approval, subject to conditions.

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1 Introduction

1.1 The project

The University of Newcastle (UoN) (Applicant) seeks approval for detailed design and construction of Stage 1B of the University's City Campus (SSD 9262), including a 9-storey building (known as Building B) for campus student accommodation and ground floor retail development.

Specifically, the application seeks approval for:

- site grading and removal of existing vegetation
- construction of a 9-storey building (known as Building B), to be used for campus student accommodation and retail
- maximum gross floor area (GFA) of 10,765m², comprising of:
 - approximately 130m² of retail floor space at ground level
 - approximately 683m² of communal residential amenity facilities at ground level
 - approximately 9,520m² of student accommodation, including a total of 445 beds
- maximum building height of reduced level (RL) 33.85 (9 storeys excluding plant and services)
- maximum height of RL 40.9 (building including plant and services)
- end of trip facilities, including 82 bicycle spaces and back-of-house amenities
- associated landscaping and public domain works.

The proposal description and mitigation measures provided in **Section 3.0** and **Appendix E** of the environmental impact assessment (EIS) are the subject of this report and will form part of the development consent if the proposal is approved.

An overview of the proposal is provided in **Section 2**.

1.2 Project location

1.2.1 Honeysuckle Precinct

The site forms part of the Honeysuckle Precinct, which is located within the broader Honeysuckle Urban Renewal Project (HURP), within the Newcastle City Council (Council) local government area (LGA) (Figure 1)



Figure 1 | Location of the HURP, Honeysuckle Precinct and the site (Base source: Google Maps)

The HURP commenced in 1992 to remediate and redevelop 50 hectares of surplus government land stretching from Newcastle Central Business District (CBD) in the east to Wickham and Carrington in the north-west. The area comprises 7 precincts spanning 4 kilometres of waterfront supporting a diverse mix of employment and residential uses, tourism and public domain.

The Honeysuckle Precinct is located west of the Newcastle CBD, south of the Hunter River and north of Newcastle West and Cooks Hill. The Honeysuckle Precinct has been the subject of significant redevelopments, including the construction of developments up to 9 storeys for mixed-use purposes, open spaces, public domain improvements and the Newcastle light rail.

1.2.2 The site

The subject site is located at 20 Civic Lane, Newcastle. The site is legally described as Lot 2 DP 1247375, is generally rectangular in shape and covers an area of 3,341m². Existing development on the site comprises an at-grade car park and a former heavy rail line. The subject site does not contain any buildings or significant vegetation.

1.2.3 Surrounding context

The site is set within a diverse urban context on the edge of the Newcastle CBD, and the buildings surrounding the site vary in use and architectural design and form. Surrounding development

consists of a number of major projects being completed within the broader Honeysuckle Precinct. Land to the north of the site is predominantly residential, with mixed use and commercial to the south. The site is not adjacent to or near any heritage items of State and local heritage significance. The site is well served by public transport and is within walking distance to key connections, including:

- the Honeysuckle light rail stop approximately 200 m to the west of the site, and the Civic light rail stop approximately 300 m east of the site
- bus routes along Hunter and King Streets located approximately 200 m south and 400 m west of the site (routes 11, 13, 14, 24 and 47), which service the surrounding Newcastle area
- the Queens Wharf to Stockton ferry, approximately 1.1 km east of the site
- the existing UoN city campus / NeW Space shuttle bus service, which provided a direct connection between the city and the UoN Callaghan campus for students and staff.

The site's local context is illustrated in Figure 2.



Figure 2 | Regional context map (Base source: Nearmap)



Figure 3 | Local context map (Base source: Nearmap)

1.3 Related projects and works

1.3.1 UoN's Honeysuckle City Campus Concept Approval (SSD-9262)

On 21 May 2020, a delegate of the Minister of Planning and Public Spaces approved an SSD concept approval (SSD-9262) for the redevelopment of the University of Newcastle's Honeysuckle City Campus site (the concept approval).

The concept approval comprises:

- establishment of 7 building envelopes across the site, to be used for academic and ancillary uses, and student accommodation
- potential maximum gross floor area (GFA) of 65,615m²
- maximum building heights ranging between RL 26.75 and RL 34.05 (between 4-9 storeys)
- design excellence strategy outlining the process through which design excellence will be achieved
- design guidelines to inform the future design of the built form, including:
 - pedestrian and vehicle access arrangements
 - parking and loading
 - preliminary landscape design

- proposed staging of the delivery of the campus.

The concept approval planned the expansion of the University's City Campus over 5 stages, with the site divided into several 'development blocks', as outlined in Table 1. The development blocks of the Concept Masterplan are identified in Figure 4, with the stage 1B area, the subject of this SSD (Building B) is highlighted in red.

Table 1 | Staging of concept approval

Stage	Substage	Building	Lot	Status
Stage 1	Stage 1A	Building A1 (known as Q Building)	Lot 1 in DP 1247375	Complete
	Stage 1B	Building B	Lot 2 in DP 1247375	Subject Assessment
Stage 2	-	Building A2	Lot 2 in DP 1163346	Future Stage
Stage 3	-	Building C	Lot 3 in DP 1163346	Future Stage
Stage 4	-	Building D, E, F	Lot 2 & 3 in DP 1247375	Future Stage



Figure 4 | Concept approval building envelope location and layout, stage 1B outlined in red line (Base source: applicant's EIS)

The concept approval has been modified on one occasion:

- SSD-9262-Mod-1: On 20 May 2024, a delegate of the Minister for Planning and Public Spaces approved a modification for an administrative change to correct a minor drafting error in the naming of development stages contained in Condition A12.

1.3.2 UoN's city campus detailed design stage 1A (Q Building) – (SSD-9510)

On 21 May 2020, a delegate of the Minister of Planning and Public Spaces approved State Significant Development Application (SSD-9510) for Stage 1A: the construction and fit out of a 4-storey building for tertiary education use (Q Building). Construction was completed in 2021 and currently accommodates the University's School of Creative Industries and an 'Innovation Hub'.

1.3.3 Development application (DA2018/00933)

Stage 1A enabling works

On 1 July 2019, Council approved development application (DA) DA2018/00933 for site preparation works (service infrastructure and topographical/surface conditions), specifically in relation to Lot 1 in DP1247375 and the Q Building. These works are now complete and also provide the service infrastructure and conditions for the new campus student accommodation sought under this SSD.

Stage 1B enabling works

On 4 July 2024, the Council approved DA2023/00787 for enabling works for the development of Building B in accordance with the concept approval. The proposed range of site preparation works included:

- relocation and demolition of the existing Ausgrid substation in the south-west corner of the site
- demolition of western portion of the existing Wright Lane carpark and construction of a new carpark adjacent to the existing carpark
- installation of new lighting, electrical and communications cabling to service the modified car park
- road adjustments to Wright Lane and Settlement Lane
- site remediation works.

The enabling works DA was approved by Newcastle City Council on 4 July 2024.

2 Proposal

2.1 Project overview

The proposal seeks approval for Stage 1B of the University's City Campus, including a 9-storey building (known as Building B) for campus student accommodation and ground floor retail.

The key aspects of the proposal are provided in detail in the Proposal Description chapter of the EIS and are outlined in Table 2.

Table 2 | Key aspects of the project

Aspect	Description
Proposal area	The proposal is located within the existing University of Newcastle City Campus on the corner of Worth Place and Civic Lane, in the south-western corner and is identified as Site B and stage 1B under the concept approval.
University campus area	24,396m ²
Site B (stage 1B) area	3,341m ²
Physical layout and design	A 9-storey building that is irregularly 'L' shaped, comprising a single-storey podium and an 8-storey tower. The building will accommodate student communal spaces and administration, and retail on the ground floor, with campus student accommodation within the tower component and a consolidated plant room integrated with the roof design and overall building. Landscaping and public domain works include additional tree planting, provision of vegetation, installation of furniture and embellishment of communal spaces and construction of new footpaths.
Uses and activities	Maximum GFA of 10,765m ² , comprising: • approximately 130m² of retail floor space at ground level • approximately 683m² of communal residential amenity facilities at ground level • approximately 9,520m² of student accommodation including 445 beds.
Estimated development cost	\$87,070,000

2.2 Physical layout and design

A 9-storey building that is irregularly 'L' shaped, comprising a single-storey podium and an 8-storey tower.

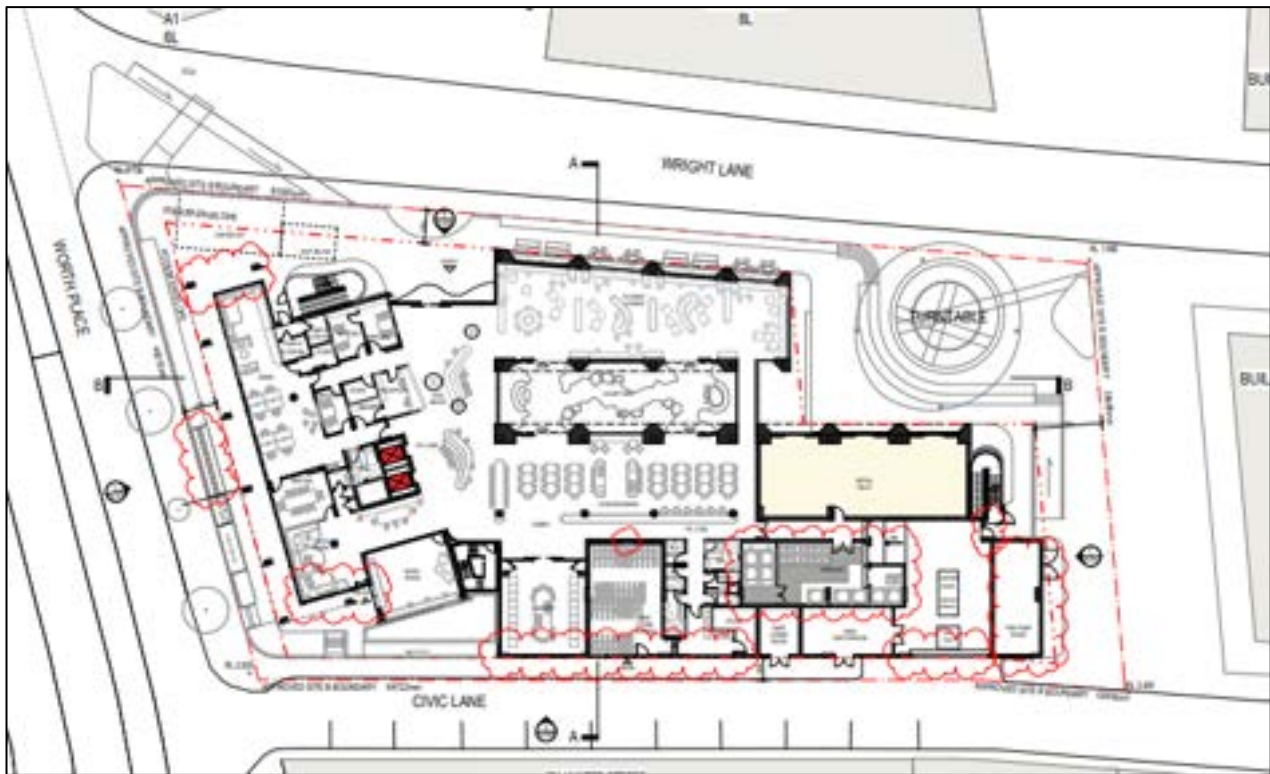


Figure 5 | Ground floor plan (Source: applicant's EIS)

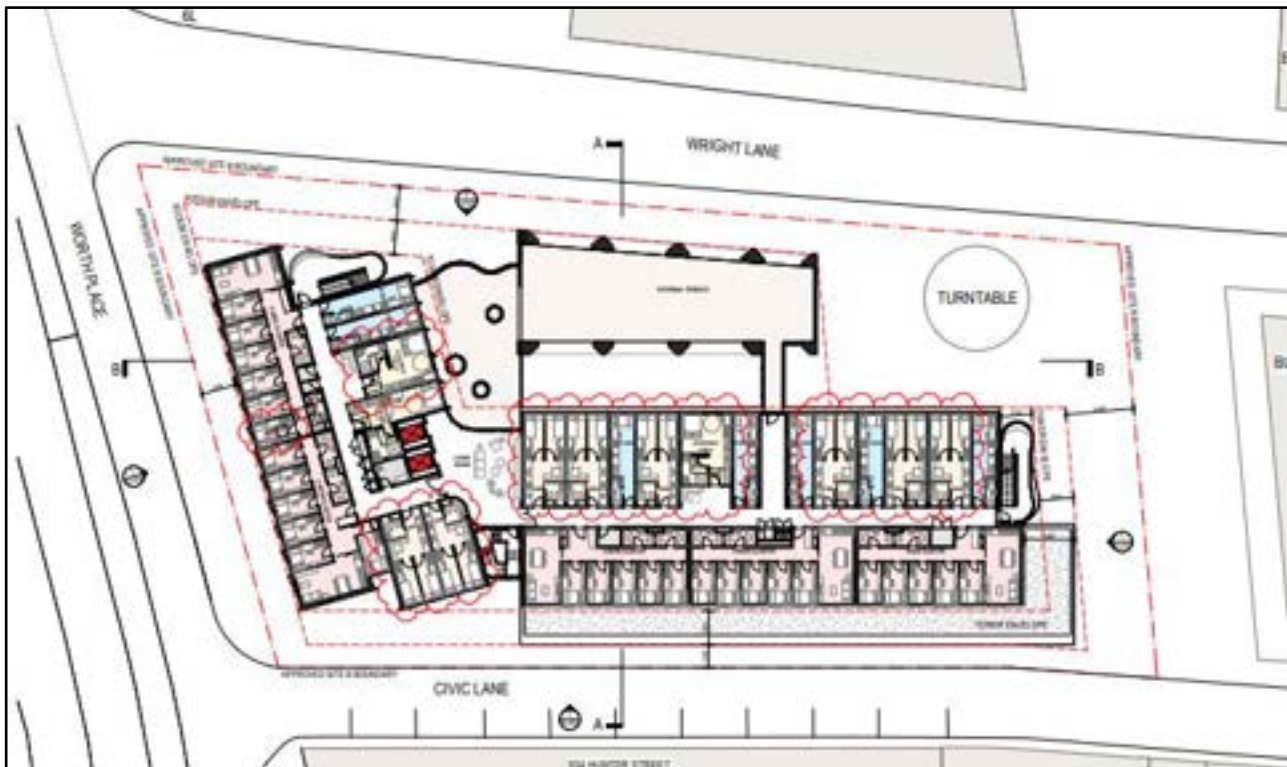


Figure 6 | First floor plan (Source: applicant's EIS)



Figure 7 | 3D perspective (Source: applicant's EIS)



Figure 8 | 3d perspective (Source: applicant's EIS)

2.3 Other aspects

Table 3 | Other aspects of the project

Aspect	Description
Floor space ratio (FSR)	3.22:1
Building height (excl plant and lift)	RL 33.85
Building height (incl plant and lift)	- enclosed plant on the eastern rooftop (plant) by 2.8m (RL 36.65) - enclosed plant on the western rooftop (lift overrun) by 3.65m (RL37.50) 2 cooling towers on the western rooftop by 3.68m (RL 37.53)
Parking	90 Bicycle spaces and end of trip facilities - on-site loading and unloading zone - no on-site car parking 23 external bicycle loops (46 spaces)
Number of student beds	445
Number of staff	8x Student Living administration staff 1x Security guard
Communal open space	553.4m ² (including internal courtyard, level 1 terrace and stair landings)
Landscaped area	425m ² (11.9%)
Tree removal	2 trees
Tree planting	28 trees
Construction hours	Monday to Friday: 7:00am to 6:00pm Saturday: 8:00am to 1:00pm Sunday and Public Holidays: No works
Operational hours	Staffed reception hours: 9:00am – 6:00pm, Monday to Friday Security staff hours: 24 hours a day, 7 days a week Student access: 24/7 via swipe card access.

3 Strategic context

3.1 Key strategic issues

The proposal is consistent with the strategies, plans and policies outlined in Table 4 below, and therefore the Department considers it appropriate for the site.

Table 4 | Summary of government strategies, plans and policies

Strategy, plan or policy	Consistency	Comments
Hunter Regional Plan 2041	Consistent	The Hunter Regional Plan 2041 (the plan) identifies planning priorities for the Newcastle LGAs and provides guidance for regional and local planning decisions. The Plan seeks to facilitate sustainable growth opportunities and investments, as well as housing choice and lifestyle opportunities. The proposal is consistent with the objectives in the plan as follows: • create 15-minute neighbourhoods to support mixed, multi-modal, inclusive and vibrant communities (objective 3) as the development is well located and aims to reduce travel demand especially by car and promotes the use of other modes of transport. • an inter-connected and globally focused Hunter without car dependent communities (objective 4) as access is provided to housing, jobs and services by walking, cycling and public transport. The proposed density of the development will support the efficient and viable operation of public transport services. • plan for 'nimble neighbourhoods', diverse housing and sequenced development. (objective 5) as the development provides for a variety of student accommodation sizes and types that provide more housing choice. • conserve heritage, landscapes, environmentally sensitive areas, waterways and drinking catchments (objective 6) as Aboriginal cultural heritage is recognised and items, areas, objects and places of heritage significance are conserved.
Greater Newcastle Metropolitan Plan 2036	Consistent	The Greater Newcastle Metropolitan Plan 2036 (GNMP) seeks to deliver the vision of the HRP through 4 outcomes: 1. create a workforce skilled and ready for the new economy 2. enhance environment, amenity and resilience for quality of life 3. deliver housing close to jobs and services 4. improve connections to jobs, services and recreation. The proposal is consistent with the following GNMP Outcomes and Strategies: <i>Outcome 1 create a workforce skilled and ready for the new economy and Strategy 1, reinforce the revitalisation of Newcastle city centre and expand transformation along the waterside.</i>

Strategy, plan or policy	Consistency	Comments
		- the proposal is compatible with the urban design of Honeysuckle and transforms the site by redeveloping for educational, mixed use and open space precinct near to the waterfront. <i>Outcome 2 enhance environment, amenity and resilience for quality of life and Strategy 10, to create better buildings and great places</i> - the in-situ retention of the locomotive turntable reinforces the GNMP's objective to regenerate heritage assets through adaptive re-use. <i>Outcome 3 Deliver housing close to jobs and services and Strategy 16 prioritise the delivery of infill housing opportunities within existing urban areas.</i> - the proposed development will establish new University facilities, particularly student accommodation within the heart of Newcastle <i>Outcome 4 improve connections to jobs, services and recreation primarily and Strategy 20 integrate land use and transport planning.</i> - the site is near the Civic light rail stop and will also contribute to managing the supply of new car parking in strategic centres to avoid road congestion by providing no new car parking spaces and encouraging use of public and active transport.
Housing 2041: NSW Housing Strategy	Consistent	Housing 2041: NSW Housing Strategy sets out the NSW Government's 20-year vision for housing. A key objective of the Strategy is for the NSW Government to deliver housing projects that increase affordability and test new ways of living. The proposal seeks the construction of student accommodation, which will house approximately 445 students, which will reduce pressure on existing student accommodation and, more broadly, short-term rentals currently occupied by student share households.
Greater Newcastle Future Transport Plan 2056	Consistent	The Greater Newcastle Future Transport Plan (GNFTP) provides the overarching strategic transport network and vision to guide future transport planning for the Greater Newcastle area. The GNFTP seeks to facilitate increased liveability in Greater Newcastle through more sustainable travel behaviour. The GNFTP sets an overall target of 25% of total trips within Greater Newcastle to be made by public transport (7.6%) or walking and cycling (17%) by 2056. It seeks to achieve this by encouraging: - urban renewal development around train stations - review of car parking provision across Greater Newcastle, limiting parking in centres where strong public transport exists and exploring opportunities for park and ride, car-pooling and car-sharing services. The site is located within the Newcastle CBD and has excellent access to existing public transport, light rail and bus services, cycling and pedestrian infrastructure. The proposed development is in keeping with the GNFTP public transport, walking and cycling targets to minimise car dependency.

Strategy, plan or policy	Consistency	Comments
Future Transport Strategy 2056 (and supporting plans)	Consistent	The Future Transport Strategy sets the strategic directions for Transport to achieve world-leading mobility for customers, communities, businesses and our people. It is part of a suite of government strategies, policies and plans that integrate and guide land use and transport planning across NSW. The proposed development is strategically located near public transport infrastructure. The proposal encourages sustainable transport options, through active travel, as only bike parking is provided. Furthermore, the proposed development supports the lifestyle choice of student housing being within walking distance to education, retail and recreational offerings.
Newcastle 2030 Community Strategic Plan	Consistent	The Newcastle 2030 Community Strategic Plan establishes a vision for a smart, liveable and sustainable global city. The Plan emphasises the importance of collaboration and partnership between Council and the University in achieving this vision. The proposed development is consistent with this vision, as it will comprise high amenity student accommodation in close proximity to teaching facilities and the Newcastle CBD. Further, the proposed development continues the expansion of the City Campus.
Newcastle Local Strategic Planning Statement 2021	Consistent	The Local Strategic Planning Statement (LSPS) is Council's plan to guide land use planning over the next 20 years. The LSPS seeks to implement the priorities of Community Strategic Plan, Newcastle 2030, and other Council strategies. The proposed development is consistent with the 16 planning priorities of the LSPS as it will establish a new contemporary building that provides student accommodation to help meet current and future student population needs, provides a strong population base in the City Centre, and supports local businesses and activate the public domain.
Newcastle Local Housing Strategy 2020	Consistent	The Local Housing Strategy (LHS) set a framework to guide the provision of housing across the Newcastle LGA over the next 20 years. The key recommendation from the LHS is the implementation of a strategic and consistent approach to deliver future housing within the Newcastle LGA. In particular, the LHS notes there is a need for policies, land-use provisions and other mechanisms that enable a more diverse mix of housing types that are affordable, sustainable and meet the changing and diverse needs of the Newcastle community. The LHS sets out 6 housing priorities as follows: • Housing Priority 1 – Maintain and encourage housing supply in the right locations. • Housing Priority 2 – Diversify housing type and tenure across the LGA to provide a range of housing needs. • Housing Priority 3 – Increase the availability of accessible and adaptable housing. • Housing Priority 4 – Increase the supply of affordable rental housing.

Strategy, plan or policy	Consistency	Comments
		• Housing Priority 5 – Ensure new housing and changes to existing housing reflect the desired future local character. • Housing Priority 6 – Homes are designed to be ecologically sustainable and to reduce resource requirements through the life cycle of the dwelling. The proposed development is consistent with the above priorities, as it provides student accommodation for 445 students in a highly accessible location.

4 Statutory context

4.1 Permissibility and assessment pathway

Details of the legal pathway for development consent and the permissibility of the proposal are provided in Table 5 below.

Table 5 | Permissibility and assessment pathway

Consideration	Description
Assessment pathway	State significant development The proposal is declared SSD under section 4.36 of the EP&A Act as it satisfies the criteria under section 2.6 (1) of the Planning Systems SEPP and is development specified in section 2(d) of Schedule 2 of the Planning Systems SEPP.
Consent authority	Minister for Planning and Public Spaces The Minister is the consent authority under section 4.5(a) of the EP&A Act.
Decision-maker	Director, Regional Assessments Under the Minister's delegation dated 9 March 2022, the Director, Regional Assessments, may determine the application as: • no objection from Council was received • there are less than 15 public submissions by way of objection. • no reportable political donations were declared by the applicant.
Permissibility	Permissible with consent • The site is zoned MU1 – Mixed use under the Newcastle Local Environmental Plan 2012 (NLEP 2012), and development for a <i>retail premises</i> is permissible with consent. • In accordance with the provisions of Chapter 3, Part 3.5, Section 3.45 of State Environmental Planning Policy (Transport and Infrastructure) 2021, development for the purposed of <i>campus student accommodation</i>, may be carried out by a person with development consent on land within the boundaries of the university and will not involve the subdivision of land. • The concept approval establishes the site as part of the wider university campus for a seven building, education, student accommodation and retail development and as such, the site is part of an existing educational establishment.

4.2 Other approvals and authorisations

The proposal will not require an environment protection licence issued by the NSW Environment Protection Authority under section 42 of the *Protection of the Environment Operations Act 1997*.

Under section 4.41 of the EP&A Act, a number of other authorisations required under other Acts are not required for SSD. This is because all relevant issues are considered during the assessment of the SSD application.

Under section 4.42 of the EP&A Act, certain approvals cannot be refused if they are necessary to carry out SSD. These authorisations must be substantially consistent with any SSD development consent for the proposal.

The Department has consulted with and considered the advice of the relevant government agencies responsible for these other authorisations in its assessment of the proposal (see **Section 5** and **Section 6**). Suitable conditions have been included in the recommended conditions of consent (see **Appendix E**).

4.3 Planning Secretary's environmental assessment requirements

The Department's review determined that the EIS addresses each matter set out in the Planning Secretary's environmental assessment requirements (SEARs) issued on 31 August 2023 and is sufficient to enable an adequate consideration and assessment of the proposal for determination purposes.

4.4 Mandatory matters for consideration

4.4.1 Matters of consideration required by the EP&A Act

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a DA. The Department's consideration of these matters is shown in **Table 6** below.

Table 6 | Matters for consideration

Matter for consideration	Department's assessment
Environmental planning instruments, proposed instruments, development control plans & planning agreements	Appendix C
EP&A Regulation	Appendix C
Likely impacts	Section 6 Assessment - Assessment
Suitability of the site	Section 1, Section 3 - Strategic Context and Section 6 - Assessment
Public submissions	Engagement 5 - Engagement & Section 6 - Assessment
Public interest	Engagement 5 - Engagement, Section 6 - Assessment & Section 7 - Evaluation

4.4.2 Objects of the EP&A Act

In determining the application, the consent authority should consider whether the proposal is consistent with the relevant objects of the EP&A Act (s 1.3), including the principles of ecologically sustainable development. Consideration of those factors is described **Appendix C**.

As a result of the analysis in **Appendix C**, the Department is satisfied that the development is consistent with the objectives of the EP&A Act.

4.4.3 Biodiversity development assessment report

Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all SSD applications to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposal is not likely to have any significant impact on biodiversity values (as identified in the BC Act and the *Biodiversity Conservation Regulation 2017*).

A BDAR waiver request was submitted to the Department on 8 November 2023. The Environmental Agency Head and Director Regional Assessments, as delegate of the Planning Secretary, determined that the development is not likely to have any significant impact on biodiversity values. A BDAR waiver was granted on 21 December 2023.

5 Engagement

5.1 Exhibition of the EIS and RtS consultation

After accepting the development application and EIS, the Department:

- publicly exhibited the proposal from 6 September 2024 until 3 October 2024 on the NSW Planning Portal
- notified occupiers and landowners in the vicinity of the site about the public exhibition
- notified and invited comment from relevant government agencies and Newcastle City Council.

5.1.1 Summary of advice received from government agencies

The Department received advice from 12 government agencies on the proposal.

A summary of the agency advice received is provided at [Table 7](#). A link to the full copy of the advice is provided in [Appendix A](#).

Table 7 | Summary of agency advice

Agency	Advice Summary
Newcastle Port Authority (Port Authority)	Review of EIS: Recommended that the applicant undertake additional acoustic assessment work to consider port-related noise. Review of RtS: Recommended a condition ensuring compliance with acoustic report, which has been included in the consent.
Transport for NSW (TfNSW)	Review of EIS: Requested amendments to the Green Travel Plan (GTP) and additional bicycle parking. Review of RtS: Recommended conditions having regard to the updating of GTP and Travel Access Guides.
Heritage NSW (HNSW)	Review of EIS: Requested that the applicant provide further information on the locomotive turntable, presence and management of maritime archaeology and the interpretation of the Great Northern Railway line. Review of RtS: Recommended conditions relating to maritime unexpected finds and the management and interpretation of the turntable.
Heritage NSW - Aboriginal Cultural Heritage (Heritage ACH)	Review of EIS: Requested that the applicant provide further information regarding details of any historical archaeological excavations, updated AHIMS and amend inconsistencies within the Aboriginal Cultural Heritage Assessment Report (ACHAR). Review of RtS: Recommended conditions relating to Aboriginal Cultural Heritage Management.

Agency	Advice Summary
Ausgrid	Review of EIS: Recommended conditions of consent.
Hunter Water	Review of EIS and RtS: Recommended conditions for a Section 50 Compliance Certificate which has been included in the consent.
Conservation Programs, Heritage and Regulation Group (CPHR) of NSW DCCEEW	Review of EIS: Raised no concerns.
NSW DCCEEW Water	Review of the EIS and RtS: Recommended conditions of consent for water supply, take and licensing.
NSW State Emergency Services (SES)	Review of EIS: Requested the applicant provide further information having regard to the concerns regarding Flood Emergency Response strategy that includes shelter in place, amendment of the FIRA to address all flood impacts and future impacts of climate change and additional information regarding timing of consent and duration of flooding. Review of RtS and RRFI: Provided a number of recommendations and no conditions. Flooding is discussed in Section 6 of this report.
NSW Environmental Protection Authority (EPA)	Review of EIS: No comment on proposal and recommend consultation with Council as the regulatory authority under the POEO Act.
Subsidence Advisory	Review of EIS: The proposed development is outside the angle of draw of potential subsidence from historic mine workings. No further comments or conditions were received.
Hunter New England Local Health District (HNELHD)	Review of EIS: Advised that the cooling tower systems should be managed in accordance with the Legionella Control in Cooling Water Systems – NSW Health Guidelines.

5.1.2 Summary of council submissions

Newcastle City Council reviewed the EIS and supports the proposal in principle. Council provided further submissions in response to the RtS and RRFI submitted by the applicant. A link to all submissions in full is provided in **Appendix A**.

A summary of the issues raised by Council is provided in **Table 8** response to the EIS is provided below:

Table 8 | Summary of issues raised by Council

Council	Submission summary
Newcastle City Council	Review of EIS: - the proposal does not provide the requisite amount of Accessible Units - the application does not include a reflectivity modelling report - the EIS does not provide justification for exceeding 400 student beds as indicated within the concept application - Worth Place and Civic Lane elevations lack street activation - room sizes and functionality of twin room and micro studio seem insufficient - additional shade structures to western and northern elevations recommended - building height exceedances not appropriately justified - flood management review and further information required - traffic and parking aspects to be addressed including parking to be retained, service vehicle access and accessible parking - bicycle storage to be provided in accordance with minimums within NDCP - waste collection/servicing details - social impact assessment details - amendments to aviation impact assessment report - review and approval of RAP - public domain work clarification
	Review of RtS: Advised that capacity, room sizes, retail design, flood management, traffic and parking, some components of waste collection and services, survey plan and aviation have been satisfactorily addressed. Matters to be addressed via appropriate conditions on any consent relating to contamination, dewatering, construction crane, street trees, and heritage have been accepted by the applicant. - concerns remain regarding number of fully accessible rooms proposed (18 recommended) - provision of a Reflectivity modelling report required - lack of street activation of Worth Plan and Civic Lane - recommend additional shade structures along western and northern elevations - adequacy of justification for building height exceedance of the western rooftop plant

Council	Submission summary
	• adequacy of public domain works, namely the footpath and cycleway • preference for Civic Lane to be used as a Shared Zone and concerns relating to the applicant's approach. Recommended Condition to be provided by Council. • relocation of external door to fire pump room be relocated to the eastern wall of the room, removing pedestrian/cyclist conflict with the door opening onto the pathway. • adequacy of CPTED report • loading dock access/restrictions • plan of management to be amended having regard to gender-based violence recommendations • submitted plan details regarding the kerb alignment and existing carpark details.
	Review of RRFI: Advised that matters raised regarding the Newcastle Local Housing Strategy (accessible units and reflectivity), design, building height, gender-based violence and submitted plan detail have been satisfactorily addressed. Council notes that whilst other matters remain unresolved, they can be addressed by our recommended conditions of consent. Matters relating to public domain works within Civic Lane are discussed in Section 6 of this report. Recommended a number of conditions of consent be imposed having regard to public domain works, car and bicycle parking, construction traffic management, social planning, flood and stormwater management as well as appropriate approvals be obtained. Where relevant these have been included on the consent.

5.1.3 Summary of public submissions

The Department received 19 submissions¹ during the public exhibition period of the EIS (2 submissions from special interest groups, 17 submissions from individuals). 13 submissions objected to the proposal, 1 submission supported the proposal and 5 provided comments.

Further detail is provided in **Table 9** below and a link to all submissions in full is provided in Error! Reference source not found..

¹ Each petition or submission that contains the same or substantially the same text is counted as one submission in accordance with section 2.7(6) of the Planning System SEPP.

Table 9 | Submissions on the EIS

Submitter	Number of submissions	Position
Special interest groups		
UoN Labor	1	Comment
Cooks Hill Community Group	1	Object
Submissions from community members	17	1 Support
		4 Comments
		13 objections
TOTAL	19	

The key issues raised in the public submissions are summarised in **Table 10** and a link to all submissions in full is provided in **Appendix A**.

Table 10 | Key issues raised in submissions on the EIS

Issue	% of Submissions
Excessive building height	9 (69%)
Inadequate Building design	7 (53%)
Traffic and parking – zero car parking	6 (46%)
Amenity Impacts – view loss	5 (38%)
Insufficient bicycle parking	4 (30%)
Other transport service issues	4 (30%)
Amenity impacts – solar access/overshadowing	2 (15%)
Amenity impacts – noise	1 (7%)
Safety and security	1 (7%)

The Department has considered the comments raised by the community, Council and public authorities during the assessment of the application (**Section 6** and **Appendix B**) and where appropriate, has recommended conditions of consent (**Appendix E**) to minimise the impacts of the proposal.

5.2 Response to submissions

Following the public exhibition period, the Department asked the applicant to respond to the issues raised in submissions and the advice received from government agencies.

The applicant provided an RtS to the Department on 25 November 2024 which included additional information and justification in response to the issues raised during public exhibition of the proposal (see Error! Reference source not found.).

The RtS included the following key design refinements to the proposal.

Building B

- Marginal increase of enclosed plant on the western rooftop (lift overrun) by 0.1m from RL 37.4 to RL 37.5 as a result of structural and servicing requirements
- Reduction of cooling tower height by 3.4m from RL 40.9 to RL 37.53
- Increase the window sill of all units from 675mm to 900mm to mitigate privacy impacts and provide additional shading.
- Revised layout of internal bike storage area to provide increased capacity for 90 bikes (additional 8 bike spaces)
- Addition of grease arrestors and mechanical ventilation for the proposed retail tenancy to be suitable for future food and drink premises

Building B landscape

- Proposed stairs at Worth Place entry merged into a central access as a result of ongoing design development
- Addition of privacy planting along the student lounge and booth seating introduced
- Podium extents updated to include OSD
- Confirmation of location of external bike hoops to provide bicycle parking for 46 bikes
- Additional heritage interpretation through the provision of rail line paving inlay to the east and west of the building to reflect former alignment of the Great Northern Railway.

The Department published the RtS and additional information on the NSW planning portal and forwarded the RtS to relevant government agencies and Council for comment. Additional submissions were received from Council and 6 agencies. Council and the agency's RtS comments are summarised in Table 7 and Table 8 above.

5.3 Response for further information

On 21 February 2025, the Department issued a letter requesting further information (RFI) on issues raised by the NSW Government Architect and additional information in line with Council's and the NSW SES comments.

The applicant initially provided a Response to the Request for Information (RRFI) on 14 March 2025 and subsequently requested and amended the RRFI package on 19 March 2025.

The RRFI included the following key design refinements to the proposal:

- Waste and Loading Dock
 - Increasing the width of the roller door from 5m to 6.8m
 - Relocation of the pedestrian egress door on the eastern façade
 - Revised waste room layout to provide greater clearance for SRV and MRV in the loading dock
- Activation and CPTED
 - Additional glazing for music room & additional colonnade space on the corner of Civic Lane and Worth Place
 - Additional staircases connecting the street and the colonnade along Worth Place
 - Additional colonnade space at the north-west corner.
 - Proposed new internal glazing in bike store
 - Increased & additional external glazing area for bike store and locker room
- Revised twin room layout to improve circulation zone

The Department published the RRFI on the NSW Planning Portal and forwarded it to Council and SES for comment on 14 and 19 March 2025. Council and the SES comments are summarised in **Table 7** and **Table 8** above.

6 Assessment

The Department has considered the EIS, the issues raised in submissions and the applicant's Response to Submissions (RtS) and Response to request for information (RRFI) in the assessment of the proposal.

The Department considers the key issues associated with the proposal to be:

- built form and urban design
- traffic, access and parking
- amenity impacts

6.1 Built Form and Urban Design

The concept approval established the design guidelines to assess the design of future detailed development applications within the University's Honeysuckle City Campus. An assessment of the proposal against the concept approval is provided in **Appendix C** which reveals that the proposal largely complies with the relevant guidelines.

The Department considers built form and urban design, specifically building height and design excellence, to be key issues for the proposal, as discussed below.

6.1.1 Height of buildings

The site is subject to a height of buildings development standard of 30m under the NLEP 2012. However, The site is subject to a maximum height control specified in condition A11 of RL33.85 under the concept approval.

Condition A8 of the concept approval states that if rooftop enclosures are proposed as part of future development application(s) they shall be provided in accordance with the design guidelines (as required to be amended by the consent) and the future environmental assessment requirement (FEAR) C5.

FEAR C5 permits that rooftop enclosures can exceed the maximum height control specified in condition A11 where it can be demonstrated that the enclosure is discrete and/or integrated into the design of the building and would not have an adverse visual impact on the design and appearance of the building, the streetscape, public domain or an adverse amenity outcome.

The proposal comprises 9 storeys with a height of RL33.85 to the top of the parapet (excluding rooftop plant) and an ultimate building height of RL 37.53 (including the plant which is integrated into a rooftop enclosure).

Public submissions and Newcastle City Council (Council) raised concerns that the proposed height would exceed the mapped LEP height development standard and that the proposed rooftop plant is excessive and would have detrimental impacts on the amenity of surrounding residents.

Given the concept approval and condition A11, the maximum LEP height is not the primary control for this proposal. Notwithstanding, to address the concerns raised, the building height was revised by the applicant as part of the RtS, as follows:

Table 11 | Height of enclosed rooftop plant

Rooftop enclosure	Revised height (RL)	Change from original proposal (m)	Concept approval envelope exceedance (RL 33.85)
Eastern rooftop	RL36.65	-	+2.8m
Western rooftop	RL37.50	+0.1m	+3.65m
Cooling towers	RL37.50	-3.37m	+3.68m

These proposed variations are depicted in Figure 9, Figure 10 and Figure 11 shown outlined red below:

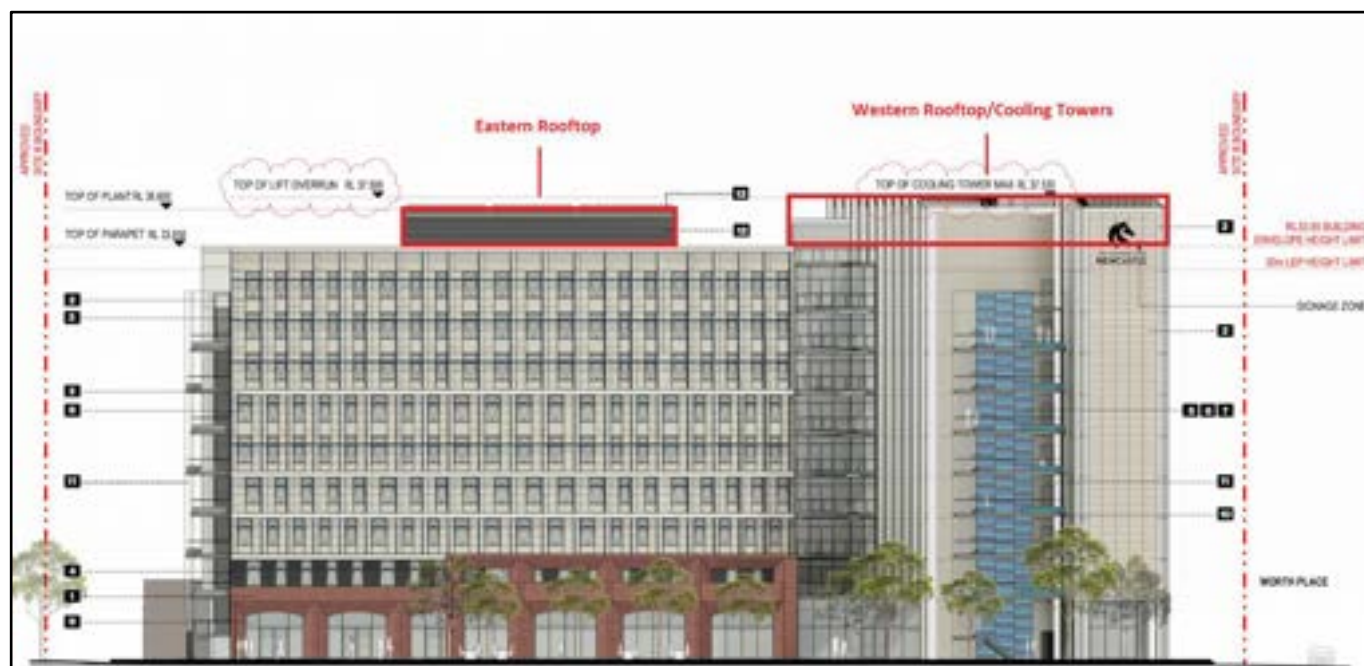


Figure 9 | North elevation detailing integrated façade rooftop exceedance (Base source: applicant's RtS)



Figure 10 | West elevation detailing integrated façade rooftop exceedance (Base source: applicant's RtS)

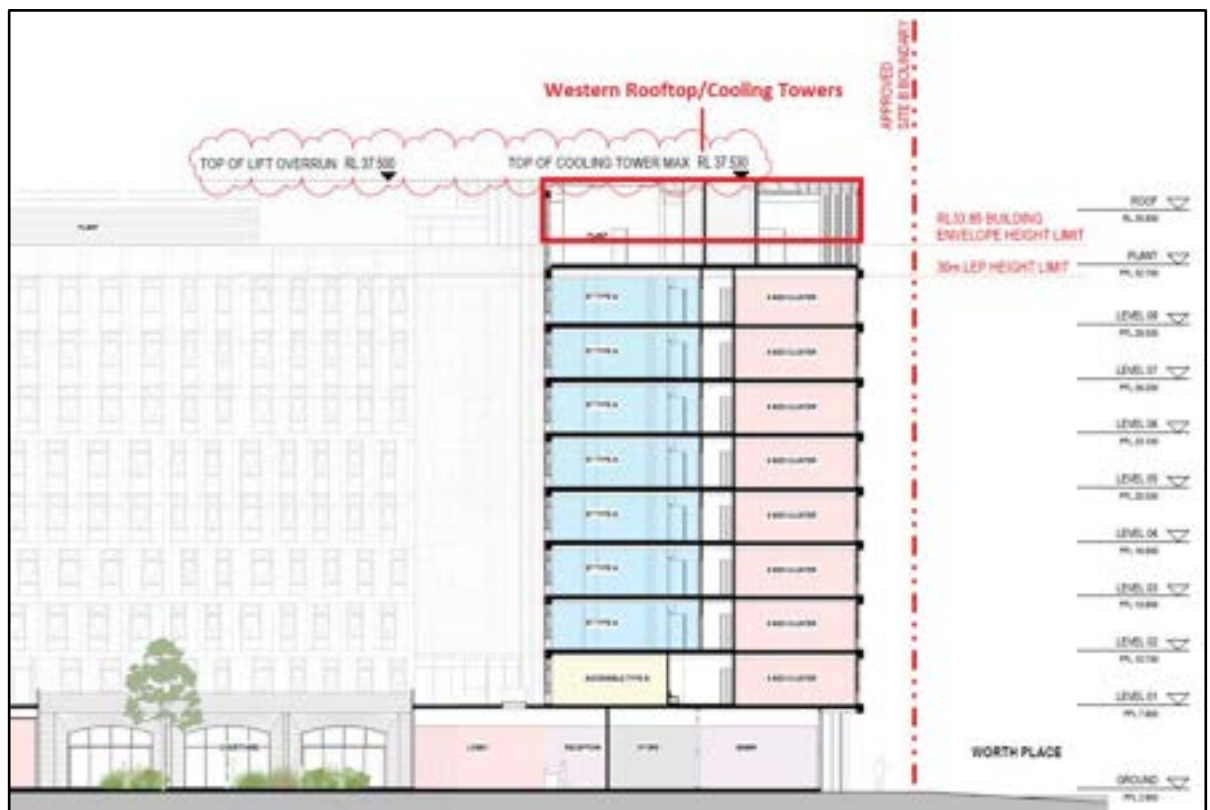


Figure 11 | Section showing integrated enclosed rooftop of western tower (Base source: applicant's RTS)

The RtS states that the revised rooftop plant elements seamlessly integrate into the façade design, via the extension of the sawtooth articulation and consistent materiality on the rooftop's western elevation, as well as significant setbacks from the parapet on the other elevations, as shown in Figure 12.



Figure 12 | 3D Render of development from the rooftop of 509 Hunter Street (Source: applicant's RtS)

The Department has carefully considered the issues raised in public submissions and the RtS, and considers the proposed building heights to be appropriate as:

- the development, excluding rooftop plant, is consistent with the condition A11 maximum height of RL33.85
- it meets the requirements of the design guidelines established under the concept approval and endorsed by the NSW Government Architect (GANSW) on 1 December 2023, including setbacks and the relationship between the single-level podium and tower
- the plant room on the top floor of the western portion of the development features a sawtooth profile that extends from the lower levels, resulting in a cohesive architectural outcome

- the eastern rooftop plant utilises design measures, such as being centrally located with significant parapet setbacks, and the use of consistent materials that aim to mitigate visual and amenity impacts
- the proposed rooftop plant will not result in any significant additional overshadowing impacts to the surrounding public domain or adjoining residential properties, as demonstrated in Section 6.3 of this report
- the revised rooftop plant is designed to reduce overshadowing impacts, as the revised rooftop plant accounts for between 1.1%-4.1% (representing a 0.3% reduction) of the overall shadow cast by the proposed Building B during mid-winter, which falls primarily on roadways and a small portion of footpaths for a short period.

The Department's is satisfied that the proposed building height is acceptable as it is consistent with the relevant conditions of the concept approval as well as the design guidelines adopted for the site, as assessed in Appendix C.

6.1.2 Design excellence

FEAR C1 of the concept approval requires future DAs to be carried out in accordance with the design excellence strategy (DES) and be subject to review by the State Design Review Panel (SDRP). FEAR C4 of the concept approval requires future DAs to consider the concept approval design guidelines.

The proposal was reviewed by the SDRP before lodgement. The SDRP recommended that the applicant further consider connecting with country, site strategy and landscape, architecture and sustainability and climate change.

In response to the SDRP's comments, the applicant's EIS confirmed:

- the development has been designed to reflect GANSW's connecting with Country framework
- the loading dock has been relocated to the outer eastern portion of Civic Lane frontage to mitigate disruptions at the intersection of Civic Lane and Worth Place
- the design and fit-out of communal spaces reflect a holistic approach to student accommodation and are adequately sized to ensure they cater to the needs of the student population
- the landscape spaces throughout offer more social amenity and opportunities for use
- the building harnesses natural ventilation through the materials of the external fire stair and main communal space of the lift corridor.
- the design and materials proposed prioritise natural light in corridors and communal areas

- the design of the rooms promotes cross ventilation and direct and indirect natural light sources. Unit layouts have been carefully considered to maximise functionality and comfort
- the proposal will incorporate sustainability initiatives to address the ESD Planning Principles and other ESD Requirements that apply to this proposal.

The Department has considered the advice of the SDRP and the content of the EIS, RtS and RRFI and is satisfied that the proposal provides a high-quality architectural response within its context, while delivering high amenity for future students and university employees.

Clause 7.5 of NLEP 2012 includes requirements for design excellence. The Department has assessed the proposal against these matters in detail at **Appendix C**, and concludes the proposal demonstrates design excellence following the requirements of clause 7.5 as:

- it provides a high standard of architectural design, materials and detailing
- it includes built form that relates appropriately to adjoining buildings and spaces
- it includes a new public open space and public domain integration, and improvements
- it provides for an appropriate standard of future amenity and provides for a sustainable development
- the pre-lodgement comments of the SDRP have been adequately addressed and reviewed by the Government Architect during this assessment who supports the design
- the development has been designed in accordance with concept approval and relevant design guidelines.

6.2 Traffic, Access and Parking

6.2.1 Parking

Condition C24 of the concept approval requires bicycle parking to be provided in accordance with the Newcastle Development Control Plan 2023 (NDCP).

The proposal includes a 90-space bicycle storage facility, on-street accessible parking provision, a loading bay and 23 external bike hoops providing parking for 46 bikes. The RtS describes that the proposed number of bicycle parking spaces is in line with requirements for a boarding house and co-living uses in NDCP, as these are most like student accommodation. No on-site car parking is proposed; however, the proposal includes retention of the existing 172-space car parking until future stages of the concept approval are completed.

Public submissions objected to the proposal providing no car parking, and the Council requested clarification regarding the intended provision of accessible parking for the short and long term, as well as how service vehicle access is maintained to the Q building.

To address the concerns raised during the exhibition of the EIS, the applicant's RtS increased the total number of bicycle spaces on site from 82 to 90 within the storage facility and proposed the addition of 23 external bicycle hoops capable of providing parking for 46 bikes within the public domain surrounds. Table 12 represents the provision of parking against the requirements of NDCP.

Table 12 | Bicycle Parking

NDCP 2023 bicycle requirement	Bike parking requirement for 445 bed facility	Exhibited proposal	Revised bike parking proposed
1 space per 7 bedrooms (Security Level B) for staff/residents	64	82	90
1 space per 10 bedrooms (Security Level C) for visitors	45	-	46
Total	109	82	136

A total of 136 bicycle parking spaces are thus proposed across both security level B (internal bike store) and Level C (external bike parking), and the Department is satisfied that the proposal complies with the appropriate requirement for bicycle parking.

The EIS and RtS state that the provision of no car parking is consistent with the concept approval and the University's commitment to no net increase in car space provisions across the campus. In addition, the application included a parking and transport assessment report that describes:

- the proposal represents a small part of the City Campus development, with predicted traffic being less than that allowed in traffic modelling for the Honeysuckle Precinct
- 66% of students and 59% of staff will live within the active travel zone (ATZ) of the site, being able to walk, cycle, or use public transport to access the City Centre. For the proposal, this includes 264 students, around 15 staff, and up to 130 Innovation Hub participants
- the site benefits from light rail, broader public transport, and proximity to the CBD, enabling walking and cycling. For those outside the ATZ, the broader bus, heavy rail network, and Campus Shuttle provide access
- proposed traffic and parking arrangements align with State and local government strategies and support Newcastle's revitalisation, with satisfactory access and service parking.

The Department has considered the application, including the RtS and RRFI, and submissions. The Department is of the view that the provision of no parking is appropriate as:

- the site is located within the Newcastle CBD and walking distance of public transport services and amenities, including light rail, bus and train
- the provision of no parking is consistent with the concept approval, which sets a travel mode-share target of 7% cycling, 39% public transport and 54% walking, with the ultimate goal of no trips by private vehicles.
- the concept approval envisages that the campus would transition to the mode-share target over time and rely on existing (temporarily retained via condition C20 of the concept approval) surface car parking on the site to manage this transition
- the proposal includes sustainable transport measures, including on-site bicycle parking and the ongoing operation of the existing UoN shuttle bus service between the Callaghan Campus and UoN NeW Space.
- the application includes a green travel plan (GTP), which includes various education and information strategies to facilitate the mode-share transition.
- the concept approval includes a condition (condition C22) requiring the DA for the last stage of development of the subject Honeysuckle Precinct to include provision of car parking if the intended travel mode share is not achieved or on track to be achieved.

The Department is satisfied that the proposal is consistent with the concept approval and concludes that the provision of no new car parking is acceptable in this instance.

6.3 Amenity impacts

6.3.1 Overshadowing impacts

FEAR C11 of the concept Approval includes specific controls for overshadowing of surrounding spaces and properties, specifically residential addresses to the south of the site. Buildings on the site are required to maintain at least 2 hours of direct sunlight to at least 70% of all north-facing apartments within 522-526 Hunter Street between 9am and 3pm on 21 June (mid-winter).

The site is to the north of Civic Lane, and the closest residential buildings are located south of the site on the opposite side of Civic Lane (see **Figure 13**). Public submissions raised concerns regarding the overshadowing impacts of the proposal on the surrounding residential developments. The surrounding residential developments include:

- No. 528 – 534 Hunter Street is a 2-storey commercial building
- No. 522 – 526 Hunter Street is a 7-storey residential building containing 24 apartments, 12 of which have windows/balconies facing north
- No. 516 – 518 Hunter Street is a 2-storey commercial building.

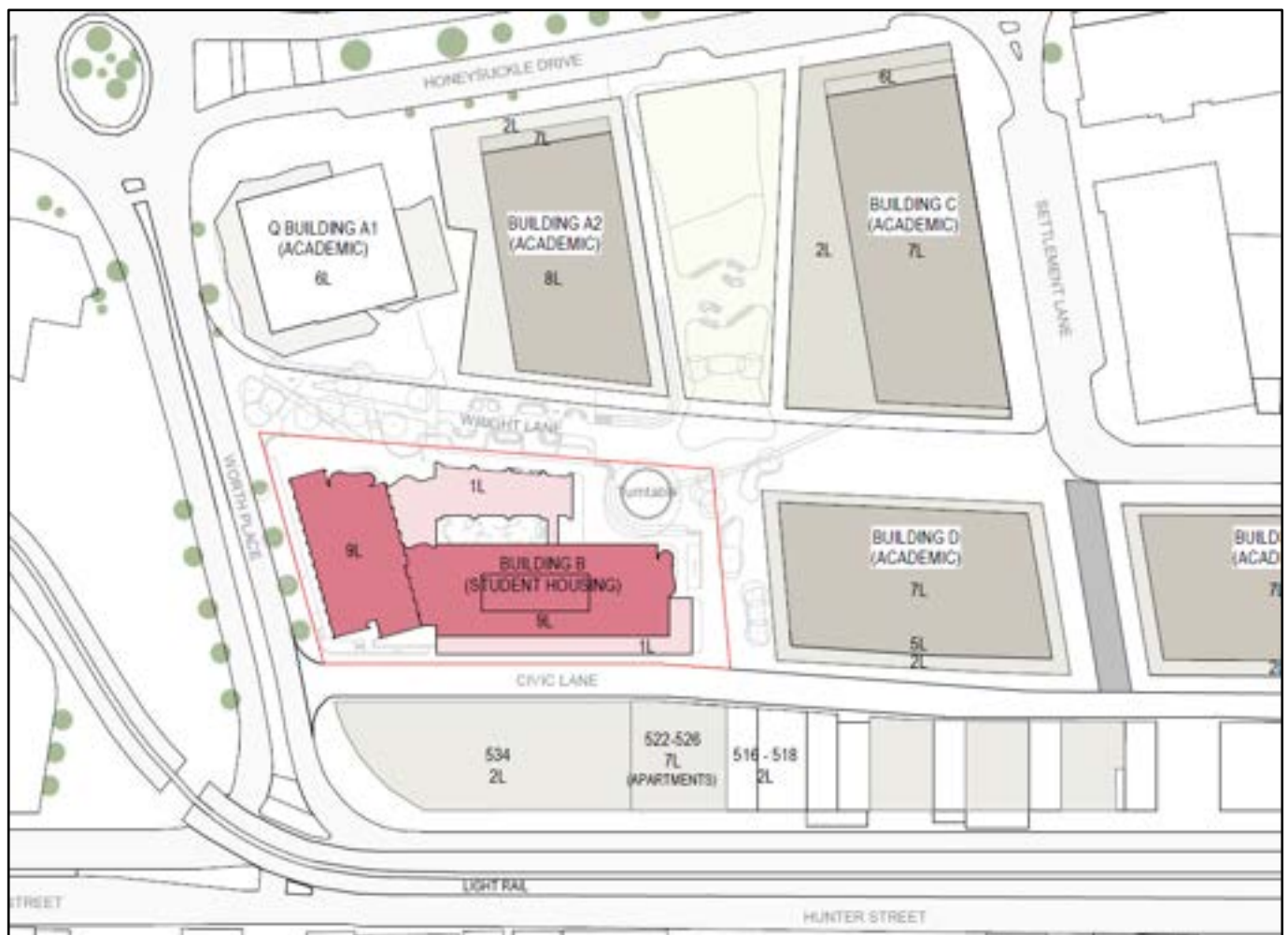


Figure 13 | Site plan (Source: applicant EIS)

The application includes shadow diagrams (Figure 14) and solar access analysis (Figure 15) which illustrate overshadowing impacts and solar access of these buildings to the requirements of the concept approval.

Winter Solstice June 21

- STUDENT ACCOMMODATION
- EXISTING SHADOW
- PROPOSED ENVELOPE SHADOW
- APPROVED CONCEPT PLAN MASSING ENVELOPE

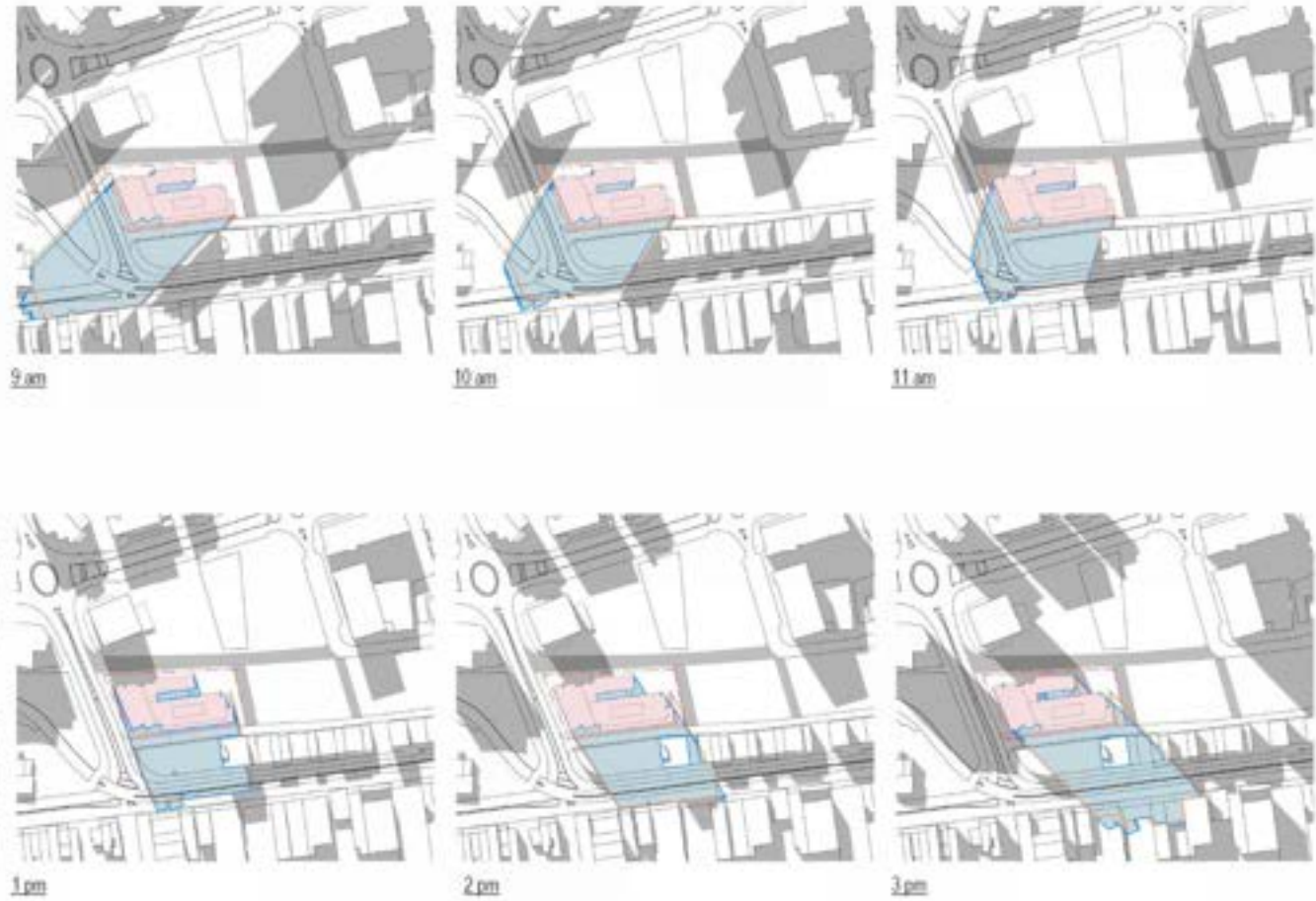


Figure 14 | Shadow diagrams during winter solstice (Source: applicant RTS)

The shadow diagrams illustrate the following:

- 9–11 am: shadows are predominantly cast on the Hunter Street/Worth Place intersection and a small part of communal space near light rail tracks. Shadows are also cast over the 2-storey commercial building located at No. 528 – 534 Hunter Street.
- 12 – 1pm: shadows are predominantly cast on the Hunter Street/Worth Place intersection. Shadows are cast commercial building located at No. 528 – 534 Hunter Street.
- 2 – 3pm: shadows predominantly cast over the 2-storey commercial building located at No. 528 – 534 Hunter Street as well No. 516 – 518. Shadows cast over the residential building at No. 522-526 Hunter Street. Shadows cast of Hunter Street.

The EIS provided sun angle views of the proposal as well as solar analysis of 522-526 Hunter Street, which indicates that 83% of the north-facing apartments (living rooms) achieve 2 hours or more solar access between 9am – 3pm on 21st June (winter solstice).

The solar analysis is provided in Figure 15 | Solar analysis (Source: applicant's EIS).

Solar Analysis of North Facing Apartments – 522 – 526 Hunter Street, Newcastle – 21 st June			
Apartment Living Spaces			
Apartment ID*	Level	Total Hours	
12	6	5:17	✓
11	6	5:13	✓
10	5	2:26	✓
9	5	4:16	✓
8	4	2:26	✓
7	4	3:32	✓
6	3	2:07	✓
5	3	2:52	✓
4	2	1:46	✗
3	2	2:30	✓
2	1	1:31	✗
1	1	2:14	✓
		10 Apartments	✓
		2 Apartments	✗

Figure 15 | Solar analysis (Source: applicant's EIS)

The solar access analysis demonstrates that the proposal is compliant with FEAR C11 of the concept approval (minimum 70%) as 83% of the north-facing apartments (living rooms) in 522-526 Hunter Street achieve 2 hours or more solar access between 9am-3pm on 21 June (winter solstice).

Having regard to the findings of the solar access report and the relevant conditions of the concept approval, the Department considers the overshadowing impacts of the proposal is acceptable as:

- the proposed building envelope complies with the building height standard and tower setback controls established for the site under the concept approval.
- the proposal achieves compliance with FEAR C11(a) of the concept approval, including that more 70% of the north-facing apartments (83%) within 522-526 Hunter Street will achieve 2 hours or more direct solar access between 9am and 3pm during the winter solstice
- the affected buildings are located at Nos. 528 – 534 and Nos. 516-518 are not residential and as such, solar access cannot be reasonably protected.

The Department has formed the view that the proposal will maintain a satisfactory level of solar access to existing residential properties.

6.3.2 View sharing

The RtS provided an assessment of the view impacts, which considers the impact of the proposal on nearby residential apartment buildings.

Public submissions raised concerns about the view sharing/view loss impacts of the proposal to the surrounding residential developments.

To address public concerns, the applicant submitted a view-sharing analysis. This analysis assesses view loss for the apartments at No. 522-526 Hunter Street using rendered views from each floor (Levels 1–6) of typical Unit A (oriented toward Building C) and Unit B (oriented toward the living spaces).

The study evaluated the proposal's impact on both close and longer perspectives, including the Hunter River corridors.

Figure 16 and Figure 17 represent views from Level 1 of Unit A and B respectively and Figure 18 and Figure 19 represent views from Level 3 of Unit A and B respectively.



Figure 16 | View sharing Level 1 Unit A - 522 Hunter Street (Source: applicant's RtS)



Figure 17 | View sharing level 1 Unit B - 522 Hunter Street (Source: applicant's RtS)



Figure 18 | View sharing level 3 Unit A - 522 Hunter Street (Source: applicant's RtS)



Figure 19 | View sharing level 3 Unit B - 522 Hunter Street (Source: applicant's RtS)

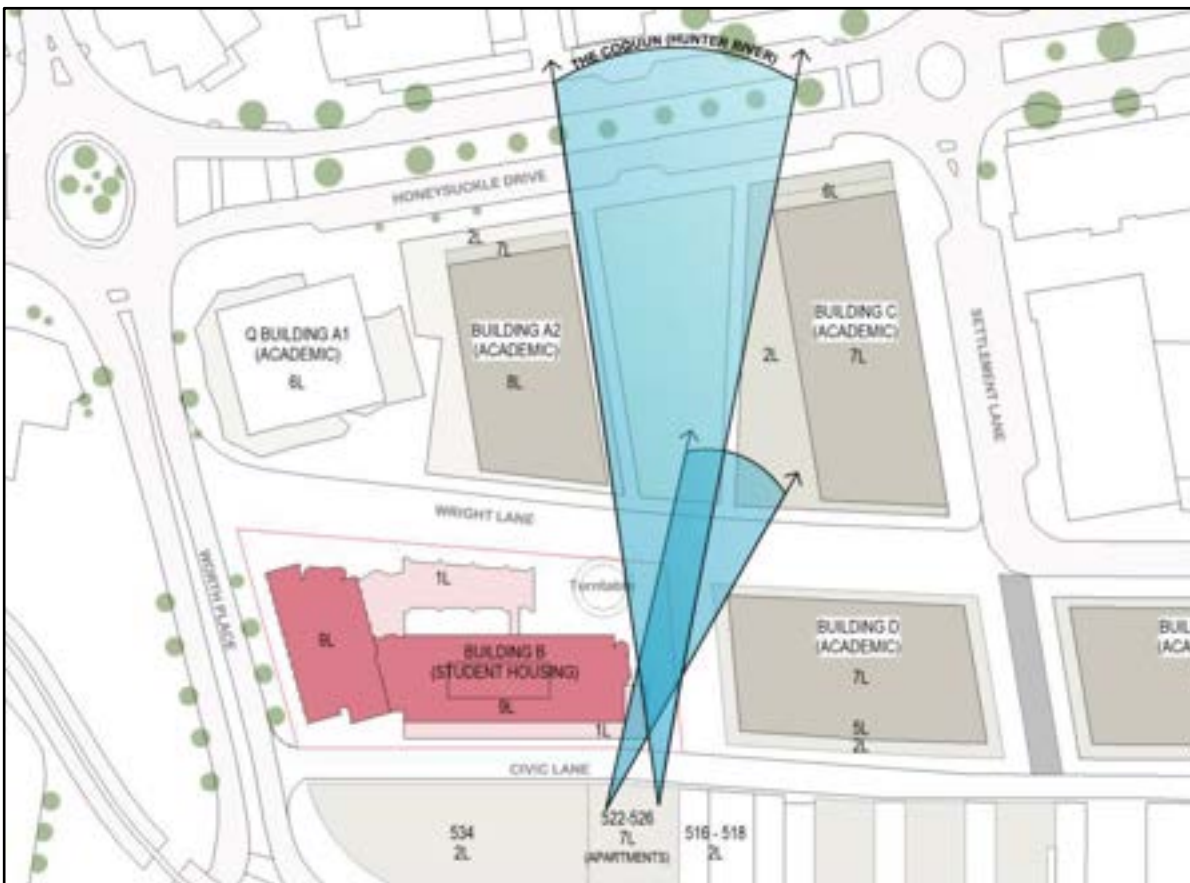


Figure 20 | View Sharing micro and macro view (Source: applicant's RtS)

The rendered views in the figures above reveal that the proposal partially blocks existing views from Units A and primarily affects the north-facing Level 1 of Unit A, which faces the City Campus Precinct. Views improve significantly at the higher levels of 522 Hunter Street building.

The Department acknowledges the concerns raised in submissions and that the proposal would result in view loss for some surrounding residential units. However, having regard to the planning

principles established by the NSW Land and Environment Court in *Tenacity Consulting versus Warringah Council* (as assessed in **Appendix D**), the Department considers the extent of view loss would be reasonable in this case because:

- the proposal complies with the building height and setback controls established under the concept approval and the endorsed design guidelines. In addition, the Department notes that, during the assessment of the concept approval, the Department requested an increased separation distance between Building B and Building D to reduce potential view loss and protect the existing view corridor, and this was reflected into the updated design guidelines and envelope plans
- existing views from surrounding apartments that relied on the site being undeveloped or under-utilised, particularly distant views to the Hunter River, were not anticipated to be retained under the scope of future development envisaged by the Concept Approval.
- rendered views confirm that the proposal does not unreasonably block key visual corridors or significantly change the Newcastle CBD skyline
- the living spaces of the typical north-facing apartments at 522-526 Hunter Street will continue to enjoy views of the Hunter River. While the western apartments will primarily overlook the City Campus Precinct, as outlined in the approved concept approval (SSD-9262).

The Department considers that the view impacts of the proposal are acceptable as the proposal is consistent with the concept approval and revised design guidelines, and the development is in keeping with its CBD location.

6.4 Public domain works – Civic Lane

Several public infrastructure elements were considered as part of the wider University concept approval, primarily the adequacy of footpaths and cycleways leading from the east of the site and to the light rail station.

Chapter 4.1 site interfaces, of the concept approval design guidelines, notes that future development applications will consider and provide new links between Civic Lane, Wright Lane and Honeysuckle Drive, creating permeability across the precinct to the waterfront as well as the widening of Civic Lane to improve access, amenity and safety.

The RtS included improvement works to Civic Lane immediately adjacent to the proposal site only, as shown in purple in **Figure 21** below.



Figure 21 | Civic Lane improvements (Source: applicant RtS)

Following the RtS, Council raised concerns that the proposal did not include a temporary ‘shared pathway’ from the subject site further towards the east. Council also requested that Civic Lane be designated as a shared zone with a reduced speed limit and enhanced pedestrian links in accordance with the concept approval and relevant design guidelines.

Following meetings between the applicant and Council on 25 February 2025 and 6 March 2025, the applicant and Council agreed for the applicant to deliver:

- a temporary pathway on University land connecting the Museum precinct to the east and the subject Student Accommodation site
- the junction point between the temporary path and the permanent on-road cycle path, and
- a permanent on-road cycle path along Civic Lane for the Student Accommodation development footprint, connecting to Worth Place.

The applicant submitted an RRFI including ‘Civic Lane Shared Path Civil Sketch’ (Dwg No. CC2-C04.01 Rev 3 dated 14 March 2025 prepared by Northrop. The RRFI was provided to Council for review on 17 March 2025 and, on 14 and 15 April 2025, Council recommended conditions and provided a notated version of the ‘Public Domain Works Plan -CN Mark-up Concept’ dated 27 March 2025 based on the Civic Lane Shared Path-Civil Sketch prepared by Northrop. The plan includes (but is not limited to) the following works to be implemented with the proposal:

- set a clear footprint of Civic Lane design for extensive use by pedestrians and cyclists
- provide streetscape measures (trees, gardens and traffic calming measures) to change travel environment for cyclist and pedestrians to dominate use of Lane

- design of street lighting and surveillance features to facilitate for security while ensuring that it is fit for future buildings, and
- footpath continuation at Worth Pl/Civic Ln intersection

The recommended plan and conditions were forwarded to the applicant, who has accepted the proposed staging and improvements proposed by Council on the plan.

Overall, the matters regarding improvements to Civic Lane are satisfactorily resolved. Conditions provided by the Council, and accepted by the applicant, will be included on any consent granted, and a condition has been included by the Department requiring the applicant to update the Civic Lane Share Path Civil Sketch in accordance with the Council's mark-up.

6.5 Other issues

The Department's consideration of other issues is summarised in Table 13 below.

Table 13 | Assessment of other issues

Issue	Findings and conclusions	Recommended conditions
Capacity – number of student beds	The development proposes to provide 445 student accommodation beds. Council noted that the Assessment Report for the Concept Approval, as well as the 'Development Volume 1-Master Plan' January 2020 -pp 58 & 80 referred to a future development having 'up to 400' beds. However, the Department notes: • condition B2 of the concept approval required the limit on number of beds to be removed in a new version of the design guidelines • the RtS describes that the relevant parameters are maximum gross floor area and building envelopment, along with design quality of the building and units within. The Department is satisfied that the proposed 445 student beds is suitable as: • the concept approval consent does not place a limit on the number of beds • the proposal is provided within the approved envelope • the student accommodation is below the maximum GFA anticipated by the concept approval • rooms sizes have been designed in accordance with industry benchmarks and are supported by GANSW • the development provides quality communal spaces	No conditions required.

Issue	Findings and conclusions	Recommended conditions
	an increase in student accommodation addresses broader strategic demand for housing.	
Flooding	The application includes a flood impact and risk assessment (FIRA) and an integrated water management report (WMP). The FIRA confirms that the site is affected by oceanic inundation, fluvial flooding and local catchment rainfall. Council requested that the Level 1 Living Room be identified for flood refuge, and further details on the overland flow path between Building B and Wright Lane. CPHR was satisfied that the EIS meets the requirements for flooding. NSW SES requested an assessment of flood risk up to and including the PMF, climate change and impact on surrounding access/egress. In response, the applicant provided an addendum to the FIRA and a flood cover letter with the additional flood assessment, including: - at the 1% AEP event the flood flows are largely contained within the Cottage Creek channel, with limited inundation across the broader Honeysuckle area. The floodways identified in the relevant flood study were principally to convey overland flow in very rare to extreme flood events through to the harbour - the ground floor retail space has a FFL of less than 0.5 m below the PMF. However, in the extremely unlikely event that the proposal experiences above-floor flood inundation, the building will provide a safe place for people present there to take refuge. The Department is satisfied that the proposed flooding impacts can be adequately managed and mitigated, subject to implementation of the proposed flood and stormwater infrastructure and the finalisation of the FERP and associated management and measures.	The Department has recommended conditions of consent requiring the preparation and implementation of a FERP for both the construction and operational phase of the development.
Heritage	The site does not contain any locally listed heritage items but is located within the vicinity of a number of local and state-listed heritage items and falls partially within the boundary of the locally listed Newcastle City Centre HCA under Schedule 5 of NLEP 2012. The application includes a heritage impact statement (HIS), which has considered the heritage impact of the proposal and concludes that the proposal will not	The Department has recommended conditions requiring the implementation of appropriate unexpected finds protocols, as well as conditions relating to the appropriate mapping and

Issue	Findings and conclusions	Recommended conditions
	unreasonably impact the HCA or heritage items in the vicinity. Heritage NSW requested additional information regarding the proposed interpretations of the locomotive turntable and Great Northern Railway line, and Maritime Archaeology. In response, the applicant provided a European heritage briefing statement as part of the RtS. Heritage NSW supports the European heritage briefing statement and has provided recommended conditions. The Department is satisfied that the proposal will not result in an adverse impact on the character, appearance, setting and significance of the HCA and items.	interpretation of the locomotive turntable.
Landscaping	The application includes a site-wide landscape masterplan which describes: - the proposed communal and public open spaces will provide active and passive recreational spaces for future students and visitors - the proposal includes a site-wide increase of tree canopy coverage from 0.2% to 5.6%, soft soil area 332m² or 9.9% and facilitates the inclusion of significant trees within the boundary of the site - the proposed canopy cover, softscape (on both ground and roof terrace), selection of light-coloured materials and inclusion of water-sensitive urban design principles will mitigate the urban heat island effect. The Department is satisfied that the proposed landscaping is appropriate for the site and public domain.	The Department has recommended a condition requiring the proposal to be carried out in accordance with the landscape plans.
Construction impacts	Public submissions raised concerns with the potential construction impacts associated with the proposal and the cumulative impacts of existing proposals under construction. The EIS was accompanied by a: - noise and vibration impact assessment which provides mitigation measures to minimise noise impacts during construction. - preliminary construction management plan which provides mitigation measures to manage and minimise noise impacts during construction - preliminary construction traffic management plan to manage construction traffic and pedestrian movements.	The Department has recommended conditions requiring - standard construction hours - restricting high noise activities - preparing a construction environmental management plan including pedestrian and traffic, noise and vibration, air quality

Issue	Findings and conclusions	Recommended conditions
	• construction and demolition waste management plan which included consideration of construction waste removal and minimisation. • geotechnical assessment which includes excavation and vibration considerations. The Department has carefully considered the reports and the concerns raised in public submissions. In response, the Department has recommended several conditions to ensure that construction does not unreasonably impact the amenity of surrounding properties or lead to any damage to nearby developments and the public domain.	and odour and waste management plans
Operational noise	The operational noise generated by the proposal will predominantly be from the mechanical plant located on the rooftop level. The EIS was accompanied by a noise and vibration impact assessment, which provides mitigation measures to minimise noise impacts during operation. The Department is satisfied that the operational management and noise impacts associated with the proposal can be effectively managed, subject to conditions of consent.	The Department has recommended conditions requiring: • use of the development does not give rise to 'offensive noise' as defined under the POEO Act 1997 • the development to operate per an Operational Management Plan
Operational waste	The EIS was accompanied by an operational waste management plan (OWMP), which separately addresses the student accommodation and retail components of the development and: • confirms the building design includes dual chute systems, comprising one waste chute and one comingled recycling chute, installed with access provided on each student accommodation level • describes the fullness of the source separation receptacles will be monitored and managed by the University and/or contract cleaners. The University and/or cleaners are responsible for transporting/rotating the food organics bins, paper/cardboard materials, and batteries stream to the student accommodation bin room, and empty or swap these receptacles as required • describes that a private contractor will be engaged to collect the student accommodation waste and recycling per their collection schedule, and assumes recycling will be collected 4 times weekly, and food organics collected 5 times weekly.	The Department has recommended a condition requiring the implementation of the OWMP and its recommendations.

Issue	Findings and conclusions	Recommended conditions
	The Department considers that operational waste can be appropriately managed and impacts mitigated through recommended conditions.	
Operational management	The EIS was accompanied by a preliminary operational management plan, which provides details having regard to: • residential move-in/out • hours of operation (reception/security) • site security • emergency contacts • public access and use of spaces • end of Trip Facilities • public transport. The Department has reviewed the applicant's preliminary operational management plan and considers that the development will be appropriately managed and impacts mitigated, subject to a condition requiring preparation and implementation of a detailed operational plan of management to appropriately address: • management of communal areas and open spaces • loading and unloading, security and staff management, emergency management/evacuation and incident response protocols, occupational health and safety, waste management, water management, wayfinding and signage, and lighting • tenant induction and education programs regarding use of the building's environmental systems • community consultation and complaint management • management of student move-in and move-outs.	The Department has recommended conditions requiring a detailed Operational Plan of Management to be prepared and implemented.
CPTED	The crime prevention through environmental design (CPTED) report includes several recommendations relating to surveillance, lighting, territorial reinforcement, environmental maintenance, space management and access and design. With the implementation of these mitigation measures, the site's crime risk is expected to be low. The Department has reviewed the applicant's CPTED report and considers the development will provide for a safe and secure environment and will be consistent with CPTED principles, subject to a condition requiring the updating and implementation of the CPTED report to include treatments that specifically respond to the	The Department has recommended a condition requiring the updating and implementation of the CPTED management and mitigation measures.

Issue	Findings and conclusions	Recommended conditions
	suburb's mid-to high rated crime hot spot categories.	
Social impacts	The EIS included a social impact assessment (SIA) that described that the proposal would provide the following social benefits and challenges: • beneficial provision of stable and secure student housing and opportunities for social cohesion between new students, staff and the local community through the provision of significant new public open space and student amenities. • construction impacts on accessibility • increased employment opportunities associated with construction and operations of the Proposal. • temporary impacts during construction • increased traffic movements in the local area. • Impacts on the surrounding social infrastructure capacity Overall, the SIA concludes that the proposal is anticipated to bring significant public benefits to the local and broader communities, subject to mitigation measures to manage any risks and enhance the positive benefits. The Department is satisfied that the proposal would have positive social impacts as it would provide additional student accommodation and employment opportunities.	No conditions required.
Development contributions	<u>7.12 Development Contributions</u> The University is recognised as a registered charity under the Australian Charities and Not-for-Profits Commission. Following Section 1.6 of the Newcastle City Council Section 7.12 Development Contributions Plan 2021, the University is exempt from levy under this plan. <u>Housing and Productivity Contribution</u> Campus student accommodation is not identified as a type of residential or commercial development in Schedule 2 of the Ministerial Order for the Housing and Productivity Contribution (HPC). As such, this contribution does not apply to the student accommodation component of the development. However, the HPC will apply to the proposed retail component of the proposal, the applicable rate being \$30 per square metre of new retail GFA (130m²).	The Department has recommended conditions requiring the payment of the HPC before the commencement of any works.
Property value	Concern was raised in public submissions that the proposal would have an adverse impact on property values.	No additional conditions or amendments are necessary.

Issue	Findings and conclusions	Recommended conditions
	The Department recognises that the NSW Land and Environment Court has found that the potential impact on property values of existing residential properties is not a relevant planning consideration. The Department has assessed the merits of the proposal in detail at Section 6 of this report and concludes, subject to conditions, that the development has acceptable impacts.	

7 Evaluation

The Department's assessment has considered the relevant matters and objects of the EP&A Act, including the principles of ecologically sustainable development (**Appendix C**), advice from Government agencies, Council and public submissions (**Section 5**), strategic Government policies and plans (**Section 3**). This includes consideration of the concept approval (SSD-9262), the Stage 1A SSD (SSD-9510) and supporting documentation, including EIS, submissions and responses from the applicant.

The Department's assessment concludes that the proposal is acceptable subject to the recommended conditions, on the basis that the development would:

- support the development of an existing education precinct in accordance with the Greater Newcastle Metropolitan Plan 2036, the Newcastle Urban Renewal Strategy 2014, and the concept approval for the site
- deliver purpose-built student accommodation with high amenity within the university's education precinct, addressing a clear need for quality student housing close to classes, services and public transport
- deliver public domain upgrades to Civic Lane, including increased tree planting, enhancing the local streetscape and general environmental amenity
- positively contribute to the broader strategic demand for housing as well as the renewal of the Honeysuckle Precinct and Newcastle CBD, and
- provide economic benefits, generating up to 220 construction jobs and 5 operational jobs.

Overall, the Department considers that the development integrates well with its surroundings and any impacts of the proposal are acceptable and can be appropriately managed or mitigated through the implementation of recommended conditions of consent.

Consequently, the Department considers that the proposal is in the public interest and that the development should be approved, subject to the recommended conditions.

8 Recommendation

It is recommended that the Director, Regional Assessments, as delegate of the Minister for Planning and Public Spaces:

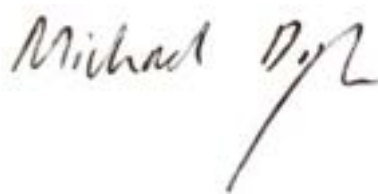
- considers the findings and recommendations of this report
- accepts and adopts the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- agrees with the key reasons for approval listed in the notice of decision
- grants consent for the application in respect of 20 Civic Lane, Newcastle - UON City Campus Student Accommodation (SSD-61618229), subject to the conditions in the attached development consent.
- signs the attached development consent (**Appendix E**).

Recommended by:



Ryan Lennox
A/ Senior Planner
Regional Assessments

Recommended by:



Michael Doyle
A/ Team Leader
Regional Assessments

9 Determination

The recommendation is adopted by:

A handwritten signature in black ink, reading "Louise Densmore". The signature is written in a cursive style with a large, looped initial 'L'.

Louise Densmore
Director
Regional Assessments

Glossary

Abbreviation	Definition
AHD	Australian height datum
BC Act	<i>Biodiversity Conservation Act 2016</i>
BDAR	Biodiversity Development Assessment Report
Council	Newcastle City Council
CPHR	Conservation Programs, Heritage and Regulation Group of the NSW Department of Climate Change, Energy, the Environment and Water
Crown Lands	Crown Lands division of the NSW Department of Planning, Housing and Infrastructure
DCCEEW	NSW Department of Climate Change, Energy, the Environment and Water
Department	NSW Department of Planning, Housing and Infrastructure
DPI	Department of Primary Industries within the Department of Regional NSW
EDC	Estimated Development Cost
EIS	Environmental impact statement
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental planning instrument
EPL	Environment protection licence
ESD	Ecologically sustainable development

Abbreviation	Definition
FRNSW	Fire and Rescue NSW
Heritage	Heritage NSW, within the NSW Department of Climate Change, Energy, the Environment and Water
IPC	Independent Planning Commission
LEP	Local environmental plan
Minister	Minister for Planning
NCC	National Construction Code
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
SEARs	Planning Secretary's Environmental Assessment Requirements
Secretary	Secretary of the NSW Department of Planning, Housing and Infrastructure
SEPP	State environmental planning policy
SSD	State significant development
TfNSW	Transport for NSW

Appendices

Appendix A – List of referenced documents, submissions and advice

The following documents can be accessed on the NSW Planning Portal at

<https://www.planningportal.nsw.gov.au/major-projects/projects/uon-city-campus-student-accommodation>

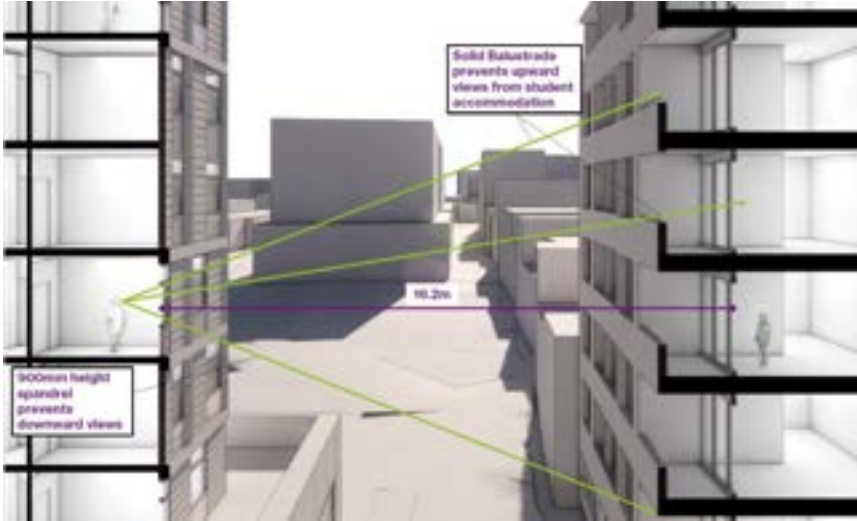
- Environmental Impact Statement
- Council and public submissions
- Government agency advice
- Response to Submissions Report
- Response to Request for Further Information

Appendix B – Department’s consideration of submissions

Table B1 | Consideration of issues raised in public submissions

Issue	Consideration
Building height The proposed building height exceed the mapped LEP Height Limit of 30m The proposed plant room and cooling towers are excessive in height and will result in view loss and impact amenity of surrounding residential properties The cooling towers and plant on top of the building is unnecessary and at odds with all other developments along the foreshore	The development, excluding rooftop plant is consistent with the Condition A11 of the Concept Approval, which specifies a maximum height of RL33.85 for the proposed site. Condition C5 of the Concept Approval allows rooftop enclosures to exceed the height of the approved building envelope(s) where it can be demonstrated that the enclosure is discrete and/or integrated into the design of the building and would not have an adverse visual impact on the design and appearance of the building, the streetscape, public domain or an adverse amenity impact. The Department’s assessment of building height concludes that the proposed rooftop plant has been designed to be discrete and/or integrated into the design of the building as: • The plant room on the top floor of the western portion of the development features a sawtooth profile that extends from the lower levels and results in a more cohesive architectural outcome. • The eastern rooftop plant utilises design measures such as being centrally located with significant parapet setbacks to reduce visibility. The proposed rooftop plant does not cause any significant additional environmental impact which would render it incompatible with neighbouring properties. The proposal is consistent with the Concept Approval and the Design Guidelines adopted for the site.

Issue	Consideration
Building Design The plant could be relocated to the basement level, to mitigate impacts to residents and opportunity to provide a green roof/ garden The design of building lacks visual appeal	The proposal does not include any basement floor level. The development has been reviewed and revised through the State Design Review Panel process and Government Architect NSW review. The proposal demonstrates design excellence as: • it provides a high standard of architectural design, materials and detailing • its built form relates appropriately to adjoining buildings and spaces • it includes a new public open space and public domain integration and improvements • it provides for an appropriate standard of future amenity and provides for a sustainable development • The development has been designed in accordance with Concept Approval and relevant Design Guidelines
Amenity Impacts – view loss, privacy and visual impact The loss of visual amenity will reduce values of residential properties along Hunter Street The application does not suitably address view sharing/loss between the proposed and existing development as per Condition C12 of the Concept Approval. The Apartment Design Guideline (ADG) has a minimum separation of 18m between habitable rooms where buildings are 4 storeys or more in height. The proposed plans are required to be amended to remove this privacy conflict	The NSW Land and Environment Court has found that potential impacts on property values of existing residential properties is not a relevant planning consideration. The proposal aligns with the visual impacts and view corridor alterations envisaged under the Concept Approval. Condition C12 requires that "All future development applications for new built form must include an assessment of amenity impacts, including visual privacy, view loss, and light spill." The RtS included digital montages demonstrating Coquun/Hunter River view impacts to typical Unit A (oriented toward Building C) and Unit B (oriented to from living spaces) on Levels 1–6 at 522-526 Hunter Street. This analysis demonstrated that the proposal primarily impacts the north-facing Level 1 of Unit A into the City Campus Precinct. The Department's assessment of the Concept Approval noted that, although the (then) proposed building envelope would not achieve the 18m separation distance for Building B (the subject site) and 522-526 Hunter Street sought by the ADG, it would be possible for the future student accommodation development to include architectural features to prevent overlooking. Despite potential overlooking and/or privacy conflicts associated with the 8 units, the view impact study suggests visual privacy can still be maintained due to the configuration of the apartment living room and separation afforded to this space by the deep balcony that buffers the 2 developments, as shown in Figure B1. The proposal provides a building separation distance of 16.2m when measured from the glass line of the proposed building to the glass line of the units within 522-526 Hunter Street.

Issue	Consideration
and ensure compliance with the ADG. The building separation is inadequate	 Figure B1 Separation Distance and Visual Privacy The proposed building envelope remains within the approved concept envelope massing and site boundary. The Department considers that the building separation and visual privacy impacts of the proposal are acceptable and commensurate with the Concept Approval and Design Guidelines.
Traffic and carparking The provision of zero parking spaces is unrealistic for students who require a car to travel back home and to work There is limited parking within the Newcastle CBD, and the development will generate more traffic and demand for carparking The provision of bike parking does not justify the provision of no on-site car parking The Parking and Transport Assessment is inaccurate and not a true reflection of	During assessment of the Concept Approval, the Department considered the proposed travel mode share, of 100% of trips by walking, cycling and public transport and no private car use, is ambitious but acceptable as it is consistent with policy objectives to drive down private car use and increase public transport patronage in inner city locations, subject to the temporary retention of existing car parking and stage-by-stage monitoring. Accordingly, no carparking is proposed as part of the student accommodation building. Wright Lane Carpark is owned by the University and in accordance with the Concept Approval, the existing carpark will be a temporary use to retain existing number of parking spaces during the initial stages of development of the City Campus, with the carpark expected to be removed once Stage 3 development works of the Concept Approval commence. The Concept Approval requires on-going monitoring of travel mode share targets. The applicant will be required to provide adequate car parking if the travel mode share targets are not likely to be achieved by the final stages of the Concept Approval. Resident Parking Permits within the vicinity of the proposed Student Accommodation are under the management and control of the Newcastle City Council. The Department is satisfied that the parking and transport assessment reflects the existing site and conditions. The applicant will be required to assess parking and traffic once the development is operational. Any impacts on parking will be required to be appropriately addressed in subsequent future applications.

Issue	Consideration
current parking conditions and availability. Clarification whether students living in the facility are eligible for resident Parking Permits.	
Insufficient bicycle parking The proposed “bike storage facility on the ground floor accommodating 82 bike parking spaces, equating to a rate of 1 space per 5.5 residents” is inadequate for 445 residents The proposal should consider additional spaces for ebikes, pushbikes and scooters.	The proposal was amended to include a total of 136 bicycle parking spaces across both Security Level B (internal bike store) and Level C (external bike parking). The Department’s assessment of the provision of bicycle parking concludes that the proposed bicycle parking is acceptable as the site is located within the Newcastle CBD close to existing public transport services, is within walking distance to amenities, and has a strong connection to the Newcastle City. Bicycle parking is provided in excess of the DCP requirements for 109 spaces and as such is consistent with the relevant controls of the Concept Approval.
Other transport services The UoN to expand its Liftango carpool service. By purchasing 5 Electric light vehicles to be stationed at the new City Campus to provide residents with a ‘pay-on-use’ carpool service. Similar to trialled E-Scooter services. The Uon to expand the Security Shuttle services with a Late Night Shuttle Service between University House, The Q Building and The City Campus.	The University promote ride sharing initiatives, currently offering rideshare via “Liftango” https://www.newcastle.edu.au/our-uni/campuses-and-locations/transport/rideshare-liftango The University propose to allocate ride sharing car parking within the existing Wright Lane car park to reflect the University co-sharing / ride sharing initiatives as they may develop into the future. The utilisation of these spaces will be monitored by the University to assist in providing appropriate long-term amenity as the City Campus is further developed. The Department considers that the applicants travel mode share and alternative options are satisfactory. Existing conditions imposed on the Concept Approval require on-going monitoring of travel mode share targets. The applicant will be required to provide adequate car parking etc. if the travel mode share targets are not likely to be achieved by the final stages of the Concept Approval.

Issue	Consideration
Amenity impacts noise The impact of operational noise, particularly from communal areas.	The applicant's Draft Operational Management Plan proposes restrictions on loud noise at the Level 1 Terrace and other communal spaces between the hours of 10pm to 9am and that these spaces will be monitored by security. The Department is satisfied that the operational management and noise impacts associated with the proposal can be effectively managed, subject to conditions of consent.
Amenity – solar access and overshadowing The proposal will limit the amount of sunlight to developments located south.	The Department's assessment of solar access concludes that the proposal does not result in any unacceptable overshadowing impacts on surrounding residential developments. Overshadowing is assessed in Section 6 of this report. Impacts have been adequately demonstrated to be consistent with the relevant conditions of the Concept Approval as well as the design guidelines demonstrating that 83% of the north facing apartments within 522-526 Hunter Street will achieve 2 hours or more direct solar access between 9am and 3pm during the winter solstice.
Safety and Security There is student safety concerns due to proximity of bars and nightclubs. The residents may be forced to wait in dimly lit areas for expensive carshare, or infrequent public transport services, at night-time. There may be anti-social behaviour associated with large groups of young people in a small urban area.	The Revised CPTED Report describes that proximity to the Newcastle CBD, Honeysuckle precinct and the Civic Light Rail Station affords a good level of pedestrian and vehicular traffic and associated casual surveillance. The revised CPTED Report recommends a lighting strategy, CCTV network security and the development of a comprehensive plan of management that specifically addresses activity and space management and access controls. The Department considers the development would provide for a safe and secure environment and be consistent with CPTED principles subject to the amendment and implementation of the CPTED report's recommended management and mitigation measures.
Biodiversity impacts The proposal will displace may displace plovers and other birds that currently nest on site.	The applicant submitted a BDAR waiver request to the Department on 08 November 2023. The Environment Agency Head and the Director Regional Assessments as delegate of the Planning Secretary, determined that the development is not likely to have any significant impact on biodiversity values. A BDAR waiver was granted on 21 December 2023. Following lodgement, the application was reviewed by CPHR who considered that the EIS meets the Secretary's requirements for biodiversity and had no further comments.

Issue	Consideration
	Notwithstanding the above, the Development includes landscaping and tree planting. The applicant notes that plant selection has been established in consultation with relevant indigenous stakeholders for appropriate native species.

Appendix C – Statutory considerations

Objects of the EP&A Act

In determining the application, the consent authority should consider whether the proposal is consistent with the relevant objects of the EP&A Act (section 1.3) including the principles of ESD. The Department is satisfied that the development is consistent with the objectives of the EP&A Act and the principles of ESD which are considered in **Table C1** below.

Table C1 | Objects of the EP&A Act and how they have been considered

Object	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The proposal is for the provision of campus student accommodation in a central location that is in close proximity to academic and education facilities and public transport which supports the orderly and economic function of the Newcastle CBD. The subject site is within an existing urban area and its redevelopment will not negatively impact any natural or artificial resources, agricultural land or natural areas. The provision of student housing contributes to the social and economic welfare of the community.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal is consistent with the principles of ecologically sustainable development (ESD) that are addressed in the section below.

Object	Consideration
(c) to promote the orderly and economic use and development of land,	The proposal represents the orderly and economic use and development of land as it provides student accommodation in an accessible location in close proximity to public transport and the nearby Newcastle CBD. The development of the site will also provide economic benefits through job creation and infrastructure investment during construction stage.
(d) to promote the delivery and maintenance of affordable housing,	The proposal will provide purpose built student housing for approximately 445 students which will in turn alleviate the pressure on existing student accommodation and reduce competition from students in the private rental market for more affordable housing products. The proposal will not result in the loss of any existing affordable housing provision in the locality.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The proposal involves redevelopment of an existing urban site and would not unreasonably impact on any native animals and plants, including threatened species, populations and ecological communities, and their habitats. The application has been granted a BDAR Waiver.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The Department has considered the heritage impacts of the proposal throughout this report and concludes the proposal would not have an adverse impact on the nearby heritage items or Aboriginal cultural heritage subject to appropriate conditions.
(g) to promote good design and amenity of the built environment,	The proposal achieves a high standard of design and amenity and is considered to exhibit design excellence as addressed in Section 6.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The application has demonstrated the proposal is capable of meeting relevant construction standards. The proposal promotes the proper construction and maintenance of buildings, subject to compliance with the recommended conditions of consent.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposal as outlined in Section 5, which included consultation with Council and other public authorities and consideration of the responses received.

Object	Consideration
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department provided opportunities for community participation in the assessment process and publicly exhibited the SSD application as outlined in Section 5, which included notifying adjoining landowners and displaying the proposal on the NSW planning portal during the exhibition period.

Ecologically sustainable development

The EP&A Act adopts the definition of ecologically sustainable development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle
- inter-generational equity
- conservation of biological diversity and ecological integrity
- improved valuation, pricing and incentive mechanisms.

The applicant has committed to achieving:

- a minimum Green Star Buildings v1 rating
- refrigerant, energy and water efficiency targets to align with the minimum expectations of targeting a Green Star Buildings v1 rating and reduce the greenhouse gas emissions in operation for this development

The development has been designed to adopt passive design measures through its building form, sunshade design, window to wall ratio and selection of materials.

The applicant included a documented NABERS Embodied Emissions Material Form assessment within the EIS.

The Department has considered the proposal in relation to the ESD principles. The Precautionary and Inter-generational Equity Principles have been applied in the decision-making process by a thorough assessment of the environmental impacts of the development.

The conservation principle has been applied through the provision of new landscaping around, on and within the proposal. The valuation principle has been applied through the efficient use of the site, application of sustainability measures and creation of new employment opportunities.

Overall, the proposal is consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act.

EP&A Regulation

The EP&A Regulation requires the applicant to have regard to the *State Significant Development Guidelines* when preparing their application. In addition, the SEARs require the applicant to have regard to the following:

- *Social Impact Assessment Guideline for State Significant Projects*
- *Undertaking Engagement Guidelines for State Significant Projects*

The Department considers that the application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS.

Environmental Planning Instruments (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the Environmental Planning and Assessment Act 1979 (EP&A Act), this report includes references to the provision of the EPIs that govern the carrying out of the proposal and have been taken into consideration in the Department's environmental assessment. Controls considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Industry and Employment) 2021; and
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Sustainable buildings) 2022
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Housing) 2021
- Newcastle Local Plan 2012.

State Environmental Planning Policy (Planning Systems) 2021

The Planning Systems SEPP identifies SSD, State significant infrastructure (SSI), Critical State significant infrastructure (CSSI), and confers functions on regional planning panels to determine development applications.

In accordance with this SEPP, the proposal is defined as SSD under Section 2 of Schedule 2 as the development has an estimated development cost of more than \$10 million on land

identified as being within the Honeysuckle Site on the State Significant Development Sites Map.

An assessment of the development against the relevant considerations of the Planning Systems SEPP is provided in Table C2.

Table C2 | Consideration of Planning Systems SEPP

Relevant section	Consideration
2.1 Aims of Chapter The aims of this Chapter are as follows: (a) to identify development that is State significant development The proposal development is identified as SSD.	The proposal development is identified as SSD.
2.6 Declaration of State significant development: section 4.36 (1) Development is declared to be State significant development for the purposes of the Act if: (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and (b) the development is specified in Schedule 1 or 2 Chapter 2 of the Planning Systems SEPP sets out that development specific Schedule 1 or 2 of the SEPP is declared to be state significant development. Schedule 2, Section 2 declares that development that has an estimated cost of more than \$10 million on land identified as being within any of the following sites on the State Significant Development Sites Map – (d) Honeysuckle site	The development is located within the Honeysuckle site and has an estimated development cost greater than \$10 million.

Relevant section	Consideration
Section 2.10 Application of development control plans to State significant development (1) Development control plans (whether made before or after the commencement of this Chapter) do not apply to— (a) State significant development, or (b) development for which a relevant council is the consent authority under section 4.37 of the Act.	The subject application is a State Significant Development and as such DCPs do not apply to the development. Notwithstanding the above, where relevant, the provisions of the Newcastle DCP 2013 have been considered.

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 of the SEPP (Industry and Employment) 2021 applies to all signage that can be displayed with or without development consent and is visible from and public place or reserve.

The proposal includes signage associated with the proposed 9-storey campus student accommodation building, including ground floor retail in accordance with **Table C3** below:

Table C3 | Proposed Signage

Type	Location	Specifications	Dimensions	Illumination
BIS-01 High wall sign	North elevation fixed to the façade between plant room and roof. To be aligned to cladding join.	- Fabricated aluminium channel logo in a black powder coated finish with day and night acrylic face to match the University's brand colours. - Flat mounted building identification wall sign fixed off facade 25mm with aluminium subframe built to engineer's specifications and finished in powder coated finish to match cladding colour. - Lighting: Internally illuminated natural white 4000K LED	3.1m (H) x 3.63m (W) 29.8m above ground	Yes
BIS-02 Freestanding pylon sign	Located at ground floor within public domain. Situated between main building entry and north-western fire stair.	- Fabricated with aluminium cladding and digitally printed graphics and stainless steel skirting, mounted onto a galvanised steel internal structural frame - Finishes to match the University's brand colours.	3.1m (H) x 0.6m (W) x 0.15 (D)	No

Type	Location	Specifications	Dimensions	Illumination
		Sign to be fixed to landscape garden bed with appropriate footing to engineering specifications.		
BIS-03 High wall sign	East elevation fixed to wall along ground plane.	- Reverse channel logo made from fabricated aluminium in a black powder coated finish to match the University's brand colours. - Sign to be surface mounted off façade with 50mm spaced off detail for halo illuminated effect. - Lighting: Halo illuminated natural white 4000K LED	2.07m (H) x 2.43m (W) 5.92m above ground	Yes
BIS-04 High wall sign	West elevation fixed to the plant room façade at south western corner.	- Channel logo made from fabricated aluminium in a black powder coated finish with day and night acrylic face to match the University's brand colours. - Flat mounted building identification wall sign fixed off facade 25mm with aluminium subframe built to engineer's specifications and finished in powder coated finish to match cladding colour. - Lighting: Internally illuminated natural white 4000K LED	1.88m (H) x 2.2m (W) 31m above ground	Yes
BIS-05 Glazing Decal	West elevation on the ground floor glazing near secondary building entry	University logo in white laser cut decal, adhered to interior side of glazing	1.3m (H) x 3.695m (W) 2.56m above ground	No



Figure C1 | North Elevation BIS-01



Figure C2 | North Elevation BIS-02



Figure C3 | East Elevation BIS-03



Figure C4 | East Elevation BIS-04 & 05

The proposed signage satisfies Schedule 5 as outlined in Table C4 below.

Table C4 | Departments consideration of Schedule 5 of SEPP (Industry and Employment) 2021

Assessment Criteria	Departments consideration	Compliance
1. Character of the Area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is compatible with the high-density mixed-use character of the area. Additionally, the signage is consistent with the University of Newcastle's Signage Guidelines and Design Guidelines established under the Concept Approval.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposal provides for building and business identification, consistent with the building identification signage expected for a university campus. The proposal has been designed in accordance with the University of Newcastle's Signage Guidelines and Design Guidelines established under the Concept Approval (SSD-9262) and is consistent with the theme of Newcastle City.	Yes
2. Special Areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage zones are not located within, nor detract from any other environmentally sensitive, heritage, natural, conservation, open space, waterways or residential area. Notwithstanding the proposed signage has been designed to sensitively respond to the character of the building and public domain.	Yes
3. Views and Vistas		
Does the proposal obscure or compromise important views?	The proposed signage zones are integrated into the proposed building design and would not compromise any important views.	Yes

Assessment Criteria	Departments consideration	Compliance
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage has been designed and located to avoid dominating the skyline or reducing the quality of vistas. The signage has been sensitively integrated with the design of the building and public domain and uses high quality materials that ensure it is complementary to the building.	Yes
Does the proposal respect the viewing rights of other advertisers?	The proposed signage is of a scale that will respect the viewing rights of other signage.	Yes
4. Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposed signage zones are appropriate for the streetscape and setting of the proposal.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage contributes to the visual interest of the building by providing identification and recognition of the site.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The site does not contain any existing advertising. Notwithstanding, the number of signs proposed will ensure minimal visual impacts on the streetscape.	Yes
Does the proposal screen unsightliness?	The proposed signage does not screen unsightliness but has been designed to appropriately integrate with and complement the proposal.	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage does not protrude above the building envelope. The proposed signage on the façade of the building will protrude above existing street trees and canopy structures. Notwithstanding, the design of the signage will achieve a high-quality design with consideration of the architectural features of the building and the context of the site.	Yes
Does the proposal require ongoing vegetation management?	The proposed signage does not impact upon any vegetation or require any ongoing vegetation management.	Yes

Assessment Criteria	Departments consideration	Compliance
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5. Site and building

Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage is integrated within the building façade and is compatible with the design and architecture of the building.	Yes
Does the proposal respect important features of the site or building, or both?	The proposed signage will not detract from the important features of the site and building.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage is appropriately related to the building and surrounds.	Yes

6. Associated devices and logos with advertisements and advertising structures

Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Lighting devices have been integrated into the overall design of the proposed façade signage. The signs are to be backlit with all necessary cabling being concealed within the sign or signage structure. The University's logo will be designed to read as an integral part of the signage and the building façade	Yes
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7. Illumination

Would illumination result in unacceptable glare?	The proposed signage is backlit with no direct light, as such there will be no presence of glare.	Yes
Would illumination affect safety for pedestrians, vehicles or aircraft?	The proposed signage is backlit with no direct light, as such it will not affect safety.	Yes
Would illumination detract from the amenity of any residence or other form of accommodation?	The proposed illumination will provide accurate identification of the building assisting with wayfinding. It will not affect any form of accommodation. As outlined previously, all illuminated signage is proposed to be backlit that will not result in bright or glaring light.	Yes

Assessment Criteria	Departments consideration	Compliance
Can the intensity of the illumination be adjusted, if necessary?	This will not be necessary considering the proposed signage is backlit with no direct light, providing accurate identification of the building assisting with wayfinding. The illuminated signs do not directly look to residential receivers.	Yes
Is the illumination subject to a curfew?	This will not be necessary considering the proposed signage is backlit with no direct light, providing accurate identification of the building. The Department recommends a condition of consent to ensure the signage illumination does not exceed the relevant Australian Standards.	Yes
8. Safety		
Would the proposal reduce the safety for any public road?	The proposed signage on the façade of the building and within the public domain are located and mounted as such that would not be expected to reduce the safety of any public road, pedestrians, vehicles or sightlines.	Yes
Would the proposal reduce the safety for pedestrians or bicyclists?		Yes
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?		Yes

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 Coastal Management

Chapter 2 of the Resilience and Hazards SEPP gives effect to the objects of the Coastal Management Act 2016 from a land use planning perspective. The Chapter defines 4 coastal management areas that comprise the NSW coastal zone and specifies management objectives for each coastal management area. The Resilience and Hazards SEPP identifies that the site is located within a Coastal Environmental Area and Coastal Use Area and as such, Divisions 3 to 5 of Chapter 2 are applicable to the development. An assessment of the proposal against the requirements of these divisions is provided at Table C5.

Table C5 | Consideration of Division 3 to 5 of the Resilience and Hazards SEPP

Division/Clause/Subclause	Department Consideration/Assessment
Division 3 Coastal environment area	
Clause 2.10 Development on land within the coastal environment area.	
1. Development consent must not to development on land that is within the coastal environment area unless the consent authority has considered whether the proposal is likely to cause an adverse impact on the following:	
(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,	The proposal has appropriately responded to the site's flooding and drainage constraints. The site is vacant and within an urban area, and its redevelopment will not unreasonably impact on any native animals and plants, including threatened species, populations and ecological communities, and their habitats. The application has been granted a BDAR Waiver.
(b) coastal environmental values and natural coastal processes	The proposal is located within a CBD environment and is located approximately between 90-100 m south of the Hunter River foreshore and is separated from the foreshore by intervening existing high-density developments. Having regard to these characteristics, the proposal is not likely to impact the coastal environmental values or natural processes of the locality.
(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,	The site is not located near any sensitive coastal lakes and the development has considered flooding and drainage impacts.
(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,	The proposal will not impact on any marine vegetation, native vegetation and fauna and their habitats or impact on any undeveloped headlands and rock platforms.
(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability	The proposal would not impact on access to any existing foreshore, beach or headland areas. The proposed public domain is highly accessible.

Division/Clause/Subclause	Department Consideration/Assessment
(f) Aboriginal cultural heritage, practices and places	The site has been identified as potentially having Aboriginal cultural heritage significance as there is a moderate - high potential for Aboriginal objects to be found onsite. The Department has recommended conditions relating to Aboriginal archaeological unexpected finds protocol.
(g) the use of the surf zone.	The proposal will not impact on any surf zones.

2. Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or	The proposal located within an existing urban MU1 Mixed Use zoned site, behind existing built form and its proposed scale will not have any adverse impacts on the coastal management area. The Department has recommended conditions relating to Aboriginal archaeological unexpected finds protocol.
(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact,	
(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.	

Division 4 Coastal use area

Clause 2.11 Development on land within the coastal use area

(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—

(a) has considered whether the proposed development is likely to cause an adverse impact on the following —	
(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	The proposal would not impact on access to any existing foreshore, beach or headland areas.
(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,	The Department has considered overshadowing, view and wind impacts at Section 6 and concludes the development would not have unacceptable impacts in this regard.

Division/Clause/Subclause	Department Consideration/Assessment
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,	The visual amenity of the coast and its surroundings will not be impacted on by this proposal. The site is setback from the Hunter River foreshore and behind existing built form such that it would not be readily visible from the coast or any nearby headlands.
(iv) Aboriginal cultural heritage, practices and places,	The site has been identified as potentially having Aboriginal cultural heritage significance as there is a moderate - high potential for Aboriginal objects to be found onsite. The Department has recommended conditions relating to Aboriginal archaeological unexpected finds protocol.
(v) cultural and built environment heritage, and	The proposal will not have an adverse impact on cultural and built environment heritage.
(b) is satisfied that —	
(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or	The proposal located within an existing urban MU1 Mixed Use zoned site, behind existing built form and its proposed scale will not have any adverse impacts on the coastal management area. The proposed use of the site for the purposes of an educational establishment and would not give rise to adverse impacts on the existing coastal use area.
(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or	
(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and	
(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.	The scale of the proposed built form is generally consistent with the existing surrounding built form and the concept approval design guidelines.

Division 5 General

2.12 Development in coastal zone generally — development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.	The proposal involves the redevelopment of an existing urban MU1 - Mixed Use zoned site. The location of the proposal, its siting behind existing built form and its proposed scale ensure it would not increase the risk of coastal hazards on the site or other surrounding land
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The proposal has been assessed against the relevant considerations of the above plan and has been found to be consistent with the requirements for developments within the coastal environmental area and the coastal use area and will not result in any unreasonable impacts on the coastal features located within the vicinity of the site. The proposal is therefore consistent with Chapter 2 the Resilience and Hazards SEPP.

Chapter 4 Remediation of land

Chapter 4 of the Resilience and Hazards SEPP aims to provide a State-wide planning approach to the remediation of contaminated land, reduce the risk of harm to human health and the environment, and ensure that potential contamination issues are considered in the determination of a development application.

A Detailed Site Investigation, Remediation Action Plan and Draft Long Term Environmental Management Plan prepared by Tetra Tech Coffey were submitted with the application. The above plans confirm that the site can be made suitable for the proposal for use as a campus student accommodation development with ground floor retail subject to remediation being completed in accordance with the Remedial Action Plan (RAP).

State Environmental Planning Policy (Sustainable buildings) 2022

State Environmental Planning Policy (Sustainable Buildings) 2022 The Sustainable Buildings SEPP encourages the design and construction of more sustainable buildings to help meet climate change targets. An ESD report were submitted with the application. The proposal demonstrates a high level of energy efficiency and environmental sustainability. The proposal will incorporate ESD initiatives into its design, construction and ongoing operation. The proposal's embodied emissions have been quantified as part of the Embodied Materials Form completed by Surface Design.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP) aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process. An assessment of the proposal against the relevant requirements of the Transport and Infrastructure SEPP is provided at Table C6.

Table C6 | Consideration of SEPP (Transport and Infrastructure) 2021 requirements

Chapter/Division/Part/Clause/Subclause	Department Consideration/Assessment
Chapter 3 Educational establishments and child care facilities	
3.3 Interpretation	
2. In this Chapter – 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.	The proposal is for the purpose of campus student accommodation as it will be: • associated with the University of Newcastle and contribute to University’s current student accommodation portfolio; • principally for students enrolled at the University of Newcastle; • carried out on land (Site B) within the existing boundaries of an existing educational establishment, as per the approved University of Newcastle Honeysuckle City Campus Concept Approval (SSD-9262); and • designed primarily for shared living with common spaces and shared facilities.
Part 3.5 Universities – specific development controls	
Section 3.45 – Development for the purposes of campus student accommodation	
1. Despite section 3.44(2), development for the purposes of campus student accommodation may be carried out by a person with development consent on land within the boundaries of the university. 2. Development consent must not be granted if the development involves the subdivision of land. 3. Development consent must not be granted unless the consent authority has considered the design quality of the development, evaluated in accordance with the design quality principles set out in Schedule 8. 4. For the purposes of subsection (3), a reference in Schedule 8 to a school is taken to include a reference to campus student accommodation	The proposed campus student accommodation is consistent with Section 3.45 as it will be carried out on land within the boundaries of an existing university as set out by the concept approval and will not involve the subdivision of land. An assessment of Schedule 8 is provided below.

Chapter/Division/Part/Clause/Subclause	Department Consideration/Assessment
Part 3.7 General Development Controls Section 3.58 – Traffic-generating development	
(1) This section applies to development for the purpose of an educational establishment- (a) that will result in the educational establishment being able to accommodate 50 or more additional students, and (b) that involves— (i) an enlargement or extension of existing premises, or (ii) new premises on a site that has direct vehicular or pedestrian access to any road.	Given the proposal is for the purpose of campus student accommodation that will be carried out on land within the boundaries of existing university (educational establishment), the SSD was referred to TfNSW for comment during assessment. TfNSW did not raise any concerns having regard to impacts of traffic generation on the surrounding road network. Notwithstanding the above, TfNSW provided conditions for updating of Green Travel Plan and Travel Access Guides which will be included on any consent granted.
(2) Before determining a development application for development to which this section applies, the consent authority must— (a) give written notice of the application to Transport for NSW (TfNSW) within 7 days after the application is made, and (b) take into consideration the matters referred to in subsection (3).	The application was referred to TfNSW for comment within 7 days after the application was made and the Department took into consideration the matters referred to in subsection (3).
(3) The consent authority must take into consideration— (a) any submission that TfNSW provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and (b) the accessibility of the site concerned, including— (i) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and (ii) the potential to minimise the need for travel by car, and (c) any potential traffic safety, road congestion or parking implications of the development.	The consent authority has considered the relevant matters and appropriate conditions have been recommended having regard to pedestrian safety, road noise and construction impacts.
(4) The consent authority must give TfNSW a copy of the determination of the application within 7 days after the determination is made.	The Department will provide a copy of the determination of the application within 7 days after the determination is made.

Schedule 8 Design quality principles in schools – Chapter 3

Chapter/Division/Part/Clause/Subclause	Department Consideration/Assessment
Principle 1 – Responsive to context Schools should be designed to respond to and enhance the positive qualities of their surroundings. In designing built forms and landscapes, consideration should be given to a Country-centred approach and respond to site conditions such as orientation, topography, natural systems, Aboriginal and European cultural heritage and the impacts of climate change. Landscapes should be integrated into the overall design to improve amenity and to help mitigate negative impacts on the streetscape and neighbouring sites. School buildings and their grounds on land that is identified in or under a local environmental plan as a scenic protection area should be designed to recognise and protect the special visual qualities and natural environment of the area, and located and designed to minimise the development's visual impact on those qualities and that natural environment.	The design focuses on creating 2 distinctive blocks: the City block to the west, serving as a "city marker," and the Campus block to the east. The central space between them forms the building's core, connecting the 2 zones and enhancing the campus identity as people approach from Newcastle CBD's western end. The proposal incorporates Designing with Country Principles across its landscape, building, and interior design, informed by thorough site and context analysis. Landscape elements like the turntable plaza, passive atrium, level 1 terrace, and laneway connections improve site amenity, offering urban canopy, outdoor dining, flexible gathering, and study spaces. Notably, the development is not listed as part of a scenic protection area under the Newcastle LEP.
Principle 2 – Sustainable, efficient and resilient Good school design combines positive environmental, social and economic outcomes and should align with the principles of caring for Country. Schools should be designed to be durable and resilient in an evolving climate. Schools and their grounds should be designed to minimise the consumption of energy, water and other natural resources and reduce waste.	The application includes an ESD Report which outlines the sustainable design initiatives of the proposal. Specifically, the incorporation of a combination of passive strategies has resulted in the design which aims to maximise the performance of the components and materials that make up the building fabric.
Principle 3 – Accessible and Inclusive School buildings and grounds should be welcoming, easy to navigate and accessible and inclusive for people with differing needs and abilities. Schools should be designed to respond to the needs of children of different ages and developmental stages, foster a sense of belonging and seek to reflect the cultural diversity of the student body and community.	The proposal includes building identification signage, which will provide a legible wayfinding system. The application includes an Accessibility Report confirms that the proposal is capable of meeting all relevant accessibility requirements. The Turntable Plaza and future retail tenancy will be publicly accessible. In particular the Turntable Plaza will provide additional seating,

Chapter/Division/Part/Clause/Subclause	Department Consideration/Assessment
Schools should be designed to enable sharing of facilities with the community and to cater for activities outside of school hours.	and shared workspace for students, visitors and members of the public.
Principle 4 – Healthy and safe Good school design should support wellbeing by creating healthy internal and external environments. The design should ensure safety and security within the school boundaries, while maintaining a welcoming address and accessible environment. In designing schools, consideration should be given to connections, transport networks and safe routes for travel to and from school.	The design improves public health outcomes through mixed mode ventilation, provision of natural daylight and cross ventilation, high performance facades and integration with cycling and pedestrian routes. The CPTED Assessment confirms that the proposal will be safe, while the Operational Management Plan demonstrates the measures for operational safety and security in the development.
Principle 5 – Functional and comfortable Schools should have comfortable and engaging spaces that are accessible for a wide range of formal and informal educational and community activities. In designing schools, consideration should be given to the amenity of adjacent development, access to sunlight, natural ventilation, proximity to vegetation and landscape, outlook and visual and acoustic privacy. Schools should include appropriate indoor and outdoor learning and play spaces, access to services and adequate storage	The building is designed to provide both external and internal comfort. The Landscape design provides opportunities to gather in intimate or large groups. Internally, the majority of the ground level is dedicated to student wellbeing with spaces for communal gathering, private study, games and dining spaces. The landscaped courtyard between the 2 public spaces provides access to natural ventilation and light. External staircases (constructed in accordance with BCA Clause D2D13) are permitted to serve 2 storeys above an effective height of 25m (Level 8/Roof), supported by a Performance Solution. These stairs allow for some gathering The application includes an Acoustic Report which demonstrates that the proposal complies with the relevant noise intrusion criteria.
Principle 6 – Flexible and adaptable In designing schools, consideration should be given to future needs and take a long-term approach that is informed by site-wide strategic and spatial planning. Good design for schools should deliver high environmental performance and ease of adaptation, and maximise multi-use facilities. Schools should be adaptable to evolving teaching methods, future growth and changes in climate, and should minimise the environmental impact of the school across its life cycle.	The proposal is for student accommodation and has been designed to deliver high environmental performance and minimise the environmental impact of the school across its lifecycle.

Chapter/Division/Part/Clause/Subclause	Department Consideration/Assessment
Principle 7 – Visual appeal School buildings and their landscape settings should be aesthetically pleasing by achieving good proportions and a balanced composition of built and natural elements. Schools should be designed to respond to and have a positive impact on streetscape amenity and the quality and character of the neighbourhood. The identity and street presence of schools should respond to the existing or desired future character of their locations. The design of schools should reflect the school’s civic role and community significance.	The proposal would achieve a high standard architectural design and is compatible with the character of the area. The design is consistent with the Approved Design Excellence Strategy and has been reviewed by State Design Review Panel and the Government Architect NSW with their advice incorporated into the final design.

State Environmental Planning Policy (Housing) 2021

Chapter 3, Part 3 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) sets out provisions relating to the development for the purposes of Co-living housing. Student accommodation is only facilitated through Part 3 Co-living housing when it is provided ‘off-campus’. When student accommodation is provided ‘on-campus’ it is facilitated via the Chapter 3 of the Transport and Infrastructure SEPP. As such, the provisions of the Housing SEPP are not applicable to the development.

Newcastle Local Plan 2012

The NLEP aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the Newcastle LGA. The NLEP also aims to conserve and protect natural resources and foster economic, environmental and social well-being. The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the NLEP and the matters raised in Council’s submissions. (Section 5 and Section 6). The Department concludes the development is consistent with the relevant provisions of the NLEP. Consideration of the relevant clauses of the NLEP is provided in Table C7.

Table C7 | Consideration of the NLEP 2012

Control	Departments consideration	Complies
Clause 2.3 Zone objectives and land use table	The proposal is on land zoned MU1 – Mixed Use. The proposed lands uses, including campus student accommodation and retail premises are permissible with development consent in the MU1 Mixed Use zone. The proposal is also consistent with the objectives of the zone as it: - integrates a variety of uses in an accessible location that maximises public transport patronage and encourages walking and cycling; - provides a mixture of compatible land uses; and - will greatly enhance activity and support adjoining commercial uses within the Newcastle CBD without adversely impacting on the viability of other centres.	Yes
Clause 4.3 – Height of buildings Maximum building height of 30m applies to the site.	The maximum building height control under NLEP is 30m. Notwithstanding the above, Condition A11 of the Concept Approval set a maximum building height of RL 33.85m. The revised building height proposes the following exceedances: - Enclosed Plant on the eastern rooftop (plant) by 2.8m (RL 36.65) (no change) - Enclosed Plant on the western rooftop (lift overrun) by 3.65m (RL37.50) (increased by 0.1m from RL38.4) 2 cooling towers on the western rooftop by 3.68m (RL 37.53) (reduced by 3.37m from RL 40.9) The maximum building height of the development (RL 37.53) represents a 3.68m (9.2%) non-compliance. Despite Condition A11, condition C5 of the CPA states that a rooftop enclosure may exceed the height of the approved building envelopment (RL 33.85) where it can be demonstrated that the enclosure is discrete and/or integrated into the design of the building and would not have an adverse visual impact on the design and appearance of the building, the streetscene, public domain or an adverse amenity outcome. See further discussion in Section 5.	Yes
Clause 4.4 Floor space ratio Maximum FSR of 3:1 applies to the site.	The proposal has a maximum Floor Space Ratio of 3.22:1 which is above the maximum FSR of 3:1 under the LEP, however a maximum GFA of 11,480m² is permitted for the site which equates to a prescribed FSR of approximately 3.4:1. As such the FSR of the proposal is within the approve maximum GFA under Condition A11 of the Concept Approval (SSD-9262).	Yes

Control	Departments consideration	Complies
Clause 4.6 Exceptions to development standards	A Clause 4.6 variation request is not required to justify departure from the maximum height limit or maximum FSR under the LEP, as the heights are consistent with maximum height established under Condition A11 (and Condition C5ex) and the gross floor area of the development is consistent with the maximum GFA permitted under Condition A11 of the Concept Approval.	Yes
Clause 5.10 Heritage Conservation	The site is not identified as a heritage item or within a heritage conservation area. However, it is situated within a general heritage conservation area and is within the vicinity of a number of heritage items. Heritage NSW has provided a number of recommendations and conditions regarding the ongoing management and measures to be undertaken for the locomotive turntable and interpretation of the great northern railway line. With respect to Aboriginal cultural heritage, Heritage NSW has provided recommended conditions to ensure appropriate protection of Aboriginal Heritage and the implementation of an Aboriginal Cultural Heritage Management Plan.	Yes
Clause 5.21 – Flood Planning	The Department has considered flooding in Section 6 .	Yes
Clause 6.1 – Acid Sulfate Soils	The site is identified as containing Class 3 and Class 4 Acid Sulfate Soils as shown on Council's Acid Sulfate Soils Map. Potential acid sulfate soils encountered during earthworks and construction will be managed in accordance with the Acid Sulfate Soils Management Plan and Contaminated Land Management Plan and Unexpected Finds Policy Protocol prepared by Tetra Tech Coffey.	Yes
Clause 6.2 - Earthworks	Consent is sought for site preparation works. The Department considers that the proposed site preparation works would not have detrimental impact on environmental functions, processes, neighbouring uses and cultural of heritage items or features.	

Part 7 Additional local provisions – Newcastle City Centre

Clause 7.1 - Objectives of the part	The proposal is on land within the Newcastle City Centre The proposal is also consistent with the objectives of the Clause as it would promote the revitalisation of Newcastle City Centre economically and strengthen its regional position as a multi-functional and innovative hub.	Yes
Clause 7.5 – Design Excellence	The proposal showcases an impressive architectural standard, utilising suitable materials and design elements for its location at the western gateway of the City Campus. It respects established view corridors and heritage significance, addressing natural, European, and Aboriginal elements. The building adheres to permitted height limits (maximum RL 33.85m, excluding plant and lift) and features a 2-storey street frontage along Wright Lane.	Yes

Control	Departments consideration	Complies
	The proposal aims to achieve a 5 Star Design & As-built Green Star Rating. It minimizes environmental impacts, such as overshadowing and wind, and prioritizes pedestrian and cyclist access, including End of Trip facilities and bicycle parking. Vehicular access is limited to specific lanes, supporting the Concept Approval vision and Parking and Traffic Assessment guidelines. Enhancing the public domain, the development incorporates landscaping with seating, canopy structures, and street trees, that creates a vibrant space that extends beyond the building's façade.	

Concept Approval and Associated Design Guidelines

Concept Approval

An assessment of the proposal against the Concept Approval requirements is provided in Table C8.

Table C8 | Compliance with Concept Approval

Condition			Department’s Consideration	Complies				
Maximum building envelope gross floor area and height controls A11. The gross floor area (GFA) and building envelope heights for the development shall not exceed the maximums within the following table			A11. The proposal provides for 10,765m² GFA. The building is within the approved envelope with the exception of rooftop plant as permitted under FEAR C5 and the design guideline noted below.	Yes				
<table><tr><th>Building Envelope</th><th>Maximum GFA</th><th>Maximum Height</th></tr><tr><td>B</td><td>11,480m²</td><td>RL 33.85 m</td></tr></table>	Building Envelope	Maximum GFA			Maximum Height	B	11,480m²	RL 33.85 m
Building Envelope	Maximum GFA	Maximum Height						
B	11,480m²	RL 33.85 m						
Staging A12. The development shall be carried out in accordance with the following stage sequence: a) Stage 1A – building envelope A1 b) Stage 1B – building envelope ~~A2~~ B c) Stage 2 – building envelope ~~B~~ A2 d) Stage 3 – building envelope C e) Stage 4 – building envelopes D, E & F.			A12. A modification application to the Concept Approval under assessment with DPHI to correct an administrative drafting error of Condition A12 was approved 20 May 2024 to correct reference to b) Stage 1B to building B. The proposal is for development of building B in stage 1B and is therefore consistent with Condition A12.	Yes				

PART B – MODIFICATIONS TO THE CONCEPT APPROVAL

Condition	Department's Consideration	Complies
Amendments to the Design Excellence Strategy B1. Prior to the lodgement of any future development application(s), the Design Excellence Strategy prepared by Ethos Urban, dated 17 May 2018 shall be amended to address the following requirements to the satisfaction of the Planning Secretary: (a) delete the requirement for future development applications for buildings to be reviewed by the University of Newcastle Design Review Panel and clarify future development applications shall be reviewed by the SDRP in accordance with Government Architect NSW State Design Review Panel (SDRP) procedure requirements (b) require the applicant either engage a variety of architects/design teams, or demonstrate how the precinct would foster appropriate architectural diversity throughout the precinct	B1. A revised Design Excellence Strategy was endorsed by NSW Government Architect and was approved by the Department of Planning, Housing and Infrastructure on 1 December 2023.	Yes
Amendments to Design Guidelines B2. Prior to the lodgement of the first future development application, the Design Guidelines titled 'University of Newcastle Honeysuckle City Campus Development Volume 2 Design Guidelines' prepared by Cox Architecture and dated April 2020, shall be revised, to the satisfaction of the Planning Secretary, as set out in Attachment A.	B2. The Design Guidelines have been revised in accordance with Attachment A of the Concept Approval Consent (SSD-9262), with approval granted by the Department of Planning, Housing and Infrastructure on 1 December 2023.	Yes
Amendments to the concept approval drawings B3. Prior to the lodgement of any future development application(s), revised concept approval drawings shall be prepared in consultation with the Government Architect NSW and Heritage NSW and submitted	B3. The Concept Approval Drawings have been revised to reflect the changes outlined in Condition B3, with approval granted by the Department of Planning, Housing and Infrastructure on 1 December 2023. These amendments do not specifically related to the subject site.	Yes

Condition	Department's Consideration	Complies
to, and approved by, the Planning Secretary that include the following amendments: (a) Increased setbacks and design amendments to the northern and eastern elevations of Building Envelope F to: i. provide for an appropriate built form relationship to the Civic Railway Workshop West and Divisional Engineer's Office building ii. ensure the building is setback to maintain visibility from the Civic Station building to the eastern façade and south east corner of the 'Boiler House and Machine Workshop' building of the Civic Railway Workshop West iii. ensure an appropriate built form relationship with Museum Park and the former Civic Station. (b) design amendments to the northern elevation of Building Envelope E to provide an appropriate built form relationship to the Civic Railway Workshop West and Divisional Engineer's Office building. B4. Prior to the lodgement of any future development application(s), revised concept approval drawings shall be prepared in consultation with the Government Architect and submitted to, and approved by, the Planning Secretary that include the following amendments: (a) Setbacks and design amendments to building envelope E in order to achieve the solar access requirements to 474 Hunter Street (FEAR C11). (b) Setbacks and design amendments to building envelope D in order to achieve the solar access requirements to 502, 510 and 522-526 Hunter Street (FEAR C11).	B4. The Concept Approval Drawings have been revised to reflect the changes outlined in Condition B4 and (c) in particular, with approval granted by the Department of Planning, Housing and Infrastructure on 1 December 2023. Solar access analysis has been undertaken and demonstrates the Proposal will comply to the requirements as it pertains to the relevant addresses at 522-526 Hunter Street.	

Condition	Department's Consideration	Complies
<u>(c) Setbacks and design amendments to building envelope B in order to achieve the solar access requirements to 522-526 Hunter Street (FEAR C11).</u> (d) Deletion of the rooftop enclosure components of all building envelopes. (e) Deletion of the 'Expansion Zone' annotation from drawings SK 02 and SK 04.		

PART C – FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Conditions to be met in future development applications

Design Excellence C1. Prior to the lodgement of each future development application the applicant shall present the detailed future development application to the State Design Review Panel (SDRP) for its review. Future development applications shall demonstrate how the proposal responds to the advice and recommendations of the SDRP.	C1. The proposal was presented to the State Design Review Panel on the 17 April 2024. Feedback from the SDRP has been incorporated in the final design and a detailed response to all SDRP comments was provided.	Yes
Building Design C2. All future development applications for new built form must include: (a) detailed plans, elevations and sections (b) artist's perspectives and photomontages (c) a design statement demonstrating the design quality of the proposed development and having regard to the character of surrounding development	C2. The application includes detailed plans, elevations, sections, perspectives, photomontages and a design statement. The Department has considered the proposal against the Concept Approval Design Guidelines in Table C9. C3. The proposal is wholly contained within the approved building envelope, with the exception of plant and lift overruns which are permitted under Condition C5.	Yes

Condition	Department's Consideration	Complies
(d) consideration of the Design Guidelines (Attachment A). C3. The proposed new built form must be contained within the building envelopes illustrated in the approved plans referenced at ToA A6 as amended by Modification B3 and B4. C4. Future development application(s) shall demonstrate consistency with the: a) Design Excellence Strategy prepared by Ethos Urban, dated 17 May 2018, as amended by Modification B1 b) Design Guidelines, as endorsed by the Secretary (Modification B2) c) the height and GFA controls in ToA A11. C5. Future development application(s) shall show the location, height and design of any proposed rooftop enclosure(s). <u>A rooftop enclosure may exceed the height of the approved building envelope(s) where it can be demonstrated that the enclosure is discrete and/or integrated into the design of the building and would not have an adverse visual impact on the design and appearance of the building, the streetscene, public domain or an adverse amenity impact.</u> C6. Future development application(s) shall include a Reflectivity Analysis demonstrating that the external treatments, materials and finishes of the development do not cause adverse or excessive glare.	C4. The proposal is consistent with the Design Excellence Strategy (as amended by Modification B1) in that the proposal was reviewed by the SDRP on 17 April 2024 and the design procurement process was in line with the approved design excellence strategy. The proposal is consistent with the Design Guidelines. The proposed design is consistent with the maximum building envelope height control under Condition A11, with the lift and rooftop plant subject to a merit assessment under Condition C5 as noted below, and the proposal does not exceed the maximum GFA of 11,480m² permitted (also under condition A11). C5. The Proposal seeks to incorporate rooftop plant and lift overrun that exceeds the maximum approved building envelope (of RL33.85) in certain locations, as permitted by this condition. This includes: • Enclosed Plant on the eastern rooftop (plant) by 2.8m (RL 36.65) • Enclosed Plant on the western rooftop (lift overrun) by 3.65m (RL37.50) • 2 cooling towers on the western rooftop by 3.68m (RL 37.53) The proposed rooftop enclosures are discrete and/or integrated into the design of the building as follows: • The plant room on the top floor of the western portion of the development features a sawtooth profile that extends from the lower levels that results in a more cohesive architectural outcome. • The eastern rooftop plant utilises design measures such as being centrally located with significant parapet setbacks and the use of consistent materials that aim to mitigate visual and amenity impacts.	

Condition	Department's Consideration	Complies
C7. Future development application(s) shall include an Access Report demonstrating that the development achieves an appropriate degree of accessibility.	The rooftop enclosures do not result in adverse visual impacts on the building, streetscene, public domain nor do they result in adverse amenity impacts. C6. In response to Council comments, the applicant submitted a Reflectivity Report prepared by Surface Design dated 19 March 2025. The report concludes that the north and west elevations achieve the minimum required shading to reflective surfaces to satisfy the Newcastle Part b6: Urban Heat Sub-section 7.0 Development Control Plan requirements. The Department has recommended a condition limiting the reflectivity of materials. C7. The application included an Access Report and it is considered within this report that the development will achieve an appropriate degree of accessibility.	
Open space and public domain C8. Future development application(s) shall include an Open Space, Public Domain and Landscape Report (Landscape Plan) including the design and treatment of all areas of open space, public domain and landscaping and the relationship of these spaces with existing and proposed buildings, spaces, structures and connections. C9. The Landscape Plan must:	C8. The proposal includes a landscape plan that includes the design and treatment of all areas of open space, public domain and landscaping. C9. (a) Landscape Drawings have been prepared by Arcadia in accordance with the Concept Public Domain Plan Report Revision C (prepared by Oculus) and illustrate the extent of the public domain works proposed and the relationship with the existing and future surrounding buildings. (b) the landscape plan includes a schedule the species to be planted, heritage considerations and landscape treatments.	Yes

Condition	Department's Consideration	Complies
a) be generally in accordance with the Public Domain Plan Report Revision C prepared by Oculus, dated November 2019 submitted with the RtS2 b) include relevant details of the species to be planted (preferably species indigenous to the area) and the landscape treatments, including any pavement and seating areas c) consider, and incorporate where necessary, the recommendations of the heritage interpretation plan (FEAR C15) d) confirm method(s) / arrangement(s) to ensure the on-site open space, through site links and Wright Lane are publicly accessible 24 hours-a-day 7 days-a-week e) include a Mosquito Management Plan (MMP), which addresses the spread and breeding of exotic mosquitos that may have arrived from the operational port. The MMP shall be prepared in consultation with Hunter New England Local Health District.	(c) The proposed design of the open space and public domain considers the recommendations of both the Heritage Impact Assessment and Heritage Interpretation Strategy prepared by Umwelt. The proposal incorporates Aboriginal heritage interpretation through the proposal's representation of water, circles, reference to important sites in country, planting palette which has been consulted with the local Aboriginal community. (d) Future publicly accessible through-site link parallel to the eastern frontage of the site that connects Civic Lane to Wright Place public domain is designed to be clearly delineated as public space. (e) A mosquito Management Plan prepared by ecological was submitted with the proposal and addresses the spread and breeding of exotic mosquitos in consultation with HNELHD. The provides a number of recommendations which will be included on any consent granted.	
Crime prevention through environmental design C10. Future development application(s) shall include a Crime Prevention Through Environmental Design Report (CPTED) including method(s) / treatment(s) to ensure that all buildings, spaces and places within and around the development are safe and secure and the opportunity for crime has been minimised in accordance with CPTED principles.	C10. A Crime Prevention Through Design Report has been prepared by Ethos Urban. The Report provides a series of recommendations surrounding access controls and activity and space management. CPTED is assessed in Section 6 of this report.	Yes
Amenity	C11. a) An assessment of the overshadowing impact of the proposal has been undertaken as part of the Architectural Plans and Architectural Design	Yes

Condition	Department's Consideration	Complies
C11. Future development application(s) shall include an Overshadowing Impact Assessment (OIP), including shadow studies and diagrams showing the likely overshadowing impact of the development on surrounding spaces and properties. Buildings shall: (a) maintain at least 2 hours of direct sunlight to at least 70% of all north facing apartments within 522-526 Hunter Street between 9am and 3pm on 21 June (mid-winter) (b) maintain a reasonable level of direct sunlight to the north facing windows and balconies of the top floors of 474, 502 and 510 Hunter Street. (c) minimise overshadowing to proposed open spaces and public domain within the site. C12. All future development applications for new built form must include an assessment of amenity impacts including visual privacy, view loss and light spill.	Report prepared by Architectus. The solar analysis confirms that 83% of the north facing apartment within 522-526 Hunter Street maintain at least 2 hours of direct sunlight during the winter solstice. b) The proposal is considered to be consistent with the solar access to Nos. 474, 502 and 510 Hunter Street c) The Proposal has been designed in accordance with the Concept Approval and will minimise overshadowing of open spaces and public domain. C12. The proposal includes an assessment of amenity impacts including visual privacy, view loss and light spill.	
Student Accommodation C13. Future development application(s) relating to the student accommodation shall: (a) consider student amenity including any relevant requirements of State Environmental Planning Policy (Affordable Rental Housing) 2009 (b) include an Operational Management Plan, which considers operational impacts including (but not limited to) noise, hours of	The proposal has been assessed against the relevant campus student accommodation controls of Transport and Infrastructure SEPP 2021 and sections of Housing SEPP 2021 (formerly Affordable Rental Housing 2009). A Preliminary Operational Management Plan was submitted with the application prepared by University of Newcastle. The POMP explains how the facility will be operated to meet the relevant conditions and requirements in accordance with the design guideline. A condition is included requiring a detailed OMP to be prepared and implemented in accordance with the inclusions required by C13.	Yes

Condition	Department's Consideration	Complies
operation, student behaviour, security, complaint management, induction, moving in/out days and code of conduct.		
Heritage C14. Future development application(s) shall include a detailed Heritage Impact Assessment (HIA), which considers the heritage impact of the development, including any visual and view impacts on the: a) State heritage listed CRW and particularly the part of the CRW located north of the site b) Newcastle Local Environmental Plan 2012 locally listed former Civic Station, including Museum Park. C15. Future development application(s) shall include Heritage Interpretation Strategy informed by the findings / results of the HIA (FEAR C14) and archaeological fieldwork / investigations (FEAR C16). C16. Future development application(s) shall include an Aboriginal Cultural Heritage Assessment Report (ACHAR) to assess the impacts of the development on the Aboriginal archaeological and cultural heritage values of the site. The ACHAR shall be prepared in consultation with the Biodiversity and Conservation Division of the Department of Premier and Cabinet and the local Aboriginal community.	C14. The Application includes a HIS. The development is located away from the State and locally listed heritage items and therefore would not have any adverse impacts in that regard. C15. The proposal incorporates Aboriginal heritage interpretation through the use of polished concrete including embedded shell aggregate, which has been consulted with the local Aboriginal community. C16. The Application includes an Archaeological Assessment and ACHAR. The ACHAR has been supported by Heritage NSW (ACH) subject to recommendation. The Department has recommended an unexpected finds protocol be prepared and implemented during the construction phase.	Yes
Environmental Performance C17. Future development applications for new built form must demonstrate how the principles of Ecologically Sustainable	C17. The Application includes an ESD assessment. The applicant has committed to achieving a minimum 5 star rating. The Department has recommended condition requiring the development achieve at least a 5-star	Yes

Condition	Department's Consideration	Complies
Development have been incorporated into the design, construction and on-going operation of the new buildings consistent with the Concept Plan development application – Sustainability Statement prepared by AECOM and dated 6 June 2018, and demonstrate compliance with the following minimum environmental standards: a) Minimum 5-star with an aspirational 6-star Green Design and As Built rating for building envelopes A2, B, C, D E and F b) 5 Star Green Design and As Built rating for building envelope A1. C18. All future development applications for new built form must consider opportunities for the incorporation of green roofs	Green Star rating in accordance with the ESD Report. C18. Landscape Design Report and Landscape Drawings have been prepared by Arcadia. Landscaping has been incorporated into Building B through 2 main zones including the internal courtyard and the external communal terrace at Level 1.	
Traffic and transport C19. Future development application(s) shall be accompanied by a Traffic Impact Assessment (TIA) that assesses the traffic, transport and pedestrian impacts on the road and footpath networks and nearby intersection capacity. The TIA shall also address: a) mode-share, sustainable transport management / mitigation and the recommendations of the Transport Access Strategy prepared by SECA Solutions and dated June 2018 (as amended by letters dated 4 July 2019 and 8 November 2019) b) any amendments to the design, capacity and operation / safety of Wright Lane, Settlement Lane. Any proposed amendments shall be prepared in consultation with Council c) vehicle and pedestrian safety within the site	C19. A Parking and Transport Assessment has been prepared by SECA Solution to support the proposed vehicular access arrangement. The assessment meets C19 (a) to (g). The Assessment has informed the design and concludes that the development is well located to benefit from the light rail and broader public transport network. It is also well connected to the CBD and surrounds enabling people to walk and cycle to the campus and therefore not be reliant on private car usage. C20. In accordance, with approved Concept Approval the proposed carpark will be a temporary use to retain existing number of parking spaces during the initial stages of development, the carpark is expected to be removed once Stage 3 development works of the Concept Approval commence.	Yes

Condition	Department's Consideration	Complies
d) loading / unloading, servicing, taxi and coach, pick-up/drop-off arrangements e) on-site car parking location, access and operation f) pedestrian and bicycle infrastructure and improvements g) the expansion of the shuttle bus service including the operation of the service and the design and operation of the shuttle bus stop. C20. Future development application(s) for the initial stages of the development (i.e up to Stage 3, ToA A12) shall retain 172 on-site surface car parking spaces for use by students, staff and the general public. C21. The applicant shall monitor the travel mode share split for each stage of the development following commencement of the use of each stage/building. Future development application(s) shall include a traffic and transport study and surveys (including the results of the mode share monitoring), which assesses the travel mode share split achieved for previous stages of the development and compares this with the mode share targets within the Transport Access Strategy prepared by SECA Solutions and dated June 2018 (as amended by letters dated 4 July 2019 and 8 November 2019). C22. Future development application(s) for the final stage of the development (i.e stage 4, ToA A12) shall include an appropriate amount of onsite car parking in the event that the travel the mode share monitoring and assessment (FEAR C21) demonstrates the travel mode	C21. The University has an existing 2023 Strategic Transport Management Plan (STMP) prepared by Stantec that monitors travel mode share split each stage of the development following commencement of the use of each stage/building. The Parking and Transport Assessment prepared by SECA solutions reviewed the STMP and recommends annual mode share questions to be included in the University's student and staff surveys to provide regular monitoring of through the stages of development across the Precinct. Any future development will continue to be monitored as per the condition. C22. Not applicable as this is the second stage of the development. C23. The Application includes a green travel plan. TfNSW requires the Green Travel Plan to be amended to include an implementation plan section with committed actions ready for implementation, a travel survey included as a separate appendix, additional information about walking and cycling routes and a website linked to the Travel Access Guides (TAGs). A condition is included on the consent requiring this.	

Condition	Department's Consideration	Complies
share shift (contained the Transport Access Strategy prepared by SECA Solutions and dated June 2018 (as amended by letters dated 4 July 2019 and 8 November 2019)) is not achieved, or on track to be achieved, at the time of the lodgement of the future development application for the final stage. C23. Future development application(s) shall include green travel plans, identifying opportunities to maximise the use of sustainable transport choices, such as incentives and provision of cycle parking and end of trip facilities in the detailed design.		
Bicycle parking and facilities C24. Future development application(s) shall include bicycle parking for students / employees / visitors and end of trip facilities (toilets, change/locker rooms and showers) in accordance with the Newcastle Development Control Plan 2012. Future development application(s) shall also explore opportunities to provide bicycle parking in excess of the Newcastle Development Control Plan 2012, where this would facilitate the proposed sitewide travel mode share.	C24. The proposal provides a 90 space bicycle storage facility and 23 external bike hoops providing parking for 46 bikes. In total the proposal will provide spaces for 136 spaces which exceeds the DCP requirements for the most applicable use. The proposal includes end of trip facilities.	Yes
Wind assessment C25. Future development application(s) shall include a Wind Impact Assessment, including wind tunnel testing, which assesses the existing and proposed wind environment, demonstrates spaces within and around the site are suitable for their intended purpose and includes mitigation measures to address adverse wind conditions, where necessary. In the event that the Wind Impact Assessment recommends landscaping /	C25. The Application includes a Pedestrian Wind Environment Assessment that recommends mitigation measures (awning and planting), which have been incorporated into the design of the development. Wind tunnel testing was carried out using a 1:300 scale model of the development and surroundings. The Study concluded that wind conditions for majority of the trafficable outdoor spaces within and around the development would be suitable for their intended uses. The suggested mitigation	Yes

Condition	Department's Consideration	Complies
planting mitigation measures, these shall be shown on the Landscape Plan (FEAR C8).	treatments have been incorporated and are shown on the Landscape Drawings prepared by Arcadia. A relevant condition is included on the consent requiring the development to comply with the Pedestrian Wind Environment Assessment.	
Waste C26. Future development applications shall include a Waste Management Plan to address storage, collection and management of waste and recycling within the development.	C26. The application includes a Construction & Demolition and Operational Waste Management Plan. The Department has recommended a condition requiring the preparation of the final OWMP.	Yes
Utilities C27. Future development application(s) shall include a Utility Services Infrastructure Assessment (USIA) which addresses the existing capacity and any augmentation requirements of the development for the provision of utilities, including staging of infrastructure. The USIA shall be prepared in consultation with relevant agencies and service providers.	C27. The application includes an Infrastructure Services Brief which outlines that the site's services infrastructure will primarily be connected from Worth Place and Wright Lane. The report identifies the relevant authorities corresponding to their respective services that the applicant will need to consult with.	Yes
Operational noise and vibration C28. Future development application(s) shall be accompanied by a Noise and Vibration Impact Assessment (NVIA) that identifies and provides a quantitative assessment of the main noise generating sources and activities during operation. The NVIA shall include details of any mitigations measures to ensure the amenity of sensitive land uses are protected during the operation of the development.	C28. The application includes an acoustic and Vibration Assessment Report, which provides an assessment of the construction and operational acoustic impacts and proposes a series of mitigation measures to protect the amenity of the adjoining sensitive land uses. The Department has recommended operational and construction noise conditions to address noise impacts.	Yes
Hydrology	C29. The application includes an integrated Water Management report, which concludes the development has been designed to respond to the stormwater	

Condition	Department's Consideration	Complies
C29. Future development application(s) shall consider potential flooding, stormwater, climate change/sea level rise and water quality impacts. Buildings shall be designed to appropriately respond to any constraints and address water sensitive urban design principles and the Newcastle Development Control Plan 2012 flooding/stormwater requirements.	management, flooding water quality, erosion and sediment control and green star impacts. flooding and drainage constraints of the site. The Department has recommended appropriate conditions.	
Contamination and mine subsidence C30. Future development application(s) shall include a Site Contamination Assessment and, as necessary, a Remedial Action Plan reviewed and approved by a site auditor accredited under the Contamination Land Management Act1997. C31. Future development application(s) shall include a Mine Subsidence Assessment which shall be prepared in consultation with Subsidence Advisory NSW (SA NSW) and shall consider any relevant approvals of the SA NSW relating to the site.	C30/C31. Council has previously approved a DA, which includes site preparation and land remediation works. SA NSW has previously issued an approval relating to mine subsidence.	Yes
Construction C32. All future development application(s) must provide an analysis and assessment of the impacts of construction and include: a) Construction Pedestrian and Traffic Management Plan (CPTMP), prepared in consultation with TfNSW. The CPTMP must detail vehicles routes, numbers of trucks, hours of operation, access arrangements and traffic control measures and cumulative construction impacts (i.e. arising from concurrent construction activity)	C32. The Application includes all necessary construction management reports. The Department has recommended conditions to ensure the construction of the development does not have adverse environmental or amenity impacts.	Yes

Condition	Department's Consideration	Complies
b) Construction Noise and Vibration Impact Assessments that identifies and provides a quantitative assessment of the main noise generating sources and activities during construction. Details are to be provided outlining any mitigation measures to ensure the amenity of adjoining sensitive land uses is protected throughout the construction period(s) c) Community Consultation and Engagement Plans d) Construction Waste Management Plan e) Air Quality Management Plan f) Water Quality Impact Assessments and an Erosion and Sediment Control Plan (including water discharge and dewatering considerations) g) Geotechnical and Structural Investigation Report h) Acid Sulphate Soil Assessment and Management Plan i) Sediment and Erosion Management Plan.		

Concept Approval Design Guidelines

The Concept Approval includes Design Guidelines (titled *University of Newcastle Honeysuckle City Campus Development Volume 2 - Design Guidelines*, prepared by Cox Architecture and dated April 2020), which are intended to inform the design excellence process and the detailed design of the development. The Design Guidelines provide guidance on a range of matters including urban design, public domain and built form considerations.

In its assessment of the Concept Approval the Department amended the Design Guidelines to ensure the detailed design of the development achieves the urban design, public domain and open space objectives for the development.

The Department has considered the proposal against the Concept Approval Design Guidelines (as recommended to be amended) at Table C9.

Table C9 | Consideration of Stage 1B against the Concept Approval Design Guidelines

Clause/Control	Department's Consideration	Complies
2. Design Principles		
Engaged • Create a strong, visible UON presence in the Newcastle CBD that is welcoming to students, staff and visitors and contributes to a sense of identity and place. • Contribute to the vibrancy of the Newcastle CBD during the day and night by designing the urban environment to have safe and open connections, with ground level activation. • Create an urban campus that is integrated with the CBD and enables boundaries between university and city to be dissolved through physical and visual links in the built form and public domain.	The Proposal aims to strengthen the University's presence along Worth Place and enhance character of the Honeysuckle Precinct by transforming an underutilised site into a student housing precinct. The design is considered to integrate with the urban context, providing connections and activation at ground level through the site. Access through the site will be available to the public day and night and the design of the public domain is considered to allow open connections. The development is considered to be in keeping with and will contribute to the desired future character of the Newcastle CBD which is currently undergoing significant change. The development aligns with the Concept Approval.	Yes
Unique • Create a campus environment that is a vibrant and attractive destination offering a variety of spaces and experiences for UON students, staff and visitors, but that also welcomes the wider Newcastle community • Respond to the unique history of the site by reinterpreting the locomotive, industrial and indigenous heritage of the place through opportunities in the design of public domain, landscape and building spaces • Design the public domain as an urban campus heart that provides enjoyable places for people to meet and gather, and that maximises solar access and connections to its location between the waterfront and city	The proposal will create a vibrant precinct, offering a variety of experiences for students, staff, and visitors at UON. The development includes social spaces supported by retail tenancies and landscaped areas that have a strong design response to the site's European and Indigenous heritage. The design is consistent with the campus layout, enhancing connections through Wright Lane and a north-south link. The layout also maximises solar access for internal spaces, surrounding buildings, and the public domain.	Yes

Clause/Control	Department's Consideration	Complies
Sustainable - Create a world class, sustainable facility that demonstrates a commitment to social environmental and economic leadership - Social: Reinforce UON's relationship with the wider Newcastle community and meet social responsibilities by dissolving the boundaries between university and city - Environmental: Meet the challenges of a low-carbon future through energy efficient and environmentally sustainable design and operation of the Campus - Economic: Design and develop accessible and engaging work/study environments that attract leading academic talent	The proposal aims for a 5-Star Green rating (V1) by improving the building's amenity, efficiency, resilience, and inclusivity. A zero-carbon action plan will support the circular economy for a low-carbon future. The development includes public domains works which include sustainable features, creating accessible, engaging spaces to connect users the University and with the City. The building offers various seating, lounges, and meeting areas for study, work, and socialising. The general public will have access to the passive atrium, turntable plaza, ground floor retail and laneway connections throughout the development.	Yes

Site Wide Guidelines

3.3 Development Parcels

Floor space will be distributed across the precinct in accordance with the Concept Approval to ensure the best functional and urban design outcome.

The table below outlines the maximum GFA for each lot proposed in ConceptApproval:

Lot	GFA	Site	Stage	Use
Lot A1	4,000m²	Site 1	1a	Academic + retail
Lot A2	10,770m²	Site 1	2	Academic + retail
Lot B	11,480m²	Site 2	1b	Student Accommodation + retail
Lot C	11,595m²	Site 2	3	Academic + retail

The Proposal seeks to provide 10,765 m² of GFA comprising 130 m² retail, 683m² communal residential amenity, and 9,520 m² of student accommodation.

The design dedicates 88% of the proposed GFA towards student accommodation to enable differing unit configurations.

Yes

Clause/Control					Department's Consideration	Complies
Lot D	8,252m²	Site 2	4	Academic + retail		
Lot E	8,210m²	Site 3	4	Academic + retail		
Lot F	11,035m²	Site 3	4	Academic + retail		
Gross floor area (GFA) refers to the Council definition of floor space which counts all internal floor space above ground excluding voids and plant areas. Scaling factors have been applied to the gross building envelope (GBA) to calculate GFA. This allows for loose fit envelopes and reflects the different floor type requirements: Academic buildings - 85% GBA to GFA Student Accommodation - 80% GBA to GFA <u>Applicable Controls</u> Lot B (Stage 1b) GFA: 11,480m² Use: Student Accommodation + Retail Gross floor area (GFA) refers to the Council definition of floor space which counts all internal floor space above ground excluding voids and plant areas: Student Accommodation, 80% Gross building envelope (GBA) to GFA is applied to allow for more complex floor plates that adjust for differing accommodation unit configurations.						
3.4 Height The revised LEP height controls apply over the precinct. The majority of the site has a 30m height limit. A small area adjacent to Museum Park at Civic Lane has a 24m height limit.					The Proposal seeks consent for a maximum building height of RL 33.85 which is compliant with the heights envisaged under the Concept Approval.	Complies

Clause/Control	Department's Consideration	Complies
Key assumptions underpinning the height response are: - Maximum building heights shall be in accordance with the Concept Approval - Academic buildings should provide a floor to floor height min. 3.65m - student accommodation building should provide for floor to floor height min. 3.1m - Floor to floor height at ground level should be greater than of the storeys above - Rooftop plant/enclosures shall integrate with the parent building, be unobtrusive and not have an overbearing visual impact on the building, neighbouring buildings or the streetscene and public domain - There may be minor intrusions of rooftop plant areas above the maximum building envelope height, subject to approval The following principles should be used to determine building heights: - Buildings should be appropriately scaled and positioned to allow for good solar access to the Campus Heart and Turntable Plaza during winter as well as summer. - Building heights should transition down to the Civic Railway Workshops, Museum Park and the former Civic Station. - Building height/scale adjacent to Civic Lane should consider amenity impacts on adjoining residential properties, in accordance with the Concept Approval. - Buildings along Honeysuckle Drive should take advantage of views to the north over the Hunter River - Podiums are used throughout to create human scaled spaces.	The minimum ground level and floor-to-floor height of 3.1 m for student accommodation is provided. The proposal incorporates a rooftop plant and lift overrun that exceed the maximum approved building envelope (of RL33.83) in certain locations, as permitted by FEAR C5 of the Concept Approval. The exceedances are largely consolidated along the eastern rooftop and western rooftop away from key public domain areas such as Campus Heart and Turntable Plaza. The additional heights are incorporated into the façade design through the extension of the sawtooth articulation and materiality to rooftop. The building's address to Civic Lane seeks to maintain the amenity of the adjoining residential properties providing 75% of north facing apartments of 522-526 Hunter Street receive minimum 2 hours of sun during the winter solstice in accordance with the Concept Approval. The building podium has been designed to enhance the pedestrian experience of the streetscape through its consideration of the human scale. The ground floor plane incorporates the appropriate proportions and materiality to ease the building height transition.	
3.5 Setbacks	The proposed setbacks are:	Yes

Clause/Control		Department's Consideration		Complies																										
The Concept Approval proposes a variety of setbacks to create suitably scaled public domain for the pedestrian environment of a university campus within a CBD. <table><tr><th>Frontage</th><th>Setback</th></tr><tr><td>Honeysuckle Drive</td><td>0m Setback above 2-storey podium and 6/7-storeys</td></tr><tr><td>Worth Place</td><td>0-3m</td></tr><tr><td>Wright Lane</td><td>3m Setback above 2-storey podium</td></tr><tr><td>Civic Lane</td><td>2m Setback above 2-storey podium</td></tr><tr><td>Settlement Lane</td><td>3m to enable underground services corridor within setback</td></tr><tr><td>Mid Block Pedestrian Links</td><td>Setback above 2-storey podium</td></tr><tr><td>Civic Link</td><td>3-15m landscape setback to transition to open space</td></tr></table>		Frontage	Setback	Honeysuckle Drive	0m Setback above 2-storey podium and 6/7-storeys	Worth Place	0-3m	Wright Lane	3m Setback above 2-storey podium	Civic Lane	2m Setback above 2-storey podium	Settlement Lane	3m to enable underground services corridor within setback	Mid Block Pedestrian Links	Setback above 2-storey podium	Civic Link	3-15m landscape setback to transition to open space	<table><tr><th>Boundary</th><th>Setbacks</th></tr><tr><td>North (Wright Lane)</td><td>3m podium setback along Wright Lane 3m setback above podium (tower setback)</td></tr><tr><td>South (Civic Lane)</td><td>2m podium setback along Civic Lane 3m setback above podium</td></tr><tr><td>East</td><td>6m podium setback along future through-site link 3m setback at north-eastern corner above podium 4.36m setback at south-eastern corner above podium</td></tr><tr><td>West (Worth Place)</td><td>3m podium setback along Worth Place Nil setback above podium</td></tr></table>		Boundary	Setbacks	North (Wright Lane)	3m podium setback along Wright Lane 3m setback above podium (tower setback)	South (Civic Lane)	2m podium setback along Civic Lane 3m setback above podium	East	6m podium setback along future through-site link 3m setback at north-eastern corner above podium 4.36m setback at south-eastern corner above podium	West (Worth Place)	3m podium setback along Worth Place Nil setback above podium	
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- Honeysuckle Drive: N/A - Settlement Lane: N/A - Mid-block pedestrian link: N/A - Museum Park: N/A																														

Clause/Control	Department's Consideration	Complies
3.6 Identity & Address The design resolution of the buildings should respond to the importance of the Campus and where most students and visitors will access the site. Honeysuckle Drive on the northern edge of the site will be the formal address of the Campus. Elements that will contribute to the identity and address of the Campus include: • Formal address on Honeysuckle Drive • Building form sculpted to create views into the Campus Heart from Worth Place and refurbished rail corridor • Creation of active public spaces at ground level that engage with the city • Opportunities to showcase UON's activity through building facades • Activation of ground floors • Feeling of porosity through the site, enabling new north-south and east-west pedestrian links • Positioning of service access points along the secondary facades including Civic Lane and Settlement Lane. Service access should not be provided from Honeysuckle Drive and Worth Place, and any service access from Wright Lane limited. The exact location of servicing access points will be determined at future DA stage for each building.	The proposal activates the public domain and connects with the city through retail offerings. The building's façade, ground floor level and public domain highlights UON's activity with glazed and articulated design. The building would not obscure views into the future campus and the public domain is highly permeable. The public domain includes east-west and north-south links pedestrian links to connect to future adjacent sites. The ground floor is suitably activated with retail use. Servicing access is provided via Civic Lane.	Yes
3.7 Site Infrastructure The enabling works investigations indicate that adequate infrastructure to service the site appears to be available. The Concept Approval has been designed to respond to some key infrastructure requirements including:	The demolition and construction of a new chamber substation has been incorporated under a separate enabling works DA. The proposed landscape design utilises water sensitive urban design principles that consider the nature of the overland flow along Wright Lane and seek to mitigate flooding conditions.	Yes

Clause/Control	Department's Consideration	Complies										
• Provision for 2 new chamber substations on the Campus. One will be developed in each stage and will replace the existing substation located on Civic Lane in the south-west corner of the site • Allowance for overland flow along Wright Lane. • Setback along Settlement Lane to allow for underground services infrastructure due to the existence of a subterranean car park under Settlement Lane. The following flood planning levels guide the design of structures on the site (from ADW Johnson): <table><tr><td>Area</td><td>Level</td></tr><tr><td>Minimum Property and On-ground Garaging</td><td>2.28m AHD</td></tr><tr><td>Minimum Habitable Floor Level</td><td>2.58m AHD</td></tr><tr><td>Minimum Upper Floor Level Stairway Exit</td><td>3.38m AHD</td></tr><tr><td>Basement Parking Entry/Exit Crest/ Flood Barrier</td><td>3.38m AHD</td></tr></table> The Flood Information Certificate from Newcastle City Council for Lot1 DP1163346 (western part of Site 1), indicates a minimum floor level for occupiable rooms of 2.51m AHD. Buildings shall be sensitively designed in response to flooding and ensure that mitigation measures: • do not result in inactive facades fronting the public domain • do not result in extended sections of walls, ramps or barriers that unreasonably separate the ground floors of buildings from the public domain • allow for a seamless connection between buildings and the public domain where located within the public domain, are integrated into the hard and soft landscaping of the precinct.	Area	Level	Minimum Property and On-ground Garaging	2.28m AHD	Minimum Habitable Floor Level	2.58m AHD	Minimum Upper Floor Level Stairway Exit	3.38m AHD	Basement Parking Entry/Exit Crest/ Flood Barrier	3.38m AHD	The site has a 2.4m 1% AEP flood level and is required to the 2.9 AHD flood planning level in accordance with the most recent Flood Study adopted by Council (Throsby, Styx and Cottage Creek Flood Study). While these guidelines utilise the previous BMT Honeysuckle Redevelopment Area Flood Study (Rev. 8 dated 8/03/18), the Proposal is compliant proposing a 2.9m AHD finished floor level at ground. The building provides for active facades, does not provide extended sections of walls, ramps or barriers and provides for an appropriate interface with the public domain.	
Area	Level											
Minimum Property and On-ground Garaging	2.28m AHD											
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Minimum Upper Floor Level Stairway Exit	3.38m AHD											
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Clause/Control	Department's Consideration	Complies
4.0 Public Domain Strategies		
4.1 Site Interfaces - New links between Civic Lane, Wright Lane and Honeysuckle Drive create permeability across the precinct to the waterfront - Widening Civic Lane will improve access, amenity and safety - Potential closure of Wright Lane to traffic between Settlement Lane and Worth Place will enhance the experience of users at the Campus, reinforcing the east-west 'park to park' green connection and creating a safe Campus heart - A setback along Settlement Lane will enable an enhanced landscape pedestrian zone and reinforce links to the waterfront.	The proposal will facilitate permeability through the site acknowledging the pedestrian desire lines and weaves through the landscape design. The unique potential pedestrian experience is enhanced through the inclusion of vegetation and social gathering spaces along the length of Wright Lane. The Proposal enables the future potential closure and pedestrianisation of Wright Lane through the activation of the Wright Lane frontage. The applicant intends to upgrade the east-west cycleway along Civic Lane to support active transport in the area initially via a temporary solution. A permanent on-road cycle path will be provided along Civic Lane along the student accommodation development footprint to connect with Worth Place and this will be developed with Council who have provided appropriate conditions.	Yes
Civic Lane Civic Lane sits outside the site, however a 2m setback is proposed for all development on Sites 2 and 3 along Civic Lane. A 5m setback above the podium is proposed to enable future residential development between Civic Lane and Hunter Street. This setback can also enable a safer pedestrian environment along Civic Lane, contributing to a permeable campus.	Civic Lane The Proposal seeks to provide a 5m setback above the podium. The setback will enable residential development between Civic Lane and Hunter Street while maintaining a safe pedestrian environment along Civic Lane.	Yes
Wright Lane	Wright Lane	

Clause/Control	Department's Consideration	Complies
Wright Lane lies between Sites 1 and 2. Between Settlement Lane and Worth Place, it is proposed that this part of the lane could be pedestrianised with vehicular access restricted to emergency vehicles only, subject to RMS approval. Wright Lane will remain open to traffic from Settlement Lane to the east. A 3m setback to buildings fronting Wright Lane is proposed to enable a generous public domain for a high pedestrian traffic area through the central spine of the Campus. Campus Heart The Campus Heart will span between the site boundaries from Honeysuckle Drive to Wright Lane and will act as a new public open space on the Campus. The Campus Heart will enable a clear pedestrian link through to the Honeysuckle waterfront using established links on the northern side of Honeysuckle Drive. The surrounding buildings of the Campus should provide active ground level uses fronting onto the Campus Heart to activate the space.	The Proposal seeks to provide a 3m setback to the building fronting Wright Lane. This will enable a generous public domain for a high pedestrian traffic area through the central spine of the Campus Campus Heart The Proposal seeks to activate the ground floor plane through its interaction with the public domain along Wright Lane and future through-site link from Civic Lane.	
6. Built form elements		
6.1 Articulation - Buildings must demonstrate contemporary expression and environmental responsiveness and function must respond to place, environment and the urban character of the Honeysuckle City Campus precinct. - Historical styles are not permitted. - Building entries must be clearly articulated and be visible from the public domain. - The use of fixed awnings at a consistent height between buildings is encouraged to provide weather protection and articulation of entries.	The Proposal addresses the character of the Honeysuckle City Campus precinct through façade articulation and materiality. It clearly defines building entries and strongly connects with the public domain along Wright Lane.	Yes

Clause/Control	Department's Consideration	Complies
Elements such as balconies and sun shading that create a sense of scale or rhythm on the facades are to be employed to add to the richness of the architectural expression.		
6.2 Materials - A common materials palette is required for the precinct, with a clear distinction between low rise and high rise elements to be expressed. - Materials should be light in colour, and predominantly neutral in tone along with glazing. Natural materials including timber and concrete are encouraged. Accent colours may emphasise key locations including important corners and vistas. - The podium of each should include brickwork as a unifying design element throughout the campus with unique material and design expression provided at building entries and around areas of glazing. - Western facades should be predominantly solid or they must include sun shading devices. - Northern facades should be predominantly glazed with sun shading. - Reflective glass is not permitted - Low glare roof materials must be used. - Develop a contemporary architectural expression that creates a human scale to the public domain enlivened by smaller scale articulation elements such as louvres, balconies, roof overhangs. - Use a range of materials that are appropriate to function, maintenance, and scale. - low rise podium facades that can easily be seen by the pedestrian should comprise high quality durable materials with developed architectural details.	The proposed façade and materiality, incorporates high-quality, durable materials that reflect the site's Indigenous and non-Indigenous heritage. The design references the site's brick railway history with warm earthy tone bricks at ground level, complemented by light-coloured terracotta cladding on the towers. Soft blue hues on horizontal terracotta elements draw from the Design with Country analysis.	Yes

Clause/Control	Department's Consideration	Complies
- Materials for higher elements that are more difficult to service and maintain should be low maintenance, while less detail may be required.		
6.3 Building Lighting • Lighting should integrate fixture style with the building's architectural character. • Investigate opportunities to utilise solar (photovoltaic) technology, high efficiency fixtures or alternative energy sources as energy saving measures. • Buildings must have a strong night-time building presence and entries be visible from their primary vehicular and pedestrian access points. • Building lighting should be integrated with access, wayfinding, signage and public art strategies for the Campus • Across the site, white metal halide light must be used for external lighting rather than yellow sodium vapour lamps. • Visible point sources of building illumination must be minimised with appropriate consideration of glare and lighting positioning.	The proposed lighting enhances the building's architectural character while supporting a target of a 5-Star Green Star Building v1 rating. Solar technology, efficient fixtures, and alternative energy sources will be utilised. Lighting is integrated with wayfinding and signage to improve safety and visibility, with key entry points well-lit for a strong night-time presence.	Yes
6.4 Building Signage • Building signage shall be in accordance with the Concept Approval Signage Strategy • Building identification signage must relate only to UON. • The appropriate size of building identification signage shall be determined following consideration of location, visual impact and integration with the parent building.	The Application includes sufficient information to consider building identification signage. The Department concludes the signage it acceptable.	Yes

Clause/Control	Department's Consideration	Complies
• Signage lighting is to be arranged and maintained so that the light source is not directly visible from a public right-of-way or adjacent property. • As part of the detailed proposal submission, a plan shall show the location of the proposed signage and detailing dimensions, proposed colour, material, copy, and method of illumination. • Building Approval must be obtained prior to erecting, altering, displaying or relocating a temporary or permanent signage. • Buildings must have street numbers prominently displayed on the main street elevation. Numbers must be 500 millimetres in height, non- illuminated and mounted 3 metres above the ground floor level. • • All signage at Honeysuckle should be consistent with this strategy and the Concept Approval Signage Strategy.		
6.5 Sustainability • Be designed in accordance with Ecological Sustainable Development principles - maintain, respect and restore biodiversity - create quality, comfortable, healthy and safe environments - ensure responsible resource use (especially non-renewable resources) - explore energy collection, energy conservation and waste re-use - consider adaptation, recycling, and deconstruction of buildings and materials - minimise pollution and environmental impacts - balance capital, efficiency and building lifecycle costs. • Development on the site shall be capable of achieving the following targets:	The Application includes an ESD assessment and demonstrates the building has been designed in accordance with ESD principles. - The applicant has committed to achieving a 5 star Green Star rating. The Department has recommended conditions requiring the development achieve at least a Green Star Buildings v1 rating with Green Building Council Australia..	Yes

Clause/Control	Department's Consideration	Complies																
- Buildings should achieve a minimum 5-star Green Star rating with an aspirational 6-star Green Star rating (excluding building envelope A1, which should achieve a minimum 5-star Green Star rating). - Buildings should achieve a minimum 5-star NABHERS rating																		
7. Lot Guidelines																		
7.3 Lot B <table><tr><td>Site</td><td>2</td></tr><tr><td>GFA</td><td>11,480m²</td></tr><tr><td>Indicative Max. Height</td><td>9 Storeys + rooftop plant / lift motor rooms</td></tr><tr><td colspan="2">Setbacks</td></tr><tr><td>Worth Place</td><td>3m</td></tr><tr><td>Wright Lane</td><td>3m 5m above podium</td></tr><tr><td>Civic Lane</td><td>2m 5m above podium</td></tr><tr><td>Pedestrian Link</td><td>3m above podium</td></tr></table>	Site	2	GFA	11,480m ²	Indicative Max. Height	9 Storeys + rooftop plant / lift motor rooms	Setbacks		Worth Place	3m	Wright Lane	3m 5m above podium	Civic Lane	2m 5m above podium	Pedestrian Link	3m above podium	The primary building entry is on Wright Lane, with a secondary entry at Worth Place and Civic Lane. On-site servicing is accessed via Civic Lane in the south-east. The Proposal includes a generous setback for pedestrian access while respecting the heritage turntable. Solar analysis confirms 75% of north-facing apartments at 522-526 Hunter Street receive at least 2 hours of sunlight during the winter solstice, meeting the Concept Approval. View analysis shows the Proposal supports view sharing with neighbouring properties.	Yes
Site	2																	
GFA	11,480m ²																	
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Appendix D – Consideration of view impacts

To determine whether the proposed view-sharing impacts are reasonable of the proposal, the Department has followed a 4-step assessment process in accordance with the principles established in the case of *Tenacity Consulting vs Warringah* [2004] NSWLEC 140 (the tenacity principles). The steps/principles adopted in the decision-making process are to:

1. Assess what views are affected and the qualitative value of those views.
2. Consider from what part of the property the views are obtained.
3. Assess the extent of the impact (Tenacity principles establish an impact spectrum including 'negligible', 'minor', 'moderate', 'severe' and 'devastating').
4. Assess the reasonableness of the proposal that is causing the impact.

Public submissions raised concern that the proposed building will impact views from apartments 522-526 Hunter Street to the Coquun (Hunter River) when looking north and from the north facing units from 509 Hunter Street.

An assessment of the tenacity principles in context to the proposal is as follows:

1. Assess what views are affected and the qualitative value of those views

The proposal will be visible from the above sites. The views are to the Hunter River and the City of Newcastle skyline. Views to the Hunter River and Newcastle city skyline are only partial as existing buildings along the water front partially block the views. The views, comprising water, have moderate to high amenity value. Views of the Newcastle CBD do not contain iconic views.

2. Consider from what part of the property the views are obtained

The views are obtained from northern looking units towards the Hunter River. The views obtained to the Hunter River are across multiple boundaries particularly boundaries of undeveloped or underdeveloped sites. The views are enjoyed from living and balcony rooms.

3. Assess the extent of the impact

Views from the living spaces of the typical north facing apartments within 522-526 Hunter Street will retain views to The Coquun (Hunter River). View loss to the Hunter River will occur from some properties within Unit B (western side of building) with these units retaining views of the Newcastle CBD. The proposal does not block views to any heritage items of unique scenic quality. The loss of views caused by the proposal is considered minor as whilst the views are obtained from living rooms and balconies, views are still retained in part through existing and proposed view corridors and improve significantly the higher the level of unit.

4. Assess the reasonableness of the proposal that is causing the impact

The development is considered to largely comply with the relevant objectives and controls and particularly those that relate to building height, envelope and massing stipulated by the Concept Approval and associated Design Guidelines (see Section 6). Where the height of the building exceeds the maximum RL 33.85m

(Condition A11 of Concept Approval) these elements are enclosed rooftop plant that, in the context of the view analysis, are centrally located on the eastern rooftop, do not cause view loss and would not provide greater access to views if the heights were reduced.

As such, the Department considers the proposal acceptable and would not unreasonably impact views from the surrounding properties.

Appendix E - Recommended instrument of consent

<https://www.planningportal.nsw.gov.au/major-projects/projects/uon-city-campus-student-accommodation>