

ADW JOHNSON PTY LIMITED

ABN 62 129 445 398

Sydney
Level 35 One International Towers
100 Barangaroo Avenue
Sydney NSW 2000
02 8046 7411
sydney@adwjohnson.com.au

Central Coast
5 Pioneer Avenue
Tuggerah NSW 2259
02 4305 4300

coast@adwjohnson.com.au

Hunter Region
7/335 Hillsborough Road
Warners Bay NSW 2282
02 4978 5100

hunter@adwjohnson.com.au

Statement of Environmental Effects

Proposed Warehouse and Distribution Centre

Property:

Lot 152 DP 1202468
Raven Street, Kooragang

Applicant:

Port of Newcastle

Date:

May 2021

Project Management • Town Planning • Engineering • Surveying
Visualisation • Social Impact • Urban Planning

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Unless otherwise specified in this report, information and advice received from external parties during the course of this project was not independently verified. However, any such information was, in our opinion, deemed to be current and relevant prior to its use. Whilst all reasonable skill, diligence and care have been taken to provide accurate information and appropriate recommendations, it is not warranted or guaranteed and no responsibility or liability for any information, opinion or commentary contained herein or for any consequences of its use will be accepted by ADW Johnson or by any person involved in the preparation of this assessment and report.

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1.0 Introduction

1.1 INTRODUCTION

This Statement of Environmental Effects (SoEE) has been prepared by ADW Johnson Pty Ltd on behalf of Port of Newcastle to accompany a Development Application (DA) to the NSW Department of Planning and Environment (DPIE) for a proposed warehouse and distribution centre within Lot 152 DP 1202468 at Raven Street, Kooragang.

1.2 DEVELOPMENT APPLICATION DETAILS

STATEMENT OF ENVIRONMENTAL EFFECTS PREPARED BY:	
Name:	ADW Johnson Pty Ltd Unit 7, 335 Hillsborough Road WARNERS BAY NSW 2282
Contact:	Alex Salani Town Planner Ph: (02) 4978 5100 Fax: (02) 4978 5199 Email: alexs@adwjohnson.com.au Website: www.adwjohnson.com.au
PROJECT DETAILS:	
Applicant Name:	Port of Newcastle
Applicant Address:	Level 4, 251 Wharf Road, Newcastle NSW 2300
Property Description:	Lot 152 DP 1202468 Raven Street, Kooragang
Project Description:	Warehouse and distribution centre
PROJECT TEAM:	
Project Manager:	EJE Architecture
Architect:	EJE Architecture
Survey:	Land Development Solutions
Civil Engineering:	Northrop
Town Planning:	ADW Johnson
Landscaping:	Terras Landscape Architects
Geotechnical, Contamination & Acid Sulfate Soils	Qualtest
Traffic	SECA Solution
Waste Management:	EJE Architecture

1.3 BRIEF OVERVIEW OF THE PROPOSAL

The subject site has a property description of Lot 152 DP 1202468, with a street address of Raven Street, Kooragang.

The owner of the subject site is Port of Newcastle Lessor Pty Ltd. The Certificate of Title and Deposited Plan for the site are attached at **Appendix A**.

The land subject to the proposed development is zoned SP1 Special Activities in accordance with *State Environmental Planning Policy (Three Ports) 2013* (SEPP (Three Ports)). The proposed development is defined as a warehouse and distribution centre and is permissible with consent in the SP1 zone.

The subject site is located within the Port of Newcastle Lease Area on the SEPP (Three Ports) Lease Area Map. In accordance with Clause 8 of SEPP (Three Ports), the consent authority for development within the Lease area is the Minister for Planning. This Development Application will therefore be assessed by the NSW Department of Planning, Industry and Environment.

The subject site is positioned centrally within the port area which is characterised by existing industrial uses. Land adjoining the site to the east and west is used for industrial and storage purposes respectively. The site contains a right of carriageway which provides access from Raven Street to the south of the site to land to the north which is used by Port Waratah Coal.

The subject site has an area of 1.046ha.

The following figure shows the site and its immediate surrounds:



Figure 1: Site locality plan.

1.4 PURPOSE OF THE REPORT

This Statement of Environmental Effects (SoEE) has been prepared pursuant to Section 4.12(9) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and accompanying Regulation. Its purpose is to:

- Describe the proposed development;
- Identify and summarise the relevant controls which guide assessment of the proposal;
- Provide information on the site and its context; and

- Review the key issues associated with the proposal to aid in assessment by DPIE and other relevant authorities.

Consideration has been given to the full range of planning legislation and development guidelines in preparing this SoEE.

1.5 CONSULTATION

1.5.1 Consultation with NSW DPIE

The Department of Planning and Environment (DPIE) was consulted in relation to the proposed development by Port of Newcastle, through the submission of a Scoping Report. The Scoping Report provided a description of the site and proposed development and outlined inputs likely to accompany the Development Application.

Following review of the scoping report, DPIE advised:

- DPIE concurs with the list of specialist inputs recommended in the scoping report;
- Landscape screening to the local road networks should be considered;
- Meaningful consultation with City of Newcastle (CoN) should be undertaken;
- It is encouraged that discussions with EPA should be undertaken in relation to the potential air quality impacts associated with the adjacent coal stockpiles; and
- The proposal is to comply with the restrictions of the existing right of carriageway over the site.

The Scoping Report provided to DPIE and response received is enclosed as **Appendix B**.

1.5.2 Consultation with City of Newcastle

On 21 November 2020, Port of Newcastle consulted with CoN regarding the proposed development. CoN were provided with the project Scoping Report for comment.

CoN provided the following advice:

- Future development should demonstrate consistency with the objectives of the site's zoning under SEPP (Three Ports);
- The terms of the right of carriageway over the site should be considered;
- The site is subject to flooding and therefore, consideration should be given to finished floor levels;
- Landscaping should consider the Newcastle DCP and include the provision of shade trees in parking and recreational areas;
- Truck turning paths are to be provided;
- A traffic assessment is to be provided demonstrating how vehicular and pedestrian conflicts are to be managed; and
- The proposed stormwater system should consider the requirements of the Newcastle DCP.

A copy of the advice provided by CoN is enclosed as **Appendix C**.

2.0 Proposed Development

2.1 OBJECTIVES OF THE PROPOSAL

The objective of the proposed development is to establish a high quality warehouse and distribution centre facility suitable for future port related uses.

The proposed development is consistent with the objectives and outcomes outlined within the Port of Newcastle Port Master Plan 2040.

2.2 DESCRIPTION OF PROPOSED DEVELOPMENT

The proposal seeks consent for a single building comprised of two (2) adjoining units with associated office facilities. The proposal also includes driveways and manoeuvring areas capable of supporting B-double semi-trailers, and incorporates landscaping throughout.

EJE Architecture have been engaged to prepare plans of the proposed development. A copy of the plans are enclosed with **Appendix E**.

The proposed development is described in detail below:

Warehouse and Distribution Centre:

The proposed warehouse and distribution centre building is constructed adjacent to the eastern boundary of the subject site. The building comprises two (2) adjoining units with associated office facilities, as detailed below:

Warehouse Unit 1

- Warehouse unit positioned in the south-eastern portion of the site, with façade presentation to Raven Street;
- This unit incorporates 425m² of parking/loading area and 895m² of open warehouse space;
- 196m² office space;
- Bathroom amenities; and
- A landscaped parking area comprised of 19 parking spaces (including one (1) accessible space), plus two (2) spaces for motorbike parking.

Warehouse Unit 2

- Warehouse unit positioned adjacent to the rear boundary of the site;
- This unit comprises 418m² of parking/loading area and 939m² of vacant warehouse space;
- 98m² office space;
- Bathroom amenities; and
- 12 parking spaces (one (1) accessible space), plus two (2) spaces for motorbike parking.

The building is primarily clad with prefinished sheet steel, with precast concrete, timber batten and polycarbonate sheeting featured throughout.

The subdivision pattern in the immediate locality is disjointed and as a result, the subject site has a driveway handle which results in the development being setback from the immediate street frontage. Notwithstanding this, the proposed development will provide a streetscape presentation which is commensurate to existing development within the area.

The site's access handle is covered by a right of carriageway which benefits Port Waratah Coal land to the north of the site. The proposed building is constructed clear of the existing right of carriage way and will preserve existing access arrangements (as required under the terms of easement).

A site plan and 3D representation of the proposed warehouse and distribution centre are provided within **Figures 2** and **3** below:

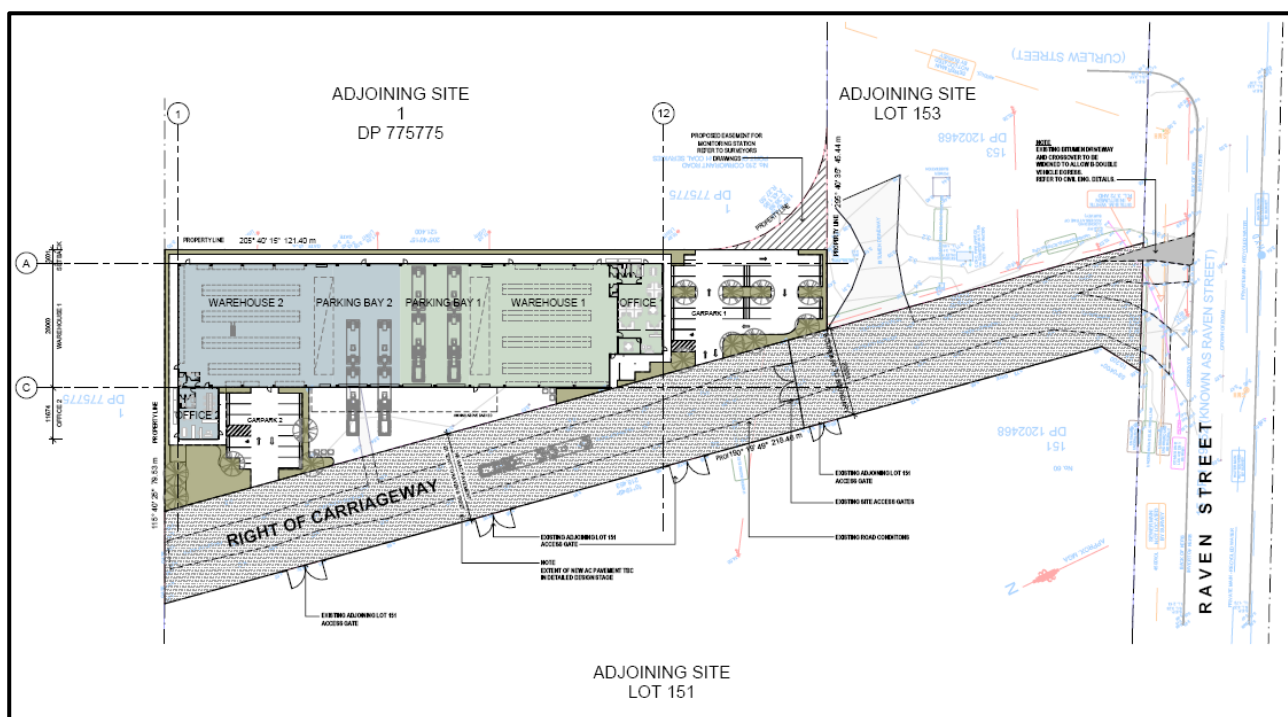


Figure 2: Proposed Site Plan.

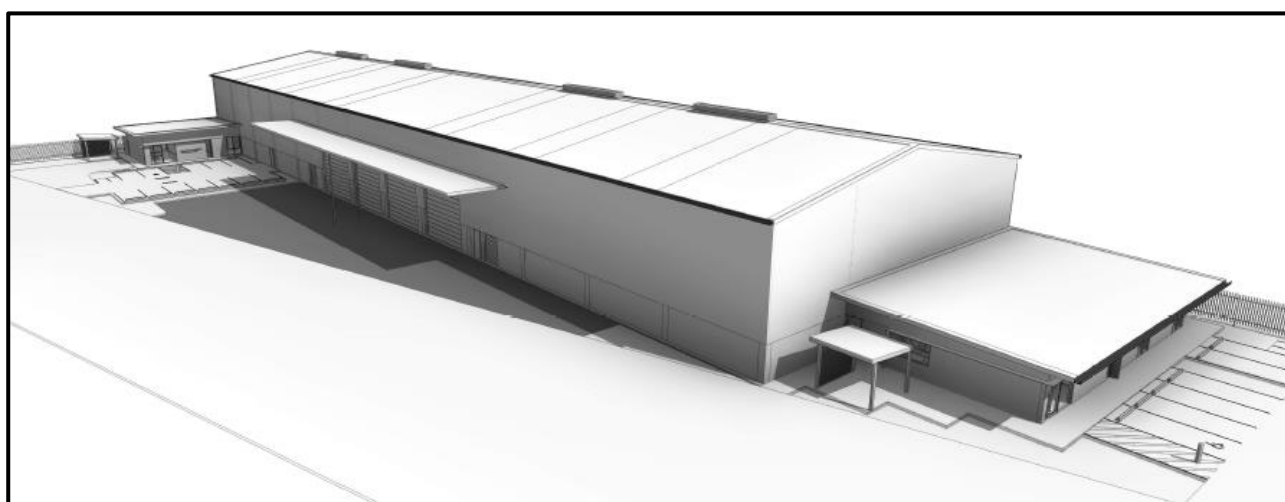


Figure 3: 3D Representation of the Proposed Warehouse and Distribution Centre.

Driveways and Manoeuvring Areas

Access to the site is provided via the 20m wide access handle that runs along the western boundary of the site and is covered by an existing right of carriageway (ROC). The ROC burdens the subject site and benefits the land at the rear (Lot 1 DP 775775 – Port Waratah Coal Services). The right of carriageway contains an existing bitumen sealed driveway which is in good condition.

Access to the proposed development for both heavy and light vehicles will be via Raven Street, along the existing driveway within site's the access handle. The driveway is proposed to be reconstructed to ensure adequate stormwater surface flow is achieved. The existing bitumen driveway crossover will be widened under exempt development provisions to allow for B-Double egress from the site.

All vehicles will enter and exit the site in a forward direction from Raven Street. Heavy vehicle Manoeuvring paths are enclosed as **Appendix H**.

The existing site access gates positioned within the right of carriageway at the frontage of the site will be maintained by the proposed development.

Traffic, access and parking is further discussed within **Section 3** and **Section 5** of this report.

Landscaping and Fencing

Landscaping is proposed to be provided throughout the development site as shown on the Landscape Plans provided within **Appendix F**. The aim of the proposed landscaping is to provide visual softening to the proposed development, amenity for future occupants of the site and shading to car parking areas.

The proposed landscaping scheme includes:

- Installation of trees throughout car parking areas;
- Establishment of screen shrubs forward of the street facing parking area associated with Proposed Warehouse 1 as well as adjacent to the northern and eastern boundaries;
- Construction of pocket gardens which provide amenity while not disrupting the safe movement of vehicles throughout the site;
- Provision of a turfed area adjacent to the rear boundary of the site;
- Construction of covered seating and picnic areas; and
- Construction of coloured concrete to highlight pedestrian zones throughout the site.

Stormwater Management

Roof water and stormwater collected from most of the site's hardstand areas is to be collected and directed to an underground storage tank positioned below the car parking area at the frontage of the site. The tank has been designed to ensure that no net increase in peak flows occurs during storm events up to the 1% AEP. Overflow from the tank will be directed through the site's access handle to the existing interallotment drainage line running in an east/west direction through the access handle. The interallotment drainage line runs through adjoining Lot 151 to Raven Street. An easement is proposed over this connection to allow the legal discharge of stormwater to the Raven Street drainage network (refer Stormwater Plan enclosed as **Appendix G**). Lot 151 is owned by Port of Newcastle Lessor Pty Limited who also own the subject site and land owners' consent for the proposed development, including the proposed easement is included with the Development Application. It is envisioned that a condition of consent will be imposed requiring the creation of this easement.

Each of the proposed units is also provided with three (3) x 4kl rainwater tanks for reuse in landscaping and site maintenance activities and toilet flushing. The stormwater management system incorporates a number of stormwater quality improvement devices to ensure that the pollutant reduction targets specified in the Newcastle DCP are achieved. Included with this is a bioretention basin positioned adjacent to the southern car parking area which is integrated with the proposed landscape scheme.

The proposed stormwater system is discussed in detail in **Section 5** below and the Stormwater Summary enclosed as **Appendix G**. The Stormwater Summary also includes civil engineering plans for the proposal.

Earthworks and Retaining

Minor earthworks are required for the proposed development to establish a level building pad and provide appropriate floor levels as required by the stormwater connection levels. A retaining wall is proposed along the northern eastern and southern site boundaries to accommodate the earthworks required. The retaining wall has a maximum height of 1.22m.

The proposed development will provide a high quality facility within the Kooragang and Port of Newcastle Lease Area which is suitable for future employment generating uses. Through this, the proposal will provide wider economic and social benefits. The proposed development will enhance the operational and aesthetic qualities of the locality through the establishment of the architecturally designed facility which is functional and contributes to the public domain.

2.3 DOCUMENTATION

The following documentation has been provided to support the proposed development and includes the following:

- Certificate of Title and Deposited Plan – **Appendix A**.
- Consultation with DPIE – **Appendix B**.
- Consultation with City of Newcastle – **Appendix C**.
- Detail Survey Plan (Land Development Solutions) – **Appendix D**.
- Architectural Plans (EJE Architecture) – **Appendix E**.
- Landscape Plans (Terras Landscape Architects) – **Appendix F**.
- Civil Engineering Plans (Northrop) – **Appendix G**.
- Vehicle Manoeuvring Plan (Northrop) – **Appendix H**.
- Preliminary Contamination Assessment (Qualtest) – **Appendix I**.
- Detailed Contamination Assessment (Qualtest) – **Appendix J**.
- Acid Sulfate Soils Management Plan – **Appendix K**.
- AHIMS Search Result – **Appendix L**.
- Traffic and Parking Assessment (Seca Solution) – **Appendix M**.
- Flood Information Certificate (CoN) – **Appendix N**.
- Green Star Review – **Appendix O**;
- Waste Management Plan – **Appendix P**; and
- Geotechnical Assessment (Qualtest) – **Appendix Q**.

3.0 Project Context

3.1 PROPERTY DESCRIPTION

The land subject to the proposal is described as Lot 152 DP 1202468 and has a physical address of Raven Street, Kooragang.

The subject site is owned by Port of Newcastle Lessor Pty Limited and a copy of the Certificate of Title and Deposited Plan are included as **Appendix A** of this report.

3.2 LOCALITY

The subject site is located within Kooragang. The site forms part of the Port of Newcastle Lease Area. The port area includes port facilities, loading and rail infrastructure and heavy industry. The following map (**Figure 4**) shows the location of the site within the context of the broader Newcastle Area.

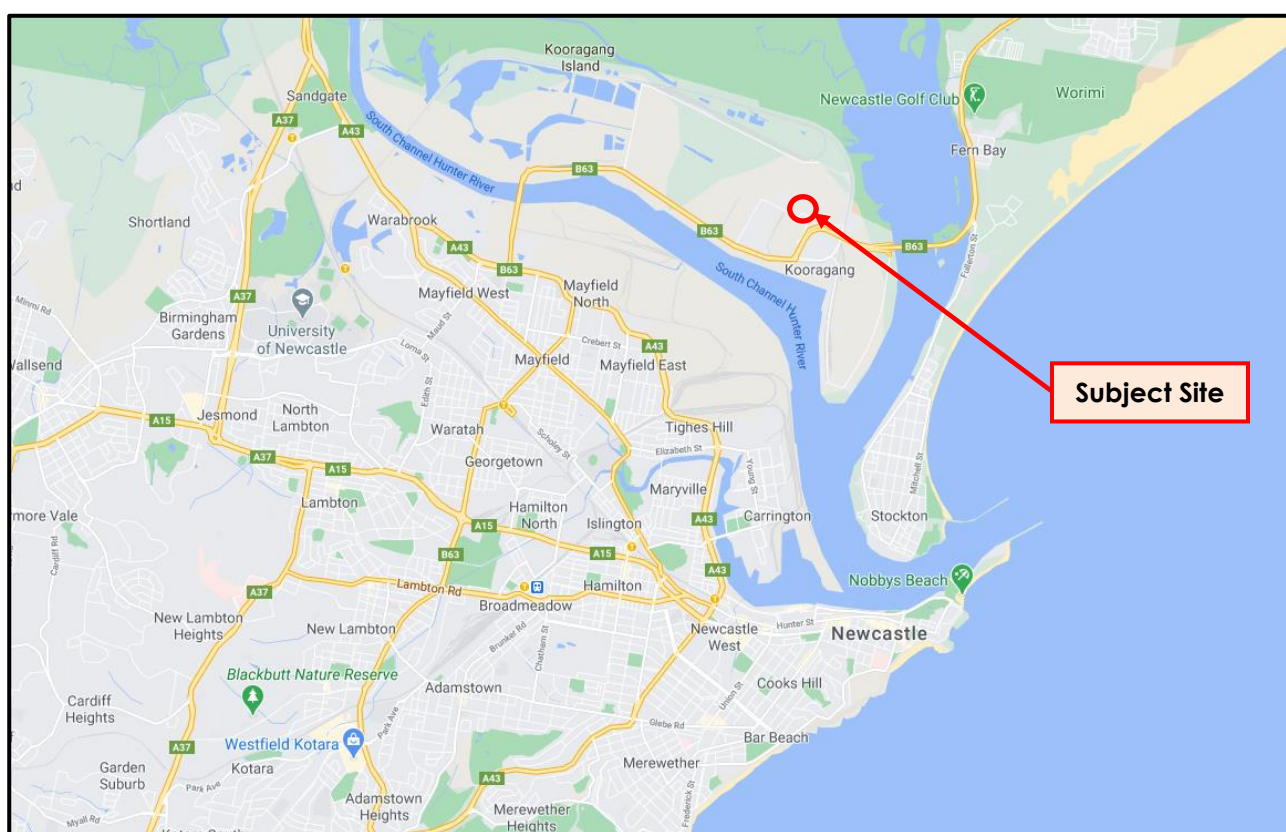


Figure 4: Location of subject site within broader Newcastle area.

The site is bound to the west by an existing storage facility. The adjoining land to the east contains an existing industrial site which forms part of Port Waratah Coal operations. Land to the north also forms part of Port Waratah Coal operations and is utilised for the stockpiling of coal for transfer to ships for export.

The subject site is irregular in shape and has a driveway handle which connects to Raven Street to the south. A Right of Carriageway covers the access handle and extends along the entire length of the western boundary, providing access to adjoining land to the rear. The irregular shape of the site results in developable portions of the site being well set back from Raven Street.

An existing weather station covered by an easement is positioned in the far eastern portion of the site. The proposed weather station and easement will not be affected by the proposal.

The aerial photographs below provide an indication of the current built form and pattern of development within the locality.

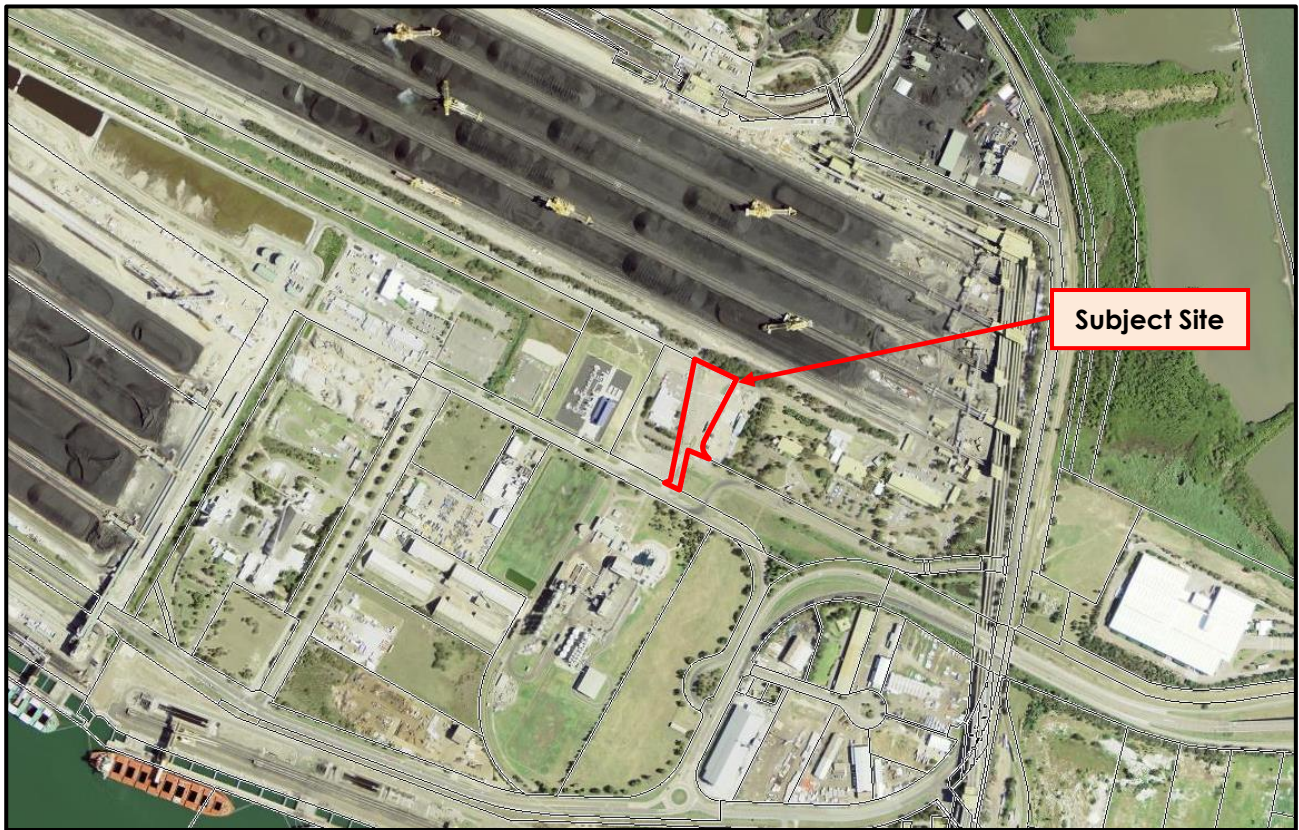


Figure 5: Aerial Photograph of the Subject Site in the Context of Kooragang.



Figure 6: Aerial Photograph of the Subject Site and Immediate Surrounds.

The subject site is currently vacant and contains no vegetation features. The site was previously used for storage purposes.

3.3 TOPOGRAPHY, DRAINAGE & FLOODING

Topography

The subject site is relatively flat. It generally slopes from the north-west to the south-east corner and Lot 153.

Stormwater

The subject site currently contains an open drain adjacent to the eastern boundary of the site.

Flooding

Consultation with CoN confirmed the subject site is prone to flooding. Flooding is discussed in detail in **Section 5** below.

3.4 EASEMENTS

The site contains a 20m Right of Carriageway running adjacent to the western boundary which burdens the site and benefits the adjoining lot to the rear (Lot 1 DP 775775 – Port Waratah Coal operations).

A variable width easement occurs within the central eastern portion of the subject site, covering an existing weather station.

Existing easements are mapped and documented on the Detail Survey enclosed as **Appendix D**.

As shown on the Development Plans provided within **Appendix E**, the proposed development is designed to avoid the existing weather station easement. Within the existing right of carriageway, works include the reconstruction of bitumen levels to ensure adequate surface flow is achieved. The proposed development will maintain and improve ongoing access to the site.

3.5 CONTAMINATION & GEOTECHNICAL CHARACTERISTICS

3.5.1 Geotechnical

Reference to the 1:100,000 Newcastle-Hunter Coastal Quaternary Geology map indicates that the site is underlain by “modern fill on Quaternary deposits”.

Groundwater beneath the site is anticipated to be present in an unconfined aquifer within fill or alluvial/estuarine deposits. As part of drilling works carried out on the site, groundwater was identified between 2.0m and 3.0m below ground surface.

3.5.2 Contamination

Contamination Assessments have been undertaken over the subject site and are enclosed as **Appendix I** and **J**. The assessments indicate that the site is suitable for the proposed development from a contamination perspective, subject to an unexpected finds procedure being established and implemented during earthworks.

Contamination is discussed in detail in **Section 5** below.

3.5.3 Mine Subsidence

The site is not located within a Mine Subsidence District and therefore referral to Subsidence Advisory NSW is not required. See **Figure 7** below.

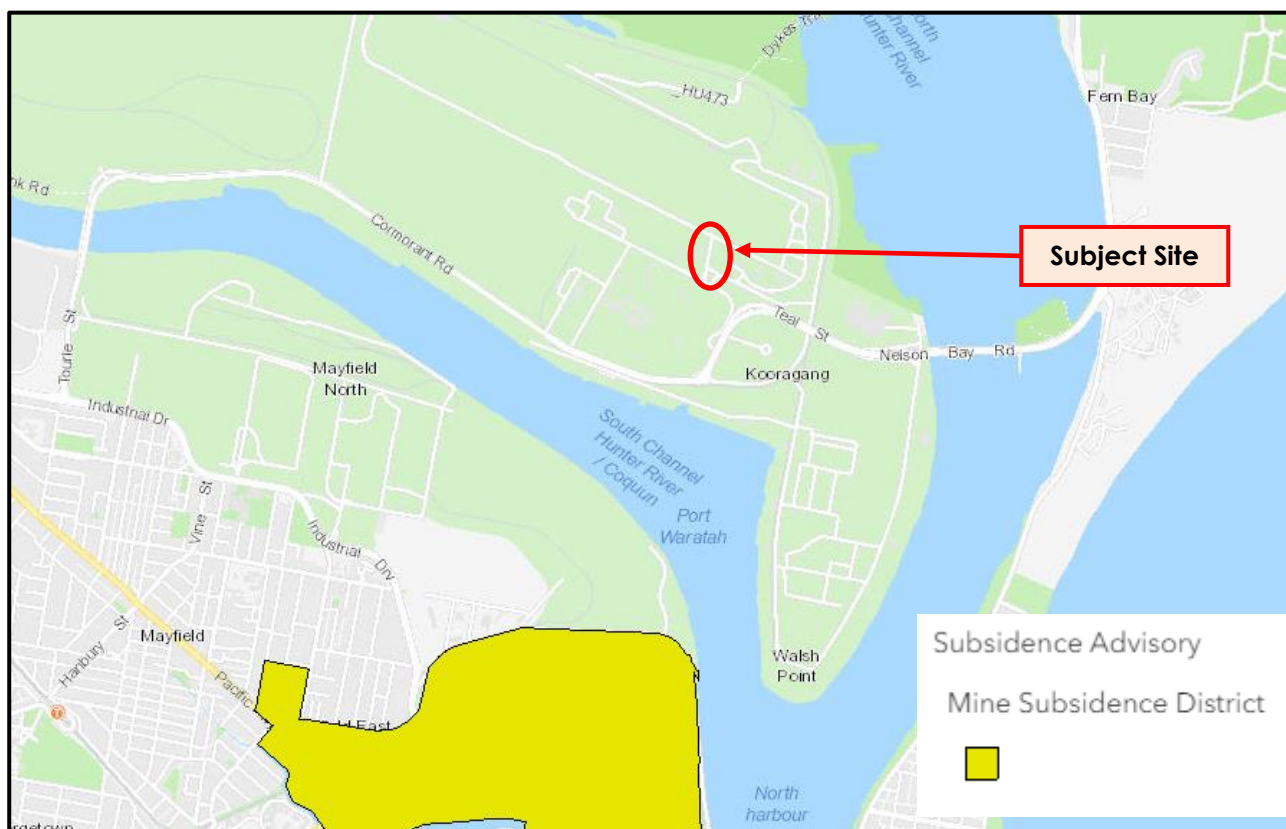


Figure 7: Mine Subsidence Map extract from NSW Planning Portal.

3.6 ACID SULPHATE SOILS

An investigation of acid sulfate soils over the site identified the potential for acid sulfate soils to exist from 1.5m below the ground's surface.

An Acid Sulfate Soils Management Plan (ASSMP) has been prepared and is enclosed as **Appendix K**. Any works which involve the disturbance of soils below 1.5 depth will be carried out in accordance with the procedures outlined in the ASSMP.

3.7 VEGETATION

The subject site is heavily disturbed as a result of its former storage use and does not contain any vegetation. The subject site is not identified on the Biodiversity Values Map as containing biodiversity values (refer **Figure 8**). No vegetation removal is required to accommodate the proposed development.

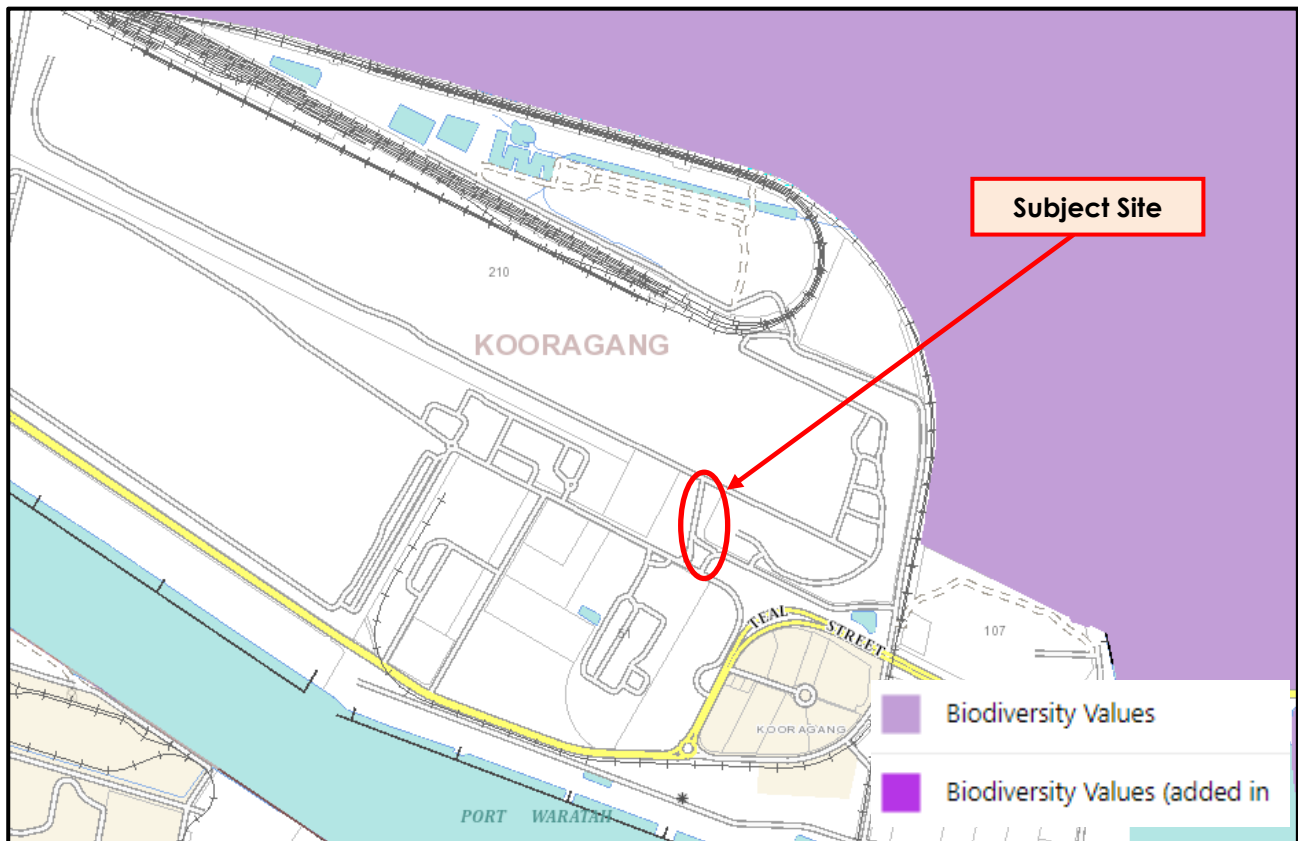


Figure 8: Biodiversity Values Map extract.

3.8 BUSHFIRE

The subject site is not identified on Council's Bushfire Prone Land Map as being bushfire prone land. Given the separation of the site from any established areas of bushland, bushfire does not pose a risk to the development of the site.

3.9 ABORIGINAL & CULTURAL HERITAGE

The subject site is currently vacant and clear of vegetation and has been previously disturbed as part of the former use of the site for storage purposes.

A search of the AHIMS register was undertaken for the site, which indicated that there are no listed Aboriginal items or places within the subject site. The results of the AHIMS search are enclosed as **Appendix L**.

The subject site does not contain any mapped heritage items, nor is it identified as containing any heritage items within the Port of Newcastle Heritage Register.

The proposed development is unlikely to result in any impacts on items of Aboriginal or European Heritage.

3.10 TRAFFIC, ACCESS & ROAD NETWORK

The subject site has frontage and street access to Raven Street via a driveway handle which also provides access via a Right of Carriageway to the lot to the rear. Raven Street is a private port/industrial road providing access to the subject site as well as various other industrial uses.

Raven Street Connects to Cormorant Road/Teal Street to the south-east of the site. This is the main road through the locality and is a state road. In the vicinity of the site at its connection with Raven Street, Teal Street provides a dual carriageway being the main thoroughfare between Newcastle and the region north of the Hunter River, including Stockton and Port Stephens.

Teal Street forms a T-intersection with Raven Street with Teal Street being the priority road. Access to Raven Street is left in/left out only due to a raised median separating the carriageways.

Existing traffic and access arrangements and the proposed road network is discussed in detail in the Traffic and Parking Assessment enclosed as **Appendix M** and in **Section 5** of this report.

3.11 COASTAL ZONE

The subject site is located outside of the SEPP Coastal Management Land Application Map (refer **Figure 9**).

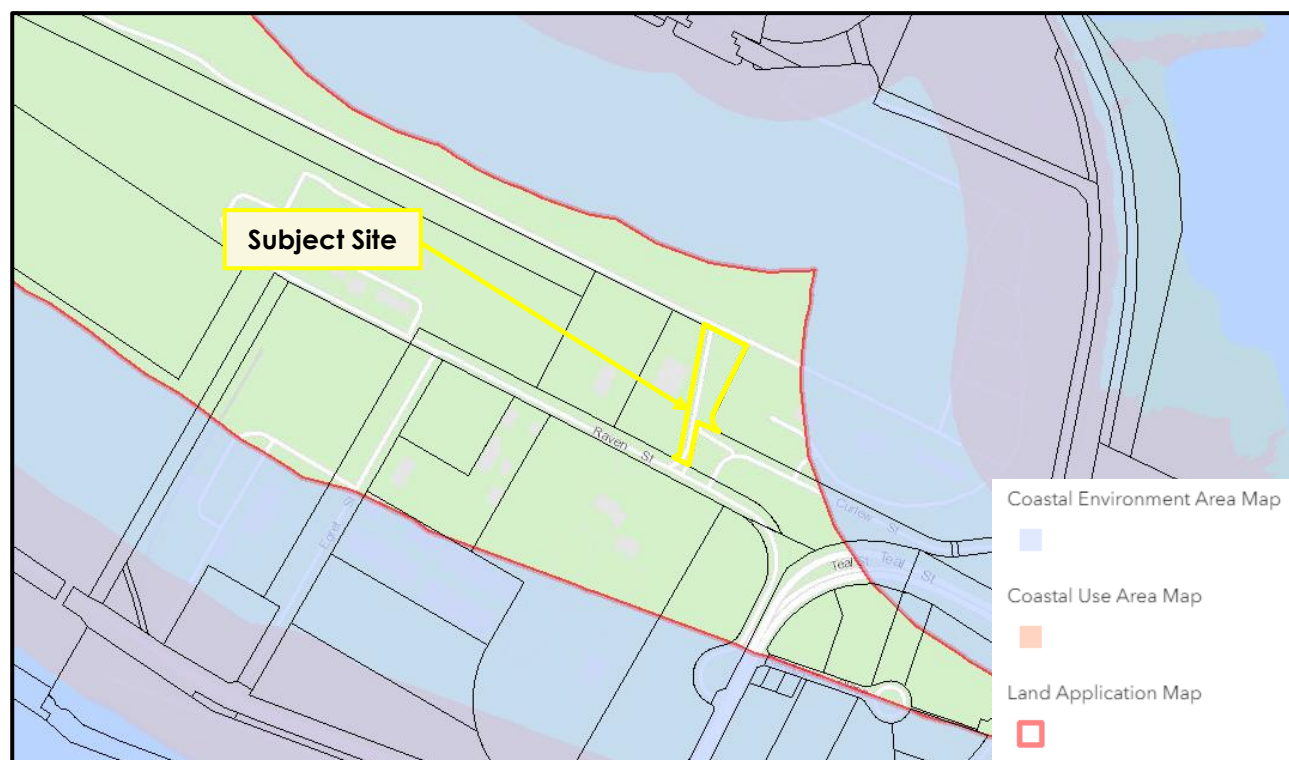


Figure 9: SEPP (Coastal Management) 2018 Mapping.

3.12 UTILITY SERVICES

All services can be extended to the site to accommodate the proposed development.

4.0 Planning Controls

4.1 RELEVANT LEGISLATION

4.1.1 Environmental Planning and Assessment Act 1979

The EP&A Act provides the framework for environmental planning and development approvals and includes provisions to ensure that the potential environmental impacts of a development are assessed and considered in the decision-making process.

As outlined previously, the proposed development is permissible with consent in the SP1 Special Activities zone in accordance with SEPP (Three Ports) 2013. The proposal is subject to assessment under Part 4 of the EP&A Act.

Integrated Development

The proposed development is not considered to be integrated development under Section 4.46 of the EP&A Act.

4.2 STATE PLANNING CONTROLS

A review of all State Environmental Planning Policies has been undertaken and the following policies are applicable to the proposed development.

4.2.1 State Environmental Planning Policy (Three Ports) 2013

The State Environmental Planning Policy (Three Ports) 2013 (SEPP (Three Ports)) is the principal environmental planning instrument that sets the land use planning and assessment framework for appropriate development at the Port Botany, Port Kembla and the Port of Newcastle ports.

The proposed development is consistent with the overarching objectives of SEPP (Three Ports) which are addressed in the following table:

SEPP (Three Ports) Objectives	
Objective	Complies?
(a) to provide a consistent planning regime for the development and delivery of infrastructure on land in Port Botany, Port Kembla and the Port of Newcastle,	✓ The proposed development is consistent with this objective.
(b) to allow the efficient development, re-development and protection of land at Port Botany, Port Kembla and the Port of Newcastle for port purposes,	✓ The proposal will facilitate the efficient use of the site for port related purposes.
(c) to identify certain development within the Lease Area as exempt development or complying development,	✓ Not applicable to the proposed development.
(d) to specify matters to be considered in determining whether to grant consent to development adjacent to development for port purposes,	✓ The proposed development addresses the matters for consideration outlined within the SEPP.

(e) to provide for development at Port Botany that does not, by its nature or scale, constitute an actual or potential obstruction or hazard to aircraft,	Not applicable. ✓
(f) to identify certain development as State significant development or State significant infrastructure,	Not applicable. ✓
(g) to ensure that land around the Lease Area is maintained for port-related and industrial uses, including heavy industry on land around Port Kembla.	The proposed development will not compromise the use of the site for port related purposes. ✓

The proposed development is identified on the Three Ports Land Application and Lease Area Map and SEPP (Three Ports) therefore applies to the proposed development.

Zoning and Permissibility

The subject site is zoned SP1 Special Activities in accordance with SEPP (Three Ports) (refer **Figure 10** below).

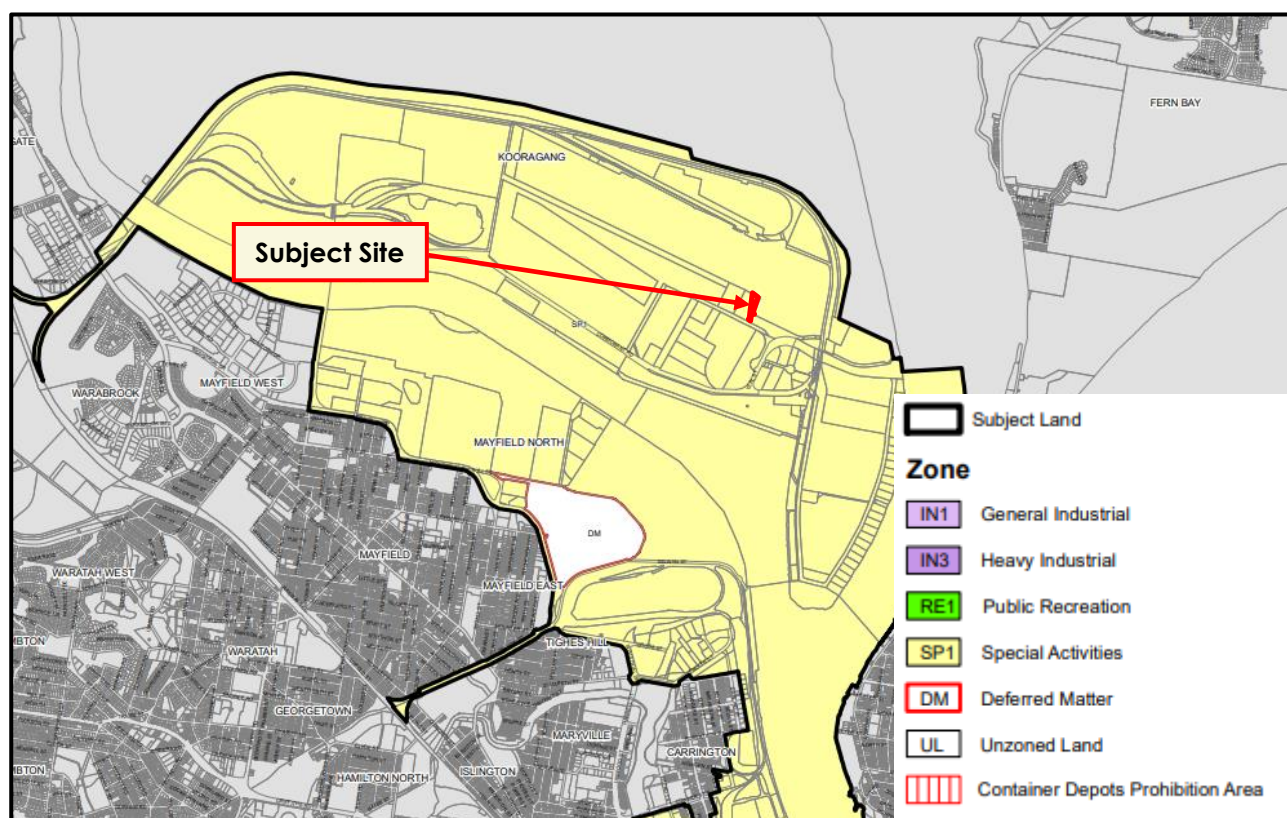


Figure 10: SEPP (Three Ports) Zoning Map.

The objectives of the SP1 zone are addressed in the following table:

SP1 Special Activities – Zone Objectives	
Objective	Complies?
To provide for special land uses that are not provided for in other zones.	✓ The proposal will allow for the future use of the site in accordance with the SP1 zone.

To provide for sites with special natural characteristics that are not provided for in other zones.	✓ The proposed use is consistent with the existing natural characteristics of the site.
To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.	✓ The proposal is consistent with the site's natural characteristics and will not result in adverse impacts on the land adjoining the site.
To maximise the use of waterfront areas to accommodate port facilities and industrial, maritime industrial, freight and bulk storage premises that benefit from being located close to port facilities.	✓ The subject site is not waterfront front land. Notwithstanding this, the proposed development is suitable for future port related uses.
To enable the efficient movement and operation of commercial shipping and to provide for the efficient handling and distribution of freight from port areas through the provision of transport infrastructure.	✓ The proposed development will contribute to the efficient handling and distribution of freight from the port. The proposal seeks to maintain the existing right of carriageway which provides access to Port Waratah Coal land to the north.
To provide for port related facilities and development that support the operations of Port Botany, Port Kembla and the Port of Newcastle.	✓ The proposed development is suitable for future uses which support the ongoing operation of the port. The proposal is consistent with the Port of Newcastle Masterplan 2040.
To facilitate development that by its nature or scale requires separation from residential areas and other sensitive land uses.	✓ The proposed warehouse and distribution centre is well suited to the locality, due to its separation from residential land uses.
To encourage employment opportunities.	✓ The proposal will establish a warehouse and distribution centre suitable for future employment generating uses which are related to the operations of the Port.

The proposed development meets the definition of a warehouse and distribution centre. A definition of warehouse and distribution centres is not provided by SEPP (Three Ports). The Standard Instrument provides the following definition for a warehouse and distribution centre:

warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, and includes local distribution premises.

The following development is permitted or prohibited in the SP1 Zone pursuant to the SEPP:

2 Permitted without consent

Jetties; Moorings; Roads

3 Permitted with consent

Capital dredging; Environmental facilities; Environmental protection works; Maintenance dredging; Navigation and emergency response facilities; Neighbourhood shops; Port facilities; Wharf or boating facilities; Any other development not specified in item 2 or 4

4 Prohibited

Artisan food and drink industries; Business premises; Caravan parks; Cemeteries; Centre-based child care facilities; Crematoria; Educational establishments; Entertainment facilities; Function centres; Funeral homes; Garden centres; Hardware and building supplies; Medical centres; Office premises; Places of public worship; Recreation facilities (indoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Shops; Specialised retail premises; Tourist and visitor accommodation; Vehicle sales or hire premises

Development for the purpose of a warehouse and distribution centre is not specifically listed as either mandated uses permitted without consent, permitted with consent or prohibited and therefore are permitted with consent by virtue of the phrase 'Any other development not specified in item 2 or 4.'

Specific SEPP (Three Ports) Clauses

Clause 8 – Consent Authority

In accordance with Clause 8, the consent authority for development within the Lease area or land that is unzoned is the minister. The subject site is located within the Port of Newcastle Lease Area and the subject application will therefore be determined by the Minister.

Clause 22 - Earthworks

In accordance with this clause, development consent is required for the purpose of earthworks. In order to accommodate the proposed development, minor ancillary earthworks are proposed.

In accordance with Clause 22(3):

Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—

(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,

Comment: The proposed development incorporates appropriate controls to manage any stormwater generated over the site. Appropriate erosion and sediment controls are also proposed (refer engineering plans enclosed as **Appendix G**).

(b) the effect of the development on the likely future use or redevelopment of the land,

Comment: Minor site reshaping will be required to accommodate the proposed development. The earthworks are ancillary to the proposed redevelopment of the site. The proposed earthworks will not affect the future redevelopment of the site.

(c) the quality of the fill or the soil to be excavated, or both,

Comment: Contamination and Acid Sulfate Soils Assessments have been prepared for the site and are enclosed as **Appendix J** and **K**. All earthworks will be undertaken in accordance with the findings of the Contamination and Acid Sulphate Soils Assessments.

(d) the effect of the development on the existing and likely amenity of adjoining properties,

Comment: The proposed development is consistent with the industrial character of the area and will not result in adverse amenity impacts on adjoining properties, noting the existing storage and industrial uses on adjoining sites.

(e) the source of any fill material and the destination of any excavated material,

Comment: In accordance with the Contamination Assessment prepared for the subject site, if the surface/fill material is proposed to be disposed offsite to a licenced waste facility, the material classifies as General Solid Waste in accordance with the NSW EPA (2014) Waste Classification Guidelines, Part 1 – Classifying Waste and will be disposed of accordingly.

(f) the likelihood of disturbing relics,

Comment: A Search of the AHIMS register was undertaken. No Aboriginal sites or places are recorded within the site.

(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,

Comment: The site is located central to an existing industrial area and is separated from waterways and environmentally sensitive areas. The site is not located within a drinking water catchment.

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,

Comment: Discussed in **Section 5** of this SoEE.

(i) the potential impact on groundwater and groundwater dependent ecosystems.

Comment: Appropriate stormwater management measures are incorporated into the proposed development. No impacts on groundwater are expected.

The proposed development is permissible in accordance with SEPP (Three Ports) and is consistent with the relevant controls of the SEPP. The Minister is the consent authority for the proposed development.

4.2.2 State Environmental Planning Policy No 33 – Hazardous and Offensive Development

State Environmental Planning Policy No 33 – Hazardous and Offensive Development (SEPP 33) aims to identify potentially hazardous or offensive industry and ensure that adequate measures are implemented to reduce the impact of such development.

The proposed development seeks consent for the construction of a warehouse and distribution centre facility.

The proposal is not one which is likely to potentially impact on human health or the biophysical environment. Appendix 3 of Applying SEPP 33 provides a list of industries that may be potentially hazardous and fall within SEPP 33. Development for the purpose of warehouse and distribution is not included within the list provided in Appendix 3, however at this stage the end tenant is not known.

The proposed development is not considered to meet the definition of hazardous industry or offensive industry, as defined by SEPP 33 and described in Applying SEPP 33.

4.2.3 SEPP 55 – Remediation of Land

State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55) introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.

Clause 7 of SEPP 55 requires contamination and remediation to be considered in determining a development application.

A Detailed Contamination Assessment has been carried out for the subject site and is enclosed as **Appendix J**. The assessment concludes that the subject site is suitable for the proposed development.

Based on the findings of the Detailed Contamination Assessment, it is evident that the land is suitable for the intended use. The proposed development is therefore consistent with SEPP 55.

Contamination is discussed in Detail in **Section 5** below and **Appendix I** and **J**.

4.2.4 SEPP (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) aims to facilitate the effective delivery of infrastructure across the State of NSW.

Schedule 3 of SEPP Infrastructure defines traffic generating development which is to be referred to Transport for NSW. Warehouse and distribution centres are classified as traffic generating development where they have access to a road and:

- They are 8,000m² in site area or (if the site area is less than the gross floor area) gross floor.

“Site area” (as defined in the Standard Instrument) means “the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot...”. The subject site has an area of 10,388m² however, due to the presence of the right of access on the site (where works are restricted), the developable portion of the subject site (that is,

the area of the land on which the proposed development is to be carried out) is approximately 5,713m² (less than 8,000m²). While the driveway is proposed to be reconstructed, no meaningful development is possible within the right of access (noting driveway works can be undertaken as exempt development) and this area has been excluded from site area calculations.

The proposed development is therefore not development to which clause 104 of SEPP Infrastructure applies and referral to TfNSW is not required.

4.2.5 SEPP (State and Regional Development) 2011

The aims of this Policy are to identify development that is State significant development, State significant infrastructure and critical State significant infrastructure; and to confer functions on Joint Regional Planning Panels to determine development applications.

The proposal is not considered to be State Significant Development in accordance with Schedule 1, Clause 12, which includes:

“12 Warehouses or distribution centres

(1) Development that has a capital investment value of more than \$50 million for the purpose of warehouses or distribution centres (including container storage facilities) at one location and related to the same operation.

(2) This clause does not apply to development for the purposes of warehouses or distribution centres to which clause 18 or 19 applies”.

The proposed development does not have a capital investment of more than \$50 Million.

The subject site is not identified as a State Significant Site listed under Schedule 2.

The proposed development does not meet the relevant triggers for Regionally significant development as outlined in Clause 2 in Schedule 7, which classify development with a capital investment value of greater than \$30 million as regionally significant development.

4.3 REGIONAL PLANNING CONTROLS

4.3.1 Hunter Regional Plan 2036

The NSW Government has developed the Hunter Regional Plan 2036 as an overarching framework to guide land use planning priorities and infrastructure funding decisions in the Hunter region over the next 20 years.

The Plan sets priorities and provides a direction for regional planning decisions. It focuses on new housing and jobs, and targets growth in strategic centres and renewal corridors close to transport to deliver social and economic benefits. It sets in place line-of-sight land use planning for the region, regional districts like the Greater Newcastle metropolitan area and each council area.

The vision of the Hunter Regional Plan 2036 is for the Hunter to be the leading regional economy in Australia with a vibrant new metropolitan city at its heart. To achieve this vision, the NSW Government has acknowledged the growing importance of Greater Newcastle and set the following regionally focused goals:

- Goal 1: The leading regional economy in Australia;
- Goal 2: A biodiversity-rich natural environment;
- Goal 3: Thriving communities; and
- Goal 4: Greater housing choice and jobs.

Figure 11 below provides the indicative boundaries of the Greater Newcastle area and identifies the location of the subject site within the Newcastle area.

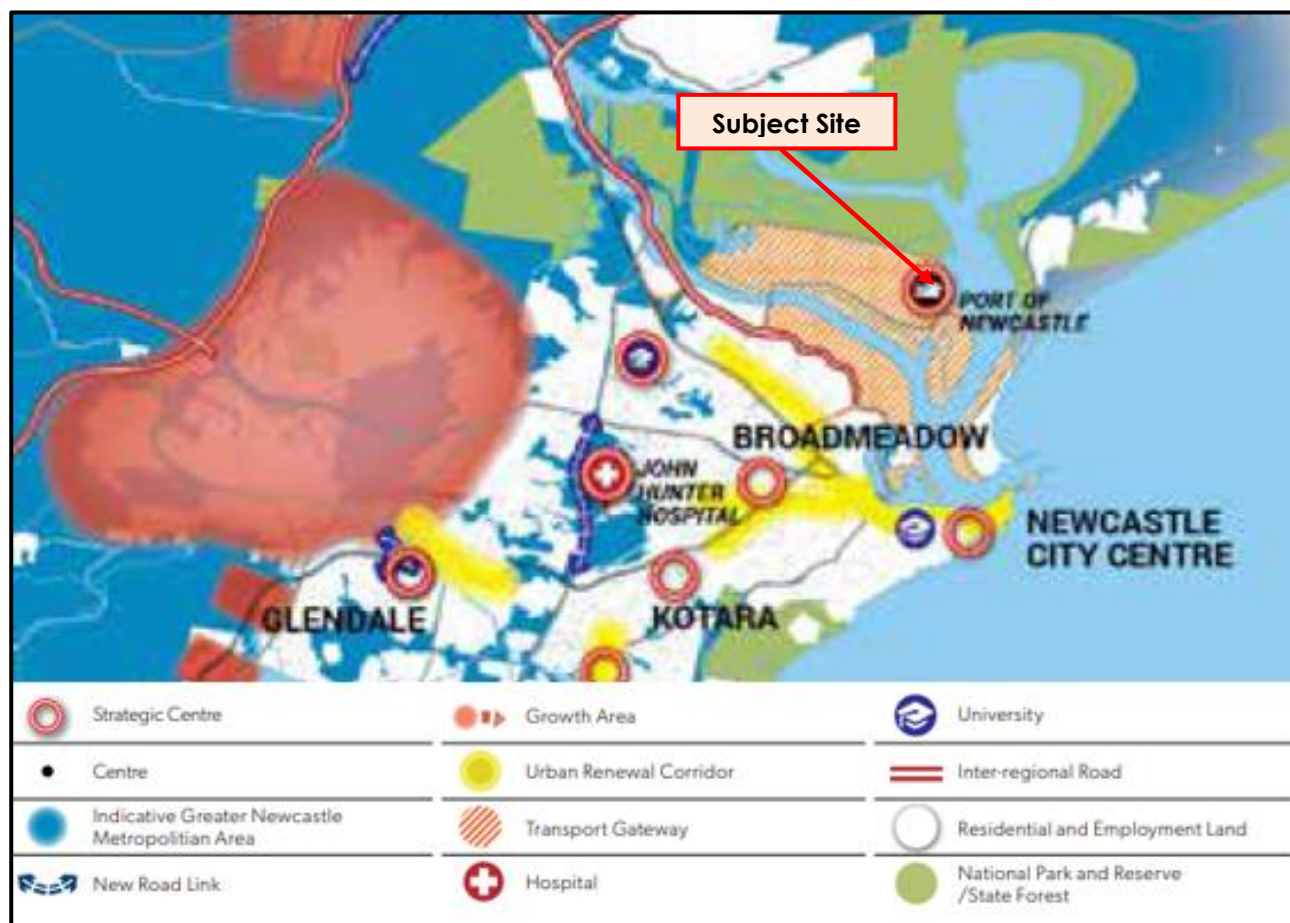


Figure 11: Extract from Hunter Regional Plan 2036 - Greater Newcastle area.

Goal 1, Direction 2 of the Hunter Regional Plan outlines the region's desire to enhance connections to the Asia-Pacific through global gateways. It highlights the important role the port plays in the regional economy through the international export of goods and commodities from the Hunter and regional NSW. Direction 2 goes on to state:

"The Port of Newcastle has diversified its operations over time to respond to changing markets and demands. The port's facilities and services will need to remain responsive to changes arising from global demand and national economic policy."

It is considered that the proposed development is consistent with Goal 1, Direction 2 of the Hunter Regional Plan 2036. Through the provision of two (2) vacant warehouse facilities, the proposal provides opportunities for future uses which are commensurate with the stated objectives for the port and contribute to the growth of the regional economy.

In addition to the above, the proposed development will contribute to achieving the jobs targets outlined in the plan through the provision of warehouse and distribution centre facilities suitable for future employment generating purposes.

The proposed development is consistent with the objectives of the Hunter Regional Plan 2036.

4.3.2 Greater Newcastle Metropolitan Plan 2036

The Greater Newcastle Metropolitan Plan 2036 is a priority action of the above referenced Hunter Regional Plan 2036. The vision set out for the greater Newcastle area in the plan is:

Australia's newest and emerging economic and lifestyle city, connected with northern NSW and acknowledged globally as:

- *dynamic and entrepreneurial, with a globally competitive economy and the excitement of the inner city and green suburban communities;*
- *offering great lifestyles minutes from beaches or bushland, the airport or universities, and from the port to the lake; and*
- *a national leader in the new economy, with smarter cities and carbon neutral initiatives, and with collaborative governance that makes it a model to others in creating and adapting to change.*

The Plan sets out strategies and actions that will drive sustainable growth across Cessnock City, Lake Macquarie City, Maitland City, Newcastle City and Port Stephens communities, which together make up Greater Newcastle.

The port area is identified in Outcome 1 of the Greater Newcastle Metropolitan Plan 2036 as a key metropolitan asset. It provides opportunities to grow the service economy, and increase the diversity and resilience of the economy. The proposed development supports this outcome by providing two (2) vacant warehouse units. The proposed units provide flexibility for a range of future users, allowing the port to diversify, thereby increasing the resilience of the local economy.

The site is identified within the Kooragang Coal Export Precinct in the Port of Newcastle Catalyst Area (refer **Figure 12**). Within this precinct, the plan seeks to protect the operation of coal exports. The proposal will not result in any adverse impacts on the operation of the Kooragang Coal precinct.



Figure 12: Extract from Greater Newcastle Metropolitan Plan 2036 Catalyst Area Port of Newcastle.

The Plan identifies priorities to provide convenient access to jobs for rapidly expanding communities. The proposal will generate opportunities for the use of the site for employment generating purposes and is well located within close proximity to existing residential areas within greater Newcastle.

The proposed development is consistent with the Greater Newcastle Metropolitan Plan 2036.

4.4 LOCAL PLANNING CONTROLS

4.4.1 Newcastle Local Environmental Plan 2012

The subject site is not identified on the Newcastle Local Environmental Plan 2012 (NLEP) Land Application Map and as such the proposed development is not subject to the provisions of the NLEP.

4.4.2 Newcastle Development Control Plan 2012

Newcastle Development Control Plan provides detailed provisions relating to matters of environmental planning significance for Newcastle to be taken into consideration by City of Newcastle when exercising its environmental assessment and planning functions under the EP&A Act. The DCP relates to land which the NLEP applies or land outside of the Port of Newcastle Lease Area and therefore is not applicable to the proposed development. Notwithstanding this, the guiding design and planning considerations of the relevant chapters of the DCP have been consulted as part of the design of the proposed development. The relevant sections of the DCP are addressed below.

Section 3.13 Industrial Development

This DCP Section applies to land within the various NLEP industrial and business zones, including the SP1 Special Activities zone. While this section of the DCP specifically excludes land within the Port of Newcastle Lease Area, because the subject site is zoned SP1 Special Activities pursuant to SEPP (Three Ports) consideration to the relevant controls has been given.

The aims of this section are:

- To outline Council's requirements for development within industrial, business development zones.
- To promote the efficient and economic use of the city's industrial resources by ensuring that development proposed is appropriate to industrial areas.
- To outline Council's requirements for development on sites that are zoned SP1 under State Environmental Planning Policy (Three Ports) 2013 and are located outside of the Port of Newcastle Lease Area.

The relevant parts of Section 3.13 are discussed below:

3.13.01 – Site Coverage

The proposed site coverage is considered suitable for the subject site. The proposal incorporates appropriate landscaping, car parking and loading areas and is suitably setback from adjoining developments.

3.13.02 – Character and Amenity

The proposed development is consistent with the existing industrial character of the Kooragang area. The proposal is architecturally designed and incorporates quality materials and finishes and will contribute to the public domain within the area through providing an attractive presentation to public areas.

3.13.03 – Open Storage and Work Areas

All work areas are enclosed.

3.13.04 – Building Setbacks

The proposed development is well setback from the street frontage due to the configuration of the site and presence of the access handle to Raven Street.

3.13.05 – Loading, Unloading and Servicing Areas

Loading areas are located centrally to the site and inside the proposed warehouse buildings. Each warehouse allows for a loading area to accommodate at least two (2) semi-trailers/B-doubles. An awning is provided forward of the loading area to assist with external loading and unloading.

3.13.06 – Parking and Vehicle Access

The proposed development incorporates a separate parking area to service each warehouse unit. Due to the irregular shape of the site, some on-site car parking is provided forward of the proposed building. The proposed car parking area sitting forward of the building is well separated from Raven and Curlew Streets and is appropriately screened by landscaping. The proposed car parking arrangement is consistent with existing development to the east and west of the site, at 80 and 210 Cormorant Road which incorporate parking areas forward of the industrial buildings on the respective site.

Car parking is discussed further in Section 7.03 below.

3.13.08 – Land Outside of Port of Newcastle Lease Area

The subject site is located within the Port of Newcastle Lease Area and therefore this section is not applicable. Notwithstanding this, the proposal provides appropriate access to Raven Street and is broadly consistent with the objectives of this DCP section.

Section 4.01 Flood Management

The 1%AEP event does not impact the current site levels nor will it have a bearing on the proposed Industrial development. The site is impacted by the Probable Maximum Flood event to a level of 4.4m AHD in the Hunter River Flood event. The Life hazard rating associated with the PMF is classed at L1 (the lowest category). Based on the above the proposal is an acceptable use of the site from a flooding point of view and will not result in an unacceptable risk of flooding to life or property.

Section 4.04 Safety and Security

4.04.01 – Crime Prevention through Environmental Design (CPTED) Principles

Principles of CPTED are discussed in detail in **Section 5** below. The proposed development is appropriately fenced and gated to control access to the site. Active surveillance measures such as CCTV can be implemented throughout the site if required.

Section 4.05 Social Impact

The aims of this Section are:

- *To provide clear guidelines as to the level of assessment required for a development application;*
- *To consider both positive and negative social impacts in achieving socially sustainable development through an evidence based approach;*
- *To ensure consultation is undertaken with the community, stakeholders and relevant groups to identify public values and concerns; and*
- *To consider how potential social impacts of change can be best managed and mitigated.*

The proposed development is consistent with this section of the NDCP 2012 and social impact is addressed further in **Section 5** of this report.

Section 5.01 Soil Management

The aims of this section of the DCP are:

- *To prevent export of sediments from the site during construction;*
- *To prevent litter, sediment, nutrients and oils from entering waterways; and*
- *To minimise potential for landslip on sloping sites.*

An Erosion and Sediment Control Plan has been prepared for the site by Northrop and provided within **Appendix G**. The Erosion and Sediment Control Plan satisfies the aims of this DCP section.

Section 5.02 Land Contamination

The aims of this section are to:

- *To ensure that the likelihood of land contamination is considered as early as possible in the planning and development process.*
- *To ensure that planning and development decisions take into account available information relating to the likelihood of land contamination.*
- *To ensure that any development of contaminated land will not result in unacceptable levels of risk to human health or the environment.*
- *To ensure that site investigations and remediation work are carried out in a satisfactory manner, and where appropriate, are independently verified by site audits.*
- *To ensure that Council exercises its functions relating to the development of contaminated land with a reasonable standard of care and diligence.*
- *To facilitate the provision of consistent and reliable information to the public about land contamination.*
- *To ensure that ongoing responsibility for management and monitoring of contaminated land is clearly and legally assigned.*
- *To ensure the community is not unduly disadvantaged by increased health and environmental risks or increased management costs when accepting the dedication of public assets.*

A Preliminary and Detailed Contamination Assessment have been undertaken for the site and are enclosed as **Appendix I** and **J** respectively. Contamination is discussed in detail in **Section 5** below. The proposed development will not result in an unacceptable risk to human health or the environment.

Section 7.02 Landscape, Open Space and Visual Amenity

The aims of this section are:

- *To create public places that strengthen our social connections;*
- *To ensure public places provide for diverse leisure opportunities;*
- *To ensure landscaping is integrated into the design of the development;*
- *To improve stormwater quality and reduce quantity;*
- *To provide habitat for native plants and animals;*
- *To improve the microclimate and solar performance within the development;*
- *To improve urban air quality;*

- To plan and implement significant development with provision for open space, in scale with the development that can be linked to a local open space network;
- To encourage development that respects landscape opportunities, conserves significant and useful landscape elements and does not detract from the local environment; and
- To ensure buildings and structures do not detract from the character of rural areas.

Landscaping Plans for the proposed development are included as **Appendix F** of this report. Landscaping is also discussed further in **Section 3** and **5** of this report. The proposed landscaping scheme will improve the presentation of the proposed development and provide for the recreational needs of future occupants.

Section 7.03 Traffic, Parking and Access

The aims of this section are:

- To ensure that parking and service provision is adequate relative to the likely demand;
- To encourage measures to reduce motor vehicle dependency and increase the use of public transport, walking and cycling;
- To ensure that the design of parking, access and servicing areas is in accordance with best practice standards; and
- To provide adequate and safe vehicle access to sites without compromising pedestrian access and streetscape qualities.

Traffic, Parking and Access is also discussed further in **Section 5** of this report and the Traffic Assessment enclosed as **Appendix M**. The access and parking arrangements proposed are suitable to accommodate the expected demands generated by the proposed development.

Section 7.05 Energy Efficiency

The aims of this section are:

- To encourage sustainable development;
- To encourage the innovation of energy efficient technologies and processes;
- To encourage efficient use of resources and the use of recycled materials;
- To promote best practice energy use;
- To improve the efficiency of energy use and reduce the long term energy consumption for residential, business and industrial uses; and
- To restrict the reflection of sunlight from buildings onto surrounding areas and buildings.

A Green Star Review has been prepared for the proposed development and is enclosed as **Appendix O**.

Section 7.06 Stormwater

The aims of this section are:

- To outline Council's requirement for stormwater management for development;
- To adopt a whole of water cycle approach to development; and
- To ensure an appropriate quality and quantity of water enters waterways.

A Concept Stormwater Management Plan has been prepared by Northrop and is provided within **Appendix G** and addressed further in **Section 5** of this report.

Section 7.08 Waste Management

The aims of this section are:

- *To facilitate sustainable waste management within the local government area in a manner consistent with the principles of ESD,*
- *To assist applicants in planning for sustainable waste management, through the preparation of a site waste minimisation and management plan,*
- *To assist applicants to develop systems for waste management that ensure waste is transported and disposed of in a lawful manner, and*
- *To provide guidance in regard to space, storage, amenity and management of waste management facilities for new development.*

Waste management for the proposed development will be carried out in accordance with Council's Waste Management Guidelines. A Site Waste Minimisation and Management Plan (SWMMP) has been prepared and is included as **Appendix P**.

Waste management for the proposed development is also further addressed in **Section 5.0** of this report.

4.4.3 Other Relevant Policies, Strategies & Controls

Port of Newcastle Port Master Plan 2040

The Port Master Plan 2040 was prepared by the Port of Newcastle to communicate current and future development and trade opportunities.

The Port of Newcastle's vision is to maintain Newcastle's position as one of the leading and most efficient global-scale ports, and to facilitate continued growth and development of existing and new trades in a sustainable manner.

The strategy seeks to grow and diversify the port and trade base to meet the demands of customers. The following goals underpin the Strategy:

- *Promote the capacity of the Port and the supply chain to support the economy.*
- *Utilise the existing road and rail transport assets to improve freight efficiency.*
- *Facilitate new trades and supply chains.*
- *Support the development of new facilities and enabling infrastructure.*
- *Protect the Port and transport corridors from urban encroachment.*

The subject site is located within the Walsh Point Precinct. Land within this precinct is currently used for the import, export and storage of bulk products, as well as a variety of small-scale industrial uses such as metal recycling. The subject site is located within an area which is currently utilised for industrial purposes and the proposal is consistent with the area's existing character.

Relevant to the proposed development, the Master plan seeks to:

- Facilitate the establishment and new trades and supply chains;
- Support the development of new facilities and enabling infrastructure; and

- Protect the port and transport corridors from urban encroachment.

The proposed development will improve the efficiency of the site use by establishing a warehouse and distribution centre which is suitable for future port related uses.

The proposed development is consistent with the vision and goals established by the Port Master Plan.

Newcastle Local Strategic Planning Statement

The Local Strategic Planning Statement (LSPS) is City of Newcastle's (CN) plan to guide land use planning over the next 20 years. The LSPS implements priorities from the Community Strategic Plan and Newcastle 2030, and brings together land use planning actions in other adopted strategies.

The LSPS also gives effect to the State Government strategic directions for the Hunter region, outlined in the Hunter Regional Plan 2036 and the Greater Newcastle Metropolitan Plan 2036. The LSPS outlines 15 Planning Priorities to achieve the land use planning vision for Newcastle and will inform decisions on any changes to the planning rules in Newcastle Local Environmental Plan 2012 and the Development Control Plan 2012.

The port area is identified as a catalyst area within the LSPS, with growth and diversification of trade the driver behind this. The LSPS states:

"The diversification of the Port is critical to the economic growth of Newcastle as well as the State of NSW."

Planning Priority 15 of the strategy seeks to facilitate the growth and diversification of the Port to increase job opportunities while minimising environmental and amenity impacts on surrounding lands.

The proposed development is consistent with Planning Priority 15 of the LSPS. The proposal will result in the provision of vacant warehouse units within the port area which provide opportunities for economic growth and diversification. The proposed development has been architecturally designed and is consistent with the character of existing development within the locality. The proposal will provide streetscape benefits and is compatible with surrounding lands.

The proposal is consistent with the Newcastle LSPS.

Newcastle Employment Lands Strategy 2019

The Newcastle Employment Lands Strategy analyses population and demographic trends to understand and plan for employment generation and appropriate land uses within the Newcastle LGA into the future.

The Strategy identifies that whilst generally employment in the industrial sector is predicted to decline, overall employment in industrial areas in Newcastle is expected to increase. The strategy highlights the importance of protecting the existing industrial precincts within the Newcastle LGA and creating mechanisms to deliver cost effective and reliable inputs to Newcastle's industrial operators.

The port area is identified within the Newcastle Employment Lands Strategy 2019 as an economic catalyst which presents opportunities for economic development. The proposed development is consistent with this plan as it is located within the existing industrial area of the port, and expands the economic potential of the port and provides opportunities for diverse employment generating land uses on the site.

5.0 Development Issues

5.1 DEVELOPMENT DESIGN & BUILT FORM

The proposed development comprises a single industrial building incorporating two (2) adjoining warehouse units, with associated office, parking and landscape areas. Architectural plans for the proposed development plans have been prepared by EJE Architecture and are provided within **Appendix E**.

The proposed units will be constructed using a variety of materials and finishes, including pre-cast concrete, colourbond profile sheeting of varying colours and timber batten accent features. The variation in façade materials proposed assists with establishing an aesthetically pleasing streetscape presentation.

The proposal preserves the existing right of carriageway which runs along the western boundary of the subject site and benefits the lot to the rear of the site which is currently operated by Port Waratah Coal. The existing driveway within the carriageway will be reconstructed to ensure that adequate stormwater surface flow is achieved. Vehicular access to the proposed car parking areas and heavy vehicle loading areas is via the existing driveway.

Separate car parking areas are proposed for each warehouse unit. Due to the irregular shape of the site, a car parking area is provided forward of proposed Warehouse Unit 1. Landscape planting is proposed forward this car parking area to provide appropriate visual screening. The proposed car parking arrangement is consistent with existing development to the east and west of the site, at 80 and 210 Cormorant Road, which incorporate parking areas forward of the industrial buildings on the respective sites.

The proposal is located clear of the existing weather monitoring station and associated easement is the site's east. Following the construction of the proposed development, access to this area will be possible through the proposed southern car parking area.

Development adjoining the subject site to the west and east is utilised for industrial and storage purposes. The proposal will not unreasonably affect the amenity of adjoining properties, nor will it affect the ongoing use of either of the adjoining properties for their approved use, or the future development of the sites in accordance with their relevant zoning.

The proposed side and rear setbacks are considered appropriate to preserve the amenity of the adjoining sites. The front setback of the proposed development is largely dictated by the irregular shape of the site and right of carriageway which result in development which is well setback from Raven Street. The proposed front setback is appropriate for the site and will result in development which sits well within the locality.

The proposal is consistent with the character of existing industrial development within the locality and will contribute to the streetscape within the area.

5.2 LANDSCAPING

A Landscape Plan has been prepared by Terras Landscape Architects and is provided within **Appendix F** of this report.

The site is currently undeveloped and contains no vegetation. The proposed landscaping aims to provide shade and amenity to car parking areas and provide visual softening to the proposal. The landscaping also aims to preserve sightlines throughout the site, for both heavy and light vehicles.

The proposed landscape design incorporates the following elements:

- The installation of trees throughout car parking areas;
- Establishment of screen shrubs forward of the street facing parking area associated with Proposed Warehouse 1 as well as adjacent to the northern and eastern boundaries;
- Construction of pocket gardens which provide amenity while not disrupting the safe movement of vehicles throughout the site;
- Provision of a turfed area adjacent to the rear boundary of the site;
- Construction of covered seating and picnic areas; and
- Construction of coloured concrete to highlight pedestrian zones throughout the site.

The proposed landscaping is functional and contributes towards achieving an aesthetically pleasing development within the industrial locality.

5.3 STORMWATER MANAGEMENT

Stormwater Management

A concept Stormwater Summary has been prepared by Northrop for the proposed development and is enclosed as **Appendix G**.

To minimise the potential impact of local and downstream flooding, onsite detention is to be provided. Roof water and most of the hardstand areas is to be collected and directed via a pit and pipe system to an underground storage tank with a minimum storage capacity of 186m³, positioned beneath the front car parking area. The tank has been designed to ensure no net increase in peak flows during storm events up to the 1% Annual Exceedance Probability (AEP).

Overflow from the tank will be piped through the site's access handle to the existing interallotment drainage line running in an east/west direction through the access handle. The interallotment drainage line runs through adjoining Lot 151 to Raven Street. An easement is proposed over this connection to allow the legal discharge of stormwater to the Raven Street drainage network. Lot 151 is also owned by Port of Newcastle Lessor Pty Limited and land owners' consent for the proposed development, including the proposed easement is included with the Development Application.

To achieve the pollutant reduction targets specified by NCC's DCP, a number of stormwater quality improvement devices and measures are proposed, including:

- Rainwater reuse tanks which will be utilised for toilet flushing and for local irrigation;
- Gross pollutant trap (GPT) to assist in achieving the pollutant reduction targets. It proposed to install a Humes' Humegard GPT or an equivalent device;
- Tertiary treatment device: to assist in the removal of suspended solids, nitrogen, phosphorus and other pollutants;
- A 20m² bioretention basin (raingarden) is included in the car park area upstream of the detention tank and GPT. The bioretention basin will infiltrate stormwater through a filter media to remove pollutants before discharging back into the stormwater system;

- Runoff from the impervious pathways on the north and east of the warehouse will be conveyed to a 1m wide grass buffer to remove coarse matter and attached pollutants; and
- Pit filters.

The proposed stormwater management system complies with CoN's 2012 Development Control Plan, CoN's 2019 Stormwater and Water Efficiency for Development Technical Manual, relevant Australian Standards and NSW MUSIC Modelling Guidelines.

Erosion and Sediment Control

An Erosion and Sediment Control Plan has been prepared in accordance with Council's requirements. A copy of this plan is included within the Stormwater Summary provided within **Appendix G**.

5.4 ACCESS, TRAFFIC & PARKING

SECA Solution was engaged to prepare a Traffic Assessment for the proposed development (refer **Appendix M**). The Assessment gives consideration to the requirements of Austroads Guidelines, Section 2.3 of the RTA Guide to Traffic Generating Developments and the Newcastle Development Control Plan 2012.

Access

The proposed development will be accessed via the existing two-way driveway which serves the site. The driveway crossover to Raven Street is proposed to be upgraded under exempt development provisions to accommodate access by B-Doubles. The proposed access will be provided in accordance with the Newcastle DCP and AS2890.2.

All vehicles will be required to enter and exit the site in a forward direction. Turning plans demonstrating the ability of heavy vehicles to manoeuvre within the site are enclosed as **Appendix H**.

Traffic

While an end user for the proposed development has not yet been determined, the Traffic Assessment gives consideration to traffic generation rates for business and industrial estates. Using these rates, the developed site is projected to generate 234 trips per day, being 117 inbound and 117 outbound trips. The additional flows represent 0.7% of existing flows in the area and therefore is expected to have a minimal impact upon the daily flow of traffic in the site's locality.

Traffic associated with the proposed development is will be distributed across a number of intersections in the area. The Traffic Assessment confirms that the proposed development is unlikely to result in significant adverse impacts on the capacity of intersections within the site's vicinity.

All construction work will be contained within the site with minimal impact on the local road network. Additional traffic movements associated with construction activities can be catered for within the local road network. The site will be able to accommodate the parking needs of construction staff on site however if necessary, parking can also be accommodated on Raven Street.

Parking

The proposed development incorporates a car parking area at the frontage of the site comprised of 19 car and two (2) motorbike parking spaces to serve Warehouse 1. Warehouse 2 is serviced by a car parking area containing 12 car and two (2) bike parking spaces.

While not strictly applicable to the proposed development, the NDCP sets out the following car parking requirements:

LAND USE	DCP CAR PARKING RATE	BICYCLE PARKING	MOTORBIKE PARKING
Warehouse and Distribution Centre	1 Space per 200m ² GFA or 1 space per 2 staff	1 Space per 20 staff	1 space per 20 car spaces
Office	1 Space per 50m ² GFA	1 Space per 200m ² GFA	1 space per 20 car spaces

It is considered that there will be little demand for pedestrian and cyclist access to the site. Given the large site area and nature of the proposed development, it is considered that ample space exists for the storage of bicycles on-site without the need for a designated bicycle parking area. Pedestrians within the site will be able to walk along driveways which will operate as a shared zone. Coloured concrete is provided to highlight key pedestrian zones.

Applying the DCP rates to the proposed development generates the demand for a total of 21 car parking spaces and two (2) motorbike spaces across the site. The proposed development incorporates a total of 31 car parking spaces and 2 (two) motorbike spaces and exceeds the DCP requirements.

The car parking layout and individual parking spaces will be designed in accordance with AS2890.

The Traffic Assessment concludes that the proposed development will have minimal impact upon the surrounding road network. Parking proposed for the development exceeds the requirements of the Newcastle DCP. Access and circulation for the site is appropriate for the development, providing for the swept paths of heavy vehicles including B-Doubles.

5.5 CONTAMINATION

A Preliminary Contamination Assessment (PCA) was prepared for Qualtest for the subject Site (refer **Appendix I**).

The PCA identified two Areas of Environmental Concern (AEC) for the site. The AECs related to fill historically imported to the site and the potential impacts from surrounding industrial land uses. The PCA recommended additional assessment, comprising intrusive investigations in the proposed development area.

A Detailed Contamination Assessment was prepared by Qualtest and is enclosed as **Appendix J**.

The fifteen boreholes were drilled across the site. Soil samples were collected from the boreholes and laboratory tests were undertaken on the samples. The analytical results of laboratory testing indicated that concentrations of contaminants in all samples were below the adopted commercial industrial land use criteria. Asbestos was not detected in the samples.

Two (2) existing groundwater monitoring wells were identified on the site and sampled by Qualtest. The analytical results of ground water testing indicated that concentrations of contaminants were reported below the adopted criteria, with the exception concentrations of chromium, copper and zinc. It is considered unlikely that these metal concentration exceedances were a result of site activities due to the top-down nature of potential contamination and due the low metal concentrations in the fill material. Therefore, the metal concentrations are considered to be indicative of regional background water quality, and do not warrant further investigation or remediation.

Based on the results of the Detailed Contamination Assessment and results of field and laboratory investigations, it is considered that the site is suitable for the proposed development.

As a precaution it is recommended that an Unexpected Finds Procedure be included in the Construction Environmental Management Plan, and implemented during earthworks. Based on the insitu assessment, if the surface/fill material is proposed to be disposed offsite to a licenced waste facility, the material classifies as General Solid Waste in accordance with the NSW EPA (2014) Waste Classification Guidelines, Part 1 – Classifying Waste.

5.6 ACID SULFATE SOILS

Qualtest were engaged to prepare an Acid Sulfate Soils Management Plan (ASSMP) for the site. The ASSMP is enclosed as **Appendix K**. The ASSMP was completed in accordance with the ASSMAC (1998) Acid Sulfate Soil Manual and the relevant National ASS Guidance.

Fieldwork for the investigation included the drilling of four (4) boreholes. Soil samples for ASS assessment were collected at intervals of approximately 0.5m and 1.0m intervals down the soil profile. The samples were screened in accordance with the procedures outlined in Appendix 1 of the ASSMAC (1998) ASS Manual.

The assessment identified that estuarine/alluvial sands and clays below fill material (from about 1.5m below ground surface) are potentially Acid Sulfate Soils (ASS), which will require management to prevent the generation of sulfuric acid if exposed to oxygen.

The ASSMP recommends management procedures which will be implemented if soils greater than 1.5m are proposed to be disturbed.

Any works undertaken as part of the proposed development will be undertaken in accordance with the ASSMP.

5.7 GEOTECHNICAL

A Preliminary Geotechnical Assessment has been prepared by Qualtest for the subject site and is enclosed as **Appendix Q**. The assessment makes recommendations relating to foundations, construction activities, use of on-site materials as fill and preliminary pavement design parameters. The detailed design and construction of the proposed development will comply with the requirements of the Geotechnical Assessment.

5.8 EARTHWORKS & RETAINING

Minor site reshaping will be required to accommodate the proposed development. The objectives of site reshaping will be to establish level building areas over which the proposed development will be constructed, and ensure the functioning of the proposed stormwater drainage measures.

A retaining wall to a maximum height of 1.22m is proposed along the northern and eastern boundaries of the site, as well as forward of the Warehouse 1 car parking area. The proposed retaining walls will not result in any adverse impacts to the ongoing use of adjoining properties. central portion of the eastern boundary of the site to accommodate site reshaping works.

Any earthworks across the site will be undertaken in accordance with the findings of the ASSMP and Detailed Contamination Assessment undertaken across the site.

5.9 SCENIC VALUES, VIEWS & VISUAL IMPACT

The subject site is located central to an existing industrial area and significant views do not exist across the site. The proposal will not result in the obstruction of any important views.

The proposed development is architecturally designed and comprises quality materials and finishes. Appropriate landscaping will be implemented across the site to provide visual softening to the proposed built form. The proposed development will sit well within the existing industrial area and will contribute to the streetscape of the surrounding area.

The proposal will result in no impacts on views and will provide improvements to the streetscape within the area.

5.10 AIR QUALITY & DUST

During preliminary consultation with DPIE, it was encouraged that given proximity of the site to the surrounding coal stockpiles, discussions should be undertaken with the Environment Protection Authority (EPA) in relation to the potential air quality impacts for future occupants of the site.

PoN have consulted with EPA in regard to air quality issues. At no point in time did the EPA advise that they saw it as their role to provide comment.

The proposed development has been designed to limit building openings on the northern façade of the proposed development.

Work Health and Safety Plans for the future use of the site would be required to acknowledge the presence of the Coal Stockpiles and include measures to minimise the potential impacts associated with the site's proximity to this activity.

5.11 FLOODING

Preliminary consultation with City of Newcastle Council indicated that the subject site is prone to flooding.

A Flood Certificate was obtained for the site and is enclosed as **Appendix N**. As noted in the certificate, the 1%AEP event does not impact the current site levels nor will it have a bearing on the proposed Industrial development. The site is impacted by the Probable Maximum Flood event to a level of 4.4m AHD in the Hunter River Flood event. The Life hazard rating associated with the PMF is classed at L1 (the lowest category). Based on the above the proposal is an acceptable use of the site from a flooding point of view.

5.12 HERITAGE

5.12.1 Aboriginal Heritage

The subject site is currently vacant, clear of vegetation and has been previously disturbed. A search of the AHIMS Register was undertaken for the subject site, inclusive of a 50m buffer. The results of the search are enclosed as **Appendix L**. The search results indicate that there are no recorded Aboriginal sites or places within the site or surrounding area.

The proposed development is considered unlikely to result in any adverse impacts on Aboriginal Heritage.

5.12.2 European Heritage

The subject site does not contain any listed heritage items, nor are there any listed heritage items surrounding the site. The proposed development will not result in any European Heritage Impacts.

5.13 SOCIAL & ECONOMIC IMPACTS

The following further addresses the key social and economic considerations of the proposed development:

- The proposed development will see a direct investment of approximately \$5 Million into the port area;
- The proposal will utilise land which is located central to an existing industrial area and is currently unutilised;
- The proposal will provide quality warehouse and distribution centre units suitable for future uses which support the ongoing growth of the port area in accordance with the Port of Newcastle Masterplan.
- The proposed development will facilitate the use of the site for employment generating purposes; and
- The proposed development is unlikely to be a high-risk development with respect to crime and public safety, and will improve casual surveillance through establishing a regular physical presence on the site.

The proposed development is considered to provide a net social and economic benefit.

5.14 CRIME PREVENTION

In 2001 the then Department of Urban Affairs and Planning produced a guideline titled "Crime Prevention and the assessment of development applications". The purpose of the guidelines is to assist Councils identify crime risk and minimise opportunities for crime through the appropriate assessment of development proposals.

Crime prevention for environmental designs seeks to influence the design of buildings and places by:

- Increasing the perception of risk to criminals by increasing the possibility of detection, challenge and capture;
- Increasing the effort required to commit the crime by increasing the time, energy or resources which need to be expended; and
- Reducing the potential rewards of crime by minimising, removing or concealing crime benefits and removing conditions that create confusion about required norms about behaviour.

During the design and development consideration has been given to the four (4) basic design principles contained in the guideline titled "Crime Prevention and Assessment of Development Applications", these are addressed as follows:

Surveillance

The attractiveness of crime targets can be reduced by providing opportunities for effective surveillance, both natural and technical.

The proposal incorporates:

- Clear sightlines between public and private spaces;
- Landscaping that does not provide opportunity for offenders to hide or entrap victims;
- Improved casual surveillance opportunities; and
- A physical presence through the redevelopment of the site for the purpose of a secure warehouse and distribution centre.

The proposal will significantly improve surveillance across the site through the establishment of a permanent physical presence on the site. Active surveillance, including the provision of CCTV or an alarm system can be implemented across the site if required.

Access Control

Physical and symbolic barriers can be used to attract, channel or restrict the movement of people. They minimise opportunities for crime and increase the effort required to commit crime.

An existing access gate currently provides vehicular access to the site. It is proposed that this gate will be maintained to allow controlled site access.

Territorial Reinforcement

Community ownership of public space sends positive signals. People often feel comfortable in, and are most likely to visit places which feel owned and cared for. Well used places also reduce opportunities for crime and increase risk for criminals.

The design ensures a clear distinction as to what areas of the site are public versus private.

Space Management

Popular public space is often attractive, well maintained and well used space. Linked to the principle of territorial reinforcements space management ensures that space is appropriately utilised and well cared for.

The physical spaces have been designed such that they are able to be maintained so that the site appears to be well kept and therefore deter crime. The proposed development will establish a permanent physical presence on the site.

Overall, the proposed development will not introduce any specific elements likely to encourage crime. By establishing a permanent presence on the site, the proposal will significantly improve passive surveillance opportunities and deter crime through appropriate space management and access control. The site is located within an industrial area and will contribute to the further development of this area.

5.15 UTILITIES & SERVICES

All services, including electricity, water, sewer and telecommunications will be augmented to serve the proposed development.

5.16 WASTE MANAGEMENT

A Site Waste Minimisation and Management Plan has been prepared and is included within **Appendix P** of this report.

Construction

Where possible materials will be re-used on site, and where not possible, materials will be sent to an appropriate recycling contractor to be recycled. Materials not reusable or recyclable will be directed to an appropriately licensed waste contractor.

In all instances correct quantities will be ordered to minimise waste on the site.

The construction contractor will utilise techniques that will minimise demolition and construction waste such as:

- Building to standard sizes;
- Building for deconstruction;
- Implementing data gathering processes to monitor waste generation;
- Educating staff on waste minimisation;
- Litter management on site; and
- Litter abatement on site.

The contractor's on-site representative will remain responsible for coordinating the removal of waste from the site once construction works have commenced.

Operation:

Waste generated during the operation of the proposed development includes:

- Office waste (paper, food waste, glass and plastic bottle and cardboard);
- Containers;
- Packaging; and
- Paper and cardboard.

Operational waste will be separated and stored in designated areas within the site. Waste collection will occur on a regular basis by a private waste contractor.

5.17 NOISE

The proposed development will result in temporary construction related noise and vibration impacts associated with construction activities. Noise levels would vary depending on the nature of the activities being undertaken. Construction hours would be restricted to the normal daytime construction hours as specified by EPA and the nature of the works would be temporary.

The ongoing operation of the proposed warehouse and distribution centre is unlikely to result in significant adverse environmental impacts. The site is located central to an area characterised by industrial land uses and there are no residential or other sensitive receptors located within the immediately surrounding area. Once operational, the proposed warehouse and distribution centre is likely to be consistent with the existing acoustic environment within the area.

6.0 Conclusion

This Statement of Environmental Effects and supporting documentation comprehensively demonstrates that the proposed warehouse and distribution centre is an appropriate and suitable development when tested against the relevant heads of consideration detailed within Section 4.15 of the *Environmental Planning & Assessment Act 1979*.

The proposal can be supported based on the following:

- The proposed development is permissible within the SP1 zone in accordance with SEPP (Three Ports) 2013;
- The proposed development will provide significant benefits to the Newcastle area as well as the port area;
- The site is ideally positioned with the Port of Newcastle Lease Area and will contribute to the ongoing development of the port in accordance with the Port of Newcastle Masterplan;
- The site is currently vacant and is underutilised in its current state; and
- No adverse social, economic or environmental impacts are likely to be generated by the proposal. The proposal will deliver net benefits to the local community.

This statement has illustrated that the proposal will satisfy both statutory and merit-based planning considerations and that the proposal will make a positive contribution to the site and surrounding area. It is considered that there is no matter which should preclude the approval of the proposed development.

Appendix A

CERTIFICATE OF TITLE AND DEPOSITED PLAN

Appendix B

CONSULTATION WITH DPIE

Appendix C

CONSULTATION WITH CITY OF NEWCASTLE

Appendix D

DETAIL SURVEY PLAN

Appendix E

PROPOSED DEVELOPMENT PLANS

Appendix F

LANDSCAPE PLANS

Appendix G

CIVIL ENGINEERING PACKAGE

Appendix H

VEHICLE MANOEUVRING PLAN

Appendix I

PRELIMINARY CONTAMINATION ASSESSMENT

Appendix J

DETAILED CONTAMINATION ASSESSMENT

Appendix K

ACID SULFATE SOILS MANAGEMENT PLAN

Appendix L

AHIMS SEARCH RESULTS

Appendix M

TRAFFIC AND PARKING ASSESSMENT

Appendix N

FLOOD INFORMATION CERTIFICATE

Appendix O

GREEN STAR REVIEW

Appendix P

WASTE MANAGEMENT PLAN

Appendix Q

GEOTECHNICAL ASSESSMENT