



Philip Carroll
Port of Newcastle
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NEWCASTLE NSW 2300
Email: Philip.Carroll@portofnewcastle.com.au

Dear Mr Carroll,

**Informal Pre-Development Application Advice
46 Fitzroy Street, Carrington (Lot 33 in DP1078910)**

I refer to the informal pre-development application (Pre-DA) meeting held on 4 December 2020 in relation to the construction of a four-storey commercial office building on the above-mentioned site, pursuant to *State Environmental Planning Policy (Three Ports) 2013* (Three Ports SEPP).

The discussion was based on the proposed development, as described by you, in the Pre-DA documentation which included concept plans prepared by Rainsford Architecture + Design and a scoping report prepared by the Port of Newcastle (the Applicant).

The following advice is provided regarding the matters discussed for your record:

- **Development type:** The land is zoned SP1 Special Activities under the Three Ports SEPP and is located within a Lease Area. The proposal is for a commercial building, defined as office premises, which is expressly listed as a prohibited land-use in the zone. However, clause 23 of the Three Ports SEPP lists office premises as an additional permitted use with development consent on land within the Lease Area. In this regard, ensure the proposal supports the aims of the policy and the objectives of the zone. The Minister for Planning and Public Spaces (or his delegate) is the consent authority for development on land within the Lease Area pursuant to clause 8(a) of the policy and the proposal requires a Part 4 Development Application (DA) to be lodged with the Department.
- **Statement of Environmental Effects:** The Regulation requires all DAs, except for designated development, include a Statement of Environmental Effects (SEE). A SEE must be submitted with the DA that fully describes the proposed development and includes an assessment of the potential environmental impacts associated with the development, how these impacts have been identified and how you will minimise these impacts. The DA and SEE must be prepared in accordance with, and meet the minimum requirements of, Schedule 1 of the Regulation. The SEE must provide an assessment against all relevant environmental planning instruments, development control plans and plans applicable to the site and development. Where relevant, the SEE should also include:
 - adequate baseline data

- consideration of the potential cumulative impacts due to other developments in the vicinity (completed, underway or proposed)
- measures to avoid, minimise and if necessary, offset predicted impacts, including detailed contingency plans for managing any significant risks to the environment.

Any future DA and SEE should consider and address the planning advice and key issues listed below. The SEE must also address the relevant matters for consideration in accordance with section 4.15 of the Environmental Planning & Assessment Act 1979(EP&A Act).

- **Statutory and Strategic Framework:** The SEE must clearly document the statutory and strategic planning and policy framework applying to the site and its wider context. For example, the Three Ports SEPP, Hunter Regional Plan 2036, Greater Newcastle Metropolitan Plan 2036, Newcastle Community Strategic Plan 2030, Newcastle Local Strategic Planning Statement, Newcastle Employment Lands Strategy, Port of Newcastle Master Plan 2040, as well as any connections with the Wickham Master Plan 2017.
- **Building Height and Floor Space Ratio (FSR):** The SEE must provide clear justification for the proposed building height and how it responds to existing and desired character of the precinct. Ensure the proposed density, bulk and scale makes a positive contribution towards the street and the desired built form character. The proposed height and floor space will be evaluated through the merit assessment process and must not result in any unacceptable visual, solar access, amenity or traffic impacts.
- **Built Form:** Elevation drawings must include the adjoining properties to demonstrate how the scale of the proposed development will relate to its (current and future) surroundings. All building facades should be well articulated to be attractive in all view angles. The Department requests an in-principle assessment against relevant Newcastle City Council's DCP controls, including (but not limited to) Sections 3.11 Commercial uses, 4 Risk Minimisation Provisions, 5 Environmental Protections Provisions and 7 Development Provisions. Front setbacks should be consistent with those established in the area, except where additional setbacks are necessary to improve amenity, landscaped area or building articulation. Ensure proposed facilities are visually attractive and blend in with the streetscape. Demonstrate how future buildings would meet or exceed minimum building sustainability and environmental performance standards.
- **Public Domain/Landscaping:** The SEE must outline the scope of public domain improvements, pedestrian linkages, street activation, and landscaping to be provided as a part of the proposal. Detailed landscaping plans must be submitted with the DA. The landscaping plans must include a planting schedule, planting locations, deep soil zones, pot sizes, densities and measures to protect existing trees to be retained. Details of any tree or vegetation removal (including justification) will be required. The proposed development should maximise the retention of good quality vegetation on the site and existing street trees. Should any trees be deemed to be significant, an arborist report may be required. Consideration should be given to increasing the landscaping area on the Denison Street frontage to improve its streetscape amenity and connection with the adjacent public open space. Streetscape visualisations should also be provided.

- **Amenity:** The SEE must assess the environmental and residential amenity impacts associated with the proposal, including solar access, acoustic impacts, visual privacy, view loss, overshadowing, lighting impacts and wind impacts. To improve residential amenity for nearby residential properties, investigate alternative access and parking arrangements to minimise acoustic impacts. Consideration should also be given to increasing the landscaping buffer between the proposed carparking area and neighbouring residences. In addition, consideration should be given to increasing onsite landscaping offered and to the provision of communal open space for building tenants.
- **Hazards:** The SEE must assess the hazards associated with the proposal, including (but not limited to) mine subsidence, site contamination and onsite electrical infrastructure. Specialised technical reports are required to accompany the proposal for these issues. In relation to mine subsidence, the proposal is also categorised as Integrated Development and approval from Subsidence Advisory NSW is required. In relation to site contamination, and given the former use and surrounding landuses, a detailed site contamination report is required to ensure the site is suitable for the proposal and to identify site specific management or remediation strategies. In relation to the overhead power mains affecting the Fitzroy Street frontage, consideration should be given to the risks associated with the existing electrical assets and how these will be treated, including the risks of electrocution, fire risks, electric and magnetic fields (EMF), noise, visual amenity and other matters that may impact the construction or operation of the development. Ensure appropriate buffer distances, screening structures, building design, orientation and construction to mitigate risks and consult prior to lodgement with the relevant asset owner (Ausgrid).
- **Parking:** Consideration should be given to reviewing and reducing the carparking provided on site. In this regard, an in-principle assessment against Council's typical parking requirements is required and adequate justification should be provided. In addition, provide details regarding the length of stay for parking arrangements across the site.
- **Pedestrian Networks:** The DA must detail existing pedestrian connections and proximity to public transport options, as well as investigate options to improve the pedestrian connections to adjacent sites and streets. Provide details regarding the location of existing and proposed services and neighbourhood centres for future building tenants and detail any infrastructure improvements for future building tenants.
- **Utilities:** In consultation with the relevant asset owner (Ausgrid), prepare a services and utilities impact assessment which assesses the capacity of existing services and utilities, and identify any upgrades required to facilitate the development. The impacts of the proposal on existing utility infrastructure and service provider assets is to be assessed and how any potential impacts would be managed or mitigated explained.
- **Environmental Impacts:** The SEE must assess the environmental impacts associated with the proposal, including (but not limited to) the following:

Noise and Vibration: The SEE must be accompanied by an acoustic and vibration report in accordance with relevant guidelines. The report should consider both onsite noise generation during construction and operation and any impacts to neighbouring properties.

The report should also consider any noise or vibration impacts to building tenants from adjacent industrial land uses and any attenuation measures required.

Traffic, Parking and Access: the SEE must be accompanied by a Traffic Report prepared in accordance with relevant guidelines. The report must assess the traffic impacts of the development on the surrounding local and classified road network and specify any road upgrade works required to maintain acceptable levels of service. The assessment is to include traffic and parking generated by existing and approved developments, as well as that by the proposal, and demonstrate that sufficient on-site car parking, loading/unloading, pedestrian and cycling facilities (including bicycle parking and end-of-trip facilities) would be provided for the development.

- **Required Documentation:** the DA must be submitted in conjunction with the following documentation.
 - Statement of Environmental Effects
 - Detailed architectural plans, including detailed overshadowing diagrams, materials/colours schedule, solar and cross ventilation diagrams
 - Detailed Landscaping and Public Domain Plans
 - Comprehensive Visual Impact Assessment
 - Compliance tables for all relevant development standards and any in-principle assessment against Council's planning controls
 - A table identifying the proposed floor-by-floor breakdown of GFA, total GFA and site coverage
 - Utilities Report
 - Geotechnical and Groundwater Assessment Report
 - Traffic and Parking Assessment
 - Water cycle management plan strategy
 - Section J Report
 - Flora and Fauna Assessment (if required)
 - Arborist Report (if applicable)
 - Quantity Surveyors Report
 - Acoustic and Vibration Report
 - Civil/ Stormwater Management Plans
 - Waste Management Plan
 - Construction Management Plan
 - Operational Management Plan

Pre-DA Consultation

Prior to lodging the DA, it is strongly recommended that you consult with other relevant public authorities to ensure that their requirements are fully understood and addressed. For example, Newcastle City Council, Ausgrid, Transport for NSW, the Department's Biodiversity and Conservation Division and Subsidence Advisory NSW. In addition, consultation with the local residential and business community prior to lodgement is recommended. Copies of any pre-consultation advice should accompany the DA.

Other Information

Please note that this advice is preliminary in nature and that no detailed assessment of the site or proposed development has been undertaken. Should the development or any relevant planning policy change in any way prior to the lodgement of a development application (DA) then this advice may no longer be fully accurate or complete.

For further enquiries, please contact Louise Starkey on (02) 4345 4410 or Louise.Starkey@planning.nsw.gov.au

Yours sincerely



Teresa Gizzi
Team Leader, Regional Assessments
18/12/2020

Enclosed: Commercial Building DA Checklist