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COMMERCIAL FACILITY, CARRINGTON
STATEMENT OF ENVIRONMENTAL EFFECTS

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COMMERCIAL FACILITY, CARRINGTON
STATEMENT OF ENVIRONMENTAL EFFECTS

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Recipient	**Port of Newcastle**
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Prepared by	**Taylor Hancock / Clare Findlay**
Checked by	**Belinda Sinclair**
Approved by	**Craig Niles**
Description	**This Statement of Environmental Effects has been prepared on behalf of the Port of Newcastle to support a development application to the NSW Department of Planning, Industry and Environment. The proposed development is a four-storey commercial building comprising a café and office on the ground floor, office uses on Level 1 to Level 3 and 172 at-grade car parking spaces located at 65 Denison Street and 46 Fitzroy Street, Carrington.**

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EXECUTIVE SUMMARY

This Statement of Environmental Effects is submitted to the NSW Department of Planning, Industry and Environment on behalf of the Port of Newcastle Operations Pty Limited as Trustee for the Port of Newcastle Operations Trust (Port of Newcastle). This Statement of Environmental Effects accompanies a Development Application for a proposed four-storey commercial development at Lot 33 DP 1078910 65 Denison Street and 46 Fitzroy Street, Carrington New South Wales.

The site is a part of the Port of Newcastle Lease Area and as such consent is governed by the Department of Planning, Industry and Environment. In accordance with *State Environmental Planning Policy (Three Ports) 2013* (Three Ports SEPP) the proposed development is permitted with consent and the Minister for Planning and Open Spaces (or his delegate) is the consent authority.

Whilst the proposal is not required to be assessed against the *Newcastle Development Control Plan 2012*, consideration has been given to the City of Newcastle planning controls throughout development of the proposal and its assessment in this Statement of Environmental Effects.

The proposal includes:

- construction of a four-storey commercial building
- internal fit out works including café and offices spaces
- 172 at grade car parking spaces comprising:
    - 138 external staff parking (rear). This includes one accessible parking space
    - 10 external visitor parking (front) spaces. This includes one accessible parking space
    - 15 staff spaces (secure undercover)
    - eight spaces suitable for charging of electric vehicles (secure undercover)
    - one loading space (front).
- 50 bike rack spaces
- eight motorbike parking space
- seating and communal spaces
- waste disposal area
- water tanks
- landscaping works
- signage on the western (Fitzroy Street frontage) side of the building.

The total Gross Floor Area for the proposal is 6,432 square metres. In accordance with the consultation letter from City of Newcastle, where the number of proposed car parking spaces exceeds the relevant requirements of the *Newcastle Development Control Plan 2012*, the area of the surplus car parking is to be included in the calculation of Gross Floor Area of the development. The revised Gross Floor Area is 7,035.72 square metres and the Floor Space Ratio is 0.81:1.

Consultation was undertaken with key regulatory bodies and service providers to inform proposal planning and development. These included the Department of Planning, Industry and Environment, City of Newcastle, Subsidence Advisory NSW, Hunter Water and Ausgrid. Due to the size and location (more than 90 metres from a classified road) this proposal does not require referral to or concurrence from Transport for NSW under Schedule 3 of the *State Environmental Planning Policy (Infrastructure) 2007*.

The proposal makes use of currently underutilised land and complies with the relevant aims, objectives and development standards of the applicable environmental planning instruments and represents an orderly and economic use of land. Through various design solutions and considerations, the proposed development would be compatible with the existing surrounding development and the desired future character of the area. The proposal would not result in any unreasonable impacts on the environment or surrounding amenity.

Given this assessment the proposal has environmental planning merit and is in the public interest. The application therefore satisfies the relevant sections of the EP&A Act.

GLOSSARY OF TERMS

Carrington Precinct	Strategic development precinct within the Port of Newcastle
Honeysuckle Precinct	Strategic development precinct at Honeysuckle to be a social gathering place
Newcastle Interchange	Interchange that links the City's train, light rail and bus services in Newcastle
The proposal	The proposed four-storey commercial development at 65 Denison Street and 46 Fitzroy Street, Carrington
The site	Site of the proposed development at 65 Denison Street and 46 Fitzroy Street, Carrington, Lot 33 in Deposited Plan 1078910

ACRONYMS AND ABBREVIATIONS

BCA	Building Code of Australia
CBD	Central Business District
CoN	City of Newcastle
CSP	*Newcastle 2030 Community Strategic Plan (Revised 2013)*
DA	Development Application
DCP	*Newcastle Development Control Plan 2012*
DP	Deposited Plan
EMF	Electric and magnetic fields
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	*Environmental Planning and Assessment Regulation 2000*
GFA	Gross Floor Area
ha	Hectares
ICNG	*Interim Construction Noise Guidelines 2009* (Department of Environment and Climate Change 2009)
km	Kilometres
LEP	*Newcastle Local Environment Plan 2012*
LGA	Local Government Area
LSPS	*Newcastle Local Strategic Planning Statement*
m	Metres
m^2	Square metres
NSW	New South Wales
PON	Port of Newcastle
RL	Reduced Level
SEE	Statement of Environmental Effects
SEPP 55	*State Environmental Planning Policy No. 55 – Remediation of Land*
The Regional Strategy	*Lower Hunter Regional Strategy 2006-2031*
Three Ports SEPP	*State Environmental Planning Policy (Three Ports) 2013*

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1. INTRODUCTION

This Statement of Environmental Effects (SEE) is submitted to the NSW Department of Planning, Industry and Environment on behalf of the Port of Newcastle Operations Pty Limited (ACN 165 332 990) as Trustee for the Port Of Newcastle Operations Trust (ABN 97 539 122 070) (Port of Newcastle, hereafter referred to as PON).

This SEE accompanies a Development Application (DA) for a proposed four-storey commercial development at Lot 33 DP 1078910 65 Denison Street and 46 Fitzroy Street, Carrington (the site) (**Figure 1-1**). Architectural plans providing a general site arrangement, facades and internal layouts are provided in **Appendix 1**.

The site is a part of the Port of Newcastle Lease Area and as such consent is governed by the Department of Planning, Industry and Environment. In accordance with *State Environmental Planning Policy (Three Ports) 2013* (Three Ports SEPP) the proposed development is permitted with consent and the Minister for Planning and Open Spaces (or his delegate) is the consent authority.

This SEE is to be read in conjunction with the following documentation:

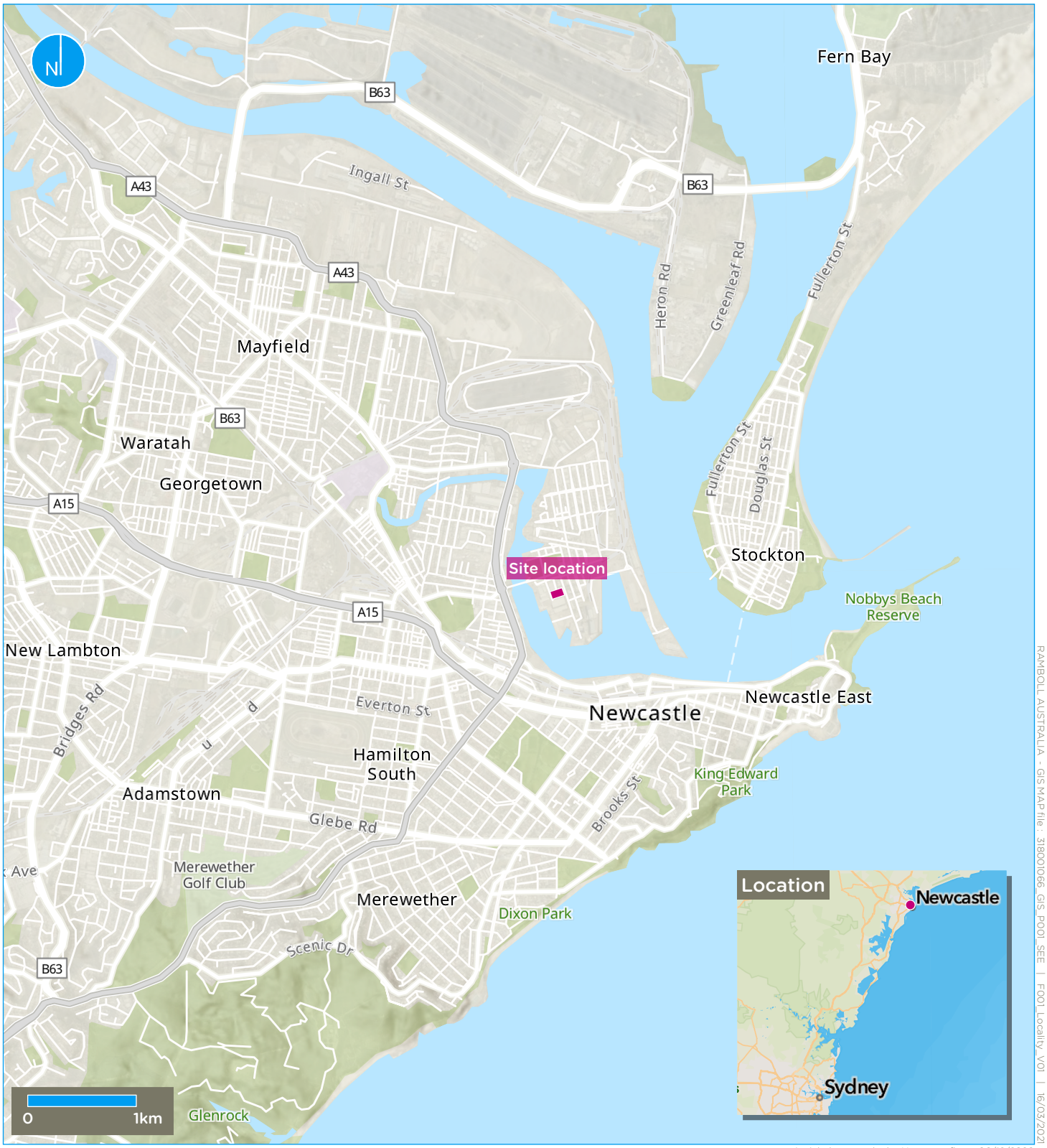
- Architectural Plans prepared by Rainsford Architecture dated March 2021 (**Appendix 1**)
- Survey Plan prepared by ADW Johnson dated 22 October 2020 (**Appendix 2**)
- Detailed Site Contamination Investigation prepared by GHD dated March 2021 (**Appendix 3**)
- Landscape Plan prepared by Green Space Planning Co. dated April 2021 (**Appendix 4**)
- Arboricultural Impact Report prepared by Accurate Tree Assessment dated 14 March 2021 (**Appendix 5**)
- Stormwater Management Plan and Erosion and Sediment Control Plan prepared by Northrop Engineers dated March 2021 (**Appendix 6**)
- Services Assessment prepared by GHD dated March 2021 (**Appendix 7**)
- Noise and Vibration Assessment prepared by RAPT Consulting dated March 2021 (**Appendix 9**)
- Traffic Report prepared by SECA Solution dated March 2021 (**Appendix 10**)
- Geotechnical and Mine Subsidence Report by GHD dated March 2021 (**Appendix 11**)
- Quantity Surveyor Report prepared by APLAS Group Pty Ltd dated March 2021 (**Appendix 12**)

The preparation of this SEE is pursuant to Section 4.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Clause 50 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation).

This SEE includes the following:

- an overview of the site and context of the locality
- a summary of the site history
- a description of the proposed development
- an overview of the consultation that was undertaken as part of this DA
- an assessment of the development proposal, having regard to the relevant environmental planning matters for consideration under Section 4.15 of the EP&A Act including compliance with relevant environmental planning instruments and development control plans, social, economic and environmental impacts, site suitability, submissions and public interest

- an assessment of the potential environmental impacts of the proposed development in terms of built form and amenity, tree preservation and landscaping, hazards, traffic, parking and access, utilities and services, stormwater, noise and vibration, waste and cumulative impacts
- a conclusion with respect to the proposed development.



Aerial photography by Nearmap, flown 06/12/2020

Legend

Site boundary

A4
1:50,000

RAMBOLL AUSTRALIA - GIS MAP file : 318001066_GIS_P001_SEE | F001_Locality_V01 | 16/03/2021

Figure 1-1 : Site locality
Port of Newcastle Statement of Environmental Effects

2. SITE CONTEXT

2.1 Site description

The site is located at 65 Denison Street and 46 Fitzroy Street, Carrington, which comprises one lot being Lot 33 in Deposited Plan (DP) 1078910. The site is approximately 1.5 kilometres by road north west of the Newcastle Central Business District (CBD) and is within the City of Newcastle (CoN) Local Government Area (LGA) (**Figure 1-1**).

The land is zoned as 'SP1 Special Activities' under the Three Ports SEPP and is located within the PON Lease Area.

The site is a largely vacant 8,684 square metre parcel of flat land with a concrete slab and security fencing remaining from previous development (**Photo 2-1**, **Photo 2-2** and **Figure 2-1**). The site is bounded by Denison Street to the east and Fitzroy Street to the west. Marsden Street, a gravel road, sits behind the residences on the western side of Denison Street and finishes immediately north of the site. However, access to the site from this road is restricted by a fence (**Photo 2-3**).

Three trees are located within the site boundary. There are 26 trees situated along the south-western boundary on the adjoining neighbouring commercial property, and five trees within the road verge along the Fitzroy Street boundary of the site (**Figure 2-1**). The remainder of the site is covered by a remnant concrete slab and areas of maintained grass.

A powerline easement traverses the Fitzroy Street frontage of the site including three power poles. A Hunter Water sewer line runs along the northern boundary (**Figure 2-1**). There is a Hunter Water water line located in both Fitzroy Street and Denison Street and an abandoned water line entering the site from the north east corner and terminating at approximately the centre of the site. Services locations within and immediately adjacent to the site are indicated on the survey plan provided in **Appendix 2**.

Photo 2-1: Site facing south west, photo taken on 22 October 2020

Source: Google Street View. Image capture date: August 2019

Photo 2-2: View to the site from Denison Street

Source: Google Street View. Image capture date: August 2019

Photo 2-3: View to the site from Marsden Street

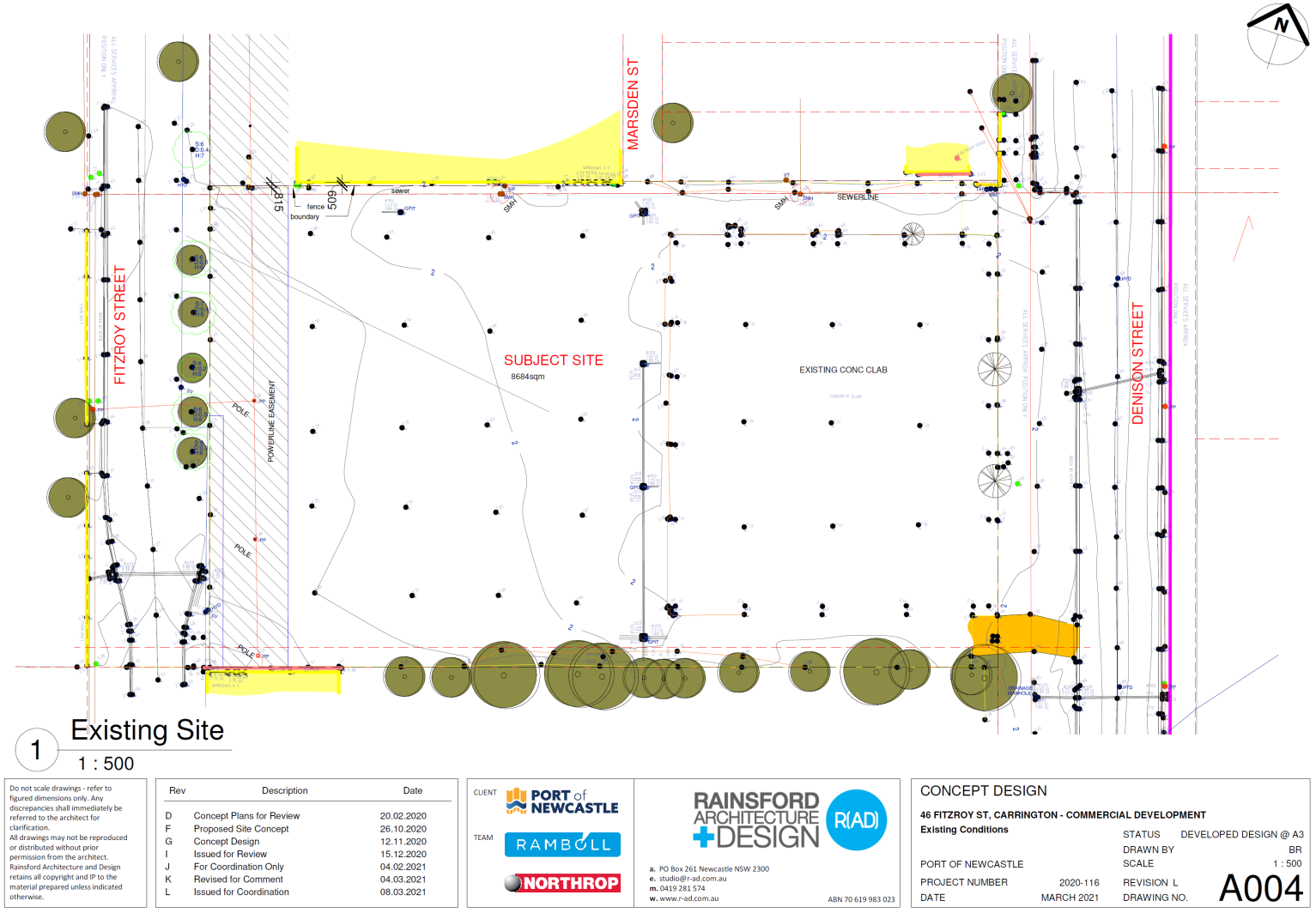


Figure 2-1: Existing site conditions

2.2 Surrounding land use

2.2.1 Local context

Land uses in the area comprise of a mix of residential, commercial, light industrial and heavy industrial. Access to the site and the general locality is via Cowper Street North which joins Hannell Street to the west.

The site provides access to public transport with a 1.4 kilometres walking distance to the Newcastle Interchange and a local bus service in Cowper Street. A review of the Newcastle Cycling Maps (City) indicates that there is a cycling route over the Cowper Street Bridge and north along Fitzroy Street. These connect with off road shared paths which form part of the regional R6 cycling route between Newcastle and the University at Callaghan. Observations onsite indicate that Cowper Street North provides a popular route for cyclists.

The Hi-Vis Group sign shop is situated north of the site on Fitzroy Street, and a residential dwelling is situated north of the site on Denison Street. The Thales Newcastle building, a ship repair, maintenance and dockyard management operation, is located to the south (**Figure 2-2**). The Thales Newcastle site is leased from the PON by the Thales Group.

Development further south of the site includes a mix of residential and industrial development. The residential development occurs east of Denison Street and is bounded by Smart Street to the south (**Figure 2-2**). The industrial development is situated on the western side of Denison Street and south of Smart Street to utilise access to the port. There is no pedestrian path on the western side of Denison Street from the site to the industrial areas. There is, however, a pathway on the eastern side of Denson Street.

Development along Fitzroy Street, west of the site, includes a mix of light industrial and commercial premises. Some of the main commercial businesses include:

- TLE Electrical Newcastle, an electrical wholesaler
- Frontline Safety Australia, a uniform store
- Broadspectrum Newcastle Regional Office (now part of Ventia), an infrastructure services consultancy firm
- Wiley X Australia, a protective clothing supplier
- RPS Group, a professional services consultancy firm
- Tactical Shop, a military law enforcement uniform store
- The Australian Government Marine Safety Authority building.

Source: Google Street View. Image capture date: June 2015

Photo 2-4: Commercial development on the western side of Fitzroy Street, immediately opposite the site

Residential development is situated opposite and north adjacent to the site on Denison Street (**Figure 2-2**). The residences are traditional workers' cottages in character. A café is located at 43 Denison Street, north of the site. A brewery is located north-east of the site at 97 Wilson Street, which sits behind residential houses on Denison Street (**Figure 2-2**).

The residential area of Carrington is largely situated north of Cowper Street North. The main points of interests for local residents include the Carrington Bowling Club, Carrington Grocer, Post Office and other small local retail businesses, which are all within a 500 metre walking distance from the site (**Figure 2-2**). Dedicated pedestrian paths are present along most streets within the residential and retail areas of Carrington connecting to the site.

The Coe Park Playground, a small 0.2 hectare park, is located opposite the site at 84 Denison Street comprising Lot 8 Section 23 in DP 758233 and Lot 11 Section 23 in in DP 758233 (**Photo 2-7**). There is a pedestrian pathway that runs through the park connecting Denison Street to Wilson Street. The Pat Jordon Oval and adjoining Connolly Park are located north of Cowper Street North and provide a large open space for community use (**Figure 2-2**). The park is around a three-minute walk from the site and is connected by pedestrian pathways.

Throsby Creek is located west of the site, separated by the industrial development along Fitzroy Street (**Figure 2-2**). It is a highly modified drainage network that collects stormwater from the major part of central Newcastle and conveys it to Newcastle Harbour (City of Newcastle, 2004).

Photo 2-5: Residential development facing north from the site on Denison Street

Photo 2-6: Light industrial and commercial development facing south from the site on Denison Street

Photo 2-7: Coe Park Playground located opposite the site at 84 Denison Road

Imagery @ Department of Customer Service 2020

RAMBOLL AUSTRALIA - GIS MAP file: 318001066_GIS_P001_SEE | F002_Site_V01 | 16/03/2021

Legend

Site boundary

A4
1:3,000

Figure 2-2 : Local context
Port of Newcastle Statement of Environmental Effects

2.2.2 Precinct context

The site is located in the Carrington Precinct of the Port of Newcastle which comprises 100 hectares of waterfront industrial land. The Carrington Coal Terminal is located at the northern end of the precinct. Newcastle's two major grain terminals are located in the Carrington precinct. The Channel Berth services passenger vessels such as cruise ships and is the location of the Newcastle Cruise Terminal.

The Carrington Precinct encompasses critical Port services including two Tug Bases and the Helicopter Base generally servicing the port and maritime industries in the area. Ship building and maintenance activities operate at the southern end of Carrington.

Carrington is well-serviced by road and rail infrastructure, including a designated B-double heavy vehicle truck route designed to reduce the potential for land use conflicts with the residential areas of Carrington. Rail access is provided via the Scholey Street Junction.

The Carrington Precinct directly accesses Industrial Drive, a major four-lane classified road and is the primary east–west route providing connection between the Port and the M1 at Hexham, with Cabbage Tree Road/Tomago Road/Nelson Bay Road providing a secondary route for access to the Port and Newcastle.

2.2.3 Broader context

The site is within a 1.4 kilometres walking distance of the Newcastle Interchange, and is a 2.2 kilometres drive to the Honeysuckle Precinct. The Newcastle Interchange links the City's train, light rail and bus services. The Honeysuckle Precinct has been designed to be the Region's foremost social gathering place, with a collection of restaurants, cafes, public space, live entertainment and cultural activities.

The suburb of Wickham is located west of the site, separated from the site by the Throsby Creek (**Figure 1-1**). Wickham includes a mix of residential, commercial and industrial development. The Wickham Masterplan (CoN 2017) highlights the evolution of the area "*from a once semi-industrial area at the outer fringe of the Newcastle City Centre into a mixed use urban neighbourhood supporting the emerging commercial core within Newcastle West*".

The proximity of the site to key locations such as the Newcastle Interchange, Newcastle Yacht Club and marina offers opportunities to continue the transition of these areas from historical industrial land uses to commercial and infill residential land uses consistent with the vision for the area.

2.3 History of the site

Historical aerial photographs indicate the site was reclaimed prior to 1954 and was predominantly used for warehousing and commercial facilities. From historical photographs, it appears these facilities have evolved over the years from a series of shed like structures in earlier years (at least from 1954 to 1966), to one large shed (around 1975 to 1981), to two distinct shed/warehouse structures (from around 1987 to 2017) (GHD, 2021). A historical street view image from Fitzroy Street in 2015 is provided in **Photo 2-8**.

The warehouses were demolished in January 2018 and all infrastructure was removed (GHD, 2021). A concrete slab remains at the site. An aerial of the site from 2018 showing the demolition works is shown in **Figure 2-3**. The materials visible in this image have since been removed from site.

Further discussion on the history of the site is included in the Detailed Contamination Investigation Report in **Appendix 3**.

Source: Google Street View. Image capture date: June 2015

Photo 2-8: Historical view to the site from Fitzroy Street (Year 2015)

Figure 2-3: Aerial imagery of the site from 2018

Source: SixMaps

3. PROPOSAL DESCRIPTION

3.1 Overview of the proposal

The proposal includes the development of a four-storey commercial building comprising of a café and office on the ground floor, office uses on Level 1 to Level 3 and 172 at-grade car parking spaces located at 65 Denison Street and 46 Fitzroy Street, Carrington. Architectural plans for the proposal are included in **Appendix 1**.

The proposal includes:

- construction of a four-storey commercial building
- internal fit out works including café and offices spaces
- 172 at grade car parking spaces comprising:
    - 138 external staff parking (rear). This includes one accessible parking space
    - 10 external visitor parking (front) spaces. This includes one accessible parking space
    - 15 staff spaces (secure undercover)
    - eight spaces suitable for charging of electric vehicles (secure undercover)
    - one loading space (front).
- 50 bike rack spaces
- eight motorbike parking space
- seating and communal spaces
- waste disposal area
- water tanks
- landscaping works
- signage on the western (Fitzroy Street frontage) side of the building.

The proposed features and maximum Gross Floor Area (GFA) for each level within the proposed building is provided in **Table 3-1**. The total GFA for the proposal is 6,432 square metres.

Table 3-1: Proposed features and GFA for each floor within the proposed building

Floor	Features	GFA
Ground floor	• café (83 m^2) • two separate office spaces (205 m^2 and 361 m^2) • lobby area (76 m^2) • male, female and disabled access toilets • locker room • plant • stairs and lifts	838.2 m^2
Level 1	• office space (1842 m^2) • lobby area (55 m^2) • atrium • male, female and disabled access toilets • plant area • stairs and lifts • two outdoor terraces with plantings	1931.4 m^2

Floor	Features	GFA
Level 2	• office space (1838 m^2) • lobby area (67 m^2) • atrium • male, female and disabled access toilets • plant area • stairs and lifts • one outdoor terrace with plantings	1965.4 m^2
Level 3	• office space (1570 m^2) • lobby area (67 m^2) • male, female and disabled access toilets • plant area • stairs and lifts • three outdoor terraces with plantings	1697.5 m^2
Roof top	• plant area (109 m^3) • stairs	

In accordance with the consultation letter from CoN, where the number of proposed car parking spaces exceeds the relevant requirements of the NDCP 2012, the area of the surplus car parking is to be included in the calculation of GFA of the development. Whilst the proposal is not required to be assessed against the Newcastle DCP (2012), consideration has been given to the CoN planning controls. **Table 3-2** provides a breakdown of the additional GFA associated with CoNs request.

Table 3-2: GFA breakdown per City of Newcastle request

Item	Measurement
Development GFA	6,432 m^2
Newcastle DCP 2012 Parking requirement (1 car space per 50 m^2)	129 car spaces
Additional spaces	14.04 m^2
Additional GFA	603.72 m^2
Revised total GFA	7035.72 m^2
Floor space ratio	0.81:1

3.2 Construction activities

Construction activities would generally include following stages:

- site preparation including installation of tree protection measures, erosion and sediment controls, services and drainage infrastructure
- establishment of building foundations
- construction of building frame and façade
- car park construction
- internal fit out works
- landscaping.

Construction activities would be undertaken during standard construction hours prescribed under the *Interim Construction Noise Guidelines 2*009 (Department of Environment and Climate Change 2009) (ICNG) and the *Draft Construction Noise Guideline* (NSW EPA 2020):

- 7:00am to 6:00pm Monday to Friday
- 8:00am to 1:00pm Saturday
- No construction works on Sunday or public holidays.

A Construction Environmental Management Plan (CEMP) would be developed for the proposal by the construction contractor following completion of detailed design and submitted to DPIE for approval. This CEMP would include controls inherent to the project design as well as those identified in **Section 6**. A summary of the requirements and inclusions for the CEMP are included in **Section 3.13**.

3.3 Operational activities

Office hours would generally be between 7:00am and 6:00pm and the café would be open from 7:00am to 4:00pm.

The building has been designed to accommodate a maximum of 644 people (assuming 10 square metre allowance per person) split across the building floors as follows:

- maximum of 84 people on the ground floor
- maximum of 193 people on level 1
- maximum of 197 people on level 2
- maximum of 170 people on level 3.

3.4 Built form

The proposed building has been designed to integrate with the surrounding residential, commercial and industrial character of the Carrington area. The concept plans for the proposed development are shown in **Figure 3-1** and **Figure 3-2**. A full set of plans are provided in **Appendix 1**.

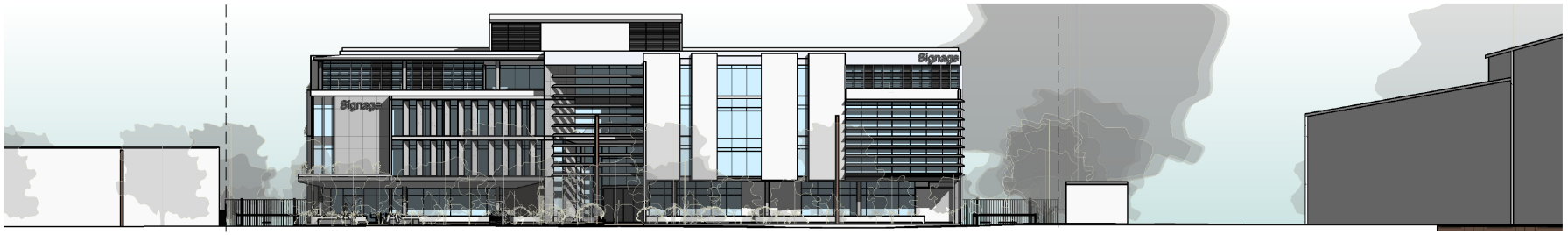


Figure 3-1: Conceptual plan of the proposed building – Fitzroy Street frontage

Figure 3-2: Conceptual plan of the proposed building – Denison Street frontage

The proposed four-storey building would have a maximum height of 18.458 metres (approximate RL of 20.8 m) to the top of the plant room. Elevation drawings are included in **Appendix 1**. The building has been designed with a setback of 12.3 metres from Denison Street and 6.5 metres from Fitzroy Street. A summary of the key numerical features of the proposal is provided in **Table 3-3**.

Table 3-3: Summary of key numerical features of the proposal

Component	Proposal
Site area	8,685 m^2
Ground floor maximum Gross Floor Area (GFA)	838.2 m^2
Level 1 maximum GFA	1931.4 m^2
Level 2 maximum GFA	1965.4 m^2
Level 3 maximum GFA	1697.5 m^2
Total Maximum GFA	7,035.72 m^2 (includes additional 43 car parking spaces)
Floor Space Ratio (FSR)	0.81:1
Maximum height of building (includes plant room)	20.8 RL (four storeys)
Landscaped area	683 m^2
Car parking spaces	172

3.5 Public domain works

3.5.1 Pedestrian linkages

The proposal design includes raised crossing areas and pedestrian pathways that connect the site to the existing pathways along Fitzroy Street and Denison Street (refer to design drawings in **Appendix 1**). A pedestrian gate is included at the Denison Street side of the site for safe access to the car parking area. Pedestrian crossings are aligned with the pedestrian gate throughout the car park leading to the building.

3.5.2 Street activation

Outdoor seating areas and tables have been included outside the café in the proposal design to support street activation along Fitzroy Street (refer to design drawings in **Appendix 1**).

The existing street trees would be retained along the frontage which would enhance the experience of the activated street frontage in terms of shade and landscape amenity.

3.5.3 Lighting

Lighting for the proposal would be designed with consideration to achieving accreditation under the Green Star Rating system. This includes the use of best practice lighting in accordance with *AS1680 Interior and workplace lighting Outdoor workplace lighting*. All bare lighting sources would be fitted with baffles, louvers, translucent diffusers, ceiling design, or other measures to obscure the direct light source from all viewing angles of occupants.

Lighting would be provided within and around the car parking areas to increase visibility to improve safety and security.

3.6 Landscaping and tree removal

Conceptual landscaping plans are provided in **Appendix 4**. The landscaping plans have been developed with the objective of improving the site's streetscape amenity and connection with the Denison Street and the adjacent Coe Park Playground. This includes plantings along the Denison Street frontage, along the Fitzroy Street frontage, along the northern boundary and within the car parking area. Additionally, the design includes the incorporation of planting areas on each terrace for Levels 1 to 3.

Further discussion on the streetscape design and design interface with the surrounding environment is included in **Section 6.1.2**.

An Arboricultural Impact Assessment has been prepared for the 34 trees located on and adjoining the site and is included in **Appendix 5**. Three trees located within the site would be removed (Tree 9A (*Phoenix canariensis*), Tree 25A (*Olea europaea*) and Tree 27 (*Archontophoenix cunninghamiana*) to accommodate the proposal.

The Arboricultural Impact Assessment found that four trees located on the adjoining property to the south are in poor condition and are not recommended for protection. A discussion on the tree preservation and management for the remaining 27 offsite trees is included in **Section 6.2**.

3.7 Stormwater system

A Concept Stormwater Management Plan has been prepared for the proposal and is included in **Appendix 6**. Design elements of the stormwater management system include:

- a 190 cubic metre onsite detention tank
- rainwater reuse tanks with a minimum 16 kilolitre capacity
- bioretention rain gardens within the landscaped areas of the eastern and western carparks.

The main discharge point for the proposed building is to the existing kerb inlet pit in Denison Street with an invert level of 0.78 metres AHD. The remainder of the site would discharge to the existing kerb inlet pit in Fitzroy Street with an invert level of 0.78 metres AHD.

Roof runoff would be directly to an above ground rainwater tank with a minimum volume of 16 kilolitres. Rainwater harvested from the tank would be used for wastewater flushing in the building and externally for landscaping irrigation. Tank over flows would be directed to the onsite detention tank via a pit and pipe network in the carpark.

Runoff from the carpark would be directed to rain gardens within the landscaped areas of the western and eastern external carparks. Treated runoff from the western carpark would discharge to the existing kerb inlet pit in Fitzroy Street, whilst treated runoff from the eastern carpark would be directed to the underground detention tank. Overflow from the detention tank would be piped to the existing kerb inlet at Denison Street.

3.8 Utilities and services

Services locations are indicated on the survey plan provided in **Appendix 2**. A Services Assessment has been undertaken for the proposal and is included in **Appendix 7**. A summary of the assessment findings is included below.

Consultation with service authorities has been undertaken where appropriate to confirm access and connection requirements. Details are provided in **Section 4**.

3.8.1 Water

Water mains are allocated at Denison Street (DN150 CICL-S) and Fitzroy Street (DN150 DICL) (refer to **Appendix 2** and **Appendix 7**). A single new connection to the existing water main on Fitzroy Street is required to service the proposal. A new authority water meter would be installed for the site.

The existing potable water supply to the site is to be become redundant (in accordance with Hunter Water Corporation requirements) and the existing property water meter is to be returned to the Hunter Water Corporation.

3.8.2 Sewer

Access to sewer is available at the site via the Hunter Water Corporation sewer line (DN150) which runs along the northern boundary (refer to **Appendix 2** and **Appendix 7**). Based on a proposed ground floor RL of 2.500, there is approximately 3,000 to 3,410 millimetres of depth to the existing invert of the sewer main, ensuring that gravity fall is possible for the development. Modification to the existing sewer is not required for the proposal.

3.8.3 Electricity

Ausgrid are the local energy authority for the site. Access to electric services are available via the 11kV overhead feeder 82701 on both the Dennison Street and Fitzroy Street boundaries of the site (refer to **Appendix 2** and **Appendix 7**). There is no existing underground to overhead transition risers, or high voltage to low voltage substations in the immediate vicinity of the project to easily connect to the service on Denison Street. Therefore, connection to the Fitzroy Street service is preferred.

The Fitzroy Street branch of the feeder runs north to south along the site boundary and terminates at an existing underground to overhead on the south-west corner of the site. The Fitzroy branch feeder is located approximately 10 metres within the site boundary and consists of an overhead line and three poles.

3.8.4 Gas

Jemena Gas operate the gas distribution network in the Newcastle area. A DN50 nylon gas main is installed on the eastern side of Denison Street, operating at high pressure (210 kPa) (refer to **Appendix 2** and **Appendix 7**).

It is estimated that the existing gas main has the required capacity to service the proposal, however this would be confirmed with the submission of final gas loads, gas design drawings and application during the detailed design phase. A new connection to the Denison Street DN50 gas main would be required to service the development. Connection of the development to the gas main would be subject to Green Star rating system guidance and cost.

3.8.5 Telecommunications

NBNCo is the primary communications provider for the site. The closest NBN connection point to the site is a pillar located at the corner of Fitzroy and Cowper Streets, approximately 220 metres from the site (refer to **Appendix 2** and **Appendix 7**).

Other nearby communications facilities running near or adjacent to the site include:

- Two 50 millimetres Telstra conduits along the western side of Fitzroy street, across from the site
- A 20 millimetres Telstra conduit along the northern boundary of the site, from Fitzroy Street, and terminates at the dead-end of Marsden Street, just to north of the site.

Records show that this conduit continues into the site from the end of Marsden Street and may have previously served the buildings that are no longer present
- A 20 millimetres Telstra conduit along the western side of Denison Street, entering the site at the north-east corner and terminates approximately mid-point along the Dennison Street frontage.

The Dial Before You Dig data indicates that all these communication service conduits are "in-use" and serve active customers. However, it is reasonable to assume that conduits that terminate within the site are no long in-service as the buildings and structures that may have been previously served from them no longer exist.

3.9 Security

Development of site security measures has been guided by the Crime Prevention Through Environmental Design (CPTED) principles, including:

- Natural Surveillance
- Natural Access Control
- Territorial Reinforcement
- Maintenance and Management.

Key areas for consideration for crime prevention include:

1. Sight lines
2. Lighting
3. Concealed or Isolated Routes
4. Entrapment Areas
5. Isolation
6. Land Use Mix
7. Activity Generators
8. Ownership, Maintenance, and Management
9. Signs and Information
10. Overall Design.

The proposal design includes the following security measures considered relevant to the proposal type and layout:

- security fencing around the perimeter of the site
- boom gates installed at the entry and exit points to the rear parking area
- a secured undercover parking area
- perimeter and car park lighting
- security cameras.

3.10 Site access and parking

Vehicle access to the site would be:

- for vehicles traveling from north or west of the site: via Industrial Drive which becomes Hannell Street > Cowper Street North > Fitzroy Street (primary access point) or Denison Street (secondary access point)
- for vehicles travelling from south or east of the site: via Stewart Avenue which becomes Hannell Street > Cowper Street North > Fitzroy Street (primary access point) or Denison Street (secondary access point).

Pedestrian access would be from both Fitzroy Street and Denison Street.

The proposed development includes:

- 172 at grade car parking spaces comprising:
  - 138 external staff parking (rear). This includes one accessible parking space
  - 10 external visitor parking (front) spaces. This includes one accessible parking space
  - 15 staff spaces (secure undercover)
  - eight spaces suitable for charging of electric vehicles (secure undercover)
  - one loading space (front).
- 50 bike rack spaces
- five motorbike parking spaces.

Of the 172 car parking spaces, eight spaces would be electric car charging bays with the provision for an addition nine spaces in the future and three would be accessible spaces. A dedicated loading bay is also included in the design to accommodate deliveries.

The car parking design includes a one-way entry point on the northern side of the site and a one-way exiting point on the southern side of the site to allow for safe vehicle movement (refer to design drawings in **Appendix 1**). A secondary bi-directional entry/exit point is included on the Denison Street frontage.

The number of parking spaces aligns with the Green Star Rating system.

3.11 Environmentally sustainable development

The PON approach to sustainability aligns with the principles of the United Nations Sustainability Goals to promote prosperity whilst protecting the planet.

PON is committed to adopting sustainable practices and has recently became a Bronze Partner - NSW Government Sustainability Advantage Program in recognition of its environmental achievements. As a Bronze member, PON is recognised for demonstrating its commitment to business sustainability.

PON is committed to driving the principles of sustainability throughout its operations, internal culture and the way it engages with customers and communities. With regards to this development, the building has been designed in consideration of achieving accreditation under the Green Star Rating system. The following measures are examples of design elements which have been adopted within the proposal design:

- dynamic glazing of the exterior glass to control how much sun enters the building (for improved energy efficiency)
- rainwater capture and storage system to reduce non-potable water demands
- use of low-water native species in landscaping
- installation of electricity and water metres to monitor use
- at least 95% of all engineered wood products meet stipulated formaldehyde limits or no new engineered wood products are used in the building.

3.12 Fire safety

The Building Code of Australia-Part E1 – Fire Fighting Equipment nominates that all Class 5 (commercial) buildings with a floor area greater than 500 square metres requires the following fire services:

- Fire Hydrant System in accordance with AS 2419.1-2005
- Fire Hose Reel System in accordance with AS 2441-2005.

3.12.1 Fire hydrants system

Authority street fire hydrants are located within the vicinity of the proposed development along Denison and Fitzroy Streets. Fire hydrant coverage to the proposed development is not achievable from street hydrants. Therefore, coverage must be provided by an onsite fire hydrant system.

The main on Fitzroy Street may not have adequate pressure to supply the hydrant system without a pump. Exact system hydraulic calculations would be completed as part of the detailed design to verify if a fire hydrant pump is required.

Due to the size, location and constraints of the proposed development, a fire booster assembly would be required. This final location of this would be determined in consultation with Hunter Water Corporation.

3.12.2 Fire hose reel system

A fire hose reel system is required to serve the proposal and would be connected to the proposed potable water supply. It is likely that fire hose reels would be required within each ground floor tenancy and adjacent to each fire stair on levels 1 to 3. The hose reels shall be located within four metres of exit doors.

3.13 Environmental management

3.13.1 Environmental management strategy

PON and its contractors would manage its environmental responsibilities and environmental performance through the implementation of an environmental management strategy that would fulfill any conditions of approval or legal requirements. The management of potential environmental impacts during construction and operation would be documented in a construction environmental management plan (CEMP) and the operations environmental management plan (OEMP), which would form part of the environmental management strategy.

The CEMP would provides the system to manage and control the environmental aspects of the project during pre-construction and construction. It also provides the overall framework for the system and procedures to ensure environmental impact is minimised and legislative requirements are fulfilled. This includes the preparation of environmental sub-plans, which detail how environmental issues are managed through construction.

The OEMP documents the management and control of environmental aspects during the operating lifecycle of the project. The iterative design and environmental assessment process allow impacts on the environment to be avoided or minimised where possible. Where environmental controls are incorporated as part of the design development, there would be a program of monitoring and review to ensure the controls comply with stated objectives.

The management plans would:

- assign responsibilities for planning, implementing, maintaining and monitoring environmental controls including the responsibilities of sub-contractors
- provide specific mitigation measures and controls that can be applied to avoid or minimise negative environmental impact
- provide specific mechanisms for compliance with applicable policies, approvals, licences, permits, consultation agreements and legislation
- state objectives and targets for issues that are important to the environmental performance of the project

- outline monitoring regimes to check the adequacy of controls as they are implemented during construction and operation. This includes monitoring to validate the impact predicted for the project, to measure the effectiveness of environmental controls and implementation of the CEMP and OEMP, and to address approval requirements. Where non-conformances are detected further analysis would be carried out, identifying and implementing corrective actions to rectify and notify the non-conformance as required
- include the requirements of regular inspections to evaluate the effectiveness of controls and compliance with CEMP, OEMP and sub-plans. Any maintenance or deficiencies in controls would be recorded and provided to the contractor for corrective action
- provide details of communications within the project team and with government authorities and the community. This includes the requirement to prepare and implement a community communications strategy and a complaints and enquiries procedure
- include copies of approvals, licenses and permits
- include the provision of environmental sub-plans which detail how construction and operation activities would be managed to avoid or minimise impact including the type, location and timing of environmental controls.
- provide an emergency response procedure for mitigating environmental damage and procedures for planning restoration activities
- provide details of training and awareness programs for personnel working on the project. This includes a compulsory site induction that outlines the requirements of the CEMP and legislative requirements, regular toolbox talks on specific environmental issues, and daily pre-start meetings during construction
- provide for an environmental auditing program to verify compliance with the CEMP, OEMP and sub-plans, conditions of approval, relevant legislation.
- provide a mechanism for regular evaluation of environmental performance and continual improvement.

Environmental management sub-plans would support the CEMP and the OEMP. These documents would be prepared to identify requirements and processes applicable to specific impacts described in this SEE. They would address requirements of conditions of approval and other measures identified in this SEE to the satisfaction of the Secretary. The construction related sub-plans that would likely be prepared for the proposal include:

- waste management plan
- traffic management plan
- soil and water management plan including:
    - erosion and sediment control plan
    - stormwater management plan.
- Green Star rating plans and tools.

The CEMP would be developed for the proposal by the construction contractor following completion of detailed design and submitted to DPIE for approval. This would allow for the environmental management commitments in the SEE to be integrated into the construction methodology. Preparation of the CEMP following development consent would ensure that the CEMP complies with the conditions of the development consent and any other approvals.

The OEMP would be developed by PON following detailed design and construction (and as a requirement of the occupation certificate) following completion of the Green Star rating assessment and confirmation of reporting requirements. The OEMP would be prepared to reflect the actual tenants and activities occurring within the building, and the approach of the commissioned building manager. Preparation of the OEMP as part of the application for the

occupation certificate would ensure that the OEMP complies with the conditions of the development consent.

3.13.2 Non-conformance and corrective action

If a non-conformance is identified, a corrective/preventative action (or actions) would be implemented. In addition, environmental management improvement opportunities can be initiated as a result of incidents or emergencies, monitoring and measurement, audit findings or other reviews. Improvement opportunities may also result in the implementation of corrective/preventative actions.

Corrective/preventative actions and improvement opportunities would be entered into the contractor's quality system database and include detail of the issue, action required and timing and responsibilities. The records would be updated with date of close out and any necessary notes. The database would be reviewed regularly to ensure actions are closed out as required. Non-conforming activities may be stopped, if necessary, by personnel outlined in the CEMP. The work would not start until a corrective/preventative action was closed out.

Procedures for rectifying and where required, notifying any non-compliance identified during environmental auditing, review of compliance or incident management are also documented in a compliance tracking program. A compliance tracking program would be established to track compliance against the following for pre-construction and construction phases of the development:

- conditions of approval
- management measures identified in this SEE
- legislative requirements
- licensing conditions
- contract specifications relating to environmental matters.

4. CONSULTATION

4.1 Department of Planning, Industry and Environment

A Scoping Report prepared by PON for the proposal was provided to the Department of Planning, Industry and Environment on 3 November 2020. The Scoping Report outlined the proposed development and the foreseeable key issues requiring further assessment.

An informal pre-development application meeting was held with the Department of Planning, Industry and Environment on 4 December 2020. The discussion was based on the proposed development and documents that had been provided including the Scoping Report and concept design plans provided by Rainsford Architecture + Design.

Following the meeting, informal pre-development application advice was provided by the Department of Planning, Industry and Environment on 18 December 2020. A copy of the letter is provided in **Appendix 8**, with a summary of the key matters raised and where each has been addressed in this SEE in **Table 4-1**.

Table 4-1: Matters raised in the Informal Pre-Development Application Advice and where addressed

Matter raised	Where addressed
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.	**Section 5.1.4**
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.	This SEE
The DA and SEE must be prepared in accordance with, and meet the minimum requirements of, Schedule 1 of the Regulation.	**Section 5.1.4**
The SEE must provide an assessment against all relevant environmental planning instruments, development control plans and plans applicable to the site and development.	**Section 5**
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.	**Section 6**

Matter raised	Where addressed
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).	**Section 5.1.3**
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.	**Section 5**
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 to 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.	**Section 3.4** and **Section 6.1**
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.	**Appendix 1 – Plan A200**
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.	**Table 5-4**
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.	**Section 3.5**, **Section 3.6**, **Appendix 1**, and **Appendix 4**
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.	**Section 6.1**

Matter raised	Where addressed
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).	**Section 6.3**
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.	**Section 3.10** and **Section 6.4**
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.	**Section 2.2.1** and **Section 3.5.1**
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.	**Appendix 7** and **Section 6.5**
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.	**Appendix 10** and refer to summary in **Section 6.7**
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.	**Appendix 11** and refer to summary in **Section 6.4**
Required Documentation: the DA must be submitted in conjunction with the following documentation.	
• Statement of Environmental Effects	This SEE

Matter raised	Where addressed
• Detailed architectural plans, including detailed overshadowing diagrams, materials/ colours schedule, solar and cross ventilation diagrams	**Appendix 1**
• Detailed Landscaping and Public Domain Plans	**Appendix 4**
• Comprehensive Visual Impact Assessment	**Section 6.1**
• Compliance tables for all relevant development standards and any in-principle assessment against Council's planning controls	**Section 5.6**
• A table identifying the proposed floor-by-floor breakdown of GFA, total GFA and site coverage	**Table 3-3**
• Utilities Report	**Appendix 7**
• Geotechnical and Groundwater Assessment Report	**Appendix 12**
• Traffic and Parking Assessment	**Appendix 11**
• Water cycle management plan strategy	**Appendix 6**
• Section J Report	To be provided Post-DA following completion of the detailed design subject to conditions of consent
• Flora and Fauna Assessment (if required)	Not required
• Arborist Report (if applicable)	**Appendix 5**
• Quantity Surveyors Report	**Appendix 13**
• Acoustic and Vibration Report	**Appendix 9**
• Civil/ Stormwater Management Plans	**Appendix 6**
• Waste Management Plan	**Section 6.8**
• Construction Management Plan	To be provided Post-DA subject to conditions of consent Refer to **Section 3.13** for additional detail
• Operational Management Plan	To be provided as part of an application for an occupation certificate subject to conditions of consent

Matter raised	Where addressed
	Refer to **Section 3.13** for additional detail
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.	**Section 4** and **Appendix 8** and **Appendix 9**

4.2 City of Newcastle

The Scoping Report prepared by PON for the proposal was provided to the CoN on 3 November 2020. A response was provided by Department of Planning, Industry and Environment on 18 December 2020. A summary of the key matters raised and where each has been addressed in this SEE in **Table 4-2**.

Table 4-2: Matters raised in the City of Newcastle response to scoping report and where addressed

Matter raised	Where addressed
Proposed use Under the provisions of State Environmental Planning Policy (SEPP)(Three Ports) the subject site is located in the SP1-Special Activities zone, in which zone an office premises, as proposed, is prohibited. However, the site is located in the Port Lease Area and clause 23 enables development for the purpose of business premises or office premises to be carried out with development consent in the Lease Area. Concern is raised at the scale of the proposed development which would be more appropriately located in the City Centre. A comparable development being the offices of Hunter Water in the Honeysuckle Precinct. The Scoping Report does provide any details of the need and justification for the development or the future occupants. According to the PON website, 'The Port Lease requires that all development on port lease land must: • be core port infrastructure or port services: • be consistent with the Port of Newcastle Port Development Plan; No reference to a development, as proposed, could be found in the above document or the Master Plan 2040-Port of Newcastle. This issue is to be addressed in the supporting documentation of the development application. The proposed development also includes a ground floor café which is defined as a food and drink premises. Such use is not specifically listed as either a mandated use permitted without consent, permitted with consent or prohibited and therefore is permitted with consent by virtue of the phase 'Any other development not specified in item 2 or 4.' It will need to be demonstrated in the development application that the above uses are consistent with the zone objectives.	**Section 5.1.4**
Contamination CN's planning certificate information indicates the subject land may potentially be affected by contamination:	**Section 6.3.2** and **Appendix 3**

Matter raised	Where addressed
'Filling material at Carrington *Land history information indicates that the land may be within an area at Carrington which was once low lying and which may have been filled. Limited investigation indicates that filling material within this area may contain ballast and industrial slag, and that this material may contain heavy metals such as lead. The Council does not hold information as to whether or not such material occurs on the land. Prospective purchasers are advised to make their own enquiries in this respect. In the event that such material is found to occur on the land, this fact should be taken into account in the use or development of the land. Soil sampling and remediation may be required prior to any further development of the land.'* The issue of potential site contamination and the requirements of SEPP 55-Remediation of Land is to be addressed in the development application. The past land use history of the site would need to be considered in respect to any significant potential contamination risks which may be associated with the proposed development.	
Flood Prone Land The site is subject to flooding. For more detail on the acceptable floor levels and other construction requirements a Flood Information Certificate should be obtained from CN. The development is to comply with the relevant requirements of Section 4.01- Flood Management of the Newcastle Development Control Plan (NDCP) 2012. For further information regarding flooding in the Newcastle local government area, refer to 'Newcastle City-Wide Floodplain Risk Management Study and Plan' (June 2012). A copy of this document can be downloaded from CN's website	**Section 6.6** and **Appendix 6**
Landscaping The area of the proposed landscaping should be increased in accordance with the requirements of the (NDCP) 2012, including the provision of additional shade trees in the car park.	**Section 6.2**
Gross Floor Area Based on a notation on the submitted site plan, it would appear the number of proposed car parking spaces exceeds the relevant requirements of the NDCP 2012. In such cases, the area of the surplus car parking is included in the calculation of gross floor area of the development.	**Table 5-4**
Stormwater management The 375mm diameter pipes which traverse the Dension St frontage of the site may not have the capacity to accommodate the additional load generated by the development. The stormwater system of the development is to have regard to the relevant requirements of Section 7.06 - Stormwater of NDCP 2012 and the associated technical manual, including stormwater retention and reuse.	**Section 6.6** and **Appendix 6**
Urban design According to the Scoping report, consideration has been given to the qualities of the existing and future built form.' Insufficient information was provided with the scoping report in this regard for comment to be provided on this aspect of the development.	**Section 6.1**

4.3 Subsidence Advisory NSW

Consultation was initially undertaken in May 2020 with Subsidence Advisory NSW (SA NSW) to inform assessment requirements for the site. SA NSW advised that initially, a desktop assessment was required to inform detailed consideration of subsidence constraints to the site.

Consultation was undertaken again on 7 May 2021 to provide SA NSW with an update on the proposal as well as present the outcomes of the desktop and intrusive site investigations. SA NSW indicated that it was generally content with the assessment however would provide some comments once the DA was provided by DPIE. Minutes are provided in **Appendix 9**.

4.4 Transport for NSW

Due to the size (199 or less car parking spaces) and location (more than 90 metres from a classified road) this proposal does not require referral to or concurrence from Transport for NSW under Schedule 3 of the Infrastructure SEPP. Consultation has therefore not been undertaken with transport for NSW.

4.5 Hunter Water Corporation

A Section 50 Application has been submitted to the Hunter Water Corporation. Hunter Water Corporation's response to application indicates that the existing water and sewer infrastructure is able to service the proposal without modification (refer to Appendix F of the Services Assessment in **Appendix 7**).

The response nominates that it is the developer's responsibility to investigate the exact location of the existing water infrastructure to determine its depth and if necessary lower the main under a major works contract to ensure minimum depth requirements are met. It also states that the water and sewer infrastructure should be protected during construction.

Hunter Water Corporation requests that the development be undertaken in accordance with their Building Over Sewer Assets Policy. Hunter Water also note that if the existing sewer maintenance hole's 12S and 11P are located within the proposed driveway, they are required to be raised to the finished pavement level and the lid replaced with a Class D heavy duty lid and surround. Also curb and gutters are not to be installed within 1.5 metres of any maintenance hole.

4.6 Ausgrid

Ausgrid are the local energy authority for the development site. Early and informal consultation with Ausgrid indicated that formal consultation would commence once an application for connection was submitted. No further preliminary consultation was requested by Ausgrid.

4.7 Jemena

Jemena Gas operate the gas distribution network in the Newcastle area. A new connection to the Denison Street DN50 gas main would be required to service the development. Connection of the development to the gas main would be subject to Green Star rating system guidance and cost.

If connection to the gas distribution network is progressed, consultation would be undertaken with Jemena Gas and the appropriate applications made.

5. STATUTORY PLANNING CONTEXT

5.1 Environmental Planning and Assessment Act 1979

The EP&A Act and the EP&A Regulation provide the framework for environmental planning in NSW and include provisions to ensure that proposals which have the potential to impact the environment are subject to detailed assessment and provide opportunity for public involvement.

This DA is to be assessed by the Department of Planning, Industry and Environment under Part 4 of the Act.

5.1.1 Objectives of the EP&A Act

The relevant objects under Section 1.3 of the EP&A Act are:

(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,

(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,

(c) to promote the orderly and economic use and development of land,

(d) to promote the delivery and maintenance of affordable housing,

(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,

(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),

(g) to promote good design and amenity of the built environment,

(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,

(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,

(j) to provide increased opportunity for community participation in environmental planning and assessment.

The proposal seeks to construct a four-storey commercial building comprising of café and office uses on the ground floor, office uses on Level 1 to Level 3 and 172 at-grade car parking spaces. The proposal complies with relevant objects above in the following manner:

- the building is designed to facilitate ecologically sustainable development with design giving consideration to achieving accreditation under the Green Star Rating system (refer to **Section 3.11**)
- the proposal is permissible and complies with the relevant objectives of the zone, thereby promoting the orderly and economic use and development of land
- the proposal has the potential to attract up to 644 workers to the locality, offering significant economic support to the Carrington business centre
- the proposal is of a high standard of design and would improve the existing amenity of the site, particularly in the transitional space between industrial and residential development with immediately adjacent to existing commercial development
- the proposed commercial development has been developed with careful consideration of its surrounds including setbacks and built form. This results in reduced amenity impacts (noise, air quality, truck movements) for the existing residential neighbours than if the site was developed for industrial purposes
- the proposal would not result in any adverse amenity impacts to surrounding properties in terms of privacy, solar access or views

- the proposal is of a high standard of design and amenity in relation to the existing built environment
- the proposal promotes the proper construction and maintenance of building through compliance with the Building Code of Australia (BCA).

As such the proposal is consistent with the relevant objects of the Act.

5.1.2 Integrated Development

Pursuant to Division 4.8 of the EP&A Act, 'integrated development' is development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent and another approval under certain specified acts.

The site is within a mine subsidence district. As such Section 22 of the *Coal Mine Subsidence Compensation Act 2017* has been considered as part of the proposed works.

Referral to the Subsidence Advisory NSW is required under the Act. As discussed in **Section 4.3** of this SEE, consultation was undertaken with the Subsidence Advisory NSW as part of the preparing of this DA.

5.1.3 Section 4.15 of EP&A Act

Section 4.15 of the EP&A Act outlines matters that the consent authority is to take into consideration in determining the development application for a development under Part 4 of the EP&A Act.

Table 5-1 outlines how each matter for consideration under Section 4.15 has been addressed.

Table 5-1: Matters for consideration under Section 4.15 of the EP&A Act

Matter for Consideration	Comment
(a) the provisions of: *(i) any environmental planning instrument, and*	The relevant provisions of the applicable environmental planning instruments are considered in **Sections 5.1.4**, **5.3** and **5.5** of this SEE. The proposed development is generally consistent with the provisions of these instruments.
(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	There are no draft amendments to statutory controls that are applicable to the proposed development.
(iii) any development control plan, and	The site is subject to the Three Ports SEPP. Given that Newcastle LEP 2012 does not apply to the site, neither does the DCP. In this regard, the DCP is not a matter for consideration under Section 4.15(a)(iii). However, the relevant provisions of the Newcastle Development Control Plan 2012 are considered in **Section 5.6** of this SEE. The proposed commercial development is generally consistent with the provisions of the Newcastle Development Control Plan 2012.

Matter for Consideration	Comment
(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	There are no planning agreements or draft planning agreements applicable to this assessment.
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and	There are no matters prescribed by the EP&A Regulation that affect the site or proposed development.
(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,	The proposed development is not within the NSW Coastal Zone.
(b) the likely impacts of that development, including environmental impacts	Details of the potential environmental impacts of the proposed development are considered in **Section 6** of this SEE. The proposed development would not result in any unreasonable environmental impacts in terms of traffic, stormwater, soils, waste, built form and sustainability.
(c) the suitability of the site for the development,	The site is zoned SP1 Special Activities under the Three Ports SEPP. The site is currently undeveloped. The proposal is for a commercial building, defined as office premises under the Three Ports SEPP, which is 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 Port of Newcastle Lease Area. The development is considered to be consistent with the objectives of this land use zone (refer to discussion in **Section 5.2.2**). As outlined in **Section 2.1** of this SEE, the site is suitable for the proposed commercial development. Due to the proximity of the site to the Port, the development is likely to attract tenants which include port related office-based businesses. Adequate services including electricity, water, stormwater drainage and sewage facilities are available on the site for the proposed development (refer to **Section 6.5**). The site is well serviced by road infrastructure. Soil characteristics of the site are appropriate for the proposed development. The site is not subject to natural hazards such as bushfire, flooding and tidal inundation. There are no major constraints posed by adjacent land uses. The proposal would not result in any unreasonable amenity impacts on adjoining development.
(d) any submissions made in accordance with this Act or the regulations,	Any submissions received by the Department of Planning, Industry and Environment would be assessed in accordance with the EP&A Act and any other relevant controls.

Matter for Consideration	Comment
(e) the public interest.	PON makes a significant contribution to the local and national economy. The proposal makes use of currently underutilised land to provide commercial uses (including offices and cafe) which would support existing port facilities. The proposal complies with the relevant aims, objectives and development standards of the applicable environmental planning instruments and represents an orderly and economic use of land. The proposed development has been designed to relate well to its site, adjoining sites and to the streetscape. The proposal would not result in any unreasonable impacts on the environment or surrounding amenity. Through various design solutions and considerations, the proposed development would be compatible with the existing surrounding development and the desired future character of the area.

5.1.4 Schedule 1 of the EP&A Regulation

Schedule 1 of the EP&A Regulation outlines the information required to be included in a DA. **Table 5-2** outlines where each item required under Schedule 1 of the EP&A Regulation is addressed.

Table 5-2: Information requirement under Schedule 1 of the EP&A Regulation

Information required	Where addressed
1 Information to be included in development application	
(f) a list of any authorities from which concurrence must be obtained before the development may lawfully be carried out or from which concurrence would have been required but for section 4.13(2A) or 4.41,	**Section 5.1.2**
(g) a list of any approvals of the kind referred to in section 4.46(1) of the Act that must be obtained before the development may lawfully be carried out.	**Section 5.1.2**
2 Documents to accompany development application	
(a) a site plan of the land,	**Figure 2-1** and **Appendix 1 (A004)**
(b) a sketch of the development,	**Appendix 1 (A101 to A202)**
(c) a statement of environmental effects (in the case of development other than designated development or State significant development),	This SEE
(d) in the case of development that involves the erection of a building, an A4 plan of the building that indicates its height and external configuration, as erected, in relation to its site (as referred to in clause 56 of this Regulation),	**Appendix 1 (A200 to A202)**

Information required	Where addressed
(2) The site plan referred to in subclause (1)(a) must indicate the following matters— (a) the location, boundary dimensions, site area and north point of the land, (b) existing vegetation and trees on the land, (c) the location and uses of existing buildings on the land, (d) existing levels of the land in relation to buildings and roads, (e) the location and uses of buildings on sites adjoining the land.	**Figure 2-1** and **Appendix 1 (A004)**
(3) The sketch referred to in subclause (1)(b) must indicate the following matters— (a) the location of any proposed buildings or works (including extensions or additions to existing buildings or works) in relation to the land's boundaries and adjoining development, (b) floor plans of any proposed buildings showing layout, partitioning, room sizes and intended uses of each part of the building, (c) elevations and sections showing proposed external finishes and heights of any proposed buildings (other than temporary structures), (c1) elevations and sections showing heights of any proposed temporary structures and the materials of which any such structures are proposed to be made (using the abbreviations set out in clause 7 of this Schedule), (d) proposed finished levels of the land in relation to existing and proposed buildings and roads, (e) proposed parking arrangements, entry and exit points for vehicles, and provision for movement of vehicles within the site (including dimensions where appropriate), (f) proposed landscaping and treatment of the land (indicating plant types and their height and maturity), (g) proposed methods of draining the land, (h) in the case of development to which clause 2A applies, such other matters as any BASIX certificate for the development requires to be included on the sketch, (i) in the case of BASIX optional development—if the development application is accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under clause 2A for it to be so accompanied), such other matters as any BASIX certificate for the development requires to be included on the sketch.	**Appendix 1 (A101 to A202)**
(4) A statement of environmental effects referred to in subclause (1)(c) must indicate the following matters—	
(a) the environmental impacts of the development,	**Section 6**
(b) how the environmental impacts of the development have been identified,	**Section 6**
(c) the steps to be taken to protect the environment or to lessen the expected harm to the environment,	**Section 6**

5.2 State Environmental Planning Policy (Three Ports) 2013

5.2.1 Aim of Policy

The aims of the Three Ports SEPP under Clause 3 are:

(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,

(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,

(c) to identify certain development within the Lease Area as exempt development or complying development,

(d) to specify matters to be considered in determining whether to grant consent to development adjacent to development for port purposes,

(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,

(f) to identify certain development as State significant development or State significant infrastructure,

(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 proposal is consistent with the above aims of the Three Ports SEPP in that the proposal would result in the efficient development of land at the Port of Newcastle by developing the currently underutilised site to provide a four-storey commercial building comprising of café and office uses on the ground floor, office uses on Level 1 to Level 3 and 172 at-grade car parking spaces which would support existing port facilities.

5.2.2 Land Zoning

The site is zoned as 'SP1 Special Activities' under the Three Ports SEPP (**Figure 5-1**).

The objectives of the SP1 Special Activities zone are as follows:

- *To provide for special land uses that are not provided for in other zones.*
- *To provide for sites with special natural characteristics that are not provided for in other zones.*
- *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.*
- *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.*
- *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.*
- *To provide for port related facilities and development that support the operations of Port Botany, Port Kembla and the Port of Newcastle.*
- *To facilitate development that by its nature or scale requires separation from residential areas and other sensitive land uses.*
- *To encourage employment opportunities.*

The proposal is consistent with the objectives of the SP1 Special Activities zone as:

- it is permitted as an additional permitted use under clause 23 of the Three Ports SEPP
- the development is not located on waterfront land and therefore does not remove land that may be required for port or specialised industrial purposes
- the proposal includes constructing a four-storey commercial building comprising of café and office uses on the ground floor, office uses on Level 1 to Level 3 and 172 at-grade car parking spaces. The proposed development would support the operations of Port of Newcastle personnel
- due to the proximity of the site to the Port, the development is likely to attract tenants which include port related office-based businesses
- the proposal would not result in any adverse amenity impacts to surrounding properties in terms of visual bulk, privacy, solar access or views (refer to discussion in **Section 6.1**)
- the proposal is of a high standard of design and amenity in relation to the existing built environment
- the proposal encourages employment opportunities by providing jobs in the café and has the potential to attract up to 644 workers to the locality, offering significant economic support to the Carrington business centre
- the proposal promotes employment opportunities as the worker density for a commercial development would be significantly higher compared to if the site were redeveloped as industrial land use.

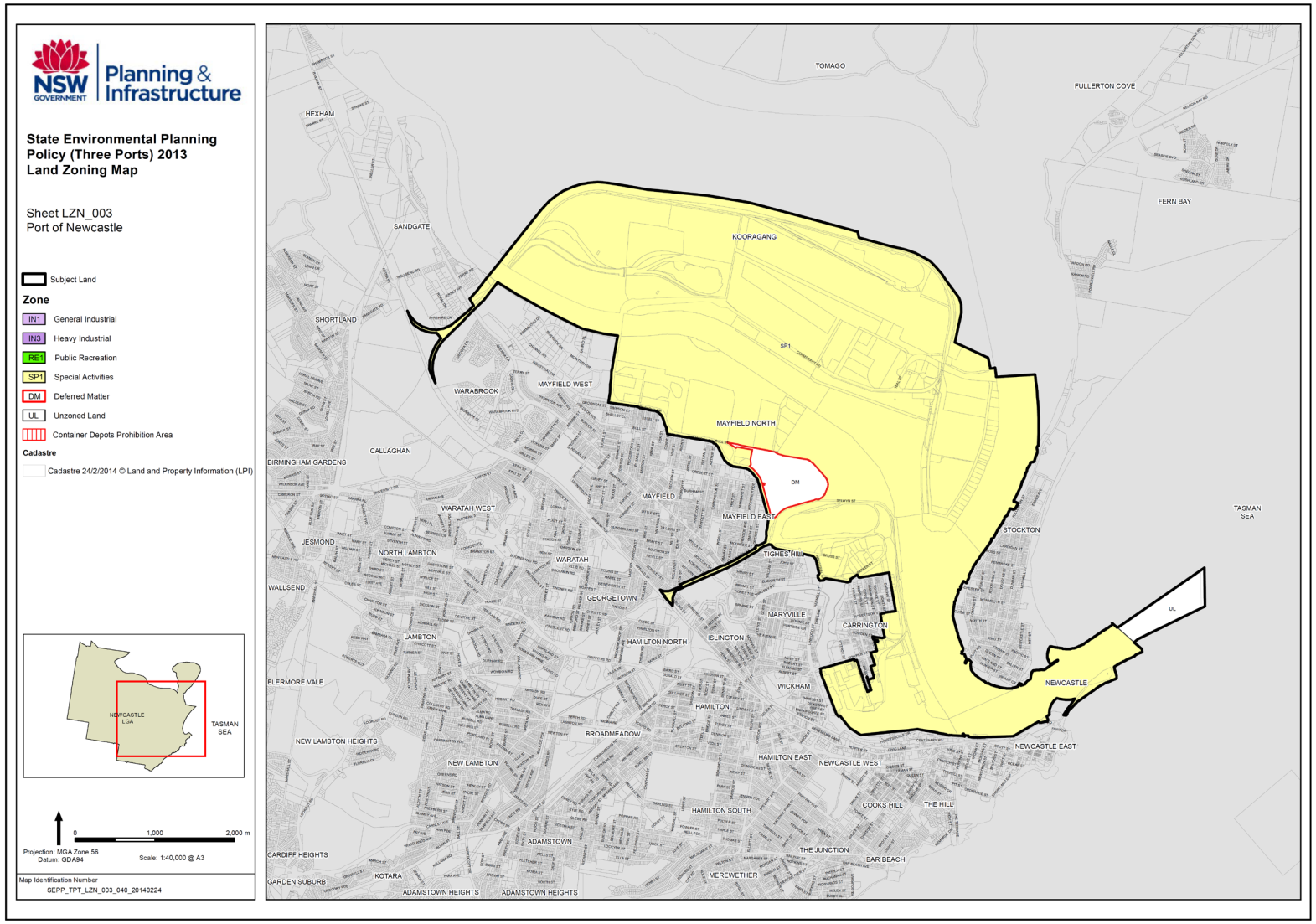


Figure 5-1: Land zoning

5.2.3 Additional permitted uses

Clause 23(1) of the Three Ports SEPP allows for development for the purposes of business premises or office premises to be carried out with development consent on land within a Lease Area. The site is within a Port of Newcastle Lease Area and is therefore permitted with consent under Clause 23 of the Three Ports SEPP.

Pursuant to Clause 8(a) of the Three Ports SEPP, the Minister is the consent authority for the proposed development.

5.2.4 Exempt and Complying Development

The proposed development is not considered exempt or complying development under the provisions of Part 3 of the Three Ports SEPP.

5.2.5 State Significant Development and Infrastructure

The proposed development is not considered to be either state significant development or include state significant infrastructure under the provisions of Part 4 of the Three Ports SEPP.

5.2.6 Miscellaneous

Part 5 of the Three Ports SEPP outlines requirements in relation to trees, vegetation and heritage.

Clause 30 applies to the proposal as the site is located within the Lease Area. Clause 30(2) states that "*The ringbarking, cutting down, topping, lopping, removal, injuring or destruction of any tree or other vegetation to which this clause applies is permitted without development consent".* Regardless, an assessment of the potential tree preservation and landscaping potential of the proposal is included in **Appendix 5** and is discussed in **Section 3.6**. The site contains minimal vegetation as it has been cleared for previous development with a concrete slab remaining over a large portion of the site. There are 27 off-site trees with retention value located along the south-western boundary and within the Fitzroy Street verge. As a result, tree protection measures have been incorporated into the design of the proposal.

Clause 31 of the Three Ports SEPP aims to conserve the heritage significance of heritage items heritage conservation areas, archaeological sites, Aboriginal objects and Aboriginal places of heritage significance. As the site is reclaimed land, has been previously developed and the land is largely covered with a concrete slab remaining from previous development, there is limited potential for Aboriginal items to be present at the site.

5.3 State Environmental Planning Policy No. 55 - Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) provides a state-wide practice for the remediation of contaminated land. Under clause 7 (1) (a) of SEPP 55, consideration has to be given as to whether the land is contaminated.

A detailed site contamination investigation has been undertaken for the site and is included in **Appendix 3**. Soil results were below the adopted human health assessment criteria for commercial/industrial land use across both portions of the Site and therefore the risk to human health during construction and operation as a result of exposure to onsite soil is considered to be low. Soil was analysed for presence/absence of asbestos at seven locations. No asbestos was identified in soil across the site.

Further discussion on contamination is included in **Section 6.3.2**.

5.4 State Environmental Planning Policy No. 64 – Advertising and Signage

The objectives of *State Environmental Planning Policy No. 64 – Advertising and Signage* (SEPP 64) are:

1(a) to ensure that signage (including advertising):
- *(i) is compatible with the desired amenity and visual character of an area, and*
- *(ii) provides effective communication in suitable locations, and*
- *(iii) is of high quality design and finish, and*

(b) to regulate signage (but not content) under Part 4 of the Act, and
(c) to provide time-limited consents for the display of certain advertisements, and
(d) to regulate the display of advertisements in transport corridors, and
(e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.
(2) This Policy does not regulate the content of signage and does not require consent for a change in the content of signage.

The proposal includes business identification signs to be displayed on the building as shown in the detailed design drawings in **Appendix 1**. These would be visible from a public place and therefore meet the definition of signage to which SEPP 64 applies under clause 6 of the SEPP.

Clause 8 of the SEPP states that a consent authority must not grant consent to an application to display signage unless it is satisfied:

(a) that the signage is consistent with the objectives of this Policy as set out in clause 3(1)(a), and
(b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.

It is considered the proposed signage would be consistent with the objectives of SEPP 64 as:
- the signs are compatible with the desired amenity and visual character of the area
- the signs would communicate the proposed business operation
- the signs would be visually attractive and of a high-quality design and finish
- the signs are not located within a prominent transport corridor.

An assessment of the proposed sign against the criteria in Schedule 1 of SEPP 64 is addressed in **Table 5-3**.

Table 5-3: Compliance of the proposal signage against SEPP 64 Schedule 1 criteria

SEPP 64 Criteria	Proposal signage compliance
1 Character of the area • Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? • Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Yes. The proposed signage is similar to the existing signage on other industrial buildings within the area
2 Special areas • Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	No. The signage would be mounted to the building and would be consistent with the building façade

3 Views and vistas • Does the proposal obscure or compromise important views? • Does the proposal dominate the skyline and reduce the quality of vistas? • Does the proposal respect the viewing rights of other advertisers?	The signage would be mounted to the building and would not impact any views
4 Streetscape, setting or landscape • Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? • Does the proposal contribute to the visual interest of the streetscape, setting or landscape? • Does the proposal reduce clutter by rationalising and simplifying existing advertising? • Does the proposal screen unsightliness? • Does the proposal protrude above buildings, structures or tree canopies in the area or locality? • Does the proposal require ongoing vegetation management?	The size of the signage would be appropriate to the scale of the building. The signage would be mounted to the building and would be appropriate for the existing streetscape
5 Site and building • Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? • Does the proposal respect important features of the site or building, or both? • Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage has been designed to be compatible with the building design
6 Associated devices and logos with advertisements and advertising structures • Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The signage does not include any associated devices
7 Illumination • Would illumination result in unacceptable glare? • Would illumination affect safety for pedestrians, vehicles or aircraft? • Would illumination detract from the amenity of any residence or other form of accommodation? • Can the intensity of the illumination be adjusted, if necessary? • Is the illumination subject to a curfew?	No illumination of the signage is proposed
8 Safety • Would the proposal reduce the safety for any public road? • Would the proposal reduce the safety for pedestrians or bicyclists? • Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No. The signage would be mounted to the building which is set back from the street frontage. The signage would be mounted appropriately and would not reduce visibility to, from or in any public space. Therefore the signage would not reduce the safety of any persons

5.5 Planning Strategies

5.5.1 Hunter Regional Plan 2036

The Hunter Regional Plan 2036 was released by the NSW Government in 2016 to guide land use planning and infrastructure priorities over the next 20 years. It provides an overarching framework to guide land use plans, development proposals and infrastructure funding decisions. The Hunter Regional Plan 2036 includes priority actions and identifies medium- and long-term actions to coincide with population growth and economic change.

The Port of Newcastle is identified as a Global Transport Gateway in the Hunter Regional Plan 2036 (**Figure 5-2**). According to the Hunter Regional Plan 2036, the Port of Newcastle will enable the region and the State to satisfy the demand from growing Asian economies for products and services associated with education, health, agriculture, resources and tourism.

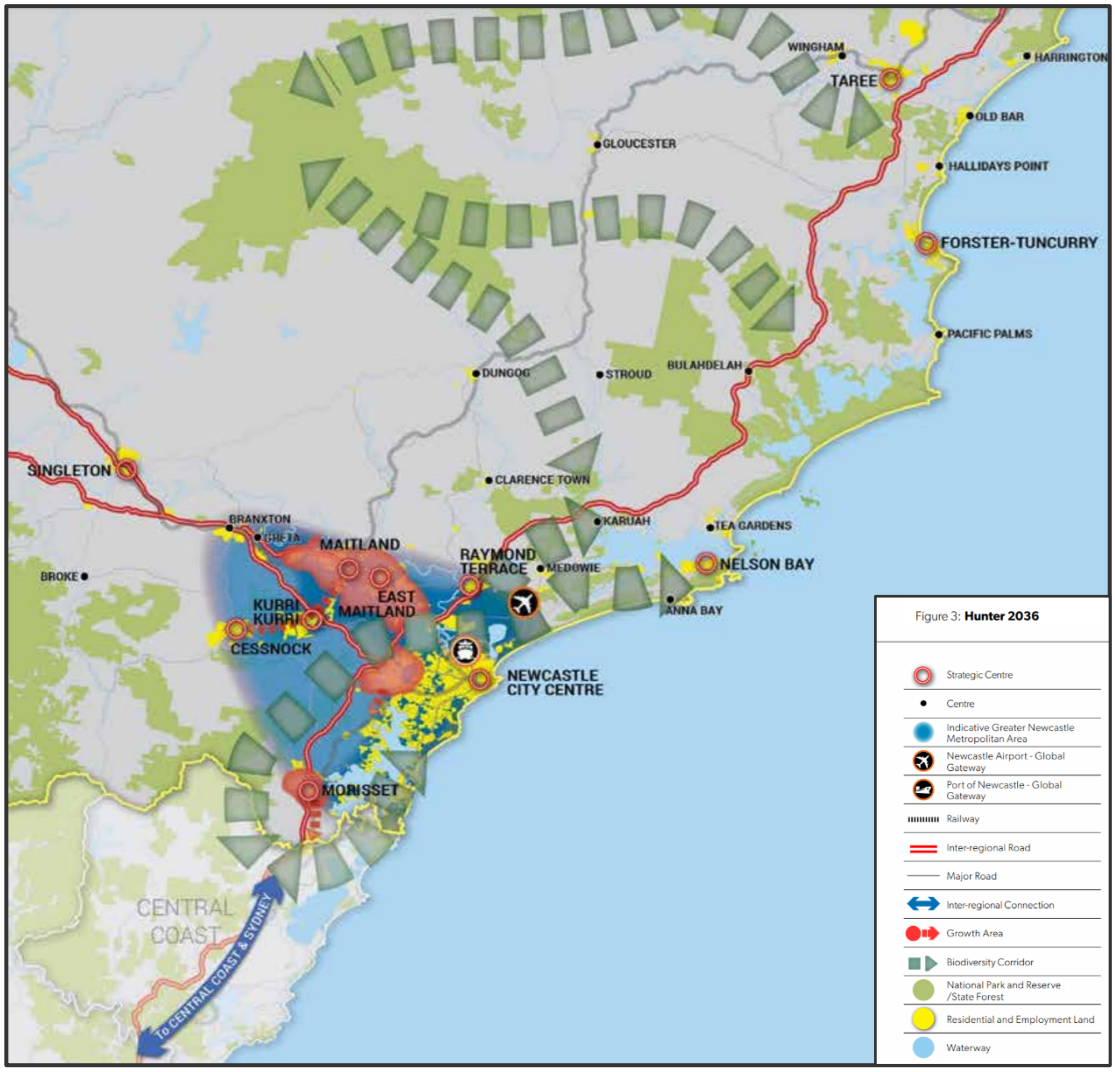


Figure 5-2: Extract of the Hunter 2036 map

The Hunter Regional Plan 2036 identifies that Greater Newcastle is a key element in the future productivity of the Hunter region. Greater Newcastle benefits from direct access to national and international markets through the global gateway of the Port of Newcastle, which has enabled the Hunter to become the largest regional economy in Australia and an important gateway for regional NSW for goods and tourists

The NSW Government has developed a Metropolitan Plan for Greater Newcastle, which is discussed in detail in **Section 5.5.2** of this report. The vision for Greater Newcastle is for a vibrant new metropolitan area with global gateways that maximise exports and tourism, and a centre of excellence for health and education. The Hunter Regional Plan 2036 outlines four important elements to the Greater Newcastle Metropolitan Plan, one of these being to "*Expand the capacity of Global Gateways – Newcastle port and airport*".

The Hunter Regional Plan 2036 encompasses four goals. Goal 1 is "*The leading regional economy in Australia*". The Hunter Regional Plan 2036 encompasses recognises that the development of strategic employment centres is a priority across Greater Newcastle, including revitalising Newcastle City Centre and enhancing specialist centres like the Port of Newcastle. Growth in these centres will expand the regional economy and support more jobs close to where people live.

Direction 2 of Goal 1 in the Hunter Regional Plan 2036 is "*Enhance connections to the Asia-Pacific through global gateways*". As detailed in the Hunter Regional Plan 2036, the Port of Newcastle is a nationally significant gateway which has potential to enhance the connectivity of the Hunter to the Asia-Pacific region and beyond. The Hunter Regional Plan 2036 indicates that the Port of Newcastle will continue to play an important role in the regional economy through the international export of goods and commodities (including coal and grains) from the Hunter and regional NSW. The Port of Newcastle is the largest coal exporting port in the world and has diversified its operations over time to respond to changing markets and demands.

The Hunter Regional Plan 2036 recognises that the Port's facilities and services will need to remain responsive to changes arising from global demand and national economic policy. The Hunter Regional Plan 2036 identifies that the Port of Newcastle places high demand on land and infrastructure, affects surrounding lands and require levels of separation from adjoining land uses to sustain their success. The Port has the capacity to generate associated industries and regional and local employment.

The proposed commercial development is consistent with the Hunter Regional Plan 2036 in that it comprises of a café and office uses on the ground floor and office uses on Level 1 to Level 3 which will support existing and future port facilities. As demonstrated in this SEE, the proposal will not result in any unreasonable impacts on the environment or surrounding amenity (refer to **Section 6**). The proposed building has been located to provide separation from adjoining land uses through the designed setback of the building design of 12.3 metres from Denison Street and 6.5 metres from Fitzroy Street.

5.5.2 Greater Newcastle Metropolitan Plan 2036

The Greater Newcastle Metropolitan Plan 2036 was released by the NSW Government in 2018. It is a strategic approach to metropolitan planning in Greater Newcastle. The Greater Newcastle Metropolitan Plan 2036 facilitates the vision set out in the Hunter Regional Plan 2036 to be the leading regional economy in Australia and sets out outcomes, strategies and actions to achieve this vision.

As illustrated in **Figure 5-3**, an extract of the Greater Newcastle Vision 2036 map, the Port of Newcastle is identified as a Global Gateway in the Greater Newcastle Metropolitan Plan 2036. The Greater Newcastle Metropolitan Plan 2036 recognises that the Newcastle Port provides opportunity for increased connections and movement of people and goods directly to the Asia Pacific.

Figure 5-3: Extract of the Greater Newcastle Vision 2036 map

In the Greater Newcastle Metropolitan Plan 2036, Outcome 1 "*Create a workforce skilled and ready for the new economy*" is supported by Strategy 3 "*Increase domestic and global trade capabilities at Newcastle Port*".

The Greater Newcastle Metropolitan Plan 2036 recognises that Greater Newcastle is well positioned to capitalise on rising global demand for goods, with Newcastle Port offering capacity to increase direct links into global trade networks. The Greater Newcastle Metropolitan Plan 2036 details that the "*capacity for manufactured goods and primary products to be exported will be*

expanded by diversifying port activities to enable agricultural businesses in the Hunter and wider NSW to more easily and efficiently export directly to Asia... Planning decisions will consider the adaptation of the port to respond to changing global freight demands, and opportunities of port-side infrastructure and availability of land."

The Greater Newcastle Metropolitan Plan 2036 discusses how the Newcastle Cruise Terminal strengthens Newcastle Port as an international cruise ship destination and secures the long-term future of cruise shipping in the Hunter. The Greater Newcastle Metropolitan Plan 2036 details that the "*cruise shipping will grow as an expanding tourism industry for Greater Newcastle. Home porting, where ships start and finish their destination, will deliver additional economic value via more cruise ships, more interstate and international visitors and an opportunity for local businesses to supply goods and services to ships*."

In the Greater Newcastle Metropolitan Plan 2036, Outcome 4 "*Improve connections to jobs, services and recreation*" is supported by Strategy 3 "*Protect major freight corridors*". The Greater Newcastle Metropolitan Plan 2036 recognises that continued protection of the Hunter Valley Coal Chain, the Hunter Expressway, New England Highway, Pacific Highway, Newcastle Port and the new Lower Hunter Freight Corridor will enable trade and allow exports to adapt to changing global demands.

The Greater Newcastle Metropolitan Plan 2036 contains Catalyst Areas for Greater Newcastle, which are places of metropolitan significance that need a collaborative approach to the delivery of new jobs and homes. The Port of Newcastle is identified as a Catalyst Area (**Figure 5-4**).

The desired role in Greater Newcastle for the Newcastle Port is as follows:

- Global gateway, providing international freight connections servicing Greater Newcastle and the Hunter Region
- Emerging tourism gateway centred around the Newcastle Cruise Terminal
- Capacity to generate port-associated industry and regional and local employment while planning for land use compatibility, acknowledging the high demands on land and infrastructure affecting surrounding lands and requiring a separation from adjoining land uses to sustain their success.

The site is located in the Carrington Precinct of the Newcastle Port Catalyst Area. The outcome for the Carrington Precinct is: "*The Department of Planning and Environment working with the Port of Newcastle, will align planning instruments to enable existing port- related activities and investigate options for land uses in this Precinct that support further growth and diversification of trade whilst working with operators and industry to minimise impacts on residential communities*".

The proposed commercial development is consistent with the Greater Newcastle Metropolitan Plan 2036 and aligns with the future direction of the Carrington Precinct of the Newcastle Port Catalyst Area in that it comprises of office and café uses which will support existing and future port facilities and the diversification of activities at Newcastle Port. The proposed building is complementary to the Carrington Precinct which is undergoing transition. The proposal has been designed to minimise adverse environmental and amenity impacts on nearby residential land (refer to **Section 6**).

Figure 5-4: Extract of the Newcastle Port Catalyst Area map

5.5.3 NSW Freight and Ports Strategy

The NSW Freight and Ports Strategy was released by Transport for NSW in 2013. The Strategy highlights that the Port of Newcastle is one of the world's largest coal export ports. The NSW Freight and Ports Strategy outlines that pressure on port capacity is increasing in NSW, particularly at the Port of Newcastle, although the timing of future capacity constraints will depend in part on movements in global coal prices.

The NSW Freight and Ports Strategy recognises that the Port of Newcastle has significant opportunities for growth and development and identifies further development of the Port of Newcastle, possibly including the T4 coal facility worth in excess of $5 billion.

The proposed commercial development supports existing port facilities and the future growth of the Port of Newcastle, thereby aligning with the NSW Freight and Ports Strategy.

5.5.4 Port Master Plan 2040

The Port Master Plan 2040 was released by the Port of Newcastle in 2018 to outline key strategic development and trade opportunities for the Port and broader region to 2040.

The Port of Newcastle's vision is "*to become Australia's first-choice East Coast port, able to accommodate, attract and grow a diverse trade base in an efficient, sustainable, profitable and innovative manner*". To achieve this vision the Port of Newcastle has identified the following goals:

- 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 Port Master Plan provides a broad and strategic approach identifying future development and opportunities, including:

- the Newcastle Container Terminal in Mayfield
- the Newcastle Bulk Terminal in Walsh Point
- a specialised Automotive and Ro-Ro Hub
- supporting the Maritime Precinct in Carrington
- construction of the Newcastle Cruise Terminal in Carrington.

The site is located in the Carrington Precinct of the Port (**Figure 5-5**). Carrington includes 100 hectares of waterfront industrial land. The Carrington Coal Terminal is located at the northern end of the precinct. Newcastle's two major grain terminals are located in the Carrington precinct. The Channel Berth services passenger vessels such as cruise ships and is the location of the Newcastle Cruise Terminal. The Carrington Precinct encompasses critical Port services including two Tug Bases and the Helicopter Base operated by the Port Authority of NSW. Ship building and maintenance activities operate at the southern end of Carrington.

In July 2017, Thales Australia, together with the NSW Government, announced major investment in a new Maritime Precinct to be developed at a 10-hectare site in the south-west of the Carrington precinct, fronting Throsby Creek. The first phase will include the renewal of the Fitzroy Street shipyard to cater for vessels up to 55 metres long, creating 70 new jobs.

In regard to the Port Master Plan goal of promoting capacity of the Port, the Master Plan provides details on future berths at the Port. One berth is proposed in Carrington which could be developed as a standby berth to assist with vessel movements, if required.

In regard to the Port Master Plan of growing trade, the Master Plan informs that the Channel Berth in Carrington is the agreed location for cruise ships within the Port. This site and the Newcastle Cruise Terminal have the capacity to accommodate the current and future land requirements to meet the needs of the cruise industry.

The proposed commercial development is consistent with the Port Master Plan 2040 and aligns with the future direction of the Carrington Precinct of the Port in that it comprises of office and café uses which would support the future diversification and growth of the Carrington precinct of the Port. The proposed building is complementary to the Carrington Precinct which is undergoing transition.

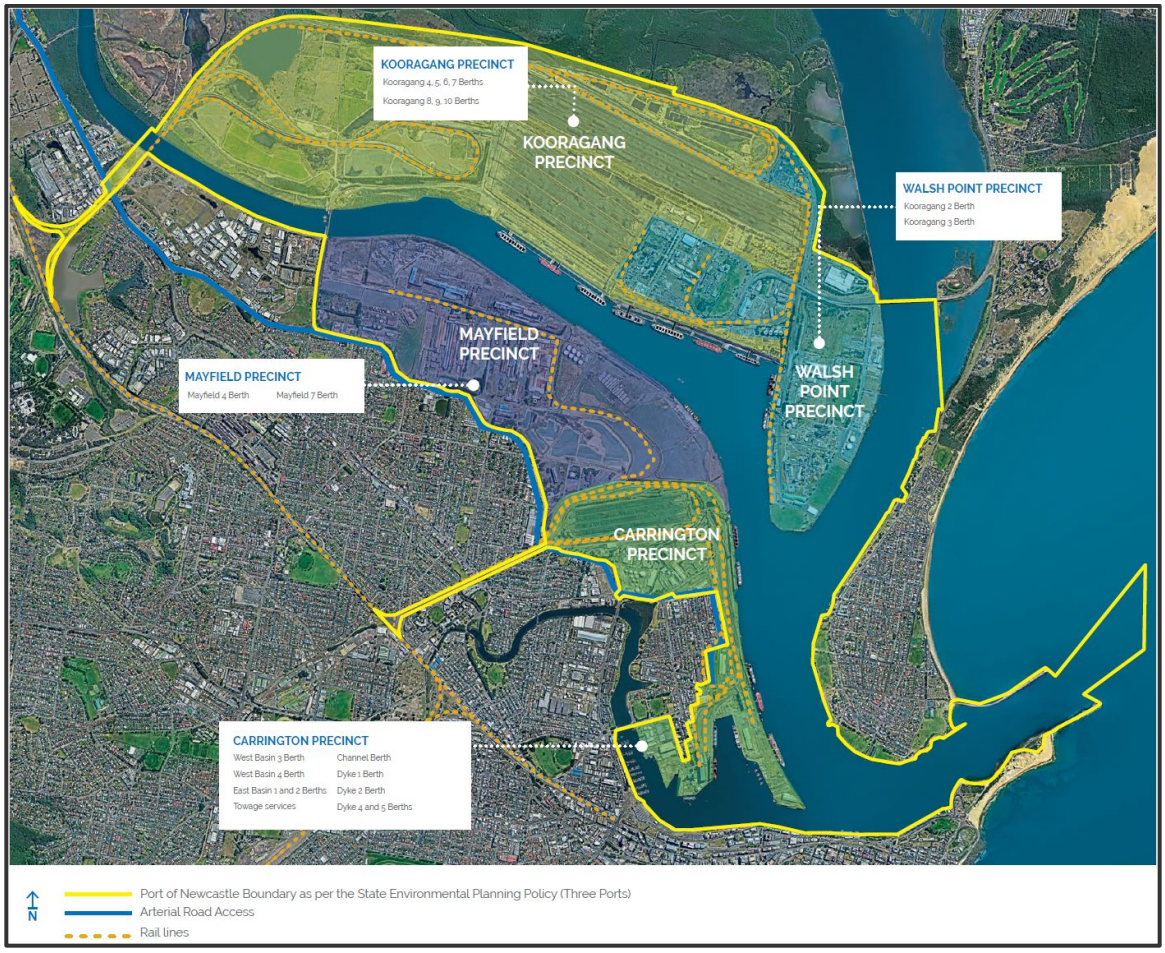


Figure 5-5: Extract of the Port of Newcastle Precinct Map

5.5.5 Newcastle Employment Lands Strategy

Newcastle Employment Lands Strategy was adopted by the City of Newcastle in 2013 to inform the demand for employment uses and promote economic growth in the Newcastle LGA. SGS Economics and Planning was commissioned by the City of Newcastle to update the Newcastle Employment Lands Strategy, which was released in 2019. The updated Newcastle Employment Lands Strategy informs the planning of employment generating lands (including all land with an industrial, business or special activities zone) in the Newcastle LGA.

The Newcastle Employment Lands Strategy identifies economic catalysts which present opportunities for economic development in the Newcastle LGA. One of these is the expansion of the Port of Newcastle. The Newcastle Employment Lands Strategy promotes diversification of the operations at the Port of Newcastle and enhance connectivity to the Asia-Pacific.

The Newcastle Employment Lands Strategy includes an employment strategy for Ports land, in which the subject site is located. The planning principles for Ports land are as follows:

- ***Ensure that development does not curtail the current or future potential operation of the Port of Newcastle***
  A variety of land use conflicts could occur as a result of development which could impact on the Port's operation. These include increased traffic limiting the ability of traffic to and from the Port and constraints on light and noise from Port operations. Development both in the Three Ports SEPP land and nearby should be managed to ensure this does not occur
- ***Preserve land for potential long-term employment opportunities***
  Expansions of the Port of Newcastle are proposed but have not been approved by the NSW Government. If these were to occur, they could create opportunities in the freight and logistics industries which would be associated with employment demand in excess of those implied by current projections. The land covered by the Three Ports SEPP would be highly strategic for this purpose.
- ***Potential uses of the BHP Intertrade site***
  Considerations that are relevant to the long-term use of the Intertrade Site in BHP's former location are detailed in the Newcastle Employment Lands Strategy.

The proposal is consistent with the Newcastle Employment Lands Strategy in that the proposed commercial development, comprising of office and café uses, would support the current operations of the Port and the potential expansion and diversification of the Port.

5.5.6 Community Strategic Plan Newcastle 2030

The Newcastle 2030 Community Strategic Plan (Revised 2013) (CSP) is the long-term community strategic plan for Newcastle. The CSP, required under NSW Government legislation, was developed to guide and inform policies and actions throughout Newcastle from 2018 to 2028. The CSP contains a number of strategic directions, objectives and guiding principles.

One of the strategic directions in the CSP is for the City of Newcastle to be "*a leader in smart innovations with a prosperous, diverse and resilient economy*". One of the strategies to achieve this strategic direction is to "*recognise and strengthen Newcastle's role as a metropolitan capital and hub for education, health, tourism, creative, port and logistics industries*".

The proposed commercial development is consistent with the above CSP strategy in that it would support existing and future operation of the Port.

5.5.7 Newcastle Local Strategic Planning Statement

The Newcastle Local Strategic Planning Statement (LSPS) was adopted at the May 2020 Council meeting. The Newcastle LSPS will guide land-use planning over the next 20 years. It gives effect to the Hunter Regional Plan 2036 and Greater Newcastle Metropolitan Plan 2036, implements priorities from the Newcastle 2030 Community Strategic Plan and brings together land use planning actions in other adopted strategies.

The Newcastle LSPS recognises that the Port of Newcastle is identified as a Catalyst Area in the Greater Newcastle Metropolitan Plan 2036. The Newcastle LSPS states that land use and infrastructure planning for the Catalyst Areas will be critical to their success and that the Catalyst Areas must be well connected and managed to provide new opportunities for employment generating uses and liveability. The diversification of the Port is critical to the economic growth of Newcastle as well as the State of NSW.

The Newcastle LSPS outlines Planning Priorities that will identify the focus of future strategic planning work in Newcastle. Planning Priority 15 of the Newcastle LSPS is "*Plan for the expansion and diversification of Newcastle Port*". The Newcastle LSPS details that "*the Port of Newcastle is Australia's largest coal export port by volume and a growing multi-purpose cargo hub. The port precinct hosts a range of ship repair and other port related services in an area of over 700 hectares. Industrial land around the Port needs to be retained and protected to enable growth and diversification of the Port, increasing job opportunities and minimising environmental and amenity impacts to surrounding land uses"*.

The Principles outlined for Planning Priority 15 of the Newcastle LSPS are as follows:

- land within the boundaries of the Three Ports SEPP is retained for Port related uses
- land uses adjoining the Port of Newcastle do not compromise the viability of current and future port operations.

The proposed commercial development, comprising of offices, retail and café uses, is consistent with the Newcastle LSPS in that it would support the potential growth and diversification of the Port and allow for increases job opportunities while minimising environmental and amenity impacts on surrounding lands.

5.5.8 Wickham Master Plan 2017

The Wickham Master Plan outlines the envisioned future character of the Wickham area and establishes strategies to achieve those visions. It applies to land bound by the 'Newcastle Transport Interchange' in the south, Throsby Creek along the east (extending from the Wickham 'tree of knowledge' to the Cowper Street Bridge) Albert Street along the north and Maitland Road to the west (**Figure 5-6**).

One of the key challenges identified in the plan is the barrier for pedestrian and cycling connectivity to the Throsby Creek created by the high volumes of traffic along Hannell Street. Another key issue identified is the lack of parking space in the area due to the loss of car parking spaces in Honeysuckle and the increase in construction workers.

The proposal includes parking for vehicles (including electric vehicles), bikes and motorbikes. The number of car parking spaces provided is adequate to accommodate the maximum building population for both visitors and workers (up to 644 people). Therefore, the proposal will not create any off-site parking impacts within the Wickham Master Plan area.

Figure 5-6: Extract of the Wickham Master Plan area

5.6 Newcastle Development Control Plan 2012

Newcastle DCP 2012 provides guidance to development of land covered by Newcastle Local Environment Plan (LEP) 2012. Given that Newcastle LEP 2012 does not apply to the site, neither does the DCP. In this regard, the DCP is not a matter for consideration under Section 4.15(a)(iii). However, for the purpose of assessing the impact of the development, including environmental impacts, in accordance with Section 4.15(1)(b), it is reasonable to provide an assessment of the development's compliance with the DCP.

The relevant planning considerations outlined in the DCP are addressed in **Table 5-4**.

Table 5-4: Assessment against Newcastle Development Control Plan 2012

Control	Comment
Section 3.10 Commercial Uses	
3.10.01 Height of buildings	The scale of the proposed development makes a positive contribution towards the desired built form of the area. The proposed four-storey building has a maximum height of 18.458 metres (approximate RL of 20.8 m) to the top of the plant room. Elevation drawings are included in **Appendix 1**. The proposed height allows reasonable daylight access to surrounding developments and the public domain.
3.10.02 Density - floor space ratio	The proposal results in an FSR of 8.1:1. The proposal provides an appropriate building density, bulk and scale that would make a positive contribution towards the desired built form of the area.
3.10.03 Streetscape and front setbacks	The building has been designed with a setback of 12.3 m from Denison Street and 6.5 m from Fitzroy Street. The development facilitates pedestrian access from the street frontage.
3.10.04 Side and rear setbacks	The building has been designed with a setback of 8.5 m from the southern site boundary and 7.5 m from the northern site boundary in accordance with the BCA. These setbacks allow adequate natural light, ventilation and privacy between the adjacent buildings. The setback from the rear (Dennison Street) is 12.3 m.
3.10.05 Street activation	Outdoor seating areas and tables have been included outside the café in the proposal design to support street activation along Fitzroy Street. Further details are provided in **Section 3.5.2**.
3.10.06 Building design and appearance	The building has been designed to make a positive contribution to its surroundings through the incorporation of street setbacks, corner features, pedestrian walkways, pavement design and landscaping. Further details are provided in **Section 6.1**.
3.10.07 Views and privacy	Residential dwellings are located on Dennison Street. The building setback from Dennison Street is 12.3 m. There is also an approximately 1.8 m high solid fence along the boundary separating the site from the immediately adjacent residence to the north at 59 Dennison Street. Further details are provided in **Section 6.1.3**.
3.10.08 Fencing and walls	**Section 3.9**, security fencing would be installed around the perimeter of the site with pedestrian entry/exit gates to maintain access. Boom gates would be installed at the entry and exit points of the rear car park from the Fitzroy Street site access for security purposes.

Control	Comment
3.10.09 Utilities and services	Site facilities, such as garbage and recycling bins / enclosures, mail boxes, external storage facilities, exterior lighting and signage are designed to be in areas that can be conveniently reached and require minimal maintenance. These facilities would be visually attractive as to blend in with the streetscape. Further details are provided in **Section 6.5**.
Section 4.00 Risk Minimisation Provisions	
4.01 Flood Management	CoN flood mapping suggests that the site may be subject to flooding. A Flood Certificate was obtained from CoN which advised that the minimum floor level for occupiable rooms is 2.70m AHD. This has been incorporated into the design and is discussed further in **Section 6.6**.
4.02 Bush Fire Protection	The site is not located in a bush fire protection area.
4.03 Mine Subsidence	As discussed in **Section 5.1.2** of this SEE, the site is within a mine subsidence district. As such Section 22 of the *Coal Mine Subsidence Compensation Act 2017* has been considered as part of the proposed works. Referral to the Mine Subsidence Board is required under the Act. Consultation was undertaken with the Mine Subsidence Board as part of the preparing of this DA. Further discussion on the outcomes of this consultation is provided in **Section 4.3** .
4.04 Safety and Security	As discussed in **Section 3.9**, security fencing would be installed around the perimeter of the site with pedestrian entry/exit gates to maintain access. Boom gates would be installed at the entry and exit points of the rear car park from the Fitzroy Street site access for security purposes. The proposed development provides clear sightlines between the public and private spaces on the site. The proposed landscaping is of a scale, and utilises vegetation, that does not obstruct vision or provide places to hide. Lighting would be provided around the external areas of the building to promote safety and security cameras would be installed throughout the site.
4.05 Social Impact	The Port of Newcastle makes a significant contribution to the local and national economy. The proposal makes use of currently underutilised land to provide offices and a café which would support existing port facilities. The proposal is located in an area with access to services with capacity to accommodate the proposal. The proposed development does not require a Social Impact Assessment.
Section 5.00 Environmental Protection Provisions	
5.01 Soil Management	Construction works would be undertaken to prevent the loss of soil from the site through the implementation of appropriate soil and erosion controls. An erosion and sediment plan has been prepared by Northrop Engineering and is presented in **Appendix 6** and discussed further in **Section 6.6**.

Control	Comment
5.02 Land Contamination	As discussed in **Section 5.3** consideration has to be given as to whether the land is contaminated under clause 7(1)(a) of SEPP 55. A detailed site contamination investigation has been undertaken for the site and is included in **Appendix 3**. Soil results were below the adopted human health assessment criteria for commercial/industrial land use across both portions of the Site and therefore the risk to human health during construction and operation as a result of exposure to onsite soil is considered to be low. Soil was analysed for presence/absence of asbestos at seven locations. No asbestos was identified in soil across the site. Contamination is further discussed in **Section 6.3.2**.
5.03 Vegetation Management	As discussed in **Section 3.6**, an assessment of the potential tree preservation and landscaping potential of the proposal is included in **Appendix 5** and is discussed in **Section 3.6**. The site contains minimal vegetation as it has been cleared for previous development with a concrete slab remaining over a large portion of the site. There are 27 off-site trees with retention value located along the south-western boundary and within the Fitzroy Street verge. As a result, tree protection measures have been incorporated into the design of the proposal.
5.04 Aboriginal Heritage	As the site has been previously developed and the land is largely covered with a concrete slab remaining from previous development, there is limited potential for Aboriginal items to be present at the site.
5.05 Heritage Items	There are no heritage items near the site identified in the Newcastle LEP.
5.06 Archaeological Management	As the site has been previously developed and the land is largely covered with a concrete slab remaining from previous development, there is limited potential for heritage items to be present at the site requiring management.
Section 7.00 Development Provisions	
7.02 Landscape, Open Space and Visual Amenity	A landscaping plan has been prepared for the proposal and is included in **Appendix 4**. The proposed landscaping is consistent with the local landscape character of the site surroundings (refer to further discussion on amenity and landscaping in **Section 6.1** and **Section 6.2**).

7.03 Traffic, Parking and Access	Vehicle access to the site would be:
	• For vehicles traveling from north or west of the site: via Industrial Drive which becomes Hannell Street > Cowper Street North > Fitzroy Street (primary access point) or Denison Street (secondary access point)
	• For vehicles travelling from south or east of the site: via Stewart Avenue which becomes Hannell Street > Cowper Street North > Fitzroy Street (primary access point) or Denison Street (secondary access point).
	Pedestrian access would be from both Fitzroy Street and Denison Street.
	The proposed development includes:
	• 172 at grade car parking spaces comprising:
	  ○ 138 external staff parking (rear). This includes one accessible parking space
	  ○ 10 external visitor parking (front) spaces. This includes one accessible parking space

Control	Comment
	○ 15 staff spaces (secure undercover) ○ eight spaces suitable for charging of electric vehicles (secure undercover) ○ one loading space (front). • 50 bike rack spaces • five motorbike parking spaces. Of the 172 car parking spaces, eight spaces would be electric car charging bays with the provision for an addition nine spaces in the future and three would be accessible spaces. A dedicated loading bay is also included in the design to accommodate deliveries. The car parking design includes a one-way entry point on the northern side of the site and a one-way exiting point on the southern side of the site to allow for safe vehicle movement (refer to design drawings in **Appendix 1**). A secondary bi-directional entry/exit point is included on the Denison Street side of the site. Refer to **Section 3.10**.
7.04 Movement Networks	The proposal would not affect the accessibility of pedestrian, cycle and vehicle movement networks. The proposal design includes raised crossing areas and pedestrian pathways that connect the site to the existing pathways along Fitzroy Street and Denison Street (refer to **Section 3.5.1**).
7.05 Energy Efficiency	The proposed building is designed to facilitate ecologically sustainable development (refer to discussion in **Section 3.11**). This includes a design which gives consideration to achieving accreditation under the Green Star Rating system. Solar panels are also proposed to be mounted on the covered walkways and there is provision for electric vehicle charging within the car parking spaces. Water management onsite also includes the capture and reuse of rainwater runoff for the lavatories.
7.06 Stormwater	Stormwater assessment and planning has considered the provisions of the Newcastle DCP and the development is consistent with the requirements. Further discussion is provided in **Section 3.7**.
7.07 Water Efficiency	The proposed building is designed to facilitate ecologically sustainable development (refer to discussion in **Section 3.11**). This includes the efficient use and management of water. A detailed stormwater management plan has been developed and is provided in **Appendix 6**. This includes roof runoff connected to an above ground rainwater tank with a minimum volume of 16kL. Harvested water to be reused internally through toilet connections on all floors and externally for landscape irrigation. Overflows to be directed to the proposed detention tank via the pit and pipe network in the carpark.
7.08 Waste Management	Waste management for the proposal during both the construction and operation phases would be undertaken in accordance with the waste management hierarchy outlined in the *Waste Avoidance and Resource Recovery Act 2001* and the Environmental Protection Authorities' *Waste Classification Guideline* (2014). Waste would be managed with consideration to achieving accreditation under the Green Star Rating system. Waste management is further discussed in **Section 6.8**.

Control	Comment
7.09 Advertising and Signage	The proposal includes business identification signs to be displayed on the building as shown in the detailed design drawings in **Appendix 1**. These would be visible from a public place and therefore meet the definition of signage to which SEPP 64 applies under clause 6 of the SEPP. It is considered the proposed signage would be consistent with the objectives of SEPP 64 as: • the signs are compatible with the desired amenity and visual character of the area • the signs would communicate the proposed business operation • the signs would be visually attractive and of a high-quality design and finish • the signs are not located within a prominent transport corridor.
7.10 Street awnings and balconies	The development does not consist of awnings or balconies over the road reserve.
7.11 Development Adjoining Laneways	The site would be surrounded with security fencing and there would be no access from the laneway to the north.

6. ASSESSMENT OF ENVIRONMENTAL EFFECTS

6.1 Built form and amenity

6.1.1 Building height and floor space ratio

The proposed four-storey building has a maximum height of 18.458 metres (approximate RL of 20.8 m) to the top of the building (refer to elevation drawings in **Appendix 1**). The Thales building located immediately south of the site is approximately 20 metres in height.

The GFA of the building is 7,035.72 square metres (including additional 43 car parking spaces). This equates to a FSR of 0.81:1 for the building. The density of the building is 10 square metres per person, allowing for a total building population of 644 people.

The building has been designed with a setback of 12.3 metres from Denison Street and 6.5 metres from Fitzroy Street.

The proposal is conceptualised in **Figure 6-1**. The warehouses historically located on the site are conceptualised in **Figure 6-2**.

Figure 6-1: Artist conceptualisation of the proposed building

Figure 6-2: Artist conceptualisation of the previous warehouse development on the site

Significant consideration has been given to the built form and amenity of the neighbouring residents during the design phase. The proposed density, bulk and scale will be compatible with the surrounding development as the building is lower in height than the neighbouring Thales building and higher than the Hi-Vis Group sign shop creating a gradual decrease in height from the industrial land use through to the commercial and then residential land uses. Further, the setback from Fitzroy Street and building articulation decreases the bulk of the building from the Fitzroy Street frontage. The carpark being located on the Denison Street frontage with landscaping and walkway features provide a substantial mitigation for the bulk and scale of the development from the Denison Street frontage. The proposal is also consistent with the desired future character of the locality which is discussed in **Section 5.5**.

The proposed building height and FSR will positively contribute to the streetscape and public spaces. It can be seen in **Figure 6-1** and **Figure 6-2** that the proposal when compared to the previous warehouse development, provides significantly increased setbacks from residential dwellings promoting improved and visual amenity. This is achieved whilst also increasing the economic efficiency of the site. These measures would protect the amenity of the subject site and neighbouring properties in terms of visual and acoustic privacy, solar access and view sharing.

6.1.2 Streetscape design and interface with surroundings

The proposed building has been designed to integrate with the surrounding residential, commercial and industrial character of the Carrington area. The office and café use of the building provides a transitional land use character zone between the surrounding residential and industrial developments. This is achieved through the strategic scale and setbacks of the building from the various surrounding land uses and the location of the café to promote activation of the street frontage.

Consideration has been given in the design to potential impacts on adjoining and nearby residential properties. The proposed building has been positioned at the Fitzroy Street end of the site to maximise the distance from surrounding residences which are located along Denison Street.

Landscaping and carparking is proposed along the Denison Street frontage and at the interface with residential properties. This should promote improved visual amenity given that the site is currently a concrete slab and is often used for on-street car parking. The location of the development's driveway on Denison Street is on the southern boundary which would not impact on the adjoining residential property to the north.

The landscaping plan provided as **Appendix 4** has been designed to integrate the proposed development with the existing surroundings including connections to the Coe Park Playground located opposite the site on Denison Street. As the site is currently devoid of vegetation along Denison Street, the addition of trees in this location would improve the connection to the vegetation of Coe Park Playground. The addition of these trees would also provide visual screening and relief from the building.

6.1.3 Environmental and residential amenity

6.1.3.1 Solar access

The building has been designed to provide a high level of occupant amenity including providing solar access.

6.1.3.2 Visual privacy

The proposal has been designed and sited to provide adequate visual privacy between the development and the adjoining land uses. The proposal has considered the location of the development on the site, the internal layout and the building and materials used with regards to privacy for neighbouring residences.

As a result of the rear and side setbacks between the proposed building and the neighbouring residences, the potential for privacy issues is minimised.

6.1.3.3 View loss

Within the area, the Throsby Creek marina and the harbour may be valued for their viewing quality. Views to these areas from the residences or public domains along Denison Street are already obstructed by the existing industrial development and would not be removed by the proposal. The proposal would not result in view loss to any heritage or familiar dominant landmarks from dwellings.

The proposal would not result in any loss of high value views from any public or private location.

6.1.3.4 Overshadowing

Shadowing diagrams for the proposed building are included in **Appendix 1**. During the morning period, the building would primarily create shadows along Fitzroy Street. A small amount of shadowing would occur on the northern and southern sides of the building around noon. This would largely be contained to the site boundary. During the evening period, shadows would form on the eastern, southern and northern sides of the building.

The shadowing diagrams included in **Appendix 1** demonstrate that no residences or public spaces would experience increased shadowing as a result of construction of the building.

6.1.3.5 Lighting

Lighting for the proposal would be designed with consideration to achieving accreditation under the Green Star Rating system as well as to address safety and security. This includes the use of best practice lighting in accordance with *AS1680 Interior and Workplace Lighting General Principles*.

Lighting would be installed so as not to negatively impact on neighbouring residences.

6.1.3.6 Access and parking

As discussed in **Section 3.10**, there are multiple vehicle and pedestrian access points available to access the site. Vehicle access is provided primarily via Fitzroy Street to the main entrance of the building, with a secondary access point from Denison Street that can be used if required. The primary access point has been located on Fitzroy Street to minimise disruption to the residences on Denison Street from any increases to traffic in the area.

Pedestrian access would be primarily from both Fitzroy Street and Denison Street to allow connectivity to the existing pedestrian footpaths in the area.

Adequate parking is provided on site to reduce offsite street parking by visitors to reduce any impacts to the existing amenity of use of Denison Street as a residential area.

6.1.3.7 Communal spaces

Communal open space is provided for on the ground floor in the landscape areas on the frontage of Denison Street and Fitzroy Street, in the outdoor café seating area and in the terrace areas on levels 1 to 4 of the building with plantings.

6.2 Tree Preservation and Landscaping

A Landscaping Plan has been prepared for the proposal and is included in **Appendix 4,** and is discussed in **Section 3.6**. Landscaping has been incorporated into the proposal on the ground plane and also into the upper levels of the building. The Landscape Plans comprise (Green Space Planning Co. 2021):

- *Ground Floor Plan: incorporates deep soil planting, within the car park area surrounding the building, to allow for tree planting that will provide visual interest and aid in softening the bulk and scale of the development. Low level mass planted beds beneath are proposed to ensure a consistent verdant buffer, whilst allowing for clear sight lines for passive visual surveillance, in accordance with crime prevention through environmental design (CPTED) principles. The plan proposes for new street tree planting to improve street-scape amenity. Along the Denison Street frontage, the landscape treatment aims to provide a simple, attractive, shade providing area which is visually an extension of Coe Park, creating a valuable green space for workers and the community alike.*
- *Levels One, Two and Three: Raised garden beds on each of these levels are proposed to be mass panted with hardy, low maintenance species to improve the greening outcome for the development and increase amenity for those looking from the interior of this building outside, and will also aid in softening the building as viewed by the wider community from the adjacent streets.*

The existing site characteristics have been considered and inform the following general principles of the landscape plan:

- *Utilise a planting palette of proven performing plants which are hardy and are easily managed and maintained;*

- *Provide sufficient soil depths, within the constraints of the site and within the proposed raised planters on the upper levels, to support the proposed planting which will increase amenity and reduce the bulk and scale of the development;*
- *Incorporate a diverse planting palette, utilising several species for each application, to ensure variation and allow for a consistent level of amenity in the instance one species under-performs.*

An Arboricultural Impact Assessment has been prepared for the 34 trees located on and adjoining the site at 46 Fitzroy St, Carrington and is included in **Appendix 5**. Of the 34 trees, 27 trees are recommended for preservation. These are subject to levels of encroachment ranging from nil to 43 per cent of the respective Tree Protection Zones and up to 28 per cent of the Structural Root Zones. To facilitate their retention the building has been designed with a setback of 2.5 metres along the southern boundary and includes the use of permeable paving within the trees' protection zones. A suitably qualified arborist would be engaged to supervise tree protection measures and works within the tree protection zones of the retained trees.

6.3 Biodiversity

As discussed in **Section 2.3** the site has been used for industrial and commercial purposes since around 1954 and has been cleared of native vegetation to facilitate these historical developments. **Figure 2-3** (aerial photograph from 2018) shows that site vegetation is limited to landscape trees (as discussed in **Section 6.2**), with some grass propagated in the western section of the site.

There are no watercourses in the vicinity of the site, and no holes or depressions that could hold water to provide potential aquatic habitat. The site is surrounded by commercial/ industrial land uses which are unlikely to provide habitat for threatened species.

As such it is unlikely that the site provides potential habitat for any threatened flora or fauna. Therefore development of the site would not adversely impact on biodiversity.

6.4 Hazards

6.4.1 Mine subsidence

The site is within a mine subsidence district and as such a referral to the Subsidence Advisory NSW is required under the *Coal Mine Subsidence Compensation Act 2017*. As discussed in **Section 4.3**, consultation was undertaken with Subsidence Advisory NSW as part of the preparing of this DA.

A geotechnical and mine subsidence assessment has been undertaken and in included in **Appendix 12**. Recommendations are included for designing for residual subsidence. Final design for mine subsidence would be in accordance with the consultation and approval conditions of Subsidence Advisory NSW.

6.4.2 Contamination

The site has not been reported as a contaminated site on the NSW Environment Protection Authority Public Register (NSW Environment Proection Authority, 2021).

Given the previous industrial uses of the site (refer to discussion in **Section 2.3**), a Phase One and Phase Two contamination assessment of the site has been undertaken (**Appendix 3**). The assessment concluded that the site is suitable for the proposed development (GHD, 2021).

Soil results were below the adopted human health assessment criteria for commercial/industrial land use across the site. It is therefore considered that there are no vapour intrusion risks to human health present at the site and no further soil or groundwater assessment is required.

While asbestos was not identified at the site and an asbestos clearance has been provided by HAZMAT in December 2017, unexpected finds of asbestos may still occur during development (GHD, 2021). These would be managed in accordance with an unexpected finds protocol in the CEMP.

Concentrations of heavy metals (arsenic, copper, lead, nickel and zinc) were above the ecological criteria across the site, however 95 per cent upper confidence limit calculations were all below the guidelines indicating this is not an issue. An exception to this was at a hot spot identified on the eastern portion of the site (refer to site BH4 in **Figure 6-3**). Contamination in this hotspot is limited to the upper 0.5 metres of the soil and the hotspot is not considered to be an issue given the commercial/industrial land use proposed for the site. However, it this would be considered during future landscaping for sensitive plant species, and in stockpile management following soil excavation. The management strategies would be incorporated into the CEMP for the site (GHD, 2021).

Concentrations of benzo(a)pyrene exceeded the ecological criteria in some samples across the western portion of the site, however all concentrations were below the high reliability criteria from *CRC Care 2017 Technical Report 39* (GHD, 2021).

In-situ waste classification classified the soils across the western portion as General Solid Waste, however excavations in the vicinity of the hot spot would be classified as "hazardous waste" and further sampling would be required to potentially reduce the waste classification prior to disposal (GHD, 2021).

Source: (GHD, 2021)

Figure 6-3: Contamination assessment sample locations and hotspot (BH4)

6.4.3 Onsite electrical infrastructure

Overhead power mains are situated along the Fitzroy Street frontage. These produce electromagnetic fields. Electromagnetic fields occur both naturally in the environment and are produced wherever there is a flow of electricity. Electric fields are associated only with the presence of electric charge, whereas magnetic fields are the result of the physical movement of electric charge.

There is no established evidence that the exposure to electromagnetic fields from powerlines or other electrical sources around the home or office, regardless of the proximity, causes any health effects (Australian Radiation Protection and Nuclear Safety Agency, n.d.).

During construction there is an increased risk of electrocution and fire. The power lines would be managed in accordance with relevant WorkSafe NSW requirements.
No noise impacts are expected associated with the existing power lines.

No change to the visual amenity is expected in relation to the power lines.

6.5 Traffic, parking and access

A Traffic Impact Statement has been prepared for the proposal and is included in **Appendix 11**.

Parking on site would typically be for staff throughout a regular working day which, consistent with other office type arrangements, would see the majority of vehicles on site for 7.5-8.5 hours per day. Starting and finishing hours are unknown and subject to the end users need, the site may provide for shift work given the operation of the port 24 hours per day, 7 days per week. Shift arrangements may see a peak demand for parking at shift swap time with the number of parking spaces adequate to ensure all vehicles can park on site.

The turn over of visitor parking spaces will be much more frequent with the length of stay of visitors expected to be up between 15 minutes and up to 2 hours depending upon their purpose on site.

The assessment concluded that the additional traffic movements generated by the proposal during the critical afternoon peak is within the capacity of the local streets and would not impact the existing level of service (SECA Solution, 2021). The provision of accesses to the site from both Denison and Fitzroy Streets reduces the impact at any one intersection.

The driveways are in a similar location to the past accesses to the site and allow for all vehicles to enter and exit the site in a forward direction. Sight lines at the proposed driveways are consistent with the requirements of AS2890 (SECA Solution, 2021).

As detailed in **Section 3.10**, the proposal includes parking for vehicles (including electric vehicles), bikes and motorbikes. The number of car parking spaces provided is adequate to accommodate the maximum building population for both visitors and workers (i.e. up to 630 people) and is in compliance with the City of Newcastle DCP requirements. Therefore, there would be no impact on the existing street parking requirements as a result of the proposal (SECA Solution, 2021).

6.6 Utilities and services

A Services Assessment has been prepared for the proposal and is included in **Appendix 7**.

6.6.1.1 Water

A preliminary service sizing for the development has been carried out in accordance with the Australian Standard AS/NZS 3500 - *National Plumbing and Drainage – Part 1: Water services*. The total estimated domestic water demands for the building is 238 water loading units. The existing Hunter Water Corporation 150 millimetres water main located in Fitzroy has the capacity to accommodate the domestic flow and pressure required to service the proposal.

6.6.1.2 Sewer

Based on AS/NZS 3500 - *Part 2: Sanitary Plumbing and Drainage*, a total of 269 total sewer fixture units would be required to service the proposal. No amplification of the existing sewer infrastructure is required to service the proposal.

6.6.1.3 Electricity

Based on AS/NZS-3000:2018 – *Electrical Installations* (aka "Wiring Rules"), the estimated total electricity demand required for the proposal is 546,795 VA. The calculated estimated demand indicates that an 800A three-phase 230/400V service may be adequate for the proposal, however, this should be verified during the detailed design process.

6.6.1.4 Gas

It is estimated that the combined gas load of the hot water plant and cooking appliances would be approximately 1,000 Mj/hr. Jemena has advised there is sufficient capacity in the Denison Street high pressure gas main to accommodate the proposed load, however this would be confirmed with the submission of final gas loads, gas design drawings and application during the detailed design phase should connection to gas be proposed.

6.6.1.5 Telecommunications

According the NBNCo Dial Before You Dig records the closest NBN connection point is a pillar located at the corner of Fitzroy Street and Cowper Streets approximately 220 metres from the site.

Other communication services include:

- two 50 millimetres Telstra conduits which run along the western side of Fitzroy Street
- one 20 millimetres Telstra conduit appears to run along the northern boundary from Fitzroy Street and terminates at the dead-end of Marsden Street just north of the site
- one 20 millimetres Telstra Conduit runs along the western side of Denison Street entering the site at the north-east corner and terminates approximately mid-way long the Denison Street frontage.

The Dial Before You Dig data indicates that these services are in use.

6.7 Stormwater and erosion and sediment controls

A Concept Stormwater Management Plan has been prepared for the proposal and is included in **Appendix 6** and discussed in **Section 3.7**.

Stormwater runoff currently sheets across the site in a north easterly direction towards Denison street and the neighbouring lot to the north, with no formal easement present.

Following construction of the building, the total impervious fraction of the site would be 65 per cent comprised of a 2,145 square metres roof area and 3,479 square metres total hard stand areas.

The proposal would minimise the potential impact of local and downstream flooding by designing for no net increase in peak flows during events up to the 1 per cent AEP storm. This would be achieved by the 190 cubic metres onsite detention tank.

Further to this through the adoption of water sensitive urban design principles the effects of urbanisation on water quality would be mitigated in accordance with the pollutant load reduction targets. The stormwater quality reduction targets outlined within the City of Newcastle's Development Control Plan have been summarised in **Table 6-1**. The proposed stormwater management system for the building would achieve the City of Newcastle's load reduction targets.

Table 6-1: City of Newcastle's stormwater quality reduction targets

Pollutant criteria	Reduction target (%)
Total suspended solids	85
Total phosphorus	65
Total nitrogen	45
Gross pollutants	90

An Erosion and Sediment Control Plan has been prepared to manage erosion and sediment impacts during construction of the proposal and is included in **Appendix 6**. The Erosion and Sediment Control Plan has been developed in accordance with *Managing Urban Stormwater: Soils and Construction (Landcom 2004)* and *Volume 2A: Installation of Services* and would form a subplan of the CEMP.

6.8 Noise and vibration

A Noise and Vibration Assessment has been prepared for the proposal and is included in **Appendix 10**.

The assessment concluded that construction noise management levels may be exceeded from time to time for some receivers within 175 metres of the site, during excavation works. The highly noise affected level of 75dB(A) $L_{Aeq(15min)}$ is expected to be complied with.

During operations, the results of the assessment indicate the proposal is predicted to marginally increase traffic noise levels on Denison Street by less than 3dB(A). Predicted noise levels from the general operation of the car park are less than 47dB(A) $L_{eq(15min)}$ at all existing residential receivers, satisfying project noise trigger levels.

Internal noise levels for the development are expected to achieve minimum recommendations. The following minimum building treatments (or equivalent) are recommended to be investigated for the development.

Table 6-2: Minimum external building treatment recommendations

Component	Minimum configuration
Wall Rw40	Timber Frame or cladding: 6mm fibre cement sheeting or weatherboards or plank cladding externally, 90mm deep timber stud or 92mm metal stud, 13mm standard plasterboard internally Brick Veneer: 110mm brick, 90mm timber stud or 92mm metal stud, minimum 50mm clearance between masonry and stud frame, 10mm standard plasterboard internally
Glazing Rw35	Minimum 10.38mm laminatedglass with acoustic seals
Doors Rw30	Minimum 45mm solid core timberdoor fitted with acoustic seals

All external walls to have minimum sound insulation ratings of Rw40. Other options exist provided the minimum Rw ratings are met or exceeded.

Based on closest distances from the proposal to nearest receivers and items of plant to be used, vibration goals are expected to be met. In order to achieve this, if hammering is to occur, a hammer no larger than small 300kg (5 to 12t excavator) would be utilised. Additionally vibratory rolling would not exceed the <50 kN (1-2 tonne) specification when in close proximity to the nearest residences (RAPT Consulting, 2021).

6.9 Waste

Waste management for the proposal during both the construction and operation phases would be undertaken in accordance with the waste management hierarchy outlined in the *Waste Avoidance and Resource Recovery Act 2001* and the Environmental Protection Authority's *Waste Classification Guideline* (2014).

Waste would be managed with consideration to achieving accreditation under the Green Star Rating system.

A construction waste management plan would be prepared by the contractor which would form a subplan of the CEMP discussed in **Section 3.13**.

During construction, the likely wastes that would be generated include:

- general domestic waste such as food scraps, wrappings etc.
- concrete slurry
- steel
- timber
- packaging
- pipe offcuts
- general construction materials.

All waste generated during construction would be appropriately separated, collected in designated skip bins and removed from site by a licenced contractor on a regular basis for disposal at a licensed facility specific to the waste type.

During operations, wastes would include:

- general domestic waste such as food scraps and wrappings.
- general office waste such as used paper, folders and cardboard stationary.
- kitchen wastes from the café including food and food packaging materials.

The majority of the waste streams generated during operation of the proposal can be recycled.

All waste generated at the site during operations would be collected in dedicated and segregated bins that enable separation of recyclables and general waste. The bins would be collected on a weekly basis by a licensed contractor.

6.10 Cumulative impacts

No other developments are known to be planned for the area requiring consideration of cumulative impacts.

7. CONCLUSION

PON makes a significant contribution to the local and national economy. The proposal makes use of currently underutilised land to provide a four-storey commercial building comprising of café and office uses on the ground floor, office uses on Level 1 to Level 3 and 172 at-grade car parking spaces would support existing port facilities.

Overall, the proposal complies with the relevant aims, objectives and development standards of the applicable environmental planning instruments and represents an orderly and economic use of land. Through various design solutions and considerations, the proposed development would be compatible with the existing surrounding development and the desired future character of the area. The proposal would not result in any unreasonable impacts on the environment or surrounding amenity.

Given this assessment the proposal has environmental planning merit and is in the public interest. The application therefore satisfies the relevant sections of the EP&A Act and is able to be approved.

8. REFERENCES

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APPENDIX 1
ARCHITECTURAL PLANS

APPENDIX 2
SURVEY PLAN

APPENDIX 3
DETAILED SITE CONTAMINATION INVESTIGATION

APPENDIX 4
LANDSCAPE PLANS

APPENDIX 5
ABORICULTURAL IMPACT ASSESSMENT

APPENDIX 6
STORMWATER MANAGEMENT PLAN AND EROSION AND SEDIMENT CONTROL PLAN

APPENDIX 7
SERVICES ASSESSMENT

APPENDIX 8
DEPARTMENT OF PLANNING, INDUSTRY AND ENVIRONMENT ADVICE

APPENDIX 9
SUBSIDENCE ADVISORY NSW MEETING MINUTES

APPENDIX 10
NOISE AND VIBRATION IMPACT ASSESSMENT

APPENDIX 11
TRAFFIC IMPACT STATEMENT

APPENDIX 12
GEOTECHNICAL AND MINE SUBSIDENCE REPORT

APPENDIX 13
QUANTITY SURVEYOR REPORT