

Regulatory, Planning and Assessment.MBisson/GMansfield
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Reply by email: tahlia.sexton@dpie.nsw.gov.au

Dear Ms Butcher

46 FITZROY STREET, CARRINGTON - COMMERCIAL DEVELOPMENT (DA10689)

I refer to the Department's letter dated 8 July 2021 advising City of Newcastle (CN) of a development application (DA 10689) submitted by Port of Newcastle Operations Pty Ltd for a commercial development on the above property, and seeking CN's comments including any recommended conditions of consent.

The submitted Statement of Environmental Effects (SEE) has been reviewed and the following advice is offered for your consideration:

1 Zone objectives

An objective of the SP1 Special Activities zone of State Environmental Planning Policy (Three Ports) 2013 (SEPP) is to provide for port related facilities and development that support the operations of the Port of Newcastle. The SEE states that given the proximity of the site to the port, *'the development is likely to attract tenants which include port related office-based businesses'*. Such statement has not been collaborated by any hard evidence and infers that some of the future tenants may in fact not be businesses which support the operations of the port.

The SEE has also not demonstrated that the development is providing for special land uses that are not provided for in other zones. The land use and scale of the proposed development is more appropriate in the B3 Commercial Core and B4 Mixed Use zones of the Newcastle City Centre under the Newcastle Local Environmental Plan 2012. As the city centre abuts the harbour it is well placed to accommodate *'port related office-based businesses'*.

2 Planning strategies

The SEE argues that the proposal is generally consistent with the various State and local planning strategies affecting the subject site, principally on the basis that it would support the existing and future operations of the port. However, none of the above strategies, including the applicant's Port Master Plan 2040, specifically identify a need for a large commercial development as proposed on the subject site.

The Newcastle Local Strategic Planning Statement (LSPS) outlines the Commercial Centres Hierarchy in the Newcastle Local Government Area with the Newcastle City Centre servicing as the highest order strategic centre. A principle of LSPS Planning Priority 14 is '*Commercial development is concentrated in the Newcastle City Centre.*'

The Newcastle Employment Lands Strategy (2019) states '*There is a large amount of commercial development capacity in the Newcastle City Centre, particularly around the Honeysuckle Precinct and in the western end of the City around the Newcastle Interstate Station.*'

It is recommended the applicant is required to demonstrate through an economic analysis that there is clear need for the proposed development and address potential impacts on the Newcastle City Centre and its role identified under the LSPS.

3 Noise

The Noise and Vibration Assessment prepared by RAPT Consulting has not assessed the rooftop mechanical plant of the proposed building or the café against nearby sensitive receivers. It is recommended the applicant is required to provide supplementary information which addresses the above issue.

4 Food and drink premises

The preparation of hot food in the proposed café will require the installation of a grease arrestor. Consideration will need to be given to the location of the arrestor to allow ease of access when maintenance and cleaning is required. Consideration will also need to be given to an internal garbage room associated with the café. The fit out of the café is to comply with Australian Standard 4674-2004 – 'Design, Construction and Fit-out of Food Premises'.

5 Aboriginal heritage

The SEE states that there is limited potential for Aboriginal item to be present on the site because the site is reclaimed land, has been previously developed and the land is '*largely*' covered with a concrete slab. The SEE does not precisely identify when the land was reclaimed and is noted the existing concrete slab covers less than 50% of the site.

The site is not listed as a heritage item under the SEPP. Regardless of any statutory listing, the applicant's obligations under the *National Parks and Wildlife Act 1974* and the *Heritage Act 1977* with respect to unexpected archaeological finds still apply.

Accordingly, if excavation or any other below surface works are proposed it is recommended the applicant be required to address 'due diligence' regarding Aboriginal objects.

6 Traffic and Parking

Loading / Servicing

The development does not provide a dedicated loading / service bay area in accordance with Australian Standard AS 2890.2 – 'Off-street Commercial Vehicle Facilities', but rather relies upon a vehicle space located within the visitor car park for light vehicles only. This is considered inadequate to cater for the loading / service activity likely to be generated by this development. It is recommended that a dedicated loading / service bay area be provided for this development catering for a minimum heavy rigid vehicle (HRV), such being designed in accordance with the above standard. The facility is to be located clear of light vehicle activity to minimise potential conflict and improve staff / visitor safety.

Alternate Transport (Bus Stops) & Pedestrian Network

The SEE has identified existing bus stops in Cowper Street for staff choosing alternate transport to the private motor vehicle. Acknowledging the high staffing levels associated with such a development proposal it would be reasonable to expect a proportionate increase in level of pedestrian activity. On this basis sufficient nexus exists for the provision of a formal concrete pathway across the Denison Street frontage of the site and linking to the existing bus stop immediately north of the intersection of Cowper and Denison Streets. Furthermore, an additional bus shelter should also be provided to cater for the likely increase in bus patronage.

Parking

It is noted the development provides more car parking spaces than required under the parking rates of the Newcastle Development Control Plan (NDCP) 2012. In February 2021 Council adopted strategic Parking Plan 2021-2030 titled *On the Street: A plan to better manage parking in the Newcastle LGA.*

In respect of improving parking controls for new developments, the plan acknowledges that the NDCP 2012 directly influences the supply of parking in the city and the parking rates in should be reviewed to ensure they are consistent with the objectives to encourage alternative modes of travel. This review process is currently being undertaken.

It is recommended the applicant be required to give consideration to the above plan.

Boom gates

The SEE indicates that the development will include boom gates at the entrances to the carpark, however no details are provided on the supporting architectural plans. It is recommended the applicant is required to provide details of the gates.

7 Street trees

The Landscape Master Plan prepared by Green Space Planning indicates four '*Angophora costata* trees proposed to be planted along the Denison Street verge, with seating and garden beds beneath to create a simple and attractive space which will encourage passive use.'

The proposed species is not supported because of the proximity of the trees to overhead powerlines. Also, the provision of seating and garden beds in the road reserve in association with the development is not permitted.

8 Waste Management

The application was not supported by a preliminary Waste Management Plan. It is recommended that the applicant be required to provide further details regarding estimated waste generation rates, bin storage area/s, types and sizes of bins, frequency of collection and proposed collection methodology.

9 Local Infrastructure Contribution

The Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019 (Updated Dec 2020) applies to the subject site. According to the submitted cost summary report prepared by APLAS Group Pty Ltd the total development cost is \$28,445,100. Based on the total development cost and the required 1% levy a monetary contribution of \$284,451 is required to be paid to CN, if approval is granted to the application.

If you have any questions in relation to the various matters raised in this letter, please contact Geof Mansfield, Principal Planner on 4974 2767 or by email on gmansfield@ncc.nsw.gov.au .

Yours faithfully



Michelle Bisson
MANAGER REGULATORY, PLANNING AND ASSESSMENT