

Regulatory and Assessment. PEmmett/GMansfield
Reference: SDC2022/0008
Phone:02 4974 2767



15 September 2022

Andrew Watson
Key Sites and Regional Assessments
Department of Planning and Environment
Locked Bay 5022
PARRAMATTA NSW 2150

Reply by portal: <https://www.planningportal.nsw.gov.au>

Dear Mr Watson

PROPOSED STATIC/DIGITAL ADVERTISING SIGN- 140 CORMORANT RD KOORAGANG

I refer to the Department of Planning and Environment's (DPE) notification of 3 August 2022, via the NSW Planning Portal, seeking City of Newcastle's (CN) comments on a Development Application (DA22/8564) submitted by Port of Newcastle Operations Pty Ltd. The application is seeking approval for the construction of double-sided digital/static advertising sign on the above land. Unfortunately, City of Newcastle (CN) was not aware of this notification until after receiving your email of 23 August 2022 following up on whether CN was providing comment.

The submitted documentation and plans has been reviewed and the following comments are provided for your consideration:

1. Subject land

According to the development application the subject land is 140 Cormorant Road Kooragang. CN's records identify the subject land as 80 Raven Street Kooragang.

2. Consent Authority

As identified in the Statement of Environmental Effects (SEE) (Pg 6), under Clause 5.6 of State Environmental Planning Policy (SEPP) (Transport and Infrastructure) (2021) the Minister for Planning is the consent authority for development on land within the Port of Newcastle Lease Area, as proposed. However, Clause 3.1 of SEPP (Industry and Employment) 2021 provides that *'the council of the local government area in the case of an advertisement displayed in the local government area unless paragraph (c)(d) or (e) applies.'* In this case, the subclauses do not apply and therefore for the purposes of this policy CN (i.e., Newcastle City Council) is the consent authority for this application.

The SEE incorrectly indicates that the consent authority is the Department of Planning Industry and Environment (DPIE), based on written advice dated 13 October 2021 provided by DPIE. The letter in fact states that, based on the now repealed SEPP (Three Ports) 2013, the 'sole consent authority' is the Minister for Planning and Public spaces.

The public exhibition notice identifies the Independent Planning Commission as the consent authority. It recommended that the DPE Assessment report demonstrates how the provisions of Chapter 5 of the SEPP (Transport and Infrastructure) 2021 prevail over SEPP (Industry and Environment) 2021 in respect of identifying the consent authority for this application.

3. Plans and Elevations

It is recommended that the Applicant is required to submit an amended plan and elevations which includes the lighting poles and traffic sign in the vicinity of the proposed sign.

4. Remediation of land

The application is supported by a Geotechnical Report prepared by GHD which includes consideration of Acid Sulphate soils and contamination. It is recommended that appropriate conditions are imposed on any consent granted which address the findings of the report regarding the above matters.

5. Visual Impact

The SEE (Pg 24) states the proposed signage will not protrude above buildings, structures, or tree canopies. However, the views of the proposed sign in the Traffic Safety Assessment (TSA) prepared by Bitzios Consulting appear to show the proposal protruding above the canopy of trees on the adjoining property. The TSA does acknowledge that the *'sign location is indicative, not to scale and for illustration purposes only'*. However, it is recommended that the application be required to provide more accurate information which indicates the height of the proposal relative to the canopy of nearby stands of trees.

6. Lighting Impact

It is recommended that appropriate conditions of consent be imposed on any consent granted that address the summary of the Lighting Impact Assessment prepared by Electrolight Australia Pty Ltd.

7. Visual Activated Sign

It should be noted that condition No 6 of consent, required by Transport for NSW, granted in 2019 to a development application (DA2019/00979) for an industrial development on 6 Sandpiper Close Kooragang requires a Vehicle Activated Sign (VAS) to be installed on Teal Street on the southbound approach to Sandpiper Close. This VAS would be on the opposite side of the road in proximity to the advertising sign and should have regard to in the assessment of this application

8. Development Contribution

The SEE argues that no development contribution is payable for the proposed development. This is not correct. Under the provisions of the City of Newcastle Section 7.12 Development Contributions Plan a 1% levy on the development cost of the proposal applies. For further information regarding the application of the 2014 Minister's Direction referred to in the SEE, refer to Clause 1.6 -Exemptions and Reductions of the plan. A copy of the plan can be viewed on our website.

9. Aboriginal Cultural heritage

While the SEE (Pg21) states that the proposed development will not have impact on any known Aboriginal cultural heritage, practices and places, it is recommended an appropriate advisory condition be imposed on any consent granted regarding unexpected finds of Aboriginal objects.

If you have any questions, please contact Geof Mansfield, Principal Development Officer (Planning) on 4974 2767 or gmansfield@ncc.nsw.gov.au .

Yours faithfully



Priscilla Emmett
DEVELOPMENT ASSESSMENT SECTION MANAGER