

Carrington Engine House, Alterations and Additions

Part 4 Development Application (DA22/6312)

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
Applicant	Port of Newcastle Operations Pty Ltd
Council	City of Newcastle
DA	Development Application
Department	Department of Planning and Environment
Development	The development as described in the SEE and RTS for the Carrington Engine House Alterations and Additions
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
LEP	Local Environmental Plan
Minister	Minister for Planning
Planning Secretary	Secretary of the Department of Planning and Environment
RFI	Request for Information
RTS	Response to Submissions letter titled ' <i>Response to Request for Information – DA22/6312 106 Bourke Street, Carrington</i> ' by ADW Johnson dated 20 September 2022
SA NSW	Subsidence Advisory NSW
SEE	Statement of Environmental Effects – ' <i>Proposed Stage 3 Restoration Works to Carrington Hydraulic Engine House Port of Newcastle April 2022</i> ' Rev C prepared by ADW Johnson dated 14 April 2022
SEPP	State Environmental Planning Policy

Executive Summary

Introduction

This report provides an assessment of DA 22/6312 seeking approval for alterations and additions to an existing building at 106 Bourke Street, Carrington being the former Carrington Hydraulic Engine House. The proposal comprises the construction of an access ramp, internal alterations and additions and remediation works to the former Engine House building and heritage interpretation works for former cranes associated with the former Engine House.

The Applicant is Port of Newcastle Operations Pty Ltd, and the site is located within the City of Newcastle Council local government area. The Minister for Planning is the consent authority for the development under clause 5.6(a) of the State Environmental Planning Policy (Transport and Infrastructure) 2021 as the development is located on land within the Port of Newcastle Lease Area. However, as the Applicant disclosed a reportable political donation under Section 10.4 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act), the application will be determined by the Independent Planning Commission, as delegate for the Minister for Planning, under the Minister's delegation of 14 September 2011.

Engagement

The Department for Planning and Environment publicly exhibited the application for 42 days from 31 May 2022 to 11 July 2022. In response to the exhibition, the Department received no submissions from the public, a submission from Council and General Terms of Approval from Heritage NSW. A public submission was received following the conclusion of the exhibition period and the issues raised were considered as part of the Department's assessment.

In response to issues raised in submissions, the Applicant submitted a Response to Submissions report which provided additional information, including a Detailed Site Investigation report regarding contamination and a CIV report. Council, commenting on the Response to Submissions, advised that their issues had been addressed aside from the CIV report and Developer Contributions payable.

Assessment

The Department has considered the merits of the proposed development in accordance with the relevant matters under Section 4.15(1) of the EP&A Act, the issues raised in the submissions and the Applicant's response.

The key issues associated with the proposed development are heritage and contamination.

The Department is satisfied the proposal is acceptable as it:

- is consistent with the Hunter Regional Plan, Newcastle Local Strategic Planning Statement and the Greater Newcastle Metropolitan Plan 2036
- preserves an item of State heritage significance through preparing it for potential adaptive reuse
- acknowledges and interprets the heritage significance of the Carrington Hydraulic Engine House and the hydraulic crane bases
- suitably manages the contamination within the building to make the building fit for human occupation

Conclusion

The Department is satisfied the proposed development would result in a positive contribution to the Carrington Precinct and would celebrate the history of the Port of Newcastle whilst addressing existing hazards on site.

The Department is also satisfied the proposed development is consistent with the Hunter Regional Plan 2036 and the Greater Newcastle Metropolitan Plan 2036 and it would result in a number of public benefits.

The Department's assessment concludes the site is suitable for the proposed development and the proposal is in the public interest. The Department consider the potential impacts can be mitigated through conditions and would not result in any adverse impact to the heritage value of the subject site or the local area.

The Department therefore recommends the application be approved, subject to conditions.

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1 Introduction

- 1.1.1 This report provides an assessment of a development application (DA) for development at the former Carrington Hydraulic Engine House (known as the Carrington Engine House) located at 106 Bourke Street, Carrington (DA 22/6312).
- 1.1.2 The proposal seeks approval for the construction of an access ramp and internal alterations and additions and remediation works for the former Carrington Engine House building and for heritage interpretation works for former cranes associated with the former Carrington Engine House.
- 1.1.3 The application has been lodged by Port of Newcastle Operations Pty Ltd (the Applicant).

1.2 Site Description

- 1.2.1 The Carrington Engine House is located on land legally described as Lot 30 DP 1190075. The former crane bases are located on land legally described as Lot 219 DP 1195310. Both lots are known as 106 Bourke Street, Carrington (the site) (see **Error! Reference source not found.** and 2). Both the Engine House and the former crane bases are listed on the NSW State Heritage Register.
- 1.2.2 The site is located approximately 1.5 kilometres northwest of the Newcastle CBD within the Local Government Area (LGA) of the City of Newcastle.
- 1.2.3 The site is zoned as 'SP1 Special Activities' under *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP) and is located within the Port of Newcastle (PoN) Lease Area, as identified on the Lease Area Map in the Transport and Infrastructure SEPP.
- 1.2.4 The site of the former Carrington Engine House is 7918.83m² in area and currently comprises the Engine House, security fencing, landscaping and interpretive works within the forecourt. The site of the former crane bases is 12.36Ha in area, is irregular in shape, and currently comprises various wharfs, roads, railway, cranes,

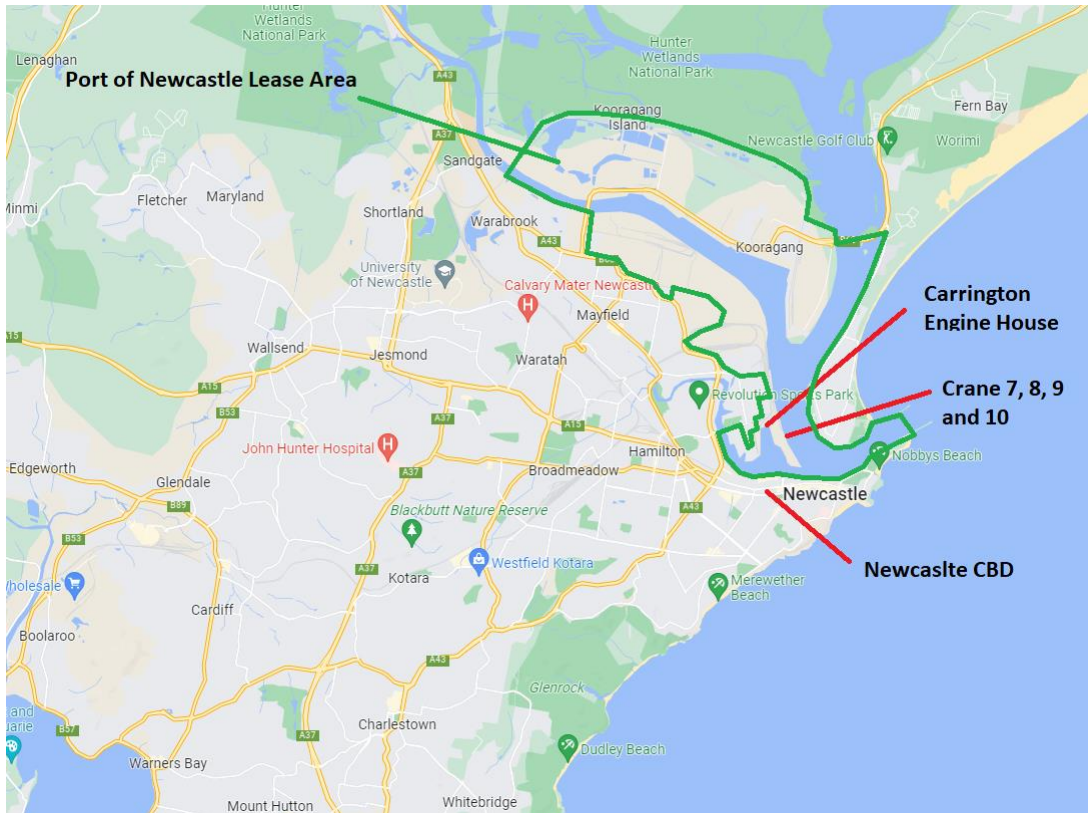


Figure 1 | Regional Context (Source: Google Maps, 2022)



Figure 2 | Local Context (Source: NearMaps 2022)

Port of Newcastle

- 1.2.5 Newcastle Harbour is the largest and oldest export port on the eastern seaboard of Australia, with over 2,200 trade vessels visiting the port every year and export activities dating back to 1799. The Port of Newcastle is a significant export location for bulk commodities such as coal, ore and grain, with up to 164 million tonnes of cargo passing through the port annually.

Carrington Engine House

- 1.2.6 The Carrington Engine House (**Figure 3**) was constructed in 1877-78 and comprises a face brick and sandstone structure. The building was originally constructed to house hydraulic engines and machinery used to operate cranes on the wharfs within the port of Newcastle. It is a State Heritage item.



Figure 3 | Carrington Engine House in 2021 (Source: EJE Architects)

- 1.2.7 The original building comprised the current Engine Room and two accumulator towers, and one (western) boiler room and chimney as depicted in **Figure 4**. Additions took place in 1890 and later in 1891 to add a second boiler room and chimney as well as the auxiliary engine house to the north of the engine room as shown in **Figure 5 and 6**. The chimneys were later demolished in the 1960's.
- 1.2.8 With the transition from hydraulic to electric power, the Engine house became redundant by 1967 with the internal machinery beginning to be removed.
- 1.2.9 The building fell into a poor state and a number of restoration works have taken place to restore the building. In 1995, the roof was restored with a number of internal timbers replaced. A large-scale

conservation, repair and reconstruction works package was undertaken to the exterior of the building in 2018-2021 to make the building watertight.

- 1.2.10 In 2020, the Port of Newcastle undertook extensive asbestos removal works internally, with all parts of the building now clear of asbestos hazard, except for the main engine room. The engine room has been cleaned of asbestos from the ceiling down to the level of the floor grates, but with remnant asbestos material present in the openings of the floor grates and embedded within the sub-floor cavity fabric itself.
- 1.2.11 The current floor of the Engine Room is in poor condition, with the steel columns supporting the floor having undergone significant corrosion (**Figure 7**).

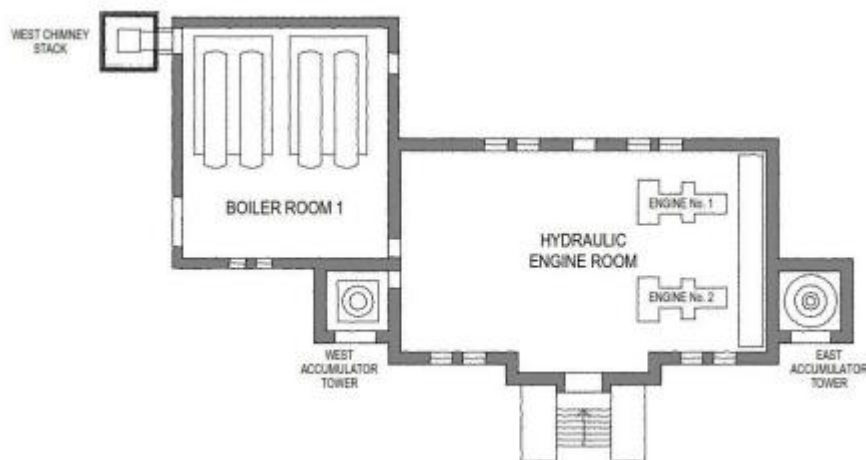


Figure 4 | Floor Plan in 1877 (Source: EJE Architects)

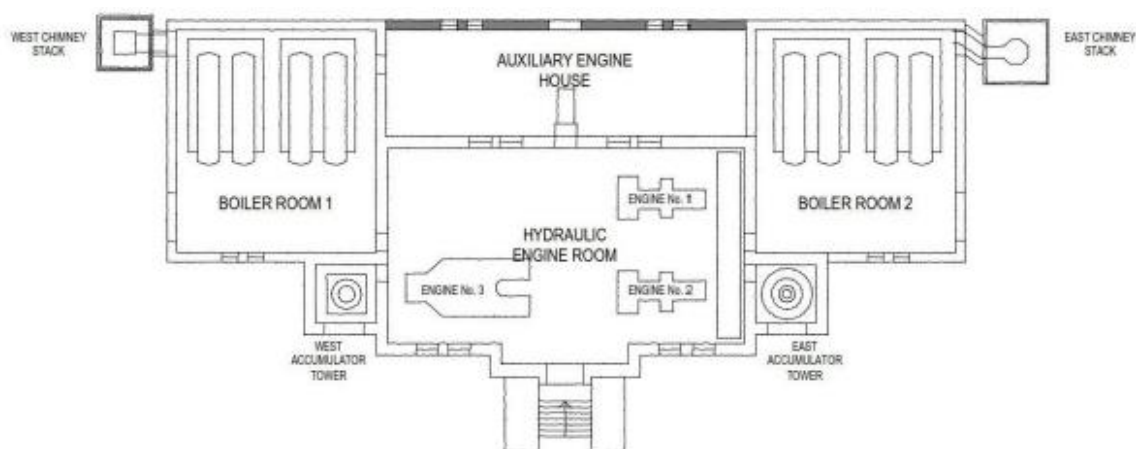


Figure 5 | Floor Plan in 1891 (Source: EJE Architects)



Figure 6 | Facade of Carrington Engine House date unknown (Source: EJE Architects)



Figure 7 | Corrosion of steel columns within the Engine Room (Source: EJE Architects)

Crane Bases 7, 8, 9 and 10

1.2.12 The hydraulic cranes 7, 8, 9 and 10 (**Figure 8**) were constructed in 1878 and were powered by the hydraulic engines within the Carrington Engine House with the pressurized water directed to the cranes in underground pipes. The crane bases were constructed on concrete building foundations 3.2m deep, resting on the shoreline inside iron caissons submerged 12m into the riverbed. The cranes were utilised to load coal ships. These hydraulic cranes were the first in Australia.



Figure 8 | Image of the former cranes in operation (Source: EJE Architects)

1.2.13 The cranes were progressively decommissioned from the 1930s. Crane Base 9 was demolished to below the water mark in the 1950s. The last crane was decommissioned in 1967. Crane bases No. 7 and 8 were fitted with ship's bollards in the 1980's (**Figure 9**), along with a concrete roadway bridge spanning over base No. 10 (**Figure 10**). Crane base No. 7 was also later surrounded by a concrete berth as a temporary cruise ship terminal. Today, the crane bases are not utilised for their initial purposes



Figure 9 | Aerial view of crane base 7 (Source: EJE Architects)



Figure 10 | View of current crane base 10 below the bridge (Source: EJE Architects)

1.3 Surrounding Land Uses and Road Network

- 1.3.1 The subject site is located within the PoN lease area. The surrounding area comprises a mix of residential, commercial, light industrial and heavy industrial land uses as outlined in **Figure 11**
- 1.3.2 To the north of the site, within the PoN lease area, is a shipping container depot and railways associated with Port related land uses. Outside of the lease area is a low density residential area generally comprising single detached dwellings with some commercial land uses.
- 1.3.3 To the east of the site, within the PoN lease area, are railway lines and silos associated with Port related land uses as well as wharves. Beyond the lease area is the Hunter River.
- 1.3.4 To the south of the site, within the PoN lease area, are railway lines and silos associated with Port related land uses as well as wharves. Outside of the lease area is a small low density residential area, and some light industrial land uses.
- 1.3.5 To the west of the site is a mix of commercial, low density residential and light industrial land uses.



Figure 11 | Subject Site and surrounding land uses (Source: NearMap)

2 Proposal

2.1 Description of the Development

- 2.1.1 The DA seeks consent for the construction of an access ramp, internal alterations and additions and remediation works for the former Carrington Engine House building and for heritage interpretation works for the former cranes.
- 2.1.2 The main components of the development are described in **Table 1** below and described in full in the SEE and RTS report included in **Appendix A**. The layout and design of the proposal are included as **Figure 12-15**.

Table 1 | Main Components of the Project

Aspect	Description of works
Carrington Engine House Access Ramp	<ul style="list-style-type: none">Construction of an access ramp from the current forecourt of the Carrington Engine House to the Engine Room.The ramp be constructed with a maximum gradient of 1:14 and will have a width of 1.25mMinor demolition works are required to accommodate the ramp. All demolished fabric will be retained for reuse where appropriate.The ramp design is shown in Figure 12 and 13 <p><i>External elements</i></p> <ul style="list-style-type: none">The ramp will comprise a steel frame and steel grate surface for the external element. A steel handrail will be provided 1m above the ramp surface.The ramp will have a maximum height above existing ground level of approx. 600mm and will enter the building via the western accumulator tower. <p><i>Internal elements</i></p> <ul style="list-style-type: none">The ramp will travel through the western accumulator tower and enter the engine room below the floor level via a new door opening. The ramp will then be constructed of concrete and will traverse the western and half the northern wall of the engine room, rising to the existing floor level.
Carrington Engine House Engine Room Subfloor and Slab Works	<ul style="list-style-type: none">The works will involve the removal of the existing floor grates and the demolition of non-original fabric. The grates will be placed within the subfloor for storage.The reinforcement of existing steel columns within Engine Room sub floor.The subfloor and all stored material will be sprayed with PVA to seal the remnant asbestos.A new suspended concrete slab will be constructed over the existing floor with glass panels and sub floor lighting to allow for viewing of the subfloor. The slab will have a stain finish to pattern the location of the engine buttresses below.Conduits and electrical outlets will be inserted to allow for future services to be provided.Mechanical ventilation units will be inserted into the sub floor, connected to existing vents on the southern façade.2kw photovoltaic cells are proposed to be installed on the Engine House northern roof to power the lighting and ventilation as shown in Figure 14.The slab design is shown in Figure 12

Crane Bases 7, 8, 9 and 10 Heritage interpretation works

- The heritage interpretation works will comprise a bronze plaque on a stone plinth of approx.600mm cubed for each crane base, erected adjacent to their location.
- The stone will be repurposed from the restoration works previously undertaken at the Engine House.
- An indicative design of the plaques is shown in **Figure 15**

Carrington Engine House Forecourt Heritage Interpretation works

- The heritage interpretation works for the Engine House forecourt will comprise to connecting stone plinths of 1.5m x 450mm x 450mm place horizontally to the west of the existing interpretation works.
- A stainless-steel etching depicting a historic photograph of the Port of Newcastle shown in **Figure 16**

Construction Jobs

- 10 construction jobs

Cost of Development

- \$1,500,000.00



Figure 12 | Proposed ramp (marked in green) and concrete slab (blue) to Engine Room (Source: EJE Architects)

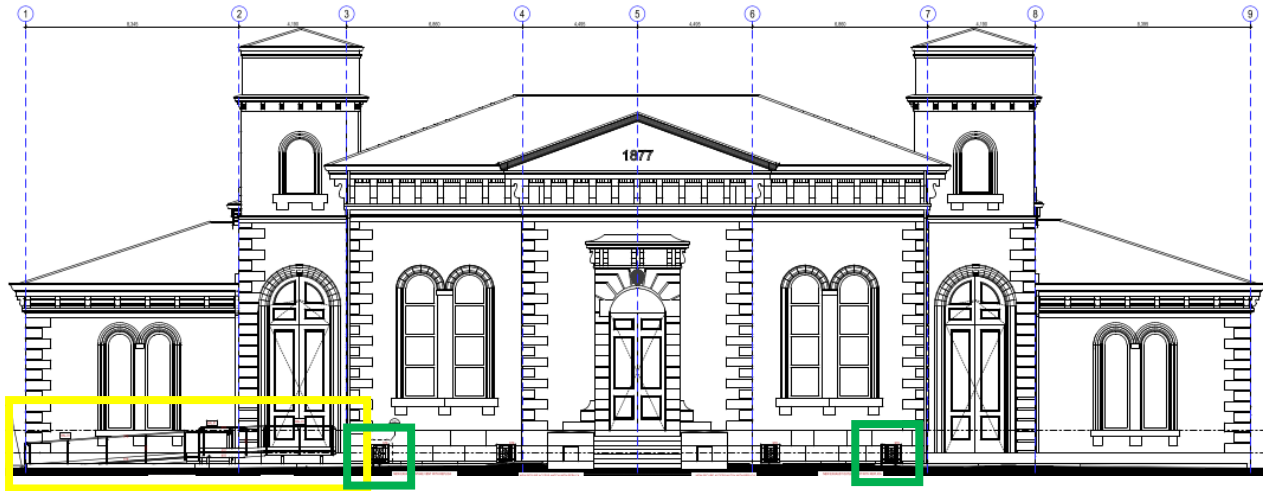


Figure 13 | Proposed southern elevation of Carrington Engine House (ramp outlined in Yellow) and the vents to be amended (highlighted in green)(Source: EJE Architects)

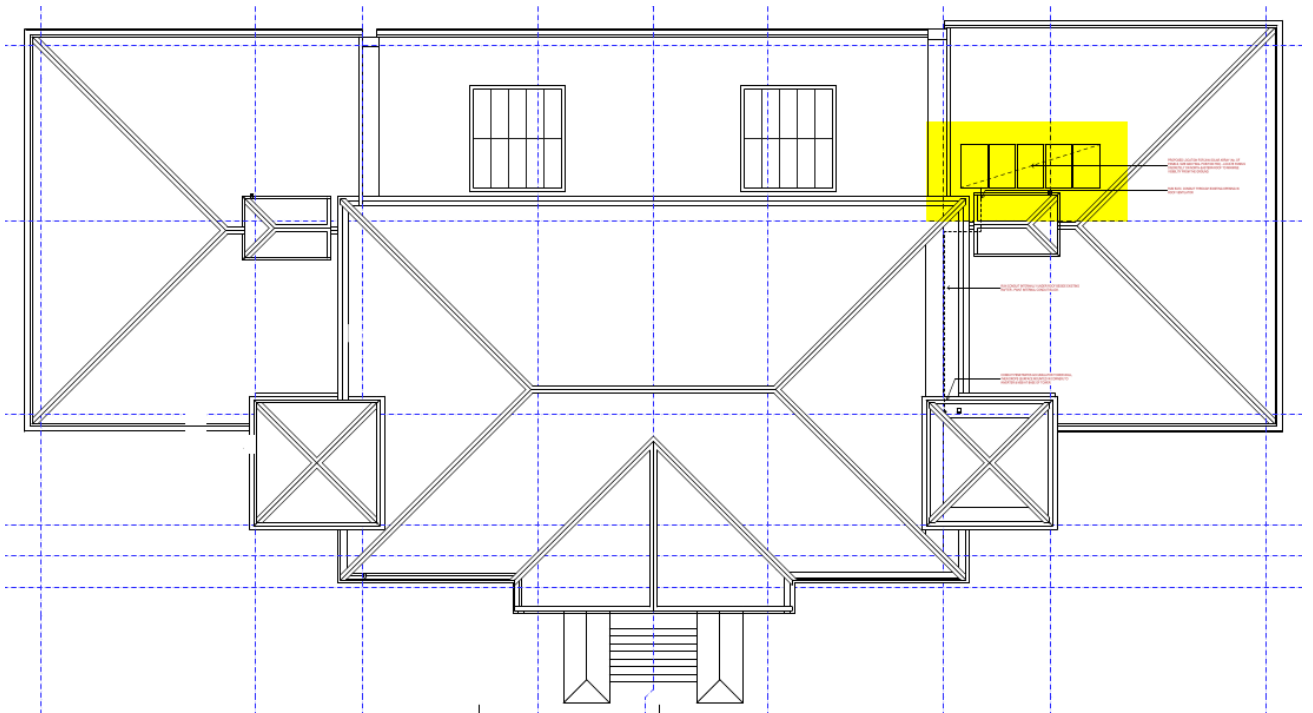


Figure 14 | Location of the proposed photovoltaic cells (highlighted) on the north-east of the building (Source: EJE Architects)

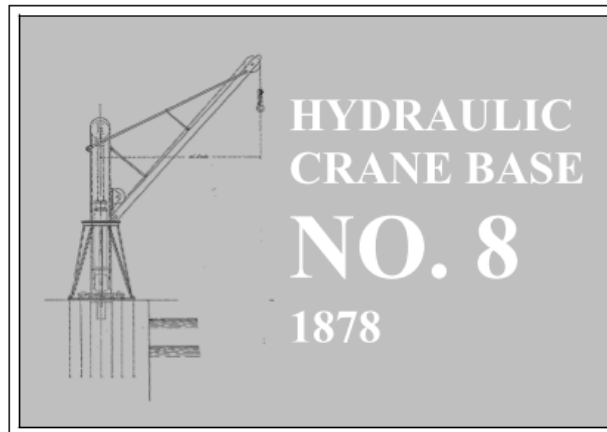


Figure 15 | Plaque design for the Crane Base heritage interpretation works (Source: EJE Architects)



Figure 16 | Indicative image of the etching for the Heritage Interpretation Sign (Source: EJE Architects)

2.2 Applicant's Need and Justification for the Development

- 2.2.1 The Applicant states that due to the current asbestos hazard within the Engine Room, occupation of the building is prevented unless appropriate personal protective equipment is worn and decontamination after exiting the building has taken place. Further to this, the Applicant notes that the poor structural condition of the steel frame floor has resulted in these areas being non-trafficable
- 2.2.2 The application seeks to address the asbestos hazard and make the room fit for human occupation and reinforce the existing steel floor to support the concrete slab and allow the room to be entered safely.

2.3 Future use

- 2.3.1 Future use and occupation of the Carrington Engine House does not form part of the proposal. The intention of this proposal is to make the building safe to enter, so that prospective tenants can enter the building. The works proposed will create a 'shell' to allow for potential re-use in the future which would subject to separate approval.

3 Strategic context

3.1 Hunter Regional Plan 2036

- 3.1.1 The Hunter Regional Plan 2036 (HRP) is a 20-year blueprint for the future of the Hunter region by providing an overarching framework to guide future detailed land use plans, development proposals and funding decisions.
- 3.1.2 Direction 19 seeks to 'Identify and protect the region's heritage'. The Carrington Engine House and the Crane bases are significant items of heritage for Newcastle, and the broader Hunter region as they assisted in the movement of coal from the Hunter onto ships for export. The development seeks to protect and recognize the roles that these items had whilst also opening up opportunities for potential reuse of the engine house.
- 3.1.3 The Department has considered the strategic context of the development against the objectives of the HRP and is satisfied that the establishment of a port related office premise is consistent with the intent of the HRP as the development supports the conservation of significant heritage items within the PON and will allow for potential re-use of a building that has currently been vacant for over 50 years.

3.2 Draft Hunter Regional Plan 2041

- 3.2.1 The Draft Hunter Regional Plan 2041 (DHRP) was exhibited from 6 December 2021 until 4 March 2022, with submissions currently being reviewed by the Department. The DHRP has reviewed and updated the current HRP to address changes that have occurred within the region and the broader area that will have an impact on the Hunter Region.
- 3.2.2 The DHRP sets District specific planning priorities, with Newcastle City Council seeking to building on strategies within the GNMP to adaptively reuse heritage buildings.
- 3.2.3 The Department considers the proposed development is generally consistent with the intentions of the DHRP.

3.3 Greater Newcastle Metropolitan Plan 2036

- 3.3.1 The Greater Newcastle Metropolitan Plan 2036 (GNMP) is intended to support the overarching strategic planning framework established by the HRP. Objective 10 of the plan seeks to '*Create better buildings and great places*' with the objective proposing that heritage buildings should be adaptively reused to help retain the distinctiveness of Greater Newcastle's neighborhoods and celebrate their history and character.
- 3.3.2 The Department has considered the strategic context of the development against the objectives of the GHMP and is satisfied that the proposed works to the Carrington Engine House, whilst not resulting in the adaptive reuse of the building, will result in a heritage significant building being capable of being adaptively reused. The Department considers that the development is consistent with the GNMP.

3.4 Port Master Plan 2040

- 3.4.1 The Port Master Plan 2040 intends to outline key strategic development and trade opportunities for the Port of Newcastle and the broader region to 2040. The plan provides a strategic approach to identifying future development and opportunities including supporting the Maritime Precinct in Carrington. The plan promotes capacity of the Port and provides details on further berths at The Port, one being proposed in Carrington.
- 3.4.2 The Department has considered the strategic context of the development against the objectives of the Port Master Plan 2040 and is satisfied that the proposed development, and the potential future reuse of the Engine House will support the diversification and growth of the Carrington precinct of the Port and will be complementary to the Carrington Precinct's undergoing transition.

3.5 Newcastle Local Strategic Planning Statement

- 3.5.1 The Newcastle Local Strategic Planning Statement (LSPS) guides land-use planning over the next 20 years, giving effect to and implementing land use planning actions in other adopted plans and strategies.
- 3.5.2 Planning Priority 11 within the LSPS outlines the importance of protecting and celebrating Newcastle's heritage. The priority seeks to maintain, protect and enhance heritage buildings, streetscapes, views and key features.
- 3.5.3 The Department has considered the strategic context of the development against the objectives of the Newcastle LSPS as it would support the preservation of the heritage significant building, whilst acknowledging the role that the former cranes played in the growth of the Port of Newcastle.

4 Statutory Context

4.1 Part 4 development

- 4.1.1 The development is located at Carrington in the PON lease area, as identified under the Transport and Infrastructure SEPP, and:
- is permissible with development consent under the Transport and Infrastructure SEPP
 - has a capital investment value (CIV) of less than \$100 million
 - is not designated development under Schedule 3 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation).
- 4.1.2 Accordingly, the development does not meet the criteria for State significant development as outlined in Clause 5.27 of the Transport and Infrastructure SEPP and is subsequently classified as a Part 4 development under the Environmental Planning and Assessment Act 1979 (EP&A Act).
- 4.1.3 The proposal is 'integrated development' pursuant to Division 4.8 of the EP&A Act as in order for it to be carried out, the development requires development consent and another approval under specified acts. The site is identified as a State Heritage Item and requires approval from Heritage NSW under Section 58 of the *Heritage Act 1977*.

4.2 Consent Authority

- 4.2.1 Under clause 5.6(a) of the Transport and Infrastructure SEPP, the Minister is the consent authority for Part 4 applications on land within the Lease Area of the Port.
- 4.2.2 On 14 September 2011, the then Minister for Planning and Infrastructure delegated functions to determine Part 4 applications to the former Planning Assessment Commission (now known as the Independent Planning Commission (Commission)) where:
- there are more than 50 public submissions in the nature of objections, or
 - the relevant local council has made an objection, or
 - a political disclosure statement has been made.
- 4.2.3 Council did not object to the development and less than 50 public objections were received during the exhibition period. However, reportable political donations were made by the Applicant within the last two years. Accordingly, the development is to be determined by the Commission under delegation.

4.3 Permissibility

- 4.3.1 The site is zoned SP1 Special Activities under the Transport and Infrastructure SEPP. Whilst the building currently does not have a land use, nor is one proposed, the development would be considered to be alterations and additions to an electricity generating works building (being the buildings most

recent land use). These works are permissible with consent in the SP1 Special Activities zone and are consistent with zone objectives as discussed in **Appendix B**.

4.4 Mandatory Matters for Consideration

4.4.1 Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. These matters are summarised as:

- relevant Environmental Planning Instruments (EPIs)
- objects of the EP&A Act
- Ecological Sustainable Development
- EP&A Regulation.

4.4.2 The Department's consideration of these matters is set out below, **Section 6** and **Appendix B** and **C**.

Environmental Planning Instruments

4.4.3 Under Section 4.15 of the EP&A Act, the consent authority, when determining a development application, must take into consideration the provisions of any environmental planning instrument (EPI) and draft EPI (that has been subject to public consultation and notified under the EP&A Act) that apply to the development.

4.4.4 The Department has considered the development against the relevant provisions of several key EPIs including:

- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- draft State Environmental Planning Policy (Remediation of Land) (draft Remediation SEPP)

4.4.5 The Newcastle Local Environmental Plan 2012 (NLEP) and Newcastle Development Control Plan 2012 (NDCP) do not apply to the site. However, the Department has used controls within the NDCP 2012 as a guideline in this assessment.

4.4.6 Detailed consideration of the provisions of all EPIs that apply to the development is provided in **Appendix C**. The Department is satisfied the development generally complies with the relevant provisions of these EPIs.

Objects of the EP&A Act

4.4.7 In determining the application, the consent authority should consider whether the development is consistent with the relevant objects of the EP&A Act. These objects are detailed in Section 1.3 of the EP&A Act.

4.4.8 The Department has considered the objects of the EP&A Act in its assessment of the application (see **Appendix B**) and is satisfied that the application meets the objects of the EP&A Act.

Ecologically Sustainable Development

4.4.9 The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- *the precautionary principle*
- *inter-generational equity*
- *conservation of biological diversity and ecological integrity*
- *improved valuation, pricing and incentive mechanisms.*

4.4.10 The potential environmental impacts of the development have been assessed and, where potential impacts have been identified, mitigation measures and environmental safeguards have been recommended. As demonstrated by the Department's assessment in **Section 6** of this report, the development is not anticipated to have any adverse impacts on native flora or fauna, including threatened species, populations and ecological communities, and their habitats as there is no vegetation clearing proposed nor any vegetation in close proximity to the proposed works. As such, the Department considers that the development would not adversely impact on the environment and is consistent with the objectives of the EP&A Act and the principles of ESD.

Environmental Planning and Assessment Regulation 2021

4.4.11 Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for Fees (Part 13, Division 3) have been complied with.

5 Engagement

5.1 Consultation by the Department

5.1.1 The Department undertook consultation with relevant local and State authorities as well as affected landowners. In accordance with Section 2.22 and Schedule 1 to the EP&A Act, the development application and any accompanying information of a development application which is nominated integrated development, was required to be publicly exhibited for at least 28 days. This aligns with the minimum exhibition period set out in the Department's Community Participation plan for a development application of this nature.

5.1.2 The public exhibition included:

- making the application and SEE publicly available from Tuesday 31 May 2022 until Monday 11 July 2022 (42 days) on the NSW Planning Portal. The period was longer than the minimum 28 days due to an administrative error with the letters sent out to landowners, so the period was restarted part way through the initial period.
- notifying landowners in the vicinity of the site about the public exhibition by letter
- notifying and inviting comment from relevant State government authorities and Council

5.2 Submissions and Advice

5.2.1 During the exhibition period, the Department received comments from Council, Subsidence Advisory NSW and Heritage NSW. The NSW Environmental Protection Authority advised they did not have any comments on the proposal. One public submission was received after the exhibition period and the issues raised were considered in the Department's assessment.

5.2.2 A summary of the submissions is provided below. A link to the full copy of the advice is provided in **Appendix A**.

5.3 Key issues raised in submissions

5.3.1 **Newcastle City Council** did not object to the proposal and sought clarification on several issues which included the development's consistency with the Flood Planning Controls for the area and the heritage impacts of the development. Council also requested the payment of section 7.12 contributions.

5.3.2 **Subsidence Advisory NSW** issued correspondence dated 6 June 2022 advising that the approval of Subsidence Advisory NSW is not required for the proposed

5.3.3 **Heritage NSW** issued General Terms of Approval (GTA) on 22 July 2022.

5.3.4 The **public submission was received by Council** after the exhibition period and forwarded to the Department. The submission offered a number of design amendments with a view for incorporating the adaptive reuse of the building into this application. The Department considers this goes beyond the scope of the current application.

5.4 Response to submissions and Request for Information

- 5.4.1 Following the exhibition of the application, the Department placed copies of all submissions and agency advice on the NSW Planning Portal and requested the Applicant respond to issues raised in the submissions. The Department also requested that the Applicant provide a Detailed Site Investigation into the contamination of the site.
- 5.4.2 On 23 September 2022, the Applicant provided a Response to Submissions (RtS) on the issues raised by the public authorities and community members during the exhibition of the development (see **Appendix A**). The RtS included a Detailed Site Investigation and additional information on flood and heritage impacts.
- 5.4.3 The RtS was made publicly available on the NSW Planning Portal and referred to Council for review. Council was satisfied with most the information provided by the Applicant aside from the justification for the non-payment of developer contributions. Council recommended a number of conditions including for Section 7.12 contributions, heritage and a minimum floor level for flooding.
- 5.4.4 The Department has considered the issues raised in submissions from public authorities, the community and the RtS in its assessment of the development.
- 5.4.5 The submission from the community was received by the Department significantly after the conclusion of the exhibition period on 12 August 2022. The submission was not forwarded to the Applicant for response as the issues raised within the submission had been substantially addressed within the documentation provided by the applicant, by comments from Government agencies or, are outside of the scope of this application.

6 Assessment

- 6.1.1 The Department has considered the SEE, the issues raised by public authorities and the community and the Applicant's RtS in its assessment of the development. The Department considers the key assessment issues to be heritage and contamination.
- 6.1.2 These key issues are discussed in **Section 6.2** and **6.3**. Other issues considered during the assessment are discussed in **Table 2**.

6.2 Heritage

- 6.2.1 The proposed development seeks to undertake partial demolition and alterations and additions to the Carrington Engine House which is a State Heritage item. Heritage interpretation works are proposed to the former crane bases No. 7, 8, 9, 10. The applicant provided a Heritage Impact Statement (HIS) and a Conservation Management Plan (CMP) to support the proposed works. The CMP includes a framework for the future management of the item, providing guidance for its activation, maintenance and care, in effort to support its heritage value, but also not to preclude reasonable development and use of the site and building.
- 6.2.2 The applicant has stated that the works are required to allow for the potential future re-use of the building by removing hazards, as currently the Carrington Engine House is not habitable unless appropriate PPE is worn, and other mitigations measures are undertaken. Further to this, the building is currently non-compliant with respect to accessibility. The applicant proposes that the interpretation works would celebrate the heritage of the Port of Newcastle, including the crane bases and the early port operations.
- 6.2.3 The application comprises Integrated Development as discussed in **Section 4**. Heritage NSW (HNSW) reviewed the application and the scope of works and provided comments and General Terms of Approval (GTA's) on 22 July 2022 which can be viewed in **Appendix A**.
- 6.2.4 Council did not object to the proposed works and made a number of recommendations on conditions. Heritage NSW did not have any concerns about the proposed works and provided GTAs to be imposed in any consent.

Access Ramp

- 6.2.5 The applicant has stated that the proposed access ramp is minimal in nature, with the external footprint of the ramp comprising approx. 23m² with a maximum height, including railings, of approx. 1.6m. The ramp enters the building via the western accumulator tower, and not the primary entrance fronting the public plaza. Internally, the ramp is proposed to be positioned to have minimal impact on the heritage fabric.
- 6.2.6 The applicant provided a consideration of a number of options to provide universal access to the building. The Applicant selected the accumulator tower for the entrance of the ramp due to:
- the ability to provide a compliant 1:14 gradient ramp with a simple installation
 - the use of the tower as the entrance for the ramp results in a visually unobtrusive structure and minimal impact on heritage fabric as outlined in the HIS

- the ramp meets budgetary requirements.
- 6.2.7 Council did not object to the access ramp, however recommended that conditions be imposed that would require the ramp to be designed so that it is an independent structure.
- 6.2.8 In the RtS, the Applicant did not object to the proposed recommendations made by Council regarding the ramp.
- 6.2.9 The Department considers that the ramp would have minimal impact on the visual presentation of the building to the public realm. Internally, the ramp will have minimal interaction with the heritage fabric but will allow suitable access to the floor level of the Engine Room. Overall, the Department is satisfied that the development will have minimal impact on the heritage significance of the Carrington Engine House.
- 6.2.10 The Department concurs with Council's advice that the ramp be an independent structure, with the ability to be removed and recommends these conditions be imposed. Further to this, the Department recommends that, a condition be imposed requiring suitable signage be provided to ensure the ramp is utilised as the primary entrance to the Engine Room. It is also recommended that the ramp to be linked to the existing public plaza, located approximately 12m to the south, by a suitable at-grade pathway.

Engine Room Subfloor works

- 6.2.11 The engine room works comprise demolition of non-heritage fabric, reinforcement of the eroded steel columns and treatment of the subfloor to further seal the remnant contaminants and allow for viewing of the subfloor. Section 2 provides a detailed breakdown of the works proposed at **Table 2** and **Figures 12 and 13**.
- 6.2.12 The Applicant's HIS supports the proposed works noting that the existing floor is structurally compromised from historic erosion of the steel columns, and at present cannot be trafficked. The HIS was supported by an options analysis that considered 10 various options to remedy the asbestos and structural issues with the building with respect to the heritage value, engineering viability and budgetary constraints, with the chosen proposal achieved an even balance between celebrating the heritage of the Engine House, ensuring it is viable for reuse whilst also being within the budgetary constraints of the Applicant. The proposal is also supported by a CMP for the ongoing management of the works.
- 6.2.13 HNSW did not have any comments about the proposed Engine Room or associated works.
- 6.2.14 Council did not object to the Engine Room works and concurred with the Applicant that the selected proposal for the Engine Room achieves a suitable outcome, whilst minimising the impact on the heritage value of the building. Council did make the following recommendations:
- any removed heritage fabric be retained for potential reuse on site
 - a heritage architect should be engaged to oversee the proposed works and provide ongoing advice, including an induction session to all contractors prior to commencement of works to highlight the heritage significance of the site.
 - a photographic archival record should be undertaken prior to works commencing and periodically during the construction to document the works.

- 6.2.15 The Department has reviewed the Applicant's proposal and comments made by Council. On balance, the Department considers that the suspended concrete slab floor, whilst it would result in the removal and/or obscuring of heritage fabric, would result in an improved outcome for the Engine Room as it will allow for the repairing of the subfloor, encapsulation of the known hazards and create a level accessible floor for potential future reuse of the building.
- 6.2.16 The Department notes that the façade works, including removal and replacement of vents, is required for the ongoing management of the known hazards underneath the proposed concrete slab in the Engine Room, and to allow for moisture control and potential access as required.
- 6.2.17 The Department considers the proposed subfloor works would suitably address the significant structural and contamination concerns within the existing Engine Room without compromising the heritage value of the room, or the building as a whole. The use of the glass panels and subfloor lighting will allow visitors to interpret the subfloor, including the stored disused heritage fabric, to appreciate the building and its former industrial land use. The provision of the concrete slab with conduits for services would allow for suitable reuse in the future.
- 6.2.18 The Department has recommended conditions related to retention of removed heritage fabric, engagement of a heritage architect and the keeping of a photographic archival record be imposed as recommended by Council. The Department also recommended conditions regarding unexpected European and Aboriginal heritage finds during construction.

Solar Panel

- 6.2.19 The Applicant proposes to install a 2kw photovoltaic (PV) solar system on the eastern end of the northern roof of the building as shown in **Figure 16**.
- 6.2.20 The Applicant has stated that the building is presently not connected to mains power, however the proposed subfloor lighting and mechanical ventilation of the subfloor require an electricity source. The Applicant has proposed that the solar panels would provide a suitable power source and could be removed at such a time that mains power was connected to the site. Further to this, the Applicant has stated that the solar panels would not be readily visible from the public realm based on their proposed location to the rear of the building. The HIS states that the panels are located as discreetly as possible and would only be a semi-permanent fixture until mains power is connected to the building.
- 6.2.21 Neither Council or Heritage NSW raised any concern with the proposed solar panels or their location.
- 6.2.22 The Department has reviewed the proposed location of the solar panels and consider that the location is acceptable as it would:
- not have an adverse impact on the heritage significance of the building
 - not be readily visible as they face away from the public realm
 - would allow for the ongoing management and appreciation of the building without the need for mains power to be connected
 - could be removed in the future should mains power be connected.

Interpretation Works

- 6.2.23 At the request of Heritage NSW during consultation prior to lodgment of the application, the Applicant has prepared a Heritage Interpretation Strategy for the ongoing promotion of the Carrington Engine House significance. As part of the Interpretation Strategy, the Applicant seeks consent to erect interpretation plaques at each of the crane bases 7, 8, 9 and 10 as well as within the public plaza in front of the Engine House.
- 6.2.24 The plaques would be placed on sandstone that has been recovered from the engine house and turned into plinths. A plinth will sit adjacent to each of the crane bases, with the plaque to depict an indicative drawing of the crane and crane base, the crane number and the year it was erected.
- 6.2.25 An additional two plinths will be placed within the public plaza to the direct south of the Engine House. Here a historic photograph of the 'Dyke' (the original location of the Port of Newcastle along the peninsula extending to the south-east of the Engine House) will be placed in line with the orientation of the photo.
- 6.2.26 Heritage NSW and Council did not raise any concern to the proposed interpretation strategy or specific works proposed.
- 6.2.27 The Department considers that the proposed interpretation works are suitable and will add benefit to the public who visit the site.
- 6.2.28 Overall, the Department has considered the effect of the development pursuant to Clause 5.31(4) of the Transport and Infrastructure SEPP and is satisfied that the proposed development is sympathetic to the heritage significant building, the works will not compromise the ongoing heritage significance of the building and will assist in its potential future re-use of the building.

6.3 Contamination

- 6.3.1 The Applicant notes that the Engine Room is currently non habitable due to the presence of asbestos within the floor grating and the sub floor cavity from the historic industrial use of the building. The application is supported by advice from a Hygienist detailing the history of previous remediation works. The advice noted that the Engine Room has been previously decontaminated from roof down to floor level, however due to the quantity of contaminated material, and difficulties in remediation, the subfloor is proposed to be encapsulated. The advice also noted that other rooms (outside of the engine room) had previously been decontaminated.
- 6.3.2 The advice from the Hygienist outlined the works for the subfloor to render the building habitable, including:
- treatment of subsurface and contaminated heritage fabric with PVA to prevent dispersion of contaminant.
 - storage of contaminated heritage fabric within subfloor
 - encapsulation of subfloor with concrete slab
 - decontamination of engine room above the concrete slab.

- 6.3.3 Council did not make comments regarding contamination.
- 6.3.4 The Department requested that a Detailed Site Investigation (DSI), prepared by a suitably qualified professional, be provided that confirmed the works proposed were appropriate to ensure the building would be habitable and complied with the requirements of clause 4.6 of the Resilience and Hazards SEPP. Whilst the application does not seek a new land use for the building, the Department considered it prudent to ensure the works associated with this application would not compromise a potential application for the re-use of the building by requiring remediation works that were no longer possible due to the encapsulation of the Engine Room.
- 6.3.5 The Applicant's RtS included a DSI that was prepared following site-specific sampling and testing. The testing identified exceedances of both Health Investigation Levels and Ecological Investigation Levels for a Commercial/Industrial criteria for some contaminants. However, determined that the proposed encapsulation works would render the Engine Room habitable, subject to ongoing management via a Long-term Environmental Management Plan.
- 6.3.6 The Department has reviewed the proposal and considers that the proposed works would suitably address the identified contamination hazards and allow for the building to be habitable given the contaminated substances would be suitably treated and encapsulated within the subfloor to prevent exposure or interaction. The Department has recommended conditions that a Long-Term Environmental Management Plan, as recommended in the DSI, be prepared and an unexpected finds protocol be implemented during construction works. The Department also recommends that a clearance certificate be required post-construction to ensure that the engine room has been suitably cleared of the known hazards.

6.4 Other issues

- 6.4.1 The Department's assessment of other issues is provided in **Table 2**.

Table 2 | Other Issues

Issue	Findings	Recommendations
Accessibility	<ul style="list-style-type: none"> The application proposes a new universal access ramp to provide access to the Engine Room. The Applicant has stated that universal access is not available to the Engine Room due to the floor level height above ground level with the Applicant seeking consent to make the room accessible with a view to a potential new land use in the future. An Access Report has been submitted confirming the ramp meets accessibility requirements. The Applicant provided an options analysis for the various options to provide access to the Engine Room. The analysis considered the suitability and practicality of the access methods, and also considered the heritage impacts and budgetary constraints. As addressed under Section 6.1, the Department has considered the ramp with respect to heritage. 	<ul style="list-style-type: none"> The Department considers that the ramp will provide suitable universal access to the Engine Room. The Department recommends the following conditions: <ul style="list-style-type: none"> signage should be used to reinforce the ramp as the main point of entry to the Engine Room the ramp is to be connected to the public plaza via a suitable sealed pathway

Issue	Findings	Recommendations
	<ul style="list-style-type: none"> The Department considers the ramp would provide suitable universal access to the Engine Room and achieves a suitable balance between achieving access and the heritage constraints of the Engine House. The Department considers that the proposed ramp should be treated as the primary entrance to the building, and that access should be provided from the base of the ramp to the public plaza to the south of the Engine House. 	
Structural Adequacy	<ul style="list-style-type: none"> The Applicant outlined the significant corrosion that had occurred to the columns supporting the floor for the Engine Room floor within the Carrington Engine House. The Applicant outlined the proposal to undertake works to reinforce the columns prior to the new concrete slab being placed over the sub floor. The Department notes that no supporting documentation from a structural engineer was provided by the Applicant to support the proposal, although the architectural plans do propose that the works be undertaken as per the engineer details. The Department considers it necessary to ensure that the proposed reinforcement works are adequate to support the proposed concrete slab, as well as potential additional load resulting from potential future land uses to remove the need for further reinforcement works to be undertaken. 	<ul style="list-style-type: none"> The Department recommends a condition be imposed requiring a statement from a structural engineer that confirms the proposed works are adequate prior to the issue of a construction certificate.
Proposed land use	<ul style="list-style-type: none"> The Applicant has not proposed a land use for the subject building advising that a separate application would be lodged for any proposed use of the Carrington Engine House once it was known. The Applicant advises that this proposal only seeks to make the building accessible and habitable by providing universal access and suitably addressing known contamination and structural hazards that currently exists within the building. One public submission identified potential suitable land uses for the building that should be included with the application. The Department considered these comments were outside the scope of the proposed development as ultimately, the scope of an application is a matter for the Applicant to propose. As such, the Department did not seek further comment from the Applicant. The Department has reviewed the submitted application and acknowledges that this will create a 'blank shell' that could be used for a range of different uses (subject to complying with land use zone requirements) subject to separate approval. 	<ul style="list-style-type: none"> The Department considers that the application can be approved in its current form, without a land use being assigned to the building. The Department recommends a condition be imposed requiring separate development consent to be obtained prior to any future use of the building.
Building Code of Australia (BCA) Compliance	<ul style="list-style-type: none"> As identified above, the Applicant does not propose a specific land use for the building, therefore the Building Class of the Carrington Engine House is unknown. The Applicant has stated that the specific measures required to be undertaken to reach BCA compliance is also unknown. Notwithstanding, the Applicant did support the development application with both a BCA access report that demonstrates accessibility compliance and a high-level BCA assessment that 	<ul style="list-style-type: none"> The Department recommends that a condition of consent be imposed that advises that no land use has been approved, and that any use of the building would be

Issue	Findings	Recommendations
	<p>considers the potential for the building to be brought into compliance.</p> <ul style="list-style-type: none"> The Department has reviewed the submitted BCA documentation and considers that the access to the building is capable of compliance with the BCA. The Department acknowledges that the specific BCA measures that would be required are unknown given no land use is proposed. In consideration of section 64 of the EP&A Regulation, the Department considers it is not appropriate to require the building to be brought into compliance with the BCA as a result of this development, whilst acknowledging that the building in its current state (or once the works associated with this application) does not achieve compliance with the BCA. Compliance with the relevant BCA standards should be ascertained at the time of a future development application for a specific land use. 	<p>subject to a future development application.</p>
Mine Subsidence	<ul style="list-style-type: none"> The site is identified as being in a mine subsidence district. A request for concurrence was sent to Subsidence Advisory (SA) NSW in accordance clause 22 of the Coal Mine Subsidence Compensation Act 2017. SA NSW advised that the development does not require concurrence and offered no comments on the application. 	<ul style="list-style-type: none"> The Department has reviewed SA NSW correspondence and considers no conditions are necessary.
Flooding	<ul style="list-style-type: none"> The subject site is identified as being in flood prone land. Council highlighted that the Applicant had not considered the flood risk of the site and recommended consideration in accordance with the relevant sections of Newcastle DCP (whilst acknowledging it is not applicable to the proposed development). In the RtS, the Applicant addressed the objectives of the Newcastle DCP, and highlighted that the development would result in a floor level that is 1m above the flood planning level within a flood certificate issued by Council in 2007 (being 2.3m AHD). Further to this, the Applicant stated that the building is within a low-risk flood area and is not within a floodway. The RtS was forwarded to Council who advised that the floor level identified by the Applicant is not correct (having been provided in 2007) and that the current flood planning level for the building is 2.5m AHD. Council recommended that a condition be imposed requiring all works within the Carrington Engine House below 2.5m AHD be constructed with flood compatible materials. The Department has reviewed the information submitted by the Applicant, as well as the submission and RtS response provided by Council. The Department considers the development can be made compatible with the known flooding hazard of the site subject to the requirement that all works below 2.5m AHD be constructed of materials and finishes that are resistant to damage from flood or tidal waters. 	<ul style="list-style-type: none"> The Department recommends that a condition of consent be imposed requiring all works below the flood planning level of 2.5m AHD be constructed of flood compatible materials.

Issue	Findings	Recommendations
Section 7.12 Developer Contributions	<ul style="list-style-type: none"> • Council advised developer contributions would be payable for the proposal and requested a quantity surveyors report be provided to calculate the amount payable. • In the RtS, the Applicant outlined that the contributions would not be payable as: <ul style="list-style-type: none"> ○ there is no additional demand for public amenities or services and therefore no nexus to charge the contributions ○ pursuant to the Environmental Planning and Assessment (Local Infrastructure Contributions – Port of Newcastle) Direction 2014, contributions cannot be charged for development within the Port of Newcastle lease area ○ the development is for conservation works and removal of contamination. As such, would have a positive social and environmental outcome and it would be inappropriate to charge contributions. ○ the majority of the CIV associated with the works are outside the scope of clause 7.12 of the EP&A Act pursuant to section 208 of the EP&A Regulation. The other costs would fall below the threshold for contributions payment. • In response to the RtS, Council advised that there is no requirement for a nexus to be demonstrated to impose a condition for 7.12 contributions. Further to this, Council stated that the 2014 Direction only restricted Council from imposing conditions related to contributions and had no restriction on the Department imposing such a condition. Council recommended a further cost summary report be provided using Council's template. • The Department concurs with Council that the 2014 Direction does not preclude the Department from imposing conditions requiring the payment of development contributions. Given the nature of the works, comprising both accessibility and heritage conservation works, the Department requested a revised CIV report from the Applicant to demonstrate the breakdown of the costs, and to ascertain whether there would be contributions payable. • The Applicant provided a revised CIV report demonstrating that the costs incurred by the development as set out in section 208 of the EP&A Regulation does not trigger the minimum threshold of \$100,000, with the majority of costs for the development associated with the adaptive reuse of a heritage item or providing access for people with a disability, and as such, no contributions are payable. • The Department has reviewed the Applicant's RtS and RFI response, as well as comments from Council. The Department is satisfied that the development does not trigger the requirement for the payment of Developer Contributions. 	<ul style="list-style-type: none"> • The Department recommends that no conditions be imposed requiring the payment of development contributions.

7 Evaluation

- 7.1.1 The Department's assessment of the application has considered all relevant matters under Section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development. The Department has considered the development on its merits, taking into consideration strategic plans that guide development in the area, the EPIs that apply to the development and advice received from the relevant public authorities, including Council.
- 7.1.2 No objections from State government agencies or Council to the development have been received and the Department has sought to address any issues raised by the community members or raised in consultation with Council and the Applicant.
- 7.1.3 The Department's assessment of the development identified heritage and contamination as the key issues for consideration.
- 7.1.4 The Department concludes the development would not have an adverse impact on the heritage values of the building and would address the known contamination of the building subject to a long-term management plan being implemented.
- 7.1.5 Overall, the Department's assessment has concluded the development would:
- preserve an item of heritage of state significance
 - be consistent with the Hunter Regional Plan, Newcastle Local Strategic Planning Statement and the Greater Newcastle Metropolitan Plan
 - acknowledge and interpret the heritage significance of the Carrington Engine House and the hydraulic crane bases
 - the application suitably addresses the known contamination of the Carrington Engine House, making it safe for occupation.
- 7.1.6 Following on from its assessment of the development, the Department considers the development is approvable, subject to conditions of consent. This assessment report is hereby presented to the Independent Planning Commission for determination.

Endorsed by:



Anthea Sargeant
Executive Director
Key Sites and Regional Assessments

Endorsed by:



David Gainsford
Deputy Secretary
Development Assessment

Appendices

Appendix A – List of Documents

The Department relied upon the following key documents during its assessment of the proposed development:

Statement of Environmental Effects

- Statement of Environmental Effects – ‘*Proposed Stage 3 Restoration Works to Carrington Hydraulic Engine House Port of Newcastle April 2022*’ Rev C prepared by ADW Johnson dated 14 April 2022

Submissions

- All submissions received from relevant public authorities and Council
<https://pp.planningportal.nsw.gov.au/daex/under-consideration/carrington-engine-house-alterations-and-additions-including-access-ramp-and-concrete-slab>

Response to Submissions

- Response to Submissions *Response To Request For Information - DA 22/6312 106 Bourke Street, Carrington* prepared by ADQ Johnson dated 20 September 2022

Additional Information

- Detailed Site Investigation prepared by Nation Partners dated September 2022
- Cost Estimate Report prepared by Rider Levett Bucknall dated 23 August 2022

Statutory Documents

- Relevant considerations under section 4.15 of the EP&A Act (see **Appendix B**)
- Relevant environmental planning instruments, policies and guidelines (see **Appendix C**)

All documents relied upon by the Department during its assessments of the application may be viewed at:
<https://pp.planningportal.nsw.gov.au/daex/under-consideration/carrington-engine-house-alterations-and-additions-including-access-ramp-and-concrete-slab>

Appendix B – Considerations of the EP&A Act

Matters for Consideration under Section 4.15 of the EP&A Act

Table 1 | Consideration of Section 4.15 of the EP&A Act

Matter	Consideration
a) the provisions of: <ul style="list-style-type: none"> i.) any environmental planning instrument, and 	The Department has considered the relevant environmental planning instruments in its assessment of the development. Details of the assessment is provided in Appendix C .
<ul style="list-style-type: none"> 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 Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and 	The Department has considered the relevant draft environmental planning instruments in its assessment of the development. Details of the assessment is provided in Appendix C .
<ul style="list-style-type: none"> iii.) any development control plan, and 	The Newcastle Development Control Plan 2012 (NDCP) does not apply to the site in accordance with Section 1.00 of the NDCP as the site is located within the PON lease area.
<ul style="list-style-type: none"> iii.) 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 	The Applicant has not entered into a planning agreement under Section 7.4 of the EP&A Act.
<ul style="list-style-type: none"> iv.) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates, 	The Department has assessed the development in accordance with all relevant matters prescribed by the regulations, the findings of which are contained in this report.
b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department has considered the likely impacts of the development in detail in Section 6 of this report. The Department concludes that all environmental impacts can be appropriately managed and mitigated through the recommended conditions of consent.
c) the suitability of the site for the development,	The development is permissible with consent and the site is suitable for the development as it is located on suitably zoned SP1 Special Uses land.
d) any submissions made in accordance with this Act or the regulations,	All matters raised in submissions have been summarised in Section 5 of this report and given due consideration as part of the assessment of the development in Section 6 of this report.
e) the public interest.	The development would generate up to 10 construction jobs during construction and would involve the conservation works to a heritage item of state significance. The environmental impacts of the development would be appropriately managed via the recommended conditions. The Department considers the development is in the public interest.

Objects of the EP&A Act

Table 2 | Considerations Against the Objects of the EP&A Act

Object	Consideration
(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,	The development seeks to undertake remediation works and make the building accessible to aid in preserving a significant building in the State's history whilst also enabling the building to be adaptively reused in the future. The development aid in allowing the public to gain an appreciation of the buildings significance by making it habitable and accessible.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The Department has considered ecologically sustainable development (ESD) in its assessment of the development (see Section 0). The Department is satisfied the development can be carried out in a manner that is consistent with the principles of ESD.
(c) to promote the orderly and economic use and development of land,	The development itself will not necessarily promote the economic use of land, however it seeks to enable the future economic use of the site by removing hazards and making the building accessible.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities,	<p>The site has been subject to historical disturbance along with the broader locality with minimal existing vegetation located within the site.</p> <p>No biodiversity values have been identified due to the disturbed nature of the site.</p>
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The development seeks to preserve a State Heritage item and allow it to potentially be adaptively reused in the future.
(g) to promote good design and amenity of the built environment,	The Department considers that the development promotes acceptable design and amenity for the historic building without compromising its significance nor adversely impacting on the built form of the broader area.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The Department has recommended a number of conditions of consent to ensure the construction and maintenance of the development is undertaken in accordance with the relevant legislation, guidelines, policies and procedures. The development will assist in resolving a health and safety hazard that currently exists.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department referred the development to relevant government agencies and Council during the exhibition period and invited them to comment. The Department has given due consideration to their advice.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the development application as outlined in Section 5.1 . Property owners within the vicinity of the development were directly notified in writing.

Appendix C – Consideration of Environmental Planning Instruments

To satisfy the requirements of Section 4.15(1) of the EP&A Act, the following EPIs were considered as part of the Department's assessment:

- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- draft State Environmental Planning Policy (Remediation of Land) (draft Remediation SEPP)

State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)

Chapter 5 of the Transport and Infrastructure SEPP includes the provision of the former State Environmental Planning Policy (Three Ports) 2007. The chapter of the SEPP aims to provide a consistent and effective planning regime for development, re-development and protection of lands within the ports of Botany, Port Kembla and Newcastle. It also specifies matters to be considered in determining to grant development consent and to ensure the land around the lease areas is maintained for port-relation and industrial land-uses.

The site is zoned SP1 Special Uses under the Transport and Infrastructure SEPP, and the development of an office premise is permissible with consent in the zone. The Department is satisfied the development meets the relevant objectives of the SP1 zone as discussed in **Table 3**.

Table 3 | Consideration of SP1 Zone Objectives under Transport and Infrastructure SEPP

Objective	Department Comments
To provide for special land uses that are not provided for in other zones.	The proposed development does not seek a land use; however, the subject site is unique and could be adaptively reused for a number of land uses in the future under a separate approval.
To provide for sites with special natural characteristics that are not provided for in other zones.	The site has special characteristics, being a unique former hydraulic engine house. The development seeks to preserve and enhance the special characteristics through conservation works.
To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.	The proposed development is in keeping with the special characteristics of the site being a historic and continually operating port. The proposed development seeks to conserve the building and allow for recognition and interpretation of the crane bases without adverse impacts to 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.	The development will not inhibit the use of the port or port related uses. The crane base interpretation works have been designed to not impede the ongoing port related operations.
To enable the efficient movement and operation of commercial shipping and to provide for the efficient handling and distribution of freight from port areas through the provision of transport infrastructure	The development will not inhibit the efficient movement and operation of the port.
To provide for port related facilities and development that support the operations of Port Botany, Port Kembla and the Port of Newcastle.	The development will not explicitly provide port related facilities or support port operations. Notwithstanding, there may be opportunities for adaptive reuse of the hydraulic engine house that would support the port operations as a result of this development.
To facilitate development that by its nature or scale requires separation from residential areas and other sensitive land uses.	The site is suitably separated from surrounding residential areas.
To encourage employment opportunities.	The development will create 10 jobs during construction works.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)

The Biodiversity and Conservation SEPP includes the provisions of the former State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) and the State Environmental Planning Policy (Koala Habitat Protection) 2021 (Koala SEPP 2021).

Chapter 2 of the Biodiversity and Conservation SEPP aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

There are mature trees along the western side of the Carrington Engine House lot, within the setback to Bourke Street. No tree removal is proposed, with the extent of works outside the tree line and root zone. The Department is satisfied that the proposed works will not impact the existing vegetation on site. Notwithstanding, conditions of consent are recommended that outline

that suitable tree protection must be in place during works.

Chapter 4 of the Biodiversity and Conservation SEPP aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline. Clause 4.9 of the Biodiversity and Conservation SEPP applies to land with an area of at least one hectare that does not have a Koala Plan of Management. The Department is satisfied that there is minimal vegetation on the site with only landscape trees and grasses and therefore the development will have no impact on koalas or koala habitat.

State Environmental Planning Policy (Resilience and Hazards) 2021 (Reliance and Hazards SEPP)

The Resilience and Hazards SEPP includes the provisions of the former State Environmental Planning Policy (Coastal Management) 2018 (Coastal Management SEPP), State Environmental Planning Policy No. 33 Hazardous and Offensive Development (SEPP 33) and the State Environmental Planning Policy No. 55 Remediation of Land (SEPP 55).

Chapter 2 of the Resilience and Hazards SEPP contains the provisions of the former Coastal Management SEPP gives effect to the objectives of the Coastal Management Act 2016 (NSW) from a land use planning perspective. It defines four coastal management areas and specifies assessment criteria that are tailored for each coastal management area. The consent authority must apply those criteria when assessing proposed developments for development that fall within one or more of the mapped areas.

The site is mapped as a coastal environment area and as a coastal use area under Resilience and Hazard SEPP. These relevant matters are addressed in **Table 4** below.

Table 4 | Consideration of Chapter 2 of the Resilience and Hazards SEPP

Criteria	Department's Consideration	Compliance
Division 3 Coastal environmental area		
(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:		
(a) The integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment.	The proposal would not have a significant impact on the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment given the minor scope of works outside of the building.	Yes
(b) The coastal environmental values and natural coastal processes.	The site is within an existing developed urban area and on a highly disturbed site. As such, it is not expected the proposal will have an impact on the coastal environmental and natural coastal processes.	Yes
(c) The water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of	The proposal will not impact on the Marine Estate or any sensitive coastal lakes.	Yes

the sensitive coastal lakes.		
(d) Marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms.	The proposed development does not see to remove any vegetation.	Yes
(e) Existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability.	The site does not contain existing public open space or provide access to and along the foreshore.	Yes
(f) Aboriginal cultural heritage, practices and places.	The proposal will not impact upon any Aboriginal cultural heritage, practices and places.	Yes
(g) The use of the surf zone.	The site is not located within a surf zone.	Yes

Division 4 Coastal use area

(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority

(a) has considered whether the proposed development is likely to cause an adverse impact on the following:

(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability	The development is wholly contained within the site boundary and will not impede or diminish public access to the foreshore. The heritage interpretation works are within the port lease area and is not publicly accessible.	Yes
(ii) overshadowing, wind funneling and the loss of views from public places to foreshores	The development will not result in any increase in overshadowing of the foreshore and will not result in a loss of views from a public place.	Yes
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands	The minor scope of external works will not impede the visual amenity or scenic qualities of the coast.	Yes
(iv) Aboriginal cultural heritage, practices and places	The proposal will not impact upon any Aboriginal cultural heritage, practices, places. The development will involve conservation works to an item of state heritage as discussed in Section 6.2.	Yes
(v) cultural and built environment heritage		

Chapter 4 of the Resilience and Hazards SEPP contains the provisions of the former SEPP 55. The chapter aims to provide a State-wide approach to the remediation of contaminated land. In particular, it aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying:

- under what circumstances consent is required
- the relevant considerations for consent to carry out remediation work
- the remediation works undertaken meet certain standards and notification requirements.

The Applicant submitted a Detailed Site Contamination (DSI) . The Assessment included detailed fieldwork analysis which included the collection and analysis of soil samples located on the site and within the subfloor of the Hydraulic Engine House.

The Assessment concluded that the site is suitable for the development but as a precaution an Unexpected Finds Procedure should be prepared. Further to this, a Long-Term Environmental Management Plan should be prepared to cover the long-term management of the known hazard within the subfloor that is proposed to be encapsulated. The Department has recommended

conditions to address these recommendations.

Draft State Environmental Planning Policy (Remediation of Land) (draft Remediation SEPP)

The draft Remediation SEPP seeks to retain the key operational framework of the current SEPP 55, while also adding new provisions relating to changes in categorisation and introducing modern approaches to the management of contaminated land. The development has been assessed against SEPP 55 (see above), and the Department is satisfied the development would be consistent with the draft Remediation SEPP.

State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP)

Chapter 3 of the Industry and Employment SEPP includes the provisions of the former State Environmental Planning Policy No 64 - Advertising and Signage (SEPP 64). The SEPP applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve.

The development includes heritage interpretation signage within the public plaza to the south of the Carrington Hydraulic Engine House.

Under clause 3.6 of the SEPP, consent must not be granted for any signage unless the development is consistent with the objectives of the chapter and with the assessment criteria contained in Schedule 1. The Department considers the development to be compatible with the desired amenity and visual character of the area, provide effective communication and is of high-quality design and is therefore consistent with the objectives of chapter 3 of the SEPP. The Department's assessment of Schedule 1 of the SEPP is provided in **Table 7** below.

Table 7 | Consideration of Schedule 1 Assessment Criteria, SEPP 64

Assessment criteria	Department's consideration	Compliance
1 Character of the area		
Is the development compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed interpretation signage is located adjacent to the heritage listed Carrington Engine House and is considered compatible with the surrounding character of the site.	Yes
Is the development consistent with a particular theme for outdoor advertising in the area or locality?	The development does not include any advertising however includes heritage interpretation which is consistent with the theme of the adjacent building.	Yes
2 Special areas		

Does the development 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?	The proposed signage supports the adjacent heritage item and informs viewers of the port's history and significance.	Yes
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3 Views and vistas

Does the development: <ul style="list-style-type: none"> • obscure or compromise important views? • dominate the skyline and reduce the quality of vistas? • respect the viewing rights of other advertisers? 	The proposed signage: <ul style="list-style-type: none"> • will not obscure any views, including important views. • does not dominate the existing skyline • will not disturb the viewing rights of other advertisers in the vicinity. 	Yes
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4 Streetscape, setting or landscape

Is the scale, proportion and form of the development appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposed signage is appropriate for the setting of the proposed development.	Yes
Does the development contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage will contribute to the visual interest of the precinct by providing identification and recognition of the site.	Yes
Does the development reduce clutter by simplifying existing advertising?	The site does not contain any existing advertising.	N/A
Does the development screen unsightliness?	The proposed signage does not screen unsightliness.	Yes
Does the development protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage is integrated into the public plaza.	Yes
Does the development require ongoing vegetation management?	The proposed signage does not require any ongoing vegetation management	N/A

5 Site and building

Is the development compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage is compatible with the scale, proportion and other characteristics of the plaza. The signage will be erected on sandstone plinths that has been salvaged from the Engine House.	Yes
Does the development respect important features of the site or building, or both?	The proposed signage will not detract from the important features of the site and adjacent building.	Yes

Does the development show innovation and imagination in its relationship to the site or building, or both?	The proposed signage is innovative in that it is located on a sandstone plinth salvaged from the site.	Yes
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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 proposed signage is for heritage interpretation only.	Yes
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7 Illumination

Would illumination: result in unacceptable glare? affect safety for pedestrians, vehicles or aircraft? detract from the amenity of any residence or other form of accommodation. Can the intensity of the illumination be adjusted? Is the illumination subject to a curfew?	The signage will not be illuminated.	N/A
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8 Safety

Would the development reduce safety for: <ul style="list-style-type: none"> pedestrians, particularly children, by obscuring sightlines from public areas? for any public road? pedestrians or bicyclists? 	The Department considers that the signage: <ul style="list-style-type: none"> will not reduce the safety for any public road or pedestrians or cyclists. will not obscure any sightlines, and therefore is not considered to reduce the safety of pedestrians. 	Yes
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Newcastle Development Control Plan 2012

The Newcastle DCP 2012 applies to land covered by the Newcastle Local Environmental Plan 2012 and to land outside of the Port of Newcastle Lease Area. Given that the Newcastle Local Environmental Plan 2012 (NLEP) does not apply to the site, and the site is located within the Port of Newcastle Lease Area, the Newcastle Development Control Plan 2012 (NDCP) is not a matter for consideration. However, the Department has reviewed the proposal's consistency with the aims of key controls within the NDCP 2012 as a guideline in this assessment.

Section 4.01 of the NDCP 2012 outlines the controls for development on flood prone land. Council in their RtS response identified that the site is identified as flood prone land, but is not within a floodway or flood storage area. The site has a 1% AEP level of 2.20m, with a flood planning level (FPL) of 2.50m AHD. The Department has reviewed section 4.01 with respect to the development and considers it is consistent with the development as:

- the floor level of the Engine Room exceeds the FPL. Whilst other rooms are below the

FPL, no works are proposed to these rooms in this application.

- conditions of consent are recommended requiring all electrical work to be above the FPL.
- Conditions of consent are recommended that all materials below the FPL be constructed with water resistant materials.

Section 5.05 of the NDCP 2012 outlines controls applicable for development for heritage items listed under NLEP. It is noted that the Carrington Engine House is not listed under NLEP. Notwithstanding, the Department has considered the proposal against the NDCP 2012 and considers that it is consistent as follows:

- the proposal seeks to create a 'shell' of a building so that it can be adaptively reused in the future.
- the proposal will support the ongoing conservation program for the building
- the works are consistent with the conservation management plan and repairs the internal floor to allow the building to be potentially reused in the future.
- the works reuse materials salvaged from the site (sandstone plinths) in conjunction with the heritage interpretation works that are to be provided within the public plaza

Section 7.09 of the NDCP 2012 provides guidance on all advertisements and signage except that which is exempt development under an EPI. The proposal includes heritage interpretation signage that is visible from the public plaza and therefore meets the definition of signage to which the Industry and Employment SEPP applies. The Department has considered the signage in accordance with Industry and Employment SEPP and considers the development to be compatible with the desired amenity and visual character of the area, provide effective communication and is of high-quality design and is therefore consistent with the objectives of Industry and Employment SEPP.