

Planning, Transport and Regulation. IWatt  
Reference: SDC2024/0009  
Phone: 02 4974 1385

4 November 2024

Jake Simpson  
Planning Officer  
Transport and Water Assessments  
**Department of Planning, Housing and Infrastructure**

Reply via email: [jake.simpson@dpie.nsw.gov.au](mailto:jake.simpson@dpie.nsw.gov.au)

Dear Jake Simpson

<b>Development Application No:</b>	DPHI Ref: DA 24/14866
<b>Land:</b>	Lot 1 DP 581002
<b>Property Address:</b>	20 Selwyn Street, Mayfield East
<b>Proposed Development:</b>	Change of use to the existing site to a depot to allow for the temporary storage of scaffolding equipment and materials. All buildings onsite will be in the form of relocatable structures

Thank you for engaging with City of Newcastle (CN) and providing the opportunity to comment on the above proposed development.

The exhibited Statement of Environmental Effects (SEE), architectural plans and other supporting documents have been reviewed and CN is concerned with the adequacy of documentation provided in the development application (DA).

CN recommends the applicant is required to respond to the following matters prior to the determination of the application:

## **1. Flood Management**

The SEE does not acknowledge the subject land is flood prone land. However, the Section 10.7 Planning Certificate (issued by CN on 07/02/2024) and submitted by the applicant with the DA, confirms the site is flood prone land.

A review of CN's flood data indicates the land has only minor inundation in the northeast part of the site in the 1% AEP flood event. The site is however almost wholly inundated, to varying degrees, in the probable maximum flood (PMF) with Risk Categories ranging on site from Nil to H3 (requires refuge or safe evacuation) and H3 to H6 in parts of nearby Selwyn and George Streets.

CN recommends the consideration of this DA rely on a current Flood Information Certificate. The DA should also be provided with a site-specific Flood Impact Assessment (FIA) that address the appropriate flood management measures including Section B1(b) Flood Management of the Newcastle Development Control Plan (NDCP) 2023.

The principal environmental planning instrument for the development is State Environmental Planning Policy (Transport and Infrastructure) 2021, however it is silent on flooding matters. Accordingly, CN recommends the applicant's FIA address Clauses 5.21 and 5.22 of the Newcastle Local Environment Plan 2012 which provide guidance regarding flooding. The FIA (and architectural plans) are to detail finished floor levels of all proposed structures.

## **2. Stormwater Management**

CN considers the submitted Stormwater Management Plan (SWMP) to be insufficient, and recommends the applicant be required to submit additional or amended details to be submitted to address the following:

- a) Detail the full extent and surface finish of all hardstand areas including, scaffold storage, car and truck parking and vehicle manoeuvring areas and the proposed 'informal parking area'.
- b) Details of stormwater capture, water quality treatment, detention (if required to match pre-development flow rates) and disposal from all hardstand areas identified in a) above.
- c) Details of tank overflow disposal (noting the current proposed 600mmx600mmx300mm sump with weep holes is not consistent with CN's suitable methods).
- d) Considers all areas and depths of proposed fill associated with the proposed 1000mmx500mm sandstone block retaining walls and site regrading for hardstand areas identified in a) above.
- e) Details works required in Selwyn Street, in the vicinity of the driveway crossings, to ensure proper function of the existing swale drain and associated pits and pipes.

The amended SWMP must be prepared having regard to the NDCP2023 and not the repealed NDCP2012.

## **3. Vehicle Access, Parking and Manoeuvring Management**

CN considers the submitted Traffic and Parking Assessment (TPA) to be insufficient, and recommends the applicant be required to submit additional or amending details to address the following:

- a) Details (with scaled and dimensioned plans) of the full extent of car and truck parking and vehicle manoeuvring areas including the proposed 'informal parking area' for staff and vehicles and associated visitor parking.
- b) Maximum vehicle size to be confirmed. The SEE says Heavy Rigid Vehicles, however the TPA nominates 'semi trailer'.
- c) Confirms vehicle entry and exit point and directions of traffic.
- d) Confirms heavy vehicle access and parking complies with AS2890.2 - Off-street commercial vehicle facilities (not AS2890.1).
- e) Nominates any designated loading/unloading bays.
- f) Provides vehicle swept paths for all entry and exit manoeuvres and details of the full extent of driveway crossings and any associated pavement widening on Selwyn Street. Plans are to show both existing edges of the asphaltic concrete seal on Selwyn Street and the existing marked centreline.

- g) If traffic on site is to be two-way, provide swept paths showing clearance between opposing heavy vehicles.

The TPA is to be revised to address the NDCP2023 and not the repealed NDCP2012.

The proposal includes additional road openings, the design and construction of which is subject to statutory requirements under the *Roads Act 1993* (RA) and the *Environmental Planning and Assessment Act 1979*. These road openings can be addressed by way of condition.

#### **4. Public Domain**

The shortcomings of the documentation submitted for this DA does not allow for a reasonable understanding of the extent of public domain works that may be required. CN requests an opportunity be provided to recommend appropriate public domain works when an amended TPA and SWMP have been provided.

#### **5. Land Contamination - State Environmental Planning Policy (Resilience and Hazards) 2021**

As the site adjoins mapped contaminated sites, it is anticipated it will be potentially contaminated. Chapter 4 of the SEPP requires a consent authority prior to assess prior to determination whether the land is contaminated, and if the land is contaminated to be satisfied that it is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The documentation available for review with this application includes no data or consideration of the site contamination. CN's recommends the applicant be required to submit a Preliminary Site Investigation to assist the consent authority with its review under the SEPP.

#### **6. Biodiversity - Biodiversity Conservation Act 2016**

CN notes a drainage line is located on the eastern border of the development site which could/may provide habitat to a variety of species. The applicant's SEE in Section 2.2.6 and 5.29 provides only limited consideration of biodiversity values and may not be sufficient to address the requirements of the *Biodiversity Conservation Act 2016*. We recommend the application is amended to enable the consideration of threatened species or ecological communities, or their habitats, and if present the extent to which the habitat is likely to be removed or modified as a result of the proposed development.

#### **7. Contributions**

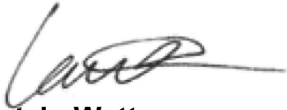
The subject site is within the Newcastle LGA and is subject to CN's Section 7.12 Development Contributions Plan (2022). CN recommends an appropriate condition of consent is imposed which requires the applicant to pay a development contribution to Newcastle City Council. Based on an identified Estimated Development Cost (EDC) of \$477,400 and a 1% levy of the EDC the required contribution is **\$4,774.00**.

#### **Conclusion**

Thank you for the opportunity to review the submitted DA. It is requested the above matters be considered and addressed by the application and by the consent authority to ensure that the development appropriately responds to each matter and makes a positive contribution to the City.

If you have any questions in relation to the various matters considered in this letter, please contact me on 4974 1385 or by email on [iwatt@ncc.nsw.gov.au](mailto:iwatt@ncc.nsw.gov.au).

Yours faithfully

A handwritten signature in black ink, appearing to read 'Iain Watt', with a stylized, flowing script.

**Iain Watt**  
**SENIOR DEVELOPMENT OFFICER (PLANNING)**