

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

21 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

Dear Jake Simpson

**TEMPORARY STORAGE OF SCAFFOLDING EQUIPMENT AND MATERIALS
(DA24/14866) - 20 SELWYN STREET MAYFIELD EAST**

I refer to the Department of Planning, Housing and Infrastructure (DPHI) email of 14 November 2024 advising the Applicant has responded to the matters raised in City of Newcastle's (CN's) letter of 4 November 2024. It also requested our additional comments and recommended conditions of consent.

The published "*RFI Letter of Response*" dated 13 November 2024 and amended supporting documents have been reviewed and CN remains concerned with the adequacy of the documentation provided in the development application (DA) with relation to the following.

1. Flood Management

The Probable Maximum Flood (PMF) extent on the site is located near Shed 1 (as labelled on the stormwater plans) and therefore occupants will be able to safely seek refuge above the PMF level if Shed 1 is located with a ground level of 3.41m AHD or higher (No floor level is provided for the shed).

As the 1% AEP level onsite is 2.8m AHD, a flood planning level of 3.3m AHD is applicable to any occupiable buildings. The demountable site offices are to be located with a floor level of 3.3m AHD or above and be secured to the ground to ensure they do not float away or collapse in a flood up to the 1% AEP.

The application is acceptable in regard to Section B1b Flood Management of the Newcastle Development Control Plan (NDCP) 2023 and Clauses 5.21 and 5.22 of the Newcastle Local Environmental Plan (NLEP) 2012 Subject to the impositions of appropriate conditions of consent which address the above matters.

2. Stormwater Management

Extent of vehicular area unknown

CN notes the latest landscape plan is titled "revised" but has not been updated. As a result, we are still unsure of the extent of vehicular areas. CN does not allow gravel areas for vehicular traffic as gravel often tracks onto public roads. This is particularly relevant for the subject site which is located below an embankment and is a natural low point in the surrounding catchment, so the groundwater table is often high. To reduce the issues associated with gravel

hardstand areas, CN will allow a 2% cement stabilised gravel over the proposed vehicular areas, however we recommend the Applicant confirm the extent of the vehicular areas..

Update Stormwater Management Plan

CN further notes the scaffolding/laydown areas are not shown as having any surface treatment on the latest stormwater plans and it is assumed that vehicles will need to drive over these areas to pick up and drop off equipment. Stormwater runoff from these areas is to be managed and we recommend the Applicant is required to provide an updated Stormwater Management Plan (SMP) to show how runoff from the 2% cement stabilised gravel areas is being managed.

The updated SMP is to address the following:

- a) The extent of the gravel areas being impervious as they must be compacted, and cement stabilised.
- b) CN does not support the proposed tank overflow arrangement. A new arrangement is to be developed which considers the overflows from the tanks and their interaction with the surrounding stabilised gravel hardstand areas.

Driveway design and levels

CN requests that the driveways be constructed generally following the grade of the existing ground surface and swale rather than raising the driveways above the ground. This removes any risk of blockage and surcharge from a design with pipes under the driveway. Driveway grades will need to be considered when constructing a low driveway ensuring that all design vehicles within the site can obtain access. We recommend the Applicant provide finished levels on the site plans to enable evaluation.

3. Vehicle Access, Parking and Manoeuvring Management

CN notes heavy rigid vehicles (HRVs) have been confirmed as the maximum vehicle accessing the site and turn paths have been presented showing entry and exit movements. These turn paths show HRV's crossing the road centreline for entry and exit movements which is not supported.

We recommend that the submitted plans are amended to show road widening or wider driveways to ensure that entry and exit movements can take place without an HRV crossing the road centreline on northbound travel.

We also recommend the Applicant is required to confirm that vehicles can enter the site with a lowered driveway design. that keeps the driveways at the same level as the existing swale.

4. Public Domain

Given the development proposes to make use of a currently undeveloped site along Selwyn Street which does not have a standard kerb and gutter, CN considers it necessary to construct kerb and gutter along Selwyn Street from the southernmost to the northernmost driveway; as well as kerb inlet pits connecting to the existing 600mm pipe which is located parallel to the road alignment.

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

CN note this policy requires the consent authority not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated. The Applicant has still not provided any information that would confirm if the site is or is not contaminated.

The consideration under this policy is not reliant on the scale of works proposed but the land itself. As the subject land has been vacant previously and the known contaminated sites in close proximity it is appropriate the application for the first use undertake an appropriate investigation. A Preliminary Site Investigation is recommended.

It should be noted that CN's records of contamination are limited and are typically informed or updated with reports submitted in support of development applications.

6. Biodiversity - Biodiversity Conservation Act 2016

While no further investigation of possible habitat has been conducted, the details of the proposed works have clarified the impact on existing vegetation and habitats could be considered minimal with the development.

7. Contributions

The Applicant has recognised this requirement and an appropriate condition of consent for payment can be provided if the DPHI determine to support this application. However, CN notes that our previous advice regarding the calculation of the section 7.12 contribution is not correct being based on the estimated cost of the development. rather than the cost of carrying out the development as calculated under Section 208 of the *Environmental Planning and Assessment Regulation 2021*. Therefore, it is recommended the Applicant is required to submit a Cost Summary Report prepared in accordance with s208.

Any inconvenience to the Applicant as a result of this oversight is regretted.

Conclusion

CN recognises that it has no legislated role in the assessment of this development application and that the adequacy of the application is a matter for consideration by the DPHI.

However due to the deficiencies in the documentation of this application we consider significant further work is required by the Applicant and the provision of any consent conditions is premature. We recommend consent is withheld until such time as each of the outstanding issues are resolved.

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.

Yours faithfully



Iain Watt
SENIOR DEVELOPMENT OFFICER (PLANNING)