

JRPP No.	2011HCC040
DA No.	DA-11/0994
Proposal	Construction of a multi function research and development building and associated car parking and landscaping
Property	Lot 21 DP 270249 - 20 McIntosh Drive Mayfield West
Applicant	Bradken Resources Pty Ltd
Report By	Future City Group, Newcastle City Council

Assessment Report and Recommendation

Executive Summary

Proposed Development

The development application proposes a business and technology headquarters for Bradken, aiming to consolidate its various Newcastle-based operations into one facility. The proposed development will comprise approximately 5,000 m² of net floor space used predominately for product development, research and design; as well as administrative and general management functions. Parking areas, bike storage spaces, covered walkways and landscaped areas are also provided. Of the 5,000 m² of net floor space, approximately 1,500m² will comprise laboratories and workshops. Around 2,200 m² will be occupied by scientists and engineers, around 800 m² will comprise administrative and general management office space and the remaining 500 m² will be available for staff facilities.

Referral to Joint Regional Planning Panel

The proposal is referred to the Joint Regional Planning Panel (JRPP) for determination pursuant to clause 13C of State Environmental Planning Policy (Major Development) 2005, because it has a capital investment value of more than \$10,000,000, and it was lodged prior to the changes applying from 1 October 2011. The application submitted to Council nominates the value of the project as \$16,545,650.

Permissibility

The site is zoned IN1 General Industrial pursuant to State Environmental Planning Policy (Major Development) 2005. The proposal is categorised as a '*high technology industry*' and is permissible within the IN1 General Industrial zone subject to development consent. All required owners' consent has been provided. The proposal is local development.

Consultation

In accordance with Element 4.1 - 'Public Participation' of the Newcastle Development Control Plan 2005 (NDCP) the application was advertised from 5 September 2011 to 19 September 2011 and one submission of support was received.

Key Issues

The main issues identified in the assessment were as follows:

- Compliance with Environmental Envelope nominated under the Strategic Impact Assessment Study for the 'Steel River' Industrial Estate.

Recommendation

Grant approval to DA-11/0994 - Construction of a multi function research and development building and associated car parking and landscaping at No. 20 McIntosh Drive Mayfield West subject to conditions contained in Appendix A.

1. Background

In June 1995 BHP announced that its steel making plant at Newcastle would close in 2002 to be replaced by an Electric Arc Furnace, resulting in the loss of some 2000 jobs. This was subsequently amended in April 1997 to closure in 1999 with no Electric Arc Furnace, and some 2500 jobs being lost. This resulted in an urgent push for the creation of the 'Steel River Site'. The 'Steel River Site' was developed with a fundamental purpose of providing an Eco-industrial estate which was aimed at providing employment opportunities to mitigate the effects of the closure of the steel-manufacturing activities.

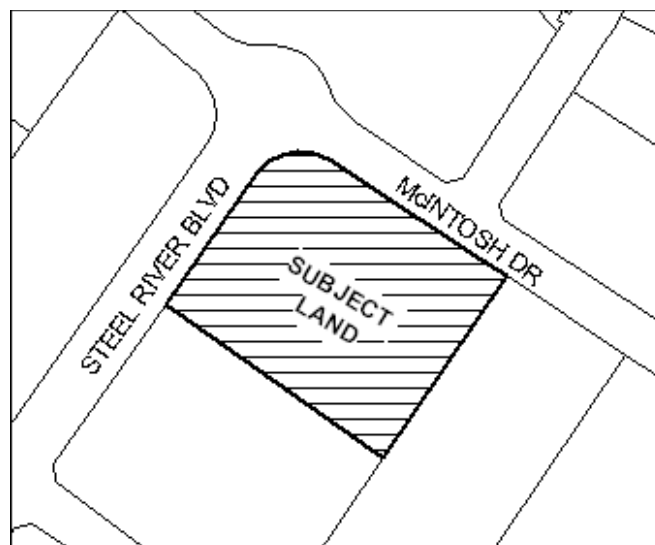
To facilitate the process, a 'Strategic Impact Assessment Study' (SIAS) was created, being a local environmental study. The document contains a number of socio-economic, eco-industrial, socio-cultural, environmental management and community consultation objectives.

The development of the industrial estate was originally supported with an Environmental Impact Statement, which along with the SIAS sought to address the various environmental issues of the estate including contamination. Contamination is an issue as the site is essentially an area of reclaimed land, where slag produced as part of the steel making process has been used for reclamation purposes. A set of protocols has been developed for verifying remediation and validation of each allotment within the Steel River precinct, which is discussed in this assessment.

Since the closure of the Steelworks in 1999, the 'Steel River Site' has been progressively remediated and redeveloped as an industrial estate.

2. Site and Locality Description

The subject property comprises Lot 21 DP 270249 and is a large generally flat rectangular shaped allotment. The site has an area of 1.323 hectares and is bound by McIntosh Drive to the northeast, Steel River Boulevard to the northwest, vacant industrial land to the southwest and developed industrial land to the southeast. The site has frontage to McIntosh Drive of around 103 metres and Steel River Boulevard of 77 metres. A 30 metre wide transmission easement is located along the southeast boundary, approximately half of which is within the subject site, and a 5m wide easement for environmental services along both road frontages. The site is currently vacant and is generally devoid of vegetation.



3. Project Description

The Statement of Environmental Effects provides the following description of the proposal:

'The proposed development is for a business and technology headquarters at Lot 21 DP 270249, being 20 McIntosh Drive, Mayfield West. The headquarters will enable Bradken to consolidate its various Newcastle-based operations into one facility. This will create a research and technology hub which will facilitate sharing of information between division groups. Bradken is an engineering business that designs, manufactures and sells steel wear parts for mining which are used in Australia and the major mining regions throughout the world. The proposed business and technology centre therefore comprises a professional service in the applied sciences (being engineering).

Bradken products include, amongst other things, rail wagons, ground engaging tools, mill liners and crawler shoes for electric mining shovels and hydraulic excavators. These products are designed but not manufactured on site and therefore there are no adverse impacts on the amenity of the neighbourhood. However, as these products are customised for individual mine sites and constantly being improved, Bradken has a significant requirement for product development activities. As a result, design, research, product testing and product development activities will take place on site.

The proposed development will comprise approximately 5,000 square metres of net floor space used predominately for product development, research and design; as well as administrative and general management functions. Parking areas, bike storage spaces, covered walkways and landscaped areas are also provided. Of the 5,000 square metres of net floor space, approximately 1,500 square metres will comprise laboratories and workshops. Around 2,200 square metres will be occupied by scientists and engineers, around 800 square metres will comprise administrative and general management office space and the remaining 500 square metres will be available for staff facilities.

The subject DA relates to the following works:

- The clearing of selected vegetation on the site and associated earthworks.*
- Erection of a two storey technology and business headquarters building for Bradken Ltd with associated hardstand areas, covered walkways, car parking and landscaping.*
- Associated services and drainage infrastructure.'*

The proposed workshops and laboratories will include a metallurgical laboratory, a wet testing laboratory for foundry environmental work, a preparation and reverse engineering area with metal tools (for preparation of samples for inspection and reverse engineering by product development groups), a rapid prototyping centre and scale testing facility for testing new equipment. The office areas, staff areas and café will predominately accommodate scientists and engineers undertaking product research, design and development. In addition, the office area will accommodate administrative functions such as logistics, IT, sales and general management.

The hours of operation are proposed generally Monday to Friday during normal business hours of 7am to 6pm. At certain times, some research and testing laboratories will undertake dynamic testing of products for 24 hours per day over several days.

The proposal is predicted to employ around 170 people, with approximately 90 people directly involved in product research, design and development, being professional engineers and scientists. An additional 15 people will be involved in the laboratories and workshops. The remaining 65 staff will carry out other business functions such as sales, logistics, IT, administration and general management. The proposed development has been designed to allow workforce growth to around 200 people.

The project architect has provided the following comments outlining the design intent of the proposed building:

'EJE Architecture has been engaged by Bradken Ltd to assist with the design of a new multi function facility for them to be located at Lot 21 Macintosh Drive at Steel River (Mayfield West). Bradken is Newcastle's largest publicly listed company; their proposed new facility would involve design, development and testing of mining, rail and industrial equipment. They are currently located at two different sites and [are] wanting to centralise their services in a new facility in the Steel River Industrial area.'

The proposed site plan address the approach from a point of constraints set by easements, existing traffic conditions and client requirements. A limited number of car spaces and hard surfaces address the two street frontages allowing the soft landscaping to dominate the impression from the street. The majority of car parks, vehicle circulation and hard stand are concentrated to the rear of the building in a controlled and secure area.

The bulk of the proposed development is two, double story precast concrete elements linked by a centralised glazed and metal clad atrium foyer. The two main volumes are dislodged and staggered to address its context as well as to break the visual symmetry from the outside as well as the inside. The materials and textures are industrial and representational for a high standard industrial development with a warm and passive colour scheme to reflect the nature of the client.

The larger main building on the site incorporates the majority of functions required; from laboratories with testing facilities to project development and administrative support areas. The different departments, separated in the two volumes, are linked through a large atrium foyer, creating an intermediate space for casual meeting and interaction as well as an informal and unified corporate approach to each division. The communal space includes a smaller commercial cafe / kitchen facility and a direct link to a secluded landscaped courtyard with outdoor seating. A smaller detached workshop holds the bulky receivables as well as the more obtrusive machines with special requirements.'

The architectural plans for the proposal are attached at APPENDIX B – Plans and Elevations.

4. Consultation

In accordance Council's Element 4.1 - 'Public Participation' of the Newcastle Development Control Plan 2005 (NDCP) the application was notified from 5 September 2011 to 19 September 2011 and one submission of support was received.

The proposal is not identified as 'integrated development' and does not require any concurrences.

The proposal received internal comments from the following professional areas:

- Environmental Services (Compliance Services Unit)

- Development Engineering

In relation to the transmission easement is located along the southeast boundary of the site, the applicant has provided details of consultation with Ausgrid.

The comments received from the internal referrals are appended at APPENDIX C – Referral Comments.

5. Referrals

The proposal did not require any external statutory referrals. The proposal was referred to Hunter Water Corporation, however no response was received.

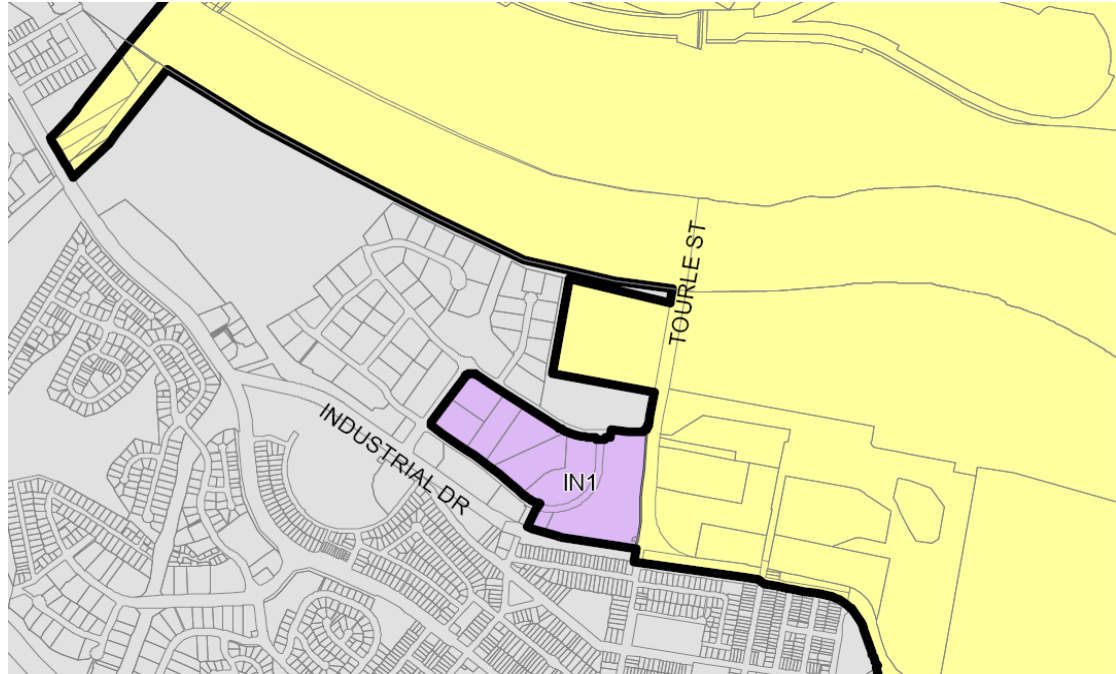
6. Section 79C Considerations

The application has been assessed having regard to the relevant matters for consideration under the provisions of Section 79C(1) of the Environmental Planning & Assessment Act, 1979, as detailed hereunder.

(a)(i) the provisions of any environmental planning instrument

State Environmental Planning Policy (Major Development) 2005 (SEPPMD)

Pursuant to Schedule 3 of the SEPPMD, the subject site is identified within the 'Three Ports' Site. The site is zoned IN1 General Industrial in accordance with this policy. The proposal is categorised as a '*high technology industry*' and is permissible within the IN1 General Industrial zone subject to development consent.



Zones

IN1 General Industrial

SP1 Special Activities

It is noted that a 'high technology industry' means:

- '(a) an industry that has as its primary functions the manufacture, development, production, processing or assembly of, or research into, any of the following:*
 - (i) electronic or micro-electronic systems, goods or components,*
 - (ii) information technology, computer software or hardware,*
 - (iii) instrumentation or instruments,*
 - (iv) biological, pharmaceutical, medical or paramedical systems, goods or components,*
 - (v) multi-media, production of films and television, including any post production communications, telecommunications systems, goods or components,*
 - (vi) telecommunications systems, goods or components,*
 - (vii) sustainable energy technologies,*
 - (viii) other goods, systems or components intended for use in science or technology, and*
 - (b) any office or business premises related to or used for professional services in the applied sciences (including surveying and engineering and the like) or for logistics,*
- but does not include an industry that presents a hazard or potential hazard to the neighbourhood or by reason of the scale and nature of its manufacturing, development, production, processing or assembly, interferes with the amenity of the neighbourhood.'*

In relation to this definition, the applicant notes:

'It is considered that the proposed development would fall within the above definition, as it is an office and business premises that "related to or used for professional services in the applied sciences (including surveying and engineering and the like) or for logistics" (i.e. the proposal satisfies part (b) of the relevant definition).

The core functions of the proposed facility include design, research, product testing and product development. Of the 170 staff to be employed at the facility, it is estimated that around 90 people would be directly involved in product research, design and development, being professional engineers and scientists. Another 15 people would be involved in the laboratories and workshop. The remaining 65 or so people would carry out other business functions such as sales, logistics, IT administration and general management.

Furthermore, (by virtue of the location of the site within the Steel River precinct and the fact that no manufacturing will take place), the proposed development is not "an industry that presents a hazard or potential hazard to the neighbourhood or by reason of the scale and nature of its manufacturing, development, production, processing or assembly, interferes with the amenity of the neighbourhood".

The objectives of Zone IN1 General Industrial are as follows:

- (a) to provide a wide range of industrial and warehouse land uses,*
- (b) to encourage employment opportunities,*
- (c) to minimise any adverse effect of industry on other land uses,*
- (d) to facilitate and encourage port related industries that will contribute to the growth and diversification of trade through the port,*

- (e) *to enable development for the purposes of retailing or commercial offices only where it is associated with, and ancillary to, port related activities or ancillary to industrial use of the same land,*
- (f) *to encourage ecologically sustainable development.*

It is considered that the proposed development is consistent with these objectives.

State Environmental Planning Policy (State and Regional Development) 2011

The new State Environmental Planning Policy (State and Regional Development) 2011 sets out the functions of Joint Regional Planning Panels in determining applications for regional development. These functions have been transferred from Part 3 of the SEPP MD, which has been repealed.

As identified by Planning Circular PS 11-020 issued on 30 September 2011, the most significant change to the regional development classes is the Capital Investment Value (CIV) threshold for general development has been raised from \$10 million to \$20 million. This means that from 1 October new development applications lodged for development with a CIV under \$20 million will generally be determined by the relevant local council.

Development applications for development with a CIV between \$10 million to \$20 million lodged with council before 1 October 2011 will continue to be determined by the relevant regional panel.

Accordingly, the Joint Regional Planning Panel remains the consent authority for this application.

State Environmental Planning Policy 71 - Coastal Protection

The subject site is identified as being within the 'coastal zone'. Having regard to the matters of consideration contained in this policy, the proposal is considered to be satisfactory.

State Environmental Planning Policy (Infrastructure) 2007

The proposal is not identified as 'Traffic Generating Development', as prescribed by this SEPP.

State Environmental Planning Policy 55 - Remediation of Land

In terms of contamination, the 'Steel River' Industrial Estate ('the Estate') has a specific framework for consideration. The Steel River site is essentially an area of reclaimed land, where slag produced as part of the steel making process has been used for reclamation purposes. Since the closure of the Steelworks in 1999, the 'Steel River Site' has been progressively remediated and redeveloped as an industrial estate.

Due to the historical uses of the site (disposal of waste and reclamation activities) the soils on site are contaminated with a range of contaminants. In 1997, a combined Remedial Action Plan and Environmental Impact Statement (RAP/EIS) was prepared detailing the preferred remediation strategy for the Estate. The main objective for the remediation of the Estate was to minimise the potential for human exposure to contaminants and to minimise infiltration of stormwater to groundwater to reduce the

volume of contaminated groundwater being discharged to the Hunter River. The approved remediation strategy for the Estate included the:

- excavation of shallow impacted soils, with contaminated material to be contained within three containment cells;
- capping of areas where contaminated material was identified within 2m of the surface. These areas were capped with coal washery reject (CWR) to limit exposure to contaminated material;
- re-contouring of areas where contaminated material was at a depth of greater than 2m to minimise stormwater infiltration; and
- limiting infiltration of contaminants to groundwater by improving drainage and establishing impervious areas as part of the re-development of the Estate.

A certification scheme was introduced for the Estate to ensure that soil remediation is undertaken in accordance with the approved RAP/EIS. A set of protocols has been developed by URS Australia Pty Ltd for verifying remediation and validation of each allotment within the Steel River precinct. These protocols include the following certificates;

- A. Certifies that the total site remediation complies with the approved Remedial Action Plan (RAP) for the original industrial subdivision [Development Application No: 97/0251].
- B. Certifies what contamination (if any) exists on an allotment and if present it has been remediated in accordance with the approved RAP [Development Application No: 97/0251].
- C. States that URS Australia Pty Ltd has reviewed a specific development proposal and certifies that the proposed development does not compromise the remediation strategy.
- D. The '*as built development certificate*' certifies that the construction has been in accordance with the reviewed plans and the remediation strategy has not been compromised.

Council has received Certificates A and B for the subject site. To ensure the proposed development is constructed in accordance with the approved Steel River RAP Certificates C and D are required to be submitted to Council prior to the issuing of a Construction Certificate (Certificate C) and Occupation Certificate (Certificate D). The requirement for Certificates C and D to be submitted to Council will be addressed by appropriate consent conditions.

The Site Management Plan (SMP) prepared by the applicant outlines the method in which the proposed development will be designed, constructed and otherwise carried out so as to comply with the Contamination Guidelines and preserve the integrity of the Remediation Strategy of the Steel River Estate. The proposed development will be required to be constructed in accordance with the SMP prepared by Advitech Pty Ltd. This requirement will be addressed by an appropriate consent condition.

Accordingly, it is considered that the proposal is satisfactory in relation to contamination.

State Environmental Planning Policy 64 - Advertising and Signage

The proposed business identification signage is considered to be acceptable, having regard to the assessment criteria contained in this policy.

Newcastle Local Environmental Plan 2003 (LEP2003)

Pursuant to Clause 4 of Schedule 3 of SEPP MD, the provisions of LEP2003 are set aside including Clause 36 of the NLEP 2003 in relation to the Strategic Impact Assessment Study (SIAS).

Notwithstanding this, the SIAS remains as an appropriate guideline planning control in context of the 'public interest' pursuant to Clause 79C(1)(e) of the *Environmental Planning & Assessment Act, 1979* ('the Act') in the absence of any other specific guideline controls and considering that a significant portion of Steel River has already been developed using these controls. It is further noted that the nature of the SIAS is such that these guidelines will be effectively relevant to Clauses 79C(1)(b) (c) and (e) of the Act, although the SIAS will be addressed largely within 79C(1)(e) as a single guideline control..

(a)(ii) the provisions of any draft environmental planning instrument

Draft Newcastle Local Environmental Plan 2011 (draft LEP2011)

As with the current LEP2003, the draft LEP2011 provisions are set aside by Clause 4 of Schedule 3 of SEPP MD. It is of note that the NLEP2003 provisions relating to the Estate are being moved into the draft development control plan.

(a)(iii) any development control plans

Newcastle Development Control Plan 2005 (DCP2005)

- Element 3.1 Public Participation

The proposal was advertised in accordance with this Element, and Part 3 of Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*. As a result, of the required notification, one submission of support was received by Council.

- Element 4.1 Parking and Access

The following table summarises the parking requirements of the DCP.

Floor Space type	Area proposed (m ²)	Carparking rate	Carparking Requirement
Commercial	4342	1 per 50m ²	86.8 spaces
Industrial	724	1 space per 100m ² GFA or 1 space per 2 staff, whichever is the greater	7.2
Total			94 spaces

As the proposal provides 171 spaces, the proposal complies with the DCP carparking requirements. There are 27 designated visitor parking spaces including two disabled parking spaces. A drop off zone is located adjacent to the forecourt.

The circulation areas of the proposed building have been excluded from the calculation areas, as they are not considered to contribute to parking demand. In terms of the café, as it is predominantly for the staff and visitors, it is not likely to create significant parking demand. However, it is noted that the proposal is in excess of the requirement for carparking, and any demand for parking would be catered for.

In terms of motorcycle parking, one space is required for every 20 carparking spaces, which would generate a demand of 9 spaces, which can be provided for on the site.

For the calculation of bicycle parking, it is noted that the commercial rate is 1 space per 200m², and the industrial rate is 1 space per 20 staff. As it is difficult to use both these rates for the specific components of the uses, as there will be no clear division of which staff work in which area, it is considered appropriate to focus on the staff rate. Accordingly, with a predicted 200 staff, 10 spaces would be required. Bike storage is proposed for at least 28 bikes, including the provision of lockers, showers.

In relation to traffic, Council's Senior Development Engineer has considered that the additional traffic created by the proposal is not likely to create any significant traffic impacts.

- Element 4.2 Contaminated Land Management

Contamination issues relating to this proposal have been previously discussed in this report. The proposal is considered to be satisfactory having regard to the DCP.

- Element 4.5 Water Management

Council's Senior Development Engineer has considered the stormwater management plan submitted by the applicant, and makes the following comments:

'There are minimum stormwater requirements in the steel river industrial estate. Surface inlet pits have sediment filter inserts to remove pollutants. No detention required for Steel River as it is close to Hunter River Outlet. Permeable pavers to be removed as the steel river subdivision has previously had contamination capping done and charging of the groundwater is not permitted.'

The site is not identified as being flood prone land.

It is considered that the proposal is acceptable in terms of water management.

- Element 4.4 Landscaping

The DCP identifies this proposal as a 'category 3' development, and accordingly the landscaping plan is required to be prepared by a Landscape Architect or similar qualified professional. The submitted plan complies with this requirement, and is considered to be satisfactory.

- Element 4.6 Waste Management

The submitted waste management plan satisfies the requirements of the DCP.

- Element 4.7 Outdoor Advertising

The proposed business identification signage is considered to be acceptable, having regard to the assessment criteria contained in this DCP.

- Element 7.1 Industrial Development

The proposal is considered to be satisfactory having regard to this DCP element.

(a)(iia) any planning agreement that has been entered into or any draft planning agreement that the developer has offered to enter into

Not applicable.

(a)(iv) any matters prescribed by the regulations

The proposal is considered to be satisfactory.

(b) the likely impacts of the development

- Social and Economic Impacts in the Locality

It is considered that the proposal is likely to have positive social and economic impacts for the locality. The applicant has noted the following likely impacts:

'The site has been designated as a State Significant Site – Three Ports Site under Schedule 3 of State Environmental Planning Policy (Major Development) 2005. The site and surrounding area has been set aside for special industrial and employment opportunities associated with the industrial land around the Newcastle Port. This zoning reflects the strategic importance of the Steel River precinct for catering for high technology industries (including the CSIRO). The proposed technology and business headquarters of Bradken is therefore entirely consistent with both local and State government strategic planning directions.'

It is considered that the proposal is likely to have positive social and economic impacts for the locality.

- Noise

Council's Compliance Services Unit has considered the potential impacts of the proposal in relation to noise, and provide the following comments:

'The Noise Impact Assessment prepared by Reverb Acoustics dated August 2011 has undertaken an analysis of potential noise impacts from the proposed development. The assessment found the sites noise levels could be make compliant with the requirements of the Noise Emission Environmental Entitlements during the day evening and night. However compliance was dependent on restriction of deliveries and operation of the workshop to the day period along with implementing noise control

modifications and strategies detailed in the report. These requirements will be addressed by the appropriate consent conditions.'

Appropriate conditions have been recommended at Appendix A in this regard.

- Overshadowing

The applicant has provided overshadows plans in support of the proposal, given that the property adjoins the CSIRO complex which includes solar technologies. The plans demonstrate that the proposal is satisfactory in this regard, which is also acknowledged in the letter of support from CSIRO.

- Carparking and Traffic

As previously detailed in the assessment, it is considered that the proposal is acceptable in relation carparking and traffic impacts.

- Easements

The site is subject to a 5m 'Easement for Environmental Services' along its street frontages. The submitted plans do show a lightweight entry structure within this area. When raised by Council officers as a concern, the applicant provided the following response:

'We confirm that all structures will be removed from the 5m easement for environmental services. Only paved elements will be included in the easement as part of the entry. We request that this matter be dealt with by a condition of consent.'

In this regard the applicants comments are noted and considered acceptable, a suitable condition has been recommended at Appendix 'A'.

There is also an easement for overhead electricity mains on the eastern boundary. The applicant has consulted with Ausgrid during the design phase, and a condition of consent requiring that the easement be managed in accordance with Ausgrid requirements is recommended.

(c) the suitability of the site for development

It is considered that the site is suitable for the proposed development, noting it is a well serviced industrial allotment.

In terms of site constraints, the site is identified as having contamination considerations, which has been previously discussed in this assessment. The site is not within a Mine Subsidence District. The site is mapped as having areas of Class 2 Acid Sulfate Soils. In this regard, ordinarily the LEP2003 would have required an Acid Sulfate Soils Management Plan to be provided prior to determination. However, as the SEPP (MD) sets aside the LEP2003, this is not necessarily required. Accordingly, it is considered that this can be managed by a condition of consent.

It is considered that the proposal is satisfactory having regard to climate change.

The site is not subject to any other known risk or hazard that would render it unsuitable for the proposed development.

(d) any submissions made in accordance with this Act or the Regulations

In accordance with Council's Notification Development Control Plan Element 4.1 - Public Participation of the Newcastle Development Control Plan (NDCP) the application was notified from 5 September 2011 to 19 September 2011 and one submission of support was received.

(e) the public interest

'Steel River' Strategic Impact Assessment Study

As previously discussed, the subject site is within the 'Steel River' Industrial Estate, which is the subject of a Strategic Impact Assessment Study (SIAS). Consideration of this document is ordinarily required by Clause 36 of the NLEP2003. Despite that the SEPP (MD) sets aside the LEP2003, it is considered that the consideration of this document is in the public interest.

At the time of the preparation of the LEP for this land circa 1997, the SIAS was prepared at the time subject to the provisions of the *Environmental Planning and Assessment Act 1979*, as a local environmental study. The document contains a number of socio-economic, eco-industrial, socio-cultural, environmental management and community consultation objectives. The findings of this study included:

'The environmental performance required of the Steel River Estate is defined by an integrated set of environmental standards or criteria, which is termed the environmental envelope for the estate. These criteria include numerical standards, management standards and objectives and design standards and objectives and collectively they are intended to define the cumulative impact which the estate will have on both physical and socio-economic aspects of the local environment (adjacent land uses). Any individual industry proposing to locate within the estate must demonstrate prior to gaining approval that its pollutant load and other impacts will not cause any of the environmental criteria to be exceeded.'

In terms of application of these principles, the proposed development is subject to the 'Steel River Community Management Statement'. The 'Steel River Community Management Statement' notes a party must not carry out development upon land within the Steel River precinct unless there is an Environmental Entitlements Certificate for the Lot(s).

The applicant has also submitted a 'Steel River Compliance Study in relation to environmental criteria, including noise, air and water quality considerations. This document also includes the required Site Management Plan and Owners Environmental Management Plan, which indicate the manner in which the proposed development will be designed, constructed and otherwise carried out so as to comply with the contamination guidelines and preserve the integrity of the remediation strategy.

The SIAS contain a number of built form considerations, the pertinent ones being identified and discussed in the below table.

Design consideration	Comment
Allotment and Building Design	<p>The applicant has provided the following comments:</p> <p><i>'The facility is an architecturally designed building which ensures a high standard of development that is consistent with the eco-park concept. The building achieves a quality design outcome that contributes positively to the public domain and the amenity of nearby residential areas. The layout provides open landscaped areas with good opportunities for passive surveillance. Overall, the site layout achieves a safe, secure and enjoyable work environment.'</i></p> <p>The proposal is considered to be acceptable.</p>
Site Layout	<p>The applicant has provided the following comments:</p> <p><i>'The proposed research facility incorporates an orderly site layout that achieves legibility of pedestrian and vehicle movement while reducing the visual impact of structures and facilities. Specifically:</i></p> <ul style="list-style-type: none"> - <i>All garbage stores are located at the rear of the proposed building;</i> - <i>The front façade of the building incorporates a fore court, landscape features and architectural design features providing an attractive façade to the street frontage;</i> - <i>Plant, lift over runs and other roof top structures are concealed behind the roof parapet and enclosed within architecturally designed roof top structures; and</i> - <i>Extensive landscaped areas are located within the front setback and throughout the site.'</i> <p>The proposal is considered to be acceptable.</p>
Site Coverage	<p>The SIAS requires a minimum of 20% of the site to be landscaped, however the proposal achieves 17.5%. In this regard the applicant has provided the following justification:</p> <p><i>'The development has been designed to provide maximum opportunity for efficient operation within the site. Sufficient site area has been provided for buffers and landscape treatment to achieve a quality visual environment and habitat areas. Landscaped areas total approximately 2,364m², which equates to approximately 17.5 % of the site area. Similarly, the combined building and hard paved surfaces comprise the remaining 82.5% of the site area (including permeable paved areas).</i></p> <p><i>While the landscape area does not achieve the prescriptive target of 20%, the variation to this standard is considered to be very minor. Furthermore, the ratio of mulch planting beds exceeds the minimum requirement of 5% of the site area and the ground level building footprint is substantially less than the 70% maximum.</i></p> <p><i>It should also be noted that the requirement for a 20%</i></p>

	<p><i>minimum landscaped area is a 'guideline' to achieve the overall 'objective' of the site coverage controls. In the circumstances, extensive landscaped areas are located in the front setback and a reduction in hardstand areas (which are primarily located behind the building) will not assist in the attainment of the site coverage "objective" to "ensure sufficient site area is provided for buffers and landscape treatment to achieve a quality visual environment".</i></p> <p><i>The percentage of hard surfaces (82.5%) largely arises as a result of the building floor area and associated parking that is required to be incorporated into the site. The two storey building design allows an efficient use of available site area (within the height and setback parameters) and consequently achieves a gross floor area that requires a relatively large parking area. Although the gross floor area requires substantial hardstand (car parking) areas, the proposed design maximises the utilisation of the site for efficient operation and achieves the first objective of the site coverage controls.</i></p> <p><i>Therefore, the objectives of the site coverage controls have been achieved through the proposed site layout and landscape design. It should also be noted that additional landscaping would conflict with the objective of reducing the infiltration of surface water.'</i></p> <p>Having regard to the design, and the quality of the landscaping in key areas, it is considered that the intent of the SIAS has been achieved by the proposal.</p>
Site Setbacks	<p>The SIAS requires the following:</p> <ul style="list-style-type: none"> - 10m building setback to roads, which can be reduced to a 5m setback for 40% of the site if access and landscape treatments are achieved. - 5m development setback - 6m setback to side and rear property boundaries to buildings and external storage. <p>In terms of the building setback to Steel River Blvd, approximately 50% of the building is setback less than 10m, rather than 40%. The development substantially complies with the 5m development setback with the exception of the landscaping court and some lightweight structures in the forecourt area.</p> <p>In this regard, it is considered that the encroachment is minor, noting the architectural merit of the design, along with the proposed landscaping.</p> <p>The proposal complies with the side and rear boundary requirements.</p> <p>It is considered that the proposal is acceptable.</p>
Height	<p>The SIAS requires building fronting main roads to have minimum height of 6.5m, and a maximum height of 12m. The proposal complies with this requirement.</p>

Floor Space Ratio	The SIAS requires a maximum FSR of 1.5:1. The proposal complies with this requirement at 0.54:1.
Storage and Work Areas	The SIAS requires storage, work areas and garbage areas to be located at the rear of allotments and to be screened. All proposed storage and work areas on the site will be wholly contained within the buildings, including the proposed workshop. The garbage storage areas are located to the rear of the main building and are not visible from public spaces. The proposed development does not require any open storage yards.

Other considerations

The proposed development does not raise any significant general public interest issues beyond matters already addressed in this report.

The proposed development is considered to be satisfactory having regard to the principles of ecologically sustainable development.

The proposed development will not result in the disturbance of any endangered flora or fauna habitat or otherwise adversely impact on the natural environment.

7. Conclusion

Subject to various conditions, the proposal is acceptable against the relevant considerations under section 79C.

8. Recommendation

That the Joint Regional Planning Panel grant consent to DA11/0994, subject to the conditions contained in Appendix A.

APPENDIX A - Conditions of Consent

A General Conditions

A1 The proposed development being carried out strictly in accordance with the details set out on

- Architectural Drawings prepared by EJE Architecture dated 17.08.2011
- Statement of Environmental Effects prepared by deWitt Consulting dated August 2011
- Steel River Compliance Study prepared by Advitech dated 15 August 2011
- Landscape Design report and plans prepared by Terras Landscape Architects
- Noise Impact Assessment prepared by Reverb Acoustics dated August 2011
- Civil Engineering Drawing prepared by Northrop dated 10 August 2011

and on the Application form, except as otherwise provided by the conditions of this consent.

Note: Any proposal to modify the terms or conditions of this consent whilst still maintaining substantially the same development to that approved, will require the submission of a formal application for Council's consideration in accordance with the provisions of Section 96 of the Environmental Planning and Assessment Act, 1979.

Reason: To confirm and clarify the terms of Council's approval.

B Conditions which must be satisfied prior to the issue of any construction certificate

B1 A copy of contamination Certificate C being submitted to the Principal Certifying Authority and Council's Compliance Services Unit prior to issue of a Construction Certificate, in accordance with contamination protocols developed for Steel River by URS.

Reason: To ensure the proposed development does not compromise the remediation strategy for the site or pose a risk to human health or the environment.

B2 Section 94A Levy

A total monetary contribution of \$165,456 being paid to Council, pursuant to Section 94A of the *Environmental Planning and Assessment Act 1979*, such contribution to be payable prior to the issue of a Construction Certificate in respect of the proposed development.

Note: i) This condition is imposed in accordance with the provisions of the *Newcastle City Council S94A Development Contributions Plan 2006* operational from 15 January 2007. A copy of the plan may be inspected at Council's Customer Enquiry Centre, ground floor of the City Administration Centre, 282 King Street Newcastle 8.30 am to 5.00 pm, excluding public holidays.

- ii) The amount of contribution payable under this condition has been calculated on the basis of the current rate as at the date of consent and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

CPI quarterly figures are released by the ABS on a date after the indexation quarter and as a guide, these approximate dates are provided below. Indexation quarters from the ABS are as follows:

Indexation quarters	Approx release date
September	Late October
December	Late January
March	Late April
June	Late July

Any party intending to act on this consent should contact Council's Customer Enquiry Centre for determination of the indexed amount of contribution on the date of payment.

Reason: To assist Council in the provision of public facilities within the local government area in response to the additional demand likely to result from the proposed development.

- B3 Additional on-site parking accommodation being provided for a minimum of 171 vehicles, 9 motorcycle spaces and at least 9 bicycle spaces and such being set out generally in accordance with the minimum parking layout standards indicated in Element 4.1 of Council's adopted Newcastle Development Control Plan 2005. Full details to be included in documentation for a Construction Certificate application.

Reason: To ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development.

- B4 The building being provided with adequate means of access for persons with disabilities in order to comply with the Building Code of Australia and the *Disability Discrimination Act 1992*.

In this regard, the applicant is to submit a design detail which has been certified by a qualified Access Advisor* with the application for a Construction Certificate.

Note: i) Compliance with the Building Code of Australia only can still leave a building professional or building owner in contravention of the *Disability Discrimination Act 1992*.

ii) * A qualified Access Advisor is a current member of -
Association of Consultants in Access Aust Inc
326 Autumn Street, HERNE HILL, VIC. 3218.
Ph (03) 5221 2820
www.access.asn.au

iii) A qualified Access Advisor should carry current and relevant public liability and public indemnity insurances for the practice of their trade.

Reason: To ensure compliance with the provision of the Environmental Planning and Assessment Act, 1979 and the Building Code of Australia and the *Disability Discrimination Act 1992* in relation to the provision of equity in access for disabled persons.

- B5 The applicant complying with all requirements of the Hunter Water Corporation regarding the connection of water supply and sewerage services, including the payment of any required cash contribution towards necessary amplification of service mains in the locality as a result of the increased intensity of land use proposed. A copy of the Corporation's certificate of compliance is to be included in documentation for a Construction Certificate application.

Reason: To ensure that water supply and sewerage services are properly connected to the proposed development in the public interest.

- B6 The design and construction of the proposed development being in accordance with the relevant requirements of the *Australian Standard 4674-2004 Design, Construction and Fit-Out of Food Premises*. Full details are to be included in the documentation for the Construction Certificate application.

Reason: To ensure safe and suitable food for human consumption under the provisions of the *Food Act 2003* and the *Food Regulations 2004*.

- B7 The Developer instituting appropriate erosion protection and soil stabilisation measures in association with the proposed site works. Full details to be included in the documentation for a Construction Certificate application.

Reason: To control soil erosion and prevent sedimentation of surrounding lands both private and public.

- B8 Any proposed work within the public road reserve, including reinstatement of a kerb, pipe or vehicular crossings, being the subject of the separate approval of Council prior to issue of a construction certificate.

Note: A separate approval from Council must be obtained for all works within the public road reserve pursuant to Section 138 of the *Roads Act 1993*. For further information contact Council's on 4974 2769 to request a Roads Act Approval. A fee will be payable in this regard.

Reason: To ensure that works within the public road are suitably authorised and constructed to appropriate standards.

- B9 All proposed driveways, parking bays, loading bays and vehicular turning areas being constructed with a basecourse of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained. The site is not to use permeable pavement. Full details are to be included in documentation for a Construction Certificate application.

Reason: To facilitate the use of vehicular access and parking facilities and to minimise any associated noise and dust nuisance.

- B10 A left turn only sign is to be provided in the vicinity of the egress, signage is also to be provided restricting access to the driveways on Steel River Boulevard. These are to be signed for exit only/ no entry. Full details of the signage are to be provided and

approved prior to the issue of a Construction Certificate. Any signage within the road reserve requires separate approval from Council's traffic committee.

Reason: To ensure that vehicles only perform left turn movements out of the site.

- B11 Footpaving is to be provided across the full frontages of the site within the road reserve. The following works are with full design and construction details are to be provided for the footpath works in accordance with Council requirements. With detailed design plans done by a practicing civil engineer being submitted to Council, to include the following works:

- i. Footpath minimum 1.2m wide the full front age of the site
- ii. Pram ramps
- iii. The footpath is to be widened adjacent to the roundabout to include provisions for an off road cycleway;
- iv. Signage details

Full details are to be approved by the Road Authority prior to the issue of a Construction Certificate and any work commencing.

Reason: To ensure that any work within the public road is carried out in accordance with Council's and the Roads & Traffic Authority's requirements and under Council supervision.

- B12 No work within the public road being commenced until Council's separate written approval has been obtained.

Note:

- 1) A separate construction certificate and section 138 application is required for the works to be undertaken in the public road.
- 2) Engineering design plans and specifications for the works being undertaken in the public road reserve are required to be submitted to Council for approval with the Construction Certificate application.
- 3) An additional fee will be required by Council for the assessment of engineering plans submitted for the public road works. In this regard the developer is advised to confer with Council's Development & Building Services Section in order to confirm this fee.

Reason: To ensure that any work within the public road is carried out in accordance with Council's and the Roads & Traffic Authority's requirements and under Council supervision.

- B13 Prior to the issue of a Construction Certificate, the proponent preparing and submitting to the Principal Certifying Authority and Council an Environmental Management Plan (EMP) for construction works on the site, such to be kept on site and made available to authorised Council officers upon request. The EMP is to include but not be limited to:

- a) A site management strategy, identifying and addressing issues such as environmental health and safety, site security, and traffic management.
- b) A water management strategy, detailing erosion and sediment control, management of soil stockpiles, control and management of surface water, groundwater. Procedures should also be included to ensure that all roads adjacent to the site are kept free and clear from mud and sediment.

- c) A dust management strategy, detailing procedures to minimise dust generation, with particular reference to control techniques and operational limits under adverse meteorological conditions.
- d) A noise management strategy detailing measures to minimise the impact of the construction phase on the amenity of the locality in accordance with *NSW Guideline on Construction Noise*.

Reason: To prevent environmental pollution and ensure compliance with relevant provisions of the *Protection of the Environment Operations Act 1997*.

B14 The subject land may contain Potential Acid Sulfate Soils. An Acid Sulfate Soils Management Plan prepared by a qualified consulting engineer in accordance with the Acid Sulfate Soils Manual shall be provided to Council prior to issue of Construction Certificate. The plan should address the following:-

- a) Whether acid sulfate soils are actually located on the site;
- b) The extent to which any acid sulfate soils are to be disturbed and the means to be employed to mitigate any harm these soils may cause to proposed structures and/or the environment.

Reason: To ensure that appropriate environmental control measures are implemented if required.

B15 All structures, excluding paving and the like for the entry area, are to be removed from the 5 metre 'easement for environmental services. Details are to be approved prior to the issue of the Construction Certificate.

Reason: To ensure that the proposal is consistent with the requirements of the Steel River Industrial Estate.

C Conditions which must be satisfied prior to the commencement of any development work

C1 Prior to commencement of site works the developer submitting and gaining Council approval for a Construction Traffic Management Plan addressing traffic control measures to be utilised in the public road reserve during the construction phase.

Note: The required plan is to ensure the provision for safe, continuous movement of traffic and pedestrians within the road reserve. The plan is to be prepared in accordance with Australian Standard 1742.3 – 2002.

Reason: To control vehicular and pedestrian traffic movements in the public road reserve during the construction phase

C2 Prior to the commencement of works in the road reserve, the developer providing written notification to the adjoining landowners of the intention to start works, advising details of the scheduling of works and nominating a contact person. A legible prominent sign stating the name of the developer and contractor and a 24 hour contact telephone number is to also be displayed on-site during the construction period.

Reason: To minimise inconvenience to neighbouring residents during construction activities.

- C3 The proposal shall be managed in accordance with any requirements of Ausgrid in relation to the easement for 'Overhead Electricity Mains' located on the site.

Reason: To ensure that the proposal has no impact on public infrastructure.

D Conditions which must be satisfied during any development work

- D1 Construction/demolition work that generates noise that is audible at residential premises being restricted to the following times:

- Monday to Friday, 7:00 am to 6:00 pm;
- Saturday, 8:00 am to 1:00 pm;

With no noise from construction/demolition work to be generated on Sundays or Public Holidays.

Reason: To prevent 'offensive noise' from construction/demolition sites in order to safeguard the amenity of the neighbourhood

- D2 No construction/demolition work being undertaken on a Public Holiday or on a Saturday or Sunday adjacent to a Public Holiday

Reason: To safeguard the amenity of the neighbourhood.

- D3 Council's "PREVENT POLLUTION" sign being erected and maintained in a conspicuous location on or adjacent to the property boundary so that it is clearly visible to the public or at other locations on the site as otherwise directed by Council for the duration of construction work.

Note: Council's PREVENT POLLUTION sign can be obtained by presenting your development application receipt at Council's Customer Enquiry Counter at 282 King Street Newcastle or at the Master Builders Association office.

Reason: To increase industry and community awareness of developer's obligations to prevent pollution and to assist in ensuring compliance with the statutory provisions of the *Protection of the Environment Operations Act 1997*.

- D4 Any excavated material to be removed from the site being assessed, classified, transported and disposed of in accordance with the Waste Classification Guidelines of the NSW Department of Environment and Heritage.

Reason: To prevent environmental pollution and to ensure observance of appropriate health standards.

- D5 Any demolition/waste building material incapable of being reused or recycled being disposed of at Council's Waste Management Facility or other approved site.

Reason: To prevent indiscriminate dumping or use of demolition/waste building material for purposes of unauthorised land fill.

- D6 All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Reason: To confirm a condition of consent prescribed by the *Environmental Planning & Assessment Regulation 2000*.

- D7 The placing of building materials or the carrying out of building operations upon or from Council's footway or roadway is prohibited unless prior consent in writing is obtained from Council.

Reason: To maintain pedestrian passage and public safety.

- D8 All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

Reason: To confirm a condition of consent prescribed by the *Environmental Planning & Assessment Regulation 2000*.

- D9 A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Reason: To confirm a condition of consent prescribed by the *Environmental Planning and Assessment Regulation 2000*.

- D10 The proposed construction works being carried out in accordance with the Site Management Plan prepared by Advitech Pty Ltd dated 15 August 2011 and the conditions of this consent.

Reason: To ensure construction works are carried out in an environmentally sensitive manner and to confirm the terms of consent.

- D11 Any excavated material to be removed from the site being assessed, classified, transported and disposed of in accordance with the Department of Environment and Climate Change's (DECC) '*Waste Classification Guidelines Part 1: Classifying Waste*'.

Reason: To prevent environmental pollution and to ensure observance of appropriate health standards.

- D12 Any fill material imported into the site being Virgin Excavated Natural Material or material subject to a Resource Recovery Exemption that is permitted to be used as a fill material, in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment (Waste) Regulation 2005*.

Reason: To ensure that any imported fill is of an acceptable standard for environmental protection purposes.

- D13 Any fill material subject to a Resource Recovery Exemption received at the site must be accompanied by documentation demonstrating that material's compliance with the conditions of the exemption, and this documentation must be provided to Council officers or the Principal Certifying Authority on request.

Reason: To ensure that any imported fill is of an acceptable standard for environmental protection purposes.

E Conditions which must be satisfied prior to any occupation or use of the building

- E1 Any necessary alterations to public utility installations being at the Developer/Demolisher's expense and to the requirements of both Council and the appropriate authorities.

Reason: To ensure that any required alterations to public utility infrastructure are undertaken to acceptable standards and without demands on public sector resources.

- E2 All parking and loading bays being permanently marked out on the pavement surface with loading bays being clearly indicated by signs.

Reason: To facilitate the orderly and efficient use of on-site parking and loading/unloading facilities.

- E3 Appropriate lighting being provided for driveways and pedestrian pathways in accordance with AS 1158 - Lighting and AS 4282 - Control of the Obtrusive Effects of Outdoor Lighting, such being installed prior to the occupation of the portion of the premise the subject of this application.

Reason: To ensure that adequate and appropriate lighting facilities are provided for the proposed development and to ensure consistency with Crime Prevention Through Environmental Design principles.

- E4 All public footways, footpaving, kerbs, gutters and road pavement damaged during the works being restored to match existing conditions at the Developer's/Demolisher's expense.

Reason: To ensure that the required restoration is undertaken to acceptable standards and without demands on public sector resources.

- E5 Where the proposed development involves the possible disturbance of any existing survey permanent marks or reference marks, regulations require that written notice must be given to the Surveyor General not less than 14 days prior to the intended removal or alteration by the person intending the disturbance. Where a mark is relocated, a Plan for Survey Information by a registered surveyor showing the new position should be supplied at no cost to Council. Council will pass the plan to the Surveyor General and the Land Titles Office.

Reason: To ensure that existing survey marks which may be affected by the development are appropriately reinstated.

- E6 Industrial type vehicular crossings minimum 6 m wide respectively being constructed across the public footway at each of the proposed driveway entrance/exits at no cost to Council and in accordance with Council's A17 Series (Concrete Vehicular Crossings) design specifications and such crossing being properly maintained.

Reason: To ensure the provision of adequate clearly defined and properly constructed means of all-weather vehicular access to the site in order to encourage the use of on-site parking facilities and in the interest of maximising vehicular and pedestrian safety and convenience.

- E7 The developer being responsible for the provision of additional regulatory signage and all adjustments to and/or relocation of existing regulatory signage necessary as part of this development in accordance with the Newcastle City Traffic Committee requirements, such works to be completed prior to the occupation of the buildings the subject of this development application.

Note: Alterations to regulatory signage and kerbside parking will need to be referred to the Newcastle City Traffic Committee for approval.

Reason: To ensure that public road facilities are upgraded to an appropriate standard having regard to the additional traffic movement and pedestrian activity likely to be generated by the proposed development.

- E8 A copy of contamination Certificate D being submitted to the Principal Certifying Authority and Council's Compliance Services Unit prior to the issue of the Occupation Certificate for the premises, in accordance with contamination protocols developed for Steel River by URS.

Reason: To ensure the proposed development does not compromise the remediation strategy for the site or pose a risk to human health or the environment.

- E9 All works in the public road proposed, or required by the conditions of consent, are completed to the satisfaction of the Road Authority prior to the issue of any occupation certificate. All works shall be completed at full cost to the developer and at no cost to the Roads and Traffic Authority or Council.

Reason: To ensure that any work within the public road is carried out in accordance with Council's and the Roads & Traffic Authority's requirements and under Council supervision.

F Conditions which must be satisfied during the ongoing use of the development

- F1 The proposed development being carried out in accordance with the recommended acoustic treatment outlined in the report prepared by Reverb Acoustics entitled 'Noise Impact Assessment', dated August 2011. Written certification from the said consultant confirming that the recommended acoustic treatment has been implemented in accordance with the requirements is to be submitted to the Principal Certifying Authority prior to the commencement of any noise generating activity within the premises

Reason: To ensure that appropriate noise control measures are implemented.

- F2 The use and occupation of the premises including all plant and equipment installed thereon, not giving rise to any 'offensive noise', as defined under the *Protection of the Environment Operations Act, 1997*, as amended.

Note: Should Council consider that offensive noise has emanated from the premises, the owner/occupier of the premises will be required to submit an acoustic consultant's report recommending appropriate acoustic measures necessary to ensure future compliance with this condition and will be required to implement such measures within a nominated period. Furthermore, written certification from the said consultant confirming that the recommended acoustic measures have been satisfactorily implemented will be required to be submitted to Council before the expiration of the nominated period.

Reason: To ensure that appropriate noise control measures are implemented if required.

- F3 Any liquid wastes from the premises, other than stormwater being discharged to the sewers of the Hunter Water Corporation in accordance with that authority's requirements.

Reason: To prevent environmental pollution and to ensure observance of appropriate public health standards.

- F4 All goods storage and industrial activity being confined to within the building, within areas designated for such purposes on the submitted plans or otherwise provided in accordance with the conditions of this consent.

Reason: To confirm the terms of consent and to ensure that storage and industrial activity is confined within a properly constructed building thereby minimising any adverse environmental impact.

- F5 Any proposed mechanical ventilation and/or air conditioning systems, or other mechanical services, being operated in a manner which does not give rise to "offensive noise", as defined under the *Protection of the Environment Operations Act, 1997*, as amended.

Reason: To ensure compliance with the provisions of the *Protection of the Environment Operations Act, 1997*, as amended.

- F6 There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.

Reason: To prevent environmental pollution, to ensure observance of appropriate public health standards and to protect the existing amenity of the neighbourhood.

- F7 Any proposed floodlighting of the premises being so positioned, directed and shielded as to not interfere with traffic safety or detract from the amenity of the adjacent premises.

Reason: To ensure that the proposal does not interfere with traffic safety and to protect the existing amenity of the neighbourhood.

- F8 Adequate facilities being provided in an appropriately screened location within the premises for the separate storage of recyclable and non-recyclable material, and arrangements being made for regular removal and disposal of same.

Reason: To prevent environmental pollution and reduce the amount of waste being disposed to landfill.

- F9 Any alteration to natural surface levels on the site being undertaken in such a manner as to ensure that no surface water is drained onto or impounded on adjoining properties.

Reason: To ensure that any such proposed works do not disrupt existing natural stormwater flows in the vicinity.

- F10 Proposed parking areas, driveways, vehicular ramps and turning areas being maintained clear of obstruction and being used exclusively for purposes of car parking and vehicle access, respectively. Under no circumstances are such areas to be used for the storage of goods or waste materials.

Reason: To ensure the proposed/required parking, facilities and associated driveways are able to function efficiently for their intended purpose and are not otherwise used in a manner which detracts from the overall appearance of the development.

G Advisory Notes

- G1 Any proposed business identification sign or advertising sign, being designed in accordance with the provisions of Council's adopted Newcastle Development Control Plan, 2005 and being the subject of a separate Development Application approved prior to erection or placement in position.

Reason: To advise of the necessity to submit further applications to Council in respect of proposed signage in order that any such proposals may be properly assessed in accordance with relevant heads of consideration under the *Environmental Planning and Assessment Act, 1979*.

- G2 Prior to commencing any construction works, the following provisions of the *Environmental Planning and Assessment Act 1979* (the 'Act') are to be complied with:

- a) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
- b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and form 7 of schedule 1 to the Regulation.
- c) Council is to be given at least two days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act and Form 7 of Schedule 1 to the Regulation.

Reason: To advise of matters to be resolved prior to the commencement of work.

- G3 Prior to the occupation of a new building, or, occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building. An application for an Occupation Certificate must be set out in the form of the relevant part of Form 12 of the *Environmental Planning and Assessment Regulation 2000* and must be accompanied by the relevant information required by Form 12.

Reason: To ensure compliance with Section 109M of the *Environmental Planning and Assessment Act 1979*, as amended.

- G4 A copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and a further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.

Reason: To ensure compliance with Clause 172 of the *Environmental Planning and Assessment Regulation 2000*.

APPENDIX B – Plans and Elevations

APPENDIX C – Referral Comments

Comments from Internal Departments

Department	Comments
Environmental Officer (Compliance Services Unit)	<p>The proposed development is located within the Steel River Estate. Therefore, the site of the proposed development is subject to the '<i>Steel River Community Management Statement</i>'. The '<i>Steel River Community Management Statement</i>' notes a party must not carry out development upon land within the Steel River precinct unless</p> <ul style="list-style-type: none"> • '<i>there is an Environmental Entitlements Certificate for the Lot(s)</i>' <p>Council is in possession of the Environmental Entitlements Certificate for Lot 21 DP.270249</p> <p>A set of protocols has been developed by URS Australia Pty Ltd for verifying remediation and validation of each allotment within the Steel River precinct. These protocols include the following certificates;</p> <ol style="list-style-type: none"> Certifies that the total site remediation complies with the approved Remedial Action Plan (RAP) [Development Application No: 97/0251]. Certifies what contamination (if any) exists on an allotment and if present it has been remediated in accordance with the approved RAP [Development Application No: 97/0251]. States that URS Australia Pty Ltd has reviewed a specific development proposal and certifies that the proposed development does not compromise the remediation strategy. The 'as built development certificate' certifies that the construction has been in accordance with the reviewed plans and the remediation strategy has not been compromised. <p>Council has received Certificates A and B for Lots 21 DP 270249. To ensure the proposed development is constructed in accordance with the approved Steel River RAP Certificates C and D are required to be submitted to Council prior to the issuing of a Construction Certificate (Certificate C) and Occupation Certificate (Certificate D). The requirement for Certificates C and D to be submitted to Council will be addressed by appropriate consent conditions.</p> <p>The Site Management Plan (SMP) prepared by Advitech Pty Ltd dated 15 August 2011 outlines the method in which the proposed development will be designed, constructed and otherwise carried out so as to comply with the Contamination Guidelines and preserve the integrity of the Remediation Strategy of the Steel River precinct. The proposed development will be required to be constructed in accordance with the SMP prepared by Advitech Pty Ltd. This requirement will be addressed by an appropriate consent condition.</p> <p><u>Noise</u></p> <p>The Noise Impact Assessment prepared by Reverb Acoustics dated August 2011 has undertaken an analysis of potential noise impacts from the proposed development. The assessment found the sites noise levels could be made compliant with the requirements of the Noise Emission Environmental Entitlements during the day evening and night. However compliance was dependent on restriction of deliveries and operation of the workshop to the day period along with implementing noise control modifications and strategies detailed in the report. These requirements will be addressed by the appropriate consent conditions.</p> <p>Recommendation</p> <p>The Compliance Services Unit (CSU) has reviewed this application and has no objections provided the following conditions are applied to address potential environmental impacts.</p>

Council Senior Engineering Officer	<p><u>Flooding</u></p> <p>The site is not flood prone</p> <p><u>Stormwater</u></p> <p>There are minimum stormwater requirements in the steel river industrial estate. Surface inlet pits have pitbull inserts to remove pollutants. No detention required for Steel river as it is close to Hunter River Outlet. Permeable pavers to be removed as the steel river subdivision has previously had contamination capping done and charging of the groundwater is not permitted</p> <p><u>Traffic</u></p> <p>Adequate parking 171 spaces has been provided and trucks can manoeuvre through the site.</p> <p>Additional traffic will use the industrial network which has adequate capacity and then onto arterial road Industrial Drive</p> <p>Details of any signage required to restrict access or for left turns only out of site onto Steel River Bld to be conditioned</p>
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