

**JOINT REGIONAL PLANNING PANEL  
HUNTER AND CENTRAL COAST**

<b>Panel Reference</b>	2017HCC009
<b>DA Number</b>	DA2017/00402
<b>LGA</b>	NEWCASTLE
<b>Proposed Development</b>	Demolition of building, erection of a storage facility, associated administration building, parking, wash bay and site works
<b>Street Address</b>	No's. 53 & 55 Weakleys Drive, Beresfield (Lot 6, DP1160356 and Lot 630, DP1180006)
<b>Applicant/Owner</b>	Ausgrid/Alpha Distribution Ministerial Holding Corporation
<b>Date of DA lodgement</b>	13/4/2017
<b>Number of Submissions</b>	Nil
<b>Recommendation</b>	Approval
<b>Regional Development Criteria (Schedule 4A of the EP&amp;A Act)</b>	<p>In accordance with schedule 4A of the <i>Environmental Planning and Assessment Act 1979</i> the subject development is a Crown development that has a capital investment value over \$5 million. The Joint Regional Planning Panel is the determining authority.</p> <p>The Alpha Distribution Ministerial Holding Corporation is a State Government owned agency and, as such, the proposal constitutes a Crown development. The proposal has a capital investment value of \$10 million dollars.</p>
<b>List of all relevant s79C(1)(a) matters</b>	<p><b>Environmental planning instruments: s79C(1)(a)(i)</b></p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy No.55 (Remediation of Land)</li> <li>• State Environmental Planning Policy No 33—Hazardous and Offensive Development</li> <li>• State Environmental Planning Policy No 64—Advertising and Signage</li> <li>• Newcastle Local Environmental Plan 2012</li> <li>• Newcastle Development Control Plan 2012</li> <li>• Newcastle Section 94A Development Contributions Plan 2009</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<p><b>Attachment A</b> - Recommended conditions of consent</p> <p><b>Attachment B</b> - Documents submitted with the application</p> <p><b>Attachment C</b> - RMS General Terms of Approval</p>
<b>Report prepared by</b>	Newcastle City Council
<b>Report date</b>	22 February 2018

**Summary of s79C matters**

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? **Yes**

**Legislative clauses requiring consent authority satisfaction**

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **No**  
**(Has been addressed in the body of the assessment report)**  
*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

**Clause 4.6 Exceptions to development standards**

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **No**  
*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

**Conditions**

Have draft conditions been provided to the applicant for comment? **Yes**  
*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

## ASSESSMENT REPORT AND RECOMMENDATION

### EXECUTIVE SUMMARY

A development application (DA2017/00402) has been lodged with Council, seeking consent for erection of a single storey administration building and a covered outdoor store/truck parking building. Additionally, there will be various parking areas dedicated to car and truck parking, a wash bay and associated site works.

The proposal involves separate accesses for heavy and light vehicles via the southern side of the site using the land known as 55 Weakleys Drive. The submitted Statement of Environmental Effects indicates that the proposal will provide for 50 office staff and 70 field staff. The depot store aspect and associated stormwater/services have been subsequently removed from the application and addressed under a separate complying development certificate.

The property owner, Alpha Distribution Ministerial Holding Corporation, is a State Government owned agency and, as such, the proposal is for a Crown development. The proposal has a capital investment value of \$10 million dollars.

The proposal was placed on public exhibition from 26 April 2017 to 12 May 2017 in accordance with the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000* and Section 8 of Newcastle Development Control Plan 2012. No submissions were received during the notification period.

The application was referred to Roads and Maritime Services in accordance with the provisions of State Environmental Planning Policy (Infrastructure) 2007.

The key issues raised in the assessment relate to:

- Traffic and associated road design
- Tree loss
- Land contamination
- Acoustic impacts
- Bushfire risk

The application is recommended for approval as the development will have a positive economic benefit for the broader community by providing essential infrastructure and services.

### 1. INTRODUCTION

This report provides an assessment of the development proposal for the erection of a single-storey administration building, a covered outdoor store/truck parking building and a depot store at No's.53 & 55 Weakleys Drive, Beresfield.

The development application is reported to the Hunter and Central Coast Joint Regional Planning Panel for determination pursuant to Part 4 '*Regional Development*' of State Environmental Planning Policy (State and Regional Development) 2011 as the proposed development is listed within Schedule 4A of the *Environmental Planning and Assessment Act 1979*, being Crown development with a capital investment value of more than \$5 million.

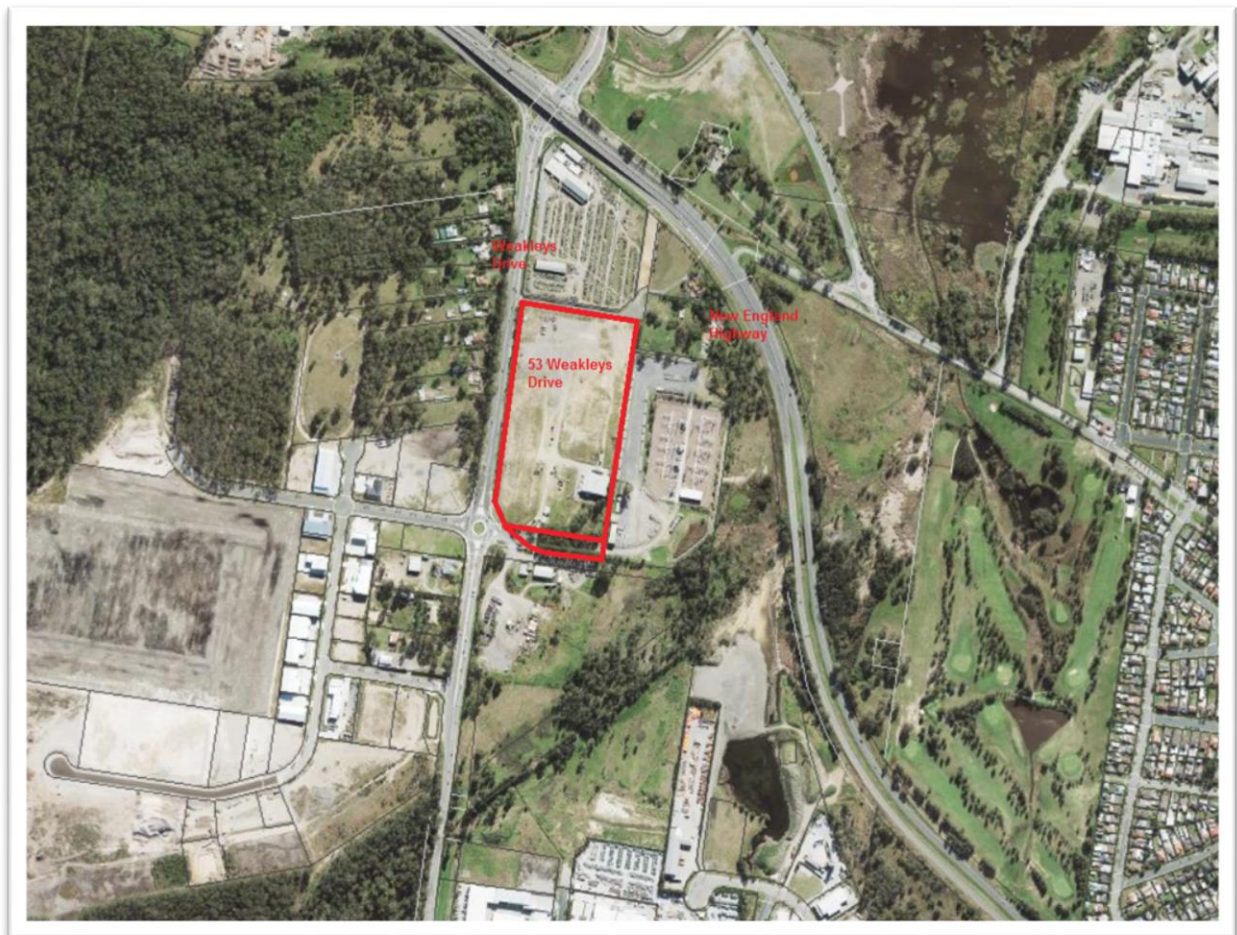
## 2. BACKGROUND

It is likely that the site was historically used for livestock grazing until 1958, when the industrial use of timber protection commenced on the site. The site was used by Koppers Australia from 1973, as a timber treatment facility, being a use that ceased around 2005.

The subject development application was lodged with Council on 13 April 2017, with the main objective of providing for a centralised depot facility. The site is considered ideal by the applicant, due to its position near two major roadways (i.e. New England Highway and M1-Pacific Motorway/Weakleys Drive). The site is also located centrally within the lower Hunter region, which will facilitate the main objective of the depot as a maintenance facility. An additional benefit of this site is that it that the proposed depot would be co-located with the existing Ausgrid substation at No. 55 Weakleys Drive.

## 3. SITE DESCRIPTION

The site is located on the north-eastern corner of Weakleys Drive and an un-named eastern arm of a roundabout, as shown on Figures 1 and 2 below. Currently, access is predominately from the north western end of the site, via Weakleys Drive. The southern access to the site, via the unnamed arm of the roundabout, is not used at this time.



**Figure 1: Site Aerial Locality**



**Figure 2: Site Aerial**

The Weakleys Drive access will be extinguished as part of this application and all access for the proposed development would be via the southern boundary of the site.

The site includes properties known as Lot 6, DP1160356 being No. 53 Weakleys Drive and Lot 630, DP1180006 being No. 55 Weakleys Drive, Beresfield

The majority of the proposed development is located on No. 53 Weakleys Drive, with the access driveway being proposed on No. 55 Weakleys Drive, which is otherwise largely occupied by the existing Ausgrid substation. There is an existing Ausgrid access way within the part of No. 55 Weakleys Drive that is included within this application.

No.53 Weakleys Drive is an irregular shaped site with an area of 6.3 hectares. No. 55 Weakleys Drive is also an irregular shaped site, with an area of 5.945 hectares (noting that the majority of the proposed development is not located on this property).

The site has a gentle slope from the west down towards the east, which increases in the south eastern corner, towards an existing detention basin.

The site is predominately vacant containing only a larger building towards the south-eastern corner and several demountable buildings.

The majority of the site is lightly vegetated with only a sparse grass covering as shown in the applicant's photo at Figure 3 below. There is small stand of native trees along the western boundary at the north-western corner of the site. Towards the south-eastern corner of the site is a detention basin that is surrounded by a large stand of trees and heavier ground covers. This stand of trees extends further along the southern boundary. The portion of the subject site known as No.55 Weakleys Drive, where new driveway access is proposed, also contains a large stand of mature native trees.

The area surrounding the site is a mixture of industrial sites, larger historic residential properties (several of which are being used for industrial or mixed residential/business purposes) and other uses. Directly to the east of the proposed development site is an Ausgrid substation (i.e. on No. 55 Weakleys Drive). To the north of the site is an auto wreckers/spare parts business. To the south is an existing transport business, although a 19 lot industrial subdivision has been approved for the land and a proposed modification to that approval provides for 24 lots.



**Figure 3:** Looking South across the site

(Source: Applicant's Architectural Plans - SHAC Proj No 3654 DA1002 Rev C Dated 23/03/2017)

## 4. PROPOSAL

The proposal consists of:

- The erection of a single storey administration building and a covered outdoor store/truck parking building.
- Various parking areas dedicated to car and truck parking.
- A wash bay and associated site works.
- Construction of a separate access for heavy and light vehicles via the southern side of the site using the land at No.55 Weakleys Drive.

The submitted Statement of Environmental Effects indicates that the proposed development will provide for 50 office staff and 70 field staff.

The construction of a depot store and associated stormwater/services were originally proposed as part of the application. These elements have been now deleted from the application and have been included under a separate complying development certificate.

The submitted plans are included at **Appendix B**.

## 5. PLANNING ASSESSMENT

### 5.1 Environmental Planning and Assessment Act 1979 (EP&A Act)

#### 5.1.1 Section 23G – Joint Regional Planning Panels

The combined effect of Section 23G and Schedule 4A (clause 5) of the EP&A Act and the provisions of State Environmental Planning Policy (State and Regional Development) 2011, requires the Joint Regional Planning Panel (JRPP) to determine applications for Crown development over \$5 million in capital investment value. The application submitted to Council nominates the capital investment value of the project as \$10 million dollars.

The Alpha Distribution Ministerial Holding Corporation is a State Government owned agency and, as such, the proposal constitutes a Crown development.

### 5.1.2 Section 91 - Integrated Development

The application is '*integrated development*' in accordance with the EP&A Act, as the applicant has elected to seek approval under Section 138 of the *Roads Act 1993* from Roads and Maritime Services (RMS) as part of the application.

The RMS *General Terms of Approval* have been provided (refer to **Attachment C**) and incorporated into the recommendation conditions of consent (appended at **Attachment A**).

## 5.2 Section 79C Evaluation

The proposal has been assessed under the relevant matters for consideration detailed in Section 79C(1) of the EP&A Act, as follows:

### 5.2.1 Section 79C(1)(a)(i) provisions of any environmental planning instrument

#### State Environmental Planning Policy (State and Regional Development) 2011

This policy sets out the functions of regional panels in determining applications for regional development. Clause 20 and 21 of the SEPP require the Joint Regional Planning Panel to be the determining authority for development included in Schedule 4A of the EP&A Act. This includes applications for Crown development over \$5 million in capital investment value. The application is therefore submitted to the Hunter and Central Coast Joint Regional Planning Panel for determination.

#### State Environmental Planning Policy (Infrastructure) 2007

*State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) was introduced to facilitate the delivery of infrastructure across the State by improving regulatory certainty and efficiency.

Schedule 3 of ISEPP relates to traffic generating development and requires certain applications to be referred to the RMS. The application was referred to the RMS under Schedule 3 of the ISEPP.

The RMS provided a response to the application referral, stating they have no objection to the proposed development on the basis that certain conditions are included in a development consent. In addition, RMS stated that all matters relating to internal arrangements on site are matters for Council to determine. These matters have been incorporated into the recommended conditions of consent (refer to **Attachment A**).

#### State Environmental Planning Policy No.55 (Remediation of Land) (SEPP No.55)

This policy requires consideration to be given to previous uses on the site and whether the site needs to be remediated for future uses. Clause 7(1)(b) and (c) of SEPP No.55 requires that where land is contaminated, Council must be satisfied that the land is suitable in its contaminated state or will be suitable after remediation for the purpose for which the development is proposed.

The following comments have been made by Council's Senior Environment Protection Officer in relation to land contamination issues:

'Contamination

*The subject site had been used to treat timber for approximately 50 years which had resulted in some contamination of the soil and groundwater. A due diligence Environmental Site Assessment was carried in 2007 by Environmental Earth Services (EES) to delineate contamination across the site prior to sale. Several areas across the site were identified as contaminated and would require remediation to make the land suitable for industrial use. While contamination was identified across the site, the north east corner was identified as heavily contaminated as this was the location of the tanks used to treat the timber products. In 2010 DA2010/1719 was submitted to Council proposing Remediation of the site, along with subdivision works and road widening. The development application was assessed and approved in 2013; however in 2014 the development application was surrendered to Council and subsequently the remediation was not carried out.*

*In 2015 Environmental Consultant Services (ECS) notified Council of Category 2 remediation works which were carried out at the subject site. RCA Australia prepared a Remediation Action Plan (RAP) dated November 2012 based on the contamination assessment carried out by EES in 2007. Along with the RAP, groundwater monitoring was undertaken to establish the state of groundwater whereby phase separated hydrocarbons (PSH) were identified in the north eastern corner.*

*Following the remediation a Site Validation Report was prepared by ECS in March 2015 which, along with all other relevant contamination information, was reviewed by a NSW accredited Site Auditor. The Auditor (Graeme Nyland from Ramboll Environ) issued a Site Audit Statement and Site Audit Report GN 475B dated July 2015 which determined the land was suitable for Commercial/ Industrial use.*

*In 2016 Ausgrid engaged Hansen Yuncken to prepare a Pre-DA application. The RSU reviewed the Site Audit Report and noted the auditor concluded with "it is expected that groundwater concentrations will decrease overtime". As the RSU had concerns regarding the potential migration of contaminated groundwater offsite, the following advice was provided "The Site Audit Report prepared by Graeme Nyland from Ramboll Environ Australia Pty Ltd dated July 2015 outlines the proposed development site is appropriately remediated for a commercial/industrial use, but notes the presence of contaminants in the groundwater plume, while considered a low health risk, will attenuate over time and eventually result in reduced impacts to the receiving environment. To ensure contaminants in groundwater are adequately dissipating as a result of the remediation works undertaken, Council requires additional groundwater sampling be undertaken to demonstrate the impacts from contaminants in the plume from the site are not on-going for surrounding receivers."*

*The applicant submitted a Groundwater Assessment report prepared by RCA Australia dated 17 February 2017 for review. Following a review of the report the RSU noted section 6 stated "The contamination has increased in wells considered downgradient of the former location of the PSH (Phased Separated Hydrocarbons) and it is therefore considered that there has been some migration of contamination from the site". In light of the findings of the Groundwater Assessment the RSU noted that the groundwater plume appeared to have migrated offsite to the north east.*

*The RSU had concerns that further remedial works may be necessary based on the current findings of the Groundwater Assessment prepared by RCA. Therefore, the RSU required Graeme Nyland (Site Auditor) to review the Groundwater Assessment prepared by RCA Australia dated 17 February 2017 in conjunction with the Remedial Action Plan prepared by RCA Australia dated November 2012 and provide comment as to whether Site Audit Statement GN 475B is still valid.*

*In a letter dated 19 June 2017 Graeme Nyland of Ramboll Environ prepared a review of the groundwater assessment in conjunction with the RAP prepared by RCA Australia. When comparing the groundwater results with reference to the elevated concentrations offsite, the auditor notes that the field techniques were not consistent whereby EES used bailers whereas RCA used low flow sampling. The auditor also stated that RCA noted quality control issues with their data, with their blank samples having a contamination spike outside of the acceptable criteria. The presence of globules was also identified in the samples making the samples turbid and difficult to achieve consistent results. All of these factors contribute to the groundwater contamination levels found within the EES report being different and inconsistent with the methods used by RCA and the results being incompatible.*

*Significantly, the auditor notes that the concentrations in BH2 (the borehole onsite) indicate a significant reduction in contamination levels due to the source removal. The auditor concluded the review by acknowledging the risk profile of the site had not changed as there is no known mechanism by which contamination concentrations could increase significantly, and as such the Site Audit Statement (SAS) GN475B was still valid. Therefore, the RSU has no objections to the proposed development based on contamination.'*

Based on this advice, the proposal is considered to be acceptable in relation to environmental aspects, subject to recommended conditions of consent.

#### State Environmental Planning Policy No 33 - Hazardous and Offensive Development

The proposal is considered to not constitute a potentially hazardous or potentially offensive development. The applicant submitted a schedule of materials proposed to be stored on site, demonstrating that the volume and type of materials involved is below the level at which a Preliminary Hazard Analysis would be triggered and, as such, not further provisions of SEPP 33 apply.

#### State Environmental Planning Policy No 64 - Advertising and Signage

The proposal incorporates a simple business identification sign and is considered satisfactory in respect of the provisions of SEPP 64.

### **Regional Environmental Plan**

There is no regional environmental plan that is relevant to this proposal.

### **Newcastle Local Environmental Plan 2012 (NLEP 2012)**

#### Clause 1.3 – Land to which Plan applies

The subject development occurs within the land area identified on the '*Land Application Map*' contained in NLEP 2012.

#### Clause 2.3 Land Use Table - Zoning

The site is a combination of IN2 Light Industrial and SP2 Infrastructure (Classified Road) zoned land, as shown within Figure 4 below. The majority of the site is zoned IN2 Light Industrial. The SP2 Infrastructure (Classified Road) zone is variable in width between 9 to 18 metres.

It is considered that the proposed development is characterised as a '*depot*', being a use that is permissible in the IN2 Light Industrial zone.

The objectives of the IN2 Light Industrial zone are:

- *To provide a wide range of light industrial, warehouse and related land uses.*
- *To encourage employment opportunities and to support the viability of centres.*

- *To minimise any adverse effect of industry on other land uses.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To support and protect industrial land for industrial uses.*

It is considered that the proposed development is consistent with all the objectives of the IN2 Light Industrial zone.

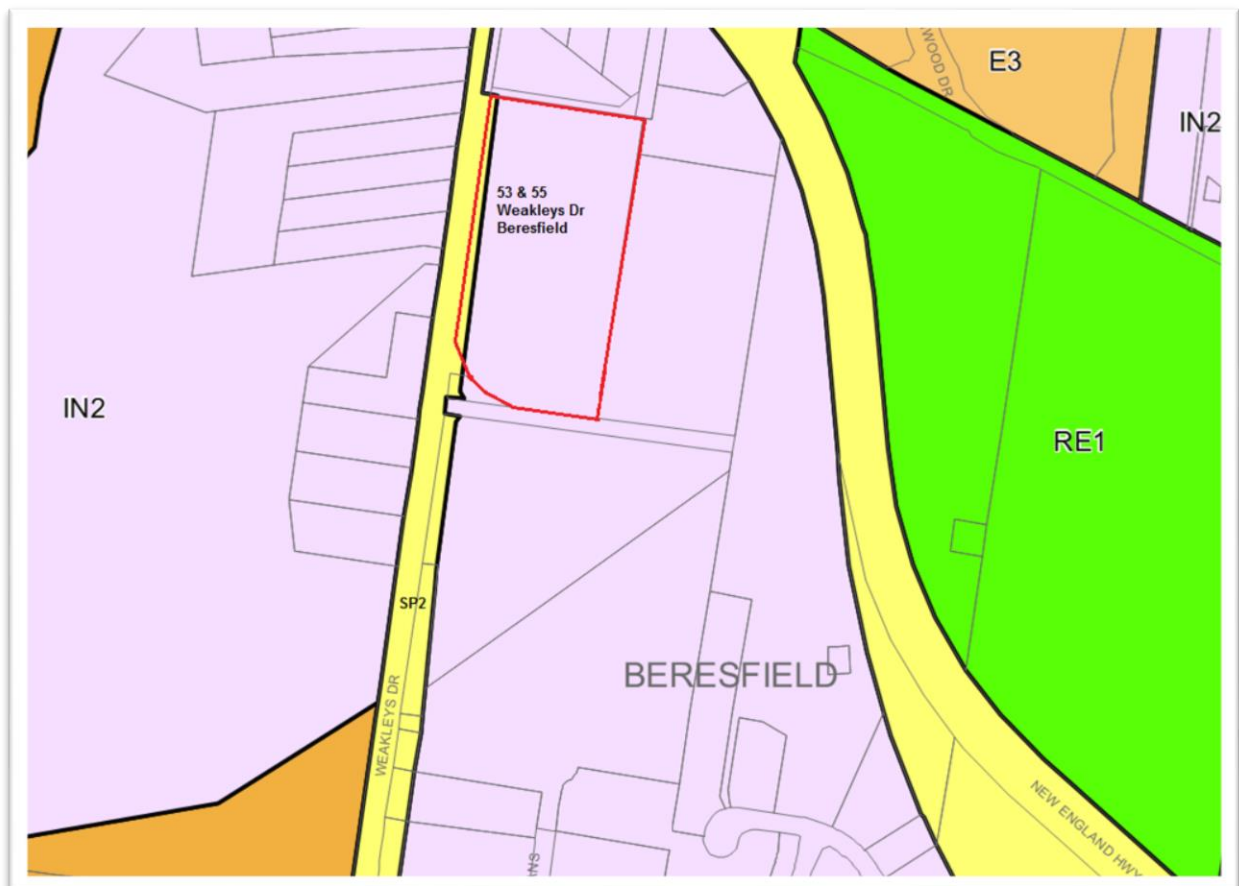
The SP2 Infrastructure (Classified Road) zone exists to allow acquisition of the land for road widening. The RMS advised in August 2017 that the road widening affecting No. 53 Weakleys Drive was no longer required.

The proposed development provides for no specific use in the part of the site that is subject to the SP2 Infrastructure (Classified Road) zone, other than to provide for part of a setback from Weakleys Drive and for fencing of the site perimeter. It is considered that the proposed development in the SP2 Infrastructure (Classified Road) zone is incidental to the purpose of 'classified road' that appears on the Land Zoning Map of NLEP 2012 and is permissible in the SP2 Infrastructure (Classified Road) zone.

The objectives of the SP2 Infrastructure zone are:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

It is considered that the proposed development is consistent with the objectives of the SP2 Infrastructure zone, as the proposed development does not compromise the provision of infrastructure in the zone.



**Figure 4: Zoning Map Extract**

Clause 4.3 Height of Buildings

The IN2 Light Industrial zone does not have a development standard for height.

Clause 4.4 Floor Space Ratio (FSR)

The IN2 Light Industrial zone does not have a development standard for FSR.

Clause 5.5 Development within the Coastal Zone

The subject site is not within the coastal zone.

Clause 5.10 Heritage Conservation

The subject site is not listed for its cultural heritage significance in Schedule 5, Part 1 of NLEP 2012 and is not an identified archaeological site. Further, the site is not located within a Heritage Conservation Area or located in the vicinity of any heritage listed items. The land is unlikely to be affected by any items of Aboriginal heritage items due to the disturbed nature of the site.

Clause 6.1 Acid Sulfate Soils

The subject site is identified as containing Class 3 and 5 Acid Sulphate Soils. The majority of the site is Class 5 with Class 3 located within the south eastern corner.

The development is considered acceptable having regard to the extent and nature of works proposed.

Clause 6.2 Earthworks

The earthworks proposed are considered to not be significant and are acceptable having regard to the provisions of this clause.

### **5.2.2 Section 79C(1)(a)(ii) any draft environmental planning instrument that is or has been placed on public exhibition**

There is no exhibited draft environmental planning instrument relevant to the application.

### **5.2.3 Section 79C(1)(a)(iii) any development control plan (and section 94 plan)**

The main planning requirements of relevance in the Newcastle Development Control Plan 2012 (DCP) are discussed below.

3.13 - Industrial Development

The development has relatively low site coverage and is acceptable in terms of character, amenity and setbacks. The architecturally designed administration building is located towards the most prominent corner of the site (i.e. Weakleys Drive and the unnamed road) and the proposed setbacks are well in excess of 5m. It is considered that the proposal is acceptable have regard to this section of the DCP.

4.01 - Flood Management

The site is not subject to flooding.

The proposed development contributes to lower catchment flows and flooding and is also part of a wetland catchment. On this basis, a stormwater assessment was required for the site, which is discussed further in section 7.06 of the DCP assessment.

#### 4.02 - Bush Fire Protection

The proposal has been assessed under Section 79BA of the Environment Planning and Assessment Act 1979 having regard to the provisions of the NSW Rural Fire Service's Planning for Bush Fire Protection 2006.

The applicant submitted a bushfire risk assessment that considered the proposal to be acceptable, subject to the establishment of protection zones, a defendable zone, water reticulation systems and an emergency evacuation plan.

The bushfire risk assessment is considered to be acceptable and its recommendations are incorporated into recommended conditions of consent.

#### 4.03 - Mine Subsidence

The site is not located within a proclaimed Mine Subsidence District.

#### 4.04 - Safety and Security

The development is considered to be adequate in terms of the Crime Prevention Through Environmental Design (CPTED) principles of surveillance, access control, territorial reinforcement and space management.

The proposal incorporates a combination of security fencing, external flood lighting, security cameras and security patrols to address crime prevention principles. It is considered that the proposal is acceptable in terms of meeting the requirements of this section of the DCP.

#### 4.05 - Social Impact

The development is in the public interest and will allow for the provision of essential infrastructure and services within the Hunter Region which will have positive economic and social impacts.

#### 5.01 - Soil Management

A Sediment and Erosion Management Plan has been submitted with the application to minimise sediments being removed from the site during the construction period. A condition has been placed on the consent to require such measures to remain in place for the entire construction period.

#### 5.02 - Land Contamination

As previously discussed under SEPP 55 Land Contamination, the site is known to be contaminated.

#### 5.03 - Tree Management

The applicant submitted an arborist's report in respect of the proposal and the report has since been revised.

The arborist's report indicates that 86 of the 99 trees on the site will be removed as part of the proposal. The majority of the affected trees are concentrated toward the southern boundary and south-eastern corner of the site. The majority of the trees are large mature native species such as *Eucalyptus microcorys* (Tallwood), *Casuarina glauca* (Swamp She Oak), *Melaleuca quinquenervia* (Broad Leafed Paperbark) and *Eucalyptus saligna* (Sydney Blue Gum). The arborist's report additionally notes that: *"all of the trees where noted to be planted and not considered to be remnant or regrowth of remnant native vegetation. Many of the planted trees have self-promulgated on the site."*

The arborist's report notes that the trees to be removed are "*within the development footprint*" and furthermore that all the trees are considered to be of '*moderate retention value*' under Section 5.03 of the DCP. The arborist's report notes that one standard tree replacement for each tree removed (i.e. trees of moderate retention value) is required under the Newcastle DCP.

The extent of tree loss on site and lack of significant replacement trees was raised with the applicant as a significant concern during the assessment of the application. The reliance on shrubs for the majority of replacement landscaping was not accepted as sufficient replacement for the loss of large trees. In response to this concern, a revised landscape plan was submitted.

The applicant noted that the arborist's report only assessed 99 trees but a total of 127 were located within the subject site and that in total 41 trees would be retained on site. A further 28 trees outside the area of development were retained (ie towards the south-eastern corner and around the detention basin) but not assessed as part of the arborist's report. The applicant further stressed that the growth on site had been due to planting and self-seeded re-growth and is not remnant native vegetation.

The applicant provided the following comments on the revised landscape plan which consists of:

- 129 x Callistemon (Kings Park Special) trees; and
- 18 x Cupaniopsis anacardioides (Tuckeroo) trees.

In addition to these 147 trees to be planted, there will be the following shrubs and smaller trees:

- 80 x Callistemon Slim, hedging plant growing to 3m high; and
- 6 x Crepe Myrtle trees.

The applicant considers that, while the replacement species are smaller in height than mature trees of the species that will be removed, the increased number of trees in a planned landscape arrangement should be viewed as a more than adequate canopy replacement, considering that many of the existing trees are self-promulgated regrowth, which were unlikely to ever reach maturity on this brown field development site.

Generally, Ausgrid as the applicant considers that more and taller trees within the depot or near access paths do not meet Ausgrid's operational requirements.

Taller trees around access paths to or within the depot pose a potential hazard of blocking access for vehicles and crews, including to the adjoining network critical substation on 55 Weakleys Drive, particularly during emergency weather events, when the depot staff needs to efficiently and effectively respond to calls to repair infrastructure in the region, without the risk of having to deal with potential disruption within its own base.

The loss of a significant number of large mature native trees from the site raises concerns. Notwithstanding that the existing trees have been planted and resulted in additional self-seeded regrowth, these trees are large mature trees that would have taken several decades to grow to current sizes. While it is accepted that remnant bushland would be even higher value under the Newcastle DCP, the DCP does not treat planted/regrowth vegetation as low value. It is notable that all of the vegetation being removed has been assessed as '*moderate retention value*' within the arborist's report.

The applicant's response that 147 trees are proposed to be planted is a concern as 129 of these trees consist of *Callistemon 'Kings Park Special'* which are a larger growing attractive shrub, rather than being a tree. The 18 Tuckeroo's proposed to be planted are considered to be an appropriate compensatory tree species.

The DCP and arborist's report recommends that 77 compensatory trees are required. The submitted landscape plan is considered to provide for 18 compensatory trees (i.e. Tuckeroo's). It is considered that the majority of the landscaping proposed consists of larger growing shrubs (215 plants) and ground covers with only 18 trees proposed.

The applicant's concerns about operational impacts on an essential infrastructure and service facility with additional plantings of larger trees is noted. It is further noted that the existing vegetation forms a relatively tight grouping towards the south-eastern corner of the site with the remainder of the current site predominately vacant of vegetation. In this context it is considered that a reduced compensatory planting rate is reasonable and appropriate.

On balance, it is recommended that a total of 50 trees be required as compensatory planting (i.e. 32 additional trees to the 18 proposed) and a condition of consent is recommended to this effect. The additional trees are recommended to be an endemic tree species which has a typical mature height of greater than 6m.

It is considered that sufficient land exists to provide for these plantings. It is further noted that the northern 'boundary' of the development is not the limit of the actual site and further plantings could be undertaken on the eastern and western boundaries in addition to those in immediate proximity of the proposed development.

Overall it is considered that the combination of the proposed landscaping, with 50 compensatory trees, would result in an acceptable outcome.

#### 5.04, 5.05, 5.06 and 5.07 - Aboriginal Heritage, Heritage Items, Archaeological Management & Heritage Conservation Areas

As previously noted under clause 5.10 of NLEP 2012, the site is not affected by heritage items, conservation areas and is unlikely to be affected by any archaeological items/relics.

#### 7.02 - Landscape, Open Space and Visual Amenity

It is considered that the overall landscape proposal is acceptable subject to the issues raised within Section 5.03 of the DCP above.

#### 7.03 - Traffic, Parking and Access

The following comments have been made by Council's Senior Development Engineer in relation to traffic, packing and access:

*"Discussions have been held with internal stakeholders including Council's Traffic Team and external stakeholders being mainly the owners of 93 Weakleys Dr and RMS. The owners of 93 Weakleys Dr have reviewed the revised road design and have no major concerns in regards to the design. The design of the proposed new road have been designed to ensure that there is minimum impact on the proposed subdivision at 93 Weakleys Dr. Minor issues such as the embankment design can be resolved at construction certificate stage. RMS team has also reviewed the final road design and has provided comments with conditions in support for the construction of the new road.*

#### Off-Street Parking

*Parking provided by the development (DA) as follows:*

- *A total of 84 car parking spaces of which 80 parking spaces will be for staff and 4 will be for visitors. 2 of the visitor parking will be designed as accessible parking.*
- *45 Truck parking spaces and associated work platforms*
- *15 Light commercial vehicle parking spaces.*
- *10 Trailer / plant spaces.*

*The submitted traffic report and additional information have been reviewed. The original reports and subsequent information have confirmed the use of the site, clarified staff movement and the demand for staff parking, and the pole jinker truck movements to/from 53/55 Weakleys Dr. The proposed car parking is generally for staff use. It is anticipated that visitors to the site will be very limited as the site is a works depot. The development has also provided for truck parking and commercial vehicles parking spaces to service the development. The number of off-street car parking for staff, larger associated trucks and commercial vehicles is adequate to service the development is therefore acceptable.*

*The proposed development will be accessed via Road 5 which will be designed to intersect with Road 1. It is predicted that the traffic movement from the proposed development and the adjoining subdivision will not impact on the serviceability of Weakleys Dr.*

*The internal traffic movement and parking seems to comply with the relevant Australian Standards. The staff and visitor car parking area has a separate access driveway linking to Road 5 which links to the Administration Building. The depot has a separate driveway access which will be used by trucks and commercial vehicles and has been designed to accommodate for larger vehicles. Due consideration has been given for safety with the parking parks and truck areas. A separation median has been indicated at the depot driveway which will assist in safety. Adequate sightlines are available for the driveways and at the intersection to Road 1.*

#### *Jinker Truck Movement*

*The development is adjoining an existing Ausgrid (55 Weakleys Dr) site. This site is a major distribution site for Ausgrid in the Hunter Region and larger jinker Trucks (generally up to 30m in length) are used to deliver power poles to and from the site.*

*Pole jinker Truck and associated use vehicle movement data for 55 Weakleys Dr have been provided by Ausgrid as follows:*

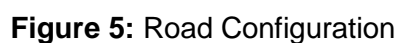
- Pole jinker trucks - 4 movements per day.*
- Light Vehicle for approx. 6 staff and operational staff movement as approx. 10 per day.*
- Fuel tanker once a month.*
- Waste Removal via Garbage truck once a fortnight.*

*The proposal is indicating for widening of Road 1 which will be formalised as a public road and connects to Weakleys Dr. Road 1 will also be the primary access for the approved subdivision at 93 Weakleys Dr. The access to the proposed development and adjoining Ausgrid site are being provided via Road 5 which will be a private road owned by Ausgrid.*

#### *Road 1 Design*

*The design of Road 1 has been done to ensure that the jinker trucks can continue the use of the existing site without hindering the traffic on Weakleys Dr and the surrounding developments. Road 1 design has allowed for the continuation of a 3% cross fall from Weakleys Dr onto Road 1 for approx. 19m to allow for a jinker truck to be parked on the exit lane (south lane) of Road 1 without restricting the traffic on Weakleys Dr. The inbound trucks will have a clear distance from the roundabout and is anticipated that the traffic on Weakleys Dr will not be impacted. The design of Road 1 has also considered the impact on the proposed industrial subdivision at 93 Weakleys Dr. the gradients of the road has been designed to allow for access at the future intersection.*

*It is also noted that majority of the jinker trucks will be under a special RMS traffic control which generally guides these forms of larger trucks to/from their destinations.*



The following comments have been made by Council's Senior Development Engineer in relation to stormwater and drainage:

"Stormwater Reuse and Detention

The concept stormwater management plan and stormwater design prepared by MPC Consulting Engineers have allowed for 2 x 15 KL rainwater tanks to be installed at the Administration Building. 2 x 4,000L rainwater tanks are proposed for the Depot & Truck Parking.

A Bio-retention tank has been provided which will also be the on-site detention (OSD) for the site. The OSD has been noted to be approx. 1382m<sup>3</sup> in capacity and should be able to contain flows up to 1% AEP event. Overflow weirs have been provided and overland flows within the site including blockages have been considered as part of the stormwater assessment.

Stormwater Quality Assessment

Stormwater quality assessment has been undertaken by MPC in order to determine the impact on the ecology of the downstream watercourse. The performance of the stormwater strategy was assessed against the MUSIC software targets set in the Council's Technical Manual and the MUSIC Link and create a Water Sensitive Design for the development. The following features are noted in the design:

- Rainwater Tanks (2 x 15 kilo litres) have been provided for reuse for the Administration building
- 2 x 4,000L tanks have been provided for the Depot and Truck parking, which will be used for truck washing.
- Roof water will pass through a first flush device.
- Gross Pollutant Traps (GPT - Ecosol proprietary product) has been provided as indicated in the Stormwater Strategy.
- On Site Detention (OSD) basin with capacity of 1382m<sup>3</sup> which also contains a bio-retention facility for stormwater treatment.

MUSIC modelling has been done by MPC and the submitted stormwater management plan has indicated that the development achieves the targets set by Council.

Drainage Connection

The stormwater from the site's detention basin is proposed to be connected to the existing drainage pipe which has an existing easement for drainage. Overflow provisions have been made in the design to ensure.

The proposed public Road 1 has been designed to discharge to the existing swale drainage which discharges to the nearby wetland system.

Maintenance & Monitoring and Safety

The proposed stormwater structures will require regular monitoring and maintenance to ensure the system is functional. A detailed monitoring and maintenance plan will need to be provided with the stormwater management strategy.

The principles of WSUD and the requirements of the DCP have been applied to the development. The submitted stormwater strategy reports and supporting documents have demonstrated that the development will not impact of the downstream ecology, is sustainable and can be maintained in the long term."

The proposal is considered to be acceptable in respect of stormwater and drainage, subject to recommended conditions of consent in this respect.

8.00 - Public Participation

The proposal was placed on public exhibition from 26 April 2017 to 12 May 2017 in accordance with the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000* and Section 8 of the DCP. No submissions were received during the notification period.

#### Newcastle Section 94A Development Contributions Plan

The application attracts Section 94A Contributions pursuant to the Newcastle Section 94A Development Contributions Plan. A contribution of 1% of the cost of development would be payable to Council as determined in accordance with clause 25J of the *Environmental Planning and Assessment Regulation 2000*.

#### **5.2.4 Section 79C(1)(a)(iia) Planning agreements**

No planning agreements are relevant to the proposal.

#### **5.2.5 Section 79C(1)(a)(iv) the regulations (and other plans and policies)**

The application has been considered pursuant to the provisions of the *Environmental Planning and Assessment Act 1979* and *Regulation 2000*. In addition, compliance with AS 2601 – Demolition of Structures is included in the recommended conditions of consent for any demolition works.

#### Hunter Regional Plan 2036

The Hunter Regional Plan provides an overarching framework to guide land use plans, development proposals and infrastructure funding decisions. The NSW Government's vision for the Hunter is to be the leading regional economy in Australia with a vibrant new metropolitan city at its heart.

The proposal is consistent with the aim of providing essential infrastructure and services to the region in a location which will improve the efficiency and effectiveness of the services.

#### Lower Hunter Regional Strategy 2006-2031

The primary purpose of the Lower Hunter Regional Strategy is to ensure that adequate land is available and appropriately located to accommodate the projected housing and employment needs of the region's population over the next 25 years. It is considered that the proposal supports the region's growth in housing and employment via the provision of essential infrastructure and services.

#### **5.2.6 Section 79C(1)(a)(v) Coastal Management Plan**

No Coastal Management Plan applies to the site or the proposed development.

#### **5.2.7 Section 79C(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

##### Acoustic Impacts

An acoustic report was submitted with the application to address potential acoustic impacts due to the nature of the development, including the proposed 24 hour operation.

The following comments have been made by Council's Senior Environment Protection Officer in relation to acoustic issues:

*"The applicant has submitted a Noise Impact Assessment (NIA) prepared by Muller Acoustic Consulting dated February 2017 to support the proposed development. The proposal is for an Ausgrid Depot which primarily will operate from 6:00am to 12:00am (midnight) seven days a week, however in cases of emergency will operate 24 hours. The NIA has assessed the full 24 hour operation of the site along with the noise impacts associated with the construction of the facility which will be limited to the standard construction hours of 7:00am to 6:00pm Monday to Sunday and 8:00am to 1:00pm Saturdays only.*

*The acoustic consultant modelled the intrusive and amenity criteria along with the project specific noise levels (PSNL) and found that the PSNL were the lower of the calculated levels and thus have adopted them for the NIA. The NIA incorporated into the modelled assumptions a 2.2m impervious barrier at the northern boundary of the site to provide acoustic attenuation to residential receivers known to Council as 167 and 179 New England Highway Beresfield.*

*The NIA theoretically demonstrated the operation of the proposed development will meet the PSNL for the day; evening and night. Sleep disturbance was also modelled for the proposed development, where a sound power level of 102dBA L<sub>Amax</sub> was adopted as the worst case scenario. The NIA theoretically demonstrated the sleep disturbance criteria will be satisfied at all assessed receivers. The NIA also demonstrates that during the construction period the modelled noise emissions are predicted to satisfy the relevant noise management levels for all residential receivers.*

*Traffic Noise associated with the proposed development was also modelled whereby 296 light and 52 heavy vehicles per day (Traffic Assessment, SECA, 2016) were assessed. The results demonstrate that the additional project traffic on Weakleys Drive will satisfy the NSW Road Noise Policy and not increase the existing road noise levels by more than 2dB. Therefore, the RSU has no objections to the proposed development based on acoustics."*

The proposal is considered to be acceptable in relation to environmental aspects subject to recommended conditions of consent.

#### **5.2.8 Section 79C(1)(c) the suitability of the site for the development**

The site is suitable for the proposed development.

#### **5.2.9 Section 79C(1)(d) any submissions made in accordance with this act or the regulations**

The application was notified and advertised in accordance with the *Environmental Planning and Assessment Act 1979* and *Regulation 2000* and no submissions were received.

#### **5.2.10 Section 79C(1)(e) the public interest**

The development is in the public interest as it will allow for the provision of essential infrastructure and services within Hunter region.

### **6. CONCLUSION**

The proposal is considered to be acceptable against the heads of consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*.

### **7. RECOMMENDATION**

THAT the Hunter and Central Coast Joint Regional Planning Panel approve DA2017/00402 (2017HCC009) for the demolition of a building, erection of a storage facility, associated

administration building, parking, wash bay and site works at No's. 53 & 55 Weakleys Drive, Beresfield, pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* subject to the recommended conditions in **Attachment A**.