



COUNCIL ASSESSMENT REPORT
HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSHCC-246 – DA2022/01269
PROPOSAL	One into two lot Torrens title subdivision
ADDRESS	Lot 16 DP 1231619 – 35 Cameron Street Broadmeadow
APPLICANT	Transport for New South Wales
OWNER	Transport Asset Holding Entity of New South Wales
DA LODGEMENT DATE	14 November 2022
APPLICATION TYPE - <ul style="list-style-type: none">NOMINATED INTEGRATED DEVELOPMENTCROWN DEVELOPMENT APPLICATION	<p>The proposal is classed as 'nominated integrated development'. This means that the proposal requires approval from the below listed government agency:</p> <ul style="list-style-type: none">Heritage NSW (requires approval under Section 58, <i>Heritage Act 1977</i>). <p>The applicant for the development application is a Crown authority (Transport for NSW) and therefore the application is Crown Development pursuant to Division 4.6 of the <i>Environmental Planning and Assessment Act 1979</i>.</p>
REGIONALLY SIGNIFICANT CRITERIA	Clause 4.33 (2) of the EP&A Act- applicant has referred Crown Development Application to the regional planning panel.
CIV	\$0
KEY SEPP/LEP	<ul style="list-style-type: none">State Environmental Planning Policy (Resilience and Hazards) 2021Newcastle Local Environmental Plan 2012
TOTAL SUBMISSIONS	<p>The proposal was publicly notified in accordance with the City of Newcastle's Community Participation Plan and the provisions of Environmental Planning and Assessment Regulation 2021. The notification period was from 18 November 2022 to 16 December 2022. A total of 58 submissions have been received.</p> <p>Key concerns raised in submissions are:</p> <ul style="list-style-type: none">- Heritage Conservation.- Opportunities for repurposing of the site.

	- Lack of public consultation.
DOCUMENTS SUBMITTED FOR CONSIDERATION	<p><u>Assessment report and associated documents</u></p> <ul style="list-style-type: none"> • Attachment A - draft schedule of conditions and applicant written acceptance of draft conditions • Attachment B - Plans/Documents submitted with the application for assessment • Attachment C - General Terms of Approval – Heritage NSW <p><u>Documentation submitted:</u></p> <ul style="list-style-type: none"> • Attachment A - Survey Plan by Monteath and Powys • Attachment B - Plan of Subdivision by Monteath and Powys • Attachment C - Non-Aboriginal Statement of Heritage Impact prepared by Artefact Heritage. • Attachment D - Statement of Environmental Effects prepared by Urbis.
RECOMMENDATION	Approved subject to conditions
DRAFT CONDITIONS TO APPLICANT	Yes - crown DA - applicant provided written consent to the draft conditions on 27 February 2024.
SCHEDULED MEETING DATE	5 March 2024
PLAN VERSION	Ref: 220240DPA 2022 M7100 (364) COMP. Sheets 1-5, dated 05.08.2022.
PREPARED BY	Monteath and Powys
DATE OF REPORT	27 February 2024

EXECUTIVE SUMMARY

This report details the City of Newcastle's ('CN') assessment of a Development Application (DA2022/01269) which seeks consent for the One into Two lot torrens title subdivision of lot 16 in Deposited Plan 1231619.

The subject site is known as 35 Cameron Street Broadmeadow and comprises 7 separate allotments legally described as:

- Lots 13,14,15 & 16 in Deposited Plan 1231619
- Lot 26 in Deposited Plan 1147480
- Lot 49 Section A in Deposited Plan 4020, and
- Lot 57 Section A in Deposited Plan 4020.

The relevant lot within the site that is subject to this application is Lot 16 in DP 1231619 which consists of two separate land parcels, one large parcel which is operational rail land and a smaller parcel which is non-operational land. The lot sits either side of the

Broadmeadow Railway Locomotive Depot (Lot 13 in DP1231619), a heritage item of state significance whose curtilage extends over the existing boundary alignments of each parcel of lot 16. The smaller land parcel has frontage to Cameron Street and contains the unused former rail depot administration building, ancillary outbuildings, hard stand spaces and vegetation. The smaller land parcel is separated from residential lands by lots 14 and 15 in DP 1231619, not sharing a boundary with residential zoned lands. The smaller land parcel is unused. The larger land parcel has legal frontage to Brown Road toward its north-western end and to Kings Road via an access road to its south-western end and predominantly contains active rail corridor and associated rail infrastructure including the Broadmeadow Maintenance Centre.

The application was submitted as 'nominated 'integrated development' pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'), requiring approval from:

- Heritage NSW (*Section 58, Heritage Act 1977*).

Approval under the *Heritage Act 1977* is required for the subdivision as the subject site is located within the State Heritage Register (SHR) curtilage of the Broadmeadow Railway Locomotive Depot, State Heritage Register (*SHR no. 01100*).

Heritage NSW have issued their General Terms of Approval (GTAs) with conditions. Refer to **Attachment C** of this report.

The application is referred to the Hunter Central Coast Regional Planning Panel ('the Panel') as the applicant is a crown authority (Transport for New South Wales) and the applicant has elected to refer the Development Application to the Panel following the expiration of the time period prescribed under clause 95 (2) of the *Environmental Planning and Assessment Regulation 2021*, pursuant to Section 4.33 (2) (b) of the *Environmental Planning and Assessment Act 1979*.

A briefing was held with the Panel on **25 October 2023** where key issues were discussed, comprising heritage conservation (including HNSW general terms of approval), community interest and consistency with strategic planning documents.

The application was placed on public exhibition from 14 November 2022 to 16 December 2022, with fifty-eight (58) submissions being received. These submissions raised concerns predominantly relating to heritage conservation, opportunities for repurposing/adaptive reuse of the site and lack of public consultation. These matters are considered further in this report.

The key issues arising from Council's assessment of the proposal include:

1. *Heritage Conservation*
2. *Community Interest*
3. *Consistency with strategic plans*

These issues are considered further in this report and are considered to have been satisfactorily addressed as part of the assessment process with conditions proposed where relevant in **Attachment A - Draft Schedule of Conditions**.

The principal planning controls relevant to the proposal include:

- State Environmental Planning Policy (Resilience and Hazards) 2021, and
- The Newcastle Local Environmental Plan 2012 ('NLEP 2012').

The proposal is consistent with the various provisions of the planning instruments and controls as discussed within this report.

Several jurisdictional prerequisites are required to be satisfied prior to the granting of consent. The following controls are considered to have been satisfactorily addressed in the assessment of the application and by the documentation submitted, as summarised below:

Environmental Planning and Assessment Act 1979

Section 4.33: As the applicant is a crown authority, the applicant is to be considered pursuant to the provisions of this Section. It is acknowledged that Cl4.33 (1)(b) states that a consent authority must not impose a condition on a consent except with the approval of the applicant or minister. Transport for New South Wales, as applicant, accepted the draft conditions of consent in writing on 27 February 2024.

Section 4.47(2): As the proposed development is integrated development, General Terms of Approval have been obtained from:

- (i) Heritage NSW under s58 of the *Heritage Act 1977* (NSW).

Environmental Planning and Assessment Regulation 2021

Clause 95: This provision of the 2021 EP&A Regulation has been considered, noting that the development application has not been determined within the prescribed period (70 days) post lodgement. The development application has been referred to the applicable regional planning panel pursuant to Section 4.33 (2) (b) of the EP & A Act.

Environmental Planning Instruments – Pre- conditions to the grant of consent

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 – Remediation of land

Clause 4.6 provides that prior to granting consent to the carrying out of any development on land the consent authority is required to give consideration as to whether the land is

contaminated and, if the land is contaminated, whether the land is suitable for the purpose of the development or whether remediation is required.

The larger part of Lot 16 in DP 1213619 has been identified as being affected by contamination which exceeded industrial/commercial and residential land use criterion as a result of such land uses as historical filling and locomotive depot related activities. Records indicate category 2 remediation has occurred on some parts of the larger lot.

Given that the proposed development is subdivision only, does not seek to change the use of the subject site nor include earthworks, it is considered that the subject site is suitable for the proposed development and therefore the provisions of clause 4.6 are satisfied without further investigation being required.

Newcastle Local Environmental Plan 2012

Clause 2.6: Subdivision– The applicant has sought development consent for subdivision, satisfying the provisions of this clause, noting that subdivision of land as permitted on any land to which the NLEP applies, with development consent.

Clause 4.1: Minimum subdivision lot size - The minimum lot size afforded to the site is 1,000m². The proposed subdivision includes resultant lot sizes of 2.7ha and 17.28ha, complying with the minimum lot size requirement.

Clause 5.10: Heritage conservation – The site is subject to the following heritage affectations:

- 'Broadmeadow Railway Locomotive Depot', NLEP Item 46
- 'Broadmeadow Locomotive Depot Offices', NLEP Item 45
- 'Broadmeadow Railway Locomotive Depot', State Heritage Register (SHR) #01100

All of the affectations relate to the Broadmeadow Locomotive precinct which contains listings of both state and local significance. Heritage NSW have issued General Terms of Approval (GTA's).

The GTA's include a requirement for the preparation and submission of a Conservation Management Plan (CMP) for the Broadmeadow Locomotive Depot and adjoining heritage sites with the required application under Section 60 of the *Heritage Act 1977*.

The existing boundary alignments of lot 13 and lot 16 will not be altered where the Broadmeadow Locomotive Depot curtilage overlaps onto either lot.

The HNSW GTA's require a conservation management plan to be prepared for the entire Broadmeadow Locomotive Precinct prior to the registration of the new lots, and the proposed development is only to separate two parts of a single allotment which are already predominantly separated by lot 13, noting that the lots would remain affected by the curtilage of the State Heritage Item there is considered to be no adverse effect upon the heritage significance of the items concerned caused by the proposed development.

An AHIMS search identified 1 previously recorded Aboriginal objects/sites within the subject site. There is no ground disturbance proposed as part of this application, which is for subdivision only, therefore there is no risk of harm to any known or unknown Aboriginal objects.

As such, no further investigation is required.

Clause 5.21: *Flood planning* – The site is flood prone however the proposed subdivision of land with no earthworks or building work has no impact on flood management.

Following evaluation against the matters for consideration under Section 4.15(1) of the EP&A Act, the provisions of the relevant State Environmental Planning Policies, the provisions of the Newcastle Local Environmental, the proposal is in the public interest and is supportable.

Accordingly, pursuant to Section 4.16(1)(a) of the *EP&A Act*, DA2021/01269 is recommended for approval subject to the reasons contained at **Attachment A** of this report.

1. THE SITE AND LOCALITY

1.1 The Site

The subject site is known as 35 Cameron Street Broadmeadow and comprises 7 separate allotments legally described as:

- Lots 13,14,15 & 16 in Deposited Plan 1231619
- Lot 26 in Deposited Plan 1147480
- Lot 49 Section A in Deposited Plan 4020, and
- Lot 57 Section A in Deposited Plan 4020.

The relevant lot within the site that is subject to this application is Lot 16 in DP 1231619 which consists of two separate land parcels, one large parcel which is operational rail land and a smaller parcel which is non-operational land, the lot sits either side of the Broadmeadow Railway Locomotive Depot (Lot 13 in DP1231619), a heritage item of state significance whose curtilage extends over the existing boundary alignments of each parcel of lot 16. The smaller land parcel has frontage to Cameron Street and contains the unused former rail depot administration building, ancillary outbuildings, hard stand spaces and vegetation. The smaller land parcel is separated from residential lands by lots 14 and 15 in DP 1231619, not sharing a boundary with residential zoned lands. The smaller land parcel is unused. The larger land parcel has legal frontage to Brown Road toward its north-western end and to Kings Road via an access road to its south-western end predominantly contains active rail corridor and associated rail infrastructure including the Broadmeadow Maintenance Centre.



Figure 1: Entrance to smaller current smaller parcel (proposed lot 1) from Cameron Street frontage.



Figure 2: Existing two storey former administration building.



Figure 3: view of larger parcel of site with Broadmeadow Maintenance Centre in background, from the Brown Road entrance.



Figure 4: Identification of separate lots comprising larger site owned by TAHE NSW. Proposed lots are shaded yellow. Note: this displays the existing boundary alignments.

1.2 The Locality

The subject site is located approximately 3.5km west of the Newcastle Central Business District, 850m north of the Adamstown train station and 900m to the South of the Broadmeadow train station, immediately adjacent to the main Newcastle Rail Line and Broadmeadow Maintenance Centre.

The surrounding locality comprises of a mixture of land uses including residential, education, rail and commercial/light industry.

The site exists within the Broadmeadow Regionally significant growth area as identified within the Hunter Regional Plan 2041 and being part of the Broadmeadow Locomotive precinct is to be part of an investigation for potential housing, employment or unique cultural tourism opportunities, as identified by the HRP 2041 as one of the outcomes identified for the future Broadmeadow Place Strategy.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The development proposes to undertake a 1 into 2 lot subdivision of Lot 16 in Deposited Plan 1231619. The applicant states that the proposal is intended to separate operational rail land (active rail corridor) from land surplus to operations, being land in two parts that is currently registered as a single lot.

The proposed resultant lot sizes are:

- Proposed lot 1: 2.7ha
- Proposed lot 2: 17.28ha

The proposed development does not include any physical works nor any change of land use and the application does not make mention of any future use of the allotments.

There is no intended change to the existing boundary, only a new legal description for each new lot.

The draft subdivision plan includes the following easements which are existing and intended to be transferred to the new title of proposed lot 1:

- Easement for access benefitting Lot 21 in Deposited Plan 10056850;
- Easement for electricity purposes benefitting proposed lot 1.

Table 2: Chronology of the DA

Date	Event
15 November 2022	DA externally referred - Heritage NSW.
18 November 2022	Exhibition of the application from 18 November 2022 to 16 December 2022
12 December 2022	Application 'called-in' by CN elected Council members for consideration and eventual determination.
20 December 2022	Heritage NSW requests additional information
2 February 2023	1 st Request for Information from Council to Applicant
8 February 2023	Heritage NSW issue General Terms of Approval
22 March 2023	Applicant responds to Council request for information
5 July 2023	Council letter to applicant requesting application be withdrawn.
16 August 2023	Applicant letter to Council confirming the application will not be withdrawn.
29 August 2022	Applicant refers application to Hunter Central Coast Regional Planning Panel.
25 October 2023	Applicant's Briefing with the Panel
5 December 2023	Heritage Council of NSW meeting rejects applicants request to amend HNSW General Terms of Approval
5 March 2024	Public determination meeting

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and*

Assessment Act 1979 ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is considered to be (which are considered further in this report):

- Crown Development Application (s4.33) - written agreement from the Crown to the proposed conditions of consent must be provided.
- Nominated Integrated Development (s4.46) - General terms of approval are required from Heritage New South Wales as the site contains an item listed on the State Heritage register.

3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *Newcastle Local Environmental Plan 2012;*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

Table 3: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Planning Systems) 2021	The proposed development is not captured as a development of the type under Schedule 6 of this SEPP however has been 'called in' for determination by the applicable regional planning panel in accordance with the provisions of Section 4.33 (2) of the EP&A Act.	N/A
SEPP (Resilience & Hazards)	Chapter 4: Remediation of Land <ul style="list-style-type: none"> Section 4.6 - The contamination status of the land has been considered the proposed development is satisfactory. 	Y
LEP	Newcastle Local Environmental Plan 2012 <ul style="list-style-type: none"> Clause 2.3 – Permissibility and zone objectives Clause 2.6 subdivision Clause 4.1 Minimum subdivision lot size Clause 5.10 Heritage Conservation Clause 5.21 Flood Planning 	Y
DCP	Newcastle Development Control Plan 2012 <ul style="list-style-type: none"> Section 3.01 Subdivision Section 4.01 Flood Management Section 5.05 Heritage Items 	Y

Consideration of the relevant SEPPs is outlined below:

- *State Environmental Planning Policy (Resilience and Hazards) 2021*

Chapter 4: Remediation of Land

The provisions of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* ('the Resilience and Hazards SEPP') have been considered in the assessment of the development application. Section 4.6 of Resilience and Hazards SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is 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 to be carried out.

The larger part of Lot 16 in DP 1213619 has been identified as being affected by contamination which exceeded industrial/commercial and residential land use criterion as a result of such land uses as historical filling and locomotive depot related activities. Records indicate category 2 remediation has occurred on some parts of the larger lot.

Given that the proposed development is subdivision only, does not seek to change the use of the subject site nor include earthworks, it is considered that the subject site is suitable for the proposed development and therefore the provisions of clause 4.6 are satisfied without further investigation being required.

Newcastle Local Environmental Plan 2012

The relevant local environmental plan applying to the site is the Newcastle *Local Environmental Plan 2012* ('the LEP'). The aims of the LEP include:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to respect, protect and complement the natural and*
- (b) cultural heritage, the identity and image, and the sense of place of the City of Newcastle,*
- (c) to conserve and manage the natural and built resources of the City of Newcastle for present and future generations, and to apply the principles of ecologically sustainable development in the City of Newcastle,*
- (d) to contribute to the economic well-being of the community in a socially and environmentally responsible manner and to strengthen the regional position of the Newcastle city centre as a multi-functional and innovative centre that encourages employment and economic growth,*
- (e) to facilitate a diverse and compatible mix of land uses in and adjacent to the urban centres of the City of Newcastle, to support increased patronage of public transport and help reduce travel demand and private motor vehicle dependency,*
- (f) to encourage a diversity of housing types in locations that improve access to employment opportunities, public transport, community facilities and services, retail and commercial services,*
- (g) to facilitate the development of building design excellence appropriate to a regional city.*

The proposal is consistent with the relevant aims of the LEP as it includes the procedural subdivision of operational rail corridor land from non-operational rail corridor land whilst

preserving existing items of heritage significance and the built and cultural heritage of Newcastle.

The proposed subdivision results in two separate lots with different land use zonings to be used in a more efficient manner in the future.

Zoning and Permissibility (Part 2)

The site has a split land use zoning.

At the time of lodgement of the development application, the smaller parcel (western-most) was zoned IN2 Light Industrial pursuant to the NLEP 2012. As of the 26 April 2023 this parcel has been zoned E4 General Industrial however savings provisions prescribed under LEP amendment at that time ensure that for the purposes of this assessment the parcel must be assessed as though it is in the former IN2 Light Industrial Zoning.

The larger parcel (eastern-most) is zoned SP2 Infrastructure pursuant to the NLEP 2012 and was also zoned IN2 Light Industrial at the time of lodgement and is subject to the same savings provisions.

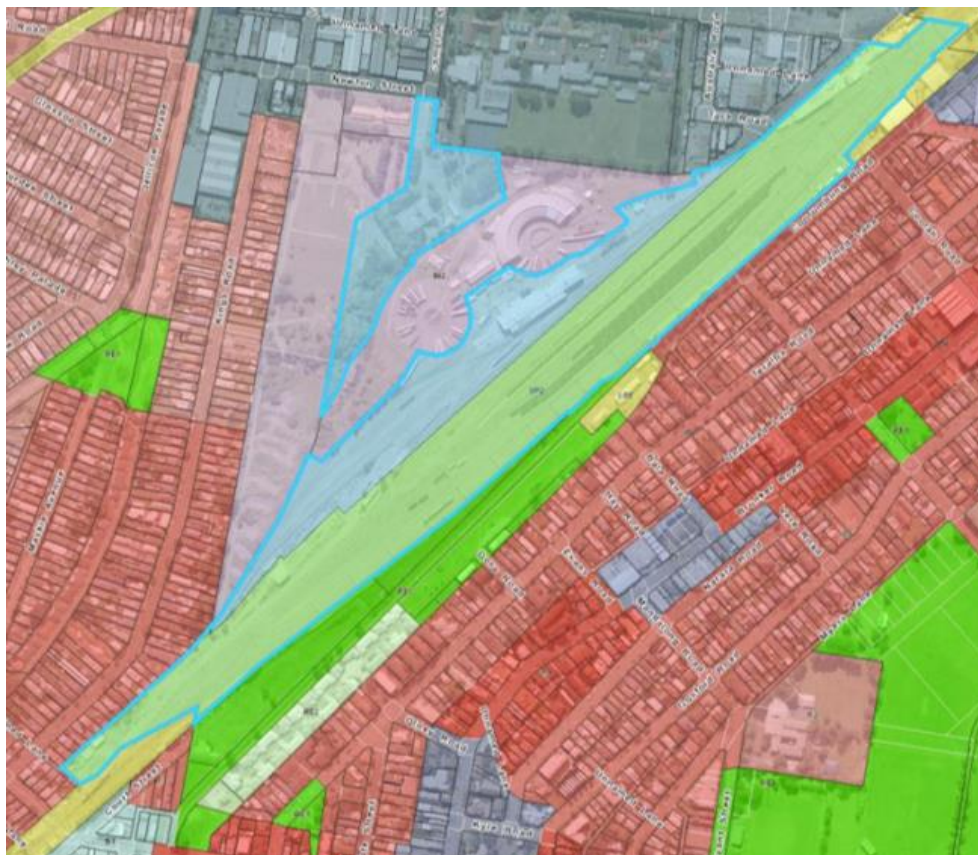


Figure 5: extract from NLEP zoning map: yellow shading is SP2 Infrastructure & pink shading is IN2 Light Industrial.

The proposed development seeks consent for the subdivision of land which, pursuant to Clause 2.6, is permitted with consent on any land to which the NLEP applies, in any land use zone and therefore permitted with consent in both the IN2 Light Industrial and SP2 Infrastructure land use zones.

The IN2 zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- *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.*

The proposal is considered to be consistent with these zone objectives for the following reasons:

- The proposed development includes only the subdivision of land and no consent is sought for any land use however the subdivision of land allows for both resultant lots to be used in the future for any land use listed as permitted with consent in the E4 General Industrial zone.
- The proposed development is therefore consistent with the zone objectives as it does not prejudice the use of industrial land for industrial purposes.

The SP2 zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

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


The proposal is considered to be consistent with these zone objectives for the following reasons:

- The proposed subdivision of land allows for the on-going use of the larger parcel of the subject site for the purposes of infrastructure and related uses.
- The proposed subdivision does not include any development that is not compatible with or that may detract from the provision of infrastructure.

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below.

Table 4: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Subdivision - consent requirements (CI 2.6)	Clause 2.6 provides that to which the NLEP 2012 applies may be subdivided, but only with development consent.	The applicant has sought development consent for subdivision, satisfying the provisions of this clause.	Yes
Minimum subdivision Lot size (CI 4.1)	The minimum subdivision lot size afforded to the subject site is 1,000m ² .	Resultant lot sizes: Proposed lot 1: 2.7ha Proposed lot 2: 17.28ha	Yes
Heritage (CI 5.10)	<p>Clause 5.10 of NLEP is applicable to the proposal as both Aboriginal and European heritage affectations exist at the subject site:</p> <p><u>Aboriginal Heritage</u></p> <p>An AHIMS search identified 1 previously recorded Aboriginal objects/sites within the subject site.</p> <p><u>European Heritage</u></p> <ul style="list-style-type: none"> - 'Broadmeadow Railway Locomotive Depot', NLEP Item 46 - 'Broadmeadow Locomotive Depot 	<p><u>Clause 5.10 (2)</u></p> <p>The applicant has sought development consent for the subdivision of land, satisfying the provisions of this clause.</p> <p><u>Clause 5.10 (4)</u></p> <p><u>Aboriginal Heritage</u></p> <p>There is no ground disturbance proposed as part of this application, which is for subdivision only, therefore there is no risk of harm to any known or unknown Aboriginal objects.</p> <p>As such, no further investigation is required.</p> <p><u>European Heritage</u></p> <p>The proposal is for a one into two lot subdivision to excise a portion of land from Lot 16 DP1231619 ("Lot 16"). Lot 16 is currently physically</p>	Yes

	<p>Offices', NLEP Item 45</p> <p>- 'Broadmeadow Railway Locomotive Depot', State Heritage Register (SHR) #01100</p> <p>Clause 5.10 (2) (f) states that development consent is required for subdividing land on which a heritage item is located or on which an aboriginal object is located.</p> <p>Clause 5.10 (4) states that the consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.</p> <p>Clause 5.10 (5) states The consent authority may, before granting consent to any development— (a) on land on which a heritage item is located, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage</p>	<p>divided by a second parcel ("Lot 13"). The proposal does not include any works or alterations to any heritage item.</p> <p>The State Heritage Register curtilage overlaps part of Lot 16 (the subject of this application) and part of the adjoining Lot 13. Both lots are fully included in the NLEP curtilage, see figure 6 below.</p>  <p>Figure 6: plan showing the curtilage of the State and locally listed heritage items as identified in salmon shading with proposed resultant lot 1 outlined in red. Source: applicant's Heritage Impact Statement prepared by Artefact.</p> <p>By virtue of the Broadmeadow Locomotive Depot being listed on the State Heritage Register, the development application has referred to Heritage NSW seeking General Terms of Approval under the integrated development provisions of the EP&A Act.</p> <p>Heritage NSW issued General Terms of Approval (GTA's) on 8 February 2023.</p> <p>The GTA's include a requirement for the preparation and submission of a Conservation Management Plan (CMP) for the Broadmeadow Locomotive Depot and adjoining</p>	
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	<p>significance of the heritage item or heritage conservation area concerned.</p>	<p>heritage sites with the required application under Section 60 of the <i>Heritage Act 1977</i>.</p> <p>Having regard to the NLEP listed items of local significance, it is considered these elements gain significance through association with the Broadmeadow Locomotive Depot and would be included in the required Conservation Management Plan for the Broadmeadow Locomotive Depot precinct.</p> <p>Further, it is noted that the existing boundary alignments of lot 13 and lot 16 will not be altered where the Broadmeadow Locomotive Depot curtilage overlaps onto either lot.</p> <p>In conclusion, as the HNSW GTA's require a conservation management plan to be prepared for the entire Broadmeadow Locomotive Precinct prior to the registration of the new lots, the proposed development involving the separation of two parts of a single allotment which are already predominantly separated by lot 13 (noting that the lots would remain affected by the curtilage of the State Heritage Item) it is considered that there will be no adverse effect upon the heritage significance of the items concerned caused by the proposed development.</p> <p><u>Clause 5.10 (5)</u></p> <p>The development application is accompanied by a Statement of Heritage Impact (SOHI) prepared by Artefact. The SOHI concludes that there are no impacts on any heritage listing caused by the proposed development.</p> <p>It is noted that the conclusions of the SOHI were reached without the knowledge that a Conservation Management Plan would be required.</p>	
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		In conclusion, the proposed development is satisfactory having regard to Clause 5.10 of the NLEP 2012.	
Flood planning (CI 5.21)	Clause 5.21 requires a consent authority to have regard to the impact on and from flood waters when evaluating a proposed development.	<p>The proposed development is for subdivision simpliciter and does not include any building work, earthworks nor a change of land use nor identify any future use of the subject sites outside of any current historic use.</p> <p>The proposed development retains access to public streets from both proposed allotments.</p> <p>It is considered the proposed development is acceptable having regard to Clause 5.21.</p>	Yes

The proposal is considered to be generally consistent with the LEP.

(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are several proposed instruments which have been the subject of public consultation under the EP&A Act however none are relevant to the proposal.

(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

- *Newcastle Development Control Plan 2012* ('the DCP')

Section 3.01 Subdivision

The proposed development includes the procedural subdivision of land that is currently in two separate parcels and located within the Infrastructure and Light Industrial zone, and that contains existing built form and infrastructure.

The proposed development is considered to meet the applicable aims (2-5) of this Section of the DCP by:

- Minimising adverse impact upon the natural and built environment as the proposed development does not include building work nor any alteration to existing building located on the subject allotment, including the preservation of existing buildings of heritage significance.

- Producing new allotments that include existing development and are capable of accommodating future development.
- Creating new allotments which are already serviced and access separately, and retaining those services and access points.
- Achieving the efficient use of land through creating new allotments with separate land use zoning that are compliant with the minimum subdivision lot size and capable of accommodating future development.

The proposed development is subject to the following controls of this Section of the DCP

3.01.02 Subdivision Design

B. Services

Control 1- Essential services are provided to each lot, including the delivery of water, electricity, communications, sewer.

The submitted survey plan confirms that the proposed allotments are already serviced and no work is required or intended to facilitate additional servicing.

3.01.03 Lot layout, sizes and dimensions

Control 13 - lots comply with minimum subdivision lot size prescribed under NLEP

The resultant lots comply with the minimum subdivision lot size of 1,000m².

Control 14 - lots have a minimum frontage of 25m

Each resultant lot has a minimum frontage to a public road of 25m.

Control 16 - lots are rectangular in shape

The resultant lots are not rectangular in shape however it is acknowledged that the lots are contained within an industrial zoned area with many irregular shaped lots. In addition, the size of the resultant lots over the minimum lot size allows for the potential future creation of smaller rectangular shaped lots that would still remain over the lot size.

Controls 17 & 18 require adequate provision for largest vehicles anticipated to require access the lots

The allotments retain provision for large vehicles to enter and exit in a forward direction and for adequate manoeuvring, by virtue of an existing turning head (for proposed lot 2) and through capability through space for proposed lot 1 noting that

proposed lot 1 is not currently used and would require development consent to establish an industrial use.

Section 4.01 Flood Management

The subject site is flood prone land.

The proposed development is for subdivision and does not include building work or any earthworks/change in ground levels.

Therefore, there is no impact to or from floodwaters as a result of the proposal or any further consideration required on this matter.

5.04 Aboriginal Heritage

As discussed previously within the NLEP Section (CI5.10) of this report, an AHIMS search identified 1 previously recorded Aboriginal objects/sites within the subject site.

There is no ground disturbance proposed as part of this application, which is for subdivision only, therefore there is no risk of harm to any known or unknown Aboriginal objects.

As such, no further investigation is required in accordance with NDCP 5.04. (Aboriginal Heritage).

5.05 Heritage Items

Section 5.05.05

The objective of Section 5.05.05 Subdivision of the NDCP 2012 is to "*ensure that subdivision and amalgamation of land involving a heritage item maintains an appropriate curtilage for the conservation of heritage significance of an item.*"

Further, Section 5.05.05 requires "*lot boundary changes to heritage items retains significant features such as trees, gardens and outbuildings associated with the heritage item.*"

With the above acknowledged, the heritage items of local significance are considered to gain significance through association with the state listed Broadmeadow Locomotive Depot. As discussed within the NLEP 2012 Section of this report (CI5.10), the curtilage of the Broadmeadow Locomotive Depot currently overlaps both of the parcels of lot 16 (subject to this application).

Heritage NSW have issued GTA's for the proposal including a requirement for a Conservation Management Plan to be prepared for the Broadmeadow Locomotive Precinct prior to the registration of the new lots. The Conservation Management Plan will consider adequate

curtilage for the whole precinct (including locally listed items) in order to ensure adequate conservation of its significance.

Further, it is acknowledged that the existing boundaries of each of the existing parcels on either side of lot 13 (containing the majority of the state listed item) are not being altered by this application and that no consent is sought to make any alterations to any trees, gardens or outbuildings associated with a heritage item under this application.

Accordingly, the proposed development is consistent with the requirements of Section 5.05 of the NDCP, subject to compliance with conditions of development consent.

Section 7.03 Traffic, parking and access

The proposed development is for subdivision with each resultant lot retaining existing parking provision. Any use of each parcel does not rely upon parking provision located on the other parcel.

Further, there is no development intended by this proposal that would generate an increase in parking demand nor traffic flow.

The existing access arrangements to each proposed lot will remain.

Accordingly, the proposed development has no impact on existing traffic, parking and access and is not inconsistent to this Section of the DCP.

- *Newcastle Development Control Plan 2023*

The Newcastle Development Control Plan (DCP) 2023 provides updated guidelines and development controls for new development in the Newcastle Local Government Area. The DCP was publicly exhibited from Thursday 28 September to Friday 27 October 2023.

The Plan was formally adopted by City of Newcastle in December 2023 and comes into effect on 1 March 2024.

Section 11 of Part A – Introduction of the DCP nominates savings and transitional arrangements as follows:

DCP 2023 does not apply to any development application lodged but not finally determined before its commencement. Any development application lodged before its commencement will be assessed in accordance with any previous development control plan (DCP).

As such, the proposed development remains subject to the provisions of the Newcastle Development Control Plan 2012.

(d) Section 4.15(1)(a)(iv) - Provisions of Regulations

Clause 95 Time for determining crown development applications

This provision of the 2021 EP&A Regulation has been considered, noting that the development application has not been determined within the prescribed period (70 days) after the crown development application was lodged and accordingly the development application has been referred to the applicable regional planning panel pursuant to Section 4.33 (2) (b) of the EP & A Act and that the time period prescribed under sub clause 95 (2) has lapsed however neither the applicant nor the regional planning panel have elected to refer the development application to the minister.

3.2 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- Context and setting – the proposed administrative subdivision of an allotment containing two existing parcels with no alteration to built form or any building works or a change of land use is considered to be consistent to its surrounding context and setting as all elements will remain and the subdivision will not be visually discernible.
- Access and traffic – the proposed development does not alter existing access arrangements nor increase traffic flow.
- Public Domain – the proposal has no impact upon the public domain.
- Heritage – as discussed throughout this report, the proposed development is not considered to cause adverse impact to local or state heritage, subject to conditions.
- Cumulative impacts – the proposed development is not considered to result in any adverse cumulative impacts.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

3.3 Section 4.15(1)(c) - Suitability of the site

The proposed development is considered to be suitable for the subject site as it includes the subdivision of land within an Industrial and Infrastructure zone that would allow for the on-going and potential future use of the two new allotments in the manner currently intended by the applicable planning regime.

3.4 Section 4.15(1)(d) - Public Submissions

The development application was publicly notified for a period of 28 days, with 58 submissions received during this notification period.

These submissions are considered in Section 4.3 of this report.

3.5 Section 4.15(1)(e) - Public interest

As discussed throughout this report, it is considered that the proposed development, subject to conditions, suitably mitigates potential impacts and is consistent to the applicable planning controls relevant to the subject site and type of development.

The proposed development allows for the efficient use of land by separating operational from non-operational land which may be used for a more suitable purpose in the future.

Subject to conditions, the proposed development is not considered to be inconsistent with applicable regional planning strategies as it would not unreasonably prejudice adequate future investigations into the future potential redevelopment of the Broadmeadow Locomotive precinct, identified as an outcome for a future place strategy in the Hunter Regional Plan 2041.

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

On balance, the proposal is considered to be consistent to the public interest.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 5.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

Table 5: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act) - N/A - no concurrence required.			
Referral/Consultation Agencies - N/A - no referral or consultation to external agencies required.			

Integrated Development (S 4.46 of the EP&A Act)			
Heritage NSW	The site contains an item listed on the state heritage register and requires approval under Section 58 of the <i>Heritage Act 1977</i> to facilitate the proposed development.	General Terms of Approval provided on 8 February 2023 and reaffirmed on 5 December 2023.	Y

4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 6**.

Table 6: Consideration of Council Referrals

Officer	Comments	Resolved
Heritage	<p>Council's Heritage Officer has reviewed the proposal in light of the multiple heritage listings (both Aboriginal and European) and notes that Heritage NSW has issued GTAs for this application which include a requirement for the preparation of a CMP to be submitted with the future section 60 application.</p> <p>The Heritage Officer has recommended that a condition be imposed on any consent issued that a copy of the CMP be submitted to Council prior to the issue of a Subdivision Certificate.</p> <p>As per the HNSW GTA's the CMP is to be submitted to HNSW as part of the Section 60 application and the draft conditions of consent approved by the applicant include a requirement for the Section 60 approval to be submitted to Council prior to the issue of a Subdivision Certificate.</p> <p>As the CMP is required to be submitted with the Section 60 application and that approval is required to be submitted to Council prior to the issue of the Subdivision Certificate, this recommendation from Council's Heritage Officer is considered to be satisfied.</p> <p><u>Outcome</u>: Satisfactory subject to standard conditions being imposed on any consent granted.</p>	Yes - subject to compliance with conditions requiring the preparation of a CMP prior to the issue of a Subdivision Certificate.
Urban Planning (strategic planning)	CN's Strategic Planning Team have advised that the subject site is of strategic importance as the Hunter Regional Plan 2041 (HRP 2041) identifies it as part of the Broadmeadow Regionally Significant Growth Area. In	Yes- subject to compliance with conditions requiring the

	<p>addition, Broadmeadow is a catalyst area and 'area of change' in the Greater Newcastle Metropolitan Plan 2036 and Newcastle Local Strategic Planning Statement respectively.</p> <p>The HRP 2041 requires a Place Strategy is prepared for the Broadmeadow Area before planning proposals are made and finalised.</p> <p>Outcomes identified for the Place Strategy in the HRP 2041 include specific mention of the Locomotive site:</p> <p><i>Land in and surrounding the Locomotive precinct (an item of state heritage significance) will be investigated for potential housing, employment or unique cultural tourism opportunities. Urban design will integrate heritage into the fabric of the precinct including connections to and through the site and between adjacent uses such as the Hunter School of Performing Arts and brownfield sites.</i></p> <p>Accordingly, it is considered that the site is a key consideration for the Broadmeadow Place Strategy (to be placed on public exhibition in 2024) due to its heritage significance and unique ability for heritage conservation alongside potential future development/adaptive reuse opportunities.</p> <p>It is considered that any future development and/or adaptive reuse of the subject site must be informed only through the provision of further plans and strategy taking into account the full consideration of site attributes and opportunities.</p> <p>Heritage NSW have issued General Terms of Approval for the proposed development which include the preparation of a Conservation Management Plan which is to be lodged with the application for a Section 60 Certificate under the <i>Heritage Act 1977</i>.</p> <p>As per the draft conditions of development consent accepted by the applicant (Condition 1) a Section 60 approval is required prior to the registration of the new lots with NSW Land Registry Services and to be submitted to Council prior to the issue of a Subdivision Certificate (condition 3).</p> <p>As a result, a Conservation Management Plan for the Broadmeadow Locomotive Precinct will be prepared as a prerequisite to the release of the subdivision certificate associated with this Development Application.</p> <p>It is therefore reasonable to conclude that, as the conservation management plan would assist in guiding any future use or development of the site as sympathetic to the</p>	<p>preparation of a CMP prior to the issue of a Subdivision Certificate.</p>
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	<p>heritage value of the Broadmeadow Locomotive Precinct and the HRP 2041 containing a specific outcome for land in and around the precinct to integrate heritage into its fabric, the requirement for the conservation management plan is consistent with the intent of the site outlined within the HRP 2041, which informs the future Broadmeadow Place Strategy, with the place strategy informing any future potential planning proposals for the site.</p> <p>The proposed subdivision of land, subject to compliance with conditions, is therefore considered to be consistent with the strategic intent for the subject site and is unlikely to impede upon the achievement of any suitable future development/adaptive reuse outcome for the Broadmeadow Locomotive Precinct which may be outlined in the future strategy.</p>	
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The outstanding issues raised by Council officers are considered in the Key Issues section of this report.

4.3 Community Consultation

The proposal was notified in accordance with the Council's Community Participation Plan from 18 November 2022 until 16 December 2022. The notification included the following:

- Notification letters sent to adjoining and adjacent properties (approximately 150 letters sent).
- Notification on the Council's website.

The Council received a total of 58 submissions from individual households, comprising 58 objections. The issues raised in these submissions are considered in **Table 7**.

Table 7: Community Submissions

Issue	No of submissions	Council Comments
Heritage conservation. The objectors raised concern that the subdivision of the land would not result in adequate conservation of a state listed heritage item and the wider Broadmeadow Locomotive Precinct.	32	Outcome: This issue has been satisfactorily addressed subject to the imposition of relevant recommended conditions of consent which have been accepted by the Crown. The conditions require the preparation of a Conservation Management Plan for the precinct which will assist in guiding future sympathetic development. The proposed development includes one into two lot subdivision of industrial zoned land.

<p>Opportunities for repurposing of subject site. The objectors consider that the site could be repurposed for the benefit of the community and the City of Newcastle including as a public park, tourist attraction, education precinct or sporting fields.</p>	<p>39</p>	<p>Outcome: The proposed development is for subdivision simpliciter, with the intention of separating operational from non-operational land. The subdivision does not include any change of land use or building work.</p> <p>Any repurposing/adaptive reuse, development of the subject site in the future would be subject to additional assessment processes under the Environmental Planning and Assessment Act 1979.</p> <p>It is further acknowledged that the draft conditions of development consent include reference to the General Terms of Approval provided by Heritage NSW, requiring the preparation of a Conservation Management Plan which will aim to guide any future development of the land in a manner sympathetic to the heritage significance of the precinct.</p>
<p>Public consultation - objectors raised concern over the lack of public consultation undertaken by the applicant regarding the proposed development, prior to the lodgement of the development application.</p>	<p>31</p>	<p>There is no statutory requirement for public consultation for the subdivision of the site prior to the lodgement of a development application.</p> <p>The development application has been publicly notified in accordance with the City of Newcastle's Community Participation Plan.</p> <p>The future preparation of the Conservation Management Plan (required prior to the issue of a Subdivision Certificate) for the site should involve adequate consultation with relevant stakeholders in order to utilise a range of expertise and research appropriate to the items as per the statement of best practice for conservation management plans developed by Heritage NSW.</p>
<p>Future use of site - objectors raised concern for the future use of the site for housing or industry</p>	<p>8</p>	<p>The proposed development is subdivision simpliciter with no building works nor intended future use of the site identified.</p> <p>Any future use of the new allotments with the exception of those uses on proposed lot 2 which are already operational would be subject to approval under the Environmental Planning and Assessment Act 1979.</p>

<p>Subdivision/development of the land - objectors outrightly opposed the subdivision or future development of the land</p>	<p>10</p>	<p>As discussed throughout this report the one into two lot torrens title subdivision for which development consent has been sought has been assessed against the relevant heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act and is considered to be acceptable subject to conditions of consent.</p> <p>The development application does not seek consent for any built form or any other development other than subdivision simpliciter and the fundamental procedural/administrative subdivision of operational from non-operational land. Any future development of the land would be subject to separate assessment of suitability under the Environmental Planning and Assessment Act.</p>
<p>Parking and Traffic - objectors raised concern about the lack of parking and level of traffic congestion in the area and opined that the proposed development would further exacerbate these issues.</p>	<p>4</p>	<p>The proposed development is subdivision simpliciter with no building works nor intended future use of the site identified.</p> <p>The proposed development has no impact upon existing parking provision as the two existing parcels do not rely upon one another for parking and there is no additional traffic generated.</p>
<p>Overcrowding/density - objectors raised concern that the proposed development would lead to overcrowding/density inappropriate for the locality.</p>	<p>3</p>	<p>The proposed development is subdivision simpliciter with no building works nor intended future use of the site identified.</p> <p>Accordingly, the proposed development would not lead to overcrowding nor increased density.</p>
<p>Conservation Management Plan - the objectors raised concern that the site would be subdivided and potentially repurposed without a Conservation Management Plan being created.</p>	<p>3</p>	<p>HNSW GTA's require preparation of a CMP and draft conditions of consent require S60 approval to be lodged with Subdivision Certificate application to CN.</p> <p>Accordingly, the subdivision certificate will not be released without the CMP being prepared and submitted to HNSW and therefore the new lots will not be officially registered nor the site repurposed in any manner without the creation of a Conservation Management Plan for the</p>

		Broadmeadow Locomotive Precinct (Depot and surrounding heritage sites).
Future land ownership - the objectors raised concern that the lots may be sold to a non-public entity in the future.	1	This is not a matter for consideration under Section 4.15 of the EP&A Act.
Landlocking of Lot 15 in DP 1231619 - objectors raised concern that the subdivision would result in Lot 15 DP 1231619 becoming landlocked.	1	<p>Lot 15 in DP has access to a public road through an approximate 12 metre frontage to Kings Road between no 61 & 59 and does not rely upon any legal right of access through lot 16 in DP 1231619.</p> <p>The proposed development does not impact upon the existing Kings Road frontage of Lot 15 and does not landlock the lot in question.</p>
Land contamination - objectors raised concern that the subject site is potentially contaminated land and that the site may be developed.	2	As discussed within Section 3.1 of this report the proposed development is considered to be suitable for the proposed development, despite contamination.
Re-zoning - the objector raised concern that the site was to be rezoned for the purposes of residential development.	1	<p>There is no current planning proposal under assessment that seeks to re-zone the subject site from its current NLEP land use zoning.</p> <p>This development application is for Subdivision Simpliciter.</p>
Amenity Impacts - the objectors raised concern that the proposed development would cause adverse amenity impacts on properties located in Kings Road by way of noise, overshadowing and impact on prevailing breezes which would in-turn detract from overall residential amenity.	4	<p>This development application is for Subdivision Simpliciter.</p> <p>The applicant does not seek consent for built form nor to change the use of the site under this application and the subject lot (and resultant lots) are separated from the rear boundaries of the Kings Road properties by another allotment and a distance of approximately 91 metres.</p> <p>Accordingly, there are no amenity impacts of the type raised by the objectors that will result from the proposed development.</p>
Impacts to wildlife living in grassland - the objectors raised concern that the proposed	4	This development application is for Subdivision Simpliciter with no building

development would impact upon wildlife living in grasslands (particularly nearby the rear boundary with properties in Kings Road).		works, earthworks or change of use proposed. There is no impact upon wildlife.
Property Value - the objectors raised concern that the proposed development would impact on the value of their property	3	This is not a matter for consideration under Section 4.15 of the EP&A Act.
Flooding impacts - the objector raised concern over the impact the proposed development may have on flood waters.	1	This development application is for Subdivision Simpliciter. As discussed in Section 3.1 of this report, the proposed development is considered to be satisfactory in relation to flood management.
Insufficient Information - the objectors raised concern that the information lodged with the development application was not sufficient to allow an assessment of the application to be made.	2	The development application was supported by the documentation required by statutory provisions in addition to further supporting documentation. As discussed throughout this report, the assessment of the application has been completed on the basis of the information provided and the conclusion of this assessment is provided in Section 6 of this report.
Objection with no reasoning - objectors raised concern with the proposed development however gave no reasoning for the objection.	2	These objections have no reasoning for opposition to the proposed development and as no valid planning grounds are raised they do not warrant any further consideration.

It is considered that the issues and concerns raised in the submissions do not warrant the refusal of the application in its present form or require any further amendments.

5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

5.1 Heritage Conservation

Resolution: The proposed development is for subdivision simpliciter, with the intention of separating operational from non-operational land. The subdivision does not include any change of land use or building work.

This issue has been resolved through draft conditions of consent which have been accepted by the applicant and require a conservation management plan (CMP) to be prepared prior to the registration of the new lots. The CMP is to be prepared for the Broadmeadow Locomotive Depot and adjoining heritage sites and if prepared in accordance with Heritage NSW's statement of best practice for developing CMP's will allow for appropriate conservation of the depot and identified curtilage in addition to adjoining sites of heritage significance.

6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

It is considered that the key issues as outlined in Section 5 have been resolved satisfactorily in the recommended draft conditions at **Attachment A**.

7. RECOMMENDATION

That the Development Application DA2022/01269 for One into Two lot subdivision at 35 Cameron Street Broadmeadow (Lot 16 in DP1231619) be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at **Attachment A**.

- A. That the Hunter and Central Coast Regional Planning Panel, as the consent authority, grant consent to Development Application DA2021/01269 for One into Two Lot Subdivision at 35 Cameron Street, Broadmeadow pursuant to Section 4.16(1)(a) of the *EP&A Act* and subject to the draft conditions of consent attached to this report at **Attachment A**.
- B. That those persons who made submissions be advised of the determination.