

URBIS

STATEMENT OF ENVIRONMENTAL EFFECTS | BROADMEADOW LOCOMOTIVE SUBDIVISION

Prepared for
TFNSW
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1. INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared on for Transport for NSW (TfNSW) on behalf of Transport Asset Holding Entity (TAHE) in support of a Crown Development Application (DA) for a subdivision within the Broadmeadow Locomotive precinct, at 35 Cameron Street, Broadmeadow (the site).

The relevant lot within the site that is the subject of this application is Lot 16 in DP 1231619. Part of Lot 16 in DP1213619 forms the active rail corridor. A separate piece of land within the site away from the active rail corridor is also identified as Lot 16 DP1213619. TfNSW therefore propose to excise this piece of land from the larger Lot 16 DP 1213619 and create a new lot. A separate part of lot 16 DP1213619 is situated clear of the rail corridor part. It is proposed to subdivide the two part lots into individual lots.

1.1. CROWN DEVELOPMENT APPLICATION STATUS

Part 4 Division 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) allows for DAs to be made by, or on behalf of the Crown. Clause 294 of the *Environmental Planning and Assessment Regulation 2021* (Regulations) prescribes that a public authority is the Crown for the purposes of Part 4 Division 4 of the EP&A Act. TfNSW is a public authority and is therefore a Crown authority for the purposes of this DA and Clause 4.33 of the EP&A Act.

This SEE is structured as follows:

- **Section 2 – Site Context:** identifies the site and describes the existing development and local context.
- **Section 3 – Proposed Development:** provides a detailed description of the proposal.
- **Section 4 – Statutory Context:** provides a detailed assessment of the State and local environmental planning instruments and plans relevant to the site and development.
- **Section 5 – Assessment of Key Issues:** identifies the potential impacts arising from the proposal and recommends measures to mitigate, minimise or manage these impacts.
- **Section 6 – Section 4.15 Assessment:** provides an assessment of the proposal against the matters of consideration listed in section 4.15 of the EP&A Act.
- **Section 7 – Conclusion:** provides an overview of the development assessment outcomes and recommended determination of the DA.

This report should be read in conjunction with the supporting documentation listed in **Table 1**.

Table 1 Supporting Documentation

Document Title	Consultant
Survey Plan	Monteath & Powys Pty Ltd
Plan of Subdivision	Monteath & Powys Pty Ltd
Non-Aboriginal Statement of Heritage Impact	Artefact
Land Registry Services Letter	David Sullivan, Monteath Powys Pty Ltd

2. SITE CONTEXT

2.1. SITE DESCRIPTION

The site is located at 35 Cameron Street, Broadmeadow. The legal description of the site is:

- Lots 13, 14, 15,16 in DP 1231619
- Lot 26 in DP 1147480,
- Lot 49/A/DP4020
- Lot 57/A/DP4020

The site is approximately 13 hectares (ha) and is located 3.5km west of the Newcastle Central Business District (CBD), 850m to the north of Adamstown Station and 900m to the south of Broadmeadow Station, immediately adjacent to the main Newcastle Rail Line and Broadmeadow Maintenance Centre.

The site incorporates a number of State and locally listed heritage items, including the Broadmeadow Railway Locomotive Depot (local item no. I46 and State item no. 01100) and the Premiers and Railway Commissioners Rail Car Collection (State Item no. 01650). The site also partially intersects with an item listed on a Section 170 register, Broadmeadow Railway Locomotive Depot on the TAHE s170 register (SHI no. 4801014). The following items on the Transport Asset Holding Entity (TAHE) s170 register are in the vicinity of the study area:

- Broadmeadow Bala Road Railway Depot (SHI # 4803213)
- Broadmeadow Railway Station Group (SHI # 4801899).

The following Newcastle LEP 2012 heritage items are located within the study area:

- Broadmeadow Locomotive Depot offices (LEP # I45)
- Broadmeadow Railway Locomotive Depot (LEP # I46).

The following Newcastle LEP 2012 heritage items are located adjacent to the study area:

- Broadmeadow Primary School (LEP # I53)
- Adamstown Railway Station (LEP # I16)

Surrounding land uses include low density residential development to the west, the Hunter School of Performing Arts to the north, and the rail line and Broadmeadow Maintenance Facility to the east. The location of the site is shown below in Figure 1.

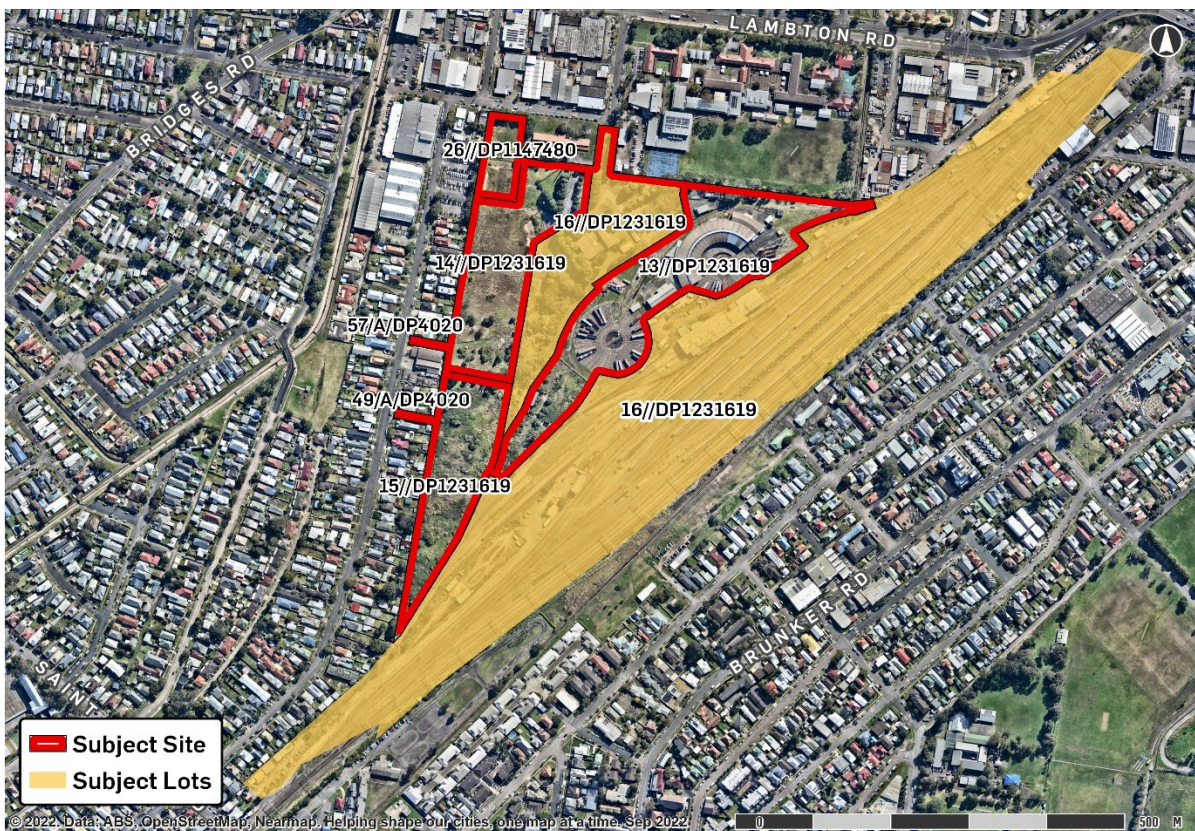
The relevant lot within the site that is the subject of this application is Lot 16 in DP 1231619. A plan showing the existing lots that make up the site is included at Figure 2. This shows that Lot 16 DP 123619 consists of two separate land parcels. The smaller land parcel (the subject of this subdivision application) has frontage to Cameron Street. An internal road provides access from here to the rest of the site. The existing smaller Lot 16 is currently subject to an easement for access that benefits Lot 21 in DP1006850, the adjacent lot to the west. The existing smaller Lot 16 is also benefited by an easement for electricity purposes. These easements will remain and be transferred to the title of the new Lot '1'.

Figure 1 The site and surrounding context



Source: Urbis

Figure 2 Existing Lots



Source: Urbis

3. PROPOSED SUBDIVISION

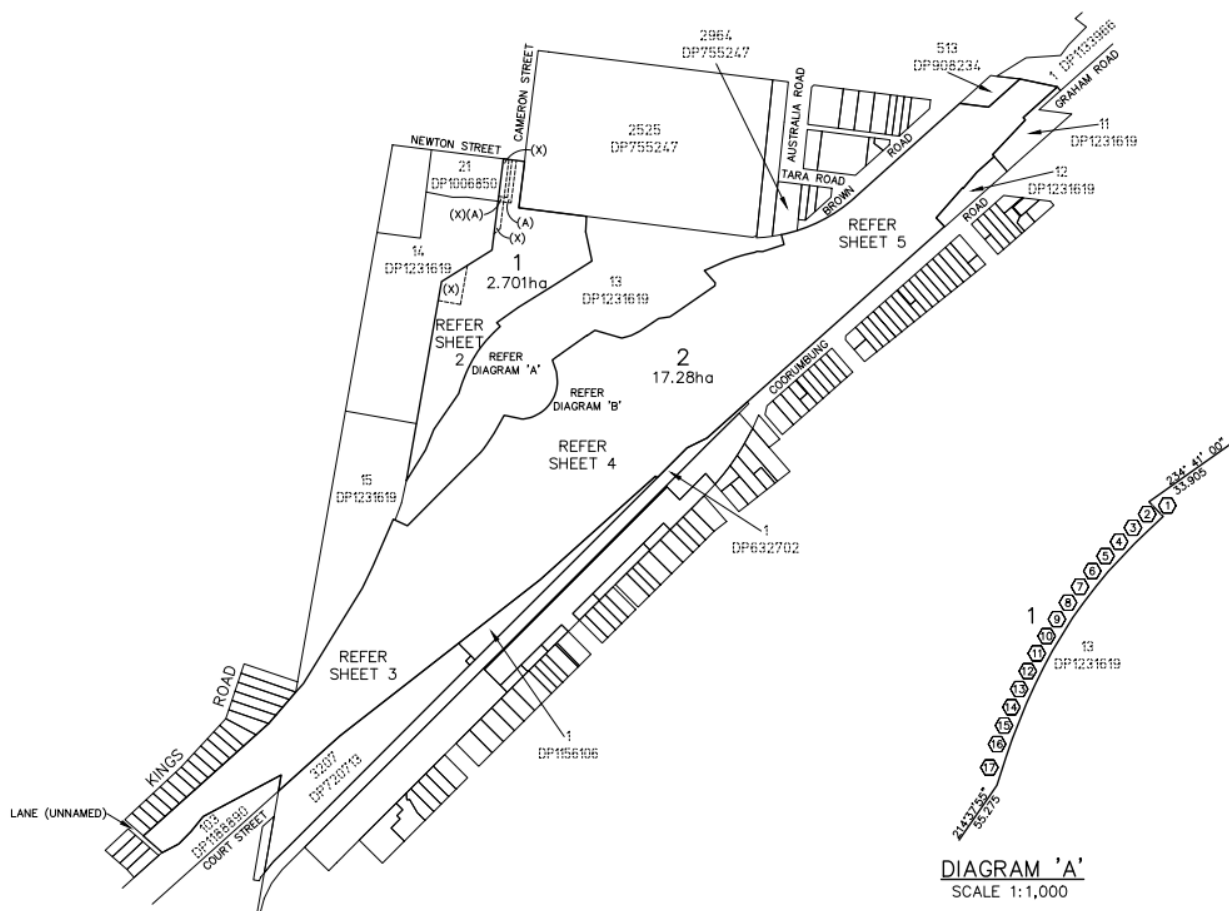
3.1. PROJECT NEED

The land proposed for the subdivision is severed by Lot 13 which separates one part of Lot 16 from the active rail corridor. It is proposed to subdivide the two parts of lot 16 to form separate lots, with separate lots created over each former part.

3.2. PROJECT DESCRIPTION

The proposal seeks consent to subdivide the smaller lot from Lot 16 in DP1213619 and create a new Lot, as shown in Figure 3 below. The existing boundary will not move but the lot will have a new legal description. The proposed new lot '1' with a size of 2.70ha is shown in Figure 3 below.

Figure 3 Proposed plan of subdivision



3.3. SERVICING

A survey plan has been prepared to support this DA showing that the proposed new Lot 1 is currently served by water, sewer, power and telecommunications services. There will be no change to existing services provision as part of this application.

3.4. STORMWATER

There will be no changes to the existing drainage stormwater arrangement because of this application.

4. STATUTORY CONTEXT

4.1. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Part 4 Division 4.6 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) allows for DAs to be made by, or on behalf of the Crown.

Clause 294 of the *Environmental Planning & Assessment Regulation 2000* (Regulations) prescribes that a public authority is the Crown for the purposes of Part 4 Division 4.6 of the EP&A Act. As detailed at Section 1.1 of this SEE, TfNSW and TAHE are public authorities and therefore Crown authorities for the purposes of the DA.

Section 4.33 of the EP&A Act sets out specific provisions relating to the determination of Crown DAs. It states:

(1) A consent authority (other than the Minister) must not:

(a) refuse its consent to a Crown development application, except with the approval of the Minister, or

(b) impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.

On this basis, the consent authority has no power to issue a refusal or issue an approval subject to conditions of consent to which the Minister for Transport does not agree. The limitation on the power to impose a condition of consent extends to the consent authority's ability to require contributions to be paid, including contributions pursuant to Section 7.11 and 7.12.

4.2. HERITAGE ACT 1977

The *NSW Heritage Act 1977* (Heritage Act) ensures cultural heritage in NSW is adequately identified and conserved. Items of significance to the State of NSW are listed on the NSW State Heritage Register (SHR) under the Heritage Act.

The part of the site proposed to be subdivided is within the curtilage of the Broadmeadow Railway Locomotive Depot - State Heritage item 01100.

As the proposed development includes works on a site that contains a State Heritage item the proposal has been considered under clause 57 and 58 of the Heritage Act 1977. A Statement of Heritage Impact (SOHI) prepared by Artefact supporting this proposal is included with this application. Under Section 60 of the Heritage Act approval is required for any works to a State Heritage item.

4.2.1. Integrated Development

The proposed development is classified as Integrated Development under the provisions of clause 4.46 of the EP&A Act.

Pursuant to section 4.47 (2) of the EP&A Act, before granting development consent to 'Integrated Development', the consent authority must obtain from Heritage NSW the general terms of any approval proposed to be granted by the approval body in relation to the development.

4.3. STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 provides a state-wide planning approach for the remediation of land and aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment.

This application is solely for subdivision. No change of use or physical works are proposed. The site is suitable in its current state and a contamination investigation has not been provided.

4.4. NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

Newcastle Local Environmental Plan 2012 (the LEP) is the primary environmental planning instrument applying to the site and the proposed development.

The site is zoned IN2 Light industrial in accordance with the LEP. The proposed development is consistent with the zone objectives as outlined below:

- *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 proposed development is defined as 'subdivision' in accordance with the LEP 'definition' and this is permitted with development consent in the IN2 zone.

Table 2 assesses the compliance of the proposed development with other relevant clauses in the LEP.

Table 2 LEP Compliance Table

Clause	Provision	Proposed	Complies
Clause 4.1 – Minimum Subdivision Lot Size	1000sqm	2700sqm	Yes.
Clause 4.3 – Height of Building	No maximum height of building control	No physical works are proposed.	N/A
Clause 4.4 – Floor Space Ratio	No maximum floor space ratio.	No physical works are proposed.	N/A
Clause 5.10 – Heritage Conservation	<p>The site includes the following State and locally listed heritage items:</p> <ul style="list-style-type: none"> ▪ Broadmeadow Railway Locomotive Depot (SHR # 01100) ▪ Premiers and Railway Commissioners Rail Car Collection (SHR # 01650) ▪ Broadmeadow Locomotive Depot offices (local, No. 145) ▪ Broadmeadow Railway Locomotive Depot (local, No. 146). <p>No physical works are proposed as this proposal is solely for subdivision. A SOHI prepared by Artefact accompanies this proposal and confirms that the proposal will have a negligible impact on the existing heritage items.</p>		Yes.

Based on the above, it is considered that the proposal complies with the relevant provisions within the LEP.

4.5. NEWCASTLE DEVELOPMENT CONTROL PLAN 2012

Newcastle Development Control Plan 2012 (the DCP) provides detailed planning controls relevant to the site and the proposal. An assessment against the relevant controls is provided in the table below.

Table 3 DCP Compliance Table

Clause	Proposed	Complies
3.01.02 Subdivision design (B) Services		
<p><i>Essential services are provided to each lot, including the delivery of:</i></p> <p><i>a) satisfactory supply of water</i></p> <p><i>b) electricity</i></p> <p><i>c) communications</i></p> <p><i>d) the sustainable management of sewage.</i></p> <p><i>The provision of reticulated natural gas and broadband internet are highly desirable.</i></p>	The existing lot has sewer, water, power and telecommunications supply and there will be no change to the existing servicing arrangements.	Yes
All services are provided underground. Where overhead electricity wiring exists in established areas, Council may vary this standard to provide for reasonable connection to the existing system.	There are no physical works proposed as part of this application and no change to existing services arrangements. It is noted that existing power supply is via overhead wiring. This supplies the broader site with power and undergrounding of this service would not be practicable as part of this application.	Yes.
The location of utility services does not adversely affect the viability of significant vegetation and waterways.	There is no change proposed to the location of utility services. They do not adversely impact the viability of significant vegetation and waterways.	Yes.
Adequate buffers are maintained between utilities and houses to protect residential amenity and health.	This application does not propose any changes to existing servicing or land use. Adequate buffers will be maintained between existing utilities and nearby residential development.	Yes.
3.01.03 Lot layouts, sizes and dimensions		
Refer to Newcastle Local Environmental Plan 2012 for minimum subdivision lot size in industrial zones.	The minimum lot size pursuant to the Newcastle LEP 2012 is 1000sqm. The proposed lot will	Yes.

Clause	Proposed	Complies
	be 2700sqm, thus maintaining a high level of compliance.	
Lots have a minimum frontage of 25m.	The proposed lot has a minimum front of 25m.	Yes.
Lots are rectangular in shape.	The lot will not be rectangular in shape however this is considered appropriate given the existing surrounding lot layouts are irregular, given the industrial nature of the site. As mentioned above, it is an existing arrangement.	Yes.
The design of the subdivision allows for the largest vehicles anticipated to require access to the subdivision, which will typically be semi-trailers and B-Double trucks.	Not relevant as the proposal is not part of a residential subdivision. The existing lot configuration and access arrangements are retained.	N/A
Lot size to allow trucks to manoeuvre on-site without reversing onto or off the lot.	Onsite the existing lot configuration and access arrangements are to be retained. There is space for truck manoeuvring within the wider site.	Yes.

Based on the above, it is considered that the proposal complies with the relevant provisions within the DCP.

5. SECTION 4.15 ASSESSMENT

The proposed development has been assessed in accordance with the relevant matters for consideration listed in section 4.15 of the EP&A Act.

5.1. ENVIRONMENTAL PLANNING INSTRUMENTS

The proposed development has been assessed in accordance with the relevant State and local environmental planning instruments in **Section 4**.

The assessment concludes that the proposal complies with the relevant provisions within the relevant instruments.

5.2. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No draft environmental planning instruments are relevant to this proposal.

5.3. DEVELOPMENT CONTROL PLAN

Newcastle Development Control Plan 2012 provides detailed planning controls relevant to the site and the proposal. An assessment against the relevant controls is provided in **Section 4.3**.

The assessment concludes the proposal complies with the relevant provisions within the DCP.

5.4. PLANNING AGREEMENT

No planning agreements are relevant to this proposal.

5.5. REGULATIONS

This application has been prepared in accordance with the relevant provisions of the *Environmental Planning and Assessment Regulations 2021*.

5.6. LIKELY IMPACTS OF THE PROPOSAL

The proposed development has been assessed considering the potential environmental, economic and social impacts as outlined below:

Heritage:

- As confirmed in the SOHI, the proposed subdivision of the northern part of Lot 16 in DP 1213619 would not result in any direct or indirect physical or visual impacts on any of the relevant heritage listings onsite.
- The proposal would see a detachment from the historic link between the study area and the rail corridor. However, the elements within the study area are generally of little to no heritage significance and do not add exceptional value to the wider Broadmeadow Railway Locomotive Depot Precinct. Therefore, the subdivision would not cause any unacceptable impacts to the site.
- Given the minor nature of the proposal, it is considered the impacts from a heritage perspective to be negligible.

Natural Environment:

- No physical works are proposed under this application.
- The proposal does not include ground disturbance and will have no impacts on vegetation or existing fauna onsite

Social:

- The proposal does not include any changes to access or traffic arrangements.

- The proposal does not include physical works and will not have any impacts on existing heritage items onsite.

Economic:

- The proposal will not have any negative economic impacts.

5.7. SUITABILITY OF THE SITE

The site is considered highly suitable for the proposed development for the following reasons:

- The proposal complies with the relevant zoning and objectives onsite.
- The proposal provides a high level of compliance with the State and local environmental planning instruments.
- The proposal will enable TfNSW to use the site more efficiently as the new lot will no longer be deemed to be part of the active rail corridor.

5.8. SUBMISSIONS

It is acknowledged that submissions arising from the public notification of this application will need to be assessed by Council.

5.9. PUBLIC INTEREST

The proposed development is considered to be in the public interest, as the proposal accords with the principles and objectives of all relevant planning controls, and it has been demonstrated no social, environmental or economic impacts will result from the proposal.

6. CONCLUSION

The proposed subdivision has been assessed in accordance with section 4.15 of the EP&A Act and is considered appropriate for the site and the locality:

- *The proposal complies with the relevant zoning and objectives onsite.*
- *The proposal provides a high level of compliance with the State and local environmental planning instruments.*
- *The proposed subdivision would not result in any direct or indirect physical or visual impacts on any of the relevant heritage listings onsite.*
- *The proposed development is considered to be in the public interest, as the proposal accords with the principles and objectives of all relevant planning controls.*

Having considered all relevant matters, we conclude that the proposed development is appropriate for the site and approval is recommended.

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APPENDIX A

SURVEY PLAN

APPENDIX B

PLAN OF SUBDIVISION

APPENDIX C

NON-ABORIGINAL STATEMENT OF HERITAGE IMPACT

APPENDIX D

LAND REGISTRY SERVICES LETTER

