

STATEMENT OF ENVIRONMENTAL EFFECTS

**Construction and Use of Industrial Premises
54 Gardiner Street, Rutherford NSW 2320**

Prepared for:

Austwide Property Pty Ltd
PO Box 6
PARADISE POINT QLD 4216

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To:

The General Manager
Maitland City Council
PO Box 220
MAITLAND NSW 2320

PREPARED BY

SLR Consulting Australia Pty Ltd
ABN 29 001 584 612
Suite 2B, 125 Bull Street
Newcastle West NSW 2302

T: +61 2 4940 0442
E: newcastleau@slrconsulting.com www.slrconsulting.com

BASIS OF REPORT

This report has been prepared by SLR Consulting Australia Pty Ltd (SLR) with all reasonable skill, care and diligence, and taking account of the timescale and resources allocated to it by agreement with Austwide Property Pty Ltd (the Client). Information reported herein is based on the interpretation of data collected, which has been accepted in good faith as being accurate and valid.

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1 Introduction

This Statement of Environmental Effects (SEE) is submitted to Maitland City Council (Council) in support of a Development Application (DA) for the proposed development of an Industrial Premises at 54 Gardiner Street, Rutherford NSW 2320 (the site).

This DA seeks approval for the following:

- Demolition of four (4) existing industrial sheds;
- Retention of existing industrial building (Building C - extending to 554.52m²);
- Construction of two (2) industrial buildings - Building A (2,890.80m² GFA) and Building B (549.94m² GFA);
- Construction of two (2) double storey office buildings (GFA approximately 400m² and 800m²);
- Parking and manoeuvring areas including 54 car parking spaces;
- Tree and vegetation removal and new landscaping works;
- Business signage;
- Other minor works as identified on the attached plans at Appendix A

A Construction Certificate for the development will be sought separately.

This SEE has been prepared by SLR Consulting Australia Pty Ltd (SLR) on behalf of Austwide Property Pty Ltd. It describes the site, its environs, the proposed development and provides an assessment of the proposal in terms of the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979). It should be read in conjunction with the supporting documentation and Architectural Drawings provided by MM Architecture that are appended to this SEE.

2 Site Analysis

2.1 Site Location and Context

The site is located within the Maitland Local Government Area (LGA), in the suburb of Rutherford. The site is located on Gardiner Street within the Racecourse Business Park, with a street address of 54 Gardiner Street, Rutherford NSW 2320 (refer to Figure 1). The surrounding area to the north, east and south is of an industrial nature. Environmental Management zoned land adjoins the site to the west, containing Stony Creek.

The nearest major road to the site is New England Highway, located approximately 1.15km to the north. A rail line is located approximately 600m to the south.

Figure 1 - Locality Plan (Source: SIX Maps)



Figure 2 – Site Aerial (Source: Nearmap)



2.2 Site Description

The site is legally identified as Lot 212 in Deposited Plan (DP) 709645 (refer to Figure 3) and comprises an area of approximately 1.55 hectares (ha). It is a battle-axed lot with a handle width of 12m connecting to Gardiner Road.

The site is largely cleared and is currently used by the neighbouring industrial warehouse for material stockpiling with a number of medium sized metal sheds on site. The only vegetation occurring on the site is within the northwestern and southwestern perimeters of the site.

A total of 0.2 hectares of native vegetation has been mapped across the site, comprising approximately 0.12 hectares of riparian vegetation (adjacent to Stony Creek on the western boundary). The site contains high weed coverage and the vegetation is classed as 'poor' condition in its current state.

The site is relatively flat with a small steep rise at the southwestern and northwestern corners of the site before dropping off to Stony Creek, beyond the western boundary.

Refer to images below for further details of the existing site.

Figure 3 – Cadastral Plan (Source: SIX Maps)



Photo 1 – View of Existing Site Access from Gardiner Street (Source: Google Maps Street View)



3 Description of Proposed Development

This section of the report provides a detailed description of the proposed development.

3.1 Elements of the Proposed Development

The proposed development includes:

- Demolition of four (4) existing industrial sheds;
- Retention of existing industrial building (Building C - extending to 554.52m²);
- Construction of two (2) industrial buildings - Building A (2,890.80m² GFA) and Building B (549.94m² GFA);
- Construction of two (2) double storey office buildings (GFA approximately 400m² and 800m²);
- Parking and manoeuvring areas including 54 car parking spaces;
- Tree and vegetation removal and new landscaping works;
- Business signage;
- Other minor works as identified on the attached plans at Appendix A

Refer to the Architectural Plans in Appendix A for specific details of the proposal.

3.2 Demolition and Site Preparatory Works

All existing buildings and structures will be demolished to accommodate the new development, with the exception of Industrial Building C which will be retained and integrated into the new design and layout (refer to DAO2 at Appendix A).

Demolition will be carried out in accordance with *AS 2601 - 2001 Protection of the public and the environment*. Dust and noise control will be considered and actioned prior to demolition commencing.

Demolition waste has been identified as a waste stream and details are provided within the Waste Management Plan attached at Appendix E.

Earthworks are required in order to level the site to accommodate the proposed development. Existing and proposed levels are provided on the Civil Plans at Appendix D.

3.3 Building Layout and Materials

The Site Analysis Plan details the considerations used to guide the design of the development including, landform, natural features, orientation and existing structures. The proposed design results in a functional layout for industrial purposes with impacts minimised on existing trees, vegetation and Stony Creek.

Parking areas are primarily provided adjacent to the office buildings with DDA accessible paths connecting to the buildings. A communal outdoor area for staff, screened with landscaping, is located adjacent to the office for Building A.

High quality materials and finishes are proposed comprising of metal wall cladding, translucent wall sheeting, feature cladding, glazing, coloured concrete panels and prefinished cladding. The materials are suitable for an industrial use with associated offices.

3.4 Traffic, Access and Parking

3.4.1 Traffic, Access and Circulation

The existing driveway will be resealed and refurbished to accommodate the anticipated vehicle movements and truck sizes associated with the proposal. The proposed driveway is to be a minimum 9m in width and will cater for B-Double trucks. Swept paths are shown on DA07 Concept Traffic Plan. Safe sightlines are achieved on Racecourse Road to the north and south at the existing driveway crossing.

3.4.2 Parking

A total of 54 car parking spaces (including 3 accessible spaces) will be provided on site. The accessible parking spaces will be delineated with a line marked perimeter and the international symbol in accordance with AS1428.1.

The provision of on-site parking has been designed to cater for the nature of the proposal and likely staffing numbers of an industrial premises.

3.5 Tree Removal and Landscaping

A number of trees and vegetation are required to be removed to accommodate the proposal. Trees and vegetation to be removed are identified on the Demolition Plan at Appendix A. The buildings and hardstand areas have been cited so as to retain as much native vegetation as possible.

New landscaping is proposed predominately at the entrance to the office buildings and within the car parking areas. The proposed landscaping will comprise a mix of grasses, groundcovers, shrubs and trees. The plantings will assist with softening the proposed buildings and hardstand areas and visually enhance the site. Locally indigenous native plant species will be used where possible in the landscaping works.

Approximately 0.1 ha of vegetation will be retained and protected on the western side of the site.

3.6 Stormwater Management

The proposed development site has been designed to collect water runoff from each building and direct to the onsite detention (OSD) tank in the western portion of the site. Structural detailing of the OSD tank will be provided at construction certificate state.

Specifically, the proposed stormwater management arrangement includes:

- Runoff from all roof areas will be captured and directed to the proposed rainwater tanks adjacent to each building. The collected rainwater will be reused internally within toilets and for irrigation. Any overflow from the rainwater tank will be directed to the proposed stormwater drainage network;
- All hardstand areas will be captured in a series of surface inlet pits before being directed to the OSD tank; and

- The proposed site's drainage will be treated and discharge to Stony Creek in the south western corner of the site.

Full details of proposed stormwater management arrangements are included within the Civil Drawings prepared by DRB Consulting Engineers and attached at Appendix D

3.7 Waste Management

Waste will generally be stored internally within each building in a secure and well ventilated area, before being transferred to a nominated collection point for waste vehicles. General waste and recyclables will be separated on site. A private contractor will be engaged to collect waste on an as needs basis once the operational waste generation from the development is established.

A Waste Management Plan (WMP) has been prepared and attached at Appendix E. The WMP outlines waste estimated generation during the demolition and construction stage of the development.

3.8 Signage

A total of four (4) signs are proposed across the entire site including the following:

- 1 x awning sign 1.2m x 5m on the eastern elevation of the office building attached to Building A;
- 1 x awning sign 1.2m x 5m on the northern elevation of the office building attached to Building A;
- 1 x wall sign 1.2m x 5m on the northern elevation of Building B; and
- 1 x wall sign 1.2m x 5m on the northern elevation of the office building attached to Building C.

Signage zones are nominated on the Architectural Plans at Appendix A. All signage will be non-illuminated. Specific details of content are not known at this stage.

3.9 Construction Management

A Construction Management Plan(CMP) will be prepared and submitted to the Certifier for approval prior to the issue of a Construction Certificate.

4 Relevant Legislation and Planning Controls

The following Legislation, Environmental Planning Instruments (EPIs) and Development Control Plans (DCPs) are relevant to the proposed development:

- Environmental Planning and Assessment Act 1979;
- Rural Fires Act 1997;
- Water Management Act 2000;
- Biodiversity Conservation Act 2016;
- Environmental Protection and Biodiversity Conservation Act 1999;
- State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55);
- State Environmental Planning Policy (Koala Habitat Protection) 2021;
- Maitland Local Environment Plan (LEP) 2011; and
- Maitland Development Control Plan (DCP) 2011;

4.1 Environmental Planning and Assessment Act 1979

The proposal, as with all development applications, is subject to the provisions of the Environmental Planning and Assessment Act 1979 (EP&A Act).

The proposal triggers integrated development under Section 4.46 of this Act by virtue of being within 40 metres (the prescribed distance) of a watercourse (Stony Creek). The DA will therefore be referred to NSW Natural Resources Access Regulator (NRAR) seeking approval under Section 91 of the Water Management Act 2000 for a controlled activity approval.

4.2 Rural Fires Act 1997

The proposal does not require a bushfire safety approval under Section 100B of the Rural Fires Act 1997. Therefore, the development does not trigger integrated development and concurrence from Rural Fires Service is not required.

4.3 Water Management Act 2000

As mentioned above, the proposal triggers integrated development under Section 4.46 of the EP&A Act due to being within 40 metres (the prescribed distance) of a watercourse. Approval for controlled activities on waterfront land is required from the NRAR. The proposed development at the site at Rutherford will involve works within 40m of the top-of-bank of Stony Creek. Consequently, construction of the proposed development represents a controlled activity and will require approval from NRAR under the *Water Management Act 2000*.

4.4 Environment Protection and Biodiversity Conservation Act 1999

Existing vegetation site has been considered under provisions of the Environment Protection and Biodiversity Conservation Act (EPBC Act). The Flora and Fauna Report at Appendix F outlines that the site could potentially support several matters of national environmental significance listed under the EPBC Act. In particular, there is potential for threatened fauna species to be present as well as migratory species listed under the Act. The Flora and Fauna Report found that the majority of these species are likely to occur only on a transient basis and do not have breeding habitats that will be directly impacted. Consequently, future development of the site is considered unlikely to have a “significant impact”. Accordingly, it is not considered necessary for the development to be referred to the Commonwealth Department of Agriculture, Water and the Environment for consideration under the EPBC Act.

4.5 Biodiversity Conservation Act 2016

Under Part 4 of the EP&A Act, proponents are required to carry out a ‘test of significance’, pursuant to Section 7.3 of the Biodiversity Conservation Act 2016, to determine whether the proposed development is likely to have a ‘significant impact’ on any threatened species, populations or ecological communities.

The Flora and Fauna Report (at Appendix F) determines that the proposed development is not considered likely to impose a significant effect upon threatened species, populations or ecological communities, or their habitats, as per Section 7.3 of the Biodiversity Conservation Act 2016. In relation to the NSW Biodiversity Offsets Scheme (BOS), the proposed development does not trigger the scheme and hence a Biodiversity Development Assessment Report (BDAR) is not required to support the DA. Further details are provided in Section 5.2 of this SEE.

4.6 State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)

In relation to assessing development applications, SEPP 55 requires the consent authority to consider whether the land is contaminated. Given that the site is currently operating as industrial and the land use is not proposed to change under this application, impacts from potential contamination are highly unlikely. The proposed works and overall development are not expected to result in unacceptable levels of risk to human health or the environment.

4.7 State Environmental Planning Policy (Koala Habitat Protection) 2021

The Maitland LGA is identified in Schedule 1 of this policy as an LGA to which the policy applies. The SEPP only applies to development applications (DAs) under Part 4 of the EP&A Act on sites that are greater than one hectare, which includes this development. Hence, SEPP (Koala Habitat Protection) 2021 (Koala SEPP) applies to the DA.

The Koala SEPP requires Council to determine the applicability of the SEPP for granting development consent (under Clause 11.(5)(a) of the Policy) if the site:

(i) Does not include any trees belonging to the koala use tree species listed in Schedule 2 for the relevant koala management area; or

(ii) Is not core koala habitat.

The native vegetation on site includes three of the koala use tree species as listed under Schedule 2 of the Koala SEPP, being: Spotted Gum *Corymbia maculata*, Grey Box *Eucalyptus moluccana* and Forest Red Gum *E. tereticornis*.

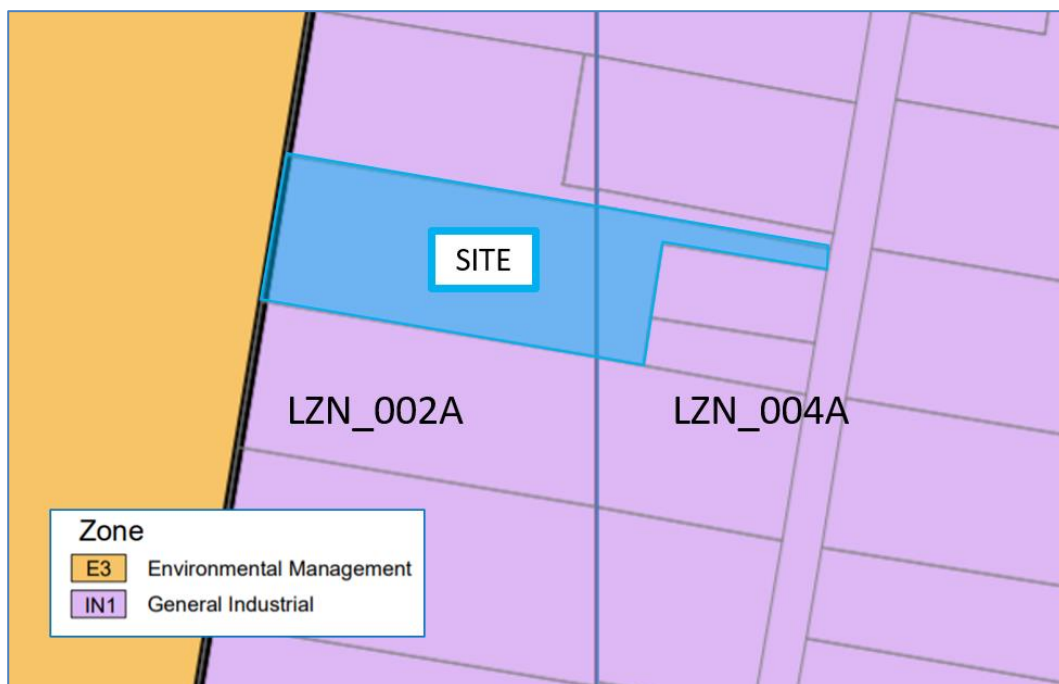
The Koala SEPP defines 'core koala habitat' as "an area of land which has been assessed by a suitably qualified and experienced person as being highly suitable koala habitat and where koalas are recorded as being present at the time of assessment of the land as highly suitable koala habitat". In relation to the site at Rutherford, there was no evidence of Koala presence or activity on the site (i.e. sightings, male calls, fresh scats, recent scratches in bark) and there are very few previous records in the locality. The site, therefore, does not constitute core koala habitat within the meaning of the Koala SEPP. As a result, a Koala Plan of Management is not required.

4.8 Local Environment Plan

4.8.1 Maitland Local Environmental Plan (LEP) 2011

Under the provisions of the Maitland LEP 2011 and the relevant maps, the site is zoned IN1 General Industrial (refer to Figure 4).

Figure 4 – Land Zoning Map Extract from Maitland LEP 2011 (LZN_002A [left] and LZN_004A [right])



Zone IN1 General Industrial

1 Objectives of zone

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.

- *To provide a limited range of retailing activities that accommodate the everyday needs of employees within the zone and do not adversely affect the viability of centres.*

2 Permitted without consent

Nil

3 Permitted with consent

*Depots; Freight transport facilities; Garden centres; **General industries**; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Liquid fuel depots; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Roads; Rural supplies; Tank-based aquaculture; Timber yards; Warehouse or distribution centres; Any other development not specified in item 2 or 4*

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Commercial premises; Community facilities; Correctional centres; Eco-tourist facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Heavy industries; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Passenger transport facilities; Pond-based aquaculture Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Respite day care centres; Schools; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Wharf or boating facilities

The proposed industrial use falls under the definition of general industries (refer to definition below) and is a permissible use within the IN1 zone. Moreover, the proposed development is consistent with the objectives of this zone as the proposed will contribute to the range of industrial uses in the area and will increase employment opportunities within the Rutherford locality and broader Hunter Region.

General industry means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

Clause 2.7 Demolition Requires Development Consent

Demolition works required to facilitate the proposal are included in this application.

Clause 4.3 - Height of Buildings

Maximum height of building restrictions are not imposed for the site under the Maitland LEP 2011.

Clause 4.4 – Floor Space Ratio

Under the Maitland LEP 2011, a Floor Space Ratio (FSR) has not been imposed on the site.

Clause 5.10 – Heritage Conservation

The site has not been identified as containing a heritage item or as being within the vicinity of a heritage item or conservation area.

Clause 7.1 – Acid Sulfate Soils

The site has been mapped as Class 5 Acid Sulfate Soils. In accordance with this clause, development consent is required if proposed works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. As the development does not exceed any of this criterion, an ASS Management Plan is not required.

Clause 7.2 Earthworks

The proposed works will comprise a relatively minor amount of earthworks in order to level the site for the proposed development.

It is not considered likely that the proposed earthworks will result in detrimental impacts on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. Impacts to the watercourse from construction activities will be managed through strict erosion and sediment control measures as detailed in the Civil Plans at Appendix D. Accordingly, the proposed earthworks are considered acceptable.

Clause 7.4 Riparian Land and Watercourses

(1) The objective of this clause is to protect and maintain the following:

- (a) *water quality within watercourses,*
- (b) *the stability of the bed and banks of watercourses,*
- (c) *aquatic riparian habitats,*
- (d) *ecological processes within watercourses and riparian areas.*

Before determining a development application to carry out development on land to which this clause applies, the consent authority must consider whether or not the development:

- (a) *is likely to have any adverse impact on the following—*
 - (i) *the water quality and flows within the watercourse,*

In this locality, Stony Creek is a third order watercourse and the proposal is not likely to adversely affect the flows or quality of the water. All surface water across the site is captured and directed to the OSD tank and treated before discharge into the creek.

- (ii) *aquatic and riparian species, habitats and ecosystems of the watercourse,*

As the proposal is not likely to affect the water quality of Stony Creek, it is also unlikely to affect ecosystems of the watercourse.

(iii) the stability of the bed, shore and banks of the watercourse,

Retaining walls are proposed at the edge of the car park hardstand, at the top of the creek bank. This will ensure the banks of the watercourse are preserved.

(iv) the free passage of fish and other aquatic organisms within or along the watercourse,

The proposal will not impede fish or other aquatic species from traveling along the watercourse.

(v) any future rehabilitation of the watercourse and its riparian areas, and

No known rehabilitation of the watercourse is known, notwithstanding, the proposal would not prevent future rehabilitation.

(b) is likely to increase water extraction from the watercourse.

N/A- water extraction is not proposed.

Clause 7.4(4) states that development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

The proposal has been designed in such a way to avoid significant adverse impact on both Stony Creek and existing vegetation. Further comments are provided within the Flora and Fauna Report contained at Appendix F.

4.9 Development Control Plan

4.9.1 Maitland Development Control Plan 2011 (DCP)

The DCP controls relevant to the proposed development are:

- Part B: Environmental Guidelines
 - B.5 Tree Management
 - B.6 Waste Not – Site Waste Minimisation & Management
 - B.7 Riparian Land and Waterways
- Part C: Design Guidelines
 - C.5 Industrial Land
 - C.6 Outdoor Advertising
 - C.11 Vehicular Access and Parking

Specific compliance with the DCP provisions is discussed the DCP compliance table attached at Appendix C of this SEE. The proposed development generally satisfies the applicable provisions of DCP 2011, with the exception of parking which is discussed in Section 5.3 of this SEE.

5 Assessment of Planning Issues

The following is an assessment of the environmental effects of the proposed development as described in the preceding sections of this SEE. The assessment considers only those matters under Section 4.15 of the EP&A Act 1979 that are relevant to the proposal.

5.1 Compliance with Planning Instruments and Controls

Unless otherwise stated, the proposal either complies with or is consistent with all relevant planning instruments and controls set out in Section 4 of this SEE, in that:

- The proposed works within the riparian lands will be referred to the NRAR under the Water Management Act for a controlled activity approval;
- Future development of the site is considered unlikely to have a “significant impact” on flora and fauna and the proposal has been duly assessed against the necessary requirements of the Biodiversity Conservation Act 2016 and EPBC Act 1999.
- Investigations were undertaken in relation to potential impact on koala’s and the site was found to not constitute ‘core koala habitat’ within the meaning of the Koala SEPP;
- The proposal is a permissible use within the IN1 General Industrial zone under the Maitland LEP 2011 and consistent with the zone objectives and relevant LEP clauses; and
- The proposal is generally compliant with the Maitland DCP 2011, with the single exception of parking. Further detail is provided in the compliance table at Appendix C and Section 5.3 of this SEE.

5.2 Flora and Fauna

A Flora and Fauna Report was undertaken by SLR Consulting Australia Pty Ltd and is located at Appendix F. The assessment found that the site supports a small area of native vegetation that represents the threatened ecological community Hunter Lowland Redgum Forest Endangered Ecological Community, listed under the Biodiversity Conservation Act 2016, and potential habitat for several locally occurring threatened fauna species. Several hollow-bearing trees are present along the western boundary of the site and these could contain native arboreal fauna and possibly threatened fauna (small birds, reptiles, micro-bats or Squirrel Gliders). No threatened flora species were recorded on the site and none are considered likely to occur, given the poor condition of the ground layer and soil surfaces across this part of the site.

The Flora and Fauna Assessment concludes the following:

The current assessment has determined that the proposed development of the site could potentially impose adverse environmental impacts on local biodiversity values. In particular, the proposal will require the removal of 0.1 ha of Hunter Lowland Redgum Forest EEC and several tree hollows that represent potential roost sites for arboreal fauna. However, taking into consideration the small size of the habitat to be removed, its degraded condition, the larger tracts of habitat adjoining the site to the west, and the mitigation measures proposed herein, the proposed development is not considered likely to impose a significant impact on threatened species, populations or ecological communities (or their habitats), pursuant to Section 7.3 of the BC Act.

5.3 Traffic, Access and Parking

Traffic and Access

The site will continue to be accessed via a battle axe driveway off Gardiner Street. The proposed resurfaced driveway is to be accordance with the current relevant Australian Standard and Council’s requirements.

The site is located within an established industrial estate and therefore the traffic generated from the proposal will be adequately catered for within the surrounding road network. No unacceptable traffic or safety implications are expected, particularly given the sites location away from the street.

Parking

In accordance with Table 1 of C11: Vehicular Access and Parking, the proposed parking requirements for an industrial premises are outlined by the Maitland DCP 2011 as per Table 1 below:

Table 1 – Maitland DCP 2011 Parking Rates

| Parking Rates - Maitland DCP 2011 | | Notes | Calculation |
|-----------------------------------|---|---|---|
| Industry | 1 space per 75m ² GFA or 1 space per 2 employees WHICHEVER IS THE GREATER | This requirement may increase if retailing is permitted on the site, or the office space component is in excess of 20% of the floor area. | Approx 3,990m ² of industrial area, $3990 / 75 = 53.2$ = 54 spaces required Up to 1,200m ² of office area $1200 / 75 = 16$ spaces required 54 + 16 = total of 70 spaces required |

Strict compliance with the DCP indicates a requirement of 70 spaces, where 54 spaces are provided on site. However, the proposed parking rates contained within the DCP do not accurately reflect the expected number of employees and visitors likely to frequent the site. Although it is hard to predict exactly the quantity of parking spaces required as the tenant is not known, car parking spaces have been provided to cater for approximately 50 - 60 staff and/or at a ratio of 1 space per 100m². It is noted that the proposal complies in full with Newcastle City Council parking rates for industrial use. A variation to the DCP is considered justified in this instance.

5.4 Landscaping

The proposed development has been designed to retain as much of the native vegetation on site as possible located within the western portion of the site and adjacent to Stony Creek. It is noted that high weed densities are present within the site including lantana and several other noxious weed species. Weed control will be undertaken as part of the site works in an effort to improve the riparian corridor.

New landscape works are focused on breaking up the car park and hardstand areas with attractive plantings to improve on site amenity. The plant species contained within the landscaped garden beds will be locally indigenous native plant types.

The proposed development is compliant with applicable landscaping requirements as per Maitland DCP 2011. A detailed compliance table against the DCP is located at Appendix C.

5.5 Bushfire Prone Land

The site has been identified as bush fire prone land – containing a very small amount of Vegetation Category 1 and predominantly covered by Vegetation Buffer (refer to Figure 5 below).

Figure 5 – Bushfire Prone Land Map (Source: E-Planning Spatial Viewer)



In accordance with 'Planning for Bushfire Protection 2019' (PFBP), applicants must demonstrate to the consent authority that the proposal satisfies the broad aim and objectives of PBP and the specific objectives and performance criteria for the various proposed bush fire protection measures.

The aim of the PBP is to use the NSW development assessment system to provide for the protection of human life (including firefighters) and to minimize impacts on property from the threat of bushfire, while having due regard to development potential, on-site amenity and protection of the environment.

The objectives of PBP are as follows:

- i) *Afford buildings and their occupants protection from exposure to a bush fire;*
- ii) *Provide for a defensible space to be located around buildings;*

- iii) *Provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent the likely fire spread to buildings;*
- iv) *Ensure that appropriate operational access and egress for emergency service personnel and occupants is available.*
- v) *Provide for ongoing management and maintenance of BPMs; and*
- vi) *Ensure that utility services are adequate to meet the need of firefighters.*

The proposed industrial use is considered to achieve the aims and objectives of PfBP as follows:

- The majority of the site will contain hardstand including a perimeter surrounding the industrial buildings. This provides an appropriate separation between the bush fire hazard and the proposed buildings as well as access for firefighting purposes;
- The proposed building will be constructed with fire resistant materials, i.e. concrete, alucobond;
- Windows and openings are avoided on the western elevation of Building A; and
- The proposed site will include adequate access to utility services such as water supply.

Acknowledging the above-mentioned measures included in the proposed development, the proposal will effectively minimise bush fire risk to the property and there are no expected risks to human life. Accordingly, the proposed development is considered suitable from a bushfire safety viewpoint.

5.6 Noise

The proposal is situated within a general industrial area (Racecourse Business Park), surrounded by a mix of industrial uses. Given that there are no nearby sensitive receivers, the proposal is not expected to result in an unacceptable noise impact.

5.7 Services

5.7.1 Sewer

Initial discussions with Hunter Water have confirmed that the site is not connected to the reticulated sewer network. It is understood that Hunter Water are considering instillation of a new Rising Main in the street. The final sewer discharge arrangement will be dependant on the outcome of the proposed Hunter Water works. A Section 50 Certificate will be applied for from Hunter Water to ascertain their specific requirements.

5.7.2 Water

Hunter Water have confirmed that water is available for connection to the site for the proposal. As per the above, a Section 50 Certificate application will be lodged with Hunter Water and connections will be made in accordance with their requirements.

5.7.3 Electricity

Site connection to electricity will be established prior to commencement of building works in consultation with Ausgrid.

5.8 Signage

The proposed signage is considered suitable for the industrial use in terms of both size and number. Whilst details of the signage content are not available, the signage zones identified on the Architectural Plans are appropriate for the development and the locality with minimal impact on the visual character of the surrounding area. Identifying the signage locations and sizes at this stage will ensure an integrated design approach for the proposal.

5.9 Safety and Security

The proposed development has been designed with regard to the four principles of Crime Prevention Through Environmental Design (CPTED) namely, surveillance, access control, territorial reinforcement and space management.

Natural Surveillance

Natural surveillance limits the opportunity for crime by increasing awareness that people can be seen. Potential offenders therefore feel increased scrutiny and limitations on their escape routes.

Good surveillance is achieved by:

- a) Clear sightlines between private and public spaces;
- b) Effective lighting of public places; and
- c) Landscaping that makes places attractive, but not a place to hide.

The design of the proposed development includes natural surveillance of public areas and optimal visibility within the site by:

- Providing large expanses of glass to the office areas of the buildings, allowing for direct views overlooking the main car parking area.
- Appropriate external day and night lighting; and
- Attractive landscaping that does not create any 'hidden spots'.

Natural Access Control

Natural access control limits the opportunity for crime by taking steps to clearly differentiate between public space and private space.

Good access control for the movement of people is achieved by:

- a) Landscapes and physical locations that channel and group pedestrians into target areas;
- b) Public spaces that attract rather than discourage people from gathering; and
- c) Restricted access to internal or high risk areas (e.g. car parks).

The proposed development has been designed to limit access and control flow by:

- Manicured landscaping to help define the pathways within the site;
- Clear vehicular access point to the site; and
- Restricted gated access to the rear (service) areas of the site.

Territorial Reinforcement

Territorial reinforcement promotes social control through increased definition of space and improved proprietary concern, i.e. it makes the normal user feel safe and makes the potential offender aware of a substantial risk of apprehension or scrutiny. By using buildings, fences, pavement, signs, lighting and landscape to express ownership and define public and private spaces; natural territorial reinforcement occurs.

Community ownership (territorial reinforcement) makes people feel comfortable in a place and is achieved by:

- a) A design that encourages people to gather in public spaces;
- b) Having a clear transition between boundaries of public and private spaces; and
- c) Having clear design cues as to who is to use the space and what it is to be used for.

The proposed development will provide gates and fencing which will clearly delineate public from private space. Within the site, the development will contain appropriate signage, lighting and landscaping to ensure that natural territorial reinforcement occurs.

Space Management

Space management strategies such as site maintenance, target hardening and target removal are included in the development. The proposed development also includes the use of some physical barriers and potentially to promote space management.

5.10 The Public Interest

The proposal is considered to be in the public interest as it will deliver a number of public, social and economic benefits with minimal adverse impacts as detailed within this SEE.

6 Conclusion

The proposal includes the redevelopment of an underutilised industrial site at 54 Gardiner Street, Rutherford NSW 2320. The proposed works include demolition and tree and vegetation removal to accommodate a number of large industrial buildings with associated offices, car parking, signage and landscaping.

The development, under the definition of *general industry*, is a permissible use with development consent within the IN1 General Industrial Zone under the Maitland LEP 2011. The proposed development complies with the relevant clauses and controls of Maitland LEP 2011 including potential impact of works within riparian lands as detailed in Clause 7.4.

The proposed development has been designed generally in accordance with the controls contained within Maitland DCP 2011. The works will not have any significant adverse impacts on the natural environment and the battle axe nature of the block mitigates potential impacts on the surrounding streetscape. Redevelopment at the site represents an ideal opportunity for a well-designed industrial development, providing a high-quality built outcome and functional design and layout in accordance with the relevant planning guidelines.

In the absence of any significant adverse environmental impacts, the DA is considered to be in the public's interest and recommended for approval subject to standard conditions.

Yours sincerely,



Theo Klok
Town Planner
SLR Consulting Australia Pty Ltd

APPENDIX A

ARCHITECTURAL PLANS

MM Architecture

APPENDIX B

SURVEY PLAN

Delfs Lascelles Consulting Surveyors

APPENDIX C

MAITLAND DCP 2011 COMPLIANCE TABLE

SLR Consulting Australia Pty Ltd

APPENDIX D

CIVIL ENGINEERING PLANS

DRB Consulting Engineers

APPENDIX E

WASTE MANAGEMENT PLAN

SLR Consulting Australia Pty Ltd

APPENDIX F

FLORA AND FAUNA REPORT

SLR Consulting Australia Pty Ltd

ASIA PACIFIC OFFICES

BRISBANE

Level 2, 15 Astor Terrace
Spring Hill QLD 4000
Australia
T: +61 7 3858 4800
F: +61 7 3858 4801

CANBERRA

GPO 410
Canberra ACT 2600
Australia
T: +61 2 6287 0800
F: +61 2 9427 8200

DARWIN

Unit 5, 21 Parap Road
Parap NT 0820
Australia
T: +61 8 8998 0100
F: +61 8 9370 0101

GOLD COAST

Level 2, 194 Varsity Parade
Varsity Lakes QLD 4227
Australia
M: +61 438 763 516

MACKAY

21 River Street
Mackay QLD 4740
Australia
T: +61 7 3181 3300

MELBOURNE

Level 11, 176 Wellington Parade
East Melbourne VIC 3002
Australia
T: +61 3 9249 9400
F: +61 3 9249 9499

NEWCASTLE

10 Kings Road
New Lambton NSW 2305
Australia
T: +61 2 4037 3200
F: +61 2 4037 3201

NEWCASTLE CBD

Suite 2B, 125 Bull Street
Newcastle West NSW 2302
Australia
T: +61 2 4940 0442

PERTH

Ground Floor, 503 Murray Street
Perth WA 6000
Australia
T: +61 8 9422 5900
F: +61 8 9422 5901

SYDNEY

Tenancy 202 Submarine School
Sub Base Platypus
120 High Street
North Sydney NSW 2060
Australia
T: +61 2 9427 8100
F: +61 2 9427 8200

TOWNSVILLE

12 Cannan Street
South Townsville QLD 4810
Australia
T: +61 7 4722 8000
F: +61 7 4722 8001

WOLLONGONG

Level 1, The Central Building
UoW Innovation Campus
North Wollongong NSW 2500
Australia
T: +61 2 4249 1000

AUCKLAND

Level 4, 12 O'Connell Street
Auckland 1010
New Zealand
T: 0800 757 695

NELSON

6/A Cambridge Street
Richmond, Nelson 7020
New Zealand
T: +64 274 898 628

WELLINGTON

12A&B Waterloo Quay
Wellington 6011
New Zealand
T: +64 2181 7186