

Our Ref: ID2135

Your Ref:

xx August 2024

Broadmeadow Project Team
Executive Director
State Rezoning
Department of Planning, Housing and Infrastructure
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Dear Sir/Madam

Draft Broadmeadow Place Strategy – Broadmeadow Regionally Significant Growth Area (RSGA)

Thank you for the opportunity for the NSW SES to provide comment on the draft Broadmeadow Regionally Significant Growth Area (RSGA) and rezoning plan (Explanation of Intended Effect). It is understood that the rezoning plan for the RSGA has been prepared by the Department and seeks to rezone certain parcels of State government owned land to catalyse redevelopment. The proposed plan and legislative amendments to the Newcastle Local Environmental Plan 2012 on government owned land is seeking to rezone:

- Locomotive depot (Cameron Street) from E4 General Industrial to MU1 Mixed Use and R3 Medium Density Residential.
- Newcastle Basketball Stadium (27 Young Road) and Newcastle Police Citizens Youth Club (PCYC) (28 Young Road) from RE1 Public Recreation to MU1 Mixed Use.
- Newcastle Showground (Griffiths Road) from RE1 Public Recreation to R3 Medium Density.
- Go karts and stadium forecourt (Turton Road and Griffiths Road intersection at Hunter Park Stadium) from RE1 Public Recreation to E2 Commercial Centre and SP1 Special Activities.

The proposed plan is seeking an outcome within the first 10 years of:

- Approx 3,200 new dwellings;
- Approx 2,350 new jobs;
- 35,000sqm of land available for special use as entertainment and recreation.
- 41,000sqm of newly unlocked public open space and green space;

- Protection and revitalisation of State heritage listed items within the Broadmeadow Locomotive Depot, and increased public interaction with these items;
- Protection and revitalisation of local heritage listed items within the Newcastle Showground, and increased public interaction with these items;
- Increased access to areas of public open space.

The site consists of approximately 313 hectares of land, primarily within Broadmeadow and Hamilton North. It also extends along Belford and Tudor Streets, and includes small parts of Hamilton, Hamilton East and New Lambton. The proposed 30-year plan for the Broadmeadow precinct is to ultimately support a substantial increase in population, dwellings and jobs with up to 20,000 new homes and up to 15,000 jobs for a projected population of 40,000 people¹.

The NSW State Emergency Service (NSW SES) is the agency responsible for dealing with floods, storms and tsunamis in NSW. This role includes, planning for, responding to and coordinating the initial recovery from floods. As such, the NSW SES has an interest in the public safety aspects of the development of flood prone land, particularly the potential for changes to land use to either exacerbate existing flood risk or create new flood risk for communities in NSW.

The NSW SES recommends that consideration of flooding issues is undertaken in accordance with the requirements of NSW Government's Flood Prone Land Policy as set out in the [Flood Risk Management Manual](#) 2023 (the Manual) and supporting guidelines, including the [Support for Emergency Management Planning](#) and relevant planning directions and circulars relating to the *Environmental Planning and Assessment Act, 1979*. Key emergency management issues for the Broadmeadow RSGA are detailed in Attachment A.

Newcastle City LGA is predicted to move up from 13th to 9th in 2060 in the top 20 LGAs for average annual loss (cost of damages) from hazards. This is due to predicted increase in new exposure (from development) and to the impact of climate change (greater hazard)². The sites identified for development have flood and evacuation constraints, including areas where there have recently (in 2020) been people trapped in floodwater in their cars, requiring flood rescue. Flood emergency operations in the Newcastle City LGA can be complex and challenging. The effects of climate change and additional development increase these challenges.

Considering the very significant natural hazard risk, the NSW SES recommend not proceeding with the proposed amendment to the Newcastle Local Environmental Plan 2012 in its current form. Developing in the floodplain would increase the number and exposure of residents to flood risk due to significant flooding constraints resulting in risk to life and property.

Any fast-track planning process for Broadmeadow RSGA should have considered the flood risk and demonstrate consistency with Local Planning Direction 4.1 Flooding and Newcastle

¹ Department of Planning, Housing and Infrastructure (2024) – Broadmeadow precinct – first move rezoning p.11

² NSW Reconstruction Authority (2024) - State Disaster Mitigation Plan 2024-2026 page 56

Development Control Plan 2012. This includes ensuring there is no significant increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures.

The current proposed amendments to the Newcastle Local Environmental Plan 2012 will increase the need for NSW SES to undertake continuous community awareness, preparedness, and response operations. The proposed development would further increase the complexity of flood operations for the Newcastle City LGA, and directly transfer the risk to NSW SES for warning, evacuation, and potentially rescue.

If development intensifies in the Broadmeadow area, there is likely to be additional emergency service requirements to service the community, including NSW SES facilities. Due to the significant flood risk, these should be prioritised to be located above the PMF, in accordance with the adopted Special Flood Considerations Clause 5.22. In addition, the Flood Inquiry Recommendation 28³ emphasised the need *“to minimise disruption to medical services, aged care services and the police, Government ensure hospitals, medical centres, nursing homes, aged care facilities and police stations are situated above the probable maximum flood level”*.

You may also find the following Guidelines, available on the NSW SES website, useful:

- [Reducing Vulnerability of Buildings to Flood Damage](#)
- [Designing Safer Subdivisions](#)
- [Managing Flood Risk Through Planning Opportunities](#)

Please feel free to contact Gillian Webber via email at rra@ses.nsw.gov.au should you wish to discuss any of the matters raised in this correspondence. The NSW SES would also be interested in receiving future correspondence regarding the outcome of this referral via this email address.

Yours sincerely,



Nicole Hogan
Assistant Commissioner, Director Emergency Management
NSW State Emergency Service

³ NSW Government (2022) – NSW Independent Flood Inquiry Full Report

ATTACHMENT A: Key Emergency Management Considerations Relevant to the Site and outlined in the Support for Emergency Management Planning Guideline⁴

Increase risk to life from flooding

The proposal is situated on a high-risk floodplain as highlighted in the Enquiry by Design Workshop Broadmeadow Workshop 11-13 October 2023. Recommendation 22 and 15 of the NSW 2022 Flood Inquiry⁶ advocates for a planned retreat from areas at most risk on the floodplain. The proposed development is essentially an advance into the floodplain and will **increase exposure to flood risks**.

The risk assessment should consider the full range of flooding, as larger floods may pose significant risk to the development. This is particularly the case where the depth and/or velocity becomes a high hazard for vehicles, people and building stability.

The proposal area is divided into four main sites with varying flood risk. These are:

- The **Locomotive Depot** site is affected by minor flooding during the 1% AEP event with areas of the site reaching depths up to 0.5 metres⁵. During the Probable Maximum Flood (PMF), flood depths across the site range from no flooding to depths of up to 2 metres, with flood hazards up to hydraulic categorization of H5, which is unsafe for all people and vehicles and all buildings are vulnerable to structural damage⁶.
- The **Newcastle Basketball Stadium and PCYC site** is minorly affected by flooding during a 1% AEP event with areas of the site reaching depths up to 0.5 metres⁷. During a PMF event the site becomes inundated to depths of up to 1.5 metres⁸ and reaches H4⁹ which is unsafe for vehicles and people.
- The **Newcastle Showground site** is located on Griffiths Road with the Styx Creek canal forming the north western boundary of the site. The site is affected by overtopping of the Styx creek during the 1% AEP event to a depth of up to 1 metre¹⁰. During a PMF event the site become inundated reaching depths of up to 3 metres across the entire site¹¹. Flood hazard during the PMF event reaches H3 across the majority of the site

⁴ NSW Government. 2023. Principles Outlined in the Support for Emergency Management Planning Guideline

⁵ Rhelm, 2023, Throsby, Styx and Cottage Creek Flood Study, Map G306b Peak Flood Depth and Elevation 1% AEP

⁶ Rhelm, 2023, Throsby, Styx and Cottage Creek Flood Study, Map G308b Peak Flood Depth and Elevation PMF

⁷ Rhelm, 2023, Throsby, Styx and Cottage Creek Flood Study, Map G306b Peak Flood Depth and Elevation 1% AEP

⁸ Rhelm, 2023, Throsby, Styx and Cottage Creek Flood Study, Map G308b Peak Flood Depth and Elevation PMF

⁹ Rhelm, 2023, Throsby, Styx and Cottage Creek Flood Study, Map G341b Peak Flood Hazard PMF

¹⁰ Rhelm, 2023, Throsby, Styx and Cottage Creek Flood Study, Map G306b Peak Flood Depth and Elevation 1% AEP

¹¹ Rhelm, 2023, Throsby, Styx and Cottage Creek Flood Study, Map G308b Peak Flood Depth and Elevation PMF

with the north-eastern part of the site reaching H5¹². This level of hazard is unsafe for all people and vehicles with all buildings vulnerable to structural damage.

- The **Go karts and stadium forecourt site** at the corner of Turton Road and Griffiths Road is mostly above the 1% AEP flood but does become isolated as all surrounding roadways are cut by flooding¹³ becoming a high flood island. During a PMF, flooding on the site itself is generally below 0.3 metres with isolated areas up to 0.5m¹⁴. The flooding onsite reaches H2 which is unsafe for small vehicles, however surrounding roadways reach H5¹⁵ which is unsafe for all people and vehicles.

Decisions should be informed by understanding the full range of flood emergency management risks to the community

Development within the floodplain should not **increase risk to life** from flooding and should consider the full range of risks to the community. Some areas within the RGSA are identified as a High Flood Islands¹⁶, becoming isolated due to frequent flooding and high hazard floodwater on the roadways. Driving through floodwater is the number one cause of flood related fatalities⁸, with more than 100 fatalities across Australia since 2002⁹. Near misses are not recorded in these statistics, however as an example, NSW SES attended 3823 flood rescues in 2022, and a significant proportion of these were people trapped in cars after driving into floodwater. Three flood rescues were conducted by the NSW SES in 2020 along Turton Road, Broadmeadow, when people had become trapped in vehicles as floodwater continued to rise.

At first glance it may seem that if people live in an area where frequent low-level floods occur, they would be more flood aware. Unfortunately, although they may be aware of flooding, they generally come to the view that they are not at risk because they think all floods are like the small ones they often see. This is not true and big floods will almost always catch people by surprise and exceed their capacity to deal with the situation unless they have considered this scenario in their planning and preparedness.

In 2007 Newcastle and the Hunter Region was impacted by an east coast low, with extreme rainfall and gale force winds occurring for more than 24 hours. The peak rainfall in the late afternoon of 8th June coincided with low tide in the harbour, during a neap stage (ie small tides) of the tidal cycle. Had the flood occurred one week either side (ie during spring tides), then flooding in the lower-lying harbourside suburbs is likely to have been significantly

¹² Rhelm, 2023, Throsby, Styx and Cottage Creek Flood Study, Map G341b Peak Flood Hazard PMF

¹³ Rhelm, 2023, Throsby, Styx and Cottage Creek Flood Study, Map G306b Peak Flood Depth and Elevation 1% AEP

¹⁴ Rhelm, 2023, Throsby, Styx and Cottage Creek Flood Study, Map G308b Peak Flood Depth and Elevation PMF

¹⁵ Rhelm, 2023, Throsby, Styx and Cottage Creek Flood Study, Map G341b Peak Flood Hazard PMF

¹⁶ NSW Government (2023) - Principles Outlined in the Support for Emergency Management Planning Guideline

worse¹⁷. The effects of climate change will only increase these challenges, which should be considered in the Broadmeadow RGSA.

Flood free access and egress

Development strategies relying on deliberate isolation or sheltering in buildings surrounded by flood water are not equivalent, in risk management terms, to evacuation. 'Shelter in place' strategy is not an endorsed flood management strategy by the NSW SES for **future development**. Such an approach is only considered suitable to allow existing dwellings that are currently at risk to reduce their risk, without increasing the number of people subject to such risk. The flood evacuation constraints in an area should not be used as a reason to justify new development by requiring the new development to have a suitable refuge above the PMF. Allowing such development will increase the number of people exposed to the effects of flooding.

There is no known safe period of isolation, however, the longer the period of isolation, the more chance there is for mishap requiring external intervention. Other secondary emergencies such as fires and medical emergencies may occur in buildings isolated by floodwater. During flooding it is likely that there will be a reduced capacity for the relevant emergency service agency to respond in these times. Even relatively brief periods of isolation, in the order of a few hours, can lead to personal medical emergencies that have to be responded to.

Unfortunately, our experience is that people change their mind about sheltering in buildings after they have been surrounded by flood water or when essential services such as water, power and sewer cease to function. As we have observed in recent floods, communications and power outages often accompany floods.

During flooding it is likely that there will be a reduced capacity for the relevant emergency service agency to respond in these times. Even relatively brief periods of isolation, in the order of a few hours, can lead to personal medical emergencies that have to be responded to. Development strategies relying on an assumption that mass rescue may be possible where evacuation either fails or is not implemented are not acceptable to the NSW SES.

Emergency services are also exposed to greater risks than if flood-free access was available. This unnecessarily exposes emergency service personnel to flood situations which may lead to the injury or death. In recognition of this possibility, emergency services are under an increasing demand to consider the safety of personnel. Each circumstance must be subject to an individual risk assessment at the time. If, after conducting a risk assessment of an incident, a Commander or team leader is unsatisfied with the level of risk involved, the response will be delayed until the risk can be reduced or is no longer present. Where possible, we recommend rising road access to ensure emergency access /egress is available both for the future occupants and emergency services.

Ongoing community awareness of flooding is critical to assist effective emergency response

¹⁷ BMT WBM Pty Ltd (2007) - Newcastle - Flash Flood Data Compendium 8 June 2007

The resources of the NSW SES Northern Zone cover several high-risk river systems that can flood singly or in combination, along with flash flooding in the numerous creek systems. Managing evacuations is already complex. Adding additional people would further result in increased complexity and reliance on human behaviour. If the proposed developments were to proceed there would be a substantial cumulative increase in residual risk to life. This increase requires even more community engagement and preparedness programs along with stretching resources in an already complex response operations environment.

If development was to occur in the Broadmeadow area, the NSW SES is likely to require an **increase in community engagement, response capability and resources** and additional Community Engagement and Safety programs for the Newcastle City LGA, for the life span of the proposed development. Any additional emergency service facilities should be prioritised above the PMF, including NSW SES facilities.

Recognise the need for effective flood warning and associated limitations

Risk assessment should have regard to flood warning and evacuation demand on existing and future access/egress routes. In addition, to reduce risk to life, development should consider ensuring rising road access to enable safe evacuation away from the flood threat. Evacuation must not require people to drive or walk through flood water.

12th August 2024

General Manager
City of Newcastle
Po Box 489
Newcastle NSW 2300

Attn: Broadmeadow Project Team

To whom it may concern,

RE: DOE ADV

The New South Wales Department of Education (DoE) has provided comments on the draft Broadmeadow Precinct Planning Stage (PS) Council for its collaborative approach to the

Government Area (LGA). This advice complements the ongoing discussions between representatives of both agencies, as well as correspondence sent to the Department of Planning, Housing and Infrastructure (DPHI) to date, regarding service need assessment inputs and future site selection activities for educational establishments within the Precinct

DoE have reviewed the draft Strategy package and understand that the strategy has been developed as a blueprint for how the area will change in the next 30 years. DoE understand that the Place Strategy establishes a framework for up to 20,000 new homes for 40,000 people. It is also noted that the Broadmeadow "First Moves" Explanation of Intended Effect (EIE) is being concurrently exhibited by DPHI and DoE will respond to this via a separate submission. Detailed feedback on the package is provided at the Attachment A below and builds on the feedback provided by the agency.

As DoE has noted previously, public education has a critical role to play in achieving the future vision for the Precinct. Growth within the Precinct cannot be implemented without provision of sufficient social infrastructure, including schools. The broader economic and social benefits of public schools are well documented, including the immediate employment and general activity associated with the operation of public schools in the community. As such, it is essential that education service need for the Precinct is assessed and infrastructure planned to meet the enrolment demands the growth proposed, as full realisation of the growth cannot be accommodated in the existing school assets.

Further, DoE seeks a commitment from DPHI that critical planning and environmental matters are resolved at the Precinct Planning Stage. While it may not be technically necessary to resolve environmental matters prior to rezoning, shifting resolution of these matters until development stage delays the State infrastructure response process. It is the DoE's experience that the burden of solving these problems is then shifted to development proponents. As a result, communication pathways must be explored within DPHI and Council to outline any planning and environmental matters which are not resolved at Precinct Planning Stage.

Noting the above, DoE's advice can be summarised as follows:

- DoE can accommodate additional students resulting from the 3,200 dwellings proposed as part of the DPHI's 'first moves' rezoning. However, further rezonings will

School Infrastructure NSW (SINSW)

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the preference is to resolve the social infrastructure needs for the PS at the precinct planning stage, instead of the DA/rezoning stage. the existing schools can accommodate the proposed stage 1 dwelling/population increase (3,200 dwellings); but, new schools are needed to facilitate further population/dwelling increases beyond. Subject to further review and authorisation from DoE a dwelling cap should be enforced for stage 1 to reflect the maximum yield. a clear funding mechanism and commitment from DPHI should be made at the precinct level to determine the responsibilities for delivery of the school infrastructure needs. The dwelling/population targets between the GLN report and PS are inconsistent, across the proposed stages. The methodologies used for population projections are inconsistent with DoE methodologies for predicting school/social infrastructure needs. Predicted population profiles (age, family composition) and dwelling typologies including staged yields across the life of the PS is critical for DoE to estimate the need for new schools and types of schools required for Broadmeadow.

require additional school site/s to be identified. Accommodating these students will come at cost to the DoE and as a result, the agency requests a funding mechanism to support any works associated with these required interventions.

- A mechanism, requiring the concurrence of DoE to amend or remove, is to be included in the planning controls that development in the precinct be capped at 3,200 dwellings as a way to ensure that the residential population is appropriately serviced by schools.
- Prior to lifting the cap on this precinct, DoE request a Resilience Panel Process, managed by DPHI, be applied to the Broadmeadow Precinct to resolve significant environmental impacts in the precinct and to identify an appropriate school site/s. This panel will include experts from across government to provide a whole of government outcome.
- Comprehensive tracking of dwelling yields and development activity is required for the Precinct to ensure that enabling and social community infrastructure can appropriately service this growth.

DoE look forward to ongoing engagement with Council throughout the various stages of the planning process.

Should you require further information about this submission, please contact the Strategic Planning Team at StrategicPlanning@det.nsw.edu.au

Yours Sincerely,



Rebecca Willott

Executive Director, Infrastructure Planning

New South Wales Department of Education, School Infrastructure

ATTACHMENT A – DOE ADVICE - BROADMEADOW PLACE STRATEGY**Proposed Growth and Education Service Need**

DoE uses population and dwelling projection data provided by DPE as the basis for school planning. These form the Department's Student by Area (SbA) projections. This data allows DoE to assess the anticipated demand for public schools within an area or region and the best way to deliver infrastructure to support this need. The DoE approach to identifying and evaluating the service need also includes consideration of asset suitability, equity and strategic opportunities.

The DoE have sought clarification regarding the dwelling delivery figures and typologies for both the 'First Move' rezoning and the Place Strategy throughout the ongoing engagement process. Exhibited materials have not at this point, clarified the discrepancies. The DoE note the following growth inconsistencies within the package:

- DoE have been advised that that 'first-move state-led rezoning' and 'stage 1' in the Strategy are not interchangeable and that the stage 1 area includes more than just the "first moves". This has the potential to create confusion and it is requested that this matter be clearly delineated in the relevant documents.
- The Strategy notes that "the place strategy will enable up to 20,000 dwellings". This is an increase on the yields provided to DoE in December 2023, which identified a cumulative yield of approximately 17,000 dwellings. It is essential that both the new and existing dwelling capacities be clearly outlined within the document. **The DoE request access to the feasibility analysis which has supported the increase in total dwellings.**
- No stage 1 yields are noted within the Place Strategy document. These only appear in Table 1 of the Infrastructure Delivery Strategy (6,500 dwellings). This is an increase on the staging yields provided to DoE in December 2023, which noted 4,885 new dwellings, and the 'first move' yields identified in the EIE Package.
- **No dwelling typologies or zone totals are identified** within the Strategy. It is critical to DoE's analysis that this information complements the **yield staging breakdown**.
- There is a lack of demographic data in both Place Strategy package and the DPHI Explanation of Intended Effect (EIE). This would typically be included as part of a Social Infrastructure Assessment, conducted in accordance with the DPHI Social Infrastructure Guideline. **DoE have previously emphasised the importance of SIA's in Precinct Planning.** This reporting should consider:
 - The number of persons per household expected within Stage 1
 - A breakdown of expected age groups
 - The dwelling assumptions for each typology (especially mixed and high-density areas).
- The methodology utilised to determine projected population for the stages throughout the lifespan of the Strategy is inconsistent with methodology utilised by the DoE (and other agencies) to determine predicted population projections for precincts. DoE raises concerns in relation to the assumptions made using regional-level data to plan Broadmeadow, as these may not accurately reflect the distribution of households or populations within the precinct. The Precinct represents a significant change in the

built environment of Newcastle and presents many challenges in planning for education facilities.

Notwithstanding the above, DoE have assessed the school service need stemming from the total dwelling projection noted above and can advise that an additional school site/s are required. The additional site would provide flexibility in meeting demand and timing for school capacity in the Precinct.

Please note the following limitations on the above:

- Detailed population projections, including age profiles for the precinct, have not been provided. These projections are crucial for effectively anticipating and planning for the future population of school-age children expected to reside within the precinct.
- **Current DoE student projections only project to 2041** and the precinct is expected to continue beyond 2041. This makes it difficult to determine the long-term need for school facilities beyond Stage 2 without detailed population projections. Due to the long-term uncertainties, DoE has taken a conservative approach to estimating the long-term enrolment demand in its advice on the Precinct.
- Initial estimates of enrolment demand resulting from Stages 1 and 2 of housing developments indicate that they will surpass the capacity of existing government schools located in and around the Broadmeadow precinct.
- Due to constraints on upgrading existing schools or establishing new schools within the precinct because of flood risks, a significant portion of future students may be forced to attend government schools outside the precinct. This outcome is undesirable. **Upgrades to capacity for schools outside the precinct will likely be required to cater for this demand.** This scenario is also very high risk as it requires a very precise sequence of intake area changes and upgrades to occur, noting detailed DD or site investigation has not been conducted as part of our desktop scenario testing.
- Any updates or changes to staging, dwelling yields or the provision of population projections will trigger a need to review the advice associated with the demand analysis to ensure it is still accurate and representative of the most up to date scenarios for planning.

Local Infrastructure Discussion Paper

The DoE have reviewed the discussion paper (prepared by **GLN**) and note the lack of funding strategies to address both the deficit of infrastructure in the Precinct and required constraint mitigation works. Given the significant funding deficit identified, this work should be undertaken before further stages of rezoning are released.

Further to the above, the report notes yield's that are inconsistent with the strategy. Table 1 of the Paper identifies a total yield of 17,401 new dwellings and a cumulative yield of 18,701 dwellings as well as staging yields which are not represented in the remainder of the package. The DoE request the feasibility analysis supports the proposed staging in this report.

Strategic Business case

The DoE request an update on the status of the **Strategic Business Case and final Strategic Infrastructure and Services Assessment** (SISA) for the precinct.

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DoE provided considerable feedback to this process and note that this work was based on yields inconsistent with the Infrastructure Discussion Paper above. Advice provided by DoE in early 2024 raised several concerns relating to the SBC work, principally that this assumed no schools would be provided in the precinct.

Resilience Assessment

As part of the Norther Rivers rebuild program, the DoE participated in a process managed by the Reconstruction Authority which brought experts from across government together, to understand the impacts of flooding, to determine if government could support construction of schools on flood affected sites, and to agree mitigation measures. The DoE request the same process be applied to the Broadmeadow Precinct.

Resolution of flooding constraints cannot be backloaded to the development application stage and **needs to be resolved at precinct planning stage**. As stated previously, flood hazards can limit the residential development opportunities of the Precinct. This in turn will impact the provision of social infrastructure, including schools.

Social Infrastructure Assessment

As stated above, the DoE support the preparation of Social Infrastructure Assessment's for strategic policy development. The preparation of a SIA enables adequate consideration of social infrastructure needs for communities.

Active Transport and Access

New South Wales has over 2,200 government schools which are busy activity generators of weekday travel demand. The DoE's duty of care to students extends beyond the school boundary if there is foreseeable risk of injury or harm to students as they travel to and from school. Increasing student populations resulting from residential growth across the state coupled with the redevelopment of existing, and construction of, new schools will increase travel demand to and from these facilities. As a result, sound transport planning at a Precinct level is critical to the DoE if the agency is to meet school travel demand safely, efficiently, and sustainably. The DoE request that active transport underpins all transport planning within the Strategy.

The DoE supports the utilisation of the NSW Government Movement and Place Framework (MAPF's), in planning for the Precinct as well as the provision of bus capable roads and pedestrian accessways which will facilitate access to current and future local schools in the area.

The MAPF's core 'Amenity and Use' and 'Primary Schools' Built Environment Indicators are of particular importance to DoE, as these encourage urban designers to consider the impact on adjacent places/uses, as well as emphasising movement that supports place. The 'Primary Schools' indicator provides two specific metrics to judge the effects of infrastructure on the accessibility of public schools in the area: these being walkability and public transport access.

These metrics require designers to assess whether proposed infrastructure facilitates access to primary school facilities (or public transport connections to schools) or whether it exacerbates gaps in the existing network.

The above indicators are based on qualities that contribute to a well-designed built environment and should inform the transport infrastructure for the study area.

Management of Basketball Court Relocation

The Department of Education has received notification that the Basketball court will be relocated to Wallarah Park, an adjoining playing field near Lambton High School. Lambton High School currently utilizes this open space as part of its curriculum for recreational activities. Therefore, the relocation of the Basketball court to this area is anticipated to have adverse implications for the school.

CONFIDENTIAL





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Jeremy Bath
Chief Executive Officer
City of Newcastle Council
Via email: broadmeadow@ncc.nsw.gov.au

6 August 2024

EPA response – Broadmeadow Place Strategy

Att: Broadmeadow Project Team

Thank you for providing the NSW Environment Protection Authority (EPA) with the opportunity to comment on the Broadmeadow Place Strategy (Place Strategy).

We have reviewed the documents on exhibit and understand that the Proposal sees to rezone the proposed Broadmeadow place strategy precinct. This will allow for up to 20,000 new residential dwellings along with creating a new mixed-use town centre near Broadmeadow Station and sports, leisure and entertainment precinct at Hunter Park. It will also see the relocation of Newcastle Entertainment Centre to a new multipurpose arena adjacent to McDonald Jones Stadium. Further, the strategy proposes to establish and protect mass-transit corridors and restore the natural elements of Styx Creek.

The EPA has provided commented in relation to the following documents:

- *Draft Broadmeadow Place Strategy (City of Newcastle, 2024)*
- *Report on Land Capability and Contamination, Housing the Hunter: A Plan for Renewal at Broadmeadow, Project No. 203522.01 (Douglas Partners, 2024)*
- *Housing the Hunter: a plan for renewal at Broadmeadow Preferred scenario technical report - noise, air quality and odour (EMM ref E230023 RP3, May 2024)*

Based on review of the information provided, the EPA has identified that the Proposal is likely to interact with scheduled and non-scheduled activities as defined under section 5 of the *Protection of the Environment Operations Act 1997* (POEO Act).

Review of the of the Report on Land Capability and Contamination along with the notifications held within the Contaminated Land Management (CLM) register, highlight the significant risk of contamination across the proposed Precinct. This is due to its extensive industrial history, including former gasworks, rail activities, and landfilling. More than 50% of the area is assessed as having a high risk of contamination, with potential contaminants including heavy metals, asbestos, and hydrocarbons.

While certain sites within the proposed precinct may be suitable for current uses, any proposed change in use, particularly to more sensitive land uses, requires comprehensive investigations and remediation efforts. The EPA notes Newcastle Council's Development Control Plan mandates thorough contamination assessments and remediation prior to development approvals. Therefore, further investigations are essential to ensure site suitability and adherence to environmental regulations before any rezoning decisions are made.

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The EPA also notes that potential noise impacts from the proposed redevelopment of Broadmeadow outlined in the Housing the Hunter: a plan for renewal at Broadmeadow Preferred scenario technical report - noise, air quality and odour report lack detailed predictions of noise levels. The report includes a list of existing noise sources and a SWOT analysis of the preferred scenario, briefly noting the need for further noise investigations. The EPA suggests early consideration of noise and the incorporation of feasible and reasonable mitigation measures to minimize impacts on sensitive receivers if the Proposal is approved. The recommendations in Section 6 of the aforementioned report should be implemented along with any other necessary mitigation as the Proposal progresses.

After review of proposed Broadmeadow Place Strategy, the EPA has identified several matters to consider in the application of the Proposal. This will assist in delivering improved environmental outcomes and reduce possible land use conflict. Detailed comments are provided at **Appendix A**.

If you have any further questions, please contact Mandy Grewal, Strategic Planning Unit either by phone on 02 6969 0719 or email environmentprotection.planning@epa.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Gabby Sutherland', with a long horizontal flourish extending to the right.

Gabby Sutherland
**A/ Unit Head – Environment Protection Planning
Strategy and Policy Division**

Appendix A – Detailed Comments on Broadmeadow Place Strategy.

Land use conflict

The EPA recommends that strategic land use planning for the Broadmeadow Place Strategy seek to mitigate the risk of land use conflict between proposed residential (and other sensitive) uses, existing scheduled activities, other industrial uses, road corridors and proposed residential and mixed-use zones. Any proposed land use conflict risks will need to be fully understood and mitigated. Clustering incompatible land uses can result in adverse impacts on industry, increased regulatory burden on the EPA and Council, and adverse impacts the environment and human health.

Activities that may impact with the Proposed Broadmeadow Place Strategy Area

There are a range of scheduled and non-scheduled activities within the vicinity of the proposed area that have the potential to interact with future sensitive receivers. These interactions may cause land use conflict in the form of noise, odour, and the interaction with significantly contaminated sites.

Contaminated Land

The EPA has identified the following contaminated sites which form part of the proposed Broadmeadow Place Strategy precinct;

- 16 Broadmeadow Road, Broadmeadow NSW 2292. Former industrial site and service station.
- 2 Georgetown Road, Broadmeadow NSW 2292. Former metal industry.
- 56 Clyde Street, Hamilton North NSW 2292. Former metal industry and former Black and Decker site.
- 54 Clyde Street, Hamilton North NSW 2292. Former industrial site and former ELMA site.
- 1 Chatham Road, Hamilton North NSW 2292. Former Newcastle Gasworks and Coke site.
- 5 Chatham Road, Hamilton North NSW 2292. Former Shell Newcastle terminal (petroleum) site.
- Corner Brunner Road and Lambton Road, Broadmeadow NSW 2292. Service station, Nineways Broadmeadow Coles Express.
- 116 Tudor Street, Hamilton NSW 2292. Service station and Taxi Services site.
- 65 Tudor Street, Hamilton NSW 2292. Newcastle Toyota site with Petroleum contamination.
- 59-63 Tudor Street, Hamilton NSW 2292. Service station, Caltex Hamilton site.
- 2 Fern Street, Islington NSW 2292. Shell Pipeline Easement with petroleum contamination.

When carrying out planning functions under the *Environmental Planning and Assessment Act 1979*, a planning authority must consider the possibility that a previous land use has caused contamination of the site, as well as the potential risk to health or the environment from that contamination. Consideration of contamination at a strategic level provides an opportunity to consider contamination issues early, well in advance of statutory approvals for land use changes.

Due to several sites which are identified as contaminated land by the CLM Act forming part of the proposed precinct, the EPA recommends that **prior** to finalising a decision on the emerging preferred rezoning of the Precinct, the consent authority should:

1. Require the proponent to submit a preliminary site investigation (PSI) report which covers the high, medium and low contamination risk areas identified for the Precinct wherever there are any data gaps or insufficient information regarding these areas:

The PSIs should:

- Identify historical uses of the site, potential contaminating activities, and provide a preliminary conceptual site model (CSM) which identifies the potential source-pathway-receptor linkages (complete and potential);
2. Require the proponent to submit a detailed site investigation (DSI) report for all sites warranted, considering the outcomes of the PSIs and known or potential contamination at the site. The DSIs should:
 - Include a sampling analysis and quality plan (SAQP) for the sampling and analysis of soils, groundwater, soil vapour and hazardous ground gas, based on the preliminary CSM and identified potential contaminants of concern identified.
 - Consider any recent activities that may have impacted the site (including illegal dumping or migration of contaminants from adjacent sites)
 - Provide conclusions as to site suitability of the areas of concern, as well as any recommendations for further investigation and/or remediation.
 - Be drafted in accordance with the *Consultants reporting on contaminated land - Contaminated Land Guidelines* (NSW EPA, 2020) and other relevant guidelines made or approved by the EPA under section 105 of the CLM Act
 - Be written by, or reviewed and approved by, a consultant certified by either the Environment Institute of Australia and New Zealand - Certified Environmental Practitioner (Site Contamination) (CEEnvP (SC)) or Soil Science Australia - Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) schemes.
 3. Where the DSI has recommended remediation be undertaken to make the land suitable for the proposed rezoning, a Remedial Action Plan (RAP) must be prepared by a certified consultant in accordance with the relevant guidelines and provided to the consent authority alongside the DSI.
 4. Where the consent authority does not have the internal resources to conduct its own technical review of the DSI(s) and RAP(s), or where they believe the information in the reports is incorrect, incomplete or requires verification, they should consider requiring an NSW Accredited Site Auditor to undertake an audit. A Site Auditor should also be required for all sites listed as regulated under the CLM Act and for those sites which have been notified under s60 of the CLM Act or those finalising regulation.

If the consent authority determines that an audit is necessary before the rezoning decision can be made, they should require a section B5 audit to determine if the land can be made suitable for a particular use (or uses) if the site is remediated or managed in accordance with the RAP provided, or where the conclusions of the DSI are that no remediation is necessary, the consent authority should require a section A audit to determine site suitability.

Other considerations:

- For future development application/s, the consent authority should ensure that the processes outlined in the *Resilience and Hazards SEPP 2021* are followed to assess the suitability of the land and any remediation required in relation to the proposed use.
- Persons undertaking development on the site must ensure that any development does not result in a change of risk in relation to any pre-existing contamination on the site so as to result in significant contamination.

- The EPA should be notified under section 60 of the CLM Act for any contamination identified which meets the triggers in the Guidelines for the Duty to Report Contamination.

Noise impacts from large sporting events and live music

As part of the precinct is earmarked for significant sporting events and live music, the EPA recommends that a detailed noise and vibration impact assessment be prepared that identifies appropriate mitigation approaches to address these impacts. When assessing the suitability of the Proposal, the consent authority must ensure the proposed sensitive receivers are protected from adverse impacts associated with noise from the proposed activities.

The EPA recommends that the consent authority review the EPA Noise Guide for Local Government for further information in relation to acceptable noise limits from concerts, sporting events and music venues which may be of assistance as the Proposal progresses.

Noise and air impacts from major roads and rail corridors

A number of major roads and rail corridors are located within the Proposal area and have the potential to cause noise and air impacts on proposed residential receivers.

The EPA recommends that the department review the noise limits for development in proximity to busy roads contained in the State Environmental Planning Policy (Transport and Infrastructure) 2021 (see cl 2.120), as well as the NSW Road Noise Policy (Department of Environment, Climate Change and Water NSW 2011) and Development Near Rail Corridors and Busy Roads – Interim Guideline (The NSW Department of Planning 2008) when determining the suitability of locations within the Proposal area for increased residential density.

Air quality and odour

The Proposal should deliver environmental outcomes that ensure future residential receivers are protected from any adverse cumulative air and odour impacts from any historical, existing or future industrial activity and any associated sewerage reticulation, as well as from major road corridors, and existing agricultural and industrial uses.

When considering the suitability of the study area for more sensitive land uses, Councils decision should be informed by an Air Quality Impact Assessment that:

- Assesses likely odour impacts from potentially odorous sources within the vicinity of the study area e.g., EPA licensed premises, industrial activity which may not require a licence under the POEO and proposed mixed-use developments in accordance with the *Technical framework: Assessment and management of odour from stationary sources in NSW* (EPA). This should set out mitigation measures including, but not necessarily limited to, a precinct design that provides the necessary distance of separation between odorous sources and future sensitive receivers, and
- Assesses air quality impacts from roads having regard to the *State Environmental Planning Policy (Transport and Infrastructure) 2021* and supporting *Development Near Rail Corridors and Busy Roads—Interim Guideline* (Department of Planning, 2008).

Waste management considerations

The proposed increase in residential population within the Bega Valley Shire has the potential to burden existing solid waste management facilities. The EPA encourages Council to work with their waste management operators to plan for increased volumes of waste resulting from the expected growth in the number of residential properties.

Consideration of the Department of Planning, Industry and Environment 2021, *NSW Waste and Sustainable Materials Strategy 2041, Stage 1: 2021-2027* and *Better Practice guide for resource recovery in residential developments* (EPA, 2019) is recommended.

Water quality

Stormwater discharges from areas of increased residential density have the potential to impact on local surface water and groundwater quality. The EPA recommends the use of the *NSW Water Quality and River Flow Objectives* (NSW WQO and RFOs) when assessing potential surface water and groundwater quality impacts from a proposed development. NSW WQO and RFOs provide the agreed environmental values, community values and long terms goals for assessing and managing the likely impacts of an activity on water for each catchment in NSW.

Additionally, the *Local Planning for Healthy Waterways using NSW Water Quality Objectives* (Department of Environment and Conservation, 2006) provides guidance on how to incorporate these objectives into strategic planning. *The Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-Use Planning Decisions* (NSW OEH and EPA 2017), provides a practical case study on how cost-effective management strategies can be used to accommodate urban growth.

Sewage and water infrastructure

The provision of water and sewage infrastructure to accommodate population growth across the Region and wider NSW is critical to the planning and delivery of increased density in residential housing. Council should work strategically with local water utilities or responsible parties to ensure the sewage network can adequately service future population growth and any proposed land uses.

The EPA recommends that Council consider the following matters in relation to the area impacted by the Housing Strategy and proposed land uses:

- Consideration of any potential impacts from any increase in sewage overflows from the existing reticulated systems (for example, sewer pipes and pumping stations) and discharges from the existing sewage treatment plants (STP) within the study area.
- Investigations into the capacity of the existing sewage networks to receive additional flows.
- The relevant local water utility or responsible party should undertake any upgrade works to enable the STP to service expected population growth in the study area. Where the responsible party is a holder of an Environment Protection Licence, any upgrades will need to be done in consultation with the EPA.