Preliminary Environmental Assessment

Northbank Enterprise Hub

Industrial & Business Park

Property:

Lot 1001 DP 1127780
Tomago Road, Tomago

Applicant:

WEPL Investments Pty Ltd

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Executive Summary

ADW Johnson Pty Ltd has been engaged to assist WEPL Investments Pty Ltd to obtain Project approval to develop the remainder of its Tomago landholding identified as Lot 1001 DP 1127780 for the purpose of an industrial and business park subdivision. Previously approved on the adjacent WEPL Investments land to the east of the site is a Part 3A Project Application for the establishment of WesTrac Headquarters, industrial subdivision and bulk earthworks (Project Approval 07_0086). The Project will be designed to integrate with this existing approval and form a consolidated industrial and business park to be known as the Northbank Enterprise Hub.

WEPL have recently written to the Minister seeking confirmation that the proposal is a Part 3A Project and we await a formal response. We have included a copy of the confirmation request at Appendix A. It is anticipated given the estimated value and nature of the development that the project will be a Part 3A Project.

The purpose of this Preliminary Environmental Assessment is to introduce the project and obtain the Director-General's Requirements (DGRs) for the preparation of the Environmental Assessment Report.

Specifically this Preliminary Environmental Assessment provides the Director-General with the following information:

- A description of the site and locality, providing appropriate context;
- Details of the background of the project;
- A description of the proposed development;
- An analysis of the project in terms of its statutory context and relevant planning provisions; and
- Identification of relevant issues and associated Environmental Risk Analysis.

The Project Application for subdivision (with associated land filling, roads & services) covering some 241ha of land is important to NSW in terms of economic investment and employment generation and seeks to fulfill the objectives of the Lower Hunter Regional Strategy. WEPL Investments is committed to achieving this outcome together with managing important environmental and heritage issues. WEPL Investments seeks a quality built outcome beyond that of a typical industrial subdivision.

WEPL Investments has a track record of delivering large projects such as the WesTrac proposal on the adjoining land to the east. With all of the Tomago employment lands as identified under the Lower Hunter Regional Strategy under the one ownership of WEPL there is a substantial opportunity to deliver a well planned and integrated outcome of benefit to all.

1.0 The Site and Locality

The site is located on Tomago Road, Tomago and is described as Lot 1001 DP 1127780. The site has an area of approximately 241ha. The subject land is located approximately 8km south west of Raymond Terrace, 12km north west of the Newcastle CBD and 1.3km from Fullerton Cove to the east. The following figures show the location of the site within the locality.

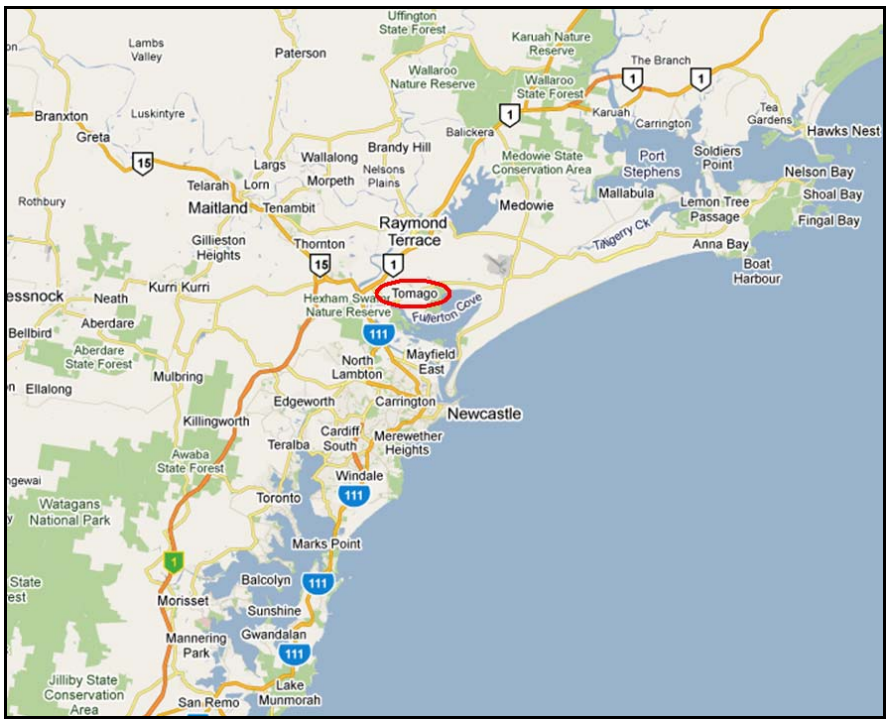

Figure 1 - Location of Tomago in Broader Context.

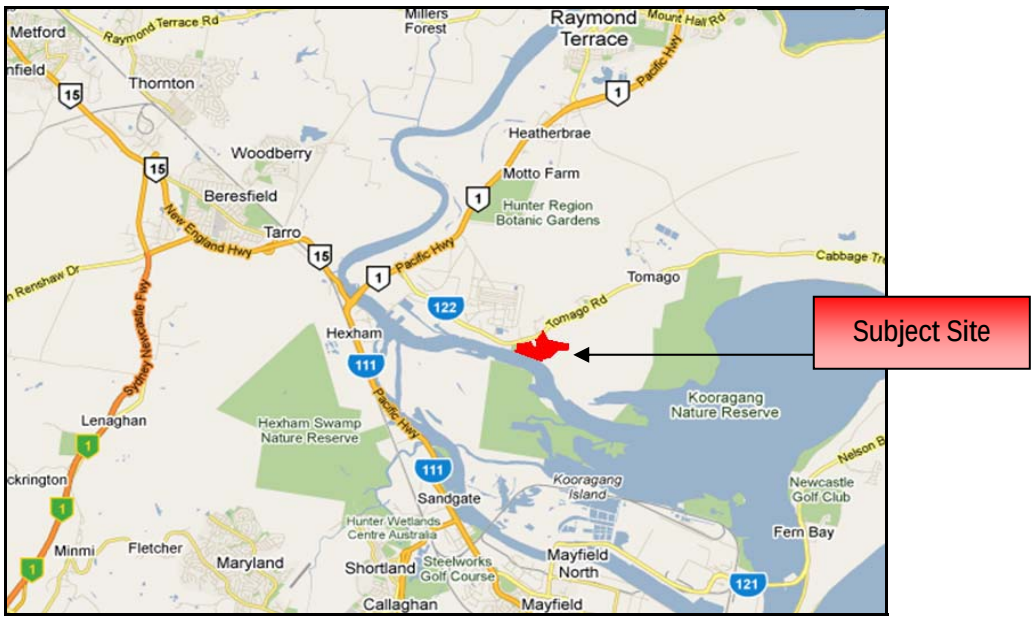

Figure 2 - Location Plan.

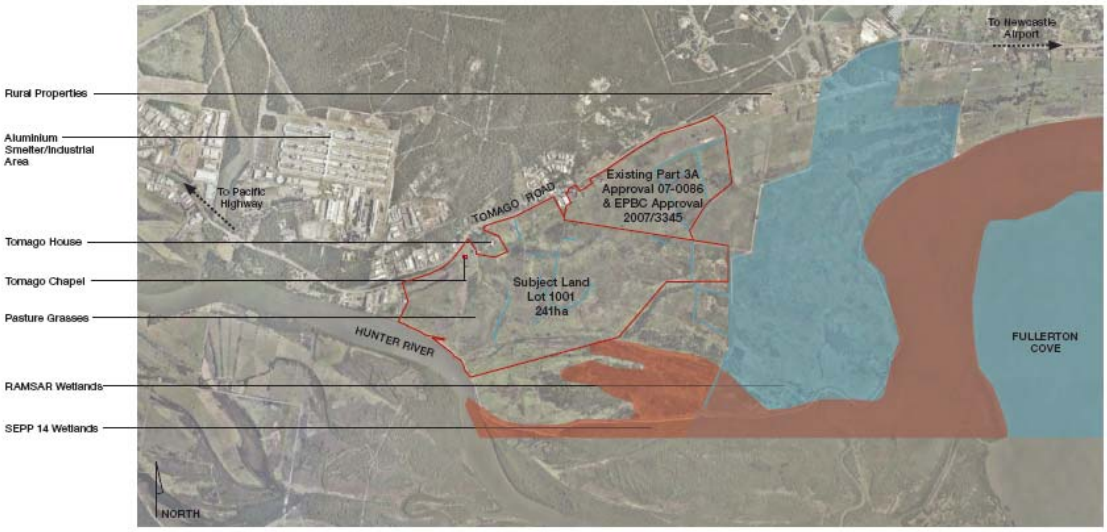

Figure 3 – Site Analysis Plan

(See Appendix B for larger plan)

The subject site forms part of a State Significant Site under *Schedule 3* of SEPP (Major Development) 2005. The site is zoned *IN1 General Industrial* under the SEPP. Previously the land was zoned for rural purposes.

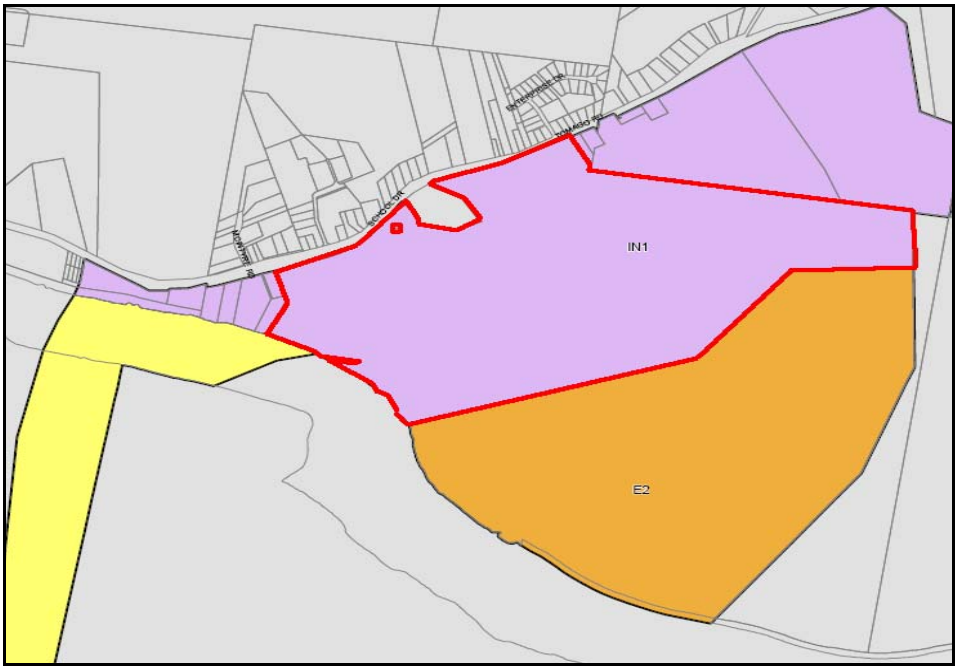

Figure 4 - Zoning Extract from SEPP (Major Development) 2005.

The site is nominated as employment lands under the Lower Hunter Regional Strategy. The following plan is an extract of the strategy showing the site location.

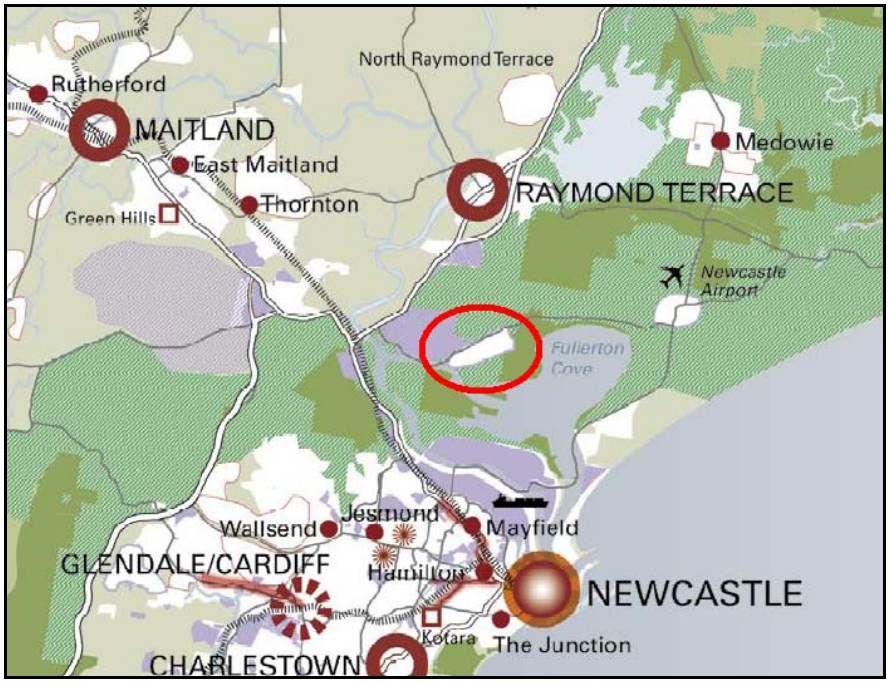

Figure 5 - Extract from the Lower Hunter Regional Strategy.

The subject site is well located relative to the Port of Newcastle, Newcastle Airport, employment land (Newcastle, Port Stephens & Maitland), road access & transport links.

These characteristics are why the site has been identified as strategically important under the Lower Hunter Regional Strategy and also identified as a State Significant Site under SEPP (Major Development) 2005.

The following is noted in relation to surrounding land:

- To the north the site is bound by Tomago Road. Heritage listed Tomago House and Chapel are also located to the north and are surrounded by the site. The Tomago Aluminium Smelter is located further north west of Tomago Road.

- The site is bound to the north east by the remainder of the WEPL Investments landholding which has a Part 3A Approval (07-0086) for a 'WesTrac' Facility and industrial subdivision. It is intended that the proposal will be designed to integrate with the existing approved development. This matter is discussed further in Section 4 of this report.

- The site is bound to the east by conservation lands including RAMSAR Wetland.

- The site is bound to the south by conservation land including SEPP 14 Wetland.

- The Hunter River extends adjacent to the western boundary of the site. Further west of the Hunter River is Kooragang Island which contains significant development associated with coal transportation by rail and port.

The subject land is generally of flat topography, low lying and subject to flooding. The site is predominantly covered in pasture grasses for grazing. Agriculture has been a long term use of the site. A number of small drainage channels off the Hunter River extend through a portion of the site.

Four (4) single dwellings and associated sheds are located towards the northern boundary of the site.

2.0 Background

WEPL Investments identified Tomago as being an ideal location to house their substantial tenant WesTrac. WEPL first purchased adjoining lands to the east from HDC and obtained approval to establish WesTrac and an industrial subdivision on 7 August 2009 (Project Approval 07_0086). Construction by way of Bulk Earthworks have commenced and are due for completion to allow building construction shortly.

During the process of obtaining the existing approval WEPL Investments became keen to secure Lot 1001 and were ultimately successful in purchasing the land from HDC in February 2010. It is considered that the purchase of Lot 1001 is of significant benefit to long term planning objectives. The one ownership will allow an optimum outcome through the ability to masterplan the whole site.

A Development Application (DA 363/2010) has been approved by Port Stephens Council for demolition of the four (4) existing dwellings on site and demolition will proceed shortly.

A Development Application has also been lodged with Council for an Advertising Sign informing the public of the impending development of Lot 1001. Approval is expected shortly.

Currently WEPL Investments maintain the site in suitable condition for grazing.

3.0 The Proposal

Approval is to be sought from the NSW Minister for Planning for a Project Application pursuant to Part 3A of the NSW EP&A Act 1979. The project is for an industrial and business park subdivision and associated filling and earthworks, roads and services to be known as Northbank Enterprise Hub.

The proposal will be designed to be integrated with the adjoining WEPL Part 3A approved industrial subdivision to the east. Minor modification(s) to that Part 3A approval may be required to ensure that the most practicable means of integration can be achieved.

Provided in *Appendix B* is preliminary development documentation prepared by Suters Architects. More detailed documentation will be prepared in response to the DGRs when issued. WEPL advise that it intends to lodge the Project Application in December 2010.

It should be noted that the concept documentation is based on preliminary investigations to date and significantly more detailed documentation will be prepared in response to the DGRs when issued.

4.0 Preliminary Environmental Assessment

4.1 STRATEGIC PLANNING CONTEXT

The site is considered to be ideally located for an Industrial / Business park. The site has excellent access to roads, is located within a reasonable proximity to Newcastle Harbour and Newcastle Airport and is located clear from any significant residential development. Importantly the site is well located to provide significant employment opportunities for Newcastle, Port Stephens and Maitland.

The Lower Hunter Regional Strategy supports this view by categorising the site as employment lands. The *IN1 General Industrial* zoning of the site further recognises the strategic benefits of the site. The proposal will essentially realise the intent of the Lower Hunter Regional Strategy and the *IN1 General Industrial* zoning under SEPP (Major Development) 2005.

4.2 KEY PLANNING & RELATED STATUTORY PROVISIONS

4.2.1 Commonwealth

The Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act 1999) requires consideration of the following:

- Actions that have a significant impact on matters of national environmental significance;
- Actions that have a significant impact on Commonwealth land; and
- Actions carried out by the Commonwealth.

Preliminary discussions have been undertaken with the Australian Government Department of the Environment, Water, Heritage and the Arts and a formal referral document is currently being prepared. It is anticipated that the proposal will be a 'Controlled Action' requiring assessment and approval.

It is expected that the proposal will be assessed under bi-lateral arrangements between the Commonwealth and the NSW Government.

4.2.2 State

Environmental Planning & Assessment Act 1979 (as amended)

The Environmental Planning & Assessment Act 1979 (as amended) is the primary planning legislation in NSW, among other things it sets out the process for assessment of development proposals such as that proposed by WEPL Investments.

It is considered that the proposed development is a Major Project to which Part 3A of the Act applies. This means that the Minister will be the consent authority following an assessment of the application by the Director-General of the NSW Department of Planning.

Consideration of all State Environmental Planning Policies (SEPP) has indicated that the following are of particular relevance to this proposal:

SEPP 55 Remediation of Land

This SEPP outlines the procedures for remediation of contaminated land. Should any contamination issues be identified it will be necessary to consider its provisions.

SEPP 71 Coastal Protection

The overall aim of the SEPP is to protect the NSW coastline. The site is located within the coastal zone and therefore consideration will need to be given to the matters for consideration contained within the SEPP.

SEPP (Major Development) 2005

As has been previously noted in Section 5 of this report, the subject land is identified as a State Significant Site under Schedule 3, Part 10 Tomago Industrial Site of State Environmental Planning Policy (Major Development) 2005.

Zoning
The subject land is zoned *IN1 General Industrial* zoning under SEPP (Major Development) 2005. Following are the objectives of the *IN1 General Industrial* zone:

"(a) to provide for a wide range of industrial, warehouse and related land uses,

(b) to provide suitable areas for those industries that need to be separated from other land uses,

(c) to encourage employment opportunities,

(d) to minimise any adverse effect of industry on other land uses and the environment,

(e) to enable other land uses that provide facilities or services to meet the day to day needs of workers in the area."

Comment

The proposed development will be consistent with each of the above objectives subject to appropriate management of any potential environmental issues.

Permissibility

Clause 12(1) of *Schedule 3, Part 10 Tomago Industrial Site* of *State Environmental Planning Policy (Major Development) 2005* states the following:

"12 Subdivision—consent requirements
(1) Land within the Tomago Industrial site may be subdivided, but only with consent."

Comment

The proposal is permissible with the consent of the NSW Minister for Planning.

Clause 8(3) of *Schedule 3, Part 10 Tomago Industrial Site* of *State Environmental Planning Policy (Major Development) 2005* lists the following development as permissible:

(3) Development for any of the following purposes is permitted with consent within Zone IN1 General Industrial:

aquaculture; boat construction facilities; boat repair facilities; boat launching ramps; commercial port facilities; depots; drainage; earthworks; educational establishments; fill; freight transport facilities; hazardous industries; hazardous storage establishments; heavy industries; jetties; light industries; marinas; materials recycling or recovery centres; offensive industries; offensive storage establishments; office premises; signage; truck depots; vehicle body repair workshops; vehicle repair stations; warehouses or distribution centres; waste management facilities.

Comment

Future development within the proposed subdivision will be required to have regard for the above permitted land uses.

SEPP Infrastructure 2007

Pursuant to Clause 104 Traffic Generating Development, the proposed industrial subdivision is identified in Schedule 3 as a Traffic Generating Development to be Referred to the RTA. A Traffic Impact Assessment will be required to accompany the Project Application.

Threatened Species Conservation Act 1995

An ecological survey of the site is required to determine if a development proposal will have a significant effect on threatened species, threatened populations or endangered ecological communities.

It will be necessary to submit a Flora and Fauna report with the Project Application.

NSW Heritage Act 1977

The Tomago House and Tomago Chapel sites adjoin the development site to the north. Tomago House and Tomago Chapel are listed within the NSW State Heritage Register under the NSW Heritage Act 1977.

It will be necessary to submit a European Heritage assessment with the Project Application.

Hunter Water (Special Areas) Regulation 2003

This Act may apply given that the site potentially lies partly over the Tomago Sandbeds (which provide potable water). The regulation applies controls over agriculture, sewage disposal and pollution. It will be necessary to ensure that water from the site to the Sandbeds is not contaminated. This issue will be addressed in the Project Application.

Protection of the Environment Operations Act 1997

The purpose of the Act is to control pollution and establish a license regime. It is possible that filling of the site may require a license depending on the type and quantity of fill. This matter will need to be addressed as part of the Project Application.

Contaminated Land Management Act 1997

This Act requires that the EPA be notified of contamination likely to be of "significant risk of harm". Preliminary investigations suggest that the site would not be classified as being of significant risk of harm.

National Parks and Wildlife Act 1974

The Act applies to adjoining land owned and managed by NPWS. The Act also has controls that apply to aboriginal relics and sites. These matters will be required to be addressed in the Project Application.

Rural Fires Act 1997

The provisions of this Act require practicable steps to be undertaken to prevent the occurrence and spread of bushfires.

The site is identified as being bushfire prone land however given the nature of the proposal and that the site is substantially cleared, it is considered that there is no substantial threat from bushfire.

A Bushfire Safety Authority will not be required having regard to the operation of Part 3A of the Environmental Planning & Assessment Act 1979.

4.2.3 Regional

As has been previously noted, the subject site is identified as 'Employment Lands' within the Lower Hunter Regional Strategy. This strategy outlines the planning objectives for the Lower Hunter Region from 2006 – 2031. The proposed development will realise the objectives of the

strategy in relation to the provision of quality industrial land and creation of employment opportunities.

4.2.4 Local

The subject land is identified as a State Significant Site under *Schedule 3, Part 10 Tomago Industrial Site* of *State Environmental Planning Policy (Major Development) 2005*. Consequently the Port Stephens Local Environmental Plan 2000 does not apply to this proposal.

4.3 ISSUES FOR CONSIDERATION & ASSESSMENT OF POTENTIAL RISK

4.3.1 Flooding

The site is subject to flooding and flood modelling work is currently being undertaken to determine the 1:100 year level. Fill will be required to be imported onto the site.

The risk issues arising from flood protection of the subject site will be the potential for change to floodways and flood storage for the Hunter River and the potential for impact on adjoining and nearby properties. Accordingly these issues will need to be addressed as part of the Environmental Assessment Report. It is considered that flooding is of a high environmental risk.

4.3.2 Traffic & Access

Traffic generated by the proposed development will result from operations associated with filling of the site and future users as they are established within the proposed industrial and business park.

A detailed Traffic Impact Statement will be required to address likely traffic increases.

It is noted that as part of the existing Part 3A Approval (07_0086) a new intersection off Tomago Road will be constructed for site access. It is anticipated that additional intersections off Tomago Road will be required to provide suitable access to the Northbank Enterprise Hub.

Given the relatively isolated location of the site from sensitive land uses it is considered that traffic associated with filling or future use of the site will not have a significant adverse impact on the amenity of the area. Overall, it is considered that traffic and access are of a medium environmental risk.

4.3.3 Ecological / Environmental

It is noted that there will likely be EEC communities on the subject site and removal of these will need to be addressed. These matters will require further investigation within a Flora and Fauna assessment to be submitted with the Project Application.

The site is adjoined by conservation lands to the south including SEPP 14 Wetland and to the east by RAMSAR Wetland. Preliminary discussions have been undertaken with the Commonwealth

Department of The Environment, Water, Heritage & The Arts and it is expected that the proposal will be a 'Controlled Action' under the provisions of the EPBC Act, 1999.

The proximity of these wetlands becomes a management issue requiring the following to be considered:

- Water flow from the site to Wetlands and associated water quality issues;
- Quality of fill material and consideration of leaching; and
- Soil erosion and sedimentation.

It is highly likely that acid sulfate soils will be present however these are unlikely to be disturbed in any substantial way given the need to fill the site. In the event that such soils are disturbed it will be necessary to have prepared an acid sulfate soils management plan.

It is noted that part of the site along the Tomago Road frontage may fall within a Hunter Water "Special Area – Tomago Sandbeds Catchment Area". An aquifer also extends through the area. Any proposed development on the site will be required to ensure that water from the site to the aquifer is balanced against that to be retained on site.

The environmental risk rating is regarded as high and therefore appropriate management of any environmental issues will be necessary.

4.3.4 Geotechnical

The site is comprised of mostly soft soils and this combined with the proposed filling of the site will require careful geotechnical considerations. The work method associated with the filling of the site requires consideration to ensure that an adequate building platform is created for future buildings in an efficient and cost effective manner.

The environmental risk rating for this matter is regarded as low.

4.3.5 Contamination

Preliminary investigations have shown that the site is not the subject of any significant contamination. Impacts from potential acid sulfate soils have previously been addressed in Section 4.3.3 above. The environmental risk rating for contamination is considered to be low.

4.3.6 Acoustic Impacts

The site is isolated from any significant residential areas. There are a small number of dwellings on rural properties located within the area. Potential noise generated by the development are associated with the filling of the site and future users of the site.

It is noted that Tomago Road predominantly services rural and industrial developments in addition to being a route to Newcastle Airport and Port Stephens. It is considered that the use of this road by transport vehicles will be unlikely to have significant impacts on any sensitive residential receivers.

Given the isolated location of the site, it is considered that potential acoustic impacts are of low environmental risk.

4.3.7 Dust & Air Emissions

Dust emissions from the proposed development will need to be considered as part of any filling operations. Air quality is considered to be a medium environmental risk in relation to this proposal.

4.3.8 Visual Amenity

The appearance of the site will be altered through earthworks, filling and future buildings within the industrial and business park. However, the site is not particularly visible from other public locations nor does it form part of any scenic location or ridgeline. It is considered that this matter is of low environmental risk.

4.3.9 Archaeology & Heritage

An archaeological report will be required to accompany the Project Application. Given the findings and the feedback from the Local Aboriginal Land Council associated with the Part 3A Approval on the adjoining land to the east, it is considered that the environmental risk in relation to aboriginal archaeology is medium.

In terms of European Heritage the Tomago House and Tomago Chapel sites adjoin the development site to the north. Tomago House and Tomago Chapel are listed within the NSW State Heritage Register.

It is acknowledged that the proposal will be required to take these items into consideration and a Heritage Impact Assessment will accompany the Project Application. It is considered that the environmental risk in relation to European heritage is considered to be medium.

4.3.10 Servicing

Water, electricity and telecommunications are currently available to service the site.

Reticulated sewer is not currently available to the site and consideration will need to be given to either an onsite treatment system or works to enable connection to the Hunter Water Corporation system. This matter will be subject to future civil engineering investigations to be provided with the Project Application and consideration will be given to the existing approved development adjoining to the east. It is considered that environmental risk in relation to servicing is considered to be low.

5.0 Stakeholder Consultation

It is intended to undertake Authority and community stakeholder consultation in preparation of the Project Application.

6.0 Conclusion

The proposal is for a Project Application for an industrial and business park at Tomago comprising subdivision of the land and associated filling, roads & servicing. Previously approved on the WEPL Investments Pty Ltd landholding on adjacent land to the east of the subject site is a Part 3A Project for bulk earthworks, the establishment of a WesTrac Facility and associated infrastructure and an industrial subdivision (Project Approval 07_0086). The proposal will be designed to integrate with this land and form a consolidated industrial and business park to be known as the Northbank Enterprise Hub.

The subject site is identified as a State Significant Site pursuant to the provisions of State Environmental Planning Policy (Major Development) 2005 and it has been demonstrated that the proposal is a Part 3A Project given that the proposal will substantially exceed a capital investment of $5 million and is an industrial subdivision.

The proposal will result in the creation of an integrated business and industrial park that will be attractive to a wide range of industrial and commercial business given the location and accessibility of the site. Strategically, the site is ideally located relative to The Port of Newcastle, major road connections, Williamtown Airport and existing industrial development in Tomago. The subject land has excellent access to a local employment base given that it is centrally located between Newcastle, Maitland and the Port Stephens areas and will achieve the intent of the Lower Hunter Regional Strategy which identifies the site as 'employment lands'. Overall, each of these attributes combined make the site ideal for an industrial and business park.

This Preliminary Environmental Assessment has identified the range of key issues that will need to be addressed as part of the final Environmental Assessment Report and will assist the NSW Department of Planning.

The proposed development is of significant importance to the Hunter Region and the state of NSW both in terms of its investment value and the ongoing investment and employment that will be generated into the future.

WEPL Investments looks forward to receipt of Director-General's Requirements for the preparation of the Environmental Assessment Report. WEPL propose to lodge a Project Application in December 2010.

Appendix A

Clause 6 Request (SEPP Major Development) 2005

WEPL INVESTMENTS PTY. LIMITED

ABN 93 093 498 116

Dear Minister

The Hon. Tony Kelly, MLC
Minister for Planning
Level 34 Governor Macquarie Tower
1 Farrer Place
Sydney NSW 2000

12 August 2010

WEPL Investments Pty Limited ACN 093 498 116
Request for confirmation that a proposed Project at Tomago, NSW will be assessed under Part 3A of the *Environment Planning and Assessment Act 1979* (NSW)

1 Introduction

WEPL Investments Pty Limited ACN 093 498 116 (**WEPL**) proposes to carry out the project described in this letter (**Project**) on Lot 1001 DP 1127780 at Tomago Road, Tomago, NSW (**Site**).

This letter provides a brief description of the Project and requests that you, as Minister for Planning, confirm that the Project will be assessed under Part 3A of the *Environment Planning and Assessment Act 1979* (NSW) (**EP&A Act**).

For the reasons set out below, WEPL is of the view that the project is a Part 3A Project. Subject to receiving confirmation that the Project will be assessed under Part 3A of the EP&A Act, WEPL will shortly submit a Preliminary Environmental Assessment to the Department of Planning along with a request for the Director General Requirements. WEPL aims to submit an application for project approval of the Project in December 2010.

2 The Project

The Project consists of preliminary works and subdivision for an industrial and business estate and involves:

(a) filling of a substantial part of the Site to the 1:100 year flood level;

(b) the subdivision of land for industrial and business purposes, incorporating appropriate road layout;

(c) the provision of appropriate drainage and landscaping corridors; and

(d) the provision of services to the Site to support the proposed future industrial and business estate development.

The above description of the Project is indicative only as the Project may be further refined as the design and environmental assessment are progressed. A plan which provides details of the indicative land use types for which subdivision approval is being sought will be provided with the Preliminary Environmental Assessment.

The Project is limited to the works outlined above and it is proposed that separate applications will be lodged in the future for the construction and use of the buildings to be ultimately located at the Site.

It is intended that the Project will be integrated with the adjoining approved WEPL development.

The estimated capital investment value of the Project is in excess of $200 million.

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3 Minister's Opinion on the Application of Part 3A of the EP&A Act to the Project

WEPL asks that you form an opinion under Clause 6(1) of the *State Environmental Planning Policy (Major Development) 2005* (**Major Development SEPP**) as to whether Part 3A of the EP&A Act applies to the Project.

WEPL considers that the Project is a project to which Part 3A applies for the reasons set out below.

Clause 6(1) of the Major Development SEPP provides that:

> *"Development that, in the opinion of the Minister, is development of a kind ... (b) that is described in Schedule 3 as a project to which Part 3A of the Act applies.... is declared to be a project to which Part 3A of the Act applies."*

Part 10 of Schedule 3 to the Major Development SEPP contains provisions relating to the Tomago Industrial site. The Site is located within the Tomago Industrial site and is zoned Zone IN1 General Industrial under Part 10 of Schedule 3 to the Major Development SEPP.

Division 2 of Part 10 of Schedule 3 to the Major Development SEPP provides as follows:

> ***5 Part 3A projects***
>
> *(1) Such development within the Tomago Industrial site as has a capital investment value of more than $5 million, other than development for the purposes of a public utility undertaking.*
>
> *(2) Subdivision of land within the Tomago Industrial site, other than a strata title subdivision, a community title subdivision, or a subdivision for any one or more of the following purposes:*
>
> *(a) widening a public road,*
>
> *(b) making an adjustment to a boundary between lots, being an adjustment that does not involve the creation of a greater number of lots,*
>
> *(c) a minor realignment of boundaries that does not create additional lots or the opportunity for additional dwellings,*
>
> *(d) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,*
>
> *(e) rectifying an encroachment on a lot,*
>
> *(f) creating a public reserve,*
>
> *(g) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public conveniences.*

The Project:

(a) has a capital investment value of more than $5 million and is not for the purposes of a public utility undertaking; and

(b) includes the subdivision of land which does not fall within one of the nominated uses listed in clause 5(2) of Division 2 of Part 10 of Schedule 3 to the Major Development SEPP.

4 Permissibility of the Project

Clause 8 of Division 3 of Part 10 of Schedule 3 to the Major Development SEPP provides as follows:

> ***8 Zone IN1 General Industrial***
>
> *(1) The objectives of Zone IN1 General Industrial are as follows:*
>
> *(a) to provide for a wide range of industrial, warehouse and related land uses,*
>
> *(b) to provide suitable areas for those industries that need to be separated from other land uses,*
>
> *(c) to encourage employment opportunities,*
>
> *(d) to minimise any adverse effect of industry on other land uses and the environment,*
>
> *(e) to enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
>
> *(2) Development for any of the following purposes is permitted without consent within Zone IN1 General Industrial:*
>
> *environmental protection works.*
>
> *(3) Development for any of the following purposes is permitted with consent within Zone IN1 General Industrial:*
>
> *aquaculture; boat construction facilities; boat repair facilities; boat launching ramps; commercial port facilities; depots; drainage; earthworks; educational establishments; fill; freight transport facilities; hazardous industries; hazardous storage establishments; heavy industries; jetties; light industries; marinas; materials recycling or recovery centres; offensive industries; offensive storage establishments; office premises; signage; truck depots; vehicle body repair workshops; vehicle repair stations; warehouses or distribution centres; waste management facilities.*
>
> *(4) Except as otherwise provided by this Policy, development is prohibited within Zone IN1 General Industrial unless it is permitted by subclause (2) or (3).*

The table contained in Annexure A to this letter provides an overview of the end land uses currently proposed for the industrial and business estate, the permissibility of theses end land uses and their consistency with the zone objectives contained in Clause 8 of Division 3 of Part 10 of Schedule 3 to the Major Development SEPP. As noted above, the Project seeks subdivision for the purposes of the end land uses and does not seek approval to any end land uses (which will be the subject of separate applications in the future).

As outlined in the table contained in Annexure A to this letter, the following uses which are currently proposed to form a small part of the ultimate development are prohibited under Clause 8 of Division 3 of Part 10 of Schedule 3 to the Major Development SEPP:

(a) hotel accommodation/serviced apartments;

(b) conference services; and

(c) shops designed to service local needs,

(**Currently Prohibited Uses**). As the master planning of the Site is further developed over the next few months it may be that further uses may also be considered that are also prohibited.

The reason prohibited land uses have been identified (and continue to be considered) to be essential is:

(a) to provide an enhanced outcome for the heritage listed Tomago House which the WEPL land surrounds; and

(b) to also ensure a synergy of land uses across the whole of the Site to deliver an optimum planning outcome.

Part 3A of the EP&A Act contains detailed provisions which set out, when exactly, environmental planning instruments, including SEPPs such as the Major Development SEPP, will apply to Part 3A Projects. These provisions were recently considered in some detail by Preston CJ, the chief judge of the NSW Land and Environment Court in *Rivers SOS Inc v Minister for Planning [2009] NSWLEC 213* (16 December 2009). In that decision Preston CJ held that:

(a) SEPPS, and in particular, any prohibitions contained in a SEPP, do not apply at the time the Minister for Planning determines an application for project approval under Part 3A of the EP&A Act although they apply to the project once it has been approved; and

(b) it was open to the Minister to use the power granted by section 75R(3A) of the EP&A Act to, immediately after granting the approval, amend the SEPP to authorise the carrying out of the approved project notwithstanding the prohibition in the SEPP.

Subject to receiving confirmation from the Minister that the Project is a project to which Part 3A of the EP&A Act applies, WEPL proposes to:

(a) lodge an application seeking project approval for the Project under Part 3A of the EP&A Act; and

(b) request you, as Minister for Planning, if that application is ultimately approved under Part 3A, to also make an order under section 75R(3A) of the EP&A Act amending Clause 8 of Division 3 of Part 10 of Schedule 3 to the Major Development SEPP so as to render the Currently Prohibited Uses permissible.

5 Next Steps

WEPL would appreciate your confirmation, as Minister for Planning, that the Project:

(a) is in your opinion, development of a kind that is described in Schedule 3 to the Major Development SEPP as a project to which Part 3A of the EP&A Act applies; and accordingly

(b) will be assessed under Part 3A of the EP&A Act.

6 More Information

Please do not hesitate to contact us if you require any further information.

Yours sincerely

David Aspinall
For and on behalf of WEPL Investments Pty Ltd atf Tiberius Property Trust

Annexure A to letter to the Minister for Planning

(Note: The following table is accurate at this point however may change as the project further develops. This includes possible changes to the identified precincts and to the nature of land uses.)

Proposed Use	Permissibility	Consistency with the Zone Objectives
A. Commerce Precinct (occupying approximately 10% of the Site)		
1 Hotel accommodation/ serviced apartments 2 Conference services 3 Commercial Offices 4 Shops designed to service local needs	1 No 2 No 3 Yes 4 No	Consistent with objectives: • (c) as will generate employment opportunities; • (e) as will enable land uses that provide facilities and services to meet the day to day needs of workers in the area; and • (d) as will provide the adjoining Tomago House with a buffer from the industrial development on the adjoining Site . Not inconsistent with objectives (a) and (b) which are met by other components of the proposed development.
B. Riverpark Corporate Precinct (occupying approximately 35% of the Site)		
Commercial offices	Yes	Consistent with objectives: • (c) as will generate employment opportunities; and • (e) as will enable land uses that provide facilities and services to meet the day to day needs of workers in the area. Not inconsistent with objectives (a), (b) and (d) which are met by other components of the proposed development.
C. Marina Business Precinct (occupying approximately 10% of the Site)		
5 Boat Building Industries; 6 Maritime Industry 7 Marina including associated and ancillary chandlery, restaurants and fishing co-op	8 Yes 9 Yes 10 Yes	Consistent with objectives: • (a) as will provide for a range of boat based industrial uses and a related marina; • (c) as will generate employment opportunities; • (d) as will minimise any adverse effect of industry on other land uses and the environment; and • (e) as will enable other land uses that provide facilities or services to meet the day to

		day needs of workers in the area. Not inconsistent with objective (b) which is met by other components of the proposed development.
D. Wetland Industry Precinct (occupying approximately 45% of the Site)		
Industrial	Yes	Consistent with objectives: • (a) as will provide for a range of boat based industrial uses and a related marina; • (b) as will provide suitable areas for those industries that need to be separated from other land uses; • (c) as will generate employment opportunities; and • (d) as will minimise any adverse effect of industry on other land uses and the environment. Not inconsistent with objective (e) which is met by other components of the proposed development.

Appendix B

Preliminary Development Documentation

PRELIMINARY DEVELOPMENT DOCUMENTATION

SEPTEMBER 2010

NORTHBANK
ENTERPRISE HUB
TOMAGO, NEW SOUTH WALES

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1.0	Executive Summary	3
2 .0	Introduction	4
3 .0	Location Plan	5
4 .0	Site Analysis Plan	6
5 .0	Preliminary Development Plan	8
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NOTE:

THIS DOCUMENT HAS BEEN PREPARED FOR THE PURPOSE OF OBTAINING DGR'S ONLY.

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1.0 Executive Summary

WEPL Investments Pty Ltd seeks to develop the Northbank Enterprise Hub as a foundation development in support of the Lower Hunter Regional Strategy.

The Hub would sustain the core element of the Strategy – employment creation – while enhancing the land use and value in terms of the social, environmental, economic and heritage objectives.

The current proposal is for subdivision of the site with associated land filling, roads and services.

WEPL is a property development and investment vehicle for interests associated with Mr Kerry Stokes OA. The Company has a demonstrated empathy and support for the sustainable development of the Lower Hunter, while safeguarding areas of environmental significance. Equally, it has a demonstrated capability to fund and develop projects of the envisaged size and calibre of the combined land area.

The Northbank Enterprise Hub would enhance the sustainable economic and social growth of the Lower Hunter and magnify its appeal as a region of lifestyle and opportunities.

2.0 Introduction

The Northbank Enterprise Hub is strategically positioned to be a catalyst to implement the objectives of the Lower Hunter Regional Strategy over the next 25 years.

Geographically, it pivots key infrastructure and commercial centres – the CBD of Newcastle is 12 kms to the south, the F3 Sydney link road 10 kms to the west, Newcastle Airport 12 kms to the east, and the Pacific Highway 5 kms to the north.

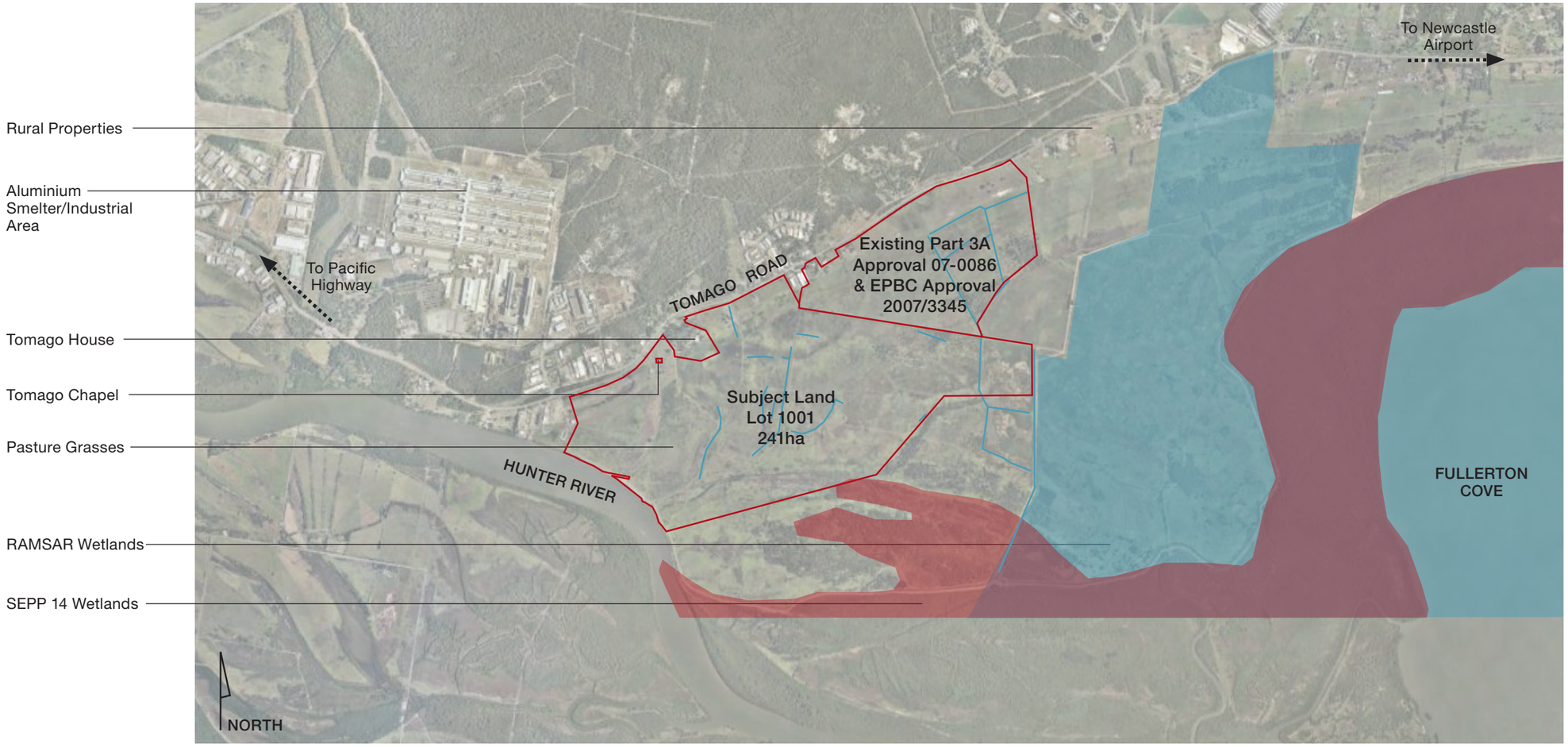
Beyond infrastructure, it is situated between the major – and fast growing – population centres of Newcastle, Maitland, Raymond Terrace and Port Stephens.

The Northbank Enterprise Hub will be a vibrant new focal point creating opportunities for a diverse range of enterprises.

This proposal facilitates a significant contribution to the economy of the region and to the Lower Hunter Regional Strategy's stated aim of 66-thousand new jobs by 2031.

WEPL Investments has already demonstrated contribution, good faith and corporate citizenry in the region, and maintains active communication with the various relevant authorities and community with regard to development of the land it already holds in Tomago.

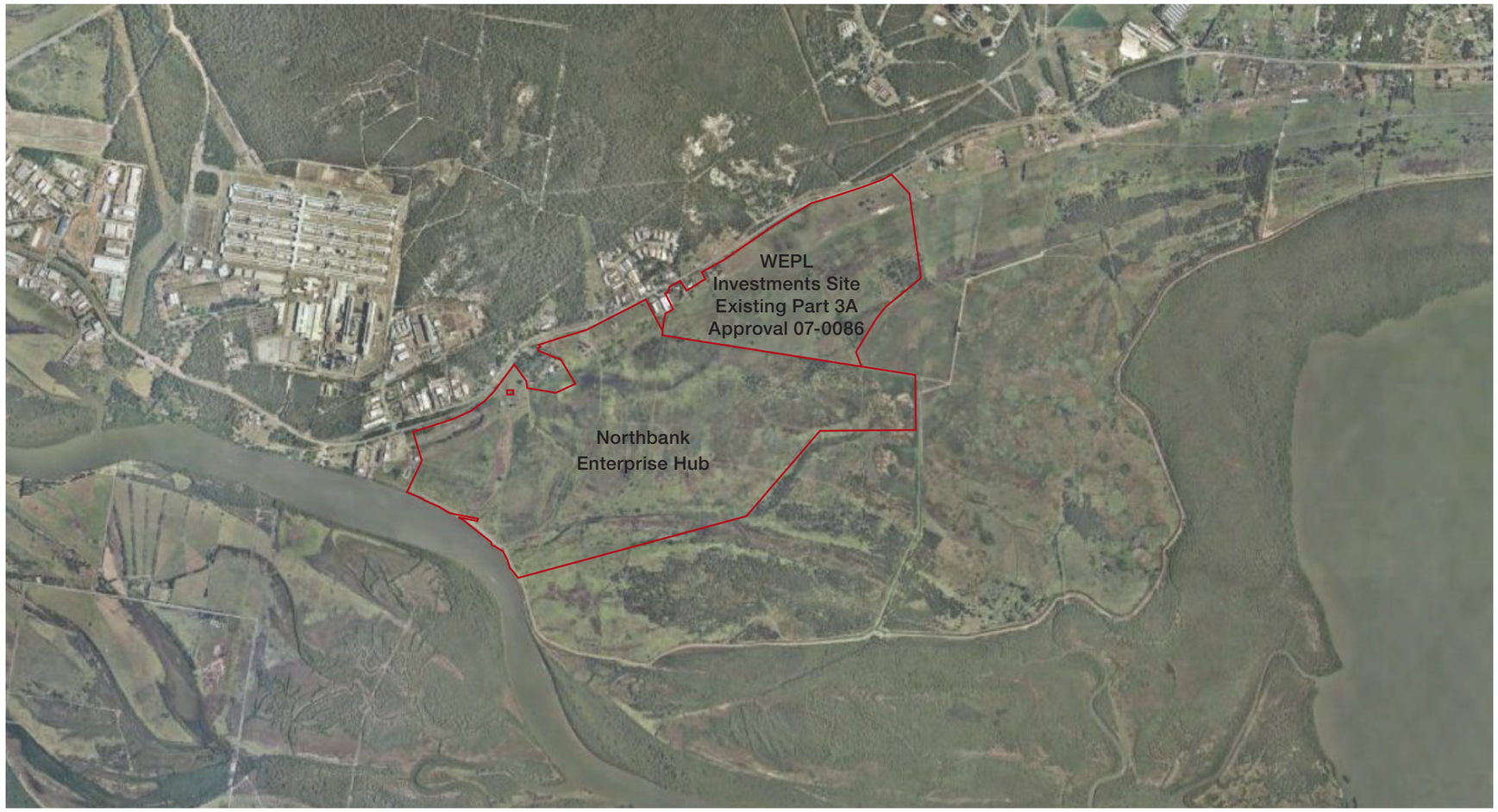
3.0 Location Plan



4.0 Site Analysis Plan

Site Plan
Site History

The site has been used for agriculture and grazing. The site adjoins historic Tomago House and Chapel.



5.0 Preliminary Development Plan

Preliminary Development Plan

The development is well-positioned between the CBD of Newcastle to the South, the F3 Sydney link road to the west, the Newcastle Airport to the east and the Pacific Highway to the north.

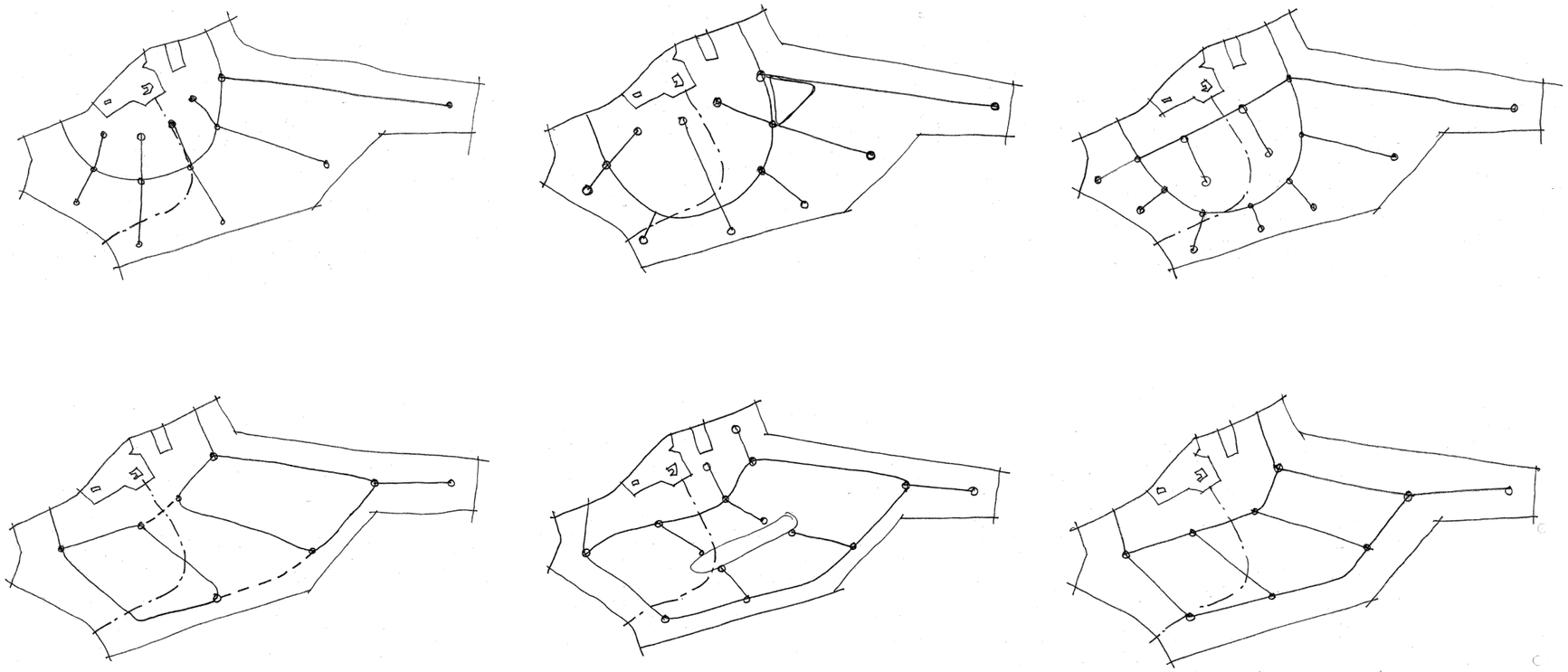
WEPL Investment's proposal creates an exciting new hub between these important infrastructure and commercial centres, that will respect the neighbouring wetland habitat whilst creating opportunities for a diverse range of business enterprises.

Proposed Project Description

In line with the State's objectives in the Lower Hunter Regional Strategy, the WEPL Investments development provides a balanced mix of job creation and economic benefits while protecting sensitive environmental areas.

The current proposal is for subdivision of the site with associated land filling, roads and services.

The Northbank Enterprise Hub will go beyond traditional industrial development and provide an innovative mix of uses which serve the community's broader wellbeing.



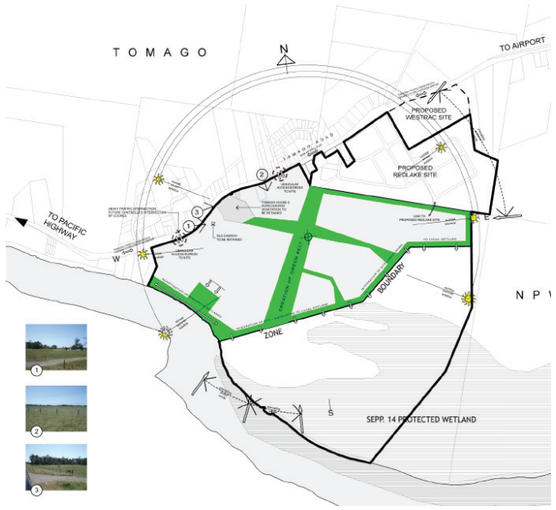
Preliminary Development Plan

Structure Plan Options

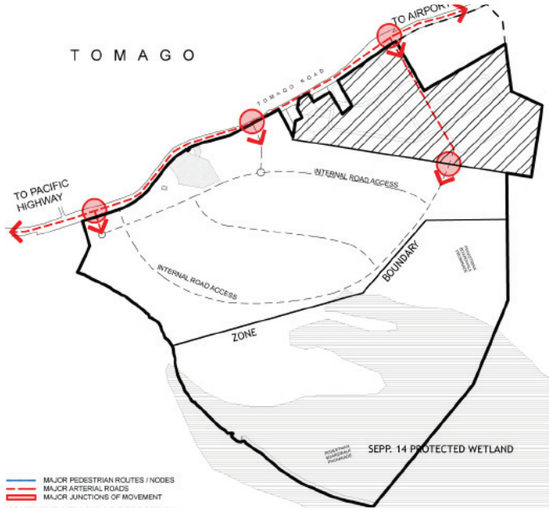
A series of structure plans based on vehicular access have been explored as part of the preliminary development. Each offers different responses related to development staging, buffers / setbacks, traffic movement and land use.

Preliminary Development Plan

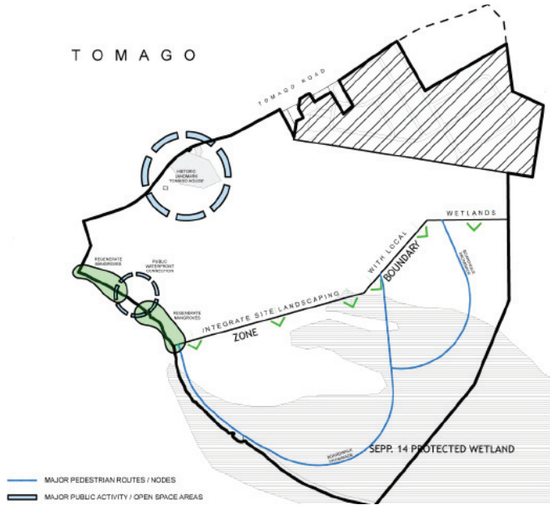
Preliminary Masterplan



Site Analysis



Connections



Features

Preliminary Development Plan

Design Concepts

Core design concepts may include:

- Providing a primary road link through the site with appropriate access points to Tomago Road
- Maintaining existing site features and character of both the existing heritage built environment and the natural vegetation of the wetlands and the water's edge
- Establishing connectivity within and beyond the Northbank Enterprise Hub by opening circulation roads, pedestrian and bike pathways and waterfront promenades
- Encouraging sustainable strategies to promote a healthy work environment
- Organising open space to embrace building fabric, passive and active parkland and view corridors to the river
- Creating public spaces with opportunities for accessibility to the wetlands and the waterfront, and
- Developing a staged and economically viable approach over 15 – 20 years

Preliminary Development Plan
Landscape & Infrastructure

Landscape vision

- Basis: Maintain a diversity of spaces with subtle variations in landscape to characterise each precinct
- Connecting circuit roadway: Establish a compatible interface with the natural environs.
- Public space: The public domain in the Northbank Enterprise Hub is the place where both the workforce and the general public meet, recreate and interact.
- Unique character: The unique character of the site is based on opening up the waterfront to both view and interact with. The aim is to create functional and useable public open space with existing scenic landscape elements of the wetland and the river.

General Pinciples

- Public: Provide quality open space with water a dominating feature.
- Views: Maintain and reinforce existing views from, through and to the site.
- Connections:: Create connections for both business and general public, through the site to the river.
- Ecologically Sustainable Design: Use locally endemic vegetation; Maintain and protect the existing green structures such as: Mangroves along the water edge, the “green belt” along wetlands and the newly established watercourses and creeks as important elements for the ecology and biodiversity of the new precincts, and the site as a whole; Water sensitive urban design; Pick up storm water – using biofiltration before the stormwater goes into the river; Store roof water for re-use on-site for landscape irrigation; and Recycle filtrated and stored greywater.

Infrastructure Concepts

WEPL Investments Infrastructure Concepts are consistent with the overall proposal for the Northbank Enterprise Hub – a regionalist, economic approach with an underlying sustainable rationale.

This is achieved by:

- A strong link road connecting all WEPL landholdings
- Hierarchy of vehicular carriageways
- Diverse pedestrian and cycle facilities
- Capability for public transport connections for both to, and within, the sites
- Controlled earthworks / site re-shaping
- Storm water management and water sensitive urban design
- Provision / extension of new services such as water, sewer, power, and telecommunications as required
- Staged development of infrastructure to match staged built form

6.0 Summary

WEPL proposes a development which significantly assists the roll-out of the Lower Hunter Regional Strategy and its key objective of mass job creation.

Opportunity exists for the Northbank Enterprise Hub to provide a world class Industrial and Business Park within a strategic location in the Lower Hunter. The proposal will be able to capitalise on the varying natural characteristics of the site to create a unique development that is attractive to a wide range of business enterprise.

NORTHBANK ENTERPRISE HUB

'a new project of vision that involves confidence and initiative'

World Class	Integrated	Controlled
Identity	Flexible	Marketable
Innovation	Community	Business Core
Environment	Sustainable	Balance
Industrial Ecology	Connected	Natural Landscape