



12 March 2025

The Department of Planning, Housing
and Infrastructure
Attention: Ms Deana Burn

Contact: Julia Ryl
Our Ref: DA 52/2025/4/1
Your Ref: SSD-64738258

Dear Ms Burn

Request for Comment – State Significant Development

Description of Development – Hunter Central Logistics Estate (HCLE)

(SSD-64738258 – Enabling Subdivision to Create Eleven (11) Lots and Construction of Two Warehouses).

I refer to notice received by Cessnock City Council (CCC) in respect to the above State Significant Development, requesting Council's comments having regard for the Environmental Impact Statement (EIS) for a staged development at Lot 1 DP: 1260203, commonly known as 1134 John Renshaw Drive, Black Hill.

CCC understands the development to comprise the following staging and development components:

- Stage 1 Proposes Subdivision of Lot 1 DP: 1260203 to create eleven (11) Lots inclusive of associated civil construction works being provision of servicing, road network and intersection upgrades in the vicinity of John Renshaw Drive and proposed access to new Subdivision.
- Stage 1A Proposes development of a Warehouse with gross floor area (GFA) of 43,379m² on Lot 107 (proposed to be created by Stage 1 works), inclusive of a two-storey office, two (2) single-storey dock offices, gatehouse, dangerous goods storage area, parking for 174 cars and loading facilities. Once operational the warehouse is proposed operate continuously (i.e. 24hrs/7days weeks).
- Stage 1B Proposes development of a Warehouse with GFA of 55,521m² on Lot 102 (proposed to be created by Stage 1 works), inclusive of a two-storey office, two (2) single-storey dock offices, gatehouse, and parking for 212 cars and loading facilities. Once operational the warehouse is proposed operate continuously (i.e. 24hrs/7days weeks).

Whilst CCC has undertaken a review of the proposal, it is anticipated that external agencies and other departments will consider specialised matters in greater detail.

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In consideration of this the following comments are provided following review by CCC:

Owners Consent, Land Subject of the Development Application

The application for development has been made over Lot 1 DP:1260203, known as 1134 John Renshaw Drive, Black Hill. Council records and the submitted plans indicate that the development proposes works which impact upon Lot 119 DP:1154904. The application is required to be lodged over all affected land and be supported by the relevant Owners Consent.

Land Zoning, Permissibility and Objectives

The subject land (Lot 1 DP: 1260203) is split zoned being zoned both E4 – General Industrial and C2 – Environmental Conservation.

Having consideration for *Cessnock Local Environmental Plan 2011 (CLEP2011)* Roads and Warehouse and Distribution Centres are permissible with consent within the E4 General Industrial zone. *Note: Warehouse and Distribution Centres are prohibited within C2 Environmental Conservation zone and therefore no works are to occur within the portion of the site zoned C2 Environmental Conservation.*

The land directly adjoining the subject land to the South is zoned C4 Environmental Living and not RU2 as indicated in the EIS submitted by the Applicant. The subdivision of the land adjoining the southern boundary is permitted in accordance with Part 7, Section 7.16 of *CLEP2011* into no more than four (4) allotments with a single dwelling permitted on each subsequent lot.

The EIS, addresses four (4) of the five (5) zone objectives for the E4 General Industrial zone and fails demonstrate how the development addresses the objectives of the C2 Environmental Conservation zone.

Approval Pathway

The Department of Planning, Housing and Infrastructure (The Department) is to determine the suitability of the pathway proposed for assessment of the application. The application is lodged in accordance with Schedule 1 of *State Environmental Planning Policy (Planning Systems) 2021*; being that the development proposes the construction of a warehouse or distribution centre with the estimated cost of works exceeding \$50 million. The application also relies upon Clause 2.6(2) of the abovementioned State Environmental Planning Policy, where part of the development is declared State Significant Development the remainder of the Development is also to be considered as State Significant.

Given the development application history associated with the subject land CCC has contemplated the proposed staging of development and requests the Department give consideration to the trigger for the proposal under Schedule 1 of *State Environmental Planning Policy (Planning Systems) 2021* and the proposed timing of the delivery of these works. Noting that once the subdivision is delivered and registered there is no requirement for the realisation of the warehouses as proposed by the application.

Proposed Construction Times

The submitted EIS is unclear as to the intended construction hours. There is conflicting reference to work hours on a Saturday. Monday to Saturday (7am – 5pm) and separate

hours identified for Saturday (8am – 3pm) with no work on Sundays and Public Holidays. Clarification should be sought on appropriate conditions applied.

Built Form

Consideration of the potential amenity impact given proposed alterations to surface level heights and proposed construction height of typical warehouses should ensure that the development does not break surrounding tree lines and penetrate the skyline.

Colours and materials including landscaping of proposed warehouses should ensure that the large scale warehouse buildings integrates within the surrounding landscape. Any lighting and signage should be designed to ensure that impacts to adjoining conservation lands i.e. light spill does not result in detrimental effects on the intention of these adjoining zoned lands.

Crime Prevention Through Environmental Design (CPTED)

CCC request the proposed warehouse developments be accompanied by CPTED reports and be assessed in accordance with the principles of CPTED. Inclusive of surveillance, access control and movement, territorial reinforcement, ownership and activity and environmental management and maintenance measures.

First Use

The Department should consider requirement for future approval prior to the first use of the proposed warehouse buildings. The EIS identifies that the tenants of the structures are currently unknown. Should a Hazardous or Offensive Industry occupy one of the sites, it would be expected that development specific application for the use be sought to address the requirements of Chapter 3, *State Environmental Planning Policy (Resilience and Hazards) 2021* and associated Departmental guidelines.

Servicing

The Applicant has identified that they will meet the requirements for servicing through reticulated services including, water and sewer. The network ability to service the development proposed should be confirmed in consideration of the requirements of Hunter Water Corporation, in addition to electricity supply through Ausgrid and communication servicing via NBN Co.

Contamination

A detailed review of contamination reports and the site audit report was not undertaken given the conclusions of the site audit conducted by an EPA accredited site auditor and that assessment and determination for this development is the responsibility of Department of Planning , Housing & Industry.

It is noted from the review of documentation submitted that the remedial strategy included the use of on-site containment cell/s with the application of a long-term management plan in proposed lots 102 & 107. Lot 102 & 107 includes the proposal for warehouses, ancillary offices, loading facilities and car parking. The containment cells and development footprint largely align *i.e. development of the site will effectively be on top of containment cells and form part of the cap.*

Remedial action and validation includes requirements for detailed survey, development of long-term management plan and their address within an 88B certificate on the property title.

Any subdivision of land should include an 88B Instrument on the Titles of affected lots nominating containment cell locations and associated restrictions.

Contributions

Cessnock City Council advises that there is a current Biodiversity Agreement applicable for the property a copy of which is available at Council's website [Local Infrastructure Contributions and Planning Agreements | CCC](#). The terms of the Biodiversity Planning Agreement should be met on or before any development application is approved.

The site is subject to the Black Hill Planning Agreement between the owner and Council. Schedule 3 of the Planning Agreement outlines the development contributions to achieve conservation measures with relevant details including:

- a) before the granting of consent to the first Development Application, the Parties must negotiate in good faith and agree on an overall plan of reasonable conservation measures to be made by the Landowner pursuant to the Agreement in respect of the Landowners development of the Land*
- b) Such conservation measures may include any one or more of the conservation measures described in s126L of the Threatened Species Conservation Act 1995, any conservation measure allowed by any legislation that amends, repeals or replaces the Threatened Species Conservation Act 1995 or any part of it, and/or any other conservation measure agreed by the parties in writing.*

This application is the first Development Application on the land that is the subject of the Planning Agreement. Council is not aware of any negotiations on the Planning Agreement.

The landowner is required by this Planning Agreement to negotiate in good faith regarding the appropriate conservation measures. Schedule 3 (b) above does provide some application of the *Biodiversity Conservation Act 2016*, as the repealing legislation of the *Threatened Species Conservation Act 1995*, but does not permit the biodiversity offsetting system as being the only avenue for any proposed conservation measure as part of the Planning Agreement. It also does not negate the need for Schedule 3 (a) to be addressed.

Further, Local Infrastructure Contributions are able to be levied under a Section 7.12 Contributions Plan as follows:

A total monetary contribution of 1% of the total value of the cost of works is to be paid to Council, pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979*.

A copy of the S7.12 Levy Contributions Plan can be accessed at Council's website [Local Infrastructure Contributions and Planning Agreements | CCC](#), or may be inspected at Council's Administration Building.

The amount of contribution payable under this Plan is to be calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the Consumer Price Index. Indexation of contributions for payment occurs quarterly.

Ecological

CCC has reviewed the supporting Biodiversity Development Assessment Report (BDAR) submitted with the application. CCC holds concerns that the assessment does not sufficiently address the expectations of Section 7.1 (3) of the *Biodiversity Conservation Regulation 2017*. Being that any application that includes the subdivision of land must include assessment of clearing that is required, or likely to be required, for the purposes for which the land is to be subdivided. Given the expectations of this clause, assessment of vegetation clearing associated with Stage 2 should be incorporated into this BDAR.

Furthermore, the application proposes the removal of approximately 49ha of native vegetation. Section 9 of the submitted BDAR fails to identify any avoided vegetation. This section largely comprises of references to the planning proposal that facilitated the land zoning change. The *Biodiversity Assessment Method 2020* outlines the requirements for demonstrating avoidance through design and focusing impacts on areas with lower biodiversity values. Section 9 of the BDAR should be augmented to provide evidence of design considerations to avoid impacts. Section 3.3 of the *Biodiversity Assessment Method Manual – Stage 2* outlines the required inclusions for demonstration of avoidance.

CCC considers the patchwork nature of the mapping of native vegetation provided within the submitted BDAR is inconsistent with agency guidelines (see *Guidance for local government on applying the Biodiversity Offset Scheme* threshold by the Department of Planning, Industry and Environment, pg.10). Vegetation must be considered a single patch of vegetation when the distance between canopy is not 3x the width of the canopy. The implication of isolated canopy vegetation mapping is a reduced credit obligation. Mapping vegetation as required by the crown separation ratio ensures that mature canopy vegetation is not undervalued, and reflective of existing site conditions. For mature trees with existing understory and shrub layer to be in a specific condition, it should only be in the context of the surrounding vegetation.

Earthworks

The proponent should ensure that the extent of cut and fill is not excessive and the relationship of finished levels to the boundary interfaces does not result in unreasonable impacts and poor amenity outcomes. All cut and fill is to be wholly contained within the E4 General Industrial zoned land and no cut and fill is to occur on land zoned C2 Environmental Conservation, residual lot or adjoining land.

Any proposed internal batters between proposed lots are to be wholly located within the lot as it provides support. The application should provide details about the manner in which the earthworks will transition across the development site and identify the proposed battering or retaining structures along the boundaries of the subject land. Batters providing support to the road are to be located wholly within the dedicated road reserve.

From the Scoping Report, the proposed batter grades around the edge of the site appear to be approximately 5m cut therefore, stepped retaining or 1:4 batters would be required. A long section of the boundaries is required to assess the interaction with neighbouring lots.

A reduction in the proposed cut and fill extent at the boundaries of the subject site should be considered, especially in consideration of any retaining structure and ongoing maintenance and access requirements.

Flooding

The flood modelling undertaken and submitted by the Applicant demonstrates that impacts are contained within the subject land with a 30-50mm increase in flood depth. This is

considered to achieve the intent with regards to post development flows. All lots are demonstrated to be constructed above the Probable Maximum Flood (PMF) with flood safe access provided in the 1% AEP and a H1 Hazard during the 0.2% AEP. During a PMF event a Hazard H5 is shown across the access road which impacts the road for approx. 42mins. This is considered acceptable with requesting flood markers indicating flood depths.

Stormwater

The cut and fill across the site are substantial with up to 9m to provide level building pads for future construction.

The proposed stormwater plan demonstrates pits and pipes within the roadway with general discharge to a basin located with Lot 111 for detention water quality purposes.

- Basin 1- Located on Lot 111 to be dedicated to Council
- Basin 2- Located on Lot 105- Private ownership 88E required
- Basin 3- Located on Lot 107- Private ownership 88E required

Dedication of land to CCC is to be free of requirement for management to satisfy Asset Protection Zone requirements associated with Bush Fire Protection measures. It is noted that the Bushfire Assessment Report identifies the entirety of the E4 zoned land is to be managed as an Inner Protection Area (IPA). Council's policy position is that land to be dedicated is to be free of any ongoing maintenance requirement to comply with Asset Protection Zones.

Roadworks

Due to John Renshaw drive being a Classified road Transport for New South Wales (TfNSW) will consider necessary intersection works and duplicate road design as shown in the submissions.

The proposed internal roads consists of MC01 and MC03, the cross sections do not show any footpaths/shared paths, these are to be required.

The access points to the proposed Warehouse developments are to consider turning paths, avoid conflicts and locate crossovers with sufficient distance from intersections.

Car Parking

The proposal should revise the parking rates to include parking for the proposed staff of the loading areas and offices. Whilst the application has considered bicycle parking, there is currently no provision for motorcycle parking identified.

The proposed development is considered to meet a number of objectives of Cessnock Local Strategic Planning Statement 2026, including industrial land is developed in an orderly manner and meets future development needs, fosters economic growth, business diversity, and employment opportunities.

CCC thanks you for the opportunity to provide comment on the EIS in relation to the proposed staged development of an eleven (11) lot industrial subdivision and proposed construction of two (2) warehouses in two further stages. Council reserves the right to provide further comment in relation to the proposed development in response to any Submissions Report provided by the applicant in response to matters raised.

If you require any further information, please do not hesitate to make contact on 02 4993 4218 or via email Julia.ryl@cessnock.nsw.gov.au.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Julia Ryl', with a stylized flourish at the end.

Julia Ryl
Senior Planning Assessment Officer