

# Section 3

## The Proposal

The proposed development in total is for the following:

- Fill the majority of the site to the 1:100 year flood level (fill area approximately 107 hectares).
- Develop as Stage 1 approximately 23 hectares for the purpose of an integrated WesTrac facility for the following:
  - Manufacture/assembly, display, sale, maintenance and servicing of predominantly large earth moving and mining machinery but also smaller machinery;
  - Warehouse and distribution of associated parts to all branches in NSW / ACT;
  - Servicing of on highway trucks;
  - WesTrac Rental Agency for the rental of Machinery and other equipment associated with the construction industry on long or short term basis; and
  - WesTrac/Institute for WesTrac NSW/ACT apprentices and general training in new technologies and procedures.
- Subdivision of the balance of the land for sale to related and unrelated land users in a number of stages.

The total value of the development described above will be in excess of 130 million dollars. Significant employment will be generated through the construction and operational phases of the development. Given the value of the project and that it involves subdivision it would be our view that the project is a Major Project to which Part 3A of the Act applies.

It is intended to seek approval to the whole development at this time. However it is essential that filling of the land commence as soon as possible given the likely timeframes to fill the site. This is the current critical path to establishing WesTrac on the site. For this reason if there is any delay to the obtaining of approval relating to issues outside of those associated with filling of the site Redlake Enterprises will request to defer the other development components and request that consent be issued for site filling.

Site filling and earthworks will be carried out in stages. Stage 1 of some 23 hectares will be for the WesTrac Facility. This will involve using sand from the sand ridge along the frontage of the site as fill for stage 1 and

also require some importation of additional fill. Filling for the remainder of the site will be completed over time to compliment market demand for industrial land. All fill will be transported to site via road (truck and dog).

Attached at **Appendix B** to this submission is a preliminary site layout plan.

The WesTrac facility will employ some 400 people and will operate 24 hours a day.

The following two photos are just an example of types of machinery that could be expected at the proposed new facility in Tomago. Many different types of machines will be on site.



***Photo 4: Typical large Earthmoving Equipment.***



*Photo 5: Typical large Earth Moving Equipment.*

Machinery and parts will be delivered to Tomago Road by road transport primarily direct from the Port of Newcastle. Increased activity will be brought to the Port and the Newcastle Port Authority is supportive of the proposed development.

#### **Why is it a Major Project to which Part 3A applies?**

The subject site is a State Significant Site under the Major Project SEPP (Amendment 15 Gazetted 1 June 2007).

The proposed development of the site with a total value in excess of approximately 130 million dollars means that the proposal is a Major Project in accordance with the SEPP and the Minister has confirmed this. Accordingly a project application will be lodged for assessment by the Department of Planning and determined by the Minister under Part 3A of the Act.

# Section 4

## Site Assessment

### Issues/Environmental Risk Analysis

The following are the identified key issues associated with the proposed development including an analysis of environmental risk (where applicable).

#### 4.1 STRATEGIC PLANNING

The site is considered to be ideally located for the intended purpose, it has good access to roads, is in reasonable proximity of Newcastle Harbour and Newcastle Airport and is located away from any significant residential area. We note that the Lower Hunter Regional Strategy supports this view by categorising the site as employment lands.

The IN1 General Industrial zoning of the site is in recognition of the strategic benefits of the site and permits the range of activities proposed by WesTrac as well as site filling and subdivision.

We do not see any particular environmental risk in relation to the proposed use relative to strategic planning objectives.

#### 4.2 FLOODING

The site is subject to flooding and it has been determined through preliminary flood modelling work that the 1:100 year level is around 2.37m AHD (further work is still being completed in this regard). With the land mostly at approximately 0.5m AHD other than for the sand ridge running along the frontage of the site it can be seen that a substantial quantum of fill will be required to achieve the 1:100 year level. It is estimated that around 1.8 million cubic metres will be required to fill the entire 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 final Environmental Assessment Report.



Flooding and impacts from flood proofing are of potential high environmental risk and will need to be carefully managed.

#### 4.3 TRAFFIC & ACCESS

Traffic associated with the proposed development will result from three predominate sources, filling of the site, WesTrac operations when established on site, and other users as they are established within the proposed industrial subdivision.

Filling of the site will be carried out by truck & dog travelling to and from fill sources generally within a half hour travel distance. Filling will be carried out in a staged manner with stage 1 being to allow occupation of the site by WesTrac. Overall there will be a significant number of truck movements required to fill the site and traffic management plans will be required.

WesTrac operations will generate traffic associated with staff and visitor movements, delivery of parts to and from site, delivery of equipment (large scale on low loaders as well as smaller machines) to and from site as well as from field maintenance crews. The delivery of large machinery requires careful consideration and will generate the need for transporters from time to time counter flow over the north arm of the Hexham Bridge. As this can only be done at night, this will in turn necessitate the need to light Tomago Road.

As part of the current proposal it is intended to construct an intersection off Tomago Road for site access. This intersection will be the primary site access to all future development on the whole of the site and so will be sized accordingly. In order to allow construction of this intersection at the same time of filling operations it will likely be necessary to establish a temporary access, ensuring that trucks carrying fill are kept clear of these works. The intersection will be complete, however, before occupation of the site by WesTrac.

A small part of the site located to the West is earmarked for road widening and the proposed development is not affected by it and vice versa.

Given the relatively isolated location of the site from sensitive land uses it is not expected that traffic associated with filling or the future use of the site by WesTrac and future industry will have a significant adverse impact on the amenity of the area. Traffic impact relative to the existing road system will need to be considered and traffic management plans prepared. On this basis we rate traffic and access of medium environmental risk.

#### 4.4 ECOLOGICAL / ENVIRONMENTAL

Preliminary work to date has found a small EEC on site, “Swamp Oak Floodplain Forest” and some listed species of bats as well as a grass owl using the site for forging from time to time. It will be necessary that a SIS be prepared to address these issues. Preliminary work indicates that these species will not prove prohibitive to the proposed development.

The site is adjoined at the rear by SEPP 14 and RAMSAR Wetlands. The proximity of these wetlands becomes a management issue requiring the following to be considered.

- Water flow and 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 intended as part of the development to harvest as much rainfall as possible for use by the development. It will be necessary to balance this against the return of water to the wetland.

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

Part of the site running along the Tomago Road frontage falls within a Hunter Water Corporation Special area (i.e. associated with the Tomago Sandbeds that provides potable water). An aquifer also runs through that area. Care will need to be taken to avoid contamination of this area and to also ensure 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 so careful management of the issues will be required.

#### 4.5 GEOTECHNICAL

The site contains predominantly soft ground and this in combination with filling of the site will require careful consideration of geotechnical issues.

The work method associated with the filling of the site requires careful consideration to ensure an adequate building platform is created for future buildings in an efficient and cost effective manner.

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

#### 4.6 CONTAMINATION

Preliminary reports have shown that the site is not the subject of any significant contamination. We have already referenced possible impacts from acid sulphate soils. We rate site contamination as a low environmental risk.

#### 4.7 DUST & AIR EMISSIONS

Dust emissions from the proposed development will need to be considered as part of any filling operation.

Emissions to the air associated with the operations of WesTrac are not considered to be of significant impact and are limited to those associated with typical vehicles operation and testing. Spray painting as required will be contained within a spray booth and so no impact is envisaged.

Emissions to air we rate as a medium environmental risk.

#### 4.8 HAZARDOUS MATERIALS

As part of the WesTrac operations there will be a need to store paint, lubricants, oils, diesel and petrol, these however will be stored in relatively low volumes. SEPP 33 will need to be considered for its applicability to the proposed development when storage volumes are known.

Overall it is considered that the proposal represents a low environmental risk relative to this issue.

#### 4.9 VISUAL AMENITY

The appearance of the site will change through earthworks, site filling and buildings compared with its current agricultural usage. However the site is not particularly visible from other locations and is not part of any significant scenic location or ridgeline. Accordingly this issue is considered to be of low environmental risk.

#### 4.10 SEWER & WATER

The site is currently not sewered and consideration will need to be given to off site disposal or on site treatment system. Careful consideration will need to be given to any on site treatment relative to water quality and possible impacts on potable water supply (i.e. Tomago Sandbeds) as well as the nearby wetlands.

Water service is available in Tomago Road.

We rate the issue as of medium environmental risk

#### 4.1.1 ACOUSTIC IMPACTS

The site is essentially isolated from any significant residential area. Only a few dwellings on rural properties are located within the vicinity. Potential noise sources from the development are associated with filling of the site and WesTrac operations.

It is noted that Tomago Road predominantly services rural and industrial developments and so trucking along this road will be unlikely to impact on neighbours.

The WesTrac facility will operate 24 hours. The proposed use has a number of potential noise sources, predominantly from the workshop and associated with engine tuning.

An acoustic report will need to be prepared addressing these issues, however, given the site location it is considered that this issue is of low environmental risk.

#### 4.1.2 ARCHAEOLOGY & HERITAGE

Investigations of the site have discovered a reasonably large number of relics along the sandy ridge adjacent Tomago Road. Investigations conclude however that the site is not a burial ground and the find does not contribute in any significant manner to the cultural understanding of Aboriginal people. It is anticipated that the relics will be collected by the LALC as part of the development process. The LALC have provided a letter supporting this approach.

There are no listed items of heritage significance and the site is not located within a Heritage Conservation Area.

Having regard to the above the environmental risk rating relative to archaeology and heritage is considered to be low.



# Section 5

## Key Planning & Related Statutory Provisions

The site and proposed development will be subject to a range of planning and related legislation and controls across local, regional, state and Commonwealth level. The following is an overview of those considered to be of most relevance.

### 5.1 LOCAL

The site is a State Significant Site zoned IN2 General Industrial via the Major Projects SEPP the Port Stephens Local Environmental Plan is no longer applicable in terms of the site zoning.

The Major Projects SEPP confirms that the only other Environmental Planning Instruments that will apply to the proposed development are other SEPPs, where relevant.

### 5.2 REGIONAL

As previously identified, the site is included as 'Employment Land' under the Lower Hunter Regional Strategy. This Strategy is a document outlining the forward planning objectives for 2006-31. The proposed development is entirely consistent with the Hunter Strategy objectives to provide for employment opportunities.

The site is also covered by the Hunter Regional Environmental Plan and the proposed development is consistent with the general principles of ensuring adequate provision of industrial lands, creation of employment opportunities and a sustainable economy.

In accordance with the Major Projects SEPP we note that the regional plans do not specifically apply. Notwithstanding this we have reviewed them and determined that the proposal will be consistent with their broad strategic aims.

## 5.3 STATE

### 5.3.1 EP & A Act

The Environmental Planning & Assessment Act 1979 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 Redlake.

The proposed development is a Major Project to which Part 3A of the Act applies. This means that the Minister will determine the proposed development following an assessment of the application by the Director General of the Department of Planning.

A review of all State Environmental Planning Policies (SEPP) reveals that the following are of particular relevance to the proposed development:

### 5.3.2 SEPP 11 Traffic Generating Development

It will be likely that a referral to the RTA will be required under this SEPP relative to the proposed development. The RTA will assess the proposal in terms of impacts on access from Tomago Road, and in terms of traffic volumes and the resultant impacts on Tomago Road.

RTA approval will be required for all works within road in particular the proposed intersection.

### 5.3.3 SEPP 33 Hazardous and Offensive Development

As previously indicated paints, lubricants, oils and fuel will be stored on site. It is unlikely that the quantities to be stored will trigger the requirements of the SEPP, particularly noting the likely distances to boundaries. However, it will be necessary to determine that this is the case when storage volumes are known. In the event that the SEPP is triggered it is considered that such will not be problematic to the proposed development.

### 5.3.4 SEPP 55 Remediation of Land

This SEPP outlines the procedures for remediation of contaminated land. It is unlikely that this SEPP will be triggered as preliminary investigation shows no significant contamination. However, should contamination arise it will be necessary to consider its requirements.

### 5.3.5 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 so consideration will need to be given to the matters for consideration contained within the SEPP.

### 5.3.6 SEPP Major Projects

As previously indicated the site is a State Significant Site under the Major Projects SEPP. Accordingly, given that the value of the development far exceeds 5 million dollars it will be a matter determined by the Minister under Part 3A of the Act. This Preliminary Environmental Planning Assessment is indeed part of that process.

Amendment 15 to the SEPP outlines the pertinent planning controls for the Tomago Industrial Site. The site is zoned IN1 General Industrial and the following zone objectives apply:

- (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 minimize the adverse effect of industry on other land uses and the environment, and
- (e) to enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

The proposed development is considered to be consistent with all of the above objectives, subject to careful management of environmental issues.

The proposed development is considered to be a permissible land use within the zone noting in particular that the following are permitted:

“...depots, drainage, earthworks, educational establishments, fill, heavy industries, light industries, office premises, signage, truck depots, vehicle body repair workshop, vehicle repair stations, warehouses or distribution centres...”

### 5.3.7 NSW Threatened Species Conservation Act 1995

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

We have briefly discussed the ecological issues and it will be necessary to submit flora and fauna reports with the project application including an SIS dealing with the issues.

### 5.3.8 Hunter Water (Special Areas) Regulation 2003

This Act applies to the site because it lies partly over the Tomago sandbeds (which provides 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 sand beds is not contaminated. It will also be necessary to ensure that water is recharged to the aquifer running across the front of the site as a result of any water loss from the proposed impervious surface. These issues will be addressed in the Project Application submission

#### **5.3.9 NSW Roads Act 1993**

Part of the land is identified for road widening. Processes for widening are controlled by the Roads Act. Other works within the roadway will also require approval under this Act. The Road & Traffic Authority is the responsible authority. The proposed site intersection will require approval.

#### **5.3.10 Protection of the Environment Operations Act 1997**

The purpose of the Act is to control pollution and set up a licence regime. It is possible that filling of the site would require a licence depending on the type and quantity of fill. This issue will need to be addressed as part of the project application submission.

#### **5.3.11 Contamination Land Management Act 1997**

This Act requires that the EPA be notified of contamination likely to be of “significant risk of harm”. Preliminary work suggests that the site would not classify as being of significant risk of harm.

#### **5.3.12 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. The minister can issue stop work orders in relation to an action that may detrimentally affect an aboriginal object or place. Relics have been found on site, however it has been determined that the find does not significantly contribute to the understanding of Aboriginal culture. Approval under the Act would normally be required for relics to be destroyed (Section 90). It should be noted that because the proposal is a matter to be dealt with by the Minister under Part 3A of the EP&A Act then Section 90 approval is not required. The LALC have been consulted and have indicated that they want the opportunity to collect the relics before construction commences but have otherwise agreed that the find is of little significance.

#### **5.3.13 Rural Fires Act 1997**

Under this Act the owner or occupier of land is obliged to take practicable steps to prevent the occurrence and spread of bushfires on their land.

The site is located within bushfire prone land, however, given the nature of the proposed development, that the site is in fact substantially cleared and accounting for the materials to be used in construction is not considered that there is any 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.

#### 5.4 COMMONWEALTH

The 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.

The proposed development has already been referred to the Commonwealth Department of the Environment & Water Resources. The referral has been determined by advice that the proposal is 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 and the Commonwealth have already written to the Minister for Planning in this regard.



# Section 6

## Stakeholder Consultation

As part of the due diligence process relative the establishment of WesTrac on the site a Steering Committee was established to ensure all issues were fully understood and to ensure agencies were kept briefed of the development proposal, the Committee met generally on a monthly basis over a approximately a year long period. The Steering Committee included the following representatives:

- Regional Land Management Council;
- Department of State & Regional Development;
- Department of Planning;
- Port Stephens Council;
- Energy Australia;
- Hunter Water Corporation;
- Department of Environment & Conservation; and
- Roads and Traffic Authority.

In addition to the above consultation has also taken place with the LALC, Newcastle Ports Authority, Department of Agriculture, Fisheries, Mine Subsidence Board, Department of Primary Industry and National Parks & Wildlife Service.

Given the extent of agency enquiry and involvement as part of the Steering Committee it is considered unnecessary for a planning focus meeting to be held. It is considered that their involvement to date together with the information contained in this preliminary assessment is sufficient for the formulation of Director General Requirements.

The opportunity for the community to participate will of course be available through the usual public exhibition process.

# Section 7

## Conclusion

The proposed development is located within a site declared as a State Significant site under the Major Projects State Environmental Planning Policy.

The proposed development is Major Project under the Major Projects SEPP as it substantially exceeds 5 million dollars in value.

The site is strategically located relative to the Port of Newcastle, major road connections, Williamtown Airport and existing Industry north west of the site. The site also has good access to sources of employment being centrally located to Newcastle Maitland and Port Stephens. The site is isolated from any significant residential area. The site is also located close to its customer base, mines in the Hunter Valley. These attributes make the site ideal for the intended development.

This Preliminary Environmental Assessment has identified the range of key issues that will need to be addressed as part of a final Environmental Planning Assessment and will assist the Department of Planning and relevant agencies provide the necessary Director General Requirements. Preliminary environmental investigations carried out to date indicate that constraint issues can be managed.

It is considered that this report identifies that the proposed development is of significance to the Hunter Region and the state of NSW both in terms of its initial investment value through construction, but also in terms of the ongoing contribution to the economy through the WesTrac business. Importantly the project represents a significant employment opportunity to the region. Ongoing investment and employment will be generated when the market demands the land to be developed as an industrial subdivision in future stages.

# Appendix A

## Aerial of Site & Surrounds







# Appendix B

## Preliminary Site Layout



