

**NORTHBANK ENTERPRISE HUB PTY LIMITED**

ABN 77 063 271 625

26 February 2018

Ms Monica Gibson  
Director, Hunter Region  
Department of Planning and Environment  
PO Box 1226  
Newcastle NSW 2300

Dear Ms Gibson,

**Draft Greater Newcastle Metropolitan Plan 2036**

We refer to the above Draft Greater Newcastle Metropolitan Plan currently on exhibition by NSW Department of Planning & Environment.

Northbank Enterprise Hub Pty Limited with its appointed consultants have reviewed the Draft GNMP and our comments are summarised in the attached document.

Please contact Huw Williams on 0405 539 633 should you wish to discuss our submission.

Yours sincerely,



**HUW WILLIAMS**

DIRECTOR, PROPERTY & DEVELOPMENT PROJECTS



Experience Communication Energy

21 February 2018

Our Ref.:TP111

Director, Hunter Region  
Department of Planning and Environment  
PO Box 1226  
Newcastle NSW 2300

**Attention: Ms Monica Gibson**

Dear Monica,

**RE: SUBMISSION ON THE DRAFT GREATER NEWCASTLE METROPOLITAN PLAN 2036**

We have reviewed the Draft Greater Newcastle Metropolitan Plan 2036 (GNMP) currently on exhibition until 28 February 2018 and in particular we note the omission of Northbank Enterprise Hub (NEH) lands from the Tomago Industrial Precinct represented in Figures 4 & 19 of the GNMP.

Northbank Enterprise Hub comprises of more than 300 hectares of development approved business and industrial – major employment land, strategically located on Tomago Road between Newcastle Airport, the M1 Pacific Motorway and the Port of Newcastle. A significant investment of more than \$160m has been made by the Developer to date for Stage 1 of the NEH lands, paving the way for the completion of the approved future stages at this location. There is extensive infrastructure servicing the NEH land completed with Stage 1 delivered by the Developer. The completed works ensure the future approved NEH stages have capacity ready for future development. The NEH land also has direct connection to the Infrastructure Corridor across Kooragang Island as identified in the State Environmental Planning Policy (Major Development) 2005 Tomago Industrial Land Zoning Map, also omitted from the GNMP.

The major landholding of the represented area identified as the Tomago Industrial Precinct of Figures 4 & 19, is known as "Hunter Corporate Park" in its most recent proposed development application. There are numerous outstanding, unresolved issues and government agency refusals, publicly available online regarding Hunter Corporate Park and no current development approvals for the identified land use. There are inconsistencies in the NSW Department of Planning & Environment (NSW DPE) documentation of policy objectives and the treatment of general property constraints between the GNMP and the Hunter Regional Plan 2036 (HRP) adopted in October 2016. A comparison is made between the approved, "shovel ready" NEH lands to Hunter Corporate Park, summarised in **Table 1**.

**Table 1 – Comparison of Development Lands**

Item	NEH lands	Tomago Industrial Precinct represented in GNMP
<b>Authority Approvals</b>	<b>Yes:</b> <ul style="list-style-type: none"> <li>Land supply of 300 ha of business and industrial development - employment lands approved under MP07_0086 &amp; MP10_0185 – “Shovel Ready”.</li> </ul>	<b>No:</b> <ul style="list-style-type: none"> <li>Development Applications 16-2014-353-1 &amp; 16-2015-841-1 have been refused and withdrawn.</li> <li>Joint Regional Planning Panel (JRPP) issuing reasons for refusal are quoted throughout Table 1.</li> <li>Council Assessment Report with a recommendation of “Deferred”, which led to the applicant withdrawing both applications due to unresolved issues with government agencies on the development proposal.</li> </ul>
<b>Planning</b>	<b>Yes:</b> <ul style="list-style-type: none"> <li>NEH land approved by NSW DPE for development;</li> <li>NEH land confirmed as Major Employment land at Tomago in HRP 2036;</li> <li>Gazetted as a “State Significant Site” of Major Employment Lands; and</li> <li>Project Approvals MP07_0086 &amp; MP10_0185 are both valid.</li> </ul>	<b>No:</b> <ul style="list-style-type: none"> <li>No current development application.</li> <li>JRPP concluded: <ul style="list-style-type: none"> <li>“The development is inconsistent with the aims and clause 8 of State Environmental Planning Policy No.71 Coastal Protection as; the site is not suitable (cl.8 (d)), the development does not ensure the conservation of animals, plants, and their habitats (cl.8(g)), the proposal impacts to existing wildlife corridors (cl.8(i)), and the cumulative impacts of the development on the environment are unacceptable cl.8(p)(ii) (s.79C(1)(a)(i) <i>EP&amp;A Act 1979</i>).</li> <li>“The development fails to conform to the controls contained within the Port Stephens Development Control Plan. The development; results in a(n) unreasonable maintenance burden to council (Part B1), has not provided suitable stormwater infrastructure for water quality management (Part B2), and results in unacceptable impacts to vegetation and koala habitat (Part B2) (s.79C(1)(a)(iii) <i>EP&amp;A Act 1979</i>).”</li> </ul> </li> </ul>

Item	NEH lands	Tomago Industrial Precinct represented in GNMP
		<ul style="list-style-type: none"> <li>○ "The development has the potential to adversely impact upon the environment and ecology and therefore the site is not suitable for the development (s. 79C(1)(c) <i>EP&amp;A Act 1979</i>)."           </li> <li>○ "The development is inappropriate for the site given existing site constraints and is therefore not in the public interest (s. 79C(1)(e) <i>EP&amp;A Act 1979</i>)."           </li> </ul>
<b>Infrastructure Servicing -Sewer</b>	<b>Yes:</b> <ul style="list-style-type: none"> <li>• Existing sewer servicing connection to the Hunter Water Corporation network.</li> <li>• NEH lands included in the Williamtown Wastewater Transfer Scheme and works completed with Stage 1.</li> <li>• Capacity to readily service future development of the NEH land.</li> </ul>	<b>No:</b> <ul style="list-style-type: none"> <li>• Significant lead in works required to connect sewer to the Hunter Water Corporation network at Raymond Terrace.</li> </ul>
<b>Development avoids the constraints of NSW DPE "Drinking Water Catchments" part of the Blue and Green Grid</b>	<b>Yes:</b> <ul style="list-style-type: none"> <li>• Confirmed with Hunter Water that the NEH land is downslope of the Tomago Sandbeds.</li> </ul>	<b>No:</b> <ul style="list-style-type: none"> <li>• The majority of the Tomago Industrial Precinct represented in the GNMP is on top of and drains into the Tomago Sandbeds, drinking water catchment – present in HRP mapping as a constraint, however not represented in GNMP mapping.</li> <li>• Public access to these areas is not permitted by Hunter Water. It is closed to the public in order to protect groundwater quality and water extraction infrastructure.</li> <li>• Hunter Water advises that the Tomago Sandbeds, up to approximately 20% of the Hunter Region supply are "strategically important for both ongoing and backup water supply."</li> <li>• HRP Clause 21.4 states "Create a well-planned, functional and compact settlement pattern that responds to settlement planning principles and <u>does not encroach</u></li> </ul>

Item	NEH lands	Tomago Industrial Precinct represented in GNMP
		<p>on sensitive land uses, including land subject to hazards, <u>on drinking water catchments</u> or on areas with high environmental values.</p> <ul style="list-style-type: none"> <li>• HRP Direction 15 states "Monitoring and managing the impacts of existing land uses, and in the future those associated with growth, will be essential to protect the quality and security of the region's water supplies. This is particularly important in areas containing drinking water catchments."</li> <li>• JRPP concluded: "The development does not conform with the provisions of the Port Stephens Local Environmental Plan 2013. The development has not been designed and sited so as to reasonably manage or mitigate adverse impact to the drinking water catchment (cl.7.8(4))."</li> </ul>
<b>Ecological Assessment Completed</b>	<p><b>Yes:</b></p> <ul style="list-style-type: none"> <li>• All ecological assessment and offsets completed for both Project Approvals.</li> <li>• NSW DPE Secretary's Environmental Assessment Report concluded: <ul style="list-style-type: none"> <li>◦ "With implementation of the recommended conditions, the Department is satisfied that impacts on biodiversity would be acceptable and appropriately offset."</li> </ul> </li> </ul>	<p><b>No:</b></p> <ul style="list-style-type: none"> <li>• Incomplete outcomes remain unresolved with significant ecological impacts and no concurrence from OEH.</li> <li>• Council Assessment Report: <ul style="list-style-type: none"> <li>◦ "The development results in the <u>permanent removal of 209.2 hectares of vegetated area</u> of the site."</li> <li>◦ "The development will result in the removal of 8.3 hectares of Swamp Sclerophyll Forest (EEC) and 0.6 hectares of Freshwater Wetlands (EEC). All 1,274 Eucalyptus parramattensis subsp. decadens individuals; and eight Grevillea parviflora subsp. parviflora individuals shall be removed from the site. A potential 37 threatened fauna species have been identified as occurring on the site. A total of 14 threatened fauna species were also identified on the site during surveys including;</li> </ul> </li> </ul>

Item	NEH lands	Tomago Industrial Precinct represented in GNMP
		<ul style="list-style-type: none"> <li>▪ seven species of Microchiropteran bat,</li> <li>▪ Koala (<i>Phascolarctos cinereus</i>),</li> <li>▪ Squirrel glider (<i>Petaurus norfolcensis</i>),</li> <li>▪ New Hollan(d) Mouse (<i>Pseudomys novaehollandiae</i>),</li> <li>▪ Grey-headed flying fox (<i>Pteropus poliocephalus</i>),</li> <li>▪ Little Lorikeet (<i>Glossopsitta pusilla</i>),</li> <li>▪ Powerful Owl (<i>Ninox strenua</i>) and</li> <li>▪ Wallum Froglet (<i>Crinia tinnula</i>).</li> <li>▪ Two migratory species were also identified on site; Rufous Fantail (<i>Rhipidura rufifrons</i>) and the White-bellied Sea-Eagle (<i>Haliaeetus leucogaster</i>)."</li> <li>○ "The development results in the removal of known and potential habitat for fauna species and the reduction in habitat connectivity through the removal and fragmentation of vegetation."</li> <li>○ Council has identified that "the proposed development is likely to have a significant impact under s.5 of the EP&amp;A Act 1979 upon a number of threatened species and ecological communities, including their habitat (as listed under the TSC Act) and as such concurrence requirements from OEH were triggered under s 79B(3)."</li> <li>• JRPP concluded that: <ul style="list-style-type: none"> <li>○ "The development has the potential to adversely impact upon the environment and ecology and therefore the site is not suitable for the development (s. 79C(1)(c) <i>EP&amp;A Act 1979</i>).</li> </ul> </li> </ul>

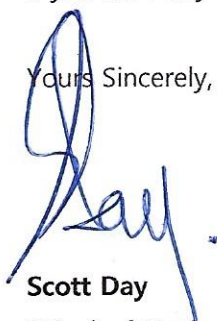
Item	NEH lands	Tomago Industrial Precinct represented in GNMP
<b>State Environmental Planning Policy No.44 – Koala Habitat Protection and Port Stephens Comprehensive Koala Plan of Management</b>	<ul style="list-style-type: none"> <li>• NSW DPE Secretary's Environmental Assessment Report concluded:               <ul style="list-style-type: none"> <li>◦ "no evidence of the presence of koalas was found during the ecological surveys. As such, the Project would have minimal impact on koala populations or koala habitat. The Department is satisfied with the consideration of SEPP 44 in the EA for the Project."</li> </ul> </li> <li>• NSW DPE Director General's Assessment Report concluded:               <ul style="list-style-type: none"> <li>◦ "As such, the project would have minimal impact on koala populations or koala habitat. The Department is satisfied with the consideration of SEPP 44 contained in the Environmental Assessment."</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Council Assessment Report indicates: "that the development site offers high quality (both preferred and supplementary) koala habitat, with significant stands of feed trees and important connective/movement habitat across the majority of the site."</li> <li>• JRPP concluded that:               <ul style="list-style-type: none"> <li>◦ "The development fails to satisfy State Environmental Planning Policy No.44 Koala Habitat Protection and the Port Stephens Koala Plan of Management. The development results in the fragmentation of fauna corridors and will result in unacceptable impacts to Koalas in the Tomago Sandbed locality (s.79C(1)(a)(i) <i>EP&amp;A Act 1979</i>)."</li> </ul> </li> <li>• We note increased protection of koalas and their habitat is proposed in future changes to SEPP 44 which is currently on exhibition, further decreasing the development opportunity at this location.</li> </ul>
<b>Stakeholder Consultation</b>	<ul style="list-style-type: none"> <li>• Approved.</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of Stakeholder consultation with Surrounding land owners.</li> </ul>
<b>Stormwater</b>	<ul style="list-style-type: none"> <li>• Approved.</li> </ul>	<ul style="list-style-type: none"> <li>• Aspects of the stormwater design and the proposed infrastructure is reliant on NEH land, without prior consultation, agreement or legal right.</li> </ul>
<b>Traffic</b>	<ul style="list-style-type: none"> <li>• Approved.</li> </ul>	<ul style="list-style-type: none"> <li>• Deficient traffic analysis.</li> </ul>
<b>Economic Analysis</b>	<ul style="list-style-type: none"> <li>• Approved.</li> </ul>	<ul style="list-style-type: none"> <li>• Deficient Economic Impact Analysis.</li> </ul>

With the known extent of existing constraints, contamination risks and approval issues, many of which appear insurmountable, it is unclear why the GNMP includes these lands yet omits the "shovel ready" NEH lands already approved for business and industrial development. The NEH lands are significant existing supply of business and industrial land, having completed all environmental assessments, with all infrastructure services in place and available representing the major employment lands as the Tomago Industrial Precinct.

It is then requested that the NEH land, consistent with the HRP 2036, also be included in the GNMP rightfully as part of all text and plans documenting the Tomago Industrial Precinct.

If you have any questions, please contact me on 0414 689 091 or by email, [scottd@torqueprojects.com](mailto:scottd@torqueprojects.com).

Yours Sincerely,



**Scott Day**  
**Principal Engineer**  
**Torque Projects Pty Limited**