PORT STEPHENS COUNCIL

<table>
<tr><th colspan="2">STRATEGIC PLANNING ASSESSMENT REPORT (SPAR)</th></tr>
<tr><td>Application No.</td><td>58-2025-3-1</td></tr>
<tr><td>Applicant Name</td><td>Urbis on behalf of Northbank Enterprise Hub (NEH)</td></tr>
<tr><td>Applicant Address</td><td>Angel Place, Level 8 123 Pitt Street Sydney, NSW 2000</td></tr>
<tr><td>Site Location Details</td><td>Tomago Road Tomago
<table>
<tr><td>Lot 1 DP770610</td><td>Lot 2 DP833855</td></tr>
<tr><td>Lot 1 DP833855</td><td>Lot 44 DP1109816</td></tr>
<tr><td>Lot 13 DP236073</td><td>Lot 45 DP1109816</td></tr>
<tr><td>Lot 1 DP535631</td><td>Lot 1001 DP1127780</td></tr>
<tr><td>Part of Lot 14 DP258020</td><td>Lot 1 DP1155307</td></tr>
<tr><td>Part of Lot 7001 DP92615</td><td>Lot 22 DP1150980</td></tr>
<tr><td>Lot 1 DP229927</td><td>Lot 212 DP1174939</td></tr>
<tr><td>Lot 2 DP229927</td><td>Lot 211 DP1174939</td></tr>
<tr><td></td><td>Lot 210 DP1174939</td></tr>
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<tr><td>Proposal Summary</td><td>Amendment to State Environmental Planning Policy (Precincts – Regional) 2021, to:
update zoning from IN1 General Industrial to E4 General Industrial zone to align with the NSW Government Employment zoned land reforms
introduce certain additional land uses
introduce a new definition and clause to permit Specialised Industrial Retail and Hire Premises as an additional permitted use.</td></tr>
<tr><td>Zoning</td><td>Existing Zoning:
IN1 General Industrial
Proposed Zoning:
E4 General Industrial</td></tr>
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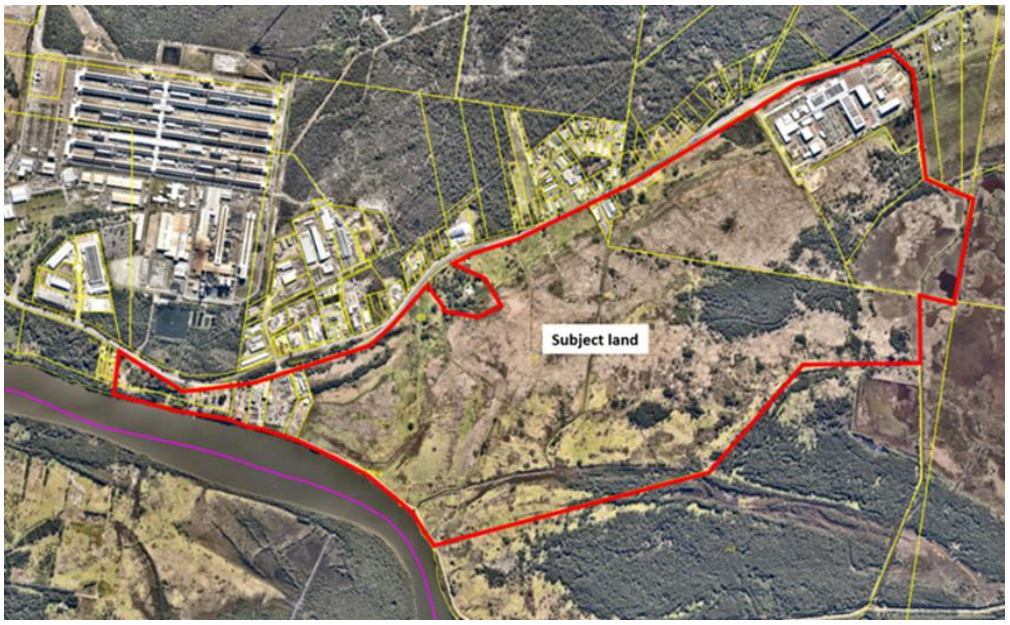
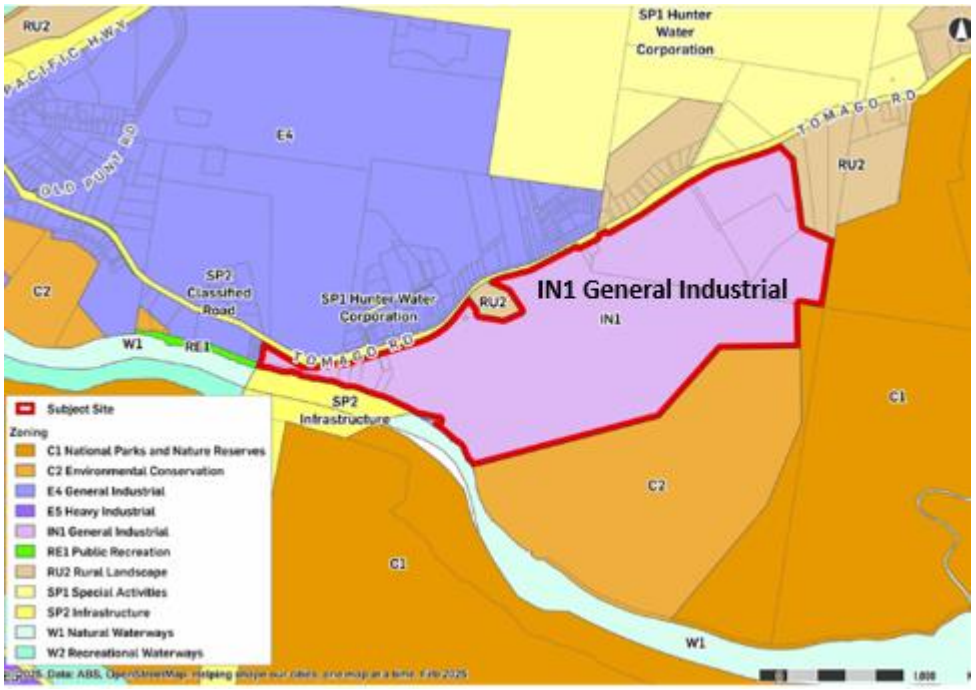
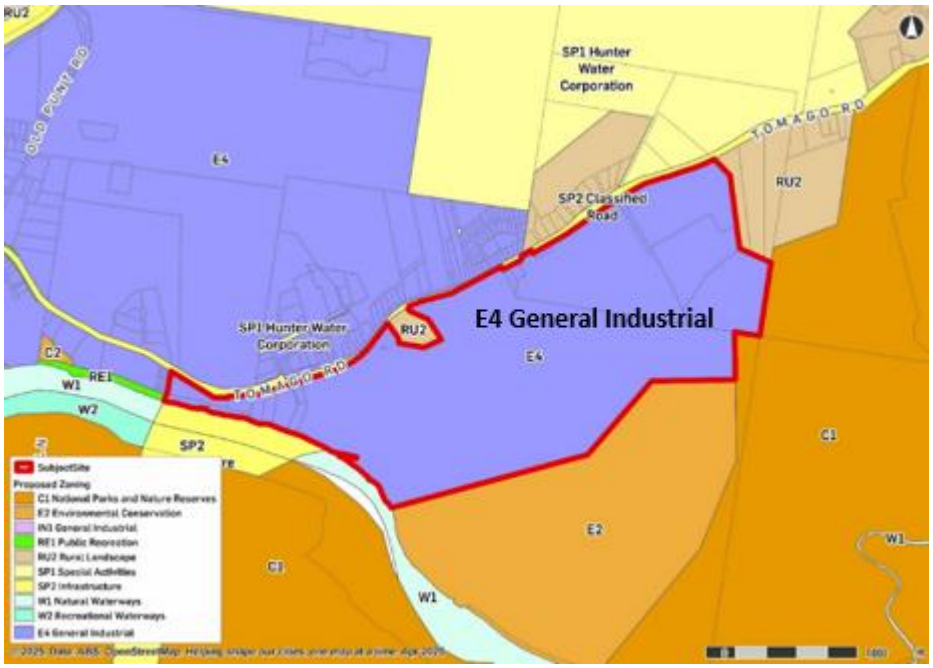
Site Location	
Existing Zoning	

Proposed Zoning	

Internal referrals	Comment
Development Engineering	Raised that the previous studies did not consider the Climate Change scenarios. However, this land is already zoned for industrial uses and most of the site is subject to existing Major Project approvals MP07_0086 and MP10_0185 and the current proposal does not seek to alter the footprint of the industrial zoned land.
Natural Systems	The Subject Site has an existing industrial land zoning – IN1 General Industrial. While allowable land uses under the IN1 zone have the potential to result in direct or indirect ecological impacts, the proposed rezoning from IN1 to E4 General Industrial is unlikely to result in increased impacts to the adjacent conservation zoned lands. Most of the site is subject to existing Major Project approvals MP07_0086 and MP10_0185 and the current proposal does not seek to alter the footprint of the industrial zoned land.

Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?	
Hunter Regional Plan 2041	The Hunter Regional Plan (HRP) identifies Tomago as a significant employment land cluster and a priority location for future employment generating land uses as well as grow emerging energy industries. <u>Objective 1 Diversify the Hunter's mining, energy and industrial capacity</u> The site is strategically located within an existing industrial area in close proximity to major transport corridors identified in the HRP including the M1 to Raymond Terrace project as well as the global gateways of Newcastle Airport at Williamtown and the Port of Newcastle. The planning proposal supports the HRP priorities and objectives to support the growth in employment uses and respond to change in opportunities. The planning proposal will update the existing industrial zoned land and add certain additional permissible uses that are compatible with the industrial zone and consistent with the findings of the Port Stephens Centres and Employment Land Study (CELS). <u>Objective 6: Conserve heritage, landscape, environmentally sensitive areas, waterways and drinking water catchments</u> The majority of land within the Subject Site is authorised for disturbance pursuant to existing development consents, including MP07_0086 and MP10_0185 held by NEH. The Planning Proposal does not affect the E2 (Environmental Conservation) and SP2 (Infrastructure) zoned land within the Tomago Industrial Site. The Biodiversity Assessment Report confirms that the planning proposal does not pose a higher risk of biodiversity impacts. The proposal is consistent with objective 6. <u>Objective 7: Reach net zero and increase resilience and sustainable infrastructure</u> The proposal is consistent with Objective 7. The site is identified as bushfire prone and flood affected. A Flood

	Impact and Risk Assessment and a Strategic Bushfire Study have been prepared. Both assessments confirm that the site is suitable for future industrial development provided that recommended mitigation measures are implemented to create a safe and hazard-resilient neighbourhood.
Greater Newcastle Metropolitan Plan 2036	The Greater Newcastle Metropolitan Plan 2036 (GNMP) applies to part of the Port Stephens LGA, including Tomago. In the GNMP, Tomago is identified as a Catalyst Area, a place of metropolitan significance with a job target of 700 additional jobs by 2036. The planning proposal is consistent with the GNMP as it will support employment and contribute to meeting jobs targets, specifically supporting 'Strategy 7 Respond to the changing land use needs of the new economy' by providing an opportunity for heavy industries to relocate away from urban areas to the industrial precinct at Tomago. The planning proposal strengthens the role of Tomago Industrial site as an employment and industrial area through an expansion of permissible uses compatible with the industrial zoning.
Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?	
Port Stephens Local Strategic Planning Statement	The planning proposal is consistent with the LSPS, which identifies Tomago as a major employment area: <u>Planning Priority 1 Support the growth of strategic centres and major employment areas.</u> The planning proposal aims to deliver industrial uses within the significant employment clusters of Tomago. The Planning Proposal focuses on concentrating industrial employment opportunities in the E4 Zone, bolstering the growth of the 'Tomago Major Employment Area' (as referenced under the LSPS), which is vital for the future productivity of the LGA and the broader region. <u>Planning Priority 2 Make business growth easier</u> The reclassification of zone to broaden the available permissible land uses on-site will have direct and positive impacts in relation to business growth to the area through increased availability and demand for businesses to be located within the Tomago Industrial Site.

	Planning Priority 7 Conserve biodiversity values and corridor The planning proposal does not pose a higher risk of biodiversity impacts Planning Priority 8 Improve resilience to hazards and climate change The planning proposal is consistent with environmental, sustainability and risk management directions in local, regional and state planning framework. The supporting studies confirm that the site is suitable for development, provided that the recommended mitigation measures are implemented.
NSW Employment Lands reforms	NSW employment lands reform replaced business and industrial zones with a new framework of five employment zones and three supporting zones to simplify planning, boost productivity, and address barriers for businesses. Finalised in December 2021, the reform aims to create zones that are more fit for purpose and flexible for future work. As part of these reforms IN1 General Industrial zones were updated to E4 General Industrial zones. This planning proposal is consistent with these reforms by updated the current IN1 zone to E4 General Industrial.

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) ASSESSMENT	
SEPP	**Assessment**
SEPP (Industry and Employment)	
Chapter 3 Advertising and Signage	The planning proposal is consistent with this SEPP. Future advertising and signage development will be required to consider relevant provisions under Chapter 3 of the Industry and Employment SEPP.
SEPP (Resilience and Hazards) 2021	
Chapter 2 Coastal management	The planning proposal is consistent with this SEPP. Minor areas of the southern and eastern boundaries of the site are identified as Coastal Wetlands. Future developments will be required to consider potential impacts on wetland areas should development be proposed in

	wetland areas. It is acknowledged that development on land mapped as 'Coastal Wetlands' would trigger Designated Development.
Chapter 4 Remediation of Land	The planning proposal is consistent with this SEPP. The land is currently zoned General Industrial, therefore studies have not been undertaken as part of this proposal to confirm suitably of the site, noting this has previously been determined when the site was rezoned for such intended purposes. Any future developments will be required to consider potential contamination impacts during the development application process.
SEPP (Transport and Infrastructure) 2021	
Chapter 2 Infrastructure	The planning proposal is consistent with this SEPP. The traffic aspects of the proposed development are considered to be satisfactory with the planned road network upgrades. The traffic generated by the proposal for E4 zone is expected to be similar to the amount of traffic that would be anticipated if the land were to remain the existing IN1 zoning. Future development may qualify as a traffic generating development under Schedule 3 'Traffic-generating development to be referred to TfNSW' of the SEPP. Future development will likely require referral to and concurrence from Transport for NSW (TfNSW). The potential for access onto Tomago Road (a classified State road) also triggers Schedule 3 of the SEPP.
SEPP (Biodiversity and Conservation) 2021	
Chapter 2 Vegetation in non-rural areas	The planning proposal is consistent with this SEPP. A large portion of the site is mapped to exhibit biodiversity values (largely within the environmental zones). This includes the Hunter Wetlands National Park (RAMSAR) on the southern boundary. The national park encloses the majority of the site from the east, south and west. Tomago Estate has been environmentally assessed and approved with conditions for both on-site and off-site offsets within separate Major Projects. Notwithstanding, this Planning Proposal does not include any provisions to amend areas of environmental significant.
SEPP (Sustainable Buildings) 2022	
Chapter 3 Standards for non-residential development	The planning proposal is consistent with this SEPP. Where future industrial development includes ancillary office spaces exceeding a total of 1,000 m2, the relevant provisions of the Sustainable Buildings SEPP will apply.

SEPP (Exempt and Complying Development Codes) 2008	
	The planning proposal is consistent with this SEPP. Subject to compliance future development could undertake a Complying Development Certificate (CDC) to facilitate a form of development consent across the site. Particular consideration is made in relation to Part 5 and Part 5A of the Codes SEPP which may be reviewed to facilitate fast-tracked approvals in some instances.

MINSTERIAL DIRECTIONS ASSESSMENT	
Ministerial Direction	**Assessment**
Focus area 1: Planning Systems	
1.1 Implementation of Regional Plans	The Hunter Regional Plan 2041 and the Greater Newcastle Metropolitan Plan 2036 are applicable to this planning proposal. The planning proposal is consistent with both strategies as it seeks to support the growth in employment uses and respond to change in opportunities. The planning proposal strengthens the role of Tomago Industrial site as an employment and industrial area through an expansion of permissible uses compatible with the industrial zoning. The planning proposal is consistent with this direction.
Focus area 3: Biodiversity and Conservation	
3.1 Conservation Zones	The objectives of the E4 zone are consistent with the objectives of the IN1 zone. The proposed rezoning will result in additional allowable land uses which have the potential to cause direct and indirect ecological impacts, however, it is considered that these impacts are consistent with any impacts which are likely to arise from land uses allowable under the current zoning. No change is proposed to the area of application for the E2 Environmental Conservation Zone within the Tomago Industrial Site. The planning proposal is consistent with this direction.
3.2 Heritage Conservation	There are Aboriginal cultural heritage values associated with the local area and items of European heritage significance within the vicinity of the site. Most of the site is subject to existing Major Project approvals

	MP07_0086 and MP10_0185. The current proposal does not seek to alter the footprint of the industrial zoned land. Tomago House and the Chapel are listed as items of State and local significance. Tomago House is outside of the area subject to this planning proposal; however, provisions have been made for curtilage to this area under the approval of MP10_0185. The proposed rezoning will result in additional allowable land uses, however, it is considered that these impacts are consistent with any impacts which are likely to arise from land uses allowable under the current zoning. Any inconsistency of the planning proposal with this direction is of minor significance.
Focus area 4: Resilience and Hazards	
4.1 Flooding	This direction applies because the site is located within the extent of the PMF Flood Event and the 1% AEP. It is also identified as a 'Flood Planning Area'. Given the administrative nature of the proposal, no technical studies have been procured in relation to flood planning. Notwithstanding, future applications would be undertaken to be built above the 1% AEP (including 500mm freeboard), as well as the inclusion of an emergency flood evacuation response plan should this be deemed necessary by the relevant consent authority. The planning proposal is consistent with this direction.
4.2 Coastal Management	The proposed rezoning will result in additional allowable land uses, however, it is considered that these impacts are consistent with any impacts on areas mapped as Coastal Wetlands which are likely to arise from land uses allowable under the current zoning. It is acknowledged that development on land mapped as 'Coastal Wetlands' would trigger Designated Development. The planning proposal is consistent with this direction.
4.3 Planning for Bushfire Protection	This direction applies because the site is mapped as bushfire prone land. The planning proposal is consistent with this direction with the RFS document Planning for Bushfire Protection. A Strategic Bush Fire Study has been prepared and concludes that the development can satisfy the bushfire protection measures in the PBP. The planning proposal is consistent with this direction.
4.4 Remediation of	The Tomago Industrial Site has been previously zoned for employment generating land uses; however, the current

Contaminated Land	proposal does not seek to alter the footprint of the existing industrial zoned land. The planning proposal is consistent with this direction.
4.5 Acid Sulfate Soils	The planning proposal does not propose an intensification of land uses on this site. The planning proposal is consistent with this direction.
Focus area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	The Planning Proposal will concentrate industrial employment opportunities and supporting uses at a location that has ready access to a significant population catchment and transport gateways. The planning proposal is consistent with this Direction.
Focus area 7: Industry and Employment	
7.1 Employment Zones	The objectives of this Direction are to encourage employment growth in suitable locations and protect land in employment zones. Tomago is identified as a key employment precinct in the Hunter Regional Plan 2041, the Local Strategic Planning Statement. The planning proposal strengthens the role of Tomago Industrial site as an employment and industrial area through an expansion of permissible uses compatible with the industrial zoning. The planning proposal is consistent with this Direction.

ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT	
Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?	No. The Planning Proposal seeks additional land uses to be permissible on the Subject Land, which is currently zoned as IN1. These land uses are generally permissible within zone E4 with the addition of a newly defined land use, which is the contemporary equivalent of zone IN1. The sensitive environmental context for the Tomago Industrial Site includes the Hunter Wetlands National Park (an identified RAMSAR wetland). No change is proposed to the area of application for the E2 Environmental Conservation Zone within the Tomago Industrial Site.
Are there any other likely environmental effects as a result	<u>Bushfire</u> The planning proposal contains bushfire prone

of the planning proposal and how are they proposed to be managed?	land. A Bush Fire Assessment Report (BFAR). The BFAR includes an assessment issued under section 9.1(2) of the EP&A Act. Bushfire prone vegetation within and surrounding the site has potential to pose bushfire risk to future development; however, can be appropriately mitigated with satisfactory design parameters as development occurs in accordance with the recommendations under the PBP. <u>Biodiversity</u> The Biodiversity Review, prepared to support the planning proposal, confirmed that there will be no further direct impacts beyond the base case as the proposal does not seek to increase the area of land that could be disturbed. The biodiversity review determined that this planning proposal does not pose a higher risk of indirect biodiversity impacts than the Base Case and suggests environmental controls to manage the limited circumstances where greater impacts may occur.
Has the proposal adequately addressed any social and environmental effects?	Yes, the planning proposal will result in positive economic and social impacts including additional employment opportunities.

RECOMMENDATION

Based on the information lodged with the rezoning request, the planning proposal is considered to have sufficient to proceed to Gateway.

DETERMINATION

The planning proposal has been prepared in accordance with section 3.33 of the Environmental Planning and Assessment Act 1979 and is considered to be consistent with relevant local and regional plans, State Environmental Planning Policies and Ministerial Directions. Where there is an inconsistency, this inconsistency is justified.

As a delegate for Port Stephens Council and in accordance with the Planning Proposal Policy, I, Molly Compton, the Strategic Planner at Port Stephens Council , endorse the planning proposal of the subject site to amend State Environmental Planning Policy (Precincts – Regional) 2021, to: update zoning from IN1 General Industrial to E4 General Industrial zone, introduce certain additional land uses and a new definition and clause to permit Specialised Industrial Retail and Hire Premises as an additional permitted use, to be submitted to the Department of Planning, Housing and Infrastructure, in accordance with section 3.34(1) of the Environmental Planning and Assessment Act 1979, with a request for a Gateway determination. Authorisation to make the plan under section 3.34(2)(g) of the EP&A Act is to be requested.

Molly Compton (Strategic Planner) **27 November 2025**