



Nomination for State Significant Site

Freeway North Business Park, Beresfield
Lower Hunter Valley

For
Thornton Land Company Pty Ltd

March 2006
Job Reference No: 21717



HARPER
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O'SULLIVAN





**HARPER
SOMERS
O'SULLIVAN**

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Prepared By:

Harper Somers O'Sullivan Pty Ltd

PO Box 428

Hamilton NSW 2303

Tel: (02) 4961 6500

Fax: (02) 4961 6794

Web: www.hso.com.au

<i>PROJECT: FREEWAY NORTH BUSINESS PARK – REQUEST FOR NOMINATION AS A POTENTIAL SSS</i>	
<i>CLIENT:</i>	<i>THORNTON LAND COMPANY (HUNTER LAND PTY LTD)</i>
<i>OUR REF</i>	<i>21717</i>
<i>DATE:</i>	<i>MARCH 2006</i>
<i>AUTHORED BY:</i>	<i>HANNAH BENSON</i>
<i>SIGNATURE:</i>	
<i>CHECKED BY:</i>	<i>ROBERT DWYER</i>
<i>SIGNATURE:</i>	

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1 INTRODUCTION

Harper Somers O'Sullivan act on behalf of Thornton Land Company Pty Ltd (Hunter Land), owners of Lot 14 DP 207961, Lot E DP 388733 and Lot 23 DP 532814, Weakleys Drive, Beresfield (the subject site). This submission requests the Minister to declare the subject site a State Significant Site (SSS) in accordance with the provisions of State Environmental Planning Policy (State Significant Development) (SSD SEPP) 2005.

A significant amount of planning has occurred over the site, including liaison and successful negotiation with officers from the Department of Environment and Conservation, culminating in the lodgement of a rezoning submission with Newcastle City Council (NCC) in November 2004. Unfortunately no progress has been made on the project since this time. Accordingly the classification of the site as a State Significant Development will ensure the timely delivery of this state significant proposal. The site is extremely well serviced with existing and planned infrastructure to facilitate employment for a substantial number of workers.

For the purposes of this submission, the following definitions apply:

- **'the site' or 'the subject site'** refers to Lot 14 DP 207961, Lot E DP 388733 and Lot 23 DP 532814;
- **'the study area', or 'broader study area'** refers to 'the site' and adjacent parcels that have road frontage to Weakleys Drive and the New England Highway as well as Lot 226 DP 1054242 (Drainage Reserve associated with Freeway Business Park Stage 1).

This preliminary document provides details of:

- the site in its current zoning context;
- the State and regional significance of the site;
- the future land use proposal for the site; and
- the views of the Newcastle City Council.

This document concludes that the site has state and regional significance and its' nomination as a State Significant Development is appropriate.

2 SITE LOCATION AND DESCRIPTION.

The subject site is located in the suburb of Beresfield, within the Local Government Area of Newcastle City, as depicted in Figure 1. The site is immediately adjacent to the Cessnock City and Maitland LGA's, as also depicted in Figure 1.

The study area is bounded by the New England Highway to the north; electricity transmission lines to the south; Weakleys Drive to the east and is partially bounded by the Donaldson conservation area to the west. The site runs parallel to Weakleys Drive and is at the northern end of the F3 Freeway.

The subject site is approximately 85 hectares in size, while the total study area is about 123 hectares, as requested by Newcastle City Council staff. Scotch Dairy

Creek and an unnamed tributary traverse the northern western portion of the site, whilst Weakleys Flat Creek cuts across a small part of the southern corner of the site.

In general the site is moderately timbered with a high proportion of immature trees resulting from previous grazing and “pit prop” clearing. Cleared areas exist underneath the 132kV Electricity Transmission Lines traversing the southern portion and the south western boundary of the site.

Many of the adjacent allotments are cleared. Improvements on adjoining parcels are predominantly confined to dwellings of various ages and size and associated outbuildings. Additionally, a horse trotting training track is located on Lot 9 DP 509255, a landscape supplies outlet (Rainbows End) on Lot 1 DP 390543, and a landscape supplier (Parker Soils, Sand and Gravel).

A map detailing the Real Property Descriptions within the study area is contained in Appendix A.

3 CURRENT ZONING

The site is currently zoned part 4(a) Urban Services and part 7(c) Environmental Investigation under the Newcastle Local Environment Plan 2003 (NLEP).

Figure 2 is an Existing Zoning Map for the site and surrounding lands, compiled from extracts from the NLEP, Maitland Local Environmental Plan 1993 (MLEP) and Cessnock Local Environmental Plan 1989 (CLEP).

In 1997 the site and other lands in the vicinity were the subject of a draft local environmental plan to rezone most of the area to 4(a) Light Industrial (Draft Amendment 104 to Newcastle Local Environmental Plan 1987).

Subsequent to exhibition of the Draft Amendment No.104, NCC, on April 4th 2000 resolved to rezone some of the subject site to 4(a) Light Industrial and to defer zoning the remainder of the subject site due to the “zone of affectation” likely to be created by the mining operations on the Donaldson Coal Mine site which is located to the west of the site. At the time, a “zone of affectation” covered land up to one kilometre from the edge of the mine’s operation area, temporarily inhibiting development for employment generating purposes.

Council formally resolved to treat the land within the mine’s “zone of affectation” as a deferred matter, noting that a “deferred matter” might proceed partially, or wholly with Council’s approval when the mine’s “zone of affectation” progressively receded to the south west in line with the mining activity proceeding to the southwest.

However a comprehensive local environmental plan for the LGA was subsequently drafted and gazetted in 2003, and the new planning instrument rezoned the bulk of the subject site to 7(c) Environmental Investigation Zone, disregarding the deferred matter and the fact that the “zone of affection” has moved away from the site.

Accordingly, in November 2004 a fresh rezoning submission was lodged with the NCC to rezone much of the site in a similar fashion to that exhibited by NCC in 1997. The submission clearly identifies that the “zone of affectation” has receded away from the site, and as requested by NCC officers, the submission also addresses adjacent land parcels with road frontage to Weakleys Drive and the New England Highway to ensure a more co-ordinated development pattern in the longer term.



TITLE: **FIGURE 1**
LOCATION MAP
FREEWAY NORTH BUSINESS PARK

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DATE: 8TH AUGUST 2006	DESIGNED:	
DATUM:	SURVEYOR:	
ORIGIN:	APPROVED: R DWYER	SHEET FIGURE 1
CONTOUR INTERVAL:	AUTOCAD REF: 21717-2A	
	LAYOUT REF: FIGURE 1	



FREEWAY NORTH BUSINESS PARK BERESFIELD

ZONE
7(C)

NEW
ENGLAND

ZONE
4(a)

ZONE
7(c)

HIGHWAY

WEAKLEYS
DRIVE

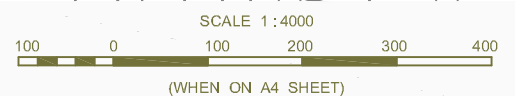
ZONE
4(a)

ZONE
7(c)

ZONE
4(a)

ZONE
7(c)

ZONE
4(a)



TITLE: **FIGURE 2**
EXISTING ZONING MAP
FREEWAY NORTH BUSINESS PARK

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FIGURE 2

To date NCC has not resolved via Section 54 of the Environmental Planning and Assessment Act (EPAA) to commence the zoning process nor put a report to a Council meeting on the matter.

4 STATE AND REGIONAL SIGNIFICANCE

4.1 Draft Lower Hunter Regional Strategy

The Minister for Planning released the Draft Lower Hunter Regional Strategy (DLHRS) on 4 November 2005. The document has been on exhibition and is currently under review by the Department of Planning (DoP). The Strategy provides key directions for the next 25 years in managing urban growth, including renewal of existing areas, focusing new housing on existing centres and transport corridors, and strengthening centres by encouraging jobs to be located in town centres.

One of the aims of the DLHRS is to ensure an adequate supply of employment land within identified centres and other specialised/industrial lands to accommodate a projection of 50,000 new jobs.

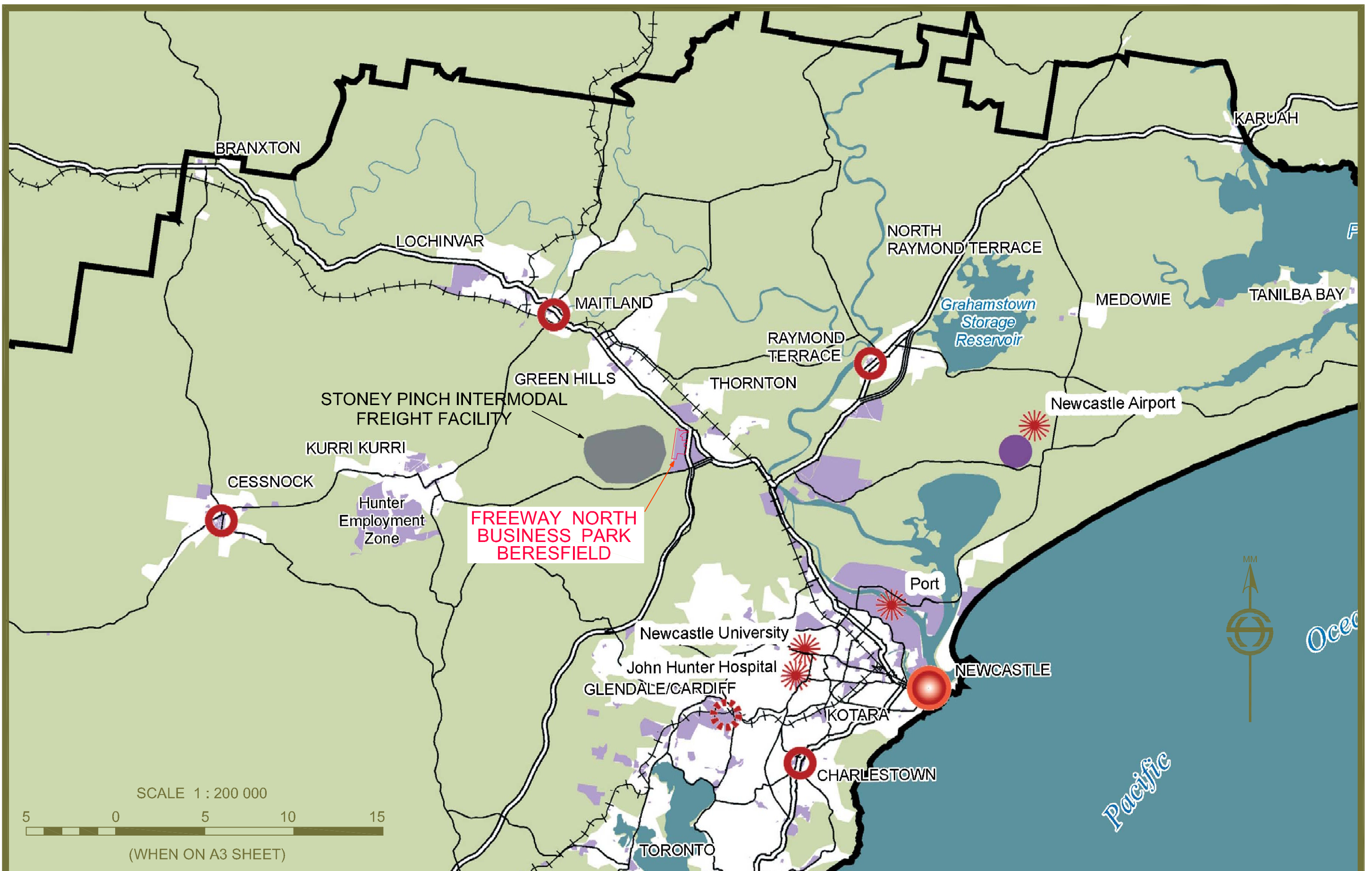
The DLHRS confirms the site as employment land which is state and regionally significant, by identifying the site as a strategic employment location on Draft Employment Land Map 3 of the DLHRS, an extract of which is illustrated in Figure 3.

Within the DLHRS, the aim for employment lands is that employment growth will capitalise on key regional infrastructure. The proposed rezoning is in close proximity to regional transport arteries, including the intersection of the F3 Freeway and the New England Highway, close to the F3 exit to the Pacific Highway, Great Northern Railway and railway stations, and the Port of Newcastle. In addition its proximity to existing residential areas of Beresfield, Black Hill, Thornton, Ashtonfield and beyond, as indicated in Figure 4, highlights the sites' strategic importance. Hence, the entire precinct is a strategic employment opportunity and fulfils the aim for employment lands. The proximity to key regional infrastructure qualifies the proposed rezoning as regionally significant.

The DLHRS also identifies a potential inter-modal freight facility at Stoney Pinch, an area immediately to the west of the site. Hence the subject site is strategically located to support such a facility in the future and is seen as the initial development associated with the facility.

Some of the relevant actions to achieve the outcome of employment growth capitalising on existing infrastructure are listed below:

- **Require LEPs and other relevant planning provisions to be amended, where necessary, to incorporate appropriate provisions to facilitate employment growth in nominated city and regional centres**, as well as facilitate appropriate home-based employment and some localised jobs in town and neighbourhood centres. The subject site is one of the employment growth areas nominated.
- Require LEPs to rezone land for employment and freight facilities in the vicinity of the Newcastle Airport (Williamstown) and **a potential inter-modal freight facility at Stoney Pinch (west of Newcastle)**, if required.



TITLE: **FIGURE 3**
MAP EXTRACT FROM DRAFT LOWER HUNTER
REGIONAL STRATEGY

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 LAYOUT REF: **FIGURE 3**

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SHEET **FIGURE 3**

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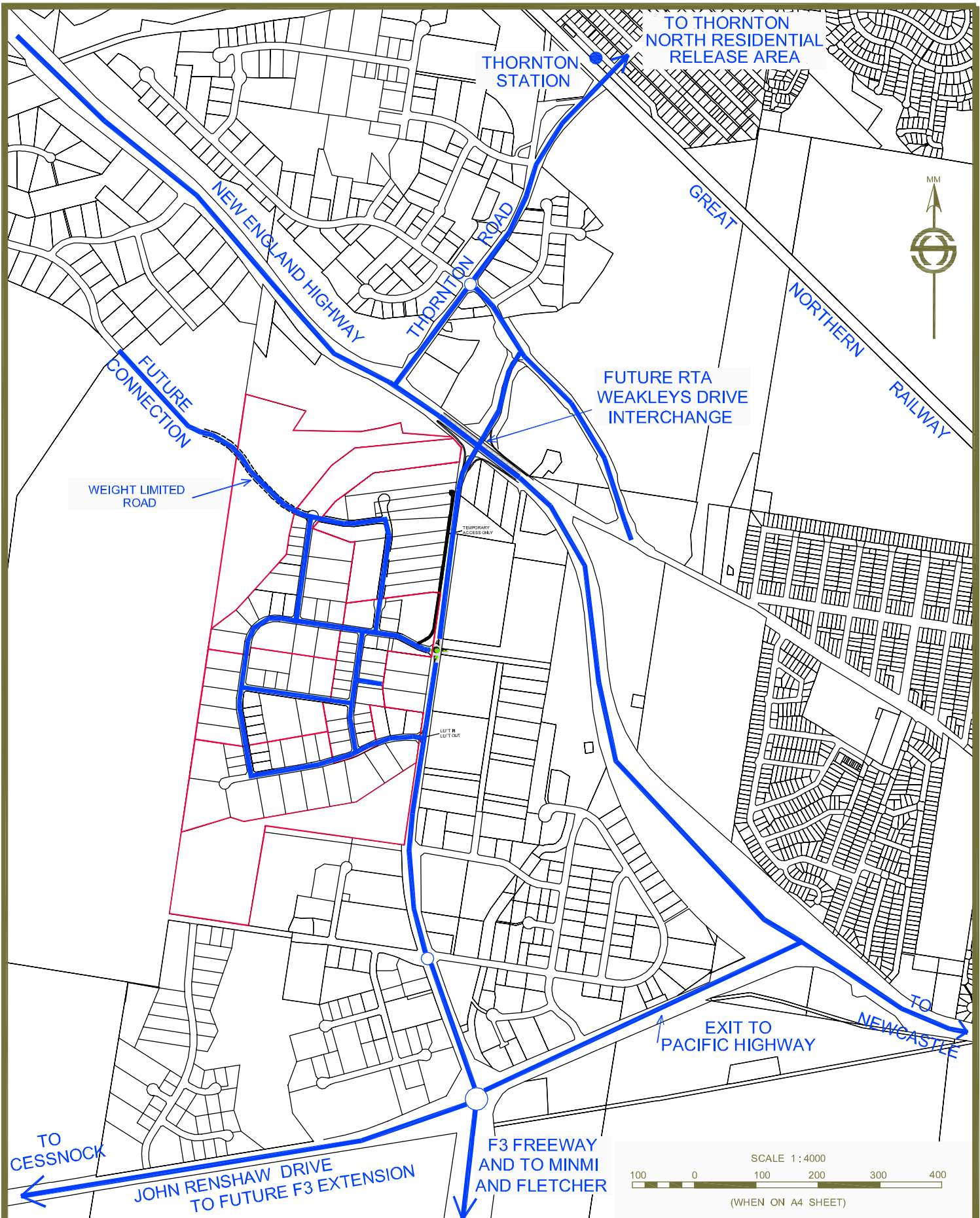


FIGURE 4
TRANSPORT MAP
FREEWAY NORTH BUSINESS PARK

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 T 02 4961 6500 F 02 4961 6794 Email: survey@hso.com.au

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- Incorporate an employment land component into the Urban Development Program to monitor available industrial land supply for the purpose of **ensuring an adequate ongoing supply of vacant industrial land is maintained.**
- Further investigate localised supply and demand issues to determine whether or not limited extension of zoned land may be required for light industrial uses in Newcastle, Lake Macquarie, Cessnock and Maitland.

From these actions, it is evident that nominating the site as a SSS will be fulfilling the objectives of the DLHRS. The sites' nomination will promote employment growth in the area. The site is within the Stoney Pinch region and is seen as an initial development of the potential inter-modal freight facility earmarked for the region. The SSS will provide necessary industrial land supply to meet the demand that is currently in the area.

4.2 Newcastle Land Use Analysis

The Newcastle Land Use Analysis (NLUA) was prepared by consultants on behalf of NCC and presented as a report to Council on 13 September 2005. Consideration of the site continues to be delayed by NCC, despite that in September 2005 the Minister directed all Councils to conduct rezoning business as usual.

Hunter Land Pty Ltd, an industrial and commercial developer in the Hunter Valley since 1993, prepared a response to the NLUA and a copy is contained in Appendix B. It expresses concerns that the NLUA report does not present sustainable data and options regarding the supply of industrial land in the Hunter Valley. The value of Hunter Lands' opinion is evident through the involvement of Hunter Land in substantial Industrial Estate projects including the Thornton Industrial Estate, Cardiff Industrial Estate, Racecourse Business Park (Rutherford), Morisset Gateway, and Freeway Business Park (Beresfield).

There are several issues within the NLUA that the proponent, Hunter Land, disputes including:

- The NLUA determines that the average demand rate for industrial demand in the LGA is 4.8 hectares per annum. Hunter Land believes the figure significantly exceeds this, and is probably in the order of 14 hectares per annum, mainly attributable to Steel River and **Beresfield.**
- The NLUA calculates that the 118 hectares of unconstrained industrial land in the Hunter Region will provide 21 years supply, based on the erroneous rate of 4.8 hectares per annum. Hunter Land believes 9 years is closer to the supply available.
- **Beresfield is estimated to have an industrial land supply that will meet demand in less than 5 years.** The supply is now **critical**, particularly given the lead-time to generate the land as "ready for market".
- The base data was collected for the NLEP in 2003, however the subsequent years (2003, 2004 and 2005) have been the most active for industrial land take-up in the past decade. Council's report does not mention or discuss this inconsistency.

- Hunter Land believes the two most significant locations in the Newcastle LGA for development of industrial land and buildings are Steel River (about 90 hectares) and **Beresfield** (80 hectares at this time). The report seems to focus on the development of the Port Area, which while important, is not the only industrial area in the LGA.
- The report to Council appears to endorse “high tech” manufacturing, “knowledge based” production, technology, aerospace and transport engineering. Hunter Land acknowledge these are important, however they compare the findings of the NLUA to “Council’s misplaced expectations from the 1989 Kern Corporation’s Warabrook Stage 1, which took 15 years to clear just 12 hectares (1.5 lots per annum sales rate). The adjoining Warabrook Stage 2 was developed by Hunter Land for the wider (non-specific) light industry market and its 10 hectares were taken up in 12 months.”
- Hunter Land argue that any industrial land supply that will meet demand for less than 5 years indicates a market with a lack of diversity in size and other physical needs, reducing customer opportunity.
- Hunter Land explain that on the grounds of sustainability discussed in the NLUA, **Beresfield** is clearly located on existing infrastructure, and offers increased synergy to occupants as it grows. It is accessible to Newcastle’s residents wishing to work and live in the LGA.
- It is noted that the NLUA aims for sustainable release of industrial land and suggest that maintaining an orderly and affordable market price should be an objective. As an example, they point to the enormous escalation of industrial land prices in the LGA from January 2004. At Steel River, land price increased from \$80 /m² to \$160 /m². Hunter Land suggests this is not in the interest of the LGA or region as it diminishes the competitive advantage in product or service costs that the region has over other industrial areas in NSW, for example, Western Sydney.

4.3 Number of Councils Affected

As illustrated in Figure 1, the site is located within and on the boundary of the Newcastle City LGA but is also adjacent to the Cessnock City and Maitland City LGA’s.

The Beresfield – Thornton employment hub is a significant employer in the region and development of the subject site will have significant, positive impacts for the economy of the region.

The site is centrally located to the existing residential areas of Ashtonfield, Beresfield, Black Hill, Cameron Park, Fletcher, Minmi and Thornton, and the future Thornton North Residential release area. Thus opportunities for the local workforce, from the Cessnock, Maitland and Newcastle LGA’s and beyond, are possible and occurring with the operation of the existing industrial estates.

5 EXISTING ENVIRONMENTAL STUDIES

A number of key environmental studies have been undertaken to support the November 2004 rezoning submission. Studies include:

- flora and fauna surveys of the site and surrounding lands, including vegetation mapping;
- flooding assessment including flood modelling and development of a Stormwater Management Strategy, which has been incorporated in to the Proposed Rezoning plans;
- bushfire threat assessment;
- geo-technical capability investigations;
- archaeological assessment to determine archaeological significance of the site;
- evaluation to determine whether the site is contaminated land; and
- an appraisal of adjacent land uses, incorporating mining, industrial and residential.

A Constraints Plan indicating the key issues affecting conservation and development on the site is contained in Appendix C.

6 FUTURE LAND USE PROPOSAL

Consistent with the rezoning submission the SSS request provides an appropriate balance between conservation of sensitive lands and development of land for employment generating purposes.

Negotiation with the Department of Environment and Conservation (DEC) has been ongoing and recent correspondence, refer to Appendix D, indicates their support of the proposal in its current form.

A layout plan has been prepared and continuously refined to reflect the outcomes of the key environmental issues and liaison with the DEC. The Indicative subdivision Plan, overlaid on a recent aerial photograph, is illustrated in Figure 5.

The site, along with a small additional parcel south of the study area, represents the next logical major area for industrial rezoning within the Beresfield – Thornton employment hub and the Newcastle City LGA.

A proposed zoning plan is illustrated in Figure 6 and a proposed development control table is contained within Appendix E.

FREEWAY NORTH BUSINESS PARK BERESFIELD

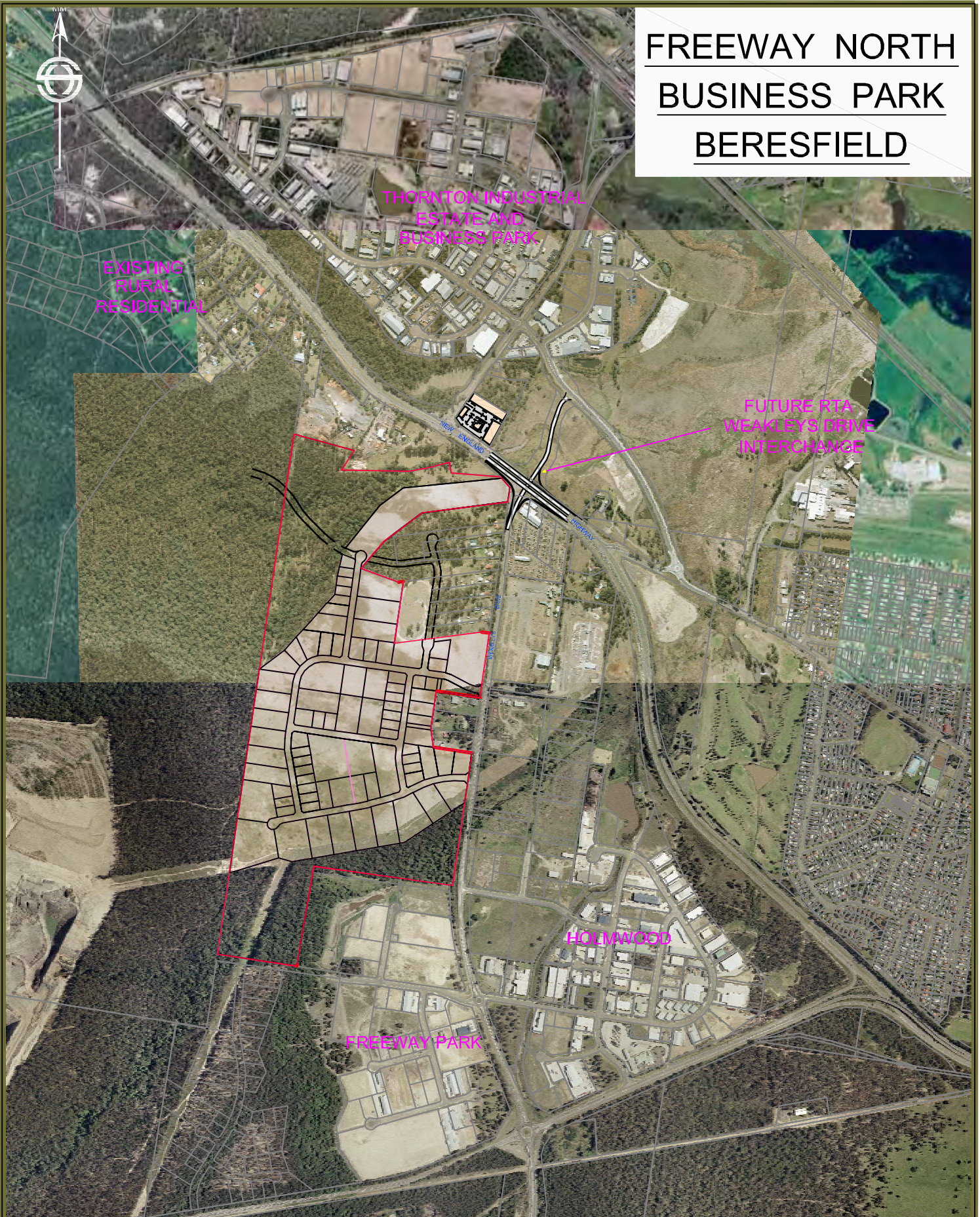


FIGURE 5
INDICATIVE CONCEPT PLAN
FREEWAY NORTH BUSINESS PARK

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O'SULLIVAN**



241 DENISON STREET BROADMEADOW NSW PO BOX 428 HAMILTON NSW
T 02 4961 6500 F 02 4961 6794 Email: survev@hso.com.au

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ORIGIN:

CONTOUR INTERVAL:

DRAWN: E CHESTERSON

DESIGNED:

SURVEYOR:

APPROVED: R DWYER

AUTOCAD REF: 21717-2A.DWG

LAYOUT REF: FIGURE 5

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21717

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FREEWAY NORTH BUSINESS PARK BERESFIELD



NEW ENGLAND

HIGHWAY

WEAKLEYS DRIVE

EXISTING
4 (a) ZONING

PROPOSED
CONSERVATION ZONE

PROPOSED
CONSERVATION ZONE

EXISTING
CONSERVATION

- PROPOSED 4(a) URBAN SERVICES ZONE
- PROPOSED 7(a) CONSERVATION ZONE

SCALE 1 : 4000 (A3)
100 0 100 200 300 400

**FIGURE 6
PROPOSED REZONING PLAN
FREEWAY NORTH BUSINESS PARK**

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7 VIEWS OF THE LOCAL COUNCIL

Since the lodgement of the rezoning submission to NCC in November 2004, HSO and the proponent have actively sought the views and responded promptly to issues raised by officers within NCC. Despite meetings with the Lord Mayor, General Manager and senior officers within Council, a report on the matter has not been presented to the elected councillors.

As mentioned, Council previously resolved to rezone some of the subject site to 4(a) Light Industrial. Rezoning the remainder of the subject land was deferred due to the “zone of affectation” likely to be created by the mining operations on the Donaldson Coal Mine site. At the time, the “zone of affectation” covered land up to one kilometre from the edge of the mine’s operation area, temporarily inhibiting development for residential or employment generating purposes.

Council formally resolved to treat that land within the mine’s “zone of affectation” as a deferred matter, noting that a “deferred matter” might proceed partially, or wholly with Council’s approval when the mine’s “zone of affectation” progressively receded as the mining activity proceeded to the southwest. It has been clearly established that the “zone of affectation” no longer applies to the site.

However, the NLEP, gazetted in 2003, rezoned the bulk of the subject site to 7(c) Environmental Investigation Zone, effectively disregarding the deferred matter.

Accordingly, a fresh submission to rezone the site was required, which incorporated the logical inclusion of adjacent parcels, as requested by Council. Little progress has been made on the project since its lodgement in 2004. Classification as a State Significant Site would speed up the development of this state significant proposal.

8 CONCLUSION

The request to nominate the site as a SSS is, in our view, justified by the appropriate physical, environmental, social and economical outcomes that will result from the proposed development. The proposal will:

- 1) in a consistent manner, implement state, regional and sub-regional strategies and will be a logical infill to the existing employment generating precinct;
- 2) enable the long term conservation of approximately 35 hectares of vegetation that is currently without permanent protection;
- 3) lead to creation of a substantial number of local skilled employment opportunities;
- 4) facilitate usage of the land in a manner which would help meet an identified demand; and
- 5) respond in an appropriate way to the environmental conditions on the site.

The study area is well located to accommodate some of the needs and demands of the future employment and economic growth within the Lower Hunter. The study area represents a major area that is within Beresfield – Thornton Employment hub and within the Newcastle City local government area. Furthermore, Council has previously supported a change of use (rezoning) over the site, subject to being satisfied to the now defunct affectation by the formerly adjacent mining operations on the Donaldson Coal Mine site being removed.

APPENDIX A Real Property Descriptions



FREEWAY NORTH BUSINESS PARK BERESFIELD

DONALDSON
MINE
SITE

LOT 8
DP 226431

LOT 1
DP 390543

LOT F
DP 101333

DP 388733

LOT C

LOT D DP 388733

LOT 7 DP 396036

LOT 8
DP 396036

LOT 9
DP 509255

LOT 10

LOT 11

LOT 12

LOT 13

LOT 23
DP 532814

LOT 15
DP 510628

LOT 16
DP 510628

LOT 22
DP 532814

LOT 111
DP 1045162

FREEWAY
BUSINESS
PARK

TO F3
FREEWAY

EXISTING
INDUSTRIAL
PARK

TO NEWCASTLE

TO
MAITLAND

SCALE 1:4000
100 0 100 200 300 400
(WHEN ON A4 SHEET)

TITLE: APPENDIX A
REAL PROPERTY DESCRIPTION
FREEWAY NORTH BUSINESS PARK

CLIENT: THORNTON LAND COMPANY PTY LTD

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T 02 4961 6500 F 02 4961 6794 Email: survev@hso.com.au

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DRAWN: P. REYNOLDS

DESIGNED:

SURVEYOR:

APPROVED: R. DWYER

AUTOCAD REF:

LAYOUT REF:

21717-2A
APPENDIX A

JOB REF:

21717

SHEET APPENDIX A

APPENDIX B Hunter Land Response to Newcastle Land Use Analysis



PTY LIMITED
as Trustee for MPC Unit Trust
ABN 36 128 312 178

10 October 2005

Ms J Dore
General Manager
Newcastle City Council
PO B
NEWCASTLE NSW 2300

Dear Ms Dore,

**Re: Newcastle Land Use Analysis
Freeway North Industrial Estate, Beresfield**

I am writing in regard to the Newcastle Land Use Analysis, which was reported to Council on 13 September 2005 (Item 37).

The report to Council contained references to the Newcastle Land Use Analysis (NLUA) prepared by SGS Economics and Planning (SGS). The full report was not annexed, and has not been made available subsequent to 13 September 2005. We are concerned that the resolution of Council to use the findings of the NLUA "to inform decision making on any current or future rezoning for industrial land.." has been based on findings and opinion that are not sustainable.

NEWCASTLE LAND USE ANALYSIS

Our general observations on the NLUA are:

- The NLUA determines that the average demand rate for industrial demand in the LGA is 4.8 Ha. We believe that the figure significantly exceeds this, and is probably in the order of 14 Ha per annum, mainly attributable to Steel River and Beresfield.
- The NLUA calculates that the 118 Ha of unconstrained industrial land will provide 21 years supply, based on the erroneous rate of 4.8 Ha per annum. We believe the available years supply is closer to 9 years.
- At Beresfield with a probable industrial land supply of under 5 years, the supply side is now critical particularly given the lead time to generate the land as "ready for market".
- The base data was collected for NILES in 2003. The subsequent years (2003, 2004 and 2005) have been the most active for industrial land takeup in the past decade. Council's report does not mention or discuss this inconsistency.
- The two most significant locations in the Newcastle LGA for development of industrial land and buildings are Steel River (about 90 Ha) and Beresfield (80 Ha at this time). The report seems to focus subjectively on the development of the Port area, which we acknowledge as important, but not the only industrial area in the LGA.

.../2

- The report to Council canvasses "the character of this land supply", and goes on to strongly endorse "high tech" manufacturing and "knowledge based" production, plus technology, aerospace and transport engineering. Certainly these are important, but there is an echo of Council's misplaced expectations from the 1989 Kern Corporation's Warabrook Stage 1, which took 15 years to clear just 12 Ha (1.5 lots per annum sales rate). The adjoining Warabrook Stage 2 was developed for the wider (non-specific) light industry market and its 10 Ha were taken up in 12 months.
- Arguably, any years supply that is less than 5 years indicates a market with a lack of diversity in size and other physical needs and will lead to reduction in customer opportunity.
- On the grounds of sustainability discussed in the report, Beresfield is clearly located on existing infrastructure, and offers increased synergy to occupants as it grows. It is accessible to Newcastle's community that wishes to work and live in the LGA.
- By sustainable, we assume that maintaining an orderly and affordable market price must be an objective. We point to the enormous escalation of industrial land prices in the LGA from January 2004. For example at Steel River, land price has increased from \$80 per m2 to \$160 per m2. This is not in the interest of the LGA as it diminishes the competitive advantage in product or services cost that the region has over, for example, Western Sydney.

FREEWAY PARK INDUSTRIAL ESTATE

The specific observations in respect of Freeway North Industrial Estate are:

- The rezoning of Freeway North was PARTIALLY effected in August 2000 (Amendment No.104), when a segment deemed not to be affected by notional activities of the then proposed Donaldson Mine was excluded, and parts outside this were rezoned 4(a) Urban Services. This also applied to Stage 3 of Freeway Business Park, about 20 Ha of land to West of Viney Creek, and accessed by Yangan Drive.
- Donaldson Mine has now retreated Southwards, and the actual recorded noise and particulate readings are below affectation criteria, ie this constraint no longer exists for Freeway North (but still does for Freeway Park Stage 3).
- Beresfield / Thornton (the latter being in Maitland LGA, but nevertheless contiguous in operational terms), comprises some 170 Ha of zoned industrial land that is or has been available in the market progressively since 1996.
- There is further land in Newcastle LGA in Weakley's Dr that is zoned, but constrained by contamination or servicing issues (Koppers site and adjoining properties).
- Within Beresfield / Thornton, the available industrial land (out of 170 Ha) is 54 Ha, representing 3.2 years of supply based on the average annual take-up of 17.1 Ha. This includes average annual take-up at Thornton of 6.9 Ha.
- Vacant industrial land (at 10/05) at Beresfield in Newcastle LGA:
 - (i) Holmwood has 15.6 Ha (4.2 years supply)
 - (ii) Freeway Park has 14.5 Ha (2.2 years supply).

Ms J Dore
Newcastle City Council
10 October 2005

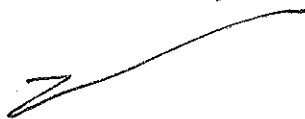
- There appears to be an attitude among Newcastle's strategic planners that Beresfield is at the edge of the LGA, and therefore has some diminished importance, secondary to inner land that is Port related. The Beresfield land is in Newcastle LGA, houses Newcastle companies and employs Newcastle residents.
- The demand is driven by strong and effective marketing by Hunter Land and others. This will not diminish and existing takeup levels for the Beresfield/Thornton area can be expected to continue, with a change of emphasis into Newcastle LGA as Thornton Industrial Estate tails out (current supply 3.6 years).

In summary, we endorse Newcastle Council seeking appropriate market information to base its decisions on, however we have a real problem when the information appears to be incorrect and leads to inappropriate decisions being made. We believe that the October 2003 resolution of Council to defer further industrial zonings until the Lower Hunter Strategy emerges (if ever) is out of date, and now incorrect in light of Minister Sartor's September 2005 directive requesting all Councils to conduct existing rezoning business as usual.

We request that Council proceeds with the previously deferred rezoning of the balance of Freeway North Industrial Estate (Weakley's Dr) as soon as possible in the interests of orderly supply of necessary industrial land.

Please contact me if further explanation is required.

Yours faithfully,
Hunter Land Pty Ltd



GRAHAM BURNS
Director

Encl:

Holmwood takeup: 1996-2008
Freeway Park takeup: 2004-2008
Thornton takeup: 1996-2008
Table 1: combined takeup (Freeway North excluded)
Table 2: combined takeup (Freeway North included)
Amendment No.104 NLEP 1987

BERESFIELD / THORNTON
 LAND TAKEUP MEASURED BY COMPLETION OF BUILDINGS
 Table 1 Freeway North excluded

8/10/2005

Areas in Hectares

All areas (A) Actual, except areas (F) Forecast

Year	HOLMWOOD	FREEWAY	THORNTON	TOTAL
1996	1.73		2.44	4.17
1997	0.84		4.12	4.96
1998	4.62		7.63	12.25
1999	1.15		7.27	8.42
2000	2.87		10.80	13.67
2001	2.81		5.70	8.51
2002	5.36		7.00	12.36
2003	8.03		6.01	14.04
2004	1.93	3.69	3.68	9.30
2005	0.83	7.19	8.37	16.39
2006	2.70 (A)	7.03 (A)	1.64 (A)	11.37 (A)
	2.50 (F)	4.00 (F)	4.50 (F)	11.00 (F)
2007	5.80 (F)	7.70 (F)	9.00 (F)	22.50 (F)
2008	7.27 (F)	2.77 (F)	11.01 (F)	21.05 (F)
	-----	-----	-----	-----
	48.44	32.38	89.17	169.99
Estate Life YRS	13	5	13	
Average Takeup Ha	3.73	6.48	6.86	17.07
Vacant 10/05 Ha	15.57	14.47	24.51	54.55
Vacant YRS	4.2	2.2	3.6	3.2

BERESFIELD / THORNTON
 LAND TAKEUP MEASURED BY COMPLETION OF BUILDINGS
 Table 2 Freeway North included

8/10/2005

Areas in Hectares

All areas (A) Actual, except areas (F) Forecast

Freeway North assumed rezoned 01/06, ready for market 11/06

Year	HOLMWOOD	FREEWAY	THORNTON	FREEWAY NTH	TOTAL
1996	1.73		2.44		4.17
1997	0.84		4.12		4.96
1998	4.62		7.63		12.25
1999	1.15		7.27		8.42
2000	2.87		10.80		13.67
2001	2.81		5.70		8.51
2002	5.36		7.00		12.36
2003	8.03		6.01		14.04
2004	1.93	3.69	3.68		9.30
2005	0.83	7.19	8.37		16.39
2006	2.70 (A)	7.03 (A)	1.64 (A)		11.37 (A)
	2.50 (F)	4.00 (F)	4.50 (F)		11.00 (F)
2007	5.80 (F)	7.70 (F)	9.00 (F)	4.00 (F)	26.50 (F)
2008	7.27 (F)	2.77 (F)	11.01 (F)	6.00 (F)	27.05 (F)
2009				7.00 (F)	7.00 (F)
2010				6.00 (F)	6.00 (F)
2011				8.00 (F)	8.00 (F)
2012				10.00 (F)	10.00 (F)
2013				8.00 (F)	8.00 (F)
2014				12.00 (F)	12.00 (F)
2015				4.00 (F)	4.00 (F)
	48.44	32.38	89.17	65.00	234.99
Estate Life YRS	13	5	13	9	
Average Takeup Ha	3.73	6.48	6.86	7.22	24.29
Vacant 10/05 Ha	15.57	14.47	24.51	65.00	119.55
Vacant YRS	4.2	2.2	3.6	9.0	4.9

HOLMWOOD

Calendar Year	Ha	Per ends	m2
1996	1.73	Jun-96	0
		Dec-96	17,301
1997	0.84	Jun-97	8,400
		Dec-97	0
1998	4.62	Jun-98	13,847
		Dec-98	32,315
1999	1.15	Jun-99	8,701
		Dec-99	2,817
2000	2.87	Jun-00	20,838
		Dec-00	7,820
2001	2.81	Jun-01	8,572
		Dec-01	19,568
2002	5.36	Jun-02	24,066
		Dec-02	29,564
2003	8.03	Jun-03	53,037
		Dec-03	27,255
2004	1.93	Jun-04	16,181
		Dec-04	3,159
2005	0.83	Jun-05	8,304
		Dec-05	0 A
2006	5.20	Jun-06	27,000 A
		Dec-06	25,000 F
2007	5.80	Jun-07	30,000 F
		Dec-07	28,000 F
2008	7.27	Jun-08	36,000 F
		Dec-08	36,691 F
Total			484,436
A - Actual			
F - Forecast			
Methodology based on completion date of buildings/ improvements on each allotment.			
* Primary sources: Hunter Land records, HWC s50 6/10/05			

FREEWAY

Calendar Year	Ha	Per ends	m2
2004	3.69	Jun-04	7,583
		Dec-04	29,297
2005	7.19	Jun-05	36,003
		Dec-05	35,938 A
2006	11.03	Jun-06	70,253 A
		Dec-06	40,000 F
2007	7.70	Jun-07	42,000 F
		Dec-07	35,000 F
2008	2.77	Jun-08	25,000 F
		Dec-08	2,732 F
Total			323,806

A - Actual
F - Forecast

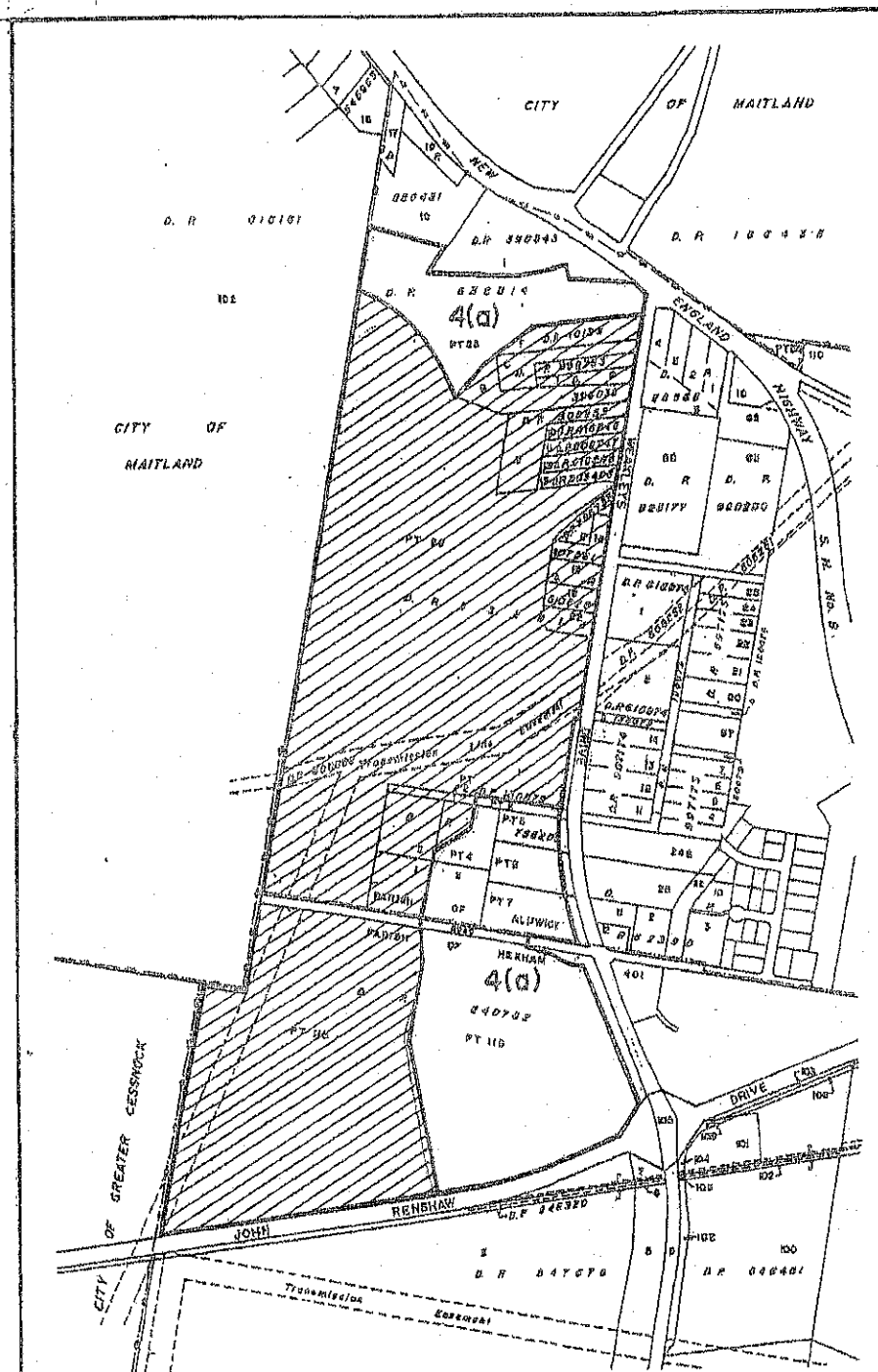
Methodology based on completion date of buildings/
improvements on each allotment.

* Primary sources: Hunter Land records, HWC s50 6/10/05

THORNTON

Calendar Year	Ha	Per ends	m2
1996	2.44	Jun-96	13,590
		Dec-96	10,830
1997	4.12	Jun-97	29,158
		Dec-97	12,061
1998	7.63	Jun-98	28,227
		Dec-98	48,037
1999	7.27	Jun-99	20,407
		Dec-99	52,280
2000	10.80	Jun-00	59,317
		Dec-00	48,692
2001	5.70	Jun-01	25,347
		Dec-01	31,685
2002	7.00	Jun-02	23,795
		Dec-02	46,244
2003	6.01	Jun-03	36,438
		Dec-03	23,619
2004	3.68	Jun-04	23,787
		Dec-04	13,062
2005	8.37	Jun-05	46,497
		Dec-05	37,242 A
2006	6.14	Jun-06	16,420 A
		Dec-06	45,000 F
2007	9.00	Jun-07	45,000 F
		Dec-07	45,000 F
2008	11.01	Jun-08	45,000 F
		Dec-08	65,113 F*
Total			891,848
A - Actual			
F - Forecast			
F*- Includes approx 5.3 Ha constrained land			
Methodology based on completion date of buildings/ improvements on each allotment.			
* Primary sources: Hunter Land records, HWC s50 6/10/05			

ORIGINALLY PROPOSED B1 COUNCIL



4. INDUSTRIAL
(a) LIGHT INDUSTRIAL
ZONE
AREA DEFERRED



SHEET 1 OF
2 SHEETS



SCALE - 1:10000

LOCALITY - RENSFIELD

COUNT OF NORTHUMBERLAND
PARISH OF ALNWICK & HEXHAM

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 CITY OF NEWCASTLE (AMENDMENT No. 104) NEWCASTLE LOCAL ENVIRONMENTAL PLAN, 1987

DRAWN BY KS	DATE 22.8.95	STATEMENT OF RELATIONSHIP WITH OTHER PLANS
SUPERVISING DRAFTSMAN		AMENDS NEWCASTLE LOCAL ENVIRONMENTAL PLAN, 1987.
PLANNING OFFICER J. DAVIES		
CERTIFICATE PLAN NUMBER 95/9		
COUNCIL FILE NO. 60/174/2000/91		
DEPT. FILE NO.		
GOVT. GAZETTE OF		
CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.		 J.H. GRANT GENERAL MANAGER DATE 24.8.95

11 August 2000

OFFICIAL NOTICES

7655

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

NEWCASTLE LOCAL ENVIRONMENTAL PLAN 1987 (AMENDMENT No. 104)

I, the Minister for Urban Affairs and Planning, in pursuance of section 70 of the Environmental Planning and Assessment Act 1979, make the local environmental plan set out hereunder. (N94/00363/PC)

ANDREW REFSHAUGH MP
Minister for Urban Affairs
and Planning.

Sydney, 4 August 2000.

Citation

1. This plan may be cited as Newcastle Local Environmental Plan 1987 (Amendment No. 104).

Aims, objectives etc.

2. This plan aims to rezone certain land in Beresfield to partly Zone No. 4(a) (the Light Industrial Zone) and partly Zone No. 5(e) (the Arterial and Local Road Reservation Zone) under Newcastle Local Environmental Plan 1987.

Land to which plan applies

3. This plan applies to land shown edged heavy black on the map marked "Newcastle Local Environmental Plan 1987 (Amendment No. 104)" and deposited in the office of the Council of the City of Newcastle.

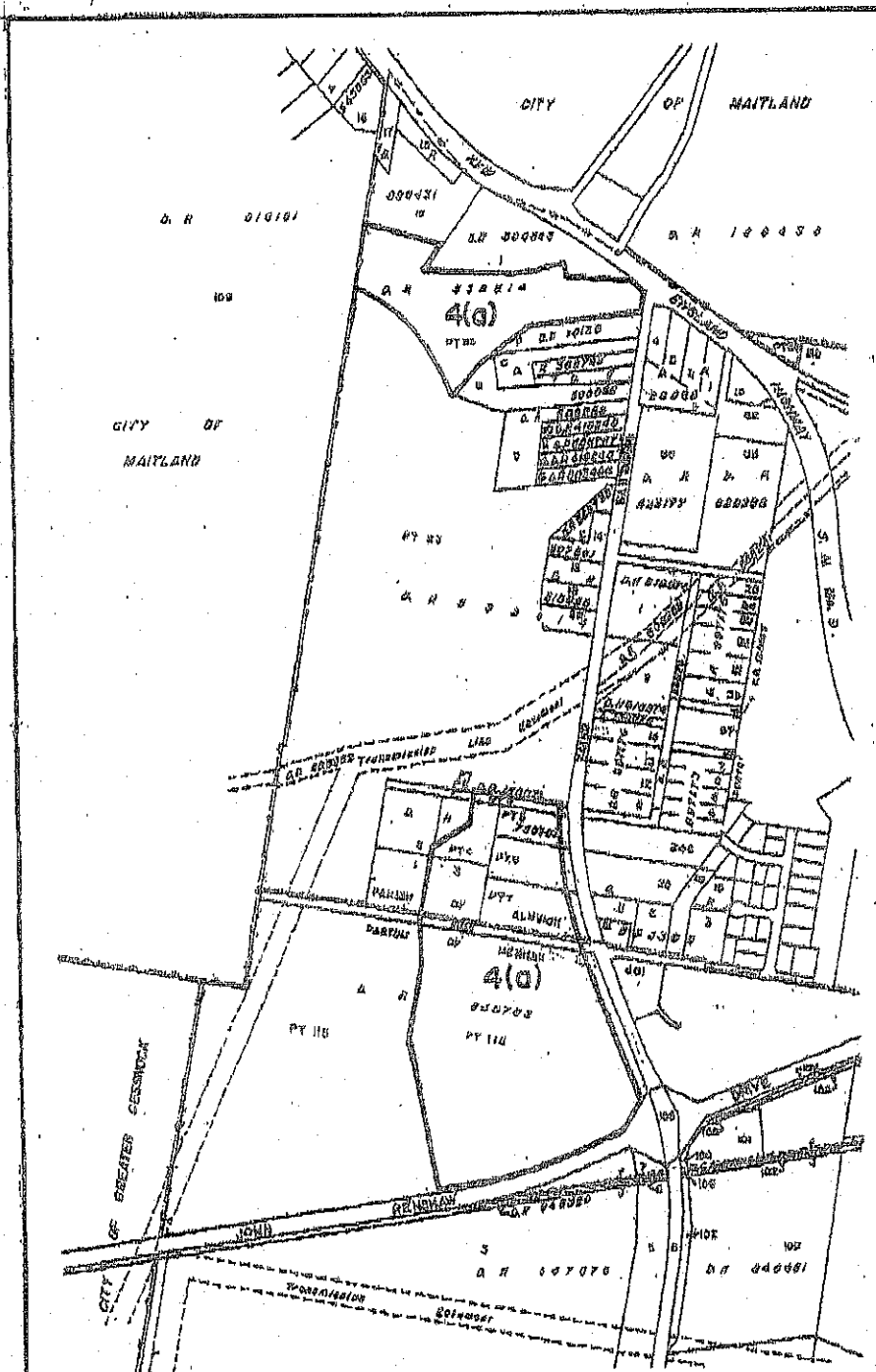
Relationship to other environmental planning instruments

4. This plan amends Newcastle Local Environmental Plan 1987 in the manner set out in clause 5.

Amendment of Newcastle Local Environmental Plan 1987

5. Newcastle Local Environmental Plan 1987 is amended by inserting, in appropriate order, at the end of the definition of "the map" in clause 9(1) the following words:

Newcastle Local Environmental Plan 1987 (Amendment No. 104).



4. INDUSTRIAL
(a) LIGHT INDUSTRIAL ZONE

4(a)

SHEET 1 OF
2 SHEETS



SCALE = 1:10000 LOCALITY = BENSFIELD

COUNT OF NORTHUMBERLAND
PARISH OF ALNWICK & HEXHAM

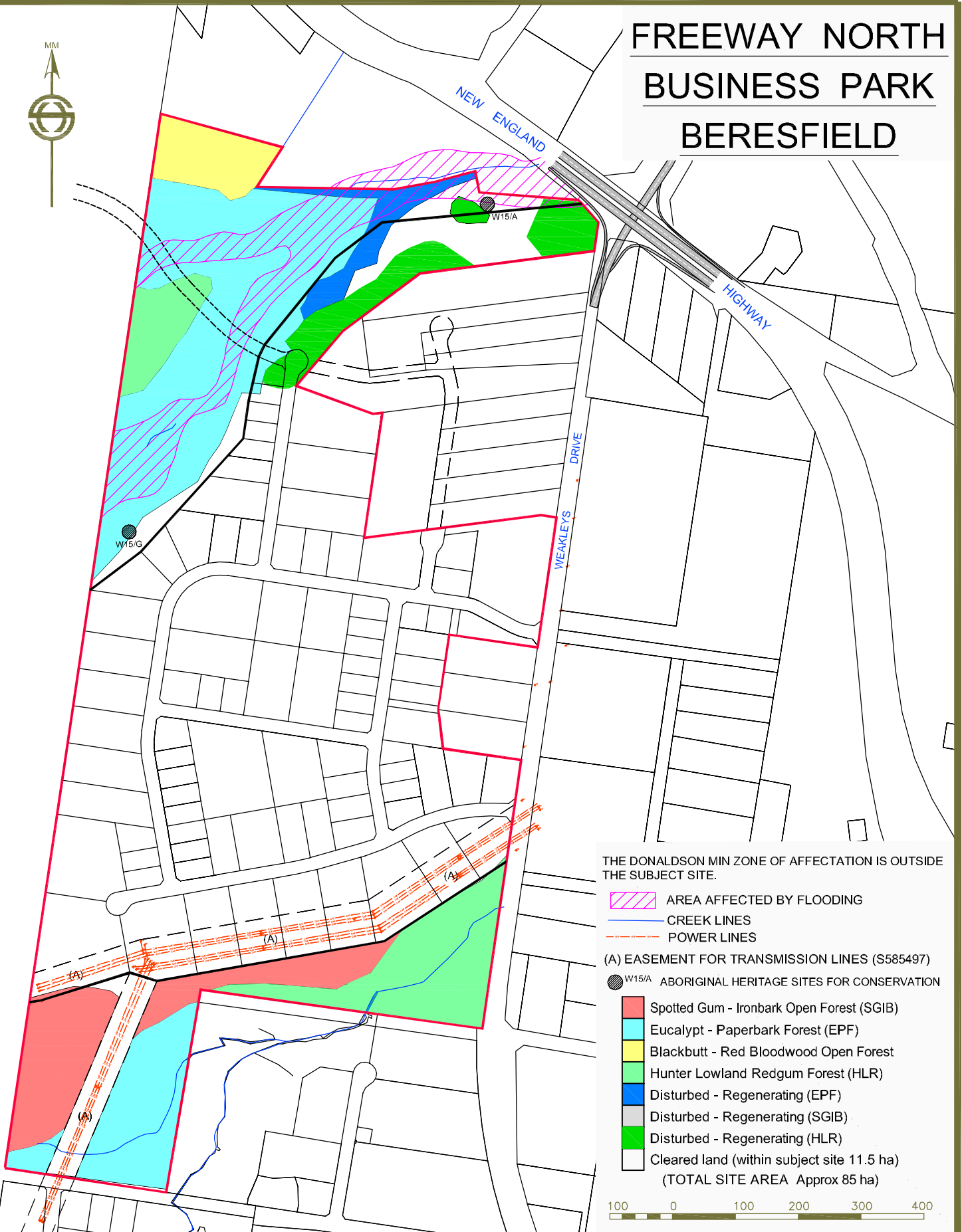
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
CITY OF NEWCASTLE (AMENDMENT No. 104)
NEWCASTLE LOCAL ENVIRONMENTAL PLAN, 1987

DRAWN BY J.C.	DATE 22.8.86	STATEMENT OF RELATIONSHIP WITH OTHER PLANS
SUPERVISING DRAFTSMAN		AMENDS NEWCASTLE LOCAL ENVIRONMENTAL PLAN, 1987.
PLANNING OFFICER J. DAVIES		
CERTIFICATE PLAN NUMBER 66/8		
COUNCIL FILE NO. 60/174/2000/81		
DEPT. FILE NO.		
GOVT. GAZETTE OF 11.8.2000		CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.

Janet Dore 4.7.00
GENERAL MANAGER DATE

APPENDIX C Constraints Plan

FREEWAY NORTH BUSINESS PARK BERESFIELD



TITLE: **APPENDIX C
CONSTRAINTS PLAN
FREEWAY NORTH BUSINESS PARK**

CLIENT: **THORNTON LAND COMPANY PTY LTD**

PLANNING SURVEYING ECOLOGY



SCALE: **1 : 4000 (A4)**

DATE: **8TH AUGUST 2006**

DATUM: **AD63**

ORIGIN: **AS SHOWN**

CONTOUR INTERVAL: **1M**

DRAWN: **E.CHESTERSON**

DESIGNED: **E.CHESTERSON**

SURVEYOR: **E.CHESTERSON**

APPROVED: **R.DWYER**

AUTOCAD REF: **21717-2A**

LAYOUT REF: **APPENDIX C**

JOB REF:

21717

SHEET **APPENDIX C**

241 DENISON STREET BROADMEADOW NSW PO BOX 428 HAMILTON NSW
T 02 4961 6500 F 02 4961 6794 Email: survev@hso.com.au

APPENDIX D Recent DEC Correspondence



Department of
Environment and Conservation (NSW)

Your reference
Our reference : DOC05/17584.emb.02/05595
Contact : Estelle Blair; 02 6659 8256
Date : 22 September 2005

Mr J Garvey
Director
Hunter Land Pty Ltd
PO Box 42
THORNTON NSW 2322

G.B.	
H.G.	
T.O.	
26 SEP 2005	
A.B.	
P.D.	

Dear Mr Garvey

Re: Review of Conservation Offsets for Proposed Business Park, Weakleys Drive Beresfield

I refer to your letters dated 26 August 2005 and 20 September 2005 providing additional information on the conservation offsets proposed to be zoned 7(a) Environmental Protection to support the above proposal. The following comments relate to statutory departmental responsibilities under the *National Parks and Wildlife Act 1974*, the *EP&A Act* and the *Threatened Species Conservation Act 1995*.

Your detailed account and map dated 15 August 2005 delineating additional lands to be set aside for conservation purposes has been reviewed. It is noted from previous correspondence dated 19 April 2005 from Mr John-Paul King of HWR Ecological that clearing and development on the northern side of the New England Highway has removed connectivity to the potential wildlife corridor along Scotch Dairy Creek. Thus potential corridor values along the creekline have been compromised. However protection of the drainage line is still a worthwhile objective.

It was previously noted that the concept plan proposed to rezone the creeklines containing some of the Hunter Lowland Red Gum Forest and almost all of the River Flat Eucalypt Forest as 7(a) Conservation Zone. This is supported. A recent alteration to the plan shows that the proposed 7(a) zone covering the north western part of the subject site containing River Flat Eucalypt forest and Hunter Lowland Red Gum Forest has been extended to include the adjacent small patch of Blackbutt-Red Bloodwood Forest. This addition is also supported.

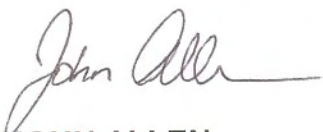
The extent of the southern section of the proposed 7(a) zone, covering Weakleys Flat Creek and sampling three vegetation communities south of the power line, is supported.

It would be beneficial to retain some Spotted Gum-Ironbark Forest as a buffer to the "Eucalypt-Paperbark Forest" (River Flat Eucalypt Forest) as indicated on the map along the southern arm of Scotch Dairy Creek. However, an extensive area of the former vegetation community may not need to be preserved on this Lot provided that

adequate provision is made for conservation areas on adjacent lands, as part of a broad regional strategy. Notwithstanding this, the proposal should consider asset protection zones for protection from bushfire, as Asset Protection Zones should not be included within the 7(a) Conservation Zone proposed in this correspondence.

Thank you for the opportunity to provide further comments on this proposal. Should you wish to discuss these matters further, please contact Estelle Blair, Conservation Planning Officer, on 02-6659 8256.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Allen', with a long horizontal flourish extending to the right.

JOHN ALLEN
Acting Manager Planning and Aboriginal Heritage
North East
Environmental Protection and Regulation Division

APPENDIX E Proposed development control table

Amended 4(a) Urban Services development control table

Zone 4(a) Urban Services Zone

1. Manner shown on zoning map

Land in this zone is edged heavy black and marked “4(a)” or coloured purple on the zoning map.

2 Zone objectives

- a) To accommodate a wide range of light industrial and transport, related activities and supportive commercial and retail activities that do not adversely affect the amenity of the neighbourhood.
- b) To accommodate a wide range of employment generating uses and associated support facilities with good access to the arterial road network for freight movement.
- c) To accommodate sales and storage operations requiring extensive space such as bulky goods retail outlets and accommodate supportive commercial and retail activities.

3 Development without consent

Any development identified in clause 13

4 Development only with consent

Any development not identified in item 3 or 5.

5 Prohibited development

Development for the purpose of:

aerodromes
agriculture
airstrips
bed and breakfast accommodation
boarding houses
camping grounds or caravan parks
cemeteries
clubs
commercial offices other than commercial offices that are ancillary to other permitted uses or provide direct services to other permitted uses in the immediate area
dwellings or dwelling-houses
eco-tourism facilities
educational establishments
exhibition homes
exhibition villages
extractive industries
generating works
hazardous industries
hazardous storage establishments
heliports

hospitals
hotels
industries other than light industries
institutes
intensive agriculture
liquid fuel depots
local shops other than local shops that are ancillary to other permitted
uses or provide direct services to other permitted uses in the
immediate area
mines
motels
natural water-based aquaculture
offensive industries
offensive storage establishments
pond-based aquaculture
ports
restaurants other than restaurants that are ancillary to other permitted
uses or provide direct services to other permitted uses in the
immediate area
roadside stalls
serviced apartments
shops other than shops that are ancillary to other permitted uses or
provide direct services to other permitted uses in the immediate
area
urban housing
waste management facilities or works.