

APPENDIX F. ENVIRONMENTAL PLANNING INSTRUMENTS & OTHER RELEVANT LEGISLATION

The proposal is subject to the following planning instruments and strategies:

State Environmental Planning Policy (Major Projects) 2005

State Environmental Planning Policy (Major Projects) 2005 outlines the types of development declared a major project for the purposes of Part 3A of the EP&A Act. For the purposes of the SEPP certain forms of development may be considered a Major Project if the Minister (or his delegate) forms the opinion that the development meets criteria within the SEPP.

On 18 September 2006, the Minister formed the opinion that the Freeway North Business Park is development of a kind that is described in Schedule 1 of the State Environmental Planning Policy (Major Projects) 2005 – namely Clause 11 - Development that employs 100 or more people or with a capital investment value of more than \$30 million for the purpose of other manufacturing industries, and Clause 12 - Development for the purpose of container storage facilities, or storage or distribution centres, with a capital investment value of more than \$30 million – and is thus declared to be a project to which Part 3A of the EP&A Act applies.

State Environmental Planning Policy No.11 – Traffic Generating Developments

The main objectives of SEPP 11 are to ensure that the Traffic Authority is made aware of and is given an opportunity to make representations in respect of development set out in Schedules 1 and 2. The scale of development proposed exceeds several criteria within these schedules. The Roads and Traffic Authority (RTA) have been consulted accordingly and their comments have been duly considered.

Draft SEPP 66 – Integration of Land Use and Transport

This Policy aims to ensure that urban structure, building forms, land use locations, development designs, subdivision and street layouts help achieve the following planning objectives:

- (a) improving accessibility to housing, employment and services by walking, cycling, and public transport,*
- (b) improving the choice of transport and reducing dependence solely on cars for travel purposes,*
- (c) moderating growth in the demand for travel and the distances travelled, especially by car,*
- (d) supporting the efficient and viable operation of public transport services,*
- (e) providing for the efficient movement of freight.*

It is considered that the proposal addresses the aims of this draft SEPP.

State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 promotes the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. An Environmental Site Assessment of Freeway North was undertaken by Parsons Brinckerhoff and is included with the concept plan. The assessment has been prepared in accordance with the requirements of SEPP 55. The primary objective of the investigation was to assess the suitability of the site in terms of potential for industrial development.

The site investigation identified a number of potentially contaminating activities including stockpiled building rubble, rubbish and car bodies. Based on the findings of the assessment and following completion of the recommended remedial works, the proposed development site would be considered a low risk property in terms of potential land contamination impacts and is considered suitable for the intended industrial use.

Newcastle Local Environmental Plan 2003

The site is currently zoned in Newcastle LEP 2003 as Zone 4(a) – Urban Services and Zone 7(c) – Environmental Investigation. The proposed business park is only permissible within the 4(a) zone.

The Proponent is seeking to have the Freeway North site declared a State significant site and rezone the site to Zone 4(a) – Urban Services and Zone 7(b) – Environment Protection. The proposed 7(b) Environmental Protection Zone is intended to protect those areas prone to flooding, containing Aboriginal sites, and environmental land (paperbark forest, spotted gum, Ironbark Open Forest, Hunter lowland Red gum forest, and

Blackbutt Red Bloodwood Open Forest). The remainder of land is then proposed to be zoned 4 (a) Urban Services to allow for employment generating land in the form of a business park.

The Department considers that rezoning and identifying permissible land uses is essential to this project. This is best achieved via Ministerial intervention using the Major Projects SEPP to rezone the land. The reason for this approach would be to overcome the current council delays, which has the potential to affect delivery of the NSW Government planning forecasts for this part of the State.

It should be noted that the concept plan for the business park and project application for subdivision can be considered and determined prior to the rezoning (via listing in the Major Projects SEPP) being finalised as the site is not located in an "*environmentally sensitive area of State significance*" and is not affected by Clause 8N(1) of the Environmental Planning and Assessment Regulation 2000.

Lower Hunter Regional Strategy

The Site is identified as future employment lands in the Lower Hunter Regional Strategy. The Freeway North Business Park will help in the delivery of employment targets of the NSW Government's Lower Hunter Regional Strategy, providing approximately 80 hectares of employment lands to the region, capable of generating 2100 jobs. Economic benefits to the NSW economy through the provision of jobs growth in the construction sectors will result.

Roads Act 1993

Section 75V of the *Environmental Planning & Assessment Act* provides that certain authorisations and approvals required under other legislation apply to approved projects. These approvals include consent of the RTA under s138 of the *Roads Act 1993* for various works. The proponent will therefore be required to obtain an approval from the RTA prior to any site works commencing.

Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1997

The Environmental Assessment identified that no National Environmental Significance matters or Commonwealth land are likely to be impacted by the proposal and therefore an approval from the Commonwealth Minister is not required.