

An aerial photograph of a landscape, likely a coastal or semi-rural area. In the foreground, there's a road with a median and some vegetation. The middle ground shows a large, open area with trees and possibly some industrial or commercial structures in the distance. The sky is overcast. A white line runs vertically on the left side of the image, and a horizontal white line runs across the middle, intersecting the vertical one.

URBIS

DESIGN GUIDELINES

Northbank Enterprise Hub, Tomago

Prepared for
NORTHBANK ENTERPRISE HUB PTY LTD
July 2024

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Alaine Roff
Associate Director	Naomi Ryan
Consultant	Oscar Davie
Project Code	P0036696
Report Number	Final

Urbis acknowledges the important contribution that Aboriginal and Torres Strait Islander people make in creating a strong and vibrant Australian society.

We acknowledge, in each of our offices, the Traditional Owners on whose land we stand.

All information supplied to Urbis in order to conduct this research has been treated in the strictest confidence. It shall only be used in this context and shall not be made available to third parties without client authorisation. Confidential information has been stored securely and data provided by respondents, as well as their identity, has been treated in the strictest confidence and all assurance given to respondents have been and shall be fulfilled.

© Urbis Ltd
50 105 256 228

All Rights Reserved. No material may be reproduced without prior permission.

You must read the important disclaimer appearing within the body of this report.

urbis.com.au

CONTENTS

1.	Introduction	1
1.1.	Purpose And Structure of Design Guidelines	1
1.2.	Aim and Objectives	1
1.3.	Application of these Design Guidelines	1
1.4.	Relationship to Project Approval	2
1.4.1.	MP07_0086 (and modifications)	2
1.4.2.	Condition 2 of Schedule 3	2
1.5.	Relationship with other Plans and Policies	3
1.6.	Estate Staging	4
1.7.	Structure of these Design Guidelines	4
1.8.	Appended Documents	5
1.8.1.	Appendix A Stage 3 Layout Plan	5
1.8.2.	Appendix B Stage 3 Landscape Masterplan	5
1.8.3.	Appendix C Design Guidelines Conditions Matrix	6
1.8.4.	Appendix D Consultation Overview	6
2.	General Design Objectives	7
3.	Site Planning	8
3.1.	Constraints	8
3.2.	Opportunities	10
4.	Built Form Guidelines for Individual Lots	11
4.1.	Pervious Site Coverage	11
4.2.	Building Height	11
4.3.	Setbacks	12
4.3.1.	Variations	12
4.4.	Additional Built Form Guidelines	13
5.	Landscape Design Guidelines for Stage 3	14
5.1.	Landscape Documentation for Development Proposals	14
5.2.	Plant Material on Individual Allotments	15
5.3.	Dimensional Guidelines	15
5.4.	Entrance Landscape Guidelines for Individual Allotments	17
5.5.	Boundary Screening	17
5.6.	Maintenance and Installation	18
5.7.	Artificial Illumination	19
6.	Traffic and Parking	20
6.1.	General	20
6.2.	Design Guidelines for Individual Lots	20
7.	Environmentally Sustainable Development	22
7.1.	Other Matters	22
8.	Acoustic Amenity and Reporting	23
9.	Water Management and Conservation	25
9.1.	Stormwater Management	25
9.1.1.	Detailed Stormwater Design	25
9.2.	Water Conservation	25
10.	Waste Management	27
10.1.	General Waste Management Objectives	27
10.2.	Construction Waste Management	28
10.3.	Operational Waste Management	28
11.	Disclaimer	30

FIGURES

Figure 1 Area of application for these Design Guidelines (Lot 210 in DP 1174939 or ‘Stage 3’) 3

Figure 2 Tomago Industrial Precinct in relation to Tomago House and the Chapel 9

Figure 3 Screened Stage 3 Estate Boundaries (indicative)..... 18

TABLES

Table 1 Structure of Design Guidelines 4

Table 2 Recommended Setbacks 12

Table 3 Dimensional Guidelines for Plant Material and Landscaping 15

1. INTRODUCTION

These Design Guidelines have been prepared by Urbis on behalf of Northbank Enterprise Hub Pty Limited (NEH) to satisfy Condition 2 of Schedule 3 to the Development Consent for MP07_0086 as it relates to Lot 210 in DP 1174939 (**Stage 3**). Specifically, these Design Guidelines have been prepared to guide development outcomes for all future allotments within Stage 3.

These Design Guidelines provide general provisions for all development within Stage 3, which is entirely contained in Lot 210 in DP 1174939 (to be subdivided in due course) and has an approximate area of 50 hectares. The provisions of this document are to be applied flexibly with respect to site-specific constraints and the range of permitted land uses under Appendix 2 of the *State Environmental Planning Policy (Precincts - Regional) 2021*.

1.1. PURPOSE AND STRUCTURE OF DESIGN GUIDELINES

These Design Guidelines establish general development controls that are to be applied flexibly for the purpose of facilitating the orderly development of all future allotments across Stage 3.

The provisions of these Design Guidelines will provide for high quality development outcomes and support the achievement of an aesthetically unified character form. Accordingly, these Design Guidelines have been informed by design and placemaking principles that are relevant to the context of Stage 3 of the Tomago Industrial Estate.

1.2. AIM AND OBJECTIVES

The principal aim of these Design Guidelines is to provide flexible guidance for the development of all future allotments within Stage 3 of the Tomago Industrial Estate, inclusive of buildings, car parking facilities, landscape treatments, and other mainstream land uses. The following overarching objectives have been integral to the development of these Design Guidelines:

- Satisfy Condition 2 of Schedule 3 of the Development Consent for MP07_0086 in a manner that is not discordant with the broader framework of conditions that are to be satisfied by NEH in relation to Stage 3 of the Tomago Industrial Estate.
- Establish general design objectives for development across Stage 3 of the Tomago Industrial Estate.
- Identify opportunities and constraints that are to be addressed by development within Stage 3 of the Tomago Industrial Estate.
- Establish site-specific Provisions to guide built form outcomes on all future allotments within Stage 3 of the Tomago Industrial Estate, as notated on the Stage 3 Layout Plan (**Appendix A**).
- Establish general guidelines for vehicle access, internal circulation, car parking, loading and bicycle storage facilities on individual allotments.
- Promote the integration of Environmentally Sustainable Design (**ESD**) principles with development outcomes on all future allotments across Stage 3 of the Tomago Industrial Estate.
- Provide stormwater development controls to support the implementation of the conditioned Stormwater Management Scheme for Stage 3 of the Tomago Industrial Estate, in addition to local engineering design guidelines that have been published by Port Stephens Council.
- Establish general construction and operational waste management guidelines for the development of all future allotments across Stage 3 of the Tomago Industrial Estate.

1.3. APPLICATION OF THESE DESIGN GUIDELINES

These Design Guidelines **only** apply to development within Lot 210 in DP 1174939, which is the site of 'Stage 3' to the Project Approval of MP07_0086. **It is expected that the only party who will implement these Design Guidelines is NEH. Specifically, NEH is expected to seek approval for the development of individual allotments within Stage 3 before transferring them to new owners where this is arranged. NEH as the proponent are aware of their responsibilities in relation to the Project Approval conditions.**

The area of application for these Design Guidelines is shown at **Figure 1** on Page 3 of this document.

1.4. RELATIONSHIP TO PROJECT APPROVAL

1.4.1. MP07_0086 (and modifications)

The site is subject to the following approvals:

- Project Approval MP07_0086 conditions, Modifications 1 and 2 including responses to submissions.
- Environmental Assessment prepared by Asquith & deWitt, November 2007.
- Statement of Commitments prepared by Asquith & deWitt, November 2007.
- Construction Environmental Management Plan (CEMP) prepared by ADW Johnson.
- EPBC Approval 2007/3343.
- Annual Environmental Monitoring Reporting.

The CEMP is the overarching document to the approved Management Plans for the site. The approved Management Plans include:

- Soil and Water Management Plan.
- Sediment and Erosion Control Plan.
- Acid Sulfate Soils Management Plan.
- Groundwater Monitoring Program.
- Aboriginal Heritage Management Plan.
- Vector Management Plan.
- Landscape Management Plan.
- Pre-clearing Survey Protocol and Amphibian Translocation Plan.
- Construction Noise Management Plan.
- Air Quality & Odour Management Plan.

The Wastewater Management Plan (Condition 14, Schedule 3) and associated Odour component of the Air Quality & Odour Management Plan were completed, however these were made redundant following the wastewater connection of Stage 1 to Hunter Water Corporation's regional wastewater network. This documentation will remain redundant, subject to the connection of Stage 3 allotments to the Hunter Water network. The project team is in the process of coordinating this arrangement with Hunter Water Corporation.

1.4.2. Condition 2 of Schedule 3

These Design Guidelines have been prepared to satisfy Condition 2 of Schedule 3 of the Consolidated Consent for MP07_0086. Condition 2 of Schedule 3 reads as follows:

Prior to the commencement of construction of Stage 2 and 3, the Proponent shall prepare Design Guidelines for the site to the satisfaction of the Director-General. These guidelines shall:

- (a) be prepared in consultation with DECC and Council;*
- (b) include the proposed layout of each stage; and*
- (c) detail development controls for the design and development of individual sites (such as site coverage, set backs, building heights, stormwater management and drainage, access and parking, landscaping, waste removal and storage, and energy and water conservation/efficiency requirements).*

Condition 2 requires these Design Guidelines to support the development of all future allotments within Stage 3 that are notated on the approved Layout Plan (**Appendix A**). The Layout Plan for Stage 3 was approved by Department of Planning, Housing and Infrastructure (**DPHI**) on 16 April 2023 reference Drawing 'TP100-CLEAN REV'D'.

These Design Guidelines have been prepared to facilitate the orderly development of Stage 3, which is contained within Lot 210.

NEH does not own Lot 212 (Stage 1) or Lot 211 (Stage 2). Any development across Stage 1 and Stage 2 would be the subject of separate Design Guidelines that will be prepared by their respective owners. It is expected that the only party who will implement the Design Guidelines is NEH. Specifically, NEH is expected to seek approval for the development of all future allotments within Stage 3 before transferring them to new owners where this is arranged.

These Design Guidelines for Stage 3 of the Tomago Industrial Estate may be revised in the future to address contingent or unforeseen developments in technology, legislation, market trends and industry practices. Further amendments may also be required to address the evolving context of Stage 3.

1.5. RELATIONSHIP WITH OTHER PLANS, POLICIES AND AUSTRALIAN STANDARDS

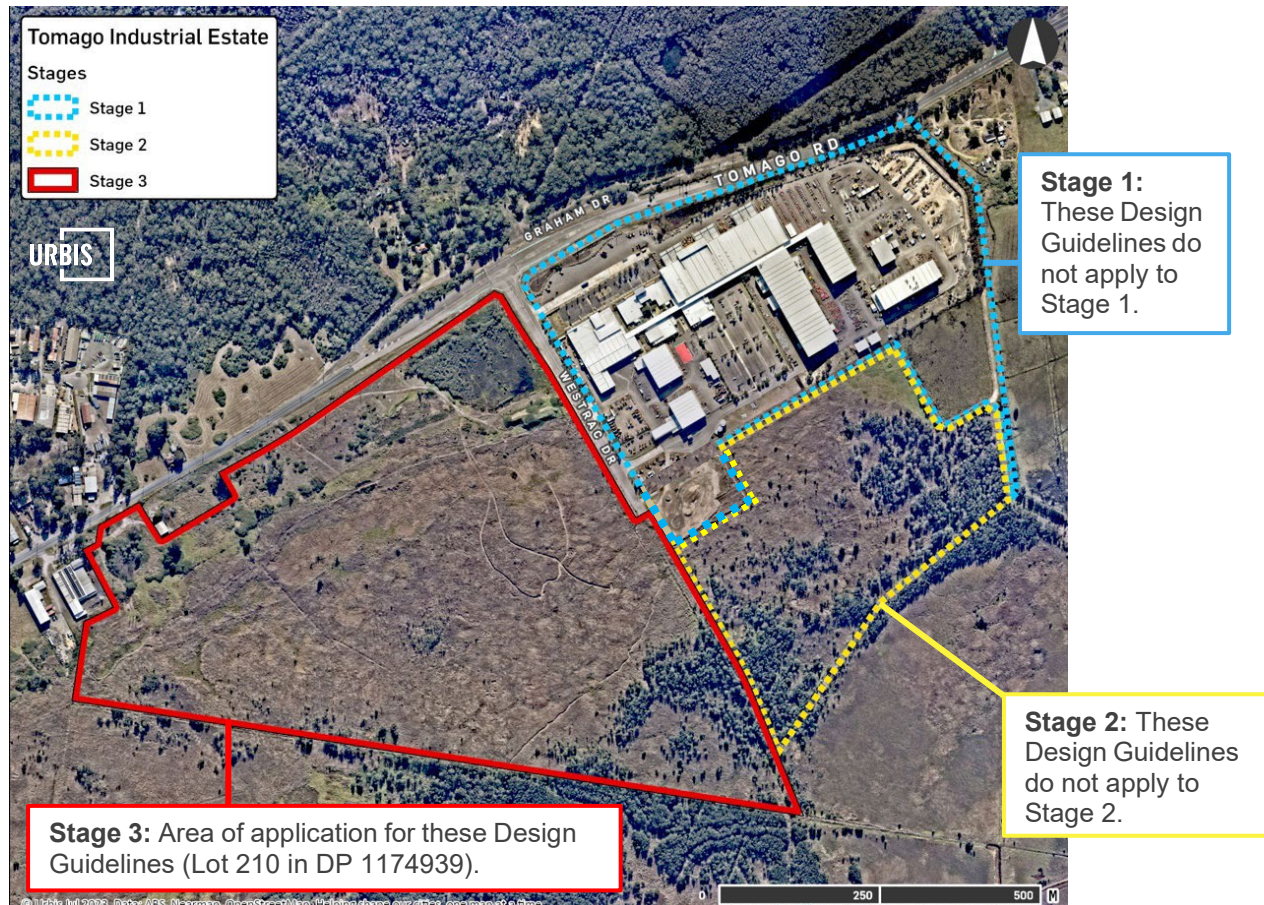
This document is not a statutory plan. It does not supersede or contravene any standard in Appendix 2 of the *State Environmental Planning Policy (Precincts - Regional) 2021*.

These Design Guidelines for Stage 3 of the Tomago Industrial Estate:

- Prevail where there is direct inconsistency with the [Port Stephens Council Development Control Plan 2014 \(PSDCP 2014\)](#). Certain provisions have been referenced directly within the Design Guidelines and therefore apply to development within Stage 3 of the Tomago Industrial Estate.
- Do not apply to Exempt Development or Complying Development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Where a development matter is not addressed by these Design Guidelines, reference should be made to the relevant provisions of the PSDCP 2014. Further direction around how these Design Guidelines should be implemented in relation to the PSDCP 2014 has been provided at **Appendix C**.

Figure 1 Area of application for these Design Guidelines (Lot 210 in DP 1174939 or 'Stage 3')



Source: Urbis (excl. Nearmap aerial underlay)

All future development will need to comply with the relevant Australian Standards, National Construction Code (**NCC**), and the Building Code of Australia (**BCA**). The Principal Building Certifier (**PCA**) will be responsible for ensuring compliance with these standards at Construction Certificate (**CC**) stage. The purpose of these Design Guidelines is not to replicate these building and construction standards.

1.6. ESTATE STAGING

This section is provided for context only.


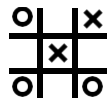


Northbank Enterprise Hub Pty Limited (**NEH**), formerly Redlake Enterprises, were issued the approval of MP07_0086 (**Project Approval**) on 7 August 2009. MP07_0086 established a framework for the staged development of a business and industrial estate (**the estate**) at Tomago Road, Tomago. The scope of this approval is summarised as follows:

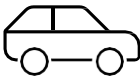




- Stage 1 (now complete). Stage 1 (Lot 212 in DP 1174939) contains the completed 'WesTrac Facility', which became operational in July 2012. Stage 1 and Part Lot 211 contains the State headquarters for Westrac, which is an industrial machinery supplier. It is understood that Stage 1 was acquired by an unrelated third party in 2017. These Design Guidelines do not relate to Stage 1.
- Stage 2, which is contained within a residual allotment known as Lot 211. Stage 2 is also owned by the unrelated third party. These Design Guidelines do not apply to Stage 2.
- Stage 3, which is contained within a separate residual allotment known as Lot 210. These Design Guidelines relate exclusively to development occurring within Stage 3, which is owned by the Proponent (NEH). As mentioned, NEH are expected to be the party that will be responsible for the lawful implementation of these Design Guidelines.

1.7. STRUCTURE OF THESE DESIGN GUIDELINES

The structure that has been adopted by these Design Guidelines is outlined at **Table 1**.

Table 1 Structure of Design Guidelines

Title	Section	Overview
 General Design Objectives	2.0	High-level design objectives that have regard for the principles and objectives from Urban Design for Regional NSW – A guide for creating healthy built environments in regional NSW .
 Site Planning	3.0	Site-specific opportunities and constraints that are to be accounted for by the development of all future allotments across Stage 3 of the estate.
 Built Form on Individual Lots	4.0	Provisions to guide development outcomes at a site-specific level (all future allotments within Stage 3), including pervious site coverage (4.1), building height (4.2), setbacks (4.3) and additional built form guidelines (4.4).
 Landscape	5.0	Landscape design provisions, including DA submission requirements (5.1), general plant material guidelines for all future allotments across Stage 3 (5.2), dimensional guidelines for planting and landscaping (5.3) and boundary screening (5.5). These landscape design provisions were peer reviewed by an Australian Institute of Landscape Architecture (AIA) accredited Landscape Architect

Title	Section	Overview
 Traffic and Parking	6.0	General guidelines (6.2) for vehicle access, internal circulation, car parking, loading and bicycle storage facilities.
 Environmentally Sustainable Design	7.0	Environmentally Sustainable Design initiatives to be considered by development across all future allotments within Stage 3 of the Tomago Industrial Estate.
 Acoustic Amenity and Reporting.	8.0	Objectives and controls for the management of noise and vibration impacts, in addition to guidelines that all acoustic reporting should be prepared to satisfy. Based on industry best practice for industrial estates.
 Water Management and Conservation	8.0	Stormwater development and water conservation and wastewater management provisions to support the implementation of the conditioned Stormwater Management Scheme for Stage 3 of the Tomago Industrial Estate.
 Waste Management	9.0	Construction and operational waste management guidelines for the development of all future allotments across Stage 3 of the Tomago Industrial Estate.

1.8. APPENDED DOCUMENTS

This section details documentation that has been appended to this document to facilitate the lawful implementation of these Design Guidelines across all future allotments within Stage 3 of the Tomago Industrial Estate. These appended documents are to be referred to and implemented in conjunction with these Design Guidelines.

1.8.1. Appendix A | Stage 3 Layout Plan

Condition 2(b) of the Development Consent for MP07_0086 requires these Design Guidelines to document the proposed layout of Stage 3. The approved Subdivision Plan for Stage 3 is supplied at **Appendix A** of the Design Guidelines to satisfy this requirement.

The Subdivision Plan for Stage 3 was approved by DPHI on 16 April 2023. These Design Guidelines will support the development of all future allotments within Stage 3, as notated on the approved Subdivision Plan at **Appendix A**.

1.8.2. Appendix B | Stage 3 Landscape Masterplan

Condition 36 of the Development Consent for MP07_0086 imposes specifications for the submission of a revised Landscape Masterplan for Stage 3 of the Tomago Industrial Estate. The Landscape Masterplan for Stage 3 has been prepared by a Landscape Architect that is registered with the Australian Institute of Landscape Architects (**AILA**) to satisfy Condition 36. This document is supplied at **Appendix B**.

The landscape guidelines at **Section 5.0** of these Design Guidelines have been prepared in coordination with the Landscape Masterplan for Stage 3, which involved a peer review process with specialist input from a Landscape Architect that is registered with AILA.

The Stage 3 Landscape Masterplan is an estate-wide (Stage 3) document. The landscape guidelines at **Section 5.0** of these Design Guidelines have been prepared to support the implementation of the Stage 3 Landscape Masterplan at a site-specific (individual allotment) level.

1.8.3. Appendix C | Design Guidelines Conditions Matrix

Notwithstanding the targeted scope of Condition 2 within Schedule 3, the Development Consent for MP07_0086 does establish a framework of other conditioned requirements that have been (or are to be satisfied by NEH in relation to Stage 3 of the Tomago Industrial Estate. It is necessary to ensure that the Design Guidelines are not discordant with this conditioned framework.

A Conditions Matrix that includes specific user-friendly directions that accompany these Design Guidelines has been provided at **Appendix C**. These provisions are intended to support the lawful implementation of these Design Guidelines to ensure there is no inconsistency with the conditioned framework for Stage 3 under the Development Consent for MP07_0086.

The directions at **Appendix C** should be considered to form part of these Design Guidelines, and should be adhered to in the absence of any sufficient merit-based alternative. The merit of any alternative justification (or lack thereof) is to be determined at the Consent Authority's discretion with reference to the relevant objectives of these Design Guidelines, the relevant conditions of the Development Consent for MP07_0086, and any applicable Environmental Planning Instrument (**EPI**).

1.8.4. Appendix D | Consultation Overview

Condition 2(a) of the Development Consent for MP07_0086 establishes the requirement to consult with the relevant departments/groups within the OEH (which was restructured after MP07_0086 was approved) to inform the preparation of these Design Guidelines. This consultation requirement has been fulfilled by an exhaustive program of engagement that has sought to achieve a best in practice outcome for Stage 3 of the Tomago Industrial Estate.

These Design Guidelines have been amended to sufficiently address agency feedback. This has been sufficiently demonstrated to the DPHI. Further reference should be made to the consultation material that has been provided at **Appendix D** of these Design Guidelines.

2. GENERAL DESIGN OBJECTIVES

These Design Guidelines have been prepared with regard for the principles and objectives from *Urban Design for Regional NSW – A guide for creating healthy built environments in regional NSW (Regional Urban Design Guide)*, prepared by the Government Architect New South Wales (**GANSW**). The Regional Urban Design Guide seeks to facilitate design outcomes that give effect to the seven key design objectives for NSW:

- | | |
|---|--|
| ▪ Better Fit
<i>Contextual, local and of its place.</i> | ▪ Better Working
<i>Functional, efficient and fit for purpose.</i> |
| ▪ Better Performance
<i>Sustainable, adaptable and durable.</i> | ▪ Better Value
<i>Creating and adding value.</i> |
| ▪ Better for Community
<i>Inclusive, connected and diverse.</i> | ▪ Better Look and Feel
<i>Engaging, inviting and attractive.</i> |
| ▪ Better for People
<i>Safe, comfortable and liveable.</i> | |

These Design Guidelines have been based on the general objectives that are listed below. These objectives respond to the overarching direction of the Regional Urban Design Guide within the context of Stage 3. Specifically, the intent of these Design Guidelines is to facilitate a high-quality development outcome that will:

- **Support strategic objectives for the Tomago Industrial Precinct.**

Support the achievement of development outcomes that are complementary to the strategic function of the Tomago Industrial Precinct in a manner that is not discordant with the relevant conditions within the Development Consent for MP07_0086.



- **Respond to land use trends and market conditions.**

Provide built form guidelines that respond to contemporary industrial land use trends and market conditions and satisfy the parameters of Condition 2(c) of the Development Consent for MP07_0086.



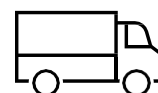
- **Create a high-quality and functional setting that promotes job creation and economic growth.**

Provide a functional and attractive environment that will support the accommodation of employment generating land uses and stimulate economic activity.



- **Orderly and safe arrangements for vehicle access and car parking.**

Address vehicle access and car parking requirements, while promoting safe interactions between vehicles and pedestrians, as required under Condition 2(c) of the Development Consent for MP07_0086.



- **Promote sustainable design interventions across Stage 3.**

Incorporate Environmentally Sustainable Design (**ESD**) initiatives to promote the achievement of sustainable design outcomes across Stage 3.



- **Respond to the environmental context of the estate.**

Establish stormwater management and landscape design guidelines that respond to the environmental context of Stage 3, including the proximity of the conservation lands in Lot 22 of DP1150980 (**Lot 22**).



3. SITE PLANNING

All development is to demonstrate regard for the environmental context and setting of Stage 3 (Lot 210), including the opportunities and constraints for development in this part of the estate.

3.1. CONSTRAINTS

- **Open Drain Easements:**

There are two existing open drains that extend along the southern and eastern site boundaries. Internal roads within Stage 3 that traverse the easement along Westrac Drive are to make spatial provision for the conveyance of stormwater into the open drain.



- **132kv Sub-transmission Overhead Power Line and Easement:**

This sub-transmission network authority asset is located within Stage 3 adjacent to Tomago Road. Development should not compromise the operation or integrity of this sub-transmission overhead power line. Development is to respect the easement to network authority requirements.

Tree plantings, hardstand and car parking areas should maintain an appropriate clearance distance from this sub-transmission overhead power line. This is to be accounted for by the landscape design outcome for Stage 3.



- **Conservation Lands (Lot 22):**

Lot 22 in DP 1150980 adjoins the south-east corner of Stage 3. Development must demonstrate regard for the proximity of these conservation lands. Where relevant, the conservation lands of Lot 22 should be considered in the context of the Hunter Wetlands National Park, which is recognised to be of international importance under the Ramsar Convention.



- **Intersection of Westrac Drive and Tomago Road:**

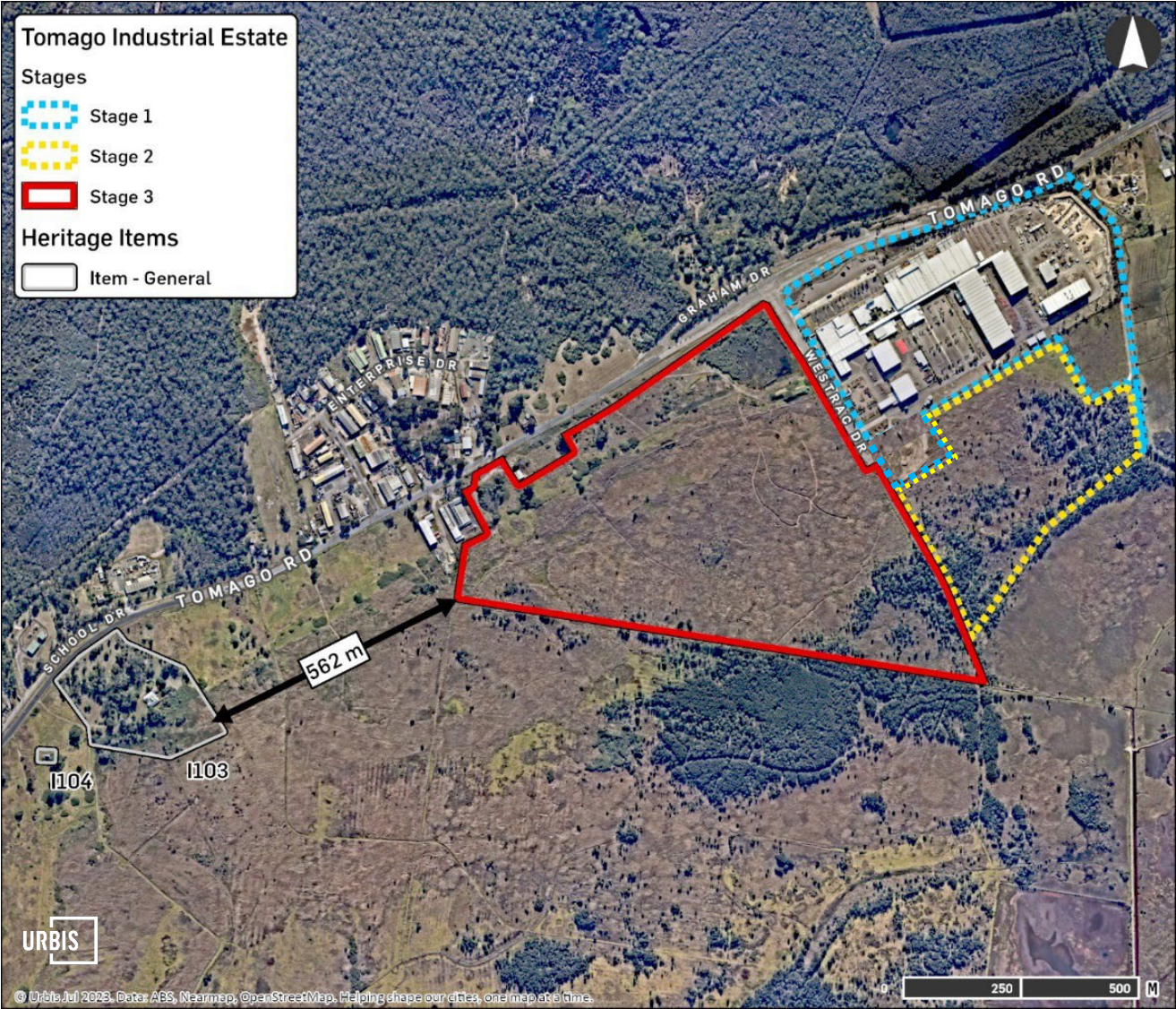
This constraint is relevant to all development sites that adjoin Westrac Drive towards the intersection with Tomago Road. Points of vehicle access to individual lots should be clear and south of the linemarked lanes provided on Westrac Drive at its intersection with Tomago Road i.e. accesses should be suitably clear from the intersection.

- **Tomago House and Chapel:**

Tomago House and the Chapel are enclosed by Lot 1001 DP 1127780 (**Lot 1001**), which is located over 550m from the western extent of Stage 3. Development is to consider potential impacts to high amenity sightlines towards Tomago House and the Chapel, which are the subject of a local heritage listing. Refer to **Figure 2** (over page).



Figure 2 Tomago Industrial Precinct in relation to Tomago House and the Chapel



Source: URBIS (excl. Nearmap aerial underlay)

3.2. OPPORTUNITIES

▪ Favourable Topography:

The site is generally flat, which is well-suited to the accommodation of land uses that are permitted under Appendix 2 of the *State Environmental Planning Policy (Precincts – Regional) 2021*.

- The flat topography of the Stage 3 is well-suited to the accommodation of larger building footprints.
- Development across individual allotments within Stage 3 will not be encumbered by any profound change to the elevation of natural ground level. This will support efficient business and industrial operations within a built-for-purpose setting.



▪ Existing Utility Infrastructures:

There are existing Ausgrid substations that are located within the vicinity of the site, which will minimise the potential for disruptions to power supply. The site is already well-serviced by infrastructure that was delivered to support the WesTrac facility (Stage 1), including:

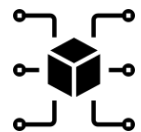
- Westrac Drive, including the signalised intersection to Tomago Road.
- Established utility networks and underground services, including sewer water and high voltage electricity infrastructures that can be augmented as necessary to service Stage 3 (the site).
- Future development within Stage 3 will be connected to existing sewer infrastructure at the southern end of Westrac Drive. This existing sewer infrastructure is connected to the wastewater transfer and treatment system of the network authority, Hunter Water Corporation. The project team is in the process of coordinating this arrangement with Hunter Water Corporation.



▪ Tomago Road:

Tomago Road provides a direct connection to the Pacific Highway, which is well-suited to the accommodation of uses that would benefit from ready access to regional and national supply chains. Access to the Stage 3 will be further enhanced by the M1 Pacific Motorway extension to Raymond Terrace.

There are existing plans to upgrade Tomago Road in the medium-term. Upon completion of these future upgrades, Tomago Road is envisaged to accommodate a dual carriageway.



▪ Complementary Land Uses:

The concentration of complementary land uses across the estate will promote synergies in production, freight, logistics and professional services. Future development should seek to leverage this opportunity where possible.



4. BUILT FORM GUIDELINES FOR INDIVIDUAL LOTS

The built form provisions of these Design Guidelines have been provided for the purpose of facilitating design development at a high level.

These provisions are to be applied flexibly with respect to site-specific constraints and the range of permitted land use opportunities for Stage 3 of the Tomago Industrial Estate.

4.1. PERVIOUS SITE COVERAGE

This section should be interpreted with a sound understanding of the following terms:

- **Site Coverage:**

‘Site coverage’ refers to a percentage value that reflects the proportion of a site that is covered by impervious surfaces.

- **Pervious Surfaces:**

Pervious surfaces generally include porous pavement and circulation areas, soft landscaping and green roofing. This section has been prepared to establish a minimum target proportion (%) of pervious site coverage for development on individual allotments.

- **Impervious Surfaces:**

Impervious surfaces generally include driveways, car parking and building footprints.

Stormwater modelling has been completed for Stage 3 under the conservative assumption that development on all future allotments across Stage 3 of the Tomago Industrial Estate would achieve a minimum of 10% pervious site coverage. This modelling assumption is conservative for the purpose of sizing suitable estate-wide stormwater management controls for Stage 3. These Design Guidelines build on this modelling assumption for the purpose of supporting site-specific design outcomes that reflect industry best practice.

Development on individual allotments within Stage 3 should target minimum 10% pervious site coverage. This is consistent with the maximum impervious site coverage requirement of 90% in the General Industrial Zone under Section B4 of the PSDCP 2014. Where this is not practical, the consent authority should consider the flexible application of this minimum target with regard for the following matters:

- The extent of inconsistency with the minimum target of 10% and other provisions of Section B4 within the PSDCP 2014.
- Land use objectives for the estate and the reasonable needs of the proposed land use(s).
- Cumulative impacts with respect to stormwater discharges from surrounding development.
- The surplus capacity of stormwater basins and drainage infrastructures that service Stage 3.
- Whether potential hazardous or offensive liquid discharges from hardstand surfaces will be appropriately contained and treated.
- Any alternative stormwater design resolution, as relevant.

With regard for the considerations above, the pervious site coverage target of 10% is to be applied flexibly to avoid presenting any unnecessary impediment to the accommodation of land uses that are permitted with consent in the applicable land use zone. This is consistent with the weight of the PSDCP 2014 and the intended effect of these Design Guidelines for Stage 3 of the Tomago Industrial Estate. Each lot will have an appropriate level of Gross Pollutant Trap control on site to regulate the quality of stormwater that will be discharged into the trunk drainage and stormwater control system.

4.2. BUILDING HEIGHT

There is no maximum permitted building height that applies to the site under the *Port Stephens Local Environmental Plan 2013 (PLEP 2013)* or the *State Environmental Planning Policy (Precincts – Regional) 2021*. Section C3 of the Port Stephens Development Control Plan 2014 (**PSDCP 2014**) contains the only control that regulates the height of development at the site, as quoted below.

C3.1 – Maximum height limit of 15m or a merit-based approach is taken where no height limit is specified under the Local Environmental Plan clause 4.3.

In the absence of a prescriptive height control that applies to the site, a merit-based approach will be used to assess the height of any development within Stage 3 that extends over 15m. This merit-based assessment approach should consider potential environmental impacts associated with the height, bulk and overall perceived scale of development.

4.3. SETBACKS

Section C3 of the PSDCP 2014 also establishes setback controls that have the principal objective of “ensur[ing] development is situated within an appropriate building envelope”.

These Design Guidelines have sought to establish setback provisions that complement the objective for Controls C3.2-C3.5 in the context of Stage 3. Recommended setbacks for development across Stage 3 are outlined at **Table 2** in alignment with the PSDCP 2014.

Table 2 Recommended Setbacks

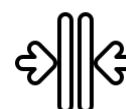
Lot Type	Setbacks
Lots with one street frontage.	Street Frontage: 6m Side: 3m Rear: 1.5
Lots with two or more street frontages.	Primary Frontage: 6m Other Frontages: Merit-based. The general alignment of adjoining development and nature of the proposed land use should be considered as relevant. Side: 3m Rear: 1.5m

4.3.1. Variations

Where any variation to the setback provisions at **Table 2** is proposed, it should be supportable with respect to the following matters:

- **Streetscape Amenity:**

Streetscape amenity and the hierarchical order of any adjoining street(s).



- **Street Alignment:**

The achievement of a street alignment that complements adjoining development.

- **Amenable Design Interventions:**

The appropriate use of soft landscaping and modulated design elements.



- **Level of Amenity to Adjoining Development:**

The nature of any impact to the level of amenity afforded to adjoining development.

- **Maintaining Amenity for Future Development:**

Preserving an appropriate level of amenity to support the envisaged function of the precinct.



4.4. ADDITIONAL BUILT FORM GUIDELINES

DAs for development across Stage 3 should make general reference to the following general built form design guidelines:

- **Incorporate an amenable façade design in the context of Stage 3.**

Building façades are encouraged to generate visual interest. Unrelieved expanses of wall or roof should be addressed with appropriate design or landscape treatments where practical.



- **Development should provide for an appropriate level of streetscape amenity.**

Development should support the achievement of an amenable streetscape design outcome in the context of the General Industrial Zone.



- **Development should respond appropriately to the primary street frontage.**

The front elevation should address the primary street frontage. Design outcomes should provide a safe, visually welcoming, and functional entry point.



- **Development is encouraged to achieve a visually coherent design outcome.**

The use of colour, materials, surface applications and finishes should be visually coherent where possible.

- **A safe and orderly arrangement for vehicle access is to be established.**

Vehicle and pedestrian entrances to any site should be clearly visible and sign posted. The siting of vehicle access points should demonstrate regard for the safety of pedestrians and motorists.



5. LANDSCAPE DESIGN GUIDELINES FOR STAGE 3

The existing undeveloped state of Stage 3 is characterised by the coverage of pasture grasses and favourable topography. The Stage 3 Landscape Masterplan (**Appendix B**) presents an estate-wide landscaping scheme that is supported by the finer-grain guidelines within this section, which have been peer reviewed by an AILA-accredited Landscape Architect. These Design Guidelines support the following general landscape objectives for development across Stage 3:

- **Support the implementation of the State 3 Landscape Masterplan.**

Landscape design outcomes on future allotments should generally support the implementation of the estate-wide Stage 3 Landscape Masterplan (**Appendix A**) at a site-specific (individual allotment) level.



- **Achieve an attractive and functional total landscaping outcome for Stage 3.**

Promote attractive and functional landscape design outcomes that are responsive to the environmental context for Stage 3.



- **Support the orderly and economic use of land in the General Industrial Zone.**

Support the accommodation of land uses that are consistent with the objectives for the General Industrial Zone.



- **Complement the historic context of the local area.**

Promote simple and cost-effective landscape treatments that respond to the historic significance of Tomago House and the Chapel.

- **Mitigate the potential for unacceptable visual impacts.**

Consider natural screening to mitigate the potential for adverse visual change.



- **Complement the natural profile of the local area.**

Establish a palette of vegetation that is consistent with the planting schedule of the appended Landscape Masterplan.

- **Facilitate viable arrangements for landscape maintenance.**

Support functional arrangements for vegetation management and the ongoing maintenance of landscaped space across Stage 3.



5.1. LANDSCAPE DOCUMENTATION FOR DEVELOPMENT PROPOSALS

Landscape plan(s) are to accompany development proposals for individual allotments. The landscape plan(s) should:

- Be prepared to a 1:100 scale, or an alternative scale that is appropriate to the nature of development proposed.
- Include a north point.
- Notate site boundaries and setback plantings.
- Identify the extent of underground and overhead services with reasonable accuracy.
- Identify the extent of proposed buildings, car parking areas, retaining walls, fencing, hardstand, any outdoor waste enclosures and loading docks.
- Convey the size of driveways and demonstrate spatial provision for vehicle passage.
- Identify existing vegetation to be retained or removed.
- Provide details for proposed vegetation, including species, number, size and spacing.
- Convey the extent of pervious site coverage and soft landscaping.

The submission of a Landscape Design Statement to support substantial landscape design proposals is generally encouraged. A provisional program of landscape maintenance over a 2-year period should be outlined, either in the Landscape Design Statement or Statement of Environmental Effects.

5.2. PLANT MATERIAL ON INDIVIDUAL ALLOTMENTS

Plant species are to be predominantly endemic. A schedule of recommended plant species has also been provided at **Appendix B** for Stage 3 of the Tomago Industrial Estate. This schedule is intended as a general guide that does not account for the variable nature of site-specific conditions that are unique to future (individual) allotments across Stage 3. Landscape design outcomes should incorporate a palette of vegetation species that:

- **Responds to site-specific conditions for Stage 3.**

Selected plant species should be suited to site conditions, including topography, the nature of the intended land use, exposure to weather elements.



- **Maximises tree canopy coverage.**

Will achieve sufficient canopy tree coverage across the site to support local and State government initiatives for urban cooling.



- **Has been informed by site-specific soil sampling.**

Soil sampling should be undertaken to ensure the selection of suitable plant species with respect to soil typology and drainage into the ground.



- **Supports habitat creation where practical.**

A diverse profile of vegetation should be established where possible to maximise potential habitats for native fauna, including highly mobile fauna species such as birds.

- **Would not compromise the achievement of technical compliance.**

Tree plantings are to conform with AS2303 (Tree Stock for Landscape Use) and other Australian Standards as relevant.



5.3. DIMENSIONAL GUIDELINES

Landscape design outcomes should reference the general dimensional guidance at **Table 3**. This table is intended as a general guide that should be applied flexibly on merit.

Table 3 Dimensional Guidelines for Plant Material and Landscaping

Landscape Matter	Dimensional Guidance
Soil Volumes and Key Dimensions	
Soil volume for trees and shrubs.	Between 45 litres and 200 litres.
Container / planter depth for shrubs.	Between 150mm and 200mm in depth.
Diameter of tubes for boundary screening plants.	Between 50mm and 70mm.
Height of shrubs / bushes.	Below waste level. Not to obstruct sightlines.
Height of tree canopy.	Not to obstruct horizontal sightlines when standing.
Recommended General Planting Densities	

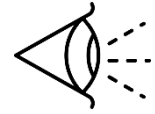
Landscape Matter	Dimensional Guidance
Large shrubs (>1.5m in height)	~1 shrub planting per square metre.
Small shrubs (<1.5m in height)	~2 shrub plantings per square metre.
Tubes (approx. 50mm ²)	~4 plantings per square metre.
Virotube	~6 plantings per square metre.
Frontage and Swale Planting	
Street tree planting intervals.	<p>In line at ~10m intervals within frontage setbacks excluding driveways.</p> <p>Avoid easement corridors. Select species that will not cause an excessive maintenance burden. Refer to the planting schedule of the appended Landscape Masterplan.</p>
Swale planting intervals.	<p>Variable.</p> <p>Avoid easement corridors. Select species that that can be periodically inundated with stormwater runoff. Refer to the planting schedule of the appended Landscape Masterplan.</p>
Outdoor Car Parks	
Shaded area.	Approximately 30% of the car park area.
Frequency of garden bays.	Every 6-8 continuous car spaces.
Size and design of garden bays.	<p>Each 'garden bay' shall be roughly proportioned to the area of 1 regular car parking bay. This is a general guide that may vary on a site-specific basis.</p> <p>Garden bays should have an appropriate edge treatment to protect plants from vehicles.</p>
Frequency of canopy trees.	1 per 6 car parking bays.

5.4. ENTRANCE LANDSCAPE GUIDELINES FOR INDIVIDUAL ALLOTMENTS

Appropriate landscape design interventions should be implemented at key entrance points to individual allotments in accordance with the following guidelines:

- **Enable visually distinguished driveway entrances to individual allotments.**

Site-specific landscape design responses should seek to visually distinguish driveway entrances to individual allotments.



- **Consider the placement of canopy trees with respect to the above.**

Canopy/feature trees will be located towards the edges of the primary point of vehicle access to individual allotments to provide for a cluster of canopy trees behind the row of trees lining the street frontage.

- **Maintain sightlines for ingress and egress.**

Plant material and other landscape elements should not obstruct viable sightlines towards or along routes of ingress or egress. This guideline should be considered in relation to all pedestrian and vehicle movement.



5.5. BOUNDARY SCREENING

Landscape design outcomes should incorporate screening to sensitive interfaces, including property boundaries. Development across Stage 3 should satisfy the following guidelines:

- **Planting corridors at side and rear boundaries.**

Spatial provision is encouraged for planting corridors that have a minimum approximate width of 3m to side and rear property boundaries. This is a general guide that has been drafted without regard for site-specific conditions.

Side boundaries should have single key species trees placed at 10-20m centres and smaller trees placed to form irregular groupings. Any understorey planting should generally be low shrubs and ground covers that provide visual access (for pedestrian safety) and clear passage of vehicles alongside circulation.



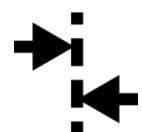
- **Use of evergreen trees to provide a windbreak where necessary.**

Landscape design outcomes are encouraged to incorporate evergreen trees to act as a windbreak from cold winter winds.



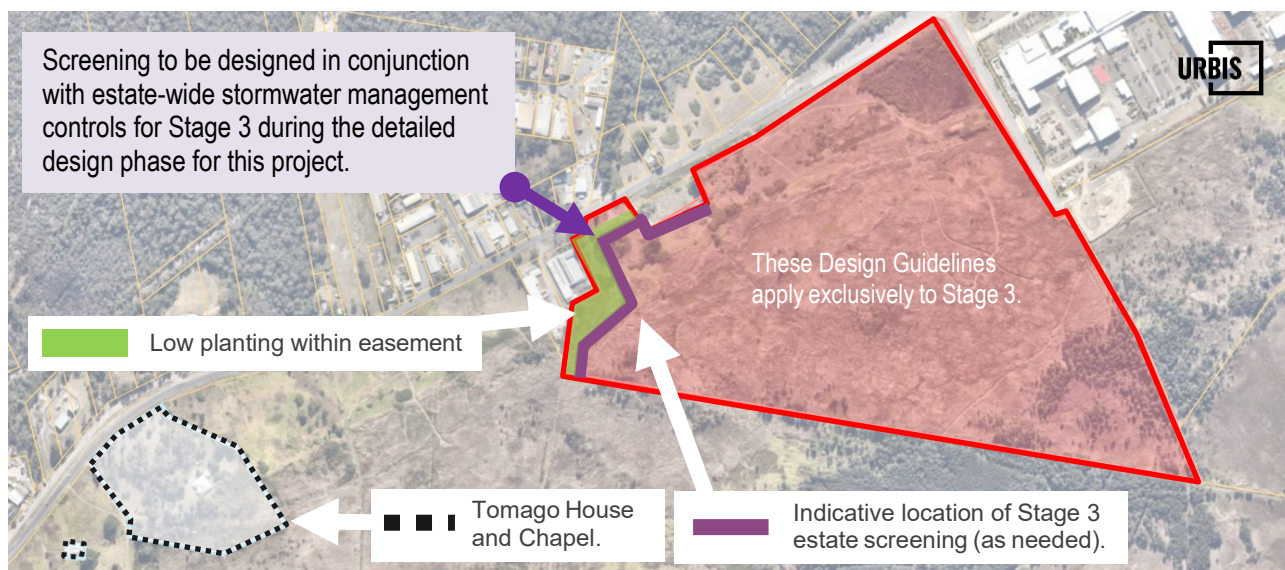
- **Screened estate boundaries.**

- Screening of development is required to mitigate visual impacts to Tomago House. Planting is to provide screening in accordance with Drawing 01 of the appended Landscape Masterplan. The planting schedule on this drawing sheet should also be referenced.
- Development that is not immediate to an estate boundary may benefit from site-specific screening in the same (west-facing) direction. The need for site-specific screening should be determined with regard for:
 - The temporary undeveloped state of land between Stage 3 and Tomago House and the scale of approved development.
 - Distance to Tomago House and the Chapel.
- Screening may be viable at select locations along the northern boundary of Stage 3, however a maximum growth height of 4m must be maintained within the 132kV overhead powerline easement along Tomago Road.



An indicative diagram of potential screening locations is provided at **Figure 3**, however design reference should be made to the appended Landscape Masterplan.

Figure 3 Screened Stage 3 Estate Boundaries (indicative)



5.6. MAINTENANCE AND INSTALLATION

As part of the landscape construction documentation, a maintenance program should be established for mulching, watering and weeding for the first 2 years after installation. Required checklists are to be submitted to the Principal or Principal's Representative documenting completion of the work. The installation of plant material should be undertaken in a manner that satisfies the following guidelines:

- **Suitable mulch should be used where required to accommodate planting.**

Mulching is required to satisfy the relevant Australian Standards. Developers should provide organic mulch with weed & disease-free certification to AS4454.



- **Suitable topsoil should be used where required to accommodate planting.**

Unless the select topsoil type can be provided from recovered site material (and meet AS4419), developers should ensure imported soil is to AS4419, free of noxious weeds and from a suitable off-site source.

Prior to importing soil, certification from a qualified geotechnical laboratory must be accepted by the Principal or Principal's representative. This certification should confirm that it meets AS 4419-2003 Soils for landscaping and garden use.



- **Imported plant material should be of good form and health.**

Imported plant material shall be of good form and health. It should be free from disease, weeds and insect pests. Nursery stock should be hardened off ready for planting 4 weeks before being transported from the nursery to the site for planting.

- **Recommended plant establishment period of 12 weeks.**

Provision should be made for a plant establishment period of 12 weeks (defects liability period) as part of the contract for landscape works.



- **Staking of large trees.**

Large trees should generally be staked to support healthy growth in a vertical alignment. The need for this may be variable for different tree species.



- **Use of Virgin Excavated Natural Material (VENM) for filling.**

As directed within Appendix C, any filling should utilise VENM. This is a conditioned requirement of the Development Consent for MP07_0086, under which these Design Guidelines have been prepared.

5.7. ARTIFICIAL ILLUMINATION

The establishment of directional and purpose lighting is expected for security and safety purposes. All lighting at the site should:

- Minimise light spill to the Hunter Wetlands National Park.
- Comply with *Australian Standard 4282 – Control of the obtrusive effects of outdoor lighting*.
- Consider the *National Light Pollution Guidelines for Wildlife* that were published by the Department of Climate Change, Energy, the Environment and Water in May 2023:

National Light Pollution Guidelines for Wildlife:

<https://www.dcceew.gov.au/sites/default/files/documents/national-light-pollution-guidelines-wildlife.pdf>

- Where necessary, support the implementation of Crime Prevention Through Environmental Design (CPTED) principles.

It is generally expected that the potential for unacceptable glare impacts can be addressed by the siting and orientation of development on individual allotments. Tree planting and other landscape treatments would also mitigate the potential for obtrusive glare impacts from illuminated elements.

6. TRAFFIC AND PARKING

6.1. GENERAL

A safe and efficient arrangement for vehicle and pedestrian access is to be established for development in each allotment. This can be readily achieved across Stage 3 due to the size of each allotment and the proposed built form controls at **Section 4** of this document. All future allotments within Stage 3 of the Tomago Industrial Estate are capable of providing an arrangement for vehicle and pedestrian access that:

- Satisfies the applicable technical design guidelines, including the relevant engineering design requirements published by Port Stephens Council.
- Complies with the applicable Australian Standards.
- Allows for the safe and orderly passage of pedestrians and vehicles to and from the site.

6.2. DESIGN GUIDELINES FOR INDIVIDUAL LOTS

The following requirements should also be addressed by development under these Design Guidelines:

▪ **Vehicle Access:**

The following requirements apply in relation to vehicle access:

- Vehicle and pedestrian sight distance requirements must satisfy the applicable Australian Standards.
- If a vehicle accessway is to accommodate heavy vehicles, it should be designed to satisfy design specifications that have been published by Port Stephens Council, in addition to the applicable Australian Standards.
- The WesTrac facility (Stage 1) is serviced by three at-grade vehicle access points into Lot 212 from Westrac Drive. Where additional points of vehicle access are provided, this must not compromise the orderly function of vehicle access into/from Stage 1.
- Crossovers may be shared where lots/development is amalgamated. The design of any crossover that traverses an easement is not to compromise the approved stormwater drainage design.
- Development on future allotments should be supported by Swept Path Diagrams that are based on appropriate design vehicle(s) to demonstrate that a compliant site-specific arrangement for vehicle access, manoeuvring and circulation is achievable.



▪ **Internal Circulation:**

The following requirements apply in relation to the internal (on-site) circulation of vehicles and pedestrians:

- Development should provide a circulation system that promotes safety, efficiency, and convenience. The provisions of these Design Guidelines support the achievement of this objective at a site-specific level.
- Design provision is to be made for vehicles to maneuver on site and return to the road in a forward motion. This should be demonstrated by appropriate swept path diagrams.
- Pedestrian paths shall be clearly marked and separated from areas that are frequented by moving vehicles.



▪ **Estate-Wide (Stage 3) Vehicle Access Arrangements:**

Development must not compromise estate-wide (Stage 3) arrangements for vehicle access, including the passage of 'B-Doubles' through the network of internal streets within Stage 3.



▪ **Car Parking, Loading Facilities and Bicycle Storage:**

The following requirements relate to the general design of carparking, loading facilities, and bicycle storage:

– In relation to car parking:

- Customer/client car parking is generally encouraged within the front setback and/or in front of the main or primary building(s) within the allotment.
- Car parking facilities should be well lit, with clear sight lines between parking spaces and building entry points.
- The provision of on-street car parking is strongly discouraged, and has not been accounted for in the conceptual Landscape Masterplan that has been appended to these Design Guidelines. Each allotment should provide off-street car parking in accordance with the applicable Australian Standards.
- The design of car parking facilities should be capable of satisfying the applicable provisions of the *Disability Discrimination Act 1992 (DDA 1992)*.



– In relation to loading facilities:

- Where possible, loading areas should be spatially distinguished from car parking areas.

– In relation to bicycle storage and End of Trip (EOT) facilities:

- The provision of bicycle storage and EOT facilities is generally encouraged to promote active modes of transportation.
- EOT facilities should include showers and changing facilities.



7. ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT

Supporting the integration of Environmentally Sustainable Design (**ESD**) initiatives with design outcomes is a foundational objective for these Design Guidelines. The energy conservation guidelines below have been provided to reinforce this objective at a site-specific level.

▪ **Passive Design Interventions:**

The integration of potential passive design interventions should be considered. Potential passive design interventions include:

- Design elements that provide for an improved level of solar amenity.
- Orientation and openings to maximise natural lighting.
- Shaded areas for outdoor congregation. The need for shaded outdoor space may vary by land use and should be considered on merit.
- Floorplate configurations that facilitate crossflow ventilation where possible.



▪ **Internal Lighting:**

Development is encouraged to utilise energy efficient lighting fixtures in the internal fit out design, such as:

- Light-emitting diode (**LED**) lighting systems.
- Motion activated lighting.
- Digital management systems for lighting.



▪ **External Lighting:**

Outdoor spaces should also utilise energy efficient lighting solutions, such as:

- T5 Triphosphor Fluorescent and/or LED lighting.
- Time clock and/or photo sensitive cells to control operation hours.
- Motion activated lighting.



▪ **Heating, Ventilation and Air Conditioning Systems:**

Heating, ventilation and air conditioning (**HVAC**) systems should locate external units in shaded areas where practical. The installation of energy-efficient HVAC systems is encouraged.

The guidelines above do not preclude any development or activity from the requirement to satisfy the applicable provisions of the *State Environmental Planning Policy (Sustainable Buildings) 2021* (**Sustainable Buildings SEPP**).



7.1. OTHER MATTERS

▪ **Odour Management and Air Quality:**

- Offensive odours should not be emitted. Appropriate odour management and air quality control measures should be implemented as necessary in accordance with Control B3.1 of the PSDCP 2014 and the *Protection of the Environment Operations Act 1997* (**POEO Act**).
- Reference should be made to the *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* (**Approved Methods**) that were published in 2022, which supersede the former methods that are referred to by Control B3.1 of the PSDCP 2014.



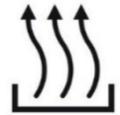
Approved Methods:

<https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/air/22p3963-approved-methods-for-modelling-and-assessment-of-air-pollutants.pdf>

- Any applicable requirements within EPA's technical framework *Assessment and management of odour from stationary sources in NSW (Odour Guideline for Stationary Sources)* should be adhered to.

Odour Guideline for Stationary Sources:

<https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/air/20060440framework.pdf>



8. ACOUSTIC AMENITY AND REPORTING

This section has been included and structured as directed by DPHI.

8.1. NOISE AND VIBRATION OBJECTIVES

- **Healthy and amenable noise and vibration management outcomes.**

Ensure noise and vibration do not adversely impact human health and amenity.

- **Productive and safe working environments.**

Ensure building design adequately protects workers from noise and vibration.

8.2. NOISE AND VIBRATION CONTROLS

This section provides noise and vibration controls for development within Stage 3 of the Tomago Industrial Estate, which should be satisfied to achieve consistency with the objectives above.

- **Sound-proofing:**

Any machinery or activity considered to produce noise emissions from a premise shall be adequately sound-proofed so that noise emissions are in accordance with the provisions of the *Protection of the Environment Operations Act 1997*.

- **Use of mechanical plants and equipment:**

The use of mechanical plant and equipment may be restricted in areas close to sensitive receivers.

- **Noise amelioration features:**

Building design is to incorporate noise amelioration features. Roof elements are to control potential breakout noise, having regard to surrounding topography. Boundary fences are to incorporate noise amelioration features and control breakout noise having regard to developments adjoining rural-residential areas.

- **Australian Standards for Noise and Vibration:**

Comply with the relevant Australian Standards for noise and vibration.

- **Hours of Operation:**

The consent authority shall have regard to the likely impact of the trading hours of a particular activity on the amenity of adjoining sensitive receivers.

- **Approved noise limits under MP07_0086 shall be satisfied.**

The Applicant must ensure that the noise generated from the site does not exceed the noise impact assessment criteria in Table 2 of the Consolidated Development Consent for MP07_0086.

- **All development must satisfy the Noise Policy for Industry (2017)**

Or equivalent at the time of lodgement.



8.3. GUIDELINES FOR ACOUSTIC REPORTING

This section provides guidelines that Acoustic Reports should be prepared to satisfy in relation to the development of individual allotments.

▪ When is an Acoustic Report required?

An Acoustic Report by a suitably qualified professional must be submitted where proposed development, including traffic generated by that development, will create noise and/or vibration impacts, either during construction or operation, that impacts on adjoining developments or nearby rural-residential areas. An Acoustic Report shall be prepared for developments within 500m of rural/residential areas and other sensitive receivers.



▪ Who is a 'suitably qualified professional' in the context of acoustic reporting?

Acoustic reporting should be prepared by a competent person who must satisfy one or more of the following:

- Has qualifications and/or experience sufficient to fulfil the requirements of 'member' grade of the Australian Acoustical Society (AAS).
- Undertakes the duties of an acoustic consultant on behalf of a consultancy firm that is a member of the Association of Australasian Acoustical Consultants (AAAC)
- Has a recognised tertiary qualification in a discipline pertinent to acoustics.
- Is able to show competence through professional experience and/or technical expertise to the satisfaction of the consent authority.
- More guidance can be found in the Approved Methods for the Measurement and Analysis of Environmental Noise in NSW (EPA 2022).



▪ What should generally be assessed?

The acoustic assessment should include but not be limited to; the location of all sensitive receptors, an assessment of background noise; noise emission goals (including sleep disturbance); the identification and assessment of all potential noise and vibration sources associated with the development; hours of operation, the potential impact of any road traffic noise and proposed hours of operation.



The assessment must also outline the noise and vibration mitigation, monitoring and management measures. This should include but not necessarily be limited to mitigation and management measures, siting, orientation and architectural design of buildings etc and validation processes.



▪ Requirement to address cumulative impacts:

Acoustic Reports must also assess cumulative noise impacts, including likely future noise emissions from the development and operation of the Precinct. The consultant should liaise with the relevant consent authority to determine acceptable amenity goals for individual industrial developments and background noise levels.

▪ Evaluation of mitigation measures.

Acoustic Reports must explain how any noise impacts will be managed by setting out the recommended feasible and reasonable mitigation measures and providing information to explain how those recommended mitigation options have been evaluated and selected.



9. WATER MANAGEMENT AND CONSERVATION

The Tomago Wetlands are a part of the internationally significant Hunter Estuary Wetlands and provide vital habitat for many threatened animals and plants. Water is an essential element to the longevity of this fragile wetland ecosystem.

In keeping with the water-sensitive ecological context for Stage 3, development on all future allotments across Stage 3 of the Tomago Industrial Estate should employ practical measures to manage and conserve water resources. Consistency with the stormwater management and water conservation guidelines at **Section 9.1** and **Section 9.2** should be achieved in the absence of a sufficient merit-based justification where there is no conflict with statutory obligations.

9.1. STORMWATER MANAGEMENT

The approved stormwater design includes a system of open drains that traverse Stage 3. These Design Guidelines provide stormwater management controls to support the efficient and sustainable operation of the conditioned Stormwater Management Scheme for Stage 3. Development on individual lots should satisfy the following site-specific controls:

- **Section B4 of the PSDCP 2014:**

Stormwater design outcomes and management practices should be consistent with the relevant controls of Section B4 of the PSDCP 2014. These Design Guidelines have sought to make direct reference to Section B4 at Council's request.

- **Hunter Water Act 1991:**

Development that, in the opinion of the Consent Authority, has the potential to significantly adversely affect the water quality of the drinking water catchment will be referred to Hunter Water under section 51 of the *Hunter Water Act 1991*. Development or activities which pose unacceptable risks to a drinking water catchment are not likely to be supported by Hunter Water.

9.1.1. Rainwater Tanks

Development on future allotments should seek to incorporate rainwater tank(s) with an in-situ capacity that equates to 5 kilolitres per 100m² of roof area. This is a recommended site-specific (individual allotment) measure in the conditioned Stormwater Management Scheme for Stage 3 of the Tomago Industrial Estate.

9.1.2. Detailed Stormwater Design

The final stormwater design should be constructed to the relevant stormwater design specifications that have been published by Port Stephens Council. These design specifications are available online:

Engineering Standards and Infrastructure Specifications:

<https://www.portstephens.nsw.gov.au/development/infrastructure-specifications>

Opportunities to re-use stormwater can depend on the nature of development proposed. Therefore, at-source initiatives on individual lots for minimising runoff may be utilised to compensate or offset portions of the above water re-use requirements. At-source resolutions may include rain gardens and other recognised water quality improvement controls.

9.2. WATER CONSERVATION

Water re-use opportunities are sometimes limited by the nature or necessity of an activity. Therefore, various at-source initiatives on individual lots for minimising runoff may be utilised to achieve suitable development outcomes in respect to water conservation.

Potential interventions for water conservation have been outlined below.

- **Water-Efficient Appliances and Fixtures:**

Use of water-efficient appliances and fixtures are recommended to reduce potable water consumption, including the following cost-effective measures:

- Water-efficient fixtures that have achieved a minimum 3.5-star rating under the Water Efficiency and Labelling Scheme (**WELS**), including:

- Showerheads.
- Tapware and flow regulators.
- Dual-flush toilets.

▪ **Landscape Irrigation Systems:**

The installation of water-efficient irrigation systems is encouraged, including:

- Low-flow trickle dripper systems, or coarse sprays where necessary.
- Programmable controller/timer system.
- Drip irrigation to canopy trees and mulched garden beds & spray irrigation to turfed areas.

▪ **Behavioural Interventions:**

Practical behavioural management measures should be explored to encourage the conservative use of water resources where possible. This is relevant to the operational scope of development.

10. WASTE MANAGEMENT

10.1. GENERAL WASTE MANAGEMENT OBJECTIVES

▪ Waste Minimisation:

Minimise the overall environmental impact of waste generated during the construction and operational phases of development. Promote design resolutions and construction techniques that minimise waste generation.

Development should consider the EPA's Waste Classification Guidelines where waste generation is estimated:

EPA Waste Classification Guidelines:

<https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/waste-classification-guidelines>

▪ Council Initiatives for Waste Management:

Implement the *Port Stephens Council Waste Management Strategy 2021-2031 (PSC Waste Management Strategy)* at a site-specific level. Applicants should note the following:

- Waste avoidance and reuse behaviours are encouraged for the purpose of minimising waste generation.
- Applicants should demonstrate reasonable regard for the four 'Key Outcomes' of the PSC Waste Management Strategy as they relate the proposal.
- The embracement of relevant circular economy opportunities would be considered favourably.
- The PSC Waste Management Strategy is linked below for further reference:

PSC Waste Management Strategy:

<https://www.portstephens.nsw.gov.au/trim/other?RecordNumber=21%2F324476>

▪ NSW Sustainable Materials Strategy:

The *NSW Waste and Sustainable Materials Strategy 2041 (NSW Waste and Sustainable Materials Strategy)* should be referenced as relevant.

NSW Waste and Sustainable Materials Strategy:

<https://www.epa.nsw.gov.au/your-environment/recycling-and-reuse/strategic-direction-for-waste-in-nsw/waste-and-sustainable-materials-strategy>

▪ Separation of Waste Streams:

Establish clear procedures to separate different waste streams, which are to compliment waste collection and management services.

▪ Procedures for Special Waste and Trade Waste:

Establish procedures that support relevant waste management guidelines and standards for the storage and disposal of 'Special Waste' and 'Trade Waste'.



10.2. CONSTRUCTION WASTE MANAGEMENT

- **Storage and Separation of Construction Waste:**

Provide for the adequate storage and separation of construction waste.

- **Sustainable Waste Management Practices:**

Waste minimisation and recycling should be promoted wherever possible.

- **Site-Specific Construction Waste Management Strategy:**

Contractors would be required to adhere to site-specific construction waste management practices that may be imposed as a condition of consent.



10.3. OPERATIONAL WASTE MANAGEMENT

- **Operational Waste Management Plan:**

A Waste Management Plan (**WMP**) is to be submitted with all development applications for new and change-of-use developments that will generate operational waste. The WMP should:

- Be prepared by a suitably qualified waste management professional.
- Employ industry-standard methodologies to calculate waste generation rates.
- Detail the types of waste and likely quantities of waste to be produced.
- Include a Site Plan details the design and extent of waste storage area(s).



- **Design of Waste Storage Areas**

Storage areas should be designed to address the needs of the proposed land use. The following requirements should be satisfied in this regard:

- The extent and design of waste storage area(s) must be detailed on DA design documentation submitted to the consent authority.
- Waste storage areas are to satisfy the design specifications of the WMP.
- More than one storage area may be required in order to provide sufficient storage or to meet criteria for the access and transfer of waste and recycling.
- The layout of waste storage areas is to facilitate the separation of waste streams.
- Waste storage areas should be sited at a location that provides for the efficient transfer of waste material to waste collection vehicles.



- **Waste and Recycling Collection Points:**

As above, waste management facilities must be designed to accommodate local waste collection services at the site. The design and position of waste and recycling collection points is to:

- Be level and free from potential obstructions to the orderly passage of waste collection vehicles.
- Have a sufficient height clearance for waste collection vehicles in accordance with the applicable Australian Standards.
- The WMP should be supported by swept path analysis diagrams to demonstrate how waste collection vehicles will access waste collection points in accordance with the applicable Australian Standards.



▪ **Special Waste:**

‘Special Waste’ is any class of waste that has unique regulatory requirements. All special waste must be managed to minimise the risk of harm to the environment and human health. Special Waste means any of the following:

- Clinical and related waste.
- Asbestos waste.
- Waste tyres.
- Any waste material that is classed as special waste under an Environmental Protection Authority (**EPA**) gazettal notice.

Developers are to liaise with Council and the EPA to establish appropriate arrangements for the management of any special waste.



▪ **Trade Waste:**

‘Trade Waste’ is any liquid waste that is generated by non-residential development. Any development that will generate Trade Waste must satisfy the following requirements:

- Only trade wastewater which complies with specific guidelines may be discharged into the sewage system.
- Development should comply with the applicable requirements and guidelines for the management of trade waste that have been published by the Hunter Water Corporation.

It is an offence under Section 31 of the Hunter Water Act 1991 to discharge any substance into a sewer or other works owned by Hunter Water Corporation without its prior written consent.



DISCLAIMER

This report is dated July 2024 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Northbank Enterprise Hub Pty Ltd (**Instructing Party**) for the purpose of establishing Design Guidelines for Stage 3 of the Northbank Enterprise Hub, Tomago (**Purpose**) and not for any other purpose or use. These Design Guidelines are to be applied flexibly. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A

APPROVED STAGE 3 LAYOUT PLAN

Our ref: MP07_0086-PA-13

Mr Scott Day
Principal Engineer
Torque Projects Pty Ltd
3 Laycock Street
Carey Bay NSW 2283

16 August 2023

Subject: Approval of the Estate Layout Plan for Stages 2 and 3 (Condition 1 of Schedule 3)

Dear Mr Day

I refer to your submission dated 30 June 2023, seeking approval of the revised Estate Layout Plan, as required by Condition 1 of Schedule 3 of MP07_0086, as modified.

The Department has reviewed the revised Estate Layout Plan and concludes it addresses Condition 1 of Schedule 3 of MP07_0086, as modified. Accordingly, as delegate of the Planning Secretary, I approve the revised Estate Layout Plan prepared by Torque Projects, 28 June 2023, Drawing No. TP100-CLEAN REVD. Please ensure that the approved plan is placed on the project website at the earliest convenience.

The Department notes the approval of the revised Estate Layout Plan is not an endorsement of the stormwater management scheme that has been identified for information only as part of this plan. You are reminded that if there are any inconsistencies between the stormwater management scheme and the conditions of approval, the conditions prevail.

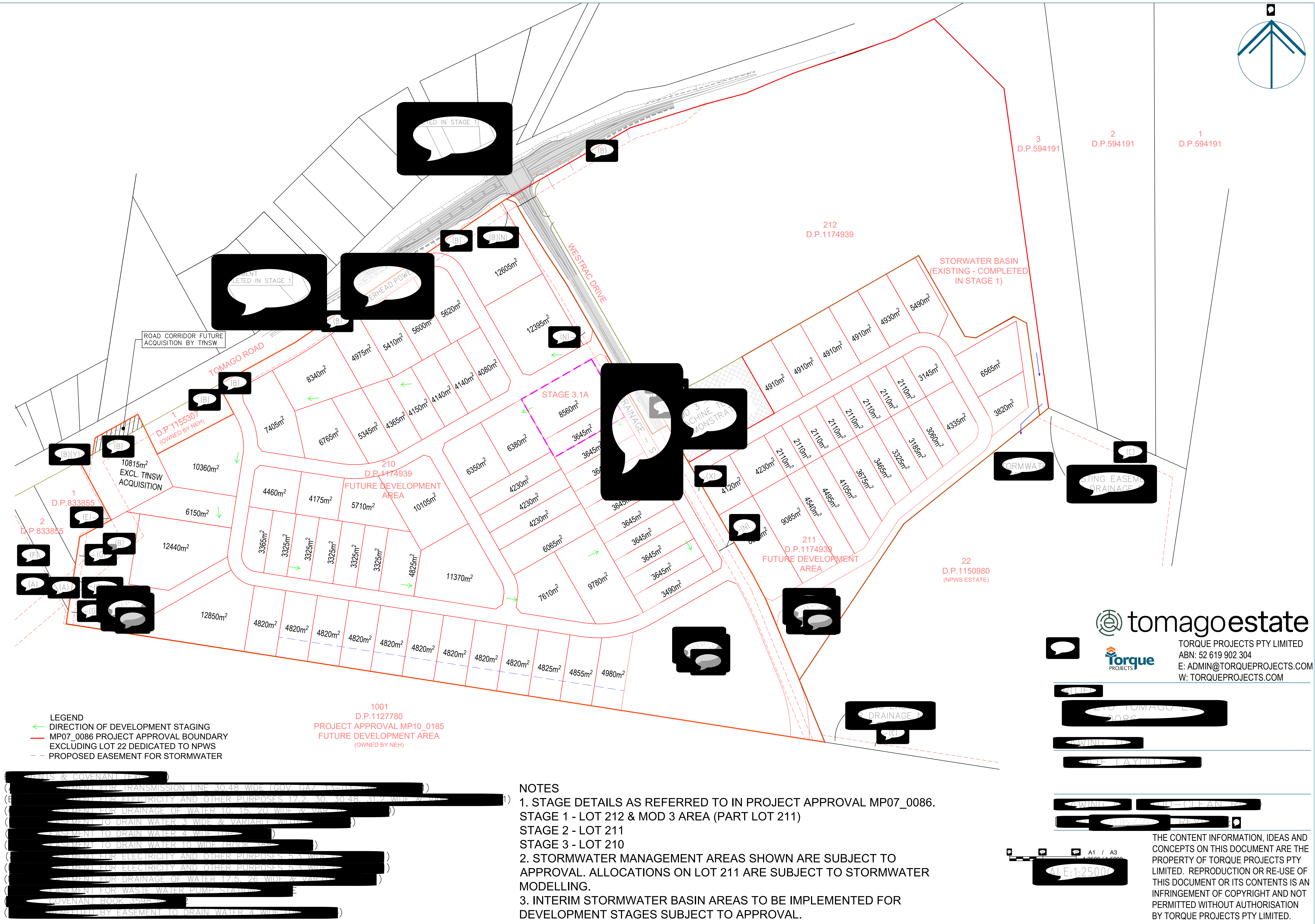
Should you have any further enquiries, please contact Jeffrey Peng, Industry Assessments, at the Department on (02) 9995 6685 or via email at jeffrey.peng@planning.nsw.gov.au.

Yours sincerely



Joanna Bakopanos
Team Leader
Industry Assessments

as delegate of the Planning Secretary



TORQUE PROJECTS PTY LIMITED
ABN: 52 619 902 304
E: ADMIN@TORQUEPROJECTS.COM
W: TORQUEPROJECTS.COM

THE CONTENT INFORMATION, IDEAS AND CONCEPTS ON THIS DOCUMENT ARE THE PROPERTY OF TORQUE PROJECTS PTY LIMITED. REPRODUCTION OR RE-USE OF THIS DOCUMENT OR ITS CONTENTS IS AN INFRINGEMENT OF COPYRIGHT AND NOT PERMITTED WITHOUT AUTHORISATION BY TORQUE PROJECTS PTY LIMITED.

APPENDIX B

STAGE 3 LANDSCAPE MASTERPLAN



LEGEND

SCREENING PLANTING SET BACK (6M MIN. LANDSCAPE BUFFER. TREES WITHIN TO BE PLANTED AT EARLY STAGE)

PRECINCT WIDE STREET VERGE PLANTING

BIO-SWALE & DRAINAGE EASEMENT

STORMWATER BASIN PLANTING

EASEMENT LOW PLANTING

CARRIAGEWAY

CONCRETE FOOT PATH

SITE BOUNDARY

INDICATIVE LOCATION OF TREES

INDICATIVE LOCATION OF SIGNATURE TREES

STORMWATER BASIN

SECTION CUT

SERVICE EASEMENTS

PROPOSED DRAINAGE CORRIDOR

PRECINCT WIDE STREET TREE PLANTING		
Trees		
Corymbia citridora		Lemon Scented Gum
Syncarpia glomulifera		Turpentine
Eucalyptus gummifera		Red Bloodwood
Eucalyptus pilularis		Blackbutt
Suggested feature/Signature Trees		
Ficus rubiginosa		Port Jackson Fig
Ficus macrophylla		Moreton Bay Fig
SCREEN PLANTING		
Trees		
Corymbia citridora		Lemon Scented Gum
Syncarpia glomulifera		Turpentine
Eucalyptus gummifera		Red Bloodwood
Eucalyptus pilularis		Blackbutt
Cupaniopsis anacardioides		Tuckeroo
Waterhousia floribunda		Weeping Lilly Pilly
Angophora hispida		Dwarf Apple
Shrubs/Groundcovers		
Acacia falcata		Sickle Wattle
Grevillea spp.		Grevillea cultivars
Persoonia levis		Smooth Geebung
Banksia spinulosa		Hairpin Banksia
Dianella spp.		Blue Flax Lily
Grevillea poorinda 'Royal Mantle'		Grevillea groundcover
Themeda triandra 'Dwarf Mingo'		Mingo Kangaroo Grass
Soggy Natural Ground Condition		
Trees		
Casuarina glauca		Swamp Oak
Acmena smithii		Lilly Pilly
Glochidion spp.		Cheese Trees
Melaleuca ericifolia		Swamp Paperbark
Shrubs/Groundcovers		
Carex appressa		Tall Sedge
Centella asiatica		Asiatic pennywort
Commelina cyanea		Scurvy weed
Lomandra longifolia		Basket grass
SUITABLE TREES AND SHRUBS UNDER OR NEAR POWER LINES		
Within Ausgrid's Network		
Angophora hispida		Dwarf Apple
Magnolia 'Little Gem'		Dwarf Magnolia
Near Ausgrid's Network		
Acer palmatum		Japanese Maple
Callistemon citrinus		Crimson Bottle Brush
Callistemon citrinus 'endeavour'		Bottle Brush 'endeavour'
Callistemon viminalis		Weeping Bottle Brush
Gordonia axillaris		Fried Egg plant
SWALE PLANTING		
Trees		
Corymbia citridora		Lemon Scented Gum
Syncarpia glomulifera		Turpentine
Melaleuca quinquenervia		Paperbark
Suggested feature/Signature Trees		
Ficus rubiginosa		Port Jackson Fig
Shrubs/Groundcovers		
Macrozamia communis		Burrawang
Dianella spp.		Blue Flax Lily
Hibbertia scandens		Snake Vine
Lomandra spp.		Matt Rush cultivars
Carpobrotus glaucescens		Pigface
Pennisetum 'Nafray'		Swamp Foxtail Grass
Ficinia nodosa		Knobby Club Rush
Juncus usitatus		Common Rush
Baumea juncea		Bare Twig Rush
Baumea articulata		Twig Rush
Eleocharis sphacelata		Tall Spike Rush

- EASEMENTS & COVENANT (EXISTING)
- (A) EASEMENT FOR TRANSMISSION LINE 30.48 WIDE (GOV. GAZ. 13-03-1964 FOL. 861)
- (B) EASEMENT FOR ELECTRICITY AND OTHER PURPOSES 17.2, 30, 30.48, 31.2 WIDE & VAR. (DP.1170271)
- (E) EASEMENT TO DRAIN WATER 3 WIDE & VARIABLE WIDTH (E.884146)
- (F) DRAIN WATER 4 WIDE (DP 577334)
- (G) EASEMENT TO DRAIN WATER 10 WIDE (BOOK 3887 NO.834)
- (Y) BENEFITED BY EASEMENT TO DRAIN WATER 4 WIDE (DP 577334)

1001
D.P.1127780
PROJECT APPROVAL MP10_0185
FUTURE DEVELOPMENT AREA
(OWNED BY NEH)

RETAIN EXISTING VEGETATION WHERE POSSIBLE.

PROPOSED DRAINAGE CORRIDOR TO BE PROVIDED FOR FUTURE BASIN OUTFLOWS FROM LOT 211.



TOMAGO INDUSTRIAL ESTATE DESIGN GUIDELINE

Angel Place, Level 8, 123 Pitt Street | Sydney NSW 2000 Australia | +61 2 8233 9900 | URBIS Pty Ltd | ABN 50 105 256 228

REV	DESCRIPTION	DWN	CHK	DATE
C	GENERAL LAYOUT PLAN	SG	JN	24.07.19
B	GENERAL LAYOUT PLAN	SG	PJ	23.09.22
A	GENERAL LAYOUT PLAN	HS	PJ	23.08.22

DISCLAIMER

Copyright by URBIS Pty Ltd. This drawing or parts thereof may not be reproduced for any purpose or used for another project without the consent of URBIS. The plan must not be used for ordering, supply or installation and no relevance should be placed on this plan for any financial dealing of the land. This plan is conceptual and is for discussion purposes only and subject to further detail study. Council approval, engineering input, and survey. Cardinal boundaries, areas and dimensions are approximate only. Written figured dimensions shall take preference to scaled dimensions.

CLIENT
NORTHBANK ENTERPRISE HUB
PTY LTD

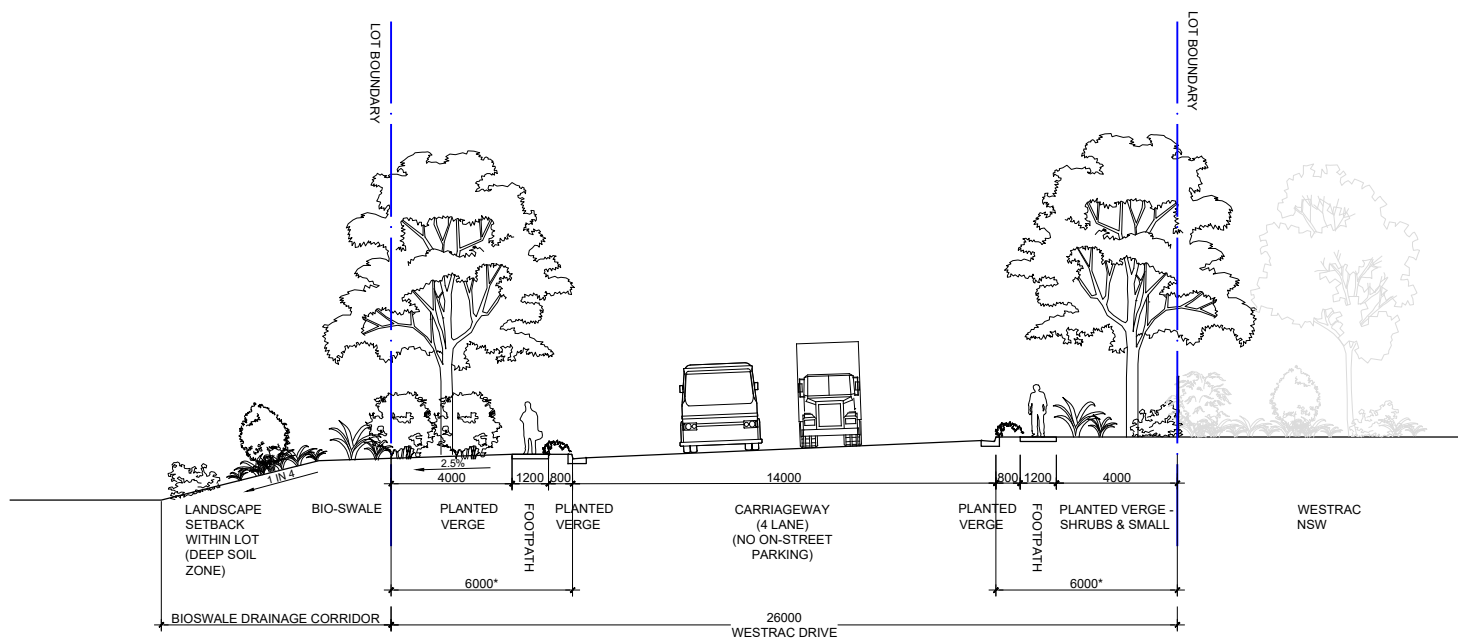
PROJECT NO.
P0036696

DATE
20240719

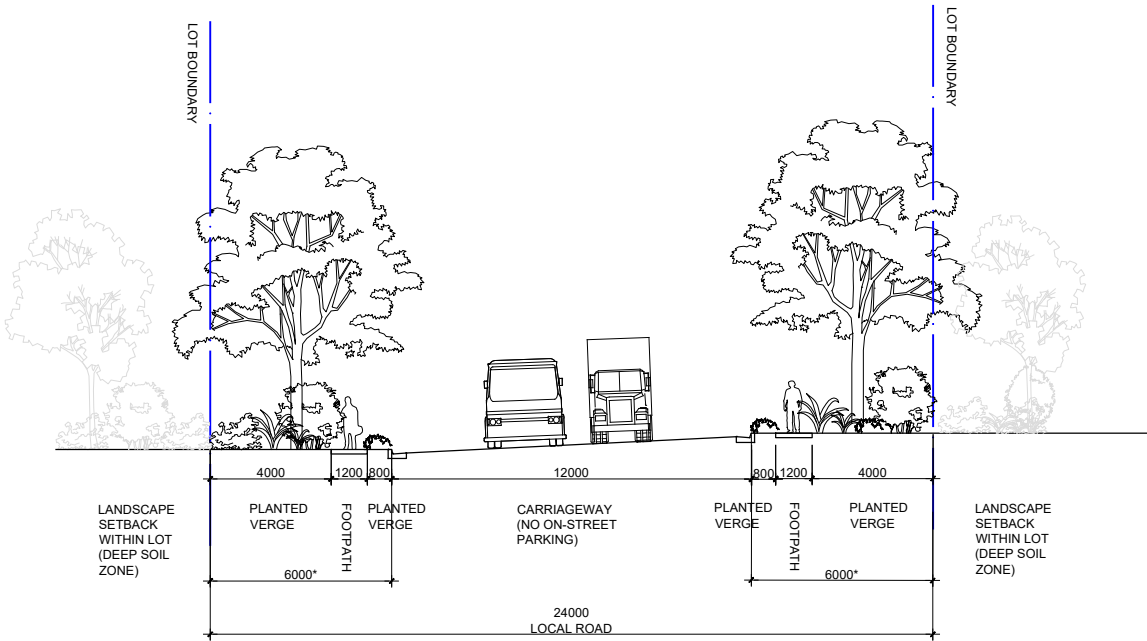
DRAWING NO.
01

REVISION
C

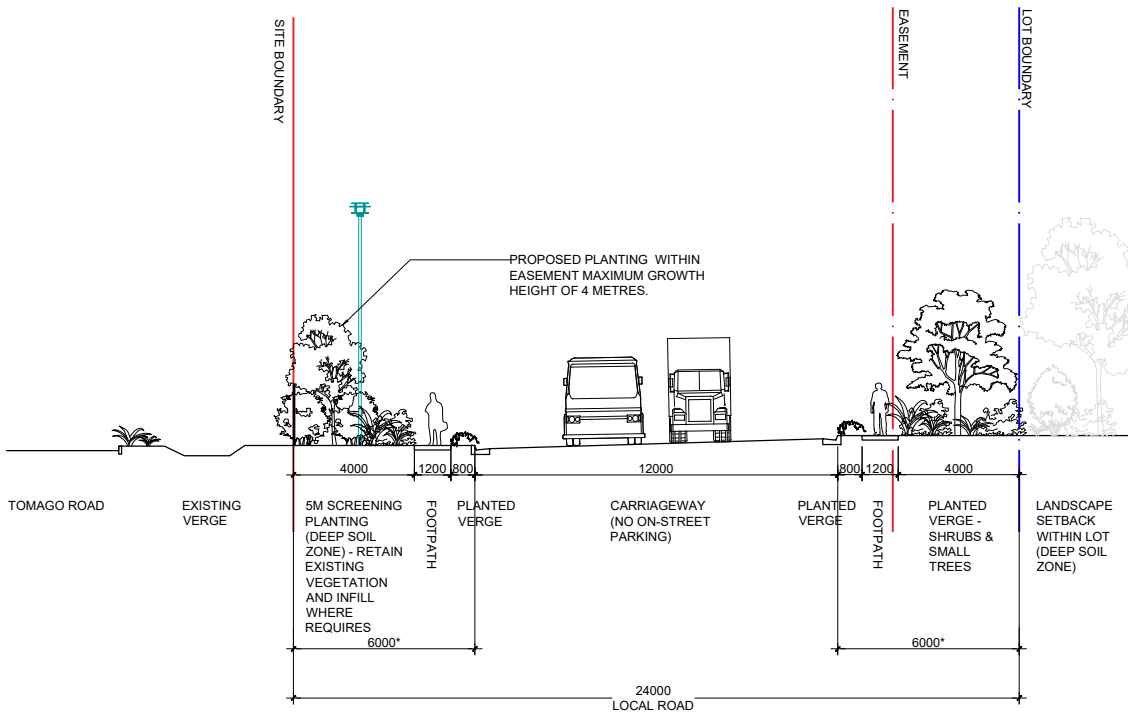
1:4000 @ A3



SECTION A - WESTRAC DRIVE - 26M

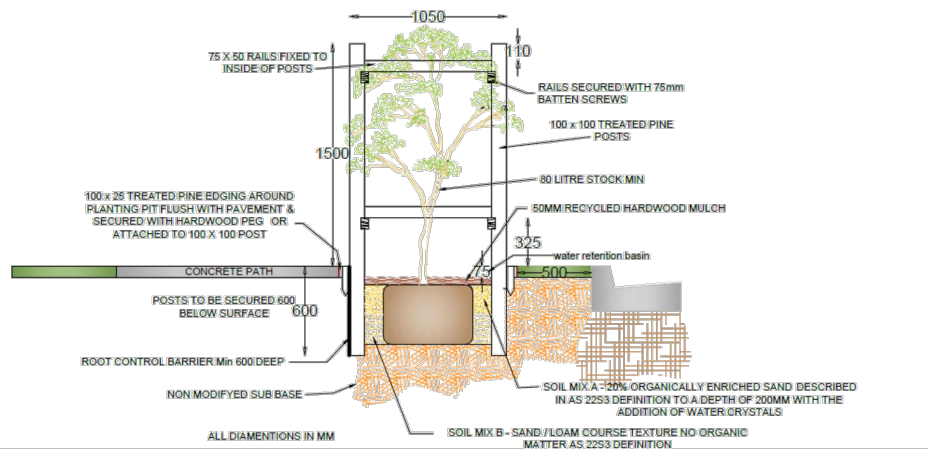


SECTION B - LOCAL ROAD - 24M

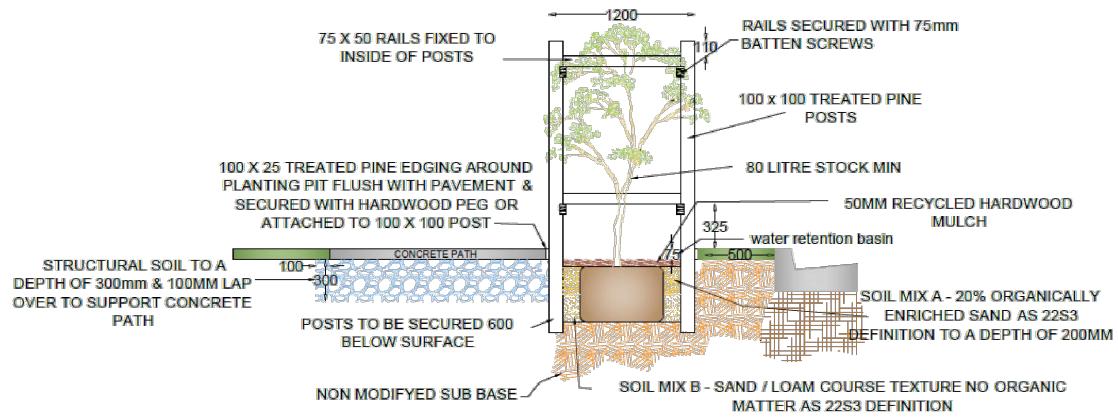


SECTION C - LOCAL ROAD NEXT TO TOMAGO ROAD - 24M

NOTE:
 *PROVISION FOR 6 METRES VERGE TO ALLOW FOR INFRASTRUCTURE SERVICES AND TREE PLANTING. TO BE COORDINATED AT DETAIL DESIGN STAGE.



1 STREET TREE ESTABLISHMENT
901-DT ROOT BARRIER
1:50



2 STREET TREE ESTABLISHMENT
901-DT STRUCTURAL SOIL
1:50

A	DETAILS	SG	PJ	2023.09.22
REV	DESCRIPTION	DWN	CHK	DATE

DISCLAIMER
Copyright by Urbis Pty Ltd. This drawing or parts thereof may not be reproduced for any purpose or used for another project without the consent of Urbis. The plan must not be used for ordering, supply or installation and no relevance should be placed on this plan for any financial dealing of the land. This plan is conceptual and is for discussion purposes only and subject to further detail study, Council approval, engineering input, and survey. Cadastral boundaries, areas and dimensions are approximate only. Written figured dimensions shall take preference to scaled dimensions.

CLIENT
NORTHBANK ENTERPRISE HUB
PTY LTD

1:50 @ A3
0.5 1m



PROJECT NO.
P0036696
DRAWING NO.
03

DATE
23.09.22
REVISION
A

APPENDIX C

STAGE 3 DESIGN GUIDELINES CONDITIONS MATRIX

DESIGN GUIDELINES CONDITION MATRIX

MP07_0086 | Stage 3 of the Tomago Industrial Estate | July 2024



1. PURPOSE OF THIS DOCUMENT

This document has been prepared by Urbis on behalf of Northbank Enterprise Hub Pty Limited (**NEH**) to support the implementation and intended effect of the Design Guidelines for Stage 3 of the Tomago Industrial Estate (Lot 210 in DP 1174939). The Design Guidelines are to be applied flexibly for the purpose of facilitating the orderly development of individual allotments across Stage 3. This function is consistent with the intended effect of the Design Guidelines, which is established by Condition 2 of Schedule 3 to the Development Consent for MP07_0086 in a way that is clear:

Prior to the commencement of construction of Stage 2 and 3, the Proponent shall prepare Design Guidelines for the site to the satisfaction of the Director-General. These guidelines shall:

- (a) *be prepared in consultation with DECC and Council;*
- (b) *include the proposed layout of each stage; and*
- (c) *detail development controls for the design and development of individual sites (such as site coverage, set backs, building heights, stormwater management and drainage, access and parking, landscaping, waste removal and storage, and energy and water conservation/efficiency requirements).*

Notwithstanding the targeted scope of Condition 2 within Schedule 3, the Development Consent for MP07_0086 does establish a framework of other conditioned requirements that have been (or are to be) satisfied by NEH in relation to Stage 3 of the Tomago Industrial Estate. It is necessary to ensure that the Design Guidelines are not discordant with this conditioned framework.

This document provides specific directions to reinforce the intended effect of the Design Guidelines for Stage 3 of the Tomago Industrial Estate. It is expected that the only party who will implement the Design Guidelines is NEH. Specifically, NEH is expected to seek approval for the development of all future allotments within Stage 3 before transferring them to new owners where this is arranged. Notwithstanding this, the directions within this document do reference 'proponents' or 'future proponents' as a matter of standard practice.



General guidelines that have been prepared in accordance with Condition 2 of Schedule 3 to the Development Consent for MP07_0086.



Specific user-friendly directions that accompany the Design Guidelines as an appendix to ensure there is no inconsistency with the conditioned framework for Stage 3 under the Development Consent for MP07_0086.

2. DESIGN GUIDELINES CONDITION MATRIX

Condition No.	Relevance	Further direction(s) to support the implementation of the Design Guidelines for Stage 3
Schedule 2		
1 – Obligation to Minimise Harm to The Environment	The Design Guidelines have been drafted to satisfy Condition 2 of Schedule 3 to the Development Consent for MP07_0086 with necessary regard for Condition 1 of Schedule 2	A. Proponents are to implement the Design Guidelines for Stage 3 of the Tomago Industrial Estate with regard for their intended effect, including the need to undertake <i>“all reasonable and feasible measures to prevent and/or minimise environmental harm”</i> .
	The Design Guidelines do not compromise the potential for (and do support) future site-specific outcomes (i.e. individual allotment) that are consistent with Condition 1 of Schedule 2.	B. Proponents should generally expect a standardised condition of consent that has the same effect as Condition 1 of Schedule 2 to the Development Consent for MP07_0086. This is a generic assumption that may not be relevant to every future Project Approval within Stage 3 of the Tomago Industrial Estate.
2 – Terms of Approval	The Design Guidelines have been prepared in accordance with Condition 2 of Schedule 3 and do not provide for any development outcome that would contravene Condition 2 of Schedule 2.	No further direction is required to enable the lawful implementation of the Design Guidelines for Stage 3 of the Tomago Industrial Estate.
	The Design Guidelines are intended to facilitate future site-specific development proposals (i.e. individual allotment) that are beyond the scope of the Development Consent for MP07_0086.	
3 – Terms of	As above.	As above.

Condition No.	Relevance	Further direction(s) to support the implementation of the Design Guidelines for Stage 3
Approval		
4 – Terms of Approval	The Design Guidelines have been prepared with regard for the PSDCP 2014 and other technical guidelines, insofar as appropriate to the level of detail required under Condition 2 of Schedule 3.	<p>C. The Design Guidelines are to be implemented in a manner that is consistent with the equivalent weight of a Development Control Plan (DCP). The general level of detail within a DCP is consistent with the parameters established by Condition 2 of Schedule 3 to the Development Consent MP07_0086, including Subclause (c) of Condition 2.</p> <p>D. Proponents should refer to the <i>Port Stephens Development Control Plan 2014 (PSDCP 2014)</i> where directed by the Design Guidelines.</p> <p>While Provision A5 of the PSDCP 2014 states that the provisions of the PSDCP 2014 do not apply to development that is “<i>assessed under the provisions of another Environmental Planning Instrument (EPI)</i> [in this instance the State Environmental Planning Policy (Precincts – Regional) 2021] <i>that excludes the provisions of a Local Environmental Plan</i>”:</p> <ul style="list-style-type: none"> ▪ Certain provisions have been referenced directly within the Design Guidelines and therefore apply to development within Stage 3 of the Tomago Industrial Estate. ▪ Notwithstanding Provision A5 of the PSDCP 2014, Provision A4 states that “<i>this plan [the PSDCP 2014] applies to the land within the Port Stephens local government area</i>”.
	The level of detail reflected in the Design Guidelines for Stage 3 is consistent with the level of detail in sections of the PSDCP 2014 that apply to industrial development.	<p>E. The Design Guidelines do not supersede or contravene any standard in Appendix 2 of the <i>State Environmental Planning Policy (Precincts - Regional) 2021</i>. This is consistent with the intended function of a DCP, which is to be fulfilled by the Design Guidelines for Stage 3 of the Tomago Industrial Estate.</p> <p>F. The Design Guidelines for Stage 3 of the Tomago Industrial Estate do not apply to Exempt Development or Complying Development under the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>. As above, this is consistent with the</p>

Condition No.	Relevance	Further direction(s) to support the implementation of the Design Guidelines for Stage 3
		intended function of the Design Guidelines.
5 – Terms of Approval	Condition 5 of Schedule 2 is not relevant to the scope of the Design Guidelines, which have been prepared to satisfy Condition 2 of Schedule 3 to the Development Consent for MP07_0086.	No further direction is required to enable the lawful implementation of the Design Guidelines for Stage 3 of the Tomago Industrial Estate.
6 – Structural Adequacy	Relevant. Further direction has been provided to the same effect as Condition 6 to Schedule 2 of the Development Consent for MP07_0086 in the corresponding cell within the right-hand column.	<p>G. Proponents are to satisfy the relevant requirements of the Building Code of Australia (BCA) / National Construction Code (NCC).</p> <p>H. The Principal Building Certifier (PCA) will be responsible for ensuring compliance with these standards at Construction Certificate (CC) stage. The purpose of these Design Guidelines is not to replicate these building and construction standards.</p> <p>I. Proponents should generally expect a standardised condition of consent with the same effect as Condition 6 of Schedule 2 to the Development Consent for MP07_0086. This is a generic assumption that may not be relevant to every future Project Approval within Stage 3 of the Tomago Industrial Estate.</p>
7 – Demolition	Relevant. Further direction has been provided to the same effect as Conditions 7-8 within Schedule 2 of the Development Consent for MP07_0086 in the corresponding cells within the right-hand column.	J. Proponents are to satisfy the applicable Australian Standards. The Principal Building Certifier (PCA) will be responsible for ensuring compliance with these standards at Construction Certificate (CC) stage. The purpose of these Design Guidelines is not to replicate these building and construction standards.
8 – Demolition		K. Proponents should generally expect standardised condition(s) of consent with the same effect as Condition 6 and Condition 8 of Schedule 2 to the Development Consent for MP07_0086. This is a generic assumption that may not be relevant to every future Project Approval within Stage 3 of the Tomago Industrial Estate.

Condition No.	Relevance	Further direction(s) to support the implementation of the Design Guidelines for Stage 3
9 – Protection of Public Infrastructure	Relevant to future development as a standard requirement. Further direction has been provided relation to Conditions 9-10 of Schedule 2 within the Development Consent for MP07_0086 in the corresponding cell within the right-hand column.	L. Proponents should generally expect a standardised condition of consent with the same effect as Condition 9 of Schedule 2 to the Development Consent for MP07_0086. This is a generic assumption that may not be relevant to every future Project Approval within Stage 3 of the Tomago Industrial Estate.
10 – Protection of Public Infrastructure		M. Proponents should generally expect a standardised condition of consent with the same effect as Condition 10 of Schedule 2 to the Development Consent for MP07_0086. This is a generic assumption that may not be relevant to every future Project Approval within Stage 3 of the Tomago Industrial Estate.
11 – Protection of Public Infrastructure	Condition 11 has been completed by NEH and is not relevant to the Design Guidelines. Notwithstanding this, further general directions have been provided for completeness in relation to easements within the corresponding cells of the right-hand column.	N. Proponents are to respect and uphold legal obligations that are relevant to any allotment within Stage 3 that is being developed.
		O. Proponents are to lawfully engage with the terms of any easement that applies to any allotment within Stage 3 of the Tomago Industrial Estate. The Design Guidelines provide general provisions that do not supersede this legal requirement. P. The relocation of the overhead powerlines do not have any bearing on the Design Guidelines.
12 – Operation of Plant and Equipment	Relevant to future development as a standard requirement. Further direction has been provided within the corresponding cell of the right-hand column, which provides a direction of the same effect as Condition 12.	Q. All plants and equipment that is operated (either temporarily or otherwise) across Stage 3 of the Tomago Industrial Estate should be: <ul style="list-style-type: none"> ▪ Maintained in a proper and efficient condition. ▪ Operated in a proper and efficient manner.
13 – Management Plans and	This is not relevant to the Design Guidelines, which are not required to directly impose a management plan or monitoring program	R. The Design Guidelines for Stage 3 of the Tomago Industrial Estate do not contain any provisions that are intended to support any outcome that would be inconsistent with any conditioned management plan or monitoring program under the Development Consent for

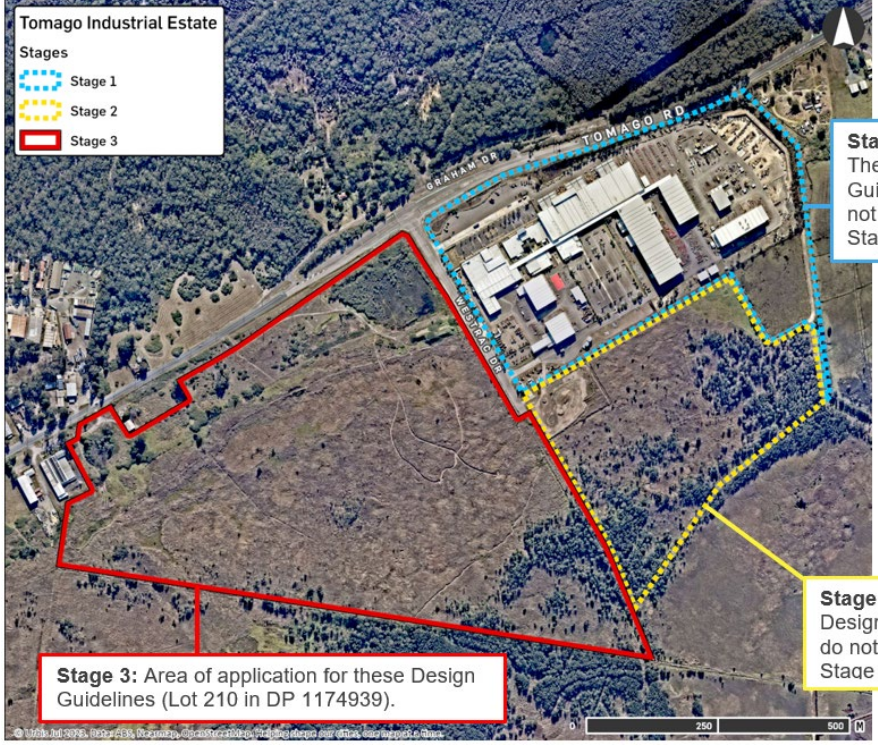
Condition No.	Relevance	Further direction(s) to support the implementation of the Design Guidelines for Stage 3
Monitoring Program	under Condition 2 of Schedule 3 to the Development Consent for MP07_0086.	MP07_0086. Proponents should implement the Design Guidelines to this intended effect.
		S. Proponents may consider design alternatives and/or presenting a merit-based justification to the Consent Authority for a variation to the subject provision(s) of the Design Guidelines in the highly unlikely event of any inconsistency with a conditioned management plan for Stage 3 of the Tomago Industrial Estate.
14-16 – Contributions	Conditions 14-16 relate to development contributions that are not relevant to the scope of the Design Guidelines.	No further direction is required to enable the lawful implementation of the Design Guidelines for Stage 3 of the Tomago Industrial Estate.
17 – Services Providers and Additional Approvals	Relevant to future development as a standard requirement. Further direction has been provided within the corresponding cell of the right-hand column, which provides directions of the same effect as Condition 17.	T. Prior to the commencement of any utility works, the Proponent would need to obtain relevant approvals from service providers, including Hunter Water Corporation (HWC) and Council.
		U. Proponents should generally expect a standardised condition of consent that has the same effect as Condition 17 of Schedule 2 to the Development Consent for MP07_0086.
Schedule 3		
1 – Design and Subdivision Works	Condition 1 has been completed for Stage 3 of the Tomago Industrial Estate and is not relavent to the scope of the Design Guidelines.	No further direction is required to enable the lawful implementation of the Design Guidelines for Stage 3 of the Tomago Industrial Estate. The Design Guidelines do not seek to change the approved subdivision plan.
2 – Design and Subdivision Works	As outlined by the introduction of this document, the Design Guidelines for Stage 3 of the Tomago Industrial Estate are required under Condition 2 of Schedule 3 of the Development Consent for MP07_0086. Condition 2 establishes parameters for the Design Guidelines that are clearly defined. The Design Guidelines have been prepared to satisfy these parameters without facilitating future outcomes that would conflict with the broader framework of conditioned requirements for development across Stage 3 of the Tomago Industrial Estate under the Development Consent for	

Condition No.	Relevance	Further direction(s) to support the implementation of the Design Guidelines for Stage 3	
	MP07_0086. As mentioned, this document has been prepared to support this intended function.		
	The parameters for the Design Guidelines under Condition 2 of Schedule 3 of the Development Consent for MP07_0086 are listed below with further directions provided for Proponents where relevant.		
	Parameter / Requirement of Condition 2	Relevance to the Design Guidelines for Stage 3	Further Direction (if relevant)
	(2) Prior to the commencement of construction of Stage 2 and 3, the Applicant must prepare Design Guidelines for the site to the satisfaction of the Planning Secretary. These guidelines must:		
	(a) be prepared in consultation with OEH and Council;	The requirement to consult with the relevant departments/groups within the OEH (which was restructured after MP07_0086 was approved) has been fulfilled. This has been sufficiently demonstrated to DPE. Further reference should be made to the consultation material that has been provided at Appendix D of the Design Guidelines.	No further direction is required to facilitate the lawful implementation of the Design Guidelines for Stage 3 of the Tomago Industrial Estate on behalf of future Proponents.
	(b) include the proposed layout of each stage; and	The Design Guidelines apply to Stage 3 of the Tomago Industrial Estate. The Subdivision Plan for Stage 3 was approved by DPE on 16 April 2023. The Design Guidelines will support the development of individual allotments, as notated on the approved Subdivision Plan for Stage 3. This is further detailed at Section 1.4.2 and Section 1.8.1 of the Design Guidelines. The approved Subdivision Plan for Stage 3 is supplied at Appendix A of the Design Guidelines to satisfy this requirement.	No further direction is required to facilitate the lawful implementation of the Design Guidelines for Stage 3 of the Tomago Industrial Estate on behalf of future Proponents who will be seeking approval to undertake works on individual allotments.
(c) detail development controls for the design and development of individual sites (such as [refer below]).			

Condition No.	Relevance	Further direction(s) to support the implementation of the Design Guidelines for Stage 3	
	Site Coverage	Section 4.1 of the Design Guidelines for Stage 3 of the Tomago Industrial Estate includes a general site coverage provision that applies to all allotments.	Refer to Section 4.1 of Design Guidelines for Stage 3 of the Tomago Industrial Estate.
	Setbacks	Section 4.3 of the Design Guidelines for Stage 3 of the Tomago Industrial Estate includes general built form setback provisions that apply to all allotments.	Refer to Section 4.3 of Design Guidelines for Stage 3 of the Tomago Industrial Estate.
	Building Heights	Section 4.2 of the Design Guidelines for Stage 3 of the Tomago Industrial Estate includes a building height provision that applies to all allotments.	Refer to Section 4.2 of Design Guidelines for Stage 3 of the Tomago Industrial Estate.
	Stormwater Management / Drainage	Section 9.1 of the Design Guidelines for Stage 3 of the Tomago Industrial Estate includes general stormwater management provisions that apply to all allotments, which are intended to support the Stormwater Management Scheme for Stage 3.	Refer to Section 9.1 of Design Guidelines for Stage 3 of the Tomago Industrial Estate.
	Access and Parking	Section 6.0 of the Design Guidelines for Stage 3 of the Tomago Industrial Estate includes general access and parking provisions that apply to all allotments.	Refer to Section 6.0 of Design Guidelines for Stage 3 of the Tomago Industrial Estate.
	Landscaping	<p>Section 5.0 of the Design Guidelines for Stage 3 of the Tomago Industrial Estate includes general landscaping provisions that apply to all allotments.</p> <p>The provisions of Section 5.0 are intended to support the Landscape Masterplan for Stage 3, which is a separate document that has been prepared in fulfilment of Condition 36 to the Development Consent for MP07_0086.</p>	Refer to Section 5.0 of Design Guidelines for Stage 3 of the Tomago Industrial Estate.

Condition No.	Relevance	Further direction(s) to support the implementation of the Design Guidelines for Stage 3	
		Proponents are to have further regard for Directions QQ-SS within this table.	
	Waste Management / Storage	<p>Section 9.0 of the Design Guidelines for Stage 3 of the Tomago Industrial Estate includes general waste management provisions that apply to all allotments.</p> <p>Proponents are to have further regard for Direction WW within this table. Proponents are to have further regard for Direction WW within this table.</p>	Refer to Section 9.0 of Design Guidelines for Stage 3 of the Tomago Industrial Estate.
	Energy / Water Conservation	<p>Addressed at Section 7.0 and Section 9.2 of the Design Guidelines for Stage 3 of the Tomago Industrial Estate. These are general provisions that apply to all allotments, which should be considered in conjunction with any relevant development standards from the <i>State Environmental Planning Policy (Sustainable Buildings) 2021 (Sustainable Buildings SEPP)</i>.</p> <p>The Sustainable Buildings SEPP shall prevail in the highly unlikely event of any inconsistency with the general provisions contained within the Design Guidelines.</p>	Refer to Section 7.0 and Section 9.2 of Design Guidelines for Stage 3 of the Tomago Industrial Estate.
3 – Design and Subdivision Works	Condition 3 relates to Stage 2 of the Tomago Industrial Estate and is therefore not relevant to the Design Guidelines for Stage 3.	No further direction.	
4 – Design and Subdivision Works	Condition 4 is relevant to the Subdivision Certificate for Stage 3 of the Tomago Industrial Estate, including commitments that are to be satisfied before a Subdivision Certificate can	No further direction.	

Condition No.	Relevance	Further direction(s) to support the implementation of the Design Guidelines for Stage 3
	<p>be issued. In any instance, a Subdivision Certificate for Stage 3 of the Tomago Industrial Estate would be issued before the Design Guidelines are implemented by NEH.</p> <p>Condition 4 is therefore not relevant to the scope of the Design Guidelines for Stage 3 of the Tomago Industrial Estate.</p>	
4A– Design and Subdivision Works	<p>Condition 4A imposes requirements that are not relevant to Stage 3 and were satisfied before 30 September 2017. Condition 4A is therefore not relevant to the Design Guidelines for Stage 3 of the Tomago Industrial Estate.</p>	No further direction.
4B – Design and Subdivision Works	<p>Condition 4B is relevant to land within Lot 22 in DP 1150980 that has been nominated for conservation purposes. This land is not sited within the area of application for the Design Guidelines for Stage 3 of the Tomago Industrial Estate. Refer right.</p> <p>The Design Guidelines do not include any provision that could compromise the effect of Condition 4B.</p>	No further direction. The area of application for the Design Guidelines is shown in the aerial below for ease of reference, which has also been provided at Figure 1 of the Design Guidelines.

Condition No.	Relevance	Further direction(s) to support the implementation of the Design Guidelines for Stage 3
		 <p>Source: Urbis (excl. Nearmap aerial underlay)</p>
5 – Fill	<p>Condition 5 imposes requirements that regulate the importation of fill material in accordance with the <i>Protection of the Environmental Operations Act 1997 (POEO Act)</i>.</p> <p>This is reinforced by the direction in the</p>	<p>V. Any fill material brought to site must be Virgin Excavated Natural Material (VENM) and/or Excavated Natural Material (ENM) that meets the criteria for Virgin Excavated Natural Material.</p> <p><u>Note:</u> The POEO Act defines VENM as material that:</p> <ul style="list-style-type: none"> Is excavated or quarried from areas that are not contaminated with manufactured

Condition No.	Relevance	Further direction(s) to support the implementation of the Design Guidelines for Stage 3
	corresponding right-hand cell, which has the same effect as Condition 5.	<p>chemicals or process residues, as a result of industrial, commercial, mining, or agricultural activities.</p> <ul style="list-style-type: none"> Does not contain sulphidic ores or soils.
6 – Discharge Limits	<p>Condition 6 references Section 120 of the POEO Act, which prohibits the pollution of waters. This statutory requirement will continue apply, irrespective of the Design Guidelines for Stage 3 of the Tomago Industrial Estate.</p> <p>For completeness, this requirement is reinforced by the direction in the corresponding right-hand column, which has the same effect as Condition 6.</p>	W. Proponents are to satisfy the provisions within Section 120 of the POEO act.
7 – Bunding	<p>Condition 7 introduces the requirement for all chemicals, fuels and oils to be stored within ‘appropriately bunded areas’ with impervious flooring in accordance with the applicable Australian Standards and the DECC’s <i>Storing and Handling Liquids: Environmental Protection Manual</i>.</p>	<p>X. Proponents should generally expect standardised condition(s) of consent with the same effect as Condition 7 of Schedule 3 to the Development Consent for MP07_0086. This is a generic assumption that may not be relevant to every project.</p> <p>Y. Development should be designed to satisfy the relevant directions from the DECC’s <i>Storing and Handling Liquids: Environmental Protection Manual</i>.</p>
8 – Management	<p>Condition 8 requires the preparation of a Soil and Water Management Plan for Stage 3 of the Tomago Industrial Estate.</p>	Z. As outlined above, proponents may consider design alternatives and/or presenting a merit-based justification to the Consent Authority for a variation to the subject provision(s) of the Design Guidelines in the unlikely event of any inconsistency with a conditioned management plan for Stage 3 of the Tomago Industrial Estate.

Condition No.	Relevance	Further direction(s) to support the implementation of the Design Guidelines for Stage 3
9 – Management	Condition 9 imposes specifications for the Site Water Balance, which is a component of the Soil and Water Management Plan that is required under Condition 8.	As above.
10 – Management	Condition 10 imposes specifications for the Erosion and Sediment Control Plan, which is a component of the Soil and Water Management Plan that is required under Condition 8.	<p>As above.</p> <p>AA. Proponents should generally expect a standardised condition of consent that requires erosion and sediment controls to be implemented in accordance with Landcom's <i>Managing Urban Stormwater: Soils and construction</i> ('Blue Book') guideline. This is a generic assumption that may not be relevant to every future Development Application within Stage 3 of the Tomago Industrial Estate.</p>
11 – Management	<p>Condition 11 imposes specifications for an Acid Sulfate Soils Management Plan (ASSMP) that is to be <i>"implemented in relation to the management and handling of any Acid Sulfate Soils identified during construction works [under the approval of MP07_0086]"</i>.</p> <p>This is not relevant to the implementation of the Design Guidelines, which will relate to works that are beyond the scope of the Development Consent for MP07_0086.</p>	BB. Proponents should generally expect a standardised condition of consent that would require the submission of an ASSMP where ground disturbance is proposed. This is a generic assumption that may not be relevant to every future Development Application within Stage 3 of the Tomago Industrial Estate.
12 – Management	Condition 11 imposes specifications for the Stormwater Management Scheme.	CC. Proponents should refer to Section 9.0 of the Design Guidelines, which includes provisions that reference the PSDCP 2014 and engineering design guidelines to support the implementation of the Stormwater Management Scheme (SMS) for Stage 3 of the Tomago Industrial Estate. The SME is a separate document that has been prepared in fulfilment of

Condition No.	Relevance	Further direction(s) to support the implementation of the Design Guidelines for Stage 3
		<p>Condition 8 and Condition 12 of Schedule 3 to the Development Consent for MP07_0086.</p> <p>DD. As outlined above, proponents may consider design alternatives and/or presenting a merit-based justification to the Consent Authority for a variation to the subject provision(s) of the Design Guidelines in the highly unlikely event of any inconsistency with a conditioned management plan for Stage 3 of the Tomago Industrial Estate.</p>
12A - Management	Condition 12A imposes specifications that are relevant to the monitoring of spillway flows and standing water levels. These specifications are not relevant to the scope of the Design Guidelines, which regulate the development of individual allotments within Stage 3.	No further direction is required to enable the lawful implementation of the Design Guidelines for Stage 3 of the Tomago Industrial Estate.
13 - Management	Condition 13 imposes specifications for a Groundwater Monitoring Program for Stage 3 of the Tomago Industrial Estate.	EE. As outlined above, proponents may consider design alternatives and/or presenting a merit-based justification to the Consent Authority for a variation to the subject provision(s) of the Design Guidelines in the highly unlikely event of any inconsistency with a conditioned management plan for Stage 3 of the Tomago Industrial Estate.
14 - Management	Condition 14 imposes specifications for a Wastewater Management Plan for Stage 3 of the Tomago Industrial Estate.	As above.
15 – Road Works and Access	Condition 15 imposes requirements that were by works for Stage 1 of the Tomago Industrial Estate. This is not relevant to the scope of the Design Guidelines.	No further direction is required to enable the lawful implementation of the Design Guidelines for Stage 3 of the Tomago Industrial Estate.
16 – Road Works	As above.	No further direction.

Condition No.	Relevance	Further direction(s) to support the implementation of the Design Guidelines for Stage 3
and Access		
17 – Road Works and Access	As above.	No further direction.
18 – Road Works and Access	As above.	No further direction.
19 – Road Works and Access	As above.	No further direction.
20 – Road Works and Access	As above.	No further direction.
21 – Internal Works	As above.	No further direction.
22 – Internal Works	As above.	No further direction.
23 – Internal Works	As above.	No further direction.
24 – Road Works (Stages 2-3)	Condition 24 imposes specifications for a Transport Verification Study for Stage 3 of the Tomago Industrial Estate.	FF. As outlined above, proponents may consider design alternatives and/or presenting a merit-based justification to the Consent Authority for a variation to the subject provision(s) of the Design Guidelines in the highly unlikely event of any inconsistency with a conditioned management plan or technical document that has been prepared for Stage 3 of the Tomago Industrial Estate.
25 - Noise	Condition 25 imposes construction and operation hours for activities that would be consistent with the definition of 'development'	No further direction is required in relation to Condition 25 of the Development Consent for MP07_0086 to enable the lawful implementation of the Design Guidelines for Stage 3 of the Tomago Industrial Estate.

NB: Noise limits from the approval of MP07_0086 are referenced within the Design Guidelines, as amended in May 2024.

Condition No.	Relevance	Further direction(s) to support the implementation of the Design Guidelines for Stage 3
	<p>that is provided by the Definitions Schedule of the Development Consent for MP07_0086.</p> <p>The Development Consent for MP07_0086 provides the following definition for 'development':</p> <p><i>The development described in Schedule 1, the EA, as modified by the conditions of this consent.</i></p> <p>Schedule 1 of the Development Consent provides the following description for the approved 'development' under MP07_0086:</p> <p><i>Subdivision of the site for industrial purposes, bulk earthworks across the site and the establishment of a WesTrac Facility and associated infrastructure.</i></p> <p>The Design Guidelines apply to the future development of individual allotments that does not form part of the approval scope for MP07_0086. Accordingly, the construction and operation hours imposed under Condition 25 of the Development Consent for MP07_0086 are not relevant to the scope of the Design Guidelines.</p>	<p>GG. Proponents should generally expect a standardised condition of consent to be imposed by the Consent Authority for the purpose of regulating construction hours. This is a generic assumption that may not be relevant to every Project Approval, including any approval that involves works where an exemption from regular construction hours has been sought on reasonable grounds.</p> <p>NB: Noise limits from the approval of MP07_0086 are referenced within the Design Guidelines, as amended in May 2024.</p>

Condition No.	Relevance	Further direction(s) to support the implementation of the Design Guidelines for Stage 3																							
26 - Noise	<p>Condition 26 imposes noise generation limits for development at the site. This is relevant to development within Stage 3 of the Tomago Industrial Estate, which is the subject of the Design Guidelines.</p> <p>Further directions that are relevant to the application of Condition 26 of the Development Consent for MP07_0086 to future works on individual allotments have been provided within the corresponding right-hand cells.</p> <p>Proponents should have regard for the 'notes' beneath Table 2 of the Development Consent for MP07_0086.</p>	<p>HH. Proponents are to ensure that noise emissions do not exceed the assessment criteria that is outlined in the table below: <i>NB: The below is referenced directly at Section 8 of the guidelines.</i></p> <table><tr><th rowspan="2">Location</th><th colspan="2">Day</th><th colspan="2">Evening</th><th colspan="3">Night</th></tr><tr><th>L_{Aeq}</th><th>L_{Aeq} (15 min)</th><th>L_{Aeq}</th><th>L_{Aeq} (15 min)</th><th>L_{Aeq}</th><th>L_{Aeq} (15 min)</th><th>L_{Aeq} (1 min)</th></tr><tr><td>At any residence or other noise sensitive receiver</td><td>50</td><td>43</td><td>45</td><td>37</td><td>40</td><td>35</td><td>60</td></tr></table>	Location	Day		Evening		Night			L _{Aeq}	L _{Aeq} (15 min)	L _{Aeq}	L _{Aeq} (15 min)	L _{Aeq}	L _{Aeq} (15 min)	L _{Aeq} (1 min)	At any residence or other noise sensitive receiver	50	43	45	37	40	35	60
	Location	Day		Evening		Night																			
		L _{Aeq}	L _{Aeq} (15 min)	L _{Aeq}	L _{Aeq} (15 min)	L _{Aeq}	L _{Aeq} (15 min)	L _{Aeq} (1 min)																	
At any residence or other noise sensitive receiver	50	43	45	37	40	35	60																		
	<p>Note: The <i>NSW Industrial Noise Policy (2000)</i> continues to be used where it is referred to in licence and consent conditions except for Section 4 which has been replaced by the provisions in Fact Sheet C of the <i>Noise Policy for Industry 2017</i>.</p> <p>Proponents are encouraged to review the Implementation and Transitional Arrangements for the <i>Noise Policy for Industry 2017</i>.</p>	<p>II. Noise emission limits apply under meteorological conditions of wind speeds up to 3 m/s at 10 metres above ground level or temperature inversions conditions of 3°C/100m and wind speed up to 2 m/s at 10 metres above the ground. To determine compliance with this condition, noise from the development must be measured at the most affected point within the residential boundary, or at the most affected point within 30 metres of the dwelling where the dwelling is more than 30 metres from the boundary.</p> <p>Future Development Applications must be accompanied by an Acoustic Report.</p>																							
		<p>JJ. However, where it can be demonstrated that direct measurement of noise from the development is impractical, the Environmental Protection Agency (EPA) may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy). The modification factors in Section 4 of the NSW Industrial Noise Policy must also be applied to the measured noise levels where applicable.</p> <p>Future Development Applications must be accompanied by an Acoustic Report.</p>																							
		<p>KK. The noise limits do not apply if the Proponent has an agreement with the relevant owner of lands within these locations to generate higher noise levels and the Proponent has advised the Department of Planning, Housing and Infrastructure (DPHI) in writing of the terms of this</p>																							

Condition No.	Relevance	Further direction(s) to support the implementation of the Design Guidelines for Stage 3
		<p>agreement.</p> <p>Future Development Applications must be accompanied by an Acoustic Report.</p>
27 – Noise	Condition 27 imposes noise limits that apply to Stage 1 of the Tomago Industrial Estate, which is not the subject of the Design Guidelines. Accordingly, Condition 27 is not relevant to the scope of the Design Guidelines for Stage 3 of the Tomago Industrial Estate.	No further direction is required in relation to Conditions 27-29 of the Development Consent for MP07_0086 to enable the lawful implementation of the Design Guidelines for Stage 3 of the Tomago Industrial Estate.
28 – Noise	Condition 28 has been completed and is therefore not relevant to the scope of the Design Guidelines for Stage 3 of the Tomago Industrial Estate.	
29 – Noise	Condition 29 imposes requirements that were completed within 6 months of the commencement of operations for Stage 1 of the Tomago Industrial Estate.	
30 – Noise	Condition 30 imposes specifications for the completion of a Noise Verification Study (NVS) for Stage 3 of the Tomago Industrial Estate, which is the subject of the Design Guidelines.	LL. As outlined by Direction Q, Direction X, Direction BB, Direction CC and Direction HH above, proponents may consider design alternatives and/or presenting a merit-based justification to the Consent Authority for a variation to the subject provision(s) of the Design Guidelines in the highly unlikely event of any inconsistency with a conditioned management plan or technical document that has been prepared for Stage 3 of the Tomago Industrial Estate.
31 – Aboriginal Culture and Heritage	Condition 31 imposes specifications for the completion of an Aboriginal Heritage Management Plan for Stage 3 of the Tomago	As above.

Condition No.	Relevance	Further direction(s) to support the implementation of the Design Guidelines for Stage 3
	Industrial Estate, which is the subject of the Design Guidelines.	
32 – Air Quality	Condition 32 imposes standardised dust control measures for the undertaking of works across Stage 3 of the Tomago Industrial Estate. For completion, this condition has been duplicated as a further direction for Proponents in the corresponding right-hand cell.	MM. Proponents are to carry out all reasonable and feasible measures to minimise dust generated by any activity. Suitable control measures are implemented to manage dust that is generated from stockpiles of fill and filling activities.
		NN. Proponents should generally expect a standardised condition of consent that would require such measures as the above to be implemented. This is a generic assumption that may not be relevant to every future Development Application within Stage 3 of the Tomago Industrial Estate.
33 – Air Quality	Condition 33 imposes standardised dust control measures for construction vehicles during the construction phase of development. For completion, this condition has been duplicated as a further direction for Proponents in the corresponding right-hand cell.	OO. During the construction phase of development, Proponents are to implement necessary measures to ensure that: <ul style="list-style-type: none"> ▪ All trucks entering or leaving the site with loads have their loads covered. ▪ Trucks associated with the development do not track dirt onto the public road network. ▪ Construction vehicle movements from the site do not reduce the cleanliness of public roads.
		PP. Proponents should generally expect a standardised condition of consent that would require such measures to be implemented. This is a generic assumption that may not be relevant to every future Development Application within Stage 3 of the Tomago Industrial Estate.
34 – Air Quality	Condition 34 prohibits the emission of any 'Offensive Odour' from the site, which is a defined term under the POEO Act. For completion, this condition has been duplicated	QQ. Proponents should not cause or emit any offensive odour from the site.

Condition No.	Relevance	Further direction(s) to support the implementation of the Design Guidelines for Stage 3
	as a further direction for Proponents in the corresponding right-hand cell.	
	<p><u>Note:</u> For ease of reference, the POEO Act provides the following definition for the term 'Offensive Odour':</p> <p><i>Offensive Odour means an odour that</i></p> <p>—</p> <p>(a) <i>that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances —</i></p> <p>(i) <i>is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or</i></p> <p>(ii) <i>interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or</i></p> <p>(b) <i>that is of a level, nature,</i></p>	<p>RR. Proponents are to reference the definition of 'Offensive Odour', which is a defined term under the POEO Act. Refer left.</p>

Condition No.	Relevance	Further direction(s) to support the implementation of the Design Guidelines for Stage 3
	<i>character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.</i>	
35 – Air Quality	<p>Condition 35 imposes the requirement for an Odour Audit to be undertaken within 6 months of operational commencement when the development is operating at a 'normal capacity'.</p> <p>The Wastewater Management Plan (Condition 14, Schedule 3) and associated Odour component of the Air Quality & Odour Management Plan were completed, however these were made redundant following the wastewater connection of Stage 1 to Hunter Water Corporation's regional wastewater network. This documentation will remain redundant, subject to the connection of Stage 3 allotments to the Hunter Water network. The project team is in the process of coordinating this arrangement with Hunter Water Corporation.</p>	<p>Refer left.</p> <p>Further direction is not required to enable the lawful implementation of the Design Guidelines for</p>
36 – Visual Impact	<p>Condition 36 imposes specifications for the submission of a revised Landscape Masterplan for Stage 3 of the Tomago Industrial Estate. This document, which is appended to the Design Guidelines (Appendix B), has been prepared to satisfy Condition 36.</p>	<p>SS. Proponents are to address the general landscape guidelines at Section 5.0 of the Design Guidelines in conjunction with the Landscape Masterplan for Stage 3 (Appendix B).</p> <p>In the highly unlikely event of any conflict between the Design Guidelines and the Landscape Masterplan, Proponents should approach this with a balanced merit-based justification for any alternative design resolution. Any merit-based justification should</p>

Condition No.	Relevance	Further direction(s) to support the implementation of the Design Guidelines for Stage 3
	The landscape guidelines at Section 5.0 of the Design Guidelines have been prepared in coordination with the Landscape Masterplan for Stage 3, which involved a peer review process with specialist input from a Landscape Architect that is registered with the Australian Institute of Landscape Architects (AILA).	<p>reference the general landscape objectives at the introduction of Section 5.0 of the Design Guidelines, in addition to other landscape provisions as relevant.</p> <p>The merit of any alternative justification (or lack thereof) would be determined at the Consent Authority's discretion.</p>
	Condition 36 requires the selection of plant species that are 'predominantly endemic'.	<p>TT. Landscape design outcomes are to incorporate predominantly endemic plant species. This is identified as a requirement within the introduction of Section 5.5 of the Design Guidelines for Stage 3 of the Tomago Industrial Estate. Plant species should also be selected with regard for the landscaping objectives that are listed at the introduction of Section 5.0 within the Design Guidelines.</p>
		<p>UU. Proponents should reference the planting palette of the Landscape Masterplan for Stage 3 of the Tomago Industrial Estate, which is estate-wide (Stage 3). As mentioned, the Landscape Masterplan is a separate document that has been prepared in fulfilment of Condition 36 to Schedule 3 of the Development Consent for MP07_0086.</p>
37 – Signage	Condition 37 imposes the requirement for approval to be sought where any signage is proposed. This is relevant to the development of individual allotments, which is regulated by the Design Guidelines for Stage 3 of the Tomago Industrial Estate. This requirement is duplicated as a further direction for Proponents for completeness.	<p>VV. Proponents should seek approval from the appropriate Consent Authority where any signage is proposed. The applicable signage provisions of Chapter 3 within the <i>State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP)</i> or the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)</i> should be satisfactorily addressed where this is required.</p> <p>The Design Guidelines should be considered insofar as applicable. In any instance, the Design Guidelines would not prevail over any provision of the Industry and Employment SEPP or the Codes SEPP.</p>

Condition No.	Relevance	Further direction(s) to support the implementation of the Design Guidelines for Stage 3
38 – Fencing	Condition 38 imposes completed requirements that are relevant to the erection of boundary fencing for Stage 3 of the Tomago Industrial Estate and fencing for Stage 1 of the Tomago Industrial Estate. Therefore, Condition 38 is not relevant to the scope of the Design Guidelines.	No further direction is required to enable the lawful implementation of the Design Guidelines for Stage 3 of the Tomago Industrial Estate.
39 – Lighting	Condition 39 imposes requirements that apply to any artificial lighting at Stage 3 of the Tomago Industrial Estate. This is relevant to the scope of the Design Guidelines, which are intended to regulate the development of individual allotments.	WW. Proponents are to address the relevant provisions of Section 5.7 within the Design Guidelines for Stage 3 of the Tomago Industrial Estate, which are consistent with the scope of Condition 39 of the Development Consent for MP07_0086.
40 – Energy Efficiency	Condition 40 imposes specifications for the completion of an Energy Efficiency Plan for Stage 3 of the Tomago Industrial Estate.	XX. As outlined above, proponents may consider design alternatives and/or presenting a merit-based justification to the Consent Authority for a variation to the subject provision(s) of the Design Guidelines in the highly unlikely event of any inconsistency with a conditioned management plan or technical document that has been prepared for Stage 3 of the Tomago Industrial Estate.
41 – Waste	Condition 41 imposes specifications for the treatment of waste that is generated for	No further direction is required in relation to Condition 41 to enable the lawful implementation of the Design Guidelines for Stage 3 of the Tomago Industrial Estate.

Condition No.	Relevance	Further direction(s) to support the implementation of the Design Guidelines for Stage 3
Management	<p>'development' under the Development Consent for MP07_0086.</p> <p>As above, Schedule 1 of the Development Consent provides the following description for the approved 'development' under MP07_0086:</p> <p><i>Subdivision of the site for industrial purposes, bulk earthworks across the site and the establishment of a WesTrac Facility and associated infrastructure.</i></p> <p>The Design Guidelines apply to the future development of individual allotments that does not form part of the approval scope for MP07_0086. Accordingly, the construction and operation hours imposed under Condition 25 of the Development Consent for MP07_0086 are not relevant to the scope of the Design Guidelines.</p> <p>Accordingly, Condition 41 is not relevant to the scope of the Design Guidelines.</p>	<p>YY. Proponents should refer to the New South Wales Environmental Protection Authority's <u>Waste Classification Guidelines</u> as relevant.</p>
41A – Temporary Machinery and Test Demonstration Area	<p>Condition 41A has been completed and relates to the Temporary Machine Test and Demonstration Area within Stage 1 of the Tomago Industrial Estate. Accordingly, Condition 41A is not relevant to the scope of the Design Guideline for Stage 3 of the</p>	<p>No further direction is required to enable the lawful implementation of the Design Guidelines for Stage 3 of the Tomago Industrial Estate.</p>

Condition No.	Relevance	Further direction(s) to support the implementation of the Design Guidelines for Stage 3
	Tomago Industrial Estate.	
Schedule 4		
42 – Environmental Management Strategy	Condition 42 imposes specifications for the submission of an Environmental Management Strategy (EMS) for Stage 3 of the Tomago Industrial Estate.	ZZ. As outlined above, proponents may consider design alternatives and/or presenting a merit-based justification to the Consent Authority for a variation to the subject provision(s) of the Design Guidelines in the highly unlikely event of any inconsistency with a conditioned management plan or technical document that has been prepared for Stage 3 of the Tomago Industrial Estate.
43 – Incident Reporting	Condition 43 imposes specifications for incident reporting where the Development Consent for MP07_0086 is contravened. This has no relevance to the required scope of the Design Guidelines for Stage 3 of the Tomago Industrial Estate under Condition 2 of Schedule 3 to the Development Consent for MP07_0086.	No further direction in immediate relation to Condition 43 is required to enable the lawful implementation of the Design Guidelines for Stage 3 of the Tomago Industrial Estate.
		AAA. Proponents should generally expect the Consent Authority to impose a standardised condition of consent that would have the same effect as Condition 43 to the Development Consent for MP07_0086. This is a generic assumption that may not be relevant to every future Development Applications within Stage 3 of the Tomago Industrial Estate.
44 – Annual Reporting	Condition 44 details annual reporting obligations that are not relevant to the scope of the Design Guidelines for Stage 3 of the Tomago Industrial Estate under Condition 2 of Schedule 3 to the Development Consent for MP07_0086.	No further direction is required to enable the lawful implementation of the Design Guidelines for Stage 3 of the Tomago Industrial Estate.
45 Pre-Operation Compliance Audit	Condition 45 relates to the submission of 'work as executed' plans to DPE for 'all development associated with the development'.	No further direction is required to enable the lawful implementation of the Design Guidelines for Stage 3 of the Tomago Industrial Estate.

Condition No.	Relevance	Further direction(s) to support the implementation of the Design Guidelines for Stage 3
	<p>Schedule 1 of the Development Consent provides the following description for the approved 'development' under MP07_0086:</p> <p><i>Subdivision of the site for industrial purposes, bulk earthworks across the site and the establishment of a WesTrac Facility and associated infrastructure.</i></p> <p>The Design Guidelines apply to the future development of individual allotments that does not form part of the approval scope for MP07_0086.</p> <p>There are no grounds to subject future development to this requirement by default, noting the submission of 'work as executed' plans to DPE would not be warranted in the context of a local Development Application where Port Stephens Council is the nominated Consent Authority.</p> <p>Notwithstanding the above, Condition 45 is not relevant to the required scope of the Design Guidelines under Condition 2 of Schedule 3 to the Development Consent for MP07_0086.</p>	
46 Pre-Operation Compliance Audit	<p>Condition 46 makes provision for the Planning Secretary to request an update on compliance matters associated with the Development Consent for MP07_0086. This is not relevant</p>	<p>No further direction is required to enable the lawful implementation of the Design Guidelines for Stage 3 of the Tomago Industrial Estate.</p>

Condition No.	Relevance	Further direction(s) to support the implementation of the Design Guidelines for Stage 3
	to the scope of the Design Guidelines for Stage 3 of the Tomago Industrial Estate, as outlined by Condition 2 of Schedule 3 of the Development Consent for MP07_0086.	



APPENDIX D

STAGE 3 DESIGN GUIDELINES CONSULTATION OVERVIEW

DESIGN GUIDELINES CONSULTATION OVERVIEW



MP07_0086 | Stage 3 of the Tomago Industrial Estate | July 2024

1. PURPOSE OF THIS DOCUMENT

This document has been prepared by Urbis on behalf of Northbank Enterprise Hub Pty Limited (**NEH**) to document and provide an overview of the consultation that has been undertaken with the relevant departments/groups within the OEH (which was restructured after MP07_0086 was approved) and Port Stephens Council (**Council**) in relation to the Design Guidelines for Stage 3 of the Tomago Industrial Estate.

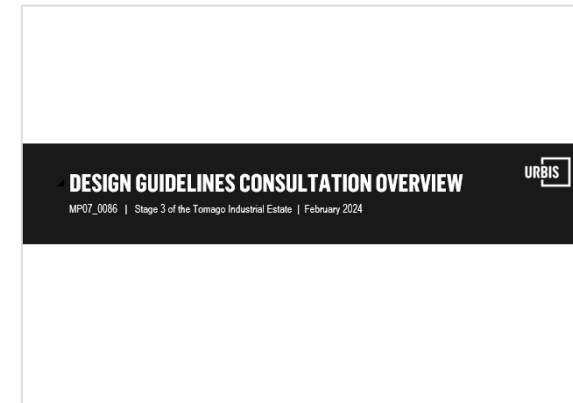
Condition 2(a) of Schedule 3 to the Development Consent for MP07_0086 establishes the requirement for NEH to consult with the OEH and Council. This document has been prepared for the sole purpose of demonstrating that Condition 2(a) has been satisfactorily completed by NEH. Importantly, this document does not provide any additional directions or guidelines for future development. Condition 2(a) is quoted below for reference.

Prior to the commencement of construction of Stage 2 and 3, the Proponent shall prepare Design Guidelines for the site to the satisfaction of the Director-General. These guidelines shall:

- (a) *be prepared in consultation with DECC [herein referenced as the 'OEH'] and Council;*
- (b) *include the proposed layout of each stage; and*
- (c) *detail development controls for the design and development of individual sites (such as site coverage, set backs, building heights, stormwater management and drainage, access and parking, landscaping, waste removal and storage, and energy and water conservation/efficiency requirements).*



General guidelines that have been prepared in accordance with Condition 2 of Schedule 3 to the Development Consent for MP07_0086.



Overview of consultation that has been undertaken with the OEH and Council in relation to the Design Guidelines for Stage 3 of the Tomago Industrial Estate. This document does not contain any further guidelines for future development.

2. CHRONOLOGY OF CONSULTATION AND ENGAGEMENT FOR DESIGN GUIDELINES

Agency / Body	Date of Contact (on behalf of NEH)	Date of Feedback (if provided)	Documents Supplied		Attachment to this Document
Port Stephens Council (PSC)					
Development Assessment Team	29.08.2023 (via email)	15.09.2023	NEH (to Council)	Draft Design Guidelines were sent by Urbis via email (29.08.2023).	Attachment A
			Council (to NEH)	Feedback letter issued via email from Strategic Planning Team (15.09.2023).	Attachment A
Department of Planning, Housing and Infrastructure (DPHI) – Office of Environment and Heritage (OEH, now restructured)					
National Parks and Wildlife Services (NPWS)	29.08.2023 (via email)	20.09.2023	NEH (to NPWS)	Draft Design Guidelines were sent by Urbis via email (29.08.2023).	Attachment A
			NPWS (to NEH)	Feedback letter was issued by NPWS on 20.09.2023.	Attachment A
Biodiversity, Conservation and Science Group (BCS Group)	17.11.2023 (via email)	21.12.2023	NEH (to BCS Group)	Draft Design Guidelines and Cover Letter: <ul style="list-style-type: none">Sent by Urbis via email (17.11.2023).Uploaded to NSW Major Projects Portal on request (21.11.2023).	Attachment B
	21.11.2023 (upload to NSW Major Projects Portal)		BCS Group (to NEH)	Response letter supplied on 21.12.2023.	Attachment B

Agency / Body	Date of Contact (on behalf of NEH)	Date of Feedback (if provided)	Documents Supplied		Attachment to this Document
Water Assessments Group	17.11.2023 (via email)	19.12.2023.	NEH (to Water Assessments Group)	Draft Design Guidelines and Cover Letter: <ul style="list-style-type: none"> Sent by Urbis via email (17.11.2023). Uploaded to NSW Major Projects Portal on request (21.11.2023). 	Attachment C
	21.11.2023 (upload to NSW Major Projects Portal)		Water Assessments Group (to NEH)	Response letter supplied on 19.12.2023.	Attachment C
Environmental Protection Agency (EPA)	21.11.2023 (via email)	20.12.2023	NEH (to EPA)	Draft Design Guidelines and Cover Letter: <ul style="list-style-type: none"> Sent by Urbis via email (21.11.2023). Uploaded to NSW Major Projects Portal on request (21.11.2023). 	Attachment D
	21.11.2023 (upload to NSW Major Projects Portal)		EPA (to NEH)	Response letter supplied on 20.12.2023.	Attachment D
Heritage New South Wales (HNSW)	21.11.2023 (via email)	28.11.2024	NEH (to HNSW)	Draft Design Guidelines and Cover Letter: <ul style="list-style-type: none"> Sent by Urbis via email (21.11.2023). Uploaded to NSW Major Projects Portal on request (21.11.2023). 	Attachment E



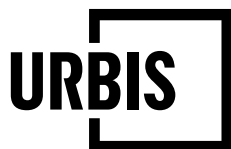
Agency / Body	Date of Contact (on behalf of NEH)	Date of Feedback (if provided)	Documents Supplied		Attachment to this Document
	21.11.2023 (upload to NSW Major Projects Portal)		HNSW (to NEH)	Response letter supplied on 28.11.2024 confirming no heritage comment to the Design Guidelines.	Attachment E

The documentation that is provided from **Attachment A** to **Attachment E** (overleaf) has been collated to support the chronology of engagement for the Design Guidelines, as outlined by the table above.

ATTACHMENT A | PSC AND NPWS CONSULTATION MATERIAL

MP07_0086 | Stage 3 of the Tomago Industrial Estate | In relation to Draft Design Guidelines for Stage 3.

NB: An exhaustive response to matters that were raised by PSC and the NPWS was issued to the Department on 28 September 2023. This response letter forms part of this attachment (**Attachment A**).



**ANGEL PLACE
LEVEL 8, 123 PITT STREET
SYDNEY NSW 2000**

URBIS.COM.AU
Urbis Pty Ltd
ABN 50 105 256 228

28 September 2023

Joanna Bakopanos
Team Leader – Industry Assessments
NSW Department of Planning and Environment
Locked Bag 5022
Parramatta NSW 2124

Dear Joanna,

NORTHBANK ENTERPRISE HUB | REQUEST FOR ENDORSEMENT OF DRAFT DESIGN GUIDELINES AND LANDSCAPE MASTERPLAN

This covering letter has been prepared to accompany the submission of the Draft Design Guidelines and Landscape Masterplan for Stage 3 of the Tomago Industrial Estate, as required to satisfy Condition 2 and Condition 36 of the Consolidated Development Consent for MP07_0086.

Northbank Enterprise Hub (NEH) have consulted Port Stephens Council (Council) and the New South Wales National Parks and Wildlife Service (NPWS). Feedback from Council and the NPWS has been addressed by appropriate amendments to the Draft Design Guidelines and Landscape Masterplan for Stage 3.

We kindly request the Department of Planning and Environment's (DPE's) thorough review of the detailed response tables that are attached to this letter. We have structured our response tables to satisfy the consultation requirements of Condition 2 and Condition 36 of the Consolidated Development Consent for MP07_0086.

We trust the information provided is sufficient to enable DPE's expedient review and endorsement over the week ahead. If there is anything that we can do to facilitate this process please do not hesitate to contact the undersigned.

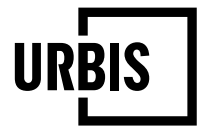
Yours sincerely,

A handwritten signature in blue ink, appearing to read "Elaine Roff".

Elaine Roff
Director – Urbis
+61 2 8233 7677
aroff@urbis.com.au

A handwritten signature in blue ink, appearing to read "Naomi Ryan".

Naomi Ryan
Associate Director – Urbis
+61 2 8233 7677
nryan@urbis.com.au



ATTACHMENT A –

RESPONSE TO PORT STEPHENS COUNCIL FEEDBACK

RESPONSE TO PORT STEPHENS COUNCIL FEEDBACK

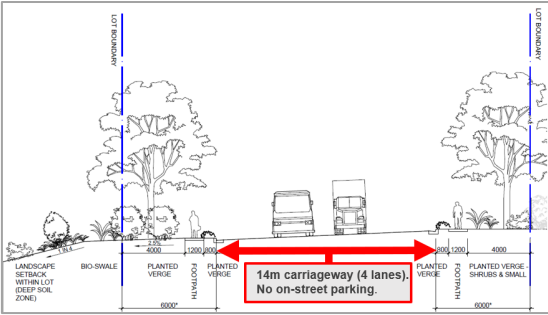
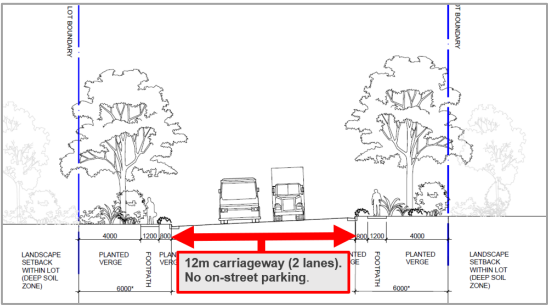
The Design Guidelines and Landscape Masterplan for Stage 3 were issued to Council for comment on 29 August 2023. Council issued feedback on 15 September 2023. A response to each matter raised by Council has been provided at **Table 1**.

Table 1 Response to Feedback from Port Stephens Council


Feedback	Response	Amended Section of Design Guidelines
Condition 2 - Stormwater		
<i>Section 8.1 Stormwater Management to be in accordance with Councils DCP section for Drainage and Water Quality, as opposed to specific clauses; this is to allow any modifications that may happen to the DCP.</i>	<p>We have considered this feedback and agree that Section B4 of the <i>Port Stephens Development Control Plan 2014 (PDPCP 2014)</i> should be referenced by the Design Guidelines. We have amended Section 8.1 of the Design Guidelines in response to this feedback item.</p> <p>Please note that in addition to the above, Council's Engineering Standards and Infrastructure Specifications have also been referenced at Section 8.1.1 of the Design Guidelines.</p> <p>In order to maintain consistency with the maximum impervious site coverage threshold that is relevant to the site under Figure BC of Section B4, we have introduced a maximum impervious site coverage requirement of 90% at Section 4.1 of the Design Guidelines.</p>	<p>Section 4.1</p> <p>Section 8.1</p> <p>Section 8.1.1</p>
<i>Further information requests previously issued by Council's Engineering Team (REF: 25-2008-5-2) 'request for review of stage 3 proposed stormwater management' (28</i>	<p>The Design Guidelines for Stage 3 are relevant to Condition 2 of Schedule 3 of the Consolidated Consent for MP07_0086.</p> <p>Condition 2 is not relevant to the separate Stormwater Management Plan (SWMP), which is the subject of Condition 8 and Condition 12 of the Consolidated Consent for MP07_0086.</p> <p>The SWMP can be updated as required. This is not relevant to the general scope of the</p>	No change proposed in relation to this item.

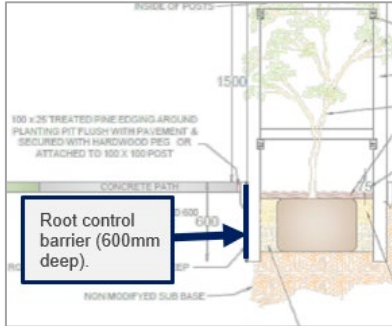
Feedback	Response	Amended Section of Design Guidelines
<i>August 2023), should be considered.</i>	Design Guidelines, which we have amended to reference Section B4 of the PSDCP 2014.	
Condition 2 – Flooding		
Duplicate of the comment above.	As above.	No change proposed in relation to this item.
Condition 2 – Traffic and Parking		
<i>Vehicle access to the development needs to consider interaction with Signalled intersection. It is recommended that consultation be undertaken with Transport for NSW.</i>	<p>Condition 24 of Schedule 3 of the Consolidated Consent for MP07_0086 requires the submission of a Transport Verification Study (TVS). In accordance with Condition 24, the TVS must be prepared in consultation with Transport for New South Wales (TfNSW) and Council.</p> <p>The requirement for consultation with TfNSW to be undertaken will be completed under Condition 24 and is not relevant to the general scope of the Design Guidelines. The TVS will be submitted to the Planning Secretary prior to the commencement of works for Stage 3.</p> <p>Further to the above, it is noted that individual DAs will be referred to TfNSW under appropriate circumstances in accordance with the <i>State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)</i>.</p>	No change proposed in relation to this item.
<i>Loading/service vehicle facilities should be provided for each unit/use and not to conflict with other vehicle or pedestrian movements.</i>	<p>Loading and service vehicle facilities will be provided as necessary in accordance with the applicable Australian Standards and engineering design guidelines. The following is noted in this regard:</p> <ul style="list-style-type: none"> This feedback item is capable of being addressed at a site-specific level by individual DAs. 	No change proposed in relation to this item.

Feedback	Response	Amended Section of Design Guidelines
	<ul style="list-style-type: none"> The nature of loading and service vehicle facilities will vary by land use. This is noted with respect to the point above, which would afford reasonable flexibility to site-specific development proposals. As DPE are aware, a Planning Proposal will be submitted in due course to broaden and rationalise the permitted mix of land uses across the General Industrial Zone of the Tomago Industrial Site under the <i>State Environmental Planning Policy (Precincts – Regional) 2021</i>. In any instance, it is more than reasonable to anticipate that developers will prioritise the provision of necessary loading and servicing facilities due to the location of the site and envisaged land uses that will complement the industrial function of the precinct. 	
<i>It is unclear whether geometrical design is acceptable and compliant with Council's infrastructure specification. It is recommended details be provided for review/comment.</i>	<p>In accordance with Condition 21 of Schedule 3 of the Consolidated Consent for MP07_0086, the internal road network must be designed, constructed and maintained in accordance with the applicable Australian Standards.</p> <p>Consistency with the relevant engineering design standards and guidelines will be demonstrated in due course. This technical matter is not relevant to the general scope of the Design Guidelines or the conceptual nature of the Landscape Masterplan.</p>	No change proposed in relation to this item.
<i>Cross sections of roads state no on-street parking. Council's geometric design requires parking within a minimum 11.8m carriageway. It is</i>	<p>The carriageway width is 14m on Westrac Drive and 12m for roads that are internal to Stage 3.</p> <p>As above, it is reiterated that consistency with the relevant engineering design standards and guidelines will be demonstrated in due course</p>	No change proposed in relation to this item.

Feedback	Response	Amended Section of Design Guidelines
<p>suggested that road hierarchy and cross-sections be designed to comply with Council infrastructure specification. If on-street parking is not to be provided, then the design guidelines should be amended to increase the off-street parking rates required for each future development.</p>	<p>in accordance with the Consolidated Consent for MP07_0086.</p> <p>Extracts of the conceptual section drawings from the Draft Landscape Masterplan are provided below for reference.</p> <p>Figure 1 – Section A: Westrac Drive</p>  <p>Source: Urbis</p> <p>Figure 2 – Section B: Local Road</p>  <p>Source: Urbis</p> <p>The Draft Design Guidelines and Landscape Masterplan have made conceptual provision for a compliant civil design outcome across Stage 3. This is appropriate to the required scope of these documents.</p>	

Feedback	Response	Amended Section of Design Guidelines
Condition 36 – Landscape Management Plan		
<p><i>Section 1.4.1 refers to an Amphibian Translocation Plan. Frog exclusion fencing should be included in the landscape design. This is required to ensure that any amphibians that are translocated from the site are not able to re-enter areas of the site where threats, such as vehicle strike, are present.</i></p>	<p>As outlined at Section 1.4.1 of the Draft Design Guidelines, an Amphibian Translocation Plan is an existing approved management plan for the site under the Consolidated Consent for MP07_0086.</p> <p>The Amphibian Translocation Plan is not relevant to the scope of the Landscape Masterplan. This should be noted with respect to the required scope of the Landscape Masterplan in accordance with Condition 36 of Schedule 3 of the Consolidated Consent for MP07_0086:</p> <p><i>Be updated and submitted to the Planning Secretary for approval at least one month prior to the commencement of construction for Stage 3.</i></p> <p><i>Use predominantly endemic species.</i></p> <p><i>Where practicable, provide for the early planting of advanced plants along the northern, eastern and western boundary to minimise the visual impacts of the development.</i></p> <p><i>Provide for the maintenance of landscaping on site.</i></p> <p>Further reference should be made to the Threatened Species Assessment by EcoBiological that was submitted in support of MP07_0086. The scope of this assessment captured the entire area off Stage 3. The Fauna Threatened Species Assessment component concluded that it was unlikely the Green and Golden Bell Frogs inhabit any area within the study area (incl. Stage 3).</p>	<p>No change proposed in relation to this item.</p>

Feedback	Response	Amended Section of Design Guidelines
	<p>In addition, the limited interface between Stage 3 and the wetlands of Lot 22 is not considered to warrant the erection of Frog Exclusion Fencing in the first instance. This matter was also not raised by the NSW National Parks and Wildlife Service (refer to Section 2.2 of this letter).</p> <p>Figure 3 – ~100m Wetland Interface</p>  <p>Source: Urbis</p>	
<p><i>Section 5.2 provides the objective that that a diverse profile of vegetation be established on individual allotments where possible to maximise potential habitats for native fauna. This design objective should be specific to highly mobile</i></p>	<p>We have amended Section 5.2 of the Design Guidelines to reference “<i>highly mobile fauna species such as birds</i>” as requested by Council.</p> <p>The Plant Schedule of the Landscape Masterplan will also support the achievement of a satisfactory landscape outcome in respect to habitat provision for highly mobile fauna.</p>	<p>Section 5.2</p>

Feedback	Response	Amended Section of Design Guidelines
<i>fauna species such as birds.</i>		
<i>Section 5.7 should include lighting considerations in accordance with the 'National Light Pollution Guidelines for Wildlife'</i>	We have amended Section 5.7 of the Design Guidelines to reference the National Light Pollution Guidelines for Wildlife that were published by the Department of Climate Change, Energy, the Environment and Water in May 2023. A direct link to these guidelines has been provided within the Design Guidelines for ease of reader access.	Section 5.7
<i>Plant selection in the Landscape Plan (provided in Appendix A) is considered suitable, however there is a misalignment in the scientific and common names in the schedule.</i>	The planting schedule within the Landscape Masterplan has been updated to address this comment.	Appendix A – Stage 3 Landscape Masterplan
<i>The Landscape Plan should include design detail for street tree planting including any required root barrier systems or structural soil requirements for planting near footpaths. Please refer to pages 27 and 28 of the Port Stephens Tree Technical Specification 2014.</i>	<p>Design detail for street tree planting, including root control barrier protection, has been supplied with the updated Landscape Masterplan. An extract of the relevant section drawing from the Landscape Masterplan are provided below for ease of reference.</p> <p>Figure 4 – Street Tree Planting Root Barrier</p>  <p>Source: Urbis</p>	Appendix A – Stage 3 Landscape Masterplan

ATTACHMENT B –

RESPONSE TO NATIONAL PARKS AND WILDLIFE SERVICES FEEDBACK

NEW SOUTH WALES NATIONAL PARKS AND WILDLIFE SERVICE

The Design Guidelines and Landscape Masterplan for Stage 3 were issued to the New South Wales National Parks and Wildlife Service (**NPWS**) on 29 August 2023 for comment. Feedback from the NPWS was issued via email on 20 September 2023. Our response to the feedback issued by the NPWS has been provided at **Table 2**.

Table 2 Response to NPWS Feedback

Feedback	Response	Amended Section of Design Guidelines
<p><i>Section 1.4.2 - The guidelines states they are only applicable to Stage 3 (and not Stage 2) due to a change in ownership of lot 211. The wording of condition 2 schedule 3 implies the design guidelines are to be prepared "prior to the commencement of construction of Stage 2 and 3, the proponent shall prepare Design Guidelines ...". While it is noted Stage 1 and 2 sites are now owned by other entities, the project approval issued covers all stages of the development. Further explanation is required to outline how stage 2 design guidelines will interact with the Stage 3 guidelines to ensure a uniform approach across the development site, and whether Stage 2 guidelines are</i></p>	<p>The Consolidated Development Consent for MP07_0086 has provided for the staged development of the industrial estate. Stage 1 (WesTrac) was completed in 2012. There is an established precedent for staging and ongoing design development across the estate, as is reasonable to facilitate the development of a ~116-hectare industrial estate within a State Significant Precinct.</p> <p>The Stage 3 Revised Layout Plan was approved by DPE on 16 August 2023. The approval letter for the Stage 3 Revised Layout Plan confirmed that "<i>it addresses Condition 1 [relevant to the Stage 3 Revised Layout Plan] of Schedule 3 of MP07_0086, as modified</i>".</p> <p>Condition 1 is structured in the same way as Condition 2 (relevant to the Design Guidelines), where it has been previously determined that the submission of separate Design Guidelines for Stage 3 is allowable.</p> <p>NEH does not own Lot 212 (Stage 1) or Lot 211 (Stage 2). Any development across Stage 2 would be the subject of separate Design Guidelines that will be prepared by their respective owners. Stage 1 is completed and operational. These Design Guidelines will also be required to satisfy Condition 2 to achieve a satisfactory placemaking outcome across the Tomago Industrial Estate. Council and DPE will have the opportunity to comment on the</p>	<p>No change proposed in relation to this item.</p>

Feedback	Response	Amended Section of Design Guidelines
<i>required to be submitted with Stage 3.</i>	<p>specific Design Guidelines for Stage 2 when this document is progressed separately by the owner of Lot 211 in DP1174939.</p> <p>The discrete status of the Design Guidelines, Landscape Masterplan, Revised Lot Layout, and other conditioned documents for Stage 3 has been the subject extensive research and correspondence between NEH, Urbis and DPE. The above provides a high-level recount of the shared understanding that has been reached in regard to the intended effect of a technically complex approval framework for the estate.</p>	
<i>Section 3.3 – Table 2 - The compliance table indicates the stormwater management scheme (condition 12) and groundwater monitoring program (condition 13) is complete. It is unclear if these are referring to the Stormwater Management Plan and Groundwater Monitoring Program currently under review. If so, the table should be amended to indicate these are not yet satisfied.</i>	Referencing throughout the Design Guidelines has been amended to employ the term ‘Stormwater Management Scheme’ for consistency with the Consolidated Development Consent for MP07_0086.	Section 3.3
<i>Landscaping species list – The development site is located in close proximity to areas of high conservation value. It is requested no invasive species be</i>	<p>The plant schedule within the Landscape Masterplan does not include any species that could potentially compromise the existing state of the Hunter Wetlands National Park.</p> <p>The proposed mix of planting for Stage 3 has balanced this project objective with other placemaking sensitivities, including the need</p>	No change proposed in relation to this item.

Feedback	Response	Amended Section of Design Guidelines
<i>included on the species list (ie. species with the potential to spread into the surrounding environment) and preferably only native species be used.</i>	<p>for screening to the north-western corner of the estate.</p> <p>The minimal interface that Stage 3 (Lot 210 in DP1174939) has with the Hunter Wetlands National Park is further noted in this regard (refer to Figure 3 within this table).</p> <p>Irrespective of this minimal interface, it is reiterated that the palette of vegetation for Stage 3 responds to local climatic conditions and will not compromise the natural integrity of the locale.</p>	
<p><i>Please note NPWS has been consulting with the Department of Planning to understand which NSW government agencies should be involved for any requirements to consult with OEH/DECC. NPWS was a part of the Office of Environment and Heritage at the time of the previous modification approval (and DECC prior to that) however we note there are other agencies within this cluster which have an interest in this project and consultation with OEH/DECC should be broader than just NPWS.</i></p>	<p>NEH appreciate the NPWS's proactive engagement with DPE to understand the intricacies of this project.</p> <p>In respect to consultation with the New South Wales Office of Environment and Heritage (OEH) for the Design Guidelines, we understand that this is established as a requirement under Condition 2 of Schedule 3 to the Consolidated Development Consent for MP07_0086. We emphasise the following in this regard:</p> <ul style="list-style-type: none"> ▪ Endorsement of the Design Guidelines is sought at this stage, subject to the resolution of any comments from DPE. ▪ NEH will consult the OEH as required in due course. Any feedback from the OEH would be addressed by a tailored response and/or appropriate amendments to the Design Guidelines made to the OEH's satisfaction. In any instance, we would notify DPE of any further amendments to the Design Guidelines. OEH has been consulted with numerous times in relation to Stage 3 over the years. 	No change proposed in relation to this item.

Feedback	Response	Amended Section of Design Guidelines
	<ul style="list-style-type: none"> In accordance with Condition 36 of Schedule 3 to the Consolidated Development Consent for MP07_0086, the OEH does not need to be consulted in relation to the Landscape Masterplan, which is to be endorsed by DPE separately under Condition 36 of Schedule 3 to the Consolidated Development Consent for MP07_0086. <p>We hereby request DPE's formal endorsement of the Landscape Masterplan and Design Guidelines in writing.</p>	

15 September 2023

URBIS
LEVEL 8, 123 PITT STREET
SYDNEY, NSW 2000

APPLICATION NO: MP07_0086

PROPERTY: 2 Westrac Drive, TOMAGO (LOT: 210 DP: 1174939)

Attention: Naomi Ryan

Dear Madam,

Thank you for your correspondence dated 29 August 2023 requesting Council comments regarding Draft Design Guidelines prepared for the Tomago Industrial Site, located at 2 Westrac Drive, Tomago.

On review of the documentation, Council makes the following comments that should be taken into consideration.

Condition 2 - Stormwater

- Section 8.1 Stormwater Management to be in accordance with Council's DCP section for Drainage and Water Quality, as opposed to specific clauses; this is to allow any modifications that may happen to the DCP.
- Further information requests previously issued by Council's Engineering Team (REF: 25-2008-5-2) 'request for review of stage 3 proposed stormwater management' (28 August 2023), should be considered.

Condition 2 – Flooding

- Further information requests previously issued by Council's Engineering Team (REF: 25-2008-5-2) 'request for review of stage 3 proposed stormwater management' (28 August 2023), should be considered.

Condition 2 – Traffic and Parking

- Vehicle access to the development needs to consider interaction with Signalled intersection. It is recommended that consultation be undertaken with Transport for NSW.
- Loading/service vehicle facilities should be provided for each unit/use and not to conflict with other vehicle or pedestrian movements.

- It is unclear whether geometrical design is acceptable and compliant with Council's infrastructure specification. It is recommended details be provided for review/comment.
- Cross sections of roads state no on-street parking. Council's geometric design requires parking within a minimum 11.8m carriageway. It is suggested that road hierarchy and cross-sections be designed to comply with Council infrastructure specification. If on-street parking is not to be provided, then the design guidelines should be amended to increase the off-street parking rates required for each future development.

Condition 36 – Landscape Management Plan

- Section 1.4.1 refers to an Amphibian Translocation Plan. Frog exclusion fencing should be included in the landscape design. This is required to ensure that any amphibians that are translocated from the site are not able to re-enter areas of the site where threats, such as vehicle strike, are present.
- Section 5.2 provides the objective that a diverse profile of vegetation be established on individual allotments where possible to maximise potential habitats for native fauna. This design objective should be specific to highly mobile fauna species such as birds.
- Section 5.7 should include lighting considerations in accordance with the 'National Light Pollution Guidelines for Wildlife' (<https://www.dcceew.gov.au/environment/biodiversity/publications/national-light-pollution-guidelines-wildlife>).
- Plant selection in the Landscape Plan (provided in Appendix A) is considered suitable, however there is a misalignment in the scientific and common names in the schedule.
- The Landscape Plan should include design detail for street tree planting including any required root barrier systems or structural soil requirements for planting near footpaths. Please refer to pages 27 and 28 of the Port Stephens Tree Technical Specification 2014 (<https://www.portstephens.nsw.gov.au/trim/other?RecordNumber=PSC2015-03638%2F011>)

Thank you for the opportunity to comment on the Draft Design Guidelines. I trust that the above information will provide an appropriate basis to inform finalisation of the Design Guidelines. Should you have any further enquires or if you wish to discuss the application, please contact me on (02) 4988 0566 or email isaac.lancaster@portstephens.nsw.gov.au.

Yours Faithfully

Isaac Lancaster
Senior Development Planner

Port Stephens Council

Phone: 4988 0566

Email: Isaac.lancaster@portstephens.nsw.gov.au

Web: www.portstephens.nsw.gov.au



From: Nick Godfrey-Smith <nicholas.godfrey-smith@environment.nsw.gov.au>
Sent: Wednesday, September 20, 2023 8:28 AM
To: Naomi Ryan <nryan@urbis.com.au>; Scott Day <scottd@torqueprojects.com>
Cc: Mitch Carter <Mitchell.Carter@environment.nsw.gov.au>; Jo Erskine <Jo.Erskine@environment.nsw.gov.au>
Subject: FW: Draft Design Guidelines for Review - Tomago Industrial Estate - NEH

CAUTION: This email originated from outside Urbis group. Don't click on links or attachments unless you trust the sender.

Hi Naomi

Thankyou for extending the time for NPWS to respond with comments on the Draft Design Guidelines for the Northbank Enterprise Hub - Tomago Industrial estate (Project Approval 07_0086).

Please note NPWS has been consulting with the Department of Planning to understand which NSW government agencies should be involved for any requirements to consult with OEH/DECC. NPWS was a part of the Office of Environment and Heritage at the time of the previous modification approval (and DECC prior to that) however we note there are other agencies within this cluster which have an interest in this project and consultation with OEH/DECC should be broader than just NPWS.

Notwithstanding the above, NPWS has the following comments on the draft guidelines:

- Section 1.4.2 - The guidelines states they are only applicable to Stage 3 (and not Stage 2) due to a change in ownership of lot 211. The wording of condition 2 schedule 3 implies the design guidelines are to be prepared "*prior to the commencement of construction of Stage 2 and 3, the proponent shall prepare Design Guidelines ...*". While it is noted Stage 1 and 2 sites are now owned by other entities, the project approval issued covers all stages of the development. Further explanation is required to outline how stage 2 design guidelines will interact with the State 3 guidelines to ensure a uniform approach across the development site, and whether Stage 2 guidelines are required to be submitted with Stage 3.
- Section 3.3 – Table 2 - The compliance table indicates the *stormwater management scheme* (condition 12) and *groundwater monitoring program* (condition 13) is complete. It is unclear if these are referring to the Stormwater Management Plan and Groundwater Monitoring Program currently under review. If so, the table should be amended to indicate these are not yet satisfied.
- Landscaping species list – The development site is located in close proximity to areas of high conservation value. It is requested no invasive species be included on the species list (ie. species with the potential to spread into the surrounding environment) and preferably only native species be used.

Regards

Nick



Nick Godfrey-Smith
Team Leader Rangers, Lower Hunter
Hunter Central Coast Branch
NSW National Parks & Wildlife
Service

1 Wetlands Place, Shortland 2307
T 02 4946 4100
M 0482 944 338
W nationalparks.nsw.gov.au

From: Naomi Ryan <nryan@urbis.com.au>

Sent: Tuesday, 29 August 2023 9:48 AM

To: Mitch Carter <Mitchell.Carter@environment.nsw.gov.au>

Cc: Oscar Davie <odavie@urbis.com.au>; Scott Day <scottd@torqueprojects.com>; Lucas Flecha <lucas.flecha@acequity.com.au>; Bryant Stokes <Bryant.Stokes@acequity.com.au>; Phil James <pjames@urbis.com.au>; Alaine Roff <aroff@urbis.com.au>

Subject: Draft Design Guidelines for Review - Tomago Industrial Estate - NEH

Hi Mitch

Hope you're well. Scott Day from Torque Projects has passed on your details.

Urbis have been engaged by Northbank Enterprise Hub to satisfy Condition 2 of Schedule 3 to the Project Approval of MP07_0086 as it relates to Lot 210 in DP 1174939 (Stage 3). Condition 2 of Schedule 3 relates to the preparation of Design Guidelines, the condition reads as follows:

2. Prior to the commencement of construction of Stage 2 and 3, the Applicant must prepare Design Guidelines for the site to the satisfaction of the Planning Secretary. These guidelines must:

- (a) be prepared in consultation with OEH and Council;*
- (b) include the proposed layout of each stage; and*
- (c) detail development controls for the design and development of individual sites (such as site coverage, set backs, building heights, stormwater management and drainage, access and parking, landscaping, waste removal and storage, and energy and water conservation/efficiency requirements).*

The condition requires consultation with OEH prior to the Design Guidelines being endorsed by DPE. OEH have been consulted with previously regarding the Design Guidelines for Stage 1. The attached Design Guidelines have been reworked to reflect the revised lot layout and changes to technology, legislation, market trends and industry practices from the previous revision.

We request that OEH review the attached Design Guidelines and provide any comments or approval by Wednesday 6 September.

If you have any questions, please reach out to me and Oscar (CC'ed).

Thanks,
Naomi

NAOMI RYAN she/her/hers
ASSOCIATE DIRECTOR

D +61 2 8233 7677
M +61 415 598 373
E nryan@urbis.com.au



ANGEL PLACE, LEVEL 8, 123 PITT STREET
SYDNEY, NSW 2000, AUSTRALIA
GADIGAL COUNTRY
T +61 2 8233 9900



Urbis recognises the traditional owners of the land on which we work.
Learn more about our [Reconciliation Action Plan](#).

This email and any files transmitted are for the intended recipient's use only. It contains information which may be confidential and/or protected by copyright. Any personal information in this email must be handled in accordance with the Privacy Act 1988 (Cth). If you have received this email by mistake, please notify the sender and permanently delete the email. Any confidentiality or copyright is not waived or lost because this email has been sent to you by mistake.

This email is intended for the addressee(s) named and may contain confidential and/or privileged information.

If you are not the intended recipient, please notify the sender and then delete it immediately.
Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the NSW Office of Environment, Energy and Science.

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

This email is intended for the addressee(s) named and may contain confidential and/or privileged information.

If you are not the intended recipient, please notify the sender and then delete it immediately.
Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the NSW Office of Environment, Energy and Science.

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

ATTACHMENT B | BCS GROUP CONSULTATION MATERIAL



MP07_0086 | Stage 3 of the Tomago Industrial Estate | In relation to Draft Design Guidelines for Stage 3.

NB: Commentary from the BCS Group is relevant to the Stormwater Management Scheme for Stage 3 of the Tomago Industrial Estate, not the Design Guidelines. This commentary is attached for completeness to demonstrate sufficient engagement efforts on behalf of NEH.



Our ref: DOC23/1018300-9

Ms Elaine Roff
Director
URBIS
Level 8,123 Pitt Street
SYDNEY NSW 2000

By email: <mailto:aroff@urbis.com.au>

Dear Ms Roff

MP07_0086 - Draft Design Guidelines, Landscape Masterplan and Stormwater Management Scheme for Stage 3 of the Tomago Industrial Estate

I refer to your request of 17 November 2023 for the Biodiversity and Conservation Division (BCD) to provide comments on the Draft Design Guidelines, Landscape Masterplan and Stormwater Management Scheme for Stage 3 of the Tomago Industrial Estate.

BCD's comments are provided in **Attachment A**. If you have any further questions about this issue, please contact Neil Kelleher, Senior Team Leader at huntercentralcoast@environment.nsw.gov.au

Yours sincerely

A handwritten signature in black ink that reads 'Joe Thompson'.

Joe Thompson

**Director
Hunter Central Coast Branch
Biodiversity and Conservation Division**

21 December 2023

Enclosure: Attachment A

BCD's comments

MP07_0086 - Draft Design Guidelines, Landscape Masterplan and Stormwater Management Scheme for Stage 3 of the Tomago Industrial Estate

1. The proponent has not demonstrated that the existing stormwater drainage channels have capacity to accommodate post development flows under a range of tidal conditions

The Stormwater Management Plan (SWMP), prepared by WRM July 2023 has not adequately demonstrated that the existing stormwater drainage channels have capacity to accommodate post development flows under a range of tidal conditions, in accordance with Condition 12(e) of the project approval MP10_0185.

The proposed development will increase off-site stormwater outflows by around 200ML/yr. The SWMP proposes to discharge stormwater to the south across Lot 1001, where stormwater will pond before reporting to the existing drainage network and eventually to the Hunter River.

The SWMP suggests that the existing drainage network does not currently have sufficient capacity for the increased flows and that drain clearing may be required. However, the SWMP did not assess what earthworks would be required to achieve sufficient capacity to accommodate post development flows, or if such earthworks are feasible.

Recommendation 1

BCD recommends that the SWMP assess if the existing stormwater drainage channels have capacity to accommodate post development flows under a range of tidal conditions, and what mitigation works would be required.

2. The proponent has not investigated alternative options to avoid discharges to the adjoining wetlands

The SWMP identified the potential for environmental harm to the adjoining Ramsar wetlands to the south of the site, due to an increase in surface water quantities from the site. To mitigate this risk, Condition 12(d) requires that the SWMP must investigate alternative options to avoid discharges to adjoining wetlands.

The proposed stormwater plan is vulnerable to failure as it relies on estimates of groundwater seepage caused by the large volumes of fill and estimates of groundwater behaviour typically have much higher uncertainties than surface water. Further, the detention basins are designed to mitigate peak discharges and will only provide limited mitigation of stormwater volumes. For these reasons, BCD considers that it is appropriate that the proponent identify alternative options and builds flexibility into the detailed design, so that additional mitigation options can be incorporated, should they be needed.

Recommendation 2

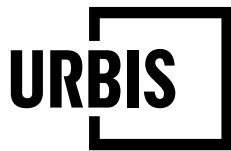
BCD recommends the proponent identify alternative options to avoid discharges to the adjoining wetlands and builds flexibility into the detailed design, so that additional mitigation options can be incorporated, should they be needed.

3. Drain maintenance may disturb Acid Sulphate Soils

S6,5 of the SWMP identified that drain clearing may be required. The Acid Sulphate Soil Management Plan, Douglas Partners, Nov 2009 identified that there was a high possibility of acid sulphate soils occurring within 3m of the ground surface. Consequently, drain maintenance activities may disturb acid sulphate soils and expose them to oxidising conditions..

Recommendation 3

BCD recommends that drain clearing activities are done in accordance with the recommendation in the Acid Sulphate Soil Management Plan, Douglas Partners, Nov 2009



**ANGEL PLACE
LEVEL 8, 123 PITT STREET
SYDNEY NSW 2000**

URBIS.COM.AU
Urbis Ltd
ABN 50 105 256 228

17 November 2023

To: Office of Environment and Heritage – Biodiversity Conservation and Science Branch
Via: huntercentralcoast@environment.nsw.gov.au

NORTHBANK ENTERPRISE HUB | MP07_0086: REQUEST FOR CONSULTATION ON DRAFT DESIGN GUIDELINES, DRAFT LANDSCAPE MASTERPLAN AND STORMWATER MANAGEMENT SCHEME

This covering letter has been prepared on behalf of Northbank Enterprise Hub (**NEH**) in relation to the major project approval of MP07_0086 for the staged development of a business and industrial estate (**Tomago Industrial Estate**) at Tomago Road, Tomago.

This letter and the accompanying documents are submitted to the Biodiversity, Conservation and Science (**BCS**) branch of the Environment and Heritage Group to fulfill the conditioned requirement to undertake consultation with the Office of Environment and Heritage (OEH, now broken up). This is relevant to Conditions 2, 8, 12 and 36 of MP07_0086. Specifically, comment from the BCS branch is sought in relation to the Draft Design Guidelines, Landscape Masterplan and the Stormwater Management Scheme (**SMS**) for Stage 3 of the Tomago Industrial Estate.

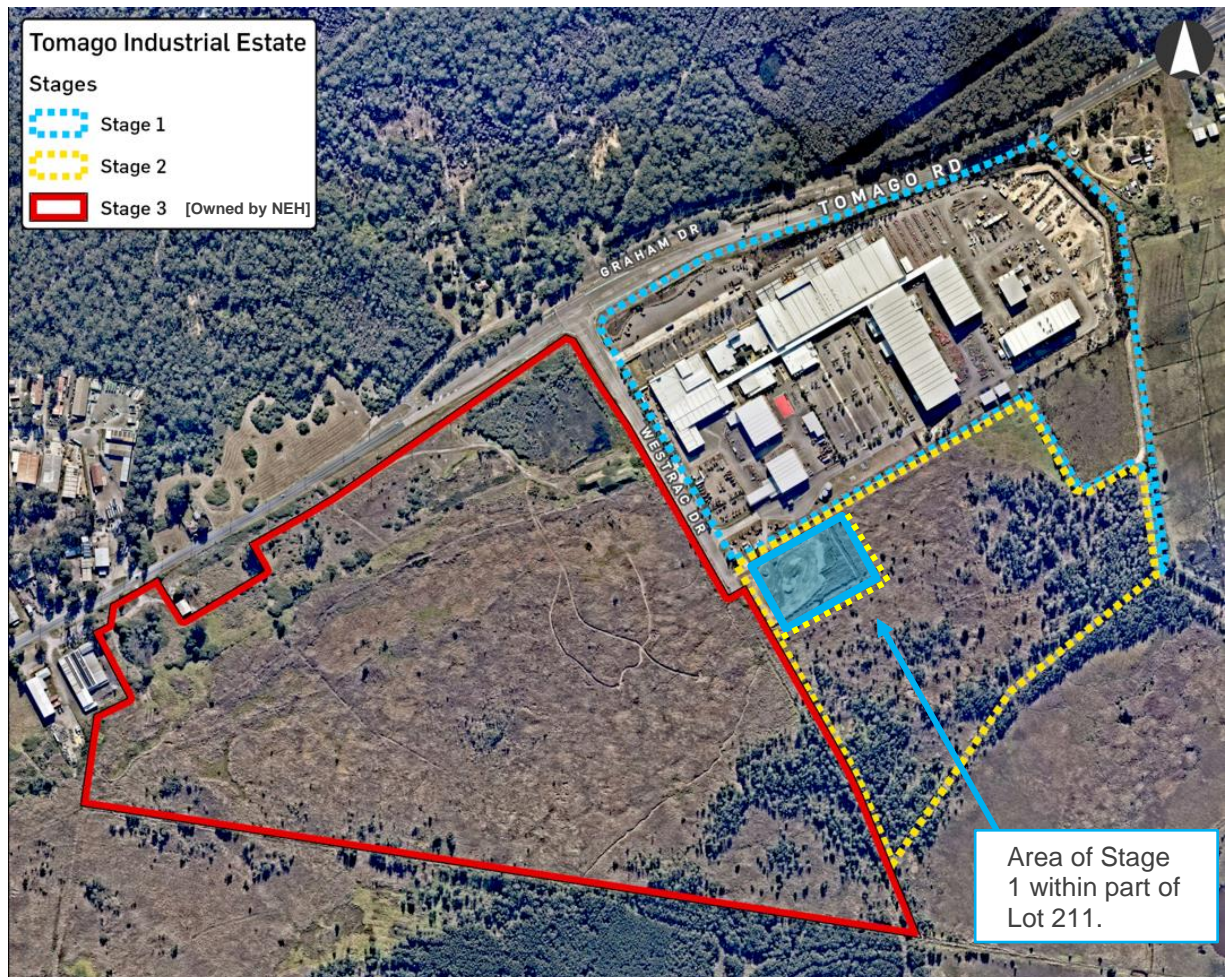
BACKGROUND – MAJOR PROJECT APPROVAL MP07_0086

NEH was issued the major project approval of MP07_0086 on 7 August 2009. MP07_0086 established a framework for the staged development of a business and industrial estate at Tomago Road, Tomago. The scope of this approval is summarised as follows:

- Stage 1 (now complete) relates to part of Lot 211 and all of Lot 212 in DP 1174939 and contains the completed 'WesTrac Facility', which became operational in July 2012. Stage 1 contains the State headquarters for WesTrac, which is an industrial machinery supplier. Stage 1 was acquired by a third party in 2017 and is not relevant to the scope of the Design Guidelines.
- Stage 2, comprises the remaining majority of Lot 211 and is owned by a third party. Accordingly, it is not relevant to the scope of the design guidelines which relates exclusively to NEH's industrial landholdings within the Tomago Industrial Site.
- Stage 3, which is contained within a separate residual allotment known as Lot 210 in DP 1174939. This lot is owned by NEH and is relevant to the scope of the Design Guidelines.

Figure 1 identifies the land over which MP07_0086 has been approved. A copy of the consolidated consent is at **Attachment 1**.

Figure 1 Tomago Industrial Estate subject to MP07_0086



Source: Urbis (excl. Nearmap aerial underlay)

RELAVENT CONDITIONS OF CONSENT

The Draft Design Guidelines, Landscape Masterplan and the SMS for Stage 3 of the Tomago Industrial Estate are required to fulfill NEH's post-approval obligations in accordance with the following conditions of consent:

Design Guidelines – Condition 2

2. *Prior to the commencement of construction of Stage 2 and 3, the Applicant must prepare Design Guidelines for the site to the satisfaction of the Planning Secretary. These guidelines must:*
 - (a) *be prepared in consultation with OEH and Council;*

- (b) include the proposed layout of each stage; and*
- (c) detail development controls for the design and development of individual sites (such as site coverage, set backs, building heights, stormwater management and drainage, access and parking, landscaping, waste removal and storage, and energy and water conservation/efficiency requirements).*

SMS – Condition 8 and Condition 12

8. *The Applicant must prepare and implement a Soil and Water Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:*
 - (a) be submitted to the Planning Secretary for approval at least one month prior to the commencement of construction of Stage 1;*
 - (b) be updated and submitted to the Planning Secretary for approval at least one month prior to the commencement of construction of Stages 2 and 3;*
 - (c) be prepared in consultation with Council, HWC and OEH;*
 - (d) include:*
 - a Site Water Balance;*
 - a Sediment and Erosion Control Plan;*
 - an Acid Sulfate Soils Management Plan;*
 - a Stormwater Management Scheme; and*
 - a Groundwater Monitoring Program for Tomago sand beds;*
 - a Wastewater Management Plan.*
12. *The Stormwater Management Scheme must:*
 - (a) be prepared in consultation with Council and OEH;*
 - (b) be prepared in accordance with DECC's Managing Urban Stormwater guidelines and HCCREMS Water Sensitive Urban Design Solutions for Catchments Above Wetlands;*
 - (c) demonstrate that post development flows will not exceed predevelopment flows for a range of ARI from 1 year up to and including the 100 year ARI;*
 - (d) investigate alternative options to avoid discharges to the adjoining wetlands to the south of the site;*
 - (e) demonstrate that the existing stormwater drainage channels have capacity to accommodate post development flows under a range of tidal conditions;*
 - (f) demonstrate that the extended detention depth of the infiltration area allows vegetation growth and minimises groundwater mounding;*
 - (g) include provision for the drainage flow paths for culverts under Tomago Road through the site;*
 - (h) includes details of the:*

- *stormwater detention (capacity and location),*
- *treatment and control infrastructure including pre-treatment for the infiltration area to reduce sediment and nutrient loads, the drainage design for the disposal of stormwater off-site and the method of controlled release from the site; and*
- *measures to monitor and maintain the stormwater treatment and control infrastructure; and*
- (i) *include a program to monitor stormwater quantity (including inflows, outflows and bypass flows) and quality (including but not limited to total suspended solids, total phosphorus and total nitrogen) during operation of the development.*

Draft Landscape Masterplan – Condition 36

36. *Prior to commencement of construction, the Applicant must revise the Landscape Management Plan (including drawings LA01, LA02, 01, 02, 03, 04 and 05) in consultation with Council and to the satisfaction of the Planning Secretary. The Plan must:*

- (a) *be submitted at least one month prior to the commencement of construction of the Stage 1 buildings;*
- (b) *be updated and submitted to the Planning Secretary for approval at least one month prior to the commencement of construction of Stages 2 and 3;*
- (c) *use predominantly endemic species,*
- (d) *where practicable, provide for the early planting of advanced plants along the northern, eastern and western boundary to minimise the visual impacts of the development; and*
- (e) *provide for the maintenance of landscaping on site.*

Matters for the BCS branch of the Environment and Heritage Group to consider in relation to the Draft Design Guidelines, Landscape Masterplan and the SMS for Stage 3 of the Tomago Industrial Estate have been outlined overleaf. We wish to emphasise that these are stand-alone documents that each have a separate and distinct purpose.

The BSC branch is kindly requested to ensure any commentary is appropriate with respect to the targeted scope of each document, which have been prepared to satisfy the conditions above.

DRAFT DESIGN GUIDELINES

The Draft Design Guidelines have been prepared for Stage 3 to satisfy Conditions 2 of Schedule 3 of the Project Approval. NEH has consulted Port Stephens Council (**Council**) and the New South Wales National Parks and Wildlife Service (**NPWS**) in the preparation of the Guidelines. The Draft Design Guidelines provide high-level design guidance for development on individual allotments that is not required to supplement any estate-wide technical management plan.

Feedback from Council and NPWS have been addressed. A copy of the Draft Design Guidelines is at **Attachment 2**. The Draft Design Guidelines present a best-in-practice outcome for Stage 3 that is supportable from a biodiversity, conservation and science perspective. The following is noted in this regard:

- Controls that will minimise the potential for light pollution are set out at Section 5.7 of the Draft Design Guidelines. These controls include an explicit direction to comply with *Australian Standard*

4282 – *Control of the obtrusive effects of outdoor lighting*. Further reference should be made to the other provisions of Section 5.7 in the Draft Design Guidelines that will regulate sources of artificial illumination.

- A Range of other Environmentally Sustainable Design (**ESD**) guidelines have been provided throughout Section 7 of the Draft Design Guidelines to promote sustainable development outcomes across Stage 3 of the Tomago Industrial Estate.
- Section 8.1 of the Draft Design Guidelines provides high-level stormwater design guidance for development on individual allotments that is not required to supplement the SMS for Stage 3. Higher level reference has been made to the following:
 - The *Hunter Water Act 1991*.
 - Section B4 of the *Port Stephens Development Control Plan 2014 (PSDCP 2014)*.
 - Council's [Engineering Design Specifications](#).

The Draft Design Guidelines will maintain accepted civil design practices in the Port Stephens LGA at a site-specific (individual allotment) level and are supportable on this basis.

- A range of potential interventions for water conservation have been identified at Section 8.2 of the Draft Design Guidelines. The level of detail provided by this section is greater than the PSDCP in terms of regulatory stringency.
- Cross reference is made to the Draft Landscape Masterplan by the following guideline:

“Establish a palette of vegetation that is consistent with the planting schedule of the appended Landscape Masterplan”

Further high-level guidance has been provided throughout Section 5 of the Draft Design Guidelines to supplement the above.

DRAFT LANDSCAPE MASTERPLAN

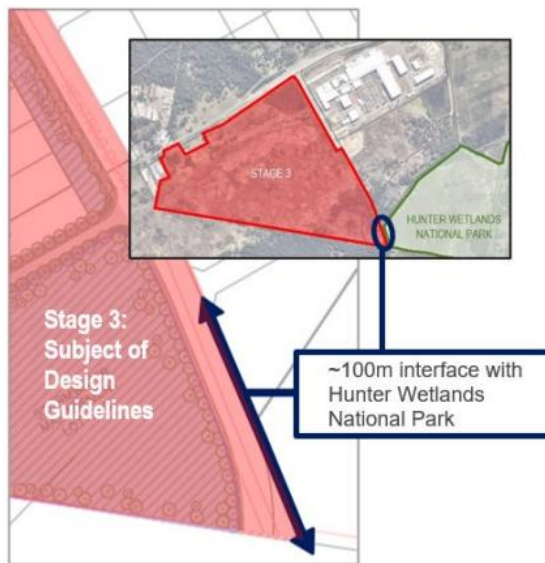
The Draft Landscape Masterplan has been prepared for Stage 3 to satisfy Condition 36 of Schedule 3 of the Project Approval. A copy of the Draft Landscape Masterplan is at **Attachment 3**. Alike the Draft Design Guidelines, the Draft Landscape Masterplan is intended to provide high-level design guidance for development on individual allotments and is not required to supplement any estate-wide technical management plan.

The Draft Landscape Masterplan will enable a best-in-practice landscape design outcome for Stage 3 that is supportable from a biodiversity, conservation and science perspective. The following is noted in this regard:

- The Draft Landscape Masterplan incorporates a palette of plant species that is suited to site conditions, including topography, the nature of the intended land use, exposure to weather elements.
- An Amphibian Translocation Plan is an existing approved management plan for the site under the Consolidated Consent for MP07_0086. Reference should be made to the Threatened Species Assessment by EcoBiological that was submitted in support of MP07_0086. The scope of this assessment captured the entire area off Stage 3. The Fauna Threatened Species Assessment component concluded that it was unlikely the Green and Golden Bell Frogs inhabit any area within the study area (incl. Stage 3).

- In addition, the limited interface between Stage 3 and the wetlands of Lot 22 is not considered to warrant the erection of Frog Exclusion Fencing in the first instance. This matter was also not raised by the NSW National Parks and Wildlife Service who have been consulted on the Draft Landscape Masterplan and Draft Design Guidelines.

Figure 2 Tomago Industrial Estate subject to MP07_0086



Source: Urbis (excl. Nearmap aerial underlay)

STORMWATER MANAGEMENT SCHEME

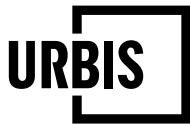
NEH has prepared a SMS for Stage 3 in consultation with Council, Hunter Water Corporation (**HWC**) and NPWS. The Scheme has been prepared to satisfy Conditions 8 and 12 of Schedule 3 of the Project Approval. In particular:

- Condition 8 requires the Scheme to be included in the Soil and Water Management Plan for the Project and be prepared in consultation with Council, HWC and DPE (formerly OEH).
- Condition 12 establishes specific criteria that the Scheme must satisfy.

A copy of the Draft Scheme is at **Attachment 3**.

NEH is currently preparing the overarching SMS for submission to the Planning Secretary under Condition 8 of Schedule 3 of the Project Approval. Due to this, the SMS is provided to DPE on a confidential and commercial-in-confidence basis.

The SMS for Stage 3 has been designed to align with the NPWS objectives of reduced freshwater toward their managed land and tidal inundation project - Tomago East Wetland Rehabilitation Project, located downstream. The eastern most discharge point from Stage 3 has been shifted in the order of 700m further west of the existing discharge location adjacent to Lot 22 (NPWS managed land), whilst also maintaining consistency and alignment with the overall stormwater scheme for Project Approval Number MP10_0185 on Lot 1001 DP 1127780.



In summary we are consulting with BCS on the Stage 3 Draft Stormwater Management Plan which will be finalised following receipt of all consultation.

Please contact us if you wish to have a meeting or undertake a site visit. We respectfully request that the BCS reviewer confirm their qualifications with any comments issued.

CONCLUSION

We kindly request that the BCS branch of the Environment and Heritage Group review the Draft Design Guidelines, Draft Landscape Masterplan and SMS and provide feedback within 21 days. If no feedback is received within 21 days of the date of this letter, we will take that to be endorsement of the draft documents. We will then proceed to close out Conditions 2, 8, 12 and 36 of the consent for MP07_0086.

We would be pleased to brief you before you commence your review. Please contact me at the below or Naomi Ryan at nryan@urbis.com.au.

Kind regards,

A handwritten signature in blue ink that reads "Elaine Roff". The signature is written in a cursive, flowing style.

Elaine Roff
Director
+61 2 8233 9927
aroff@urbis.com.au

ATTACHMENT C | WATER ASSESSMENTS GROUP CONSULTATION MATERIAL



MP07_0086 | Stage 3 of the Tomago Industrial Estate | In relation to Draft Design Guidelines for Stage 3.

NB: Feedback from DPE Water Assessments relates to statutory planning requirements that would apply irrespective of the Design Guidelines, which do not bear influence on the need (or lack thereof) for Controlled Activity Approval to be sought for future development where this is required under the *Water Management Act 2000*. Under such circumstances, the Natural Resources Access Regulator (**NRAR**) would be able to exercise reasonable discretion in relation to the *Guidelines for Controlled Activities on Waterfront Land*. This would not impact the lawful implementation of the Design Guidelines and is not relevant to the scope of Condition 2 within Schedule 3 of the Development Consent for MP07_0086.

Our ref: OUT23/20778

Alaine Roff

Urbis

Email: aroff@urbis.com.au

19 December 2023

Subject: Tomago Industrial Estate (MP07_0086) – Draft Design Guidelines and Stormwater Management Scheme for Stage 3

Dear Alaine

I refer to your request for advice sent on 17 November 2023 to the Department of Planning and Environment (DPE) Water about the above matter.

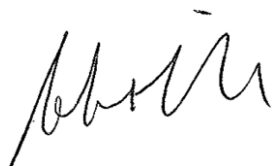
DPE Water has reviewed the Draft Design Guidelines and Stormwater Management Scheme for Stage 3 of the Tomago Industrial Estate and provides the following recommendation.

Post-approval

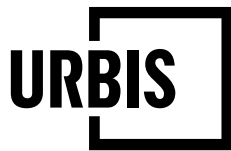
- Works within waterfront land should be designed and constructed in accordance with the Guidelines for Controlled Activities on Waterfront land. This should include the proposed outlets from the detention basins.

Should you have any further queries in relation to this submission please do not hesitate to contact DPE Water Assessments water.assessments@dpie.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "Rob Brownbill".

Rob Brownbill,
Manager, Assessments, Knowledge Division
Department of Planning and Environment: Water



**ANGEL PLACE
LEVEL 8, 123 PITT STREET
SYDNEY NSW 2000**

URBIS.COM.AU
Urbis Ltd
ABN 50 105 256 228

17 November 2023

Rob Brownbill
Department of Planning and Environment: Water
water.assessments@dpie.nsw.gov.au

Dear Rob,

NORTHBANK ENTERPRISE HUB | MP07_0086: REQUEST FOR CONSULTATION ON DRAFT DESIGN GUIDELINES AND DRAFT STORMWATER MANAGEMENT SCHEME

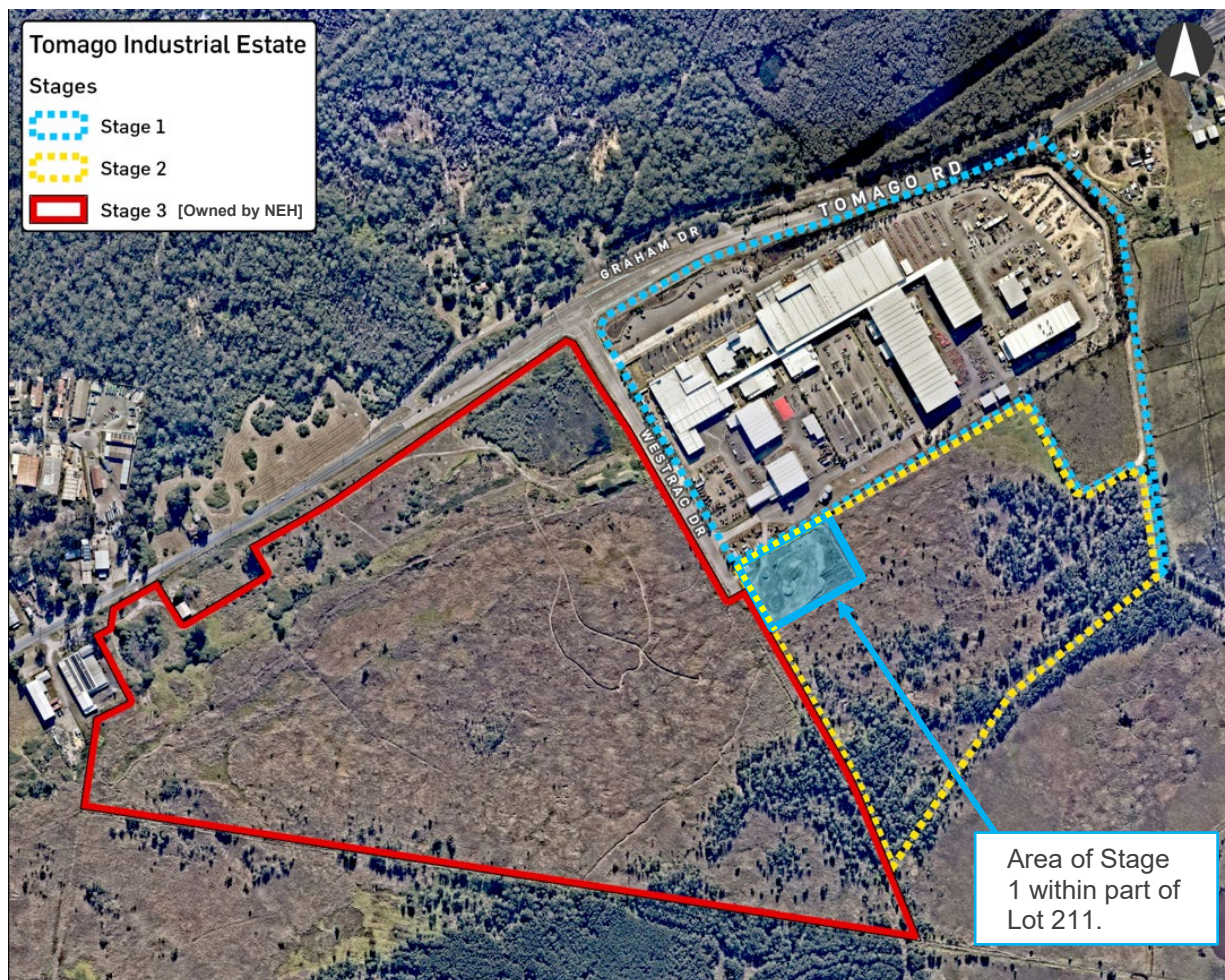
This covering letter has been prepared on behalf of Northbank Enterprise Hub (NEH). It accompanies Draft Design Guidelines and Draft Stormwater Management Scheme for Stage 3 of the Tomago Industrial Estate, which have been prepared to satisfy Conditions 2, 8 and 12 of Schedule 3 the Consolidated Development Consent for MP07_0086. This letter and accompanying documents are submitted to DPE Water Assessments as part of the requirement to consult with Office of environment and Heritage (OEH, now broken up) as identified in Conditions 2, 8 and 12 of MP07_0086.

NEH was issued the major project approval of MP07_0086 on 7 August 2009. MP07_0086 established a framework for the staged development of a business and industrial estate at Tomago Road, Tomago. The scope of this approval is summarised as follows:

- Stage 1 (now complete) relates to part of Lot 211 and all of Lot 212 in DP 1174939 and contains the completed 'WesTrac Facility', which became operational in July 2012. Stage 1 contains the State headquarters for WesTrac, which is an industrial machinery supplier. Stage 1 was acquired by a third party in 2017 and is not relevant to the scope of the Design Guidelines.
- Stage 2, comprises the remaining majority of Lot 211 and is owned by a third party. Accordingly, it is not relevant to the scope of the design guidelines which relates exclusively to NEH's industrial landholdings within the Tomago Industrial Site.
- Stage 3, which is contained within a separate residual allotment known as Lot 210 in DP 1174939. This lot is owned by NEH and is relevant to the scope of the Design Guidelines.

Figure 1 (overleaf) identifies the land over which MP07_0086 has been approved. A copy of the consolidated consent is at **Attachment 1**.

Figure 1 Tomago Industrial Estate subject to MP07_0086



Source: Urbis (excl. Nearmap aerial underlay)

STORMWATER MANAGEMENT SCHEME

NEH has prepared a Stormwater Management Scheme (Scheme) for Stage 3 in consultation with Council, Hunter Water Corporation (HWC) and NPWS. The Scheme has been prepared to satisfy Conditions 8 and 12 of Schedule 3 of the Project Approval. In particular:

- Condition 8 requires the Scheme to be included in the Soil and Water Management Plan for the Project and be prepared in consultation with Council, HWC and DPE (formerly OEH).
- Condition 12 establishes specific criteria that the Scheme must satisfy.

A copy of the Draft Scheme is at **Attachment 3**.

NEH is currently preparing the overarching SWMP for submission to the Planning Secretary under Condition 8 of Schedule 3 of the Project Approval. Due to this, the Scheme is provided to DPE on a confidential and commercial-in-confidence basis.

The scheme for Stage 3 has been designed to align with the NPWS objectives of reduced freshwater toward their managed land and tidal inundation project - Tomago East Wetland Rehabilitation Project, located downstream. The eastern most discharge point from Stage 3 has been shifted in the order of 700m further west of the existing discharge location adjacent to Lot 22 (NPWS managed land), whilst also maintaining consistency and alignment with the overall stormwater scheme for Project Approval Number MP10_0185 on Lot 1001 DP 1127780.

DPE Water Assessments has recently provided a letter of comments on the Stage 3 Groundwater Monitoring Plan for the MP07_0086. We are now consulting with DPE Water Assessments on the Stage 3 Draft Stormwater Management Plan which will be finalised following receipt of all consultation.

Please contact us if you wish to undertake a site visit and we respectfully request that the DPE Water reviewer confirm their qualifications with any comments issued.

DRAFT DESIGN GUIDELINES

The Draft design Guidelines have been prepared for Stage 3 to satisfy Conditions 2 of Schedule 3 of the Project Approval. NEH has consulted Port Stephens Council (Council) and the New South Wales National Parks and Wildlife Service (NPWS) in the preparation of the Guidelines. Feedback from Council and NPWS have been addressed. A copy of the Draft Design Guidelines is at **Attachment 2**.

The Draft Design Guidelines provide high-level design guidance for development on individual allotments that is not required to supplement the estate-wide Stormwater Management Scheme for Stage 3. The Draft Design Guidelines and Stormwater Management Scheme are stand-alone documents, each with a separate and distinct purpose.

In response to feedback that has been received from Council and the DPE Industry Assessments team, Section 8.1 of the Design Guidelines has been amended to make direct reference to the following:

- Hunter Water Act 1991:

“Development that, in the opinion of the Consent Authority, has the potential to significantly adversely affect the water quality of the drinking water catchment will be referred to Hunter Water under section 51 of the Hunter Water Act 1991. Development or activities which pose unacceptable risks to a drinking water catchment are not likely to be supported by Hunter Water”

- Section B4 of the Port Stephens Development Control Plan 2014 (PSDCP 2014):

“Stormwater design outcomes and management practices should be consistent with the relevant controls of Section B4 of the PSDCP 2014”

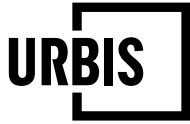
- Council's Engineering Design Specifications:

“The final stormwater design should be constructed to the relevant stormwater design specifications that have been published by Port Stephens Council. These design specifications are available online:

Engineering Standards and Infrastructure Specifications:

<https://www.portstephens.nsw.gov.au/development/infrastructure-specifications>

Opportunities to re-use stormwater can depend on the nature of development proposed. Therefore, at-source initiatives on individual lots for minimising runoff may be utilised to



compensate or offset portions of the above water re-use requirements. At-source resolutions may include rain gardens and other recognised water quality improvement controls”

The guidelines that are quoted above will maintain accepted civil design practices in the Port Stephens LGA and are supportable on this basis. This does not present any potential conflict with the estate-wide Stormwater Management Scheme for Stage 3.

CONCLUSION

We kindly request that DPE Water Assessments review the Draft Design Guidelines and Draft Stormwater Management Scheme and provide feedback within 21 days. If no feedback is received within 21 days of the date of this letter, we will take that to be endorsement of the draft documents. We will then proceed to close out Conditions 2, 8 and 12 of the consent for MP07_0086.

We would be pleased to brief you before you commence your review. Please contact me at the below or Naomi Ryan at nryan@urbis.com.au.

Kind regards,

A handwritten signature in blue ink that reads "Alaine Roff". The signature is written in a cursive, flowing style.

Alaine Roff
Director
+61 2 8233 9927
aroff@urbis.com.au

ATTACHMENT D | EPA CONSULTATION MATERIAL



MP07_0086 | Stage 3 of the Tomago Industrial Estate | In relation to Draft Design Guidelines for Stage 3.

NB: Commentary from the EPA has been addressed within the waste management and acoustic amenity provisions of the Design Guidelines. Other commentary from the EPA is relevant to the Stormwater Management Scheme for Stage 3, not the Design Guidelines. It is further noted that the EPA is not the Appropriate Regulatory Authority (**ARA**) for the Design Guidelines.



DOC23/1021267-5

20 December 2023

Alaine Roff
Director - Urbris

Via Major Projects Planning Portal

**Tomago Industrial Estate
No Comment on Draft Design Guidelines**

Dear Mr Roff,

I refer to your invitation to the NSW Environment Protection Authority (EPA) to provide comment on the Draft Design Guidelines for the staged development of a business and industrial estate (Tomago Industrial Estate) at Tomago Road, Tomago.

The EPA understands that Northbank Enterprise Hub (NEH) was issued the major project approval of MP07_0086 on 7 August 2009. MP07_0086 established a framework for the staged development of a business and industrial estate at Tomago Road, Tomago, and the Draft Design Guidelines for this proposal relate to stage 3 being the development of a separate residential allotment as part of the Tomago Industrial Estate.

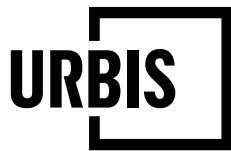
While the EPA is not the Appropriate Regulatory Authority (ARA) for this proposal, we provide the attached advice in **Annexure A**. This advice relates to considerations of water and sewer infrastructure, waste management and construction noise.

Please contact Afnan Fazli on 02 8275 1455 or email environmentprotection.planning@epa.nsw.gov.au if you wish to discuss this matter.

Yours sincerely

A handwritten signature in blue ink that reads 'DAMIEN ROSE.' The signature is written in a cursive, slightly stylized font.

Damien Rose
Unit Head -Statutory Planning



**ANGEL PLACE
LEVEL 8, 123 PITT STREET
SYDNEY NSW 2000**

URBIS.COM.AU
Urbis Ltd
ABN 50 105 256 228

21 November 2023

To: New South Wales Environmental Protection Agency
Via: environmentprotection.planning@epa.nsw.gov.au

NORTHBANK ENTERPRISE HUB | MP07_0086: CONSULTATION FOR DRAFT DESIGN GUIDELINES

This covering letter has been prepared on behalf of Northbank Enterprise Hub (**NEH**) in relation to the major project approval of MP07_0086 for the staged development of a business and industrial estate (**Tomago Industrial Estate**) at Tomago Road, Tomago.

This letter and the accompanying documents are submitted to the New South Wales Environmental Protection Agency (**EPA**) as part of the conditioned requirement to consult with Office of environment and Heritage (OEH, now broken up) as identified in Condition 2 of MP07_0086. Specifically, comment from the EPA is sought in relation to the Draft Design Guidelines for Stage 3 of the Tomago Industrial Estate.

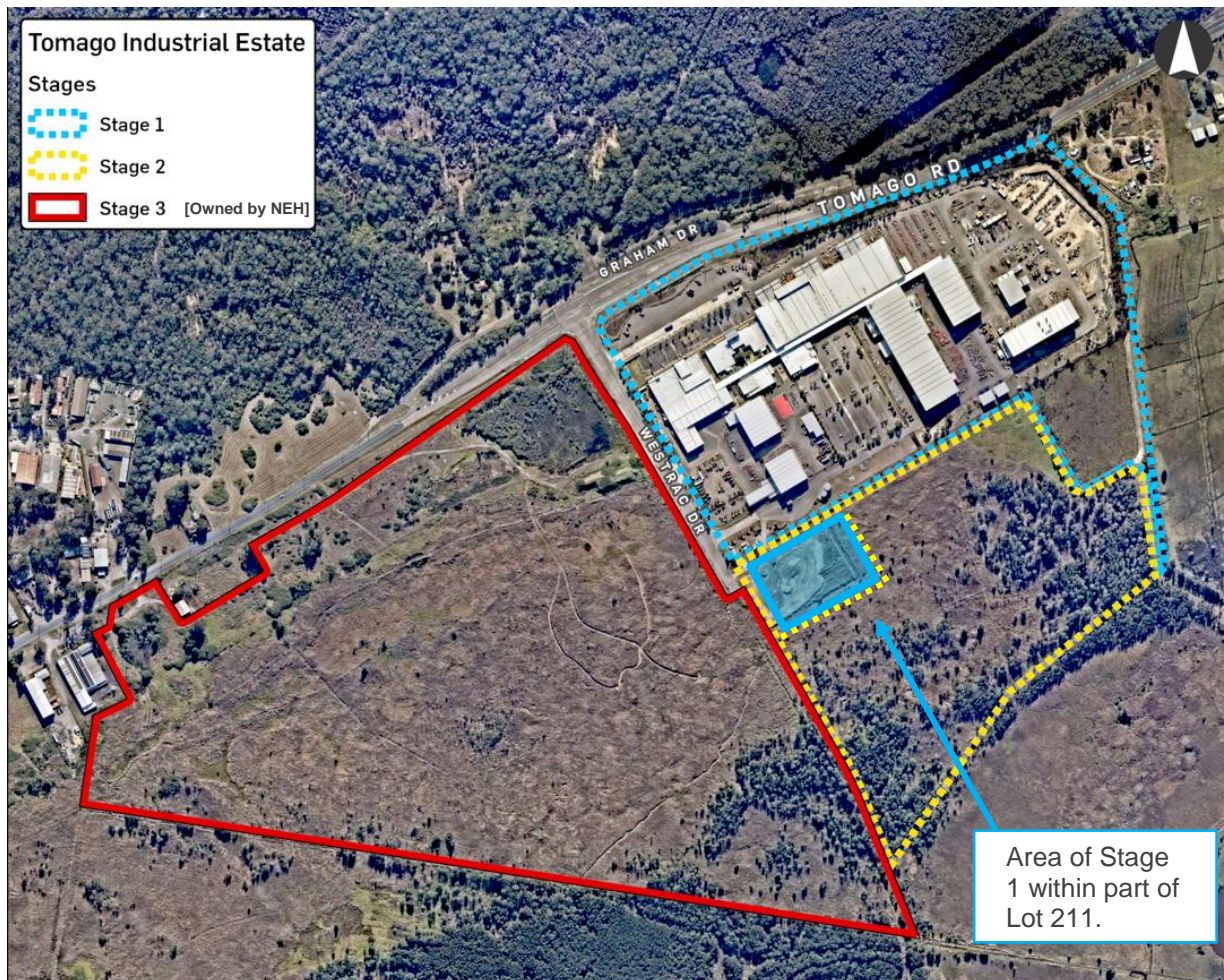
BACKGROUND – MAJOR PROJECT APPROVAL MP07_0086

NEH was issued the major project approval of MP07_0086 on 7 August 2009. MP07_0086 established a framework for the staged development of a business and industrial estate at Tomago Road, Tomago. The scope of this approval is summarised as follows:

- Stage 1 (now complete) relates to part of Lot 211 and all of Lot 212 in DP 1174939 and contains the completed 'WesTrac Facility', which became operational in July 2012. Stage 1 contains the State headquarters for WesTrac, which is an industrial machinery supplier. Stage 1 was acquired by a third party in 2017 and is not relevant to the scope of the Design Guidelines.
- Stage 2, comprises the remaining majority of Lot 211 and is owned by a third party. Accordingly, it is not relevant to the scope of the design guidelines which relates exclusively to NEH's industrial landholdings within the Tomago Industrial Site.
- Stage 3, which is contained within a separate residual allotment known as Lot 210 in DP 1174939. This lot is owned by NEH and is relevant to the scope of the Design Guidelines.

The proposed development of Stage 3 is subject to ongoing post-approval compliances, management and monitoring, including annual reporting with NSW DPE as the compliance officer/agency under this Major Project Approval. **Figure 1** (overleaf) identifies the land over which MP07_0086 has been approved. A copy of the consolidated consent is at **Attachment 1**.

Figure 1 Tomago Industrial Estate subject to MP07_0086



Source: Urbis (excl. Nearmap aerial underlay)

RELAVENT CONDITION OF CONSENT

The Draft Design Guidelines are required to fulfill NEH's post-approval obligations in accordance with the following condition of consent:

Design Guidelines:

2. Prior to the commencement of construction of Stage 2 and 3, the Applicant must prepare Design Guidelines for the site to the satisfaction of the Planning Secretary. These guidelines must:
 - (a) be prepared in consultation with OEH and Council;
 - (b) include the proposed layout of each stage; and
 - (c) detail development controls for the design and development of individual sites (such as site coverage, set backs, building heights, stormwater management and drainage, access

and parking, landscaping, waste removal and storage, and energy and water conservation/efficiency requirements).

Matters for the EPA to consider in relation to the Draft Design Guidelines have been outlined below. We wish to emphasise that the Draft Design Guidelines are a stand-alone document with a distinct purpose. The EPA is kindly requested to ensure any commentary is appropriate with respect to the purpose of this document and the scope of services provided by the EPA.

DRAFT DESIGN GUIDELINES

From our consultation with DPE's Industry Assessments Team, we understand that ensuring the sufficient regulation of acoustic impacts is likely to be of interest to the EPA. The following is noted in this regard:

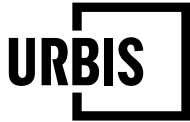
- Site-specific noise limits are enforceable under the Consolidated Consent for MP07_0086. These noise limits apply across the site. It is reiterated that the proposed development of Stage 3 is subject to ongoing post-approval compliances, management and monitoring, including annual reporting with NSW DPE as the compliance officer/agency under this Major Project Approval.
- Condition 2 does not require the Design Guidelines to identify lots that are suitable for 24-hour noise intensive activities, or lots that should have minimal night time activities.
- Following consultation with DPE's Industry Assessments Team, we have amended the Draft Design Guidelines to reference Control B3.2 of the *Port Stephens Development Control Plan 2014 (PSDCP 2014)*. Please refer to Section 7.1 of the Draft Design Guidelines. Control B3.2 is quoted below for reference:

Control B3.2:

An acoustic report is required for development that has the potential to produce offensive noise, meaning:

- *that, by reason of its level, nature, character or quality or the time at which it is made, or any other circumstances:*
 - *is harmful to (or is likely to be harmful) to a person who is outside the premises from which it is emitted, or*
 - *interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted*
 - *that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations, such as the Environmental Protection Authority 2000, 'NSW Industrial Noise Policy'*
- The Draft Design Guidelines support an outcome for Stage 3 that is anticipated by the local planning framework. They are supportable from an acoustics perspective on this basis.

It is further noted that controls that will minimise the potential for light pollution are set out at Section 5.7 of the Draft Design Guidelines. These controls include an explicit direction to comply with *Australian Standard 4282 – Control of the obtrusive effects of outdoor lighting*. Further reference should be made to the other provisions of Section 5.7 in the Draft Design Guidelines that will regulate sources of artificial illumination.



CONCLUSION

We kindly request that the EPA review the Draft Design Guidelines and provide feedback within 21 days. If no feedback is received within 21 days of the date of this letter, we will proceed to close out Conditions 2 and 36 under the assumption the EPA has no comment.

We would be pleased to brief you before you commence your review. Please contact me at the below or Naomi Ryan at nryan@urbis.com.au.

Kind regards,

A handwritten signature in blue ink that reads "Alaine Roff". The signature is fluid and cursive, with the first name "Alaine" being more prominent than the last name "Roff".

Alaine Roff
Director
+61 2 8233 9927
aroff@urbis.com.au

Annexure A

Waste Management considerations

- The environmental outcomes of the development should ensure:
 - the handling, processing and storage of all materials used at the premises does not have negative environmental or amenity impacts.
 - land pollution is prevented.
 - The beneficial reuse of all wastes generated at the premises are maximised where it is safe to do so.
 - No waste disposal occurs on site.
- The guidelines would benefit from considering and referencing the Department of Planning, Industry and Environment 2021, *NSW Waste and Sustainable Materials Strategy 2041, Stage 1: 2021-2027*, NSW (Strategy). The Strategy provides a roadmap to help NSW transition to a circular economy over the next 20 years. It includes measures to reduce waste, increase recycling, a plan for future infrastructure and creating new markets for recycled products. It also highlights new directions for the management of waste including timeframes for their implementation and the need for source separation of food and garden waste for residential and targeted commercial uses.
- The EPA encourages Port Stephens Council to plan for increased volumes of waste due to the expected growth in the in the number of residential and commercial properties at Tomago Industrial Estate
- Any waste generated at the site should be assessed, classified, and managed in accordance with the EPA's waste classification guidelines. See: <https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/waste-classification-guidelines>.
- Where waste is identified (for example contaminated soil), the proposed methodology for handling, removing, and disposing of any wastes must be undertaken in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014*.

Noise Considerations

The EPA recommends that noise impact assessments be completed, and any reasonable and feasible noise mitigation measures be considered by the Department of Planning and Environment (DPE) prior to implementation, in accordance with EPA's *Draft Construction Noise Guideline 2020*.

Consideration of water and sewer infrastructure

The capacity of water and sewer infrastructure systems to accept additional sewage loads is critical to the planning and delivery of the project. DPE should consider consulting with Hunter Water to obtain advice on these issues.

The EPA recommends consideration of any potential impacts from any sewage overflows from the existing sewage reticulation systems (for example, sewer pipes and pumping stations) and discharges from the existing water treatment plant and current capacity at the current sewage treatment plant.

ATTACHMENT E | HNSW CONSULTATION MATERIAL



MP07_0086 | Stage 3 of the Tomago Industrial Estate | In relation to Draft Design Guidelines for Stage 3.

NB: HNSW did not raise any matters in relation to Stage 3 of the Design Guidelines for the Tomago Industrial Estate. Confirmation of this is provided within this attachment (**Attachment E**).

Department of Planning and Environment

Our ref: HMS ID 5068

Scott Day
Department of Planning and Environment
PO BOX 404, PARRAMATTA NSW 2124
By email: scottd@torqueprojects.com

The Department of Planning and Environment has received a request for post approval for the Tomago Industrial Estate (MP07_0086-PA-21)

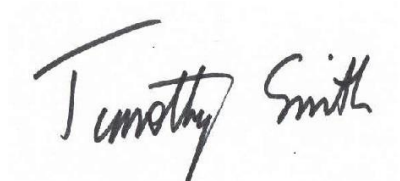
Dear Mr Day,

Thank you for your referral dated 21 November 2023 inviting SEARS input from the Heritage Council of NSW on the above State Significant Development / Infrastructure (MP07_0086-PA-21) proposal.

The subject site is not listed on the State Heritage Register (SHR), nor is it in the immediate vicinity of any SHR items. Further, the site does not contain any known historical archaeological relics. Therefore, no heritage comments are required. The Department does not need to refer subsequent stages of this proposal to the Heritage Council of NSW.

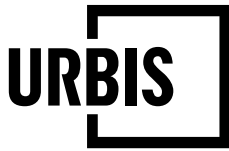
If you have any questions about this correspondence, please contact Kelly Pleasance, Assistant Customer Service Officer at Heritage NSW on (02) 9873 8500 or heritagemailbox@environment.nsw.gov.au

Yours sincerely

A handwritten signature in black ink that reads "Timothy Smith".

Tim Smith OAM
Director Assessments
Heritage NSW
Department of Planning & Environment
As Delegate of the Heritage Council of NSW

28 November 2023



**ANGEL PLACE
LEVEL 8, 123 PITT STREET
SYDNEY NSW 2000**

URBIS.COM.AU
Urbis Ltd
ABN 50 105 256 228

21 November 2023

To: Heritage NSW
Via: heritagemailbox@environment.nsw.gov.au

NORTHBANK ENTERPRISE HUB | MP07_0086: CONSULTATION FOR DRAFT DESIGN GUIDELINES, AND DRAFT LANDSCAPE MASTERPLAN

This covering letter has been prepared on behalf of Northbank Enterprise Hub (**NEH**) in relation to the major project approval of MP07_0086 for the staged development of a business and industrial estate (**Tomago Industrial Estate**) at Tomago Road, Tomago.

This letter and the accompanying documents are submitted to Heritage New South Wales (**HNSW**) as part of the conditioned requirement to consult with Office of environment and Heritage (OEH, now broken up) as identified in Conditions 2, and 36 of MP07_0086. Comment from HNSW is sought in relation to the Draft Design Guidelines and Landscape Masterplan for Stage 3 of the Tomago Industrial Estate.

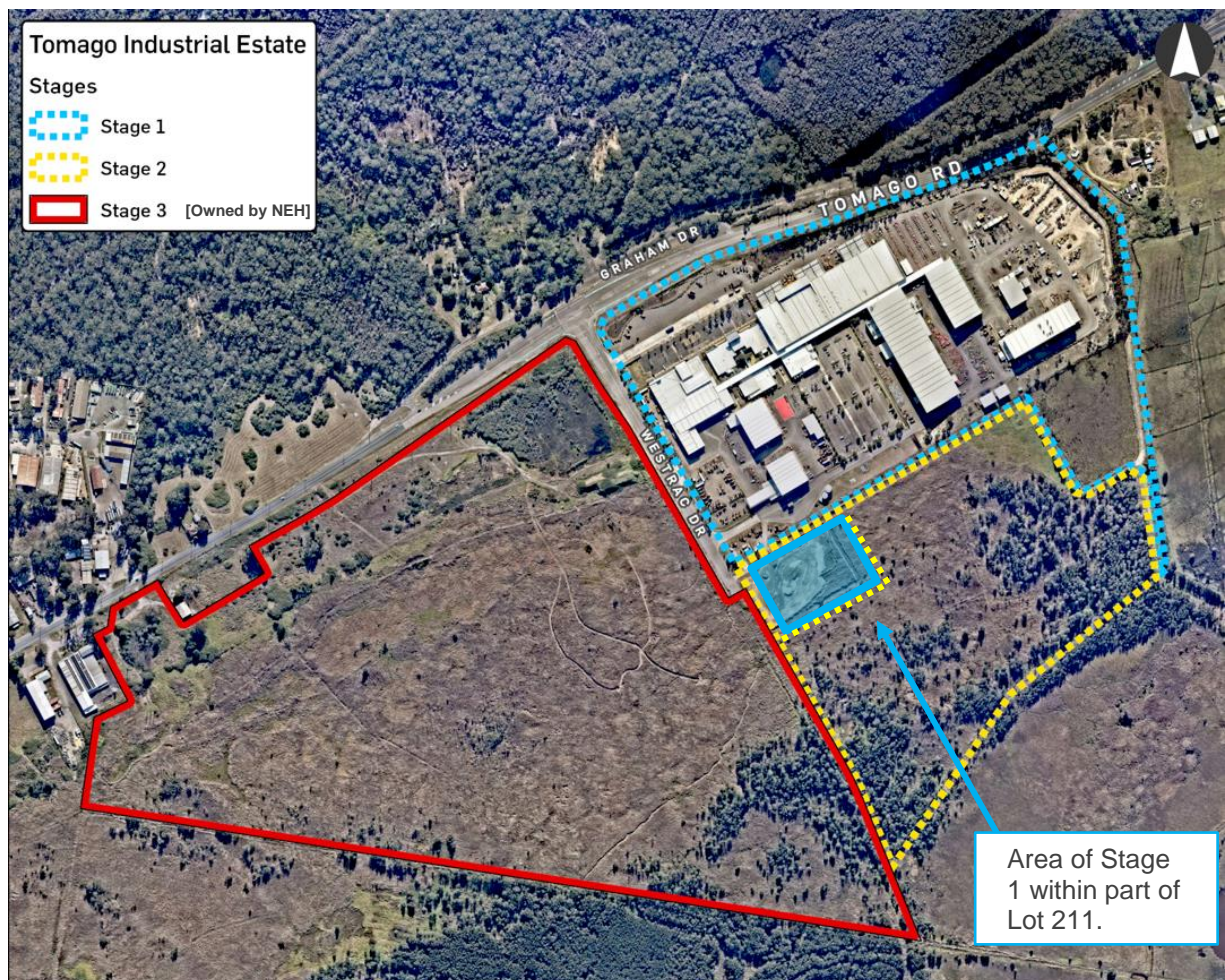
BACKGROUND – MAJOR PROJECT APPROVAL MP07_0086

NEH was issued the major project approval of MP07_0086 on 7 August 2009. MP07_0086 established a framework for the staged development of a business and industrial estate at Tomago Road, Tomago. The scope of this approval is summarised as follows:

- Stage 1 (now complete) relates to part of Lot 211 and all of Lot 212 in DP 1174939 and contains the completed 'WesTrac Facility', which became operational in July 2012. Stage 1 contains the State headquarters for WesTrac, which is an industrial machinery supplier. Stage 1 was acquired by a third party in 2017 and is not relevant to the scope of the Design Guidelines.
- Stage 2, comprises the remaining majority of Lot 211 and is owned by a third party. Accordingly, it is not relevant to the scope of the design guidelines which relates exclusively to NEH's industrial landholdings within the Tomago Industrial Site.
- Stage 3, which is contained within a separate residual allotment known as Lot 210 in DP 1174939. This lot is owned by NEH and is relevant to the scope of the Design Guidelines.

Figure 1 (overleaf) identifies the land over which MP07_0086 has been approved. A copy of the consolidated consent is at **Attachment 1**.

Figure 1 Tomago Industrial Estate subject to MP07_0086



Source: Urbis (excl. Nearmap aerial underlay)

RELAVENT CONDITIONS OF CONSENT

The Draft Design Guidelines and Landscape Masterplan for Stage 3 of the Tomago Industrial Estate are required to fulfill NEH's post-approval obligations in accordance with the following conditions of consent:

Design Guidelines:

2. *Prior to the commencement of construction of Stage 2 and 3, the Applicant must prepare Design Guidelines for the site to the satisfaction of the Planning Secretary. These guidelines must:*
 - (a) *be prepared in consultation with OEH and Council;*
 - (b) *include the proposed layout of each stage; and*

- (c) detail development controls for the design and development of individual sites (such as site coverage, set backs, building heights, stormwater management and drainage, access and parking, landscaping, waste removal and storage, and energy and water conservation/efficiency requirements).*

Landscape Masterplan:

36. Prior to commencement of construction, the Applicant must revise the Landscape Management Plan (including drawings LA01, LA02, 01, 02, 03, 04 and 05) in consultation with Council and to the satisfaction of the Planning Secretary. The Plan must:

- (a) be submitted at least one month prior to the commencement of construction of the Stage 1 buildings;*
- (b) be updated and submitted to the Planning Secretary for approval at least one month prior to the commencement of construction of Stages 2 and 3;*
- (c) use predominantly endemic species,*
- (d) where practicable, provide for the early planting of advanced plants along the northern, eastern and western boundary to minimise the visual impacts of the development; and*
- (e) provide for the maintenance of landscaping on site.*

Matters for HNSW to consider in relation to the Draft Design Guidelines, Landscape Masterplan for Stage 3 of the Tomago Industrial Estate have been outlined overleaf. We wish to emphasise that these are stand-alone documents that each have a separate and distinct purpose. HNSW is kindly requested to ensure any commentary is appropriate with respect to the targeted scope of each document.

DRAFT DESIGN GUIDELINES

The Draft Design Guidelines have been prepared for Stage 3 to satisfy Conditions 2 of Schedule 3 of the Project Approval. NEH has consulted Port Stephens Council (**Council**) and the New South Wales National Parks and Wildlife Service (**NPWS**) in the preparation of the Guidelines. The Draft Design Guidelines provide high-level design guidance for development on individual allotments that is not required to supplement any estate-wide technical management plan.

Feedback from Council and NPWS have been addressed. A copy of the Draft Design Guidelines is at **Attachment 2**. The Draft Design Guidelines present a best-in-practice outcome for Stage 3 that is supportable from a heritage perspective. The following is noted in this regard:

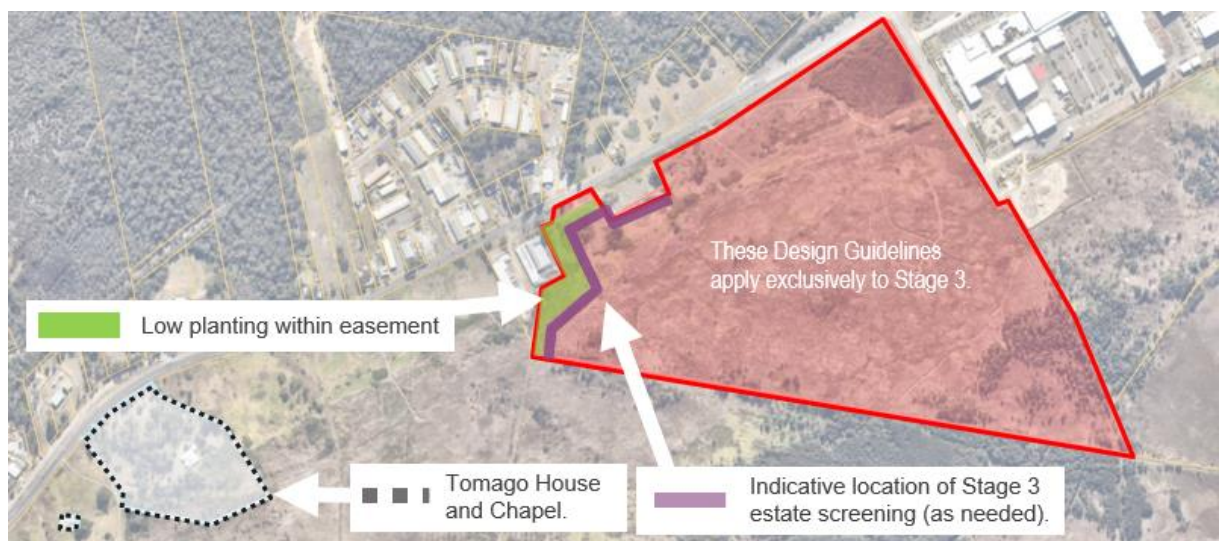
- Tomago House and the historic chapel are located 562m to the west of Stage 3 (refer to Figure 2 of the Draft Design Guidelines). Lot 1001 in DP 1127780 occupies the land between Stage 3 and these local heritage items. Lot 1001 is the subject of a staged subdivision approval under MP10_0185. This approval will enable development that will minimise the visual interface between Stage 3, Tomago House and the historic chapel. This is why the proposed extent of estate screening is concentrated towards Tomago Road at the north-western corner of Stage 3. Please refer to Figure 3 of the Design Guidelines.
- The following provisions from Section 5.5 of the Design Guidelines are noted in particular with our emphasis enclosed in **[bold]**:
 - “Screening of development is required to mitigate visual impacts to Tomago House **[the requirement to mitigate potential visual impacts via screening has been established up front]**. Planting is to provide screening in accordance with Drawing 01 of the appended Landscape Masterplan. The planting schedule on this drawing sheet should also be referenced **[cross reference with the Draft Landscape Masterplan]**”
 - “Development that is not immediate to an estate boundary may necessitate site-specific screening in the same (west-facing) direction. The need for site-specific screening should be determined with regard for:
 - The temporary undeveloped state of land between Stage 3 and Tomago House and the scale of approved development **[including across Stage 3 and Lot 1001, which will evolve over time]**.
 - Distance to Tomago House and the Chapel **[as notated within clear aerial diagrams within the Design Guidelines]**”
- Controls that will minimise the potential for light pollution are set out at Section 5.7 of the Draft Design Guidelines. These controls include an explicit direction to comply with *Australian Standard 4282 – Control of the obtrusive effects of outdoor lighting*. Further reference should be made to the other provisions of Section 5.7 in the Draft Design Guidelines that will regulate sources of artificial illumination.

DRAFT LANDSCAPE MASTERPLAN

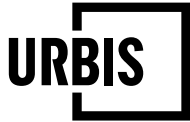
The Draft Landscape Masterplan has been prepared for Stage 3 to satisfy Condition 36 of Schedule 3 of the Project Approval. A copy of the Draft Landscape Masterplan is at **Attachment 3**. Alike the Draft Design Guidelines, the Draft Landscape Masterplan is intended to provide high-level design guidance for development on individual allotments and is not required to supplement any estate-wide technical management plan.

Condition 36 of the Consolidated Consent for MP07_0086 states that “where practicable, provide for the early planting of advanced plants along the northern, eastern and western boundary to minimise the visual impact of development”. Sufficient provision has been made to ensure that appropriate screening, including advanced planting if practicable, is established to exposed visual interfaces of development across Stage 3. The rationale for the proposed extent of estate screening is outlined by the previous section with respect to Tomago House and the historic chapel.

Figure 2 Screened Stage 3 Estate Boundaries (indicative)



Source: Urbis (excl. Nearmap aerial underlay)



CONCLUSION

We kindly request that HNSW review the Draft Design Guidelines, Draft Landscape Masterplan and provide feedback within 21 days. If no feedback is received within 21 days of the date of this letter, we will proceed to close out Conditions 2 and 36 under the assumption the HNSW has no comment.

We would be pleased to brief you before you commence your review. Please contact me at the below or Naomi Ryan at nryan@urbis.com.au.

Kind regards,

A handwritten signature in blue ink that reads "Elaine Roff". The signature is fluid and cursive, with the first name "Elaine" written in a larger, more prominent script than the last name "Roff".

Elaine Roff
Director
+61 2 8233 9927
aroff@urbis.com.au

