

**CONCEPT PLAN – BLACK HILL – S07/00622-1**  
**ENVIRONMENTAL ASSESSMENT REQUIREMENTS UNDER PART 3A OF THE**  
**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

<b>Project Description</b>	<p>Concept Plan for Black Hill, including the:</p> <ul style="list-style-type: none"> <li>• Rezoning of land for industrial purposes (over 183 ha (Black Hill))</li> <li>• Rezoning of land for conservation purposes (147 ha – Tank Paddock).</li> <li>• Upgrades to infrastructure as required.</li> </ul>
<b>Capital Investment Value</b>	\$35 million (to be confirmed based on estimated cost of future development)
<b>Site</b>	Black Hill (Lot 30 DP 870411) and Tank Paddock (Lot 1 DP 1007615).
<b>Proponent</b>	Coal and Allied Operations Pty Ltd.
<b>Date of Issue</b>	10 April 2008
<b>Date of Expiration</b>	10 April 2010
<b>Special Provision</b>	<p>The Minister for Planning formed the opinion that the development described is of State or regional environmental planning significance and authorised the submission of a concept plan for the project pursuant to section 75M(1) of the <i>EP&amp;A Act</i>. The Minister also declared that development described was a project to which Part 3A of the <i>EP&amp;A Act</i> would apply, and that such development would be required to be consistent with a structure plan to be prepared for the wider area.</p>
<b>General requirements</b>	<p>The Environmental Assessment (EA) for the <b>Concept Plan</b> must include:</p> <ol style="list-style-type: none"> <li>(1) an executive summary;</li> <li>(2) a description of the project including: <ol style="list-style-type: none"> <li>(a) need for the project;</li> <li>(b) alternatives considered;</li> <li>(c) various components and staging of the project; and,</li> <li>(d) map indicating the footprint of the proposed work</li> </ol> </li> <li>(3) a thorough site analysis and description of the existing environment;</li> <li>(4) justification of the project, taking into consideration the environmental impacts of the proposal, the suitability of the site and whether or not the project is in the public interest;</li> <li>(5) a consideration of all relevant statutory and non-statutory provisions and identification of any non-compliance with such provisions (especially the <i>SEPP (Major Projects) 2005</i>, <i>SEPP 44</i>, <i>SEPP 55</i>, <i>Draft SEPP 66</i>, <i>SEPP (Infrastructure) 2007</i>, <i>SEPP (Mining, Petroleum Production &amp; Extractive Industries) 2007</i>, <i>Planning Circular PS 07-018 (Infrastructure Contributions)</i>, <i>Newcastle LEP 2003</i>, <i>Hunter Regional Environmental Plan 1989</i>, <i>Hunter Regional Environmental Plan 1989 (Heritage)</i>, <i>Lower Hunter Regional Strategy 2006</i>, <i>The Western Corridor Lands Study</i> that is currently being prepared, and <i>Planning for Bushfire Protection, 2006</i>);</li> <li>(6) a draft Statement of Commitments outlining commitments to public benefits including State and Local infrastructure provision (or associated contributions), environmental management, mitigation and monitoring measures (especially in relation to flooding, biodiversity and stormwater) to be established on site and clear identification of who is responsible for these measures;</li> <li>(7) a signed statement from the author of the EA certifying that the information contained in the report is neither false nor misleading;</li> <li>(8) the likely scope of developer contributions between: (a) the proponent and Newcastle City Council and (b) the proponent and State Government agencies including the Roads and Traffic Authority and the Ministry of Transport, for provision of community, regional and local infrastructure, public transport provision, social infrastructure and facilities etc.</li> <li>(9) A report from a quantity surveyor identifying the capital investment value of the Concept Plan including the estimated cost of future development (see covering</li> </ol>

	letter).
<b>Key Assessment Requirements</b>	<p><b>Uses</b></p> <ol style="list-style-type: none"> <li>(1) Demonstrate that proposed uses are compatible with road-based uses and freight hub.</li> <li>(2) Demonstrate that proposed uses are compatible with employment/industrial land use zones and do not constitute a commercial/retail stand alone centre.</li> <li>(3) Demonstrate that proposed uses include an adequate level of social infrastructure to meet the needs of the future working population.</li> </ol> <p><b>Urban design, development controls and land uses</b></p> <ol style="list-style-type: none"> <li>(1) Propose development controls for the site based on a comprehensive site analysis of constraints and opportunities. The resulting development controls should satisfy the objects of the <i>EP&amp;A Act</i> and the aims and objectives of relevant planning instruments.</li> <li>(2) Demonstrate that development controls will complement surrounding existing land uses and the dedicated conservation lands.</li> <li>(3) Assess the visual impact of the proposal, particularly from the F3 Freeway, John Renshaw Drive and adjoining employment lands.</li> </ol> <p><b>Conservation lands</b></p> <ol style="list-style-type: none"> <li>(1) Identify the extent, locations, and timing of dedication of proposed conservation lands.</li> <li>(2) Discuss any edge effects between the development area, and the conservational and surrounding lands. Commit to an ongoing management program for edge effects and assess the provision of a buffer zone.</li> </ol> <p><b>Biodiversity</b></p> <ol style="list-style-type: none"> <li>(1) Assess the impact of the proposed rezoning and land clearing on existing native flora and fauna, on the site and surrounding areas (including Blue Gum Hills Regional Park, Pambalong Nature Reserve, Hexham Swamp, Hunter Estuary National Park and the dedicated conservation areas). The assessment must be conducted in accordance with the Guidelines for <i>Threatened Species Assessment (DEC July 2005)</i> and include a field study.</li> <li>(2) Describe the actions that would be taken to avoid or mitigate impacts on biodiversity, threatened species, their habitat and ecological corridors.</li> <li>(3) Identify riparian corridors based on an assessment of the hydrology of the area and existing water courses and topography of the land.</li> <li>(4) Address the requirements of the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i> where relevant.</li> </ol> <p><b>Air Quality</b></p> <ol style="list-style-type: none"> <li>(1) Assess the odour and air quality impacts of the nearby existing development including the adjoining poultry farm, any proposed sewerage treatment plant on the site and in light of potential coal mining and coal-bed methane extraction on the subject land. The assessment must be consistent with the <i>Technical Framework Assessment and management of odour from stationary sources in NSW (DECC November 2006)</i> and the <i>Technical Notes Assessment and management of odour from stationary sources in NSW (DECC November 2006)</i>.</li> </ol> <p><b>Geotechnical</b></p> <ol style="list-style-type: none"> <li>(1) Assess the capability of the land for the proposed development including with respect to erosion potential, slope stability, sodicity and salinity and the presence of potential and actual acid sulphate soils if any.</li> <li>(2) Identify the potential for subsidence, hazards associated with subterranean gases and contamination and other associated risks for development.</li> <li>(3) Identify the impacts of the development of the proposal and conservation offsets on the future recovery of resources of coal and coal-seam methane below the site and outline required actions, management and mitigation measures.</li> </ol> <p><b>Sustainability</b></p> <ol style="list-style-type: none"> <li>(1) The EA should outline commitments to sustainability including water reuse,</li> </ol>

waste minimisation, the minimisation of energy use and car dependency etc.

#### **Traffic/Transport**

- (1) Include a traffic study prepared in accordance with the *RTA Guide to Traffic Generating Developments*, which addresses:
  - (a) Impacts on regional road networks during construction and operation.
  - (b) Traffic management and proposed access from the wider road network as well the opportunities and constraints of alternative vehicular access points;
  - (c) Measures to introduce and promote public transport usage and mode share including pedestrian and cycle access within and to the site that connects to all relevant transport services and key off-site locations;
  - (d) Traffic signal and intersection upgrades underpinned by an intersection analysis and micro-simulation model; and
  - (e) Road design to cater for heavy vehicles associated with freight movement.

#### **Noise Impact**

- (1) Demonstrate that the proposal will be designed, constructed, operated and maintained so that there are no unacceptable impacts from noise (including traffic noise).

#### **Heritage**

- (1) Assess in accordance with the *Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation DEC (July 2005)* the heritage significance of the area.
- (2) Provide detail of how the development will incorporate and not negatively impact on site setting, landscapes, landmark elements, heritage items, views and vistas.

#### **Surface water and groundwater quality**

- (1) Identify drainage and stormwater management issues, including: riparian areas that respect creeks and the topography of the site, on site detention of stormwater; water sensitive urban design (WSUD); and drainage infrastructure.
- (2) Provide details in relation to the short and long term management of water quality and ecosystem health during construction and the life of the development, including the formation of buffer zones.
- (3) Develop suitable Flood Planning Levels for the development and demonstrate consistency with the *NSW Floodplain Development Manual: the management of flood liable land (2005)* and the *DECC Floodplain Risk Management Guideline – Practical Consideration of Climate Change*.

#### **Bushfire Risk Assessment**

- (1) Provide an assessment against the current version of *Planning for Bush Fire Protection 2006*, section 100B of the *Rural Fires Act 1997* and Section 79BA of the *EP&AA 1979*.
- (2) Identify the ongoing management arrangements of proposed Asset Protection Zones.

#### **Utilities and Social Infrastructure**

- (1) Prepare a utilities infrastructure servicing report and plan for the site that demonstrates that the site can be adequately serviced in terms of water supply, sewerage services, stormwater management, gas, electricity, communication services and fire suppression facilities.
- (2) The EA should provide details of how adequate social infrastructure to meet the day to day needs of the working population will be provided on site. This includes the provision of facilities such as childcare centres, community facilitates and services, useable open space, restaurants or take away food and drink premises, service stations and facilities for emergency vehicle towing and repairs etc.

#### **Ecologically Sustainable Development (ESD)**

- (1) The EA should demonstrate that all aspects of the concept plan satisfy the principles of ESD including compliance with BASIX.

#### **Developer contributions**

- (1) Provide details of the likely scope of developer contributions between the proponent and the State Government (via agencies including the Roads and Traffic Authority and the Ministry of Transport). This should be based on the estimated cost of future development and an agreed schedule of infrastructure

	<p>funding for the land.</p> <p>(2) Provide details of the likely scope of developer contributions between the proponent and the Newcastle City Council. This should be based on the estimated cost of future development.</p>
<b>Consultation Requirements</b>	<p>During the preparation of the EA, the proponent must undertake an appropriate and justified level of consultation with relevant parties. If consultation has already been undertaken or will be undertaken during exhibition, this needs to be documented. Relevant agencies should include, but not be limited to:</p> <ul style="list-style-type: none"> <li>• Newcastle City Council</li> <li>• Department of Environment and Climate Change</li> <li>• Roads and Traffic Authority</li> <li>• Ministry of Transport</li> <li>• Mine Subsidence Board</li> <li>• Hunter-Central Rivers CMS</li> <li>• Hunter Water</li> <li>• Commonwealth Department of Environment and Heritage</li> <li>• The Local Aboriginal Land Council</li> <li>• Utility and infrastructure providers including the Ambulance Service of NSW, the Rural Fire Service and NSW Fire Brigades.</li> <li>• Sydney Gas Operations (Holder of Petroleum Exploration Licence 267)</li> <li>• Donaldson Coal Company Pty Ltd (holder of Exploration Licence EL 5497).</li> </ul> <p>If the Director-General considers that significant changes are proposed to the nature of the project, the Director-General may require the proponent to make the preferred project available to the public.</p>
<b>Deemed refusal period</b>	<p>120 days (see Clause 8E of the Environmental Planning &amp; Assessment Regulation)</p>
<b>Landowners Information</b>	<p>The consent of the landowner is to be provided in accordance with s8F of the <i>Environmental Planning and Assessment Regulation 2000</i>.</p>