

## Sanctuary Villages – State Significant Study and Environmental Assessment Report

### Summary of issues raised by key stakeholders

Issue	Consultant	Response/Addressed in PPR
<b>Department of Environment and Climate Change (DECC)</b>		
<ul style="list-style-type: none"> <li>Conservation lands should be modified as part of the proposed conservation areas are unsuitable for addition to the NSW Conservation Reserve system.</li> <li>These portions of land are more suited to reservation as public open space managed by the proponent or Council.</li> </ul>	RPS HSO	<ul style="list-style-type: none"> <li>Section 2.1.1 (Conservation Offset Areas)</li> </ul>
<ul style="list-style-type: none"> <li>More information is needed on the Ellalong Lagoon conservation offset lands.</li> </ul>	RPS HSO	<ul style="list-style-type: none"> <li>It is queried why more information is required on this matter. The agreement on Conservation lands is effectively covered by the Deed of Agreement signed on behalf of the NSW Government by the Minister for Planning representing the Department of Planning and the Minister for the Environment, representing the Department of Environment and Climate Change.</li> </ul>
<ul style="list-style-type: none"> <li>The minor overall reduction to conservation areas proposed to be transferred will not affect the overall conservation outcomes envisaged by the DoA.</li> </ul>	RPS HSO	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
<ul style="list-style-type: none"> <li>Additional Aboriginal Cultural Heritage (ACH) documentation needed to address community consultation, development of the Aboriginal Cultural Heritage Management Plan (ACHMP) and level of protection afforded to the ACH values within the Congewai Creek and associated floodplain.</li> </ul>	Myall Coast Archaeology	<ul style="list-style-type: none"> <li>Refer to Aboriginal Heritage Statement of Commitments.</li> </ul>
<ul style="list-style-type: none"> <li>All conservation off set lands should be rezoned to E1 zone.</li> </ul>	JBA	<ul style="list-style-type: none"> <li>Noted and reflected in the SEPP Amendment.</li> </ul>
<ul style="list-style-type: none"> <li>Only development authorised under the NP&amp;W Act should be permitted within the E1 zone.</li> </ul>	JBA	<ul style="list-style-type: none"> <li>Section 2.9 (Zoning and Land Use Controls)</li> </ul>
<ul style="list-style-type: none"> <li>Conservation areas outside of the recommended E1 conservation area should be zoned E2 – Environmental Conservation.</li> </ul>	JBA	<ul style="list-style-type: none"> <li>There are no conservation lands outside of the recommended E1 Conservation Area.</li> </ul>
<ul style="list-style-type: none"> <li>The Flora and Fauna Assessment doesn't adequately consider the impacts on biodiversity and the implications for conservation management from the proposed development / construction of infrastructure within the conservation areas bordering the Paxton and Millfield development areas.</li> </ul>	RPS HSO	<ul style="list-style-type: none"> <li>This claim is disputed. Extensive surveying and assessment on the Conservation Lands has been undertaken in both the lead up to the signing of the Deed of Agreement and as part of the Concept Plan preparation.</li> <li>Hardie Holdings will work with DECC in the preparation of its management plan for the conservation lands. In particular, Hardie Holdings will liaise with DECC in managing the interface between the development lands and the conservation lands.</li> </ul>
<ul style="list-style-type: none"> <li>The proponent has not undertaken broad based Aboriginal community consultation for this project. Broader scoping consultation required which should be documented.</li> </ul>	Myall Coast Archaeology	<ul style="list-style-type: none"> <li>Refer to Statement of Commitment for further Consultation.</li> </ul>
<ul style="list-style-type: none"> <li>No mitigation and management measures proposed to protect 2 scar trees, an isolated object and an artefact scatter.</li> </ul>	Myall Coast Archaeology	<ul style="list-style-type: none"> <li>Section 2.6.2 (Aboriginal Heritage)</li> </ul>
<ul style="list-style-type: none"> <li>DECC needs to be formally notified under Section 91 of the <i>National Parks and Wildlife Act 1974</i> (NP&amp;W Act) of archaeological items regarding these sites. Proponent should accurately complete the NPWS site recording forms and submit to be registered on AHIMS.</li> </ul>	Myall Coast Archaeology	<ul style="list-style-type: none"> <li>May be imposed as a Condition of Consent.</li> </ul>
<ul style="list-style-type: none"> <li>Rural lots located within the floodplain and rural development activities could potentially impact the Aboriginal Cultural Heritage values located there.</li> </ul>	Myall Coast Archaeology	<ul style="list-style-type: none"> <li>Section 2.6.2 (Aboriginal Heritage)</li> </ul>
<ul style="list-style-type: none"> <li>EJE Town Planning's 'Stanford Main No. 2 Archaeological Assessment', dated April 1999 has not been provided in the EA.</li> </ul>	ERA	<ul style="list-style-type: none"> <li>Refer to Heritage Management Plan at <b>Appendix C</b>.</li> </ul>
<b>Hunter Water</b>		
<ul style="list-style-type: none"> <li>Hunter Water does not support any rezoning proposal that leads to intensification of development, particularly residential or commercial</li> </ul>	PB/JBA	<ul style="list-style-type: none"> <li>Section 2.5 (Odour Buffer Issues)</li> </ul>

development within the buffer zone.		
■ Commercial development within the buffer zone not supported.	PB / JBA	■ Section 2.5 (Odour Buffer Issues)
<b>Cessnock City Council</b>		
■ Proposed RU 2 Rural Landscape Zone is inconsistent with Council's draft provisions.	JBA	■ Section 2.9(Zoning and Land Use Controls)
■ The R1: General Residential Zone should be replaced by either RU5: Village, R2: Low Density Residential Zone or R3: Medium Density Residential Zone in certain areas consistent with Draft Cessnock LEP 2008.	JBA	■ Section 2.9(Zoning and Land Use Controls)
■ B2 Local Centre should be replaced by B4 Mixed Use Zone to allow greater flexibility in accommodating future adaptive reuse of existing heritage buildings.	JBA	■ Section 2.9(Zoning and Land Use Controls)
■ Clarification of car park in RE1 zone required. <i>Markets</i> are prohibited in draft CLEP 2008 in the RE1 Zone.	JBA	■ Section 2.9(Zoning and Land Use Controls)
■ Use of E1 zone is subject to discussions with the NPWS. Draft SSS provisions differ from Draft CLEP 2008.	JBA	■ Section 2.9(Zoning and Land Use Controls)
■ SSS should adopt Council's draft CLEP 2008 exempt and complying provisions.	JBA	■ Section 2.9(Zoning and Land Use Controls)
■ The Design Statement and Design Code (Appendix B) fails to address the 'mandated as permissible' land uses.	JBA	■ Section 2.9(Zoning and Land Use Controls)
■ The proposal is inconsistent with both the existing Cessnock LEP 1989 and the Standard LEP Template which has a mandatory standard clause – 4.2: Minimum subdivision lot size. ■ Proposed minimum lot size consistent with draft CLEP 2008 and the Lot Size Map recommended.	JBA	■ Section 2.9(Zoning and Land Use Controls)
■ Council's existing s.94 contributions plan is not sufficient to address the infrastructure needs generated by the proposal.	JBA	■ Refer to Additional Levies in Section 1.0 Introduction.
■ Existing condition of Wollombi Road not considered satisfactory to accommodate Stage 1 traffic, particularly through Millfield, Middle Road Ellalong Road intersection and from Pelton Pinch Viaduct through to Doyle Street, Bellbird.	PB	■ Section 2.2 (Traffic and Transportation) and <b>Appendix D</b> .
■ The traffic impact assessment ignores the impact of the proposed development on Wollombi Road, Ellalong Road and Millfield Road / Sanctuary Road / Middle Road and Congewai Road intersection.	PB	■ Section 2.2 (Traffic and Transportation) and <b>Appendix D</b>
■ No design for the upgrade of Sanctuary Road along Paxton frontage provided.	PB	■ Refer to Additional Levies in Section 1.0 Introduction and Section 2.3 (Infrastructure Provision and Funding) and the Statement of Commitments at Section 3.0.
■ No assessment of the impacts on the Millfield Road / Sanctuary Road / Sandy Creek Road from Millfield to Mount Vincent to connect to Main Road 220 Leggetts Drive for ultimate access to the F3 and Sydney.	PB	■ Section 2.2 (Traffic and Transportation) and <b>Appendix D</b>
■ No recommendation is made for developer contributions towards road upgrades.	PB/ JBA	■ Refer to Additional Levies in Section 1.0 Introduction and Section 2.3 (Infrastructure Provision and Funding)
■ Council's road infrastructure in the Millfield, Paxton and Ellalong areas is inadequate to support a development of this size.	PB	■ Refer to Additional Levies in Section 1.0 Introduction and Section 2.3 (Infrastructure Provision and Funding)
■ The proposal will create additional demand on both sporting and community facilities.	Regional Land	■ Section 2.3.2 (Local Infrastructure Funding). The proponent is providing a sporting facility as part of Stage 3 of the development.
■ Councils' draft Recreation and Open Space Strategic Plan identifies a shortage of sporting facilities within Paxton.	PB/ JBA	■ Section 2.3.2 (Local Infrastructure Funding)
■ No detailed information regarding sports oval size or associated infrastructure (carparking, amenities, floodlighting, irrigation etc)	JBA	■ The design of the sports oval and its provision is committed to be provided in Stage 3.

provided. There are concerns with its proposed location, within the Odour Buffer Zone.		<ul style="list-style-type: none"> <li>With respect to the location of the sports oval, the Hunter Water Corporation (HWC) REF indicates that the odour is acceptable in this location.</li> </ul>
<ul style="list-style-type: none"> <li>A Social Impact Assessment considering the range of possible positive and negative social impacts and includes a community consultation has not been undertaken.</li> </ul>	Regional Land	<ul style="list-style-type: none"> <li>Development of the site is in accordance with the signed Deed between Hardie Holdings and the NSW Government. The EAR adequately deals with all the issues likely to be dealt with in a Social Impact Statement. The EAR also adequately deals with all the DGRs. The DGRs did cover most social impacts.</li> </ul>
<ul style="list-style-type: none"> <li>An increase in population in this area which does not have an existing baseline of community facilities and services commensurate will have a significant negative effect upon Council's ability to service such development at this time.</li> </ul>	Regional Land	<ul style="list-style-type: none"> <li>It is considered that the payment of Section 94 Contributions plus payment of additional levies by the applicant provides a reasonable amount to service local and regional infrastructure needs (Section 2.3 Infrastructure and Funding). The benefits of the development in providing residential development in a time of residential land shortage are evident.</li> </ul>
<ul style="list-style-type: none"> <li>The assessment does not address the issues of 'affordable housing', or demonstrate that the appropriate housing diversity and affordability are provided.</li> </ul>	JBA	<ul style="list-style-type: none"> <li>The provision of residential dwellings outside the main metropolitan centres, consistent with the Lower Hunter Regional Strategy (and without the imposition of onerous development contributions and levies) is considered to innately contribute to the proportion of affordable housing within the development. The proposed mixed use terrace housing will also assist in creating both housing diversity and affordability.</li> <li>In addition to this, the proponent has contacted "Compass Housing", a Hunter based organisation that specialises in the provision of affordable housing. The proponent has sought the involvement of Compass Housing to discuss possible scheme for affordable housing.</li> </ul>
<ul style="list-style-type: none"> <li>The EA fails to include a Statement of Heritage Impact assessed Part E – Specific Uses, Chapter 4 – Stanford Main of the Cessnock DCP 2006 and the Management Plan.</li> </ul>	Andrews Neil	<ul style="list-style-type: none"> <li>Refer to Heritage Management Plan at <b>Appendix C</b>.</li> </ul>
<ul style="list-style-type: none"> <li>Mine Subsidence Board approval will be required. This will need to be considered prior to approval being issued.</li> </ul>	PB/ JBA	<ul style="list-style-type: none"> <li>Noted. The Concept Plan site is not within a Mine Subsidence District.</li> </ul>
<ul style="list-style-type: none"> <li>The current flood study of Congewai Creek and its tributaries should be recalibrated including data from the June 2007 event to allow detailed assessment of the extent of flood liable land, determined drainage corridors and overland flow paths and building envelopes for appropriate development.</li> </ul>	PB	<ul style="list-style-type: none"> <li>Section 2.7.1 (Flooding Impacts)</li> </ul>
<ul style="list-style-type: none"> <li>Ongoing discussions will need to be finalised between the proponent and Hunter Water required.</li> </ul>	PB	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
<ul style="list-style-type: none"> <li>Clarification from Energy Australia should be sought to determine if the proposed development can be serviced by this substation.</li> </ul>	PB	<ul style="list-style-type: none"> <li>Refer to Statement of Commitments (Section 3.0 Utilities).</li> </ul>
<ul style="list-style-type: none"> <li>Confirmation from HWC should be obtained that the commercial / tourist district is a compatible use within the buffer zone.</li> </ul>	PB	<ul style="list-style-type: none"> <li>Section 2.5 (Odour Buffer Issues)</li> </ul>
<ul style="list-style-type: none"> <li>Further contamination investigations are required prior to the site being cleared for mixed residential / open space / commercial development.</li> </ul>	PB	<ul style="list-style-type: none"> <li>Section 2.4.2 (Contaminated Lands)</li> </ul>
<ul style="list-style-type: none"> <li>APZs within adjoining reserves and parks is cause for concern and may affect the integrity of the conservation lands.</li> </ul>	RPS HSO	<ul style="list-style-type: none"> <li>Section 2.7.2 (Riparian Corridors and Bushfire Management)</li> </ul>
<b>Ministry of Transport</b>		
<ul style="list-style-type: none"> <li>The Ministry is opposed, in principle to the subject site being developed.</li> </ul>	PB	<ul style="list-style-type: none"> <li>Development of the site is in accordance with the signed Deed between Hardie Holdings and the NSW Government.</li> </ul>
<ul style="list-style-type: none"> <li>The circuitous street network and isolated pockets of development makes servicing the subdivision by bus costly and inefficient.</li> </ul>	PB	<ul style="list-style-type: none"> <li>Section 2.2.2 (Public Transport)</li> </ul>
<ul style="list-style-type: none"> <li>A significant proportion of dwellings are located outside of the recommended 400m catchment of a bus stop.</li> </ul>	PB	<ul style="list-style-type: none"> <li>Section 2.2.2 (Public Transport)</li> </ul>
<ul style="list-style-type: none"> <li>It is requested that the design of the proposed Millfield subdivision be revisited to achieve a more sustainable outcome that significantly reduces lot distances from Millfield Road and subsequently allows for efficient bus servicing.</li> </ul>	PB	<ul style="list-style-type: none"> <li>Section 2.2.2 (Public Transport)</li> </ul>
<ul style="list-style-type: none"> <li>The project documentation fails to comply with the DGRs in that no VPA was discussed with the Ministry. Ministry requests \$1,875,000 as a contribution towards bus services.</li> </ul>	PB	<ul style="list-style-type: none"> <li>Section 2.3.1 (Regional Infrastructure Funding)</li> </ul>
<ul style="list-style-type: none"> <li>The commercial centre in the Paxton subdivision should be located adjacent to Millfield Road to achieve a centralised location, equally accessible to all Paxton residents, and well serviced by local buses.</li> </ul>	PB	<ul style="list-style-type: none"> <li>Section 2.2.2 (Public Transport)</li> </ul>

<ul style="list-style-type: none"> <li>▪ The provision of footpaths along both frontages of residential streets to encourage walking as a primary mode of transport within the precincts.</li> </ul>	PB	<ul style="list-style-type: none"> <li>▪ The additional levies could be directed to fund the footpaths as reflected in the Statement of Commitments (Section 3.0).</li> </ul>
<ul style="list-style-type: none"> <li>▪ Provision of safe and direct pedestrian and cyclist links to major trip generating facilities including the tourist and commercial centres.</li> </ul>	PB	<ul style="list-style-type: none"> <li>▪ A key component of the Concept Plan is its planned network of pedestrian and cycle linkages, which aim to encourage walking and cycling as much as possible, as well as providing links both within the site and potential links beyond.</li> <li>▪ The Design Statement and Design Code (Appendix B of the EAR) provides detailed controls for both residential lots, including the Pedestrian and cycleway design requirements, which will be matters for consideration during the assessment of future project and development applications.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Provision of a dedicated cycleway through the centre of the Paxton subdivision that provides a safe and desirable route for cyclists.</li> </ul>	PB	<ul style="list-style-type: none"> <li>▪ As above</li> </ul>
<ul style="list-style-type: none"> <li>▪ Pedestrian and cyclist “way-finding” signage required to indicate the direction and distance to major destinations including the commercial precinct, tourist facilities and the major townships –Best Practice Guidelines for NSW Public Transport Signage and Information Displays.</li> </ul>	PB	<ul style="list-style-type: none"> <li>▪ May be a Condition of Consent on Stage 1, and for other stages subject to future Project Applications.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Provision of an off-road pedestrian and cycle path connecting the Millfield and Paxton townships.</li> </ul>	PB	<ul style="list-style-type: none"> <li>▪ Section 2.3.1 (Regional Infrastructure Funding) and the Stage 1 Project Application Statement of Commitments (Section 3.0).</li> </ul>
<ul style="list-style-type: none"> <li>▪ Provision of adequate and secure bicycle storage facilities as well as cyclist amenities at major trip generating facilities such as the proposed commercial centre, open space areas and tourist attractions.</li> </ul>	PB	<ul style="list-style-type: none"> <li>▪ May be a Condition of Consent on Stage 1, and for other stages subject to future Project Applications.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Opportunities to expand the existing bus network to include new release areas and / or modified town boundaries should be discussed with MoT.</li> </ul>	PB	<ul style="list-style-type: none"> <li>▪ Section 2.2.2 (Public Transport)</li> </ul>
<ul style="list-style-type: none"> <li>▪ The staging of both developments should occur in a sequential fashion outward from Millfield Road.</li> </ul>	PB	<ul style="list-style-type: none"> <li>▪ Section 2.2.2 (Public Transport)</li> </ul>
<b>NSW Department of Primary Industries</b>		
<ul style="list-style-type: none"> <li>▪ The Environmental Assessment Report does not adequately address the issue of possible future underground coal mining in this area, particularly as western and eastern 1/3's of site still contain uncovered coal resources</li> </ul>	PB	<ul style="list-style-type: none"> <li>▪ Section 2.4 (Mining and Contaminated Land)</li> </ul>
<ul style="list-style-type: none"> <li>▪ Future conservation lands will impact on future underground mining operations in this area.</li> </ul>	PB	<ul style="list-style-type: none"> <li>▪ Section 2.4 (Mining and Contaminated Land)</li> </ul>
<ul style="list-style-type: none"> <li>▪ The Mine Subsidence Board is reviewing mine subsidence districts and parts of the Sanctuary Village site may be considered for declaration as mine subsidence districts.</li> </ul>	PB	<ul style="list-style-type: none"> <li>▪ Section 2.4 (Mining and Contaminated Land)</li> </ul>
<ul style="list-style-type: none"> <li>▪ Hardie Holdings should consult closely with Austar Coal to ensure rezoning and subsequent development will not adversely affect mining activities. Consultation should also identify any areas that may be subject to future mine subsidence and appropriate building guidelines can be established for these areas.</li> </ul>	PB	<ul style="list-style-type: none"> <li>▪ Section 2.4 (Mining and Contaminated Land)</li> </ul>
<ul style="list-style-type: none"> <li>▪ The residual rural parts of the Sanctuary Village holding are well suited for productive and sustainable agricultural use. The rural lots also comprise extensive areas of prime agricultural lands and a desirable mix of resources.</li> </ul>	PB	<ul style="list-style-type: none"> <li>▪ Development of the site is in accordance with the signed Deed between Hardie Holdings and the NSW Government.</li> <li>▪ The proposed rural lots can still be used for productive and sustainable agricultural use.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Significant boundary and zoning changes proposed which are not suitable for sustainable agriculture development, will increase land use conflict and permanently sterilise significant agricultural resource lands.</li> </ul>	PB	<ul style="list-style-type: none"> <li>▪ As above.</li> </ul>
<ul style="list-style-type: none"> <li>▪ The proposed Lots 3 and 4 have areas above the currently mapped 1 in 100 year flood level and hence are not suitable for sustainable agricultural development.</li> </ul>	PB	<ul style="list-style-type: none"> <li>▪ This issue is incorrect and would make the lots suitable for farming.</li> </ul>
<ul style="list-style-type: none"> <li>▪ On Lot 1 the only remaining area above the current 1:100 year floor level appears to be &lt;3ha and would immediately adjoin land zoned Rural Residential. The small area of land and proximity to residential</li> </ul>	PB	<ul style="list-style-type: none"> <li>▪ Lot 1 is consistent with the 40ha minimum lot size within Cessnock LEP 1989. A range of uses are permissible within the Rural Landscape zone, not just extensive agriculture.</li> <li>▪ With respect to the potential conflict between the rural use and residential uses, we note that these two land uses currently exist side by side, and in this regard the proposal does not intensify any potential conflict.</li> </ul>

development greatly increases the risk of conflict and would render Lot 1 unsuitable for use as a farming property.		
<ul style="list-style-type: none"> <li>Whilst Lot 2 has adequate lands above the current 1:100 year floor line, the proposed boundary changes to Lot 2 mean that the only available site for a future dwelling, farm infrastructure and animal refuge would be completely isolated during major floods.</li> </ul>	PB	<ul style="list-style-type: none"> <li>Lot 2 is consistent with the 40ha minimum lot size within Cessnock LEP 1989. The 1 in 100 year flood is a relatively rare event and it is considered that there would be sufficient time for evacuation prior to the dwelling house becoming isolated.</li> </ul>
<ul style="list-style-type: none"> <li>The area of Lot 5 identified as being above the 1:100 year flood mark is similarly cut off from public access roads during major floods.</li> </ul>	PB	<ul style="list-style-type: none"> <li>As above.</li> </ul>
<ul style="list-style-type: none"> <li>The proposal fails to consider likely changes to flood levels that will result from climate change impacts.</li> </ul>	PB	<ul style="list-style-type: none"> <li>Climate Change addressed at Section 2.7.1 (Flooding Impacts)</li> </ul>
<ul style="list-style-type: none"> <li>Fragmenting this large holding into 40ha lots as proposed will permanently sterilise significant agricultural resources and increase flood risks contrary to current zone and planning objectives.</li> </ul>	PB	<ul style="list-style-type: none"> <li>The rural lots are consistent with the 40ha minimum lot size within Cessnock LEP 1989</li> </ul>
<ul style="list-style-type: none"> <li>Objects to the proposal to grant subdivision approval under Section 75P9(1)(c) and recommends that the proposed rural lots and flood risks are subject to due and proper assessment with the aim of facilitating more sustainable development outcomes.</li> </ul>	PB	<ul style="list-style-type: none"> <li>Section 2.10 (Rural Subdivision)</li> </ul>
<b>NSW Rural Fire Service</b>		
<ul style="list-style-type: none"> <li>Millfield Expansion <ul style="list-style-type: none"> <li>Revegetation within the riparian corridor between Stages 1 &amp; 4 and 1 &amp; 2 shall require the appropriate asset protection zone commensurate within the hazard.</li> <li>Temporary asset protection zones shall be provided between Stages 1 &amp; 3.</li> <li>Water electricity and gas are to comply with section 4.1.3 of <i>Planning for Bush Fire Protection 2006</i>.</li> <li>Public road access shall comply with section 4.1.3 (1) of <i>Planning for Bush Fire Protection 2006</i>.</li> <li>Fire trails shall comply with section 4.1.3 (3) of <i>Planning for Bush Fire Protection 2006</i>.</li> <li>Landscaping within the nature buffer / park on the eastern and northern side of stages 3 and 1 is to comply with the principles of appendix 5 of <i>Planning for Bush Fire Protection 2006</i>.</li> </ul> </li> </ul>	RPS HSO	<ul style="list-style-type: none"> <li>May be imposed as Conditions of Consent.</li> </ul>
<ul style="list-style-type: none"> <li>Paxton Expansion <ul style="list-style-type: none"> <li>Water electricity and gas are to comply with section 4.1.3 of <i>Planning for Bush Fire Protection 2006</i>.</li> <li>Public road access shall comply with section 4.1.3 (1) of <i>Planning for Bush Fire Protection 2006</i>.</li> <li>Fire trails shall comply with section 4.1.3 (3) of <i>Planning for Bush Fire Protection 2006</i>.</li> <li>Landscaping within the public open space is to comply with the principles of appendix 5 of <i>Planning for Bushfire Protection 2006</i>.</li> </ul> </li> </ul>	RPS HSO	<ul style="list-style-type: none"> <li>May be imposed as Conditions of Consent.</li> </ul>
<b>Department of Water and Energy</b>		
<ul style="list-style-type: none"> <li>It is unclear how the width and extent of the various riparian corridors has been determined.</li> </ul> <p>Guidelines for Controlled Activities (Feb 2008) Riparian Corridors provides the following recommendations:</p> <ul style="list-style-type: none"> <li>Min. 10m for any intermittently flowing 1<sup>st</sup> order watercourse;</li> <li>20m for any permanently flowing 1<sup>st</sup> or 2<sup>nd</sup> order watercourse;</li> <li>20m to 40m for any 3rd order + watercourse.</li> </ul>	PB	<ul style="list-style-type: none"> <li>Section 2.7.2 (Riparian Corridors) – subject to detailed Project Applications for each stage.</li> </ul>



<ul style="list-style-type: none"> <li>Under the NSW Rivers and Estuaries Policy and the Controlled Activities provisions of the WMA, all structural works, including works for stormwater capture and treatment, should be located outside any riparian buffer.</li> </ul>	PB	<ul style="list-style-type: none"> <li>Section 2.7.2 (Riparian Corridors) – subject to detailed Project Applications for each stage.</li> </ul>
<ul style="list-style-type: none"> <li>In addition to Core Riparian Zones (CRZs), additional 10m vegetated buffer to be provided on both sides of the watercourse measured from the outer edge of the CRZ, to allow for edge effects.</li> </ul>	PB	<ul style="list-style-type: none"> <li>As above.</li> </ul>
<ul style="list-style-type: none"> <li>Proposal has not considered Basic Landholder Rights along Congewai Creek and Ellalong Lagoon, particularly for rural lots.</li> </ul>	PB	<ul style="list-style-type: none"> <li>It is unclear what the context of this request is. The water licence on site will be surrendered.</li> </ul>
<b>RTA</b>		
<ul style="list-style-type: none"> <li>RTA concurrence required for connections to classified roads under Section 138 of the Roads Act. RTA consent required for traffic control signals and facilities.</li> </ul>	PB	<ul style="list-style-type: none"> <li>Pursuant to Section 75V of the EP&amp;A Act Section 138 authorisation cannot be refused if it is necessary for carrying out an approved project and is to be substantially consistent with the approval under Part 3A.</li> </ul>
<ul style="list-style-type: none"> <li>Maitland Road between Cessnock and Kurri Kurri requires duplication due to cumulative impacts of development. The RTA would therefore expect developers to make a reasonable contribution to road infrastructure upgrades.</li> </ul>	PB	<ul style="list-style-type: none"> <li>Section 2.3.1 (Regional Infrastructure Funding)</li> </ul>
<ul style="list-style-type: none"> <li>Development attracts a State contribution of \$10,000 per lot, consistent with recent similar arrangements at Bellbird.</li> </ul>	PB	<ul style="list-style-type: none"> <li>Section 2.3.1 (Regional Infrastructure Funding)</li> </ul>
<ul style="list-style-type: none"> <li>Traffic control facilities and upgrading works on Wollombi Road would be additional to the State contribution and subject to agreement with Cessnock City Council.</li> </ul>	PB	<ul style="list-style-type: none"> <li>Section 2.3.1 (Regional Infrastructure Funding)</li> </ul>
<ul style="list-style-type: none"> <li>RTA prefers State contribution id delivered as works in kind to the value of \$10,000 per residential lot and subject to a VPA.</li> </ul>	PB	<ul style="list-style-type: none"> <li>Section 2.3.1 (Regional Infrastructure Funding)</li> </ul>
<ul style="list-style-type: none"> <li>Detailed traffic analysis required to assess traffic signal impacts on Wollombi Road which addresses: <ul style="list-style-type: none"> <li>Current traffic counts and 10 year population growth project;</li> <li>With and without development scenarios;</li> <li>95<sup>th</sup> percentile back of queue lengths;</li> <li>Intersection performance on all intersections;</li> <li>SIDRA or similar traffic modelling.</li> </ul> </li> </ul>	PB	<ul style="list-style-type: none"> <li>Section 2.2.1 (Traffic Management) and <b>Appendix D</b>.</li> </ul>
<b>Hunter New England Area Health Service</b>		
<ul style="list-style-type: none"> <li>An additional 1750 residents in Paxton and Millfield is not likely to significantly increase demand for health services and any additional demand will be met by existing services.</li> </ul>	-	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
<ul style="list-style-type: none"> <li>There is a lack of adequate public transport to service the development.</li> <li>The development is 10kms from Cessnock and 35kms from Maitland where hospital and community health services are located creating a significant issue for residents without private transport.</li> </ul>	-	<ul style="list-style-type: none"> <li>Section 2.2.2 (Public Transport)</li> </ul>
<ul style="list-style-type: none"> <li>Access to out of hours emergency care needs to be considered as well as access to private healthcare providers, particularly general practitioners and dentists.</li> </ul>	-	<ul style="list-style-type: none"> <li>Outside the scope of the Director General Requirements for the Project Application. Zoning of the B4 Mixed Use Zone will allow these practitioners to operate.</li> </ul>
<ul style="list-style-type: none"> <li>The principle to “<i>Promote and require landscaped buffers between existing and proposed residential development to create a sense of place</i>” may exclude existing community members.</li> </ul>	-	<ul style="list-style-type: none"> <li>Proposed landscaping can sensitively avoid this concern, which is suitably addressed in the Design Statement at Appendix B of the EAR.</li> </ul>
<ul style="list-style-type: none"> <li>Further consideration needs to be given to the linkages within the proposed residential area and to surrounding communities to promote internal and external connectivity and to minimise separation and exclusion.</li> </ul>	-	<ul style="list-style-type: none"> <li>It is considered this including pedestrian and cycleway linkages is suitable addressed in the Concept Plan and will also be subject to further detailed Project Applications.</li> </ul>

<ul style="list-style-type: none"> <li>Conduct a transport assessment with specific reference to Cessnock and Maitland to determine availability and access to rail and bus networks connecting residents to services and employment.</li> </ul>	-	<ul style="list-style-type: none"> <li>Outside the scope of the Director General Requirements for the Project Application. Refer to Section 2.2.2 for the suitable consideration of Public Transport.</li> </ul>
<ul style="list-style-type: none"> <li>Provide continues opportunities to participate in the planning process, taking into consideration the views of community members.</li> </ul>	-	<ul style="list-style-type: none"> <li>Further opportunities are available during future Project Application stages.</li> </ul>
<ul style="list-style-type: none"> <li>Appropriate, ongoing consultation with the local Aboriginal community through the Midaribba Local Aboriginal Land Council.</li> </ul>	-	<ul style="list-style-type: none"> <li>Refer to Statement of Commitments (Section 3.0).</li> </ul>
<ul style="list-style-type: none"> <li>Consider the availability of affordable / healthy food within the local centre and existing nearby suburbs and measures taken to ensure this availability.</li> </ul>	-	<ul style="list-style-type: none"> <li>Outside the scope of the Director General Requirements for the Project Application.</li> </ul>
<ul style="list-style-type: none"> <li>Public open space be designed with consideration to a range of purposes and population groups to ensure flexibility and sustainability of use.</li> </ul>	-	<ul style="list-style-type: none"> <li>Subject to detailed Project Applications.</li> </ul>
<ul style="list-style-type: none"> <li>Environmental health issues to be considered:               <ul style="list-style-type: none"> <li>Reticulated water and sewerage supply to alleviate environmental and public health concerns;</li> <li>A mosquito risk assessment should be included in the planning process for residential developments near Ellalong Lagoon and Wetlands;</li> <li>A mosquito management plan should be developed if wetlands are proposed in residential areas to reduce nuisance and the transmitting of diseases.</li> </ul> </li> </ul>	-	<ul style="list-style-type: none"> <li>Utilities addressed in Statement of Commitments (Section 3.0).</li> <li>The proposed new residences are some distance from the Ellalong Lagoon.</li> <li>The site does not have a mosquito problem. To fund a mosquito risk assessment would be a considerable waste of time and resources. It was also not required by the DGRs.</li> </ul>
<b>NSW Department of Planning</b>		
<ul style="list-style-type: none"> <li>The cumulative impacts of recent subdivision approvals and the proposal are not adequately considered in the traffic assessment.</li> </ul>	JBA and PB	<ul style="list-style-type: none"> <li>Section 2.2.1 (Traffic Management)</li> </ul>
<ul style="list-style-type: none"> <li>An up to date traffic count on main routes and at key intersections is required. The traffic assessment is to be revised to include:               <ul style="list-style-type: none"> <li>Cumulative traffic generation resulting from the proposal, other approved subdivisions in the area, and through traffic along Wollombi Road;</li> <li>The poor standard and physical state of Wollombi Road, and improvements required to maintain satisfactory road safety; and</li> <li>Impact of the proposal on traffic signals on Wollombi Road.</li> </ul> </li> </ul>	JBA and PB	<ul style="list-style-type: none"> <li>Section 2.2.1 (Traffic Management)</li> </ul>
<ul style="list-style-type: none"> <li>It is requested that a response to provided to the following:               <ul style="list-style-type: none"> <li>provide a set of short-term maintenance and conservation measures to ensure heritage structures on site do not deteriorate while more thorough work is done for the adaptive reuse and conservation under Stage 2 (i.e. maintaining security, termite inspections and maintenance controls). This includes securing any collapsed structures from damage to ensure heritage significance is not lost.</li> <li>identify what appropriate mechanisms/safeguards will be undertaken to ensure the preservation/maintenance of heritage items in the medium to long term. This is particularly relevant in a possible scenario that the commercial uses fail (i.e. who would then be responsible?).</li> <li>an updated heritage impact statement should be provided, detailing any changes to the condition of the heritage structures since 1999, and a table or matrix, of heritage structures on site, that clearly identifies the significance, condition and proposed future treatment of each. Movable items, collapsed structures and archaeological sites should all be included.</li> </ul> </li> </ul>	ERA	<ul style="list-style-type: none"> <li>Section 2.6.1 (European Heritage) and <b>Appendix C</b>.</li> </ul>
<ul style="list-style-type: none"> <li>The Statement of Commitments does not specifically commit to Stages 2-4 and the provision of open space and a sporting field in</li> </ul>	JBA	<ul style="list-style-type: none"> <li>Section 2.3.2 (Local Infrastructure Funding)</li> </ul>

these stages.		
■ Infrastructure funding may be inadequate under the s.94 plan and a Voluntary Planning Agreement (VPA) is required.	JBA	■ Refer to Additional Levies in Section 1.0 and Section 2.3.1 (Regional Infrastructure Funding)
■ The RTA and Ministry of Transport have identified the need for contributions towards State infrastructure.	JBA	■ Refer to Additional Levies in Section 1.0 and Section 2.3.1 (Regional Infrastructure Funding)
■ A minimum of 2 entry / exit points are recommended to provide a more efficient service route for buses.	JBA	■ Section 2.2.2 (Public Transport)
■ DECC supports the proposal but will not accept a portion of proposed conservation lands.	JBA	■ Section 2.1.1 (Conservation off-set areas)
■ DECC's suggested requirements for the auditing of conservation lands does not generally accord with the timeframes contained within the Deed of Agreement. <i>Consequently, the assessment / audit should be undertaken prior to the determination of the concept plan / rezoning.</i>	JBA	■ Section 2.1.1 (Conservation off-set areas)
■ The location of grass swales and detention basins for stormwater treatment within riparian corridors / exiting gullies raises concerns. <i>These treatment facilities should be located within the development footprint, separate from the Conservation Area and to enable ongoing management. The responsibility of this ongoing management requires clarification.</i>	JBA	■ Section 2.7.2 (Riparian Corridors)
■ The flood study of Congewai Creek should be recalibrated to include data from the June 2007 event to enable assessment of the most recent extent of flood liable land. <i>This is required to demonstrate consideration of the potential impact of climate change on the flood levels in relation to the proposal.</i>	JBA	■ Section 2.7.1 (Flooding Impacts)
■ Asset Protection Zones are required in the riparian corridor and proposed Conservation Area space between Stages 1&4 and 1&2 for Millfield, and should be imposed as part of the conditions. <i>Confirmation is sought to ensure all APZs are contained within the developable footprint.</i>	JBA	■ Section 2.7.2 (Riparian Corridors and Bushfire Management)
■ The Millfield subdivision design creates a 'gated community' effect for its eastern portion which is limited to 1 main entry / exit.	JBA	■ Section 2.8 (Residential Amenity and Character)
■ A vegetation buffer strip is required between the main road and residential lots (between Bennet St and Irwin Close) with rear boundaries facing the road so as to screen fencing and maintain the visual character of the rural outlook. <i>Justification is required as to why future housing on these lots should address Millfield Road as per existing housing along Millfield Road.</i>	JBA	■ Section 2.8 (Residential Amenity and Character)
■ The northern boundary to Lot 1 adjoins the south western corner of the proposed subdivision. It should be relocated away from the residential subdivision boundary by means of an open space buffer zone which will reduce potential land use conflicts. <i>Detailed subdivision plan for these lots, including shared right of carriageway and applicable easements is requested.</i>	JBA	■ Section 2.10 (Rural Subdivision)
■ Appropriate data sets are required for the purposes of the proposed SSS.	JBA	■ Section 2.9 (Zoning and Land Use Controls)
<b>Communities of Congewai Catchment Incorporated</b> <b>Congewai Valley Landscape Incorporated</b> <b>Ellalong Residents Wetlands Protection Group Incorporated</b>		
■ Recommend that all details of all stages are resolved before any development consent is given.	JBA	■ Part 3A of the EP&A Act allows the granting of a Concept Plan, with future Project Applications lodged at a later time.
■ VPA developer contributions must be substantially increased. And any deferred payment of developer contributions must increase in line with CPI increases.	JBA	■ Refer to Section 1.0 (Additional Levies) and Statement of Commitments (Section 3.0).



<ul style="list-style-type: none"> <li>Recommend a reduction in the number of lots to allow an increase in the average size of the 700 to 799 m2 lots.</li> </ul>	JBA	<ul style="list-style-type: none"> <li>Development of the site is in accordance with the signed Deed between Hardie Holdings and the NSW Government.</li> <li>The lot sizes currently exceed those required under the draft Cessnock LEP.</li> </ul>
<ul style="list-style-type: none"> <li>Request for rigid covenants to be placed on all the lots in all 4 phases of the development. These should include but not be limited to:- <ul style="list-style-type: none"> <li>Total allowable hard surfaces must be limited to 40%. Where the terrace houses are concerned some offset should be made.</li> <li>No two story houses except for the 20 terraces as discussed at the meeting.</li> <li>Generous set back</li> <li>No Colorbond fencing</li> <li>Limit to the size of ancillary buildings such as sheds etc.</li> <li>Generous eaves on all buildings for energy efficiency.</li> </ul> </li> </ul>	JBA	<ul style="list-style-type: none"> <li>It is considered that the Design Statement and Design Code at Appendix B of the EAR, as committed to in the Statement of Commitments provided suitable development controls for future dwellings.</li> </ul>
<ul style="list-style-type: none"> <li>Recommend the DoP and Cessnock City Council to place TPO's on as many trees as possible across the development footprint.</li> </ul>	JBA	<ul style="list-style-type: none"> <li>This would be inconsistent with the granting of Concept Approval for the developable footprint of 700 lots which by its nature would foresee the removal of trees to facilitate development. Individual tree removal will be sought with each development application for dwelling houses.</li> </ul>
<ul style="list-style-type: none"> <li>We urge the Department to require that properties bordering Millfield Rd face to the road.</li> </ul>	JBA	<ul style="list-style-type: none"> <li>Section 2.8 (Residential Amenity and Character).</li> </ul>
<ul style="list-style-type: none"> <li>The proposed lots on Millfield Rd between Brown and Hall streets should be rejected. This involves just 25 lots. This will also preserve the view corridor for residents of Paxton and avoid the look of a gated community</li> <li>We suggest that some of the larger lots of 900 to 1000sqm or greater be reduced to accommodate the loss of lots north of the colliery structures.</li> </ul>	JBA	<ul style="list-style-type: none"> <li>The proposed lots do not create the appearance of a gated community, and will simply read as standard rear boundaries. The deletion of these lots would lead to an unusual and unattractive urban design outcome.</li> </ul>
<ul style="list-style-type: none"> <li>Disagrees with the proposed phasing of the Millfield precinct and believe that Stage 4 should be developed first</li> </ul>	JBA	<ul style="list-style-type: none"> <li>The staging of the development is subject to a detailed knowledge of site conditions and market demand. The proponent adheres to the staging plan as proposed.</li> <li>The current staging plan develops the lots closer to the Millfield Village first. Stage 4 lots are farther from the existing village. Thus developing these lots first would not be a desirable urban outcome.</li> </ul>
<ul style="list-style-type: none"> <li>Seeks a 50 metre buffer zone around all existing colliery buildings to protect their historical value and insist that all housing lots are contained to the east, west and south of the existing buildings to ensure that the scenic qualities from Millfield Road are not lost.</li> </ul>	JBA	<ul style="list-style-type: none"> <li>Refer to Heritage Management Plan (<b>Appendix C</b>) for appropriate Heritage Management.</li> </ul>
<ul style="list-style-type: none"> <li>The proponent must provide a clear proposal and Plan of Management for all Heritage buildings.</li> <li>Request to go beyond the development of the Plan of Management and undertake to fund conservation and restoration works of buildings on the site.</li> </ul>	JBA	<ul style="list-style-type: none"> <li>Heritage Management Plan (<b>Appendix C</b>).</li> <li>Significant funds have already been spent by the proponent to stabilise and restore the buildings, to ensure the buildings do not deteriorate.</li> </ul>
<ul style="list-style-type: none"> <li>Our community requests that the developer provide a contribution towards the future exploration of the site for indigenous heritage, its conservation and protection.</li> <li>In the event that indigenous communities wish to pursue cultural tourism in connection with the site, request is made that the developer provide a contribution to assist with this process.</li> </ul>	JBA	<ul style="list-style-type: none"> <li>Refer to Statement of Commitments (Section 3.0) for Aboriginal Heritage Management Plan.</li> <li>It is not considered reasonable to require a contribution for an abstract possibility. The Conservation Lands will be dedicated to DECC, and therefore the future use of the land will be a matter for DECC.</li> </ul>
<ul style="list-style-type: none"> <li>We recommend that any development consent issued should require all land sale contracts to note the possibility of subsidence.</li> </ul>	JBA	<ul style="list-style-type: none"> <li>Refer to Statement of Commitments (Section 3.0) for Mining Impacts Commitments.</li> </ul>
<ul style="list-style-type: none"> <li>Our communities want confirmation that a 500mm freeboard is incorporated into the 1:100 flood level. We also recommend that this level should be revised to address climate change impacts.</li> </ul>	JBA	<ul style="list-style-type: none"> <li>Section 2.7.1 (Flooding Impacts)</li> </ul>
<ul style="list-style-type: none"> <li>We request more information detailing the responsibilities of the APZ and the fire trail.</li> </ul>	JBA	<ul style="list-style-type: none"> <li>RFS have raised no objections to the information provided in the EAR. Section 2.7.2 Riparian Corridors and Bushfire Management.</li> </ul>

<ul style="list-style-type: none"> <li>■ We oppose the placement of a park and commercial precinct within the odour buffer, on the premise that if the land is unsuitable to live in, then it is unlikely to be suitable to play and work in for extended periods,</li> </ul>	JBA	<ul style="list-style-type: none"> <li>■ Section 2.5 (Odour Buffer Issues)</li> </ul>
<ul style="list-style-type: none"> <li>■ Perhaps HWC can be persuaded to proceed with odour emission reduction alternatives if the developer contributes cash towards the cost of installing the relevant equipment. In exchange, HWC may be able to revise the odour buffer and return the affected land to “productive use”, which in this case would be housing.</li> </ul>	JBA	<ul style="list-style-type: none"> <li>■ This issue is beyond the scope of the current Concept Plan and Project Application.</li> </ul>
<ul style="list-style-type: none"> <li>■ Alternatively, as HWC has an option that could reduce odour emissions, but declines to do so, it would be reasonable for HWC to purchase the affected odour buffer land from the proponent.</li> </ul>	JBA	<ul style="list-style-type: none"> <li>■ This issue is beyond the scope of the current Concept Plan and Project Application</li> </ul>
<ul style="list-style-type: none"> <li>■ The proponent must be required to provide a more timely, plausible and detailed plan for the commercial and tourism aspects of the proposal.</li> </ul>	JBA	<ul style="list-style-type: none"> <li>■ Part 3A of the EP&amp;A Act allows the granting of a Concept Plan, with future Project Applications detailing future stages able to be lodged at a later time.</li> </ul>
<ul style="list-style-type: none"> <li>■ Reject the traffic and accessibility study as presented and call upon the Department of Planning to ensure that a more comprehensive assessment is provided.</li> </ul>	JBA and PB	<ul style="list-style-type: none"> <li>■ Section 2.2 (Traffic and Transportation) and <b>Appendix D</b>.</li> </ul>
<ul style="list-style-type: none"> <li>■ The proponent has indicated an intention to install warning signs at approaches to the intersection of Middle Rd, Sanctuary Rd, Millfield Rd and Congewai Rd. in stage 1. We recommend that the proponent contributes to the full upgrade of this intersection.</li> </ul>	JBA	<ul style="list-style-type: none"> <li>■ Section 2.3 (Infrastructure Funding) and Statement of Commitments (Section 3.0).</li> </ul>
<ul style="list-style-type: none"> <li>■ The intersections of Ellalong Rd and Wollombi Road as well as Middle Road and Wollombi Road are both within 80k zones and are both scenes of past fatal accidents. We recommend that the proponent contributes to the substantial upgrade of these intersections.</li> </ul>	JBA	<ul style="list-style-type: none"> <li>■ The additional levies may be apportioned to such works, subject to the Government’s discretion at Stages 2-4.</li> </ul>
<ul style="list-style-type: none"> <li>■ Recommend that all roads within the proposed village precincts should be designed to accommodate heavy vehicles (such as waste collection and recycling vehicles).</li> </ul>	JBA	<ul style="list-style-type: none"> <li>■ Noted. Road standards will comply. Refer to Statement of Commitments (Section 3.0) for “Roadwork, Access and Parking”.</li> </ul>
<ul style="list-style-type: none"> <li>■ Recommend that the DoP and the proponent initiate discussions with the Department of Education and Training Strategic Asset Planning Unit regarding primary schools and high schools.</li> </ul>	JBA	<ul style="list-style-type: none"> <li>■ Refer to Section 1.3 of the EAR which indicates the consultation has occurred and discussions have been held.</li> </ul>
<ul style="list-style-type: none"> <li>■ The communities support and value the creation of reserves for the scar tree and heritage palms. We do not support the dedication of all other reserves, at least in their current configuration. Should the Department of Planning consent to the current open space configuration, we recommend that the proponent retains responsibility for the maintenance of these reserves at least until the relevant development stage has been fully sold.</li> </ul>	JBA	<ul style="list-style-type: none"> <li>■ The configuration and Dedication of Conservation Lands is subject to agreement with the DECC,</li> </ul>
<p>Recreational Spaces</p> <ul style="list-style-type: none"> <li>■ recommend that the proponent contributes to inter-village pathways.</li> <li>■ recommend that the proponent incorporates appropriate access, fences and gates into the Conservation Lands and contributes funds towards their construction.</li> <li>■ suggest the integration of recreational spaces and Buffer Lands.</li> <li>■ Recommend that developer contributions should be made available for not more than 50 percent of any proposed facilities that Council may construct on this site.</li> <li>■ recommend that heritage plantings are used in Mining Heritage areas, and that for all other areas use only plants native to the local area.</li> </ul>	JBA	<ul style="list-style-type: none"> <li>■ It is considered that the Section 94 Contributions offered by the proponent can be apportioned to assist in cycleway links beyond the site.</li> <li>■ Refer to Statement of Commitment (Section 3.0) for fencing commitments in “Conservation Areas”.</li> <li>■ Recreational spaces and the HWC buffer lands have been integrated in the subject application. It is not proposed to have separately titled buffer lands between the Conservation Areas and developable footprint.</li> <li>■ Section 94 Developer Contributions will be issued at the discretion of Council.</li> <li>■ To date the proponent has planted 80,000 native trees and shrubs within the Conservation Lands. Details of landscaping will be determined at the relevant Project Application.</li> </ul>
<ul style="list-style-type: none"> <li>■ Any assistance provided by the proponent or the Department of Planning to secure a GP surgery for the area would be gratefully appreciated.</li> </ul>	JBA	<ul style="list-style-type: none"> <li>■ Beyond the scope of the current applications. Such facilities will be permissible in the B4 Mixed Use Zone.</li> </ul>

<ul style="list-style-type: none"> <li>Request that the proponent commits to all power to the new estates to be placed underground.</li> </ul>	JBA	<ul style="list-style-type: none"> <li>Utilities will be provided in accordance with the relevant service providers requirements.</li> </ul>
<ul style="list-style-type: none"> <li>Current water pressure is already marginal. The proponent should be required to make a proportional contribution to required upgrades to increase the pumping capacity into the Paxton-Millfield area.</li> </ul>	JBA	<ul style="list-style-type: none"> <li>The proponent will enter into a Service Agreement with Hunter Water and will meet HWC requirements.</li> </ul>
<ul style="list-style-type: none"> <li>In addition to future general rehabilitation works, the submission recommends a number of actions to ensure the viability of the proposed Conservation Lands.</li> </ul>	JBA	<ul style="list-style-type: none"> <li>Future management of the Conservation Lands will be undertaken by DECC and is therefore a matter for DECC.</li> </ul>
<ul style="list-style-type: none"> <li>We request that the proponent honour the commitment that has been previously given to the community to remove the chain link fence. We also request that the proponent install more appropriate fencing along all boundaries of the Conservation Lands to protect the site</li> <li>Regarding internal fencing, we agree with the offer of the proponent to remove all internal fencing.</li> </ul>	JBA	<ul style="list-style-type: none"> <li>Refer to Statement of Commitments (Section 3.0) for “Conservation Areas”.</li> </ul>
<ul style="list-style-type: none"> <li>Submission proposes that all edge effects should be located within a separate buffer zone between the urban area and the Conservation Lands. This buffer zone should eventually be vested in the Council, but in the meantime the proponent should retain ownership and be responsible for its maintenance.</li> <li>This responsibility should be backed up with a detailed Plan of Management. In addition, the proponent should be required to provide a detailed Plan of Management for all areas awaiting development.</li> </ul>	JBA	<ul style="list-style-type: none"> <li>It is not proposed to provide a separate buffer zone.</li> <li>Hardie Holdings will work with DECC in the preparation of its management plan for the conservation lands. In particular, Hardie Holdings will liaise with DECC in managing the interface between the development lands and the conservation lands.</li> </ul>
<ul style="list-style-type: none"> <li>Recommend that all new rural properties created under this development proposal should have a boundary that is at least 10 metres back from the top of the bank of Congewai Creek. This is to apply to both sides of the creek</li> </ul>	JBA	<ul style="list-style-type: none"> <li>There is no requirement for a ‘zoning’ of a property to be setback from a watercourse. Any setback/interface issues will be addressed via appropriate riparian setbacks. Refer to Statement of Commitments (Section 3.0) for “Ecology” where the proponent commits for future applications to address DWE guidelines for riparian corridors.</li> </ul>
<ul style="list-style-type: none"> <li>Submission supports the surrender of 100ML of irrigation capacity.</li> <li>We suggest that any irrigation capacity owned by the proponent can be released from the proposal, PROVIDED THAT all irrigation capacity owned by the proponent is transferred to a distance not less than 5 kilometres from the Conservation Lands (preferably downstream). This licence is free to be sold on the open market within a specified period (perhaps 12 months).</li> </ul>	JBA	<ul style="list-style-type: none"> <li>Noted. DWE has raised no further requirements regarding this issue.</li> </ul>
<ul style="list-style-type: none"> <li>The proponent should be required to make a proportional contribution to HWC to assist with the reduction of any cumulative impact on Congewai Creek. This may be applied towards the proposed WWTW upgrade and associated infrastructure (dual reticulation, distribution to the Lagoon or agricultural users).</li> </ul>	JBA	<ul style="list-style-type: none"> <li>The proponent will be required to enter into a service agreement with Hunter Water Corporation in accordance with their requirements.</li> </ul>
<ul style="list-style-type: none"> <li>Approval should not be given until all material factors addressing runoff and stormwater management have been determined and negotiated</li> </ul>	JBA	<ul style="list-style-type: none"> <li>The Concept Plan addresses this issue to a suitable level of detail for Concept Plan and Stage 1 Project Approval. Future Project Applications will also be required to address this issue. Refer to Statement of Commitments (Section 3.0) for “Stormwater Drainage” commitments.</li> </ul>
<ul style="list-style-type: none"> <li>The proponent has placed almost all runoff and stormwater control devices in Conservation Lands. All these structures must not be located in the Conservation Lands. We recommend that these structures should be placed into a separately titled Buffer Land that is owned and managed by the proponent until such time as it is transferred to Council.</li> </ul>	JBA	<ul style="list-style-type: none"> <li>Section 2.7.2 (Riparian Corridors)</li> </ul>
<ul style="list-style-type: none"> <li>Recommend that the Asset Protection Zone should be under the responsibility of the proponent until such time as the development is deemed to be substantially sold. At that time ownership and responsibility for its maintenance would be transferred to Council.</li> <li>Consequently, the APZ should not be located in the Conservation Lands, but instead be incorporated into a separate Buffer Land.</li> <li>We recommend that the width of any APZ and therefore the width of</li> </ul>	JBA	<ul style="list-style-type: none"> <li>The NSW RFS have raised no objections to the proposal. Refer Section 2.7.2 (Riparian Corridors and Bushfire Management).</li> </ul>

any dedicated buffer land should not be determined by its current condition, but rather by the likely future condition of nearby vegetation		
<ul style="list-style-type: none"> <li>Recommend that the proponent should be responsible for the control of weeds and pest species before they reach the Conservation Lands until such time as the Council assumes this responsibility.</li> <li>Recommend that the control of weeds and pest species should primarily occur in separately incorporated Buffer Lands. Request that the proponent provide a Plan of Management for the control of weeds and pest species.</li> </ul>	JBA	<ul style="list-style-type: none"> <li>It is not proposed to provide a separate buffer zone. Hardie Holdings will manage their lands to manage weeds and pests at the interface between the urban development and the conservation lands, as is current practice. It is presume that once the Conservation Lands are dedicated DECC will operate these lands under their own Plan of Management or similar mechanism.</li> </ul>
<ul style="list-style-type: none"> <li>Recommend that all title and Plans of Management should be integrated into one title and Plan of Management where all edge effects are addressed.</li> </ul>	JBA	<ul style="list-style-type: none"> <li>This is a stipulation beyond that which is required by the Plans of Management.</li> </ul>
<ul style="list-style-type: none"> <li>Hunter Water Corporation does not propose the use of treated effluent for reuse in agriculture or to identify treated effluent discharges into Congewai Creek as “augmentation of environmental flows”. Recommend that the developer contribute to the costs of the installation and operation of a dual reticulation system in the proposed urban developments.</li> </ul>	JBA	<ul style="list-style-type: none"> <li>The proponent will enter into a Service Agreement with Hunter Water and will meet HWC requirements.</li> </ul>
<p>Greenhouse gas abatement</p> <ul style="list-style-type: none"> <li>Recommend the developer provide contributions towards public walkways and cycleways networks that extends beyond the immediate development areas.</li> <li>Recommend that the developer return to the original lot densities proposed, to allow better house orientation during the construction phase.</li> </ul>	JBA	<ul style="list-style-type: none"> <li>A key component of the Concept Plan is its planned network of pedestrian and cycle linkages, which aim to encourage walking and cycling as much as possible, as well as providing links both within the site and potential links beyond. It is considered that the Section 94 Contributions and Additional Levies offered by the proponent can be apportioned to assist in cycleway links beyond the site.</li> <li>The Design Statement and Design Code (Appendix B of the EAR) provides sufficient controls for residential lots including lot orientation.</li> </ul>
<ul style="list-style-type: none"> <li>We recommend that all development be subject to strict waste management requirements including: <ul style="list-style-type: none"> <li>On site mulching of all timber removed to accommodate construction</li> <li>Re-use of all brick, concrete and timber waste.</li> <li>Recycling of plasterboard</li> <li>Recycling of residual paint</li> <li>Recycling of all steel waste including paint cans</li> </ul> </li> </ul>	JBA	<ul style="list-style-type: none"> <li>Refer to Statement of Commitments at Section 3.0 which requires a detailed Construction Management Plan (including waste management) prior to Issue of CC. The same requirement will apply to future project applications.</li> </ul>
<ul style="list-style-type: none"> <li>Our communities support the inclusion of the proposed rural lands in the current agreement, and that additional environmental assessments relating to these rural lands can be waived, subject to a number of issues being satisfactorily resolved</li> </ul>	JBA	<ul style="list-style-type: none"> <li>Noted and Section 2.10 (Rural Subdivision) which outlines that the extent of environmental assessment undertaken is sufficient to allow the granting of consent.</li> </ul>
<b>Austar Coal</b>		
<ul style="list-style-type: none"> <li>Area within CCL No. 0752 held by Austar Coal and underlain by Greta Seam. Available data suggests coal resources are at depths of 150-300m and at thicknesses of 2-4m.</li> </ul>	JBA	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
<ul style="list-style-type: none"> <li>EA does not adequately address potential for underground coal mining, particularly in eastern and western thirds of the site.</li> </ul>	JBA	<ul style="list-style-type: none"> <li>As outlined in Section 7.7 of the EA, Section 5.3 of Appendix R and Section 2.4 of the Preferred Project Report, the potential for underground mining has been considered and the investigations have concluded that existing coal resources are limited in that they are deep, exhibit structural complications and are poor quality. Should Austar Coal wish to pursue mining in the area, it will need to secure the relevant approvals to mine beneath the site and consider the impacts to the Sanctuary Villages urban footprint.</li> <li>Further, the site is identified in the NSW Government’s Lower Hunter Regional Strategy as proposed conservation lands and is also subject to the MoU executed between Hardie Holdings and the State Government. The Concept Plan and the proposed rezoning proposal seek to implement the Regional Strategy and MoU and are entirely consistent with those documents.</li> </ul>
<ul style="list-style-type: none"> <li>EA is misleading in stating that the proposal is unlikely to significantly impact on mining, particularly as the intention to rezone site in part for conservation lands will limit the ability to carry out underground mining by restricting surface access.</li> </ul>	JBA	<ul style="list-style-type: none"> <li>As outlined above, the site is identified in the NSW Government’s Lower Hunter Regional Strategy as proposed conservation lands and is also subject to the MoU executed between Hardie Holdings and the State Government. The Concept Plan and the proposed rezoning proposal seek to implement the Regional Strategy and MoU and are entirely consistent with those documents.</li> </ul>
<ul style="list-style-type: none"> <li>Coal resources still exist south and south-east of Millfield and south-east of Paxton.</li> </ul>	JBA	<ul style="list-style-type: none"> <li>Noted.</li> </ul>

■ Area is not in a mine subsidence district, however MSB is reviewing districts and the site may be declared a mine subsidence district.	JBA	■ Noted.
■ Disagree with statements within the EA that the proximity of coal resources close to Paxton and the development site renders mining unfeasible. Precedent exists elsewhere in the State.	JBA	■ Noted. If Austar Coal obtains future approval to mine beneath the site, it will need to consider the impacts of mining in the same manner as teh existing Millfield and Paxton villages.
■ Request that Hardie Holdings consult with Austar Coal to ensure proposal does not adversely affect Austar Coal’s operations.	JBA	■ Hardie Holdings has consulted with Austar Coal and referred a copy of the development plan to Austar Coal as requested.
■ Building guidelines should be established for areas that may be subject to future subsidence.	JBA	■ The site is not identified as being within a mine subsidence district.
■ Strong objection to rezoning of land for State conservation purposes.	JBA	■ Noted, however the site is identified in the NSW Government’s Lower Hunter Regional Strategy as proposed conservation lands and is also subject to the MoU executed between Hardie Holdings and the State Government. The Concept Plan and the proposed rezoning proposal seek to implement the Regional Strategy and MoU and are entirely consistent with those documents.