

minmi | Link road and Stockrington

Proposed State Significant Site Listing
– Schedule 3 SEPP (Major Project)

February 2009



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Minmi/Link Road and Stockrington State Significant Site Listing – Schedule 3 SEPP (Major Project)

Prepared for Coal & Allied Industries
Limited

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Executive Summary

This report has been prepared in support of an application for listing and rezoning of the Coal & Allied owned Minmi/Link Road and Stockrington sites as a 'State Significant Site' (SSS) in Schedule 3 of State Environmental Planning Policy (Major Projects). It has been prepared on behalf of Coal & Allied. A draft Schedule 3 listing is attached.

The report details the basis upon which the SSS listing is proposed and includes consideration of:

- The Department of Planning's (DoP's) 'Guideline for State Significant Sites under the Major Projects SEPP'; and
- The matters listed in the Minister for Planning's correspondence dated 30 November 2007; and
- Clauses 2 and 8 of SEPP Major Projects.

A Concept Plan has been separately but concurrently prepared for the Minmi/Link Road estates and lodged with Department of Planning (DoP). This report should be read in conjunction with the Environmental Assessment that supports the Concept Plan.

The protection and management of vegetation corridors is a key focus of the Lower Hunter Regional Strategy (LHRS) and the companion Draft Regional Conservation Plan. The Minmi/Link Road and Stockrington site have been recognised for its State and regional significance based on its inclusion in the Lower Hunter Regional Strategy for both residential development (Minmi) and conservation (Stockrington) with the conservation land to be dedicated to the New South Wales Government (NSWG) to complete important conservation corridors included in the Draft Regional Conservation Plan.

In finalising the LHRS, the NSWG reached agreement with Coal & Allied for the dedication of 3,322 ha (80 per cent) of Coal & Allied land in the Lower Hunter for conservation corridors upon receipt of development rights on 849 ha (20 per cent). The details of the negotiations are set out in a Memorandum of Understanding (MoU) between Coal & Allied and the NSW Government. Under this MoU, residential development is proposed on 526ha at Minmi/Link Road, with a maximum yield of 6,312 lots. Under the MoU, Black Hill will provide 183 hectares to the existing employment areas of Black Hill and Beresfield. It is likely to be similar to adjacent industrial, warehousing and distribution centre development to the north, with provision for ancillary office space and supporting services. 100% of the Tank Paddock and Stockrington sites (2,473ha) will be dedicated to NSWG for conservation purposes and will make a significant contribution to the Watagan-Stockton conservation corridors identified in the LHRS. The MoU also encompasses three other Coal & Allied owned sites in the Lower Hunter and adjacent region which are the subject of separate applications to DoP.

The MoU also provides for completion of a binding agreement between the Government and Coal & Allied, a Part 3A approval process for the development proposals and a proportional adjustment of the area of conservation lands to be transferred in the event that developable land areas approved vary from the scheduled areas. The MoU is currently being developed into a Deed of Agreement between Coal & Allied, the Department of Planning, the (renamed) Department of Environment and Climate Change (DECC) (previously known as Department of Environment and Conservation) and the Department of Lands. At the time of writing this report the Deed of Agreement was under review.

The Minmi/Link Road estates is considered to meet the criteria for a State Significant Site set out in the Department of Planning's (DoP's) 'Draft Guideline - State Significant Sites' both as an individual parcel and as an integral part of the overall Coal & Allied environmental land offset package that will achieve key regional conservation outcomes through substantial land dedication as set out in the MOU between Coal & Allied and the NSW State Government.

The proposed land dedication is a positive conservation step that will protect an important array of vegetation communities, flora and fauna species, and natural landscape assets, including threatened species and endangered ecological communities in the conservation lands. The environmental gain from the environmental land offset package is a once in a generation opportunity that will provide an enduring legacy for the community and future generations

Furthermore, over 800ha of Coal & Allied owned land in the Lower Hunter has been identified for urban development in the LHRS. The future 4,235 dwellings (including the 3,300 dwellings at Minmi/Link Road) will help achieve the State Government's objective to cater for the predicted population growth for the Region over the next 25 years.

1 Request for Listing – Schedule 3 SEPP Major Projects

This report has been prepared on behalf of Coal & Allied in support of an application for listing of the Coal & Allied owned Minmi/Link Road estates as a 'State Significant Site' (SSS) in Schedule 3 of State Environmental Planning Policy (Major Projects). The report has been prepared in accordance with the considerations provided by the Department of Planning in **Appendix A**. A draft Schedule 3 listing is attached in **Appendix B**.

The report details the basis upon which the SSS listing is proposed and includes consideration of:

- The Department of Planning's (DoP's) 'Guideline for State Significant Sites under the Major Projects SEPP'; and
- The matters listed in the Minister for Planning's correspondence dated 30 November 2007; and
- Clauses 2 and 8 of SEPP Major Projects.

It is proposed that the SSS listing/rezoning for the site delineate zones and associated development controls as well as establish the future approval/consent authority regimes. This will set in place what areas are to be developed and what areas are to be conserved and the future planning controls that will apply.

A new planning regime is required to rezone the sites to broaden the permissible land uses and to enable the development of the site for residential and conservation uses.

It is proposed that the Schedule 3 amendment to the SEPP introduce a new statutory planning framework that includes:

- Aims and objectives for each site;
- Zoning and permissible uses;
- Key development controls; and
- The future consent/approval regime.

1.1 Background

In response to a request from Coal & Allied, on 15 March 2007 and again on 7 May 2007, the Minister for Planning agreed that the proposed Minmi/Link Road project constitutes a 'Major Project', and authorised the submission of a 'Concept Plan' under Part 3A of the EP&A Act. The Minister also agreed to consider listing the site under Schedule 3 of the SEPP by letter dated 29 October 2008 (included at **Appendix A**), subject to consideration of various matters. These matters have formed the basis of this submission, and each major heading herein is a reference to one of the matters raised in the Minister's letter.

1.1.1 Context

Coal & Allied has seven separate holdings in the Lower Hunter totalling approximately 4,187 hectares (see Figure 1 below). Four (4) are located in the northern area comprising of Black Hill, Tank Paddock, Stockrington and Minmi (including land north and south of Link Road). Three (3) are located in the southern area comprising of Catherine Hill Bay (Middle Camp), Nords Wharf and Gwandalan.

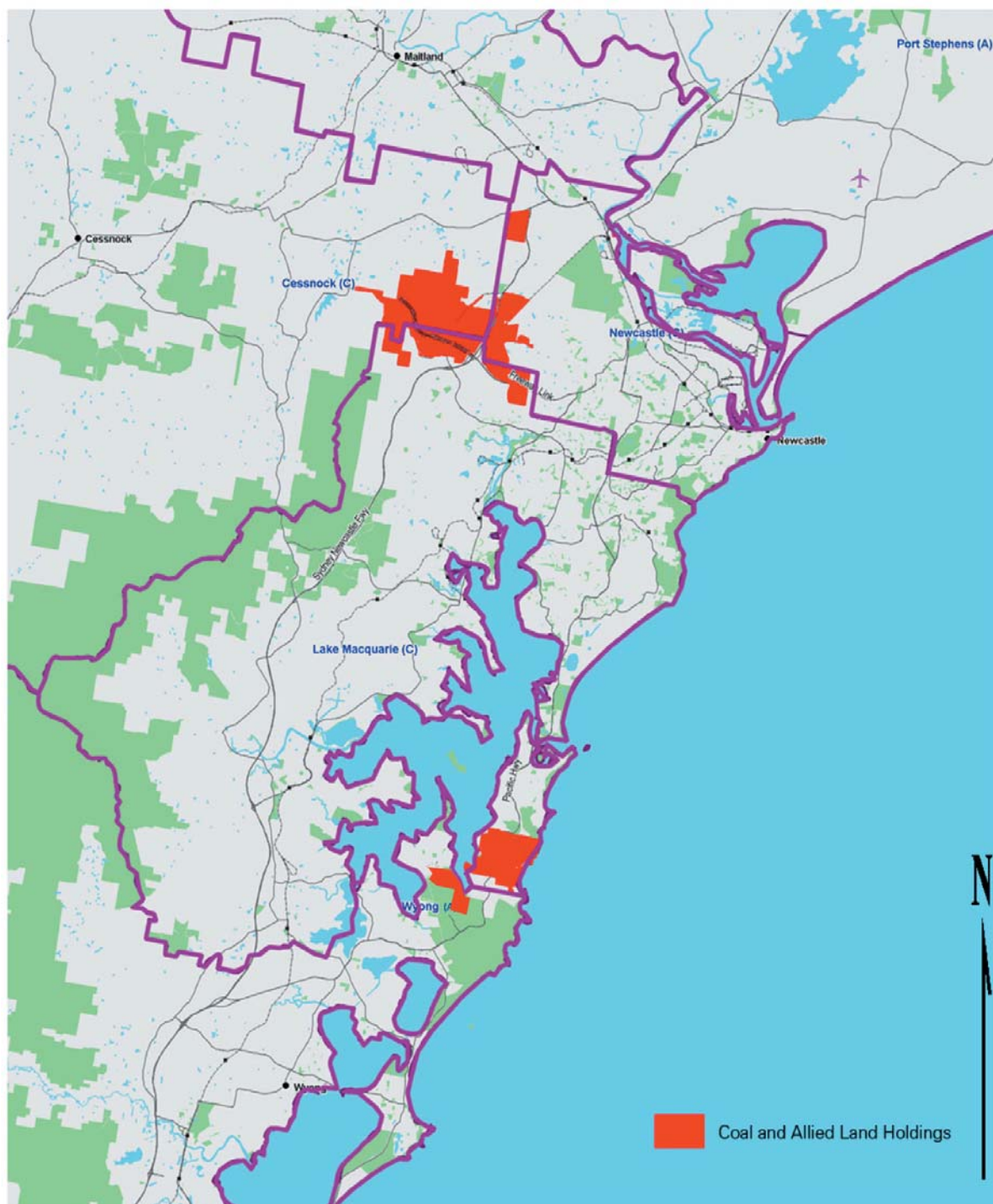
The northern lands are located approximately 20 kilometres west of Newcastle and are almost halfway between Newcastle and Cessnock. The southern lands are located on the Wallarah Peninsula approximately 6 kilometres south of Swansea. Gwandalan is on the western side of Crangan Bay, Lake Macquarie and Nords Wharf is on the eastern side. Catherine Hill Bay (Middle Camp) is located on the east coast halfway between Swansea Heads and the Budgewoi Peninsula.

The Minmi/Link Road estates, comprising land at Minmi and land north and south of Link Road owned by Coal & Allied adjoin the existing Minmi township and are close to the emerging Glendale centre and the Glendale/Cardiff renewal corridor identified in the Lower Hunter Regional Strategy.

The Minmi/Link Road estates is close to the F3 Freeway and Newcastle Link Road transportation corridors. The Minmi/Link Road estates is adjacent to the Blue Gum Hills Regional Park and Hexham Swamp.

Black Hill is located at the intersection of the F3 Freeway and John Renshaw Drive. Tank Paddock and Stockrington are located east and west of F3 Freeway and fall within the Watagan-Stockton conservation corridors identified in the LHRS.

Figure 1 – Regional Context: Coal & Allied Land Holdings



1.1.2 NSWG Memorandum of Understanding

In finalising the LHRS the NSW Government reached agreement with four major landholders in the Lower Hunter for the dedication of over 12,000 hectares of land in return for the recognition of additional development potential of 3,280 hectares. The details of the negotiated outcomes are set out in a series of Memoranda of Understanding (MoUs) between the Government and the four land owners, including Coal & Allied.

The MoU between Coal & Allied, the DoP, DECC and the Department of Lands contains provisions for the transfer of 3,322 ha (80 per cent) of Coal & Allied land for conservation corridors upon receipt of development rights on 849 ha (20 per cent). Residential development is proposed on 665 ha of that area and employment on 183 ha.

Under the MoU the residential developable areas are located at Minmi (up to 6,312 lots over 526 ha), Catherine Hill Bay (Middle Camp) (300 lots over 50 ha); Nords Wharf (90 lots over 9 ha) and Gwandalan (700 lots over 80 ha). Black Hill will provide 183 hectares to the existing employment areas of Black Hill and Beresfield. It is likely to be similar to adjacent industrial, warehousing and distribution centre development to the north, with provision for ancillary office space and supporting services. 100% of the Tank Paddock and Stockrington sites (2,473ha) will be dedicated to NSWG for conservation and will make a significant contribution to the Watagan-Stockton conservation corridors identified in the LHRS. The MoU identifies an area of 2,326ha of Stockrington lands to be dedicated to NSW Government. Due to the sale of 70ha of land by Coal and Allied to the Roads and Traffic Authority for the F3 Extension, the total land to be dedicated to conservation for Stockrington is 2,247ha.

The MoU also provides for completion of a binding agreement between the Government and Coal & Allied, a Part 3A approval process for the development proposals and a proportional adjustment of the area of conservation lands to be transferred in the event that developable land areas approved vary from the scheduled areas. The MoU is currently being developed into a Deed of Agreement between Coal & Allied, the Department of Planning, the (renamed) Department of Environment and Climate Change (previously known as DEC) and the Department of Lands. At the time of writing this report the Deed of Agreement was currently under review.

It is important to note that when the MoU was negotiated it was never the intent that every threatened species or square metre of EEC would be protected, rather a regional approach as adopted where large parcels of offset land would be identified for conservation. The large parcels provide greater habitat value, greater linkages across the landscape, increased protection against events such as fire and improved management outcomes. Accordingly, it was accepted that there would be some loss of biodiversity, including threatened species, in the development lands.

Due to the restricted and localised nature of many of the vegetation communities and habitats within the Coal & Allied lands, there are limited opportunities elsewhere in the Lower Hunter to ensure their adequate protection and management into the future. Thus, the offset lands provide a valuable avenue to achieve these goals.

Changes to MoU as a result of Southern Lands Major Project Applications

The MOU suggests that Coal & Allied Southern Lands contain a total of 988ha. Monteath and Powys are the surveyors for the project and have since undertaken a detailed survey investigation which has revealed that the total area owned by Coal & Allied in the Southern Estates is closer to 963.5ha as opposed to 988ha. Detailed survey investigations also revealed that the original perimeter boundaries of the southern lands shown in the plans attached to the MoU have not altered. Consequently the perimeter of the lands nominated in "Schedule 2 – Environmental Lands Offset" of the MOU has not changed. The schedule of Lots/DP's as listed in the SSS has also not changed. Detailed survey investigations have simply meant that the calculation of the areas contained within those boundaries has resulted in a lesser area being available. That is, Schedule 2 of the MoU suggests that 849 ha of the southern land will be transferred to NSWG. In fact, it is now proposed that 856 ha of the southern land will be transferred to NSWG. The reason for the difference between the current survey figures and the figures used in the MoU is that the title plans used to calculate the areas for the MoU were over 100 years old.

It is important to note that the intent of the MoU has not been altered in anyway and the current proposal for the 3 southern sites will result in a greater amount of land to be transferred to NSWG than required by the MoU. Coal & Allied are transferring the balance of the landholding as originally intended, subject nonetheless to the changes that have occurred following the acceptance of the IHAP and DECC recommendations that form the basis of proposed amendments to the Concept Plan that are subject to the PPR for the Coal & Allied Nords Wharf, Catherine Hill Bay (Middle Camp) and Gwandalan projects. The overall modifications to the 3 Coal & Allied southern sites has resulted in an overall decrease in yield from 1,090 residential lots to 935 residential lots, a decrease in the overall developable area from 139 ha to 102.23ha and an overall increase in the Conservation Area lands to be dedicated to NSWG from 849 ha to 856.7 ha.

1.2 The Minmi/Link Road and Stockrington Site

The Minmi/Link Road estates comprise approximately 538ha, which will comprise 520ha of development area and 17ha of conservation area. The Minmi/Link Road estates comprise the allotments with the following legal description:

- Lot 71 DP 1065169 (aka Lots 711 and 712 DP 1113237. It is noted that the area known as Lot 711 DP 1113237 is proposed to be sold to the Roads and Traffic Authority);
- Lot 351 DP 1108608; (previously known as Lot 35 DP 800036);
- Lot 6 DP 1044574;
- Lot 2 DP 877349;
- Lot 3 DP 877349.
- Lot 48 DP 115128 is small [Old System title](#) allotment of approximately 500sqm which has been included in the Concept Plan and is situated in between Woodford Street and the F3. This lot is not listed within the Order by the Minister for Planning declaring the site to be of State significance and is proposed to be included in this state significant listing report SSS.

These lots are known as Link Road North, Link Road South and Minmi lands.

The Minmi/Link Road estates includes all the land owned by Coal & Allied located east of the F3 Freeway (land around the existing Minmi township) and north and south of the Newcastle Link Road.

It is important to note that land further north along the F3 Freeway owned by Coal & Allied, known as Black Hill and Tank Paddock will be included in a similar, separate SSS listing application.

Minmi/Link Road spans two local government areas; Newcastle City Council and Lake Macquarie City Council local government area. Pursuant to Newcastle LEP 2003, approximately 37ha of the site that surrounds the existing Minmi township is currently zoned 2(a) Residential and has not yet been developed. It is understood that part of the site benefits from valid development consents for multiple lot subdivision on parts of the site. Current residential zoning and existing consent allows immediate development without rezoning on this part of the site. The remaining portion of the land around the existing Minmi township is zoned 7(c) Environmental Investigation Zone (80%), with approximately 5% zoned 7(b) Environmental Protection Zone. The land around the existing Minmi township is located in the Newcastle City Council local government area.

The majority of the Minmi land to the north and south of the Link Road is zoned 7(2) Conservation (Secondary) (approximately 98% of the site) pursuant to Lake Macquarie LEP 2004. The remaining 2% of this land is zoned 10 Investigation (Urban Conservation Zone). The land to the north and south of the Link Road is located in the Lake Macquarie City Council local government area.

Access is available along Minmi Road, Woodford Road and Lenaghans Road. Access is also available via the Link Road. The existing township of Minmi has a primary school, fire station, parks, general store /newsagency, hotel, liquor outlet and restaurant.

Coal & Allied have identified the potential areas for future development and conservation for Minmi/Link Road through a preliminary assessment of physical constraints. Opportunities and constraints for the site were identified using GIS data, regional context analysis, site inspections and preliminary ground truthing.

Opportunity exists for residential development over the whole site as an extension of the Minmi township and Cameron Park to the west of Link Road South. Some of the identified developable land is constrained by topography and creeks, which has reduced the dwelling yield stated in the MoU.

The land that is the subject of this application has been owned by Coal & Allied for many years for the purposes of coal mining and is now surplus to its core business needs. The lease for underground and surface mining for the site has been relinquished. There are a few privately owned lots, some with residential dwellings, scattered within the Coal & Allied owned Minmi/Link Road estates. These lots/dwellings will be integrated in the overall design for the site.

It is important to note that the substantial land parcels to the north of Minmi (Tank Paddock) and to the west of the F3 Freeway (Stockrington) owned by Coal & Allied Operations Pty Ltd (total of 2,349ha) and 17ha of Minmi will be dedicated to the NSW State Government (NSWG) for conservation purposes. These sites are regionally significant parcels of land given their size, location and endangered ecological communities. The 2,411ha of land identified for conservation has regional ecological value that provides substantial areas of contiguous vegetation providing a vitally important component of the Stockton to Hexham Swamp conservation corridor link.

The Stockrington lands that are proposed to be dedicated to NSW Government as conservation lands have a total area of 2,247ha. The land parcels contained in the table below comprise the Stockrington lands for conservation as identified in the Director General's Requirements.

1/83/DP755260	1/71/DP1065169	1/2/DP551917	1/2/DP34957
1/30/DP1051995	1/2/DP250339	1/2/DP844313	1/1/DP250339
1/84/DP755260	1/2/DP124209	2/96/DP755260	2/82/DP755260
1/1/DP726037	1/1/DP155446	1/3/DP250339	1/1/DP877416
2/8/DP755260	1/1/DP503566	1/24/DP1051995	1/31/DP1051995
1/5/DP977096	1/3/DP977096	1/79/DP755260	1/26/DP1051995
1/32/DP1051995	1/2/DP877416	1/2/DP1039968	1/1/DO505578
1/89/DP755260	1/23/DP1051995	1/25/DP1051995	1/4/DP877416
1/77/DP755260	1/1/DP1039968	1/1/DP123945	1/126/DP755262
1/72/DP755260	1/8/DP807908	1/5/250339	1/20/DP1051995
1/1/DP433355	1/4DP977096	1/125/DP755260	1/1/DP119630
1/1/DP124209	1/101/DP881099		

It is noted that the acquisition of approximately 79 hectares of land at Stockrington by the RTA for the proposed F3 to Branxton corridor and some road widening along George Booth Drive have resulted in changes to the title descriptions for the Stockrington landholding.

The current title descriptions for the CNA Stockrington landholding are:

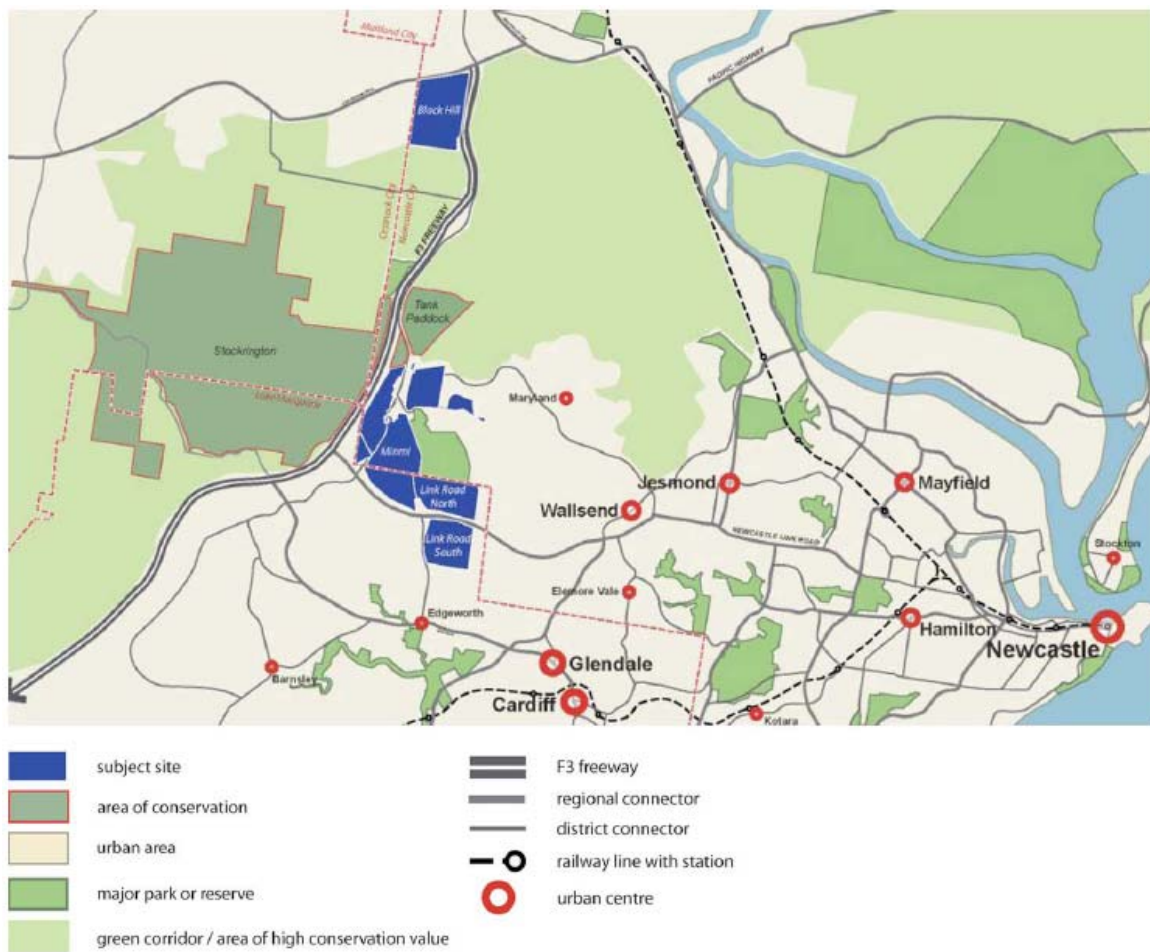
83//DP755260	Part 71//DP1065169	2//DP551917	12//DP1078246
84//DP755260	2//DP250339	30//DP1085228	1//DP250339
8//DP755260	2//DP124209	96//DP755260	82//DP755260
51//DP1095513	1//DP155446	3//DP250339	1//DP877416
89//DP755260	1//DP503566	79//DP755260	1//DP505578
13//DP1078246	3//DP977096	2//DP1039968	4//DP877416
72//DP755260	2//DP877416	1//DP123945	126//DP755262
125//DP755260	1//DP1039968	5//DP250339	11//1078246
1//DP124209	9//DP1078246		3//DP877416
	4//DP977096		95//DP755260
	1//DP119630		4//DP250339
	101//DP881099		

The Stockrington site is located within three Council areas. The current Cessnock Council rural zoning (dating from 1989) which covers about 70% of the site is considered inappropriate to ensure suitable long term conservation for this ecologically sensitive site.

The site adjoins the Mount Sugarloaf Recreation Reserve and the Heaton State Forest to the southwest and the Pambalong Nature Reserve (part of Hexham Swamp) to the north east, and forms part of this sizable vegetation corridor. It also adjoins small settlement of Seahampton to the southeast.

The site incorporates listed heritage items associated with the former Richmond Vale Railway and collieries in Stockrington. The site is highly constrained by topography and watercourses and parts of the site highly remote and with restricted access. It is a regionally significant parcel of land given its ecological significance, size and single ownership. The site is predominantly vegetated with some cleared areas. The planned F3 Freeway extension to Branxton will potentially traverse the site.

Figure 2 – Local Context: Minmi/Link Road



2 State and Regional Planning Significance

The Department of Planning's (DoP's) 'Guideline for State Significant Sites under the Major Projects SEPP', provides that when considering whether a site can be categorised as being of State significance, the Minister will consider whether the site meets one or more of the following criteria:

(a) be of regional or state importance because it is in an identified strategic location (in a State or regional strategy), its importance to a particular industry sector, or its employment, infrastructure, service delivery or redevelopment significance in achieving government policy objectives; or

(b) be of regional or state environmental conservation or natural resource importance in achieving State or regional objectives. For example protecting sensitive wetlands or coastal areas; or

(c) be of regional or state importance in terms of amenity, cultural, heritage, or historical significance in achieving State or regional objectives. For example sensitive redevelopment of heritage precincts; or

(d) need alternative planning or consent arrangements where:

(i) added transparency is required because of potential conflicting interests.

(ii) more than one local council is likely to be affected.

It is considered that development of Minmi/Link Road directly meets criteria (a), (b) and (d).

2.1 Criteria (a) of the SSS Guidelines

Criteria (a) of the SSS Draft Guidelines states that a site can be categorised as being of state significance if the Minister considers it to be of regional or state importance because it is in an identified strategic location (in a State or regional strategy), its importance to a particular industry sector, or its employment, infrastructure, service delivery or redevelopment significance in achieving government policy objectives.

The four northern sites owned by Coal & Allied (Minmi, Black Hill, Tank Paddock and Stockrington) have been recognised for their State and regional significance based on their inclusion in the Lower Hunter Regional Strategy (LHRS) for urban development and conservation.

The land to be rezoned at Minmi/Link Road for residential development will provide an approximate yield of 3,300 dwellings (6.4 dwellings per ha) which will help achieve the LHRS dwelling targets to cater for the predicted population growth for the Region over the next 25 years. The land to be rezoned at Black Hill for employment purposes is capable of providing approximately 800,000 sqm gross floor area of employment uses on the site. Importantly, the proposal will create an estimated 3,555 direct, full time equivalent jobs of which up to half are expected to be in the Hunter and will extend over a 20 year period to 2030. In addition, the project will support a further 9,904 jobs (up to half local) over the project life resulting from the multiplied employment stimulus among construction related industries flowing on from the primary expenditure. This will help achieve the LHRS employment targets to accommodate a projected 66,000 new jobs in the Region by 2031 and ensure an adequate supply of employment land in the Region.

It is important to note that substantial land parcels owned by Coal & Allied to the north of Minmi and south of Black Hill (Tank Paddock – 147ha), 17ha at Minmi and 2,247ha at Stockrington (total of 2,411ha) will be dedicated to the NSW Government (NSWG) for conservation purposes. These sites are regionally significant parcels of land given their size, location and endangered ecological communities. The 2,411ha of land identified for conservation has regional ecological value that provides substantial areas of contiguous vegetation providing an important component of the vitally important Watagan Ranges to Stockton conservation corridor.

The securing, protection and management of conservation corridors is a key focus of both the Lower Hunter Strategy and the companion Draft Regional Conservation Plan. The development of Minmi/Link Road and Black Hill in return for 2,411ha of conservation land dedication is crucial in achieving the state

government's objective of securing major green corridors, most notably the Watagan to Stockton corridor. This is quite clearly of significant regional and state importance.

Minmi/Link Road is considered to meet the criteria for a State Significant Site both as an individual parcel and as an integral part of the overall Coal & Allied land package that will achieve substantial conservation outcomes through land dedication as set out in the LHRS, Draft Regional Conservation Plan and Memorandum of Understanding (MOU) between Coal & Allied and the NSW State Government.

In our opinion, Minmi/Link Road and the three (3) other Coal & Allied sites (Black Hill, Tank Paddock and Stockrington) collectively clearly satisfy criteria (a) of the SSS Draft Guidelines.

2.2 Criteria (b) of the SSS Guidelines

Criteria (b) of the SSS Draft Guidelines states that a site can be categorised as being of state significance if the Minister considers the site to be of regional or state environmental conservation or natural resource importance in achieving State or regional objectives.

Minmi/Link Road, Stockrington, Black Hill and Tank Paddock must be considered in a regional context as well as individual sites consistent with the terms of the MOU. The overall Coal & Allied land package in the Lower Hunter will achieve sustainable conservation outcomes, with approximately 80% of the Coal & Allied landholdings in the Lower Hunter to be dedicated to NSWG for environment protection. The Minmi/Link Road and Black Hill site together with the proposed dedication of the Tank Paddock and Stockrington sites form an important part of this environmental land offset package for the entire region. The sites are each of significant regional importance with 100% of Stockrington and Tank Paddock to be dedicated to the NSWG as conservation land.

As stated, the expansion, protection and management of corridors is a key focus of the Lower Hunter Strategy and the companion Draft Regional Conservation Plan. Two major green corridors have been identified running through the Region, namely the Watagan to Stockton Corridor and the Wallarah Peninsula Corridor. These are extensive corridors of land with high environmental value which will be managed for conservation purposes. The corridors align with existing public reserves, some of which will be expanded. Relevantly to Minmi/Link Road, the Watagan to Stockton Corridor is to be protected and enhanced so that it forms a long-term connection between the rugged sandstone areas of the south-west and the wetlands and coastal plain to the north and east.

100% of Tank Paddock (147ha) 100% of Stockrington (2,394ha) and 17ha on the northern tip of Minmi will be dedicated to the NSWG as 'conservation land'. This land provides an important component of the Watagan to Stockton Corridor. The Coal & Allied land dedication will clearly help expand and enhance the biodiversity and conservation values of the Watagan to Stockton Corridor which is entirely consistent with the LHRS and the companion draft Regional Conservation Plan.

The dedication of land to NSWG will also ensure this land will be protected from inappropriate development by locking away this land as 'conservation land' in public ownership and perpetuity. The environmental gain from the environmental land offset package is a once in a generation opportunity that will provide an enduring legacy for the community. The substantial dedication of 2,411ha of conservation land to the NSW Government by Coal & Allied is clearly of state and regional significance.

Importantly the proposal will also result in the protection of riparian zones and areas of Aboriginal significance.

In our opinion, Minmi/Link Road and the three (3) other Coal & Allied sites (Black Hill, Tank Paddock and Stockrington) collectively clearly satisfy criteria (b) of the SSS Draft Guidelines.

2.3 Criteria (d) of the SSS Guidelines

Criteria (d) of the SSS Draft Guidelines states that a site can be categorised as being of state significance if the Minister considers that the site needs alternative planning or consent arrangements where:

- added transparency is required because of potential conflicting interests
- more than one local council is likely to be affected.

Alternative planning consent arrangements are necessary because the Black Hill and Minmi/Link Road estates together with the proposed dedication of the Tank Paddock and Stockrington sites form an important part of an overall environmental land offset package for the Lower Hunter by Coal & Allied, which includes seven Coal & Allied owned sites in the Lower Hunter and spans four local government areas (Wyong, Newcastle, Lake Macquarie and Cessnock Councils). This creates complications given the likely differing views of Council's as to how and whether or not the proposals for each site should proceed. Separate consent arrangements are unlikely to enable an appropriate conservation and land use framework to be achieved in a timely, effective and efficient manner. The sites need to be considered in a regional context rather than a council-by council basis to allow for the coordinated protection of priority areas of biodiversity. This will result in a more targeted conservation action, than an uncoordinated approach to the sites.

It is therefore important that Minmi/Link Road, Black Hill, Tank Paddock and Stockrington are considered in a coordinated manner to achieve permanent conservation and preservation of the Watagan to Stockton Corridor. Given that the Minmi/Link Road, Black Hill, Stockrington and Tank Paddock sites span three (3) local government areas (Newcastle, Cessnock and Lake Macquarie), the environmental gains to the community would not be achieved if each site was separately considered by the individual Councils.

In our opinion, Minmi/Link Road and the three (3) other Coal & Allied sites (Black Hill, Tank Paddock and Stockrington) collectively clearly satisfy criteria (d) of the SSS Draft Guidelines.

In summary, the Minmi/Link Road estates clearly meets the criteria of the SSS Guidelines as outlined above. The listing of the site on Schedule 3 of SEPP Major Projects will facilitate the orderly use, development and conservation of regionally important sites of environmental and social significance to the State.

3 The Suitability of the site

Detailed considerations to mitigate the environmental, social and economic impacts arising from the residential development permitted in the proposed SSS listing are included in the accompanying Concept Plan, rather than the proposed SSS listing. The Environmental Assessment accompanying the Concept Plan demonstrates that future residential development arising from the proposed SSS listing can be accommodated without unreasonable environmental, social or economic impacts. Notwithstanding this, the environmental, social and economic factors arising from the proposed rezoning and the principles of Ecologically Sustainable Development (ESD) are addressed below.

3.1 Environmental

3.1.1 Regional context

2,411ha will be dedicated to the NSWG as 'conservation land'. This includes 100% of Tank Paddock (147ha) and Stockrington sites (2,247ha), as well as 17ha of Minmi'. This land provides an important component of the Watagan to Stockton Corridor. The conservation land dedication is crucial in achieving the State Government's objective of securing major conservation corridors, most notably the Watagan to Stockton Corridor. It is crucial to note that 77.4% land dedication for conservation purposes is well in excess of traditional conservation outcomes from development offset processes.

The preservation of large vegetated areas that are linked to other similar areas has been recognised as fundamentally important to achieving long term regional biodiversity outcomes. The two most valued of these areas in the Lower Hunter contain large land areas owned and controlled by Coal & Allied:

- The corridor that links the Watagan and Yengo National Parks with the coastal plains of the Tomago Sandbeds, Stockton Bight and Port Stephens; and
- The Wallarah Peninsula lands provide a regionally significant break between urban areas, and contain areas of high biodiversity, scenic amenity and heritage value.

The Coal & Allied lands to be dedicated form large vegetated areas in their own right, and complete the linkage of identified regional corridors in key areas.

In addition to their important strategic location in a wider landscape context, the Conservation Estates contain valuable biodiversity resources. They contain and will conserve a range of important vegetation communities, including areas of Endangered Ecological Communities (EEC) and other vegetation types that have been depleted in the region. Several threatened plant species have been recorded within the Conservation Estates, including *Arthropteris palisotii*, *Tetratheca juncea* (Black-eyed Susan), *Grevillea parviflora* subsp. *parviflora*, *Eucalyptus nicholii*, *Rutidosia heterogama*, *Syzygium paniculatum* and *Callistemon linearifolius*. Two of the threatened flora species recorded in the Conservation Estates are considered to be planted specimens and not naturally occurring, being *Eucalyptus nicholii* and *Syzygium paniculatum*, although *S. paniculatum* may have been transported to its position in a disturbed area by natural means. In addition to these threatened species two rare (ROTAP) species *Callistemon shiressii* and *Eucalyptus fergusonii* subsp. *dorsiventralis* were also identified within the Conservation Estates.

The diverse nature of both the landform settings, varying from coastal ranges forests and woodlands to coastal heath to wetlands, provides a diverse array of habitats and resources for native fauna. The Conservation Estates are known to contain important populations of numerous threatened fauna species, including birds, mammals and herpetofauna. The conservation of these lands will provide secure regional biodiversity gene pools, and also through linkages facilitate valuable genetic material exchange and other key processes associated with sustainable ecological population dynamics.

In summary, the C&A conservation dedications provide outcomes that contribute to meeting the Environmental Protection goals outlined in the Sustainability Criteria contained within the Lower Hunter Regional Strategy. Such includes:

- Outcomes consistent with the Draft Lower Hunter Regional Conservation Plan;
- Maintains/improves areas of regionally significant biodiversity;
- Maintains environmental areas for air & water quality; and
- Protects areas of Aboriginal cultural heritage value and historical heritage value.

These outcomes:

- Conserve in perpetuity key strategic parcels of land that complete long sought after regional biodiversity conservation corridors and buffer areas;
- Provide large intact areas of conserved habitat that will function as regional biodiversity gene pools;
- Protect an important array of vegetation communities, flora and fauna species, and natural landscape assets, including threatened species and EEC's;
- Contribute significantly to the successful implementation of the Lower Hunter Regional Conservation Plan; and
- Achieve additional conservation benefits within Development Estates via appropriate urban design and management practices.

3.1.2 Local perspective

The Ecological Assessment Report for Minmi/Link Road prepared by RPS Harper Somers O'Sullivan Pty Ltd submitted with the Concept Plan demonstrates that the quantum of the offset lands, when viewed holistically with proximate existing and proposed conservation reserve areas, provides a robust long-term outcome for all species and communities. Furthermore, suitable actions are proposed to minimise potentially deleterious permanent and ongoing impacts to the conservation lands.

The field and desktop studies have recorded the following parameters of ecological significance within both the Conservation Estates and the Development Estate:

- native vegetation commensurate with those listed as EEC's;
- threatened flora species recorded within and adjacent to the proposed development;
- threatened fauna species recorded within and adjacent to the proposed development;
- habitat for threatened flora and fauna species known from within and adjacent to the proposed development; and
- other areas containing native vegetation with varying degrees of modification / degradation.

With these potential ecological issues noted, a series of recommendations have been outlined previously in this report, to aid in the reduction of potential impacts associated with the proposal.

Given that the measures have been taken to avoid ecological impacts and that where native vegetation may be affected, efforts have been made to avoid particularly sensitive areas where practical, it is considered unlikely that any significant impacts would occur upon threatened species, communities or populations. The large areas of Conservation Estates at Stockrington and Tank Paddock that will be set aside as part of the development provide excellent ecological outcomes across the site. The Stockrington Conservation Estates will contribute a large portion of land to conservation in perpetuity, which will in essence formalise the Watagan to Stockton Corridor. The importance of the conservation of Tank Paddock as part of the Conservation Estates will result in maintaining a vegetation corridor from Hexham Swamp and the Hunter Estuary to the Watagan Mountains and the Sugarloaf Range. This large tract of native vegetation will provide protected habitat for a wide variety of native flora and fauna.

Therefore, it has been concluded that the proposed development should not significantly impact upon threatened or regionally significant flora and fauna, ecological communities or populations. The

implementation of operative environmental management practices should also ensure that the ecological impact of the project is minimised.

In addition, conservation outcomes will also be achieved within the Minmi/Link Road development area by best practice approaches to urban design and use of landscaping, feature retention, and considered development edge treatments. Such approaches and techniques include:

- Retaining vegetation along ridges to reinforce the existing local bushland backdrop.
- Respecting the existing townships through complimentary design of the character of new housing, addressing proportion, size, building elements and materials.
- A water sensitive urban design strategy for the Minmi/Link Road estates has been provided in the Environmental Assessment of the Concept Plan.
- Protecting natural attributes of the site as well as areas of aboriginal cultural significance.

Furthermore, in accordance with the DGEAR's issued on 10 April 2007 for Minmi/Link Road the Environmental Assessment that supports the Concept Plan for the site addresses the following environmental issues:

- Urban design and built form;
- Air quality;
- Visual impact;
- Geotechnical Impacts;
- Sustainability;
- Traffic/Transport Impacts;
- Noise impacts;
- Heritage Impacts;
- Impacts on surface water and groundwater quality;
- Bushfire Impacts;
- ESD;
- Biodiversity; and
- Mine Subsidence.

3.2 Social

The land identified for future residential development is considered to be an acceptable extension of the existing townships at Minmi and Cameron Park to the west. The site is in close proximity to an existing range of services and facilities at Minmi, Fletcher Maryland, Cameron Park, Glendale and New Lambton Heights including shops, schools, sporting and recreation facilities, hospitals and childcare.

Opportunity exists for residential development over the whole property as an extension of the Minmi township and Cameron Park to the west of Link Road South. Some of the identified developable land is constrained by topography and creeks, which has reduced the dwelling yield identified in the MoU.

An assessment of social impacts associated with the proposed development of Minmi/Link Road and a gap analysis has been undertaken by Urbis. The assessment is contained within the submitted Social Impact Study and is to be read in conjunction with the Hunter Northern Lands Social Infrastructure Study, Minmi both of which are attached at **Appendix F** of the Environment Assessment report.

The report identifies required contributions. Section 94 Contributions will be provided on the basis of 50% to each

Council. Proposed contributions include:

- Payment of a monetary contribution or works in kind for recreation facilities including two sports fields, incorporating rugby, soccer pitches and cricket wickets, four netball courts, two double-court tennis courts, three parks (with dog exercising areas).
- Monetary contributions toward a BMX track and skate park or another regional facility.
- Payment of s.94 Management contributions.

Given its significant and substantial commitment to conservation lands, Coal & Allied has entered into discussion with the relevant Councils regarding Section 94 contributions for district level open space and recreation space. Coal & Allied will also negotiate with both Councils in regard to the level of works in kind for open space, recreation and community facilities as the Concept Plan includes extensive open space areas, parks sports facilities and community activity accommodation within the village centres. It is anticipated that Coal & Allied will enter into a Voluntary Planning Agreement with each Council that will provide the framework for contributions and works in kind.

Coal & Allied will also make a payment of a monetary contribution or works in kind for the provision of regional infrastructure as determined by state government will be in accordance with their 'Review of Infrastructure Contributions Circular PS08-017,, 23 December 2008'. It is anticipated that Coal & Allied will enter into a Voluntary Planning Agreement with the Department of Planning for the following services as determined by State Government:

- Road infrastructure upgrades;
- Public Transport upgrades;
- Emergency Services involving a contribution towards purchasing land or land dedication for emergency services;
- Education involving the allocation of 1.3ha land only to expand the existing Minmi primary school and 3ha to establish a primary school precinct at the southern edge of the proposed Link Road South Precinct.

A Draft Statement of Commitments is included in the Concept Plan Environmental Assessment submitted for the site. This details the contributions, additional studies, applications and works the proponent commits to undertake in association with the project. The mechanics of how and when these commitments will be confirmed and delivered will be subject to ongoing consultation. This may involve the implementation of various 'developer agreements' between Coal & Allied and the Department of Planning and relevant Councils prior to final approval of a construction certificate for subdivision.

In addition, Coal & Allied has allocated an amount of \$10 million for initiatives associated with the delivery of social infrastructure to support the existing and future communities at Minmi/Link Road and Black Hill. The \$10 million is directed at initiatives that would not ordinarily be provided as part of the development of a new residential or employment estate and accordingly, the initiatives identified are those that are considered 'over and above' what is reasonably necessary to satisfy State and Local Government approval requirements.

The \$10 million may be used for sustainability initiatives for future residents, additional infrastructure to support existing and future residents, educational and or community programs. A Design Charette process was undertaken in November 2007 for the four Coal & Allied owned northern sites and was utilised to draw out the community priorities and help identify to what purposes the \$10 million will be spent.

The final list of initiatives for Minmi/Link Road based on the outcomes of the Design Charette is submitted with the Concept Plan proposal for the Minmi/Link Road estates and is subject to on-going consultation and final approval by the Coal & Allied Board.

3.3 Economic

An Economic Impact Assessment has been prepared by Sphere to support the Concept Plan for the site. This report concludes that the proposed development of Minmi/Link Road will result in the following economic impacts:

- Injection of an estimated \$839,656,600 of new, capital investment into the economy from expenditure on housing, commercial and retail space plus infrastructure services both internal and external to the site including road, energy services, water, sewer and communication works (2008 dollar terms).
- Create an estimated 3,555 direct, full time equivalent jobs of which up to half are expected to be in the Hunter and will extend over a 20 year period to 2030.
- Support a further 9,904 jobs (up to half local) over the project life resulting from the multiplied employment stimulus among construction related industries flowing on from the primary expenditure.
- Provide additional flow-on economic effects over 20 years of around \$1,215 million from expenditure by recipients of the primary income.
- Create a project that demonstrates a net, direct benefit to the economy from a forecast BCR of 1.28 using NSW Treasury methodology.

3.4 Ecologically Sustainable Development

3.4.1 Rio Tinto Coal Australia (RTCA) sustainability commitment

RTCA is committed to sustainable development. The three principles of RTCA's approach are:

Social wellbeing – People

- Protect human health and safety;
- Stakeholder engagement and transparency;
- Communities; and
- Education.

Environmental stewardship – Planet

- Resource stewardship;
- Pollution prevention; and
- Product stewardship.

Economic prosperity – Prosperity

- Shareholder return;
- Economic contribution; and
- Customer focus

3.4.2 Sustainability framework for the Lower Hunter Lands including Minmi/Link Road

The Coal & Allied land offset package provides the opportunity to create new communities for the Lower Hunter region and in doing so, implement key objectives and outcomes of the LHRS associated with accommodating sustainable population and employment growth and environmental outcomes.

In this instance, seven (7) Coal & Allied's owned sites have been identified in the LHRS for urban development and conservation. It is important to note that LHRS clearly states that the sustainability criteria in the LHRS will not apply to proposals for development in the areas identified as conservation corridors on the strategy map (i.e. the Stockton Watagan conservation corridor). This applies to the Minmi/Link Road and Stockrington site. Notwithstanding, an assessment against each of the sustainability criteria listed in Appendix 1 of the LHRS has been undertaken for Minmi/Link Road to illustrate its suitability for future residential and conservation purposes. The assessment in the following Table shows that the subject land comprehensively satisfies the sustainability criteria.

Table 1 – Sustainability Criteria and Relevant Outcome

Sustainability Criteria	Relevant Outcome for Development
Lower Hunter Regional Strategy	
Infrastructure Provision <ul style="list-style-type: none"> Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way. 	<p>A detailed assessment of the proposed development of Minmi/Link Road against all relevant regional strategies, sub regional strategies, etc is provided in Environmental Assessment for the site Concept Plan. The concept plan commits to the funding and delivery of all on-site infrastructure and services including the following specific infrastructure prior to or in conjunction with the initial stages of the development such that the following infrastructure is available when lots are subdivided:</p> <ul style="list-style-type: none"> Electricity services. Water. Sewer. Natural gas. Telephone cabling service. <p>The Concept Plan will ensure that sufficient land is provided within new road reserves for utilities and land dedicated to NSWG will be at no cost to NSWG.</p> <p>The Concept Plan also commits to:</p> <ul style="list-style-type: none"> The upgrade of Link Road and the intersection of Minmi Road, Cameron Park and Woodford Street and Link Road intersection as required. The implementation of local traffic management measures within the development. Open space will be established in the different stages of the development. <p>Contributions will be made to improve local and regional infrastructure. This may involve the implementation of various 'developer agreements' between Coal & Allied and the DoP prior to final approval of a construction certificate for subdivision.</p>
Access <ul style="list-style-type: none"> Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided. 	<p>Access is available along Minmi Road, Woodford Road and Lenaghans Road. Access is also available via the Link Road.</p> <p>Pedestrian/cycle access will be incorporated within the</p>

Sustainability Criteria	Relevant Outcome for Development
Lower Hunter Regional Strategy	
	<p>development.</p> <p>At Minmi, bus services are limited. Route 260 is operated by Blue Ribbon Bus Company and links Minmi with Fletcher and Maryland to Wallsend. The size of the proposed development site, together with development at Edgeworth is such that there could be a strong case made for increasing the 260 service level to serve the existing and additional residents.</p>
<p>Housing Diversity</p> <ul style="list-style-type: none"> Provide a range of housing choices to ensure a broad population can be housed. 	<p>The Concept Plan offers opportunity for housing diversification at Minmi/Link Road. Furthermore, the Coal & Allied overall environmental land package for the Lower Hunter will easily permit the provision of a range of dwelling houses across the region.</p>
<p>Employment Lands</p> <ul style="list-style-type: none"> Provide regional/local employment opportunities to support the Lower Hunter's expanding role in the wider regional and NSW economies. 	<p>The rezoning is for residential and conservation purposes only. No employment land is proposed at Minmi/Link Road.</p> <p>The development will create an estimated 3,555 direct, full time equivalent jobs of which up to half are expected to be in the Hunter and will extend over a 20 year period to 2030. The project will also support a further 9,904 jobs (up to half local) over the project life resulting from the multiplied employment stimulus among construction related industries flowing on from the primary expenditure.</p>
<p>Avoidance of Risk</p> <ul style="list-style-type: none"> Land use conflicts, and risk to human health and life, avoided. 	<p>The development involves no land use conflicts with the adjacent and existing community areas.</p> <p>GHD has investigated potential flooding impacts, including assessment of climate change impacts on flooding. The areas of inundation relative to the 100-year ARI flood and the proposed Concept Plan structure are primarily associated with riparian corridors. In a few isolated areas in the northern precincts the 100-year ARI event extends into the development footprint. Minor filling of the flood fringe would be required to ensure roadways and lots remain flood free. Dwelling floor levels would need to consider these impacts and be located above these flood levels. It is recommended that Flood Planning Levels be adopted that locate floor levels of dwellings with a freeboard of 500 mm above 100- year ARI flood levels.</p> <p>Flood hazard impacts will be minimised by designing the capacity of both the overland flow paths and underground stormwater system to provide a level of service that minimises the flood risk; whilst a flood evacuation strategy would be provided for all areas inundated by the PMF.</p> <p>A more detailed Floodplain Risk Management Study is recommended to be undertaken in future sub-division design stages of the project, supported by more</p>

Sustainability Criteria	Relevant Outcome for Development
Lower Hunter Regional Strategy	
	<p>detailed flood modelling and flood mapping.</p> <p>The former use of the site for coal mining operations is associated with a number of potential constraints, including subsidence, subterranean gases, contamination and other associated risks. Douglas & Partners has undertaken surface and subsurface investigations to identify constraints and measures required to respond to the site constraints relative to the former coal mining use. Douglas Partners have also assessed the capability of the land for the proposed development with respect to erosion potential, slope stability, sodicity and salinity and the presence of potential and actual acid sulphate soils. Refer to Section 6.6 and Appendix J of the Environmental Assessment report for further details.</p> <p>Minmi/Link Road constitutes Bushfire Prone Land. A Bushfire Threat Assessment has been undertaken by RPS HSO to accompany the Concept Plan. This report provides recommendations that have been incorporated into the concept plan design to meet relevant legislative requirements in terms of APZs, roads, fire fighting capability and future dwelling design.</p>
<p>Natural Resources</p> <ul style="list-style-type: none"> ▪ Natural resource limits not exceeded. ▪ Environmental footprint minimised and managed. 	<p>None of the land is zoned for agricultural purposes. Future mining at the site is unlikely but possible. Future mining at the site, if it occurred, may affect the standard guidelines outlined above. Restrictions on development due to future mining are provided by the DARZL committee and a formal application to the MSB is required for consideration by DARZL.</p> <p>Monitoring of borehole gas concentrations was undertaken to assess the potential for future extraction of coal seam methane. The results indicated low concentrations of methane in some of the bores immediately following drilling, however subsequent monitoring indicated no measurable concentrations suggesting any methane which was present was limited and quickly dissipated. Therefore the site is not expected to be suitable for methane extraction from the former mine workings.</p> <p>The environmental footprint will be designed to maximise the water management and quality thereof. Future development will reduce Greenhouse Gas emissions to at least BASIX compliance.</p>
<p>Environmental Protection</p> <p>Protect and enhance biodiversity, air quality, heritage and waterway health.</p>	<p>As discussed above at Section 3 it has been concluded that the proposed rezoning and development for residential and conservation purposes should not significantly impact upon threatened or regional significant flora and fauna, ecological communities or populations. In fact, the Coal & Allied conservation dedications provide outcomes that contribute to meeting the environmental</p>

Sustainability Criteria	Relevant Outcome for Development
Lower Hunter Regional Strategy	
	<p>protection goals outlined in the sustainability criteria of the LHRS, including:</p> <ul style="list-style-type: none"> ▪ Conserve in perpetuity key strategic parcels of land that complete long sought after regional biodiversity conservation corridors and buffer areas; ▪ Provide large intact areas of conserved habitat that will function as regional biodiversity gene pools; ▪ Protect an important array of vegetation communities, flora and fauna species, and natural landscape assets, including threatened species and EEC's; ▪ Contribute significantly to the successful implementation of the Lower Hunter Regional Conservation Plan; and ▪ Maintains environmental areas for air & water quality; ▪ Protects areas of Aboriginal cultural heritage value and historical heritage value; and ▪ Achieves additional conservation benefits within Development Estates via appropriate urban design and management practices. <p>The proposal will contribute significantly to the successful implementation of the Lower Hunter Regional Conservation Plan. The transfer of the substantial Coal & Allied owned land for conservation will play a significant role in realising the objectives of the LHRS and the Lower Hunter Regional Conservation Plan, which clearly identifies these lands as conservation priorities and acknowledges the contribution the transfers provide to achieving successful implementation of the two plans.</p> <p>Water sensitive urban design features will be incorporated into the development to manage stormwater, pollutants and sediments according to ANZECC and local government guidelines.</p>
<p>Quality and Equity in Services</p> <ul style="list-style-type: none"> ▪ Quality health, education, legal, recreational, cultural and community development and other Government services are accessible. 	<p>The land at Minmi identified for residential development adjoins the existing township at Minmi. It is considered to be an appropriate extension of the existing township and is in proximity to an existing range of services and facilities at Minmi, Edgeworth and Maryland, including shops, schools, sporting and recreation facilities, and childcare.</p> <p>In addition, contributions will be made to improve local and regional infrastructure.</p>

3.5 State or Regional Policies

A detailed assessment of the proposed development of Minmi/Link Road against all relevant Environmental Planning Instruments is provided in Environmental Assessment for the site Concept Plan.

3.5.1 Lower Hunter Regional Strategy and the draft Lower Hunter Regional Conservation Plan

The critical documents that apply to the site are the LHRS and the draft Lower Hunter Regional Conservation Plan. The purpose of the LHRS is to ensure that adequate land is available and appropriately located to sustainably accommodate the projected housing and employment needs of the region's population over the next 25 years.

In response to rapid growth in the region and in an attempt to improve regional planning schemes the draft LHRS was released by the Minister for Planning in November 2005 for public comment. The document defined the State Government's 25 year development strategy for the region, designating major centres, employment and conservation areas, and land releases for an additional 69,000 new dwellings. The Coal & Allied land holdings were not included in the draft LHRS as proposed land release areas.

As a major employer, land owner and active community member in the Lower Hunter Region, Coal & Allied welcomed the release of the draft LHRS. Coal & Allied is a long term investor in the Hunter Valley and is committed to contributing to sustainable growth in the region. Given the nature of the Coal & Allied land holdings in the region, the draft LHRS represented a unique opportunity to deliver substantial conservation gains.

Much of the public criticism levelled at the draft LHRS related to the lack of conservation actions and that the population growth scenario in the final strategy should be increased substantially to respond more accurately to the accelerated growth rates experienced in the region in recent years. The rapid growth reflects the region's ongoing ability to attract new residents, particularly due to its sufficient supplies of water and land, which create housing diversity and employment opportunities. Coal & Allied offered to work with the Department of Planning (DoP) to achieve a development and conservation mix to include dedication of land which would have potential to provide key regional conservation corridors.

The NSW Government released the final LHRS on 17 October 2006. The LHRS plans for population growth of 160,000 people by the year 2031, an increase of 35,000 over the Draft Strategy. In order to house this expected larger population, additional development areas were identified in the final strategy including land at Fennel Bay, Kurri Kurri, Branxton, Cessnock, West Maitland, Lochinvar and land at West Newcastle around the Newcastle Link Road (including the Coal & Allied owned Minmi/Link Road estate). In addition to these estates, the Coal & Allied owned land at Catherine Hill Bay (Middle Camp), Nords Wharf, Black Hill and Gwandalan are specifically identified in the Strategy as urban release areas. The Coal & Allied owned land at Minmi/Link Road, Catherine Hill Bay (Middle Camp), Nords Wharf and Gwandalan which has been identified for urban development could accommodate up to 4,235 dwellings. This will help achieve the new dwelling requirements proposed in the LHRS. In addition the Black Hill estate will add up to 183ha of employment land to the region. This is consistent with the LHRS objective of ensuring the availability of sufficient employment lands and housing to cater for both the increase in population and changing occupancy rates in the Lower Hunter region.

A substantial proportion of Coal & Allied owned land in the Lower Hunter is identified in the LHRS as proposed conservation lands. These are areas of high conservation value in the nominated conservation corridors that will be dedicated to the public. The lands are similarly identified in the draft Lower Hunter Regional Conservation Plan prepared by the Department of Environment and Conservation.

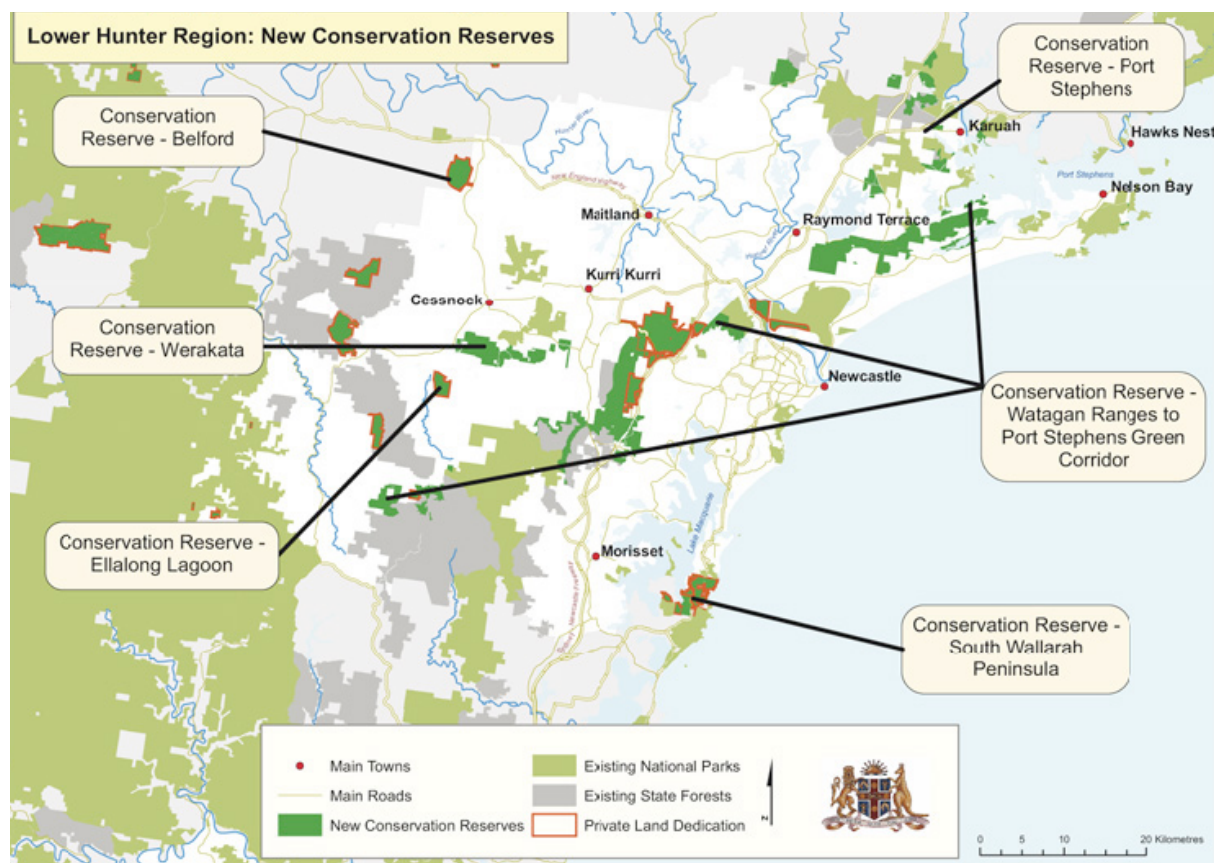
As discussed, as part of the formulation of the LHRS in 2006, Coal & Allied entered into a MoU with the NSW State Government to transfer 80 per cent (3,322ha) of their lands in the Lower Hunter to the Government for permanent conservation purposes. This transfer is dependent on the realisation of development goals on the remainder of the Lower Hunter holdings (around 840ha). It is proposed that the Concept Plans and Schedule 3 Major Projects SEPP amendment will designate this land as environmental protection with a commitment to dedicate these lands when rezoned.

These land transfers will play a significant role in securing in perpetual public ownership of the long sought-after conservation corridor stretching from the Watagan Ranges, through Hexham Swamp to Port Stephens (approx 14,600ha), and conserving a green buffer on the South Wallarah Peninsula to separate Newcastle from the Central Coast (1,250ha).

The transfer of these lands will play a significant role in realising the objectives of the LHRS and the draft Lower Hunter Regional Conservation Plan (shown in the figure below), which clearly identifies these lands as conservation priorities and acknowledges the contribution the transfers provide to achieving successful implementation of the plan. This aligns with the goals of the LHRS to ensure that the future growth of the region makes a positive contribution to the protection of sensitive environments and biodiversity. These regional strategies collectively provide a planning framework that will enable the expansion of public reserves in these corridors, the protection of their environmental values from development and the ongoing management of land by appropriate bodies to protect and enhance biodiversity and conservation values.

The transfers are also part of Coal & Allied's ongoing commitment to a sustainable economic, social and environmental future for the Hunter Region.

Figure 3 – Draft Lower Hunter Regional Conservation Plan



4 The Implications for Infrastructure, Social Infrastructure, Service Delivery and Natural Resource Planning

The implications (including the cumulative impacts) of any proposed land use for local and regional infrastructure, social infrastructure, service delivery and natural resource planning are considered below in detail.

4.1 Infrastructure and Service Delivery

The definition of infrastructure includes:

- Water cycle management, including water supply, sewerage, hydrology, storm water and drainage;
- Energy, including electricity and gas;
- Telecommunications;
- Transport; and
- Social infrastructure including health, education, and community facilities.

The existing infrastructure servicing the Minmi/Link Road estates includes:

- Drainage – The watercourses draining the Minmi and Link Road North sites eventually discharge into Hexham Swamp to the north, while Link Road South drains southward into Brush Creek which eventually flows into Cockle Creek at the Waratah Golf Club.
- Water – reticulated potable water supply is available to the existing developed area.
- Sewer – Existing developed areas of Minmi drain to the Shortland Sewage Treatment Plant (STP).
- Energy – Electrical supply is available to the area from the zone substation at Marylands. Overland electricity transmission lines traverse the Link Road south site within two easements 60m and 30m wide.
- Gas – The nearest gas mains are located at Woodford Street, Minmi, and at the corner of Minmi Road and Northlakes Drive.
- Telecommunications – Telstra standard telephone service is available to the existing developed areas. There are existing copper cables within the development site which will require relocation. The site has good mobile coverage.
- Transport Access – The Newcastle interchange is located 800m to the northwest of the intersection of Newcastle Link Road and Woodford Street, just to the south of the Minmi/Link Road estates. The site can be divided into three areas to consider transport access: Minmi; Link Road North; and Link Road South.
 - Minmi can be accessed from the north via Lenaghans Drive, from the south via Newcastle Link Road, and from the east via Minmi Road.
 - Access to the Link Road North site can be obtained via Newcastle Link Road, Woodford Street and Minmi Road (at Edgeworth). Currently, access is restricted from Newcastle Link Road.
 - Link Road South is located directly adjacent to an existing residential area at Cameron Park. Minmi Road (at Edgeworth) can provide direct access to the proposed Southern site.
- Transport Services – A limited private bus service operates between Minmi and Wallsend via Fletcher and Maryland with seven services to Wallsend on weekdays with the last around 4.30pm,

and eight services from Wallsend on weekdays finishing around 8pm. There are three services to and from Wallsend per day on weekends.

- Social Infrastructure – Minmi has limited existing social infrastructure:
 - Education – Minmi contains a small primary school with approximately 100 students and 5 permanent teachers. There is no preschool or high school, with the closest high school being West Wallsend High School.
 - Health – there is no GP or Hospital in Minmi. The closest Hospital is John Hunter Hospital in Newcastle.
 - Child Care – There are no child care facilities in Minmi, with the closest being in Wallsend.
 - Recreation – There are two parks including one with sporting fields and amenities. Both parks contain children's playground equipment.
 - Emergency Services – Minmi has a fire station situated at the northern entry to Minmi. The closest ambulance stations to Minmi are located in Beresfield and Boolaroo.
 - Aged Care – No aged care facilities currently exist in Minmi, with the nearest location in Wallsend.
 - Retail – Minmi has limited retail facilities, including a general store / newsagency, hotel, liquor outlet and restaurant.

The proposed development at Minmi/Link Road can be accommodated within the existing infrastructure capacity and planned augmentation financed by the proponents noting that:

- No significant service delivery problems have been identified;
- The future development of the site will be appropriately serviced with water and sewer infrastructure by lead-in works, upgrades and major infrastructure.
- Servicing Strategies will be prepared in consultation with Hunter Water after approval of future Project Applications for each stage.
- The new Cameron Park zone substation will augment existing electrical supply to the development when the existing supply is exhausted.
- Gas mains, Telstra cabling and electricity supply will be provided to each development stage through shared trench arrangements.
- Contributions will be made (via monetary contribution or works in kind) to improve local and regional infrastructure as part of any development of the site. A Draft Statement of Commitments is included in the Concept Plan Environmental Assessment submitted for the site. This details the various contributions, and works the proponent commits to undertake in association with the project.

4.2 Natural Resource Planning

4.2.1 Agriculture

None of the subject land is zoned for agricultural purposes.

4.2.2 Previous and Future Mining

Previous Mining

The site has been subject to extensive open cut and underground mining. Constraints mapping has been provided to assist in urban design of the proposed development, and details of investigation and analyses have been provided for consideration of the proposed development by the Mine Subsidence

Board. The final development restrictions applied by the MSB may vary from these and formal application should be made to the MSB to confirm their requirements.

The constraints are summarised as follows:

- **• High Pothole Risk:** Grouting of workings would be required prior to development and the site should be managed to limit risk to the public.
- **Low Pothole Risk:** No extensive workings are expected, however localised tunnels may be present. Construction should be single storey with suspended floor.
- **Limited Subsidence:** Expected subsidence is within normally acceptable limits for two storey brick veneer construction.
- **Moderate Subsidence:** Expected subsidence is within normally acceptable limits for single storey brick veneer construction.
- **High Subsidence:** Expected subsidence is generally higher than acceptable for brick veneer construction. Light weight (clad) construction with stiffened raft slabs and limited footprints would be more suited to these areas, however it may be necessary to limit density of development. Infrastructure would need to take into account potential subsidence.
- **Shafts:** There are a number of capped shafts in the readily developable areas (outside high risk pothole zones). Development directly over these shafts is inappropriate and they should be incorporated into landscaping;
- **Roads and Services:** Roads and paving and services should be designed to accommodate the potential subsidence including the spanning of potholes in areas of high risk potholing as well change in drainage grades design and flexure from the predicated subsidence of up to about 1 m on parts of the site.
- **Open Cut Mines** These former mines typically contain, and are surrounded by, uncontrolled mine spoil filling and may have connections to buried workings. Development over these areas will generally need to include appropriate re-compaction of the spoil and sealing of connections to underground workings, however piled footings may be appropriate in some instances.

The constraints are summarised below for each area of the site:

Minmi North

- Minmi North has no mapped workings and is expected to be free of Mine Subsidence Constraints.

Minmi West

- Minmi West contains a range of constraints.
- The northern parts of the area have no known mine workings, however does contain filling from previous mining operations to the south;
- The former Purple Hill Open Cut mine is located on the central parts of the site and contains significant filling within and to the north of the mine. Shallow unmapped workings to the north of the former open cut mine are possible, however unlikely;
- High pothole risk zone on the central parts of the area to the south of the former open cut pit;
- Low pothole risk zone on the southern central parts of the area;
- Limited Subsidence is expected on the southern parts of the area;
- A number of capped shafts have been located in this area.

Minmi East

- Former open cut mine on western parts of area;

- Low pothole risk to north of former open cut mine and High pothole risk to the south;
- Former open cut mine on eastern part of site containing filling which will need to be recompacted;
- High subsidence risk within the former open cut mine due to underlying Borehole Seam workings;
- High pothole risk and numerous shafts surrounding the open cut mine on eastern part of site.

Minmi South

- Former Back Creek open cut mine on north east boundary of area;
- High pothole risk adjacent to former open cut mine in north east part of area;
- Pothole risk in gully running down central northern parts of the area;
- Strip of low pothole risk;
- The north western parts of the site are mapped as limited subsidence (two storey brick veneer or equivalent) based on the low likelihood of pillar failure. The magnitude of subsidence in the unlikely case of pillar failure would be high and if the MSB require a 'no risk' profile then this area would need to be re-mapped as High Subsidence;
- The mid and eastern parts of the area are mapped as High subsidence risk (specialised single storey clad construction);
- The southern parts of the this area are mapped as moderate subsidence risk (one storey brick veneer or equivalent);
- This area contains several capped shafts

Link Road North

- The northern parts of the area are mapped as High subsidence risk (specialised single storey clad construction);
- The southern parts of this area are mapped as Moderate subsidence risk (one storey brick veneer or equivalent);
- This area contains several capped shafts.

Link Road South

- The northern parts of this area are mapped as Moderate subsidence risk (one storey brick veneer or equivalent);
- The southern parts of the area are mapped as Limited subsidence (two storey brick veneer or equivalent) generally based on the absence of mapped workings;
- There are some small zones mapped as High subsidence risk (specialised single storey clad construction) on the central parts of the site coinciding with remnant pillars in the Gretley workings.

The proposed development footprint has been determined by a number of site constraints, including the geotechnical constraints influenced by previous mining activities discussed above. Previous mining activities have also influenced the proposed built form, height and bulk as detailed in the Urban Design Guidelines at Appendix B of the Concept Plan Environmental Assessment report.

High risk pothole areas are required to be managed appropriately to reduce the risk to public safety. This may include fencing and/or signage in particular for high risk areas such as the creek and drainage lines or where the depth of cover is less than 15m. Pedestrian access to riparian corridors could still be maintained by constructing suitably designed boardwalks with appropriate fencing and footings designed to span a potential pothole. A plan of management is to be prepared for areas subject to shallow mining

Future Mining and future extraction of coal seam methane

Future mining at the site is unlikely but possible. Future mining at the site, if it occurred, may affect the standard guidelines outlined above. Restrictions on development due to future mining are provided by the DARZL committee and a formal application to the MSB is required for consideration by DARZL.

Monitoring of borehole gas concentrations was undertaken to assess the potential for future extraction of coal seam methane. The results indicated low concentrations of methane in some of the bores immediately following drilling, however subsequent monitoring indicated no measurable concentrations suggesting any methane which was present was limited and quickly dissipated. Therefore the site is not expected to be suitable for methane extraction from the former mine workings.

4.2.3 Bushfire

Adequate APZs are proposed within the development site to protect from bushfire risk. Refer to the Bushfire Threat Assessment at Appendix Q of the Concept Plan Environmental Assessment report.

4.2.4 Contamination

A Preliminary Contamination and Geotechnical Assessment has been prepared by Douglas Partners and is included at Appendix J of the Concept Plan Environmental Assessment report. The contamination assessment by Douglas Partners was carried out in accordance with the NSW EPA *"Guidelines for Consultants Reporting on Contaminated Sites"* and SEPP 55 *"Remediation of Land"* and is contained within the Preliminary Contamination and Geotechnical Assessment report at Appendix J of the Environmental Assessment Report.

Relative to the investigation precincts nominated in the Douglas Partners report the following contamination assessment identified the presence of:

- Lead and Benzo(a)pyrene at the southern extent of Minmi North.
- Deleterious surface material from opportunistic tipping along the north-south orientated central track that bisects Minmi East. Building rubble containing fibro sheeting was found north of the former Browns Colliery Open Cut in Minmi East.
- Metals, TRH, Benzo(a)pyrene and Total PAH in Minmi West in the areas of the former Pit C workshops, the former rail line and rail sidings and screens, and an area that appears to have been a former residential development at Pit 6. Asbestos in fibro sheet fragments and in soil filling was also found in Minmi West near the former screening building and in the former rail line to Duckenfield Colliery.
- Arsenic and lead on the site of a capped former shaft. Asbestos fragments identified on the surface of Pitt 144 in Minmi South.
- Asbestos fragments and fibres in soil at Pit 149 and 152 from opportunistic dumping of fill in Link Road North and South.

Overall, based on the results of the preliminary assessment the following works are required to enable the future residential development of Minmi:

- Site remediation will be required in Minmi West, concentrated on the workshops, rail lines and sidings/screens.
- Localised remedial works are expected in Minmi North, East and South, including cisterns or cesspits which can be expected in areas previously containing miners cottages. Additional investigation is recommended across the site prior to development to provide additional delineation of affected areas.

A remedial action plan (RAP) for remediation works will be required to detail appropriate excavation and removal/disposal/capping or contaminated soil. This would be followed by validation sampling and analysis in accordance with SEPP 55 and NSW DECC guidelines.

The site is considered to be generally suitable for residential development in accordance with SEPP 55 and NSW DECC guidelines, providing that the following conditions are met:

- Remediation is undertaken to remove identified contaminants including asbestos fragments and asbestos impacted fill material, and areas of soil contamination.
- Deleterious materials and possible associated surface impact are removed.
- Further detailed assessment across the site prior to construction to confirm the location of localised contamination “hot spots”.
- Validation testing and verification through the NSW DECC site auditor process is undertaken where required.

Other recommendations by Douglas Partners include:

- Additional waste classification testing to classify materials prior to disposal to a licensed facility.
- Validation of asbestos contamination should be conducted by a qualified asbestos consultant.

4.2.5 Water Sensitive Urban Design, Flooding and Stormwater Management

GHD have investigated a number of opportunities for management of stormwater quality, quantity and flooding at the Minmi and Link Road sites. This management would benefit from the implementation of Water Sensitive Urban Design (WSUD) practices. WSUD encompasses all aspects of urban water cycle management including water supply, wastewater and stormwater management that promotes opportunities for linking water infrastructure, landscape design and the urban built form to minimize the impacts of development upon the water cycle and achieve sustainable outcomes.

A WSUD strategy for management of stormwater quality, quantity and flooding has been developed for the sites, that nominates on-lot treatment before discharge to the street stormwater system, vegetated swales and precinct scale co-located detention/ bio-retention basins at key locations. These systems would essentially comprise a dry basin (to provide detention function) combined with bio-retention (to provide water quality treatment function) situated in the invert of the basin. Gross pollutant traps and other structural measures are recommended at key locations. Rainwater tanks should be provided where possible.

Results of simulation studies for the 100-year future climate (2100), which allow for a 30% increase in rainfall intensity and volume indicate that in a 100-year ARI event, flood levels adjacent to the site are expected to increase by less than 0.3m in the upper reaches and 0.7m in the lower reaches where the creeks discharge to Hexham Swamp. While this does not cause a significant increase in flood extent, dwelling floor levels and flood planning levels would need to consider these impacts, and dwelling floor levels be located above these levels.

The areas of inundation relative to the 100-year ARI flood and the proposed Concept Plan structure are primarily associated with riparian corridors. In a few isolated areas in the northern precincts the 100-year ARI event extends into the development footprint. Minor filling of the flood fringe would be required to ensure roadways and lots remain flood free. Dwelling floor levels would need to consider these impacts and be located above these flood levels. It is recommended that proposed Flood Planning Levels be adopted that locate floor levels of dwellings with a freeboard of 500 mm above 100-year ARI flood levels.

Flood hazard impacts will be minimised by designing the capacity of both the overland flow paths and underground stormwater system to provide a level of service that minimises the flood risk; whilst a flood evacuation strategy would be provided for all areas inundated by the PMF.

A more detailed Floodplain Risk Management Study is recommended to be undertaken in future subdivision design stages of the project, supported by more detailed flood modelling and flood mapping.

Overall, numerical modelling was used to test the effectiveness of the proposed WSUD strategy and included consideration of flood peaks and flood levels for the creeks within the site. The results of

indicated that the proposed WSUD strategy together with the flood plain management adequately satisfies the requirements of the Newcastle City Council and Lake Macquarie City Council and the NSW Floodplain Development Manual for management of stormwater quantity, quality and flooding.

5 The means by which developer contributions should be secured in respect of the site

A Draft Statement of Commitments is included in the Concept Plan Environmental Assessment submitted for the site. This details the various contributions, additional studies, applications and works the proponent commits to undertake in association with the project. The mechanics of how and when these commitments will be confirmed and delivered will be subject to ongoing consultation. This may involve the implementation of various 'developer agreements' between Coal & Allied and the Department of Planning and relevant Council prior to final approval of a construction certificate for subdivision.

THE MEANS BY WHICH DEVELOPER CONTRIBUTIONS SHOULD BE SECURED IN
RESPECT OF THE SITE

6 The local and regional economic impacts of the proposed development

An Economic Impact Assessment has been prepared by Sphere to support the Concept Plan for the site. This report concludes that the proposed development of Minmi/Link Road will result in the following economic impacts:

- Injection of an estimated \$839,656,600 of new, capital investment into the economy from expenditure on housing, commercial and retail space plus infrastructure services both internal and external to the site including road, energy services, water, sewer and communication works (2008 dollar terms).
- Create an estimated 3,555 direct, full time equivalent jobs of which up to half are expected to be in the Hunter and will extend over a 20 year period to 2030.
- Support a further 9,904 jobs (up to half local) over the project life resulting from the multiplied employment stimulus among construction related industries flowing on from the primary expenditure.
- Provide additional flow-on economic effects over 20 years of around \$1,215 million from expenditure by recipients of the primary income.
- Create a project that demonstrates a net, direct benefit to the economy from a forecast BCR of 1.28 using NSW Treasury methodology.

7 The likelihood of the proposed rezoning for residential purposes achieving the desired outcomes of the State Government's regional strategies and the draft *Newcastle – Lake Macquarie Western Corridor Planning Strategy*

Identified as regionally significant under the LHRs, the Western Corridor stretches from Beresfield to Killingworth, and has land in both Newcastle and Lake Macquarie Local Government Areas, including the Minmi/Link Road estates. The Newcastle – Lake Macquarie Western Corridor Planning Strategy (Western Corridor Strategy) was released in October 2008 and provides a framework to guide growth and development in the Western Corridor over the next 25 years.

Under the LHRs, 115,000 new dwellings and 66,000 new jobs are to be accommodated in the Lower Hunter Region by 2031 and the Western Corridor is expected to play a significant role in achieving these targets. The Western Corridor Strategy identifies future employment lands in the Corridor's far north and south, whilst residential development will be concentrated around existing urban areas in the centre. For residential development, the Western Corridor Strategy specifies a yield of between 5 and 9 dwellings per hectare, lower than that determined in the LHRs due to the various environmental constraints of the area. With a projected yield of 6.4 dwelling per hectare, Coal & Allied's Minmi/Link Road estates will meet this target comfortably.

Land Use Constraints

Opportunity exists for residential development over the whole site as an extension of the Minmi township and Cameron Park to the west of Link Road South. However, some of the identified developable land is constrained by topography, mine subsidence, European and Aboriginal heritage, slope and creeks, which has reduced the dwelling yield stated in the MoU. The land use constraints are discussed in detail in the Environmental Assessment Reports.

Transport and Infrastructure

Transport is of importance amongst the principles and the Western Corridor Strategy outlines a plan to extend bus, bicycle and rail networks in addition to strengthening major transport corridors in the Hunter region. The need to reassess access points to/within the Corridor is also identified. Of particular relevance to the Minmi/Link Road estates is the proposal that Newcastle Link Road be developed as a main link between the F3 Freeway and new residential areas.

The Western Corridor Strategy provides for new infrastructure that will be required as a result of future growth. In consultation with relevant authorities, as well as local governments and major stakeholders, the DoP has identified and categorised likely new infrastructure into roads, public transport, power, water/sewerage, education, emergency services, health, and local government. Where possible, measures have been taken to secure land for future infrastructure provision. In response to the infrastructure requirements of the Western Corridor Strategy, Coal & Allied have set aside land for:

- The necessary expansion of the primary school located in the existing Minmi township; and
- The establishment of a 3ha primary school precinct at the southern edge of the proposed Link Road South Precinct.

In addition, Coal & Allied will make a monetary contribution, or dedication of land/carrying out of work for the following Regional Infrastructure:

- Road infrastructure upgrades
- Public Transport upgrades.
- Regional cycleway linking Minmi to Wallsend.

- Emergency Services involving a contribution towards purchasing land for NSW Fire Brigade, ambulance and police.

Furthermore, the Draft Statement of Commitments commits to the funding and delivery of all on-site infrastructure and services including the following specific infrastructure prior to or in conjunction with the development:

- Electricity from existing network.
- New potable water reservoir and trunk water main to site.
- Sewer.
- Provision of a copper telephone service.
- Provision of gas (in conjunction with Alinta).
- Provision of signalised intersection at Newcastle Link Road/Minmi Road/Minmi Boulevard at a timeframe relative to the completion of 2000 lots.

Planning Principles

The Western Corridor Strategy identifies fourteen planning principles that will assist in sustainably meeting these targets. These principles were developed with due consideration to environmental constraints, existing land use patterns and stakeholder consultation. There is a strong environmental focus in the planning principles, with the preservation of vegetation corridors, sustainability and heritage conservation all to be considered in future development in the Corridor. A key feature of the Western Corridor Strategy is the Watagans to Stockton Green Corridor that runs through the centre of the Western Corridor. Through a Memorandum of Understanding (MoU) with the NSW Government, Coal & Allied have proposed to dedicate over 2,000 hectares of land to the completion of the vitally important Watagans to Stockton Conservation Corridor upon receipt of development rights on 520 ha of Minmi/Link Road..

An assessment against each of the development criteria and planning principles listed in Western Corridor Strategy has been undertaken for Minmi/Link Road to illustrate its suitability for future residential and conservation purposes. The assessment in the following Table shows that the subject land comprehensively satisfies the development criteria and planning principles.

WESTERN CORRIDOR DEVELOPMENT CRITERIA AND PLANNING PRINCIPLES ASSESSMENT

PLANNING PRINCIPLE	DEVELOPMENT CRITERIA	RESPONSE
Density – residential development	<p>The Lower Hunter Regional Strategy recognises the need for new release areas to achieve densities of at least 12 dwellings per hectare given the scarcity of available and suitable land for urban growth. This density is unlikely to be achieved in the Western Corridor due to site constraints such as mine subsidence, slope and vegetation.</p> <p>It is projected that it will be possible to achieve a density between 5-9 dwellings per hectare for the estimated yield of around 8,000 dwellings. These estimates take into consideration potential infill development, the Renewal Corridor along Main Road Edgeworth and housing mix.</p> <p>Residential development should address the LHRS 'Neighbourhood Planning Principles'.</p>	<p>With a projected yield of 6.4 dwellings per hectare, Coal & Allied's Minmi/Link Road estates will meet this target comfortably. The proposal also incorporates sound neighbourhood planning principles as follows:</p> <ul style="list-style-type: none"> ▪ Dedication of 2,264ha of conservation land and developable area of 520ha to accommodate an approximate dwelling yield of 3,300 dwellings; recreational areas, open space, educational facility, retail and community facilities. ▪ Provision of a Village Centre which is located in the centre of the site, and will be a new activity hub for the area. ▪ The establishment of a walking distance neighbourhood structure with the majority of dwellings within walking distance of daily needs and close to a public transport route;

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		<ul style="list-style-type: none"> Enhancement of the existing demographic diversity by providing a range of housing requirements from singles to young couples, families, and retirees to allow population to remain in the local community; Enhancement of the economic vitality of the existing township through provision of complementary village scale retail uses to enhance the economic vitality of Minmi; and The subdivision is designed to encourage walking and cycling through the provision of safe walkways and cycleways. Ensuring a permeable network of streets and pathways.
Slope	High order land uses (proposed community services such as schools, community buildings e.g. emergency services) and playing fields should be given priority over residential development for the use of the flatter land.	<ul style="list-style-type: none"> The land Coal & Allied is dedicating for community services in the centre of the site in the Village Centre, which is a flatter area of the site and will become a new activity hub for the area. On other flatter areas of the site, school facilities and playing fields are proposed. The land identified for the future expansion of the existing school and playing fields are located in close proximity to the existing Minmi Township.
Vegetation Corridors	<p>Vegetation corridors have been categorised into three distinct and sometimes overlapping roles.</p> <p>1. <i>Regional Conservation Lands</i> – The LHRS and the draft Lower Hunter Regional Conservation Plan identify the Watagan to Stockton green corridor. These regionally significant conservation lands are identified in the maps and principles within this document. The previously mentioned MoU's also apply to parts of these Conservation Lands.</p> <p>2. <i>Green Entry Statements</i> – The role of green entry visual statements into areas or along certain transport routes is recognised.</p> <p>The need to provide a green entry statement along the F3 from the south (Killingworth) to Black Hill for the proposed employment zones and the importance of retaining the visual landscape corridor from the F3 toward Hexham swamp is also recognised.</p> <p>The Newcastle Link Road and George Booth Drive provide important 'green' entry statements into the city of Newcastle. (These lands do not include lands subject to the MoU's)</p> <p>3. <i>Sub-Regional/Local Conservation Corridors</i> – Environmental studies undertaken as part of the rezoning process will identify other sub-regional and local conservation areas and corridors. (These lands do not include lands subject to the MoU's)</p> <p><u>Outcome</u></p> <p>The width of the vegetation corridors will be determined by environmental studies taking into consideration biodiversity outcomes and the role, or roles for that corridor.</p>	<ul style="list-style-type: none"> Although the Strategy recognises a vegetation corridor along Newcastle Link Road, it is noted that the development Criteria of the Western Corridor Strategy clearly states that any land subject to the MoU's is excluded from providing a 'green entry' statement into the City of Newcastle along the Newcastle Link Road. Under the MoU between Coal & Allied NSWG, Coal & Allied will dedicate Stockrington (2,247ha) and 17ha of Minmi for inclusion in the important Watagan Stockton conservation corridor upon receipt of development rights on 520 ha of Minmi/Link Road. Notwithstanding the above, it is proposed to provide a green corridor along the southern side of the Link Road. This will ensure that a green corridor is maintained along the southern sides of the Link Road. Most importantly a green corridor is provided along the ridge line of Link Road North. This corridor includes land of high Aboriginal archaeological potential, which will therefore be conserved for the future. Overall, it must be recognised that the Coal & Allied Concept contribution to the important Watagan Stockton conservation corridor entails a broader and regional approach to the provision of wildlife corridors. The Watagan Ranges to Port Stephens conservation area is identified in the draft Conservation Plan to be a "highly significant link between southern

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		<p><i>sandstone ranges and the coastal heaths and wetlands of Port Stephens."</i> The large areas of Stockrington and Tank Paddock that will be set aside for conservation as part of the development provide excellent ecological outcomes across the site. This large tract of native vegetation will provide protected habitat for a wide variety of native flora and fauna.</p> <ul style="list-style-type: none"> ▪ In summary, due to the dedication of much larger tracts of vegetation within strategic regional corridors, the nature of existing and proposed vegetation corridors along Link Road should not significantly impact upon threatened or regionally significant flora and fauna, ecological communities or populations.
Sustainability	<p>New development should incorporate environmentally sustainable development practices in accordance with existing legislation, Council's policies and best practice. Consultation and negotiations with the DECC regarding vegetation conservation and/or offsets to be required.</p> <p>New development should also consider the implications of climate change in their designs and function. Matters such as rainfall intensity, localised flooding, rising sea levels, water tables and changes to mean temperatures should be considered.</p>	<ul style="list-style-type: none"> ▪ An Ecologically Sustainable Development (ESD) Report was prepared by Ensign to accompany the Minmi/Link Road Environmental Assessment Report as attached in Appendix L of the Environmental Assessment Report. The ESD report responds to the DGEARs which details the ESD principles, including BASIX compliance to be adopted within the future development of the site. ▪ Coal & Allied is undertaking on-going consultation and negotiations with the DECC regarding vegetation conservation and/or offsets to be required. ▪ GHD has investigated management of stormwater quality, quantity and potential flooding impacts, including assessment of climate change impacts on flooding, relative to the NSW floodplain Development Manual and the DECC Floodplain Risk Management Guideline – Practical Consideration of Climate Change. Refer to Section 6.10 of Concept Plan Environmental Assessment and Appendix P of the Concept Plan Environmental Assessment report.
Major Transport Corridors	<p>Direct access off the Major Transport Corridors such as the F3 Freeway, Newcastle Link Road and George Booth Drive will be limited to maintain the efficiency of the transport network. Access arrangements in the Black Hill area are to be consistent with the RTA's proposals for improvements to the network, specifically the proposed new interchange linking the F3 to Raymond Terrace via Hexham.</p> <p>New interchange opportunities in the south of the Corridor to access the Employment Lands has been identified. Consultation with the RTA for development within this area is essential. Access proposals should be consistent with the Access Map and utilise existing intersections and limit new intersection points.</p>	<p>Emergency access at the eastern end of Newcastle Link Road is proposed. This will not be used for general traffic purposes.</p>
Shared	A regional bike path route has been identified on the	Cycleways are proposed to provide access

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Pathways	Access Map and appropriate connections should be implemented by Council's to ensure linkages to other major bikeways and paths.	through the site to connect with existing bikeways and paths.
Rail	Future development in the Black Hill and Killingworth areas should seek confirmation of the likelihood of the rail freight bypass through consultation with NSW Department of Premier and Cabinet and/or the appropriate rail authority. Planning measures such as buffers, reservations and access standards (bridge heights etc) should be implemented when further certainty of the feasibility of the bypass is received.	N/A
Noise and amenity buffers	The F3 Freeway, other Main Roads, future rail corridors and employment lands have the potential to create noise and vibration issues for future residential development. Detailed assessments will determine the required attenuation measures for future residential areas adjoining main roads, employment lands and other noise sources. The Infrastructure SEPP provides specific noise and vibration requirements for residential developments adjoining classified roads and rail corridors. Detailed acoustic and odour assessments will determine the required setback/buffers to the existing Summer Hill Waste Management Facility.	<ul style="list-style-type: none"> A Noise Impact Assessment has been undertaken by Renzo Tonin & Associates in respect to impacts from traffic noise of the surrounding traffic network to the proposed residential estate. Assessment indicates that residential properties within the vicinity to major traffic routes will be affected by traffic noise but provides a range of mitigation measures to provide for appropriate noise amenity levels. This is discussed in Section 6.8 of the Environmental Assessment and Appendix N of the Concept Plan Environmental Assessment.
Renewal Corridor (along Main Rd Edgeworth)	Councils should introduce planning controls that encourage the redevelopment/renewal of this area consistent with the LHRS provisions. The use of incentives such as FSR and height increases, and financial measures are encouraged.	N/A
Heritage	Urban development will need to respect the heritage character of Minmi and other localities and be sympathetic to the listed heritage items by complying with relevant heritage design requirements. Any newly identified items or places/areas of heritage significance should be added to Council's LEP.	<ul style="list-style-type: none"> Assessment of the European heritage significance of the Minmi / Link Road estate relative to the proposed Concept Plan has been undertaken by ERM and is contained within the Heritage Impact Assessment at Appendix O of the Concept Plan Environmental Assessment report. It is assessed that the Concept Plan will result in some impact to assessed heritage values, the cultural landscape and some heritage sites. However, the analysis by ERM identifies that the Concept Plan design accommodates for the conservation and interpretation of the most important local heritage items and landscapes to preserve the overall heritage values of the Minmi. Furthermore, the proposed Concept Plan protects the scale and character of housing within the Minmi Village Catchment.
Local Centres	Future provision of business/commercial zoned land needs to be justified considering the projected population, level of existing services and retail hierarchy.	<ul style="list-style-type: none"> The future population will be serviced by the additional retail and commercial services to be provided within the proposed development. The existing Minmi township will be complemented by supporting mixed use retail and commercial uses. These are proposed as small scale villages and do

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		not intend to impact on the hierarchy of the surrounding regional centres. This is discussed in detail in the Social Infrastructure Study included at Appendix F of the Concept Plan Environmental Assessment report
Settlement Patterns	<p>The Land Use Investigation Map (Map No. '1') identifies the residential and employment investigation land footprints. Subdivision designs should maximise development potential and sustainability outcomes.</p> <p>Priority shall be given to the co-location and/or focus of state agency buildings (e.g. schools, emergency services etc) in central locations to assist in developing community hubs and a strong sense of place for emerging areas.</p>	<ul style="list-style-type: none"> ▪ The proposed Concept Plan is entirely in accordance with the Land Use Investigation Map with residential development proposed on land identified as 'residential Investigation' and conservation land proposed on Land identified as 'Watagan Stockton Green Corridor, National Park and State Conservation Area'. ▪ The land Coal & Allied is dedicating for community services facility is appropriately located in the centre of the site in the Village Centre. This area will become a new activity hub for the area. The land Coal & Allied is dedicating for schools is appropriately located adjacent to the existing Minmi School and in the Link Road South Precinct.
Public Transport	<p>A further 8,000 dwellings will generate the need to expand the existing bus service to link existing and future employment areas, schools and other activity nodes. The establishment of a more coordinated and integrated bus service with the wider area will improve connectivity and usage on the sub-regional scale.</p> <p>The future road network shall be planned and designed to cater for future bus routes and stops. Consultation with the Ministry of Transport will be necessary to plan these connections.</p>	Public transport strategy is proposed in the Hyder traffic report in Appendix M of the Concept Plan Environmental Assessment report that entails providing new bus routes and enhancing existing bus services.
Employment Lands	<p>Councils should have due regard to the visibility of employment lands from the F3 Freeway and include appropriate landscaping, retain green corridors/buffers to the F3 Freeway, and introduce appropriate urban design elements.</p> <p>The provision of an efficient and effective transport network into employment lands is essential.</p> <p>Black Hill - Access arrangements should be consistent with the Access Map and consider the wider development implications of the potential Freight Hub (including the proposed freight rail bypass). Coordinating shared access and transport linkages into the wider employment area will be the responsibility of Council in consultation with the RTA and State Rail.</p> <p>Killingworth –Access arrangements should be consistent with the Access Map and consider the need and funding arrangements for an interchange with the F3 Freeway. Impact on existing residential and commercial areas should be limited where possible through careful route planning and utilisation of existing designated main roads.</p>	N/A

8 Recommended Zonings for the Site and Development Controls for the Site that should be included in Schedule 3

With regard to the proposed land use zones, the proposed zones have been based upon the Department's recently gazetted Standard Instrument—Principal Local Environmental Plan. It is proposed that the zoning for the developable land will be:

- a) R1 – General Residential Zone
- b) B4 - Mixed Use Zone

The land to be dedicated to the NSWG will be zoned “E1 - National Parks and Nature Reserves” with some land to be zoned “E3 – Environmental Management” for land to be affected by easements for provision of utilities and infrastructure.

No special zoning provision is proposed. Development Controls relating to land use are included in the proposed Schedule 3 listing. In addition, the Concept Plan commits to a set of Development Design Guidelines for Stage 1, the Minmi East precinct. The Design Guidelines establish scale and built form guidelines for the future development of stage 1 the Minmi/Link Road estates and will ensure that future development of Minmi/Link Road is consistent with, and sympathetic to, local attributes, surrounding existing land uses and the dedicated conservation areas. Future development in Stage 1 is to comply with the Urban Design Guidelines. Subsequent stages of the project, which would be subject to a Project Application will be accompanied by design controls and guidelines that reflect the relevant stage.

RECOMMENDED ZONINGS FOR THE SITE AND DEVELOPMENT CONTROLS FOR THE
SITE THAT SHOULD BE INCLUDED IN SCHEDULE 3

9 Those parts of the site which should be subject to Part 4 of the EP&A Act with the relevant Council as Consent Authority

The Minister for Planning has already agreed that the development proposal for the site is of State or regional environmental planning significance and that Part 3A of the Act applies. On 14 December 2007, the Minister declared the project to be a 'Major Project', for which he is the consent authority under Part 3A of the Act. No change is proposed to this regime. It is proposed that the Minister is the consent authority for the Concept Plan and future Project Application for the stage 1 subdivision of the site into approximately 600 dwelling lots. All other development proposed for the site is to be subject to Parts 4 or 5 of the Act as applicable, for which the relevant Council is generally the consent authority or exempt or complying provisions under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The Minister for Planning is also the consent authority for any modifications to the Concept and Project Applications.

The proposed approvals process for future development is set out below.

Future development	Process	Consent Authority
Residential development and other permissible development in the residential subdivision	<p>Major Project Application (Concept Plan/Project Application)</p> <ul style="list-style-type: none"> Part 3A if the development meets state significant development criteria <p>Local development</p> <ul style="list-style-type: none"> Part 4 Complying development – if it meets the Complying Development provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. <p>Local Development</p> <ul style="list-style-type: none"> Part 4 Development consent – if the development does not meet the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. 	<ul style="list-style-type: none"> Minister for Planning/Planning Assessment Commission Accredited Certifier The relevant Council or Joint Regional Planning Panel depending on threshold.

If the Minister determines under Section 75P(1) of the Act that future stages of the project will be assessed under the provisions of Part 4, then it is considered appropriate for the following to occur:

- Determination of any future development application should be generally consistent with the terms of approval of the Concept Plan and the associated Statement of Commitments.
- The future stages of the project are not to be considered as integrated development.
- The assessment of the future development applications is to be undertaken in accordance with the requirements determined by the Minister when approving the Concept Plan.

The provisions of any environmental planning instruments that prohibit or restrict the carrying out of the project or stage of the project do not have effect if the Minister so directs

THOSE PARTS OF THE SITE WHICH SHOULD BE SUBJECT TO PART 4 OF THE EP&A
ACT WITH THE RELEVANT COUNCIL AS CONSENT AUTHORITY

10 Appropriate arrangements (if relevant) for the compulsory acquisition of land by Council for open space purposes

Public open space or recreational areas, including riparian corridors and community infrastructure created through each subdivision will be developed and then dedicated to the relevant council after the completion of each stage of the development or 5 years – whichever comes later. All local road reserves to be constructed will be dedicated to the relevant road authority.

A land acquisition clause has been included in the draft Schedule 3 listing under **Appendix B**. It has been based upon the Department's recently gazetted Standard Instrument—Principal Local Environmental Plan.

11 SEPP Major Projects – Clauses 2 and 8

With regard to SEPP Major Projects itself, the aims of the SEPP stated at Clause 2 are:

- (a) to identify development to which the development assessment and approval process under Part 3A of the Act applies,*
- (b) to identify any such development that is a critical infrastructure project for the purposes of Part 3A of the Act,*
- (c) to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant sites for the benefit of the State*
- (d) to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes,*
- (e) to rationalise and clarify the provisions making the Minister the approval authority for development and sites of State significance, and to keep those provisions under review so that the approval process is devolved to councils when State planning objectives have been achieved.*

In respect to these matters:

Regardless of whether the project is listed under Schedule 3, the proposal for Minmi/Link Road is a Major Project to which Part 3A of the EP&A Act applies pursuant to clause 75B(1) of the Act. Under section 75B(1)(b) of the EP&A Act development may be declared by a Ministerial Order to be a project to which Part 3A applies. This is on the basis that the Minmi/Link Road proposal is essential to ensure the delivery of environmental gain. In particular, the proposed dedication of 2,264ha, including Stockrington site (2,247ha) and 17ha of the Minmi site to the NSWG as 'conservation lands' provides a significant and important contribution to the vitally important Watagan-Stockton Conservation Corridor as identified in the LHRS and the companion draft Regional Conservation Plan. It will also enable NSWG to develop a coordinated framework to ensure that the overall Coal & Allied conservation dedications of approximately 3,267ha in the Lower Hunter be achieved in a timely, effective and efficient manner.

As discussed, Minmi/Link Road forms an important part of an environmental land offset package for the Lower Hunter by Coal & Allied which spans four local government areas. Given the complexities of the environmental land offset package and in order for Government to effectively manage and achieve the land transfers, all of the Coal & Allied sites need to be considered in a coordinated manner as Major Projects. For the reasons outlined in the previous section, the proposals for each of the three sites clearly meets the criteria as being of State and regional planning significance.

The project has recently been declared by the Minister to be a major project.

Schedule 3 listing of the site will facilitate the orderly use, development and conservation of regionally important sites of environmental and social significance to the state.

Schedule 3 listing will provide clarity as to which future applications will be determined by Council and which will be determined by the Minister for Planning.

Clause 8 of SEPP Major Projects provides that the Minister may initiate an investigation into whether development on a particular site should be declared to be a project to which Part 3A of the Act applies, and the appropriate development controls for the site. It also requires that any such study is to assess:

- (a) the State or regional planning significance of the site, and*
- (b) the suitability of the site for any proposed land use taking into consideration environmental, social and economic factors, the principles of ecologically sustainable development and any State or regional planning strategy, and*

These matters were incorporated into the request by the Minister to the Director-General, and have been addressed above.

(d) any other matters required by the Director-General.

These matters were incorporated into the request by the Minister to the Director-General, and have been addressed above. However, we note that Clause 8 is explicit that it does not preclude an amendment of Schedule 3 without compliance with this clause.

In view of the above consideration of the matters that the Minister has requested the Director General to consider, in our opinion listing of the site on Schedule 3 of SEPP Major Projects will facilitate the orderly use, development and conservation of a regionally important site of environmental and social significance to the state.

12 Conclusion

The Minmi/Link Road estate forms part of the land included for consideration by the NSW Government in a MoU which proposes 80% of Coal & Allied land holdings in the Lower Hunter be dedicated to the State for conservation and the balance be zoned for development.

It is proposed to dedicate Stockrington (2,247ha) and 17ha of Minmi for inclusion in the important Watagan Stockton conservation corridor upon receipt of development rights on 520 ha of Minmi/Link Road. This is a significant opportunity for the Government to secure valuable conservation corridor links in public ownership for future generations.

It is noted that approximately 70% of the Stockrington site is currently zoned for rural purposes, which Coal & Allied is proposing to rezone for conservation purposes. Thus, although this land has been recognised as providing a conservation corridor, its current zoning under Cessnock LEP 1989 does not reflect this. In this regard it is important to note that whilst ever the land remains in private ownership and is zoned 1(a) Rural "A" Zone the potential exists for it to be used or developed for purposes other than conservation. The proposed State Significant Site listing for Stockrington will facilitate the rezoning of the land to E1 – National Parks and Nature Reserves, the highest level of conservation zoning available under the *Standard Instrument (Local Environmental Plans) Order 2006*.

The sites are considered to meet the criteria for a State Significant Site both as individual parcels and as an integral part of the overall Coal & Allied land package that will achieve substantial conservation outcomes through land dedication as set out in the MoU between Coal & Allied and the NSW State Government.

The sites also displays the following criteria:

- The sites are of regional importance with the dedication of 2,264 ha of conservation land to include as a significant part of the vitally important component of the Watagan Ranges to Hexham Swamp conservation corridor. This environmental gain is a once in a generation opportunity that will provide an enduring legacy for the community;
- Alternative planning consent arrangements are necessary because the Minmi/Link Road estates also forms an important part of an environmental land offset package for the Lower Hunter by Coal & Allied which spans four local government areas. Separate consent arrangements are unlikely to enable an appropriate conservation and land use framework to be achieved in a timely, effective and efficient manner;
- Protection of areas of aboriginal cultural significance;
- Protection of riparian zones; and
- Provision of housing to help achieve the Lower Hunter Strategy dwelling targets to cater for the predicted population growth for the Region over the next 25 years.

In summary, the listing of the site on Schedule 3 of SEPP Major Projects will facilitate the orderly use, development and conservation of a regionally important site of environmental and social significance to the State. We therefore request that the Minister include the attached listing of the site in Schedule 3 of SEPP Major Projects.

CONCLUSION

Appendix A Letter from the Minister



NSW GOVERNMENT
Department of Planning

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Our ref: S07/00406-1
Your ref:

Mr Keith Dedden
General Manager – Property Development (Coal)
Rio Tinto
GPO Box 391
BRISBANE QLD 4000

Dear Mr Dedden,

MINMI (LINK ROAD NORTH/LINK ROAD SOUTH) – COAL & ALLIED OPERATIONS PTY LTD– STATE SIGNIFICANT SITE STUDY REQUIREMENTS

I refer to the decision by the former Minister for Planning on 30 November 2007 to consider the Minmi (Link Road North/Link Road South) development as a potential State significant site (SSS) for listing under Schedule 3 of the *State Environmental Planning Policy (Major Projects) 2005* (Major Projects SEPP).

In considering whether to include the site in Schedule 3 of the Major Projects SEPP, the former Minister had requested in accordance with clause 8 of the Major Projects SEPP that the Director-General make arrangements for a SSS study to be undertaken (by your company) that will assess:

- the State or regional planning significance of the site (having regard to the Guideline for State significant sites under the Major Projects SEPP);
- the suitability of the site for any proposed land use taking into consideration environmental, social or economic factors, the principles of ecologically sustainable development and any State or regional planning strategy;
- the implications of any proposed land use for local and regional land use, infrastructure, service delivery and natural resources planning;
- the means by which developer contributions should be secured in respect of the site;
- the local and regional economic impacts of the proposed development;
- the likelihood of the proposed rezoning for residential purposes achieving the desired outcomes of the State Government's regional strategies and the draft *Newcastle – Lake Macquarie Western Corridor Planning Strategy*;
- the recommended land uses and development controls for the site that should be included in Schedule 3;
- those parts of the site which should be subject to Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), with the relevant Council as consent authority; and
- appropriate arrangements (if relevant) for the compulsory acquisition of land by Council for open space purposes.

The State Significant Site study that addresses the above should be submitted in conjunction with the Environmental Assessment for the Minmi (Link Road North/Link Road South) concept plan.

For the purposes of the above, I have enclosed a copy of the draft *Newcastle – Lake Macquarie Western Corridor Planning Strategy* for your information. Please note that this represents the pre-exhibition version of the strategy and that this may change as a result of the Department's release and exhibition of the document.

In the meantime, should you have any queries please contact Caitlin Bennett (Team Leader) on 02 9228 6197 or by email at caitlin.bennett@planning.nsw.gov.au.

Yours sincerely

 29 Oct 08

Michael File
Director
Strategic Assessments

Appendix B Proposed Listing in SEPP Major Projects – Schedule 3

B.1 Proposed Listing in SEPP Major Projects – Schedule 3

Minmi/Link Road and Stockrington Estates

Division 1 Preliminary

1. Land to which Part applies

This Part applies to the land identified on the Land Zoning Map to this Part, referred to in this Schedule as the Minmi/Link Road and Stockrington site.

2. Definitions

1. A word or expression used in this Part has the same meaning as it has in the standard instrument prescribed by the Standard Instrument (Local Environmental Plans) Order 2006 unless it is otherwise defined in this part.
2. In this part **Land Zoning Map** means the map marked “State Environmental Planning Policy (Major Projects) 2005 (Amendment No,) – Minmi and Stockrington – Land Zoning Map.

Division 2 Permitted or prohibited development

3. Zoning of land to which part applies

For the purposes of this Part, land is within the zones shown on the Land Zoning Map.

4. Zone objectives and land use Table

Zone objectives and land use table

(1) The Table at the end of this Division specifies for each zone:

- the objectives for development, and
- development that may be carried out without consent, and
- development that may be carried out only with consent, and
- development that is prohibited.

(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

Land Use Table and Objectives

For the purposes of this part, land within the Minmi/Link Road estates is zoned:

- R1 – General Residential Zone
- B4 - Mixed Use
- E1 – National Parks and Conservation Zone
- E3 – Environmental Management Zone

Zone R1 General Residential

1 Objectives of Zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Bushfire protection requirements, environmental protection works, home occupation, public utility undertakings, roads.

3 Permitted with consent

Advertisements, advertising structures, attached dwellings, bed and breakfast accommodation, boarding houses; car parking, child care centres; community facilities; drainage, dwelling houses; earthworks, educational establishments; environmental facilities, filming, flood mitigation works, group homes; health consulting rooms, home based child care of family day care homes, home business, home industries, hostels; hospitals, information and education facilities, multi dwelling housing; neighbourhood shops; places of public worship; recreation areas, recreation facilities (outdoor); residential care facilities (indoor); residential flat buildings; schools, seniors housing; semi detached dwellings, shop top housing, telecommunication facilities, utility installations.

4 Prohibited

Except as otherwise provided by this Policy, development is prohibited within the General Residential Zone unless it is permitted by subclause (2) and (3).

4. If development for the purposes of a neighbourhood shop is permitted under this Part, the retail floor area must not exceed 750m².

Zone B4 Mixed Use

1. Objectives of Zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

2. Permitted without consent

Bushfire protection requirements, environmental protection works, home occupation, public utility undertakings, roads.

3. Permitted with consent

Advertisements, advertising structures, amusement centres, boarding houses; business premises; car parks, child care centres; community facilities; drainage, earthworks, educational establishments; entertainment facilities; environmental facilities, filming, flood mitigation works, food and drink premises, function centres; funereal chapels, funereal homes, health consulting rooms, hospitals, hotel or motel accommodation; information and education facilities; kiosks, markets, medical centres, mixed use development, neighbourhood shops, office premises; passenger transport facilities; places of public worship, public administration buildings, pubs, recreation area, recreation facilities (indoor); recreation facilities (outdoor), registered clubs; residential flat buildings, restaurants, retail premises; schools, seniors housing; service stations, shop top housing, signage, take away food and drink premises, temporary structures, telecommunications facilities, tourist and visitor accommodation, utility installations, and veterinary hospitals.

4 Prohibited

Except as otherwise provided by this Policy, development is prohibited within the Mixed Use Zone unless it is permitted by subclause (2) and (3).

Zone E1 National Parks and Nature Reserves

1. Objectives of Zone

- To enable the management and appropriate use of land that is reserved under the National Parks and Wildlife Act 1974 or that is acquired under Part 11 of that Act.
- To enable uses authorised under the National Parks and Wildlife Act 1974.
- To identify land that is to be reserved under the National Parks and Wildlife Act 1974 and to protect the environmental significance of that land.

2. Permitted without consent

- Uses authorised under the *National Parks and Wildlife Act 1974*.

3. Permitted with consent

- Nil.

4. Prohibited

Any development not specified in item 2 or 3

Zone E3 Environmental Management

1. Objectives of Zone

- To protect, manage and restore areas with special ecological scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To provide for infrastructure and related uses.

2. Permitted without consent

Electricity generating works; environmental protection works; home occupations; public utility undertaking; sewage reticulation system; telecommunication facility; water reticulation system; roads

3. Permitted with Consent

Nil

4. Prohibited

Any other development not specified in item 2 or 3.

Division 3 Exempt and Complying Development

Development on land within the Minmi/Link Road estates that satisfies the requirements for exempt development or complying development specified in State Environmental Planning Policy (Exempt and Complying Development) 2008 is exempt development or complying development as per the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

5. Public Utility Undertakings excepted

Development for the purpose of a public utility undertaking that is carried out on land within the Minmi/Link Road site does not require development consent.

Note. As a consequence of the removal of the requirement for development consent under Part 4 of the Act, development for the purposes of public utility undertakings is subject to the environmental assessment and approval requirements of Part 5 of the Act or, if it is applicable, Part 3A of the Act.

6. Subdivision

- (1) Land to which this Plan applies may be subdivided, but only with consent.

- (2) However, consent is not required for a subdivision for the purpose only of any one or more of the following:
- (a) widening a public road,
 - (b) a minor realignment of boundaries that does not create:
 - (i) additional lots or the opportunity for additional dwellings, or
 - (ii) lots that are smaller than the minimum size as illustrated in the layout of the Minmi/Link Road Concept Plan Design Guidelines, Drawing A.1.4 in relation to the land concerned,
 - (c) consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
 - (d) rectifying an encroachment on a lot,
 - (e) creating a public reserve,
 - (f) excising from a lot land that is, or is intended to be used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.

Subdivision of any land into a lot less than 280 square metres is permissible only if:

- the land is 2,000 square metres or more and the subdivision is integrated with dwelling development.
- in relation to shoptop housing lots, it relates to the subdivision of a dwelling from the shop.

7. Relationship with other environmental planning instruments

The only environmental planning instruments that apply, according to their terms, to or in respect of development within the Minmi/Link Road estates are as follows:

(a) in the case of development that is a project to which Part 3A of the Act applies—this Policy and all other State environmental planning policies otherwise applicable to the land, except State Environmental Planning Policy No 1—Development Standards,

(b) in the case of all other development—all environmental planning instruments otherwise applicable to the land, except State Environmental Planning Policy No 1—Development Standards, but only to the extent that those instruments are not inconsistent with this Policy.

8. Subsequent Applications

The proposed approvals process for future development is set out below.

Future development	Process	Consent Authority
Residential development and other permissible development in the residential subdivision	Major Project Application (Concept Plan/Project Application)	▪ Minister for Planning/Planning Assessment Commission
	Local development ▪ Part 4 Complying development – if it meets the Complying Development provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.	▪ Accredited Certifier

	Local development <ul style="list-style-type: none"> Part 4 Development consent – if the development does not meet the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. 	<ul style="list-style-type: none"> The relevant Council or Joint Regional Planning Panel depending on threshold.
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The Minister of Planning is the consent authority to consider any modifications to the concept and project approval.

For future stages of the project assessed under the provisions of Part 4, the following is to occur:

- Determination of any future development application should be generally consistent with the terms of approval of the Concept Plan and the associated Statement of Commitments.
- The future stages of the project are not to be considered as integrated development.

9. Land acquisitions within certain zones

(1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991* (**the owner-initiated acquisition provisions**).

Note. If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires the authority to acquire the land.

(2) The authority of the State that will be the relevant authority to acquire land within Minmi/Link Road and Stockrington, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

Type of land shown on Map

Authority of the State

Public open space or recreational areas, including riparian corridors within Zone R1 General Residential and B4 Mixed Use

The relevant council

Zone E1 National Parks and Nature Reserves and marked "National Park"

Minister administering the *National Parks and Wildlife Act 1974*

Local Roads within Zone R1 General Residential and B4 Mixed Use

The relevant council

(3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

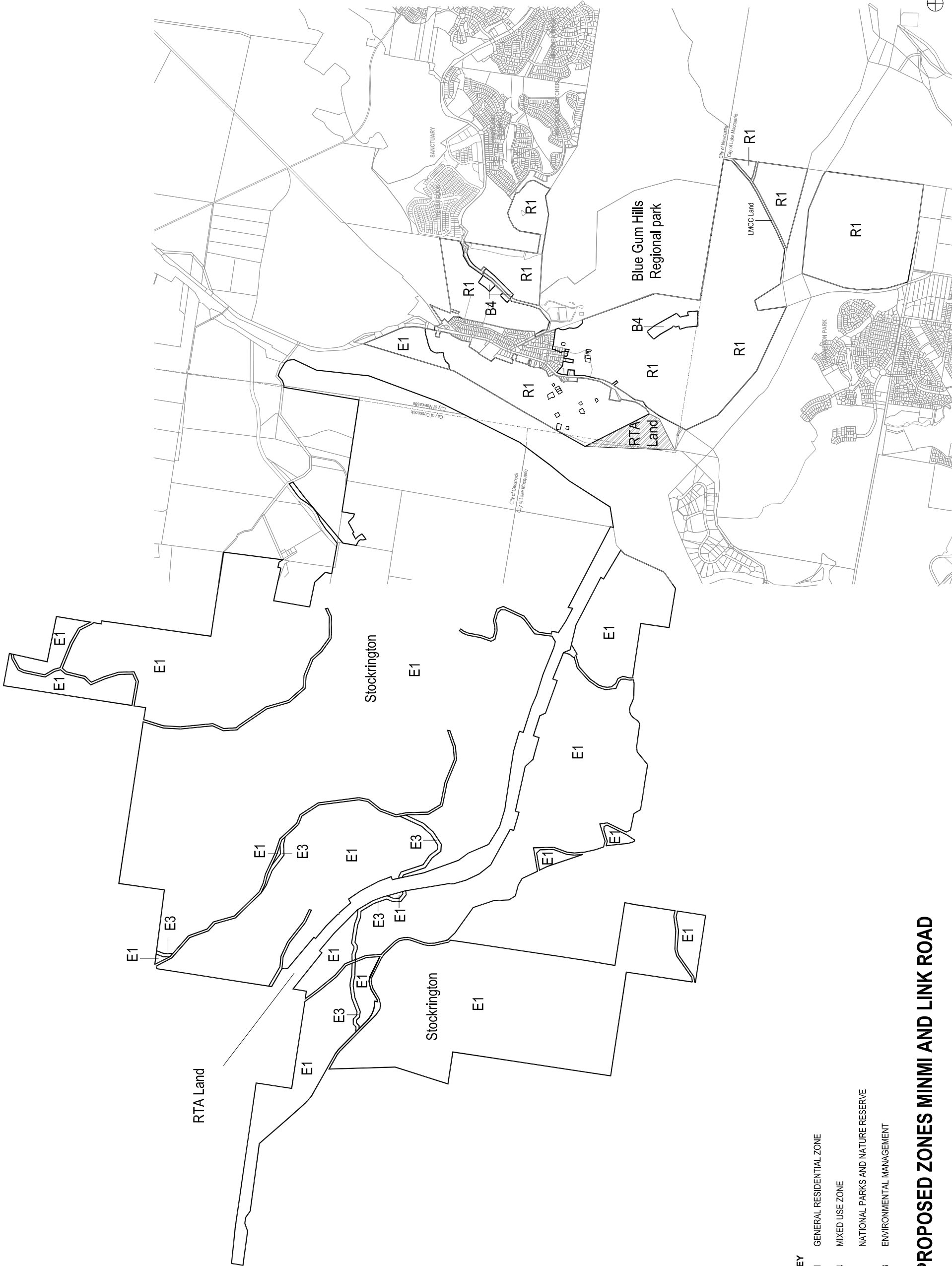
Note. If land, other than the land specified in the Table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, this clause is required to be amended to designate the acquiring authority for that land (see section 27 of the Act). The Minister of Planning is required to take action to enable the designation of the acquiring authority of that land, the acquiring authority is to be the authority determined by order of the Minister for Planning (see section 21 of the *Land Acquisition Just Terms Compensation Act 1991*).

10. Definitions

The dictionary in the Standard Instrument (Principle Local Environmental Plan) defines words and expressions for the purpose of controls affecting the land covered by the concept plan.

- KEY**
- R1 GENERAL RESIDENTIAL ZONE
 - B4 MIXED USE ZONE
 - E1 NATIONAL PARKS AND NATURE RESERVE
 - E3 ENVIRONMENTAL MANAGEMENT

PROPOSED ZONES MINIMI AND LINK ROAD



Sydney

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