

**ORDER PURSUANT TO CLAUSE 34A(3) OF THE BIODIVERSITY  
CONSERVATION (SAVINGS AND TRANSITIONAL) REGULATION 2017**

I, Anthony Witherdin, Director of Regional Assessments within the Planning Services Division, Department of Planning and Environment, certify under clause 34A(3) of the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*, that:

- a) the proposed development (the ***proposed development***) is part of a concept plan approval (the ***concept plan approval***) for which the biodiversity impacts of the proposed development have been satisfactorily assessed before 25 August 2017, and
- b) that conservation measures to offset the residual impact of the proposed development on biodiversity values after the measures required to be taken to avoid or minimise those impacts have been secured into the future.

Proposed development is only certified by this order where the development for which a development application is made, or will be made, in accordance with the concept plan approval.

For the purposes of this order:

- 1) the ***proposed development*** comprises BLACK HILL CONCEPT PLAN development on land identified on *Proposed Black Hill Concept Plan*, Figure 5 in the *Black Hill and Tank Paddock Environmental Assessment*, dated 11 February 2011, prepared by Urbis, as extracted in the attached map.
- 2) the ***concept plan approval*** is all of the documents listed at Terms of Concept Approval 1.1, as at the date of this order.
- 3) ***Development application*** has the same meaning as in clause 34A of the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*.

Anthony Witherdin

**Anthony Witherdin, Delegate  
Director  
Regional Assessments  
Department of Planning and Environment**

26/10/18

**Date**

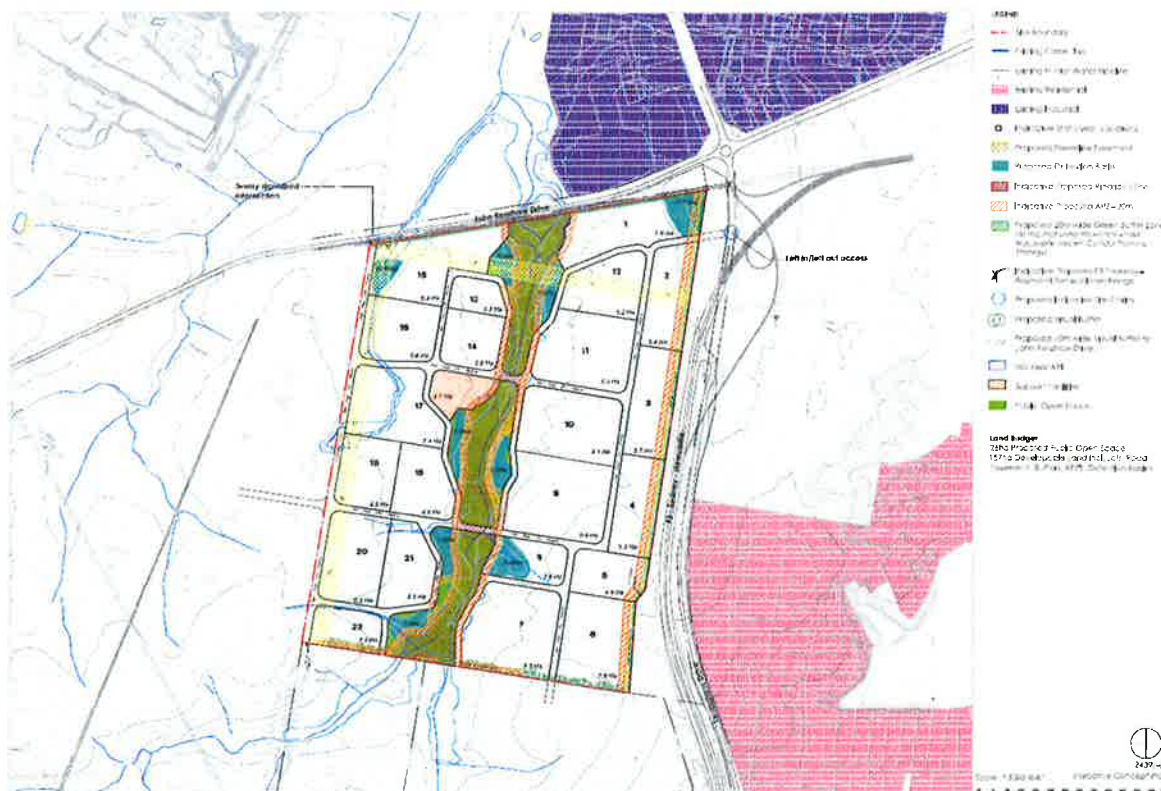


Figure 5 – Proposed Black Hill Concept Plan

## 4.2 State Significant Site Listing

A separate report has been prepared and lodged concurrently with the Department of Planning (DoP) in support of an application for listing and rezoning of the Coal & Allied owned Black Hill, Tank Paddock and Stockrington sites as a State Significant Site (SSS) on Schedule 3 of the Major Development SEPP. This Environmental Assessment Report should be read in conjunction with the SSS Listing Report. The proposed zoning for the site is:

- A single IN1 General Industrial zoning across the Black Hill site.
- A 'core supporting facilities area' shown in a central area on the Zoning Map, in which additional supporting uses will be permissible with development consent in the IN1 General Industrial zone.
- A single E1 National Parks and Nature Reserves zoning across the Tank Paddock and part Stockrington site.

A single IN1 General Industrial zone across the entire Black Hill site is proposed at this stage for the following reasons:

- Future detailed subdivision planning is required to finalise the lot layout and positioning of boundaries, meaning that flexibility within the zoning is required at this stage.
- It is untimely to identify the final breakdown, scale, mix and precise location of land uses at this stage as an existing mining consent under the Black Hill site will defer development on the site until post 30 June 2013.
- The final scale, mix and siting of uses, including supporting facilities would be subject to future project applications or Part 4 development applications. The assessment of these applications will ensure land uses are compatible.