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Department of Planning By email 17/04/09	<b>Further Information</b>	
	<p>1. Provide information on each precinct including:</p> <ul style="list-style-type: none"> <li>▪ Total land area;</li> <li>▪ Number of lots;</li> <li>▪ Mix of lots sizes;</li> <li>▪ Dwelling density;</li> <li>▪ Approximate commercial floorspace yield;</li> <li>▪ Area of open space – excl. conservation lands and riparian land;</li> <li>▪ Area of riparian corridors;</li> <li>▪ Area of any other proposed land uses</li> </ul> <p>Provide a clearer map showing proposed building heights and basis for heights.</p> <p>Check use of colours on A.1.4 – some appear to be inconsistent between map and legend. A clearer map would be useful.</p>	This information is included in the PPR.
	<b>Dwelling Density</b>	
	<p>2. Provide reasoning/justification for urban densities and changes in density from the MoU. Identify where this has been influenced by constraints ie: slope, heritage, mine subsidence etc, particularly for those areas where very low densities are proposed.</p>	Current constraints plans demonstrate mining, slope and drainage corridors that affect the dwelling density. These plans are clarified in the PPR.
	<b>Western Corridor Strategy</b>	
	<p>3. The draft Western Corridor Strategy includes a Planning Principle which requires a 'green entry statement' to be maintained along Newcastle Link Road. The Strategy states that the width of the corridors should be determined by environmental studies taking into consideration the biodiversity role for the corridor. These lands are required in addition to vegetation offsets covered by existing MoUs. The green entry statement should be provided on both sides of the Link Road.</p> <p>Respond to this Planning Principle, and include consideration of any proposed road widening of Newcastle Link Road by RTA, the need to accommodate noise walls or mounds, the topography of the site, the proposed residential layout and visual impact, and potential biodiversity linkages.</p>	<p>Further works and cross-sections are undertaken as part of the PPR to demonstrate the proposal.</p> <p>In respect to ecological considerations: The Western Corridor Strategy requires an east west corridor to be established along the Newcastle Link Road (both north and south). We note the overall reduction in vegetation and hence corridor associated with the proposal, however the WCS also notes this and provides opportunity for development in the Coal &amp; Allied lands given no corridor considerations exist within such areas. Further investigations into the amount of buffering (corridor) vegetation that will remain following development coupled with the likely Hunter Freeway – Link Road upgrade works has been undertaken and determined that a substantial vegetation width will exist collectively on the RTA (Link Road) and Coal &amp; Allied development lands. Link Rd cross sections will be included in the PPR</p> <p>It is envisaged this corridor will provide for arboreal and highly mobile faunal guilds movement through the local landscape into larger patches of offsite habitat.</p> <p>In respect to acoustic considerations: Cross- sections provided by Monteath show the location of where noise walls need to be in order to maintain the APZ area and green entry statement. Noise wall proposed in the noise assessment report have been positioned on the boundary of the proposed properties. Therefore, the location of the noise walls are in accordance with the requirements of the green entry statement.</p> <p>Sections included in the PPR illustrate: the link road within the green corridor, the location and scale of noise walls and mounds in relation to the road, the location of housing lots, the relationship between topography and noise walls.</p> <p>In respect to traffic considerations: Any proposed widening of the Newcastle Link Road should be determined in conjunction with the F3 to Branxton Link (Hunter Expressway). Recently Federal government has approved funding for construction this 40 km Hunter Expressway. The Lower Hunter Transport Needs Study for the Hunter Region indicated Hunter Expressway would lead to a significant increase in traffic flows along the Newcastle Link Road. Detailed investigation is required to determine possible widening of six lanes (currently four lanes). At the time of writing this response, no detail information was available from the RTA on possible widening of Link Road.</p>

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	<b>Topography</b>	
	<p>4. Some areas of the site are very steep. Please provide further details on how the proposal, including the road layout, has responded to the topographical constraints. How will the site need to be reformed, what slopes are envisaged to be achieved to accommodate the development? What levels of cut and fill are expected to be required to achieve these slopes?</p> <p>The Statement of Commitments refers to protection of trees within the site wherever possible. Provide further advice on the envisaged strategy for tree retention and how this can be achieved with the anticipated cut and fill works.</p> <p>Could you please provide advice on the existing and proposed gradient of the proposed seniors living site, and give consideration to the suitability of the site for this use.</p> <p>Has any consideration been given to how dwellings will respond to the topography? This should be reflected in the design guidelines – ie split level dwellings. The urban design guidelines should also include a maximum allowable cut and fill – ie 1 metre.</p>	<p>Further information is provided in the PPR outlining:</p> <ul style="list-style-type: none"> <li>▪ Suitability of Senior living site and existing grades,</li> <li>▪ How dwellings respond to steep topography,</li> <li>▪ Cross sections will demonstrate concept plan and housing response to topography</li> <li>▪ A significant part of the site has slopes that are greater than 20% and these areas are outside Council's current standards for residential development.</li> <li>▪ Newcastle City Council current standards include a maximum grade of 16% for a public road, a maximum grade of 20% for a private road and a maximum grade of 25% for a driveway that services a single dwelling.</li> <li>▪ All areas with steep topography are being reviewed and additional details is included in the PPR to address this issue</li> <li>▪ It will be very difficult to provide sufficient details on the extent of earthworks, site regarding works and level of cut and fill that DoP/NCC/LMCC are requesting without undertaking a preliminary road/earthworks design for the estate. It has previously been decided that these details would be provided with future development applications for each precinct.</li> </ul>
	<b>Open Space</b>	
	<p>5. The land in the Minmi East precinct proposed for playing fields may be more suitable as a biodiversity link between the Blue Gum Hills Regional Park and Hexham Swamp. Give consideration to these options and justification for the proposed use of this land.</p> <p>Provide further advice on the basis for the overall level and configurations of open space provided. Also provide details on the land area and proposed function of each of the open space areas.</p>	<p>Based on urban design analysis and with landscape input and social research undertaken by reputable consultants the land in the Minmi East precinct was found to be the most suitable land for playing fields given the constraints of the overall Minmi site,</p> <p>A Schedule of "open space" areas throughout the development area has been prepared which indicates that parks and sportsfields exceed the recognised benchmark of 2.83Ha per 1000 persons. This Schedule and a plan showing all open space areas is included in the PPR</p>
	<b>Urban Design Guidelines</b>	
	<p>6. The following observations have been made about the urban design guidelines for Stage 1.</p> <ul style="list-style-type: none"> <li>• Site cover should be expressed as a percentage</li> <li>• Rear setbacks should accommodate retention of trees. Particularly for larger lots, wider rear setbacks should be required.</li> <li>• Controls should be provided for mixed use lots, including front setbacks, mix of uses, and a requirement that shops address the street.</li> <li>• Maximum wall height of 3 metres is very high, in particular where rear boundaries adjoin roads or open space. The urban design impact of high fences should be given further consideration.</li> <li>• The required private open space should relate to the size of the lot, rather than the number of bedrooms.</li> <li>• Side setbacks should relate to the height of the wall, to prevent overshadowing.</li> <li>• The large courtyard and traditional dwelling types are very similar, what is the reasoning for the two different dwelling types.</li> </ul>	<p>The following amendments will be considered in response:</p> <p>Urban Design Guidelines</p> <p>All the information requested will be provided on completion of the amendments to the Concept Plan in response to the submissions received. The following details in particular are being addressed and are included in the PPR.</p> <ul style="list-style-type: none"> <li>▪ State site cover as a percentage- a schedule of all areas is compiled.</li> <li>▪ Mixed use lots – front setbacks, mix of uses and shops address Street, - details will be included in the urban design guidelines for each precinct. It is important to note that a mix of uses will be permissible within the two proposed zones for the site.</li> <li>▪ Building setbacks (p28) Table B.2. change maximum wall height and clarify boundary setbacks and compare to NSW standards, - details being amended in the Concept Plan Design Guidelines</li> <li>▪ Private Open Space – update requirement – details will be contained in the area schedule for each category of open space</li> <li>▪ Figure B.2.3 amended to distinguish between large courtyard and traditional housing</li> <li>▪ Housing typology for steep slopes is being addressed with some additional details provided in the PPR.</li> </ul>
	<b>Access</b>	
	<p>7. How is it envisaged that the Link Road South Precinct will be linked to the rest of the proposed development – particularly for cycle and pedestrian access.</p>	<p>In the future existing roundabouts on the Newcastle Link road will be upgraded. Traffic investigation found that a new signals will be required at Newcastle Link Road/Minmi Road/Minmi Boulevard</p>

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	<p>A proposed off road cycleway along Minmi Boulevard to Minmi Road is referred in section 6.7.2 of the environmental assessment but this is not shown in the maps or reflected in the statement of commitments. Further details required on how this would be accommodated, funded and delivered.</p> <p>The road cross section for Minmi Boulevard shows a 2.5m shared pathway – is this the off road cycleway? The appropriateness of the shared pathway is questioned particularly through the village centre where shops would front onto the pathway.</p> <p>The proposed bus routes locate the majority of development within 800m of a bus stop. Justify why 800m has been adopted rather than the usual 400m benchmark which is usually applied.</p>	<p>intersection. Pedestrian/cyclist crossing will be provided at new signals. This will facilitate a safe pedestrian and cyclist crossing between Link Road North and South Precincts.</p> <p>The catchment of a proposed bus route was identified in terms of walkable catchment. A walkable catchment is defined in terms of proportion of residents within a 400 m or 800 m radius of an activity (or other focus of activity, such as bus stop or school) who are within 400/800 m (5/10 minutes) actual walking distance. A common guideline is to use 400m walking catchment for potential bus stop where majority of dwellings can be served.</p> <p>A review of 400m Benchmark Bus Catchments is included in the PPR.</p> <p>The following further works have been undertaken for inclusion in the PPR: Review Cycle and Access Plan in B.1.1 Access and movement to:</p> <ul style="list-style-type: none"> <li>Show cycleways on and off road within the estate</li> <li>Shows access points</li> <li>Note: internal trails as per Blue Gum Hills Figure 8.1.5 – 8.1.7 Regional Park Plan of Management to be deleted from the plan as these may change and are not part of the Concept Plan.</li> </ul>
	<b>Stage 1 – Minmi East Precinct</b>	
	<p>8. The eastern portion of the Minmi East Precinct is considerably isolated from the rest of the proposed development. Provide justification for the inclusion of this portion of the development. The access to this area of land is via land which is yet to be developed. Have discussions taken place with the adjoining landowner regarding the situation where development of the adjoining land does not proceed before development at Minmi East.</p> <p>9. Rural Fire Service has also raised issues about the access to this area and the asset protection zones required which will need to be addressed.</p> <p>Consideration should be given to redesigning the area around the lake to create a perimeter road and remove lots backing directly onto the lake, to maintain the natural values of the lake and to allow passive surveillance of the open space area. Vegetation should be retained in this location where possible.</p>	<p>The timing of development in the Minmi East (Eastern section) will be determined by the access road availability from the development area to the immediate north of the Coal &amp; Allied land. Coal &amp; Allied has consulted with Mirvac (adjoining land owner) on this matter and have identified appropriate access arrangements.</p> <p>APZ areas are in accordance with the requirements of the NSW Rural Fire Service</p> <p>Coal &amp; Allied consider the mix of road and private frontage to the Lake Park to be the most appropriate design providing a mix of product in the market. As shown in the Indicative Design for the park there is open space around the entire perimeter of the lake to allow for passive surveillance. A Dam Safety Analysis will be undertaken at detailed design stage and any rebuilding will completed following this, if required.</p>
	<b>Community facility</b>	
	The Social Impact Study highlights the need for a community facility. The concept plan refers to development contributions towards such a facility, however a site for such a facility has not been identified within the development area. This should be located near the village centre.	The location of the community facility has been identified within the development area. Community facilities are proposed in the village areas in both Minmi East and the Village Centre Precinct.
	<b>Proposed Centres</b>	
	<p>10. The retail analysis identified the floor area of retail which could be supported but no justification has been provided for including two separate centres, and the location of these centres, rather than one centralised centre. Has consideration been given to the viability of two centres?</p> <p>Consideration should also be given to whether it may be better to locate the centre(s) on one side of main road rather than on either side, to reduce pedestrian and traffic conflicts. Consider the Department's Interim Centres Policy in relation to the design and location of the centre(s).</p>	<p>There are many physical constraints on the location of the retail areas.</p> <p>One main central retail facility was the preference supported by a smaller centre at Minmi East. The two centres have different characters and purposes. Due to substantial constraints mainly from past mining activities floor plates are restricted which resulted in the two village areas. The community will also be serviced by neighbourhood centres in the region and the main retail centre at Glendale</p> <p>The site constraints and the need to provide essential services to the residents has resulted in the two villages. In this instance, the Centres Policy has been difficult to adopt for the Minmi Estate.</p> <p>The creation of a centre that is vibrant and active requires that shops and services to be included on both sides of the street.</p>
	<b>School Site</b>	
	11. What has informed the proposed location of the school site? Provide justification of the	The provision of a 4ha site will be accommodated. The location of this site was based on a catchment

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	proposed location, over a more central location near the proposed centre. What consideration has been given to pedestrian and cycle accessibility to the school site, particularly given the topography of land in this area. Note also that DET has advised that a 4 hectare site is required.	that extended further south than the proposed concept. The land in this area is the least slope affected. Further information is provided in the PPR regarding how this site can accommodate a school. DET has been consulted and confirmed their requirements.
	<b>Emergency Services</b>	
	12. A site at the east of the Link Road North precinct has been identified as proposed fire station / commercial. The site should be assessed and justified against the land area, location and access requirements outlined in the submission from the Ambulance Service. If this site is not used for emergency services, what commercial land use is proposed in this location?	<p>RTA restrictions regarding access/egress to Link Rd require the relocation of the emergency services to a new location that will be discussed directly with respective Services. This could be located in the vicinity or within the Central Village if appropriate.</p> <p>The Concept plan has been revised to remove the proposed fire station/commercial land at the east of the Link Road North precinct due to RTA restrictions of additional access points to Link Road.</p> <p>A review of the design is proposed to:</p> <ul style="list-style-type: none"> <li>include a 3000m2 ambulance site in village centre; and</li> <li>the current proposed site would be converted to large residential lots to avoid open space ownership issues with LMCC.</li> </ul>
	<b>Population Projections</b>	
	13. Justification for the application of an occupancy rate of 2.6 people per dwelling for population projections, when the Social Infrastructure Study refers an existing occupancy rate of 3.0 persons per dwelling for Minmi.	Refer to detailed report which forms part of the PPR. A Full analysis of at the occupancy rate at 2.6 persons is provided in the PPR.
	<b>\$10 million allocation</b>	
	Provide further details on proposed initiatives, costings, timing and delivery mechanisms.	The allocation of the \$10 million will be by way of further consideration with the community with the final decision to be confirmed by Coal & Allied.
	<b>Noise</b>	
	<p>14. Further details required regarding the proposed noise walls / mounds. Has consideration been given to which of these measures will be adopted and where they will be located.</p> <p>Consideration should also be given to how the urban design and visual impact of these walls will be mitigated.</p> <p>How many dwellings will require noise attenuation measures, in addition to the proposed noise walls / mounds.</p> <p>Consideration should also be given to CI 102(3) of the Infrastructure SEPP, and the Interim Guidelines for Development Along Busy Roads.</p>	<p>Further work will consider the treatment of Minmi Bvd and Woodford Street based upon acoustic advice and section 3.8 of Department of Planning Guidelines. Cross-sections will demonstrate proposed treatments.</p> <p>The visual impacts of noise walls will be 'softened' through the use of various wall materials such as timber, hebel, etc. Also the planting of trees and shrubs in front of the walls can also lessen the visual impacts of the walls.</p> <p>In terms of the number of dwellings requiring treatment, this will depend on the final noise wall height chosen. For the areas adjacent to Woodford St and Minmi Rd South, for noise wall heights between 2m and 6m, the number of dwellings requiring treatment range from 11 to 31 dwellings, depending on the height of the noise wall. Should there be no noise wall implemented, then a total of 69 dwellings will be affected and would require noise attenuation measures.</p> <p>For areas affected by the Link Road, further noise modelling is required for the assessment based on the planned widening of the Link Road.</p> <p>Noise attenuation measures for dwellings will be dependant on the degree of noise exceedance experienced. Various noise attenuation options are available for various levels of exceedances.</p> <p>More details are presented in the supplementary acoustic report submitted with the PPR.</p>
	<b>SEPP Amendment</b>	

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Newcastle City Council- 09/04/09	15. Provide height of building and heritage mapping in GIS format consistent with the PPR.	Mapping is provided in GIS format as nominated.
	<b>Local Government Area Boundaries</b>	
	1. Lake Macquarie Council and Newcastle City Council propose adjustment to LGA boundary to follow alignment of Newcastle Link Road. Request DoP give weight to NCC for those parts of the proposed development located north of Link Road.	This is a matter for the Department of Planning to consider. We note that the proposed road reservation widths have been designed consistently throughout the development respective to the functions of each road as opposed to designing road reservations specific to each LGA.
	<b>Social Planning &amp; Infrastructure</b>	
	<u>Demographics:</u> 2. Don't agree with Urbis methodology of establishment of occupancy rates in calculating potential population growth, entailing a broader area that includes a significantly older demographic profile and lower occupancy rates. Consider there is an underestimation of expected population growth and demographic trend and therefore underestimation in social infrastructure provisions. Refer to pages 4-6 of NCC submission for further detail.	Refer to detailed demographic report. Based on further investigations considering the proposed urban form, proposed target market and regional and national occupancy trends we believe the rate of 2.6 people per dwelling for the new development is appropriate. Please refer to the PPR Report for a detailed analysis.
	<u>Community facilities and open space &amp; recreation:</u> 3. Acknowledges proposed community centre and advises that the centre should have capacity and flexibility for shared facilities and support a youth centre but recommends that the planning initially focuses on provision of venues to house youth centre as opposed to a purpose built youth facility.	The multi purpose community facility is being proposed in the Minmi East Village Precinct which forms part of Stage 1 of the development.
	4. Urbis report provides an overview of existing sport and recreation facilities but no indication of typology for reserves.	Refer to PPR for clarification
	5. The stated sporting facility provision will not meet either potential demand within Coal & Allied development or significantly add value to the existing availability of local fields to meet future population demand.	Refer to PPR for clarification
	6. Further discussion required regarding enhancement of district level facilities which could support development of a co-located multipurpose community centre close to a town centre.	Social infrastructure beyond the development area will be as per requirements of the Sec 94 Plan either by way of cash or works in kind.
	<u>Heath, medical and aged care facilities:</u> 7. Identifies importance of access to additional GP services and recommends residents be able to choose between local surgeries in Minmi area and services located in surrounding service hubs accessed by public transport. Need for suitable building infrastructure to support larger health practices adjacent to community centres and shops. The provision of additional medical and allied services in Maitland, Thornton and Branxton will not meet needs of potential population.	The proposed land use zoning will permit GP services or other health facilities adjacent to community centres.
	8. Stresses importance of locating proposed aged care facility adjacent to proposed public transport network.	The location of the proposed Seniors Living is shown along a public transport route. Any aged care facility will be subject to the requirements under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 and will be required to provide or access community transport or provision of a community bus.
	<u>Education facilities:</u> 9. Consideration to co-location of schools with community facilities and importance of transport links with high schools, TAFE and universities.	The location of this site was based on a catchment that extended further south than the proposed concept. The proposed school is on a proposed public transport route that will connect into the regional system and surrounding urban context. Cycleways and walking trails along streets and open spaces will also provide a local and sub-regional connection.  DET preferred a school location away from the Village Centre as students tend to cause problems where a school is located adjacent to the Village Centre. The school sites are based on best accessibility for the largest portion of the community and with consideration of mining constraints.
	<u>Child care facilities:</u>	Child care centres are a commercial business and space has been provided within the Village Centre

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	10. Importance of provision of child care centres, particularly co-location of community services (such as other children and family services) adjacent to key retail and/or recreation hubs with transport options.	and Minmi East Precinct should demand dictate their need. The zoning will permit the location of child care services within the retail hubs/village centres.
	<u>Connectivity:</u> 11. Proposed urban structure provides limited connection with other surrounding areas resulting in dominance of vehicle trips for accessing most necessary services. Connections between proposed neighbourhoods are also relatively poor.	All streets are connected at a local and neighbourhood level. These streets will have pedestrian paths on them, encouraging walking. A cycleway network on and off-road will provide further connectivity enhancement, linking homes to open space and community facilities.  The Pedestrian and Cycleway Plan is clarified in the PPR demonstrating this connectivity.
	12. In particular Link Road South (LRS) precinct is segregated from remaining development to north of Link Road with no pedestrian and cycle links proposed across Link Road. LRS precinct represents and extension of Cameron Park and should be reconfigured as such. LRS precinct is designed with too many cul-de-sacs and limited internal connections.	Link Rd is a major traffic carrier with a road reserve of some 100m approx. This is a major urban barrier. As a result, for safety and community reasons the proposed community of LRS is better suited to be connected to Cameron Park and future development to the south. Streets and open space connections have been provided to ensure this occurs. Once fully developed and as surrounding areas also develop then there is possibility for future traffic lights at the intersection of Minmi Rd and Link Rd to facilitate pedestrian and cycleway movements across Link Rd.  Traffic investigation found that a new signals will be required at Newcastle Link Road/Minmi Road/Minmi Boulevard intersection. Pedestrian/cyclist crossing will be provided at new signals. This will facilitate a safe pedestrian and cyclist crossing between Link Road North and South Precincts. The internal road network for LRS has been designed to allow circulation and ease of movement for pedestrians, cyclists and vehicles. Access with Newcastle Link Road was provided via existing intersections being consistent with RTA's Guidelines and Newcastle –Lake Macquarie Western Corridor Planning Strategy.
	13. Recommended final subdivision layout for this area to limit cul-de-sacs and increase internal permeability.	Internal permeability will be maximised but site constraints in some areas requires the inclusion of cul-de-sacs. This is a design issue that will be resolved at Project Application stage.
	14. Questions whether proposed school on LRS precinct is an appropriate location. Council preference for co-location with other compatible uses within Village Centre precinct.	The location of this site was based on a catchment that extended further south than the proposed concept.  DET preferred a school location away from the Village Centre as students tend to cause problems where a school is located adjacent to the Village Centre. The school sites are based on best accessibility for the largest portion of the community and with consideration of mining constraints.
	15. Minmi East precinct is segregated from remaining development area and more closely aligned with development to east along Minmi Road. Lack of potential connections to adjacent undeveloped parcel of land (Lot 1, DP 844711) owned by Kingston Minmi Link Road Pty Ltd.	Coal & Allied have consulted the adjoining landowners and have shown connection points on the amended Concept Plan submitted with the PPR.
	<u>Village Centre Precinct:</u> 17. Council queries the viability of High Street as a commercial centre given lack of potential connection to west of East Minmi precinct and the limited development of this area. Council advocates one village centre that unifies proposed commercial areas into one vibrant village centre and includes a collocated school, community centre and playing fields that connect to BGHRP. The Village centre may need reconfiguration or relocation to address geotechnical constraints. A self sufficient centre will improve walk-ability, amenity and warrant higher residential yields.	Based on detailed urban design analysis undertaken by reputable consultants the eastern most parcel of land was found to be suitable for development, It is not isolated and is an appropriate extension of the adjoining Mirvac development to the east.  The two retail centres (convenience retail only), are proposed to assist with meeting the everyday needs of the local community and visitors to Minmi at a convenience level – coffee/café, convenience supermarket. They are located on more heavily trafficked roads to assist with economic viability, but are also located to enable walkability of residents, central to the community. If they are combined into one, then future residents in Minmi East Precinct will need to drive to the existing Minmi Village or to Fletcher for convenience shopping needs.  The provision of two separate retail areas has been primarily driven by the topographical and geotechnical constraints of the development estate. There is limited level land on the site that is also centrally located to accommodate one Village Centre area. The proposed Village Centre is situated on the most level land available in the centre of the site to enable appropriate and equitable access to all

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		<p>future residents. However, the topographic and geotechnical constraints as a result of previous mining activities provide limitations to the size of the centre. It is therefore proposed to provide two different retail areas that have different functions.</p> <p>The proposed High Street area within the Minmi East Precinct is proposed to function as a convenience retail area, having a different function from the Village Centre Precinct. The emphasis of retail or commercial will be less pronounced in this area, which will be integrated with residential uses such as townhouse and low rise apartment developments and connect to the sporting fields. The absence of geotechnical constraints in parts of this precinct will enable development up to 2-3 storeys. However, the predominant building height will be 2 storeys, with a maximum 3 storeys proposed along High Street. Minmi East will form a 'gateway' to the existing townships of Fletcher and Wallsend, linking them with the existing Minmi township and the proposed new settlement. To ensure a village character, it is proposed that Minmi Road become a village high street.</p> <p>In contrast, the Village Centre Precinct will be the key focus for retail and commercial activity, being centrally located within the development estate and adjacent to a future retirement village as well as within close proximity to a regional park to cater for a range of cultural needs and lifestyles. The Village Centre is proposed to be a dynamic and vibrant urban hub, providing a range of services for adjacent precincts and the wider locality. The co- location of the retirement village and Village Centre will ensure that future residents of the retirement village have good access to necessary services. A bus route is also proposed along the Minmi Boulevard, which will assist in achieving a vibrant and active centre. However, taking into account the geotechnical constraints of this land as a result of previous mining activities, future building forms will be limited to single storey in the Village Centre Precinct.</p>
	18. Seniors housing be designed to integrate with residential areas as opposed to a gated homogeneous community.	There is no suggestion that this will be a gated community. Further development applications for seniors housing are required and this can be assessed at the DA stage.
	19. Does not support single storey height limit of mixed use centre in village centre precinct, unless for heritage or scenic quality protection reasons as it will not establish a robust mixed use centre. Current building practices and technologies not considered valid reasons for limiting building height. If no feasible engineering solutions, Council recommends relocating village centre.	<p>There are many examples of single storey village centres that are economically robust and in most cases are built at one storey and then redeveloped at a later stage, once density increases and therefore demand increases. A second storey is usually for the purpose of office and/or residential. However these uses do not make or break a village centre economically. Retail at this scale is only ever provided at ground level and is demand driven according to the density. For the level of density and population proposed, a single-storey village centre is considered viable. The proposed zoning allows for a mix of uses within the village centres.</p> <p>As discussed above, there is limited level land on the site that is also centrally located to accommodate one Village Centre area. The proposed Village Centre is situated on the most level land available in the centre of the site to enable appropriate and equitable access to all future residents. This is most appropriate location for the Village Centre. However, taking into account the geotechnical constraints of this land as a result of previous mining activities, future building forms will be limited to single storey in the Village Centre Precinct.</p> <p>Notwithstanding the single storey height limit the Village Centre will be a robust mixed use centre. The Village Centre will form a central gathering area for Minmi. A range of building types and uses are proposed in the centre, which will assist in the creation of a vibrant and active centre and permit the integration of the seniors living area with mixed use along Minmi Boulevard. The proximity of the BGHRP to the Village Centre also reinforces the focus of activity sought for the village centre.</p>
	20. Request proponent prepare a locality specific DCP for village centre precinct, for review and endorsement by Council prior to lodging a DA for subdivision of the Minmi East Precinct or the Village Centre Precinct.	Urban Design Guidelines will be prepared for the Village Centre Precinct following Concept Plan approval and accompany the Project Application for the Village Centre Precinct. The Draft Statement of Commitments has been amended to reflect this requirement.
	<p><u>Amenity:</u></p> <p>21. Potential visual impact of the proposed water reservoir at intersection Minmi Boulevard</p>	Details of the reservoir will be developed as part of the future Water Servicing Strategy. Functional and commercial options for screening, buffer zones, colour scheme and semi-buried construction will be

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	and Link Road. Further detail required on design, location and susceptibility to graffiti.	investigated at detailed design DA stage.
	22. Concerns with amenity of residential lots backing directly onto Link Road- no suitable buffer to protect visual amenity along Link Road and amenity of residential lots. Council recommends suitable buffer be maintained as a measure to address traffic noise. Width of buffer should allow for future road widening and intersection works as well as viable east west habitat corridor.	Further explanation and cross-sections is provided with the PPR. Cross- sections provided by Monteath show the location of where noise walls need to be in order to maintain the APZ area and green entry statement. Noise wall proposed in the noise assessment report have been positioned on the boundary of the proposed properties which provides sufficient space for future road widening. Therefore, the location of the noise walls is in accordance with the requirements of the green entry statement.
	23. Buffer of no less than 100m to be provided wherever development adjoins Summer Hill Regional Waste Facility to protect long term ongoing operation of the facility.	The facility will not be affected by noise from the development as the development does not include noise producing sources. We understand this buffer should be provided on Summerhill Regional Waste Facility land.
	24. Compliance with SEDA "Solar Access for Lots Guidelines for Residential Subdivision in NSW" be demonstrated in any subsequent subdivision DA.	Reference to SEDA "Solar Access for Lots Guidelines for Residential Subdivision in NSW" should only be considered as a guide and not strictly compliance.  Whilst it is recognised that appropriate levels of solar access should be provided to each future lot layout and dwelling placement, these guidelines should only be considered as a general guide for future subdivision design for each subsequent Project Application as opposed to strict compliance. This can be demonstrated in subsequent subdivision DA applications.
	<p><b>Traffic and Transportation</b></p> <p>25. Traffic impacts based on 2007 survey data. Recommend traffic survey be done in accordance with RTA and Council requirements to assess true impacts including providing full input and output data files. 2007 crash data has been used and should be updated to identify problem areas.</p>	<p>Hyder conducted traffic survey on key six roads and three intersections covering broader traffic area for assessing Coal &amp; Allied development. One week traffic data was collected at following six locations:</p> <ul style="list-style-type: none"> <li>▪ Newcastle Link Road, west of Woodford St</li> <li>▪ Newcastle Link Road, east of Minmi Road</li> <li>▪ Minmi Road, south of Newcastle Link Road</li> <li>▪ Woodford Street, north of Newcastle Link Road</li> <li>▪ Minmi Road through Minmi/Fletcher</li> <li>▪ Leneghans Drive, north of Peter St</li> </ul> <p>In conjunction with above, AM 3 hrs and PM 3 hrs count was undertaken at three critical intersections which likely to be affected by Coal &amp; Allied development. These included Newcastle Link Road/Woodford St, Newcastle Link Road/Minmi Road (Edgeworth) and Woodford St/Minmi Road (Minmi) intersections.</p> <p>Crash data for the last 5 years (2002 to 2008) showed that Newcastle Link Road had 89 crashes. Of that, no fatal, 34 injury and 55 tow away crashes. Minmi Road had 68 crashes, being 35 injury and 33 tow away crashes. Leneghans Drive had reported only four crashes. Detailed crash data is provided in Table 2.7, (page 18) of Hyder's traffic report.</p> <p>Hyder used RTA's Lower Hunter Model (V12r01) for assessing Coal &amp; Allied development. This model provided extensive data set on future traffic volumes for cumulative traffic growth and future infrastructure improvement planned in the vicinity of Link Road. During the preparation of Concept Plan, Hyder made a presentation to the RTA on traffic outcome. The result of such investigation is documented in traffic report accompanied with environmental assessment.</p> <p>At the time of writing this response, the Federal Government announced funding for the Hunter Expressway (previously known as F3 to Braxton Link). Further modelling investigation is required to determine likely impact on the Link Road from Coal &amp; Allied development, but with Hunter Expressway in place.</p>



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	26. Impacts on regional road network not adequately addressed. Assessment not extending beyond immediate local intersections. EG road and intersection capacity is known to be typically exceeded along MR 82 and extensive queuing and delays during peak periods on Link Road and between the roundabout at Lake Road/ Thomas Street, Wallsend and Roudace Street, Lambton.	<p>Future traffic conditions on the regional road network will be influenced by a combination of natural background traffic growth, additional traffic generated by the Lower Hunter Regional Strategy land use changes and new road links including Hunter Expressway and Newcastle Link Road to Glendale Drive Link. Hyder used RTA's Lower Hunter model assessing impact on regional road network. Hyder tested impact on regional road network from three options-background growth only (Option R1), background traffic and Coal &amp; Allied traffic (Option R1D) and cumulative growth (Option R2D). Traffic was forecast on critical roads where Coal &amp; Allied development would impact mostly. These included Newcastle Link Road, Minmi Road, Woodford St, Leneghans Drive.</p> <p>Some peak hour capacity problem exists at other regional intersections, viz Lake Road/Thomas Road. This is beyond Coal &amp; Allied influence area and other regional development including Glendale would impact on this intersection. The issue with MR82 and associated intersections should be dealt via regional network issues outside of the Coal &amp; Allied development.</p>
	27. Provide additional information on effect of traffic diversion on Minmi Road and Longworth Avenue and offer recommendations and commitments for addressing anticipated impacts.	Future impact on Minmi Road (through Fletcher) from Coal & Allied will be relatively small as most of Coal & Allied traffic to/from Newcastle is forecast to use Link Road. Future traffic impact on Longworth Ave will be determined by additional traffic generated by Hunter Expressway and potential development in and around Glendale area. Further investigation is required to assess such impact.
	28. Don't agree with assessment that there will be little impact to intersections of Newcastle Link Road/Woodford Street roundabout and Woodford Street/Minmi Road traffic signals. Council considers Minmi extension precinct and village centre precinct will have adverse impacts on these intersections.	<p>Hyder's traffic analysis determined that Newcastle Link Road/Woodford St roundabout would fail due to cumulative or regional traffic impact. The Lower Hunter Transport Needs Study identified that Hunter Expressway would increase traffic on the Link Road. This would impact Link Road capacity and associated intersections.</p> <p>Woodford St/Minmi Road traffic signal is forecast level of service "C"- indicating good operation up to year 2031. Any proposed widening on Newcastle Link Road will improve signal capacity.</p>
	29. Provide a direct road link from Newcastle Link Road to Summerhill Regional Waste Management facility for heavy vehicle access and be clear of Link Road North precinct and BGRP to minimise noise impacts and cater for future operation of the facility as a regional waste facility. Provide connection to Newcastle Link Road as a round about and not left-in / left-out to avoid heavy vehicles making U-turns at existing roundabouts on Newcastle Link Road.	The proposed regional waste facility managed by Hunter Integrated Resources (HIR) will not proceed. Councils are currently reviewing their options. RTA confirmed access to the Waste Facility will need to be considered from the Link Rd roundabout to the East of the Coal & Allied estate
	30. Design and construct existing Minmi Road and proposed Minmi Boulevard and Woodford Street as a sub-arterial road. Minimise intersections along these roads and prohibit direct vehicle access for lots off these roads.	<p>The cross sectional standard of new Minmi Boulevard Road can be achieved through design, which will occur after Concept Plan Approval and at detailed design stage.</p> <p>Direct vehicle lot access to these roads has already been prohibited.</p>
	31. Provide 20m wide landscaped buffer within Minmi Road, Woodford Street and Minmi Boulevard Road reserves to buffer rear fences of lots adjacent to these roads and improve overall streetscape. This barrier to also control vehicular and pedestrian activity for traffic safety and prohibit vehicle parking along these roads.	<p>Further works to be undertaken regarding treatment measures along these roads.</p> <p>The 20m buffer is to be considered as incorporating the zone from kerb line back, ie. Footpaths, street planting and the verge. Additional corridor widths are not justified. Buffer Zone is demonstrated in attached sections.</p> <p>The cross sectional standard of new Minmi Boulevard Road can be achieved through design, which will occur after Concept Plan Approval and at detailed design stage.</p>
	32. Village centres on Minmi Road and Minmi Boulevard should be relocated clear of the sub arterial roads and accessed from the internal street network and be located on one side of road only to minimise traffic and pedestrian conflict and maintain road network efficiency.	If located on one side, people and vehicles from residential areas on the other side, still need to cross the main road to get to the village centre. The aim of the two-sided main street was to slow vehicles down to reduce movement of fast vehicles next to a village centre, whilst at the same time providing an

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		attractive amenity to this street. Appropriate traffic signage, landscaping and visual cues will achieve this environment.
	33. Design dead end roads with appropriate turning facilities for satisfactory provision of garbage and other services.	The cross sectional standard of dead end road can be achieved through design, which will occur after Concept Plan Approval and at detailed design stage.
	34. The small residential area located in the Minmi East precinct adjacent to Mirvac's Hidden Waters subdivision relies on access through that development across land required to be dedicated as open space or retained as part of a Community Association Lot.	Detail design issue subject to subdivision application. This can be achieved.
	35. Noted that the approved road within Mirvac's estate, intended to provide road frontage for this precinct is not expected to be constructed until final stages of Mirvac development. Proponent will need to request Mirvac to amend current approval to permit proposed road connections.	This has been discussed and agreed with Mirvac
	36. Proposed bus routes inadequate. Should not be confined to Minmi Road and Minmi Boulevard and proposed collector road network should be extended into the residential precincts to ensure satisfactory 'ped shed' distances. A number of allotments more than 1.2km from bus routes and along steep roads.	<p>Further work has been undertaken to review the 400m Benchmark Bus Catchments and will be submitted with the PPR.</p> <p>The Traffic and Transport Report has outlined key principles which could increase future public transport target. Extension of existing bus route 260 will be required to cater for new development growth. Further discussion will be held with MoT and bus route operator after concept approval.</p>
	37. Provide a comprehensive pedestrian / cycle pathway network linking to surrounding network. Infrastructure detailed in Figure 6-3 and B.1.1 is inadequate. Major cycleway should be on-road for sub-arterial and collector roads. Off road provision on all other local roads.	<p>The following is explained in further detail in the PPR:</p> <p>The Cycle and Access Plan in B.1.1 Access and Movement has been reviewed and amended to:</p> <ul style="list-style-type: none"> <li>▪ Show cycleways on and off road</li> <li>▪ Shows access points</li> <li>▪ Note: internal trails as per Blue Gum Hills figure 8.1.5 – 8.1.7 Regional Park Plan of Management.</li> </ul> <p>The Traffic and Transport Report has outlined key principles and regional cycleway connections with Glendale and Minmi. The standard and type of pedestrian/cycle pathway can be achieved through design, which should occur after Concept Plan Approval.</p>
	38. Notes that off road cycleways should not be provided along collector roads but provided within subdivisions with local roads with appropriate controlled crossing locations on the collector road.	<p>The following is explained in further detail in the PPR</p> <p>The Cycle and Access Plan in B.1.1 Access and movement has been reviewed and amended to:</p> <ul style="list-style-type: none"> <li>▪ Show cycleways on and off road</li> <li>▪ Shows access points</li> <li>▪ Note: internal trails as per Blue Gum Hills figure 8.1.5 – 8.1.7 Regional Park Plan of Management.</li> </ul> <p>The standard and type of cycle pathway can be achieved through design, which will occur after Concept Plan Approval at the detailed design stage.</p>
	39. Provide details on how the proposed "emergency access only" intersections with Link Road are to be restricted to prohibit other uses.	The emergency access only with Link Road can be controlled by "gate". Further discussion will be required with Council and RTA on the standard and type of gate, which should occur after Concept Plan Approval.
	40. Council seeks that the following occurs before any determination of the proposal to ensure an appropriate level of public transport is provided: <ul style="list-style-type: none"> <li>▪ A service planning review be jointly undertaken by the various transport providers;</li> <li>▪ Submissions are made to Treasury through the Ministry of Transport for a review of bus kilometres to facilitate early implementation of improved bus services and ongoing operational costs.</li> </ul>	Further discussion with Ministry of Transport will be required. This can occur after concept plan approval. MoT has indicated that they will require start-up funding to commence bus service early in the development stage to introduce public transport as an alternative and effective transport choice.

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	<ul style="list-style-type: none"> <li>Preparation of a Green Travel Plan is required. Refer to pages 12-14 for further detail.</li> </ul>	
	41. Proposed cycling and walking infrastructure requires greater emphasis on design philosophies contained within "Planning Guidelines for Walking and Cycling 2004" by the former NSW Department of Infrastructure, Planning and Natural Resources as well as "Building Liveable Communities in the Lower Hunter Region 2007" by Hunter New England Population Health Service document.	<p>These will be considered.</p> <p>Additional Sections and diagrams are provided with the PPR to demonstrate cycle network and it's integration within the road network</p>
	42. Provide additional information on details, feasibility, timing and funding of the suggested off-road cycle pathway network to Wallsend, given that the Newcastle Lake Macquarie Bike Plans make no allowance for the Coal & Allied proposal.	The feasibility, timing and funding of regional cycle pathway can be determined through design. Will be discussed in detail with NCC
	43. Recommended that a physically separated cycle pathway be provided within the road reserve along the proposed Minmi Boulevard / Spine Road, either as a one way path on each side of the road corridor or single two way path on one side.	<p>The following are explained in further detail in the PPR</p> <p>The Cycle and Access Plan in B.1.1 Access and movement has been reviewed and amended to:</p> <ul style="list-style-type: none"> <li>Show cycleways on and off road</li> <li>Shows access points</li> <li>Note: internal trails as per Blue Gum Hills figure 8.1.5 – 8.1.7 Regional Park Plan of Management.</li> </ul> <p>Additional Sections and diagrams are provided to demonstrate cycle network and it integration within the road network.</p> <p>The standard and type of cycle pathway on the Minmi Boulevard will be provided on revised plan and cross section in the PPR.</p>
	44. Concerns with conflict between cyclists and pedestrians in respect to shared pedestrian / cycleway through commercial centre, adjacent to shops.	Reviewed and updated street cross sections are provided in the PPR
	45. Off road shared pathways should be constructed within road verge and not within passive open space areas such as riparian zones. Shared pathways through identified active open space is supported.	<p>Off-road shared pathways on the edge of riparian zones have been reviewed so that are clearly visible for safety reasons.</p> <p>The standard and type of cycle pathway on the Minmi Boulevard are provided on a revised plan and cross section in the PPR</p>
	46. Directing cyclists and pedestrians through the roundabout at Link Road is unacceptable. Provide information on how cyclists and pedestrians will safely cross Link Road.	Traffic investigation found that new signals will be required at Newcastle Link Road/Minmi Road/Minmi Boulevard intersection. Pedestrian/cyclist crossing will be provided at new signals. This will facilitate a safe pedestrian and cyclist crossing between Link Road North and South Precincts.
	47. Diagrammatic cycle ways in BGHRP shown in Figure B.1.1 of Concept Plan Design Guidelines are yet to be developed and are not "existing".	<p>Noted and will be amended.</p> <p>The standard and type of cycle pathway on the Minmi Boulevard are provided on a revised plan and cross section in the PPR</p>
	48. Figure B.1.1 shows a cycle way along common boundary between BGHRP and Summerhill Waste Management Centre. The boundary is subject to a Deed of Agreement between Council and the NPWS, which requires a 50m buffer zone between park facilities and the waste management centre. As such, there should be no cycleway in this buffer zone.	The access to Summerhill Waste Management Facility has been deleted and is shown on the amended Concept Plan.
	49. Road design does not comply with RTA Road Design Guide or the Austroad Urban Road Design guidelines in respect to posted speed limits. Longitudinal grades are also exceeded for a number of roads.	In general, internal road cross sections and intersection designs meet with the RTA guidelines for the volumes and type of traffic expected to use them. Detailed road standard can be achieved through next level of design, which should occur after concept plan approval.

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	50. Excessive level differences over road widths require excessive retaining walls or engineered batter slopes. This is not supported by Council. Refer to page 15 for further detail.	<ul style="list-style-type: none"> <li>Extensive work has been undertaken with respect to housing on the steepest sections of residential at Link Rd North in preparing the lot and road layouts. There has also been extensive analysis undertaken for the EA and Concept Plan relating to land clearing requirements for road construction. Detailed planning at PA stage will require no road construction on land with a maximum slope, which is to be nominated in the PPR. Furthermore, sections are provided in the PPR showing treatment of roads on steep slopes. Additional information and drawings are included in the PPR to demonstrate housing accommodation on steep slopes.</li> <li>A significant part of the site has slopes that are greater than 20% and that these areas are outside Council's current standards for residential development.</li> <li>Newcastle City Council current standards include a maximum grade of 16% for a public road, a maximum grade of 20% for a private road and a maximum grade of 25% for a driveway that services a single dwelling.</li> </ul> <p>Detailed road standard will be achieved through further design, considering the estate topography and other constraints. Road construction will be limited to a maximum slope to be defined in the slope analysis prepared for the PPR</p>
	51. Further detailed investigations required to the suitability and constructability of roads before determination of application. Should the application be approved, maximum and if necessary minimum parameters should be specified in the approval to guide the feasibility and suitability of lots and roads during the Project Application and CC stages.	<p>Further works has been be undertaken in regard to road types and hierarchy and submitted with the PPR. Detailed road standard will be achieved through further design, considering the estate topography and other constraints.</p> <p>A significant part of the site has slopes that are greater than 20% and these areas are outside Council's current standards for residential development. Detailed road design will be planned to avoid or best manage areas of slope greater than 20% to minimise impact upon road crossfalls and longitudinal grade.</p> <p>Newcastle City Council current standards include a maximum grade of 16% for a public road, a maximum grade of 20% for a private road and a maximum grade of 25% for a driveway that services a single dwelling.</p>
	52. Road network be designed in accordance with the respective Council requirements, as opposed to adopting Lake Macquarie requirements throughout. The road network hierarchy within the existing and future NCC LGA should comply with NCC's Guidelines for Residential Roads.	Hyder consulted both Lake Macquarie and Newcastle City Council's guidelines and assessed the adequacy of road compliance. Appendix B of the Traffic and Transport Report outlined relevant guidelines.
	53. Road layout immediately south of the waste management facility and BGHRP precludes provision of an alternative access road into the waste management facility along the recently dedicated road reserve (unformed) within Lake Macquarie Council LGA. Long term viability of the waste management facility may be dependent on the alternative access road via Link Road roundabout.	The proposed regional waste facility managed by Hunter Integrated Resources (HIR) will not proceed. Councils are reviewing their options. RTA confirmed access to the Waste Facility will need to be considered from the Link Rd roundabout to the East of the Coal & Allied estate
	54. The Concept Plan proposal for alternative road access to the waste management facility is not supported as it over steeper terrain with challenges for road construction and use by heavy vehicles.	The proposed regional waste facility managed by Hunter Integrated Resources (HIR) will not proceed. Councils are reviewing their options. RTA confirmed access to the Waste Facility will need to be considered from the Link Rd roundabout to the East of the Coal & Allied estate
	<b>Heritage</b>	
	55. Prepare an Aboriginal Heritage Management Strategy prior to approval. Refer to page 16 for details on content.	<p>An Aboriginal heritage plan of management was stated as a necessity within ERM 2007:10.2.2 which was submitted with the Concept Plan.</p> <p>If item 56 is prepared then item 55 should be a component of 56 and does not need to be a stand alone document.</p>
	56. Prepare a Conservation Management Plan for the built, landscape and archaeological heritage of Minmi with provisions for opportunity to consult with Council. The CMP should relate to: <ul style="list-style-type: none"> <li>Individual heritage items, archaeological sites and other significant aspects of the historic</li> </ul>	A CMP will be prepared after Concept Plan Approval and prior to the first Project Application for an urban lot subdivision of the site.

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	township of Minmi; ▪ Eales shaft site / J& A Brown workshop park area; ▪ Courthouse precinct; and ▪ Interpretation strategies. Refer to pages 16 and 17 for further details on content.	ERM's report stopped short of recommending the preparation of a CMP because of the length of preparation time a CMP takes. However, given the range of recommendations arising from the HA report and the comments received from State authorities, the simplest way of managing all aspects of heritage within the M/LR development would be a single CMP. All of NCC recommendations for the CMP content are standard inclusion and derived from the management recommendations of ERM 2007.
	57. Proposed lots over northern section of the raised permanent way of the Duckenfield Colliery No 1 Branch line and the southern tip should be reduced or deleted to enable conservation of this heritage item as a complete entity. The total route through to the former Eales shaft site should be identified and incorporated into the CMP.	The final extent of the southern tip is undefined as it cannot be seen within the current landscape. It is likely to have been impacted (i.e. destroyed) by redevelopment in this area and the open cut mining. The northern section has similarly disappeared in places, which is reflected by the current (2009) kinked system of roads in this area.
	58. Proposed research design for the potential archaeological sites identified as AZ1 and AZ2 should be considered by NSW Department of Heritage Branch and Newcastle City Council.	Agreed
	<b>Environmental Impacts</b>	
	<u>Conservation corridors and biodiversity:</u> 59. Due to the fragmented nature of the lands (F3 freeway, proposed F3 – Branxton arterial road, retention of 5(b) Special Uses (Railway) Zone within Cessnock LGA), further study is required regarding the adequacy of the proposed conservation estate as a functional wildlife corridor by utilising target threatened species to assess the design of the corridor.	The Lower Hunter Regional Strategy (LHRS) and the Lower Hunter Regional Conservation Plan recognises the importance of large vegetation areas being linked via habitat corridors. This includes recognition of the importance of the Coal & Allied Stockrington lands that will significantly contribute to the long sought after conservation corridors between Watagans Range to Stockton Bight. The proposed land dedication of Stockrington will be 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 proposal is fundamental to achieving the outcomes of the Lower Hunter Regional Strategy and Lower Hunter Regional Conservation Plan.  These plans have been developed in consultation with local government agencies and the community and as such have considered the context of the local landscape. At a regional scale these plans are considered to deliver sound environmental outcome by the aforementioned participating stakeholders.
	60. Assessment relative to final Lower Hunter Regional Conservation Plan and its conservation objectives.	The proposal is fundamental to achieving the outcomes of the Lower Hunter Regional Strategy and Lower Hunter Regional Conservation Plan.
	61. The proposal identifies that 55% of the development site comprises endangered ecological communities and 60% of the habitat to be removed from the site is of above average or high quality. There is limited detail regarding the minimisation of potential impacts on these areas of ecological significance.	The proposal is fundamental to achieving the outcomes of the Lower Hunter Regional Strategy and Lower Hunter Regional Conservation Plan. These guiding policies have been developed in consultation with local and state government agencies along with the wider community. As such have taken into account the environmental, economic and social parameters operating in the Lower Hunter. Therefore on a landscape scale these strategies deliver a sound environment conservation outcome.  Notably the proposed Minmi-Link Road Development Estate contain areas of biodiversity value and we also note the potential local impacts associated with the proposal on these issues of biodiversity, however the following must be recognised in conjunction with the aforementioned guiding policies: <ul style="list-style-type: none"> <li>• a 80% conservation(offset) gain is associated with the Coal &amp; Allied Lower Hunter Lands proposal;</li> <li>• the proposed Conservation Estates provide protection in perpetuity for the subject species, populations and ecological communities that will be locally impacted upon via the proposal; and</li> <li>• the Stockrington-Tank Paddock Conservation Estates dedication will provide the key lands</li> </ul>

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		<p>required to achieving the LHRS and LHRCP.</p> <p>Specifically the Ecological Assessment Report discusses the potential impacts on threatened species, populations and ecological communities in relation to this and provides a threatened species matrix to determine the likelihood of occurrence and level of impact. Where a moderate or greater chance of impact was considered, further information and comment has been made.</p>
	<p>62. Inconsistency between habitat condition mapping figures in the Ecological Assessment Report (Figure 4-9) and Ecological Inventory Report (Figure 3-9). Different habitat categories, where the Ecological Assessment Report shows habitat categories of lower habitat value. Table 5-2 of the Ecological Assessment Report states there are 84ha of high value habitat however none is shown on Figures 4-9. Council seeks clarification.</p>	<p>Noted. Has been reviewed and where appropriate amendments have been made within the PPR documentation.</p>
	<p>63. Limited connectivity in conservation terms to the BGHRP. This park will be isolated from floral and faunal communities to the south and west. Council refers to the Minmi Corridors Project (MCP) which was commissioned to clarify the natural and cultural values of an area centred on Minmi but extending to Mount Sugarloaf and recommends the findings of the MCP be incorporated into the conservation corridors of the proposal.</p>	<p>In the first instance, the proposal is fundamental to achieving the outcomes of the Lower Hunter Regional Strategy and Lower Hunter Regional Conservation Plan.</p> <p>These guiding policies have been developed in consultation with local and state government agencies along with the wider community. As such have taken into account the environmental, economic and social parameters operating in the Lower Hunter. Therefore on a landscape scale these strategies deliver a sound environment conservation outcome.</p> <p>Secondly, best practice urban design has been incorporated into the concept plan in order to acknowledge, where possible, the corridor requirements of local and state government agencies and the wider community. The result, a matrix of linear riparian corridors, green buffers, patches of retained vegetation and public open space is provided by the proposed concept plan. This matrix will allow for faunal movement through the local landscape into larger patches of offsite habitat. Adequate linkages for arboreal and highly mobile fauna are provided within the existing landscape framework.</p> <p>The east west connectivity between the Coal &amp; Allied land and the western side of BGHRP has been discussed and agreed with DECC. Points of access to BGHRP will now reflect those included in the Plan of Management. This is included in the PPR. DECC has also agreed to consider the dedication of the riparian land that provides the needed link between the BGHRP and the northern open space lands leading to the Hexham Swamp.</p>
	<p>64. Significant reduction of the East-West Newcastle Link Road vegetation corridor. Further detail required on the ecological value of the corridor and impacts of the development on the corridor. Council believes width of this corridor needs to be strengthened and not reduced in width.</p>	<p>The Western Corridor Strategy requires an east west corridor to be established along the Newcastle Link Road (both north and south). We note the overall reduction in vegetation and hence corridor associated with the proposal, however the WCS also notes this and provides opportunity for development in the Coal &amp; Allied lands given no corridor considerations exist within such areas. Further investigations into the amount of buffering (corridor) vegetation that will remain following development coupled with the likely Hunter Freeway – Link Road upgrade works has been undertaken and determined that a substantial vegetation width will exist collectively on the RTA (Link Road) and Coal &amp; Allied development lands. Link Rd cross sections included in the PPR clearly indicate the buffer widths.</p> <p>It is envisaged this corridor will provide for faunal movement through the local landscape into larger patches of offsite habitat.</p>
	<p><u>Urban Forest Management:</u></p> <p>65. Removal of large number of retainable trees, not consistent with Council's Newcastle Urban Forest Policy and DCP, Section 4.10 Tree Management. Acknowledges proposal entails dedication of conservation lands but most of this land is external to Newcastle LGA. Results in net loss of tree canopy within Newcastle LGA and consequent adverse impacts in terms of associated economic, social and environmental impacts. Recommend tree planting in accordance with DCP, Section 4.10 Tree Management.</p>	<p>Noted. This is however a Part 3A project with a focus on delivering the outcomes sought under the Lower Hunter Regional Strategy and Lower Hunter Regional Conservation Plan.</p> <p>The general objectives of retaining trees associated with the Newcastle Urban Forest Policy and Section 4.10 of the Newcastle DCP are reflected through the proposed dedication of 17ha of land in Minmi and 2,247ha of Stockrington land to NSW Government as conservation lands. This represents a significant environmental gain from the environmental land offset package and is a once in a generation opportunity that will provide an enduring legacy for the community and future generations. It is crucial to note that 81.3% of land dedication relative to the Minmi/Link Road project for conservation purposes is well in excess of traditional conservation outcomes from development offset processes.</p>

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		<p>Within the development estates, the Draft Statement of Commitments identifies that only trees of significance (habitat and old growth) will be protected during lot planning, particularly in areas that contain identified native vegetation communities, wherever feasible prior to progressive clearing of sites. Trees within riparian corridors will also be retained to ensure biodiversity. All other trees in the development footprint will be removed.</p> <p>It is important to also note that new appropriate trees will be planted within proposed road reservations and public recreational areas as illustrated in the Public Domain Design Guidelines.</p> <p>Appropriate treatment of retained vegetation and riparian corridors within the Minmi-Link Road Development Estate is also encompassed under the Urban Design Guidelines associated with the project.</p>
	<p><u>Noise:</u> 66. Proximity of two major arterial roads will result in excessive noise levels to proposed uses (residential, commercial and open recreational space). Mixture of uses will need to provide amenity noise levels for external and internal areas in accordance with:</p> <ul style="list-style-type: none"> <li>• DECC “Environmental Criteria for Road Traffic Noise”;</li> <li>• Australian Standard “AS 2107: 2000 Acoustics - Recommended design sound levels and reverberation times for building interiors”; and</li> <li>• Clause 102 of SEPP (Infrastructure) 2007.</li> </ul> <p>Note: Council is requesting further time to review Acoustic Study and may provide more comment.</p>	Acoustic consultant to reassess the noise impacts following the remodelling of traffic . Amended noise assessments is included in the PPR. Details of noise impacts to the different proposed uses will be addressed and assessed against relevant guidelines and policies during the development stage of the project and the relevant policies and guidelines mentioned will be referred to accordingly.
	<p><u>Contamination:</u> 67. Council requesting further time to review Preliminary Contamination and Geotechnical Assessment.</p>	Noted
	<p>68. Remediation criteria will vary for each land use type and refers to investigation levels outlined in the:</p> <ul style="list-style-type: none"> <li>▪ National Environment Protection Council “National Environment Protection (Assessment of Site Contamination) measure 1999”;</li> <li>▪ DECC Guidelines for soil contamination; and</li> <li>▪ Australian and New Zealand Environment and Conservation Council “Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000” for groundwater or surface water contamination as remediation criteria for various uses.</li> </ul>	Noted
	<p>69. Remediation should be addressed against the criteria for the various uses and to facilitate transfer of future potential publicly owned land to Council.</p>	Noted. This requirement is noted and all shafts identified in the PPR will be remediated as part of future DAs for the site.
	<p><u>Flora and Fauna:</u> 70. The issue of identified threatened species and Endangered Ecological Communities within the development estate being secured within the conservation estate requires further analysis.</p>	<p>Noted. In the first instance the proposal is fundamental to achieving the outcomes of the Lower Hunter Regional Strategy and Lower Hunter Regional Conservation Plan.</p> <p>These guiding policies have been developed in consultation with local and state government agencies along with the wider community. As such have taken into account the environmental, economic and social parameters operating in the Lower Hunter. Therefore on a landscape scale these strategies deliver a sound environment conservation outcome.</p> <p>Notably the proposed Minmi-Link Road Development Estate contain areas of biodiversity value and we also note the potential local impacts associated with the proposal on these issues of biodiversity, however the following must be recognised in conjunction with the aforementioned guiding policies:</p> <ul style="list-style-type: none"> <li>• a 80% conservation(offset) gain is associated with the Coal &amp; Allied Lower Hunter Lands proposal;</li> </ul>

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		<ul style="list-style-type: none"> <li>the proposed Conservation Estates provide protection in perpetuity for the subject species, populations and ecological communities that will be locally impacted upon via the proposal; and</li> <li>the Stockrington-Tank Paddock Conservation Estates dedication will provide the key lands required to achieving the LHRS and LHRCP.</li> </ul> <p>Secondly the Ecological Assessment Report submitted with the Concept Plan has considered the potential impacts on threatened species, populations and ecological communities in relation to this and provides a threatened species matrix to determine the likelihood of occurrence and level of impact. Where a moderate or greater chance of impact was considered, further information and comment has been made.</p>
	71. Council is requesting further time to review and provide comments.	Noted.
	<p><u>BGHRP:</u></p> <p>72. Removal of majority of vegetation surrounding BGHRP, which will isolate and diminish natural values of the site. Significant reduction in connectivity to the park in respect to faunal movement and enhancement of genetic diversity. Proposal will devalue and impinge on Blue Gum Hills Regional Park Plan of Management prepared by DECC dated February 2007.</p>	<p>The BGHRP was established to provide the community with a Green Regional Recreational Park with the knowledge that future land release would see proximate development to the park. With this in mind the biodiversity attributes associated with the park were never at the centre of its establishment.</p> <p>Whilst we note a reduction in the immediate landscape connectivity, the riparian corridor matrix will maintain avenues for faunal movement in and out of the park.</p>
	73. Requests any future ecological study or analysis account for potential ecological impacts on adjoining BGHRP and impacts on future management and meeting key objectives of plan of management.	Noted. Consultation with DECC has already occurred and will continue to occur as required.
	74. A stronger open space link be created between Village Centre and the Regional Park to improve access to the park from other parts of the region. This will also provide commercial opportunity to gain customers from visitors to the park.	This link currently exists to a width of some 50m. Further strengthening will occur as part of the park design and treatments at the subdivision DA stage. Park design will include pedestrian/cycle linkages at this point, interpretative signage, appropriate plantings and hardscape treatments that emphasize entry to the BGHRP.
	<b>Flooding and Stormwater Management</b>	
	<p><u>Risk Management:</u></p> <p>75. Assessments relating to flood mechanisms appear to focus on local “flashy” creek systems only. It is not possible to identify land levels from the information provided to determine if any land might be affected by Hunter River flooding, or future Sea Level flooding.</p>	GHD have used the data from the upgrading of lower hunter flood model at Hexham Draft Report Phase 4 Contract No: 2005/176Q for Newcastle City Council, to define boundary conditions at Hexham Swamp.
	<p>76. Council queries if it can be shown all land in question is above the highest conceivable Hunter River floods level (estimated RL 6.7 AHD) further consideration of Hunter River flooding will not be necessary. However, if any land is such that future floor levels might otherwise be set lower than RL 4.3 AHD, then Hunter River flooding will need to be considered in setting floor levels. Similarly, if any land is below about RL 3.4m AHS, future Sea Level flooding may need to be considered.</p> <p>Refer to page 20 for further detail.</p>	The 100-yr flood level of approximately 5.4m AHD is modelled at the northern extent of the site, near Hexham Swamp. These flood levels were used to determine appropriate development levels in these site precincts.
	<p><u>Flood Management:</u></p> <p>77. GHD Flood study is based on available 2m contour data. Council advises that this mapping is not very accurate and therefore plotted flood extents are questionable. Council also notes that the report does not provide any flood levels only indicative flood extent mapping.</p>	We believe, that flood mapping based on 2m contours would be appropriate for the current planning level study. Further flood assessment in ensuring design stages. Flood levels can be provided if requested.
	78. For large floods up to the PMF the evacuation strategy needs to be fail safe, plainly evident and self directing.	Flood evacuation would need to be planned for each precinct developed, once the road layouts have been finalised. In general, sufficient high ground exists for evacuation away from creeks.
	79. Range of sea level rise scenarios need to be modelled to establish whether there would be an increase in the downstream flood level in Hexham Swamp.	In the assessment of climate change for the Minmi Site, GHD have used a 100-yr ARI flood level in Hexham Swamp of 3.8m as modelled by DHI in their "Upgrade of the Lower Hunter Flood Model at Hexham, 2007" as the downstream controlling flood levels. The assessment of future 30% increase in rainfall intensity and volume at the most north location of the Minmi site (ie discharge to Hexham Swamp), resulted in simulated future flood levels of approximately 5.4m AHD. Given these simulated levels and the buffer that the Hunter River estuary is likely to provide to storm surge and storm wave



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		run-up, it is considered unlikely that sea level rise will have any effect on the flooding at the site.
	80. Route of some watercourses are misinterpreted due to poor level of survey accuracy. E.g. the catchment that flows under the freeway west of the existing township: the existing watercourse flows east through the proposed lots rather than to the north as shown on the mapping provided.	<p>These watercourses have been examined and detailed the PPR</p> <ul style="list-style-type: none"> <li>▪ The topography / contours have been generated from aerial photography and have not been verified by field survey.</li> <li>▪ Field survey will be undertaken in this area to support the future PA or DA.</li> </ul>
	81. Further details on detention basins required- concerns with lack of detail on efficiency of detention basins; location; no details on overall major/minor drainage system; potential blockage due to design and revised flood planning levels required. Refer to page 21 for further detail.	This level of detail will be required for ensuing detailed design stages of the project, and should be provided at the PA or DA stage.
	82. Location of watercourses in multiple privately owned residential lots will cause issues e.g. future boundary fencing, illegal filling of land.	<p>Further information will be provided with cross-sections at PA or detailed DA stage:</p> <ul style="list-style-type: none"> <li>▪ Riparian in private land (lots),</li> <li>▪ Riparian in part lots and part open space (no roads),</li> <li>▪ Riparian in open space – road fronting and lot backing,</li> <li>▪ Riparian in open space – road fronting.</li> </ul> <p>Property owners are responsible for maintaining watercourses or drainage channels within private property. However, Council will be responsible for significant incidences of bank and bed erosion/scour/siltation, if this damage is a direct result of Council's actions. Council is also responsible for maintenance of watercourses and drainage channels in public land.</p> <p>Property owners are responsible for maintenance of watercourses within their property. However, such activities should occur with care and consideration of the physical and ecological integrity of the watercourse and in accordance with relevant environmental legislation and guidelines.</p> <p>In general, only minor maintenance activities will be permitted. Activities that include the destruction and removal of native vegetation and the modification of watercourses will require an approval from Council. Other permits may also be required to comply with State Legislation.</p> <p>Major maintenance work such as excavation, filling, diversion, scour protection, improvements etc, will require development consent including the necessary approvals under the Water Management Act and NSW Fisheries under the Fisheries Management Act.</p> <p>Owners wishing to make improvements or to rehabilitate watercourses in private property are responsible for arranging and carrying out the work at their own cost. The owner will need to obtain development consent from Council, including the necessary approvals under the Water Management Act and NSW Fisheries under the Fisheries Management Act.</p>
	<u>Water Sensitive Urban Design</u> 83. Applicant should be made responsible for ongoing maintenance and ultimate removal of all erosion and sedimentation controls structures and devices.	This level of detail will be required for ensuing detailed design stages of the project, and should be provided at detailed DA stage.
	84. All proposed WSUD measures, including 'end of line' structures must receive the concurrence of Council's Asset and Maintenance managers prior to being approved for construction.	This level of detail will be required for ensuing detailed design stages of the project, and should be provided at detailed DA stage.
	85. Recommends that the applicant be required to undertake an ongoing monitoring, sampling and reporting program for the life of the development. If measures not performing as	These issues are to be determined at detailed design stages of the project, and should be investigated at that stage. Commentary on these matters will be made in the PPR.

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	anticipated, then any required improvements would need to be undertaken by the developer with the concurrence of the relevant Council.	
	<b>Recreation Facilities and Open Space</b>	
	86. A planning standard of 2.83ha of open space per 1000 head of population has been used. Appears majority of open space is planned for conservation and drainage. Council notes that the 2.83ha is to be applied only to land usable for active recreation and neighbourhood and district level parks, specific cycleways/walkways.	Refer to the Open Space Plan submitted with the PPR that clarifies calculations.  Refer to detailed report which justifies open space and park areas at a level above the 2.83 standard without inclusion of conservation and drainage areas.
	87. Recommends applicant engage consultant experienced in preparation of open space/recreation studies to undertake needs assessment of future provision of recreation facilities. Refer to page 22 for other considerations that the study is required to address.	Refer to detailed report in the PPR Open space provision and associated provision of recreation facilities is has been provided for in the Concept Plan. It must be remembered that recreation requirements may change over the anticipated 20+ years development period. Importantly there has been a substantial allocation of open space included in the Concept Plan allowing plenty of area to include recreation requirements based on community demand. Additional assessment of future recreation provision will be provided in PPR.
	88. Request proponent discuss options with Council regarding: <ul style="list-style-type: none"> <li>contribution towards district level sporting facilities at 1A Minmi Rd, Wallsend;</li> <li>provision of new aquatic facilities or upgrading existing Wallsend pool.</li> </ul>	Coal & Allied will commit to Section 94 contributions to maximise the benefit to the development residents.
	89. Provision of alternative sporting facilities is required e.g. baseball, equestrian, trail bike riding, BMX /mountain bike etc.	Contributions towards a BMX track and skate park located in the Blue Gum Hills Regional Park or another regional facility to be met with Section 94 contributions or VPA will be discussed with each Council.
	90. Small lineal parks proposed adjacent to BGHRP are too small to be of any public benefit and should be deleted. Further investigation required to ensure site and size of other neighbourhood parks to ensure parks achieve satisfactory land area and gradients.	Refer to clarified Open Space Plan in the PPR. These parks will provide a valuable open space amenity to the surrounding communities and contributes to the 'urbanism' concept now widely accepted.
	<b>Developer Contributions and Voluntary Planning Agreement (VPA)</b>	
	91. Don't agree with proposed allocation of payment of contributions on basis 50% to each Council. Contribution or provision of in kind facilities allocation should be proportional to each Council relative to proposed population for that part of the development.	It is anticipated that Coal & Allied will enter into a VPA with each Council and allocation will be based on lot yield within each respective municipality
	92. Further discussion required with the DoP, application and Ministry of Transport in negotiating a VPA required. Basis of contributions under Blue Gum Hills Planning District Contributions Plan 1 and 4 not sufficient. VPA should be made prior to determination of Concept Plan.	The contribution allocation is proposed to be generally in line with the NCC and LMCC Sec 94 contributions Plan. Coal & Allied have also allocated additional funds to matters considered appropriate to the community needs/ requests.
	93. Concerns that contribution rates for Transport Facilities to be considered as regional levy only, rather than local levy under Contribution Plan 4. No details on VPA regarding contributions towards road infrastructure upgrades, public transport upgrades, emergency services and education. Council cannot determine if such works are similar to those already contained in an adopted Contribution Plan.	Transport facilities will be negotiated with RTA which will be based on the findings of the traffic modelling. Regional contributions will be in accordance with the State Regional Contributions appropriate at the time of development. These contributions will be included in a VPA between the DoP and Coal & Allied
	94. Council requires financial contribution toward preparation, implementation and ongoing management of any such VPA.	Terms of the VPA between Council and Coal & Allied are proposed to be generally in line with the appropriate Sec 94 Contributions Plan which will include the option of works-in-kind or contribution.
	<b>Infrastructure Ownership</b>	
	95. Need for separation of public and private assets as below. Council will not accept dedication of land simply because a developer is unable to incorporate the land into their proposal due to physical or environmental constraints. <ul style="list-style-type: none"> <li>Roads (local and arterial)- Council</li> <li>Cycleways/pathways (public road status)- Council</li> <li>Public reserves (active and passive. Note passive reserves must demonstrate a defined public benefit)- Council</li> <li>Environment/conservation lands- private via Community Title scheme or other form of</li> </ul>	Proposed public and private asset ownership allocations are understood as set out by Council. Coal & Allied is not prepared to create Community Titles due to the very low acceptance of this form of land title in the marketplace. An ownership plan is prepared and included in the PPR.

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	sustainable tenure <ul style="list-style-type: none"> <li>• Drainage reserves (no public use or benefit)- private via Community Title scheme or other form of sustainable tenure</li> <li>• Asset protection zones- private via Community Title scheme or other form of sustainable tenure</li> <li>• Community facilities (not in community/public reserves/park land)- private via Community Title scheme or other form of sustainable tenure</li> </ul>	
	96. Need discussion with Council Parks and Recreation in respect to parks proposing to be dedicated to Council. Open space zones, community land classification and incorporation into Council's generic plan of management will be required.	It is proposed to zone park areas within the precincts as Residential R2 Low Density Residential but allow for park facilities as permissible uses. Future detailed subdivision planning will entail finalisation of the lot layout and positioning of park boundaries and therefore flexibility within the zoning of the development precincts is required at this stage.
	97. Council will not accept dedication of lands containing mine shafts or high maintenance assets. Mine subsidence lands to be dedicated need to be remediated prior to dedication.	All identified remnant mine shafts will be filled/capped prior to dedication so there will be no residual risk.  On previous developments Council have accepted ownership of land that contain mine shafts etc as long as they have been properly remediated
	98. Water bodies that are proposed in public open space- further details required e.g. previous use, existing contamination, water levels and depth, embankment slopes, assessment of existing vegetation and weed infestation, a report on the ability to perform water quality function, overland flow paths, assessment on risk of 'dam break'.	This level of detail will be required for ensuing detailed design stages of the project, and should be provided at that stage. A number of items would need to be considered in the designs relating to safety in design and overall function of the basins in achieving water quality outcomes.
	99. All road widening to be undertaken at no cost to Council or RTA.	Roads will be constructed on a staged basis in accordance with the agreed cross sections based on the applicable road category.
	<b>Asset Protection Zones</b>	
	100. Recent updated bushfire prone land mapping completed and recently certified. Concept Plan is based on 2005 mapping and should be reassessed using 2009 mapping. Changes to mapping are localised and relate mainly to expansion of some Category 1 vegetation and associated 100m buffer zones.	Noted. This will be cross-referenced against the Bushfire Assessment and where appropriate amendments made within the PPR documentation.
	101. Council will not accept APZ's on land identified as residual areas of publicly owned bushland, passive open space or drainage reserves. Fire trails or access tracks are required to be located wholly outside of any publicly owned land.	Noted. Where possible these have been incorporated into privately owned lots or within public roads. However it is not unusual for APZ's to be incorporated into other landscape treatments/ components such as publicly owned lands.  Further detailed revision of any APZ within 'green lands' will be undertaken as a component of the Bushfire PPR works, however it must be put on record that reasonable outcome balancing yield and environment has to be achieved.
	102. APZ's along boundaries BGHRP and waste management facility may not be adequate. APZ should be located wholly within the development site and not rely on creation and maintenance of fuel reduction zones or APZ's within Council or State Government managed lands.	The APZ's will be located wholly within the development area adjacent to these features.
	<b>State Significant Site Listing – Schedule 3 SEPP (Major Development)</b>	
	<u>Land use zoning:</u> 103. Proposed zones to be amended to be consistent with Council's citywide LEP current being prepared. Seek B1 Neighbourhood Centre zone for proposed commercial areas in	Given the overall low density character of the development estate, it is agreed that an R2 Low Density Residential zone can be adopted for the residential areas. However, due to the limited extent of medium density proposed, primarily adjacent to the Village Centre (Village Centre Precinct) and High

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	Village Centre and Minmi East precincts. Apply R2 Low Density Residential instead of R1 Low Density.	<p>Street (Minmi East Precinct), as well as limited isolated pockets throughout the development, it would be simpler and more appropriate to identify specific areas of additional permitted uses, such as multi unit housing, attached dwellings, residential flat buildings and shop top housing.</p> <p>It is not agreed that the proposed B4 Mixed Use zone within the Minmi East Precinct and the Village Centre Precinct be amended to a B1 Neighbourhood Centre zone. The most appropriate zone for the village centres is B2 Local Centre. This is discussed further in the PPR.</p> <p>A revised zoning plan and additional permitted uses map is attached with the amended SSS Listing.</p>
	104. Council has provided table of land uses for each zone above. Refer to pages 26 and 27 for further detail.	<p>The land use tables for each zone are consistent with the <i>Standard Instrument (Local Environmental Plans) Order 2006</i>.</p> <p>Given the overall low density character of the development estate, it is agreed that an R2 Low Density Residential zone can be adopted for the residential areas. However, the zoning plan identified areas of additional permitted uses, such as multi unit housing, primarily adjacent to the Village Centre (Village Centre Precinct) and High Street (Minmi East Precinct), as well as limited isolated pockets throughout the development, it would be simpler and more appropriate to identify areas of additional permitted uses, such as multi unit housing.</p> <p>It is not agreed that the proposed B4 Mixed Use zone within the Minmi East Precinct and the Village Centre Precinct be amended to a B1 Neighbourhood Centre zone. The most appropriate zone for the village centres is B2 Local Centre. This is discussed further in the PPR.</p> <p>Refer to the amended SSS Listing submitted with the PPR.</p>
	105. Provide no limit to building heights of less than 8m. Recommend height map be amended regardless of physical constraints.	The proposed height limit is governed by the construction constraints associated with the mine subsidence issues.
	<p><u>Land Acquisitions:</u></p> <p>106. All land required for community or public benefit, including public open space, recreational areas, road reserves, community facilities, schools and emergency services should be provided free of charge. As such, Council requests that Clause 5.1 of Standard Instrument SEPP or Clause 9 of Major Projects SEPP be amended such that Council or any other authority is not required to purchase or compensate the applicant or subsequent land owners for acquisition of above lands.</p>	<p>An Ownership Plan of the proposed open space, riparian corridors and APZs has been prepared and included in the PPR.</p> <p>Clause 5.1 of the Standard Instrument SEPP is gazetted Government Planning Policy. It is beyond the scope of this Concept Plan to facilitate changes to planning legislation. It is noted that Clause 9 of the Major Development SEPP is repealed.</p>
	<b>Coal &amp; Allied \$10 million allocation</b>	
	107. SoC's may only be considered as essential components of a development of this scale and should not be considered to be additional to the minimum infrastructure and servicing requirements for the proposal.	<p>The proposed "Business As Usual" items within the Statement of Commitments relate to the infrastructure and servicing requirements generated by the proposal that are expected to be delivered as part of the development of the site and basically standards that will have to be met to achieve approval.</p> <p>The proposed \$10 million is to be allocated for initiatives associated with the delivery of social infrastructure to support the existing and future communities at the Coal &amp; Allied Minmi/Link Road and Black Hill sites and is directed at initiatives that would not ordinarily be provided as part of the development of a new residential estate. Accordingly, the initiatives identified are those that are considered 'over and above' what is reasonably necessary to satisfy State and Local Government approval requirements.</p>
	108. Request the proponent provide: <ul style="list-style-type: none"> <li>a more detailed list of proposed initiatives, including indicative costings and timeframes for delivery;</li> </ul>	Section 94 contributions will be paid in accordance with the Lake Macquarie Northlakes Section 94 Contributions Plan and Newcastle City Council Development Contributions Plan No. 1 2005 and Newcastle City Council Development Contributions Plan No. 4, 2006. The total monetary amount of

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	<ul style="list-style-type: none"> <li>• where and in what form the money is to be held;</li> <li>• who will be responsible for authorising each initiative;</li> <li>• the initial amount to be linked to an appropriate ABS index to account for cost increases.</li> </ul>	<p>contribution will be made by either dedication of land free of costs, payment of contribution, or works in kind, or any combination.</p> <p>The mechanics of how and when these commitments will be confirmed and delivered will be subject to a 'developer agreement' between Coal &amp; Allied and the DoP prior to final approval of a construction certificate for Stage 1 subdivision.</p>
Lake Macquarie City Council- 30/03/09	<p><b>Strategic matters</b></p> <p><u>General:</u></p> <p>1. Council's Lifestyle Strategy 2020 considered development in this area undesirable due to topography, the availability of more appropriately located development areas around Cameron Park and Glendale, as well as fauna, flora and landscape value.</p>	<p>Coal &amp; Allied 's objectives are centred upon the environmental, social and economic sustainable development of Minmi/Link Road, reflective of the core values and aims of the Lifestyle 2020 Strategy through:</p> <ul style="list-style-type: none"> <li>▪ The provision of local employment opportunities for residents through the development of new residential development and supportive social, retail and mixed land use opportunities to meet the needs of the current and future community</li> <li>▪ The development of urban communities which will provide a range of housing types and activities that are designed to suit the natural topography, site conditions and overall built form of the locality.</li> <li>▪ The design of safe and liveable communities through appropriate integrated neighbourhood planning.</li> <li>▪ Significant contribution towards conservation of important green corridor linkages.</li> <li>▪ Contribution toward the economic development of the Lower Hunter Region through providing land for residential and employment development to meet the growth targets set out in the LHRS.</li> <li>▪ Opportunities to conserve and interpret Indigenous and European heritage.</li> </ul> <p>Fundamental considerations of the proposal that particularly accord with the strategic directions of the Lifestyle Strategy include:</p> <ul style="list-style-type: none"> <li>▪ The protection of the City's biodiversity and maximising opportunities for environmental enhancement;</li> <li>▪ Promotion of the efficient use of renewable resources and reduction in the consumption of non-renewable resources such as implementation of extensive WSUD practices;</li> <li>▪ Facilitates the supply of adequate land and housing and associated infrastructure, services and facilities;</li> <li>▪ Provision of interconnected open space areas that include key environmental features such as riparian corridors;</li> <li>▪ Promote high quality urban design of future neighbourhoods;</li> <li>▪ Provides retention of green ridgelines to preserve the visual character of the Link Road landscapes and key Aboriginal &amp; archaeological corridors.</li> </ul>
	<p>2. Council has not planned for physical and social infrastructure to support the development.</p>	<p>Future development of the Minmi/Link Road development estates will be accompanied by developer contribution/works in kind/dedication of land towards physical and social infrastructure.</p> <p>The Draft Statement of Commitments details the various regional and local contributions, and works the proponent commits to undertake in association with the project, including implementation of various 'developer agreements' between Coal &amp; Allied and the DoP.</p> <p>Section 94 contributions will be paid to Newcastle City Council via the development contributions plan for the Blue Gum Hills region; and to Lake Macquarie City Council via the Section 94 Contributions Plan – Citywide (2004). Works in kind may also be provided in lieu of some Section 94 monetary contributions and will involve further discussion with each respective Council.</p> <p>In addition, Coal &amp; 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 fund is directed at initiatives that would not ordinarily be provided as part of the development of a new residential estate and accordingly, the initiatives identified are those that are considered 'over and above' what is reasonably necessary to satisfy State and Local Government</p>

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		<p>approval requirements.</p> <p>The Minister of Planning has agreed to consider this site as a state significant site under Schedule 3 of the Major Development SEPP 2005. Substantial utility infrastructure will be provided as part of the development process.</p> <p>The concept plan is a strategic plan for the additional development of Minmi and in itself plans for sufficient social and physical infrastructure. It is also worth noting that the development will be over 20 years commencing in year 2011/12. This will allow ample time for Council to understand additional planning as necessary.</p>
	3. Council advises that half of the housing proposed will actually be in Cameron Park and residents of Cameron Park have not been consulted and should be given opportunity to suggest projects for funding from \$10 million fund.	Further consultation with Lake Macquarie Council, Newcastle City Council and the DOP will be undertaken in respect to finalising the allocation of the \$10 million fund.
	<p><u>Road network:</u></p> <p>4. Council has identified a need for a new arterial road network and major bus route to connect Minmi Road with Main Road, Edgeworth. This road corridor is over land within the Link Road South precinct and is identified as Zone 5 infrastructure. Proposed road pattern does not adequately accommodate this. The road should facilitate access and be a desirable alternative route between Edgeworth and Newcastle Link Road, not be designed as a local road.</p>	The road network for Link Road South precinct took into account Council's proposed link between Minmi Road and Main Road. Hyder's traffic investigation indicated Minmi Road/ Northlakes Drive intersection be upgraded to a four way roundabout. Further discussion with the Council will be required when LMCC has determined planning details to the south of the Coal & Allied estate
	<p><u>Public Transport:</u></p> <p>5. Appropriate level of public transport service from this area to Glendale required as well as other destinations such as University of Newcastle and Newcastle City Centre.</p>	Hyder's traffic report has outlined key principles which could increase future public transport target. Extension of existing bus route 260 will be required to cater for new development growth. Further discussion will be held with MoT and bus route operator after concept approval.
	6. Road infrastructure should be designed to facilitate bus services and diversity of bus routes.	Road infrastructure will include roads capable of accommodating buses but only those that are likely to service a bus route
	<p><u>Conservation Corridors:</u></p> <p>7. Inadequate regard to ecological attributes of land and provision of corridors to BGHRP or Northlakes. Corridors are narrow riparian areas that do not provide for variety of biodiversity types and will require removal of vegetation to accommodate stormwater treatment devices.</p>	<p>In the first instance, the proposal is fundamental to achieving the outcomes of the Lower Hunter Regional Strategy and Lower Hunter Regional Conservation Plan.</p> <p>These guiding policies have been developed in consultation with local and state government agencies along with the wider community. As such have taken into account the environmental, economic and social parameters operating in the Lower Hunter. Therefore on a landscape scale these strategies deliver a sound environment conservation outcome.</p> <p>Secondly, the Ecological Assessment Report submitted with the Concept Plan has considered the potential impacts on threatened species, populations and ecological communities in relation to this and provides a threatened species matrix to determine the likelihood of occurrence and level of impact. Where a moderate or greater chance of impact was considered, further information and comment has been made.</p> <p>Best practice urban design has been incorporated into the concept plan in order to acknowledge, where possible, the corridor requirements of local and state government agencies and the wider community. The result, a matrix of linear riparian corridors, green buffers, patches of retained vegetation and public open space is provided by the proposed concept plan. The riparian corridors serve a number of functions including biodiversity connectivity in combination with Asset Protection Zones and stormwater detention / treatment devices. Whilst the riparian corridors within the Development Estates are not exclusive conservation areas, they do provide local connectivity for arboreal and highly mobile fauna.</p> <p>The proposal seeks to encompass the intent of the Water Management Act in, however at the Part 3A level this piece of legislation is not triggered. Adequate setbacks have been proposed that cater for the proposed hydrological/drainage requirements while making due consideration to the existing ecological character.</p>
	8. Corridor along Newcastle Link Road should be substantially widened to accommodate	In the first instance, the proposal is fundamental to achieving the outcomes of the Lower Hunter

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	possible road widening and fauna movement.	<p>Regional Strategy and Lower Hunter Regional Conservation Plan.</p> <p>These guiding policies have been developed in consultation with local and state government agencies along with the wider community. As such have taken into account the environmental, economic and social parameters operating in the Lower Hunter. Therefore on a landscape scale these strategies deliver a sound environment conservation outcome.</p> <p>Secondly, The Western Corridor Strategy requires an east west corridor to be established along the Newcastle Link Road (both north and south). We note the overall reduction in vegetation and hence corridor associated with the proposal, however the WCS also notes this and provides opportunity for development in the Coal &amp; Allied lands given no corridor considerations exist within such areas. Further investigations into the amount of buffering (corridor) vegetation that will remain following development coupled with the likely Hunter Freeway – Link Road upgrade works has been undertaken and determined that a substantial vegetation width will exist collectively on the RTA (Link Road) and Coal &amp; Allied development lands. Link Rd cross sections will be included in the PPR that will clearly show the width of the vegetation buffers</p> <p>It is envisaged this corridor will provide for faunal movement through the local landscape into larger patches of offsite habitat.</p>
	<u>BGHRP:</u> 9. A new primary access to the park is required, close to Link Road to give the park a “regional address”. Should also be provision for pedestrian and cyclist access from Cameron Park.	BGHRP already has primary access from Minmi Rd. Further future access is proposed opposite the future Village Centre. This gives the park a regional address.
	10. A conservation corridor should be established to link the regional park with surrounding vegetated land, particularly vegetated land to the south in the Lake Macquarie LGA.	<p>The proposal is fundamental to achieving the outcomes of the Lower Hunter Regional Strategy and Lower Hunter Regional Conservation Plan.</p> <p>These guiding policies have been developed in consultation with local and state government agencies along with the wider community. As such have taken into account the environmental, economic and social parameters operating in the Lower Hunter. Therefore on a landscape scale these strategies deliver a sound environment conservation outcome.</p> <p>Secondly, the Ecological Assessment Report submitted with the Concept Plan has considered the potential impacts on threatened species, populations and ecological communities in relation to this and provides a threatened species matrix to determine the likelihood of occurrence and level of impact. Where a moderate or greater chance of impact was considered, further information and comment has been made.</p> <p>Best practice urban design has been incorporated into the concept plan in order to acknowledge, where possible, the corridor requirements of local and state government agencies and the wider community. The result, a matrix of linear riparian corridors, green buffers, patches of retained vegetation and public open space is provided by the proposed concept plan. The riparian corridors serve a number of functions including biodiversity connectivity in combination with Asset Protection Zones and stormwater detention / treatment devices. Whilst the riparian corridors within the Development Estates are not exclusive conservation areas, they do provide local connectivity for arboreal and highly mobile fauna.</p>
	<u>Glendale Regional Centre:</u> 11. Appropriate infrastructure required to provide access from development to Glendale Regional Centre, including connections across Newcastle Link Road to facilitate vehicular transport, pedestrians and cyclists.	Newcastle –Lake Macquarie Western Corridor Planning Strategy has identified the need for a proposed new road link to Glendale Drive. This new link will provide a vital link to the planned Glendale transport interchange. The traffic modelling covers the development period of an estimated 20 years. The road may have no funding approval at this stage but is likely to receive funding in the development period particularly as it is included in the Western Corridor Strategy
	<u>Geology and Coal Mining:</u> 12. Due to past extraction activities and engineering controls required, Council has raised that	Agree in regard to parks only. Roads will be designed in accordance with the requirements of Council and MSB and dedicated to Council in the normal manner

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	it is most appropriate for the developer to maintain any new asset for 5 years before dedication to Council.	An Ownership Plan of the proposed open space, riparian corridors and APZs has been prepared and included in the PPR.
	13. Require site specific design guidelines for future housing on the site, coupled with SEPP (Exempt and Complying) to either exclude land from Complying Development Provisions, or to require development on the site to be complying only if it meets site-specific design guidelines.	<p>Site specific guidelines to meet the requirements of the Mine Subsidence Board (MSB) may be incorporated within the SSS listing, Schedule 3. Subject to the agreement by the DOP, such development could be considered as Complying Development on the provision that MSB approval accompanies the plans for each future dwelling / building on mine subsidence areas prior to issuing Complying Development Certificates.</p> <p>It is anticipated that further discussion with the DoP will be required to identify potential exempt and complying items specific to the Minmi / Link Road development estates in addition to the SEPP (Exempt and Complying Development Codes) 2008.</p>
	<u>Land Use zone selection – R1 zone:</u> 14. Proposed R1 zone should be R2 Low Density Residential and R3 Medium density residential.	Consideration to adopting an R2 and R3 Medium density residential zone has been discussed relative to NCC's submission. Refer to points 103 and 104.
	<u>Councils Boundary Adjustment:</u> 15. Notes potential adjustment of local government boundary.	The potential boundary adjustment between NCC and LMCC LGA areas is supported by Coal & Allied. The proposed boundary alignment represents the most rational approach to future local governance either side of the Link Road.
	16. Provision of open space and community facilities needs to be equitable and accessible for all parts of the development. Any facilities proposed off site are unlikely to be possible due to topography and extent of existing approved development.	The provision of open space and community facilities are accessible for the community on site.
	<b>General Ecology</b>	
	<u>Strategic:</u> 17. Proposed offsets of 77-80% dedication land for conservation is unlikely to achieve offset requirements under the Native Vegetation Acts PVP Model or the Threatened Species Conservation Acts Biobanking model. Request that the proposal demonstrate it meets offset requirements of the NV Act and TSC Act similar to that required for PVPs and Biobanking that are applied to other developers.	<p>The proposal is fundamental to achieving the outcomes of the Lower Hunter Regional Strategy and Lower Hunter Regional Conservation Plan.</p> <p>Specifically, the application of Part 3A of the EP&amp;A Act places the discretion of the Minister above all other legislative considerations, including the Native Vegetation and Threatened Species Conservation Acts. These matters have been taken into consideration during the strategic planning phases and impacts upon potentially occurring threatened species and EECs have been mitigated where possible.</p>
	18. Inconsistent with Lifestyle Strategy 2020 and LEP 2004, which zones land 7(2) Conservation Secondary and associated objectives of the zone.	<p>Coal &amp; Allied 's objectives are centred upon the environmental, social and economic sustainable development of Minmi/Link Road, reflective of the core values and aims of the Lifestyle 2020 Strategy through:</p> <ul style="list-style-type: none"> <li>▪ The provision of local employment opportunities for residents through the development of new residential development and supportive social, retail and mixed land use opportunities to meet the needs of the current and future community</li> <li>▪ The development of urban communities which will provide a range of housing types and activities that are designed to suit the natural topography, site conditions and overall built form of the locality.</li> <li>▪ The design of safe and liveable communities through appropriate integrated neighbourhood planning.</li> <li>▪ Significant contribution towards conservation of important green corridor linkages.</li> <li>▪ Contribution toward the economic development of the Lower Hunter Region through providing land for residential and employment development to meet the growth targets set out in the LHRS.</li> <li>▪ Opportunities to conserve and interpret Indigenous and European heritage.</li> </ul> <p>Fundamental considerations of the proposal that particularly accord with the strategic directions of the Lifestyle Strategy include:</p>



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		<ul style="list-style-type: none"> <li>▪ The protection of the City's biodiversity and maximising opportunities for environmental enhancement;</li> <li>▪ Promotion of the efficient use of renewable resources and reduction in the consumption of non-renewable resources such as implementation of extensive WSUD practices;</li> <li>▪ Facilitates the supply of adequate land and housing and associated infrastructure, services and facilities;</li> <li>▪ Provision of interconnected open space areas that include key environmental features such as riparian corridors;</li> <li>▪ Promote high quality urban design of future neighbourhoods;</li> <li>▪ Provides retention of green ridgelines to preserve the visual character of the Link Road landscapes and key Aboriginal &amp; archaeological corridors.</li> </ul> <p>The objectives of the 7(2) Conservation Secondary zones have been discussed in the Environmental Assessment report. The proposed Concept Plan achieves the objectives of enhancing the conservation values of the Lower Hunter Region by the dedication of significant, key land holdings that contribute to key green corridors that will protect, conserve and enhance environmentally significant land.</p> <p>The conservation lands contain valuable biodiversity resources and will achieve the conservation of a range of important vegetation communities, including areas of Endangered Ecological Communities and other vegetation types that have been depleted in the region as well as important populations of numerous threatened fauna species.</p> <p>Future development will be designed with the sensitive revegetation of developable lands to ecologically integrate with surrounding natural surroundings and the implementation of sustainable water cycle management infrastructure to minimise potential impacts in respect to the quality of surface water, groundwater and nearby water bodies.</p> <p>The proposed Concept Plan seeks to facilitate residential and mixed use development and associated social and physical infrastructure that is not currently permissible and therefore State Significant listing is proposed under the Major Development SEPP, which will provide the statutory mechanism for the rezoning of land and subsequent approval of the Concept Plan and associated future development and infrastructure.</p>
	<p><i>Zoning Plan:</i></p> <p>19. Creeklines, including appropriate buffers and steep slopes should be included in an environmental zone.</p>	<p>The Concept Plan identifies creek lines, buffer zones and steep contour areas. Future development will be required to be consistent with the Concept Plan. Future project applications for the subdivision of land are to take into account the Concept Plan. Respective design guidelines for each Precinct will contain appropriate design guidelines to ensure the protection of these areas.</p>
	<p><u>Level of development, layout and design:</u></p> <p>20. Concept Plan is unresponsive to landform, steep slopes, creeklines, riparian areas, ecological considerations. Overdevelopment of the site. Site is unsuitable for development, requiring major earthworks and land reshaping. Impacts to biodiversity on the site as well as downstream.</p>	<p>Coal &amp; Allied's Minmi/Link Road lands have been recognised for their State and Regional significance based on their inclusion in the LHRS as suitable for urban development.</p> <p>Developable areas of the Minmi / Link Road estate have been based on extensive opportunity and constraints mapping and investigations to ensure that key environmental features of the site are maintained and protected. This is reflected through:</p> <ul style="list-style-type: none"> <li>▪ The retention and protection of creek lines and riparian corridors;</li> <li>▪ Designing for larger lots on steeply sloped lands and sensitive placement of future dwellings on larger lots;</li> <li>▪ Provision of retail and seniors housing on least sloping areas;</li> <li>▪ Respect the visual and landscape elements and consideration to the overall structure plan;</li> <li>▪ Recognition of the existing scale and character of the Minmi township and planning for</li> </ul>

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		<p>development by respecting these qualities;</p> <ul style="list-style-type: none"> <li>▪ Planning to respect and highlight European and Aboriginal heritage;</li> <li>▪ Implementation of WSUD to protect and improve biodiversity and waterways.</li> <li>▪ Various ways of treating roads on steep slopes will be provided with the PPR</li> <li>▪ Preliminary road/earthworks design for the estate will be provided with future project and development applications for each precinct.</li> </ul>
	<p><u>Native Vegetation Corridors:</u></p> <p>21. Council acknowledges contribution to a major regional corridor but notes that subregional and local corridors are also required to facilitate movement and maintain viable populations of threatened species.</p>	<p>In the first instance, the proposal is fundamental to achieving the outcomes of the Lower Hunter Regional Strategy and Lower Hunter Regional Conservation Plan.</p> <p>These guiding policies have been developed in consultation with local and state government agencies along with the wider community. As such have taken into account the environmental, economic and social parameters operating in the Lower Hunter. Therefore on a landscape scale these strategies deliver a sound environment conservation outcome.</p> <p>Secondly, the Ecological Assessment Report submitted with the Concept Plan has considered the potential impacts on threatened species, populations and ecological communities in relation to this and provides a threatened species matrix to determine the likelihood of occurrence and level of impact. Where a moderate or greater chance of impact was considered, further information and comment has been made.</p> <p>Best practice urban design has been incorporated into the concept plan in order to acknowledge, where possible, the corridor requirements of local and state government agencies and the wider community. The result, a matrix of linear riparian corridors, green buffers, patches of retained vegetation and public open space is provided by the proposed concept plan. The riparian corridors serve a number of functions including biodiversity connectivity in combination with Asset Protection Zones and stormwater detention / treatment devices. Whilst the riparian corridors within the Development Estates are not exclusive conservation areas, they do provide local connectivity for arboreal and highly mobile fauna.</p>
	<p>22. Significant fragmentation of native vegetation and habitat in the north of the Lake Macquarie City and western parts of Newcastle. Proposal directly affects 251ha of native vegetation within LMC LGA and 164ha native vegetation in Newcastle LGA. In addition, by severing corridors, the proposal isolates native vegetation to the east and affects a further 243 ha in LMC and 672 in Newcastle City. The total direct and indirect impact on native vegetation and resident fauna population is some 1,321 ha. Refer to page 8 and 9 for further detail.</p>	<p>Noted. In the first instance the proposal is fundamental to achieving the outcomes of the Lower Hunter Regional Strategy and Lower Hunter Regional Conservation Plan.</p> <p>These guiding policies have been developed in consultation with local and state government agencies along with the wider community. As such have taken into account the environmental, economic and social parameters operating in the Lower Hunter. Therefore on a landscape scale these strategies deliver a sound environment conservation outcome.</p> <p>Notably the proposed Minmi-Link Road Development Estate contain areas of biodiversity value and we also note the potential local impacts associated with the proposal on these issues of biodiversity, however the following must be recognised in conjunction with the aforementioned guiding policies at a regional level:</p> <ul style="list-style-type: none"> <li>• a 80% conservation(offset) gain is associated with the Coal &amp; Allied Lower Hunter Lands proposal;</li> <li>• the proposed Conservation Estates provide protection in perpetuity for the subject species, populations and ecological communities that will be locally impacted upon via the proposal; and</li> <li>• the Stockrington-Tank Paddock Conservation Estates dedication will provide the key lands required to achieving the LHRs and LHRCP.</li> </ul> <p>Secondly the Ecological Assessment Report submitted with the Concept Plan has considered the potential impacts on threatened species, populations and ecological communities in relation to this and provides a threatened species matrix to determine the likelihood of occurrence and level of impact. Where a moderate or greater chance of impact was considered, further information and comment has</p>

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		been made.
	<p>23. BGHRP will be isolated from surrounding bushland and proposal prevents any connection between BGHRP and Pambalong Nature Reserve.</p>	<p>The proposal is fundamental to achieving the outcomes of the Lower Hunter Regional Strategy and Lower Hunter Regional Conservation Plan.</p> <p>These guiding policies have been developed in consultation with local and state government agencies along with the wider community. As such have taken into account the environmental, economic and social parameters operating in the Lower Hunter. Therefore on a landscape scale these strategies deliver a sound environment conservation outcome.</p> <p>Notably the proposed Minmi-Link Road Development Estate contain areas of biodiversity value and we also note the potential local impacts associated with the proposal on these issues of biodiversity, however the following must be recognised in conjunction with the aforementioned guiding policies:</p> <ul style="list-style-type: none"> <li>• a 80% conservation(offset) gain is associated with the Coal &amp; Allied Lower Hunter Lands proposal;</li> <li>• the proposed Conservation Estates provide protection in perpetuity for the subject species, populations and ecological communities that will be locally impacted upon via the proposal; and</li> <li>• the Stockrington-Tank Paddock Conservation Estates dedication will provide the key lands required to achieving the LHRS and LHRCP.</li> </ul> <p>Specifically, limited direct connectivity exists in the current landscape. To the north and west Tank Paddock is a key remnant vegetation patch that provides a 'stepping stone' to Pambalong, albeit fragmented via the F3 Freeway. To the south and west linkages occur to the Stockrington holdings and then into the Pambalong reserve, which are once again fragmented via the network of existing arterial roads. Nevertheless, this connectivity will remain post development via a matrix of linear riparian corridors, green buffers, patches of retained vegetation and public open space is provided by the proposed concept plan.</p>
	<p>24. Corridor of minimum 100m wide north and south of the link road should be provided and combined with areas of steep slopes and significant ecological attributes.</p>	<p>Further works and cross-sections have been undertaken to demonstrate the proposal.</p> <p>In the first instance, the proposal is fundamental to achieving the outcomes of the Lower Hunter Regional Strategy and Lower Hunter Regional Conservation Plan.</p> <p>These guiding policies have been developed in consultation with local and state government agencies along with the wider community. As such have taken into account the environmental, economic and social parameters operating in the Lower Hunter. Therefore on a landscape scale these strategies deliver a sound environment conservation outcome.</p> <p>Secondly, the Ecological Assessment Report submitted with the Concept Plan has considered the potential impacts on threatened species, populations and ecological communities in relation to this and provides a threatened species matrix to determine the likelihood of occurrence and level of impact. Where a moderate or greater chance of impact was considered, further information and comment has been made.</p> <p>Best practice urban design has been incorporated into the concept plan in order to acknowledge, where possible, the corridor requirements of local and state government agencies and the wider community. The result, a matrix of linear riparian corridors, green buffers, patches of retained vegetation and public open space is provided by the proposed concept plan. The riparian corridors serve a number of functions including biodiversity connectivity in combination with Asset Protection Zones and stormwater detention / treatment devices. Whilst the riparian corridors within the Development Estates are not exclusive conservation areas, they do provide local connectivity for arboreal and highly mobile fauna.</p>
	<p>25. Proposed land use zones should make provision for a native vegetation / ecological corridor in a north south direction to connect the regional park to native vegetation south of the Link Road and in an east west direction roughly parallel to the link road both north and south</p>	<p>The conservation lands to be dedicated to NSW Government represent a significant contribution to the Watagan-Stockton conservation corridors identified in the LHRS and are proposed to be zoned to the highest environmental zone - E1 National Parks and Nature Reserves to enable the land to be</p>

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	of Link Road.	<p>conserved in perpetuity.</p> <p>The Concept Plan provides for north south ecological links, which will be retained through implementation of the Concept Plan. All riparian corridors will be zoned R2. Detailed survey of the riparian corridors cannot be completed until the PA / DA stage for each specific area at which time it is proposed to create an Environmental Zone for the riparian corridors. Until a detail survey is complete riparian corridor boundaries cannot be finalised and therefore flexibility within the zoning of the development precincts is required at this stage.</p> <p>Regarding the corridor provision best practice urban design has been incorporated into the concept plan in order to acknowledge, where possible, the corridor requirements of local and state government agencies and the wider community. The result, a matrix of linear riparian corridors, green buffers, patches of retained vegetation and public open space is provided by the proposed concept plan. The riparian corridors serve a number of functions including biodiversity connectivity in combination with Asset Protection Zones and stormwater detention / treatment devices. Whilst the riparian corridors within the Development Estates are not exclusive conservation areas, they do provide local connectivity for arboreal and highly mobile fauna.</p> <p>Further to best consider the intent of the WCS, additional investigations into the amount of buffering (corridor) vegetation that will remain following development coupled with the likely Hunter Freeway – Link Road upgrade works has been undertaken and determined that a substantial vegetation width will exist collectively on the RTA (Link Road) and Coal &amp; Allied development lands.</p>
	<p><u>Connectivity Across Roads:</u> 26. New roads, upgrades of major roads or modification of roadside areas especially Link Road and Minmi Road must incorporate fauna movement across (over and under) the road and measures to reduce fatality and connectivity.</p> <p><u>Bushfire APZ's:</u> 27. No measures proposed to reduce fire risk to allotments adjacent to BGHRP.</p> <p>28. APZ buffers on very steep land and across riparian areas.</p> <p>29. Removal/reduction of native vegetation on steep slopes will result in stability issues and soil erosion.</p> <p>30. APZ buffers in riparian areas in concept plan are inconsistent with Section 6.4.3 of Environment Assessment Report.</p> <p>31. Measures to design self maintaining APZs into the development required. E.g. perimeter roads and incorporation of APZs into allotments.</p> <p><u>Services:</u> 32. Impacts of servicing development e.g. from additional power line easements, road widening and provision water and sewer (which tend to be located in areas for native vegetation e.g. riparian areas.)</p> <p>33. Avoid locating water and sewer in sensitive areas e.g. creeklines and riparian areas.</p>	<p>Noted.</p> <p>Appropriate setbacks along all areas adjacent to BGHRP have already been established.</p> <p>Where possible APZs have been proposed outside the riparian areas. APZs are allowable on steep slopes given appropriate setbacks are established.</p> <p>Noted. Appropriate mitigation measures will be incorporated into the design.</p> <p>Noted. Where possible these have been incorporated into privately owned lots or within public roads.</p> <p>This has been incorporated into the concept design where possible.</p> <p>Easements for utility services will be shown on the future detailed design plans. Any subsequent changes to the easements will be negotiated with the relevant utility authority.</p> <p>The potable water network is pressurised and can therefore generally be located clear of riparian zones. Sewer will be located to avoid riparian areas where possible, however its position will be largely dictated by site topography. Creek crossings for both water and sewer will likely be required but will be minimised where possible</p> <p>The proposal seeks to encompass the intent of the Water Management Act, at the Part 3A level this piece of legislation is not triggered. Adequate setbacks have been proposed that cater for the proposed</p>

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		hydrological/drainage requirements while making due consideration to the existing ecological character.
	<u>Hydrology:</u> 34. Complete alteration of hydrology system of the site and impacts on creeklines, riparian areas, groundwater dependent ecosystems and Hexham Swamp.	It is the intention to manage these issues by incorporating Water Sensitive Urban Design facilities to treat stormwater before discharge from the site, and sensitive receiving environments..
	35. Stormwater quality control devices and retention basins should be located outside riparian areas.	We note these requirements of the Water Management Act, and while the proposal seeks to encompass the intent of the Water Management Act, at the Part 3A level this piece of legislation is not triggered. Adequate setbacks have been proposed that cater for the proposed hydrological / drainage requirements while making due consideration to the existing ecological character.
	Proposed actions to be taken to avoid, mitigate impacts on biodiversity, threatened species, their habitat, and ecological corridors: 36. Don't agree that the proposed actions in Ecological Assessment Report will mitigate ecological impacts.	<p>In the first instance, the proposal is fundamental to achieving the outcomes of the Lower Hunter Regional Strategy and Lower Hunter Regional Conservation Plan.</p> <p>These guiding policies have been developed in consultation with local and state government agencies along with the wider community. As such have taken into account the environmental, economic and social parameters operating in the Lower Hunter. Therefore on a landscape scale these strategies deliver a sound environment conservation outcome.</p> <p>Notably the proposed Minmi-Link Road Development Estate contain areas of biodiversity value and we also note the potential local impacts associated with the proposal on these issues of biodiversity, however the following must be recognised in conjunction with the aforementioned guiding policies:</p> <ul style="list-style-type: none"> <li>• a 80% conservation(offset) gain is associated with the Coal &amp; Allied Lower Hunter Lands proposal;</li> <li>• the proposed Conservation Estates provide protection in perpetuity for the subject species, populations and ecological communities that will be locally impacted upon via the proposal; and</li> <li>• the Stockrington-Tank Paddock Conservation Estates dedication will provide the key lands required to achieving the LHRs and LHRCP.</li> </ul> <p>Secondly the Ecological Assessment Report submitted with the Concept Plan has considered the potential impacts on threatened species, populations and ecological communities in relation to this and provides a threatened species matrix to determine the likelihood of occurrence and level of impact. Where a moderate or greater chance of impact was considered, further information and comment has been made.</p>
	37. Riparian areas used for APZs, public access and online basins will render them useless as corridors for native flora and fauna.	<p>In the first instance, the proposal is fundamental to achieving the outcomes of the Lower Hunter Regional Strategy and Lower Hunter Regional Conservation Plan.</p> <p>These guiding policies have been developed in consultation with local and state government agencies along with the wider community. As such have taken into account the environmental, economic and social parameters operating in the Lower Hunter. Therefore on a landscape scale these strategies deliver a sound environment conservation outcome.</p> <p>Secondly, the Ecological Assessment Report submitted with the Concept Plan has considered the potential impacts on threatened species, populations and ecological communities in relation to this and provides a threatened species matrix to determine the likelihood of occurrence and level of impact. Where a moderate or greater chance of impact was considered, further information and comment has been made.</p> <p>Best practice urban design has been incorporated into the concept plan in order to acknowledge, where possible, the corridor requirements of local and state government agencies and the wider community. The result, a matrix of linear riparian corridors, green buffers, patches of retained vegetation and public open space is provided by the proposed concept plan. The riparian corridors serve a number of functions including biodiversity connectivity in combination with Asset Protection Zones and stormwater detention / treatment devices. Whilst the riparian corridors within the Development Estates are not exclusive conservation areas, they do provide local connectivity for arboreal and highly mobile fauna.</p>

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	38. Hollow bearing trees will be required to be removed over whole site.	The assessment has considered the potential impacts on hollow-dependent species and per DECC comments) found the habitat loss in relation to the wider conservation gain to be acceptable. The recommendations in the Ecological Report (RPS HSO 2008) submitted with the Concept Plan also stipulate wildlife management guidelines for the removal of hollow trees.
	<u>Significant Flora Species:</u> 39. Clarification whether two targeted TJ surveys were completed as per requirement of Lake Macquarie TJ Management Plan. HSO report identifies two surveys on page 64 but table 3-2 only indicates one survey.	Two targeted surveys were conducted the first on during September 2007 noted in the Ecological Assessment Report and the second was conducted 6 November 2007, notably the second searches only surveyed habitat of Coastal Plains Smooth-barked Apple with no spotted gum ironbark communities surveyed as they are not considered habitat for this species.
	40. Request TJ surveys be conducted within both proposed development areas and offset areas due to percentage of retention being less than Lake Macquarie TJ Management Plan. Refer to page 11 for further detail.	An adequate TJ survey has been undertaken to demonstrate that impacts associated with the removal of 10 clumps within the Development Estate would be offset within the Conservation Estate. To date 350 clumps have been recorded in the Conservation Estate, however based on habitat analysis this would be significantly increased if surveys were conducted across the entire area of preferred habitat.
	41. Targeted search for <i>Cryptostylis Hunteriana</i> during flowering period not completed.	Two Ecologists undertook Targeted <i>Cryptostylis hunteriana</i> searches in the Coastal Plains Smooth-barked Apple Woodland habitat on 10 November 2008.
	42. Representative sample of <i>Eucalyptus Fergusonii</i> subsp. <i>Dorsiventralis</i> vegetation community should be conserved and linked to other native vegetation areas. This requirement should only be considered if there is adequate representation of this species and the particular variant it occurs within the conservation lands.	<i>Eucalyptus fergusonii</i> subsp. <i>dorsiventralis</i> is present as the dominant ironbark within the Conservation Estate in both the Coastal Foothills Spotted Gum Ironbark Forest and the Hunter Valley Moist Forest. Retention of vegetation within the Minmi Link Road Development Estate is not required as there is adequate conservation of this species over large tracts of land within the conservation estate.
	43. Species at the edge of their natural range are considered significant e.g. Flooded Gum is at the southern most extent of its range on the development site and Soft Skullcap is at its northern most extent of its range. Areas containing these species should be excluded from development and be connected to other bushland areas.	<i>Eucalyptus grandis</i> (Flooded Gum) and <i>Scutellaria mollis</i> (Soft Skullcap) occur within the Alluvial Tall Moist Forest vegetation community, the majority of this vegetation will be retained as part of the development layout in the riparian zones of the development estate. These riparian zones do provide a small corridor through the development layout which links to areas of native vegetation to the south of the link Road and to the north of Minmi. Furthermore significant areas of preferred habitat for these species will be conserved in perpetuity within the Conservation Estates.
	<u>Riparian areas:</u> 44. All Alluvial Tall Moist Forest (ATMF) be conserved and protected with buffers. Locate all APZs and water quality control structures outside these areas. Implement a management plan, including weed control strategy to remediate these areas.	Comments noted and will be adopted where practical and feasible.
	45. Council notes that ATMF is considered to be likely to be consistent with EEC River-flat eucalypt forest on coastal.	This statement is not supported. RPS HSO does not consider that the ATMF vegetation assemblage within the Development Estate is commensurate with this EEC. Reasons for this are that the dominant canopy cover throughout the majority of the vegetation is <i>Eucalyptus acmenoides</i> (White Mahogany), <i>Syncarpia glomulifera</i> (Turpentine) and <i>Corymbia maculata</i> (Spotted Gum). The scientific determination states that <i>Eucalyptus grandis</i> and <i>E. salinga</i> occurs as a dominant tree north of Sydney, however the LHCCREMS MU 5 Alluvial Tall Moist Forest is not listed in the determination as a vegetation community in the Hunter Valley which is commensurate with River Flat EEC. MU5 of LHCCREMS includes <i>E. salinga</i> and <i>E. grandis</i> as part of the canopy cover. <i>E. grandis</i> occurs in small portions of the ATMF within Minmi Creek and within the creekline adjoining Fletcher in the north of the development estate. Whilst <i>E. grandis</i> was present in these areas other co-dominants such as <i>E. acmenoides</i> , <i>E. paniculata</i> and <i>Corymbia maculata</i> were also present and these species are not listed in the Scientific Determination as being dominant canopy species. No <i>E. salinga</i> , <i>E. tereticornis</i> or <i>E. amplifolia</i> have been recorded within the ATMF, which are listed as dominant canopy species for this EEC. Thus it is considered that the ATMF forest within the development estate is not commensurate with this EEC.
	<u>Koalas:</u> 46. Koala reported in EAR is not an isolated record and considered to form part of a viable local population. Council has record of another koala record at Cameron Park Drive and other unconfirmed reports in the Northlakes area.	Noted. This has been checked and where appropriate amendments made within the PPR documentation.
	47. More ecological work required, SEPP 44 not adequately addressed, need to establish whether offset areas and development areas provide core habitat.	Noted. This has been investigated and where appropriate amendments made within the PPR documentation.

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	<u>Brush Creek Drainage Line and area south of Link Road:</u> 48. Impacts to <i>Syzygium Paniculatum</i> located in Brush Creek drainage line, which feeds downstream into a riparian area of high significance. Downstream degradation.	The NPWS Wildlife database atlas record for this species is in the outflow area of Brush Creek which flows into Lake Macquarie approximately 7km to the south of the Development Estate. This creek flows from the Coal & Allied lands south through the urban areas of Edgeworth and past the Waratah Golf Course, and the though areas of past and present industrial sites. The riparian corridors within the Development Estate will be protected and downstream degradation will be minimal due to best practice water quality design which includes sediment and nutrient control. Therefore it is considered that the impacts from the proposal upon the <i>Syzygium paniculatum</i> downstream to be minimal.
	49. Impacts to area south Link Road has high number of vegetation communities in small area.	The proposal is fundamental to achieving the outcomes of the Lower Hunter Regional Strategy and Lower Hunter Regional Conservation Plan. These guiding policies have been developed in consultation with local and state government agencies along with the wider community. As such have taken into account the environmental, economic and social parameters operating in the Lower Hunter. Therefore on a landscape scale these strategies deliver a sound environment conservation outcome. Notably the proposed Minmi-Link Road Development Estate contain areas of biodiversity value and we also note the potential local impacts associated with the proposal on these issues of biodiversity, however the following must be recognised in conjunction with the aforementioned guiding policies: <ul style="list-style-type: none"> <li>▪ a 80% conservation(offset) gain is associated with the Coal &amp; Allied Lower Hunter Lands proposal;</li> <li>▪ the proposed Conservation Estates provide protection in perpetuity for the subject species, populations and ecological communities that will be locally impacted upon via the proposal; and</li> <li>▪ the Stockrington-Tank Paddock Conservation Estates dedication will provide the key lands required to achieving the LHRS and LHRCP.</li> </ul> The Ecological Assessment Report has considered the potential impacts on threatened species, populations and ecological communities in relation to this and provides a threatened species matrix to determine the likelihood of occurrence and level of impact. Where a moderate or greater chance of impact was considered,
	<u>Large Forest Owls:</u> 50. Impacts to Masked and Powerful Owls.	The proposal is fundamental to achieving the outcomes of the Lower Hunter Regional Strategy and Lower Hunter Regional Conservation Plan. These guiding policies have been developed in consultation with local and state government agencies along with the wider community. As such have taken into account the environmental, economic and social parameters operating in the Lower Hunter. Therefore on a landscape scale these strategies deliver a sound environment conservation outcome. Notably the proposed Minmi-Link Road Development Estate contain areas of biodiversity value and we also note the potential local impacts associated with the proposal on these issues of biodiversity, however the following must be recognised in conjunction with the aforementioned guiding policies: <ul style="list-style-type: none"> <li>▪ a 80% conservation(offset) gain is associated with the Coal &amp; Allied Lower Hunter Lands proposal;</li> <li>▪ the proposed Conservation Estates provide protection in perpetuity for the subject species, populations and ecological communities that will be locally impacted upon via the proposal; and</li> <li>▪ the Stockrington-Tank Paddock Conservation Estates dedication will provide the key lands required to achieving the LHRS and LHRCP.</li> </ul> The Ecological Assessment Report has considered the potential impacts on threatened species, populations and ecological communities in relation to this and provides a threatened species matrix to determine the likelihood of occurrence and level of impact. Where a moderate or greater chance of impact was considered, further information and comment has been made.
	51. Roost and nest trees should be identified accurately and conserved with buffer prior to approval.	The assessment has considered the potential impacts on hollow-dependent species and per DECC comments found the habitat loss in relation to the wider conservation gain to be acceptable. The recommendations in the Ecological Report (RPS HSO 2008) submitted with the EA also stipulate wildlife management guidelines for the removal of hollow trees.
	<u>Squirrel Glider:</u>	The proposal is fundamental to achieving the outcomes of the Lower Hunter Regional Strategy and

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	52. Long term impacts to squirrel glider by severing linkages to large patches of habitat.	<p>Lower Hunter Regional Conservation Plan.</p> <p>These guiding policies have been developed in consultation with local and state government agencies along with the wider community. As such have taken into account the environmental, economic and social parameters operating in the Lower Hunter. Therefore on a landscape scale these strategies deliver a sound environment conservation outcome.</p> <p>Notably the proposed Minmi-Link Road Development Estate contain areas of biodiversity value and we also note the potential local impacts associated with the proposal on these issues of biodiversity, however the following must be recognised in conjunction with the aforementioned guiding policies:</p> <ul style="list-style-type: none"> <li>▪ a 80% conservation(offset) gain is associated with the Coal &amp; Allied Lower Hunter Lands proposal;</li> <li>▪ the proposed Conservation Estates provide protection in perpetuity for the subject species, populations and ecological communities that will be locally impacted upon via the proposal; and</li> <li>▪ the Stockrington-Tank Paddock Conservation Estates dedication will provide the key lands required to achieving the LHRS and LHRCP.</li> </ul> <p>The Ecological Assessment Report has considered the potential impacts on threatened species, populations and ecological communities in relation to this and provides a threatened species matrix to determine the likelihood of occurrence and level of impact. Where a moderate or greater chance of impact was considered, further information and comment has been made.</p>
	<p><u>Quoll:</u></p> <p>53. Concern with reduction habitat for this species.</p>	<p>The proposal is fundamental to achieving the outcomes of the Lower Hunter Regional Strategy and Lower Hunter Regional Conservation Plan.</p> <p>These guiding policies have been developed in consultation with local and state government agencies along with the wider community. As such have taken into account the environmental, economic and social parameters operating in the Lower Hunter. Therefore on a landscape scale strategies deliver a sound environment conservation outcome.</p> <p>Notably the proposed Minmi-Link Road Development Estate contain areas of biodiversity value and we also note the potential local impacts associated with the proposal on these issues of biodiversity, however the following must be recognised in conjunction with the aforementioned guiding policies:</p> <ul style="list-style-type: none"> <li>▪ a 80% conservation(offset) gain is associated with the Coal &amp; Allied Lower Hunter Lands proposal;</li> <li>▪ the proposed Conservation Estates provide protection in perpetuity for the subject species, populations and ecological communities that will be locally impacted upon via the proposal; and</li> <li>▪ the Stockrington-Tank Paddock Conservation Estates dedication will provide the key lands required to achieving the LHRS and LHRCP.</li> </ul> <p>The Ecological Assessment Report has considered the potential impacts on threatened species, populations and ecological communities in relation to this and provides a threatened species matrix to determine the likelihood of occurrence and level of impact. Where a moderate or greater chance of impact was considered, further information and comment has been made.</p>
	<p><u>Habitat Value:</u></p> <p>54. Figure 3.9 of Ecological Inventory Report inconsistent with Figure 4.9 of the EAR report in terms of areas of high habitat condition.</p>	<p>Noted. This has been checked and where appropriate amendments made within the PPR documentation.</p>
	<p><u>Endangered Ecological Communities:</u></p> <p>55. Council cannot comment on impacts to Lower Hunter Spotted Gum Ironbark Forest until a commissioned report on this species is finalised.</p>	<p>Noted.</p>
	<p>56. More assessment of Alluvial Tall Moist Forest community is required to clarify if and where this vegetation community meets the definition of EEC.</p>	<p>This statement is not supported. RPS HSO does not consider that the ATMF vegetation assemblage within the Development Estate is commensurate with this EEC. Reasons for this are that the dominant canopy cover throughout the majority of the vegetation is <i>Eucalyptus acmenoides</i> (White Mahogany), <i>Syncarpia glomulifera</i> (Turpentine) and <i>Corymbia maculata</i> (Spotted Gum). The scientific determination states that <i>Eucalyptus grandis</i> and <i>E. saligna</i> occurs as a dominant tree north of Sydney, however the LHCCREMS MU 5 Alluvial Tall Moist Forest is not listed in the determination as a vegetation community in the Hunter Valley which is commensurate with River Flat EEC. MU5 of</p>



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		LHCCREMS includes <i>E. salinga</i> and <i>E. grandis</i> as part of the canopy cover. <i>E. grandis</i> occurs in small portions of the ATMF within Minmi Creek and within the creekline adjoining Fletcher in the north of the development estate. Whilst <i>E. grandis</i> was present in these areas other co-dominants such as <i>E. acmenoides</i> , <i>E. paniculata</i> and <i>Corymbia maculata</i> were also present and these species are not listed in the Scientific Determination as being dominant canopy species. No <i>E. salinga</i> , <i>E. tereticornis</i> or <i>E. amplifolia</i> have been recorded within the ATMF, which are listed as dominant canopy species for this EEC. Thus it is considered that the ATMF forest within the development estate is not commensurate with this EEC.
	<u>Survey of Proposed Conservation Land:</u> 57. Inadequate surveys conducted in conservation lands and further surveys required. Further surveys also recommended as part of future Major Project Applications. Refer to pages 13 and 14 for details on additional surveys required.	It is not the proponent's responsibility to provide surveys for other future developments. This is not standard practice and Coal & Allied should not be subject to this.  Notwithstanding, it is considered that adequate investigation of the conservation lands has been made to assess the offset adequacy.
	<u>Seven Part Test Assessment:</u> 58. A 7 part test assessment is required as per DECC Threatened Species Assessment Guidelines. The DGRS requested the ecological assessment address the DECC Threatened Species Assessment Guidelines.	The application of Part 3A of the EP&A Act places the discretion of the Minister above all other legislative considerations, including the Native Vegetation and Threatened Species Conservation Acts. These matters have been taken into consideration during the strategic planning phases and impacts upon potentially occurring threatened species and EECs have been mitigated where possible.
	<b>Blue Gum Hills Regional Park</b>	
	59. No specific consideration to BGHRP PoM- need to address impacts of proposal on park and its current and future operations as set out in the PoM. In particular: <ul style="list-style-type: none"> <li>• Overall character of the park;</li> <li>• Future southern access;</li> <li>• Future northern access;</li> <li>• Bicycle and pedestrian access;</li> <li>• Wildlife corridors.</li> </ul>	Access to the park to be restricted as per BGHRP Plan of Management.  The BGJRP Plan of Management is addressed in the PPR.
	60. No open space corridor connecting BGHRP with proposed conservation land to the west, and a connection has not been provided to link with the conservation land south within LMCC LGA.	In the first instance, the proposal is fundamental to achieving the outcomes of the Lower Hunter Regional Strategy and Lower Hunter Regional Conservation Plan.  These guiding policies have been developed in consultation with local and state government agencies along with the wider community. As such have taken into account the environmental, economic and social parameters operating in the Lower Hunter. Therefore on a landscape scale these strategies deliver a sound environment conservation outcome.  Best practice urban design has been incorporated into the concept plan in order to acknowledge, where possible, the corridor requirements of local and state government agencies and the wider community. The result, a matrix of linear riparian corridors, green buffers, patches of retained vegetation and public open space is provided by the proposed concept plan. The riparian corridors serve a number of functions including biodiversity connectivity in combination with Asset Protection Zones and stormwater detention / treatment devices. Whilst the riparian corridors within the Development Estates are not exclusive conservation areas, they do provide local connectivity for arboreal and highly mobile fauna.
	61. Clarify access into and through the park- Concept plan diagrams A.1.2.1 and A 1.2.2 differ.	Access to the park to be restricted as per BGHRP Plan of Management.
	62. Fringe affects by adjoining residential development to park- recommend fencing boundary of the park along western, southern and northern boundary; provide limited key access points into the regional park and install lockable gates at these locations; correct diagrams.	Access to the park to be restricted as per BGHRP Plan of Management.

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	<b>Creeks and Watercourses</b>	
	<p><u>General:</u></p> <p>63. The development and subdivision layout does not take reasonable account of the land capability- seems that the imperative for the concept plan is to place as many lots as possible on available land.</p>	<p>Areas have been set aside for a variety of open space that responds to various land capabilities including drainage, heritage, slope, etc – refer clarified Open Space Plan. Lots respond to land capability and existing Minmi heritage with a variety of lot sizes. Extensive work has been undertaken with respect to housing on the steepest sections of residential at link rd north in preparing the lot and road layouts. Also there was an extensive analysis prepared for the EA and Concept Plan relating to land clearing requirements for road construction. Detailed planning at PA stage will require no road construction on land with a maximum slope, which is to be nominated in the PPR. Additional information and drawings will be included in the PPR to demonstrate housing accommodation on steep slopes. Sections have also been prepared and will be included with the PPR to show the treatment of roads on steep slopes.</p>
	<p>64. Concept plan should be reconsidered so that the development footprint and development intensity relates to the capacity of the landscape to support development, while retaining key natural functions such as natural drainage and habitat corridors.</p>	<p>Best practice urban design has been incorporated into the concept plan in order to acknowledge, where possible, the corridor requirements of local and state government agencies and the wider community. The result, a matrix of linear riparian corridors, green buffers, patches of retained vegetation and public open space is provided by the proposed concept plan. The riparian corridors serve a number of functions including biodiversity connectivity in combination with Asset Protection Zones and stormwater detention / treatment devices. Whilst the riparian corridors within the Development Estates are not exclusive conservation areas, they do provide local connectivity for arboreal and highly mobile fauna.</p>
	<p>65. Current proposal would not meet the criteria if assessed under Councils LEP and DCP1 requirements.</p>	<p>Section 75O(3) of the EP&amp;A Act states in deciding whether or not to give approval for the concept plan for a project, the Minister may (but is not required to) take into account the provisions of any environmental planning instrument that would not (because of section 75R) apply to the project if approved. There is no requirement to consider a Development Control Plan. Section 75R of the EP&amp;A Act identifies that all environmental planning instruments, except for SEPPS do not apply to an approved project.</p> <p>Notwithstanding, the Environmental Assessment has undertaken a review of the Lake Macquarie LEP relative to the proposal. The proposal is largely consistent with the objectives of Lake Macquarie LEP 2004 as follows:</p> <ul style="list-style-type: none"> <li>▪ The proposal is consistent with the major aims of the Lifestyle 2020 Strategy as discussed in Point 18 of LMCC submission.</li> <li>▪ The proposed development will occur in areas that have already been disturbed by past mining activities and are of lesser ecological value than the land owned by Coal &amp; Allied which are proposed to be preserved as conservation lands in perpetuity.</li> <li>▪ Stormwater management principles and practices will be employed to maintain and improve water quality of creeks and receiving waters.</li> <li>▪ A range of building heights are proposed in accordance with specific neighbourhood and urban character principles for each precinct, which have been developed in consideration of the site attributes and constraints and design principles of Council's DCP to ensure appropriate integration with the natural surrounds.</li> <li>▪ Flood risk management measures have been investigated and considerations to flood planning levels and flood evacuation are incorporated with the Concept Plan design.</li> <li>▪ Bushfire management and protection measures have been investigated and identified by the proponent's bushfire consultants</li> </ul> <p>It is recognized that the proposed subdivision and associated lot sizes do not meet the minimum 40ha provision for 7(2) Conservation (Secondary) zone land, whilst subdivision is prohibited for 10 Investigation zone land. However, concurrent with this EA, it is proposed to apply for a State Significant listing under the Major</p> <p>Development SEPP which will provide the statutory mechanism that will enable the Minister for Planning to determine the proposal and future applications for subdivision.</p>

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		<p>LMCC's development control plan contains detailed design guidelines; of which the provisions are not directly relevant to the proposed Concept Plan under this application. The proposed road design has been designed with reference to the DCP requirements.</p> <p>Urban Design Guidelines will be prepared for each Precinct at the Project Application stage and will be the guiding "DCP" for future development in the development estates.</p>
	<p><u>On-site stormwater detention and treatment</u></p> <p>66. Main elements of the on-site WSUD approach meet the requirements of Councils DCP1. Council is concerned about the ability to implement all the elements of the Stormwater Plan during the development life of project.</p>	<p>EA reports show that targets can be achieved for the management of stormwater. The implementation of the facilities would be part of future detailed design stages of the project, and should be investigated at that stage.</p>
	<p>67. Currently no legal or other binding commitment to ensure the intentions of the concept plan are actually realised at the time individual lots are developed. Recommend that approval of the concept plan should include a suitable mechanism (consent condition, local LEP/DCP requirements, clause in a VPA) to ensure the essential elements of the proposed WSUD treatment train are implemented in future development.</p>	<p>Agreed. The Draft Statement of Commitments commits to a range of stormwater management measures including future housing lots to provide appropriate on lot detention for stormwater</p>
	<p>68. Concept plan should indicate in more detail on which parts of the site it is proposed to install swales, and ensure there is sufficient space along all the identified roadsides to install and maintain effective swales.</p>	<p>Swales will be opportunistically placed throughout the site where grades for effective treatment permit. These locations would be determined at future design stages of the project, in consideration of a number of issues including ongoing maintenance costs.</p>
	<p><u>Creeks and Watercourse</u></p> <p>69. The concept plan proposes major disturbance and alteration to the Back Creek and Brush Creek creeklines through numerous road crossings and the installation of in-line stormwater detention and treatment basins.</p>	<p>The requirements of the Water Management Act are noted, and while the proposal seeks to encompass the intent of the Water Management Act, at the Part 3A level this piece of legislation is not triggered. Adequate setbacks have been proposed that cater for the proposed hydrological / drainage requirements while making due consideration to the existing ecological character.</p>
	<p>70. The proposed stormwater detention and treatment basins should be located off-line. This would prevent the unnecessary destruction of significant stream and riparian vegetation and fauna, and improve stormwater treatment by allowing the natural processes of the creek to contribute to the conveyance and treatment, in addition to the detention areas.</p>	<p>The requirements of the Water Management Act, are noted and while the proposal seeks to encompass the intent of the Water Management Act, at the Part 3A level this piece of legislation is not triggered. Adequate setbacks have been proposed that cater for the proposed hydrological / drainage requirements while making due consideration to the existing ecological character.</p>
	<p>71. Riparian corridors are quite narrow and are designated to support a number of functions including public open space, habitat corridors, stormwater conveyance, stormwater treatment, stormwater detention, and will undoubtedly be under great pressure to support service corridors, APZ's and pedestrian corridors.</p>	<p>The requirements of the Water Management Act, are noted and while the proposal seeks to encompass the intent of the Water Management Act, at the Part 3A level this piece of legislation is not triggered. Adequate setbacks have been proposed that cater for the proposed hydrological / drainage requirements while making due consideration to the existing ecological character.</p>
	<p>72. Each of these services needs to be considered separately, and adequate and appropriate land set aside to provide the necessary service. The current plan places them all within a narrow riparian corridor without consideration of preservation of the natural creek lines, or of their cumulative impacts.</p>	<p>Noted. This concern will be duly considered.</p>
	<p><u>WSUD above wetlands</u></p> <p>73. There is no reference in the stormwater studies to the dominant cycles controlling the ecology of the upper reaches of the Hexham Swamp, to which Back Creek makes a significant local contribution.</p>	<p>Noted. It is the intention to manage these issues by incorporating Water Sensitive Urban Design facilities to treat stormwater before discharge from the site, and sensitive receiving environments. Water Sensitive Urban Design facilities mimic the processes of the existing hydrology and treat stormwater before discharge from the site. The design of these facilities during future stages of the project will be critical to achieving appropriate outcomes and levels of stormwater management.</p>
	<p>74. Additional studies are required to determine the natural wetting and drying patterns of Hexham Swamp around the discharge areas for Back Creek. Stormwater management and hydraulic conditions need to be designed to ensure these wetting and drying cycles are maintained to preserve the ecological values of this part of the Hexham Swamp wetland.</p>	<p>Noted. It is the intention to manage these issues by incorporating Water Sensitive Urban Design facilities to treat stormwater before discharge from the site, and sensitive receiving environments. Water Sensitive Urban Design facilities mimic the processes of the existing hydrology and treat stormwater before discharge from the site. The design of these facilities during future stages of the project will be critical to achieving appropriate outcomes and levels of stormwater management.</p>
	<p>75. Given that a large part of the Hexham Swamp is listed under the RAMSAR convention, and this development may have a significant impact on the Swamp, there should be referral to the Commonwealth under the requirements of the Commonwealth's EPB&amp;C Act.</p>	<p>Referral of the proposal to the Commonwealth Department of Environment, Water, Heritage and the Arts (DEWHA) was undertaken. DEWHA advised on 23 December 2008 that the proposed action is not a controlled action and does not require further assessment and approval by the Commonwealth</p>

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		Minister of Environment, Heritage and the Arts.
	<b>Heritage</b>	
	<u>Aboriginal Heritage</u> 76. The HIA was carried out in consultation with the relevant Local Aboriginal Land Council and traditional owners and included field studies with relevant aboriginal stakeholders and field officers. This is documented in the Aboriginal Consultation Log, however any feedback from the aboriginal stakeholders and field officers appears to be verbal only and no written assessments, responses or comments are included in the consultation documentation.	Aboriginal stakeholders provided statements during the design charette, which was included within that document. These statements defined Aboriginal significance with respect to the local area. All mitigation measures and report recommendations were designed in consultation with the Aboriginal stakeholders. The Part 3A process allows for Aboriginal stakeholders to provide a review and feedback during the public exhibition process. ERM understands that no comments have been received from any of the stakeholder groups.
	77. Heritage Management Plans and Interpretation Strategies should be prepared as the base documents for any future proposals or works and should be endorsed by the relevant stakeholders. They need to be referenced in the concept plan and guidelines as base policies. The statement of commitments is to insure their implementation and resourcing.	A Heritage Impact Assessment has been prepared as part of the EA which complies with the Director General's Environmental Assessment requirements
	78. The proponent should prepare an Aboriginal Heritage Plan of Management (PoM) and Interpretation Strategy, a European Cultural Management Plan and Interpretation Strategy. They are to be part of the guiding documents for implementation in the concept plan and guidelines and the form the basis for subsequent proposals for the next stages. They are to be prepared in line with DECC and DoP, Heritage Branch guidelines and incorporate the recommendations of the submitted Heritage assessment by ERM. They are to be prepared as part of this assessment process and not postponed to later.	An Aboriginal heritage PoM was a recommendation of the EA report and NPWS have their own requirements in relation to preparation of a POM, which will be complied with.
	79. The submitted Statement of Commitments for the proposal will need to be adjusted to reflect the policies and guidelines set out in the above requested documentation.	The SoC will include requirements that arise from the above responses.
	80. The impact on cultural significance in the Lake Macquarie Council area mainly relates to Aboriginal Heritage. Accordingly, there are a number of changes that should be made to the Statement of Commitments including: <ul style="list-style-type: none"> <li>▪ <i>Prior to ministerial consent of the concept plan, the Owner is to prepare an 'Aboriginal Heritage Plan of Management' (PoM) and linked heritage interpretation strategy in accordance with the heritage mitigation measures and recommendations outlined in the Heritage Impact Statement prepared by ERM. It is to be in line with any DECC and Department of Planning Heritage Branch guidelines and their specific recommendations for the proposal:</i></li> <li>▪ Consultation with local Aboriginal community groups.</li> <li>▪ Ensure appropriate stop work procedures are in place particularly for the excavation phase of works and all site contractors undergo a site induction that includes information about Aboriginal sites.</li> <li>▪ In the unlikely event of discovery of skeletal material all works should cease, the police, relevant local Aboriginal community groups and a suitably experienced archaeologist or physical anthropologist should be contacted to assess the material before determining the correct management action.</li> <li>▪ Ensure that on-site information about the heritage requirements is in place for the construction phase for the construction team;.</li> <li>▪ During earth breaking activities within areas of archaeological potential ensure that appropriate stop work procedures are in place in the case of unforeseen archaeological discoveries. Any remaining archaeological deposits uncovered should be recorded and monitored by a suitably qualified archaeologist and an Aboriginal community representative.</li> <li>▪ Should any artefacts be identified in the course of development (which are not being monitored as above) all works should cease and an assessment of the material should be conducted by an archaeologist.</li> <li>▪ Defined archaeological investigation areas and defined appropriate works within these areas. All archaeological works could be subject to public interpretation.</li> <li>▪ Develop a linked heritage interpretation strategy to guide the provision of on-site</li> </ul>	The SoC will include requirements that arise from the above responses.

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	<p>interpretation, which could include Aboriginal walking routes and interpretation, linked to the Blue Gum Hills Regional Park. The Strategy should also include signage about the history and heritage significance of the area.</p> <ul style="list-style-type: none"> <li>▪ The land near axe-grinding area (Aboriginal) is to be dedicated to Council ownership (or possibly to Awabakal) following completion of the relevant stage.</li> </ul>	
	<b>Landscape/ Urban Streetscape</b>	
	81. The application does not include sufficient detail to be fully assessed, and would not meet the minimum documentation requirements of DCP1.	The proposal relates to a Concept Plan Major Project Application and conceptual landscape treatment of public domain areas has been submitted. Further detailed design considerations to landscaping and streetscape will be provided at the Project Application and DA stage for the subdivision of each Precinct. Future Urban Design Guidelines will be prepared for each Precinct in which development will be required to meet.
	82. Insufficient detail has been supplied to demonstrate that the site is capable of supporting the proposed density and types of development.	<p>Constraints and opportunity mapping submitted with the Concept Plan demonstrate mining, slope and drainage corridors that affect the dwelling density. Developable areas of the Minmi / Link Road estate have been based on extensive opportunity and constraints mapping and investigations to ensure that key environmental features of the site are maintained and protected. This is reflected through:</p> <ul style="list-style-type: none"> <li>▪ The retention and protection of creek lines and riparian corridors;</li> <li>▪ Designing for larger lots on steeply sloped lands and sensitive placement of future dwellings on larger lots;</li> <li>▪ Provision of retail and seniors housing on least sloping areas;</li> <li>▪ Respect the visual and landscape elements and consideration to the overall structure plan;</li> <li>▪ Recognition of the existing scale and character of the Minmi township and planning for development by respecting these qualities;</li> <li>▪ Planning to respect and highlight European and Aboriginal heritage;</li> <li>▪ Implementation of WSUD to protect and improve biodiversity and waterways.</li> </ul> <p>Further information is provided in the PPR outlining:</p> <ul style="list-style-type: none"> <li>▪ Suitability of Senior living site and existing grades,</li> <li>▪ How dwellings respond to steep topography,</li> <li>▪ Cross sections will demonstrate concept plan and housing response to topography</li> <li>▪ Various ways of treating roads on steep slopes will be provided with the PPR.</li> <li>▪ Preliminary road/earthworks design for the estate will be provided with future project and development applications for each precinct.</li> </ul>
	83. Slope analysis has not provided a clear basis for proposed locations of various proposed character types.	<p>Constraints and opportunity mapping submitted with the Concept Plan demonstrate mining, slope and drainage corridors that affect the dwelling density. Developable areas of the Minmi / Link Road estate have been based on extensive opportunity and constraints mapping and investigations to ensure that key environmental features of the site are maintained and protected. This is reflected through:</p> <ul style="list-style-type: none"> <li>▪ The retention and protection of creek lines and riparian corridors;</li> <li>▪ Designing for larger lots on steeply sloped lands and sensitive placement of future dwellings on larger lots;</li> <li>▪ Provision of retail and seniors housing on least sloping areas;</li> <li>▪ Respect the visual and landscape elements and consideration to the overall structure plan;</li> <li>▪ Recognition of the existing scale and character of the Minmi township and planning for development by respecting these qualities;</li> <li>▪ Planning to respect and highlight European and Aboriginal heritage;</li> <li>▪ Implementation of WSUD to protect and improve biodiversity and waterways.</li> </ul> <p>Further information is provided in the PPR outlining:</p>

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		<ul style="list-style-type: none"> <li>▪ Suitability of Senior living site and existing grades,</li> <li>▪ How dwellings respond to steep topography,</li> <li>▪ Cross sections will demonstrate concept plan and housing response to topography</li> <li>▪ Various ways of treating roads on steep slopes will be provided with the PPR.</li> <li>▪ Preliminary road/earthworks design for the estate will be provided with future project and development applications for each precinct.</li> </ul>
	84. Lot layout and road design do not respond to existing site topography.	<p>Constraints and opportunity mapping submitted with the Concept Plan demonstrate mining, slope and drainage corridors that affect the dwelling density. Developable areas of the Minmi / Link Road estate have been based on extensive opportunity and constraints mapping and investigations to ensure that key environmental features of the site are maintained and protected. This is reflected through:</p> <ul style="list-style-type: none"> <li>▪ The retention and protection of creek lines and riparian corridors;</li> <li>▪ Designing for larger lots on steeply sloped lands and sensitive placement of future dwellings on larger lots;</li> <li>▪ Provision of retail and seniors housing on least sloping areas;</li> <li>▪ Respect the visual and landscape elements and consideration to the overall structure plan;</li> <li>▪ Recognition of the existing scale and character of the Minmi township and planning for development by respecting these qualities;</li> <li>▪ Planning to respect and highlight European and Aboriginal heritage;</li> <li>▪ Implementation of WSUD to protect and improve biodiversity and waterways.</li> </ul> <p>Further information is provided in the PPR outlining:</p> <ul style="list-style-type: none"> <li>▪ Suitability of Senior living site and existing grades,</li> <li>▪ How dwellings respond to steep topography,</li> <li>▪ Cross sections will demonstrate concept plan and housing response to topography</li> <li>▪ Various ways of treating roads on steep slopes will be provided with the PPR.</li> <li>▪ Preliminary road/earthworks design for the estate will be provided with future project and development applications for each precinct.</li> </ul>
	85. Road design should provide a 'perimeter' road to act as a hard edge between housing lots and sensitive natural or riparian areas.	Perimeter roads are located where topography allows. In other locations topography restricts perimeter roads.
	86. There are discrepancies between descriptions of character types and what is shown in plans. E.g. small lots are shown in the areas designated Hillside Character, although the description of this type states density will be lower than other types.	The urban designers have reviewed all the housing character types. Discrepancies will be amended and included in the PPR.
	87. Visual impact analysis appears to have concentrated on heritage aspects in relation to Minmi and not on potential visual impact of the development when viewed from major roads. A Visual Impact Statement is required to demonstrate that the proposal's visual impact is acceptable.	Visual impact analysis has been undertaken to address this issue. The Visual Impact Statement is been supplemented to further address the issues raised and is included in the PPR
	88. It would be prudent to recognise the existence of high voltage power lines on the site as a significant site constraint and apply the precautionary principle by not locating any housing near the power lines.	Habitable dwellings have been located clear of the high voltage easement and in accordance with TransGrid requirements.
	89. Significant lengths of water courses have lots 'backing onto' them, thus there is a high potential that these will become dumping areas due to a lack of casual surveillance.	<p>They are not intended as dumping areas. Further works will be provided with cross-sections demonstrating how this to be prevented:</p> <ul style="list-style-type: none"> <li>▪ Riparian in private land (lots),</li> <li>▪ Riparian in part lots and part open space (no roads),</li> <li>▪ Riparian in open space – road fronting and lot backing,</li> <li>▪ Riparian in open space – road fronting.</li> </ul>

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	<b>Visual Impact/ Noise</b>	
	90. The EA Report discusses the incorporation of noise barriers (mounding and fencing) of between 2-6m in height to shield the proposed residential lots from noise from the Freeway and Link Road, and other sources such as Woodford Street. There however is no discussion elsewhere in the documents as to how the walls/mounds impact the urban design/streetscape/visual amenity from within and external to the development. E.g. In Woodford Street, the Noise Report states that 3m high walls are proposed along its length, but this is not reflected on any 'typical section' for the road nor does the impact of these walls appear to be mentioned anywhere else in the documentation.	Further work will consider the treatment of Minmi Bvd and Woodford Street based upon acoustic advice and section 3.8 of Department of Planning Guidelines. The acoustic consultant has provided addition options to deal with noise impacts from the major roads. The Acoustic consultant is to reassess the noise impacts following the remodelling of the traffic. Amended noise assessments will be included in the PPR.
	<b>Asset Protection Zones</b>	
	91. Figure A.1.2.2 identifies notation 2 as 'APZ and Creek Buffer restricting building footprint'. Both however have very different purposes and should be indicated individually. E.g. An APZ zone limits the tree density, canopies and understorey, which is a completely different objective to a riparian or creek buffer in which the vegetation is to be retained.	All APZ areas will be separated from creek buffers where possible. APZ mapping is being amended for the PRR, which will indicate APZ areas in roads adjacent to creek buffer areas. Referenced differences between buffer and APZ vegetation is noted and agreed.
	92. A1.3 states that 'bushland reserves dedicated in periphery areas around the development footprint, combining buffers zones, conservation land and bushfire asset protection zones (pg 9). Council will not accept dedication of public lands where there is a burden of asset protection zone maintenance on the land.	Noted. Where possible these have been incorporated into privately owned lots or within public roads. However it is not unusual for APZ's to be incorporated into other landscape treatments/ components such as publicly owned lands.
	93. The concept plan should be modified so that all APZ's are not located on land to be dedicated to council as this places a considerable maintenance liability and risk on council.	Noted. Where possible these have been incorporated into privately owned lots or within public roads. However it is not unusual for APZ's to be incorporated into other landscape treatments/ components such as publicly owned lands.
	94. In accordance with 'Planning for Bushfire Protection: A guide for Councils, Planners, Fire Authorities, Developers and Home Owners' prepared by DoP, it is not reasonable to place the burden for provision and/or maintenance of the APZ onto other adjacent land management agencies or land owners.	Incorrect. Where possible these have been incorporated into privately owned lots or within public roads. However it is not unusual for APZ's to be incorporated into other landscape treatments/ components such as publicly owned lands. In the instance that APZs are established on public lands the ongoing management will be subject to a plan that is signed off by the Council or NSW RFS. An ownership plan of all open space has been prepared for inclusion in the PPR.
	95. The Statement of Commitments under Environmental Management indicates that maintenance of the APZ will fall on Council(s) after a period of time, which is unacceptable given the DoP guideline document. It is therefore recommended that: <ul style="list-style-type: none"> <li>An alternative proposal is required to be provided, as LMCC will not provide the ongoing management of dedicated areas of any bushland reserves containing APZs.</li> <li>The statement of commitment should be amended to require the owner to maintain APZs for the life of the development.</li> </ul>	Where possible these have been incorporated into privately owned lots or within public roads. However it is not unusual for APZ's to be incorporated into other landscape treatments/ components such as publicly owned lands. In the instance that APZs are established on public lands the ongoing management will be subject to a plan that is signed off by the Council or NSW RFS. An ownership plan of all open space has been prepared for inclusion in the PPR.
	<b>Community Infrastructure</b>	
	<u>Section 94 Contributions and Voluntary Planning Agreement Approach</u> 96. Existing facilities as identified in the Concept Plan (Figure B.2.1 - page 25), both within the immediate area and outside the immediate area, have no spare capacity and cannot meet the demands of the proposed development. The proposed development will be required to provide facilities to meet the needs of the incoming population.	Coal & Allied has provided Statement of Commitments that will be updated once final agreement on a number of matters is determined. VPA's will be agreed with both the State and Council together with the additional allocation of funds to help provide facilities that the community determines appropriate.  Refer to detailed report in the PPR. Section 94 contributions will be provided in accordance with the relative plan. Coal & Allied will enter into a VPA with the Councils.

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	97. The preferred infrastructure planning approach is one that excludes the LGA boundaries.	<p>Infrastructure provision will be implemented through the following:</p> <ul style="list-style-type: none"> <li>▪ Payment of a monetary contribution, or dedication of land/carrying out of work for Regional Infrastructure;</li> <li>▪ Section 94 contributions based upon the relevant Council authority made by either dedication of land, payment of contribution, or works in kind, or any combination of them; and</li> <li>▪ \$10 million fund that will benefit both Council areas</li> </ul>
	98. Infrastructure required for the proposal can be a combination of on-site works and a cash contribution. Council has a preference for facilities to be provided as works in lieu of cash contributions.	This will be covered under the VPA but Coal & Allied is in general agreement with the stated preferences by Council in regards to “works” versus “cash”.
	99. The Hunter Northern Lands Social Infrastructure Study (HNLSIS) does not provide an justification as to why it believes an occupancy rate of 2.6 is justified for the proposal when the surrounding suburbs of Minmi and Cameron Park have an occupancy rate of 3.2.	Refer to detailed report in the PPR which forms the basis of population assessment for the proposed development.
	100. Given nature of proposal, being similar to Cameron Park, a higher occupancy rate of 3.2 is more indicative of the true population estimates for the development.	Refer to detailed report in the PPR. Cameron Park is not considered directly comparable just because is it located adjacent to the proposed development.
	101. Population estimate of 8,580 persons is conservative, and if an average rate of 3.2 persons per dwelling was applied to the proposed 3,300 lots, it would generate an estimated 10,560 people, which is a significant (23%) increase to the population.	Refer to detailed report in the PPR which forms the basis of population assessment for the proposed development.
	102. Council has used the proponent's population projections, and should it be decided later than an increased occupancy rate is more appropriate, the service standard tables contained in the submission should be applied to the revised population.	Refer to detailed report in the PPR which details the basis for the 2.6 occupancy rate.
	<u>Developer Contributions and Project Management Requirements</u> 103. Statement of Commitments offers a contribution on an annual basis of 3yrs to provide a place manager. This is considered to be in addition to the management and implementation of the VPA, and is welcomed by Council.	Noted.
	104. Recommend that applicant be required to provide a cash contribution towards the preparation and project management of a VPA commensurate to the operating period of the VPA.	The costs of preparation will be borne by Coal & Allied to a reasonable limit and the management costs will be generally in line with Section 94 Contributions Plan
	<u>Open Space and Recreation Assessment and Infrastructure Requirements</u> 105. Proposed open space and recreation facilities are significantly less than that which Council currently provides to the community and that which is levied under current s94 contributions plans.	Refer to detailed report which clearly indicates that open space and recreation provisions included in the Concept Plan exceed the standard benchmark.
	106. Refer to Page 32 which details the local and district open space and recreation service provision requirements; those actually provided for in the development; and identifies any shortfall between the two.	Refer to detailed report in the PPR
	<u>Parkland Requirements</u> 107. No indicative designs for the parks provided in the LMCC LGA have been prepared.	Neighbourhood Park 1 is a typical treatment of a neighbourhood park and would be similar in LRS precinct Open spaces design is indicative only, aimed at illustrating character. As such the examples chosen were based upon typologies in order to illustrate how one might treat different situations found across the entire site. The indicative designs apply to open space across both LGA areas of the site.
	108. Recommend modification to lot layout to provide a road to the north-east of the local park in Link Road South Precinct, enabling better accessibility for the residents living in the northern area of the precinct.	The RTA has reinforced the need to maintain an efficient network by limiting direct access with the Newcastle Link Road. Proposed access strategy on the Link Road is consistent with the RTA's view.
	109. Relocate local park in Link Road North Precinct to the land beside the watercourse running from the BGHRP on the northern side of the detention basin and to the eastern side of the watercourse. The road between the riparian corridor adjoining the watercourse and the	This could be labelled a local park in addition to the one shown to the East.



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	suggested park site should be removed to provide connectivity of the adjoining open space.	
	110. Neighbourhood Park beside commercial centre in Village Centre Precinct should be located entirely within one LGA. It should be relocated to the northern side of the village centre, which is the main commercial area for the development site. It would service the Link Road North Precinct and the Link Road South Precinct. The park is required to be a larger park of square configuration, comprising a playground, picnic facilities, pathways, public toilet, skate park and specimen tree planting, landscaping and car parking. The min requirement is at least one hectare in size.	Refer to the PPR for further detail. Parks will be planned not to straddle LGA boundaries.
	111. Within the Minmi East Precinct, increase the area of land provided around the lake to provide a neighbourhood park.	Coal & Allied consider the mix of road and private frontage to the Lake Park to be the most appropriate design providing a mix of product in the market. As shown in the Indicative Design for the park there is open space around the entire perimeter of the lake to allow for passive surveillance.
	<u>LGA Boundary:</u> 112. Amend the proposed lot layout to provide a clear delineation between the two LGA's.	Not required, there are many instances where local government boundaries bisect lots and in those cases the adjoining councils come to an arrangement about which council rates the lot. This may not be an issue if boundary alignment amended by mutual agreement between NCC and LMCC prior to CP approval.
	<u>Skate and BMX Requirements:</u> 113. Amend Statement of Commitments to include the construction of one skate park within the neighbourhood park at the commercial centre in the Village Centre Precinct.	The Draft Statement of Commitments identifies monetary contributions toward a skate park and does not specify a location. It is not proposed that the developer construct the skate park and as such the location of the skate park will be subject to the local authority.  Skate and BMX requirements to be added to open space plan- the location of this should be determined by the community and could be placed in a number of areas.
	114. Amend Statement of Commitments to include one BMX track within a suitable park within the northern portion of the development site, at a location acceptable to Council.	The Draft Statement of Commitments identifies monetary contributions toward a BMX track and does not specify a location. It is not proposed that the developer construct the skate park and as such the location of the skate park will be subject to the local authority.  Skate and BMX requirements to be added to open space plan.
	<u>Dog Exercise Area Facility Requirements:</u> 115. Amend the Statement of Commitments to: Three dog exercise areas (each being 1ha of grassed area) to be provided to the north, west and southern portion of the development area. Suitable land is required to be identified for dog exercise.	The Draft Statement of Commitments currently does not identify location or size of future dog exercise areas but provides for 3 parks to include these facilities. These could be provided in a number of areas subject to detailed design. The sought location and area of 1 ha for each exercise area will be subject to further discussions with Council as part of the overall provision of social infrastructure facilities.
	<u>Sports Facility Requirements:</u> 116. Address shortfall in sports facility requirements being: 4 sporting fields, 1 cricket wicket and 2 netball courts.	Refer to detailed report included with the PPR for detailed assessment.
	<u>Land Capability and Suitability:</u> 117. Council does not support location of sporting facilities given: <ul style="list-style-type: none"> <li>Located to the far north of the development. Preferable that such facilities are centrally located.</li> <li>Almost all sporting facilities are located within the 100 yr ARI Flood Events.</li> <li>Potential conflicts between sporting facilities and adjoining bio-retention/detention basin.</li> </ul>	These are district facilities and support a wider catchment than the proposal. Conflicts between WSUD and facilities can be avoided subject to detailed design.
	118. Further investigation, and consultation with Council, is required to establish if an alternate central on-site location can be found for the sporting facilities.	Discussion with Council has commenced on this issue with alternate Council off site options to be considered by Coal & Allied should the same benefit to the new community be established on the Coal & Allied Minmi estate.
	119. If an alternate on-site location cannot be recommended, the Concept Plan is required to	Sporting facilities can be provided within the 100-yr ARI floodline under the NSW Floodplain

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	provide documentary evidence that proposal will work. A report by suitably qualified consultants is required, including hydraulic engineers, to determine the viability of the proposal, modelling of existing and expected future rain events/patterns (considering climate change) and expected use of the sporting facilities and the standards required. A risk assessment is required to be undertaken to assess the impacts, identify the risks and identify the mitigation measures required.	Development Manual 2005, which promotes a merit based approach to land-use within flood prone lands. It will be important to show that flooding upstream and downstream is not adversely affected through such development, and playing fields are unlikely to require a significant alteration of the landform and flooding behaviour.
	120. Amend the Statement of Commitment to include the construction of an off-road cycleway/walkway to link all residents to the sporting facilities.	Coal & Allied will be providing cycleways within the Coal & Allied development estate but will not be constructing cycle/walkways external to the development lands.  The \$10 million fund identifies a contribution towards missing cycle links between suburbs, subject to discussion with Councils and other developers in the area.
	121. Amend the Statement of Commitment to include the construction on-site of: <ul style="list-style-type: none"> <li>• 8 multi-purpose sports fields,</li> <li>• 3 cricket wickets,</li> <li>• 3 cricket practice nets,</li> <li>• 4 tennis courts, and</li> <li>• 6 netball courts; together with associated facilities, including car parking, amenities buildings...are to be constructed on-site.</li> </ul>	Refer to detailed report submitted with the PPR. Provisions will be made for sporting fields based on population calculations as per the justification included in the detailed report submitted with the PPR.
	122. Amend the Statement of Commitment to allow for all facilities are to be constructed, and to be mowed and maintained for a period of five years after final completion. Once constructed, if the facilities have not be designed or constructed to perform the required use, any modification works required to bring them up to the appropriate standard, must be undertaken at nil cost to Council and within five years from final completion.	The Owner proposes to enter into a Voluntary Planning Agreement (VPA) with Lake Macquarie Council / Newcastle City Council to manage all open space and other areas proposed to be dedicated to Council for 5 years or until the adjacent subdivision development is completed, whichever the later.  On completion of the VPA period, the lands will be dedicated to the respective Council in the case of the open space associated with the development area.  Facilities will be constructed in accordance with the relevant consent and certified as required to enable registration of the subdivision plan at LPI prior to dedication to Council.
	<u>District Recreation Facilities:</u> 123. Recommend the applicant be required to provide cash contributions towards the provision of, but not limited to the following facilities: Petanque piste, Beaches, Swimming centres, Public wharfs / jetties, Public boat ramps, District foreshore parks, and Hunter Sports Centre.	Contributions are considered to be appropriate against the Sec 94 Contributions Plan. Other alternative requirements should mean requirements under the s.94 Plans are reduced commensurately to cover the costs. Facilities for the new community will take preference
	<u>Cycleways/ Walkways Requirements:</u> 124. No cycleways included in Statement of Commitments.	The \$10 million fund identifies a contribution towards missing cycleway links between suburbs, subject to discussions with Councils and other developers In the area.  The Concept Plan and Urban Design Guidelines also identify provision of cycle ways along the historic railway and along identified proposed roads within the Coal & Allied development estate lands.
	125. Within the site cycleways should include: <ul style="list-style-type: none"> <li>• the existing heritage railway corridor, and</li> <li>• to the proposed sporting facilities, and</li> <li>• to the existing primary school, and</li> <li>• to the proposed primary school, and</li> <li>• to the village centre (commercial areas within each precinct), and</li> <li>• to the cycleway within the Blue Gums Hills Regional Park, and</li> </ul>	A review of proposed cycleway routes will be undertaken with results provided in the PPR.
	126. Outside the site cycleways linkages should be considered to provide a link to:	A review of proposed cycleway routes has been undertaken with results provided in the PPR.

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	<ul style="list-style-type: none"> <li>the cycleway through the Blue Gum Hills Regional Park to exit beside the Village Centre Precinct through the Blue Gum Hills Regional Park possibly via the 'haul' road to the Summerhill waste depot and along the proposed heritage open space and road to link to the Newcastle Link Road,</li> <li>the cycleway along Cocked Hat Creek within Cameron Park.</li> <li>TAFE College and High School and the regional shopping centre at Glendale.</li> <li>North to Hexham along the Richmond Vale Pelaw Main Rail corridor, which provides a connection to the Hunter Wetlands Centre.</li> <li>University of Newcastle</li> </ul>	<p>The \$10 million fund identifies contribution towards missing cycleway links between suburbs, subject to discussions with Councils and other developers in the area.</p>
	<p>127. Recommends the Minmi Road Statement of Commitments be amended to include:</p> <ul style="list-style-type: none"> <li>A cycleway/walkway network plan providing off-road cycleways linking key destinations on-site and off-site</li> <li>Construction of all Cycleway/walkways identified in the network plan.</li> <li>Construction of an off-road cycleway/walkway along the historical railway corridor from the Tank Paddock to the new township through to Workshop Park and through the Blue Gum Hills Regional Park, connecting to the Link Road North Precinct and the Link Road South Precinct.</li> </ul>	<p>A review of proposed cycleway routes has been undertaken with results provided in the PPR.</p> <p>The \$10 million fund identifies contribution towards missing cycleway links between suburbs, subject to discussions with Councils and other developers in the area.</p> <p>Coal &amp; Allied will be providing cycleways within the Coal &amp; Allied development estate but will not be constructing cycle/walkways external to the development lands.</p> <p>The Draft Statement of Commitments identifies the following pedestrian walkway initiatives:</p> <ul style="list-style-type: none"> <li>Develop a heritage interpretation strategy to guide the provision of on-site interpretation, which could include Aboriginal walking routes interpretation, linked to the Blue Gum Hills Regional Park.</li> <li>Provide walking trails along the historical railway corridor from the Tank Paddock area to the new township through to Workshop Park in the west and Blue Gum Hill Regional Park in the east.</li> </ul>
	<p>128. Recommends the construction of connecting cycleways off site be included in the \$10M fund.</p>	<p>The \$10 million allocation identifies contributions towards missing cycleway links between suburbs, subject to discussions with Councils and other developers in the area.</p>
	<p><u>Walking Track Requirements:</u></p> <p>129. Figure B1.1.1 Conceptual Access and Movement in Appendix B Design Guidelines does not provide for walking tracks through the development site, only those provided within the BGHs Regional Park are shown.</p>	<p>A review of proposed cycleway routes has been undertaken with results provided in the PPR.</p>
	<p>130. The DGR's under Conservation Lands, Item (3) 'explore linkages, access and integration of the recreational and conservation lands to the proposed development as well as beyond the site.' This has not been undertaken.</p>	<p>A review of proposed cycleway routes has been undertaken with results provided in the PPR.</p> <p>This has been investigated and incorporated where possible into the design. It must be noted that many 'built' features already exist in this landscape which largely prohibit full integration of the recreational and conservation lands including road, power.</p>
	<p>131. Recommend amending the concept plan to provide one plan indicating the network of existing and proposed walking tracks together with the proposed cycleways.</p>	<p>A review of proposed cycleway routes has been undertaken with results provided in the PPR.</p>
	<p>132. Recommend amending the Statement of Commitment to include the construction of walking tracks as identified in the walking track plan.</p>	<p>A review of proposed cycleway routes has been undertaken with results provided in the PPR.</p> <p>The \$10 million fund identifies contribution towards missing cycleway links between suburbs, subject to discussions with Councils and other developers in the area.</p> <p>Coal &amp; Allied will be providing cycleways within the Coal &amp; Allied development estate but will not be constructing cycle/walkways external to the development lands.</p> <p>The Draft Statement of Commitments identifies the following pedestrian walkway initiatives:</p>

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		<ul style="list-style-type: none"> <li>Develop a heritage interpretation strategy to guide the provision of on-site interpretation, which could include Aboriginal walking routes interpretation, linked to the Blue Gum Hills Regional Park.</li> <li>Provide walking trails along the historical railway corridor from the Tank Paddock area to the new township through to Workshop Park in the west and Blue Gum Hill Regional Park in the east.</li> </ul>
	<u>Plan of Management for all community and recreation facilities:</u> 133. Recommend amending the Statement of Commitment to include: <ul style="list-style-type: none"> <li>The PoM is to be prepared prior to commencement of works on land.</li> <li>Cost of preparing the PoM, and</li> <li>The actions arising from the PoM for a specified period of the lesser of 5 years from the date the PoM takes effect or until all the works have been completed.</li> </ul>	This will be addressed in the VPA with Council which may negate the need for a Plan of Management.
	<u>Transfer of Facilities to Council:</u> 134. Council has a VPA currently in place which requires the developer to maintain facilities for a 5 year period after completion. Council advocates for a similar approach to this development.	The Owner proposes to enter into a Voluntary Planning Agreement (VPA) with Lake Macquarie Council / Newcastle City Council to manage all open space and other areas proposed to be dedicated to Council for 5 years or until the adjacent subdivision development is completed, whichever the later.  The management of such facilities will also entail maintenance during this period.
	135. Recommend modifying the Statement of Commitments to the effect that: <ul style="list-style-type: none"> <li>Once each community facility has been completed Council requests the transfer of the facility to Council for the management.</li> <li>All facilities are maintained for 5 years after transfer to Council.</li> </ul>	It would seem more appropriate that management and ownership go hand in hand. Community facilities will be maintained for 12 months following completion of the construction contract.
	<u>Distinction between Existing and Proposed Open Space:</u> 136. Figure A.1.2.1 does not differentiate between the existing and proposed open space.	Differentiation is provided in the PPR.
	137. Recommend that the applicant is required to provide improved clarity in the plans to enable proper consideration.	Plans are clarified where required in the PPR.
	138. Recommend plan be prepared indicating the purpose of the open space and the proposed ownerships of the land distinguishing between existing and new lands.	Differentiation is provided in the PPR.
	139. Recommend legend in A.1.2.1 is amended to replace some of the yellow plates with different colours to enable a proper analysis to be undertaken.	Drawing A.1.2.1 will be amended and submitted with the PPR.
	<u>Open Space on Areas Constrained by Past Mining Activities:</u> 140. Figure A.1.2.1 identifies an area to the west of the village centre precinct with a high risk of potholes as a passive open space area. The land is not suitable for public open space. A plan is required indicating precisely where the sink holes are located in relation to lot layout.	It is not possible to specify where exactly a pothole may occur, however the highest risk of potholes is in watercourses and/or where there is less than 15 m of cover, the risk in other areas is substantially reduced. The higher risk area is indicated on the attached plan. (Plan will be provided in the PPR including a Schedule that breaks down the open space categories into individual areas).
	141. Council does not want the public liability of any of the three identified shafts being located on public land.	Discussions on this and other matters have been commenced with Council All identified remnant mine shafts will be filled/capped in accordance with relevant standards prior to dedication.
	142. Council will not accept dedication of land simply because the land is undevelopable. Rather land dedicated to Council should be for a specific function/purpose for which Council is primarily responsible.	Refer to the Open Space Plan submitted with the PPR. A land ownership plan has been prepared and is to be agreed with DoP/Council.
	143. Recommend plan is provided indicating the location of the shafts within the lot layout and identifying the lands proposed to be dedicated to Council.	Plan to be provided to show where shafts are located on the lot layout as part of the PPR.

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	144. Recommend clarifying within the Statement of Commitments the management of land containing shafts where developed is restricted to landscaping.	The Draft SoC's already identify that development over shafts are inappropriate and that they should be incorporated into landscaping. However, the SoC's can be amended to emphasise that management of land containing shafts will be restricted to landscaping. An open space plan including the location of shafts has been prepared by Coal & Allied which will form the basis of negotiations regarding ownership with the Council
	<u>Wildlife Corridors:</u> 145. Proposed concept plan as in Figure A.1.2.1 does not provide wildlife corridors.	Coal & Allied are providing significant environmental offset with beneficial wildlife outcomes under the LRHS and LHRCP. Furthermore Coal & Allied have a matrix of riparian corridors and open space areas within the development estate. Under the WCS a corridor has been proposed on Link Rd South.
	146. Recommend amending concept plan to provide a minimum 100m wide corridor along the northern boundary of the Link Road.	Noted. Further investigations into the amount of buffering (corridor) vegetation that will remain following development coupled with the likely Hunter Freeway – Link Road upgrade works has been undertaken and determined that a substantial vegetation width will exist collectively on the RTA (Link Road) and Coal & Allied development lands.
	<u>Open Space beside the Newcastle Link Road:</u> 147. A linear open space buffer is proposed along the southern side of the Newcastle Link Road. The Acoustic Report recommends the use of 3-5m high noise wall and earth mounting along this road. This will be direct conflict with its other intended purpose as an APZ.	Noted. This will be investigated further and appropriate reporting made in the PPR documentation.
	148. Recommend a plan be required to be prepared that identifies all land to be dedicated to Council. This plan should contain the purpose of the land, any structures or proposed assets to be located on the land, and any special or recurring management requirements.	Refer to the Open Space Plan submitted with the PPR. A land ownership plan is to be prepared and agreed with DoP/Council. A plan reflecting proposed ownership arrangements has been prepared by Conics and is submitted with the PPR.
	<u>Open Space- Minimum Size:</u> 149. The Department of Planning 'Outdoor Recreation and Open Space: Planning Guidelines for Local Government' (1992) identifies the minimum size of open space for new release areas as 0.5ha. The Concept Plan identifies several parcels of fragmented open space to be dedicated to Council. E.g. land between the townhouse lots and the road along the southern boundary of the BGHs Regional Park. The land serves to function as a road reserve. Council will not accept dedication of these small isolated parcels of open space.	Refer to the Open Space Plan submitted with the PPR. A land ownership plan is to be prepared and agreed with DoP/Council. A plan reflecting proposed ownership arrangements has been prepared by Conics and is submitted with the PPR.
	150. Recommend amending the concept plan or provide community development subdivision.	Titling is not required at this stage.  Community development subdivision generally has a very low acceptance by comparison to torrens freehold title. Coal & Allied are not prepared to consider Community Title as it restricts rate of development and detrimentally impacts the development viability.
	<u>Proposed Primary School Site:</u> 151. It is not acceptable that on the southern boundary of the proposed school site that a large APZ is located on the adjoining privately owned land.	This project is in the 'Concept Plan' phase. To this end it must be demonstrated that APZs can be established for all intended uses of the site. If development of these lands precedes the Coal & Allied site this issue becomes null and void, however if development of the Coal & Allied lands is likely to progress earlier, then appropriate agreements in the form of a section 88b instrument would be negotiated with the land owner at that time.  To this end, the current solution is a satisfactory outcome in this phase of the project.
	152. Recommend amending concept plan so that all APZ's are entirely within the development site and do not impact on adjoining private land.	This project is in the 'Concept Plan' phase. To this end it must be demonstrated that APZs can be established for all intended uses of the site. If development of these lands precedes the Coal & Allied site this issue becomes null and void, however if development of the Coal & Allied lands is likely to progress earlier, then appropriate agreements in the form of a section 88b instrument would be negotiated with the land owner at that time.  To this end, the current solution is a satisfactory outcome in this phase of the project.

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	<p><u>Open Space to be Dedicated to Council:</u></p> <p>153. Figure 8-1, Estate 3; Estate 4; Estate 5A, B, C &amp; D; identifies APZs on land proposed as Parkland/Bushland/Open space and to be dedicated to Council. The open space beside the Newcastle Link Road is also required for noise attenuation, which may be odds with the purpose of APZs.</p>	<p>Noted. Where possible these have been incorporated into privately owned lots or within public roads. However it is not unusual for APZ's to be incorporated into other landscape treatments/ components such as publicly owned lands. Further detailed revision of any APZ within 'green lands' will be undertaken as a component of the Bushfire PPR works, however it must be recognised that a reasonable outcome balancing yield and environment has to be achieved.</p>
	<p>154. No details provided on the proposed ownership arrangements for publicly accessible land such as roads, parks, riparian areas etc. A plan detailing such is required.</p>	<p>Refer to the Open Space Plan submitted with the PPR.</p> <p>A land ownership plan is to be prepared and agreed with DoP/Council. A plan reflecting proposed ownership arrangements has been prepared by Conics and is submitted with the PPR.</p>
	<p>155. LMCC will not be responsible for the management responsibilities of bushland reserves that contain the burden of APZ's. A redesign of the subdivision is therefore required.</p>	<p>Noted. Where possible these have been incorporated into privately owned lots or within public roads. However it is not unusual for APZ's to be incorporated into other landscape treatments/ components such as publicly owned lands. Further detailed revision of any APZ within 'green lands' will be undertaken as a component of the Bushfire PPR works, however it must be recognised that reasonable outcome balancing yield and environment has to be achieved.</p>
	<p><u>Riparian Zones:</u></p> <p>156. Appendix Q Bushfire Report Figure 8-1, Estate 3; Estate 4; Estate 5A, B, C &amp; D; Estate 6 indicates several APZs located within lands identified as creeks, which will be dedicated to LMCC.</p>	<p>Noted. Where possible these have been incorporated into privately owned lots or within public roads. However it is not unusual for APZ's to be incorporated into other landscape treatments/ components such as publicly owned lands. Further detailed revision of any APZ within 'green lands' will be undertaken as a component of the Bushfire PPR works, however it must be recognised that reasonable outcome balancing yield and environment has to be achieved.</p>
	<p>157. LMCC will not be responsible for the management responsibilities of wetland / creek reserves which contain the burden of APZs. Redesign of the subdivision is required.</p>	<p>Noted. Where possible these have been incorporated into privately owned lots or within public roads. However it is not unusual for APZ's to be incorporated into other landscape treatments/ components such as publicly owned lands.</p>
	<p><u>Blue Gum Hills Regional Park:</u></p> <p>158. Concept plan does not provide adequate APZ along the boundary of the regional park. APZ's should not be located on land to be dedicated to LMCC, and not within the Blue Gums Regional Park.</p>	<p>This is incorrect. The prescribed APZs are entirely within the bounds of the development site and adequate according to the provisions of Planning for Bushfire Protection 2006.</p>
	<p>159. Recommend amending the concept plan and Statement of Commitment, for APZ's under environmental management to include:</p> <ul style="list-style-type: none"> <li>The entire APZ requirement lies within the boundary of the development site.</li> <li>Redesign the lot layout to ensure APZs are: entirely located within the development site; not located on land to be dedicated to Council; and if APZs are located on land to be dedicated to Council, NPWS land or land proposed to be managed by NPWS, then the owner is required to maintain the APZs for the life of the development.</li> </ul>	<p>No APZs have been proposed on DECC Estate. Where possible these have been incorporated into privately owned lots or within public roads. However it is not unusual for APZ's to be incorporated into other landscape treatments/ components such as publicly owned lands.</p>
	<p><u>Heritage Items:</u></p> <p>160. Concept plan is required to identify the location of heritage items and indicate the proposed ownership or management arrangements for the land containing the items.</p>	<p>All heritage items have been spatially designated. At the current time this is not a 'heritage' matter – rather a land ownership matter to be discussed with Council.</p>
	<p>161. The Statement of Commitment will 'provide a memorial for the railway and heritage interpretation entailing display of rail and mining artefacts (page 4)'. The statement of commitment is required to identify the location for this facility, and indicate who will be responsible for managing the proposed memorial.</p>	<p>At the current stage of Concept Plan preparation time it is not appropriate to detail such items. Coal &amp; Allied will continue to discuss management issues with Council.</p>
	<p>162. Recommend amending the Statement of Commitment for European Heritage to:</p> <ul style="list-style-type: none"> <li>Provide a memorial for the railway and heritage interpretation entailing display of rail and mining artefacts at (insert location) on land owned (or proposed to be owned) by (insert owner) and managed by (insert owner or another community group who will accept management responsibilities).</li> </ul>	<p>It is recommended that the existing memorials to railway heritage within Minmi (the coal wagon and guards carriage) represent significant links to the railway linking Minmi to the mainline. These items can be further conserved and incorporated into the heritage interpretation strategy for Minmi/Link Road. There are no further railway/mining artefacts present within the study area – all residual aspects are archaeological and/or landscape. It be recommended that all such sites (as defined under the ERM HA) be conserved. Further interpretation should focus on the significant history of coal mining at Minmi</p>

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	<ul style="list-style-type: none"> <li>Undertake the required actions from the Heritage Interpretation Strategy including the design and installation of interpretive signage at appropriate locations in consultation with the relevant Council.</li> </ul>	and the Brown family, rather than 'bringing in' additional railway paraphernalia for interpretation.
	<p>163. Recommend amending the Statement of Commitment for Aboriginal Heritage to:</p> <ul style="list-style-type: none"> <li>'Develop a heritage interpretation strategy to guide the provision of onsite interpretation, which includes Aboriginal walking routes and interpretation, linked to the Blue Gum Hills Regional Park. The Strategy should also include signage about the history and heritage significance of the area.'</li> <li>Undertake the required actions from the Heritage Interpretation Strategy including the design and installation of interpretive signage at appropriate locations in consultation with the relevant Aboriginal community and Council.</li> </ul>	An Aboriginal heritage PoM was a recommendation of the EA report and NPWS have their own requirements in relation to preparation of a POM which will be complied with.
	<p><u>Water Quality and Quantity Management:</u></p> <p>164. In relation to bio-retention basin, bio swales and swales, the Statement of Commitment states: <i>the owner will manage these facilities for a 5 year period or until all lots are sold</i> (page 5). If all lots are sold in one year, the relevant Council will be responsible for the management of these works.</p>	See below.
	<p>165. Recommend amending the Statement of Commitment to require the owner to manage and maintain these facilities for a 5 year period commencing from the date the practical completion certificate is issued.</p>	Agreed, the Draft SoC's will be amended to reflect that the developer will maintain the bio-retention, bio swales and swales for a period of 5 years from date of completion these facilities or until all lots are sold, whichever is the later.
	<p><u>Community Facilities Assessment and Infrastructure Requirements:</u></p> <p>166. Both the Hunter Northern Lands Social Infrastructure Study (HNLSIS) and the Social Impact Study (SIS) only focus on the social needs of the new population arising from the development. The aim of a social impact assessment is to also identify the social impacts of a new development on the existing community, and recommend strategies to be incorporated into planning in order to mitigate or eliminate these impacts.</p>	The social impact study (SIS) was prepared to focus on the social impact considerations raised in the Director General's Requirements and was not intended as a full social infrastructure assessment.
	<p>167. Both the HNLSIS and the SIS fail to identify the social impacts of the proposed development on the existing community. In particular, the studies fail to:</p> <ul style="list-style-type: none"> <li>Identify linkages between the proposed development and the existing community;</li> <li>Assess the social impacts of the proposed development on the existing populations (especially the Minmi, Fletcher and Cameron Park communities);</li> <li>Identify measure for mitigating the negative social impacts, and for enhancing the positive social impacts.</li> </ul>	The social impact study (SIS) was prepared to focus on the social impact considerations raised in the Director General's Requirements and was not intended as a full social infrastructure assessment.
	<p>167. Provide further information regarding the effects of the proposed development on the existing communities, and what measures are proposed to be implemented to mitigate the impacts.</p>	The Social Impact Study (SIS) was prepared to focus on the social impact considerations raised in the Director General's Requirements and was not intended as a full social infrastructure assessment.
	<p>168. The principles and recommendations of the SIS regarding the provision of community facilities are broadly supported with the exception of the quantum of facility provision. Community facilities should be provided commensurate with Council's existing standards for the projected population. Refer to page 50 for details on required facilities.</p>	Council requirements have been addressed and are included in the Statement of Commitments.
	<p>169. Two proposed long day care centres should be located in the northern precincts i.e. within Village Centre Precinct, the Minmi Extension Precinct or the Minmi East Precinct.</p>	Area has been allocated to cater for such uses if demand requires.
	<p>170. Multipurpose centre should be located in Village Centre Precinct and need to be identified in concept plan.</p>	This can be provided in the Village Centre.
	<p>171. LMCC seeks a contribution towards library facilities rather than the provision of an on-site library facility.</p>	Contributions towards specific facilities will be considered as part of the detailed planning agreement prepared following the approval of the concept plan.

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		Contribution will be generally in accordance with Sec 94 Plans.
	<p>172. Recommend that the applicant be required to construct:</p> <ul style="list-style-type: none"> <li>two long day care centres will be required to accommodate the places identified (as pre requirements specified in the above table).</li> <li>a multi-purpose centre with a gross floor area of 1,800sqm on a site of at least 12,600 sqm.</li> </ul>	<p>Child minding facilities are proposed to be located within the two village precincts. Provisions will be based on commercial demand generated by the development.</p> <p>The zoning will permit the development of a long day care centre and a site has been identified in Minmi East Village. The multi purpose centre will be provided.</p>
	<p>173. Recommend a cash contribution towards library facilities be provided equivalent to:</p> <ul style="list-style-type: none"> <li>the cost to construct 429sqm of building,</li> <li>the acquisition of 1,373sqm of land, and</li> <li>acquisition of 17,160 collections.</li> </ul>	<p>Contributions towards specific facilities will be considered as part of the detailed planning agreement prepared following the approval of the concept plan.</p> <p>Contribution will be generally in accordance with Sec 94 Plan.</p>
	<p>174: The identification of suitable lands for a retirement village in the Village Centre Precinct is welcomed. Any amendments to the concept plan will need to ensure that the proposed retirement village remains centrally located (adjacent to the Central Boulevard). The land will need to be zoned appropriately to facilitate this development. The design will need to cater for the topography of the area to ensure that it can provide access for people with a disability.</p>	<p>Agreed – The PPR demonstrates topographic suitability.</p> <p>Noted. Agreed that a retirement village is required to be centrally located to ensure appropriate access to social facilities and on suitably contoured land. Future residential zoning of the land ensures that a retirement village (Seniors Housing) will be permissible.</p> <p>The retirement village is purposely located on the most level part of the development estate land. To be located adjacent to the Village Precinct, the retirement village will contribute towards a demographic population mix and activity and vibrancy of the village centre.</p>
	<p>175: Throughout the consultation and charrette processes the applicant has failed to consult with the population of Cameron Park. Required to identify what consultation they have undertaken with the Cameron Park community.</p>	<p>Coal &amp; Allied held community workshops which were advertised in the local paper. The opportunity for attendance at the Charette was provided through the workshops. The Cameron Park community has also had the opportunity to provide comment through the public exhibition process. Furthermore, the Concept Plan has been on public exhibition and anyone is able to make a submission.</p>
	<b>Transport and Infrastructure Requirements</b>	
	<p><u>Movement System:</u> 176. Minmi Frederick Link should be designated a sub-arterial road.\</p>	<p>Minmi Fredrick Link Road is proposed by the Lake Macquarie Council. Future design standard of this road should be discussed with the Council which should occur after concept approval.</p>
	<p>177. Council has identified the need for a road (1 travelling lane each way) to connect Minmi Road to Main Road 527 (at the intersection of Frederick Street). It is reasonable to expect the proponent to contribute to the project.</p>	<p>Proposed Minmi Fredrick Road is a regional road link planned by Council to improve network connection between Link Road with Edgeworth. Expected traffic increase from Coal &amp; Allied Link Road South precinct can be accommodated within the capacity of the existing Minmi Road and associated intersections. The Coal &amp; Allied development does not trigger the need for such a new road link.</p>
	<p>178. Recommend the Minmi-Frederick Link not enter the local area as proposed due to the potential for short cuts.</p>	<p>Minmi Fredrick Link Road is proposed by the Lake Macquarie Council. Future design standard of this road should be discussed with the Council. This will occur after concept approval.</p>
	<p>179. Recommend the proposed school site which fronts the Minmi-Frederick Link be located elsewhere to increase safety of pedestrians to and from the school, and reduce traffic congestion on the road during afternoon and morning peaks which generally coincide with school start and finish times.</p>	<p>The school has 3 road frontages to cater for alternative drop-off and pick-up sites. It needs to be located on this route for public transport reasons. Signage and internal drop and set-down areas will be provided at detailed design will manage any potential traffic conflict.</p>
	<p>180. Provide detail of upgrading required on Minmi Road between Newcastle Link Road and Minmi- Frederick Link.</p>	<p>Minmi Road between Link Road and Minmi Fredrick Link has adequate capacity for future growth. The Traffic and Transport Study found a new roundabout will be required at Northlakes Drive intersection should Minmi Fredrick Link go ahead.</p>
	<p>181. Provide an assessment of the proposed roundabout at the intersection of Northlakes Drive, Minmi Road and the Minmi-Frederick Link to ensure that this is the most appropriate solution.</p>	<p>Future traffic on Minmi Road (between Newcastle Link Road and Main Road, Edgeworth) will depend on potential development at Glendale and new Glendale road Link connecting Link Road. The Traffic and Transport Assessment has looked at cumulative traffic growth on Minmi Road. A new roundabout</p>



Agency /Author	Issues	Response / Justification / Amendment required?
		was found to provide appropriate traffic control and should provide adequate level of service.
	182. Provide an LATM scheme in Link Road Estate North to slow and minimise through traffic.	The issue with LATM should only be considered if the Link Road North precinct becomes a future rat run accessing Newcastle Link Road. Traffic on the Newcastle Link Road is forecast to change due to Hunter expressway. In addition, the proposed access strategy to and from Coal & Allied development will discourage through traffic movement in the North precinct.
	183. Provide pedestrian path linkages at strategic mid-block locations for pedestrian / cycle connectivity between streets.	This is only required where block lengths are generally more than 220m or in higher density areas such as city centres. It is therefore not required in this situation.  Detailed pedestrian path and linkage can be achieved through next level of design, which should occur after concept plan approval
	184. The RTA is to comment on any connection to State roads and increase in traffic related to this development.	Noted and RTA discussions are underway.
	185. The proposed nature strip/ footpath widths indicated on the different road types do not meet Council's standards in DCP1. Of particular concern is the ability to contain the utility services within their allocations plus also to find space for trees, footpaving, parking bays etc.	In assessing footpath width, Hyder consulted guidelines from both Newcastle and Lake Macquarie City Councils. Differing standards set by NCC and LMCC has required a value judgement for road design for the Minmi estate as road widths cannot change at the LGA boundaries. This provides a good reason to change the LGA boundary between NCC and LMCC to Link Rd
	<u>Road Design:</u> 186. Recommend the proponent be required to: <ul style="list-style-type: none"> <li>• Provide further detail relating to the design and route of the Minmi- Frederick Link, including intersection capacity at the connection to MR 527 and Frederick Street.</li> <li>• On 'Local Road A' provide crossing points such as refuges or extensions at strategic locations along this road to allow pedestrians to cross to the park.</li> <li>• On 'Local Road B' allow parking on both sides.</li> <li>• On 'Local Road C' roads should be designed similar to Local Road B with no restricted parking to again create traffic calming effect and minimise chance of vehicles parking in the wrong direction to avoid turning around. Consideration to be given to additional off road parking bays where a parkland attractor is located. Road verges are narrower than required.</li> <li>• 'Access Way'- increase the width of Access Ways in consultation with and to the satisfaction of Council.</li> <li>• Where cul-de-sacs / dead end streets are incorporated into the road design: they should serve no more than 10 lots; the end of the cul-de-sac should be clearly visible from the cross street; a minimum of two on-road parking bays (separately defined) are provided within the head of the cul-de-sac; the cul-de-sac head is designed as a T head or Y head. Circular cul-de-sac heads are discouraged as they do not optimize orderly lot layout, solar access or energy efficiency.</li> <li>• All intersections to meet sight distance criteria as outlined in relevant guides. If they do not, provide solutions or relocate intersection.</li> </ul>	Further work has been undertaken regarding road types and hierarchy. This is submitted with the PPR.  Minmi Fredrick Link Road link is proposed by the Lake Macquarie Council. Future design standard of this road in association with intersection capacity at MR527 should be discussed with the Council. Further modification will be required regarding the design aspects of local roads which should occur after concept plan approval.
	<u>Pedestrians and Cyclists:</u> 187. Required to provide detail of the possible timing of the off road cycleway relating to estate staging.	All cycleways will be developed concurrently with each development stage and progressively connected with the regional cycleway as appropriate to each stage of development. Details will be included in PPR.
	<u>Public Transport:</u> 188. Recommend any alterations to or additional bus routes should have all bus stops installed in accordance with the Commonwealth Governments Disability Discrimination Act.	The Traffic and Transport Report has outlined key principles which could increase future public transport target. Extension of existing bus route 260 will be required to cater for new development growth. Further discussion will be held with MoT and bus route operators after concept approval.
	<b>\$10M Allocation</b>	

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	189. Important to delineate between the projects funded by the \$10M allocation and other works which are required as either conditions of consent or developer contributions.	Noted. The proposed \$10 million fund is distinctly separate from the Draft Statement of Commitments – “Business As Usual”.
	190. Recommend the applicant provides information regarding the process that will be used for determining the allocation of the \$10 million, in order to ensure that it is distributed in a fair and equitable manner. This includes information pertaining to: <ul style="list-style-type: none"> <li>• What input the residents of Cameron Park have had in suggesting projects for funding from the proposed \$10 million community fund;</li> <li>• How the final priorities are to be determined;</li> <li>• Who is eligible to apply for the funds;</li> <li>• Who will be involved in deciding which projects are funded; and</li> <li>• A timeframe as to how much, and when the funds will be made available (eg. will all the funds be available at once, or will it be staged over the life of the development)?</li> <li>• The amount or proportion of the \$10m allocated to each particular initiative.</li> </ul>	<p>The process for the allocation of the Coal &amp; Allied funds commenced at the charette, where residents and agencies and other stakeholders alike identified needs for facilities within the proposed development area. The list of items was prioritised and issued on completion of the charette.</p> <p>The list of items only included items not covered by a Sec 94 Plan or other contribution the developer will be required to make such as Regional contributions</p> <p>The list is not necessarily final and could be supplemented with additional items. Coal &amp; Allied will need to be notified regarding any amendments.</p> <p>All items will be costed when sufficient detail can be established. The preferred list will be included in the PPR together with costings.</p> <p>No one is eligible to apply for the funds. Coal &amp; Allied will allocate the funds to the agreed facilities/works and will control the expenditure of same</p> <p>The PPR will include a timeframe for the expenditure</p> <p>All submissions received during the public exhibition period have been considered in preparing the proposed projects and funding as shown in the PPR.</p>
Roads and Traffic Authority (RTA)- 30/03/09	1. Has no objections in principle to the proposal subject to the below being addressed prior to approval.	Noted.
	2. The developer will be required to enter into a Voluntary Planning Agreement (VPA)/ Deed Containing Agreement (DCA) for contributions towards designated State public infrastructure (State roads). Until such an agreement is executed, satisfactory arrangements have not been established for State public infrastructure.	Coal & Allied understands that it will be required to enter into a VPA with DoP regarding the delivery of State infrastructure.
	3. Broader contributions to road infrastructure will be required due to the proposal having a major impact on key arterial routes in the Hunter, particularly the Newcastle Link Road/ Thomas Street (Mr82) corridor. The development should be contributing a similar amount to other developments in the Hunter Region, in the order of \$15,000/lot. This equates to State road infrastructure contributions up to \$49.5M for upgrading the adjacent section of the arterial road network.	<p>Coal &amp; Allied will consider a reasonable contribution to the regional road network to be considered when the impact on the network as a direct result of the development can be established via traffic modelling.</p> <p>Future traffic on the Newcastle Link Road and Thomas St (MR82) corridor will be influenced by the Hunter Expressway. Detailed modelling investigation is required to determine impact on this corridor attributable to various traffic users.</p>
	4. The RTA's preference is for a works in kind contribution to be determined in lieu of cash.	The locations for expenditure will determine the appropriateness of a works or cash contribution. Substantial road works in the immediate area of the development land will be impacted by other decisions which are beyond the control of Coal & Allied. The details will be negotiated with RTA.
	5. A revised traffic study should be prepared that addresses: <ul style="list-style-type: none"> <li>• The RTA has no programmed works or plans in place to undertake the identified Frederick Street extension between Main Road, Edgeworth and North Lakes Drive, Cameron Park, and Glendale Drive to Newcastle Link Road. Unless these works are to form part of the proponent's proposal, they should be deleted from any assessment.</li> <li>• The traffic study shall be amended to include assessment of the impacts on the arterial road network from the intersections along Newcastle Link Road, Main Road, Edgeworth (MR527) at Minmi Road and Newcastle Link Road (MR82) and at Lake Road (MR217).</li> <li>• A select link analysis should be undertaken to determine whether the high proportion (15-20%) of traffic to be generated along Lenaghans Drive is appropriate.</li> <li>• In the long term scenario testing, the impacts on the road network should be consistent with the Lower Hunter Regional Strategy.</li> </ul>	The federal government has recently approved funding for the Hunter expressway. It is anticipated, that this new 40 km freeway will increase traffic loading on the Newcastle Link Road. Further modelling investigation will be required to determine impact on the Link Road.

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	6. The proposal will directly affect the Newcastle Link Road/ Minmi Road/ Minmi Boulevard- any upgrade works required should therefore not be considered part of the broader State Road contributions.	<p>This will need to be considered further in light of the Federal Budget allocation of funds for the Hunter Expressway which will directly impact this intersection. It is worth noting that the Minmi Boulevard may not be built for many years as it services primarily stages 4 &amp; 5 of the Coal &amp; Allied development.</p> <p>The federal government has recently approved funding for the Hunter expressway. It is anticipated, that this new 40 km freeway will increase traffic loading on the Newcastle Link Road. Further modelling investigation will be required to determine impact on the Link Road.</p>
	7. Staging and details of any road infrastructure upgrade requirements would be determined when the traffic study is revised.	This will be subject to determination when further traffic modelling is completed to determine impact on the Link Road with Hunter Expressway.
	8. The RTA will not approve any additional access/ intersections onto Newcastle Link Road. Any such proposals shall be deleted from the application.	Access to and from Coal & Allied development is proposed via existing intersection on the Link Road. No additional access is proposed on the Link Road except “emergency only” access which will be controlled by “gate”.
	9. An emergency services access onto Newcastle Link Road may be appropriate, but would be subject to the requirements of the emergency authorities.	See above item 8. Further discussion will be required with emergency authorities
	10. No direct property access will be permitted to the proposal from Newcastle Link Road.	Access to and from Coal & Allied development is proposed via existing intersection on the Link Road. No additional access is proposed on the Link Road except “emergency only” access which will be controlled by “gate”.
	11. No property accesses or intersections should be located within a minimum of 400m of Newcastle Link Road along any of the adjoining local roads.	<p>None provided.</p> <p>Access to and from Coal &amp; Allied development is proposed via existing intersection on the Link Road.</p>
	12. The applicant needs to confirm that land has been excluded from the proposal near the F3 for future road infrastructure, and it will be consistent with the current RTA request and negotiations for the acquisition of the land.	The land identified by the RTA as being required for future road infrastructure near the F3 Freeway has been excluded from the application.
	13. Developer should take into account DIPNRs Integrating Land Use and Transport Planning Policy and draft SEPP 66- Integration of Land Use and Transport in relation to the provision of adequate access to public transport, especially for the elderly and opportunities for pedestrians and cyclist connections to the surrounding area.	<p>The Draft SEPP 66 was addressed within the Environmental Assessment Report and the principles considered in the preparation of the Concept Plan, through encouraging:</p> <ol style="list-style-type: none"> <li>1. 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;</li> <li>2. Contributing to the community in regards to enhanced transport facilities and social facilities;</li> <li>3. Support and enhance 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;</li> <li>4. Enhance the economic vitality of the existing township through provision of complementary village scale retail uses to enhance the economic vitality of Minmi;</li> <li>5. The subdivision is designed to encourage walking and cycling through the provision of safe walkways and cycleways; and</li> <li>6. The maximum walking distances will be identified in the PPR.</li> </ol> <p>During the preparation of traffic report, Hyder has consulted various state and local government policies and instruments that may apply for this development.</p>
	14. The developer, not the RTA, is responsible for providing noise attenuation measures in accordance with the Environmental Protection Authority's (1999) Environmental Criteria for	Details of proposed noise attenuation options are included in the acoustic consultants revised noise assessment following the Federal Govt decision to proceed with construction of the Hunter

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	Road Traffic Noise.	Expressway. This will be submitted with the PPR.
Newcastle City Council on behalf of the Summerhill Waste Management Centre- 30/03/09	1. Figure B1.1 refers to a series of cycle-ways within the Blue Gum Hills Regional Park (BGHRP). These are yet to be developed and hence should not be promoted as existing recreational facilities.	Agree and the plan is to be amended and submitted with the PPR.
	2. Figure B1.1 shows a cycle-way is proposed along the common boundary between BGHRP and the Summerhill Waste Management Centre (SWMC). This boundary is subject to conditions of a Deed of Agreement between Council and the NPWS, requiring a 50m buffer zone between park facilities and the SWMC. Council objects to the use of the 50m buffer zone by cyclists.	Figure B1.1 will be amended to delete cycleway. This will be submitted with the PPR.
	3. The proposed road layout immediately south of the SWMC and BGHRP would preclude the provision of an alternative access road into the SWMC along the existing road easement.	The proposed regional waste facility managed by Hunter Integrated Resources (HIR) will not proceed. Councils are reviewing their options. The RTA have confirmed access to the Waste Facility will need to be considered from the Link Rd roundabout to the east of the Coal & Allied estate
	4. The concept plan shows an alternative access road for emergency use only to the SWMC. This is not supported as the alternative road alignment traverses much steeper terrain, presenting challenges for road construction, and for subsequent use by heavy vehicles travelling to the SWMC.	The proposed regional waste facility managed by Hunter Integrated Resources (HIR) will not proceed. Councils are reviewing their options. The RTA have confirmed access to the Waste Facility will need to be considered from the Link Rd roundabout to the east of the Coal & Allied estate
	5. Property boundaries and residential set-backs should be adjusted to ensure the APZ's remain within the proposed development site, and that the development does not rely on the creation or maintenance of fuel reduction zones within Council or State Government lands.	All prescribed APZs are wholly within the development site.
NSW Police Force- Newcastle City Local Area Command- 16/03/09	1. Concept Plan does not mention Crime Prevention concepts (Minmi Concept Plan Section 1.5) in accordance with Section 79C of the EP&A Act 1979.	The proposal relates to a Concept Plan Major Project Application. Details relating to Crime Prevention are subject to further detailed design considerations at the Project Application stage for the subdivision of each Precinct. Broadly, the Concept Plan provides for: <ul style="list-style-type: none"> <li>Natural surveillance through appropriate road layout and orientation of lots to public domain;</li> <li>Appropriate location of complementary land uses enables pedestrian activity and vibrancy of mixed use areas;</li> <li>Location and grouping of recreational facilities to encourage frequent activity in a centralised location;</li> <li>Natural access control; and</li> <li>Natural territorial reinforcement.</li> </ul>
	2. Police assess the current crime risk in Minmi as low. With a proposed increase in housing by 3,300 dwellings and without changes to the social infrastructure and an increase in employment opportunities as part of the development, Police would assess the future crime risk as high.	Noted.  The Concept Plan proposed a diverse population and takes into consideration the principles of CPTED. In addition to this the development will provide significant social infrastructure to support the local community.
	3. Support the suggestion that the development be staged and recommend that each of the stages be referred to the Police for individual assessment.	The proposal seeks to encompass the intent of the Water Management Act , at the Part 3A level this piece of legislation is not triggered. Adequate setbacks have been proposed that cater for the proposed hydrological / drainage requirements while making due consideration to the existing ecological character  Each stage will be referred through the appropriate agencies for comment prior to project approval.
	4. Generally support the reported findings of the Social Impact Analysis and Gap Analysis.	
Department of Water and Energy- 23/03/09	1. The proposal is required to take into account the following DWE Guidelines for Controlled Activities (February 2008) as applicable: <ul style="list-style-type: none"> <li>Riparian corridors (and associated Vegetation Management Plans)</li> <li>Watercourse crossings</li> </ul>	Noted and these guidelines are applicable to future design stages of the project.

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	<ul style="list-style-type: none"> <li>Laying pipes and cables in watercourses</li> <li>Outlet structures</li> <li>In-stream works</li> </ul>	
	2. The concept plan (Section 6.4.3) acknowledges the existing streams and waterways within the site, and proposes to utilise them as nominated riparian corridors. DWE supports this approach as it is consistent with State water legislation.	The requirements of the Water Management Act, are noted and while the proposal seeks to encompass the intent of the Water Management Act at the Part 3A level this piece of legislation is not triggered. Adequate setbacks have been proposed that cater for the proposed hydrological / drainage requirements while making due consideration to the existing ecological character.
	3. Despite Part 3A projects being exempt from requiring a controlled activities approval (s91 of WMA), the proponent should ensure that riparian corridor buffers are consistent with the DWE Guidelines for Controlled Activities.	The requirements of the Water Management Act, are noted and while the proposal seeks to encompass the intent of the Water Management Act, at the Part 3A level this piece of legislation is not triggered. Adequate setbacks have been proposed that cater for the proposed hydrological / drainage requirements while making due consideration to the existing ecological character.
	4. Agrees with the overall principles and objectives of the WSUD strategy for the site, some large detention basins, water basins and feature lakes are located on-line within proposed riparian corridors. DWE generally requires that all structural works, including works for stormwater capture and treatment, are located outside any riparian buffer.	The requirements of the Water Management Act, are noted and while the proposal seeks to encompass the intent of the Water Management Act, at the Part 3A level this piece of legislation is not triggered. Adequate setbacks have been proposed that cater for the proposed hydrological / drainage requirements while making due consideration to the existing ecological character.
	5. Proponent required to provide information on the location, size and use of all existing and proposed water management structures/dams, including the need for licensing under the Water Management Act 2000.	Licensing will not be required as part of the WMA, since under the Part 3A level this piece of legislation is not triggered.
	6. Section 6.10 of the Concept Plan Environmental Assessment (Volume 1) refers to Douglas Partner's assessment of groundwater and groundwater dependent eco-systems in Appendix P. However Appendix P contains no information on these issues.	An assessment of groundwater with respect to dependent ecosystems is provided in Douglas Partners report 39663C (Appendix J).
	7. All proposed groundwater works, including bores for the purpose of investigation, extraction, dewatering, testing or monitoring must be identified in the proposal and approval obtained from DWE prior to their installation.	Noted
	8. Environmental protection works, drainage and crossings (e.g. road/pipelines) should only be permitted within the riparian corridors. All other development associated with the proposal should be located outside the riparian corridors including roads/pipelines (except for crossings), water quality control measures, and detention basins etc.	The requirements of the Water Management Act, are noted and while the proposal seeks to encompass the intent of the Water Management Act, at the Part 3A level this piece of legislation is not triggered. Adequate setbacks have been proposed that cater for the proposed hydrological / drainage requirements while making due consideration to the existing ecological character.
	9. The indicated R1 zoning may be suitable for the residential precincts containing the riparian corridors, provided permissible/prohibited uses are consistent with the above DWE advice. If not, a separate environmental protection zoning may need to be utilised. Alternatively, the protection and management of riparian corridors needs to be addressed at the DA stage via appropriate DCP provisions.	Protection and management of riparian corridors will be accommodated through the preparation of respective design guidelines for each Precinct. Programs for the rehabilitation and revegetation of degraded and disturbed riparian corridors will form part of a PA / DA application for each appropriate stage of development where riparian corridors exist.
Mine Subsidence Board- 23/03/09	1. Mine subsidence board approved the concept plan for the Minmi, Newcastle Link Road North and South on 25/02/09. The approval is subject to the submission of plans incorporating the below design requirements and their final approval.	Noted
	2. Mine subsidence must be managed to prevent major damage to improvements in the future within this area.	It is proposed to provide appropriate development based on the anticipated risk of mine subsidence. In general this comprises design to allow structures to be safe, serviceable and repairable subject to the predicated potential subsidence.
	3. Removal of any risk of mine subsidence by a suitable means, such a grouting. Or satisfy the Board by confirming through geotechnical investigations that the workings are long term stable and there is no risk of mine subsidence affecting the site.	Discussions with the MSB indicate that this condition is associated with the risk of potholes and shafts. Development is proposed to be restricted in areas of high risk potholing and no development is proposed over old shafts even if capped and filled.
	4. The geotechnical investigation must include a sufficient number of boreholes to the floor of the seam and numerical modelling/sensitivity analysis to demonstrate the appropriateness of the strata to support the development given the mine workings. The investigation is to contain confirmation of the depth of coal seam, height of workings, floor conditions and thickness of competent rock, as well as providing details of the pillar dimensions used in the analysis. ISG co-ordinates and the measured deviation from vertical are required for any boreholes. The	Significant geotechnical investigations have already been undertaken.

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	report must be to the satisfaction of the Mine Subsidence Board.	
	5. The final drawings to be submitted prior to commencement of construction must contain a certification by a qualified structural engineer.	Noted.
NSW Department of Education and Training- 23/03/09	The concept plan provides for a 3ha site for a primary school in the Link Road South Precinct, not a 4ha site as originally requested.	Concept Plan to be amended to include additional 1 ha in accordance with DET requirements.
NSW Department of Education and Training- 13/2/09	1. Department of Education and Training requires a: <ul style="list-style-type: none"> <li>1.35 ha site extension to the current Minmi Public School.</li> <li>4 ha primary school suitably located within the proposed new residential area.</li> </ul>	Further works is provided with review topography and survey to ascertain suitability of 1.35ha site shown on Concept Plan. This is provided with the PPR.  The location and configuration of the 1.35ha additional land area will be reviewed prior to final Concept Plan to determine suitability to DET.
	2. If sufficient threshold demand for the secondary school is no longer likely, the Departments request for a larger (4 ha) primary school site will offer some planning flexibility to cater for special needs students.	Concept Plan to be amended to include additional 1 ha in accordance with DET requirements.  DET has advised a secondary school site is not required.
	3. The Department of Education and Training is unlikely to require sites for an additional secondary school and second new primary school.	Noted
Ambulance Service of NSW- 26/03/09	1. No change in Ambulance Services position regarding the future needs in the “Lake Macquarie Western Corridor Sub-Region Strategy” as detailed in previous letter dated 09/05/08. As per that letter: <ul style="list-style-type: none"> <li>Require a stand alone facility</li> <li>Preferred option is along Newcastle Link Road, in the vicinity of the Cameron Park Road or Minmi Roundabouts.</li> <li>No preference for which side of the Newcastle Link Road the facility is located.</li> <li>Emergency vehicles should access Cameron Park Road or Minmi Road or similar roads on the northern side of the Newcastle Link Road.</li> <li>Consideration would need to be given for speed limiting devices or traffic lights to assist emergency vehicles merge or cross major flows of traffic on Cameron Park Road or Minmi Road or similar northern roads.</li> <li>Size of lands required is approx 3,000sqm</li> <li>Size of facility will house 9 ambulance vehicles and accommodate 30 staff.</li> <li>Off street parking for approx 10 private vehicles will be required.</li> </ul>	Due to restrictions imposed by RTA on Link Road an alternative site will be identified in the final Concept Plan for ambulance facilities as noted. Options will be discussed with Ambulance Services when traffic issues are resolved with RTA.
Ministry of Transport- no date	1. The Director Generals Requirements (DGR's) do not address the Ministry's previous requests which included the need for a Transport Management Accessibility Plan (TMAP).	In April 2008, the DGR's requirements for the subject land were issued. The Traffic and Transport report addressed DGR's requirement. Hyder has discussed various principles which would promote public transport usage and mode share.
	3. The proposal does not determine the likely transport infrastructure and recurrent servicing costs for Government in proceeding with the development.	The Traffic and Transport Report has outlined key principles which could increase future public transport target. Extension of the existing bus route 260 will be required to cater for new development growth. Further discussion will be held with MoT and bus route operator. MoT has indicated that they will require start-up funding to commence bus service early in the development stage to introduce public transport as an alternative and effective transport choice.
	4. Strategic transport modelling is needed to support the broad public transport assumptions made concerning the proposal.	As set out in the Lower Hunter Integrated Transport Plan (2007), the future non –car model share is targeted to reach 20% in 20 years time. The Traffic and Transport Report has outlined strategies to achieve this target. The new residential development at Minmi needs to be fully integrated to the bus network and efficiently linked to the rail network.
	5. Proposal does not determine whether there is sufficient capacity on rail or bus for significantly increased peak hour trips to destinations in Newcastle and Lake Macquarie over the life of the development.	The existing public transport usage in the Hunter is very low being less than 5% (2006, JTW). Currently two bus routes 260, 265/266 provide services at Minmi linking Maryland, Wallsend, Glendale, Charlestown, Newcastle University. The peak hour passenger loading is low as bus route is not direct

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		and travel time is not competitive enough to encourage people away from private cars. Extension of existing bus route 260 will be required to cater for new development growth. Further discussion will be held with MoT and bus route operator.
	6. The need for bus priority works at key intersections has not been considered.	Traffic investigation found that a new signals will be required at Newcastle Link Road/Minmi Road/Minmi Boulevard intersection. The need for a bus priority at this intersection will be explored in the detailed design DA stage,
	7. The transport needs of Black Hill have received marginal consideration and are inadequate from a public transport perspective.	The Traffic and Transport Report has outlined key principles which could increase future public transport target and linkage with surrounding activity centres including Black Hill. Extension of existing bus routes will be required to cater for new development growth. Further discussion will be held with MoT and bus route operator.
	8. Travel demand management strategies for increased mode shift to public transport has not been adequately considered.	As set out in the Lower Hunter Integrated Transport Plan (2007), the future non –car model share is targeted to reach 20% in 20 years time. The Traffic and Transport Report has outlined strategies to achieve this target. The new residential development at Minmi needs to be fully integrated to the bus network and efficiently linked to the rail network.
	9. The proposal adopts 600m walking catchments for local bus services instead of the 400m distance adopted in the Ministry's Service Planning Guidelines.	A review of 400m Benchmark Catchments is shown on an additional plan in the PPR.
	10. Justification of the proposal is needed with respect to draft SEPP 66- Integration of Land Use and Transport.	During the preparation of traffic report, Hyder has consulted various state and local government policies and instruments that may apply for this development, including SEPP 66. The new residential development at Minmi needs to be fully integrated to the bus network and efficiently linked to the rail network.
	11. The proposal and DoP's draft Newcastle- Lake Macquarie Western Corridor Planning Strategy should be progressed concurrently and focus more heavily on integrating land use and transport.	Consistent with planning principles documented in the Western Corridor Strategy, the new residential development at Minmi needs to be fully integrated to the bus network and efficiently linked to the rail network.
NSW Department of Primary Industries- 06/04/09	1. Recommends continuing communication with Mine Subsidence Board (MSB) throughout DA process to determine restrictions to be imposed by the MSB.	Noted
	2. No objection to concept plan provided that underground mining remains permissible within proposed Stockrington Conservation Area.	Noted
	3. Request to be consulted on future Black Hill Concept Plan Area to identify any specific issues relating to the mining operation and the identified coal resources.	Noted
	4. Recommends proponent contact the Petroleum Exploration Licence (PEL) title holder to discuss any potential conflicts.	Contact has been made with AGL, the holder of PEL (267), who confirm they have no objection to the proposed development. AGL request to be kept informed of future development applications.
	5. If a nature reserve is proposed in the Stockrington Conservation Estate, DECC's formal referral process (consultation with other agencies, including DPI) regarding any proposed reserve areas will apply.	Noted
Hunter Water Corporation - 20/03/09	6. There are no statutory issues under the Fisheries Management Act (1994).	Noted
	1. Works planned in Hunter Waters capital works program have not been designed to specifically provide capacity for the development. Therefore, depending on the timing of the development there may be a need for the developer to make capital contributions to enable Hunter Water to identify the timing of works, and to scope works to provide capacity. This will need to be discussed further with Hunter Water.	The Minister of Planning has agreed to consider this site as a state significant site under Schedule 3 of the Major Development SEPP 2005. It is not proposed to provide capital contributions to HWC in accordance with the NSW government announcement on developer levies and DSP charges. HWC should amend its models and capital works program to include the proposed development. Cardno can assist in determining demands for the development to be incorporated into the HWC models.
	2. Hunter Waters regional strategies for the South Wallsend and Minmi/ Maryland Water Supply Systems had not identified development of the scale proposed and therefore demand estimates for the strategies are significantly lower than those estimated from the proposal.	Coal & Allied will discuss with HWC a Water Servicing Strategy for the site following Concept Approval. HWC should amend its current regional strategies to include the proposed developments.
	3. Required to prepare a detailed Water Servicing Strategy for the site which is compatible with the current regional strategies e.g. South Wallsend Water Supply System Strategy and	Coal & Allied will discuss with HWC a Water Servicing Strategy for the site following Concept Approval. HWC should amend its current regional strategies to include the proposed developments.

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	Minmi/Maryland Water Supply System Strategy. The Strategy will need to be prepared in close consultation with Hunter Water.	
	4. Required to investigate the use of dual reticulation supply of recycled water.	The feasibility of utilising a dual water reticulation network will be investigated as part of future works. Coal & Allied will undertake a feasibility assessment based upon capital and lifecycle costs.
	5. Required to prepare a detailed Recycled Water Servicing Strategy to determine optimal servicing arrangements for the site. This will need to address: <ul style="list-style-type: none"> <li>Identify demands from this and surrounding developments</li> <li>Identify how the full development area will be serviced</li> <li>Net Present Value Assessment of servicing options including capital and operating costs.</li> </ul>	The feasibility of utilising a dual water reticulation network will be investigated as part of future works. Coal & Allied will undertake a feasibility assessment based upon capital and lifecycle costs.
	6. Existing infrastructure has not been designed to cater for loads from the development. There will need to be significant upgrades of existing assets and/or construction of new WWPS and transportation systems in either the Shortland or Edgeworth WWTW.	Assessment of the need for upgrades should be undertaken by HWC as part of their revised Sewer Servicing Strategy. The revised Strategy should take into account the proposed development.
	7. Required to prepare a detailed Sewer Servicing Strategy for the site to determine the optimal servicing arrangements, including an investigation of the feasibility of augmenting Hunter Waters existing sewer system to accommodate the development.	Assessment of the need for upgrades should be undertaken by HWC as part of their revised Sewer Servicing Strategy. The revised Strategy should take into account the proposed development.
	8. Developers consultants have started preliminary investigations into the servicing of the development. However these have not to date been submitted to Hunter Water for review and comment, and therefore are likely to change.	Assessment of the need for upgrades should be undertaken by HWC as part of their revised Sewer Servicing Strategy. The revised Strategy should take into account the proposed development.
	9. Reference in Section 4.1 of the Infrastructure Report that Hunter Water has advised that there is capacity for 400 lots in the existing system is not accurate. Capacity within the wastewater system is less than 400 lots and will need to be confirmed during the development of the servicing strategy.	The limited capacity of the existing system is noted. Demand management measures, including BASIX will be incorporated into the project. Further investigations will be undertaken as part of the future detailed design.
	10. Servicing Strategy will need to identify loads from the proposed development and surrounding developments, identify how the full development area will be serviced and NPV's of servicing options including capital and operating costs.	Coal & Allied will discuss with HWC a Water Servicing Strategy for the site following Concept Approval. HWC should amend its current regional strategies to include the proposed developments.
	11. Servicing Strategy is to be prepared by an accredited consultant in accordance with Guidelines for the Preparation of Strategy Studies.	Coal & Allied will discuss with HWC a Water Servicing Strategy for the site following Concept Approval. HWC should amend its current regional strategies to include the proposed developments.
	12. Developer will need to liaise closely with Hunter Water regarding proposed scope and timing of development to provide assistance in the planning of regional wastewater transportation system works.	Coal & Allied will discuss with HWC a Water Servicing Strategy for the site following Concept Approval. HWC should amend its current regional strategies to include the proposed developments.
	13. Hunter Water will formally advise of available capacity upon lodgement of an Application with Hunter Water to determine the formal requirements. The developer is advised to work closely with Hunter Water on the proposed timing and staging of the development to ensure there is treatment capacity available to the development.	Limitations of the existing network are noted. The normal approval processes will be followed.
Hunter Central Rivers Catchment Management Authority- 16/03/09	1. Section 6.3 refers to an Ecological Assessment Report by RPSHSO in Appendix L, but this report is actually the Ecologically Sustainable Development Report and does not cover biodiversity corridors.	An Ecological Assessment Report was provided as part of Appendix H of the Environmental Assessment Report.
	2. Section 6.3 refers to an Ecological Inventory Report at Appendix H, but this report does not include any review of biodiversity or corridors.	An Ecological Assessment Report was provided as part of Appendix H of the Environmental Assessment Report.
	3. The design layouts show riparian corridors, but no detail is provided.	Further works will be provided with cross-sections: <ul style="list-style-type: none"> <li>Riparian in private land (lots),</li> <li>Riparian in part lots and part open space (no roads),</li> <li>Riparian in open space – road fronting and lot backing,</li> <li>Riparian in open space – road fronting.</li> </ul>



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	4. Linkages between local corridors across the site and surrounding land are not addressed.	<p>In the first instance, the proposal is fundamental to achieving the outcomes of the Lower Hunter Regional Strategy and Lower Hunter Regional Conservation Plan.</p> <p>These guiding policies have been developed in consultation with local and state government agencies along with the wider community. As such have taken into account the environmental, economic and social parameters operating in the Lower Hunter. Therefore on a landscape scale these strategies deliver a sound environment conservation outcome.</p> <p>Best practice urban design has been incorporated into the concept plan in order to acknowledge, where possible, the corridor requirements of local and state government agencies and the wider community. The result, a matrix of linear riparian corridors, green buffers, patches of retained vegetation and public open space is provided by the proposed concept plan. The riparian corridors serve a number of functions including biodiversity connectivity in combination with Asset Protection Zones and stormwater detention / treatment devices. Whilst the riparian corridors within the Development Estates are not exclusive conservation areas, they do provide local connectivity for arboreal and highly mobile fauna.</p>
	5. No discussion has been provided on the impact to regional corridors from existing roads and the proposed link road. The proposed F3 link road will be a significant impediment to wildlife movement. Actions to mitigate or overcome these barriers should be provided in the Concept Plan.	<p>Further works and cross-sections have been undertaken to demonstrate the proposal.</p> <p>It is noted that the proposal is fundamental to achieving the outcomes of the Lower Hunter Regional Strategy and Lower Hunter Regional Conservation Plan.</p> <p>These guiding policies have been developed in consultation with local and state government agencies along with the wider community. As such have taken into account the environmental, economic and social parameters operating in the Lower Hunter. Therefore on a landscape scale these strategies deliver a sound environment conservation outcome.</p>
	6. The low condition of the 240ha of cleared area or weeds should be addressed prior to transfer to the state through inclusion of a rehabilitation plan in the management plan including management of risk of weed invasion from cleared infrastructure corridors.	
	7. Concerned about the constriction of climate change retreat corridors as proposed. No assessment has been made of the viability of the corridors proposed with particular refer to climate change retreat pathways.	<p>While this is a valid and noted comment in relation to climate change, this project is fundamental to achieving the outcomes of the Lower Hunter Regional Strategy and Lower Hunter Regional Conservation Plan.</p> <p>These strategies have been developed in consultation with local and state government agencies along with the wider community. As such have taken into account the environmental, economic and social parameters operating in the Lower Hunter. Presumably considerations would have been made during the consultation and development of these guiding policies in relation to this matter.</p>
	8. Supports the proposal to exclude open space and asset protection zones from riparian buffer areas.	Noted
	9. The plan states "The proposed riparian corridors allow for the conveyance of stormwater design requirements and provide habitat opportunities". It is not clear what is meant by conveyance of stormwater design requirements.	The plan will be reworded "Riparian corridors are to cater for the proposed hydrological / drainage requirements while making due consideration to the existing ecological character".
	10. More detail should be provided to describe what stormwater infrastructure is proposed and how it will impact on the ecosystem of the riparian corridors.	
	<p>11. It is recommended that the following guiding principles as contained within the Hunter-Central Rivers Catchment Action Plan are considered in the water cycle planning for the development:</p> <ul style="list-style-type: none"> <li>The reuse of stormwater before it enters rivers and estuaries should be supported where appropriate (i.e. better collection and infiltration of rainwater) and better management of stormwater itself (e.g. constructed wetlands, temporarily storing</li> </ul>	Noted, the reuse of stormwater and management of stormwater is embodied in the principles of Water Sensitive Urban Design.

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	<p>stormwater).</p> <ul style="list-style-type: none"> <li>The hydrological regimes of waterways impacted by stormwater should be managed to mimic appropriate cycles. For example, downstream peak discharges, low flows and drying cycles should be managed to ensure that they do not impact downstream waterways and wetlands.</li> <li>Urban planning should have a catchment based approach to stormwater management.</li> </ul>	
	12. There is no proposal to protect the riparian corridors through zoning. It is recommended that these areas be zone E2- Environmental Management	<p>The Concept Plan identifies riparian corridors. Respective design guidelines for each Precinct will contain appropriate design guidelines to ensure the protection of riparian corridors. The Draft SoC also identifies the preparation of a SIMI that will include the programs for the rehabilitation and revegetation of degraded riparian corridors.</p> <p>All riparian corridors will be zoned R2. Detailed survey of the riparian corridors cannot be completed until the PA / DA stage for each specific area at which time it is proposed to create an Environmental Zone for the riparian corridors. Until a detail survey is complete riparian corridor boundaries cannot be finalised and therefore flexibility within the zoning of the development precincts is required at this stage.</p>
	13. The DGR's request that an assessment of the impact of rezoning across the entire project be addressed. The ecological report is only an inventory of ecological value of conservation lands and states it has not been conducted in accordance with the Guidelines for Threatened Species Assessment. Recommend that a full ecological assessment of the impacts of the development and conservation lands be provided.	<p>A separate Ecological Assessment Report by Harper Somers O'Sullivan has been prepared and submitted as part of the Environmental Assessment package. The study investigates the potential ecological impacts of the proposal as required by the Director General's requirements and focuses on the impacts associated with the removal of vegetation, impacts upon habitat for native fauna within and directly adjacent to the development estates. Ecological fieldwork and assessment relates to the development lands and the conservation estates.</p> <p>Noted, however in the DECC's opinion the works provide an adequate assessment to validate the proposal.</p>
	14. WSUD report does not outline WSUD information to sufficiently assess whether the Hexham wetlands will receive water from the development at the required standard for quality, quantity and frequency.	We note this concern, and it is the intention to manage these issues by incorporating Water Sensitive Urban Design facilities to treat stormwater before discharge form the site, and sensitive receiving environments. Water Sensitive Urban Design facilities mimic the processes of the existing hydrology and treat stormwater before discharge from the site. The design of these facilities during future stages of the project will be critical to achieving appropriate outcomes and levels of stormwater management.
	15. The targets contained in Section 5 for 'post development' and 'post development with WSUD' are misleading as they do not provide adequate information to assess the effectiveness of the WSUD strategy in relation to the needs of the receiving waters. Additional information is required to describe the requirements of the receiving waters and the impact the WSUD strategy will have in terms of water quality, quantity and frequency.	We note this concern, and it is the intention to manage these issues by incorporating Water Sensitive Urban Design facilities to treat stormwater before discharge form the site, and sensitive receiving environments. Water Sensitive Urban Design facilities mimic the processes of the existing hydrology and treat stormwater before discharge from the site. The design of these facilities during future stages of the project will be critical to achieving appropriate outcomes and levels of stormwater management.
	16. The concept plan often uses the term 'where possible'. Some indication of what this constitutes would be useful. E.g. what is the threshold condition for when the intentions for environmental protection of the concept plan are overrules in favour of the development?	The Statement of Commitments clearly state what will and will not be committed to.
	17. The MOU states 2,473ha of conservation land in the northern landholdings will be transferred to the state in return for 526ha of developable land. The concept plan however only indicates 2,411ha of conservation land. Given the reduction in conservation land, the development area should be reduced by the same proportion.	The difference is the 79ha of land acquired by the RTA for the proposed Hunter Expressway. An additional 17ha at Minmi (northern tip) will be transferred to the government for conservation providing a total of 2,264ha.
	18. Section 1.1 of the concept plan refers to a reduction in development land in the southern holdings. This however bears no relevance to this concept plan as the proportionality clause in the MOU is to be applied separately to each area (northern and southern) as specified by the same clause within the MOU.	<p>The difference is the 79ha of land acquired by the RTA for the proposed Hunter Expressway. An additional 17ha at Minmi (northern tip) will be transferred to the government for conservation providing a total of 2,264ha.</p> <p>Section 1.1.2 of the EA provides an update on development and conservation areas for all estates as a result of detailed investigations. Changes to the southern estates development and conservation areas</p>

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		have not impacted on the northern estates and have been provided for information purposes only.
Department of Environment and Climate Change (DECC)- April 2009	1. Require the provision of further information on the conservation lands to enable an adequate due diligence and risk assessment to be made prior to transfer to DECC.	Noted. Will be the subject of ongoing liaison between the Proponent and Department
	2. Following review of Northern Estates Environmental Audit Report, DECC will make a final assessment and submission on the proposed transfer of conservation land. Envisaged that the majority of issues relating to the transfer of conservation land will be addressed in the Deed of Agreement (DoA).	Noted. Will be the subject of ongoing liaison between the Proponent and Department
	3. Require modification to the concept plan and design guidelines in regards to the development/conservation area interface surrounding BGHRP. The natural values, existing infrastructure and future management regime of BGHRP will be placed under substantially increased pressure by the proposal. DECC is seeking an integrated outcome to ensure the potential impacts to the reserve are minimised and appropriately managed, and that the strategic plan and actions for management in the adopted Plan of Management (PoM) for the reserve can be implemented.	Noted. Best practice urban design has been incorporated into the concept plan and where possible a defined break between the development and DECC estate has been provided. Further linkages will be provided via a matrix of riparian corridors and public open space.
	4. Control of public access, stormwater runoff, remediation of contaminated areas, and provision of recreational infrastructure and utilities have not been adequately addressed in the EA report and require further consideration and assessment.	Discussions have been organised with DECC to agree requirements. Agreement on detail will be included in the PPR Provision of recreational infrastructure has been addressed within supplementary Urbis Social report.  Remediation works will be limited to the development site.
	5. Recommend wildlife consultation be undertaken between the proponent and DECC's Parks and Wildlife Group prior to lodgement of Preferred Project Report.	Noted. Will be the subject of ongoing liaison between the Proponent and Department
	6. Require the provision of further information/resolution of outstanding issues such as protection of Aboriginal cultural heritage, threatened species, wildlife corridors, stormwater management, and odour/air quality.	Noted. Will be the subject of ongoing liaison between the Proponent and Department  Water Sensitive Urban Design facilities will treat stormwater before discharge from the site, and sensitive receiving environments. Water Sensitive Urban Design facilities mimic the processes of the existing hydrology and treat stormwater before discharge from the site. The design of these facilities during future stages of the project will be critical to achieving appropriate outcomes and levels of stormwater Management.  Protection of Aboriginal heritage is stipulated in ERM 2008:10.3.1 Report submitted with the Concept Plan.
	7. DECC anticipates it will provide further detailed advice during the ongoing assessment and approval stages of the proposal and the transfer of conservation land. Pending further review of issues relating to the transfer of conservation land to DECC and assessment of social and physical recreational infrastructure requirements for BGHRP, DECC may also made a further submission in regards to potential infrastructure that could be supported by Coal & Allied's \$10M allocation fund.	DECC's submissions have been considered in preparing the list of projects proposed to be funded from the \$10M allocation shown in the PPR
	8. If the amendments to the draft Statement of Commitments as proposed by DECC cannot be accommodated, recommend they are included as conditions of approval.	Refer to comments below.
	<b>Amendments to draft Statement of Commitments</b>	
	9. Requests the draft Statement Commitments is revised to include the following conditions: Conservation Offset Lands: <ul style="list-style-type: none"> <li>Development of an interim land management agreement (Statement of Interim Management Intent) by the proponent in consultation with DECC's Parks and Wildlife Group, for the lands proposed to be transferred to the DECC reserve system.</li> </ul>	The Draft Statement of Commitments currently identifies the preparation of a SIMI for the: <ul style="list-style-type: none"> <li>Revegetation of corridors within the development areas.</li> <li>Rehabilitation and revegetation programs for degraded and disturbed riparian corridors</li> <li>Management of development and conservation land interface. The interface is the immediately adjacent conservation land up to 100m of the development land boundary.</li> </ul>

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	<p>Blue Gum Hills Regional Park:</p> <ul style="list-style-type: none"> <li>Assessment of potential impacts and mitigation measures of increased stormwater runoff and flooding from adjacent development on creeklines within the reserve.</li> <li>Remediation of any areas of contamination along the western boundary of the reserve.</li> <li>Provision of access to services/utilities along the boundary of the reserve.</li> <li>Contribution towards or provision of recreational infrastructure and facilities within the reserve.</li> </ul> <p>Aboriginal Cultural Heritage:</p> <ul style="list-style-type: none"> <li>Detailed archaeological surveys will be conducted along all ridge lines identified to be of high potential Aboriginal Cultural Heritage (ACH) significance where they are not protected in conservation areas in the finalised concept plan. A decision on management options, including salvage methodology and/or in situ conservation, shall be based on the survey results in consultation with the Aboriginal community.</li> <li>16. The proponent will negotiate with the relevant local Councils, DoP and DECC to ensure that management responsibilities are clearly defined and 'in perpetuity' of all conservation areas of relevance to ACH is achieved.</li> </ul>	<ul style="list-style-type: none"> <li>Threatened species management protocols for the Conservation Estates only. The SIMI will be prepared in consultation with all stakeholders, including DECC.</li> </ul> <p>As such, the Draft SoC only relates to the interface (100m) of the conservation lands.</p> <p>Remediation works will be limited to the development site.</p> <p>Water Sensitive Urban Design facilities will treat stormwater before discharge from the site, and sensitive receiving environments. Water Sensitive Urban Design facilities mimic the processes of the existing hydrology and treat stormwater before discharge from the site. The design of these facilities during future stages of the project will be critical to achieving appropriate outcomes and levels of stormwater Management.</p> <p>In respect to Aboriginal Cultural heritage, ERM undertook an assessment of all ridge lines in order to determine the areas with high ACH – see ERM 2008: Figures 5.1 and 5.3.</p> <p>A proposed archaeological salvage methodology was also provided in ERM 2008: 10.3.1.</p>
	<b>Deficiencies/issues with Environmental Assessment</b>	
	<p><u>Conservation Land Offsets</u></p> <p>10. Commend the process of undertaking due diligence review and risk assessment of land proposed to be transferred to DECC.</p>	Noted
	<p>11. A further detailed submission will be provided by DECC which will be subsequently utilised to inform the terms of the future Deed of Agreement (DoA) and the proposed Statement of Interim Management Intent (SIMI).</p>	Noted.
	<p><u>Blue Gum Hills Regional Park</u></p> <p>12. Only one access point into the reserve from Minmi Road with numerous pedestrian access points via residential streets provided. DECC does not support permeability access to BGHRP and a rationalisation of access points into the reserve is required.</p>	An amended plan to show access points in accordance with BGHRP Management Plan and agreement with DECC will be included in the PPR.
	<p>13. Potential access points have been identified in the south west, south east and north east corners of the reserve and further consultation with the Department will be required to finalise any design outcome.</p>	An amended plan to show access points in accordance with BGHRP Management Plan and agreement with DECC will be included in the PPR.
	<p>14. The management of stormwater runoff and flooding within the reserve is problematic. Proposed development is likely to exacerbate the volume and velocity of stormwater runoff entering the reserve.</p>	Water Sensitive Urban Design facilities will treat stormwater before discharge from the site, and sensitive receiving environments. Water Sensitive Urban Design facilities mimic the processes of the existing hydrology and treat stormwater before discharge from the site. The design of these facilities during future stages of the project will be critical to achieving appropriate outcomes and levels of stormwater Management.
	<p>15. In consultation with DECC, the proponent should investigate the most appropriate mechanisms for the management of stormwater runoff and creekline stability within and adjacent to the reserve.</p>	A Consultation meeting has been held with DECC. Agreed mechanisms for the stormwater management will be included in the PPR.
	<p>16. Depending on the type and extent of remediation required to facilitate residential/urban development in the Minmi South/Village Centre development precinct, additional works may be required within the reserve itself (e.g. removal/compaction of fill, establishment of batters, stabilisation of erosion, provision of a suitable development/conservation area interface etc).</p>	<p>All works, including remediation works are expected to be limited to the development site.</p> <p>All works would be restricted to land owned by Coal &amp; Allied and be undertaken in accordance with the relevant standards.</p>

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	17. DECC requests to be closely consulted throughout the assessment and subsequent development stages of the proposal to ensure that any areas of contamination are adequately remediated.	Noted.
	18. DECC will seek agreement with Coal & Allied to enable the BGHRP to be connected to the water, electricity and sewer services provided for in the development.	Allowance will be made for connection of amenity blocks or similar, subject to normal metering arrangements.
	19. An assessment of the need and type of upgrade and/or new facilities will require further investigation and funding. DECC may seek access to part of the \$10 million allocation fund.	DECC's submissions have been considered in preparing the list of projects proposed to be funded from the \$10M allocation shown in the PPR.
	20. Recommend further consultation be undertaken between the proponent and DECC's Parks and Wildlife Group prior to lodgement of a Preferred Project Report.	Noted.
	<u>Aboriginal Cultural Heritage:</u> 21. Aboriginal Cultural Heritage (ACH) components of the EA Report appear to be consistent with the DGR's and DECC's Environmental Assessment Requirements.	Noted.
	22. The design details of the development remain to be finalised and the possibility of a connecting road impacting upon the proposed conservation area in the Link Road North Precinct needs to be resolved.	To be reviewed as part of the PPR.
	23. Supports the protection of the six identified sites (MLA1-6) in a proposed conservation area and notes that a further three sites recorded in its Aboriginal Heritage and Information Management System (AHIMS) could not be relocated due to more recent disturbance in the vicinity of Minmi village.	No action required.
	24. Recommend that more detailed archaeological surveys be conducted along ridges unless they are protected in conservation areas under the finalised design plans.	ERM disagree as a study has been undertaken already. It should be noted that ERM undertook an assessment of all ridge lines in order to determine the areas with high ACH – see ERM 2008 Report submitted with the Concept Plan: Figures 5.1 and 5.3.
	25. The intention to conduct salvage works in accordance with Management Plan developed with the Aboriginal Community is supported.	Requires the preparation of PoM which NPWS prefers to complete.
	26. Need to resolve in consultation with the Aboriginal community the possible construction of a road along the ridge in the proposed conservation area in the Link Road North Precinct.	Coal & Allied do not propose such a road This is the LMCC road (paper) for which they have no further interest as it cannot be used for access to the Waste facility. Subject to agreement between NCC and LMCC the ownership of this road may change in the near future. Regardless RTA is not prepared to consider access to this road from Link Rd
	27. Reference to the possible existence of scarred and/or carved trees in old mature forest along the Link Road to the east should be more fully assessed. If located, management strategies should be developed in consultation with the Aboriginal community.	Not every tree has been inspected in detail within the study area and further work will be undertaken at PA or DA stage. NB this must be undertaken by an archaeologist who is experienced in identifying scarred trees created through cultural modification rather than natural scarring through other means.
	28. Proposed Aboriginal Heritage Management Plan pertaining to any unprotected or developable lands should be prepared after the concept plan is finalised and prior to any final approval by DoP to ensure it is subjected to public scrutiny during the exhibition process.	A PoM was a recommendation of ERM 2008. Given the sensitive nature of some Aboriginal sites locations and recommendations, a lot of data would need to be restricted. One would need to consult with the Aboriginal stakeholders to determine whether they wanted this plan/component of the plan put on public exhibition.
	<u>Flora and Fauna (Biodiversity)</u> 29. Proposal is likely to sever vegetation remnants and the wildlife corridor along the Newcastle Link Road, including areas previously identified for conservation purposes in planning strategies by LMCC and NCC.	Investigations into the amount of buffering (corridor) vegetation that will remain following development coupled with the likely Hunter Freeway – Link Road upgrade works has been undertaken and determined that a substantial vegetation width will exist collectively on the RTA (Link Road) and Coal & Allied development lands. Link Rd cross sections will clearly indicate the width of the green buffer. These will be submitted with the PPR.
	30. Insufficient assessment of potential impacts provided for how individual threatened species are likely to be impacted upon by the removal of habitat in the Minmi/ Link Road area. Little consideration and justification has been provided for the purpose and functionality of proposed wildlife corridors through the development precincts.	In the first instance, the proposal is fundamental to achieving the outcomes of the Lower Hunter Regional Strategy and Lower Hunter Regional Conservation Plan.  These guiding policies have been developed in consultation with local and state government agencies along with the wider community. As such have taken into account the environmental, economic and social parameters operating in the Lower Hunter. Therefore on a landscape scale these strategies

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		<p>deliver a sound environment conservation outcome.</p> <p>Secondly, best practice urban design has been incorporated into the concept plan in order to acknowledge, where possible, the corridor requirements of local and state government agencies and the wider community. The result, a matrix of linear riparian corridors, green buffers, patches of retained vegetation and public open space is provided by the proposed concept plan. The riparian corridors serve a number of functions including biodiversity connectivity in combination with Asset Protection Zones and stormwater detention / treatment devices. Whilst the riparian corridors within the Development Estates are not exclusive conservation areas, they do provide local connectivity for arboreal and highly mobile fauna.</p> <p>Furthermore, investigations into the amount of buffering (corridor) vegetation that will remain following development coupled with the likely Hunter Freeway – Link Road upgrade works has been undertaken and determined that a substantial vegetation width will exist collectively on the RTA (Link Road) and Coal &amp; Allied development lands. Link Rd cross sections will clearly indicate the width of the green buffer. These will be submitted with the PPR.</p>
	<p>31. Requests a further assessment for whether viable populations of the identified individual threatened species are likely to be maintained in the immediate locality, and whether these species will utilise the proposed riparian/wildlife corridors.</p>	<p>In the first instance, the proposal is fundamental to achieving the outcomes of the Lower Hunter Regional Strategy and Lower Hunter Regional Conservation Plan.</p> <p>These guiding policies have been developed in consultation with local and state government agencies along with the wider community. As such have taken into account the environmental, economic and social parameters operating in the Lower Hunter. Therefore these Strategies deliver a sound environment conservation outcome.</p> <p>Secondly, best practice urban design has been incorporated into the concept plan in order to acknowledge, where possible, the corridor requirements of local and state government agencies and the wider community. The result, a matrix of linear riparian corridors, green buffers, patches of retained vegetation and public open space is provided by the proposed concept plan. The riparian corridors serve a number of functions including biodiversity connectivity in combination with Asset Protection Zones and stormwater detention / treatment devices. Whilst the riparian corridors within the Development Estates are not exclusive conservation areas, they do provide local connectivity for arboreal and highly mobile fauna.</p>
	<p>32. Assessment should include a justification of proposed corridor widths and a description of how edge effects will be managed.</p>	Noted
	<p>33. Evidence provided to DECC suggests that an extant Koala population exists in the Minmi Link Road locality. This contradicts statements made in the EA Report. A further assessment is required examining the impacts on this species including provisions of SEPP44- Koala Habitat Protection.</p>	Noted. This has been investigated and where appropriate amendments made within the PPR documentation.
	<p><u>Water Quality and Stormwater Management:</u> 34. Supportive of the proposed use of WSUD practices.</p>	Noted.
	<p>35. DECC may seek further advice on the propose WSUD Strategy prior to lodgement of PPR due to ecological significance of receiving waters and further areas proposed to be added to the DECC reserve system.</p>	A consultation meeting has been held with DECC. Agreed mechanisms for the stormwater management will be included in the PPR
	<p><u>Odour/Air Quality:</u> 26. The ability for the Summerhill Waste Management Facility to operate during its anticipated life should not be compromised through the development of non compatible land uses.</p>	Noted.
	<p>27. DECC may seek further advice prior to lodgement of the PPR.</p>	Noted.

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	<p><u>Zoning:</u> 28. All land gazetted or proposed to be gazetted under NP&amp;W Act should be placed under the E1 zone. Only development authorised under the NP&amp;W Act should be permitted within the E1 zone. Conservation areas outside of the recommended E1 conservation area should be zoned E2- Environmental Conservation.</p>	<p>Conservation lands to be dedicated to NSW Government are proposed to be zoned E1. Permitted uses (without consent) are those authorised under the <i>National Parks and Wildlife Act 1974</i>. There are no other uses proposed to be permissible within this zone.</p> <p>Some areas within the lands to be dedicated to NSW Government are proposed to be zoned E3 Environmental Management. These areas relate to land subject to existing easements. Proposed permitted land uses (without consent) within the E3 zone are Electricity generating works; environmental protection works; home occupations; public utility undertaking; sewage reticulation system; telecommunication facility; water reticulation system; and roads.</p>
TransGrid- 19/03/09	1. Proposed residential development north and south of the Newcastle Link Road (Lots 2 and 3 DP877349) is affected by TransGrid's Newcastle-Tomago 94/94N double circuit 330kV transmission line. The subject land does not currently have an easement registered on title; however TransGrid is presently working with the landowners in an attempt to negotiate an easement.	Noted
	2. Even without the benefit of a formal easement the infrastructure is protected under the NSW Electricity Supply Act, giving TransGrid the right to do such things necessary to discharge its statutory obligations to maintain electricity supply, including access, operation and maintenance activities. This includes the restriction of development in a corridor under the transmission line to ensure safety is maintained, along with safe clearance levels from roads, structures, vegetation etc.	The concept plan has been prepared on this basis.
	3. Essential that owner obtain TransGrid approval prior to any construction within the proposed easement area. Recommend close liaison with TransGrid's Northern Region personnel with regard to proposed activities within the easement areas.	Noted
	4. TransGrid will have similar requirements for the Black Hill site and would appreciate the opportunity to provide comments on the Black hill site in due course.	Noted
NSW Rural Fire Service- 20/03/09	<p><u>Asset Protection Zones (APZ's):</u> 1. The use of APZ modelling tools may not be appropriate in determining APZ's for multiple lots on the bush interface with a variable effective slope. The size of the required APZ's may therefore be underestimated. A worse case scenario should be used to determine the APZ.</p>	<p>The entire site is approximately 520ha in size and so during assessment was broken down into sections based on slope.</p> <p>The APZ calculator has been used to assess setbacks required for the site. This method establishes a more performance based approach and as such is a much more realistic appraisal of the estates. As the APZ calculator is reliant on slope, slopes were calculated using the highest and/or lowest for each area to obtain the appropriate setbacks. As the APZ calculator is based on the APZ requirements as prescribed in PBP (2006) the current APZs are considered adequate.</p>
	2. Within Estate 1A and B a min 20m APZ is required for proposed residential development for the north-eastern, northern, western and southern elevations. A minimum 20m, APZ is required to lots located opposite identified water courses. A min 25 to 35 m APZ is required to the southern portion of the eastern elevation.	<p>A 10m APZ was determined around the watercourse in the eastern portion of 1a. This is due to the low lying flat nature of the area.</p> <p>The APZ calculator has been used to assess setbacks required for the site. This method establishes a more performance based approach and as such is a much more realistic appraisal of the estates. As the APZ calculator is reliant on slope, slopes were calculated using the highest and/or lowest for each area to obtain the appropriate setbacks. As the APZ calculator is based on the APZ requirements as prescribed in PBP (2006) the current APZs are considered adequate.</p>
	3. Within Estate 2 a min 20m APZ is required for proposed residential development for the western elevation and opposite identified water courses location within the stage. A min 25m APZ is required to the eastern elevation.	<p>It is agreed that a 20m APZ will be required around the watercourses within the estate.</p> <p>The APZ calculator has been used to assess setbacks required for the site. This method establishes a more performance based approach and as such is a much more realistic appraisal of the estates. As the APZ calculator is reliant on slope, slopes were calculated using the highest and/or lowest for each area to obtain the appropriate setbacks. As the APZ calculator is based on the APZ requirements as prescribed in PBP (2006) the current APZs are considered adequate.</p>

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	4. Within Estate 3 a min 20 APZ is required for proposed residential development for the south-western and north-eastern elevations, also opposite identified water courses. A min 25m is required for eastern elevation. A 35m APZ is required to the north-western elevation.	A 20m APZ has already been established around watercourses within the development estate.  The APZ calculator has been used to assess setbacks required for the site. This method establishes a more performance based approach and as such is a much more realistic appraisal of the estates. As the APZ calculator is reliant on slope, slopes were calculated using the highest and/or lowest for each area to obtain the appropriate setbacks. As the APZ calculator is based on the APZ requirements as prescribed in PBP (2006) the current APZs are considered adequate.
	5. Within Estate 4 a min 20m APZ is required for proposed residential development for the north-eastern, eastern portion of the northern and southern elevations. A min 20m APZ is required to lots opposite identified water courses. A min 25m APZ is required for the western and south-eastern elevations and 35m APZ is required to the southern portion of the eastern elevation.	A 20m APZ has already been established around watercourses within the development estate.  The APZ calculator has been used to assess setbacks required for the site. This method establishes a more performance based approach and as such is a much more realistic appraisal of the estates. As the APZ calculator is reliant on slope, slopes were calculated using the highest and/or lowest for each area to obtain the appropriate setbacks. As the APZ calculator is based on the APZ requirements as prescribed in PBP (2006) the current APZs are considered adequate.
	6. Within Estate 5 a min 20m APZ is required for proposed residential development for lands opposite identified water courses. A minimum 25m APZ is required for the northern and south-eastern elevations and a 35m APZ is required to the north-eastern and southern elevations.	A 20m APZ has already been established around watercourses within the development estate.  The APZ calculator has been used to assess setbacks required for the site. This method establishes a more performance based approach and as such is a much more realistic appraisal of the estates. As the APZ calculator is reliant on slope, slopes were calculated using the highest and/or lowest for each area to obtain the appropriate setbacks. As the APZ calculator is based on the APZ requirements as prescribed in PBP (2006) the current APZs are considered adequate.
	7. Within Estate 6 a minimum 20m APZ is required for proposed residential development within the western portion of the northern, eastern and the central portion of the southern elevations. A 20m APZ is required for lots located opposite identified water courses. A min 25m APZ is required for the eastern portion of the northern and southern portions of the eastern and south-western elevations. A 35m APZ is required for the central portion of the eastern portion of the southern elevations.	A 20m APZ has already been established around watercourses within the development estate.  The APZ calculator has been used to assess setbacks required for the site. This method establishes a more performance based approach and as such is a much more realistic appraisal of the estates. As the APZ calculator is reliant on slope, slopes were calculated using the highest and/or lowest for each area to obtain the appropriate setbacks. As the APZ calculator is based on the APZ requirements as prescribed in PBP (2006) the current APZs are considered adequate.
	8. Within Estate 6 a min 60m APZ is required for proposed Special Fire Protection Purpose developments.	This has already been established within the BTA.
	9. Required to ensure that a suitable size building envelope with the minimum APZ can be achieved on corner lots where the road reserve alone is not sufficient to provide the min setback to the bush fire hazard.	Noted
	10. A Plan of Management (PoM) shall be prepared and signed off by Council for the maintenance of APZs that are provided within land to be dedicated to Council. The plan shall include the responsible management party, methodology for management and the proposed management regime.	Noted.
	11. A restriction to the land use pursuant to Section 88B of the Conveyancing Act 1919 shall be established for the provision of any APZ's located outside individual lot boundaries and not covered by the plan of management. This does not apply to APZ's provided by formed roads.	Noted
	12. Attached garages, verandahs, balconies, decks etc are required to comply with the residential APZ requirements.	Noted
	13. Upon commencement, the entire 'development estate' is to be hazard reduced so that all proposed lots have the vegetation managed as an outer protection area (OPA) as outlined within Section 4.1.3 and Appendix 5 of 'Planning for Bushfire Protection' 2006 and the NSW Rural Fire Services document 'Standards for Asset Protection Zones'.	Noted
	<u>Water and Utilities:</u> 14. Water, electricity and gas are to comply with Sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection' 2006.	Requirements noted and will be considered in the future detailed design.



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	<u>Access:</u> 15. Public roads are to comply with Sections 4.1.3(1) and 4.2.7 of 'Planning for Bush Fire Protection' 2006.	Noted
	16. The RFS does not support the creation of the isolated cluster in Stage 5. Limited details have been provided on the proposed access/egress to the lots and its compliance with 'Planning for Bushfire Protection' 2006 to enable proper assessment.	These lots have been assessed under the provisions of Planning for Bushfire Protection 2006 and for the purposes of this concept application are considered acceptable.
	17. Fire trails should be considered for lots backing onto the bush interface with no alternate means to fight a possible bushfire other than the lots themselves and shall comply with Section 4.1.3 (3) of 'Planning for Bush Fire Protection' 2006.	Noted
	<u>Evacuation and Emergency Management:</u> 18. Arrangements for emergency and evacuation are to comply with Section 4.2.7 of 'Planning for Bushfire Protection' 2006.	Noted
	<u>General Advice:</u> 19. The APZ's required as part of the development will encompass land that will be located within an open space area. Ecological management of the open space area may conflict with that required for the APZ. The applicant will need to liaise with the NSW DNR to identify their management requirements do not conflict with those required for the APZ by the NSW Rural Fire Service.	Noted
	20. This approval is for the subdivision of the land only. Any further development application for Class 1, 2 and 3 buildings as identified by the BCA must be subject to separate application under Section 79BA of the EP&A Act and address the requirements of Planning for Bushfire Protection 2006.	Noted
NSW Health: Hunter New England- 19/03/09	<u>Access to Health Services:</u> 1. If multipurpose facilities are built as part of the development with a view to accommodating outreach health and other services, need to ensure that when facilities are handed over to Council, that HNE Health can still have access to these buildings for outreach services at little or no cost.	Multipurpose facilities will be reviewed and further described in the PPR.
	<u>Connectivity:</u> 2. Recommends traffic calming measures and an appropriate pedestrian crossing on the Newcastle Link Road.	Traffic investigation found that a new signals will be required at Newcastle Link Road/Minmi Road/Minmi Boulevard intersection. Pedestrian/cyclist crossing will be provided at new signals. This will facilitate a safe pedestrian and cyclist crossing between Link Road North and South Precincts.
	<u>Public Transport:</u> 3. Recommends provision of safe and convenient footpaths and cycleways and direct public transport access to: Appropriate childcare and preschool facilities; West Wallsend High School; John Hunter Hospital; Wallsend and Glendale bus interchanges and retail facilities.	As set out in the Lower Hunter Integrated Transport Plan (2007), the future non –car model share is targeted to reach 20% in 20 years time. The Traffic and Transport Report has outlined strategies to achieve this target. The new residential development at Minmi needs to be fully integrated to the bus network and efficiently linked to the rail network.
	<u>Active Transport:</u> 4. Recommends placement of alternative modes of transport to employment, education and leisure destinations within 400-800m of dwellings.	The catchment of a proposed bus route was identified in terms of walkable catchment. A walkable catchment is defined in terms of proportion of residents within a 400 m or 800 m radius of an activity (or other focus of activity, such as bus stop or school) who are within 400/800 m (5/10 minutes) actual walking distance. A common guideline is to use 400m walking catchment for potential bus stop where majority of dwellings can be served.  A review of 400m Benchmark Bus Catchments will be shown with an additional plan in the PPR.
	5. Concerned with pedestrian and cyclist access to the proposed Primary School site for residents in precincts north of the Newcastle Link Road.	Traffic investigation found that a new signals will be required at Newcastle Link Road/Minmi Road/Minmi Boulevard intersection. Pedestrian/cyclist crossing will be provided at new signals. This will facilitate a safe pedestrian and cyclist crossing between Link Road North and South Precincts.

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	6. Concerned with the pedestrian and cyclist access to recreation facilities located at the Northern End of the Minmi East Precinct, at least 3.5km from the proposed Primary School site and surrounding dwellings. The intention to provide a 'social and cultural focus for the community' may be undermined by this limited accessibility.	The facilities are at district level and located on the only reasonably large area of flat land in the proposal. They are close to the existing Minmi Primary School and to proposed and existing communities to the east. They would be accessible by public transport and the broader regional cycleway network.
	7. Concerned with access to healthy food outlets and community facilities for residents of the Link Road South Precinct. The Village Centre Precinct is located at least 2km from the proposed Primary School site and surrounding dwellings and is separated from the Link Road South Precinct by Newcastle Link Road.	The facilities are at district level and located on the only reasonably large area of flat land in the proposal. They are close to the existing Minmi Primary School and to proposed and existing communities to the east. They would be accessible by public transport and the broader regional cycleway network.
	<u>Development Staging:</u> 8. Staging of the development will leave the Link Road South Precinct (Stage 2) including the primary school, isolated from the services and dwellings at the northern end of the development until completion of the Link Road North Precinct (Stage 5).	Link Rd South is considered an extension of Cameron Park. It is divided from the north and this will be further accentuated when the Hunter Expressway is completed.
	9. Recommend the plan be amended to ensure that residents have access to retail, recreation, community and education facilities during the 20 year development period.	Agree with the principal and this will need to be evaluated further closer to the time Stage 2 is about to be constructed. It is anticipated that retail and services facilities will be available to the new residents of Link Rd South in the near vicinity eg Pambulong Shopping Centre. Stage 2 is unlikely to commence until approximately 2014/2015
NSW Fire Brigade By email 20/4/09	1. Preferred location of proposed fire station. Will require a new site for fire station in the north / NE of the study area, preferably towards the back of Wallsend or the Minmi Road roundabout (at the entrance to Summerhill). NSW Fire Brigades to further discuss.	Fire Brigade facilities and location have been discussed with the Fire Brigade following the Link Rd North facility being unavailable due to RTA denying access/egress to Link Rd. An alternative location will be made available within the development area or alternatively a Regional Contribution to an off site location will be included in the VPA covering Regional Contributions.
Cessnock Council By email 18/5/09	1. Cessnock Council welcomes the agreement reached between the NSW Government and Coal & Allied through the MoU.	Noted
	2. Cessnock Council is supportive of the Concept Plan which provides for the dedication of 2,264ha of conservation land.	Noted
	3. Supports proposed zoning of Stockrington lands to E1 – National Parks and Nature Reserves.	Noted
RTA – 11 June 09	1. Advising of funding granted for Hunter Expressway, with anticipated opening by 2013. revised traffic study and modelling required to take this into account.	Further traffic modelling has been carried out and submitted with the PPR.
State Emergency Services -15 May 09	1. The issues of overland flooding from stormwater and severe storm damage (wind and hail) could be expected to be addressed in the subdivision design and building standards. Taken on face value then, these risks do not appear to require a more thorough investigation at this time.	1. No action
	2. However, the issue of riverine flooding is not adequately covered. The GHD reports identify potential flooding from local creeks. Although the studies appear to be comprehensive in a technical sense, there is a pre-occupation with the 1:100AEP flood event (1 chance in 100 per year). For instance the references in the GHD reports to land or roads that are above the 1:100AEP level as being "flood free". 3. Because the flood maps for the proposal show only the 1:100AEP flood extents, it is not possible for the SES to assess the likely scale of impact for floods between the 1:100AEP and the PMF. The GDH report mentions that areas subject to inundation in a PMF event may need to be evacuated. However, there is no discussion of the need for flood prediction or warning for the site to support that intention. How will evacuation be implemented without this issue of flood prediction and warning being dealt with? 4. The reference in the GHD report stating that the SES is responsible for the flood warning and evacuation needs of the proposed development must be qualified in the context of a new development site. It needs to be clearly understood by the proponent and the DoP that the SES can only plan to deliver flood warning and evacuation where there is a flood prediction and warning capability. Neither the Bureau of Meteorology nor the SES is responsible for developing, implementing or maintaining technical (gauges and telemetry) flash flood warning systems. This is a matter for either the developer or the Council or both to resolve.	2. Our flooding assessments has considered the 100-yr ARI event, the PMF and Climate Change impacts. All flood mapping is provided in Appendix B of our report, which clearly includes the PMF. The 100-year ARI event is important from a Flood Planning level point of view, in accordance with the NSW Floodplain Development Manual, 2005 All PMF flood mapping has been provided in Appendix B of the hydrology report. In a few isolated areas in the northern precincts the 100-year ARI event extends into the development footprint. In these locations, minor filling of the flood fringe may be required to ensure roadways and lots remain flood free. In addition, in a number of locations, minor tributaries, would be incorporated in the development footprint as part of the stormwater system. In these cases, the capacity of both the overland flow paths and underground stormwater system will be designed to provide a level of service that minimises the flood hazard." 3. Detailed evacuation planning and strategies will be developed as part of the DA stages, when better information of subdivision is at hand. The flood maps for 1:100 and PMF indicate that the only residential area that is likely to be cut off during these flood occasions is the area west of the existing Minmi township. As part of the detailed design the roadway will need to be constructed above the PMF flood level to facilitate evacuation or a "stay put" evacuation strategy would need to be considered. 4. Noted

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	<p>5. The GHD report notes that “The presence of numerous watercourses through the site has provided the opportunity to maximise the retention and designation of riparian corridors.” The flip side of this aesthetic and environmental advantage is that a number of areas within the site could be completely isolated during flood events. Further assessment is required of the threshold levels at which internal roads will begin to flood, the depth of water possible in floods or the depth of flooding in residential areas in floods above the 1:100AEP level.</p> <p>6. The flooding of this site is likely to be concurrent with large scale events such as that which occurred in June 2007. The risks posed to residents who are isolated from what is expected to be reliable access to fire and emergency services should not be underestimated. In addition, there is the risk posed to residents who are isolated, attempting walk ride or drive through flooded sections of the internal road network.</p>	<p>5. This should be investigated during the DA stages of the development, when road levels and other infrastructure interfacing with creeks is better defined. In general, the affected land areas as shown on the flood mapping is sufficiently undulating to provide adequate escape routes away from creeks</p> <p>6. This point is noted and needs to be considered when evacuation strategies are developed for each stage of the project.</p>
Public Submission Reference No. 1- 10/03/09 and 16/03/09	1. Impact on the long term viability of Blue Gum Hills Regional Park	Best practice urban design has been incorporated into the concept plan in order to acknowledge and where possible mitigate any potential impacts associated with the Regional Park form and intended function (that is a Green Recreational Park). The result, a matrix of linear riparian corridors, green buffers, patches of retained vegetation and public open space is provided by the proposed concept plan. Whilst the riparian corridors within the Development Estates are not exclusive conservation areas, they do provide local connectivity for arboreal and highly mobile fauna and hence will maintain external linkages to the BGHRP.
	<p>2. Proposal does not demonstrate best practice ESD due to:</p> <ul style="list-style-type: none"> <li>Fragmentation of the conservation reserve and that Blue Gum Hills Regional Park will essentially become an island with minimal linkages to other significant areas of remnant vegetation.</li> <li>Increased edge effects due to the creation of significant edges.</li> <li>Increased resources required for the management of the park.</li> <li>Requirement for a new fire management plan for the Park.</li> </ul>	<p>Best practice urban design has been incorporated into the concept plan in order to acknowledge and where possible mitigate any potential impacts associated with the Regional Park form and intended function (that is a Green Recreational Park). The result, a matrix of linear riparian corridors, green buffers, patches of retained vegetation and public open space is provided by the proposed concept plan. Whilst the riparian corridors within the Development Estates are not exclusive conservation areas, they do provide local connectivity for arboreal and highly mobile fauna and hence will maintain external linkages to the BGHRP.</p> <p>The overall amount of linear ‘edge’ will not be increased.</p> <p>Park Management and resource considerations is a matter for the DECC to assess and resolve in conjunction with the proponent.</p> <p>The parks current internal fire management regime will not be altered as a result of the proposal. The external considerations arising from a significant reduction in fire threat are more likely to be beneficial rather than deleterious in this instance.</p>
	3. Stormwater impacts on RAMSAR wetlands- a separate study on the impacts of the development on the Hunter Estuary should be prepared.	The proposal was referred to the Commonwealth under the EPBC Act in 2008. The Commonwealth decided that the proposed action is not a controlled action and as such does not require further assessment and approval by the Minister for the Environment, Heritage and the Arts.
	4. Inadequate Ecological Assessment for determining impacts of proposed developments on threatened flora, fauna and ecological communities.	This is incorrect. The Ecological Assessment Report submitted with the Concept Plan has considered the potential impacts on threatened species, populations and ecological communities in relation to this and provides a threatened species matrix to determine the likelihood of occurrence and level of impact. Where a moderate or greater chance of impact was considered, further information and comment has been made.
	5. Ecological Inventory Report does not serve as a comprehensive ecological assessment but rather only as a flora survey of the proposed conservation lands.	<p>Incorrect. While the proposed conservation estates were not the subject of intensive fauna survey, highly detailed vegetation mapping and habitat assessment (including mapping) has been carried out. Based on this educated assessment of the potential use by threatened species, populations and ecological communities has been made.</p> <p>This is an accepted and commonly used practice in the ecological community to ensure a holistic assessment.</p>

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	6. Destruction of 268ha of Lower Hunter Spotted Gum Ironbark Forest (LHSGIF) and a failure to adequately address the need for this destruction.	<p>In the first instance, the proposal is fundamental to achieving the outcomes of the Lower Hunter Regional Strategy and Lower Hunter Regional Conservation Plan.</p> <p>These guiding policies have been developed in consultation with local and state government agencies along with the wider community. As such have taken into account the environmental, economic and social parameters operating in the Lower Hunter. Therefore on a landscape scale these strategies deliver a sound environment conservation outcome.</p> <p>Secondly the Ecological Assessment Report submitted with the Concept Plan has considered the potential impacts on threatened species, populations and ecological communities in relation to this and provides a threatened species matrix to determine the likelihood of occurrence and level of impact. Where a moderate or greater chance of impact was considered, further information and comment has been made.</p>
	7. Figure 1.1 does not show the proximity of the development to the Blue Gum Hills Regional Park or the Sugarloaf State Conservation Area.	Noted
	8. Absence of key scientific publication in section 2.2, being: Smith, A and Murray, M (2003) Habitat requirements of the Squirrel Glider (Petaurus norfolcensis) and associated possums and gliders on the New South Wales Central Coast, Wildlife Research 30, 291-301.	Noted. This has been investigated and where appropriate amendments made within the PPR documentation.
	9. Poor quality glider sampling in determining impact of development on Squirrel Glider.	Incorrect. Sampling per DECC Guidelines
	10. Poor quality methods for microchiroptera sampling	Incorrect. Sampling per DECC Guidelines
	11. Threatened Species Assessment assumes similar population levels will occur within the conservation estates	Correct as outlined within report.
	12. The destruction of significant areas of native vegetation that are known to support threatened species will result in local area extinctions of these populations.	<p>In the first instance, the proposal is fundamental to achieving the outcomes of the Lower Hunter Regional Strategy and Lower Hunter Regional Conservation Plan.</p> <p>These guiding Strategies have been developed in consultation with local and state government agencies along with the wider community. As such have taken into account the environmental, economic and social parameters operating in the Lower Hunter. Therefore on a landscape scale strategies deliver a sound environment conservation outcome.</p> <p>Secondly the Ecological Assessment Report submitted with the Concept Plan has considered the potential impacts on threatened species, populations and ecological communities in relation to this and provides a threatened species matrix to determine the likelihood of occurrence and level of impact. Where a moderate or greater chance of impact was considered, further information and comment has been made.</p>
	13. The consideration that the developments impacts would be low is farcical and is not scientifically correct.	Noted. This is not a direct conclusion drawn in the documentation. Rather an assumption made by a third party.
	14. A medium/high impact on the Squirrel Glider would be more appropriate than the stated low/medium impact.	Noted
	15. The biology of microchiroptera is poorly understood that determination of the impacts on them cannot be determined.	Noted
	16. Development is a continuation of urban sprawl and the promotion of the car culture.	<p>The Concept Plan has been designed to achieve the following key principles that aim to integrate land use and public transportation:</p> <ul style="list-style-type: none"> <li>▪ The establishment of a walking distance neighbourhood structure with the majority of dwellings</li> </ul>

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		<p>within walking distance of daily needs and close to a public transport route;</p> <ul style="list-style-type: none"> <li>Contributing to the community in regards to enhanced transport facilities and social facilities;</li> <li>Support and enhance 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;</li> <li>Enhance the economic vitality of the existing township through provision of complementary village scale retail uses to enhance the economic vitality of Minmi; and</li> <li>The subdivision is designed to encourage walking and cycling through the provision of safe walkways and cycleways.</li> <li>A review of 400m Benchmark Bus Catchments will be shown with an additional plan in the PPR.</li> </ul>
	<p>17. Suggested improvements to developments design:</p> <ul style="list-style-type: none"> <li>Minimal impacts on RAMSAR wetlands through eliminating cut and fill type developments, impervious guttering and encouragement of native landscaping.</li> <li>Incorporate wildlife corridors throughout the development where native species are not marginalised.</li> <li>Consider sustainable development design and concepts such as new urbanism.</li> </ul>	Noted
Public Submission Reference No. 2- 12/03/09	1. Supports the dedication of 2,473ha of regionally significant conservation land for the Watagans to Stockton Green Corridor.	Noted
	2. Inadequacy of links between Blue Gum Hill Park and Watagans to Stockton Green Corridor.	Noted
	3. Lack of resources or commitment to restore conservation lands prior to hand over to NSW Government.	This is the subject of ongoing discussions between the Proponent and DECC.
	4. Concept plan not clear on who funds implementation of Statement of Interim Management Intent (SIMI).	<p>The Draft SoC identifies that the Owners of the land will responsible for the:</p> <ul style="list-style-type: none"> <li>Cost of preparing the SIMI;</li> <li>The actions arising from the SIMI for a specified period of 5 years commencing from the date the SIMI takes effect or until subdivision development in the adjacent development areas is complete, whichever is the later.</li> <li>The SIMI will include undertaking ongoing management of Asset Protection Zones (APZs) for a period of 5 years from commencement of works or until subdivision development in the development area precinct is complete, whichever is the later. Management will be undertaken in accordance with Council / NPWS best practice.</li> <li>The Owner is to prepare the APZ Management Regime prior to commencement of works.</li> </ul>
Public Submission Reference No. 3- 17/03/09	1. Proposal would suburbanise the very quite and unique township.	<p>The Concept Plan is acknowledged to significantly expand Minmi as a new residential area. However, the Concept Plan is designed to minimise the impact of new development on the historic character of Minmi through:</p> <ul style="list-style-type: none"> <li>Recognition of heritage items, places and landscapes;</li> <li>Retention of significant views within and across Minmi through an absence of development on ridgelines and maintenance of open spaces.</li> <li>The pattern of new development mirrors the historical model and locates dwellings where dwellings previously existed and other industrial areas.</li> <li>Access to heritage items will be maintained and interpretation of heritage items will enable further appreciation of the history.</li> <li>The introduction of infrastructure and built forms are minimised by the retention of waterways and riparian corridors.</li> </ul>

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		<ul style="list-style-type: none"> <li>The surrounding topography and retention of significant qualities of bushland will continue to link with surrounding vegetation communities.</li> <li>Areas assessed with high Aboriginal archaeological potential are located within conservation zones whilst significant Aboriginal walking routes are incorporated into the urban design and thus will be conserved for the future.</li> </ul>
	2. Stress and anxiety caused to residents by the development could result in cases of liability to the developer.	<p>The Draft SoC's identify a range of community consultation / education programs during the construction phase to ensure the community is well informed as follows:</p> <p>The Owner is to develop a community consultation program for the duration of the construction process (including North Lakes and Edgeworth). This program is to be approved by Department of Planning prior to any works on site commencing and will include:</p> <ul style="list-style-type: none"> <li>Regular newsletters/letterbox drops on timing and progress.</li> <li>Information on a publicly accessible website.</li> <li>Community workshops.</li> <li>Appropriate signage on site.</li> <li>Contact numbers for complaints/issues etc.</li> </ul> <p>The Owner is to contribute on a per annum basis for a maximum of 3 years to provide a place manager as a point of contact during course of development to attend community meetings to explain development sequences and to take information/feedback back to council and developer. The place manager could work part-time from the community centre in Minmi.</p>
Public Submission Reference No. 4- 17/03/09	1. In principle support for concept plan given: <ul style="list-style-type: none"> <li>Dedication of land at Stockrington and the small parcels in Minmi for conservation.</li> <li>Development of site for approx 3,300 dwellings is more realistic than the first proposal of 6,000 dwellings.</li> <li>Retention of the village atmosphere in the existing Minmi Township.</li> <li>Retention of green and heritage areas in the existing Minmi Village.</li> </ul>	Noted.
	2. Recommends Minmi Extension Precinct include the three properties that have been excluded from the 3 Minmi Precincts. Two are located on Woodford Street, with the other located next to the proposed Minmi Extension Precinct. This would mean that as development takes place the Link Road North Precinct and the Village Centre Precinct could, if necessary, become a separate suburb leaving Minmi as a township in its own right.	It is important to acknowledge that the precincts have been established to guide the style of development that is proposed to occur within each particular area. As such, whilst the existing residences are within different precincts, their address will remain the same and be known as Minmi.
	3. The 1856 Rail Corridor should not be used as a road corridor due to its heritage significance, and consequently the proposed housing which the road corridor provides access to should be removed from the scheme.	Part of the rail corridor is already used in such a manner. This can be considered an appropriate adaptive re-use for some sections.
	4. Questions Appendix F- Social Infrastructure in the ability for facilities in Thornton and Maitland to be accessible by Minmi residents when no public transport currently exists and there is unlikely to be any in the near future.	The development will increase the critical mass required for an effective public transport service. Routes will be determined by MoT and operators.
	5. Questions claim in Appendix F- Social Infrastructure that Branxton would be easily accessible given there is currently no public transport and it is over 40 minutes by car from Minmi.	The multi-purpose community centre will provide space for local medical services. The Concept Plan will permit other medical practices setting up.
Public Submission Reference No. 5- 20/03/09	1. Kingston landholdings, located directly to the east of land identified for development in Minmi East, should be considered as part of the current Major Project. This would allow the final strategic planning outcomes for the Maryland to Minmi corridor to be resolved.	These lands are not owned by Coal & Allied and therefore do not form part of the Concept Plan. This is a matter for DoP as to the extent of consideration to Kingston landholdings should be given.
	2. Reasons for inclusion of the Kingston landholdings include: <ul style="list-style-type: none"> <li>Access to some of the land to be developed under the Concept Plan would most conveniently be accessed from the Kingston landholdings.</li> </ul>	Refer to above.

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	<ul style="list-style-type: none"> <li>Will allow the connection of the planned bus route through the approved development to the east to be completed.</li> <li>Will allow additional s94 development contributions to be collected within the Blue Gum Hills area thereby assisting with the delivery of essential facilities and services for the local community.</li> </ul>	
Public Submission Reference No. 6- 20/03/09	1. Concerned about the number of trees to be removed and the displacement of fauna.	<p>In the first instance, the proposal is fundamental to achieving the outcomes of the Lower Hunter Regional Strategy and Lower Hunter Regional Conservation Plan.</p> <p>These guiding Strategies have been developed in consultation with local and state government agencies along with the wider community. As such have taken into account the environmental, economic and social parameters operating in the Lower Hunter. Therefore on a landscape scale these strategies deliver a sound environment conservation outcome.</p> <p>Secondly the Ecological Assessment Report submitted with the Concept Plan has considered the potential impacts on threatened species, populations and ecological communities in relation to this and provides a threatened species matrix to determine the likelihood of occurrence and level of impact. Where a moderate or greater chance of impact was considered, further information and comment has been made.</p>
Public Submission Reference No. 7- 21/03/09	1. Overall concept plan is well constructed and will retain the village atmosphere.	
	2. Minmi Extension Precinct omits existing dwellings from existing Minmi Township and places them in the Link Road North Precinct. All existing dwellings in Minmi should be included in Minmi Village.	It is important to acknowledge that the precincts have been established to guide the style of development that is proposed to occur within each particular area. As such, whilst the existing residences are within different precincts, their address will remain the same and be known as Minmi.
Public Submission Reference No. 8- 22/03/09	1. Requests further information on what the state government will do with regards to Asset Protection Zones (APZ's), and bushfire management and mitigation for the existing properties in Stockrington to be surrounded by the Proposed Conservation Areas.	This is a matter for DECC.
	2. Requests a map outlining the APZ's for the existing properties in Stockrington, not just surrounding the areas to be developed in Minmi.	Not relevant to proposal. Details of existing APZ's can be obtained from the NSW Rural Fire Service.
	3. Requests clarification on whether the state will manage the APZ's or whether this will be required to be undertaken by, and at a cost to residents.	APZ areas have been incorporated into privately owned lots or within public roads. However it is not unusual for APZ's to be incorporated into other landscape treatments/ components such as publicly owned lands.
Public Submission Reference No. 9- 21/03/09	1. Traffic report fails to study any of the regional traffic impacts due to the development, particularly its relationship with existing bottle necks including: <ul style="list-style-type: none"> <li>Vehicle queue lengths in excess of 1.5km long on the link road when approaching the roundabout intersection at Lake Road and Thomas Street in the morning peak.</li> <li>Vehicle queues from Walford Street, Wallsend to Croudace Street, New Lambton in the morning peak.</li> <li>Existing excessive congestion in the afternoon peak along Main Road, Edgeworth.</li> </ul>	<p>Future traffic conditions on the regional road network will be influenced by a combination of natural background traffic growth, additional traffic generated by the Lower Hunter Regional Strategy land use changes and new road links including Hunter Expressway and Newcastle Link Road to Glendale Drive Link. Hyder used RTA's Lower Hunter model assessing impact on regional road network. Traffic was forecast on critical roads where Coal &amp; Allied development would impact mostly. These included Newcastle Link Road, Minmi Road, Woodford St, Leneghans Drive.</p> <p>Some peak hour capacity problem exists at other regional intersections, viz Lake Road/Thomas Road. This is beyond Coal &amp; Allied influence area and other regional development including Glendale would impact on this intersection. The issue with MR82 and associated intersections should be dealt via regional network issues outside Coal &amp; Allied impact. Future impact on Walford Street, Wallsend to Croudace Street, New Lambton from Coal &amp; Allied will be relatively small. Future traffic impact on these roads will be determined by additional traffic generated by Hunter Expressway and potential development in and around Glendale area</p>
	2. Proponent should undertake an assessment of the full regional impacts of the development and not just the roads and intersections contained within the developments frontage.	That work was undertaken using RTA modelling systems and will now be refined following the announcement of the Hunter Expressway. This will be submitted with the PPR.
	3. 800m distance from a bus stop should be replaced with 400m 'ped shed' typically used by	A review was undertaken of 400m Benchmark Bus Catchments and is submitted with the PPR.

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	Councils and DoP.	
	4. Expanding existing bus routes without increasing the frequency of service and expanding the times during which the services operate will result in failure and only serve to increase reliance on the private motor vehicle.	As set out in the Lower Hunter Integrated Transport Plan (2007), the future non –car model share is targeted to reach 20% in 20 years time. The Traffic and Transport Report has outlined strategies to achieve this target. The new residential development at Minmi needs to be fully integrated to the bus network and efficiently linked to the rail network. Further discussion will be held with MoT and bus route operator.
	5. DoP in consultation with Coal & Allied should jointly lobby the Ministry of Transport and Treasury to obtain additional allocated kilometres to the two existing private bus companies that service this area.	The Traffic and Transport Report has outlined key principles which could increase future public transport target. Extension of existing bus route 260 will be required to cater for new development growth. Further discussion will be held with MoT and bus route operator. MoT has indicated that they will require start-up funding to commence bus service early in the development stage to introduce public transport as an alternative and effective transport choice.
	6. Blue Gum Hills Regional Park is isolated from its natural surrounds.	Best practice urban design has been incorporated into the concept plan in order to acknowledge and where possible mitigate any potential impacts associated with the Regional Park form and intended function (that is a Green Recreational Park). The result, a matrix of linear riparian corridors, green buffers, patches of retained vegetation and public open space is provided by the proposed concept plan. Whilst the riparian corridors within the Development Estates are not exclusive conservation areas, they do provide local connectivity for arboreal and highly mobile fauna and hence will maintain external linkages to the BGHRP.
	7. Allowing development to proceed without requiring the developer to undertake substantial offset plantings within the Newcastle LGA would be a failure of the recently adopted Tree Management section in DCP 2005.	Noted. This is however a Part 3A project with a focus on delivering the outcomes sought under the Lower Hunter Regional Strategy and Lower Hunter Regional Conservation Plan.  At a statutory level this policy does not apply. Nevertheless appropriate treatment of retained vegetation and riparian corridors within the Minmi-Link Road Development Estate is encompassed under the Urban Design Guidelines associated with the project.
	8. The conservation lands are applauded, however they will be predominantly located outside of the Newcastle and Lake Macquarie LGA's, and thus will do almost nothing for these LGA's.	The proposal is fundamental to achieving the outcomes of the Lower Hunter Regional Strategy and Lower Hunter Regional Conservation Plan. As such the environmental gain is realised in a regional context not by LGA.
	9. There are many identified, yet unaddressed matters that require further studies or agreements with other parties. Thus the DoP must have an obligation to ensure these matters are addressed before it can understand the full impacts of the development.	The proposal relates to a Concept Plan and therefore further detailed assessment where appropriate, will be undertaken during the Project Application and DA stage for each Precinct. The SoC commits to further studies which is standard practice for Concept Plan applications, as accepted by the DOP.
Public Submission Reference No. 10-25/03/09	1. The proposed sports and recreational park, sporting fields and Chinese Market Gardens are tucked away and thus could become a prime place for antisocial behaviour.	They will front new development in the Minmi East Precinct which edges the proposed facility with road frontage and housing overlooking
Public Submission Reference No. 11-25/03/09	1. Sporting fields should be placed in a more open environment with passive surveillance to deter antisocial behaviour.	They will front new development in the Minmi East Precinct which edges the proposed facility with road frontage and housing overlooking
	2. Much of the natural vegetation has already been lost, with the development seeing the removal of the 'last of the green corridor'.	The proposal is fundamental to achieving the outcomes of the Lower Hunter Regional Strategy and Lower Hunter Regional Conservation Plan. These guiding Strategies have been developed in consultation with local and state government agencies along with the wider community. As such have taken into account the environmental, economic and social parameters operating in the Lower Hunter. Therefore these Strategies deliver a sound environment conservation outcome.
	3. Sporting fields not located in best location due to flooding of creek in heavy rain.	Whilst the playing fields are located below the Q100 flood level, they will not be used at times of inundation.
Public Submission	1. Unable to comprehend plans	Difficulties arise when viewed in low res format. In any case, all reports and plans are available at the



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Reference No. 12-26/03/09		local councils and DoP for review by the public.
	2. Limited space will be provided for post development for the existing Minmi wildlife.	<p>In the first instance, the proposal is fundamental to achieving the outcomes of the Lower Hunter Regional Strategy and Lower Hunter Regional Conservation Plan.</p> <p>These guiding strategies have been developed in consultation with local and state government agencies along with the wider community. As such have taken into account the environmental, economic and social parameters operating in the Lower Hunter. Therefore on a landscape scale these strategies deliver a sound environment conservation outcome.</p> <p>Secondly the Ecological Assessment Report submitted with the Concept Plan has considered the potential impacts on threatened species, populations and ecological communities in relation to this and provides a threatened species matrix to determine the likelihood of occurrence and level of impact. Where a moderate or greater chance of impact was considered, further information and comment has been made.</p>
	3. Concept plans are insensitive to the historic village.	Heritage considerations undertook an analysis of Minmi and identified heritage values at many levels, from individual buildings and sites through to landscape and historical patterning. The concept plan was modified to include as many of the heritage values and sites as possible and from a conservation point of view must be considered successful. The new development will reflect the current pattern of building and considers where and how (density) new building should be placed. It should also be remembered that Minmi's pattern of historical building and industry has for the most part been reflected through much higher density of buildings or open cut mining. The appearance of Minmi in 2009 cannot be considered reflective of the place's long term appearance and sensible low density development should reflect the historical pattern of housing which used to cover the majority of Minmi's slopes.
	4. Road structure is insufficient to accommodate the development.	In assessing impact from Coal & Allied Hyder has recommended infrastructure works which would deliver network performance for the relevant roads and intersections to cope with the anticipated development. An indicative package of traffic works has been outlined in the traffic report submitted with the Concept Plan (pages 61, 62) which would deliver sufficient capacity to accommodate growth.