

black hill

preferred project report

September 2009



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ALLIED



Preferred Project Report

Black Hill and Tank Paddock

Prepared for Coal & Allied

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1 Introduction

This Preferred Project Report (PPR) has been prepared on behalf of Coal & Allied relating to the Coal & Allied owned Black Hill and Tank Paddock site.

The report has been prepared in accordance with the provisions of Section 75H(6) of the Environmental Planning and Assessment Act 1979 (the Act) which states:

The Director-General may require the Owner to submit to the Director-General:

- (a) a response to the issues raised in those submissions, and*
- (b) a preferred project report that outlines any proposed changes to the project to minimise its environmental impact, and*
- (c) any revised statement of commitments.*

The PPR provides a brief history of the Black Hill and Tank Paddock Project, including the key steps associated with the preparation, lodgement and assessment of the Part 3A application and outlines the Owner's response to the issues raised by Department of Planning (DoP) in their role as the assessment authority and the issues arising from the public exhibition of the application.

The report summarises the proposed amendments to the proposal to minimise its potential impacts and provides revised Statements of Commitments for the Concept Plan.

The PPR also outlines proposed amendments to the State Significant Site (SSS) listing.

Each of these matters is addressed in the following sections:

- Section 2 – Part 3A Application Process.
- Section 3 – Development Description and Modifications to the Part 3A Application.
- Section 4 – Identification of Key Issues.
- Section 5 – Responses to Key Issues.
- Section 6 – Revised Statements of Commitments.
- Section 7 – SSS Listing Amendments.

The PPR is supplemented by the following documents to assist Department of Planning in the final assessment of the Part 3A application:

- Updated Concept Plan prepared by Conics at **Appendix A**.
- Response to Submissions Table included at **Appendix B**.
- Viney Creek Cross Section Drawings included at **Appendix C**.
- Traffic Addendum prepared by Hyder included at **Appendix D**.
- Revised Statement of Commitments included at **Appendix E**.
- Coal & Allied \$10 million Allocation included at **Appendix F**.
- SSS Listing at **Appendix G**.
- Pedestrian and Cycle Path Plans prepared by Conics at **Appendix H**.
- Road Types and Access Plans prepared by Conics at **Appendix I**.

2 Part 3A Application Process to date

The preparation of the Part 3A application, comprising a Concept Plan was subject to a lengthy process, including extensive consultation with the community and liaison between the Owner, State and local government and other key stakeholders, and detailed investigations, research and analysis by a range of specialist consultants.

Since the lodgement of the application on 3 April 2009, the proposal has been subject to a rigorous assessment process, including the public exhibition of the proposal from 15 April 2009 to 18 May 2009 and review of submissions from a range of stakeholders.

Key dates in the preparation, lodgement and assessment of the Part 3A application are outlined as follows:

October 2006 to November 2007	<p>Coal & Allied undertook a series of community consultation initiatives to ensure that the views of the community were considered up to the lodgement of the Concept Plan for Black Hill, including:</p> <ul style="list-style-type: none"> ▪ Public meetings; ▪ A series of targeted stakeholder meetings; ▪ Community workshops; ▪ Community newsletters, newspaper advertising and media releases; and ▪ Community input into the regional forum and design charette. <p>The design charette process built upon the preliminary structure plan by drawing together key government, community and project stakeholders to make recommendations which informed the final Concept Plan for Black Hill. An overview of the consultation undertaken by Coal & Allied is provided in Section 3 of the Concept Plan Environmental Assessment report.</p>
30 April 2007	A Preliminary Environmental Assessment (PEA) was lodged with the Department of Planning in accordance with Section 75F of the Act requesting that Director-General's Environmental Assessment Requirements (DGEARs) be issued for the Black Hill project.
30 November 2007	<p>The Minister for Planning formed the opinion that the development proposal for Black Hill be considered as a Major Project under Part 3A of the Environmental Planning and EP&A Act. The Minister also agreed to consider Black Hill as a potential State Significant Site (SSS) under Schedule 3 of the Major Development SEPP 2005 (Major Development SEPP).</p> <p>Given the size and complexity of the proposal, the Minister for Planning also authorised submission of a Concept Plan for the site.</p>
10 April 2008	The DGEARs were issued by Department of Planning on behalf of the Director-General outlining the matters to be addressed in the Environmental Assessment.
20 February 2009	An Environmental Assessment was lodged with Department of Planning (DoP) for a test of adequacy in accordance with the provisions of Section 75H of the Act. Correspondence was subsequently issued on 21 February 2009 directing that some minor issues were required to be addressed prior to submitting the final Concept Plan for public exhibition.

3 April 2009	An application seeking approval for a Concept Plan Approval for the use of the Black Hill site as employment lands was lodged with DoP. The Environmental Assessment lodged with the application was prepared in accordance with the provisions of Part 3A of the Act and the Environmental Assessment Requirements.
15 April 2009 to 18 May 2009	The Part 3A application was publicly exhibited.
May-July 2009	<p>In May 2009 DoP forwarded copies of all submissions received during the exhibition period.</p> <p>Meetings to discuss submissions were held between Coal & Allied, DoP and Newcastle City Council during June 2009.</p> <p>The final submission received by Department of Planning during the public exhibition period was provided to Coal & Allied on 3rd July 2009.</p>
27 July 2009	A detailed schedule of responses to issues raised during the public exhibition period was lodged with DoP.
11 August 2009	Discussion held with DoP staff to confirm the necessary content of the PPR Report.

This PPR identifies each of the key issues raised during the assessment process and provides a comprehensive response to each of these issues, as outlined in **Section 5**.

3 Development Description and Modifications to the Part 3A Concept Plan

3.1 Modifications to the Concept Plan

The Major Project Application entails a modified Concept Plan for the development of employment lands at Black Hill. In response to the issues raised during the exhibition period, the key amendments to the Concept Plan involves minor layout amendments to clarify:

- Road alignments and widths;
- Extent of vegetated buffer zones and riparian corridors;
- Footpath locations and cycleways; and
- Options for future estate road connection to adjacent lands to the south and west.

As such, approval is sought for the following:

- The use of the Black Hill site as 'employment lands' for a range of employment generating activities, including:
 - Depot;
 - Extractive Industry
 - Food and drink premises;
 - Freight transport facility;
 - Hazardous storage establishment;
 - Industry;
 - Industrial retail outlets;
 - Light industry;
 - Mining;
 - Neighbourhood shops.
 - Office premises (ancillary to industrial use);
 - Passenger transport facilities;
 - Service station;
 - Standard industry;
 - Take away food or drink premises;
 - Timber and building supplies;
 - Transport depot;
 - Truck depot;
 - Vehicle repair station;
 - Warehouse or distribution centre.

- As well as supporting social infrastructure for the emerging workforce (concentrated in a central area for supporting facilities identified on the Concept Plan), including:
 - Business premises;
 - Child care centre;
 - Community facility;
 - Health consulting rooms;
 - Hotel accommodation;
 - Medical centre;
 - Recreation area;
 - Recreation facility (indoor);
 - Restaurant;
- Indicative super lot layout;
- Indicative road and access layout;
- Green buffer zones.

As with the original Concept Plan, approval is not sought for subdivision or individual buildings on the site.

The Urban Design Principles that informed the Concept Plan have been prepared by Conics and are included at Appendix A of the Black Hill Concept Plan prepared by Urbis and dated December 2008.

The amended Concept Plan drawings are provided in **Appendix A**.

3.2 Clarification of Key Issues

In addition, this PPR provides further details on other matters raised during the exhibition period. This is detailed at Section 5.

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4 Assessment against Amendments to Planning Policies

4.1 Lower Hunter Regional Conservation Plan

Since the lodgement of the Concept Plan the NSW Government has adopted the Lower Hunter Regional Conservation Plan. The plan provides a focus for conservation efforts over the next 25 years by identifying priority biodiversity areas in the Lower Hunter. A full assessment of the draft Lower Hunter Regional Conservation Plan was provided at Section 5.2 of the Environmental Assessment.

In summary, the conservation land to be dedicated to the NSWG will provide and enhance vitally important conservation corridors identified in the Regional Conservation Plan. The securing, protection and management of conservation corridors is a key focus of the Regional Conservation Plan. The dedication of Tank Paddock for conservation purposes as an offset for development of the Black Hill site is crucial in achieving the state government's objective of securing major conservation corridors, most notably to the northern lands, the green corridor that links the Watagans and Yengo National Parks with the coastal plains of the Tomago Sandbeds, Stockton Bight and Port Stephens; and the Wallarah Peninsula Corridor.

4.2 Newcastle Lake Macquarie Western Corridor Planning Strategy.

Since the lodgement of the Concept Plan, a revised Consultation Draft of the Newcastle – Western Corridor Planning Strategy was issued by DoP in April 2009 and placed on public exhibition. The Black Hill Concept Plan remains consistent with the Strategy and the amended Planning Principles in the consultation draft, as demonstrated in the table below:

Table 1 – Consistency with Western Corridor Planning Strategy Planning Principles

Planning Principle	Consistency Achieved	Comment
A range of land uses to provide the right mix of houses, jobs, open space, recreational space and green space.	✓	The Concept Plan will facilitate a major contribution to economic development within the Newcastle LGA in a recognised employment location. Coal & Allied will also dedicate Tank Paddock (147ha) to NSWG for conservation purposes as part of the project. The land dedication is crucial in securing the green corridor that links the Watagans National Park with the coast.
Jobs available locally and regionally, reducing the demand for transport services.	✓	As above, the Concept Plan will facilitate a major contribution to economic development within the Newcastle LGA in a recognised employment location. The site is specifically designated as employment land under the LHRP and is strategically located at the intersection of the F3 Freeway and John Renshaw Drive, providing immediate road connectivity.
Public transport networks that link frequent buses into the rail system.	✓	The site is strategically located at the intersection of the F3 Freeway and John Renshaw Drive, providing immediate road connectivity.

Planning Principle	Consistency Achieved	Comment
		The site will contribute to the progress of enhanced transport facilities for the area. The indicative subdivision layout has been designed to encourage walking and cycling for future employees on site and it is proposed to provide an off road pedestrian and cycleway along Viney Creek (refer to Appendix H). Furthermore, the Draft Statement of Commitments currently commits to the provision of bus stops including provision of bus shelters, kerb and gutter (where required), footpath and signage in the event that the MoT provides bus routes to and from Black Hill. Alternatively implementation of a shuttle bus service from Black Hill to the nearest rail station at Beresfield be provided during peak hour services.
Easy access to major town centres with a full range of shops, recreational facilities and services along with smaller village centres and neighbourhood shops, streets and suburbs planned so that residents can walk to shops for their daily needs.	✓	As per the IN1 Zone in the State Government Standard Template neighbourhood shops will be permissible in the IN1 Zone. However, they will be limited to 150m ² in area. Supporting uses will be restricted to a core supporting facilities area located in the centre of the site. The core supporting facilities area would not pose a significant impact on the existing / emerging centres hierarchy. However, it will ensure future employees at Black Hill will have access to a range of ancillary dining, leisure and services on site so that they will have no need to make off-site car journeys during the working week. This will help reduce the number of trips made in the wider network by car and aims to encourage on site walking and cycling in accordance with the principles of a Green Travel Plan.
A wide range of housing choices to provide for different needs and different incomes. Traditional houses on individual blocks will be available along with smaller, lower maintenance homes, units and terraces for older people and young singles or couples.	n/a	Not applicable
Conservation of land in-and-around the development sites, to help protect biodiversity and provide open space for recreation.	✓	In summary, due to the dedication of much larger tracts of vegetation within strategic regional corridors, the nature and width of the proposed 20m green buffer zone along the eastern boundary and the proposed 10m green buffer to John Renshaw Drive should not impact upon threatened or regionally significant flora and fauna, ecological communities or populations.

4.3 Lower Hunter Freight Hub Proposal

The Black Hill site was initially identified by the Premiers Dept as a potential option for a Lower Hunter Freight Hub. Discussions with DoP have subsequently confirmed that the Coal & Allied land at Black Hill is not the preferred site for a freight hub following the Federal Government decision to proceed with the Hunter Expressway.

The proposed use of the Black Hill site as employment lands will however contribute to the viability of a future freight hub in the locality.

5 Identification of Key Issues and Responses

5.1 Overview

The Environmental Assessment (EA) prepared in association with the Part 3A application for Black Hill was publicly exhibited between 15 April and 18 May 2009. A total of 27 submissions were received, 14 from government agencies as well as 13 public submissions.

None of the agency submissions objected to the Concept Plan in principle, however, various issues were flagged which required a more detailed response. All but two of the public submissions raised objections to the proposed use of the Black Hill site as 'employment lands'.

The key issues raised by Department of Planning (DoP) during the preliminary assessment of the Part 3A application were articulated through general discussions with Coal & Allied. A comprehensive response to all submissions is included at **Appendix B** to this PPR.

It is noted that Coal & Allied has found the feedback to be constructive and has amended the Concept Plan, SSS listing and Statement of Commitments for Black Hill accordingly

This section of the PPR outlines the key issues arising from preliminary assessment of the Concept Plan.

5.2 Key Issues

The key issues include confirmation of:

- Future ownership arrangements for the Viney Creek riparian corridor and other open space / buffer areas.
- Proposed riparian corridor widths, vegetated buffer widths and Asset Protection Zone (APZ) widths.
- The findings of a revised Traffic Report to address the implications of the Hunter Expressway link (previously known as the F3 to Branxton Road Link).
- The extent of Coal & Allied's commitment to relevant regional infrastructure contributions, Section 94 contributions, and Coal & Allied's \$10m contribution for the delivery of social infrastructure.
- Consistency with the latest iteration of The Newcastle Lake Macquarie Western Corridor Planning Strategy (this is discussed in Section 4 of the PPR).
- Proposed collector road widths within the estate.
- Location of cycle ways and footpaths.
- Proposed zoning arrangements.
- The potential for any future road links between the Black Hill estate and adjacent lands.

Each of these matters is addressed in the following sections.

5.3 Key Stakeholder and Public Submissions

Written submissions were received from a range of state and local public authorities and agencies, including:

- TransGrid;
- NSW Department of Primary Industries (Mineral Resources);
- NSW Department of Water & Energy;
- Mine Subsidence Board;
- Newcastle Port Corporation;
- NSW Rural Fire Service;
- Hunter Central Rivers Catchment Management Authority;
- Newcastle City Council;
- Roads and Traffic Authority;
- NSW Department of Environment Climate Change and Water;;
- NSW Department of Planning;
- Energy Australia;
- Ministry of Transport;
- Hunter Water;
- Department of Education and Training;
- NSW Health.

Submissions were also received from a number of local residents and local interest groups.

Copies of all submissions were provided to Coal & Allied for review following the completion of the exhibition period. Each of the issues raised in submissions have been addressed in the Submission Response Table, which was submitted to DoP in July 2009 in draft and a final is attached in **Appendix B**. This table provides a summary of the issues raised and documents the response by the relevant specialist consultant on behalf of Coal & Allied.

6 Response to Key Issues

As discussed, the comments received during the notification of the Part 3A application with regard to the assessment of the Black Hill Concept Plan have been given full and detailed consideration in **Appendix B**. A number of amendments to the Statement of Commitments and minor amendment to the Concept Plan has been made in response to the key issues and these are outlined below.

6.1.1 Future ownership arrangements for the Viney Creek riparian corridor and other open space / buffer areas.

The PPR provides for Newcastle City Council to take ownership of the Viney Creek riparian corridor which will provide a substantial public benefit for the region as a whole. The corridor will not include any APZ areas. It is not considered that community title is appropriate for an industrial park. Where possible, lots have been designed to front the riparian corridor which will allow some flexibility for determining the future ownership of the corridor. Cross sections of the riparian corridor are included at **Appendix C**. Council will take ownership of all roads and the maintenance of any trunk stormwater management facilities.

6.1.2 The findings of a revised Traffic Report to address the implications of the Hunter Expressway.

Hyder Consulting has previously assessed the network impact from the Black Hill site in support of the Concept Plan application. Six access options were modelled in support of a concept plan for industrial development at Black Hill. The impact of each access option to the F3 Freeway and John Renshaw Drive was assessed. The analysis determined that the preferred access option comprised a left in only from the F3 Freeway and a full access on John Renshaw Drive via a signalised T junction (previous option 6). The preferred access option demonstrated greater efficiency over the broader network.

The analysis also recommended that a left turn out to the F3 Freeway should be reconsidered when the RTA finalises the concept plan for the proposed F3 to Raymond Terrace Link.

Detail modelling assumptions and results for the Black Hill site access options are documented in the following Hyder traffic reports:

- Lower Hunter Land Development, Traffic and Transport, Northern Estate, Black Hill, Hyder Consulting, December 2008.
- Addendum 1: Modelling of additional access options on the John Renshaw Drive, Black Hill, Hyder Consulting, March 2009.

During 2008 and March 2009 Hyder undertook the traffic analysis in support of a Black Hill concept plan without the Hunter Expressway. During May 2009, the Federal Government approved the funding for the Hunter Expressway. RTA subsequently requested that Hyder remodel the network impact from the Black Hill site in conjunction with the Hunter Expressway.

During May and June 2009 RTA commented on Hyder's traffic report *Addendum 1* which was submitted as part of the assessment of Black Hill access options. RTA advised Hyder to revise the traffic modelling assumptions, including the trip generation rate, and deleting unfunded future projects. Following confirmation from the RTA, assumptions which form the basis of this revised traffic modelling investigation include:

- Inclusion of Hunter Expressway in all modelling scenarios;
- Deletion of RTA unfunded future roads ;
- Inclusion of the proposed F3 to Raymond Terrace Link bearing in mind that construction of the F3 to Raymond Terrace Link is not expected until after 2026;
- Traffic generation rate for Black Hill to be 0.58 (AM Peak) and 0.70 (PM peak) trips per 100 square meters GLFA, this being consistent with other industrial developments planned in the Hunter;

- Removal of trip generation discount factors of 25% to account for the conversion from GFA to GLFA; and
- Removal of self-contained (internal to internal) trips i.e. no reduction in the above trip generation rate.

Hyder's Addendum Report 2 is provided in **Appendix D** and provides an overview of the revised modelling investigation on the following issues:

- Future traffic impact on the Black Hill access with the Hunter Expressway in place. Following the Hunter Expressway approval, RTA is now proposing to construct the new freeway from the Newcastle interchange on the F3 Freeway, to the New England Highway at Branxton. The project involves 40 km of new high standard dual carriageway road. The project will be delivered under two separate packages of works, and will be opened as one project on completion of both packages of works. It is anticipated that this new freeway will open to traffic by 2013. The construction of the Hunter Expressway will redistribute traffic on the John Renshaw Drive, F3 Freeway and Newcastle Link Road corridors.
- Revised trip generation rate for the Black Hill site and its impact on the access performance; and
- Removal of RTA's unfunded roads which may influence traffic on the F3 Freeway and John Renshaw Drive. The F3 to Raymond Terrace Link was assumed in place from 2026.

Conclusion

Hyder's *Addendum 2* Report details the performance of the Black Hill access allowing for an increased traffic generation rate combined with the Hunter Expressway. The modelling results suggest that a maximum of 500,000 square metres GLFA could be developed with one ingress at the F3 Freeway and one access/egress at John Renshaw Drive. With the Hunter Expressway, the model suggests increased inbound and outbound Black Hill trips to and from the west via John Renshaw Drive, which will provide access to Cessnock, Lake Macquarie, Maitland/Lochinvar, Branxton and the Upper Hunter.

The proposed signalised T junction on John Renshaw Drive would have capacity to service up to 500,000 square metres of Black Hill GLFA accommodating both AM and PM peaks. The result shows intersection Level of Service (LoS) between B and D during AM and PM peak hours respectively. The signal capacity and LoS during the PM peak is forecast to reduce due to there being one egress from the Black Hill estate. The signal capacity was determined assuming that background /other traffic on John Renshaw Drive would increase in line with the land use growth predicted in the Lower Hunter Regional Strategy.

Beyond 500,000 square metres of Black Hill GLFA, the model suggests the need for one additional egress on to the F3 Freeway. The anticipated traffic reduction on the F3 Freeway will provide a further opportunity to the RTA to reconsider the retention of the existing egress onto the F3 Freeway. The current Boral site access on the F3 Freeway can be considered for such egress arrangement until RTA finalises the concept design of the F3 to Raymond Terrace Link.

The signal capacity on John Renshaw Drive is forecast to reduce beyond 500,000 square metres GLFA. One eastbound right turn lane on John Renshaw Drive is required to extend up to 400 metres to accommodate right turning vehicles accessing the site. In the long run, this will provide additional capacity at the John Renshaw Drive signalised T junction.

6.1.3 Proposed riparian corridor widths

Public and agency submissions raised concern about the proposed width of the riparian corridors. In light of these concerns the setbacks to the riparian corridors have been revised generally in accordance with the cross sections included in **Appendix C**.

The proposed riparian corridor will serve a number of functions including habitat connectivity for highly mobile fauna in combination with stormwater detention / treatment devices. The proposed vegetated buffer will protect the Core Riparian Zone from dumping, edge effects and weed incursion.

It is considered that these setbacks are more than adequate to meet the Water Management Act objectives relating to ecological, hydrological and drainage requirements. Asset Protection Zones (APZs) will be outside of the above mentioned riparian corridors.

Although the widths of the riparian corridor and vegetated buffer of Viney Creek can be agreed in the concept plan the creek will not be surveyed until after future mining subsidence has concluded which may affect the final creek bed alignment. It is not anticipated that the creek will be surveyed for its final alignment until approximately 2014/15.

Viney Creek cross section drawings are included at **Appendix C**.

6.1.4 Vegetated buffer widths

The concept plan has also been amended to show a 10m vegetated buffer to the northern boundary (John Renshaw Drive) and 20m to the eastern boundary with a separate 20m APZ. This is consistent with the Western Corridor Planning Strategy. Due to the larger tracts of vegetation within the strategic regional corridors, the nature and width of the proposed green buffer zones should not impact upon threatened or regionally significant flora and fauna, ecological communities or populations.

These buffers will also provide a more than adequate visual screen along the adjacent roadways.

6.1.5 Proposed collector road widths within the estate

As requested by NCC, the Collector Road has been amended to increase from 22m to 23m in width. The 22m internal roads have been reduced to 21m in accordance with advice from NCC. Refer to the revised Road Types and Access Plan at **Appendix I**.

The internal road hierarchy for Black Hill employment site has been designed to facilitate a safe environment for all users. The concept plan has shown internal road network at broader collector road level being consistent with existing road hierarchy in the close proximity of the Black Hill site. Details of the road hierarchy at local network levels will be developed after concept approval.

6.1.6 Proposed zoning arrangements relating to the potential amount of office development within the estate.

Please refer to Section 8 of this report for detailed information regarding zoning arrangements for the site.

6.1.7 The potential for any future road links between the Black Hill estate and adjacent lands.

The potential to consider future road links between the Black Hill estate and adjacent lands was raised during the public exhibition period by adjacent land owners.

The flexibility to include a link road to land to the south has been incorporated in the amended Concept Plan (**Appendix A**). Any future access would need to be the subject of any third party DA for adjacent lands.

6.1.8 Proposed cycleways and pedestrian paths

In response to a request by NCC, the location of an off road shared cycleway/pedestrian path is included at **Appendix H**. All collector roads will have a shared pedestrian footpath and cycleway on the verge.

6.1.9 Consistency with Planning Strategy

The Concept Plan is entirely consistent with Regional Planning Strategies for the Lower Hunter Region, notably the Lower Hunter Regional Strategy, the Western Corridor Planning Strategy and the Lower Hunter Regional Conservation Plan. Specifically, the Concept Plan delivers:

- Development of up to 183 hectares of employment land at Black Hill, a location that has been identified by the NSWG in the LHRS as being of strategic importance for employment creation linked to the development of a freight handling hub for the region. The site is at the core of an area of recognised employment lands which includes:
 - the Beresfield industrial estate to the north;
 - the Hunter Employment Zone (HEZ) to the west;
 - the proposed Lower Hunter Freight Hub; and
 - excellent road access to John Renshaw Drive and the F3 Freeway
- A wide range of employment generating uses and supporting activities.
- A riparian green buffer and visual buffer zone as part of a committed approach to Ecologically Sustainable Development.
- Consistency with all relevant strategic planning guidelines for the region, the Newcastle – Lake Macquarie Western Corridor Planning Strategy (Western Corridor Strategy), and deliver significant economic development benefits for the Lower Hunter Region.
- Dedication of 147 ha Tank Paddock to NSWG for conservation, which will help secure the conservation corridor between the Watagan Ranges and Stockton Bight.

The project is of clear significance to the region and State in terms of its significant delivery of environmental gain from the environmental land offset package and the implementation of the objectives of the Lower Hunter Regional Strategy and the Lower Hunter Regional Conservation Plan. It is important to note that these Strategies have been developed in consultation with local and state government agencies along with the wider community. As such the Concept Plan takes into account the environmental, economic and social parameters operating in the Lower Hunter.

It is therefore considered that the proposed Concept Plan is an appropriate response to meeting Regional Planning Outcomes in regard to employment land and conservation

7 Revised Statements of Commitments

7.1 Business as Usual

The revised Draft Statement of Commitments included at **Appendix E** outlines the Statement of Commitments proposed for the Black Hill Concept Plan. These are 'business as usual' commitments that are expected to be delivered as part of the development of the site and basic standards that will have to be met to achieve approval.

The draft Statement of Commitments identifies the following:

- General terms that the project will adhere to.
- Contributions made by the proponent.
- Measures to mitigate any environmental impacts.
- Measures to monitor the environmental performance of the project.
- Achieving minimal impact on the environment and a positive environmentally sustainable outcome.

Coal & Allied has considered all the submissions received during the exhibition period and the draft Statement of Commitments has been revised in respect of:

- future public transport provision
- buffer zones
- local, state and regional contributions.

7.2 Coal & Allied \$10 million Allocation

Coal & Allied has allocated an amount of \$10 million for initiatives associated with the delivery of social infrastructure across the Northern Estates sites at Black Hill and Minmi/Link Rd. The \$10 million is directed at initiatives that would not ordinarily be provided as part of the development of new employment lands and accordingly, the initiatives identified are those that are considered 'over and above' what is reasonably necessary to satisfy State and Local Government approval requirements.

In summary for Black Hill, the final list of initiatives will incorporate \$2m of the \$10m allocation (the remainder being allocated for Minmi/Link Rd) and will relate to:

- Grant schemes for 'community bus/subsidy for bus service in initial stages (subject to overarching agreements with both MoT/Council and agreed contribution levies).
- Sponsorship of local sports teams
- Contribute to providing a community facility in close proximity to the church.
- Upgrade rural Fire Service (Benwerrin).
- Funding of non-indigenous heritage studies and publications, to be agreed with the respective interests.
- Funding of indigenous heritage studies and publications to be agreed with traditional owners (including Awabakal Traditional Owners).
- Funding towards Aboriginal education officer.
- Funding to contribute towards sub-regional review of strategy for cycling /walkways (subject to discussions with Department of Planning with respect to the Western Corridors Strategy).

The full description, cost estimates and timing for allocation of costs of each particular initiative is included at **Appendix F**.

8 Amendments to SSS listing

Pursuant to clause 7 and 8 of the *State Environmental Planning Policy* (Major Development) clauses are to be inserted into Schedule 3 of the SEPP (Major Development) and be the provisions that relate to the carrying out of development on the site. The proposed listing in SEPP Major Development has been modified as follows:

- Clarification of the proposed zoning and permissible uses on the site.
- The zoning map has been amended to reflect the proposed zoning for the site.

Refer to **Appendix G** for the proposed listing in SEPP Major Development.

The proposed zoning approach involves:

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

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

- Future detailed subdivision planning is required to finalise the lot layout and positioning of boundaries, meaning that flexibility within the zoning is required at this stage.
- It is untimely to identify the final breakdown, scale, mix and precise location of land uses at this stage as an existing mining consent under the Black Hill site will defer development on the site for at least four years.
- The final scale, mix and siting of uses, including supporting facilities would be subject to future project applications or Part 4 development applications. The assessment of these applications will ensure land uses are compatible.
- Viney Creek will not be surveyed until after future mining subsidence has concluded. This may affect the final creek bed alignment. There is therefore no benefit in surveying the Creek bed in its current alignment. Consequently, the fact that the final Viney Creek bed alignment may be subject to change is a strong reason for zoning the entire site IN1 at present, with potential for an E2 zone to cover the riparian corridor in future once the final alignment is known.

8.1 Justification for Additional Uses

DoP have requested further justification for the following uses within the proposed IN1 General Industrial Zone:

- retail premises;
- neighbourhood shops;
- timber and building supplies;
- core supporting facilities area; and
- office premises.

8.1.1 Justification for Retail, Neighbourhood shops and timber and building supplies

The DoP draft Centres Policy notes that:

“retail and commercial development is not appropriate in most IN2 (Light Industrial) and IN1 (General Industrial) zones with the possible exception of the following circumstances:

- *neighbourhood shops to cater for the needs of the local workforce;*
- *industrial retail outlets supporting the industrial use. This does not include factory outlets where the retailing is not ancillary to any manufacturing on the premises;*
- *wholesale supplies/distribution of goods (but not in membership retailing);*
- *large floor space timber (hardware) and building supplies, and landscape and garden supplies where the impacts are comparable to industrial uses”*

In accordance with the draft Centres Policy “retail premises” will be prohibited across the entire site.

Having regard to the draft Centres Policy, it is considered that the inclusion of neighbourhood shops and timber and building supplies as permissible uses at Black Hill is justified for the following reasons:

- Neighbourhood shops are included as a permissible use in the IN1 Zone under the State Government’s *Standard Instrument—Principal Local Environmental Plan*.
- Given the large size of the site (183ha) neighbourhood shops will be permissible across the entire site. This is to ensure basic convenience needs are within walking distance of all future employees on the site. However, the size of neighbourhood shops on the site will be restricted to 150m². Therefore, restricting their role to only supporting the daily needs of the local workforce. This is in accordance with the draft Centres Policy.
- Timber and building supplies includes the display, sale (whether by retail or wholesale) or hire of goods or materials that are used in the construction and maintenance of buildings. As the range of industrial uses within the IN1 zone is likely to be varied, it is considered prudent to include timber and building supplies as a permissible use. There is likely to be strong demand for this type of use for any trades people based, or regularly visiting, at Black Hill. There may also be construction-related industries locating at Black Hill, and access to timber and building supplies would be an important contributor to the success of these businesses.
- Timber and building supplies stores are commonly found in general or light industrial zones throughout NSW. It is considered that their impacts are comparable to the proposed industrial uses on the Black Hill site. This is therefore in accordance with the draft Centres Policy.

8.1.2 Justification for Core Supporting Facility Area

The Core Supporting Facility Area is justified for the following reasons:

- Given that Black Hill does not abut a major urban area, the chance to provide business premises, childcare centres, leisure/recreation, etc would enable workers to meet all of their daily needs whilst at work without having to travel additional distances by car to find these services. Similarly, the provision of a motel would be sensible and not uncommon as it would enable people undertaking business visits to stay overnight without having to undertake additional travel.
- Supporting uses will be restricted to a core supporting facilities area located in the centre of the site. The core supporting facilities area would not pose a significant impact on the existing / emerging centres hierarchy. However, as discussed it will ensure future employees at Black Hill will have access to a range of ancillary dining, leisure and services facilities on site so that they will have no need to make off-site car journeys during the working week. This will help reduce the number of trips made in the wider network by car and aims to encourage on site walking and cycling in accordance with the principles of a Green Travel Plan.

- The ancillary facilities proposed in this Concept Plan would also have the benefit of serving employees in the Freeway North Business Park, as well as a critical mass of employment use builds over time. This would contribute to reducing the need for unnecessary trip generation for workers at Freeway North Business Park requiring daily services, who could readily access the facilities.

8.1.3 Justification for office premises

The inclusion of office premises as a permissible use at Black Hill is justified for the following reasons:

- Office premises will be a permissible use only where they are ancillary to development for another permitted purpose. Thus the intent is not to permit stand alone office development, but to allow ancillary offices to be constructed. As an example this might include:
 - company headquarters where tied to a manufacturing or similar general industrial use;
 - ancillary office components within a premises to provide administrative functions; and
 - offices linked to support services e.g. medical, childcare.

9 Conclusion

The Black Hill site and Tank Paddock will achieve substantial conservation outcomes through the dedication of 147 ha of conservation land at Tank Paddock.

The minor amendments to the Black Hill Concept Plan, SSS listing and draft Statement of Commitments presented as part of this PPR appropriately address the key issues emerging from relevant submissions and responses received during the assessment process.

In summary, the modified Black Hill project will:

- Facilitate development of up to 183 hectares of employment land at Black Hill, a location that has been identified by the NSWG in the LHRS as being of strategic importance for employment creation linked to the development of a freight handling hub for the region.
- Stimulate a wide range of employment generating uses and supporting activities.
- Incorporate a riparian green buffer and visual buffer zone as part of a committed approach to Ecologically Sustainable Development.
- Achieve consistency with all relevant strategic planning guidelines for the region, and deliver significant economic development benefits for the Lower Hunter Region.
- Dedication of 147ha Tank Paddock to NSWG for conservation.

The project is of clear significance to the region and state in terms of its significant delivery of environmental gain from the environmental land offset package and the implementation of the objectives of the Lower Hunter Regional Strategy and Lower Hunter Regional Conservation Plan. In view of the clear merit of the proposal, we therefore seek approval of the Concept Plan and SSS listing for Black Hill and Tank Paddock.

Appendix A Updated Concept Plan

Appendix B Response to Submissions Table

Appendix C Bushfire Addendum and Viney Creek cross sections

Appendix D Traffic Addendum

Appendix E Draft Statement of Commitments

Appendix F Coal & Allied \$10m Allocation

Appendix G State Significant Site Listing

Appendix H Pedestrian and cycle paths

Appendix I Road Types and Access

