

Agency/Autor	Issues	Response/ Justification/ Amendment Required?
TransGrid-05/05/09	1. TransGrid presently is working with the landowners in an attempt to negotiate an easement on the site for the existing transmission lines. The NSW Electricity Supply Act gives 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 and the like. TransGrid also requires unobstructed access to its line at all points. In this regard it is essential that the landowner obtain TransGrid approval prior to any construction within the proposed easement area.	Transgrid has correctly identified the requirement for electrical easements. The site masterplan accommodates normal easement requirements. The normal approval process shall be followed for the development.
	2. TransGrid has infrastructure affecting the Stockrington Potential Conservation Area and will need to continue its routine operation and maintenance activities on these lines, including vegetation clearing as required	Conservation land will transfer to NSWG and as such the ongoing operational and maintenance issues will need to be negotiated separately with DECC/NPWS.
NSW Department of Primary Industries – DPI Minerals-18/05/09	1. Coal Advice has no objection to the proposed concept plan providing a full extraction of underground mining remains possible within the Tank Paddock area proposed for conservation. The DPI and title holders must be consulted in the preparation of any future management plan for the conservation land.	This matter will be discussed with DPI post Concept Plan and SSS approval and the transfer of Conservation lands. The E1 National Parks and Nature reserves Zone in the SSS report can be amended to include 'mining' as a permissible use to ensure that underground extraction remains a permitted use.
	2. Coal Advice would strongly object to any development on the Black Hill site before the full extraction of the underground coal resource is completed.	It is not proposed to develop the site prior to completion of mining beneath the site.
	3. All development must be referred to the Mine Subsidence Board (MSB) and the DPI and meet mine subsidence parameters set by the MSB.	Noted.
NSW Department of Water & Energy-15/05/09	1. For the assessment of riparian corridor widths, regard should be given to DWE's <i>Guidelines for Controlled Activities (Feb 08) Riparian Corridors</i> . The extent of riparian corridors for this proposal may need to be reviewed in light of the following comments:	<p>The proposal seeks to encompass the intent of the Water Management Act. however at the Part 3A level this piece of legislation is not triggered. To this end the concept plan has been reviewed and the Riparian Corridor will be amended as follows:</p> <p><u>Viney Creek Western Aspect</u></p> <ul style="list-style-type: none"> • 30m Core Riparian Zone from top of bank • 10m Vegetated Buffer <p><u>Viney Creek Eastern Aspect</u></p> <ul style="list-style-type: none"> • 20m Core Riparian Zone from top of bank • 10m Vegetated Buffer <p>Environmental outcomes for Black Hill have largely been offset through the dedication of conservation lands, however the requirement to address on-site watercourses has been addressed through their use as riparian corridors supporting stormwater detention and movement.</p> <p>The riparian corridor for Viney Creek has been agreed in regard to buffer and riparian areas. The creek will not be surveyed until after future mining subsidence has concluded which may affect the final creek bed alignment. There is therefore no benefit in surveying the creek bed in its current form.</p> <p>The fact that final creek bed alignment may be subject to change is also 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.</p>
	2. Consideration should be given to increasing the Core Riparian Zone (CRZ) widths on the eastern side of the creek to a minimum of 40 metres from the top-of-bank of the water course with any asset protection zone to lie outside of the CRZs	<p>The proposal seeks to encompass the intent of the Water Management Act, however at the Part 3A level this piece of legislation is not triggered. To this end the concept plan has been reviewed and the Riparian Corridor will be amended as follows:</p> <p><u>Viney Creek Western Aspect</u></p> <ul style="list-style-type: none"> • 30m Core Riparian Zone from top of bank • 10m Vegetated Buffer <p><u>Viney Creek Eastern Aspect</u></p> <ul style="list-style-type: none"> • 20m Core Riparian Zone from top of bank


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		<ul style="list-style-type: none"> 10m Vegetated Buffer <p>Asset Protection Zones will lie outside the abovementioned Riparian Corridor. Environmental outcomes for Black Hill have largely been offset through the dedication of conservation lands, however the requirement to address on-site watercourses has been addressed through their use as riparian corridors supporting stormwater detention and movement. The riparian corridor for Viney Creek has been agreed in regard to buffer and riparian areas. The creek will not be surveyed until after future mining subsidence has concluded which may affect the final creek bed alignment. There is therefore no benefit in surveying the creek bed in its current form. The fact that final creek bed alignment may be subject to change is also 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.</p>
	3. With the water course identified in the north-western sector of the project site and any other minor water course, guidelines to support CRZs of 10 metres width from top-of-bank on either side of the water course.	<p>The proposal seeks to encompass the intent of the Water Management Act , 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. Environmental outcomes for Black Hill have largely been offset through the dedication of conservation lands, however the requirement to address on-site watercourses has been addressed through their use as riparian corridors supporting stormwater detention and movement. The riparian corridor for Viney Creek has been agreed in regard to buffer and riparian areas. The creek will not be surveyed until after future mining subsidence has concluded which may affect the final creek bed alignment. There is therefore no benefit in surveying the creek bed in its current form. The fact that final creek bed alignment may be subject to change is also 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.</p>
	4. In addition to the above CRZs, vegetated buffers of 10m width should be provided on both sides of all water courses, measured from the outer edge of the CRZ to allow for edge effects.	<p>The proposal seeks to encompass the intent of the Water Management Act however at the Part 3A level this piece of legislation is not triggered. To this end the concept plan has been reviewed and the Riparian Corridor will be amended as follows:</p> <p><u>Viney Creek Western Aspect</u></p> <ul style="list-style-type: none"> 30m Core Riparian Zone from top of bank 10m Vegetated Buffer <p><u>Viney Creek Eastern Aspect</u></p> <ul style="list-style-type: none"> 20m Core Riparian Zone from top of bank 10m Vegetated Buffer <p>Asset Protection Zones will lie outside the abovementioned Riparian Corridor. Environmental outcomes for Black Hill have largely been offset through the dedication of conservation lands, however the requirement to address on-site watercourses has been addressed through their use as riparian corridors supporting stormwater detention and movement. The riparian corridor for Viney Creek has been agreed in regard to buffer and riparian areas. The creek will not be surveyed until after future mining subsidence has concluded which may affect the final creek bed alignment. There is therefore no benefit in surveying the creek bed in its current form. The fact that final creek bed alignment may be subject to change is also 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.</p>
	5. The NSW Rivers and Estuaries Policy and the controlled activities provisions of the Water Management Act 2000 require that works for stormwater capture and treatment are located outside any riparian buffer. The proposal should investigate options for the siting of stormwater treatment structures to conform to these requirements.	<p>We note these requirements of the Water Management Act, and while the proposal seeks to encompass the intent of the Water Management Act, under 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>
	6. An initial assessment of the existing electricity network infrastructure adjacent to the development site suggests that it will not be able to support the expected electrical load of the development. Therefore substations (Zone and/or kiosk) may be required on-site depending on the final electricity load and site conditions. Easements will be required over any new substations and associated EnergyAustralia assets, including existing assets. Details of the substation types and locations will be determined prior to the design stage of the project. To enable the planning of this work to	<p>DWE correctly identify the potential need for a zone substation and electrical kiosk(s). Locations of this infrastructure will be determined during future design stages in consultation with EnergyAustralia. An 'application for connection' will be made by the electrical consultant as part of their engagement for future design works post Concept Plan approval.</p>

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	proceed and 'application for connection' must be submitted by the Electrical Consultant.	
	7. There are existing electricity network assets in and adjacent to the development. The location of these assets may interfere with the proposed lot layout. Should these existing assets require relocation, this work will be at the developer's expense.	Relocation of existing electrical infrastructure will be minimised where possible. Where relocation is unavoidable it is understood that the relocation costs shall be borne by the developer.
	8. A title search of the development site should be completed to check for existing electricity easements. If easements are present, EnergyAustralia must assess the proposed activity within the easement.	Property titles have been checked and existing easements identified. Works within existing and future easements will comply with the terms of the easement. Optus cables on the estate are located within the Transgrid easement. Information provided by Optus indicates that the existing telecommunication cables on the site are located within the cleared, 60m wide future high voltage electrical easement. Optus' documentation indicates that route markers are present at regular intervals and should assist in determining cable location on site.
Mine Subsidence Board- 28/04/09	1. Properties are not within a proclaimed Mine Subsidence District and are not subject to any building restrictions imposed by MSB. MSB records indicate that there are no recorded mine workings within these areas.	Noted
	2. Future mining by the Abel Coal Colliery is proposed for the Black Hill Property. Mine subsidence from the proposed workings could cause significant tilts and strains which would damage structures that exist on the surface of the property. Development on this property should be considered after mine subsidence has ceased.	Noted. It is not proposed to develop the site prior to completion of mining beneath the site. An assessment of the potential for future subsidence will be undertaken at the completion of mining to confirm appropriate development restrictions.
Newcastle Port Corporation- 11/05/09	1. Consideration should be given to the potential impacts on the Freight Hub Hunter Project in the assessment of this application, and consultation should occur with the Department of Premier and Cabinet prior to a final determination. Whilst the subject site is identified within the Freight Hub Hunter Report as being the least preferred option, any potential development of the site removed the option without final and full consideration of the 3 options.	Department of Premier and Cabinet was consulted on this matter during the preparation of the Concept Plan. 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.
NSW Rural Fire Service- 27/04/09	1. The following conditions are recommended: <ul style="list-style-type: none"> All recommendations proposed within the Bush Fire Assessment Report by Harper Soames O'Sullivan (fer 24530) should be complied with except where modified below. Water, electricity and gas are to comply with section 4.1.3 of Planning for Bush Fire Protection 2006 Access shall comply with section 4.1.3 of Planning for Bush Fire Protection 2006 Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bush Fire Protection 2006 	Noted. Final estate design could comply with these conditions.
Hunter Central Rivers Catchment Management Authority- 20/05/09	Native vegetation 1. Linkages between local corridors across the development site and surrounding land have not been addressed. 2. No discussion has been provided of the impact of the existing roads and the proposed link road. The CMA considers the proposed F3 link road through the Stockrington land to be a significant impediment to wild life movement. Actions to mitigate or overcome these barriers should be provided in the Concept Plan	In the first instance, in the opinion of and endorsed by the NSW Minsters for Environment, Planning and Lands (including their representative agencies), 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 they have taken into account the environmental, economic and social parameters operating in the Lower Hunter. Therefore on a landscape scale these plans 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, is a linear riparian corridor and green buffer is provided by the proposed concept plan. The riparian corridor serves a number of functions including habitat connectivity for highly mobile fauna in combination with stormwater detention / treatment devices. The proposal, in the opinion of and endorsed by the NSW Minsters for Environment, Planning and Lands (including their representative agencies), 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 plans deliver a sound environment conservation outcome. The design and development of the F3 link is a committed federal project and is separate to the Coal & Allied Black Hill Concept

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		Plan.
	3. The conservation lands included 240ha of cleared area or weeds. These 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.	Noted. A Northern Estates Environmental Audit Report has been prepared to assess the nature of these disturbances. DECC will make a final assessment and submission on the proposed transfer of conservation land. It's envisaged that the majority of issues relating to the transfer of conservation land will be addressed in the VPA
	4. Viney Creek has significant lantana infestations and the Concept Plan does not clearly state whether this area will be rehabilitated prior to transfer to Council.	The section of Viney Creek within the Black Hill Development Estate will be subject to weed removal and general rehabilitation. This will be undertaken during the construction phase. Following transfer, the end user (Council) will be responsible for the management and maintenance thereafter.
	Stormwater	
	5. The following guiding principles from the Hunter-central Rivers Catchment Action Plan should be considered in water cycle planning: <ul style="list-style-type: none"> the reuse of stormwater before it enters rivers and estuaries should be supported where appropriate (ie better collection and infiltration of rain water) and better management of stormwater itself (eg constructed wetlands, temporarily storing stormwater). The hydraulic 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. Urban planning should have a catchment based approach to stormwater management. WSUD management actions should result in hydrological regimes that mimic natural cycles. 	Requirements noted and it is the intention to manage these issues by incorporating Water Sensitive Urban Design principles and facilities to treat stormwater before discharge from the site. Water Sensitive Urban Design facilities mimic the processes of the existing hydrology and treat stormwater before discharge from the site.
	Impact of Rezoning	
	6. It is recommended that riparian corridors within the site be zoned E2 Environmental Management or protected through some form of conservation agreement.	Coal & Allied have proposed to zone the riparian areas as Industrial IN1 but allow for recreation facilities as permissible uses. This was to allow future detailed subdivision planning to finalise the lot layout and positioning of boundaries and therefore flexibility within the zoning is required at this stage. The fact that final creek bed alignment may be subject to change as a result of subsidence caused by the proposed undermining of the site by Abel Mine is also 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.
Newcastle City Council- 25/05/09	General	
	1. No rationale is provided in the Black Hill Social Infrastructure Study for why the study was restricted to only the Black Hill locale and community. A significant omission in the Black Hill Social Infrastructure Study is the failure to consider the impacts of this development proposal on other adjacent communities to the employment lands, such as Beresfield and Tarro within the Newcastle LGA and Woodberry and Thornton within the Maitland LGA. This is a total potential population of 16,256 persons that is not considered in the social infrastructure study.	The Social Infrastructure Study has examined the profile of the existing resident and likely needs of the incoming working population and made recommendations on that basis. It is likely that proportions of the resident populations of Beresfield and Tarro will be employed on the employment lands proposed. Consideration of the needs of these persons is incorporated into the considerations of the needs of the working population generally in section 4.3 and 4.5 of the Study. This corresponds to the requirements set out in the DGEARs which focuses on needs of the working population. Additional potential cumulative impacts have also been considered in the context of likely demands on critical social infrastructure for working populations, specifically in relation to child care (see response to NCC comment #8 below).
	2. In regard to the potential future working population, the demographics within such employment lands are not currently well understood or documented. Therefore, it is challenging to comment on what social infrastructure is required for such areas. The undertaking of a Business Retention and Employment Survey (a 'BRES' - can be funded by the Department of State and Regional Development) would be useful in providing some basic demographic information and what social infrastructure may be required to support businesses in such employment areas.	The number of jobs which are proposed to be provided on site have been considered in the SIS (section 4.3). These include an estimated 2,500 – 3,000 new jobs on 183 hectares of employment land; there are projected to be 640 workers by 2016, 2,347 by 2021 and 3,200 by 2025. The requirements of this working population have been discussed in the SIS (section 4.5) and include facilities such as child care, public transport and open space which are able to be provided on site.
	3. The Department must consider the provision of social infrastructure from a broader strategic perspective, which includes an understanding of current demographic trends and community issues within the local and adjoining areas.	The Study has provided background demographic research, an assessment of needs, and recommendations to support the Department's considerations.
	4. The Concept Plan Report references the Newcastle Lake Macquarie Western Corridor Planning Strategy (WCPS). It is stated that the strategy was released in October 2008. The draft document was in fact released for public comment on 15 April 2009 and submissions close 18 May 2009. The	A revised Consultation Draft of the Newcastle – Western Corridor Planning Strategy was issued by DoP in April 2009. Essentially the Black Hill Concept Plan remains consistent with the Strategy, however Section 5.13 of the Concept Plan report has been amended to demonstrate alignment with the Planning Principles, which have changed to incorporate the following:

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	<p>draft document may change as a result of public exhibition. The proposal should, at minimum, conform to the planning principles stated in the final version of the strategy.</p>	<ul style="list-style-type: none"> • A range of land uses to provide the right mix of houses, jobs, open space, recreational space and green space. • <i>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.</i> • Jobs available locally and regionally, reducing the demand for transport services. • <i>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 and is strategically located at the intersection of the F3 Freeway and John Renshaw Drive, providing excellent road access in all directions.</i> • Public transport networks that link frequent buses into the rail system. • <i>The site is strategically located at the intersection of the F3 Freeway and John Renshaw Drive, providing excellent road access in all directions. 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 living in the immediate vicinity through the provision of safe walkways and cycleways through the site. 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.</i> • 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. • <i>Future employees at Black Hill will have access to a range of ancillary dining, leisure and retail facilities to ensure that they will have no need to make off-site car journeys during the working week. Retail provision will however, be limited in scale and will be ancillary to the predominant employment uses. It would not pose a significant impact on the existing / emerging centres hierarchy.</i> • 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. • <i>Not applicable</i> • Conservation of land in-and-around the development sites, to help protect biodiversity and provide open space for recreation. <p><i>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 southern boundary and the proposed 10 m green buffer to John Renshaw Drive should not impact upon threatened or regionally significant flora and fauna, ecological communities or populations.</i></p>
	<p>5. The Concept Plan does not discuss or address the possible freight rail corridor shown on Ma 3 – Access Infrastructure Map of the WCPS. Council considers it appropriate that the proponent provide additional information on the impact of this rail corridor including opportunity for the rail infrastructure to service parts of the proposed employment lands and possible extension into the lands shown in the WCPS as “Future Freight Hub and Employment Lands”.</p>	<p>Department of Premier and Cabinet was consulted on this matter during the preparation of the Concept Plan. 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.</p> <p>In addition, the site layout as shown on the indicative concept plan, and the proposed IN1 zoning of the site both offer sufficient flexibility to allow a future rail freight corridor alignment on the site should this eventuate. It should be noted that Coal & Allied has written to Department of Premier and Cabinet questioning the validity of planning the proposed rail freight corridor alignment as proposed in the draft WCPS through highly sensitive conservation land located immediately south of Black Hill.</p>
	<p>Social Planning and Infrastructure</p> <p>6. There are a number of issues and omissions within the Social Infrastructure Study on the existing and available social infrastructure which reflects unfamiliarity with the area around the proposed development.</p>	<p>The Study has considered the existing and incoming population in the context of key social infrastructure requirements for a development of this type, and was thus focussed on these specific requirements.</p>

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	<u>Education:</u> 7. Reference should be made to Francis Greenway High School in Woodberry, Maitland TAFE Campus (Metford)	Noted, and included in Social infrastructure Study.
	8. There is limited capacity at existing pre-school services in Beresfield and Thornton	The Study has identified the need for expanded child care facilities (including pre-schools), including that arising from the cumulative impact on existing facilities. As such provision for a child care centre of 75 places is recommended as a minimum requirement. We have recommended that child care should be easily accessible and possibly located close to the new employment zones or proposed school. Demand and supply will be market driven and there is no reason why facilities based on demand cannot be provided in the estate.
	9. Catholic Education is proposing a new private primary and high school in Black Hill. There will be a significant demand for public transport and cycleways to connect to this school.	Pedestrian and bicycle movement through the Black Hill Estate from adjacent residential areas including Minmi will be encouraged. We understand that NCC is moving towards a regional cycleway which will link Minmi and Black Hill as well as other surrounding suburbs (Newcastle City Council, 2009, Bike Plan). We also understand that there is also a move to link with Hexham across the Hexham swamp on the old rail embankment. This cycleway network should eventually link with the Catholic Church land to the west where a school is proposed. It is assumed that it will link where the proposed east/west road link is located.
	<u>Health:</u> 10. Closest GP services at Beresfield, Thornton and Wallsend are operating at capacity. Council would therefore encourage the Black Hill industrial lands to provide GP services and associated health services. The medical centre could be part of a multipurpose community centre co-located with additional social support services on appropriately zoned land.	The proposal will provide capacity for a range of different land uses. Existing and additional demand for GP services would thus be able to be accommodated on the site. Demand and supply will be market driven and there is no reason why facilities based on demand cannot be provided in the estate.
	<u>Childcare:</u> 11. The provision of a childcare facility within the Black Hill Industrial Estate is recommended as it is clear that the demand for childcare will be immediate. The childcare centre could be part of a multi-purpose community centre co-located with additional social support services.	The Study has identified the need for expanded child care facilities (including pre-schools), including that arising from the cumulative impact on existing facilities. As such provision for a child care centre of 75 places is recommended as a minimum requirement. We have recommended that child care should be easily accessible and possibly located close to the new employment zones or proposed school. Demand and supply will be market driven and there is no reason why facilities based on demand cannot be provided in the estate.
	<u>Aged Care:</u> 12. A centre with the capacity to provide aged care day service would be innovative and could be considered as part of a multi-purpose community centre co-located with additional social support services.	The Social Impact Study considers the potential for aged care as part of the proposal. It is considered inappropriate to locate such a facility on this site. Provision of aged care facilities is planned for Minmi. Minmi has a number of locational characteristics, such as walkable local shops which make it a more appropriate option for aged care.
	Traffic and Transport	
	<u>Traffic:</u> 13. Urbis recommend ongoing discussion with the State Government, including "the potential for equitable access to transport (possibly via a subsidised bus service to Minmi)" (This recommendation fails to recognise the need to develop better alternative, non car-dependent connections to existing public transport nodes such as Beresfield, Tarro and Thornton railway stations). These connections could include a subsidised bus service but should also include hard infrastructure such as shared pathways linking the employment lands to the railway stations.	The Black Hill development is well positioned to take the advantage of the existing public transport network in the F3 Freeway, New England Highway and John Renshaw Drive corridors. 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. Hyder's traffic report has outlined strategies to achieve this target. The new employment land development at Black Hills needs to be fully integrated to the bus network and efficiently linked to the rail network. There could be a possibility of new bus route which connect Black Hill site with Beresfield railway stations. Alternatively, consideration should also be given to implement a shuttle bus service from Black Hill to the nearest rail station at Beresfield during peak hour services. 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. This can occur after concept plan approval.
	14. Council has an issue with the lack of assessment carried out on the capacity of John Renshaw Drive between Weakley's Drive and the proposed access road. The intersection plan for the access road shows John Renshaw Drive being four lanes wide for a short length past the intersection. Given the expected traffic volumes likely to be on this section of John Renshaw Drive Council considers that the road should be four lanes wide (two way) between the proposed access road and Weakley's Drive.	Future traffic capacity on the John Renshaw Drive between Weakley's Drive and proposed Coal & Allied access will depend on regional traffic growth on John Renshaw Drive and possible traffic distribution from the proposed Hunter Expressway. The Lower Hunter Regional Strategy identifies a large area along John Renshaw Drive for potential "Future Freight Hub and Employment lands". This will also impact the likely capacity of John Renshaw Drive. Further modelling investigation will be required to determine the lane configuration of John Renshaw Drive with Hunter Expressway in place.
	15. The traffic assessment has not considered any issues relating to the proposed internal road layout. At this stage the concept shows internal collector roads and large development lots. Council's concern with approving the concept plan based on this level of detail is that there is the potential for piecemeal development of the development lots possibly by different developers which will not allow further integration of a functional road hierarchy below the collector road level. This could result in an unacceptable number of intersections along the collector road as well as the provision of a number of unnecessary cul-de-sacs.	The internal road hierarchy for Black Hill employment site has been designed to comply with the design environment appropriate to road function and 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.
	16. Council also considers it appropriate that the proposed riparian zone be defined by a road with development on one side only. This will assist in	Noted. Where possible these have been incorporated into privately owned lots or within public roads as allowed within the concept plan.

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	<p>protecting the riparian zone from indiscriminate dumping over rear fences, provide better casual surveillance of the open space and clearly define ownership and maintenance obligations. The width of the road reserve would also account for most, if not all, of the proposed Asset Protection Zones.</p>	<p>Casual surveillance will occur from the other side of the riparian corridor which has road frontage. The design of the open space will also prohibit dumping of rubbish. The APZ will appear as part of a lightly treed parkland that fringes the creek line. Access is required for firefighting, which could also double as an informal pedestrian walkway. This could be designed as a low-maintenance gravel pathway. This will encourage public access and casual surveillance.</p> <p>Specific guidelines for lots that front directly onto the Open Space:</p> <ul style="list-style-type: none"> • No fencing along boundary with open space • No outdoor storage/waste areas adjacent to open space areas • A private landscaped area of 5 metres to be provided along the open space boundary • Buildings to be designed to consider common areas such as lunch-rooms, offices, outdoor recreation areas (patios) to overlook open space <p>Furthermore the proposed vegetated buffer will protect the Core Riparian Zone from dumping, edge effects and weed incursion.</p> <p>An example of industry fronting directly onto open space with access track:</p>  <p>Metroplex on Gateway, Brisbane</p>
	<p>17. For these reasons prior to approval of the development Council requests that a more detailed master plan for the site be prepared and approved that shows a suitable functional road hierarchy down to the access road level. The traffic assessment should then be based on the master plan and provide recommendations in terms of at least road reserve and carriageway widths for the different levels within the road hierarchy as well as intersection alignment and controls.</p>	<p>The Black Hill concept plan has shown internal road network at collector road level in order to comply with the RTA's access strategy to and from the F3 Freeway and John Renshaw Drive. Road hierarchy at access road level can be developed after the concept approval. The current layout is considered satisfactory for the purposes of a Concept Plan application.</p>
	<p><u>Public Transport:</u> 18. It is considered that future growth in the western corridor necessitates a service planning review jointly undertaken by the various transport providers. Development of the plan should be led by the State Government</p>	<p>Noted. Further discussion will be held with MoT and bus route operators. 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. This can occur after concept plan approval.</p>

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	19. Additional bus services are strongly supported and considered essential to encourage higher patronage of public transport.	Noted.
	20. Appendix C, Draft Statement of Commitments, Traffic and Transport, should be expanded to better address support for non-car modes, for example in provision of cycleways and shuttle bus services.	Hyder's traffic report has outlined key principles which could increase future public transport target and non car initiatives (walking, cycling). Further discussion will be held with MoT and bus route operators to determine the preferred service options viz extension of existing service or new shuttle bus service.
	21. Council strongly recommends that the following occurs before any determination is made of this proposal: <ul style="list-style-type: none"> A service planning review being jointly undertaken by the various transport providers; Submissions 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. Preparation of a Green Travel Plan is required. Consideration be given to extending any proposed service into existing adjoining employment lands. 	The existing public transport usage in the Hunter is very low being less than 5% (2006, JTW). Hyder's traffic report has outlined strategies to promote public transport usage to achieve 20% target as per the Lower Hunter Integrated Transport Plan (2007). The new employment land development at Black Hills needs to be fully integrated to the bus network and efficiently linked to the rail network. There could be a possibility of new bus route which connect Black Hill site with Beresfield railway stations. Alternatively, consideration should also be given to implement a shuttle bus service from Black Hill to the nearest rail station at Beresfield during peak hour services. 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. This can occur after concept plan approval.
	<u>Walking and Cycling:</u> 22. Submission appendices make reference to proposed cycleways and shared pathways within the development and linking to other existing regional public infrastructure. The applicant is therefore requested to provide additional information regarding the details, feasibility, timing and funding of the suggested pathway network to Black Hill, Minmi and the train stations at Thornton, Beresfield and Tarro. The additional information is to also address any proposed crossing of roads and any impacts on other existing or approved subdivisions to the north of John Renshaw Drive.	The need to provide improved regional cycling facilities has been recognised by Council and the RTA. The State Government agency is responsible for developing cycling networks in NSW. Traffic investigation found that a new signal will be required on John Renshaw Drive with Black Hill access. Pedestrian and Cyclist crossing will be provided at new signal. This will facilitate pedestrian and cyclist crossing between Black Hill and approved subdivision north of John Renshaw Drive. The details feasibility, timing of pedestrian/cycle pathway can be achieved through design, which should occur after concept plan approval. A regional pedestrian/cycleway plan is required that shows location of path within Black Hill and linking into the proposed regional network. NCC Bike Plan 2009 expected to be approved by Council prior to end of 2009 calendar year Location of an off-road shared cycle/pedestrian path will be shown on the Figure to be included in the PPR All roads will have a pedestrian footpath on the verge as per NCC 24.
	23. Concern is held that the proposed shared pathway network within the area of proposed open space may result in increased risk of crime. The need and location of any proposed pathway must be assessed against the relevant criteria set out under Crime Prevention Through Environmental Design (CPTED) and appropriate consultation undertaken with NSW Police.	<ul style="list-style-type: none"> 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 Stage. The major pedestrian/cycleway pathway will be located along road frontages within open space and link to roads and centres of activity on accordance with CPTED principles.
	24. Council also requests that the proponent be required to provide 1.2m wide concrete pathways on one side of all collector roads within the estate to provide linkages to possible future bus stops and support facilities.	This can be accommodated within the verge areas of the streets
	25. The provision of pathways should be reflected in the statement of commitments.	If the concrete pathways are shown on the Concept Plan it is not considered necessary to make specific reference to them in the Statement of Commitments. Construction of the paths by the developer will form a condition of approval.
	<u>Parking:</u> 26. Requirements of the Newcastle DCP should be met, unless it can be demonstrated that the proposed design guidelines would result in a better outcome.	The Concept Plan adopts the NCC DCP parking rates for general industrial, warehouse and bulky goods uses. The original design guidelines were prepared based on the the NCC parking requirements. However we note that an amendment has been made to the DCP after the Black Hill submission and that therefore the parking controls for commercial (office) and service retail should be amended from 1 per 40 sq m and 1 per 16 sq m to 1 per 50 sq m and 1 per 40 sq m respectively.
	27. DCP Element 4.1 stipulates requirements for preparation of a green travel plan for major development such as that proposed for Black Hill. The provisions of this Element should apply to the proposal. At minimum, a green travel plan should be prepared.	Green Travel Plans (GTP) are increasingly being adopted in Australia. Depending on the land use and geographic condition GTP have proven successful in reducing car dependency and promoting the use of more sustainable forms of transport. A GTP is a package of strategies, targets and actions designed to encourage greener modal splits, reducing the number of trips made in the wider network by car, especially single occupancy trips, and aims to encourage walking, cycling and public transport trips. Hyder's traffic report has outlined strategies to promote public transport usage to achieve 20% target as per the Lower Hunter Integrated Transport Plan (2007). The new employment land development at Black Hills needs to be fully integrated to the bus network and efficiently linked to the rail network. There could be a possibility of new bus route which connect Black Hill site with Beresfield railway stations. Alternatively, consideration should also be given to implement a shuttle bus service from Black Hill to the nearest rail station at Beresfield during peak hour services. Further discussion will be held with MoT and bus route operator. This can be included in the statement of commitments as it is a post Concept plan / SSS approval requirement.
	<u>Conceptual Road Design:</u> 28. Council believes a more detailed concept plan is necessary to define the probable ultimate road network in a more integrated manner.	The Black Hill concept plan has shown internal road network at collector road level in order to comply with the RTA's access strategy to and from the F3 Freeway and John Renshaw Drive. Road hierarchy at access road level can be developed after the concept approval. The current layout is considered satisfactory for the purposes of a Concept Plan application. A master plan concept has been prepared to a level of detail for an expected market. Given the expected development timeframe of more than 20 years it is impossible to forecast the end market product at this stage. The concept layout is just one possible

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		outcome and the finalised layout will be determined at the subdivision application stage.
	29. Collector Roads should have a minimum carriageway width of 14m with 2 x 4.5m footways (23m wide road reserve) with all other internal roads having a minimum carriageway width of 12m with 2 x 4.5m footways (21m wide road reserve).	A 23m wide Collector Road can be accommodated and will be shown in the PPR. A 21m wide internal road is acceptable.
	30. Proposed intersections should be designed to adequately cater for the introduction of 'Quad Axle B-Double' trucks (30m long) as per the recommendations of the Performance Based Standards (PBS) adopted by the National Transport Commission and Australian Local Government Association. The intersections and road works should also be designed and constructed to cater for potential overmass or oversize vehicles which may be required to access this development.	Intersections have a 30m road reserve radius with a kerb radius of 34.25m. (Austroads 30m min. radius at 20-30km/hr). Cul-de-sacs have a 25m road reserve radius with a kerb radius of 20.75m. (Austroads (15m min. radius at 5-15km/hr). Both these dimensions exceed the turning radius for B-Triple vehicles, as required by Austroads. This can be further assessed at subdivision application level.
	31. Council does not support the use of swale drains against the frontage of any proposed development lot. Council considers it more appropriate and desirable that the roads be constructed using traditional methods (i.e. kerb and gutter both sides with piped stormwater).	The proposed swales form part of the treatment train solution to manage stormwater in accordance with the principals of Water Sensitive Urban Design. They encourage a measure of source control rather than end-of line treatment and are a responsible solution as part of the WQ design for the estate. They are an integral component of the WSUD to be adopted for the individual lots to be designed in the future
	32. Council believes the riparian zone should be fringed by the road network. Should this be the case, these fringe (or perimeter) roads could be constructed with kerb and gutter on the development side only with the edge against the riparian zone incorporating water sensitive design principals	Where possible, lots have been designed to front the riparian corridor rather than to public roads fringing the corridor as allowed within the concept plan. This allows some flexibility for determining the future "ownership" of the corridor. Cross sections will be included in the PPR Casual surveillance will occur from the other side of the riparian corridor which has road frontage. The design of the open space will also prohibit dumping of rubbish. The APZ will appear as part of a lightly treed parkland that fringes the creek line. Access is required for firefighting, which could also double as an informal pedestrian walkway. This could be designed as a low-maintenance gravel pathway. This will encourage public access and casual surveillance. Specific guidelines for lots that front directly onto the Open Space: <ul style="list-style-type: none"> • No fencing along boundary with open space • No outdoor storage/waste areas adjacent to open space areas • An APZ is required which will be a road or carpark or open space. This could also be an internal road which may include a swale to meet WSUD requirements • Buildings to be designed to consider common areas such as lunch-rooms, offices, outdoor recreation areas (patios) to overlook open space
	Heritage	
	33. The applicant is requested to prepare the following. Where appropriate the statement of commitments will need to be revised:	
	34. An Aboriginal Heritage Management Strategy should be prepared prior to the Minister's consent being issued, taking into consideration the views of the Aboriginal stakeholder groups previously identified during the consultation process and in accordance with the DECC requirements. It should determine protocols in the event that artefacts are uncovered. In particular this Strategy should consider a repository for the safekeeping of artefacts and protocols for management. It should provide an interpretation strategy and a set of actions for the developer to implement at each stage of the development. The Strategy must not commit Council to ownership or the undertaking of any management or regulatory function with regard to Aboriginal Heritage without the written agreement of Council.	It was a recommendation of ERM 2008 that an Aboriginal Heritage Plan of Management be written for the development. The timing of this document needs to be before any ground disturbance works occur at the site. Given the relatively 'lower' level of significance associated with the Black Hill study area, it is not recommended that an Aboriginal heritage interpretation strategy be developed for this site following Concept Plan approval. In terms of all of the Lower Hunter projects, there are sites which do deserve future interpretation. This study area is not one of them; therefore any funds allocated to interpretation should be diverted to the most culturally and scientifically significant Aboriginal sites.
	35. A Conservation Management Plan (CMP) for the built, landscape and archaeological heritage of Minmi must be prepared with provision for opportunities to consult with council to develop conservation driven outcomes. The CMP should provide detailed policy guidelines for management of heritage items with respect to the proposal. The policy developed in the CMP should inform the statements of commitment attached to the approval.	The heritage values of Black Hill do not require a CMP for their future management.
	Environmental Impacts	
	<u>Contamination:</u>	
	36. The remediation of the area should be addressed against the criteria for the	Noted. The site has been assessed with regard to commercial/industrial criteria in Douglas Partners report 39664A of 25 March 2009.

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	various uses (industrial, commercial and supporting facilities eg child care) to meet health and environmental objectives.	The site, including areas to be dedicated as public roads, will be remediated to the relevant site use criteria. This may not necessarily include removal of 'all contaminants'.
	<u>Noise:</u> 37. Council recommends an assessment of the potential noise impact from industrial/commercial operations within the estate on the proposed supporting facilities be included within the acoustic study.	At this stage of the project, the exact types of operations (industrial/commercial) and their locations are unknown and therefore, it is difficult to determine the potential level of noise emission from the estate and in turn the impact to nearby residential areas. Future noise impacts from the estate will be investigated and assessed once a better understanding of where industrial and commercial areas will be located and the types of industrial and commercial facilities will be developed post Concept Plan approval and Project Application stage. In the noise assessment report prepared by Renzo Tonin & Associates (ref. TD261-04F02 (rev 2), dated 10 November 2008) noise criteria have been established and should be considered during the design stage when there is a better understanding of the operation of the estate.
	<u>Vibration:</u> 38. Council recommends an assessment of potential vibration impacts from the proposed Abel underground mine on the employment lands be prepared and assessed.	The mine is not anticipated to use blasting, instead continuous miners with secondary extraction will be used, which is not expected to cause any vibration impacts to the Black Hill site. Furthermore, given that vibration impacts are site specific and that the proposed Abel underground mine is not currently in operation, prediction of vibration levels will not be accurate and cannot be relied upon. Therefore, vibration impacts would be assessed during the detailed design stage of the estate and provided the mine is in operation so that actual vibration levels can be measured. It is noted that development of the site will not occur until mining beneath the site is complete.
	<u>Air Quality:</u> 39. Council recommends that future vehicle emissions associated with the proposed employment lands be analysed and included within the air quality assessment.	We note the recommendations and will consider the need for these studies at the Project Application Stage.
	<u>Greenhouse Gases:</u> 40. Council recommends that a greenhouse gas assessment be conducted for the proposed employment lands including direct emissions from the operation of the estate and indirect emissions from transport activities.	We note the recommendations and will consider the need for these studies at the Project Application Stage.
	<u>Environmental Management System (EMS):</u> 41. Council recommends further detail be provided within the EMS, in particular with regards to reporting requirements and procedures, to enable the goals of the proposed employment lands to be defined.	Matters relating to on-going environmental management are addressed in the draft Statement of Commitments
	<u>Riparian Zones:</u> 42. Recommends that riparian buffer zones be incorporated into the concept plan to ensure adequate protection of these watercourses. The riparian buffer zones should be included and designed in accordance with best practice guidelines.	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. To this end the concept plan has been reviewed the Riparian Corridor will be amended as follows: <u>Viney Creek Western Aspect</u> <ul style="list-style-type: none">• 30m Core Riparian Zone from top of bank• 10m Vegetated Buffer <u>Viney Creek Eastern Aspect</u> <ul style="list-style-type: none">• 20m Core Riparian Zone from top of bank• 10m Vegetated Buffer Environmental outcomes for Black Hill have largely been offset through the dedication of conservation lands, however the requirement to address on-site watercourses has been addressed through their use as riparian corridors supporting stormwater management on the site. The riparian corridor for Viney Creek has been agreed in regard to buffer and riparian areas. The creek will not be surveyed until after future mining subsidence has concluded which may affect the final creek bed alignment. There is therefore no benefit in surveying the creek bed in its current form. The fact that final creek bed alignment may be subject to change is also 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.
	43. Recommends further investigation be undertaken to re-establish the	The riparian corridor for Viney Creek has been agreed in regard to buffer and riparian areas. The creek will not be surveyed until

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	watercourse.	after future mining subsidence has concluded which may affect the final creek bed alignment. There is therefore no benefit in surveying the creek bed in its current form.
	44. Recommends the riparian zone around the filled watercourse be restored and maintained in accordance with best practice guidelines.	Assuming the 'filled' watercourse is the small tributary contained within the flood zone within the sites north-east, Coal & Allied shall commit to the rehabilitation of this watercourse riparian zone where it lies within the non-development lands.
	45. Disagrees with the proposed twenty metre core riparian zone and suggests the core riparian zone be increased to forty metres to ensure adequate protection of the watercourse.	<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. To this end the concept plan has been reviewed and the Riparian Corridor will be amended as follows:</p> <p><u>Viney Creek Western Aspect</u></p> <ul style="list-style-type: none"> • 30m Core Riparian Zone from top of bank • 10m Vegetated Buffer <p><u>Viney Creek Eastern Aspect</u></p> <ul style="list-style-type: none"> • 20m Core Riparian Zone from top of bank • 10m Vegetated Buffer <p>As discussed the creek will not be surveyed prior to Concept Plan approval as the line of the creek may be the subject of change due to mine subsidence. It is not anticipated that the creek will be surveyed for its final line until Yr 2014/15.</p> <p>A revised riparian corridor cross section has been prepared for inclusion in the PPR.</p>
	46. Council also recommends the APZ be established outside of the core riparian zone and not be included within riparian zone calculations as per the guidelines established by the Department of Water and Energy.	The APZ as shown on the concept plan does sit outside the riparian zone.
	<p><u>Urban Forest Management:</u></p> <p>47. Whilst the proponent proposes to dedicate land for conservation purposes as part of the current proposal, much of this land lies outside the Newcastle LGA. This will only retain the existing forest in areas outside the Newcastle LGA and result in a net loss of tree canopy within the Newcastle LGA. It is recommended that compensatory tree planting be carried out in accordance with Newcastle DCP Element 4.10.</p>	<p>The proposal in the opinion of the NSW Minsters for Environment, Planning and Lands, 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 deliver sound environmental outcomes including the dedication of conservation estates providing protection in perpetuity for the subject species. The Stockrington-Tank Paddock Conservation Estates dedication will provide the key lands required to achieving the LHRS and LHRCP. Coal & Allied therefore considers that additional tree planting is unnecessary.</p>
	<p><u>Visual Impacts:</u></p> <p>48. Council considers the proposed 5m wide buffer against the northern site boundary to be totally inadequate. It is considered that a vegetated buffer of at least 20m wide is considered more appropriate as the landscaping would then be able to cater for some future incremental loss whilst still delivering on the objective of providing a visual screen.</p>	A 10m vegetated buffer will be provided to the northern boundary and 20m on the eastern boundary
	49. Further, planting within the 83m wide buffer against the western boundary of the site would be primarily restricted to street trees given trees would not be permissible within the extent of the Transgrid easement. Council recommends that additional measures be included in the concept plan to provide additional visual buffer for lands to the west.	Tree planting will be provided in the road corridor together with TransGrid approved planting along the edge of the easement
	50. All proposed street trees are to be a minimum 100L pot size, certified as being NATSPEC compliant and protected by Council's standard tree guard.	Agree, this standard practice, this is a detailed issue more appropriate to a Project Application or a DA.
	<p><u>Biodiversity:</u></p> <p>51. The ability of the proposed conservation estate to provide a functional wildlife corridor for terrestrial species is limited by the fragmented nature of the lands. The conservation estate is currently fragmented or impeded by the existing F3 freeway and may potentially be further fragmented by the proposed F3-Branxton arterial road. Further fragmentation may potentially occur by the retention of the 5(b) Special Uses (Railway) Zone within the Cessnock LGA. Therefore, Council recommends further study regarding the adequacy of the proposed conservation estate to provide a functional wildlife corridor by utilising identified target threatened species to assess the design of the corridor.</p>	<p>The proposal in the opinion of and endorsed by the NSW Minsters for Environment, Planning and Lands (including their representative agencies), 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 plans deliver a sound environment conservation outcome.</p> <p>The design and development of the F3 link is a committed federal project and is separate to the Coal & Allied Black Hill Concept Plan.</p>

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	52. The proposed loss of the EEC within the employment lands, when combined with estimated losses within the proposed Minmi development area, will be a 1:1 ratio when compared to the EEC conserved. Therefore, the estimated conservation of 1-3% of the EEC seems inflated. Due to the restricted range of the EEC conservation areas are of high priority and Council recommends further investigation into the proposed area of the EEC for conservation.	<p>The proposal in the opinion of and endorsed by the NSW Ministers for Environment, Planning and Lands (including their representative agencies), 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 plans deliver a sound environment conservation outcome.</p> <p>Notably the proposed Black Hill 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"> • a 80% conservation(offset) gain is associated with the Coal & Allied Lower Hunter Lands proposal; • 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 • the Stockrington-Tank Paddock Conservation Estates dedication will provide the key lands required to achieving the LHRS and LHRCP. <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>
	Flooding and Stormwater Management	
	<u>Flood Management:</u> 53. It is noted that the GHD report proposes that future Floodplain Risk Management studies will be prepared for each stage of the development. It is assumed that the following issues are proposed to be addressed in the future studies. This may mean changes to lot and road layout to accommodate flood constraints not properly addressed at this Concept Plan stage.	We believe that the information provided adequately defines the flooding at the site at this Concept Stage. Future flood studies may be required when further survey is available and the level of detail is increased during ensuing design stages. We do not envisage that these studies will impact on lot and road layouts as has been suggested.
	54. The proposed detention basins are conceptual only with no sizing details provided. Detention basins are proposed upstream of roads with a throttle arrangement. This is likely to be subject to blockage during large flood events. Flood Planning Levels will need to allow for full blockage of downstream road culverts. Council considers that significant additional details are required in this regard before a proper assessment of the proposal can be undertaken.	We note this concern and final flood planning levels will be determined when spillways and other design elements of the basins have been provided during ensuing detailed stages of the project.
	55. The proposed road layout on the GHD site plan differs from Conics Indicative Concept Plan and this needs to be addressed.	The correct road layout has been shown on the plan. There are no implications in regard to the overall stormwater management strategy for the site.
	<u>Water Sensitive Urban Design (WSUD):</u> 56. Council recommends that the applicant be made responsible for the ongoing maintenance and ultimate removal of all erosion and sedimentation control structures and devices.	Removal of construction phase sediment control can become the responsibility of the developer. It is our understanding that Council will take ownership of the maintenance of any trunk stormwater management facilities
	57. Council recommends that the applicant be required to undertake an ongoing monitoring, sampling and reporting program for the life of the development. If it shows that the measures are not performing as anticipated then any required improvements would need to be undertaken by the developer with the concurrence of the relevant Council.	Noted.
	Recreational Facilities and Open Space:	
	58. Council recommends that the proposed riparian green buffer and associated infrastructure be retained under an appropriate Community or Neighbourhood scheme and not dedicated to Council.	Coal & Allied will require NCC to take ownership of riparian green buffer (Viney Creek). It is not considered that community title is appropriate for an industrial park.
	59. This approach would also then permit Asset Protection Zones to be established and maintained within or adjacent the proposed open space areas without burden on the Council.	The ownership issues for APZ's, open space and infrastructure is being addressed and details will be included in the PPR. NCC concerns are being addressed in the overall considerations of "ownership" by Coal & Allied.
	Concept Plan Design Guidelines	
	60. Council considers that the existing DCP2005 could be satisfactorily applied to the proposed development and still achieve the proponents own vision for	Section 75O(3) of the EP&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

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	the estate. Should the proponent wish to pursue a site specific DCP element for this site, Council considers it more appropriate that any such controls be developed into a DCP element and formally adopted as an amendment to the DCP 2005.	<p>section 75R) apply to the project if approved. There is no requirement to consider a Development Control Plan. Section 75R of the EP&A Act identifies that all environmental planning instruments, except for SEPPs do not apply to an approved project.</p> <p>Newcastle Council's DCP contains detailed design guidelines; of which the provisions are not directly relevant to the proposed Concept Plan under this application. The proposed road cross section has been designed to be generally in accordance with Newcastle City requirements for industrial estates.</p> <p>The applicant has provided the necessary level of documentation to address Part 3A, including Concept Plan Design Guidelines. The Draft Statement of Commitments currently commits to compliance with these guidelines and they will form part of any future consent for the site.</p> <p>There is no planning rationale for updating Council's DCP at this stage, as it is not necessary and would lead to duplication.</p>
	Infrastructure Ownership	
	61. Council's review of the proposed network and positioning of roads, parks, drainage (including natural creeks and riparian zones) and other infrastructure/land required to support the development indicates a need for the separation of public and private assets. Roads and cycleways / pathways are assets which may be dedicated to Council. Other assets should be retained in private ownership.	Ownership of infrastructure will be roads and Viney Creek corridor to NCC.
	62. Council will only accept dedication of the proposed road network subject to the roads being constructed to the requirements detailed in this advice. In the event that the proponent seeks to divert from these specifications, further consultation must be undertaken with Council prior to approval being granted or the roads are to be classified as Open Accessways under an appropriate Community Title scheme.	Roads will be dedicated to NCC in the normal manner. Community Title is not acceptable due to lack of acceptance / understanding in the marketplace.
	63. Council will not accept dedication of any lands containing mine shafts or other high maintenance assets. Further, any lands intended to be dedicated to Council that are affected by mine subsidence are to be remediated, having regard to their intended use, to the requirements of the Mine Subsidence Board and Council prior to dedication occurring.	Noted.
	64. All road widening associated with the proposal is to be undertaken at no cost to Council or the Roads & Traffic Authority.	C&A will enter into a VPA with both NSWG and NCC which will define regional and local contributions respectively.
	Developer Contributions and Voluntary Planning Agreement (VPA)	
	65. Council acknowledges the proponent's commitment to pay contributions in accordance with Council's adopted Section 94A Development Contributions Plan 2006. It is considered appropriate that the contribution of 1% of the value of development be provided in association with each project approval or development consent at the time that consent is granted.	Coal & Allied notes the current Sec 94A contribution rate. Details of regional contributions need to be considered concurrently before any agreed Sec 94A rate is finalised to avoid duplication of contributions.
	66. Should Council agree to enter into a voluntary planning agreement then Council will also require a financial contribution from the proponent toward the preparation, implementation and ongoing management of any Voluntary Planning Agreement (VPA).	The management fee will be a component of the agreed Sec 94A contribution rate
	Asset Protection Zones	
	67. The concept plan would have been based on the 2005 Bushfire Prone Land Mapping mapping and it is recommended that the proponent confirm the accuracy of the concept plan using the 2009 mapping.	The 2009 bushfire prone land mapping has revised the Black Hill site such that no category 2 vegetation exists. The report assessment, results and recommendations will not change with these modifications.
	68. Under no circumstances is Council prepared to accept the locating of APZ's on land identified as residual areas of publicly owned bushland, passive open space or drainage reserves. Further, any associated fire trails or access tracks are 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. 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.
	State Significant Site Listing – Schedule 3 SEPP (Major Project)	
	<u>Land Use Zoning:</u> 69. Council is preparing a new city wide LEP using the Department of Planning's Standard LEP template. It is requested that the zoning proposed in Appendix B of the proposed State Significant Site Listing be amended to	<p>The following objective will be added to the E1 National Park and Nature Reserves Zone in the Schedule 3 Listing to ensure that it is consistent with the Standard LEP Template:</p> <ul style="list-style-type: none"> To identify land that is to be reserved under the National Parks and Wildlife Act 1974 and to protect the environmental

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	ensure a consistent approach be applied across the LGA.	<i>significance of that land.</i>
	70. Council prefers for the zones' permissible uses to reflect those within the Standard LEP template, and does not concur with some of the uses proposed by the proponent.	All of the mandatory permissible uses within the Standard Template have been included. The inclusion of additional uses is a discretionary matter. All of the uses that have been included would be expected to occur within an employment area of this size, and they reflect the uses discussed in the Concept Plan. Further justification will be provided in the PPR.
	71. Council also requests that the proposed zonings reflect the concept plans intended land uses including industrial, commercial and identified conservation areas or open space rather than allowing a blanket zoning over the whole of the site. This would then ensure that any future community or commercial facilities, including cafes or child care or aged care facilities, for example, are not located amongst incompatible land uses.	Coal & Allied have proposed to zone the riparian areas as Industrial IN1 but allow for recreation facilities as permissible uses. This was to allow future detailed subdivision planning to finalise the lot layout and positioning of boundaries and therefore flexibility within the zoning is required at this stage. It is too premature 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 five years. The Concept Plan is the appropriate vehicle for identifying the need for these uses in broad terms. The final scale, mix and siting of uses, including supporting facilities would be subject to a Project Application or a Part 4 development application. The assessment of these applications will ensure land uses are compatible. The riparian corridor for Viney Creek has been agreed in regard to buffer and riparian areas. The creek will not be surveyed until after future mining subsidence has concluded which may affect the final creek bed alignment. There is therefore no benefit in surveying the creek bed in its current form. The fact that final creek bed alignment may be subject to change is also 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.
	<u>Land Acquisitions:</u> 72. Council requests that clause 9 be amended to ensure that neither it nor any other authority, be required to purchase or compensate the applicant, or subsequent landowners, for acquisition of land for any community purpose or public benefit but that these be dedicated free of any cost at the time of issue of the relevant subdivision certificate.	Any dedication of community facilities will be limited by the Sec94A contribution requirements that will be negotiated with NCC and incorporated in a VPA
	Coal & Allied \$10 Million Allocation	
	73. Council has previously advised that it is of the opinion that each of the subjects listed within the Draft Statement of Commitments may only be considered as essential components of a development of this magnitude and should not be considered to be additional to the minimum infrastructure and servicing requirements for the development.	The Draft Statement of Commitments details the various contributions, additional studies, applications, works the proponent commits to undertake in association with the project. The draft Statement of Commitments includes 'the business as usual' commitments that are expected to be delivered as part of the future development of the site and standards that have to be met to achieve approval. The \$10 million allocation is directed as initiatives that would not be ordinarily provided as part of the development of a new industrial estate and accordingly are identified as initiatives that are considered 'over and above' what is reasonably necessary to satisfy state and local government approval requirements.
	74. Council request the proponent to provide a more detailed list of proposed initiatives and that these be supported by indicative costings and timeframes for delivery.	A priority list of items was established at the Charette. These have been included in the Statement of Commitment. Coal & Allied will have each item costed and included in a schedule which will nominate a timeframe for expenditure. The completed schedule will require Coal & Allied approval and then included in the PPR
RTA-22/05/09	75. Council also requests that additional information be provided regarding where and in what form the money is to be held; who will be responsible for authorising each initiative; and is the initial amount to be linked to an appropriate ABS index to account for cost increases over the duration of the development.	The funds will be lodged in an interest bearing Coal & Allied account for the specific use for the northern estates. Each initiative that funds will be allocated are as per the priority list included in the Statement of Commitment and expenditure authorised by Coal & Allied based on the timeframe included in the PPR. The \$10Mill allocated for the northern estates is not indexed.
	76. The RTA has reviewed the information provided and requires an amended traffic report addressing the following issues:	Noted.
	77. The traffic analysis has various assumptions regarding road infrastructure. The F3 to Branxton road link has now been approved by the Federal Government for funding and therefore should be included in all analysis. The current analysis does not include this link which will influence future traffic impacts in the area.	The Federal Government has recently approved funding for the Hunter Expressway. A full interchange is being proposed on the John Renshaw Drive at Buchanan. This will change future traffic conditions on John Renshaw Drive in the vicinity of the Black Hill site. Further modelling investigation will be required to determine impact on John Renshaw Drive and associated intersection with the Black Hill access road.
	78. The traffic study makes reference to the assumption that the particular road projects will be constructed at various stages. The majority of these projects are unplanned and not funded and should be deleted from the assessment.	The Black Hill site will be developed over 25 years period and unlikely to be operational prior to 2016. This is regarded to be a long term plan and impact should consider future traffic works being proposed by the RTA. The following two key projects would influence traffic in and around Black Hill area <ul style="list-style-type: none"> • Hunter Expressway • F3 to Raymond Terrace Link

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		In addition to those, Hyder's traffic assessment also considered Newcastle to Glendale Link and Fredrick St extension. These two links will not have any impact on the Black Hill site. For consistent modelling perspectives, Hyder made the same assumptions for both Black Hill and Minmi sites.
	79. Details of the intersection count of the F3 Freeway and John Renshaw Drive are required.	Hyder conducted fully classified traffic counts during October 2007 at F3/John Renshaw Drive roundabout. Detailed turning movements data at this intersection is shown in Figure 2.8 of Hyder's traffic report.
	80. Traffic generates for the assessment of the business park (industrial) land uses shall be increased to 0.58 and 0.70 trips per 100 sq m GLFA in the AM and PM peak hours respectively.	Agreed. As per RTA's recommended traffic generation, Hyder will remodel and assess the impact from the Black Hill site.
	81. Trip generation rates shall not be discounted by 25% to account for the conversion of gross floor area to gross leasable floor area, as this discount should only apply to retail land uses, not for industrial land use.	Agreed. Hyder shall not discount trip generation rate by 25% for Black Hill site.
	82. A further 5-10% discount to simulate internal trips is not applicable as internal trips have already been factored into the rates to be applied.	Agreed. Hyder shall not discount internal trip factor in the trip generation rate.
	83. Electronic copies of the revised traffic analysis (Paramics and Sidra) shall be submitted to the RTA for review.	After completion of modelling with Hunter Expressway in place, Hyder shall submit relevant Paramics and Sidra files to the RTA.
	84. The timing / staging of the intersection of John Renshaw Drive and the site access and the upgrade of the intersection of the F3 Freeway and John Renshaw Drive is likely to change as a result of the above comments. Accordingly, the timing / staging of any works should be reviewed and altered as required.	Hyder shall revise traffic modelling with Hunter Expressway in place.
	85. The RTA will require the developer to enter into a VPA / Deed Containing Agreement for contributions towards designated State public infrastructure (state roads) prior to any development / subdivision proceeding on the site. Outstanding issues to be resolved prior to subdivision include: <ul style="list-style-type: none"> Broader contributions to State road infrastructure will be required and will be consistent with other developments where contributions have been sought. The RTA has recently determined that similar development proposals should contribute \$75,000 per developable hectare towards future State road infrastructure upgrades. The RTA considers that this proposed development should be contributing an equivalent amount. The RTA's preference for a works-in-kind contribution to be determined in lieu of a cash contribution. These contributions to State infrastructure do not include any of the access requirements for the development and will be negotiated prior to any concurrence to the subdivision of the land. 	Coal & Allied will enter into a VPA with DoP which will include a regional contribution relating to roadworks which will be either works in kind or a cash contribution. The contribution rate will be negotiated with the NSWG.
Department of Environment and Climate Change- May 2009	1. DECC is able to support the proposal subject to the provision of further information / resolution of several outstanding issues in regards to the management of Aboriginal cultural heritage, stormwater management, wildlife corridors and zonings. Given the need for further consideration, assessment and consultation with the proponent and the DoP, DECC anticipates that it will provide further detailed advice during the ongoing assessment and approval stages of the proposed development and transfer of conservation land. These issues can be addressed to the draft Statement of Commitments and modifications to the concept plan.	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. With respect to Aboriginal heritage, ERM have met with the DECC and discussed the specific comments received. The responses, below, are an outcome of this meeting.
	2. The draft statement of commitments should be revised to include the following conditions:	
	<u>Conservation Offset Lands:</u> 3. Development of an interim land management agreement (Statement of Interim Management Intent) by the proponent in consultation with DECC's Park and Wildlife Group, for the lands proposed to be transferred to the DECC conservation reserve system.	SIMI does not apply to Offset Lands unless immediately adjacent to development lands. This situation does not exist for Black Hill
	<u>Aboriginal Cultural Heritage:</u> 4. The following issues should be addressed in either the Preferred Project Report or the Statement of Commitments for the project: <ul style="list-style-type: none"> Detailed archaeological surveys across the Black Hill development precinct will be conducted to better inform the concept plan layout and subsequent project application(s) 	Detailed archaeological survey has been undertaken across the Black Hill estate. All areas with ground surface visibility and/or exposures have been surveyed. The study area's conditions mean that if further survey were conducted, no further sites will be identified as the ground surface is not visible. The Aboriginal HA undertook consultation in accordance with the DECC's interim guidelines for Aboriginal consultation. Consultation above and beyond these guidelines was undertaken between Coal & Allied and ERM through the community charette

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	<ul style="list-style-type: none"> Evidence confirming the nature of the consultation undertaken with local Aboriginal stakeholders and their views on the concept plan should be provided The Aboriginal Heritage Plan of Management (AHPM) is to be completed and included in any subsequent Environmental Assessment for the site In relation to the storage and conservation of Aboriginal material recovered from the site, the AHPM will include further detail regarding the location of any 'keeping place' and mechanisms to secure this area in perpetuity. The word 'relic' in the EA documentation should be replaced with 'object' throughout. 	<p>process. The Aboriginal community provided extensive feedback during this process and provided dedicated community significance statements. All evidence of this consultation is presented in the charette output document. Aboriginal groups were further invited to comment on the project and report through the public exhibition phase of the project.</p> <p>ERM's report recommended an AHPM be prepared. This would need to include information on the future curation of any Aboriginal objects removed from this study area.</p> <p>There is one mention of relic in the report with respect to Aboriginal heritage. This has been replaced with object.</p>
	<p><u>Conservation Lands Offset:</u></p> <p>5. DECC has commenced due diligence of lands proposed to be transferred to the Minister for Climate Change and the Environment. A further detailed submission will be provided by DECC which will be subsequently utilised to inform the terms of the future Deed of Agreement and the proposed Statement of Interim Management Intent.</p>	<p>Noted. Will be the subject of ongoing liaison between the Proponent and Department.</p>
	<p><u>Aboriginal Cultural Heritage:</u></p> <p>6. Further survey work should be conducted to better inform the concept plan layout. Written support for any revised plan should be obtained from all Aboriginal stakeholders and included within the Preferred Project Report.</p>	<p>The history of the study area, coupled with dense vegetation across the study area, means that any further survey would not result in the identification of any Aboriginal sites. Therefore no further survey work is recommended. Further details of the study area's condition will be incorporated into the report.</p>
	<p>7. DECC's review of the ACH assessment has revealed the following issues:</p> <ul style="list-style-type: none"> An extensive distribution of known sites immediately adjacent the proposal which is inconsistent with the relative lack of objects recorded during the survey. Further survey work should be conducted across the site with the results to be considered prior to finalising the concept plan. Modelling assumes a correlation between archaeological 'potential' and 'significance' which is not substantiated by other studies in the area nor supported by DECC Further survey analysis of riparian areas and elevated areas should be undertaken. DECC staff stated that no aboriginal cultural heritage advice was delivered at the 4 day charette. Further evidence confirming the views of the local Aboriginal community should be included in the Preferred Project Report The location of a 'keeping place' for the storage and conservation of Aboriginal material should be confirmed in the AHPM. 	<p>ERM notes that whilst Aboriginal site patterning across the local area reveals a large number of isolated finds, and some artefact scatters, these Aboriginal sites can be related to specific landforms (particularly crests and lower basal north and east facing slopes) and resource zones (such as the swamps). The survey of the study area was undertaken twice (with different Aboriginal stakeholders) and failed to identify a great density of sites (only two sites were identified and a large area of PAD). The absence of Aboriginal sites on the flat landforms is a function of the fact that Aboriginal sites are not present, rather than they have not been identified. Reporting will be expanded to further explain the local landforms and local Aboriginal site patterning, as way of explanation of this matter.</p> <p>Statements relating a connection between archaeological (scientific) significance and archaeological potential (i.e. page 33) have been mis-interpreted during the review. The text will be clarified to make a clear distinction between these different aspects. It should be noted that a clear distinction is drawn between archaeological significance and scientific (archaeological) significance and Aboriginal community significance in Table 6.1 of the ERM report.</p> <p>Further survey of the riparian area will not provide evidence for any additional Aboriginal sites because the whole area is covered with dense and in place, impenetrable, vegetation – no ground surface visibility (except within Viney Creek) is present. ERM (and Aboriginal stakeholders) attempted to survey more of the Riparian corridor, but this was impossible because of the vegetation conditions. It should be noted that the Black Hill study area does not contain elevated area, except in its north – an area which has now been surveyed by ERM and all Aboriginal stakeholders four time (for this HA and recent HA for Hunter Water Corporation). ERM can confirm that the elevated areas in the north of the study area do not contain Aboriginal sites. (It should be noted that a number of sites on elevated landforms were identified during our recent work; however, there are none within the study area).</p> <p>ERM refute that no Aboriginal heritage advice was provided at the four day charette. A detailed 30 minute presentation was provided for Black Hill (and another for Minmi) at the beginning of the charette. Aboriginal heritage mapping was presented and used during all urban design at the charette. Detailed Aboriginal heritage zoning plans were clearly displayed in each design room during the whole charette process. ERM held conversations with the DECC representative over the Aboriginal cultural heritage sites and values at Black Hill. ERM and the DECC representative were present when the Aboriginal heritage zoning was included within the Black Hill riparian design. All Traditional Owners and Local Aboriginal Land Council CEO's were present at the charette and gave verbal presentations at the beginning and throughout the charette. Rick Griffiths (Mindaribba LALC) provided a very firm stance on Aboriginal heritage at the commencement of the planning process, and was present throughout the design process. Each Aboriginal stakeholder group provided a written statement to inform the charette process, which was included in the output document.</p> <p>The report can be expanded to provide further descriptions of landforms, vegetation conditions and local Aboriginal site patterning. The involvement and community statements relating to Aboriginal heritage values are presented in the charette output document.</p> <p>The AHMP will contain details relating to the storage (or otherwise) of any Aboriginal objects from the study area.</p>

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	<p><u>Flora & Fauna:</u></p> <p>8. EA does not adequately take into consideration localised impacts on biodiversity from the proposed development, notably the proposed precinct-scale detention basin upstream of John Renshaw Drive. The impacts on the functioning of this riparian corridor and the amount of clearing and earth-works that would be required to construct the detention basin have not been taken into account.</p>	<p>The proposal, in the opinion of and endorsed by the NSW Minsters for Environment, Planning and Lands (including their representative agencies), 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 plans deliver a sound environment conservation outcome.</p> <p>Notably the proposed Black Hill 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"> • a 80% conservation(offset) gain is associated with the Coal & Allied Lower Hunter Lands proposal; • 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 • the Stockrington-Tank Paddock Conservation Estates dedication will provide the key lands required to achieving the LHRS and LHRCP. <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><u>Water Quality and Stormwater Management:</u></p> <p>9. DECC is generally not supportive of on-line detention basins such as the proposed precinct scale basin upstream of John Renshaw Drive (GHD 2008). Its impacts have not been considered within the EA documentation.</p>	<p>We note these recommendations based on the Water Management Act. While the proposal seeks to encompass the intent of the Water Management Act, 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> <p>A revised riparian corridor cross section has been prepared by JMD design on the following basis:</p> <p>West side of the Viney Creek:</p> <ul style="list-style-type: none"> • 30M riparian corridor (includes 10M vegetated buffer) • 10M APZ <p>East side of the Viney Creek:</p> <ul style="list-style-type: none"> • 20M riparian corridor (includes 10M vegetated buffer) • 10M APZ <p>As discussed the creek will not be surveyed prior to Concept Plan approval as the line of the creek may be the subject of change due to mine subsidence. It is not anticipated that the creek will be surveyed for its final line until Yr 2014/15.</p>
	<p>10. Given the ecological significance of receiving waters including Woodberry Swamp and the proposed WSUD strategy DECC may seek further advice on the proposed WSUD strategy prior to the lodgement of a Preferred Project Report. Further consultation should be held with DWE in this regard</p>	<p>Water Sensitive Urban Design facilities will treat stormwater before discharge from the site into the Woodberry Swamp. 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 an levels of stormwater management.</p>
	<p><u>Zoning:</u></p> <p>11. All land gazetted or proposed to be gazetted under the National Parks and Wildlife Act should be placed under the E1 Zone. Only development authorised under the NP&W Act should be permitted within the E1 Zone.</p>	<p>The land to be dedicated to the NSWG will be zoned 'E1 – National Parks and Nature Reserves" with a number of 20m wide "E3 Environmental Management" corridors as indicated on the transfer plans</p>
	<p>12. Conservation areas (eg riparian zone within the industrial precinct) outside of the recommended E1 conservation area should be zoned E2 – Environmental Conservation.</p>	<p>The riparian corridor for Viney Creek has been agreed in regard to buffer and riparian areas. The creek will not be surveyed until after future mining subsidence has concluded which may affect the final creek bed alignment. There is therefore no benefit in surveying the creek bed in its current form.</p> <p>The fact that final creek bed alignment may be subject to change is also 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.</p>
	<p>13. The riparian corridor through the Black Hill development precinct which is currently proposed to be zoned IN1 General Industrial should be zoned E2 Environmental Conservation.</p>	<p>The riparian corridor for Viney Creek has been agreed in regard to buffer and riparian areas. The creek will not be surveyed until after future mining subsidence has concluded which may affect the final creek bed alignment. There is therefore no benefit in surveying the creek bed in its current form.</p> <p>The fact that final creek bed alignment may be subject to change is also 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.</p>

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Department of Planning- April 2009	<u>Permissible Land Uses:</u> 1. Further justification required in support of the commercial offices, neighbourhood shops, educational facilities, childcare centres, leisure/recreation and motels in this locality.	Providing such ancillary facilities at Black Hill would be a sensible planning option. Given that Black Hill does not abut a major urban area, the chance to provide neighbourhood shops, educational facilities, 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. Office development will only be ancillary to other employment uses, and stand-alone office development is not contemplated in the Concept Plan. At this stage however, and given that it will be some time before development commences, it is difficult to be any more prescriptive about the quantum of floorspace for each of these ancillary uses. This is addressed in further detail in the PPR.
	2. Similar land uses, such as shops and motels, were prohibited at the Freeway North Business Park on the northern side of John Renshaw Drive.	Noted, however the ancillary facilities proposed in this Concept Plan would 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 workings requiring daily services.
	3. The Departments Policy 'The Right Place for Business', reinforces that 'offices, where not ancillary to industry, should be located in existing centres where they can benefit from proximity to services, be accessible by public transport and provide for more equitable access to employment opportunities.	Noted. Office development at Black Hill would be ancillary rather than free standing. This is to be addressed in further detail in the PPR.
	<u>'Green Entry' statement along F3 Sydney-Newcastle Freeway</u> 4. Draft Newcastle- Lake Macquarie Western Corridor Planning Strategy (WCPS) requires a vegetation corridor be provided on both sides of the F3 Sydney- Newcastle Freeway and Newcastle Link Road. Vegetation corridors need to be provided on C&A lands and should not be identified as part of the Concept Plan for retention on adjoining properties (i.e. RTA road reserve).	The Western Corridor Strategy requires a north south corridor to be established along the sites eastern boundary. 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 & Allied lands given no corridor considerations exist within such areas. Coal & Allied have incorporated the provisions of the WCS as much as is possible. It is envisaged this corridor will provide for arboreal and highly mobile faunal guidly movement through the local landscape into larger patches of offsite habitat.
	5. Recommend C&A provide a min 20m vegetation corridor on their land. Alternatively, a visual assessment assuming the removal of vegetation in the RTA road reserve could be prepared to justify the width of the vegetation corridor to maintain a green entry statement.	Noted. A 20m vegetated buffer will be provided to the eastern boundary of the estate.
	<u>Visual Buffers:</u> 6. Further evidence required to justify max 5m wide buffer along John Renshaw Drive. This should be provided by way of a visual assessment outlining management measures to ensure the buffer is not impacted by edge effects.	A 10m vegetated buffer will be provided to the northern boundary and 20m on the eastern boundary of the estate.
	7. Visual assessment required to justify lack of visual screening provided on western boundary. Existing views of the site from the adjoining property will be substantially altered by the proposal with street plantings unlikely to provide significant visual screening.	Tree planting will be provided in the road corridor together with TransGrid approved planting along the edge of the easement
	8. Further information required regarding proposed ongoing management/ maintenance responsibility of the buffer zones. The management mechanism should be included in the Statement of Commitments.	The buffer zones will be managed according to best practice. During the sites construction phase this will be the developer's responsibility and the end user thereafter. Building lines / setbacks will established on all affected lots accordingly
	<u>Riparian Corridor:</u> 9. Council has indicated that the riparian corridor is not of public benefit and should be retained under an appropriate Community or Neighbourhood scheme, and not dedicated to Council.	Coal & Allied will require NCC to take ownership of riparian green buffer (Viney Creek). It is not considered that community title is appropriate for an industrial park.
	10. Consideration should be given to an outer riparian zone, to provide a buffer between active management of the APZ and prevent edge effects.	Noted, however adequate setbacks have been allowed that cater for the proposed hydrological / drainage requirements while making due consideration to the existing ecological character
	11. Further information required regarding the ongoing management/maintenance responsibility of the riparian corridor. The management mechanism should be included in the Statement of Commitments.	The riparian corridor will be managed according to best practice. During the sites construction phase this will be the developer's responsibility and the end user thereafter.
	<u>Stormwater Detention:</u> 12. Stormwater detention structures should be located outside of the core	We note these recommendations based on the Water Management Act. While the proposal seeks to encompass the intent of the Water Management Act, however at the Part 3A level this piece of legislation is not triggered. Adequate setbacks have been

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	riparian zone, as they are inconsistent with the objectives of the zone and should be located off-line in all instances.	proposed that cater for the proposed hydrological / drainage requirements while making due consideration to the existing ecological character.
	<u>Flora and Fauna:</u> 13. Ecological Assessment Report recommendations should be included in the Statement of Commitments.	Environmental Management requirements are addressed in the draft Statement of Commitments.
	<u>Aboriginal Heritage:</u> 14. Further justification of the predictive model and survey coverage is required in light of DECC's comments and previous survey results for surrounding areas.	The HA report will include additional details relating to this aspect.
	<u>Freight Hub Study:</u> 15. Given the governments recent announcement regarding the F3 to Branxton Link, further consultation with the Department of Premier and Cabinet should be undertaken about the proposed prioritisation of identified Freight Hub Options and the potential impact of the development on the viability of Option C.	Department of Premier and Cabinet was consulted on this matter during the preparation of the Concept Plan. 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.
	<u>Traffic:</u> 16. The WCPS identifies preferred access point off John Renshaw Drive. Recommend further consultation with the RTA about proposed direct access onto the F3. RTA need to advise whether this access is acceptable and does not interfere with the funded F3 Raymond Terrace Interchange.	Following Hyder's meeting on 4 February 09 with the RTA and Department of Planning (DoP) regarding the site access issues on F3 and John Renshaw Drive, RTA asked Coal & Allied to investigate additional three access options (Options 4, 5 and 6). The new access options considered full access via a signalised T junction on John Renshaw Drive, with three access variants on the F3 Freeway. These are the Options 4, 5 and 6, requested by RTA: <ul style="list-style-type: none"> Option 4: No access onto the F3. A full access on John Renshaw Drive is proposed via a signalised T junction. The Black Hill site access from the south will form the third leg of this junction; Option 5: Left in Left out on the F3 (location will be as per Option 1). A full access on John Renshaw Drive is proposed via a signalised T junction; and Option 6: Left in only on the F3 (location will be as per Option 1). A full access on John Renshaw Drive is proposed via a signalised T junction. Results from above three options were submitted to the RTA as an addendum to the Hyder's traffic report. Hyder's traffic analysis suggested that the access option 6, containing left in only from the F3 and a full access on John Renshaw Drive via a signalised T junction will provide greater efficiency over the broader network. Hyder also recommend, in the future, a left turn out from F3 be reconsidered again when RTA has finalised the concept plan for the proposed F3 to Raymond Terrace Link.
	17. Further consideration of traffic movements is required for the F3 to Branxton Link given the recent funding announcement.	The Federal Government has recently approved funding for the Hunter Expressway. A full interchange is being proposed on the John Renshaw Drive at Buchanan. This will change future traffic conditions on the John Renshaw Drive in the vicinity of Black Hill site. Further modelling investigation will be required to determine impact on the John Renshaw Drive and associated intersection with Black Hill access road.
	18. Concept plan subdivision layout should consider provision of an internal road connection to the adjoining employment investigation area to the South.	This could be considered through the extension of the road between Lots 8 and 9. Extension of N/S road on Coal & Allied estate to be extended (dotted) to the south boundary in the PPR. Future access would be the subject of any third party DA for adjacent lands.
	<u>Infrastructure Contributions and Services:</u> 19. Detail proposed initiatives, costing, timing and delivery mechanisms for the \$10 million allocation.	Details of items for consideration to be included in the \$10M Coal & Allied allocation (in conjunction with Minmi) will be costed with a proposed timeframe. Details to be included in PPR (in SoC) Items of expenditure will be approved by Coal & Allied and delivery mechanisms will be at the direction of Coal & Allied.
Energy Australia- 11/05/09	<u>Supply of Electricity:</u> 1. Initial assessment of the existing electricity network infrastructure adjacent to the development site suggests that it will not be able to support the expected electrical load of the development. Therefore substations (Zone and/or kiosk) may be required on-site depending on the final electrical load and site conditions. Easements will be required over any new substations and associated EnergyAustralia assets, including existing assets. Details of the substation types and locations will be determined prior to the design stage of the project. To enable the planning of this work to proceed, an 'Application for Connection' must be submitted by the Electrical Consultant.	Energy Australia has correctly identified the requirement for electrical easements. The site masterplan accommodates normal easement requirements. The normal approval process shall be followed for the development.
	<u>Proximity to Existing Network Assets</u> 2. There are existing electricity network assets in and adjacent to the development. The location of these assets may interfere with the proposed lot layout. Should these existing assets require relocation, this work will be at the developers expense.	Relocation of existing electrical infrastructure will be minimised where possible. Where relocation is unavoidable it is understood that the relocation costs shall be borne by the developer.
	<u>Method of Electricity Connection:</u>	The method of connection will comply with ES10. This is likely to be via an underground connection unless the connection point is

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	3. The method of connection will be in line with Energy Australia's ES10 'Requirements for Electricity Connection to Developments'. Expected that the development will be connected to our existing electricity network using underground cable.	located within the 100yr flood extents.
	<u>Conduit Installation:</u> 4. The need for additional electricity conduits in the footway adjacent to the development will be assessed and documented in Energy Australia's Design Information, used to prepare the connection project design.	It is likely that additional, spare conduits will be required to be installed as part of the development. It is expected that the use of these conduits would be subject to Energy Australia's Reimbursement Scheme in accordance with ES8 'Capital Contributions and Asset Relocation Work Guidelines'.
	<u>Existing Electricity Easements:</u> 5. A title search of the development site should be completed to check for existing electricity easements. If easements are present, Energy Australia must assess the proposed activity within the easement.	Property titles have been checked and existing easements identified. Works within existing and future easements will comply with the terms of the easement.
Ministry of Transport-10/06/09	1. Disappointed that the final DGR's did not include those matters addressed in previous correspondence from MoT dated Feb 2008, including the need for the preparation of a Transport Management and Accessibility Plan (TMAP).	In April 2008, the DGR's requirements for the subject land were issued. Hyder's traffic report addressed DGR's requirement. Hyder has discussed various principles which would promote public transport usage and mode share.
	2. The Hyder Consulting Report does not provide adequate consideration of public transport, or measures to address the likely long term car dependence of the proposal.	The Black Hill development is well positioned to take the advantage of the existing public transport network in the F3 Freeway, New England Highway and John Renshaw Drive corridors. 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. Hyder's traffic report has outlined strategies to achieve this target. The new employment land development at Black Hills needs to be fully integrated to the bus network and efficiently linked to the rail network. There could be a possibility of new bus route which connect Black Hill site with Beresfield railway stations. Alternatively, consideration should also be given to implement a shuttle bus service from Black Hill to the nearest rail station at Beresfield during peak hour services. 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. This can occur after concept plan approval.
	3. Proponent should provide further detailed consideration of the following:	
	4. Proposed site layout and structure, particularly the site entry points and its public transport accessibility, connectivity and potential to encourage sustainable modes of transport. Providing an additional south-eastern entry point to the site should be considered in light of this sections proximity to the adjoining residential area on the eastern side of the freeway. This entry point will also provide waling distance access for locators south of the site to a potential bus route along the freeway.	The Black Hill development is well positioned to take advantage of the existing public transport network in the F3 Freeway, New England Highway and John Renshaw Drive corridors. 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. Hyder's traffic report has outlined strategies to achieve this target. The new employment land development at Black Hills needs to be fully integrated to the bus network and efficiently linked to the rail network. There could be a possibility of new bus route which would connect Black Hill site with Beresfield railway station. Alternatively, consideration should also be given to implement a shuttle bus service from Black Hill to the nearest rail station at Beresfield during peak hour services. Further discussion will be held with MoT and bus route operators.
	5. The likely transport infrastructure and recurrent servicing costs for Government in proceeding with the development, including the implications of the proposed shuttle bus on the existing bus service along John Renshaw Drive.	There could be a possibility of new bus route which would connect Black Hill site with Beresfield railway station. Alternatively, consideration should also be given to implement a shuttle bus service from Black Hill to the nearest rail station at Beresfield during peak hour services. 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. This can occur after concept plan approval.
	6. Travel demand management strategies designed to increase mode shift to public transport. These strategies should include the preparation of workplace travel plans for locators on site to ensure public transport patronage and the adoption of non-car transport.	Green Travel Plans (GTP) are increasingly being adopted in Australia. Depending on the land use and geographic condition GTP have proven successful in reducing car dependency and promoting the use of more sustainable forms of transport. A GTP is a package of strategies, targets and actions designed to encourage greener modal splits, reducing the number of trips made in the wider network by car, especially single occupancy trips, and aims to encourage walking, cycling and public transport trips. Hyder's traffic report has outlined strategies to promote public transport usage to achieve 20% target as per the Lower Hunter Integrated Transport Plan (2007). The new employment land development at Black Hills needs to be fully integrated to the bus network and efficiently linked to the rail network. There could be a possibility of new bus route which connect Black Hill site with Beresfield railway stations. Alternatively, consideration should also be given to implement a shuttle bus service from Black Hill to the nearest rail station at Beresfield during peak hour services. Further discussion will be held with MoT and bus route operator.
	7. The transport implications for the Minmi residential development.	The keys to meeting the higher public transport target will be to provide Black Hill with regular bus services, particularly at peak hours, and to provide safe and convenient bicycle and pedestrian links to nearby residential areas including Minmi. Considering the public transport strategy Hyder identified for the Minmi residential development site, a new bus route is recommended between Cardiff Station/Glendale Interchange and Thornton Station. This new route would link the employment site directly to the rail line between Newcastle and Maitland and therefore give a public transport alternative to access the site from the major employment catchments of Newcastle and Maitland.
	8. The staging of the proposed development should have consideration for the provision of public transport.	The Black Hill site is proposed to develop in stages. During the infrastructure design stage, consideration will be provided to integrate public transport services. The Black Hills site is proposed to be fully integrated to the bus network and linked to the rail network.

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	<p>9. Provisions for pedestrian and cycling network. The proposal should address the needs of pedestrians and cyclists having regard to the NSW Planning Guidelines for Walking and Cycling (2004).</p> <p>10. MoT will soon commence Integrated Network Planning (INP) for Outer Metropolitan Bus Contract Regions 1 to 4, which covers the Lower Hunter Region. The INP will building on the 2008 Newcastle Bus Network Review. Stakeholder consultation will inform the future bus network design.</p>	<p>A key component of the overall layout of Black Hill concept plan is the planned network of pedestrian and cycle linkages, which aim to encourage walking, and cycling as much as possible for on-site movement, as well as providing links both within site and to surrounding precincts and beyond, in particular the residential areas.</p> <p>Noted, and this will help to inform more detailed transport planning once the Concept Plan is approved.</p>
Hunter Water 25/6/09	<p>1. The proposed development area is located in the Coalfields Water Supply System. The site is situated immediately alongside the Stoney Pinch 900mm supply main, approximately 1.5km downstream of the Beresfield WPS. The likely connection point for the development into Hunter Water's Water Supply system in the 500mm main in John Renshaw Drive. The developer will be required to construct approx. 1.3km of lead-in main to service the development via this main. Connection to the Stoney Pinch 900mm trunk main is not permitted.</p>	<p>Hunter Water Corporation (HWC) correctly identifies the site location. The likely connection point with the existing 500mm in John Renshaw Drive water main is consistent with previous advice, however, other options may be available (see below). The length of lead-in main will be dependent upon the adopted servicing option. No connection to the 900mm trunk main is proposed.</p>
	<ul style="list-style-type: none"> There may be other supply options available; with the potential of site connection into 3 different water supply zones. The developer will be required to Submit a Section 50 application and a developer funded Servicing Strategy will need to address accurate load and timing information for the development. 	<p>Hunter Water correctly identify that there are a number of options for connection into the existing water supply network. The feasibility of each of these options shall be assessed at future design stages along with demand information for the development.</p> <p>Coal & Allied does not propose to prepare a Water Servicing Strategy for the site. HWC should amend its current strategies to include the proposed development. Cardno can assist in determining the demands of the development to be incorporated into HWC's models.</p> <p>A Section 50 application will be made as part of the normal development process.</p>
	<ul style="list-style-type: none"> The development drains to the north-eastern corner of the site and is expected to place a potential load of 1550 ET on the wastewater system. Currently there is some capacity in Beresfield No.21 and Bersefield No.16 WWPS. However, future growth in these drainage catchments will utilise all available capacity. The ultimate servicing arrangement for the development will require the developer to construct a WWPS capable of delivering 166L/s at 34 metres pressure. The WWPS is to capture and transport all flows from the development area to the Beresfield No.5 WWPS catchment via 7.2km of DN 375 rising main. An interim serving arrangement may be possible for this area with the opportunity to gravitate flows from the development to existing infrastructure on the north side of John Renshaw Drive, which would then drain to Beresfield No. 21 WWPS. Such an arrangement may allow the construction of the required developer funded WWPS to be deferred, however ultimate servicing will require all flows to be received at a new WWPS in the north eastern corner of the development area. The developer will be required to address such arrangements, along with an accurate load and timing information, in a developer funded Servicing Strategy to be submitted to Hunter Water along with a Section 50 application. 	<p>Preliminary investigations have been undertaken to confirm the figures presented in HWC's letter of 25/6/09. These investigations serve to confirm the 1550ET load, 166L/s flow @ 34m head and 375mm rising main as noted in the letter.</p> <p>A preliminary meeting was held with HWC in Nov 2007. At this meeting Cardno was advised that, based upon the proposed site layout at the time, the expected sewer loading was 1500ET (equivalent tenement) equating to a pumping rate of 120L/s.</p> <p>HWC has been consulted to obtain HWC's methodology and validate the 1550 ET estimate. HWC advised that the load estimate is very preliminary at this stage and subject to refinement once the type of industrial/commercial development is known.</p> <p>Based upon the design tables presented in the WSA code, the 1550ET appears to be appropriate given the relatively unknown nature of the proposed development. The WSA tables suggest that the 1550ET estimate may be low depending upon the final arrangement of the development.</p> <p>Assuming the 1550ET is correct, the design flow rate of 166L/s at 34m of head through a 375mm rising main would also appear to be appropriate.</p> <p>While Beresfield No 5 WWPS is the receiving pump station for the proposed rising main from the development site, it is noted from the drawing provided by HWC (ref: <i>Morpeth Wastewater Transportation System, Servicing Strategy, DSP Area S7.01, Future System</i>) that there are a number of other proposed pump stations that would appear to benefit from the rising main. It is expected that the rising main will be funded by HWC and that HWC's capital works program amended accordingly. Should the main be developer funded, it is likely that a cost sharing arrangement will be agreed between the various parties/developers for the construction of the rising main.</p> <p>Further, there are a number of alternative measures to a traditional sewer system that may reduce the demand on the existing network and thus reduce the size and/or extent of any proposed rising main from the site. Such alternative measures may include:</p> <ul style="list-style-type: none"> On-site treatment Programmed off-peak pumping A demand capping scheme <p>The possible interim servicing arrangement utilising the existing Beresfield No 21 WWPS is noted and will be investigated as part of future design stages. The ultimate need for a pump station on the site is noted, however, alternative sewer disposal arrangements may be investigated as part of future design stages to reduce the size of any pump station. Details regarding load and timing information will be developed as part of future design stages.</p>

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		<p>Coal & Allied does not proposed to prepare a Sewer Servicing Strategy for the site. HWC should amend its current regional strategies to include the proposed development. Cardno can assist in determining the demands of the development to be incorporated into HWC's models.</p> <p>A Section 50 application will be made as part of the normal development process.</p>
	2. The development area is located in the Morpeth WWTW catchment. The development was identified in the recent wastewater transportation strategy for the Morpeth WWTW and is expected to place a potential load of 1550 ET on the system. As such, it is expected that there will be available capacity for the development, however this will be assessed in more detail once Hunter Water receives more accurate loading information.	As noted above, the 1550 ET loading has been reviewed by Cardno. The available capacity of the existing Morpeth treatment plant is noted.
	3. Hunter Water has no objections to the proposed rezoning application. The developer should continue to liaise with Hunter Water throughout the development process.	Coal & Allied and its consultants will continue to liaise with HWC as the development process progresses.
PUBLIC SUBMISSIONS		
Public Submission Reference No. 1 (Leanne Barile)	1. Will change character from rural to an industrial park.	The Concept Plan is in accordance with State and regional Planning Policies. The Black Hill site is specifically identified as employment lands under the LHRS. The Preferred Project Report provides increased green buffers compared to those as shown in the Concept Plan to minimise amenity impact on adjacent properties. The Draft Statement of Commitments also commits the project to a number of mitigation measures to mitigate off site impacts.
	2. Local school would not be able to handle an increase in enrolments as a result of additional residential blocks.	No residential development is proposed in the Concept Plan.
	3. Distinct lack of community consultation with the Black Hill Community.	A detailed community consultation process was undertaken and is outlined in Section 3 of the Concept Plan Report. The draft Concept Plan was exhibited in line with the requirements of Part 3A of the EP&A Act and Regulations, including the use of dedicated community phone lines and website. There will be on-going opportunity for community participation in the assessment of project applications / development applications. It should be noted that there has not been any significant change to the Concept Plan between the Charette and the public exhibition stage.
Public Submission Reference No. 2 (Beatrice McNaughton)	1. Will change the rural character of the Black Hill/ Buttaa area.	The Concept Plan is in accordance with State and Regional Planning Policies. The Black Hill site is specifically identified as employment lands under the LHRS. The Preferred Project Report provides increased green buffers compared to those as shown in the Concept Plan minimise amenity impact on adjacent properties. The Draft Statement of Commitments also commits the project to a number of mitigation measures to mitigate off site impacts.
	2. Questions why the current industrial park at the northern end of the F3 Freeway could not be extended given the Donaldson mine finishes on or prior to 2012.	This land not owned by Coal & Allied. The expansion of this land is not within the scope of this Major Project assessment.
	3. Given the Hunter Express is a positive entity, the HEZ development at Kurri Kurri will cater for industrial needs.	This site, together with HEZ is specifically identified as employment lands in the LHRS. It forms part of a long term approach to ensuring an adequate level of employment land to meet the employment targets in the Lower Hunter Regional Strategy. The Black Hill site has also been identified by the Premiers Dept as Option 3 for a Freight Hub. It is clear therefore that long-term strategic planning within the Lower Hunter has focused on the future use of the Black Hill site for employment generating uses.
	4. Considers rural residential development along John Renshaw Drive to be more aesthetically and environmentally sounds.	<p>The Black Hill site is specifically identified as employment lands' in the LHRS, as an employment generating use has been envisaged as the most viable and appropriate development option for the site. Due to the size, location and accessibility of the site the concept plan that has been put forward represents a logical planning approach to create an attractive and functional employment location.</p> <p>The site is at the core of an area of recognised employment lands which includes:</p> <ul style="list-style-type: none"> • 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 <p>For these strategic reasons, any residential option for the site was discounted during the charette process. The Black Hill site has also been identified by the Premiers Dept as Option 3 for a Freight Hub.</p>

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		It is clear therefore that long-term strategic planning within the Lower Hunter has focused on the future use of the Black Hill site for employment generating uses.
Public Submission Reference No. 3 (Unnamed)	1. No necessity for industrial development on southern side of John Renshaw Drive given the present the future availability of industrial sites on already degraded land to the north.	<p>The Black Hill site is specifically identified as employment lands' in the LHRS, as an employment generating use has been envisaged as the most viable and appropriate development option for the site. Due to the size, location and accessibility of the site the concept plan that has been put forward represents a logical planning approach to create an attractive and functional employment location.</p> <p>The site is at the core of an area of recognised employment lands which includes:</p> <ul style="list-style-type: none"> • 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 <p>For these strategic reasons, any residential option for the site was discounted during the charette process. The Black Hill site has also been identified by the Premiers Dept as Option 3 for a Freight Hub. It is clear therefore that long-term strategic planning within the Lower Hunter has focused on the future use of the Black Hill site for employment generating uses.</p>
	2. C&A are not developers, and therefore should the land change hands, the community fears that the buffer zones will be treated with the same contempt that sites to the north of John Renshaw Drive have been subject to.	Buffer zones identified on the Concept Plan will form key design considerations and will be 'locked-in' for the future development of the site. The Draft Statement of Commitments can be amended to commit any future development to these green buffers.
	3. Traffic from a southern industrial estate will exacerbate the traffic problem at Weakleys Drive roundabout.	<p>Response to be reviewed when revised Traffic Modeling completed at the end of July.</p> <p>The development capacity of the Black Hill area is directly related to the traffic capacity at the critical intersection of the F3/John Renshaw Drive roundabout. The background traffic growth until 2016 is expected to take up any available spare capacity. Traffic model predicts a lower LoS F during peak periods. A small increase in traffic beyond this level would create queues and traffic delays disproportionately greater than the traffic increase itself. For this circumstance above, there is expected to be very little or virtually no spare capacity at this roundabout to accommodate growth in traffic generated from the Black Hill site. The F32R Link will reduce traffic flows through the roundabout, but that reduction is likely to be discounted by cumulative traffic increases from planned development in the Lower Hunter.</p>
	4. Exact lots that the development encompasses is not clear.	Lots are clearly defined in the Concept Plan report and include Black Hill Lot 30, DP 870411 and Tank Paddock Lot 1, DP 1007615).
	5. Almost no community consultation has taken place.	<p>A detailed community consultation process was undertaken and is outlined in Section 3 of the Concept Plan Report. The draft Concept Plan was exhibited in line with the requirements of Part 3A of the EP&A Act and Regulations, including the use of dedicated community phone lines and website.</p> <p>There will be on-going opportunity for community participation in the assessment of project applications / development applications. It should be noted that there has been no significant change to the Concept Plan between the Charette and the public exhibition stage.</p>
	6. As a 'trade off' the Tank Paddock should have been included in the Minmi Concept Plan give that that community has a far greater connection to it.	The inclusion of Tank Paddock as part of the Black Hill Concept Plan application has been agreed with the State Government. Furthermore, in addition to the proposed dedication of 147ha at Tank Paddock, substantial land parcels owned by Coal & Allied to the west of the F3 Freeway (Stockrington) (total of 2,349ha) and 17ha of Minmi will be dedicated to the NSW State Government (NSWG) for conservation purpose as part of the Minmi Link Road proposal. It is important to note that the Minmi/Link Rd proposal includes the transfer of approximately 130ha of land within the Black Hill suburb to the NSW Government for conservation purposes.
	7. Concept gives the impression that the proposed development is Black Hill. This is a totally false and misleading perception.	The site is identified as Black Hill Employment Lands in the Lower Hunter Regional Strategy and in the Newcastle – Lake Macquarie Wester Corridor Planning Strategy.
	8. Black Hill and Buttai represent the northernmost spur of the Sugarloaf Range, a prominent backdrop to Newcastle. Its vegetation corridors, ridgelines and wetlands must be protected including the Pambalong Nature Reserve wetland, an integral part of the Watagan- Stockton wildlife and conservation corridor.	The proposal will greatly assist in the protection of this landscape in perpetuity.
	9. Amenity of the area will be destroyed if concept plan approved.	The extensive screening, mitigation and offset measures in the Concept Plan and Draft Statement of Commitments seek to minimise amenity impact on adjacent properties.

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Public Submission Reference No. 4 (Bruce and Joyce Doyle, and Shaun France-Hunter Valley Equestrian Centre-owners of land directly to south)	1. In light of the Western Corridor Strategy, the future may see development of our site for similar uses. Access to Black Hill Road seems a necessary addition for traffic movement. C&A could therefore plan a road extending to our northern boundary.	Given the future use of adjacent lands to the south and west is unknown at this time, the Concept Plan can only show notional connections to surrounding land uses in accordance with the Draft WCS. All future access points will be subject to future zoning of adjacent land.
Public Submission Reference No. 5 (Unnamed-residents of Black Hill).	1. Proposal will irrevocably change the rural nature of the Black Hill area.	The Concept Plan is in accordance with State and regional Planning Policies. The Black Hill site is specifically identified as employment lands under the LHRS. The Concept Plan provides appropriate green buffers to minimise amenity impact on adjacent properties. The Draft Statement of Commitments also commits the project to a number of mitigation measures to mitigate off site impacts to the surrounding area. The Black Hill site has also been identified by the Premiers Dept as Option 3 for a Freight Hub. It is clear therefore that long-term strategic planning within the Lower Hunter has focused on the future use of the Black Hill site for employment generating uses.
	2. Southern side of John Renshaw Drive should be left as a Conservation Zone and buffer for the Black Hill area.	The Concept Plan is in accordance with State and Regional Planning Policies. The Black Hill site is specifically identified as employment lands under the LHRS. The proposal seeks to achieve regional outcomes concurrent with the aims and objectives of the Lower Hunter Regional Strategy and the supporting Lower Hunter Regional Conservation Plan. As such a suburb by suburb conservation result is not a key outcome of this project. The reality of the aforementioned is that a development outcome must be achieved to realise the proposed regional conservation gains. Without achieving the above dedication of conservation lands 'in perpetuity' will not transpire and thus long term regional outcomes will not be consolidated.
	3. Unacceptable to clear the site, including an EEC, for industrial subdivision.	The proposal, in the opinion of and endorsed by the NSW Minsters for Environment, Planning and Lands (including their representative agencies, 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 plans) deliver a sound environment conservation outcome. Notably the proposed Black Hill 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"> • a 80% conservation(offset) gain is associated with the Coal & Allied Lower Hunter Lands proposal; • 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 • the Stockrington-Tank Paddock Conservation Estates dedication will provide the key lands required to achieving the LHRS and LHRCP. 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. The Concept Plan is in accordance with State and regional Planning Policies. The Black Hill site is specifically identified as employment lands under the LHRS. The Black Hill site has also been identified by the Premiers Dept as Option 3 for a Freight Hub. It is clear therefore that long-term strategic planning within the Lower Hunter has focused on the future use of the Black Hill site for employment generating uses.
	4. Instead of an industrial rezoning, the 138ha of EEC should form part of the wildlife corridor system, Stockton to Watagans as detailed in the recently	The proposal in the opinion of and endorsed by the NSW Minsters for Environment, Planning and Lands (including their representative agencies), is fundamental to achieving the outcomes of the Lower Hunter Regional Strategy and Lower Hunter

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	finalised Lower Hunter Conservation Plan.	<p>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 at a regional scale these plans deliver a sound environment conservation outcome.</p> <p>The reality of the aforementioned is that a development outcome must be achieved to realise the proposed regional conservation gains. Without fulfilment achieving the above the dedication of conservation lands 'in perpetuity' will not transpire and thus long term regional outcomes will not be consolidated.</p>
	<p>5. No community consultation undertaken in changing the area between John Renshaw Drive and Black Hill Road from Conservation Land in the Draft Lower Hunter Regional Strategy, to employments lands in the Final Lower Hunter Regional Strategy. This was something that the community and community groups wanted to object to.</p>	<p>This was a matter for the NSW Government and is not a matter for Coal & Allied in regard to preparing a Concept Plan.</p> <p>A key objective of the LHRS is to establish important green corridors to protect and enhance the Regions strong environmentally and biodiversity assets. The securing of these green corridors was and is still seen by NSWG as a once in a generation opportunity that will provide an enduring legacy to the community. It is important to note that the NSWG did undertake community consultation with the exhibition of the draft LHRS. The final LHRS, as with most final strategies was amended to respond to the draft Regional Conservation Strategy aims and objectives (that was not released with the draft LHRS) and the submissions made. This included setting a clearer direction on how the NSWG was to secure and protect important green corridors.</p> <p>The final regional strategy represents an agreed NSW government position and sets a clear and sustainable direction to ensure that the Lower Hunter can continue to be a place of strong population and economic growth, whilst ensuring the protection of sensitive environments and biodiversity in perpetuity.</p>
	<p>6. No analysis of a need for more industrial land in the Lower Hunter or Black Hill area. No need or justification for the site to be rezoned for industrial subdivision</p>	<p>In view of the fact that the Black Hill site is identified as employment lands' in the LHRS, an employment generating use has been envisaged by the NSWG as the most viable and appropriate development option for the site. Due to the size, location and accessibility of the site the concept plan that has been put forward represents a logical planning approach to create an attractive and functional employment location.</p> <p>The site is at the core of an area of recognised employment lands which includes:</p> <ul style="list-style-type: none"> • 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 <p>The Concept Plan is in accordance with State and regional Planning Policies. The Black Hill site is specifically identified as employment lands under the LHRS.</p> <p>The Black Hill site has also been identified by the Premiers Dept as Option 3 for a Freight Hub.</p> <p>It is clear therefore that long-term strategic planning within the Lower Hunter has focused on the future use of the Black Hill site for employment generating uses.</p>
	<p>7. The site has not been evaluated in the Concept Plans Environmental Assessment in isolation from the MOU, as it should have been. DoP and the Minister might therefore let the perceived benefits of the MOU influence the evaluative processes, rather than evaluating it as a separate rezoning application for an industrial subdivision.</p>	<p>Notwithstanding any planning agreement with the DoP and Minister for Planning the Concept Plan is entirely consistent with Regional Planning Strategies for the Lower Hunter Region, notably the LHRS, the Western Corridor Planning Strategy, and the Lower Hunter Regional Conservation Plan. Specifically, the Concept Plan delivers:</p> <ul style="list-style-type: none"> • 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. • 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. <p>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 LHRS and draft 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 have taken into account the environmental, economic and social parameters operating in the Lower Hunter.</p> <p>It is therefore considered that the proposed Concept Plan is an appropriate response to meeting Regional Planning Outcomes in</p>

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		regard to employment land and conservation.
	8. No community consultation undertaken. Proponent should explain/ consult with the community and community groups before an exhibition period.	A detailed community consultation process was undertaken and is outlined in Section 3 of the Concept Plan Report. The draft Concept Plan was exhibited in line with the requirements of Part 3A of the EP&A Act and Regulations, including the use of dedicated community phone lines and website. There will be on-going opportunity for community participation in the assessment of project applications / development applications. It should be noted that there has been no significant change to the Concept Plan between the Charette and the public exhibition stage.
	9. The concept plan should be rejected and C&A should be required to consider adding the site to their conservation lands.	In view of the fact that the Black Hill site is identified as employment lands' in the LHRS, an employment generating use has been envisaged by NSWG as the most viable and appropriate development option for the site. Due to the size, location and accessibility of the site the concept plan that has been put forward represents a logical planning approach to create an attractive and functional employment location. The site is at the core of an area of recognised employment lands which includes: <ul style="list-style-type: none"> • 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 The Black Hill site has also been identified by the Premiers Dept as Option 3 for a Freight Hub. It is clear therefore that long-term strategic planning within the Lower Hunter has focused on the future use of the Black Hill site for employment generating uses
Public Submission Reference No. 6 (The Black Hill Environmental Protection Group and The Buttai Community Development Group).	1. Proposal is not a genuine Concept Plan for the Black Hill area, but merely a means to an end as far as the broader Northern Estates is concerned.	The proposal is a genuine Concept Plan for the future development of Black Hill and transfer of Tank Paddock to the NSW for conservation purposes.
	2. Support the dedication of land in the Minmi/ Stockrington/ Black Hill areas for long term 'conservation', however such an outcome should not be achieved at the expense of the wider Black Hill community.	The Concept Plan will deliver social and economic benefits for the Black Hill Community, whilst screening, mitigation and offset measures in the Concept Plan and Draft Statement of Commitments seek to minimise amenity impact on adjacent properties.
	3. The integrity of the current concept plan (and the associated Part 3A requirements) needs to be treated in isolation as though this proposal was put up without the complex backdrop of the 2006 MOU and the Northern Estates and Minmi Concept Plans.	Notwithstanding any planning agreement with the DoP and Minister for Planning the Concept Plan is entirely consistent with Regional Planning Strategies for the Lower Hunter Region, notably the LHRS, the Western Corridor Planning Strategy, and the Lower Hunter Regional Conservation Plan. Specifically, the Concept Plan delivers: <ul style="list-style-type: none"> • 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. • 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 LHRS and draft 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 have taken 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
	4. Urge the Director General and Minister for Planning to reject the current version of this Concept Plan and require the proponent to give greater consideration to: <ul style="list-style-type: none"> • The regional conservation value of the proposed Black Hill site (including the high concentration of endangered Lower Hunter Spotted Gum Ironbark Forest.). • Relationships between the proposed site and adjacent rural/conservation lands. • The values, needs and expectations of the local Black Hill community. 	The Concept Plan is in accordance with State and regional Planning Policies. The Black Hill site is specifically identified as employment lands under the LHRS. The Concept Plan provides appropriate green buffers to minimise amenity impact on adjacent properties. The Draft Statement of Commitments also commits the project to a number of mitigation measures to mitigate off site impacts to the surrounding area.

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	5. Request that any final decisions about the concept plan are deferred until the likelihood and location of the rail freight bypass through the Black Hill area is clarified (as specified in the Western Corridor Planning Strategy, pg 17).	Department of Premier and Cabinet was consulted on this matter during the preparation of the Concept Plan. 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..
	<u>Misrepresentation of overall nature and character of the Black Hill region:</u> 6. The concept plan and associated documentation provides a misleading and incomplete picture of the Black Hill region with respect to 1) geographical area, 2) conservation profiles, and 3) regional value of the site.	The Ecological Assessment Report has considered and assessed the potential impacts on threatened species, populations and ecological communities in relation to the proposal. Within this assessment issues associated with the site and its situation as related to ecology have been addressed and any necessary adjustment will be made in the PPR.
	7. The concept plan provides an inadequate assessment of the characteristics of the local community and its values, and therefore fails to deliver a 'plan' with 'any concept' of the needs and aspirations of the community.	The Study has considered the needs of incoming workers. It may be expected that parts of the Black Hill community may work on the site, and as such their needs as part of the working population have been considered.
	8. Potential longer term impacts on the 'Image of Black Hill' have not been adequately assessed. The current plan completely ignores and devalues the existing local community by failing to appropriately consider the unique features, character, image and regional significance of the Black Hill area, as well as the community's on going struggle existing and proposed threats to our lifestyles and wellbeing.	The Study has considered the history, and current social profile of the community, including family types and cultural backgrounds, as well as services and facilities in Black Hill. These factors are likely to be important in defining the community's activity patterns, interactions and unique characteristics. Community perceptions of the area are likely to be quite individual, and will evolve over time. These perceptions can only be defined by those who hold these views and values. Several members of the Black Hill community were present at the Charette conducted during the development of the Concept Plan and expressed their views on the development.
	<u>Lack of justification and/or consideration of alternatives:</u> 9. The actual need for industrial land on the southern side of John Renshaw Drive has not been clearly established and the proponent makes no attempt to evaluate: <ul style="list-style-type: none">• The availability and comparative utility of the large amount of degraded land on the northern side of John Renshaw Drive for industrial development;• The impact of the recently funded 'Hunter Expressway' on access to other more suitable sites in the Lower Hunter for industrial and transport facilities.	In view of the fact that the Black Hill site is identified as employment lands' in the LHRS, an employment generating use is envisaged as the most viable and appropriate development option for the site. Due to the size, location and accessibility of the site the concept plan that has been put forward represents a logical planning approach to create an attractive and functional employment location. The site is at the core of an area of recognised employment lands which includes: <ul style="list-style-type: none">• 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. Land to the north is not owned by Coal & Allied – expansion of this land is not within the scope of this assessment. The Black Hill site has also been identified by the Premiers Dept as Option 3 for a Freight Hub. It is clear therefore that long-term strategic planning within the Lower Hunter has focused on the future use of the Black Hill site for employment generating uses
	10. To be a genuine concept plan for the 'Black Hill' region, a much broader range of alternatives need to be considered and evaluated including: <ul style="list-style-type: none">• Conservation friendly alternatives;• Those that blend with current and future uses for adjacent lands;• Non-transport related uses;• Alternative site layouts that both respect and protect the local community.	The Black Hill site is specifically identified as employment lands' in the LHRS, as an employment generating use has been envisaged as the most viable and appropriate development option for the site. Due to the size, location and accessibility of the site the concept plan that has been put forward represents a logical planning approach to create an attractive and functional employment location. The site is at the core of an area of recognised employment lands which includes: <ul style="list-style-type: none">• 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 For these strategic reasons, any residential option for the site was discounted during the charette process. The Black Hill site has also been identified by the Premiers Dept as Option 3 for a Freight Hub. It is clear therefore that long-term strategic planning within the Lower Hunter has focused on the future use of the Black Hill site for employment generating uses.
	<u>Unsatisfactory Community Consultation:</u> 11. The proponent has not consulted with the local Black Hill community (and relevant community groups) about the current concept plan, both before and during the exhibition period, and has received poor direction from the Director General.	A detailed community consultation process was undertaken and is outlined in Section 3 of the Concept Plan Report. The draft Concept Plan was exhibited in line with the requirements of Part 3A of the EP&A Act and Regulations, including the use of dedicated community phone lines and website. There will be on-going opportunity for community participation in the assessment of project applications / development applications. It should be noted that there has been no significant change to the Concept Plan between the Charette and the public exhibition stage.

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	<p><u>Inequitable Implementation of MOU:</u></p> <p>12. Concept plan needs to be self contained and to clearly specify the lands to be set aside for development and those to be conserved, with a specific set of commitments tied to the current concept plan (and not simply the broader MOU or Northern Estates Concept Plan). This will improve transparency and accountability, and it will also allow for different timetables for community consultation and engagement.</p>	<p>Notwithstanding any planning agreement with the DoP and Minister for Planning the Concept Plan is entirely consistent with Regional Planning Strategies for the Lower Hunter Region, notably the LHRS, the Western Corridor Planning Strategy, and the Lower Hunter Regional Conservation Plan. Specifically, the Concept Plan clearly species the land to be developed:</p> <ul style="list-style-type: none"> • 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. <p>And the land to be dedicated for conservation:</p> <ul style="list-style-type: none"> • 147 ha Tank Paddock to NSWG for conservation, which will help secure the long south after conservation corridor between the Watagan Ranges and Stockton Bight. <p>The Major 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 LHRS and draft 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.</p> <p>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</p> <p>In addition the draft Statement of Commitments relate only to the Black Hill and Tank Paddock sites.</p>
	<p>13. As an alternative to the proposed trade-offs in the current concept plan, it would also be much more sensible to link conservation of the Tank Paddock with the Minmi Concept Plan given that the local Minmi community have a much stronger emotional and historical connection to the Tank Paddock. In which case, an additional 147ha would need to be identified in the Black Hill Concept Plan- preferably on the western side of the 500 ha (red) area identified in BHEPG- FIG5.</p>	<p>It should be noted that DECC guidelines for Biodiversity offsets do not require the offsets to be transferred to adjacent land. It is proposed to dedicate 147 ha Tank Paddock to NSWG for conservation, which will help secure the conservation corridor between the Watagan Ranges and Stockton Bight. This is a once in a generation environmental gain to the Black Hill and wider community. It should also be noted that 130 hectares of the offset conservation land associated with the separate Minmi Concept Plan is actually located within the 'suburb' of Black Hill, resulting in an enhanced overall conservation benefit for Black Hill residents.</p>
	<p><u>Acknowledgement and containment of unwanted local impacts:</u></p> <p>14. Potential impacts of the proposed development on the local Black Hill community need to be more clearly acknowledged and addressed, including:</p> <ul style="list-style-type: none"> • Containment of unwanted visual, noise, amenity, lifestyle and transport impacts; • Protection of the long-term rural, scenic, and recreational character of the area (thereby promoting intergenerational equity); • Risks associated with unplanned and piecemeal development. 	<p>The Concept Plan and supporting technical documentation demonstrate that buildings on the site can be orientated with appropriate setbacks and landscape treatments to mitigate any amenity impacts on adjoining land. Furthermore, the employment benefits of the proposed development would result in significant benefits for Black Hill residents. The character of the riparian zone through the site would be retained in future planning and this area would form an important open space component of the site. The development of the site for employment uses is entirely consistent with State and Local Government long-term strategic planning within the Lower Hunter, with this use being envisaged for the site in planning documents including the LHRS.</p>
	<p><u>Other issues:</u></p> <p>15. Ongoing community engagement, consultation and feedback need to be established as an important ingredient and priority in the development and implementation of any genuine concept plan for Black Hill.</p>	<p>A detailed community consultation process was undertaken and is outlined in Section 3 of the Concept Plan Report. The draft Concept Plan was exhibited in line with the requirements of Part 3A of the EP&A Act and Regulations, including the use of dedicated community phone lines and website. There will be on-going opportunity for community participation in the assessment of project applications / development applications. It should be noted that there has been no significant change to the Concept Plan between the Charette and the public exhibition stage.</p>
Public Submission Reference No. 7 (Hunter Land Pty Ltd)	<p>1. The current Weakley's Drive – John Renshaw Drive roundabout is due to reach unacceptable level of service in late 2009 / early 2010 with current growth in background traffic. This is a pre-existing condition that ought to be formally addressed during the Concept Plan assessment process. The Hyder traffic report models the surrounding road network with Weakley's Drive upgraded to a 4 lane carriageway.</p>	<p>The development capacity of the Black Hill area is directly related to the traffic capacity at the critical intersection of the F3/John Renshaw Drive roundabout. The background traffic growth until 2016 is expected to take up any available spare capacity. Traffic model predicts a lower LoS F during peak periods. A small increase in traffic beyond this level would create queues and traffic delays disproportionately greater than the traffic increase itself. For this circumstance above, there is expected to be very little or virtually no spare capacity at this roundabout to accommodate growth in traffic generated from the Black Hill site. The F32R Link will reduce traffic flows through the roundabout, but that reduction is likely to be discounted by cumulative traffic increases from planned development in the Lower Hunter. Further traffic modelling is currently under way following the Hunter Expressway funding and any necessary improvements to the traffic network and contributions to such works will be the subject of an agreement with the NSW Government. Refer to Traffic Addendum in PPR for the revised response to this issue.</p>
	<p>2. With the announcement of the Hunter Expressway / F3 bypass the traffic impacts of this new road ought to be incorporated into the traffic modelling for the Black Hill site and the Weakley's Drive – John Renshaw Drive roundabout / intersection.</p>	<p>The Federal Government has recently approved funding for the Hunter expressway. A full interchange is being proposed on the John Renshaw Drive at Buchanan. This will change future traffic conditions on the John Renshaw Drive in the vicinity of Black Hill site. Further modelling investigation will be required to determine impact on the John Renshaw Drive and associated intersection with Black Hill access road.</p>
	<p>3. The road reserve that has been gazetted as part of the Freeway South Business park concept approval that facilitates alignment and co-ordination</p>	<p>Hyder's traffic investigation has recommended a new traffic signal (three way junction) be required on John Renshaw Drive with Black Hill access road. The three way junction can be upgraded to a four way junction by providing a possible connection from the</p>

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	with the areas to the south has not been catered for in the draft Concept Plan	adjoining land north of John Renshaw Drive, should a need arise in the future. Further modelling investigation will be required to determine impact on the four way junction should Hunter Land proceed with new access on the John Renshaw Drive..
Public Submission Reference No. 8 (Ian McNaughton-Black Hill and Buttai Environmental Group)	1. There has been inadequate consultation with Black Hill community about the Concept Plan – no consultation with Coal & Allied since November 2007 and none specifically on this Concept Plan	A detailed community consultation process was undertaken and is outlined in Section 3 of the Concept Plan Report. The draft Concept Plan was exhibited in line with the requirements of Part 3A of the EP&A Act and Regulations, including the use of dedicated community phone lines and website. There will be on-going opportunity for community participation in the assessment of project applications / development applications. It should be noted that there has been no significant change to the Concept Plan between the Charette and the public exhibition stage.
	2. The need for the development is questioned in view of the existing industrial area at the northern end of the F3, the expected closure of Donaldson mine by 2012 and HEZ ready to go.	In view of the fact that the Black Hill site is identified as employment lands' in the LHRS, an employment generating use is envisaged as the most viable and appropriate development option for the site. Due to the size, location and accessibility of the site the concept plan that has been put forward represents a logical planning approach to create an attractive and functional employment location. The site is at the core of an area of recognised employment lands which includes: <ul style="list-style-type: none"> • 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. Land to the north is not owned by Coal & Allied – expansion of this land is not within the scope of this assessment. The Black Hill site has also been identified by the Premiers Dept as Option 3 for a Freight Hub.
	3. Suggestion that it would make more sense to include an Industrial Employment Zone within the Minmi Concept Plan to offset the trade off of the Tank Paddock – this is a developing area where job creation would be more welcome	In view of the fact that the Black Hill site is identified as employment lands' in the LHRS, an employment generating use is envisaged as the most viable and appropriate development option for the site. Due to the size, location and accessibility of the site the concept plan that has been put forward represents a logical planning approach to create an attractive and functional employment location. The site is at the core of an area of recognised employment lands which includes: <ul style="list-style-type: none"> • 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. The Black Hill site has also been identified by the Premiers Dept as Option 3 for a Freight Hub. Land to the north is not owned by Coal & Allied – expansion of this land is not within the scope of this assessment.
	4. There is a large area of Industrial zoned land within Cessnock LGA which is undeveloped, therefore there is no justification for further land to be set aside.	The Black Hill site is specifically identified as employment lands' in the LHRS, as an employment generating use has been envisaged as the most viable and appropriate development option for the site. Due to the size, location and accessibility of the site the concept plan that has been put forward represents a logical planning approach to create an attractive and functional employment location. The site is at the core of an area of recognised employment lands which includes: <ul style="list-style-type: none"> • 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 For these strategic reasons, any residential option for the site was discounted during the charette process. The Black Hill site has also been identified by the Premiers Dept as Option 3 for a Freight Hub. It is clear therefore that long-term strategic planning within the Lower Hunter has focused on the future use of the Black Hill site for employment generating uses.
Public Submission Reference No. 9 (Buttai Valley Landcare Group)	4. Lack of community consultation	A detailed community consultation process was undertaken and is outlined in Section 3 of the Concept Plan Report. The draft Concept Plan was exhibited in line with the requirements of Part 3A of the EP&A Act and Regulations, including the use of dedicated community phone lines and website. There will be on-going opportunity for community participation in the assessment of project applications / development applications. It should be noted that there has not been any significant change to the Concept Plan between the Charette and the public exhibition stage.
	5. Ample existing brownfield sites are available north of John Renshaw Drive to serve as workplaces for residents of the new subdivisions.	The Black Hill site is specifically identified as employment lands' in the LHRS, as an employment generating use has been envisaged as the most viable and appropriate development option for the site. Due to the size, location and accessibility of the site

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		<p>the concept plan that has been put forward represents a logical planning approach to create an attractive and functional employment location.</p> <p>The site is at the core of an area of recognised employment lands which includes:</p> <ul style="list-style-type: none"> • 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 <p>For these strategic reasons, any residential option for the site was discounted during the charette process. The Black Hill site has also been identified by the Premiers Dept as Option 3 for a Freight Hub. It is clear therefore that long-term strategic planning within the Lower Hunter has focused on the future use of the Black Hill site for employment generating uses</p>
	<p>6. Black Hill locality should not become an extension of the concrete moonscape that is Thornton/ Beresfield Industrial Estate. Would be more appropriate to include an Industrial Employment Zone within the Minmi Concept Plan to offset the 'trade off' of the Tank Paddock.</p>	<p>The Black Hill site is specifically identified as employment lands' in the LHRS, as an employment generating use has been envisaged as the most viable and appropriate development option for the site. Due to the size, location and accessibility of the site the concept plan that has been put forward represents a logical planning approach to create an attractive and functional employment location.</p> <p>The site is at the core of an area of recognised employment lands which includes:</p> <ul style="list-style-type: none"> • 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 <p>For these strategic reasons, any residential option for the site was discounted during the charette process. The Black Hill site has also been identified by the Premiers Dept as Option 3 for a Freight Hub. It is clear therefore that long-term strategic planning within the Lower Hunter has focused on the future use of the Black Hill site for employment generating uses. The Concept Plan provides a range of buffering and retention of environmental features to ensure a high quality landscaped design within and around the perimeter of the site.</p>
	<p>7. The greater portion of Black Hill/ Buttai is located within the Cessnock City Council LGA and has been set aside for rural residential purposes. This use does not impact on the conservation values for this most northernmost part of the Sugarloaf Range and includes the Pambalong Nature Reserve, part of the Ramsar listed Hunter Estuary Wetlands.</p>	<p>The proposal, in the opinion of and endorsed by the NSW Minsters for Environment, Planning and Lands (including their representative agencies), 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 at a regional scale these plans deliver a sound environment conservation outcome. The reality of the aforementioned is that a development outcome must be achieved to realise the proposed regional conservation gains. Without fulfilment of the above the dedication of conservation lands 'in perpetuity' will not transpire and thus long term regional outcomes will not be consolidated.</p>
	<p>8. Already a large area of the LGA classified for industrial purposes and which is not currently utilised. No justification for additional industrial land.</p>	<p>The Black Hill site is specifically identified as employment lands' in the LHRS, as an employment generating use has been envisaged as the most viable and appropriate development option for the site. Due to the size, location and accessibility of the site the concept plan that has been put forward represents a logical planning approach to create an attractive and functional employment location.</p> <p>The site is at the core of an area of recognised employment lands which includes:</p> <ul style="list-style-type: none"> • 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 <p>For these strategic reasons, any residential option for the site was discounted during the charette process. The Black Hill site has also been identified by the Premiers Dept as Option 3 for a Freight Hub. It is clear therefore that long-term strategic planning within the Lower Hunter has focused on the future use of the Black Hill site for employment generating uses. The Concept Plan provides a range of buffering and retention of environmental features to ensure a high quality landscaped design</p>

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		within and around the perimeter of the site.
Public Submission Reference No. 10 (Jenny and Terry Lewin)	1. Urge the Minister to reject the current Concept Plan for the following reasons:	
	2. It ignores and devalues the local community	A detailed community consultation process was undertaken and is outlined in Section 3 of the Concept Plan Report. The draft Concept Plan was exhibited in line with the requirements of Part 3A of the EP&A Act and Regulations. Furthermore a community information phone has been set up. There will be on-going opportunity for community participation in the assessment of project applications / development applications. It should be noted that there has not been any significant change to the Concept Plan between the Charette and the public exhibition stage. The proposed development would provide a range of employment related benefits for the Black Hill community, whilst minimising any amenity impacts.
	3. It misrepresents the overall nature and character of the region, and the conservation value of the specific Black Hill site (eg the endangered flora)	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.
	4. The actual need for industrial land on the southern side of John Renshaw drive has not been clearly established and a very narrow range of alternatives has been considered. Preferably there should be a rural/conservation zone south of John Renshaw Drive and west of the F3, or failing that, a rural-residential subdivision.	The Black Hill site is specifically identified as employment lands' in the LHRS, as an employment generating use has been envisaged as the most viable and appropriate development option for the site. Due to the size, location and accessibility of the site the concept plan that has been put forward represents a logical planning approach to create an attractive and functional employment location. The site is at the core of an area of recognised employment lands which includes: <ul style="list-style-type: none"> 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 For these strategic reasons, any residential option for the site was discounted during the charette process. The Black Hill site has also been identified by the Premiers Dept as Option 3 for a Freight Hub. It is clear therefore that long-term strategic planning within the Lower Hunter has focused on the future use of the Black Hill site for employment generating uses. The Concept Plan provides a range of buffering and retention of environmental features to ensure a high quality landscaped design within and around the perimeter of the site.
	5. There has been no proper community consultation about the Concept Plan, either before or during the exhibition period.	A detailed community consultation process was undertaken and is outlined in Section 3 of the Concept Plan Report. The draft Concept Plan was exhibited in line with the requirements of Part 3A of the EP&A Act and Regulations, including the use of dedicated community phone lines and website. There will be on-going opportunity for community participation in the assessment of project applications / development applications. It should be noted that there has been no significant change to the Concept Plan between the Charette and the public exhibition stage.
	6. The Concept Plan should be self-contained to improve transparency, accountability and management and planning practices. It should not be linked to other plans or lands outside of the immediate area (eg Tank Paddock should be in the Minmi Concept Plan, not the Black Hill plan).	Notwithstanding any planning agreement with the DoP and Minister for Planning the Concept Plan is entirely consistent with Regional Planning Strategies for the Lower Hunter Region, notably the LHRS, the Western Corridor Planning Strategy, and the Lower Hunter Regional Conservation Plan. Specifically, the Concept Plan delivers: <ul style="list-style-type: none"> 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. 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 LHRS and draft Lower Hunter Regional Conservation Plan. It is important to note that these Strategies have been developed in consultation with local and state

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		<p>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.</p> <p>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</p> <p>In addition, it should be noted that DECC guidelines for Biodiversity offsets do not require the offsets to be transferred to adjacent land.</p> <p>It is proposed to dedicate 147 ha Tank Paddock to NSWG for conservation, which will help secure the conservation corridor between the Watagan Ranges and Stockton Bight. This is a once in a generation environmental gain to the Black Hill and wider community. It should also be noted that 130 hectares of the offset conservation land associated with the separate Minmi Concept Plan is actually located within the 'suburb' of Black Hill, resulting in an enhanced overall conservation benefit for Black Hill residents.</p>
	<p>7. If the community is forced to accept industrial development in the Black Hill area then it needs to be rigidly contained together with potential visual, noise, amenity, lifestyle and transport impacts on local residents. The charm of the local area and the rural setting for Black Hill primary school and church needs to be strenuously protected.</p>	<p>The Concept Plan will deliver social and economic benefits for the Black Hill Community, whilst screening, mitigation and offset measures seek to minimise amenity impact on adjacent properties.</p>
<p>Public Submission Reference No. 11 (Unnamed resident of Buttai- west of Black Hill)</p>	<p>1. The draft Lower Hunter Regional Strategy (LHRS) identified the site as 'conservation land', however the finalised LHRS changed the designation to 'employment land'. There was no process for the community to seek recourse for the change. The community supported the 'conservation land' designation as it provided a buffer between the rural community and the mining and industrial land to the north of John Renshaw Drive.</p>	<p>This was a matter for the NSW Government and is not a matter for Coal & Allied in regard to preparing a Concept Plan. It is important to note that the NSWG did undertake community consultation with the exhibition of the draft LHRS. The final LHRS, as with most final strategies was amended to respond to the draft Regional Conservation Strategy aims and objectives (that was not released with the draft LHRS) and the submissions made. This included setting a clearer direction on how the NSWG was to secure and protect important green corridors.</p>
	<p>2. Industrial development would ruin the rural character of Black Hill.</p>	<p>The Concept Plan and supporting technical documentation demonstrate that buildings on the site can be orientated with appropriate setbacks and landscape treatments to mitigate any amenity impacts on adjoining land.</p> <p>Furthermore, the employment benefits of the proposed development would result in significant benefits for Black Hill residents. The character of the riparian zone through the site would be retained in future planning and this area would form an important open space component of the site.</p> <p>The development of the site for employment uses is entirely consistent with State and Local Government long-term strategic planning within the Lower Hunter, with this use being envisaged for the site in planning documents including the LHRS.</p>
	<p>3. There has been no analysis to justify the demand for more industrial land at Black Hill. The proposal is based on the MoU between the Government and Coal & Allied, presumably based on the 'irrefutable' need for more jobs. The local community already earns above average wages, whilst the F3 link will spur development at HEZ in an area where employment is needed. The Donaldson and Bloomfield mine sites are also earmarked for industrial / transport interchange development and will dwarf the Black Hill proposal, highlighting that it is not essential to develop Black Hill.</p>	<p>The Black Hill site is specifically identified as employment lands' in the LHRS, as an employment generating use has been envisaged as the most viable and appropriate development option for the site. Due to the size, location and accessibility of the site the concept plan that has been put forward represents a logical planning approach to create an attractive and functional employment location.</p> <p>The site is at the core of an area of recognised employment lands which includes:</p> <ul style="list-style-type: none"> • 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 <p>The Black Hill site has also been identified by the Premiers Dept as Option 3 for a Freight Hub.</p> <p>It is clear therefore that long-term strategic planning within the Lower Hunter has focused on the future use of the Black Hill site for employment generating uses.</p> <p>The Concept Plan provides a range of buffering and retention of environmental features to ensure a high quality landscaped design within and around the perimeter of the site.</p>
	<p>4. Linked to the above there is no justification to clear 133 ha of Lower Spotted Gum Ironbark Forest (an endangered ecological community). This should form part of the conservation land. Vegetation should be retained as it is the narrowest section of the Wattagans to Port Stephens wildlife corridor.</p>	<p>The proposal in the opinion of and endorsed by the NSW Ministers for Environment, Planning and Lands (including their representative agencies), 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 plans deliver a sound environment conservation outcome.</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>

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	5. Other more environmentally friendly uses should be considered for the site as it is accessible to the public (eg conservation centre, conference centre, eco friendly accommodation as an alternative employment use).	<p>The Black Hill site is specifically identified as employment lands' in the LHRS, as an employment generating use has been envisaged as the most viable and appropriate development option for the site. Due to the size, location and accessibility of the site the concept plan that has been put forward represents a logical planning approach to create an attractive and functional employment location.</p> <p>The site is at the core of an area of recognised employment lands which includes:</p> <ul style="list-style-type: none"> • 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 <p>The Black Hill site has also been identified by the Premiers Dept as Option 3 for a Freight Hub. It is clear therefore that long-term strategic planning within the Lower Hunter has focused on the future use of the Black Hill site for a range of employment generating uses. The Concept Plan provides a range of buffering and retention of environmental features to ensure a high quality landscaped design within and around the perimeter of the site.</p>
	6. A rural residential development would be a preferable means of retaining native vegetation, and could accommodate primary school aged children to keep Black Hill school running.	<p>The Black Hill site is specifically identified as employment lands' in the LHRS, as an employment generating use has been envisaged as the most viable and appropriate development option for the site. Due to the size, location and accessibility of the site the concept plan that has been put forward represents a logical planning approach to create an attractive and functional employment location.</p> <p>The site is at the core of an area of recognised employment lands which includes:</p> <ul style="list-style-type: none"> • 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 <p>For these strategic reasons, any rural-residential option for the site was discounted during the charette process. The Black Hill site has also been identified by the Premiers Dept as Option 3 for a Freight Hub. It is clear therefore that long-term strategic planning within the Lower Hunter has focused on the future use of the Black Hill site for employment generating uses. The Concept Plan provides a range of buffering and retention of environmental features to ensure a high quality landscaped design within and around the perimeter of the site.</p>
	7. Any change in the school's setting from rural to industrial would rob it of part of the charm that attracts out-of-area families.	The Concept Plan incorporates significant screening, mitigation and offset measures seek to minimise amenity impact on adjacent properties.
	8. The Social Infrastructure Report failed to capture the essence of Black Hill and hence misses the mark in terms of what to do with the site	The SIS has considered the history, and current social profile of the community, including family types and cultural backgrounds, as well as services and facilities in Black Hill. These factors are likely to be important in defining the community's activity patterns, interactions and unique characteristics. Community perceptions of the area are likely to be quite individual, and will evolve over time. These perceptions can only be defined by those who hold these views and values. Several members of the Black Hill community were present at the Charette conducted during the development of the Concept Plan and expressed their views on the development.
	9. If the 182 ha block has to be developed then an appropriate ratio of land in the Black Hill area, rather than Minmi, should be handed over for conservation.	<p>The proposal seeks to achieve regional outcomes concurrent with the aims and objectives of the Lower Hunter Regional Strategy and the supporting Lower Hunter Regional Conservation Plan.</p> <p>Coal & Allied proposes to transfer approx 80% of its Lower Hunter land holdings for conservation purposes. The Minmi/Link Rd proposal includes the transfer of approximately 130ha of land within the Black Hill area to the NSW Government for conservation purposes.</p>
	10. The \$10m allocation should be clearly divided between Black Hill and Minmi to ensure that Black Hill receives adequate compensation for development	The allocation of the Coal & Allied \$10 million was determined through a community consultation process which included community workshops, the urban design charrette and update community meeting to which the representatives of the Black Hill and the Minmi communities were invited. The funds are aimed at projects which will provide social and environmental benefits to the existing and future communities within the sub-region rather than on a locality basis.
	11. Community consultation has not sought input from local groups (eg Landcare, Black Hill Environment Protection Group, School P&C etc). There has been no local consultation about the details of the Concept Plan.	A detailed community consultation process was undertaken and is outlined in Section 3 of the Concept Plan Report. The draft Concept Plan was exhibited in line with the requirements of Part 3A of the EP&A Act and Regulations. Furthermore a community information phone has been set up.

Agency/Autor	Issues	Response/ Justification/ Amendment Required?
		There will be on-going opportunity for community participation in the assessment of project applications / development applications. It should be noted that there has not been any significant change to the Concept Plan between the Charette and the public exhibition stage.
Public Submission Reference No. 12 (Ian Ray, Bruce Doyle and Brad Ure-owners of adjacent land to the south of the site)	1. Object to the Concept Plan on two major issues: <ul style="list-style-type: none"> Lack of consultation with major land owners in the area Inadequacy of proposed traffic management outlined in the Traffic and Transport Report. Do not object to the development in principle, but they consider that a viable traffic management proposal must be provided 	A detailed community consultation process was undertaken and is outlined in Section 3 of the Concept Plan Report. The draft Concept Plan was exhibited in line with the requirements of Part 3A of the EP&A Act and Regulations. Furthermore a community information phone has been set up. There will be on-going opportunity for community participation in the assessment of project applications / development applications. Future traffic conditions on the regional road network in the vicinity of Black Hill site will be determined by a range of complex factors. Hyder has identified a single access scenario or combination of scenarios to provide adequate network capacity at F3 and John Renshaw Drive corridor. Detailed modelling will be required to confirm the preferred scenario which will meet the RTA's requirements.
	2. Failed to capture opportunities to leverage existing access to the F3 at Black Hill Road intersection	Coal & Allied previously looked at potential traffic implication of a new internal road to the south connecting Black Hill site with existing Black Hill Overpass, however this option was rejected by the RTA on the basis that it would change the functioning hierarchy of Black Hill Road.
	3. Failed to address potential for a connection from John Renshaw Drive to Black Hill Road through the development	The flexibility to include a link at a future date has been incorporated in the overall Concept plan. The options will be better identified in diagrammatic form in the PPR. Future access to be the subject of third party DA for adjacent lands.
	4. Failed to ensure adequate access off John Renshaw Drive (this would require consultation with adjoining land owners)	Signalised access has been provided off John Renshaw Dr for traffic travelling both east and west which in turn will provide access to the Catholic Church land at a future date when the Church determines its development options. Same applies to land owners to the south of Coal & Allied. The Church land extends from JRD to Black Hill Road which will provide plenty of opportunity for a Black Hill to JRD link in the future if required. It is not the responsibility of Coal & Allied to second guess the intentions of adjacent owners or the relevant approval authorities.
	5. Failed to support the development of a sub-regional plan to co-ordinate access and movement with other major land owners in the area	Coal & Allied participated in the preparation of the Western Corridor Sub-Regional Strategy prepared by DoP. Adjacent land owners were not able to provide any detail as to development plans for their properties. Future traffic conditions on the F3 and John Renshaw Drive corridor will be influenced by a combination of natural background growth, additional traffic generated by the changes in the LHRs land use/developments and infrastructure proposals including Hunter Expressway (F32B Link) and F32R Link. This means future traffic on the F3 and John Renshaw Drive will be influenced not only by the Coal & Allied Black Hill traffic, but regional and cumulative traffic also impact significantly on corridor traffic flows. Hyder's traffic report has quantified impact ensuring effective access off John Renshaw Drive. Coal & Allied consulted adjoining landowners of Hunter Land, Catholic Church, neighbouring landowners to the south.
	6. Failed to investigate a link road along the western boundary from John Renshaw Drive to the existing Black Hill Road or alternative east-west feeder road	Hyder previously looked at potential traffic implication of a new internal road to the south connecting Black Hill site with existing Black Hill Road. To make this option workable, access on F3 Freeway was proposed via existing interchange at Black Hill Road. Hyder's traffic report has documented this option as Access Option3. Hyder discussed this Option 3 with the RTA, However, Option 3, did not receive much favour from the RTA on a view that additional traffic impact will change the road hierarchy of Black Hill Road. Of importance, this Option 3 is unlikely to reduce impact significantly on the F3 Freeway/John Renshaw Drive roundabout being a critical congestion point in the regional network.
	7. Failed to provide access from the Coal & Allied land to the adjoining lands to the south (inconsistent with the draft Concept Plan that was discussed during the charette process)	Hyder previously looked at potential traffic implication of a new internal road to the south connecting Black Hill site with existing Black Hill Road. To make this option workable, access on F3 Freeway was proposed via existing interchange at Black Hill Road. Hyder's traffic report has documented this option as Access Option3. Hyder discussed this Option 3 with the RTA, However, Option 3, did not receive much favour from the RTA on a view that additional traffic impact will change the road hierarchy of Black Hill Road. Of importance, this Option 3 is unlikely to reduce impact significantly on the F3 Freeway/John Renshaw Drive roundabout being a critical congestion point in the regional network.
	8. The 20 metre buffer to the lands to the south isolates the possibility of providing a access potential to either Black Hill Road or a feeder road	The proposed buffer is to provide a visual barrier to the rural residential to the south of the Coal & Allied site. This in no way prevents the future extension of the internal road to the south subject to an appropriate planning application by third parties.
	9. The proponent should seek multiple access points to such a major development to alleviate traffic issues	Following Hyder's meeting on 4 February 09 with the RTA and Department of Planning (DoP) regarding the site access issues on F3 and John Renshaw Drive, RTA asked Coal & Allied to investigate additional three access options (Options 4, 5 and 6). The new access options considered full access via a signalised T junction on John Renshaw Drive, with three access variants on the F3 Freeway.
	10. Weakleys Drive is not likely to be a four lane dual access road by 2016	Due to non committal funding, RTA has advised Hyder deleting proposed regional road works including widening of Weakleys Drive.
	11. Question the capacity of the existing access onto the F3 to accommodate the development	Hyder also recommend, in the future, a left turn out from F3 be reconsidered again when RTA has finalised the concept plan for the proposed F3 to Raymond Terrace Link.
Public Submission	1. Generally supportive of the concept, but have two key concerns relating to: <ul style="list-style-type: none"> lack of consultation with major landowners in the area 	A detailed community consultation process was undertaken and is outlined in Section 3 of the Concept Plan Report. The draft Concept Plan was exhibited in line with the requirements of Part 3A of the EP&A Act and Regulations. Furthermore a

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Reference No. 13 (Diocese of Maitland Newcastle-owners of adjoining 283ha to the west of the site)	<ul style="list-style-type: none"> inadequacy of proposed traffic management 	<p>community information phone has been set up.</p> <p>There will be on-going opportunity for community participation in the assessment of project applications / development applications. It should be noted that there has not been any significant change to the Concept Plan between the Charette and the public exhibition stage.</p>
	2. Considers that the commitments given to on-going consultation during the charette process have not been met	<p>A detailed community consultation process was undertaken and is outlined in Section 3 of the Concept Plan Report. The draft Concept Plan was exhibited in line with the requirements of Part 3A of the EP&A Act and Regulations. Furthermore a community information phone has been set up.</p> <p>There will be on-going opportunity for community participation in the assessment of project applications / development applications. It should be noted that there has not been any significant change to the Concept Plan between the Charette and the public exhibition stage.</p>
	3. Individual consultation with adjoining landowners should be undertaken prior to approval being given to the concept plan	<p>A detailed community consultation process was undertaken and is outlined in Section 3 of the Concept Plan Report. The draft Concept Plan was exhibited in line with the requirements of Part 3A of the EP&A Act and Regulations. Furthermore a community information phone has been set up.</p> <p>There will be on-going opportunity for community participation in the assessment of project applications / development applications. It should be noted that there has not been any significant change to the Concept Plan between the Charette and the public exhibition stage.</p>
	4. In light of undertakings during charette process to consider a range of traffic options, the proponent should seek multiple access points to such a major development to alleviate future traffic congestion.	<p>All access point options have been investigated and future access points with adjoining owners have been kept open. A plan with these options based on the current Concept Plan is included in the PPR</p>