

CONCEPT PLAN – BLACK HILL – MP10_0093
ENVIRONMENTAL ASSESSMENT REQUIREMENTS UNDER PART 3A OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Project Description	Proposed concept plan for employment lands at Black Hill located in the Newcastle Local Government Area
Site	Black Hill (Lot 30 DP 870411) and Tank Paddock (Lot 1 DP 1007615).
Proponent	Coal and Allied Industries Ltd.
Date of Issue	19 August 2010
Date of Expiration	19 August 2012
General requirements	<p>The Environmental Assessment (EA) for the Concept Plan must include:</p> <ol style="list-style-type: none"> (1) an executive summary; (2) a description of the project including: <ol style="list-style-type: none"> (a) need for the project; (b) alternatives considered; (c) various components and staging of the project; and (d) plan indicating the footprint of the proposed work at A3 size, (3) a thorough site analysis and description of the existing environment; (4) justification of the project, taking into consideration the environmental impacts of the proposal, the suitability of the site and whether or not the project is in the public interest; (5) a consideration of all relevant statutory and non-statutory provisions and identification of any non-compliance with such provisions (especially the <i>SEPP (Major Development) 2005</i>, <i>SEPP 33 – Hazardous and Offensive Development</i>, <i>SEPP 44 – Koala habitat Protection</i>, <i>SEPP 55 – Remediation of Land</i>, <i>SEPP (Infrastructure) 2007</i>, <i>SEPP (Mining, Petroleum Production & Extractive Industries)</i>, <i>Newcastle LEP 2003</i>, <i>Lower Hunter Regional Strategy 2006</i>, and <i>Lower Hunter Regional Conservation Plan (DECCW, 2009)</i>). (6) a draft Statement of Commitments outlining commitments to public benefits including State and Local infrastructure provision (or associated contributions), environmental management, mitigation and monitoring measures (especially in relation to flooding, biodiversity and stormwater) to be established on site and clear identification of timing and who is responsible for these measures; (7) a signed statement from the author of the EA certifying that the information contained in the report is neither false nor misleading; and (8) A report from a quantity surveyor identifying the capital investment value of the Concept Plan including the estimated cost of future development.
Key Assessment Requirements	<p>Urban design, development controls and land uses</p> <ol style="list-style-type: none"> (1) Describe future land uses within the employment lands and outline any proposed development controls for the site based on a comprehensive site analysis of constraints and opportunities. The resulting development controls should satisfy the objects of the <i>Environmental Planning and Assessment Act 1979</i> and the aims and objectives of relevant planning instruments. Consideration should also be given to development controls outlined in Council's existing and draft Local Environmental Plans and Development Control Plans; (2) Assess how the development controls will complement surrounding existing land uses and any conservational lands for dedication; (3) Assess the visual impact of the proposal, particularly from the F3 Freeway, John Renshaw Drive and adjoining employment lands; (4) Consider <i>Freight Hub Hunter Part 1- Executive Summary Report, October 2008</i> (NSW Department of Premier and Cabinet) within the context of the proposed concept plan; (5) Provide justification for any proposed non-industrial land uses, including how the proposed uses would be compatible with employment/industrial land use

- zones and would not constitute a commercial/retail stand alone centre. Consideration should be given to the *Draft Centres Policy Planning for Retail and Commercial Development* (Department of Planning, April 2009); and
- (6) Address the principles of Crime Prevention through Environmental Design.

Staging

- (1) Prepare an outline of staging for the completion of the project and release of industrial land and timing for delivery for supporting infrastructure. This includes how the release of industrial land would align with proposed and future access arrangements to the site; and
- (2) Identify the extent, locations and timing of dedication of proposed conservation lands with commitments to managing ongoing management of edge effects and need for any buffer zones.
- (3) The staging of the proposed development and the timing of implementation of identified road network infrastructure upgrades;

Biodiversity

- (1) Provide an assessment on impacts on flora and fauna in accordance the with *draft Guidelines for Threatened Species Assessment (DEC, July 2005)*;
- (2) Consider the corridor values or connective importance of any vegetation on the site and the likely cumulative impacts of proposed development on biodiversity;
- (3) Describe the actions that would be taken to avoid or mitigate impacts on biodiversity or compensate for unavoidable impacts of the project on threatened species and their habitat. This should include an assessment on the effectiveness and reliability of the measures and any residual impacts after these measures are implemented; and
- (4) Demonstrate that biodiversity impacts can be appropriately offset in accordance with the NSW Government's policy for 'improvement or maintenance' of biodiversity values.

Transport and Accessibility

- (1) Detail and justify the site access arrangements for the site, including how the proposed development will proceed and alternatives to the proposed access onto the F3 Freeway.
- (2) Include a traffic study prepared in accordance with the *RTA Guide to Traffic Generating Developments*, which addresses:
 - (a) All relevant vehicular traffic routes and intersections for access to/from the subject area;
 - (b) Current traffic counts for all of the above traffic routes and intersections;
 - (c) Anticipated additional vehicular traffic generated from the proposed development and associated trip distribution on the road network;
 - (d) Consideration of the traffic impacts on existing and proposed intersections and the capacity of the local and classified road network to safely and efficiently cater for the additional vehicle traffic generated by the proposed development. The traffic impact shall also include the cumulative traffic impact of other proposed developments in the area;
 - (e) Details of the necessary road network infrastructure upgrades that are required to maintain existing levels of service on both the local and classified road network;
 - (f) Intersection analysis as well as a micro simulation model shall be submitted to determine the need for intersection and mid-block capacity upgrades, as well as ensure traffic signal co-ordination,
 - (g) Consideration of impacts on existing property access.
 - (h) Impact of Hunter Expressway and the proposed F3 to Raymond Terrace link;
 - (i) Impacts on regional road networks during construction and operation. Assessment should be based on expected level of employment generation;
 - (j) Traffic management and proposed access from the wider road network as well the opportunities and constraints of alternative vehicular access points;
 - (k) Measures to introduce and promote public transport usage and mode share including pedestrian and cycle access within and to the site that connects to all relevant transport services and key off-site locations, having regard to the NSW Planning Guidelines for Walking and Cycling (2004) and the NSW

- Bike Plan (2010); and
- (l) Road design to cater for heavy vehicles associated with freight movement.
- (3) Assess the proposal against the objectives of the Integrating Land Use and Transport Policy packages.

Flooding, Stormwater and Water Quality Management

- (1) Assess any potential impact of the proposed development on hydrology and hydrogeology of the site and adjacent areas in terms of impact on water balance and water quality (including groundwater) on any natural watercourse or groundwater source in keeping with the *Australian Guidelines for Water Quality Monitoring and Reporting (2000)*;
- (2) Identify drainage and stormwater management measures to be incorporated on the site, including riparian areas that respect creeks and the topography of the site, on site detention of stormwater, water sensitive urban design (WSUD), and drainage infrastructure;
- (3) Provide management arrangements for proposed stormwater infrastructure, and water quality and ecosystem health during construction and the life of the development, including the formation of buffer zones;
- (4) Develop suitable Flood Planning Levels for the development and demonstrate consistency with the *NSW Floodplain Development Manual: The management of flood liable land (2005)* and the *DECC Floodplain Risk Management Guideline – Practical Consideration of Climate Change (2007)*.

Riparian Corridors

- (1) Identify riparian corridors based on an assessment of the hydrology of the area, existing water courses and topography of the land and provide an assessment of how impacts on riparian corridors will be avoided, mitigated and managed. This should be undertaken with consideration to guidelines prepared by the former Department of Water and Energy (now the Office of Water); and
- (2) Location of all local bio-retention/detention basins are to be justified and assessed where these are not 'off-line' and outside the core riparian zone and an assessment of the construction works associated with the proposed precinct scale bio-retention/detention basin should be quantified and assessed.

Ownership/Maintenance of Public Domain

- (1) Provide details of proposed ownership and management arrangements (through negotiation with State and local government agencies) for riparian areas, roads, asset protection zones, etc.

Soils, Contamination and Geotechnical

- (1) Assess the capability of the land for the proposed development with regard to erosion potential, slope stability, salinity and the presence of potential and actual acid sulphate soils if any;
- (2) Provide an assessment of contamination in accordance with SEPP 55 and relevant DECCW guidelines if any contaminated soils are identified and likely to be disturbed, detail what actions, management and mitigation measures will be required; and
- (3) Identify the potential for subsidence, hazards associated with subterranean gases and other associated risks for development. Outline required actions, management and mitigation measures.

Mining

- (1) Identify the impacts of the development of the proposal and conservation offsets on the future recovery of resources of coal and coal-seam methane below the site and outline required actions, management and mitigation measures; and
- (2) Identify the potential for future mine subsidence which may cause tilts and strains, affect flooding and stormwater conveyance and damage any surface structures.

Air Quality

- (1) Assess the potential air quality impacts associated with the proposed development on the site; and

	<p>(2) Assess the odour and air quality impacts of the nearby existing development including the adjoining poultry farm, any proposed sewerage treatment plant on the site and in light of potential coal mining and coal-bed methane extraction on the subject land. The assessment must be consistent with the <i>Technical Framework Assessment and management of odour from stationary sources in NSW (DECC November 2006)</i> and the <i>Technical Notes Assessment and management of odour from stationary sources in NSW (DECC November 2006)</i>.</p> <p>Noise</p> <p>(1) Provide an assessment in accordance with <i>Environmental Criteria for Road Traffic Noise</i> (1999) and <i>Industrial Noise Policy</i> (2000). Outline how any impacts would be mitigated and/or managed; and</p> <p>(2) Consideration should also be given to the impact of external noise which may have an impact on the development proposed on the site.</p> <p>Heritage</p> <p>(1) Provide an assessment in accordance with the <i>Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC, 2005)</i> and measure to avoid, mitigate and/or manage any impacts during construction and operation.</p> <p>Bushfire Risk Assessment</p> <p>(1) Provide an assessment against the current version of <i>Planning for Bush Fire Protection 2006</i> and identify the ongoing management arrangements of proposed Asset Protection Zones (APZ), including negotiation with relevant agencies where APZs are proposed on land proposed to be transferred to public ownership.</p> <p>Sustainability</p> <p>(1) The EA should outline commitments to sustainability including water reuse, waste minimisation, the minimisation of energy use and car dependency etc.</p> <p>Developer contributions</p> <p>(1) Provide the likely scope of developer contributions between:</p> <ul style="list-style-type: none"> (a) the Proponent and Newcastle City Council for local infrastructure; and (b) the Proponent and State Government agencies for the provision of State Infrastructure in accordance with Planning Circular PS 07-018 (Infrastructure Contributions). <p>Utilities</p> <p>(1) Prepare a utilities infrastructure servicing report and plan for the site that demonstrates that the site can be adequately serviced in terms of water supply, sewerage services, stormwater management, gas, electricity, communication services and fire suppression facilities.</p>
Consultation Requirements	<p>During the preparation of the EA, the proponent must undertake an appropriate and justifiable level of consultation with relevant parties. If consultation has already been undertaken, this needs to be documented. Relevant agencies should include, but not be limited to:</p> <ul style="list-style-type: none"> • Newcastle City Council; • Industry and Investment NSW; • Department of Environment, Climate Change and Water; • NSW Office of Water • Roads and Traffic Authority; • Transport NSW; • Mine Subsidence Board; • Hunter-Central Rivers Catchment Management Authority; • Hunter Water; • Department of Environment, Water, Heritage and the Arts; • The Local Aboriginal Land Council; • Utility and infrastructure providers including the Ambulance Service of NSW, the Rural Fire Service and NSW Fire Brigades;

	<ul style="list-style-type: none"> • AGL (SG) Operations Pty Limited (holder of Petroleum Exploration Licence 267); and • Donaldson Coal Company Pty Ltd (holder of Exploration Licence EL 5497 and Mining Lease 1618).
Deemed refusal period	60 days