

black hill tank paddock &

environmental assessment

February 2011

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urbis

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Statement of Validity

Submission of Environment Assessment:

Prepared under Part 3A of the Environmental Planning and Assessment Act 1979.

Environmental Assessment prepared by:

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Address:	Urbis Level 21 321 Kent Street Sydney NSW 2000	
In respect of:	Black Hill and Tank Paddock Concept Plan Environmental Assessment	

Certification:

We certify that we have prepared the contents of the Environmental Assessment and to the best of our knowledge, the information contained in this report is neither false nor misleading.



Signature

Name: Tim Blythe

Date: 14 February 2011



Signature

Name: Tom Goode

Date 14 February 2011

Executive Summary

This report has been prepared in support of an application for Concept Plan approval for the Black Hill, Tank Paddock and part of the Stockrington sites under Part 3A of the Environmental Planning and Assessment Act 1979. It has been prepared on behalf of Coal & Allied Industries Limited (Coal & Allied), the owners of the Black Hill, Tank Paddock and Stockrington sites.

The protection and management of vegetation corridors is a key focus of the Lower Hunter Regional Strategy (LHRS) and the Lower Hunter Regional Conservation Plan (LHRCP). The Black Hill, Tank Paddock and Stockrington sites have been recognised for their State and Regional significance based on their inclusion in the LHRS and LHRCP for both employment and conservation land dedications.

Coal & Allied propose to develop 183ha of the Black Hill site for use as employment lands with the 147ha Tank Paddock site and 398ha of the Stockrington site proposed to be dedicated to the New South Wales Government (NSWG) for conservation. Other Coal & Allied owned sites in the Lower Hunter and Central Coast regions are the subject of separate Part 3A applications to the Department of Planning (DoP). Overall, Coal & Allied propose to dedicate approximately 2,956ha of Coal & Allied land to the NSWG to provide and enhance important conservation corridors identified in the LHRS and LHRCP.

The proposed dedication of Tank Paddock and Stockrington site will play a crucial role in securing in perpetual ownership the long sought after conservation corridor that links the Watagans and Yengo National Parks with the coastal plains of the Tomago Sandbeds, Stockton Bight and Port Stephens.

The Concept Plan will enable up front resolution of key site parameters associated with land use, infrastructure delivery and timing, and environmental conservation, with subsequent detailed stages being submitted for approval progressively. The Concept Plan applies to the Black Hill site with conservation lands dedicated from part of the Stockrington lands plus Tank Paddock. The key considerations for the proposed development of the site are:

- Dedication of 545ha of conservation land to the NSWG that is identified in the LHRS and LHRCP, comprising 100% of the Tank Paddock site and part Stockrington site. In total, this equates to an approximately 75:25 split of conservation lands transfer to potential developable lands.
- Indicative development staging.
- The provision of associated infrastructure.
- The use of the Black Hill site as 'employment lands' for a range of employment generating activities, including:
 - depot,
 - freight transport facility,
 - light, standard and general industry,
 - industrial retail outlets,
 - passenger transport facility,
 - timber and building supplies,
 - transport and truck depot,
 - vehicle repair station,
 - warehouse or distribution centre.

- Supporting social infrastructure for the emerging workforce, capped at 1,300sqm of net lettable retail floor space
- Additional permitted uses have been sought, including:
 - business premises,
 - child care centre,
 - community facility,
 - health consulting rooms,
 - hotel accommodation,
 - medical centre,
 - recreation area,
 - recreation facility (indoor),
 - restaurant,
 - retail premises.

Approval is not sought for subdivision or individual buildings on the site, however Urban Design Guidelines have been prepared as part of the Concept Plan which will provide appropriate objectives and controls to which future development must adhere.

In addition, approval is not sought under the Concept Plan for a specific lot or road layout, however an indicative lot and road layout suggests how the industrial superlot layout of 22 lots could be achieved on the site.

It is proposed to dedicate 100% of the Tank Paddock and part Stockrington sites for conservation purposes as part of the Major Project application via a Voluntary Planning Agreement (VPA) between Coal & Allied and the NSWG in accordance with s.93F of the Environmental Planning & Assessment Act, 1979 (EP&A Act).

The proposed Concept Plan seeks to facilitate development for employment purposes that is not permissible under the existing planning provisions and therefore a State Significant Site listing/rezoning is proposed under Schedule 3 of the State Environmental Planning Policy (Major Development) 2005 (Major Development SEPP), which will provide the statutory mechanism for approval of the Concept Plan and associated future development. A separate report has been prepared and lodged with the Department of Planning (DoP) in support of an application for listing/rezoning of the Coal & Allied owned Black Hill, Tank Paddock and Stockrington sites as a 'State Significant Site' (SSS). This report should be read in conjunction with the SSS Listing Report.

On 7 July 2010, the Minister for Planning determined that the development proposal for the Black Hill and Tank Paddock sites needs to be considered as a Major Project under Part 3A of the EP&A Act. The Minister also decided to consider the Black Hill, Tank Paddock and Stockrington sites as a potential State Significant Site (SSS) under Schedule 3 of the Major Development SEPP. Given the size and complexity of the proposal, the Minister also authorised submission of a Concept Plan for the site.

The scope of environmental assessment has been based on the environmental assessment requirements issued by the Director General of Planning on 19 August 2010.

Key environmental issues relate to:

- Urban design, development controls and land uses;
- Staging;
- Biodiversity;

- Transport and accessibility;
- Flooding, stormwater and water quality management;
- Riparian corridors;
- Ownership / maintenance of public domain;
- Soils, contamination and geotechnical;
- Mining;
- Air Quality;
- Noise;
- Heritage;
- Bushfire Risk Assessment;
- Sustainability;
- Developer contributions;
- Utilities.

A Draft Statement of Commitments is included at **Appendix C**. This details the various contributions, additional studies, applications and works the proponent commits to undertake in association with the project. The mechanics of how and when these commitments will be confirmed and delivered will be subject to ongoing consultation.

In summary, the Concept Plan will facilitate the orderly use, development and conservation of a regionally important site of environmental, economic and social significance to the State. The Environmental Assessment contained within this report demonstrates that all potential adverse environmental impacts of the project can be suitably mitigated, resulting in net social, economic and environmental benefits.

In view of the merits of the project, we therefore recommend that the Minister for Planning approve the Concept Plan.

1 Introduction

This Environmental Assessment (EA) on behalf of Coal & Allied, is for a Concept Plan for the future use of the Black Hill site as employment lands and proposed dedication of Tank Paddock and part Stockrington site to the NSWG for conservation purposes.

This EA provides the following details to assist the NSW Department of Planning (DoP) with an assessment of the Concept Plan, as detailed in the Director-General's Environmental Assessment Requirements (DGEARs):

- Background to the identification of the land sought for future development including the proposed dedication of the conservation of lands and the community consultation;
- Description of the site in respect to its regional and local context;
- Description of the proposed Concept Plan; and
- Review of the Concept Plan with respect to the general and key assessment criteria, including:
 - Relevant statutory and policy planning provisions;
 - Identified key issues;
 - Statement of Commitments;
 - Justification of the project and the environmental impacts of the proposal; and
- Development contributions and public benefits to be provided with the development.

1.1 Background

1.1.1 Context – the Coal & Allied Lower Hunter Lands Project

Coal & Allied has been operating in the Hunter Valley for more than 150 years, with the earliest coal mining operations located in the East Maitland area dating back to 1844. Numerous mergers, expansions and acquisitions since then have led to Coal & Allied becoming a regionally significant mining company.

Since 2004 Coal & Allied has been majority owned and managed by Rio Tinto Coal Australia (RTCA). Coal & Allied today is one of the major coal producers in the Hunter Valley, employing around 1,500 people across three operations. With annual coal production of around 30 million tonnes, Coal & Allied continues to evolve as it strives to achieve a vision of being a safe and highly successful business valued by customers, employees, shareholders and the community.

Coal & Allied has seven separate holdings in the Lower Hunter totalling approximately 4,078 hectares. Three are located in the southern area comprising Catherine Hill Bay (Middle Camp), Nords Wharf and Gwandalan. Four are located in the northern area comprising Black Hill, Tank Paddock, Stockrington and Minmi (including land north and south of Link Road). The landholdings are located in four local government areas of Lake Macquarie, Wyong, Newcastle and Cessnock.

The Coal & Allied northern lands are located approximately 20 kilometres west of Newcastle and are almost halfway between Newcastle and Cessnock. The Minmi land adjoins the existing Minmi township and is close to the emerging Glendale Town Centre and the Glendale/Cardiff renewal corridor identified in the Lower Hunter Regional Strategy. These lands are close to the F3 Freeway and Newcastle Link Road transportation corridors. The Minmi lands are adjacent to the Blue Gum Hills Regional Park and Hexham Swamp Wetland.

The Black Hill site is located at the intersection of the F3 Freeway and John Renshaw Drive.

Tank Paddock and Stockrington are located east and west of F3 Freeway and fall within the Watagan-Stockton conservation corridors identified in the Lower Hunter Regional Strategy (LHRS) and Lower Hunter Regional Conservation Plan (LHRCP).

The Coal & Allied southern lands include Catherine Hill Bay (Middle Camp) and Nords Wharf located between the Wallarah National Park and Munmorah State Conservation Area. The third site, Gwandalan adjoins Lake Macquarie State Conservation Area and Chain Valley Bay. Gwandalan is on the western side of Crangan Bay, Lake Macquarie and Nords Wharf is on the eastern side. Catherine Hill Bay (Middle Camp) is located on the east coast halfway between Swansea Heads and the Budgewoi Peninsula.

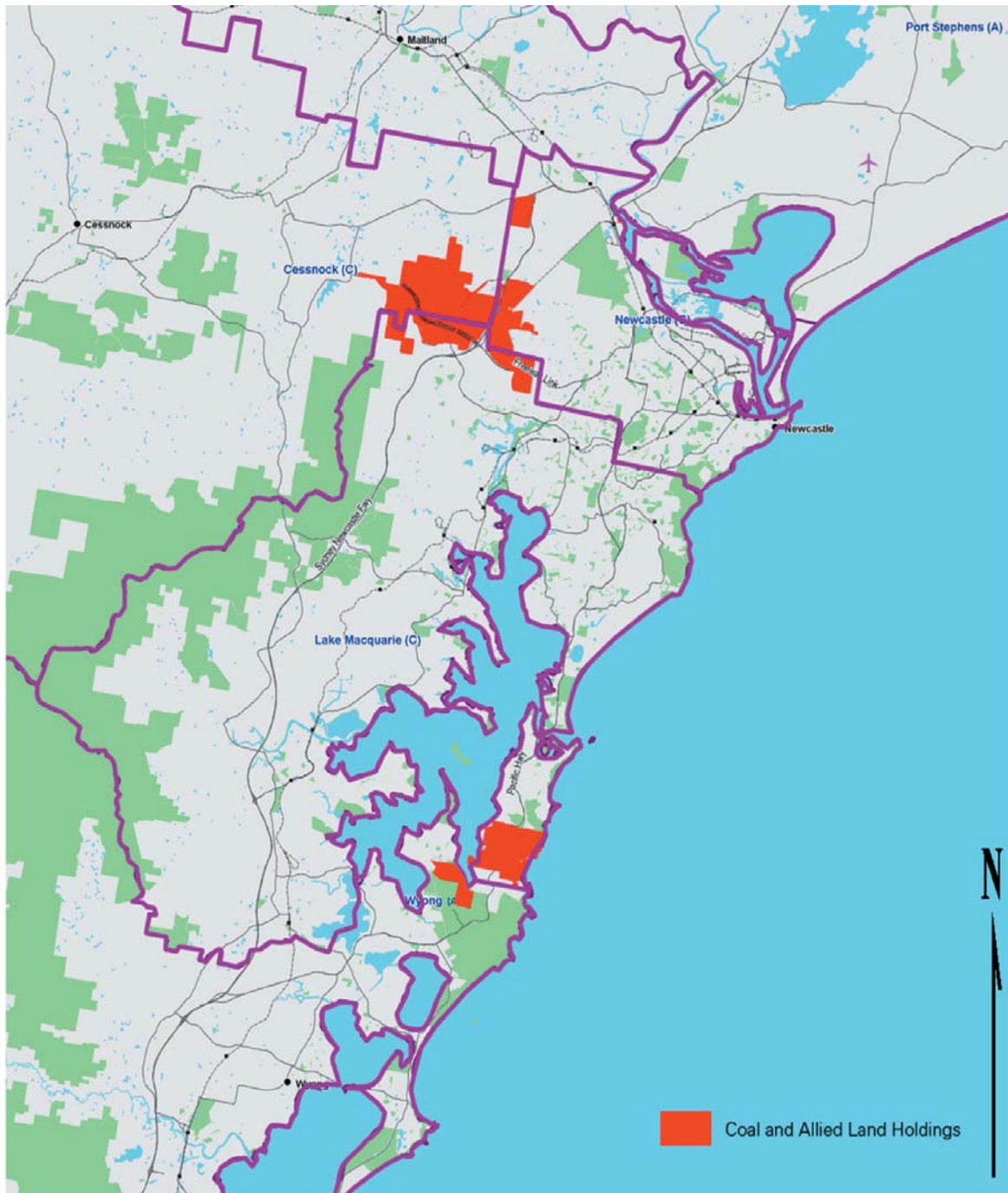


Figure 1 – Coal & Allied land holdings in the Lower Hunter

1.1.2 Regional Planning Context

The Black Hill, Tank Paddock and Stockrington sites have been recognised for their regional significance to the Lower Hunter Region based on their inclusion in the LHRS for proposed employment development and conservation. The securing, protection and management of conservation corridors is a key focus of both the LHRS and the companion LHRCP.

The proposed development of 183ha of Black Hill and proposed dedication of 545ha of lands at Tank Paddock and Stockrington for conservation purposes is crucial in achieving the State Government's objective of securing major conservation corridors identified in the LHRS and LHRCP, most notably the Watagan-Stockton Conservation Corridor.

1.1.3 Voluntary Planning Agreement

It is proposed to dedicate the Tank Paddock and part Stockrington land for conservation purposes via a Voluntary Planning Agreement (VPA) between Coal & Allied and the NSWG in accordance with s.93F of the EP&A Act.

A Draft Statement of Commitments will be prepared to support the Concept Plan and associated Environmental Assessment.

1.2 Project Objectives

Coal & Allied has a long term commitment to the preservation of the environment in the Hunter Valley and has had an involvement in the region for over 150 years. The company is pleased to be able to contribute to the establishment and realisation of the long sought after conservation corridors between Watagans Range to Stockton Bight. It is also pleased to be a part of the economic development of the Lower Hunter Region through providing land for employment development and residential land to meet the growth targets set out in the LHRS.

Overall company objectives pursued by Coal & Allied are aligned with its sustainable development focus of effective use of assets; efficient use of resources; encouragement of cultural diversity; economic viability; enhancing community relationships and environmental stewardship.

The Coal & Allied Lower Hunter Land project objectives are as follows:

- Contributing to environmental preservation in the region through dedication of land to the NSWG for conservation corridors.
- Gaining Concept Plan approval and rezoning of the seven estates.
- Achieving sustainable residential and employment generating development in the five estates.
- Establishing successful communities in the four residential estates.
- Incorporate new urbanism principles of sustainability, mix of uses, walkability and transit connections.
- Reaching target financial returns for the development of a commercial internal rate of return (IRR) and maximisation of net present value (NPV).
- Meeting market demands for land and housing products and employment generating land through desirable product mix.
- Maintaining and enhancing Coal & Allied's reputation in the Lower Hunter community.

1.3 Value of Project

The estimated capital investment value of the Black Hill proposal is \$695,737 million.

1.4 Planning Process to Date

1.4.1 Background

In September 2004 Coal & Allied commissioned a preliminary review of its Lower Hunter land holdings. The review was project managed by Kennecott Land (a division of Rio Tinto) that has extensive experience in the successful development of land in Salt Lake City, Utah in the United States. The review made a number of recommendations with regard to the potential future land development opportunities that may exist for Coal & Allied's land holdings in the Lower Hunter.

Coal & Allied identified the potential areas for future development and conservation for the Black Hill, Tank Paddock and Stockrington sites through a preliminary assessment of physical constraints. Opportunities and constraints for the site were identified using GIS data, regional context analysis, site inspections and preliminary ground truthing.

The Tank Paddock and Stockrington land identified for proposed conservation land dedication has regional ecological value that provides substantial areas of contiguous vegetation with surrounding reserves/forests, and can enhance the vitally important conservation corridors, notably the long sought after Watagan Stockton conservation corridor.

The land identified for proposed development at Black Hill is strategically located at the intersection of the F3 Freeway and John Renshaw Drive, providing excellent road access in all directions. The benefits of this location have since been recognised in the LHRS which notes that employment lands at Black Hill contribute to the viability of a future Freight Hub Precinct in the locality.

1.4.2 Statutory Planning Process to Date

In accordance with the EP&A Act and associated guidelines, a Preliminary Environmental Assessment (PEA) was submitted to the DoP on 15 June 2010 to assist the Director General in determining the level and scope of the environmental assessment to accompany the Concept Plan for the proposed development and the requirements of the State Significant Study.

A Concept Plan was prepared with the PEA for the site to show the proposed development as well as a plan showing the proposed areas of conservation and development for the site.

On 7 July 2010, the Minister for Planning determined that the development proposal for the Black Hill and Tank Paddock sites is considered to be a Major Project under Part 3A of the EP&A Act. The Minister also determined to consider the Black Hill and Tank Paddock sites as a potential State Significant Site (SSS) under Schedule 3 of the Major Development SEPP.

Given the size and complexity of the proposal, the Minister for Planning also authorised submission of a Concept Plan for the sites. The Concept Plan will enable key site parameters associated with land use, infrastructure delivery and timing, and environmental conservation to be resolved up front, with subsequent detailed stages being submitted for approval progressively.

On 19 August 2010, the Department of Planning (DoP) issued Director-General's Environmental Assessment Requirements (DGEARs) for the site for preparation of a Concept Plan. The DGEARs are provided in **Appendix D**.

1.5 Director General's Environmental Assessment Requirements

The following table provides a summary of the Director-General's Environmental Assessment Requirements issued by the Department of Planning on 19 August 2010 and identifies where each requirement has been addressed in the Environmental Assessment.

Table 1 – Director General Environmental Assessment Requirements

Requirement	Response
General Requirements.	
The Environmental Assessment (EA) must include:	
An Executive Summary.	Included
A description of the project including the: <ul style="list-style-type: none"> ▪ Need for the project ▪ alternatives considered; and ▪ various components and stages of the project; and ▪ map indicating the footprint of the proposed work 	Section 4
A thorough site analysis and description of the existing environment	Section 2
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.	Sections 6-8
A consideration of the all relevant statutory and non-statutory provisions and identification of any non-compliance with such provisions (especially the Major Development SEPP 2005, SEPP 33, SEPP 44, SEPP 55, SEPP (Infrastructure 2007), SEPP (Mining, Petroleum & Extractive Industries) 2007, Planning Circular 07-018 (Infrastructure Contributions), Newcastle LEP 2003, Hunter Regional Environmental Plan 1989 (Heritage), Lower Hunter Regional Strategy).	Section 5
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 who is responsible for these measures.	Section 7
A signed statement from the author of the EA certifying that the information contained in the report is neither false nor misleading.	Included
A report from a quantity surveyor identifying the correct capital investment value for the concept plan and the four project applications.	Appendix E
Key Assessment Criteria	
The Environmental Assessment must address the following key issues:	
Urban design and built form 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;	Section 6.2 and Appendix B
Assess how the development controls will complement surrounding existing land uses and any conservational lands for dedication;	Section 6.2 and Appendix B

Requirement	Response
Assess the visual impact of the proposal, particularly from the F3 Freeway, John Renshaw Drive and adjoining employment lands;	Section 6.2.3 and Appendix B
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;	Section 6.1 and Appendix B .
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 <i>Draft Centres Policy Planning for Retail and Commercial Development</i> (Department of Planning, April 2009);	Section 5.10 and Appendix I .
Address the principles of Crime Prevention through Environmental Design.	Refer Appendix B .
Staging 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	Refer Appendix B .
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.	Refer Appendix B, C and S .
The staging of the proposed development and the timing of implementation of identified road network infrastructure upgrades	Refer Appendix B and C .
Biodiversity Provide an assessment on impacts on flora and fauna in accordance the with draft Guidelines for Threatened Species Assessment (DEC, July 2005);	Section 6.4
Consider the corridor values or connective importance of any vegetation on the site and the likely cumulative impacts of proposed development on biodiversity;	Section 6.4
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;	Section 6.4
Demonstrate that biodiversity impacts can be appropriately offset in accordance with the NSW Government's policy for 'improvement or maintenance' of biodiversity values.	Section 6.4
Transport and Accessibility 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.	Section 6.8
Include a traffic study RTA's Guide Traffic Generating Developments which addresses: <ul style="list-style-type: none"> ▪ All relevant vehicular traffic routes and intersections for access to/from the subject area; ▪ Current traffic counts for all of the above traffic routes and intersections; ▪ Anticipated additional vehicular traffic generated from the proposed development and associated trip distribution on the road network; 	Section 6.8

Requirement	Response
<ul style="list-style-type: none"> ▪ 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; ▪ 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; ▪ 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, ▪ Consideration of impacts on existing property access. ▪ Impact of Hunter Expressway and the proposed F3 to Raymond Terrace link; ▪ Impacts on regional road networks during construction and operation. Assessment should be based on expected level of employment generation; ▪ Traffic management and proposed access from the wider road network as well the opportunities and constraints of alternative vehicular access points; ▪ 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 ▪ Road design to cater for heavy vehicles associated with freight movement. 	
Assess the proposal against the objectives of the Integrating Land Use and Transport Policy packages.	Section 6.8
<p>Flooding, stormwater and water quality management</p> <p>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);</p>	Section 6.11
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	Section 6.11
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	Section 6.11
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).	Section 6.11
<p>Riparian Corridors</p> <p>Identify riparian corridors based on an assessment of the hydrology of the area and existing water courses and the 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).</p>	Section 6.4
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	Section 6.11

Requirement	Response
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.	Refer Appendix C .
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	Section 6.6
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	Section 6.6
Identify the potential for subsidence, hazards associated with subterranean gases and other associated risks for development. Outline required actions, management and mitigation measures	Section 6.6
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	Section 5.8
(2) Identify the potential for future mine subsidence which may cause tilts and strains, affect flooding and stormwater conveyance and damage any surface structures.	Section 6.6
Air Quality Assess the potential air quality impacts associated with the proposed development on the site	Section 6.5
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 Technical Framework Assessment and management of odour from stationary sources in NSW (DECC November 2006) and the Technical Notes Assessment and management of odour from stationary sources in NSW (DECC November 2006)	Section 6.5
Noise Impact Provide an assessment in accordance with Environmental Criteria for Road Traffic Noise (1999) and Industrial Noise Policy (2000). Outline how any impacts would be mitigated and/or managed	Section 6.9
Consideration should also be given to the impact of external noise which may have an impact on the development proposed on the site	Section 6.9
Heritage Provide an assessment in accordance with the Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC, 2005) and measure to avoid, mitigate and/or manage any impacts during construction and operation.	Section 6.10
Bushfire Risk Assessment Provide an assessment against the current version of Planning for Bushfire Protection 2006 and identify the ongoing management arrangements of proposed Asset Protection Zones (APZ), including negotiation with relevant agencies where	Section 5.14

Requirement	Response
APZs are proposed on land proposed to be transferred to public ownership.	
Sustainability The EA should outline commitments to sustainability including water reuse, waste minimisation, the minimisation of energy use and car dependency etc.	Section 6.7
Developer Contributions Provide details of the likely scope of developer contributions between: 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).	Section 7
Utilities and Infrastructure Prepare a utility and infrastructure servicing report and plan for the Site that identifies that the site can be adequately serviced in terms of water supply, sewerage services, stormwater management, gas, electricity, communication services and fire suppression facilities.	Section 6.12
Consultation Requirements An appropriate and justified level of consultation should be undertaken with the following relevant parties during the preparation of the environmental assessment. Agencies and other authorities: <ul style="list-style-type: none"> ▪ City of Newcastle Council ▪ Industry & Investment NSW ▪ Department of Environment and Climate Change and Water ▪ NSW Office of Water; ▪ NSW Roads and Traffic Authority; ▪ Transport NSW ▪ Mine Subsidence Board ▪ Hunter-Central Rivers CMA ▪ Hunter Water ▪ Commonwealth Department of Sustainability, Environment, Water, Population and Communities (previously DEWHA) ▪ Local Aboriginal Land Council; ▪ Utility and infrastructure providers including the Ambulance Service of NSW, Rural Fire Service of NSW and NSW Fire Brigade ▪ AGL (SG) Operations Pty Limited (holder of Petroleum Exploration Licence 267); ▪ Donaldson Coal Company Pty Ltd (holder of Exploration Licence EL 5497 and Mining Lease 1618) 	Section 3

1.6 Proponent and Project Team

The proponent of the development is Coal & Allied Industries Ltd (Coal & Allied). The preparation of the Concept Plan and the supporting Environmental Assessment has included a comprehensive project team from various fields of expertise as follows.

- Development Management: Catylis Pty Ltd;
- Urban Design: RPS (Previously Conics);
- Town Planning: Urbis;
- Social Planning: Urbis;
- Flora & Fauna (Biodiversity): RPS (Previously RPS Harper Somers O'Sullivan);
- Bushfire Risks: RPS (Previously RPS Harper Somers O'Sullivan);
- Contamination, Geotechnical / Mine Subsidence Assessment: Douglas Partners Pty Ltd;
- Hydrology, Stormwater Management and Air Quality: GHD;
- Aboriginal and Cultural Heritage: ERM;
- Traffic & Transport: Hyder;
- Acoustic: Renzo Tonin and Associates Acoustic Consultants;
- Civil (Infrastructure) Engineering: Cardno;
- Surveyors: Monteath & Powys Pty Ltd;
- Landscape: JMD Design;
- Economics: Sphere;
- ESD Assessment: EnSight;

Specialist reports and documentation prepared by the project team are contained within the accompanying Appendices.

2 Site Description

2.1 Regional Context

The Black Hill site is located within the City of Newcastle LGA, approximately 150km north of Sydney and 20km north west of Newcastle.

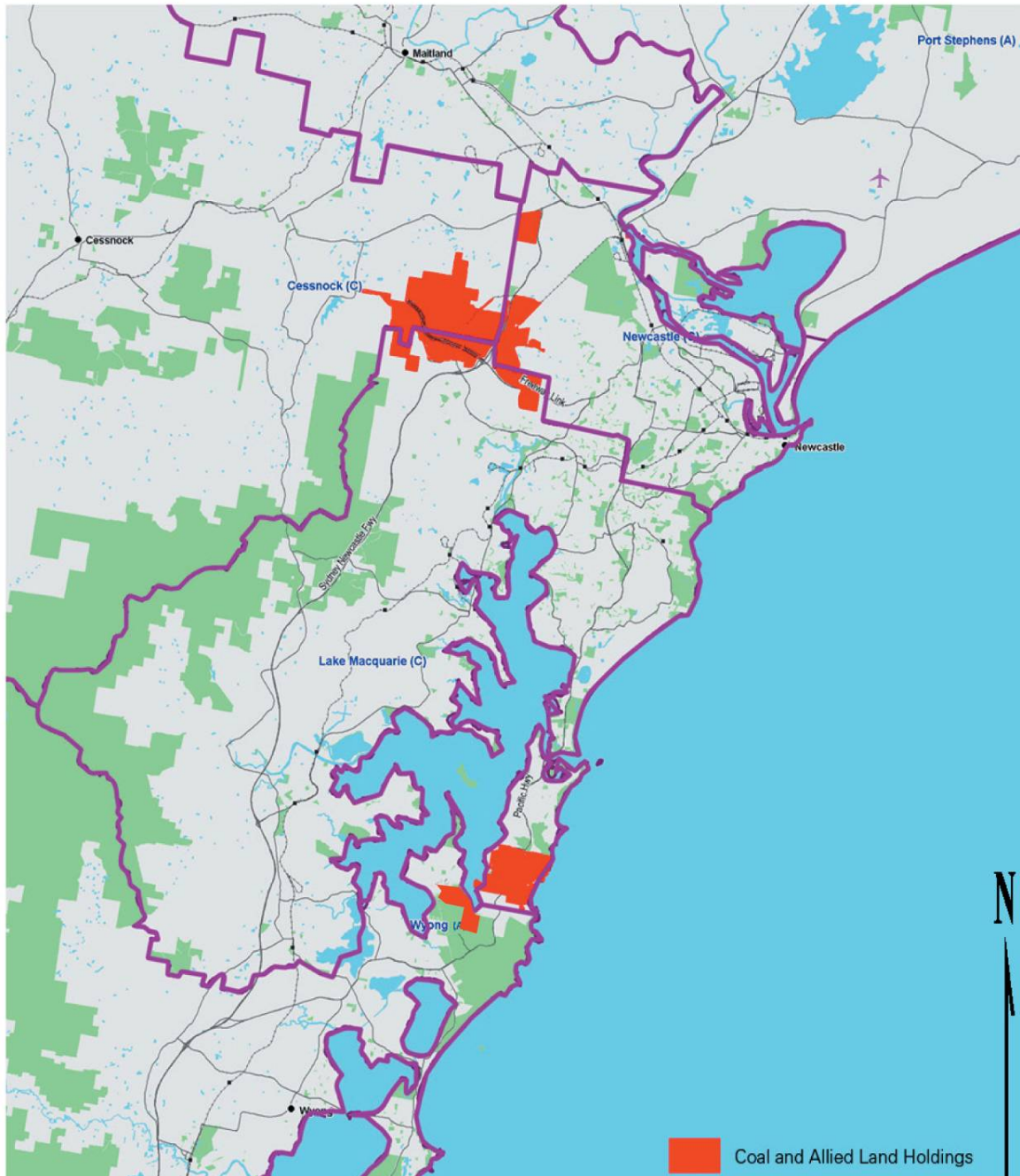


Figure 2 – Regional Context in Lower Hunter

The LHRS identifies that an additional 66,000 jobs will need to be created to meet economic growth projections for the region to 2031. Of this number, 25 per cent will be provided in 'employment lands', with the remaining 75 per cent to be delivered in commercial centres (60%) and other dispersed employment locations (15%).

The Coal & Allied owned Black Hill site has been identified in the LHRS as proposed “employment land” and will contribute to the target employment figures of the LHRS for the Lower Hunter Region.

The Lower Hunter Region’s vegetation is of bio-geographic significance as it supports a transition between the northern and southern flora and fauna communities of the region. The LHRS and LHRCP recognise the importance of large vegetation areas being linked via habitat corridors. Two major conservation corridors have been identified running through the Region including the east – west conservation corridor between Watagan and Stockton. This is an extensive corridor of land with high environmental value of relevance to the Black Hill site.

The Coal & Allied owned Tank Paddock and Stockrington sites are identified in the LHRS and LHRCP as part of the Watagan-Stockton corridor, which is to be conserved and protected under the LHRS and LHRCP documents. The Coal & Allied owned land at Tank Paddock and part of the Stockrington site that are proposed to be dedicated for conservation purposes will play a significant role in securing and conserving in perpetual public ownership the long sought after Watagan-Stockton Corridor.

The proposed land dedication is a positive conservation step that will protect an important array of vegetation communities, flora and fauna species, and natural landscape assets, including threatened species and endangered ecological communities in the conservation lands. The environmental gain from the environmental land offset package is a once in a generation opportunity that will provide an enduring legacy for the community and future generations.

In total, the land dedication equates to an approximately 75:25 split of conservation lands transfer to potential developable lands.

2.2 Local Context

The Coal & Allied owned Black Hill site is located in the north-west extremity of the City of Newcastle LGA.

Newcastle is located 20 kilometres to the south east and is the Regional City for the Lower Hunter Region, providing a full range of business, services, retail, recreation and tourism facilities. Maitland is located 12 kilometres to the north west and is identified as a Major Regional Centre which provides a wider array of employment, business, higher order retailing, professional services and other subregional functions. Raymond Terrace is 14 kilometres to the north east and is also identified as a Major Regional Centre.

The current population of Black Hill is approximately 704 persons. The majority of the 220 occupied dwellings in Black Hill are classified as separate houses (and are located on the eastern side of the F3 Freeway).

Black Hill benefits from a highly accessible location adjacent to the F3 Freeway which is the major transportation corridor to Newcastle, Sydney and the NSW North Coast. Land north of the site is part of a staged light industrial/commercial land release which has been partly developed. Land adjoining the site to the west was previously used as a poultry farm and is now owned by the Catholic Church.

The Catholic Church land is identified in the LHRS as future freight hub and employment lands. At the time of writing, we are unaware of any development application being lodged for the site.

Existing infrastructure at Black Hill includes:

- Water – There is an existing 900mm diameter trunk main adjacent to the northern boundary of the site. This trunk main is not suitable to connect the proposed water reticulation network. Water main lead-in works will be required for the development.
- Sewer – There is a network of sewer pump stations (SPS) in Beresfield and Thornton which drain to Morpeth Sewer Treatment Plant (STP). The existing sewer infrastructure network of pump stations, gravity mains and rising mains has not been designed to cater for the development. Subject to consultation with Hunter Water, augmentation of the sewer network, or an on-site treatment plant, will be required for the development.

- Power – Although the existing zone substation at Beresfield (north of Black Hill) which services the Black Hill area may have some capacity to service some of the development, electricity lead-in works will be required for the development.

There are existing overhead 330kV transmission lines on the site. These lines are the responsibility of TransGrid and are located within a dedicated easement. TransGrid has advised that the easement is 60 metres in width. There are certain restrictions on the location of infrastructure and roads in relation to the easements and the structures supporting the transmission lines. TransGrid has been consulted regarding the proposed Concept Plan to ensure that the proposed development design is consistent with their requirements regarding the existing overhead lines and the easement. Further consultation and approvals will be sought following Concept Plan approval and prior to the completion of detailed design at DA stage.

- Gas – A major gas main is located parallel to the F3 Sydney to Newcastle Freeway. The closest connection point is located at the corner of John Renshaw Drive and Kinta Drive east of the Freeway. The nature (i.e. medium or high pressure) and size of the main is unknown at this stage.
- Communications – Telstra telecommunications infrastructure is available in the proximity of the site. The National Broadband Network (NBN) will be rolled out to service the future development.
- Transport – it is proposed that access to the site will be via the F3 Freeway and John Renshaw Drive to the north.
- Social infrastructure – There is only a limited range of facilities at Black Hill, restricted to:
 - Black Hill Public School; and
 - Black Hill Church.

2.3 The Black Hill and Tank Paddock Site

The Black Hill site is owned by Black Hill Land Pty Ltd, a wholly owned subsidiary of Coal & Allied and the land is legally described as Lot 30 in DP 870411. It is approximately 183 ha in area, and is rectangular in shape.

The Black Hill site is bound by John Renshaw Drive to the north and the F3 Freeway to the east. Largely rural and unoccupied lands bound the site to the south and west. The land is located in the City of Newcastle Local Government Area (LGA).



Picture 1 – Black Hill northern site boundary, John Renshaw Drive looking west



Picture 2 – Black Hill northern site boundary, John Renshaw Drive looking east noting Electricity Pylons

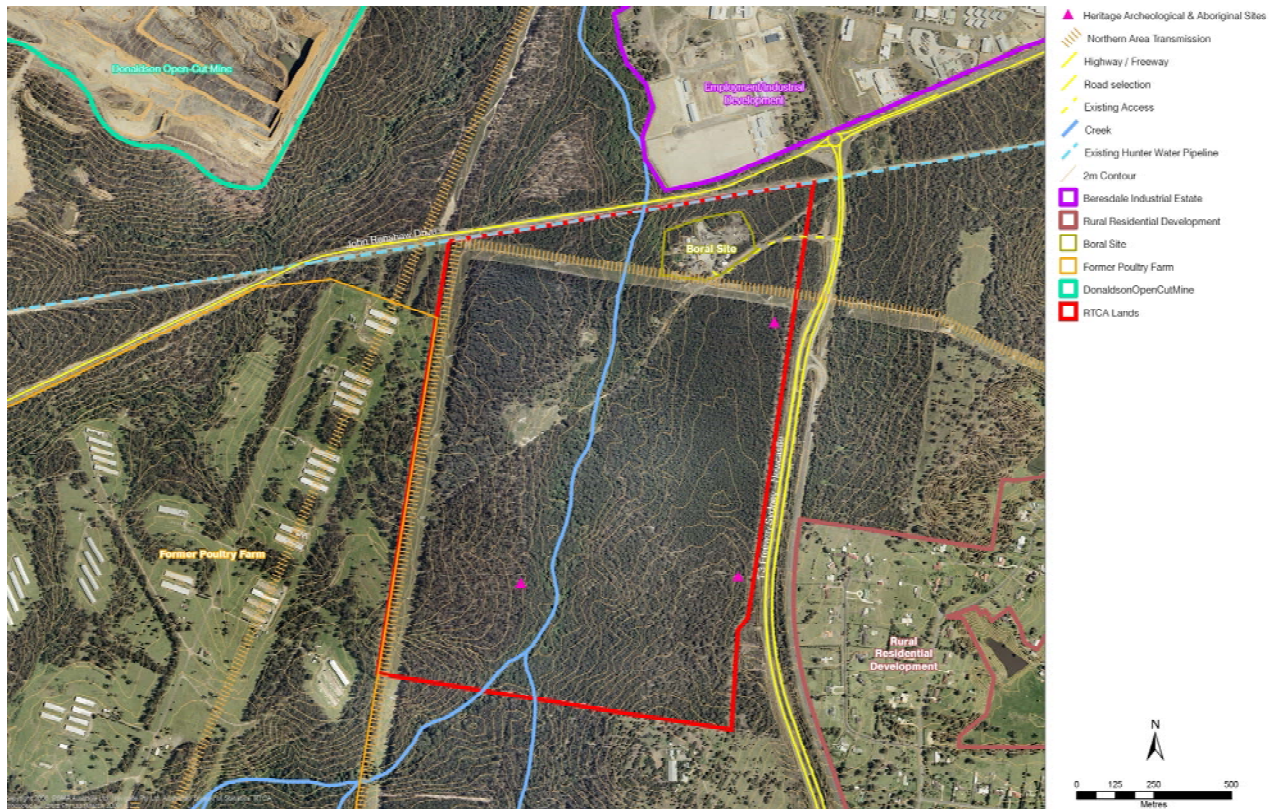


Figure 3 – Black Hill Local Context

The key aspects of the Black Hill site are:

- The site is zoned 7(c) Environmental Investigation Zone under the Newcastle LEP 2003.
- The existing industrial use of part of the site by Boral Asphalt is prohibited by the current 7(c) Environmental Investigation zoning in the Newcastle LEP 2003. It is understood to have been established lawfully and benefits from existing use rights.
- The majority of the remainder of the site is highly vegetated. However, there are some cleared areas associated with the site's former use. An above ground water supply pipeline adjoins the northern boundary and currently constrains access from John Renshaw Drive. It is noted that Hunter Water Corporation will soon commence replacement of this section of pipeline with an underground section of pipe.
- An existing underground mining consent over the Black Hill site will defer development until post 30 June 2013.
- The F3 Freeway provides access to the subject site at Black Hill. Neither John Renshaw Drive along the northern boundary nor the F3 Freeway to the east provides formal footpaths, kerbs and gutters. A private road provides access to the Boral Asphalt site off the F3 Freeway. Potential access to and from the site can be made via the F3 Freeway on the eastern boundary and John Renshaw Drive on the northern boundary.

The Tank Paddock land that is proposed to be dedicated to NSW Government as conservation lands has a total area of approximately 147ha. The land is legally described as Lot 1 DP 1007615 and is owned by Black Hill Land Pty Ltd (a wholly owned subsidiary of Coal & Allied Industries Ltd).

The Tank Paddock site has recently been zoned from 7(c) Environmental Investigation Zone to 7(b) Environmental Protection Zone under the Newcastle LEP 2003.

The Stockrington site is located within three Council areas. The site incorporates listed heritage items associated with the former Richmond Vale Railway and collieries in Stockrington.

The site is highly constrained by topography and watercourses and parts of the site are highly remote with restricted access.

The site is predominantly densely vegetated with some cleared areas. It is a regionally significant parcel of land given its ecological significance, size and single ownership.

The Hunter Expressway (previously known as F3 to Branxton Link) will traverse the site as part of future regional transport plans.

It is proposed to dedicate 398ha of the Stockrington site to the NSW Government as conservation lands.

2.4 Opportunities, Constraints and Design Considerations

Having regard to the above locality and site characteristics for Black Hill, the following opportunities, constraints and design considerations are identified below:

2.4.1 Opportunities

- Topography – the site is relatively flat with Viney Creek running south-north dividing the site in half. There is therefore scope to provide landscape/riparian green buffers to incorporate the creek line and to plan for sensitive building design elsewhere on the site.
- Access – the potential to provide access to/from John Renshaw Drive and the F3 Freeway offers major benefits for businesses in terms of product logistics and staff accessibility.
- Setting – the site will be well screened from passing traffic and adjacent uses by the retention of existing vegetation to provide landscaped buffer areas.
- Critical mass of employment generating uses, linked to the existing Holmwood Business Park to the north and the future Freight Hub Precinct which is proposed in the vicinity of the site will provide a central distribution hub for goods from Northern and Western NSW, Queensland and Sydney.

2.4.2 Constraints

- An existing mining consent over the Black Hill site will defer development until post 30 June 2013.
- The landform is expected to be altered due to subsidence from mining.
- The need to address aboriginal archaeological heritage on the site.
- Development restrictions within the 60 metre transmission line easement running through the site.
- No development to occur within the 1 in 100 year flood zone for Viney Creek.
- The current need to traverse the water pipeline on the northern site boundary to obtain access to / from John Renshaw Drive is unlikely to be a constraint once the pipeline is placed underground. Work on the pipeline is expected to commence 2011 and be completed well in advance of proposed development on the Black Hill site.

2.4.3 Design Considerations

- Consider bus / transport / cycleway linkages to sub-regional residential areas.
- Ensure effective access off John Renshaw Drive and from the F3 Freeway.
- Incorporate Viney Creek in an open space corridor.
- Protect archaeological potential located in the Viney Creek riparian corridor and mitigate any areas of significance through a plan of management.

- Protect Aboriginal and cultural links to the site and interpretation opportunities along Viney Creek in particular those of sub-regional values.
- Recognise the views of the existing southern houses of Black Hill. Mitigation strategies may include landscaping and design guidelines.
- Utilise riparian corridors for walking/cycling tracks, recreation areas, etc.
- Encourage a range of employment uses.
- Provide a range of lot sizes for differing employment uses.
- Remediate previous mine workings.
- Minimise impact of traffic generated by future development on the existing Black Hill Road residents and school precinct.
- Optimise on-site recycling and reduce waste production.

3 Strategy for Consultation

In conjunction with public exhibition of the Concept Plan by the DoP, the proponent will host a web site containing the Concept Plan and all supporting reports and relevant documentation.

Submissions commenting on the Concept Plan will be invited to be directed to the responsible officer at DoP. Following completion of public exhibition, the proponent will request copies of all submissions from the DoP and will prepare a summary compiling all submissions and the proposed response/s to any issues raised.

Briefings of stakeholders and the community will continue throughout the statutory process in accordance with the requirements identified in the DGEARs issued on 19 August 2010.

The final concept plan has been shaped by a series of community consultation initiatives undertaken by Coal & Allied to ensure that the views of the community were considered in the process. The consultation included:

- Community meetings;
- A series of targeted stakeholder meetings;
- Community workshops;
- Community newsletters, newspaper advertising and media releases; and
- Community input into the regional forum and design charette.

The design charette process drew together key government, community and project stakeholders to make recommendations to inform the final Concept Plan for The Black Hill site.

3.1 Overview

Coal & Allied's main objectives in engaging with stakeholders and the community regarding the Lower Hunter lands are to:

- Discuss transparently the project objectives;
- Engage the local community in the project;
- Enhance Coal & Allied's reputation from the transfer of the conservation lands;
- Communicate transparently Coal & Allied's intentions in relation to the development lands;
- Reiterate Coal & Allied's commitment to the Hunter region, its support of local communities and businesses, and acknowledge its responsibilities as a major employer in the region; and
- Communicate the benefits to the region of the proposal.

A strong commitment by Coal & Allied to implement an inclusive and pro-active community engagement process underpins the strategy. The commitment also reflects the objectives of the project. To achieve these objectives and ensure the strategy is effective, an engagement plan was devised in alignment with the broad principles of being inclusive, transparent and obtaining community feedback.

The tasks completed to implement this plan include:

- Establishing and maintaining a project database;
- Establishing a community information line (1800 727 745);
- Establishing and maintaining a project website (via the Coal & Allied website);
- Community briefings (public meetings);

- A series of targeted stakeholder meetings;
- Production & distribution of a brochure explaining Coal & Allied's history in the area, the relationship of Coal & Allied land to the Lower Hunter Regional Strategy, engagement opportunities and approach to sustainability;
- Community workshops to collate community values and identify needs for consideration during preparation of master plans;
- Community newsletter, newspaper advertising and media releases; and
- Community input into the regional forum and charettes.
- Community information sessions.

3.2 Community Engagement Strategy and Community Consultation Process

3.2.1 Public Meetings

An initial public meeting was held in 2006. The meeting featured a presentation outlining the broad overview of the projects, highlighting the proposed development lands and the conservation areas and the planning process. The meeting was held at Minmi Town Hall on 14th November 2006.

3.2.2 Targeted Stakeholder Meetings

In early 2007, a series of targeted stakeholder meetings were held to introduce the Coal & Allied staff and provide an overview of the project and the planning process. These meetings were also used to outline the consultation process including the community workshops and the charette.

Meetings were held with the following stakeholders: Lake Macquarie Council, Wyong Council, Newcastle Council, Koombahtoo Aboriginal Lands Council, Mindaribba Aboriginal Lands Council, Awabakal Aboriginal Lands Council, Bahtabah Aboriginal Lands Council, Darkingung Aboriginal Lands Council, Nords Wharf Scouts, Hunter Economic Development Corporation, Awarbukal Cultural Resource Association, Hunter Business Chamber, Hunter Community Environment Centre, Landcare (Hunter), Mine Subsidence Board, Catherine Hill Bay Progress Association, Minmi Progress Association, National Parks Association, Newcastle Wilderness Society, Hunter Chapter, Property Council and Green Corridor Coalition.

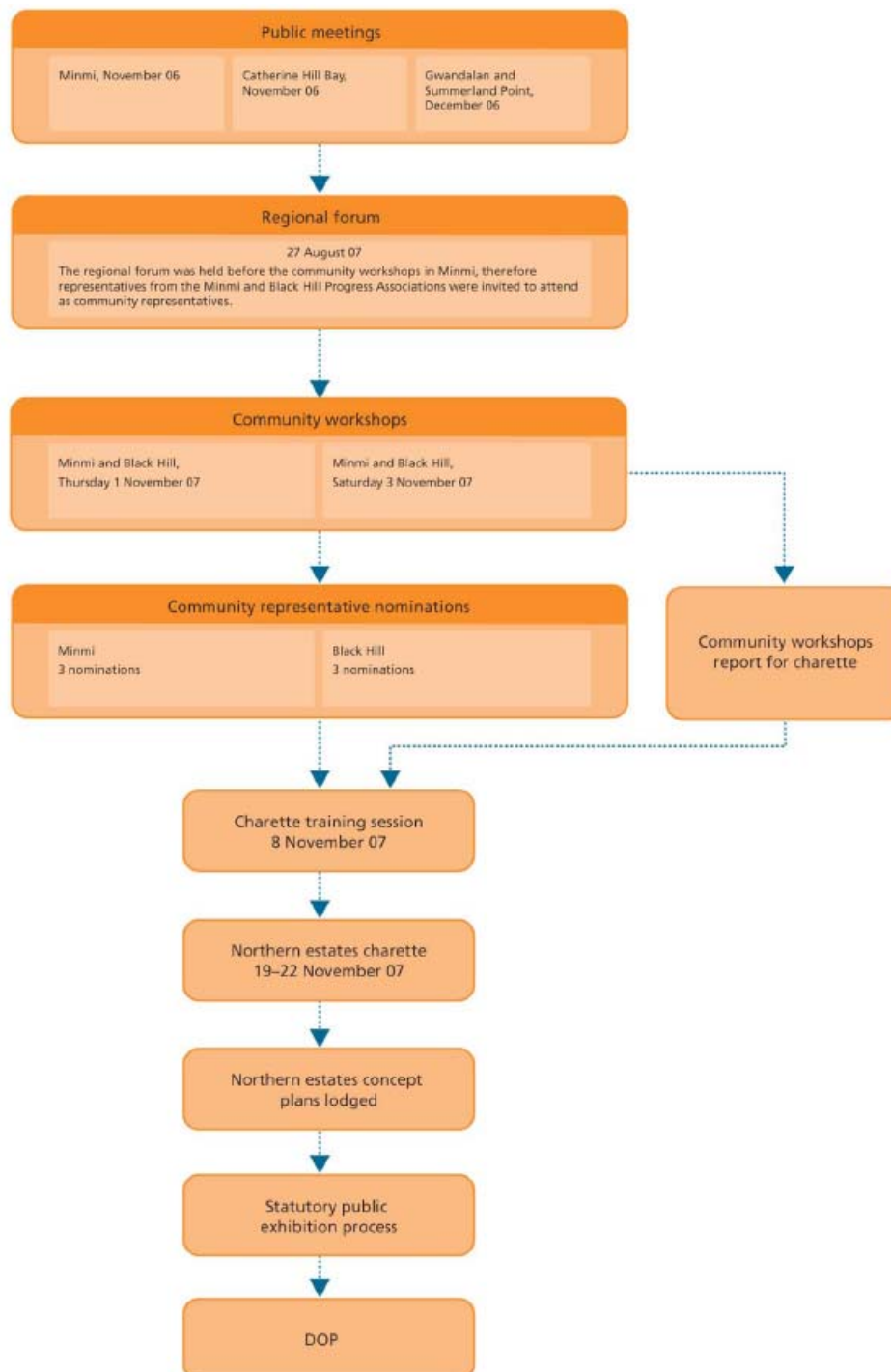
Some of the key messages received from these stakeholder meetings included reinforcing the importance of achieving the conservation corridors and the high biodiversity areas. A preference for higher densities rather than low-density urban sprawl was also put forward. Infrastructure and transport options were raised during several meetings as issues to be considered during the charette. There was some support for the growth identified in the LHRS and a suggestion to consider economic initiatives.

Each of the Local Aboriginal Land Councils requested involvement in any investigations regarding Aboriginal heritage across the sites.

3.2.3 Community Workshops

In November 2007 two community workshops were held for the residents of Minmi and Black Hill. The process undertaken in promoting and implementing the community workshops is included in Figure 4 below.

Figure 4 – Community Workshop Process



3.3 Regional Forum and Design Charette

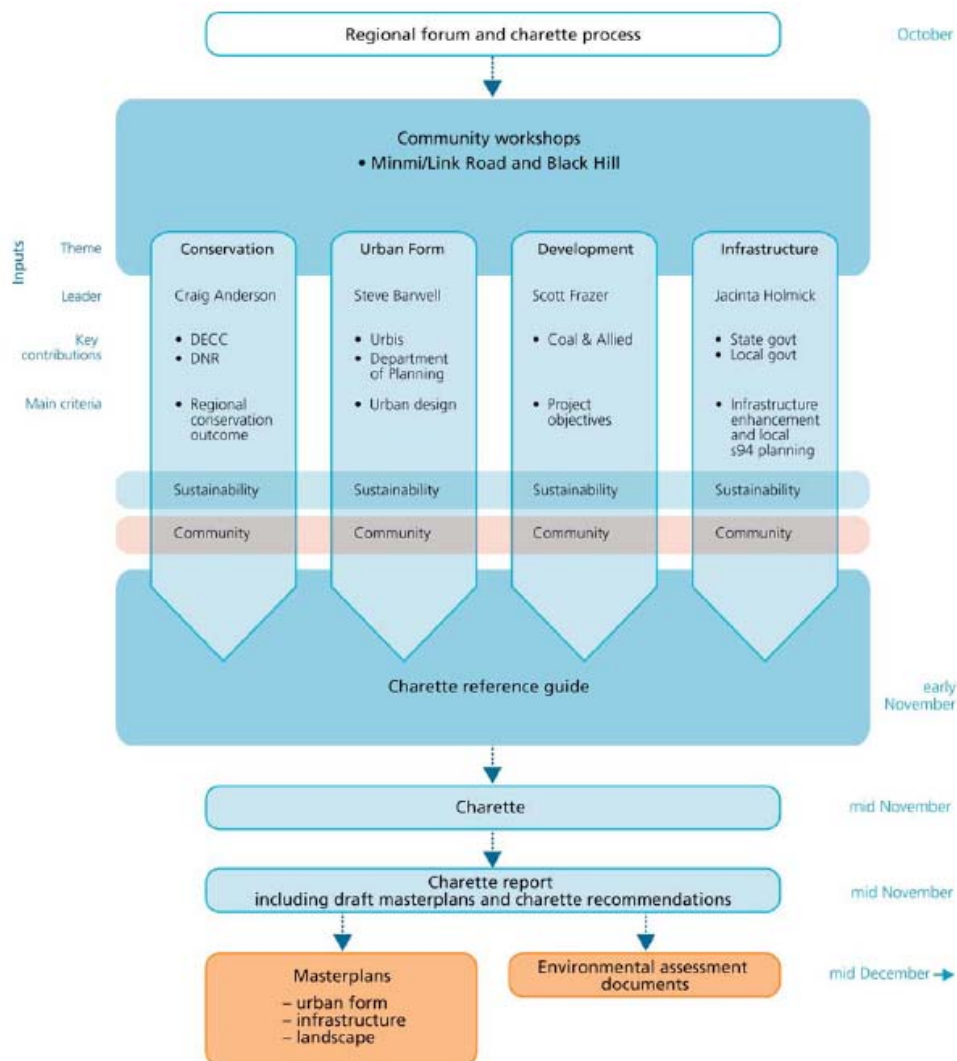
The Lower Hunter lands project will contribute a number of economic, environmental and social benefits to the Lower Hunter region. Equally, the master planning and development process seeks to address local issues and needs for each estate. To address these regional and local aspects, Coal & Allied undertook a two-tier approach to the planning process by dividing the five subject sites in this project into two areas, known as the northern and southern estates.

The northern estates are Minmi/Link Road and Black Hill. In order to progress the Lower Hunter lands project, Coal & Allied held a regional outcomes forum and charette. The forum and charette drew together key government, community and project stakeholders to resolve a multitude of issues relating to the project, and develop draft integrated master plans for the estates.

3.3.1 Charette Model

The Lower Hunter lands project aims to achieve outcomes that integrate across a number of different themes, namely conservation, urban form, infrastructure and development. The figure below illustrates the charette model that Coal & Allied adopted.

Figure 5 – Charette Model



3.3.2 Regional Forum

The regional forum, held on 27 August 2007 focused on the potential outcomes of the project for the Lower Hunter region and the links between those outcomes and the goals of established regional policies. In total, 105 participants were involved in the regional forum including representatives of local communities, government agencies, Aboriginal and environment groups.

The regional outcomes forum included presentations from the Coal & Allied project team and specialist consultants on various aspects of the proposed development including community engagement, conservation and ecology, urban design, Aboriginal and cultural heritage, social infrastructure, transport, water management, civil engineering, and geotechnical issues.

The forum also incorporated stakeholder discussions and feedback. The key issues raised by attendees at the regional forum were documented. In addition to this, a number of questions were raised that were unable to be immediately answered. Coal & Allied provided a response to these questions on the Lower Hunter lands project page of the Coal & Allied website (www.coalandallied.com.au). The aim of the forum was to provide a regional context to the master planning work, much of which was undertaken during the charette.

3.3.3 Northern Estates Design Charette

Following the regional forum, a separate three day design charette was held, from 19 to 22 November 2007 for the northern estates. A charette is an intensive working session which addresses multiple objectives and issues related to a project. The charette made recommendations to Coal & Allied regarding the delivery of the project objectives in relation to the four theme areas.

The northern estates charette involved a total of 68 participants. Section 3.4 of this report provides a complete list of charette attendees; however the following list provides a summary of the stakeholder groups represented:

- Community representatives.
- Aboriginal Land Councils.
- Aboriginal Traditional Owner groups.
- Environment groups.
- State government agencies.
- Local Councils.
- Coal & Allied staff.
- Consultants and technical specialists.

In November 2007, Coal & Allied prepared a northern estates charette reference guide that detailed the project objectives and input information to assist the charette participants to reach these outcomes. The reference guide outlined the regional and local context for the project with reference to the different themes of conservation, urban form, infrastructure and development. The reference guide was distributed to all charette participants for review before participation in the charette.

The Northern Design Charette and regional forum provided Coal & Allied with a series of recommendations for primary input to the Concept Plan applications. The outcomes of the regional forum and charette are:

- Input into the statement of commitments for each of the northern estates, namely Black Hill and Minmi/Link Road.
- A preferred concept plan for Black Hill including identification of opportunities and constraints, key service requirements and design principles.
- Priority initiatives to be funded under Coal & Allied's \$10 million northern estates allocation (beyond statutory requirements) as identified during the charette.

3.4 Agencies and Authorities

At the outset of the project, Coal & Allied committed to an inclusive and pro-active community engagement process.

3.4.1 Regional Forum

The following participants attended the all day Regional Forum held on 27 August 2007.

- Community representative – Black Hill Progress association;
- Community representatives Minmi;
- Community representatives – Catherine Hill Bay;
- Community representatives – Nords Wharf;
- Community representatives – Gwandalan;
- URGE;
- Aboriginal Land Council (Darkinjung);
- Aboriginal Land Council (Awabakal);
- Aboriginal Land Council (Bahtabah);
- Guringai Tribal Link Aboriginal Corporation;
- Awabakal Traditional Owners Aboriginal Corporation;
- Awabakal Descendents Traditional Owners Aboriginal Corporation;
- Newcastle City Council;
- Lake Macquarie City Council;
- Wyong Shire Council;
- Hunter Valley Buses;
- Busways;
- Roads and Traffic Authority;
- Telstra;
- Energy Australia;
- Alinta;
- Hunter-Central Rivers Catchment Management Authority;
- Gosford Wyong Councils' Water Authority;
- Hunter Water;
- Ambulance Service of NSW–Hunter;
- NSW Fire Brigade;
- Hunter Economic Development Corporation;
- Department of Environment and Climate Change;
- Department of Planning;

- Department of State & Regional Development;
- Mine Subsidence Board;
- NSW MPs;
- Newcastle Cycleways Movement Inc.;
- Lake Macquarie Coastal and Wetlands Alliance;
- Hunter Valley Research Foundation; and
- Green Corridor Coalition.

It is noted that representatives from the NSW Department of Natural Resources, NSW Department of Primary Industries, NSW Heritage Office, NSW Police Department, the State Emergency Service, NSW Rural Fire Service and all utility providers were invited to attend the Regional Forums but could not attend. Consultation with these representatives and relevant adjoining landowners has been undertaken separately as detailed in Section 3.6.3 Design Charette.

Representatives from each of the communities of Black Hill, Minmi and Stockrington, the local Aboriginal communities and representatives of environmental groups such as URGE and the Green Corridor Coalition were invited to participate in the Design Charette process. The following participants attended the three (3) day Northern Estate Design Charette held on 19 – 22 November 2007.

- 2 x Landscape Architects, Anton James Design;
- 2 x representative, NSW National Parks and Wildlife Service;
- Representative, Black Hill Progress Association;
- 2 x representatives, Green Corridor Coalition;
- 2 x Urban Designer, Allen Jack + Cottier;
- 4 x Urban Designer, PMM (now RPS);
- Representative, Minmi Progress Association;
- 2 x representative, Harper Somers O'Sullivan (now RPS);
- 2 x representatives, Kukuynjal Barrijapa;
- Representative, Cessnock City Council;
- 2 x Community Relations Spokesperson, Coal & Allied;
- General Manager External Relations, Coal & Allied;
- Property Development Manager, Coal & Allied;
- Project Specialist, Coal & Allied;
- 2 x representative, Catylis Project Management;
- 2 x Representative, NSW Department of Planning;
- 6 x Facilitator, Manidis Roberts;
- 4 x Resident Representative, Minmi;
- 2 x representative, Lake Macquarie City Council;
- Surveyor, Monteath & Powys;
- Engineer, Cardno;

- Social Planner, Urbis;
- 2 x representative, Newcastle City Council;
- Economist, Sphere;
- 2 x Representative, Awabakal Traditional Owners Aboriginal Corp;
- Representative, Minmi Progress Association;
- Representative, Department of Education;
- Representative, Department of Education and Climate Change;
- Traffic and Transport Consultant, Parsons Brinckerhoff;
- Representative, NSW Rural Fire Service;
- Hydrology Engineer, GHD;
- Representative, Mindariba Local Aboriginal Land Council;
- Representative, Awabakal Local Aboriginal Land Council;
- Statutory Planner, Urbis;
- Representative, Hunter New England Health Service;
- Heritage Consultant, ERM;
- Resident representative, Black Hill;
- Geotechnical Engineer, Douglas & Partners.

The following consultation has also been undertaken:

- Over the past 3 years Coal & Allied has undertaken extensive consultation with the Department of Planning (DOP), Department of Environment, Climate Change and Water (DECCW) and Department of Lands relative to its land holdings in the Lower Hunter. Black Hill forms part of that total land holding.
- Energy Australia as detailed in the Infrastructure Report prepared by Cardno.
- Jemena (previously Alinta) as detailed in the Infrastructure Report prepared by Cardno.
- Telstra as detailed in the Infrastructure Report prepared by Cardno.
- Local Aboriginal Land Council's, Aboriginal stakeholder groups, and DECCW as detailed in the Heritage Impact Assessment prepared by ERM. A detailed Aboriginal consultation log is included at Annex A of the HIA. ERM have also consulted the NSW Heritage Office and the National Trust of Australia (NSW).
- The NSW RTA as detailed in the Traffic and Transport Report prepared by Hyder.
- Newcastle City Council, NSW Health and Department of Education and Training as detailed in the Social Infrastructure Report prepared by Urbis.
- Ministry of Transport and Coal & Allied representatives meetings to discuss the upgrade of transport facilities. Discussions in regard to regional transport contributions have now been negated with the recent NSWG directive in respect of Regional Contributions.

3.4.2 Adjoining Landowners

Following the design charette a number of meetings were held with adjoining landowners and key stakeholders. The main purpose of these meetings was to provide an overview of the concept plan and receive comments. Meetings or conversations were held with the following:

- Black Hill Progress Association.
- Private adjoining landowners at Black Hill.
- Hunter Water Corporation as an adjoining owner to the north of the site.

A follow-up community briefing was held on 11 September 2008 to highlight the revised concept plan following further investigations into mine subsidence and bushfire threat analysis. This meeting was attended by community representatives who had participated in the charette in November 2007.

A meeting was held on 12 September 2008 with the major land owners within the vicinity of the Black Hill estate to brief them on the traffic modelling findings from the Coal & Allied studies undertaken by Hyder in response to the DGEARs.

3.5 Community Information Sessions

3.5.1 Community Information Sessions

To help the community learn more about Coal & Allied's revised plans for the proposed residential land development and conservation land transfer in the Lower Hunter two community information sessions were conducted in November 2010.

The following table details the information session schedule:

Date	Time	Location
5 th November 2010	4:00 – 7:00PM	Minmi Progress Association Hall
6 th November 2010	9:00AM – 12 Noon	Minmi Progress Association Hall

The purpose of the sessions was to:

1. raise awareness of the plans being submitted.
2. provide an overview of the process to lodge the Environmental Assessment and State Significant Site studies.
3. highlight revisions to previous concept plans.
4. provide an avenue for personal interactions with impacted communities.
5. provide details of the statutory submission process.

A summary of the response from each of the Community Information Sessions is included at **Appendix Q** of this EA.

3.5.2 Additional Consultation

Coal & Allied has also undertaken additional consultation with the following stakeholders during preparation of the Black Hill concept plan.

Table 2 – Specific Consultation as required by DGEARs

Party	Summary of consultation
Newcastle City Council	Ongoing email correspondence and 'phone conversations.
Hunter Water	As detailed in Appendix H of the Concept Plan Infrastructure Report plus various other ongoing correspondence/meetings.
CMA – Hunter – Central Rivers	Regional Forum and Charette plus correspondence received following these sessions.
NSW I&I	Regional Forum and Charette plus correspondence received following these sessions.
DECCW	Meeting on 12 October 2010 plus various other ongoing correspondence/meetings.
NoW	Correspondence of 13 October 2010.
Transport NSW	Regional Forum and Charette plus correspondence received following these sessions.
RTA	Meeting on 17 September 2010 plus various other ongoing correspondence /meetings.
NSW Police	Regional Forum and Charette plus correspondence received following these sessions.
Ambulance NSW	Regional Forum and Charette plus correspondence received following these sessions.
SES	Regional Forum and Charette plus correspondence received following these sessions.
Rural Fire Service	Regional Forum and Charette plus correspondence received following these sessions.
NSW Fire Brigades	Regional Forum and Charette plus correspondence received following these sessions.
All Utility providers	Regional Forum and Charette plus correspondence received following these sessions.
Relevant Local Aboriginal Land Council	As detailed in Appendix M .
Mine Subsidence Board	Douglas Partners
Donaldson Coal Company	Meeting on 5 th November 2010 plus various other ongoing correspondence/meetings.
AGL (SG) Operations	Written correspondence dated 15 June 2009.
DEWHA	Written correspondence from DEWHA dated 24 December 2008 advising that the proposal is not a controlled action.

3.6 Strategy for Future Consultation

In conjunction with public exhibition of the Concept Plan by the DoP, the proponent will host a web site containing the Concept Plan, all supporting reports such as traffic, noise, heritage etc.

Submissions commenting on the Concept Plan will be invited to be directed to the responsible officer at DoP. Following completion of public exhibition, the proponent will request copies of all submissions from the DoP and will prepare a summary compiling all submissions and the proposed response/s to any issues raised.

Briefings of stakeholders will continue throughout the statutory process.

4 Development Description

4.1 Concept Plan for Which Approval is Currently Sought

The Major Development Application seeks consent for a Concept Plan to guide the development of employment lands at the Coal & Allied Black Hill site and the transfer of conservation land to the NSW Government. Aspects for which concept approval is sought include:

- Dedication of 545ha of conservation land to the NSWG that is identified in the LHRS and LHRCP, comprising 100% of the Tank Paddock site and part of the Stockrington site (including a subdivision of Lot 13 DP1078246). This equates to an approximate 75:25 split of conservation lands transfer to potential developable lands. The lands to be dedicated are shown as **Appendix R – Subdivision Plans**.
- Indicative development staging.
- The provision of associated infrastructure.
- The use of the Black Hill site as 'employment lands' for a range of employment generating activities, including:
 - depot,
 - freight transport facility,
 - light, standard and general industry,
 - industrial retail outlets,
 - passenger transport facility,
 - timber and building supplies,
 - transport and truck depot,
 - vehicle repair station,
 - warehouse or distribution centre.
- Supporting social infrastructure for the emerging workforce (concentrated in a central area for supporting facilities identified on the Concept Plan) is proposed to include up to 1,300sqm of net lettable retail floor space supported by the retail support analysis included in the Social Infrastructure Study (Appendix I).
- Additional permitted uses have been sought, including:
 - business premises,
 - child care centre,
 - community facility,
 - health consulting rooms,
 - hotel accommodation,
 - medical centre,
 - recreation area,
 - recreation facility (indoor),
 - restaurant,

- retail premises,

Approval is not sought for subdivision or individual buildings on the site, however Urban Design Guidelines have been prepared as part of the Concept Plan which will provide appropriate objectives and controls to which future development must adhere. .

In addition, approval is not sought under the Concept Plan for a specific lot or road layout however an indicative lot and road layout suggests how the industrial superlot layout could be achieved on the site. The lot layout shown in the concept plan would be subject to further future subdivision consistent with market demand.

It is proposed to dedicate 100% of the Tank Paddock site and part of the Stockrington site (398ha) for conservation purposes via a Voluntary Planning Agreement (VPA) between Coal & Allied and the NSWG in accordance with s.93F of the Environmental Planning & Assessment Act, 1979 (EP&A Act).

The proposed Concept Plan seeks to facilitate employment development that is not permissible under the existing planning provisions and therefore a State Significant Site listing/rezoning is proposed under the Major Development SEPP. This will provide the statutory mechanism for approval of the Concept Plan and associated future development. This is discussed in section 4.2.

A Plan showing the proposed development areas and conservation areas is shown at Figure 4. The proposed Concept Plan for the site is shown at Figure 5.

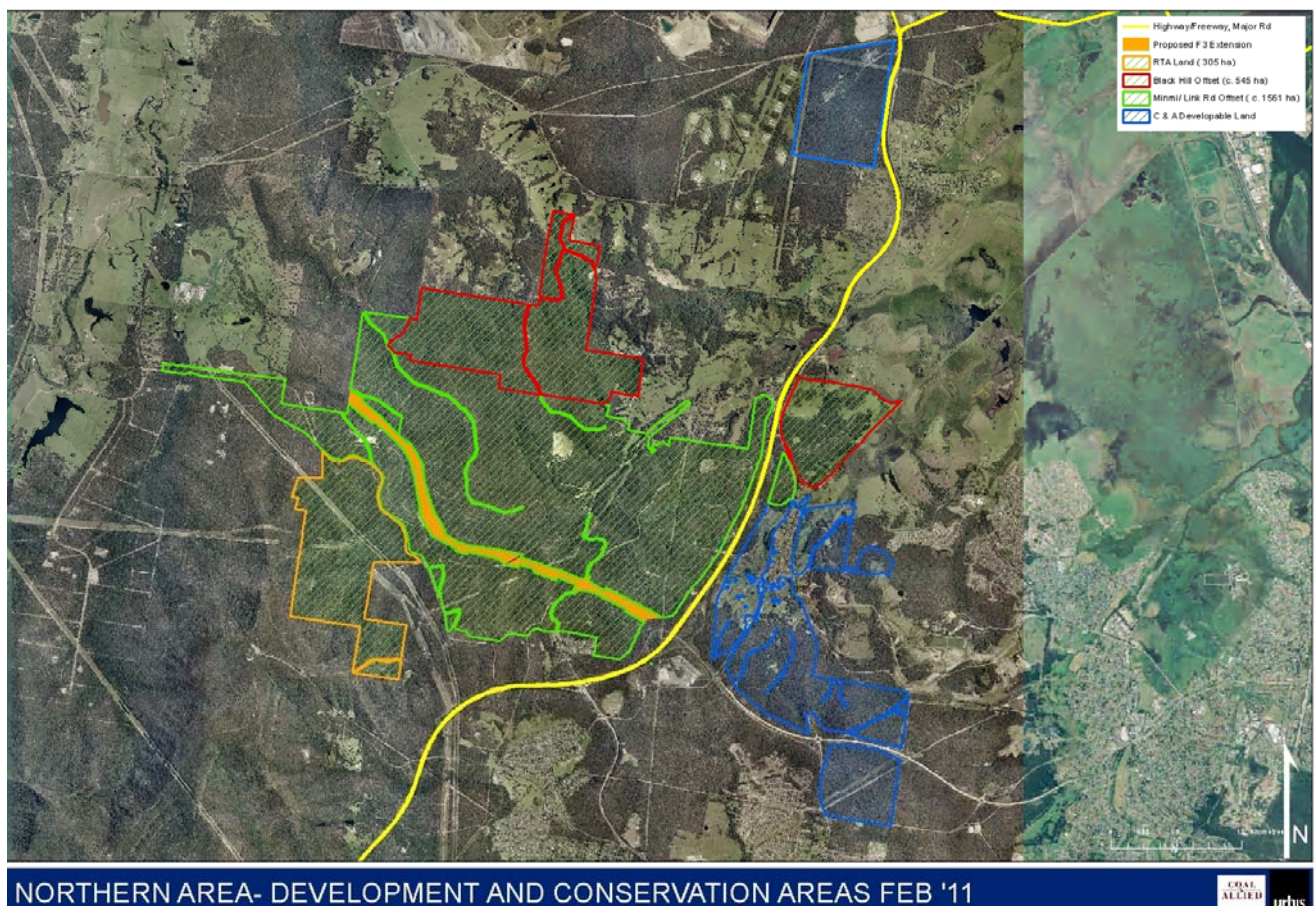


Figure 4 – Proposed Development and Conservation Areas

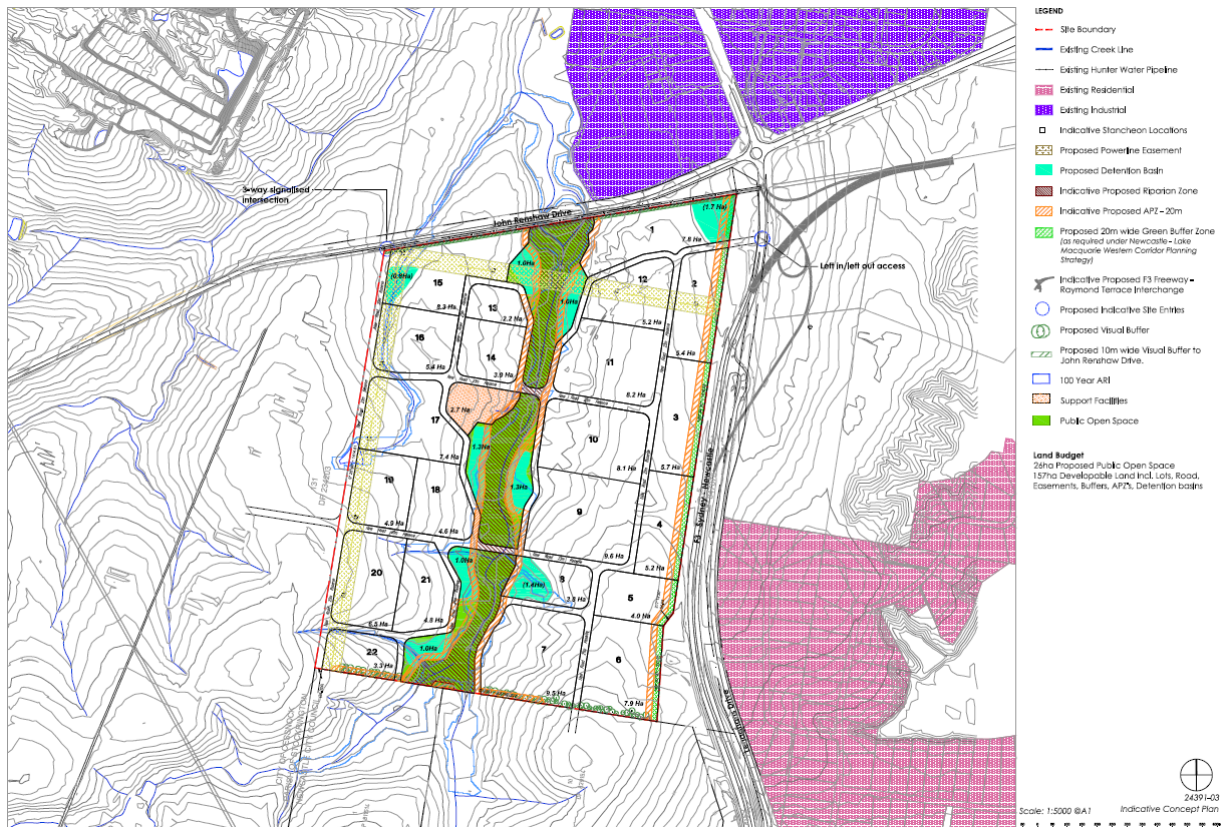


Figure 5 – Proposed Black Hill Concept Plan

4.2 State Significant Site Listing

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

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

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

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

- Viney Creek will not be surveyed until after future mining subsidence has concluded. This may affect the final creek bed alignment. There is therefore no benefit in surveying the creek bed in its current alignment. Consequently, the fact that the final Viney Creek bed alignment may be subject to change is a strong reason for zoning the entire site IN1 at present, with potential for an E2 zone to cover the riparian corridor in future once the final alignment is known.

It is proposed that the Schedule 3 listing under the Major Development SEPP introduce a new statutory planning framework that includes:

- Aims and objectives for each site;
- Zoning and permissible uses;
- Key development controls; and
- The future consent/approval regime.

4.3 Strategic Justification for Project

The Coal & Allied owned Black Hill, Tank Paddock and Stockrington sites have been recognised for their State and regional significance based on their inclusion in the LHRS for proposed urban development and conservation.

Coal & Allied propose to develop 183ha of Black Hill for employment development. The 183 ha of employment lands will help achieve the State Government's objectives to provide 66,000 new jobs in the region. The entire Tank Paddock site (147ha) and 398ha of the Stockrington site is proposed to be dedicated to the NSWG for conservation purposes.

As stated, the expansion, management and protection of the Watagan Stockton Corridor for conservation and biodiversity is a key focus of the LHRS and the companion LHRCP. Two major conservation corridors have been identified running through the Lower Hunter Region, namely the Watagan to Stockton Corridor and the Wallarah Peninsula Corridor. These are extensive corridors of land with high environmental value which will be managed for conservation purposes. The corridors align with existing public reserves, some of which will be expanded.

Coal & Allied are proposing to dedicate 2,106ha (75%) of their northern land holdings at Stockrington and Tank Paddock to the NSWG for conservation purposes (with the balance of this land (703ha or 25%) to be zoned for residential development and employment lands as part of separate Part 3A applications.

The proposed dedication of 147ha of the Tank Paddock site and 398ha of the Stockrington site to the NSWG as 'conservation land' will provide an important link in the Watagan Stockton Corridor. The proposed Coal & Allied land dedication will clearly help expand and enhance the biodiversity and conservation values of the green corridor that links the Watagans and Yengo National Parks with the coastal plains of the Tomago Sandbeds, Stockton Bight and Port Stephens.

The 147ha Tank Paddock and 398 Stockrington site (part) that is proposed to be dedicated for conservation provides substantial areas of contiguous vegetation, some of which has state ecological value. The proposed dedication of land to the NSWG will also ensure that substantial and significant land parcels will be protected from development by locking away this land as 'conservation land' in public ownership and in perpetuity. The environmental gain from the proposed conservation land dedication is a once in a generation opportunity that will provide an enduring legacy for the community. The proposed dedication of 147ha of the Tank Paddock site and 398ha of the Stockrington site for conservation to the NSWG by Coal & Allied is clearly of state and regional significance.

Importantly the proposal for Black Hill, Tank Paddock and Stockrington sites will also result in the protection of:

- Ecologically endangered communities; and
- Areas of aboriginal cultural significance.

4.4 Alternatives Considered

Coal & Allied has considered a number of development alternatives to be tested and considered. It should be recognised that the 'do nothing' scenario has been considered and dismissed as a realistic option since this will not achieve the conservation outcomes sought under the LHRS and LHRCP and will not contribute to the future employment generation of the Lower Hunter region.

The options considered for the site were developed during a 4 day charette which included community members, agencies, and other stakeholders.

In view of the fact that the Black Hill site is identified as 'employment lands' in the LHRS, an employment generating use has always been envisaged as the most viable and appropriate development option. 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:

- 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 has been discounted.

A do less or smaller scale development has been considered and dismissed as a realistic option since this will not achieve the conservation and development outcomes sought under the LHRS and LHRCP.

Due to the strong design principles established throughout the charette process and the site's opportunities and constraints, a single option was prepared and considered, with only minor variations considered with regard to access and road layouts. The option is provided in Figure 6 below.

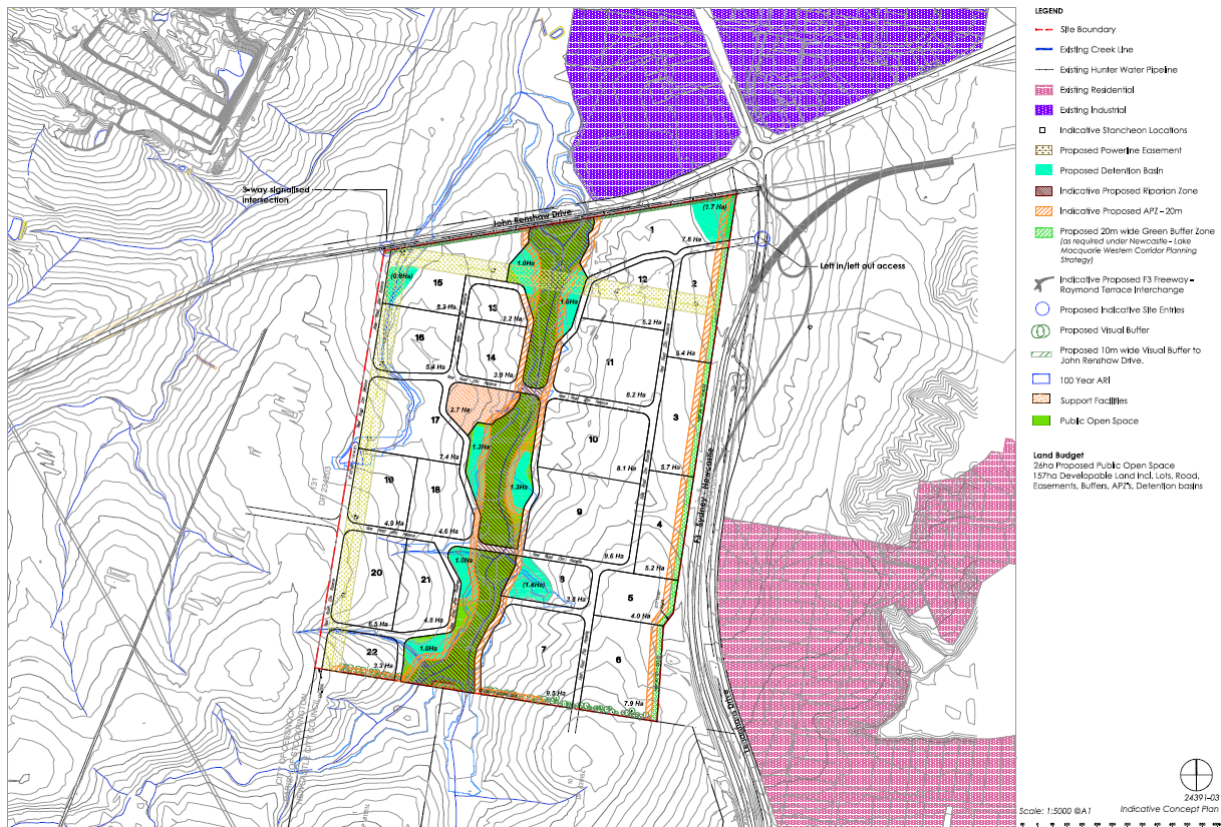


Figure 6 – Preferred Option

The option was selected because:

- It is consistent with the LHRS in creating employment lands on the site.
- The Concept Plan will enable a range of employment generating activities, and support outlined previously.
- The Concept Plan also makes provision for:
 - Appropriate road and access layout;
 - Riparian green buffer;
 - Central location for support facilities; and
 - Associated infrastructure arrangements;

4.5 Stages of Project

An indicative staging plan has been prepared which demonstrates that the site will be developed in a series of 6 stages moving progressively south from John Renshaw Drive as roads and essential infrastructure are provided.

An existing mining consent over the Black Hill site will defer development until post June 2013. Separate approvals will also need to be sought for the construction of individual buildings on the site.

The staging plan is provided in Figure 7.

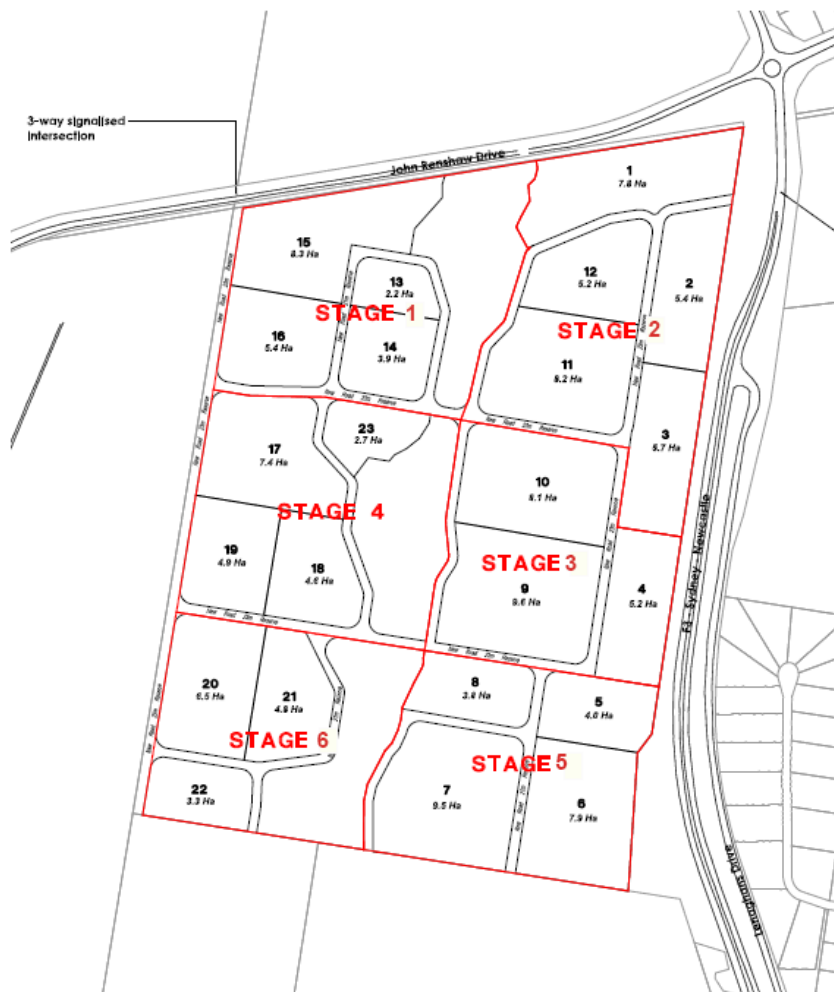


Figure 7 – Indicative Staging Plan

5 Environmental Planning Assessment and Guidelines

Consistent with the provisions of the Environmental Planning & Assessment Act 1979, the DGEAR's requires the proponent to consider all relevant State Environmental Planning Policies; applicable planning instruments; and relevant legislation and policies.

The project has already been referred to the Commonwealth, Department of the Environment, Water Heritage and the Arts pursuant to the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provisions and has not been declared a "controlled action". No further referrals are required for this project under the EPBC Act.

5.1 Relevant Planning Provisions & Policies

The following existing and draft state, regional and local planning controls and policies apply to the site:

- Lower Hunter Regional Strategy.
- Lower Hunter Regional Conservation Plan.
- Hunter Regional Environmental Plan 1989 (Heritage).
- SEPP Major Developments.
- SEPP – Mining Petroleum and Extractive Industries (2007).
- SEPP 26 Littoral Rainforests.
- SEPP 33 – Hazardous and Offensive Development.
- SEPP 44 Koala Habitat Protection.
- SEPP Infrastructure (2007).
- SEPP 55 Remediation of Land.
- Newcastle Lake Macquarie – Western Corridor Planning Strategy.
- Draft NSW Centres Policy.
- Newcastle Local Environmental Plan 2003.
- Review of Infrastructure Contributions Planning Circular PS08-017; and
- Planning for Bushfire Protection 2006.

The following sections of the report address the proposed Concept Plan relative to applicable provisions under the above planning instruments and policies.

5.2 Lower Hunter Regional Strategy

The purpose of the LHRS is to ensure that adequate land is available and appropriately located to sustainably accommodate the projected housing and employment needs of the region's population over the next 25 years. It is the principal document upon which Environmental Planning Instruments (EPIs) and major land use and development decisions in the Lower Hunter should be based.

The NSWG released the final LHRS on 17 October 2006. It is understood that Cabinet re-endorsed it in December 2009. The LHRS plans for population growth of 160,000 people by the year 2031 and the creation of up to 66,000 new jobs over the same period.

The Black Hill site is specifically designated as proposed employment land and is strategically located at the intersection of the F3 Freeway and John Renshaw Drive, providing good road access.

The benefits of this location are recognised in the LHRP which notes that employment lands at Black Hill contribute to the viability of a future Freight Hub Precinct in the locality.

Once operational, it is estimated that the Black Hill site will deliver up to 3,600 direct full time equivalent jobs and will support a further 9,000 jobs in the wider economy resulting from multiplier effects. The project will provide total flow-on additional economic effects of \$1,000m from expenditure by recipients of the primary income.

The Black Hill site will therefore assist in achieving the forecast employment growth in the Lower Hunter Region.

The proposed dedication and rezoning of the 147 hectare Tank Paddock site and 398ha of the Stockrington site for the highest conservation purposes will be an important contribution to the Environment and Natural Resources Outcomes and Actions in the LHRP. This contribution is crucial in achieving the state government's objective of securing major conservation corridors which is an integral element to the LHRP.

5.3 Lower Hunter Regional Conservation Plan

The NSWG released the Lower Hunter Regional Conservation Plan (LHRCP) in December 2009. The plan is a key and complimentary component of the LHRP as it establishes the key principles and actions proposed to achieve the biodiversity and conservation outcomes that have been outlined in the LHRP.

The LHRCP is focused on the next 25 years and seeks to establish a framework to guide conservation efforts in the Lower Hunter. While the objectives of the LHRCP focus solely on biodiversity values, it acknowledges that, in some instances, the application of sound planning principles will result in unavoidable biodiversity impacts. It notes that whilst the LHRP proposed development footprint to maximise use of already cleared or degraded land, there will be losses of biodiversity values as the LHRP is implemented, including areas of high conservation value vegetation.

Future proposed developments in the Lower Hunter will be assessed against the LHRCP. Impacts to biodiversity, including threatened species, should be first avoided or mitigated. Where appropriate, the Government will consider offsetting future development by entering into planning agreements with the developer. Under these agreements the developer is required to dedicate free of cost land that has been identified as having conservation value. Where appropriate, such land could be incorporated into the reserve system. Offsets will be developed in accordance with government policy and guidelines.

Priority for offsets will be in areas that make the most significant conservation contribution in the Lower Hunter. Such freehold land will contribute to the creation of the three priority corridors within:

- The Watagan Ranges to Port Stephens.
- The South Wallarah Peninsula.
- Werakata National Park.

Relative to the LHRCP, the proposal for Coal & Allied's Black Hill site is significant due to:

- The site is located within the area identified in the LHRCP as a green conservation corridor. The proposed dedication of 147ha of conservation land at Tank Paddock and 398ha of the Stockrington site will make a significant contribution to achieving a key objective of the LHRCP which is securing major conservation corridors, notably the Watagan Stockton corridor.
- The proposed development of Black Hill on 183ha of land will be offset through the proposed dedication of 545ha of conservation land; and
- The proposed dedication will make a significant contribution to achieving key biodiversity objectives contained in the LHRCP including expanding and strengthening the value of key corridor linkages.

5.4 State Environmental Planning Policy (Major Development)

State Environmental Planning Policy (Development Project) 2005 (the “Major Development SEPP”) came into effect on 25 May 2005. This SEPP identifies “Major Projects” that are subject to the Part 3A provisions under the Environmental Planning & Assessment Act 1979 (EP&A Act), for which the Minister for Planning is the approval authority.

The Minister for Planning has formed an opinion under Clause 6 of the Major Development SEPP that the proposal is of a kind described in Group 5 in Schedule 1 (classes of development) of State Environmental Planning Policy - Major Development (2005) (Major Development SEPP). With respect to the subject project, the project was declared to be a Major Project by the Minister for Planning on 7 July 2010.

In addition to the above statutory Major Development provisions, the subject site is required to be listed under Schedule 3 of the Major Development SEPP as a State significant site prior to determination of the Concept Plan. In considering whether to include the site in Schedule 3, the DOP has required a study to be carried out that addresses the following matters:

- The State or regional planning significance of the site (having regard to the Guideline for State Significant sites under the Major Projects SEPP);
- The suitability of the site for any proposed land use taking into consideration environmental, social and economic factors, the principles of ecologically sustainable development and any State or regional planning strategy;
- The means in which developer contributions should be secured in respect of the site;
- The likelihood of the proposed rezoning for employment purposes achieving the desired outcomes of the State Government’s regional strategies and the Western Corridor Planning Strategy;
- The implications of any proposed land use for local and regional land use, infrastructure, service delivery and natural resources planning;
- The recommended land uses and development controls for the site that should be included in Schedule 3 of the Major Development SEPP;
- Those parts of the site which should be subject to Part 4 of the EP&A Act, with Newcastle City Council the relevant consent authority; and
- Appropriate arrangements for the ongoing management of land by Council for open space purposes, including consultation with the relevant Council.

The State Significant Site listing/rezoning application has been submitted to the DoP concurrently with this Concept Plan under this Major Development Application.

5.5 SEPP 33 – Hazardous and Offensive Development

State Environmental Planning Policy 33 – Hazardous and Offensive Development ensures measures are proposed to reduce the impact development in determining whether a development is a hazardous or offensive industry. The policy also ensures that sufficient information is provided to assess whether any development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact.

The Applying SEPP 33 (Consultation Draft) Guidelines of July 2008 notes that SEPP 33 applies to any proposals which may be determined as ‘potentially hazardous industry’ or ‘potentially offensive industry’.

These may involve handling storing or processing a range of substances which in the absence of locational, technical or operational controls that may create an off-site risk or offence to people, property or the environment. Such activities would be defined as potentially hazardous or potentially offensive. Any future use at the site will accord with the requirements of SEPP 33 as part of any future Project Application.

5.6 State Environmental Planning Policy 44 – Koala Habitat Protection

State Environmental Planning Policy No 44 - Koala Habitat Protection aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to ensure the permanent free-living population will be maintained and increased. The SEPP requires an assessment of the core koala habitat of sites subject to development proposals prior to determination of development applications.

The Ecological Assessment Report for the Black Hill site prepared by RPS included at **Appendix F** has assessed the potential for Koala Habitat on the site.

Field studies concluded that despite the occurrence of Koala feed tree species including *Eucalyptus punctata* (Grey Gum) and *Eucalyptus grandis* (Flooded Gum) within the site, there were no direct observations of Koalas or secondary evidence suggesting that Koalas might have used the site recently. Furthermore, records for Koalas are limited to relatively distant off site areas to the south and southwest of the site and there are no recent records of this species within the site or its vicinity.

Due to the presence of Koala feed and browse trees the site can be regarded as 'Potential Koala Habitat' according to the provisions of SEPP 44. However despite the occurrence of 'Potential Koala Habitat' within the site, the lack of indications within the site suggest that Koalas are not using the site as part of the range of a local population. As such, it is considered that no further provisions of this policy apply to the site and that it does not constitute "Core Koala Habitat".

5.7 State Environmental Planning Policy 55 – Remediation of Land

State Environmental Planning Policy No 55 Remediation of Land (SEPP 55) states that land must not be rezoned or developed unless contamination issues have been considered and, where relevant, land has been appropriately remediated.

A Preliminary Contamination, Geotechnical and Mine Subsidence Assessment has been prepared by Douglas Partners and is included at **Appendix G**. The assessment identifies potential site contaminants and indicates the absence of gross contamination. It notes that the site is considered to be generally suitable for the proposed development in accordance with SEPP 55 and NSW EPA guidelines, providing the following conditions, which are included in the Draft Statement of Commitments are met prior to the issue of the subdivision certificate for each stage:

- Additional contamination assessment is required for the former Ironbark Colliery site, including the abandoned portal in accordance with SEPP 55 and NSW DECCW guidelines and further assessment of surface fibro.
- No subsurface investigation or laboratory testing was undertaken on the Boral asphalt plant in the north east corner of the site. Additional investigations are required to assess the condition of the Boral site and Boral are required to remediate the site prior to its lease expiry.
- A Remediation Action Plan is to be prepared based on the results of the detailed contamination assessment. The RAP is to be verified through the NSW DECCW site auditor process.
- Appropriate remediation is to be conducted to remove identified contaminants.
- Car wrecks, deleterious materials and possible associated surface impacts (if encountered) are to be removed.
- Validation testing and verification is to be undertaken.
- Validation of asbestos contamination and removal should be conducted by a qualified asbestos consultant.
- Waste classification to DECCW guidelines of any materials destined for off-site disposal at a licensed landfill.

5.8 State Environmental Planning Policy – Infrastructure

State Environmental Planning Policy (infrastructure) 2007 (Infrastructure SEPP) aims to facilitate the delivery of infrastructure across the State by improving regulatory certainty and efficiency.

The draft Schedule 3 SSS listing/rezoning for the site proposes that all development for the purpose of a public utility undertaking that is carried out on land across the entire Black Hill, Tank Paddock and Stockrington sites do not require development consent. Furthermore, the draft Schedule 3 SSS listing/rezoning for the site proposes that bushfire protection requirements; earthworks; electricity generating works; flood mitigation works, public utility undertakings; drainage; environmental protection works, roads, sewerage system, telecommunication facilities, water supply system are permissible without development consent in the proposed IN1 General Industrial Zone.

The provision of infrastructure services are discussed in detail within the Infrastructure Study prepared by Cardno included at **Appendix H** has been prepared in consultation with relevant authorities. It identifies that the site can be adequately serviced in terms of infrastructure. Further consultation with authorities will occur as part of the Part 3A referral process by the DoP to ensure the timely and efficient delivery of infrastructure works at each stage. The requirements for each authority will be further addressed during the assessment process and at the relevant subdivision stage.

Any future works to be undertaken by or on behalf of a public authority will require consideration to the relevant considerations of the Infrastructure SEPP.

Traffic impacts to the safety, efficiency and ongoing operation of John Renshaw Drive and the F3 Freeway will be minimised through appropriate design and upgrading of intersections to the proposed estate. The traffic impact assessment has been undertaken by Hyder consulting (refer to **Appendix P**).

Noise impact assessment has been undertaken by Renzo Tonin & Associates in respect to impacts from traffic noise of the surrounding traffic network to the proposed development (refer to **Appendix L**).

5.9 State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

In recognition of the importance of the mining, petroleum production and extractive industries the policy seeks to control the use of land for these purposes throughout NSW.

Based on the results of the desktop review, the site is not within a proclaimed mine subsidence district. It is understood that a shallow portal tunnel was constructed however the portal was never driven and that the Department of Primary Industries – Minerals has no records of mine workings below the site.

Future mining by Abel coal mining operations is proposed below the site, which will affect the timing and design of the proposed development. Ongoing discussions with Abel Mine indicate the site will be suitable for development once the mining and associated subsidence is complete, which, in accordance with the consent for the mine, is required to be prior to 30 June 2013.

It is expected that for NSW Mines Subsidence Board (MSB) approval to be provided for development at the site, monitoring of subsidence will be required to confirm that substantial subsidence is complete and some development restrictions are likely to apply.

Pursuant to State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007, the consent authority is required to consider the compatibility of proposed development with mining, petroleum production or extractive industry. In considering this, the consent authority must consider the following:

- the existing and approved uses of land in the vicinity of the development.
- whether or not the development is likely to have a significant impact on current or future extraction or recovery of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of, those resources).

- any ways in which the development may be incompatible with any of those existing or approved uses or that current or future extraction or recovery.
- evaluate and compare the respective public benefits of the development and the uses, extraction and recovery referred to above.
- evaluate any measures proposed by the applicant to avoid or minimise any incompatibility.

In this instance the fact the no development will occur until all sub surface mining has been completed means that these matters can be satisfied. In addition, future development will be subject to discussions with DARZL and the MSB.

5.10 Draft NSW Centres Policy

The NSW Government released the Draft Centres Policy: Planning for Retail and Commercial Development (Draft Centres Policy). The Draft Centres Policy provides a planning framework for the development of new and existing retail and commercial centres in NSW.

The Draft Centres Policy retains the NSW Government's long-standing policy to encourage new retail development in existing centres. It also sets out that the planning system should be flexible to enable centres to grow, in addition to new centres to form. The Draft Centres Policy recognises that the market is best placed to determine the need for development and seeks to ensure that the supply of available floor space accommodates demand. The Draft Centres Policy encourages all centres to provide opportunities for a range of retail and commercial development to enable them to continue to prosper.

A single IN1 General Industrial zone across the entire Black Hill site is proposed, to enable the following permissible uses:

Advertising structure, business identification sign, car park, depot, food and drink premises, freight transport facility, hazardous storage establishment, industry, industrial retail outlets, light industry, neighbourhood shops, office premises (that are ancillary to development for another permitted purpose), passenger transport facility, service station, signage, standard industry, take away food or drink premises, timber and building supplies, transport depot, truck depot, vehicle repair station, warehouse or distribution centre.

Neighbourhood shops are not to be greater than 150m² GFA.

The following additional uses are proposed to be permissible (in addition to the standard IN1 uses) within the Core Supporting Facility Area:

Business premises, child care centres, community facility, health consulting rooms, hotel accommodation, medical centre, recreation area, recreation facility (indoor), restaurant, retail premises.

The proposed uses within Core Supporting Facility Area are justified for the following reasons:

- Given that Black Hill does not abut a major urban area, the chance to provide business premises, childcare centres, leisure/recreation, etc would enable workers to meet all of their daily needs whilst at their place of employment without having to travel additional distances by car to find these services. Similarly, the provision of a motel would be sensible and not uncommon as it would enable people undertaking business visits to stay overnight without having to undertake additional travel.

- Supporting uses will be restricted to a core supporting facilities area located in the centre of the site. The core supporting facilities area would not pose a significant impact on the existing / emerging centres hierarchy but will ensure future employees at the Black Hill site will have access to a range of ancillary dining, leisure and services facilities on site so that they will have no need to make off-site car journeys during the working week. This will help reduce the number of trips made in the wider network by car and aims to encourage on site walking and cycling in accordance with the principles of a Green Travel Plan.

In respect of retail and commercial development in an IN1 Zone, the draft Centres Policy notes that:

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

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

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

- Neighbourhood shops are included as a permissible use in the IN1 Zone under the State Government’s Standard Instrument—Principal Local Environmental Plan.
- Given the large size of the site (183ha) neighbourhood shops will be permissible across the entire site. This is to ensure basic convenience needs are within walking distance of all future employees on the site. However, the size of neighbourhood shops on the site will be restricted to 150sqm. Therefore, restricting their role to only supporting the daily needs of the local workforce. This is in accordance with the draft Centres Policy.
- Timber and building supplies includes the display, sale (whether by retail or wholesale) or hire of goods or materials that are used in the construction and maintenance of buildings. This is supported by the Department of Planning release of *Draft Centres Policy Planning For Retail And Commercial Development* for public consultation which seeks to mandate hardware and building supplies as a permissible use with consent in the B5 Business Development Zone, the IN1 General Industrial and the IN2 Light Industrial Zone. It is considered that the environmental impacts such as traffic generation, etc are comparable to the proposed industrial uses on the Black Hill site. This is therefore in accordance with the draft Centres Policy. There is likely to be strong demand for this type of use for any trades people based, or regularly visiting, at the Black Hill site. There may also be construction-related industries locating at Black Hill, and access to timber and building supplies would be an important contributor to the success of these businesses.
- Timber and building supplies stores are commonly found in general or light industrial zones throughout NSW. It is considered that their impacts are comparable to the proposed industrial uses on the Black Hill site. This is therefore in accordance with the draft Centres Policy.

Further justification of the proposed retail uses at the site are provided in the Social Infrastructure Study at **Appendix I**, which states:

- The Black Hill Employment Area (BHEA) is anticipated to accommodate approximately 3,000 workers on completion of full development (assuming an employment density of 15-17 workers per hectare).

- The proposed retail use is centrally located within the BHEA and is focused on the worker market and also on local businesses. It will therefore service the growing requirements of the workforce and businesses, providing a convenience role that is not able to be fulfilled by the existing developments in surroundings areas given the relatively large distance that workers would be required to travel.
- The main competitive facilities within the region are a few small food retailers interspersed within the industrial areas and service stations located either side of John Renshaw Drive at Beresfield. These provide only small retail offerings that serve the needs of the local workers and passing trade related to the Sydney-Newcastle Freeway. There are no other major retail facilities within the worker trade area of the proposed retail centre as part of the BHEA.
- In the event that retail facilities were not provided in the BHEA, workers would have to travel to the limited facilities at Beresfield or centres remote from the BHEA such as Kurri Kurri, Thornton or Maitland in order to satisfy the majority of their retail needs.
- The worker retail expenditure market generated by the BHEA workforce during the course of their working day is estimated at \$3.1 million (\$2010) per annum once fully established. This assumes an average daily spend of \$4.50 per worker over an average working year of 230 days.
- Additional trade from other sources such as delivery drivers from outside the area and other visitors could be as high as 20% of total trade. In addition business to business retail services (assuming an average spend of \$500 per employee per annum) could generate an additional \$1.5m per annum. On this basis total retail expenditure generated with BHEA could be in the order of \$5.22 million (\$2010).
- Assuming an average turnover of \$4,000 per sqm, this level of worker expenditure within the BHEA would require approximately 1,300 sqm of retail net lettable floorspace. In addition demand for related non-retail services, such as accountants, solicitors offices and doctor's surgery could create demand for an extra 500 sqm floorspace in addition to other non-retail related services such as a child care centre.
- Market growth will ensure that other centres will generate turnover well in excess of existing levels, while this proposed development would not be expected to result in any reduction in the overall provision of retail facilities and services of the local community. In fact in this case, the overall provision of retail services and facilities is not reduced, but significantly improved by the proposed development at BHEA. The growing worker population in the area needs to be supplied with these basic convenience type retail facilities as soon as they can be supported by the market.

The Concept Plan seeks 1,300sqm of net lettable retail floor space in the Additional Uses Area based on the retail trade analysis in the Social Infrastructure Study (**Appendix I**) up to 2032.

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

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

The proposal is in accordance with the Draft NSW Centres Policy.

5.11 Developer Contributions

5.11.1 State Infrastructure Contributions

Coal & Allied has offered to enter into a Voluntary Planning Agreement (VPA) with the State Government for the payment of monetary contributions, land dedications or works in kind for the provision of regional infrastructure as determined by the NSW state government

The NSW Department of Planning has developed a draft plan to streamline the contributions process for regional infrastructure in the Lower Hunter region. The plan is proposed for those non-urban lands that are rezoned to residential and industrial purposes and will fund a wide range of road, education, emergency services, health and regional open space infrastructure.

Coal & Allied has offered to pay the State Infrastructure Contribution rate current at the time of future development applications, offset by land dedications and any appropriate "works-in-kind". This will be the subject of future negotiations with the NSW Dept of Planning pending the outcome of the regional infrastructure contribution determination;

At the time of writing, The Lower Hunter Special Infrastructure Contributions Plan is a draft document on exhibition. As a result, State Infrastructure Contributions will be in accordance with any plan once finalised.

Coal & Allied have identified commitments towards State Infrastructure Contributions under the Draft Statement of Commitments at Appendix C.

5.11.2 Section 94A Contributions

Coal & Allied will commit to the payment of a monetary contribution, or dedication of land/carrying out of work for local infrastructure under the Newcastle City Council (NCC) Section 94A Development Contributions Plan 2006, (currently 1% of the development cost), applicable at the time of Concept Plan Approval. The total amount of monetary contribution will be made by either dedication of land based on an agreed value free of costs to NCC, payment of contribution, or works in kind, or any combination of them.

Coal & Allied also propose to offer to enter into an Agreement with Newcastle City Council.

Coal & Allied has offered to enter into a Voluntary Planning Agreement with the NSWG via the DoP. For further detail, refer to the Social Infrastructure Study at **Appendix I** and Draft Statement of Commitments at **Appendix C**.

5.12 Newcastle Local Environmental Plan (LEP 2003)

The Newcastle LEP 2003 applies to the Black Hill site and currently zones the site as a 7(C) Environmental Investigation Zone. The Objectives of the Zone are as follows:

- *To provide for the development of land for purposes which will not, or will be unlikely to, prejudice its possible future development for urban purposes or its environmental conservation.*
- *To conserve the rural or bushland character, and the biodiversity values or other conservation values, of the land.*

Employment uses are prohibited within the zone. Thus whilst the zoning acknowledges the potential future use of the land for urban purposes, the proposed employment uses are not permissible under the current controls.

Tank Paddock is currently zoned 7(b) Environmental Protection. The Objectives of the Zone are as follows:

- *To provide for the conservation, enhancement and protection of environmentally sensitive land, particularly wetlands.*
- *To allow limited development where it is unlikely to have a significant detrimental effect on the growth of natural communities, the survival of native wildlife populations, the provision and quality of habitats for indigenous and migratory species and the surface and ground water characteristics of the site.*
- *To provide for the management of the majority of the Hunter River flood plain by restricting the type and scale of development to that compatible with the anticipated risk to life and property.*

Although the Tank Paddock, which is proposed to be dedicated to NSWG, is currently zoned for environmental protection it is also in private ownership. Consequently these lands cannot be protected in accordance with NPWS best practice and it is quite possible that the zoning and use of the land will be subject to change over time. If the land is rezoned to the highest conservation zoning available under the Standard Instrument – Principal LEP (E1 National Parks and Nature Reserves) and dedicated to NSWG it will be protected in perpetuity. This is a significant gain to the community.

As discussed, the proposed Concept Plan seeks to facilitate employment generating uses at the Black Hill site which are not permissible under the existing planning provisions, therefore the State Significant Site listing/rezoning is proposed under the Major Development SEPP.

This approach will provide the statutory mechanism for approval of the Concept Plan and associated future development and will rezone Tank Paddock to a higher level of conservation status.

The Black Hill Concept Plan is generally consistent with the aims and objectives of the Newcastle LEP, as outlined in the table below:

Table 3 – Alignment with LEP aims and objectives

Aim / Objective	Response
<p>Aim 1:</p> <p><i>To respect, protect and complement the natural and cultural heritage, the identity and image, and the sense of place of the City of Newcastle</i></p>	<p>The Concept Plan will facilitate the proposed development of employment lands which are integrated with the landscape setting and context of the site, whilst creating a sense of place through design guidelines and a range of complementary facilities.</p>
<p>Objective - Development should:</p> <ul style="list-style-type: none"> ▪ respect and build upon positive aspects of local character and amenity, and ▪ contribute positively to the public domain, namely its urban streetscapes and open spaces, or its rural 	<p>The Concept Plan identifies green buffer zones, a riparian zone and visual buffering which will all contribute to creating a pleasant environment for future workers.</p>

Aim / Objective	Response
<p>and natural landscapes, and</p> <ul style="list-style-type: none"> ▪ conserve the environmental heritage of the City of Newcastle, and ▪ conserve the heritage significance of the existing built fabric, relics, settings and views associated with identified heritage items and heritage conservation areas, and ▪ ensure that archaeological sites and places of Aboriginal heritage significance are conserved, and ▪ protect places and structures which have the potential to have heritage significance but have not been identified as heritage items, and ▪ ensure that nominated heritage conservation areas retain their heritage significance. 	
<p>Aim 2: <i>To conserve and manage the natural and built resources of the City of Newcastle for present and future generations, and to apply the principles of ecologically sustainable development (ESD) in the City of Newcastle.</i></p>	<p>An ESD strategy has been prepared which will guide future development across the site.</p>
<p>Objective - Development should:</p> <ul style="list-style-type: none"> ▪ protect and enhance biodiversity, and ▪ minimise the use of non-renewable resources and optimise the use of renewable resources, and ▪ minimise, and where possible eliminate, waste and pollution, and ▪ rehabilitate soil, water and vegetation, where damaged by past activities, and ▪ address natural hazards and other risks such as flooding, bushfire, mine subsidence, landslip, coastal inundation, soil and groundwater contamination, acid sulphate soils and the like, and ▪ ensure buildings are designed to be capable of being readily adapted for reuse for one or more purposes. 	<ul style="list-style-type: none"> ▪ The Concept Plan is consistent with these aims and objectives by outlining a development concept which will adopt an ecologically sustainable approach to development on the site. ▪ The technical reports accompanying this application demonstrate that any adverse site conditions can be addressed satisfactorily. ▪ The Coal & Allied conservation land dedication will also make a major contribution to protecting and enhancing regional biodiversity and is an integral element to the LHRS and LHRCP.
<p>Aim 3: <i>To contribute to the economic well being of the community in a socially and environmentally responsible manner</i></p>	<ul style="list-style-type: none"> ▪ The Concept Plan promotes a broad range of economic, social and environmental benefits that will facilitate a major contribution to economic development within the Newcastle LGA.
<p>Objective - Development should:</p> <ul style="list-style-type: none"> ▪ where possible create sustainable employment opportunities, and ▪ contribute to a greater degree of economic and employment self-sufficiency in the City of Newcastle, its urban centres and its neighbourhoods, as well as in the Hunter Region, and ▪ not jeopardise the ongoing operation and potential of the port of Newcastle, the adjacent industrial lands and the associated significant freight transport undertakings, and 	<ul style="list-style-type: none"> ▪ Once operational, it is estimated that the Black Hill site will deliver up to 3,000 direct full time equivalent jobs and will support a further 7,600 jobs in the wider economy resulting from multiplier effects. The project will provide total flow-on additional economic effects of \$1,000m from expenditure by recipients of the primary income. ▪ The site is strategically located at the intersection of the F3 Freeway and John Renshaw Drive, providing excellent road access in all directions. ▪ The benefits of this location are recognised in the LHRS which notes that employment lands at Black Hill will support the future Freight Hub Precinct which is proposed in the vicinity of the site and

Aim / Objective	Response
<ul style="list-style-type: none"> reinforce the roles of established urban centres in their present hierarchy, comprising the city centre, the district centres and the local centres, as generally described in the Newcastle Urban Strategy, and contribute positively to urban centres being focal points for employment, particularly in the service sectors of the economy, and provide for home based businesses that are compatible with the character and amenity of the neighbourhood in which they are to be located, and take advantage of and contribute to those locations not in urban centres, which are valuable to the economy of the City of Newcastle and the Hunter Region. 	<p>which will provide a central focal point and distribution hub for goods from Northern NSW, Western NSW, Queensland and Sydney.</p> <ul style="list-style-type: none"> The Concept Plan is therefore consistent with the LEP aims and objectives in this regard.
<p>Aim 4:</p> <p><i>To improve the quality of life and well being of the people of the City of Newcastle.</i></p>	<ul style="list-style-type: none"> The Concept Plan promotes a broad range of economic, social and environmental benefits that will contribute to an enhanced quality of life for people within the LGA.
<p>Objective: Development should:</p> <ul style="list-style-type: none"> maximise positive social impacts and eliminate or minimise potentially detrimental social impacts, and optimise safety and security, both for the development and for the public realm, and promote inclusiveness in the provision of access to accommodation, facilities or services, and contribute positively to the functional efficiency, accessibility and urban quality of the City of Newcastle, and ensure adequate provision of utility services. 	<ul style="list-style-type: none"> The Concept Plan proposes a range of supporting social infrastructure for the emerging workforce within the precinct, whilst the final design will ensure that development is safe, secure and provides and attractive public realm.
<p>Aim 5:</p> <p><i>To facilitate a diverse and compatible mix of land uses in and adjacent to the urban centres of the City of Newcastle, to support increased patronage of public transport and help reduce travel demand and private motor-vehicle dependency.</i></p>	<p>The ESD strategy prepared in support of the concept plan includes targets which seek to:</p> <ul style="list-style-type: none"> reduce car dependency through providing and promoting public transport and pedestrian and cyclist access, integrating key destination points; and ensure that development is well linked with existing transport infrastructure.
<p>Development should:</p> <ul style="list-style-type: none"> contribute to the diversity of and synergies between activities in and around urban centres, including housing, employment, service delivery and community activity, and contribute positively to urban centres being places that are and will become more highly desirable places in which to reside as well as work, and optimise the shared use of streets and parking facilities, while improving or creating a safe, attractive, friendly and efficient pedestrian and cycling environment. 	<ul style="list-style-type: none"> The Concept Plan proposes a range of employment generating uses within allocated employment lands. This will contribute to a critical mass of employment generating uses, linked to the existing Holmwood Business Park to the north and the future Freight Hub Precinct which is proposed in the vicinity of the site and which will provide a central focal point and distribution hub for goods from Northern NSW, Western NSW, Queensland and Sydney.
<p>Aim 6:</p>	

Aim / Objective	Response
<i>To encourage a diversity of housing types in locations that improve access to employment opportunities, public transport, community facilities and services, retail and commercial services, and the like</i>	n/a – no housing is proposed.
Development should: <ul style="list-style-type: none"> ▪ facilitate improved housing choice for the people of the City of Newcastle, and ▪ add to the stock of urban housing in and within a reasonable walking distance of local centres, district centres, the city centre, and other public transport nodes, and ▪ ensure that urban housing is constructed in a manner that can accommodate or be adapted to the needs of a variety of household types. 	<ul style="list-style-type: none"> ▪ n/a – no housing is proposed.

5.13 Cessnock Local Environmental Plan 1989

The Stockrington lands are partly situated within the Cessnock local government area and are zoned 1(a) Rural under the Cessnock Local Environmental Plan 1989.

No development is proposed on these lands, which are proposed to be dedicated to NSW Government as conservation lands. As part of the proposed State Significant Site listing, it is proposed to zone the land from 1(a) Rural to E1 National Parks and Nature Reserves to enable the land to be conserved in perpetuity. Further details regarding zoning of the land is contained within the State Significant Site Schedule report that accompanies the Concept Plan application.

A draft Cessnock Local Environmental Plan (draft LEP) has been prepared to meet the requirements of the NSW Department of Planning Standard LEP template in accordance with the *Standard Instrument (Local Environmental Plans) Order 2006*. The proposed changes to the draft LEP were exhibited in accordance with s57 of the Environmental Planning and Assessment Act 1979 for a period of four weeks finishing 4 August 2010.

The proposed zone in the Draft LEP is RU2 Rural Landscape.

Under the draft Cessnock LEP, the SSS proposal submitted with the Concept Plan application proposed the Stockrington land be zoned as E1 – National Parks and Nature Reserves.

The proposal is generally in accordance with the aims and objectives of the draft LEP zones.

5.14 Newcastle – Lake Macquarie Western Corridor Planning Strategy

Identified as regionally significant under the LHRS, the Western Corridor stretches from Beresfield to Killingworth, and has land in both Newcastle and Lake Macquarie Local Government Areas. The Black Hill site is located within the Western Corridor Planning Strategy area.

The Newcastle – Lake Macquarie Western Corridor Planning Strategy (Western Corridor Planning Strategy) was released in October 2008 and provides a framework to guide growth and development in the Western Corridor over the next 25 years. A revised consultation draft of the Western Corridor Planning Strategy was issued by DoP in April 2009 and placed on public exhibition with a final document adopted in July 2010.

The Western Corridor Planning Strategy, once finalised, will help implement the LHRS by identifying the key planning principles and known infrastructure requirements for the western corridor to guide future urban expansion and conservation outcomes.

The planning principles and infrastructure requirements will be key considerations in the preparation of environmental studies that support applications for rezoning under Parts 3 and 3A of the EP&A Act.

The planning strategy will also assist landowners and developers in coordinating the urban structure elements and infrastructure for a site.

This Western Corridor Planning Strategy recognises a potential 1,500 hectares of employment lands in the north (Black Hill) and south (West Wallsend and Killingworth) of the corridor that will provide additional employment opportunities to further strengthen the Hunter Region economy.

Land Use Constraints

The technical reports prepared in support of the Concept Plan application demonstrate that the proposed development of employment lands at Black Hill can adequately address all land use constraints identified in the Western Corridor Planning Strategy with regard to:

- Mine subsidence;
- Flooding;
- Vegetation conservation;
- Bushfire protection; and
- Heritage.

The land use constraints are discussed in detail in the technical Environmental Assessment Reports included with this application.

Transport and Infrastructure

Transport is an important principle in the Western Corridor Planning Strategy, which outlines a plan to extend bus, bicycle and rail networks in addition to strengthening major transport corridors in the Hunter region. The need to reassess access points to/within the Corridor is also identified. The Strategy notes that the Black Hill area has already established itself as an important employment node, taking advantage of its access attributes.

The Western Corridor Planning Strategy provides for new infrastructure that will be required as a result of current demand and future growth. In consultation with relevant authorities, as well as local governments and major stakeholders, the DoP has identified and categorised likely new infrastructure into roads, public transport, power, water/sewerage, education, emergency services, health, and local government. In response, Coal & Allied will make a monetary contribution, or dedication of land/carrying out of work for the following Regional Infrastructure through the VPA process:

- Road infrastructure upgrades.
- Emergency Services involving a contribution towards purchasing land for NSW Fire Brigade, ambulance and police.

Furthermore, the Draft Statement of Commitments commits to the funding and delivery of all on-site infrastructure and services including the following specific infrastructure prior to or in conjunction with the development through the VPA process:

- Electricity from existing network and where required, construction of a separate zone substation or extension of high voltage mains to the service the site.
- New trunk water main to site.
- Sewer.
- Provision of a copper telephone service.

Planning Principles

The Western Corridor Planning Strategy identifies fourteen planning principles that will assist in sustainably meeting these targets. These principles were developed with due consideration to environmental constraints, existing land use patterns and stakeholder consultation.

There is a strong environmental focus in the planning principles, with the preservation of vegetation corridors, sustainability and heritage conservation all to be considered in future development in the Corridor.

A key feature of the Western Corridor Planning Strategy is the Watagans to Stockton Green Corridor that runs through the centre of the Western Corridor.

An assessment against each of the development criteria and planning principles listed in Western Corridor Planning Strategy has been undertaken for the Black Hill site to illustrate its suitability for future employment purposes. The assessment in the following Table shows that the subject land comprehensively satisfies the development criteria and planning principles, based on the most recent version of the Strategy.

Table 4 – Western Corridor Development Criteria and Planning Principles Assessment

Principle	Relevant Development Criteria	Response
A range of land uses to provide the right mix of houses, jobs, open space, recreational space and green space.	<ul style="list-style-type: none"> Future land uses shall be generally in accordance with Map 4 – indicative preferred land uses. New development should incorporate environmentally sustainable development practices in accordance with existing legislation, Council's policies and best practice. Consultation and negotiations with the DECCW at rezoning stage will determine the vegetation offsets for conservation. New development should also consider the implications of climate change in their designs and function. Matters such as rainfall intensity, localised flooding, rising sea levels, water tables and changes to mean temperatures should be considered. The site is traversed by high voltage transmission lines and easements which may require buffers in addition to easements. 	<ul style="list-style-type: none"> The Concept Plan will facilitate a major contribution to economic development within the Newcastle LGA in a recognised employment location. Coal & Allied also propose to dedicate Tank Paddock (147ha) and part Stockrington site (398ha) to the NSWG for conservation purposes as part of the project. The proposed land dedication is crucial in securing the green corridor that links the Watagans National Park with the coast. Map 4 identifies the site for Employment Land Investigation. The proposed use of the site for employment purposes complies. An Ecologically Sustainable Development (ESD) Report was prepared by Ensign and is included in the Concept Plan Environmental Assessment.. The ESD report responds to the DGEARs which details the ESD principles to be adopted within the future development of the site. The Concept Plan has adopted a sustainable approach to development with regard to: <ul style="list-style-type: none"> Proposed dedication of conservation land; Adaption to site features; Use of riparian green buffer; Provision of supporting facilities Stormwater detention; and pedestrian and cycle linkages Coal & Allied is undertaking on-going consultation and negotiations with the DECCW regarding vegetation conservation offsets. GHD has investigated potential flooding impacts, including assessment of climate change impacts on flooding. Refer to the Concept Plan Environmental Assessment. Transmission lines along the western boundary and east/west in the northern section of the site have been considered in the Concept Plan for the site.
Jobs available locally and regionally, reducing the demand for transport services	<ul style="list-style-type: none"> The planning strategy identifies employment lands of around 500 hectares to the north near Black Hill and around 1000 hectares to the south near Killingworth. The provision of an efficient and effective transport network into the employment lands is essential. Specific actions for Black Hill and Killingworth are: 	<ul style="list-style-type: none"> As above, the Concept Plan will facilitate a major contribution to economic development within the Newcastle LGA in a recognised employment location. The site is specifically designated as employment land under the LHRS and is strategically located at the intersection of the F3 Freeway and John Renshaw Drive, providing immediate road connectivity. The Black Hill site was initially identified by the

Principle	Relevant Development Criteria	Response
	<p><i>Black Hill</i>—Access arrangements shall be consistent with Map 3—Access infrastructure map and consider the wider development implications of the potential freight hub. Coordinating shared access and transport linkages into the wider employment area will be the responsibility of council in consultation with the RTA and State Rail.</p> <ul style="list-style-type: none"> Approval authorities and proponents shall have due regard to the visibility of employment lands from the F3 Freeway and include appropriate landscaping, retain green corridors/buffers to the F3 Freeway, and introduce appropriate urban design elements. Future provision of business/commercial zoned land to be based on demands for local retail/service needs of the projected population, level of existing services and retail hierarchy. 	<p>NSWG Premiers Department 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> <ul style="list-style-type: none"> Access to the site is proposed via the F3 Freeway and John Renshaw Drive. The Concept Plan provides adequate screening along the adjacent roadway. It is proposed to provide a 10m vegetated buffer to the northern boundary and 20m to the eastern boundary with a separate 20m APZ. The proposal provides a wide range of employment generating uses and supporting activities on site, which will reduce the number of off site car journeys made during the working week. The site is at the recognised for employment lands located strategically at the intersection of the F3 Freeway and John Renshaw Drive.
Public transport networks that link frequent buses into the rail system.	<ul style="list-style-type: none"> The establishment of a more coordinated and integrated bus service with the wider area to improve connectivity and usage on a subregional scale. The future road network shall be planned and designed to cater for future bus routes and stops. Consultation with the Ministry of Transport will be necessary to plan these connections. 	<ul style="list-style-type: none"> The site is strategically located at the intersection of the F3 Freeway and John Renshaw Drive, providing immediate road connectivity. The proposed development of the site will contribute to the progress of enhanced transport facilities for the area. The indicative subdivision layout has been designed to encourage walking and cycling for future employees on site and it is proposed to provide an off road pedestrian and cycleway along Viney Creek (refer to Concept Plan Environmental Assessment). 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 could be provided during peak hour services.
Easy access to major town centres with a full range of shops, recreational facilities and services along with smaller village centres and neighbourhood shops, streets and suburbs planned so that residents can walk to shops for their daily needs.	<ul style="list-style-type: none"> Direct access off the Major Transport Corridors such as the F3 Freeway, Newcastle Link Road and George Booth Drive will be limited to maintain the efficiency of the transport network. Access arrangements in the Black Hill area are to be consistent with the RTA's proposals for improvements to the network, specifically the proposed new interchange linking the F3 to Raymond Terrace via Hexham. Consultation with the RTA for development within this area is essential. Access proposals should be consistent with the Access Infrastructure Map and appropriate connections implemented. 	<ul style="list-style-type: none"> As per the IN1 Zone in the State Government Standard LEP Template neighbourhood shops will be permissible in the IN1 Zone. However, they will be limited to 150sqm in area. Supporting uses will be restricted to a core supporting facilities area located in the centre of the site. The core supporting facilities area would not pose a significant impact on the existing / emerging centres hierarchy. However, it will ensure future employees at Black Hill will have access to a range of ancillary dining, leisure and services on site so that they will have no need to make off-site car journeys during the working week. This will help reduce the number of trips made in the wider network by car and aims to encourage on site walking and cycling in accordance with the principles of a Green Travel Plan. Access to the site is proposed via the F3 Freeway

Principle	Relevant Development Criteria	Response
		and John Renshaw Drive. Access to the site is discussed in detail in the Traffic Report included in the Concept Plan Environmental Assessment. Coal & Allied is undertaking on-going consultation and negotiations with the RTA regarding access to and from the site.
A wide range of housing choices to provide for different needs and different incomes.	Not applicable	Not applicable
Conservation of land in-and-around the development sites, to help protect biodiversity and provide open space for recreation.	<ul style="list-style-type: none"> Regional conservation lands—the Lower Hunter Regional Strategy and the Lower Hunter Regional Conservation Plan identifies the Watagan to Stockton green corridor. Subregional/local conservation corridors—subregional corridors linking the Watagans to other significant vegetation may be required in the southern part of the western corridor. Green entry statements—the role of ‘green entry’ visual statements into areas or along certain transport routes is recognised. The need to provide a green entry statement along the F3 from the south (Killingworth) to Black Hill for the proposed employment zones and the importance of retaining the visual landscape corridor from the F3 toward Hexham Swamp Wetlands is also recognised. The width of the vegetation corridors will be determined by environmental and visual impact studies taking into consideration biodiversity and the role/s of those corridors. 	<ul style="list-style-type: none"> Due to the dedication of much larger tracts of vegetation within strategic regional corridors, the nature and width of the proposed 20m green buffer zone along the eastern boundary and the proposed green buffer to the southern boundary should not impact upon threatened or regionally significant flora and fauna, ecological communities or populations.

In summary, the proposed development of the Black Hill site for employment purposes and proposed dedication of Tank Paddock and part Stockrington lands to the NSWG for conservation purposes is consistent with the planning principles contained in the Western Corridor Planning Strategy as it will:

- Facilitate a major contribution to economic development within the Newcastle LGA in a recognised employment location. The site is specifically designated as employment land under the LHRS and is strategically located at the intersection of the F3 Freeway and John Renshaw Drive, providing immediate road connectivity.
- Provides a wide range of employment generating uses and supporting activities.
- Result in the dedication of 545ha of land to NSWG for conservation purposes, which will help secure the conservation corridor between the Watagan Ranges and Stockton Bight.
- Provide a riparian green buffer to Viney Creek and vegetated buffers to the eastern and southern boundaries.
- Provides the flexibility to include a link road to land to the south has been incorporated in the Concept Plan. Any future access would need to be the subject of any third party DA for adjacent lands.

5.15 City of Newcastle Economic Development Strategy

The City of Newcastle Economic Development Strategy dated June 2000 applies to land within the Newcastle LGA. Whilst the strategy is now 8 years old, the proposed development at the Black Hill site will make an important contribution to the relevant strategy targets which are:

- Sustaining local businesses, jobs and reinvestment;
- Growing local business, jobs and opportunities;
- Attracting external businesses and investment; and
- Matching external investment with local investment.

The Black Hill Concept Plan is also consistent with the Economic Development Strategy objectives outlined in the table below:

Table 5 – City of Newcastle Economic Development Strategy Objectives

Objective	Response
Provide clear zoning and planning guidelines	This Concept Plan application and the accompanying State Significant Site listing report provide a clear and concise planning framework for the site.
Provide clear Development Approvals processes	<ul style="list-style-type: none"> ▪ The DGEARs have set out a clear approval process for the assessment of this application. ▪ The proposed inclusion of the Black Hill site as a State Strategic Site in the Major Development SEPP will provide adequate zoning provisions to guide future development, in line with the NSW Standard LEP template.
Promote and market Newcastle as an investment location	<ul style="list-style-type: none"> ▪ The proposed use of the site for employment lands provides an opportunity to further promote the availability of large employment sites to potential investors.
Contribute to the assessment of Development Applications with significant economic impact	<ul style="list-style-type: none"> ▪ The City of Newcastle Council will be consulted during the assessment of the Concept Plan.
Develop a distinctive regional branding and marketing platform	<ul style="list-style-type: none"> ▪ The creation of an attractive employment site and the opportunity to attract new and emerging businesses has the potential to contribute to regional branding and marketing.
Contribute to a coherent Regional Economic Development Strategy	<ul style="list-style-type: none"> ▪ The subject site is identified 'employment land' in the LHRS and Western Corridor Planning Strategy.
Develop world-class infrastructure and services to support the economy	<ul style="list-style-type: none"> ▪ The proposed development will contribute to the provision of world class employment lands and a major distribution hub linked to global import and export through Newcastle.
Collaborate with other lead agencies delivering economic projects	<ul style="list-style-type: none"> ▪ The preparation of a Concept Plan for the Black Hill site will involve extensive consultation and collaboration with a range of Government agencies.
Support the development of sustainable industries	<ul style="list-style-type: none"> ▪ The provision of cycle and pedestrian routes and local infrastructure facilities creates the opportunity for sustainable industries.
Actively facilitate the formation of enterprises	<ul style="list-style-type: none"> ▪ Provision of new employment lands will provide an opportunity for the formulation of new enterprises and spin-off economic benefits within the broader economy.
Provide appropriate community facilities	<ul style="list-style-type: none"> ▪ The Concept Plan provides a central location for the siting of

Objective	Response
Develop sustainable communities	<p>supporting facilities to meet the needs of the local labour force.</p> <ul style="list-style-type: none"> New employment opportunities and the designation of additional lands for conservation can all provide significant benefits for communities.

5.16 Planning for Bushfire Protection – NSW Guidance Note

RPS has been engaged by Coal & Allied to undertake a Bushfire Threat Assessment (BTA) for the Black Hill site (**Appendix N**). The main land use for the site will be for light industrial and warehouse, which is classified as Industrial development. Industrial development is not captured under Section 79BA of the *EP&A Act* or Section 100B of the *Rural Fires Acts 1997* (RFS Act 1997). As such it will not require referral or consultation with the Rural Fire Service (RFS). Additionally, the guidelines for residential development, documented within Planning for Bushfire Protection (Rural Fire Service 2001), do not apply.

The Building Code of Australia (BCA) does not provide for any bush fire specific performance requirements and as such AS 3959 does not apply as a set of 'deemed to satisfy' provisions. The general fire safety construction provisions are taken as acceptable solutions, but the aim and objectives of Planning for Bushfire Protection apply in relation to other matters such as access, water and services, emergency planning and landscaping/ vegetation management. These matters have been addressed in this report.

The assessment and recommendations contained within this report are based on Industrial Development. Inclusion of any developments captured under Special Fire Protection Purposes will require further assessment to establish appropriate protection measures as per Planning for Bushfire Protection 2006 (PBP 2006).

However, the consent authority should consider bushfire as a hazard in any assessment under section 79C of the *EP&A Act 1979* as it is clear from the Bushfire Threat investigation and assessment that the Black Hill Development constitutes Bushfire Prone Land. Therefore, the proposed future development estate will have to be carried out in accordance with the specifications contained within PBP 2006 as assessed and presented within this report.

If the recommendations contained within the BTA are duly considered and incorporated, it is considered that the fire hazard present is containable to a level considered necessary to provide an adequate level of protection to life and property on the development estate. In summary, the following key recommendations have been generated to enable the proposed development to meet the relevant legislative requirements:

- 20m Asset Protection Zones (APZs) are recommended between the proposed Industrial buildings and the Open Forest to the South and East of the site. These will be established within the site.
- To the west of the site a cleared easement occurs at a width of approximately 60m of fuel free zone. Therefore, no APZs need to be established in this direction.
- To the north John Renshaw Drive occurs, a 20m fuel free zone. Therefore, no APZs need to be established in this direction.
- An APZ of 20m will need to be established abutting the watercourse and associated riparian zone.
- Any vegetation within the subject site should be managed in accordance with specifications for an Inner Protection Area (IPA).
- The assessment and recommendations contained within this report are based on Industrial Development inclusion of developments captured under Special Fire Protection Purposes will require further assessment to establish appropriate protection measures as per PBP 2006.

It is also important to note that the Viney Creek riparian corridor and identified green buffer areas will not include any APZ areas. Cross sections of the riparian corridor depicting green buffers on the site boundary and clearly delineate the re-positioning of APZ's outside of such areas are included at **Appendix N**.

In conclusion, should the recommendations above be duly considered and incorporated, the fire hazard present should be reduced to a level considered necessary to provide an adequate level of protection to life and property of the study area.

5.17 Newcastle Urban Forest Policy

The Newcastle Urban Forest Policy was adopted by Newcastle City Council to guide the management of the Newcastle urban forest. The key objectives of the policy relate to enhancing the quality and quantity of the urban forest whilst a set of guiding principles are identified for the delivery of the Newcastle urban forest. It is understood that the policy provides for a mechanism to compensate for the removal of trees either by additional planting or by the payment of a monetary contribution towards planting in accordance with Council's Newcastle Greening Plan.

The proposal is fundamental to achieving the outcomes of the LHRS and LHRCP. 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. It is therefore considered that application of the Newcastle Urban Forest Policy will not apply and additional tree planting is unnecessary, given that Coal & Allied propose to dedicate the 147 ha Tank Paddock site and 398ha of the Stockrington site to NSWG as conservation lands, which will help achieve major objectives of the LHRS and LHRCP. This represents a significant environmental gain from the environmental land offset package and is a once in a generation opportunity that will provide an enduring legacy for the community and future generations.

5.18 Non compliances with EPIs and DCPs

The current land use zoning of the site in the Newcastle LEP 2003 would prohibit the employment land scheme proposed under the Concept Plan. In this regard, approval of the State Significant Site listing under the Major Development SEPP will provide the statutory mechanism for approval of associated future development on the site.

The City of Newcastle's DCP contains detailed design guidelines; the provisions are not directly relevant to the proposed Concept Plan under this application but will be addressed through subsequent approvals for buildings on the site. Urban Design Guidelines have been prepared as part of the Concept Plan which provide guidelines towards site layout, which will supersede design guidelines under the Newcastle DCP. In the event that a Freight Hub were to be built on the site, the preparation of new Urban Design Guidelines would be required.

The proposal is generally consistent with the Cessnock LEP

6 Key Issues

The key planning considerations in respect to the Concept Plan are based on the matters raised under the DGEARs. The following sections directly respond to the DGEARs considerations and are supplemented by specialist reports provided in the Appendices attached to this document.

6.1 Urban Design

Key design principles used to guide preparation the Concept Plan were developed in the early phases of the project and include:

- Providing employment lands close to transportation corridors.
- Providing a flexible layout and suitable road network to cater for a range of future uses, including large scale industrial development.
- Providing connections to the surrounding business parks and residential areas.
- Providing a core supporting facilities area for the future local employment community.
- Recognising Aboriginal and cultural heritage and archaeology.
- Recognising the importance of the view shed of the existing southern houses of Black Hill.
- Creating employment opportunities to help realise the LHRS employment targets.
- Ensuring the safety of future users of the site.
- Incorporate Viney Creek in an open space corridor.
- Ensuring current best practice of integrated water cycle management is employed.

Through the inclusion of super lots and the indicative road network, the Concept Plan provides a flexible layout that will enable a range of industrial and ancillary activities to be undertaken on the site.

6.1.1 Compatibility with Freight Hub and Other Employment/Industrial Zones

The Black Hill Concept Plan is entirely consistent with the work being carried out on the Freight Hub Hunter project on behalf of the NSW Department of Premier and Cabinet.

The Freight Hub concept aims to provide a future Inland Port which combines an intermodal hub to deal with overflow containerised goods from the Port of Newcastle with surrounding employment uses providing outbound manufactured goods which contribute to the demand for the freight hub. This would also be supported by logistics support, warehouse and distribution and general industrial activities.

The Black Hill site was initially identified by the Premier's Department as one of three potential options 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 contribute to the viability of a future freight hub in the locality. Furthermore, the proposed development will complement the existing employment at Holmwood Business Park uses beyond the site to the north of John Renshaw Drive.

In addition, the site layout as shown on the Concept Plan (refer **Appendix A**) 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. Details on anticipated land uses, anticipated quantum of floorspace and justification is detailed in **Section 5.10**. 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 Western Corridor Planning Strategy, through highly sensitive conservation land located immediately south of Black Hill.

6.1.2 Social Infrastructure

The Concept Plan will facilitate a range of complementary uses in addition to the main 'employment generating uses' envisaged upon the site. Such uses will meet the daily needs of the emerging workforce and are likely to include:

- business premises,
- child care centre,
- community facility,
- health consulting rooms,
- hotel accommodation,
- medical centre,
- recreation area,
- recreation facility (indoor),
- restaurant,
- retail premises.

The intent is to provide a fully functioning employment precinct which will attract a wide variety of business and employees. In addition, the provision of a riparian green buffer and walking and cycling networks will enable employees to partake in outdoor activities and will enhance the overall vitality and activation of the site. Future employees at the Black Hill site will have access to a full range of dining, leisure and retail facilities to reduce the need to make off-site car journeys during the working week.

6.2 Urban Design, Development Controls and Land Uses

6.2.1 Proposed Development Controls

Urban Design Guidelines have been prepared by RPS as part of the Concept Plan which will provide the appropriate objectives and controls to which future development must adhere. Given the anticipated timeframe for the development of the estate, which is projected to occur within five years of the cessation of mining under the site and the fact that the end users of the site are unknown at this stage, it is most appropriate to provide guidelines that are flexible to enable a range of industrial and ancillary activities to be undertaken on the site, whilst still being consistent with the objectives of the EP&A Act 1979.

The guidelines will ensure that development will complement existing surrounding land uses and the dedicated conservation lands. A Draft Statement of Commitments has been prepared which commits future employment development to adhere to the Urban Design Guidelines (refer **Appendix B**).

The Design Guidelines provide objectives and controls for which future development must adhere including:

- Minimum lot size and dimensions;
- Site coverage;
- Setbacks;
- Car parking, access and loading;
- Design and appearance of future development;
- Environmental attributes and constraints;

- Landscaping;
- Site Water Management;
- Waste Management; and
- Staging.

The proposed development controls are consistent with the objectives of the EP&A Act, as they include:

- Measures to protect the environment, including controls in relation to the riparian zone and water management on site;
- Measures to protect the amenity of adjacent land owners and properties, including landscape buffering and setbacks;
- Minimum lot sizes which are generally consistent with Newcastle City Council controls and which enable the orderly and economic use of the land;
- Protective measures for proposed public open space (i.e. the riparian zone);
- Ecologically sustainable development measures, addressed through appropriate controls in relation to waste and water management, energy consumption, environmental protection and future use of the land.

6.2.2 Relationship with Adjoining Lands

The supporting technical studies to this Concept Plan application demonstrate that the setbacks and landscape treatments proposed are appropriate in mitigating any amenity impacts to adjoining land. The employment opportunities of the proposed development would result in significant benefits for Black Hill residents.

The character of the Viney Creek riparian zone through the site will be retained in future planning and this area will form an important open space component of the site. The development of the site for employment uses is entirely consistent with long-term strategic planning within the Lower Hunter, with this use being envisaged in planning documents including the LHRS and Western Corridor Planning Strategy.

The proposed development will complement the existing employment at Holmwood Business Park beyond the site to the north of John Renshaw Drive. The F3 Freeway forms a natural buffer along the eastern site boundary from residential uses to the east. Furthermore, as discussed at Section 6.2.3 below, adequate visual screening is proposed to the adjacent roadways.

Appropriate landscape buffering will be utilised to screen the site from any future uses to the south of the site. The flexibility to include a link road to land to the south has been incorporated in the Concept Plan (refer **Appendix A**). Any future access would need to be the subject of any third party DA for adjacent lands.

The power line easement will provide a natural buffer to any potential future uses to the west of the site. The acoustic analysis in Section 6.9 demonstrates that all noise impacts can be dealt with appropriately.

6.2.3 Visual Impact

The site is currently screened along its major public frontages, the F3 Freeway and John Renshaw Drive by a combination of topography and vegetation. Views into the site occur at the intersection between the F3 Freeway and the electricity easement that runs through the site.

Views of the site from the F3 Freeway and the adjacent residential zone to the east are obscured by a vegetated slope that runs along the entire boundary length.

Along John Renshaw Drive the site boundary is set back from the road on the far side of a pipe line corridor providing an un-vegetated zone of separation to the development.

Views into the site from the south and west are currently limited by the extensive vegetation on the site.

The existing vegetation between the estate and the F3 is to be maintained to form a flora and a fauna corridor as per the Western Corridor Planning Strategy. These vegetated buffers will shield future on-site buildings from passing motorists on John Renshaw Drive and the F3 Freeway.

Appropriate landscape buffering will be utilised to screen the site from any future uses to the south of the site. These are to be planted in an informal manner in contrast to the street tree planting. Species are to be selected from those that occur locally.

In addition, future building envelopes would also be set back some distance from the western site boundary. Land adjoining the site to the west was previously used as a poultry farm and is now owned by the Catholic Church. The super lots depicted in the Concept Plan would be separated from this land by the proposed north-south access road and the Transgrid easement. This would provide an effective 'buffer' of around 83 metres from the site boundary. The access road would be planted with street trees which would further diminish any visual impact.

The Catholic Church land is identified in the LHRS as future freight hub and employment lands. At the time of writing, we are not aware of any formal development proposal for the adjacent Catholic Church lands that has been lodged at this stage. It should be noted that this land is also within the LHRS Freight Hub study area, therefore potential exists for similar employment generating uses to occur on adjacent lands in future.

6.3 Conservation Lands

6.3.1 Dedication of Proposed Conservation Lands

Coal & Allied propose to dedicate 100% of the Tank Paddock landholding and 398ha of the Stockrington lands to the NSWG for conservation in accordance with plans provided in **Appendix R**. . The proposed land dedication will occur after the site has been rezoned and the Concept Plan application is approved in accordance with the terms of the VPA. This equates to approximately a 75:25 (3:1) ratio of conservation to development lands.

6.3.2 Development Area, Conservational and Surrounding Lands Edge Effects

A key environmental component to the outcomes of the project is the proposed dedication of the 545ha Tank Paddock and Stockrington land. This land will assist in consolidating the long sought after regional corridor for the Lower Hunter running from the Watagan Range to Stockton Bight.

The Western Corridor Strategy seeks to provide west to east corridor opportunities within all new developments for the locality to cater for regional fauna movements. These corridors are generally linear in nature but also provide habitat for resident fauna.

The relationship with adjoining lands is discussed in further detail above.

6.4 Biodiversity

6.4.1 Impact on Existing Native Flora and Fauna

An Ecological Assessment Report for Black Hill and Tank Paddock prepared by RPS is included at **Appendix F**. The detailed studies undertaken by RPS have guided the preparation of the Concept Plan to ensure that it has regard to all relevant ecological constraints.

The detailed flora and fauna studies have confirmed that the quantum of the offset lands, when viewed holistically with proximate existing and proposed conservation reserve areas, provides a robust long-term outcome for all species and communities. Furthermore, suitable actions are proposed to minimise potentially deleterious permanent and ongoing impacts to the conservation lands.

The field and desktop studies have recorded the following parameters of ecological significance within both the Conservation and the Development Estates:

- Native vegetation commensurate with those listed as EEC's;
- Threatened flora species recorded within and adjacent to the proposed development;
- Threatened fauna species recorded within and adjacent to the proposed development;
- Habitat for threatened flora and fauna species known from within and adjacent to the proposed development; and
- Other areas containing native vegetation with varying degrees of modification / degradation.

With these potential ecological issues noted, a series of recommendations have been outlined in this report, to aid in the reduction of potential impacts associated with the proposal.

Given that measures have been taken to avoid ecological impacts and that where native vegetation may be affected, efforts have been made to avoid particularly sensitive areas where practical, it is considered unlikely that any significant impacts would occur upon threatened species, communities or populations. The large area of land at Tank Paddock and Stockrington sites that are proposed to be set aside as part of the development provides beneficial ecological outcomes across the sites. The importance of the conservation of Tank Paddock and Stockrington will maintain a vegetation corridor from Hexham Swamp and the Hunter Estuary to the Watagan Mountains and the Sugarloaf Range. This large tract of native vegetation will provide habitat for a wide variety of native flora and fauna and will be managed for conservation in perpetuity by the NSWG.

Therefore, due to the proposed dedication of larger tracts of vegetation within strategic regional corridors, it has been concluded that the proposed development should not significantly impact upon threatened or regionally significant flora and fauna, ecological communities or populations. The implementation of operative environmental management practices at the detailed design phase of the project should also ensure that the ecological impact of the project is minimised.

6.4.2 Actions to Avoid or Mitigate Impacts on Biodiversity

In the Ecological Assessment Report at **Appendix F**, RPS has recommended a range of operational environmental management practices so that the ecological impact of the proposed development estate is minimised as far as possible. These measures are summarised below:

- Appropriate management plans should be prepared and implemented within the development framework in consultation with the National Parks and Wildlife Services (NPWS).
- Mature and / or hollow-bearing trees should be retained wherever feasible within the development framework.
- Pre-clearing inspections should be undertaken by an ecologist in wooded areas where threatened fauna species have been recorded or are considered likely to occur.
- During the construction phase, for any tree removal within forested areas, and in particular where hollow-bearing trees may be removed, all works should be supervised by an ecologist to recover any native fauna that are potentially displaced.
- All hollow bearing trees are to be flagged by an ecologist prior to the commencement of works on the site.
- Underscrubbing of the entire site should be carried out by a 4x4 tractor with a slashing deck, this will minimise the establishment of degradation processes.

- After a period of two weeks, clearing of habitat trees should commence.
- Species selection for future landscaping works and seed stock for revegetation should be limited to locally occurring native species to maintain local genetic diversity.
- Where possible, earthworks (and certainly all works in the vicinity of drainage lines) should be undertaken during appropriate (i.e. dry) weather conditions.
- Nutrient and sediment control devices should be erected pre-clearing and post-construction works in sensitive areas where degradation processes may be triggered such as areas adjacent to watercourses until suitable rehabilitation has occurred to maintain surface integrity.

These measures will be included as part of the Statement of Commitments.

6.4.3 Identify Riparian Corridors

The Viney Creek riparian corridor bisects the Black Hill site from south to north. Alluvial Tall Moist Forest vegetation community occurs as a relatively linear corridor of vegetation flanking the watercourses of Viney Creek. This vegetation community covers approximately 17.61ha of the Black Hill site and the entirety is to be protected as core riparian zone vegetation to act as a buffer for Viney Creek.

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

It is considered that the proposed riparian corridor setbacks meet the Water Management Act objectives relating to ecological, hydrological and drainage requirements. All Asset Protection Zones (APZs) will be outside of the Viney Creek riparian corridors.

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

It is proposed that Newcastle City Council take ownership of the Viney Creek riparian corridor which will provide a broader public benefit for the region. It is not considered that community title is appropriate for an industrial park. Where possible, lots have been designed to front the riparian corridor which will allow some flexibility for determining the future ownership of the corridor. Cross sections of the riparian corridor are included at **Appendix F**.

6.4.4 Requirements of the Commonwealth EPBC Act

The project was referred to the Commonwealth, Department of Environment & Water Resources pursuant to the Environment Protection and Biodiversity Conservation Act 1999 provisions. The Commonwealth has advised that the project will not require assessment under the EPBC Act.

Those threatened flora and fauna species (listed under the *TSC Act* and the *EPBC Act*) that have been recorded from within the vicinity of the site have been considered within the RPS assessment.

6.5 Air Quality

The Air Quality Assessment undertaken for The Black Hill site by GHD is provided in **Appendix O**. The key findings of the air quality assessment are:

- Air emissions from the existing Donaldson Open-Cut Mine are not expected to impact on the Black Hill site based on current information for the following reasons:
 - Standard mitigation measures are applied to key emissions sources; and

- Measured total deposited dust levels and airborne particulate concentrations at a monitoring station adjacent to the site are below the DECCW air quality criteria for nuisance dust and health impacts.
- Air emissions from the proposed Abel Underground Mine (AUM) are not expected to impact on the Black Hill site based on current information for the following reasons:
 - Standard mitigation measures are applied to key emissions sources; and
 - Predicted total deposited dust levels and airborne particulate concentrations at a location near the site are below the DECCW air quality criteria for nuisance dust and health impacts.
- Coal mining and coal-bed methane extraction conducted on the Black Hill site land, as part of the AUM operations, would be complete before the development of the Black Hill site; and
- At this stage, it is not possible to assess the potential impact of air emissions from the site on sensitive receptors located inside and outside of the site boundary for specific uses. Therefore, in the interim, the report recommends that consideration be given to the use of the separation distances to guide the development planning within the site based on DECCW and separation distance guidelines from other regulatory jurisdictions.

6.6 Geotechnical

A report on Preliminary Geotechnical, Contamination and Mine Subsidence Assessment has been undertaken by Douglas Partners and is provided in **Appendix G**. A plan depicting the different investigation areas within the site is provided in with the report.

6.6.1 Contamination

- The results of preliminary sampling and analysis of the filling on the site indicates the absence of gross contamination.
- Based on the identification of several metres of fill materials across the former Ironbark Colliery site (Pits 7 and 10), in a localised gully in the vicinity of Pit 3, and the potential of fill in the abandoned portal, it is recommended that additional investigation is undertaken to delineate the extent of filling, and associated potential contamination.
- If development is proposed on the southern portion of the site, it is recommended additional investigation is conducted along the creek, following clearing of dense vegetation.
- The site is considered to be generally suitable for the proposed development in accordance with SEPP 55 and NSW EPA guidelines, providing the following conditions are met as part of the development:
 - Additional investigation is conducted to delineate the extent of fill and the potential for contamination within the fill across the former Ironbark Colliery site, including within the abandoned portal;
 - Appropriate remediation is conducted to remove bonded asbestos fragments and possible asbestos impacted surface soils beneath surface dumping;
 - Car wrecks, deleterious materials and possible associated surface impacts (if encountered) are removed.
- No subsurface investigation or laboratory testing was undertaken on the Boral asphalt plant in the north east corner of the site. Detailed assessment will be undertaken following cessation of their lease. Boral is required to remediate the site under the terms of its current lease.

6.6.2 Land Capability

- There was generally no evidence of previous or incipient deep seated slope instability observed over the site. The site is generally considered to have a low to moderate risk of slope instability with respect to the natural topography.
- Based on the Soil Landscape Sheet for Newcastle the soils have high erosion potential. Areas of erosion observed during the investigation included along the access track in the northern portion of the site.
- Water quality may be impacted upon due to sediment laden run-off from the topsoil material occurring during construction. Such potential erosion and sedimentation are readily amenable to mitigation measures such as silt fences, revegetation / reshaping batters, drainage structures (catch drains), sediment traps and sedimentation basins.
- The soil landscape mapping suggests the possible presence of naturally acidic or saline soils which may be aggressive to buried structures or services. The results of testing indicate a non-aggressive exposure classification when compared to the requirements for steel/concrete piles presented in AS 2159-1995. It is recommended, however, to provide sufficient concrete cover and appropriate strength to accommodate for the environment and any changes in conditions.

6.6.3 Subsidence Hazards and Risks

- Based on the results of the desktop review, the site is not within a proclaimed mine subsidence district. It is understood that a shallow portal tunnel was constructed however the portal was never driven and that the Department of Primary Industries – Minerals has no records of mine workings below the site.
- Potential constraints associated with disturbed ground and filling at the former Ironbark Colliery site include the following:
 - Potential for contamination, as described above, in particular possible buried asbestos;
 - Uncontrolled filling, which has implications for building footings, requiring that the filling either be reworked or footings be founded in suitable bearing strata below the filling using piles;
 - Uncontrolled filling also has implications for services such as roads, pavements, water and sewer;
 - Potential for the combustion of coal, possibly requiring removal or capping of the coal.
- Uncontrolled filling is unsuitable for founding or footings. Uncontrolled filling can be expected in the general area of the former Ironbark Colliery, and has been observed to be greater than 4.6 m depth during this investigation in the general area of the backfilled portal however greater depths of filling may be present in this specific area.
- A significant proportion of the filling is likely to be overburden material or mine spoil, which is likely to have been placed without compaction and therefore there is a potential for large settlements. This could be managed by removing the filling, re-compacting the filling, piling of building footings to the base of the filling, or a combination of the above.
- The remainder of the site comprises bushland with scattered access tracks and underlain by the late Permian Tomago Coal Measures which generally comprise siltstone, sandstone, coal, tuff and claystone. These formations are generally expected to provide good founding conditions, probably allowing the use of conventional shallow footings. Reactive soils may be present, which can be confirmed during future detailed investigations prior to development and readily accommodated in design.

- It is considered that there is low risk of combustion of coal and coal reject filling occurring. If, however, larger volumes/percentages of potentially combustible materials are encountered during more detailed investigation or earthworks, the risk of combustion can be reduced by applying appropriate engineering solutions. Various engineering solutions to manage the potential for combustion may include one or more of the following:
 - Removal of combustible material;
 - Blending of inert material with combustible material;
 - Compaction of the material;
 - Limiting batter slopes, generally to less than about 4H:1V;
 - Capping with a compacted inert layer.

6.6.4 Future Resource Recovery

Future mining by Abel coal mining operations is proposed below the site, which may affect the timing and design of the proposed development. Discussions with Abel Mine indicated the site will be suitable for development once the mining and associated subsidence is complete, which is required to be prior to 30 June 2013.

In order for the site to be suitable for the proposed development with respect to post mining subsidence, the approval of the Mine Subsidence Board (MSB) will be required. It is expected that for MSB approval to be provided for development at the site, any remnant pillars will need to be deemed long term stable by the MSB and monitoring of subsidence will be required to confirm that effective subsidence is complete.

The Abel Mine Subsidence Management Plan for area 1 has been approved by the NSWG Department, Industry and Investment – Minerals and Petroleum, taking into consideration inputs from the MSB with regard to the above issues.

The nature of restrictions post mining will be dependent on the outcomes of the mining process. Provided that the MSB are satisfied with the long term stability of remnant pillars below the site and adequate subsidence monitoring is undertaken and indicates that the mine subsidence has occurred as predicted then minimal MSB restrictions may apply. If potentially unstable remnant pillars are left in place, or monitoring indicates incomplete subsidence then restrictions would apply to the development, which may include design of the structures to accommodate specific design parameters associated with potential subsidence.

6.6.5 Subterranean Gases

Reference to the Part 3A Environmental Assessment for Abel Underground Mine indicates the following:

“Methane testing undertaken as part of the most recent exploration program indicates the seams generate very low levels of methane. Therefore it is unlikely that methane extraction equipment will be required. However if the mine experiences methane generation from strata above or below the target seam that impedes production or overloads the ventilation system, goaf drainage plant may need to be installed.

Goaf drainage plants are used to bleed off methane gas from the recently extracted areas of mine. If required boreholes would be drilled into the coal seam before mining commences and a diffuser attached at surface level.”

Therefore, based on the very low levels of methane measured it is considered that the potential of the site as a coal seam methane resource is very low. Abel mine has no plans to extract the methane other than for operational / safety reasons.

If methane is encountered during the mining operations, it is proposed to vent the methane prior to or during the mining process. Therefore the risk of hazardous gases at the surface post mining is considered very low and is unlikely to impact on the proposed development.

6.6.6 Acid Sulphate Soils

Reference to the Beresfield Acid Sulphate Soil Risk Map prepared by the Department of Land and Water Conservation indicates that there is no known occurrence of acid sulphate soils at the site.

Coastal, low-lying alluvial soils generally below RL 5 (and occasionally up to RL 10 (AHD) can contain pyrite or other sulphides. Surface elevations at the site range from RL10 to greater than RL 30.

Therefore it is expected that there are no actual or potential acid sulphate soils at the site.

6.7 Sustainability and Ecologically Sustainable Development (ESD)

6.7.1 Water Reuse, Waste Minimisation, the Minimisation of Energy Use and Car Dependency

An Ecologically Sustainable Development (ESD) report for the Black Hill site has been prepared by EnSight and is provided in **Appendix J**. This report demonstrates how the ESD design for the proposed Black Hill employment lands project has addressed the sustainable development principles of Coal & Allied. The report also demonstrates that the proposed mechanism to achieve ESD outcomes for the project is for the construction and operation of the Black Hill employment land development to comply with an Environmental Management System (EMS).

Coal & Allied is committed to the implementation of sustainable design principles in the Black Hill Project. This is demonstrated by the development of a project ESD strategy, indicators and targets. Coal & Allied has also appointed a specialist ESD consultant to oversee the integration of sustainability into the project. All consultants in the design team have participated in individual briefings with the ESD consultant and as a group participated in a daylong project sustainable development workshop. All consultants are reporting to the project ESD strategy as part of their contractual obligations.

It should be noted that BASIX does not apply to non-residential uses. At the time of writing, there is not an endorsed statutory tool to achieve a reduction of energy and water use based on a standard industrial development. A green star pilot scheme for industrial development has been released by the Green Building Council of Australia. However, this rating tool has not been adopted into any statutory context. Therefore, in order to implement best practice ESD design principles in the Black Hill Project, the Draft Statement of Commitments that accompanies the Concept Plan commits to the following:

- Future industrial development is to meet or exceed best practice sustainable design in accordance with the current legislation and rating tools at the time of a development application.

Coal & Allied is committed to delivering sustainable development outcomes from their business operations. There is a total alignment between the Coal & Allied sustainable development aspirations and the theory and implementation of ESD in general and specifically in land development.

The proposed employment lands at Black Hill can deliver the environmental, economic and social outcomes that are consistent with the industry best practice ESD benchmarks and principles. The report concludes that the following ESD measures can be incorporated into the development through the following measures:

- The ESD Design outcome to create a social, economic and environmental legacy for the people of the Lower Hunter region as outlined in the ESD strategy.
- The ESD Construction outcomes achieved through the development and implementation of a Construction Management Plan (CMP) that is consistent with the developer's EMS. The CMP will address the following:

- Development of a site-specific soil erosion and sediment control plan.
 - Confirmation of construction hours in accordance with the conditions of consent.
 - Air quality/dust control procedures.
 - Noise management procedures.
 - Waste Management Plan.
 - Community Safety Plan.
 - Arrangements for temporary pedestrian and vehicular access.
 - Storage and handling of materials procedures.
 - Environmental training and awareness.
 - Contact and complaints handling procedures.
 - Emergency preparedness and response.
- ESD Operation achieved through a comprehensive reporting and monitoring process that will also be addressed in the CMP.

6.8 Traffic and Transport Study

A Traffic and Transport Assessment has been undertaken and a report prepared by Hyder in relation to the proposed development. This report is included at **Appendix P**.

Six access options were modelled in support of a Concept Plan, whereby the impact was assessed of each option with regard to access to the F3 Freeway and John Renshaw Drive. The analysis determined that the preferred access option comprised a left in/left out to/from the F3 Freeway and a full access on John Renshaw Drive via a signalised T junction (previous option 5). The preferred access option demonstrates greater efficiency over the broader network.

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

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

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

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

6.8.1 Integrating Land Use Planning and Transport

A broader assessment of the proposal against the objectives of the Integrating Land Use and Transport policy (ILUT) package has been undertaken in the Hyder Traffic and Transport Assessment included as **Appendix P**. A summary of ILUT objectives and compliance is shown below:

- Improving access to housing, jobs and services by walking, cycling and public transport:
 - A pedestrian and cycleway network will be provided to facilitate the movement of pedestrians and cyclist through the development area. Within the development proposal, the street network and central riparian corridor will be designed to provide safe walking routes and bicycle routes that link the site with the existing services and facilities in Black Hill. Through the NSW Government's Bike Plan, the Government will work in partnership with local councils communities and business to encourage bike riding growth and safer cycling in New South Wales. Newcastle City Council's Cycleway policy is to designate local streets for cycling and pedestrian use. This policy should ensure that road extensions that link to Black Hill will also contain provision for cyclists.
- Increasing the choice of available transport and reducing dependence on cars:
 - The concept plan for Black Hill proposal will create an environment that is friendly to pedestrians, cyclists and public transport users. A pedestrian network will be installed to provide for movements of pedestrians throughout the development area.
 - The centrally located Support Facilities area is incorporated to provide convenience facilities designed to reduce the need to leave the area during the day and hence dependency on cars.
 - The local roads within the development will be designed to provide safe walking and bicycle routes that link with other existing services and facilities in Black Hill.
- Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car
 - Pedestrian and cycle routes within the development will connect with existing facilities provided along John Renshaw Drive including existing public transport services and the central Support Facilities planned for the estate
- Supporting the efficient and viable operation of public transport services:
 - Currently no public transport operates in the immediate vicinity of the site.
 - Bus route 160 (Newcastle-Kurri Kurri-Cessnock) runs just north of the proposed site, on John Renshaw Drive, but has no scheduled stop at that location. Five services run each way on that route during weekdays.
 - The nearest train station to the proposed development site is located at Beresfield, on the Newcastle to Maitland/Scone/Dungog line, about five kilometres to the North East.
 - The Lower Hunter Integrated Transport Plan has set as a target mode shift to secure 20% of peak hour work related trips to be other than by private car. Reaching this target will reduce peak vehicle trips and contribute to a reduction in congestion on the arterial road network. The key to meeting this 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. Possible bus routes could connect Black Hill with Beresfield railway station, and nearby residential areas.

- Considering the public transport strategy Hyder identified for the Coal & Allied's 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. Alternatively, consideration should also be given to implementing a shuttle bus service from Black Hill to the nearest rail station at Beresfield during peak hour services.
- Providing for the efficient movement of freight:
 - The proposed access on the John Renshaw Drive (via signalised T-Junction) and F3 Freeway (left in & left out) would provide efficient freight movements to and from site.

6.8.2 Measures to Introduce and Promote Public Transport and Mode Share

Currently no public transport services the immediate vicinity of the site. Bus route 160 (Newcastle-Kurri Kurri-Cessnock) is running just north of the proposed site, on John Renshaw Drive. However it has no scheduled stop at that location. Five services are running each way on that route during weekdays. The nearest train station to the proposed development site is located at Beresfield, on the Newcastle to Maitland/Scone/Dungah line, about five kilometres to the North East.

The Lower Hunter Strategic Study has set as a target, modal shift to secure 20% of peak hour work related trips to be other than by private car. Reaching this target will reduce peak vehicle trips and contribute to a reduction in congestion on the arterial road network. The keys to meeting this 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 via the proposed regional cycleways.

Possible bus routes could connect Black Hill with Beresfield railway station, and nearby residential areas. Considering the public transport strategy Hyder identified for the Coal & Allied 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. 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.

Newcastle City Council's Cycleway policy is to designate local streets for cycling and pedestrian use connecting with a proposed regional cycleway. This policy should ensure that road extensions that link to Black Hill will also contain provision for cyclists.

6.8.3 Road Design for Heavy Vehicles

According to Austroads vehicle classification system, 'heavy vehicles' include trucks with two or more axles, buses, semi-trailers and B-doubles. The heavy vehicle data showed the following patterns:

- On John Renshaw Drive, west of Weakleys Drive approximately 720 heavy vehicles were recorded for a weekday being approximately 9.6 % of total traffic; and
- On F3 Freeway, North of Stockrington approximately 5,750 heavy vehicles were recorded for a weekday being approximately 18.2 % of total traffic.

Design access and the internal road network for heavy vehicles associated with freight movement will be in accordance with the Council and RTA standards. Both cars and heavy vehicles were modelled in the preparation of the traffic report.

6.9 Noise Impact

Renzo Tonin and Associates were engaged to provide a review of acoustic constraints and opportunities for the Black Hill site. The report is included at **Appendix L**.

The review has considered noise impacts onto the proposed development and onto nearby noise sensitive areas as a result of the proposed development against applicable noise criteria and made recommendations for the mitigation of noise are provided, where required. The report draws the following conclusions:

- Based on the assessment, it is predicted that there will be no unacceptable traffic noise impacts from the F3 Freeway and John Renshaw Drive onto the proposed development. Appropriate setback distances and building construction / treatment could be used to ensure no traffic noise impacts from the F3 Freeway and John Renshaw Drive. It is anticipated that sensitive uses such as childcare centres will be located in the centre of the site and as such will not be adversely impacted by noise from the F3 Freeway and John Renshaw Drive. The use of earth mounding or noise walls is not required.
- Industrial noise from the Donaldson Open Cut Mine is not predicted to impact on the proposed development as operation of the mine will cease prior to the commencement of development of the Black Hill Estate.
- Noise impact from the Abel Underground Mine was previously undertaken by Heggies Australia and presented in a Noise Impact Assessment (ref. 30-1409-R1, dated 19 July 2006). Results from the assessment indicate noise from the mine will comply with the relevant noise criteria.
- It is anticipated that prior to any works commencing a Construction Environmental Management Plan (CEMP) will be prepared. As part of the CEMP, a Construction Noise and Vibration Management Plan (CNVMP) will be prepared detailing measures to minimise the impact of construction noise and vibration upon nearby sensitive receivers. Furthermore, the methodology for noise and vibration monitoring during construction works will also be incorporated into the CNVMP.
- The operation of the proposed light industries within the Black Hill Estate are predicted to generally comply with the relevant criteria during the day and evening periods, while exceedances were predicted during the night time period. In-principle noise mitigation measures such as noise screen / walls, building layout design / planning and management of operating hours should be considered during the detailed design phase of the Development.
- Overall, based on the outcomes of this acoustic study and the recommendations provided, the proposed Black Hill Estate development will be designed, constructed, operated and maintained so that there are no unacceptable impacts from noise, including traffic noise.

6.10 Heritage

A detailed Heritage Impact Assessment (HIA) was undertaken by ERM and is included at **Appendix M**. The HIA includes a detailed history and assessment of the heritage significance of the site.

The assessment identified that no historic heritage sites are located within the Black Hill study area and the proposed development will not impact any historical heritage vales of the study area of local region.

Several Aboriginal heritage sites were identified through a Department of Environment and Climate Change and Water search of the Aboriginal Heritage Information Management System in the vicinity of the Black Hill site, although none of these were located immediately within the study area. A survey of the study area identified two Aboriginal heritage sites and defined an area with a moderate level of archaeological potential to yield further Aboriginal heritage objects.

The HIA identifies areas with moderate, low and no Aboriginal archaeological potential. Specific mitigation measures are recommended for these areas. In addition, general Aboriginal heritage mitigation measures are proposed, which should be provided in an Aboriginal Plan of Management for the development.

The Draft Statement of Commitments that accompanies the Concept Plan commits to the preparation and implementation of a detailed archaeological conservation management plan in accordance with the mitigation measures outlined in the HIA including:

- Procedures during site excavation works;
- Consultation with local Aboriginal stakeholders;
- Appropriate interpretation measures; and
- Defined archaeological investigation area.

Provided the mitigation measures outlined in the HIA are included in the draft Statement of Commitments and implemented by Coal & Allied, the impacts will be reduced to an acceptable level.

6.11 Surface Water and Groundwater Quality

A Water Sensitive Urban Design, Flooding and Stormwater management report has been prepared by GHD and is provided in **Appendix K**. The key findings from this report are set out below.

6.11.1 Identify Drainage and Stormwater Management Issues

Viney Creek flows through the site from south to north, bisecting the site. Viney Creek flows under John Renshaw Drive and eventually discharges into Woodberry Swamp, a wetland system of the Hunter River estuary. A smaller creek drains along the western boundary of the site, also draining under John Renshaw Drive. The site generally slopes towards the northwest. Overall, it has mild to moderately undulating slopes with areas of disturbance, including an operating asphalt plant, electricity easement and past clearing.

Black Hill experiences a sub tropical climate with rainfall occurring in any given month throughout the year.

This mild seasonal variability supports the incorporation of open vegetated structures such as swales and detention basins. In addition, the incorporation of rainwater tanks will further assist in a potential reduction in potable water demand.

6.11.2 Management of Water Quality and Ecosystem Health

A number of opportunities for management of stormwater quality, quantity and flooding exist at the Black Hill site. This management will benefit from the implementation of Water Sensitive Urban Design (WSUD) practices. WSUD encompasses all aspects of urban water cycle management including water supply, wastewater and stormwater management that promotes opportunities for linking water infrastructure, landscape design and the urban built form to minimize the impacts of development upon the water cycle and achieve sustainable outcomes.

A WSUD strategy for management of stormwater quality and quantity has been developed for the site that nominates:

- On-lot treatment of stormwater quantity and quality, before discharge to the road stormwater system;
- Precinct scale co-located offline detention/ bio-retention basins primarily upstream of John Renshaw Drive to treat the quantity and quality of stormwater flows. These systems would essentially comprise a dry basin (to provide detention function) combined with bio-retention (to provide water quality treatment function) situated in the invert of the basin;
- Gross pollutant traps and other structural measures, at critical locations as required, before discharge to the detention systems;
- Provision of rainwater tanks in all areas should be maximised in accordance with Council's requirements;

- Floor levels located 500 mm above the ARI 100 flood level; and
- For development in flood storage areas and flood ways development must not lead to a significant increase in flood levels, flood damages, flood behaviour or flood hazard at the site or elsewhere.

6.11.3 Develop Suitable Flood Planning Levels

Areas that are inundated by the Peak Maximum Flood (PMF) require a flood evacuation strategy. Elevated areas would provide suitable evacuation muster areas, of which it is considered there are sufficient throughout the precinct.

Simulations for the 100-year future climate (2100) allowing for a 30% increase in rainfall intensity and volume have shown that in a 100-year ARI event, flood levels adjacent to the site are expected to increase by less than 0.3 m. While this does not cause a significant increase in flood extent, flood planning levels would need to consider these impacts.

Assessment of mining subsidence impacts on flooding, show that while the 100-year ARI event flood extents do not increase significantly, and the 100-year flood levels are similar to pre-subsidence conditions, the floodplain adjacent to the creek could be lowered. Therefore to satisfy flood planning levels, floor levels may need to be raised in some instances.

To test the effectiveness of the WSUD strategy, numerical modelling was used as follows:

- Flood peaks and flood levels for existing, future climate and subsidence scenarios for the creeks within the site were determined using RAFTS and TUFLOW;
- Volumes of detention that responded as best possible to the Concept Plan and which throttled flood peaks were determined using RAFTS; and
- Appropriate strategies for stormwater quality management throughout the precinct, which responded as best possible to the Concept Plan and which achieved the pollution load export requirements were determined using MUSIC.

The results of the numerical modelling has shown that the proposed WSUD strategy and flood plain management adequately satisfies the requirements of the NCC DCP and the NSW Floodplain Development Manual for management of stormwater quantity, quality and flooding at the precincts.

6.12 Utilities and Infrastructure

A Concept Plan Infrastructure Report has been prepared by Cardno Engineering and is included at **Appendix H**. This report outlines the existing and proposed infrastructure required to service the proposed development at The Black Hill site. The following infrastructure elements have been identified.

Table 6 – Key Service Utilities

Utility	Provision
Electricity	<ul style="list-style-type: none"> ▪ An existing zone substation at Beresfield (north of Black Hill) services the Black Hill area. This zone substation is relatively new and may have some capacity to service some of the development. ▪ Energy Australia has indicated that (based on current capacity) low voltage electricity reticulation and street lighting can be serviced; however it is unlikely that the zone substation will have sufficient capacity to accommodate an employment precinct. Design loads will be determined by the users' requirements. ▪ It may be necessary to construct a separate zone substation or extend high voltage mains to service the site. ▪ TransGrid has been consulted regarding the Concept Design for Black Hill to ensure that the development design is consistent with their requirements regarding the existing overhead 330kV transmission lines and the associated 60m easement. Further consultation and approvals will be sought following Indicative Lot Layout approval and prior to the completion of detailed design.

Utility	Provision
Gas	<ul style="list-style-type: none"> A major gas main is located parallel to the Sydney to Newcastle freeway. The closest connection point is located at the corner of John Renshaw Drive and Kinta Drive east of the Freeway. The nature (i.e. medium or high pressure) and size of the main is unknown at this stage. As requirements vary significantly, industrial and commercial subdivisions are not usually reticulated with gas until an enquiry from a potential customer is received. Jemena (formerly Alinta) will assess the customer requirements and either install the main at no cost, or request a contribution from the customer. In this scenario the developer is not involved in the funding or installation of gas.
Telecommunications	The NBN is committed to the provision of fibre optic telecommunications to service businesses and commercial areas.
Water	<ul style="list-style-type: none"> There is an existing 900mm diameter trunk main adjacent to the northern boundary of the site. This trunk main is not suitable to connect the proposed water reticulation network. Hunter Water has indicated three permissible connection points from which a 200mm / 250mm diameter water main could be connected to create a ring main to service the site. Two connection points would be required to create the ring main.
Sewer	<ul style="list-style-type: none"> There is a network of sewer pump stations (SPS) in Beresfield and Thornton which drain to Morpeth Sewer Treatment Plant (STP). The existing sewer infrastructure network of pump stations, gravity mains and rising mains has not been designed to cater for the development. A detailed Sewer Servicing Strategy for the site will be prepared in consultation with Hunter Water to determine the optimal servicing arrangement for the site. The Strategy will be required to be completed prior to Development Application approval. The Strategy will provide for connection to the existing sewer network or for provision of an onsite treatment system to meet Hunter Water's requirements. It is expected that lead-in works will be required from the development to SPS Beresfield 16a, SPS Beresfield 15 or SPS Thornton 1 together with upgrades to the downstream network. Depending on the number of lots which are intended to be released initially and any forward knowledge about occupancy rates and future uses, it may be that a temporary rising main (of lower capacity) is built initially, followed by a permanent and larger rising main when the site nears full capacity.

In summary, electricity and water main lead-in works and augmentation of the sewer network will be required for the development. A Sewer and Water Servicing Strategy will be prepared in consultation with Hunter Water following approval of the Concept Plan.

Gas and communications services will be customised to suit the users requirements and installed underground in the shared trench with electrical cabling.

7 Draft Statement of Commitments

A Draft Statement of Commitments is included at **Appendix C** outlines the Statement of Commitments proposed for the Black Hill Concept Plan application.

These are 'business as usual' commitments that are expected to be delivered as part of the development of the site and basic standards that will have to be met to achieve approval.

The draft Statement of Commitments identifies the following:

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

This may involve the implementation of various 'developer agreements', prepared in accordance with the EP&A Act, between Coal & Allied, Newcastle City Council and the DoP prior to final approval of a construction certificate for Stage 1 subdivision.

7.1 Coal & Allied \$10 million Allocation

In addition, Coal & Allied has allocated an amount of \$10 million for initiatives associated with the delivery of social infrastructure across the Coal & Allied Northern Estates sites for the proposed developments at Black Hill and Minmi/Link Road.

The \$10 million is directed at initiatives that would not ordinarily be provided as part of the development of new employment lands and accordingly, the initiatives identified are those that are considered 'over and above' what is reasonably necessary to satisfy State and Local Government requirements.

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

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

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

8 Site Suitability

Environmental investigations to date demonstrate that all potential adverse impacts of the project can be sustainably managed, resulting in significant new social, environmental and economic benefits. Notwithstanding this, the environmental, social and economic factors arising from the project are addressed below.

8.1 Environmental

As identified in this document and the supporting specialist reporting, Coal & Allied propose to dedicate the 545ha Tank Paddock and Stockrington sites to the NSWG for conservation purposes. The proposed conservation land dedication is crucial in achieving the State Government's objective of securing major conservation corridors, most notably the Watagan to Stockton conservation corridor.

The preservation of large vegetated areas that are linked to other similar areas has been recognised as fundamentally important to achieving long term regional biodiversity outcomes. The two most valued of these areas in the Lower Hunter contain large land areas owned and controlled by Coal & Allied:

- The corridor that links the Watagans and Yengo National Parks with the coastal plains of the Tomago Sandbeds, Stockton Bight and Port Stephens; and
- The Wallarah Peninsula lands provide a regionally significant break between urban areas, and contain areas of high biodiversity, scenic amenity and heritage value.

The Coal & Allied land at Tank Paddock and part Stockrington site that is proposed to be dedicated will help complete the linkage of identified regional corridors in key areas. The 545ha that is proposed to be dedicated to the NSWG for conservation will play a significant role in securing in perpetual public ownership the long sought after Watagan Stockton conservation corridor.

Importantly, the Black Hill Concept Plan will also result in the protection of riparian zones and waterways, appropriate retention of vegetation and Aboriginal archaeological areas.

8.2 Social

A Social Infrastructure Study has been prepared by Urbis to support the Concept Plan for the site. This report summarises local social infrastructure and assesses the likely consequences of the development. The Study notes that there is currently limited social infrastructure in the Black Hill site and that the benefits associated with the development process (including through Section 94A contributions, voluntary contributions and enhanced site facilities) are likely to be positive for the community.

A Draft Statement of Commitments is included at **Appendix C** for the site. This details the various monetary contributions, additional studies, applications and works the proponent commits to undertake in association with the project. In addition, Coal & Allied has allocated \$10 million for initiatives associated with the delivery of infrastructure to support the existing and future communities at Black Hill and Minmi/Link Road. The \$10 million allocation may be used for sustainability initiatives for future residents, additional infrastructure to support existing and future residents, educational and or community programs. This is discussed in detail at Section 7.1.

8.3 Economic

The Economic Appraisal prepared by Sphere provides the following findings:

- Once operational, it is estimated that The Black Hill site will deliver up to 3,600 direct full time equivalent jobs and will support a further 9,000 jobs in the wider economy resulting from multiplier effects;
- The project will provide total flow-on additional economic effects of \$1,000m from expenditure by recipients of the primary income;

- The project will inject an estimated \$724m of new capital investment into the economy from expenditure on construction of commercial and industrial space, plus infrastructure services both internal and external to the site;
- The project demonstrates a net, direct benefit to the economy from a forecast BCR of 1.20 using NSW Treasury methodology;
- Other economic benefits, quantified at \$29m relate to the transfer of conservation lands, the Coal & Allied \$10m allocation, payment of statutory fees, stamp duty and employment impact and payroll tax.

8.4 Public Interest

As discussed at length the proposal has a range of public benefits including:

- Major employment and economic development in an important strategic location;
- A conservation land dedication package that is a once in a generation opportunity that will provide an enduring legacy for the community;
- Payment of local and regional developer contributions;
- Provision of infrastructure to proposed development;
- Protection of the riparian zone within the site;
- Enhance cycle and pedestrian linkages;
- Protection of endangered ecological communities and threatened species in the offset area.

9 Conclusion

The Black Hill and Tank Paddock proposal will achieve substantial conservation outcomes through the proposed dedication of 545ha of Coal & Allied land at Tank Paddock and Stockrington for conservation purposes to the NSWG via a VPA in accordance with s.93F of the Environmental Planning & Assessment Act, 1979 (EP&A Act).

In summary, the proposed Concept Plan will:

- Facilitate development of up to 183 hectares of employment land at Black Hill, a location that has been identified by the NSWG in the LHRS as being of strategic importance for employment creation linked to the development of a freight handling hub for the region;
- Stimulate a wide range of employment generating uses and supporting activities;
- Incorporate a riparian green buffer and visual buffer zone as part of a committed approach to Ecologically Sustainable Development;
- Achieve consistency with all relevant strategic planning guidelines for the region; the LHRS, the LHRCP and the Newcastle – Lake Macquarie Western Corridor Planning Strategy (Western Corridor Strategy); and deliver significant economic development benefits for the Lower Hunter Region;
- Dedication of Tank Paddock (147ha) and part Stockrington lands (398ha) to the NSWG for conservation purposes.

In summary, the project is of clear significance to the region and State in terms of its significant delivery of environmental gain from the proposed dedication of land for conservation and the implementation of the objectives of the LHRS and LHRCP.

In view of the clear merit of the proposal, we therefore seek approval of the Concept Plan for Black Hill and Tank Paddock, subject to consideration of any issues raised during the public exhibition of the application and relevant provisions of the EP&A Act.

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