

Submission prepared by:

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MAJOR ISSUES AND OBJECTIONS about

Concept Plan (MP 10_0093) – Black Hill Industrial Development, Newcastle

Note: Preparation of this submission was co-ordinated by the Executive members of the Community Groups: Terry Lewin, Colin East, and Janet Murray. Exhibition period ends: April 1st, 2011.

(March 31st, 2011)

OVERVIEW OF THE COMMUNITY GROUPS' OBJECTIONS

In May 2009, the Community Groups submitted a detailed list of concerns and objections about the previous "Concept Plan for Black Hill" (MP 08_0124). While the current proposal (MP 10_0093) is no longer linked to the complex 2006 Memorandum of Understanding (MoU) with the NSW Government, it is fundamentally the same proposal and **poses many of the same ongoing threats to our local community.**

On the positive side, and consistent with our previous suggestions, the proposed voluntary offset lands are now more explicitly specified, and contained primarily within the Black Hill region itself, and there is a separate set of Commitments (albeit ones that are currently extremely arbitrary). However, it is still the case that the current proposal does **not represent a genuine "Concept Plan" for the broader Black Hill area**, but merely 'a means to an end' as far as Coal & Allied's specific, short-term plans are concerned for Lot 30 in DP 870411 (i.e., industrial development on the south-western corner of the intersection between John Renshaw Drive and the F3).

While the 2006 Lower Hunter Regional Strategy (LHRS) provides a general planning framework for such developments, it **cannot be used as the primary basis for justifying any particular development, because insufficient attention was given to sub-regional planning and local consultation.** The proponent's lack of serious consideration of alternative uses for the site (see Section 4.4 of their Environmental Assessment) is testament to their over-reliance on the LHRS – for example, they claim: "*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*" (p. 33) – by whom, one should immediately ask, as this is a heavily timbered site with a rural zoning (E4 - "Environmental Living"), the local community has never been actively engaged in any explicit sub-regional planning by either Newcastle or Cessnock Councils, and the site, somewhat mysteriously, was shifted into the 'employment lands' category at the last minute, *after* the draft LHRS had already been on public exhibition.

Whilst we fully support the dedication of land in the Stockrington/Black Hill areas for long term 'conservation', such an outcome should not be achieved at the expense of the rural-recreational lifestyles of the wider Black Hill community or future generations – **normal planning, consultation, development and evaluation processes must be followed** – not ones hiding behind narrowly defined Part 3A requirements or poorly developed, interim regional plans – otherwise, we will have no chance to develop the 'best concept' plan for this portion of Black Hill. Viewed from this perspective, the current Plan appears to be ill conceived, unimaginative, short-sighted, and devoid of consideration for the true nature, character and potential of the Black Hill area.

For the **reasons outlined in this submission** (which are listed briefly below), we urge the Director General and the Minister for Planning to –

Reject the current Concept Plan and require the proponent to give greater consideration to:

- 1) the regional conservation value of the proposed Black Hill site (including the high concentration of endangered *Lower Hunter Spotted Gum Ironbark Forest*);**
- 2) relationships between the proposed site and adjacent rural/conservation lands; and**
- 3) the values, needs and expectations of the local Black Hill community;**

– through the development of a proper sub-regional plan (in conjunction with the local community, Councils, and other agencies) that considers a larger set of alternatives and attempts to identify a more broadly based genuine Concept Plan, not one driven by the particular Developer's short-term interests and/or the automatic assumption that an industrial development is optimal.

We also wish to encourage the Minister to keep our Community Groups directly informed about the processing of this application and invite the Minister to seek further information or input from us, as required.

A. Misrepresentation of overall nature and character of Black Hill region.

***Objection/Issue Number 1:* The Concept Plan and associated documentation still provides a misleading and incomplete picture of the Black Hill region with respect to: 1) geographical area; 2) conservation profiles and priorities; and 3) the regional value of the proposed site.**

***Objection/Issue Number 2:* The current Concept Plan provides an inadequate assessment of the characteristics of the local community and its values, and, therefore, fails to deliver a 'plan' with 'any concept' of the needs and aspirations of that community.**

***Objection/Issue Number 3:* Potential longer-term impacts on the 'Image of Black Hill' have also not been adequately assessed. The current Plan completely ignores and devalues the existing local community by failing to appropriately consider the unique features, character, image and regional significance of the Black Hill area, as well as the community's ongoing struggles against existing and proposed (cumulative) threats to our lifestyles and wellbeing.**

B. Lack of justification and/or consideration of alternatives.

***Objection/Issue Number 4:* The actual need for industrial land on the southern side of John Renshaw Drive has still not been clearly established and the proponent makes no attempt to evaluate: 1) the availability and comparative utility of the large amount of degraded land on the northern side of John Renshaw Drive for industrial development; or 2) the**

impact of the new “Hunter Expressway” (i.e., F3 to Branxton link) on access to other more suitable sites in the Lower Hunter for industrial and transport facilities.

Objection/Issue Number 5: Additionally, to be a genuine Concept Plan for the “Black Hill” region, a much broader range of alternatives need to be considered and evaluated, including: 1) conservation friendly alternatives; 2) those that blend with current and future uses for adjacent lands; 3) non-transport related uses; and 4) alternative site layouts that both respect and protect the local community.

C. Unsatisfactory community consultation.

Objection/Issue Number 6: The proponent has still not consulted with the local Black Hill community (and relevant community groups) about the current Concept Plan, both before and during the current Exhibition period, and has received ‘poor direction’ from the Director General.

D. Acknowledgment and containment of unwanted local impacts.

Objection/Issue Number 7: Potential impacts of the proposed development on the local Black Hill community need to be more clearly acknowledged and addressed, including: containment of unwanted visual, noise, amenity, lifestyle, and transport impacts; protection of the long-term rural, scenic, and recreational character of the area (thereby promoting intergenerational equity); and risks associated with unplanned and piecemeal development. [Several specific suggestions are made for how to achieve these].

E. Development of appropriate commitments.

Objection/Issue Number 8: A more relevant, meaningful, and carefully specified set of commitments needs to be established that can make a real, long-term contribution to the local community’s wellbeing and social infrastructure (e.g., via a Fixed Term or Enduring Community Trust).

F. Other issues.

Objection/Issue Number 9: In view of the cumulative threats to our local community, a proper sub-regional plan needs to be established for Black Hill (in conjunction with the local community, Councils, and other agencies), which is not limited to a single parcel of land or driven by the short-term interests of a particular developer.

Objection/Issue Number 10: Ongoing community engagement, consultation and feedback need to be established as an important ingredient and priority in the development and implementation of any genuine Concept Plan for Black Hill.

FORMAT FOR THIS SUBMISSION

The major issues/objections that we have identified have been grouped under six headings (A to F). Each section lists the relevant issues/objections, followed by a series of “dot points” illustrating and cross-referencing these issues/objections.

	<i>Page</i>
A. Misrepresentation of Overall Nature and Character of Black Hill Region	6
B. Lack of Justification and/or Consideration of Alternatives	19
C. Unsatisfactory Community Consultation	21
D. Acknowledgment and Containment of Unwanted Local Impacts	22
E. Development of Appropriate Commitments	24
F. Other Issues	28

Figures

BHEPG – FIG. 1 Black Hill, NSW: Extracted from Google Image – 2009

BHEPG - FIG. 2A Lack of Independence between Proposed Development and the Lower Hunter Regional Strategy (LHRS)

BHEPG - FIG. 2B Strategic Directions Map from “Thornton-Killingworth Sub-regional Conservation and Development Strategy” (July, 2003)

BHEPG – FIG. 3 Need to Seriously Consider Potential Freight Hub Options Before Destroying Black Hill

BHEPG – FIG. 4 Relationship between Watagan-Stockton (to Port Stephens) Wildlife and Conservation Corridors and the “Northern Lands” component of Coal & Allied’s overall proposal

BHEPG – FIG. 5 Development and Conservation Areas within the “Northern Lands” component of Coal & Allied’s overall proposal – February, 2011

BHEPG - FIG. 6 Local Water Courses (Extracted from ABEL Submission)

BHEPG – FIG. 7 Existing Vegetation Communities on Proposed Black Hill Development Site

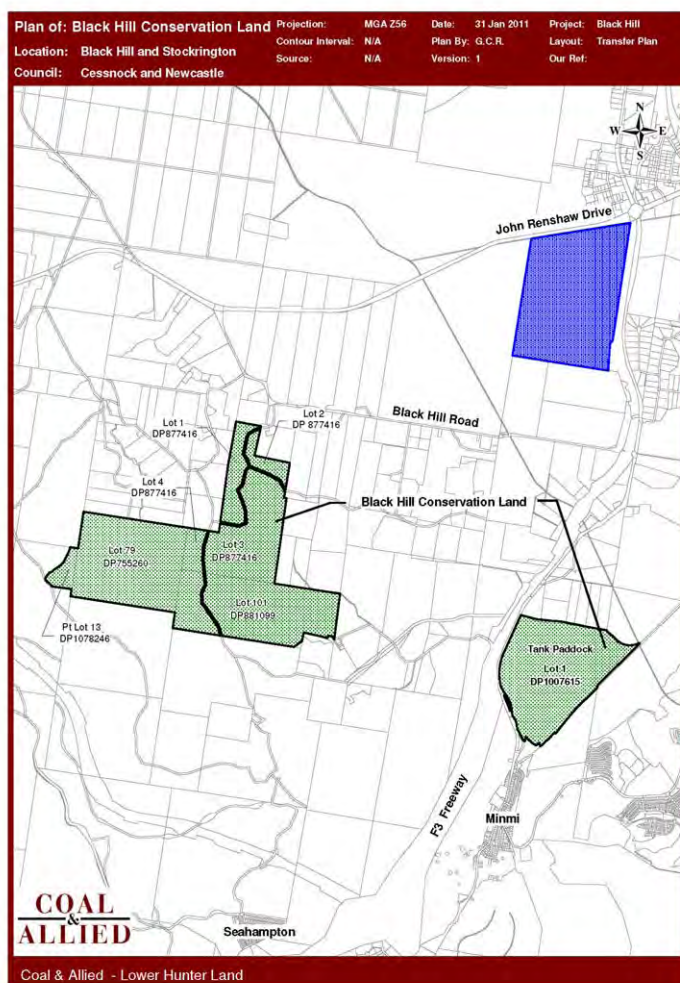
BHEPG – FIG. 8 Alternative plan for access to local road network

BHEPG - FIG. 9 Concept Plan Design Guidelines (February, 2011)

BHEPG – FIG. 10 Alternative illustrative site layout

THE PROPOSAL

- As part of the current application (MP 10_0093), Coal & Allied is seeking Concept Plan approval for the development of 183 hectares of “employment lands” at Black Hill – on the south-western side of the intersection of the F3 and John Renshaw Drive (*see Blue Region opposite*).
- In exchange, and as part of a new “Voluntary Planning Agreement” (VPA), Coal & Allied will dedicate 100% of the Tank Paddock (147 hectares) and several Lots in Stockrington/Black Hill (398 hectares) to the NSW Government for conservation, to be known collectively as “Black Hill Conservation Land” (totaling 545 hectares, *see Green Regions opposite*). These lands will make a significant contribution to the Watagan-Stockton conservation corridors identified in the Lower Hunter Regional Strategy (LHRS).
- Simultaneously, Coal & Allied are seeking approval for the Minmi Concept Plan (MP_0090), which involves large-scale residential developments and the dedication of 1,561 hectares of adjacent conservation land (for details, see **BHEPG – FIG. 5**).



THE COMMUNITY GROUPS

The Black Hill Environment Protection Group (formed in 1982) and the Buttai Community Development Group (formed in 1990) are unconstituted Community Groups which seek to protect the local environment and the rural/residential lifestyles of our local communities. The Groups' primary focus is on the environmentally sensitive Buttai/Black Hill end of the Sugarloaf Range and associated catchments, water courses and wetlands. The Community Groups meet on an 'as needs' basis to discuss community concerns and to co-ordinate submissions to Councils and other agencies about development proposals, environmental or other plans, or related regional/state issues. Over the past three decades, submissions have been prepared about a variety of issues, including gravel quarries and coal mine proposals, transport and waste management proposals, landcare and catchment issues, and associated government policies.

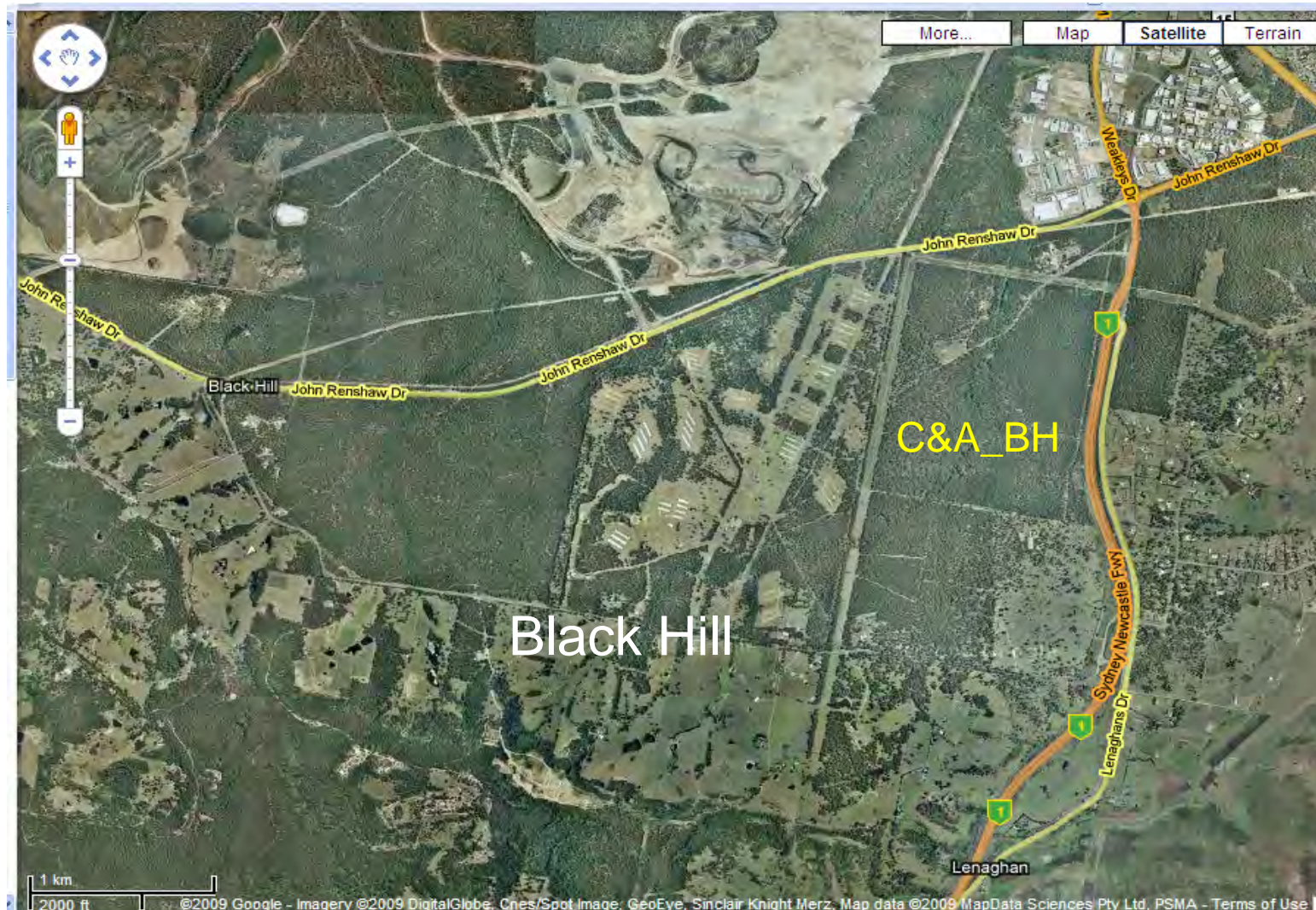
MAJOR ISSUES/OBJECTIONS

A. MISREPRESENTATION OF OVERALL NATURE AND CHARACTER OF BLACK HILL REGION

Objection/Issue Number 1: The Concept Plan and associated documentation still provides a misleading and incomplete picture of the Black Hill region with respect to: 1) geographical area; 2) conservation profiles and priorities; and 3) the regional value of the proposed site.

- The **geographical area known as ‘Black Hill’** is poorly characterised in all of the documentation associated with the Concept Plan:
 - For practical purposes, everything south of John Renshaw Drive in **BHEPG – FIG. 1** is part of ‘Black Hill’ – that is, Black Hill is effectively bounded by John Renshaw Drive (on the northern side), the Hexham wetlands (on the eastern side), Stockrington (on the southern side), and Buttai (on the western side).
 - While the majority of the Black Hill population lives on “rural-residential” properties to the east of the F3 (in ‘The Meadows’, which falls within Newcastle Council’s control), **by far the largest and most established (“rural”) areas** within Black Hill lie to the west of the F3 and fall predominantly within the Cessnock Council area (including Black Hill school and church). For example, the 3,000 hectare area directly affected by the Abel Underground Coal Mine (on the southern side of John Renshaw Drive, and west of the F3) includes approximately 110 rural properties with 195 dams.
 - The current version of the Concept Plan is marginally better than the previous version in that it now generally uses the label ‘Black Hill *site*’ in reference to the specific lot owned by Coal & Allied – as opposed to “Black Hill” (in the original version) which thereby tended to conveniently ignore the broad range of other rural-recreational activities with which Black Hill is actually associated. Nevertheless, statements in the Environmental Assessment for the current Concept Plan are still designed to **exaggerate the ‘industrial potential’ of the area**, such as “*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*” (on page 4). Contrast such statements with ones that more accurately characterise this area, such as: ‘Black Hill forms the northern most spur of the Sugarloaf Range’, which would also highlight the regional and environmental significance of the region.
 - Moreover, **the areas of Black Hill within Cessnock are almost totally ignored in the current Concept Plan**, as are the associated ‘edge effects’ and the potentially monumental consequences for this region.

In part, the Director-General’s requirements for the Black Hill Concept Plan have reinforced this **misrepresentation of the Black Hill area** – since the project is officially described as: “*Proposed concept plan for employment lands at Black Hill located in the Newcastle Local Government Area*”. Interestingly, the proponent was **not required** by the Director-General to consult with Cessnock City Council (only Newcastle City Council) – despite the fact that the offset lands are in Cessnock! Likewise, “The Newcastle-Lake Macquarie Western Corridor Planning Strategy” (finally released in July 2010) provides an inadequate reference point, especially for ‘edge effects’ since it **deals only with the Newcastle component of Black Hill** (see **BHEPG – FIG. 3**) – totally ignoring the Cessnock component.



BHEPG – FIG. 1

Black Hill, NSW:

Extracted from Google Image – 2009

- Predominantly “rural” – west of F3 and south of John Renshaw Drive
- Predominantly “rural-residential” – east of F3 (“The Meadows”)
- Predominantly “coal mining” and “light industrial” – north of John Renshaw Drive
- C&A_BH – 2011 Proposed Coal & Allied “employment” lands within Black Hill (MP 10_0093)

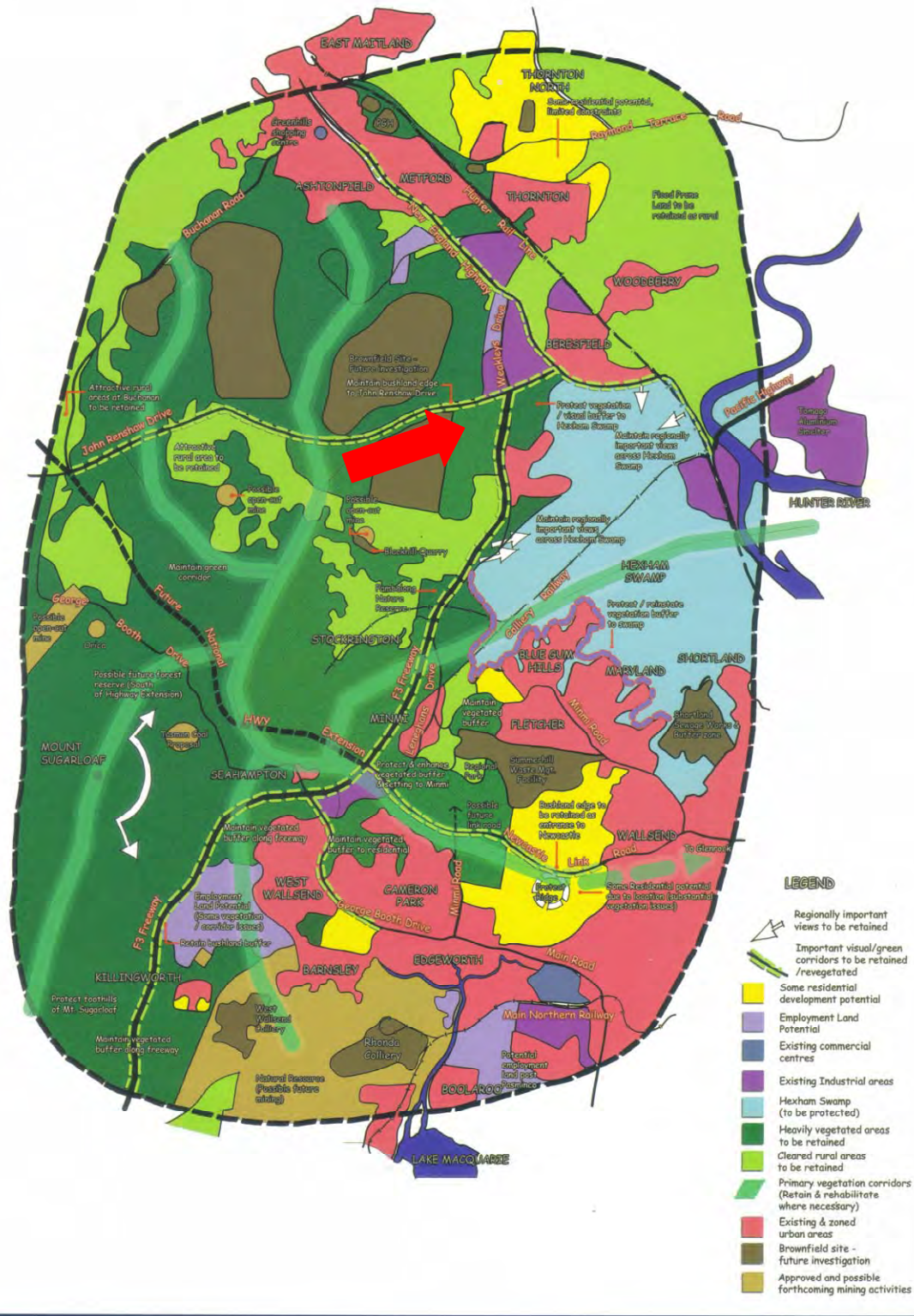
- **Conservation profiles and priorities** within the Black Hill region itself have also been largely ignored:
 - One of the more obvious features in **BHEPG – FIG. 1** is that there is a **minimal amount of degraded land** within the Black Hill region, with most areas having high conservation values – resulting in their exclusion from intensive residential or commercial development.
 - The only exceptions to this claim are the Black Hill gravel quarry and, possibly, some of the areas between Blackhill Road and John Renshaw Drive that once housed a large poultry farm – however, this is clearly not degraded land in the same sense as the Donaldson and Bloomfield mines on the northern side of John Renshaw Drive – and certainly does not deserve the tag ‘future freight hub and employment lands’, as shown in **BHEPG – FIG. 2A & FIG. 3**, simply on the basis of ‘land degradation’. Indeed, it is the community’s view that, in all likelihood, **the inclusion of this portion of Black Hill as potential ‘employment lands’ in the Lower Hunter Regional Strategy (LHRS) largely reflects the Department of Planning’s awareness (at that time) of the impending Memorandum of Understanding (MoU) with Coal & Allied** (which was signed in October, 2006) – that is, the underlying planning rationale for this sub-region is incredibly circular – and needs to be formally reviewed. To reinforce this claim, see **BHEPG – FIG. 2B**, which shows how this area was classified in 2003 as one of the “heavily vegetated areas to be retained”. (See the right-hand sides of **BHEPG – FIG. 2A & FIG. 3** for further arguments – including those relating to the obvious disconnection between the proposed site and the likely freight hub!).
 - As shown in **BHEPG – FIG. 4**, the Watagan-Stockton (to Port Stephens) **wildlife and conservation corridors** extend across most of the Black Hill region. Moreover, the area that needs to be set aside for conservation will need to be larger than the marked areas, which tend to show ridgelines, not the wider wetlands catchment. There are also some relatively narrow wildlife corridors that need special protection such as the Black Hill/Pambalong Nature Reserve connection. [The Pambalong Nature Reserve wetland is *“an integral part of a chain of wetland reserves ... that form the internationally significant Ramsar-listed Hunter Estuary Wetlands.” “It provides critical habitat for wader and water bird species at a regional, state, national and international level.”* (Pambalong NR Plan of Management, May 2006)].
 - As shown in **BHEPG – FIG. 6**, the many timbered ridgelines of the Northern Sugarloaf Range create several Schedule 2 creek catchments, including the Buttai, Bluegum, and Viney Creek catchments that have particular relevance to the Black Hill region. The principles of **total catchment management** have been largely ignored in the current Black Hill Concept Plan.
 - The lands that go together to form the Watagan-Stockton wildlife and conservation corridors would probably **benefit just as much** from retention of Coal & Allied’s Black Hill site (zoned: E4 - “Environmental Living”) as they would from retention of the Tank Paddock – both have high conservation value to their respective communities. This is further illustrated in **BHEPG – FIG. 5**, with the entire area south of John Renshaw Drive all the way to Hexham being currently without industrial or commercial development (excluding the small Bitumen plant currently on Coal & Allied’s lot).
 - Likewise, the implication that the proposed Black Hill site is in any way similar to the “adjacent” (Beresfield) industrial area is totally misleading. As noted earlier, **the industrial development on the northern side of John Renshaw Drive backs onto degraded lands** associated with the Donaldson mine and is not contiguous with the Sugarloaf Range and its catchments.

BHEPG - FIG. 2A: Lack of Independence between Proposed Development and the Lower Hunter Regional Strategy (LHRS)

The base map and legend were extracted from: the “Lower Hunter Regional Strategy (LHRS)” (Map 1, pages 12/13) - NSW Dept. of Planning, October, 2006. The current Black Hill Concept Plan area (MP 10_0093) is marked with a red star.

- Unlike the final version (*see opposite*), the draft version of the LHRS did not identify the land between Black Hill Road and John Renshaw Drive (JRD) as “future freight hub and employment lands” – only the area to the north of JRD.
- In all likelihood, this change occurred because of the Dept. of Planning’s awareness of the impending Memorandum of Understanding (MoU, which was signed in October, 2006).
- This decision should be formally reviewed and the local community given an opportunity to argue its case.
- Moreover, the preferred freight hub options are all north of JRD (see **BHEPG – FIG. 3**)

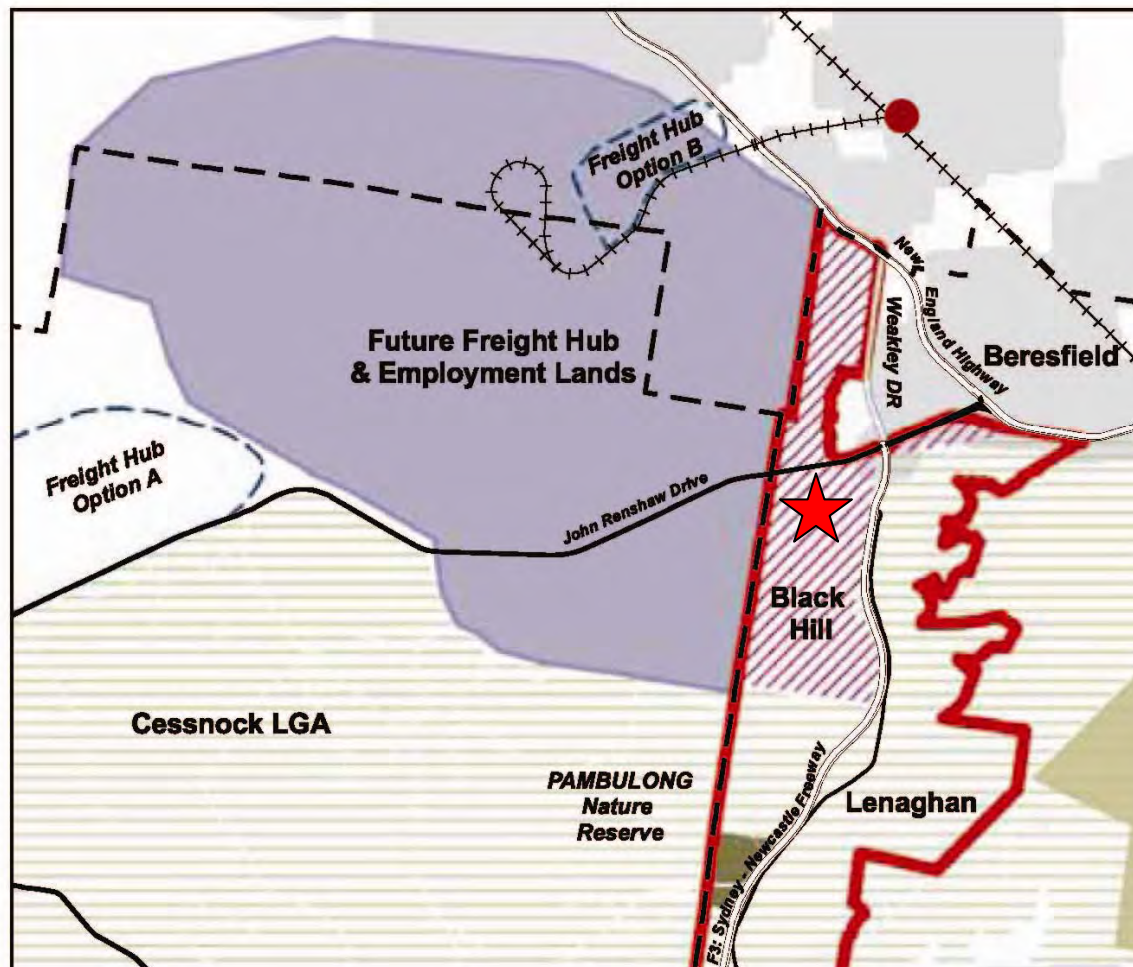




BHEPG – FIG 2B. Strategic Directions Map from “Thornton-Killingworth Sub-regional Conservation and Development Strategy” (July, 2003)

In 2003, Coal & Allied’s lot at the intersection of the F3 and John Renshaw Drive (see Red Arrow) is clearly shown as one of the: “heavily vegetated areas to be retained”

map 4- western corridor planning strategy



BHEPG - FIG. 3: Need to Seriously Consider Potential Freight Hub Options Before Destroying Black Hill

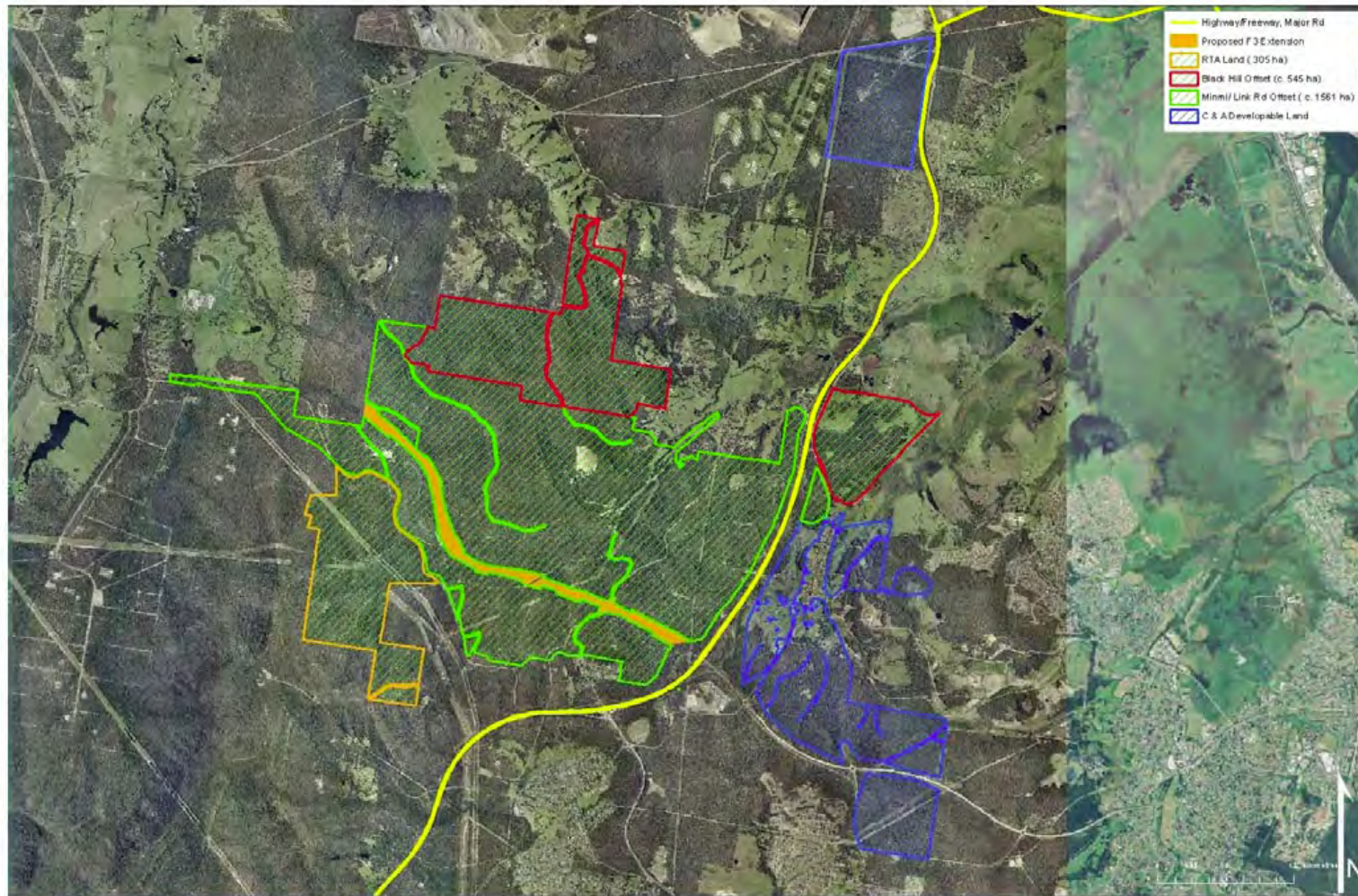
The base map was extracted from: the final version of the “Newcastle-Lake Macquarie Western Corridor Planning Strategy” (WCPS, Map 4, page 27) - NSW Dept. of Planning, July, 2010. The current Black Hill Concept Plan area (MP 10_0093) is marked with a red star.

- The grey area marked as “Future Freight Hub and Employment Lands” is as per the Lower Hunter Regional Strategy (LHRS, 2006), which did not consult with the local community about the Black Hill land south of John Renshaw Drive (JRD), (see [BHEPG – FIG. 2A](#)).
- Moreover, the currently preferred freight hub options (Options A and B) shown in the WCPS, and associated rail linkages, are both north of JRD. Therefore, it makes no sense to contemplate destroying the rural-recreation character of Black Hill when it may never be linked to the final freight hub. (Likewise, the WCPS did not consider parts of Black Hill west of the Newcastle-Cessnock boundary).



BHEPG – FIG 4. Relationship between Watagan-Stockton (to Port Stephens) Wildlife and Conservation Corridors and the “Northern Lands” component of Coal & Allied’s overall proposal

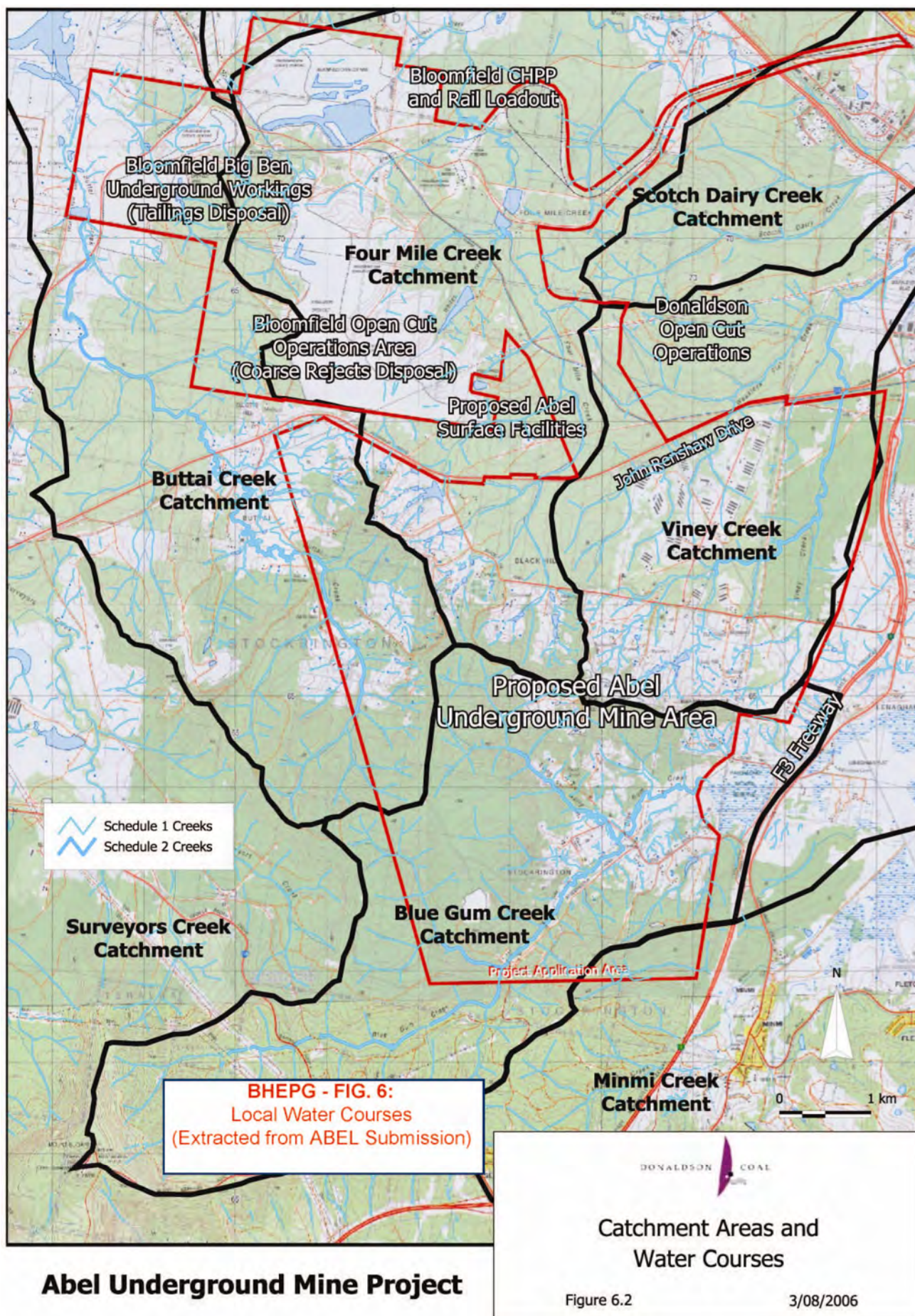
Figure 2 – Local Context: Minmi/Link Road



NORTHERN AREA- DEVELOPMENT AND CONSERVATION AREAS FEB '11

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BHEPG – FIG 5. Development (Blue) and Conservation Areas (Red, Green, Yellow) within the “Northern Lands” component of Coal & Allied’s overall proposal – February, 2011



Abel Underground Mine Project

- The proposed (Coal & Allied) site in Black Hill has **substantially higher ‘regional conservation significance’** than implied by the Environmental Assessment (EA) for the Concept Plan, and substantially **lower value as ‘employment lands’**:

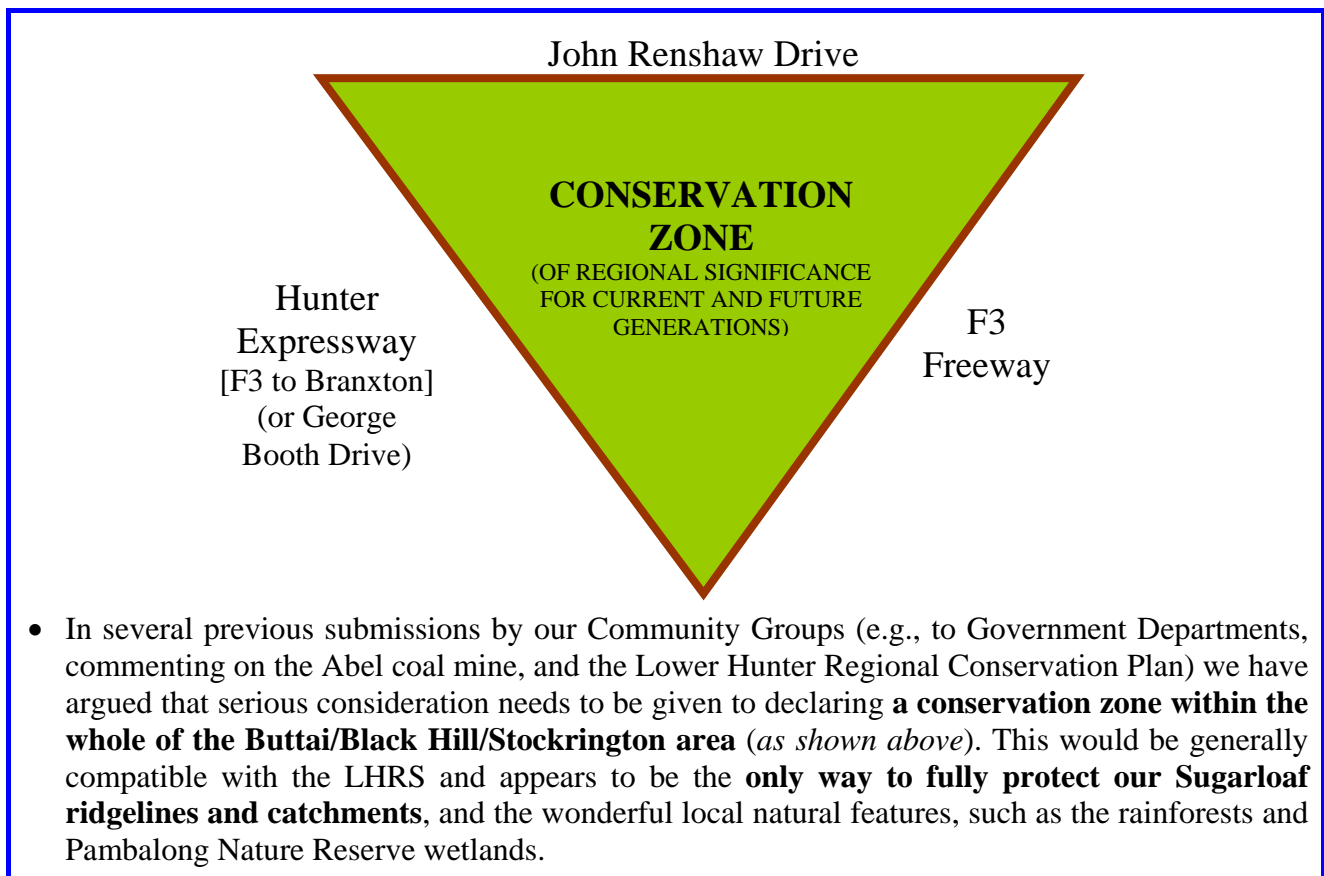
- The EA for the Black Hill Concept Plan **deliberately obscures the regional conservation significance of the proposed site**. For example, the Biodiversity section of the report (Section 6.4.1, page 61) makes broad statements such as “... *the quantum of offset lands, when viewed holistically with proximate existing and proposed conservation reserve areas, provides a robust long-term outcome for all species and communities*”. However, **an examination of the appendices confirms the comparatively high conservation values that attach to the proposed site**. To quote at length from the Ecological Assessment Report (Appendix F, page ii):

*“... Three (3) vegetation communities have been delineated and described for the Black Hill site, including one listed **Endangered Ecological Community (EEC)** which comprises approximately 72.4% of the study area:*

Lower Hunter Spotted Gum Ironbark Forest (LHSGIF)

This community dominates the eastern and western slopes of the site which flank the Viney Creek riparian corridor that bisects the study area from south to north. LHSGIF covers approximately 132.9 ha of which the majority is to be cleared for industrial subdivision. Lower Hunter Spotted Gum – Ironbark Forest is listed as an EEC under the TSC Act 1995. An equal area of this vegetation community is proposed to be retained as Conservation Estates (approx 131.46ha).”

- In other words, 132.9 ha of 183 ha (or **72%**) of the proposed site contains an EEC (which will be totally destroyed), compared with 79 ha of 147 ha (**54%**) for the Tank Paddock, and 408 ha of 2,264 ha (**18%**) for the main Stockrington conservation landholdings. **Thus, the area with the highest concentration of LHSGIF** (see **BHEPG – FIG. 7**) **is the one to be destroyed!** This also further highlights the very real sense in which the nature of the Black Hill region will be **forever changed** by the proposed development.
- Concurrently, the EA for the Concept Plan makes **absurd claims about the potential value of the site as ‘employment lands’**. For example, page 33 claims “... *the site is at the core of an area of recognised employment lands ...*”. This is **nonsense** on several fronts: firstly, the 183 ha site in Black Hill is only 12% of the 1,500 ha of employment lands identified in the Western Corridor Planning Strategy, with the most suitable land for development being in the Killingworth and West Wallsend regions; secondly, the **existing Hunter Economic Zone (HEZ) in Kurri Kurri**, which comprises more than 500 ha for industrial development, will benefit directly from the building of the Hunter Expressway, which will be completed well before the current site is available for any development; thirdly, there is a **large amount of degraded land** suitable for employment related activities in the corridor between John Renshaw Drive and the New England Highway (which is likely to be part of the actual Freight Hub – see **BHEPG – FIG. 3**); fourthly, there are currently no services to the proposed site; and fifthly, the proposed site has only been ‘tossed into the mix’ because of the original MoU/LHRS deal – not because of any demonstrable need for employment lands in that particular location. Consequently, far from being “the core”, **the omission of the Black Hill site from the ‘employment lands’ category will have minimal impact on employment opportunities in the Lower Hunter region.**

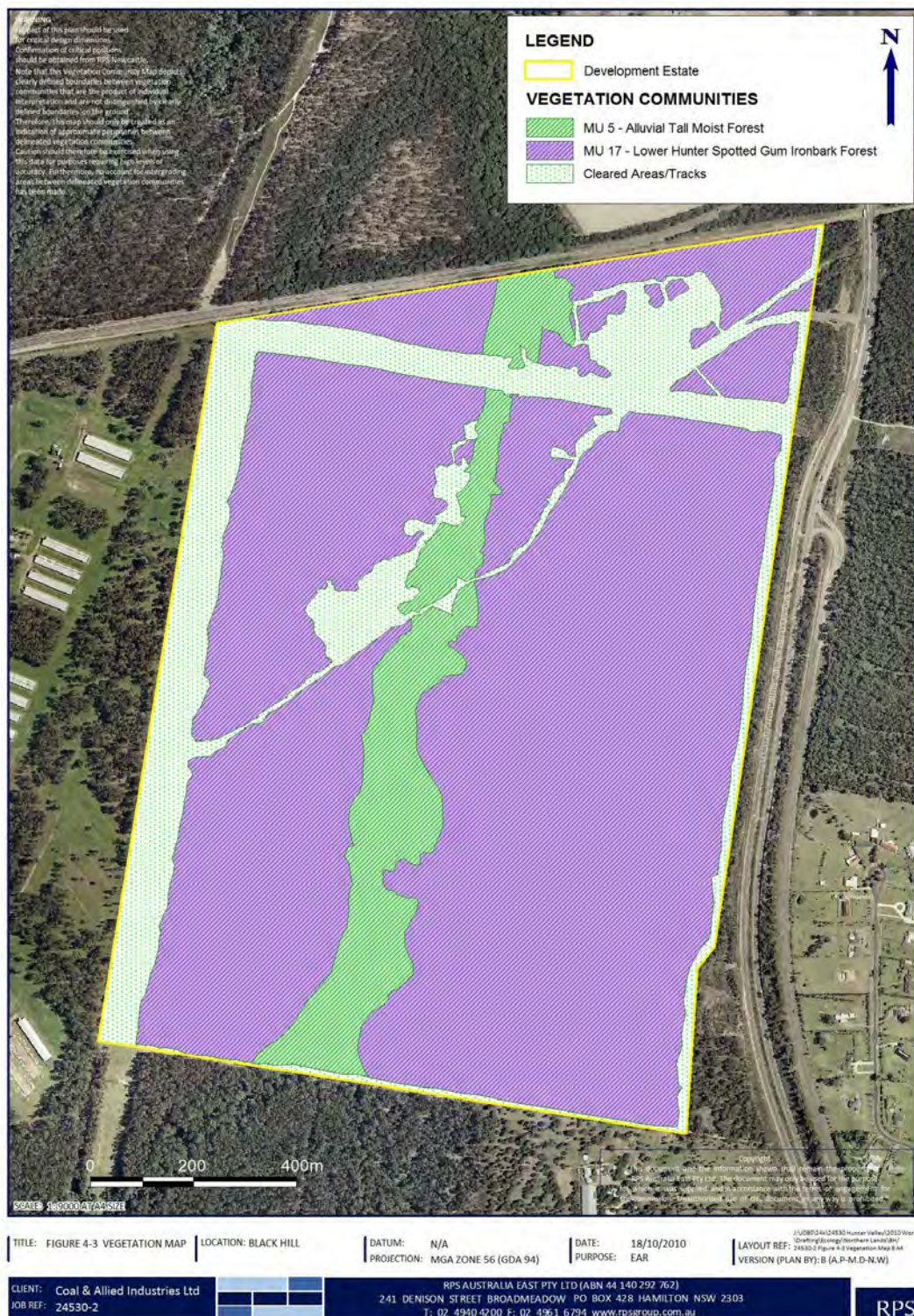


Objection/Issue Number 2: The current Concept Plan provides an inadequate assessment of the characteristics of the local community and its values, and, therefore, fails to deliver a ‘plan’ with ‘any concept’ of the needs and aspirations of that community.

- The **characteristics and values** of the local Black Hill community have not been properly assessed and considered in the current Concept Plan and associated documentation:
 - There are key ‘state significance’ **resources other than ‘coal and potential transport hubs’ to consider**, namely, the unique features of the environmentally sensitive Sugarloaf range and wetlands (which the LHRS acknowledges as having high conservation value) and the long-standing semi-rural lifestyles and community identity and aspirations of local Black Hill residents. From the Community Groups’ perspective, there can be little doubt that it is these features that constitute the ‘**principal resource**’ in our area – in a nutshell, the ‘**nature and character of the area**’.
 - The concept of ‘**neighbourhood**’ is easier to assess in relation to urban developments, such as those associated with the Minmi Concept Plan, but applies just as well, if not more so, in small rural communities such as Black Hill. What an outsider assesses as a small amount of ‘social infrastructure’ (e.g., a small primary school and church, with no shops or commercial centres) can translate into a well connected and supportive local community (or neighbourhood) – for example, one in which successive generations of rural families have been educated at the same local school and have grown up to take on roles within the School Council and P&C. **Such a community needs to have its neighbourhood and views acknowledged** – which has clearly not been the case in relation to the current Concept Plan. Surely, more input from the local community is required to know ‘what concept of Black Hill’ actually needs to be planned!
 - (Please see additional comments in Section C – ‘Unsatisfactory Community Consultation’).

Objection/Issue Number 3: Potential longer-term impacts on the ‘Image of Black Hill’ have also not been adequately assessed. The current Plan completely ignores and devalues the existing local community by failing to appropriately consider the unique features, character, image and regional significance of the Black Hill area, as well as the community’s ongoing struggles against existing and proposed (cumulative) threats to our lifestyles and wellbeing.

- Notwithstanding that the local community’s views have been largely ignored in the development of the current Concept Plan, **in all likelihood, the longer-term ‘image and character of Black Hill’ within the Hunter region will be forever changed by the proposed development:**
 - For example, there are **currently no industrial parks or transport hubs within Black Hill** (i.e., south of John Renshaw Drive), with the area being primarily associated with rural and semi-rural lifestyles and associated rural employment and recreational activities. All of the existing industrial parks and transport hub related activities (e.g., service stations, truck sales and service, etc) are to the north of John Renshaw Drive, in Beresfield – and correctly identified on maps and signs as such – that is, ‘Black Hill’ is not synonymous with ‘industrial’ or ‘commercial’ activity – but instead, seen as a ‘very desirable rural retreat within 30 minutes of Newcastle’.
 - There is a real danger that, left unchecked, industrial and commercial developments on the southern side of John Renshaw Drive will **eventually spread across most of the area north of Blackhill Road** – compromising the visual amenity and lifestyles of all Black Hill residents and visitors, and destroying the unique charm of the area.
 - Such developments would be particularly difficult for the local community to accept because: 1) we have put up with **decades of noise and dust impacts** from the nearby Bloomfield open-cut coal mine, and more recently Donaldson mine (north of John Renshaw Drive); and 2) we have also endured (and challenged) **decades of development proposal applications** for waste dumps, quarries, coal mines, and the like – all because of our close proximity to major transport routes. It has reached the point where the most obviously threatened population is the ‘small landowner trying to establish a rural/residential lifestyle within reasonable proximity to a major city’.
 - Further **developments on the horizon**, which challenge the environmental and social integrity of our sub-region, include: the “Hunter Expressway” (F3 Seahampton to Branxton link); the F3 interchange associated with the Raymond Terrace exit (bypassing Hexham); potential rail freight bypass; and further extensions to the Abel Underground Mine.
 - The Developer has attempted to dismiss the community’s concerns with flippant comments such as: “Community perceptions of the area are likely to be quite individual, and will evolve over time” (September 8th, 2009 responses to MP 08_0124) – which hardly justifies the lack of community consultation within Black Hill. On the other hand, if the local community was **directly surveyed** about the need for an industrial estate on the proposed site, in all likelihood it would be overwhelmingly rejected.



BHEPG – FIG 7. Existing Vegetation Communities on Proposed Black Hill Development Site

Because the current Concept Plan and associated documentation misrepresents the overall character and nature of the Black Hill region, and fails to engage and adequately consider the local community, only a narrow range of alternatives were considered - driven by an over-reliance on the 2006 LHRS and the proponent's desire to implement the broader Northern Estates Concept Plan – not to develop a genuine, 'best concept' plan for the Black Hill region.

B. LACK OF JUSTIFICATION AND/OR CONSIDERATION OF ALTERNATIVES

Objection/Issue Number 4: The actual need for industrial land on the southern side of John Renshaw Drive has still not been clearly established and the proponent makes no attempt to evaluate: 1) the availability and comparative utility of the large amount of degraded land on the northern side of John Renshaw Drive for industrial development; or 2) the impact of the new “Hunter Expressway” (i.e., F3 to Branxton link) on access to other more suitable sites in the Lower Hunter for industrial and transport facilities.

- In many ways, the local Black Hill community finds itself in its current predicament because of an extremely circular piece of ‘**bureaucratic planning logic**’- namely, (we suspect) awareness of the impending 2006 MoU contributed to the inclusion of the identified portion of Black Hill in the 2006 LHRS, which then enabled the proponent to cite the ‘employment lands’ identified in the LHRS as the underlying justification for developing the current Concept Plan!
- As a consequence, the proponent and the Department of Planning have made **no real attempt to assess the actual need for the proposed development** – or to document the suitability and availability of alternative sites north of John Renshaw Drive, including all of the existing Beresfield industrial estate areas, and the hundreds of hectares of degraded lands associated with the Donaldson and Bloomfield open-cut coal mines.
- In short, no analysis is presented justifying the need for additional “industrial land” at Black Hill. Will the land be cleared and roads put in and then sit there **unoccupied for years**, as has happened at the Hunter Employment Zone (HEZ)? Is further “industrial land” at Black Hill actually required? Will this development further delay the uptake of the HEZ, which is located in an area of much higher unemployment?
- As we have already noted, the Hunter Expressway will be constructed over the next few years and will **dramatically alter traffic flows through the Lower Hunter**. Current and proposed residential, recreational and industrial areas (such as those in the Kurri Kurri region) will become far more accessible – and be **available for development much sooner than the proposed lands** on the southern side of John Renshaw Drive (e.g., due to constraints associated with the Abel underground mine). If the proponent cannot demonstrate that there is a real need for industrial development on the Black Hill site, then **the current Concept Plan should be abandoned**.

Objection/Issue Number 5: Additionally, to be a genuine Concept Plan for the “Black Hill” region, a much broader range of alternatives need to be considered and evaluated, including: 1) conservation friendly alternatives; 2) those that blend with current and future uses for adjacent lands; 3) non-transport related uses; and 4) alternative site layouts that both respect and protect the local community.

- **Conservation friendly alternatives:**
 - From the Community Groups' perspective, our first preference would be to retain the site as "rural" (as part of the broader "Conservation Zone" or triangle described earlier) – with the onus being placed on the proponent to **demonstrate the actual need for an industrial development on this particular site at this point in time** – and bearing in mind the lengthy delays until underground mining is completed (Abel mine) and the availability of degraded land on the northern side of John Renshaw Drive – both now and following the closure of the Donaldson open-cut mine in 2012.
 - **If the government insists on degrading the local Black Hill environment** (in the process of implementing the misguided/deceitful components of the 2006 LHRS in Black Hill), then the community may have to agree to a compromise. In which case, our second preference would be a "rural-residential" development (i.e., small acreages), which retains a substantial proportion of the existing native vegetation on the site and protects Viney Creek and its catchment – with the onus being placed on the proponent to **demonstrate how such a development is less desirable in the longer-term for the Black Hill region than an industrial development on that site**. After all, proximity to the freeway and employment are strongly attractive characteristics to potential residents as well as industries! Such a development would also attract families with younger children and, thereby, support the local primary school (which was established in 1881 and represents the true 'hub' of the local community) – the place we gather, meet neighbours, make new friends, communicate and connect.
 - Likewise, our third preference would be for a **less intensive, integrated employment zone** (as opposed to a disjoint collection of businesses) that focused on **specific, progressive industries with a rural and/or environmental/green energy focus**, and where there was a clear emphasis on minimising local and regional environmental impacts (e.g., through the use of solar energy, waste-water recycling, native vegetation retention, and so on).
- Alternatives that **blend with current and future uses for adjoining lands:**
 - The overriding focus on the current Concept Plans (and the faulty 2006 LHRS) has contributed to **a lack of consideration of adjacent local sites**, including the Equestrian Centre to the south, the proposed Catholic High School to the west, and the rural values and lifestyle interests of the local Black Hill community, school and church.
 - Additionally, among the longer-term plans for the area are **local roads** linking Black Hill with Ashtonfield (and the New England Highway near Four Mile Creek), commencing at the upgraded entrance to Donaldson/Abel mines on John Renshaw Drive - consequently, plans for developments on the southern side of John Renshaw Drive may need to consider this location as a possible linkage point.
- **Employment alternatives unrelated to a 'transport hub':**
 - The proposed development site is clearly **not required for future 'transport hub' related activities** (see **BHEPG – FIG. 3**) and this argument should not be used as part of the current justification. This is hardly surprising given the existing rail infrastructure and large areas of degraded land that currently comprise parts of the nearby Bloomfield and Donaldson mine sites.
- **Alternative layouts** within the actual Concept Plan site also need to **respect and protect the local community**, including:

- Protection of **local catchments**, the **rural values of adjacent landowners**, and promotion of the **long-term ‘image of Black Hill’ as predominantly ‘rural and recreational’** (e.g., using appropriate visual screening, noise abatement, and so on).
- Selection of **transport routes that are integrated** with local roads (and, therefore, accessible to the local community) but which also direct heavy vehicle traffic away from the key roads used to access schools and rural properties (such as Blackhill Road).
- A genuine Concept Plan for “Black Hill” (as opposed to Coal & Allied’s particular lot) should also attempt to protect the local environment and future generations by **restricting future development to a specific zone** – such as north of the alternative access route shown in **BHEPG – FIG. 8**.

C. UNSATISFACTORY COMMUNITY CONSULTATION

Objection/Issue Number 6: The proponent has still not consulted with the local Black Hill community (and relevant community groups) about the current Concept Plan, both before and during the current Exhibition period, and has received ‘poor direction’ from the Director General.

- While most residents of Black Hill were vaguely aware of the original (and now defunct) MoU, and the agreed linkage between conservation (80%) and development (20%), there has been **NO COMMUNITY WIDE CONSULTATION** about the specific Black Hill Concept Plan that is currently on Exhibition – and this is **totally unacceptable!**
- Evidence for the complete lack of consultation with the wider Black Hill community about the specific Concept Plan comes from the proponents own documentation:
 - The last genuinely public meeting was held in Minmi in 2006. One year later, a Community Workshop was held (in November 2007) which did not discuss the Black Hill Concept Plan. Moreover, the summary from this workshop could not aggregate the views relating to Black Hill “*due to the small number of participants*” (Northern Estates Charette Reference Guide, page 27). Even among the small group that was present, it was acknowledged that “*John Renshaw Drive should be the point of delineation*” (page 28), with Black Hill retaining its rural and semi-rural flavour.
 - Interestingly, the current EA (page 25) also documents discussions with the “Black Hill Progress Association” – to our knowledge, a non-existent entity, and certainly not a group listed in the previous set of proponent responses (September 8th, 2009 responses to MP 08_0124).
 - The current Concept Plan and Appendices are dated February, 2011, **years AFTER THE LAST CONSULTATION with any members of the Black Hill community.**
 - At the very least, the proponent should have held **public meetings** with the Black Hill community in 2011 **immediately prior to the current exhibition period** and documented the outcomes of those meetings – not a static Poster Display in Minmi!
- The Director General’s Requirements for the current proposal are dated “19 August, 2010” – and, surprisingly, they do not explicitly mention the local community (or Cessnock Council, which has planning/zoning responsibility for the offset lands) – an **obvious failing**, given the broader requirements of Part 3A legislation, and the necessity to consult with the community at all stages of the development proposal process.

- Previously, the Director General’s **typical requirements** for such Applications included statements such as the following: “*During the preparation of the EA, you must consult with the relevant local, State, and Commonwealth government authorities, service providers, **community groups**, and affected landowners*” (e.g., Requirements for Abel Underground Coal Mine, 2006 - Major Project No. 05_0136). Surely, if community groups need to be consulted in relation to specific Development Applications, they should also be consulted in relation to Concept Plans that set the parameters for those Development Applications. Unfortunately, the Director-General’s Requirements for the current Concept Plan made no mention of consultation with community groups and, therefore, groups such as our own were totally ignored.
- More generally, the need to **engage communities early and fully** in the process, and to integrate their concerns and recommendations into the Environmental Assessment, has clearly not been met in relation to the *current* Concept Plan.
- Since the proponent makes it quite clear that there are a host of aspects of this project **yet to be seriously considered and evaluated** (*see below*), we can only hope that the local Black Hill community are more actively engaged by the proponent in these future applications.
For example, as noted on page 30 of the EA:
“... Approval is not sought for subdivision or individual buildings on the site ...”; and
“ ... not sought under the Concept Plan for a specific lot or road layout ...”.
- In essence, if Coal & Allied want proper feedback from the Black Hill community, they should **arrange a meeting at Black Hill** and, at the very least, INVITE people who have already lodged submissions, as well as advertising through the school newsletter.

D. ACKNOWLEDGMENT AND CONTAINMENT OF UNWANTED LOCAL IMPACTS

Objection/Issue Number 7: Potential impacts of the proposed development on the local Black Hill community need to be more clearly acknowledged and addressed, including: containment of unwanted visual, noise, amenity, lifestyle, and transport impacts; protection of the long-term rural, scenic, and recreational character of the area (thereby promoting intergenerational equity); and risks associated with unplanned and piecemeal development. [Several specific suggestions are made for how to achieve these].

- The Director-General’s Requirements specify the need to consider “**edge effects**” – e.g., “*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*”. Since the proposed development and offset lands are not adjacent to one another (see the Map on page 5), the developer has **chosen to ignore “edge effects”**, as such. However, in this instance, the ‘edge effects’ of greatest relevance are those relating to the interface between the proposed development and the local Black Hill community:
 - Unless considerable care is taken, the proposed development could directly impact on the lives and rural lifestyles of the Black Hill community, on the charm of the local school and church, and on the sensitive catchments and wildlife and conservation corridors of the Northern Sugarloaf Range – potentially dramatically changing the character and image of Black Hill forever. **These threats need to be more clearly acknowledged and articulated in the Concept Plan** and, where possible, worked through with the local community.
- Appendix B of the current Concept Plan identifies several site “opportunities” including: 1) utilising the Viney Creek corridor for “*passive open space and cycle/pedestrian links*”; 2)

“cafes” and “child care” facilities; and 3) using multiple site entry points to “enhance public transport for future employees”:

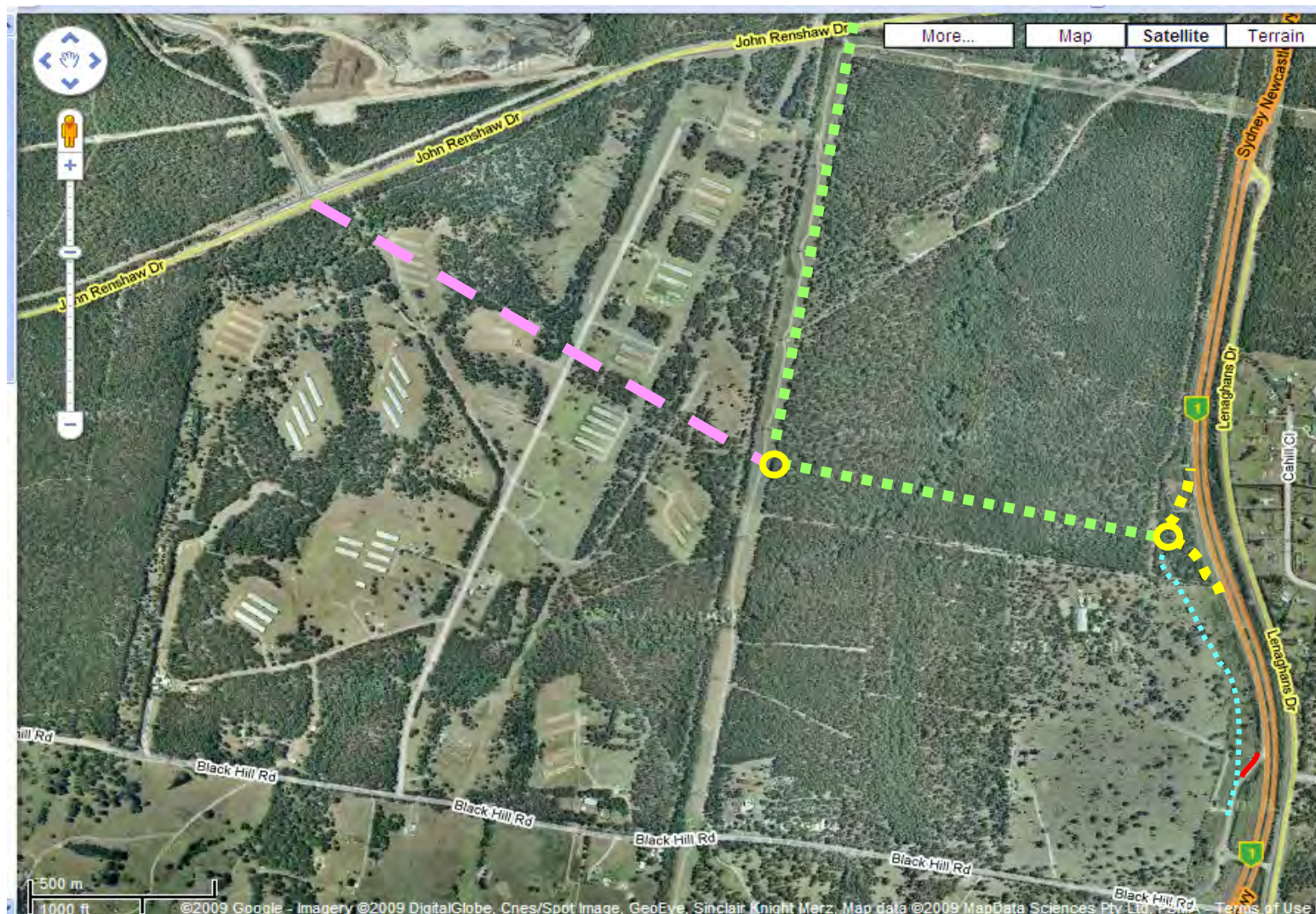
- What is particularly noticeable about these “opportunities” is that they make **no real attempt whatsoever to allow for integration with the existing Black Hill community and the surrounding environmental constraints and characteristics** – the Viney Creek catchment needs to be fully protected, not destroyed and established as a run-off point for local industry; and the road system needs to be properly planned and integrated with local and regional roads (and proposals), not established as a simple convenience for this particular industrial estate.
- **If the local community is forced to accept the development of an industrial estate on this site, then it needs to be integrated and fully planned** – not piecemeal – as is traditionally the case with such developments. Indeed, since Coal & Allied’s core business is not associated with the development of industrial estates, it would be surprising to see them retain ownership of the Black Hill site for very long – making it all the more important that the Concept Plan is actually “Black Hill focused” – not Coal & Allied focused.
- Unfortunately, some of the issues noted above were compounded by the Director-General’s Requirements, which **completely ignored the visual impacts on the remainder of Black Hill**, specifying only that the proponent needed to “ ... *Assess the visual impact of the proposal, particularly from the F3 Freeway, John Renshaw Drive and adjoining employment lands*”.
- **A 50m undeveloped, treed and vegetated buffer (fully contained within the site) is required on all sides** to provide a visual screen or ‘green entry visual statement’ (as recommended in the Western Corridor Planning Strategy) – which will: 1) reduce the immediate visual impact on the local community; and 2) protect the overall rural image and character of Black Hill. Our previous experience with other local developments is that such buffer zones are rarely maintained in the intended form, often being given over for electricity, gas or other utilities, or signage and advertising – clearly, ‘undeveloped’ buffers are required if protection of amenity and rural features is the primary goal.
- The proposed buffers around this site are ill conceived and woefully inadequate – being currently set at 20m (see **BHEPG – FIG 9**). For example, as already noted, the existing 50m buffers along John Renshaw Drive have done little to screen the Donaldson mine from the road. **Treed and vegetated buffers of 50m are required** on the north and east to screen from road users and to the south to protect sensitive receptors such as the school and church - ideally, to create a more natural look, these buffers should contain 30m of trees, with 10m of vegetation on either side. The EA currently suggests the plan will create “*an attractive and functional employment location*” - Without proper buffers, it will certainly not be attractive to local residents looking at the back end of a bunch of industrial sheds. The proposed width of these buffers is designed to take into account any future incremental vegetation loss. In addition, separate, cleared 20m Asset Protection Zones (APZs) are required alongside each of the vegetated buffers.
- Moreover, the Developer should **not attempt to hide behind the provisions associated with Part 3A legislation**. For example, even if the Water Management Act (2000) is not triggered directly by Part 3A legislation, the Developer should abide by its requirements – for example, by increasing the Core Riparian Zone (CRZ) to a minimum width of 40 metres from the top of the bank of Viney Creek, with an additional 10 metre vegetated buffer (to allow for edge effects) and a further cleared APZ outside of this.

- The Reparian corridor and key boundary buffers also need to be **appropriately zoned** (as E2, “Environmental Conservation”).
- **Road network impacts** also need to be much more carefully addressed, including the obvious problems associated with the proximity of the current entry point on the F3 to the major JRD/F3 roundabout – serious traffic blockages are inevitable.
 - The EA claims that the development will generate 3,600 direct full time jobs. Despite nice words about public transport and cycleways, the reality is likely to be an extra 3,500 cars pouring into and out of the site each day. Considering the traffic CHAOS in this area already at peak hours, this is a ridiculous proposition. The Hunter Expressway may redirect some of the existing traffic, but natural growth and this development will then return our area to an infuriating daily traffic snarl!
- **BHEPG – FIG. 8** details one possible alternative plan for access to the local road network, which has several advantages over those considered in the current Concept Plan:
 - Firstly, it reduces the number of (future) intersections on John Renshaw Drive and provides a much better fit with the proposed F3 Raymond Terrace interchange;
 - Secondly, it provides access for the local community both to the proposed employment lands and to the F3, whilst minimising the potential for heavy vehicle traffic on rural roads such as Blackhill Road;
 - Thirdly, it crosses the proposed site, allowing for a southern treed buffer (within the subject land) to screen the development from the rest of Black Hill (see **BHEPG – FIG. 10**); and
 - Fourthly, it provides a clear demarcation line, so that industrial or other non-rural “employment related” activities can be restricted to the area on the northern side of the proposed road – effectively protecting the existing rural character of the bulk of Black Hill – please note: none of the internal roads within the site should be below the proposed southern perimeter road.

E. DEVELOPMENT OF APPROPRIATE COMMITMENTS

- As we detailed in our previous submission, there are **several major advantages** to specifying the exact lots to be set aside as offsets for conservation: 1) **Equity** – the residents of Black Hill will be able to clearly see what they are losing and what they are gaining (**and all relevant offsets will be contained within the one Concept Plan – simplifying legal and planning/management matters**); 2) **Integration** – combined rehabilitation and conservation plans can be developed (e.g., in conjunction with the Conservation Trust associated with the Abel mine); 3) **Security** – the Black Hill Concept Plan will be self-contained; 4) **Commitments** – separate commitments will lead to greater transparency and accountability; and 5) **Independence and Planning** – providing greater opportunities for community consultation and engagement in Black Hill. Now that we have the potential for a separate Concept Plan for Black Hill

Objection/Issue Number 8: A more relevant, meaningful, and carefully specified set of commitments needs to be established that can make a real, long-term contribution to the local community’s wellbeing and social infrastructure (e.g., via a Fixed Term or Enduring Community Trust).



BHEPG – FIG. 8

Alternative plan for access to local road network

Black Hill, NSW:

Base picture from Google Image – 2009.

- New F3 exit and entry near southern boundary of Coal and Allied block (marked with yellow dots).
- New 'industrial standard' perimeter road from F3 to John Renshaw Drive (JRD, green dots) to service block – and leave Black Hill Road for local use only.
- Removal of existing on ramp to F3 (marked in red) and extension of local road north to new roundabout (marked in blue).
- Potential future link to JRD (marked in pink) – to encourage industrial development to stay to the north of Black Hill.



Figure B.1.6.1. Landscape Treatment

BHEPG – FIG 9. Concept Plan Design Guidelines (February, 2011)

- In addition to its other Commitments, Coal & Allied has allocated an amount of \$2 million for “initiatives associated with the delivery of social infrastructure” in the local area. While this is appreciated, it clearly **cannot compensate the local community** for the potential ongoing impacts of the proposed development and the fundamental threats to the character of the area. However, if such a commitment is to have any lasting community benefits, as detailed below, it needs to be more carefully specified.
- From a local perspective, the “particular initiatives” that have been suggested by Coal & Allied are **extremely arbitrary** and do not take appropriate account of existing facilities and current and future needs within the Black Hill area. The current suggestions include: grant schemes (associated with bus services), sponsorship of sporting teams, a community facility (e.g., hall), fire service upgrades, indigenous and non-indigenous heritage projects, education officers, and cycleways. At one level, these may sound reasonable, but this is a small, semi-rural community and most of these suggestions are not likely to be required, or their potential community value may change over time. In addition, there are existing Community Welfare and Conservation Trusts (e.g., associated with the Abel Underground Coal Mine) that are already addressing *some* aspects of these community needs.
- To make a more meaningful, longer-term contribution to the local community, it would be much more sensible to establish either a Fixed Term or Enduring Community Trust (with an initial or staged investment of \$2 million), from which interest earned could be used to support worthwhile community infrastructure and activities – perhaps with a specific focus on “**recreational, educational and conservation projects**” – that potentially utilise some of the voluntary offset lands handed over by Coal & Allied. We suggest that a Fixed Term Community Trust of 20 years might be easier to establish and maintain than an Enduring one. Management of this Trust clearly needs to include representatives from the local community and Councils.
- The region to which these funds apply also needs to be more clearly identified – we suggest that the area of coverage should be defined geographically and include Buttai, Black Hill and Stockrington.

F. OTHER ISSUES

Objection/Issue Number 9: In view of the cumulative threats to our local community, a proper sub-regional plan also needs to be established for Black Hill (in conjunction with the local community, Councils, and other agencies), which is not limited to a single parcel of land or driven by the short-term interests of a particular developer.

Objection/Issue Number 10: Ongoing community engagement, consultation and feedback need to be established as an important ingredient and priority in the development and implementation of any genuine Concept Plan for Black Hill.

- The Concept Plan for Black Hill also needs to foreshadow the requirement for an ongoing **Black Hill Consultative Committee** with appropriate representation from the local community, together with relevant expertise in environmental protection and management. This Consultative Committee could have relevance to both the proposed development and the offset lands, or alternatively separate committees could be established for both.
- As we have already noted, given the faulty 2006 LHRS, there is a high likelihood that the current Concept Plan represents the ‘thin end of the wedge’ for the Black Hill community, with all of the land on the northern side of Blackhill Road eventually being converted to industrial and transport

related activities. This would **totally destroy the rural charm of the area**, with completely unacceptable impacts on the local environment, residents and Black Hill primary school.

- That is, if we are not careful, in a very real sense, the current Concept Plan could **spell the end of Black Hill as we know it**, turning the area between Blackhill Road and John Renshaw Drive into an industrial eyesore like Weakley's Drive.
- Therefore, at the very least, industrial development should be **clearly restricted to the Coal & Allied land** (in return for the conservation lands at Stockrington and the Tank Paddock) and NOT be allowed to spread over the entire area between John Renshaw Drive and Blackhill Road.
- Finally, as noted at the beginning of this submission, the Community Groups urge the Director General and the Minister for Planning to –

Reject the current Concept Plan and require the proponent to give greater consideration to:

- 1) the regional conservation value of the proposed Black Hill site (including the high concentration of endangered *Lower Hunter Spotted Gum Ironbark Forest*);
- 2) relationships between the proposed site and adjacent rural/conservation lands; and
- 3) the values, needs and expectations of the local Black Hill community;

– through the development of a proper sub-regional plan (in conjunction with the local community, Councils, and other agencies) that considers a larger set of alternatives and attempts to identify a more broadly based genuine Concept Plan, not one driven by the particular Developer's short-term interests and/or the automatic assumption that an industrial development is optimal.