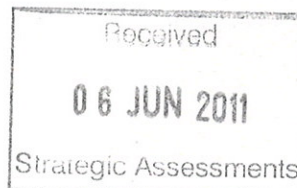


6 June 2011



Director General
NSW Department of Planning & Infrastructure
23-33 Bridge Street
SYDNEY NSW 2000

Attn: Ms Anna Johnston

Dear Anna,

Preferred Project Report Submission – Coal & Allied Northern Estates: Minmi / Link Rd (MP 10_0090)

This Preferred Project Report has been prepared in support of the Environmental Assessment and State Significant Site Listing Applications (February 2011), which in turn support an application for Concept Plan approval under Part 3A of The Environmental Planning and Assessment Act 1979 on behalf of Coal & Allied Industries Ltd (Coal & Allied), the parent company of the owner of the Minmi/Link Rd site.

Please find enclosed one hard copy and four CD copies of the following addenda to the Environmental Assessment which now comprises the Preferred Project Report for the Minmi/Link Rd Concept Plan application.

1 Amended Documents

The amended documents include:

- Updated plans for Appendix A – Concept Plan prepared by RPS, including
 - Concept Plan (with and without lots shown), dated 31 May 2011 and showing
 1. School site location amended
 2. Minmi Reserve shown as existing reserve
 3. Link Road South – Fire trail added as per RFS request
 - Conservation / Development Area Plan (Figure A.1.1) showing amended legend.
 - Access and Movement Plan (Figure B.1.1) amended to show the following:
 1. The proposed off road cycleway along the eastern boundary of Tank Paddock (Richmond Vale Line)
 2. Tank Paddock off road cycleway (see item above) linking with the Shared pedestrian / cycleway along alignment of the heritage railway tracks

3. One additional 'Potential pathway connection to the BGHRP' as per the Plan of Management (NE corner of Retirement area).
- Revised Appendix D – Statement of Commitments.
 - Revised State Significant Site Listing Report, removing '*public utilities undertaking*' from the land uses permissible within the E1 zone.
 - Response to Submissions schedule addressing public and authority submissions received during public notification.

The full version of each of the reports comprising the original EA submission can be accessed from the NSW Department of Planning & Infrastructure, or Coal & Allied websites.

Please note that a revised Appendix O – Heritage Impact Statement prepared by ERM will be forwarded to the Department under separate header towards the end of this week.

2 Response to DoPI letter

In addition to the above, the following responses are provided to issues raised by the Department of Planning & Infrastructure in their letter dated 11 May 2011 in relation to the proposed Concept Plan:

1. **Aboriginal Heritage** –The HIA has been revised having regard to responses provided from the registered Land Councils and Traditional Owners and is submitted with the PPR.
2. **Local Infrastructure** – It is noted that both Lake Macquarie (LMCC) and Newcastle City (NCC) Councils have raised concern with the proposed Local Infrastructure Contributions. Coal & Allied assume this refers to the provision of community facilities, sports fields, local parks and play equipment in particular.

Local infrastructure contributions have been key issues for the two Councils since the commencement of the project. While Coal & Allied have provided details and commitments to provide all of the noted local infrastructure (as well as committing to meet the Section 94 Contributions for each Council), both Councils are seeking additional contributions over and above what Coal & Allied deem appropriate and justified in terms of the allocation of local infrastructure.

In addition, there appears to be uncertainty relating to what each of the Councils should be assessing in terms of infrastructure within their own LGA boundary. In particular, LMCC has made comment on the Chinaman's Gardens which are well outside its LGA.

Further, it seems that both NCC and LMCC are seeking to control the \$8 Million Coal & Allied Allocation which is not acceptable to Coal & Allied, as the \$8 Million Allocation is over and above that required by the local infrastructure plans of both Councils under s94 of the Act. Further, the Allocation was discussed and confirmed with all stakeholders at a four day charette with the Allocation Schedule included in the EA having been established based on all stakeholders preferences. Any changes to that Allocation Schedule will require the details being referred and agreed to by all stakeholders and will also require subsequent agreement by Coal & Allied.

A meeting with both Councils could be facilitated by DPI to discuss local infrastructure provision, however any outcomes will be reliant on the Councils providing viable alternatives to resolve the issues, more particularly relating to sports fields. Coal & Allied have considered all possible locations on the Minmi/Link Rd site and, based on the input of specialist consultants including urban planners, ecologists and landscape architects, believe the Concept Plan now reflects the most appropriate and in fact only locations available for the provision of such facilities. If the

locations are not satisfactory to either or both Councils, the respective Council needs to present viable alternatives. Coal & Allied have responded to this issue by agreeing to contribute to the establishment of facilities offsite provided the alternative location still provides adequate and convenient facilities for the proposed new community. For instance, whilst Blue Gum Hills Regional Park has been raised by the Councils as a location for sports fields, that suggestion has been rejected by OEH, the BGHRP park manager.

3. **Public Transport** – The DPI requirement for 90% of the population to be located within 400m walking catchment of a bus stop is unworkable. Whilst this proportion of the population could in theory be serviced by a max 400m walking distance to a bus stop, it would result in a convoluted and unviable bus route, extended bus travel times and reducing the appeal of the service to residents.

This requirement is a replication of the Council demands, which in theory is commendable, however its rigid application should be reconsidered. Please refer to Fig. B.1.1 in Appendix B of the EA report which shows the coverage of a 400m radii across the site which picks up an estimated 85% of the population when taking into consideration the higher density housing proposed surrounding the village areas. It is considered that this bus route configuration is the most appropriate for the site, serving a large majority of the population whilst still providing an efficient transport route.

4. **Cycle Ways** – The provision of cycleways through the site has been dealt with extensively in the Response to Submissions (see attached).

The proposed Concept Plan provides an extensive cycleway network within the site which assumes connection to the adjoining region taking into account the latest information available from both Councils, despite neither LMCC nor NCC having a regional cycle network approved to which we can respond.

It appears the Councils are seeking to direct the Coal & Allied \$8Million Allocation towards the greater regional network, which is the responsibility of council.

5. **School site** – DEC has confirmed its preferred location for a school site. The location has been included in the amended Concept Plan (see attached).

3 Summary and Conclusion

We trust the above and attached details address all outstanding issues in relation to the above project and a final assessment and determination can now be undertaken.

Please call me on 8233 9969 should you have any questions regarding the above.

Yours sincerely,



Tom Goode
Associate Director