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**CCL 29/06/21 - APPROVAL OF STAGING PLAN FOR BLACK HILL
EMPLOYMENT LANDS**

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Ordinary Council Meeting

29/06/2021



City of
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CCL 29/06/21 - APPROVAL OF STAGING PLAN FOR BLACK HILL EMPLOYMENT LANDS

ITEM-57 **Attachment A:** Staging Plan

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City of
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Staging Plan

Industrial Subdivision

Lot 30 in DP 870411 known as 198 Lenaghans Drive, Black Hill – City of Newcastle

April 2021

Prepared by

Tibor Kovats Consulting

ABN 41 791 035 965

12 Cowper Street
Gloucester NSW 2422

M 0475 877 730

E altkovats@gmail.com

Revision	Details	Date	Author
0		21.04.2021	TK

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1.0 Introduction

1.1. Background

This Staging Plan document has been prepared to support the “Indicative Lot Layout and Staging Plan” for the industrial subdivision of Lot 30 in DP 870411, known as 198 Lenaghans Drive Black Hill (the Land). The Land has a total area of approximately 183 hectares. See Figure 1 below.

The Land is mainly zoned Light Industrial under the Newcastle Local Environmental Plan 2012. A central riparian corridor (Viney Creek) is protected by a Conservation zone. Under the Greater Newcastle Metropolitan Plan 2036, the Land is part of an “Emerging Black Hill Precinct” that is included within a larger Beresfield-Black Hill freight and logistics hub, with complementary manufacturing and light industrial activity.

The Land’s development is subject to a Concept Approval pursuant to the former Part 3A of the Environmental Planning and Assessment Act, 1979. The Concept Approval allows for employment lands development of the Land and addresses the basis for biodiversity impacts offsets; Urban Design Guidelines; indicative lot layout; and further environmental assessment requirements for subdivision.

A copy of the Concept Approval is included in Appendix 1.



Figure 1– Lot 30 DP 870411 outlined over aerial photograph

(Source: ePlanning Spatial Viewer 2020_11_23)

1.2. Purpose of this document

Apart from including the “Indicative Lot Layout and Staging Plan” for the Land, this document also includes how the infrastructure items covered by the Concept Approval (Part D 1.10 Infrastructure Provision) are to be staged along with the physical development staging.

The Purpose of this document is to be a single point of reference for the application of Infrastructure Provision related conditions of Development Consent by the consent authority.

2.0 Concept Approval 10_0093

On 19 November 2013, delegates of the Minister for Planning and Infrastructure issued a Concept Approval affecting the Land, subject to conditions and modifications, pursuant to the former Part 3A of the *Environmental Planning and Assessment Act, 1979* (EP&A Act). The Concept Approval (Ref 10-0093) (included in Appendix 1) allows for employment lands development of the Land and addresses the basis for biodiversity impacts offsets; Urban Design Guidelines; indicative lot layout; and further environmental assessment requirements for subdivision.

Given that certain works including investigations on the Land and dedication of Conservation Lands covered by the Concept Approval have been physically commenced, the Concept Approval remains in force and therefore will not lapse.

2.1. Condition 1.10 Infrastructure Provision

Condition 1.10 of the Concept Approval requires that a “staging plan” be prepared for Council approval.

The (staging plan) is to include:

1. An updated indicative lot layout, identifying how development of the site would be staged;
2. A schedule for the delivery of the following -
 - a. Provision of roads, stormwater and other service infrastructure;
 - b. Items identified for Black Hill in the \$2 million allocated to the Coal and Allied Northern Estates;
 - c. Contributions in accordance with the relevant Newcastle Contributions Plan;
 - d. Management arrangements for the Viney Creek riparian corridor, recreation infrastructure, stormwater detention basins and Asset Protection Zones.

At the time of assessment of any Development application for a Stage or Stages of development of the Land, it will be determined that no contributions or allocations overlap.

3.0 Indicative Lot Layout and Staging Plan

The Concept Approval (Part C Condition 1.7) did not approve the indicative lot layout for subdivision of the Land. At that time the layout was as shown below (Figure 2).

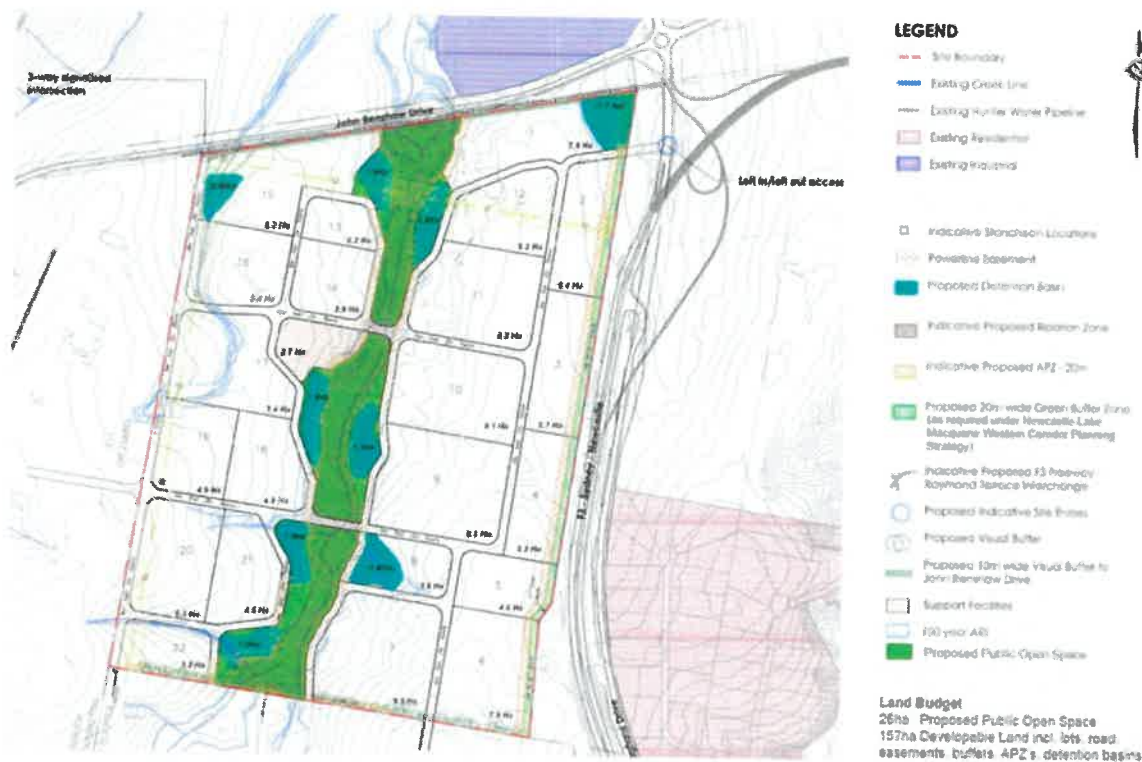


Figure 2 – Original (Unapproved) Indicative Lot Layout Lot 30 DP 870411

(Source: RPS JMD 2011)

3.1. Details of the updated Indicative Lot Layout and Staging Plan

A copy of the updated Indicative Lot Layout and Staging Plan is included in Appendix 2.

The updated Plan includes the location of the existing high voltage transmission easement and the Viney Creek conservation corridor; and shows the proposed - vehicular accesses to John Renshaw; potential road connections to adjoining properties; the internal arrangement of internal roads, road widths and intersections; industrial lots; and the proposed 20m wide vegetation retention buffers along the north, east and southern boundaries.

The Plan shows a total of 200 lots to be constructed in 8 stages.

4.0 Roads, Stormwater and Service Infrastructure Staging

4.1. Roads and Intersections

This Staging Plan was prepared in consultation with Council and other authorities including Transport for NSW (TfNSW).

In Stage One it is proposed to construct a major intersection with John Renshaw Drive that will eventually service the entire subdivision. This will be a signalised intersection, allowing movements in / out, left /right.

In Stage Three, a left in only intersection with John Renshaw Drive is proposed. Stage Three, when constructed will be linked to Stages 1 and 2 and the major intersection across the Viney Creek Corridor. Stage 4 will also utilise this connection.

In Stage 5 an additional crossing of Viney Creek will be installed to improve connectivity.

Eventually, Stages 6, 7 and 8 – located in the southern area of the Land will be released.

4.1.1. Roadworks off site not covered by this Staging Plan

Off-site mitigation road works and traffic and transport impacts will be reviewed as part of future Development Applications (DA) on the site.

4.2. Proposed Drainage Reserve Staging

The proposed Viney Creek Drainage Corridor Reserve will be managed for the most part as a natural watercourse but will contain stormwater quality control devices and eventually two public road crossings. A Construction Management Plan for the Corridor will be prepared prior to construction of any approved Stage or Stages of subdivision development on the site.

The Viney Creek Drainage Corridor Reserve is intended to be transferred to City of Newcastle's (CoN) care and control. This dedication could occur progressively through staging of the development or at completion of the overall development, according to CoN's requirements. However, for the purpose of this Staging Plan, it is noted that CoN has not yet made a determination to accept dedication of the Reserve. In the event this dedication is not accepted, alternative management/tenure arrangements will be arranged.

The dedication of land for the Viney Creek Drainage Reserve is not to be used as an in-kind offset to contributions levied under any Contributions Plan of Council. In accordance with the Concept Approval, any passive recreational space that is provided along Viney Creek is to be additional to any contributions required under any Contributions Plan and the management of that passive open space is to be agreed to by Council.

4.3. Other Services Staging

Servicing strategies for the overall site have been developed in consultation with Hunter Water for water and wastewater. However, any such strategies and any contributions by the developer to upgrading of the networks will be reviewed / assessed as part of future Development Applications (DA) for any Stage or Stages of subdivision development on the Land. Similarly, upgrading of electricity, lighting, telecommunications networks and connections will also be assessed.

5.0 Black Hill Allocation

As part of the Concept Approval, a \$2million allocation by the proponent intended to assist with social infrastructure was approved. The initiatives proposed under this allocation are included in an extract from the Department of Planning and Infrastructure's Assessment in Appendix 3 and covered in the Concept Approval (Appendix 1) in Conditions 1.10 (b) and 1.19.

5.1. Black Hill Allocation Payment Schedule

Schedule 1 – \$2m Allocation for Black Hill			
Stage / Description	Stage Contribution (@\$10,000 Per Lot Contribution)	Progressive Contribution Total	
1 - 31 lots	\$310,000	\$310,000	
2 - 31 lots	\$310,000	\$620,000	
3 – 29 lots	\$290,000	\$910,000	
4 – 40 lots	\$400,000	\$1,310,000	
5 – 31 lots	\$310,000	\$1,620,000	
6 – 19 lots	\$190,000	\$1,810,000	
7 – 7 lots	\$70,000	\$1,880,000	
8 – 12 lots	\$120,000	\$2,000,000	
GRAND TOTAL	\$2,000,000		

5.2. Black Hill Allocation Schedule

The Black Hill allocations are separate to any other community contributions provided by the developer as part of the DA approval process, such as those covered by Council's Contribution Plan and any State Infrastructure Contribution.

As outlined in section 3.0 above, the Concept Approval requires a schedule for delivery of these initiatives as part of this Staging Plan. This Schedule is included below.

Schedule 2 – \$2m Allocation for Black Hill		
Infrastructure / Initiative	Cost	Stage of Provision
Scheme for community bus / subsidy for bus services in initial stages (additional to any Council / NSW Transport levies)	\$500,000	Bus scheme to be commence when 50,000 sqm of building area occupied
Sponsorship of local sporting teams	\$100,000	Contributions to commence after Stage 1 Contribution paid
Contribute to providing a community facility in proximity to the Black Hill	\$750,000	Provide after Stage 5 Contribution paid
Upgrade rural fire service (Benwerrin)	\$250,000	Contributions to commence after Stage 1 Contribution paid
Funding towards Aboriginal education	\$85,000	Contributions to commence after Stage 1 Contribution paid
Sub-regional review of cycling/walkways strategy	\$315,000	Contributions to commence after Stage 6 Contributions paid
GRAND TOTAL	\$2,000,000	

5.3. Administration of the \$2m Allocation

A contribution to the \$2 million allocation will be levied by a development consent condition applying to the approval of any Stage or Stages of industrial subdivision of the Land.

Money to be allocated will be held in a Trust Fund administered at the expense of the applicant. The payment applicable to each Stage will be placed in the Trust Fund prior to certification of the plan of subdivision.

Allocations will take place in accordance with Schedule 2. The Trust Fund will be subject to annual Audit and such Audit will be provided annually to Council.

6.0 Newcastle Local Infrastructure Contributions Plan

Contributions in accordance with the relevant Contributions Plan will be levied and paid in accordance with the provisions of industrial subdivision applicable at the time of determination of any Development Application for a Stage or Stages.

In accordance with the Concept Approval, any passive recreational space that is provided along Viney Creek is to be additional to any contributions required under any Contributions Plan and the management of that passive open space is to be agreed to by Council.

7.0 Management Arrangements for Viney Creek Riparian Corridor

7.1. Introduction

Viney Creek, including the Riparian Corridor (the Corridor) defined by the proposed Drainage Reserve in the Indicative Lot Layout and Staging Plan (included in Appendix 2) will be managed for the most part as a natural watercourse following the recommendations of its Vegetation Management Plan (VMP) (EcoLogical 2018).

The Reserve will contain stormwater quality control devices and eventually two public road crossings as described in the Engineering Design Report (Northrop December 2020).

Specialist investigations that have been undertaken and which contain findings and recommendations that may be relevant to the management of the Corridor are :

- Bushfire Assessment Report Black Hill Industrial Park (Building Code & Bushfire Hazard Solutions Pty Limited (181048B) 2020)
- Remediation Action Plan – Proposed Commercial Development – Black Hill Estate (Cardno (NSW/ACT) Pty Ltd (82218039-001.1) May 2018)
- Groundwater Management Plan – Proposed Commercial Development – Black Hill (Cardno (NSW/ACT) Pty Ltd *Estate* (82218039-002.2) May 2018)
- Aboriginal Cultural Heritage Management Plan Black Hill, NSW Yancoal Australia 2019
- Landscaping designs (in stages)

Note: Each of the above reports (or updates of them) will be submitted with Development Applications for each Stage or Stages of subdivision development of the Land. They are therefore Referenced but not Appended to this document.

7.2. Management and Staging of the Works

1. Following the approval of the initial Development Application for a Stage or Stages of subdivision of the Land, a review will be undertaken of the Vegetation Management Plan in the context of the approved proposed Stage or Stages in the context of –
 - a. Any proposed engineering works within or in proximity to the Corridor;
 - b. Any recommendations of the Bushfire Assessment Report;
 - c. Any recommendations of the Remediation Action Plan;
 - d. Any recommendations of the Groundwater Management Plan;
 - e. Any recommendations of the Aboriginal Cultural Heritage Management Plan; and
 - f. Approved landscaping designs.
2. After the above review, the schedule of works relevant to the approved Stage or Stages that impact on the Corridor will be subject to a Controlled Activity Approval (CAA) application to the Natural Resource Access Regulator for work in the watercourse, including rehabilitation, water quality basins and road crossings (if applicable).
3. The approved works will be carried out according with a Construction Management Plan.
4. Items 1 – 3 are to be repeated for each subsequent Stage or Stages approved by the consent authority.

8.0 State Infrastructure Contributions

Satisfactory Arrangements Certificate will be sought from the Department of Planning, Industry and Environment for each of the DA stages and payment will be in accordance with the requirements.

9.0 References

- ADW Johnson *Water Servicing Strategy Black Hill Development Site* 2018
- ADW Johnson *Wastewater Servicing Strategy Black Hill Development Site* 2018
- Building Code & Bushfire Hazard Solutions Pty Limited *Bushfire Assessment Report Black Hill Industrial Park (181048B)* 2020
- Cardno (NSW/ACT) Pty Ltd *Remediation Action Plan – Proposed Commercial Development – Black Hill Estate (82218039-001.1)* May 2018
- Cardno (NSW/ACT) Pty Ltd *Groundwater Management Plan – Proposed Commercial Development – Black Hill Estate (82218039-002.2)* May 2018
- Cardno (NSW/ACT) Pty Ltd *Mine Subsidence Impact Assessment – Proposed Employment Area Black Hill (82218039-004)* May 2018
- Colston Budd Rogers and Kafes (CBRK) *Black Hill Industrial Stage 1 Subdivision Traffic Assessment* 14th December 2020
- Douglas Partners *Report on Geotechnical, Contamination and Mine Subsidence Assessment Proposed Employment Lands Development Black Hill* 2011
- Eco Logical *Black Hill Industrial Park Vegetation Management Plan* 2018
- Northrop *Black Hill Engineering Design Report* December 2020
- NSW Government *Hunter Regional Plan 2036*
- NSW Government *Greater Newcastle Metropolitan Plan 2036*
- NSW Government *Six Maps, 2020*
- NSW Rural Fire Service *Planning for Bushfire Protection. A Guide for Councils, Planners, Fire Authorities and Developers* 2019
- Power Solutions *Electrical & Communications Infrastructure DA Report Black Hill Industrial Area* 2018
- Power Solutions *Electrical & Communications Infrastructure DA Report Black Hill Industrial Area Addendum* 2020
- RPS JMD *Black Hill Concept Plan Design Guidelines* 2011
- SMEC *Black Hill Traffic Modelling Traffic Analysis Report* September 2020
- Yancoal Australia *Aboriginal Cultural Heritage Management Plan Black Hill, NSW* 2019
- City of Newcastle *Newcastle Local Environmental Plan 2012*
- City of Newcastle *Newcastle Development Control Plan 2012*

10.0 List of Appendices

1. 2013 Concept Approval Instrument of Approval
2. 2021 Indicative Lot and Staging Plan
3. DPI Assessment Report Extract

1. 2013 Concept Approval Instrument of Approval

Concept Approval

Section 75O and 75P of the *Environmental Planning and Assessment Act 1979*

As delegates of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, pursuant to Part 3A of the Environmental Planning and Assessment Act 1979 (the Act), the NSW Planning Assessment Commission determines:

- (a) to approve the concept plan referred to in Schedule 1, subject to the terms of approval and modifications in Schedule 2,
- (b) under section 75P(2)(c) of the EP&A Act, where development is subject to Part 4 of the Act (other than complying development), that development is subject to the further environmental assessment requirements specified in Schedule 2, Part D of this approval.
- (c) under section 75P(1)(c) of the Act, the subdivision of land that gives effect to the transfer of lands to a public authority or a Minister of the Crown requires no further environmental assessment and approve the development under section 75J of the Act (subject to the conditions set out in Schedule 3 of this approval); and
- (d) under section 75P(1)(b) of the Act, development the subject of the Concept Plan is subject to Part 4 or Part 5 of the Act, whichever is applicable.

The modification and further assessment requirements are required to:

- Encourage the orderly future development of the site; and
- Ensure adequate mitigation of environmental impacts of future development.



Richard Thorp
Member of the Commission



Donna Campbell
Member of the Commission

Sydney,

19 November 2013

SCHEDULE 1

Application No:	10_0093
Proponent:	Coal & Allied Industries Ltd
Approval Authority:	Minister for Planning and Infrastructure
Land:	Lot 30 in DP 870411, John Renshaw Drive, Black Hill in the Newcastle Local Government Area Lot 1 in DP 1007615, Tank Paddock in the Newcastle Local Government Area Lot 101 in DP 881099, Lot 2 in DP 877416, Lot 79 in DP 755260, Lot 1 in DP 877416, Lot 4 in DP877416 (listed as Black Hill), Lot 3 in DP 877416 (listed as Black Hill) and Pt Lot 13/DP1078246, Stockrington in Cessnock Local Government Area.
Local Government Area:	Newcastle and Cessnock
Concept Plan:	Concept plan for: <ul style="list-style-type: none">• employment lands development of a 183 ha development site• dedication of 545 hectares of Conservation Lands• conceptual road, pedestrian and cycleway network;• conceptual lot layout; and• associated infrastructure.

SCHEDULE 2

PART A – DEFINITIONS

Act, the	<i>Environmental Planning and Assessment Act 1979</i>
APZ	Asset Protection Zone
Council	City of Newcastle Council
Department, the	Department of Planning & Infrastructure
Director-General, the	Director-General of the Department of Planning & Infrastructure (or delegate)
Minister, the	Minister for Planning & Infrastructure
NOW	NSW Office of Water
Proponent	Coal & Allied Industries Ltd, or its successors or any person who acts on this approval, in title
RMS	Roads and Maritime Services
Site	Land to which Concept Plan Application 10_0093 applies
Stage	The six stages identified in Figure 7 – Indicative Staging Plan of the Concept Plan Environmental Assessment.
Subdivision Application	An application for a Subdivision Certificate

PART B – ADMINISTRATIVE CONDITIONS

- 1.1 The Proponent shall ensure that all development on site is carried out generally in accordance with the:
- a) Concept Plan Application 10_0093;
 - b) *Black Hill Concept Plan* (including accompanying appendices) prepared by Urbis dated February 2011;
 - c) *Black Hill Preferred Project Report*, dated May 2011 prepared by Urbis;
 - d) Correspondence, with attachments, entitled "Preferred Project Report Submission - Coal & Allied Northern Estates: Black Hill (MP10_0093)"; and
 - e) Correspondence, with attachments, entitled dated 20 May 2011, and "Preferred Project Report Submission - Coal & Allied Northern Estates: Black Hill (MP10_0093)" and dated 16 June;
 - f) Statement of Commitments; and
 - g) this approval.
- 1.2 In the event of an inconsistency between:
- a) the modifications of this approval and any document listed from clause 1.1 a) to 1.1 f) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
 - b) any document listed from condition 1.1a) to 1.1e) inclusive, the most recent document shall prevail to the extent of the inconsistency.

Limits of Approval

- 1.3 This concept approval shall lapse 5 years after the date on which it is granted, unless an application is submitted to carry out a development for which concept approval has been given.
- 1.4 To avoid any doubt, this concept approval does not permit the subdivision or construction of any aspect of the proposal which will be subject to separate approvals.

Determination of Future Applications

- 1.5 The determination of future applications for development on the Site under Part 4 of the Act, for which Council is the consent authority, is to be generally consistent with the terms of this approval.

Dispute resolution

- 1.6 Any dispute between the proponent and Council over the interpretation, or application of the modifications and/or further environmental assessment requirements is to be settled by the Director-General. Any decision of the Director-General shall be final and not subject to further dispute resolution.

PART C - MODIFICATIONS TO THE CONCEPT

Urban Design & Built Form

- 1.7 The indicative lot layout is not approved.
- 1.8 Prior to the first application for subdivision, the Proponent shall revise the Urban Design Guidelines to:
- a) Adopt provisions in Council's DCP relating to:
 - Industrial development;
 - Parking rates including rates required for bicycle parking / storage, motorbike delivery and service vehicles parking;
 - road types and dimensions;
 - stormwater management including requirements for on-site detention on lots and pollutant reduction targets;
 - Tree management and Landscaping; and
 - Outdoor advertising;
 - b) Address the following additional issues:
 - cut, fill and earthworks;
 - increasing the Visual Buffer to the northern boundary (fronting John Renshaw Drive) from 10 metres to 20 metres; and
 - controls to manage interaction between potential internal land-use conflicts, such as where childcare is located adjacent to industrial uses.

The revised Guidelines must be prepared in consultation with Council, and to the approval of the Director-General. The guidelines are to be in a form which could be adopted as site specific controls within the Council's development control plan at some stage in the future. The final approved copy is to be submitted to Council prior to lodgement of any development application on the site.

Commercial / retail development

- 1.9 The Concept Plan is to be modified to remove:
- the proposed retail/commercial component, known as the Core Supporting Facilities Area, intended to accommodate 1300m² of retail space, and
 - the following proposed additional permitted uses: business premises, health consulting rooms, hotel accommodation, medical centre, restaurant, and retail premises.

PART D - FURTHER ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Infrastructure Provision

- 1.10 Prior to the first subdivision application, the Proponent must prepare a staging plan for Council's approval. The plan must provide for:
- a) An updated indicative lot layout, identifying how the development of the site would be staged;
 - b) the schedule for delivery (and dedication where relevant) of the following:
 - provision of roads, stormwater and other service infrastructure;
 - items identified for Black Hill in the \$2 million allocated to the Coal & Allied Northern Estates;
 - contributions in accordance with Newcastle City Council Section 94A Development Contribution Plan 2009. The passive recreational space to be provided along the creek as referred to in the Statement of Commitments is to be additional to the contributions required under this Plan and the management of that passive open space is to be agreed to by Council;
 - State Infrastructure Contributions; and
 - c) the management arrangements for the Viney Creek riparian corridor, recreation infrastructure, stormwater detention basins and Asset Protection Zones (the dedication of this infrastructure to Council is not approved).

For contributions made under the \$2 million allocation, the plan must demonstrate that the contributions are over and above section 94A Development Contributions Plan 2009 and State infrastructure contribution requirements, and do not include any contributions which would be otherwise required to mitigate the impacts of the proposed development. Any contributions or dedications to a council, public authority, or community group require the agreement of that organisation. Any contributions which are deemed unsuitable must be re-allocated to alternative infrastructure and initiatives.

Note: In relation to section 94A contributions any works in kind or dedication of land in lieu of monetary contributions required under Council's Section 94A Development Contributions Plan 2009 Plan must be agreed to by Council.

Urban Design

- 1.11 Each subdivision application shall be consistent with the Urban Design Guidelines for the site and include details on the following:
- a) strategy for retention of trees on the site;
 - b) proposed public domain treatments; and
 - c) proposed landscaping of all public domain areas including swales, detention basins, and roadside verges.

Any such details would be carried into landscaping plans and public domain plans to be completed in consultation with Council, prior to commencement of subdivision works on site.

Flora and Fauna

- 1.12 Whilst it is recognised that the biodiversity impacts associated with the proposal have been offset through dedication of 545 hectares of conservation lands to the NSW Government, any subdivision application shall provide:
- a) details on strategies to minimise clearing or disturbance of vegetation and retain mature and/or hollow bearing trees where possible, including through design of roads and stormwater devices, having regard to the recommendations of the Ecological Assessment Report (RPS 2011);
 - b) management measures for minimising impacts on fauna during subdivision works including the employment of an appropriate qualified ecologist to advise and supervise

- any clearing of vegetation, and the implementation of appropriate tree clearing protocols; and
- c) details of erosion and sediment control measures that would be implemented to protect vegetation within the riparian corridor.

Any procedures and strategies identified must be carried into a Vegetation Management Plan to be completed prior to commencement of any works on site.

Viney Creek Riparian Corridor

- 1.13 The first subdivision application for the site must include a fully costed rehabilitation plan for Viney Creek riparian corridor that sets out the following:
- survey of the creek bed by both an appropriately qualified ecologist and a geotechnical engineer (reviewing any potential subsidence issues);
 - removal of waste material;
 - measures to revegetate areas to be rehabilitated such as plant material, densities and species mix;
 - management measures to prevent damage to the corridor during any future development of the site;
 - weed management measures; and
 - a plan for the monitoring and management of the corridor.
- 1.14 Each subdivision application must demonstrate that any works within riparian corridors and road and services crossing meet the requirements of the NSW Office of Water Guidelines for Controlled Activities (August 2010).

Traffic and Transport

- 1.15 Any subdivision application must include a revised traffic and transport impact assessment that:
- a) has been prepared in consultation with Council and RMS;
 - b) details traffic generation from each stage of the development;
 - c) demonstrates that the site access would accommodate traffic from all stages of the development, and if required, provide details of alternative access arrangements that may be required;
 - d) intersection analysis and micro simulation modelling including details of any offsite road upgrades that would be required to accommodate the proposal.
- 1.16 The first subdivision application for the site must include detailed design for a signal controlled intersection at the western access to the site on John Renshaw Drive that has been prepared in accordance with RMS requirements.
- 1.17 Any subdivision application must demonstrate that all local roads, including provision for bicycle and pedestrian paths, have been designed in accordance with Council requirements.
- 1.18 With each subdivision application, the Proponent must demonstrate that opportunities have been investigated to extend or provide for an additional bus route to service the proposed development, and must provide details of the proposed location of bus stops and pedestrian access to bus stops. Where the bus route is proposed to travel through the development area the proponent is to demonstrate the associated roads are designed to accommodate bus movements. These requirements are to be carried out in consultation with Council, Transport for NSW, and relevant bus companies, prior to the lodgement of any Development Application.
- 1.19 Prior to the lodgement of the first development application for subdivision a comprehensive public transport, cycle way and pedestrian network plan must be prepared which addresses the following:

- Identify all pedestrian and cycle ways to be provided within the proposed development site, and how these link to the surrounding existing and proposed cycle network;
- Demonstrate that the pedestrian and cycle network links with existing and proposed access points to, and pathways as provided for in Councils Cycling Strategy & Action Plan;
- Identifies any off site pedestrian and/or cycle ways which are proposed to be provided by the proponent by way of local infrastructure contributions or the \$2 million allocation;
- Considers and addresses any relevant aspects of Councils' Cycling Strategy & Action Plan; and
- Demonstrate the proposed bus routes, cycle way and pedestrian network links key destinations including open space, recreation and community infrastructure.

This plan is required to be prepared to the satisfaction of the Director-General in consultation with Newcastle Council, Transport for NSW, Office of Environment & Heritage, and relevant private bus companies.

Aboriginal Heritage

- 1.20 The proponent shall develop a Cultural Heritage Management Plan for the project area. The CHMP is to be developed and implemented in full consultation with the registered local Aboriginal stakeholders and Council. The plan is to include, but limited to:
- a) procedures for ongoing Aboriginal consultation and involvement;
 - b) details of the responsibilities of all stakeholders;
 - c) procedures for the management of any recorded sites within the project area;
 - d) procedures for providing opportunities for registered local Aboriginal stakeholders to monitor any initial ground disturbance works associated with sites 'Black Hill 1' and 'Black Hill 2' and in the areas immediately adjacent to these sites (50m buffer), and in those areas identified as 'Moderate Archaeological Potential';
 - e) procedures for the identification, management and registration of previously unrecorded sites (excluding human remains);
 - f) stop work procedures in the event human remains are located at the site;
 - g) identification and management of any proposed cultural heritage conservation area(s);
 - h) details of an appropriate keeping place agreement with local Aboriginal community representatives for any Aboriginal objects salvaged through the development process;
 - i) details of an Aboriginal cultural heritage education program for all contractors and personnel associated with construction activities;
 - j) details of proposed mitigation and management strategies for sites identified to be impacted within the project area; and
 - k) compliance procedures including for the unlikely event that non-compliance with the CHPM is identified.

Stormwater Management

- 1.21 Any subdivision application must include:
- a) the detailed design of all stormwater management devices to the satisfaction of Council and accordance with any relevant Council policies and NOW Guidelines for Controlled Activities;
 - b) an assessment of the impacts of the proposal on the hydrology of the site and of receiving waters;
 - c) maintenance and management arrangements for public stormwater facilities during and after construction. These arrangements are to be negotiated with Council; and
 - d) a water quality and hydrological monitoring plan which includes:
 - monitoring against relevant water quality standards, with baseline data collected prior to commencement of works;
 - monitoring of changes in hydrology caused by the development to ensure no detrimental impact on the water quality of Viney Creek.

- details on mechanisms and responsibilities for the management and reporting of the results;
- identification of remedial actions to be implemented in the event of a discrepancy between the actual and predicted performance of the water quality controls; and
- a program to report monitoring results to Council and NSW Office of Water.

Flooding and Climate Change

- 1.22 Each subdivision application must include a revised flood assessment that takes into account mine subsidence and that details:
- a) changes to the flood behaviour as a result of the proposal;
 - b) rise times and flash floods;
 - c) revised flood planning levels; and
 - d) procedures for evacuation in the event of a flash flood.

Each application must demonstrate that buildings would be located above the flood planning levels for the site.

Contamination

- 1.23 Any subdivision application must be prepared in consultation with council and contain a remediation action plan, which includes:
- a) Consideration of the requirements of *State Environmental Planning Policy 55 – Remediation of Land* and associated guidelines;
 - b) characterisation of the nature and extent of contamination;
 - c) details of the proposed remediation process, including treatment methodologies and processes;
 - d) justification of the proposed treatment and remediation criteria;
 - e) details of proposed remediation management measures;
 - f) a site validation plan; and
 - g) details of compliance with the *Contaminated Land Management Act 1997*.

Groundwater

- 1.24 Any subdivision application prepared under this concept approval must provide details of:
- a) depth of excavations and proposed works likely to intercept groundwater including any proposed groundwater extraction;
 - b) proposed method of disposal of any groundwater intercepted;
 - c) impacts on any groundwater dependent ecosystems in the area; and
 - d) management of any water seepage from mine workings.

Note: An authorisation under the *Water Act 1912* or the *Water Management Act 2000* is to be obtained from the NSW Office of Water with the appropriate purpose identified for any activity relating to the taking of or interception of groundwater prior to that activity commencing

Mine subsidence

- 1.25 Each subdivision application must demonstrate that:
- a) the risk of mine subsidence has been eliminated from land to which Concept Plan Application 10_0093 applies (excluding the Tank Paddock and (part of) Stockrington the subject of the offset areas) and managed by suitable means to shallow mined workings and other areas affected by subsidence features;
 - b) where appropriate, development has been restricted over capped mine, shafts and tunnel entries;
 - c) the requirements of the Mine Subsidence Board have been met and addressed; and

- d) the site has been declared suitable for its intended use.

Noise

- 1.26 The first subdivision application must include a Noise Management Plan for the site which:
- identifies noise limits for industrial developments during construction and operation;
 - criteria that onsite sensitive receivers must meet;
 - measures to mitigate and manage potential noise sources; and
 - measures to manage potential land use conflicts within the site.

Bushfire Protection

- 1.27 Any subdivision application must:
- demonstrate that the development complies with *Planning for Bushfire Protection 2006*;
 - demonstrate that the location, layout and management arrangements for APZs has been negotiated, and agreed to, with Council and the RFS;
 - provide a map showing the composition of APZs, including the inner and outer protection zones, and their relationship to the proposed building footprints; and
 - outline proposed arrangements for management of bushfire hazard and APZs during the development process.

Infrastructure and Utilities

- 1.28 Any subdivision application must include details of consultation with relevant service providers and demonstrate that their requirements have been addressed, particularly relating to water and wastewater servicing and proposed works within and across easements.
- 1.29 Any subdivision application is to demonstrate that all utility infrastructure has been located outside riparian corridors where possible. Crossings of riparian corridors for utility infrastructure should be co-located with road crossings where possible.

Bulk Earthworks

- 1.30 Each subdivision application shall include an assessment of the proposed civil works including final contour plans. The assessment shall include details of the suitability of any externally sourced fill and any associated impacts.

Construction Impacts

- 1.31 Any subdivision application must include a Construction Management Plan, which shall include (but not limited to):
- a Construction noise management plan including a construction noise assessment in accordance with the Office of Environment and Heritage's 'Interim Construction Noise Guideline';
 - confirmation that all construction works undertaken on site will be undertaken in accordance with the EPA's Environmental Noise Control Manual and must not give rise to an 'offensive noise' as defined under the Protection of the Environment Operations Act 1997 and accompanying Regulations;
 - a Construction vibration management plan including assessment of potential vibration impacts vibration in accordance with the Office of Environment and Heritage's 'Assessing vibration: a technical guideline'. The assessment should include potential vibration impacts from mine subsidence remediation works;
 - an air quality and dust management plan;
 - a Flora and fauna management plan, including tree clearing protocols and strategies for retention of mature or hollow bearing trees, wherever possible;
 - a soil and water management plan, prepared in accordance with Landcom's *Managing Urban Stormwater: Soils and Construction guidelines*;
 - a vegetation management plan;

- a waste management plan;
- a construction traffic management plan;
- an archaeological management plan which provides for the monitoring of works and contingency plans should previously unidentified archaeological deposits be discovered;
- a pre-construction dilapidation report of public infrastructure in the vicinity of the site. The dilapidation report is to be submitted to the Council and the RTA;
- a post-construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining public infrastructure and roads. The dilapidation report is to be submitted to the Council and the RTA;
- measures to address interface issues between the construction site and the conservation areas;
- any other plans that that may be required as a result of the environmental assessment of potential impacts; and
- a complaints management plan detailing the procedures that would be implemented to receive, handle, respond to, and record, any complaints that are received.

SCHEDULE 3

CONDITIONS OF PROJECT APPROVAL

PART A – ADMINISTRATIVE CONDITIONS

Development Description

Project Approval is granted only to carrying out the subdivision of lands specified in Schedule 1, to enable the transfer of lands to a public authority or the Minister of the Crown.

Development in Accordance with Plans and Documentation

The Proponent shall carry out the project generally in accordance with the:

- The *Proposed Subdivision of Lot 13 DP 1078246 Stockrington*, Revision 2, prepared by Monteath & Powys and dated 17 January 2011, and provided as Appendix R to *Black Hill & Tank Paddock Concept Plan* prepared by Urbis and dated February 2011; and
- Conditions of this approval.

If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.

Lapsing of Approval

This approval shall lapse if the Proponent does not physically commence the proposed development associated with this approval within 5 years of the date of this approval.

PART B – PRIOR TO SUBDIVISION CERTIFICATE

Planning Agreement

The Proponent must enter into a planning agreement in accordance with the letter of offer dated 12 August 2011.

Easements

Easements for services, drainage, maintenance access or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over those lots pursuant to the *Conveyancing Act 1919*.

Documentary evidence of restrictions on title

Prior to the issuing of the subdivision certificate, the Proponent is to provide documentary evidence of the proposed easements to the accredited certifier or Council.

Costs to be borne by the Applicant

All costs associated with the preparation and registration of any covenant or restriction on title, whether directly or indirectly, will be borne solely by the Proponent.

PART C – ADVISORY NOTES

Requirements of Public Authorities for Connection to Services

The applicant shall comply with the requirements of any public authorities (e.g. Integral Energy, Hunter Water, Telstra Australia, AGL etc.) in regard to the connection, relocation and/or adjustment of the services affected by the development. Any costs in the relocation, adjustment or support of services shall be the responsibility of the applicant. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Subdivision Certificate.

2. 2021 Indicative Lot and Staging Plan



Proposed Stage 1
Intersection treatment - Traffic Lights
John Renshaw Drive

STAGE	LOT NUMBER	YIELD
1	101 - 131	31 LOTS
2	201 - 231	31 LOTS
3	301 - 329	29 LOTS
4	401 - 440	40 LOTS
5	501 - 531	31 LOTS
6	601 - 619	19 LOTS
7	701 - 707	7 LOTS
8	801 - 812	12 LOTS
Total		200 LOTS*

* EXCLUDES DRAINAGE RESERVE

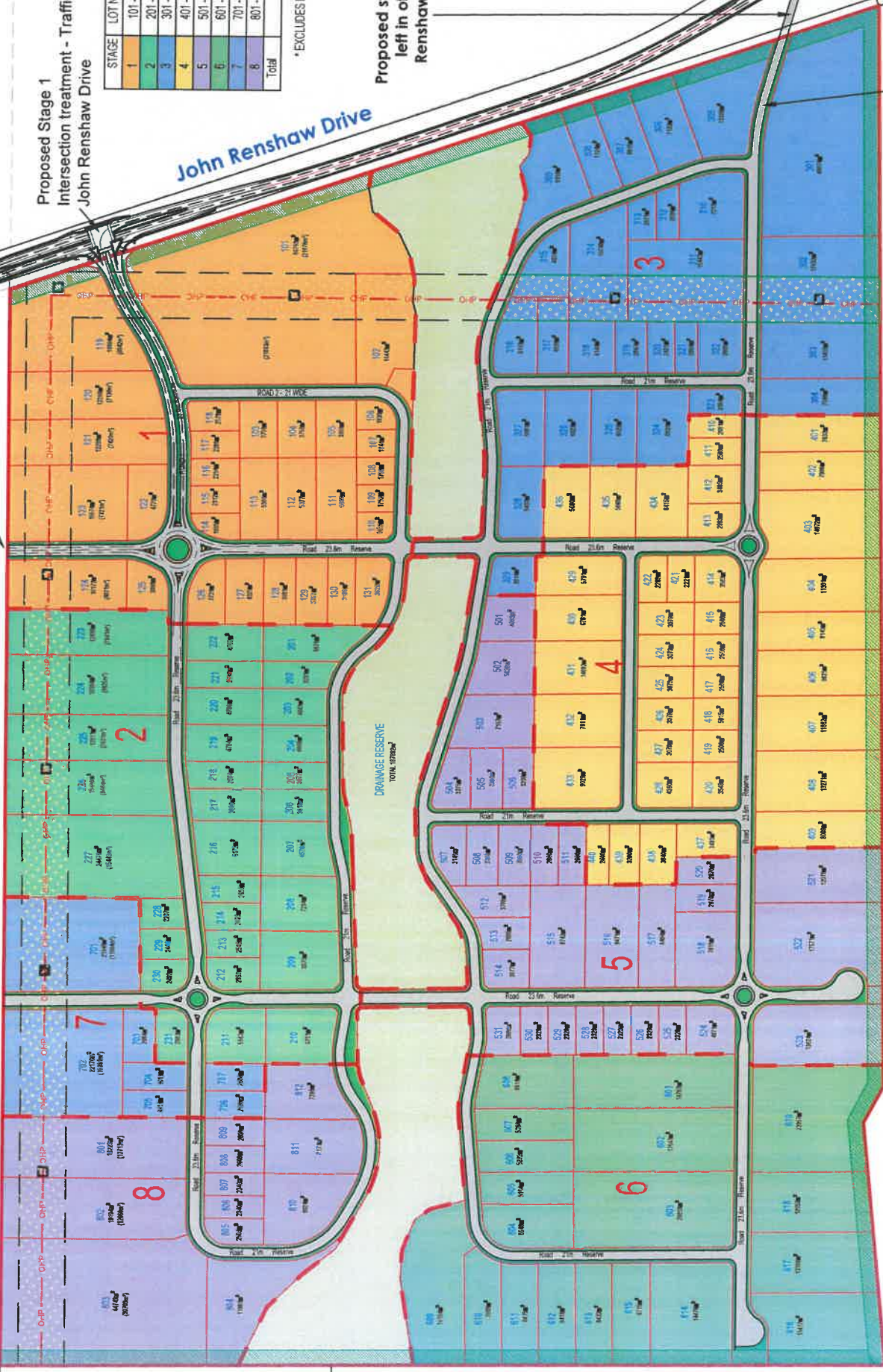
Proposed stage 3
left in off John
Renshaw Drive.

Existing Industrial

ONE WAY ROAD
TO INTERSECTION

Possible
Road Connection

Possible
Road Connection



M1 - Sydney - Newcastle

20m VEGETATED BUFFER

NOTE:
ALL DIMENSIONS, AREAS AND EASEMENTS
ARE SUBJECT TO FINAL SURVEY

TITLE
PROPOSED SUBDIVISION
JOHN RENSHAW DRIVE BLACK HILL

BLACKHILL INDUSTRIAL PARK

STEVENS GROUP

High Definition Design Pty Ltd



20m VEGETATED BUFFER



Date:	27.06.17	Scale:	1:8000 A3
Cad Ref:	HD15 r11		
Project No.	HD15	Revision	11
Design No.	HD01	Drawn	
Drawn		Date	
Approved		Amendment	
No.		Drawn	
Rev.		Date	
By		By	
Check		Check	
By		By	
Check		Check	
By		By	
Check		Check	

3. DPI Assessment Report Extract

- **Parking:**
 - Provisions of Council's Parking DCP should apply to the proposal, unless it can be demonstrated that the proposed design guidelines would result in a better outcome;
 - Council's DCP requires the submission of a green travel plan for major development such as that proposed for Black Hill; and
- Council seeks to clarify whether the UDGs and EA will replace Council's DCP.

Department's Consideration

The Department supports provisions in the UDGs relating to open space, bushfire management, flooding and stormwater, visual assessment and development controls. However, the Department considers that the UDGs should be written in a manner that allows the guidelines to be incorporated into NCC's DCP as 'locality based industrial provisions', similar to the existing '*Element 7.03 South Beresfield industrial precinct 11 October 2005*'. In addition, the Department agrees with Council that the UDGs require additional provisions to ensure orderly development of the site.

Consequently the Department considers that the UDGs be revised, in consultation with Council, prior to the submission of any subdivision DA and should be revised to:

- Adopt provisions in Council's DCP relating to:
 - Industrial development
 - Parking rates including rates required for bicycle parking / storage, motorbike delivery and service vehicles parking
 - Tree management and Landscaping;
 - Outdoor advertising;
- Address the following additional issues:
 - cut, fill and earthworks
 - Road types and dimensions (see Section 6.4.2).
 - stormwater management including requirements for on-site detention on lots and pollutant reduction targets; and
 - controls to manage interaction between potential internal land-use conflicts, such as where childcare is located adjacent to industrial uses.

6.2 Infrastructure Contributions

6.2.1 State Infrastructure Contributions

The Proponent has committed to paying State infrastructure contributions and/or carry out works in kind, as per the draft *Lower Hunter Special Infrastructure Contributions Plan*, at the rate current at the time of future development applications, and to negotiate these contributions with the Department once the Concept Plan has been approved.

Department's Consideration

The Department supports the proposed approach to the payment of contributions as proposed by the Proponent. As such, the recommended instrument of approval requires the Proponent to prepare a staging plan prior to the submission of the first subdivision application detailing the schedule for the delivery of contributions associated with the proposal, including State infrastructure contributions.

6.2.2 Local Contributions

Through its Statement of Commitments, the Proponent has committed to paying contributions in accordance with Council's *Newcastle City Council (NCC) Section 94A Development Contributions Plan 2006* (currently 1% of development cost). The Statement of Commitments states that the total monetary amount of contribution will comprise dedication of land free of costs, payment of contribution, or works in kind, or a combination of these methods. This includes dedication to Council of passive recreational open space along Viney Creek, in lieu of a cash contribution. The Proponent has also committed to managing and maintaining the space for a 5 year period.

Council's advice states that riparian corridors and road widening areas are not acceptable as offset for active open space. Furthermore, Council is opposed to it taking ownership, and responsibility for the maintenance, of such spaces and its preference is for the establishment of a community title arrangement for the maintenance and management of these areas. However, Council has stated that, should it take ownership of the areas, the Proponent should be required to maintain the areas for a minimum of 5 years post construction.

Department's Consideration

Noting that Section 94 contributions cannot be levied at concept plan stage, the Department supports the proposed arrangements relating to payment of local contributions. The implementation of Council's Section 94 Plan will be carried out by Council, at Development Application stage and as such any works in kind or land dedications would need to be agreed to by Council at that stage.

The recommended instrument of approval therefore includes the requirement for a staging plan, which would include details of the delivery of Section 94 contributions, to be prepared and approved by the Director-General prior to subdivision. Under the recommended terms of approval, any works in kind or land dedication in lieu of monetary contributions required under Council's Section 94 Plan must be negotiated with Council and formalised through an appropriate legal mechanism, such as a Deed of Agreement (which is included as a Statement of Commitment), or VPA. Additionally, the staging plan must detail management arrangements for open space and the detention basins in the event that this infrastructure is not dedicated Council.

The Department is satisfied that Section 94 contributions have been suitably addressed through the Proponent's Statement of Commitments and the requirements of the recommended instrument of approval.

6.2.3 Local Contributions - \$2 Million Allocation

The proponent has allocated \$2 million for the delivery of social infrastructure and initiatives for the project. This contribution is not proposed to be offset against the section 94 contribution requirements. Priorities for funding under the \$2million allocation were identified through a design charette process held in 2007 with community representatives and organisations, and State and local government agencies. Table 3 outlines the initiatives and infrastructure proposed to be funded under the \$2 million allocation.

Table 3 – Initiatives Proposed under the \$2 Million Allocation

Infrastructure / Initiative	Proposed timing	Cost
<i>Grant Scheme</i>		
<ul style="list-style-type: none"> Scheme for 'community bus/subsidy for bus services in initial stages (additional to any council / Transport for NSW levies) 	Allocation to be agreed with relevant agencies with funding scaled over a 5 year period commencing when 50,000m ² of building area is occupied	\$500,000
<i>Community</i>		
<ul style="list-style-type: none"> Sponsorship of local sporting teams 	Funding over 5 years and commencing at the first stage of industrial construction	\$100,000
<i>Community Infrastructure/Sustainability</i>		
<ul style="list-style-type: none"> Contribute to providing a community facility in close proximity to the church 	Prior to the completion of Stage 1	\$750,000
<ul style="list-style-type: none"> Upgrade rural fire service (Benwerrin) 	Prior to the completion of Stage 1.	\$250,000
<i>European Heritage</i>		
<ul style="list-style-type: none"> Funding of non-indigenous heritage studies and publications. 	Commence allocation to agreed studies following dedication of conservation land.	\$10,000
<i>Indigenous Heritage</i>		

Infrastructure / Initiative	Proposed timing	Cost
<ul style="list-style-type: none"> Funding towards indigenous heritage studies and publications to be agreed with traditional owners 	Commence allocation to agreed studies following dedication of conservation land.	\$25,000
<ul style="list-style-type: none"> Funding towards Aboriginal education person 	Funding of \$10,000 per annum for five years from dedication of conservation land.	\$50,000
Traffic/Access		
<ul style="list-style-type: none"> Subregional review of strategy for cycling/walkways, subject to discussions with Department of Planning & Infrastructure with respect to the Western Corridors Strategy 	Funds to be allocated Stage 1 of industrial development post the first industrial building construction commencement	\$315,000
TOTAL		\$2,000,000

The Department supports the \$2 million allocation in principle. However, it is considered that the funding of non-indigenous and indigenous studies would be required to be undertaken to mitigate any impacts of the development of the land. Consequently the Department considers that the Proponent should be required to reallocate these funds (total of \$35,000) in consultation with Council and to the satisfaction of the Department prior to the lodgement of the first subdivision application. This requirement has been incorporated into the recommended instrument of approval.

6.3 Flora and Fauna

The site is highly vegetated. The proposed development will require the clearing of the majority of the 183ha site while retaining only the Viney Creek riparian corridor. As such, the proposed development has potential to impact on flora and fauna.

Flora

The Proponent's ecological assessment identified one Endangered Ecological Community (EEC), the Lower Hunter Spotted Gum Ironbark Forest (LHSGIF), which occurs on 132.92ha, or 72% of the development site (see Figure 6). It is proposed to clear the majority of this species to facilitate the development.

ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**CCL 29/06/21 - APPROVAL OF STAGING PLAN FOR BLACK HILL
EMPLOYMENT LANDS**

ITEM-57 **Attachment B:** Indicative Lot Layout and Staging Plan

DISTRIBUTED UNDER SEPARATE COVER





Possible Road Connection

Possible Road Connection

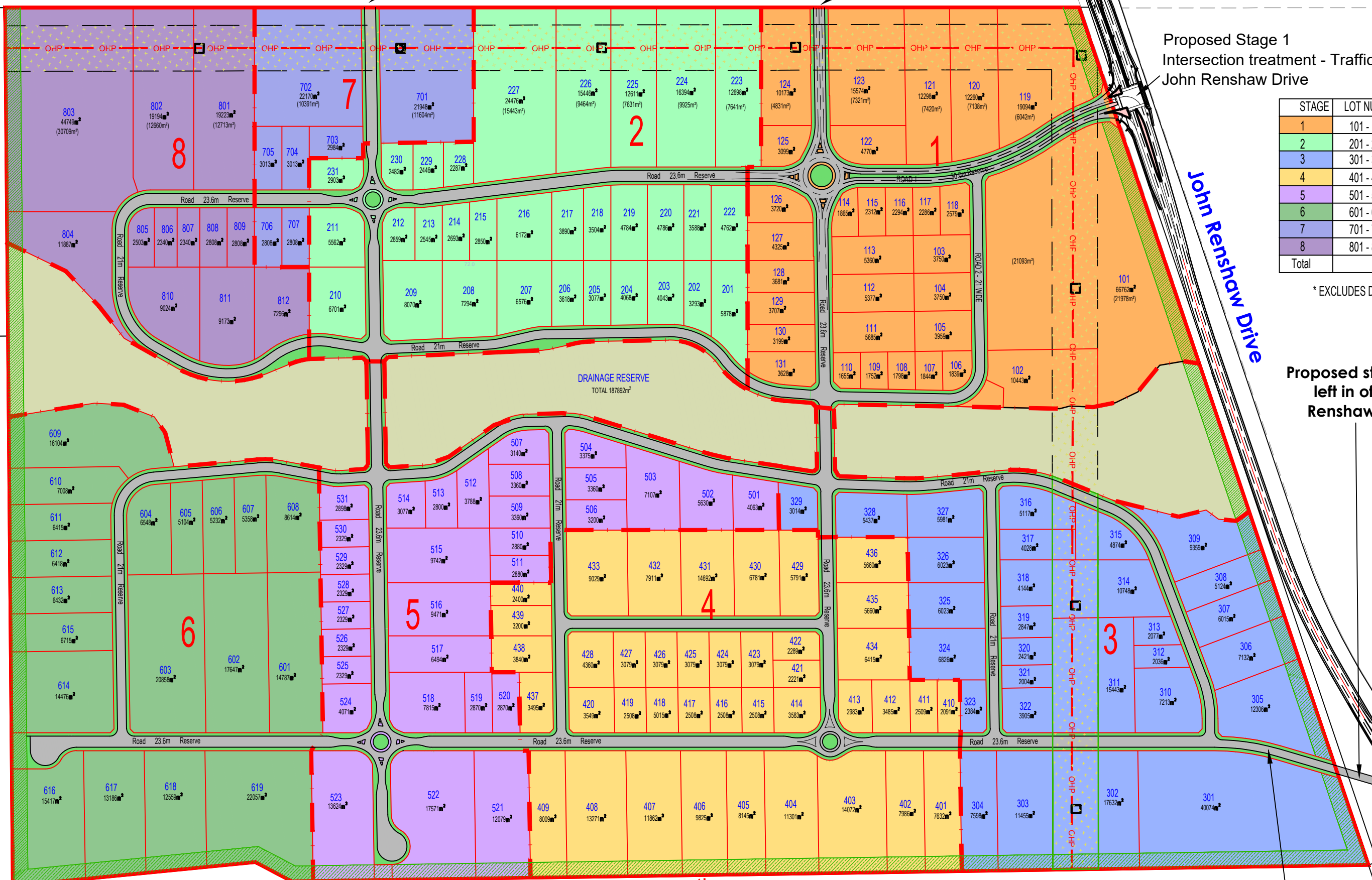
Proposed Stage 1
Intersection treatment - Traffic Lights
John Renshaw Drive

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Proposed stage 3
left in off John
Renshaw Drive

Existing Industrial



NOTE :

ALL DIMENSIONS, AREAS AND EASEMENTS ARE SUBJECT TO FINAL SURVEY

M1 - Sydney - Newcastle

20m VEGETATED BUFFER

M1

ONE WAY ROAD TO INTERSECTION

TITLE: PROPOSED SUBDIVISION
JOHN RENSHAW DRIVE BLACK HILL

BLACKHILL INDUSTRIAL PARK

STEVENS GROUP

High Definition Design Pty Ltd
04 12009891

Hunter LAND

Date:	27.06.17	Scale:	1:5000 A3	Designed:	KU	Project No:	HD15
Cad Ref:	HD15 r11					Drawing No:	HD01
9	AMEND LAYOUT AND STAGING			KU	03.11.20	Revision:	11
11	COUNCIL COMMENTS			KU	20.04.21		
10	MOVE ACCESS AND AMEND LAYOUT			KU	30.03.21		
No	Amendment			Drawn	Date		



ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

CCL 29/06/21 - APPROVAL OF STAGING PLAN FOR BLACK HILL EMPLOYMENT LANDS

ITEM-57 **Attachment C:** Summary of submissions

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Attachment C – Summary of Submissions

Public Exhibition: 30 November 2020 until 18 January 2021		
Submission Number	Points raised in submission	Response
1	<ul style="list-style-type: none"> Transport for NSW (TfNSW) raised no objection subject to comments and meeting all the requirements otherwise provided within the Part 3A Concept Plan Approval. TfNSW notes that no masterplan for the catalyst area has been undertaken in accordance with the Greater Newcastle Metropolitan Plan 2036 action and recommend both the City of Newcastle and Cessnock Council work towards developing a site masterplan with TfNSW. TfNSW advised that the Black Hill Traffic Modelling report by SMEC dated October 2020, prepared on behalf of TfNSW is to form the basis of assessing the traffic related impacts for all development applications within the Black Hill precinct. Recognises the site has the benefit of a Concept Approval, which includes provision for a left in/ left out intersection to the Pacific Motorway and a signalised intersection wholly located on the land, located on the western site boundary. Future consideration of the left in-left out intersection will be subject to TfNSW agreement. Raised no objection in principle to the relocation of the signalised intersection from the western site boundary to 225 metres east of the western site boundary. In the absence of a precinct masterplan it is recommended the City of Newcastle consult with Cessnock Council regarding potential connections between this site and the Broaden site. 	<ul style="list-style-type: none"> Noted The Black Hill Employment Lands site within the Newcastle local government area is covered under an existing Concept Approval (approved November 2013), with accompanying Urban Design Guidelines that have been endorsed by the Secretary for the Department of Planning and Environment in 2018. The preparation of an Indicative Lot Layout and Staging Plan is a requirement of the Concept Approval, there is no requirement for this Plan to be consistent with other Government Strategies or plans, including the Greater Newcastle Metro Plan. Noted. Noted. Further clarification was sought by Council regarding TfNSW position on the left in/left out intersection. See summary of additional TfNSW correspondence. Noted The Indicative Lot Layout and Staging Plan has been amended to include one of the proposed east west connections in Stage 1 rather than Stage 2, to ensure developments in Cessnock have early access to the proposed signalised intersection.

	<ul style="list-style-type: none"> No direct access shall be provided between the development and John Renshaw Drive or the M1 Pacific Motorway, other than provided by the proposed public local road network. 	<ul style="list-style-type: none"> Access to each allotment is provided by the proposed public local road network as outlined on the indicative lot layout and staging plan, with no direct access of allotments to John Renshaw Drive or the M1 Pacific Motorway specified. This stipulation also forms part of the approved Urban Design Guidelines.
2	<ul style="list-style-type: none"> Cessnock City Council (CCC) objects to the proposed indicative lot layout and staging plan as the exhibited material nominates alternate access contrary to the shared boundary access. This position regarding the location of the shared (westernmost) access has remained consistent since the initial lodgement of the Planning Proposal for the Cessnock site on 7 March 2012. This has been previously expressed during consideration of Newcastle City Council's deemed refusal of Development Application No. DA 2018/714 for a 200 lot Torrens title subdivision at 198 Lenaghans Drive, Black Hill. A shared access at the common boundary of the sites was (and still is) considered a logical and cost effective servicing approach to integrate both sites and reducing the need for four separate intersections onto John Renshaw Drive to three. The shared boundary access is considered an equitable outcome that permits both developers to progress independently of one another, while minimising the requirement and extent of easements, reciprocal rights-of-way, etc. that will be required between the two industrial sites. Shared access at the common boundary of the sites will ensure one developer is not overly burdened by the other's development timeframes, or by additional road construction costs and extensions to connect the two sites. Removal of shared access will not offer an appropriate level of certainty to the developer of the Cessnock land and will significantly impact the timing, lot yield, subdivision layout, development costs and, ultimately, employment outcomes associated with the Cessnock land. The location of the westernmost access is inconsistent with Concept Structure Plan for the Cessnock site, as outlined in the Cessnock Development Control Plan (DCP), adopted on 17 April 2019. The DCP prioritises the location of the joint access along the shared boundary between the Cessnock and the Newcastle sites. 	<ul style="list-style-type: none"> Noted. The land at 337 Blackhill Rd, Black Hill (also known as 1134 John Renshaw Dr, Black Hill) already has allowance for one 'all direction' traffic signal controlled (TCS) located at the western access and co-located with the entrance road to the mine opposite. The preference by the developer to not commence their proposed development at the western TCS is a commercial decision. As above. The Cessnock DCP does not apply as the site is located in Newcastle local government area. Additionally, the site has the benefit of a Concept Approval with no requirement to be consistent with the Cessnock DCP.

	<ul style="list-style-type: none"> • Cessnock Council acknowledges that the high voltage transmission lines may have a minor visual impact at the shared boundary access and notes that the employment land will ultimately support industrial development. Industrial development is not typically revered for its appearance, rather its potential to generate employment. • The high voltage transmission lines will effectively result in large setbacks in any subdivision access outcome. That is, depending upon the location of the shared access, the high voltage transmission lines will either result in large front setbacks or large rear setbacks. Altering the location of the joint access will not change this outcome in any positive sense. • It has not been demonstrated that the shared access at the common boundary of the sites is unfeasible for engineering reasons. 	<ul style="list-style-type: none"> • The shared access would have unintended and undesirable impacts on future developments and inefficient use of land as a result of existing easements (high voltage power lines). This includes: <ul style="list-style-type: none"> ▪ significant setbacks (between 30m to the west or 84m to the east and potential distance between buildings of 145m to 151m); ▪ poor streetscape (used as hardstand and bulk storage); and ▪ street lights, TCS poles, street trees or other significant landscaping cannot occur within the overhead power easements as vertical clearance to the transmission wires must be maintained. • Larger rear setbacks as provided by the exhibited indicative lot layout and staging plan would significantly reduce the negative outcomes listed in the point above. • Demonstration that a shared access is unfeasible for engineering reasons is not required. The subject site has the benefit of a Concept Approval and can develop the land in a manner provided it is generally consistent with the terms of approval, pursuant to Clause 3B(2)(d) of Schedule 2 of the <i>Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017</i>. However, constructing the access on the common boundary would likely require the relocation of the high voltage overhead power lines, associated stanchions and the existing easement at considerable expense.
3	<ul style="list-style-type: none"> • Does not object to the development but registers a strong objection to the location of the proposed signalised entry, suggesting instead that it be a common access to serve the precinct, providing a joint access for both the subject lot and the immediately adjoining industrial land to the west. • The proposed intersection location and access will significantly disrupt the development of the precinct, delaying access to the adjoining site by years and adding uncertainty by proposing an intersection and access that has already been refused by the court. 	<ul style="list-style-type: none"> • Noted. • The adjoining site already has allowance for one 'all direction' traffic signal controlled located at the western access and co-located with the entrance road to the mine opposite. The preference by the developer not to commence their proposed development at the western TCS is a commercial decision.

	<ul style="list-style-type: none"> • The proposed layout undermines the development of the precinct. • The proposed lot layout is inconsistent with the broad control principles in regard to traffic and transport management for the site which were considered for the concept plan. • The proposed lot layout is not generally consistent with the concept approval and is not generally in accordance with the lot layout shown in the approved concept plan. The access should be located to provide a common access to the precinct on the common boundary. • The proposed layout has not considered the adjoining DCP and will lead to traffic conflict and an inefficient road layout. The access should be located to provide a common access to the precinct on the common boundary. • The additional information required to support the provision of infrastructure and to support the staging plan must be prepared and publicly exhibited with the plan to demonstrate compliance with the concept plan. • To allow the precinct to be delivered effectively and to meet the objectives of the Newcastle Metro plan, the access should be an access on the common boundary to allow a common access to the precinct and to provide efficient provision of services to the precinct. • Joint access on the common boundary provides equitable access and provision of services. 	<ul style="list-style-type: none"> • As above. • Considerable concept engineering design and SIDRA modelling has been done to support the preferred location and TCS configuration which has been used by TfNSW to produce the recent micro-simulation modelling. TfNSW have advised that the Black Hill Traffic Modelling report by SMEC dated October 2020, prepared on behalf of TfNSW is to form the basis of assessing the traffic related impacts for all development applications within the Black Hill precinct. This modelling also assumed the location of the signalised intersection east of the common boundary and not as a shared access along the common boundary. • The Land and Environment Court (LEC) Commissioner for the Class 1 Appeal found that moving the signalised intersection to the location proposed under DA2018/00714 (consistent with the exhibited indicative lot layout and staging plan) was generally consistent with the approved Concept Plan. Additionally, the indicative lot layout presented as part of the concept plan is explicitly not approved as per Condition 1.7 of the Concept Approval. • The Cessnock DCP does not apply as the site is located in Newcastle local government area. Additionally, the site has the benefit of a Concept Approval with no requirement to be consistent with the Cessnock DCP. • Additional information has been provided to satisfy the Concept Approval requirements under Condition 1.10 and was not considered to warrant public exhibition. • The Black Hill Employment Lands site within the Newcastle local government area is covered under an existing Concept Approval (approved November 2013), with accompanying Urban Design Guidelines that have been endorsed by the Secretary for the Department of Planning and Environment in 2018. The preparation of an Indicative Lot Layout and Staging Plan is a requirement of the Concept Approval, there is no requirement for this Plan to be consistent with other Government Strategies or plans, including the Greater Newcastle Metro Plan. • Noted. However, access along the common boundary is not ultimately the best location from a road safety perspective and
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	<ul style="list-style-type: none"> • Raised significant concerns regarding the practicality of providing access to the site in the Cessnock LGA via the proposed road based on traffic compatibility, indicating that the proposed intersection and road will not support the traffic leaving the adjoining site (in Cessnock). The mix of a high number of trucks leaving the adjoining site and the smaller passenger vehicles expected in the subject site are not considered compatible. Bringing a significant number of truck movements through the subject site subdivision is considered unsafe, this could be avoided through the use of a common access. • Outlined concerns regarding the timing of access and uncertainty. Highlighting that the proposed layout has already been refused once, which does not provide any confidence that any future application will be supported. Expressing apprehensions of the potential for additional delays and further uncertainty to the whole precinct. 	<ul style="list-style-type: none"> • would also produce unintended and undesirable development impacts within the respective subdivisions. • The mix of traffic and its dispersion will be equivalent regardless of the intersection location. The internal local road network that connects with the adjoining site is designed to cater for B-double vehicles. CN notes that Section 18.1.10 of Cessnock's DCP states "<i>that all roads need to cater for large vehicles, including B-Doubles</i>" and is not aware that the adjoining site is seeking larger vehicles to be accommodated. It is further noted that CN's minimum industrial collector road (as adopted on the Stevens site) has a carriageway width of 14.6m (Newcastle DCP 2012 – Section 7.04, Table 1) and the concept engineering plans for the adjoining site in CCC show their roads as being 14m wide carriageway. This suggests that CN's local roads are slightly better equipped to service the heavy vehicles generated by the adjoining development than the CCC roads. <p>Additionally, the land at 337 Blackhill Rd, Black Hill (also known as 1134 John Renshaw Dr, Black Hill) already has allowance for one 'all direction' traffic signal controlled (TCS) located at the western access and co-located with the entrance road to the mine opposite. The preference by the developer to not commence their proposed development at the western TCS is a commercial decision. TfNSW are aware of the need for the signalised intersection into the subject site to cater for a proportion of the adjoining site's traffic, with the remaining traffic to be managed by the signalised intersection at the adjoining site. TfNSW will insist that an appropriate level of service (LOS) is achieved by the signalised intersection at the subject site to account for traffic demand. Furthermore, there is nothing that precludes the opportunity for adjoining site to seek approval from TfNSW for an additional access with John Renshaw Drive.</p> <ul style="list-style-type: none"> • Refusal was issued to a development application for proposed subdivision for reasons beyond the relevance of the Indicative Lot Layout and Staging Plan. Furthermore, the land at 337 Blackhill Rd, Black Hill (also known as 1134 John Renshaw Dr, Black Hill) already has allowance for one 'all direction' traffic signal controlled (TCS) located at the western access and co-located with the
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	<ul style="list-style-type: none"> The adjoining site requires stage 1 to commence in the north east corner, which is adjacent to the subject site. This is being done to gain access to services, such as sewer and electricity, to be consistent with existing planning documents and to provide a single combined access to the precinct. The proposed access through the subject site will place the adjoining site at a significant disadvantage and will delay the coordinated development of the whole precinct. Requests Council not to support the location of the access and insist that the access be placed in a location that is consistent with the concept plan. The access should be a common access to best serve the precinct which is on the common boundary. 	<p>entrance road to the mine opposite. The preference by the developer to not commence their proposed development at the western TCS is a commercial decision.</p> <ul style="list-style-type: none"> As above. The subject site has the benefit of a Concept Approval and can develop the land in a manner provided it is generally consistent with the terms of approval, pursuant to Clause 3B(2)(d) of Schedule 2 of the <i>Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017</i>. The Land and Environment Court (LEC) Commissioner for the Class 1 Appeal found that moving the signalised intersection to the location proposed under DA2018/00714 (consistent with the exhibited indicative lot layout and staging plan) was generally consistent with the approved Concept Plan.
TfNSW Additional Response to CN's Request for Clarification (sent 6 January 2021)		
Date of Response	Points raised in submission	Response
12/04/2021	<ul style="list-style-type: none"> Advises that to accommodate future strategic design requirements on John Renshaw Drive, it does not support the left-in/left-out intersection as currently proposed. Highlights that the Black Hill Traffic Modelling report prepared by SMEC and dated 9 October 2020 (SMEC report) identified the need for south-facing ramps to serve the precinct traffic. With the exact location of this connection currently undetermined, TfNSW recommends Council ensure an appropriate local road network is provided within the Plan that is capable accommodating any future local road connection from all directions i.e. South, West and East. The future local road connection within the development sites, irrespective of the chosen route option, should be designed to 	<ul style="list-style-type: none"> Noted. The current Indicative Lot Layout and Staging Plan (Ref. HD15-HD01 Revision 11 dated 20/04/2021) provides for a left in only off John Renshaw Drive. This reflects the changes identified by TfNSW to accommodate future strategic design requirements. Noted. The current Indicative Lot Layout and Staging Plan (Ref. HD15-HD01 Revision 11 dated 20/04/2021) has been amended to accommodate any future local road connections from all directions (i.e. South, West and East). The current Indicative Lot Layout and Staging Plan has been amended to ensure that potential future local road connections are

	<p>cater for a minimum two-way traffic volume of approximately 900 vehicles/hour and a minimum peak direction (one-way) traffic volume of approximately 700 vehicles/hour during AM and PM peak hours. This estimation is based on the Developments' Travel Patterns included within the SMEC report.</p> <ul style="list-style-type: none"> • No objections raised to any new internal roundabout/s Council may consider necessary to appropriately service a future local road connection. • Understands the following changes are intended to be implemented to the Indicative Lot Layout and Staging Plan to accommodate future strategic design requirements on John Renshaw Drive: <ul style="list-style-type: none"> ○ Relocate proposed western signalised intersection approximately 80m west of the current proposed location (225m east of the western Stevens site boundary) i.e. the proposed western signalised intersection to be approximately 145m east of the western Stevens site boundary. ○ Remove proposed left-in/left-out intersection (350m west of the M1 Pacific Motorway/Weakleys Drive/John Renshaw Drive signalised intersection) and provide a left-in only intersection approximately 200m east of the current proposed location i.e. the new left-in only intersection to be approximately 150m west of the M1 Pacific Motorway/ Weakleys Drive/John Renshaw Drive signalised intersection. ○ Extend proposed 23.6m road reserve through Lot 523 and Lot 524 to create a stub road up to the vegetation buffer. • Proponent agreed during consultation to make further changes to the internal lot and road layout, if necessary, in future development applications to accommodate preferred local road connection to the south-facing ramps that is yet to be determined. • Highlights that the detailed design of the western signalised intersection is subject to separate further design review in accordance with the Concept Plan approval. • Requests a notation be included within any final indicative lot layout and staging plan outlining that the purpose is not to identify off-site mitigation road works and traffic and transport impacts will be reviewed as part of future Development Applications (DA) on the site. 	<p>planned with appropriate dimensions to serve as industrial collector roads.</p> <ul style="list-style-type: none"> • Noted. • Noted. The current Indicative Lot Layout and Staging Plan (Ref. HD15-HD01 Revision 11 dated 20/04/2021) reflects the changes identified by TfNSW to accommodate future strategic design requirements. • Noted. CN supports flexible approach to achieve appropriate outcomes. • Noted. • Noted. This is acknowledged in the Staging Plan (April 2021), prepared by Tibor Kovats Consulting.
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Targeted Stakeholder Notification: 27 April 2021 to 7 May 2021		
Submission Number	Points raised in submission	Response
1	<ul style="list-style-type: none"> Cessnock City Council reiterated their position that the westernmost access should be located at the common boundary for the reasons outlined in our previous submissions. While our position regarding the westernmost access to the Newcastle site has not changed; above all else, it is essential that the final location of the access offers an appropriate level of certainty to the developer of the Cessnock land and does not significantly impact the timing, lot yield, subdivision layout or development costs associated with developing the Cessnock land. 	<ul style="list-style-type: none"> Noted. The subject site has the benefit of a Concept Approval and can develop the land in a manner provided it is generally consistent with the terms of approval, pursuant to Clause 3B(2)(d) of Schedule 2 of the <i>Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017</i>. The Land and Environment Court (LEC) Commissioner for the Class 1 Appeal found that moving the signalised intersection to the location proposed under DA2018/00714 (consistent with the exhibited indicative lot layout and staging plan) was generally consistent with the approved Concept Plan. The access location shown on the current Indicative Lot Layout and Staging Plan (Ref. HD15-HD01 Revision 11 dated 20/04/2021) reflects the changes identified by TfNSW to accommodate future strategic design requirements. As per the above principle, this location is considered consistent with the Concept Approval. The land at 337 Blackhill Rd, Black Hill (also known as 1134 John Renshaw Dr, Black Hill) already has allowance for one 'all direction' traffic signal controlled (TCS) located at the western access and co-located with the entrance road to the mine opposite. The preference by the developer to not commence their proposed development at the western TCS is a commercial decision. The Cessnock site will also be provided with an east west connection proposed under Stage 1 of the Indicative Lot Layout and Staging Plan, allowing developments in Cessnock access to the proposed signalised intersection upon completion of Stage 1. Furthermore, there is nothing that precludes the opportunity for adjoining site to seek approval from TfNSW for an additional access with John Renshaw Drive.
2	<ul style="list-style-type: none"> The location of the access further limits the opportunity for the access to be provided for the adjoining property in line with the Cessnock DCP. The plan shows the acceleration and deceleration lanes have a significant impact on the opportunity to gain access to the adjoining site to the west in line with the Cessnock DCP. 	<ul style="list-style-type: none"> Noted. The site has the benefit of a Concept Approval with no requirement to be consistent with or facilitate the outcomes identified in the Cessnock DCP. The current Indicative Lot Layout and Staging Plan (Ref. HD15-HD01 Revision 11 dated 20/04/2021) reflects the changes identified by TfNSW to accommodate future strategic design requirements.

	<ul style="list-style-type: none"> • We are not aware of modelling to support this position, as required by the concept plan. • The 34A certificate was issued on the basis that the development application is or will be made in accordance with the concept plan. As this application has not been made in accordance with the concept plan, this raises uncertainty as to whether the development can proceed, and the internal access would ever be provided to the adjoining land. We note that no ecological assessment has been undertaken with the existing development application before council. • We again reiterate that the application is not consistent with the approved concept plan and urban design guidelines, the road has not been proposed on the common boundary providing access and frontage to the adjoining property as is shown in the Concept Plan. • No information has been provided in relation to the suitable sight distances for the location of the proposed intersection. Previously TfNSW had identified that the location to the east of the currently proposed access point was identified as an acceptable location as was the access located on the common boundary by the Concept Plan. The road has a crest to the east of the location that will affect sight distance, there is no evidence to show that this has been considered. • This submission must be read together with our first submission. • We raise the strongest objection to the location of the access. 	<ul style="list-style-type: none"> • On 29 October 2020, TfNSW held a joint meeting with representatives in respect to the proposed developments at 198 Lenaghans Drive and 337 Blackhill Rd (also known as 1134 John Renshaw Dr), Black Hill. Together these sites form the Emerging Black Hill Precinct. TfNSW advised both parties that the Black Hill Traffic Modelling report by SMEC dated October 2020, prepared on behalf of TfNSW is to form the basis of assessing the traffic related impacts for all development applications within the Black Hill precinct. • The Concept Approval includes a number of conditions that are required to be satisfied prior to the first application for subdivision. Specifically Condition 1.10, that stipulates the proponent prepare a staging plan for Council's approval. The plan must provide for an updated indicative lot layout, identifying how the development of the site would be staged under 1.10(a) as the indicative lot layout presented as part of the concept plan is explicitly not approved as per Condition 1.7 of the Concept Approval. This process is formalising the concept plan as required by the conditions of approval. This does not yet involve or relate to applications for development. Furthermore, Condition 1.10 of the Concept Approval does not require an ecological assessment to be undertaken to inform the Staging Plan. • The LEC Commissioner for the Class 1 Appeal found that moving the signalised intersection away from the western boundary to the location proposed under DA2018/00714 was generally consistent with the approved Concept Plan. Additionally, the indicative lot layout presented as part of the concept plan is explicitly not approved as per Condition 1.7 of the Concept Approval. • No concerns were identified by TfNSW when sight distances for this intersection location were raised by CN in a meeting held on 08/04/2021. Furthermore, the current Indicative Lot Layout and Staging Plan (Ref. HD15-HD01 Revision 11 dated 20/04/2021) reflects the changes identified by TfNSW to accommodate future strategic design requirements. • Noted. • Noted.
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	<ul style="list-style-type: none"> • The location of this proposed intersection should be modelled with the other identified locations along John Renshaw Drive, including one on the common boundary in line with the DCP and the western access into the Broaden site. • We are also concerned about the certainty of any internal access being provided based on the proposal not being consistent with the concept plan and this raises concerns that the 34A certificate for biodiversity may not be valid and again raises the uncertainty about the plan being inconsistent with the Concept Plan, which is required under the Environmental Planning and Assessment Act. 	<ul style="list-style-type: none"> • TfNSW advised both parties that the Black Hill Traffic Modelling report by SMEC dated October 2020, prepared on behalf of TfNSW is to form the basis of assessing the traffic related impacts for all development applications within the Black Hill precinct. The current Indicative Lot Layout and Staging Plan (including signalised intersection location) reflects the changes identified by TfNSW to accommodate future strategic design requirements for the area. Furthermore, there is nothing that precludes the opportunity for Broaden site to undertake this modelling and seek an additional access with John Renshaw Drive. • The LEC Commissioner for the Class 1 Appeal found that moving the signalised intersection to the location proposed under DA2018/00714 was generally consistent with the approved Concept Plan. Additionally, the indicative lot layout presented as part of the concept plan is explicitly not approved as per Condition 1.7 of the Concept Approval. This process to approve a Staging Plan seeks to formalise the concept plan as required by the conditions of approval, principally 1.10.
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