

Our Ref: 24530-2:MD

29 January 2010

APPENDIX

BLACK HILL & TANK Paddock LOWER HUNTER LANDS PROJECT PRELIMINARY ENVIRONMENTAL ASSESSMENT BUSHFIRE

It is proposed that the entire Coal & Allied Industries Limited (Coal& Allied) owned Black Hill and Tank Paddock sites be rezoned/listed as a 'State Significant Site' (SSS) in Schedule 3 of State Environmental Planning Policy (Major Development). A draft Schedule 3 listing will be prepared with the Concept Plan Application.

The Concept Plan will apply to the entire 183ha Black Hill and the 147ha Tank Paddock sites. The key parameters for the future development of the sites are as follows:

- Dedication of 147ha of conservation land to the New South Wales Government (NSWG) that is identified in the Lower Hunter Regional Strategy and Lower Hunter Regional Conservation Plan, comprising 100% of the Tank Paddock site.
- Use of the 183ha Black Hill site as 'employment lands' for a range of employment generating activities.
- Indicative development staging. The number of lots and extent of staging for release areas will be largely dictated by the service infrastructure requirements as well as responding to market forces.
- The provision of associated infrastructure.

Approval will not be sought under the Concept Plan for a specific lot layout. An indicative super-lot layout will be prepared, which will indicate how subdivision could be achieved that will enable a range of industrial and ancillary activities to be undertaken.

An existing mining consent under the Black Hill site will defer development on the site until post June 2013. Accordingly, a detailed built form layout has not been prepared at this stage. Approval is not sought under the Concept Plan for subdivision or for individual buildings on the site. Urban Design Guidelines will be prepared to inform the Concept Plan in respect of urban form, built form, open space and landscape, access and movement and visual impact for the site.

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

The proposed Concept Plan and a Plan showing the proposed development areas and conservation areas is included in the Preliminary Environmental Assessment (PEA) prepared by Urbis.

Bushfire Considerations

A Bushfire Threat Assessment (BTA) will be required to inform and assist the urban design and concept planning phase, taking into consideration the surrounding bushfire threats based on a Bushfire Prone Land Mapping category of Category 1 Vegetation and small areas of Buffer. This assessment will inform an overarching Environmental Assessment (EA) submission and will provide information on measures that will enable the development to comply with Planning for Bushfire Protection (RFS, 2006) and Australian Standards for the Construction of Buildings in Bush-fire Prone Areas. These policies being underpinned by the *Environmental Planning and Assessment Amendment (Planning for Bush Fire Protection) Regulation 2007* and the *Rural Fires Amendment Regulation 2007 (RF Amendment Regulation, 2007)*.

Generally the scope and purpose of the BTA will be to review the overall bushfire threat to the development site and to review the capability of the proposal to provide a safe outcome on the development site. This assessment will include information on ability of the development site to comply with PBP (RFS, 2006). This will be achieved by providing/undertaking:

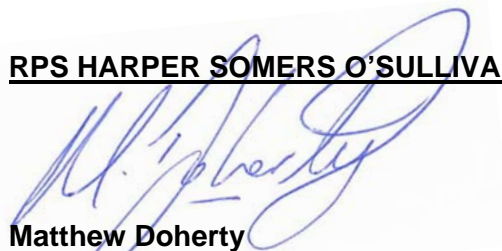
- An assessment of all vegetation on and adjacent to the subject property within 140 metres from all elevations from the site boundary;
- An assessment of topography (slope) on and adjacent to the subject property to a distance of 100 metres from the site boundary;
- Adequacy of public roads in the vicinity to handle increased traffic in a bushfire emergency;
- Recommendations for appropriate setback (Asset Protection Zones - APZ) distances from the identified bushfire hazards;
- Information on water supply for fire fighting purposes;
- Review of the derived Concept Plan for the site; and
- Proposed Access – Ingress and Egress.

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The key aims and objectives of a BTA undertaken for a development of this nature is such that assessment is undertaken in accordance with clause 46 of the RF Regulation 2007. The BTA should also address the six key Bush Fire Protection Measures (BFPMs) in a development assessment context being:

- The provision of clear separation of buildings and bush fire hazards, in the form of fuel-reduced APZ (and their components being Inner Protection Areas and Outer Protection Areas);
- Construction standards and design;
- Appropriate access standards for residents, fire-fighters, emergency workers and those involved in evacuation;
- Adequate water supply and pressure;
- Emergency management arrangements for fire protection and / or evacuation; and
- Suitable landscaping, to limit fire spreading to a building.

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Matthew Doherty
Environment & GIS Manager
BLMC