

Submission prepared by:

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***“Draft Hunter Regional Plan” (DHRP\_2015) and  
“Draft Plan for Growing Hunter City” (DPGHC\_2015)***

**Community Groups’ Submission**

**Note:** Preparation of this submission was co-ordinated by Executive members of the Community Groups:  
Exhibition period ended: March 24<sup>th</sup> 2016.  
(Submission date: March 29<sup>th</sup>, 2016)

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## OVERVIEW

**Note:** Throughout this document we will refer to the 2015 “*Draft Hunter Regional Plan*” as **DHRP\_2015** and to the companion 2015 “*Draft Plan for Growing Hunter City*” as **DPGHC\_2015**.

We **thank** the NSW Department of Planning and Environment (DoPE) for providing this opportunity to contribute to strategic planning for the Hunter’s future. While our past experience suggests that community submissions tend to be lost or distorted in the final planning documents, or relegated to simple numerical counts, we **hope that this is not the case here**, and that our **detailed and thoughtful comments** are given appropriate consideration.

Our Community Groups’ submission takes a **four-pronged approach**:

- 1) Identification of some **overall planning principles and strategies** that need to be **addressed and strengthened (Section A)**, including: acknowledging and rectifying **flaws in previous regional strategies** (e.g., limited evidence base; absence of sub-regional plans and periodic reviews); re-evaluating **assumptions and changes** over time (e.g., over-supply of industrial land; structural decline in coal industry; impact of Hunter Expressway; integrated conservation opportunities); **effective community consultation** (e.g., transparency and consistency; community education; re-exhibition, where necessary); and **mechanisms to achieve outcomes** (e.g., setting priorities and timelines; balanced approaches; strategic centres).
- 2) **Specific comments relating to our local area – the “Northern Sugarloaf Region” (NSR) (Section B)**, including: **accurate characterisation** of this sub-region; important geographical and infrastructure **constraints** (e.g., relatively isolated community with limited infrastructure; sensitive conservation areas); **employment vs. conservation** needs/opportunities; consequences associated with **previous flawed and erroneous strategic plans**; threats from **current planning proposals** (e.g., unwanted and unjustified **industrial re-zoning**); support for removal of “**employment lands**” tag in Draft Strategic Plans; **conservation corridors and related opportunities**; other **sub-regional priorities**; and finding an **optimal balance**.
- 3) **Additional comments on Draft Strategic Plans (Section C)**, including: key **environmental issues; inconsistencies** (in maps, sub-regions and strategic centres); **other issues** (e.g., rail transport routes); prioritising **formal reviews** and **sub-regional plans**.
- 4) A series of **Appendices** is included which: **A)** describe the **Community Groups**; **B)** illustrate **variations and flaws** in previous plans (with respect to our local area); **C)** present the *Summary and Contents Pages* from our **submission to the 2014 Parliamentary Inquiry**; and **D)** demonstrate the **over-supply** of employment lands, both locally and in the Lower Hunter.

From our Community Groups’ perspective, the aspects of the 2006/2010 Lower Hunter Regional Strategy (LHRS) that related to our **NSR** sub-region were **demonstrably flawed and erroneous**. (see **Section B**). Moreover, the flawed 2006/2010 LHRS has driven **inappropriate development proposals and re-zoning requests in our sub-region**, causing considerable community concern and uncertainty. **Lessons from our experiences may assist in the framing of revisions to the DHRP\_2015 and DPGHC\_2015.**

In the past, the Black Hill community has specifically requested that the **sub-area between Blackhill Road and John Renshaw Drive reverts to ‘conservation lands’**, as was the case in the 2003 Thornton-Killingworth Sub-regional Conservation and Development Strategy (TKSCDS) and the Draft LHRS (November 2005). In the current Draft Strategic Plans, some critical improvements have occurred, namely the **“employment lands” tag for this sub-area has been dropped**, as has any reference to the need for a regional (containerised) “**freight hub**” – both of which we **applaud and wish to see retained in any revisions**.

It should also be acknowledged that in the past members of our Community Groups (and, no doubt, many other community members) have **not necessarily made submissions when ‘good ideas’ have been presented in planning documents** – not realising that Large Landowners, Developers, and other Agencies and individuals have sought to gain the relevant Minister’s ear to undermine and overturn those ideas (i.e., people often do not provide comments and endorsements when they approve of something).

There are many ‘players’ involved in Strategic Planning and, hopefully, the submissions received by the DoPE cover the breadth of different perspectives. Councils and Developers are often pre-occupied with processes, precedents and costs, whereas **community groups tend to be more concerned about the social and environmental consequences** – both immediate and longer-term. Indeed, community groups may have **unique insights**, as, all too often, they become **acutely aware of the ambiguities and flaws in previous strategic plans** – as they have to deal with the **day-to-day consequences** and with **repeated, often unwarranted, Planning Proposals driven by other non-local agendas**.

If a Strategic Plan is ‘**clear in what it prescribes and prohibits (and why)**’, is based on ‘**good planning principles**’ and uses relevant ‘**evidence and consultation**’, then it stands a much higher chance of being viewed as ‘**acceptable/successful**’. Over time, this should be manifest in several ways, including: a **reduction in land use conflicts; avoidance of ‘spot rezoning’** applications; a diminution in the **number of additional assessments** required per application; and a **more balanced** (or optimal) set of community, socio-economic and environmental **outcomes**. **All of which would reduce the pressures on local communities and help to keep them more positively engaged in planning decisions**.

Unfortunately, as they currently stand, many sections within the **DHRP\_2015** and **DPGHC\_2015** read more like a **loose set of guidelines, without clear mechanisms for their implementation** – which could potentially serve to **magnify the number of land use and other conflicts**.

Hopefully, some of the **issues identified** in this submission, and the **specific suggestions** for improvement (e.g., clearer priorities and timelines; characterisation of strategic centres; mechanisms for resolving land use conflicts; frameworks and resourcing for sub-regional plans; and planned review cycles) **will contribute to improved finalised 2016 Strategic Plans**.

## **SECTION A** OVERALL PLANNING PRINCIPLES AND STRATEGIES – SOME ISSUES FOR DRAFT PLANS

### **A1. Addressing Flaws in Previous Regional Strategies**

The **DHRP\_2015** and **DPGHC\_2015** are clearly designed to **set a positive tone and agenda** for the Hunter's future. However, a reasonably broad approach has been adopted, largely focussing on general planning principles and practical actions. The overall strategy of linking broad '*Goals*' to various '*Directions*' and '*Actions*' is reasonable, but it also runs the **risk of being easily dismissed – since nothing is actually ever prioritised, prescribed or prohibited**. Consequently, proponents for future developments will simply be able to claim that it is '*not inconsistent*' with the **DHRP\_2015** or **DPGHC\_2015** (regardless of what they are advocating).

On the other hand, the 2006/2010 **Lower Hunter Regional Strategy (LHRS)** tended to suffer from the opposite problem, in that it was reasonably grandiose and **prescriptive**, often **without an appropriate evidence base**, and it was **never formally reviewed or updated**. Consequently, over time, it tended to take on '*biblical status*', such that proposed developments were considered '*acceptable*' or '*unacceptable*' simply because they were either casually mentioned or not mentioned in the LHRS – regardless of whether or not there were any supporting studies or relevant circumstances had changed.

Therefore, we need to do two things simultaneously: 1) **actively strengthen** the **DHRP\_2015** and **DPGHC\_2015** (e.g., identifying/clarifying: how **priorities** will be set; how **sub-regional plans** will be developed; how **strategic centres** will be strengthened; how **conservation values** will be protected; how **planning resources** will be allocated; and how the **interface** with Local Government and associated governance structures will be improved); and 2) **acknowledge, examine and learn from the flaws** in previous strategic/regional plans.

More generally, if a particular series of studies needs to be undertaken prior to a final planning decision being made, then **the nature of and timeframes for such investigations also need to be clearly articulated** within that Plan/Strategy. For example, using expressions such as "possible *www* (e.g., *inter-modal facility*), pending an examination of *xxx, yyy* (e.g., *land stability, regional demand*) during (years ...*zzz*)" is an acceptable approach, as opposed to the unresearched and unsubstantiated statements scattered throughout the 2006/2010 LHRS. Moreover, any proposed studies need to be undertaken in a **timely fashion** and **made publicly available**.

### **A2. Re-evaluating Assumptions and Changes Over Time**

As noted in the foreword to the 2006 LHRS, such strategies should be "... *continually monitored and comprehensively reviewed every five years*" – **a review that never happened** (with the Plan simply re-endorsed by the NSW Government in 2010). There were some subsequent evaluations (such as the 2009/2010 "*Newcastle – Lake Macquarie Western Corridor Planning Strategy, WCPS*" and the 2013 "*Lower Hunter over the next 20 years: a discussion paper*"), but they tended to focus on **local or domain-specific issues**, rather than actual strategic planning for the Hunter.

To illustrate the relatively short timeframes over which major community and structural changes can occur, here are some **examples of changes within our local area during the past few years**: completion of the **Hunter Expressway** has substantially changed regional transport flows and development/recreational opportunities; **closure of the Kurri Kurri Aluminium Smelter** has significantly increased the availability of land for employment and other purposes; **land transfers and conservation initiatives** such the **Great Eastern Ranges (GER) Project** have enhanced our capacity to strengthen the Watagans to Stockton **conservation corridor** that runs through Black Hill; the approval of an IN2 re-zoning proposal for the 183ha Coal & Allied block in Black Hill has added to the **over-supply of industrial land in the local area**; and the recent granting of 99 year leases for the private development of container terminals at Port Botany and Port Kembla has effectively **eliminated the need for a specialized container freight hub** in the Lower Hunter.

The simple message from the above is that strategic plans such as the **DHRP\_2015** and **DPGHC\_2015** need to be more dynamic and formally reviewed at regular intervals (e.g., every 5 years). They also need to be more compatible with **companion plans** such as the **Lower Hunter Regional Conservation Plan (RCP)**, which was not even mentioned in the current draft Plans, and which also deserves to be reviewed and updated. Please do not let the RCP become an afterthought – consideration of conservation values and issues, biodiversity, and wildlife and vegetation corridors, deserves **at least the same priority** as population growth, housing, employment and infrastructure needs (see **Section C1** for further comments on environmental issues and mechanisms).

Likewise, insufficient attention is currently paid in the **DHRP\_2015** and **DPGHC\_2015** to the **structural decline** being experienced in the coal sector and manufacturing industries, to the high levels of **youth unemployment** in rural areas such as Cessnock, and to the need to **diversify the Hunter's economy** and proactively foster the **renewable energy sector**.

### **A3. Effective Community Consultation**

As detailed in **Section B** (and **Appendix B**), over the years, several key and inherently poor planning decisions have been made about our sub-region, due in large part to the **absence of appropriate strategic guidance and evidence** and the lack of **adequate and ongoing community consultation**.

In addition, even when relevant studies have been conducted or consultant reports sought, these have rarely been made available on a timely basis to local communities. **Accuracy, transparency and availability** need to be the hallmarks of the research and supporting documentation that accompany **future sub-regional plans** conducted under the broader frameworks set by the **DHRP\_2015** and **DPGHC\_2015**.

Our Community Groups firmly believe that we have been **severely impacted by poor planning decisions over the past decade** (e.g., the unjustified and flawed changes between the Draft and Final versions of the LHRS – see **Panels 2 to 4** in **Appendix B**), some of which appear to have been **partially rectified in the current Draft Strategic Plans**. Such **improvements and corrections** need to continue if we are to stand any chance of **protecting the fundamental nature and character of our sub-region for future generations**.

One simple indicator of the **strength of local community anger** over the poor planning decisions made about our sub-region during the past decade is the detailed submission (Ref: #265) we prepared for the 2014 **“Parliamentary Inquiry on the Planning Processes in Newcastle and the Broader Hunter Region”**, from which the *“Summary and Contents Pages”* are displayed in **Appendix C**.

In addition, we do not want to see any of the positive aspects of the **DHRP\_2015** and **DPGHC\_2015** (both regionally and within our sub-region) watered down simply because they do not suit the interests or future plans of particular Developers, agencies or groups – as happened with the LHRS. **If major changes are proposed in finalising these Strategic Plans, then there should be another round of public exhibition**.

Greater effort also needs to be placed on **educating communities about the roles played by regional strategic and sub-regional plans**. For example, it is absolutely essential that communities make well informed, comprehensive, and strategic planning decisions – such as the clear **identification of cultural, heritage, environmental and conservation issues and ‘values’** that need to be built directly into sub-regional plans from the start. The Government must play a more active role in these **educational aspects of planning** if effective partnerships with the community are to be developed and maintained.



#### A4. Unclear Mechanisms to Achieve Outcomes

Throughout the Draft Strategic Plans, specific mechanisms to achieve the desired outcomes are rarely detailed. For example, mechanisms for **stimulating the growth of strategic centres** are not identified, nor are mechanisms for achieving **balanced development within sensitive rural and agricultural sub-regions**.

**Preventing undesired outcomes**, and devising mechanisms to do so, is an equally important goal. Unfortunately, the 2006/2010 LHRS failed to provide **any specific linkages to infrastructure opportunities/constraints or any useful planning timeframes** for the potential future developments that it flagged (e.g., short-term, medium-term, long-term planning timeframes). As a consequence, and without such elements, speculative Developers could seek to re-zone land for a particular purpose **without ever establishing the level of need**, that the land was **capable of supporting that activity**, or that there were **reasonable timeframes** for relevant critical infrastructure to be available – thereby, effectively **sterilizing the land from other more useful, productive, and community enhancing purposes**.

As they currently stand, the **DHRP\_2015** and **DPGHC\_2015** appear to be following a **similar pattern** – with limited reference to specific infrastructure development **priorities and timelines**. One illustration of a more comprehensive approach is the 2013 “**Hunter Strategic Infrastructure Plan (HSIP)**”, co-ordinated by the Hunter Development Corporation (HDC), in which **timelines and links to available and developing infrastructure** were identified. In that report, mechanisms and tools were identified to facilitate “*priority construction and infrastructure planning projects supported by a suggested sequencing and staging strategy covering 0-5 years, and 6-20 years increments*” (Executive Summary). While HDC tended to focus on largely macro level planning and resourcing (and “*productivity, sustainability, liveability*”), issues relating to ‘**priorities and timelines**’ need to be **incorporated into all of the domains** touched on in the **DHRP\_2015** and **DPGHC\_2015** – including the **social and environmental/conservation aspects**.

Establishing appropriate planning priorities and timelines also **reduces the likelihood of ‘spot rezoning’ development applications being lodged or approved**.

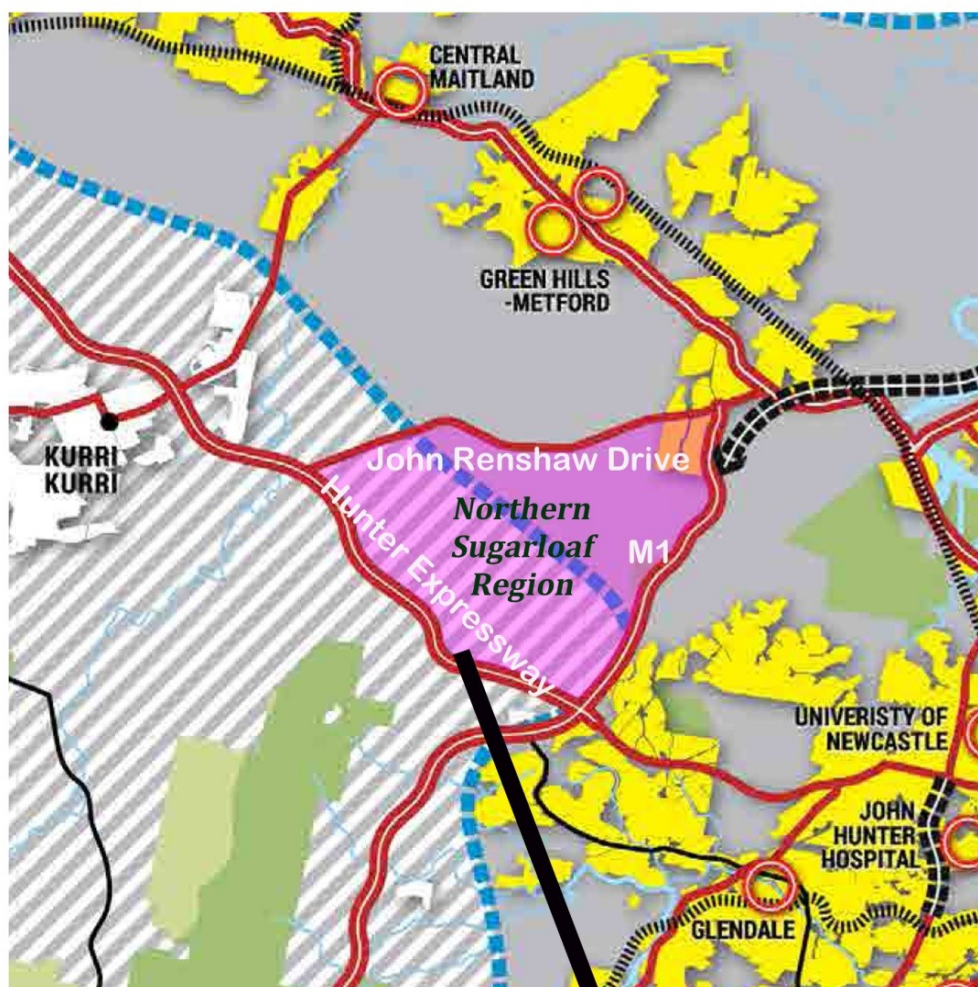
In broad terms, the **DHRP\_2015** and **DPGHC\_2015** also provide **insufficient guidance and support for Councils**. As it is currently structured, the ‘*planning system*’ puts **Councils in a difficult position** with respect to Planning Proposals. For example, relatively ambiguous Strategic Plans mean that Developers can ‘justify’ proposing almost any kind of development. This then gets combined with **Gateway-related processes and review mechanisms** that appear to **heavily favour Developers** (as opposed to the interests of local communities). At the end of the day, **Councils have to implement unpopular proposals** for which they were effectively only the pseudo Consent Authority – while the local community has to endure the long-term consequences.

Additionally, **governance structures** and relationships between the ‘*Co-ordinating and Monitoring Committee*’ (P. 11, **DHRP\_2015**), the ‘*Hunter Regional Leadership Group*’ (P. 12), and the various (and changing) **Council structures** in our area are **not clear and potentially unachievable** – let alone the likely **mechanisms for Committees such as these to actively engage with other agencies, individuals and community groups** in making key regional planning decisions.

## **SECTION B** SPECIFIC COMMENTS RELATING TO OUR LOCAL AREA – “NORTHERN SUGARLOAF REGION” (NSR)

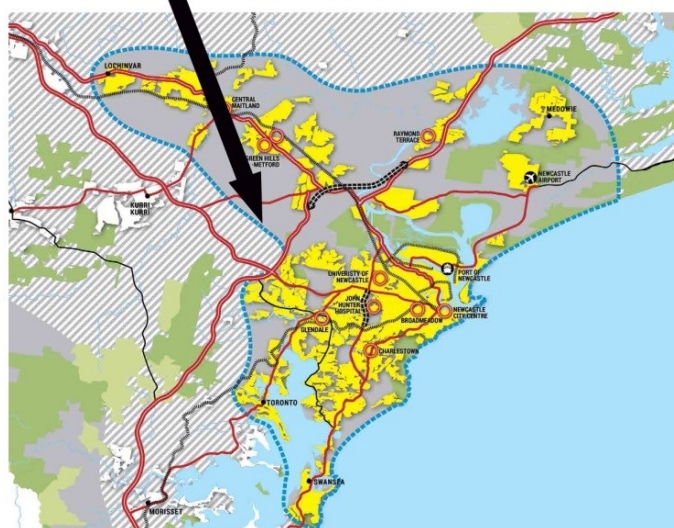
### **B1. Identification and Characteristics of Sub-Region**

- For convenience, and to aid discussion of current concerns and longer-term planning issues, we have identified our local area as the “**Northern Sugarloaf Region**” (NSR). **Figure 1** illustrates where the NSR sits with respect to “*Hunter City*” and its subregions.
- The NSR includes the communities of **Black Hill, Buttai and Stockrington**, together with the scenic treed ridgelines of the northern Sugarloaf Range and associated catchments. This sub-region borders on three LGAs (Maitland, Newcastle and Lake Macquarie), with access to Cessnock primarily via John Renshaw Drive and the Hunter Expressway.
- As acknowledged in planning documents prepared over the past three decades (e.g., starting with the Lower Hunter Landscape Improvement Study in 1983), this sub-region has **a mixture of high conservation areas of scenic and regional significance and semi-rural areas of strategic importance**, including parts of “... *the habitat corridor from the Watagans Range to Port Stephens*” which is “... *of exceptional conservation significance*” – **Lower Hunter Regional Conservation Plan** (RCP, April 2009, P. 16).
- Although relatively small numerically, the communities within the NSR sub-region are **long-established and well-defined** (e.g., with residents generally following rural, semi-rural & recreational pursuits; Black Hill Primary School, for example, was established in **1881**).
- Over the past decade, the NSW Department of Planning and other groups have **tended to miss-characterise “Black Hill”** – using terms such as “*Black Hill Concept Plan*” and “*Black Hill Lands*”, when, in reality, these ‘tags’ were only referring to the **highly contentious** 183ha parcel of land within the NSR at the corner of the M1 and John Renshaw Drive, which is owned by Coal & Allied; this land actually falls within Newcastle LGA and was eventually rezoned for **IN2** (Light Industrial) development in August 2013 (as part of MP 10\_0093), several years after the signing of the original Memorandum of Understanding (**MoU**) with the State Government for a range of land transfers (e.g., see **Panels 6 & 8** in **Appendix B**).
- From our perspective, **misinformation about ‘Black Hill’ continues in the current Draft Strategic Plans**. For example, in the **DPGHC\_2015** (P. 40) it is stated: “*The national freight network and the Hunter’s transport gateways are also driving demand for new manufacturing and logistics activities that support the Hunter region’s resource industries. This is reflected in the growth of industrial lands at Hexham, Thornton, Beresfield and, more recently, Black Hill.*” In reality, there is **currently no industrial activity in Black Hill** (apart from underground mining), and hopefully little further industrial ‘growth’ will occur – the Coal & Allied block (see previous dot point and **Figure 2**) is actually heavily treed, undeveloped, is currently up for sale, and arose as an unfortunate and undesirable consequence of land transfer ‘**deals**’ over the past decade (see **Panel 6** in **Appendix B**).
- More importantly, and as illustrated in **Figure 2**, the NSR is actually **not a priority area for regional development** – it lacks infrastructure, is geographically isolated (see *below*), and is unlikely to ever be an ‘Urban Release Area’ – however, its rural/recreational lifestyles and **high, strategic and regional conservation values** need to be promoted and protected.
- Moreover, while the current **DHRP\_2015** and **DPGHC\_2015** largely promote an ongoing rural lifestyle for residents within the NSR (and “*Hinterland*”), **variations and flaws within previous plans have posed ongoing serious threats for our local area** (see **Appendix B** for further details).



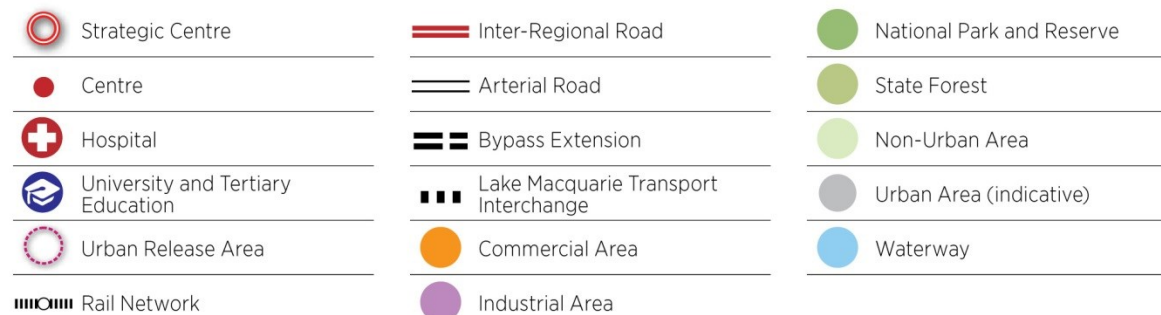
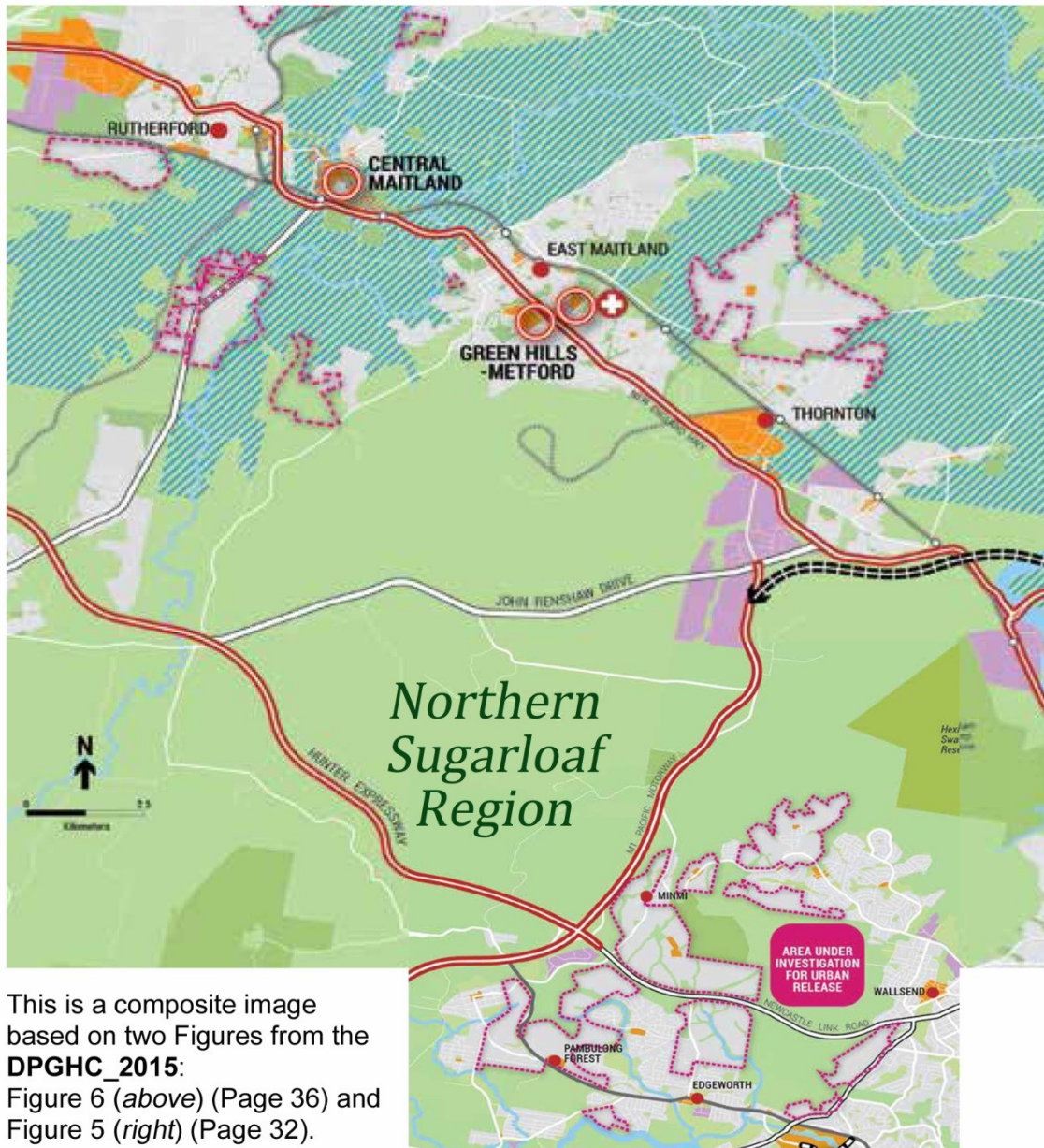
**Figure 1.** Focal Area for this Submission - “Northern Sugarloaf Region (NSR)” (Shaded in Pink)

The smaller map (*right*) was extracted from the DHRP\_2015 (Page 14, Figure 4 - “Defining Hunter City”). The NSR (*above*) lies at the boundary of two Hunter City subregions (“The Maitland - New England Highway Corridor District” and the “Inner West District”) as well as the “Rural Hinterland”.





**Figure 2.** Illustration that the 2015 Draft Strategic Plans identify the “Northern Sugarloaf Region (NSR)” as substantially ‘Non-Urban’ and without ‘Urban Release Areas’. The 183ha Coal & Allied owned IN2 Industrial Area in the NSR (within Newcastle) is linked to Concept Plan MP 10\_0093.



## B2. Geographical and Infrastructure Constraints (and Historical/Planning Context)

- The **NSR** has **substantial geographical and infrastructure constraints**, which **need to be fully appreciated in any planning processes, particularly if an appropriate balance is to be achieved**:
  - There are substantial **wetlands areas** (to the *East*) and the internationally recognised **Pambalong Nature Reserve** is within the **NSR**;
  - There are several **adjacent coal mines** and some **adjacent light industrial areas in Beresfield** (on the *Northern* side);
  - There are a range of **conservation areas**, together with the **sensitive Sugarloaf Range and its catchments** (on the *Southern* side);
  - There is **extremely limited public infrastructure throughout** (e.g., no sewerage and mostly ‘tank water’); and
  - There are **major transport routes** (on all sides), which largely **service more distant areas** (i.e., Black Hill is a ‘through point’, not a ‘destination point’; even more so when the “M1 Pacific Motorway to Raymond Terrace” link is completed – P. 36, **Action 2.3.1**, **DHRP\_2015**).
- Some of these features are highlighted below, with a particular emphasis on how they have been **[misunderstood or mishandled in previous planning documents and decisions](#)** – which we wish to **avoid in current and future revisions** to the **DHRP\_2015** and **DPGHC\_2015**.
- Some of the **specific issues/recommendations and flaws associated with previous strategic and other plans affecting our local area** are also presented in the **10 “Panels”** in **[Appendix B](#)**, which are cross-referenced below.

### **Northern-side of John Renshaw Drive**

On the northern side of John Renshaw Drive there is **an operational open-cut coal mine (Bloomfield)** and one that is currently undergoing rehabilitation (**Donaldson**), together with a large **shared coal washery on the Bloomfield site**, and access and infrastructure associated with the **Abel** underground coal mine (which is below the **NSR**). There are also three gravel quarries within the **NSR** (Buttai Quarry, Black Hill Quarry, and Stockrington Quarry, which has been closed).

- **Several tentative options** have previously been discussed for the **potential development** of a “Future Freight Hub & Employment Lands” on the northern-side of John Renshaw Drive. This possibility was first identified in the 2006 LHRS and was **opportunistically mentioned again** in the Newcastle – Lake Macquarie Western Corridor Planning Strategy (WCPS, 2009/2010), which did not actually include any of the adjacent Cessnock or Maitland LGA sites within its study area (see **Panels 5 & 6, Appendix B**).
- Importantly, in 2006, the development of a “freight hub” north of John Renshaw Drive was **inextricably linked to the possible development of a container terminal** in the Port of Newcastle. Such a proposal has **now been totally rejected**, with container terminals at Port Botany and Port Kembla having recently been leased to a private company for the next 99 years.
- Additionally, much of the land north of John Renshaw Drive was **[never likely to be suitable for industrial development](#)**. As illustrated in **Panel 4 in Appendix B**, there are existing “Bushland Conservation Areas” within and adjacent to the Donaldson site that will be **retained until at least 2035**. Furthermore, based on information supplied by the coal mining companies at the various Community Consultative Committees (CCCs) to which members of our Community Groups belong, it is clear that **[no specific earth compaction protocols to a standard suitable for building](#)** were in place at either the Bloomfield or Donaldson (Yancoal Australia) mines. Consequently, for the foreseeable future, the ‘**end use**’ for these sites is likely to be

limited to **low intensity developments**, such as conservation zones, public open spaces, golf courses, and the like. See **Section B3** for further discussion about freight hub issues.

### Sub-Area between Blackhill Road and John Renshaw Drive

This sub-area has become **highly contentious from a planning perspective** since the release of the **final LHRS in 2006**, primarily because of **flawed and inappropriate planning decisions** by the NSW State Government.

As shown in **Panel 1** in **Appendix B**, the 2003 Thornton-Killingworth Sub-regional Conservation and Development Strategy (TKSCDS) identified this sub-area as appropriate for “**Regional conservation**”. The TKSCDS **also recommended against development in the Black Hill area** “because of issues relating to isolation and servicing”. It also suggested “protecting important areas for conservation, visual and ‘sense of place’ values such as Hexham Swamp, the rural areas around Blackhill, vegetation around Mount Sugarloaf and west of the F3 Freeway”. From our Community Groups’ perspective, the last decade has only served to strengthen the **long-term need for such regional conservation areas**.

**Panels 2 and 3** in **Appendix B** illustrate the changes that were made with respect to ‘planning’ for the **NSR** sub-region between the **Draft version of the LHRS** that was **exhibited publicly** (November 2005) and the **Final version** (October 2006). As detailed below, these changes arose following **significant “behind closed doors” discussions with Developers**.

In the Draft LHRS, the **NSR** sub-region on which we are focussing (**Figure 1**) was clearly marked as “rural and resource” land (see **Panel 2, Appendix B**) – maintaining its rural zoning and conservation value (as the northern spur of the Sugarloaf Range), which was also consistent with the **2003 TKSCDS, the last genuine sub-regional plan completed for this sub-area** (see **Panel 1, Appendix B**). The Draft LHRS also identified an area north of John Renshaw Drive as “providing **an opportunity** for the storage, transfer and distribution of containerised freight” (i.e., an “Inter-modal Freight Facility”) – which, as noted above, turns out to be a largely **impossible task**.

In the Final LHRS, the sub-area between Blackhill Road and John Renshaw Drive was surprisingly designated as “employment lands” (see **Panel 3, Appendix B**). There were **no supporting studies** performed by the NSW Department of Planning to validate this change to employment lands and **no additional community consultation** was undertaken. In fact, it is **well documented** that, in between the Draft and the Final versions of the LHRS, personnel at the Newcastle Department of Planning office had **significant concerns about the disregard for the community input into the Strategy**.

It is also now **well documented** that between the Draft and Final versions of the LHRS several major Landowners and Developers (e.g., Hardie Holdings, Rose Corporation, and Coal & Allied) **extensively lobbied the then-minister**, Mr. Frank Sartor, to include some of their lands as development opportunities within the Final LHRS. The Catholic Diocese of Maitland-Newcastle was one of the additional landowners involved in this lobbying, through the work of Matthew Somers (who acted concurrently on behalf of Hardie Holdings).

A **Cabinet-in-Confidence document from May 2006**, which was revealed and tested in subsequent Land and Environment Court (LEC) cases (e.g., those relating to Catherine Hill and Gwandalan – Summerland Point), illustrates the extent to which **major Landowners were given priority consideration in the finalization of the LHRS**. Aspects of these deals with Developers, and associated Memoranda of Understanding (MoU’s), were subsequently categorised as “**land bribes**” by the Court – in that they involved the transfer of lands for conservation in exchange for development rights elsewhere.

Notwithstanding the various successful challenges in the LEC, and the abandonment of all of the original MoU’s, **the vast majority of the associated major projects were subsequently re-framed** and **development has either commenced or been approved** (primarily utilising



Voluntary Planning Agreements) – e.g., Sweetwater, Huntlee, and Catherine Hill Bay, and more recently, Coal & Allied's IN2 industrial proposal for the Newcastle LGA component of Black Hill (see **Panels 6 & 8** in **Appendix B**).

The simple take home message from the above is that representations from major Landholders to the Minister for Planning (**after the LHRs public exhibition period**), and other political interference, **unduly and unfairly influenced the finalisation of the 2006 LHRs – severely compromising and limiting its strategic value and undermining the community's faith in the planning process.**

**\*\*\* The DHRP\_2015 & DPGHC\_2015 clearly need to be protected from such interference \*\*\***

Compounding all of the above, the NSW Department of Planning made a **serious factual error** in the Final LHRs by **designating the entire area between John Renshaw Drive, Blackhill Road and the M1 as 'employment lands'** (as per **Panel 3, Appendix B**), because a sizeable proportion of this area had **already been set aside as conservation land** by Donaldson Coal (**until at least 2035**). This is illustrated in **Panel 4** in **Appendix B**. Moreover, the Department of Planning should have been well aware of this, as it was part of the Coal Mine's Consolidated Conditions of Consent (98-01173: Conditions 70 to 73) **approved by them in 1999**. So, when you allow outside influences to impact on decision making (e.g., Landowner, Developer or political pressure), it **appears that hard facts, evidence gathering, and cross-checking go out the window!**

Having been classified as a potential State Significant Site (SSS), approval was finally granted in August 2013 for the 183ha Coal & Allied block in Black Hill (within Newcastle LGA) to be rezoned for **IN2 (Light Industrial) development**, as part of MP 10\_0093 (see **Panels 6 & 8** in **Appendix B**). It is worth noting that, in our submission about the associated Concept Plan (dated March 31<sup>st</sup>, 2011), we concluded that "... *the current Plan appears to be ill conceived, unimaginative, short-sighted, and devoid of consideration for the true nature, character and potential of the Black Hill area.*" Furthermore, we argued for the "... *development of a proper sub-regional plan (in conjunction with the local community, Councils, and other agencies) that considers a larger set of alternatives and attempts to identify a more broadly based genuine Concept Plan, not one driven by the particular Developer's short-term interests and/or the automatic assumption that an industrial development is optimal...*". [The **very same statements** could be made about the Catholic Diocese's current Planning Proposal, which is detailed in **Section B5**].

Importantly, the Coal & Allied development **does not stretch all the way through to Blackhill Road** (see **Panel 6, Appendix B**), the main local thoroughfare within our small community. So even though its impacts are unacceptable, with appropriate buffer zones it will **not destroy the rural amenity** of the Black Hill community.

Whilst our Community Groups **support the associated dedication of 545ha of land** in the Stockrington/Black Hill areas for **long term 'conservation'** (see **Panel 6, Appendix B**), such an outcome **should not be achieved at the expense of the rural-recreational lifestyles of the wider Black Hill community or future generations** – which is an extremely likely scenario if further industrial development is allowed along John Renshaw Drive.

In short, even if Ministerial decisions made about the overall utility of the Coal & Allied land transfer deals have longer-term value for the wider Hunter community, **they should never have been allowed to spill over into other aspects of the LHRs – such as the inappropriate re-branding of the land north of Blackhill Road as "employment lands"**.

Moreover, this could easily have been avoided at the time (i.e., in the final LHRs) by drawing the "employment lands" dividing line **north-to-south along the Newcastle/Cessnock LGA boundary** – adjacent to Coal & Allied's boundary (which would have also been compatible with the **study**



area for the subsequent Newcastle – Lake Macquarie Western Corridor Planning Strategy (WCPS) (see **Panels 5** in **Appendix B**).

Additionally, these **compounding planning flaws and mistakes** have had **ongoing consequences for Black Hill residents** – such as repeated attempts by the local Catholic Diocese to **opportunistically re-zone their land** in Black Hill to ‘industrial’ (see **Section B5**).

Consequently, our Community Groups fully support the **removal of the “employment lands” tag** from the area between **Blackhill Road and John Renshaw Drive** in the **DHRP\_2015** and **DPGHC\_2015** (as per **Figure 2**), together with the **dropping of all reference to the need for a regional (containerised) “freight hub”** north of John Renshaw Drive.

### Sub-Area South of Blackhill Road

A substantial portion of this sub-area contains **conservation-related land transfers** from Coal & Allied associated with:

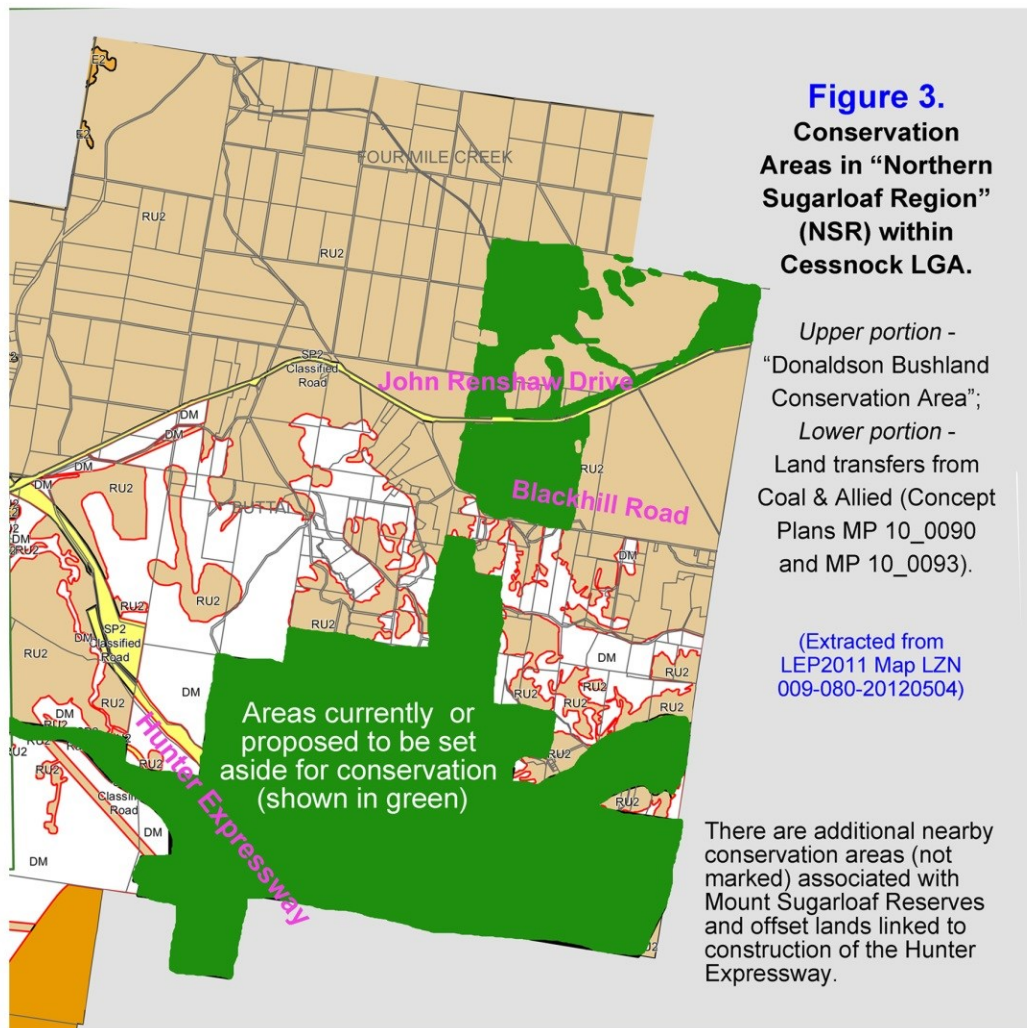
- The **Black Hill Concept Plan** (MP 10\_0093) – involving the dedication of **545ha**, comprising lands in Stockrington and the Tank Paddock (see **Panel 6, Appendix B**);
- The **Minmi Concept Plan** (MP 10\_0090) – involving the dedication of **1,561ha**, comprising lands primarily in Stockrington (see **Figure 3** and **C&A Lands [2013]** in **Panel 10, Appendix B**).

**Figure 3** also represents a **conservative summary** of the areas within the **NSR** that are currently or proposed to be **set aside for conservation**. Adjacent areas, outside of the boundaries of this Figure, include the internationally recognised **Pambalong Nature Reserve** and the **Hunter Wetlands National Park** (to the *East*), and the **Sugarloaf State Conservation Area** (to the *South*); a substantial portion of the **historical Richmond Vale Rail Corridor** is also located in this sub-area.

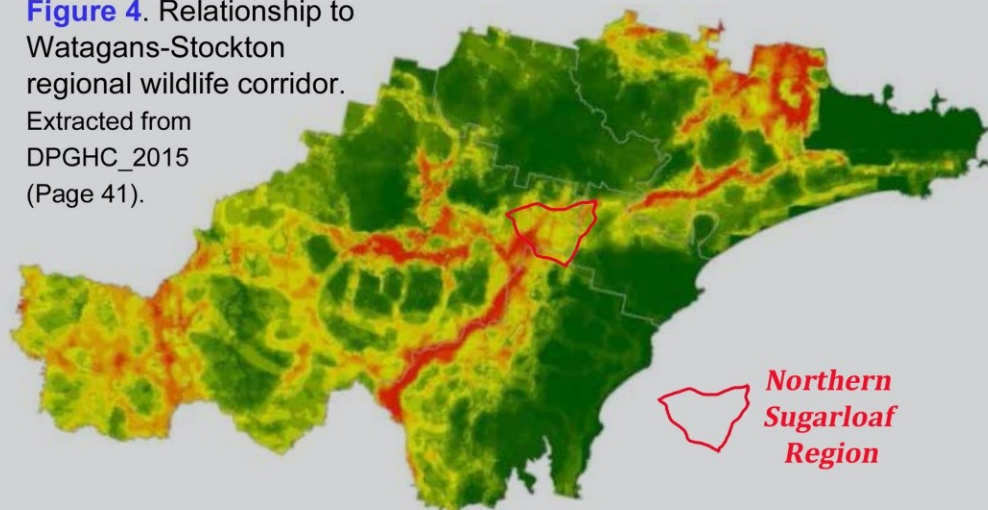
## **B3. Transport and Industrial/Employment Considerations**

### Hunter Expressway is a Game Changer

- As noted earlier (**Section A2**), there has been a significant **change in regional transport flows** with the completion of the **Hunter Expressway**, which will obviously impact on **tourism and recreational patterns** and **future housing opportunities**.
- The associated **consequences for decisions about future employment lands** are already mentioned in the **DHRP\_2015** (P. 38): “... *employment lands in locations where industries can benefit from access to resources as well as national transport infrastructure. This will also recognise broader opportunities to deliver strategic employment locations along the Hunter Expressway*”.
- Clearly, one such employment location that **should benefit from these transport changes** (and be **explicitly acknowledged** in the **DHRP\_2015**) is the **former Kurri Kurri Smelter site**, which already has an on/off ramp to the south from the Hunter Expressway.
- The opening of the Hunter Expressway, and associated increases in truck movements along John Renshaw Drive, will also impact on **traffic congestion in and around the Beresfield to Hexham area (and beyond)**. Consequently, the proposed M1 Extension to Raymond Terrace (**Action 2.3.1, DHRP\_2015**) probably needs to be **built sooner rather than later** – with **due care taken to protect the wetlands and the associated vegetation and wildlife corridors**, as well as the **amenity of Black Hill residents**.



**Figure 4.** Relationship to  
 Watagans-Stockton  
 regional wildlife corridor.  
 Extracted from  
 DPGHC\_2015  
 (Page 41).



Explanatory note:

- Modelling data provided by Office of Environment and Heritage.
- Modelling considers current land use and the extent and configuration of vegetation patches, to consider the likely level of resistance to wildlife movements through the landscape.
- On this heat map, red indicates locations with the highest potential to support wildlife movements through the landscape, while green indicates locations providing the greatest resistance to wildlife movements.

## Local Containerised Freight Hub Off Planning Agenda – Discard Previous Strategic Plans

As noted earlier, the first tentative description of a **potential “Future Freight Hub & Employment Lands”** on the **northern-side of John Renshaw Drive** was in the **Draft 2005 LHRS** (see **Panel 2, Appendix B**). The representation of this possible hub shifted again from the draft to the final Newcastle – Lake Macquarie Western Corridor Planning Strategy (WCPS) (see **Panel 5, Appendix B**), despite being **outside the scope of the study area for that Strategy**. The basis for the potential ‘options’ shown, somewhat gratuitously, in the final WCPS (see bottom section of **Panel 5, Appendix B**) was “*The Freight Hub Hunter Study*” (NSW Premiers and Cabinet 2009) – another example of broad planning ideas simply rolling from Study/Strategy document to Study/Strategy document **without any explicit consultation with the community**.

However, **State and regional infrastructure needs and opportunities have clearly changed substantially since the 2006 LHRS** (e.g., extensive Port developments in Sydney and Wollongong, with long private leases; completion of the Hunter Expressway) and much of the identified land was **never likely to be suitable** for a freight hub or employment lands.

As further evidence that a Containerised Freight Hub in our local area is ‘**off the agenda**’, it did **not receive a single mention** in the 2013 “*Hunter Strategic Infrastructure Plan*” (produced by HDC). Likewise, it was **not mentioned in the comprehensive “NSW Freight and Ports Strategy”** (November, 2013). Indeed, in that Strategy it was stated that: “*KPIs should therefore be focused on the parts of the network that make a particularly large contribution to the NSW economy, such as the Hunter Valley coal chain and Port Botany container chain*” (P. 54).

Even if the most westerly segment of the **NSR** north of John Renshaw Drive has the potential to become a freight hub (in the very distant future), the rehabilitated **Bloomfield and Donaldson mine sites are never likely to be suitable** (see **Section B2**). Therefore, it makes no sense whatsoever to contemplate threatening or destroying the relatively isolated rural-recreation character of Black Hill (south of John Renshaw Drive) when it is **never likely to be linkable to major industrial or freight hub activities on the northern side of John Renshaw Drive**.

In short, the “**Freight Hub**” (north of John Renshaw Drive) **should cease to be considered as a basis for any regional or local Planning Proposals or decisions**.

## No Need for Additional Employment (and Industrial) Lands in Lower Hunter

- Interestingly, over the past few years, most of the major planning documents associated with the Lower Hunter **imply that we actually have an over-supply of employment (including industrial) lands** – but they never quite manage to say so, often because they effectively **choose not to mention both the demand and the supply components of the equation** – or they mount a loose argument based on ‘**uncertainty**’ as a reason for continuing to push for a particular growth agenda.
- One document which did consider both demand and supply was the Department of Planning’s own 2013 “*The Lower Hunter over the next 20 years: A Discussion Paper*”, in which it was noted (based on updates to the 2010 ADWJohnson review): “**The review found: land capacity or availability was not a significant issue** ...” (P. 18).
- Based on the 2010 Hunter Region Employment Lands Review, and subsequent updates, the *Discussion Paper* stated that from 2011 to 2031 the **[20-year] demand for further employment land** “**equates to ... a further 960 hectares**” (P. 18) [i.e., at a take-up rate of **48ha/year**].
- Moreover, it was noted that: “... the Lower Hunter now has a **supply of around 1,050 hectares of zoned and serviced employment land**” (P. 18) [without even considering the 183ha Coal & Allied block in Black Hill].



- Consequently, **taking these *Discussion Paper* analyses at face value**, and factoring in **all of the underutilized sites** (such as HEZ: the Hunter Economic Zone; the huge areas of land associated with the closure of the Kurri Kurri Aluminium Smelter; the BHP Steelworks site; and so on), and the **many other opportunities arising from the opening of the Hunter Expressway**, there is clearly likely to be **no additional demand for well in excess of 20 years into the future for currently unzoned and unserviced “employment lands” in the Lower Hunter** – much less any demand for the disturbed land north of John Renshaw Drive, or the prime rural/conservation lands south of John Renshaw Drive that lack any major infrastructure.
- Of course it needs to be acknowledged that **“zoning” does not equate to suitability** and the existence of **particular constraints** needs to be factored into the calculations.
- In the 2013 ***Hunter Strategic Infrastructure Plan (HSIP)***, co-ordinated by the HDC, one of the key issues identified was the fact that there are “significant areas of zoned land (industrial and residential) **unable to be economically serviced and developed within reasonable timeframes**” (P. iv). The **DHRP\_2015** and **DPGHC\_2015** should avoid adding to this pile.
- However, unfortunately, in their current form, the **DHRP\_2015** and **DPGHC\_2015** are **not particular helpful** with respect to the need for employment (including industrial) lands. For example, the **DHRP\_2015** states (P. 34) that *“The region [as a whole] has around 15,000 hectares of land zoned for employment purposes. Approximately, 7,400 hectares are estimated to be **suitable for industrial use**.”* However, **no information is provided** about: the proportion of this land that is **vacant**, or **vacant and serviced**; or the **estimated take-up rates** and how these are **expected to change** over time.
- It is also unfortunate that studies such as Reference 13 in the **DHRP\_2015** (*the source of the statements above*) remain **“unpublished”**, since this demonstrates a lack of **transparency**, and **denies the public access to information that should be available**.
- Communities, Councils and other agencies need to have **ready access to supporting documents such as these**, to be able to evaluate their accuracy and utility, especially since **earlier work by the same company** lead to self-promotion claims (to the ultimate detriment of local communities) such as: ***“Urbis played a major role in identifying the development opportunities for Coal & Allied (C&A) owned land in the Lower Hunter Region and the inclusion of the C&A land in the Lower Hunter Regional Strategy (LHRS).”*** - See Project Summary available at: <http://www.urbis.com.au/projects/residential/coal-and-allied-lower-hunter-land-review>
- There are **other important factors** that need to be taken into account, such as **proximity to the local workforce**, since **average travel times can be dramatically reduced** by **locating industrial zones nearer to major centres** (and residential areas).

**Below is a specific, local illustration of some of the issues described above:**

- In 2014, Cessnock Council Report PE154/2014 gathered together a small collection of ‘employment lands analyses’, **ultimately reaching completely inconsistent conclusions** such as (Enclosure 7, Section 9.11): ***“a) There are **still significant data gaps for a sound evidence-based and policy-based evaluation**” and “k) There is a **sound basis to conclude that the subject site would be highly demanded for employment land development in the medium to long term if not the short term**”.***
- However, the Council Report **clearly failed to consolidate and synthesise the available information in an appropriate manner** and, somewhat **conveniently**, **totally ignored the adjacent 183ha of approved (Coal & Allied) IN2 zoned land** (within Newcastle LGA), together with other recent Lower Hunter approvals.



- As a consequence, our Community Groups **undertook an employment lands analysis of our own**, using a similar range of sources, extracts from which are presented in **Appendix D**.
- Using the Department of Planning's **confirmed take-up rate** for employment land (including industrial land) of **48ha/year** for the Lower Hunter ("*The Lower Hunter over the next 20 years: A Discussion Paper*", March 2013, P. 18) and **based on conservative estimates of the supply of vacant employment land**, we were able to demonstrate that currently there is:
  - "**Approximately a 29 year supply of zoned employment land in the Lower Hunter**"; and
  - "**Approximately 32 to 43 years of supply in our local [Black Hill/Beresfield] area**", which would **expand to approximately 50+ years** in our local area alone if the Catholic Diocese's proposal for 150ha of industrial zoning was included (i.e., based on their previous, smaller re-zoning proposal before Council – in Report PE154/2014).
- Therefore, whichever way you look at it, "**all of the current evidence demonstrates that there is considerable over-supply of employment land**" (see Conclusion in **Appendix D**) – **both locally in Black Hill and regionally**.

The **absence of a local and regional need for addition employment lands** (for at least the next 30-40 years), further reinforces the **removal of the "employment lands" tag** from the area between **Blackhill Road and John Renshaw Drive** in the **DHRP\_2015 and DPGHC\_2015** (as per **Figure 2**).

- There simply is **not the demand for multiple new industrial areas**. It makes more sense to **consolidate industrial and employment-related developments in areas with appropriate existing infrastructure** (or for which infrastructure resources have already been allocated) and in reasonable **proximity to strategic centres** (with a potential workforce).
- Therefore, **employment aggregation on the Kurri Kurri Smelter site** would be a more preferable longer-term alternative (from a Cessnock LGA perspective), which would potentially be **severely compromised** by additional developments in the **NSR** sub-region.
- Furthermore, even if there was an accelerated take-up rate in the Lower Hunter in the future, **any implied obligations** under the 2006/2010 Lower Hunter Regional Strategy (LHRS) to support 'employment lands' north of Blackhill Road have been **well and truly met already** (by the *Coal & Allied* 2013 approval). To achieve a **more balanced outcome, non-industrial alternatives** now need to be fully considered.

#### **B4. Conservation Areas and Opportunities**

As noted in Section B2, the **NSR** already contains a mixture of conservation areas, largely arising from **mining developments** (the "Donaldson Bushland Conservation Area" – see **Panel 4, Appendix B**) and the Coal & Allied related **land transfers** (see **Figure 3**). It also contains the internationally recognised **Pambalong Nature Reserve**, adjacent to the M1, which links (on the *East*) to the **Hunter Wetlands** and (on the *South-western* side) to the newer conservation lands and, ultimately, to the **Sugarloaf State Conservation Area**.

#### **Public Access to Conservation Lands – Promoting Awareness and Protection**

- Members of our Community Groups strongly believe that the best way to conserve and protect these areas for current and future generations is to **integrate them with existing and proposed conservation areas and to facilitate positive public access** – thereby, increasing **environmental awareness and appreciation**, and strengthening the likelihood of **long-term protection**, as has been done with other Lower Hunter conservation assets, such as Blackbutt Reserve and the Shortland Wetlands Centre.

## Watagans to Stockton (Port Stephens) Wildlife Corridor Requires Ongoing Support

- **Figure 4** illustrates the fact that the **NSR** sits **squarely in the middle** of the Watagans to Stockton wildlife corridor, and at **one of its most vulnerable points**.
- Importantly, there are **no viable alternatives to this corridor for wildlife** – whereas, there are many other locations more suitable for housing and employment related enterprises.
- **Maintaining and strengthening this important wildlife corridor is essential**. Consequently, the NSW Government needs to declare it **‘off limits’ to further development**.
- The **Great Eastern Ranges (GER) Initiative**, together with the **Stepping Stones Project**, seek to: “... *strengthen connectivity, enabling species movement across the Hunter Valley which is a critical pinching point in the overall Great Eastern Ranges corridor*”. The narrowest part of the green corridor has always been through the Black Hill area (see **Panel 10, Appendix B**) and this is a focus of attention in the Stepping Stones Project (**particularly the interface with private landowners**).
- **Panel 10** in **Appendix B** also highlights the fact that there is clearly a **‘missing element’** in the Watagans to Stockton corridor **within the Black Hill area** – namely the sub-area between Blackhill Road and John Renshaw Drive – which will be **further compromised** if there are any additional industrial re-zoning approvals.
- Revised versions of the **DHRP\_2015** and **DPGHC\_2015** need to **better acknowledge the existence of these various conservation areas and corridors** and to **actively plan for their future use and enjoyment**. More broadly, there needs to be an **increased awareness and focus** on national and regional initiatives, such as the Great Eastern Ranges Initiative (<http://www.greasterranges.org.au/>) and the Stepping Stones project (<http://www.gersteppingstones.org.au/>) and they also need to be **clearly acknowledged in relevant regional strategies/plans**.
- Additionally, the practice of destroying key habitats (for housing or employment purposes) on the grounds that **‘offsets’** can be found elsewhere **needs to be actively discouraged** – since the local community and future generations lose a valuable asset and it is often **difficult to find ‘like-for-like’ land to offset**.

### **B5. Threats Associated with Current Planning Proposals**

It is **not** our intention here to give a detailed account of an **ongoing Planning Proposal** before Cessnock Council (and the Department of Planning and Environment) for an **industrial re-zoning** of the Catholic Diocese’s land within the **NSR** (on the large block immediately west of the Coal & Allied block shown in Blue in **Panel 6, Appendix B** – the one with a diagonal ‘water supply’ easement across it).

We are simply trying to highlight **how this particular Proposal is intertwined with the contentious planning history for this sub-region detailed earlier** – lessons from which may have relevance for revisions to the **DHRP\_2015** and **DPGHC\_2015**.

- The local Catholic Diocese **initially made representations to the NSW Government in 2006** to use its 300 hectares of land **either as a rural subdivision** (7 lots of 40+ hectares) – consistent with its zoning (see **Panel 7, Appendix B**) - **or for a mixture of urban development and educational facilities** (including 20 hectares for a church and school). The relative merits of these proposals aside, the local community was **not consulted** and **no formal proposals** were ever advanced – although they did partially influence the framing of the 2006 LHRs.

- Subsequently, the Catholic Diocese decided to **abandon its plans for a regional school** on their land and, instead, put preliminary proposals to Cessnock City Council for a rezoning from rural to “**industrial**”, **relying almost entirely on the 2006 LHRS**.
- For example, in 2012, when this Planning Proposal was first forwarded to the Gateway, one of the **primary reasons given** by the proponent and Council was: “1b) Lot 1131 DP 1057179 is **within an area identified in the Lower Hunter Regional Strategy for Future freight hub and employment lands**” (Council Report No. EE99/2012, presented at the Council Meeting on November 7 2012).
- In addition, at that time, Council officers **falsely assumed** that the **required background studies and checks had been conducted in the formulation of the LHRS**. This is demonstrated in the Gateway submission to the Department of Planning (November, 2012) in which it was boldly stated (P. 9) that “*The Planning Proposal reflects the Lower Hunter Regional Strategy and is, therefore, a result of a strategic study and report.*” In reality, as detailed in **Section B2**, and with respect to the **NSR** sub-region in particular, the **LHRS was severely compromised** (e.g., Landholder and political interference), there was an **absence of any relevant background studies** supporting the need for additional employment lands in Black Hill, and **no community consultation** was undertaken following the unacceptable changes from the 2005 Draft LHRS.
- Over subsequent years, there have been **several modest revisions** to this Planning Proposal (see **Panel 9, Appendix B**), none of which have overcome the **community’s fundamental and well-argued objections** (i.e., that it is unnecessary, unjustified, and threatens the essential character and nature of the sub-region; that non-industrial alternatives have not been adequately considered; and that, to achieve a balanced and community enhancing outcome, the current mix of industrial and conservation lands needs to be carefully considered – preferably via **a comprehensive sub-regional plan**). For example, there were **134 written community objections** when this Planning Proposal was last exhibited in June/July 2014 (see Council Report PE154/2014), an **overwhelming number given the size of this small semi-rural community**.
- Unfortunately, representatives of the Catholic Diocese have **lobbied the Department of Planning and Environment on several occasions** to try to have Cessnock Council **removed as the Relevant Planning Authority (RPA)**, a completely unjustified action given that the Council has made genuine attempts to consult appropriately with the community and to try to explore other possible outcomes. All of which simply reinforces the fact that the ‘**compounding planning flaws and mistakes**’ flowing from the 2006 LHRS (see **Section B2**), and the **over-inflated weight** given to it, have had **ongoing consequences for the NSR community and for our local Council**.
- Since the **DHRP\_2015** and **DPGHC\_2015** no longer identify the area between Blackhill Road and John Renshaw Drive (JRD) as “**employment lands**” and there is **no mention of the “future freight hub”** north of JRD, **advancement of the current (‘spot rezoning’) Planning Proposal cannot claim to be based on ‘Strategic Planning’ grounds**. [Indeed, the DoPE’s own internal ‘Planning Team Report’ (23/11/2012) has already identified this Proposal as a ‘Spot Rezoning’ (PP\_2012\_CESSN\_005\_00).]
- Furthermore, neither the **NSR** community, nor Cessnock Council, **should be forced to accept Planning Proposals just because they are linked to an earlier, discredited Strategic Plan**. In the interests of current and future generations, we need to achieve a **better balance for the local community**, from both a planning and a community perspective.
- While the Catholic Diocese’s land in Black Hill **is contiguous** with the Coal & Allied owned block zoned **IN2 industrial**, it is **also contiguous** with the large ‘Donaldson Bushland Conservation Area’ that falls on either side of JRD (see **Figure 5**), **and with the Watagans to**

**Stockton wildlife corridor** (see **Panel 10, Appendix B**), which needs greater protection (see **Section B4**).

Finally, it is the **Community Groups' current view** that, given the **following circumstances**:

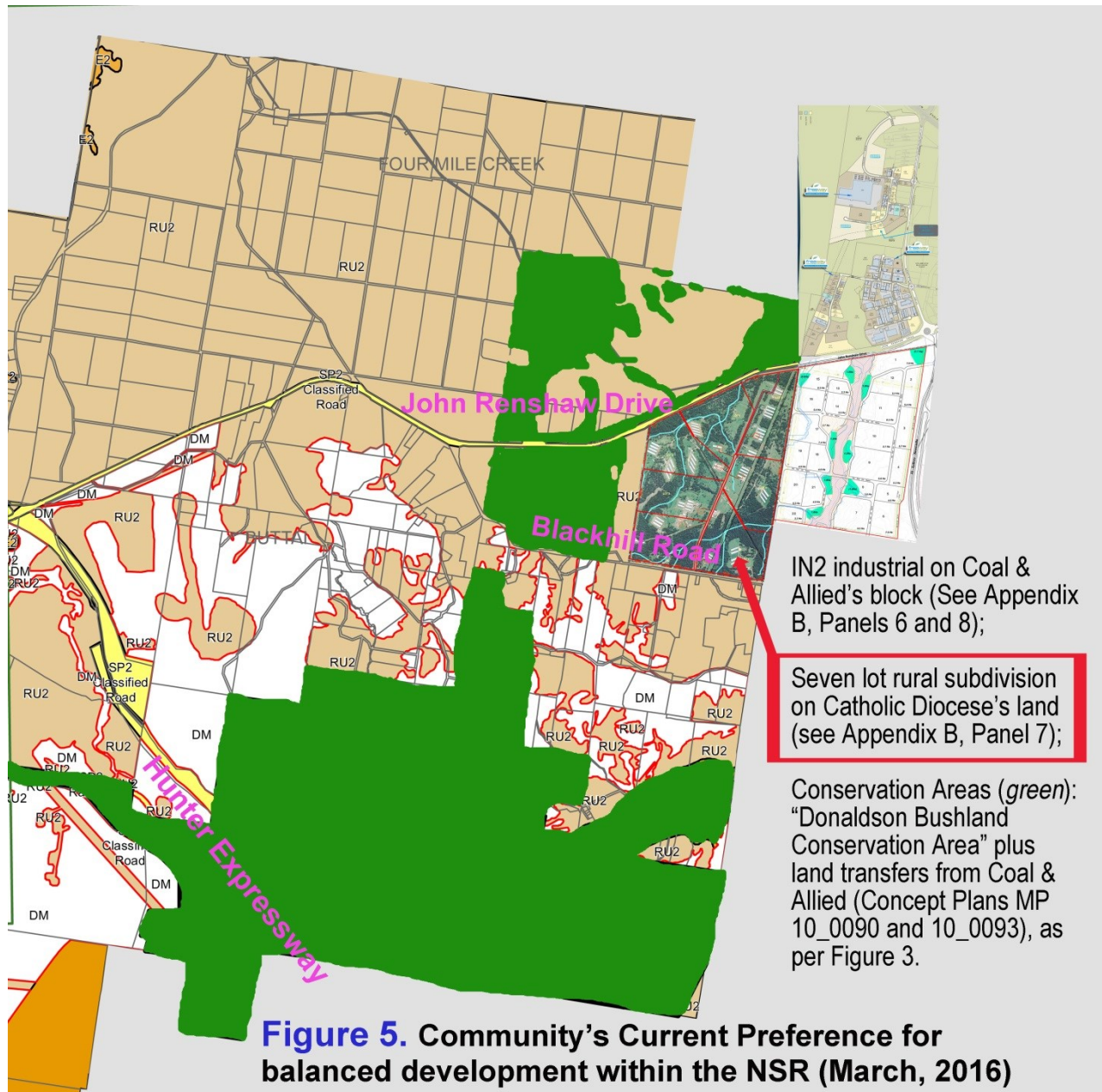
- 1) the **long-standing rural/recreational nature** and character of the area, and the community's **aspirations and expectations** (see **Sections A3 & B1**);
- 2) the mix of **coal mining** and **geographical/infrastructure constraints** within and around the **NSR** sub-region (see **Section B2**);
- 3) the **absence of any strategic planning imperative** solely directing usage of the site as 'employment lands' (given the currently exhibited **DHRP\_2015** and **DPGHC\_2015**);
- 4) the **absence of any clearly identified need for further industrial development** within the **NSR** (see **Section B3** and **Appendix D**);
- 5) **negative reactions to the various versions of the Planning Proposal** that have been prepared by the proponent and Cessnock Council - both from the **local community** (e.g., **134 written objections**) and, for different reasons, from the **Department of Planning and Environment**; and
- 6) the **current and complex mixture of conservation lands** (see **Figure 3** and **Section B4**), **industrial zoning** (see **Figure 2** and **Panels 6 & 8, Appendix B**), and **wildlife corridors** (see **Figure 4** and **Panel 10, Appendix B**) within the **NSR**;

... that the **most appropriate course of action** would be to **support the 7 lot rural subdivision** that was initially proposed for the Catholic Diocese's land (see **Panel 7, Appendix B**) – which would **simultaneously**:

- add some **much needed balance** to the **NSR** sub-region (see **Figure 5**);
- avoid adding to the **growing collection of fragmented 'offset lands'**;
- preserve the **integrity of Council's Local Environment Plan** (and lot size requirements);
- eliminate the need for **any further re-zoning applications** or Gateway processes;
- avoid setting **any unacceptable precedents** (either for smaller rural/residential developments or for further industrial development along John Renshaw Drive); and
- allow the Catholic Diocese to proceed with the **subdivision and sale** of its land in a **timely fashion** (since rural properties within the **NSR** sub-region are highly sought after).

From the Community Groups' perspective, Voluntary Planning Agreements (VPAs), or equivalent, are also **extremely problematic and should be discouraged**. The 'active component' within VPAs is actually the specific details provided in **Schedule 3** (e.g., legally enforceable and detailed conservation measures, clear public benefit, commitments, and development contributions, etc). Consequently, Councils need to be **exceptionally vigilant** to ensure that all of the elements within the Planning Proposal translate into appropriate and enforceable elements within the associated VPA – and in a manner that **ensures genuine community input and review**.





## B6. Other Sub-Regional Priorities and Opportunities

### Richmond Vale Rail Trail (RVRT) Opportunities should be Acknowledged and Prioritised

- The **standout successes for recreational community infrastructure** in the Lower Hunter must be the Fernleigh Track, followed by the Bathers Way and the Foreshore Promenade. People are out walking, running and riding on these tracks **every day of the week**.
- Opportunities need to be taken to **replicate these successes in other areas** of the Hunter Hunter, particularly Maitland, which has seen large increases in population, and Cessnock, which needs more community infrastructure to support a healthy lifestyle and to link with existing tourist/recreational activities.
- Within our local area, the **Richmond Vale Rail Trail (RVRT)** (which is marked as *yellow dots* in **Panel 10, Appendix B**) should be developed as a regional shared walking and cycling track, **preferably linked to other environmental, recreational and tourist activities**.
- Members of our Community Groups also sit on the **Donalsdon Conservation Trust**, which is providing some financial support for the RVRT (in particular, for the development of the Environmental Impact Statement and Concept Design Plan); at its meeting on March 22<sup>nd</sup> 2016, Newcastle City Council approved the awarding of a \$480,000 to GHD to undertake this work.
- The **DHRP\_2015** and **DPGHC\_2015** should **formally recognise and prioritise further development** of the **RVRT as a regional tourism and recreational asset**.

## B7. Finding the Optimal Balance

Finding the optimal balance for the **NSR** is obviously **not an easy task**. We have identified our preferred solution for the Catholic Diocese's land in Black Hill (see **Figure 5**), however, if recent history is anything to go by, then we can expect to see a **continuing stream of opportunistic proposals**, unless there is a **comprehensive sub-regional plan** based on **appropriate investigations and community consultation**.

Given the list of **geographical/infrastructure constraints** identified earlier and the history of **planning related conflicts** (see **Section B2**), we urge all levels of Government to support the development of a **comprehensive sub-regional strategy or precinct plan** for the **NSR** sub-region. For example, a sub-regional strategic assessment could include, but not be limited to, consideration of:

- available natural resources;
- environmentally sensitive areas, wildlife corridors and conservation opportunities;
- other environmental issues and constraints;
- available, proposed and required infrastructure;
- current and proposed land uses;
- safety or related issues (e.g., bushfires, contamination);
- other development opportunities and constraints;
- social infrastructure, community attitudes and aspirations;
- cultural and heritage issues;
- likely sub-regional population growth patterns;
- employment, housing and recreational opportunities and constraints; and
- servicing, telecommunications, transport and access linkages and constraints.

Ideally, revisions to the **DHRP\_2015** and **DPGHC\_2015** should clarify **how such sub-regional plans should be prioritised and resourced**, since **local Councils clearly do not have sufficient resources to do so**.

See **Sections C3/C4** for **further comments** on overall *Goals, Directions* and *Sub-regional Plans*.

## **SECTION C** ADDITIONAL COMMENTS ON DRAFT STRATEGIC PLANS

### **C1. Insufficient Attention Paid to Key Environmental Issues**

- **Inadequate protection for the environment**  
While areas of high environmental value are identified (e.g., **DHRP\_2015**, Figure 11, P. 46), **inadequate protection is provided** (e.g., no clear restrictions on impacting development) and appropriate mechanisms are not specified.
- **Resolution of land use conflicts**  
While the **DHRP\_2015** considers a range of land use values, such as high environmental values (e.g., Figure 11), potential mineral resources (e.g., Figures 5 - 8), and selected primary industries (e.g., Figure 9), **ways of resolving land use conflicts** are not identified and important strategic planning issues are deferred to a later stage.
- **Over-reliance on biodiversity offsetting**  
**Too great an emphasis is placed on biodiversity offsetting.** The final Plan needs to identify key areas (e.g., containing endangered ecological communities) that are **not capable of 'like-for-like' biodiversity offsetting**. Elsewhere, when offsetting occurs, **best practice principles must be followed**, ideally limiting development and providing 'on site' offsets which minimise biodiversity loss in the local area.
- **Enhancing habitat connectivity**  
While focus areas for sustaining regional habitat connectivity are identified within the **DHRP\_2015** (e.g., Figure 12), greater attention needs to be paid to **protecting important wildlife corridors**. Private investment and mine rehabilitation should be part of the mix, but these methods need to complement (but not replace) clear actions by Governments to protect and **promote habitat connectivity**.

### **C2. Inconsistencies in Maps, the Identification of Sub-regions and Strategic Centres**

- Clearly, there are **many inconsistencies in the various Maps** provided within the **DHRP\_2015** and **DPGHC\_2015**, which we will leave for others to document (most notably, the various Council submissions). The "**Hinterland**" in particular is not very well defined; for example, Buttai is cut in half in *Figure 4* of the **DHRP\_2015**, but not in *Figure 2*. **In reality, the NSR sub-region should probably be excluded from 'Hunter City'.**
- Figure 11 on P. 47 of the **DHRP\_2015** and Figure 5 (*Inner West District*) on P. 32 of the **DPGHC\_2015** should identify the various **conservation lands** within the Sugarloaf range transferred from Coal & Allied.
- We agree with comments by Lake Macquarie City Council and others that "**Hunter Metropolitan Area**" is a more appropriate label than "Hunter City".
- In the submission by Lake Macquarie City Council, under the heading "Amended Hunter Metropolitan Area Map", they advocate for a **more narrowly defined "urban area"**, with more clearly defined "*key environmental corridors*" – **which we clearly support, in principle**; however, **they overlay the suggested changes on the old LHRS Map**, which still splits our **NSR** sub-region along Blackhill Road – which, of course we do not support (as opposed to *Figure 4* or *Figure 17* from the **DHRP\_2015**, which would have been more appropriate).
- We also support a regional vision which seeks to promote "**balanced economic, environmental and social outcomes**", as advocated by both Cessnock and Lake Macquarie Councils in their submissions. A **better articulated focus on 'strategic centres'** (and related resource allocations) may, somewhat counter-intuitively, help to facilitate such a balance. If, for example, there is **greater clarity about what sorts of developments should be encouraged**

in particular locations (and discouraged in other locations), then achieving and maintaining a particular balance might be easier – and avoid encroachments in areas more suitable for regional conservation or rural/recreational pursuits. In their submission, Lake Macquarie Council note that the Illawarra-Shoalhaven Regional Plan provides **better guidance about the role of strategic centres**, and that a similar approach needs to be considered for the Hunter.

### C3. Other Issues

- There is limited information or discussion within the **DHRP\_2015** about **potential routes for rail freight, high speed rail travel between east coast cities, or regional public transport** (e.g., links to the airport).
- The **DHRP\_2015** also fails to identify the **Kurri Kurri Smelter site**, which has been used for industrial purposes for the last 50 years. Surely, **this site should be prioritised by the NSW Government for further development** relative to new, un-serviced ‘greenfield’ sites? The Kurri Kurri Smelter site would also be **an ideal place for a Renewable Energy Industry cluster**.

#### With respect to Goals, Directions and Actions, we make the following observations:

- Perhaps not surprisingly, our Community Groups strongly support “**Goal 3: Protect and connect natural environments**” (P. 45, **DHRP\_2015**), “**Direction 3.1 Protect the natural environment and biodiversity**” (P. 45, **DHRP\_2015**), and “**Action 3.1.1 Improve the quality of and access to information relating to high environmental values and use this information to avoid, minimise and mitigate the impacts of development on significant environmental assets**” (P. 51, **DHRP\_2015**). These pages within the Draft Strategy should also **explicitly mention the Great Eastern Ranges (GER) initiative** (see **Section B4**).
- Some of the **Figure labelling** within the **DHRP\_2015** could also be improved – for example, the expression “**Enhance Connectivity**” on P.53 would be better as “**Enhance Accessibility**” or “**Enhance Efficiency**” - so that ‘habitat connectivity’ and ‘transport accessibility/efficiency’ do not get mangled together (as appears to happen across these Strategic Plans).
- The expression “**transport efficiency**” is also appropriately used within the **DPGHC\_2015** (P. 39, **Direction 6.1, ‘National pinch point’**), an important Direction which we fully support, especially the ‘habitat connectivity’ components.
- We also **applaud Action 6.1.1** (P. 40, **DPGHC\_2015**) and its potential partnership elements, which are **highly relevant to the Planning Proposal** outlined in **Section B5**:

*“Action 6.1.1 Develop a framework to **balance competing interests** and deliver conservation, transport and land use planning objectives -*

*The NSW Government will:*

- **work with councils** to identify preferred habitat corridors and priorities for investing in conservation to sustain habitat connectivity across this area; and
- **work in partnership with councils and the community** to develop an integrated management plan for the area that reflects a balanced approach to environmental, transport and economic issues.”

This Action also fits comfortably with **Action 3.1.2** (P. 54, **DHRP\_2015**):

*“Action 3.1.2 Identify priority investment within regional habitat corridors and prepare local strategies to protect and manage corridors”, which needs to be **undertaken as a matter of urgency**, before these habitat corridors are destroyed.*



- With respect to **Action 2.2.3** (P. 34, **DHRP\_2015**, 'Manage the supply of industrial lands'), the following is stated (P. 35):

*"A strategic approach is needed to improve monitoring of the industrial land supply, and specifically servicing, development of, and projections **estimating when new industrial land will be required and where it should be located.**"*

- If such an approach had been in place at the time, the Coal & Allied industrial re-zoning proposal within the **NSR** would **never have progressed** – since, due to its isolation, this site would have been viewed as **too expensive to service** (e.g., requiring a new main for connection to the relatively distant Morpeth Waste Water Treatment Plant).
- However, while it is stated that: "*employment lands that are 'shovel ready' will be more attractive to new business*" (P. 35, **DHRP\_2015**), it is just as important to make sure that they are in **appropriate locations to start off with**, and that an **appropriate balance** between development and conservation is maintained.
- There also need to be **some additional Directions** in the **DPGHC\_2015** for the *Inner West Region*, beyond those relating to **Centres (Direction 4.1)** and the **Supply of Housing Land (Direction 4.2)**.
- For example, the equivalent of **Direction 6.1 ('National pinch point')** and **Action 6.1.1 ('Framework for balancing competing interests')** from the *Highway Corridor District* apply equally as well to the *Inner West Region*, since the Watagans to Stockton corridor crosses the *Inner West Region*, which should also be **identified in Figure 5** (P. 32, **DPGHC\_2015**).
- Additionally, the **Richmond Vale Rail Trail (RVRT)** should be **marked in Figure 5** (P. 32, **DPGHC\_2015**) as a potential future regional shared walking and cycling track and tourist destination (see **Section B6**) - as well as being added to the **priority list of Actions** associated with **Direction 1.4 ('Blue and Green Network')** (P. 15-17, **DPGHC\_2015**).
- **Reliable access to the NBN** and other **telecommunications infrastructure** is important for **most Hunter residents and businesses**. **Facilitating the connection** of "*service-based industries to support regional communities*" (P. 33, **Direction 2.2, DHRP\_2015**) is also an important role, as is the development of housing and other facilities with relevant telecommunications infrastructure which supports the needs of families and particular groups (P. 67, **Direction 4.2, DHRP\_2015**), such as the elderly and those experiencing illness.

#### **C4. Reviewing Strategic Plans and Prioritising Sub-Regional Plans**

Unfortunately, the 2006/2010 LHRS was **never formally reviewed or updated**, despite plans to do so when it was first launched. Such an update may have also enabled some of the flaws identified in **Sections A1** and **B2** to have been **corrected relatively early**.

As indicated in **Section A2**, we believe that **resources need to be set aside** to maintain the 'currency' and relevance of Strategic Plans such as the **DHRP\_2015** and **DPGHC\_2015**. In this electronic age, it should also be possible to make them **more dynamic and accessible** (possibly with **Version updates** and relevant **educational resources**). In any event, there should be a **formal review** and **exhibited update** at regular intervals (such as **every 5 years**).

A careful review of **previous (speculative) decisions** and **associated outcomes**, as well as **changed regional circumstances**, is a good place to start in revising such Strategies/Plans.

The role of **comprehensive, integrated sub-regional plans** also needs to receive **much greater emphasis**, and the mechanisms for their **development, resourcing and ongoing review** need to be formalised (as noted in **Section B7**).

## **Appendix A** THE COMMUNITY GROUPS

The Black Hill Environment Protection Group (BHEPG, formed in 1982) and the Buttai Community Development Group (BCDG, formed in 1990) are unconstituted Community Groups which seek to protect the local environment and the rural/residential lifestyles of our local communities (E-mail contact: [BlackHillEPG@bigpond.com](mailto:BlackHillEPG@bigpond.com)). The Groups' primary focus is on the environmentally sensitive Buttai/Black Hill end of the Sugarloaf Range and associated catchments, water courses and wetlands. The Community Groups meet on an 'as needs' basis to discuss community concerns and to co-ordinate submissions to Councils and other agencies about development proposals, environmental or other plans, and related regional/state issues.

Over the past three decades, submissions have been prepared about a variety of issues, including gravel quarries and coal mine proposals, transport and waste management proposals, landcare and catchment issues, Local Environment Plans, and associated government policies. We have been involved in a small number of cases before the Land and Environment Court (relating to quarries) and contributed to associated mediation agreements in collaboration with Cessnock City Council. We were the lead agencies co-ordinating the successful "Hunter Residents Against Sydney Garbage Dumps" campaign – to stop Sydney's waste being dumped at Bloomfield. Where possible, we try to support progressive, constructive developments and to speak out about socially and environmentally destructive proposals.

Members of our Community Groups currently contribute to Council's Major Projects Committee and to Community Consultative Committees (CCC's) for the Abel underground coal mine, Daracon's Buttai Quarry, and Bloomfield's open cut coal mine, together with associated welfare and conservation trusts, such as the Donaldson Conservation Trust.

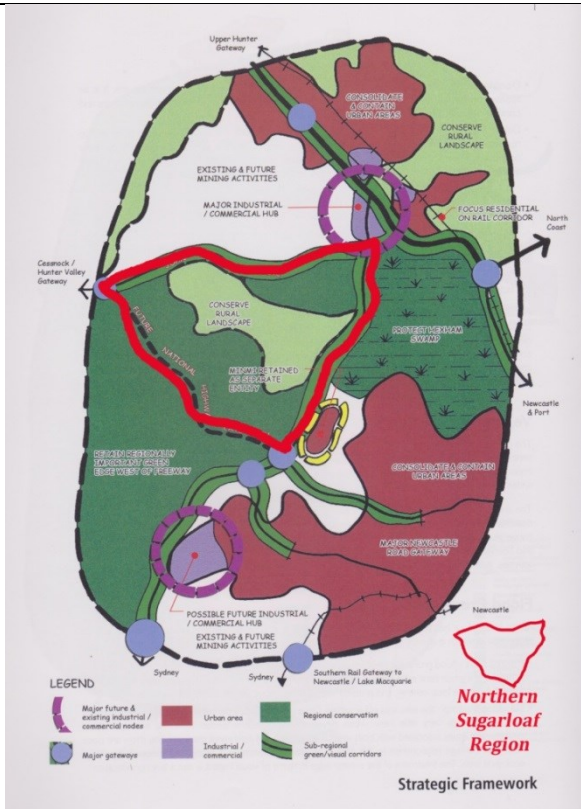
## Appendix B

Over the past 20 years, there have been a mixture of regional strategic plans, local environment and other plans, and specific, proponent-initiated proposals with the potential to **dramatically impact on the lifestyles and amenity of residents within the Northern Sugarloaf Region (NSR)**. Unfortunately, these plans have often been flawed, lacked a solid evidence-base, and/or relied on limited/selective consultation. They have also tended to be woven together and used in combination to argue for a particular course of action – often on the basis that they were ‘*not inconsistent*’ with the particular request, as opposed to providing a balanced reason to proceed.

This Appendix includes 10 “**Panels**”, each of which identifies a particular strategic plan, project, or proposal of relevance to our local area. Within each panel, brief contextual information is provided, together with a map/image, and specific flaws/issues are identified. These panels are also cross-referenced in the main document. We are happy to provide additional information, if requested.

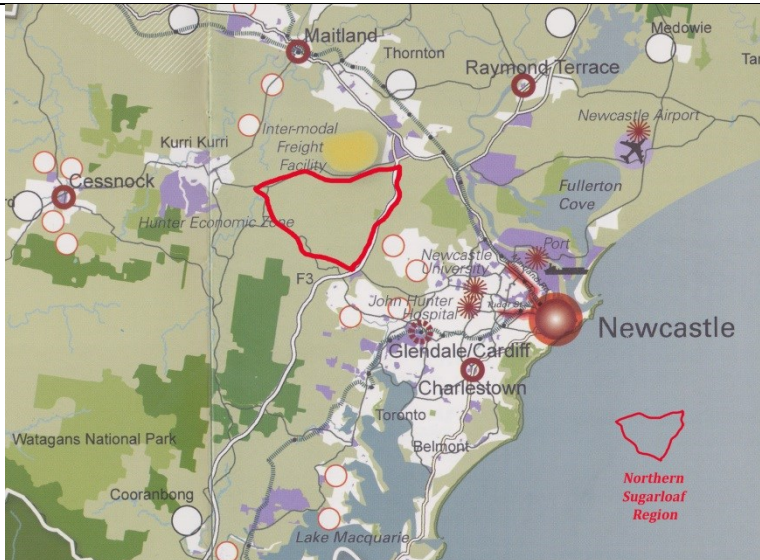
**Panel 1:** Strategic framework from the 2003 Thornton-Killingworth Sub-regional Conservation and Development Strategy (TKSCDS).

- The **NSR** was identified as appropriate for “*Regional conservation*”.
- This Strategy recommended against development in the Black Hill area, stating that “*large new settlements to the Eastern edge of Cessnock LGA would be difficult because of issues relating to isolation and servicing*”.
- Suggested “*protecting important areas for conservation, visual and ‘sense of place’ values such as Hexham Swamp, the rural areas around Blackhill, vegetation around Mount Sugarloaf and west of the F3 Freeway*”.



**Panel 2:** Draft Lower Hunter Regional Strategy (LHRS), November 2005.

- In the publicly exhibited Draft LHRS, the **NSR** was again tagged “*conservation land*”.
- The local community was happy with this proposal as it placed an important buffer between the rural community of Black Hill and the mining and industrial land to the **north** of John Renshaw Drive, identified as “*future freight hub and employment lands*” in both the draft and final LHRS.





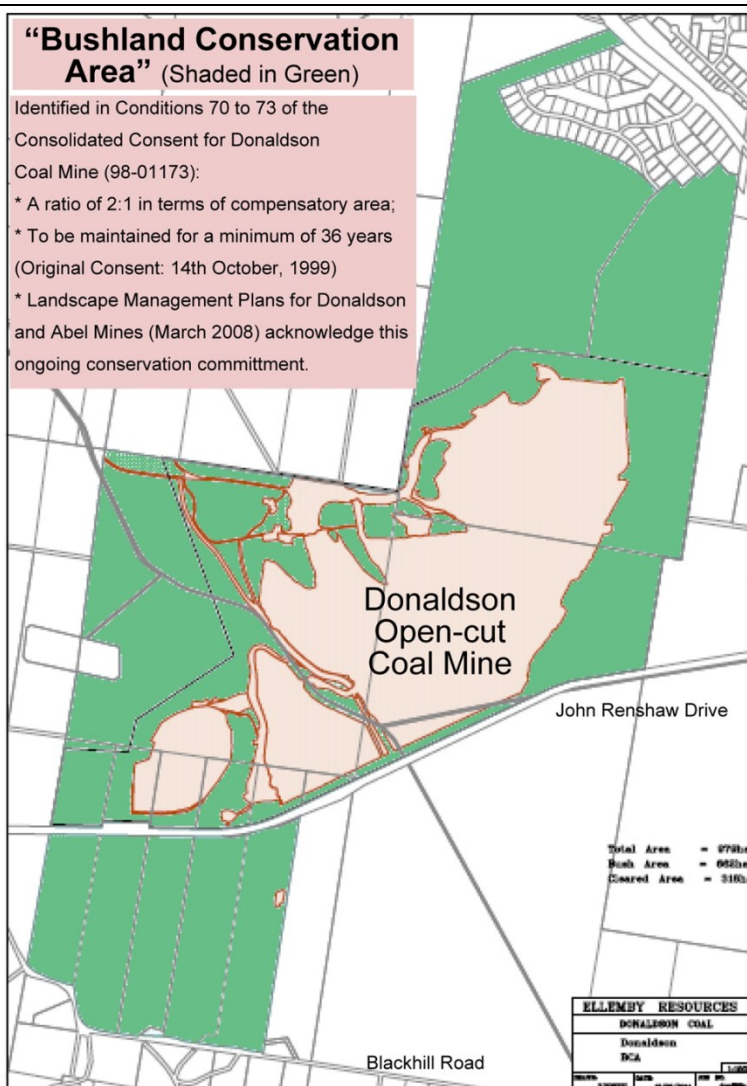
**Panel 3: Lower Hunter Regional Strategy (LHRS), 2006.**

- In the final 2006 LHRS, some of the **NSR** had suddenly changed to “*employment lands*”, which was **never publicly exhibited**.
- Presumably, this arose as a consequence of: 1) **backroom deals** with several major regional landholders; and 2) awareness of an **impending MoU** between the State Government and Coal & Allied.
- There was no supporting research or documentation and the change applied to the **whole area between Blackhill Road and John Renshaw Drive**, not just the component within Newcastle LGA directly affected by the proposed MoU.



**Panel 4: Discredited 2006 LHRS ignored existing Conservation Area and Mining Constraints in the Black Hill sub-region.**

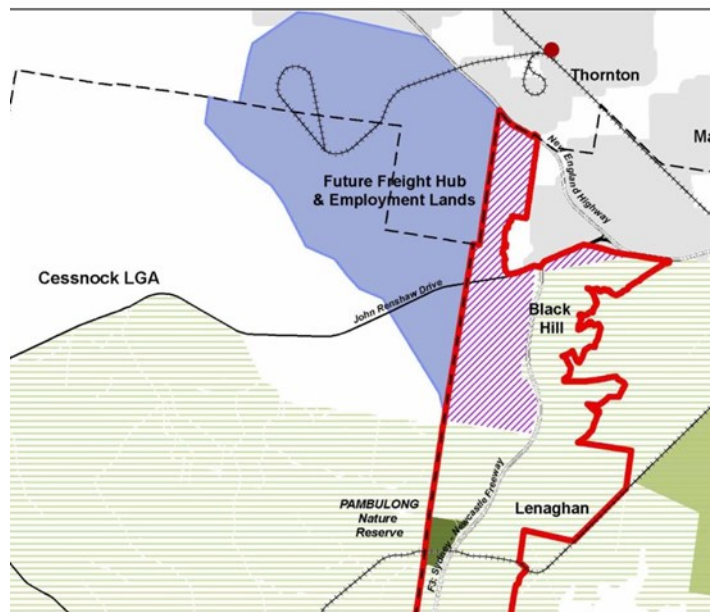
- Locally, the LHRS was **patently flawed** and involved **factual errors**.
- Intended LHRS planning timeframe was 2006 to 2031. However, a sizeable proportion of the area between Blackhill Road and John Renshaw Drive had **already been set aside as a “Bushland Conservation Area”** for a minimum of 36 years (from October, 1999) as part of the Consolidated Conditions of Consent for Donaldson Coal Mine (DA 98/01173), which should have been known by the Department of Planning.
- Furthermore, the land north of John Renshaw Drive was **never likely to be suitable for a freight hub or industrial development, since no earth compaction rehabilitation protocols** were in place at either the Bloomfield or Donaldson mines **to a standard suitable for building** (i.e. the likely ‘end use’ for these sites is low intensity development).



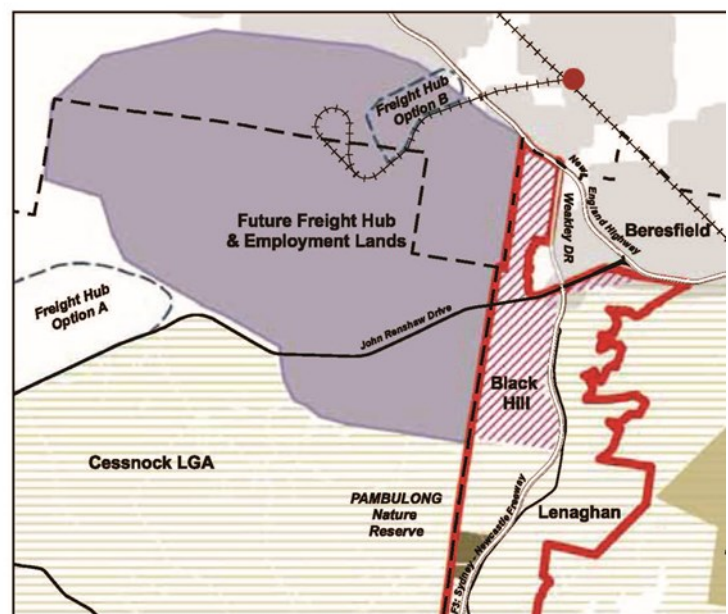


**Panel 5: Newcastle – Lake Macquarie Western Corridor Planning Strategy (WCPS).**

- Even though the WCPS was about **future developments in Newcastle and Lake Macquarie** (see study area marked in *red opposite*), and did not provide any documentation/analysis of relevance to Cessnock, it still managed to mark an area within Cessnock LGA as suitable for a future freight hub and employment lands (based solely on the flawed 2006 LHRS, and in support of the Coal & Allied MoU) – **all without any supporting studies, evidence, or appropriate consultation!**
- And, once more ... **shown quite differently** in the Draft WCPS (*top*, April, 2009) and the Final WCPS (*bottom*, July, 2010).
- Furthermore, this was all done **without any awareness** of the existing designated “*Bushland Conservation Areas*” or Mining Constraints within the local area (see [Panel 4](#)).
- Additionally, in the 2006 LHRS, the development of a “*freight hub*” north of John Renshaw Drive was inextricably linked to development of a **container terminal** in the port of Newcastle. Such a proposal has been **totally rejected**, with container terminals at Port Botany and Port Kembla recently leased to a private company for the next 99 years.

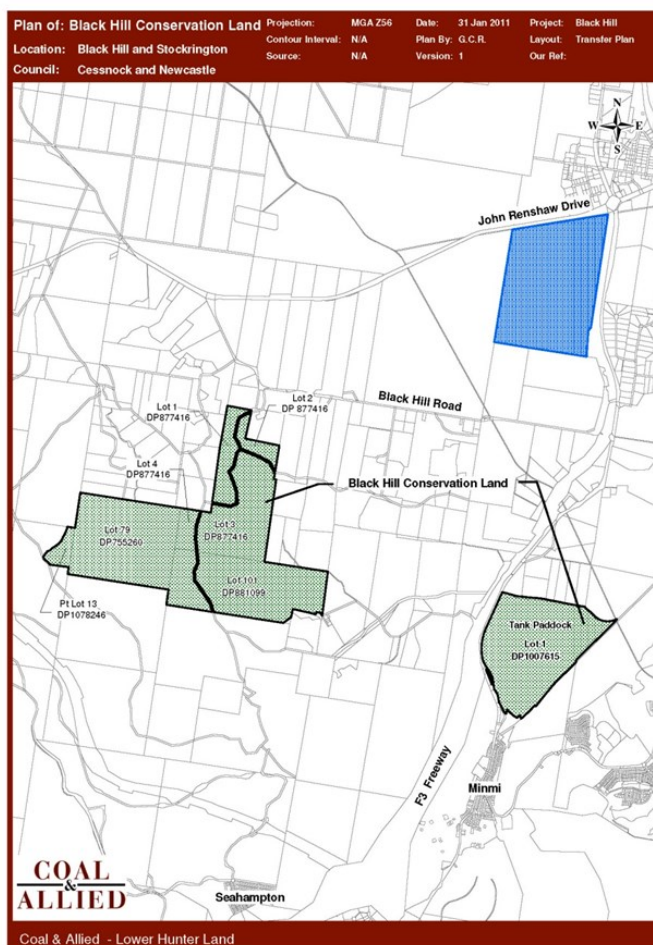


map 4- western corridor planning strategy



**Panel 6: Coal & Allied's approved Concept Plan for the north-eastern corner of Black Hill (August, 2013).**

- Coal & Allied has received Concept Plan **approval** (MP 10\_0093) for the development of 183ha of "*employment lands*" at Black Hill (within Newcastle LGA) – on the south-western side of the intersection of the M1 and John Renshaw Drive (see *Blue Region opposite*).
- In exchange, via a "Voluntary Planning Agreement" (VPA, June 2013), Coal & Allied will dedicate 100% of the Tank Paddock (147ha) and several lots in Stockrington/Black Hill (398ha) to the Govt. for conservation, to be known as "Black Hill Conservation Land" (545ha, see *Green Regions opposite*).
- These lands will make a significant contribution to the **Watagans-Stockton** wildlife corridor, in conjunction with approval for Concept Plan 10\_0090 (for the Minmi area, August, 2013).



**Panel 7: One of the initial proposals for the Catholic Diocese's land in Black Hill – Rural subdivision (7 lots of approx. 40 ha).**

- In Dec. 2003, the Catholic Diocese developed a draft Master Plan for "*a regional school and other associated community facilities*" in Black Hill; which they subsequently abandoned.
- In Jan. 2006, Harper Somers O'Sullivan prepared a "*Flora and Fauna Assessment for Seven Rural Residential Allotments*" (Ref: 21263), from which Figure 1-2 (*opposite*) was extracted; this **complies with Council's lot size requirements**.
- The entire justification provided for shifting to an industrial re-zoning proposal was the 2006 LHRs and the 2010 WCPS (as per Worley Parsons Report, Nov. 4<sup>th</sup>, 2011).

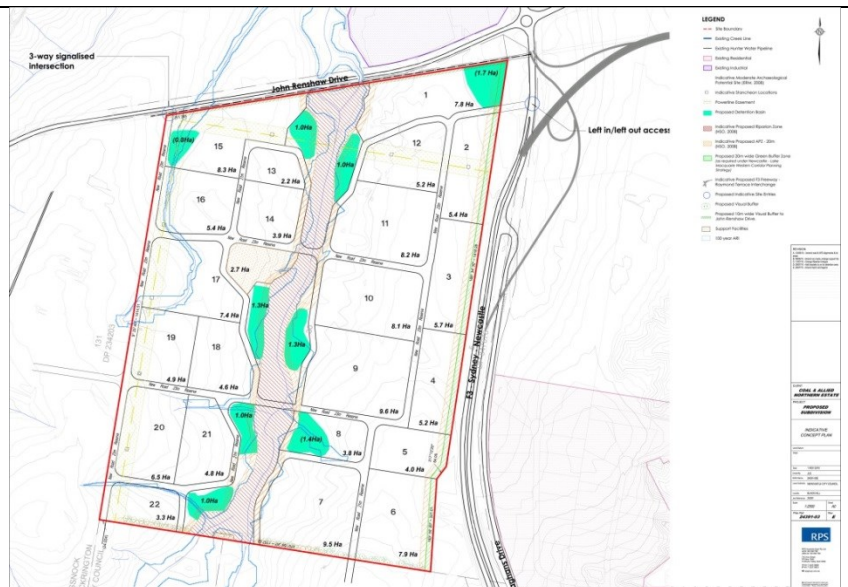
**Note:** This proposal was never formally lodged with Cessnock Council; although, from the Community Groups' perspective, it has considerable merit and would probably achieve a much better balance for Black Hill.





**Panel 8: Indicative Concept Plan for Coal & Allied's IN2 zoned industrial land in Black Hill**  
(see Panel 6 for further details).

- At odds with the adopted MoU, this site has high conservation value (e.g., 84% EEC spotted gum ironbark forest);
- It lacks any infrastructure (e.g., requiring massive funding for sewerage connections to Thornton) and has been on the market for a year;
- However, offsets include 545ha of new conservation lands in the local area (supporting the existing Sugarloaf corridor).



**Panel 9: Current Planning Proposal for Catholic Diocese's land in Black Hill (Dec. 2015).**

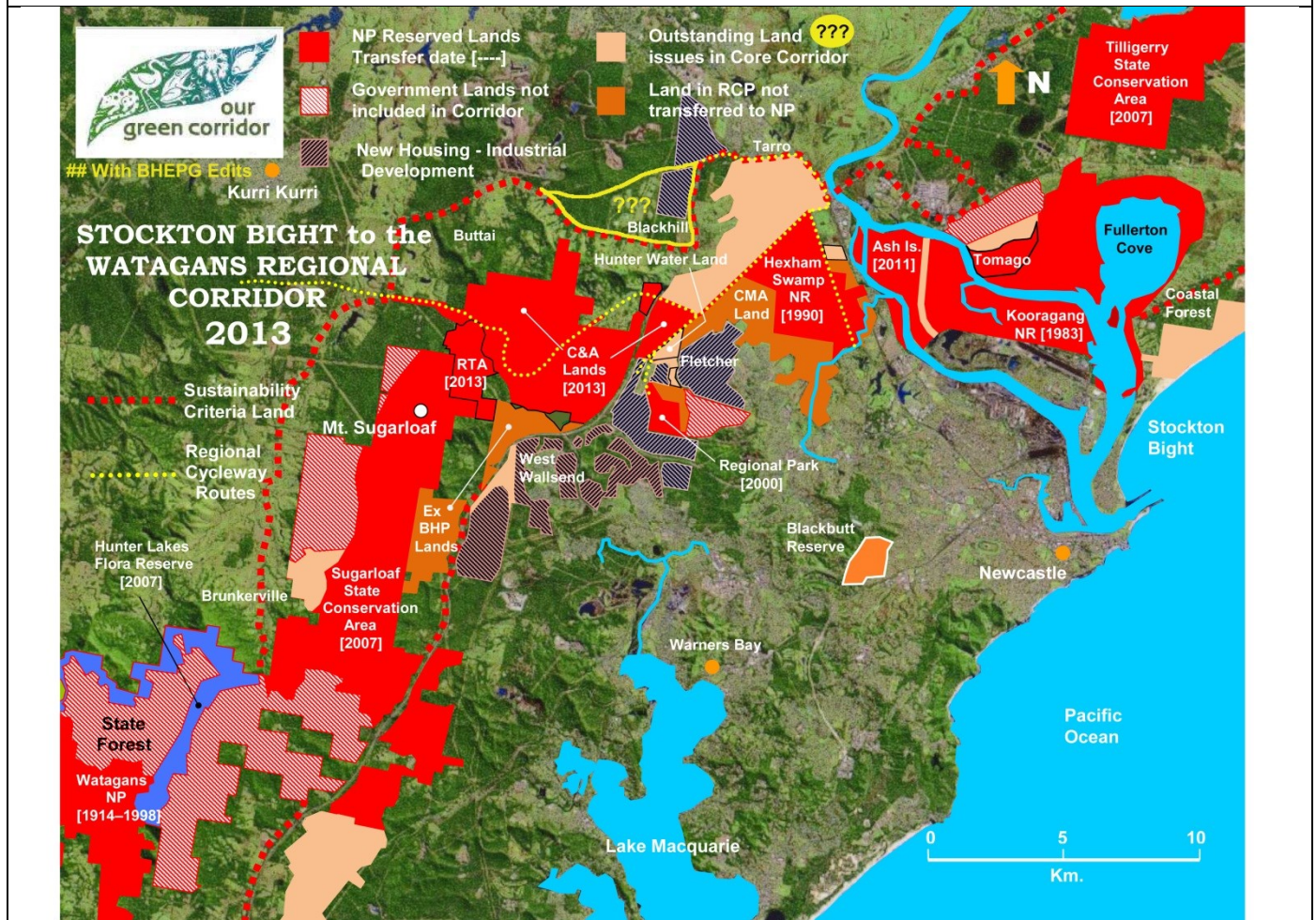
- The current Planning Proposal (Council Report PE83/2015) (*opposite*), which reverts to 195.6ha of industrial re-zoning, has **less appeal than the previous proposal** (154ha of industrial), which was totally rejected by the local community (e.g., **134 written objections**).
- It totally lacks vision, fails to consider a range of alternatives, and does **nothing to enhance and promote the local community or maintain the local character**.
- Any implied obligations under the 2006 (2010) LHRS to support 'employment lands' north of Blackhill Road have **already been well and truly met** (by the Coal & Allied 2013 approval – see Panels 6 & 8).
- To achieve a more appropriate balance, **non-industrial alternatives now need to be actively considered**.





**Panel 10: Watagans to Stockton Regional Corridor Map (2013) from 'Our Green Corridor' – with the 'Missing Element' in Black Hill Highlighted (in yellow)**

- It is well recognised that one of the **important 'pinch points'** in the Watagans-Stockton wildlife corridor is within the Black Hill region.
- This is already severely impacted by the approval of the IN2 re-zoning for the 183ha Coal & Allied block (see **Panels 6 & 8**) and will be **further compromised** if additional industrial land is approved in Black Hill (see **Panels 7 & 9**) – further narrowing the pinch point.





**Appendix C SUMMARY AND CONTENTS PAGES FROM COMMUNITY GROUPS' SUBMISSION TO 2014 PARLIAMENTARY INQUIRY**  
**[Submission #265]**

Submission prepared by:

*The Black Hill Environment Protection Group and  
The Buttai Community Development Group*

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**Parliamentary Inquiry (Select Committee) on the Planning Process in Newcastle  
and the Broader Hunter Region**

**Community Groups' Submission**

*Note:* Preparation of this submission was co-ordinated by the Executive members of the Community Groups:  
Due date: Friday, October 24<sup>th</sup> 2014.

**(Submission date: October 24<sup>th</sup> 2014)**

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**1. SUMMARY**

The residents of Newcastle and the Lower Hunter, and our local communities of Black Hill and Buttai, are exasperated with and exhausted by a planning system that has served to undermine our confidence time after time. **It is a system that often works behind the scenes to further the interests of the few at the expense of the many, while simultaneously forcing community members to spend exhaustive amounts of time fending off unwanted, unneeded, unjustified and undesirable developments.**

We are sick of the fact that Developers who have instant and ready access to NSW Ministers and Senior Planning bureaucrats have such a huge sway over decisions that are made. Recent ICAC findings demonstrate that despite the illegality of financial donations, Developers have continued to seek to influence political outcomes and, all the while, communities have been dutifully “playing by the rules”. Yet those with “real” influence have managed to get their proposals past the point of no return before they even see the light of day in a public forum. We feel ignored by Planning Authorities and Proponents alike. **It is our sincere hope that this Inquiry can truly make a difference to Planning Processes in Newcastle and the Lower Hunter!**

These are **not new issues for Newcastle and the Lower Hunter**. Our Community Groups formed over 30 years ago and have battled numerous undesirable developments since then. The same issues with Planning Processes in NSW have been repeatedly encountered during that time. The current

issue we are facing is an unjustified and poorly thought out ‘spot rezoning’ from rural to industrial that threatens the very nature of the place we live. **Our submission uses this spot rezoning proposal as a “case study” to illustrate the flaws we have identified with the Planning System in the Lower Hunter.**

**We hope that this Inquiry will investigate how the following flawed Planning Processes can be rectified:**

- Strategic Plans that are unsupported by any relevant studies;
- Supporting studies or documentation that is not made available to the public, making the Planning Process opaque and mistrusted;
- Lack of robust and realistic justification for developments and rezoning proposals;
- A planning process that, as it stands, inherently favours Developers over communities;
- Developer donations contributing to privileged access to Ministers and Senior Planning staff, which distorts decision-making and outcomes of the Planning Process;
- Lack of formal review of strategic plans, resulting in Planning errors being perpetuated forever;
- Spot rezonings relying on flawed Strategic Plans (e.g., the now thoroughly discredited Lower Hunter Regional Strategy);
- Complete disregard for the well-being of communities and their wishes in relation to outcomes for their area, when it is those communities that will have to live with the long-term consequences.

**We would like to contribute to better Planning Processes in Newcastle and the Lower Hunter by making the following recommendations:**

- Hunter Office of Planning NSW should be substantially free of interference from the Sydney Office, and use transparent processes to create plans for the benefit of the whole Hunter Region;
- The imminent Lower Hunter Regional Growth Plan should be supported by relevant studies and timely community input;
- All relevant supporting studies should be made publicly available to increase transparency of decision-making;
- The ban on Developer donations to politicians and political parties should remain in force and be enforced;
- Appeal options for communities to challenge inappropriate rezonings and developments should be strengthened;
- The integrity and independence of Joint Regional Planning Panels (JRPPs) should be investigated;
- The Lower Hunter Regional Strategy (LHRS) should be declared an invalid Planning tool for the Catholic Diocese’s current Black Hill rezoning proposal.

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## **Appendix D** EXTRACTS FROM COMMUNITY GROUPS' EMPLOYMENT LANDS ANALYSIS (December 2014)

### ***“The Need and Best Location for additional Employment Lands” ##***

**Please note:** The original document submitted to Cessnock City Council<sup>##</sup> contained 6 pages, from which the material presented below has been extracted.

#### **Community Groups' Summary of Evidence about Available Employment Lands**

We acknowledge that there are gaps in the available information about current and projected employment lands supply and demand, particularly at the local level, and that a comprehensive, integrated and independent document is not readily available to Council. However, in this instance, Council appears to have gathered together most of the relevant information to complete such an assessment and then **failed to consolidate it in an appropriate manner**. Simply asserting that there is ‘*uncertainty*’ and ‘*inconsistency*’ is not a basis for proceeding with a major rezoning proposal – **a reasonable level of genuine ‘analysis’ is required** (e.g., cross-referencing data, making assumptions, and sequencing, prioritising and analysing available information).

**Table D1** presents **our genuine attempt to estimate the availability of employment lands by location**, based primarily on the recent reports provided to Council (in December 2014) and other documents to which they refer, especially those by and for the Department of Planning.

**Methodological approach to calculation of projected demand and availability:** We have used similar methods to the Department of Planning, including, for example, calculations based on total land size, as opposed to projected yields (i.e., ignoring potential reductions in employment land size associated with constraints, hazards, riparian zones, internal roads, and so on). Such approximations are regarded as satisfactory, particularly for comparative purposes (e.g., comparing sub-regions).

For a given location, the estimated supply of vacant employment land is expressed in hectares (**ha**), the likely take-up rate (i.e., demand) is expressed in hectares per year (**ha/year**), and the available supply is expressed in **years**. Where appropriate, ranges are also provided, based on variations within the reports referenced by Council. The underlying equation for the estimated years of supply is simply the amount of vacant land available divided by the likely take-up rate (with the latter based mainly on sales data over a specified period).

#### **Implications for Current Planning Proposal Decisions**

For Discussion purposes, we have adopted the (Employment Lands) **planning timeframes** used by Hill PDA (“*Newcastle Employment Lands Strategy*”, City of Newcastle, March, 2013, p. 12), namely: **Short-term**: 0 – 10 years; **Medium-term**: 11-15 years; and **Long-term**: 16-25 years.

#### **From a Lower Hunter Region perspective:**

At present, excluding the current Planning Proposal, and using the Department of Planning's confirmed take-up rate of 48ha/year, there is **approximately a 29 year supply of zoned employment land in the Lower Hunter** (from 2015 to 2044, see **Table D1**). So, it appears that there is clearly **no need** for additional Lower Hunter Employment Lands in the short-, medium-, or long-term.

### From a local sub-area (Black Hill/Beresfield) perspective:

With the addition in 2013 of the 183ha IN2-zoned Coal & Allied land in Black Hill (Newcastle LGA) to the available employment lands supply, the extent of **over-supply in the local area** is even greater than that for the Lower Hunter Region as a whole – resulting in **approximately 32 to 43 years of supply in the local area** (see **Table D1**).

Consequently, based on the available evidence, there is **no justifiable, strategic need for the current Planning Proposal from either a regional or local perspective.**

The **overall absurdity** of the current Planning Proposal is further highlighted in Scenario 1 (**Table D1**), in which approval for this Proposal (at 150ha of industrial) would further push the available local supply out to **approximately 50+ years**. Societal and other land use requirements and changes are likely to be so great, over such an extended period, that it is pointless making such long-term plans. **Over-supply** can also lead to **inefficient land use and poorly integrated infrastructure** (and associated ‘white elephant’ developments). It can also **effectively sterilize land** that could be used for other more productive, beneficial, and community-enhancing purposes.

Moreover, given the **demonstrable absence of need** for this Proposal and the **detailed and overwhelming objections** from the small Black Hill community (e.g., 134 objections submitted to Council), it would **defy the principles of ‘natural justice’** for Cessnock Council to continue to support the current Planning Proposal.

Furthermore, as we have argued previously, **any implied obligations** under the 2006 Lower Hunter Regional Strategy (LHRS) to support ‘*employment lands*’ north of Blackhill Road have been well and truly met (by the Coal & Allied 2013 approval) – and, to achieve a more appropriate balance, **non-industrial alternatives** now need to be considered that support and strengthen the local community.

### From a Cessnock LGA perspective:

While the current Planning Proposal should definitely be rejected (for the particular location in Black Hill), other proposals with at least a medium-term development timeframe may be worth considering for Cessnock LGA. Currently, there is only a medium term supply of employment lands in Cessnock LGA (**approximately 8 to 16 years**, see **Table D1**).

Cessnock LGA clearly needs more jobs – too many have been lost already. The important thing is to get them in the right place, at the right time, and without major constraints, such as utilising the **centrally located** Kurri Kurri Hydro site. As highlighted in Scenario 2 (**Table D1**), approval of a future Kurri Kurri Hydro proposal (at 180ha of industrial, and rejection of the current Planning Proposal) would increase the available employment land supply within Cessnock LGA to **approximately 28 to 44 years** (see **Table D1**). This would also bring it to **approximate parity** with the local Black Hill/Beresfield area (within Newcastle LGA, see **Table D1**), with which it would be a major competitor. This would also ensure that differential employment lands availability did not deter potential developments or investments in Cessnock LGA (e.g., equivalent capacity to expand).

For Cessnock LGA in particular, **proximity to the local workforce is an important issue**, and average travel times can be dramatically reduced by locating industrial zones nearer to residential areas (such as the expanding Kurri Kurri residential corridor). By comparison, Black Hill is relatively isolated, geographically constrained by the wetlands and Sugarloaf Range, and it is already **over-served by industrial estates**. Moreover, Black Hill (and Coal & Allied’s approved IN2-zoned site, in particular) is approx. 15km from Kurri Kurri and 29 km from Cessnock, so, from a workforce perspective, Black Hill developments would be more likely to draw from nearby growth areas in Thornton and Maryland.

**Table D1: Estimated Supply of Employment Lands by Location**  
(Aggregations from Multiple Reports to Council – December 2014)

Location	Estimated supply of vacant Employment Lands ( <i>ha</i> ) <sup>1</sup>	Projected demand and availability	
		Likely take-up rate ( <i>ha/year</i> ) [Range] <sup>2</sup>	Estimated <i>years</i> of supply [Range]
<b><u>Current Situation:</u></b> (Excluding current Planning Proposal)			
<b>Local sub-area</b> (Black Hill/Beresfield), within Newcastle LGA	183 (C&A, Black Hill) + 110 (Beresfield) <b>= 293 ha</b>	7 to 9	33 to 42 yrs
<b>Cessnock LGA</b> (Includes Branxton, Cessnock, Kurri Kurri, Weston; excludes HEZ)	<b>41 ha</b>	2.5 to 5	8 to 16 yrs
<b>Lower Hunter – From 2015</b> (The widely-accepted level of zoned and serviced vacant land in 2013 = 1,050ha, Dept. of Planning, March, 2013; from which 2 x 48ha/yr was deducted and recent rezoning approvals added)			
	954 (1,050 minus 96ha for last 2 years) + 183 (C&A, Black Hill) + 241 (Tomago) <b>= 1,378 ha</b>	48	29 yrs (from 2015 to 2044)
<b><u>Possible Scenarios:</u></b>			
<b>1. Approval of revised Planning Proposal</b> (addition of 150ha of industrial to local Black Hill/Beresfield sub-area)	<b>443 ha</b>	7 to 9	49 to 63 yrs
<b>Consequential impact for Cessnock LGA supply:</b> Of adding 150ha from current Planning Proposal	<b>191 ha</b>	(Mixed rates: 7 to 9, & 2.5 to 5)	15 to 20 yrs
<b>2. Rejection of current Planning Proposal in favour of future Kurri Kurri Hydro proposal</b> (adding 180ha to Cessnock LGA supply)	<b>221 ha</b>	5 to 8	28 to 44 yrs

**Table Notes:** HEZ – Hunter Employment Zone.

- Estimated vacant employment lands values are from: “*Newcastle Employment Lands Strategy*” (Hill PDA, March 2013, Table 23) for Newcastle LGA; Section 6.3 of Enclosure 7 (Cessnock City-Wide Settlement Strategy, CWSS) for Cessnock LGA; and “*The Lower Hunter over the next 20 years: A Discussion Paper*”, Dept. of Planning, March, 2013, for overall Lower Hunter; however, consistent values are also reported in Section 2 of Enclosure 4 (City Plan Services) and in Monteath & Powys’ Employment Lands Analysis report for Cessnock Council, December, 2014. Recent rezoning approvals: C&A – Coal & Allied, 183ha IN2 zoned land (MP 10\_10093, August, 2013); 241ha IN1 zoned land, southern side of Tomago Road (MP 10\_0185, June, 2014).
- Based on land sales over a 10-year period, LGA take-up rates (ha/year) for employment land (of which industrial is but a component) were: Newcastle, 13.2; Port Stephens, 9.1; Lake Macquarie, 8.9; Cessnock, 2.5; Maitland, 14.1; Lower Hunter overall, 47.8 (from “*Hunter Region Employment Lands Study*”, HDC, 2010). For Cessnock LGA, 5ha/year is from the “medium growth” scenario and 8ha/year from the “high growth” scenario detailed in Section 6.8 of Enclosure 7 (CCWS). Take-up rates for the local area assume that Beresfield/Black Hill comprises approx. 50% of the Newcastle LGA rate, for which estimates range from 13.2ha/yr to 17ha/yr (see Wakefield Planning report for Newcastle City Council, 2009, and Figure 2.1 of Monteath & Powys’ Employment Lands Analysis report for Cessnock Council, December, 2014).

[For the sake of completeness ...] If both the current Planning Proposal for Black Hill (150ha) and the future Kurri Kurri Hydro site proposal (180ha) were approved, and added to the Cessnock LGA employment lands supply (bringing the total supply to 371ha), this would translate to **approximately 38 to 56 years of supply** (using an appropriate mixture of the take-up rates per hectare from **Table D1**) – once again, resulting in an unacceptably high level of **long-term over-supply**.

#### **Same story from a ‘jobs perspective’:**

Similar **over-supply arguments** to those provided above can be expressed in ‘employment needs’ or ‘job creation’ terms. For example, the population of the Lower Hunter is expected to grow by approximately 130,000 between 2011 and 2031 (*“The Lower Hunter over the next 20 years: A Discussion Paper”*, Department of Planning, March, 2013). Applying the employment capacity and location proportions used in the 2006 LHRS, this translates to a need for approximately 13,650 new jobs during this period located on ‘employment lands’ (i.e., 42% of population in employment, one-quarter of whom work on ‘employment lands’, as opposed to being located in major centres or in dispersed locations). At a conventional job rate of 20 jobs/ha, that equates to a need for 546ha of new employment lands (between 2015 and 2031). Consequently, given the available vacant employment land right now (of 1,378ha – see **Table D1**), we already currently have **much more than twice the required land for new jobs** (till 2031).

Or, framed differently, rezoning more and more land as industrial won’t create jobs, and competition between employment zones is clearly likely to be heavily influenced by the availability of and proximity to a local workforce.

Whichever way you look at it (i.e., from an employment lands availability or anticipated population growth perspective), **all of the current evidence demonstrates that there is considerable over-supply** – and that locating more employment lands in Black Hill is **totally unnecessary and unacceptable**.

#### **Referenced documents are from multiple sources, including the following:**

Cessnock City Council (2010). *“Cessnock City-Wide Settlement Strategy”* (CWSS, 2010).

Cessnock City Council (2014). Documents associated with Council Report: PE83/2015:

*Doc. A: Sub-Enclosure 7 – Draft Employment Lands Analysis*, David Broyd (3/12/2014), presented as pp. 175 to 190 in Enclosure 2 of PE83/2015;

*Doc. B: Sub-Enclosure 4 – Response to Employment Land Analysis*, City Plan Services (27/11/2014), presented as pp. 151 to 162 in Enclosure 2 of PE83/2015; and

*Doc. C: Employment Lands Analysis for CCC*, Monteath & Powys (December, 2014), an unpublished report referenced on p. 130 in Enclosure 1 of PE83/2015.

Department of Planning (2013). *“The Lower Hunter over the next 20 years: A Discussion Paper”* (Dept. of Planning, March, 2013).

Hunter Development Corporation (2010). *“Hunter Region Employment Lands Study”* (HDC, 2010).

Newcastle City Council (2013). *“Newcastle Employment Lands Strategy”* (Prepared by Hill PDA, March 2013).

## The material presented in this Appendix was originally sent to Councillors and Council Staff on 15<sup>th</sup> Dec. 2014, with relevance to Rescission Motion No. RM5/2014 (Planning Proposal - Black Hill – Council Report: PE154/2014). It was updated and again forwarded to Councillors and Council Staff on 1<sup>st</sup> Nov. 2015, with relevance to Council Report: PE83/2015.