

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

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5<sup>th</sup> March, 2025

## Submission from Community Groups about EIS for Hunter Central Logistics Estate (HCLE) - State Significant Development Application (SSD-64738258) – Industrial Development Proposal (Stages 1, 1A and 1B) at 1134 John Renshaw Drive, Black Hill (PIIP Pty Ltd, c/o Broaden Management)

Various versions of this proposed Industrial Estate (and associated re-zonings) have been around for many years, during which community members have raised a wide range of issues and objections and made numerous submissions.

In broad terms, the current EIS documentation contains **substantially similar information to that provided to community members in early 2024** – that is:

- Eleven (11) lot subdivision;
- Construction and **24/7 operation of two large warehouses** (on Lots 107 and 102) and associated site works;
- **Four-way signalised intersection** at John Renshaw Drive (JRD) and Donaldson/Abel Mine Access;
- Retention of 41.55 ha **Environmental Conservation Lot** (Pt. 108, C2-zoned) along the JRD side of the property; and
- Adoption of Option 6 from the Scoping Report – that is, **not** seeking Concept Approval at this time for Stage 2 (Lot 109) on the north-eastern side of the diagonal pipeline – as favoured by the Department of Planning and Environment.

As previously anticipated, there is also now a requirement for **duplication of JRD lanes** across the site's frontage (to add to the duplication work funded by the adjacent industrial development).

Consequently, on this occasion, we will limit our comments primarily to the **domains that we have raised concerns about most recently – as per the attached Appendix A** to this submission, which lists the issues and questions that we identified in April 2024 during community consultation for the Social Impact Assessment (SIA).

## A. Local Context:

Clearly, the development of Industrial Estates along JRD (within Newcastle and Cessnock LGAs) poses a **potential threat to the long-standing rural nature and character of Black Hill**, and potentially to the viability of parts of the Biodiversity Corridor that runs through it from the Watagans to Stockton.

It is still the case that the HCLE proposal represents the **first major Industrial Estate** within the rurally-oriented **Cessnock LGA component of Black Hill**, as this Estate (as a whole) sits hard up against the LGA boundary. Moreover, and contrary to the impression conveyed by the EIS and its

appendices, the two proposed Black Hill Industrial Estates are effectively **surrounded by an assortment of rural properties and Conservation Areas** (e.g., Stockrington State Conservation Area; Donaldson-Abel “Bushland Conservation Area”; and Hexham and Hunter Wetlands - see **Appendix B** to this submission).

To an outsider, a simple (future) description that, ‘*when you first enter Cessnock LGA from the east, there is an Industrial Estate (HCLE) on one side of JRD and a former Open Cut Coal Mine (Donaldson) on the other*’, would suggest that there is not a whole lot of bushland to be found or protected – but that certainly isn’t and shouldn’t be the case.

Hopefully, as illustrated in **Appendix B (second page)**, the ongoing, successful rehabilitation of the Donaldson Mine site, and maintenance of the current “Bushland Conservation Area” Offset (beyond the current minimum 36 years requirement) will **see Cessnock’s eastern gateway retain its bushland feel and appeal** for decades to come. So, **concurrent maintenance and enhancement of the bushland within HCLE’s Environmental Conservation Lot is essential** (Pt. 108, along the JRD side of the proposal) and perfectly consistent with the nearby Conservation Areas and Biodiversity Corridor.

With respect to ‘Local Context’ (and as previously requested by community members), we also **appreciate the fact that both of the proposed JRD Industrial Estates have not used ‘Black Hill’ in their naming/branding**, being now known as Hunter Business Park (HBP) and Hunter Central Logistics Estate (HCLE) respectively. To some extent, this will help to better differentiate between the (regionally significant) Light Industrial aspects of our sub-region and the long-standing rural, social, community and residential aspects – and potentially discourage any trucks from straying into Black Hill Road (our primary thoroughfare for residents and visitors). We also thank the proponent for clarifying that “... *The Proposed Development does not have access to Black Hill Road, nor generate any additional traffic on Black Hill Road*” (**Appendix G21**, Page 35).

With respect to **Community Consultation**, Table 23 of the EIS (*Summary of Engagement Process*) has an entry suggesting that ‘*No response was received*’ from Residents (to the April 2024 Letterbox drop), which is inconsistent with the findings reported in **Appendix G23** (SIA, Social Impact Assessment), where it is noted that “*the response rate from the consultation [with local residents] is approximately 44%*” (Page 34), which also included a combined response from our Community Groups (identifying the issues/questions listed in **Appendix A** to this submission).

Notwithstanding, the proponent’s 2024 Letterbox drop was **narrowly targeted** [see Figure 4 in **Appendix G23**] and did not include residents within the eastern end of Black Hill (i.e., east of the M1) or those in nearby Buttai, Lenaghan or Stockrington. Indeed, given the State Significant nature of this proposal, potential impacts on the Biodiversity Corridor, and reliance on access from a major, heavily used national thoroughfare (JRD), it is somewhat **surprising that broader consultation was not required** with Lower Hunter communities, organisations and groups.

## **B. Strategic Context:**

It is good to see that the **Strategic Context** (EIS, Section 2) within which this Industrial Development proposal is being framed and evaluated is **broader than it has been in the past**, including consideration of the *Hunter Regional Plan [HRP] 2041* and the *Greater Newcastle Metropolitan Plan [GNMP] 2036*, as well as Transport, Local Strategic Plans, Biodiversity and Conservation Considerations, and Cumulative Impact Assessment Guidelines.

Together, *HRP 2041* and *GNMP 2036* set clear strategic directions and actions relating to **community and environmental character and protection** (albeit, not explicitly for Industrial Estates) – which, for example, seek to **protect communities, preserve local character and identity**, promote **better integration with the natural environment**, and facilitate **conservation connectivity**.

As shown in Figure 3 (EIS, Page 38), which is an extract from the *HRP 2041*, the Black Hill Industrial Estates form a self-contained sub-region (the '**Black Hill Precinct**'). This is distinguishable from the adjacent '**Stockrington Precinct**' (within which members of our local rural communities reside) and through which the major 'Biodiversity corridors' run.

Importantly, the identified strategic outcomes for the Stockrington Precinct are primarily: "**conserve high environmental value lands**" and "**promote rural lifestyles and the growth of rural enterprises**" (*HRP 2041*, Page 75) – which HCLE's proponents clearly need to bear in mind when assessing local amenity and environmental impacts, and when identifying and managing their proposed implementation and mitigation strategies.

While State Significant Developments may not be obliged to comply with Cessnock Council's broader Development Control Plans (DCPs), we trust that the proponent will consider all of the elements outlined in Cessnock's **Site-specific DCP (2010) – Part E (Specific Areas), Chapter E18 – "Black Hill Employment Area"**, including:

- Protecting "... *the area surrounding the industrial precinct from potentially adverse impacts*";
- Acknowledging "... *the established rural character of the area surrounding the industrial precinct*";
- Protecting "... *residents [within the Rural Living zone, in particular] from any adverse effects of industrial use and development of the subject site*"; and
- Minimising "*the cumulative impact of traffic from the industrial subdivision on John Renshaw Drive*", as well as baring "*permanent access from Black Hill Road*" (to the Estates).

We would also like to take this opportunity to **acknowledge the potential economic and workforce benefits** that the HCLE will bring to the Hunter – particularly, if the proposed '*Project Procurement and Workforce Development Plan*' (identified as a mitigation measure in the EIS, Page 166) and associated strategies favour **purchase of goods and services and employee recruitment from the local area**.

As noted in the EIS (Section 6.14), "... *the economic impact modelling demonstrates the Proposal will catalyse high levels of economic activity and employment in the short-term during the construction phase, whilst contributing significantly to the Hunter Region over the long-term upon completion*". Indeed, the EIS (Page 168) suggests that the **Construction Phase** will generate **566 FTE jobs**, while the **Operation Phase** (for the two warehouses) **will generate 409 FTE jobs, which will contribute \$618.1m per annum in incomes and salaries** paid to households.

The Employment Report (**Appendix G24**) also attempts to model potential employment and economic impacts if all of the Stage 1 HCLE Lots are fully developed, but the estimates provided have to be regarded as speculative at best – since **potential occupiers of these lots are unknown**, as are future economic circumstances and Hunter employment growth patterns.

## C. Operational Issues:

**Permitted Activities:** In addition to the **potential impacts on local amenity associated with 24/7 operation** of the two warehouses (e.g., traffic, noise, visual amenity, stray lighting, safety and security), it is also unclear at this stage precisely **what sorts of industrial activities will actually be permitted** – including the **possibility of dangerous goods storage**, as noted in the EIS:

**Building Design** (EIS, Page 70-71) - *“The two warehouses (Building 1A and 1B) will be used for industrial activities including the storage of dangerous goods. The type of dangerous goods to be stored on site has not been determined as a future tenant has not yet been nominated, this is **proposed to increase market interest in future**”* (see **Appendix G27** for a Dangerous Goods Report). *“The warehouses include loading bays, forklift charging stations, dock offices, pump rooms, large carparks with EV charging stations and ancillary office, two-storey office space with amenities”.*

Essentially, **Appendix G27** lists the maximum quantity that would be permissible within each warehouse for a range of potentially Dangerous Goods.

Other potential concerns for the site include: **safety concerns** (e.g., the KKLP gas pipeline that runs across the site; evacuation plans, in the event of a bushfire or other major event); **minimising anti-social behaviour** (e.g., cars doing burnouts on the internal roads or using them as a raceway); and **uncertainty about the breadth of permitted/proposed future activities** across the site (‘logistic’ or otherwise). For example: Are petrol stations, vehicle service centres, food outlets, gyms or other recreational facilities, breweries, and so on, ever likely to be proposed or permitted – and how will risks associated with the presence of the gas pipeline impact on the permitted activities?

**Water and Energy Management:** A quick scan of the EIS appendices suggests that some **positive water and energy management/efficiency measures are in place**. For example, various water tanks and associated systems are proposed, **separately managed** for the warehouses on Lot 102 (**Appendix G16**) and Lot 107 (**Appendix G17**).

**Ecologically Sustainable Development (ESD)** aspects of the proposal are detailed in **Appendix G32**. The **orientation and design of buildings** will assist in: maximising daylight and views (to improve occupant’s comfort); managing solar exposure; and meeting **stringent energy efficiency requirements** - including appropriate insulation, glazing, and shading (to minimise additional heating and cooling requirements) and on-site solar panels (minimum 100kW system on each warehouse building) (EIS, Section 6.19).

**Mitigation:** The EIS also refers to **“a package of mitigation measures”** (Page 128), noting that: *“During the operation of the development, **further mitigation and minimisation methods should be adopted ...**”* – the current list includes: *“Develop a Vegetation Management Plan; Reestablish vegetation on entrance road batters; Establish periodically dry movement corridors within culverts [to allow for terrestrial fauna movement]; Evaluation of canopy distance at the entrance road to determine post clearing suitability of arboreal movements; Repurposing hollows or provision of artificial hollows; Fauna exclusion from operational land”.*

These measures are detailed in a 225-page *Biodiversity Development Assessment Report* (BDAR, **Appendix G8**) – but they obviously **need to be monitored and reported on** as the Estate develops.

## D. Cut/Fill, Landscaping and Conservation Plans:

**Clearing:** We have previously suggested that the planned total clearing and leveling of these sites is inappropriate, especially given the rural context, green corridors through the area, and considerable local wildlife – preferring instead **a more sensitive and purposeful staged approach to clearing**.

However, we do acknowledge that this may be impractical, especially given the existing and variable levels of site contamination. Consequently, well thought through strategies for **protecting conservation areas** and riparian zones, **establishing appropriate transitions** between developed and conservation areas, and **re-planting and maintaining lots of trees** across the remainder of site may be a better way to go (*see below*).

Almost 50 ha of Native Vegetation will be removed as part of the proposal (EIS, Page 126); however, it is claimed that there will be **minimal if any biodiversity impacts on the Environmental Conservation Lot** (Pt. 108, C2-zoned).

Moreover, with respect to Environmental Amenity and Black Hill's rural character, **retention of bushland around the perimeter of the site** is acknowledged in the EIS: *"Retain existing bushland surrounding the development, including along John Renshaw Drive, and ensure the clearing of bushland along John Renshaw Drive is minimized as much as possible to only the extent of new entry/road infrastructure"* (Page 125).

**Rural/Bushland Feel:** Perhaps counter-intuitively, the current proposal for the HCLE also has several features that could help to **maintain some aspects of the existing rural feel**, or, at the very least, facilitate retention of small, treed **stepping-stone areas** across the site. For example, having a relatively small number of internal roads and large lots, with large well-spaced warehouses, and a modest number of vehicle entry points per lot, effectively means that it should be possible to **retain and/or re-plant a substantial number of trees** – along the street frontages, as vegetated buffers along the back of the properties, and for shading within car park areas.

In combination with the C2-zoned lots on JRD, treed buffers adjacent to the Environmental Living (C4-zoned) blocks on the southern side of the development (**an ongoing community request**), and the surrounding conservation areas (see **Appendix B** to this submission), it should be possible to maintain a **reasonable level of conservation connectivity** across this sub-region as well as improving the estate's overall look and helping to **reduce visual and noise impacts on local amenity**.

Some of these suggestions are already reflected in aspects of the Landscape Plans (**Appendix G3**) and elsewhere, but it is also desirable to **build obligations relating to conservation connectivity into the Conditions of Approval**.

**Fauna:** While keeping fauna out of operational areas may be a desirable goal (e.g., using fences and other barriers), as well as an appropriate mitigation measure, it may be best achieved by ensuring that there are other (offsite) **viable connection paths within the surrounding areas** – which could also be supported by appropriate local biodiversity offsets or other contributions (e.g., to Conservation Trusts, Stewardship Sites, etc).



**Contamination:** The site has been **remediated previously** (from its days as a poultry farm) to “... *a level suitable for rural uses*” (EIS, Page 52). A Detailed Site Investigation (DSI) was undertaken (**Appendix G12**) to determine further remediation requirements that are suitable for an industrial estate.

With respect to dealing with **known contamination on the site**, there has been a change to the proposed remediation strategy (**Appendix G13**). It is now proposed to dispose of construction and general waste offsite but to **place excavated contaminated materials into an onsite containment cell(s) and to cap this area**. This approach reduces other risks (from transporting contaminated waste offsite) and is considered to be highly compatible with the construction methods employed for the warehouses, which have some capping as part of their design.

Obviously, from a community perspective, **this aspect of the proposed development will need to be carefully evaluated and monitored** (potentially on an ongoing basis) to minimise potential contamination impacts on the local environment and, in particular, on nearby waterways, the Environmental Conservation Lot and the water detention basins.

**VPAs and Offsets:** There are currently two registered Voluntary Planning Agreements (VPAs) associated with this development, which are detailed in Appendix G42 (**Biodiversity VPA**, Dealing AP479529B) and Appendix G43 (**Infrastructure Contributions VPA**, AQ372396; associated with the site’s location within an Urban Release Area, and worth approx. \$6.8m). Other Council levies will also apply.

Establishment and ongoing management of the onsite Environmental Conservation Lot (Pt. 108) may well be considered sufficient to meet most of the Biodiversity Offset requirements, but this **requires further clarification**.

The Biodiversity Development Assessment Report (BDAR) in **Appendix G8** concludes: “*The current method to retire credits for the proposal has not been determined and will be dependent on the availability of credits on the open market, viability of establishing a stewardship site in the locality or retirement of credits via payment into the Biodiversity Conservation Fund (BCF). It is likely that credit retirement will incorporate a combination of these options as the development is delivered*” (Page 107).

Additionally, “... *the Applicant is prepared to accept a condition of consent requiring a restrictive covenant over the C2 zoned land and requiring further offsetting if this is required as a result of the BDAR*” (EIS, Page 130).

Hopefully, when the initial and ongoing ‘offset requirements’ for the HCLE site are clearer, community members will be able to **agitate for local offsets** that provide complementary or consequential benefits for similar nearby lands within the local area (i.e., around Black Hill, Buttai and Stockrington). With reference to **Appendix B**, for example, it may be possible for owners of HCLE lots to work together with Yancoal to ensure ongoing protection of the Donaldson-Abel “Bushland Conservation Area”. Alternatively or additionally, nearby stewardship sites may be able to be identified, such as the (currently privately owned) block between the HCLE and the “Bushland Conservation Area”, or the block(s) on the southern side of Black Hill Road that would provide a continuous connection to the Stockrington State Conservation Area (see image in **Appendix B**). This would have a certain sort of ‘regional symmetry’ to it, as the establishment of Stockrington State Conservation Area resulted from the transfer of 545 ha of Coal & Allied land

from private to public ownership, linked in part to Concept-level approval for what is now the HBP Industrial Estate in Black Hill.

## E. Proposed Additional JRD Intersection:

We do not have any specific suggestions about the design of the proposed **four-way signalised intersection** at the JRD and Donaldson-Abel Mine Access or about the **duplication of lanes** on JRD (presented in **Appendix G44**) – other than a request to **minimise the removal of bushland** adjacent to these areas, as per our earlier comments.

While ‘**active transport**’ options for this site may not be jumping off the page right at the moment, this is likely to change in the near future – including cycling connection opportunities associated with finalisation of the M1 Extension from Black Hill to Raymond Terrace, and implementation strategies arising from the *Hunter Strategic Regional Integrated Transport Plan* (SRITP) that is currently being reviewed.

So, some of the ‘Shared Path’, ‘Pedestrian Crossings’, and ‘Bus Bay’ options identified as ‘Future’ possibilities in **Appendix G44** may be required sooner than is currently planned – for which we request that you undertake **appropriate consultations** with local residents and user groups.

## F. Other Traffic Concerns:

Two EIS appendices, **Appendix G21** (*Traffic Impact Assessment*) and **Appendix G22** (*Traffic Modelling Report*), were produced by Stantec Australia Pty Ltd, with the front pages of both reports proudly stating “**We design with community in mind**” – a promise that we would like to hold them to (together with the HCLE proponent).

**Traffic Volumes associated with the Development:** Likely peak-hour traffic volumes during the **Construction phase**: **heavy construction vehicles** – “*in the order of 30-to-50 vehicle trips per hour*”; personnel and heavy vehicles **combined** – “*250 trips per hour which is minor when considered against existing traffic volumes on John Renshaw Drive, Hunter Expressway and M1 Pacific Motorway and below the operational traffic volumes generated by the fully developed subdivision*” (EIS, Page 156).

**Operational phase:** The Project’s Gross Floor Area was calculated to be 220,000m<sup>2</sup>, while “... the site’s overall operational traffic was conservatively modelled on a floor area to lot size ratio of 35 percent, corresponding to a **peak trip generation of 450 vehicles during AM and PM peak** (including Lot 102 and 107)” (EIS, Page 157). [For the two warehouses alone, AM and PM peak estimates were 158 and 139 vehicle trips respectively].

If 40% of the HCLE-generated traffic is associated with a westerly route (i.e., heading to or from the west along JRD), then, over time, during the operational phase **approx. 180 additional vehicle trips per peak hour** [or one every 20 seconds] **would be added to the traffic around the JRD/Black Hill (BH) Road intersection** – further strengthening arguments for the **need to upgrade this intersection** to improve its performance for visitors and residents using BH Road.

**John Renshaw Drive’s (JRD’s) Dual Role:** JRD is a State significant road (and part of MR588 from Beresfield to Cessnock), as well as being part of the National Land Transport Network; consequently, protecting and improving this key road corridor and its day-to-day traffic network flows is a concern for all levels of government (and for TfNSW). However, **importantly, JRD also**

serves a very local, unique and exclusive function for small communities such as Black Hill, as it provides access to BH Road - the **primary local thoroughfare** for our small community!

**John Renshaw Drive (JRD)/Black Hill (BH) Road intersection:** Clearly, this intersection is **poorly designed** (e.g., located at a JRD dip and slight curve; and with inadequate sight distances), **not fit for purpose** (e.g., inadequate entry/exit/slip lanes; increased JRD traffic volumes and bunching; unsatisfactory and increasing delays for local traffic), and poses an **ongoing safety and lifestyle risk** for Black Hill residents and visitors – which **will only get worse** and be further compounded by changes to JRD traffic flows and bunching associated with the approved and proposed JRD industrial estates (and signalised intersections) at the eastern end of Black Hill.

The JRD/BH Road intersection was beyond the extent of the (VISSIM microsimulation) traffic modelling that was conducted for the HCLE proposal (**Appendix G22**). However, Section 8.6.2 of the *Traffic Impact Assessment* (**Appendix G21**) did offer some commentary about the JRD/BH Road intersection, including the following:

*“... traffic delays are expected to increase at the John Renshaw Drive/ Black Hill Road intersection, **particularly for right turn movements in and out of Black Hill Road**, as a result of increasingly heavy eastbound and westbound flows on John Renshaw Drive. Site observations indicate that peak period turning movement **delays are already experienced** at the Black Hill Road intersection. Black Hill Road also has a single lane intersection approach with an uphill gradient that further limits efficient intersection operation”* (Page 35); and

*“... any impact [from the Proposed Development] to the John Renshaw Drive/ Black Hill Road intersection is limited to additional through traffic on John Renshaw Drive, in conjunction with the BHI [HBP] Site traffic and background traffic growth”; and*

*“It is likely that TfNSW will need to develop a **medium-term intersection upgrade** (or restrict turning movements) to maintain safe operation of this intersection during road network peak periods, noting that access is also available from the eastern end of Black Hill Road as discussed”* (Page 35).

To **add weight to these observations**, SIDRA modelling in 2023 for the actual JRD/BH Road intersection, associated with the proposed Waste Facility at Black Hill Quarry [Planning Panel Matter: PPSHCC-254 – Cessnock – DA 8/2023/622/1], found that the Level of Service (LOS) for the intersection would fall sharply between 2024 and 2034 from **B (Good, with acceptable delays)** to **F (Unsatisfactory with excessive queuing)** (EIS, Appendix J, Table 5.4) – concluding that “... *the modelling shows that the increase in traffic using the John Renshaw Drive/Black Hill Road intersection from the approved Black Hill Industrial Development will result in the **failure of the intersection** regardless of the proposed waste facility development*” (Page 33).

**Request for JRD/BH Road Intersection Upgrade:** While the current HCLE proposal will not be the only contributor to the increasingly poor performance of the JRD/BH Road intersection, it will make a significant contribution [particularly when the whole of Stage 1 is developed] – and, consequently, the proponents should be **required to make a contribution to the intersection’s upgrade**. Moreover, **improving the intersection’s configuration and performance now** is surely in **everyone’s interests**, before the HCLE is actually operational.

Somewhat curiously, the current JRD intersection that provides access to the Donaldson-Abel Coal Mine site (and which will be re-built as part of the HCLE proposal) provides an almost perfect



template for the required upgrades that Community Members feel are **essential and appropriate for the JRD/Black Hill Road intersection**. **Appendix C** to this submission illustrates our requested upgrades.

## **G. Master Plans and Shared Infrastructure:**

When the 'Beresfield-Black Hill Catalyst Area' was first envisaged, it was acknowledged that the two planned Industrial Estates in Black Hill (traversing the Newcastle/Cessnock LGA boundary) would need to have **complementary and/or shared infrastructure** (e.g., a common intersection, shared stormwater and wastewater infrastructure, shared utilities, progressive staging, and so on), together with an **Overall Master Plan** and **Transport Management Plans**.

To the best of our knowledge, **none of these overarching plans have ever materialised**. For example, we now have relatively unco-ordinated development (and/or competition) across the two Estates, together with two (planned) signalised intersections on JRD (less than 2km apart). As a consequence, we probably need to pay more attention to their **potential cumulative impacts** and, where possible, to adopt suitable mitigation strategies.

**Estate's Internal Roads:** While the current proposal sets aside a large parcel of land for Stage 2 (identified as Lot 109), we would like to **encourage the proponent to fully design and construct the main internal connector road between the two Estates now**, at least to a safe, functional level, even if all of the required (future) intersections are not constructed. As shown in Figure 1 of the EIS (Page 14), the planned internal road already crosses the water and gas pipelines (and currently ends at a 'turning head'). Presumably, the internal road from there to the HBP Estate will largely follow the route of the proposed Pressure Sewer Main – so, these two pieces of infrastructure (and associated utilities) could be constructed in tandem.

The major advantage to having a quality internal road loop now is that it could **help to reduce and moderate the JRD traffic: reduce**, by allowing internal vehicular movements between the Estates to stay off JRD; and **moderate**, by allowing vehicles from either Estate to use the most appropriate exit for their ongoing journey, potentially eliminating one set of traffic lights from their trip. It would also provide an **additional safe exit** if there are any major intersection problems (e.g., accidents, or road works) or other challenges (e.g., bushfires, or spillages).

## **H. Assessment of Cumulative Impacts:**

As we have noted on previous occasions, over the years, **Black Hill and surrounding communities have been impacted by a broad range of large-scale developments** – including: two local **quarries** (Black Hill & Buttai Quarries); three local **coal mines** (Bloomfield, Donaldson & Abel); multiple major **road upgrades** [JRD, Hunter Expressway, Pacific Motorway (M1) intersection at Beresfield, M1 to Raymond Terrace Extension]; **industrial estate developments** in Beresfield; and, now, the addition of two major IN2 industrial Estates in Black Hill (HBP & HCLE). Future impacts will arise from the **Freight Rail Corridor** and the proposed **Waste Facility** (at Black Hill Quarry).

Notwithstanding, the focus of the Cumulative Impacts Assessment in the EIS is primarily on the '**Black Hill Employment precinct**' (EIS, Page 54) - that is, the **combined impacts from the HBP and HCLE Estates** – which also reflects the *Cumulative Impact Assessment Guidelines for State Significant Developments*. The M1 to Raymond Terrace Extension is categorised 'positively',

because it provides increased capacity for the traffic network, while the Abel Mine is largely ignored because it is currently in 'care and maintenance'.

**Appendix E (Mitigation Measures)** within the actual EIS document "... contains a summary of all specific mitigation measures identified in the EIS **based on specialist recommendations**".

Beyond the expected mitigation measures relating to traffic, infrastructure, environmental protection and operational matters, there are a **small number of measures relating to Social Impacts** ("primarily during the construction period") – which are addressed in Section 6.13 of the EIS, and which flow largely from the SIA.

For example, Social Impacts such as "Permanent change to the rural landscape and local character" and "Amenity impacts arising from the development including air quality, noise and light spill" are regarded as **significant negative impacts** when they occur – and are categorised as 'Way of life', 'Health and Wellbeing', 'Surroundings', and 'Access' Social Impacts (EIS, Table 27).

Most of the proposed Social Impacts mitigation measures fall into the category of **ongoing Community Consultation** post Approval. Several of the suggested engagement strategies sound reasonable, including the 'Community Communications Strategy', 'Community Engagement Plan', 'Social Impact Management Plan' and 'Grievance mechanism system' (EIS, Pages 166-167) – however, the key element in all of these needs to be '**early, meaningful engagement with local communities**' and not simply a 'reporting function'.

In concluding, it is worth noting that several of the past large-scale developments in our area have had **specific Community Commitments** associated with their Approvals, in **partial recognition of their potential ongoing negative impacts on the local environment and/or community**.

For example, the Approvals associated with the **Coal & Allied land transfers** referred to earlier (Major Project 10/0093), which were essentially offsets linked to the establishment of an industrial estate in Black Hill and housing estates in and around Minmi, contained a range of Commitments including a \$10m contribution to **Community Infrastructure** (comprising \$2m for Black Hill and \$8m for Minmi).

Likewise, as part of the Approvals for the Abel Underground Mine, Donaldson Coal Pty Ltd committed \$2m towards **Environmental and Community Enhancements**, which included \$1m for a Conservation Trust, \$500,000 for a Job Creation Trust, and \$250,000 each for a Community Welfare Trust and for Road Safety Improvements (actually, to the JRD/BH Road intersection).

Even if no specific Financial Commitments to Local Communities are made as part of the current HCLE Approvals, there are a range of Contributions (e.g., via the VPAs, Council Development Levies) that could be **partially returned to the local community** by way of road intersection/safety upgrades or improvements to the local environment (e.g., conservation offsets, stewardship sites).

**Thank you** for considering this submission from our Community Groups.

Authorised by:

Terry J. Lewin, on behalf of the Community Groups



cc. Ward Councillors, Members of the Community Groups, Other Agencies.

## **Appendix A: Issues and Questions Raised by the Community Groups in April 2024 during Community Consultation undertaken for the Social Impact Assessment (SIA)**

### **Some questions from the Black Hill Environment Protection Group and the Buttai Community Development Group (April 2024)**

**Re: State Significant Development Application (SSD-64738258)** - Revised Industrial Development Proposal by Broaden Pty Ltd at 1134 John Renshaw Drive, Black Hill.

**A. Local Context:** Black Hill is essentially a small, semi-rural community sitting at the edge of the Hunter Wetlands and at the Northern end of the Sugarloaf Range, with the Watagans to Stockton Biodiversity Corridor running right through it.

1. What steps are being taken to **protect the distinct long-standing rural nature and character** of Black Hill and its surrounds?
2. As this is the 'eastern gateway' to the Cessnock Area - How are the **rural, tourism and recreational aspects of Cessnock's image being protected** and enhanced by this development?
3. Will the proponent make an **explicit commitment** to the local community that they will **not seek road access between the Estate and Blackhill Road**? [In accordance with Cessnock City Council's Development Control Plan for Black Hill (DCP, Chapter E18)].

**B. Strategic Context:** Related to the above ... Beyond the explicitly 'industrial aspects' of regional planning documents, such as the Hunter Regional Plan 2036 & 2041 and the Greater Newcastle Metropolitan Plan 2036, there are clear strategic Directions and Actions relating to community and environmental character and protection – which still appear to be largely ignored by the current proponent.

4. How is the proponent addressing the 'non-industrial' aspects of Regional Strategic Plans – for, example, the strategic Directions and Actions relating to **protecting communities, preserving local character and identity, promoting better integration with the natural environment, conservation connectivity**, and so on?

**C. Operational Issues:** The local community has never actually been consulted about 'hours of operation' or the possibility of a 24/7 automated IN2 Estate in Black Hill.

[As noted in Cessnock City Council's initial comments (28/11/2023) about the Scoping Report: "*The likely visual impact of the proposed development needs to be sufficiently identified, particularly with respect to screening the proposed subdivision from John Renshaw Drive and the cluster of C4 Environmental Living zoned rural-residential properties that lie to the south of the Site*".]

5. Will the proposed Estate **operate continuously (i.e., 24 hrs per day, 7 days per week)** and how will potential **impacts on local amenity** be managed and minimized (e.g., environmental, noise, stray lighting, safety and other amenity impacts)?
6. What **water and energy management/efficiency measures** will be utilised in these enormous warehouses (e.g., water and wastewater tanks, solar panels, etc)?

**D. Cut/Fill, Landscaping and Conservation Plans:** The planned total clearing and leveling of this portion of the site is inappropriate, especially given the rural context, green corridors through the area, and considerable local wildlife.

[As noted in Cessnock City Council's initial comments (28/11/2023) about the Scoping Report: *"The proponent should ensure that the extent of cut and fill is not excessive and the relationship of finished levels to the boundary interfaces does not result in unreasonable impacts and poor amenity outcomes. ... The application should provide details about the manner in which the earthworks will transition across the development site"; and "The retention of vegetation along the southern boundary of the Site would assist in mitigating potential land use conflicts"*].

7. How can you **justify the planned total clearing and leveling** of this portion of the site, especially given the rural context, green corridors through the area, and considerable local wildlife?

8. **Will substantial vegetated buffers be provided on all sides** of this Estate to reduce its apparent size, improve visual amenity, and promote connectivity conservation?

9. What steps will be taken to **establish and maintain roadside trees** across the Estate and to manage the **transition between the developed and conservation areas**?

10. How will **riparian zones be established and maintained** in perpetuity within the C2-zoned Environmental Conservation Block (Pt. 108)?

11. What is the **current status and nature of the Voluntary Planning Agreement (VPA)** about this site that was signed with Cessnock City Council, and does it need to be changed?

**E. Proposed Additional JRD Intersection:** More detailed information is clearly needed about the proposed additional signalised intersection on John Renshaw Drive, as it will have a substantial impact on local and regional road networks. Furthermore, is the possibility of future road connections to Ashtonfield through Yancoal's land being taken into account?

12. Will the proposed **signalised intersection be built to a sufficient standard** to reduce current and future disruption to John Renshaw Drive traffic flows (i.e., number of through and turning lanes, length of entry/exit lanes, complementary timing with nearby intersections, etc)?

**F. Other Traffic Concerns:** Blackhill Road is essentially the only thoroughfare for local residents and visitors and it already poses considerable safety risks – along its full length and at the intersections [especially given the 100km speed limit on JRD]. Clearly, there will be substantial future increases in traffic volumes on JRD associated with the two IN2 industrial estates in Black Hill – as well as associated increases in traffic bunching from multiple additional sets of JRD traffic lights.

13. The intersection of Blackhill Road with John Renshaw Drive is poorly designed and is particularly difficult to negotiate during peak periods. As there will be substantial future increases in traffic flows at this location, how will these **day-to-day traffic impacts on the Black Hill community be mitigated**?

**G. Master Plans and Shared Infrastructure:** Related to the above ... There still appear to be **no genuine Master Plans or overall Transport Management Plans** for the combined IN2 Industrial Estates – which makes it harder to evaluate this proposal's level of compliance, and/or the likely cumulative benefits or drawbacks.

14. Why are there **no genuine Master Plans or overall Transport Management Plans** for the whole of the Black Hill Catalyst Area – especially since the two Estates were also supposed to be integrated and to share common infrastructure (e.g., integrated utilities, centralised waste and stormwater management, shared intersections, public transport connections and shared pathways, etc)?

15. Will we be left with **disconnected and inefficient Estates that effectively add to the congestion** on the road network and compound their cumulative impacts?

16. Surely, requiring the Estates' proponents to develop a **high-quality internal road link between the two Estates now** would actually improve traffic flows on John Renshaw Drive and enhance the ability to provide public transport to the two Estates?

**H. Assessment of Cumulative Impacts:** Local communities have already been impacted by numerous large-scale developments, including: two local quarries (Black Hill and Buttai Quarries); three local coal mines (Bloomfield, Donaldson and Abel); multiple major road upgrades [JRD, Hunter Expressway, Pacific Motorway (M1) intersection at Beresfield]; industrial estate developments in Beresfield; and, now, the addition of two major IN2 industrial Estates in Black Hill. Future impacts will also arise from the approved M1 to Raymond Terrace Extension and the proposed Freight Rail Corridor.

17. Over the years, Black Hill and surrounding communities have been impacted by a broad range of large-scale developments - How will these **cumulative impacts on the local community and environment (and the addition of the proposed IN2 Estate) be assessed** in the current Development Application and **what mitigation or compensation measures are being considered?**

Thank You.

**How the above issues/questions were reported in the final Social Impact Assessment (SIA), Section 5.2 (Page 36) – Appendix G23 of the *Environmental Impact Study* (December, 2024)**

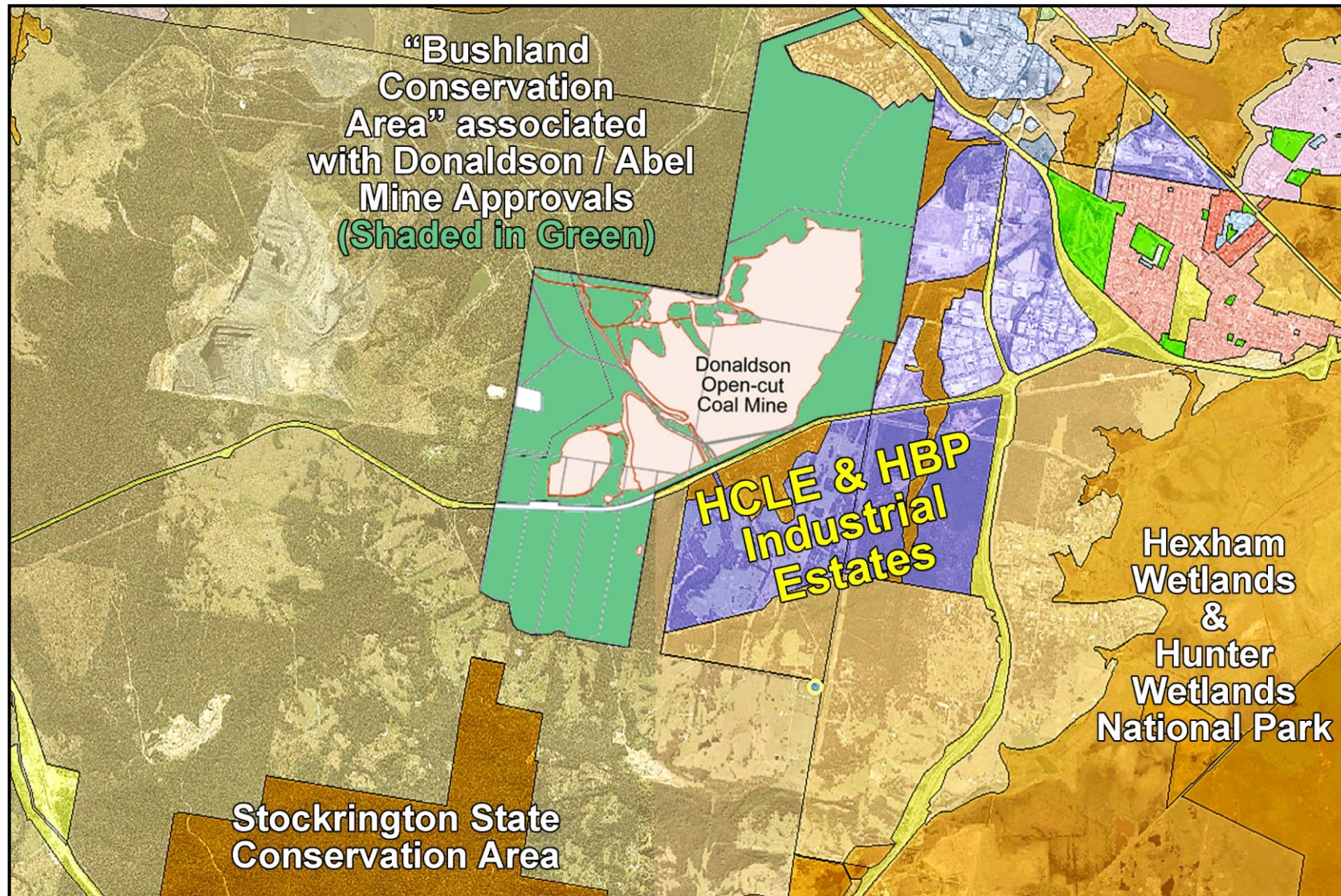
### **3.5.2 Community Groups**

One submission was received on behalf of the Black Hill Environment Protection Group and the Buttai Community Development Group. The email submission received 1 May 2024 (also provided through the survey) raised several questions related to:

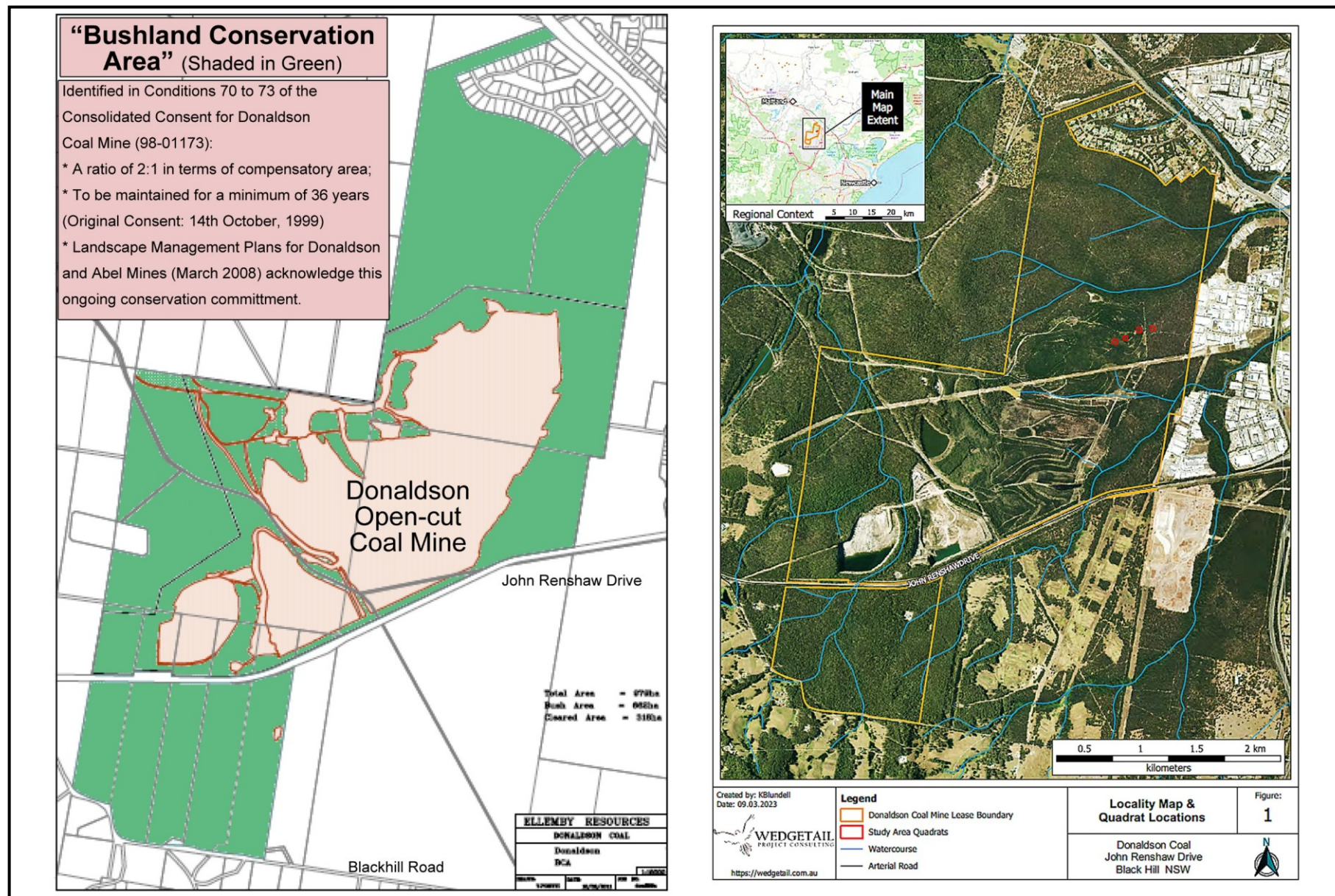
- **Protecting the rural nature and character** of Black Hill and surrounds, in particular whether **landscape buffers** will be provided as part of the screening of the development.
- Commitment that the proponent will **not seek road access to Black Hill Road**.
- The management of **operational amenity impacts** including noise, light, safety etc.
- How **traffic safety** in particular the performance of **Black Hill Road and John Renshaw Drive intersection** with future traffic generation
- **Cumulative impact** resulting from large scale development in the area and the changing landscape.



**Appendix B: Conservation Areas Surrounding the Black Hill Industrial Estates.** See next page for details about the establishment of the Donaldson “Bushland Conservation Area” (*left image*) and the successful monitoring, maintenance and rehabilitation of the Donaldson Mine site that is occurring (*right image*; from Annual Review 2023-24, Appendix 6, Rehabilitation Monitoring, Figure 1 – Locality & Watercourses).









**Appendix C: Stylised Version of Requested Upgrades to John Renshaw Drive (JRD)/Black Hill (BH) Road Intersection.** This image illustrates our preferred “Seagull T-intersection” layout and the key elements that are required. [The base photo for this image is a 180-degree rotation of a recent satellite image of the JRD/Donaldson-Abel Mine Entrance intersection (from the NSW Government’s ePlanning Spatial Viewer)].

