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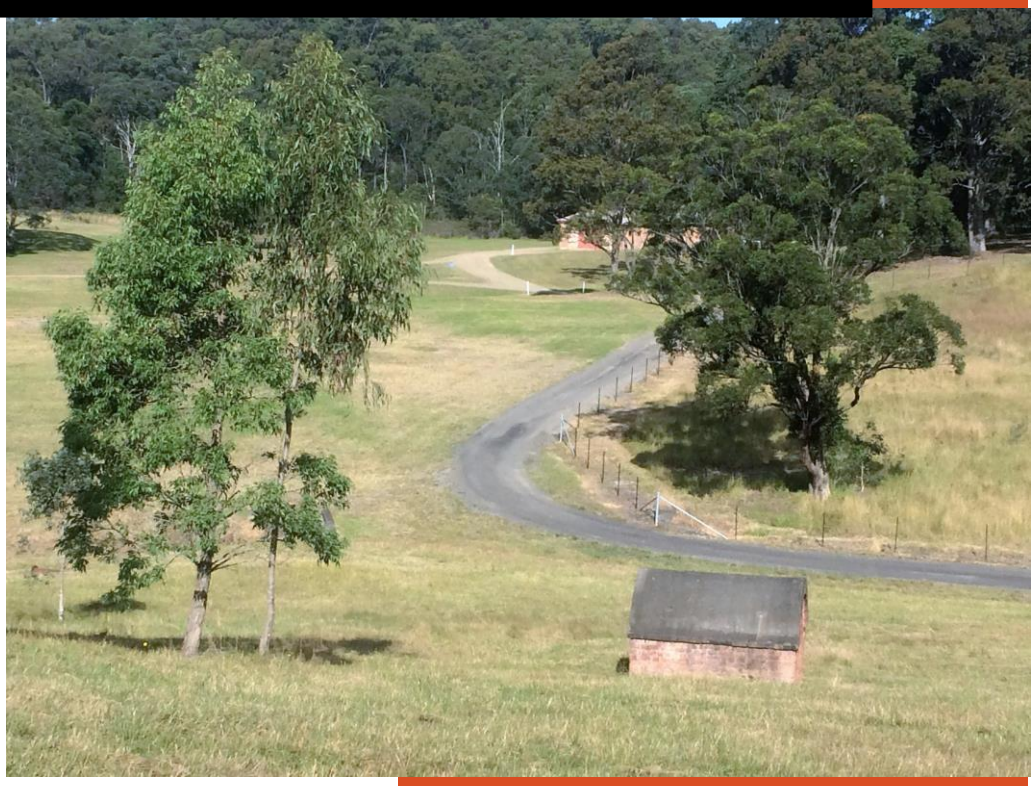
Statement of Environmental Effects: BlackRock Motor Park 282 Rhondda Road, Wakefield, 2278



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ELEMENOP Pty Ltd

Prepared for Submission to:
LAKE MACQUARIE CITY COUNCIL

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Draft 1	20/02/2017	James McKee	Ian Power
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Signed

Ian Power

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Executive Summary

This development proposal is for approval to construct a Recreation Facility (Major) on the site and named as the BlackRock Motor Park (BRMP).

The proposed development has been the subject of close consultation with Lake Macquarie City Council from initial discussion in March 2016 through to the present time. This final development proposal has continually evolved over this time period following input from numerous sources including LMCC officers and various consultants engaged to work on the project.

The BRMP is a fully integrated development proposal with the centerpiece being a track circuit, which is complemented with buildings and activities normally directly associated with the operational use of this track circuit, principally used for driver training, supplemented with motor park/resort short stay accommodation and motor vehicle related recreation facilities.

In land use terms the proposed development is prohibited under the various zonings of the site. However the proposed development enacts the *Conservation Incentive* of Lake Macquarie Local Environmental Plan 2014 (LMLEP2014), wherein the consent authority, being satisfied with a proposal's compliance with set criteria, may grant consent to development for any purpose.

A comprehensive Conservation Management Plan has been prepared in consultation with key consultants to ensure an integrated approach to conservation of the cultural significance of the place and interpretation as a form of conservation and demonstrating acknowledgement of the site's known historical heritage values and previous mining use of the site.

It is considered that the justification put forward in the Conservation Management Plan, combined with the integrated design of the development, will result in full compliance with the *Conservation Incentive* clause. It thus should satisfy the consent authority in terms of the set criteria and thus provide the mechanism for its approving the proposed development utilising, the land use definition of Recreation Facility (Major) on the site.

The site is in a mixed land use area and is bordered on three sides by industrial related land uses and on one side by hobby farm use. The proposed development will predominantly provide and facilitate driver training, motoring experiences, eco-tourist resort accommodation, adventure tourism, corporate function facilities and provide employment and training with the various building components detailed within this Statement of Environmental Effects (SEE). The proposed recreation facility use is therefore not considered to be out of character with land uses in the immediate area.

Specialist consultants have been engaged and have reported comprehensively on the development proposal. These reports have been provided as annexures to this Statement of Environmental Effects (SEE) and address architecture, traffic, landscape architecture, civil engineering, on-site waste water disposal, mine

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subsidence, water management, bushfire, quantity surveying, ecology, contamination, risk screening, heritage conservation, disability access, crime risk, social and economic impact, waste management and noise. These reports consider the environmental implications of the development and along with this SEE confirm that there should be no adverse environmental effects brought about by approval of the development as proposed and importantly the site is suitable for the proposed use.

This proposal is an Integrated Development Application requiring approval from Mine Subsidence Board, Office of Water NSW and Rural Fire Services. It is considered that the present development proposal should be able to be approved by these three authorities.

The provisions of statutory environmental planning instruments (State Environmental Planning Policies (SEPPs) and Lake Macquarie Local Environmental Plan 2014 (LMLEP2014)) and non-statutory controls (Lake Macquarie Development Control Plan 2014 (LMDCP2014)) have been considered in detail by this SEE. It is considered that the present development proposal complies with relevant SEPPs and LMLEP2014 and is consistent with the provisions of LMDCP2014. On this basis the presented development proposal should be recommended for approval by Lake Macquarie City Council and approved by the Hunter and Central Coast Joint Regional Planning Panel.

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1 Introduction

This Statement of Environmental Effects (SEE) has been prepared on behalf of Elemenop Pty Ltd to accompany the Development Application (DA) for a proposed Recreation Facility (Major) and described as BlackRock Motor Park (BRMP).

The primary issues that are addressed in this SEE include:

- A description of the site and locality analysis;
- Details of the proposal, including the proposed development footprint, scope of works and operational details;
- A comprehensive assessment of key issues relevant to the proposal, in particular the suitability of the site to accommodate the development and the key design considerations;
- A detailed summary and assessment against the relevant heads of consideration under Section 79C of the Environmental Planning and Assessment Act, 1979 (as amended); and
- A conclusion of findings based on the assessment provided within this report and associated specialist studies / plans.

The BRMP is a fully integrated development proposal with the centerpiece being a track circuit, which is complemented with buildings and activities normally directly associated with the operational use of this track circuit, principally used for driver training, supplemented with motor park/resort short stay accommodation and motor vehicle related recreation facilities. The various components of BRMP is provided in this report at Section 2- Proposed Development.

Integral to the BRMP's physical design is a full acknowledgement of the site's known historical heritage values and previous mining use of the site. This has been achieved by:

- ensuring an integrated approach to conservation of the cultural significance of the place and interpretation as a form of conservation by coordinating this objective throughout architectural and landscaping elements of site planning and development of the project as presented in this development application.
- providing an architectural solution where the existing site conditions have been extensively analysed and integrated including inclusive consideration to mining heritage, ecologically sensitive areas, overland flow and natural drainage patterns, bushfire prone land and topography.
- providing a landscape proposal that aims to provide a setting for the Motor Park which reflects the natural bush setting, enhances the heritage values of the site whilst also creating a site which is captivating and exciting for active recreation users.
- the conservation of the former pony stable building and its adaptive reuse and retention and protection of the existing ammunitions store building.

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- the architectural design of new buildings which take into consideration the former location and industrial building design elements that were inherent in the site's historical mining usage,
- through the operational phases the provision of commentary through visual text as well as mediums such as virtual reality modelling and 3D rendering.
- By celebrating the use of the site, being a non-renewable piece of infrastructure, the new use which will partly be a home of testing renewable vehicles can be celebrated, bringing a new niche into the Hunter Regions social and economic fabric.

1.1 Ownership

The site is currently owned by Mount Thorley Operations Pty Ltd a wholly owned subsidiary of Coal & Allied.

A letter of authority has been supplied from the owners allowing Elemenop Pty Ltd to lodge and deal with all relevant parties in regards to the development application.

The site is described as Lot B in DP339863, Lot 101 DP1073163, Lots 75 & 76 in DP 755262 and Lot1 in DP963356 with an overall area totalling approximately 255ha.

1.2 Background

Alexander L. Donaldson, Henry Donaldson and James Donaldson purchased Portion 75 (40 acres) and Portion 76 (40 acres) on 15 July 1867. The Donaldson's purchased an additional 305 acres (Portion 13) under the Crown Lands Alienation Act 1861 on 23 December 1902.

The 1880 Plan of Portion 13 described the land as grassed with a swamp extending across part of Portion 13, Portion 74 and Portion 75 (Plate 1). In 1880, improvements included fencing to the value of £51 and ringbarking and other improvements to the value of £20.

The Donaldson's leased the land to William Laidley & Company. The Donaldson's also received "4d on round coal, 1½d per ton on small, and 3d on unscreened coal" (Newcastle Morning Herald and Miners' Advocate 20 May 1903:7).

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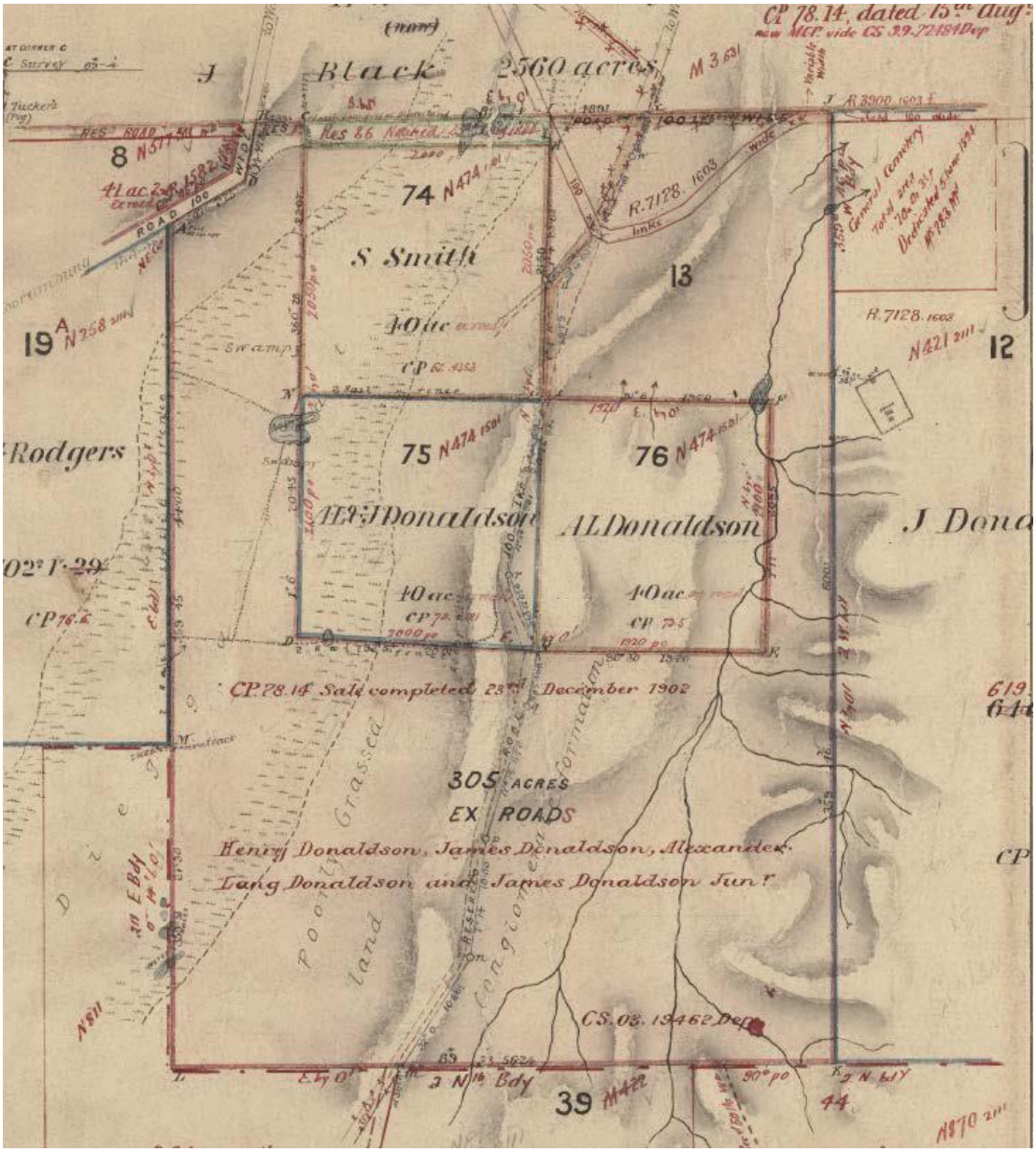

Figure 1: Plate 1 Portion 13 Parish of Teralba County of Northumberland (677-2111)

William Laidley & Company, which operated the Co-operative Colliery at Wallsend, established Rhondda in 1900.

Mr James Barr, the proprietors' manager at the Co-operative Colliery, was entrusted with the layout and equipment of Rhondda Colliery, with machinery assembled under the supervision of Mr R W Laidley, consulting engineer. Mr Archibald Gardiner laid out the railway and C. E Hamilton and Mr Ahearn, contractor, of Sydney, constructed the road.

In October 1902, Rhondda included an under-manager's residence, office, stables and goods-shed. Mr Frew had established the Rhondda Hotel, with ample accommodation and a road leading off the Cooranbong Road.

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In March 1909, Messrs. Warburton, Frankl & Company completed a high-tension electrical transmission set up at Rhondda, with a three-phase current at 2200 volts generated at a power-house on the surface and carried in armoured cables to a sub-station below ground, where it is converted to direct current at 250 volts pressure for operating coal-cutters. The high-tension transmission method reduced the loss of power associated with a low-tension system, and ensured the full pressure on and the full output from the coal-cutters. The machinery was manufactured by Messrs.

William Laidley & Company renamed the lease Northern Colliery in 1931. In 1932 R W Miller & Company, which operated numerous leases on the Greta Seam at Heddon Greta, purchased the Northern Colliery. R W Miller & Company operated the Northern Colliery to provide coal to an extensive steam network that operated out of Newcastle.

In 1949 the Fassifern Seam was exploited to boost production with an inter-seam drift constructed between the Great Northern Seam and Fassifern Seam to allow the transport of materials between the seams. Coal from the Great Northern Seam and Fassifern Seam was mixed as part of the screening process due to the inferior quality of the Fassifern Seam compared to the Great Northern Seam.

In January 1952 R W Miller advertised for a Manager for the Northern Colliery noting, "Rhondda Colliery is being mechanised to produce 1,200 tons" of coal per day. The mechanisation allowed concurrent mining of the Great Northern Seam and Fassifern Seam.

On 10 March 1971 R W Miller announced the closure of the Northern Colliery citing insignificant reserves remaining uncovered and the cost of winning the coal and the quality of remaining coal as the reasons for the closure. The Northern Colliery ceased production on 12 March 1971, at which point the mine caught fire (Plate 6). With a number of unsuccessful attempts to extinguish the fire, the mine was sealed.

****

The feasibility of building a "driving education and recreation centre" and "adaptive re use and rehabilitation of a historic mine site" was prepared for the present site, for the Palmer Group in March 2016.

A Pre DA meeting was held at Lake Macquarie City Council on the 7th of April 2016. This meeting discussed the matters regarding development permissibility and the identification of key issues to be addressed in any future development application.

This development application has been prepared taking into consideration the outcome of this meeting and subsequent meetings and briefings with Officers and Councillor's of Lake Macquarie City Council.

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1.3 Site and location

The site is located in a mixed land use area comprising predominant industrial related uses, inclusive of active mine sites (Newstan, Westside and West Wallsend Colliery's), Metromix Quarry and Macquarie Coal Preparation Plant, all located to the north, east and south of the site..

Residential homes are located in a rural residential – hobby farm enclave mixed with disused chicken farm buildings immediately to the west of the site and to the east of the village of Wakefield.

The site itself shows evidence of being a former mine site operation with large areas previously disturbed during mining operations. These include the Mine site pit entry (which houses the only remaining buildings including the Pony Stable and Munitions Store and former Hotel, Office and Cottage), chitter dump, open cut area and ridge quarry pit test area and numerous track linkages throughout the site.

Figure 2 Site Location (SIX Maps)

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2 Proposed Development

The aim of this section is to cover operational details about how the proposed development works. This does not cover its assessment against planning controls. It considers operational details and describes the proposal to a varied audience.

2.1 Summary

The proposed BlackRock Motor Park (BRMP) can be classified as a recreational facility (major) according to the definitions contained within Lake Macquarie Local Environment Plan 2014.

BRMP will predominantly provide and facilitate:

- Driver training centre catering for every type of licence and vehicle.
- Motoring experiences centre for public and private activities.
- Eco-tourist resort.
- Adventure tourism based experiences.
- Centre of Operations and training centre incorporating a corporate function centre.
- Link to existing tertiary education centres in the region to provide employment and training opportunities.

The BRMP will be marketed as "BlackRock is Australia's first dedicated recreation resort park for motoring enthusiasts.

During its operation the BRMP will cater for Public Experiences, Corporate Events and Member Events.

- Public Experiences will include driver training, public track days and driving experiences.

- Corporate Events, where the resort will be hired out for private corporate events.

- Member Events where members will enjoy private events wherein the resort is closed to the public

The track circuit will be utilised between the hours of 9am and 5pm seven days per week. The hours of operation of the track will be extended from 9am to 8pm during daylight saving. The function centre will operate between the hours of 7.30am to 11pm.

The operation of BRMP will combine to celebrate the previous mining use of the site, transitioning the development from a non-renewable mine to providing leadership role in the creation of an innovation/technology hub related to motor vehicles.

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The BRMP will incorporate the following components as shown in the SHAC architectural package:

Major Components include:

- Track – 4km long private road to facilitate driver training and accommodate safety, education, skills and driver experiences.
- Skid Pan and Safety Training for demonstrations and practice under dry and wet conditions wherein water jets will be utilised to simulate rain and inclement weather conditions.
- Go Karts Circuit that will utilise electric go karts.
- Centre of Operations and Training Rooms - Two Storey Building comprising Ground Floor including – entry foyer, training rooms performance gallery (cars) and ancillary rooms; First Floor including – sports bar, function centre for 120 persons, meeting rooms, office, members bar, members lounge and ancillary rooms.
- Accommodation - Short Stay 20 villa units comprising five building clusters, each with four units with one unit used as a Manager's Residence. Two storey buildings comprising 1, 2 and 3 bedrooms.
- Adventure Playground for children.
- Resort Lodge – Two Storey Building comprising Ground Floor including lounge, dining, games room and ancillary rooms such as kitchen, amenities. First Floor will contain 20 motel style rooms.
- Pit Lane Building – Single Storey Building for the open display of up to 60 vehicles.
- Stable Café within former Pony Stable. Refurbishment of the former Single Storey pony stable comprising café and associated seating, amenities and ancillary rooms.
- Four Wheel Drive Experience. Track located in a lightly treed area to be utilised by four wheel drivers to experience off road conditions.
- Garage Buildings – Single Storey Building comprising on site storage for 162 vehicles.

Ancillary Components Include:

- Mechanics Shed – Single Storey Building comprising workshop, store, office, amenities and various rooms associated with the maintenance and repair of vehicles.
- Fuel Farm comprising above ground fuel storage for 10,000 litres of unleaded fuel.
- Maintenance Shed and Emergency Centre – Single Storey Building comprising emergency services garage, clinic, offices and also maintenance store, office and lunch room.
- Motor Vehicle Parking on-Site comprises: General - 150 spaces; VIP – 17 spaces; Cabins – 19 spaces and Resort Lodge – 11 spaces – TOTAL 197 Spaces.
- Motor Cycle parking on site comprises:– General – 6 spaces; VIP 3 spaces; Lodge 3 space – TOTAL 12 spaces.

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- Bicycle parking on site comprises 10 spaces in dry storage room BO11 within Centre of Operations and Training Rooms building.
- Irrigation Pond
- Sewerage Treatment and Transpiration Areas
- Waste Storage Area
- Site Entry
- Concourse
- Display Lawn for the open display of vehicles.

2.2 Demolition/works being undertaken

There is no demolition of buildings proposed as part of this development.

The works will consist of converting the site to a Recreation Facility (Major) which will incorporate all the components listed in Section 2.1. These works will include construction of a track circuit, internal access roads, go cart track, off street parking, water and sewage infrastructure, various buildings and extensive landscaping.

2.3 Building Design

Architect consultant - SHAC has undertaken the design of buildings and site master planning for this development proposal in conjunction with the consultant project team. The basis of the building design is incorporated in SHAC architectural package – this document forms **Annexure No. 1.**

This document provides an architectural solution where the existing site conditions have been extensively analysed and integrated including inclusive consideration to mining heritage, ecologically sensitive areas, overland flow and natural drainage patterns, bushfire prone land and topography.

The architectural design incorporates the conservation of the former pony stable building and its adaptive reuse and design of new buildings which take into consideration the former location and industrial building design elements that were inherent in the site's historic use as a mine.

2.4 Access and parking

Traffic Consultant - SECA Solution has undertaken a Traffic Impact Assessment for this development proposal in conjunction with the consultant project team. – this document forms **Annexure No 2**.

The assessment included an assessment of the site:

- Existing Situation including access, existing traffic conditions, traffic flows, traffic safety and accident history, parking supply and demand and public transport.

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- Proposed development including the development, access, circulation and parking.
- Transport Analysis including traffic generation, traffic distribution and assignment, impact on road safety, impact of generated traffic (capacity and level of service).
- Improvement Analysis including improvements to accommodate existing traffic, improvements to accommodate background traffic, additional improvements to accommodate development traffic, evaluation.
- Summary and recommendations.

It was found that additional traffic flows, generated by the development for the peak period, will have minimal impact on the operation of the junction of Wakefield Road and Rhondda Road and proposed access to the development site on Rhondda Road.

The main access off Rhondda Road will be improved to allow for all turn movements and will be designed to cater for large vehicles including car transporters. This upgrade will require the construction of a channelised right turn lane to accommodate turning traffic into the site. Investigation included consideration of sight lines east and west along Rhondda Road and found that with vegetation trimming the minimum requirements for sight distance will be achieved.

Various scenarios have been assessed to determine the peak demands for traffic and parking. For the peak scenario, all parking will be accommodated on site. There is also provision of hardstand (skid pan) to provide for absolute peak parking demands associated with one off events. 197 car parking spaces are provided on site. Given the expected operational mode parking demand is estimated at 138 spaces at the "cross-over". There is therefore an expected surplus of parking for the development.

The Traffic Impact Statement report concludes that traffic arrangements for the development proposal are satisfactory and that there are no traffic or parking impediments to the development.

2.5 Landscaping

Landscape Architect - Moir Landscape Consultants has undertaken a Landscape Master Plan Report for this development proposal in conjunction with the consultant project team – this document forms **Annexure No 3.**

This document provides a landscape proposal that aims to provide a setting for the Motor Park which reflects the natural bush setting, enhances the heritage values of the site whilst also creating a site which is captivating and exciting for active recreation users.

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2.6 Stormwater and drainage

Engineering Consultant – Northrop Consulting Engineers has undertaken a Preliminary Engineering Design which includes consideration to Sediment and Erosion Control, Access and Grading, Stormwater Management Strategy, Flooding and Water Supply– this document forms **Annexure 4.**

Stormwater disposal, stormwater quality and oil spills are briefly discussed below. Given the Northrop approach to stormwater management and compliance with Lake Macquarie City Council's (LMCC) controls it is expected that there will be no adverse environmental impact brought about by developing the site as proposed.

Stormwater Disposal:

The on-site stormwater management system has been designed where practical to generally replicate the processes which would occur naturally on site.

The development will incorporate several devices and measures aimed at providing adequate stormwater drainage for minor and major storm events.

The general strategy for the minor storm events is to convey stormwater runoff from the impervious areas to the existing creek corridors that both discharge into an existing water body at the north-west extent of the site. This will be achieved throughout the site via a network of vegetated swales and traditional pit and pipe networks.

Track runoff will be captured via vegetated and bio filtration swales along the tracks flatter sections (<5%) where polished stormwater will then be discharged into the creek corridors. Where the track exceeds a 5% gradient it is proposed that stormwater runoff will sheet off the impervious track area where natural flow regimes will convey runoff to the natural valleys along the track's length. The drainage infrastructure for the track areas will primarily be selected and sized for track safety, water quality and conveyance.

Stormwater Quality:

Water quality treatment measures will manage runoff prior to it entering the natural creek system and have been assessed generally in accordance with Lake Macquarie City Council's Development Control Plan and Water Cycle Management Guidelines.

It is estimated that the proposed treatment measures will adequately achieve the Council's pollutant reduction targets.

Oil Spills:

Oil spills will be managed on site

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During track operation each marshal station around the track will be equipped with an oil spill kit to be deployed in the event of an oil spill.

The pit building and adjacent hard stand area and petroleum storage area will have dedicated spill containment systems in place. This may include hydrodynamic oil separators and the like.

2.7 Servicing

The site is not within an area serviced by Hunter Water with reticulated Sewerage and water reticulation. The site will therefore be self-sufficient in site specific provision of these two facilities through the provision of potable water, effluent management and re-use of water available on site.

Engineering Consultant – Northrop Consulting Engineers has undertaken a Preliminary Engineering Design which is provided at **Annexure 4.** This report was undertaken in close consultation with EPRISK. The report proposes a self-maintained water supply system for the development proposal wherein a harvesting and reuse system is proposed to be employed for the site. Potable water will be provided from roof runoff and captured in a series of interconnected tanks. Non-potable water demands for water reuse will be sourced from the existing large pond located in the north eastern part of the site.

Environmental Consultant - EPRISK has undertaken an On-Site Wastewater Management Assessment which has been provided at **Annexure No 5.** This report was undertaken in close consultation with Northrop. The report calculated water balance and estimated nutrient and phosphorous loading for the developed site and found that insufficient land application area was available for surface and subsurface irrigation. On this basis three options for land application/advanced wastewater treatment are considered acceptable, given site constraints addressed in the report. These are: (a) land application via a series of Wisconsin mounds on slopes less than 15%, (b) Land application via a network of evapotranspiration – absorption ('ETA') beds/trenches on slopes less than 10%, (c) Advanced wastewater treatment and reuse of effluent for irrigation.

Electricity and telephone facilities are currently available to service the site.

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3 Statutory Assessment

This development application will be notified and assessed by Lake Macquarie City Council (LMCC) and determined by the Hunter and Central Coast Joint Regional Planning Panel (HCCJRPP) due to the development having a capital investment value (CIV) over $20 million but less than $30 million.

LMCC is required to consider the matters listed in Section 79C of the EP&A Act in assessment of the proposal.

Section 3 &4 of this report will assess the proposal against the relevant matters of the EPA have been addressed.

3.1 Environmental Planning and Assessment Act, 1979

Section 79C of the EP&A Act relates to the management of development in an environmentally responsible way. The section outlines heads of consideration that may be relevant to a development proposal. The relevant matters have been considered in the preparation of this proposal and are discussed within the relevant sections of this report that follow.

3.1.1 Integrated Development

Under Section 91 of the EP&A Act, a development is integrated if, in order for it to be carried out, it requires development consent from another authority other than the consent authority. It is defined in Section 91(1) as follows:

- *Integrated development is development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent and one or more of approvals from external agencies."*

Section 91A (2) states that:

- *"Before granting development consent to an application for consent to carry out the development, the consent authority must, in accordance with the regulations, obtain from each relevant approval body the general terms of any approval proposed to be granted by the approval body in relation to the development. Nothing in this section requires the consent authority to obtain the general terms of any such approval if the consent authority determines to refuse to grant development consent."*

The following regulatory bodies have been identified in this proposal as external agencies to be consulted under the integrated development provisions:

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3.1.1.1 Mine Subsidence Board

The proposed site is located within the Newcastle Mine subsidence District and is subject to the Mine Subsidence Compensation Act 1961.

Considerations under section 91A (2) include that:

- The proposed site was previously used as a mining site. The mining lease on the site is yet to be relinquished.
- The proposed development is located in the a Mine Subsidence district
- The proposal will require the approval of the Mine Subsidence Board.

A number of meetings have taken place with the Officers of the Mine Subsidence Board and as such the Board has been made aware of the proposed development of the site.

GHD has undertaken a detailed Preliminary Mine Subsidence Assessment which has been provided at **Annexure No 6.**

This assessment considers mining background, overview and assessment of previous investigations leading to a preliminary risk assessment, mining lease relinquishment and closure and further work.

It is noted in the report that Rio Tinto Coal Australia continues to rehabilitate the site to be able to relinquish the lease to meet Department of Industry – Resource and Energy requirements. Development of the site does not require relinquishment of the mining lease.

It is acknowledged that the proposed integrated design of the proposed development has taken into consideration mine subsidence constraints to reduce mine subsidence risk. Whilst going through this process residual risks were confined to:

- Two sections of entrance roads leading to the accommodation.
- Portion of the accommodation (four structures).
- High speed private road and associated unsealed service roads.
- 4WD track
- Open space (both public and restricted access areas.

The Subsidence Advisory NSW (SA NSW) approval will be required following the preparation of further mine subsidence assessment work inclusive of investigation of specific hazards and inform the detailed design treatments. This will include receipt of SANSW approval conditions, any comments from LMCC and findings of geotechnical assessment undertaken for mine lease relinquishment purposes.

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3.1.1.2 Office of Water NSW

Environmental Consultant – MJD Environmental Pty Ltd has undertaken a Water Management Act Appraisal which has been provided at **Annexure No 7.**

This appraisal compares the BRMP against the NSW Water Guidelines for Riparian Corridors on Waterfront Land.

A detailed ecological assessment has been undertaken over the site and included in the SEE as Annexure No 10. This document identified six vegetation communities. MU 5 Alluvial Tall Moist Forrest and MU 37 Swamp Mahogany Paperbark Forest were associated with water course or dams on the site.

The site has had a significant history of disturbance and fragmentation related to the former mining use and coal fire which was confirmed in field surveys. This has resulted in significant modification to the third order water course including wholesale removal of vegetation to filling and piping/construction of rudimentary culverts.

The existing waterway alignments have been reviewed and integrated design of the development proposal has sought to provide the recommended Vegetated Riparian Width wherever possible and where this was not possible the riparian corridor matrix and averaging rules have been applied to the proposal.

The proposed riparian outcome has been mapped in the Northrop report provided at Annexure 4 and the combined documentation provided in this SEE and other consultant reports is considered to result in the development proposal's compliance with the NSW Water Guidelines for Riparian Corridors on Waterfront Land and thus provide long term security of riparian environments on site.

3.1.1.3 Rural Fire Services

Environmental Consultant – MJD Environmental Pty Ltd has undertaken a Bushfire Risk Assessment which has been provided at **Annexure No 8.**

This assessment has considered and assessed the bushfire hazard and associated potential threats relevant to the development proposal. It outlines in detail he minimum mitigation measures which will be required in accordance with the provisions of the Planning for Bush Fire Protection (PBP), 2006 that are implemented through the *Environmental Planning & Assessment Amendment* (Planning for Bush Fire Protection) *Regulation 2007* & the *Rural Fires Amendment Regulation 2007*. This included determining whether the proposed development is bushfire-prone, and if so, which setbacks and other relevant Bush Fire Protection Measures (BPM) will be appropriate.

The proposal type, in part, triggers the criteria outlined with PBP (2006) for Special Fire Protection Purposes (SFPP), specifically the proposed accommodation and Park hub. The remaining proposal elements do not strictly

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trigger the criteria outlined with PBP (2006) for residential and/or SFPP. On this basis approval is required from the NSW RFS through the issue of a Bush Fire Safety Authority under the Rural Fires Act.

It is proposed that a Bushfire Management Plan be prepared to detail site management and fire emergency procedures in accordance with the provisions of PBP (2006), prior to commencement of the BRMP operation.

It is concluded that implementation of the measures and recommendations provided within this report would contribute to the amelioration of the potential impact of any bushfire upon the development site.

The Bushfire Threat Assessment has considered the relevant statutory provisions and determined the proposal is able to comply with PBP (2006).

3.2 Environmental Planning and Assessment Regulation, 2000

Schedule 3 of the Environmental Planning and Assessment regulation lists development that is classified as designated development. This development is not designated development.

3.3 State Environmental Planning Policies

State Environmental Planning Policies (SEPPs) are environmental planning instruments administered under the EPA Act and deal with issues considered to be of significance of the State and people of NSW. In the determination of the DA, the consent authority will consider these matters in the assessment of the development against Section 79(C)(a) of the Act.

Following a review of the Section 149 Certificate, the relevant SEPPSs applicable to the assessment of the proposed development are as follows:

3.3.1 State Environmental Planning Policy (State and Regional Development) 2011

This development application will be notified and assessed by Lake Macquarie City Council (LMCC) and determined by the Hunter and Central Coast Joint Regional Planning Panel (HCCJRPP) due to the development having a capital investment value (CIV) over $20 million but less than $30 million.

A Quantity Surveyors report was commissioned titled: 'Estimated Cost of Development Report' and prepared by Vasey Consulting. The total cost of the development was estimated at $29,978,295.42 and is detailed at **Annexure No 9.**

3.3.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Not applicable to this development proposal.

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3.3.3 State Environmental Planning Policy (Infrastructure) 2007

The development is listed as a recreation facility under Schedule 3 of the Infrastructure SEPP. Accordingly, it would be considered to be a traffic generating development under Schedule 3 of the SEPP if there are more than 200 vehicles capacity.

197 car parking spaces are provided.

On this basis the proposal is not a traffic generating development, and this SEPP does not apply. Parking provision is further documented in SECA Solution Traffic Impact Statement at **Annexure No 2.**

3.3.4 State Environmental Planning Policy No 33—Hazardous and Offensive Development

It is proposed that the potential of 10kL of diesel and 10kL of premium unleaded petrol be stored on site with a dedicated spill containment system in place.

On this basis EPRISK was engaged to undertake a Risk Screening Assessment under the provisions of SEPP33 and such is provided at **Annexure No 12.**

Based on the class/volume of the dangerous good proposed and the threshold screening criteria the proposed fuel storage was assessed as to not being potentially hazardous and therefore no screening assessment in the form of a PHA is required.

3.3.5 State Environmental Planning Policy No 44—Koala Habitat Protection

Assessment of potential koala habitat under SEPP 44 requires the following steps be undertaken:

a) Identification of 'potential Koala habitat' within the site area to be impacted; if the total tree cover contains 15% or more of the Koala food tree species listed in Schedule 2 of SEPP 44 then it is deemed to be 'potential Koala habitat'. Identification of 'potential Koala habitat requires the determination of the presence of 'core Koala habitat';
b) Identification of 'core Koala habitat' within the area to be impacted. 'Core Koala habitat' is defined as an area of land with a resident population of Koalas, evidenced by attributes such as breeding females (females with young), recent sightings and historical records of a Koala population;
c) Identification of 'core Koala habitat' will require that a plan of management must accompany the application;
d) If the rezoning of lands, other than to environmental protection, involves potential or core Koala habitat then the Director of planning may require a local environmental study be carried out.

Environmental Consultant – MJD Environmental Pty Ltd has undertaken a Ecological Assessment which has been provided at **Annexure No 10.**

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Two tree species listed in Schedule 2 of the SEPP as a 'Koala Feed Tree Species' occurs on the Site, being *Eucalyptus punctata* (Grey Gum) and *eucalyptus robusta* (Swamp Mahogany).

At no point where Koala feed trees remain on site do they represent 15% or more of the total tree cover. Additionally, investigations did not detect Koalas or signs of Koalas within the Site.

As documented in Annexure 10, assessment under SEPP 44 found that no 'Potential Koala Habitat' occurs within the Site and no further assessment under SEPP 44 was required.

3.3.6 State Environmental Planning Policy No 55—Remediation of Land

SEPP 55 applies to all land in the state of NSW, and aims to reduce risk of harm to human health or any other aspect of the environment.
Considering cl. 7 (1) (a), a consent authority must not consent to the carrying out of any development on land unless:

(a) it has considered whether the land is contaminated

See comments at TABLE B at 2.5 Contaminated Land.

3.3.7 State Environmental Planning Policy No 64—Advertising and Signage

Barr Property and Planning has undertaken a Signage Assessment which has been provided at **Annexure No 11.**

This assessment has considered the signage proposed in the Moir Landscaping Masterplan report which has been provided at Annexure No 3 and such endorsed in RPS Conservation Management Plan report provided at Annexure No 13.

The report concludes that the proposed signage has been assessed against all the relevant controls within SEPP64 and the Lake Macquarie DCP2014. This assessment supports that the signage proposal is permissible and will not have any significant adverse impacts on the site or its surroundings.

3.4 Local Environmental Plans

Guided by section 79C of the Act, this development is subject to the consent of Lake Macquarie City Council's Local Environmental Plan 2014 (LMLEP2014). The specific aims of the LMLEP2014 are set out in Part 1 cl 1.2.

The proposed development can be defined as a Recreation Facility (major) which holds the below definition within the LEP:

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> ***"recreation facility (major)*** *means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks."*

The proposed development is identified as having a split zoning including SP1 Mining – Special Activities, E2 Environmental Protection and RU2 Rural Landscape.

Under these zonings the use of the site for a recreation facility (major) is not permissible. However based on the heritage listings on the site, the use of the site as a recreation facility (major) can be considered as the site is listed and mapped as follows:

- Heritage Item 167 – Rhondda Colliery (Local)
- Heritage Item 170 – Rhondda Colliery Railway (Local)
- Sensitive Aboriginal Landscape (Moderate High)

Clause 5.10(10) *Conservation Incentive* of the LMLEP 2014 the consent authority may grant consent to development on land which contains a heritage item or is an Aboriginal place of heritage significance, that would otherwise be prohibited by the LEP, for any purpose, if the consent authority is satisfied that:

> *(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*
> *(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*
> *(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*
> *(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*
> *(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

The RPS Conservation Management Plan (RPSCM) comprises **Annexure No 13** and addresses the above criteria in detail.

The RPSCM addresses Aboriginal Cultural Heritage and Non-Aboriginal Cultural Heritage, provides interpretation of both Aboriginal and Non-Aboriginal Cultural Heritage which lead to determining Conservation Policies for the site. Each of these four criteria are addressed separately below as they each specifically relate to the need to justify the proposed development against the Conservation Incentive clause of LMLEP2014.

Aboriginal Cultural Heritage

The RPSCM concluded following consideration of ***Impact Assessment*** that in terms of Aboriginal Cultural Heritage:

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"Section 8.2 - The archaeological survey of Rhondda Colliery identified a low density artefact distribution on the boundary of Rhondda Colliery (RC1) (Figure 6.1). RC1 comprised two quartz artefacts associated with a swamp immediately east of the artefact distribution. The archaeological assessment also identified areas of archaeological sensitivity within the Rhondda Colliery (Figure 6.1).

The proposed Rhondda development would not affect RC1 or areas of Aboriginal archaeological sensitivity. RC1 and areas of Aboriginal archaeological sensitivity form part of a wider ecological buffer between the proposed development and adjacent properties.

Due to substantial ground disturbance, the archaeological potential of the proposed development area is low. The identified risk of harm to Aboriginal objects is low."

Non-Aboriginal Cultural Heritage:

The RPSCM concluded following consideration of ***Impact Assessment*** that in terms of Non-Aboriginal Cultural Heritage:

"Section 13.3 - The proposed development is an appropriate response to the fabric, scale of the proposed development is an appropriate response to the fabric, scale and setting of the former use. Due to the removal of surface infrastructure associated with the former use as a requirement of the Mining Lease to rehabilitate the land, the remaining infrastructure is limited. The remaining infrastructure (stables and ammunitions store) would be retained and subject to adaptive reuse (Section 13.3.1). Development including the Centre of Operations, track, garaging, Lodge and accommodation would not detract from the fabric, scale or setting of the built form of the remaining infrastructure (Appendix 3).

The form and scale of the former infrastructure is reflected in the built form and landscaping of the proposed development. Rhondda consisted of a complex of surface and below ground infrastructure and the proposed development is consistent in that it is set out as a complex to reflect the architectural form of the former surface infrastructure. The proposed development would be modest in scale set within a landscape setting.

The former screening infrastructure formed part of the former surface infrastructure. The height, bulk and scale former screening infrastructure is reflected in the Centre of Operations, which is also located at the point of the former screening infrastructure (Plate 10.5 and Plate 10.7). It is oriented over the former screening structure, on a 45 degree axis from the existing stables. It is a prominent feature of the proposed development to respond to the height, bulk and scale of the former screening infrastructure (Plate 10.5). The form of the Centre of Operations, with 45 degree angled cross-struts, also reference the former screening infrastructure (Plate 10.5 and Plate 10.7) (Appendix 3). Development including the track, garaging, Lodge and accommodation is subservient to the Centre of Operations to reflect the built form of the former surface infrastructure, which

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consistent of a complex of structures of a lesser bulk and scale compared to the screening infrastructure.

The development including the Centre of Operations, track, garaging, Lodge and accommodation reflect the previous built form of former surface infrastructure and would not detract from the fabric, scale or setting of the built form of the remaining infrastructure (stables and ammunitions store). The former use would be interpreted. Interpretation is embedded as part of the landscape architecture and reflected in the scale, from and finish of the proposed development. The materials and finishes associated with the proposed development would echo that of the former surface and below ground infrastructure. The strong, angular appearance of the Centre of Operations and other development echoes the former surface and below ground infrastructure. Materials and finishes would include steel to interpret the materials and finishes that formed part of the surface and below ground infrastructure. Due to the limited fabric associated with former use, interpretation would be used to communicate cultural significance, which is otherwise not apparent. Interpretation is considered in detail in Part III of this CMP. Selected interpretation options are set out in Part III, Section 15.2.2.

13.3.1 Stables

The stables would be subject to adaptive reuse as part of the proposed development. The adaptive reuse of the stables would require (Figure 13.1):

- *Exterior to be altered to accommodate an entrance on the north side;*
- *Fabric to be demolished to accommodate new entrance on east side;*
- *Fit out of interior space;*
- *Vent to be added to roof space on west side;*
- *Rainwater tank to abut west side;*
- *Addition of an arbor to the north; and*
- *Landscaping.*

The proposed adaptive reuse would require the removal of a section of fabric on the north side to form an entrance. The entrance would provide a trafficable space for the adaptive reuse. The interior space is open and flexible for an adaptive reuse. The proposed fit out would not affect the interior fabric. The amenities would be contained within a free standing pod within the existing structure. The form and finish of the fit out would reflect the former surface and below ground infrastructure. The fit out would echo the industrial architecture of the former surface and below ground infrastructure with steel used to interpret the finish.

With the exception of the section of fabric to be removed on the north side, the form and fabric would be unaffected including the hipped corrugated iron roof and concrete floor, double braced doors and awning windows. The automatic sliding door on the east side would be placed within the interior space set back from the double braced door so that it is retained as an appreciable feature. The arbor would sit adjacent but separate to the stables. The form and scale of the light weight structure is based on that of the stables. The arbor would blend into the landscape and provide shade needed for the effective adaptive reuse of the space.

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The existing concrete around the stables would be removed and replaced with a new pavement. The landscaping of the area would also include interpretation. Landscape interpretation options are addressed in Part III of this CMP, Section 15.2.2. Planting would be used within the immediate surrounds of the stables to define the former railway and siding, with the siding extending adjacent to the stables. The pavement used within the immediate area would be of a fine grain material consistent with the fabric of the stables.

Development proposed within the immediate area would not affect cultural significance. The immediate area consisted of a number of structures and the addition of structures within the area would not detract from the cultural significance. Landscape interpretation of the railway and siding would provide an understanding of the former landscape and communicate an important aspect of cultural significance.

13.3.2 Ammunitions Store

The ammunitions store would be retained as part of the proposed development. The proposed development would not affect the fabric of the ammunitions store.

Fencing would be erected within the immediate surrounds to separate the ammunitions store from a track positioned within 10 metres. The fencing would be engineered to a standard to withstand impact. It would be positioned 1.7 metres east of the ammunitions store (Plate 13.1).

The fencing has been designed to provide a landscape interpretation for the setting of the ammunitions store. The open setting of the ammunitions store would be retained with no built infrastructure within the immediate area. The form and finish of the fencing would be designed to form part the landscape. For the section of fencing within 1.7 metres of the ammunitions store, a laser cut screen would be added to depict the former landscape. The landscape interpretation options are set out in Part III of this CMP with additional detail on selected interpretation options at Section 15.2.2."

Interpretation

The RPSCM proposes a number of interpretation options for implementation for development of the site:

"Clause 15.2.3 Implementation The interpretation options selected for implementation are provided in Table 15.2. Digital interpretation is to be developed in addition to the selected interpretation options. It would be dependent on the experiences developed as part of the proposed development.

The landscape plan for the proposed development is provided in Figure 15.1. The landscape plan provides a plan for the implementation of selected landscape interpretation options discussed in Table 15.2. The selected interpretation options include development to be sited and of a relative scale to former surface

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infrastructure, planting to define former surface infrastructure, the use of a laser cut screen as a form of interpretation and the use of pavement consistent with fabric and former use. Interpretation panels would also be placed at the platform and ammunitions store.

The selected interpretation options would be sited throughout the landscape and be visible from a number of facilities associated with the BRMP. Interpretation through landscape architecture, in particular the planting to define former surface infrastructure, and existing surface infrastructure (stables and ammunitions store) would be visible from the Centre of Operations. The interpretation of former surface infrastructure as part of the landscape architecture is critical to an understanding of the existing surface infrastructure (stables and ammunitions store). The selected interpretation options would communicate the cultural significance of Rhondda as a complex of surface and below ground infrastructure."

Conservation Policies

The conservation policies derived for the former Rhondda Colliery have been directed towards retaining and providing an understanding of the established cultural significance of the site.

Section 16.3 of the RPSCMP detail fifteen Conservation Policies. These conservation policies act as recommendations for the conservation and management of Rhondda Colliery as a place of cultural significance. They provide for retention and enhancement, through appropriate conservation and interpretation, of Rhondda Colliery including fabric and setting, and associations of cultural significance. The conservation policies also provide for the adaptive reuse of the place so that it is conserved and managed as part of an active landscape.

In summary it is considered that the justification put forward in the RPSCMP report complies in full with Clause 5.10(10) *Conservation Incentive* of the LMLEP 2014 and thus should satisfy the consent authority in terms of the following:

> *(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent,* COMPLIES
> *(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority,* COMPLIES
> *(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out,* COMPLIES
> *(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance,* COMPLIES
> *(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.* COMPLIES

Consideration of other parts and provisions of the LMLEP2014 is provided in Table A below:

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TABLE A

Clause	Map Reference	Discussion
4.3 Height of Buildings	009A	It is considered that the provisions of Clause 5.10(10) Conservation Incentive of the LMLEP 2014 override Clause 4.3 provisions and as such a Clause 4.6 objection is not required for buildings that extend through the height limitation. COMPLIES
4.6 Exceptions to Development Standards	-	It is considered that the provisions of Clause 5.10(10) Conservation Incentive of the LMLEP 2014 override Clause 4.3 provisions and as such a Clause 4.6 objection is not required for buildings that extend through the height limitation. COMPLIES
5.10 Heritage Conservation	009A	See comprehensive justification put forward immediately above Table A at Clause 3.4 of this SEE and see the RPSCMP provided at Addendum No 13 COMPLIES
7.2 Earthworks	-	Northrop Preliminary Design report at Annexure No 4 at S4.3 addresses Site Grading and Bulk Earthworks. Portions of the site will be regraded to topographically correlate to the proposed development intent whilst providing reasonable accessibility and site functionality. Site cut/fill will be minimised and balanced so no bulk material will be imported or exported from the site. Preliminary design indicates cut to fill quantities would be in the order of 195,000 m3.
7.3 Flood Planning	-	Northrop Preliminary Design report at Annexure No 4 at S6.0 addresses Flooding. A flooding investigation determined minimum building floor levels, determined the impact the development will have on flood behavior and assessed the amenity of the access roads in flood events. The conclusion reached that the proposed development has no significant impact on the flood regime and is satisfactory for the development. No significant impact in the critical 1% AEP on neighbouring properties, proposed buildings will be sited a minimum of 500mm above the critical 1% AEP and proposed roads can accessed in the 10% critical flood event and there is an emergency egress route for the 1% AEP event.
7.7 Development on Aboriginal Sensitive Land	009A	The RPSCMP provided at Addendum No 13 in Section 8.2 Aboriginal Cultural Heritage and Impact Assessment states: "Due to substantial ground disturbance, the archaeological potential of the proposed development area is low. The identified risk of harm to Aboriginal objects is low." COMPLIES
7.21 Essential Services	-	See 2.7 Servicing of this SEE report. Water, sewer, electricity and telephone is available for the developed site.

3.5 Proposed environmental planning instruments

There are no known proposed environmental planning instruments requiring consideration as part of this application.

3.6 Development Control Plans

The Lake Macquarie Development Control Plan (LMDCP2014) provides general development standards to which proposals should be demonstrably consistent with. A review of the proposed built form demonstrates that the proposed development is generally consistent with the requirements of the DCP with respect to the following Parts:

- Part 5: Development in Industrial, Business Park and Infrastructure Zones

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- Part 9 – Section 9.18: Tourist and visitor accommodation

Table B as shown below provides comments against the pertinent planning provisions of the DCP.

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TABLE B

Clause	Objectives	Comments
Part 5: Development in Industrial, Business Park and Infrastructure Zones		
Section 2 – Context and Settings		
2.1 Site Analysis	a. To identify site opportunities, constraints, and prevailing characteristics of the locality. b. To illustrate how a development responds to that site and its relationship with the locality. c. To encourage good site planning, built form and landscape outcomes, informed by an understanding of the site and its context.	SHAC Architects have prepared a Site Analysis – Macro Plan and Masterplan – Heritage Response which forms part of Annexure No 1. Moir Landscape Architecture have prepared a Site Analysis Plan which forms part of Annexure No 3. GHD have prepared a Preliminary Mine Subsidence Assessment for the site which forms part of Annexure No 6. Careful consideration were given to mine subsidence constraints in determining the layout of the proposed development and layout adjusted several times to reduce subsidence risk. These factors combine to demonstrate appropriate site analysis has been undertaken, as a prerequisite to formulating the adopted development proposal. PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE/S
2.2 Scenic Values	a. To ensure that the scenic values of the City are protected and enhanced. b. To ensure that developments visible or adjoining the coastline, Lake Macquarie or	This is a stand-alone development contained within a former mine site, isolated and suitably screened from adjoining development. On this basis the proposed development will not have any impact on the scenic values of the city. PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE/S

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	ridgelines maintain and enhance the scenic value of these features.	
2.3 Geotechnical	a. To minimise potential damage to buildings/structures resulting from land movement.	GHD have prepared a Preliminary Mine Subsidence Assessment report for the site which forms Annexure No 6. This report was compiled to assist preliminary design of a proposed driver training facility and provide a report to accompany the development application to LMCC. The report provides a history of Rhondda, the mined seams and subsidence hazards. The report discusses relinquishment and the roles Resource and Energy (DRE) and the Subsidence Advisory NSW (SA NSW). The second part of the report addresses the proposed facility and associated subsidence risks and proposed treatments to mitigate risks. Prior to final approval by SA NSW, further mine subsidence assessment work will be undertaken to investigate specific hazards and inform the detailed design of treatments. The scope and objectives of proposed future work is discussed at the end of the report. PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE/S
2.4 Mine Subsidence	a. To minimise risks to buildings and structures associated with potential mine subsidence	See comment above at 2.3. PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE/S
2.5 Contaminated Land	a. To ensure that contaminated land is identified through appropriate investigations b. To ensure that contaminated land at a site is appropriately and effectively	The following is an extract - 4.2.1 Site contamination and hazardous materials, from the Mining Operations Plan approved by the Department of Mining Resources and Energy This extract concludes that following contamination assessment of the entire Rhondda mining lease area that there was no evidence to suggest that there was any significant chemical contamination within the lease area, which have not been subsequently investigated, assessed, and where necessary remediated.

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	remediated prior to development taking place. c. To ensure that changes to land use will not increase the risks to public health or the environment as a result of contaminated land on, or adjacent to the site.	**4.2.1 Site contamination and hazardous materials** Subsequent to an initial identification/aspects study by Oiltrac in 1995 (Oiltrac, 1995 R007), site contamination assessments were undertaken during 1999 and 2000 in conjunction initially with demolition activities for buildings and structures and then on a whole-of-mine lease basis for due diligence purposes. HLA Envirosciences Pty Ltd (1999a), Hazardous Materials Survey of Rhondda Colliery – Remnant Buildings, Teralba NSW, Rhondda (R024) describes the assessment of twelve remnant buildings on the site (workshops, associated small sheds, railway shed, brick office building and cold storage additions and the stables). The focus of the assessment was on hazardous materials associated with the structures themselves and included recommendations for the removal and safe disposal of hazardous materials identified – principally asbestos and potentially PCB containing electrical equipment. HLA-Envirosciences Pty Ltd, (1999b), Contaminated Site Assessment Rhondda Colliery, Rhondda Road, Wakefield, Rhondda (R029) describes the assessments of surface soils around and under the remnant buildings and fuel and oil storage areas. The report concluded that the site was generally free from soil contamination that would preclude the demolition of the mine site buildings. All buildings with the exception of the stables and the explosives magazine were subsequently demolished and the footprint areas covered with clean fill. In May 2000, EcoEngineers Pty Ltd conducted a Phase 1 assessment of the entire Rhondda mining lease area (EcoEngineers, 2000, R044). 16 sites were identified as meriting further investigation which resulted in approximately 100 soil samples being analysed. A subsequent July 2002 Phase 2 contamination assessment, also by EcoEngineers (R056) concluded that EcoEngineers Pty Ltd had no evidence to suggest that there was any significant chemical contamination within the Rhondda mine lease Page 19 of 54

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		  area which had not been subsequently investigated, assessed, and where necessary remediated. Prior to the fire extinguishment project commencing, proposed fill materials were subject to leach testing to ensure that any potential for groundwater contamination was understood and managed. Similarly transport waters were also tested. Relevant reports include: • Report on Leach Testing of Rhondda Mine Fill Materials Egis Consulting (R026) • Report on Further Leach Testing of Rhondda Mine Fill Materials Egis Consulting (R030) • Leach Assessment of West Wallsend Mud - Egis Consulting (R035) • Report on Leach Testing of Vales Point and Eraring Fly Ashes (R057) • Report on Further Leach Testing of Vales Point Fly Ashes (R058) • Report on Further Leach Testing of Eraring Power Station Ashes (R059) All of the reports referenced are available on request. PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE/S
2.6 Acid Sulphate Soils	a. To ensure that disturbance of Acid Sulphate Soils or Potential Acid Sulphate Soils is minimised, to prevent adverse environmental	The site is affected to a limited extent at the northern end of the property. Due to the nature of the Acid Sulphate Soils (Class 5), and the limited works in these locations, further assessments are not considered to be required. PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE/S

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	impact on soil conditions. b. To ensure that water quality and associated receiving waters are not detrimentally affected by the effects of Acid Sulphate Soils. c. To ensure that habitat is not detrimentally affected by the effects of Acid Sulphate Soils. d. To ensure that built structures and infrastructure are not detrimentally affected by the effects of Acid Sulphate Soils.	
2.7 Stormwater Management	a. To ensure that development does not adversely affect water quality or availability, including ground water. b. To ensure that watercourses and	Northrop have prepared a Preliminary Engineering Design Report for the site which forms Annexure No 4. EPRISK have prepared an On-Site Wastewater Management Assessment for the site which forms Addendum No 5. MJD Environmental have prepared a Water Management Act Appraisal which forms Annexure No 7 These 3 reports combine to address these objectives. PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE/S

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	associated riparian vegetation are maintained so as to contribute to water quality, and to mitigate sedimentation of the Lake Macquarie waterway. c. To minimise any adverse impacts on downstream built or natural environments, or on nearby land due to increased development. d. To incorporate Water Sensitive Urban Design techniques into all new developments. e. To minimise the volume and rate of stormwater leaving a development site.	
2.8 Catchment Flood Management	a. To ensure that development is sited and designed to minimise potentially adverse impacts of flooding on the	Northrop have prepared a Preliminary Engineering Design Report for the site which forms Annexure No 4. This report addresses these objectives. PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE/S

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	proposed development or on other properties. b. To ensure that measures are implemented to reduce the impact of flooding and flood liability on owners and occupiers of flood prone property. Such measures must also reduce private and public losses resulting from flooding and to manage risks to property and life from flood events.	
2.10 Natural Water Systems	a. To protect and maintain the water regime of natural water systems. b. To ensure that development does not adversely affect aquatic fauna. c. To ensure that development does not adversely affect water quality or	Northrop have prepared a Preliminary Engineering Design Report for the site which forms Annexure No 4. EPRISK have prepared an On-Site Wastewater Management Assessment for the site which forms Addendum No 5. MJD Environmental have prepared a Water Management Act Appraisal which forms Annexure No 7 These 3 reports combine to address these objectives. PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE/S

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	availability, including ground water. d. To ensure that watercourses and associated riparian vegetation are maintained to contribute to water quality, and to mitigate sedimentation of the Lake Macquarie waterway. e. To ensure that natural water systems and associated vegetation and landforms are protected to improve the ecological processes and ensure that land is adequately buffered from development. f. To ensure that the pre-development water quality of receiving waters is	

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	maintained or improved.	
2.11 Bushfire	a. To ensure that risks associated with bushfire are appropriately and effectively managed on the development site. b. To ensure that bushfire risk is managed in connection with the preservation of the ecological values of the site and adjoining lands.	MJD Environmental have prepared a Bushfire Threat Assessment which forms Annexure No 8. This report addresses these objectives. PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE/S
2.12 Flora and Fauna	a. To avoid and minimise impacts on native flora and fauna b. To protect and enhance significant flora and fauna, vegetation communities, and significant habitat on the site, and on surrounding development sites. c. To protect and enhance ecological	MJD Environmental have prepared n Ecological Assessment which forms Annexure No 10 This report addresses these objectives. PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE/S

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	corridors and increase the connections between habitats. d. To ensure rehabilitation of degraded areas.	
2.13 Preservation of Trees and Vegetation	a. To ensure that trees listed on Council's Significant Tree register are not adversely affected by development. b. To maintain and enhance the natural bushland or vegetated character of the city. c. To retain trees for the urban amenity, microclimate, scenic, air and water quality, and the social benefits that they provide.	MJD Environmental have prepared n Ecological Assessment which forms Annexure No 10 This report addresses these objectives. PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE/S
2.14 European Heritage	a. To protect and maintain European heritage items and their facades. b. To retain, preserve and promote the	This has been addressed in detail in Section 3.4 of this SEE and the RPSCMP Conservation Management Plan which forms Annexure No 13. . PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE/S

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	adaptive re-use of heritage-listed buildings and contributory buildings in particular, and other buildings that contribute to the heritage character of the locality. c. To appropriately manage demolition of items of heritage significance, when all other alternatives to demolition have been fully investigated. d. To ensure that development is sympathetic to heritage items and contributory buildings.	
2.15 Aboriginal Heritage	a. To protect and conserve Aboriginal cultural, spiritual, and sacred sites within the City	This has been addressed in detail in Section 3.4 of this SEE and the RPSCMP Conservation Management Plan which forms Annexure No 13. PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE/S
2.17 Social Impact	a. To ensure that development takes into consideration	A Social Impact Assessment has been prepared for the proposal and is contained within Annexure 16. This has been prepared in accordance with Council's Social Impact Assessment Guidelines. The proposal complies with the DCP objectives in this regard.

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	the likely social impacts that may arise, including any effects on equity, access, participation and rights. b. To ensure that development occurs in appropriate locations, and is supported by adequate services and facilities to support the community and its needs. c. To ensure that services and facilities are accessible to all members of the community. d. To facilitate availability of active and passive recreation, natural landscapes, educational opportunities, employment opportunities, health services,	PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE/S

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	public transport, and neighbouring centres, as well as maintaining or enhancing the aesthetics and amenity of the area.	
2.18 Economic Impact	a. To ensure that development supports the Lake Macquarie hierarchy of centres and positively contributes to the City by supporting existing development in the locality and the community through the creation of employment opportunities. b. To ensure development contributes through additional local employment and economic benefits. Note: Refer to Council Economic Impact Assessment Guideline for further	The potential economic benefits and impacts generated by the proposal are assessed within the Economic Impact Assessment, which has been prepared in accordance with Council's Economic Assessment Guidelines (Annexure 17). PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE/S

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	information and guide to the economic considerations for specific types of development.	
Section 3 - Section Design		
3.1 Streetscape	a. To improve the visual amenity for all users and provide street activation of industrial areas. b. To encourage building design that positively contributes to the streetscape and a pleasant environment for workers, and the community more broadly.	This consideration is not directly relevant to this development proposal because it has no public street presence. There is an integrated approach to the comprehensive design of the development proposal primarily through cohesive input from SHAC Architecture, Moir Landscape Architects and RPS Heritage and other specialist consultants engaged on the project. These reports form Annexure No 1, Annexure No 3 and Annexure No 13. PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE/S
3.2 Street Setback	a. To provide setbacks that complement the streetscape and provide for landscaping, reducing the dominance of buildings.	See comment above at 3.1 PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE/S

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	b. To maximise the efficient use of industrial zoned land.	
3.3 Building Bulk	a. To encourage good design and innovative architecture to improve the urban environment. b. To minimise the visual impact of development (including its bulk and scale) when viewed from adjoining properties, the street, waterways and land zoned for public recreation purposes.	See comment above at 3.1 This is a stand-alone development contained within a former mine site, isolated and suitably screened from adjoining development. On this basis the proposed development will not have any impact when viewed from adjoining properties, the street, waterways and land zoned for recreation purposes. PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE/S
3.4 Energy Efficiency and Generation	a. To ensure building orientation maximises solar access and natural cross ventilation. b. To ensure energy efficiency is achieved in all development.	This consideration is not directly relevant to this development proposal. The cabins and motel type units located within the lodge are not dwellings for the purpose of BASIX. PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE/S

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	c. To create energy resilience in local communities through design that allows opportunities for future installation of renewable energy generation and low carbon technology. d. To minimise the economic impacts of increasing electricity costs and any requirements to disclose energy efficiency when selling or leasing a property.	
3.5 Solar Access and Orientation	a. To ensure reasonable access to sunlight is maintained for occupants of likely future and existing dwellings on adjoining lands. b. To ensure open space is maintained to adjoining open space and public domain areas.	This consideration is not directly relevant to this development proposal. The cabins and motel type units located within the lodge are not dwellings for the purpose of BASIX. The north/south axis of the 20 motel type units, located within the lodge, and adjoining decks to each unit provides these units with mid-winter solar access to the east and west. The cabins comprise 5 sets of 4 attached unit each with adjoining decks have variable access to mid-winter solar access. PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE/S

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3.6 Landscape Design	a. To provide site landscaping that complements the nature and scale of the development. b. To enhance the amenity of the proposed development and streetscape. c. To provide a visual buffer between the street and car parking areas. d. To maintain clear lines of sight to entry points and access ways. e. To provide low maintenance plantings. f. To integrate stormwater management structures in the landscape design. g. To link landscaped areas to the open space network where possible. h. To provide a green industrial park	This consideration is not directly relevant to this development proposal. The Landscape Master Plan report prepared by Moir Landscape Architects forming Annexure No 3 describes the broader landscape proposal and does not provide detailed landscaping resolution It is intended to provide a framework which will support future detail with the underlying aims to enhance the cultural significance of the place, respond to the existing conditions of the site and provide a high quality setting for the major recreation facility. Based on assessment the PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE/S

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	environment to soften the impact of development on the environment.	
3.7 Street Tree Planting	a. To enhance the amenity and desired character of the street. b. To provide shade and shelter for pedestrians.	This is a stand-alone development contained within a former mine site, isolated and suitably screened from adjoining development PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE/S
3.8 Landscape and Tree Planting in Front Setback Areas	a. To allow for the planting and healthy growth of large canopy trees which enhance amenity and street character. b. To provide large-scale planting between the street and parking and service areas, that reduces the visual impact of development. c. To maintain sightlines from the street to carparks and entrances.	See comment above at 3.6 PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE/S -
3.10 Fencing	a. To avoid the dominance of fences	Security gates have been provided, as shown on the Landscaping Plans (Annexure 3) and discussed within the Crime Risk Assessment (Annexure 15).

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	on the streetscape and similar hostile design, and to soften the built environment in industrial areas.	PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE/S
3.11 Traffic and Transport	a. To provide effective, efficient and safe movement for pedestrians, bicyclists and motor vehicles. b. To ensure that vehicles can enter and leave a development site in a forward direction, unless otherwise justified to Council's satisfaction.	See Seca Solution - Traffic Impact Statement presented at Annexure No 2 and comments made within this SEE at Item 2.1 Access and Parking and note that alternative emergency access is proposed for the development. PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE/S
3.12 Design of Parking and Service Areas	a. To ensure that on-site parking, loading/unloading docks, and driveways do not dominate or detract from the appearance of the development or the local streetscape.	See Seca Solution - Traffic Impact Statement presented at Annexure No 2 and comments made within this SEE at Item 2.1 Access and Parking and note that alternative emergency access is proposed for the development. Parking area design will comply with AS2890. PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE/S

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	b. To maximise pedestrian safety and amenity. c. To ensure the safe and efficient movement of vehicles within, entering and leaving properties.	
3.13 Bike Parking and Facilities	a. To provide convenient and safe bike access, movement and parking. b. To encourage travel to work by bike with convenient and secure end of trip facilities.	See Seca Solution - Traffic Impact Statement presented at Annexure No 2 and comments made within this SEE at Item 2.1 Access and Parking and development description. Bike parking is provided. PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE/S
3.14 Motor Bike Parking	a. To provide convenient and safe motor bike access, movement and parking.	See Seca Solution - Traffic Impact Statement presented at Annexure No 2 and comments made within this SEE at Item 2.1 Access and Parking and development description. Motor Bike parking is provided. PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE/S
3.15 Car Parking Rates	a. To ensure that the number of bike, motor bike and car parking spaces is sufficient to support the intended use.	See Seca Solution - Traffic Impact Statement presented at Annexure No 2 and comments made within this SEE at Item 2.1 Access and Parking and development description. Car, bike and motor bike pwarking is considered sufficient to support the intended use. PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE/S

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	b. To ensure that the number of car parking spaces does not discourage the use of public transport or other modes of transport.	
3.16 Non-Discriminatory Access	a. To ensure development has non-discriminatory access that accommodates all people.	A Disability Access Audit has been included as Annexure No 14. PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE/S
3.17 Safety and Security	a. To assist the development in mitigating opportunities for criminal activity, behaviour, and perceived opportunities for crime. b. To ensure a development contributes to the liveability, safety and security of its users.	Barr Property and Planning have prepared a Crime Risk Assessment for the site which forms Annexure No 15 This report addresses these objectives. PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE/S
3.18 Cut and Fill	a. To minimise land shaping, particularly	Northrop have prepared a Preliminary Engineering Design Report for the site which forms Annexure No 4. This report addresses these objectives.

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	outside the building footprint. b. To ensure development is on a stable site. c. To minimise the impact on groundwater flow. d. To ensure that development does not concentrate surface water flows to adjoining properties. e. To minimise the extent of earthworks, stormwater infrastructure and retaining structures and the associated costs.	PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE/S
Section 4: Operational Requirements		
4.1 Demolition and Construction Waste Management	a. To ensure that reuse and recycling of building materials, demolition and construction waste is maximised to reduce waste going to landfill.	Barr Property and Planning have prepared a Site Waste Management Plan which forms Annexure No 18 This report addresses these objectives. A Building Waste Management Plan is required as per the controls. PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE/S

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	b. To ensure that demolition and construction waste is appropriately and effectively managed.	
4.2 Waste Management	a. To ensure that waste/recyclables are managed, collected and disposed of, or reused or recycled effectively and efficiently to provide a safe, healthy and clean environment for the community, as well as maintaining the amenity of the City. b. To provide non-discriminatory access to waste management services, through the adoption of appropriate waste transfer arrangements. c. Building design shall minimise the impact of garbage bins.	See comment above at 4.1. PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE/S

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4.3 On Site Sewage Management	a. To ensure that land is suitable for on-site sewage management, and that on-site sewage management systems are designed to operate sustainably, without resulting in environmental harm or risk to public health.	EPRISK have prepared an On-Site Waste Water Management Assessment which forms Annexure No 5. This report addresses these objectives. PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE/S
4.4 Liquid Trade Waste and Chemical Storage	a. To ensure that liquid trade waste is disposed of appropriately, and does not enter the environment. b. To ensure that chemicals associated with a development are stored in a secure manner.	Any site generated trade waste will be handled on the site in accordance with applicable governmental regulations and standard practice. PROPOSED DEVELOPMENT WILL BE MADE TO BE CONSISTENT WITH OBJECTIVE/S
4.5 Erosion and Sediment Control	a. To ensure that development is designed to prevent erosion by minimising disturbance, retaining vegetation	Northrop have prepared a Preliminary Engineering Design Report which forms Annexure No 4. This report addresses these objectives. PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE/S

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	and reducing the need for earthworks. b. To prevent erosion and sediment-laden run-off during site preparation, construction and the ongoing use of land. c. To ensure that a number of integrated solutions, using a treatment train approach, are implemented for the control and treatment of erosion and sediment.	
4.6 Air Quality	a. To ensure that development does not adversely affect air quality beyond the National Environment Protection Measure (Ambient Air Quality) standard for criteria air pollutants. b. To ensure that measures are	The operation of this development proposal is not expected to generate any adverse effects related to air quality and odour. PROPOSED DEVELOPMENT IS CONSIDERED TO BE CONSISTENT WITH OBJECTIVE/S

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	implemented to maintain air quality. c. To ensure that odours and emissions do not have an unreasonable impact on the amenity of neighbouring properties, or the health of their occupant7s d. To ensure that odours and emissions do not have an unreasonable impact on public health. e. To ensure that emissions do not have an unreasonable impact on natural environment.	
4.7 Noise and Vibration	a. To minimise the generation of noise and/or vibration and to mitigate associated adverse impacts to the	See 4.1.7 of this SEE and the VIPAC report at Annexure No 19. Given a minor exceedance of 1 dB(A) at 1 of 13 receivers a noise management plan and strategies have been put forward in the report, to incorporate best management practices, which includes the adoption of particular operational procedures that minimise noise while retaining productive efficiency. The recommended plan and strategies include:

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	amenity of neighbouring properties, their occupants, and the occupants of the proposed development.	• Corporate days are expected to consist of low noise road vehicles. • BlackRock Experience days will be controlled by BlackRock Management and will ensure vehicles are muffled to low road noise level. • Member days and Track days are expected to manage low and high noise vehicles to minimise adverse noise impact. • BlackRock Management will supply monthly and annual calendars to residents. These calendars will provide details on upcoming events and notifying the public if there may be any risk of high noise levels. • On-going noise monitoring is planned on-site to monitor noise levels from operations. • A proponent-run telephone number that community receivers can call in the event of a noise complaint. • There is not expected to be any vibration brought about by construction of building elements and operational use of the BRMR. PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE/S
Part 9 –Specific Land Uses		
9.18 Tourist and Visitor Accommodation	a. To promote tourism within Lake Macquarie Local Government Area, and to facilitate growth in the local tourism economy. b. To ensure that tourist and visitor accommodation is established with consideration of the surrounding environment,	Generation of tourism income is one of the key benefits of the project to the public, and particularly to the LMLGA. This is discussed in detail in the Economic Impact Assessment (Annexure No 19). The proposal is a unique development to the LMLGA and the Hunter Region, and represents substantial benefits in the promotion and facilitation of tourism in the LGA. The proposed tourist and visitor accommodation is in keeping with its bushland setting and heritage context, as indicated within the Conservation Management Plan (Annexure 13). The accommodation is also consistent with sustainable building practices and will be built to high architectural standards. PROPOSED DEVELOPMENT IS CONSISTENT WITH OBJECTIVE/S

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	landscape and land uses, and to mitigate potential land use conflict. c. Tourist Accommodation and Tourist Resorts are designed, constructed and operated on the basis of sustainable practices, including building materials, energy efficiency, and self-sufficient water supply and waste disposal.	

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3.7 Planning Agreements

There are no known planning agreements affecting the subject site.

3.8 Draft Environmental Planning Instruments

There are no known relevant draft planning instruments to be considered as part of this application.

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4 Likely Impacts of the Development

Section 79C(1)(b) requires the consent authority to consider:

> *"(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality."*

These matters are addressed in this Statement of Environmental Effects and are summarised below:

4.1 Environmental Impacts

Environmental impacts have been addressed in this report and are summarised below:

4.1.1 Access, traffic, pedestrian links and public transport

This matters have been addressed in the Seca Solution Traffic Impact Statement which has been provided at Annexure No 2.

This is an isolated site and as such there are no external pedestrian links and no direct public transport availability to the site.

4.1.2 Public Domain

The development is in an isolated pocket of the overall site and naturally screened from adjoining and adjacent development and signage adjacent to Rhondda Road is discrete and compliance with relevant policy.

On the basis of the above there should be no adverse impact on the public domain.

4.1.3 Air and Microclimate

No air quality assessment has been undertaken for this development proposal.

The location of the proposed development within the overall site is isolated from adjoining properties and is within a mixed use, but predominantly industrial land use area which borders three of its four sides and residential properties eastern boundaries are located a minimum of about .650 metres to the west.

On the basis of the above air quality and microclimate should not present a problem associated with this development.

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4.1.4 Natural Hazards

This matter has been addressed in the Northrop Preliminary Engineering Design Report, GHD Preliminary Mine Subsidence Assessment, MJD Environmental Waste Water Act Appraisal & Bushfire Threat Assessment & Ecological Assessment, ESP Environmental Contamination Assessment, which have been provided at Appendixes No 4, No 6, No 7, No 8, No 10 and No 11 respectively.

On the basis of the above documentation full consideration has been given to natural hazards and mitigation proposed where necessary.

4.1.5 Flora and Fauna

Environmental Consultant – MJD Environmental Pty Ltd has undertaken a Ecological Assessment which has been provided at **Annexure No 10**

The objective of the assessment was to examine the likelihood of the proposal having a significant effect on any threatened species, populations or ecological communities listed under the *NSW Threatened Species Conservation Act 1995* (TSC Act).

Preliminary assessment was also made regarding those threatened entities listed under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The ecological field assessment found:

- 5.25ha of MU 5 - Alluvial Tall Moist Forest
- 30.01ha of MU 15 - Coastal Foothills Spotted Gum Ironbark Forest
- 14.53ha of MU 30e - Coastal Plains Stringy-Bark Apple Forest
- 3.81ha of MU 30f - Freemans Peppermint Apple Bloodwood Forest
- 5.78ha of MU 30h - Sugarloaf Lowlands Bloodwood Apple Forest
- 11ha of MU 37 - Swamp Mahogany Paperbark Forest (Listed Endangered Ecological Community under TSC Act 1995)
- 160.5ha of remnant vegetation will be retained within the Study area and larger Site as part of the proposal.
- One threatened flora species was recorded by HSO (2009) in the Study Area being *Tetratheca juncea,* which is listed as Vulnerable under the TSC Act 1995 and EPBC Act 1999.
- Two threatened Forest Owls species were recorded in the Study Area being the Powerful Owl (*Ninox connivens*) and the Masked Owl (*Tyto novaehollandiae*). Both are listed as Vulnerable under the TSC
Act 1995
- Two threatened mammal species were recorded in the Study Area being the Grey-headed Flying-fox
(*Pteropus poliocephalus*) listed as Vulnerable under the TSC Act 1995 and EPBC Act 1999 and the Squirrel Glider (*Petaurus norfolcensis*) listed as Vulnerable under the TSC Act 1995.

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 Two threatened microchiropteran bat species were recorded in the Study Area being the Eastern Bentwing-bat (*Miniopterus australis*) and Eastern Freetail-bat (*Mormopterus norfolkensis*). Both are listed as Vulnerable under the TSC Act 1995
 Assessment under SEPP 44 found that no 'Potential Koala Habitat' occurs within the Site and no further assessment under SEPP 44 was required.
 A survey of habitat trees was undertaken throughout the Study Area. A total of 159 habitat trees were recorded. Trees that were considered habitat trees included trees with visible hollows, potential hollows (could not confirm depth or condition of hollow), termite terrariums and deep bark fissures.

An ecological impact assessment and Seven-Part Test considered whether the removal of vegetation on site totalling 16.9ha with an additional 5.86ha of partial removal to meet Asset Protection Zone Standards, would constitute a significant impact on known threatened species, populations, and ecological communities from the locality such that a local extinction may occur.

The assessment concluded that the proposal was unlikely to have a significant impact on the threatened entities assessed.

4.1.6 Visual impact

There will be no adverse visual impact brought about by developing the site as proposed.

The site is located in a mixed land use area comprising predominantly industrial type uses located to the north, east and south of the site. It is an isolated pocket of land naturally screened from adjoining and adjacent development.

Its physical characteristics enable the proposed development to be designed in such a way as to be self-sufficient in terms of servicing and has the demonstrated ability to stand and operate in isolation, without adversely impacting on adjoining lands.

4.1.7 Noise and Vibration

Noise Consultant – VIPAC Engineers and Scientists Pty Ltd has undertaken a Noise Impact Assessment which has been provided at **Annexure No 19.**

This assessment identified 11 noise sensitive receivers and additional noise monitoring was undertaken at an additional 3 receivers, all located to the west of the site. This noise monitoring was undertaken to ascertain background noise levels at these locations. Measurement results from the instruments were analysed in accordance with the NSW Industrial Noise Policy. Project specific noise levels at noise sensitive receptors were subsequently established.

A noise impact assessment was undertaken to establish the noise emission used for assessment purposes in order to predict noise emissions of the types of vehicles that will utilise the BRMP track circuit. These noise measurements were taken of various road registered vehicles, bikes and race cars at Sydney Motor

Park at Eastern Creek and based on 20 vehicles operating on the track circuit at any one time.

Noise prediction results were tabulated for three different scenarios for 20 lower road noise vehicles, 20 higher road noise vehicles and 20 radical cars for the daytime track usage. Compliance was achieved in full for lower road noise vehicles and there was a mix of compliance and exceedance at worst case scenario of generally 1 to 2 dB(A) for higher noise and radical cars at the thirteen receivers. One of these exceedances was 3dB(A)at receiver No R7.

Various studies indicate that a 3 dB(A) increase in noise level is barely noticeable to the human ear. Given the computer noise model is within 2 dB(A) tolerances with compliance achieved at all receivers except 1.

Given this minor exceedance a noise management plan and strategies have been put forward in the report to incorporate best management practices which includes the adoption of particular operational procedures that minimise noise while retaining productive efficiency. The recommended plan and strategies include:

- Corporate days are expected to consist of low noise road vehicles.
- BlackRock Experience days will be controlled by BlackRock Management and will ensure vehicles are muffled to low road noise level.
- Member days and Track days are expected to manage low and high noise vehicles to minimise adverse noise impact.
- BlackRock Management will supply monthly and annual calendars to residents. These calendars will provide details on upcoming events and notifying the public if there may be any risk of high noise levels.
- On-going noise monitoring is planned on-site to monitor noise levels from operations.
- A proponent-run telephone number that community receivers can call in the event of a noise complaint.

Based on the above Noise Management Plan and the VIPAC report no acoustic barriers, as shown on the SHAC architectural Whole Site Masterplan presented in Annexure No 1, will be required.

4.1.8 Crime Prevention through Environmental Design

Barr Property and Planning have prepared a Crime Risk Assessment for the site which forms **Annexure No 15.**

The Crime Risk Assessment (CRA) assesses the elements of crime, and the fear of crime that may be associated with the proposed development. The assessment has used qualitative and quantitative measures of the physical and social environment to create a contextually designed approach to the analysis and treatment of crime opportunity.

The overall Crime Risk Rating for the project is assessed as 'low'.

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Recommendations to help reduce crime risk are made within the CRA and will be implemented at the Construction Certificate and detailed design stage of the proposed development.

4.2 Social Impacts

Barr Property and Planning have prepared a Social Impact Assessment for the site which forms **Annexure No 16.**

The SIA outlines consultation undertaken for the project, evaluates the social and demographic characteristics of the locality, and assesses the potential social impact of the following elements of the project:

- Community facilities and social infrastructure
- Noise
- Traffic
- Heritage Conservation
- Visual amenity and integration
- Employment opportunities and economic diversity
- Cumulative impacts

The SIA concludes that, with the mitigation measures for noise and heritage conservation in place, the project as proposed will have an overall positive social impact on the immediate locality, wider area, and region.

4.3 Economic Impacts

Barr Property and Planning have prepared an Economic Impact Assessment for the site which forms **Annexure No 17.**

The EIA concludes that the proposed development represents a $29m private investment in the site , resulting in a number of public benefits:

1) Direct investment of $29.9m in construction costs to the local and regional construction industry. Significant multiplier effects
2) Employment opportunities. 44 full time jobs and an estimated $5.2m to be spent in wages. Significant multiplier effects.
3) Access to the site now open to paying members of the public.
4) Public road upgrade for site access from Rhondda Road, involving a direct investment of $338,526 in public infrastructure.
5) Recreation facilities within an area currently lacking these facilities.
6) Heritage Conservation resulting in substantial improvements to the conservation and management of the heritage significance of the site.
7) Visual amenity and biodiversity conservation, including an environmental management scheme to preserve and protect the natural ecological significance of the site.
8) Catalyst for additional co-located development.

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9) Increased economic diversity and resilience.
10) Capture of the tourist dollar, with spending and multiplier effects from 25,000 visitors to the site per annum.

These are discussed and evaluated within Annexure 17.

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5 Suitability of the Site

Section 79C(1)(c) requires the consent authority to consider:

"(c) the suitability of the site for the development."

The site is suitable for the proposed development of a Recreation Facility (Major)

The site is a disused mine site formerly used for underground and open cut coal mining purposes and rehabilitation of the site is nearing completion.

The remaining two buildings on the site are the stables and ammunitions store. These buildings demonstrate distinctive aesthetic characteristics in form and fabric in respect of the former Rhondda Colliery. Both these buildings 'Gradings of Significance' are HIGH. The below ground mining infrastructure, previously severely affected by fire, has a 'Grading of Significance' of MODERATE.

The development of the site as proposed will result in the stables being retained and reused and ammunitions store retained and protected. Other development components of development will not detract from the fabric, scale or setting of the built form of the stables and ammunitions store.

The proposed use of the site for a Recreation Facility (Major) has excellent locational characteristics to suit its purpose. It is highly accessible by road and is in close proximity to the M1 Motorway and access ramps, which provide for ease of vehicular access locally, regionally and interstate and in particular the greater metropolitan area of Sydney.

The site is located in a mixed land use area comprising predominantly industrial type uses located to the north, east and south of the site. It is an isolated pocket of land naturally screened from adjoining and adjacent development. Its physical characteristics enable the proposed development to be designed in such a way as to be self-sufficient in terms of servicing and has the demonstrated ability to stand and operate in isolation, without adversely impacting on adjoining lands.

The development of the site complies in full with LMCC statutory and non-statutory policy and also matters for consideration in determining a development application under the EPA Act.

The development of the site as proposed makes it suitable because it will not adversely affect ecological communities and, riparian corridors and its design is able to mitigate against bushfire risk.

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6 Submissions

Section 79C(1)(d) requires the consent authority to consider:

"(d) Any submissions made in accordance with this Act or the regulations."

Lake Macquarie City Council will need to consider any submissions that are lodged within the notification period. We welcome the opportunity to respond to any submissions to alleviate any concerns that the public may have in regard to this development proposal.

7 Public Interest

Section 79C(1)(e) requires the consent authority to consider:

"(e) The public interest."

The development area of the site as a Recreational Facility (Major) is a use that is in the public's interest.

The development of the site complies in full with LMCC statutory and non-statutory policy and also matters for consideration in determining a development application under the EPA Act.

Given the documentation provided in support of the development application it has been demonstrated that the proposed development will have no adverse environmental impact but will in fact provide a variety of employment, economic and social opportunities for people in the local and in particular the LMCC Local Government Area.

8 Conclusion

The proposed development has been formulated having full and proper regard to existing development controls and to the environmental qualities of the site and its surroundings.

It comprises a permissible form of development and has been designed to comply with the provisions of the relevant environmental planning instruments, as well as the provisions of Lake Macquarie City Council Development Control Plans and policies.

This development proposal for a Recreation Facility (Major) is reasonable and appropriate when considered under the relevant heads of consideration in Section 79C(1) of the EP&A Act.

It is respectfully requested that Lake Macquarie City Council recommend approval of this Recreation Facility (Major) to the Hunter and Central Coast Joint Regional Planning Panel and that this Panel issue development consent for the proposal.

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Annexures

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ANNEXURES

ANNEXURE	CONSULTANT	REPORT
1.	SHAC	Architectural
2.	SECA Solution	Traffic Impact Statement
3.	Moir	Landscape Masterplan Report
4.	Northrop	Preliminary Engineering Design Report
5.	EPRISK	Onsite Wastewater Management Assessment
6.	GHD	Preliminary Mine Subsidence Assessment
7.	MJD Environmental	Water Management Act Appraisal
8.	MJD Environmental	Bushfire Threat Assessment
9.	Vasey Consulting	Estimated Cost of Development Report
10.	MJD Environmental	Ecological Assessment
11.	RIO Tinto. ESP Environmental	Contamination Assessment
12.	EPRISK	SEPP 33 Risk Screening Assessment
13.	RPS	Conservation Management Plan
14.	Philip Chin	Disability Access Audit
15.	Barr Property & Planning	Crime Risk Assessment
16.	Barr Property & Planning	Social Impact Assessment
17.	Barr Property & Planning	Economic Impact Assessment
18.	Barr Property & Planning	Waste Management Plan
19.	VIPAC	Noise Impact Assessment
20.	Barr Property & Planning	Signage Assessment

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