

Concept Approval

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

The Planning Assessment Commission of New South Wales (the Commission) under the *Environmental Planning and Assessment Act 1979* ("the Act") determines:

- a) pursuant to section 75O of the Act, to grant concept plan approval for the proposal referred to in Schedule 1, subject to the modifications set out in Schedule 2, Part C;
- b) pursuant to section 75P(1)(a) and 75P(2)(c) of the Act, the further environmental assessment requirements (as specified in Schedule 2, Part D) for subsequent development applications associated with the concept plan;
- c) pursuant to section 75P(1) (c) of the Act, that the subdivision of land that gives effect to the transfer for lands to a public authority or a Minister of the Crown requires no further environmental assessment and approve the development under section 75J of Act (subject to the conditions set out in Schedule 3 of this approval); and
- d) Pursuant to section 75(1) (b) of the Act, that all development associated with the concept plan be subject to Part 4 (excluding exempt and complying development), or Part 5 of the Act, whichever is applicable.



Jan Murrell
Member of the Commission



David Johnson
Member of the Commission

Sydney,

6 August 2013

SCHEDULE 1

Proponent:	Coal & Allied Industries Pty Ltd
Application made to:	Minister for Planning & Infrastructure
Major Project Number:	MP10_0090
On land comprising:	Land at Minmi, Newcastle Link Road and Stockrington as described in the document titled <i>Minmi, Link Road and Stockrington Concept Plan Environmental Assessment</i> prepared by Urbis dated February 2011.
Local Government areas	Newcastle, Lake Macquarie and Cessnock
Approval in summary for:	<ul style="list-style-type: none">• A five stage development with up to 3,300 dwellings across the 520 hectare development site at Minmi, Newcastle Link Road.• Urban design guidelines subject to further modifications.• Supporting commercial / retail development of up to a total of 8,000 sqm within the village centre and high street centre.• Dedication of approximately 1,561 hectares of conservation lands to the NSW Government.• Indicative staging.• Associated infrastructure.• Torrens title subdivision to enable dedication of the conservation lands by the creation of two separate lots, one for the conservation lands and the other being for the development site
Capital investment value	\$296 million

SCHEDULE 2

PART A – DEFINITIONS

Act, the	<i>Environmental Planning and Assessment Act 1979</i>
APZ	Bushfire Asset Protection Zone
Department, the	Department of Planning and Infrastructure
Director-General, the	Director-General of the Department of Planning and Infrastructure (or delegate)
Minister, the	Minister for Planning & Infrastructure
OEH	NSW Office of Environment and Heritage
PMF	Probable Maximum Flood
Proponent, the	Coal and Allied Industries Pty Ltd
RFS	NSW Rural Fire Service
RMS	NSW Roads and Maritime Services
SEPP Major Development	<i>State Environmental Planning Policy (Major Development) 2005</i>
Site	Land to which concept plan application MP10_0090 applies
Stage	The five stages identified in Figure A3.1 – Indicative Staging Plan, Appendix A, of the concept plan environmental assessment.
Heritage Impact Assessment	The <i>Lower Hunter Estates Development Heritage Impact Assessment: Minmi – Link Road Estate</i> prepared by ERM (June 2011)

PART B – ADMINISTRATIVE CONDITIONS

Terms of Concept Approval

- 1.1 The proponent shall ensure that all development on site is carried out generally in accordance with the:
- a) Concept plan application 10_0090 as modified by this approval;
 - b) *Minmi, Link Road and Stockrington Concept Plan Environmental Assessment* (including accompanying appendices) prepared by Urbis dated February 2011.
 - c) Correspondence, with attachments, titled *Preferred Project Report Submission – Coal & Allied Northern Estates: Minmi / Link Road* prepared by Urbis dated 6 June 2011.
 - d) Correspondence, with attachments, titled *Preferred Project Report Submission – Coal & Allied Northern Estates: Minmi / Link Road* prepared by Urbis dated 16 June 2011.
 - e) Correspondence, with attachments, titled *Assessment of Coal & Allied Lower Hunter Land – Minmi Link Road Application* prepared by Coal & Allied dated 16 November 2011.
 - f) Correspondence, with attachments, titled *Minmi Concept Plan – Newcastle City Council concern regarding vehicle access to the western sports fields* prepared by Coal & Allied dated 12 January 2012.
 - g) Correspondence, with attachments, titled *Assessment of Coal & Allied Lower Hunter Land – Minmi/Link Rd Application (MP10_0090)* prepared by Coal & Allied dated 7 March 2012.
 - h) Statement of commitments dated November 2011 and provided at Appendix 1 of this approval; and
 - i) this approval.
- 1.2 In the event of an inconsistency between:
- a) the modifications of this approval and any document listed from condition 1.1a) to 1.1h) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
 - b) any document listed from condition 1.1a) to 1.1i) inclusive, the most recent document shall prevail to the extent of the inconsistency.

Limits of Approval

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

Determination of Future Applications

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

Dispute resolution

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

Stages

- 1.7 Stages are not required to be developed or completed in the order identified by numbers 1 to 5 with the exception of Stage 1 which must be commenced first.

PART C – MODIFICATIONS TO THE CONCEPT

Open space

- 1.8 The concept plan is to be modified to remove the proposed sports and recreation park within the Minmi East precinct. The recreational facilities for the proposed sports and recreation park are to be identified as per condition 1.16.

Contributions

- 1.9 The concept plan is to be modified so that the following items do not form part of the \$8 million allocation:
- a. The replacement or expansion of the existing Minmi Community Centre.
 - b. Subregional review of strategy for cycling / walkways, subject to discussions with the Department of Planning & Infrastructure with respect to the Western Corridor Strategy.

Prior to lodgement of any development application for subdivision, the proponent is required to reallocate the funds for these items to alternative initiatives or infrastructure items in consultation with Newcastle Council and Lake Macquarie Council and to the satisfaction of the Department.

European heritage

- 1.10 The concept plan is to be modified to retain the entire alignment of the Duckenfield Colliery No. 1 Railway Branch Line within the development area, and extend the pedestrian / cycle path along the rail line through to the proposed workshop park.

Urban Design Guidelines

- 1.11 The indicative lot layout and indicative road layout are not approved as part of the concept plan.
- 1.12 The concept plan urban design guidelines provided at Appendix A and Appendix B of *Minmi, Link Road and Stockrington Concept Plan Environmental Assessment* prepared by Urbis dated February 2011 are required to be modified as set out under condition 1.13.

PART D - FURTHER ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Pursuant with Section 75P(2)(c) of the Act, the requirements listed below shall apply to all future development applications relating to this concept plan.

Urban Design & Built Form

- 1.13 Prior to lodgement of any development application for subdivision, detailed urban design guidelines for the relevant stage are required to have been prepared to address the matters outlined below. The guidelines are to be in a form which could be adopted as site specific controls within the relevant council's development control plan at some stage in the future. For the Minmi East precinct, the existing urban design guidelines are to be revised where they do not already address the following matters.
- a. An updated indicative lot layout and access plan for that stage.
 - b. Built form and building envelope controls, including for commercial and mixed use development where relevant.
 - c. The maximum site cover for townhouse lots is not to exceed 60%.
 - d. Controls for development of buildings on steep slopes (i.e. > 15%).

- e. Details on how cut and fill is to be minimised, and requirements for retaining structures including maximum heights and design approach, acceptable materials, and associated landscaping.
- f. Requirements for retention of vegetation within individual lots, having regard for any requirements of *Planning for Bushfire Protection 2006*.
- g. Demonstrate how the controls have responded to the visual environment and will minimise visual impacts from surrounding areas.
- h. Controls to manage the urban design impact of lots which face major roads such as Woodford Street or Minmi Boulevard, but are accessed from a service road. This is to include requirements for how the dwelling addresses each of the road frontages, fencing controls along the major road, and provision of vegetated buffers within the road reserve and/or within individual lots.
- i. Private open space and landscaping requirements including specific requirements for deep soil zones, and a detailed species selection list.
- j. Site fencing requirements.
- k. Demonstrate how necessary storm water infrastructure can be accommodated on individual lots, in particular small lots.
- l. Incorporate any relevant aspects of the Aboriginal and European heritage management plans, and heritage interpretation strategy. In particular, demonstrate how impacts on the view catchment of the heritage listed Court House will be mitigated, including through appropriate controls on built form, and building materials and colours.
- m. Identify access arrangements and APZs to meet the requirements of *Planning for Bushfire Protection 2006*, and demonstrate how APZs will be accommodated on the site. Where APZs are to be accommodated within individual lots demonstrate that each lot will be able to accommodate the APZ, an appropriate building footprint, and any landscaping or other requirements.
- n. Identify measures, including appropriate setbacks and building orientation, to ensure that noise levels within individual dwellings fronting major roads can meet the internal noise requirements set out in *Development Near Rail Corridors and Busy Roads – Interim Guideline*.

The revised guidelines must be prepared in consultation with the relevant council(s) and submitted to the Director-General for approval. The final approved copies for each stage are to be submitted to council prior to lodgement of any future development applications. The revised guidelines for the Minmi East Precinct (Stage 1) must be submitted to the Director-General within 4 months of the approval of this concept plan.

1.14 Each development application for subdivision must demonstrate that:

- a. Lots on land with greater than 25% slope have an adequate area for a dwelling to be constructed on land which is not greater than 25% slope, and that vehicular access to the dwelling can be provided at a grade of not greater than 25%.
- b. All lots on land with slope of greater than 20% are at least 1,000 square metres in area.

Unless otherwise agreed to by the relevant council.

1.15 Prior to the lodgement of each development application for subdivision, a landscaping and public domain plan must be prepared for the relevant stage in consultation with the relevant council(s), that includes:

- a. All areas of proposed open space within that stage.
- b. Proposed treatments for open space and all other aspects of the public domain.
- c. A strategy for retention of trees on the site.

- d. Proposed landscaping of swales, detention basins, roadside verges and other public domain areas, including species selection.
- e. Management arrangements, including to achieve necessary fuel loads for APZs within any vegetated public domain areas and compliance with *Planning for Bushfire Protection 2006* and the Rural Fire Service standards.
- f. Proposed ownership and management arrangements for public domain areas.
- g. Identification of appropriate species selection for landscaping works, being locally occurring native species, and including regionally significant species and preferred Swift Parrott and Koala foraging habitat trees where possible.
- h. Any proposed heritage interpretation works including the treatment of heritage shared pathways, as identified in the heritage interpretation strategy.

Contributions

- 1.16 Prior to the lodgement of the development application following Stage 1 the arrangements for provision of recreation facilities to meet demand for development within all stages including the skate park are to be identified. Suitable land for these facilities is to be identified within the development area, unless alternative arrangements can be made to accommodate these facilities within general proximity to the development site through negotiations with the relevant council(s). The location of the recreation facilities or alternative arrangements are to be submitted to the Director-General for approval within 2 years of concept plan approval or before the lodgement of the second stage development application whichever occurs first.
- 1.17 Prior to each stage of development the proponent is required to prepare a staging plan to be endorsed by council outlining the schedule of delivery of the following:
- a. Roads, stormwater and other service infrastructure.
 - b. State infrastructure contributions.
 - c. Section 94 contributions.
 - d. Contributions under the \$8 million allocation.
 - e. Open space, recreation facilities and community facilities.

The staging plan, should have regard to the location of open space, recreation and community facilities for the benefit of the existing and future Minmi/Link Road residents and be within the general proximity of these residents. The plans is to identify where contributions are to be delivered as works in kind and/or dedication of land, and must outline management arrangements for land, infrastructure and facilities proposed to be dedicated to a public authority, in accordance with any requirements of that authority. Where land is not accepted by the relevant council the proponent must identify suitable future ownership and management arrangements. For local infrastructure contributions, the nature and level of provision of any facilities is to meet the requirements of the relevant council(s).

- 1.18 The staging plan for Stage 1 is to identify the proposed level of provision of community multipurpose facilities for the entire Minmi, Newcastle Link Road development to the agreement of Newcastle Council and Lake Macquarie Council. The proponent is to identify appropriate land within the proposed high street centre or village centre to accommodate the agreed facility/facilities. In identifying appropriate land consideration is to be given to ensuring that the demands of incoming residents in earlier stages of the development can be met.
- 1.19 For contributions made under the \$8 million allocation, each staging plan is to demonstrate that the contributions are over and above section 94 and State infrastructure contribution requirements, and do not include any contributions which would be otherwise required to mitigate the impacts of the proposed development. Any contributions or dedications to a council, public authority, or community group are subject of the

agreement of that organisation. Any contributions which are deemed unsuitable would need to be re-allocated to alternative infrastructure or initiatives.

Biodiversity

- 1.20 Whilst it is recognised that the biodiversity impacts associated with the proposal have been offset through dedication of 1,561 hectares of conservation lands to the NSW Government, each development application for subdivision shall provide the following, having regard for the recommendations of the Ecological Assessment Report (RPS 2010):
- a. Details of strategies to avoid and minimise clearing and disturbance of vegetation where possible, including of endangered ecological communities, threatened species and their habitat, riparian vegetation (including Alluvial Tall Moist Forest) and mature and/or hollow bearing trees. This is to include consideration of the design of roads and stormwater devices.
 - b. Management measures for minimising impacts on fauna during subdivision works including the implementation of appropriate tree clearing protocols.
 - c. Details regarding the management of the interface between the development site and the conservation lands, Blue Gum Hills Regional Park and riparian land, including identification of appropriate environmental controls to minimise any potential impacts. Management procedures are to be prepared in consultation with OEH. Information provided is to include, but not be limited to, boundary establishment, sediment controls, location and management of construction materials.

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

- 1.21 Each development application for subdivision must demonstrate future ownership and management arrangements of riparian corridors. Any dedication of riparian corridors is to be agreed to, and meet the requirements of the relevant council.
- 1.22 Each development application for subdivision must demonstrate that all works within riparian corridors (as zoned E2 within the SEPP Major Development) identified within the concept plan, including stormwater infrastructure and crossings for roads and services, meet the requirements of the relevant NSW Office of Water guidelines relating to works within riparian corridors.

Flooding

- 1.23 Each development application for subdivision application must include flood modelling which addresses the following:
- Is based on survey accurate terrain information (i.e. digital elevation model).
 - Identify any flooding effects associated with the Hunter River and ocean levels including any impacts associated with sea level rise.
 - Consider the impacts on climate change on flood hazard.
 - Consider the flooding impacts associated with the proposed development.
- 1.24 Each development application for subdivision must demonstrate that each lot can accommodate:
- Dwellings located above the flood planning level (100 year flood plus 0.5m freeboard with fill limited to the 0.5m free board only).
 - Safe evacuation can be provided from all dwellings and public land below the probable maximum flood level, through consultation with the relevant council and State Emergency Services.

Stormwater Management and Water Quality

- 1.25 A revised water sensitive urban design strategy must be provided prior to the lodgement of the first development application for subdivision within each stage to consider how impacts on riparian corridors and waterways as a result of stormwater infrastructure can be minimised. The revised strategy is to demonstrate that, wherever possible, stormwater infrastructure has been located off-line and outside of the identified riparian corridor (as zoned E2 within the SEPP Major Development), having regard for relevant NSW Office of Water guidelines relating to works within riparian corridors.
- 1.26 Detailed design of all stormwater management devices must be submitted with each development application for subdivision in accordance with the requirements of the relevant council.
- 1.27 Each development application for subdivision must outline management arrangements for public stormwater facilities during and after construction, prior to being dedicated to the relevant council. These arrangements are to be negotiated with the relevant council.

Groundwater Impacts

- 1.28 Each development application for subdivision must outline details and depth of excavations, and identify any impacts associated with excavation works and potential infiltration from stormwater infrastructure, on groundwater and groundwater dependent ecosystems. The proponent must also outline the proposed measures to mitigate these impacts.

Note: If future development requires excavations that intercept groundwater, a licence under Part 5 of the Water Act 1912 is required and this will need to be considered as part of any future application.

Contamination

- 1.29 Each development application for subdivision must include a remediation action plan, which includes:
- a. Detailed characterisation of the nature and extent of contaminated material within the proposed subdivision area.
 - b. Details of the proposed remediation strategy, including treatment methodologies and processes.
 - c. Justification of the proposed treatment and remediation criteria to ensure the land is suitable for the proposed land use.
 - d. Details of proposed remediation management measures.
 - e. A detailed validation plan including sampling plans and validation protocols.
 - f. Details of compliance with the *Contaminated Land Management Act 1997*.

Mine subsidence

- 1.30 Prior to the issuing of any subdivision certificate for development, the proponent is to submit geotechnical investigations in accordance with any requirements of the Mine Subsidence Board to demonstrate that the risk of mine subsidence can be removed and/or managed within the development site by suitable means, or demonstrate that the works are long term stable and there is no risk of subsidence, as appropriate to the intended future use of the land. This is to include consideration of options for grouting to ensure that mine subsidence risk is eliminated for all types of development proposed, including larger floor plate structures.

Traffic and access

- 1.31 The first development application for subdivision within each stage of the proposed development is to include a revised traffic and transport impact assessment prepared in consultation with Transport for NSW and the relevant council(s). Each traffic assessment must include:
- Details of traffic generation and distribution from all land uses proposed within that stage including retail, sporting facilities and education facilities.
 - Intersection analysis and micro-simulation modelling to determine the impact of the proposal on the existing regional and local road network.
 - Proposed timing for upgrades of key intersections, in particular Newcastle Link Road / Woodford Street / Cameron Park Road and Newcastle Link Road / Minmi Road in accordance with RMS requirements.
 - Details of any proposed upgrades to the road network, including timing and funding arrangements, to accommodate the proposed development. This is to include identification of suitable pedestrian and cycle links across Minmi Road and Newcastle Link Road.
- 1.32 The proponent is to demonstrate with each development application for subdivision that all aspects of the local road layout and design meet the requirements of the relevant council.
- 1.33 Prior to the lodgement of the first development application for subdivision a comprehensive public transport, cycle way and pedestrian network plan must be prepared which addresses the following:
- Identify all pedestrian and cycle ways to be provided within the proposed development site, and how these link to the surrounding existing and proposed cycle network.
 - Identify a shared pedestrian / cycle path along the former rail corridors including from Tank Paddock to the proposed workshop park and from Tank Paddock to the Blue Gum Hills Regional Park.
 - Demonstrate that the pedestrian and cycle network links with existing and proposed access points to, and pathways within, the Blue Gum Hills Regional Park.
 - Identifies any off site pedestrian and/or cycle ways which are proposed to be provided by the proponent by way of local infrastructure contributions or the \$8 million allocation
 - Considers and addresses any relevant aspects of Newcastle and Lake Macquarie Councils' cycleway strategies.
 - Identifies all proposed bus routes and bus stops and demonstrates how the bus routes will link key locations within the site, provide access to key offsite locations, and integrate with the surrounding bus network.
 - Demonstrate the proposed bus routes, cycle way and pedestrian network links key destinations including open space, recreation and community infrastructure, and retail/commercial centres.
- This plan is required to be prepared to the satisfaction of the Director-General in consultation with Newcastle Council, Lake Macquarie Council, Transport for NSW, Office of Environment & Heritage, and relevant private bus companies. The plan is to form part of the first set of revised urban design guidelines which are to be prepared prior to any development within Stage 1.
- 1.34 Each development application for subdivision for the Link Road North precinct is to demonstrate that key roads linking Minmi Boulevard and the waste management centre have been designed to accommodate waste removal vehicles in accordance with any requirements of the relevant council, unless otherwise agreed to by that council.

Heritage

- 1.35 Prior to approval of any development application for subdivision a conservation management plan is to be prepared in accordance with relevant guidelines. The plan is to include mitigation and recording strategies for unexpected archaeological finds during the project. The plan is to be prepared in consultation with the OEH, and the relevant council(s).

Note: Where items are listed in a Local Environmental Plan, heritage impacts would need to be assessed under the heritage provisions of that instrument.

- 1.36 Where relevant, each development application for subdivision is to include a Heritage Interpretation Strategy, to be prepared by a suitably qualified heritage conservation practitioner in accordance with relevant guidelines including *Interpreting Heritage Places and Items* (Heritage Office 2005) and *Heritage Interpretation Policy* (Heritage Office 2005). The strategy must include detailed plans for development wide interpretation of built, archaeological, industrial, natural and Aboriginal heritage through a variety of mediums to better aid the community in understanding the history of Minmi and the surrounding area. The strategy is to include heritage shared pathways and signage about the history and heritage significance and the area. The strategy must also identify opportunities for long term storage and display of archaeological relics. The strategy is to be prepared in consultation with the OEH, the relevant council(s) and must include a detailed history of the development site.
- 1.37 Prior to commencing the proposed further European archaeological investigations the proposed archaeological research design is to be completed in consultation with the relevant council(s) and to the approval of the OEH (Heritage Branch). A requirement is to be included for the outcomes of the archaeological program to be lodged with the OEH (Heritage Branch), and the relevant council(s) within 1 year of the end of the archaeological program. The archaeological research design is to be prepared in accordance with the Heritage Council Excavation Director Criteria.
- 1.38 Each development application for subdivision is to be accompanied by an Aboriginal Heritage Management Plan. The plan is to be developed and implemented in consultation with OEH, the relevant local council(s), and Aboriginal stakeholders. The plan is to include, but shall not be limited to:
- Procedures for further archaeological investigations within areas identified as having moderate or high archaeological potential, in accordance with the recommendations of the Heritage Impact Assessment provided as part of the concept plan application
 - Procedures for ongoing Aboriginal consultation and involvement, including the opportunity for stakeholders to be invited to monitor top soil stripping for the purposes of recovering cultural heritage material.
 - Details of the responsibilities of all stakeholders.
 - Management of any recorded sites within the development site.
 - Procedures for the identification and management of previously unrecorded sites (excluding human remains).
 - Stop works procedures in the event that human remains are located on site.
 - Identification and management of any proposed cultural heritage conservation area(s).
 - Details of an appropriate keeping place for any Aboriginal objects salvaged through the development process, to be agreed with local Aboriginal community representatives.
 - Details of proposed mitigation and management strategies for Aboriginal sites identified to be impacted within the development site. For example additional investigation processes, salvage activities, and monitoring programs.

- Compliance procedures including for in the unlikely event that non-compliance with the Aboriginal Heritage Management Plan is identified.

1.39 Each development application for subdivision is to demonstrate that all reasonable effort has been made to avoid impacting Aboriginal cultural heritage. If impacts are unavoidable requirements for legislative approvals are to be addressed, and mitigation measures are to be negotiated with the local Aboriginal community.

Note: All sites impacted must have an OEH Aboriginal Heritage Site Impact Recording form completed and submitted to OEH within three month of completion of the Aboriginal cultural heritage works.

1.40 Prior to commencement of works an Aboriginal Cultural Education Program must be developed for the induction all personnel and contractors involved in the construction activities on site, to be developed and implemented in consultation with the local Aboriginal community.

Traffic noise

1.41 Each development application for subdivision is to outline a strategy to mitigate the impacts of traffic noise on future residents, including that from increased traffic associated with all stages of the Minmi, Newcastle Link Road development. The strategy is not to include acoustic barriers, with the exception of along the F3 Freeway. The strategy is to have consideration to the relevant criteria in *NSW Environmental Criteria for Road Traffic Noise* and is to identify how internal criteria outlined in *Development Near Rail Corridors and Busy Roads – Interim Guideline* (Department of Planning & Infrastructure 2008) can be achieved.

1.42 Each development application for subdivision is to assess the impact of increased traffic noise on all existing residential areas, including within Minmi village and other areas within the vicinity of the site. The assessment is to be carried out in accordance with *NSW Environmental Criteria for Road Traffic Noise* and the *Development Near Rail Corridors and Busy Roads – Interim Guideline* (Department of Planning & Infrastructure 2008). Where impacts would exceed the relevant criteria under these guidelines, appropriate mitigation measures are to be identified.

1.43 Where acoustic barriers are proposed along the F3 Freeway, the relevant subdivision application must identify the location, ownership and future management arrangements for the barriers. Location of barriers within the road corridor is subject to the approval of Roads and Maritime Services. The proponent must also demonstrate any barrier has been appropriate designed to mitigate any visual or urban design impacts.

Noise and odour – Summerhill Waste Management Centre

1.44 Each development application for subdivision within the Minmi East and Link Road North precincts is to consider noise and odour impacts associated with the Summerhill Waste Management Centre, and where relevant identify appropriate mitigation measures to manage these impacts.

Bushfire Management

1.45 Each development application for subdivision must be accompanied by a Bushfire Management Plan that demonstrates that the development complies with the *Planning for Bush Fire Protection 2006* and to the satisfaction of the RFS, and provides detailed arrangements for:

- a) A road network and lot layout appropriate to evacuation purposes;
- b) Property access roads which allow for the safe access, egress and defensible space for emergency services.

- c) The location and composition of all APZs, including the inner and outer protection zones, including in relation to proposed building footprints.
- d) Ongoing maintenance requirements for APZs, fire trails and access tracks to ensure compliance with the required standards (for APZs outside individual lots this must be negotiated with the RFS and relevant council).
- e) A staged approach to management of bushfire hazard and APZs during the development process.

Construction Impacts

- 1.46 All development applications for subdivision shall be accompanied by an assessment of construction impacts. The assessment shall be accompanied by a construction environmental management plan, prepared in accordance with *Guideline for the Preparation of Environmental Management Plans* (DIPNR, 2004), which shall include:
- a) Construction noise and vibration management plans including an assessment of potential impacts in accordance with the relevant guideline(s);
 - b) Dust management plan.
 - c) Soil and water management plan, prepared in accordance with Landcom's *Managing Urban Stormwater: Soils and Construction* guidelines.
 - d) Flora and fauna management plan, including tree clearing protocols to ensure the retention of mature or hollow bearing trees, wherever possible.
 - e) Waste management plan.
 - f) Traffic management plan.
 - g) A dilapidation report of public infrastructure and existing residential or commercial buildings in the vicinity of the site.
 - h) Heritage management plan detailing measures to minimise and manage impacts on heritage items during construction.
 - i) Measures to address interface issues between the construction site and the neighbouring conservation areas, including the Blue Gum Hills Regional Park.
 - j) A complaints management plan detailing the procedures that would be implemented to receive, handle, respond to and record any complaints that are received.

Utilities

- 1.47 Each development application for subdivision for the Link Road North or Link Road South Precinct is to demonstrate that any requirements of Transgrid in relation to the Newcastle – Tomago 330kV transmission line have been met.
- 1.48 Each development application for subdivision is to demonstrate that all utility infrastructure has been located to minimise impacts on native vegetation, and is located outside riparian corridors (as zoned E2 within the SEPP Major Development) where possible, having regard for relevant NSW Office of Water guidelines relating to works within riparian corridors.. Crossings of riparian corridors for utility infrastructure are to be collocated with road crossings where possible.

Perimeter Roads

- 1.49 Perimeter roads are to be included within the development area, where practicable riparian zones shall be adjoined by roads rather than subdivision lots.

Schedule 3

PART A – ADMINISTRATIVE CONDITIONS

Development Description

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

Development in Accordance with Plans and Documentation

The development shall be in accordance with the:

- *Plan of Proposed Subdivision of Lot 712 DP 1113237 and Lot 48 DP 115128 Minmi (Revision B)* prepared by Monteath and Powys dated 4 November 2008, provided at Appendix S of the *Minmi, Link Road and Stockrington Concept Plan Environmental Assessment February 2011*, and included at Appendix 2 of this approval; and
- *Proposed Subdivision of Lot 13 DP 1078246 Stockrington (Revision 2)* by Monteath and Powys dated 17 January 2011, provided within Correspondence, with attachments, titled *Assessment of Coal & Allied Lower Hunter Land – Minmi/Link Rd Application (MP10_0090)* prepared by Coal & Allied dated 7 March 2012, and included at Appendix 2 of this approval; and
- the conditions of this approval.

Lapsing of Approval

The approval will lapse 5 years after the approval date of this approval.

PART B – PRIOR TO SUBDIVISION CERTIFICATE

Planning Agreement

The proponent must enter into a planning agreement to make arrangements for the transfer of 1,562 hectares of conservation lands to the NSW Government.

Easements

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

Documentary evidence of restrictions on title

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

Costs to be borne by the Applicant

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

PART C – ADVISORY NOTES

Requirements of Public Authorities for Connection to Services

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

any relevant public authorities are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Subdivision Certificate.

All works in the National Park will require the approval of the Office of Environment and Heritage in accordance with the *National Parks and Wildlife Act 1974* and Part 5 of the *Environmental Planning and Assessment Act 1979*.

Appendix 1
Statement of commitments

Appendix 2
Plan of Proposed Subdivision