

| MP10_0090 CONCEPT APPROVAL – PART D REQUIREMENTS (AS MODIFIED – MOD1 dated 21 December 2016) |   |   |  |
|--|---|---|--|
| Further Environmental Assessment Requirement (FEAR)  |   | Applicant Comment   | CN Comment   |
| Urban Design & Built Form  |   |   |  |
| 1.13   | <i>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 provided by a) – n). The guidelines are to be in a form which could be adopted as site specific controls within the relevant Council's DCP at some stage in the future.</i>   | The Minmi Precinct Design Guidelines were approved by NSW DPIE on 16 November 2018, thus satisfying this FEAR.  | Satisfactory   |
| 1.14   | <i>Each development application for subdivision must demonstrate that:</i><br><i>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%.</i><br><i>b. All lots on land with slope greater than 20% are at least 1,000m<sup>2</sup> in area.</i><br><br><i>Unless otherwise agreed by Council.</i> | <p>All lots on land greater than 25% have an adequate building envelope of less than 25%, including vehicular access.</p> <p>As a design principle, larger lots are provided on steeper lands. In relation to requirement b. and the resultant landform in the concept engineering plans, it is noted that there are some isolated lots that do not strictly comply with this requirement. However, these lots are in the order of at least 800m<sup>2</sup> which are considered to be adequately sized to contain a residential dwelling in the future. As part of the detailed design of the development, further review will be undertaken for individual lots to incorporate benching and retaining walls.</p> <p>Given that the lots are of a sufficient size and capable of containing a dwelling, it is considered that this variation to FEAR 1.14 is acceptable, given the FEAR allows Council to agree to a variation to this requirement.</p> | Satisfactory   |
| 1.15   | <i>Each development application for subdivision shall include a landscaping and public domain plan for the relevant stages, prepared in consultation with the relevant Council(s), that includes:</i><br><i>a. All the proposed open space within that stage;</i><br><i>b. Proposed treatments for open space and all other aspects of the public domain;</i><br><i>c. A strategy for the retention of trees;</i>   | A Landscape Plan and Masterplan report has been prepared by Moir Landscape Architecture, and is provided as <b>Appendix E</b> and <b>F</b> of the SoEE.   | Generally satisfactory, or could be made to be satisfactory, subject to further amended plans provided prior to determination of the DA or subject to conditions of consent. |

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|  | <ul style="list-style-type: none"> <li>d. <i>Proposed landscaping of swales, detention basins, roadside verges and other public domain areas, including species selection;</i></li> <li>e. <i>Management arrangements, including to achieve necessary fuel loads for APZs within any vegetated public domain areas and compliance with PBP 2006 and RFS standards;</i></li> <li>f. <i>Proposed ownership and management arrangements for public domain areas;</i></li> <li>g. <i>Identification of appropriate species selection for landscaping works, being locally occurring native species, and including regionally significant species and preferred Swift Parrot and Koala foraging habitat trees where possible;</i></li> <li>h. <i>Any proposed heritage interpretation works including the treatment of heritage shared pathways, as identified in the heritage interpretation strategy.</i></li> </ul> |   |  |
| Contributions  |   |   |  |
| 1.16   | <p><i>Prior to determination of the development application for subdivision of stage 3, 4 or 5 (which ever occurs first) as defined by the indicative staging plan contained in the Minmi / Link Road Appendix A Concept Plan Design Guidelines (May 2014) 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 purposes is to be identified within the development area, unless alternative arrangements can be made to accommodate these facilities within the 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 prior to determination.</i></p>   | <p>Arrangements for the provision of recreation facilities to meet the demand for all stages (including arrangements for a skate park) have been made in consultation with both Councils, and to the satisfaction of the Secretary who issued his approval in May 2021 (refer to <b>Appendix AG</b> of the SoEE).</p> <p>The arrangements are discussed in further detail in Section 5 of the SoEE.</p> | Satisfactory   |
| 1.17   | <p><i>The Proponent is required to submit a staging plan with each development application for subdivision, to be endorsed by council outlining the schedule of delivery of the following:</i></p> <ul style="list-style-type: none"> <li>a. <i>Roads, stormwater and other infrastructure;</i></li> </ul>  | <p>An Infrastructure Staging Plan Report has been prepared in consultation with NCC addressing the timing and delivery of infrastructure, contributions and the open space, recreation facilities and community</p>   | Generally satisfactory, or could be made to be satisfactory, subject to further amended plans provided prior to determination of the DA or subject to conditions of consent. |

| MP10_0090 CONCEPT APPROVAL – PART D REQUIREMENTS (AS MODIFIED – MOD1 dated 21 December 2016) |  |   |   |
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|  | <p>b. State Infrastructure Contributions;</p> <p>c. S94 Contributions;</p> <p>d. Contributions under the \$8million allocation;</p> <p>e. Open Space, recreation facilities and community facilities.</p> <p><i>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 plan 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).</i></p> | <p>facilities. A copy of this document is contained in <b>Appendix Z</b> of the SoEE.</p>   |   |
| 1.18   | <p><i>The Staging Plan for Stage 1 is to identify the proposed level of provision of community multipurpose facilities for the entire Minmi, Link Road development to the agreement of Newcastle and Lake Macquarie Councils. 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 can be met.</i></p>  | <p>The level of provision for community multipurpose facilities for the entire Minmi Link Road development was subsequently addressed through updates to each Council's S7.11 Plans, which occurred after the issue of this Concept Approval.</p> <p>As per updates made in February 2020 to NCC Western Corridor S7.11 Plan, one new multipurpose centre is required to support all new development within Newcastle's Western Corridor. A 3,000sqm site has been identified in the Village Centre (proposed Lot 1421) suitable for multipurpose centre.</p> | Satisfactory  |
| 1.19   | <p><i>For contributions made under the \$8million allocation, each staging plan is to demonstrate that the contributions are over and above Section 94 and SIC requirements, and not include any contributions which would be otherwise</i></p>  | <p>The Proponent intends to implement multiple grant schemes and providing cycleway linkages to Blue Gum Hills Regional Park (BGHRP) and existing</p>   | <p>Satisfactory, however it is noted that the full \$550,000 is committed under DA2015/10393 (Minmi East Stage 1B by the following condition:</p> |

| MP10_0090 CONCEPT APPROVAL – PART D REQUIREMENTS (AS MODIFIED – MOD1 dated 21 December 2016) |   |  |  |
|--|---|--|--|
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|  | <p><i>required to mitigate the impacts of the proposed development. Any contributions to a council, public authority or community group are subject to agreement of that organisation. Any contributions which are deemed unsuitable would need to be reallocated to alternative infrastructure or initiatives.</i></p>   | <p>suburbs, as discussed in <b>Section 2.10</b> of the SoEE.</p> <p>The above initiatives are not identified within the relevant S7.11 Plan or draft Lower Hunter SIC, nor are they contributions which would otherwise be required to mitigate the impacts of the development. Council can therefore be satisfied that the above initiatives are consistent with FEAR 1.19.</p> | <p>"F.2 The Developer will not, unless otherwise agreed with Council, be required to design or construct the Duckenfield Shared Pathway as shown on the Pathway and Traffic Regulation Plan DA-1B-0205 Issue L dated 11 December 2017 prepared by ACOR Consultants. The Developer must pay to Council an amount up to a maximum of \$550,000 (inclusive of GST) from the \$8 million fund referred to in the Concept Plan Approval MP 10_0090 for the design and construction of the Duckenfield shared pathway as shown on drawing no DA-1B-0205 Issue L dated 11 December 2017 prepared by ACOR Consultants, located on Lot 604 on the approved Subdivision Plans that is to be dedicated to Council. The Applicant is to pay those monies or enter into an agreement with Council for delivery of the shared pathway (up to a maximum amount of \$550,000 (inclusive of GST)) prior to the issue of a Subdivision Certificate for Stage 4."</p> |
| Biodiversity   |   |  |  |
| 1.20   | <p><i>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):</i></p> <p>a. <i>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.</i></p> <p>b. <i>Management measures for minimising impacts on fauna during subdivision works including the implementation of appropriate tree clearing protocols.</i></p> | <p>Additional ecological information in response to FEAR 1.20 has been prepared by MJD Environmental (refer to <b>Appendix O</b>). A Vegetation Habitat Management Plan (VHMP) has also been prepared to accompany the DA, and contains specific interface requirements prepared in close consultation with OEH / NPWS (<b>Appendix AB</b>).</p>                                 | <p>Satisfactory for on-site works subject to conditions of consent.</p> <p><b>Unsatisfactory regarding off-site works associated with any Regional road upgrades that, once agreed and accepted by TfNSW, will require further study for the impact of these works on biodiversity.</b></p> <p><b>Refer to Sections 5.1.2 and 5.3 of the Assessment Report for detail.</b></p>   |

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|  | <p>c. <i>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.</i></p> <p><i>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.</i></p> |  |   |
| 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.  | <p>It is proposed that the riparian corridors will be dedicated to Council, as discussed in <b>Section 5.17.2</b> of the SOEE.</p> <p>A plan demonstrating land proposed to be dedicated to Council is provided in <b>Appendix B</b> (refer to Dwg. 239736(3)-DA-124-R).</p>   | Satisfactory subject to conditions of consent.  |
| 1.22   | <i>Each development application for subdivision must demonstrate that all works within riparian corridors (as zoned E2) 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.</i>  | <p>As a design principle, the proposed subdivision works aim to avoid the riparian corridors (as zoned E2). The proposal does involve some works within the corridors for the purposes of road crossings and stormwater infrastructure, which have been designed having regard to the NSW Office of Water Guidelines.</p> <p>Further detail with regards to FEAR 1.22 is provided within the SoEE.</p> | Satisfactory subject to conditions of consent.  |
| <b>Flooding</b>  |  |  |   |
| 1.23   | <p><i>Each development application for subdivision application must include flood modelling which addresses the following:-</i></p> <ul style="list-style-type: none"> <li><i>Is based on survey accurate terrain information (i.e. digital elevation model).</i></li> </ul>   | A flood impact assessment has been prepared by BMT to address the matters raised by FEARs 1.23 and 1.24 of the Concept Approval, and is contained in <b>Appendix M</b> of the SoEE.  | <b>Unsatisfactory – A report has been prepared but the CN has assessed that the BMT report, or the modelled outcome, is deficient or unsatisfactory in some aspects relating to public safety or impacts on adjoining land.</b> |



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|  | <ul style="list-style-type: none"> <li>Identify any flooding effects associated with the Hunter River and ocean levels including any impacts associated with sea level rise.</li> <li>Consider the impacts on climate change on flood hazard.</li> <li>Consider the flooding impacts associated with the proposed development.</li> </ul>   |   | Refer to Section 5.7 of the Assessment Report for detail.  |
| 1.24   | <p>Each development application for subdivision must demonstrate that each lot can accommodate:</p> <ul style="list-style-type: none"> <li>Dwellings located above the flood planning level (100 year flood plus 0.5 metre free board with fill limited to the 0.5 metre free board only).</li> <li>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.</li> </ul>   |   | Satisfactory   |
| Stormwater Management & Water Quality  |   |   |  |
| 1.25   | A water sensitive urban design strategy for each stage must be provided with 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 strategy is to be a strategic level document to inform later detailed stormwater design. It is to demonstrate that, wherever possible, stormwater infrastructure will be 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. | <p>The following documents have been prepared to address FEARs 1.25 – 1.27:</p> <ul style="list-style-type: none"> <li>Water Sensitive Urban Design Strategy (<b>Appendix W</b>);</li> <li>Stormwater Management Plan (<b>Appendix D</b>); and</li> <li>Concept Engineering Plans (<b>Appendix C</b>).</li> </ul> <p>The proposed stormwater strategy and design is consistent with the intent of FEAR 1.25, in that it minimises works within the riparian corridors by using road crossings to control detention rather than formed basins (with the exception of one online basin), and the proposal complies with the relevant NRAR guidelines.</p> | Satisfactory   |
| 1.26   | Detailed design of all stormwater management infrastructure and devices must be submitted with each development application for subdivision in accordance with the requirements of the relevant Council, and generally consistent with the water sensitive urban design strategy for the stage, required by Condition 1.25.   |   | Generally satisfactory, or could be made to be satisfactory, subject to further amended plans provided prior to determination of the DA or subject to conditions of consent. |
| 1.27   | Each development application for subdivision must outline management arrangements for public stormwater facilities  |   | Generally satisfactory, or could be made to be satisfactory, subject to further amended plans  |

| MP10_0090 CONCEPT APPROVAL – PART D REQUIREMENTS (AS MODIFIED – MOD1 dated 21 December 2016) |   |   |  |
|--|---|---|--|
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|  | <i>during and after construction, prior to being dedicated to the relevant Council. These arrangements are to be negotiated with the relevant Council.</i>  |   | provided prior to determination of the DA or subject to conditions of consent. |
| Groundwater Impacts  |   |   |  |
| 1.28   | <i>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.</i> | <p>Details and depths of excavation works are detailed in the Concept Engineering Plans, provided as <b>Appendix C</b>. Cut in the order of 13m is proposed in the higher parts of the site, however the lower areas are generally in fill.</p> <p>Groundwater may be encountered during excavation works, particularly in the lower lying parts of the site in the north. Backfilled open cuts may also present localised perched aquifers. Further water level investigations will be undertaken during detailed design in areas where cuts are likely to encounter groundwater. The detailed design will incorporate recommendations relating to management of groundwater during construction. This includes parameters to manage the treatment of acid sulfate soils and groundwater in the northern parts of the site during works.</p> <p>In relation to the potential for infiltration from stormwater infrastructure, it is unlikely to adversely impact groundwater as stormwater conveyance will be via a sealed pit-and-pipe system, and the proposed bio-retention basins will be lined.</p> <p>In relation to groundwater dependent ecosystems (GDEs), one area of Alluvial Tall Moist Forest was identified as a GDE in the north of the site (RPS 2011). This is reconfirmed in advice from MJD Environmental (<b>Appendix AK</b>). It is noted</p> | Satisfactory subject to conditions of consent.                                 |

| MP10_0090 CONCEPT APPROVAL – PART D REQUIREMENTS (AS MODIFIED – MOD1 dated 21 December 2016) |   |  |  |
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|  |   | <p>that this proposal no longer includes works within this area, therefore the proposal will not impact on the GDE and no further mitigation is required as part of this development application.</p> <p>It is acknowledged that the land containing GDEs has been earmarked for the recreation facilities, and it is anticipated that an assessment of GDE impacts will need to be undertaken as part of the future application for those works by Council.</p> <p>A hydrogeological assessment was prepared by Martens Consulting Engineers for the purposes of determining a suitable location for the recreation facilities. The assessment determined that, notwithstanding the removal of a portion of the GDE, the development of this land for sporting fields would not result in any material impact to the local GDE.</p> <p>A copy of the hydrogeological assessment is contained in <b>Appendix R</b> of the SOEE for information purposes.</p> |  |
| Contamination  |   |  |  |
| 1.29   | <p><i>Each development application for subdivision must include a remediation action plan, which includes:</i></p> <ol style="list-style-type: none"> <li><i>Detailed characterisation of the nature and extent of contaminated material within the proposed subdivision area.</i></li> <li><i>Details of the proposed remediation strategy, including treatment methodologies and processes</i></li> <li><i>Justification of the proposed treatment and remediation criteria to ensure the land is suitable for the proposed land use.</i></li> <li><i>Details of proposed remediation management measures.</i></li> </ol> | <p>A remediation action plan has been prepared in accordance with FEAR 1.29. The RAP (and associated addendum) has been peer reviewed by Council's and the Applicant's contamination experts. A copy is contained in <b>Appendix I</b> of the SOEE.</p>  | Satisfactory subject to conditions of consent. |



| MP10_0090 CONCEPT APPROVAL – PART D REQUIREMENTS (AS MODIFIED – MOD1 dated 21 December 2016) |  |  |  |
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|  | e. <i>A detailed validation plan including sampling plans and validation protocols.</i><br>f. <i>Details of compliance with the Contaminated Land Management Act 1997.</i>   |  |  |
| <b>Mine Subsidence</b>   |  |  |  |
| 1.30   | <i>Prior to issuing of any subdivision certificate 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 mine subsidence risk is eliminated for all types if development proposed, including larger floor plate structures.</i>   | <p>Mine subsidence is discussed in <b>Section 5</b> of the SoEE.</p> <p>The Proponent is consulting with SA NSW regarding the overall strategy to address mine subsidence across the entire Minmi Link Road development. Consultation between the Proponent and SA NSW will continue to ensure that the strategies (such as final remediation or building guidelines) are appropriate for the intended use of the land, to ensure that FEAR 1.30 can be met prior to issue of Subdivision Certificate.</p> | <p><b>This FEAR has technically been met, however, Subsidence Advisory NSW have advised that detailed modelling and assessment of the works required to eliminate risk of mine subsidence is necessary before SANSW support (or otherwise) can be given. Without an understanding of what physical works may be entailed in eliminating risk to the requirements of SANSW, CN is unable to assess the full impact of the approved subsidence mitigation works on the natural and built environment. Refer to Section 5.5 of the Assessment Report for detail.</b></p>  |
| <b>Traffic &amp; Access</b>  |  |  |  |
| 1.31   | <p><i>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:</i></p> <ul style="list-style-type: none"> <li><i>Details of traffic generation and distribution from all land uses proposed within that stage including retail, sporting facilities and education facilities.</i></li> <li><i>Intersection analysis and micro-simulation modelling to determine the impact of the proposal on the existing regional and local road network.</i></li> <li><i>Proposed timing for upgrades of key intersections, in particular Newcastle Link Road / Woodford Street</i></li> <li><i>/ Cameron Park Road and Newcastle Link Road / Minmi Road in accordance with RMS requirements.</i></li> <li><i>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</i></li> </ul> | <p>Two traffic impact assessments have been prepared in response to FEAR 1.31. A TIA has been prepared by Intersect Traffic to assess the impact on the local road network, and is provided as <b>Appendix S</b>. A Regional Traffic and Transport Assessment (including microsimulation modelling) has been prepared by SCT Consulting, with a copy provided as <b>Appendix AF</b>.</p>   | <p><b>This FEAR has been technically met, however, Transport for NSW have advised that they do not agree with or accept the Regional Traffic and Transport Assessment or the recommended road upgrade works recommended within the RTTA to offset and mitigate the impacts of the development on the off-site classified and regional road network. Without acceptance or agreement of the RTTA by TfNSW, CN is not satisfied that the impacts of the development on the classified and regional road network are acceptable.</b></p> <p>Impacts on the local road network within the development are assessed as being satisfactory subject to conditions of consent, <b>noting, however that full development cannot be achieved if the development proposed within Lake Macquarie City Council LGA is not approved and constructed in its current form.</b></p> |

| MP10_0090 CONCEPT APPROVAL – PART D REQUIREMENTS (AS MODIFIED – MOD1 dated 21 December 2016) |   |   |  |
|--|---|---|--|
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|  | <i>suitable pedestrian links across Minmi Road and Newcastle Link Road.</i>   |   | <b>Refer to Section 5.1.1 and 5.1.2 of the Assessment Report for detail.</b> |
| 1.32   | <i>The proponent is to demonstrate application for subdivision that all aspects of the local road layout and design meet the requirements of the relevant Council.</i>  | The proposed road design and layout has been prepared in accordance with <i>Element 7.04 – Movement Networks of Newcastle DCP 2012.</i>   | Satisfactory subject to conditions of consent.                               |
| 1.33   | <p><i>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:-</i></p> <ul style="list-style-type: none"> <li><i>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.</i></li> <li><i>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.</i></li> <li><i>Demonstrate that the pedestrian and cycle network links with existing and proposed access points to, and pathways within, the Blue Gum Hills Regional Park.</i></li> <li><i>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.</i></li> <li><i>Considers and addresses any relevant aspects of Newcastle and Lake Macquarie Council's cycle way strategies.</i></li> <li><i>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.</i></li> <li><i>Demonstrate the proposed bus routes, cycle way and pedestrian network links key destinations including open space, recreation and community infrastructure, and retail / commercial centres.</i></li> </ul> | An access and movement plan addressing public transport, cycle way and pedestrian networks within and external to the site was included in the revised Urban Design Guidelines required prior to Stage 1. The overall plan is contained within <i>Coal &amp; Allied Northern Estates, Minmi Link Road, Appendix B: Urban Design Guidelines</i> (RPS & JMD, Nov 2014). | Satisfactory.  |

| MP10_0090 CONCEPT APPROVAL – PART D REQUIREMENTS (AS MODIFIED – MOD1 dated 21 December 2016) |  |   |  |
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|  | <i>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 &amp; 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 with Stage 1.</i>  |   |  |
| 1.34   | <i>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.</i>  | Not applicable. This FEAR relates to the part of Link Road North Precinct that occurs within Lake Macquarie LGA.  | Not applicable to DA2018/01351.                |
| <b>Heritage.</b>   |  |   |  |
| 1.35   | <i>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).</i>   | <p>The Conservation Management Plan was required to be prepared prior to approval of any development application for subdivision (which was Stage 1), and therefore this FEAR has already been addressed.</p> <p>A copy of the CMP prepared by ERM and adopted in August 2018 is provided as <b>Appendix L</b> of the SoEE.</p> | Satisfactory subject to conditions of consent. |
| 1.36   | <i>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 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</i> | <p>An overarching heritage interpretation plan has been prepared and adopted for the Minmi Link Road Development. The plan has been updated to incorporate Stages 3, 4 and 5 of the Minmi Link Road Estate.</p> <p>A copy is provided as <b>Appendix P</b> of the SoEE.</p>   | Satisfactory subject to conditions of consent. |

| MP10_0090 CONCEPT APPROVAL – PART D REQUIREMENTS (AS MODIFIED – MOD1 dated 21 December 2016) |   |  |  |
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|  | <i>consultation with the OEH, the relevant Council(s) and must include a detailed history of the development site.</i>  |  |  |
| 1.37   | <i>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 one 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.</i>  | Noted. The proposed further European archaeological investigations and associated archaeological research design are not a DA matter and will be addressed prior to commencement of works within those stages containing archaeological sites.   | Satisfactory subject to conditions of consent. |
| 1.38   | <p><i>Prior to approval of any development application for subdivision 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:-</i></p> <ul style="list-style-type: none"> <li><i>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.</i></li> <li><i>Procedures for ongoing Aboriginal consultation and involvement, including the opportunity for stakeholders to be invited to monitor topsoil stripping for the purposes of recovering cultural heritage material.</i></li> <li><i>Details of the responsibilities of all stakeholders.</i></li> <li><i>Management of any recorded sites within the development site.</i></li> <li><i>Procedures for the identification and management of previously un-recorded sites (excluding human remains).</i></li> <li><i>Stop works procedures in the event that human remains are located on site.</i></li> <li><i>Identification and management of any proposed cultural heritage conservation area(s).</i></li> </ul> | <p>The Aboriginal Cultural Heritage Management Plan (ACHMP) was required to be prepared prior to approval of any development application for subdivision (which was Stage 1), and therefore this FEAR has already been addressed.</p> <p>A copy of the adopted ACHMP is provided as <b>Appendix J</b> of the SoEE.</p> | Satisfactory subject to conditions of consent. |

| MP10_0090 CONCEPT APPROVAL – PART D REQUIREMENTS (AS MODIFIED – MOD1 dated 21 December 2016) |  |   |  |
|--|--|---|--|
| Further Environmental Assessment Requirement (FEAR)  |  | Applicant Comment   | CN Comment   |
|  | <ul style="list-style-type: none"> <li>Details of an appropriate keeping place for any Aboriginal objects salvaged through the development process, to be agreed with local Aboriginal community representatives.</li> <li>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.</li> <li>Compliance procedures including for in the unlikely event that non-compliance with the Aboriginal Heritage Management Plan is identified.</li> </ul>                                  |   |  |
| 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.  | Noted. However, no Aboriginal sites are identified within the Minmi Precinct.   | Satisfactory subject to conditions of consent.   |
| 1.40   | Prior to commencement of works, an Aboriginal Cultural Education Program must be developed for the induction of all personnel and contractors involved in the construction activities on site, to be developed and implemented in consultation with the local Aboriginal Community.  | Noted. The ACHMP contains protocols for the implementation of the Aboriginal Cultural Education Program, to be undertaken by all construction personnel and contractors involved in the subdivision works.                            | Satisfactory subject to conditions of consent.   |
| 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 Road – Interim Guideline (Department of Planning & Infrastructure 2008) can be achieved. | <p>A traffic noise impact assessment has been prepared by Muller Acoustic Consulting to address FEARs 1.41 to 1.43.</p> <p>A copy of the report is contained in <b>Appendix Q</b>, and discussed in <b>Section 5</b> of the SoEE.</p> | <p><b>Unsatisfactory.</b></p> <p><b>No or inadequate studies are present to enable CN to complete an assessment of the impacts of traffic noise associated with any off-site road upgrades (which are yet to be agreed by TfNSW) on the classified or regional road network.</b></p> <p><b>Refer to Section 5.2 of the Assessment Report for detail.</b></p> |

| MP10_0090 CONCEPT APPROVAL – PART D REQUIREMENTS (AS MODIFIED – MOD1 dated 21 December 2016) |  |  |  |
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| Further Environmental Assessment Requirement (FEAR)  |  | Applicant Comment  | CN Comment   |
| 1.42   | <i>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 &amp; Infrastructure 2008). Where impacts would exceed the relevant criteria under these guidelines, appropriate mitigation measures are to be identified.</i> |  | <p>Unsatisfactory.</p> <p>Further information is also required to confirm who is responsible for funding and installing noise attenuation measures to 193 Woodford St, Minmi and when this will occur. There is also no evidence that the applicant and the owner of 193 Woodford Street have agreed to any architectural changes to their existing dwelling.</p> <p>Refer to Section 5.2 of the Assessment Report for detail.</p> |
| 1.43   | <i>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 appropriately designed to mitigate any visual or urban design impacts.</i>   | Acoustic barriers along the M1 Motorway are not required, and therefore not proposed.  | Satisfactory.  |
| Noise & Odour – Summerhill Waste Management Centre   |  |  |  |
| 1.44   | <i>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.</i>  | Not applicable. This requirement relates to the Link Road North Precinct in the Lake Macquarie LGA, where the site adjoins Summerhill Waste Management Centre.   | Not applicable to DA2018/01351.  |
| Bushfire   |  |  |  |
| 1.45   | <i>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:</i>  | <p>The following documents have been provided in response to FEAR 1.45:</p> <ul style="list-style-type: none"> <li>• Bushfire Management Plan (<b>Appendix G</b>);</li> <li>• Addendum Advice (<b>Appendix G</b>) and</li> </ul> | Satisfactory subject to conditions of consent.   |



| MP10_0090 CONCEPT APPROVAL – PART D REQUIREMENTS (AS MODIFIED – MOD1 dated 21 December 2016) |   |   |  |
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| Further Environmental Assessment Requirement (FEAR)  |   | Applicant Comment   | CN Comment                                     |
|  | <ul style="list-style-type: none"> <li>a) A road network and lot layout appropriate to evacuation purposes;</li> <li>b) Property access roads which allow for the safe access, egress and defensible spaces for emergency services.</li> <li>c) The location and composition of all APZs, including the inner and outer protection zones, including relation to proposed building footprints.</li> <li>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).</li> <li>e) A staged approach to management of bushfire hazard and APZs during the development process.</li> </ul>  | <ul style="list-style-type: none"> <li>• Subdivision BAL Plan (<b>Appendix G</b>).</li> </ul> <p>It is noted that the NSW RFS confirmed their satisfaction with the above documents on 4 September 2020, albeit the previous version of the Subdivision BAL Plan (refer to <b>Appendix Y</b>).</p> <p>Minor layout changes have occurred since the RFS issued its approval, necessitating an update to the Subdivision BAL Plan. It is requested that Council refer the updated Subdivision BAL Plan to the RFS to review and re-confirms its position.</p> |  |
| Construction Impacts   |   |   |  |
| 1.46   | <p>All development applications for subdivision shall be accompanied by an assessment of construction impacts. The assessment shall include consideration of the following:</p> <ul style="list-style-type: none"> <li>a) Construction noise and vibration management.</li> <li>b) Dust management.</li> <li>c) Soil and water management plan, prepared in accordance with Landcom's Managing Urban Stormwater: Soils and Construction guidelines.</li> <li>d) Flora and fauna management.</li> <li>e) Waste management.</li> <li>f) Traffic management.</li> <li>g) Management of public infrastructure and existing residential or commercial buildings in the vicinity of the site.</li> <li>h) Heritage management.</li> <li>i) Interface issues between the construction site and the neighboring conservation areas, including the Blue Gum Hills Regional Park.</li> <li>j) Complaints management.</li> </ul> | <p>Construction impacts are addressed in <b>Section 5</b> of the SoEE. An overarching construction environmental management plan has also been prepared, and is contained in <b>Appendix AD</b>.</p>  | Satisfactory subject to conditions of consent. |
| Utilities  |   |   |  |

| MP10_0090 CONCEPT APPROVAL – PART D REQUIREMENTS (AS MODIFIED – MOD1 dated 21 December 2016) |   |  |
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| Further Environmental Assessment Requirement (FEAR)  |   | CN Comment   |
| 1.47   | <i>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.</i>   | Not applicable. This requirement relates to the Link Road North Precinct within Lake Macquarie LGA.  |
| 1.48   | <i>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.</i> | Utility infrastructure proposed as part of this development application will generally be located within the proposed road reserves to minimise impacts on native vegetation. Where this is not possible, effort will be made to confine utility infrastructure to within the development footprint. |