

Notice of Modification

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, the Planning Assessment Commission modifies the Concept Plan approval referred to in Schedule 1, subject to the Terms of Approval in Schedule 2.



David Johnson (Chair)
Member of the Commission



Maurice Evans
Member of the Commission

Sydney 21 December 2016

SCHEDULE 1

Approval:	MP 10_0090 granted by the Planning Assessment Commission on 6 August 2013
For the following:	A five stage development with up to 3,300 dwellings across the 520 hectare development site at Minmi, Newcastle Link Road, including: • 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.
Approval Authority:	Minister for Planning
The Land:	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.
Modification:	MP 10_0090 MOD 1: including various changes to the timing of submission of information required as part of Further Environmental Assessment Requirements and clarification of the requirements for the provision of perimeter roads.

SCHEDULE 2

The above approval is modified as follows:

- (a) Schedule 2 Part D – Future Environmental Assessment Requirement 1.15 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck-out~~** words / numbers as follows:

- 1.15 ~~Prior to the lodgement of each~~ **Each** development application for subdivision, ~~a shall include a~~ landscaping and public domain plan ~~must be prepared~~ for the relevant stage, **prepared** in consultation with 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.

- (b) Schedule 2 Part D – Future Environmental Assessment Requirement 1.16 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck-out~~** words / numbers as follows:

- 1.16 Prior to the **determination lodgement** of the development application **for subdivision of Stage 3, 4 or 5 (whichever occurs first) as defined by the Indicative Staging Plan contained in the Minmi/Link Road Appendix A, Concept Plan Design Guidelines (May 2014), following Stage 4** 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 the approval or before the lodgement of the second stage development application whichever occurs first prior to determination.~~

- (c) Schedule 2 Part D – Future Environmental Assessment Requirement 1.17 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck-out~~** words / numbers as follows:

- 1.17 ~~Prior to each stage of development the~~ **The** proponent is required to **prepare submit** a staging plan **with each development application for subdivision,** 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 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).

- (d) Schedule 2 D – Future Environmental Assessment Requirement 1.25 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck-out~~** words / numbers as follows:

- 1.25 A ~~revised~~ water sensitive urban design strategy **for each stage** must be provided ~~prior to~~ **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 ~~revised~~ strategy is to **be a strategic level document to inform later detailed stormwater design**. **It is to** demonstrate that, wherever possible, stormwater infrastructure ~~has been~~ **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.

- (e) Schedule 2 Part D – Future Environmental Assessment Requirement 1.26 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck-out~~** words / numbers as follows:

- 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**.

- (f) Schedule 2 Part D – Future Environmental Assessment Requirement 1.38 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck-out~~** words / numbers as follows:

- 1.38 **Each Prior to approval of any** development application for subdivision ~~is to be accompanied by~~ an Aboriginal Heritage Management Plan **is to be prepared**. 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.
- (g) Schedule 2 Part D – Future Environmental Assessment Requirement 1.46 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck out~~** words / numbers as follows:
- 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~~ **consideration of the following:**
- a. Construction noise and vibration management ~~plans including and 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~~ **management** 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.~~
- (h) Schedule 2 Part D – Future Environmental Assessment Requirement 1.49 is amended by the deletion of the **~~bold struck out~~** words as follows:
- 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.~~

End of Modification 1

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:	• 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

Minimi/Link Road Statement of Commitments

Subject	Description
Commitments Restricting the Terms of Approval	Future development will be carried out generally in accordance with the following plans and documentation submitted with the Environmental Assessment Report: - Conservation and Development Areas Transfer Plan prepared by Monteath & Powys and Figure A.1.1 prepared by RPS (prev Conics); - Illustrative Concept Plan (Figure A.1.3) prepared by RPS and JMD; - Land uses as proposed by the SSS listing and as indicatively shown on Figure A.1.4 prepared by RPS; - Conceptual road design and access arrangements as shown on drawing Figure A.1.4 prepared by RPS and JMD; - Landscape, open space and heritage design concepts as shown in Figure A.2 prepared by RPS and JMD; - Urban Design Guidelines prepared by RPS; - Indicative development staging as indicated in Figure A.3.1 prepared by RPS.
Commitments comprising payment of a monetary contribution, or dedication of land/carrying out of work for local Infrastructure	Section 94 Contributions The Owner will pay contributions in accordance with the Lake Macquarie Northlakes Section 94 Contributions Plan (2004 as amended) and Newcastle City Council Development Contributions Plan No. 1 2005 (Blue Gum Hill Contributions Catchment – Sub Catchment Maryland and Minimi) and Newcastle City Council Development Contributions Plan No. 4, 2006 (Transport Facilities in Blue Gum Hills). Timing of payments will be agreed with the Councils generally in accordance with the requirements of the respective Section 94 Plans. The total monetary amount of contribution will be made by either dedication of land free of costs, payment of contribution, or works in kind, or any combination of them for the following. Facilities to be provided in each Local Government Area (LGA) will depend on the approved common LGA boundary that is subject to being relocated. Contributions will be based on the lot yield per LGA : - Open Space and Recreation facilities including multi-purpose sports fields, incorporating rugby, soccer pitches and cricket wickets, four netball courts, two double-court tennis courts, local and district parks. Open space offsets will be determined when open space ownership details are finalised with Newcastle City Council and Lake Macquarie City Council. - Monetary contribution towards a BMX track or skate park or another regional facility as part of the Community Facilities Section 94 Contributions. - Contributions for community facilities for a community hall/centre or similar building that may accommodate flexible uses, including visiting health services such as baby and child health, community nursing and allied health services. All facilities to be built and maintained for a maximum of five years before handover to the relevant Council in accordance with current standards set out in Council's Development Contribution Plans. - S.94 Management. - Traffic contributions will be offset against contributions by the Owner to transport facilities outside the Newcastle City Council Development Contributions Plan No. 4, 2006 (Transport Facilities in Blue Gum Hills) - Drainage contributions are not required as drainage, stormwater and water quality control will be developed and controlled within the development estate in accordance with the Concept Plan Environmental Assessment.

	In lieu of monetary contribution for open space, a number of parks will be developed by the Owner and then dedicated to Lake Macquarie Council / Newcastle City Council after the completion of each stage of the development. The Owner proposes to enter into separate Planning Agreements (PA) with Lake Macquarie Council / and Newcastle City Council to include the timing of payments and management of all open space and other areas proposed to be dedicated to Council for 5 years or until the adjacent subdivision development is completed, whichever the later. On completion of the PA period, management of the lands will be transferred to the respective Council
Commitments comprising payment of a monetary contribution, or dedication of land/carrying out of work for Regional Infrastructure	State Infrastructure Contributions Coal & Allied has offered to enter into a Voluntary Planning Agreement (VPA) with the State Government for the payment of monetary contributions, land dedications or works in kind for the provision of regional infrastructure as determined by the NSW state government NOTE: The NSW Department of Planning has developed a draft plan to streamline the contributions process for regional infrastructure in the Lower Hunter region. The plan is proposed for those non-urban lands that are rezoned to residential and industrial purposes and will fund a wide range of road, education, emergency services, health and regional open space infrastructure. At the time of writing, the documents were in Draft and on exhibition for public comment. Coal & Allied has offered to pay the State Infrastructure Contribution rate current at the time of future development applications, offset by land dedications and any appropriate "works-in-kind". This will be the subject of future negotiations with the NSW Dept of Planning pending the outcome of the regional infrastructure contribution determination. Coal & Allied has agreed to the dedication of an approximate 4Ha site for a primary school just south of the Village Centre and East of Minmi Boulevard. The location is included in the amended Concept Plan submitted as the PPR. Coal & Allied has also agreed to dedicate 1.3Ha to form an extension to the existing Minmi Public School
Utility Services/Infrastructure Upgrades	The concept plan commits to the funding and delivery of all on-site infrastructure and services including the following specific infrastructure prior to or in conjunction with the commencement of Stage 1 of the development or by agreement with the respective supply authorities: ▪ Ausgrid to be consulted to ensure electricity from existing network and new zone substation will adequately service the development site. ▪ New potable water reservoir and trunk water main to site. ▪ Sewer. The Owner to investigate alternative options of sewer provision ▪ Conduits as required for the rollout of the NBN . ▪ Provision of gas (in conjunction with Jemena). ▪ New utility services are to be provided underground. ▪ The Owner to provide reticulated recycled water if available at the site. If not, water tanks are to be provided. The Concept Plan will ensure that sufficient land is provided within new road reserves and alternatively, within easements in the offset lands and provide land for utilities. New or upgraded infrastructure is the developer responsibility by agreement with the respective authorities

Conveyancing	A plan of subdivision prepared by Monteath and Powys will enable subdivision of Lot 712 DP 1113237 and Lot 48 DP 115128 to allow the dedication and transfer of the conservation lands to the State Government Easements to be provided for utility services that encroach onto private land or common space. Land to be dedicated to relevant authorities where required. TransGrid will be consulted to ensure all of its easement requirements are met. No works will be undertaken without written approval from TransGrid All road reserves to be constructed will be dedicated to the relevant road authority. Housing lots will be torrens title or strata title, as appropriate to building typology. The dedication of public open space or recreational areas, including riparian corridors and community infrastructure will be determined when open space ownership details are finalised with Newcastle City Council and Lake Macquarie City Council. Details to be included in the proposed PA with each Council. Riparian corridors will be transferred to the ownership of the respective Council and are to be zoned E2 following registration of the subdivision plan.
Environmentally Sustainable Development	Residential development will meet or exceed the following targets: ▪ The BASIX water consumption benchmark. ▪ The BASIX energy consumption benchmark ▪ Assessment will be required with each Development Application for each lot/house
Procurement Policies	Prior to any works on site commencing, the Owner will develop a procurement policy for the construction of the subdivision. The policy shall incorporate initiatives to encourage local employment opportunities, including Aboriginals for the duration of the project. Prior to any works on site commencing, the Owner is to: ▪ Contribute to the Indigenous community for employment in land care, etc. ▪ Establish procurement policies for the Indigenous community during construction (e.g. fencing, landscaping) and ongoing maintenance (e.g. lawn mowing etc). This should be done in partnership between the Indigenous community and the Owner.
Consultation/ Educational Programs	The Owner is to develop a community consultation program for the duration of the construction process (including North Lakes and Edgeworth). This program is to be approved by Department of Planning prior to any works on site commencing and will include:

	▪ Regular newsletters/letterbox drops on timing and progress. ▪ Information on a publicly accessible website. ▪ Community workshops. ▪ Appropriate signage on site. ▪ Contact numbers for complaints/issues etc. The Owner is to contribute on a per annum basis for a maximum of 3 years to provide a place manager as a point of contact during course of development to attend community meetings to explain development sequences and to take information/feedback back to council and developer. The place manager could work part-time from the community centre in Minmi.
Urban Design	The Concept Plan commits to a set of Development Design Guidelines for each Stage of development. The Minmi East precinct is proposed as Stage 1. All stages of the project, which would be subject to a Project Application or Development Application, will be accompanied by design controls and guidelines that reflect the relevant stage and associated design guidelines.
Housing Diversity	The Concept Plan commits to providing a diversity of housing opportunities through: ▪ The provision of a diversity of lots sizes. ▪ The provision of different housing typologies. ▪ Provision of housing that is adaptable to future demands (allows ageing in place).
European Heritage	Prior to any works on site commencing, the Owner is to prepare and implement the following heritage mitigation measures outlined in the Heritage Impact Statement prepared by ERM including: ▪ Historical archaeological investigations prior to works commencing on site. These should be undertaken by a qualified historical archaeologist: ▪ a geophysical survey of the AZ1 and AZ2 should be undertaken to investigate the possible location of the former school site, former house sites, any remains relating to the workshop and Eales shaft area and the Chinese Gardens (GPR or resistivity should yield suitable results); ▪ an archaeological research design should be written to investigate a representative portion of sites to be impacted. This design should aim to investigate the former school site, portions of the workshop and Eales shaft areas not conserved, a sample of former houses from AZ1 and AZ2 - a street front would provide a representative sample and a representative portion of the Chinese Gardens. Archaeological excavation should be informed by the likely archaeological potential and deposits at each site and aim to address questions established by this assessment;

	▪ test excavation could be undertaken to determine the condition and integrity of any remains. This would then inform the requirements for further investigations; and ▪ all archaeological sites deserve to be interpreted for public appreciation. ▪ Assessment of the shared walking/cycleways along the historical railway corridor from the Tank Paddock area to the new township through to Workshop Park in the west and Blue Gum Hills Regional Park in the east. ▪ Prepare an archival record of heritage photos. This should be made available across Council libraries or in the multi use centre. ▪ The Heritage railway lines will be interpreted as part of the Heritage Interpretation Strategy and will be included in the Cultural Heritage Management Plan. ▪ Develop a heritage interpretation strategy to guide the provision of on-site interpretation, which could include Aboriginal walking routes interpretation linked to the Blue Gum Hills Regional Park. ▪ Undertake an archaeological study of coke ovens. ▪ Conserve and incorporate into the heritage interpretation strategy the coal wagon and guard's carriage. There are no further railway/mining artefacts present within the study area as all residual aspects are archaeological and/or landscape. All such sites (as the archaeological and/or landscape sites defined under the ERM HA) are to be conserved. ▪ Undertake interpretation on the coal mining at Minmi and the Brown family.
Aboriginal Heritage	On Development Lands, prior to any works on the development lands site commencing, the Owner is to prepare an 'Aboriginal Heritage Plan of Management' (PoM) in accordance with the heritage mitigation measures outlined in the Heritage Impact Statement prepared by ERM including: ▪ Consultation with local Aboriginal stakeholder groups during the preparation of the Cultural Heritage Management Plan (CHMP) and throughout the development program. ▪ The CHMP will include an updated AHIMS search to ensure all newly identified sites are included. The CHMP will be completed prior to any works commencing on site where works have been deemed to potentially impact the proposed area of development ▪ Ensure appropriate stop work procedures are in place particularly for the excavation phase of works and all site contractors undergo a site induction that includes information about Aboriginal sites. ▪ In the unlikely event of discovery of skeletal material all works should cease, the police, relevant local Aboriginal community groups and a suitably experienced archaeologist or physical anthropologist should be contacted to assess the material before determining the correct management action. ▪ Ensure that on-site information about the heritage requirements is in place for the construction phase for the construction team.; ▪ During earth breaking activities within areas of archaeological potential ensure that appropriate stop work procedures are in place in the case of unforeseen archaeological discoveries. Any remaining archaeological deposits uncovered should be recorded and monitored by a suitably qualified archaeologist and an Aboriginal community representative. ▪ Should any artefacts be identified in the course of development (which are not being monitored as above) all works should cease and an assessment of the material should be conducted by an archaeologist.

	▪ Defined archaeological investigation areas and defined appropriate works within these areas. All archaeological works could be subject to public interpretation. ▪ Develop a heritage interpretation strategy to guide the provision of on-site interpretation, which could include Aboriginal walking routes and interpretation, linked to the Blue Gum Hills Regional Park. The Strategy should also include signage about the history and heritage significance of the area. ▪ Excavation reports will be lodged with the Heritage Branch within one year of completion of the archaeological program ▪ The land near axe-grinding area (Aboriginal) is to be dedicated to Council ownership (or possibly to Awabakal) following completion of the relevant stage. ▪ An experienced interpretation consultant will be engaged to undertake the interpretation strategy. ▪ The PoM is to be in accordance with DECCW 2010 Guidelines and the Code of Practise.
Traffic and Transport	The concept plan commits to: ▪ The traffic study being updated prior to commencement of each stage of development to reflect actual traffic yields. ▪ Upgrades to intersection with collector roads as required by RTA / LMCC / NCC. ▪ The implementation of local traffic management measures within the development and existing local roads where required. Details to be prepared with the construction certificate for each stage. ▪ CPTED principles will be addressed in detail at each and every stage at the time of preparing respective DA's. ▪ Provision of DDA complying bus stops, shelters and pedestrian refuges. Details to be prepared with the construction certificate for each stage. ▪ Provision of new bus stops including provision of bus shelters, kerb and gutter (where required), footpath and signage to be included progressively by the owner. The Owner will discuss preferred bus stop locations with the bus route operator at the time of each respective stage of development ▪ The Owner to investigate impact on residential amenity from additional traffic and agree with LMCC / NCC appropriate mitigation measures to be negotiated with the existing residential owners and undertaken by the owner. Timing to be determined by increased traffic volumes increasing the noise levels more than 2DbA. ▪ Areas to be dedicated by the owner as public roads will be constructed and embellished in accordance with the specifications of the Concept Plan and construction specifications of the appropriate Council.

Water quality and quantity management	The concept plan commits to the following stormwater management measures to be included in the staged DA's as appropriate to each Council. It is the developers responsibility to ensure WSUD design guidelines listed below are included in all DA applications: ▪ Implement WSUD to manage stormwater in accordance with relevant council/DECC policies. ▪ Manage flood risk according to the NSW Floodplain Development Manual. ▪ Construct stormwater management controls to ensure that the percentage level of pollutant export loads (achieved through WSUD) is within the limits specified in relevant Council policies. ▪ Prepare a stormwater management strategy, which will include a strategy to protect Wallum froglet and ecological systems. ▪ Prepare a groundwater management strategy. ▪ Prepare a maintenance regime for the proposed groundwater management system, stormwater treatment systems. ▪ Housing lots need to provide appropriate on lot detention for stormwater ▪ Details on the proposed bio-retention basins, bio swales and swales are to be submitted with the Construction Certificate application. Prior to any works commencing on site, the Owner will prepare a maintenance program for bio-swales, public stormwater system/basins. ▪ The Owner will manage these facilities for a 5 year period commencing from subdivision approval for each stage or until all lots are sold in any particular stage of development, whichever is the later. All stormwater infrastructure will be transferred into Council ownership on completion of the management phase (5 year maximum). Mosquito risk and management assessments to be prepared at DA stage
Bushfire Management	A Bushfire Management Plan will be prepared by the Owner prior to any works commencing for each stage and certified by a suitably qualified consultant as complying with the requirements of the Planning for Bushfire Protection Guidelines 2006 and any requirements of the NSW Rural Fire Service. The required plan will include, but not limited to, the following documentation: ▪ Location of permanent Asset Protection Zones (APZ) and fire trails. ▪ Location of temporary APZ's and fire trails such that adequate protection is provided to the subdivision at all times during construction. ▪ APZ establishment methods. ▪ Location of habitat trees to be retained. ▪ Areas of vegetation to be removed, retained or replaced. ▪ Access to services. ▪ Existing and proposed plant species. ▪ Fuel Management Plan (FMP) be prepared for the development estate. This plan will detail the required strategies to create the required APZ's and management of these APZ's in such a manner to preserve the natural and cultural features of the development estate, while reducing the risk of bushfire. The Bushfire Management Plan will be submitted by the Owner with documentation accompanying the Construction Certificate application for each Stage of development.

	Future development is to be in accordance with the following: - Any proposed development is to be linked to the existing mains pressure water supply and that suitable hydrants be clearly marked and provided for the purposes of bushfire protection. Fire hydrant spacing, sizing and pressure should comply with AS2419.1, 2005. - Future roads to be constructed in accordance with section 4.1.3 (1), Planning for Bushfire Protection Guidelines 2006. - Any future dwelling within the development estate should have due regard to the specific considerations given in the BCA, which makes specific reference to the Australian Standard (AS3959 – 1999) construction of buildings in bushfire prone areas.
Landscaping	Landscape plans are to be prepared by the owner for the relevant stage of each subdivision by a qualified landscape architect prior to construction certificate. The detailed landscape plans shall demonstrate the retention of existing vegetation to the extent reasonably possible allowing for required earthworks and ecological considerations including protection of significant trees. Landscaping will be consistent with the Minmi Illustrative Concept Plan prepared by RPS and Urban Design Guidelines prepared by RPS and JMD. Seed is to be collected on site so indigenous species are used in landscaping of parks. The Owner will provide recycled water in public parks if feasible. Prior to the issue of the subdivision certificate for each stage the Owner is to undertake: - Detailed contamination assessment for each stage in accordance with SEPP 55 and NSW DECCW guidelines. - Prepare a Remediation Action Plan based on the results of the detailed contamination assessment. The RAP is to be verified through the NSW DECCW site auditor process. - Appropriate remediation conducted to remove identified contaminants exceeding the DECCW land use criteria. - Removal of deleterious materials and possible associated surface impact. - Validation testing and verification. - Validation of asbestos contamination and removal should be conducted by a qualified asbestos consultant. - Waste classification to DECCW guidelines of any materials destined for off-site disposal at a licensed landfill. Remediation works will be limited to the development site.
Geotechnical	Prior to any works commencing on site the Owner is to undertake additional investigations in accordance with the Preliminary Contamination and Geotechnical Assessment prepared by Douglas Partners. Additional investigation is to include: - Additional assessment of combustible material and improvement measures. - Specific slope stability investigation of steep slopes and proposed areas of cut or filling exceeding guidelines presented in the Douglas Partners Reports.

	▪ Specific foundation investigation for proposed buildings, in particular areas containing filling such as former open cut mines. ▪ Site classifications to AS 2870. ▪ Earthwork procedures and specifications. ▪ Pavement thickness design for roads. ▪ Acid sulphate soil management plan.
Mine Subsidence	Prior to any works commencing on site the Owner is to undertake additional investigations in accordance with the Report on Mine Subsidence Risk Assessment prepared by Douglas Partners. These include: ▪ Some areas which have been mapped as low risk pothole, especially around the edge of open cut pits near the seam outcrop and it is expected that the potential development restrictions could be lifted subject to additional investigation to provide the absence of workings. ▪ The depth of cover to the workings in the far eastern part of Minmi East will require confirmation. There may be some limited areas of the Borehole Seam workings which are currently mapped as high risk pothole zones, which have no workings marked. The most likely areas for this are the gully on the southern end of Zone PR1 and some limited areas at the southern end of Zone PR2. Future development is to be in accordance with the constraints mapping as follows: ▪ Area of high pothole risk – grouting of workings is required prior to development and the site should be managed to limit risk to public. ▪ Low pothole risk – Construction is to be limited to single storey with suspended floor. ▪ Limited Subsidence - Construction is to be limited to two storey brick veneer construction. ▪ Moderate Subsidence - Construction is to be limited to single storey brick veneer construction. ▪ High Subsidence – Light weight (clad) construction with stiffened raft slabs and limited footprints would be suitable to these areas. However, it may be necessary to limit density of development. Infrastructure would need to take into account potential subsidence. ▪ Shafts – Management of land containing shafts will be restricted to landscaping. An open space plan including the location of shafts has been prepared by Coal & Allied which will form the basis of negotiations regarding ownership with the Councils ▪ Roads and Services – are to be designed to accommodate the potential subsidence including the spanning of potholes in areas of high risk potholing as well change in drainage grades design and flexure form the predicated subsidence of up to 1m on parts of the site. Open cut mines – development over these areas will generally need to include appropriate re-compaction of the spoil and sealing of connections to underground workings. However, piled footings may be appropriate in some instances. Appropriate additional investigations and consultations with the MSB will be undertaken on a staged basis to confirm the MSB's specific requirements for each stage and/or lot.
Shallow Mining	The Owner is to prepare a Plan of Management for shallow mined areas prior to commencement of works on site relative to each stage of development.
Acoustics	Future applications for residential development along the F3 Freeway, Newcastle Link Road, Woodford Street, Lenaghans Drive and Minmi Road (south) shall be accompanied by an Acoustic Statement that details measures to reduce the impact of road traffic noise. The

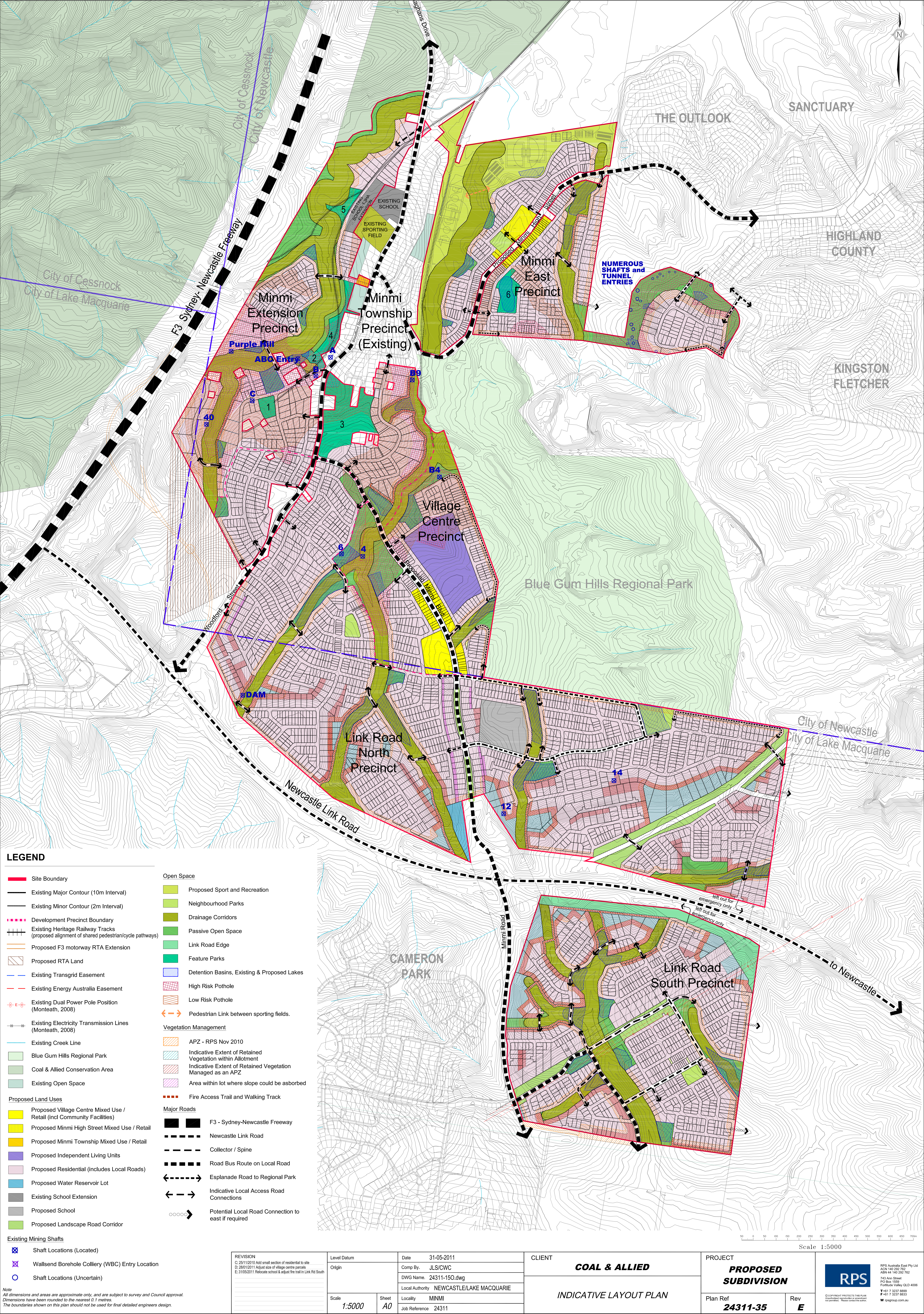
	final selected noise mitigation measures will depend on the location and design of dwellings on the site and the relative authority requirements.
Tree Management	The Owner is required to protect trees of significance (habitat and old growth) during lot planning, particularly in areas that contain identified native vegetation communities, wherever feasible prior to any clearing of sites. Trees within riparian corridors will also be retained to ensure biodiversity. A clearing protocol will be prepared for the removal of trees containing suitable habitat hollows and submitted to LMCC or NCC prior to any work commencing on site for each stage of development.
Flora & Fauna Conservation Management	Prior to any works on site commencing, the Owner is to prepare a Vegetation and Habitat Management Plan. The vegetation management plan will be implemented for each stage of the subdivision. The vegetation management shall require that direction and supervision be provided by suitably qualified persons associated with vegetation removal including habitat trees (hollow-bearing).
Flora & Fauna Conservation Management/Environmental Management	The Owner is to: - Recover any native fauna that are potentially displaced. - Select species for future landscaping works and seed stock for revegetation should be limited to locally occurring native species. - Where possible, earthworks (and all works in the vicinity of drainage lines) should be undertaken during appropriate weather conditions to minimise potential erosion impacts. - Implement nutrient and sediment control devices.
Roads, Infrastructure & Services	The Owner will provide for new roads and connections as per the plans included in the Concept Plan prepared by RPS. Road Infrastructure including road pavement, footpaths, kerb and gutter (where required), drainage services, street trees, street lighting, signage and line markings will be provided for the subdivision, in accordance with Council's requirements, except as otherwise provided by the Urban Design Guidelines. Pedestrian and cycleway networks within the development site will be planned to connect to the regional network when approved by both NCC and LMCC external to the development site, including BGHRP. Details will be included in progressive staged development applications The Owner will provide reticulated potable water and sewage services to each residential lot in the subdivision in accordance with Hunter Water requirements. The Owner will provide underground power to each residential lot in accordance with Energy Australia requirements. Conduits will be installed underground to enable the roll-out of the NBN to each lot in the subdivision. Areas to be dedicated as public roads will be constructed and embellished in accordance with the Urban Design Guidelines of the Concept

	Plan. All road reserves to be constructed will be dedicated to Lake Macquarie Council or Newcastle City Council at no cost to Council The Owner is to prepare a Plan of Management (PoM) for all community land and facilities for each stage of development. The management will be carried out as per Council best practice and as agreed under the terms of the Planning Agreements with the respective Councils. The Owner's involvement with the Plan of Management will be limited to: ▪ Cost of preparing the PoM; ▪ The actions arising from the PoM for a specified period of the lesser of 5 years from the date the PoM takes effect or until all the lots are sold in each stage. The PoM is to be prepared prior to commencement of works for each stage of development. The Owner is to develop strategies to address potential impacts associated with pet ownership prior to works commencing on site. This may include implementation of appropriate signage and educative programs (for example letter box drops and brochures to be included within the bill of sale for each property). Local Council strategies, policies and programs should be acknowledged in relation to this by current and future residents. Prior to commencement of works on site the Owner is to undertake an audit of existing conditions at edges of the proposed conservation lands and an overview assessment of the ecology together with an audit of current on site activities. A Subdivision Certificate application will be submitted in respect of the subdivision. It will be accompanied by the following documentation: ▪ A survey plan prepared by a Registered Surveyor ▪ Instruments prepared under s88B of the Conveyancing Act as appropriate. ▪ A Section 50 Certificate from Hunter Water. The appropriate notation will be placed on the plan of subdivision and an instrument under Section 88B of the Conveyancing Act will set out the terms of the easements and/or rights of carriageway and/or restrictions as to user required for the subdivision On issue of the Subdivision Certificate and the Concept Plan approval the conservation land is to be transferred to the NSWG in accordance with the terms of the VPA.
Plan of management for community and recreational facilities to be dedicated to Council	
Pet Ownership	
Audit of Proposed Conservation Land	
Subdivision Certificate.	
Transfer of Land	

Coal & Allied Allocation - Minmi / Link Rds (\$8.00Mill)				
Cost Allocation & Timing				
15th Nov 2011				
Subject	Description of Particular Initiatives	Cost Estimate	Timing for Allocation of Costs	
1	Grant Scheme .	4,400,000	Based on \$2500 per DU for the first 2000DU's payable at time of contract settlement	
2	Subsidies or grants for sustainable development.	700,000	Based on 100 homes at \$7500 per DU payable on Accredited Certifiers Certificate that works to the value of \$7,500 have been incorporated into the fabric of the house	
3	Scheme for special needs/affordable and disabled housing.	650,000	Allocation to be agreed with MoT and bus operator on a scale upwards as demand from the Estate requires additional bus services commencing from the date Stage 1 housing 50% occupied for a period of five years to benefit new residents of both NCC and LMCC should development staging span both Municipalities.	
4	Sponsorship of local sporting teams.	250,000	\$25,000 per annum spread over a number of local sporting teams for a ten year period commencing on completion of the first 50 houses in the Coal & Allied proposed development	
5	Community Infrastructure / Sustainability	1,000,000	Multipurpose community centre proposed to be included in Stage 1 development	
6	Contribution to the replacement or expansion of existing progress hall with a multipurpose community centre. Provide a community building to be designed to 6 star sustainability rating.	10,000	Allocation following dedication of Stockington conservation land	
7	Enhancement of school facilities, such as hall subject to discussion with Department of Education and Training.	40,000	By agreement with DET these funds could be allocated following the dedication of the Stockington conservation land.	
8	Funding towards linkage and facilities within Blue Gum Hills Regional Park subject to discussions with Council(s) and other developers.	50,000	To be aligned with linkages with the respective development staging.	
9	Funding of non-indigenous heritage studies and publications such as archive heritage photos	35,000	Commence allocation to agreed studies following dedication of conservation land at Stockington	
10	Conservation program for the coal wagon located in the public school grounds	15,000	Commencement of the conservation program following dedication of the conservation land at Stockington	
11	Indigenous Heritage	100,000	Allocation when location for interpretative centre determined.	
12	Provide display of Awabakal cultural heritage.	10,000	Allocation commensurate with the provision of the display in the interpretative centre	
13	Funding of indigenous heritage studies and publications to be agreed with traditional owners (including Awabakal Traditional Owners).	20,000	Commence allocation to agreed studies following dedication of conservation land at Stockington	
14	Funding towards Aboriginal education person.	100,000	\$20,000PA for five years commencing from date of conservation land dedication at Stockington	
15	Public/Aboriginal art on water tank, subject to approval from the Hunter Water.	20,000	Determined by the timing of the construction of the water tank	
16	Traffic/Access	500,000	Allocation proposed to align with the regional cycleways when approved by the Councils. Funds to be allocated to regional walkways / cycleways to coincide with linking the estate cycleways with the regional on a staged basis coordinated with the Estate development and as agreed with DoP/Decc/LMCC and NCC	
17	Sub-regional review of strategy for cycling /walkways, subject to discussions with Department of Planning with respect to the Western Corridors Strategy.	50,000	Subject to the timing of NCC / LMCC / DECC	
18	Environment	50,000	Allocation of these funds would need to be coordinated with RTA works associated with the Hunter Expressway and consequent works associated with Link Road	
Total Estimated Allocation By Coal & Allied		8,000,000		

Appendix 2

Plan of Proposed Subdivision



LEGEND

- Site Boundary
- Existing Major Contour (10m Interval)
- Existing Minor Contour (2m Interval)
- Development Precinct Boundary
- Existing Heritage Railway Tracks (proposed alignment of shared pedestrian/cycle pathways)
- Proposed F3 motorway RTA Extension
- Proposed RTA Land
- Existing Transgrid Easement
- Existing Energy Australia Easement
- Existing Dual Power Pole Position (Monteath, 2008)
- Existing Electricity Transmission Lines (Monteath, 2008)
- Existing Creek Line
- Blue Gum Hills Regional Park
- Coal & Allied Conservation Area
- Existing Open Space
- Proposed Land Uses
 - Proposed Village Centre Mixed Use / Retail (incl Community Facilities)
 - Proposed Minmi High Street Mixed Use / Retail
 - Proposed Minmi Township Mixed Use / Retail
 - Proposed Independent Living Units
 - Proposed Residential (includes Local Roads)
 - Proposed Water Reservoir Lot
 - Existing School Extension
 - Proposed School
 - Proposed Landscape Road Corridor
- Existing Mining Shafts
 - Shaft Locations (Located)
 - Wallsend Borehole Colliery (WBC) Entry Location
 - Shaft Locations (Uncertain)
- Open Space
 - Proposed Sport and Recreation
 - Neighbourhood Parks
 - Drainage Corridors
 - Passive Open Space
 - Link Road Edge
 - Feature Parks
 - Detention Basins, Existing & Proposed Lakes
 - High Risk Pothole
 - Low Risk Pothole
 - Pedestrian Link between sporting fields.
- Vegetation Management
 - APZ - RPS Nov 2010
 - Indicative Extent of Retained Vegetation within Allotment
 - Indicative Extent of Retained Vegetation Managed as an APZ
 - Area within lot where slope could be absorbed
 - Fire Access Trail and Walking Track
- Major Roads
 - F3 - Sydney-Newcastle Freeway
 - Newcastle Link Road
 - Collector / Spine
 - Road Bus Route on Local Road
 - Esplanade Road to Regional Park
 - Indicative Local Access Road Connections
 - Potential Local Road Connection to east if required

Note
All dimensions and areas are approximate only, and are subject to survey and Council approval.
Dimensions have been rounded to the nearest 0.1 metres.
The boundaries shown on this plan should not be used for final detailed engineers design.

REVISION	C: 25/11/2010 Add small section of residential to site
	D: 28/01/2011 Adjust size of village centre parcels
	E: 31/05/2011 Relocate school & adjust the trail in Link Rd South
Level Datum	Origin
Scale	Sheet
1:5000	A0

Date	31-05-2011
Comp By	JLS/CWC
DWG Name	24311-150.dwg
Local Authority	NEWCASTLE/LAKE MACQUARIE
Locality	MINMI
Job Reference	24311

CLIENT	COAL & ALLIED
PROJECT	PROPOSED SUBDIVISION
Plan Ref	24311-35
Rev	E

INDICATIVE LAYOUT PLAN	RPS Australia East Pty Ltd ACN 146 292 762 ABN 64 146 292 762 743 New Street PO Box 1059 Portlouis Valley QLD 4006 T +61 7 3237 8899 F +61 7 3237 8633 W rpsgroup.com.au
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