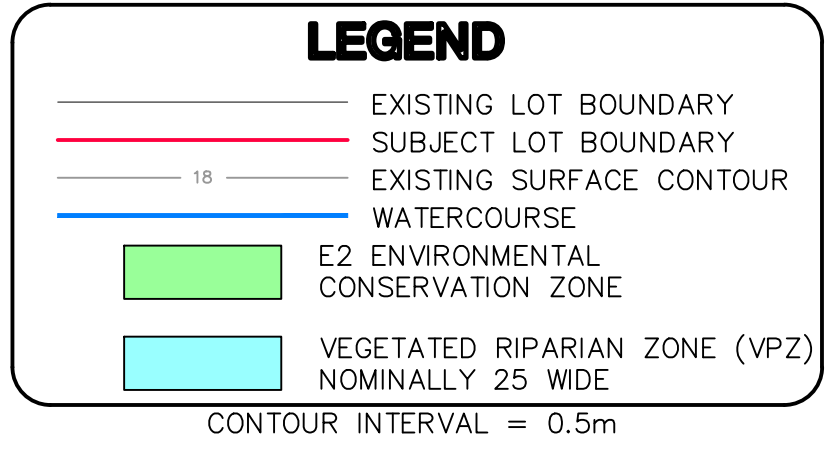


APPENDIX A- DEVELOPMENT PLANS

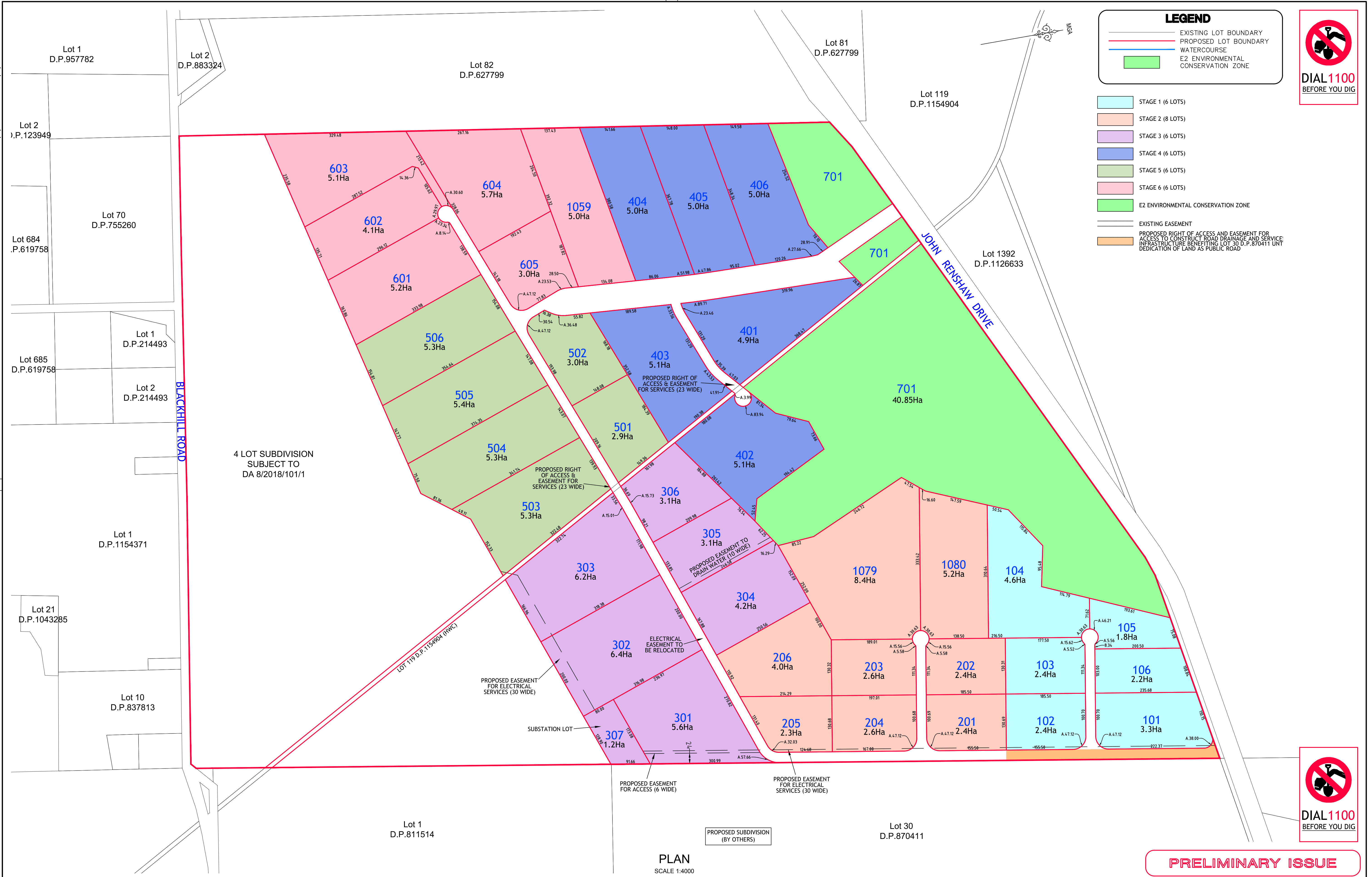


PLAN
SCALE 1:4000

REV.		DATE	AMENDMENT	DRAWN	CHECK	DESIGN	VERIFY	<div>0100200A1 / A31:4000 / 1:8000</div>	<div>adwJohnson</div>	<div>Hunter Office Unit 7/335 Hillsborough Rd Warners Bay N.S.W. 2282 Phone: (02) 4978 5100 Fax: (02) 4978 5199 email: hunter@adwjohnson.com.au www.adwjohnson.com.au ABN 62 129 445 398</div>	CLIENT	PROPERTY DESCRIPTION		PROJECT									
A		03.08.2018	INITIAL ISSUE	E.G.	R.K.	Z.J.	R.K.					BLACK HILL INDUSTRIAL SUBDIVISION PROPOSED RESUBDIVISION OF LOT 1 IN THE BROADER SUBDIVISION OF LOT 1131 D.P.1057179, JOHN RENSHAW DRIVE, BLACK HILL DEVELOPMENT APPLICATION		BLACK HILL CONCEPT PLANS									
B		10.08.2018	AMENDMENTS PER INSTRUCTION	E.G.	R.K.	Z.J.	R.K.					PLAN TITLE		PROPOSED SITE PLAN									
C		14.08.2018	AMENDMENTS PER INSTRUCTION	E.G.	R.K.	Z.J.	R.K.																
D		17.08.2018	AMENDMENTS PER INSTRUCTION	E.G.	R.K.	Z.J.	R.K.																
E		29.01.2019	DA REFERENCE UPDATED	D.W.	R.K.	Z.J.	R.K.																
F		01.02.2019	PROPERTY REFERENCE UPDATED	D.W.	R.K.	Z.J.	R.K.																
DESIGN FILE N:\239590\Design\12D\								ALL DIMENSIONS ARE IN METRES. DO NOT SCALE				SURVEYED		DATUM		PROJECT No.		DISCIPLINE		NUMBER		REV.	
												ADW Johnson		A.H.D.		239590(1)		- CENG		- 003		F	

239590(1)-CENG-004(F)

100mm AT FULL SIZE



LEGEND

EXISTING LOT BOUNDARY

PROPOSED LOT BOUNDARY

WATERCOURSE

E2 ENVIRONMENTAL CONSERVATION ZONE



STAGE 1 (6 LOTS)

STAGE 2 (8 LOTS)

STAGE 3 (6 LOTS)

STAGE 4 (6 LOTS)

STAGE 5 (6 LOTS)

STAGE 6 (6 LOTS)

E2 ENVIRONMENTAL CONSERVATION ZONE

EXISTING EASEMENT

PROPOSED RIGHT OF ACCESS AND EASEMENT FOR ACCESS TO CONSTRUCT ROAD DRAINAGE AND SERVICE INFRASTRUCTURE BENEFITTING LOT 30 D.P. 870411 UNT DEDICATION OF LAND AS PUBLIC ROAD



PRELIMINARY ISSUE

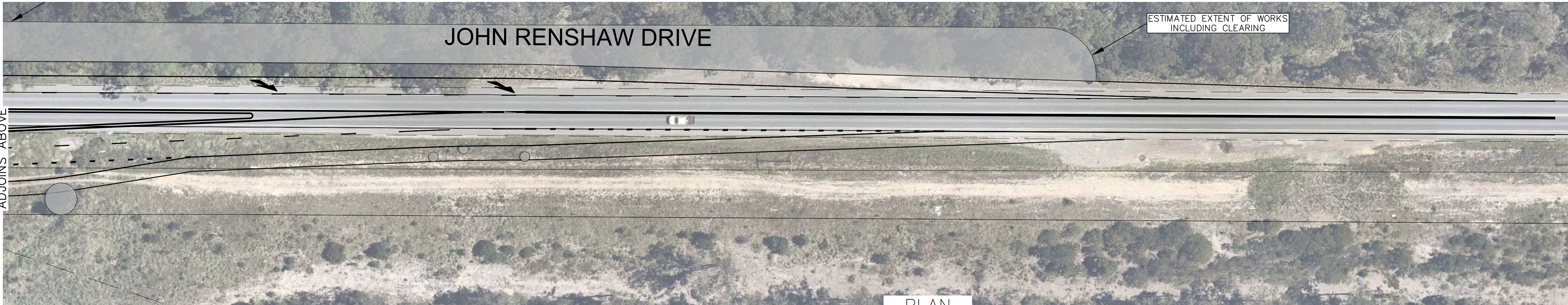
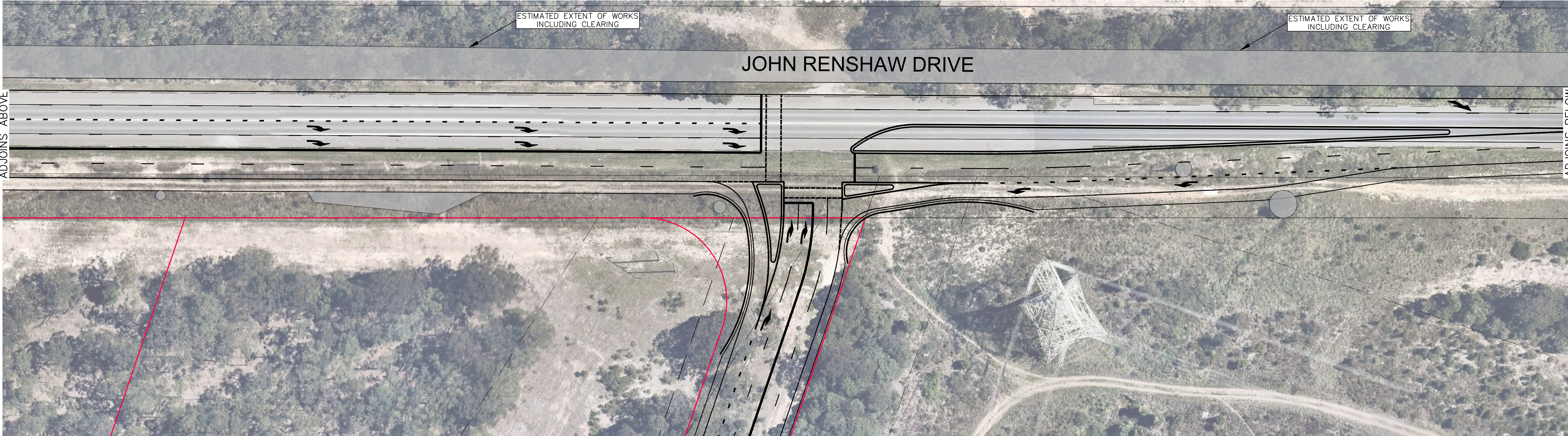
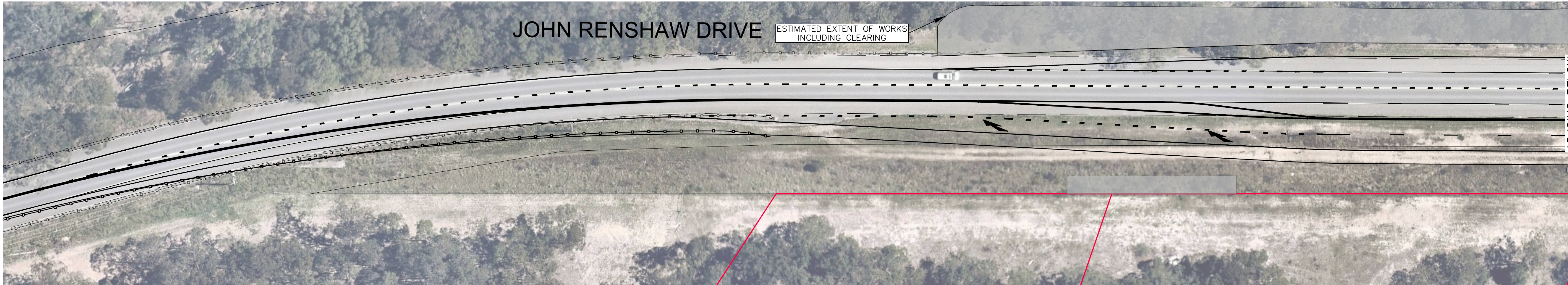
REV.	DATE	AMENDMENT	DRAWN	CHECK	DESIGN	VERIFY	SCALES	<div><div>adw</div><div>Johnson</div></div> <div>Hunter Office Unit 7/335 Hillsborough Rd Warners Bay N.S.W. 2282 Phone: (02) 4978 5100 Fax: (02) 4978 5199 email: hunter@adwjohnson.com.au www.adwjohnson.com.au ABN 62 129 445 398</div>	CLIENT	PROPERTY DESCRIPTION	PROJECT					
A	03.08.2018	INITIAL ISSUE	E.G.	R.K.	Z.J.	R.K.	<div>0 100 200</div> <div>A1 / A3</div> <div>1:4000 / 1:8000</div>		BROADEN MANAGEMENT PTY LTD	BLACK HILL INDUSTRIAL SUBDIVISION PROPOSED RESUBDIVISION OF LOT 1 IN THE BROADER SUBDIVISION OF LOT 1131 D.P.1057179, JOHN RENSHAW DRIVE, BLACK HILL DEVELOPMENT APPLICATION	BLACK HILL CONCEPT PLANS					
B	10.08.2018	AMENDMENTS PER INSTRUCTION	Z.J.	R.K.	Z.J.	R.K.					PLAN TITLE	STAGING PLAN				
C	14.08.2018	AMENDMENTS PER INSTRUCTION	E.G.	R.K.	Z.J.	R.K.										
D	17.08.2018	AMENDMENTS PER INSTRUCTION	E.G.	R.K.	Z.J.	R.K.										
E	29.01.2019	DA REFERENCE UPDATED	D.W.	R.K.	Z.J.	R.K.										
F	01.02.2019	PROPERTY REFERENCE UPDATED	D.W.	R.K.	Z.J.	R.K.										
DESIGN FILE N: \239590\Design\12D\							ALL DIMENSIONS ARE IN METRES. DO NOT SCALE		SURVEYED		DATUM		PROJECT No.	DISCIPLINE	NUMBER	REV.
									ADW Johnson		A.H.D.		239590(1)	- CENG	- 004	F

100mm AT FULL SIZE



Plotted By: deanw Plot Date: 01/02/19 - 10:17 Cad File: N:\239590\Drawings\engineering\Civil\CONCEPT\239590(1)-CENG-006(F).dwg

239590(1)-CENG-008(F)



PLAN
SCALE 1:500

- NOTES:
1. INTERSECTION LAYOUT AND LANE CONFIGURATION BASED ON SIDRA LAYOUT PROVIDED BY RIO TINTO.
 2. THE REQUIREMENT FOR MEDIAN ISLANDS, INCLUDING WIDTHS, IS SUBJECT TO A TRAFFIC CONTROL SIGNAL (TCS) DESIGN TO CONFIRM THE LOCATION OF SIGNAL POSTS.
 3. A DEDICATED ON ROAD CYCLEWAY HAS NOT BEEN PROVIDED AS THERE IS NO CYCLEWAY NETWORK ON THE EXISTING ROAD NETWORK.



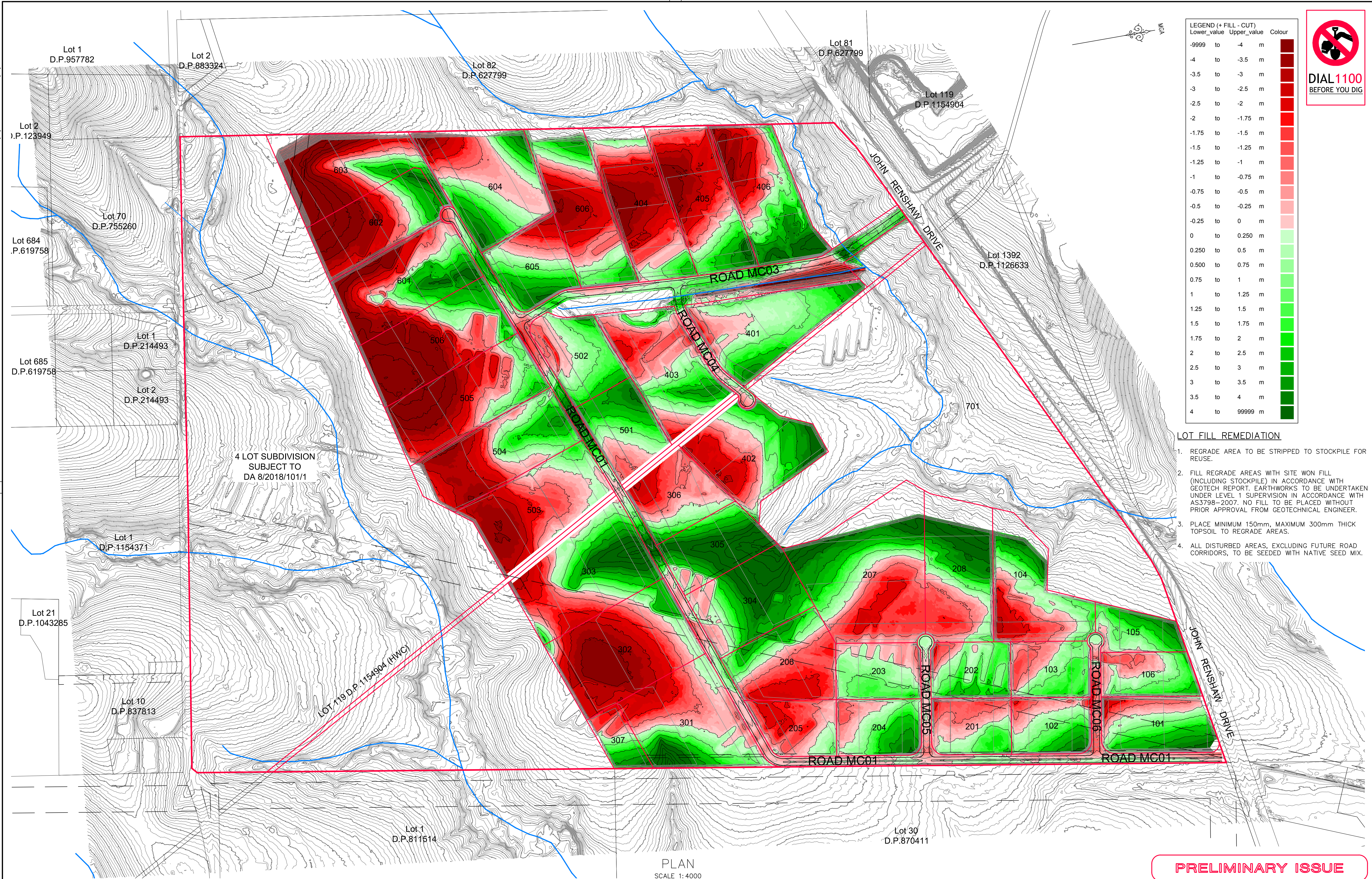
PRELIMINARY ISSUE

REV.	DATE	AMENDMENT	DRAWN	CHECK	DESIGN	VERIFY	SCALES		<p>Hunter Office Unit 7/335 Hillsborough Rd Warners Bay N.S.W. 2282 Phone: (02) 4978 5100 Fax: (02) 4978 5199 email: hunter@adwjohnson.com.au www.adwjohnson.com.au ABN 62 129 445 398</p>	CLIENT BROADEN MANAGEMENT PTY LTD	PROPERTY DESCRIPTION		PROJECT				
A	03.08.2018	INITIAL ISSUE	E.G.	R.K.	Z.J.	R.K.					BLACK HILL INDUSTRIAL SUBDIVISION PROPOSED RESUBDIVISION OF LOT 1		BLACK HILL CONCEPT PLANS				
B	08.08.2018	ESTIMATED EXTENT OF CLEARING ADDED	E.G.	R.K.	Z.J.	R.K.					PLAN TITLE						
C	14.08.2018	AMENDMENTS PER INSTRUCTION	E.G.	R.K.	Z.J.	R.K.					EASTERN JOHN RENSHAW DRIVE INTERSECTION CONCEPT LAYOUT						
D	17.08.2018	AMENDMENTS PER INSTRUCTION	E.G.	R.K.	Z.J.	R.K.											
E	29.01.2019	DA REFERENCE UPDATED	D.W.	R.K.	Z.J.	R.K.											
F	01.02.2019	PROPERTY REFERENCE UPDATED	D.W.	R.K.	Z.J.	R.K.											
DESIGN FILE N:\239590\Design\12D\							ALL DIMENSIONS ARE IN METRES. DO NOT SCALE				SURVEYED ADW Johnson		DATUM A.H.D.	PROJECT No. 239590(1)	DISCIPLINE - CENG	NUMBER - 008	REV. F

Plotted By: deanw Plot Date: 01/02/19 - 10:17 Cad File: N:\239590\Drawings\engineering\Civil\CONCEPT\239590(1)-CENG-008(F).dwg

239590(1)-CENG-501(F)

100mm AT FULL SIZE



LEGEND (+ FILL - CUT)		
Lower_value	Upper_value	Colour
-9999	to -4	m
-4	to -3.5	m
-3.5	to -3	m
-3	to -2.5	m
-2.5	to -2	m
-2	to -1.75	m
-1.75	to -1.5	m
-1.5	to -1.25	m
-1.25	to -1	m
-1	to -0.75	m
-0.75	to -0.5	m
-0.5	to -0.25	m
-0.25	to 0	m
0	to 0.250	m
0.250	to 0.5	m
0.500	to 0.75	m
0.75	to 1	m
1	to 1.25	m
1.25	to 1.5	m
1.5	to 1.75	m
1.75	to 2	m
2	to 2.5	m
2.5	to 3	m
3	to 3.5	m
3.5	to 4	m
4	to 99999	m



LOT FILL REMEDIATION

1. REGRADE AREA TO BE STRIPPED TO STOCKPILE FOR REUSE.
2. FILL REGRADE AREAS WITH SITE WON FILL (INCLUDING STOCKPILE) IN ACCORDANCE WITH GEOTECH REPORT. EARTHWORKS TO BE UNDERTAKEN UNDER LEVEL 1 SUPERVISION IN ACCORDANCE WITH AS3798-2007. NO FILL TO BE PLACED WITHOUT PRIOR APPROVAL FROM GEOTECHNICAL ENGINEER.
3. PLACE MINIMUM 150mm, MAXIMUM 300mm THICK TOPSOIL TO REGRADE AREAS.
4. ALL DISTURBED AREAS, EXCLUDING FUTURE ROAD CORRIDORS, TO BE SEEDED WITH NATIVE SEED MIX.

PLAN
SCALE 1: 4000

PRELIMINARY ISSUE

REV.	DATE	AMENDMENT	DRAWN	CHECK	DESIGN	VERIFY	SCALES		Hunter Office Unit 7/335 Hillsborough Rd Warners Bay N.S.W. 2282 Phone: (02) 4978 5100 Fax: (02) 4978 5199 email: hunter@adwjohnson.com.au www.adwjohnson.com.au ABN 62 129 445 398	CLIENT BROADEN MANAGEMENT PTY LTD	PROPERTY DESCRIPTION BLACK HILL INDUSTRIAL SUBDIVISION PROPOSED RESUBDIVISION OF LOT 1 IN THE BROADER SUBDIVISION OF LOT 1131 D.P.1057179, JOHN RENSHAW DRIVE, BLACK HILL DEVELOPMENT APPLICATION				PROJECT BLACK HILL CONCEPT PLANS			
A	03.08.2018	INITIAL ISSUE	E.G.	R.K.	Z.J.	R.K.					PLAN TITLE							
B	10.08.2018	AMENDMENTS PER INSTRUCTION	Z.J.	R.K.	Z.J.	R.K.					CUT/FILL PLAN							
C	14.08.2018	AMENDMENTS PER INSTRUCTION	E.G.	R.K.	Z.J.	R.K.												
D	17.08.2018	AMENDMENTS PER INSTRUCTION	E.G.	R.K.	Z.J.	R.K.												
E	29.01.2019	DA REFERENCE UPDATED	D.W.	R.K.	Z.J.	R.K.												
F	01.02.2019	PROPERTY REFERENCE UPDATED	D.W.	R.K.	Z.J.	R.K.												
DESIGN FILE N:\239590\Design\12D\							ALL DIMENSIONS ARE IN METRES. DO NOT SCALE											



4

MASTER PLAN

Master Plan

LANDSCAPE TYPES

In order to deliver the landscape principles of the project, four distinct landscape treatments have been identified in the landscape master plan. These include;

Highlight – Dramatic landscape that identifies key entrances and intersections, providing an attractive focal point and sets a landscape theme.

Structure - Planting of street trees that creates an orderly and legible structured landscape that reinforces the road hierarchy and provides a sense of scale to the streets and built form.

Showcase – High amenity landscaping to lot frontages, entrances and building surrounds that contributes to the overall landscape amenity of the development viewed from the public domain areas.

Habitat – Diversity of locally occurring native species contributing the biodiversity of the site and creating a transition buffer between the urban development and conservation areas.

STREET TREES

Street 1 - *Corymbia maculata*
Eucalyptus microcorus
Eucalyptus fibrosa
Eucalyptus punctata

Street 2 - *Corymbia maculata*
Jacaranda mimosifolia
Populus simonii

Street 3 - *Waterhousia floribunda*
Ulmus parvifolia
Platanus x acerifolia

Street 4 - *Eucalyptus microcorus*
Magnolia grandiflora
Angophora costata

Street 5 - *Waterhousia floribunda*
Eucalyptus glauca
Quercus palustris

Natural bushland to be retained

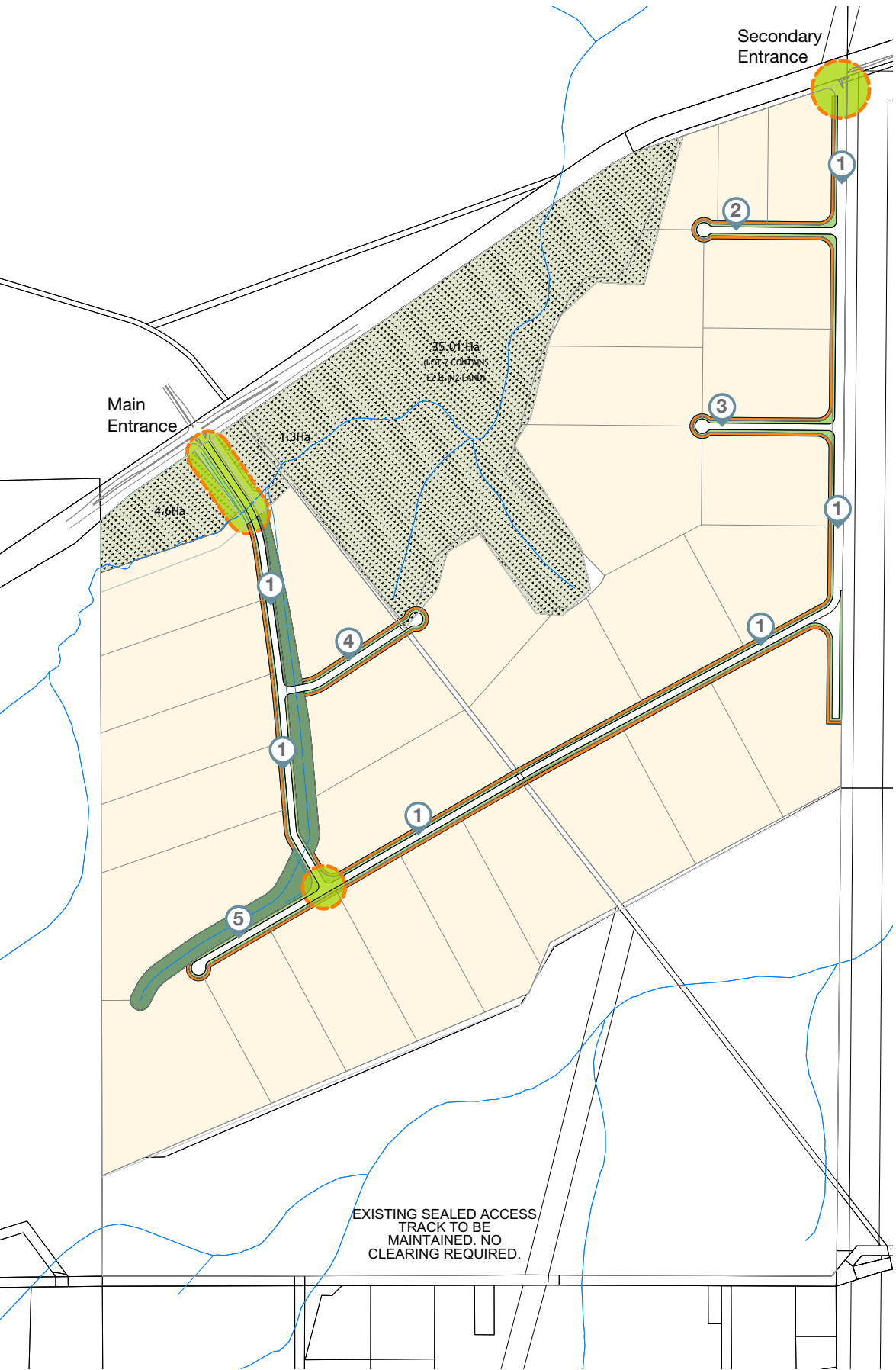
Habitat

Structure

Showcase

Highlight

Creek



PLANT SPECIES

Highlight

Trees
Corymbia maculata
Eucalyptus microcorus
Quercus palustris

Shrubs

Grevillea 'Royal Mantle'
Banksia spinulosa
Rhagodia spinescens 'Aussie Flat Bush'
Baeckea virgata
Grevillea spp.
Hardenbergia violacea

Groundcovers

Anigozanthos sp.
Myoporum parvifolium
Lomandra fluviatilis 'Shara'
Dianella caerulea 'Little Jess'
Pennisetum advena
Pennisetum alopecuroides 'Nafray'
Hibertia violacea

Structure

Trees
Corymbia maculata
Eucalyptus microcorus
Eucalyptus punctata
Eucalyptus glauca
Waterhousia floribunda
Jacaranda mimosifolia
Populus simonii
Ulmus parvifolia
Platanus x acerifolia
Magnolia grandiflora
Angophora costata
Quercus palustris

Showcase

Trees
Melaleuca quinquenervia
Quercus phellos
Platanus x acerifolia

Shrubs

Banksia spinulosa 'Birthday Candles'
Rhagodia spinescens 'Aussie Flat Bush'
Grevillea spp.
Melaleuca 'Claret Tops'
Melaleuca linariifolia 'Snowstorm'

Groundcovers

Pennisetum advena
Pennisetum 'Nafray'
Anigozanthos sp.
Myoporum parvifolium
Lomandra fluviatilis 'Shara'

Habitat

Trees

Eucalyptus fibrosa
Eucalyptus punctata
Melaleuca nodosa
Melaleuca decora

Shrubs

Correa reflexa
Grevillea montana
grevillea parviflora subsp. *parviflora*
Hardenbergia violaceae
Melaleuca nodosa

Groundcovers & Grasses

Entolasia stricta
Aristida vagans
Panicum simile
Dianella revoluta
Lomandra multiflora
Goodenia rotundifolia
Dichelachne micrantha
Eragrostis brownii
Themeda triandra

APPENDIX B – COPIES OF GENERAL TERMS OF APPROVAL



Subsidence Advisory NSW

117 Bull Street, Newcastle West NSW 2302

Tel 02 4908 4300 | www.subsidenceadvisory.nsw.gov.au

24 Hour Emergency Service: Free Call 1800 248 083

ABN 87 445 348 918

ATTN: HOLLY TAYLOR

Via Email: holly.taylor@cessnock.nsw.gov.au

Our ref: TSUB19-00563

Dear Holly

PROPOSED: Forty (40) Lot Subdivision Creating Thirty Nine (39) Industrial Lots and One (1) Environmental Lot

LOT/DP: DP/1131//1057179

ADDRESS: 337 BLACK HILL ROAD BLACK HILL

GENERAL TERMS OF APPROVAL

I refer to the above integrated development referred on 8 February 2019 Attached, please find Subsidence Advisory NSW's General Terms of Approval (GTA) for the development of land as detailed above.

Please note conditions are detailed under Schedule 2, I have also attached stamped plans. This satisfies the approval of the Subsidence Advisory NSW under *section 22 of the Coal Mine Subsidence Compensation Act 2017*.

Should you have any questions about the attached general terms of approval I can be contacted by phone on 4908 4300 or via email at shane.mcdonald1@finance.nsw.gov.au

Yours faithfully,

Shane McDonald
Senior Risk Engineer
24 April 2019

GENERAL TERMS OF APPROVAL

Issued in accordance with s.91A of the *Environmental Planning & Assessment Act 1979* for the subdivision / development of land.

As delegate for Subsidence Advisory NSW under delegation executed 24 April 2019, general terms of approval are granted for the development described in Schedule 1, subject to the conditions attached in Schedule 2.

SCHEDULE 1

Application No: **TSUB19-00563**

Applicant: Cessnock City Council

Site Address: 337 BLACK HILL ROAD BLACK HILL

Lot and DP: DP/1131//1057179

Proposal: Forty (40) Lot Subdivision Creating Thirty Nine (39) Industrial Lots and One (1) Environmental Lot

Mine Subsidence District: **Black Hill**

SCHEDULE 2

GENERAL TERMS OF APPROVAL

GENERAL	
Plans, standards and guidelines	
1.	<p>These General Terms of Approval (GTAs) only apply to the subdivision development described in the plans and associated documentation relating to DA DA 8/2018/539/1 and provided to Subsidence Advisory NSW.</p> <p>Any amendments or subsequent modifications to the development may render these GTAs invalid.</p> <p>If the proposed development is amended or the development consent modified, Subsidence Advisory NSW must be notified to determine if any variations to these GTAs are required.</p>
2.	<p>This approval expires 5 years after the date the approval was granted if subdivision works have not physically commenced.</p>
3.	<p>Subsidence Advisory NSW is to be notified of any changes to lot numbering and the registered DP number.</p>
4.	<p>Any ancillary structures or services identified in the subdivision plan shall be designed with flexible joints and remain safe, serviceable <i>any damage from mine subsidence shall be readily repairable</i>” using mine subsidence design parameters acceptable to Subsidence Advisory NSW.</p>
5.	<p>For areas of the site that are affected by existing mine workings</p> <p>Provide a desktop study for Subsidence Advisory NSW’s acceptance. The study is to address the likelihood of subsidence from existing mine workings in the Donaldson Top Split and recommend mine subsidence parameters for design. The study as a minimum should address:</p> <ul style="list-style-type: none"> • Impact of a ‘first flooding’ event • Residual subsidence due to goaf consolidation • Potential for migration of overlying soil into subsidence cracks or mine voids. • Overburden properties and potential for time dependent creep. • As assessment of whether a credible safety risk exists should a subsidence event occur • Any other potential mine subsidence issues that may affect the site. <p>The following must be done prior to, or during subdivision construction:</p> <ol style="list-style-type: none"> a) Remediate any mining features that pose a risk to improvements or persons such as tension cracks. b) Provide certification for Subsidence Advisory NSW’s acceptance remediation has been completed.

6.	<p>For areas of the site not affected by existing mine workings</p> <p>The proposed structure(s) associated with subdivision preliminary works shall be designed to be “<i>safe, serviceable and any damage from mine subsidence and readily repairable</i>” using the subsidence parameters outlined below:</p> <ul style="list-style-type: none"> a) Maximum Horizontal Strains: (+/-): 2 mm/m b) Maximum Tilt: 2 mm/m c) Maximum Radius of Curvature: 5 km
7.	<p>Submit plans sign-off from a structural engineer that all infrastructure associated with subdivision works have been designed to accommodate the estimated subsidence parameters.</p>
8.	<p>Approval under section 22 of the Coal Mine Subsidence Compensation Act 2017 is also required for the erection of all improvements on the land. As a guide, improvements shall comply with Subsidence Advisory NSW nominated Surface Development Guidelines, or otherwise assessed on merit.</p>

Dispute Resolution

If you are dissatisfied with the determination of this application an appeal may be formally submitted with the Chief Executive Officer for an independent internal review. The application must be made in writing and must provide reasons why the determination should be changed.

All communications to be addressed to:

Headquarters
4 Murray Rose Ave
Sydney Olympic Park NSW 2127

Telephone: 1300 NSW RFS
e-mail: records@rfs.nsw.gov.au

Headquarters
Locked Bag 17
Granville NSW 2142

Facsimile: 8741 5433



The General Manager
Cessnock City Council
PO Box 152
CESSNOCK NSW 2325

Your Ref: 8/2018/539/1
Our Ref: D19/453
DA19022017441 MA

ATTENTION: Holly Taylor

26 February 2019

Dear Holly

**Integrated Development Application - 1131//1057179 - 337 Black Hill Road;
Black Hill 2322**

I refer to your correspondence dated 14 February 2019 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the 'Environmental Planning and Assessment Act 1979', and a Bush Fire Safety Authority, under Section 100B of the 'Rural Fires Act 1997', are now issued subject to the following conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the issue of subdivision certificate and in perpetuity, the entire property of each lot except proposed Lot 701 shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

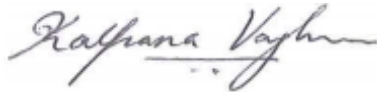
3. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

General Advice – consent authority to note

This approval is for the subdivision of the land only. Any further development application for class 1,2 & 3 buildings as identified by the 'Building Code of Australia' may be subject to separate application under section 4.14 of the EP & A Act and address the requirements of 'Planning for Bush Fire Protection 2006' or subsequent edition.

Should you wish to discuss this matter please contact Matthew Apps on 1300 NSW RFS.

Yours sincerely



Kalpana Varghese

Team Leader, Development Assessment and Planning

For general information on bush fire protection please visit www.rfs.nsw.gov.au



DOC19/104212-6

Cessnock City Council
PO Box 152
CESSNOCK NSW 2325
Attention: Lauren Murphy

By email: lauren.murphy@cessnock.nsw.gov.au

12 April 2019

Dear Ms Murphy

**General Terms of Approval for Development Application 8/2018/539/1
Lot 1131 DP 1057179 – 337 Black Hill Road, Black Hill**

I refer to your email to the Environment Protection Authority (EPA), dated 8 February 2019, requesting the EPA review and provide comment in relation to the Development Application at Lot 1131 DP1057179, 337 Black Hill Road, Black Hill, application reference DA 8/2018/539/1.

The application proposes a forty lot subdivision at 337 Black Hill Road, Black Hill. The subdivision is to be composed of thirty-nine industrial lots and one environmental lot.

I also refer to the email from Cessnock City Councils Holly Taylor on 22 March 2019 confirming that Council received thirteen public submission during the exhibition period of the application.

The EPA has reviewed the application and supporting documents, and our General Terms of Approval are provided at **Attachment 1**.

While the supporting documentation does not specifically address if an Environment Protection Licence (EPL) is required, the EPA notes that if the project is approved, the project may require an EPL under the *Protection of the Environment Operations Act 1997* (POEO Act), for the scheduled activities of:

- Contaminated Soil Treatment – as defined at Clause 15 of Schedule 1 of the POEO Act; and/or
- Extractive Activities – as defined at Clause 19 of Schedule 1 of the POEO Act.

If you have any questions about this matter, please contact me on (02) 4908 6819 or by email to hunter.region@epa.nsw.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Michael Howat'.

MICHAEL HOWAT
A/Head – Strategic Operations Unit – Hunter
Environment Protection Authority

Encl: ATTACHMENT 1 – General Terms of Approval, DA 8/2018/539/1

ATTACHMENT 1**General Terms of Approval –
DA 8/2018/539/1, 337 Black Hill Road, Black Hill****General**

- The proponent must apply for and hold, and in-force Environment Protection Licence issued under the POEO Act prior to undertaking any site clearing and related preparatory works associated with the project.

Sediment and Erosion Management

- Appropriate sediment and erosion controls must be implemented to ensure that the construction activities do not result in the pollution of any waters, in contravention of Section 120 of the Protection of the Environment Operations Act 1997.

Noise

- All works must be carried out in accordance with the "Interim Construction Noise Guidelines" published by the Department of Environment and Climate Change NSW in 2009.

Waste Matters

- The proponent must comply with the Protection of the Environment Operation (Waste) Regulation 2014.
- Any waste materials exposed or created associated with the construction works, and proposed to be disposed of to an offsite location, must be classified in accordance with the EPA's Waste Classification Guidelines.
- The proponent must comply with the Chemical Control Order applicable to each type of waste (that is PCB's or Scheduled Chemical Wastes or Dioxins and Furans) made under the Environmentally Hazardous Chemicals Act 1985.
- Any unexpected finds are to be immediately report to the EPA's Environment Line Telephone Service on 131555.
- Containment vessels shall be available at all times on are directly adjacent to any excavation site that is suitable to fully contain and isolate unexpected finds.

Remedial Action Plan (RAP)

- The proponent must develop a Remedial Action Plan (RAP), to the satisfaction of the Environment Protection Authority, in relation to the proposed develop works. The RAP must be prepared based upon the refined Conceptual Site Model developed for the site, in order to provide a framework for rendering the site suitable for the proposed development.

Asbestos

- Any asbestos containing material disturbed or impacted by the works must be managed and transported off site to a facility that can lawfully receive the asbestos containing material.
- All works associated with the approval that related to any asbestos containing material excavation, handling, movement and storage are to be overseen by a suitably qualified industrial hygienist and comply with all legislative requirements and codes of practices relating to asbestos,
- If asbestos containing material is to be excavated from site and stored prior to being transported off site.
 - The storage of any asbestos containing waste material is to be wetted down at all times to prevent asbestos fibres from becoming airborne or otherwise escaping, regardless of weather conditions, when the waste is not covered and must be covered with an impervious cover that will prevent the escape of all asbestos fibres or dust when work ceases at the end of each day.
 - The storage must, once deposition from the site is completed, be continually covered with an impervious cover that will prevent the escape of all asbestos fibres or dust. The cover must remain in place and intact until the waste is disposed of.

- The cover material must be suitable for its intended use and must not rip, tear or be damaged by exposure to any weather conditions that would allow dust or asbestos fibres to escape.
- All trucks are to be covered prior to leaving any waste exhumation area and must remain covered until arriving at the storage site.
- Truck tipping off at any location must not generate any visible dust or asbestos fibres.



Contact: Anisul Afsar
Phone:
Email: Anisul.Afsar@dpi.nsw.gov.au

General Manager
Cessnock City Council
PO Box 152
CESSNOCK NSW 2325

Our ref: IDAS1112701
Our file: V19/871#35
Your ref: DA8/2018/539/1

Attention: Holly Taylor

14 June 2019

Dear Sir/Madam

Re: Integrated Development Referral – General Terms of Approval
Dev Ref: DA8/2018/539/1
Description: Large Lot Industrial Subdivision, Site Remediation, earthworks, two
Signalised Intersections & All Servicing Requirements
Location: 337 Black Hill Road BLACK HILL

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the above location. Attached, please find Natural Resources Access Regulator's General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 4.47 of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, NRAR requests these GTA be included (in their entirety) in Council's development consent. Please also note NRAR requests notification:

- if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities (i) in the bed of any river, lake or estuary; (ii) on the banks of any river lake or estuary, (iii) on land within 40 metres of the highest bank of a river lake or estuary; or (iv) any excavation which interferes with an aquifer.

NRAR will ascertain from the notification if the amended plans require review of or variation/s to the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.

- if Council receives an application under s96 of the EPA Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.
- of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, NRAR recommends the following condition be included in the development consent:

The attached GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for a Controlled Activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity.

A completed application form must be submitted to NRAR together with any required plans, documents, application fee, security deposit or bank guarantee (if required) and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Application forms are available from the NRAR website at:

www.industry.nsw.gov.au » [Water](#) » [Licensing & Trade](#) » [Approvals](#).

NRAR requests that Council provide a copy of this letter to the development consent holder.

NRAR also requests a copy of the determination for this development application be provided by Council as required under section 91A (6) of the EPA Act.

Yours Sincerely

Ellie Randall
Water Regulation Officer
Water Regulatory Operations
Natural Resources Access Regulator

General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1112701
Issue date of GTA: 14 June 2019
Type of Approval: Controlled Activity
Description: Large Lot Industrial Subdivision, Site Remediation, earthworks, two Signalised Intersections & All Servicing Requirements
Location of work/activity: 337 Black Hill Road BLACK HILL
DA Number: DA8/2018/539/1
LGA: Cessnock City Council
Water Sharing Plan Area: Hunter Unregulated and Alluvial Water Sources

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval **after** development consent has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
Design of works and structures	
GT0009-00010	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
GT0013-00001	A. Any proposed controlled activity carried out under a controlled activity approval must be directly supervised by a suitably qualified person. B. A copy of this approval must be: i. kept at the site where the controlled activity is taking place, and ii. provided to all personnel working on the controlled activity.
GT0019-00003	Any proposed excavation on waterfront land must be undertaken in accordance with a plan submitted as part of a controlled activity approval, to be approved by Natural Resources Access Regulator.
Erosion and sediment controls	
GT0006-00004	The following plan(s): - Erosion and Sediment Control Plan must be: A. prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), as amended or replaced from time to time, and B. submitted with an application for a controlled activity approval.
GT0014-00007	A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Natural Resources Access Regulator as part of a controlled activity approval. B. When the carrying out of the controlled activity has been completed, surplus materials must be removed from waterfront land.
GT0021-00004	The proposed erosion and sediment control works must be inspected and maintained throughout the construction or operation period of the controlled activity and must not be removed until the site is fully stabilised.
Plans, standards and guidelines	
GT0002-00713	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application DA 8/2018/539/1 provided by Council to Natural Resources Access Regulator. B. Any amendments or modifications to the

General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1112701
Issue date of GTA: 14 June 2019
Type of Approval: Controlled Activity
Description: Large Lot Industrial Subdivision, Site Remediation, earthworks, two Signalised Intersections & All Servicing Requirements
Location of work/activity: 337 Black Hill Road BLACK HILL
DA Number: DA8/2018/539/1
LGA: Cessnock City Council
Water Sharing Plan Area: Hunter Unregulated and Alluvial Water Sources

proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.

- GT0005-00293 A. The application for a controlled activity approval must include the following plan(s): - 1. Subdivision plan, 2. Erosion and sediment control plan, 3. Stormwater management plan, 4. Earthwork plan, 5. Vegetation management plan/riparian corridor plan. B. The plan(s) must be prepared in accordance with Natural Resources Access Regulator's guidelines located on the website https://www.industry.nsw.gov.au/__data/assets/pdf_file/0004/156865/NRAR-Guidelines-for-controlled-activities-on-waterfront-land-Riparian-corridors.pdf.
- GT0010-00006 All documents submitted to Natural Resources Access Regulator as part of an application for a controlled activity approval must be prepared by a suitably qualified person.
- GT0012-00004 Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application, and approved by Natural Resources Access Regulator.

Reporting requirements

- GT0016-00003 The consent holder must inform Natural Resources Access Regulator in writing when any proposed controlled activity carried out under a controlled activity approval has been completed.

Yours sincerely

A handwritten signature in dark ink, appearing to be 'SC', with a long horizontal stroke extending to the right.

17 May 2019

STEVEN COX
Senior Team Leader Planning
Hunter Central Coast Branch
Conservation and Regional Delivery Division

Contact officer: NICOLE DAVIS
02 4927 3156



DOC19/135446-23
DA8/2018/539/1

Holly Taylor
Senior Planning Assessment Officer
Cessnock City Council
Holly.Taylor@cessnock.nsw.gov.au

Dear Holly

RE: DA8/2018/539/1 – 337 Black Hill Road, Black Hill (Lot no. 1131; DP no. 1057179)

I refer to your correspondence (23 April 2019) regarding the proposed development application detailed above, seeking general terms of approval with respect to the Aboriginal cultural heritage constraints identified for this property.

The Office of Environment and Heritage (OEH) has reviewed the information supplied by Cessnock City Council and RPS Australia and notes that three registered Aboriginal sites will be impacted by the proposed development. As such, OEH requires Cessnock City Council to include a consent condition that requires the proponent to apply for an Aboriginal Heritage Impact Permit under section 90 of the National Parks and Wildlife Act 1974.

General terms of approval:

1. The proponent must make an application to OEH for an Aboriginal Heritage Impact Permit (AHIP) to authorise 'harm' to the registered Aboriginal sites/objects that will be affected by the development. In doing so, the proponent must refer to the following documents:
 - Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011)
 - Aboriginal Cultural Heritage Consultation Requirement for Proponents (OEH 2010)
 - Code of Practice for the Archaeological Investigations of Aboriginal Objects in New South Wales (OEH 2010)
2. The proponent must not harm any Aboriginal sites/objects until the proponent has an approved AHIP from OEH.

If you have any further questions in relation to this matter, please contact Nicole Davis, Archaeologist, on 4927 3156.

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with DA8/2018/539/1 as provided by Council:

- 1. Council referral letter
- 2. Subdivision plan
- 3. Soil and water management plan
- 4. Erosion and sediment control plan
- 5. Environmental assessment
- 6. Environmental impact statement

APPENDIX C – ADVICE FROM TRANSPORT FOR NSW

17 July 2020

General Manager
Cessnock City Council
PO Box 152
Cessnock NSW 2325

Attention: Martin Johnson & Janine Maher

CESSNOCK CITY COUNCIL – DA 8/2018/539/1 – UPDATE FOR REGIONAL PLANNING PANEL

I refer to the meeting held 30 June 2020 between representatives from Cessnock City Council (Council), Department of Premier and Cabinet (DPC), and Transport for NSW (TfNSW) regarding Development Application DA 8/2018/539/1. Council have requested an update on TfNSW assessment of the traffic impacts of the development application, to inform a briefing to the Regional Planning Panel (RPP).

Background

TfNSW note that the subject development site forms approximately one half of the Black Hill Industrial Precinct. The site is located with direct access to John Renshaw Drive, and within close proximity to the critical intersection of M1, John Renshaw Drive, and Weakleys Drive intersection. This intersection, the M1 and John Renshaw Drive east form part of the National Land Transport Network.

The development proposes two direct access to John Renshaw Drive via Signal controlled intersections:

- Western access with four-way intersection with the adjoining Donaldsons mine,
- Eastern access to be shared with the Adjoining Stevens site.

The development traffic is significant, with full development peak hour traffic volume in the order of 1,600 vehicles, or 3,000 vehicles for the precinct development. For context, John Renshaw Drive currently carries less than 1,200 vehicles in each peak so the development traffic will more than double, and the precinct will more than triple the existing traffic volume on John Renshaw Drive, with potential impacts to the safety, efficiency and ongoing operation of the classified road which has national significance.

TfNSW actions

- On 11 February 2019, TfNSW received DA 8/2018/539/1 from Cessnock City Council.
- On 5 March 2019, TfNSW objected to the proposal, citing the Development Application does not adequately assess the traffic and transport impacts of the Development on the surrounding National, State and Regional road network. The Traffic Impact Assessment (TIA) was a simplistic assessment with substandard modelling assumptions outside of TfNSW modelling requirements.
- TfNSW further recommended a precinct masterplan be provided. This masterplan would be used to determine the most appropriate location for the combined eastern intersection access to both the Broaden development and the adjoining Stevens site. Noting the Broaden development fails to address the cumulative impacts of their proposed eastern access location relative to the proposed Stevens site access as contemplated under the approved Part 3A concept plan for the Stevens site. That is, the Broaden development relies on a shared eastern access within their site which denies the Stevens site direct access from John Renshaw Drive other than by the Broaden proposed access.
- Since July 2019, TfNSW has met with Broaden Management (the applicant), Barr Property and Planning, and GTA consultants (Traffic consultants) on many occasions. These meetings, between 15 and 20 of, have been to assist the applicant progress their TIA to meet TfNSW traffic modelling standards. This is required so the impacts of the development and commitments to mitigate such impacts is understood by TfNSW and the consent authority, to demonstrate that the safety, efficiency and ongoing operation of the classified road and National significant network will not be adversely affected by the development. In September 2019, TfNSW provided the following to Barr Property and Planning:
 - The modelling scope with agreed TfNSW modelling requirements and parameters
 - Traffic signal counts and data for the traffic signals within the network
 - TfNSW calibrated and validated base traffic VISSIM model under licence agreement.

Traffic Assessment

Notwithstanding TfNSW advice and use of its model, Broaden have failed to provide a satisfactory traffic assessment to date, including the most recent traffic impact report by GTA consultants, dated 26 May 2020. The main issues outstanding remain:

- Modelling and reporting that inadequately demonstrates the traffic impact from the precinct development on the existing road network,
- Inadequate infrastructure proposed to mitigate the impact as demonstrated,
- No mitigation works, with the exception of the site intersection, prior to 50% precinct development when the report demonstrates that there will be significant reduction in efficiency and significant delay induced into the network (around 8 times delay),
- No proposed mitigation proposed other than reliance on future TfNSW project, M1 to Raymond Terrace (M12RT), which is expected to be delivered late 2020's.
- Reporting that indicates kilometres of queuing at full precinct development with no commitments to resolve, including the inability for motorists to leave the precinct. The report states '*...significant queuing and delays throughout the network and at the key intersection of M1 / John Renshaw Drive / Weakleys Drive can be expected at the 50% (no M12RT), 75% and 100% developed stages indicating that the network is unable to accommodate the additional traffic demand.*'

- The report fails to address the cumulative impacts of their proposed eastern access location relative to the proposed Stevens site access as contemplated under the approved Part 3A concept plan for the Stevens site (required irrespective of the LEC court refusal).

The outcomes of the modelling have been inconsistent with RMS Traffic Modelling Guidelines, RTA Guide to Traffic Generating Developments, and Austroads Guide to Traffic Management, Part 12, Integrated Transport Assessments for Developments.

TfNSW Outer Newcastle Study identifies significant upgrades are required to mitigate the impacts on the State road in addition to the M12RT. These have been estimated to be considerable.

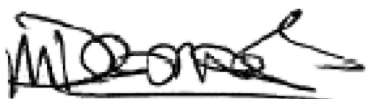
Further, on 3 July 2020 the Land and Environment Court refused the adjoining Stevens development, DA 2018/00714, which is the other half of the Black Hill Precinct. This refusal indicates that TfNSW concerns relating to appropriate traffic impact assessment of the state road network are valid.

Way forward

Given that modelling provided by both developers to date has been inadequate, TfNSW have agreed to undertake modelling based on the Outer Newcastle Study to determine the traffic impacts for the precinct. The modelling will provide the information required to determine mitigation measures and staging of future infrastructure works. Upon completion of this work, TfNSW will provide advice to government on costs of mitigation and potential apportionment of costs across the Broaden and Stevens developments that may be considered for development of a VPA. It is anticipated that this modelling will be available late August 2020 to enable TfNSW to make recommendation to Government and consent authorities.

Should you require further information please contact me on 0475 825 820 or by emailing development.hunter@rms.nsw.gov.au.

Yours sincerely



Marc Desmond

A/Manager, Land Use Assessment – Hunter Region

**APPENDIX D – APPLICANTS RESPONSE TO TRAFFIC CONCERNS
RAISED BY TRANSPORT FOR NSW**

Wednesday 12th August 2020

Janine Maher

Development Services Manager
Cessnock City Council
62-78 Vincent St
Cessnock NSW 2325

Dear Janine,

RE: TfNSW Correspondence Dated 17th July 2020 (Author Marc Desmond)

Thank you for your efforts in obtaining the release of the above referred to (and enclosed) correspondence from TfNSW.

In summary, this correspondence entirely contradicts everything that we, and our consultants, understood to be the situation regarding our DA Application and the information provided. We are at a loss Regarding TfNSWs position toward our work that we have done and what is needed for the site. They have not communicated this level of dissatisfaction with us in person or in writing.

You'd be aware of the significant time and money we have spent on this process so far. You'd also appreciate the exhaustive communication we have had with TfNSW on the matter. We have consistently responded to their requests for information and adjustments presented by them. This site was rezoned for the exact outcome we are presenting. We are completely in line with the governments rezoning concept plan.

I would like to draw your attention to the following in response to the letter.

- a. TfNSW has acknowledged themselves the number of meetings held with us at their offices in Newcastle – even while the appeal by the Stevens Group against Newcastle Council and TfNSW was underway.
- b. All modelling was undertaken and approved by TfNSW on assumptions and figures supplied by TfNSW to our consultants
- c. GTA, our consultants, are not an insignificant organisation. They are a national organisation who have worked directly for TfNSW in the past.
- d. The first modelling undertaken by GTA (8 weeks to complete) was submitted to TfNSW on the 30th November 2019
- e. The second round of modelling requested by TfNSW was based on the
 - I. Total Industrial Precinct of Blackhill, including the Stevens Group land
 - II. We also provided the modelling of our development (DA 8/2018/539/1) to demonstrate the effect of our development on the whole precinct.

The above two modelling reports were submitted on the 26th May 2020.

We have not been told by anyone that the above reports are unsatisfactory. We have been working for a meeting since the 3rd June to discuss modelling.

In that time GTA have had no correspondence with TfNSW. We have paid the cost of all modelling for the total Industrial Precinct (at the request of TfNSW).

The micro simulation traffic modelling was based on the existing TFNSW model. We were provided a license to use that model. This included all the traffic counts.

The model was then truncated in accordance with TFNSW written instructions.

TFNSW confirmed the model was correct.

TFNSW provided the assumptions for the model around gross floor area calculations, trip generation rates, heavy vehicle volumes, direction of traffic, peak times, background traffic growth rates. These assumptions were used in the assessment of the precinct.

This process to date which determines the amount of traffic and its behaviour is all based on TFNSW modelling and assumptions. It is unclear how any of these numbers could be different from what TFNSW are using in their own model.

The mitigation measures have been provided by GTA, our traffic consultants who are a national traffic impact assessment firm and the model was rerun to determine the improvements on the mitigation works. The outcomes were justified by GTA as to the final performance.

TFNSW has never provided Level of Service (LOS) outcomes for intersections in their advice.

We have designed and costed the suggested traffic mitigation solutions (and) as well as prepared a draft VPA document.

We are prepared to undertake the works as designed upfront at the same time as the central access traffic light construction is undertaken (as works in kind). We have already agreed with TfNSW that monitoring of traffic movements will be undertaken in stages at 25%/50%/75%/100% of GFA of our development which will be reflected in the signed VPA. It now appears, however, from this letter to Council from TfNSW that they will not recognise the above agreement for monitoring.

TfNSW needs to reveal who are the multiple parties responsible for apportionment of the cost of traffic mitigation works:

- i. State
- ii. Federal
- iii. Neighbouring Property in the Precinct (Stevens Group)
- iv. Broaden Group
- v. Future developments outside the industrial precinct

We also need confirmation from TfNSW what is the annual background growth of traffic at a state level (i.e. is it 1.5%) and what is the percentage of traffic that will come to the site from the west (our consultants say 45% and TfNSW says this will be 15% but they don't want to know about 45% figure).

We need to know what is wrong with our modelling and whether TfNSW have used identical figures as our consultants have as a basis for their modelling, which they have stated will be ready by late august 2020.

As the existence of the afore mentioned letter, of the 17th July (by TfNSW), was brought to our attention by the Regional Planning Committee briefing last Wednesday, we ask that you provide a copy of this response from us to the Regional Planning Panel.

Yours faithfully,


Mark Giese

Broaden Management
0405546544
mark@broaden.com.au

APPENDIX E – PHOTOGRAPHS OF SITE & SURROUNDS



Images identified as 'A' on Site Map



Images identified as 'B' on Site Map





Images identified as 'C' on Site Map







Images identified as 'D' on Site Map









Images identified as 'E' on Site Map



