**Attachment A – Concept Approval assessment**

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| **Part B – Administrative conditions**  **Terms of the Concept Approval** | | |
| 1.1 | The proponent shall ensure that all development on the site is carried out generally in accordance with the:   1. Concept plan application 10\_0090 as modified by this approval 2. *Minmi, Link Road and Stockrington Concept Plan Environmental Assessment* (including accompanying appendices) prepared by Urbis dated February 2011 3. Correspondence, with attachments, titled *Preferred Project Report Submission – Coal & Allied Northern Estates: Minmi / Link Road* prepared by Urbis dated 6 June 2011 4. Correspondence, with attachments, titled *Preferred Project Report Submission – Coal & Allied Northern Estates: Minmi / Link Road* prepared by Urbis dated 16 June 2011 5. Correspondence, with attachments, titled *Assessment of Coal & Allied Lower Hunter Land – Minmi Link Road Application* prepared by Coal & Allied dated 16 November 2011 6. Correspondence, with attachments, titled *Minmi Concept Plan – Newcastle City Council concern regarding vehicle access to the western sports fields* prepared by Coal & Allied dated 16 November 2011 7. Correspondence, with attachments, titled *Assessment of Coal & Allied Lower Hunter Land – Minmi/Link Rd Application (MP10\_0090)* prepared by Coal & Allied dated 7 March 2021 8. Statement of commitments dated November 2011 and provided at Appendix 1 of this approval 9. This approval | There are several key conditions that have not been addressed including traffic and access, earthworks, contamination and remediation, mine subsidence mitigation, odour impact, waste servicing, staging plan, vegetation and habitat management plan, landscaping to public domain and fencing, construction environment management plan, and contributions and dedication.  The application is recommended to be deferred to enable the submission of further information to address the outstanding matters as identified above. |
| 1.2 | In the event of an inconsistency between:   1. 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 2. Any document listed from condition 1.1a) to 1.1i) inclusive, the most recent document shall prevail to the extent of the inconsistency. | Noted. |
| **Limits of the 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. | The Concept Approval has not lapsed as consent has been issued for Stage 1 (within City of Newcastle (CN) Local Government Area (LGA)) known as Link Road South and works have commenced. |
| 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. | Noted. |
| **Determination of Future Applications** | | |
| 1.5 | The determination of future applications 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. | There are several key conditions that have not been addressed including There are several key conditions that have not been addressed including traffic and access, earthworks, contamination and remediation, mine subsidence mitigation, odour impact, waste servicing, staging plan, vegetation and habitat management plan, landscaping to public domain and fencing, construction environment management plan, and contributions and dedication.  The application is recommended to be deferred to enable the submission of further information to address the outstanding matters as identified above. |
| **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. | Noted. |
| **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. | Consent has been issued for Stage 1 (within CN LGA) known as Link Road South and works have commenced.  The application relates to Stage 5, within the Lake Macquarie City Council (LMCC) LGA. |
| **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. | Refer to condition 1.16 for detailed consideration. |
| 1.9 | The concept plan is to be modified so that the following items do not form part of the $8 million allocation:   1. The replacement or expansion of the existing Minmi Community Centre 2. Subregional review of strategy 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 alternate initiatives or infrastructure items in consultation with Newcastle Council and Lake Macquarie Council and to the satisfaction of the Department. | It is understood the Concept Approval has been modified to address this condition prior to consent being issued for Stage 1. |
| **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 the proposed workshop park | Not relevant to LMCC DA. |
| **Urban Design Guidelines** | | |
| 1.11 | The indicative lot layout and indicative road layout are not approved as part of the concept plan. | Noted. |
| 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 | Refer to condition 1.13 for detailed consideration. |
| **Part D – Further Environmental Assessment Requirements**  **Urban design and 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.   1. An updated indicative lot layout and access plan for that stage 2. Built form and building envelope controls, including for commercial and mixed use development where relevant 3. The maximum site cover for townhouse lots is not to exceed 60% 4. Controls for development of buildings on steep slopes (i.e. >15%) 5. Details on how cut and fill is to be minimized, and requirements for retaining structures including maximum heights and design approach, acceptable materials, and associated landscaping 6. Requirements for retention of vegetation within individual lots, having regard for any requirements of *Planning for Bushfire Protection 2006* 7. Demonstrate how the controls have responded to the visual environment and will minimize visual impacts from surrounding areas 8. 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 the individual lots 9. Private open space and landscaping requirements including specific requirements for deep soil zones, and a detailed species selection list. 10. Site fencing requirements 11. Demonstrate how necessary storm water infrastructure can be accommodated on individual lots, in particular small lots 12. 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 building form, and building materials and colours. 13. 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. 14. 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. | Urban Design Guidelines (UDG) have been adopted for the development in association with the Concept Approval.  All land, except Lot 4003 is subject to the Link Road North Area Plan, the adopted UDG for LMCC, which was adopted by the Department of Planning, Industry and Environment (DPIE) in July 2018.  Lot 4003 is subject to the Minmi Precinct Development Guidelines UDG, which were adopted in November 2018.  The proposal is generally consistent with the UDG, expect for the insufficient information regarding earthworks and fencing to roadway outcomes. Refer to Attachment B for detailed consideration. |
| 1.14 | Each development application for subdivision must demonstrate that:   1. 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%. 2. All lots on land with slope greater than 20% are at least 1,000m2 in area.   Unless otherwise agreed by Council. | Sufficient information to enable detailed assessment of this matter has not been provided.  A request for this information has not been made to the applicant due to the outstanding fundamental site planning and threshold issues. A request for this information can made following the resolution of these fundamental issues, as it is likely the development can achieve this requirement through existing site design or incorporation of measures such as retaining walls (designed and located appropriately). |
| 1.15 | Each development application for subdivision shall include a landscaping and public domain plan for the relevant stage, prepared in consultation with the relevant council(s), that includes:   1. All the proposed open space within that stage. 2. Proposed treatments for open space and all other aspects of the public domain. 3. A strategy for the retention of trees. 4. Proposed landscaping of swales, detention basins, roadside verges and other public domain areas, including species selection. 5. Management arrangements, including to achieve necessary fuel loads for APZs within any vegetated public domain areas and compliance with PBP 2006 and RFS standards. 6. Proposed ownership and management arrangements for public domain areas. 7. Identification of appropriate species selection for landscaping works, being locally occurring native species, and including regionally significant species and preferred Swift Parrot and Koala foraging habitat trees where possible. 8. Any proposed heritage interpretation works including the treatment of heritage shared pathways, as identified in the heritage interpretation strategy. | Landscaping reports and plans have been submitted demonstrating landscaping to public domain areas, including street tree planting, bioretention planting and planting of batters/embankments.  Council’s Landscape Architect has reviewed the documentation and is not satisfied with the outcomes.  A request for this information has not been made to the applicant (however was flagged in a request for information as a future matter to be considered) due to the outstanding fundamental site planning and threshold issues. A request for this information can made following the resolution of these fundamental issues, as landscaping outcomes are reasonable resolvable. |
| **Contributions** | | |
| 1.16 | Prior to determination 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) the arrangements for provision of recreation facilities to meet demand for development within all stages including the skate park are to be identified. Suitable land for these purposes is to be identified within the development area, unless alternative arrangements can be made to accommodate these facilities within the general proximity to the development site through negotiations with the relevant council(s). The location of the recreation facilities or alternative arrangements are to be submitted to the Director General for approval prior to determination. | Arrangements for the provision of recreation facilities to meet demand for all stages (including arrangements for skate park/s) have been made in consultation with both Councils, and to the satisfaction of the DPIE. |
| 1.17 | The Proponent is required to submit a staging plan with each development application for subdivision, to be endorsed by council outlining the schedule of delivery of the following:   1. Roads, stormwater and other infrastructure; 2. State Infrastructure Contributions; 3. S94 Contributions; 4. Contributions under the $8million allocation; 5. 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 existing and future Minmi / Link Road residents and be within general proximity of as 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). | Documentation addressing the identified stages has been submitted with the application which identifies:   1. Roads, stormwater and other service infrastructure will be delivered following registration of the relevant plan of subdivision for each stage, and in accordance with the requirements of the relevant authorities. 2. Satisfactory arrangements have been received from the Department of Planning and Environment (DPIE) in relation to state infrastructure contributions. This has been achieved through a Voluntary Planning Agreement (VPA) entered into between the applicant and DPIE, which requires the payment of the contribution amount prior to the issue of the relevant subdivision certificate. This outcome can be addressed through the imposition of an appropriate condition of consent on the development consent. 3. Monetary contributions and land dedications will be paid in accordance with the VPA to be entered into between the applicant and LMCC for local infrastructure contributions.   A draft planning agreement has recently been prepared by LMCC however has not been provided to the applicant for review, nor exhibited or reported to the elected Council. The agreement has not been provided to the applicant due to the outstanding fundamental site planning and threshold issues.   1. Contributions from the $8 million allocation include:    * Sustainable grant fund    * Scheme for special needs / affordable and disabled housing    * Funding towards Blue Gum Hills Regional Park linkages 2. Open space, recreation facilities and community facilities will be delivered in accordance with the VPA to be entered into between the applicant and LMCC   A detailed plan integrating all of the items and associated detail under this condition has not been provided. A request for this information can be made following the resolution of the fundamental issues, and resolution of VPA, as it is likely an outcome can be achieved. |
| 1.18 | The Staging Plan for Stage 1 is to identify the proposed level of provision of community multipurpose facilities for the entire Minmi, Link Road development to the agreement of Newcastle and Lake Macquarie Councils. The Proponent is to identify appropriate land within the proposed high street centre or village centre to accommodate the agreed facility / facilities. In identifying appropriate land consideration is to be given to ensuring that the demands of incoming residents in earlier stages can be met. | N/A |
| 1.19 | For contributions made under the $8million allocation, each staging plan is to demonstrate that the contributions are over and above Section 94 and SIC requirements, and not include any contributions which would be otherwise required to mitigate the impacts of the proposed development. Any contributions to a council, public authority or community group are subject to agreement of that organisation. Any contributions which are deemed unsuitable would need to be reallocated to alternative infrastructure or initiatives. | Contributions made under the $8 million allocation that are over and above the local and state infrastructure contributions include:   * Sustainable grant fund * Scheme for special needs / affordable and disabled housing * Funding towards Blue Gum Hills Regional Park linkages   A detailed staging plan integrating as required by this condition and condition 1.17 has not been provided. A request for this information can be made following the resolution of the fundamental issues, and resolution of VPA, as it is likely an outcome can be achieved. |
| **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):   1. 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. 2. Management measures for minimising impacts on fauna during subdivision works including the implementation of appropriate tree clearing protocols. 3. 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. | The application has minimised clearing and disturbance of vegetation, to the extent possible, and proposes to retain vegetation within riparian corridors zoned conservation, and retain vegetation on lands with steeper slope. Clearing is primarily as a result of earthworks for construction of roads, stormwater facilities and utility services, establishment of APZs, regrading to achieve maximum APZ grades, and regrading of residential lots to establish lots suitable for future dwellings. Where APZs do not require regrading, selective thinning will occur to enable vegetation to be retained within residential lots.  The application has been referred to OEH (now Biodiversity and Conservation Division (BCD)) who raised no objection to the development and recommended some aspects of the VHMP be amended to reflect best practice. The applicant has reviewed these recommendations and provided a response requesting further consideration to times and temperatures for clearing. These matters are resolvable and can be achieved through further consultation with BCD and imposition of appropriate conditions of consent, if the application is deferred. |
| 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. | The application proposes conservation zoned land and associated corridors to be dedicated as public reserve. LMCC are supportive and agree to the dedication.  Council has standard conditions and management guidelines to ensure land to be dedicated will be acceptable as public assets following vegetation establishment and associated maintenance periods. This matters can be addressed through the imposition of an appropriate condition of consent. |
| 1.22 | Each development application for subdivision must demonstrate that all works within riparian corridors (as zoned E2) identified within the concept plan, including stormwater infrastructure and crossings for roads and services, meet the requirements of the relevant NSW Office of Water guidelines relating to works within riparian corridors. | The development is consistent with the Office of Water guidelines by proposing only works that are permitted by the guidelines in the vegetated riparian zone, including road crossings, and stormwater management facilities. |
| **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. | A flood impact assessment has been submitted with the application. The report identifies all residential lots and park lots are located outside of the 100 year flood event. Only the public reserves containing watercourse corridors are impacted by the flood event. All road crossings are located outside of, or above the 100 year flood level, and safe evacuation is achievable.  The assessment also demonstrates the development will result in the peak flows leaving the site to be similar or less than those leaving the site currently during storm events, due to the design of the stormwater management facilities. |
| 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 0.5 metre free board with fill limited to the 0.5 metre 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. |
| **Stormwater management and water quality** | | |
| 1.25 | A water sensitive urban design strategy for each stage must be provided with the lodgement of the first development application for subdivision within each stage to consider how impacts on riparian corridors and waterways as a result of stormwater infrastructure can be minimised. The strategy is to be a strategic level document to inform later detailed stormwater design. It is to demonstrate that, wherever possible, stormwater infrastructure will be located off-line and outside of the identified riparian corridor (as zoned E2 within the SEPP Major Development), having regard for relevant NSW Office of Water guidelines relating to works within riparian corridors. | A WSUD strategy has been submitted with the application. The report provides guidance to inform the layout of the development to minimise impacts to the riparian corridors, design and location of permanent stormwater management facilities, guidance on mitigation of flooding impacts as a result of the development, and guidance on the design of temporary erosion and sedimentation during construction. |
| 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. | A stormwater management plan and associated civil engineering plans have been submitted with the application, which incorporates the WSUD strategy and provides detailed analysis to inform the sizing and design of stormwater management facilities throughout the development, including pit and pipe network throughout the subdivision, future rainwater tanks to residential lots, gross pollutant traps, infiltration systems and bioretention basins. The report demonstrates the range of stormwater management facilities will mitigate the impact of the quality and quantity of stormwater runoff from the development to levels that are consistent with Council’s guidelines and industry standards. |
| 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. | The stormwater management plan and associated civil engineering plans provide details of the stormwater management facilities, which are consistent with Council’s requirements.  Council has standard conditions and management guidelines to ensure facilities to be dedicated are constructed and managed appropriately and will be acceptable as public assets after the initial maintenance period of two years. This matters can be addressed through the imposition of an appropriate condition of consent. |
| **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. | N/A - the LMCC site does not contain any groundwater dependent ecosystems. |
| **Contamination** | | |
| 1.29 | Each development application for subdivision must include a remediation action plan, which includes:   1. Detailed characterisation of the nature and extent of contaminated material within the proposed subdivision area. 2. Details of the proposed remediation strategy, including treatment methodologies and processes 3. Justification of the proposed treatment and remediation criteria to ensure the land is suitable for the proposed land use. 4. Details of proposed remediation management measures. 5. A detailed validation plan including sampling plans and validation protocols. 6. Details of compliance with the *Contaminated Land Management Act 1997.* | A remediation action plan (RAP) has been submitted with the application. The RAP does not conclusively identify the location of proposed capping.  Insufficient information has been submitted to demonstrate if the site can be made suitable for its intended use.  It is recommended the application be deferred to enable the submission of further information to address this matter.  A request for this information can be made, as it is likely the development can address this matter through submission of further information. |
| **Mine Subsidence** | | |
| 1.30 | Prior to issuing of any subdivision certificate development, the proponent is to submit geotechnical investigations in accordance with any requirements of the Mine Subsidence Board to demonstrate that the risk of mine subsidence can be removed and / or managed within the development site by suitable means, or demonstrate that the works are long term stable and there is no risk of subsidence, as appropriate to the intended future use of the land. This is to include consideration of options for grouting to ensure mine subsidence risk is eliminated for all types if development proposed, including larger floor plate structures. | The application was referred to SA NSW who have identified the geotechnical reports submitted have been prepared prior to the current SA NSW subdivision assessment policy, and updated geotechnical assessments that reflect the requirements of the current policy are required.  Additional information was submitted to Council in late September, that did not include updated geotechnical assessment to address SA NSW’s request.  This information has not been re-referred to SA NSW due to the outstanding fundamental site planning and threshold issues, and limited change in information submitted. A request for this information / re-referral can made following the resolution of the other fundamental issues, as mine subsidence risk mitigation is a resolvable issue.  Due to the potential impacts arising from these works and the final site layout and environmental outcomes, consideration of this matter is required to be undertaken and resolved during the assessment of the application. |
| **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 links across Minmi Road and Newcastle Link Road. | A regional traffic and transport assessment and traffic impact assessment have been submitted with the application.  The application was referred to TfNSW on several occasions for consideration of traffic impacts. TfNSW are not satisfied with the development due to insufficient modelling being completed, and therefore the impact of the development and upgrading works to mitigate the impact associated with the development cannot be identified. This matter remains unresolved. |
| 1.32 | The proponent is to demonstrate application for subdivision that all aspects of the local road layout and design meet the requirements of the relevant Council. | Civil engineering plans have been submitted with the application, which demonstrate a logical hierarchy for the road system, with local and collector roads in a modified grid layout proposed. The road grades, carriageway widths, intersection locations and configuration is consistent with Council’s requirements.  The application proposes a signalised intersection adjacent to the school site (Lot 2046) and commercial zoned land. Civil engineering plans demonstrating the intersection design has been submitted. The design will require minor adjustment to several of the lots adjoining the intersection. Revised subdivision lot plans to account for the intersection design have not been submitted.  A request for this information has not been made to the applicant due to the outstanding fundamental site planning and threshold issues. A request for this information can made following the resolution of these fundamental issues, as it is likely the development can achieve this requirement through submission of further information.  It is recommended the application be deferred to enable the submission of further information to address this matter. |
| 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 Council’s cycle way 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 with Stage 1. | UDGs have been adopted for the development, prior to Stage 1, in association with the Concept Approval, which addressed these matters. |
| 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. | The applicant proposes to satisfy the condition as follows:   * Road MC58 is the key road that links Minmi Boulevard (Road MC01) and the SWMC * Road MC01 and MC58 have been designed as collector roads, and can therefore accommodate all general vehicles up to a 19m semi-trailer. This includes waste removal vehicles, which has been taken to mean a vehicle purpose-built or adapted for waste removal.   Council concur with the applicant’s interpretation of the condition and the condition relates to typical garbage trucks which can move through the subdivision. The collector road network, which also is a bus route, provides for waste removal vehicles. Civil engineering plans have been submitted which demonstrate the internal road network can cater for waste servicing vehicles.  Insufficient information has been provided to demonstrate the connection of MC58 to the boundary of the site and SWMC. The subdivision plans adjacent to Lots 2632-2634 do not demonstrate how the future connection will be achieved. It is understood this is a resolvable matter following the submission of additional concept plans. The application is recommended to be deferred to enable the submission of further information to address this. |
| **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. | N/A – this condition relates to European heritage. The LMCC site does not contain any European heritage items. |
| 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 *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. | A heritage interpretation plan, prepared by a conservation practitioner has been submitted with the application. The plan includes a detailed history of the whole Concept Approval site and includes Aboriginal heritage interpretation strategies.  The application has been referred to OEH (now Heritage NSW) who raised no objection to the development and recommended conditions of consent relating to Aboriginal heritage impact permit (AHIP). |
| 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 one year of the end of the archaeological program. The archaeological research design is to be prepared in accordance with the Heritage Council Excavation Director Criteria. | N/A – this condition relates to European heritage. The LMCC site does not contain any European heritage items. |
| 1.38 | Prior to approval of any development application for subdivision 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 un-recorded 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. | An Aboriginal heritage management plan is already in place for the development. |
| 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.  All sites impacted must have an OEH Aboriginal Heritage Site Recording form completed and submitted to OEH within three month of completion of the Aboriginal cultural heritage works. | An Aboriginal cultural heritage management plan (ACHMP) has been submitted with the application, which was undertaken in consultation with the Registered Aboriginal Parties and OEH.  The report demonstrates the proposal has been designed to avoid impact to the registered site and recommends works in proximity to the site are avoided.  This outcome can be addressed through the imposition of an appropriate condition of consent. |
| 1.40 | Prior to commencement of works, an Aboriginal Cultural Education Program must be developed for the induction of all personnel and contractors involved in the construction activities on site, to be developed and implemented in consultation with the local Aboriginal Community. | This outcome can be addressed through the imposition of an appropriate condition of consent. |
| **Traffic noise** | | |
| 1.41 | Each development application for subdivision is to outline a strategy to mitigate the impacts of traffic noise on future residents, including that from increased traffic associated with all stages of the Minmi, Newcastle Link Road development. The strategy is not to include acoustic barriers, with the exception of along the F3 Freeway. The strategy is to have consideration to the relevant criteria in *NSW Environmental Criteria for Road Traffic Noise* and is to identify how internal criteria outlined in *Development Near Rail Corridors and Busy Road – Interim Guideline* (Department of Planning & Infrastructure 2008) can be achieved. | A traffic noise assessment has been submitted with the application. The report considers future residents and details the majority of future dwellings will not be adversely affected by traffic noise and can achieve relevant internal noise criteria when constructed of standard building materials. Several lots adjoining Woodford Street and the internal boulevard will exceed the relevant internal noise criteria, and will require attenuation through increased quality glazing.  This outcome can be achieved through the imposition of appropriate conditions of consent requiring a covenant on these lots.  No mitigation is required as a result of traffic noise from the Newcastle Link Road.  Lot 4003 is proposed as a future development lot and will be subject to a further development application, and assessment of acoustic criteria will be undertaken at this time. |
| 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. | A traffic noise assessment has been submitted with the application. The report considers existing residents and details existing traffic volumes exceed relevant noise criteria to existing residents for day and night periods, and the expected traffic generated by the development will not increase existing levels by more than 12dB, which is consistent with the relevant noise policy for both day and night assessment periods, and no noise mitigation to existing residences is required. |
| 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 appropriately designed to mitigate any visual or urban design impacts. | Lot 4003 is proposed as a future development lot and will be subject to a further development application, and assessment of acoustic criteria will be undertaken at this time. |
| **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. | An odour assessment has been submitted with the application that identifies a 430m buffer is required from an active cell/s within Summerhill Waste Management Centre (SWMC) and the subdivision boundary. Council’s Environmental Systems Officer has reviewed the report and identified further information is needed to confirm the recommended 430m buffer zone will address odour impacts from the SWMC. This includes further assessment in different climatic conditions and times of day, and assessment of all waste activities undertaken at the site.  An acoustic assessment has been submitted with the application that addresses potential noise from the adjoining SWMC (i.e. reverse alarms, truck and plant movement within the facility). The report identified the measured noise was below the default Noise Policy for Industry (NPI) criteria. No mitigation measures are required to attenuate noise generated by the SWMC.  Insufficient information has been submitted to demonstrate if odour impacts from SWMC are acceptable. It is recommended the application be deferred to enable the submission of further information to address this matter.  A request for this information can be made, as it is likely the development can address this matter through submission of further information. |
| **Bushfire** | | |
| 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:   1. A road network and lot layout appropriate to evacuation purposes; 2. Property access roads which allow for the safe access, egress and defendable spaces for emergency services. 3. The location and composition of all APZs, including the inner and outer protection zones, including relation to proposed building footprints. 4. 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). 5. A staged approach to management of bushfire hazard and APZs during the development process. | A bushfire assessment in the form of a bushfire management plan has been submitted with the application.  The report details the following range of bushfire protection measures to be included in the subdivision.  The application, including bushfire management plan was referred to the NSW RFS who support the proposal and recommended conditions in relation to BALs, APZs, road and fire trail construction, utility provision, and landscaping. |
| **Construction impacts** | | |
| 1.46 | All development applications for subdivision shall be accompanied by an assessment of construction impacts. The assessment shall include consideration of the following:   1. Construction noise and vibration management. 2. Dust management. 3. Soil and water management plan, prepared in accordance with Landcom’s *Managing Urban Stormwater: Soils and Construction* guidelines. 4. Flora and fauna management. 5. Waste management. 6. Traffic management. 7. Management of public infrastructure and existing residential or commercial buildings in the vicinity of the site. 8. Heritage management. 9. Interface issues between the construction site and the neighboring conservation areas, including the Blue Gum Hills Regional Park. 10. Complaints management. | A Construction Environmental Management Plan (CEMP) has been submitted with the application.  As there are outstanding matters to be resolved, further revisions and consideration of the construction management plan will be necessary. |
| **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. | The application was referred to TransGrid who raised no objection to the development and recommended conditions regarding construction related matters. |
| 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. | The NSW Office of Water guidelines permit certain works within riparian corridors, including road crossings and stormwater facilities, including basins.  The application proposes to minimise works within the riparian zone. Where works are proposed, this includes road crossings over watercourses, and inclusion of retaining walls (instead of batters), no APZs within riparian corridors, and locating stormwater management facilities off-line from the adjacent watercourse. |
| **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 Road 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. | | There are several key conditions that have not been addressed including There are several key conditions that have not been addressed including traffic and access, earthworks, contamination and remediation, mine subsidence mitigation, odour impact, waste servicing, staging plan, vegetation and habitat management plan, landscaping to public domain and fencing, construction environment management plan, and contributions and dedication.  The application is recommended to be deferred to enable the submission of further information to address the outstanding matters as identified above. |
| **Lapsing of the approval** | | |
| The approval will lapse 5 years after the approval date of this approval. | | The Concept Approval has not lapsed as consent has been issued for Stage 1 (within City of Newcastle (CN) Local Government Area (LGA)) known as Link Road South and works have commenced. |
| **Schedule 3 - 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. | | A VPA was entered into with the State Government for the environmental conservation land contribution of the 1,561 hectares. This land was transferred to the State Government in October 2016. |
| **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.* | | This outcome can be addressed through the imposition of an appropriate condition of consent. |
| **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. | | This outcome can be addressed through the imposition of an appropriate condition of consent. |
| **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 | | Noted. |
| **Schedule 3 - 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*. | | This outcome can be addressed through the imposition of an appropriate condition of consent. |

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| **Minmi/Link Road Statement of Commitments** | | |
| 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 FigureA.1.1 prepared by RPS (prev Conics), * illustrative Concept Plan (Figure 4.1.3) 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 4.3.1 prepared by RPS. | There are several key conditions that have not been addressed including There are several key conditions that have not been addressed including traffic and access, earthworks, contamination and remediation, mine subsidence mitigation, odour impact, waste servicing, staging plan, vegetation and habitat management plan, landscaping to public domain and fencing, construction environment management plan, and contributions and dedication.  The application is recommended to be deferred to enable the submission of further information to address the outstanding matters as identified above. |
| Commitments comprising payment of a monetary contribution, or dedication of land/carrying out of work for local infrastructure | 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 Minmi) 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. * S94 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.   ln 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 | A draft planning agreement has recently been prepared by LMCC however has not been provided to the applicant for review, nor exhibited or reported to the elected Council. The agreement has not been provided to the applicant due to the outstanding fundamental site planning and threshold issues. A request for review can be made following the resolution of these fundamental issues, as it is likely an outcome can be achieved for the planning agreement.  The matters to be addressed post consent can be addressed through the imposition of an appropriate condition of consent. |
| Commitments comprising payment of a monetary contribution, or dedication of land/carrying out of work for Regional infrastructure | 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. | A planning agreement was entered into by the landowners (Winten (No 21) Pty Ltd and Minmi Land Pty Ltd and the State, in September 2018, which includes the transfer of Lot 2046 for a school site. Conditions can be imposed requiring the transfer of the lot prior to the release of the SC that creates the 600th lot.  Satisfactory arrangements have been received from the Department of Planning and Environment in relation to state infrastructure contributions. |
| 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. lf 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 | N/A - consent has been issued for Stage 1 (within CN LGA) known as Link Road South and works have commenced. |
| Conveyancing | A plan of subdivision prepared by Monteath and Powys will enable subdivision of Lol 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. | A VPA was entered into with the State Government for the environmental conservation land contribution of the 1,561 hectares. This land was transferred to the State Government in October 2016.  Easement and dedication requirements can be addressed through the imposition of an appropriate conditions of consent. |
| 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 | Noted. This requirement is not relevant to the subdivision application. |
| 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.9. fencing, landscaping) and ongoing maintenance (e.g. lawn mowing etc).   This should be done in partnership between the indigenous community and the Owner. | This outcome can be addressed through the imposition of an appropriate condition of consent. |
| Consultation / Education 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. | This outcome can be addressed through the imposition of an appropriate condition of consent. |
| 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. | Urban Design Guidelines (UDG) have been adopted for the development in association with the Concept Approval. |
| 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). | The development application proposes a variety of lot sizes and styles including standard regular lots, larger residential lots, corner lots, and battle-axe lots.  Refer to section 3.5.2 of assessment report for detailed consideration. |
| 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 lmpact 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 AZl 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 * 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 lnterpretation 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. | N/A – this condition relates to European heritage. The LMCC site does not contain any European heritage items. |
| 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 lmpact 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. * ln 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 | This outcome can be addressed through the imposition of an appropriate condition of consent. |
| 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. | Following the resolution of traffic impact and mitigative measures, the post consent matters can be addressed through the imposition of an appropriate condition of consent.  The design and layout of the subdivision addresses CPTED principles by providing casual surveillance throughout lot and road layout, and space management through appropriate landscaping of public assets. Access control, territorial reinforcement and space management will be achieved through the future residential development of the land where fencing, landscaping and access will be provided to individual lots.  An acoustic assessment has been submitted which identifies future residents will not be adversely affected by traffic noise and can achieve relevant internal noise criteria when constructed of standard building materials. Several lots adjoining Woodford Street and the internal boulevard will exceed the relevant internal noise criteria, and will require attenuation through increased quality glazing. This outcome can be achieved through the imposition of appropriate conditions of consent requiring a covenant on these lots. |
| Water quality and quantity management | The concept plan commits to the following stormwater management measures to be included in the staged DAs as appropriate to each Council. lt is the developers responsibility to ensure WSUD design guidelines listed below are included in all DA applications:   * lmplement 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 | A WSUD strategy has been submitted with the application.  The stormwater management plan and associated civil engineering plans provide details of the stormwater management facilities, which are consistent with Council’s requirements.  The development has demonstrated appropriate mitigation of flood risk through site planning and design.  Council has standard conditions and management guidelines to ensure facilities to be dedicated are constructed and managed appropriately and will be acceptable as public assets after the initial maintenance period.  These matters can be addressed through the imposition of an appropriate condition of consent.  The Wallum froglet, groundwater management and mosquito risk management assessment is not relevant to the LMCC application. |
| 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 APZs 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 APZs and management of these APZs 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 452419.1, 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 (453959 - 1999) construction of buildings in bushfire prone areas. | A bushfire management plan has been submitted and endorsed by the NSW RFS. These matters have been assessed (i.e. APZs) or can be addressed through the imposition of appropriate conditions of consent. |
| 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 lllustrative 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 | These matters have been assessed or can be addressed through the imposition of an appropriate condition of consent. |
| Contamination | 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. | A remediation action plan (RAP) has been submitted with the application. The RAP does not conclusively identify the location of proposed capping.  Insufficient information has been submitted to demonstrate if the site can be made suitable for its intended use.  It is recommended the application be deferred to enable the submission of further information to address this matter.  A request for this information can be made, as it is likely the development can address this matter through submission of further information.  Once the outstanding information is resolved, the post consent matters can be address through the imposition of appropriate conditions of consent. |
| 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 2-870. * Earthwork procedures and specifications. * Pavement thickness design for roads. * Acid sulphate soil management plan. | A geotechnical assessment has been submitted and identified the site is suitable for its intended use, subject to the development being carried out in accordance with recommendations of the report, including geotechnical input during the design and construction phase.  The additional matters prior to works commencing can be addressed through the imposition of appropriate conditions of consent. |
| 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 PRl 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. | Following resolution of works required to eliminate mine subsidence risk as per condition 1.30, these matters can be addressed through the imposition of an appropriate condition of consent. |
| 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. | Following resolution of works required to eliminate mine subsidence risk as per condition 1.30, these matters can be addressed through the imposition of an appropriate condition of consent. |
| 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. | A traffic noise assessment has been submitted with the application. The report considers future residents and details the majority of future dwellings will not be adversely affected by traffic noise and can achieve relevant internal noise criteria when constructed of standard building materials. Several lots adjoining Woodford Street and the internal boulevard will exceed the relevant internal noise criteria, and will require attenuation through increased quality glazing.  This outcome can be achieved through the imposition of appropriate conditions of consent requiring a covenant on these lots. |
| 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. | The application has minimised clearing and disturbance of vegetation, to the extent possible, and proposes to retain vegetation within riparian corridors zoned conservation, and retain vegetation on lands with steeper slope.  The tree clearing protocol can be addressed through the imposition of an appropriate condition of consent. |
| Flora and 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). | A VHMP has been prepared and supported by BCD subject to certain conditions.  The applicant has reviewed these recommendations and provided a response requesting further consideration to times and temperatures for clearing. These matters are resolvable and can be achieved through further consultation with BCD and imposition of appropriate conditions of consent, if the application is deferred. |
| Flora and 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. * lmplement nutrient and sediment control devices. | These matters can be addressed through the imposition of appropriate conditions of consent. |
| Roads, infrastructure and services | The owner will provide for new roads and connections as per the plans included in the Concept Plan 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 | Road grades, carriageway widths, intersection locations and configuration is consistent with Council’s requirements.  Pedestrian and cycle paths are incorporated throughout the subdivision and provide internal connectivity, as well as connections to BGHRP and other stages of the development.  The application has demonstrated water and sewer, electricity and NBN communication infrastructure is available to the development.  The matters to be addressed post consent can be addressed through the imposition of an appropriate condition of consent. |
| Plan for management of community and recreation facilities to be dedicated 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. | This matter can be addressed through the imposition of an appropriate condition of consent. |
| Pet ownership | 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. | This matter can be addressed through the imposition of an appropriate condition of consent. |
| Audit of proposed conservation lands | 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. | This matter can be addressed through the imposition of an appropriate condition of consent. |
| Subdivision certificate | A Subdivision Certificate application will be submitted in respect of the subdivision. lt will be accompanied by the following documentation:   * A survey plan prepared by a Registered Surveyor * lnstruments 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 888 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 | This matter can be addressed through the imposition of an appropriate condition of consent. |
| Transfer of land | 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. | A VPA was entered into with the State Government for the environmental conservation land contribution of the 1,561 hectares. This land was transferred to the State Government in October 2016. |