

ANNEXURE A
RE2023/00003 - MINMI PRECINCTS 3, 4 & 5
SCHEDULE NO 1

INTERPRETATIONS

1. Any reference in this consent to guidelines, technical directions, specifications, policies or plans, or a like document (Document), is to be construed as a reference to the version of the Document applicable at the time that an obligation or requirement under a condition of this consent arises for consideration. For avoidance of doubt, where such a Document has been repealed or replaced, but not by a Document of the same name, the reference extends to any Document, in the opinion of the consent authority, that contains like or similar requirements.

Condition reason: to ensure that the development is designed and constructed in accordance with the Documents current at the time of construction.

PART A (ALL STAGES - GENERAL CONDITIONS)

- A.1 The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

- Statement of Environmental Effects - ADWJ (Rev J, 23/01/2024)
- Appendix A - DPE Correspondence
- Appendix B - Plan of Proposed Subdivision - ADWJ (Rev T, 03/03/2023)
- Appendix C - Concept Engineering Plans - ADWJ (Rev X, 08/09/2023)
- Appendix D - Stormwater Management Report - Martens Consulting Engineers (Rev 8, 29/03/2023)
- Appendix E - Landscape Masterplan Report - Moir Landscape Architecture (Rev I, 15/03/2023)
- Appendix F - Landscape Plans - Moir Landscape Architecture (Rev I, 15/03/2023)
- Appendix G - Bushfire Management Plan - Bushfire Planning Australia (Rev 3, 23/11/2018)
 - Bushfire Management Plan Addendum Advice - Bushfire Planning Australia (25/05/2019)
 - Bushfire Letter of Advice - Bushfire Planning Australia (16 March 2023)
 - Subdivision BAL Plan - Bushfire Planning Australia (Rev F, 16/03/2023)
- Appendix H - Preliminary Geotechnical Assessment - Qualtest (Rev 0, 22/11/2018)
- Appendix I - Detailed Contamination Assessment - Qualtest (23/08/2019)
 - Supplementary Contamination Assessment - Qualtest (12/02/2020)
 - Contamination Cover Letter - Qualtest (03/03/2023)
 - Monitoring Report - Qualtest (19/02/2021)
 - RAP Addendum - Qualtest (02/03/2021)
 - RAP Clarification Letter - Qualtest (22/04/2021)
 - Remediation Action Plan - Qualtest (V4, 12/02/2020)
- Appendix J - Aboriginal Heritage Cultural Management Plan - McCardle Cultural Heritage (17/11/2015)
- Appendix K - Clause 34a Certification (18/10/2018)
- Appendix L - Conservation Management Plan - ERM (22/08/2017)
- Appendix M - Flood Impact Assessment - BMT (Rev 12, 21/07/2022)
- Appendix N - Newcastle DCP Checklist - ADWJ (21/09/2020)

- Appendix O - Additional Ecological Assessment - MJD Environmental (V2, 22/11/2018)
-Ecological Assessment Addendum Advice - MJD Environmental (08/05/2019)
- Appendix P - Heritage Interpretation Strategy - RPA / McCardle Cultural Heritage (22/11/2018)
- Appendix Q - Noise Impact Assessment - Muller Acoustic Consultants (11/09/2020)
- Appendix R - Hydrogeological Assessment - Martens Consulting Engineers (Rev 3, 06/05/2020)
- Appendix S - Traffic Impact Assessment (Local) - Intersect Traffic (Rev L, 11/09/2020)
- Appendix T - Concept Approval Response - ADWJ (12/09/2023)
- Appendix U - Crime Risk Assessment - ADWJ (27/05/2019)
- Appendix V - Dam Safety Committee Correspondence - (28/05/2019)
- Appendix W - WSUD Strategy - Martens Consulting Engineers (Rev 5, 24/03/2023)
- Appendix X - Satisfactory Arrangements Certificate - (23/04/2019)
- Appendix Y - Bushfire Safety Authorities (DA2018/01351 and DA2015/10393)
- Appendix Z - Infrastructure Staging Plan and Report - ADWJ (14/09/2023)
- Appendix AA - Proposed Conditions - ADWJ (21/03/2023)
- Appendix AB - Vegetation Habitat Management Plan - MJD Environmental (V7, 20/08/2020)
- Appendix AC - Soil & Water Management Plan - ADWJ (Rev F, 11/08/2020)
- Appendix AD - Construction Environmental Management Plan - ADWJ (Rev F, 20/08/2020)
- Appendix AE - Acid Sulfate Soils Management Plan - Qualtest (Rev 0, 24/09/2019)
- Appendix AF - Regional Traffic & Transport Assessment - SCT (25/02/2021)
- Appendix AG - DPIE Letter - Fear 1.16 (18/05/2021)
- Appendix AH - DPE Letter - Fear 1.16 (19 October 2023)
- Appendix AI - Sewer Servicing Strategy Documents - HWC and GCA (November 2016)
- Appendix AJ - Water Servicing Strategy Documents - HWC and GCA (December 2016)
- Appendix AK - GDE Advice - MJD Environmental (25/11/2020)
- Appendix AL - Applicant Response to Reasons for Refusal - Winten Property Group (14/09/2023)
- Appendix AM - Review of Statement of Commitments (09/06/2022)
- Appendix AN - Embankment Breach Analysis - BMT (29/07/2022)
- Appendix AO - Supplementary Flood Report - Martens Consulting Engineers (Rev 1, 03/04/2023)
- Appendix AP - Floodplain Management Plan - Martens Consulting Engineers (Rev 6, 03/04/2023)
- Appendix AQ - Garden House Park Earthworks Plan - ADWJ (27/02/2023)
- Appendix AR - Additional Heritage Information, Duckenfield Rail Line and Workshops - GBA Heritage (Rev B, 27/06/2022)
- Appendix AS - SA NSW Correspondence (25/05/2023)
- Appendix AT - Supplementary Road Traffic Noise Assessment - Muller Acoustic Consulting (10/03/2023 24/08/2023)
- Appendix AU - Microsimulation Advice - SCT Consulting (10/06/2022)
- Appendix AV - Preliminary Environmental Assessment - Da/2018/01351: State Road Upgrades ADWJ (11/03/2023)
- Appendix AW - Offsite Works Preliminary Ecological Advice - Intersection Upgrades - MJD Environmental (31/05/2022)
-Preliminary Ecological Assessment – External Road Upgrades – MJD Environmental (30/08/2023)

- Appendix AX - State Road Upgrades Concept Designs - ADWJ (Rev C, 30/05/2022)
- Appendix AY - Link Road / Woodford Street / Cameron Park Drive Engineering Sketch – ADWJ (Rev B 11/09/2023)
- Appendix AZ - Ecological Report (MJD Environmental, 13/09/2023)
- Appendix BA - Duckenfield Pathway Plan - ADWJ (27/04/2022)
- Appendix BB - Sloping Lot Plan - ADWJ (Rev D 15/03/2023)
- Appendix BC - EPBC Referral Decision (23/12/2008)
- Statement of Commitments (MP10_0090 - Concept Approval)

In the event of any inconsistency between the approved plans or documents and the conditions, the conditions prevail.

In the event of any inconsistency between the approved plans and documents, the approved plans prevail.

Condition reason: to ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

- A.2 In addition to the conditions of consent contained within Schedule 1, the development must also comply with the conditions contained within Schedule 2 of this Notice of Determination that modify the terms of the consent issued in respect of Development Application No. 2015/10393.

Condition reason: To detail conditions imposed pursuant to clause 4.17(1)(b) of the Environmental Planning and Assessment Act, 1979.

- A.3 In addition to the conditions of consent contained within Schedule 1, the development must also comply with the written requirements of the following NSW government agencies contained within Schedules 3 to 5 of this Notice of Determination.

Schedule No.	NSW Government Agency	Date
Schedule 3	Transport for NSW	5 December 2023
Schedule 4	NSW Rural Fire Service	24 May 2023
Schedule 5	Subsidence Advisory NSW	25 May 2023
Schedule 6	Ausgrid	20 August 2022
Schedule 7	Department of Planning - Water	2 June 2023

Condition reason: To ensure the requirements of state authorities are complied with.

- A.4 Conditions applicable to a particular Stage of the development, indicated on the approved Overall Staging Plan, are set out in the following Parts of Schedule 1.

(Note: i) Stages 7 to 12 and Stages 17 to 31 are not part of this application but may be referenced in conditions. Refer to DA/2087/2018/REV by Lake Macquarie City Council for those Stages.

ii) Where a reference is made to Stages 1 or 2 to 40 inclusive in the conditions of this approval this is to be read as excluding Stages 7 to 12 and Stages 17 to 31 unless specifically included.

iii) Where a reference is made to a specific road identifier (EG. MC01 or MC02 etc) it is referring to the road identifier shown on the Concept Engineering Plans.)

- i) Part B - Stage 1
- ii) Part C - Stage 2
- iii) Part D - Stage 3
- iv) Part E - Stage 4

- v) Part F - Stage 5
- vi) Part G- Stage 6
- vii) Part H – Stage 13
- viii) Part I - Stage 14
- ix) Part J - Stage 15
- x) Part K – Stage 16
- xi) Part L – Stage 32
- xii) Part M – Stage 33
- xiii) Part N - Stage 34
- xiv) Part O - Stage 35
- xv) Part P – Stage 36
- xvi) Part Q - Stage 37
- xvii) Part R - Stage 38
- xviii) Part S - Stage 39
- xix) Part T - Stage 40
- xx) Part U - Demolition

Condition reason: To ensure proper reading and application of the terms of this approval.

A.5 Construction of the proposed subdivision is to take place in accordance with the approved Infrastructure Staging Plan Report, except as otherwise provided below or by the conditions of this consent.

- a) Road MC47 across the frontages of proposed Lots 3546 – 3549 and Road MC88 located within Stage 35 are to be constructed prior to the registration of Stage 37 by LRS, unless Stage 35 has already been registered by LRS.
- b) Stage 14, Road MC31 and Drainage Structure B00V must be completed prior to Stage 13 unless vehicular and pedestrian connectivity is available via DA/2087/2018 in the Lake Macquarie City Council (LMCC) local government area.
- c) Before the issue of a Subdivision Certificate that includes Lots 1425 to 1441 inclusive the plan of subdivision for Stage 12 in DA/2087/2018 is to have been registered by LRS.
- d) Lot 670 in Stage 6 is to be dedicated to Council as Drainage Reserve on the last plan of subdivision to be registered by LRS of Stages 4, 5 and 6.
- e) Lot 1422 in Stage 14 is to be dedicated to Council as Drainage Reserve on the last plan of subdivision to be registered by LRS of Stages 14, 15 and 16.
- f) Lot 1448 in Stage 14 is to be dedicated to Council as Drainage Reserve on the last plan of subdivision to be registered by LRS of Stages 2, 3, 4, 6, 13 and 14.
- g) Lot 1657 in Stage 16 is to be dedicated to Council as Drainage Reserve on the last plan of subdivision to be registered by LRS of Stages 1, 2, 14, 15, 16 and 32.
- h) Lots 3803 and 3804 in Stage 38 are to be dedicated to Council as Drainage Reserve on the plan of subdivision to be registered by LRS for Stage 39.
- i) Shared Paths C01, C02 and C03 are to be constructed prior to the release of the first Subdivision Certificate for any of Precincts 3A, 3B, 5A or Stage 14 (Precinct 4).
- j) Shared Paths C04 and C05 are to be constructed prior to the release of the first Subdivision Certificate for any of Precincts 3A, 3B, 5A.

Condition reason: To ensure appropriate timing is applied to critical supporting public infrastructure and land dedications.

A.6 Prior to the issue of a Subdivision Works Certificate for a particular Stage, all relevant

general conditions of Schedule 1 (Part A), and all specific conditions relating to the Subdivision Works Certificate for the particular Stage are to be complied with.

Condition reason: To ensure proper reading and application of the terms of this approval.

- A.7 Prior to the endorsement of a Subdivision Certificate for a particular Stage, all relevant general conditions of Schedule 1 (Part A), and all specific conditions relating to the Subdivision Certificate for the particular Stage are to be complied with.

Council may accept bonding of minor works to allow the certification of the Subdivision Certificate, subject to such works not being required to service proposed lots that will be transferred into private ownership.

Condition reason: To ensure proper reading and application of the terms of this approval.

- A.8 This consent does not permit, approve or otherwise authorise any activities, works, actions or access on lands reserved or acquired under the National Parks and Wildlife Act 1974. Prior written consent from the NSW National Parks and Wildlife Service is needed for any such activity or access, including the waterway dilapidation surveys and installation of boundary fencing or signs required under the Vegetation Habitat and Management Plan, or the potential repatriation of Aboriginal cultural material.

Condition reason: To advise that any works on land administered under the National Parks and Wildlife Act require separate approval.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE OR CONSENT UNDER s138 ROADS ACT 1993
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- A.9 No consents under Section 138 of the *Roads Act, 1993* or Subdivision Works Certificates are to be issued for any of the Stages, or parts thereof, until the Developer has provided evidence that a Voluntary Planning Agreement between the person having the benefit of the consent relating to DA/2087/2018/REV (in Lake Macquarie City Council LGA) and Lake Macquarie City Council, consistent with the terms of the Letter of Offer by Winten (No. 21) Pty Ltd to Lake Macquarie City Council dated 13 October 2023 and relating to the satisfaction of Further Environmental Assessment Requirement (FEAR) 1.16 of the Concept Plan approval, has been signed by all relevant parties and registered on the title of the relevant lands in the Lake Macquarie City Council local government area.

Condition reason: To ensure that arrangements are in place to satisfy FEAR 1.16 in respect of all of Precincts 3, 4 and 5 of the Concept Plan approval.

- A.10 No consents under Section 138 of the *Roads Act, 1993* or Subdivision Works Certificates are to be issued for any of the Stages, or parts thereof, until the Developer has provided evidence to Council of contributions paid towards the \$200,000 to the NSW National Parks and Wildlife Service for the purposes of supplementary habitat in accordance with the approved Vegetation and Habitat Management Plan.

Condition reason: To ensure that commitments made by the Developer to NPWS are met.

- A.11 No consents under Section 138 of the *Roads Act, 1993* or Subdivision Works Certificates are to be issued for any works associated with Stages 4 or 36 until the boundaries for proposed Lots 3657, 3658, 3659, 3660 and 3663 within Stage 36 are amended across the Woodford Street frontages of these lots to provide adequate road widening to facilitate the following infrastructure or as otherwise agreed by the Road Authority. Full details are to be prepared in consultation with the Road Authority and are to be included in the detailed design drawings for an application for consent under s138 of the *Roads Act, 1993* and reflected on the documentation accompanying the respective Subdivision Works Certificates.

- a) Northbound on-road cycle provision;
- b) Kerb and gutter; and
- c) A minimum 5.5m wide footway area.

Condition reason: To ensure that adequate widening of Woodford Street road reserve occurs to accommodate the required road infrastructure.

- A.12 No consents under Section 138 of the *Roads Act, 1993* or Subdivision Works Certificates are to be issued for any of the Stages, or parts thereof, unless the Developer has provided the following to Council;

- a) A digital copy of the final approved 'TUFLOW'™ flood model and catchment data; and
- b) The associated flood model output files in a format to allow importation of the output files into the 'waterRIDE'™ software program.

Condition reason: To ensure Council has the necessary data and information to fulfill its obligations as required by legislation.

- A.13 Before the issue of the first Subdivision Works Certificate for any Stage of the development (i.e., whether for part or whole of a Stage), the Developer is to prepare detailed design drawings and obtain approval under section 138 of the *Roads Act, 1993* (NSW) from the relevant Road Authority for all works, including road widening, associated with any existing Public Road and associated with or adjacent to the respective Stage. A copy of the s138 approval is to be provided to the Accredited Certifier.

This condition does not apply to any works to be approved by Transport for NSW (TfNSW) under a WAD or where Lake Macquarie City Council are the Road Authority.

Condition reason: To ensure detailed designs for any works in or adjustments to existing public roads are approved by the Road Authority before the issuing of approvals for adjacent new subdivision works.

- A.14 A suitably qualified and experienced heritage architect is to be commissioned to provide detailed heritage advice to the project for its duration, including providing guidance to the construction documentation, the implementation of the conditions of consent and through the construction process. Written documentation to support the commission of the heritage architect is to be submitted with the Subdivision Works Certificate Application for each Stage.

Condition reason: To ensure advice on heritage matters is provided by a suitably qualified and experienced heritage architect.

- A.15 A full archival photographic record is to be undertaken of the development area, prior to any works commencing on the site. The archival recording is to be in accordance with the requirements of:

- a) The NSW Heritage Office publication "How to Prepare Archival Records of Heritage items" (1998); and
- b) The Department of Planning's "Recording Places of Cultural Significance" (1991)

The record in digital form is to be submitted to Council and a copy of the written approval of Council's Heritage Officer is to be submitted prior to the release of the first Subdivision Works Certificate.

Condition reason: To ensure archival recording of the development site before disturbance works are commenced.

- A.16 An interpretation plan is to be prepared by an experienced heritage interpretation

practitioner and submitted with the documentation for a Construction Certificate. The Interpretation Plan shall be in accordance with the Heritage Council's "Interpreting Heritage Places and Items Guidelines" (2005). The plan is to build upon the historical themes and interpretation opportunities identified in the Heritage Interpretation Strategy (prepared by RPS and McCardle Cultural Heritage, 22/11/2018) including Aboriginal interpretation strategies. Heritage interpretation methods are to be designed in a way that is engaging, informative and readily accessible to the majority of visitors. Written approval from Council's Heritage Officer is to be obtained prior to the issue of the respective Subdivision Works Certificate.

Condition reason: To require preparation of a heritage interpretation plan.

- A.17 All subdivision and associated works are to be designed and constructed in accordance with relevant Austroads publications, associated Transport for NSW (TfNSW) supplements and Technical Directions, Council's Development Control Plan and the Newcastle City Council – *Engineering Specifications for Development Design and Construction* current at the time application is made for a Subdivision Works Certificate or for consent under s138 of the Roads Act, 1993.

Condition reason: To ensure all subdivision work and roadwork is undertaken to relevant standards and specifications.

- A.18 Road infrastructure including intersection treatments, road pavement, foot/cycle/shared paths, kerb and gutter, stormwater drainage, services, landscaping (including street trees), street lighting, signage and markings being provided for each Stage of the subdivision, generally in accordance with the approved plans or as otherwise required by the condition of this consent. Full details to be included in the detailed design drawings for a Subdivision Works Certificate application.

Condition reason: To ensure all subdivision work and roadwork is undertaken to relevant standards and specifications.

- A.19 The following works are to be designed and constructed in association with Shared Paths C01, C02, C03, C04 and C05 as identified on the Infrastructure Staging Plan Report and as otherwise provided by the conditions of this consent. Full details to be provided in the application under s138 of the Roads Act, 1993 or Subdivision Works Certificate as appropriate.

- a) Upright kerb and gutter wherever adjacent kerb and gutter does not exist;
- b) Associated pavement widening;
- c) Stormwater drainage infrastructure;
- d) Footway areas where no footway provision exists;
- e) Cycleway compliant kerb ramps;
- f) Street trees wherever new kerb and gutter is constructed;
- g) Removal of redundant paths and kerb ramps and reinstatement of kerb and gutter as necessary;
- h) Adjustments to existing driveways and frontages as appropriate
- i) Turfing of new or disturbed footways;
- j) Line marking and signposting;
- k) Street lighting as required;
- l) Protection and retention of all vegetation within the Woodford Street landscape buffer but outside of the designed limit of work, including the provision of continuous flagging tape at the interface of the designed limit of work; and
- m) Public utility adjustments as necessary.

Condition reason: To ensure all subdivision work and roadwork is undertaken to relevant standards and specifications.

- A.20 For all Stages and for all proposed roads, where the proposed Stage boundary extends

more than one proposed lot past the nearest intersection to that lot the Developer is to construct a temporary turning area, of dimensions conforming with the standards specified by the NSW Rural Fire Service, for the purpose of allowing the driver of any vehicle to turn the vehicle around. The temporary turning area is to be constructed with a full depth road pavement and surfaced with a temporary two-coat bitumen seal. Temporary kerb and gutter, stormwater drainage and footway areas are not required unless deemed necessary by the Accredited Certifier issuing the Subdivision Works Certificate. Full details to be included in the detailed design drawings for a Subdivision Works Certificate application.

Condition reason: To ensure temporary provision is made for the safe turning of vehicles.

- A.21 Each Subdivision Works Certificate application for road and drainage construction works is to be accompanied by a comprehensive MUSIC model and associated report demonstrating that the proposed works will achieve the water quality reduction targets specified by Council's Development Control Plan.

Condition reason: To ensure the detailed design achieves compliance with Council's stormwater quality reduction targets.

- A.22 Each Subdivision Works Certificate application involving former mine surface entries on land intended to be dedicated to Council is to be accompanied by a report (.pdf format) prepared by a geotechnical engineer that demonstrates that all such mine surface entries will be filled to the finished surface level of the land in accordance with the *Guidelines for the Permanent Filling and Capping of Surface Entries to Coal Seams* (February 2012) published by NSW Trade and Investment Mine Safety, or any subsequent updated or amended guideline. Surface capping of the mine surface entries is not permitted.

Condition reason: To ensure land to be dedicated to Council is made safe for public use..

- A.23 Stormwater Management and associated Water Sensitive Urban Design (WSUD) measures are to be designed and constructed in accordance with Council's Development Control Plan and Standard Drawings that are current when making each application for Subdivision Works Certificate and in accordance with the following additional requirements:

- a) Kerb inlet pits located on the Bio-retention swale side of the road and immediately upstream of a swale surcharge pit shall be provided and constructed with a 900mm deep blind sump, for coarse sediment capture, below the invert level of the discharge pipe from the kerb inlet pit;
- b) All kerb inlet pits that capture flows that ultimately discharge into the Bio-retention swales are to be fitted with pit baskets to Council's requirements;
- c) The verge area between the kerb and gutter and the 1V in 3H batter slope within the swale shall be a minimum 1.5m wide in accordance with Table 1 of Council's Development Control Plan 2012 - Section 7.04 Movement Networks;
- d) Surcharge pits within the swale are to be in accordance with Council Standard Drawing A2207, with exception that the floor of the pit is to be constructed with permeable paving and the pit shall have a concrete apron consistent with that shown on Council Standard Drawing A2206;
- e) Rock pitching for scour protection is to be laid around the edge of and flush with the concrete apron;
- f) The subsoil drain in the base of the Bio-retention trench is to be returned to a surface cleaning point within the concrete apron;
- g) The throttled subsoil drain is to be joined with the Bio-retention trench subsoil as soon as grade permits and this junction provided with a surface cleaning point;
- h) Batter slopes within the Bio-retention swale are to be a maximum slope of 1H:3V and the Bio-retention swale is to be constructed with a separate sacrificial layer of Bidum A64 laid over the surface of the filter media prior to the laying of a temporary full width/length turf cover;

- i) Bio-retention basins shall initially be constructed with a separate sacrificial layer of Bidum A64 laid over the surface of the filter media prior to the laying of a temporary full width/length turf cover;
- j) The Developer is responsible for removing all temporary and sacrificial measures and completing the construction and planting of the Bio-retention swales and Bio-retention basins in accordance with the terms of this consent;
- k) Proprietary gross pollutant traps (GPT's) proposed upstream of all Bio-retention basins shall be centrifugal type with removable capture baskets such as 'Rocla CDSTM' or equivalent with an offline capture chamber;
- l) All GPT's and associated maintenance vehicle hardstand areas are to be located and sized so that stationary maintenance vehicles do not obstruct the adjacent footway area;
- m) All basins are to have spillways that extend to a stilling basin located the toe of the embankment;
- n) All basin are to have low flow / high flow splitter pits directing only low flows to the basin for treatment with high flows being piped around the basin and appropriately discharged;
- o) All weather maintenance vehicle access tracks and associated turning facilities (if required) are to be provided to all headwalls, the floor of all basins and to the stilling basins; and
- p) The detailed design for each proposed basin is to be supported by a report prepared by a Geotechnical engineer that has tested the geological conditions at the site of the proposed basin and confirms that the natural ground soil composition at post construction levels achieves the infiltration or exfiltration rate as modelled in the MUSIC model and that all of the embankments associated with the basin have been designed to eliminate risk of failure due to slip or migration of water.

Condition reason: To confirm additional design and construction requirements.

A.24 Designs for flexible road pavements associated with the development shall be in accordance with Council's Development Control Plan, relevant Austroad and Transport for NSW (TfNSW) publications and the following additional requirements. Full details to be included in the detailed design drawings for a Subdivision Works Certificate application or application under s138 of the *Roads Act, 1993*, as appropriate.

- a) Shall be accompanied by a .pdf copy of a pavement design report prepared and certified by a practising geotechnical engineer;
- b) The pavement design report is to include a comprehensive assessment and dilapidation survey of the existing Woodford Street pavement between Minmi Road and the Local Government Boundary near the Newcastle Link Road and make recommendations for works required to mitigate existing failures and the reduction in pavement design life as a result of the increased traffic generated by this development, including construction traffic associated with subdivision and future dwelling construction.
- c) The pavement design report is to adopt the following minimum Design Traffic Loadings (ESA's) for all new or reconstructed pavements;
 - i) 1×10^8 for Woodford Street, Minmi Road and proposed Road MC01;
 - ii) 8×10^5 for proposed Roads MC30 between centreline chainages 423.422 and 465, MC31, MC36 between MC37 and centreline chainage 450, MC37 and MC89;
 - iii) 5×10^5 for all other roads.
- d) The pavement design report is to adopt the following minimum requirements for asphaltic concrete wearing surfaces;
 - i) 50mm AC14 (Dense Graded) for Woodford Street, Minmi Road and proposed Road MC01;
 - ii) 50mm AC14 (Dense Graded) for proposed Roads MC30 between centreline chainages 423.422 and 465, MC31, MC36 between MC37 and centreline chainage 450, MC37 and MC89;
 - iii) 40mm AC10 (Gap Graded) for all other roads with the exception of proposed Road MC95.

- e) All flexible road pavements are to be Benkleman Beam tested prior to prime sealing with a maximum permissible deflection of;
 - i) 0.8mm for Woodford Street, Minmi Road and proposed Road MC01;
 - ii) 1.0mm for proposed Roads MC31, MC36 between MC37 and centreline chainage 450, MC37 and MC89;
 - iii) 1.2mm for all other roads with the exception of proposed Road MC95.
- f) Proposed Road MC95 is to be designed and constructed with a reinforced concrete pavement;
- g) The minimum acceptable subgrade CBR is to be 5%; and
- h) All roads and road widening, with the exception of proposed Road MC95 and the proposed roundabouts, are to be primer sealed (7mm) prior to asphaltting. The primer seal thickness is in addition to the minimum asphaltic concrete thickness specified in d) above.

Condition reason: To confirm additional design and construction requirements.

A.25 Intersections and other traffic control devices associated with the development are to be in accordance with Council's Development Control Plan, relevant Austroad and Transport for NSW (TfNSW) publications and the following minimum design vehicle requirements. Full details, including vehicle turning swept paths are to be included in the detailed design drawings for a Subdivision Works Certificate application or application under s138 (*Roads Act, 1993*), as appropriate.

- a) The standard design vehicle for all internal roads shall be a Medium Rigid truck (Austroad type MR) or equivalent;
- b) All internal intersections are also to be capable of catering for 19.0m semi-trailer without encroachment onto medians, splitter islands, kerbs, footways or verges;
- c) The standard design vehicle for Woodford Street is to be a Long single articulated vehicle (25.0m articulated low loader) noting that this vehicle cannot negotiate mountable kerbs or the roundabout annulus;
- d) The design of the Woodford Street / Minmi Road intersection shall adopt the relevant design vehicle(s) that would ensure that the intersection continues to cater for the design vehicles currently capable of negotiating the existing intersection;
- e) All roundabouts are to be designed to ensure a 12.5m long single unit truck/bus remains on the road pavement (does not require an encroachment area); and
- f) All kerb protrusions associated with the approach or departure from a roundabout are to be extended to be match the full length of the adjacent splitter island to enable the associated kerb ramp to orientate as close as possible to perpendicular to the kerb and be aligned with the desired path of pedestrian travel.

Condition reason: To confirm additional design and construction requirements.

A.26 The circulating road pavement for all roundabouts is to be reinforced concrete designed and certified by a suitably qualified engineer as being in accordance with the (Transport for NSW's (TfNSW) '*Concrete Roundabout Pavements*' (Technical Guide RMS 19.1353) or as agreed by Council. The designer must also have regard to the potential for differential settlement or mine subsidence. Full details to be included in the detailed design drawings for a Subdivision Works Certificate application or application under s138 of the *Roads Act, 1993*, as appropriate.

Condition reason: To confirm additional design and construction requirements.

A.27 All roundabout splitter islands are to contain pedestrian and/or cyclist refuges in accordance with relevant Austroad and Transport for NSW (TfNSW) publications and relevant Council Standard Drawings. Full details to be included in the detailed design drawings for a Subdivision Works Certificate application or application under s138 of the *Roads Act, 1993*, as appropriate.

Condition reason: To confirm additional design and construction requirements.

- A.28 Flood depth indicators are to be provided to Roads MC51 and MC53 within Stages 37 and 39 in association with all waterway crossings. Full details to be included in the detailed design drawings for a Subdivision Works Certificate application or application under s138 of the Roads Act, 1993, as appropriate.

Condition reason: To confirm additional design and construction requirements.

- A.29 Local Area Traffic Management (LATM) devices are to be installed in accordance with the approved Concept Engineering Plan prepared by ADW Johnson (Ref.239736(3)-CENG-701 Rev. X dated 01/05/2020) as further amended by Council dated 06 September 2023. Full details to be included in the detailed design drawings for a Subdivision Works Certificate application or application under s138 of the Roads Act, 1993, as appropriate.

Condition reason: To confirm additional design and construction requirements.

- A.30 All proposed retaining walls located within existing or proposed public road reserves, drainage reserves or public reserves are to be constructed of reinforced concrete poured in-situ or core filled masonry block, be fitted with galvanised fencing in accordance with relevant Council standard drawings and include appropriate drainage collection and disposal. Timber or stacked rock walls are not permitted. Full details to be included in the detailed design drawings for a Subdivision Works Certificate application or application under s138 of the Roads Act, 1993, as appropriate and be certified by a suitably qualified and registered engineer.

Condition reason: To confirm additional design and construction requirements.

- A.31 The Developer is to obtain all necessary approval(s) from the Department of Planning, Industry and Environment - Water (Natural Resources Access Regulator) pursuant the *Water Management Act, 2000* and keep all such approval(s) current for the duration of the respective works. A copy of such approval(s) is to be provided to the Accredited Certifier prior to the issuing of the respective Subdivision Works Certificate.

Condition reason: To comply with legislative requirements.

- A.32 Prior to making application for the first Subdivision Works Certificate for any Stage of the development (i.e., whether for part or whole of a Stage) the Developer is to provide full details of interpretation strategies to be implemented in accordance with the Heritage Interpretation Strategy and any interpretation strategies involving land or roads to be dedicated to Council are to be agreed in writing by Council. Full details of the agreed interpretation strategies are to then be included in the detailed design drawings for a Subdivision Works Certificate application or application under s138 of the Roads Act, 1993, as appropriate.

Condition reason: To ensure heritage implementation strategies align with Council's requirements and maintenance programs.

- A.33 Prior to making application for a Subdivision Works Certificate for each Stage the Developer is to submit to Council and obtain approval for all proposed road names within that Stage. The approved road names are to then be included in the detailed design drawings for a Subdivision Works Certificate application or application under s138 of the Roads Act, 1993, as appropriate.

Condition reason: To ensure road names are approved and included in design documentation.

- A.34 The Developer is to provide transport stops and shelters, including temporary transport stops and shelters on Woodford Street if required, in appropriate locations as agreed by Council, at no cost to Council or the transport provider, and in accordance with Council's '*Transport Stops, Shelters and Seating Policy*' and relevant Council Standard Drawings.

Full details to be included in the detailed design drawings for a Subdivision Works Certificate application.

Condition reason: To ensure adequate public transport infrastructure is installed as part of the development.

- A.35 The Developer is to provide a minimum of one appropriately located driveway layback in the new kerb and gutter for each existing property having frontage to a proposed road and reinstate all existing driveways that are impacted by the development to not less than the condition found immediately prior to commencement of construction of the respective Stage. Full details to be included in the detailed design drawings for a Subdivision Works Certificate application.

Condition reason: To ensure vehicular is maintained to existing properties.

- A.36 Vehicular access(es) from the kerb line to the useable parts of all proposed battle-axe lot(s) is to be constructed in accordance with Element 3.01 'Subdivision' of Newcastle Development Control Plan and AS2890.1:2004 - *'Parking Facilities Off-street car parking'*. Concrete pavement is to be designed and constructed capable of sustaining all anticipated traffic loading associated with vehicles used during the construction of a future dwelling on the lots or a fully laden Fire and Rescue NSW appliance. These vehicular access driveways must also be provided with integral kerb to at least one side, adequate stormwater drainage capture and discharge measure and conduits to enable delivery of services from the road reserve to the useable part of the lot. Full details to be included in the detailed design drawings for a Subdivision Works Certificate application.

Condition reason: To ensure battle-axe allotments are adequately serviced.

- A.37 All disturbed, regraded or exposed areas outside of the proposed development lots being stabilised and suitably revegetated. All revegetation is to be undertaken using native plants propagated from local native seed from on-site or a nearby seed source. Propagation material is to be sourced from areas to be cleared in preference to areas that will be retained as bushland. Full details are to be included in documentation for a Subdivision Works Certificate application.

Condition reason: To ensure residual areas of disturbed land are revegetated in accordance with the Statement of Commitments.

- A.38 Detailed Landscape Plans and Specifications being prepared for each Stage by a Landscape Architect or similar qualified professional practising at the membership level of Registered Landscape Architect of the Australian Institute of Landscape Architects and is also to comply with the following requirements. Full details to be included in the detailed design drawings for a Subdivision Works Certificate application.

- a) Existing trees on the site, which are to be retained, are to have no cut or fill under their canopy areas and the location of these trees is to be clearly identified on the Landscape Management Plan and Engineering Plans;
- b) Areas of restricted access and fence detail to be erected during construction and areas proposed for storage/stockpile of plant and materials are to be identified;
- c) To specify
 - Establishment methods for all new plantings;
 - Maintenance scheduling for all new plantings;
 - Guidelines for formative pruning of street trees;
 - Weed eradication program;
 - Reporting methods.
- d) Unless otherwise specified in the conditions of this consent street trees are to be provided with a nominated minimum 75 litre pot size, or as otherwise approved by Council, such to be installed prior to the certification of the Subdivision Certificate;
- e) All street trees are to be selected and certified by the supplier to comply with the current NATSPEC guide with respect to root development, height, trunk diameter

and branch structure and balance (refer to *Specifying Trees, Construction Information Systems Australia PL, Clark, R 2003*);

- f) Unless otherwise specified in the conditions of this consent, street trees are to be planted in accordance with Council Standard Drawing A3001;
- g) For all roads, other than Woodford Street and proposed Road MC01 between approximate centreline chainage 920.0 and 1395.0, street trees shall be planted at a minimum rate of one tree per allotment frontage (including both front and rear for lots with dual road frontage) or otherwise at a maximum spacing of 10m where allotment boundaries exceed 20m;
- h) Along the outer edge all perimeter roads, where no Bio-retention swales are present at the road edge, street trees are to be planted at a spacing that reflects the street trees planted on the inner (dwelling) side of the road
- i) Wherever new kerb and gutter is to be constructed by the Developer along Woodford Street, street trees shall be planted within the new footway areas at a maximum spacing of 10m.
- j) The Developer is to replace any existing street tree that is removed or damaged as a result of the proposed works;
- k) Street trees in Stage 14 associated with proposed Road MC01 between approximate centreline chainage 920.0 and 1395.0 shall be planted generally as follows and with regard to Council's draft publication titled '*Local and Neighbourhood Centres Public Domain Technical Manual, September 2016*;
 - i) Street trees located in the kerb side parallel parking lane are to be planted at a maximum spacing of approximately 41m and otherwise such to achieve whole parking spaces between tree pits and with a nominated minimum pot size of 75 litres;
 - ii) Additional street trees are to be planted in the paved footway and located mid-way between the trees located in the adjacent parking lane and with a nominated minimum pot size of 75 litres;
 - iii) Street trees located in the road pavement or paved footway areas shall be installed within structural soil vaults in accordance with Council Standard Drawings; and
- l) All street trees are to be protected with tree guards to Council's requirements.

Condition reason: To ensure landscape works within proposed public lands are to Council's requirements.

- A.39 No trees are to be planted between the outer edge of the Bio-swale and the adjacent road edge. Isolated copses containing three to five fire retardant trees (minimum 45L stock) are to be established within all regrade batter planting areas and at appropriate spacing having regard to *Planning for Bushfire Protection, 2019*. Full details to be included in the detailed design drawings for a Subdivision Works Certificate application.

Condition reason: To ensure landscape works within proposed public lands are to Council's requirements.

- A.40 Prior to making application for the respective Subdivision Works Certificate, the Developer is to provide details to Council and receive written approval from Council for any proprietary bridging structure or the proposed materials to be used in construction of the shared path bridge located in proposed Lot 1448. The bridge and supports be designed in accordance with Australian Standard AS1500 (Bridge Design) suite and the following additional requirements. Full details of the agreed design are to be included in the detailed design drawings for the respective Subdivision Works Certificate application.

- a) Have a minimum 100-year design life;
- b) Be designed to accommodate a light vehicle not exceeding 4.5 tonne;
- c) Have a minimum 2.5m clear width between handrails, fencing or other structures or fixtures;
- d) Provide cycleway compliant fencing to both sides;
- e) All materials are to be fire and corrosion resistant; and
- f) All steel components shall be Hot dip galvanised (minimum HDG600)

Condition reason: To ensure all bridge structures within proposed public lands are to Council's requirements.

A.41 A NSW Environment Protection Authority (EPA) accredited Site Auditor is to review each Precinct-specific RAP (prepared by an Environmental Consultant certified under a scheme approved by the NSW EPA), and is to prepare and issue to the Certifier and Council a Site Audit Statement (SAS) and Site Audit Report (SAR) certifying that:

- a) the site (or relevant Stage(s) of Development) is suitable for all the intended land uses; or
- b) the Precinct-specific RAP is based on the Qualtest 2020 RAP, and is consistent with the Remediation Principles described in the Qualtest 2020 RAP [i.e. a Section (B2) SAS]; and that the land within the relevant Precinct can be made suitable for all the intended land uses (including but not limited to residential and commercial allotments, public areas, reserves and roads, as relevant to the Precinct) if the site is remediated in accordance with the Precinct-specific RAP [i.e. a Section (B5) SAS]. For avoidance of doubt, implementation of the Precinct-specific RAP must include any additional requirements that the Site Auditor may impose.

The Site Auditor must review all relevant investigation reports, the RAP (Qualtest 2020), any RAP addenda and other documents considered relevant by the Site Auditor and independently satisfy themselves of the appropriateness of these documents for the purpose of the site audit.

Condition reason: To ensure the land is suitable for all intended land uses.

A.42 Condition A.41 must be met for all Stages within a Precinct prior to the issue of a Subdivision Works Certificate for any Stages within that Precinct.

Condition reason: To ensure the land is suitable for all intended land uses.

A.43 The remediation strategy "Re-use in commercial area" cannot be undertaken after the Subdivision Certificate for Stage 14 has been issued, and the remediation strategy for any subsequent Stages of Development must not rely on this methodology.

Condition reason: To ensure the land is suitable for all intended land uses.

A.44 On-site capping, containment or other remediation methods requiring implementation of a long-term site management plan are not approved.

Condition reason: To ensure the land is suitable for all intended land uses.

A.45 The Developer is to identify all locations and extents of any existing and/or proposed stockpiles of surplus virgin excavated natural material (VENM) resulting from previous or current proposed subdivision works. Full details, including associated ongoing environmental management measures, are to be included in the detailed design drawings for a Subdivision Works Certificate application.

Condition reason: To clearly identify and appropriately manage stockpiles of surplus virgin excavated natural material.

CONDITIONS TO BE SATISFIED PRIOR TO THE APPOINTMENT OF A PRINCIPAL CERTIFYING AUTHORITY

- A.46 Prior to the appointment of a Principal Certifier for each Stage, a detailed Vegetation Habitat Management Plan (VHMP) consistent with the overarching Vegetation and Habitat Management Plan is to be prepared for that Stage by a qualified bushland regeneration contractor in consultation with and to the approval of Council's Bushland Services and a copy of the approved VHMP is to be submitted to the Principal Certifier and Council in .pdf format. The VHMP is to address pre and post-development regeneration techniques, protection and maintenance aspects associated with those lands to be dedicated or transferred to Council (proposed Lots 670, 1422, 1448, 1657, 3736, 3803, 3804, 3806 and 4001), all riparian areas and other interfaces with lands managed by the NSW National Parks and Wildlife Service and is to include but not be limited to:
- a) An appraisal of the present condition of the bushland;
 - b) Identification of potential threats to the bushland (including techniques to mitigate threats);
 - c) Removal of all redundant access tracks and easements for overhead electricity;
 - d) Revegetation of all road batters where these extend into adjacent proposed public or drainage reserves, having regard to the vegetation requirements of the approved Bushfire Management Plan (and associated addenda).
 - e) Revegetation of all areas of proposed Drainage Reserves not identified as fuel reduced zones to achieve a dense coverage of understory and canopy cover.
 - f) Harvesting and propagating of local native plant seed;
 - g) Specific recommendations for management of development lands which drain into or adjoin the Blue Gum Hills Regional Park and Stockrington Conservation Lands;
 - h) Specific recommendations for a 5-year management program and techniques to protect, regenerate and enhance the remnant bushland;
 - i) Implementation of the monitoring program along the interface with Blue Gum Hills Regional Park as described in the approved Vegetation and Habitat Management Plan;
 - j) Recommendations for management strategies in perpetuity beyond the initial 5-year program.
 - k) Bush Fire Asset Protection Zones;
 - l) Archaeological and Aboriginal heritage; and
 - m) Recording and reporting mechanisms to Council, and also to the NSW National Parks and Wildlife Service in accordance with the approved Vegetation and Habitat Management Plan.

Condition reason: To ensure vegetation habitat managements plans are prepared to the requirements of Council as future landowner.

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK AND DURING THE CONSTRUCTION PHASE

- A.47 Prior to the commencement of any works for any Stage of the development that physically adjoins any NPWS Land, interface monitoring must occur, including monitoring points being established, and an initial survey taking place in accordance with section 9.1 of the approved Vegetation and Habitat Management Plan.

Condition reason: To ensure baseline conditions of land adjoining NPWS land are recorded.

- A.48 Prior to the commencement of any works on site, the Developer is to develop and commence a community consultation and education program. The program is to be approved by the Department of Planning (as is required by the Statement of Commitments) and is to remain operational for the duration of the construction period. A

copy of the approved program is to be provided (.pdf format) to the Principal Certifier and Council.

Condition reason: To ensure community consultation and education occurs for the duration of construction period.

- A.49 The development is to be undertaken in accordance with the heritage management protocols set out in the Aboriginal Cultural Heritage Management Plan, prepared by McCardle Cultural Heritage (17/11/2015).

Condition reason: To ensure the development complies with approved documentation.

- A.50 The development is to be undertaken in accordance with the conservation policies set out in section 7.4 of the Conservation Management Plan, prepared by ERM (22/08/2017).

Condition reason: To ensure the development complies with approved documentation.

- A.51 Prior to any ground disturbance works occurring within the development area, an archaeological research design is to be completed in accordance with the Conservation Management Plan (ERM, 2017) and in consultation with the relevant councils and to the approval of Heritage NSW. A requirement is to be included for the outcomes of the archaeological program to be lodged with Heritage NSW and the relevant councils within 1 year of the end of the archaeological program. The ARD is to be prepared in accordance with the Heritage Council Excavation Director Criteria.

Condition reason: To ensure the development complies with approved documentation.

- A.52 Prior to any ground disturbance works occurring within the development area, the Applicant must obtain an approved s.140 application under the Heritage Act 1977 to undertake archaeological excavation of the site. The Applicant must comply with all the approval conditions of the s.140 approval.

Condition reason: To comply with legislative requirements.

- A.53 Before any works commence on site, all contractors and subcontractors shall undergo an induction session, delivered by a suitably qualified heritage consultant, highlighting the historical significance of the site and in particular those building elements and archaeology requiring conservation.

Condition reason: To ensure all persons employed on the site are inducted in regard to heritage requirements.

- A.54 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 the site, to be developed and implemented in consultation with the local Aboriginal community.

Condition reason: To ensure all persons employed on the site are educated in regard to the significance of Aboriginal culture.

- A.55 Protective barriers, fencing, padding or similar is to be placed on or around significant heritage fabric in the vicinity of the proposed works during construction to protect it from inadvertent impact. This is to include any remnant heritage fabric to be left in situ and any other material as guided by the project's heritage consultant.

Condition reason: To provide protection to identified heritage items.

A.56 Site Specific Environmental Management Plans (SSEMPs) are to be prepared for each of the Stages 1 to 40 such to be designed and implemented to manage all environmental aspects associated with the clearing, earthworks (including contaminated land remediation and mine subsidence) and construction works. A copy of each SSEMP is to be provided in .pdf format to the Principal Certifier and Council and the SSEMP is to be maintained on site during all site works and be made available to Authorised Officers upon request. The SSEMP is to include but not be limited to:

- a) A statement of compliance together with detailed justification(s) for any diversions from the overarching Construction and Environmental Management Plan (Precincts 3, 4 and 5), including all appendices and subplans (the CEMP) that demonstrate how such diversions meet the stated objectives of the CEMP;
- b) Aboriginal cultural heritage;
- c) Heritage conservation management;
- d) Construction traffic management;
- e) Vegetation and habitat management in accordance with the approved Vegetation and Habitat Management Plan;
- f) Contaminated land remediation works;
- g) Mine subsidence works;
- h) A site management strategy, identifying and addressing issues such as environmental health and safety, site access and security, 'no-go' zones and traffic/pedestrian/cyclist management;
- i) Continuous operations of the Blue Gum Hills Regional Park, including ensuring that at least one fire trail connection from Stage 16 remains operational at all times;
- j) A water management strategy, detailing erosion and sediment control, management of soil stockpiles, control and management of surface water, groundwater. Procedures should also be included to ensure that all roads adjacent to the site are kept free and clear from mud and sediment;
- k) A dust management strategy, detailing procedures to minimise dust generation, with particular reference to control techniques and operational limits under adverse meteorological conditions;
- l) A noise and vibration management program, detailing measures to monitor and minimise the impact of the development on local amenity, particularly the existing residences in the vicinity of works;
- m) A soil management strategy, detailing measures to be implemented to manage the identification and control and disposal of any acid sulphate soils or soil contamination identified during site works in accordance with the approved Soil and Water Management Plan and Acid Sulfate Soil Management Plan;
- n) A waste minimisation strategy, which aims to avoid production of waste and maximise reuse, recycling or reprocessing of potential waste material including felled trees and other vegetation;
- o) A pre-development watercourse dilapidation survey of creek lines within Blue Gum Hills Regional Park and the Stockrington Conservation Lands prepared by a suitably qualified person in accordance with the approved Vegetation and Habitat Management Plan. Written notification to the National Parks and Wildlife Service must be provided at least seven (7) days before the survey; and
- p) A community relations plan, which aims to inform local residents and other local stakeholders of the proposed nature and timeframes for demolition and construction activities together with contact details for site management.

Condition reason: To ensure environmental management plans are prepared and implemented during construction of the subdivision.

A.57 Contamination assessment and/or validation reports subject to site auditor review in accordance with Conditions A.41, A.100 and A.101 must demonstrate that any land to be dedicated to Council does not contain any concentrations of contaminants exceeding soil investigation levels or waste criteria set out in Table 1 of the Newcastle Contaminated Land Management Technical Manual.

Condition reason: To ensure land dedicated to Council does not conflict with Council's

requirements for intended land uses.

- A.58 Remediation must be carried out in accordance with the Precinct-specific RAP approved by the Site Auditor pursuant to Condition A.41

Condition reason: To ensure the land is suitable for intended land uses.

- A.59 A suitably qualified and experienced Environmental Consultant certified under a scheme approved by the NSW EPA must be employed to supervise the implementation of the contaminated sites aspects of the development in accordance with the relevant parts of the SSEMP, and the Precinct-specific RAP approved by the Site Auditor pursuant to Condition A.41, for each Stage of the development.

Condition reason: To ensure the land is suitable for intended land uses.

- A.60 Any new information discovered during the construction or remediation work that, in the opinion of the Environmental Consultant, has the potential to alter previous conclusions about site contamination must be immediately notified in writing to Council, the Principal Certifier and the Site Auditor. The Environmental Consultant must develop a strategy and methodology to satisfactorily address the contamination, and the Site Auditor must confirm in writing to the Council and the Principal Certifier that the requirements of Condition A.41 can be met by the revised strategy and methodology.

Condition reason: To ensure the land is suitable for intended land uses.

- A.61 No changes to the remediation strategy approved by the Site Auditor pursuant to Condition A.43, shall be undertaken without prior written approval from Council and the Site Auditor.

Condition reason: To ensure the land is suitable for intended land uses.

- A.62 To prevent potential dilution or dispersion of contamination, remediation of contamination to meet remediation criteria for the intended land use, specified in the Precinct-specific RAP approved by the Site Auditor pursuant to Condition A.41 must be undertaken prior to treatment of combustible materials.

Condition reason: To ensure the land is suitable for intended land uses.

- A.63 All excavated non-VENM material generated from each Stage of Development must be placed at or below the anticipated finished soil surface level in the locations approved by the Precinct-specific RAP approved by the Site Auditor pursuant to Conditions A.41 and A.43 or disposed of at an off-site location that can lawfully receive the material.

Condition reason: To ensure the land is suitable for intended land uses.

- A.64 Prior to any clearing being commenced for each Stage evidence that sufficient local native plant seed has to be sourced from bushland areas to be cleared and is being propagated for use in implementing the Vegetation Habitat Management Plan is to be provided to the Principal Certifier and Council.

Condition reason: To ensure residual areas of disturbed land are revegetated in accordance with the Statement of Commitments.

- A.65 Clearing protocols detailed in the approved Vegetation and Habitat Management Plan are to be followed.

Condition reason: To ensure clearing of vegetation is done in accordance with approved protocols.

- A.66 Written approval is to be obtained from the Road Authority for all proposed temporary changes to traffic conditions or traffic regulations on any existing Public Road as a result of the construction works associated with the development. The Developer shall be responsible for all costs associated with any public notification and implementation of the proposed temporary changes.

Condition reason: To minimise disruption to traffic.

- A.67 Prior to any site works commencing, the location for repatriation of any unexpected finds of Aboriginal cultural significance shall be determined in accordance with the Aboriginal Cultural Heritage Management Plan. Repatriation of artefact must not occur within any land owned or proposed to be dedicated to Council.

Condition reason: To ensure repatriation and on-going management of culturally significant items occurs without undue burden on Council operations.

- A.68 After the final pavement seal has been placed and not more than two (2) weeks before Practical Completion is achieved Closed Circuit Television (CCTV) digital recordings is to be undertaken of all pipes to be dedicated to Council and copies are to be provided to the Principal Certifier and Council.

To facilitate the issuing of Council Asset numbers the Developer is to provide the Council with a Works as Executed plans (Electronic and Hardcopy format) of the completed stormwater drainage network a minimum of 5 business days prior to the commencement of the CCTV investigation. A Council Asset inspection officer will be available on site at the commencement of the CCTV investigation (minimum 2 days notification required Ph. 4974 2613). The CCTV recordings and reporting of defects shall and in accordance with the Specifications at Appendix 10 and Appendix 11 of Council's *'Stormwater and Water Efficiency for Development Technical Manual_July 2017'* (or equivalent as amended by Council) and be provided to the Principal Certifier and Council within one week of the completion of inspection work.

Council's Asset section will review the CCTV footage and report and advise acceptance or otherwise of the stormwater conduits. Any defects identified by Council are to be repaired prior to the Final Inspection Report being issued in respect of the Subdivision Works Certificates and prior to the Final Inspection Report being issued by the Road Authority for all works granted consent under section 138 of the *Roads Act, 1993*.

Condition reason: To ensure stormwater pipe installations are completed to Council's specifications.

- A.69 All required landscape works are to be implemented by members of the Landscape Contractors Association of NSW and/or similar qualified contractors and under the supervision of a Landscape Architect or similar qualified professional practising at the membership level of Registered Landscape Architect of the Australian Institute of Landscape Architects.

Condition reason: To ensure landscape works are completed by or under the supervision of appropriately qualified persons.

- A.70 A Landscape Practical Completion Report is to be submitted to the Principal Certifier prior to achieving Practical Completion for each respective Stage of the development. The report is to verify that all landscape works have been carried out in accordance with the comprehensive landscape design plan and specifications that were approved under the respective Subdivision Works Certificate and/or section 138 consent of the *Roads Act, 1993* and is to verify that an effective maintenance program has been commenced.

Condition reason: To ensure landscape works are completed in accordance with the approved plans and specifications.

- A.71 Council's 'PREVENT POLLUTION' sign is to be erected and maintained in a conspicuous location on or adjacent to the boundary of each Stage so it is clearly visible to the public or at other locations on the site as otherwise directed by Council for the duration of demolition and construction work.

(Note: The sign can be obtained by presenting your development application receipt at Newcastle City Council's Customer Enquiry Centre, Wallsend Library or the Master Builders Association Newcastle

Condition reason: To require pollution prevention signage.

- A.72 A copy of the Notice of Determination, the approved Community Consultation and Education Program and relevant Subdivision Works Certificates, including associated approved plans, are to be kept on-site at all times during construction works.

Condition reason: To require copies of approval documentation be kept on site.

- A.73 The Developer's project manager nominating a community contact person and advising adjoining owners and Council of the name of the nominated contact person, along with a contact telephone number. The contact person is to be available at all times for the duration of the construction work.

Condition reason: To provide Council and the public with appropriate contact during periods of construction work.

- A.74 Construction/demolition work that generates noise that is audible at residential premises is to be restricted to the following times:

- Monday to Friday, 7:00 am to 6:00 pm and
- Saturday, 8:00 am to 1:00 pm.

No noise from construction/demolition work is to be generated on Sundays or public holidays.

Condition reason: To protect the residential amenity of neighbours.

- A.75 Mechanical rock breaking is to be confined to between 9.00am to 3.30pm Monday to Friday excluding any Public Holiday. Rock breaking methods must not include blasting.

Condition reason: To protect the residential amenity of neighbours.

- A.76 The Developer ensuring services and vehicular access are maintained at all times possible to all existing residences and buildings adjoining the development site.

Condition reason: To protect the residential amenity of neighbours.

- A.77 Compaction of earthworks is to be carried out under Level 1 supervision as per AS 3798-1996 "*Guidelines on earthworks for commercial and residential developments*".

Condition reason: To ensure compliance with relevant standards.

- A.78 Any alteration to natural surface levels on the site is to be undertaken in such a manner as to ensure that there is no increase in surface water runoff to adjoining properties or that runoff is impounded on adjoining properties, as a result of the development.

Condition reason: To protect adjacent properties from additional surface water runoff.

- A.79 Any excavated material to be removed from the site is to be assessed, classified, transported and disposed of in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the Protection of the Environment (Waste) Regulation 2014, including the EPA 'Waste Classification Guidelines' or the conditions of a relevant Resource Recovery Order.

Condition reason: To ensure To ensure compliance with State Guidelines.

- A.80 Any fill material imported into the site is to be Virgin Excavated Natural Material or material subject to a Resource Recovery Order that is permitted to be used as a fill material under the conditions of the associated Resource Recovery Exemption, in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment (Waste) Regulation 2014*.

Condition reason: To ensure To ensure compliance with State Guidelines.

- A.81 Documentation demonstrating the compliance with the conditions of the appropriate Resource Recovery Order and Resource Recovery Exemption must be maintained for any material received at the site and subsequently applied to land under the conditions of the Resource Recovery Order and Exemption. This documentation must be provided to Council officers or the Principal Certifier on request.

Condition reason: To ensure To ensure compliance with State Guidelines.

- A.82 Erosion and sediment control measures having regard to the approved Soil and Water Management Plan are to be implemented prior to the commencement of works and maintained during the period of demolition and/or construction in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1* (the 'Blue Book') published by Landcom, 2004. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.

Condition reason: To prevent erosion and control sediment.

- A.83 Where the proposed development involves the destruction or disturbance of any existing survey monuments, those monuments affected are to be relocated at no cost to Council by a Surveyor registered under the Surveying and Spatial Information Act 2002 (NSW).

Condition reason: To ensure relocation of survey marks.

- A.84 Plans of any proposed traffic management devices, linemarking and signposting works on existing or proposed public roads being submitted to Council and approved by the Newcastle City Traffic Committee prior to those works being undertaken.

Condition reason: To ensure changes in traffic control are approved by the Traffic Committee.

- A.85 The routes for import of any fill material or export of any spoil being submitted to and agreed to by Council prior to the commencement of haulage. Any deterioration or failures within public roads that can reasonably be attributable to such operations are to be restored to the requirements of, and at no cost to, Council.

Condition reason: To protect and/or restore public infrastructure.

- A.86 Toilet facilities being provided at or in the vicinity of the site on which work is being carried out at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. The required toilet facilities are to be in place and operational prior to any other work being undertaken on the site.

Condition reason: To require provision of toilet facilities on site.

- A.87 The watercourse dilapidation surveys are to be carried out in the waterways of Blue Gum Hills Regional Park and Stockrington Conservation Lands by a suitably qualified person, in accordance with the approved Vegetation and Habitat Management Plan.

Condition reason: To ensure watercourse dilapidation surveys are completed by suitably qualified persons.

- A.88 The Developer must ensure that appropriate traffic measures are in place during the construction phase of the development to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity of the site. Prior to carrying out any works, a Construction Traffic Management Plan is to be provided to the satisfaction of Council and TfNSW. A Road Occupancy Licence (ROL) must also be obtained for any works in the road reserve during the construction phase of the development, including for construction accesses to the development. TfNSW Hunter Traffic Operations must be contacted to obtain a Road Occupancy Licence prior to the closure of any lane or erection of any structures within the road reserve.

Condition reason: To minimise the impacts of construction vehicles on traffic efficiency and road safety.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

- A.89 A total monetary contribution of \$26,034,674.62 is to be paid to Council, pursuant to Section 7.11 of the *Environmental Planning and Assessment Act 1979* (NSW), towards the provision of the following public amenities and public services within the locality. The total contribution may be made in staged payments applicable to each Subdivision Certificate application and shall be determined on the basis of the following:

- | | |
|--------------------------|--------------------------------|
| a) Traffic and Transport | \$10,062.58 per additional lot |
| b) Social Infrastructure | \$19,623.48 per additional lot |

Note:

- i) This condition is imposed in accordance with the provisions of Newcastle City Council's *Section 7.11 Western Corridor Local Infrastructure Contributions Plan*.
- ii) Newcastle City Council's *Section 7.11 Western Corridor Local Infrastructure Contributions Plan* permits deferred or periodic payment of levies in certain circumstances. A formal modification of this condition will be required to enter into a deferred or periodic payment arrangement.
- iii) The amount of contribution payable under this condition has been calculated on the basis of the current rate as at the date of consent and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

Condition reason: To ensure that development contribution payments are paid to address the increased demand for public amenities and services resulting from the approved development.

- A.90 Prior to the issuing of the Subdivision Certificate for each Stage of the development the Developer is to submit to Council (in .pdf format) a Statement of Account detailing all actual and projected expenditure made from the \$8 million allocation referred to in the Concept Plan Approval (MP10_0090) dated 6 August 2013.

Condition reason: To enable recording of expenditure of funds.

- A.91 All areas shown as Public Reserve or Drainage Reserve on the approved Subdivision Plans within the respective Stage being cleared of weed, noxious plants and being left clean and free of all rubbish and excess construction materials and with any turfed areas mown, prior to being transferred to Council as specified by the terms of this consent.

Condition reason: To ensure lands being transferred to Council are in satisfactory condition.

- A.92 Prior to the issuing of a Subdivision Certificate for each Stage that includes dedication of land as public road, public road widening, Drainage Reserve or Public Reserve the Developer is to investigate and establish, including by property boundary surveys if necessary, the full extent of any existing private encroachments, improvements, structures, fencing or vehicular access. The Developer is to undertake and document all consultations and mediations with the owners and occupiers of any neighbouring properties so identified and remove all identified encroachments, improvements, structures, fencing and vehicular accesses, unless otherwise agreed in writing by Council, and make good the land prior to the land being dedicated to Council in terms prescribed by this consent.

Condition reason: To ensure lands being transferred to Council are free from historic encumbrances.

- A.93 Prior to the issuing of a Subdivision Certificate for each Stage the retained heritage architect is to certify in writing that any actions or recommendations identified within the interpretation plan for the respective Stage have been implemented in full in respect of the relevant Stage. A copy of such certification is to be submitted with documentation for the Subdivision Certificate application.

Condition reason: To ensure implementation of the heritage interpretation plan.

- A.94 Prior to the issuing of a Subdivision Certificate for each Stage all subdivision works and public utility installations associated with that particular Stage are to be completed.

Condition reason: To ensure all subdivision works are completed and the lots are serviced by public utilities.

- A.95 Prior to the issuing of a Subdivision Certificate for Stages 14, 16, 32 and 38 the Developer is required to produce and install fencing and signage on the boundary with Blue Gum Hills Regional Park at its own cost, in accordance with the approved Vegetation and Habitat Management Plan.

Condition reason: To ensure this fencing and signage is installed prior to subdivision occurring in the vicinity of the Blue Gum Hills Regional Park.

- A.96 Prior to the release of the subdivision certificate for the final Stage upstream of either the Blue Gum Hills Regional Park or Stockrington Conservation Lands, the Developer shall have arranged and paid for a suitably qualified person to complete the dilapidation survey reports required by Condition A.129.

Condition reason: To confirm the requirements of the NSW National Parks and Wildlife Service.

- A.97 Prior to the issuing of a Subdivision Certificate for each Stage all approved remediation work is to be completed in accordance with the Precinct-specific RAP approved by the Site Auditor pursuant to Condition A.41 for the respective Stage.

Condition reason: To ensure the land is suitable for intended land uses.

- A.98 Prior to the issuing of a Subdivision Certificate for each Stage a Validation Report must be prepared by, or reviewed and approved by, an Environmental Consultant certified under a scheme approved by the NSW EPA and a copy (.pdf format) of the Validation Report must be provided to the Site Auditor, the Principal Certifier and to Council.

The Validation Report must verify that the land is suitable for all the intended uses and that the remediation and validation of the site has been undertaken in accordance with the approved remediation strategy described in the Precinct-specific RAP approved by the Site Auditor pursuant to Condition A.41 The Validation Report must detail all locations where remediation has occurred.

Condition reason: To ensure the land is suitable for intended land uses.

- A.99 Where the subject land has already been certified by a Site Auditor as suitable for the intended land uses by way of SAS and SAR in accordance with Condition A.41(a) and no additional remediation or validation is required, an Environmental Consultant certified under a scheme approved by the NSW EPA must certify in writing that no environmental conditions have changed that affect the suitability of the land and a copy (.pdf format) of the certification must be provided to the Principal Certifier and to Council prior to the issuing of a Subdivision Certificate. Where this certification is accepted by Council, Conditions A.98 and A.100 will not apply.

Condition reason: To ensure the land is suitable for intended land uses.

- A.100 A NSW EPA accredited Site Auditor must review the Validation Report and any new contamination information discovered during implementation of the RAP.

Condition reason: To ensure the land is suitable for intended land uses.

- A.101 Prior to the issuing of a Subdivision Certificate for each Stage a final Site Audit Statement and a final Site Audit Report prepared by the Site Auditor certifying that the site (or relevant Stage of the development) is suitable for all the intended land uses (including but not limited to commercial/residential allotments, public areas and roads) within the site (or relevant Stage of the development).must be provided (.pdf format) to the Principal Certifier and Council.

Condition reason: To ensure the land is suitable for intended land uses.

- A.102 A Final Inspection Report is to be issued by the Road Authority for any works granted consent under section 138 of the *Roads Act, 1993* in association with the respective Stage of the development.

Condition reason: To ensure works undertaken within the public road reserve are to the satisfaction of the Roads Authority.

- A.103 The Developer making good any damage caused to a public road or associated structures, including drains and kerb and gutter, as well as to private property, and revegetating any disturbed areas resulting from the works.

Condition reason: To ensure rectification of any damage to public or private land or infrastructure.

- A.104 All vehicular and pedestrian access and public utility services between the proposed roads and any existing property are to be reinstated to the satisfaction of Council and the relevant public utility service provider.

Condition reason: To ensure connections to existing properties and dwellings are re-instated.

- A.105 Written certification from the NSW Rural Fire Service or a recognised consultant that Asset Protection Zones (APZ), including any temporary APZ's, have been established in accordance with the Bushfire Management Plan, being submitted to the Principal Certifier and the Council.

Condition reason: To ensure compliant Asset Protection Zones have been established.

- A.106 Prior to making application for a Subdivision Certificate for each Stage the Developer is to obtain from Council the required street addresses and show such addresses on the respective Administration Sheet.

Condition reason: To ensure the necessary house numbering is provided in accordance with the NSW Addressing Policy

- A.107 A Subdivision Certificate Application being lodged on the NSW Planning Portal in respect of each Stage of the development, accompanied by the appropriate fee. Each application is to be supported by copies of the following documentation (in .pdf format), together with any other documentation required under the conditions of this consent:

- a) The survey plan of subdivision prepared by a Registered Surveyor;
- b) The instruments prepared under s88B of the *Conveyancing Act, 1919* as appropriate;
- c) Copies of NATSPEC certification in respect to tree plantings;
- d) A geotechnical assessment prepared by a suitably qualified geotechnical engineer that:
 - i) nominates the site classification and soil type of each allotment in accordance with Australian Standard AS 2870-2011 '*Residential Slabs and Footings*';
 - ii) indicates any areas of potential instability or subsidence which may influence future road construction or maintenance and building design requirements;
 - iii) indicates the location, extent and suitability of any fill placed on the site;
 - iv) indicates the location of any former mine surface entry and demonstrates that any surface entries within that Stage have been filled or capped in accordance with the conditions of this consent and to the satisfaction of Subsidence Advisory NSW;
 - v) provides an assessment of the residual risk of Mine Subsidence having regard to the works done;
 - vi) provides a report on all earthworks carried out under Level 1 supervision as per AS 3798-1996 '*Guidelines on earthworks for commercial and residential developments*'; and
 - vii) provides testing results for each phase of construction in relation to earthworks and road works.
- e) A statement from a registered surveyor verifying that:
 - i) no survey control marks were interfered with during site work; or
 - ii) that the requirements of the Department of Lands had been obtained in respect of any marks which were destroyed and that such requirements have been complied with; and
- f) A statement from the Ecologist who supervised the implementation of the approved Vegetation and Habitat Management Plan (VHMP) verifying that the works were undertaken in accordance with the VHMP and detailing any injuries, deaths or relocations of fauna.

Condition reason: To identify additional documentation to be submitted with an application for Subdivision Certificate.

- A.108 The appropriate notation being placed on the plan of subdivision and an instrument under Section 88B of the *Conveyancing Act, 1919* setting out the terms of easements (including easements in gross) and/or rights of carriageway and/or restrictions as to user required for the subdivision, in respect of the following where applicable:

- a) Interallotment drainage lines in favour of upstream properties utilising the lines;
- b) Rights of carriageway in favour of the property serviced;
- c) Easements for services in favour of the property serviced and /or the appropriate utility provider;
- d) Temporary or permanent Asset Protection Zones and Fire Trails; and
- e) Public stormwater drains, existing and proposed stormwater outlets, overland flowpaths and any temporary culdesac heads or turning facilities in favour of Council.

Council must not be noted as prescribed bodies having benefit of any easements, restrictions or covenants relating to bushfire protection measures including Asset Protection Zones and Fire Trails.

Condition reason: To require notation and registration of a section 88B instrument for easements and other restrictions.

- A.109 The appropriate notation being placed on the respective plan of subdivision and an instrument under Section 88B of the *Conveyancing Act, 1919* for a 'restriction on use of land' to be imposed on all proposed lots having a common boundary with Woodford Street and with proposed Road MC01 that prohibits direct vehicular access to and from Woodford Street or proposed Road MC01, as appropriate, across any such boundary. Council is to be nominated as the Prescribed Body having benefit of the restriction.

Condition reason: To control vehicular access locations.

- A.110 The appropriate notation being placed on the respective plan of subdivision for any Stage involving proposed Townhouse / Terrace, Small Courtyard or Large Courtyard lots, pursuant Section 88E of the *Conveyancing Act, 1919*, and an instrument under Section 88B of the *Conveyancing Act, 1919* nominating any mandatory and/or optional 'built to boundary' wall locations. Council is to be nominated as the Prescribed Body having benefit of the positive covenant or restriction.

Condition reason: To identify any mandatory or optional 'build to boundary' locations.

- A.111 The appropriate notation being placed, pursuant Section 88A of the *Conveyancing Act, 1919*, on the plan of subdivision and an instrument under Section 88B of the *Conveyancing Act, 1919* for an 'easement to drain water' to be created over any drainage structure constructed in association with any Stage if that drainage structure is constructed on land not intended to be dedicated to Council in association with that Stage except as otherwise provided by the conditions of this consent. Council is to be named as the Prescribed Body having benefit of the easement.

Condition reason: To ensure appropriate documentation is provided for the creation of easements.

- A.112 The appropriate notation being placed on the respective plan of subdivision and an instrument under Section 88B of the *Conveyancing Act, 1919* for a 'restriction on use of land' to be imposed on each lot identified within Attachment B of the Supplementary Road Traffic Noise Assessment - Minmi Estate (DA/2018/01351) prepared by Muller Acoustic Consultants (Ref. MAC180656-08LR1V7, dated 24 Aug 2023) that prohibits the issuing of a Construction Certificate for any new dwelling or alteration or addition to an existing dwelling unless the Accredited Certifier has been provided written certification from a qualified Acoustic Consultant that the proposed dwelling design includes the recommended Noise Control Treatment(s) for the respective Treatment Category Zone(s) applicable to that lot. Council is to be nominated as the Prescribed Body having benefit of the restriction.

Condition reason: To ensure appropriate mitigation measures are included in future dwelling designs on identified lots.

- A.113 Any road widening associated with any construction works along Woodford Street constructed with any Stage is to be shown on documentation for the Subdivision Certificate application for the respective Stage except as otherwise provided by the conditions of this consent.

Condition reason: To ensure appropriate timing for dedication of road widening.

- A.114 Written evidence of arrangements being made with the Hunter Water Corporation Limited, or other approved supplier, for the provision of individual water supply and sewerage services to all lots within each stage, being submitted to the Principal Certifier prior to certification of the Subdivision Certificate in respect of that Stage.

Condition reason: To require evidence of services arrangements.

- A.115 Written evidence of arrangements being made with Ausgrid, or other approved supplier, for the provision of underground electricity supply to all lots and street lighting within each Stage, being submitted to the Principal Certifier prior to certification of the Subdivision Certificate in respect of that Stage.

Subject to compliance with Ausgrid's relevant standards the subdivision lighting for Stages 14 and 16 is to be designed and installed to minimise artificial light penetrating the Park.

Any required transformers are to be located in public or drainage reserves or within private property, with appropriate easements being created, and are not to be installed in road reserves.

Condition reason: To require evidence of services arrangements.

- A.116 Written evidence of arrangements being made with the NBN Co. Ltd, or other approved supplier, for the provision of underground National Broadband Network services to all lots within each Stage, being submitted to the Principal Certifier prior to certification of the Subdivision Certificate in respect of that Stage.

Condition reason: To require evidence of services arrangements.

- A.117 Written evidence of any arrangements made with Jemena, or other approved supplier, for the provisioning of underground natural gas services being submitted to the Principal Certifier prior to certification of the Subdivision Certificate in respect of each Stage of the development.

Condition reason: To require evidence of any services arrangements made in respect of natural gas services if gas services are installed within the development.

- A.118 Certified works-as-executed (WAE) plans being lodged (.pdf format) with the Principal Certifier and with Council immediately after having achieved Practical Completion of works for each stage. The WAE plans are also to be registered with Council in digital form via Council's on-line lodgement portal and in accordance with the 'A-Spec'TM Digital data Specification or as otherwise specified by the Council and are to include:

- a) Details of any alterations made to the approved plans;
- b) The location and type of service conduits;
- c) The location and extent of any temporary Asset Protection Zones and Fire Trails;
- d) Details of all kerbs and gutters, pits and pipelines, stormwater management devices and drainage swales;
- e) The location and boundaries of any on-site contamination containment area; and
- f) Certification by a Registered Surveyor that all pipes, services and access driveways within proposed lots are totally within their respective easements;

Where the WAE plans indicate variations between the works as installed and the approved plans, the Principal Certifier is to determine whether the works are acceptable or require reconstruction.

Condition reason: To require submission of Work-As-Executed drawings.

- A.119 A six-month civil defect liability period applying in respect of each Subdivision Works Certificate issued for Stages 1 to 40, prior to Council accepting maintenance responsibility for subdivision infrastructure, with the exception of the proposed landscaping. Each defect liability period is to commence at the date of registration of the respective plan of subdivision.

In this regard, a cash bond or bank guarantee in an amount equivalent to 5.0% of the final construction value of the subdivision works for which Council is accepting maintenance responsibility for, with the exception of the proposed landscaping, or an alternative lesser amount as may be agreed to by Council, is to be submitted to Council prior to certification of the Subdivision Certificate in respect of each Stage of the development.

A further inspection of the subdivision infrastructure will be undertaken by Council at the cessation of the Defect Liability period.

Any defects identified by Council are to be rectified by the developer prior to Council's acceptance of maintenance responsibility and the release of the bond.

In the event that the developer fails to rectify defects notified by Council within one month of notification, Council may elect to call on the bond to affect the required repairs.

A Final Inspection will be undertaken by Council at the completion of the specified maintenance period.

Condition reason: To allow for the remedy of defects associated with the subdivision works.

- A.120 Not more than two weeks before the scheduled end of each civil defect period, as defined by Condition A.68 Closed Circuit Television (CCTV) digital recordings are to be undertaken of all pipes dedicated to Council within the respective Stage and a copy provided to Council.

The digital recordings are to adopt Council Asset numbers provided prior to the respective Practical Completion date. A Council Asset inspection officer will be available on site at the commencement of the CCTV investigation (minimum 2 days notification required).

The CCTV recordings and reporting of defects shall and in accordance with the Specifications at Appendix 10 and Appendix 11 of Council's 'Stormwater and Water Efficiency for Development Technical Manual_July 2017' (or equivalent as amended by Council) and be provided to Council within one week of the completion of inspection work.

Council's Asset section will review the CCTV footage and report and any defects identified by Council are to be considered defects under Condition A.119

Condition reason: To assist with identifying any defects associated with stormwater pipes installed as part of the subdivision works.

- A.121 A 12 month maintenance period applying in respect of each applicable Stage of the development, prior to Council accepting maintenance responsibility for any completed landscape works (including plants, mulch, structural tree vaults, tree guards and parkland embellishments). Each defect liability period is to commence at the date of registration of the respective plan of subdivision. A lesser maintenance period for individual elements may be agreed to by Council.

In this regard, a cash bond or bank guarantee in an amount equivalent to 25% of the value for the supply, installation and associated maintenance of the landscaping that Council is to ultimately accept maintenance responsibility for, or an alternative lesser amount as may be agreed to by Council, together with the required Landscape Establishment report, is to be submitted to Council prior to certification of the Subdivision Certificate in respect of each Stage of the development.

During the 12 month maintenance period Council will be responsible for managing only those street trees lost or replaced as a direct result of driveway crossing constructions. For avoidance of doubt, the Developer is responsible for every other tree within the respective Stage irrespective of whether the tree is lost or requires replacement due to health, vandalism or unassignable builder damage.

A further two inspections (six month intervals) of the landscaping will be undertaken by Council officers in accordance with the terms of this consent.

Any defects or maintenance requirements identified by Council are to be rectified by the developer prior to Council's acceptance of maintenance responsibility and the release of the bond.

In the event that the Developer fails to undertake such maintenance within one month of notification, Council may elect to call on the bond to affect the required repairs or maintenance.

A Final Inspection will be undertaken by Council at the completion of the specified maintenance period.

Condition reason: To ensure all installed landscape works are properly established and maintained for the duration of the specified maintenance period.

- A.122 Lots 670, 1422, 1448, 1657, 3736, 3803, 3804, 3806 and 4001) identified within the detailed Vegetation Habitat Management Plan (VHMP) are to be continuously maintained by the Developer in accordance with the VHMP for a minimum of 5 years after commencement of vegetation habitat management works within that area.

All bushland regeneration and on-going management and maintenance carried out by the Developer is to be undertaken by a qualified bushland regeneration contractor. A copy of the contractor's specification is to be submitted to Council and an initial site inspection is to be undertaken in the company of an appointed Council representative prior to undertaking any work identified in the VHMP.

The Developer is to submit annual reports (.pdf format) to Council detailing works undertaken, the results of such work, identifying future works programs and any making any necessary recommendations to enhance the VHMP.

In regard to the above requirements, a cash bond or bank guarantee in an amount equivalent to 100% of the contract price for the works that remain to be completed under the VHMP, or an alternative lesser amount as may be agreed to by Council, is to be submitted to Council prior to certification of the Subdivision Certificate in respect of each respective Stage of the development.

The Developer may make written request to Council to 'draw down' the amount of security on an annual basis upon acceptance by Council of the works completed and identified in the respective annual report. The amount of each 'draw down' shall be agreed by Council (Council fees apply for reducing or replacing bonds and bank guarantees).

As a minimum, Council officers will inspect the Lots on an annual basis following receipt of the respective annual report.

Any maintenance requirements identified by Council are to be addressed by the Developer within one month of notification and are to be completed to Council's satisfaction prior to Council's acceptance of maintenance responsibility and the ultimate release of the bond.

In the event that the Developer fails to undertake such maintenance within one month of notification, Council may elect to call on the bond to affect the required repairs or maintenance.

A Final Inspection will be undertaken by Council at the completion of the respective 5 year maintenance period.

Condition reason: To ensure all vegetation and habitat maintenance works on land intended to be dedicated to the Council are properly established and maintained for the duration of the specified management period.

- A.123 The Developer shall prepare and submit to Council, for approval, a Five Year Water Sensitive Urban Design Management Plan, inclusive of estimated costings for the regular maintenance and cleaning of the Gross Pollutant devices and pit basket inserts and regular maintenance, cleaning and full reconstruction (worst case scenario) of all turfed (temporary) Bio-retention swales, Bio-retention basins and any other temporary erosion and sedimentation control basins within the respective Stage of the development.

In this regard, a cash bond or bank guarantee for 50% of the agreed value of once off reconstruction costs of the filter media and associated subsoil drainage and turfing over the 5 year period and all maintenance costs (but excluding reconstruction for GPTs, pipes, headwalls and bulk earthworks) contained within the Management Plan, or an alternative lesser amount as may be agreed to by Council, is to be submitted to Council prior to certification of the Subdivision Certificate in respect of each Stage of the development.

A further five inspections (twelve month intervals) of the associated devices and infrastructure will be undertaken by Council officers in accordance with the terms of this consent.

Any defects or maintenance requirements identified by Council are to be rectified by the developer prior to Council's acceptance of maintenance responsibility and the release of the bond.

In the event that the Developer fails to undertake such maintenance within one month of notification, Council may elect to call on the bond to affect the required repairs or maintenance.

A Final Inspection will be undertaken by Council at the completion of the specified maintenance period.

Condition reason: To ensure all water quality devices and structures are properly established and maintained for the duration of the specified management period.

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE OF THE DEVELOPMENT

- A.124 No estate entry features, billboards, promotional/sale signage or bunting is to be located on existing land owned by Council or on land or road reserves proposed to be dedicated to Council. Separate approval is to be obtained for any proposed billboards or advertising signage.

Condition reason: To ensure estate entry features, billboards, promotional/sale signage or bunting is not installed on public land.

- A.125 No permanent keeping place or re-burial of Aboriginal objects is to occur on any land owned by Council or intended to be dedicated to Council.

Condition reason: To ensure repatriation and on-going management of culturally significant items occurs without undue burden on Council operations.

- A.126 The Developer shall undertake regular maintenance of all turfed (temporary) Bio-retention swales, Bio-retention basins, Gross Pollutant devices and pit basket inserts, detention and retention basins or structures and any other temporary erosion and sedimentation control basins and devices for a period of 5 years from the date of registration of the plan of subdivision for that Stage at the Department of Lands or until all lots within the respective Stage have been sold, whichever is the later, at which time the Developer shall be responsible for removing any accumulated sediment, all temporary controls and fully landscaping the Bio-retention swales and Bio-retention basins with appropriate native grass and sedge species selected from Appendix 4 of the Stormwater and Water Efficiency for Development Technical Manual (April 2015) or as updated and to the satisfaction of Council.

During the maintenance period in this condition the Developer shall record the sediment volumes removed from the devices until the end of the abovementioned maintenance period. A copy of this record is to be made available to Council to assist in determining a suitable maintenance schedule for the respective devices.

The Developer shall also ensure that the controls are cleaned and operating at maximum function immediately prior to the end of the maintenance period.

Condition reason: To ensure water quality controls are maintained for the duration of the specified management period.

- A.127 A six-monthly Landscape Establishment Report (.pdf format) being submitted to Council for the term of a twelve month landscape defect and maintenance period commencing from the date of registration of the relevant Subdivision Certificate in respect of each Stage, verifying that satisfactory maintenance of the landscape works including street trees (other than those trees replaced by Council due to driveway crossing constructions), re-vegetation and weeding, has been undertaken in accordance with the approved Landscape Plans and Vegetation Habitat Management Plan and any necessary rectification measures have been carried out to a high professional standard.

Condition reason: To demonstrate progressive and continuing establishment and maintenance of landscape and vegetation management works for the duration of the specified period.

- A.128 The Developer ensuring that, in association with all proposed new sewer mains being laid within each relevant Stage, appropriate points of connection are constructed to enable the following existing properties to connect to these sewer mains without disturbance to these sewer mains.

- a) Lot 38 DP115128 (14 Railway St, Minmi); and
- b) Lot 45 DP115128 (44 Railway St, Minmi)

Condition reason: To ensure the design and construction of new sewer infrastructure makes provision for connection of other existing un-sewered properties within or adjacent the development site.

- A.129 The further dilapidation surveys of Back Creek and Minmi Creek (including any tributaries of these creeks) identified in the Vegetation and Habitat Management Plan are to be carried out by a suitably qualified person on each anniversary of the commencement of works until such time as the works are completed, subject to National Parks and Wildlife Service providing access. Notification to the National Parks and Wildlife Service will be

provided at least seven (7) days before each (annual) dilapidation survey is planned to occur.

Each dilapidation survey report must certify, with reference to the baseline survey:

- a) whether any damage or alteration to the physical or biological condition of the watercourse has occurred as a result of the development;
- b) the nature and extent of any damage or alteration caused (e.g. erosion or sedimentation or weed invasion); and
- c) the nature and extent of works required by the NSW National Parks and Wildlife Service to rectify any damage or alteration caused.

All reports are to be provided to Council and the NSW National Parks and Wildlife Service within one (1) month of production.

Any damage or alteration identified in the dilapidation survey reports must be repaired by the Developer to the requirements and satisfaction of the National Parks and Wildlife Service. All costs incurred in achieving compliance with this condition shall be borne by the Developer.

Condition reason: To confirm the requirements of the NSW National Parks and Wildlife Service.

A.130 The annual dilapidation surveys referred to in Condition A.129 must continue for a period of 3 years following the completion of works in the final stage upstream of either the Blue Gum Hills Regional Park or Stockrington Conservation Lands, as required by the approved Vegetation and Habitat Management Plan. Each of these dilapidation survey reports shall reference previous dilapidation survey reports and shall certify:

- a) whether any physical damage or alteration to the watercourse (e.g. through erosion or sedimentation) has occurred as a result of the development;
- b) the nature and extent of any damage or alteration caused to the watercourse as a result of the development;
- c) the nature and extent of works required by the National Parks and Wildlife Service to rectify any damage or alteration caused to the watercourse as a result of the proposed development;
- d) the nature and extent of any works carried out to rectify any damage or alteration caused to the watercourse as a result of the development; and
- e) the nature and extent of any agreements entered into for rectification of any damage or alteration caused to the watercourse as a result of the development.

The Developer shall ensure any damage or alteration occurring to the watercourse identified in the dilapidation survey reports must be repaired to the requirements and satisfaction of the National Parks and Wildlife Service. All costs incurred in achieving compliance with this condition shall be borne by the Developer.

Condition reason: To confirm the requirements of the NSW National Parks and Wildlife Service

A.131 For any stage that physically adjoins any NPWS Land, ongoing interface monitoring must occur, in accordance with section 9.1 of the approved Vegetation and Habitat Management Plan. All interface monitoring reports are to be provided to Council and the NSW National Parks and Wildlife Service within one (1) month of production.

Each interface monitoring report must include the matters specified in section 9.3 of the approved Vegetation and Habitat Management Plan.

Any corrective actions identified as being required in an interface monitoring report must be taken by the Developer to the satisfaction of the National Parks and Wildlife Service. All costs incurred in achieving compliance with this condition shall be borne by the Developer.

Condition reason: To confirm the requirements of the NSW National Parks and Wildlife Service.

- A.132 Not later than four weeks after the issuing of a Subdivision Certificate for each Stage the Developer is to submit to Council a .pdf copy and sufficient hard copies of educational material for distribution to incoming occupiers of each lot in that Stage to inform the occupiers of the potential environmental impacts they may have by occupying land in the vicinity of sensitive environments such as Blue Gum Hills Regional Park, Stockrington Conservation Lands and Hexham Wetlands. The educational material is to include printed information and any other form of education resource which includes references to these sensitive areas. The educational material is to be prepared by the Developer at their cost and in consultation with, and to the satisfaction of, Council and NSW National Parks and Wildlife Service.

Condition reason: To enable education of the future population resulting from the development.

ADVISORY MATTERS

- A.133 Prior to commencing any subdivision works, the following provisions of Division 6.2 of the Environmental Planning and Assessment Act 1979 (the Act) are to be complied with:
- a) A Subdivision Works Certificate is to be obtained; and
 - b) Council is to be appointed as the Principal Certifier for the subdivision works (consistent with Section 6.5(3) of the Act); and
 - c) Council is to be given at least two days notice of the date intended for commencement of subdivision works.
- A.134 It is an offence under the provisions of the Protection of the Environment Operations Act 1997 (NSW) to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.
- A.135 Failure to comply with the conditions of consent constitutes a breach of the Environmental Planning and Assessment Act 1979 (NSW), which may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.
- A.136 The applicant is to comply with all requirements of the Hunter Water Corporation regarding the connection of water supply and sewerage services.
- A.137 The developer being responsible for all adjustments to and/or relocation of public utilities. Any necessary alterations being at the Developer's expense and to the requirements of the appropriate Authorities.
- A.138 It being the responsibility of the Developer to meet all expenses incurred in undertaking the development including expenses incurred in complying with conditions imposed under the terms of this consent.
- A.139 Future development application on the land must demonstrate general consistency with the Concept Plan Approval (MP10_0090) and the Minmi Precinct Urban Design Guidelines.

PART B (STAGE 1)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE OR CONSENT UNDER S138 ROADS ACT, 1993

- B.1 Inter-Allotment Drainage (IAD) is to be provided for proposed Lot 124 and be connected to the other stormwater drainage infrastructure to be constructed with this Stage. Full details to be included in the detailed design drawings for a Subdivision Works Certificate application.

Condition reason: To provide appropriate stormwater drainage disposal.

PART C (STAGE 2)

NIL

PART D (STAGE 3)

NIL

PART E (STAGE 4)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

- E.1 The appropriate notation being placed, pursuant Section 88E of the Conveyancing Act, 1919, on the plan of subdivision and an instrument under Section 88B of the Conveyancing Act, 1919 for a 'restriction on use of land' to be imposed on proposed Lots 411 to 423 inclusive that prohibits direct vehicular access to and from proposed Road MC89. Council is to be nominated as the Prescribed Body having benefit of the restriction.

Condition reason: To control vehicular access to lots.

- E.2 The appropriate notation being placed, pursuant Section 88E of the Conveyancing Act, 1919, on the plan of subdivision and an instrument under Section 88B of the Conveyancing Act, 1919 for a 'restriction on use of land' to be imposed on proposed Lot 438 that prohibits direct vehicular access to and from proposed Road MC89 or MC23 other than via the accessible frontage determined to be unimpeded by the roundabout splitter island. Council is to be nominated as the Prescribed Body having benefit of the restriction.

Condition reason: To control vehicular access to lots.

- E.3 All documentation submitted with the Subdivision Certificate application is to include the additional road widening associated with amendments made to Stage 36 lots in accordance with Condition A.11 above unless such road widening has occurred in association with the registration of the Plan of Subdivision for Stage 36.

Condition reason: To ensure appropriate timing for dedication of road widening.

PART F (STAGE 5)

NIL

PART G (STAGE 6)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE OR CONSENT UNDER S138 ROADS ACT, 1993

- G.1 Full details of the bulk earthworks associated with the future park on proposed Lot 669 are to be included in the detailed design drawings for a Subdivision Works Certificate application.

Condition reason: To ensure the landform for the future park is fit for purpose.

- G.2 If Stage 13 has been constructed prior to Stage 6, the Developer is to prepare detailed design drawings for the construction of the proposed 2.5m wide shared pathway linking the Local Park on proposed Lot 669 to proposed Road MC30. Full details to be included in the detailed design drawings for a Subdivision Works Certificate application.

Condition reason: To ensure appropriate timing for dedication of road widening.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

- G.3 If Stage 13 has already been registered by LRS, the appropriate notation being placed, pursuant to Section 88A of the Conveyancing Act, 1919, on the plan of subdivision and an instrument under Section 88B of the Conveyancing Act, 1919 for a 'right of carriageway' to be created over that part of proposed Lot 1448 containing the 2.5m wide shared pathway and associated structures. Council is to be named as the Prescribed Body benefitted by the easement.

Condition reason: To ensure appropriate easements are in place before the burdened land is dedicated to Council.

PART H (STAGE 13)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE OR CONSENT UNDER S138 ROADS ACT, 1993

- H.1 If Stage 6 has been constructed prior to Stage 13, the Developer is to prepare detailed design drawings for the construction of the proposed 2.5m wide shared pathway linking the Local Park on proposed Lot 669 to proposed Road MC30. Full details to be included in the detailed design drawings for a Subdivision Works Certificate application.

Condition reason: To ensure appropriate timing for construction of the shared pathway.

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION
CERTIFICATE**

- H.2 If Stage 6 has already been registered by LRS, the appropriate notation being placed, pursuant to Section 88A of the *Conveyancing Act, 1919*, on the plan of subdivision and an instrument under Section 88B of the *Conveyancing Act, 1919* for a 'right of carriageway' to be created over that part of proposed Lot 1448 containing the 2.5m wide shared pathway and associated structures. Council is to be named as the Prescribed Body benefitted by the easement.

Condition reason: To ensure appropriate easements are in place before the burdened land is dedicated to Council.

- H.3 The appropriate notation being placed, pursuant Section 88A of the *Conveyancing Act, 1919*, on the plan of subdivision and an instrument under Section 88B of the *Conveyancing Act, 1919* for an 'easement to drain water' to be created over that part of proposed Lot 1448 containing the Water Sensitive Urban Design (WSUD) Basin B00V constructed in association with Stage 13. Council is to be named as the Prescribed Body benefitted by the easement.

Condition reason: To ensure appropriate easements are in place before the burdened land is dedicated to Council.

PART I (STAGE 14)

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION WORKS
CERTIFICATE OR CONSENT UNDER S138 ROADS ACT, 1993**

- I.1 Proposed Road MC01 is to include a raised pedestrian 'Zebra' crossing at the location where the 2.5m wide shared path connects from proposed Road MC36 adjacent the southern boundary of proposed Lot 1421. Full details to be included in the detailed design drawings for a Subdivision Works Certificate application.

Condition reason: To provide dedicated pedestrian facilities at strategic locations.

- I.2 The proposed flush concrete threshold at approximate chainage 975 on Road MC01 is to be deleted.

Condition reason: To confirm construction of the concrete threshold is not to occur.

- I.3 In accordance with the approved Vegetation and Habitat Management Plan, temporary construction fencing with 'no go' signage posted at regular intervals must be installed at the site boundary with Blue Gum Hills Regional Park before construction works commence. Machinery and compound storage shall not be established within 20 metres of this boundary. Full details to be included in the detailed design drawings for a Subdivision Works Certificate application.

Condition reason: To protect the Blue Gum Hills Regional Park from the impacts of construction activities.

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION
CERTIFICATE**

- I.4 The Developer is to install at its own cost fencing in accordance with the approved Vegetation and Habitat Management Plan along the entire boundary of Stage 14 with Blue Gum Hills Regional Park. This Condition does not apply to any fencing works

required within the boundaries of BGHRP, which are subject to a separate assessment process by NSW NPWS.

Condition reason: To ensure this fencing and signage is installed prior to subdivision occurring in the vicinity of the Blue Gum Hills Regional Park.

- I.5 The appropriate notation being placed, pursuant Section 88A of the *Conveyancing Act, 1919*, on the plan of subdivision and an instrument under Section 88B of the *Conveyancing Act, 1919* for an 'easement to drain water' to be created over that part of proposed Lot 1657 containing the Water Sensitive Urban Design (WSUD) Basin B00W constructed in association with Stage 14. Council is to be named as the Prescribed Body having benefit of the easement.

Condition reason: To ensure appropriate easements are in place before the burdened land is dedicated to Council.

PART J (STAGE 15)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE OR CONSENT UNDER S138 ROADS ACT, 1993

- J.1 'Stop' regulatory signage and line marking being provided on proposed Roads MC38 and MC39 at the intersection with proposed Road MC35. Full details to be included in documentation for a Subdivision Works Certificate application.

Condition reason: To ensure appropriate traffic regulation.

PART K (STAGE 16)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE OR CONSENT UNDER S138 ROADS ACT, 1993

- K.1 In accordance with the approved Vegetation and Habitat Management Plan, temporary construction fencing with 'no go' signage posted at regular intervals must be installed at the site boundary with Blue Gum Hills Regional Park before construction works commence. Machinery and compound storage shall not be established within 20 metres of this boundary. Full details to be included in the detailed design drawings for a Subdivision Works Certificate application.

Condition reason: To protect the Blue Gum Hills Regional Park from the impacts of construction activities.

- K.2 The Developer is to construct at its own cost two fire trail connections with appropriate laybacks to access Blue Gum Hills Regional Park at locations set out in the approved Concept Engineering Plans Sheet 112 and Sheet 116. These laybacks and trail connections are to meet the Category 1 standard of the NSW Rural Fire Service – Fire Trail Standard Version 2.0 dated November 2023, and to comply with the NSW Rural Fire Service – Fire Trail Design, Construction and Maintenance Manual, published by the NSW Soil Conservation Service, dated 2017 and must also include satisfactory provision for pedestrian and cyclist access to the Regional Park at these locations. Full details are to be included in the detailed design drawings for a Subdivision Works Certificate application.

Condition reason: To ensure fire trails are designed and constructed to relevant standards and to facilitate pedestrian and cycle access to the Blue Gum Hills Regional Park.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

- K.3 The fire trail connections mentioned in condition K.2 are to be gated to prevent unauthorised vehicle entry from the subdivision's local road network while providing for cycling and pedestrian access consistent with the standard in the approved Vegetation and Habitat Management Plan.

Condition reason: To prevent unauthorised vehicle access to or from the Blue Gum Hill Regional Park.

- K.4 The Developer is to install at its own cost fencing in accordance with the approved Vegetation and Habitat Management Plan along the entire boundary of Stage 16 with Blue Gum Hills Regional Park. This Condition does not apply to any fencing works required within the boundaries of BGHRP, which are subject to a separate assessment process by NSW NPWS.

Condition reason: To ensure this fencing and signage is installed prior to subdivision occurring in the vicinity of the Blue Gum Hills Regional Park.

- K.5 The Developer is to provide and install, at its own cost, signs adjacent to both fire trail connections mentioned in condition K.2 in accordance with the approved Vegetation and Habitat Management Plan. This Condition does not apply to the installation of signage required within the boundaries of BGHRP, which is subject to a separate assessment process by NSW NPWS.

Condition reason: To ensure this signage is installed in association with fire trails.

PART L (STAGE 32)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE OR CONSENT UNDER S138 ROADS ACT, 1993

- L.1 The vertical road geometry for proposed Road MC28 is to be amended to eliminate the sag point at approximate chainage 705 and the associated stormwater pipe that traverses proposed Lot 3235. The amended vertical road geometry is to achieve a minimum 1% longitudinal grade on the road centreline and provide vertical curves for a 50km/h design speed at either end of the longitudinal grade. The amended design is to provide road levels at the two existing driveway accesses to Lots 25 and 26 DP115128 that will permit 'low level' and 'high level' driveway crossing profiles to these lots respectively and provide a driveway gradient of not more than 25% with appropriate changes in grade at hinge points to tie into existing driveway and garaging infrastructure within each lot. The amended design is also to detail all necessary amendments to the stormwater design to ensure stormwater drains down Road MC28 to the south. Full details to be included in the detailed design drawings for a Subdivision Works Certificate application.

Condition reason: To require amendments to the concept engineering design.

- L.2 The following works are to be designed and constructed in association with Stage 1. Full details to be provided in the application under s138 of the Roads Act, 1993 or Subdivision Works Certificate as appropriate.

- a) The southerly extension of Church St to beyond the existing vehicular access to Lot 1 DP730659 (40 Church St) and being terminated with a culdesac. The works are also to include turfed footways and street trees at maximum 10m centres.

Condition reason: To ensure a consistent approach to integration of all existing isolated lots within the development site.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

- L.3 The appropriate notation being placed, pursuant Section 88E of the *Conveyancing Act, 1919*, on the plan of subdivision and an instrument under Section 88B of the *Conveyancing Act, 1919* for a 'restriction on use of land' to be imposed on proposed Lot 3235 that prohibits direct pedestrian and vehicular access to and from Lot 1230 DP1149823. Council is to be nominated as the Prescribed Body having benefit of the restriction.

Condition reason: To prohibit pedestrian and vehicular access to or from Lot 3235 and Lot 1230 DP 1149823.

- L.4 The final road reserve boundaries associated with the extension of Church Street are to demonstrate compliance with the ultimate road construction resulting from compliance with Condition L.2 above. Full details to be included in the documentation submitted in association with the Subdivision Certificate application for Stage 32.

Condition reason: To ensure a consistent approach to integration of all existing isolated lots within the development site.

- L.5 The Developer is to install, at its own cost, fencing along the entire boundary of Stage 32 with Blue Gum Hills Regional Park in accordance with the approved Vegetation and Habitat Management Plan. This Condition does not apply to any fencing works required within the boundaries of BGHRP, which are subject to a separate assessment process by NSW NPWS.

Condition reason: To ensure this fencing and signage is installed prior to subdivision occurring in the vicinity of the Blue Gum Hills Regional Park.

PART M (STAGE 33)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE OR CONSENT UNDER S138 ROADS ACT, 1993

- M.1 In conjunction with Road Improvements R02 and R03 shown on the Infrastructure Staging Plan Report, the Developer is to construct approximately 50m of 1.2m wide reinforced concrete footpath in the eastern footway of Woodford St between the pedestrian refuge associated with the intersection of Woodford St/Railway St (R02) and the existing end of footpath adjacent the common boundary between 127 and 129 Woodford St. Full details to be included in the detailed design drawings for an application made under s138 of the *Roads Act, 1993*.

Condition reason: To provide appropriate pedestrian connection between existing pathways and the proposed pedestrian refuge.

- M.2 In conjunction with Stage 33, the Developer is to design and construct the Interallotment drainage (IAD) lines proposed within Stage 34 and traversing the rear of proposed Lots 3407 and 3408. Full details to be included in the detailed design drawings for a Subdivision Works Certificate application.

Condition reason: To identify appropriate timing for construction of stormwater infrastructure.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

- M.3 The appropriate notation being placed, pursuant Section 88E of the *Conveyancing Act, 1919*, on the plan of subdivision and an instrument under Section 88B of the *Conveyancing Act, 1919* for a 'restriction on use of land' to be imposed on proposed Lots 3321 to 3326 that prohibits direct vehicular access to and from proposed Road MC88. Council is to be nominated as the Prescribed Body having benefit of the restriction.

Condition reason: To control vehicular access to lots.

- M.4 The appropriate notation being placed, pursuant Section 88A of the *Conveyancing Act, 1919*, on the plan of subdivision and an instrument under Section 88B of the *Conveyancing Act, 1919* for an 'easement to drain water' to be created over that part of proposed Lots 3804 containing the spillway and discharge pipe from Water Sensitive Urban Design (WSUD) Basin B0AA constructed in association with Stage 33. Council is to be named as the Prescribed Body having benefit of the easement.

Condition reason: To ensure appropriate easements are in place before the burdened land is dedicated to Council.

- M.5 The appropriate notation being placed, pursuant Section 88A of the *Conveyancing Act, 1919*, on the plan of subdivision and an instrument under Section 88B of the *Conveyancing Act, 1919* for an 'easement to drain water' to be created over that part of proposed Lots 3804 containing Water Sensitive Urban Design (WSUD) Basin B00P constructed in association with Stage 33. Council is to be named as the Prescribed Body having benefit of the easement.

Condition reason: To ensure appropriate easements are in place before the burdened land is dedicated to Council.

- M.6 The appropriate notation being placed on the plan of subdivision and an instrument under Section 88B of the *Conveyancing Act, 1919* for an 'easement to drain water' to be created over the IAD traversing proposed Lots 3408, 3407, 3362 and 3804 to the benefit of Lots 40 and 41 DP 115128.

Condition reason: To ensure appropriate easements are created.

- M.7 The appropriate notation being placed on the plan of subdivision and an instrument under Section 88B of the *Conveyancing Act, 1919* for an 'easement to drain water' to be created over the IAD traversing proposed Lots 3361, 3362 and 3804 to the benefit of Lot 39 DP 115128.

Condition reason: To ensure appropriate easements are created.

PART N (STAGE 34)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE OR CONSENT UNDER S138 ROADS ACT, 1993

- N.1 The Interallotment drainage (IAD) line discharge from proposed Lot 3431 is not to discharge into Water Sensitive Urban Design (WSUD) Basin B00P but is to discharge from the IAD pit located in the north-east corner of Lot 3431 and be connected by way of a new junction pit constructed over the line of pipe discharging from Basin B00P. Full details to be included in the detailed design drawings for a Subdivision Works Certificate application.

Condition reason: To negate the need to burden a public stormwater facility with private easements.

- N.2 All subdivision works associated with Stage 40 are to be designed and constructed in association with Stage 34 with exception that the turning area at the western end of proposed Road MC102 may be constructed as a temporary turning area as otherwise specified by the terms of this consent. Full details to be included in the detailed design drawings for a Subdivision Works Certificate application.

Condition reason: To ensure appropriate timing of infrastructure construction and to minimise disruptions to residents.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

- N.1 The boundaries of proposed Lot 3550 and the boundaries of the road reserves associated with proposed Roads MC47 and MC50 in the vicinity of Lot 46 DP115128 are to be amended and are to revert to the boundaries shown on the superseded plan of subdivision titled Stage 34 and prepared by ADW Johnson (Ref. 239736(3)-DA-117 Version S dated 25 June 2022). Full details to be included in the documentation submitted in association with the Subdivision Certificate application for Stage 34.

Condition reason: To ensure a consistent approach to integration of all existing isolated lots within the development site.

- N.2 The appropriate notation being placed on the plan of subdivision and an instrument under Section 88B of the Conveyancing Act, 1919 for an 'easement to drain water' to be created over the IAD traversing proposed Lots 3414, 3410 and 3411 to the benefit of Lot 47 DP 115128.

Condition reason: To ensure appropriate easements are created.

- N.3 The appropriate notation being placed on the plan of subdivision and an instrument under Section 88B of the Conveyancing Act, 1919 for an 'easement to drain water' to be created over the IAD discharging from Lot 3433 to the benefit of Lots 3433 to 3438.

Condition reason: To ensure appropriate easements are created.

- N.4 The Plan of Subdivision for Stage 34 is to include dedication of the road reserve associated with proposed Road MC102 as public road.

Condition reason: To ensure appropriate timing for dedication of road reserves.

PART O (STAGE 35)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

- O.1 The boundaries of proposed Lot 3534 and the boundary of the road reserve associated with proposed Road MC88 in the vicinity of Lot 49 DP115128 are to be amended and are to revert to the boundaries shown on the superseded plan of subdivision titled Stage 34 and prepared by ADW Johnson (Ref. 239736(3)-DA-117 Version R dated 24 May 2021). Full details to be included in the documentation submitted in association with the Subdivision Certificate application for Stage 35.

Condition reason: To ensure a consistent approach to integration of all existing isolated lots within the development site.

- O.2 The boundaries of proposed Lot 3550 are to be amended and are to revert to the boundaries shown on the superseded plan of subdivision titled Stage 34 and prepared by ADW Johnson (Ref. 239736(3)-DA-117 Version S dated 25 June 2022). Full details to be included in the documentation submitted in association with the Subdivision Certificate application for Stage 34.

Condition reason: To ensure a consistent approach to integration of all existing isolated lots within the development site.

- O.3 The appropriate notation being placed on the respective plan of subdivision and an instrument under Section 88B of the Conveyancing Act, 1919 for a 'restriction on use of land' to be imposed on proposed Lots 3501, 3502 and 3503 that prohibits direct vehicular access to and from proposed Road MC88. Council is to be nominated as the Prescribed Body having benefit of the restriction.

Condition reason: To control vehicular access to lots.

PART P (STAGE 36)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

- P.1 All documentation submitted with the Subdivision Certificate application is to include the additional road widening associated with amendments made to Stage 36 lots in accordance with Condition A.11 above unless such road widening has occurred in association with the registration of the Plan of Subdivision for Stage 4.

Condition reason: To ensure appropriate timing for dedication of road widening.

PART Q (STAGE 37)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE OR CONSENT UNDER S138 ROADS ACT, 1993

- Q.1 The Developer is to construct an appropriate layback and fire trail connection to link to the Stockrington Conservation Lands under the M1 Motorway. The layback and trail connections are to meet the Category 1 standard of the *NSW Rural Fire Service – Fire Trail Standard* Version 2.0 dated November 2023, and to comply with the *NSW Rural Fire Service – Fire Trail Design, Construction and Maintenance Manual*, published by the NSW Soil Conservation Service, dated 2017. This trail connection is to be designed for all-weather access while delivering the proposed surface water re-diversion and drainage requirements in this location and be gated to prevent unauthorised vehicle entry from the subdivision's local road network while providing for cycling and pedestrian access in accordance with the approved Vegetation and Habitat Management Plan. Full details are to be included in the detailed design drawings for a Subdivision Works Certificate application.

Condition reason: To ensure fire trails are designed and constructed to relevant standards and to facilitate pedestrian and cycle access to the Blue Gum Hills Regional Park.

- Q.2 The Developer is to construct an appropriate temporary bushfire emergency egress route within Stage 39 and generally along the alignment of proposed Road MC53 to Woodford St. The route is to be surfaced with a temporary two-coat bitumen seal and be provided with adequate drainage and revegetation to prevent sour and erosion. Full details are to be included in the detailed design drawings for a Subdivision Works Certificate application.

(Note: i) This condition is deemed to be satisfied if all of Road MC53 is fully constructed in association with Stage 37.)

Condition reason: To provide temporary secondary means of emergency egress from Stage 37 .

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

- Q.3 The appropriate notation being placed, pursuant Section 88A of the *Conveyancing Act, 1919*, on the plan of subdivision and an instrument under Section 88B of the *Conveyancing Act, 1919* for an 'easement to drain water' to be created over that part of proposed Lot 3803 containing the Water Sensitive Urban Design (WSUD) Basin B0AB constructed in association with Stage 37. Council is to be named as the Prescribed Body having benefit of the easement.

Condition reason: To ensure appropriate easements are in place before the burdened land is dedicated to Council.

- Q.4 The appropriate notation being placed, pursuant Section 88A of the *Conveyancing Act, 1919*, on the plan of subdivision and an instrument under Section 88B of the *Conveyancing Act, 1919* for a 'right of carriageway' to be created over temporary bushfire egress route located within Stage 39. Council is to be named as the Prescribed Body having benefit of the easement.

The terms of the easement are to specify that the owner of the lot burdened is responsible for maintenance of the temporary bushfire egress route and must keep it in working order at all times.

(Note: i) This condition is deemed to be satisfied if Stages 37 to 39 inclusive are registered concurrently by LRS.)

Condition reason: To ensure appropriate easements are in place before the burdened land is dedicated to Council.

PART R (STAGE 38)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

- R.1 Prior to the issuing of a Subdivision Certificate, the Developer is to install, at its own cost, fencing and access gate along the interface between Lots 3806 and 3807, and between Lot 3806 and the existing Stockrington Conservation Lands in accordance with the approved Vegetation and Habitat Management Plan.

Condition reason: To ensure that commitments made by the Developer to NPWS are met.

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE OF THE DEVELOPMENT

- R.2 Not later than 28 days after the title for proposed Lot 3807 has been created by NSW Land Registry Services (LRS) the Developer is to transfer the title of Lot 3809 to the Minister administering the National Parks and Wildlife Act, 1974 and at no cost to Council or the Minister.

Condition reason: To confirm timing for the transfer of title for Lot 3807.

PART S (STAGE 39)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

- S.1 The appropriate notation being placed, pursuant Section 88A of the *Conveyancing Act, 1919*, on the plan of subdivision and an instrument under Section 88B of the *Conveyancing Act, 1919* for an 'easement to drain water' to be created over that part of proposed Lot 3803 containing the Water Sensitive Urban Design (WSUD) Basin B00R constructed in association with Stage 39. Council is to be named as the Prescribed Body having benefit of the easement.

Condition reason: To ensure appropriate easements are in place before the burdened land is dedicated to Council.

PART T (STAGE 40)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE OR CONSENT UNDER S138 ROADS ACT, 1993

- T.1 Proposed Road MC102 is to be extended westward by approximately 17m and the culdesac is to be increased in dimension to comply with NSW Rural Fire Service requirements. The back edge of the footway area at the western end of the amended culdesac design is to be tangential with an amended road reserve that has a western boundary that extends from the northwest corner of Lot 45 DP115128 to the northwestern part of the proposed Right of Carriageway 6 wide leading to Lot 43 DP115128 (approximately 39m measured from the southeast corner of Lot 43 DP115128). The design is to take into account that all land between Road MC102 and the southern boundary of Lot 43 DP 115128 and all land between Road MC102 and the northern boundary of Lot 45 DP115128 is to be dedicated as public road in accordance with the terms of this consent. Full details to be included in the documentation submitted in association with the Subdivision Works Certificate application for Stage 35.

Condition reason: To ensure a consistent approach to integration of all existing isolated lots within the development site.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

- T.2 The final road reserve boundaries associated with proposed Road MC102 are to demonstrate compliance with the ultimate road construction resulting from compliance with Condition T.1 above. Full details to be included in the documentation submitted in association with the Subdivision Certificate application for Stage 40.

Condition reason: To ensure a consistent approach to integration of all existing isolated lots within the development site.

PART U (DEMOLITION WORK)

- U.1 Approved demolition work is limited to the demolition of the existing dwelling and associated outbuildings and structures located on Lot 5 DP1230960 at approximate latitude 32.88771 degrees south and longitude 151.61875 degrees east.

Condition reason: To alert the public to any danger arising from the removal of asbestos.

CONDITIONS TO BE SATISFIED DURING DEMOLITION WORK
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- U.2 Building demolition is to be planned and carried out in accordance with Australian Standard 2601:2001 - The Demolition of Structures.

Condition reason: to comply with Australian standards.

- U.3 During site work and/or demolition work, works are to be undertaken in accordance with Australian Standard 2601:2001 - The Demolition of Structures and the following requirements:

- a) prior to commencement of demolition works a competent person shall determine the presence of hazardous substances impacted by the proposed demolition works in accordance with Section 1.6.1 of AS2601:2001 and where required produce a Hazardous Substances Management Plan
- b) demolition works shall be conducted in accordance with any required Hazardous Substances Management Plan. A copy of the Plan shall be kept on-site for the duration of the proposed development and a copy is to be held in the possession of the landowner.
- c) the removal, handling and disposal of any asbestos material is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by the WorkCover Authority of NSW
- d) a copy of all waste disposal receipts is to be kept in the possession of the landowner and made available to authorised Council Officers upon request.
- e) seven working days' notice in writing is to be given to the owners/occupiers of neighbouring premises prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number(s) and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor, and
- f) on sites where asbestos materials are to be removed, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent position during asbestos removal works.

Condition reason: to comply with Australian standards.

- U.4 During site work and/or demolition work, and at a minimum, the following measures are to be implemented:
- a) A waste container of at least one cubic metre capacity is to be provided, maintained and regularly serviced from the commencement of operations until the completion of the building, for the reception and storage of waste generated by the construction of the building and associated waste.
 - b) The waste container is to be, at minimum, constructed with a 'star' picket (corners) and weed control mat (sides), or equivalent. The matting is to be securely tied to the pickets.
 - c) Provision is to be made to prevent wind-blown rubbish leaving the site; and
 - d) Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

Note: Fines may be issued for pollution/littering offences under the *Protection of the Environment Operations Act 1997*.

Condition reason: to require waste management on site on site.

- U.5 During demolition work, the demolisher is to ensure that all services (i.e. water, telecommunications, gas, electricity, sewerage etc) are disconnected in accordance with the relevant authority's requirements prior to demolition.

Condition reason: to protect services during demolition.

- U.6 During demolition work, the demolisher is to ensure that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.

Any waste containers used in association with the proposed demolition are to be located on the site where possible.

Note: Where this is not feasible, an application is to be made for the Newcastle City Council's approval to position the container on the adjacent public road in accordance with Newcastle City Council's adopted Building Waste Container Policy.

Condition reason: to protect public spaces during demolition.

- U.7 During demolition work, all demolition material incapable of being re-used in future redevelopment of the site is to be removed from the site, and the site cleared and levelled.

Note: Where reusable building materials are to be stored on site for use in future building works, such materials are to be neatly stacked at least 150 mm above the ground.

Condition reason: to require waste disposal and maximise reuse on site.

- U.8 During demolition work, the demolisher is to ensure that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.

Condition reason: to protect public and private spaces during demolition.

- U.9 During demolition work, any demolition/waste building materials that are not suitable for recycling are to be disposed of at Newcastle City Council's Summerhill Waste Management Facility or other approved site.

Condition reason: to require waste disposal and maximise reuse on site.

- U.10 During site work and/or demolition work, a rigid and durable sign is to be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out, before the commencement of the work:

- a) showing the name, address and telephone number of the Principal Certifier for building work and subdivision work, and
- b) showing the name, address and telephone number of the Principal Contractor, if any, for any building work and a telephone number on which the Principal Contractor may be contacted at any time for business purposes, and
- c) stating that unauthorised entry to the work site is prohibited, and
- d) being erected in a prominent position that can be read easily by anyone in any public road or other public place adjacent to the site.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, and must be removed when the work has been completed.

Note: This does not apply in relation to building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

Condition reason: prescribed condition.

SCHEDULE 2

Modification of DA2015/10393

Application No:	DA2015/10393
Land:	Lot 2 DP 1230960 Lot 3 DP 1230960
Property Address:	67 Minmi Road Minmi NSW 2287 610 Minmi Road Minmi NSW 2287
Approved Development:	Two lot into 314 lot subdivision, associated roads, infrastructure, open space and bulk earthworks

The details of the consent granted by Land and Environment Court as per Notice of Orders Made dated 19 December 2017 as further modified by Council as listed below are hereby modified pursuant to section 4.17(1)(b) of the *Environmental Planning and Assessment Act, 1979* as follows.

- Notice of Determination dated 02 February 2022 (MA2021/00438)
- Notice of Determination dated 22 July 2022 (MA2022/00053)

MODIFICATION DETAILS

1. Amended conditions

A.26 Prior to any site works commencing, a Vegetation Management Plan (VMP) being prepared by a qualified bushland regeneration contractor and a copy being submitted to the Principal Certifying Authority and Council in .pdf format. The VMP is to address pre and post-development regeneration techniques, protection and maintenance aspects associated with areas proposed to be retained in the Developer's ownership (proposed Lots ~~601~~, 602 and 603) and those lands to be dedicated or transferred to Council (proposed Lots 601 and 604) and is to include but not be limited to;

- An appraisal of the present condition of the bushland;
- Identification of potential threats to the bushland (including techniques to mitigate threats);
- Harvesting and propagating of local native plant seed;
- Specific recommendations for a five year management program and techniques to protect, regenerate and enhance the remnant bushland;
- Recommendations for management strategies in perpetuity beyond the initial 5 year program.
- Bush Fire Asset Protection Zones;
- Archaeological and Aboriginal heritage; and
- Recording and reporting mechanisms.

A.72 Lots 601 and 604 identified within the Vegetation Management Plan (VMP) ~~is~~ are to be continuously maintained by the Developer in accordance with the VMP for a minimum of 5 years after commencement of vegetation management works within that area.

All bushland regeneration and on-going management and maintenance carried out by the Developer is to be undertaken by a qualified bushland

regeneration contractor. A copy of the contractor's specification is to be submitted to Council and an initial site inspection is to be undertaken in the company of an appointed Council representative prior to undertaking any work identified in the VMP.

The Developer is to submit annual reports (.pdf format) to Council detailing works undertaken, the results of such work, identifying future works programs and any making any necessary recommendations to enhance the VMP.

In regard to the above requirements, a cash bond or bank guarantee in an amount equivalent to 100% of the contract price for the works that remain to be completed under the VMP, or an alternative lesser amount as may be agreed to by Council, is to be submitted to Council prior to certification of the Subdivision Certificate in respect of Stage 5 of the development.

The Developer may make written request to Council to 'draw down' the amount of security on an annual basis upon acceptance by Council of the works completed and identified in the respective annual report. The amount of each 'draw down' shall be agreed by Council (Council fees apply for reducing or replacing bonds and bank guarantees).

- (Note: i) As a minimum, Council officers will inspect **Lots 601 and 604** identified in the VMP on an annual basis following receipt of the annual report.
- ii) Any maintenance requirements identified by Council are to be addressed by the Developer within one month of notification and are to be completed to Council's satisfaction prior to Council's acceptance of maintenance responsibility and the ultimate release of the bond.
- iii) In the event that the Developer fails to undertake such maintenance within one month of notification, Council may elect to call on the bond to affect the required repairs or maintenance.
- iv) A Final Inspection will be undertaken by Council at the completion of the respective 5 year maintenance period.)

A.79 All land proposed as Drainage Reserve or Public Reserve, **as detailed in the table below**, is to be dedicated to Council on the respective plan of subdivision and at no cost to Council.

Lot 151	Drainage Reserve
Lot 197	Drainage Reserve
Lot 221	Public Reserve
Lot 254	Drainage Reserve
Lot 283	Drainage Reserve
Lot 601	Public Reserve
Lot 604	Public Reserve

G.5 The Developer is to remove ~~any redundant~~ **all existing** fencing ~~within~~ **between** proposed **Lots 601 and 604** **whether or not the fencing is located** ~~on that is not the proposed boundary and fence the full length of the eastern boundary of proposed Lot 604 with rural style (galvanised post and wire strands).~~

- G.6 A final Landscape Establishment Report (.pdf format) being submitted to Council verifying that satisfactory maintenance of the landscape works including trees, re- vegetation and weeding, has been undertaken in accordance with the approved Landscape Plans and Vegetation Management Plan applicable to Lots **601 and** 604 and any necessary rectification measures have been carried out to a high professional standard.
- G.8 The vegetation management plan (VMP) works required to be undertaken by the Developer within proposed Lot 604 are to be commenced, at the latest, in association with the landscape works defects and maintenance period for Stage 5 and shall run continuously until satisfactorily completed and proposed Lots **601 and** 604 ~~is~~ **are** dedicated to Council in terms prescribed by this consent.

SCHEDULE 3

Requirements of Transport for NSW

5 December 2023

File No: NTH22/00433/03
Your Ref: CNR-54963 - A-65274

Chief Executive Officer
City of Newcastle
PO Box 489
NEWCASTLE NSW 2300

Attention: Steven Masia

Newcastle Link Road (MR82): RE2023/00003 - Review of determination DA2018/01351 - Subdivision 858 residential lots 7 development lots for future residential development - 144 Woodford Street Minmi

I refer to the abovementioned S8.2 Review referred to Transport for NSW (TfNSW) on 12 May 2023 for comment. Please consider TfNSW's previous response dated 11 September 2023 superseded.

This application also seeks to modify Minmi East Precinct 1B (DA2015/10393) under Section 4.17(b) of the *Environmental Planning and Assessment Act 1979*. It is understood that a reduced lot threshold of 858 residential lots (previously 876 lots) is sought.

TfNSW assessment was informed by the Aimsun modelling undertaken by TfNSW as part of the MR82 Newcastle Link Road/Minmi Road Intersection Upgrade Strategic Business Case investigations for the upgrade of Minmi Road/Newcastle Link Road intersection including subsequent information supplied by the proponent.

TfNSW key interests are the safety and efficiency of the transport network, the needs of our customers and the integration of land use and transport in accordance with the *Future Transport Strategy*.

Newcastle Link Road (MR82) is a classified (State) road and Woodford Street is a local road. Council is the roads authority for both roads and all other public roads in the area (excluding M1 Pacific Motorway & Hunter Expressway), in accordance with Section 7 of the *Roads Act 1993*.

TfNSW has reviewed the referred information and provides the following comments to assist the consent authority in making a determination:

- It is recommended that the draft conditions of consent contained in Appendix A be included as part of any development consent. These involve progressive staged upgrades along the classified (State) and local road network
- It is understood that the developer will amend the existing State Voluntary Planning Agreement to include the total contribution of \$20 million (ascribed to the subject and

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other adjoining DA's) towards the upgrade to the intersection of Newcastle Link Road and Minmi Road intersection. This will allow the progression of developments in the area.

- The revised plans detail an alternative arrangement to convey existing overland flows from the M1 Pacific Motorway corridor through the site. The establishment of a drainage channel between Stages 37 & 39, as opposed a re-diversion scheme, is considered acceptable by TfNSW.
- There is no impact to State roads and therefore no further comment required from TfNSW with regard to the modifications of the Minmi East Precinct 1B proposal (DA2015/10393) being considered as part of this review.

On determination of this matter, please forward a copy of the Notice of Determination to TfNSW for our records. Should you require further information please contact Liz Smith, Manager Development Services North, on 0411 149 655 or by emailing development.north@transport.nsw.gov.au.

Yours faithfully



Damien Pfeiffer
Director Development Services
Community & Place
Regional & Outer Metropolitan

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6 Stewart Avenue (Locked Bag 2030) Newcastle West NSW 2302
76 Victoria Street (PO Box 576) Grafton NSW 2460

1300 207 783 ABN 18 804 239 602
transport.nsw.gov.au 2 of 4

Appendix A

A.1 Planning Agreement

Prior to the issue of any Subdivision Works Certificate, the developer must enter into an amended Planning Agreement with the Minister for Planning in accordance with:

- (a) Division 7.1 of Part 7 of the EP&A Act; and
- (b) The terms of the developer's offer to contribute to the upgrade of the Newcastle Link Road/Minmi Road intersection, dated 17 May 2023 (as amended 21 August 2023).

A.2 Newcastle Link Road/Minmi Road Upgrade

Prior to the issue of a subdivision certificate for any residential lot the following upgrades to the State Road network must be in place:

- The intersection of Minmi Road and Newcastle Link Road is to be upgraded to include traffic control facilities to the satisfaction of TfNSW.

A.3 Other upgrades to the surrounding road network

Prior to the issue of a subdivision certificate for any residential lot in stages 33, 34, 35, 36, 37, 39, or 40, the following upgrades to the State Road network must be in place:

- (a) Minmi Road from Newcastle Link Road to Transfield Avenue widened to four lanes total, including a roundabout at Transfield Avenue, or such other upgrades to this road as may be considered appropriate by Lake Macquarie City Council.
- (b) Newcastle Link Road / Woodford Street:
 - (i) Additional turning bays to achieve dual right turn movements on west and east approaches, including widening on exits to allow for safe merging.
 - (ii) Left turn bay on Newcastle Link Road (west approach).
 - (iii) Additional right turn bay on the southern and northern approaches.
 - (iv) Addition of new short through lanes on the northern and southern sides of Newcastle link Road at Cameron Park Dr and Woodford St.
- (c) Minmi Road / Northlakes Drive: Line marking changes to allow a dual right turn on the western approach or such other upgrades to this road as may be considered appropriate by Lake Macquarie City
- (d) Minmi Road from Transfield Avenue to Sedgwick Avenue: Widening to a total of four lanes and appropriate tie-in works at the roundabout at Transfield Avenue or such other upgrades to this road as may be considered appropriate by Lake Macquarie City.
- (e) Minmi Road / Main Road:
 - (i) Conversion of the kerbside parking lane and cycle path into a general traffic lane or such other upgrades to this road as may be considered appropriate by Lake Macquarie City Council and TfNSW.

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(ii) Line marking changes to permit dual left turn lane from Minmi Road (north approach) into Main Road or other such upgrades to this road as may be considered appropriate by Lake Macquarie City Council and TfNSW.

(f) Newcastle Link Road / Lake Road:

- (i) Addition of a new right turn bay on Lake Road (north approach).
- (ii) Addition of a new left turn bay on Lake Road (south approach).
- (iii) Extension of the left turn bay on Thomas Street.

The Applicant is responsible for constructing the upgrades listed at (b) to (f) above at its own cost and must consult with the relevant roads authority in relation to the design of the works and obtain all necessary approvals prior to carrying out the works. The Applicant may be required to enter into an agreement with the relevant roads authority in relation to the upgrades listed at (b) to (f) (including a Works Authorisation Deed where TfNSW is the relevant roads authority) prior to the issue of a Subdivision Works Certificate for the first residential lot in any relevant stage (i.e. Stages 33, 34, 35, 36, 37, 39, or 40).

An updated traffic assessment, including microsimulation modelling, may be required by the relevant roads authority prior to its approval of any upgrade works.

The roads authority may agree to works that differ from the above list of works, if those alternative works are considered more appropriate at the time based on the updated traffic assessment.

A.4 Agreement with roads authority prior to the issue of a Subdivision Works Certificate for stages 33, 34, 35, 36, 37, 39, or 40

Prior to the issue of any subdivision works certificate for stages 33, 34, 35, 36, 37, 39, or 40 (excluding any certificate relating only to bulk earthworks or remediation), the Applicant must enter into any required agreement with the relevant roads authority in relation to the upgrades referred to in condition A.3, including a Works Authorisation Deed where TfNSW is the relevant roads authority.

A.5 Other conditions:

a) Discharged stormwater from the development must not exceed the capacity of the State Road network stormwater drainage system.

b) Prior to the issue of any Subdivision Works Certificate, the Developer must satisfy TfNSW and Council that drainage from the site will be appropriately managed and obtain all required approvals, including under the Roads Act 1993, from the Council and TfNSW for any adjustments to the existing system that are required. Any required adjustments will be at the cost of the Developer.

c) The Developer must ensure that appropriate traffic measures are in place during the construction phase of the development to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity of the site. Prior to carrying out any works, a Construction Traffic Management Plan is to be provided to the satisfaction of Council and TfNSW. A Road Occupancy Licence (ROL) must also be obtained for any works in the road reserve during the construction phase of the development, including for construction accesses to the development. TfNSW Hunter Traffic Operations must be contacted to obtain a Road Occupancy Licence prior to the closure of any lane or erection of any structures within the road reserve.

(<https://www.rms.nsw.gov.au/business-industry/road-occupancylicence/index.html>).

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SCHEDULE 4

Requirements of NSW Rural Fire Service



NSW RURAL FIRE SERVICE

Newcastle City Council
PO Box 489
NEWCASTLE NSW 2300

Your reference: (CNR-54963) RE2023/00003
Our reference: DA20221108011613-S4.55-1

ATTENTION: Steven Masia

Date: Wednesday 24 May 2023

Dear Sir/Madam,

Development Application

Other – Other Assessment – Residential Subdivision/Masterplan

Review of Determination - 144 Woodford Street Minmi NSW 2287, 5//DP1230960, 48//DP115128, 100//DP1252590, 1//DP1156243

I refer to your correspondence regarding the above proposal which was received by the NSW Rural Fire Service on 08/05/2023.

The Development Application is made under Concept Approval No MP100093 as issued by the New South Wales Planning Assessment Commission dated 2 August 2014 (Concept Plan Approval). Condition 1.45 of the Concept Plan Approval states:

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

- a) A road network and lot layout appropriate for evacuation purposes.*
- b) Property access roads which allow for safe access, egress and defensible space for emergency services*
- c) The location and composition of all APZs, including the inner and outer protection zones, including in relation to the proposed building footprints.*
- d) Ongoing maintenance for APZs, fire trails and access tracks to ensure compliance with the required standards (for APZs outside individual lots this must be negotiated with the RFS and relevant Council).*
- e) A staged approach to management of bushfire hazard and APZs during the development process.*

The New South Wales Rural Fire Service (NSW RFS) advises that the Subdivision Bushfire Attack Level (BAL) Masterplan prepared by Bushfire Planning Australia (Titled: *Northern Estates Newcastle, Job Number 1825 – NCC, Ref: Newcastle_Fig_13_BALS_OVERALL_230308 v9, Dated 16 March 2023, Sheets 1-4 Revision F*) is satisfactory, and therefore NSW RFS would be prepared to grant a Bush Fire Safety Authority (BFSa) under section 100B of the Rural Fires Act 1997 for the development the subject of the Development Application (Proposed Development), subject to the following conditions:

1. A comprehensively detailed BAL plan must be prepared for each sub-stage of the Proposed Development. A subdivision certificate for a sub-stage subdivision cannot proceed unless Newcastle City Council is satisfied that the detailed BAL plan for that sub-stage is in accordance with the NSW RFS endorsed Masterplan prepared by

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

Bushfire Planning Australia (Titled: *Subdivision BAL Plan: Northern Estates Newcastle, Job Number 1825 – NCC, Ref: Newcastle_Fig_13_BALS_OVERALL_230308 v9, Dated 16 March 2023, Sheets 1-4 Revision F*). Council may refer a detailed BAL plan to the NSW RFS for consideration if not initially satisfied and, if the NSW RFS is satisfied with the detailed BAL plan, it will issue an amended Post Subdivision Bushfire Attack Level Certificate(s) for that plan.

2. A subdivision certificate for a stage of the Proposed Development cannot be issued unless Bushfire Planning Australia has provided certification that the Subdivision BAL Masterplan prepared by Bushfire Planning Australia (Titled: *Subdivision BAL Plan: Northern Estates Newcastle, Job Number 1825 – NCC, Ref: Newcastle_Fig_13_BALS_OVERALL_230308 v9, Dated 16 March 2023, Sheets 1-4 Revision F*) is in accordance with the report prepared by Bushfire Planning Australia Ref: 1825, Version 3, Dated 23 November 2018; Bushfire Certification Letter dated 12 July 2022) and any relevant amendments in the document *RE: DA 2018/01351 Updated Subdivision BAL Plan, Stages 3-5 Woodford Street Minmi (Newcastle LGA) V2*, prepared by Bushfire Planning Australia, Ref: 1825, dated 16 March 2023.

Asset Protection Zones

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

3. Before a subdivision certificate for each stage of the Proposed Development is issued the Asset Protection Zones (APZs) identified in the Subdivision BAL Masterplan prepared by Bushfire Planning Australia (Titled: *Subdivision BAL Plan: Northern Estates Newcastle, Job Number 1825 – NCC, Ref: Newcastle_Fig_13_BALS_OVERALL_230308 v9, Dated 16 March 2023, Sheets 1-4 Revision F*) relating to that stage must be established to the satisfaction of Council. Once established, the APZs must be managed and maintained in perpetuity in accordance with this approval.

- These APZs shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service's document Standards for asset protection zones.

4. During construction phases of stage of the Proposed Development, and until the next stage has begun, temporary APZs must be provided around each release area where they adjoin a fire hazard for a distance of 100 metres when located on future residential zoned land, or as described within the Subdivision BAL Masterplan prepared by Bushfire Planning Australia (Titled: *Subdivision BAL Plan: Northern Estates Newcastle, Job Number 1825 – NCC, Ref: Newcastle_Fig_13_BALS_OVERALL_230308 v9, Dated 16 March 2023, Sheets 1-4 Revision F*).

5. Before the commencement of building works for any stage of the Proposed Development which would create any lot which is proposed for the purposes of a school, or before the issue of a subdivision certificate which would create any such lot (whichever comes first) the lot must be established as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service's document Standards for asset protection zones.

Public Roadways

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

6. Public road access shall comply with the following requirements of section 4.1.3 (1) of *Planning for Bush Fire Protection 2006*:

- Road(s) shall be suitable for two-wheel drive vehicles, and must be all weather roads.
- Urban perimeter roads must be two-way, with a carriageway 8 metres minimum kerb to kerb.
- The perimeter road must be linked to the internal road system at an interval of no greater than 500 metres.
- Traffic management devices must be constructed to facilitate unobstructed access by emergency services vehicles.
- Public roads must a cross fall not exceeding 3 degrees.
- Non-perimeter road widths must comply with Table 4.1 in Planning for Bush Fire Protection 2006.
- Curves of roads (other than perimeter roads) must have a minimum inner radius of 6 metres.

- The minimum distance between inner and outer curves must be 6 metres.
- Maximum grades for sealed roads must not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient.
- There is to be a minimum vertical clearance to a height of 4 metres above the road at all times.
- The capacity of road surfaces and bridges is to be sufficient to carry fully loaded fire fighting vehicles (approximately 15 tonnes for areas with reticulated water, 28 tonnes or 9 tonnes per axle for all other areas). Bridges are to clearly indicate load rating.
- Public roads greater than 6.5 metres wide (kerb to kerb) must include hydrants located outside of parking reserves to ensure accessibility to reticulated water supply for fire suppression.
- Public roads between 6.5 metres and 8 metres wide (kerb to kerb) must include appropriately signposted 'No Parking' zones on one side with services (hydrants) located on this side to ensure accessibility to reticulated water for fire suppression at all times.
- Public roads 5.5 to 6.5 metres wide (kerb to kerb) must provide parking within parking bays located outside the kerb to kerb space (and not within the kerb to kerb space) and located services outside of the parking bays to ensure accessibility to reticulated water for fire suppression at all times.
- One way only public access roads are to be no less than 4 metres wide (kerb to kerb) and must provide parking only within parking bays located outside the kerb to kerb space. Services are to be located outside of the parking bays to ensure accessibility to reticulated water for fire suppression.
- Public roads directly interfacing the bush fire hazard vegetation must provide roll top kerbing to the hazard side of the road.
- Cul-de-sacs shall incorporate a 12-metre outer radius turning circle and must be clearly signposted as a "no through road".

Property Access Roadways

Intent of Measures – to provide safe access to/from the public road system for firefighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following shall apply:

7. Property access roads to existing properties within the development area shall always be accessible and maintained to comply with section 4.1.3 (2) of *Planning for Bush Fire Protection 2006*, until such time that the sites become accessible by the proposed public roads.

Fire Trails

Intent of measures - To provide suitable access for fire management purposes and maintenance of APZs. To achieve this, the following shall apply:

8. Before the release of any residential lots within relevant sub-stages for the Proposed Development, fire trails shall be provided as shown on the plans provided by Bushfire Planning Australia (Titled: *Subdivision BAL Plan: Northern Estates Newcastle, Job Number 1825 – NCC, Ref: Newcastle_Fig_13_BALS_OVERALL_230308 v9, Dated 16 March 2023, Sheets 1-4 Revision F*) and in accordance with section 4.1.3 (3) of *Planning for Bush Fire Protection 2006*:

- If boundary fences are installed, fences shall be constructed on the residential side of the proposed fire trail;
- Suitable arrangements shall be put in place to ensure the ongoing management and availability of fire trails for fire management purposes.

Water, Electricity and Gas Services

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

9. The provision of water, electricity and gas services are to comply with section 4.1.3 of *Planning for Bush Fire Protection 2006*.

- Fire hydrant spacing, sizing and pressures shall comply with Australian Standard AS 2419.1– 2005 Fire Hydrant Installations.
- Fire hydrants shall not be located within any road carriageway.

Landscaping

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

10. Future landscaping to the site, including within the proposed Bio Retention Basins, Wet Basins and Embankment/Batter Planting, shall be provided as per the landscape plans prepared by Moir Landscape Architecture listed below:

- Minmi Estate Subdivision Stages 3, 4 and 5 Landscape Development Application Documentation, Moir Landscape Architecture, Revision I, 15 March 2023, Project No. 1670, DWG No. LP01-LP13.

This letter is in response to an assessment of the application based on the submitted further information and supersedes our previous general terms of approval dated 1 September 2022.

For any queries regarding this correspondence, please contact Joshua Calandra on 1300 NSW RFS.

Yours sincerely,

Adam Small

**Supervisor Development Assessment & Plan
Built & Natural Environment**

SCHEDULE 5

Requirements of Subsidence Advisory NSW

Newcastle City Council
Attn: Steven Masia
Via NSW Planning Portal

Proposal: 5 INTO 918 LOT SUBDIVISION
Address: 144 & 177 WOODFORD STREET MINMI
Lot/DP: 100/-/1252590, 5/-/1230960, 1/-/1156243, 4/-/1253716 AND 48/-/115128
DA: RE2023/00003

Dear Steven Masia,

General Terms of Approval

I refer to the integrated development application detailed above, referred on 8 May 2023.

The application has been assessed and approval is granted under these General Terms of Approval (GTAs) for the proposed development, subject to the conditions detailed under Schedule 1. The plans stamped with conditional approval are attached (Tab A).

These GTAs are issued in accordance with Section 4.47 of the *Environmental Planning & Assessment Act 1979* for the subdivision of land.

These GTAs only apply to the development described in the plans and associated documentation relating to RE2023/00003 on the referred date.

If the proposed development is amended or the development consent modified, Subsidence Advisory NSW must be notified in order to determine whether any variations to these GTAs are required.

To satisfy the conditions of approval please submit documentation confirming the conditions under Schedule 1 have been met via email to subsidedevelopment@customerservice.nsw.gov.au, quoting reference number TSUB23-00160.

Should you have any questions regarding the attached general terms of approval, please contact me on (02) 4908 4300 or at subsidedevelopment@customerservice.nsw.gov.au.

Kind Regards



Melanie Fityus
Senior Risk Engineer

SCHEDULE I

CONDITIONS OF APPROVAL

Application No:	TSUB23-00160
DA:	RE2023/00003
Applicant:	WINTEN (NO 21) PTY LTD
Site Address:	144 & 177 WOODFORD STREET MINMI
Lot and DP:	100/-/1252590, 5/-/1230960, 1/-/1156243, 4/-/1253716 AND 48/-/115128
Proposal:	5 INTO 918 LOT SUBDIVISION
Mine Subsidence District:	NEWCASTLE
Date:	25 MAY 2023

Schedule 1 - s22 - Stage 1

GENERAL	
Plans, Standards and Guidelines	
1.	<p>The development being undertaken strictly in accordance with the details set out on the application form, any information submitted with the application and the plans submitted, as amended or as modified by the conditions of this approval.</p> <p>Note: Any proposal to modify the terms or conditions of this approval, whilst still maintaining substantially the same development to that approved, will require the submission of formal advice for consideration by Subsidence Advisory NSW. If amendments to the design result in the development not remaining substantially the same as that approved by this approval, a new application must be submitted to Subsidence Advisory NSW.</p>
2.	<p>This approval expires 5 years after the date the approval was granted if subdivision works have not physically commenced.</p>
3.	<p>Subsidence Advisory NSW must be notified of any changes to lot numbering and the registered DP number.</p>
4.	<p>ALL AREAS OF STAGE 1 (EXCEPT HIGH-RISK POTHOLE ZONE)</p> <p>The proposed structure(s) associated with subdivision preliminary works shall be designed to be <i>“safe, serviceable and readily repairable”</i> using the subsidence parameters outlined in DgS Report No. DPS-002/2, Douglas Partners Report 39663.19.R.002.Rev1 and Drawing – 239736(3)-ESK-079 (Stage 1).</p> <p>Any ancillary structures or services identified in the subdivision plan shall be designed with flexible joints and remain safe, serviceable and repairable using mine subsidence design parameters provided in the reports and drawing above.</p> <p>Subdivision roadworks identified in the subdivision plan shall be designed as a flexible pavement with a bitumen or asphalt treated surface over one or more unbound base courses in accordance with the relevant Australian Standards and Codes of Practice.</p>

5.	<p>For the areas identified as exhibiting a high pothole risk in Douglas Partners Report 39663.19.R.002.Rev1 and Drawing – 239736(3)-ESK-079 (Stage 1), submit a proposal to remove the risk of mine subsidence by a suitable means, such as grouting.</p> <p>Submit for acceptance by Subsidence Advisory NSW prior to commencing work a:</p> <ol style="list-style-type: none"> <i>Grout Design</i>, including grout locations (dimensioned in plan), and design parameters for any residual mine subsidence. <i>Grout Implementation Plan</i>; including a site plan (showing property boundaries), grout locations (dimensioned in plan), proposed bore locations, and grout designer's endorsement. <i>Grout Verification Plan</i>; showing the location of verification holes and the grout designer's endorsement.
6.	On completion of grouting, submit a <i>Grout Verification Output Report</i> endorsed by the grout designer and site verification engineer for compliance with the accepted Grouting Plan.
7.	Submit final plans which include certification by a qualified engineer to the effect that the subdivision preliminary works will remain "safe, serviceable and readily repairable" taking into consideration the mine subsidence parameters outlined in Condition 4 above and residual subsidence parameters identified in Condition 5 (after grouting).
8.	Provide a plan to eliminate the risk of uncontrolled fill in relation to the former open cut operations area.
9.	Provide confirmation from a geotechnical engineer that the risk posed by uncontrolled fill has been eliminated in accordance with the accepted plan.
10.	<p>No buildings, structures or other improvements are to be built over or adjacent to drifts, shafts or other mine entries unless Subsidence Advisory NSW accepts the risk of mine subsidence has been eliminated.</p> <p>Where drifts, shafts or other mine entries exist:</p> <ol style="list-style-type: none"> Submit a remediation plan for acceptance by Subsidence Advisory NSW to remove the risk. On completion of remedial works, provide confirmation endorsed by the remediation plan designer and the site verification engineer that any drift, shaft or other mine entry has been remediated in accordance with the accepted remediation plan provided.
11.	<p>Approval under section 22 of the Coal Mine Subsidence Compensation Act 2017 is also required for the erection of all improvements on the land.</p> <p>As a guide, improvements shall comply with Subsidence Advisory NSW nominated Surface Development Guidelines, or otherwise assessed on merit.</p>

Schedule 1 - s22 - Stage 2

GENERAL	
Plans, Standards and Guidelines	
1.	<p>The development being undertaken strictly in accordance with the details set out on the application form, any information submitted with the application and the plans submitted, as amended or as modified by the conditions of this approval.</p> <p>Note: Any proposal to modify the terms or conditions of this approval, whilst still maintaining substantially the same development to that approved, will require the submission of formal advice for consideration by Subsidence Advisory NSW. If amendments to the design result in the development not remaining substantially the same as that approved by this approval, a new application must be submitted to Subsidence Advisory NSW.</p>
2.	This approval expires 5 years after the date the approval was granted if subdivision works have not physically commenced.
3.	Subsidence Advisory NSW must be notified of any changes to lot numbering and the registered DP number.
4.	<p>ALL AREAS OF STAGE 2 (EXCEPT HIGH-RISK POTHOLE ZONE)</p> <p>The proposed structure(s) associated with subdivision preliminary works shall be designed to be “safe, serviceable and readily repairable” using the subsidence parameters outlined in DgS Report No. DPS-002/2, Douglas Partners Report 39663.19.R.002.Rev1 and Drawing – 239736(3)-ESK-079 (Stage 2).</p> <p>Any ancillary structures or services identified in the subdivision plan shall be designed with flexible joints and remain safe, serviceable and repairable using mine subsidence design parameters provided in the reports and drawing above.</p> <p>Subdivision roadworks identified in the subdivision plan shall be designed as a flexible pavement with a bitumen or asphalt treated surface over one or more unbound base courses in accordance with the relevant Australian Standards and Codes of Practice.</p>
5.	<p>For the areas identified as exhibiting a high pothole risk in Douglas Partners Report 39663.19.R.002.Rev1 and Drawing – 239736(3)-ESK-079 (Stage 2), submit a proposal to remove the risk of mine subsidence by a suitable means, such as grouting.</p> <p>Submit for acceptance by Subsidence Advisory NSW prior to commencing work a:</p> <ol style="list-style-type: none"> <i>Grout Design</i>, including grout locations (dimensioned in plan), and design parameters for any residual mine subsidence. <i>Grout Implementation Plan</i>; including a site plan (showing property boundaries), grout locations (dimensioned in plan), proposed bore locations, and grout designer’s endorsement. <i>Grout Verification Plan</i>; showing the location of verification holes and the grout designer’s endorsement.
6.	On completion of grouting, submit a <i>Grout Verification Output Report</i> endorsed by the grout designer and site verification engineer for compliance with the accepted Grouting Plan.

7.	Submit final plans which include certification by a qualified engineer to the effect that the subdivision preliminary works will remain “ <i>safe, serviceable and readily repairable</i> ” taking into consideration the mine subsidence parameters outlined in Condition 4 above and residual subsidence parameters identified in Condition 5 (after grouting).
8.	<p>No buildings, structures or other improvements are to be built over or adjacent to drifts, shafts or other mine entries unless Subsidence Advisory NSW accepts the risk of mine subsidence has been eliminated.</p> <p>Where drifts, shafts or other mine entries exist:</p> <ol style="list-style-type: none"> Submit a remediation plan for acceptance by Subsidence Advisory NSW to remove the risk. On completion of remedial works, provide confirmation endorsed by the remediation plan designer and the site verification engineer that any drift, shaft or other mine entry has been remediated in accordance with the accepted remediation plan provided.
9.	<p>Approval under section 22 of the <i>Coal Mine Subsidence Compensation Act 2017</i> is also required for the erection of all improvements on the land.</p> <p>As a guide, improvements shall comply with Subsidence Advisory NSW nominated Surface Development Guidelines, or otherwise assessed on merit.</p>

Schedule 1 - s22 - Stage 3

GENERAL	
Plans, Standards and Guidelines	
1.	<p>The development being undertaken strictly in accordance with the details set out on the application form, any information submitted with the application and the plans submitted, as amended or as modified by the conditions of this approval.</p> <p>Note: Any proposal to modify the terms or conditions of this approval, whilst still maintaining substantially the same development to that approved, will require the submission of formal advice for consideration by Subsidence Advisory NSW. If amendments to the design result in the development not remaining substantially the same as that approved by this approval, a new application must be submitted to Subsidence Advisory NSW.</p>
2.	This approval expires 5 years after the date the approval was granted if subdivision works have not physically commenced.
3.	Subsidence Advisory NSW must be notified of any changes to lot numbering and the registered DP number.
4.	<p>ALL AREAS OF STAGE 3 (EXCEPT HIGH-RISK POTHOLE ZONE)</p> <p>The proposed structure(s) associated with subdivision preliminary works shall be designed to be “safe, serviceable and readily repairable” using the subsidence parameters outlined in DgS Report No. DPS-002/2, Douglas Partners Report 39663.19.R.002.Rev1 and Drawing – 239736(3)-ESK-079 (Stage 3).</p> <p>Any ancillary structures or services identified in the subdivision plan shall be designed with flexible joints and remain safe, serviceable and repairable using mine subsidence design parameters provided in the reports and drawing above.</p> <p>Subdivision roadworks identified in the subdivision plan shall be designed as a flexible pavement with a bitumen or asphalt treated surface over one or more unbound base courses in accordance with the relevant Australian Standards and Codes of Practice.</p>
5.	<p>For the areas identified as exhibiting a high pothole risk in Douglas Partners Report 39663.19.R.002.Rev1 and Drawing – 239736(3)-ESK-079 (Stage 3), submit a proposal to remove the risk of mine subsidence by a suitable means, such as grouting.</p> <p>Submit for acceptance by Subsidence Advisory NSW prior to commencing work a:</p> <ol style="list-style-type: none"> <i>Grout Design</i>, including grout locations (dimensioned in plan), and design parameters for any residual mine subsidence. <i>Grout Implementation Plan</i>; including a site plan (showing property boundaries), grout locations (dimensioned in plan), proposed bore locations, and grout designer’s endorsement. <i>Grout Verification Plan</i>; showing the location of verification holes and the grout designer’s endorsement.
6.	On completion of grouting, submit a <i>Grout Verification Output Report</i> endorsed by the grout designer and site verification engineer for compliance with the accepted Grouting Plan.

7.	Submit final plans which include certification by a qualified engineer to the effect that the subdivision preliminary works will remain “ <i>safe, serviceable and readily repairable</i> ” taking into consideration the mine subsidence parameters outlined in Condition 4 above and residual subsidence parameters identified in Condition 5 (after grouting).
8.	<p>No buildings, structures or other improvements are to be built over or adjacent to drifts, shafts or other mine entries unless Subsidence Advisory NSW accepts the risk of mine subsidence has been eliminated.</p> <p>Where drifts, shafts or other mine entries exist:</p> <ol style="list-style-type: none"> Submit a remediation plan for acceptance by Subsidence Advisory NSW to remove the risk. On completion of remedial works, provide confirmation endorsed by the remediation plan designer and the site verification engineer that any drift, shaft or other mine entry has been remediated in accordance with the accepted remediation plan provided.
9.	<p>Approval under section 22 of the <i>Coal Mine Subsidence Compensation Act 2017</i> is also required for the erection of all improvements on the land.</p> <p>As a guide, improvements shall comply with Subsidence Advisory NSW nominated Surface Development Guidelines, or otherwise assessed on merit.</p>

Schedule 1 - s22 - Stage 4

GENERAL	
Plans, Standards and Guidelines	
1.	<p>The development being undertaken strictly in accordance with the details set out on the application form, any information submitted with the application and the plans submitted, as amended or as modified by the conditions of this approval.</p> <p>Note: Any proposal to modify the terms or conditions of this approval, whilst still maintaining substantially the same development to that approved, will require the submission of formal advice for consideration by Subsidence Advisory NSW. If amendments to the design result in the development not remaining substantially the same as that approved by this approval, a new application must be submitted to Subsidence Advisory NSW.</p>
2.	<p>This approval expires 5 years after the date the approval was granted if subdivision works have not physically commenced.</p>
3.	<p>Subsidence Advisory NSW must be notified of any changes to lot numbering and the registered DP number.</p>
4.	<p>ALL AREAS OF STAGE 4</p> <p>The proposed structure(s) associated with subdivision preliminary works shall be designed to be “<i>safe, serviceable and readily repairable</i>” using the subsidence parameters outlined in DgS Report No. DPS-002/2, Douglas Partners Report 39663.19.R.002.Rev1 and Drawing – 239736(3)-ESK-079 (Stage 4).</p> <p>Any ancillary structures or services identified in the subdivision plan shall be designed with flexible joints and remain safe, serviceable and repairable using mine subsidence design parameters provided in the reports and drawing above.</p> <p>Subdivision roadworks identified in the subdivision plan shall be designed as a flexible pavement with a bitumen or asphalt treated surface over one or more unbound base courses in accordance with the relevant Australian Standards and Codes of Practice.</p>
5.	<p>Submit final plans which include certification by a qualified engineer to the effect that the subdivision preliminary works will remain “<i>safe, serviceable and readily repairable</i>” taking into consideration the mine subsidence parameters outlined in Condition 4 above.</p>
6.	<p>No buildings, structures or other improvements are to be built over or adjacent to drifts, shafts or other mine entries unless Subsidence Advisory NSW accepts the risk of mine subsidence has been eliminated.</p> <p>Where drifts, shafts or other mine entries exist:</p> <ol style="list-style-type: none"> Submit a remediation plan for acceptance by Subsidence Advisory NSW to remove the risk. On completion of remedial works, provide confirmation endorsed by the remediation plan designer and the site verification engineer that any drift, shaft or other mine entry has been remediated in accordance with the accepted remediation plan provided.

7.	<p>Approval under section 22 of the <i>Coal Mine Subsidence Compensation Act 2017</i> is also required for the erection of all improvements on the land.</p> <p>As a guide, improvements shall comply with Subsidence Advisory NSW nominated Surface Development Guidelines, or otherwise assessed on merit.</p>
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Schedule 1 - s22 - Stage 5

GENERAL	
Plans, Standards and Guidelines	
1.	<p>The development being undertaken strictly in accordance with the details set out on the application form, any information submitted with the application and the plans submitted, as amended or as modified by the conditions of this approval.</p> <p>Note: Any proposal to modify the terms or conditions of this approval, whilst still maintaining substantially the same development to that approved, will require the submission of formal advice for consideration by Subsidence Advisory NSW. If amendments to the design result in the development not remaining substantially the same as that approved by this approval, a new application must be submitted to Subsidence Advisory NSW.</p>
2.	<p>This approval expires 5 years after the date the approval was granted if subdivision works have not physically commenced.</p>
3.	<p>Subsidence Advisory NSW must be notified of any changes to lot numbering and the registered DP number.</p>
4.	<p>ALL AREAS OF STAGE 5</p> <p>The proposed structure(s) associated with subdivision preliminary works shall be designed to be “<i>safe, serviceable and readily repairable</i>” using the subsidence parameters outlined in DgS Report No. DPS-002/2, Douglas Partners Report 39663.19.R.002.Rev1 and Drawing – 239736(3)-ESK-079 (Stage 5).</p> <p>Any ancillary structures or services identified in the subdivision plan shall be designed with flexible joints and remain safe, serviceable and repairable using mine subsidence design parameters provided in the reports and drawing above.</p> <p>Subdivision roadworks identified in the subdivision plan shall be designed as a flexible pavement with a bitumen or asphalt treated surface over one or more unbound base courses in accordance with the relevant Australian Standards and Codes of Practice.</p>
5.	<p>Submit final plans which include certification by a qualified engineer to the effect that the subdivision preliminary works will remain “<i>safe, serviceable and readily repairable</i>” taking into consideration the mine subsidence parameters outlined in Condition 4 above.</p>
6.	<p>No buildings, structures or other improvements are to be built over or adjacent to drifts, shafts or other mine entries unless Subsidence Advisory NSW accepts the risk of mine subsidence has been eliminated.</p> <p>Where drifts, shafts or other mine entries exist:</p> <ol style="list-style-type: none"> Submit a remediation plan for acceptance by Subsidence Advisory NSW to remove the risk. On completion of remedial works, provide confirmation endorsed by the remediation plan designer and the site verification engineer that any drift, shaft or other mine entry has been remediated in accordance with the accepted remediation plan provided.

7.	<p>Approval under section 22 of the <i>Coal Mine Subsidence Compensation Act 2017</i> is also required for the erection of all improvements on the land.</p> <p>As a guide, improvements shall comply with Subsidence Advisory NSW nominated Surface Development Guidelines, or otherwise assessed on merit.</p>
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Schedule 1 - s22 - Stage 6

GENERAL	
Plans, Standards and Guidelines	
1.	<p>The development being undertaken strictly in accordance with the details set out on the application form, any information submitted with the application and the plans submitted, as amended or as modified by the conditions of this approval.</p> <p>Note: Any proposal to modify the terms or conditions of this approval, whilst still maintaining substantially the same development to that approved, will require the submission of formal advice for consideration by Subsidence Advisory NSW. If amendments to the design result in the development not remaining substantially the same as that approved by this approval, a new application must be submitted to Subsidence Advisory NSW.</p>
2.	This approval expires 5 years after the date the approval was granted if subdivision works have not physically commenced.
3.	Subsidence Advisory NSW must be notified of any changes to lot numbering and the registered DP number.
4.	<p>ALL AREAS OF STAGE 6 (EXCEPT HIGH-RISK POTHOLE ZONE)</p> <p>The proposed structure(s) associated with subdivision preliminary works shall be designed to be “safe, serviceable and readily repairable” using the subsidence parameters outlined in DgS Report No. DPS-002/2, Douglas Partners Report 39663.19.R.002.Rev1 and Drawing – 239736(3)-ESK-079 (Stage 6).</p> <p>Any ancillary structures or services identified in the subdivision plan shall be designed with flexible joints and remain safe, serviceable and repairable using mine subsidence design parameters provided in the reports and drawing above.</p> <p>Subdivision roadworks identified in the subdivision plan shall be designed as a flexible pavement with a bitumen or asphalt treated surface over one or more unbound base courses in accordance with the relevant Australian Standards and Codes of Practice.</p>
5.	<p>For the areas identified as exhibiting a high pothole risk in Douglas Partners Report 39663.19.R.002.Rev1 and Drawing – 239736(3)-ESK-079 (Stage 6), submit a proposal to remove the risk of mine subsidence by a suitable means, such as grouting.</p> <p>Submit for acceptance by Subsidence Advisory NSW prior to commencing work a:</p> <ol style="list-style-type: none"> <i>Grout Design</i>, including grout locations (dimensioned in plan), and design parameters for any residual mine subsidence. <i>Grout Implementation Plan</i>; including a site plan (showing property boundaries), grout locations (dimensioned in plan), proposed bore locations, and grout designer’s endorsement. <i>Grout Verification Plan</i>; showing the location of verification holes and the grout designer’s endorsement.
6.	On completion of grouting, submit a <i>Grout Verification Output Report</i> endorsed by the grout designer and site verification engineer for compliance with the accepted Grouting Plan.

7.	Submit final plans which include certification by a qualified engineer to the effect that the subdivision preliminary works will remain “ <i>safe, serviceable and readily repairable</i> ” taking into consideration the mine subsidence parameters outlined in Condition 4 above and residual subsidence parameters identified in Condition 5 (after grouting).
8.	<p>No buildings, structures or other improvements are to be built over or adjacent to drifts, shafts or other mine entries unless Subsidence Advisory NSW accepts the risk of mine subsidence has been eliminated.</p> <p>Where drifts, shafts or other mine entries exist:</p> <ol style="list-style-type: none"> Submit a remediation plan for acceptance by Subsidence Advisory NSW to remove the risk. On completion of remedial works, provide confirmation endorsed by the remediation plan designer and the site verification engineer that any drift, shaft or other mine entry has been remediated in accordance with the accepted remediation plan provided.
9.	<p>Approval under section 22 of the <i>Coal Mine Subsidence Compensation Act 2017</i> is also required for the erection of all improvements on the land.</p> <p>As a guide, improvements shall comply with Subsidence Advisory NSW nominated Surface Development Guidelines, or otherwise assessed on merit.</p>

Schedule 1 - s22 - Stage 13

GENERAL	
Plans, Standards and Guidelines	
1.	<p>The development being undertaken strictly in accordance with the details set out on the application form, any information submitted with the application and the plans submitted, as amended or as modified by the conditions of this approval.</p> <p>Note: Any proposal to modify the terms or conditions of this approval, whilst still maintaining substantially the same development to that approved, will require the submission of formal advice for consideration by Subsidence Advisory NSW. If amendments to the design result in the development not remaining substantially the same as that approved by this approval, a new application must be submitted to Subsidence Advisory NSW.</p>
2.	This approval expires 5 years after the date the approval was granted if subdivision works have not physically commenced.
3.	Subsidence Advisory NSW must be notified of any changes to lot numbering and the registered DP number.
4.	<p>ALL AREAS OF STAGE 13 (EXCEPT HIGH-RISK POTHOLE ZONE)</p> <p>The proposed structure(s) associated with subdivision preliminary works shall be designed to be “safe, serviceable and readily repairable” using the subsidence parameters outlined in DgS Report No. DPS-002/2, Douglas Partners Report 39663.19.R.002.Rev1 and Drawing – 239736(3)-ESK-079 (Stage 13).</p> <p>Any ancillary structures or services identified in the subdivision plan shall be designed with flexible joints and remain safe, serviceable and repairable using mine subsidence design parameters provided in the reports and drawing above.</p> <p>Subdivision roadworks identified in the subdivision plan shall be designed as a flexible pavement with a bitumen or asphalt treated surface over one or more unbound base courses in accordance with the relevant Australian Standards and Codes of Practice.</p>
5.	<p>For the areas identified as exhibiting a high pothole risk in Douglas Partners Report 39663.19.R.002.Rev1 and Drawing – 239736(3)-ESK-079 (Stage 13), submit a proposal to remove the risk of mine subsidence by a suitable means, such as grouting.</p> <p>Submit for acceptance by Subsidence Advisory NSW prior to commencing work a:</p> <ol style="list-style-type: none"> <i>Grout Design</i>, including grout locations (dimensioned in plan), and design parameters for any residual mine subsidence. <i>Grout Implementation Plan</i>; including a site plan (showing property boundaries), grout locations (dimensioned in plan), proposed bore locations, and grout designer’s endorsement. <i>Grout Verification Plan</i>; showing the location of verification holes and the grout designer’s endorsement.
6.	On completion of grouting, submit a <i>Grout Verification Output Report</i> endorsed by the grout designer and site verification engineer for compliance with the accepted Grouting Plan.

7.	Submit final plans which include certification by a qualified engineer to the effect that the subdivision preliminary works will remain “ <i>safe, serviceable and readily repairable</i> ” taking into consideration the mine subsidence parameters outlined in Condition 4 above and residual subsidence parameters identified in Condition 5 (after grouting).
8.	<p>No buildings, structures or other improvements are to be built over or adjacent to drifts, shafts or other mine entries unless Subsidence Advisory NSW accepts the risk of mine subsidence has been eliminated.</p> <p>Where drifts, shafts or other mine entries exist:</p> <ol style="list-style-type: none"> Submit a remediation plan for acceptance by Subsidence Advisory NSW to remove the risk. On completion of remedial works, provide confirmation endorsed by the remediation plan designer and the site verification engineer that any drift, shaft or other mine entry has been remediated in accordance with the accepted remediation plan provided.
9.	<p>Approval under section 22 of the <i>Coal Mine Subsidence Compensation Act 2017</i> is also required for the erection of all improvements on the land.</p> <p>As a guide, improvements shall comply with Subsidence Advisory NSW nominated Surface Development Guidelines, or otherwise assessed on merit.</p>

Schedule 1 - s22 - Stage 14

GENERAL	
Plans, Standards and Guidelines	
1.	<p>The development being undertaken strictly in accordance with the details set out on the application form, any information submitted with the application and the plans submitted, as amended or as modified by the conditions of this approval.</p> <p>Note: Any proposal to modify the terms or conditions of this approval, whilst still maintaining substantially the same development to that approved, will require the submission of formal advice for consideration by Subsidence Advisory NSW. If amendments to the design result in the development not remaining substantially the same as that approved by this approval, a new application must be submitted to Subsidence Advisory NSW.</p>
2.	This approval expires 5 years after the date the approval was granted if subdivision works have not physically commenced.
3.	Subsidence Advisory NSW must be notified of any changes to lot numbering and the registered DP number.
4.	<p>ALL AREAS OF STAGE 14 (EXCEPT HIGH-RISK POTHOLE ZONE)</p> <p>The proposed structure(s) associated with subdivision preliminary works shall be designed to be “safe, serviceable and readily repairable” using the subsidence parameters outlined in DgS Report No. DPS-002/2, Douglas Partners Report 39663.19.R.002.Rev1 and Drawing – 239736(3)-ESK-079 (Stage 14).</p> <p>Any ancillary structures or services identified in the subdivision plan shall be designed with flexible joints and remain safe, serviceable and repairable using mine subsidence design parameters provided in the reports and drawing above.</p> <p>Subdivision roadworks identified in the subdivision plan shall be designed as a flexible pavement with a bitumen or asphalt treated surface over one or more unbound base courses in accordance with the relevant Australian Standards and Codes of Practice.</p>
5.	<p>For the areas identified as exhibiting a high pothole risk in Douglas Partners Report 39663.19.R.002.Rev1 and Drawing – 239736(3)-ESK-079 (Stage 14), submit a proposal to remove the risk of mine subsidence by a suitable means, such as grouting.</p> <p>Submit for acceptance by Subsidence Advisory NSW prior to commencing work a:</p> <ol style="list-style-type: none"> <i>Grout Design</i>, including grout locations (dimensioned in plan), and design parameters for any residual mine subsidence. <i>Grout Implementation Plan</i>; including a site plan (showing property boundaries), grout locations (dimensioned in plan), proposed bore locations, and grout designer’s endorsement. <i>Grout Verification Plan</i>; showing the location of verification holes and the grout designer’s endorsement.
6.	On completion of grouting, submit a <i>Grout Verification Output Report</i> endorsed by the grout designer and site verification engineer for compliance with the accepted Grouting Plan.

7.	Submit final plans which include certification by a qualified engineer to the effect that the subdivision preliminary works will remain “ <i>safe, serviceable and readily repairable</i> ” taking into consideration the mine subsidence parameters outlined in Condition 4 above and residual subsidence parameters identified in Condition 5 (after grouting).
8.	<p>No buildings, structures or other improvements are to be built over or adjacent to drifts, shafts or other mine entries unless Subsidence Advisory NSW accepts the risk of mine subsidence has been eliminated.</p> <p>Where drifts, shafts or other mine entries exist:</p> <ol style="list-style-type: none"> Submit a remediation plan for acceptance by Subsidence Advisory NSW to remove the risk. On completion of remedial works, provide confirmation endorsed by the remediation plan designer and the site verification engineer that any drift, shaft or other mine entry has been remediated in accordance with the accepted remediation plan provided.
9.	<p>Approval under section 22 of the <i>Coal Mine Subsidence Compensation Act 2017</i> is also required for the erection of all improvements on the land.</p> <p>As a guide, improvements shall comply with Subsidence Advisory NSW nominated Surface Development Guidelines, or otherwise assessed on merit.</p>

Schedule 1 - s22 - Stage 15

GENERAL	
Plans, Standards and Guidelines	
1.	<p>The development being undertaken strictly in accordance with the details set out on the application form, any information submitted with the application and the plans submitted, as amended or as modified by the conditions of this approval.</p> <p>Note: Any proposal to modify the terms or conditions of this approval, whilst still maintaining substantially the same development to that approved, will require the submission of formal advice for consideration by Subsidence Advisory NSW. If amendments to the design result in the development not remaining substantially the same as that approved by this approval, a new application must be submitted to Subsidence Advisory NSW.</p>
2.	<p>This approval expires 5 years after the date the approval was granted if subdivision works have not physically commenced.</p>
3.	<p>Subsidence Advisory NSW must be notified of any changes to lot numbering and the registered DP number.</p>
4.	<p>ALL AREAS OF STAGE 15 (EXCEPT HIGH-RISK POTHOLE ZONE)</p> <p>The proposed structure(s) associated with subdivision preliminary works shall be designed to be “safe, serviceable and readily repairable” using the subsidence parameters outlined in DgS Report No. DPS-002/2, Douglas Partners Report 39663.19.R.002.Rev1 and Drawing – 239736(3)-ESK-079 (Stage 15).</p> <p>Any ancillary structures or services identified in the subdivision plan shall be designed with flexible joints and remain safe, serviceable and repairable using mine subsidence design parameters provided in the reports and drawing above.</p> <p>Subdivision roadworks identified in the subdivision plan shall be designed as a flexible pavement with a bitumen or asphalt treated surface over one or more unbound base courses in accordance with the relevant Australian Standards and Codes of Practice.</p>
5.	<p>For the areas identified as exhibiting a high pothole risk in Douglas Partners Report 39663.19.R.002.Rev1 and Drawing – 239736(3)-ESK-079 (Stage 15), submit a proposal to remove the risk of mine subsidence by a suitable means, such as grouting.</p> <p>Submit for acceptance by Subsidence Advisory NSW prior to commencing work a:</p> <ol style="list-style-type: none"> <i>Grout Design</i>, including grout locations (dimensioned in plan), and design parameters for any residual mine subsidence. <i>Grout Implementation Plan</i>; including a site plan (showing property boundaries), grout locations (dimensioned in plan), proposed bore locations, and grout designer’s endorsement. <i>Grout Verification Plan</i>; showing the location of verification holes and the grout designer’s endorsement.
6.	<p>On completion of grouting, submit a <i>Grout Verification Output Report</i> endorsed by the grout designer and site verification engineer for compliance with the accepted Grouting Plan.</p>

7.	Submit final plans which include certification by a qualified engineer to the effect that the subdivision preliminary works will remain “ <i>safe, serviceable and readily repairable</i> ” taking into consideration the mine subsidence parameters outlined in Condition 4 above and residual subsidence parameters identified in Condition 5 (after grouting).
8.	Provide a plan to eliminate the risk of uncontrolled fill in relation to the former open cut operations area.
9.	Provide confirmation from a geotechnical engineer that the risk posed by uncontrolled fill has been eliminated in accordance with the accepted plan.
10.	<p>No buildings, structures or other improvements are to be built over or adjacent to drifts, shafts or other mine entries unless Subsidence Advisory NSW accepts the risk of mine subsidence has been eliminated.</p> <p>Where drifts, shafts or other mine entries exist:</p> <ol style="list-style-type: none"> Submit a remediation plan for acceptance by Subsidence Advisory NSW to remove the risk. On completion of remedial works, provide confirmation endorsed by the remediation plan designer and the site verification engineer that any drift, shaft or other mine entry has been remediated in accordance with the accepted remediation plan provided.
11.	<p>Approval under section 22 of the <i>Coal Mine Subsidence Compensation Act 2017</i> is also required for the erection of all improvements on the land.</p> <p>As a guide, improvements shall comply with Subsidence Advisory NSW nominated Surface Development Guidelines, or otherwise assessed on merit.</p>

Schedule 1 - s22 - Stage 16

GENERAL	
Plans, Standards and Guidelines	
1.	<p>The development being undertaken strictly in accordance with the details set out on the application form, any information submitted with the application and the plans submitted, as amended or as modified by the conditions of this approval.</p> <p>Note: Any proposal to modify the terms or conditions of this approval, whilst still maintaining substantially the same development to that approved, will require the submission of formal advice for consideration by Subsidence Advisory NSW. If amendments to the design result in the development not remaining substantially the same as that approved by this approval, a new application must be submitted to Subsidence Advisory NSW.</p>
2.	<p>This approval expires 5 years after the date the approval was granted if subdivision works have not physically commenced.</p>
3.	<p>Subsidence Advisory NSW must be notified of any changes to lot numbering and the registered DP number.</p>
4.	<p>ALL AREAS OF STAGE 16 (EXCEPT HIGH-RISK POTHOLE ZONE)</p> <p>The proposed structure(s) associated with subdivision preliminary works shall be designed to be “safe, serviceable and readily repairable” using the subsidence parameters outlined in DgS Report No. DPS-002/2, Douglas Partners Report 39663.19.R.002.Rev1 and Drawing – 239736(3)-ESK-079 (Stage 16).</p> <p>Any ancillary structures or services identified in the subdivision plan shall be designed with flexible joints and remain safe, serviceable and repairable using mine subsidence design parameters provided in the reports and drawing above.</p> <p>Subdivision roadworks identified in the subdivision plan shall be designed as a flexible pavement with a bitumen or asphalt treated surface over one or more unbound base courses in accordance with the relevant Australian Standards and Codes of Practice.</p>
5.	<p>For the areas identified as exhibiting a high pothole risk in Douglas Partners Report 39663.19.R.002.Rev1 and Drawing – 239736(3)-ESK-079 (Stage 16), submit a proposal to remove the risk of mine subsidence by a suitable means, such as grouting.</p> <p>Submit for acceptance by Subsidence Advisory NSW prior to commencing work a:</p> <ol style="list-style-type: none"> <i>Grout Design</i>, including grout locations (dimensioned in plan), and design parameters for any residual mine subsidence. <i>Grout Implementation Plan</i>; including a site plan (showing property boundaries), grout locations (dimensioned in plan), proposed bore locations, and grout designer’s endorsement. <i>Grout Verification Plan</i>; showing the location of verification holes and the grout designer’s endorsement.
6.	<p>On completion of grouting, submit a <i>Grout Verification Output Report</i> endorsed by the grout designer and site verification engineer for compliance with the accepted Grouting Plan.</p>

7.	Submit final plans which include certification by a qualified engineer to the effect that the subdivision preliminary works will remain “ <i>safe, serviceable and readily repairable</i> ” taking into consideration the mine subsidence parameters outlined in Condition 4 above and residual subsidence parameters identified in Condition 5 (after grouting).
8.	Provide a plan to eliminate the risk of uncontrolled fill in relation to the former open cut operations area.
9.	Provide confirmation from a geotechnical engineer that the risk posed by uncontrolled fill has been eliminated in accordance with the accepted plan.
10.	<p>No buildings, structures or other improvements are to be built over or adjacent to drifts, shafts or other mine entries unless Subsidence Advisory NSW accepts the risk of mine subsidence has been eliminated.</p> <p>Where drifts, shafts or other mine entries exist:</p> <ol style="list-style-type: none"> Submit a remediation plan for acceptance by Subsidence Advisory NSW to remove the risk. On completion of remedial works, provide confirmation endorsed by the remediation plan designer and the site verification engineer that any drift, shaft or other mine entry has been remediated in accordance with the accepted remediation plan provided.
11.	<p>Approval under section 22 of the <i>Coal Mine Subsidence Compensation Act 2017</i> is also required for the erection of all improvements on the land.</p> <p>As a guide, improvements shall comply with Subsidence Advisory NSW nominated Surface Development Guidelines, or otherwise assessed on merit.</p>

Schedule 1 - s22 - Stage 32

GENERAL	
Plans, Standards and Guidelines	
1.	<p>The development being undertaken strictly in accordance with the details set out on the application form, any information submitted with the application and the plans submitted, as amended or as modified by the conditions of this approval.</p> <p>Note: Any proposal to modify the terms or conditions of this approval, whilst still maintaining substantially the same development to that approved, will require the submission of formal advice for consideration by Subsidence Advisory NSW. If amendments to the design result in the development not remaining substantially the same as that approved by this approval, a new application must be submitted to Subsidence Advisory NSW.</p>
2.	<p>This approval expires 5 years after the date the approval was granted if subdivision works have not physically commenced.</p>
3.	<p>Subsidence Advisory NSW must be notified of any changes to lot numbering and the registered DP number.</p>
4.	<p>ALL AREAS OF STAGE 32 (EXCEPT HIGH-RISK POTHOLE ZONE)</p> <p>The proposed structure(s) associated with subdivision preliminary works shall be designed to be “safe, serviceable and readily repairable” using the subsidence parameters outlined in DgS Report No. DPS-002/2, Douglas Partners Report 39663.19.R.002.Rev1 and Drawing – 239736(3)-ESK-079 (Stage 32).</p> <p>Any ancillary structures or services identified in the subdivision plan shall be designed with flexible joints and remain safe, serviceable and repairable using mine subsidence design parameters provided in the reports and drawing above.</p> <p>Subdivision roadworks identified in the subdivision plan shall be designed as a flexible pavement with a bitumen or asphalt treated surface over one or more unbound base courses in accordance with the relevant Australian Standards and Codes of Practice.</p>
5.	<p>For the areas identified as exhibiting a high pothole risk in Douglas Partners Report 39663.19.R.002.Rev1 and Drawing – 239736(3)-ESK-079 (Stage 32), submit a proposal to remove the risk of mine subsidence by a suitable means, such as grouting.</p> <p>Submit for acceptance by Subsidence Advisory NSW prior to commencing work a:</p> <ol style="list-style-type: none"> <i>Grout Design</i>, including grout locations (dimensioned in plan), and design parameters for any residual mine subsidence. <i>Grout Implementation Plan</i>; including a site plan (showing property boundaries), grout locations (dimensioned in plan), proposed bore locations, and grout designer’s endorsement. <i>Grout Verification Plan</i>; showing the location of verification holes and the grout designer’s endorsement.
6.	<p>On completion of grouting, submit a <i>Grout Verification Output Report</i> endorsed by the grout designer and site verification engineer for compliance with the accepted Grouting Plan.</p>

7.	Submit final plans which include certification by a qualified engineer to the effect that the subdivision preliminary works will remain “ <i>safe, serviceable and readily repairable</i> ” taking into consideration the mine subsidence parameters outlined in Condition 4 above and residual subsidence parameters identified in Condition 5 (after grouting).
8.	<p>No buildings, structures or other improvements are to be built over or adjacent to drifts, shafts or other mine entries unless Subsidence Advisory NSW accepts the risk of mine subsidence has been eliminated.</p> <p>Where drifts, shafts or other mine entries exist:</p> <ol style="list-style-type: none"> Submit a remediation plan for acceptance by Subsidence Advisory NSW to remove the risk. On completion of remedial works, provide confirmation endorsed by the remediation plan designer and the site verification engineer that any drift, shaft or other mine entry has been remediated in accordance with the accepted remediation plan provided.
9.	<p>Approval under section 22 of the <i>Coal Mine Subsidence Compensation Act 2017</i> is also required for the erection of all improvements on the land.</p> <p>As a guide, improvements shall comply with Subsidence Advisory NSW nominated Surface Development Guidelines, or otherwise assessed on merit.</p>

Schedule 1 - s22 - Stage 33

GENERAL	
Plans, Standards and Guidelines	
1.	<p>The development being undertaken strictly in accordance with the details set out on the application form, any information submitted with the application and the plans submitted, as amended or as modified by the conditions of this approval.</p> <p>Note: Any proposal to modify the terms or conditions of this approval, whilst still maintaining substantially the same development to that approved, will require the submission of formal advice for consideration by Subsidence Advisory NSW. If amendments to the design result in the development not remaining substantially the same as that approved by this approval, a new application must be submitted to Subsidence Advisory NSW.</p>
2.	<p>This approval expires 5 years after the date the approval was granted if subdivision works have not physically commenced.</p>
3.	<p>Subsidence Advisory NSW must be notified of any changes to lot numbering and the registered DP number.</p>
4.	<p>ALL AREAS OF STAGE 33 (EXCEPT HIGH-RISK POTHOLE ZONE)</p> <p>The proposed structure(s) associated with subdivision preliminary works shall be designed to be “safe, serviceable and readily repairable” using the subsidence parameters outlined in DgS Report No. DPS-002/2, Douglas Partners Report 39663.19.R.002.Rev1 and Drawing – 239736(3)-ESK-079 (Stage 33).</p> <p>Any ancillary structures or services identified in the subdivision plan shall be designed with flexible joints and remain safe, serviceable and repairable using mine subsidence design parameters provided in the reports and drawing above.</p> <p>Subdivision roadworks identified in the subdivision plan shall be designed as a flexible pavement with a bitumen or asphalt treated surface over one or more unbound base courses in accordance with the relevant Australian Standards and Codes of Practice.</p>
5.	<p>For the areas identified as exhibiting a high pothole risk in Douglas Partners Report 39663.19.R.002.Rev1 and Drawing – 239736(3)-ESK-079 (Stage 33), submit a proposal to remove the risk of mine subsidence by a suitable means, such as grouting.</p> <p>Submit for acceptance by Subsidence Advisory NSW prior to commencing work a:</p> <ol style="list-style-type: none"> <i>Grout Design</i>, including grout locations (dimensioned in plan), and design parameters for any residual mine subsidence. <i>Grout Implementation Plan</i>; including a site plan (showing property boundaries), grout locations (dimensioned in plan), proposed bore locations, and grout designer’s endorsement. <i>Grout Verification Plan</i>; showing the location of verification holes and the grout designer’s endorsement.
6.	<p>On completion of grouting, submit a <i>Grout Verification Output Report</i> endorsed by the grout designer and site verification engineer for compliance with the accepted Grouting Plan.</p>

7.	Submit final plans which include certification by a qualified engineer to the effect that the subdivision preliminary works will remain “ <i>safe, serviceable and readily repairable</i> ” taking into consideration the mine subsidence parameters outlined in Condition 4 above and residual subsidence parameters identified in Condition 5 (after grouting).
8.	<p>No buildings, structures or other improvements are to be built over or adjacent to drifts, shafts or other mine entries unless Subsidence Advisory NSW accepts the risk of mine subsidence has been eliminated.</p> <p>Where drifts, shafts or other mine entries exist:</p> <ol style="list-style-type: none"> Submit a remediation plan for acceptance by Subsidence Advisory NSW to remove the risk. On completion of remedial works, provide confirmation endorsed by the remediation plan designer and the site verification engineer that any drift, shaft or other mine entry has been remediated in accordance with the accepted remediation plan provided.
9.	<p>Approval under section 22 of the <i>Coal Mine Subsidence Compensation Act 2017</i> is also required for the erection of all improvements on the land.</p> <p>As a guide, improvements shall comply with Subsidence Advisory NSW nominated Surface Development Guidelines, or otherwise assessed on merit.</p>

Schedule 1 - s22 - Stage 34

GENERAL	
Plans, Standards and Guidelines	
1.	<p>The development being undertaken strictly in accordance with the details set out on the application form, any information submitted with the application and the plans submitted, as amended or as modified by the conditions of this approval.</p> <p>Note: Any proposal to modify the terms or conditions of this approval, whilst still maintaining substantially the same development to that approved, will require the submission of formal advice for consideration by Subsidence Advisory NSW. If amendments to the design result in the development not remaining substantially the same as that approved by this approval, a new application must be submitted to Subsidence Advisory NSW.</p>
2.	This approval expires 5 years after the date the approval was granted if subdivision works have not physically commenced.
3.	Subsidence Advisory NSW must be notified of any changes to lot numbering and the registered DP number.
4.	<p>ALL AREAS OF STAGE 34 (EXCEPT HIGH-RISK POTHOLE ZONE)</p> <p>The proposed structure(s) associated with subdivision preliminary works shall be designed to be “safe, serviceable and readily repairable” using the subsidence parameters outlined in DgS Report No. DPS-002/2, Douglas Partners Report 39663.19.R.002.Rev1 and Drawing – 239736(3)-ESK-079 (Stage 34).</p> <p>Any ancillary structures or services identified in the subdivision plan shall be designed with flexible joints and remain safe, serviceable and repairable using mine subsidence design parameters provided in the reports and drawing above.</p> <p>Subdivision roadworks identified in the subdivision plan shall be designed as a flexible pavement with a bitumen or asphalt treated surface over one or more unbound base courses in accordance with the relevant Australian Standards and Codes of Practice.</p>
5.	<p>For the areas identified as exhibiting a high pothole risk in Douglas Partners Report 39663.19.R.002.Rev1 and Drawing – 239736(3)-ESK-079 (Stage 34), submit a proposal to remove the risk of mine subsidence by a suitable means, such as grouting.</p> <p>Submit for acceptance by Subsidence Advisory NSW prior to commencing work a:</p> <ol style="list-style-type: none"> <i>Grout Design</i>, including grout locations (dimensioned in plan), and design parameters for any residual mine subsidence. <i>Grout Implementation Plan</i>; including a site plan (showing property boundaries), grout locations (dimensioned in plan), proposed bore locations, and grout designer’s endorsement. <i>Grout Verification Plan</i>; showing the location of verification holes and the grout designer’s endorsement.
6.	On completion of grouting, submit a <i>Grout Verification Output Report</i> endorsed by the grout designer and site verification engineer for compliance with the accepted Grouting Plan.

7.	Submit final plans which include certification by a qualified engineer to the effect that the subdivision preliminary works will remain “ <i>safe, serviceable and readily repairable</i> ” taking into consideration the mine subsidence parameters outlined in Condition 4 above and residual subsidence parameters identified in Condition 5 (after grouting).
8.	<p>No buildings, structures or other improvements are to be built over or adjacent to drifts, shafts or other mine entries unless Subsidence Advisory NSW accepts the risk of mine subsidence has been eliminated.</p> <p>Where drifts, shafts or other mine entries exist:</p> <ol style="list-style-type: none"> Submit a remediation plan for acceptance by Subsidence Advisory NSW to remove the risk. On completion of remedial works, provide confirmation endorsed by the remediation plan designer and the site verification engineer that any drift, shaft or other mine entry has been remediated in accordance with the accepted remediation plan provided.
9.	<p>Approval under section 22 of the <i>Coal Mine Subsidence Compensation Act 2017</i> is also required for the erection of all improvements on the land.</p> <p>As a guide, improvements shall comply with Subsidence Advisory NSW nominated Surface Development Guidelines, or otherwise assessed on merit.</p>

Schedule 1 - s22 - Stage 35

GENERAL	
Plans, Standards and Guidelines	
1.	<p>The development being undertaken strictly in accordance with the details set out on the application form, any information submitted with the application and the plans submitted, as amended or as modified by the conditions of this approval.</p> <p>Note: Any proposal to modify the terms or conditions of this approval, whilst still maintaining substantially the same development to that approved, will require the submission of formal advice for consideration by Subsidence Advisory NSW. If amendments to the design result in the development not remaining substantially the same as that approved by this approval, a new application must be submitted to Subsidence Advisory NSW.</p>
2.	<p>This approval expires 5 years after the date the approval was granted if subdivision works have not physically commenced.</p>
3.	<p>Subsidence Advisory NSW must be notified of any changes to lot numbering and the registered DP number.</p>
4.	<p>ALL AREAS OF STAGE 35 (EXCEPT HIGH-RISK POTHOLE ZONE)</p> <p>The proposed structure(s) associated with subdivision preliminary works shall be designed to be “safe, serviceable and readily repairable” using the subsidence parameters outlined in DgS Report No. DPS-002/2, Douglas Partners Report 39663.19.R.002.Rev1 and Drawing – 239736(3)-ESK-079 (Stage 35).</p> <p>Any ancillary structures or services identified in the subdivision plan shall be designed with flexible joints and remain safe, serviceable and repairable using mine subsidence design parameters provided in the reports and drawing above.</p> <p>Subdivision roadworks identified in the subdivision plan shall be designed as a flexible pavement with a bitumen or asphalt treated surface over one or more unbound base courses in accordance with the relevant Australian Standards and Codes of Practice.</p>
5.	<p>For the areas identified as exhibiting a high pothole risk in Douglas Partners Report 39663.19.R.002.Rev1 and Drawing – 239736(3)-ESK-079 (Stage 35), submit a proposal to remove the risk of mine subsidence by a suitable means, such as grouting.</p> <p>Submit for acceptance by Subsidence Advisory NSW prior to commencing work a:</p> <ol style="list-style-type: none"> <i>Grout Design</i>, including grout locations (dimensioned in plan), and design parameters for any residual mine subsidence. <i>Grout Implementation Plan</i>; including a site plan (showing property boundaries), grout locations (dimensioned in plan), proposed bore locations, and grout designer’s endorsement. <i>Grout Verification Plan</i>; showing the location of verification holes and the grout designer’s endorsement.
6.	<p>On completion of grouting, submit a <i>Grout Verification Output Report</i> endorsed by the grout designer and site verification engineer for compliance with the accepted Grouting Plan.</p>

7.	Submit final plans which include certification by a qualified engineer to the effect that the subdivision preliminary works will remain “ <i>safe, serviceable and readily repairable</i> ” taking into consideration the mine subsidence parameters outlined in Condition 4 above and residual subsidence parameters identified in Condition 5 (after grouting).
8.	<p>No buildings, structures or other improvements are to be built over or adjacent to drifts, shafts or other mine entries unless Subsidence Advisory NSW accepts the risk of mine subsidence has been eliminated.</p> <p>Where drifts, shafts or other mine entries exist:</p> <ol style="list-style-type: none"> Submit a remediation plan for acceptance by Subsidence Advisory NSW to remove the risk. On completion of remedial works, provide confirmation endorsed by the remediation plan designer and the site verification engineer that any drift, shaft or other mine entry has been remediated in accordance with the accepted remediation plan provided.
9.	<p>Approval under section 22 of the <i>Coal Mine Subsidence Compensation Act 2017</i> is also required for the erection of all improvements on the land.</p> <p>As a guide, improvements shall comply with Subsidence Advisory NSW nominated Surface Development Guidelines, or otherwise assessed on merit.</p>

Schedule 1 - s22 - Stage 36

GENERAL	
Plans, Standards and Guidelines	
1.	<p>The development being undertaken strictly in accordance with the details set out on the application form, any information submitted with the application and the plans submitted, as amended or as modified by the conditions of this approval.</p> <p>Note: Any proposal to modify the terms or conditions of this approval, whilst still maintaining substantially the same development to that approved, will require the submission of formal advice for consideration by Subsidence Advisory NSW. If amendments to the design result in the development not remaining substantially the same as that approved by this approval, a new application must be submitted to Subsidence Advisory NSW.</p>
2.	This approval expires 5 years after the date the approval was granted if subdivision works have not physically commenced.
3.	Subsidence Advisory NSW must be notified of any changes to lot numbering and the registered DP number.
4.	<p>ALL AREAS OF STAGE 36 (EXCEPT HIGH-RISK POTHOLE ZONE)</p> <p>The proposed structure(s) associated with subdivision preliminary works shall be designed to be “safe, serviceable and readily repairable” using the subsidence parameters outlined in DgS Report No. DPS-002/2, Douglas Partners Report 39663.19.R.002.Rev1 and Drawing – 239736(3)-ESK-079 (Stage 36).</p> <p>Any ancillary structures or services identified in the subdivision plan shall be designed with flexible joints and remain safe, serviceable and repairable using mine subsidence design parameters provided in the reports and drawing above.</p> <p>Subdivision roadworks identified in the subdivision plan shall be designed as a flexible pavement with a bitumen or asphalt treated surface over one or more unbound base courses in accordance with the relevant Australian Standards and Codes of Practice.</p>
5.	<p>For the areas identified as exhibiting a high pothole risk in Douglas Partners Report 39663.19.R.002.Rev1 and Drawing – 239736(3)-ESK-079 (Stage 36), submit a proposal to remove the risk of mine subsidence by a suitable means, such as grouting.</p> <p>Submit for acceptance by Subsidence Advisory NSW prior to commencing work a:</p> <ol style="list-style-type: none"> <i>Grout Design</i>, including grout locations (dimensioned in plan), and design parameters for any residual mine subsidence. <i>Grout Implementation Plan</i>; including a site plan (showing property boundaries), grout locations (dimensioned in plan), proposed bore locations, and grout designer’s endorsement. <i>Grout Verification Plan</i>; showing the location of verification holes and the grout designer’s endorsement.
6.	On completion of grouting, submit a <i>Grout Verification Output Report</i> endorsed by the grout designer and site verification engineer for compliance with the accepted Grouting Plan.

7.	Submit final plans which include certification by a qualified engineer to the effect that the subdivision preliminary works will remain “ <i>safe, serviceable and readily repairable</i> ” taking into consideration the mine subsidence parameters outlined in Condition 4 above and residual subsidence parameters identified in Condition 5 (after grouting).
8.	<p>No buildings, structures or other improvements are to be built over or adjacent to drifts, shafts or other mine entries unless Subsidence Advisory NSW accepts the risk of mine subsidence has been eliminated.</p> <p>Where drifts, shafts or other mine entries exist:</p> <ol style="list-style-type: none"> Submit a remediation plan for acceptance by Subsidence Advisory NSW to remove the risk. On completion of remedial works, provide confirmation endorsed by the remediation plan designer and the site verification engineer that any drift, shaft or other mine entry has been remediated in accordance with the accepted remediation plan provided.
9.	<p>Approval under section 22 of the <i>Coal Mine Subsidence Compensation Act 2017</i> is also required for the erection of all improvements on the land.</p> <p>As a guide, improvements shall comply with Subsidence Advisory NSW nominated Surface Development Guidelines, or otherwise assessed on merit.</p>

Schedule 1 - s22 - Stage 37

GENERAL	
Plans, Standards and Guidelines	
1.	<p>The development being undertaken strictly in accordance with the details set out on the application form, any information submitted with the application and the plans submitted, as amended or as modified by the conditions of this approval.</p> <p>Note: Any proposal to modify the terms or conditions of this approval, whilst still maintaining substantially the same development to that approved, will require the submission of formal advice for consideration by Subsidence Advisory NSW. If amendments to the design result in the development not remaining substantially the same as that approved by this approval, a new application must be submitted to Subsidence Advisory NSW.</p>
2.	This approval expires 5 years after the date the approval was granted if subdivision works have not physically commenced.
3.	Subsidence Advisory NSW must be notified of any changes to lot numbering and the registered DP number.
4.	<p>For the areas identified as exhibiting a high pothole risk in Douglas Partners Report 39663.19.R.002.Rev1 and Drawing – 239736(3)-ESK-079 (Stage 37), submit a proposal to remove the risk of mine subsidence by a suitable means, such as grouting.</p> <p>Submit for acceptance by Subsidence Advisory NSW prior to commencing work a:</p> <ol style="list-style-type: none"> <i>Grout Design</i>, including grout locations (dimensioned in plan), and design parameters for any residual minesubsidence. <i>Grout Implementation Plan</i>; including a site plan (showing property boundaries), grout locations (dimensioned in plan), proposed bore locations, and grout designer's endorsement. <i>Grout Verification Plan</i>; showing the location of verification holes and the grout designer's endorsement.
5.	On completion of grouting, submit a <i>Grout Verification Output Report</i> endorsed by the grout designer and site verification engineer for compliance with the accepted Grouting Plan.
6.	Submit final plans which include certification by a qualified engineer to the effect that the subdivision preliminary works will remain “ <i>safe, serviceable and readily repairable</i> ” taking into consideration the mine subsidence parameters outlined in Condition 4 above (residual subsidence parameters identified after grouting).
7.	Provide a plan to eliminate the risk of uncontrolled fill in relation to the former open cut operations area.
8.	Provide confirmation from a geotechnical engineer that the risk posed by uncontrolled fill has been eliminated in accordance with the accepted plan.

9.	<p>No buildings, structures or other improvements are to be built over or adjacent to drifts, shafts or other mine entries unless Subsidence Advisory NSW accepts the risk of mine subsidence has been eliminated.</p> <p>Where drifts, shafts or other mine entries exist:</p> <ol style="list-style-type: none"> a. Submit a remediation plan for acceptance by Subsidence Advisory NSW to remove the risk. b. On completion of remedial works, provide confirmation endorsed by the remediation plan designer and the site verification engineer that any drift, shaft or other mine entry has been remediated in accordance with the accepted remediation plan provided.
10.	<p>Approval under section 22 of the <i>Coal Mine Subsidence Compensation Act 2017</i> is also required for the erection of all improvements on the land.</p> <p>As a guide, improvements shall comply with Subsidence Advisory NSW nominated Surface Development Guidelines, or otherwise assessed on merit.</p>

Schedule 1 - s22 - Stage 38

GENERAL	
Plans, Standards and Guidelines	
1.	<p>The development being undertaken strictly in accordance with the details set out on the application form, any information submitted with the application and the plans submitted, as amended or as modified by the conditions of this approval.</p> <p>Note: Any proposal to modify the terms or conditions of this approval, whilst still maintaining substantially the same development to that approved, will require the submission of formal advice for consideration by Subsidence Advisory NSW. If amendments to the design result in the development not remaining substantially the same as that approved by this approval, a new application must be submitted to Subsidence Advisory NSW.</p>
2.	This approval expires 5 years after the date the approval was granted if subdivision works have not physically commenced.
3.	Subsidence Advisory NSW must be notified of any changes to lot numbering and the registered DP number.
4.	<p>For the areas identified as exhibiting a high pothole risk in Douglas Partners Report 39663.19.R.002.Rev1 and Drawing - 239736(3)-ESK-079 (Stage 38), submit a proposal to remove the risk of mine subsidence by a suitable means, such as grouting.</p> <p>Submit for acceptance by Subsidence Advisory NSW prior to commencing work a:</p> <ol style="list-style-type: none"> <i>Grout Design</i>, including grout locations (dimensioned in plan), and design parameters for any residual minesubsidence. <i>Grout Implementation Plan</i>; including a site plan (showing property boundaries), grout locations (dimensioned in plan), proposed bore locations, and grout designer's endorsement. <i>Grout Verification Plan</i>; showing the location of verification holes and the grout designer's endorsement.
5.	On completion of grouting, submit a <i>Grout Verification Output Report</i> endorsed by the grout designer and site verification engineer for compliance with the accepted Grouting Plan.
6.	Submit final plans which include certification by a qualified engineer to the effect that the subdivision preliminary works will remain " <i>safe, serviceable and readily repairable</i> " taking into consideration the mine subsidence parameters outlined in Condition 4 above (residual subsidence parameters identified after grouting).
7.	Provide a plan to eliminate the risk of uncontrolled fill in relation to the former open cut operations area.
8.	Provide confirmation from a geotechnical engineer that the risk posed by uncontrolled fill has been eliminated in accordance with the accepted plan.

9.	<p>No buildings, structures or other improvements are to be built over or adjacent to drifts, shafts or other mine entries unless Subsidence Advisory NSW accepts the risk of mine subsidence has been eliminated.</p> <p>Where drifts, shafts or other mine entries exist:</p> <ol style="list-style-type: none"> a. Submit a remediation plan for acceptance by Subsidence Advisory NSW to remove the risk. b. On completion of remedial works, provide confirmation endorsed by the remediation plan designer and the site verification engineer that any drift, shaft or other mine entry has been remediated in accordance with the accepted remediation plan provided.
10.	<p>Approval under section 22 of the <i>Coal Mine Subsidence Compensation Act 2017</i> is also required for the erection of all improvements on the land.</p> <p>As a guide, improvements shall comply with Subsidence Advisory NSW nominated Surface Development Guidelines, or otherwise assessed on merit.</p>

Schedule 1 - s22 - Stage 39

GENERAL	
Plans, Standards and Guidelines	
1.	<p>The development being undertaken strictly in accordance with the details set out on the application form, any information submitted with the application and the plans submitted, as amended or as modified by the conditions of this approval.</p> <p>Note: Any proposal to modify the terms or conditions of this approval, whilst still maintaining substantially the same development to that approved, will require the submission of formal advice for consideration by Subsidence Advisory NSW. If amendments to the design result in the development not remaining substantially the same as that approved by this approval, a new application must be submitted to Subsidence Advisory NSW.</p>
2.	This approval expires 5 years after the date the approval was granted if subdivision works have not physically commenced.
3.	Subsidence Advisory NSW must be notified of any changes to lot numbering and the registered DP number.
4.	<p>For the areas identified as exhibiting a high pothole risk in Douglas Partners Report 39663.19.R.002.Rev1 and Drawing - 239736(3)-ESK-079 (Stage 39), submit a proposal to remove the risk of mine subsidence by a suitable means, such as grouting.</p> <p>Submit for acceptance by Subsidence Advisory NSW prior to commencing work a:</p> <ol style="list-style-type: none"> <i>Grout Design</i>, including grout locations (dimensioned in plan), and design parameters for any residual mine subsidence. <i>Grout Implementation Plan</i>; including a site plan (showing property boundaries), grout locations (dimensioned in plan), proposed bore locations, and grout designer's endorsement. <i>Grout Verification Plan</i>; showing the location of verification holes and the grout designer's endorsement.
5.	On completion of grouting, submit a <i>Grout Verification Output Report</i> endorsed by the grout designer and site verification engineer for compliance with the accepted Grouting Plan.
6.	Submit final plans which include certification by a qualified engineer to the effect that the subdivision preliminary works will remain " <i>safe, serviceable and readily repairable</i> " taking into consideration the mine subsidence parameters outlined in Condition 4 above (residual subsidence parameters identified after grouting).
7.	Provide a plan to eliminate the risk of uncontrolled fill in relation to the former open cut operations area.
8.	Provide confirmation from a geotechnical engineer that the risk posed by uncontrolled fill has been eliminated in accordance with the accepted plan.

9.	<p>No buildings, structures or other improvements are to be built over or adjacent to drifts, shafts or other mine entries unless Subsidence Advisory NSW accepts the risk of mine subsidence has been eliminated.</p> <p>Where drifts, shafts or other mine entries exist:</p> <ol style="list-style-type: none"> a. Submit a remediation plan for acceptance by Subsidence Advisory NSW to remove the risk. b. On completion of remedial works, provide confirmation endorsed by the remediation plan designer and the site verification engineer that any drift, shaft or other mine entry has been remediated in accordance with the accepted remediation plan provided.
10.	<p>Approval under section 22 of the <i>Coal Mine Subsidence Compensation Act 2017</i> is also required for the erection of all improvements on the land.</p> <p>As a guide, improvements shall comply with Subsidence Advisory NSW nominated Surface Development Guidelines, or otherwise assessed on merit.</p>

Schedule 1 - s22 - Stage 40

GENERAL	
Plans, Standards and Guidelines	
1.	<p>The development being undertaken strictly in accordance with the details set out on the application form, any information submitted with the application and the plans submitted, as amended or as modified by the conditions of this approval.</p> <p>Note: Any proposal to modify the terms or conditions of this approval, whilst still maintaining substantially the same development to that approved, will require the submission of formal advice for consideration by Subsidence Advisory NSW. If amendments to the design result in the development not remaining substantially the same as that approved by this approval, a new application must be submitted to Subsidence Advisory NSW.</p>
2.	This approval expires 5 years after the date the approval was granted if subdivision works have not physically commenced.
3.	Subsidence Advisory NSW must be notified of any changes to lot numbering and the registered DP number.
4.	<p>ALL AREAS OF STAGE 40 (EXCEPT HIGH-RISK POTHOLE ZONE)</p> <p>The proposed structure(s) associated with subdivision preliminary works shall be designed to be “safe, serviceable and readily repairable” using the subsidence parameters outlined in DgS Report No. DPS-002/2, Douglas Partners Report 39663.19.R.002.Rev1 and Drawing – 239736(3)-ESK-079 (Stage 40).</p> <p>Any ancillary structures or services identified in the subdivision plan shall be designed with flexible joints and remain safe, serviceable and repairable using mine subsidence design parameters provided in the reports and drawing above.</p> <p>Subdivision roadworks identified in the subdivision plan shall be designed as a flexible pavement with a bitumen or asphalt treated surface over one or more unbound base courses in accordance with the relevant Australian Standards and Codes of Practice.</p>
5.	<p>For the areas identified as exhibiting a high pothole risk in Douglas Partners Report 39663.19.R.002.Rev1 and Drawing – 239736(3)-ESK-079 (Stage 40), submit a proposal to remove the risk of mine subsidence by a suitable means, such as grouting.</p> <p>Submit for acceptance by Subsidence Advisory NSW prior to commencing work a:</p> <ol style="list-style-type: none"> <i>Grout Design</i>, including grout locations (dimensioned in plan), and design parameters for any residual mine subsidence. <i>Grout Implementation Plan</i>; including a site plan (showing property boundaries), grout locations (dimensioned in plan), proposed bore locations, and grout designer’s endorsement. <i>Grout Verification Plan</i>; showing the location of verification holes and the grout designer’s endorsement.
6.	On completion of grouting, submit a <i>Grout Verification Output Report</i> endorsed by the grout designer and site verification engineer for compliance with the accepted Grouting Plan.

7.	Submit final plans which include certification by a qualified engineer to the effect that the subdivision preliminary works will remain “ <i>safe, serviceable and readily repairable</i> ” taking into consideration the mine subsidence parameters outlined in Condition 4 above and residual subsidence parameters identified in Condition 5 (after grouting).
8.	<p>No buildings, structures or other improvements are to be built over or adjacent to drifts, shafts or other mine entries unless Subsidence Advisory NSW accepts the risk of mine subsidence has been eliminated.</p> <p>Where drifts, shafts or other mine entries exist:</p> <ol style="list-style-type: none"> Submit a remediation plan for acceptance by Subsidence Advisory NSW to remove the risk. On completion of remedial works, provide confirmation endorsed by the remediation plan designer and the site verification engineer that any drift, shaft or other mine entry has been remediated in accordance with the accepted remediation plan provided.
9.	<p>Approval under section 22 of the <i>Coal Mine Subsidence Compensation Act 2017</i> is also required for the erection of all improvements on the land.</p> <p>As a guide, improvements shall comply with Subsidence Advisory NSW nominated Surface Development Guidelines, or otherwise assessed on merit.</p>

SCHEDULE 6

Requirements of Ausgrid



20/08/2022

Steven Masia
Newcastle City Council
PO Box 489
NEWCASTLE
NSW 2300

145 Newcastle Road
Wallsend NSW 2287
All mail to PO Box 487
Newcastle NSW 2300
T +61 2 131 525
www.ausgrid.com.au

Dear Steven

**Proposed Development at 144 WOODFORD STREET, MINMI 2287
Development Application No. RE2023/0003**

I refer to your application CNR54963 concerning the above development. This letter is Ausgrid's response under clause 45(2) of the *State Environmental planning Policy (Infrastructure) 2007*.

As you would be aware, the assessment and evaluation of environmental impacts for a new development consent (or where a development consent is modified) is undertaken in accordance with requirements of Section 79C of the *Environmental Planning and Assessment Act 1979*. One of the obligations upon consent authorities, such as local councils, is to consider the suitability of the site for the development which can include a consideration of whether the proposal is compatible with the surrounding land uses and the existing environment.

In this regard, Ausgrid requires that due consideration be given to the compatibility of proposed development with existing Ausgrid's infrastructure, particularly in relation to risks of electrocution, fire risks, Electric & Magnetic Fields (EMFs), noise, visual amenity and other matters that may impact on Ausgrid or the development.

Please note the following information in relation to the construction of the development:

Electricity Infrastructure

Ausgrid has overhead lines that are within the proposed subdivision. The connectivity and rating of these overhead lines are required by Ausgrid. During the staging of this development, Ausgrid may require these overhead lines to be relocated underground within the footpath area of the proposed road reserve. This relocation work is generally at the developers cost.

Workcover Code of Practice 2006 – Work Near Overhead Powerlines outlines the minimum safety separation requirements between these mains / poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction.

It is recommended that Ausgrid is contacted on (02) 4910 1200 to discuss compliance issues regarding the relevant Workcover Code of Practice 2006 – Work Near Overhead Powerlines.

Electricity Supply

Electricity reticulation systems in new residential subdivisions must be installed underground in accordance with Ausgrid's Network Standard NS110. The developer is responsible for the design, supply of materials and construction of electricity reticulation systems in new residential subdivisions.

These works are classified as Contestable Works and funded by the Developer. Before each stage commences, the developer will need to submit NECF-01 form "Preliminary Enquiry" available on Ausgrid's website.

<https://www.ausgrid.com.au/Connections/Apply-for-a-connection/Subdivisions>

It is a requirement that Notification of Arrangements for the Provision of Electricity Supply letter be issued by Ausgrid for each stage before council release the plan of subdivision for registration at Land and Property Information.

Ausgrid will only issue the Notice of Arrangement after the connection assets have been installed and, if applicable, satisfactory arrangements have been made for Ausgrid to be granted registered easements or leases for any network infrastructure installed on private land

Existing Electricity Easements

A title search of the development site should be completed to check for existing electricity easements. If easements are present, Ausgrid must assess the proposed activity within the easement. Please direct the developer to Ausgrid's website, www.ausgrid.com.au to download our "Living with Electricity Easements" brochure.

Please do not hesitate to contact me if you require any further information or assistance.

Yours sincerely

Damien Schweinberger

Damien Schweinberger

Engineering Officer

Newcastle Design & Planning Portfolio

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Ausgrid Reference: 1900089175

SCHEDULE 7

Requirements of Department of Environment - Water

Contact: Department of Planning and Environment—Water
Phone: 1800 633 362
Email: waterlicensing.servicedesk@dpie.nsw.gov.au

Our ref: IDAS-2023-10344
Your ref: RE2023/00003

2 June 2023

The General Manager
Newcastle City Council
PO Box 489
NEWCASTLE NSW 2300

Attention: Steven Masia

Uploaded to the ePlanning Portal

Dear Sir/Madam

Re: IDAS-2023-10344 - Referral Advice

Dev Ref: RE2023/00003

**Description: Subdivision and associated infrastructure including roads,
stormwater, landscaping and earthworks**

Location: 144 Woodford Street MINMI

Thank you for your referral of the above development to the Department of Planning and Environment—Water (Licencing and Approvals) for comment. The proposal has been reviewed and the following comments are provided for your attention and consideration.

As per our previous advice, the proposed modification to Minmi East Precinct Stage 1B will reduce the development footprint towards Back Creek (2nd order watercourse). The Statement of Environmental Effects (SEE) prepared by ADW Johnson dated April 2023, shows the proposed modification seeks to include a drainage reserve between Stage 37 and 39. Other aspects appear to remain unchanged. As such the comments previously provided by the former NRAR Licencing & Approvals team dated 25 October 2021 remain applicable.

In preparing detailed designs and plans for the subdivision implementation, the proposal should continue to ensure that all works on waterfront land as defined by the *Water Management Act 2000* continue to be in accordance with the Guidelines for Controlled Activities on Waterfront Land. This particularly includes the design of watercourse crossings – roads and stormwater outlet designs.

If you have any questions regarding this correspondence, please use Water Assist to obtain further information or make an enquiry: <https://water.dpie.nsw.gov.au/water-assist>

Yours Sincerely



For
Sandra White
Manager
Licensing and Approvals
Department of Planning and Environment—Water



25 October 2021

The General Manager
Newcastle City Council
PO Box 489
NEWCASTLE NSW 2300

Attention: Olivia Magrath

Uploaded to the ePlanning Portal

Dear Sir/Madam

Re: IDAS-2021-10322 – Referral Advice

Dev Ref: DA2018/01351

**Description: Subdivision and associated infrastructure including roads,
stormwater, landscaping and earthworks**

Location: 144 Woodford Street MINMI

Natural Resources Access Regulator (NRAR) has reviewed documents for the above development application which has been referred as advice and has the following comments.

NRAR notes that the Statement of Environmental Effects (SEE) prepared by ADW Johnson dated 21 July 2021, details that the Minmi subdivision development will achieve the following:

- Riparian corridors (RC) are provided generally in accordance with NRAR guidelines. RCs are zoned E2 and are excluded from development except for road crossings and infrastructure requirements and for some passive recreation pursuits.
- No Asset Protection Zones are to be incorporated in RCs.
- Road embankments/batters which fringe the RCs are in R2 zones and will be vegetated upon completion thereby adding width to the RCs.
- Will maintain hydrologic flow regimes downstream.
- Development footprint is generally compliant with NRAR guidelines.
- Propose to dedicate RCs to Council if acceptable to Council.

Based on SEE presented, the development would appear to be consistent with NRAR guidelines and requirements. Detailed plans are not provided to confirm at this stage and to identify variations from the concept plan approval.

NRAR notes that the Concept Approval does not require future development applications to be subject to integrated development provisions. As such, future works on waterfront land will not be subject to general terms of approval issued by NRAR.

In preparing detailed designs and plans for the subdivision implementation, the proposal should continue to ensure that all works on waterfront land as defined by the *Water Management Act 2000* continue to be in accordance with the NRAR Guidelines for Controlled Activities on Waterfront Land. This particularly includes the design of watercourse crossings – roads and other infrastructure and stormwater outlet designs.

The NRAR Guidelines can be found <https://www.dpie.nsw.gov.au/nrar/how-to-apply/controlled-activities/guidelines-for-controlled-activities>.

Further information on controlled activity approvals under the WM Act can be obtained from NRAR's website: <https://www.dpie.nsw.gov.au/nrar> go to How to Apply > Controlled activity Approvals.

Yours sincerely



For

Alison Curran

Manager Licensing & Approvals

Water Regulatory Operations

Natural Resources Access Regulator