

SUPPLEMENTARY REPORT
HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSHCC-95 – DA2021/01256
PROPOSAL	Subdivision of 1 lot into 138 lots with roads and associated infrastructure
ADDRESS	Lot 30 DP870411 – 198 Lenaghans Dr, Black Hill & Lot 4 DP847676 – 202B Lenaghans Dr, Black Hill
APPLICANT	Black Hill Industrial Pty Ltd
OWNER	Black Hill Industrial Pty Ltd (Lot 30 DP870411) and Hunter Water Corporation (Lot 4 DP847676)
DA LODGEMENT DATE	29 September 2021
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Clause 2, Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021: General Development over \$30 Million
SUPPLEMENTARY INFORMATION RELATING TO:	<ol style="list-style-type: none"> 1. M1 Motorway extension to Raymond Terrace project by TfNSW 2. Additional proposed condition relating to ongoing management of contamination on proposed Lot 211 3. Amended Attachment A – Proposed Conditions (Version 2 dated 11 Nov. 2022)
RECOMMENDATION	Approval
MEETING DATE	10 November 2022
PREPARED BY	Brian Cameron Senior Development Officer (Engineering)
DATE OF SUPPLEMENTARY REPORT	11 November 2022

Background

The subject application (DA2021/01256) was reported to the Hunter and Central Coast Regional Planning Panel (HCCRPP) for determination on 10 November 2022.

This supplementary report provides further information in response to matters raised during the determination meeting and associated amendments to the recommended draft schedule of conditions.

1. M1 Motorway extension to Raymond Terrace project (by TfNSW)

As detailed in the original Assessment Report, Transport for NSW (TfNSW) have completed an assessment of the submitted Traffic Impact Report and associated micro-simulation traffic modelling for the proposed development.

TfNSW have previously advised that they do not object to the development subject to a number of recommended conditions being imposed. These recommended conditions are contained within Schedule 1 Part C of Attachment A to the Assessment Report.

In particular, proposed Condition C.6 of Schedule 1 requires:

M1 to Raymond Terrace project

C.6 Prior to any Subdivision Certificate for any of Stages 4 to 7, generally as depicted in the staging plan (Northrop, NL166552, drawing DA2-C01.21 Rev 6, excerpt attached at Annexure B), the section of the M1 to Raymond Terrace (M1RT) project between Black Hill Interchange and Tarro Interchange and including the flyover, currently under construction by TfNSW, shall be practically completed and opened to public traffic.

Advice: Stages 1 to 3 are expected to contribute approximately 60% of development traffic, beyond which current modelling indicates the Black Hill flyover and motorway extension would need to be operational to relieve pressure on the John Renshaw Drive / Weakleys Drive signalised intersection.

At the time of preparation of the Assessment Report, approval for the M12RT project had not been given by the Minister for Planning and further information was requested by the HCCRPP regarding the status of that proposed project.

Further information was sought and obtained from TfNSW on 10 November 2022 that confirms;

- a) The M12RT project is State Significant Infrastructure (**SSI**) (Ref. No. SSI-7319) under Section 5.12 of the *EP&A Act 1979* and declared critical State Significant Infrastructure (**CSSI**) under Schedule 5, Section 1(a) of *SEPP (Planning Systems) 2021* requiring the approval of the Minister for Planning under Section 5.14 of the *EP&A Act*.
- b) On 8 November 2022 the Minister for Planning determined to approve SSI-7319 and the Minister has given [notice](#) of the [approval](#).
- c) Federal and State Government funding has been secured for the approved project.

- d) No contribution of land or money is required of Blackhill Industrial Pty Ltd for the M12RT project (noting BHI are responsible for other road upgrades as per the TfNSW recommended conditions for DA2021/01256).
- e) The reference to '*currently under construction*' in proposed Condition C.6 "*...should be interpreted broadly to include network development and investigation activities not required to be authorised under the Major Project approval. Main construction activities are authorised (subject to post-approval requirements and statutory processes) as the CSSI approval has been determined*".

In addition, according to TfNSW's M12RT [project webpage](#), the formal tender period for the project closed in August 2022 with announcement of the successful contractors expected later this year.

The abovementioned recent notice of approval by the Minister for Planning, secured funding and recent tendering for construction of the M12RT project is considered to add significant certainty to TfNSW's stated objective of having this motorway extension practically completed and opened to public traffic in 2028.

2. Proposed emplacement of contaminated material on Lot 211

As detailed in the original Assessment Report, the Stantec 2022 Remediation Action Plan (RAP) proposes to relocate contaminated material currently buried at depth on the land as part of the remediation works completed in 2014 on the site of the former Boral asphalt plant.

The RAP proposes to re-excavate that material and place it into a single new engineered Consolidated Area on proposed Lot 211.

The Panel requested preparation of a further condition that could be imposed on the development, if consent is to be given, that would place a 'restriction on the use of land' over this proposed Consolidated Area.

The following additional condition, to be inserted after Condition A.80, is recommended;

- 81 The Subdivision Certificate application for Stage 2 must include appropriate notation 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' affecting that part of proposed Lot 211 containing the Consolidation Area proposed within the Stantec 2022 RAP or the relevant Stage-specific RAP approved by the Site Auditor pursuant to Condition A.9(b), as appropriate. The Restriction is to restrict any person or company from doing anything that is inconsistent with final Environmental Management Plan specified in the Site Audit Statement prepared for Stage 2. Council is to be nominated as the Prescribed Body having benefit of the 'restriction on use of land'.

3. Amended Attachment A – Proposed Conditions (Version 2 dated 11 Nov. 2022)

In addition to the inclusion of new Condition A.81 as above in Section 2, the following minor edits have also been made to the schedule of proposed conditions to ensure consistency of terminology used.

- a) Condition A.1 - delete 'draft' and replace with 'proposed'.
- b) Condition A.80 - delete 'draft' and replace with 'proposed'.
- c) Renumbering of conditions as a result of the addition of new Condition A.81

A copy of the amended **Attachment A – Proposed Conditions (Version 2 dated 11 November 2022)** is attached.