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**DAC 20/07/21 – 198 LENAGHANS DRIVE BLACK HILL -  
DA2020/01497 - STAGES 1A AND 1B – 1 LOT INTO 62 LOT  
SUBDIVISION**

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<b>PAGE 140</b>	<b>ITEM-14</b>	<b>Attachment J:</b>	2018 Order Pursuant Clause 34A(3) Biodiversity Conservation Regulation 2017

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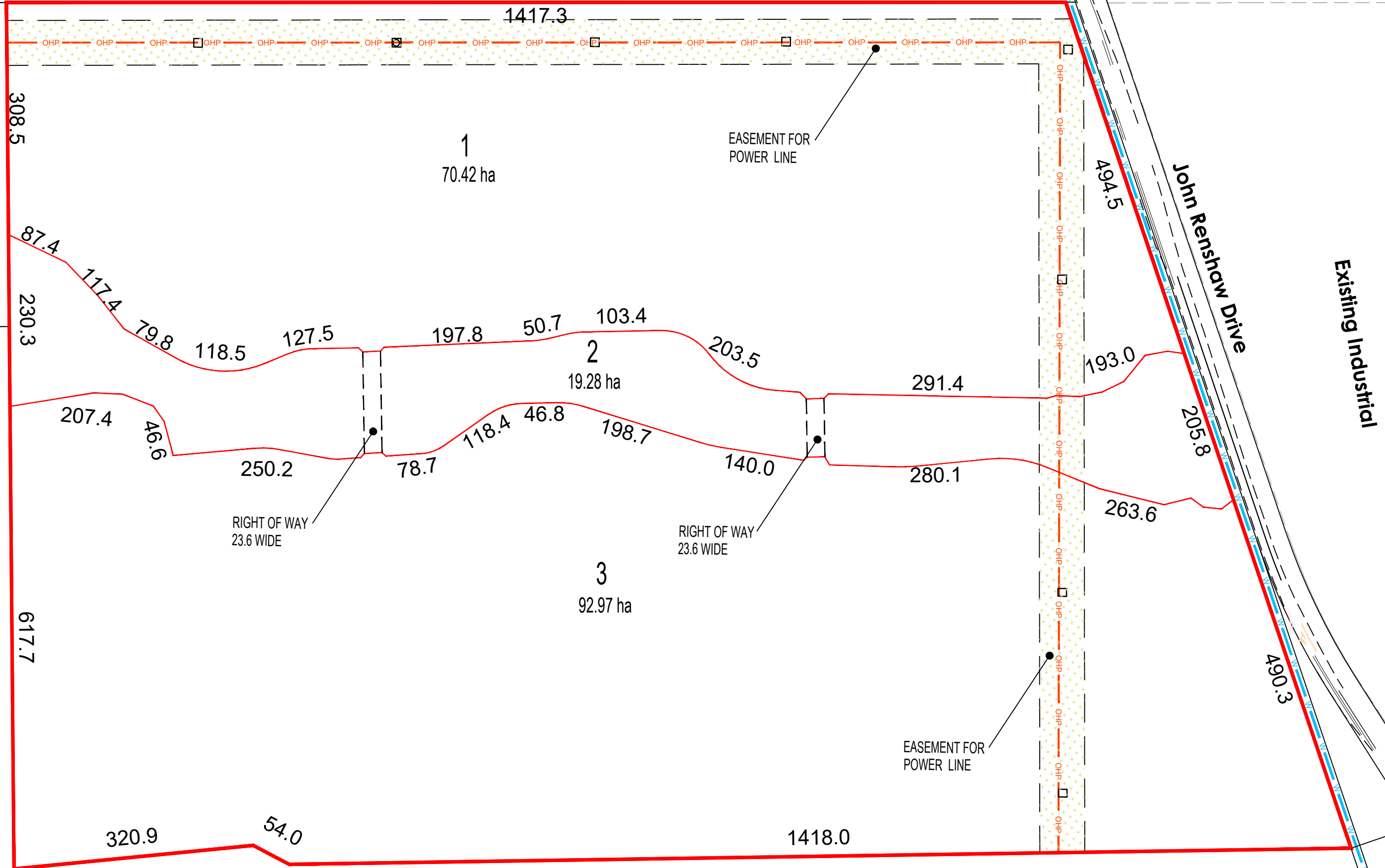
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DA2020/01497 - STAGES 1A AND 1B – 1 LOT INTO 62 LOT  
SUBDIVISION**

**ITEM-14**      **Attachment A:**      Submitted Plans

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NOTE :  
ALL DIMENSIONS, AREAS AND EASEMENTS  
ARE SUBJECT TO FINAL SURVEY

M1 - Sydney - Newcastle

TITLE: PROPOSED SUBDIVISION  
JOHN RENSHAW DRIVE BLACK HILL



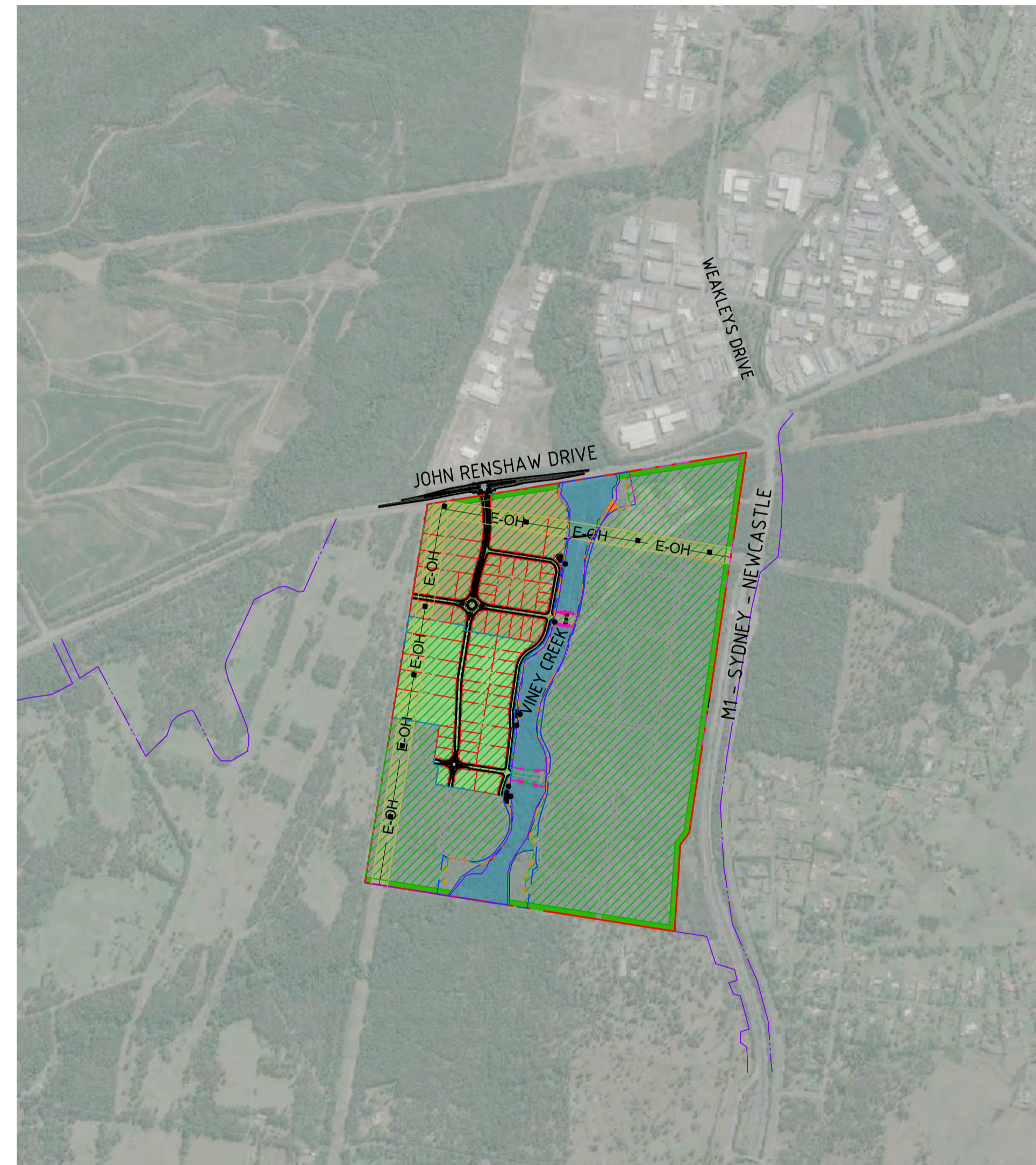
Date:	06.11.20	Scale:	1:5000 A3	Designed:	KU	Project No:	HD15
Cad Ref:	HD15 r9 3 lot subdivision					Drawing No:	Revision
						3 LOT	9-1
No:	Amendment	Drawn:	Date				

BLACKHILL INDUSTRIAL PARK

0412009891

# BLACK HILL INDUSTRIAL PARK - STAGE 1A-1B

JOHN RENSHAW DRIVE, BLACK HILL, N.S.W. 2322  
CIVIL ENGINEERING PACKAGE



## DRAWING SCHEDULE

### DRG No. DRAWING TITLE

- C1.00 COVER SHEET AND DRAWING SCHEDULE
- C1.01 GENERAL ARRANGEMENT AND STAGING PLAN
  
- C2.01 REGRADING AND EARTHWORKS PLAN
  
- C3.01 CIVIL WORKS AND STORMWATER MANAGEMENT PLAN - SHEET 1
- C3.02 CIVIL WORKS AND STORMWATER MANAGEMENT PLAN - SHEET 2
  
- C3.20 1% AEP FLOOD EXTENT AND LEVELS PLAN
  
- C3.51 TYPICAL STORMWATER SECTIONS - SHEET 1
- C3.52 TYPICAL STORMWATER SECTIONS - SHEET 2
  
- C4.01 TYPICAL INTERNAL ROAD CROSS SECTIONS
  
- C4.11 INTERNAL ROADS LONGITUDINAL SECTIONS - SHEET 1
- C4.12 INTERNAL ROADS LONGITUDINAL SECTIONS - SHEET 2
- C4.13 INTERNAL ROADS LONGITUDINAL SECTIONS - SHEET 3
- C4.14 INTERNAL ROADS LONGITUDINAL SECTIONS - SHEET 4
  
- C4.51 INTERNAL ROADS CROSS SECTIONS - SHEET 1
- C4.52 INTERNAL ROADS CROSS SECTIONS - SHEET 2
- C4.53 INTERNAL ROADS CROSS SECTIONS - SHEET 3
- C4.54 INTERNAL ROADS CROSS SECTIONS - SHEET 4
- C4.55 INTERNAL ROADS CROSS SECTIONS - SHEET 5
  
- C5.11 INTERSECTION WORKS PLAN

VERIFIER: A BROWN

JOB MANAGER: J.HOEY

DESIGNED: P.BURL

DRAWN: L.STEEL



**NOT FOR CONSTRUCTION**

REVISION	DESCRIPTION	ISSUED	VER'D	APP'D	DATE	CLIENT	ARCHITECT	PROJECT	DRAWING TITLE	JOB NUMBER	
A	ISSUED FOR APPROVAL	LS	AB	AB	08.12.20			<b>PROPOSED SUBDIVISION, JOHN RENSHAW DRIVE, BLACK HILL</b>	<b>COVER SHEET AND DRAWING SCHEDULE</b>	<b>NL166552</b>	
B	ISSUED FOR APPROVAL	LS	AB	AB	15.12.20						<b>C1.00</b>
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DRAWING SHEET SIZE = A1

SHEET 1 - REFER TO DRAWING C03.01

SHEET 2 - REFER TO DRAWING C03.02



### LEGEND

- DENOTES SITE BOUNDARY LINE
- DENOTES PROPOSED LOT BOUNDARY LINE
- DENOTES PROPOSED LOT NUMBER
- DENOTES FUTURE LOT BOUNDARY LINE
- DENOTES 20m VEGETATION BUFFER
- DENOTES STAGING BOUNDARY LINE
- DENOTES STAGING NUMBER
- DENOTES EXTENT OF STAGE 1
- DENOTES EXTENT OF STAGE 2
- DENOTES LIMIT OF WORKS
- DENOTES RIPARIAN CORRIDOR
- DENOTES PROPOSED EXTENT OF VEGETATION TO BE CLEARED
- DENOTES CLEARING BOUNDARY
- DENOTES PROPOSED WWPS LOCATION
- DENOTES RIPARIAN DISTURBANCE BOUNDARY FOR ROAD CREEK CROSSING
- DENOTES INDICATIVE LOCATION FOR SEWER MAIN CREEK CROSSING IN RIPARIAN/CREEK AREA
- DENOTES DRAINAGE RESERVE
- DENOTES APPROXIMATE LOCATION OF STORMWATER OUTLET WITHIN RIPARIAN CORRIDOR. DETAILS AND EXTENT TO BE CONFIRMED AT DETAILED DESIGN STAGE.
- DENOTES LAND ZONING BOUNDARY

STAGE	AREA (HA)
STAGE 1A	26.7
STAGE 1B	22.5
<b>TOTAL</b>	<b>49.2</b>

DRAWN: L STEEL  
DESIGNED: P BURL  
JOB MANAGER: J HOEY  
VERIFIER: A BROWN



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PROJECT

**PROPOSED SUBDIVISION,  
JOHN RENSHAW DRIVE,  
BLACK HILL**

DRAWING TITLE

**GENERAL ARRANGEMENT  
AND STAGING PLAN**

JOB NUMBER

**NL166552**

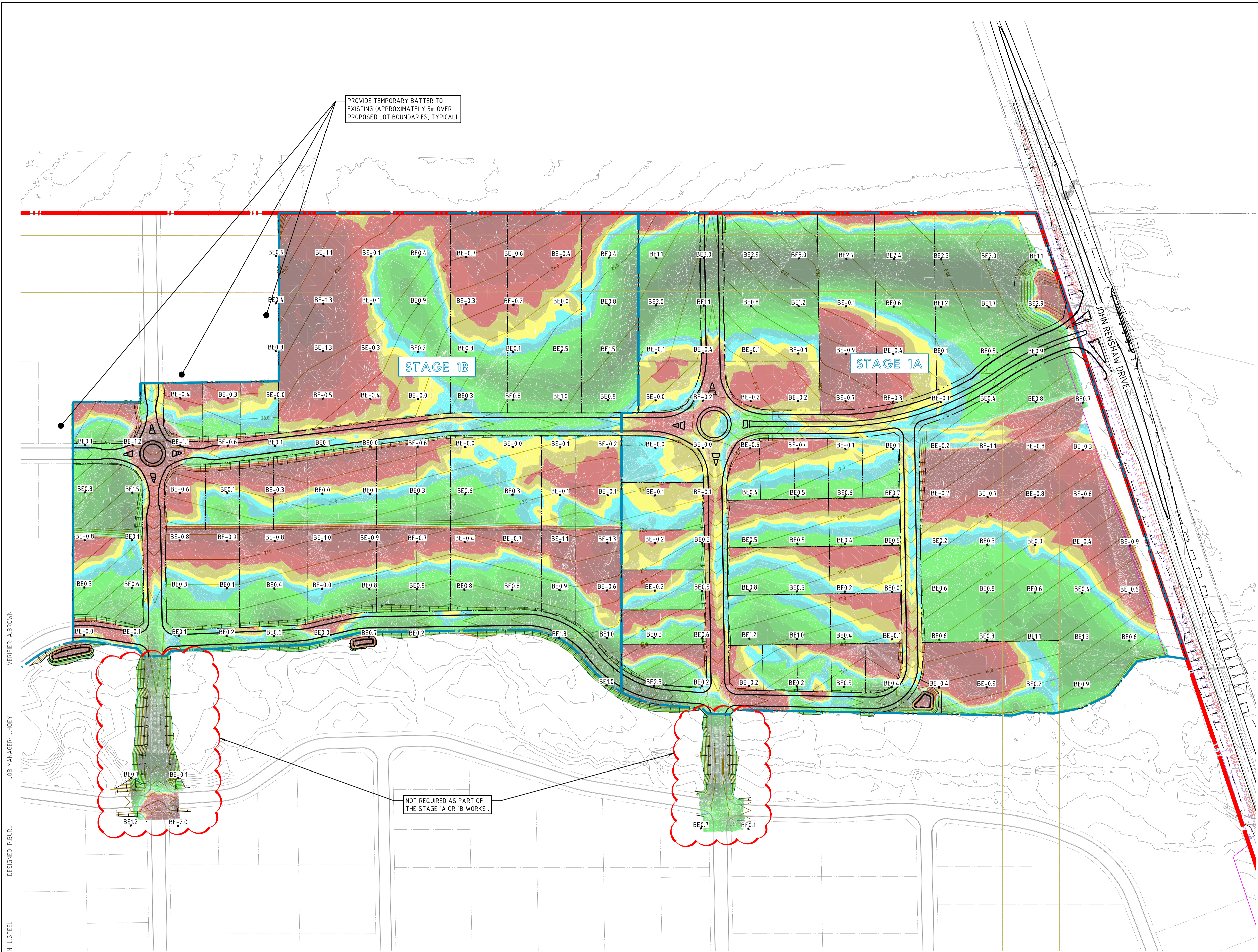
DRAWING NUMBER

**C1.01**

REVISION

**C**

DRAWING SHEET SIZE = A1



**LEGEND**

- SITE BOUNDARY LINE
- LOT BOUNDARY LINE
- STAGING BOUNDARY LINE
- STAGING NUMBER
- PROPOSED CONTOURS
- EXISTING CONTOURS

**DEPTH OF CUT**

- 10m TO -2.5m
- 2.5m TO -2.0m
- 2.0m TO -1.5m
- 1.5m TO -1.0m
- 1.0m TO -0.75m
- 0.75m TO -0.5m
- 0.5m TO -0.25m
- 0.25m TO -0.1m
- 0.1m TO -0.0m

**DEPTH OF FILL**

- 0.0m TO 0.1m
- 0.1m TO 0.25m
- 0.25m TO 0.5m
- 0.5m TO 0.75m
- 0.75m TO 1.0m
- 1.0m TO 1.5m
- 1.5m TO 2.0m
- 2.0m TO 2.5m

RE-GRADING AND EARTHWORKS RE INDICATIVE ONLY. DETAILED EARTHWORKS WILL BE DESIGNED AT CC STAGE.

DRAWN: L STEEL  
DESIGNED: P BURL  
JOB MANAGER: J HOEY  
VERIFIER: A BROWN

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CLIENT

**STEVENS GROUP** **HUNTER LAND**

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Email newcastle@northrop.com.au ABN 81 094 433 100

PROJECT

**PROPOSED SUBDIVISION,  
JOHN RENSHAW DRIVE,  
BLACK HILL**

DRAWING TITLE

**REGRAIDING AND  
EARTHWORKS PLAN**

JOB NUMBER

**NL166552**

DRAWING NUMBER

**C2.01**

REVISION

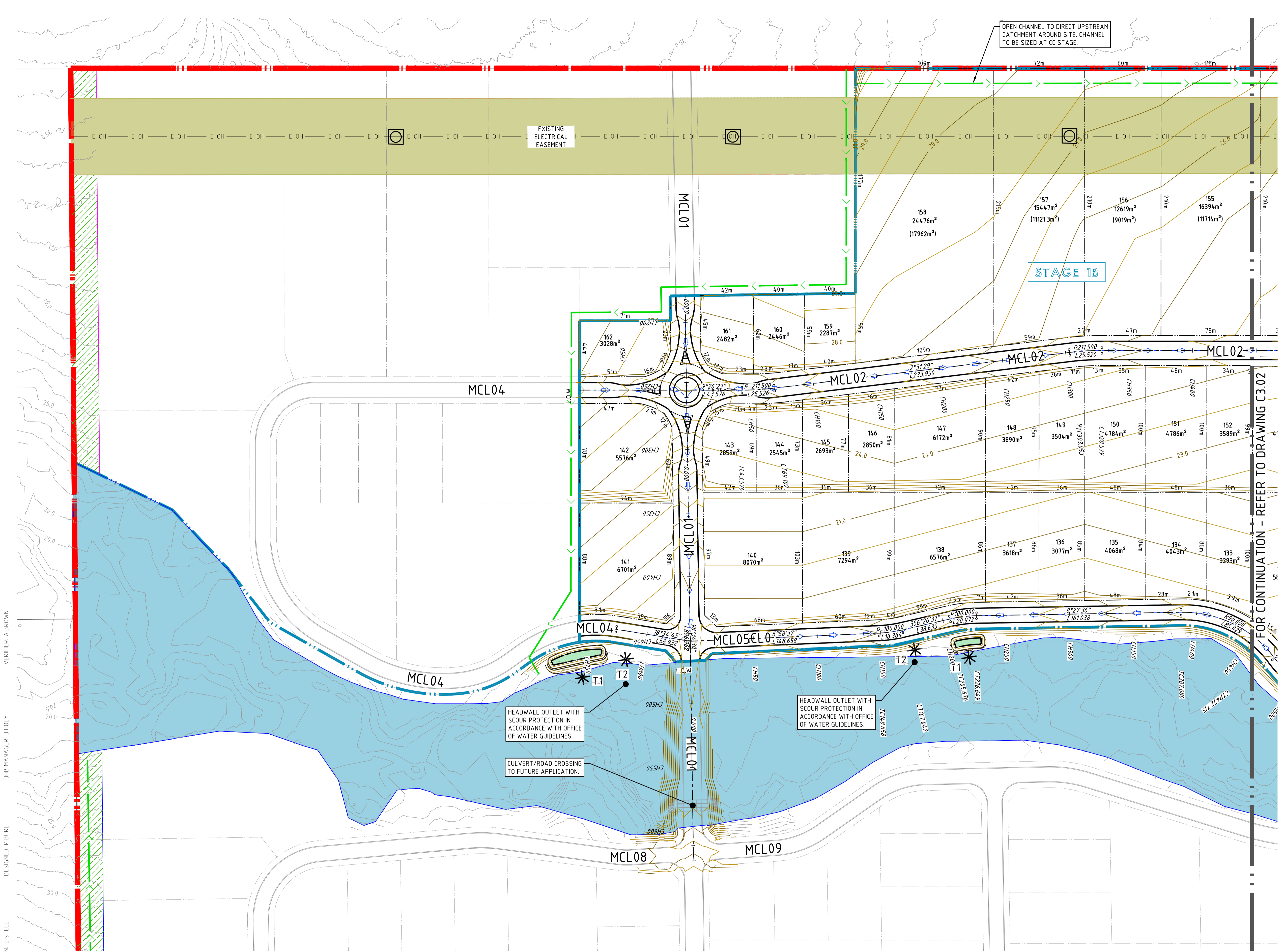
**C**

DRAWING SHEET SIZE = A1



**NOT FOR CONSTRUCTION**





### LEGEND

- DENOTES SITE BOUNDARY LINE
- DENOTES PROPOSED LOT BOUNDARY
- DENOTES FUTURE LOT BOUNDARY
- DENOTES STAGING BOUNDARY LINE
- STAGE 1**
- DENOTES STAGING NUMBER
- MCL00**
- DENOTES ROAD NAME
- DENOTES ROAD CHAINAGE LABEL
- DENOTES PROPOSED CONTOURS @ 0.5m INTERVALS.
- DENOTES EXISTING CONTOURS
- DENOTES ELECTRICAL EASEMENT
- DENOTES RIPARIAN CORRIDOR.
- DENOTES BIOFILTRATION BASIN
- DENOTES VEGETATION DEVELOPMENT BUFFER
- DENOTES HIGH VOLTAGE TRANSGRID ELECTRICAL LINE AND STANCHEN.
- DENOTES VEGETATED DRAINAGE CHANNEL, SWALE OR STORMWATER PIPE.
- DENOTES GENERAL DIRECTION OF STREET DRAINAGE INFRASTRUCTURE (PIPED AND OVERLAND FLOW).
- DENOTES LIKELY LOCATION OF STORMWATER OUTLET. REFER TO TYPICAL STORMWATER BASIN SECTION ON DRAWING C3.51.
- DENOTES LIKELY LOCATION OF STORMWATER OUTLET. REFER TO TYPICAL STORMWATER OUTLET DETAIL ON DRAWING C3.52.
- DENOTES PROPOSED SEWER LINE. DETAILS TO BE PROVIDED AT CC STAGE.

DRAWN: L STEEL  
 DESIGNED: P BURL  
 JOB MANAGER: J HOEY  
 VERIFIER: A BROWN

FOR CONTINUATION - REFER TO DRAWING C3.02



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PROJECT

**PROPOSED SUBDIVISION,  
 JOHN RENSHAW DRIVE,  
 BLACK HILL**

DRAWING TITLE

**CIVIL WORKS AND  
 STORMWATER MANAGEMENT PLAN  
 - SHEET 1**

JOB NUMBER

**NL166552**

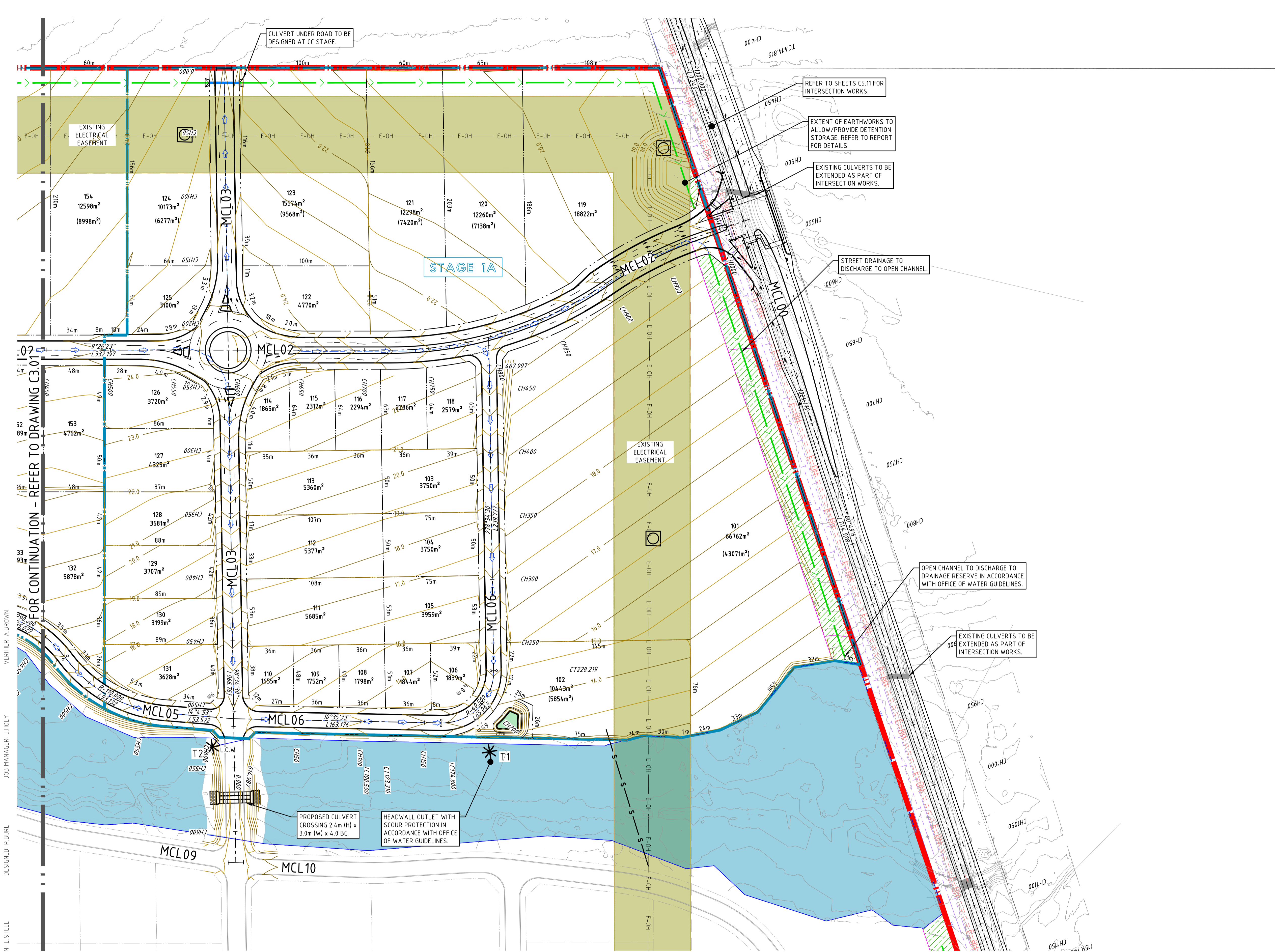
DRAWING NUMBER

**C3.01**

REVISION

**B**

DRAWING SHEET SIZE = A1



LEGEND	
	DENOTES SITE BOUNDARY LINE
	DENOTES PROPOSED LOT BOUNDARY
	DENOTES FUTURE LOT BOUNDARY
	DENOTES STAGING BOUNDARY LINE
	DENOTES STAGING NUMBER
	DENOTES LOT NUMBER
	DENOTES ROAD NAME
	DENOTES ROAD CHAINAGE LABEL
	DENOTES PROPOSED CONTOURS @ 0.5m INTERVALS.
	DENOTES EXISTING CONTOURS
	DENOTES ELECTRICAL EASEMENT
	DENOTES RIPARIAN CORRIDOR.
	DENOTES BIOFILTRATION BASIN
	DENOTES VEGETATION DEVELOPMENT BUFFER
	DENOTES HIGH VOLTAGE TRANSGRID ELECTRICAL LINE AND STANCHION.
	DENOTES VEGETATED DRAINAGE CHANNEL, SWALE OR STORMWATER PIPE.
	DENOTES GENERAL DIRECTION OF STREET DRAINAGE INFRASTRUCTURE (PIPED AND OVERLAND FLOW).
	DENOTES LIKELY LOCATION OF STORMWATER OUTLET. REFER TO TYPICAL STORMWATER BASIN SECTION ON DRAWING C3.51.
	DENOTES LIKELY LOCATION OF STORMWATER OUTLET. REFER TO TYPICAL STORMWATER OUTLET DETAIL ON DRAWING C3.52.
	DENOTES PROPOSED SEWER LINE. DETAILS TO BE PROVIDED AT CC STAGE.

DRAWN: L STEEL  
 DESIGNED: P BURL  
 JOB MANAGER: J HOEY  
 VERIFIER: A BROWN

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SCALE 1:1500 @ A1

PROJECT

**PROPOSED SUBDIVISION,  
JOHN RENSHAW DRIVE,  
BLACK HILL**

DRAWING TITLE

**CIVIL WORKS AND  
STORMWATER MANAGEMENT PLAN  
- SHEET 2**

JOB NUMBER

**NL166552**

DRAWING NUMBER

**C3.02**

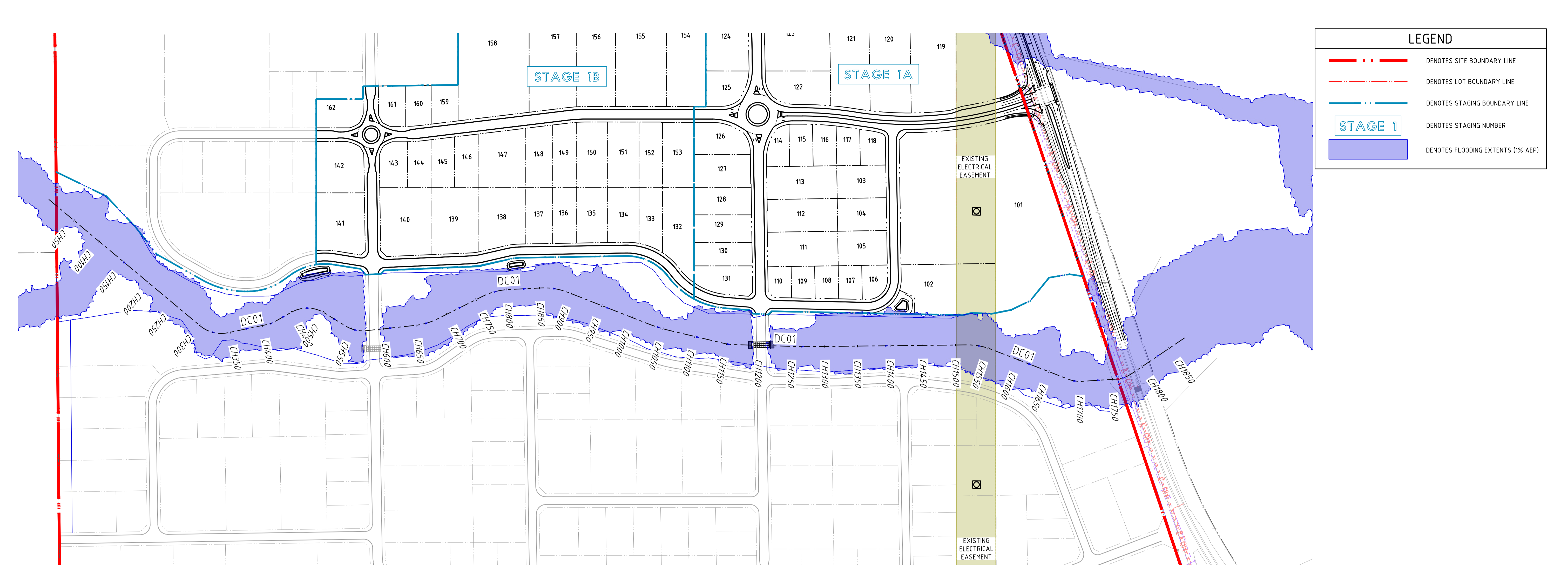
REVISION

**C**

DRAWING SHEET SIZE = A1



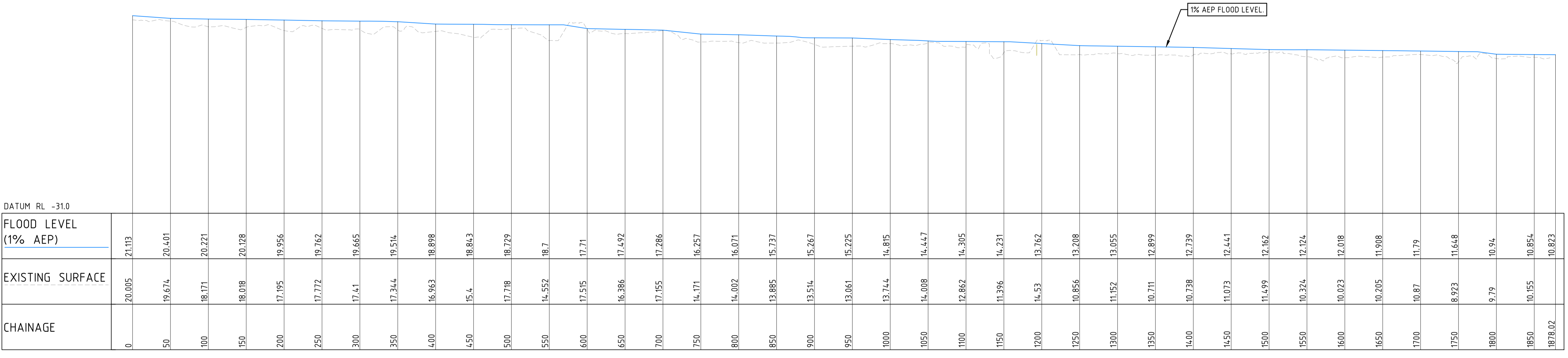
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**LEGEND**

- DENOTES SITE BOUNDARY LINE
- DENOTES LOT BOUNDARY LINE
- DENOTES STAGING BOUNDARY LINE
- STAGE 1 DENOTES STAGING NUMBER
- DENOTES FLOODING EXTENTS (1% AEP)

DRAWN: L STEEL  
 DESIGNED: P BURL  
 JOB MANAGER: J HOEY  
 VERIFIER: A BROWN



DATUM RL -31.0	
FLOOD LEVEL (1% AEP)	21.113, 20.401, 20.221, 20.128, 19.956, 19.762, 19.665, 19.514, 18.898, 18.843, 18.729, 18.7, 17.71, 17.492, 17.286, 16.257, 16.071, 15.737, 15.267, 15.225, 14.815, 14.447, 14.305, 14.231, 13.762, 13.208, 13.055, 12.899, 12.739, 12.441, 12.162, 12.124, 12.018, 11.908, 11.79, 11.648, 10.94, 10.854, 10.823
EXISTING SURFACE	20.005, 19.674, 18.171, 18.018, 17.195, 17.772, 17.41, 17.344, 16.963, 15.4, 17.718, 14.552, 17.515, 16.386, 17.155, 14.171, 14.002, 13.885, 13.514, 13.061, 13.744, 14.008, 12.862, 11.396, 14.53, 10.856, 11.152, 10.711, 10.738, 11.073, 11.499, 10.324, 10.023, 10.205, 10.87, 8.923, 9.79, 10.155, 10.823
CHAINAGE	0, 50, 100, 150, 200, 250, 300, 350, 400, 450, 500, 550, 600, 650, 700, 750, 800, 850, 900, 950, 1000, 1050, 1100, 1150, 1200, 1250, 1300, 1350, 1400, 1450, 1500, 1550, 1600, 1650, 1700, 1750, 1800, 1850, 1878.02

LONGITUDINAL SECTION ALONG MC DC01  
 HORIZONTAL SCALE 1:3000@A1  
 VERTICAL SCALE 1:600@A1



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PROJECT  
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 JOHN RENSHAW DRIVE,  
 BLACK HILL**

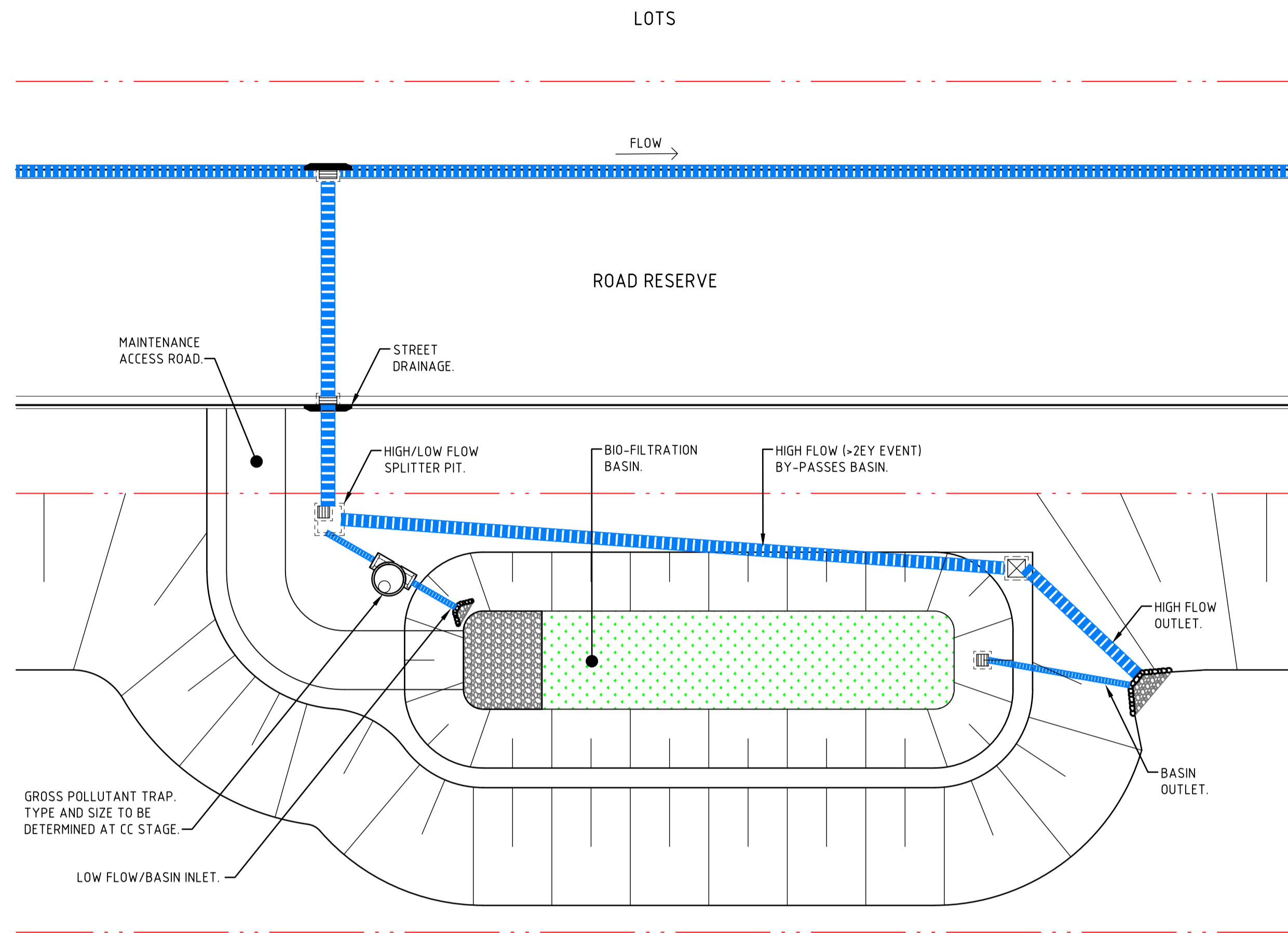
DRAWING TITLE  
**FLOOD EXTENT  
 AND LEVELS PLAN**

JOB NUMBER  
**NL166552**

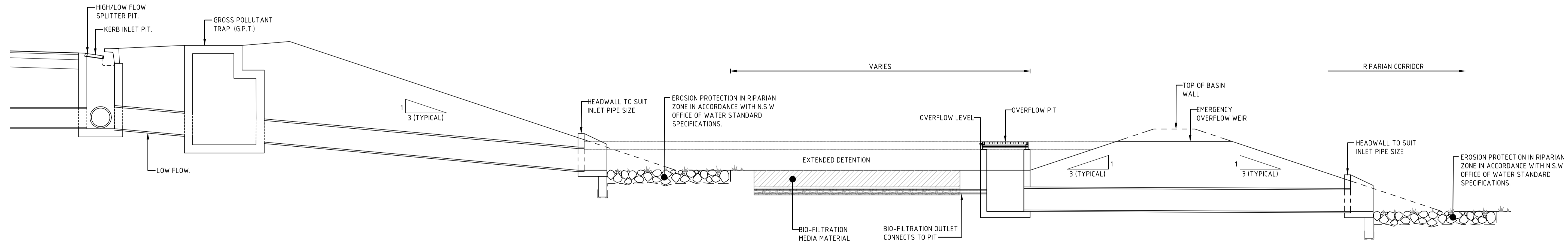
DRAWING NUMBER  
**C3.20**

REVISION  
**B**

DRAWING SHEET SIZE = A1



TYPICAL STORMWATER BASIN DETAIL



TYPICAL STORMWATER BASIN SECTION - (T1)

DRAWN: L STEEL  
DESIGNED: P BURL  
JOB MANAGER: J HOEY  
VERIFIER: A BROWN



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SCALE 1:100 @ A1

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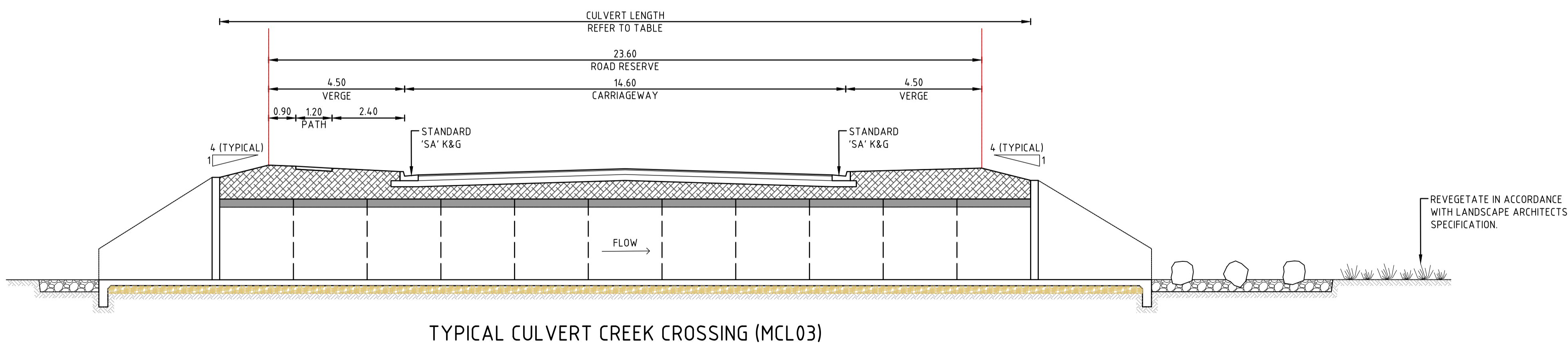
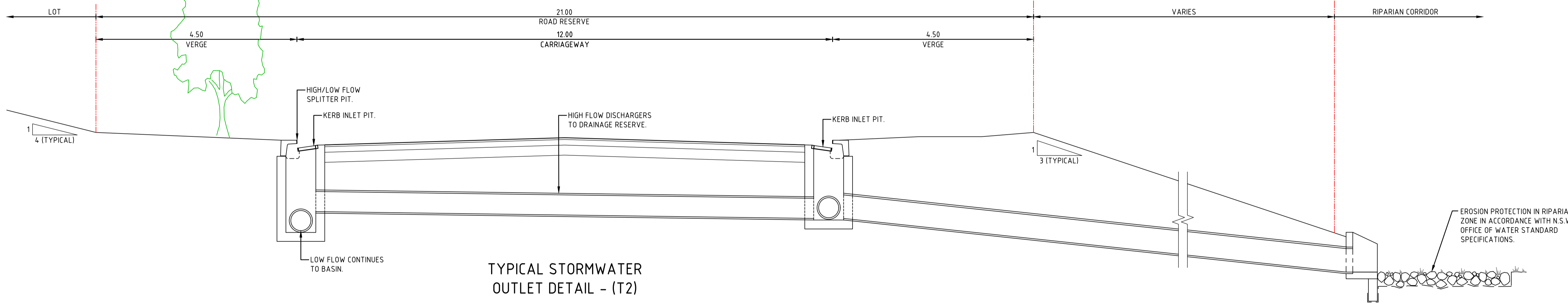
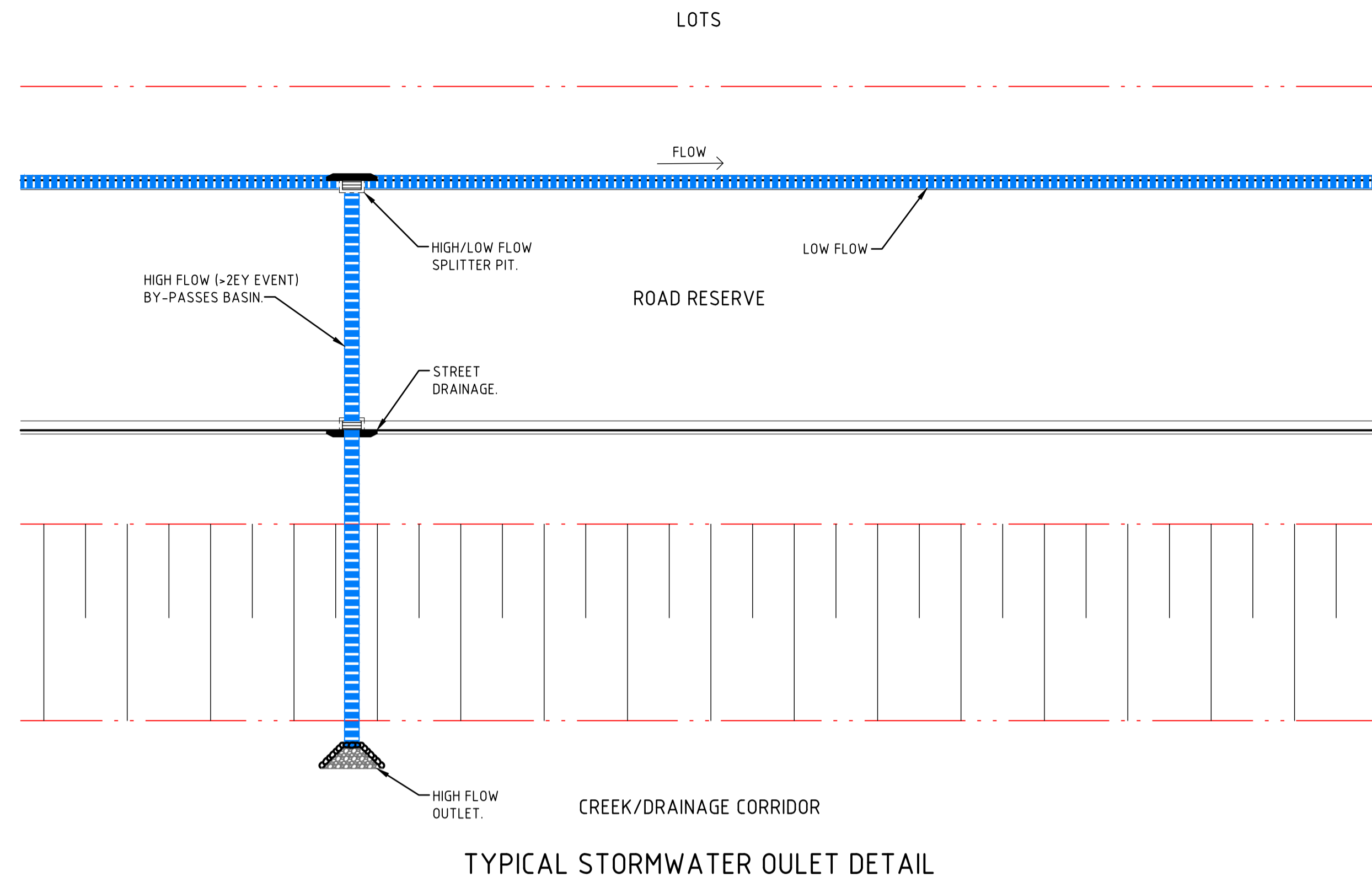
PROJECT

**PROPOSED SUBDIVISION,  
JOHN RENSHAW DRIVE,  
BLACK HILL**

DRAWING TITLE

**TYPICAL STORMWATER  
SECTIONS - SHEET 1**

JOB NUMBER	
<b>NL166552</b>	
DRAWING NUMBER	REVISION
<b>C3.51</b>	<b>B</b>
DRAWING SHEET SIZE = A1	



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PROJECT

**PROPOSED SUBDIVISION,  
JOHN RENSHAW DRIVE,  
BLACK HILL**

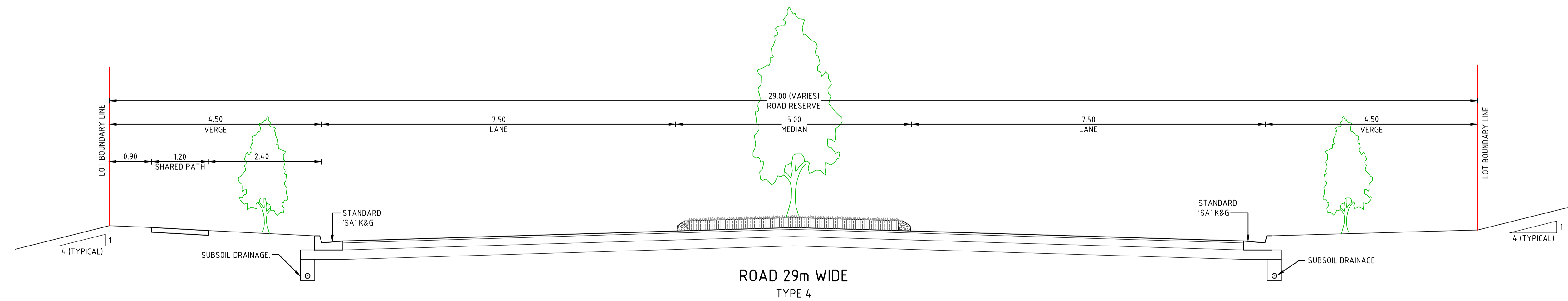
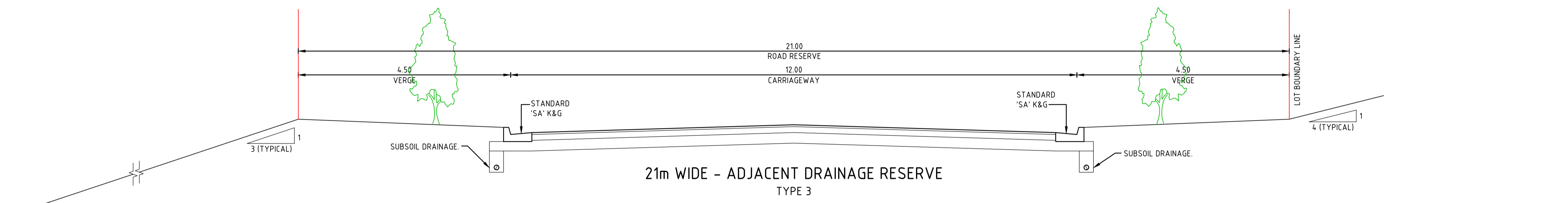
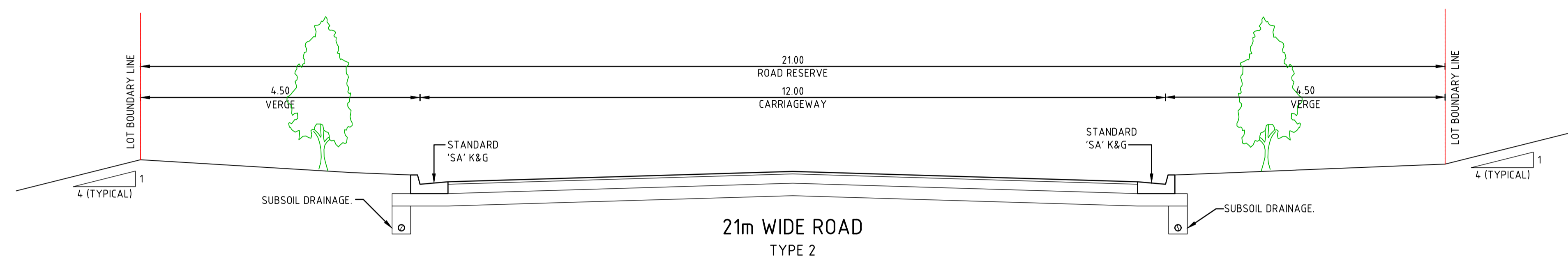
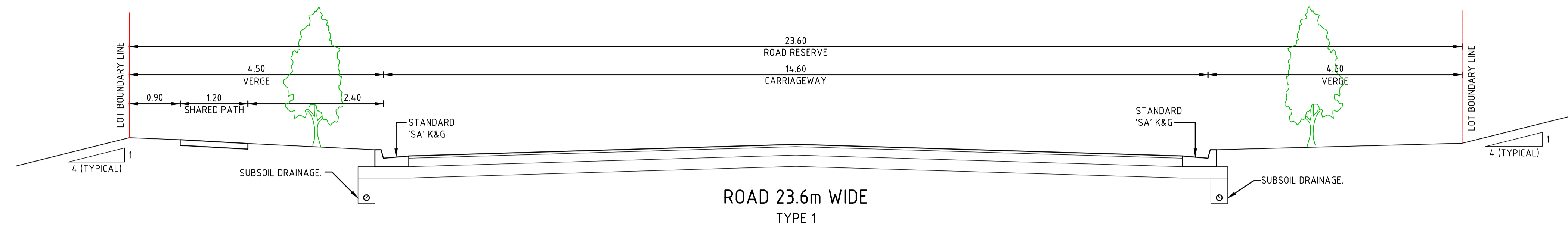
DRAWING TITLE

**TYPICAL STORMWATER  
SECTIONS - SHEET 2**

JOB NUMBER	
<b>NL166552</b>	
DRAWING NUMBER	REVISION
<b>C3.52</b>	<b>B</b>
DRAWING SHEET SIZE = A1	

DRAWN: L STEEL  
DESIGNED: P BURL  
JOB MANAGER: J HOEY  
VERIFIER: A BROWN

ROAD NAME	ROAD TYPE
MCL01	1
MCL02 CH0-CH600	1
MCL02 CH600-END	4
MCL03	1
MCL04	3
MCL05	3
MCL06 START - CH200	3
MCL06 CH200 - END	2



RIPARIAN ZONE

DRAWN: L STEEL  
DESIGNED: P BURL  
JOB MANAGER: J HOEY  
VERIFIER: A BROWN



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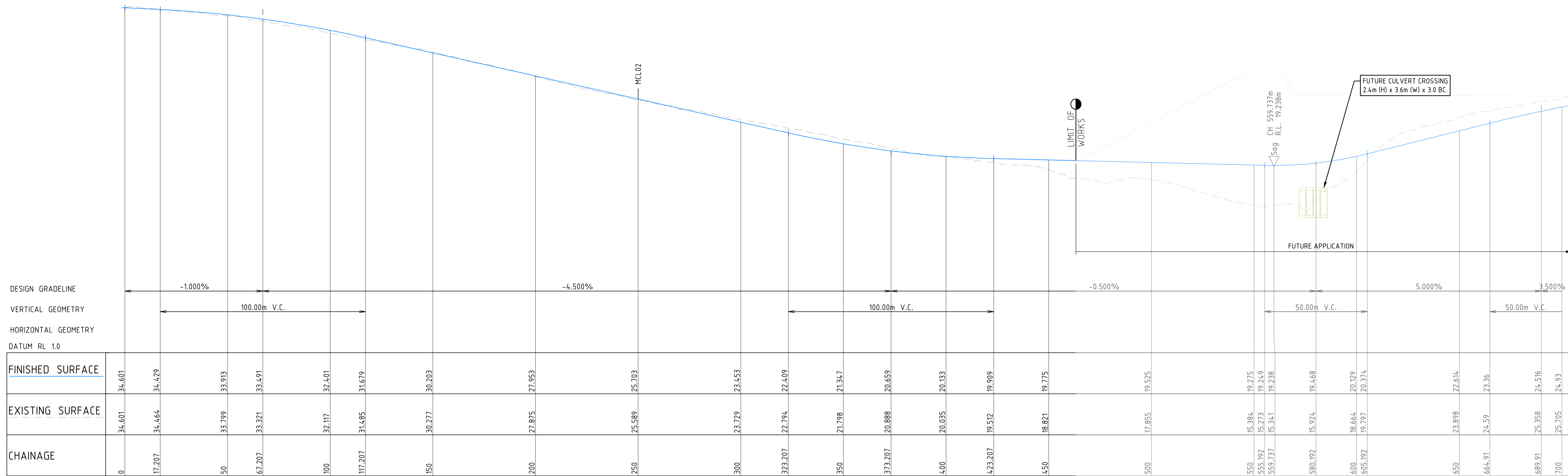
PROJECT

**PROPOSED SUBDIVISION,  
JOHN RENSHAW DRIVE,  
BLACK HILL**

DRAWING TITLE

**TYPICAL INTERNAL ROAD  
CROSS SECTIONS**

JOB NUMBER	
<b>NL166552</b>	
DRAWING NUMBER	REVISION
<b>C4.01</b>	<b>B</b>
DRAWING SHEET SIZE = A1	

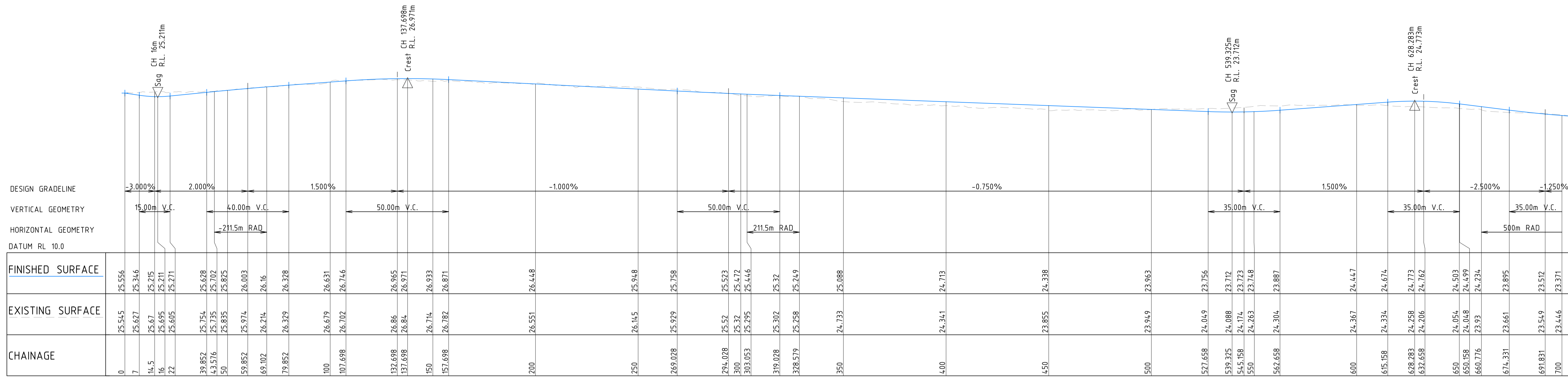


LONGITUDINAL SECTION ALONG MCL01  
HORIZONTAL SCALE 1:1000@A1  
VERTICAL SCALE 1:200@A1

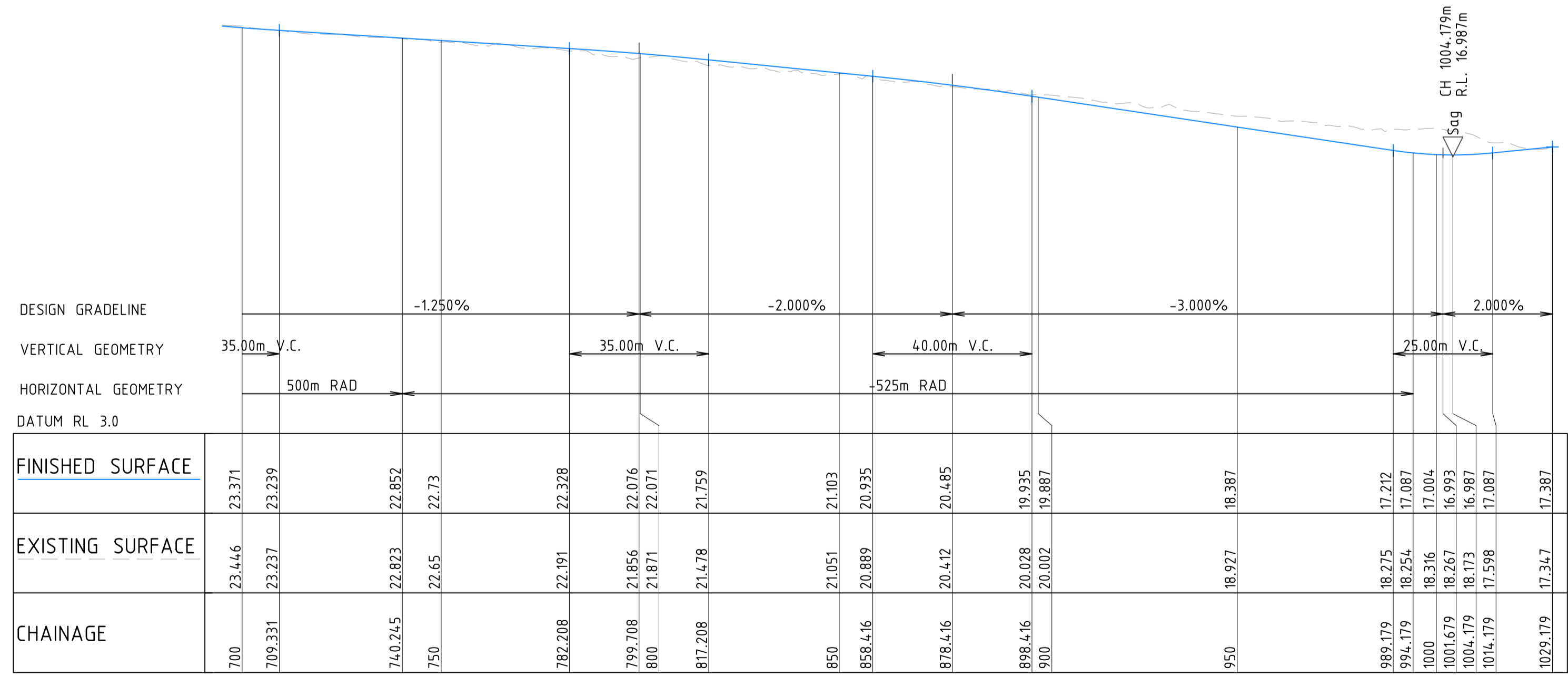
DRAWN: L STEEL  
DESIGNED: P BURL  
JOB MANAGER: J HOEY  
VERIFIER: A BROWN

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REVISION	DESCRIPTION	ISSUED	VER'D	APP'D	DATE																									
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DRAWING NUMBER	REVISION																													
<b>C4.11</b>	<b>B</b>																													
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LONGITUDINAL SECTION ALONG MCL02  
 HORIZONTAL SCALE 1:1000@A1  
 VERTICAL SCALE 1:200@A1



LONGITUDINAL SECTION ALONG MCL02  
 HORIZONTAL SCALE 1:1000@A1  
 VERTICAL SCALE 1:200@A1

DRAWN: L STEEL  
 DESIGNED: P BURL  
 JOB MANAGER: J HOEY  
 VERIFIER: A BROWN

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PROJECT

**PROPOSED SUBDIVISION,  
 JOHN RENSHAW DRIVE,  
 BLACK HILL**

DRAWING TITLE

**INTERNAL ROAD  
 LONGITUDINAL SECTIONS  
 - SHEET 2**

JOB NUMBER

**NL166552**

DRAWING NUMBER

**C4.12**

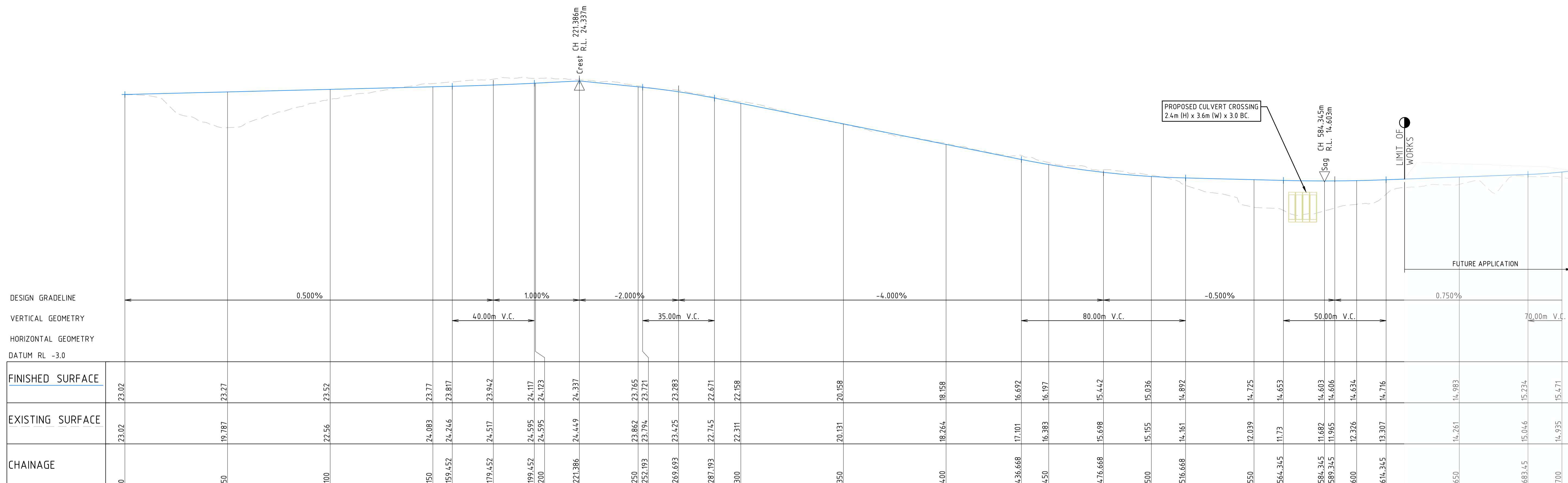
REVISION

**B**

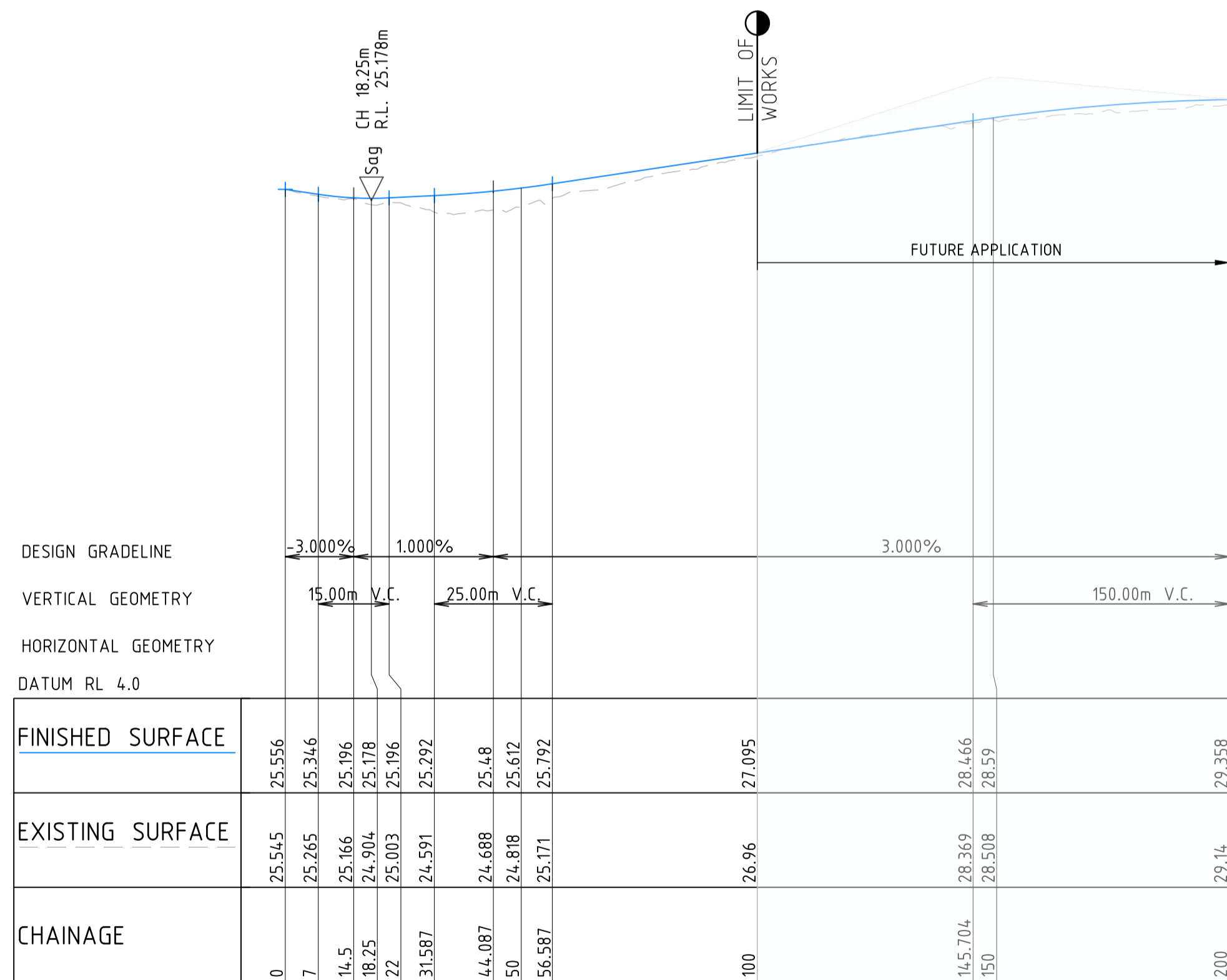
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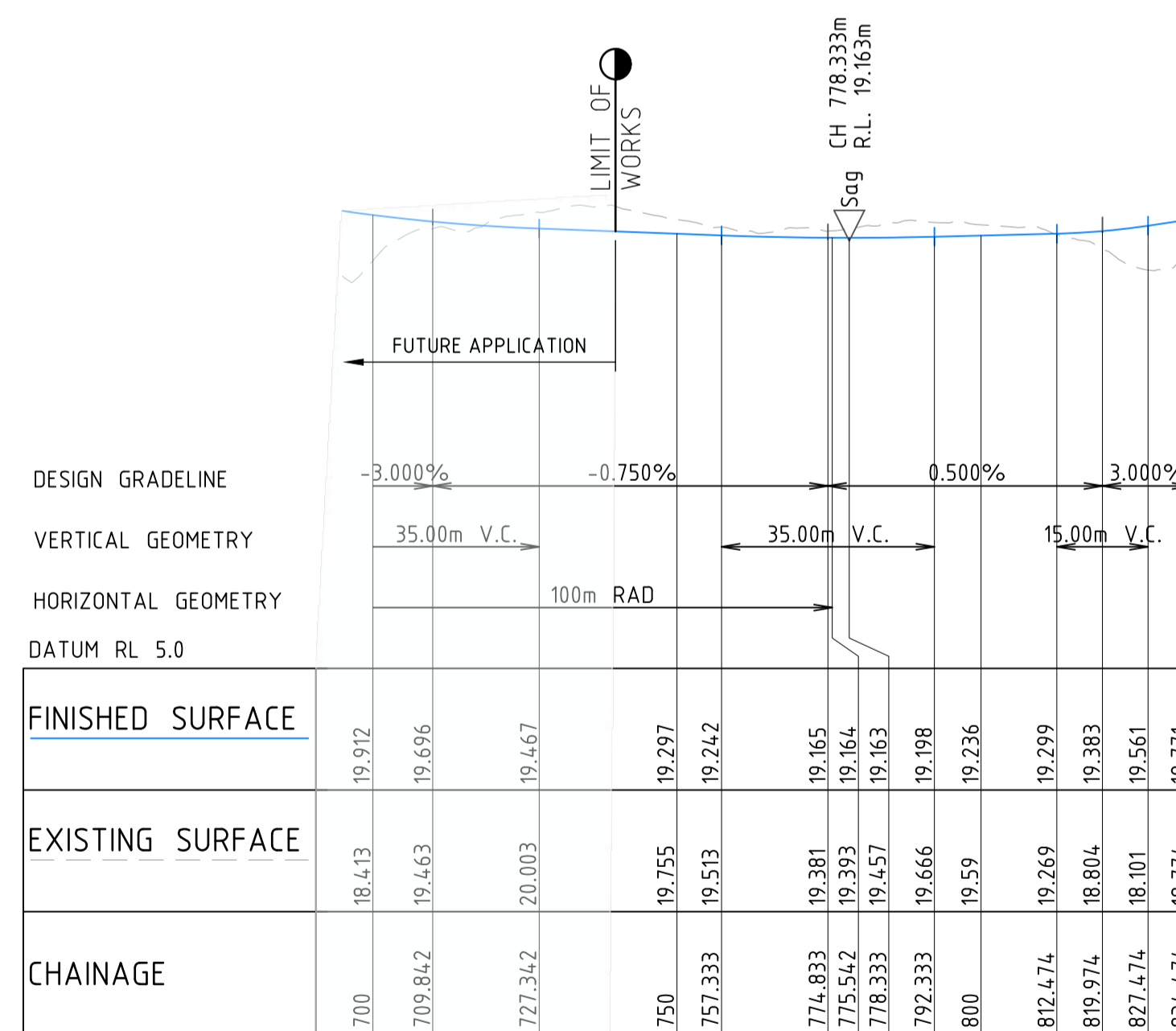




LONGITUDINAL SECTION ALONG MCL03  
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VERTICAL SCALE 1:200@A1



LONGITUDINAL SECTION ALONG MCL04  
HORIZONTAL SCALE 1:1000@A1  
VERTICAL SCALE 1:200@A1



LONGITUDINAL SECTION ALONG MCL04  
HORIZONTAL SCALE 1:1000@A1  
VERTICAL SCALE 1:200@A1

DRAWN: L. STEEL  
DESIGNED: P. BURL  
JOB MANAGER: J. HOEY  
VERIFIER: A. BROWN

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PROJECT

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JOHN RENSHAW DRIVE,  
BLACK HILL**

DRAWING TITLE

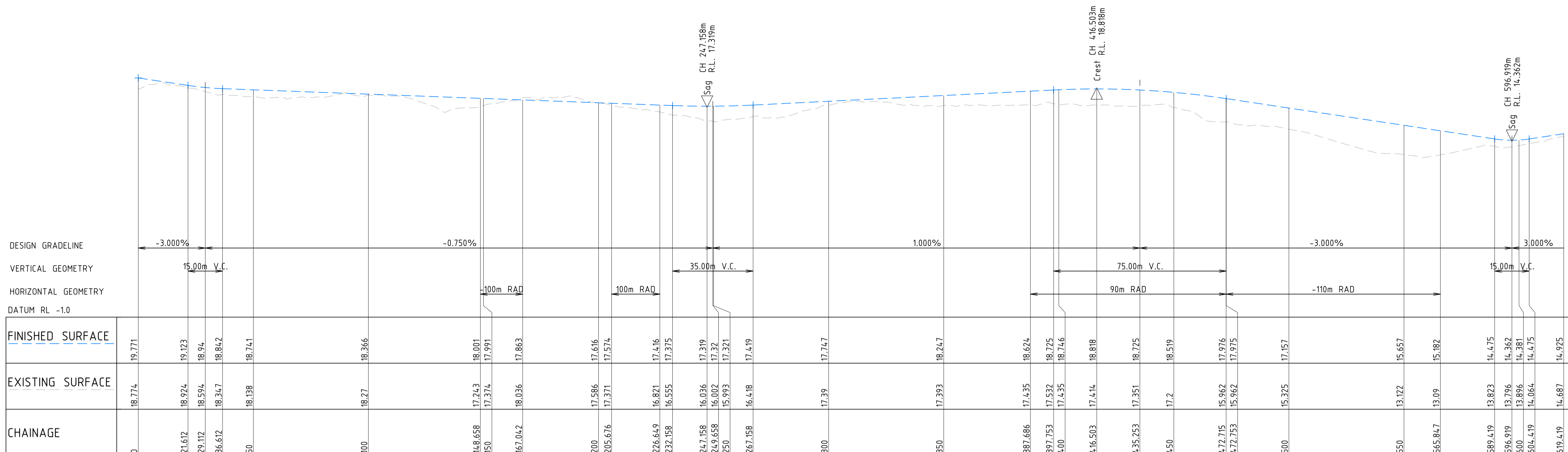
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LONGITUDINAL SECTIONS  
- SHEET 3**

JOB NUMBER  
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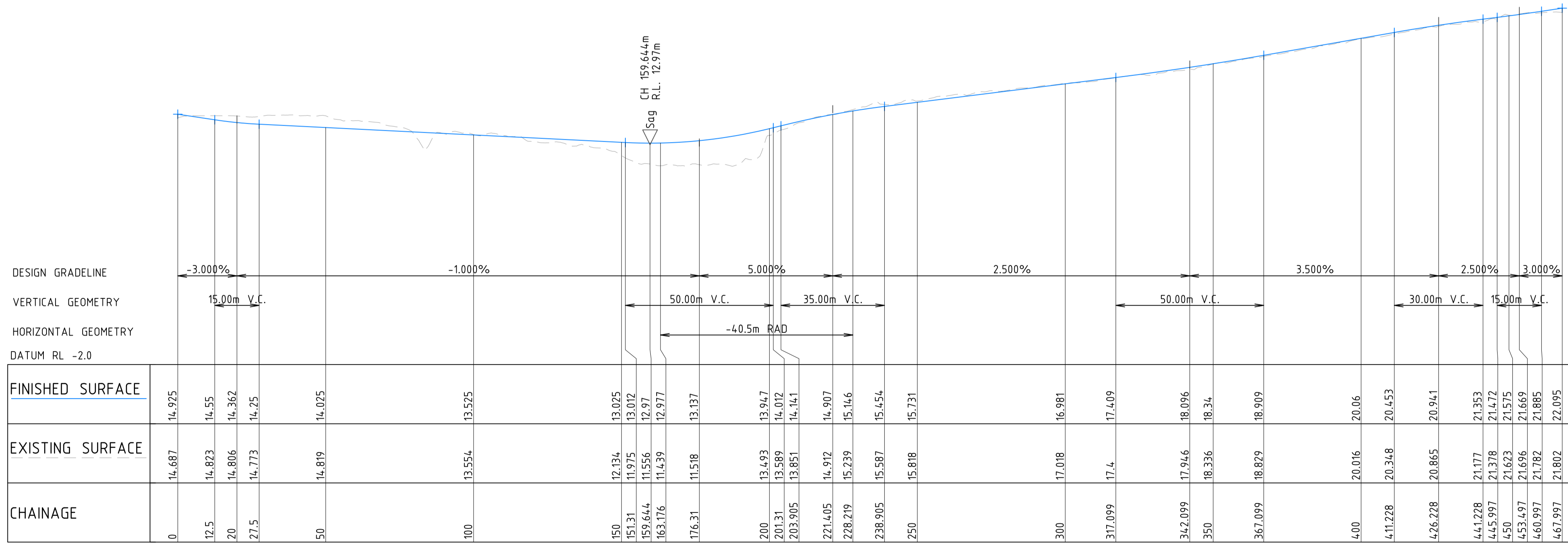
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REVISION  
**B**

DRAWING SHEET SIZE = A1



LONGITUDINAL SECTION ALONG MCL05  
 HORIZONTAL SCALE 1:1000@A1  
 VERTICAL SCALE 1:200@A1



LONGITUDINAL SECTION ALONG MCL06  
 HORIZONTAL SCALE 1:1000@A1  
 VERTICAL SCALE 1:200@A1

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 DESIGNED: P BURL  
 JOB MANAGER: J HOEY  
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PROJECT

**PROPOSED SUBDIVISION,  
 JOHN RENSHAW DRIVE,  
 BLACK HILL**

DRAWING TITLE

**INTERNAL ROAD  
 LONGITUDINAL SECTIONS  
 - SHEET 4**

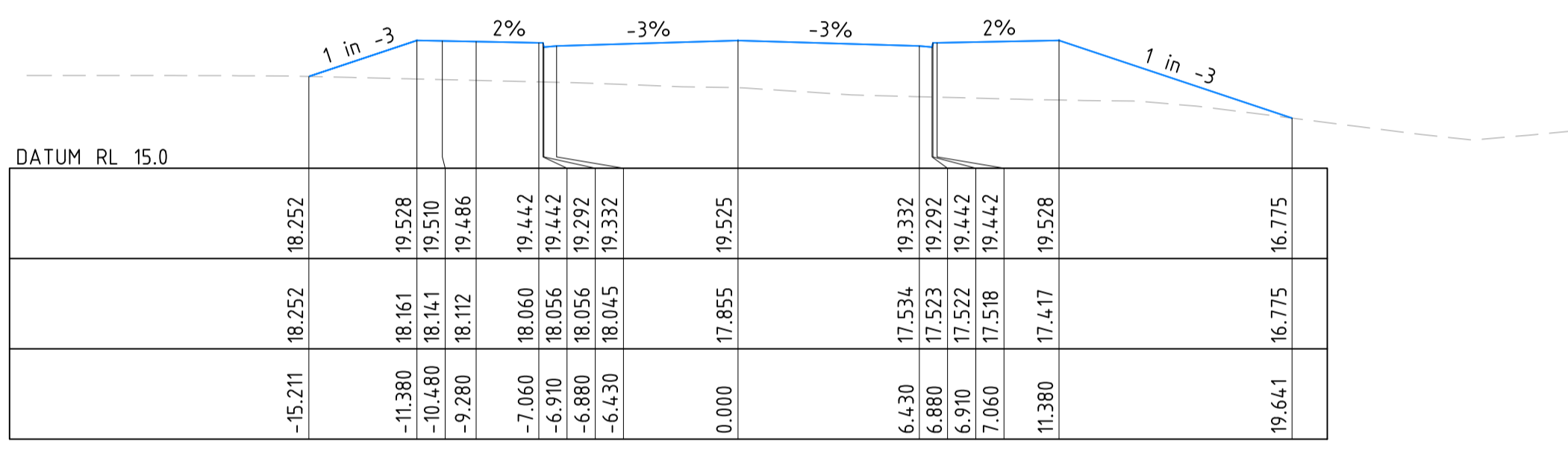
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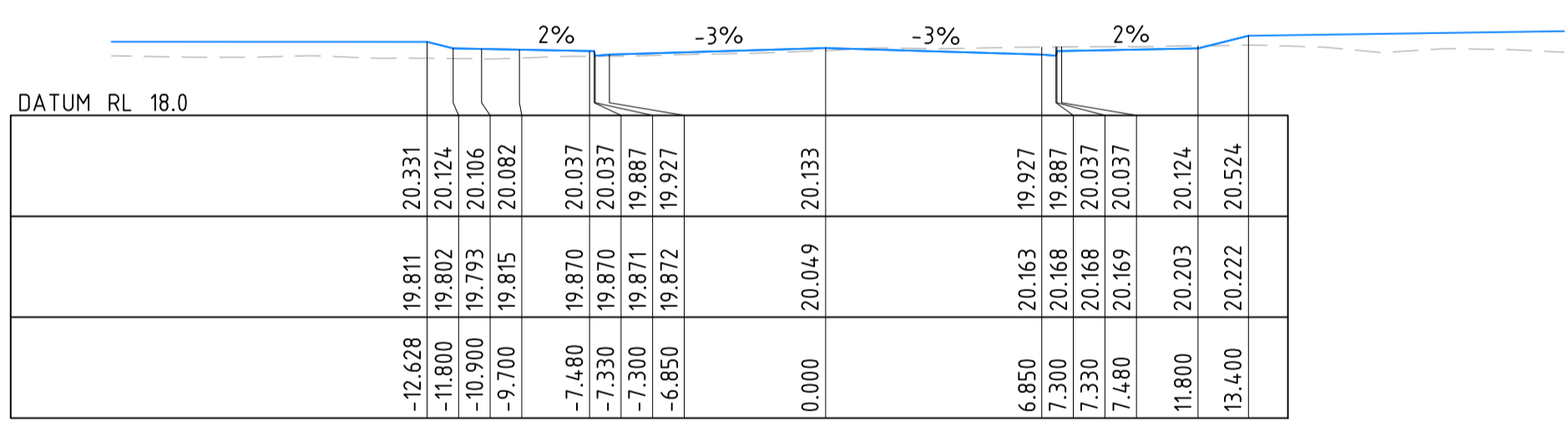
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DRAWING SHEET SIZE = A1

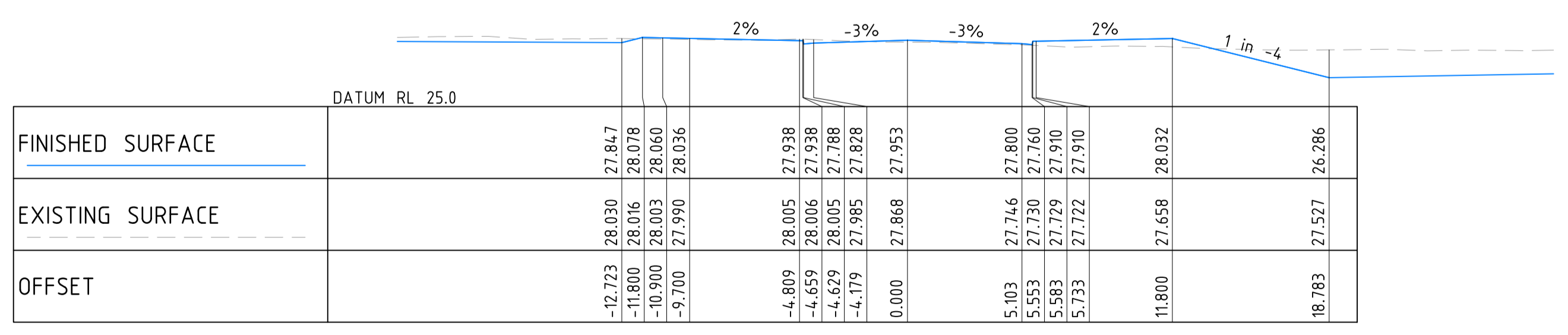
DRAWN: L STEEL  
DESIGNED: P BURL  
JOB MANAGER: J HOEY  
VERIFIER: A BROWN



MCL01 CHAINAGE 500.000



MCL01 CHAINAGE 400.000



MCL01 CHAINAGE 200.000

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JOHN RENSHAW DRIVE,  
BLACK HILL**

DRAWING TITLE

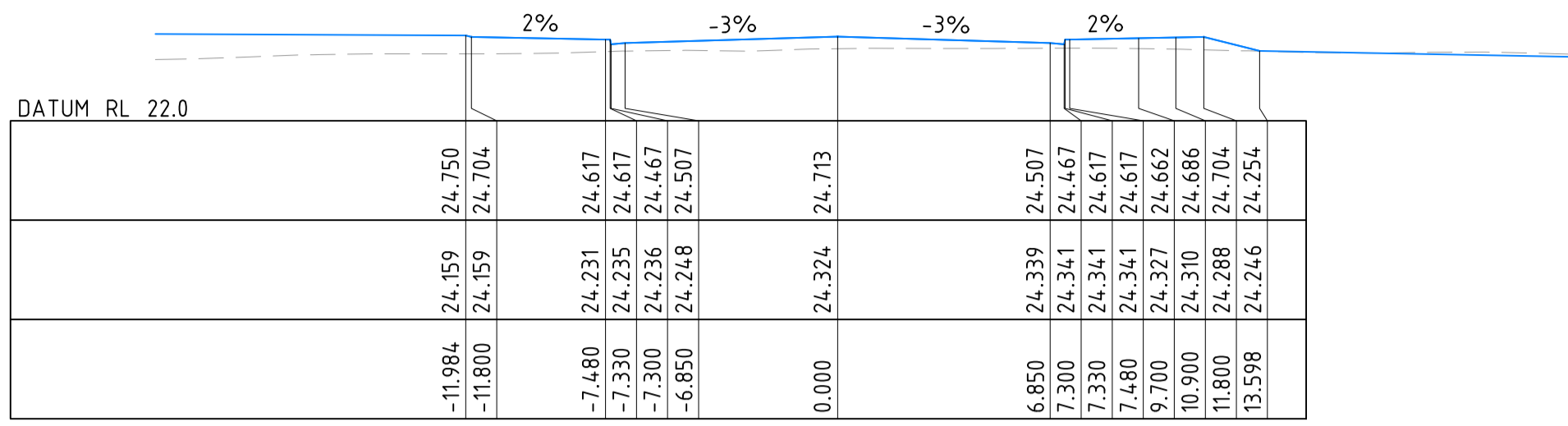
**INTERNAL ROAD  
CROSS SECTIONS  
- SHEET 1**

JOB NUMBER

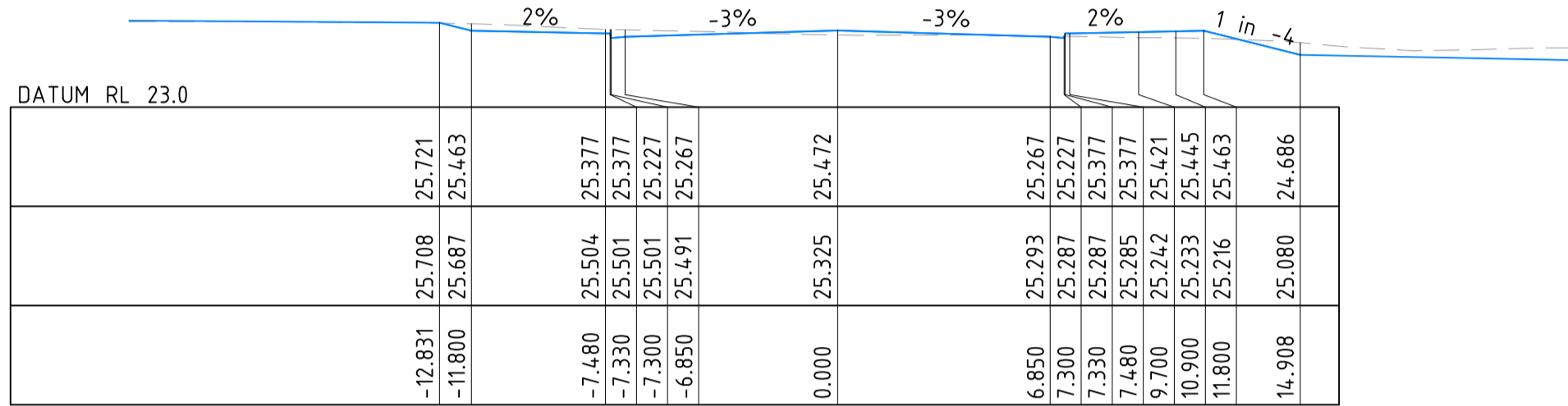
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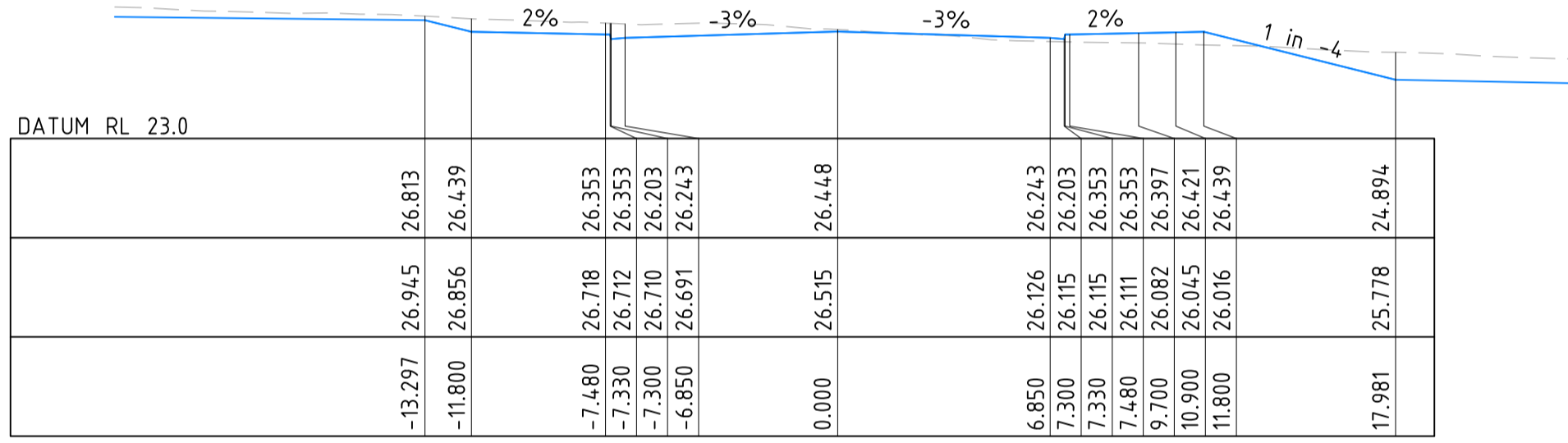
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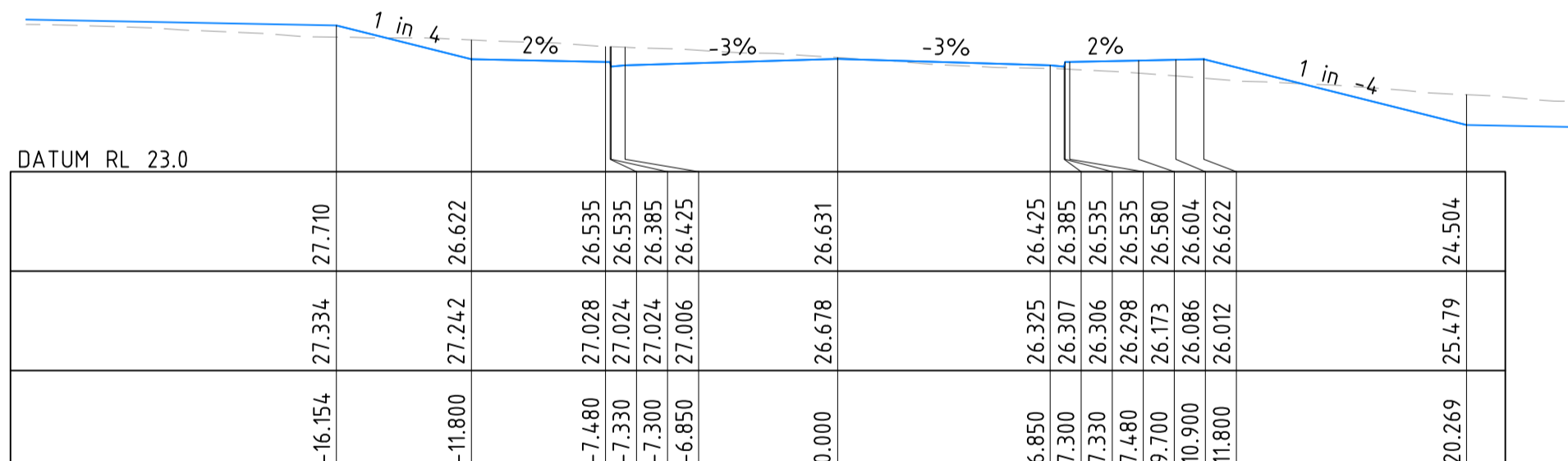
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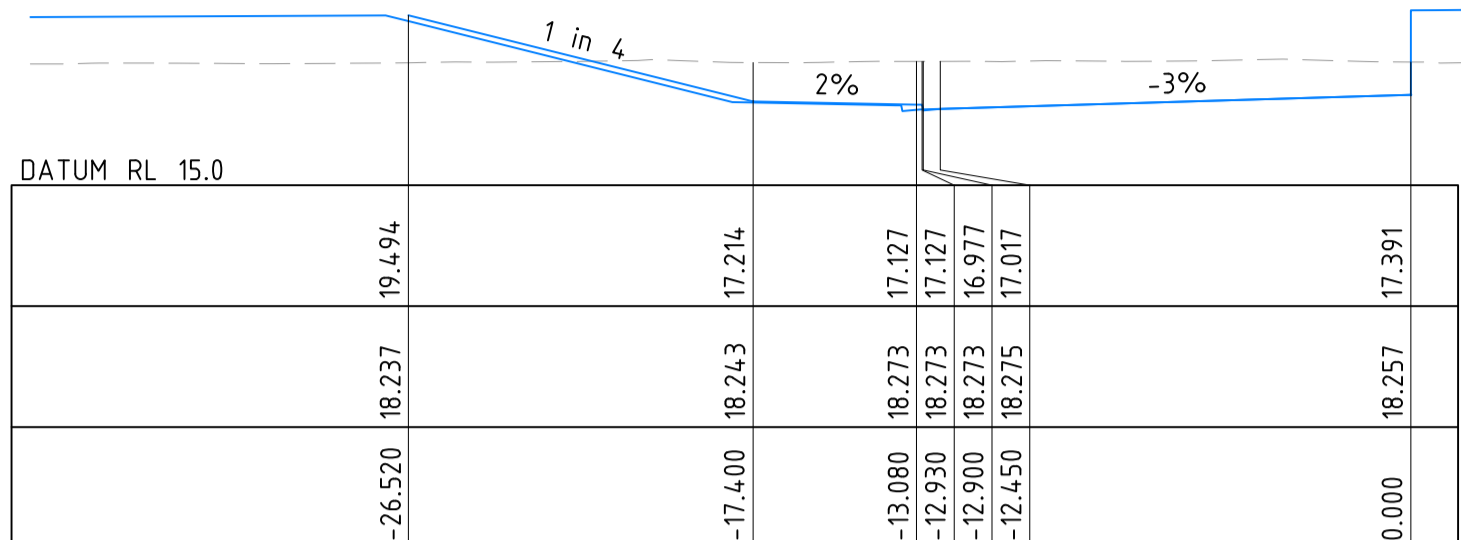
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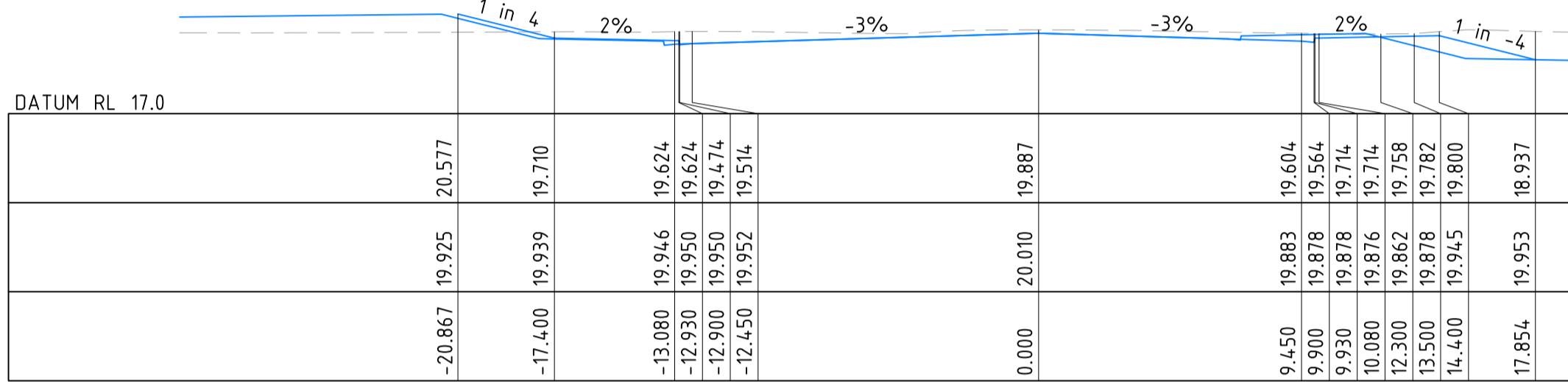
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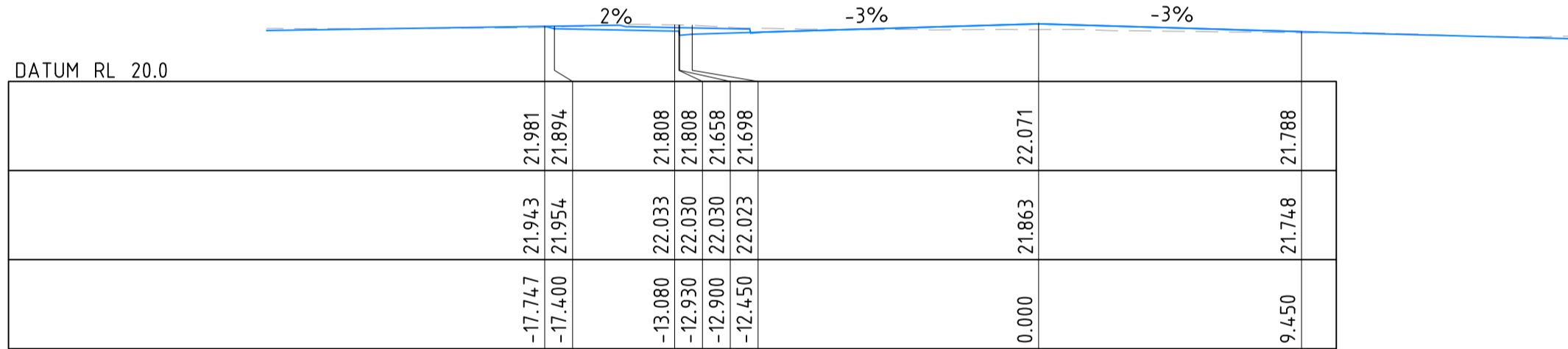
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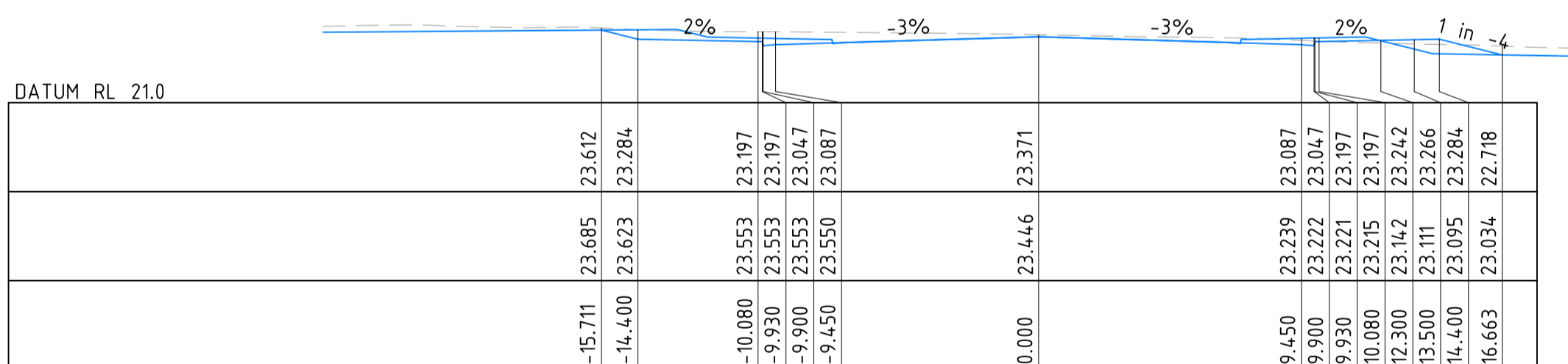
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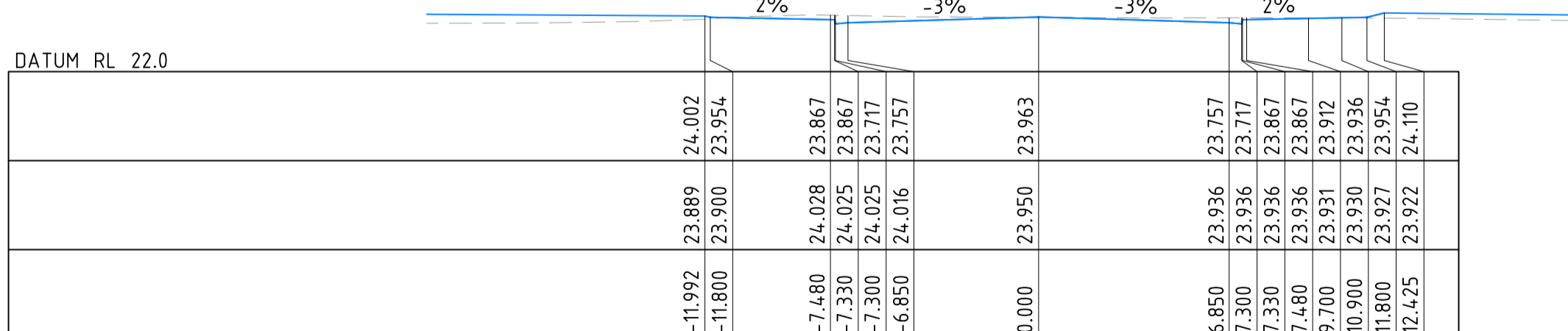
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MCL02 CHAINAGE 800.000



MCL02 CHAINAGE 700.000



MCL02 CHAINAGE 500.000

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Offset	9.700
Finished Surface	25.907
Existing Surface	25.152
Offset	10.900
Finished Surface	25.975
Existing Surface	25.084
Offset	11.800

MCL02 CHAINAGE 47.050

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ARCHITECT: [Logo]

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PROJECT: PROPOSED SUBDIVISION, JOHN RENSHAW DRIVE, BLACK HILL

DRAWING TITLE: INTERNAL ROAD CROSS SECTIONS - SHEET 2

JOB NUMBER: NL166552

DRAWING NUMBER: C4.52

REVISION: B

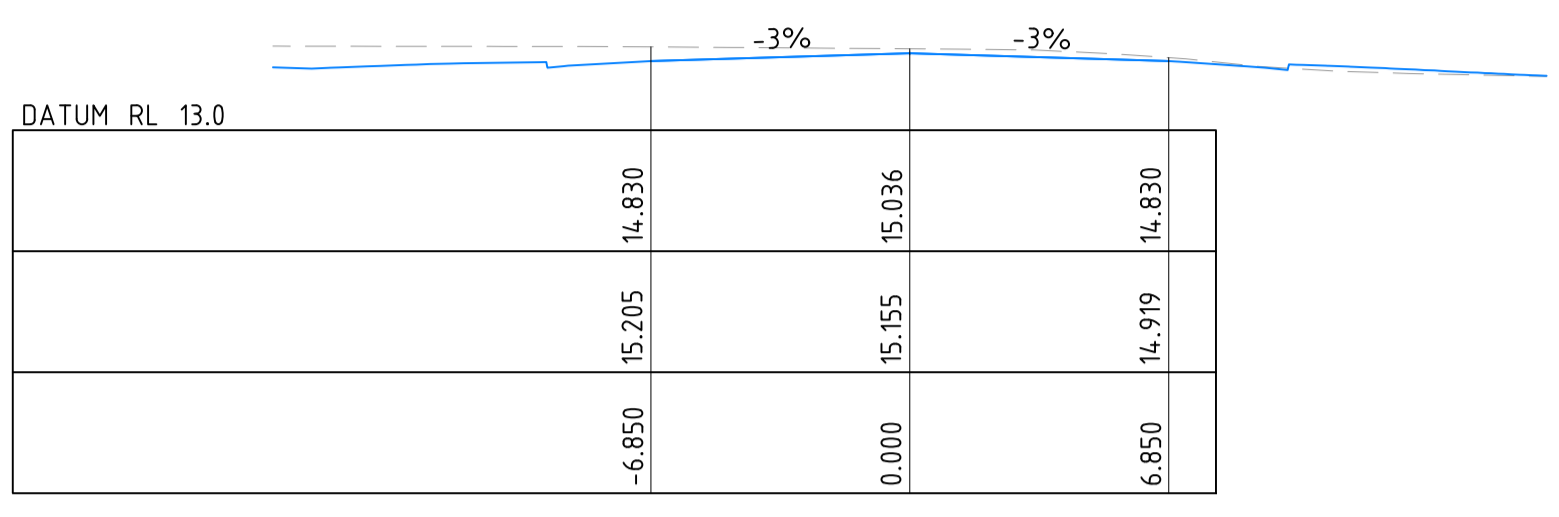
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JOB MANAGER - J.HOEY

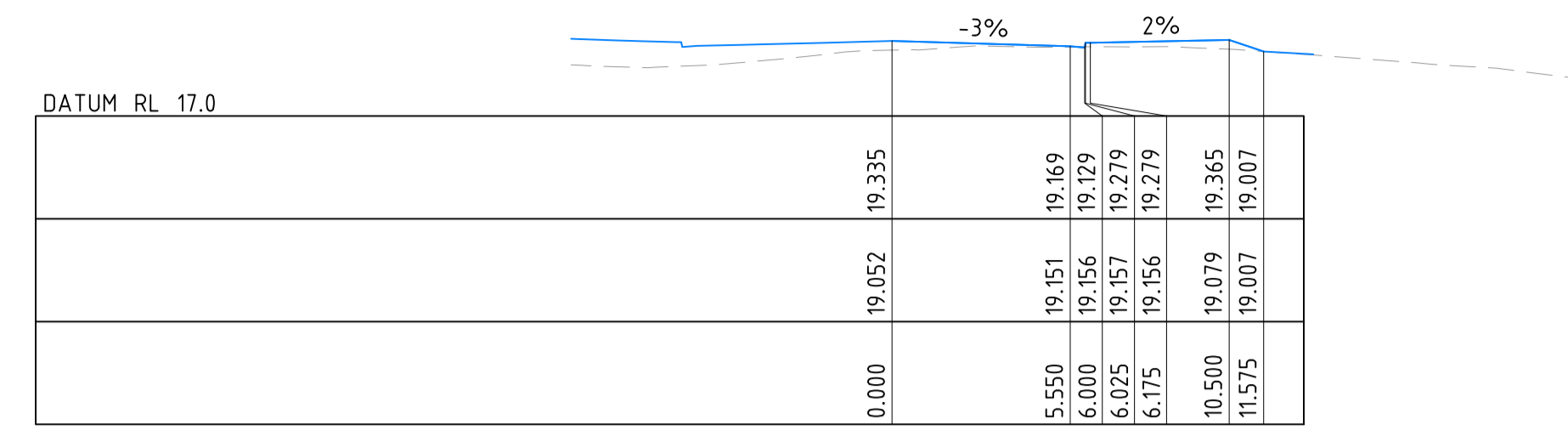
VERIFIER - A.BROWN

DESIGNED - P.BURL

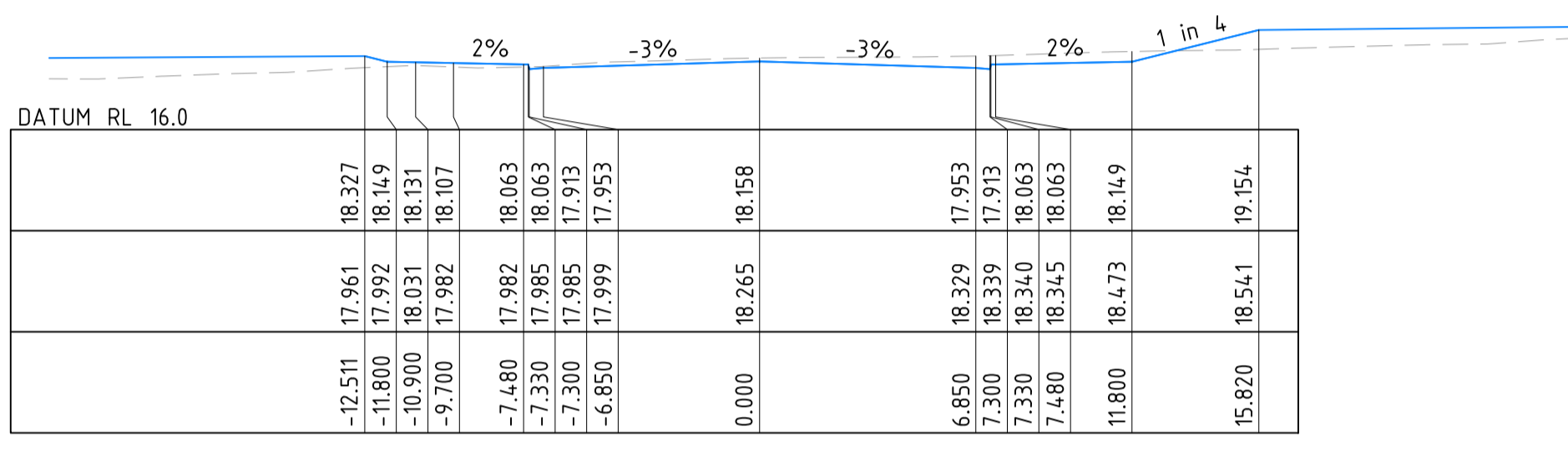
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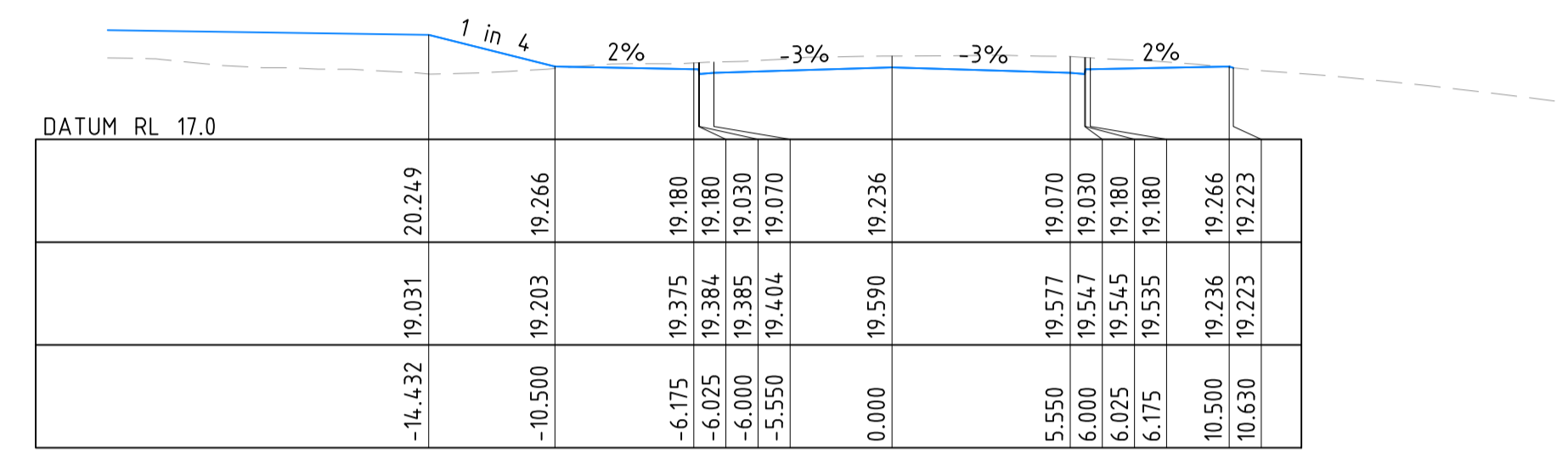
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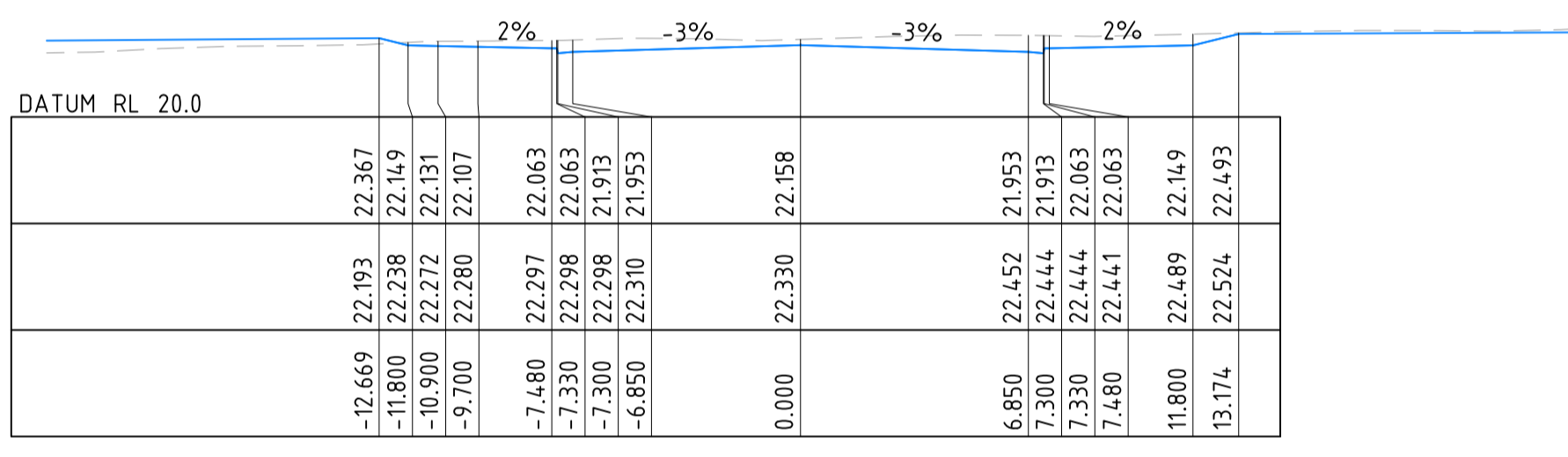
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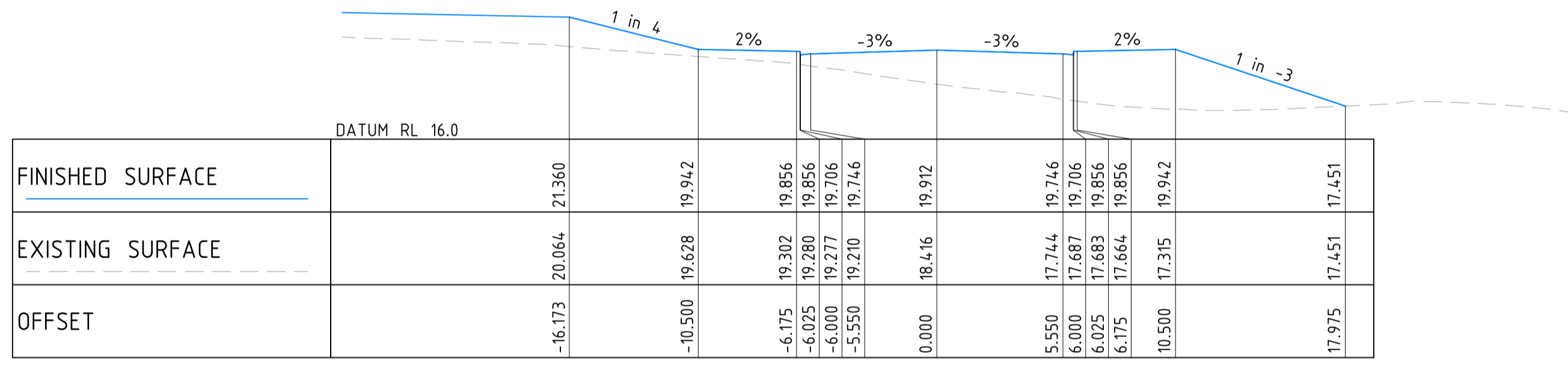
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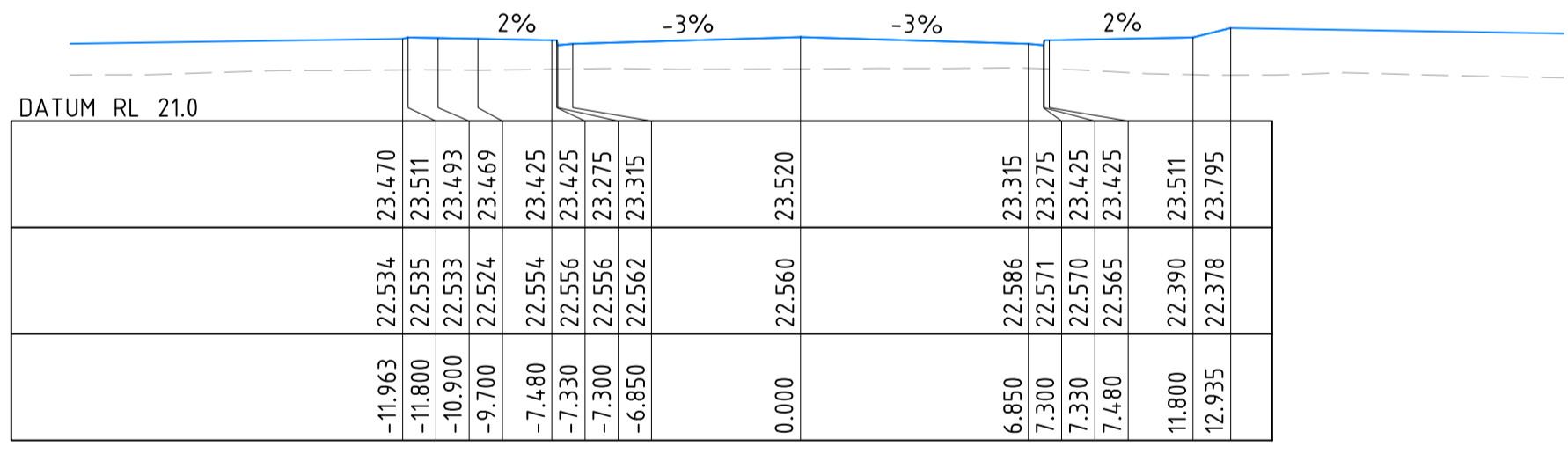
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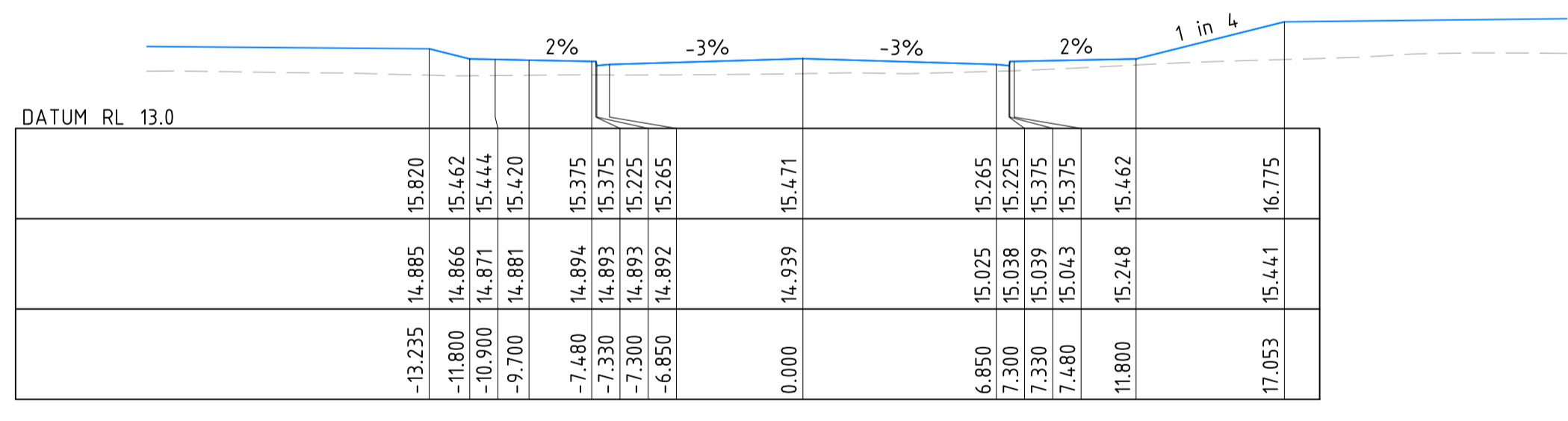
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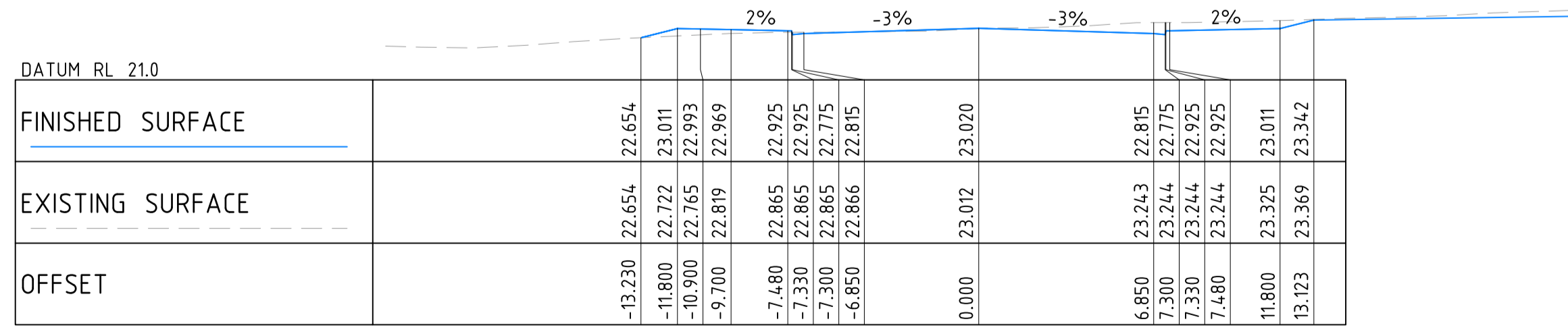
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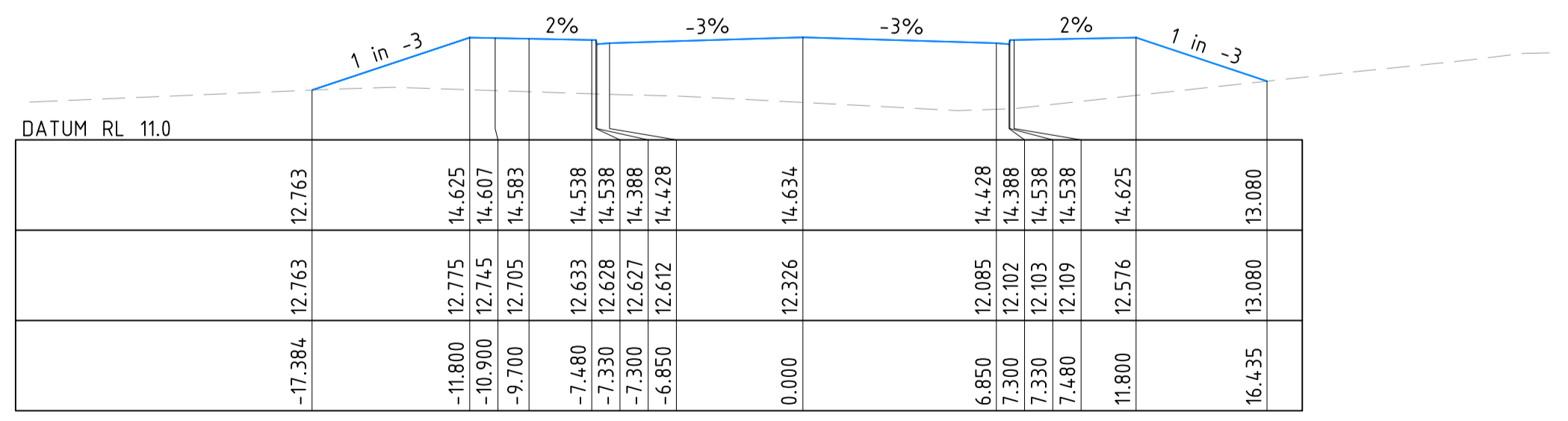
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MCL03 CHAINAGE 700.000



MCL03 CHAINAGE 0.000



MCL03 CHAINAGE 600.000

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PROJECT

**PROPOSED SUBDIVISION,  
JOHN RENSHAW DRIVE,  
BLACK HILL**

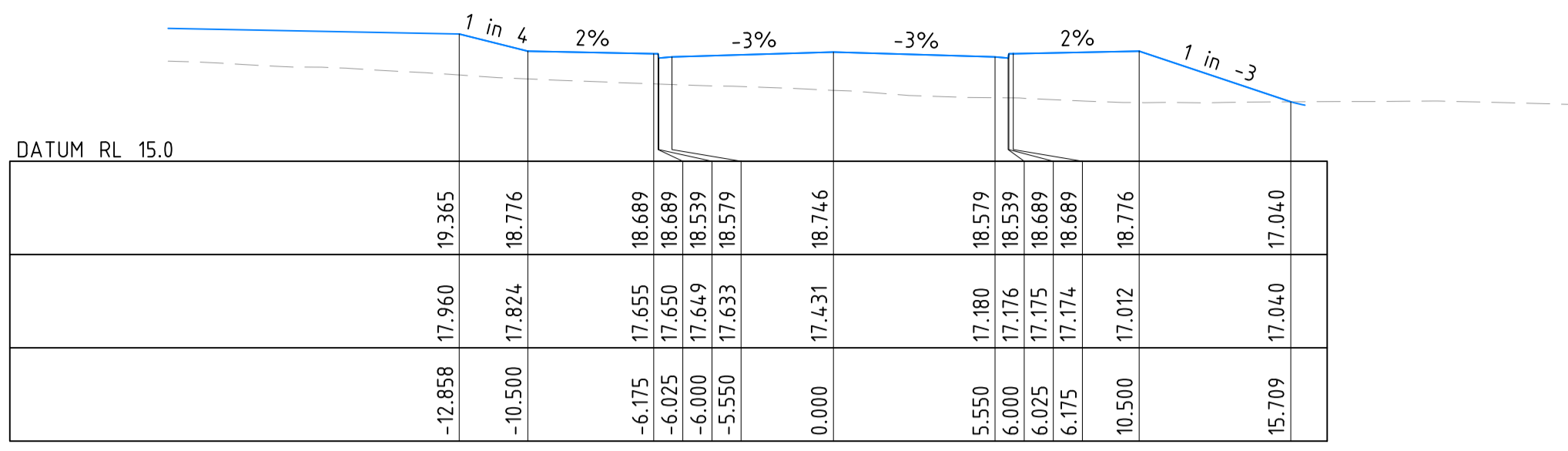
DRAWING TITLE

**INTERNAL ROAD  
CROSS SECTIONS  
- SHEET 3**

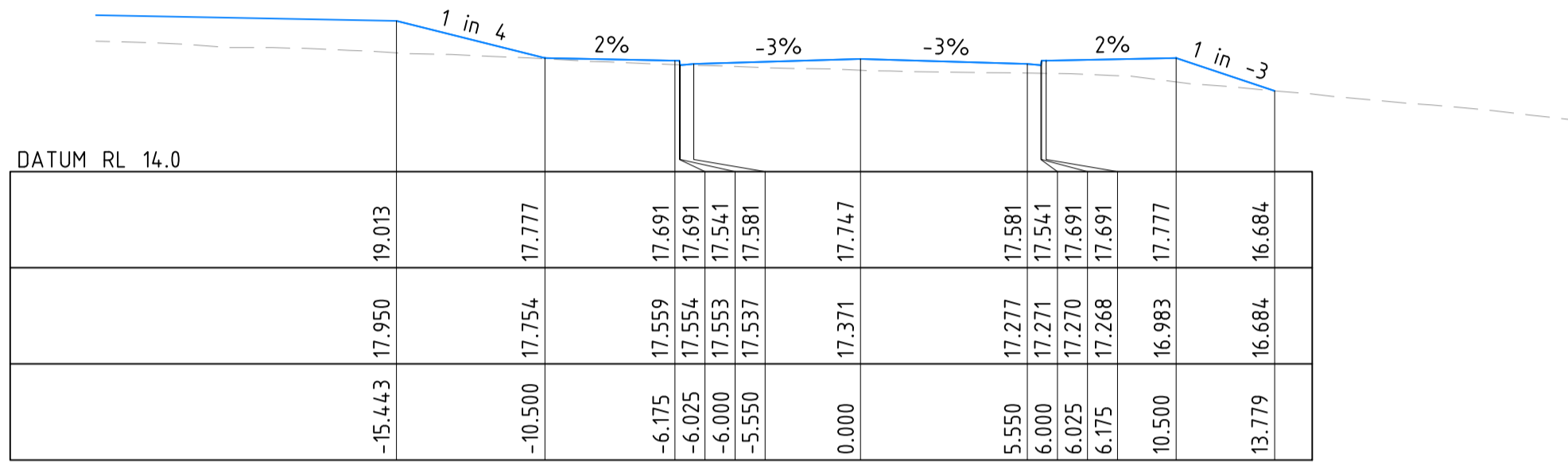
JOB NUMBER: **NL166552**

DRAWING NUMBER: **C4.53** REVISION: **B**

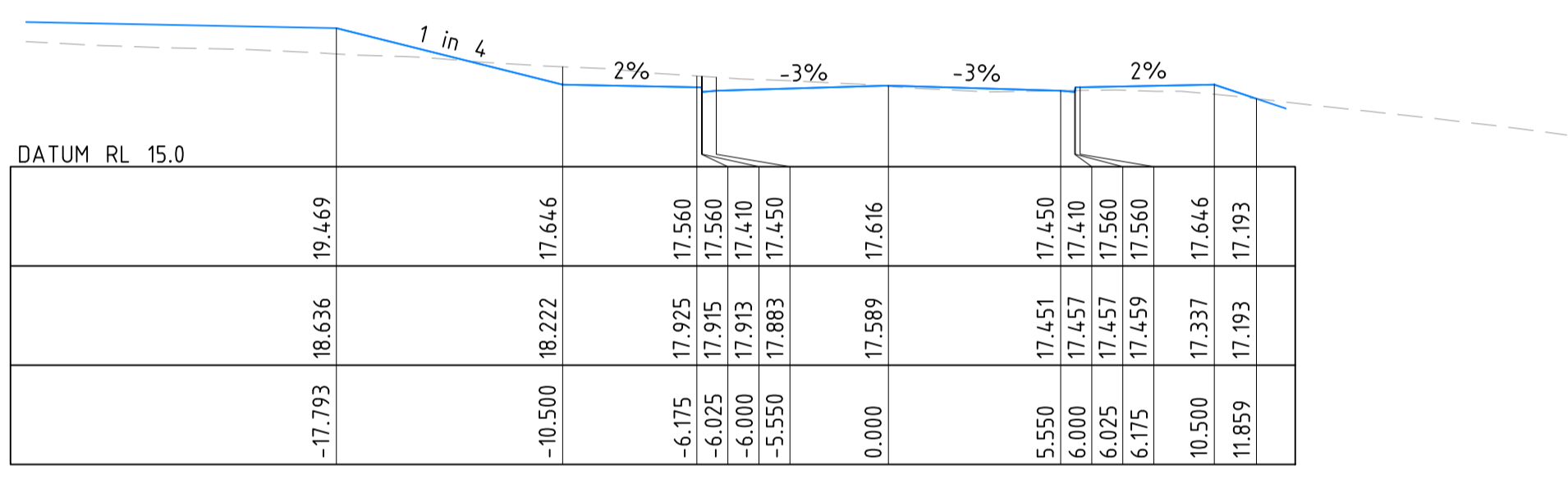
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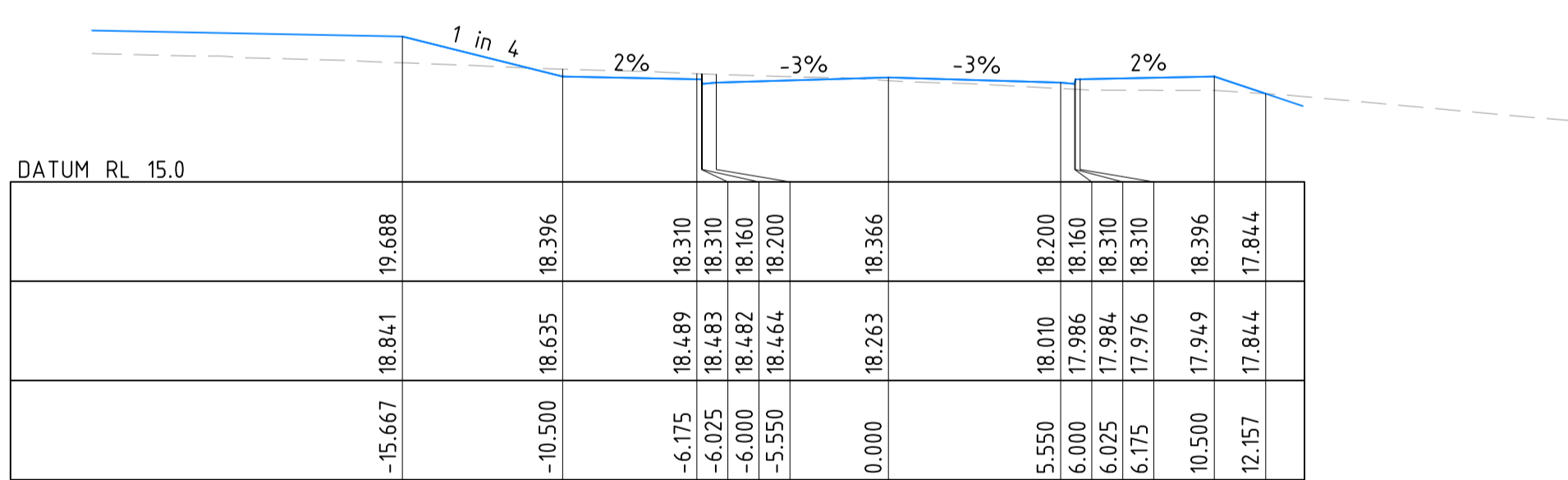
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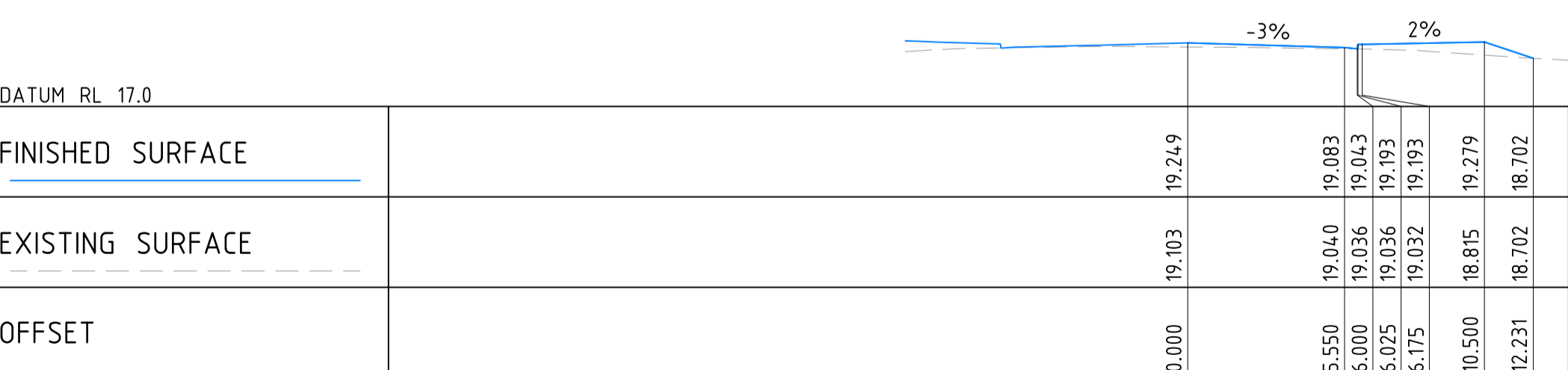
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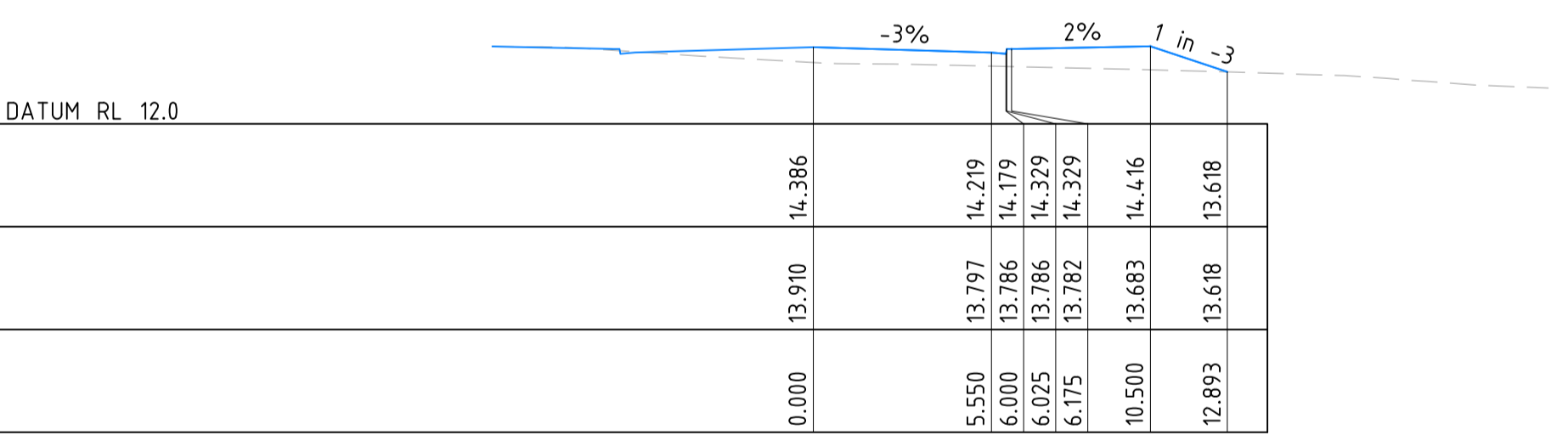
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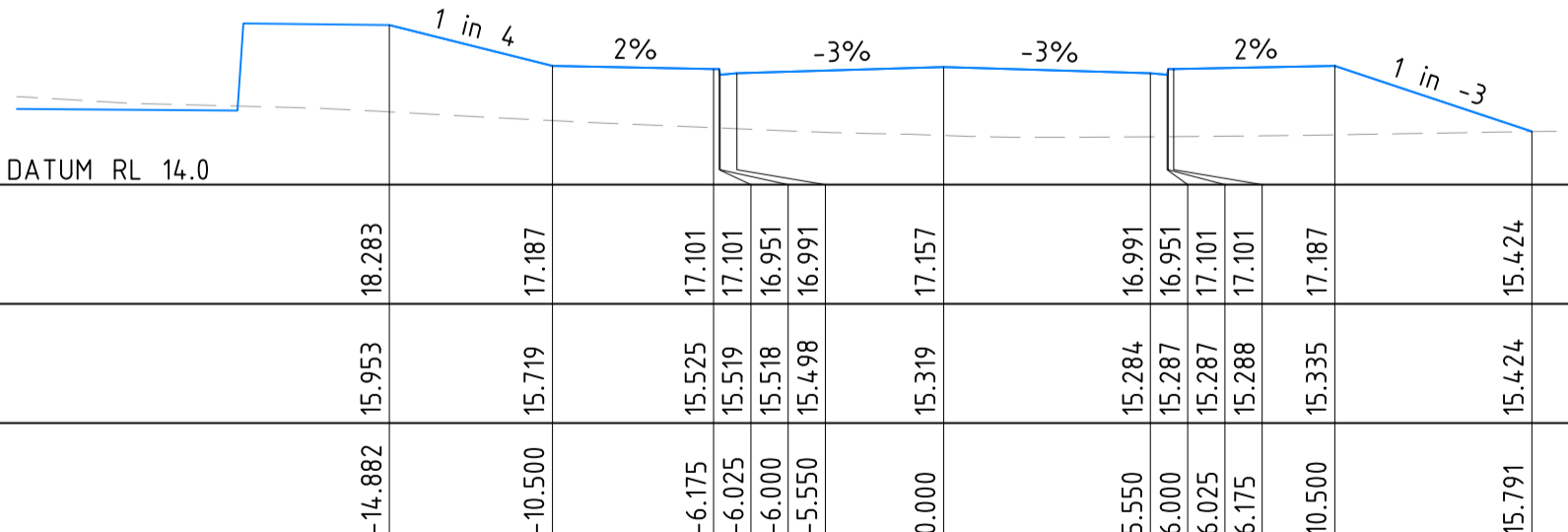
MCL05 CHAINAGE 100.000



MCL05 CHAINAGE 17.395



MCL05 CHAINAGE 600.357



MCL05 CHAINAGE 500.000

NOT FOR CONSTRUCTION

DRAWN: L STEEL, DESIGNED: P BURL, JOB MANAGER: J HOEY, VERIFIER: A BROWN

REVISION	DESCRIPTION	ISSUED	VER'D	APP'D	DATE
A	ISSUED FOR APPROVAL	LS	AB	AB	08.12.20
B	ISSUED FOR APPROVAL	LS	AB	AB	15.12.20

CLIENT: **STEVENS GROUP** **HUNTER LAND**

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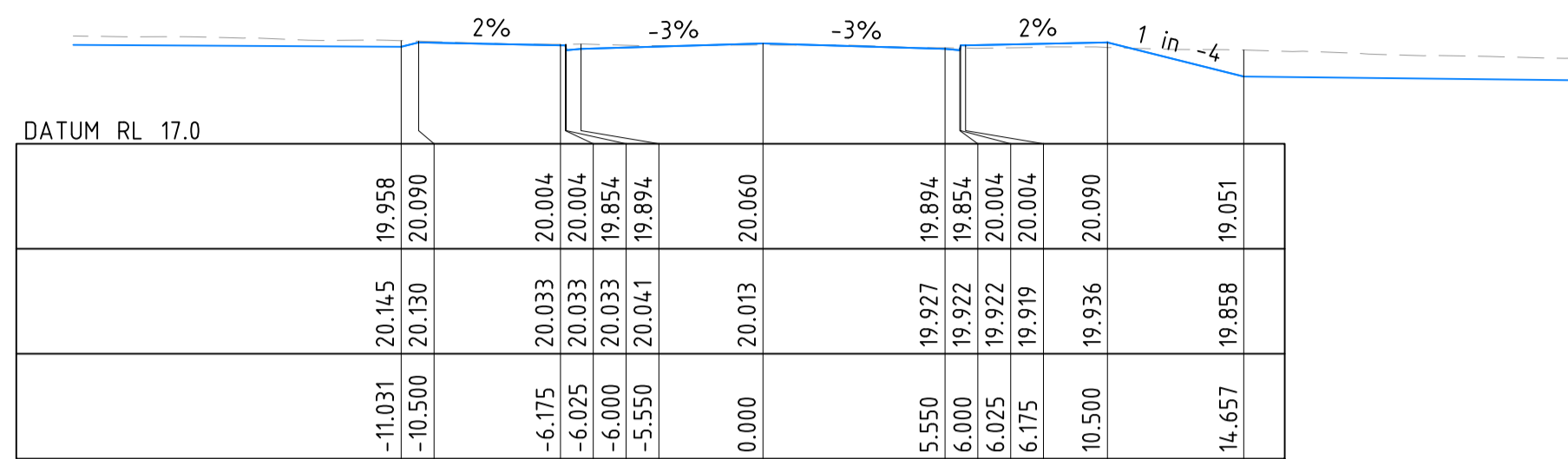
PROJECT: **PROPOSED SUBDIVISION, JOHN RENSHAW DRIVE, BLACK HILL**

DRAWING TITLE: **INTERNAL ROAD CROSS SECTIONS - SHEET 4**

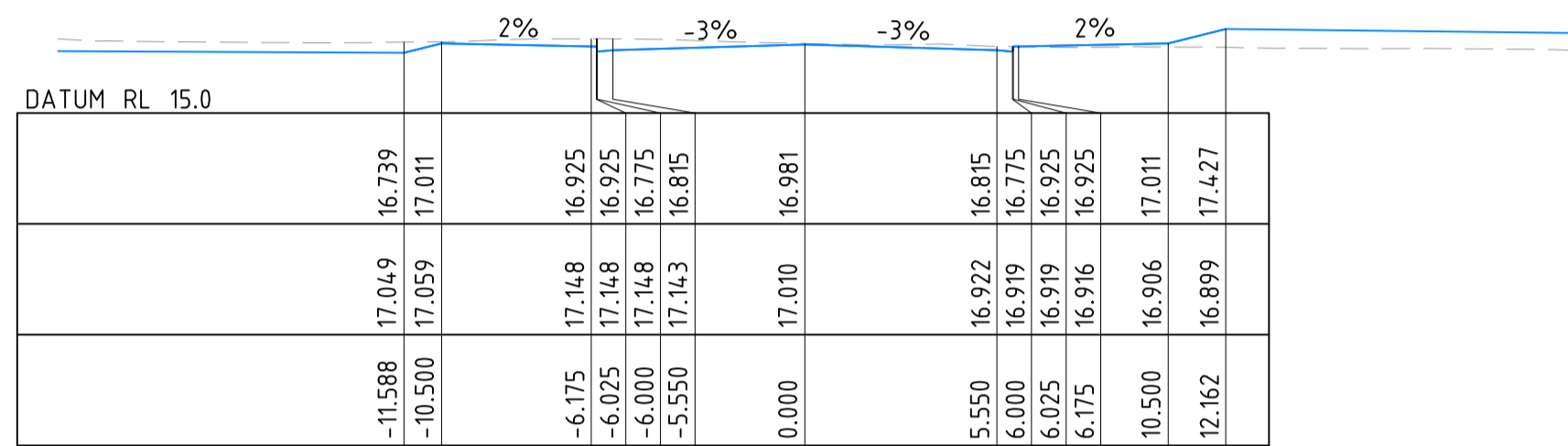
JOB NUMBER: **NL166552**

DRAWING NUMBER: **C4.54** REVISION: **B**

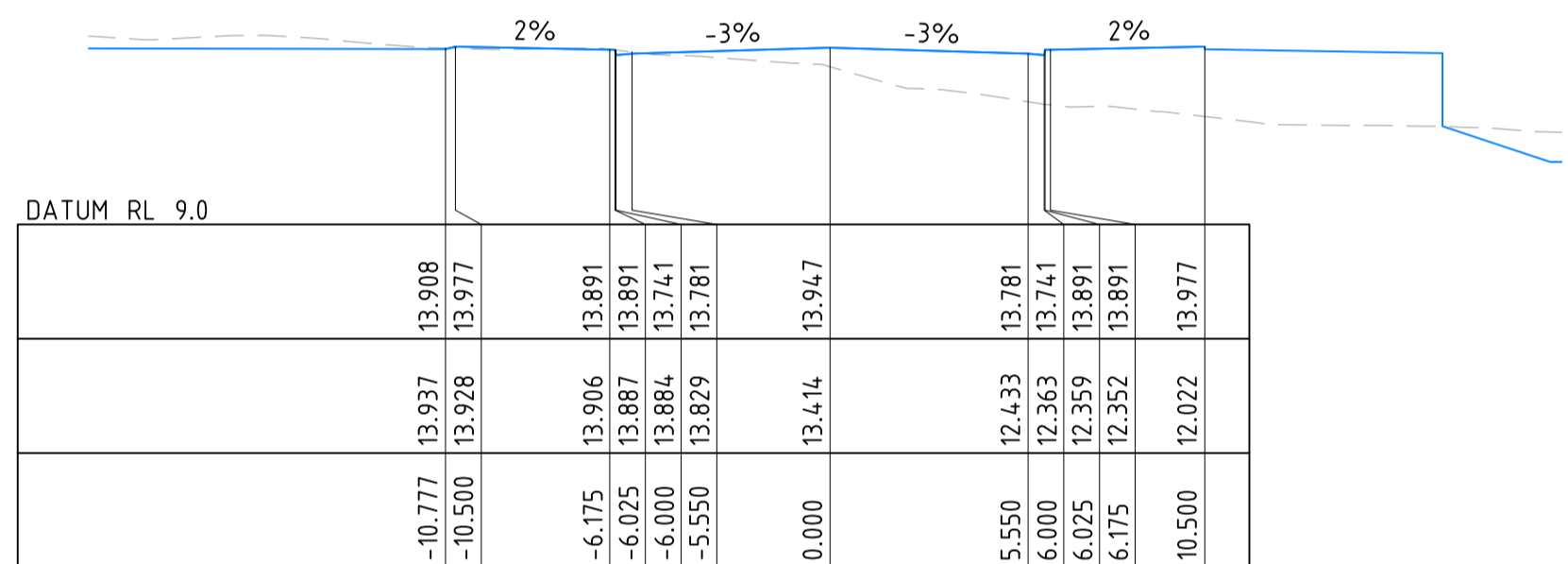
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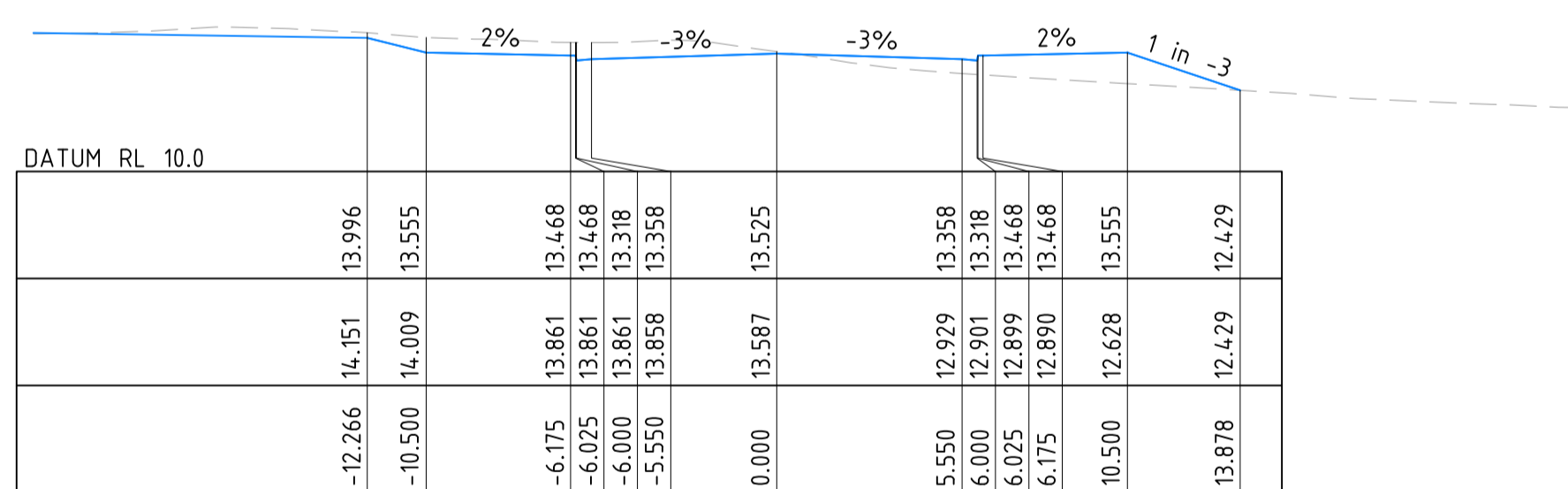
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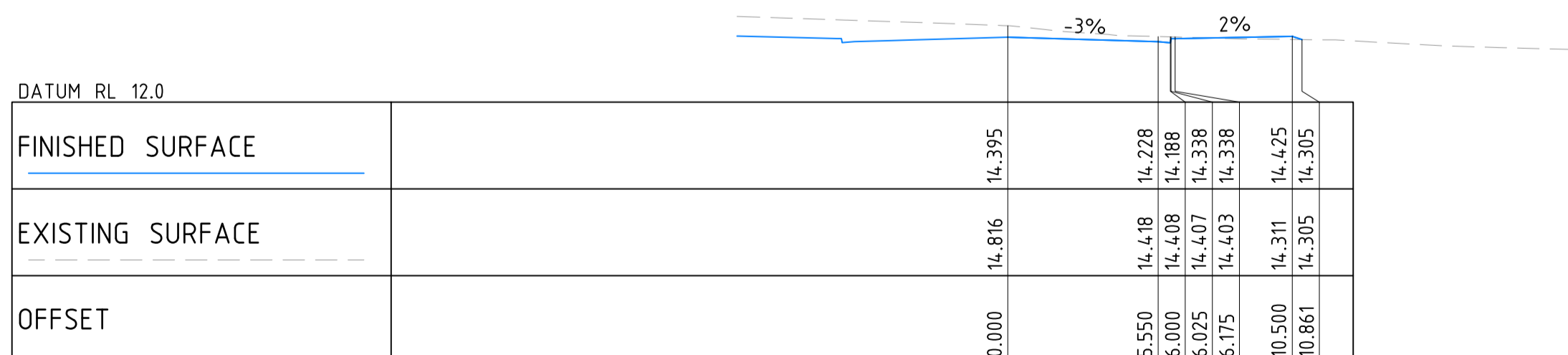
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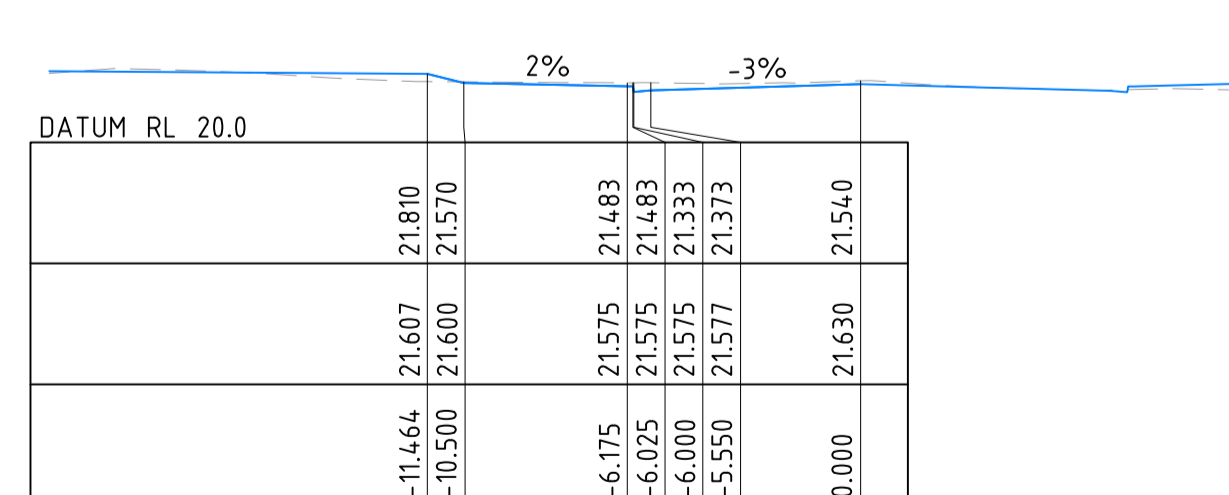
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MCL06 CHAINAGE 100.000



MCL06 CHAINAGE 18.444



MCL06 CHAINAGE 448.633

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 Email newcastle@northrop.com.au ABN 81 094 433 100

PROJECT

PROPOSED SUBDIVISION,  
JOHN RENSHAW DRIVE,  
BLACK HILL

DRAWING TITLE

INTERNAL ROAD  
CROSS SECTIONS  
- SHEET 5

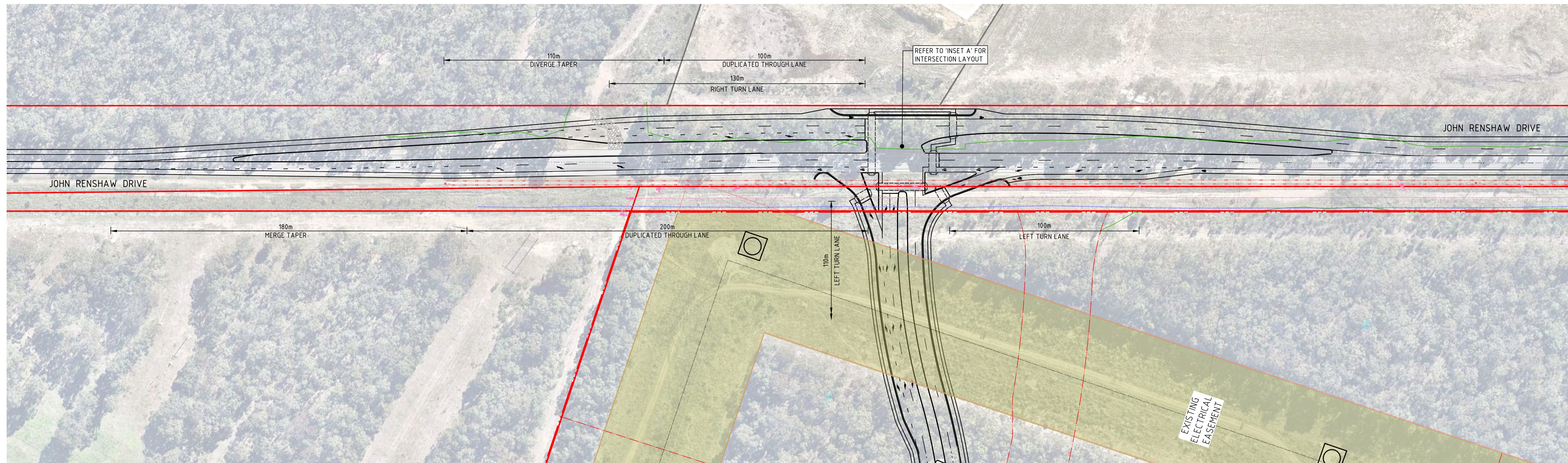
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**NL166552**

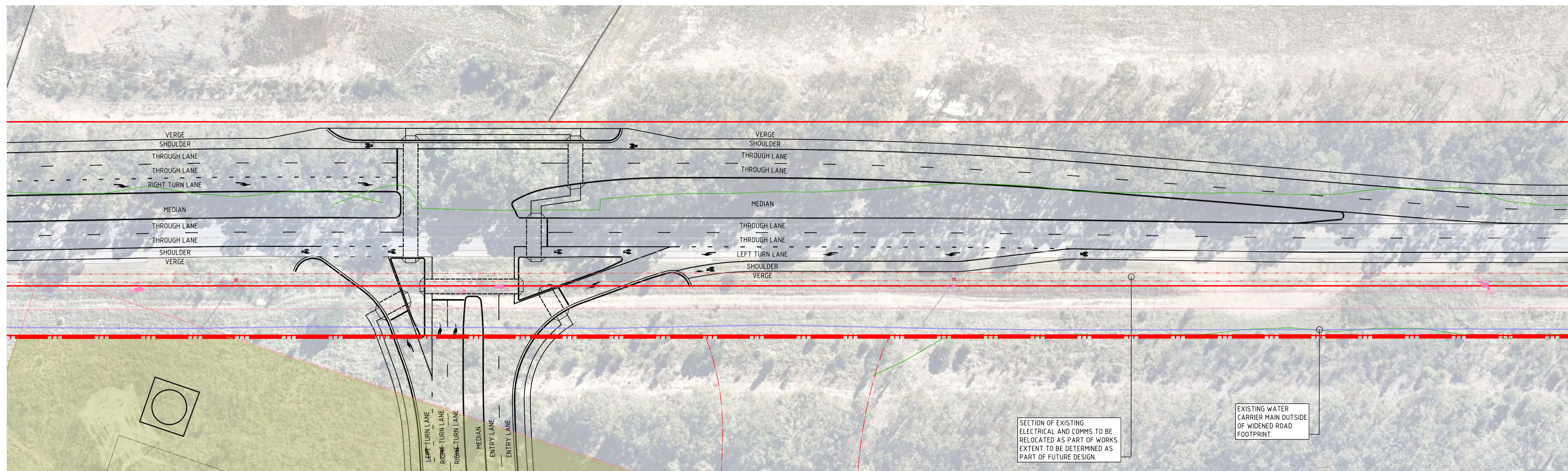
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<b>C4.55</b>	<b>B</b>

DRAWING SHEET SIZE = A1

DRAWN: L STEEL DESIGNED: P BURL VERIFIER: A BROWN JOB MANAGER: J HOEY



GENERAL ARRANGEMENT PLAN  
SCALE: 1:1000@A1



INSET A  
SCALE: 1:500@A1

NOT FOR CONSTRUCTION

REVISION	DESCRIPTION	ISSUED	VER'D	APP'D	DATE
A	ISSUED FOR APPROVAL	LS	AB	AB	08.12.20
B	ISSUED FOR APPROVAL	LS	AB	AB	15.12.20
C	ISSUED FOR APPROVAL	RG	AB	AB	16.04.21

CLIENT

**STEVENS GROUP**

**HUNTER LAND**

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SCALE 1:1000 @ A1

SCALE 1:500 @ A1

**NORTHROP**

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PROJECT

**PROPOSED SUBDIVISION,  
JOHN RENSHAW DRIVE,  
BLACK HILL**

DRAWING TITLE

**INTERSECTION WORKS PLAN**

JOB NUMBER

**NL166552**

DRAWING NUMBER

**C5.11**

REVISION

**C**

DRAWING SHEET SIZE = A1

DRAWN: L STEEL  
DESIGNED: P BURL  
JOB MANAGER: J HOEY  
VERIFIER: A BROWN



**ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**DAC 20/07/21 – 198 LENAGHANS DRIVE BLACK HILL -  
DA2020/01497 - STAGES 1A AND 1B – 1 LOT INTO 62 LOT  
SUBDIVISION**

**ITEM-14      Attachment B:      Draft Schedule of Conditions**

**DISTRIBUTED UNDER SEPARATE COVER**



**Application No:** DA2020/01497

**Land:** Lot 30 DP 870411  
Lot 4 DP 847676

**Property Address:** 198 Lenaghans Drive Black Hill NSW 2322

**Proposed Development:** Stages 1A and 1B – 1 Lot Into 62 Lot Subdivision

**SCHEDULE 1**

**APPROVED DOCUMENTATION**

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.

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

<b>Plan No / Supporting Document</b>	<b>Prepared by</b>	<b>Reference_Version</b>	<b>Dated</b>
Statement of Environmental Effects	Tibor Kovats Consulting	0	Dec 2018
Supplement to the Statement of Environmental Effects	Tibor Kovats Consulting	0	07/06/2021
Site Survey	Northrop	NL166552-S1.00 & S2.00_A	09/05/2018
Indicative lot layout and Staging Plan	High Definition Design	HD15 rev11	20/04/2021
Engineering Design Report	Northrop	Revision A	08/12/2021
Stage 1 – Engineering Report - John Renshaw Drive Signalised Intersection, Lane Duplication and Additional Turning Lanes	Northrop	NL166552 Rev 2.0	04/06/2021
John Renshaw Drive Duplication - Due Diligence Flora and Fauna Assessment	Ecological	17750 V01	07/06/2021
Aboriginal due diligence Assessment report – John Renshaw Drive	Heritage Now	Final	27/05/2021

Civil Works Design Set	Northrop	NL166552 C1.00 B C1.01 C C3.01 B C3.02 C C3.20 – C4.55 B C5.11 C	16/04/2021
Landscape Plans	Paul Scrivener	20/2220 Issue A Sheets 1-16	14/12/2020
Response to Council's Coastal Wetland related contention Items	Northrop	NL166552_B	22/05/2019
Stage 1 Coastal Wetland Related Contention Item Letter	Northrop	NL 166552-00	28/06/2021
Vegetation Management Plan	Ecological	17NEW-7992_2	11/05/2018
Vegetation Management Plan Review Letter	Ecological	17750	11/12/2020
TfNSW Response Letter	TfNSW	CR2021/000134 SF2015/008824	06/05/2021
Traffic Assessment (Note: in the case of any inconsistency the TfNSW Response Letter dated 06/05/2021 will take precedent)	Colston Budd Roger and Kafes	TR/11598/jj	14/12/2020
Wastewater Servicing Strategy	ADW Johnson	Revision F	20/03/2018
Water Servicing Strategy	ADW Johnson	Issue Final	09/07/2018
Hunter Water Letter Advising DA Consent	Hunter Water	2007-842	17/09/2020
Groundwater Management Plan	Cardno	82218039.002_2	08/05/2018
Remediation Action Plan	Cardno	82218039.001_2	08/05/2018
RAP, GMP and MSIA Review Letter	Cardno	82218039-006.1:KS	09/12/2020
Electrical and Communications Infrastructure Report	Power Solutions	2766A_E	07/05/2018
Addendum to Electrical & Communications Infrastructure report for Revised DA	Power Solutions		27/11/2020
Report on Preliminary Geotechnical, Contamination and Mine Subsidence	Douglas Partners	39664.03_Final	16/02/2011
Mine Subsidence Impact Assessment	Cardno	82218039-004:IGP	14/05/2018
Site Audit Statement	Mike Nash	DPNS/17	12/12/2014

(former Boral Asphalt Plant)	(Douglas Partners)		
Bushfire Assessment Report	Building Code & Bushfire Hazard Solutions	181084	16/12/2020
Aboriginal Cultural Heritage Management Plan	Yancoal Australia	Final	05/03/2019
Order Pursuant CI 34A(3) of the Biodiversity Conservation (Savings and Transitional) regulation 2017	Department of Planning and Environment	Black Hill Concept Land SF18/73882	26/10/2018
Secretary's Certificate – Satisfactory Arrangements for designated State public infrastructure	Department of Planning, Industry and Environment	DA2020/01497 IRF 20/5977	01/03/2021

### **ADMINISTRATIVE CONDITIONS ALL STAGES**

2. The development shall be constructed in the numbered sequence of the stages, namely 1A followed by 1B or both stages may be constructed concurrently.
3. The western extent of road MCL03, is to extend up to the property boundary and is to be fully constructed and dedicated as Public Road in association with Stage 1A of the development.
4. Prior to the issue of a Subdivision Works Certificate for a particular stage all relevant general conditions of Schedule 1 (Part A) and all relevant conditions within Schedule 3 as required by Subsidence Advisory NSW (SANSW), Schedule 4 as required by Transport for NSW (TfNSW), Schedule 5 as required by NSW Rural Fire Service (RFS), and Schedule 6 as required by Transgrid for the particular Stage are to be complied with.
5. Prior to the endorsement of a Subdivision Certificate for a particular Stage, all relevant general conditions of Schedule 1 (Part A) and all relevant conditions within Schedule 3 as required by Subsidence Advisory NSW (SANSW), Schedule 4 as required by Transport for NSW (TfNSW), Schedule 5 as required by NSW Rural Fire Service (RFS), and Schedule 6 as required by Transgrid for the particular Stage (if applicable) are to be complied with.
6. The Developer is responsible for all costs associated with this development, unless otherwise agreed by Council as being 'works-in-kind' as specifically identified in Council's applicable section 7.12 Development Contributions Plan.

### **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE FOR STAGES 1A AND 1B**

7. Prior to the issue of any Subdivision Works Certificate in respect of the Stages 1A and 1B the following must occur:
  - (i) Details of the cost of carrying out the respective Stage of the development calculated in accordance with clause 25J of the EP&A Regulation, 2000 must be submitted to Newcastle City Council. If the estimated cost of carrying out the development exceeds \$750,000 then a 'Registered Quantity Surveyor's Detailed Cost Report' must be provided.

- (ii) A development contribution, calculated in accordance with the Newcastle City Council Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019 must be paid to the Council. The contribution is to be calculated as a proportion of the proposed cost of carrying out the development determined in accordance with (i) above. The proportions are to be paid as follows:

<b>Proposed cost of the development</b>	<b>%of the levy</b>
Up to \$100,000	NIL
\$100,001-\$200,000	0.5%
More than \$200,000	1.0%

- (iii) The proposed cost of the development for the purpose of calculating the contribution payable is to be indexed at the time of actual payment in accordance with the "Consumer Price Index" weighted average of eight capital cities published by the Australian Bureau of Statistics each quarter. Any party intending to act on this consent should contact Council's Customer Enquiry Centre, for the amount of the contribution to be paid at the date of payment.
8. Under this application no part of Lot 2 of the 3 lot englobo subdivision is to be dedicated to Council as drainage reserve.
9. Prior to the issue of any Subdivision Works Certificate in respect of the Stages 1A and 1B, Section 7 (Flooding) of the Engineering Design Report prepared by Northrop (Revision A, dated 08/12/2020) and the referenced Engineering Design Report by Northrop (Revision D, dated 06/06/2019) is to be amended to address the following minor deficiencies with a copy (in pdf format) of the further amended Report being submitted to the Registered Certifier and Council.
- The software models used in the assessment must be referenced (2019 report).
  - The figures showing the existing flood velocities for the minor, major and extreme events must be included.
  - Pages 35 and 41 show 'Errors' which must be corrected (2019 report);
  - In the second paragraph of section 7.7.1 replace 'in define' with 'it define'; and
  - The Limitations Statement in the Report is to be amended to allow Newcastle City Council to use and rely on the flood model outputs and the Report when performing its functions pursuant to the *Local Government Act, 1993* and *Environmental Planning and Assessment Act, 1979*.

A digital copy of the flood model output files is to be provided to Council. The output files must be in a format to allow importation into the 'waterRIDE'<sup>TM</sup> software package.

10. Prior to the issuing of any Subdivision Works Certificate for any of Stages 1A and 1B (in whole or part) the Developer is to provide to the Registered Certifier and the Council:
- Written evidence of a Works Authorisation Deed executed with Transport for NSW (TfNSW) and
  - A copy (in pdf format) of the detailed construction drawings approved by TfNSW for all works within any classified road reserve or proposed road reserve widening associated with that Stage.
11. All subdivision and associated works are to be designed and constructed in accordance with the following documents or current equivalent document at the time of application.
- Relevant Austroads publications,
  - Associated Transport for NSW (TfNSW) (formerly the Roads and Maritime Services (RMS)) supplements and Technical Directions,
  - Council's Development Control Plan and

- d) The Newcastle City Council – Engineering Specifications for Development Design and Construction.
12. 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 are to be provided for each Stage of the subdivision, generally in accordance with the approved plans or as otherwise detailed in this consent. Full details to be included in the detailed design drawings for a Subdivision Works Certificate application.
  13. Each Subdivision Works Certificate application for road and drainage construction works is to be accompanied by a comprehensive MUSIC model demonstrating that the proposed works will achieve the water quality reduction targets specified by Council's Development Control Plan.
  14. 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) Upright kerb and gutter shall be provided to both sides of all roads.
    - b) All roads shall be provided with a crown on the pavement centreline and 2-way crossfall (3%) toward the respective kerb and gutter.
    - c) All footway and verge areas are to have 2.5% crossfall toward the respective kerb and gutter.
    - d) Bio-retention basins shall initially be constructed with a separate sacrificial layer of Bidum A64 or approved equivalent laid over the surface of the filter media prior to the laying of a temporary full width/length turf cover.
    - e) (Note: The Developer is responsible for removing all temporary and sacrificial measures and completing the construction and planting of the Bio-retention basins in accordance with the terms of this consent.)
    - f) 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 products with a similar function, as agreed by Council with an offline capture chamber.
    - g) All GPT's are to be provided with hardstand maintenance pads to the requirements of Council and
    - h) Any proposed interallotment drainage lines are to include a 900mm-by-900mm drainage pit within the private lot on the lot boundary where the drainage line crosses into public land. The pit is to include appropriate easements benefiting Council for the purposes of access to and maintenance of the drainage infrastructure located within the public land.
  15. 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 (*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) All roads to be Benkleman Beam tested prior to prime sealing with a maximum permissible deflection of 1.0mm being allowed for all internal Local roads. New pavements associated with works on any Classified Road shall have a maximum permissible deflection of 0.8mm.
    - c) All roads to be primer sealed (7mm) prior to asphaltting; and
    - d) The minimum wearing surface of all internal roads is a 50mm compacted thickness layer of asphaltic concrete (AC 14).

16. Intersections 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 are 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) Proposed intersections on John Renshaw Drive are to comply with the requirements of TfNSW.
  - b) The standard design vehicle for all proposed Local roads shall be a Performance Based Standards (PBS) Level 1 vehicle up to 20m in length as defined by the National Heavy Vehicle Regulator (NHVR); and
  - c) All proposed Local Road intersections are also to be capable of catering for PBS Level 2 vehicles up to 30m in length as defined by the NHVR without encroachment onto kerbs, medians, footways or verges.
17. Concrete footway paving and shared paths are to be provided to the development in accordance with the following 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) A minimum 2.5m wide reinforced concrete shared path within both the eastern and western footways of proposed Road MCL02 from the intersection of Road MCL02 and John Renshaw Drive to the intersection of MCL02 and MCL03;
  - b) A minimum 2.5m wide reinforced concrete shared path around all kerb returns associate with each proposed roundabout. These shared paths shall extend in length until satisfactory on-road provision exists for cyclists on the respective road;
  - c) A minimum 1.2m wide reinforced concrete footpath is to be provided to both sides of proposed Roads MCL01, MCL02 and MCL03 except where a shared path is provided in accordance with a) and b) above;
  - d) A minimum 1.2m wide reinforced concrete footpath is to be provided to at least one side of all other proposed Roads not specified in a), b) or c) above;
  - e) Appropriate on and off ramps, holding rails and signage are to be provided for in association with any shared path; and
  - f) Appropriate kerb ramps are to be provided at all intersections for pedestrians;
18. All footways containing a shared path are to be widened to a minimum 5.0m as required, and appropriate amendments made to proposed road reserve boundaries and the proposed boundaries of affected lots. 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.
19. The approaches and circulating road pavement for all roundabouts is to be steel reinforced concrete designed and certified by a suitably qualified engineer as being in accordance with the RMS's '*Concrete Roundabout Pavements: A Guide to their Design and Construction*' or as agreed by Council. Full details are to be included in the detailed design drawings for a Subdivision Works Certificate application or application under s138 (*Roads Act, 1993*), as appropriate.
20. All splitter islands associated with each roundabout are to include pedestrian refuges in accordance with relevant Austroad and Transport for NSW (TfNSW) publications. Full details are 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.
21. The central median on proposed Road MCL02, from the proposed signalised intersection with John Renshaw Drive, is to be widened to a minimum 5.0m. The width is to be measured between the nominal face of kerb and extended in length to connect with the respective splitter island, associated with the proposed roundabout, at the intersection of proposed Roads MCL02 and MCL03. Appropriate amendments are to be made to the proposed road reserve boundaries and the proposed boundaries of affected



lots to cater for this requirement.

This central median is to incorporate a continuous 0.5m wide (minimum) x 100mm (minimum) thick reinforced concrete edge strip behind and connected by dowel to the adjacent kerb. 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.

22. Temporary cul-de-sac turning heads are to be provided at Stage 1A in the vicinity of proposed Lots 123/124. The turning heads are to be constructed having full depth road pavement with the exception that the final asphaltic concrete seal may be replaced with a two-coat bitumen spray seal.
23. The Developer is to obtain all necessary approval(s) from the NSW Department of Planning, Industry and Environment – Natural Resource Access Regulator pursuant the *Water Management Act, 2000*, unless subject to an exemption, and keep all such approval(s) current for the duration of the respective works. A pdf copy of such approval(s) is to be provided to the Registered Certifier prior to the issuing of the respective Subdivision Works Certificate.
24. 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 be shown on the documentation accompanying the Subdivision Works Certificate.
25. No clearing of native vegetation or earthworks are to occur in the 20m wide Vegetated Buffer, unless such works are necessary for the construction of stormwater infrastructure or the installation of underground services.
26. All disturbed, regraded or exposed outside of development lots areas shall be 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.
27. 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 The plans are to comply with the following requirements.
  - 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, fence details 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;
  - d) Maintenance scheduling for all new plantings;
  - e) Guidelines for formative pruning of street trees;
  - f) Weed eradication program;
  - g) Reporting methods for compliance with the Landscape Plan and specification;
  - h) Street tree species are to be agreed by Council's City Greening Services;
  - i) The central median on proposed Road MCL02 is to be landscaped with a mix low maintenance ground covers and appropriately mulched. No turf is permitted.
  - j) Street trees are to be provided within all footway areas and within the central median on proposed Road MCL02;
  - k) 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*);

- l) All internal Local Roads street trees are to be a minimum 75 litre pot size, or as otherwise approved by Council, planted at a maximum spacing of 15m; and
- m) All street trees are to be protected with tree guards to Council's requirements.

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

- 28. 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.
- 29. A copy of a current Aboriginal Heritage Impact Permit issued by the NSW Office of Environment and Heritage, pursuant *National Parks and Wildlife Act 1974*, is to be included in the documentation for each Subdivision Works Certificate application for Stage 1A and 1B inclusive.
- 30. Water, electricity and gas installations are to comply with Section 4.1.3 of the NSW Rural Fire Service document '*Planning for Bushfire Protection 2006*' (or as updated). Full details to be included in documentation for a Subdivision Works Certificate application.
- 31. No permanent or temporary Asset Protection Zones (APZ's) are to be located in any part of the Drainage Reserve intended to be dedicated to Council or in any part of land identified as a Vegetated Buffer 20m wide.

#### **CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK AND DURING THE CONSTRUCTION PHASE FOR STAGES 1A AND 1B**

- 32. Prior to any site works commencing, a Flora and Fauna Management Plan (FFMP) is to be prepared by a suitably qualified Ecologist and approved by Council. The FFMP is to be submitted in pdf format and a copy of the approved FFMP is to be provided to the Principal Certifier. The FFMP is to address, but not be limited to;
  - a) Measures to identify, protect, relocate and report on displaced fauna both during initial site clearing and ongoing construction works;
  - b) Collection and propagation of local native plant seed from areas proposed to be cleared;
  - c) Additional site surveys to determine the number and location of any hollow bearing and potential habitat trees and the number and type of required nest box offsets;
  - d) The number, indicative locations, type and installation techniques of nest boxes;
  - e) Implementation of the nest box offset scheme for individual Stages;
  - f) A Five-Year Nest Box Management and Reporting Plan to be implemented by the Developer and commence on the date the Drainage Reserve is dedicated to Council; and
  - g) A Long-Term Nest Box Management Plan, to be implemented by Council, after the Developer has satisfactorily completed the Five-Year Nest Box Management and Reporting Plan.
- 33. Prior to any site works commencing, a revised Vegetation Management Plan (VMP) is to be prepared by a suitably qualified ecologist experienced in bushland revegetation and regeneration and approved by Council. A pdf of the VMP is to be submitted to Council and a copy of the approved VMP is to be provided to the Principal Certifier. The VMP is to address, but not be limited to;
  - a) The Flora and Fauna Management Plan.
  - b) Archaeological and Aboriginal heritage.
  - c) An appraisal of the present condition of the bushland.

- d) Identification of potential threats to the bushland (including techniques to mitigate threats).
  - e) Harvesting and propagating of local native plant seed.
  - f) Measures to be implemented prior to any site works commencing to protect the proposed Drainage Reserve from unnecessary disturbance.
  - g) Pre-development and post-development regeneration techniques.
  - h) Detailed recommendations for a minimum five-year management program and techniques to protect, regenerate and enhance the remnant bushland within the proposed Drainage Reserve.
  - i) Measures to minimise potential for transference of weed propagules from areas upstream into the proposed Drainage Reserve and from the proposed Drainage Reserve into downstream waterway areas.
  - j) Recommendations for management strategies in perpetuity beyond the initial five-year program.
  - k) Monitoring, recording and reporting mechanisms; and
  - l) A requirement for an appraisal of the condition of the Drainage Reserve at the completion of the five-year management period works.
34. Prior to any site works commencing for each Stage of the development, a Construction Management Plan (CMP) is to be prepared to manage all environmental aspects associated with the construction works. A copy of each CMP is to be provided in pdf format, to the Principal Certifier and Council and the CMP is to be maintained on site during all site works and be made available to Authorised Officers upon request. The CMP is to include but not be limited to:
- a) The Flora and Fauna Management Plan.
  - b) The Vegetation Management Plan.
  - c) Archaeological and Aboriginal heritage.
  - d) Mine subsidence considerations.
  - e) 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.
  - f) The Construction Traffic Management Plan approved by TfNSW and Council pursuant to condition 8c of Schedule 4
  - g) Site office, compounds and parking locations.
  - h) A soil and water management strategy, detailing erosion and sediment control, management of soil stockpiles, control and management of surface water and groundwater. Procedures should be included to ensure that all roads adjacent to the site are kept free and clear from mud and sediment.
  - i) A dust management strategy, detailing procedures to minimise dust generation, with reference to control techniques and operational limits under adverse meteorological conditions.
  - j) A noise management strategy detailing measures to minimise the impact of the construction phase on the amenity of the locality, in accordance with Australian Standard AS 2436, 1981 'Guide to Noise control on Construction, Maintenance and Demolition Sites'. Noise monitoring during the construction phase should be incorporated into the program.
  - k) A site management strategy for dealing with any identifying potential for Acid Sulphate Soils (ASS) to encountered and measures and techniques to be followed if ASS is encountered.
  - l) A waste minimisation strategy, to avoid production of waste and maximise reuse, recycling or reprocessing of potential waste material including felled trees and other vegetation; and
  - m) A community relations plan that aims to inform residents and other local stakeholders of the proposed nature and timeframes for construction activities together with contact details for site management.
35. Prior to any vegetation clearing being commenced in any stage sufficient local native plant seed is to be sourced from bushland areas to be cleared and propagated for use in implementing the Vegetation Management Plan and Detailed Landscape Plans for that

stage.

36. Remediation of contamination on the development site is to be carried out in accordance with Option 2 in Table 8-1 in the submitted Remediation Action Plan prepared by Cardno Pty Ltd dated 8 May 2018.
37. 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 development. The Developer shall be responsible for all costs associated with any public notification and implementation of the proposed temporary changes.
38. Closed Circuit Television (CCTV) digital recordings are to be undertaken of all pipes constructed in any existing or proposed public road and any proposed drainage reserve and copies are to be provided to the Principal Certifier and Council.

To facilitate the issuing of Asset Identification 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 is to be 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.

Prior to Practical Completion being achieved for the respective Subdivision Works Certificates and/or prior to the finalisation of the respective Works Authorisation Deed, issued by the Road Authority for all works granted consent, under section 138 of the *Roads Act, 1993*, any defects identified by Council are to be repaired by the Developer, CCTV footage and reports are to be provided demonstrating that any repairs have been satisfactorily completed

39. 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 direction and 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.
40. 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 all works granted consent under section 138 of the *Roads Act, 1993* and is to verify that an effective maintenance program has been commenced.
41. All required bushland vegetation management works within the proposed Drainage Reserve are to be undertaken by suitably qualified and experienced bush regeneration contractors, who are members of the Australian Association of Bush Regenerators or fulfil the membership criteria and under the direction and supervision of a team Leader have, as a minimum, a Certificate III in Conservation & Land Management or equivalent. A copy of the contractor's qualifications 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.
42. Council's 'PREVENT POLLUTION' sign is to be erected and maintained in a conspicuous location on or adjacent to the property boundary, 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 Council's Customer Enquiry Counter, Wallsend Library or the Master Builders Association Newcastle.

43. A copy of the Notice of Determination and relevant Subdivision Works Certificates, including associated approved plans, are to always be kept on-site during construction works.
44. The 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.
45. 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.

46. 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.
47. The Developer is to ensure services and vehicular access are maintained at all times to all buildings adjoining the development site.
48. 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*".
49. The removal of any asbestos material found during the works is to be undertaken in accordance with the requirements of the WorkCover Authority of NSW.
50. Any alteration to natural surface levels on the site is to be undertaken 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.
51. Any excavated material to be removed from the site is to be assessed, classified, transported, and disposed of in accordance with the NSW Environment Protection Authority (EPA) '*Waste Classification Guidelines Part 1: Classifying Waste*'.
52. 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*.
53. 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.
54. Erosion and sediment control measures are to be implemented prior to the commencement of works and be maintained during the period of construction in accordance with the details set out on the Erosion and Sediment Control Plan submitted

with the application, and with the below requirements:

- a) Control over discharge of stormwater and containment of run-off and pollutants leaving the site must be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams and sediment basins; and
  - b) Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover. Erosion and sediment control measures are to be designed in accordance with the requirements of the *Managing Urban Stormwater: Soils and Construction 4th Edition – Vol. 1* (the 'Blue Book') published by Landcom, 2004.
55. All necessary measures are to be undertaken to control dust pollution from the site. These measures must include, but not are limited to:
- a) restricting topsoil removal.
  - b) regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion; and
  - c) alter or cease construction work during periods of high wind.
56. 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).
57. Plans of any proposed traffic management devices, line marking 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.
58. The routes for import of any fill material or export of any spoil is to be submitted to and agreed to by the Road Authority 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, the Road Authority.
59. 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.

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

60. Not later than two years from the date of this consent, the Developer is to do all things necessary to cause the following to occur:
- a) Obtain written approval from Transport for NSW (TfNSW) for Detailed Design and construction of the proposed traffic control signalised (TCS) intersection with John Renshaw Drive associated with Stage 1A pursuant to a Works Authorisation Deed in accordance with Condition C.4(a)-(c);
  - b) Obtain written approval from Council and TfNSW for Concept Designs of all proposed Local roads within Stage 1A, including relevant intersections, that connect the TCS to the western site boundary with Lot 1131 DP 1057179;
  - c) Prepare and submit to Council appropriate documentation, including an application for a Subdivision Certificate, for a plan of subdivision to dedicate as Public Road sufficient land to contain the approved Detailed Design and Concept Designs; and
  - d) Complete the registration of the plan of subdivision with NSW Land Registry Services.

This condition is also deemed to be fully satisfied if, prior to the expiration of the specified two-year period, the Stage 1A plan of subdivision has been registered by NSW Land and Registry Services which addresses the above requirements. See also Schedule 4, Condition 5.

61. 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 the allocated addresses on the respective Administration Sheet.
62. All subdivision works, road works granted consent under s138 of the Roads Act, 1993 and public utility installations associated with a particular Stage are to be completed.
63. A Final Inspection Report (or equivalent as determined by the Road Authority), 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.
64. A Final Inspection Report, which is in addition to any Practical Completion certificate, is to be issued by the Principal Certifier for any works approved under a Subdivision Works Certificate in association with the respective Stage of the development.
65. The Developer making good any damage caused to a public road or associated structures, including drains and kerb and gutter, including damage to private property, and revegetating any disturbed areas resulting from the works.
66. 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. The statement is to detail all actual and projected contribution expenditure made from the \$2 million allocation, referred to in the Concept Approval MP 10\_0093, dated 19 November 2013.
67. Prior to the issuing of the Subdivision Certificate for each Stage of the development, a Validation Report is to be prepared confirming the site has been remediated in accordance with Option 2 in Table 8-1 in the Remediation Action Plan, prepared by Cardno Pty Ltd, dated 8 May 2018. The report is to be submitted to the Principal Certifier and Council in a pdf format.
68. A Subdivision Certificate Application is to be submitted to the Principal Certifier in respect of each Stage of the development, accompanied by the appropriate fee. Each application is to be supported by pdf copies of the following documentation, together with any other documentation required by the conditions of this consent:
  - a) The original survey plan of subdivision prepared by a Registered Surveyor.
  - b) The original instruments prepared under s88B of the Conveyancing Act, 1919 as appropriate.
  - c) Copies of NATSPEC certification in respect to any tree plantings completed.
  - d) A geotechnical assessment prepared by a suitably qualified geotechnical engineer that:
    - i) indicates any areas of potential slip or subsidence which may influence future road and building design requirements.
    - ii) indicates the location, extent and suitability of any fill placed on the site.
    - iii) provides an assessment of the residual risk of mine subsidence having regard to the works done.
    - iv) 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
    - v) 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.
  - f) A statement from the Ecologist who supervised the implementation of the Flora and Fauna Management Plan (FFMP) verifying that the works were undertaken in accordance with the FFMP. The statement shall detail any injuries, deaths or relocations of fauna and provide details on the number, type and location (GPS coordinates) of any nest boxes installed.
69. Documentation accompanying the Subdivision Certificate application for Stage 1A is to separate out and show that area of proposed Lot 102 that contains a proposed bio-retention basin and associated structures Drainage Reserve.
70. A final version of the Five-Year Nest Box Management Plan and the Long-Term Nest Box Management Plan is to be prepared by the Ecologist and submitted (in pdf format) to and approved by Council prior to the Subdivision Certificate for Stage 1B being issued by the Principal Certifier.
71. The appropriate notation is to be placed on the plan of subdivision and an instrument under Section 88B of the *Conveyancing Act, 1919* and submitted to the Principal Certifier 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) Vegetated Buffers (20m wide);
  - e) Restricting access to the M1 Motorway and John Renshaw Drive.
  - f) Temporary Asset Protection Zones (APZ).
  - g) Public stormwater drains, existing and proposed stormwater outlets, overland flow paths and any temporary cul-de-sac heads or turning facilities in favour of Council.
  - h) In the circumstance of interallotment drainage lines, easements for access in favour of Council to drainage pits on lot boundaries immediately upstream of where the drainage line crosses into public land. Such easements are to be a minimum of 3m x 3m.
- Note:
- i) Council in addition to the owner of any land benefited by the easement is to be a party whose consent is needed to release or vary easements or positive covenants.
  - ii) Council advises that it will not withhold consent to release the Positive Covenants or Easements in respect of temporary cul-de-sac heads or turning facilities or Temporary APZ's subject to adequate alternate measures being provided in lieu.)
72. Appropriate documentation is to be submitted with the Subdivision Certificate application for each respective Stage, to provide for the release of any easement, right of carriageway or restriction as to user, including those affecting proposed public roads, made redundant by that particular Stage of the development.
73. Written evidence from Subsidence Advisory NSW (SANSW) that they are satisfied that all mine subsidence remediation works for a particular Stage of the development has been satisfactorily completed. The evidence is to be submitted to the Principal Certifier prior to certification of the Subdivision Certificate in respect of that Stage.
74. Written evidence of arrangements 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. The evidence is to be submitted to the Principal Certifier prior to certification of the Subdivision Certificate in respect of that Stage.

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

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

76. Written evidence of arrangements 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. The evidence is to be submitted to the Principal Certifier prior to certification of the Subdivision Certificate in respect of that Stage.

77. Written evidence of consultation with and any resulting arrangements made with the Telstra for the provision of underground broadband and/or telecommunication services to all lots within each Stage. The evidence is to be submitted to the Principal Certifier prior to certification of the Subdivision Certificate in respect of that Stage.

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

79. Written evidence from the Secretary of the NSW Department of Planning, Industry and Environment, that the Developer has been satisfied, in full or for the respective Stage, the Secretary's Certificate dated 01 March 2021 (Ref. 20/5977). The evidence is to reference the Satisfactory Arrangements for designated State public infrastructure for DA2020/01497 and be submitted to the Principal Certifier, prior to certification of the Subdivision Certificate in respect of that Stage.

80. Certified works-as-executed (WAE) plans being lodged in pdf format, with the Principal Certifier and 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'<sup>TM</sup> 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; and
- e) 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.

81. A six-month defect liability period applies to each Subdivision Works Certificate issued for Stages 1A and 1B of the development, 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.

A cash bond or bank guarantee equivalent to 5.0% of the final construction value of the subdivision works, for which Council is accepting maintenance responsibility for,

excluding 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.

Note:

- i) A further inspection of the subdivision infrastructure will be undertaken by Council at the cessation of the Defect Liability period.
- ii) 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.
- iii) 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.
- iv) A Final Inspection will be undertaken by Council at the completion of the specified maintenance period.

82. A 12 month maintenance period applies to Stages 1A and 1B of the development, prior to Council accepting maintenance responsibility for any landscape works (including plants, mulch, street trees and guards) that has been completed. 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.

A cash bond or bank guarantee equivalent to 25% of the value for the supply, installation, and associated maintenance of the landscaping that Council is to 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.

Note:

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

83. 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 any pit basket inserts and regular maintenance, cleaning and full reconstruction (worst case scenario) of all drainage media, subsoil drainage and temporary Bidum and turf cover associated with the Bio-retention basins within the respective Stage of the development.

In this regard, a cash bond or bank guarantee for 50% of the combined value of these works, as agreed by Council, over the 5 year period, 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.

Note:

- i) 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.
- ii) 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.

- iii) If 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 specified maintenance period.)

## **CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT**

84. No estate entry features, billboards, promotional/sale signage or bunting are to be located on existing land owned by Council or on land or road reserves proposed to be dedicated to Council or within the proposed 20m wide Landscape Buffer.
85. The Developer shall undertake regular maintenance of all Bio-retention basins, Gross Pollutant devices and pit basket inserts and any other temporary erosion and sedimentation control basins and devices for a 5 year maintenance period. The 5 year period commences from the date of registration of the plan of subdivision for that Stage at the NSW Land Registry Services 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 gross pollutants, accumulated sediment, all temporary controls and fully landscaping the 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 2019) or as updated and to the requirements and satisfaction of Council.
- During the maintenance period 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.
86. The applicant is to comply with all requirements of the Hunter Water Corporation regarding the connection of water supply and sewerage services.
87. No compensation is to be payable by Council or Transport for NSW (TfNSW) for or in respect of any land required to be dedicated as road widening or public road, as a result of complying with any condition of this consent.
88. The Developer being responsible for all adjustments to and/or relocation of public utilities. Any necessary alterations are to be at the Developer's expense and to the requirements of the appropriate Authorities.
89. A six-monthly Landscape Establishment Report (pdf format) is to be submitted to Council for a twelve month landscape defect and maintenance period commencing, from the date of registration of the relevant Subdivision Certificate in respect of each Stage. The report shall verify that satisfactory maintenance of the landscape works including any street trees, re-vegetation and weeding, has been undertaken in accordance with the approved Landscape Plans and Vegetation Management Plan and any necessary rectification measures have been carried out to a high professional standard.
90. It is 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.

## **ADVISORY MATTERS**

- 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.
- 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.
  - 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.
  - If archaeological deposits or relics not considered in the supporting documents for this consent are discovered, work must cease in the affected area(s) and the Heritage Council of NSW notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Note: The Heritage Council of NSW can be contacted on 02 9873 8500 or [heritagemailbox@environment.nsw.au](mailto:heritagemailbox@environment.nsw.au). A 'relic' is any deposit, object or material evidence that relates to the settlement of New South Wales, not being Aboriginal settlement, and is of State or local significance. It is an offence under the provisions of the Heritage Act 1977 (NSW) for a person to disturb or excavate any land on which the person has discovered a relic except in accordance with a gazetted exemption or an excavation permit issued by the Heritage Council of NSW.

**END OF CONDITIONS**

## **SCHEDULE 2**

### **REASONS FOR THE DETERMINATION & CONSIDERATION OF COMMUNITY VIEWS**

The determination decision was reached for the following reasons:

- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; *Newcastle Local Environmental Plan 2012* (NLEP) and applicable State Environmental Planning Policies.
- The proposed development is, subject to the recommended conditions, consistent with the objectives of the Newcastle Development Control Plan 2012 (NDCP).
- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
- The proposed development has appropriate management and mitigation of impacts through conditions of consent.
- The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The proposed development is a suitable and planned use of the site and its approval is within the public interest.

### **REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED**

The following conditions are applied to:

- Confirm and clarify the terms of Council's determination.
- Identify modifications and additional requirements that will result in improved compliance, development and environmental outcomes.
- Prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts.
- Set standards and measures for acceptable environmental performance; and
- Provide for the ongoing management of the development.

## SCHEDULE 3

### SUBSIDENCE ADVISORY NSW- GENERAL TERMS OF APPROVAL

1. These General Terms of Approval (GTAs) only apply to the development described in the plans and associated documentation relating to DA/2020/01497 and provided to Subsidence Advisory NSW.

Any amendments or subsequent modifications to the development may render these GTAs invalid.

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

2. This approval expires 5 years after the date the approval was granted if subdivision works have not physically commenced.
3. Subsidence Advisory NSW is to be notified of any changes to lot numbering and the registered DP number.
4. Any ancillary structures or services identified in the subdivision plan shall be designed with flexible joints and remain safe, serviceable *any damage from mine subsidence shall be limited to 'slight' damage in accordance with AS2870 (Damage Classification), and readily repairable* using mine subsidence design parameters acceptable to Subsidence Advisory NSW.

## SCHEDULE 4

### TRANSPORT FOR NSW (TfNSW) - GENERAL TERMS OF APPROVAL

#### 1. Restrictions on site access to M1 Motorway

- a) No direct access to or from the development is to be provided from the M1 Motorway.
- b) Any existing access from the M1 Motorway shall be physically and legally closed and the road verge reinstated by the Developer to Transport for NSW (TfNSW) requirements. Works are required to be completed prior to any Subdivision Certificate being issued for the development.
- c) As part of the first Subdivision Certificate being issued, a restriction must be registered on the title of the subject land (Lot 30 DP 870411) pursuant to section 88E of the Conveyancing Act 1919 restricting direct access to and from the subject land and the M1 Motorway.
- d) The restriction must remain registered on the title of each lot that adjoins the M1 Motorway, being Lot 3 within the subdivision as at the date of this consent (to be amended, as applicable, to reflect any approved future modifications to the lot numbers) as per the 3 Lot Subdivision Plan (HD15 – 3 Lot, Revision 9-1) prepared by High Definition Design Pty Ltd dated 6 November 2020.
- e) Council and TfNSW are to be nominated as the Prescribed Bodies having benefit of the restriction.
- f) The restriction will be released from any lot within a Stage that is not subject to the restriction (in whole or in part) as part of the registration of the Plan of Subdivision for each respective Stage of the development. The Developer must submit appropriate documentation to the Council and TfNSW requesting the release of the restriction, as applicable, as part of the Subdivision Certificate application for each Stage of the development.

#### 2. Restrictions on site access to John Renshaw Drive

- a) No direct access is to be provided between John Renshaw Drive (via Lot 4 DP 847676) and the subject site or any lots within the subdivision other than via the dedicated public road connection(s) with John Renshaw Drive.
- b) As part of the first Subdivision Certificate being issued, a restriction must be registered on the title of the subject land (Lot 30 DP 870411) pursuant to section 88E of the Conveyancing Act 1919 restricting access from the subject land to John Renshaw Drive.

The restriction must remain registered on the title of each lot that adjoins John Renshaw Drive, being Lot 1 and Lot 3 within the subdivision as at the date of this consent (to be amended, as applicable, to reflect any approved future modifications to the lot numbers) as per the 3 Lot Subdivision Plan (HD15 – 3 Lot, Revision 9-1) prepared by High Definition Design Pty Ltd dated 6 November 2020.

Council and TfNSW are to be nominated as the Prescribed Bodies having benefit of the restriction.

The restriction will be released from any lot within a Stage that is not subject to the restriction (in whole or in part) as part of the registration of the Plan of Subdivision for each respective Stage of the development. The Developer must submit appropriate documentation to the Council and TfNSW requesting the release of the restriction, as applicable, as part of the Subdivision Certificate application for each Stage of the development.

#### 3. Vegetated buffer

- a) As part of the first Subdivision Certificate being issued, a restriction must be registered on the title of the subject land (Lot 30 DP 870411) pursuant to section 88E of the Conveyancing Act 1919 to establish and maintain a 20 metre wide Vegetated Buffer wholly within the subject site along the M1 Motorway boundary and along the northern and southern boundaries of the site restricting any development (including but not limited to removal of native vegetation, earthworks, buildings, hardstand, driveway or parking areas, signage and outdoor storage) within the Vegetated Buffer.

The restriction must remain registered on the title of Lot 1 and Lot 3 within the subdivision as at the date of this consent (to be amended, as applicable, to reflect any approved future modifications to the lot numbers) as per the 3 Lot Subdivision Plan (HD15 – 3 Lot, Revision 9-1) prepared by High Definition Design Pty Ltd dated 6 November 2020.

Council is to be nominated as the Prescribed Body having benefit of the restriction.

The restriction will be released from any lot within a Stage that is not subject to the restriction (in whole or in part) as part of the registration of the Plan of Subdivision for each respective Stage of the development. The Developer must submit appropriate documentation to the Council requesting the release of the restriction, as applicable, as part of the Subdivision Certificate application for each Stage of the development.

- b) The vegetated buffer is to be maintained at all times to the satisfaction of Council.

#### 4. Signalised Intersection (Site Access)

- a) The Developer must:
- (i) enter into a Works Authorisation Deed (WAD) with TfNSW for the construction of a new signalised intersection between the subdivision and John Renshaw Drive;
  - (ii) obtain TfNSW's approval of the detailed design for the signalised intersection in accordance with the WAD; and
  - (iii) obtain all required Roads Act 1993 approvals for the signalised intersection including pursuant to sections 70, 87 and 138.
- b) The signalised intersection must be designed generally in accordance with Northrop Strategic Design Plans NL 166552 SD-C21.01 Rev 2 and in accordance with TfNSW's future strategic design requirements for John Renshaw Drive and take into account all vehicle types and volumes which may utilise the intersection, including from any other approved development in the area.
- c) The design of the signalised intersection pursuant to the WAD must have regard to all approved infrastructure upgrade works required along John Renshaw Drive (including any infrastructure upgrade works approved for the adjoining site, Lot 1 DP 1260203, if known) to ensure a comprehensive road design is completed.
- d) All signalised intersection infrastructure must be dedicated as public road under the Roads Act 1993.
- e) The Developer must procure the dedication of any land required for the purpose of the signalised intersection access at no cost to TfNSW or Council.
- f) The signalised intersection works are to be completed to TfNSW's satisfaction:
- (i) as part of the John Renshaw Drive Upgrade required by Condition C.6;
  - (ii) at full cost to the Developer and at no cost to TfNSW or Council; and
  - (iii) prior to any Subdivision Certificate being issued for the development.



5. Internal Roads Including connections to Lot 1 DP 1260203

- a) The local roads within the subdivision required to connect the signalised intersection on John Renshaw Drive to the boundary of the adjoining site, Lot 1 DP 1260203, must be designed and constructed to Council's satisfaction in accordance with the adopted Indicative Lot Layout and Staging Plan which has been the subject of consultation with Cessnock City Council.
- b) The local road network of the development must be integrated with the signalised intersection access on John Renshaw Drive.

6. John Renshaw Drive upgrade

- a) The Developer must:
  - (i) enter into a Works Authorisation Deed (WAD) with TfNSW to:
    - A. upgrade John Renshaw Drive to a minimum of four (4) lanes; and
    - B. where reasonably required and demonstrated through technical investigation, upgrade the existing pavement of John Renshaw Drive, between the M1 Motorway/Weakleys Drive/ John Renshaw Drive intersection and the site's proposed signalised intersection (John Renshaw Drive Upgrade);
  - (ii) obtain TfNSW's approval of the detailed design for the John Renshaw Drive Upgrade in accordance with the WAD; and
  - (iii) obtain all required Roads Act 1993 approvals for the John Renshaw Drive Upgrade including pursuant to sections 70 and 138.
- b) The John Renshaw Drive Upgrade must be designed generally in accordance with Northrop Plan NL 166552 SD-C21.22 rev 2 and C21.31 Rev 1 and in accordance with TfNSW's future strategic requirements for John Renshaw Drive and take into account all vehicle types and volumes which may utilise the upgrade, including from any other approved development in the area.
- c) The design of the John Renshaw Drive Upgrade pursuant to the WAD must have regard to all approved infrastructure upgrade works required along John Renshaw Drive (including any infrastructure upgrade works approved for the adjoining site, Lot 1 DP 1260203) to ensure a comprehensive road design is completed. This should include approved infrastructure upgrade works up to and including the M1 Motorway/Weakleys Drive/ John Renshaw Drive intersection.
- d) All road infrastructure required for the purpose of the John Renshaw Drive Upgrade is to be dedicated as public road under the Roads Act 1993.
- e) The Developer must procure the dedication of any land required for the purpose of the John Renshaw Drive Upgrade at no cost to TfNSW or Council.
- f) The John Renshaw Drive Upgrade works are to be completed to TfNSW's satisfaction:
  - (i) at full cost to the Developer and at no cost to TfNSW or Council; and
  - (ii) prior to any Subdivision Certificate being issued for the development.

7. Upgrade M1 Motorway/Weakleys Drive/John Renshaw Drive intersection

- a) The Developer must:

- (i) enter into a Works Authorisation Deed (WAD) with TfNSW to:
    - A. upgrade Weakleys Drive (northern approach) with an additional right-turn bay of similar length to existing right-turn bay; and
    - B. upgrade John Renshaw Drive (eastern approach) with an additional right-turn bay of similar length to existing right-turn bay.
  - (ii) obtain TfNSW's approval of the detailed design for the M1 Intersection Upgrade (comprising all required upgrades) in accordance with the WAD; and
  - (iii) obtain all required Roads Act 1993 approvals for the M1 Intersection Upgrades including pursuant to section 138.
- b) The M1 Intersection Upgrade must be designed generally in accordance with Northrop Plan NL 166552 SD-C21.31 Rev 1 and in accordance with TfNSW's future strategic design requirements for John Renshaw Drive and take into account all vehicle types and volumes which may utilise the upgrade, including from any other approved development in the area.
  - c) The design of the M1 Intersection Upgrade pursuant to the WAD must have regard to all approved infrastructure upgrade works required along John Renshaw Drive (including any infrastructure upgrade works approved for the adjoining site, Lot 1 DP 1260203) to ensure a comprehensive road design is completed.
  - d) All road infrastructure required for the purpose of the M1 Intersection Upgrade is to be dedicated as public road under the Roads Act 1993.
  - e) The Developer must procure the dedication of any land required for the purpose of the M1 Intersection Upgrade at no cost to TfNSW or Council.
  - f) The M1 Intersection Upgrade is to be completed to TfNSW's satisfaction:
    - (i) as part of the John Renshaw Drive Upgrade required by Condition C.6;
    - (ii) at full cost to the Developer and at no cost to TfNSW or Council and
    - (iii) prior to any Subdivision Certificate being issued for the development.

## 8. Other Conditions

- a) Discharged stormwater from the development must not exceed the capacity of either the M1 Motorway or John Renshaw Drive 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-occupancy-licence/index.html>).

## SCHEDULE 5

### NSW RURAL FIRE SERVICE- GENERAL TERMS OF APPROVAL

#### General Conditions

- a) The proposed development complies with the General Arrangement and Staging Plan prepared by Northrop, Job No: NL166552, Dwg No C1.01, Revision C, dated 16 April 2021.

***Asset Protection Zones Intent of measures:  
to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.***

- b) From the start of building works, and in perpetuity to ensure ongoing protection from the impact of bush fires, that all grounds not built upon outside the riparian corridor (proposed Lot 3) and vegetated buffers within the subject property must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019. When establishing and maintaining an IPA the following requirements apply:
- tree canopy cover should be less than 15% at maturity;
  - trees at maturity should not touch or overhang the building;
  - lower limbs should be removed up to a height of 2m above the ground;
  - tree canopies should be separated by 2 to 5m;
  - preference should be given to smooth barked and evergreen trees;
  - large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
  - shrubs should not be located under trees and not form more than 10% ground cover;
  - clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
  - grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
  - leaves and vegetation debris should be removed.
- c) At the issue of a subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, a suitable mechanism, such as an instrument pursuant to section 88 of the Conveyancing Act 1919 over all allotments which are impacted by the proposed APZs as shown on the attached Asset Protection Zone Overlay which prohibit the construction of buildings other than class 10 structures within the APZ. must be in place to ensure its ongoing management as an Inner Protection Area (IPA) in accordance with Appendix 4 of Planning for Bush Fire Protection 2019. When establishing and maintaining an IPA the following requirements apply:
- tree canopy cover should be less than 15% at maturity;
  - trees at maturity should not touch or overhang the building;
  - lower limbs should be removed up to a height of 2m above the ground;
  - tree canopies should be separated by 2 to 5m;
  - preference should be given to smooth barked and evergreen trees;
  - large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
  - shrubs should not be located under trees and not form more than 10% ground cover; and
  - clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
  - grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
  - leaves and vegetation debris should be removed.

The name of authority empowered to release, vary or modify any instrument shall be Newcastle City Council.

- d) A restriction to the land use pursuant to section 88B of the Conveyancing Act 1919 must be placed on any undeveloped part of the land excluding Stage 1A and 1B as a temporary asset protection zone (APZ) in accordance with Appendix 4 of Planning for Bush Fire Protection 2019. The restriction to land use for the purpose of a temporary asset protection zone may be extinguished upon commencement of future development of the land. The name of authority empowered to release, vary or modify any instrument shall be Newcastle City Council.

The APZ must be managed as an inner protection area (IPA) to a distance of 29 metres to the south and west of the boundaries of Stage 1B. When establishing and maintaining an IPA the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- tree canopies should be separated by 2 to 5m;
- preference should be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover; and
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed.

## D.2 Access – Public Roads

***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.***

- a) Perimeter roads and also those sections of road which are adjacent proposed Lot 3 must comply with the general requirements of Table 5.3b of Planning for Bush Fire Protection 2019 and the following:
- are two-way sealed roads;
  - minimum 8m carriageway width kerb to kerb;
  - parking is provided outside of the carriageway width;
  - hydrants are located clear of parking areas;
  - are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
  - curves of roads have a minimum inner radius of 6m;
  - the maximum grade road is 15 degrees and average grade of not more than 10 degrees;
  - the road crossfall does not exceed 3 degrees; and
  - a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.
- b) Non-perimeter roads must comply with the general requirements of Table 5.3b of Planning for Bush Fire Protection 2019 and the following:
- minimum 5.5m carriageway width kerb to kerb;
  - parking is provided outside of the carriageway width;
  - hydrants are located clear of parking areas;

- roads are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
  - curves of roads have a minimum inner radius of 6m;
  - the road crossfall does not exceed 3 degrees; and
  - a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.
- c) At each stage of the subdivision, temporary turning heads must be provided to temporary dead end roads adjacent proposed Lots 123 and 124, incorporating either a minimum 12 metre radius turning circle or turning heads compliant with A3.3. Vehicle turning head requirements of Planning for Bush Fire Protection 2019. The turning areas may be removed upon opening of future proposed through roads.

### D.3 Water and Utility 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.***

- a) The provision of water, electricity and gas must comply with the following in accordance with Table 5.3c of Planning for Bush Fire Protection 2019:
- reticulated water is to be provided to the development where available;
  - fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2005;
  - hydrants are and not located within any road carriageway;
  - reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
  - fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005;
  - all above-ground water service pipes are metal, including and up to any taps;
  - where practicable, electrical transmission lines are underground;
  - where overhead, electrical transmission lines are proposed as follows:
    - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
    - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
  - reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
  - reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used;
  - all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
  - connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
  - above-ground gas service pipes are metal, including and up to any outlets.

## SCHEDULE 6

### TRANSGRID - GENERAL TERMS OF APPROVAL

#### General Conditions:

1. All works must be carried out as per in NL 166552 Blackhill DA SET Updated 16.04.21 PAN-57030(3)
2. TransGrid shall be notified of any amendments/ modifications to the proposal which may change proposed distances to TransGrid structures or conductors.
3. All works must be carried out in accordance with NSW WorkCover 'Working near overhead powerlines' Code of Practice 2006.
4. All fencing (including temporary fencing) must comply with TransGrid's Fencing Guidelines.
5. No mounds of earth or other materials may be left on the easement during and after earthworks, as this creates a hazard by reducing the vertical clearances to transmission lines.
6. During construction, traffic control measures need to be implemented to prevent vehicles colliding with TransGrid's transmission towers.

#### Technical Conditions:

7. TransGrid are satisfied in general with the proposed modifications to the plan with the following notes:
  - a) The final ground level at structure 32D should be below the level of the concrete footing, not flush
  - b) The footing must be able to drain to avoid ponding and corrosion
  - c) The tree planting issue needs to be addressed and TransGrid provided with detailed landscape plans showing any landscaping to be provided meets TransGrid's Easement Guidelines

#### Access and Maintenance Conditions:

8. Access and Maintenance:
  - a) The development is to be designed so that during construction phase TransGrid is not restricted from undertaking normal maintenance & inspection activities and, at completion of works, access to Transmission Lines & structures shall be available at all times for TransGrid plant & personnel.
    - i) A Site Contact is requested for if/when TransGrid access is required whilst construction is being undertaken (if TransGrid require to access through their construction site)
    - ii) Access points off proposed Roads MCL02 & MCL03 are requested to be provided, both sides of the road, at the easement locations to maintain access onto the easement and travel means possible between structures
    - iii) Any slopes for where travel is required by TransGrid's heavy maintenance vehicles must not have a grade steeper than 1:6 (1:8 or less is preferred)
  - b) It should be noted that it is desirable to retain a continuous and unobstructed access way along the entire length of the easement.

- c) Where access is compromised by such developments, a condition of approval is the provision of alternative access.
    - i) Any future allotment boundary fencing crossing the easement are to include gates at the easement locations, to retain the continuous travel possible between the structures at the location.
    - ii) Any fencing and gates within the easement corridor are to be installed in accordance to TransGrid Fencing Guidelines
    - iii) Any gates to be fitted with locks are to have a TransGrid lock installed.
  - d) Location of any excavation works is not to be within 20 metres of any part of a steel tower (Earth straps are buried coming out from each of the leg towers and these are not to be disturbed or exposed to avoid any danger to the public).
  - e) The subsoil stability and surface drainage is not to be adversely affected in the vicinity of structures.
  - f) No obstruction of any type shall be placed within 30M of any part of transmission line structures i.e. the 30M exclusion zone is to be observed, and no obstructions are to be placed on access tracks or within the easement area that restricts access.
    - i) A clear area must be maintained for the safe set-up of maintenance vehicles around structures.
    - ii) With Structure 33D being a tension structure, it will be required to be able to set-up from both sides of the structure.
  - g) Consideration is to be given in the design works for any proposed access ways/roads to TransGrid's easement & structures (or for setting up at structures) to cater for the weight and size of TransGrid's maintenance vehicles - to withstand the 40tonne load capacity of maintenance trucks.
  - h) For any services proposed to be situated within the easement or where travel is required by TransGrid maintenance vehicles, it must be ensured that the trench backfill can safely withstand the 40tonne load capacity of maintenance trucks without causing damage to any pipes/conduits and services.
  - i) During construction, adequate precaution shall be taken to protect structures from accidental damage, and the easement area shall not be used for temporary storage of construction spoil, topsoil, gravel or any other construction material.
  - j) Safety clearances are to be observed near powerlines.
9. From an access and maintenance perspective only, provided access to the easements & structures at the location is provided/maintained and exclusion zones observed, we would not expect any issue with the proposed subdivision development. As advised above, a Site Contact is requested for if/when TransGrid access is required whilst construction is being undertaken
10. All works near/within the easement would need to be carried out in accordance to TransGrid Easement Guidelines, TransGrid Fencing Guidelines and Workcover's Code of Practice 2006 – 'Work Near Overhead Powerlines'.



**ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**DAC 20/07/21 – 198 LENAGHANS DRIVE BLACK HILL -  
DA2020/01497 - STAGES 1A AND 1B – 1 LOT INTO 62 LOT  
SUBDIVISION**

**ITEM-14**      **Attachment C:**      Processing Chronology

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**PROCESSING CHRONOLOGY**

**DA2020/01497 - 198 Lenaghans Drive Black Hill**

9 August 2013	Land rezoned by the gazettal of the <i>State Environmental Planning Policy Amendment (Cessnock and Newcastle) 2013</i>
19 November 2013	Concept Approval by the NSW Planning Assessment Commission
28 June 2018	Black Hill Employment Lands Urban Design Guidelines approved
03 July 2020	DA2018/00714 refused by the Land and Environment Court
05 January 2021	DA2020/01497 lodged
14 January 2021 to 04 February 2021	Public Notification period
07 May 2021	TfNSW Advice to Council received
10 June 2021	Amended plans and additional information received
29 June 2021	Indicative lot layout and staging plan endorsed by Council (Ordinary Council Meeting)



**ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**DAC 20/07/21 – 198 LENAGHANS DRIVE BLACK HILL -  
DA2020/01497 - STAGES 1A AND 1B – 1 LOT INTO 62 LOT  
SUBDIVISION**

**ITEM-14**      **Attachment D:**      Subsidence Advisory NSW - Terms of approval

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## Subsidence Advisory

117 Bull Street, Newcastle West, NSW, 2302 | T: (02) 4908 4300

99 Menangle Street, Picton, NSW, 2571 | T: (02) 4677 6500

24 Hour Emergency Service: 1800 248 083 (Free Call)

City of Newcastle  
**ATTN: Edward Kenney**  
Via NSW Planning Portal

**Our ref: TSUB21-00003**  
**FN15-45702N1**

Dear Edward

**RE: PROPOSED STAGES 1A & 1B (62 LOTS) STAGED SUBDIVISION OF INDUSTRIAL LAND & ASSOCIATED WORKS INCLUDING SITE CLEARING AT 198 LENAGHANS DRIVE BLACK HILL; LOT 30 DP 870411 - TSUB21-00003 - DA/2020/01497**

### **GENERAL TERMS OF APPROVAL**

I refer to the above integrated development referred on 14 January 2021. Attached, please find Subsidence Advisory NSW General Terms of Approval (GTA) for the development of land as detailed above. Please note conditions are detailed under Schedule 2. The stamped approved plans are attached.

Once relevant documentation to meet the conditions in Schedule 2 are available, please submit via email to [subsidedevelopment@customerservice.nsw.gov.au](mailto:subsidedevelopment@customerservice.nsw.gov.au) quoting reference **TSUB21-00003**.

This satisfies the approval of Subsidence Advisory NSW under *section 22 of the Coal Mine Subsidence Compensation Act 2017*.

Should you have any questions about the attached general terms of approval I can be contacted by phone on 4908 4300 or via email at [subsidedevelopment@customerservice.nsw.gov.au](mailto:subsidedevelopment@customerservice.nsw.gov.au)

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Shane McDonald'.

**Shane McDonald**  
**Senior Risk Engineer**  
2 February 2021

## **GENERAL TERMS OF APPROVAL**

Issued in accordance with Section 4.47 of the *Environmental Planning & Assessment Act 1979* for the subdivision / development of land.

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As delegate for Subsidence Advisory NSW under delegation executed 2 February 2021, general terms of approval are granted for the development described in Schedule 1, subject to the conditions attached in Schedule 2.

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### **SCHEDULE 1**

Ref:	<b>TSUB21-00003</b>
DA:	<b>DA/2020/01497</b>
Site Address:	<b>198 LENAGHANS DRIVE BLACK HILL</b>
Lot and DP:	<b>LOT 30 DP 870411</b>
Proposal:	<b>STAGES 1A &amp; 1B (62 LOTS) STAGED SUBDIVISION OF INDUSTRIAL LAND &amp; ASSOCIATED WORKS INCLUDING SITE CLEARING</b>
Mine Subsidence District:	<b>BLACK HILL</b>

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**SCHEDULE 2**  
**GENERAL TERMS OF APPROVAL**

<b>GENERAL</b>	
<b>Plans, standards and guidelines</b>	
<b>1.</b>	<p>These General Terms of Approval (GTAs) only apply to the development described in the plans and associated documentation relating to <b>DA/2020/01497</b> and provided to Subsidence Advisory NSW.</p> <p>Any amendments or subsequent modifications to the development may render these GTAs invalid.</p> <p>If the proposed development is amended or the development consent modified, Subsidence Advisory NSW must be notified to determine if any variations to these GTAs are required.</p>
<b>2.</b>	<p>This approval expires 5 years after the date the approval was granted if subdivision works have not physically commenced.</p>
<b>3.</b>	<p>Subsidence Advisory NSW is to be notified of any changes to lot numbering and the registered DP number.</p>
<b>4.</b>	<p>Any ancillary structures or services identified in the subdivision plan shall be designed with flexible joints and remain safe, serviceable <i>any damage from mine subsidence shall be limited to 'slight' damage in accordance with AS2870 (Damage Classification), and readily repairable</i>" using mine subsidence design parameters acceptable to Subsidence Advisory NSW.</p>
<b>5.</b>	<p><b>For areas of the site that are affected by existing mine workings</b></p> <p>Provide a desktop study for Subsidence Advisory NSW's acceptance. The study is to address the likelihood of subsidence from existing mine workings in the Donaldson Top Split and recommend mine subsidence parameters for design. The study as a minimum should address:</p> <ul style="list-style-type: none"> <li>• Residual subsidence due to goaf consolidation.</li> <li>• Potential for migration of overlying soil into subsidence cracks or mine voids.</li> <li>• Overburden properties and potential for time dependent creep.</li> <li>• As assessment of whether a credible safety risk exists should a subsidence event occurs.</li> <li>• Any other potential mine subsidence issues that may affect the site.</li> </ul> <p>The following must also be done prior to, or during subdivision construction:</p> <ol style="list-style-type: none"> <li>a) Remediate any mining features that pose a risk to improvements or persons such as tension cracks.</li> <li>b) Locate and eliminate the risk of subsidence from the Ironbark drift(s) / shaft(s).</li> <li>c) No construction is to occur within 5m of any drifts or shafts.</li> <li>d) Provide certification for Subsidence Advisory NSW's acceptance remediation has been completed.</li> </ol>

6.	<p><b>For areas of the site not affected by existing mine workings</b></p> <p>The proposed structure(s) associated with subdivision preliminary works shall be designed to be “<i>safe, serviceable and any damage from mine subsidence shall be limited to ‘slight’ damage in accordance with AS2870 (Damage Classification), and readily repairable</i>” using the subsidence parameters outlined below:</p> <ul style="list-style-type: none"> <li>a) Maximum vertical subsidence: 125 mm</li> <li>b) Maximum Horizontal Strains: (+/-): 2 mm/m</li> <li>c) Maximum Tilt: 3 mm/m</li> <li>d) Maximum Radius of Curvature: 6 km</li> </ul>
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. As a guide, improvements shall comply with Subsidence Advisory NSW nominated Surface Development Guidelines, or otherwise assessed on merit.</p>

### Dispute Resolution

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



**ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**DAC 20/07/21 – 198 LENAGHANS DRIVE BLACK HILL -  
DA2020/01497 - STAGES 1A AND 1B – 1 LOT INTO 62 LOT  
SUBDIVISION**

**ITEM-14**      **Attachment E:**      Transport for NSW - Conditions of approval

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CR2021/000134  
SF2015/008824  
DSN

7 June 2021

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

**Attention: Edward Kenney**

**JOHN RENSHAW DRIVE (MR588): DA2020/01497, PROPOSED STAGED SUBDIVISION - STAGE 1 (62 LOTS), LOT: 30 DP: 870411, 198 LENAGHANS DRIVE, BLACK HILL**

On 13 January 2021, TfNSW accepted the referral by City of Newcastle (Council) through the Planning Portal regarding the abovementioned application (Development Application). TfNSW response letter dated 6 May 2021 was provided to Council in this regard.

It is understood that Council is now seeking recommended conditions from TfNSW to be included in the development consent, should Council determine to support and approve the development application.

TfNSW recommends that the following conditions are included in the development consent. It should be noted that TfNSW has provided these conditions on the basis that Council, as a consent authority, is satisfied that appropriate environmental and social impact assessment, including necessary public exhibition/s, for the identified off-site road works (mitigation works) have been completed.

TfNSW Conditions

**C.1 Restrictions on site access to M1 Motorway**

- a) No direct access to or from the development is to be provided from the M1 Motorway.
- b) Any existing access from the M1 Motorway shall be physically and legally closed and the road verge reinstated by the Developer to Transport for NSW (TfNSW) requirements. Works are required to be completed prior to any Subdivision Certificate being issued for the development.
- c) As part of the first Subdivision Certificate being issued, a restriction must be registered on the title of the subject land (Lot 30 DP 870411) pursuant to section 88E of the Conveyancing Act 1919 restricting direct access to and from the subject land and the M1 Motorway.

The restriction must remain registered on the title of each lot that adjoins the M1 Motorway, being Lot 3 within the subdivision as at the date of this consent (to be amended, as applicable, to reflect any approved future modifications to the lot numbers) as per the 3 Lot Subdivision Plan (HD15 – 3 Lot, Revision 9-1) prepared by High Definition Design Pty Ltd dated 6 November 2020.

Council and TfNSW are to be nominated as the Prescribed Bodies having benefit of the restriction.

The restriction will be released from any lot within a Stage that is not subject to the restriction (in whole or in part) as part of the registration of the Plan of Subdivision for each respective Stage of the development. The developer must submit appropriate documentation to the Council and TfNSW requesting the release of the restriction, as applicable, as part of the Subdivision Certificate application for each Stage of the development.

## **C.2 Restrictions on site access to John Renshaw Drive**

- a) No direct access is to be provided between John Renshaw Drive (via Lot 4 DP 847676) and the subject site or any lots within the subdivision other than via the dedicated public road connection(s) with John Renshaw Drive.
- b) As part of the first Subdivision Certificate being issued, a restriction must be registered on the title of the subject land (Lot 30 DP 870411) pursuant to section 88E of the Conveyancing Act 1919 restricting access from the subject land to John Renshaw Drive.

The restriction must remain registered on the title of each lot that adjoins John Renshaw Drive, being Lot 1 and Lot 3 within the subdivision as at the date of this consent (to be amended, as applicable, to reflect any approved future modifications to the lot numbers) as per the 3 Lot Subdivision Plan (HD15 – 3 Lot, Revision 9-1) prepared by High Definition Design Pty Ltd dated 6 November 2020.

Council and TfNSW are to be nominated as the Prescribed Bodies having benefit of the restriction.

The restriction will be released from any lot within a Stage that is not subject to the restriction (in whole or in part) as part of the registration of the Plan of Subdivision for each respective Stage of the development. The developer must submit appropriate documentation to the Council and TfNSW requesting the release of the restriction, as applicable, as part of the Subdivision Certificate application for each Stage of the development.

## **C.3 Vegetated buffer**

- a) As part of the first Subdivision Certificate being issued, a restriction must be registered on the title of the subject land (Lot 30 DP 870411) pursuant to section 88E of the Conveyancing Act 1919 to establish and maintain a 20 metre wide Vegetated Buffer wholly within the subject site along the M1 Motorway boundary and along the northern and southern boundaries of the site restricting any development (including but not limited to removal of native vegetation, earthworks, buildings, hardstand, driveway or parking areas, signage and outdoor storage) within the Vegetated Buffer.

The restriction must remain registered on the title of Lot 1 and Lot 3 within the subdivision as at the date of this consent (to be amended, as applicable, to reflect any approved future modifications to the lot numbers) as per the 3 Lot Subdivision Plan (HD15 – 3 Lot, Revision 9-1) prepared by High Definition Design Pty Ltd dated 6 November 2020.

Council is to be nominated as the Prescribed Body having benefit of the restriction.

The restriction will be released from any lot within a Stage that is not subject to the restriction (in whole or in part) as part of the registration of the Plan of Subdivision for each respective Stage of the development. The developer must submit appropriate documentation to the Council requesting the release of the restriction, as applicable, as part of the Subdivision Certificate application for each Stage of the development.

- b) The vegetated buffer is to be maintained at all times to the satisfaction of Council.

#### **C.4 Signalised intersection (site access)**

- a) The Developer must:
  - (i) enter into a Works Authorisation Deed (**WAD**) with TfNSW for the construction of a new signalised intersection between the subdivision and John Renshaw Drive;
  - (ii) obtain TfNSW's approval of the detailed design for the signalised intersection in accordance with the WAD; and
  - (iii) obtain all required Roads Act 1993 approvals for the signalised intersection including pursuant to sections 70, 87 and 138.
- b) The signalised intersection must be designed generally in accordance with Northrop Strategic Design Plans NL 166552 SD-C21.01 Rev 2 and in accordance with TfNSW's future strategic design requirements for John Renshaw Drive and take into account all vehicle types and volumes which may utilise the intersection, including from any other approved development in the area.
- c) The design of the signalised intersection pursuant to the WAD must have regard to all approved infrastructure upgrade works required along John Renshaw Drive (including any infrastructure upgrade works approved for the adjoining site, Lot 1 DP 1260203, if known) to ensure a comprehensive road design is completed.
- d) All signalised intersection infrastructure must be dedicated as public road under the Roads Act 1993.
- e) The Developer must procure the dedication of any land required for the purpose of the signalised intersection access at no cost to TfNSW or Council.
- f) The signalised intersection works are to be completed to TfNSW's satisfaction:
  - (i) as part of the John Renshaw Drive Upgrade required by Condition C.6;
  - (ii) at full cost to the developer and at no cost to TfNSW or Council; and
  - (iii) prior to any Subdivision Certificate being issued for the development.

#### **C.5 Internal roads including connections to Lot 1 DP 1260203**

- a) The local roads within the subdivision required to connect the signalised intersection on John Renshaw Drive to the boundary of the adjoining site, Lot 1 DP 1260203, must be designed and constructed to Council's satisfaction in accordance with the adopted Indicative Lot Layout and Staging Plan which has been the subject of consultation with Cessnock City Council.
- b) The local road network of the development must be integrated with the signalised intersection access on John Renshaw Drive.

## C.6 John Renshaw Drive upgrade

- a) The Developer must:
  - (i) enter into a Works Authorisation Deed (**WAD**) with TfNSW to:
    - A) upgrade John Renshaw Drive to a minimum of four (4) lanes; and
    - B) where reasonably required and demonstrated through technical investigation, upgrade the existing pavement of John Renshaw Drive, between the M1 Motorway/Weakleys Drive/ John Renshaw Drive intersection and the site's proposed signalised intersection (**John Renshaw Drive Upgrade**);
  - (ii) obtain TfNSW's approval of the detailed design for the John Renshaw Drive Upgrade in accordance with the WAD; and
  - (iii) obtain all required Roads Act 1993 approvals for the John Renshaw Drive Upgrade including pursuant to sections 70 and 138.
- b) The John Renshaw Drive Upgrade must be designed generally in accordance with Northrop Plan NL 166552 SD-C21.22 rev 2 and C21.31 Rev 1 and in accordance with TfNSW's future strategic requirements for John Renshaw Drive and take into account all vehicle types and volumes which may utilise the upgrade, including from any other approved development in the area.
- c) The design of the John Renshaw Drive Upgrade pursuant to the WAD must have regard to all approved infrastructure upgrade works required along John Renshaw Drive (including any infrastructure upgrade works approved for the adjoining site, Lot 1 DP 1260203) to ensure a comprehensive road design is completed. This should include approved infrastructure upgrade works up to and including the M1 Motorway/Weakleys Drive/ John Renshaw Drive intersection.
- d) All road infrastructure required for the purpose of the John Renshaw Drive Upgrade is to be dedicated as public road under the Roads Act 1993.
- e) The Developer must procure the dedication of any land required for the purpose of the John Renshaw Drive Upgrade at no cost to TfNSW or Council.
- f) The John Renshaw Drive Upgrade works are to be completed to TfNSW's satisfaction:
  - (i) at full cost to the developer and at no cost to TfNSW or Council; and
  - (ii) prior to any Subdivision Certificate being issued for the development.

## C.7 Upgrade M1 Motorway/Weakleys Drive/John Renshaw Drive intersection

- a) The Developer must:
  - (i) enter into a Works Authorisation Deed (**WAD**) with TfNSW to:
    - A) upgrade Weakleys Drive (northern approach) with an additional right-turn bay of similar length to existing right-turn bay; and
    - B) upgrade John Renshaw Drive (eastern approach) with an additional right-turn bay of similar length to existing right-turn bay.
  - (ii) obtain TfNSW's approval of the detailed design for the **M1 Intersection Upgrade** (comprising all required upgrades) in accordance with the WAD; and
  - (iii) obtain all required Roads Act 1993 approvals for the M1 Intersection Upgrades including pursuant to section 138.
- b) The M1 Intersection Upgrade must be designed generally in accordance with Northrop Plan NL 166552 SD-C21.31 Rev 1 and in accordance with TfNSW's future strategic design requirements for John Renshaw Drive and take into account all vehicle types and volumes which may utilise the upgrade, including from any other approved development in the area.

- c) The design of the M1 Intersection Upgrade pursuant to the WAD must have regard to all approved infrastructure upgrade works required along John Renshaw Drive (including any infrastructure upgrade works approved for the adjoining site, Lot 1 DP 1260203) to ensure a comprehensive road design is completed.
- d) All road infrastructure required for the purpose of the M1 Intersection Upgrade is to be dedicated as public road under the Roads Act 1993.
- e) The Developer must procure the dedication of any land required for the purpose of the M1 Intersection Upgrade at no cost to TfNSW or Council.
- f) The M1 Intersection Upgrade is to be completed to TfNSW's satisfaction:
  - (i) as part of the John Renshaw Drive Upgrade required by Condition C.6;
  - (ii) at full cost to the developer and at no cost to TfNSW or Council and
  - (iii) prior to any Subdivision Certificate being issued for the development.

### C.8 Other conditions:

- a) Discharged stormwater from the development must not exceed the capacity of either the M1 Motorway or John Renshaw Drive 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-occupancy-licence/index.html>).

Yours sincerely



**Damien Pfeiffer**  
 Director Development Services  
 Development Services

**ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**DAC 20/07/21 – 198 LENAGHANS DRIVE BLACK HILL -  
DA2020/01497 - STAGES 1A AND 1B – 1 LOT INTO 62 LOT  
SUBDIVISION**

**ITEM-14      Attachment F:      NSW Rural Fire Service - Terms of approval**

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## NSW RURAL FIRE SERVICE

Newcastle City Council  
PO Box 489  
NEWCASTLE NSW 2300

Your reference: DA2020/01497 (CNR-16926)  
Our reference: DA20210204000419-CL55-1

**ATTENTION:** Edward Kenney

Date: Friday 25 June 2021

Dear Sir/Madam,

**Integrated Development Application**  
**s100B – Subdivision – Torrens Title Subdivision**  
**198 Lenaghans Drive Black Hill NSW 2322, 30//DP870411**

I refer to your correspondence dated 03/06/2021 seeking general terms of approval for the above Integrated Development Application.

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

### General Conditions

1. The proposed development complies with the General Arrangement and Staging Plan prepared by Northrop, Job No: NL166552, Dwg No C1.01, Revision C, dated 16 April 2021.

### Asset Protection Zones

***Intent of measures: to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.***

2. From the start of building works, and in perpetuity to ensure ongoing protection from the impact of bush fires, that all grounds not built upon outside the riparian corridor (proposed Lot 3) and vegetated buffers within the subject property must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*. When establishing and maintaining an IPA the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- tree canopies should be separated by 2 to 5m;
- preference should be given to smooth barked and evergreen trees;

#### 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](http://www.rfs.nsw.gov.au)

- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees and not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed.

3. At the issue of a subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, a suitable mechanism, such as an instrument pursuant to section 88 of the *Conveyancing Act 1919* over all allotments which are impacted by the proposed APZs as shown on the attached Asset Protection Zone Overlay which prohibit the construction of buildings other than class 10 structures within the APZ. must be in place to ensure its ongoing management as an Inner Protection Area (IPA) in accordance with Appendix 4 of *Planning for Bush Fire Protection 2019*. When establishing and maintaining an IPA the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- tree canopies should be separated by 2 to 5m;
- preference should be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees and not form more than 10% ground cover; and
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed.

The name of authority empowered to release, vary or modify any instrument shall be Newcastle City Council.

4. A restriction to the land use pursuant to section 88B of the *Conveyancing Act 1919* must be placed on any undeveloped part of the land excluding Stage 1A and 1B as a temporary asset protection zone (APZ) in accordance with Appendix 4 of *Planning for Bush Fire Protection 2019*. The restriction to land use for the purpose of a temporary asset protection zone may be extinguished upon commencement of future development of the land. The name of authority empowered to release, vary or modify any instrument shall be Newcastle City Council.

The APZ must be managed as an inner protection area (IPA) to a distance of 29 metres to the south and west of the boundaries of Stage 1B. When establishing and maintaining an IPA the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- tree canopies should be separated by 2 to 5m;
- preference should be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover; and
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed.

**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.**

5. Perimeter roads and also those sections of road which are adjacent proposed Lot 3 must comply with the general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019* and the following:

- are two-way sealed roads;
- minimum 8m carriageway width kerb to kerb;
- parking is provided outside of the carriageway width;
- hydrants are located clear of parking areas;
- are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
- curves of roads have a minimum inner radius of 6m;
- the maximum grade road is 15 degrees and average grade of not more than 10 degrees;
- the road crossfall does not exceed 3 degrees; and
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.

6. Non-perimeter roads must comply with the general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019* and the following:

- minimum 5.5m carriageway width kerb to kerb;
- parking is provided outside of the carriageway width;
- hydrants are located clear of parking areas;
- roads are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
- curves of roads have a minimum inner radius of 6m;
- the road crossfall does not exceed 3 degrees; and
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.

7. At each stage of the subdivision, temporary turning heads must be provided to temporary dead end roads adjacent proposed Lots 123 and 124, incorporating either a minimum 12 metre radius turning circle or turning heads compliant with A3.3. Vehicle turning head requirements of *Planning for Bush Fire Protection 2019*. The turning areas may be removed upon opening of future proposed through roads.

### **Water and Utility 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.**

8. The provision of water, electricity and gas must comply with the following in accordance with Table 5.3c of *Planning for Bush Fire Protection 2019*:

- reticulated water is to be provided to the development where available;
- fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2005;
- hydrants are and not located within any road carriageway;
- reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
- fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005;
- all above-ground water service pipes are metal, including and up to any taps;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:

a) lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and

b) no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.

- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.

**General Advice - Consent Authority to Note**

- Council is advised that this approval is for the subdivision of the land only. Any further development application for class 1,2 & 3 buildings as identified by the *Building Code of Australia* may be subject to separate application under section 4.14 of the *EP & A Act* and address the requirements of *Planning for Bush Fire Protection 2019*.

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 18/03/2021.

For any queries regarding this correspondence, please contact Bryce Pascoe on 1300 NSW RFS.

Yours sincerely,

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



NSW RURAL FIRE SERVICE

# BUSH FIRE SAFETY AUTHORITY

Subdivision – Torrens Title Subdivision  
198 Lenaghans Drive Black Hill NSW 2322, 30//DP870411  
RFS Reference: DA20210204000419-CL55-1  
Your Reference: DA2020/01497 (CNR-16926)

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority supersedes the previous Bush Fire Safety Authority DA20210204000419-Original-1 issued on 18/03/2021 and confirms that, subject to the attached reissued General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

**Kalpana Varghese**

Supervisor Development Assessment & Plan  
Built & Natural Environment

Friday 25 June 2021



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**DAC 20/07/21 – 198 LENAGHANS DRIVE BLACK HILL -  
DA2020/01497 - STAGES 1A AND 1B – 1 LOT INTO 62 LOT  
SUBDIVISION**

**ITEM-14**      **Attachment G:**      Transgrid - Terms of approval

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ABN 70 250 995 390

**Sydney West**

200 Old Wallgrove Road  
PO Box 87 Horsley Park  
NSW 2175 Australia  
**T** (02) 9620 0777  
**F** (02) 9620 0384

15/06/2021

Brad Everett  
Land Use Director  
Hunter Land Pty Ltd

Dear Brad,

**TG Reference Number: 2021-046****Location: CNR-16926, DA2020/01497 – 198 Lenaghans Drive, Black Hill (Lot 30 in DP 870411)****Proposal: Staged subdivision of industrial land - 62 lots & associated works including site clearing****TransGrid: West Wallsend – Tomago 330KV TL (FDR 82/95, Structure Span 28D – 37D)**

Thank you for requesting TransGrid's permission to carry out the **Staged subdivision of industrial land - 62 lots & associated works including site clearing** described in **NL 166552 Blackhill DA SET Updated 16.04.21 PAN-57030(3)** at CNR-16926, DA2020/01497 – 198 Lenaghans Drive, Black Hill (Lot 30 in DP 870411) within TransGrid easement **West Wallsend – Tomago 330KV TL (FDR 82/95, Structure Span 28D – 37D) (TransGrid ID: 2021-046)**.

Please be advised that after reviewing your proposal, TransGrid **gives its permission** subject to the following conditions:

**General Conditions:**

1. All works must be carried out as per in **NL 166552 Blackhill DA SET Updated 16.04.21 PAN-57030(3)**
2. TransGrid shall be notified of any amendments/ modifications to the proposal which may change proposed distances to TransGrid structures or conductors.
3. All works must be carried out in accordance with NSW WorkCover **'Working near overhead powerlines' Code of Practice 2006**.
4. All fencing (including temporary fencing) must comply with **TransGrid's Fencing Guidelines**.
5. No mounds of earth or other materials may be left on the easement during and after earthworks, as this creates a hazard by reducing the vertical clearances to transmission lines.
6. During construction, traffic control measures need to be implemented to prevent vehicles colliding with TransGrid's transmission towers.

## 1. Technical Conditions:

TransGrid are satisfied in general with the proposed modifications to the plan with the following notes:

- a) The final ground level at structure 32D should be below the level of the concrete footing, not flush
- b) The footing must be able to drain to avoid ponding and corrosion
- c) The tree planting issue needs to be addressed and TransGrid provided with detailed landscape plans showing any landscaping to be provided meets TransGrid's Easement Guidelines

## Access and Maintenance Conditions:

### 2. Access and Maintenance comments:

TransGrid's TSS indicates that the easement and structures at the location are accessed off a track off the Pacific Motorway to the easement and then travel along the easement corridor possible between all structures at the site.

Together with allotment boundary easement crossings, there will be a proposed Road MCL03 to cross the easement near the western boundary and a proposed Road MCL02 to cross the easement at the northern location of the site.

- a. The development is to be designed so that during construction phase TransGrid is not restricted from undertaking normal maintenance & inspection activities and, at completion of works, access to Transmission Lines & structures shall be available at all times for TransGrid plant & personnel.
  - a. **A Site Contact is requested for if/when TransGrid access is required whilst construction is being undertaken (if TransGrid require to access through their construction site)**
  - b. **Access points off proposed Roads MCL02 & MCL03 are requested to be provided, both sides of the road, at the easement locations to maintain access onto the easement and travel means possible between structures**
    - i. Any slopes for where travel is required by TransGrid's heavy maintenance vehicles must not have a grade steeper than 1:6 (1:8 or less is preferred)
- b. It should be noted that it is desirable to retain a continuous and unobstructed access way along the entire length of the easement.
- c. Where access is compromised by such developments, a condition of approval is the provision of alternative access

- i. Any future allotment boundary fencing crossing the easement are to include gates at the easement locations, to retain the continuous travel possible between the structures at the location
  - ii. Any fencing and gates within the easement corridor are to be installed in accordance to TransGrid Fencing Guidelines
  - iii. Any gates to be fitted with locks are to have a TransGrid lock installed
- d. Location of any excavation works is not to be within 20 metres of any part of a steel tower (Earth straps are buried coming out from each of the leg towers and these are not to be disturbed or exposed to avoid any danger to the public).
- e. The subsoil stability and surface drainage is not to be adversely affected in the vicinity of structures.
- f. No obstruction of any type shall be placed within 30M of any part of transmission line structures i.e. the 30M exclusion zone is to be observed, and no obstructions are to be placed on access tracks or within the easement area that restricts access.
  - a. A clear area must be maintained for the safe set-up of maintenance vehicles around structures
  - b. With Structure 33D being a tension structure, it will be required to be able to set-up from both sides of the structure
- g. Consideration is to be given in the design works for any proposed access ways/roads to TransGrid's easement & structures (or for setting up at structures) to cater for the weight and size of TransGrid's maintenance vehicles - to withstand the 40tonne load capacity of maintenance trucks.
- h. For any services proposed to be situated within the easement or where travel is required by TransGrid maintenance vehicles, it must be ensured that the trench backfill can safely withstand the 40tonne load capacity of maintenance trucks without causing damage to any pipes/conduits and services.
- i. During construction, adequate precaution shall be taken to protect structures from accidental damage, and the easement area shall not be used for temporary storage of construction spoil, topsoil, gravel or any other construction material.
- j. Safety clearances are to be observed near powerlines.

From an access and maintenance perspective only, provided access to the easements & structures at the location is provided/maintained and exclusion zones observed, we would not expect any issue with the proposed subdivision development. As advised above, a Site Contact is requested for if/when TransGrid access is required whilst construction is being undertaken

All works near/within the easement would need to be carried out in accordance to TransGrid Easement Guidelines, TransGrid Fencing Guidelines and Workcover's Code of Practice 2006 – 'Work Near Overhead Powerlines'.

**Please note, this is TransGrid's permission as easement holder only, and it does not constitute planning approval under the Environmental Planning and Assessment Act 1979.**

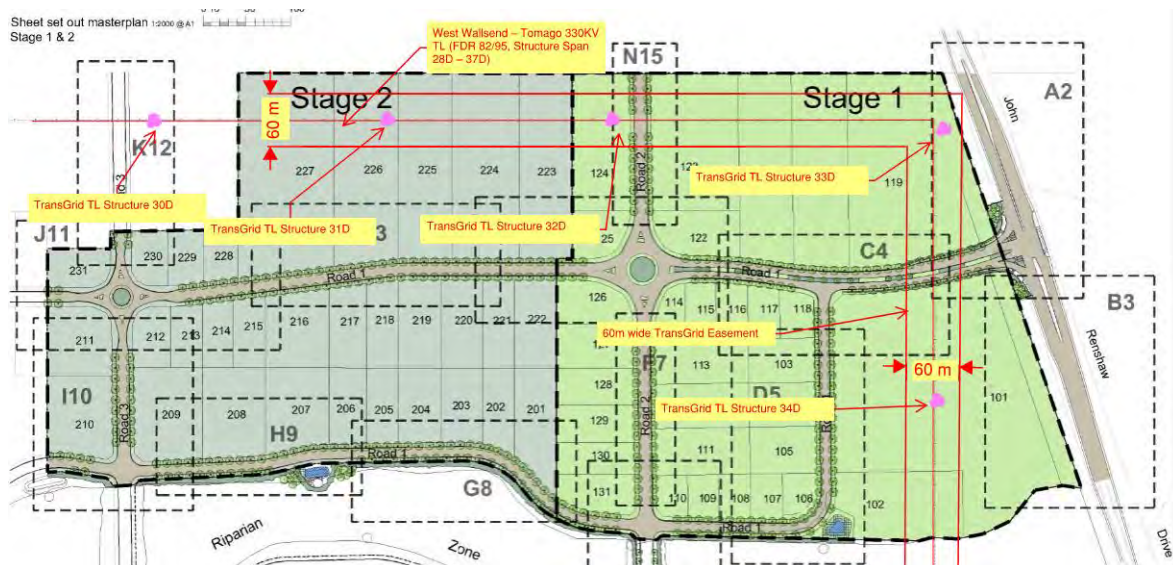
If you have any questions, please do not hesitate to contact TransGrid's Easements & Development Team at [Easements&Development@transgrid.com.au](mailto:Easements&Development@transgrid.com.au).

- A. Please find attached TransGrid's easement Guidelines, Fencing Guidelines for your review
- B. Please see link to TransGrid online guidelines : <https://www.transgrid.com.au/being-responsible/public-safety/Living-and-working-with-electricity-transmission-lines/Pages/default.aspx>
- C. Please see link to the PDF version: <https://www.transgrid.com.au/being-responsible/public-safety/Living-and-working-with-electricity-transmission-lines/Documents/Easement%20Guidelines.pdf>

Yours faithfully

**Easements & Development Team  
TransGrid**

**Figure 1 – Plan View: Tree planting**



**Figure 2 – Plan view: Civil works**

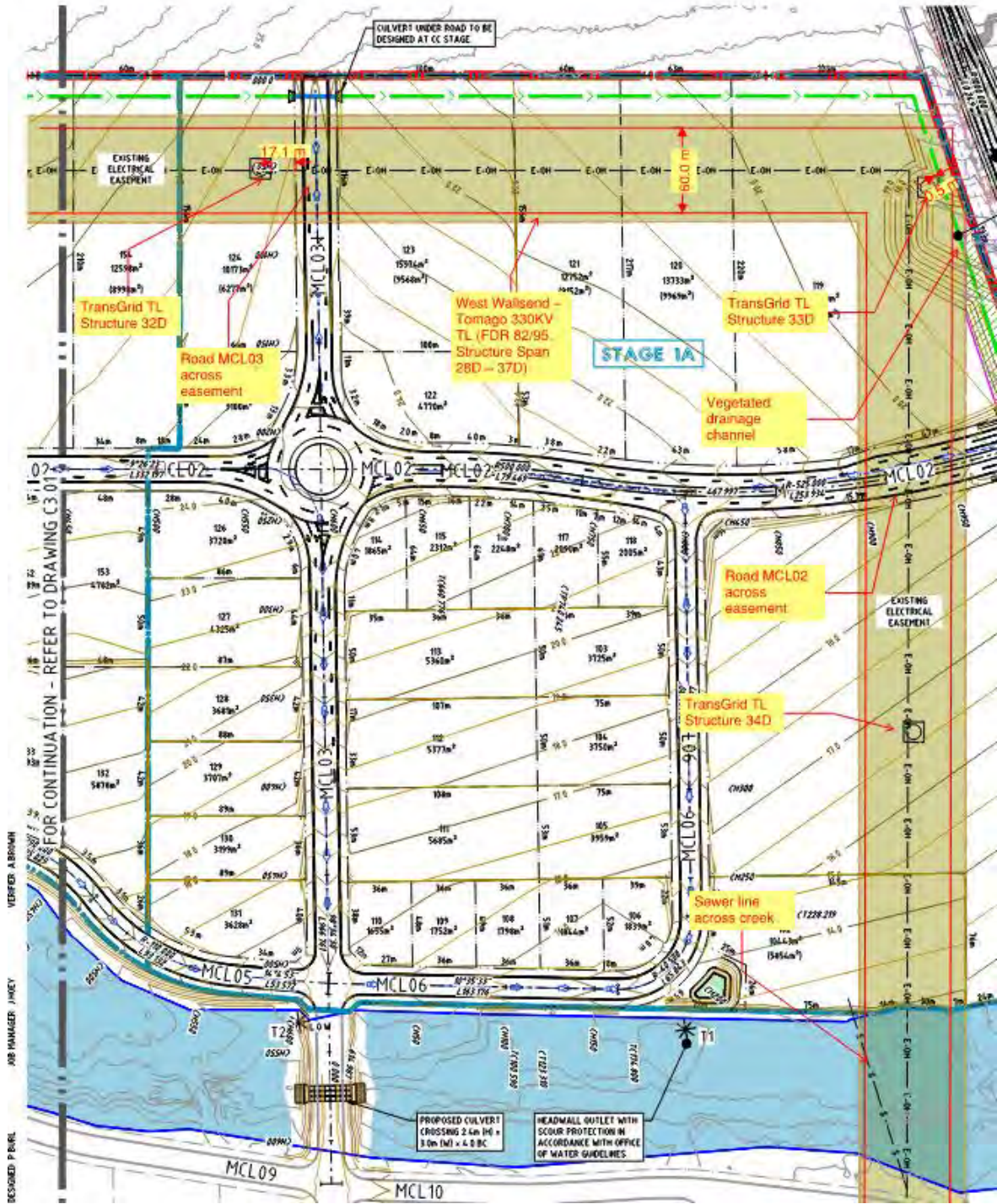
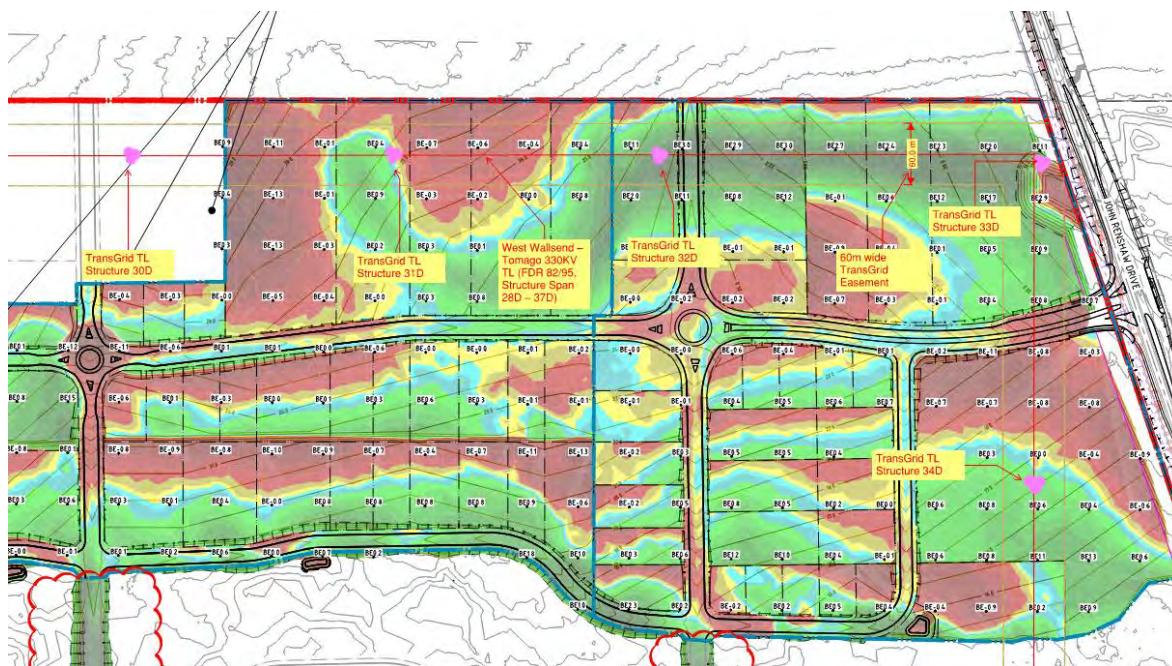


Figure 3 – Plan view: Cut and fill



**ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**DAC 20/07/21 – 198 LENAGHANS DRIVE BLACK HILL -  
DA2020/01497 - STAGES 1A AND 1B – 1 LOT INTO 62 LOT  
SUBDIVISION**

**ITEM-14**      **Attachment H:**      Concept approval (MP10\_0093)

**DISTRIBUTED UNDER SEPARATE COVER**





# Concept Approval

## Section 75O and 75P of the *Environmental Planning and Assessment Act 1979*

As delegates of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, pursuant to Part 3A of the Environmental Planning and Assessment Act 1979 (the Act), the NSW Planning Assessment Commission determines:


- (a) to approve the concept plan referred to in Schedule 1, subject to the terms of approval and modifications in Schedule 2,
- (b) under section 75P(2)(c) of the EP&A Act, where development is subject to Part 4 of the Act (other than complying development), that development is subject to the further environmental assessment requirements specified in Schedule 2, Part D of this approval.
- (c) under section 75P(1)(c) of the Act, the subdivision of land that gives effect to the transfer of lands to a public authority or a Minister of the Crown requires no further environmental assessment and approve the development under section 75J of the Act (subject to the conditions set out in Schedule 3 of this approval); and
- (d) under section 75P(1)(b) of the Act, development the subject of the Concept Plan is subject to Part 4 or Part 5 of the Act, whichever is applicable.

The modification and further assessment requirements are required to:

- Encourage the orderly future development of the site; and
- Ensure adequate mitigation of environmental impacts of future development.



Richard Thorp  
Member of the Commission



Donna Campbell  
Member of the Commission

Sydney,

19 November 2013

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## SCHEDULE 1

<b>Application No:</b>	10_0093
<b>Proponent:</b>	Coal & Allied Industries Ltd
<b>Approval Authority:</b>	Minister for Planning and Infrastructure
<b>Land:</b>	Lot 30 in DP 870411, John Renshaw Drive, Black Hill in the Newcastle Local Government Area Lot 1 in DP 1007615, Tank Paddock in the Newcastle Local Government Area Lot 101 in DP 881099, Lot 2 in DP 877416, Lot 79 in DP 755260, Lot 1 in DP 877416, Lot 4 in DP877416 (listed as Black Hill), Lot 3 in DP 877416 (listed as Black Hill) and Pt Lot 13/DP1078246, Stockrington in Cessnock Local Government Area.
<b>Local Government Area:</b>	Newcastle and Cessnock
<b>Concept Plan:</b>	Concept plan for: <ul style="list-style-type: none"><li>• employment lands development of a 183 ha development site</li><li>• dedication of 545 hectares of Conservation Lands</li><li>• conceptual road, pedestrian and cycleway network;</li><li>• conceptual lot layout; and</li><li>• associated infrastructure.</li></ul>

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## SCHEDULE 2

### PART A – DEFINITIONS

<b>Act, the</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>APZ</b>	Asset Protection Zone
<b>Council</b>	City of Newcastle Council
<b>Department, the</b>	Department of Planning & Infrastructure
<b>Director-General, the</b>	Director-General of the Department of Planning & Infrastructure (or delegate)
<b>Minister, the</b>	Minister for Planning & Infrastructure
<b>NOW</b>	NSW Office of Water
<b>Proponent</b>	Coal & Allied Industries Ltd, or its successors or any person who acts on this approval, in title
<b>RMS</b>	Roads and Maritime Services
<b>Site</b>	Land to which Concept Plan Application 10_0093 applies
<b>Stage</b>	The six stages identified in Figure 7 – Indicative Staging Plan of the Concept Plan Environmental Assessment.
<b>Subdivision Application</b>	An application for a Subdivision Certificate

## PART B – ADMINISTRATIVE CONDITIONS

- 1.1 The Proponent shall ensure that all development on site is carried out generally in accordance with the:
- a) Concept Plan Application 10\_0093;
  - b) *Black Hill Concept Plan* (including accompanying appendices) prepared by Urbis dated February 2011;
  - c) *Black Hill Preferred Project Report*, dated May 2011 prepared by Urbis;
  - d) Correspondence, with attachments, entitled “Preferred Project Report Submission - Coal & Allied Northern Estates: Black Hill (MP10\_0093)”; and
  - e) Correspondence, with attachments, entitled dated 20 May 2011, and “Preferred Project Report Submission - Coal & Allied Northern Estates: Black Hill (MP10\_0093)” and dated 16 June;
  - f) Statement of Commitments; and
  - g) this approval.
- 1.2 In the event of an inconsistency between:
- a) the modifications of this approval and any document listed from clause 1.1 a) to 1.1 f) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
  - b) any document listed from condition 1.1a) to 1.1e) inclusive, the most recent document shall prevail to the extent of the inconsistency.

### Limits of Approval

- 1.3 This concept approval shall lapse 5 years after the date on which it is granted, unless an application is submitted to carry out a development for which concept approval has been given.
- 1.4 To avoid any doubt, this concept approval does not permit the subdivision or construction of any aspect of the proposal which will be subject to separate approvals.

### Determination of Future Applications

- 1.5 The determination of future applications for development on the Site under Part 4 of the Act, for which Council is the consent authority, is to be generally consistent with the terms of this approval.

### Dispute resolution

- 1.6 Any dispute between the proponent and Council over the interpretation, or application of the modifications and/or further environmental assessment requirements is to be settled by the Director-General. Any decision of the Director-General shall be final and not subject to further dispute resolution.

## PART C - MODIFICATIONS TO THE CONCEPT

### Urban Design & Built Form

- 1.7 The indicative lot layout is not approved.
- 1.8 Prior to the first application for subdivision, the Proponent shall revise the Urban Design Guidelines to:
- a) Adopt provisions in Council's DCP relating to:
    - Industrial development;
    - Parking rates including rates required for bicycle parking / storage, motorbike delivery and service vehicles parking;
    - road types and dimensions;
    - stormwater management including requirements for on-site detention on lots and pollutant reduction targets;
    - Tree management and Landscaping; and
    - Outdoor advertising;
  - b) Address the following additional issues:
    - cut, fill and earthworks;
    - increasing the Visual Buffer to the northern boundary (fronting John Renshaw Drive) from 10 metres to 20 metres; and
    - controls to manage interaction between potential internal land-use conflicts, such as where childcare is located adjacent to industrial uses.

The revised Guidelines must be prepared in consultation with Council, and to the approval of the Director-General. The guidelines are to be in a form which could be adopted as site specific controls within the Council's development control plan at some stage in the future. The final approved copy is to be submitted to Council prior to lodgement of any development application on the site.

### Commercial / retail development

- 1.9 The Concept Plan is to be modified to remove:
- the proposed retail/commercial component, known as the Core Supporting Facilities Area, intended to accommodate 1300m<sup>2</sup> of retail space, and
  - the following proposed additional permitted uses: business premises, health consulting rooms, hotel accommodation, medical centre, restaurant, and retail premises.

## PART D - FURTHER ENVIRONMENTAL ASSESSMENT REQUIREMENTS

### Infrastructure Provision

- 1.10 Prior to the first subdivision application, the Proponent must prepare a staging plan for Council's approval. The plan must provide for:
- a) An updated indicative lot layout, identifying how the development of the site would be staged;
  - b) the schedule for delivery (and dedication where relevant) of the following:
    - provision of roads, stormwater and other service infrastructure;
    - items identified for Black Hill in the \$2 million allocated to the Coal & Allied Northern Estates;
    - contributions in accordance with Newcastle City Council Section 94A Development Contribution Plan 2009. The passive recreational space to be provided along the creek as referred to in the Statement of Commitments is to be additional to the contributions required under this Plan and the management of that passive open space is to be agreed to by Council;
    - State Infrastructure Contributions; and
  - c) the management arrangements for the Viney Creek riparian corridor, recreation infrastructure, stormwater detention basins and Asset Protection Zones (the dedication of this infrastructure to Council is not approved).

For contributions made under the \$2 million allocation, the plan must demonstrate that the contributions are over and above section 94A Development Contributions Plan 2009 and State infrastructure contribution requirements, and do not include any contributions which would be otherwise required to mitigate the impacts of the proposed development. Any contributions or dedications to a council, public authority, or community group require the agreement of that organisation. Any contributions which are deemed unsuitable must be re-allocated to alternative infrastructure and initiatives.

Note: In relation to section 94A contributions any works in kind or dedication of land in lieu of monetary contributions required under Council's Section 94A Development Contributions Plan 2009 Plan must be agreed to by Council.

### Urban Design

- 1.11 Each subdivision application shall be consistent with the Urban Design Guidelines for the site and include details on the following:
- a) strategy for retention of trees on the site;
  - b) proposed public domain treatments; and
  - c) proposed landscaping of all public domain areas including swales, detention basins, and roadside verges.

Any such details would be carried into landscaping plans and public domain plans to be completed in consultation with Council, prior to commencement of subdivision works on site.

### Flora and Fauna

- 1.12 Whilst it is recognised that the biodiversity impacts associated with the proposal have been offset through dedication of 545 hectares of conservation lands to the NSW Government, any subdivision application shall provide:
- a) details on strategies to minimise clearing or disturbance of vegetation and retain mature and/or hollow bearing trees where possible, including through design of roads and stormwater devices, having regard to the recommendations of the Ecological Assessment Report (RPS 2011);
  - b) management measures for minimising impacts on fauna during subdivision works including the employment of an appropriate qualified ecologist to advise and supervise

- any clearing of vegetation, and the implementation of appropriate tree clearing protocols;  
and
- c) details of erosion and sediment control measures that would be implemented to protect vegetation within the riparian corridor.

Any procedures and strategies identified must be carried into a Vegetation Management Plan to be completed prior to commencement of any works on site.

### **Viney Creek Riparian Corridor**

- 1.13 The first subdivision application for the site must include a fully costed rehabilitation plan for Viney Creek riparian corridor that sets out the following:
- survey of the creek bed by both an appropriately qualified ecologist and a geotechnical engineer (reviewing any potential subsidence issues);
  - removal of waste material;
  - measures to revegetate areas to be rehabilitated such as plant material, densities and species mix;
  - management measures to prevent damage to the corridor during any future development of the site;
  - weed management measures; and
  - a plan for the monitoring and management of the corridor.
- 1.14 Each subdivision application must demonstrate that any works within riparian corridors and road and services crossing meet the requirements of the NSW Office of Water Guidelines for Controlled Activities (August 2010).

### **Traffic and Transport**

- 1.15 Any subdivision application must include a revised traffic and transport impact assessment that:
- a) has been prepared in consultation with Council and RMS;
  - b) details traffic generation from each stage of the development;
  - c) demonstrates that the site access would accommodate traffic from all stages of the development, and if required, provide details of alternative access arrangements that may be required;
  - d) intersection analysis and micro simulation modelling including details of any offsite road upgrades that would be required to accommodate the proposal.
- 1.16 The first subdivision application for the site must include detailed design for a signal controlled intersection at the western access to the site on John Renshaw Drive that has been prepared in accordance with RMS requirements.
- 1.17 Any subdivision application must demonstrate that all local roads, including provision for bicycle and pedestrian paths, have been designed in accordance with Council requirements.
- 1.18 With each subdivision application, the Proponent must demonstrate that opportunities have been investigated to extend or provide for an additional bus route to service the proposed development, and must provide details of the proposed location of bus stops and pedestrian access to bus stops. Where the bus route is proposed to travel through the development area the proponent is to demonstrate the associated roads are designed to accommodate bus movements. These requirements are to be carried out in consultation with Council, Transport for NSW, and relevant bus companies, prior to the lodgement of any Development Application.
- 1.19 Prior to the lodgement of the first development application for subdivision a comprehensive public transport, cycle way and pedestrian network plan must be prepared which addresses the following:



- Identify all pedestrian and cycle ways to be provided within the proposed development site, and how these link to the surrounding existing and proposed cycle network;
- Demonstrate that the pedestrian and cycle network links with existing and proposed access points to, and pathways as provided for in Councils Cycling Strategy & Action Plan;
- Identifies any off site pedestrian and/or cycle ways which are proposed to be provided by the proponent by way of local infrastructure contributions or the \$2 million allocation;
- Considers and addresses any relevant aspects of Councils' Cycling Strategy & Action Plan; and
- Demonstrate the proposed bus routes, cycle way and pedestrian network links key destinations including open space, recreation and community infrastructure.

This plan is required to be prepared to the satisfaction of the Director-General in consultation with Newcastle Council, Transport for NSW, Office of Environment & Heritage, and relevant private bus companies.

### **Aboriginal Heritage**

- 1.20 The proponent shall develop a Cultural Heritage Management Plan for the project area. The CHMP is to be developed and implemented in full consultation with the registered local Aboriginal stakeholders and Council. The plan is to include, but limited to:
- a) procedures for ongoing Aboriginal consultation and involvement;
  - b) details of the responsibilities of all stakeholders;
  - c) procedures for the management of any recorded sites within the project area;
  - d) procedures for providing opportunities for registered local Aboriginal stakeholders to monitor any initial ground disturbance works associated with sites 'Black Hill 1' and 'Black Hill 2' and in the areas immediately adjacent to these sites (50m buffer), and in those areas identified as 'Moderate Archaeological Potential';
  - e) procedures for the identification, management and registration of previously unrecorded sites (excluding human remains);
  - f) stop work procedures in the event human remains are located at the site;
  - g) identification and management of any proposed cultural heritage conservation area(s),
  - h) details of an appropriate keeping place agreement with local Aboriginal community representatives for any Aboriginal objects salvaged through the development process,
  - i) details of an Aboriginal cultural heritage education program for all contractors and personnel associated with construction activities;
  - j) details of proposed mitigation and management strategies for sites identified to be impacted within the project area; and
  - k) compliance procedures including for the unlikely event that non-compliance with the CHPM is identified.

### **Stormwater Management**

- 1.21 Any subdivision application must include:
- a) the detailed design of all stormwater management devices to the satisfaction of Council and accordance with any relevant Council policies and NOW Guidelines for Controlled Activities;
  - b) an assessment of the impacts of the proposal on the hydrology of the site and of receiving waters;
  - c) maintenance and management arrangements for public stormwater facilities during and after construction. These arrangements are to be negotiated with Council; and
  - d) a water quality and hydrological monitoring plan which includes:
    - monitoring against relevant water quality standards, with baseline data collected prior to commencement of works;
    - monitoring of changes in hydrology caused by the development to ensure no detrimental impact on the water quality of Viney Creek.

- details on mechanisms and responsibilities for the management and reporting of the results;
- identification of remedial actions to be implemented in the event of a discrepancy between the actual and predicted performance of the water quality controls; and
- a program to report monitoring results to Council and NSW Office of Water.

### **Flooding and Climate Change**

- 1.22 Each subdivision application must include a revised flood assessment that takes into account mine subsidence and that details:
- a) changes to the flood behaviour as a result of the proposal;
  - b) rise times and flash floods;
  - c) revised flood planning levels; and
  - d) procedures for evacuation in the event of a flash flood.

Each application must demonstrate that buildings would be located above the flood planning levels for the site.

### **Contamination**

- 1.23 Any subdivision application must be prepared in consultation with council and contain a remediation action plan, which includes:
- a) Consideration of the requirements of *State Environmental Planning Policy 55 – Remediation of Land* and associated guidelines;
  - b) characterisation of the nature and extent of contamination;
  - c) details of the proposed remediation process, including treatment methodologies and processes;
  - d) justification of the proposed treatment and remediation criteria;
  - e) details of proposed remediation management measures;
  - f) a site validation plan; and
  - g) details of compliance with the *Contaminated Land Management Act 1997*.

### **Groundwater**

- 1.24 Any subdivision application prepared under this concept approval must provide details of:
- a) depth of excavations and proposed works likely to intercept groundwater including any proposed groundwater extraction;
  - b) proposed method of disposal of any groundwater intercepted;
  - c) impacts on any groundwater dependent ecosystems in the area; and
  - d) management of any water seepage from mine workings.

Note: An authorisation under the *Water Act 1912* or the *Water Management Act 2000* is to be obtained from the NSW Office of Water with the appropriate purpose identified for any activity relating to the taking of or interception of groundwater prior to that activity commencing

### **Mine subsidence**

- 1.25 Each subdivision application must demonstrate that:
- a) the risk of mine subsidence has been eliminated from land to which Concept Plan Application 10\_0093 applies (excluding the Tank Paddock and (part of) Stockrington the subject of the offset areas) and managed by suitable means to shallow mined workings and other areas affected by subsidence features;
  - b) where appropriate, development has been restricted over capped mine, shafts and tunnel entries;
  - c) the requirements of the Mine Subsidence Board have been met and addressed; and

- d) the site has been declared suitable for its intended use.

### Noise

- 1.26 The first subdivision application must include a Noise Management Plan for the site which:
- a) identifies noise limits for industrial developments during construction and operation;
  - b) criteria that onsite sensitive receivers must meet;
  - c) measures to mitigate and manage potential noise sources; and
  - d) measures to manage potential land use conflicts within the site.

### Bushfire Protection

- 1.27 Any subdivision application must:
- a) demonstrate that the development complies with *Planning for Bushfire Protection 2006*;
  - b) demonstrate that the location, layout and management arrangements for APZs has been negotiated, and agreed to, with Council and the RFS;
  - c) provide a map showing the composition of APZs, including the inner and outer protection zones, and their relationship to the proposed building footprints; and
  - d) outline proposed arrangements for management of bushfire hazard and APZs during the development process.

### Infrastructure and Utilities

- 1.28 Any subdivision application must include details of consultation with relevant service providers and demonstrate that their requirements have been addressed, particularly relating to water and wastewater servicing and proposed works within and across easements.
- 1.29 Any subdivision application is to demonstrate that all utility infrastructure has been located outside riparian corridors where possible. Crossings of riparian corridors for utility infrastructure should be co-located with road crossings where possible.

### Bulk Earthworks

- 1.30 Each subdivision application shall include an assessment of the proposed civil works including final contour plans. The assessment shall include details of the suitability of any externally sourced fill and any associated impacts.

### Construction Impacts

- 1.31 Any subdivision application must include a Construction Management Plan, which shall include (but not limited to):
- a Construction noise management plan including a construction noise assessment in accordance with the Office of Environment and Heritage's 'Interim Construction Noise Guideline';
  - confirmation that all construction works undertaken on site will be undertaken in accordance with the EPA's Environmental Noise Control Manual and must not give rise to an 'offensive noise' as defined under the Protection of the Environment Operations Act 1997 and accompanying Regulations;
  - a Construction vibration management plan including assessment of potential vibration impacts vibration in accordance with the Office of Environment and Heritage's 'Assessing vibration: a technical guideline'. The assessment should include potential vibration impacts from mine subsidence remediation works;
  - an air quality and dust management plan;
  - a Flora and fauna management plan, including tree clearing protocols and strategies for retention of mature or hollow bearing trees, wherever possible;
  - a soil and water management plan, prepared in accordance with Landcom's *Managing Urban Stormwater: Soils and Construction guidelines*;
  - a vegetation management plan;

- a waste management plan;
- a construction traffic management plan;
- an archaeological management plan which provides for the monitoring of works and contingency plans should previously unidentified archaeological deposits be discovered;
- a pre-construction dilapidation report of public infrastructure in the vicinity of the site. The dilapidation report is to be submitted to the Council and the RTA;
- a post-construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining public infrastructure and roads. The dilapidation report is to be submitted to the Council and the RTA;
- measures to address interface issues between the construction site and the conservation areas;
- any other plans that that may be required as a result of the environmental assessment of potential impacts; and
- a complaints management plan detailing the procedures that would be implemented to receive, handle, respond to, and record, any complaints that are received.

## SCHEDULE 3

### CONDITIONS OF PROJECT APPROVAL

#### PART A – ADMINISTRATIVE CONDITIONS

##### Development Description

Project Approval is granted only to carrying out the subdivision of lands specified in Schedule 1, to enable the transfer of lands to a public authority or the Minister of the Crown.

##### Development in Accordance with Plans and Documentation

The Proponent shall carry out the project generally in accordance with the:

- The *Proposed Subdivision of Lot 13 DP 1078246 Stockrington*, Revision 2, prepared by Monteath & Powys and dated 17 January 2011, and provided as Appendix R to *Black Hill & Tank Paddock Concept Plan* prepared by Urbis and dated February 2011; and
- Conditions of this approval.

If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.

##### Lapsing of Approval

This approval shall lapse if the Proponent does not physically commence the proposed development associated with this approval within 5 years of the date of this approval.

#### PART B – PRIOR TO SUBDIVISION CERTIFICATE

##### Planning Agreement

The Proponent must enter into a planning agreement in accordance with the letter of offer dated 12 August 2011.

##### Easements

Easements for services, drainage, maintenance access or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over those lots pursuant to the *Conveyancing Act 1919*.

##### Documentary evidence of restrictions on title

Prior to the issuing of the subdivision certificate, the Proponent is to provide documentary evidence of the proposed easements to the accredited certifier or Council.

##### Costs to be borne by the Applicant

All costs associated with the preparation and registration of any covenant or restriction on title, whether directly or indirectly, will be borne solely by the Proponent.

## **PART C – ADVISORY NOTES**

### **Requirements of Public Authorities for Connection to Services**

The applicant shall comply with the requirements of any public authorities (e.g. Integral Energy, Hunter Water, Telstra Australia, AGL etc.) in regard to the connection, relocation and/or adjustment of the services affected by the development. Any costs in the relocation, adjustment or support of services shall be the responsibility of the applicant. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Subdivision Certificate.

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**ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**DAC 20/07/21 – 198 LENAGHANS DRIVE BLACK HILL -  
DA2020/01497 - STAGES 1A AND 1B – 1 LOT INTO 62 LOT  
SUBDIVISION**

**ITEM-14**      **Attachment I:**      Staging Plan and indicative lot layout

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# Staging Plan

## Industrial Subdivision

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Lot 30 in DP 870411 known as 198 Lenaghans Drive, Black Hill – City of Newcastle

April 2021

**Prepared by**

Tibor Kovats Consulting

ABN 41 791 035 965

12 Cowper Street  
Gloucester NSW 2422

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Revision	Details	Date	Author
0		21.04.2021	TK

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## 1.0 Introduction

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### 1.1. Background

This Staging Plan document has been prepared to support the “Indicative Lot Layout and Staging Plan” for the industrial subdivision of Lot 30 in DP 870411, known as 198 Lenaghans Drive Black Hill (the Land). The Land has a total area of approximately 183 hectares. See Figure 1 below.

The Land is mainly zoned Light Industrial under the Newcastle Local Environmental Plan 2012. A central riparian corridor (Viney Creek) is protected by a Conservation zone. Under the Greater Newcastle Metropolitan Plan 2036, the Land is part of an “Emerging Black Hill Precinct” that is included within a larger Beresfield-Black Hill freight and logistics hub, with complementary manufacturing and light industrial activity.

The Land’s development is subject to a Concept Approval pursuant to the former Part 3A of the Environmental Planning and Assessment Act, 1979. The Concept Approval allows for employment lands development of the Land and addresses the basis for biodiversity impacts offsets; Urban Design Guidelines; indicative lot layout; and further environmental assessment requirements for subdivision.

A copy of the Concept Approval is included in Appendix 1.



**Figure 1**– Lot 30 DP 870411 outlined over aerial photograph

(Source: ePlanning Spatial Viewer 2020\_11\_23)

## **1.2. Purpose of this document**

Apart from including the “Indicative Lot Layout and Staging Plan” for the Land, this document also includes how the infrastructure items covered by the Concept Approval (Part D 1.10 Infrastructure Provision) are to be staged along with the physical development staging.

The Purpose of this document is to be a single point of reference for the application of Infrastructure Provision related conditions of Development Consent by the consent authority.

## 2.0 Concept Approval 10\_0093

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On 19 November 2013, delegates of the Minister for Planning and Infrastructure issued a Concept Approval affecting the Land, subject to conditions and modifications, pursuant to the former Part 3A of the *Environmental Planning and Assessment Act, 1979* (EP&A Act). The Concept Approval (Ref 10-0093) (included in Appendix 1) allows for employment lands development of the Land and addresses the basis for biodiversity impacts offsets; Urban Design Guidelines; indicative lot layout; and further environmental assessment requirements for subdivision.

Given that certain works including investigations on the Land and dedication of Conservation Lands covered by the Concept Approval have been physically commenced, the Concept Approval remains in force and therefore will not lapse.

### 2.1. Condition 1.10 Infrastructure Provision

Condition 1.10 of the Concept Approval requires that a “staging plan” be prepared for Council approval.

The (staging plan) is to include:

1. An updated indicative lot layout, identifying how development of the site would be staged;
2. A schedule for the delivery of the following -
  - a. Provision of roads, stormwater and other service infrastructure;
  - b. Items identified for Black Hill in the \$2 million allocated to the Coal and Allied Northern Estates;
  - c. Contributions in accordance with the relevant Newcastle Contributions Plan;
  - d. Management arrangements for the Viney Creek riparian corridor, recreation infrastructure, stormwater detention basins and Asset Protection Zones.

At the time of assessment of any Development application for a Stage or Stages of development of the Land, it will be determined that no contributions or allocations overlap.

### 3.0 Indicative Lot Layout and Staging Plan

The Concept Approval (Part C Condition 1.7) did not approve the indicative lot layout for subdivision of the Land. At that time the layout was as shown below (Figure 2).

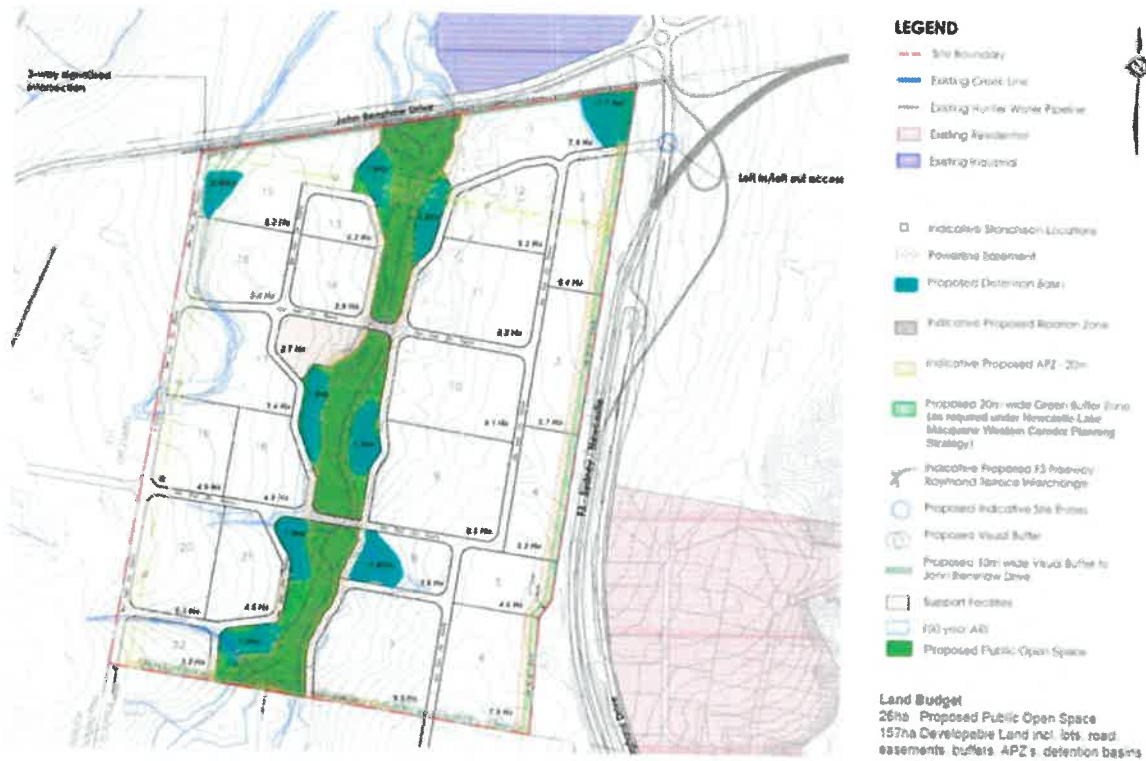


Figure 2 – Original (Unapproved) Indicative Lot Layout Lot 30 DP 870411

(Source: RPS JMD 2011)

#### 3.1. Details of the updated Indicative Lot Layout and Staging Plan

A copy of the updated Indicative Lot Layout and Staging Plan is included in Appendix 2.

The updated Plan includes the location of the existing high voltage transmission easement and the Viney Creek conservation corridor; and shows the proposed - vehicular accesses to John Renshaw; potential road connections to adjoining properties; the internal arrangement of internal roads, road widths and intersections; industrial lots; and the proposed 20m wide vegetation retention buffers along the north, east and southern boundaries.

The Plan shows a total of 200 lots to be constructed in 8 stages.

## 4.0 Roads, Stormwater and Service Infrastructure Staging

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### 4.1. Roads and Intersections

This Staging Plan was prepared in consultation with Council and other authorities including Transport for NSW (TfNSW).

In Stage One it is proposed to construct a major intersection with John Renshaw Drive that will eventually service the entire subdivision. This will be a signalised intersection, allowing movements in / out, left /right.

In Stage Three, a left in only intersection with John Renshaw Drive is proposed. Stage Three, when constructed will be linked to Stages 1 and 2 and the major intersection across the Viney Creek Corridor. Stage 4 will also utilise this connection.

In Stage 5 an additional crossing of Viney Creek will be installed to improve connectivity.

Eventually, Stages 6, 7 and 8 – located in the southern area of the Land will be released.

#### 4.1.1. Roadworks off site not covered by this Staging Plan

Off-site mitigation road works and traffic and transport impacts will be reviewed as part of future Development Applications (DA) on the site.

### 4.2. Proposed Drainage Reserve Staging

The proposed Viney Creek Drainage Corridor Reserve will be managed for the most part as a natural watercourse but will contain stormwater quality control devices and eventually two public road crossings. A Construction Management Plan for the Corridor will be prepared prior to construction of any approved Stage or Stages of subdivision development on the site.

The Viney Creek Drainage Corridor Reserve is intended to be transferred to City of Newcastle's (CoN) care and control. This dedication could occur progressively through staging of the development or at completion of the overall development, according to CoN's requirements. However, for the purpose of this Staging Plan, it is noted that CoN has not yet made a determination to accept dedication of the Reserve. In the event this dedication is not accepted, alternative management/tenure arrangements will be arranged.

The dedication of land for the Viney Creek Drainage Reserve is not to be used as an in-kind offset to contributions levied under any Contributions Plan of Council. In accordance with the Concept Approval, any passive recreational space that is provided along Viney Creek is to be additional to any contributions required under any Contributions Plan and the management of that passive open space is to be agreed to by Council.

### 4.3. Other Services Staging

Servicing strategies for the overall site have been developed in consultation with Hunter Water for water and wastewater. However, any such strategies and any contributions by the developer to upgrading of the networks will be reviewed / assessed as part of future Development Applications (DA) for any Stage or Stages of subdivision development on the Land. Similarly, upgrading of electricity, lighting, telecommunications networks and connections will also be assessed.



## 5.0 Black Hill Allocation

As part of the Concept Approval, a \$2million allocation by the proponent intended to assist with social infrastructure was approved. The initiatives proposed under this allocation are included in an extract from the Department of Planning and Infrastructure's Assessment in Appendix 3 and covered in the Concept Approval (Appendix 1) in Conditions 1.10 (b) and 1.19.

### 5.1. Black Hill Allocation Payment Schedule

<b>Schedule 1 – \$2m Allocation for Black Hill</b>			
<b>Stage / Description</b>	<b>Stage Contribution (@\$10,000 Per Lot Contribution)</b>	<b>Progressive Contribution Total</b>	
1 - 31 lots	\$310,000	\$310,000	
2 - 31 lots	\$310,000	\$620,000	
3 – 29 lots	\$290,000	\$910,000	
4 – 40 lots	\$400,000	\$1,310,000	
5 – 31 lots	\$310,000	\$1,620,000	
6 – 19 lots	\$190,000	\$1,810,000	
7 – 7 lots	\$70,000	\$1,880,000	
8 – 12 lots	\$120,000	\$2,000,000	
<b>GRAND TOTAL</b>	<b>\$2,000,000</b>		

## 5.2. Black Hill Allocation Schedule

The Black Hill allocations are separate to any other community contributions provided by the developer as part of the DA approval process, such as those covered by Council's Contribution Plan and any State Infrastructure Contribution.

As outlined in section 3.0 above, the Concept Approval requires a schedule for delivery of these initiatives as part of this Staging Plan. This Schedule is included below.

<b>Schedule 2 – \$2m Allocation for Black Hill</b>		
<b>Infrastructure / Initiative</b>	<b>Cost</b>	<b>Stage of Provision</b>
Scheme for community bus / subsidy for bus services in initial stages (additional to any Council / NSW Transport levies)	\$500,000	Bus scheme to be commence when 50,000 sqm of building area occupied
Sponsorship of local sporting teams	\$100,000	Contributions to commence after Stage 1 Contribution paid
Contribute to providing a community facility in proximity to the Black Hill	\$750,000	Provide after Stage 5 Contribution paid
Upgrade rural fire service (Benwerrin)	\$250,000	Contributions to commence after Stage 1 Contribution paid
Funding towards Aboriginal education	\$85,000	Contributions to commence after Stage 1 Contribution paid
Sub-regional review of cycling/walkways strategy	\$315,000	Contributions to commence after Stage 6 Contributions paid
<b>GRAND TOTAL</b>	<b>\$2,000,000</b>	

## 5.3. Administration of the \$2m Allocation

A contribution to the \$2 million allocation will be levied by a development consent condition applying to the approval of any Stage or Stages of industrial subdivision of the Land.

Money to be allocated will be held in a Trust Fund administered at the expense of the applicant. The payment applicable to each Stage will be placed in the Trust Fund prior to certification of the plan of subdivision.

Allocations will take place in accordance with Schedule 2. The Trust Fund will be subject to annual Audit and such Audit will be provided annually to Council.

## **6.0 Newcastle Local Infrastructure Contributions Plan**

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Contributions in accordance with the relevant Contributions Plan will be levied and paid in accordance with the provisions of industrial subdivision applicable at the time of determination of any Development Application for a Stage or Stages.

In accordance with the Concept Approval, any passive recreational space that is provided along Viney Creek is to be additional to any contributions required under any Contributions Plan and the management of that passive open space is to be agreed to by Council.

## 7.0 Management Arrangements for Viney Creek Riparian Corridor

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### 7.1. Introduction

Viney Creek, including the Riparian Corridor (the Corridor) defined by the proposed Drainage Reserve in the Indicative Lot Layout and Staging Plan (included in Appendix 2) will be managed for the most part as a natural watercourse following the recommendations of its Vegetation Management Plan (VMP) (EcoLogical 2018).

The Reserve will contain stormwater quality control devices and eventually two public road crossings as described in the Engineering Design Report (Northrop December 2020).

Specialist investigations that have been undertaken and which contain findings and recommendations that may be relevant to the management of the Corridor are :

- Bushfire Assessment Report Black Hill Industrial Park (Building Code & Bushfire Hazard Solutions Pty Limited (181048B) 2020)
- Remediation Action Plan – Proposed Commercial Development – Black Hill Estate (Cardno (NSW/ACT) Pty Ltd (82218039-001.1) May 2018)
- Groundwater Management Plan – Proposed Commercial Development – Black Hill (Cardno (NSW/ACT) Pty Ltd *Estate* (82218039-002.2) May 2018)
- Aboriginal Cultural Heritage Management Plan Black Hill, NSW Yancoal Australia 2019
- Landscaping designs (in stages)

Note: Each of the above reports (or updates of them) will be submitted with Development Applications for each Stage or Stages of subdivision development of the Land. They are therefore Referenced but not Appended to this document.

### 7.2. Management and Staging of the Works

1. Following the approval of the initial Development Application for a Stage or Stages of subdivision of the Land, a review will be undertaken of the Vegetation Management Plan in the context of the approved proposed Stage or Stages in the context of –
  - a. Any proposed engineering works within or in proximity to the Corridor;
  - b. Any recommendations of the Bushfire Assessment Report;
  - c. Any recommendations of the Remediation Action Plan;
  - d. Any recommendations of the Groundwater Management Plan;
  - e. Any recommendations of the Aboriginal Cultural Heritage Management Plan; and
  - f. Approved landscaping designs.
2. After the above review, the schedule of works relevant to the approved Stage or Stages that impact on the Corridor will be subject to a Controlled Activity Approval (CAA) application to the Natural Resource Access Regulator for work in the watercourse, including rehabilitation, water quality basins and road crossings (if applicable).
3. The approved works will be carried out according with a Construction Management Plan.
4. Items 1 – 3 are to be repeated for each subsequent Stage or Stages approved by the consent authority.

## **8.0 State Infrastructure Contributions**

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Satisfactory Arrangements Certificate will be sought from the Department of Planning, Industry and Environment for each of the DA stages and payment will be in accordance with the requirements.

## 9.0 References

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- ADW Johnson *Water Servicing Strategy Black Hill Development Site* 2018
- ADW Johnson *Wastewater Servicing Strategy Black Hill Development Site* 2018
- Building Code & Bushfire Hazard Solutions Pty Limited *Bushfire Assessment Report Black Hill Industrial Park (181048B)* 2020
- Cardno (NSW/ACT) Pty Ltd *Remediation Action Plan – Proposed Commercial Development – Black Hill Estate (82218039-001.1)* May 2018
- Cardno (NSW/ACT) Pty Ltd *Groundwater Management Plan – Proposed Commercial Development – Black Hill Estate (82218039-002.2)* May 2018
- Cardno (NSW/ACT) Pty Ltd *Mine Subsidence Impact Assessment – Proposed Employment Area Black Hill (82218039-004)* May 2018
- Colston Budd Rogers and Kafes (CBRK) *Black Hill Industrial Stage 1 Subdivision Traffic Assessment* 14<sup>th</sup> December 2020
- Douglas Partners *Report on Geotechnical, Contamination and Mine Subsidence Assessment Proposed Employment Lands Development Black Hill* 2011
- Eco Logical *Black Hill Industrial Park Vegetation Management Plan* 2018
- Northrop *Black Hill Engineering Design Report* December 2020
- NSW Government *Hunter Regional Plan 2036*
- NSW Government *Greater Newcastle Metropolitan Plan 2036*
- NSW Government *Six Maps, 2020*
- NSW Rural Fire Service *Planning for Bushfire Protection. A Guide for Councils, Planners, Fire Authorities and Developers* 2019
- Power Solutions *Electrical & Communications Infrastructure DA Report Black Hill Industrial Area* 2018
- Power Solutions *Electrical & Communications Infrastructure DA Report Black Hill Industrial Area Addendum* 2020
- RPS JMD *Black Hill Concept Plan Design Guidelines* 2011
- SMEC *Black Hill Traffic Modelling Traffic Analysis Report* September 2020
- Yancoal Australia *Aboriginal Cultural Heritage Management Plan Black Hill, NSW* 2019
- City of Newcastle *Newcastle Local Environmental Plan 2012*
- City of Newcastle *Newcastle Development Control Plan 2012*

## 10.0 List of Appendices

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1. 2013 Concept Approval Instrument of Approval
2. 2021 Indicative Lot and Staging Plan
3. DPI Assessment Report Extract

## 1. 2013 Concept Approval Instrument of Approval



# Concept Approval

## Section 75O and 75P of the *Environmental Planning and Assessment Act 1979*

As delegates of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, pursuant to Part 3A of the Environmental Planning and Assessment Act 1979 (the Act), the NSW Planning Assessment Commission determines:

- (a) to approve the concept plan referred to in Schedule 1, subject to the terms of approval and modifications in Schedule 2,
- (b) under section 75P(2)(c) of the EP&A Act, where development is subject to Part 4 of the Act (other than complying development), that development is subject to the further environmental assessment requirements specified in Schedule 2, Part D of this approval.
- (c) under section 75P(1)(c) of the Act, the subdivision of land that gives effect to the transfer of lands to a public authority or a Minister of the Crown requires no further environmental assessment and approve the development under section 75J of the Act (subject to the conditions set out in Schedule 3 of this approval); and
- (d) under section 75P(1)(b) of the Act, development the subject of the Concept Plan is subject to Part 4 or Part 5 of the Act, whichever is applicable.

The modification and further assessment requirements are required to:

- Encourage the orderly future development of the site; and
- Ensure adequate mitigation of environmental impacts of future development.



Richard Thorp  
Member of the Commission



Donna Campbell  
Member of the Commission

Sydney,

19 November 2013

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**SCHEDULE 1**

<b>Application No:</b>	10_0093
<b>Proponent:</b>	Coal & Allied Industries Ltd
<b>Approval Authority:</b>	Minister for Planning and Infrastructure
<b>Land:</b>	Lot 30 in DP 870411, John Renshaw Drive, Black Hill in the Newcastle Local Government Area Lot 1 in DP 1007615, Tank Paddock in the Newcastle Local Government Area Lot 101 in DP 881099, Lot 2 in DP 877416, Lot 79 in DP 755260, Lot 1 in DP 877416, Lot 4 in DP877416 (listed as Black Hill), Lot 3 in DP 877416 (listed as Black Hill) and Pt Lot 13/DP1078246, Stockrington in Cessnock Local Government Area.
<b>Local Government Area:</b>	Newcastle and Cessnock
<b>Concept Plan:</b>	Concept plan for: <ul style="list-style-type: none"><li>• employment lands development of a 183 ha development site</li><li>• dedication of 545 hectares of Conservation Lands</li><li>• conceptual road, pedestrian and cycleway network;</li><li>• conceptual lot layout; and</li><li>• associated infrastructure.</li></ul>

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## SCHEDULE 2

### PART A – DEFINITIONS

<b>Act, the</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>APZ</b>	Asset Protection Zone
<b>Council</b>	City of Newcastle Council
<b>Department, the</b>	Department of Planning & Infrastructure
<b>Director-General, the</b>	Director-General of the Department of Planning & Infrastructure (or delegate)
<b>Minister, the</b>	Minister for Planning & Infrastructure
<b>NOW</b>	NSW Office of Water
<b>Proponent</b>	Coal & Allied Industries Ltd, or its successors or any person who acts on this approval, in title
<b>RMS</b>	Roads and Maritime Services
<b>Site</b>	Land to which Concept Plan Application 10_0093 applies
<b>Stage</b>	The six stages identified in Figure 7 – Indicative Staging Plan of the Concept Plan Environmental Assessment.
<b>Subdivision Application</b>	An application for a Subdivision Certificate

## PART B – ADMINISTRATIVE CONDITIONS

- 1.1 The Proponent shall ensure that all development on site is carried out generally in accordance with the:
- a) Concept Plan Application 10\_0093;
  - b) *Black Hill Concept Plan* (including accompanying appendices) prepared by Urbis dated February 2011;
  - c) *Black Hill Preferred Project Report*, dated May 2011 prepared by Urbis;
  - d) Correspondence, with attachments, entitled "Preferred Project Report Submission - Coal & Allied Northern Estates: Black Hill (MP10\_0093)"; and
  - e) Correspondence, with attachments, entitled dated 20 May 2011, and "Preferred Project Report Submission - Coal & Allied Northern Estates: Black Hill (MP10\_0093)" and dated 16 June;
  - f) Statement of Commitments; and
  - g) this approval.
- 1.2 In the event of an inconsistency between:
- a) the modifications of this approval and any document listed from clause 1.1 a) to 1.1 f) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
  - b) any document listed from condition 1.1a) to 1.1e) inclusive, the most recent document shall prevail to the extent of the inconsistency.

### Limits of Approval

- 1.3 This concept approval shall lapse 5 years after the date on which it is granted, unless an application is submitted to carry out a development for which concept approval has been given.
- 1.4 To avoid any doubt, this concept approval does not permit the subdivision or construction of any aspect of the proposal which will be subject to separate approvals.

### Determination of Future Applications

- 1.5 The determination of future applications for development on the Site under Part 4 of the Act, for which Council is the consent authority, is to be generally consistent with the terms of this approval.

### Dispute resolution

- 1.6 Any dispute between the proponent and Council over the interpretation, or application of the modifications and/or further environmental assessment requirements is to be settled by the Director-General. Any decision of the Director-General shall be final and not subject to further dispute resolution.

## **PART C - MODIFICATIONS TO THE CONCEPT**

### **Urban Design & Built Form**

- 1.7 The indicative lot layout is not approved.
- 1.8 Prior to the first application for subdivision, the Proponent shall revise the Urban Design Guidelines to:
- a) Adopt provisions in Council's DCP relating to:
    - Industrial development;
    - Parking rates including rates required for bicycle parking / storage, motorbike delivery and service vehicles parking;
    - road types and dimensions;
    - stormwater management including requirements for on-site detention on lots and pollutant reduction targets;
    - Tree management and Landscaping; and
    - Outdoor advertising;
  - b) Address the following additional issues:
    - cut, fill and earthworks;
    - increasing the Visual Buffer to the northern boundary (fronting John Renshaw Drive) from 10 metres to 20 metres; and
    - controls to manage interaction between potential internal land-use conflicts, such as where childcare is located adjacent to industrial uses.

The revised Guidelines must be prepared in consultation with Council, and to the approval of the Director-General. The guidelines are to be in a form which could be adopted as site specific controls within the Council's development control plan at some stage in the future. The final approved copy is to be submitted to Council prior to lodgement of any development application on the site.

### **Commercial / retail development**

- 1.9 The Concept Plan is to be modified to remove:
- the proposed retail/commercial component, known as the Core Supporting Facilities Area, intended to accommodate 1300m<sup>2</sup> of retail space, and
  - the following proposed additional permitted uses: business premises, health consulting rooms, hotel accommodation, medical centre, restaurant, and retail premises.

## PART D - FURTHER ENVIRONMENTAL ASSESSMENT REQUIREMENTS

### Infrastructure Provision

- 1.10 Prior to the first subdivision application, the Proponent must prepare a staging plan for Council's approval. The plan must provide for:
- a) An updated indicative lot layout, identifying how the development of the site would be staged;
  - b) the schedule for delivery (and dedication where relevant) of the following:
    - provision of roads, stormwater and other service infrastructure;
    - items identified for Black Hill in the \$2 million allocated to the Coal & Allied Northern Estates;
    - contributions in accordance with Newcastle City Council Section 94A Development Contribution Plan 2009. The passive recreational space to be provided along the creek as referred to in the Statement of Commitments is to be additional to the contributions required under this Plan and the management of that passive open space is to be agreed to by Council;
    - State Infrastructure Contributions; and
  - c) the management arrangements for the Viney Creek riparian corridor, recreation infrastructure, stormwater detention basins and Asset Protection Zones (the dedication of this infrastructure to Council is not approved).

For contributions made under the \$2 million allocation, the plan must demonstrate that the contributions are over and above section 94A Development Contributions Plan 2009 and State infrastructure contribution requirements, and do not include any contributions which would be otherwise required to mitigate the impacts of the proposed development. Any contributions or dedications to a council, public authority, or community group require the agreement of that organisation. Any contributions which are deemed unsuitable must be re-allocated to alternative infrastructure and initiatives.

Note: In relation to section 94A contributions any works in kind or dedication of land in lieu of monetary contributions required under Council's Section 94A Development Contributions Plan 2009 Plan must be agreed to by Council.

### Urban Design

- 1.11 Each subdivision application shall be consistent with the Urban Design Guidelines for the site and include details on the following:
- a) strategy for retention of trees on the site;
  - b) proposed public domain treatments; and
  - c) proposed landscaping of all public domain areas including swales, detention basins, and roadside verges.

Any such details would be carried into landscaping plans and public domain plans to be completed in consultation with Council, prior to commencement of subdivision works on site.

### Flora and Fauna

- 1.12 Whilst it is recognised that the biodiversity impacts associated with the proposal have been offset through dedication of 545 hectares of conservation lands to the NSW Government, any subdivision application shall provide:
- a) details on strategies to minimise clearing or disturbance of vegetation and retain mature and/or hollow bearing trees where possible, including through design of roads and stormwater devices, having regard to the recommendations of the Ecological Assessment Report (RPS 2011);
  - b) management measures for minimising impacts on fauna during subdivision works including the employment of an appropriate qualified ecologist to advise and supervise

- any clearing of vegetation, and the implementation of appropriate tree clearing protocols; and
- c) details of erosion and sediment control measures that would be implemented to protect vegetation within the riparian corridor.

Any procedures and strategies identified must be carried into a Vegetation Management Plan to be completed prior to commencement of any works on site.

### **Viney Creek Riparian Corridor**

- 1.13 The first subdivision application for the site must include a fully costed rehabilitation plan for Viney Creek riparian corridor that sets out the following:
- survey of the creek bed by both an appropriately qualified ecologist and a geotechnical engineer (reviewing any potential subsidence issues);
  - removal of waste material;
  - measures to revegetate areas to be rehabilitated such as plant material, densities and species mix;
  - management measures to prevent damage to the corridor during any future development of the site;
  - weed management measures; and
  - a plan for the monitoring and management of the corridor.
- 1.14 Each subdivision application must demonstrate that any works within riparian corridors and road and services crossing meet the requirements of the NSW Office of Water Guidelines for Controlled Activities (August 2010).

### **Traffic and Transport**

- 1.15 Any subdivision application must include a revised traffic and transport impact assessment that:
- a) has been prepared in consultation with Council and RMS;
  - b) details traffic generation from each stage of the development;
  - c) demonstrates that the site access would accommodate traffic from all stages of the development, and if required, provide details of alternative access arrangements that may be required;
  - d) intersection analysis and micro simulation modelling including details of any offsite road upgrades that would be required to accommodate the proposal.
- 1.16 The first subdivision application for the site must include detailed design for a signal controlled intersection at the western access to the site on John Renshaw Drive that has been prepared in accordance with RMS requirements.
- 1.17 Any subdivision application must demonstrate that all local roads, including provision for bicycle and pedestrian paths, have been designed in accordance with Council requirements.
- 1.18 With each subdivision application, the Proponent must demonstrate that opportunities have been investigated to extend or provide for an additional bus route to service the proposed development, and must provide details of the proposed location of bus stops and pedestrian access to bus stops. Where the bus route is proposed to travel through the development area the proponent is to demonstrate the associated roads are designed to accommodate bus movements. These requirements are to be carried out in consultation with Council, Transport for NSW, and relevant bus companies, prior to the lodgement of any Development Application.
- 1.19 Prior to the lodgement of the first development application for subdivision a comprehensive public transport, cycle way and pedestrian network plan must be prepared which addresses the following:

- Identify all pedestrian and cycle ways to be provided within the proposed development site, and how these link to the surrounding existing and proposed cycle network;
- Demonstrate that the pedestrian and cycle network links with existing and proposed access points to, and pathways as provided for in Councils Cycling Strategy & Action Plan;
- Identifies any off site pedestrian and/or cycle ways which are proposed to be provided by the proponent by way of local infrastructure contributions or the \$2 million allocation;
- Considers and addresses any relevant aspects of Councils' Cycling Strategy & Action Plan; and
- Demonstrate the proposed bus routes, cycle way and pedestrian network links key destinations including open space, recreation and community infrastructure.

This plan is required to be prepared to the satisfaction of the Director-General in consultation with Newcastle Council, Transport for NSW, Office of Environment & Heritage, and relevant private bus companies.

### **Aboriginal Heritage**

- 1.20 The proponent shall develop a Cultural Heritage Management Plan for the project area. The CHMP is to be developed and implemented in full consultation with the registered local Aboriginal stakeholders and Council. The plan is to include, but limited to:
- a) procedures for ongoing Aboriginal consultation and involvement;
  - b) details of the responsibilities of all stakeholders;
  - c) procedures for the management of any recorded sites within the project area;
  - d) procedures for providing opportunities for registered local Aboriginal stakeholders to monitor any initial ground disturbance works associated with sites 'Black Hill 1' and 'Black Hill 2' and in the areas immediately adjacent to these sites (50m buffer), and in those areas identified as 'Moderate Archaeological Potential';
  - e) procedures for the identification, management and registration of previously unrecorded sites (excluding human remains);
  - f) stop work procedures in the event human remains are located at the site;
  - g) identification and management of any proposed cultural heritage conservation area(s);
  - h) details of an appropriate keeping place agreement with local Aboriginal community representatives for any Aboriginal objects salvaged through the development process;
  - i) details of an Aboriginal cultural heritage education program for all contractors and personnel associated with construction activities;
  - j) details of proposed mitigation and management strategies for sites identified to be impacted within the project area; and
  - k) compliance procedures including for the unlikely event that non-compliance with the CHPM is identified.

### **Stormwater Management**

- 1.21 Any subdivision application must include:
- a) the detailed design of all stormwater management devices to the satisfaction of Council and accordance with any relevant Council policies and NOW Guidelines for Controlled Activities;
  - b) an assessment of the impacts of the proposal on the hydrology of the site and of receiving waters;
  - c) maintenance and management arrangements for public stormwater facilities during and after construction. These arrangements are to be negotiated with Council; and
  - d) a water quality and hydrological monitoring plan which includes:
    - monitoring against relevant water quality standards, with baseline data collected prior to commencement of works;
    - monitoring of changes in hydrology caused by the development to ensure no detrimental impact on the water quality of Viney Creek.



- details on mechanisms and responsibilities for the management and reporting of the results;
- identification of remedial actions to be implemented in the event of a discrepancy between the actual and predicted performance of the water quality controls; and
- a program to report monitoring results to Council and NSW Office of Water.

### **Flooding and Climate Change**

- 1.22 Each subdivision application must include a revised flood assessment that takes into account mine subsidence and that details:
- a) changes to the flood behaviour as a result of the proposal;
  - b) rise times and flash floods;
  - c) revised flood planning levels; and
  - d) procedures for evacuation in the event of a flash flood.

Each application must demonstrate that buildings would be located above the flood planning levels for the site.

### **Contamination**

- 1.23 Any subdivision application must be prepared in consultation with council and contain a remediation action plan, which includes:
- a) Consideration of the requirements of *State Environmental Planning Policy 55 – Remediation of Land* and associated guidelines;
  - b) characterisation of the nature and extent of contamination;
  - c) details of the proposed remediation process, including treatment methodologies and processes;
  - d) justification of the proposed treatment and remediation criteria;
  - e) details of proposed remediation management measures;
  - f) a site validation plan; and
  - g) details of compliance with the *Contaminated Land Management Act 1997*.

### **Groundwater**

- 1.24 Any subdivision application prepared under this concept approval must provide details of:
- a) depth of excavations and proposed works likely to intercept groundwater including any proposed groundwater extraction;
  - b) proposed method of disposal of any groundwater intercepted;
  - c) impacts on any groundwater dependent ecosystems in the area; and
  - d) management of any water seepage from mine workings.

Note: An authorisation under the *Water Act 1912* or the *Water Management Act 2000* is to be obtained from the NSW Office of Water with the appropriate purpose identified for any activity relating to the taking of or interception of groundwater prior to that activity commencing

### **Mine subsidence**

- 1.25 Each subdivision application must demonstrate that:
- a) the risk of mine subsidence has been eliminated from land to which Concept Plan Application 10\_0093 applies (excluding the Tank Paddock and (part of) Stockrington the subject of the offset areas) and managed by suitable means to shallow mined workings and other areas affected by subsidence features;
  - b) where appropriate, development has been restricted over capped mine, shafts and tunnel entries;
  - c) the requirements of the Mine Subsidence Board have been met and addressed; and

- d) the site has been declared suitable for its intended use.

### Noise

- 1.26 The first subdivision application must include a Noise Management Plan for the site which:
- identifies noise limits for industrial developments during construction and operation;
  - criteria that onsite sensitive receivers must meet;
  - measures to mitigate and manage potential noise sources; and
  - measures to manage potential land use conflicts within the site.

### Bushfire Protection

- 1.27 Any subdivision application must:
- demonstrate that the development complies with *Planning for Bushfire Protection 2006*;
  - demonstrate that the location, layout and management arrangements for APZs has been negotiated, and agreed to, with Council and the RFS;
  - provide a map showing the composition of APZs, including the inner and outer protection zones, and their relationship to the proposed building footprints; and
  - outline proposed arrangements for management of bushfire hazard and APZs during the development process.

### Infrastructure and Utilities

- 1.28 Any subdivision application must include details of consultation with relevant service providers and demonstrate that their requirements have been addressed, particularly relating to water and wastewater servicing and proposed works within and across easements.
- 1.29 Any subdivision application is to demonstrate that all utility infrastructure has been located outside riparian corridors where possible. Crossings of riparian corridors for utility infrastructure should be co-located with road crossings where possible.

### Bulk Earthworks

- 1.30 Each subdivision application shall include an assessment of the proposed civil works including final contour plans. The assessment shall include details of the suitability of any externally sourced fill and any associated impacts.

### Construction Impacts

- 1.31 Any subdivision application must include a Construction Management Plan, which shall include (but not limited to):
- a Construction noise management plan including a construction noise assessment in accordance with the Office of Environment and Heritage's 'Interim Construction Noise Guideline';
  - confirmation that all construction works undertaken on site will be undertaken in accordance with the EPA's Environmental Noise Control Manual and must not give rise to an 'offensive noise' as defined under the Protection of the Environment Operations Act 1997 and accompanying Regulations;
  - a Construction vibration management plan including assessment of potential vibration impacts vibration in accordance with the Office of Environment and Heritage's 'Assessing vibration: a technical guideline'. The assessment should include potential vibration impacts from mine subsidence remediation works;
  - an air quality and dust management plan;
  - a Flora and fauna management plan, including tree clearing protocols and strategies for retention of mature or hollow bearing trees, wherever possible;
  - a soil and water management plan, prepared in accordance with Landcom's *Managing Urban Stormwater: Soils and Construction guidelines*;
  - a vegetation management plan;

- a waste management plan;
- a construction traffic management plan;
- an archaeological management plan which provides for the monitoring of works and contingency plans should previously unidentified archaeological deposits be discovered;
- a pre-construction dilapidation report of public infrastructure in the vicinity of the site. The dilapidation report is to be submitted to the Council and the RTA;
- a post-construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining public infrastructure and roads. The dilapidation report is to be submitted to the Council and the RTA;
- measures to address interface issues between the construction site and the conservation areas;
- any other plans that that may be required as a result of the environmental assessment of potential impacts; and
- a complaints management plan detailing the procedures that would be implemented to receive, handle, respond to, and record, any complaints that are received.

## SCHEDULE 3

### CONDITIONS OF PROJECT APPROVAL

#### PART A – ADMINISTRATIVE CONDITIONS

##### Development Description

Project Approval is granted only to carrying out the subdivision of lands specified in Schedule 1, to enable the transfer of lands to a public authority or the Minister of the Crown.

##### Development in Accordance with Plans and Documentation

The Proponent shall carry out the project generally in accordance with the:

- The *Proposed Subdivision of Lot 13 DP 1078246 Stockrington*, Revision 2, prepared by Monteath & Powys and dated 17 January 2011, and provided as Appendix R to *Black Hill & Tank Paddock Concept Plan* prepared by Urbis and dated February 2011; and
- Conditions of this approval.

If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.

##### Lapsing of Approval

This approval shall lapse if the Proponent does not physically commence the proposed development associated with this approval within 5 years of the date of this approval.

#### PART B – PRIOR TO SUBDIVISION CERTIFICATE

##### Planning Agreement

The Proponent must enter into a planning agreement in accordance with the letter of offer dated 12 August 2011.

##### Easements

Easements for services, drainage, maintenance access or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over those lots pursuant to the *Conveyancing Act 1919*.

##### Documentary evidence of restrictions on title

Prior to the issuing of the subdivision certificate, the Proponent is to provide documentary evidence of the proposed easements to the accredited certifier or Council.

##### Costs to be borne by the Applicant

All costs associated with the preparation and registration of any covenant or restriction on title, whether directly or indirectly, will be borne solely by the Proponent.

## **PART C – ADVISORY NOTES**

### **Requirements of Public Authorities for Connection to Services**

The applicant shall comply with the requirements of any public authorities (e.g. Integral Energy, Hunter Water, Telstra Australia, AGL etc.) in regard to the connection, relocation and/or adjustment of the services affected by the development. Any costs in the relocation, adjustment or support of services shall be the responsibility of the applicant. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Subdivision Certificate.

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## 2. 2021 Indicative Lot and Staging Plan



Proposed Stage 1  
Intersection treatment - Traffic Lights  
John Renshaw Drive

STAGE	LOT NUMBER	YIELD
1	101 - 131	31 LOTS
2	201 - 231	31 LOTS
3	301 - 329	29 LOTS
4	401 - 440	40 LOTS
5	501 - 531	31 LOTS
6	601 - 619	19 LOTS
7	701 - 707	7 LOTS
8	801 - 812	12 LOTS
Total		200 LOTS*

\* EXCLUDES DRAINAGE RESERVE

Proposed stage 3  
left in off John  
Renshaw Drive

Existing Industrial

ONE WAY ROAD  
TO INTERSECTION

M1

M1 - Sydney - Newcastle

20m VEGETATED BUFFER



STEVENSGROUP

BLACKHILL INDUSTRIAL PARK

High Definition Design Pty Ltd

Hunter LAND

Date:	27.06.17	Scale:	1:5000 A3
Cad Ref:	HD15 r11	Project No:	HD15
Drawn:	HD01	Revision:	11
Checked:	HD01	Drawn by:	HD01
Approved:	HD01	Drawn:	HD01

NOTE:

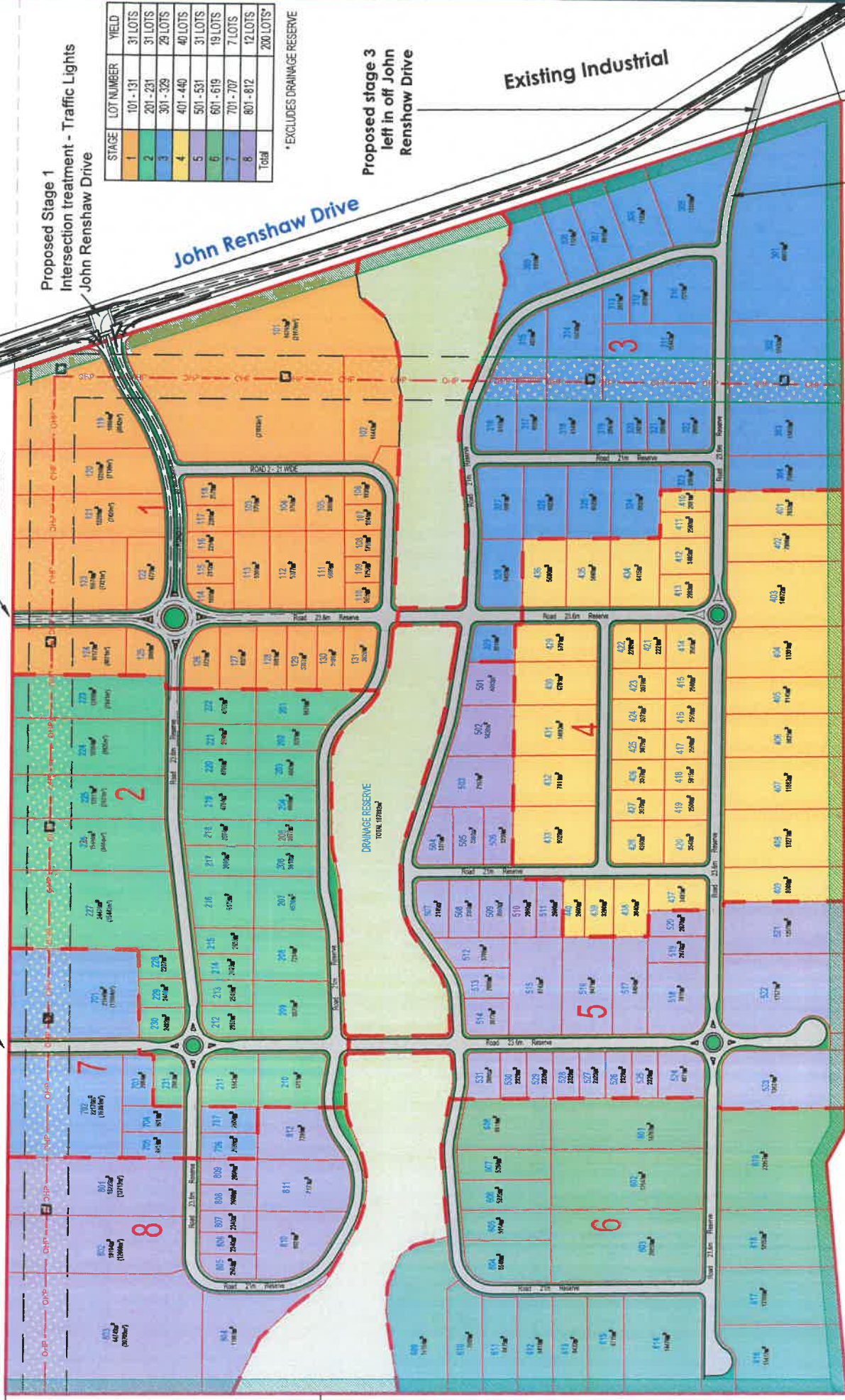
ALL DIMENSIONS, AREAS AND EASEMENTS  
ARE SUBJECT TO FINAL SURVEY

TITLE PROPOSED SUBDIVISION

JOHN RENSHAW DRIVE BLACK HILL

Possible  
Road Connection

Possible  
Road Connection



### 3. DPI Assessment Report Extract



- **Parking:**
  - Provisions of Council's Parking DCP should apply to the proposal, unless it can be demonstrated that the proposed design guidelines would result in a better outcome;
  - Council's DCP requires the submission of a green travel plan for major development such as that proposed for Black Hill; and
- Council seeks to clarify whether the UDGs and EA will replace Council's DCP.

#### Department's Consideration

The Department supports provisions in the UDGs relating to open space, bushfire management, flooding and stormwater, visual assessment and development controls. However, the Department considers that the UDGs should be written in a manner that allows the guidelines to be incorporated into NCC's DCP as 'locality based industrial provisions', similar to the existing 'Element 7.03 South Beresfield industrial precinct 11 October 2005'. In addition, the Department agrees with Council that the UDGs require additional provisions to ensure orderly development of the site.

Consequently the Department considers that the UDGs be revised, in consultation with Council, prior to the submission of any subdivision DA and should be revised to:

- Adopt provisions in Council's DCP relating to:
  - Industrial development
  - Parking rates including rates required for bicycle parking / storage, motorbike delivery and service vehicles parking
  - Tree management and Landscaping;
  - Outdoor advertising;
- Address the following additional issues:
  - cut, fill and earthworks
  - Road types and dimensions (see Section 6.4.2).
  - stormwater management including requirements for on-site detention on lots and pollutant reduction targets; and
  - controls to manage interaction between potential internal land-use conflicts, such as where childcare is located adjacent to industrial uses.

## **6.2 Infrastructure Contributions**

### **6.2.1 State Infrastructure Contributions**

The Proponent has committed to paying State infrastructure contributions and/or carry out works in kind, as per the draft *Lower Hunter Special Infrastructure Contributions Plan*, at the rate current at the time of future development applications, and to negotiate these contributions with the Department once the Concept Plan has been approved.

#### Department's Consideration

The Department supports the proposed approach to the payment of contributions as proposed by the Proponent. As such, the recommended instrument of approval requires the Proponent to prepare a staging plan prior to the submission of the first subdivision application detailing the schedule for the delivery of contributions associated with the proposal, including State infrastructure contributions.

### **6.2.2 Local Contributions**

Through its Statement of Commitments, the Proponent has committed to paying contributions in accordance with Council's *Newcastle City Council (NCC) Section 94A Development Contributions Plan 2006* (currently 1% of development cost). The Statement of Commitments states that the total monetary amount of contribution will comprise dedication of land free of costs, payment of contribution, or works in kind, or a combination of these methods. This includes dedication to Council of passive recreational open space along Viney Creek, in lieu of a cash contribution. The Proponent has also committed to managing and maintaining the space for a 5 year period.

Council's advice states that riparian corridors and road widening areas are not acceptable as offset for active open space. Furthermore, Council is opposed to it taking ownership, and responsibility for the maintenance, of such spaces and its preference is for the establishment of a community title arrangement for the maintenance and management of these areas. However, Council has stated that, should it take ownership of the areas, the Proponent should be required to maintain the areas for a minimum of 5 years post construction.

#### Department's Consideration

Noting that Section 94 contributions cannot be levied at concept plan stage, the Department supports the proposed arrangements relating to payment of local contributions. The implementation of Council's Section 94 Plan will be carried out by Council, at Development Application stage and as such any works in kind or land dedications would need to be agreed to by Council at that stage.

The recommended instrument of approval therefore includes the requirement for a staging plan, which would include details of the delivery of Section 94 contributions, to be prepared and approved by the Director-General prior to subdivision. Under the recommended terms of approval, any works in kind or land dedication in lieu of monetary contributions required under Council's Section 94 Plan must be negotiated with Council and formalised through an appropriate legal mechanism, such as a Deed of Agreement (which is included as a Statement of Commitment), or VPA. Additionally, the staging plan must detail management arrangements for open space and the detention basins in the event that this infrastructure is not dedicated Council.

The Department is satisfied that Section 94 contributions have been suitably addressed through the Proponent's Statement of Commitments and the requirements of the recommended instrument of approval.

#### **6.2.3 Local Contributions - \$2 Million Allocation**

The proponent has allocated \$2 million for the delivery of social infrastructure and initiatives for the project. This contribution is not proposed to be offset against the section 94 contribution requirements. Priorities for funding under the \$2million allocation were identified through a design charette process held in 2007 with community representatives and organisations, and State and local government agencies. Table 3 outlines the initiatives and infrastructure proposed to be funded under the \$2 million allocation.

**Table 3 – Initiatives Proposed under the \$2 Million Allocation**

<b>Infrastructure / Initiative</b>	<b>Proposed timing</b>	<b>Cost</b>
<i>Grant Scheme</i>		
<ul style="list-style-type: none"> <li>Scheme for 'community bus/subsidy for bus services in initial stages (additional to any council / Transport for NSW levies)</li> </ul>	Allocation to be agreed with relevant agencies with funding scaled over a 5 year period commencing when 50,000m <sup>2</sup> of building area is occupied	\$500,000
<i>Community</i>		
<ul style="list-style-type: none"> <li>Sponsorship of local sporting teams</li> </ul>	Funding over 5 years and commencing at the first stage of industrial construction	\$100,000
<i>Community Infrastructure/Sustainability</i>		
<ul style="list-style-type: none"> <li>Contribute to providing a community facility in close proximity to the church</li> </ul>	Prior to the completion of Stage 1	\$750,000
<ul style="list-style-type: none"> <li>Upgrade rural fire service (Benwerrin)</li> </ul>	Prior to the completion of Stage 1.	\$250,000
<i>European Heritage</i>		
<ul style="list-style-type: none"> <li>Funding of non-indigenous heritage studies and publications.</li> </ul>	Commence allocation to agreed studies following dedication of conservation land.	\$10,000
<i>Indigenous Heritage</i>		

Infrastructure / Initiative	Proposed timing	Cost
<ul style="list-style-type: none"> <li>Funding towards indigenous heritage studies and publications to be agreed with traditional owners</li> </ul>	Commence allocation to agreed studies following dedication of conservation land.	\$25,000
<ul style="list-style-type: none"> <li>Funding towards Aboriginal education person</li> </ul>	Funding of \$10,000 per annum for five years from dedication of conservation land.	\$50,000
<b>Traffic/Access</b>		
<ul style="list-style-type: none"> <li>Subregional review of strategy for cycling/walkways, subject to discussions with Department of Planning &amp; Infrastructure with respect to the Western Corridors Strategy</li> </ul>	Funds to be allocated Stage 1 of industrial development post the first industrial building construction commencement	\$315,000
<b>TOTAL</b>		<b>\$2,000,000</b>

The Department supports the \$2 million allocation in principle. However, it is considered that the funding of non-indigenous and indigenous studies would be required to be undertaken to mitigate any impacts of the development of the land. Consequently the Department considers that the Proponent should be required to reallocate these funds (total of \$35,000) in consultation with Council and to the satisfaction of the Department prior to the lodgement of the first subdivision application. This requirement has been incorporated into the recommended instrument of approval.

### 6.3 Flora and Fauna

The site is highly vegetated. The proposed development will require the clearing of the majority of the 183ha site while retaining only the Viney Creek riparian corridor. As such, the proposed development has potential to impact on flora and fauna.

#### *Flora*

The Proponent's ecological assessment identified one Endangered Ecological Community (EEC), the Lower Hunter Spotted Gum Ironbark Forest (LHSGIF), which occurs on 132.92ha, or 72% of the development site (see Figure 6). It is proposed to clear the majority of this species to facilitate the development.

**ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**DAC 20/07/21 – 198 LENAGHANS DRIVE BLACK HILL -  
DA2020/01497 - STAGES 1A AND 1B – 1 LOT INTO 62 LOT  
SUBDIVISION**

**ITEM-14**      **Attachment J:**      2018 Order Pursuant Clause 34A(3) Biodiversity  
Conservation Regulation 2017

**DISTRIBUTED UNDER SEPARATE COVER**



**ORDER PURSUANT TO CLAUSE 34A(3) OF THE BIODIVERSITY  
CONSERVATION (SAVINGS AND TRANSITIONAL) REGULATION 2017**

I, Anthony Witherdin, Director of Regional Assessments within the Planning Services Division, Department of Planning and Environment, certify under clause 34A(3) of the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*, that:

- a) the proposed development (the ***proposed development***) is part of a concept plan approval (the ***concept plan approval***) for which the biodiversity impacts of the proposed development have been satisfactorily assessed before 25 August 2017, and
- b) that conservation measures to offset the residual impact of the proposed development on biodiversity values after the measures required to be taken to avoid or minimise those impacts have been secured into the future.

Proposed development is only certified by this order where the development for which a development application is made, or will be made, in accordance with the concept plan approval.

For the purposes of this order:

- 1) the ***proposed development*** comprises BLACK HILL CONCEPT PLAN development on land identified on *Proposed Black Hill Concept Plan*, Figure 5 in the *Black Hill and Tank Paddock Environmental Assessment*, dated 11 February 2011, prepared by Urbis, as extracted in the attached map.
- 2) the ***concept plan approval*** is all of the documents listed at Terms of Concept Approval 1.1, as at the date of this order.
- 3) ***Development application*** has the same meaning as in clause 34A of the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*.

Anthony Witherdin

**Anthony Witherdin, Delegate  
Director  
Regional Assessments  
Department of Planning and Environment**

26/10/18

**Date**

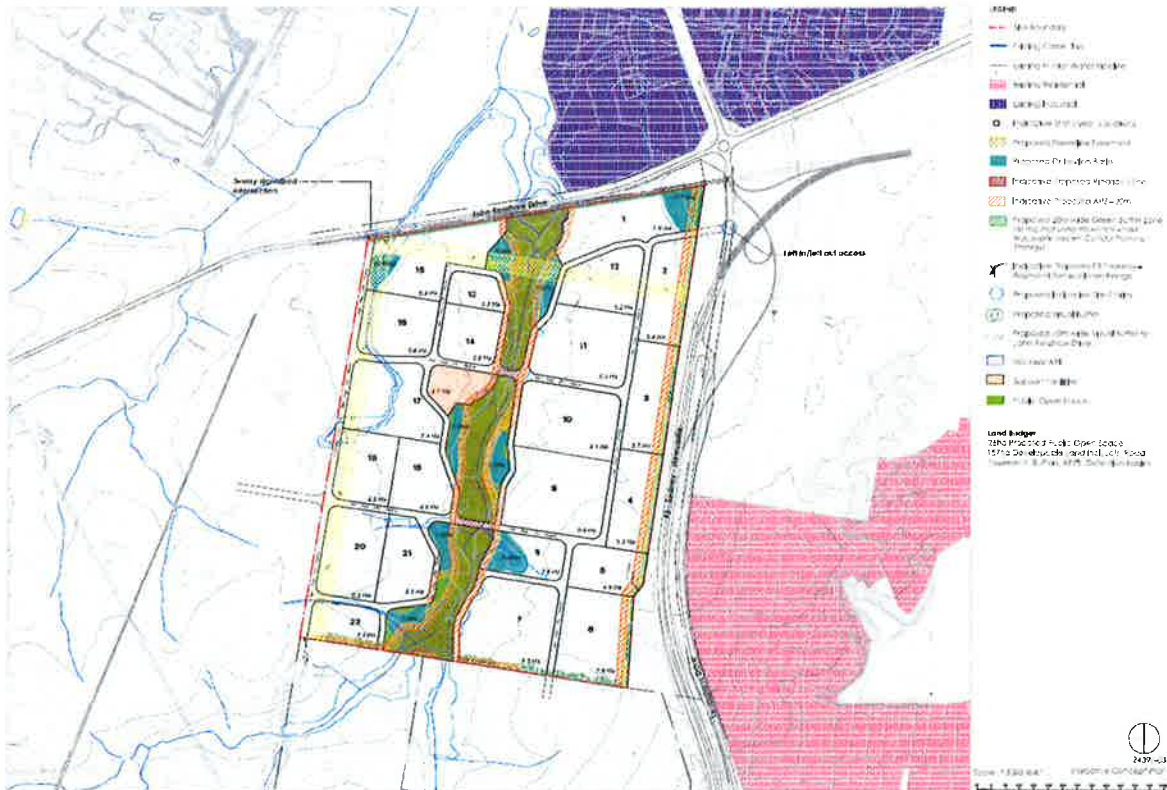


Figure 5 – Proposed Black Hill Concept Plan

## 4.2 State Significant Site Listing

A separate report has been prepared and lodged concurrently with the Department of Planning (DoP) in support of an application for listing and rezoning of the Coal & Allied owned Black Hill, Tank Paddock and Stockrington sites as a State Significant Site (SSS) on Schedule 3 of the Major Development SEPP. This Environmental Assessment Report should be read in conjunction with the SSS Listing Report. The proposed zoning for the site is:

- A single IN1 General Industrial zoning across the Black Hill site.
- A 'core supporting facilities area' shown in a central area on the Zoning Map, in which additional supporting uses will be permissible with development consent in the IN1 General Industrial zone.
- A single E1 National Parks and Nature Reserves zoning across the Tank Paddock and part Stockrington site.

A single IN1 General Industrial zone across the entire Black Hill site is proposed at this stage for the following reasons:

- Future detailed subdivision planning is required to finalise the lot layout and positioning of boundaries, meaning that flexibility within the zoning is required at this stage.
- It is untimely to identify the final breakdown, scale, mix and precise location of land uses at this stage as an existing mining consent under the Black Hill site will defer development on the site until post 30 June 2013.
- The final scale, mix and siting of uses, including supporting facilities would be subject to future project applications or Part 4 development applications. The assessment of these applications will ensure land uses are compatible.