

# Notice of Modification

## Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, the Planning Assessment Commission modifies the Concept Plan approval referred to in Schedule 1, subject to the Terms of Approval in Schedule 2.



**David Johnson (Chair)**  
Member of the Commission



**Maurice Evans**  
Member of the Commission

Sydney 21 December 2016

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### SCHEDULE 1

**Approval:** **MP 10\_0090** granted by the Planning Assessment Commission on 6 August 2013

**For the following:** A five stage development with up to 3,300 dwellings across the 520 hectare development site at Minmi, Newcastle Link Road, including:

- Urban design guidelines subject to further modifications.
- Supporting commercial / retail development of up to a total of 8,000 sqm within the village centre and high street centre.
- Dedication of approximately 1,561 hectares of conservation lands to the NSW Government.
- Indicative staging.
- Associated infrastructure.
- Torrens title subdivision to enable dedication of the conservation lands by the creation of two separate lots, one for the conservation lands and the other being for the development site.

**Approval Authority:** Minister for Planning

**The Land:** Land at Minmi, Newcastle Link Road and Stockrington as described in the document titled *Minmi, Link Road and Stockrington Concept Plan Environmental Assessment* prepared by Urbis dated February 2011.

**Modification:** **MP 10\_0090 MOD 1:** including various changes to the timing of submission of information required as part of Further Environmental Assessment Requirements and clarification of the requirements for the provision of perimeter roads.

## SCHEDULE 2

The above approval is modified as follows:

- (a) Schedule 2 Part D – Future Environmental Assessment Requirement 1.15 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck out~~** words / numbers as follows:
- 1.15 ~~Prior to the lodgement of each~~ **Each** development application for subdivision, ~~a shall include a~~ landscaping and public domain plan **must be prepared** for the relevant stage, **prepared** in consultation with relevant council(s), that includes:
- All areas of proposed open space within that stage.
  - Proposed treatments for open space and all other aspects of the public domain.
  - A strategy for retention of trees on the site.
  - Proposed landscaping of swales, detention basins, roadside verges and other public domain areas, including species selection.
  - Management arrangements, including to achieve necessary fuel loads for APZs within any vegetated public domain areas and compliance with Planning for Bushfire Protection 2006 and the Rural Fire Service standards.
  - Proposed ownership and management arrangements for public domain areas.
  - Identification of appropriate species selection for landscaping works, being locally occurring native species, and including regionally significant species and preferred Swift Parrott and Koala foraging habitat trees where possible.
  - Any proposed heritage interpretation works including the treatment of heritage shared pathways, as identified in the heritage interpretation strategy.
- (b) Schedule 2 Part D – Future Environmental Assessment Requirement 1.16 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck out~~** words / numbers as follows:
- 1.16 Prior to the **determination lodgement** of the development application **for subdivision of Stage 3, 4 or 5 (whichever occurs first) as defined by the Indicative Staging Plan contained in the Minmi/Link Road Appendix A, Concept Plan Design Guidelines (May 2014), following Stage 1** the arrangements for provision of recreation facilities to meet demand for development within all stages including the skate park are to be identified. Suitable land for these facilities is to be identified within the development area, unless alternative arrangements can be made to accommodate these facilities within general proximity to the development site through negotiations with the relevant council(s). The location of the recreation facilities or alternative arrangements are to be submitted to the Director-General for approval **within 2 years of concept plan the approval or before the lodgement of the second stage development application whichever occurs first prior to determination.**
- (c) Schedule 2 Part D – Future Environmental Assessment Requirement 1.17 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck out~~** words / numbers as follows:
- 1.17 ~~Prior to each stage of development the~~ **The** proponent is required to ~~prepare submit~~ a staging plan **with each development application for subdivision,** to be endorsed by council outlining the schedule of delivery of the following:
- Roads, stormwater and other service infrastructure.
  - State infrastructure contributions.
  - Section 94 contributions.

- d. Contributions under the \$8 million allocation.
- e. Open space, recreation facilities and community facilities.

The staging plan, should have regard to the location of open space, recreation and community facilities for the benefit of the existing and future Minmi/Link Road residents and be within the general proximity of these residents. The plan is to identify where contributions are to be delivered as works in kind and/or dedication of land, and must outline management arrangements for land, infrastructure and facilities proposed to be dedicated to a public authority, in accordance with any requirements of that authority. Where land is not accepted by the relevant council the proponent must identify suitable future ownership and management arrangements. For local infrastructure contributions, the nature and level of provision of any facilities is to meet the requirements of the relevant council(s).

- (d) Schedule 2 D – Future Environmental Assessment Requirement 1.25 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck out~~** words / numbers as follows:

- 1.25 A ~~revised~~ water sensitive urban design strategy **for each stage** must be provided ~~prior to~~ **with** the lodgement of the first development application for subdivision within each stage to consider how impacts on riparian corridors and waterways as a result of stormwater infrastructure can be minimised. The ~~revised~~ strategy is to **be a strategic level document to inform later detailed stormwater design**. **It is to** demonstrate that, wherever possible, stormwater infrastructure ~~has been~~ **will be** located off-line and outside of the identified riparian corridor (as zoned E2 within the SEPP Major Development), having regard for relevant NSW Office of Water guidelines relating to works within riparian corridors.

- (e) Schedule 2 Part D – Future Environmental Assessment Requirement 1.26 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck out~~** words / numbers as follows:

- 1.26 Detailed design of all stormwater management **infrastructure and** devices must be submitted with each development application for subdivision in accordance with the requirements of the relevant council, **and generally consistent with the water sensitive urban design strategy for the stage, required by condition 1.25**.

- (f) Schedule 2 Part D – Future Environmental Assessment Requirement 1.38 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck out~~** words / numbers as follows:

- 1.38 **Each Prior to approval of any** development application for subdivision ~~is to be accompanied by~~ an Aboriginal Heritage Management Plan **is to be prepared**. The plan is to be developed and implemented in consultation with OEH, the relevant local council(s), and Aboriginal stakeholders. The plan is to include, but shall not be limited to:

- Procedures for further archaeological investigations within areas identified as having moderate or high archaeological potential, in accordance with the recommendations of the Heritage Impact Assessment provided as part of the concept plan application
- Procedures for ongoing Aboriginal consultation and involvement, including the opportunity for stakeholders to be invited to monitor top soil stripping for the purposes of recovering cultural heritage material.
- Details of the responsibilities of all stakeholders.
- Management of any recorded sites within the development site.

- Procedures for the identification and management of previously unrecorded sites (excluding human remains).
  - Stop works procedures in the event that human remains are located on site.
  - Identification and management of any proposed cultural heritage conservation area(s).
  - Details of an appropriate keeping place for any Aboriginal objects salvaged through the development process, to be agreed with local Aboriginal community representatives.
  - Details of proposed mitigation and management strategies for Aboriginal sites identified to be impacted within the development site. For example additional investigation processes, salvage activities, and monitoring programs.
  - Compliance procedures including for in the unlikely event that non-compliance with the Aboriginal Heritage Management Plan is identified.
- (g) Schedule 2 Part D – Future Environmental Assessment Requirement 1.46 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck out~~** words / numbers as follows:
- 1.46 All development applications for subdivision shall be accompanied by an assessment of construction impacts. The assessment shall ~~be accompanied by a construction environmental management plan, prepared in accordance with Guideline for the Preparation of Environmental Management Plans (DIPNR, 2004), which shall include~~ **consideration of the following:**
- a. Construction noise and vibration management ~~plans including and assessment of potential impacts in accordance with the relevant guideline(s);~~
  - b. Dust management ~~plan.~~
  - c. Soil and water management ~~plan, prepared in accordance with Landcom's Managing Urban Stormwater: Soils and Construction guidelines.~~
  - d. Flora and fauna management ~~plan, including tree clearing protocols to ensure the retention of mature or hollow bearing trees, wherever possible.~~
  - e. Waste management ~~plan.~~
  - f. Traffic management ~~plan.~~
  - g. ~~A dilapidation report~~ **management** of public infrastructure and existing residential or commercial buildings in the vicinity of the site.
  - h. Heritage management ~~plan detailing measures to minimise and manage impacts on heritage items during construction.~~
  - i. ~~Measures to address~~ interface issues between the construction site and the neighbouring conservation areas, including the Blue Gum Hills Regional Park.
  - j. ~~A complaints management plan detailing the procedures that would be implemented to receive, handle, respond to and record any complaints that are received.~~
- (h) Schedule 2 Part D – Future Environmental Assessment Requirement 1.49 is amended by the deletion of the **~~bold struck out~~** words as follows:
- 1.49 ~~Perimeter roads are to be included within the development area, where practicable, riparian zones shall be adjoined by roads rather than subdivision lots.~~

#### End of Modification 1