

# Concept Approval

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

I, the Minister for Planning, under the *Environmental Planning and Assessment Act 1979* determine:

- a) to approve the concept plan referred to in Schedule 1, subject to the conditions in Schedule 2;
- b) pursuant to section 75P(1)(c) of the *Environmental Planning and Assessment Act 1979*, that the WIPS facility proposed on Lot 290 and the subdivision to create Lot 290, requires no further environmental assessment and can proceed subject to the conditions outlined in the project approval instrument;
- c) pursuant to section 75P(1)(b) of the *Environmental Planning and Assessment Act 1979*, that proposed subdivision and associated subdivision works within Precinct 1, with the exception of the creation of Lot 290, requires further environmental assessment under Part 4 of the Act;
- d) pursuant to section 75P(2)(c1) of the *Environmental Planning and Assessment Act 1979*, that Clause 56(2) of the *Cessnock Local Environmental Plan 1989* does not apply in relation to proposed subdivision or subdivision works within Precinct 1;
- e) pursuant to section 75P(1)(b) of the *Environmental Planning and Assessment Act 1979*, that utility undertakings by or on behalf of a public authority requires further environmental assessment under Part 5 of the Act;
- f) pursuant to section 75P(1)(b) of the *Environmental Planning and Assessment Act 1979*, that development on land within Precinct 1 with capital investment value of less than \$30 million requires further environmental assessment under Part 4 of the Act;
- g) pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, that development on land within Precinct 1 with capital investment value of equal to or more than \$30 million requires further environmental assessment under Part 3A of the Act;
- h) pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, that the proposed Station Street extension requires further environmental assessment under Part 3A of the Act; and
- i) pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, that the proposed Pelaw Main Bypass requires further environmental assessment under Part 3A of the Act.



The Hon Kristina Keneally MP  
**Minister for Planning**

Sydney

28/4/

2009

File No: S07/01232

### SCHEDULE 1

**Application No:**

07\_0128

**Proponent:**

HEZ Nominees Pty Ltd

**Approval Authority:**

Minister for Planning

**Land:**

Part Lot 7 DP 1037092, Lot 327 DP 822130, Lot 88 DP 755259, ML 23 and ML 7, Cessnock local government area.

- Proposal:** Hunter Economic Zone, Kurri Kurri – Precinct 1 Subdivision, Associated Infrastructure and a Wall and Floor Manufacturing (WIPS) Facility
- Major Project:** The proposal is declared a Major Project under section 75B(1)(a) of the *Environmental Planning and Assessment Act 1979*, because it is a project of a kind described in clause 10(1)(g) of Schedule 1 to *State Environmental Planning Policy (Major Projects) 2005*.
- It is noted that the project will also include related development, being: precinct planning for Precinct 1, including road and lot layouts, conservation buffers, bushfire protection measures and habitat retention measures; and associated infrastructure in the Hunter Economic Zone, including the Pelaw Main Bypass Road.*
- Concept Plan Authorisation:** On 17 July 2007, the Minister for Planning authorised the submission of a concept plan for the proposal.
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## SCHEDULE 2

<b>Act, the</b>	<i>Environmental Planning and Assessment Act, 1979</i>
<b>Approval</b>	With reference to a project or concept under Part 3A, a development under Part 4 or an activity under Part 5 of the Act.
<b>APZ</b>	Asset Protection Zone
<b>Conditions of Approval</b>	The Minister's conditions of approval for the project.
<b>Council</b>	Cessnock City Council
<b>DECC</b>	Department of Environment and Climate Change
<b>Department, the</b>	Department of Planning
<b>DEWHA</b>	Department of the Environment, Water, Heritage and the Arts
<b>Director-General, the</b>	Director-General of the Department of Planning (or delegate).
<b>Director-General's Approval</b>	<p>A written approval from the Director-General (or delegate).</p> <p>Where the Director-General's Approval is required under a condition the Director-General will endeavour to provide a response within one month of receiving an approval request. The Director-General may ask for additional information if the approval request is considered incomplete. When further information is requested the time taken for the Proponent to respond in writing will be added to the one month period.</p>
<b>Director-General's Report</b>	The report provided to the Minister by the Director-General of the Department under section 75I of the EP&A Act.
<b>EA</b>	<p><i>Hunter Economic Zone, Kurri Kurri – Environmental Assessment of Concept and Project Plan (Volumes 1 and 2)</i> prepared by HEZ Nominees Pty Ltd ATF the HEZ Unit Trust and dated July 2008.</p> <p><i>Environmental Assessment of "WIPS Management" Project Application (Volume 1)</i> prepared by Caladines Town Planning Pty Ltd and dated June 2008.</p>
<b>HEZ</b>	Hunter Economic Zone
<b>Minister, the</b>	Minister for Planning
<b>Proponent</b>	HEZ Nominees Pty Ltd
<b>Precinct 1</b>	Subdivision of a 129 hectare portion of the HEZ estate for future industrial development and conservation of land for ecological conservation purposes.
<b>Publicly Available</b>	Available for inspection by a member of the general public (for example available on an internet site or at a display centre).
<b>Site</b>	Land to which Major Project Application 07_0128 applies.
<b>Submissions report</b>	<p>The Submissions Report from the Proponent comprises the following documents:</p> <p><i>Letter dated 4 November 2008 responding to the issues raised in the submissions prepared by HEZ Nominees Pty Ltd.</i></p> <p><i>Response to Part 3A Submissions Report – Precinct 1 and Components – Hunter Economic Zone</i> prepared by RPS Harper Somers O'Sullivan and dated October 2008.</p> <p><i>Assessment of the Significance for Regent Honeyeater within the Hunter Employment Zone (HEZ)</i> prepared by Biosis Research and dated 28 October 2008.</p>

## 1. ADMINISTRATIVE CONDITIONS

### Terms of Concept Approval

- 1.1 The Proponent shall carry out the project generally in accordance with the:
- Major Project Application 07\_0128;
  - Environmental Assessment of "WIPS Management" Project Application (Volume 1)* prepared by Caladines Town Planning Pty Ltd and dated June 2008 including Statement of Commitments;
  - Hunter Economic Zone, Kurri Kurri – Environmental Assessment of Concept and Project Plan (Volumes 1 and 2)* prepared by HEZ Nominees Pty Ltd ATF the HEZ Unit Trust and dated July 2008;
  - Response to Submissions* comprising letter dated 4 November 2008 responding to the issues raised in the submissions prepared by HEZ Nominees Pty Ltd, *Response to Part 3A Submissions Report – Precinct 1 and Components – Hunter Economic Zone* prepared by RPS Harper Somers O'Sullivan and dated October 2008, and *Assessment of the Significance for Regent Honeyeater within the Hunter Employment Zone (HEZ)* prepared by Biosis Research and dated 28 October 2008;
  - Updated subdivision layout plan for Precinct 1 dated 19 December 2008 titled *Precinct 1 Sales Master Plan Part 3A (Drawing No. SMP3A Revision A)*;
  - Updated concept plan for Precinct 1 dated 22 December 2008 titled *Concept Plan – Precinct One 20 metre Conservation Setback (Drawing No. 2297.10 L030)*; and
  - the conditions of this approval.
- 1.2 In the event of an inconsistency between:
- the conditions of this approval and any document listed from condition 1.1a) and 1.1f) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
  - any document listed from condition 1.1a) and 1.1f) inclusive, the most recent document shall prevail to the extent of the inconsistency.
- 1.3 If there is any inconsistency between this concept approval and any project approval granted for the project, this concept approval shall prevail to the extent of the inconsistency.
- 1.4 The document titled *Response to Submissions (Addendum) Hunter Economic Zone Kurri Kurri 07\_0128* submitted to the Department of Planning by HEZ Nominees Pty Ltd ATF the HEZ Unit Trust and dated February 2009 does not form part of the scope of the concept plan or this concept approval.

### Limits of Approval

- 1.5 This concept approval shall operate from the date the approval is endorsed by the Minister.
- 1.6 This concept approval shall lapse five years after the date the approval is endorsed by the Minister, unless works the subject of any related project approval are physically commenced on or before that date.
- 1.7 To avoid any doubt, this concept approval does not permit subdivision, subdivision works or the construction of any other aspect of the proposal which will be the subject of separate approvals. This includes infrastructure improvements required under condition 4.1.
- 1.8 Subsequent application(s) for subdivision must be generally consistent with the subdivision layout as presented in Attachment A of this approval. The amalgamation of lots into larger land parcels is considered generally consistent with this approval.

## 2. SPECIFIC REQUIREMENTS AND PROJECT APPLICATIONS

### Biodiversity

- 2.1 This concept approval limits the proposed development of Precinct 1, as follows:
- a) total prohibition of all development in Deferred Area 1 (an area of 19.09 hectares) and a riparian corridor located between the HEZ Spine Road and the Deferred Area (as indicated by the area shaded red in Attachment A); and
  - b) allowing the development of Precinct 1 (as indicated by the area shaded blue in Attachment A), subject to a further biodiversity land offset being provided as required by condition 3.1 and a monetary contribution being received to assist in recovery actions for the Regent Honeyeater as required by condition 3.5.

### WIPS Facility

- 2.2 The WIPS Facility requires no further environmental assessment and is the subject of a separate instrument of approval.

### Station Street Extension

- 2.3 Pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, the following environmental assessment requirements apply with respect to the Station Street extension project:
- a) the Environmental Assessment must be prepared to a high technical and scientific standard and must include:
    - i) an executive summary;
    - ii) a description of the proposal, including construction and operational phases;
    - iii) an assessment of the environmental impacts of the project, with particular focus on the key assessment requirements specified below;
    - iv) justification for undertaking the project with consideration of the benefits and impacts of the proposal;
    - v) a draft Statement of Commitments detailing measures for environmental mitigation, management and monitoring for the project (Note: the Statement of Commitments is required to be project-specific and consistent with the Statement of Commitments prepared for the concept plan, with a clear indication of any new or amended commitments relating to the project); and
    - vi) certification by the author of the Environmental Assessment that the information contained in the Assessment is neither false nor misleading.
  - b) a demonstration that the project is consistent with the requirements of this approval and generally consistent with the scope and intent of the concept outlined in the documents under condition 1.1 of this approval;
  - c) details of the outcomes of consultation with South Maitland Rail regarding the proposed crossing of the railway line and the Mine Subsidence Board with respect to potential subsidence impacts from past underground mine workings in the vicinity and how these impacts have been or will be managed;
  - d) a **Traffic and Safety Assessment** developed in consultation with the RTA and Council to consider the operational impacts of the project on road safety and performance as a result of changes to the road network and potential impacts on the rail corridor and associated services. The assessment must include an outline of the specific traffic impacts from the proposal on the town of Weston and surrounding area and how the proposal may impact on Council's adopted Weston Main Street improvement plans. In this regard, the study must detail the outcomes of consultation with the local community including the business community of Weston;
  - e) a **Noise and Vibration Impact Assessment**, prepared in accordance with *Environmental Criteria for Road Traffic Noise* (EPA, 1999), the *Environmental Noise Management Manual (RTA)* and *Environmental Noise Control Manual (EPA)* to assess the potential noise and vibration impacts of the project. Noise mitigation measures to mitigate any potential impacts on receptors as a result of construction and road traffic noise will need to be outlined (if required);

- f) a **Hydrology and Hydraulics Assessment** to outline the impacts of the project on existing drainage characteristics in the vicinity of the site and to detail the drainage infrastructure that will be required to be implemented during its construction and operational phases.

### **Pelaw Main Bypass**

2.4 Pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, the following environmental assessment requirements apply with respect to the Pelaw Main Bypass project:

- a) the Environmental Assessment must be prepared to a high technical and scientific standard and must include:
  - i) an executive summary;
  - ii) a description of the proposal, including construction and operational phases. In this regard, the project shall incorporate a realigned route closer to Pelaw Main (to generally conform with the alignment shown in Map 2 page 6 of the *NSW Parliamentary Inquiry into the Hunter Economic Zone and the Tomalpin Woodland, December 2004*);
  - iii) an assessment of the environmental impacts of the project, with particular focus on the key assessment requirements specified below;
  - iv) justification for undertaking the project with consideration of the benefits and impacts of the proposal;
  - v) a draft Statement of Commitments detailing measures for environmental mitigation, management and monitoring for the project (Note: the Statement of Commitments is required to be project-specific and consistent with the Statement of Commitments prepared for the concept plan, with a clear indication of any new or amended commitments relating to the project); and
  - vi) certification by the author of the Environmental Assessment that the information contained in the Assessment is neither false nor misleading.
- b) a demonstration that the project is consistent with the requirements of this approval and generally consistent with the scope and intent of the concept outlined in the documents under condition 1.1 of this approval;
- c) a **Flora and Fauna Assessment** to assess the potential flora and fauna impacts of the project in accordance with the DEC's draft *Guidelines for Threatened Species Assessment* (2005). The assessment must consider the direct and indirect impacts of the project on threatened flora and fauna species and endangered ecological communities and clearly outline the biodiversity offset strategy for vegetation lost as a result of the road in accordance with condition 3.3. Evidence of consultation with the DEWHA and the DECC shall be provided as part of the documentation in addition to how any issues raised by these agencies have been specifically addressed;
- d) a **Noise and Vibration Impact Assessment**, prepared in accordance with *Environmental Criteria for Road Traffic Noise* (EPA, 1999), the *Environmental Noise Management Manual (RTA)* and *Environmental Noise Control Manual (EPA)* to assess the potential noise and vibration impacts of the project. Noise mitigation measures to mitigate any potential impacts on sensitive receptors as a result of construction and road traffic noise will need to be investigated and funded by the Proponent (as required);
- e) a **Traffic and Transport Assessment** specific to the project to outline the potential traffic, safety and road performance impacts of the project as a result of changes to the road network and traffic distribution. The assessment shall be undertaken in consultation with the RTA and Council;
- f) a **Heritage Impact Assessment** to assess the impact of the project on Aboriginal heritage, in accordance with the draft *Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DECC, 2005)*. Evidence shall be provided in the documentation of consultation with the Mindaribba Aboriginal Land Council, as appropriate. The assessment shall also provide an outline of the potential impacts of the project on European heritage in accordance with guidelines issued by the Heritage Council;

- g) a **Soil and Water Quality Assessment** to provide details of the proposed stormwater management and surface water quality impacts associated with the construction and operational phases of the project and to detail what mitigation measures or management measures shall be implemented; and
- h) an **Air Quality Assessment** prepared in accordance with *Approved Methods for Modelling and Assessment of Air Pollutants in NSW (DECC, 2005)* taking into account impacts from the project during its construction and operational phases.

## HEZ Association

- 2.5 Prior to the development of any land associated with this concept approval (with the exception of development for the purposes of utility undertakings by or on behalf of a public authority), the Proponent shall establish a HEZ Association as a Company Limited by Guarantee established under the *Corporations Act 2001*. The Proponent shall ensure that every registered proprietor of a lot within Precinct 1 (with the exception of utility or public purpose lots) is required to be a financial member of the Association. The Proponent shall ensure that the HEZ Association is responsible for the care and management of common assets and land within Precinct 1 inclusive of the following:
- b) management and ongoing conservation in perpetuity of all conservation lands required as part of this concept approval (as described in conditions 2.1(a), 2.1(b) and 3.4) to the satisfaction of the DECC and the Director-General until satisfactory arrangements have been put in place for the transfer of conservation lands to the DECC;
  - c) the various functions as outlined in the documents listed in condition 1.1(c);
  - d) management of Precinct 1 infrastructure such as the maintenance of road verges, drainage structures etc;
  - e) estate-wide operations including environmental management of Precinct 1 as a whole and not limited to environmental monitoring, modelling, bushfire protection, habitat conservation and protection of retained habitats, animal pest control programs, weed eradication programs and bushland revegetation/regeneration programs.

The functions described in conditions 2.5(c) and 2.5(d) shall remain the responsibility of the HEZ Association until such time as satisfactory arrangements have been put in place for their transfer to the relevant authority.

With the exception of utility undertakings by or on behalf of a public authority, no works on any land associated with this concept approval shall commence until the HEZ Association has been legally formed and registered.

## 3. ENVIRONMENTAL MANAGEMENT

### Biodiversity Offset – Precinct 1

- 3.1 The Proponent shall provide a land offset equal to at least 10 hectares of land (in addition to any land zoned 7(b) environmental protection (conservation) outlined in the *Cessnock Local Environmental Plan 1989* and conserved in Precinct 1 under condition 2.1(a)). The offset land is to be contiguous with conservation lands, may be provided on land owned by a third party and is subject to the following requirements:
- a) the nominated land shall be of equal ecological value to the highest ecological valued lands being developed in Precinct 1 and contain habitat for the threatened flora and fauna species and endangered ecological communities impacted on by the development of Precinct 1. If the nominated land is of lesser ecological value to the highest ecological valued land proposed for development in Precinct 1, then a different rate of offsetting will apply;
  - b) the offset land shall be provided within 18 months of the date of this concept approval. After this time, no further construction certificates will be issued unless the offset lands have been conserved and managed for conservation purposes in perpetuity to the satisfaction of the DECC and the Director-General. The HEZ Association shall be responsible for the maintenance of this area for ecological conservation purposes; and
  - c) the exact size and configuration of the offset land must be subject to independent ecological review with regards to how recognised impacts on threatened flora and fauna



species and endangered ecological communities from the development of Precinct 1 will be adequately mitigated. Prior to the ecological review being undertaken, the person(s) engaged to conduct the independent ecological review must be approved by the Director-General.

### **Biodiversity Offset Strategy and Package – Pelaw Main Bypass**

- 3.2 The Proponent shall develop and submit for the approval of the Director-General, a **Biodiversity Offset Strategy** to detail how the ecological values lost as a result of the Pelaw Main Bypass will be offset.
- 3.3 The **Biodiversity Offset Strategy** referred to under condition 3.2 shall provide a detailed framework that will dictate the final composition of the Biodiversity Offsets Package and shall be developed in consultation with the DECC and DEWHA. The Strategy shall include, but not necessarily be limited to:
- a) the identification of the extent and types of habitat that would be lost or degraded as a result of the final design of the Pelaw Main Bypass;
  - b) the objectives and biodiversity outcomes that would be achieved through the final biodiversity offset package;
  - c) details of the available land offset that has been selected to provide compensatory habitat within the region to offset the loss of endangered ecological communities and the loss of habitat for threatened flora and fauna species as a result of the Pelaw Main Bypass. Land offsets must satisfy the DECC's *Principles for the use of Biodiversity Offsets in NSW (2008)*. Any land offset must be enduring and be secured by transfer to the DECC estate or an alternative conservation mechanism provided which protects and manages the land in perpetuity. Where land offsets cannot solely achieve compensation for the loss of habitat, additional measures must be provided to collectively deliver an improved or maintained biodiversity outcome for the region, including:
    - i) funding contributions to research programs for the management of the threatened species, populations and communities;
    - ii) funding contributions towards revegetation programs in the region, such as revegetation programs co-ordinated by the Hunter-Central Rivers CMA; and/or
    - iii) any other accepted form of offset measure(s).

The **Biodiversity Offset Strategy** shall be approved by the Director-General prior to the commencement of any construction activity for the Pelaw Main Bypass that would result in the disturbance of Lower Hunter Spotted Gum Ironbark Woodland, Kurri Kurri Swamp Woodland or threatened flora and fauna species habitat. The offset land must be enduring and be secured by transfer to the DECC estate or an alternative conservation mechanism provided which protects and manages the land in perpetuity.

- 3.4 Within 12 months of the approval of the Biodiversity Offset Strategy, the Proponent shall submit a **Biodiversity Offset Package** for the approval of the Director-General, unless otherwise agreed by the Director-General. The Package shall be developed in consultation with the DECC and DEWHA and shall include, but not necessarily be limited to:
- a) the final suite of the biodiversity offset measures selected in accordance with the Biodiversity Offset Strategy;
  - b) the monitoring requirements for compensatory habitat works and other ecological amelioration measures proposed under the Biodiversity Offsets Package. This shall include:
    - i) the monitoring of the condition of vegetation communities and the monitoring of threatened species populations at all offset locations;
    - ii) the methodology for the monitoring program(s), including the number and location of offset monitoring sites, and the sampling frequency at these sites;
    - iii) provisions for the annual reporting of the monitoring results for a set period of time as determined in consultation with the DECC and DEWHA; and;
    - iv) timing and responsibilities for the implementation of the provisions of the Package.

Where monitoring shows inadequate compensatory habitat results, remedial actions must be undertaken to ensure that the objectives of the Biodiversity Offset Strategy are achieved.

### **Monetary Contribution for Regent Honeyeater**

- 3.5 The Proponent shall provide a monetary contribution towards works to research, protect and recover Regent Honeyeater populations. In this regard, the Proponent shall provide a monetary contribution of \$340,000 to the Minister administering the *Threatened Species Conservation Act 1994*, or the Minister's nominee, to enable the DECC to undertake actions to assist in the recovery of the Regent Honeyeater.
- 3.6 The monetary contribution required by condition 3.5 shall be provided in three equal payments, as follows:
- a) First Payment is required within 12 months of the date of this concept approval;
  - b) Second Payment is required within 18 months of the date of this concept approval; and
  - c) Third and Final Payment is required within 24 months of the date of this concept approval.

### **Vegetation Clearing, Landscaping and Setbacks**

- 3.7 The clearing of native vegetation in Precinct 1 is not permitted until further approvals are obtained.
- 3.8 Any subsequent approvals must ensure that a 10 metre landscaped corridor is provided along the front boundary of each lot. Where practicable, existing vegetation should be retained and native and endemic species used for landscaping. Landscaping is to comply with the principles of Appendix 5 of *Planning for Bushfire Protection 2006*, or any future guideline that may supersede that document. This corridor may be used for site access only.
- 3.9 Any subsequent approvals must ensure that side and rear setbacks are provided to each lot consistent with the requirements of the HEZ DCP. Side and rear setbacks are to be landscaped in accordance with the requirements of condition 3.8 and soft infrastructure such as water management measures are permitted to be constructed and operated within the setback area.

### **Riparian Corridor**

- 3.10 The Proponent shall ensure that a 30 metre setback (riparian protection zone) is provided on each side of the centreline of the watercourse bordering proposed Lots 200, 230, 240, 260, 270 and 430 as indicated by the red shading in Attachment A. No development is to be undertaken within the riparian protection zone. APZs or other infrastructure must be located outside the zone for all future project/development applications related to these lots.

### **Ecological Information**

- 3.11 Copies of all threatened species records currently held by the Proponent and/or its ecological consultants and used as part of the assessment within the documents listed in condition 1.1a) to d) shall be provided to the DECC. The data shall be provided in a format that is suitable for addition to the *Atlas of NSW Wildlife* and be of GPS survey accuracy (where available). This shall occur prior to the release of the first plan of subdivision or construction certificate whichever occurs first.

### **Fire Management**

- 3.12 The Proponent shall ensure that the following APZ is maintained within the developable area within Precinct 1 and that any landscaping in the APZ complies with the principles of Appendix 5 of *Planning for Bushfire Protection 2006*, or any future guideline that supersedes that document:
- a) A 20 metre minimum APZ to be incorporated within the southern boundary of each developable lot bordering the southern boundary of Precinct 1; and

- b) A 25 metre minimum APZ along the eastern and western boundaries of Precinct 1 without interfering with any conservation lands required as part of condition 2.1;

### **Car Parking**

- 3.13 Subsequent approvals should ensure that car parking is provided for developments generally consistent with the requirements of the HEZ DCP.

## **4. REQUIRED INFRASTRUCTURE IMPROVEMENTS**

- 4.1 The development of Precinct 1 and associated infrastructure within the HEZ estate requires the Proponent to fund and construct the following road infrastructure works and to complete these works by the specified development thresholds as outlined below. These works shall be designed in accordance with appropriate road standards including the RTA's *Road Design Guide*, *Austrroads Guide to Traffic Engineering Practice* and Council's *Engineering Requirements for Development* and be approved by the relevant road authority.

### **Eastern Access – Leggetts Drive/Spine Road/Pelaw Main Bypass**

- c) Stage 1 – Upgrade of the intersection from its current configuration to a seagull type intersection. The intersection shall be designed in general compliance with the Seagull Layout utilised as a Two Stage Right Turn Movement shown in Figure 4.8.18 of the RTA's *Road Design Guide* and shall be completed prior to any further land in Precinct 1 being developed.
- d) Stage 2 – Upgrade of the intersection to a four leg traffic control signal intersection, to be completed prior to the completion of the Pelaw Main Bypass. As a minimum, this upgrade shall incorporate the following design requirements:
  - i) separate left and right turn lanes on all legs;
  - ii) two dedicated through lanes in both directions on HEZ Spine Road and Pelaw Main Bypass; and
  - iii) a dedicated through lane in both directions on Leggetts Drive.

### **Northcote Street and Boundary Street intersection**

- c) upgrade of the intersection at Northcote Street and Boundary Street from its current configuration to a channelised right turn intersection, to be completed prior to any more than 20 hectares of land being developed within Precinct 1.

### **Stanford Street/Railway Street/Mulbring Street intersection**

- d) upgrade of the intersection at Stanford Street/Railway Street/Mulbring Street/ to an appropriate design standard, as determined by the RTA to provide for priority movement on Leggetts Drive (Main Road 195), to be completed prior to any more than 20 hectares of land being developed within Precinct 1.

### **Pelaw Main Bypass**

- e) a two lane, two way road with provision for upgrading to a four lane, divided carriageway, to be completed prior to the development of more than 90 per cent or 90 hectares of the developable land within Precinct 1 (whichever occurs first);
- f) a two lane circulating roundabout at the intersection of the Pelaw Main Bypass and John Renshaw Drive, to be completed prior to the development of more than 90 per cent or 90 hectares of the developable land within Precinct 1 (whichever occurs first). As a minimum, this roundabout shall incorporate the following design requirements:
  - i) a separate left turn lane from John Renshaw Drive to Pelaw Main Bypass;
  - ii) two approach and two departure lanes in both directions on John Renshaw Drive; and
  - iii) two approach and two departure lanes on the Pelaw Main Bypass leg of the roundabout.

### **Northern Access – Station Street connection**

- g) Stage 1 – to provide for access to and from the northern access of HEZ at Station Street for emergency and light vehicles (up to 8 tonne Gross Vehicle Mass) only, upgrade the intersection at Station Street and First Street to provide for an east/west priority movement on Main Road 588 and upgrade the intersection at Cessnock Road and Station Street (timing: before 45 hectares is developed in Precinct 1). As a minimum, the Cessnock Road/Station Street intersection shall be upgraded to the following design requirements:
- i) provision for two approach lanes to Cessnock Road from Station Street (southern leg);
  - ii) a separate right turn lane from Cessnock Road (western leg) to Station Street;
  - iii) a separate left turn from Cessnock Road (eastern leg) to Station Street;
  - iv) a restriction on parking in Station Street (southern leg) to allow for new lane configurations;
  - v) adjustments to traffic signal and pedestrian phasing on all legs; and
  - vi) coordination of traffic control signals at the intersection with the signals at the railway crossing outlined in paragraph (h) and (i) below.

and in conjunction with the above works:

- h) construction of a signalised, boom gate controlled railway crossing over the South Maitland Railway and road approaches from the southern end of Station Street to the proposed HEZ northern access road, incorporating appropriate treatment of South Maitland Railway's heritage structures (i.e. footbridge, water tower and crane);
- i) upgrade Station Street from end of works in paragraph (h) to the end of works for the upgrade of Cessnock Road/Station Street intersection detailed in paragraph (g); and
- j) provision for appropriate load limit signage in Station Street to comply with load limit restrictions in paragraph (g).

### **Leggetts Drive and Lake Road intersection**

- k) a two lane circulating roundabout at the intersection of Leggetts Drive and Lake Road, to be completed prior to any more than 67 hectares of land being developed in Precinct 1. As a minimum, the roundabout shall be designed to the following requirements:
- i) one approach through lane and one shared approach through/right turn lane in both directions on Leggetts Drive;
  - ii) two departure lanes in both directions on Leggetts Drive; and
  - iii) two approach and two departure lanes on the Lake Road leg of the roundabout.

References to development thresholds relate to the lot size being developed in the Precinct, not the floor area. Land being developed means the issuing of an occupation certificate for the relevant development.

## **5. COMPLIANCE MONITORING AND TRACKING**

### **Compliance Tracking Program**

- 5.1 A **Compliance Tracking Program** shall be developed and implemented to track the compliance with the requirements of this approval and any approval (except utility undertakings undertaken by or on behalf of a public authority) granted for a project(s) subject to this concept plan. The Compliance Tracking Program related to this concept plan must be submitted to the Director-General within six months of the date of the approval. Subsequent program(s) shall be submitted to the relevant approval authority for approval prior to the commencement of construction of any project associated with this concept plan approval. The Program shall include (as relevant), but not necessarily be limited to:
- a) provisions for periodic review of the compliance status of the project against the requirements of this approval and the Statement of Commitments detailed in the document referred to in condition 1.1b) of this approval;
  - b) provisions for periodic reporting of the compliance status to the relevant approval authority including at least prior to the commencement of construction of the project and prior to the commencement of operation of the project;

- c) a program for independent environmental auditing in accordance with *AS/NZ ISO 19011:2003 - Guidelines for Quality and/or Environmental Management Systems Auditing*;
- d) procedures for rectifying any non-compliance identified during environmental auditing or review of compliance;
- e) mechanisms for recording environmental incidents and actions taken in response to those incidents;
- f) provisions for reporting environmental incidents to the relevant approval authority during construction and operation; and
- g) provisions for ensuring all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this approval relevant to their respective activities.

5.2 Nothing in this approval restricts the use of an existing compliance tracking program(s) to satisfy the requirements of condition 5.1. In doing so, it shall be demonstrated to the relevant approval authority how these systems address the requirements and/or have been amended to comply with the requirements of the condition.

## **6. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT**

6.1 Subject to confidentiality, the Proponent shall make all documents required under this concept approval and any relevant project approval available for public inspection on request.

### **Provision of Electronic Information**

6.2 The Proponent shall establish and maintain a new website, or dedicated pages within its existing website for the provision of electronic information associated with the development. The Proponent shall publish and maintain up-to-date information on this website or dedicated pages including, but not necessarily limited to:

- a) information on the development, each of its project components and the current implementation status of each;
- b) a copy of this concept approval and all related project approvals;
- c) a copy of each relevant environmental approval, licence or permit required and obtained in relation to the development;
- d) a copy of each monitoring program and each environmental management plan required under this concept approval or under each relevant project approval;
- e) details of the outcomes of reviews and audits of the development and each of its project components undertaken in accordance with the Compliance Tracking Program referred to under condition 5.1; and
- f) details of a contact point(s) to which community complaints or inquiries may be directed, including a telephone number, a postal address and an email address.

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