

Project Approval

Section 75J of the *Environmental Planning & Assessment Act 1979*

Under delegation of the Minister for Planning and Infrastructure executed on 14 September 2011, the Planning Assessment Commission determines to give approval to the project application referred to in Schedule 1, pursuant to section 75J of the *Environmental Planning and Assessment Act 1979*, subject to the conditions referred to in Schedule 2 and the proponent's Statement of Commitments in Schedule 3.

These conditions are required to:

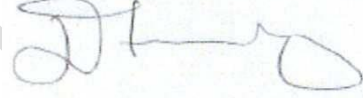
- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance; and
- provide for the ongoing environmental management of the project.



Gabrielle Kibble AO
Member of the Commission



David Johnson
Member of the Commission



David Furlong
Member of the Commission

Sydney, 24 April 2013

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

CONSOLIDATED CONSENT

SUMMARY OF MODIFICATIONS

| Application Number | Determination Date | Decider | Modification Description |
|--------------------|--------------------|--------------------------------|--|
| MP 10_0137-Mod-1 | 20 January 2015 | Manager Industry Assessments | <p>Modification of the Stage 1 Entry Village subdivision plans to:</p> <ul style="list-style-type: none"> • amend lot boundaries; • amend lot dimensions and area; and • amend lot orientations. |
| MP 10_0137-Mod-2 | 2 April 2015 | Planning Assessment Commission | <p>MP 10_0137 MOD 2 for modifications to:</p> <ul style="list-style-type: none"> • Super lots in the Town Centre; • Addition of amended plans and documents in Condition A2; • Modifications to the Stage 1 approval boundary; • Addition of Lot 213; • Removal of the term 'Ausgrid' from the Project Approval; and • Construction of a temporary intersection on Wine Country Drive. |
| MP 10_0137-Mod-3 | 17 August 2015 | Planning Assessment Commission | <p>MP 10_0137 Modification 3 involving:</p> <ul style="list-style-type: none"> • modified subdivision layout of sub-stages 1 and 2 to 5; • relocation of public open space within sub-stages 2 to 5; and • addition of amended plans and documents under Condition A2. |
| MP 10_0137-Mod-4 | 19 November 2015 | Planning Assessment Commission | <p>MP 10_0137 Modification 4 involves:</p> <ul style="list-style-type: none"> • modified subdivision layout of sub-stages 3 to 5; • addition of one additional lot; • addition of an access laneway at the rear of Lots 338-542; • realign and widen pedestrian access paths; and • addition of amended plans under Condition A2. |
| MP 10_0137-Mod-5 | 5 July 2016 | Planning Assessment Commission | <p>MP 10_0137 MOD5 involves:</p> <ul style="list-style-type: none"> • extension of the boundary of the Stage 1 Approval, specifically adjusting the boundary of sub-stage 3 to include an additional 3.1ha; • creation of an additional 33 residential allotments; and • extension of the existing road network to provide vehicle and pedestrian access to the additional lots; and • addition of amended plans under Condition A2. |
| MP 10_0137-Mod-6 | 16 May 2017 | Planning Assessment Commission | <p>MP 10_0137 MOD 6 involves:</p> <ul style="list-style-type: none"> • minor changes to the subdivision layout, including: |

CONSOLIDATED CONSENT

| | | | |
|-------------------|------------------|---|--|
| | | | <ul style="list-style-type: none"> ○ subdivision of a super lot in the Town Centre into two smaller commercial lots and access road; and ○ creation of one additional residential lot in sub-stage 4; • changes to the wording of the conditions involving: <ul style="list-style-type: none"> ○ an adjustment to the threshold limits for the timing of road infrastructure upgrades; ○ the provision of a substation to a later stage of the development; and ○ clarification of the requirements for site contamination certification. |
| MP 10_0137-Mod-7 | 17 May 2017 | Director – Modification Assessments | MP 10_0137 MOD 7: the modification comprises the addition of an access road. |
| MP 10_0137-Mod-8 | 4 May 2018 | Executive Director – Key Sites and Industry Assessments | <p>MP 10_0137 MOD 8: the modification includes:</p> <ul style="list-style-type: none"> • increase the total number of residential lots on the site by 66 lots (from 1,473 to 1,539 lots) and reduction of 1 superlot (from 14 to 13) • amend the size, location and layouts of the residential, school and neighbourhood centre lots • amend the location and layout of the road network, provide a shared zone and replace an east-west road with a shared pedestrian/bicycle pathway • amend the timing of the Wine Country Drive/Hex link road (A-1) intersection works • revise the stage boundaries of Stages 5 to 13. |
| MP 10_0137 Mod-10 | 22 May 2019 | Executive Director – Key Site and Industry Assessments | <p>MP 10_0137 MOD 10: the modification includes:</p> <ul style="list-style-type: none"> • increase the total number of residential lots on the site by 8 lots (to 1,543 lots) • subdivide town centre superlots to create 43 commercial lots, amend the town centre stage boundaries and reconfigure town centre roads • amend the timing of the Wine Country Drive/Hex link road (A-1) intersection works and allow an interim left in left out intersection on the Hex Link Road, between the Hunter Expressway and Wine Country Drive. |
| MP 10_0137-Mod-9 | 13 December 2019 | Executive Director – Compliance, Industry and Key Sites | <p>MP 10_0137 MOD 9: the modification includes:</p> <ul style="list-style-type: none"> • extend the Stage 1 boundary to increase the town centre and provide a new residential substage 16 • provide a new infrastructure lot in the town centre to accommodate a future school • increase the total number of residential lots on the site by 83 lots (to 1,626 lots) • subdivide town centre superlots to create an additional 23 commercial lots, amend the town centre stage boundaries and reconfigure town centre roads • reconfigure residential lots in substages 5, 7, 8, 9, 10, 11 and 12 • amend the open space plan. |

CONSOLIDATED CONSENT

| | | | |
|-------------------|--------------------|--|--|
| MP 10_0137-Mod-11 | 14 April 2020 | A/Director – Regional Assessments | MP 10_0137 MOD 11: the modification includes: <ul style="list-style-type: none"> provision of one additional residential lot within Stage 16 deletion of one lot within Town Centre Stage 1 amendment of road widths to align with Council's requirements and associated changes to lot boundaries deferral of the required upgrade for the Wine Country Drive/Hex Link Road (A-1) intersection by 18 months (from 1 June 2020 to 1 December 2021) |
| MP 10_0137-Mod-12 | Withdrawn | N/A | N/A |
| MP 10_0137-Mod-13 | 15 July 2020 | A/Director – Regional Assessments | MP 10_0137 MOD 13: the modification seeks to remove seven lots within residential stages 5 and 6. |
| MP 10_0137-Mod-14 | Not yet determined | N/A | N/A |
| MP 10_0137-Mod-15 | 7 December 2020 | Director – Regional Assessments | MP 10-0137 MOD 15: the modification seeks to subdivide the education superlot within Town Centre Stage 5 area into two lots (resulting in one additional lot) and adjust a previously approved lot boundary within Town Centre Stage 1 area. |
| MP 10_0137-Mod-16 | 23 August 2021 | Director- Regional Assessments | MP 10_0137 MOD 16: the modification seeks to delete the previous primary school lot within Stage 9 and reconfigure the road, open space and lot layout of Stages 8, 9 and 11, resulting 40 additional residential lots. |
| MP 10_0137-Mod-17 | 6 October 2021 | Director- Regional Assessments | MP 10_0137 MOD 17: the modification seeks to amend timing for intersection upgrades required by Condition A7. |
| MP 10_0137-Mod-18 | Withdrawn | N/A | N/A |
| MP 10_0137-Mod-19 | Withdrawn | N/A | N/A |
| MP 10_0137-Mod-20 | 31 October 2022 | Director- Regional Assessments | MP 10_0137-Mod-20: The subdivision seeks to subdivide town centre and substages 13-16 resulting in an additional 381 lots. Amend timing for intersection upgrades. |
| MP 10_0137-Mod-21 | 10 October 2023 | Executive Director, Key Sites and Regional Assessments | MP 10_0137-Mod-21: Extension of site area to create Town Centre Stage 6 (TC6). Subdivision works for TC6 and subdivision of existing Town Centre 1 and 2 for 7 additional commercial lots. Amendment to delivery of road infrastructure |
| MP 10_0137-Mod-22 | 2 July 2024 | Executive Director, Housing and Key Sites Assessments | MP 10_0137-Mod-22: Adjustments to lot boundaries within TC1, TC2 and TC6 substages of Huntlee Stage 1 resulting in a reduction of 4 commercial/mixed use lots and 2 residential lots. |
| MP 10_0137-Mod-23 | 11 February 2024 | Team Leader, Regional Assessments | MP 10_0137-Mod-23: Adjustments to lot boundaries and road network within town centre and amendments to the Asset Protection Zones of stage 5. |

CONSOLIDATED CONSENT

| | | | |
|-------------------|---------------|--------------------------------------|--|
| MP 10_0137-Mod-24 | 18 April 2025 | Director- Regional Assessments | MP 10_0137-Mod-24: Changes to TC6 subdivision layout and conditions relating to the Voluntary Planning Agreement, the dedication of land and to allow the payment of developer contributions |
|-------------------|---------------|--------------------------------------|--|

FOR INFORMATION

SCHEDULE 1

PART A – PROJECT

| | |
|-----------------------------------|---|
| Application made by: | Huntlee Pty Ltd |
| Application made to: | Minister for Planning and Infrastructure |
| Major Project Number: | 10_0137 |
| On land comprising: | Lot 200 (Part) DP 828486 Lot 201 DP 828486 Lot 230 (Part) DP 879198 Lot 231 DP 879198 Lot 33 DP 755211 Lot 36 DP 755211 Lot 37 DP 755211 Lot 38 DP 755211 Lot 39 DP 755211 Lot 43 DP 755211 Lot 211 (Part) DP 828787 Lot 241 (Part) DP 1105591 Lot 2 DP 729973 Lot 3 DP 729973 Lot 4 DP 729973 Lot 5 (Part) DP 729973 Lot 6 DP 729973 Lot 7 DP 729973 Lot 8 DP 729973 Lot 9 DP 729973 Lot 10 DP 729973 Lot 11 DP 729973 Lot 12 (Part) DP 729973 Lot 21 (Part) DP 1050597 Lot 221 (Part) DP 1064738 Lot 10 DP 1105639 Lot 444 (Part) DP 1197589 |
| Local Government Area | Cessnock Council |
| For the carrying out of: | Stage 1 of Huntlee – including site preparation works, internal and external road works, subdivision to create 1473 residential allotments, 14 super lots, 1 allotment for a primary school, drainage and open space reserves. |
| Capital Investment Value | \$ 230 million |
| Type of development: | Project approval under Part 3A of the EP&A Act (transitional Part 3A) |
| Determination made on: | 24 April 2013 |
| Determination: | Project approval is granted subject to the conditions in the attached Schedule 2. |
| Date of commencement of approval: | This approval commences on the date of the approval. |
| Date approval is liable to lapse | 5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the EP&A Act. |

PART B - DEFINITIONS

In this approval the following definitions apply:

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

APZ means Asset Protection Zone

BCA means the Building Code of Australia.

Certifying Authority has the same meaning as in Part 4A of the

Act. **Commission** means the Planning Assessment Commission

or its successors. **Council** means Cessnock Council

DCP means Development Control Plan

Department means the Department of Planning and Environment or its successors.

EA / EAR – Environmental Assessment Report

Environmental Assessment means the document titled 'Project Application – Environmental Assessment Report –Huntlee Stage 1 Subdivision and Infrastructure Works' (by JBA March 2011).

Minister means the Minister for Planning and Infrastructure.

MOD 1 means Modification Application 10_0137 MOD 1 and accompanying Environmental Assessment dated 30 October 2014, prepared by JBA Planning Consultants.

MOD 2 means the Section 75W modification request 10_0137 MOD 2, accompanying Environmental Assessment dated 30 October 2014, and the Response to Submissions dated 17 December 2014, prepared by JBA Planning Consultants.

MOD 3 means the Section 75W modification application 10_0137 MOD 3, accompanying Environmental Assessment dated 24 March 2015, the Response to Submissions dated 15 May 2015, and additional information submitted on 20 July 2015, prepared by JBA Planning.

MOD 4 means the Section 75W modification application 10_0137 MOD 4, accompanying Environmental Assessment dated 2 September 2015 and accompanying information prepared by JBA Planning.

MOD 5 means the Section 75W modification application 10_0137 MOD 5, accompanying Environmental Assessment dated 2 May 2016 and accompanying information prepared by JBA Planning.

MOD 6 means the Section 75W modification application 10_0137 MOD 6, accompanying Environmental Assessment dated 19 August 2016 and accompanying information prepared by JBA Planning.

OEH means Office of Environment and Heritage

PPR means Preferred Project Report

Preferred Project Report means the document titled 'Project Application – Preferred Project Report – Huntlee Stage 1 Subdivision and Works' (by JBA September 2012)

Project means development that is declared under Section 75B of the Act to be a project to which Part 3A of the Act applies.

Proponent means the person proposing the carry out of development comprising all or any part of the project, and includes persons certified by the Minister to be the proponent.

Regulations means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

RFS means Rural Fire Service

RMS means the Roads and Maritime Services.

Secretary means the Secretary of the Department (or nominee).

SEPP MD means the State Environmental Planning Policy (Major Development) 2005

Statement of Commitments means the Statement of Commitments (as they apply to this project) made by the Proponent in section 6 of the PPR.

FOR INFORMATION

SCHEDULE 2

CONDITIONS OF APPROVAL FOR HUNTLEE STAGE 1 PROJECT APPLICATION PROJECT APPLICATION NO MP10_0137

PART A- ADMINISTRATIVE CONDITIONS

A1. Development Description

Approval is granted only to carrying out the development described in detail below:

Subdivision of Stage 1 of the Huntlee New Town site including:

- subdivision to create 2273 residential allotments, 123 Large Lot Residential Allotments, 91 infrastructure, community, commercial and mixed-use allotments 2 allotments for a primary school and a high school; landscaped areas, drainage, public open space and recreation areas;
- associated bulk earthworks; and
- infrastructure including roads, drainage works and utility services provision.

A2. Development in Accordance with Plans and Documentation

A) The development will be undertaken in accordance with the following documentation:

- Project Application – Environmental Assessment Report – Huntlee Stage 1 Subdivision and Infrastructure Works (by JBA March 2011) and associated appendices as amended by:
- Project Application – Preferred Project Report – Huntlee Stage 1 Subdivision and Works (by JBA September 2012) and its associated appendices
- Statement of Commitments in aforementioned Preferred Project Report (by JBA Planning 2012)
- Amended subdivision plan “121129 Overall Lot Plan_1 to 3000” (Roberts Day Dec 2012) as to be amended in line with the additional amended subdivision concept plan “Huntlee – Stage 1 Concept Master Plan dwg UD4- 401 01.02.13” (Roberts Day Feb 2013)

B) and as amended by:

- MOD 1 Application – Section 75W Modification MP_10_1037 Huntlee (by JBA Planning 2014); and
- Amended subdivision plans “PP DP1197581 sheets 1 and 2”, “PP DP1197586 sheets 1 to 5”, “PP DP 1197589 sheets 1 to 5” and “PP DP 1199264 sheets 1 to 4” (By Andrew David McNamara).

C) and as amended by:

- MOD 2 Application – Section 75W Modification MP 10_0137 Huntlee, submitted by JBA Planning, dated 30 October 2014 including;
- Bushfire Threat Assessment, Huntlee Residential Development, 75W Modification Stage 1 Precincts 1-6, prepared by RPS dated 4 September 2014.
- Response to Submissions – Response to Issues – MP_10_0137 Stage 1 S.75W Modification 2, Huntlee, prepared by JBA Planning, dated 17 December 2014.

D) and as amended by:

- MOD 3 Application – Section 75W Modification to Huntlee Major Project Approval MP_10_0137 Huntlee New Town, prepared by JBA Planning, dated 24 March 2015 and supporting documents, including;
- Amended subdivision plans “PP DP1199264 sheets 1 and 3 By Andrew David McNamara; and
- Bushfire Threat Assessment – Lot 12 DP729973, Lot 36 DP755211 and Lot 37 DP755211 Huntlee Residential Development, Stages 2-5 Eastern Precinct, prepared by RPS Australia East Pty Ltd, dated 10 March 2015;
- Amended Landscape Masterplan prepared by AECOM Issue B dated 16 July 2015;
- Response to Submissions – Planning Advice, Huntlee New Town MP_10_0137 Modification 3 prepared by JBA, dated 15 May 2015 and accompanying Stormwater Advice from Northrop, dated 14 May 2015.
- Additional Information prepared by JBA, dated 20 July 2015 and accompanying documents.

- E) and as amended by:
- MOD 4 Application – Section 75W Modification to Huntlee Major Project Approval MP_10_0137 Huntlee New Town, prepared by JBA Planning, dated 2 September 2015 including supporting documentation; and
- F) and as amended by:
- MOD 5 Application – Section 75W Modification to Huntlee Major Project Approval MP_10_0137 Huntlee New Town, prepared by JBA Planning, dated 2 May 2016 including supporting documentation;
 - Amended Subdivision Plan 20406 –1 TO 3000 (MOD 5) Sheet 1 of 1 Master Plan prepared by Daly Smith Pty Ltd 2016 dated 26/02/2016;
 - Amended Staging Plan prepared by Daly Smith Pty Ltd and JBA dated 26/02/16;
 - Amended Precinct 2 Street Hierarchy (Dwg No. RD1_309_Rev_H) prepared by LWP and dated 16/04/2016;
 - Bushfire Threat Assessment, Huntlee Residential Development – Stage 10, prepared by RPS and dated March 2016; and
 - Letters from Huntlee dated 14 June offering to amend Voluntary Planning Agreements.
- G) and as amended by:
- MOD 6 Application – Section 75W Modification to Huntlee Major Project Approval MP_10_0137 Huntlee New Town, prepared by JBA Planning, dated 31 August 2016 including supporting documentation;
 - Intersection and Road Upgrade Threshold Analysis Review, prepared by Better Transport Futures, dated 12 August 2016;
 - Amended Subdivision Plan 20406-1 TO 3000 (MOD 6) Sheet 1 of 1 Master Plan prepared by Daly Smith dated 11/08/2016
- H) and as amended by:
- MOD 7 Application – Section 75W Modification to Huntlee Major Project Approval MP_10-0137 Huntlee New Town, prepared by JBA, dated 30 January 2017, including supporting documentation.
- I) and as amended by:
- MOD 8 Application – Section 75W Modification to Huntlee Major Project Approval MP_10-0137 Huntlee New Town, prepared by JBA, dated 26 May 2017, Response to Submissions prepared by Ethos Urban, dated 2 August 2017 and supplementary information prepared by Ethos Urban, dated 7 December 2017 and 15 February and 14 March 2018.
- J) and as amended by:
- MOD 10 Application – Section 4.55(1A) Modification to Huntlee Major Project Approval MP_10-0137 Huntlee New Town, prepared by Ethos Urban, dated 26 September 2018, Response to Submissions prepared by Huntlee Pty Ltd, dated 21 February 2019 and supplementary information prepared by Ethos Urban, dated 27 March 2019.
- K) and as amended by:
- MOD 9 Application – Section 4.55(2) Modification to Huntlee Major Project Approval MP_10-0137 Huntlee New Town, prepared by Ethos Urban, dated 15 October 2018, Response to Submissions prepared by Ethos Urban, dated 22 January 2019 and supplementary information prepared by Ethos Urban (and accompanying plans) dated 12 June 2019, 14 August 2019 and 22 August 2019 and 22 October 2019.
- L) and as amended by:
- MOD 11 Application – Section 4.55(1A) Modification to Huntlee Major Project Approval MP_10_0137 Huntlee New Town, prepared by Ethos Urban, dated 3 September 2019, including supporting documentation and Response to Request for Further Information dated 26 February 2020 and 3 April 2020.
- M) and as amended by:
- MOD 13 Application – Section 4.55(1A) Modification to Huntlee Major Project Approval MP_10_0137 Huntlee New Town, prepared by Ethos Urban, dated 21 February 2020, including supporting documentation

and supplementary information dated 3 June 2020.

N) and as amended by:

- MOD 15 Application – Section 4.55(1A) Modification to Huntlee Major Project Approval MP_10_0137, prepared by Ethos Urban, dated 2 October 2020, including supporting documentation.

O) and as amended by:

- MOD 16 Application- Section 4.55(1A) Modification to Huntlee Major Project Approval MP 10_0137, prepared by Ethos Urban, dated 23 December 2020, including supporting documentation and Response to Submissions dated 24 March 2021 and additional information dated: 14 April 2021, 3 May 2021, 22 July 2021 and 29 July 2021.

P) and as amended by:

- MOD 17 Application- Section 1.55(1A) Modification to Huntlee Major Project Approval MP 10_0137, prepared by Ethos Urban, dated 22 December 2020, including supporting documentation and Response to Submissions dated 13 April 2021 and 28 May 2021.

Q) and as amended by:

- MOD 20 Application – Section 4.55(2) Modification to Huntlee Major Project Approval MP 10-0137 Huntlee New Town, prepared by Ethos Urban, dated 18 February 2022, including supporting documentation, and Response to Submissions dated 1 July 2022 and additional information dated 30 August 2022.
- Excluding any modifications to substage 5 (large lot), including any modifications to the open space or lot layout. and

R) and as amended by:

- Mod 21 Application – Section 4.55(2) Modification to Huntlee Major Project Approval MP 10-0137 Huntlee New Town, prepared by Ethos Urban dated 2 November 2022, including supporting documentation and response to Submissions dated 11 July 2023 and 12 September 2023

S) and as amended by:

- Mod 22 Application – Section 4.55(1A) Modification to Huntlee Major Project Approval MP10_0137 Huntlee New Town, Prepared by Ethos Urban dated 8 March 2024, including Response to Submissions dated 8 May 2024

T) and as amended by:

- Mod 23 Application – Section 4.55(1A) Modification to Huntlee Major Project Approval MP 10-0137 Huntlee New Town, prepared by Ethos Urban dated 4 October 2024, including Response to Submissions prepared by Ethos Urban dated 18 December 2024.

U) and as amended by:

- Mod 24 Application – Section 4.55(1A) Modification to Huntlee Major Project Approval MP 10-0137 Huntlee New Town, prepared by Ethos Urban dated 3 December 2024, including Response to Submissions prepared by Ethos Urban dated 21 February 2025.

Except as modified by the conditions of this approval.

If there is any inconsistency between the above plans and documentation the more recent documents shall prevail to the extent of the inconsistency.

A3. Inconsistencies between Document

In the event of any inconsistency between conditions of this approval and the drawings / documents referred to above, the conditions of this approval prevail.

A4. Lapsing of Approval

The project approval will lapse 5 years after the approval date in Part A of Schedule 1 of this project approval unless specified action has been taken in accordance with Section 75Y of the Act.

A5. Compliance with Relevant Legislation and Australian Standards

The proponent shall comply with all relevant Australian Standards and Codes (including Building Code of Australia) and obtain all necessary approvals required by State and Commonwealth legislation in undertaking the project described in Condition A1, Part A, Schedule 2 of this approval.

A6. Staging Plan

- a) Development should be carried out in accordance with the **amended Staging Plan 20406-1 to 3000 (MOD 24) Issue 2 prepared by Daly Smith Pty Ltd dated 20/03/2025.**
- b) The Staging Plan can be varied with written consent of the **Secretary** of the Department of Planning, **Industry and Environment** and, or his nominee.

A7. Cost of MOD 7 Work

The cost associated with the access road approved under MOD 7 is to be borne entirely by the developer, not RMS.

PART B- MODIFICATIONS

B1. Subdivision Design Modifications – Approval

- a) Details outlined in condition B2 below, shall be submitted to the **Secretary** of the Department of Planning and Infrastructure, or his nominee, for approval prior to any works occurring on site.
- b) The subdivision plan shall include lot numbers, dimensions and areas.

B2. Subdivision Design Modifications – Asset Protection Zones

The subdivision design (shown on Plan “121129 Overall Lot Plan_1 to 3000” (Roberts Day Dec 2012) as to be amended in line with “Huntlee – Stage 1 Concept Master Plan dwg UD4-401 01.02.13” (Roberts Day Feb 2013) shall be amended as follows:

- (i) All Asset Protection Zones (APZs) shall be generally within the road reserve and boundary roads should be expanded to encompass more of the APZ and allow space for battering.
- (ii) The APZs may encroach on private property lots up to a maximum of 1/3 the length of the lot.
- (iii) The amended subdivision plans should clearly annotate the extent of the APZ along each boundary and riparian corridor.
- (iv) The plan of subdivision and Section 88B instrument shall establish a restrictive covenant on all residential lots requiring the maintenance of the designated Asset Protection Zone in accordance with the requirements of *Planning for Bushfire Protection 2006*, with the Rural Fire Service having the benefit of this covenant and having sole authority to release vary or modify the covenant.

B3. Residual Land in Substage 16

A future modification(s) to this consent to facilitate further subdivision for development lots within the residual (unnumbered) land along the eastern side of the riparian corridor in substage 16 as identified in the staging plan 20406-1 to 3000 (MOD 24) Issue 2 prepared by Daly Smith Pty Ltd dated 20/3/2025, shall include flooding information (including the Flood Planning Levels) to demonstrate that future development of the lots is not subject to flooding impacts.

B4. Open Space

Within 3 months of the determination date of Mod 20, a revised Public Embellishments Plan must be provided to the Planning Secretary for approval that removes the modifications to the open space proposed within substage 5 Large Lot Residential Area proposed under Mod 20 that are not approved as per condition A2(Q). The total amount of open space is to be calculated as if the modifications to the open space within the substage 5 Large Lot Residential area were not proposed with MOD 20.

PART C - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

C1. Site Contamination Remediation

- a) The site shall be made suitable for the approved development in accordance with the recommendations identified in the 'Huntlee Development Preliminary Stage 1 Site Investigation report', prepared by AECOM and dated 31 July 2012, to the satisfaction of the Certifying Authority. In particular:
- i) Areas of TPH and lead impacts shall be excavated and disposed of offsite in general accordance with *Waste Classification Guidelines* (2008) to the satisfaction of the Certifying Authority prior to issue of a construction certificate.
 - ii) Remove bonded asbestos exposed at the site to the satisfaction of the Certifying Authority prior to issue of a construction certificate. If there is substantial delay in removing the asbestos impacted material, cover the area in plastic to prevent weathering/fragments/fibres becoming airborne and prepare an Asbestos Management Plan.
 - iii) Ensure areas used for metal scraps storage are cleared and remediated prior to issue of a construction certificate.
 - iv) Prepare a Hazardous Materials Study to assess potential presence of hazardous materials such as lead paint or asbestos and submit for approval by the Certifying Authority prior to first construction certificate.
 - v) Prepare an Environmental Management Plan (EMP) for development works and submit for approval by the Department of Planning and Infrastructure prior to first construction certificate – with procedures to follow in the event that evidence of contamination is encountered, and include an unexpected find protocol to stop works and contact environmental professional to undertake risk assessment.
 - vi) All investigation, reporting and identified remediation works must be in accordance with the protocols of the NSW EPA's (now OEH) 'Guidelines for Consultants Reporting on Contaminated Sites' and 'SEPP 55 – Contaminated Land'
 - vii) **Where Phase 2 investigations (recommended by the AECOM Report) require the preparation of a remedial action plan**, an accredited site auditor under the *Contaminated Land Management Act 1997* shall certify the suitability of the site for the proposed uses. The certification may be issued in stages and shall be submitted to the Certifying Authority prior to the issue of the relevant construction certificate.
 - viii) **Prior to issue of a construction certificate for works within substages 16 and TC5, on land to which the recommendations of the Phase 1 Environmental Site Assessment prepared by RCA Australia (ref: 13148-402/2 dated 22 June 2018) apply, those recommendations shall be implemented, including the remediation of the land approved in Modification 9. Validation certificates for the remediation of these locations shall be submitted to the certifying authority prior to the release of a construction certificate.**

C2. Construction Management Plan

A Construction Management Plan (CMP) shall be prepared as outlined in the Proponent's 'Physical Infrastructure Report' Nov 2012 by Worley Parsons (Appendix D of PPR) and is to be approved by the Certifying Authority prior to the issue of the first construction certificate. The CMP must also:

- a) outline a plan of management for site preparation works including dust controls during bulk earthworks and strategies/clearing protocols that will be implemented on-site to manage vegetation clearance and the impact on local flora and fauna,
- b) identify trees, including species, condition and remedial works, that will be retained on-site and protected during

construction work,

- c) detail the type and quantities of construction waste and include an estimate of the waste materials that will be re-used or recycled,
- d) document the strategies used to ensure efficient use of building material and to minimise waste,
- e) outline a plan of management for the transportation and disposal of soil and ensure the road, kerb, gutter and footpath area adjacent to and nearby the subject site are kept clear of soil and debris,
- f) document the soil and water management plan (SWMP) to manage stormwater and surface water runoff during the course of construction in accordance with the NSW Department of Housing "Managing Urban Stormwater Soils and Construction" (Blue Book),
- g) detail the type of plant and construction vehicles that will access the subject site (during earthworks, road works, utility services and building works), identify and number of construction vehicles trips generated by the development and detail strategies to mitigate impacts on the local road network. The traffic management plan shall be in accordance with the RMS (RTA) manual – 'Traffic Control at Worksites',
- h) assess construction noise impacts against the relevant criteria contained within the Environmental Noise Control Manual and identify strategies to mitigate noise impacts on surrounding sensitive receivers, and
- i) include the mitigation measures outlined in the '*Ecological Assessment Report*' by RPS (September 2010 – Appendix I of the EAR) and ensure they are implemented to the satisfaction of the Certifying Authority, prior to commencement of works.

The proponent shall submit a copy of the approved plan to the RMS and Council if Council is not the Certifying Authority.

C3. Aboriginal Cultural Heritage

- a) The proponent shall prepare, as a component of the Construction Management Plan (CMP), procedures for managing the Aboriginal cultural heritage values associated with the project area. These procedures shall be implemented in consultation with the registered Aboriginal parties and the process must be undertaken prior to commencing any ground disturbance or development works subject to the development. The plan shall include the following:
 - i) Detail the involvement and responsibilities of the Aboriginal stakeholders in the implementation of all cultural heritage management actions;
 - ii) details of the responsibilities of all other stakeholders;
 - iii) details of all mitigation and management strategies;
 - iv) procedures for the identification and management of previously unrecorded sites (including human remains);
 - v) details of the Aboriginal Cultural Heritage Education Induction Program for all contractors and personnel associated with construction activities; and
 - vi) compliance procedures in the unlikely event that non-compliance with this component of the CMP is identified.
- b) An Aboriginal Cultural Education Induction Program must be developed for the induction of all personnel and contractors involved in the construction activities on site. Records are to be kept of which staff/contractors were inducted and when for the duration of the project. The program should be developed and implemented in

collaboration with the registered Aboriginal parties.

C4. Subsidence

- a) A Subsidence Management Plan (SMP) shall be prepared prior to development for areas with less than 50m cover (including areas within town centre super lots 4, 5, 6, 7 and 8 and Village 1 lots adjacent to Main Roads 2 and 11) and submitted to and approved by the Mine Subsidence Board (MSB) prior to issue of the relevant construction certificate.
- b) Remediation (such as excavation and backfill) is to be undertaken prior to development in areas with less than 25m cover in the town centre and eastern edge of the site and in accordance with the Subsidence Management Plan (SMP) approved under Condition C4(a) to the satisfaction of the Certifying Authority.

C5. Utility Services

- a) The agreements of all relevant Authorities to extend and connect utility services noting any necessary easements or other approved methods for provision of essential utilities shall be provided to the Certifying Authority prior to the issue of any construction certificate.
- b) Revised developer servicing strategies for water and wastewater (and recycled water if proposed) shall be submitted to and approved by Hunter Water prior to issue of any construction certificate. The applicant is to negotiate relevant servicing arrangements with Hunter Water and seek Hunter Water prior approval for any connections to Hunter Water systems. A Section 50 Compliance Certificate under the Hunter Water Act 1991, should be obtained prior to the issue of the relevant subdivision certificate. Should on site wastewater treatment and/or recycled water systems be proposed on site in lieu of connecting to Hunter Water infrastructure, these would need to be licensed through the Water Industry Competition Act (2006).
- c) All internal site utilities, including electricity and telecommunications, shall be undergrounded, where possible. It is noted that high voltage lead in cables to the proposed zone substation may be overhead.
- d) Deleted
- e) Deleted
- f) The location of the proposed water reservoir shall be confirmed with Hunter Water. Evidence of consultation with Hunter Water shall be submitted to the Certifying Authority prior to the issue of the subdivision certificate for the 1050th lot.
- g) Appropriate easements are to be implemented over any substations and associated underground/overhead cables located on private property to the satisfaction of the Certifying Authority.
- h) ~~Prior to the subdivision certificate for 1201st dwelling, a 200 x 200m (4ha) parcel of land, or a size of land otherwise agreed with the relevant energy provider, shall be dedicated to the relevant electricity provider for the zone substation. Evidence of consultation with Hunter Water shall be submitted to the Certifying Authority.~~
- i) In regard to the connection to, relocation and/or adjustment of the services affected by the construction and proposed works, any costs in the relocation, adjustment or support of services shall be the responsibility of the proponent.
- j) Consideration shall be given to measures to ameliorate the potential impacts on the residential development in Substage 1 arising from any existing stormwater or effluent run-off occurring from the adjoining properties in North Rothbury.

C6. Salinity

- a) Further salinity investigations shall be undertaken to categorise the level of salinity across the site prior to the detailed design of infrastructure and servicing. A report on findings shall be submitted to the Certifying Authority prior to the issue of a construction certificate.
- b) Mitigation and precautionary measures shall be undertaken to reduce the potential for salinity and erosion problems, as identified in Worley Parsons' '*Trunk Stormwater and Flooding Assessment*' report (Aug 2012) and confirmed in the findings of the aforementioned salinity investigations report when complete.

C7. Acid Sulphate Soils

An 'Acid Sulphate Soil Management Plan' shall be prepared by a suitably qualified person in accordance with the Acid Sulphate Soil Assessment Guidelines (Acid Sulphate Soil Management Advisory Committee, 1998). The Management Plan shall be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate. Management measures recommended in this report are to be incorporated into the Construction Management Plan.

C8. Plans to be provided

- a) All infrastructure, engineering, earthworks, longitudinal, road cross section, intersection general arrangement, road classification, line marking and signage, landscape and open space embellishment and lot detail plans are to be amended, or provided for the first time, and reflect the updated amended subdivision plan (required in condition B2) to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for each sub stage of the development.
- b) Plans should be prepared showing proposed public domain embellishment including proposed street lighting, footpaths, street trees etc to the satisfaction of the Certifying Authority.
- c) Plans provided under C8(a) and C8(b) that relate to local open space, landscaping and embellished local open space, drainage infrastructure and local road reserves that are to be dedicated to Council in accordance with Condition E3 shall be designed to meet published Council standards to the satisfaction of the Certifying Authority.

C9. Landscape Plan modifications

- a) Detailed landscape plans are to be prepared in consultation with Cessnock Council prior to the issue of the first construction certificate for each sub stage, and are to be generally in accordance with the "Huntlee Landscape Concept Report" Hassell August 2012 **as amended by the:**
 - **Amended Landscape Masterplan prepared by AECOM Issue B dated 16 July 2015 (relating to Stages 2 to 5)**
 - **Landscape and Public Open Space report prepared by AECOM Issue C dated 5 December 2017 (relating to Stages 6 to 13.**
 - **Landscape masterplan – 20406-1 to 3000 (MOD 24) Issue 2 – Public Embellishments prepared by Daly Smith dated 20/03/2025.**
 - **Pedestrian and Cycleway Masterplan – 1947 Issue D prepared by Michael White Landscape Architecture dated 13/12/21**
 - **Street Tree Masterplan – 1947 Sheets 1 to 3 Issue C prepared by Michael White Landscape Architecture dated 18/07/22**

The Landscaping plans shall be subject to the following amendments:

- (i) Provide details of car parking for each recreation area, including a sealed car park with a minimum of 35 car spaces and 10 bicycle spaces at each of the two main sports field areas
- (ii) Ensure the additional 2.8 ha of active open space is shown consistent with the approved subdivision layout plan.

- (iii) Ensure the area between Wine Country Drive road reserve and the internal road of the large lot subdivision that runs alongside the Wine Country Drive road reserve is landscaped to provide a visual and noise buffer to residential lots
- b) The detailed landscape plans should provide details regarding proposed landscaping and embellishment of the open space, recreation facilities, drainage and riparian areas for the sub stage.
- c) The Landscape plans should clearly outline the proposed open space in the north east corner of the large lot area and consider the appropriate conservation of the existing *Persoonia pauciflora* plants in consultation with OEH and taking into account the recovery plan for the species prepared by OEH, outlining measures to protect the endangered species, including the required 30m buffer and habitat protection.
- d) **Prior to the release of a subdivision certificate for any lots approved under MOD 9, the Landscape Plans shall be updated to the satisfaction of Council to:**
 - i. **show all the approved detention basins and stormwater infrastructure**
 - ii. **verify and provide a breakdown of the overall area of the formalized parks (local sports facility, district parks, local parks, urban square/plaza), and the detention basins.**

C10. Large Lot Area Northern Open Space

- a) The open space area in the north east corner of the large lot residential area is to be fully fenced to ensure access is restricted to this area prior to works occurring within the large lot residential area.
- b) Appropriate measures should be implemented to protect the *Persoonia pauciflora* plants on the lot, including the required 30m buffer and habitat protection to ensure that the 30m buffer areas around the *Persoonia pauciflora* plants remain as *Persoonia pauciflora* habitat even after the mature plant dies, to allow for potential future new plants to grow there in consultation with OEH and to the satisfaction of the Certifying Authority.

C11. Engineering Plans

A detailed engineering design plan of the earthworks, roads and infrastructure must be submitted to and approved by the Certifying Authority prior to the release of the relevant Construction Certificate for each sub stage. Except where varied by the terms of this approval, the engineering design shall be generally in accordance with Cessnock City Council's *Engineering Requirements for Development*. The plan must include detailed design of all proposed infrastructure in accordance with the plans and documents subject of this approval.

C12. Earthworks

Detailed bulk earthworks plans must be submitted to and approved by the Certifying Authority prior to the issue of a construction certificate for civil works for each sub stage.

C13. Stormwater Detention

- a) Mitigation measures shall be undertaken in accordance with the 'Trunk Stormwater and Flooding Assessment' report (Worley Parsons August 2012) and the Statement of Commitments, prior to the issue of a construction certificate at each sub stage, including:
 - i) bio-retention gardens,
 - ii) swales,
 - iii) on-line detention basins,
 - iv) rainwater tanks on each lot,
 - v) CRZs, APZs and other measures as required under Water Management Act 2000,
 - vi) vegetation buffers,
 - vii) decommission existing farm dams, and
 - viii) rehabilitation of any degraded riparian corridors which are proposed to be retained on site,

to the satisfaction of the Certifying Authority.

- b) Prior to construction of any online stormwater detention structures, detailed designs should be prepared to the satisfaction of the NSW Office of Water (NOW). These designs should demonstrate consistency with the NOW guidelines for controlled activities.
- c) The vegetated riparian zone (VRZ) setbacks should comply with the 'Guidelines for Riparian Corridors on Waterfront land' (NSW Office of Water, 2012)
- d) Permanent Waterbody 1 shall be primarily for stormwater detention and shall be designed so as not to capture any runoff from the third order watercourse during low flow events, environmental flows to be maintained. Detailed design of Permanent Waterbody 1 shall be prepared for and endorsed by the NSW Office of Water prior to construction commencing. The design should demonstrate that the diversion results in a stream that remains hydrologically and geomorphically stable and ensures:
 - i) the stream grade through the diversion is consistent with the existing stream grade;
 - ii) the ongoing stability of the stream bed and banks;
 - iii) the introduction of appropriate riparian vegetation along the diversion;
 - iv) design structures so that they retain 2 year recurrence interval criteria to ensure low to medium flows are not impeded by flood detention structures; and
 - v) new detention structures should achieve no increase in peak flows from design floods.
- e) The proposed design of the drainage areas to be dedicated to Council shall be in accordance with Council's published standards or as otherwise agreed with Council prior to the issue of the Construction Certificate for the relevant substage. If no agreement has been reached within 3 months after submission of information to the Council, any dispute may be decided by the [Secretary](#) of the Department of Planning and Infrastructure.
- f) On completion of the construction of permanent water bodies and or stormwater detention basins, the applicant must provide "as constructed" surveys to the Department of Planning and Infrastructure, NSW Office of Water and the Council.

C14. Soil and Water Management Plan

- a) A detailed Soil and Water Management Plan shall be prepared for each stage of development in accordance with the NSW Department of Housing / Landcom "Managing Urban Stormwater – Soils and Construction" (Blue Book) to the satisfaction of the Certifying Authority prior to the construction certificate for each sub stage.
- b) The Soil and Water Management Plan should include management and mitigation measures outlined in the "Trunk Stormwater and Flooding Assessment – Stage 1 Project Application" by Worley Parsons August 2012 (Appendix F of the PPR) and the "Ecological Assessment Report – Huntlee" by RPS September 2010 (Appendix I of the EAR).

C15. Bushfire Protection

The proponent shall comply with the following requirements of the NSW Rural Fire Service:

- a) During construction of each sub-stage and until the next [stage or](#) sub-stage has begun, temporary concentric APZs shall be required to be provided around each release area where they face a fire hazard. Details of temporary APZs to be provided to the satisfaction of the Certifying Authority prior to issue of each sub stage construction certificate.
- b) Public road access, provision of services, landscaping and open space and future development are to comply with the Rural Fire Service's "Planning for Bushfire Protection 2006."

- c) For all perimeter lots directly adjoining the site boundary (i.e. where no perimeter road is provided), no dwellings shall be constructed within the APZ.
- d) A comparison plan showing setbacks required under PBP 2006 and PBP 2019 demonstrating that BAL 29 or lower construction can be achieved for all lots modified by MOD 11 shall be submitted to the certifying authority prior to the release of a construction certificate for each stage amended by MOD 11.

C16. Stormwater Management

Prior to the issue of a Construction Certificate for works within sub-stages 2 and 3, engineering plans detailing the stormwater management scheme designed to manage stormwater associated with the two first order streams traversing sub-stages 2 and 3, shall be submitted to the satisfaction of Council.

C17. Riparian Corridor and Open Space Management Plan

The proponent must submit a Management Plan for any public open spaces and riparian corridors, not included in the local VPA with Council. The Riparian Corridor and Open Space Management Plans must:

- a) be submitted to and approved by the Secretary within six months of any variation to the local VPA being executed.
- b) be prepared in consultation with the Council and the landowner
- c) provide the response actions and contingency actions that will be taken by the landowner and the proponent to ensure the Management Plan is complied with
- d) for riparian corridors:
 - i. provide for the protection, enhancement and restoration of these riparian corridors, their associated ecosystems, ecological processes and biological diversity and their water quality; and
 - ii. demonstrate compliance with the 'Guidelines for riparian corridors on waterfront land' (Department of Primary Industry, Office of Water), including how environmental management performance will be monitored and reported;
 - iii. demonstrate how bushfire risk will be managed, and how any adverse impacts on the watercourse will be mitigated.

C18. Flood information required for future modification requests

The developer shall submit updated flood information, including the 1% AEP, the PMF and flood planning levels for land within substage TC5 and 16 as described in *Cessnock City Council Development Control Plan 2010: Chapter C9: Development on Flood Prone Land* to Council, prior to the issue of a construction certificate for works approved under MOD 9.

C18A. Flood Mapping

Flood mapping shall be reviewed after the detailed design to ensure the predicted impacts are accurate. Final flood mapping shall be provided to Council prior to the issue of the final Construction Certificate for each stage amended by MOD 11 to assist with flood planning and emergency response planning.

C18B. Additional Flooding Information Stages 8, 9 and 11

Prior to the issue of a Construction Certificate for the 301st residential lot within Stages 8, 9 and 11, the developer shall submit updated flooding and stormwater information, prepared in consultation with BCD and Council to the satisfaction of the Planning Secretary, demonstrating that the impacts of the additional lots approved under MOD 16 are acceptable.

C19. Restricted access to Wine Country Drive

No direct access from lots 1579 to 1580 onto Wine Country Drive is permitted.

C20 Road Access to North Rothbury

Prior to the issue of a Construction Certificate for substages 14 or 15, documentation including plans are to be provided to the satisfaction of the Certifier that result in:

- No vehicle access from Huntlee – Stage 1 to Thomas Street or Mitchell Street, North Rothbury. Pedestrian access from Substage 15 is to be provided to Thomas Street and Mitchell Street.
- Access from Huntlee Stage 1 to Rothbury Street being restricted to Emergency Vehicles only. A suitable lockable gate is to be erected at the Huntlee Stage 1 boundary to prevent ingress and egress of vehicles outside of an emergency.

This condition does not restrict access from Huntlee - Stage 1 to North Rothbury for pedestrian access. No construction traffic is permitted.

This condition does not permit works to occur outside of the Huntlee Stage 1 boundary. Any works outside of the Huntlee Stage 1 boundary may be subject to further approval from Cessnock Council.

C21 Right of Carriageway

Prior to the release of a Construction Certificate for works over the right of carriageway in DP268807, an agreement must be established with the beneficiary of the right of carriageway for its extinguishment and suitable access to Lot 34 DP 755211 in accordance with condition E8.

PART D – DURING CONSTRUCTION

D1 Construction Certificate

The relevant Construction Certificate is to be issued by the Certifying Authority prior to commencement of any works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.

D2 Construction Management

Construction shall be carried out in compliance with the Construction Management Plan approved under Condition C2.

D3 Sediment and Erosion Control

During construction, sediment and erosion control structures shall be designed and installed in accordance with the NSW Department of Housing / Landcom "Managing Urban Stormwater – Soils and Construction" (Blue Book) to the satisfaction of the Certifying Authority.

D4 Construction Hours

- a) All construction work shall be restricted to between 7:00am and 6:00pm Mondays to Fridays, and between 8:00am and 3:00pm Saturdays. No construction work shall take place on Sundays or public holidays.
- b) Construction outside the hours stipulated above is permitted only where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental damage and the Certifying Authority has been notified.

D5 Approved Plans to be On Site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for review by the Certifying Authority

D6 Erosion and Sediment Control

All erosion and sediment control measures are to be effectively maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as source of sediment.

D7 Dust Control Measures

The proponent shall ensure that dust suppression is undertaken in the form of constant water spraying or other natural based proprietary dust suppressant to ensure that dust caused by vehicles moving along the road and/or within the site does not cause a nuisance to surrounding properties to the satisfaction of the Certifying Authority.

D8 Waste Management

All waste generated by the development shall be disposed to a facility to receive such waste. Hazardous materials including asbestos and lead shall be disposed of in accordance with WorkCover requirements and relevant Australian Standards. Any asbestos waste generated by the development must be disposed of in accordance with the requirements of Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005.

D9 Aboriginal Relics

- a) In the event that surface disturbance identifies a new Aboriginal object, engraving or relic, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeological specialist and representatives of the local Aboriginal community must be contacted to determine the significance of the object(s)

and the National Parks and Wildlife Service must be notified. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) (managed by OEH) and the management outcome for the site included in the information provided to the AHIMS. The proponent will consult with representatives of the local Aboriginal community, and the archaeological specialist to develop and implement management strategies for all objects/sites. If impacts are unavoidable, mitigation measures are to be undertaken in accordance with the Heritage component of the Construction Management Plan. All sites impacted must have an Aboriginal Site Impact Recording form completed and be submitted to the AHIMS Registrar within three (3) months of completion of these works. Works may only recommence following endorsement for such from the Office of Environment and Heritage.

- b) If human remains are located in the event that surface disturbance occurs, all works must halt in the immediate area to prevent any further impacts to the remains. The NSW Police shall be contacted immediately. No action shall be undertaken until the NSW Police provide written notification to the proponent. If the skeletal remains are identified as Aboriginal, the proponent must contact the Environment Line on 131 555 and representatives of the local Aboriginal community. No works shall continue until the OEH provides written notification to the proponent.

D10 Vegetation to be retained

Trees and native vegetation proposed for retention are to be clearly identified on all the final approved engineering plans. All construction contractors and personnel are to be advised of the importance of conserving these No Go Areas as part of their site and OH&S induction program. No clearing of trees or vegetation or storage or vehicles, fill or materials or access is to occur within retained areas.

PART E - PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

E1. Works As Executed Plans

Prior to issue of each Subdivision Certificate, one (1) full set of works as executed plans, and other supporting documentation including further studies and revised plans required by this approval, shall be submitted to Cessnock Council for information purposes only.

E2. Subdivision Certificate

- a) An application for a Subdivision Certificate must be submitted to and approved by the Council or Certifying Authority prior to endorsement of the plan of subdivision.
- b) The submission to the Certifying Authority of documentation to demonstrate full compliance with all approval conditions in accordance with Section 157 Clause 2 (f) of the Environmental Planning and Assessment Regulations 2000 prior to issue of the relevant Subdivision Certificate.

E3. Dedication of Local Open Space, Roads and Drainage Allotments

Prior to the issue of the Subdivision Certificate for each substage:

- a) The areas of local open space shown as local and district parks within the relevant substage and as shown on 'Public Realm Open Space Provision' plan within the 'Huntlee Landscape Concept Report' (Hassell Aug 2012) as to be amended in line with "Huntlee – Stage 1 Concept Master Plan dwg UD4-401 01.02.13" (Roberts Day Feb 2013) **and subsequent modifications** are to be dedicated to Council, free of cost.
- b) The areas of land required for drainage within the relevant substage and as shown on the shown in relevant plans within Appendix A of the PPR as to be amended in line with "Huntlee – Stage 1 Concept Master Plan dwg UD4-401 01.02.13" (Roberts Day Feb 2013), **subsequent modification applications, and the information provided under Condition C18B** are to be dedicated to Council, free of cost.
- c) The areas of land required for local roads within the relevant substage and as shown on the shown on Plan "121129 Overall Lot Plan_1 to 3000" (Roberts Day Dec 2012) as to be amended in line with "Huntlee – Stage 1 Concept Master Plan dwg UD4-401 01.02.13" (Roberts Day Feb 2013) **and subsequent modification applications** are to be dedicated to Council, free of cost.
- d) All landscaping and embellishment of local open space within the relevant substage shall be completed prior to dedication to Council and maintained to the satisfaction of Council by the proponent for a period of 5 years after dedication.
- e) All proposed works and construction of drainage infrastructure, and local road reserves within the relevant substage shall be completed prior to dedication to Council and maintained to the satisfaction of Council by the proponent for a period of 5 years after dedication.
- f) **Any proposed open space land, proposed drainage infrastructure land, road reserves and riparian corridors shown on the MOD 24 Issue 2 Public Embellishments prepared by Daly Smith dated 20/03/2025 within TC6 that is outside of the agreed Local VPA but included within the City Wide Contributions Plan 2020 (Amended 16 March 2022) area as outlined in the Districts Catchments map provided 13 February 2020 within the contributions plan (where the required contributions have been paid for associated residential lots), excluding the local park identified in TC6, shall be dedicated to Council in accordance with Cessnock Councils standard subdivision policies and maintained to the satisfaction of Council by the proponent for a period of 5 years after dedication.**

E4. Local Contributions

In addition to the dedication of roads, open space and drainage, the following contributions set out in the following list must be paid to the relevant Council, or provided as works in kind, in accordance with the provisions of Section 94 of the Environmental Planning & Assessment Act, 1979:

- 0.5 ha of land for a Neighbourhood Centre.
- Provision of a Neighbourhood Centre Building, or a cash contribution of \$1,250,000
- 0.9 ha of land for a Multi Function Centre
- Provision of Stage 1 of the Multi Function Centre, or a cash contribution of \$5,000,000
- Cash contribution of \$66,000 towards a Cemetery Wall and the Braxton Swimming Pool at Miller Park.

E5. Alternative Local Contributions Arrangements

Should the Applicant and Council agree to alternative local developer contributions arrangements or items (e.g. through a Voluntary Planning Agreement), these may replace the contributions specified in conditions E3 and E4 only with the agreement of the Director-General of the Department of Planning and Infrastructure, prior to the issue of a subdivision certificate.

E6. State Infrastructure Contributions

The proponent must enter into a Planning Agreement for contributions towards designated State Infrastructure in accordance with the terms of the agreed form of the Voluntary Planning Agreement and the letter of offer dated February 2013.

Prior to the release of a subdivision certificate for the 800th lot, the Planning Agreement shall be amended to take account of:

- a) the lots approved under MOD 5 within sub-stage 3 (in accordance with the letter from the Proponent to the Department dated 14 June 2016) to include the land to which MOD 5 applies.**
- b) the changes to the school lot and the timing of the Wine Country Drive/HEX Link Road (A-1) intersection (in accordance with the letter from the Proponent dated 27 April 2018).**
- c) the letter of offer from Corrs Chambers Westgarth, Huntlee Pty Ltd's lawyer dated 3 December 2019.**
- d) the letter of offer from Corrs Chambers Westgarth, Huntlee Pty Ltd's lawyer dated 25 February 2020.**

Prior to the release of a subdivision certificate for the 1350th lot, the Planning Agreement shall be amended to take account of:

- a) the letter of offer from Corrs Chambers Westgarth, Huntlee Pty Ltd's lawyer dated 15 October 2021.**

Prior to the release of a subdivision certificate for the 2,031st lot, the Planning Agreement shall be amended to take account of:

- a) the letter of offer from Corrs Chambers Westgarth, Huntlee Pty Ltd's lawyer, dated 18 March 2025.**

Any obligation to provide any State infrastructure contributions in respect of the Town Centre 6 land is deferred until the date that is 30 business days after the Planning Agreement is varied to apply to that land (i.e. upon execution of the Deed of Variation required to amend the Planning Agreement to reflect the letter of offer from Corrs Chambers Westgarth, Huntlee Pty Ltd's lawyer, dated 18 March 2025).

No Housing and Productivity Contribution is required in respect of any part of the Huntlee land under Part 7 Division 7.1 Subdivision 4 of the Environmental Planning and Assessment Act 1979 (NSW).

E7. Road Network

- a) Road Infrastructure Requirements**

The following road infrastructure shall be provided by the proponent during the development of Stage 1 Huntlee.

- i) **The interim Wine Country Drive / Village 1 intersection shall be designed and constructed as an Austroads Type CHR/CHL intersection or seagull, as determined by RMS. This intersection is required prior to the issue of any Occupation Certificate for any of the 124 lots within Precinct 1 and Precinct 2, and prior to any Subdivision Certificate for any further development.**
 - ii) Wine Country Drive shall be upgraded to 4 through lanes (2 lanes in each direction with central median) **in accordance with the Huntlee Stage 2 – Wine Country Drive Upgrade Plans by Northrop, dated 11 November 2016, job number NL151628, Revision 6. These works shall be completed prior to 725 dwellings for which a subdivision certificate has been issued, or 1 June 2018, whichever occurs first.**
 - iii) The Wine Country Drive / HEx Link Road (A-1) intersection shall be upgraded, to a 2 lane circulating roundabout **prior to 1,500 dwellings for which a subdivision certificate has been issued, or 1 December 2023, whichever occurs first.**
 - iv) RMS requires that the proponent undertake a further traffic impact assessment prior to the subdivision certificate of more than 1500 lots (dwellings), based on actual counts at the time and 10 year projections, to the satisfaction of RMS.
 - v) The Wine Country Drive / Main Street (A-3) intersection shall be traffic signal controlled, generally in accordance with the layout shown in the Addendum report dated August 2012. **These works shall be completed prior to the construction of any development (besides subdivision) west of Wine Country Drive, with the exception of the sales office, and are to be constructed concurrently with the upgrade of Wine Country Drive to 4 lanes 2 way (as described in Condition E7a(ii)).**
- Note: The design and construction of an Austroads Urban Type BAR / BAL intersection to be used as an interim access to the proposed sales office only until the ultimate intersection is constructed.
- vi) The Wine Country Drive / Anvil Creek Regional Park intersection shall be a Type CHR / CHL intersection (protected right and left turn bay) and shall be restricted to left in / left out / right in movements. (Prior to opening of the park).
 - vii) The Wine Country Drive / Village Access 1 (A-5) shall be traffic signal controlled. This intersection would be required prior to **1350 dwellings for which a subdivision certificate has been issued**. **The fourth leg of the intersection (Link Road 1) IS NOT TO BE constructed and operational prior to the intersection being traffic signal controlled and operational. The capacity of this intersection is to be tested again prior to 1,500 dwellings for which a subdivision certificate has been issued.**
 - viii) The Wine Country Drive / Large Lot access (A-9) shall be upgraded to an Austroads Type CHR / CHL intersection or seagull (Prior to any dwelling in R5 zone west of Wine Country Drive)
 - ix) HEx Link Road / Village 1 North access (A-6) intersection and link road shall be constructed during Stage 1. The intersection shall be a 2 lane circulating roundabout or traffic signals (intersection type to be determined by RMS). Further modelling will be required to provide the best outcome for the future operation of this intersection. The link road shall be one lane in each direction, allowing for a future additional one lane in each direction. (Required prior to the subdivision certificate of more than **2350 residential** lots in **Stage 1**). **An interim intersection specifically a left-in/left-out is to be constructed prior to June 2023 however this will be subject to upgrade to a roundabout of traffic signal controlled intersection prior to the subdivision certificate of more than 2350 residential lots in Stage 1 unless otherwise agreed with RMS.**
 - x) The HEx Branxton interchange (A-11) shall be upgraded to include:
 - A continuous left turn slip lane / ramp from the northbound off ramp onto HEx Link Road.
 - ~~A continuous left turn slip lane / ramp from the New England Highway extension to the HEx~~

~~southbound on-ramp.~~

- ~~• Extension of the HEx southbound off-ramp to cater for expected queuing.~~
- ~~• Adjustments to line marking are also likely in stages to ensure appropriate operation of the interchange.~~

(Prior to **the release of the** subdivision certificate **for the 2350th residential lot.**)

- xi) The HEx Link Road shall be upgraded to 4 lanes (2 in each direction) between Wine Country Drive and the HEx interchange. (Prior to **the release of the** subdivision certificate **for the 2350th residential lot in Stage 1**).

b) General Requirements

- i) All intersections and road works shall be designed and constructed in accordance with the Austroads Guide to Road Design 2009 (with RMS supplements), RMS Traffic Signal Design 2008 and the relevant Australian Standards, to the satisfaction of RMS.
- ii) All traffic signal controlled intersections shall be designed and constructed to accommodate on-road cyclists unless specified otherwise by RMS. If cyclists cannot be accommodated on road due to site constraints, and subject to agreement by RMS, adequate provision shall be made off-road.
- iii) All traffic lanes on State roads and at traffic signal controlled intersections shall be 3.5 metres in width or as determined by RMS.
- iv) Coordination and linking of all traffic control signals is required at full cost to the developer to RMS requirements. Appropriate pedestrian and cyclist facilities, foot/cycle paths and ramps, connecting to traffic signal controlled intersections shall be provided to the satisfaction of RMS and Council.
- v) Pedestrian fencing may be required in certain areas. This will be identified as part of the design review process. Street lighting shall be provided at all intersections and pedestrian crossings to the relevant Australian Standards, or as determined by RMS.
- vi) The proponent shall ensure that there is sufficient road reserve width provided along Wine Country Drive to accommodate the ultimate cross section and intersection auxiliary lanes.
- vii) As road works are required on State roads and traffic signals, RMS will require the developer to enter into a Works Authorisation Deed (WAD) with RMS.
- viii) Prior to the Certifying Authority issuing a construction certificate for each element(s) of the Road Improvement Works set out in condition E6(a), the developer shall enter into a WAD with RMS. The proponent shall achieve practical completion of all works under the WAD in accordance with the timing referred to in condition E8 and the WAD.
- ix) A Construction Traffic Management Plan (CTMP) shall be prepared and include a Vehicle Movement Plan and Traffic Control Plans. It shall be prepared with the intention of having minimal impact to the operation of the road network during the construction of the proposed development. The CTMP shall be submitted to RMS and the Department of Planning and Infrastructure for review and approval prior to any construction activities occurring on-site.
- x) All works associated with the proposed development shall be at full cost to the developer and at no cost to RMS or Council, to RMS requirements.
- xi) **All roads to be used for bus services must comply with following:**
- Transit lane widths of 3.5m**

- 3.0m width reserved for stopping/parking
 - Turning movements to accommodate 14.5m buses with no centre line crossing.
- x i) Cross-sections must be provided in future design iterations where a road does not meet the requirements of the DCP, detailing the number of lanes, intersection improvements (including traffic control devices) and use of road space to balance needs for all modes, and be consistent with TfNSW's *Guidelines for Public Transport Capable Infrastructure in Greenfield Sites*.
- x ii) **A Works Authorisation Deed (WAD) shall be entered into with TfNSW for the HEx Link Road (MR220) due to the proposed interim Leftin/Left-out intersection. All road works under the WAD shall be completed prior to the issue of a subdivision certificate for the 1500th lot and shall be undertaken at full cost to the developer and at no cost to TfNSW or Council, and in accordance with TfNSW requirements.**

All local roads that are to be dedicated to Council shall be designed to meet published Council standards.

E8. Access for adjoining land owners

Suitable, all weather, continuous access shall be provided to Lot 34 DP75211 and 1764 Wine Country Drive, and any other properties affected, throughout construction and formal access shall be in place at the completion of works to the satisfaction of the Certifying Authority.

E9. Restriction on title

- a) Lots within the large lot area shall contain a restriction on title pursuant to Section 88B of the Conveyancing Act 1919 informing new residents that the lots may be subject to noise and odour from the nearby existing commercial vineyard and other agricultural operations at all hours.
- b) Lots affected within the large lot area shall have a positive covenant applied to all titles restricting building within the flood prone areas of each lot pursuant to Section 88B of the Conveyancing Act 1919 prior to issue of the relevant subdivision certificate.

E10. Local Voluntary Planning Agreement

The local Voluntary Planning Agreement with Cessnock City Council, shall be amended (in accordance with the letter from the Proponent to Council dated 14 June 2016) to include the land to which MOD 5 applies.

The Planning Agreement shall be amended prior to the release of a subdivision certificate for the lots approved under MOD 5 within sub-stage 3.

The Planning Agreement shall be amended prior to the release of a Subdivision Certificate for the 301st lot within sub-stages 8,9 and 11.

The Planning Agreement shall be amended to reflect the changes approved under Mod 20 prior to the release of a Subdivision Certificate for the 101st lot within sub-stages 13, 14, 15 and 16.

The Planning Agreement shall be amended to reflect the changes approved under Mod 21 prior to the release of a Subdivision Certificate for the 101st lot in TC6.

The Planning Agreement shall be amended to reflect the changes approved under Mod 21 and 22 prior to the release of the first subdivision certificate for residential development the 300th residential lot within the TC6 area. The amendment is not required to include residential lots or open space within TC6 except for the local park determined under Mod 24.

E10B. Contributions for Development Areas outside the Local VPA

Prior to the release of residential lots within the TC6 Area, the payment of contributions on a per residential lot basis is to be made on the basis of the following pursuant to Section 7.11 of the Environmental Planning and Assessment Act 1979, and having regard to the Cessnock City Wide Contributions Plan 2020;

| Contribution | Rate |
|---|--------------|
| 7.11 Contribution for Huntlee Capital Works | \$ 16,945.81 |
| Total | \$16,945.81 |

The above contributions may be indexed quarterly with reviewed rates to apply following release of CPI indices by the Australia Bureau of Statistics for each quarter. The contributions were calculated on Q1 2025 rates. Payment of the above contribution is required prior to issue of the relevant Subdivision Certificate for the applicable residential lot not included in a Local VPA.

E11. Bushfire Protection (sub-stage 3 extension)

The proponent shall comply with and implement the recommended mitigation measures outlined in the bushfire assessment documents to the satisfaction of the Certifying Authority:

- 'Bushfire Threat Assessment – Huntlee Residential Development – Stage 10' prepared by RPS (Ver. 1/March 2016) prior to the release of a subdivision certificate for the lots approved under MOD 5 within sub-stage 3.
- 'Bushfire Threat Assessment – Huntlee New Town – Stage 1 75W Modification' prepared by MJD Environmental Pty Limited (Version V2/28/04/2017) prior to the release of a subdivision certificate for the lots approved under MOD 8
- Bushfire correspondence prepared by MJD Environmental Pty Limited (ref 16015 RFS RFI Huntlee MOD 10 26/03/2019) prior to the release of the subdivision certificate for the lots approved under MOD 10
- 'Bushfire Threat Assessment – Huntlee New Town – Stage 1 75W Modification 9' prepared by MJD Environmental Pty Limited (Final/August 2018), prior to the release of the subdivision certificate for the lots approved under MOD 9.

The plan of subdivision and Section 88B instrument shall establish the following restrictive covenants:

- on all residential lots requiring the maintenance of the designated Asset Protection Zone in accordance with the requirements of Planning for Bushfire Protection 2006
- on all perimeter lots directly adjoining the site boundary (i.e. where no perimeter road is provided), no dwellings shall be constructed within the APZ.

The Rural Fire Service shall have the benefit of these covenants and having sole authority to release, vary or modify these covenants.

E11A. Asset Protection Zones for Stages 5, 8, 9, 11, 13, 14, 15, 16 and TC6

At the issue of a subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, lands within the development area including open space land outside the nominated riparian corridors 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;
- 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.

The layout of the asset protection zones (APZs) must comply with Attachment 1 – PBP 2019 APZ and BAL and Required Bushfire Attack Levels (PBP 2019) in the supporting document RE: Bushfire Review Mod 16, Huntlee, prepared by MJD Environmental, Ref: 16015 Bushfire Review MOD 16, Huntlee, dated 17 December 2020 and Attachment 4 - Required APZ and BAL (PBP 2019) in the supporting document RE: Huntlee Stage 1 MOD 20, prepared by MJD Environmental, Ref: 16015 Bushfire Huntlee MOD 20 4-11-2021 dated 4 November 2021 and Figure 6: in the supporting document APZ Map Bushfire Threat Assessment Huntlee New Town – Stage 1 S4.55 Modification 21 prepared by MJD Environmental dated June 2023 and in the supporting document Appendix C – Bushfire Report - MOD 23 ARIA LARGE LOT STAGE 2 BUSHFIRE, HUNTLEE prepared by MJD Environmental dated 5 September 2024.

At the issue of a subdivision certificate, suitably worded instrument(s) created pursuant to section 88 of the Conveyancing Act 1919 must be placed on the proposed lots which requires the provision of the above APZs. The name of authority empowered to release, vary or modify the instrument shall be Cessnock City Council (or equivalent authority).

E11B. Vegetation Management Plan Stages 8, 9 and 11

At the issue of a subdivision certificate, suitably worded instrument(s), created pursuant to section 88 of the Conveyancing Act 1919 or equivalent, must be placed over the relevant lots within the subdivision which ensures that a Vegetation Management Plan (VMP) is created to maintain the vegetation marked as rainforest and within the riparian corridors as a rainforest community as per Attachment 1 - Required Bushfire Attack Levels (PBP 2019) in the supporting document Re: Bushfire Review Mod 16, Huntlee, prepared by MJD Environmental, Ref: 16015 Bushfire Review MOD 16, Huntlee, dated 17 December 2020 for the life of the development.

The name of authority empowered to release, vary or modify the instrument shall be Cessnock City Council (or equivalent authority).

Should there be an inconsistency between the above requirement and any VMP required under the Statement of Commitments, the above requirements prevail.

Note: The vegetation marked as rainforest shall be maintained to have fuel loads of no greater 10t/ha for surface and elevated fuels and 13.2 t/ha for overall fuels, in accordance with Table A1.12.8 of Planning for Bush Fire Protection 2019. Where this cannot be achieved future developments will be in the flame zone and the subdivision will need to be modified in order to achieve the required minimum APZs for forest vegetation in accordance with Table A1.12.2 of Planning for Bush Fire Protection 2019.

E11C. Bushfire Protection for Stages 8, 9, 11, 13, 14, 15, 16 and TC6

(a) Access roads, perimeter roads and non-perimeter roads in Stages 8, 9, 11, 13, 14, 15, 16 and TC6 must comply with the requirements of Table 5.3b of Planning for Bush Fire Protection 2019.

(b) The provision of water, electricity and gas in Stages 8, 9, 11, 13, 14, 15, 16 and TC6 must comply with Table 5.3c of Planning for Bush Fire Protection 2019.

E12. Bushfire Access

- d) Access to all bushfire affected lots shall be provided in accordance with the design specifications set out in section 4.1.3 of Planning for Bushfire Protection 2006 (or any subsequent version).
- e) Services shall be provided in accordance with section 4.1.3 of Planning for Bushfire Protection 2006 (or any subsequent version). If a water hydrant is not provided within 70 metres of the building envelope, a 5000 litre static water supply must be provided.

E13. Earthworks

Detailed earthworks plans and site levels must be submitted to and approved by Cessnock Shire Council prior to the issue of a construction certificate for any lot within the Town Centre approved on or after 21 May 2019.

E14 Cessnock Development Control Plan 2010

Prior to the release of a subdivision certificate for the first residential lot within TC2, TC3 or TC5, Chapter E17 of Cessnock Development Control Plan 2010 is required to be amended by Cessnock Council to include specific controls for residential development within the Town Centre. Evidence is to be provided to the satisfaction of the Certifier and provided to the Planning Secretary for information.

PART F – POST CONSTRUCTION

F1 Stormwater Detention and Water Quality Monitoring

- a) Post construction, a monitoring program should be implemented to monitor the effectiveness of stormwater detention facilities and the performance of water quality improvement structures for a period of 5 years.
- b) Within 6 months of completion, the proponent should provide an as-executed report regarding stormwater detention facilities, certified by a practising engineer, to the NSW Office of Water.
- c) Yearly reports (for 5 years from completion of each sub stage) outlining the results of water quality monitoring and compliance with relevant water quality criteria (and if non-compliance mitigation measures to rectify non-compliance) are to be submitted to Cessnock Council for information purposes

ADVISORY NOTES

AN1 Ecological Information

Copies of all threatened species records for the entire site and offset areas currently held by the proponent and/or its ecological consultants and used as part of the assessment within the documents listed in condition A2 shall be provided to the Office of Environment and Heritage and the Council. The data shall be provided in a format 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.

AN2 Land adjacent to conservation land

Development that adjoins conservation land managed by the Office of Environment and Heritage (OEH) should address the relevant requirements within the 'Guidelines for developments adjoining land and water managed by Department of Environment, Climate Change and Water' (DECCW 2010).

AN3 Roads Act, 1993

A separate application for approval under Section 138 of the Roads Act, 1993 shall be made to undertake any of the following:

- (1) erect a structure or carry out a work in, on or over a public road, or
- (2) dig up or disturb the surface of a public road, or
- (3) remove or interfere with a structure, work or tree on a public road, or

- (4) pump water into a public road from any land adjoining the road, or
- (5) connect a road (whether public or private) to a classified road.

AN4 Stormwater Drainage Works or Effluent Systems

Works that involve water supply, sewerage and stormwater drainage work or management of waste as defined by Section 68 of the Local Government Act, 1993 require separate approval by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees or where licensed under the Water Industry Competition Act 2006, involving on-site wastewater treatment / recycled water systems.

AN5 Water Licensing

An authorisation under the Water Act 1912 or the Water Management Act 2000 is to be obtained from the NSW Office of Water (NOW) with the appropriate purpose identified should any activity relating to the taking of or interception of groundwater be proposed.

SCHEDULE 3

STATEMENT OF COMMITMENTS

FOR INFORMATION

6.0 Final Statement of Commitments

After a consideration of the submissions received during the public exhibition period and during a further refinement of the proposed design of Stage 1, an updated Statement of Commitments has been development. The Statement of Commitments now sought for approval is provided below.

| Subject | Commitments | Responsibility | Approved by Whom | Timing |
|----------------------------------|--|---|---|---|
| General | Huntlee Pty Ltd will carry out the development in accordance with this Project Application, the Environmental Assessment Report (EAR) prepared by JBA Urban Planning Consultants and dated January 2011, the Preferred Project Report, dated August 2012, and associated plans and supporting reports. | Huntlee Pty Ltd | Various | Duration of the subdivision and infrastructure works |
| Regional Developer Contributions | A Voluntary Planning Agreement for Stage 1 will be executed between Huntlee Pty Ltd and the Minister for Planning to provide for the timely delivery of regional infrastructure. | Huntlee Pty Ltd | Minister for Planning and Infrastructure | The Voluntary Planning Agreement will be executed at the time the Project Application is determined or thereafter. |
| Local Developer Contributions | Local developer contributions will be provided as works-in-kind in accordance with the Schedule at Appendix M of the Preferred Project Report. Contributions shall be provided by means of a Local Voluntary Planning Agreement or other Section 94 mechanism specified in the Stage 1 Project Approval. | Huntlee Pty Ltd and Cessnock City Council | Minister for Planning and Infrastructure. | In Accordance with the Schedule for Stage 1 works in Appendix M to the PPR |
| Road Works | <p>Prior to the issue of a Subdivision Certificate in respect of land upon which the 1200th residential dwelling is to be developed within Stage 1, Huntlee Pty Ltd will enter into a Roadworks Agreement with the RMS, or such other legally binding agreement as approved by the Minister at his discretion, and achieve Practical Completion of the following Road Improvement Works to Main Road 220 (Wine Country Drive):</p> <ol style="list-style-type: none"> 1. Wine Country Drive shall be upgraded to 4 through lanes (2 lanes in each direction with central median) on the proposed new alignment, through the town centre from the HEx Link Road to the Village 1 Access, as a minimum. The left and right turn auxiliary lanes shall be separate to the through lanes; 2. The Wine Country Drive / HEx Link Road (A-1) intersection shall be upgraded, concurrently with the upgrade of Wine Country Drive to 4 through lanes, to a 2 lane circulating roundabout; 3. Further upgrade HEx Link Road with Wine Country Drive dual roundabout to traffic signal controlled, generally in accordance with the layout shown in the intersection A1 diagram below; 4. The Wine Country Drive / Main Street (A-3) intersection shall be traffic signal controlled; | Huntlee Pty Ltd | RMS | <p>Prior to the issue of a Subdivision Certificate for the 501st Lot.</p> <p>Required prior to the issue of a Subdivision Certificate for the 501st Lot.</p> <p>RMS requires that the proponent undertake a further traffic impact assessment prior to the issue of a Subdivision Certificate for the 1501st Lot, based on actual counts at the time and 10 year projections, to the satisfaction of RMS.</p> <p>Required prior to the upgrade of Wine Country Drive to 4 through lanes (as per item 1) or any</p> |

| | | | | |
|------------------------------------|---|-----------------|---------------|--|
| | <ol style="list-style-type: none"> 1. A continuous left turn slip lane/ramp from the northbound off ramp onto HEx Link Road. 2. A continuous left turn slip lane/ramp from the New England Highway extension to the HEx southbound on ramp. 3. Extension of the HEx southbound off ramp to cater for expected queuing. <p>Adjustments to line marking are also likely to be required in stages to ensure appropriate operation of the interchange</p> <p>12. Interim emergency access for Village 1 prior to northern access. Shall be implemented through to North Rothbury. The connections are proposed via Scott and Dai Streets and are currently road reserves. For Village 1 Huntlee development, it is proposed that they serve as open space linkages for pedestrian and cyclists and would not be open for regular traffic. They should be designed to be able to be used in an emergency if the access to Wine Country Drive is not available.</p> <p>13. The existing intersections on Wine Country Drive at North Rothbury shall be reviewed and where necessary upgraded to RMS requirements.</p> | | | <p>for the 1901st Lot - subject to further traffic impact assessment.</p> <p>RMS requires that the proponent undertake a further traffic impact assessment prior to the issue of a Subdivision Certificate for the 1501st Lot, based on actual counts at the time and 10 year projections, to the satisfaction of RMS.</p> <p>Gates to be installed to allow emergency vehicle use only prior to the issue of the first Subdivision Certificate for land east of Wine Country Drive.</p> <p>RMS requires that the proponent undertake a further traffic impact assessment prior to the issue of a Subdivision Certificate for the 1501st Lot, based on actual counts at the time and 10 year projections, to the satisfaction of RMS.</p> |
| Legislative Controls and Approvals | <p>Huntlee Pty Ltd will obtain and maintain the following licences, permits and approvals for the residential subdivision:</p> <ul style="list-style-type: none"> - Relevant Construction Certificates for engineering works for each stage of the subdivision. The application for Construction Certificates will contain Design Drawings submitted containing, where relevant, detailed designs relating to earthworks, drainage, Soil erosion and Sediment Control and site rehabilitation, tree clearing and site stability, roadworks, footpaths/cycleways, water supply (both potable and use of reclaimed water) and sewerage works, and landscaping; - Relevant Council - Road Opening Permit from Cessnock City Council as required; - Relevant Council - Section 138 Consent for roadworks (Roads Act 1993); - Energy Australia - Design Certification; - Energy Australia - Notification of Arrangement; - Telstra - Compliance Certificate; - Hunter Water Corporation - Compliance Certificate; and, - Relevant Council - Subdivision Certificates for each stage. | Huntlee Pty Ltd | Various | Duration of subdivision |
| Staging Plans | Prior to the issue of a subdivision certificate for each | Huntlee Pty Ltd | Department of | Prior to the issue of each |

| | | | | |
|--|--|-----------------|---|---|
| | sub-stage of the development, an up-dated staging plan shall be submitted showing at a minimum the next five sub-stages of the development. | | Planning and Infrastructure | Subdivision Certificate |
| Detailed Engineering and Subdivision Plans | Huntlee Pty Ltd will prepare and submit detailed engineering and subdivision plans for each sub-stage of the development prior to the issue of the relevant Construction Certificate or Subdivision Certificate. The detailed plans shall include the following: <ul style="list-style-type: none"> – Lot areas – Lot dimensions – Road cross sections and long sections – Cut/fill and finished levels – Bulk earthworks plan | Huntlee Pty Ltd | Department of Planning and Infrastructure | Prior to issue of relevant Construction or Subdivision Certificate |
| Final Plans of Subdivision | Huntlee Pty Ltd will prepare a final plan of subdivision and Section 88B instrument for each sub-stage of the development in accordance with the recommendations of the Environmental Assessment and requirements of the relevant Council. | Huntlee Pty Ltd | Cessnock Council | Prior to the issue of Subdivision Certificates |
| Access to Lot 34 DP 755211 | The final plan of subdivision and Section 88B instrument for any sub-stage of the development that affects the current Right of Way from Lot 34 DP 755211 to Scott Street, North Rothbury will include alternative arrangements for access to that Lot. | Huntlee Pty Ltd | Cessnock Council | Prior to the issue of a Subdivision Certificate for the relevant sub-stage. |
| Construction Management Plan | Prior to the issue of a Construction Certificate, a Construction Management Plan shall be submitted to and approved by the relevant Council. The Plan shall address, but not be limited to, the following matters where relevant: <ul style="list-style-type: none"> – hours of work, – contact details of site manager, – construction traffic management, – noise and vibration management, – waste management, – erosion and sediment control – asbestos management, – protocols to manage previously unidentified contamination sources, – Vegetation management. The CMP shall be consistent with the Construction Management Plan Framework outlined in Huntlee Project Stage 1 - Physical Infrastructure Report prepared by Worley Parsons dated August 2012 (Appendix D of the PPR) | Huntlee Pty Ltd | Council | Prior to issue of construction certificate |
| Vegetation Management Plan | Prior to the commencement of works, a Vegetation Management Plan must be prepared and submitted to and approved by the relevant Council. The Plan must address protective measures during the construction phase, potential impacts of the adjoining residential development and means of control, weed removal, revegetation, threatened species protection (especially Hunter Lowland Redgum Forest). <p>The VMP shall address the mitigation measures outlined in Section 6 of the Ecological Assessment Report - Huntlee prepared by RPS dated September 2010 (Appendix I of the EAR)</p> | Huntlee Pty Ltd | Council | Prior to commencement of works |
| Erosion and Sedimentation Control | – Soil erosion and sediment control measures shall be designed in accordance with the document Managing Urban Stormwater-Soils & Construction | Huntlee Pty Ltd | Council | Prior to issue of construction certificate |

| | | | | |
|---------------------------------|---|-----------------|---------------------|--|
| | <p>Volume 1 (2004) by Landcom.</p> <ul style="list-style-type: none"> - Details are to be submitted of a Soil and Water Management Plan to the satisfaction of the Council prior to the issue of the Construction Certificate. - All erosion and sediment control measures are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment. - Salinity investigations will be undertaken to categorise the level of salinity across the site prior to the detailed design of infrastructure and servicing. - The Soil and Water Management Plan shall include the management and mitigation measures contained in: <ul style="list-style-type: none"> a) Huntlee Project Trunk Stormwater and Flooding Assessment - Stage 1 Project Application prepared by Worley Parsons and dated August 2012 (Appendix X of the PPR) b) Ecological Assessment Report - Huntlee prepared by RPS dated September 2010 (Appendix I of the EAR) | | | |
| Permanent Waterbody 1 | <p>The detailed design of the Permanent Waterbody 1 must be submitted to and endorsed by the NSW Office of Water prior to the commencement of construction. This design must demonstrate the diversion results in a stream which remains hydrologically and geomorphically stable. The design must ensure:</p> <ul style="list-style-type: none"> - The stream grade through the diversion is consistent with the existing stream grade; - The ongoing stability of the stream bed and banks; and - The introduction of appropriate riparian vegetation along the diversion. | Huntlee Pty Ltd | NSW Office of Water | Prior to issue of construction certificate for the proposed Permanent Waterbody No. works. |
| Traffic & Pedestrian Management | <p>Prior to the issue of a Construction Certificate, a Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Council.</p> <p>The Plan shall address, but not be limited to, the following matters:</p> <ul style="list-style-type: none"> - ingress and egress of vehicles to the site, - loading and unloading, including construction zones, - predicted traffic volumes, types and routes, and, - pedestrian and traffic management methods. - The Transport Management and Accessibility Plan prepared by Better Transport Futures dated December 2010 (Appendix E of the EAR) | Huntlee Pty Ltd | Council | Prior to issue of construction certificate |
| Bus Servicing Strategy | <p>Prior to the issue of a Construction Certificate, a Bus Servicing Strategy shall be prepared by Huntlee Pty Ltd in consultation with, and for the approval of, Transport for NSW. The strategy shall address the provision of bus services for the development including staged expansion of those services in line with the growth of Huntlee. The Strategy shall address how services build on existing local and regional connections including access to Braxton Station and key regional centres including Cessnock,</p> | Huntlee Pty Ltd | Transport for NSW | Prior to issue of construction certificate |

| | | | | |
|--------------------------------------|---|-----------------|--|--|
| | Maitland and Singleton. | | | |
| Noise and Vibration Management Plan | <p>Prior to the issue of a Construction Certificate, a Noise and Vibration Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Council.</p> <p>The Plan shall address, but not be limited to, the following matters:</p> <ul style="list-style-type: none"> – Identification of the specific activities that will be carried out and associated noise sources, – Identification of all potentially affected sensitive receivers including residences, schools, and properties containing noise sensitive equipment, – The construction noise objective, – The construction vibration criteria, – Determination of appropriate noise and vibration objectives for each identified sensitive receiver, – Noise and vibration monitoring, reporting and response procedures, – Assessment of potential noise and vibration from the proposed construction activities including noise from construction vehicles and any traffic diversions, – Description of specific mitigation treatments, management methods, and procedures that will be implemented to control noise and vibration during construction, – Construction timetabling to minimise noise impacts including time and duration restrictions, respite periods, and frequency, – Procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration, and – Contingency plans to be implemented in the event of non-compliances and/or noise complaints. | Huntlee Pty Ltd | Council | Prior to issue of construction certificate |
| Bushfire Management Plan | Prior to the issue of a Construction Certificate, a Bushfire Management Plan shall be submitted to and approved by Council. This Plan should be prepared in accordance with the NSW Rural Fire Service document Planning for Bush Fire Protection 2006. | Huntlee Pty Ltd | Council | Prior to issue of construction certificate |
| Mine Subsidence Management Plan | Prior to the issue of a Construction Certificate for structures within in any areas identified in Figure 9 of the Draft Huntlee development Control Plan, a Mine Subsidence Management Plan shall be submitted to and approved by the Mine Subsidence Board. | Huntlee Pty Ltd | Mine Subsidence Board | Prior to issue of construction certificate |
| Construction Waste Management Plan | Prior to the issue of a Construction Certificate, the Proponent shall submit to the satisfaction of the Council a Waste Management Plan prepared by a suitably qualified person in accordance with Council requirements. | Huntlee Pty Ltd | Council | Prior to issue of construction certificate |
| Stormwater and Drainage Works Design | Final design plans of the stormwater drainage systems within the proposed subdivision, consistent with the stormwater management objectives and controls in Section 5.4 of the Environmental Assessment and prepared by a qualified practicing Civil Engineer and in accordance with the requirements of Council shall be submitted to and approved prior to issue of a Construction Certificate. | Huntlee Pty Ltd | Council | Prior to issue of construction certificate |
| Road Design | All roads shall be designed in consultation with Council and with the relevant requirements of Council and / or Roads and Traffic Authority as appropriate. | Huntlee Pty Ltd | Council and / or RMS where works occur | Prior to issue of construction certificate |

| | | | | |
|------------------------------|---|-----------------|---|--|
| | Final road design plans shall be prepared by a qualified practising Civil Engineer and submitted to the Council prior to the issue of a Construction Certificate. | | | |
| Electricity Zone Sub-station | Prior to the issue of a Subdivision Certificate for the 500 th lot, Huntlee Pty Ltd will demonstrate agreement with Ausgrid on the location of the proposed Sub-station and 132kV power line routes. | Huntlee Pty Ltd | Ausgrid | Prior to issue of Subdivision Certificate for 500 th Lot. |
| Compliance | Prior to the issue of a Construction Certificate, the Proponent, or any party acting upon this approval, shall submit to the Department of Planning a report addressing compliance with all relevant conditions of this Part. | Huntlee Pty Ltd | Department of Planning and Infrastructure | Prior to issue of construction certificate |

FOR INFORMATION