

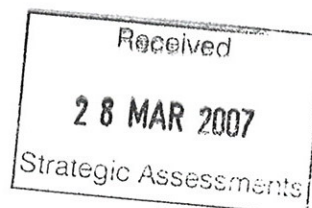
Chairman: Professor Sonja Lyneham BA MTCP FPIA Adjunct Prof FBE (UNSW)
Directors: Charles Hill MBA Dip TCP FPIA; Garry Fielding BA Dip URP Dip LGM FPIA; David Ryan BTP (Hons) Dip Law Grad Dip Leg Prac
Sue Francis Dip Env Plng (UK) PG Dip Env Plng (UK) MPIA MRTPI; Senior Associate: Rob Power Dip Law MPIA
Associate: Julie Wells BTP (Hons 1) MPIA CPP

Our ref: 2048007
Your ref: 06_0031

23 March 2007

Mr Sam Haddad
Director General
Department of Planning
GPO Box 39
Sydney NSW 2001

Attention: Michael File



Dear Mr File,

The Dan Land, Minmi Road, Fletcher

Staging Plan

I refer to your letter dated 5 February 2007 sent to Johnson Partners regarding the Dan Land concept plan and project approval (copy attached). In that letter, you acknowledged our client's intention to alter the staging of the development, and indicated that *'provided this change does not involve alteration to the subdivision layout, merely the timing of the release of the various components, the Department considers that this would not require an amendment to the approved concept plan'*. The letter also noted that condition A2 of the project approval would have to be amended by the Minister as it references a specific staging plan.

In accordance with your advice, our client wishes to formally propose an amendment to the approved staging plan, involving only an alteration to the timing of the release of the various components. These changes have principally arisen from the engineering design process which identified constraints which were not taken into account in the original staging plan. These constraints include timing issues relating to road construction (cut and fill), and water and sewer servicing. The proposed staging of the site's development is shown within the *Revised Staging Plan in support of Planning Workshop Australia's submission to DoP*, attached to this letter.

Statement of Commitments

Section (a) of condition A.3.2 of the Statement of Commitments approved by the Minister requires that:

In respect of the full Minmi Road frontage of the subject land, the following road works will be undertaken:

- (a) *A parking lane will be provided in compliance with Section 4.4.2 of Austroads Part 14 (Guide to Traffic Engineering- Bicycles) the Roads and Traffic Authority's NSW Bicycle Guidelines. This parking lane will be established outside the existing east bound travel lane of Minmi Road.*

Newcastle Office: 11 Bond Street Newcastle PO Box 810 NSW 2300 Tel. + 61- 2- 4929 6388 Fax (02) 4929 3188

Sydney Head Office: Level 3, 7 Bridge Street Sydney GPO Box 3275 NSW 2001 Tel. + 61- 2- 9251 0288 Fax (02) 9251 0777

Incorporating urban design workshop & pwa transportation planning www.planningworkshop.com.au - mail@planningworkshop.com.au
A Division of Lyneham Planning & Management Consultants Pty. Limited A.B.N. 35 068 238 826

Jakarta: Herogroup Bldg 12ath Floor Jl. Jend. Gatot Subroto 177A Jakarta Selatan 12870 Tel. + 62- 21- 831 1117 Fax (21) 831 1118

n:\2004\pwa-nc\2048007 minmi rd fletcher\dep submission march 2007.doc

planning workshop australia

Section (c) of this Condition provides that:

(c) A 4.5 metre wide footway will be provided along the full frontage and, within this footway, a reinforced concrete shared use pathway will be provided in compliance with the Guidelines referred to in (a) above. The front edge of this pathway will be offset 1.8 metres behind the face of the kerb and gutter.

The result of the inclusion of both of these conditions is the inadvertent replication of the requirement for the development of a bicycle path. This is because the guidelines referred to in section (a) require a bicycle lane within the parking lane, while the 'shared pathway' referred to in section (c) also includes provision for a cycleway.

Accordingly, in order to remove the unintentional requirement for two cycleways, our client wishes to formally request an amendment to section (a) of this condition, removing the reference to 'Section 4.4.2 of Austroads Part 14 (Guide to Traffic Engineering- Bicycles) and the Roads and Traffic Authority's NSW Bicycle Guidelines', and replacing it with guidelines that do not include a requirement for a cycleway. We suggest that a reference to 'Austroads Part 11 (Parking) and the RTA standard requirements for vehicular parking' may be more appropriate in this case.

Proposed Recreation Area

Our client wishes to seek your advice with regard to the development of a recreation area within the Dan Land site. I refer you to the attached plan 'Details of Aboriginal Heritage Conservation Zone', which identifies an area in the northern portion of the Dan Land as the site of a 'proposed community facility area' (ie a recreation area). This area is identified in the approved Landscape Masterplan (Rev 9, dated 28 September 2006) as a 'pocket park', and is zoned 7(b) under the Major Projects SEPP (Amendment 11).

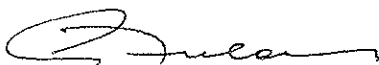
Our client is proposing the development of a recreation area on this site comprising a swimming pool, tennis court, meeting rooms, change rooms and associated carparking facilities, intended to serve the recreation needs of the residents of the Dan Land development. It is noted that the development of recreation areas in the 7(b) zone is permissible with consent under the Newcastle LEP 2003.

Section 75W(2) of the Act provides that the Minister's approval for the modification of a project is not required if the project as modified will be consistent with the existing approval under this Part. We are seeking the Department's confirmation that the development of such a community facility is generally consistent with the concept plan and project approval. However, should the Department deem the proposal not consistent we request that the Minister amend the concept plan and project approval accordingly.

A cheque in the sum of \$750 has been forwarded to the Department (dated 23.3.07) in accordance with the fee requirements under Clause 245K of the Regulation for project approval modification requests.

Please contact me if you require any further information with regard to this matter.

Yours sincerely,



Garry Fielding
Director