

25 August 2015

Our Ref: N15042

The Secretary

NSW Department of Planning and Environment

GPO Box 39

SYDNEY NSW 2001

Dear Ms McNally,

RE: THE DAN LAND, 290 AND 302 MINMI ROAD FLETCHER - SECTION 75W
APPLICATION TO MODIFY CONCEPT PLAN 06_0031

1. INTRODUCTION

This submission seeks your consideration under Section 75W of the Environmental Planning and Assessment Act 1979, for a modification of Concept Plan 06_0031 relating to the Dan Land at 290 and 302 Minmi Road Fletcher, approved on 29 September 2006 and modified on 24 July 2007. The proposed modification is of minimal environmental impact and are detailed in this submission.

This Section 75W application seeks to modify Condition A2 *Development in Accordance with Plans and Documentation* in Schedule 2 of the approved modified Concept Plan in the following manner:

1. Replace existing Condition A2 b) with the following:
 - b) Dan Land Concept Plan dated 29 May 2007 prepared by Planning Workshop Australia **as amended by drawing MP-001 dated 18.8.2015 titled Proposed Subdivision Outlook Stage 10 prepared by ADW Johnson;**
2. Replace existing Condition A2 c) with the following:
 - c) Dan Land Proposed Lot Layout dated 28 September 2006 prepared by Planning Workshop Australia **as amended by drawing MP-001 dated 18.8.2015 titled Proposed Subdivision Outlook Stage 10 prepared by ADW Johnson;**

Drawing MP-001 is included at **Attachment 1**.

2. APPROVED CONCEPT PLAN TO BE MODIFIED

The Concept Plan to be modified is that determined by the then Minister for Planning, Frank Sartor MP on 29th September 2006, and referred to as Concept Plan 06_0031. The Concept Plan provides for the redevelopment of land at 290 and 302 Minmi Road Fletcher for residential purposes. The Concept Plan was approved pursuant to Part 3A of the Environmental Planning and Assessment Act 1979 (the Act), which is now repealed. However, the Concept Plan continues to be in force in accordance with the Part 3A transitional provisions outlined in Schedule 6A of the Act.

Schedule 6A, clause 3C of the Act provides for the modification of concept plans, and states that Section 75W continues to apply for the purpose of the modification of a concept plan approved before or after the repeal of Part 3A.

3. PREVIOUS MODIFICATION TO THE CONCEPT PLAN

On 24 July 2007 a Section 75W modification was approved to amend the approved staging plan and statement of commitments.

4. PROPOSED MODIFICATION

Drawing MP-001 included at **Attachment 1** reflects the following amendments:

- Delete eastern-most vehicular access point to the estate off Minmi Road to be replaced by a pedestrian pathway. A new vehicular access point is proposed further west along Minmi Road opposite Highland Way;
- Reduce the overall development footprint and reconfigure subdivision to achieve more efficient lot layout which responds to the topography of the site; and
- Alter internal road layout for Stage 10 to include additional internal roads within the areas previously designated for courtyard housing.

Each of the proposed changes is discussed further below.

Relocate Vehicular Access Point to Minmi Road

The relocation of the easternmost vehicular access point to Minmi Road to be opposite Highland Way is proposed to comply with the requirements of Conditions B10(b) and (c) of Modification approval dated 24 July 2007. Conditions B10(b) and (c) are set out as follows:

(b) The eastern most intersection with Minmi Road is to be deleted, with the eastern perimeter road within Stage 10 to be designed to terminate with a cul-de-sac not closer than 5m from the alignment of Minmi Road. A pedestrian pathway is to be constructed linking the cul-de-sac with the proposed Mimi Road footpath.

(c) The proposed cul-de-sac opposite Highland Way is to be deleted and the western perimeter road within Stage 10 to be extended to an intersection with Minmi Road at Highland Way.

Reduce overall development footprint and reconfigure subdivision layout

The overall development footprint as set out in Drawing MP-001 has been reduced slightly to achieve a more efficient layout, responsive to the local topography, when compared with that shown in the approved Lot Layout dated 28 September 2006, prepared by Planning Workshop Australia. This change is also designed to reduce the proximity of residential lots to steep gully areas. In addition, each of the component areas as set out in the Lot Layout drawing dated 28 September 2006 now include the following:

- Townhouses - average lot size of 321m² compared to 250m² approved. This is due in part to the eastern-most lots needing to be wider to accommodate appropriate asset protection zones as well as the nature of the topography;
- Courtyard housing - average lot size of 420m² as per the original approval;
- Small lot housing - average lot size of 390m² compared to 450m² approved.

Overall, the average lot sizes proposed in drawing MP-001 are not dissimilar to the lot sizes set out in the approved Lot Layout drawing dated 28 September 2006.

Alter Internal Road Layout for Stage 10

Additional internal roads are proposed to service the reconfigured layout and better respond to the local topography. With respect to lots fronting Minmi Road, we note that condition A3.2 of the Statement of Commitments requires the construction of a parking lane, kerb and gutter, and a 4.5m verge with a shared pathway for the entire frontage of the site.

5. NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

The site is currently zoned R2 Low Density Residential pursuant to Newcastle Local Environmental plan LEP 2012 and has a minimum lot size of 450m². As discussed above, the average lot sizes proposed in drawing MP-001 are not dissimilar to the lot sizes set out in the approved Lot Layout drawing dated 28 September 2006.

With respect to the LEP minimum lot size, it is worth noting that Schedule 6A, clause 3B(f) of the Act sets out that the provisions of an environmental planning instrument or any development control plan do not have effect to the extent to which they are inconsistent with the terms of the approved of the Concept Plan.

6. CONCLUSION

This Section 75W application seeks to amend the approved layout for Outlook Stage 10. Stage 10 falls within the Concept Plan for the Outlook Estate which was approved on 29 September 2006. It is anticipated that the minor changes proposed will not prejudice the integrity of the Concept Plan, and will have minimal environmental impact on the locality. On this basis, it is respectfully requested that the Secretary approve the modifications in the manner requested.

Should you require any further details please contact the undersigned, Andrew Biller, or Garry Fielding.

Yours sincerely

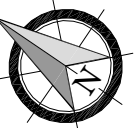
A handwritten signature in black ink, appearing to read "A Kelly". The signature is written in a cursive style with a horizontal line underlining the name.

ASSOCIATE

CITY PLAN STRATEGY AND DEVELOPMENT PTY LIMITED

ATTACHMENTS:

Drawing MP-001 dated 18.8.2015 titled Proposed Subdivision Outlook Stage 10 prepared by ADW Johnson



LEGEND

- PROPOSED LOT BDY
- PROPOSED RETAINING WALL
- APZ
- RIPARIAN CORRIDOR
- FUEL MANAGED ZONE
- PROPOSED FIRETRAIL

drawing title:

PROPOSED SUBDIVISION OUTLOOK STAGE 10

location: **OUTLOOK ESTATE
MINIMI ROAD FLETCHER**

council: **NEWCASTLE**

dwg ref: **MP-001**

pm: **ND**

client:



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ver.	date	comment	drawn	level information	scale (A3 original size)
C	18.08.15	LOT LAYOUT REVISED	JD	DATUM: N/A CONTOUR INTERVAL: 0.5m	0 30 60 75m SCALE: 1:1500 (FULL)

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