

# Modification of Concept Plan and Project Approval

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

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

Member of the Commission

Member of the Commission

Sydney

2017

### SCHEDULE 1

**Development Approval:** Concept Plan and Project Approval **MP 06\_0031** granted by the Minister for Planning

**For the following:** A 400 lot residential subdivision and associated services and infrastructure and landscaped open space.

**Proponent:** City Plan Services

**Approval Authority:** Minister for Planning

**The Land:** 290 & 302 Minmi Road, Fletcher (Lot 11 DP 1044935 and lot 2 DP 534168)

**Modification:** **MP 06\_0031 MOD 3:** the modification includes:

- conversion of superlots to individual lots; and
- amendments to roads, access, and subdivision layout.

## SCHEDULE 2

The above approval is modified as follows:

- (a) Schedule 2 Part A – Administrative Modifications, Concept Plan Approval Condition A1 - Development description is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~struck-out~~ words/numbers as follows:

### ***A1. Development Description***

Concept approval is granted only to the carrying out of the development solely within the concept plan area as described in the document titled “Concept Plan” prepared by Planning Workshop Australia (dated 7 June 2006) including:

1. A 400 **438** lot residential subdivision;
2. Associated services and infrastructure; and
3. Landscaped public open space.

- (b) Schedule 2 Part A – Administrative Modifications, Concept Plan Approval Condition A2 - Development in Accordance with Plans and Documentation is amended by the insertion of the **bold and underlined** words/numbers as follows:

### ***A2. Development in Accordance with Plans and Documentation***

- (a) Dan Land Preferred Project Report dated August 2006 and modified Statement of Commitments dated 30 May 2007 prepared by Planning Workshop Australia;
- (b) Dan Land Concept Plan dated 29 May 2007 prepared by Planning Workshop Australia **as amended by Drawing MP 001 dated 31.05.2016 titled proposed Subdivision Outlook Stage 10 prepared by ADW Johnson;**
- (c) Dan Land proposed Lot Layout dated 28 September 2006 prepared by Planning Workshop Australia **as amended by Drawing MP 001 dated 31.05.2016 titled proposed Subdivision Outlook Stage 10 prepared by ADW Johnson;**
- (d) Proposed Staging of Development Plan prepared by ADW Johnson, dated 12 May 2017.**
- (e) Dan Land Landscape Master Plan dated 5 June 2007 prepared by Moir Landscape Architecture (project No. 0276, dwg no. LMP01/REV11) as amended by Landscape Masterplan for Stage 10 dated May 2017 prepared by Terras Landscape Architects;
- (f) Dan Land Vegetation Management Plan Report dated 20 July 2006 prepared by Moir Landscape Architecture (Project No. 0276 - Rev1), incorporating Vegetation Management Plan dated 25 May 2007, project no 0276, dwg no VMP01/REV G) **as amended by Vegetation Management Plan for Stage 10 prepared by Terras Landscape Architects dated 11 May 2017 (refer Attachment 4);**
- (g) Section 75W Application to Modify Concept Plan 06 0031 dated 25 August 2015 prepared by City Plan Services including Response to Submissions dated 15 November 2016 and 12 July 2016;**
- (h) Review of Access Issues, Outlook Estate, Minmi, NSW dated 2 September 2016, 20 December 2016 and 7 June 2016, prepared by Seca Solution;**
- (i) Traffic Impact Assessment dated December 2015 prepared by GHD;**
- (j) Arborist Report dated 12 May 2016 prepared by Terras Landscape Architects; and**
- (k) Stage 10 Development Guidelines prepared by ADW Johnson dated May 2017.**

- (c) Schedule 4 Part A – Conditions of Approval – Project Approval, Condition A1 - Development Description is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~struck-out~~ words/numbers as follows:

#### ***A1. Development Description***

Project approval is granted only to the carrying out of development described in detail below:

1. A ~~337~~ **438** lot community title subdivision and construction of associated works including streets, stormwater management works, utility services and bulk earthworks;
2. Public domain improvements, including new parks as part of a network of landscaped public open spaces, and street trees; and
3. The use of the land for housing and related purposes and environmental conservation

- (d) Schedule 4 Part A – Administrative Condition – Project Approval, Condition A2 - Development in Accordance with Plans and Documentation is amended by the insertion of the **bold and underlined** words/numbers as follows:

#### ***A2. Development in Accordance with Plans and Documentation***

The development shall be in accordance with the following plans and documentation:

- a) Dan Land Preferred Project Report dated August 2006 and **modified** Statement of Commitments dated 30 May 2007 prepared by Planning Workshop Australia;
- b) Dan Land Plan of Proposed Lots dated 19 September 2006 prepared by Monteath and Powys (ref no 03/020) **as amended by drawing MP-001 dated 31.05.2016 titled Proposed Subdivision Outlook Stage 10 prepared by ADW Johnson;**
- c) Dan Land Figure 18: Proposed Staging of Development dated 24 May 2007 prepared by Johnson Partners (ref no. 50030) **as amended by drawing MP-001 dated 31.05.2016 titled Proposed Subdivision Outlook Stage 10 prepared by ADW Johnson;**
- d) Proposed Staging of Development Plan prepared by ADW Johnson, dated 12 May 2017.**
- e) Dan Land Landscape Masterplan dated 5 June 2007 prepared by Moir Landscape Architecture (project no 0276, dwg no LMP01/REV 11) **as amended by Landscape Masterplan for Stage 10 dated May 2017 prepared by Terras Landscape Architects;**
- f) Dan Land Vegetation Management Plan Report dated 20 July 2006 prepared by Moir Landscape Architecture (Project No. 0276 - Rev1), incorporating Vegetation Management Plan dated 25 May 2007, project no 0276, dwg no VMP01/REV G) **as amended by Vegetation Management Plan for Stage 10 prepared by Terras Landscape Architects dated 11 May 2017 (refer Attachment 4);**
- g) Dan land Preferred Project Report Appendix 6 - Community Management Statement
- (h) Section 75W Application to Modify Concept Plan 06 0031 dated 25 August 2015 prepared by City Plan Services including Response to Submissions dated 15 November 2016 and 12 July 2016;**
- (i) Review of Access Issues, Outlook Estate, Minmi, NSW dated 2 September 2016, 20 December 2016 and 7 June 2016, prepared by Seca Solution;**
- (j) Traffic Impact Assessment dated December 2015 prepared by GHD;**
- (k) Arborist Report dated 12 May 2016 prepared by Terras Landscape Architects; and**
- (l) Stage 10 Development Guidelines prepared by ADW Johnson dated May 2017.**

- (e) Schedule 4 Part B – Department of Planning’s Conditions of Approval, insert a new Condition B2 (a) –**bold and underlined** as follows:

**B2(a). S94 Contributions (Modification 10)**

**A monetary contribution of \$12,151.81 per lot (for the additional lots approved under MOD 10) is to be paid to Newcastle City Council, pursuant to Section 94 of the Environmental Planning and Assessment Act, towards the provision of Social Infrastructure within the locality. The contribution shall be paid for the relevant lots prior to the issue of a Subdivision Certificate in respect of each stage of Stage 10.**

**Note:**

**i) This contribution is to be made in accordance with the provisions of the Newcastle City Council Western Corridor Contributions Plan 2013.**

**ii) The contribution is to be indexed at the time of actual payment in accordance the Newcastle City Council Western Corridor Contributions Plan 2013.**

- (f) Schedule 4 Part B – Department of Planning’s Conditions of Approval, insert a new Condition B3 (a) –**bold and underlined** as follows:

**B3(a). S94 Contributions (Modification 10)**

**A monetary contribution of \$906.21 per lot (for the additional lots approved under MOD 10) is to be paid to Newcastle City Council, pursuant to Section 94 of the Environmental Planning and Assessment Act, towards the provision Traffic and Transport facilities within the locality. The contribution shall be paid for the relevant lots prior to the issue of a Subdivision Certificate in respect of each stage of Stage 10.**

**Note:**

**i) This contribution is to be made in accordance with the provisions of the Newcastle City Council Western Corridor Contributions Plan 2013.**

**ii) The contribution is to be indexed at the time of actual payment in accordance the Newcastle City Council Western Corridor Contributions Plan 2013.**

- (g) Schedule 4 Part B – Department of Planning’s Conditions of Approval, Condition B10 – Stage 10 Road Layout & Design is amended by the deletion of the struckout words/numbers as follows:

***B10. Stage 10 Road Layout & Design***

A Construction Certificate for Stage 10 is not to be issued unless an amended *Plan or Proposed Lots, Staging Plan, Landscape Master Plan and Vegetation Management Plan* incorporating amendments to the road layout and design in Stage 10 has been submitted to the satisfaction of the Director General.

The amendments are to comprise the following:

- (a) In order to ensure consistency with the approved Concept Plan, provision is to be made for an appropriate road and pathway connection to the residential subdivision approved on Lot 2 in DP 1009255 by Council under DA 97/0555, provided the Director General is satisfied that a corresponding road connection within this subdivision is able to be achieved to the common boundary with Dan Land.
- (b) ~~The eastern most intersection with Minmi Road is to be deleted, with the eastern permitter road within Stage 10 to be redesigned 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 Minmi 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.~~
- (h) Schedule 4 Part B11 – Department of Planning’s Conditions of Approval, insert a new Condition B11 (a) –**bold and underlined** as follows:

**B11. Road Widths**

**Amended plans showing road widths in accordance with Statement of Commitment A.3.1 shall be submitted to and approved by the Secretary prior to the issue of a Construction Certificate for Stage 10.**

- (i) Schedule 4 Part B – Department of Planning’s Conditions of Approval, insert a new Condition B12, **bold and underlined** as follows:

**B12. Pedestrian Crossing – Minmi Road**

**The Proponent shall provide a suitable pedestrian crossing facility(ies) to enable the safe crossing of Minmi Road prior to the issue of the subdivision certificate of the relevant stage(s) fronting Minmi Road in conjunction with the corresponding Minmi Road works. The pedestrian crossing facility(ies) shall be the subject of approval by the Council under Section 138 of the Roads Act 1993 (at the Proponent’s full expense). The Proponent is required to dedicate, as road widening and at no cost to Council, such land as may be necessary to achieve the provision of the facility(ies).**

- (j) Schedule 4 Part B – Department of Planning’s Conditions of Approval, insert a new Condition B13, **bold and underlined** as follows:

**B13. Minmi Road Works**

**The Proponent shall provide a roundabout at the intersection of Minmi Road / Highland Way / Road 1 prior to the issue of the first subdivision certificate for the of the relevant stage(s) fronting Minmi Road in conjunction with the corresponding Minmi Road works Stage 10. The roundabout shall be the subject of approval by the Road Authority under Section 138 of the Roads Act 1993 (at the Proponent’s full expense). The Proponent is required to dedicate, as road widening and at no cost to Council, such land as may be necessary to achieve the provision of the roundabout.**

- (k) Schedule 4 Part B – Department of Planning’s Conditions of Approval, insert a new Condition B14, **bold and underlined** as follows:

**B14. Retaining Walls**

**All proposed retaining walls within Stage 10 are to be constructed wholly within private land and not within any existing or proposed public road reserve.**

- (l) Schedule 4 Part B – Department of Planning’s Conditions of Approval, insert a new Condition B15, **bold and underlined** as follows:

**B15. Road Safety Audits**

**The Proponent shall commission independent road safety audits (as part of the design finalisation, pre-opening and post-opening phases) for each stage fronting Minmi Road. The audits shall:**

- a) **be undertaken by an appropriately qualified person listed on the Transport for NSW Register of Road Safety Auditors, in consultation with Council;**
- b) **be submitted to the Secretary for approval:**
  - i) **prior to the release of the relevant Construction Certificate or consent issued by the Road Authority pursuant to Section 138 of the Roads Act, 1993 (NSW) for the stage(s) fronting Minmi Road (for the design finalisation phase);**
  - ii) **prior to the release of the relevant final Subdivision Certificate or Practical Completion Certificate issued by the Road Authority for the stage(s) fronting Minmi Road (for the pre-opening phase); and**
  - iii) **within 3 months of the registration of the final lot for Stage 10.**
- c) **identify any significant road safety issues (including potential pedestrian and cycling conflicts) associated with the revised subdivision providing direct access to lots fronting Minmi Road (approved as a part of Modification 10);**
- d) **identify the measures that would be implemented to ensure any significant road safety issues are appropriately addressed; and**
- e) **submit to Council copies of all Road Safety Audits and associated approvals issued by the Secretary.**

- (m) Schedule 4 Part B – Department of Planning’s Conditions of Approval, insert a new Condition B16, **bold and underlined** as follows:

**B16. Shared Driveways**

**The Proponent shall construct the shared driveway crossings providing direct access onto Minmi Road to the satisfaction of Council from the kerb line to the property boundary prior to the issue of a subdivision certificate for those affected lots within Stage 10.**

- (n) Schedule 4 Part B – Department of Planning’s Conditions of Approval, insert a new Condition B17, **bold and underlined** as follows:

**B17. Landscaping and protection of existing vegetation**

**The Proponent shall implement the recommendations outlined in the Arborist Report titled Project – Stage 10 The Outlook prepared by Terras Landscape Architects Revision A dated 12/5/2016, to the satisfaction of the PCA prior to the issue of a Subdivision Certificate for each applicable stage of Stage 10.**

- (o) Schedule 4 Part B – Department of Planning’s Conditions of Approval, insert a new Condition B18, **bold and underlined** as follows:

**B18. Landscape Masterplan**

**An amended Landscape Masterplan, showing street trees along Minmi Road to be planted at a typical spacing of 10m centres in accordance with Council’s requirements, shall be submitted to the satisfaction of the PCA prior to the issue of a Construction Certificate for Stage 10.**

- (p) Schedule 4 Part B – Department of Planning’s Conditions of Approval, insert a new Condition B19, **bold and underlined** as follows:

**B19. Street Tree Planting**

**The Proponent shall provide suitable street tree planting along Minmi Road prior to the issue of the subdivision certificate of the relevant stage(s) fronting Minmi Road. The planting shall be the subject of approval by the Council under Section 138 of the Roads Act 1993.**

**End of Modification**