

Planning & Regulatory.S Masia  
Reference: ECM5435004  
Phone: 02 4974 2054



14 February 2018

Ms Emma Butcher  
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Dear Ms Butcher

**DAN LAND SUBDIVISION CONCEPT AND PROJECT APPROVAL (MP06\_0031 - MOD4)**

Thank you for providing the opportunity for Council to review and comment on the proposed modification 4 to MP06/0031, including an extension in time to 14 February 2018, in which to make a submission.

Council has reviewed the proposed modification and generally supports the modification, subject to the following matters being addressed.

**Schedule 4 Conditions of Approval - Project Approval - Part B - Department of Planning's Conditions of Approval**

- **Conditions B2 and B3** - Council requests that an additional condition relating to contributions should be included to reflect the additional lots (76) being charged under Council's current Western Corridor Section 94 Contributions Plan 2013.

Current rate is \$13,246.42 per dwelling/lot.

- **Condition B10** - The proposed deletion of Condition B.10 is reasonable given that the works described within the condition are now reflected on the proposed subdivision layout. However, to avoid any confusion, it is requested that a condition be imposed that confirms it is the responsibility of the Developer to design and construct, at no cost to Council, that part of the road connection to the neighbouring Sanctuary Estate. Stage 18 of the Sanctuary Estate is currently under construction and includes the construction of as much of this connecting road as is physically possible without encroachment onto the Stage 10 (Dan Land) site. The Sanctuary Estate will also dedicate road reserve right up to the common boundary between the two estates and, therefore, the Developer of the Dan Land will need only complete this connection.
- **Additional condition - Timing of works on Minmi Rd** - For clarity, it is recommended that an additional condition be imposed on any approval granted by the Department that requires works associated with Minmi Rd, as required by Statement of Commitment A.3.2 and the other additional proposed conditions, to be completed to the satisfaction of the Road Authority prior to the release of the respective Subdivision Certificate for each of the lots or open space adjoining Minmi Road. For example, all works on Minmi Rd across Lots say 115 to the

eastern site boundary are to be undertaken and completed prior to the issuing of the subdivision certificate for Lots 30 to 36.

- **Additional condition - Landscape Masterplan** - Given that there are no driveways proposed to/from Minmi Rd to the proposed lots adjacent Minmi Rd then there is no restriction on the spacing for street trees within the Minmi Road footway. Accordingly, to help offset the loss of all of the significant trees along this length of Minmi Road and to aid in mitigating the physical appearance of continuous fencing it is considered appropriate that the Landscape Master Plan provide for street trees at a generally at a maximum of 10m centres.

In this regard, the Department's report for the previous MOD3 recommended the following proposed condition that could be utilised:

*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.*

- **Additional condition - Fencing Minmi Road** - It is requested that an additional condition be imposed to ensure that the developer provide an appropriately designed fence along the rear of house allotments adjacent Minmi Road (proposed lots 30 to 36 and 101 to 112), prior to endorsement of subdivision certificate for those lots. The purpose would be to ensure an improved presentation to Minmi Road rather than individual owners providing a varying array of fencing. Desirably such fence would be the responsibility of the neighbourhood association with appropriate easement to enable ongoing maintenance / replacement.

**Development Guidelines, by ADW Johnson, dated October 2017**

The following points to be addressed.

- Table 1 - Note 4 appears to be redundant given there is no controls in Table 1 relating to battleaxe allotments, as Figure 2 identifies the battleaxe lot as a 'lifestyle' lot.
- 2.4.2 Controls - Private Open Space. Control 1 should not refer to Element 7.02 Landscape Open Space and Visual Amenity as this section of the Newcastle DCP 2012 does not contain provisions for private open space. Instead Control 1 should read:

*Private Open Space shall be in accordance with Section 3.02 Single Dwellings and Ancillary Development or Section 3.03 Residential Development (for medium density allotments) of the Newcastle DCP 2012 except Courtyard and Premium Courtyard lots which shall have a minimum private open space area of 24m<sup>2</sup> and a minimum dimension of 4m.*

Thank you again for the opportunity for Council to provide comment. Should you have any questions in relation to these matters please contact me on (02)4974 2054, or [smasia@ncc.nsw.gov.au](mailto:smasia@ncc.nsw.gov.au) or Brian Cameron on (02)4974 263, or [bcameron@ncc.nsw.gov.au](mailto:bcameron@ncc.nsw.gov.au).

Yours faithfully

A handwritten signature in black ink, appearing to read 'Steven Masia', written in a cursive style.

**Steven Masia**  
**DEVELOPMENT ENGINEERING TEAM COORDINATOR**