

7 March 2019

Emma Butcher
Planning Officer
Regional Assessments
Department of Planning and Environment
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SYDNEY NSW 2001

Reply by email: Emma.Butcher@planning.nsw.gov.au

Dear Emma

FREEWAY NORTH SUBDIVISION (MP06_0199 MOD 2) BERESFIELD

I refer to your letter of 18 February 2019 advising Hunter Land Pty Ltd has submitted a Modification Request to modify the Concept and Project Approvals for the above development and inviting City of Newcastle ('CN') to comment.

The application and supporting letter have been reviewed and the following comments are offered for your consideration:

1. Proposed modifications

Based on discussions between CN officers and representatives of Hunter Land Pty Ltd prior to the submission of the s75W modification application, it is understood the principal purpose of the application is to facilitate the re-subdivision of Lot 124 DP 1180585 and to avoid future scenarios whereby Hunter Lands or other lot owners seek to further subdivide a registered lot (say 1 into 2 or 3) within the Concept Plan area which will subsequently exceed the total number of lots described in the project descriptions of the Concept and Project Approval documentation.

The submitted cover letter dated 23 January 2019 prepared by Hunter Land states it is proposed create 20 industrial lots from the subdivision of Lot 124. The plan of proposed subdivision prepared by Delfs Lascelles (Ref. 17010 Dwg 1 Rev 2 dated 7/12/18) provides no details of the proposed subdivision layout other than indicative proposed boundaries. Therefore, there is no way of determining if the lots and roads proposed will comply with the relevant requirements of the Newcastle Development Control Plan 2012. The Department is encouraged to confirm these details as part of its consideration of the s75W and SSD applications. Also, contrary to the advice provided in the Hunter Land letter the indicative subdivision layout by Delfs Lascelles shows 30 proposed industrial lots and associated roads.

If the Concept and Project approvals were amended to remove a reference to a specific maximum intended lot yield then there would be no restriction on the subdivision of Lot 124 to create lots meeting CN's minimum lot area of 1,000m². Allowing say 15,000m² for road reserves (as shown) this could result in around 135 lots (@ 1,000m²/lot). This resulting scenario is not consistent with the original Concept Plan approval and the Department is encouraged to maintain some level of control in the Concept Plan to guide the preferred fully developed outcome for this development. In this regard, the applicant has not

addressed the impact of the proposed modification on Condition A5 of Schedule 2 which, in part, allows the consolidation of lots and the adjustment of boundaries between lots but only where this does not involve the creation of a greater number of lots. This suggests that the Minister, in addition to the prescriptive number of lots in Condition A1 of Schedule 2 and Condition A1 of Schedule 4, sought to control the maximum number of lots to be created within the bounds of the Concept Plan. Given these circumstances, the inclusion of these prescriptive limits was not an error on the Minister's part as suggested by Hunter Lands.

Having regard to the above circumstances, it is not appropriate for the Concept Plan and Project approvals to be modified to remove all limitations on the number of lots that may be created within the entire Concept Plan area.

2. Traffic Assessment

In terms of traffic impacts associated with the proposed amended layout I advise as follows:

- The traffic generated by a 20 or 30 lot subdivision of Lot 124 is unlikely to be significantly different from that originally considered under the original 90 lot Concept Plan (or the 56 lot plus Aldi distribution warehouse, refer MOD1) and is therefore considered satisfactory.
- The original Concept Plan and Project Approval layouts showed interconnecting roads in lieu of the two proposed cul-de-sacs which funnel all associated traffic through the single intersection with Canavan Drive. While the proposed intersection with Canavan Drive appears to be well located, the applicant should be requested to produce a summary Traffic Impact Assessment of the anticipated traffic generated by these industrial lots and provide advice on the adequacy of this single intersection to cope with the anticipated demand without additional intersection controls. In this regard, CN has recently been approached by occupants of the Freeway South Business Park, who are in a similar situation to that now proposed where three cul-de-sacs all contribute to a single intersection with the main collector road. It is alleged by the users they are at times having trouble finding enough gaps in the crossing traffic flows to enable safe and timely egress from the minor road.

If you have any questions in relation to the various matters raised in this letter, please contact Geof Mansfield Principal planner (Development) on 4974 2767 or by return email.

Yours faithfully



Michelle Bisson

MANAGER REGULATORY PLANNING AND ASSESSMENT