

Planning and Regulatory. G.Mansfield
Reference: PB 2016/07123
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10 August, 2016

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Response by email: Natasha.Harras@planning.nsw.gov.au

Dear Ms Harras

**MODIFICATION TO CONCEPT PLAN APPROVAL FOR DAN LAND 290
& 302 MINMI ROAD FLETCHER (MP06_0031 MOD3)**

I refer to your email of 13 July, 2016 advising that the applicant has submitted to the Department a further Response to Submissions for the above project and inviting Council to comment.

The supplementary documentation has been reviewed by Council officers and the following comments are offered for your consideration:

1. Road reserve connection

The amendment to the subdivision plan (Drawing MP-001 Version G) to include a road and pedestrian connection to the adjoining residential subdivision to the north east is noted. However, a commitment to working with the neighbouring development to construct the road should be sought from the applicant.

2. Arborist assessment

The submitted arborist's assessment states that *'the majority of the subject trees will require removal due to the proposed service locations'*. The type and extent of services required would be minimised if the proposed lots were serviced from internal roads. Council officers inspected the site with the applicant's engineers in 2007 and discussed alternative design options including allowing kerb nibs to protrude into the parking lane where trees were encountered, varying the alignment of the shared path and potential raised path techniques to span and protect tree roots. These measures could again be explored to retain the majority of the trees within the road reserve and the future dwelling setback.

3. Direct Vehicular access to Minmi Road

Council's position regarding this issue is not contrary to the Concept Approval for the subject land. The plans referenced in the original Concept and Project Approvals and subsequent approved amendments indicate that the approved 'super lots' within Stage 10 have all been provided with frontage and vehicular access to the internal local road network. Furthermore, the approved Concept Plan prepared by Planning Workshop Australia also depicts future units/dwellings that address Minmi Road, but with vehicular access from the internal road network.

The submitted traffic engineer report prepared by SECA Solution has been reviewed by Council's Senior Consultant Traffic Engineer and the following advice has been received:

'The SECA report states

"Whilst it is recognised that there will be potential conflicts between vehicles crossing the pathway and pedestrians /cyclists, this is not considered to be a major safety concern allowing for appropriate design of the pathway within the verge. A similar situation occurs on the opposite side of Minmi Road in this location, where the line of houses fronting Minmi Road have driveway access direct across the footpath.

This footpath is used by pedestrians as well as cyclists under 12 years of age and operates in a safe manner. Vehicle speeds entering and exiting the driveways are very low and visibility for pathway users and drivers is good, ensuring that traffic movements can occur in a safe manner."

I would maintain that whilst this may be the case now, with the expected increase in traffic volumes on Minmi Road associated with the Coal and Allied Land it will get harder and harder to exit reverse way onto Minmi Road and drivers will take greater chances to get out including increased reverse speeds, which will result in rushed decision making that could place pedestrians/cyclists at risk. It is acknowledged there is already a certain risk in the area because of previous subdivision approvals, however Council's aim is to minimise the risks and seek improved access controls for future development.

Similarly future traffic volumes on Minmi Road as a result of the Coal and Allied land development will increase the risk of vehicle accidents involving vehicles accessing properties off Minmi Road. Council's aim is to reduce this risk therefore it does not support direct access to Minmi Road for any future development.

I would also point out that while the combined driveway option might help with the road safety issue it is a minimal benefit as the number of vehicles exiting driveways and the traffic volumes on Minmi Road does not change. Also, it probably does not outweigh the negative impacts of combined driveways for solar efficiency and most importantly the freedom of house choice for future residents. It is my experience where any driveway is constructed prior to the house being built that a significant proportion of future dwelling applications on these sites also

seeks to relocate the driveway to suit the house they want to build. For that reason I don't believe the combined driveway solution is valid or workable.'

In regard to the concerns raised about potential conflicts between vehicles and pedestrians and cyclists, it is noted that a recent court case in the Australian Capital Territory found in favour of a cyclist who was injured in a collision with a vehicle being reversed out of a driveway and over a designated shared pathway. This is the exact scenario that Council is trying to avoid with the proposed subdivision.

In summary, Council did not support the proposal for lots to have direct access to Minmi Road as part of the Concept Plan and Council continues to object to the proposed modifications on the grounds of public and traffic safety. Furthermore, Council's position in respect of this issue is consistent with the decision of both the Department and the Planning Assessment Commission in requiring all lots in the neighbouring Minmi/Link Road Concept Plan to be assessed from the internal road network.

4. Amendments to subdivision layout plan

The amendments to the subdivision layout plan, excluding the combined driveways, are the same as previously commented on by Council staff at a meeting with Andrew Biller of City Plan Services (CPS) held in early May, 2016.

After the meeting the following advice was provided to Mr Biller:

It is advised that based on the current layout Council does not have any additional suggestions to address traffic safety along the Minmi Road frontage of the development. As explained in Council's submissions to the Department of Planning, a possible solution is to modify the subdivision layout to provide access to the rear of the small lot housing via an internal street. This would improve vehicular access safety, minimise traffic disruption, improve streetscape appearance and enable improved landscape outcomes along Minmi Road. In regard to your reference to Commitment A3.2, it is noted that this commitment deals with the conveyance of people and vehicles along Minmi Road, not access from private property to Minmi Road.

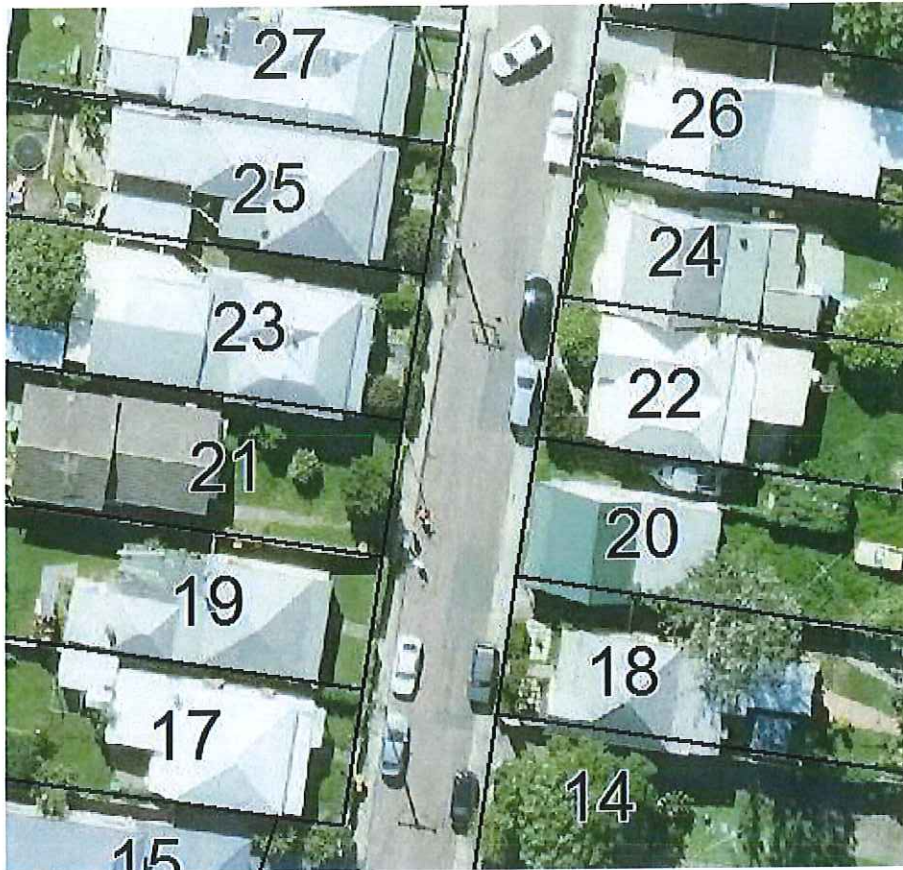
It is also noted that the widths of the internal roads remain unchanged from that shown on the previous layout reviewed by Council, and consequently this issue remains unresolved.

It is noted the latest submission from CPS does not address Council's concern over the proposed amendments to the Statement of Commitments regarding 5.5m wide carriageways proposed for a number of the internal local roads and deletion of the references to footways.

As previously stated in each of Council's earlier submissions, based on a long history of community complaints received regarding parking, vehicle access and garbage collection from within the neighbouring residential estates that were approved based on similar road standards and which would be exacerbated under this scenario by the proposed 10m frontages,

Council is opposed to the amendments and therefore cannot support the amended internal road or lot layout as currently provided.

Below are photos of a road in Wallsend having a carriageway width of 6.5m and typical lot frontages of around 10m. As can be seen, even at this carriageway width residents find it necessary to park on the footpath to provide enough room for one car to travel down the middle of the road. It is acknowledged that not all lots have off street parking opportunities and the reduced front building setback limits opportunity to provide stacked parking on the lot.



5. Development guidelines

As requested a review of the submitted Stage 10 Development Guidelines, prepared by ADW Johnson, dated July 2016, has been undertaken. In principle this is considered a positive initiative to assist in managing appropriate development outcomes.

Specific comments are outlined below, related to the relevant section within the guidelines.

Relationship with Concept Plan Approval

Reference to Local Planning Strategy is unnecessary and could be deleted.

Development to which the guidelines applies

The reference to applying to *'lots with an area greater than 225m²'* does not appear necessary.

Applicable environmental planning instruments

It currently states that the LEP would prevail in the extent of an inconsistency. It would be expected that the design guidelines would become part of the Concept Approval, in which case the design guidelines would prevail to the extent of the inconsistency. This should be clarified to ensure future assessment process is clear as there is an inconsistency between the design guidelines and the lot size map and possibly the FSR map under the Newcastle LEP 2012. If the LEP does prevail then an amendment to the LEP may be necessary.

Aims of the guidelines

- Aim 2 - There appears to be no need to refer to lots *"with an area greater than 225m²"*. It would appear that it should apply to any lot.
- Aim 3 - Reword to *"To contribute to the projected growth of Fletcher (as identified in Council's Local Planning Strategy)."*
- An additional aim included: *To enhance pedestrian connectivity to open space and services.*

1.0 Urban structure

Section 1.1 Small lot subdivision within the Outlook Estate

- Clause 1.1.2 Control 4 - This clause is not supported. Council has opposed the 5.5m wide carriageways from the outset and this remains the case. Road width should be consistent with should be consistent with the requirements of Newcastle Development Control Plan 2012 and associated technical manuals.

- Figure 3 - Pedestrian pathway should be provided to facilitate access along both sides of the open space (i.e. also Road No. 2) and also link through to Minmi Road through the open space.
- Table 1 - Housing type - consider including 'semi-detached' for courtyard and premium courtyard lots (noting that Table 2 enables build to boundary one side for these lots). Site coverage for Lifestyle lot should be reduced to 50%, being more consistent with complying SEPP. Note 5 which requires consolidated driveways should not be accepted as a solution to the Minmi Rd access issue previously outlined; however the note may still be retained as ultimately it may be difficult to achieve rear lot access to every allotment fronting Minmi Rd.

2 General Residential Controls

Section 2.2 Lot type intent and setback

Control 1 - Table 2 is on page 11 not 10, or simply delete page reference.

Table 2 - Garage width for premium courtyard should be the same as for courtyard i.e. double-garage only for two-storey. A double garage for a single storey dwelling on the narrower lot width would be well over 50% of the actual dwelling and would therefore become overly dominant. This is more consistent with the design guidelines for Minmi East under MP10_0090.

Section 2.6 Asset protection zone

The objectives read more as controls and should be relocated into the controls or consolidated with the controls. The objective should be something to the effect '*To minimise bushfire threat to life and property*'.

The inclusion of small lot housing in lieu of medium density housing is supported, in principle. Direct vehicular access from individual allotments to Minmi Road remains unresolved, and it would appear that some redesign could realistically improve this aspect. The establishment of design guidelines for the site is supported in principle, subject to resolution of the matters outlined above.

6. Bus Route

It is unclear if Hunter Valley Buses CDC Mr Meldrum was made aware of the road connection to the neighbouring Sanctuary Estate, within which future bus route provision has been made. Use of this road link as a bus route may in fact reduce circular routing.

If you require clarification of any matter raised in this letter, please contact me by email at gmansfield@ncc.nsw.gov.au or telephone on 02 4974 2767.

Yours faithfully



Geof Mansfield
PRINCIPAL PLANNER (DEVELOPMENT)