

Planning and Regulatory. G.Mansfield  
 Reference: PB 2016/07446  
 Phone: 02 4974 2767



17 August, 2016

Ms Fiona Gibson  
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 Modification Assessments  
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Response by email: [fiona.gibson@planning.nsw.gov.au](mailto:fiona.gibson@planning.nsw.gov.au)

Dear Ms Gibson

**MODIFICATION TO CONCEPT PLAN APPROVAL FOR MINMI LINK ROAD DEVELOPMENT (MP10\_0090 MOD1)**

I refer to your email of 28July, 2016 notifying Council that the applicant Winter Property Group has submitted to the Department a modification application to the Concept Approval for the Minmi Link Road Development and inviting Council to comment.

The application and supporting documentation have been reviewed by Council officers and the following comments are offered for your consideration:

Item 1	Condition 1.15	No objection
Item 2	Condition 1.16	<p>Council remains of the opinion that the type and location of the recreational facilities should be resolved at the earliest possible opportunity to give certainty and direction to Council's strategic planning for other local, district and regional recreation facilities.</p> <p>Council has been studying the possibility of establishing new regional facilities at Wallsend, however, while this matter remains unresolved Council cannot be certain what, if any, recreational facilities will be provided within the Minmi area to support the existing and future population and what impact this may have on the proposed regional facilities.</p> <p>The 'Minmi East' and 'Link Road South' precincts are likely to yield the proponent with between 5 and 10 years of land sales meaning the current uncertainty regarding recreation planning may be extended for this period if the proposed amendment was approved.</p> <p>The proposed amended wording for condition 1.16 is unsatisfactory as the references to 'Stage 1' and 'the second stage' are confusing as the 'second stage' may not necessarily be 'Stage 2'.</p>

		<p>The wording regarding 'development applications' also needs to be further and fully considered as Council has already received a second development application (DA2016/0058) from the applicant for subdivision of land covered by the Concept Plan approval. Advice has been sought regarding DA2016/0058 from the Department who confirm that the application cannot be considered in isolation of the approved Concept Plan and, hence, the proposed amended condition may have already been triggered by this 'second DA'. Future applications for dwellings might also be considered to be 'the development application following Stage 1'.</p>
Item 3	Condition 1.17	No objection
Item 4	Condition 1.25	<p>No objection regarding timing.</p> <p>However, the reference to <i>'demonstrate, wherever possible, stormwater infrastructure has been located off-line and outside of the identified riparian corridor (as zoned E2 within the SEPP Major Development), having regard for the relevant NSW office of Water guidelines relating to works within riparian corridors'</i> is causing much consternation during the assessment of DA2015/10393 - Minmi East Stage 1B as it is Council's understanding that the intent of zoning these lands E2 Environmental Conservation was to protect and conserve the existing vegetation.</p> <p>Under DA2015/10393 the proponent has consulted with DPI Water and proposes to construct stormwater infrastructure (detention) on-line, as was initially proposed prior to determination of the Concept Plan, and within the E2 zoned land resulting in the total destruction and reshaping of significant areas of E2 zoned land and associated native vegetation. Such works are considered by Council to be contrary to the objectives of the E2 zone.</p> <p>Council requests the Department, when considering the proposed amendments to this condition, to further amend the text of the condition to remove any doubt as to whether or not the Minister is of the opinion such works, and their resulting impacts, are appropriate and approved by the Concept Plan.</p> <p>The proposed amended should also have regard to existing conditions 1.15 and 1.20 that require strategies to avoid and minimise clearing and vegetation removal.</p>

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

Yours faithfully



**Geof Mansfield**  
**PRINCIPAL PLANNER (DEVELOPMENT)**