

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



7 September, 2016

Ms Fiona Gibson
Acting Team Leader
Modification Assessments
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Response by email: 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 6 September, 2016 notifying Council that the applicant has submitted a Response to Submissions (RtS) report and inviting Council to comment.

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

Condition 1.25 - It is still preferred that the Department consider Council's request to further modify and clarify this condition to provide clarity to Council and the proponent regarding whether or not the Minister and Planning Assessment Commission intended large swathes of riparian vegetation to be lost from the E2 zoned land to facilitate the development or if it was intended to be retained and stormwater infrastructure located off-line and outside of the identified riparian corridors. Otherwise, it is anticipated Council will be placed in a similar position regarding Stages 3, 4 and 5 whereby the proponent will continue seek to construct large detention facilities in the E2 zoned land contrary to the zone objectives.

Condition 1.49 - The following comments regarding this condition were inadvertently omitted from Council's previous submission. Any inconvenience caused to the Department and the proponent is sincerely regretted.

The indicative road and lot layout submitted with the Concept Plan application was the subject of a number of concerns raised by Council and other government agencies during the assessment phase and was not supported by satisfactory supporting documentation. The road and lot layout provided on the plans referenced in the Statement of Commitments is a graphical representation only of the proposed development footprint, based on an inaccurate terrain model, and as such was expressly omitted from the Concept Plan approval at the request of the original proponent pending more detailed planning at the development application (DA) stage.

No further assessment or refinement was done to support the amended Urban Design Guidelines nor has the current proponent demonstrated that any further investigations have been done other than to support the current DA's.

During the assessment of DA2015/10393 Council sought clarification of the wording and intent of this condition from the Director, Urban Renewal at the Department of Planning and Environment. The Director has confirmed that the *'where practicable'* relates to the second part of the sentence being *'riparian zones adjoined by roads'* and not to the requirement to include perimeter roads within the development area which is a requirement in its own right to be applied across the development site.

This position is reinforced by Section 6.5 of the Final PAC Minmi Determination Report which states that: *'With respect to works in the riparian zoned land the Commission agrees that perimeter roads and asset protection areas be contained within the development site and not encroach into the riparian zone. Furthermore, where practicable riparian zones should be adjoined by roads rather than having a boundary with residential lots. Accordingly, these issues are reflected in the conditions of approval.'*

Council maintains that perimeter roads are the most effective and preferred way to address the interface between development lots and the residual areas providing positive outcomes for bushfire protection, the bushland/riparian zone interface, crime prevention and surveillance, water sensitive urban design measures and the prevention of waste dumping.

In summary, Council does not agree to the inclusion of a reference to indicative road and lot layout previously excluded but would concur with an amendment to this condition that required *'...the inclusion of perimeter roads against bushland or riparian areas unless otherwise agreed by the relevant Council.'*

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)