

22 November 2017

Our Ref: N-15042

**The Secretary**

Department of Planning and Environment

GPO Box 39,

Sydney, NSW, 2001

Submitted via online portal (Major Project Assessments)

Attention: Anthony Witherdin (Director - Modification Assessments)

Dear Anthony,

**RE: S75W MODIFICATION APPLICATION - THE DAN LAND - MP 06\_0031 (MOD 4) - ENVIRONMENTAL ASSESSMENT REPORT**

This Environmental Assessment Report (EAR) is submitted to the Department of Planning and Environment (DP&E) in support of an amendment application to the 'Dan Land' Concept Plan and Project Approval (MP 06\_0031) pursuant to Section 75W of the *Environmental Planning & Assessment Act 1979*.

The Dan Land subject site is located adjacent to Minmi Road, Fletcher, in the Newcastle Local Government Area. The Concept Plan and Project Approval allows for the subdivision and future construction of up to 400 residential lots on the site.

In summary, the proposed modification relates to changes to the approved subdivision layout of Stage 10, the final stage of the Dan Land subdivision.

This report has been prepared by City Plan Strategy and Development on behalf of Northern Residential Pty Ltd. It describes the proposed modifications; outlines the need for the modifications; provides an assessment of the proposal in the context of the approved Concept Plan and Project Approval; as well as an assessment of the potential environmental impacts.

**1. BACKGROUND**

Concept Plan and Project Approval

On 29 September 2006, the then Minister for Planning approved the *Dan Land Concept Plan and Project Application* (MP 06\_0031), as follows:

- The Concept Plan approval allowed for the subdivision and future construction of 400 residential dwellings over approximately 45 hectares of the site, as well as associated services and infrastructure, and an environmental protection buffer to the nearby Hexham Wetlands.

- The Project Approval allowed for a 337 - lot community title subdivision (consistent with the approved Concept Plan) over 10 stages, including associated services and infrastructure.

The Concept Plan and Project Approval were subsequently modified on two occasions, as discussed below:

- Modification 1 amended the staging of various components of the subdivision, the requirement for the provision of cycleways, and the incorporation of proposed community facilities in the northern portion of the site. It also introduced a new Condition B10 related to access requirements for Stage 10, of relevance to the current modification application.
- Modification 2 amended the Project Approval to enable the dedication of roads in the subdivision as public roads.

### Proposed Modification 3

A third modification application (MOD 3) was considered by the Planning Assessment Commission (PAC) on 4 July 2017. It was considered by the PAC in accordance with the Minister for Planning's delegation as DP&E had received an objection from Newcastle City Council to the modification.

The application proposed to modify the Stage 10 subdivision layout in a number of ways, including the reconfiguration of lots to provide 138 residential lots and 2 open space lots; an overall increase in the number of lots across the entire subdivision (from 400 to 438); and changes to the road and access network. The application included a proposal to allow direct vehicular access to residential lots fronting Minmi Road.

Newcastle City Council had concerns with lots having direct access to Minmi Road, and recommended that lots only have access via an internal lane or road. At the time, the proponent did not propose the application be amended to restrict access to Minmi Road, and requested the application be determined as submitted.

DP&E assessed the application and recommended approval, inclusive of lots having direct Minmi Road access. However, the PAC considered that *to allow direct access (to Minmi Road) for Stage 10 presents a significant risk to pedestrians, cyclists and motorists alike, and this conflict can be appropriately mitigated through denying direct access* (p5 of *NSW PAC Determination Report*, 4 July 2017). Accordingly, the PAC refused approval to MOD 3.

### Project Status and Current Modification Application

Works on Stages 1-8 of the project (called 'The Outlook Estate') have now been completed and registered. Stage 9 construction is all but complete and registration will be sought imminently. Works have not yet commenced on Stage 10.

The current modification application also relates to Stage 10. As approved, Stage 10 comprises:

- 31 residential lots;
- 8 super lots; and
- 1 large drainage lot (neighbourhood land).

The current approved subdivision layout is shown in Figure 1 below.



Figure 1: Approved subdivision layout of the Dan Land (incorporating Modification 2). Stage 10 is the subject of this modification application (Source: Figure 18: Proposed Staging of Development, Johnson Partners)

## 2. DESCRIPTION OF PROPOSED MODIFICATIONS

This application seeks to modify the approved subdivision layout for Stage 10 of the Dan Land Concept Plan and Project Approval as follows:

- Replace 8 super lots and reconfigure remaining lots to result in:
  - 112 residential lots, ranging in size from 283m<sup>2</sup> to 753m<sup>2</sup> (most considered 'small lot housing' lots),
  - 2 super lots for future medium-density housing (with areas of 3,127m<sup>2</sup> and 9,837m<sup>2</sup>);
  - 2 open space lots (with areas of 4,830m<sup>2</sup> and 2,342m<sup>2</sup>); and
  - 1 (residual) community lot
- Increase the total number of lots from 400 to 413 (including 2 super lots) across the entire Dan Land site;
- Provide an amended road layout including the deletion of cul-de-sacs and the creation of 2 internal loop roads;
- Add indicative shared pedestrian and cycle pathways;
- Amend road access arrangements as follows, in order to comply with Condition B10 of the Project Approval (see **Section 3** below):
  - Provide a new vehicular road connection to the north-eastern boundary of the subdivision, to allow for a future connection to the adjoining residential estate ('Sanctuary', currently under construction);
  - Replace the eastern-most vehicular access point to the estate off Minmi Road with a pedestrian pathway; and
  - Provide a new vehicular access point further west along Minmi Road opposite Highland Way.

A discussion on the need for the proposed modifications is provided in **Section 3** following.

For the avoidance of doubt, the amended proposal does not permit any direct access to Minmi Road from individual residential lots, nor from the medium-density housing super lots.

The proposed subdivision layout is shown in the context of the overall Dan Land site at Figure 2 below. Figure 3 shows the subdivision layout with annotations showing proposed modifications. A full copy of the amended subdivision plan is provided at **Attachment 1** to this submission.



Figure 2: Approved subdivision layout of the Dan Land (incorporating Modification 2), showing proposed amendments to the Stage 10 layout (Source: Attachment 4, ADW Johnson).

A plan showing the proposed modifications superimposed over the approved subdivision layout is provided at **Attachment 2**. An extract is shown in Figure 4 below. This plan demonstrates how the proposed subdivision footprint remains generally within the approved subdivision boundaries. However, due to minor boundary adjustments made as a result of the topographical constraints, the overall area of development is less than the area approved.

A plan demonstrating how the proposed subdivision layout fits within the relevant *Newcastle Local Environmental Plan 2012* zones is provided at **Attachment 3**.

An amended Staging Plan is provided at **Attachment 4**.



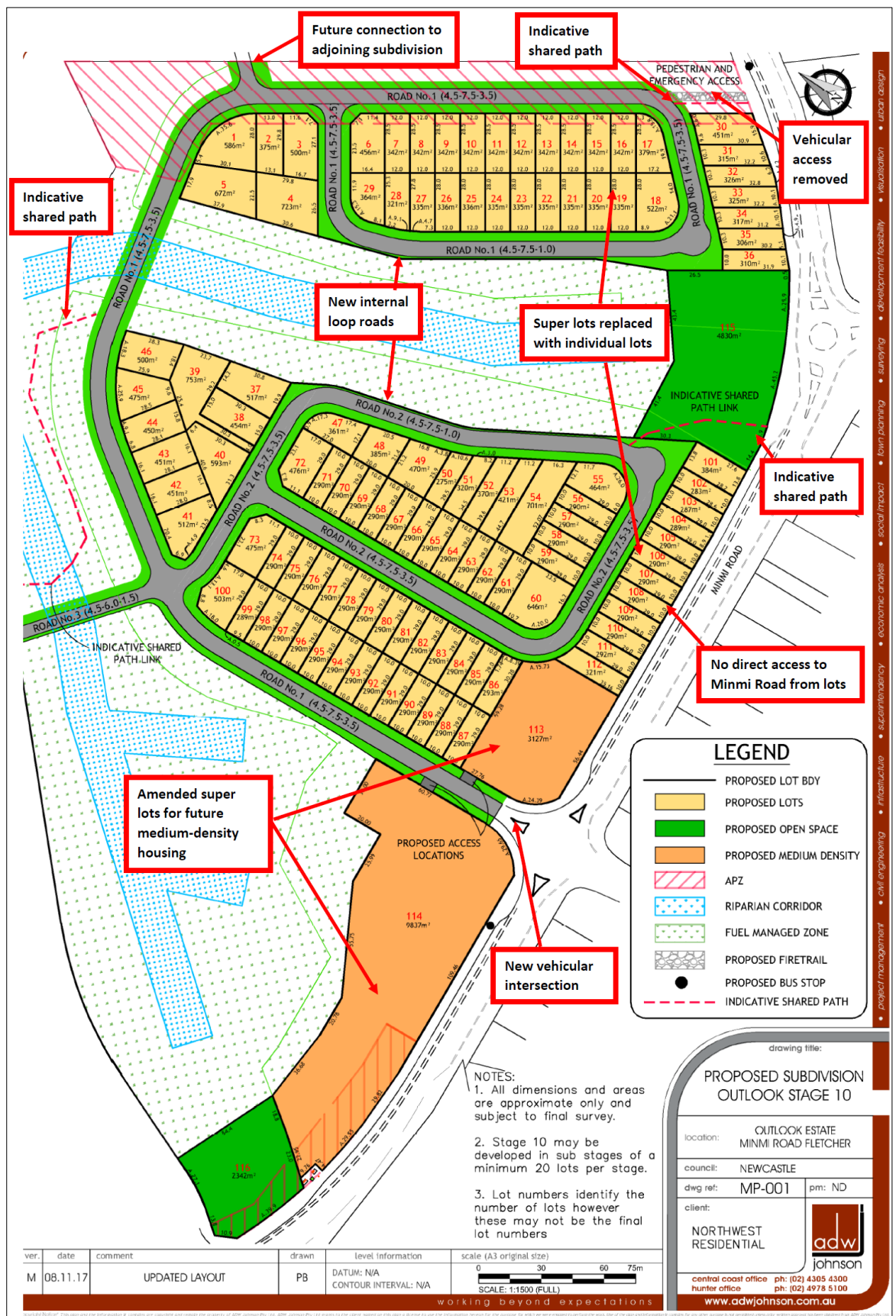


Figure 3: Proposed modification - subdivision layout (with annotations) (Base source: Attachment 1, ADW Johnson)

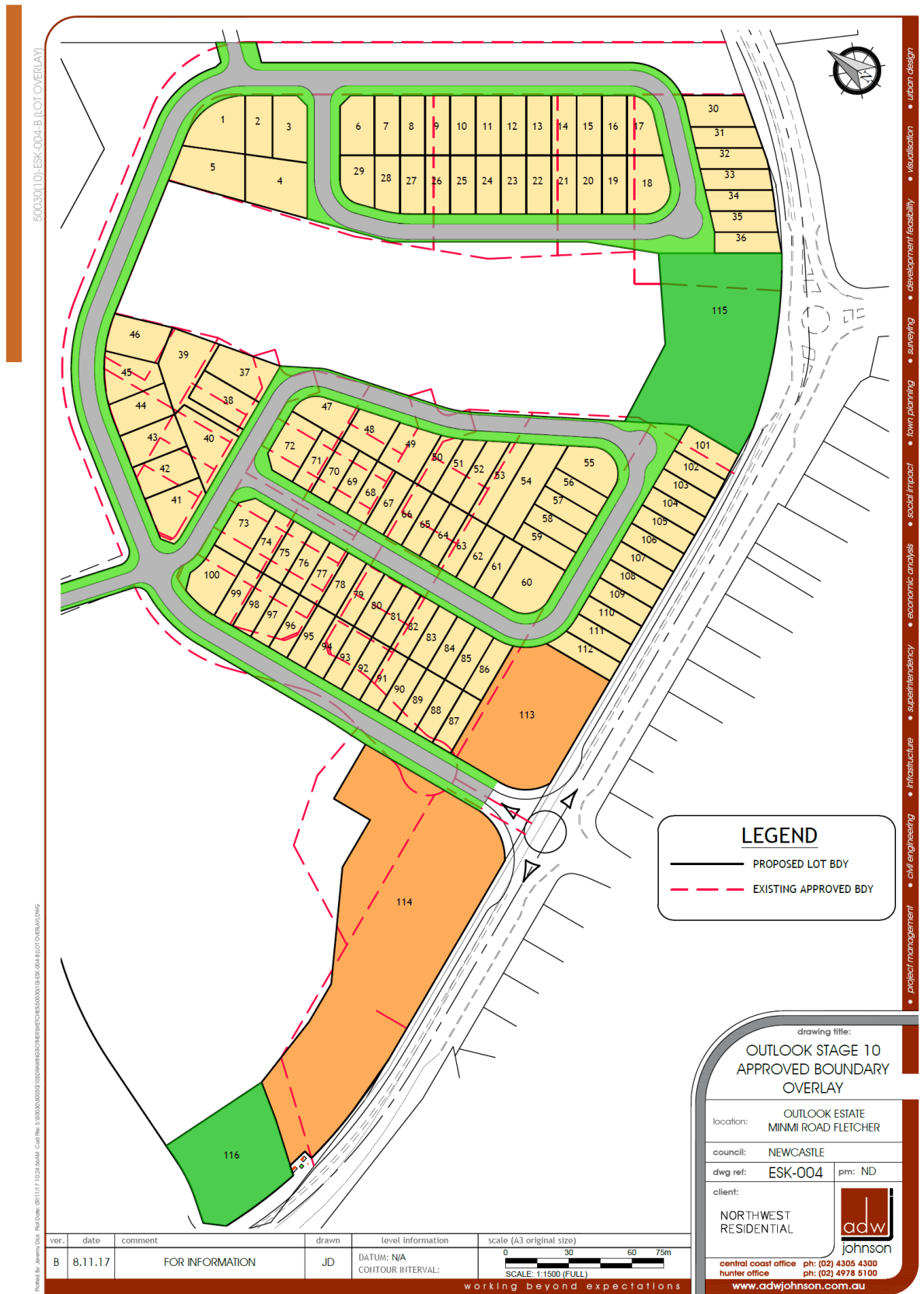


Figure 4: Proposed modifications superimposed over approved subdivision boundaries (red dotted lines)  
(Source: Attachment 2, ADW Johnson)

## 2.1 Section 75W of the EP&A Act

The Dan Land project was originally approved under Part 3A of the *Environmental Planning & Assessment Act 1979* (EP&A Act). Although Part 3A was repealed in 2011, the project remains a 'transitional Part 3A project' pursuant to Schedule 6A of the EP&A Act. Accordingly, any modification to the approval must be made under the former Section 75W of the EP&A Act.

This application is for a modification pursuant to Section 75W of the EP&A Act. To avoid doubt, the application does not constitute a new project application.

## 3. NEED FOR THE MODIFICATIONS

### Residential Lots

The modifications to the approved lot layout are generally intended to respond more efficiently to the local topography, and to reduce the proximity of residential lots to steep gully areas. In addition, lot sizes near the eastern boundary are slightly larger in order to accommodate required bushfire Asset Protection Zones.

The amended 'small lot housing' format will allow for a range of lot typologies and housing outcomes, comprising 'Courtyard' and 'Premium Courtyard' lots (290m<sup>2</sup> - 451m<sup>2</sup>), 'Traditional' lots (385m<sup>2</sup> - 672m<sup>2</sup>), 'Lifestyle' lots (700m<sup>2</sup>+), and 'Corner' lots (various sizes, 2 frontages), as described in more detail in the *Stage 10 Development Guidelines* (**Attachment 5**).

The proposal to provide a range of small lot sizes has resulted in a small increase in the approved number of lots over the entire subdivision (i.e. 413 compared to the approved 400). Stage 10 is proposed to accommodate 112 residential lots plus 2 medium-density housing super lots.

Future development of small lot housing within the Stage 10 lots will be in accordance with site-specific development controls contained within the abovementioned Guidelines.

### Medium-Density Housing Super Lots

During consultation (see **Section 5**), Council officers expressed a strong preference for the provision of medium-density housing super lots to be located in the south-western portion of the site, fronting Minmi Road. The proposed subdivision modifications reflect this preference.

Conceptual plans of how such medium-density housing could fit within the proposed super lots have been prepared by EJE Architecture (see **Attachment 6**). While not intended to form part of the Project Approval modification, these plans show an example of how medium-density housing could respond effectively to the site constraints to provide a satisfactory design outcome. No vehicular access to the medium-density housing will occur from Minmi Road, with all vehicular access being confined to Proposed Road No. 1. Refer to Figure 5 below for an extract of the plans.

Note that future development of medium-density housing will be in accordance with the *Newcastle Local Environmental Plan 2012* and the *Newcastle Development Control Plan 2012*.



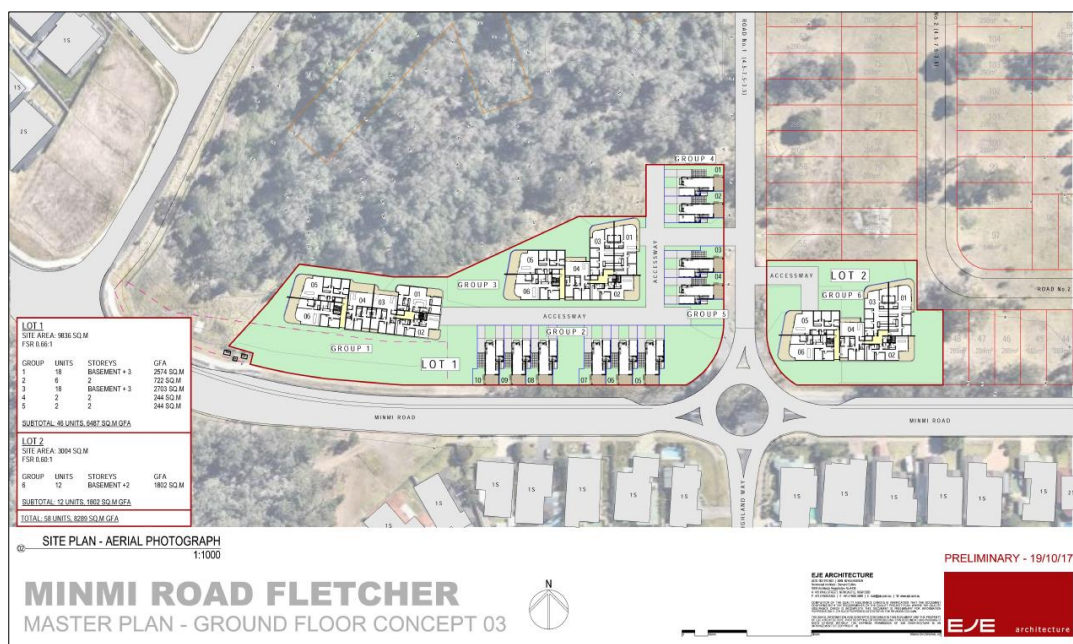


Figure 5: Medium-Density Housing Concept - example only (Source: Attachment 6, EJE Architecture)

### Access and Road Network

The changes in the internal road network are generally intended to service the reconfigured lot layout whilst responding to topographical constraints. Internal loop roads are proposed instead of cul-de-sacs in order to maximise site permeability.

Further, some of the road access network changes are proposed in order to comply with Condition B10 of the Project Approval (as outlined within **Section 2** above).

Condition B10 is as follows:

#### **B10. Stage 10 Road Layout & Design**

*A Construction Certificate for Stage 10 is not to be issued unless an amended Plan of Proposed Lots, Staging Plan, Landscape Master Plan and Vegetation Management Plan incorporating amendments to the road layout and design in Stage 10 has been submitted to the satisfaction of the Director general.*

*The amendments are to comprise the following:*

- In order to ensure consistency with the approved Concept Plan, provision is to be made for an appropriate road and pathway connection to the residential subdivision approved on Lot 2 in DP 1009255 by Council under DA 97/0555, provided the Director General is satisfied that a corresponding road connection within this subdivision is able to be achieved to the common boundary with the Dan Land.*
- The eastern most intersection with Minmi Road is to be deleted, with the eastern perimeter road within Stage 10 to be redesigned to terminate with a cul-de-sac not closer than 5m from the alignment of Minmi Road. A pedestrian pathway is to be constructed linking the cul-de-sac with the proposed Minmi Road footpath.*
- The proposed cul-de-sac opposite Highland Way is to be deleted and the western perimeter road within Stage 10 to be extended to an intersection with Minmi Road at Highland Way.*

The proposal's compliance with Condition B10 is discussed below:



- B10(a) - a road connection is proposed to the adjoining Sanctuary Estate to the north-east of Stage 10. Development of this subdivision is currently underway. A plan showing this connection is provided at **Attachment 7**.
- B10(b) - the approved eastern-most connection has been deleted. However, the proposal involves the extension of the road into a loop road rather than terminating in a cul-de-sac. A pedestrian link to Minmi Road is also proposed. The loop road is considered to result in a better permeability outcome for the subdivision than a cul-de-sac, while still achieving the intentions of this condition.
- B10(c) - the approved cul-de-sac has been deleted and replaced by a proposed roundabout opposite the intersection with Highland Way.

In summary, the proposal now fully complies with Condition B10.

#### 4. CONDITIONS PROPOSED TO BE AMENDED

In order to facilitate the modifications outlined in **Section 2**, changes are proposed to the conditions contained within the *Determination of Dan Land Concept Plan and Project Approval (MP 06\_0031)*, as amended via approved Modifications 1 and 2.

The relevant conditions are reproduced in boxes below. Proposed deletions are shown in ~~**bold strikethrough**~~ and insertions are shown **bold and underlined**. Text shown [within brackets] is intended as a note only.

#### **Schedule 2 - Modification to the Concept Plan- Part A - Administrative Conditions**

##### **A1. Development Description**

*Concept approval is granted only to the carrying out of the development solely within the concept plan area as described in the document titled 'Concept Plan' prepared by Planning Workshop Australia (dated 7 June 2006) including:*

1. A ~~**400 413**~~ lot residential subdivision, **including 2 medium-density housing super lots;**
2. Associated services and infrastructure; and
3. Landscaped public open space.

##### **A2. Development in Accordance with Plans and Documentation**

*The development shall also be generally consistent with the following plans and documentation:*

- a) *Dan Land Part 3A Major Project Report and (Appendices) dated March 2005, except as amended by Preferred Project Report dated August 2006, incorporating Statement of Commitments dated 30 May 2007 prepared by Planning Workshop Australia.*
- b) *Dan Land Concept Plan dated 29 May 2007 prepared by Planning Workshop Australia **as amended by Drawing MP-001 dated 08.11.17 titled Proposed Subdivision Outlook Stage 10 prepared by ADW Johnson.***
- c) *Dan Land Proposed Lot Layout dated 28 September 2006 prepared by Planning Workshop Australia **as amended by Drawing MP-001 dated 08.11.17 titled Proposed Subdivision Outlook Stage 10 prepared by ADW Johnson.***

d) Dan Land Landscape Master Plan dated 5 June 2007 prepared by Moir Landscape Architecture (project no. 0276, dwg no. LMP01/Rev 11) **as amended by Landscape Masterplan Outlook Stage 10 Rev. E dated November 2017 prepared by Terras Landscape Architects.**

e) Dan Land Vegetation Management Plan Report dated 20 July 2006 prepared by Moir Landscape Architecture (project No. 0276 - Rev 1), incorporating Vegetation Management Plan (dated 25 May 2007), project no. 0276, dwg no. VMP01/Rev G) **as amended by Vegetation Management Plan for Stage 10 Outlook Rev. E prepared by Terras Landscape Architects dated 6.11.17.**

f) **Section 75W Modification Application - the Dan Land - MP 06\_0031 (MOD 4) dated 22.11.17 prepared by City Plan Strategy & Development, and**

**g) Arborist Report Rev. A dated 12 May 2016 prepared by Terras Landscape Architects**

Except as otherwise provided by the Department's modifications of approval as set out in Schedule 2, Part B and the proponent's statement of commitments.

#### **B2. Access to Minmi Road**

~~The eastern most intersection with Minmi Road is to be deleted, with the eastern perimeter road within Stage 10 to be redesigned to terminate with a cul-de-sac not closer than 5m from the alignment of Minmi Road. A pedestrian pathway is to be constructed linking the cul-de-sac with the proposed Minmi Road footpath.~~

~~The proposed cul-de-sac opposite Highland Way is to be deleted and the western perimeter road within Stage 10 to be extended to an intersection with Minmi Road at Highland Way.~~

The Proponent will submit amended plans (Concept Plan, Proposed Lot Layout, Structure Plan - Roads, Landscape Master Plan and Vegetation Management Plan) and documentation reflecting the above prior to the issue of any Construction Certificate for works in Stage 10, or as otherwise determined by the Director General, to the satisfaction of the Director General.

[Proposed to amend this condition to delete the first 2 requirements as these have been fulfilled via the modified subdivision layout. Further proposed to modify or preferably delete the final part of the condition accordingly. Plans sufficient to demonstrate the amended concept are submitted with this application, and the provision of future additional plans (e.g. Structure Plan - Roads) would be unlikely to provide additional useful information. Accordingly, this final part of the condition becomes redundant]

### **Schedule 4 - Conditions of Approval - Project Approval - Part A - Administrative Conditions**

#### **A1. Development Description**

Project approval is granted only to the carrying out of development described in detail below:

1. A ~~337~~ **413** lot community title subdivision and construction of associated works including streets, stormwater management works, utility services and bulk earthworks;
2. Public domain improvements, including new parks as part of a network of landscaped public open spaces, and street trees; and
3. The use of the land for housing and related purposes and environmental conservation.

## **A2. Development in Accordance with Plans and Documentation**

The development shall be in accordance with the following plans and documentation:

a) Dan Land Preferred Project Report dated August 2006 and Statement of Commitments dated 30 May 2007 prepared by Planning Workshop Australia.

b) Dan Land Plan of Proposed Lots dated 19 September 2006 prepared by Monteath and Powys (ref no. 03/020) **as amended by Drawing MP-001 dated 08.11.17 titled Proposed Subdivision Outlook Stage 10 prepared by ADW Johnson.**

c) Dan Land Figure 18: Proposed Staging of Development dated 24 May 2007 prepared by Johnson Partners (ref no. 50030) **as amended by Drawing 50030(10) -ESK-007 Rev. A dated 08.11.17 titled Proposed Staging of Development prepared by ADW Johnson.**

d) Dan Land Landscape Master Plan dated 5 June 2007 prepared by Moir Landscape Architecture (project no. 0276, dwg no. LMP01/Rev 11) **as amended by Landscape Masterplan Outlook Stage 10 Rev. E dated November 2017 prepared by Terras Landscape Architects.**

e) Dan Land Vegetation Management Plan Report dated 20 July 2006 prepared by Moir Landscape Architecture (project No. 0276 - Rev 1), incorporating Vegetation Management Plan (dated 25 May 2007), project no. 0276, dwg no. VMP01/Rev G) **as amended by Vegetation Management Plan for Stage 10 Outlook Rev. E prepared by Terras Landscape Architects dated 6.11.17.**

f) Dan Land Preferred Project Report Appendix 6 Community Management Statement.

**g) Section 75W Modification Application - the Dan Land - MP 06 0031 (MOD 4) dated 22.11.17 prepared by City Plan Strategy & Development.**

**h) Arborist Report Rev. A dated 12 May 2016 prepared by Terras Landscape Architects; and**

**i) Stage 10 Development Guidelines The Outlook prepared by ADW Johnson dated October 2017.**

Except as otherwise provided by the Department's modifications of approval as set out in Schedule 2, Part B and the proponent's statement of commitments.

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

### **B2. S94 Contributions - Public Amenities and Services**

### **B3. S94 Contributions - Transport Facilities**

[It is anticipated that updated s94 contribution requirements will be calculated in accordance with Council's current relevant policies, and these conditions will be amended accordingly.]

### **B10. Stage 10 Road Layout & Design**

**A Construction Certificate for Stage 10 is not to be issued unless an amended Plan of Proposed Lots, Staging Plan, Landscape Master Plan and Vegetation Management Plan incorporating amendments to the road layout and design in Stage 10 has been submitted to the satisfaction of the Director general.**

**The amendments are to comprise the following:**

**a) In order to ensure consistency with the approved Concept Plan, provision is to be made for an appropriate road and pathway connection to the residential subdivision approved on**

~~Lot 2 in DP 1000255 by Council under DA 07/0555, provided the Director General is satisfied that a corresponding road connection within this subdivision is able to be achieved to the common boundary with the Dan Land.~~

~~b) The eastern most intersection with Minmi Road is to be deleted, with the eastern perimeter road within Stage 10 to be redesigned to terminate with a cul-de-sac not closer than 5m from the alignment of Minmi Road. A pedestrian pathway is to be constructed linking the cul-de-sac with the proposed Minmi Road footpath.~~

~~c) The proposed cul-de-sac opposite Highland Way is to be deleted and the western perimeter road within Stage 10 to be extended to an intersection with Minmi Road at Highland Way.~~

[Proposed to delete this condition in its entirety, as the amended subdivision plan satisfies the requirements of this condition. See **Section 3** for further discussion.]

#### **B.11 Pedestrian Crossing - Minmi Road**

The Proponent shall provide a suitable pedestrian crossing facility(ies) to enable the safe crossing of Minmi Road prior to the issue of the subdivision certificate for the relevant stage(s) fronting Minmi Road in conjunction with the corresponding Minmi Road works. The pedestrian crossing facility(ies) shall be the subject of approval by the Council under Section 138 of the Roads Act 1993 (at the proponent's full expense). The Proponent is required to dedicate, as road widening and at no cost to Council, such land as may be necessary to achieve the provision of the facility(ies).

#### **B.12. Minmi Road Works**

The Proponent shall provide a roundabout at the intersection of Minmi Road / Highland Way / Road 1 prior to the issue of the first subdivision certificate for the relevant stages fronting Minmi Road in conjunction with the corresponding Minmi Road works Stage 10. The roundabout shall be the subject of approval by the Road Authority under Section 138 of the Roads Act 1993 (at the Proponent's full expense). The Proponent is required to dedicate, as road widening and at no cost to Council, such land as may be necessary to achieve the provision of the roundabout.

#### **B. 13 Retaining Walls**

All proposed retaining walls within Stage 10 are to be constructed wholly within private land and not within any existing or proposed public road reserve.

#### **B14. Landscaping and Protection of Existing Vegetation**

The Proponent shall implement the recommendations outlined in the Arborist Report titled Arborist Report Rev. A dated 12 May 2016 prepared by Terras Landscape Architects, to the satisfaction of the PCA prior to the issue of a Subdivision Certificate for each applicable stage of Stage 10.

### 4.1 Amended Document List

The amended plans and documents which form part of this application are listed in Table 1 below.



Table 1: List of amended plans and documents

Document name	Author	Reference Date	/ Attachment Number
Proposed Subdivision Plan - Outlook Stage 10, Dwg. MP-001	ADW Johnson	Ver. M, dated 08.11.17	1
Proposed Staging of Development, Dwg. 50030(10) -ESK-007	ADW Johnson	Rev. A, dated 08.11.17	4
Stage 10 Development Guidelines - The Outlook	ADW Johnson	Dated October 2017	5
Vegetation Management Plan for Stage 10 Outlook	Terras Landscape Architects	Rev. E, dated 6.11.17.	8
Landscape Masterplan - Outlook Stage 10	Terras Landscape Architects	Rev. E, dated Nov 2017	9
Arborist Report	Terras Landscape Architects	Rev. A, dated 12 May 2016	10

## 5. CONSULTATION

Three meetings have been held between the proponent / proponent's consultants and Newcastle City Council (NCC) in relation to the proposed modification. Details of this consultation are provided below.

- 12 September 2017** - Meeting with NCC officers Steve Masia and Brian Cameron. Garry Fielding from CPSD and Nathan Delaney from ADW Johnson discussed amended concept plan which eliminated all direct vehicular access to Minmi Road from the proposed residential lots. Council officers were generally in agreement with this amended plan but expressed a strong preference for super lots in the south-western portion of the site (along Minmi Road on both sides of Road 1) to be designated for medium-density housing development, in keeping with the Concept Approval. Fielding and Delaney agreed to raise this preference with Northern Residential Pty Ltd.
- 11 October 2017** - Meeting with NCC officers Steve Masia and Brian Cameron, Barney Collins of EJE Architecture, and Garry Fielding of CPSD. The meeting discussed an amended concept plan incorporating medium-density housing for the super lots in the south-western portion of the site, as requested at the previous meeting. Council officers expressed in-principle support for the medium-density housing proposal subject to access driveways being positioned further north along Proposed Road No. 1 to avoid traffic conflicts at the Minmi Road roundabout. Council officers noted that while the residential flat building typology outlined was permissible within zone it may not necessarily be the most appropriate design response for the area. However, it was agreed this was more a detailed design issue based upon site conditions, including topography and subject to future development applications. In this regard Council officers noted that the concept plan may benefit from not being too restrictive in relation to the future typology of the medium density housing, however should still identify broad site planning issues such as access to sites to be from the internal road rather than Minmi Road.
- 24 October 2017** - Meeting with NCC officers Steve Masia and Brian Cameron, Dominic Warland of EJE Architects, and Garry Fielding of CPSD. The meeting discussed

amended details regarding the proposed medium-density housing which incorporated the proposed access driveways being positioned further north along Proposed Road No.1, as desired by the Council officers. The officers were happy with the amended access driveway arrangements, and advised their preference for the concept plan to not include density, bulk and scale guidelines in respect of the proposed medium-density housing, noting that these details would be contained in future DAs for such development. They recommended, however, that the medium-density housing concepts prepared by EJE Architecture be included with the s75W application to provide indicative details of the potential medium-density housing outcomes for the site. These concepts are not intended to form part of the amended Concept Plan and Project Approvals.

## 6. ENVIRONMENTAL ASSESSMENT

### 6.1 Compliance with Relevant Environmental Planning Instruments and other Controls

The following sections address the proposed modification's compliance with the relevant EPIs and other development controls.

#### Newcastle Local Environmental Plan 2012

The NLEP applies to the subject land. The relevant NLEP *Minimum Lot Size Map (LSZ\_001B)* dictates that the minimum size of the proposed residential lots is 450m<sup>2</sup>, as shown in Figure 6 below. However, the proposed modification involves the creation of lots with areas between 283m<sup>2</sup> and 753m<sup>2</sup>, not including proposed medium-density housing super lots. A large proportion of the proposed lots (i.e. 88 out of 112 lots, or 78%) are proposed to be less than the minimum 450m<sup>2</sup>.

Notwithstanding the non-compliance, the proposed lot sizes are considered acceptable for the same reasons outlined in the Department of Planning & Environment's *Assessment Report - Dan Land - MP 06\_0031 MOD 3* (in relation to the previous modification application), as follows:

- The proposed smaller lot sizes will result in only a very minor increase in the approved density across the site of around 3% (not including medium-density housing super lots);
- The Concept Plan always envisaged higher densities within Stage 10 (with 250m<sup>2</sup> townhouse lots);
- The proposal would improve the mix, type and affordability of housing in the area;
- Council's recent Planning Strategy encourages small lot housing close to commercial centres, such as the nearby Fletcher shops;
- The proposal would not result in adverse traffic impacts (as discussed in **Section 6.3.1**); and
- The Council did not object to the increase in density and supported the provision of smaller lots as they are located close to the commercial centre of Fletcher (with regard to MOD 3, which also proposed smaller lot sizes across the site). With regard to the current proposal, Council again raised no concerns with the sizes of the small lot housing lots (see **Section 5**).

It is noted that Schedule 6A, clause 3B(f) of the EP&A Act sets out that the provisions of an EPI or any development control plan do not have effect to the extent to which they are inconsistent with the terms of the approval of the Concept Plan.



Figure 6: NLEP Minimum Lot Size Map extract

#### Newcastle Development Control Plan 2012

The proposed smaller lot sizes and future small lot housing are not compatible with certain provisions of the DCP. However, *Stage 10 Development Guidelines* have been prepared for the proposal by ADW Johnson (see **Attachment 5**). These site-specific guidelines provide controls relevant to small lot housing, which will prevail in the event of any inconsistency between the Guidelines and the DCP.

With regard to MOD 3, both Council and DP&E were supportive of the Guidelines and were satisfied they would ensure future development of small lot housing achieved an appropriate urban design outcome. The current Guidelines have been updated to reflect the amended subdivision layout of the current modification proposal and will continue to ensure appropriate design outcomes.

#### 6.2 Consistency with the Dan Land Concept Plan

The proposed modifications remain consistent with the overall vision and provisions of the approved Dan Land Concept Plan, as well as the relevant commitments. Specifically:

- The number of overall lots within the site is proposed to increase only marginally (around 3%);
- The overall footprint of Stage 10 will remain generally the same (although the built area will be slightly reduced due to topographical constraints);
- Stage 10 will continue to cater for a denser housing type on smaller lot sizes, as was always envisaged; and
- The modifications will not affect compliance or consistency with any existing Statements of Commitment forming part of the approved Concept Plan.

#### 6.3 Potential Impacts

The potential impacts of the proposed modification are discussed in the following sections, namely:

- Traffic and road access;
- Subdivision layout and permeability;
- Density and lot size;
- Frontage to Minmi Road; and
- Trees and vegetation.

In summary, the potential impacts are considered acceptable and have been appropriately addressed within the design.

#### 6.3.1 Traffic and Road Access

As outlined in **Section 1**, a previous modification application for Stage 10 (MOD 3) included a proposal for residential lots to have direct vehicular access to Minmi Road. The PAC determined to refuse approval for MOD 3 on the basis that direct access to Minmi Road presented a safety risk to pedestrians, cyclists and motorists.

The current modification proposes no direct access to Minmi Road from residential lots, either from small lot housing lots or medium-density housing super lots. Safe and appropriate access is proposed only onto internal roads. Lots have been designed to allow for appropriate site distances and separation of driveways from intersections.

A number of traffic impact assessments were prepared in support of the previous MOD 3, including the following:

- *Outlook Estate Stage 10 Traffic Impact Assessment*, prepared by GHD in December 2015;
- *Review of Access Issues*, prepared by SECA Solution on 7 June 2016; and
- *The Dan Land Development - Road Safety Review of Project Modification Application*, prepared by SAMSA Consulting on 10th March 2017.

These documents have previously been provided to DP&E, but can be provided again upon request.

The previous application (MOD 3) proposed 138 residential lots within Stage 10, the majority of which were to connect onto Minmi Road via a proposed roundabout at the intersection with Highland Way.

The current proposal allows for 112 residential lots (plus 2 medium-density housing super lots), with the same roundabout access proposed onto Minmi Road. The proposed main access point is identical to the previous proposal and the number of lots utilising the access is comparable. Accordingly, while many of the findings in the abovementioned assessments are no longer relevant (as direct access to Minmi Road is no longer proposed) other information contained within the assessments remains relevant as discussed below:

- *...the traffic demands and assumptions made for the project are appropriate and in accordance with RMS guidelines. The development of Stage 10 under the updated layout allows for a single access to Minmi Road with a 4-way roundabout control. The proposed roundabout will have adequate capacity to cater for the traffic movements in and out of Stage 10 with minimal delays and congestion (p1, SECA 2016)*
- *Crash history does not indicate any significant road safety issues (along Minmi Road in the vicinity of the site) (p4, SAMSA 2017).*
- *The road environment along Minmi Road is relatively low speed (60km/h). The relatively low speed environment will be controlled / maintained by the existing and proposed*



*roundabouts along Minmi Road at Britannia Boulevard and Highland Way (respectively)* (p6, SAMSA 2017).

For the avoidance of doubt, the proposed road widths within Stage 10 are compliant with the specifications set out in the Statement of Commitments (A. 3.1).

Further, changes to access requirements outlined in Condition B10 of the Project Approval have been fully implemented as part of the proposed subdivision layout (see **Section 3** for details).

In its *Assessment Report* for MOD 3, DP&E noted that *the Department considers the proposal would not result in any adverse traffic impacts, noting the proposed roundabout has sufficient capacity to accommodate the traffic generated by the proposal...*(p11).

The proposed modifications the subject of this application are also considered to be appropriate in terms of traffic and access arrangements, and will not adversely impact upon the operation or amenity of Minmi Road.

### 6.3.2 Subdivision Layout and Permeability

The proposed subdivision layout has been developed in response to site topography, bushfire mitigation measures (Asset Protection Zones), road access considerations, the vegetation and riparian zone protection constraints associated with 2 gullies, and the goal of providing a mix of housing types within the site.

As part of the previous modification application (MOD 3), DP&E raised concerns with the proposed subdivision layout, particularly with regard to the number of proposed battle-axe blocks, access and general permeability.

The currently proposed subdivision layout addresses those concerns by:

- Minimising the number of battle-axe lots (only one is proposed);
- Proposing internal loop roads instead of cul-de-sacs, to maximise site permeability; and
- Providing indicative shared path connections through the site and connecting to external path networks.

The proposed modification is considered acceptable with regard to layout and permeability.

### 6.3.3 Density and Lot Size

The majority of proposed residential lots will be smaller than the minimum 450m<sup>2</sup> set out within the *Newcastle Local Environmental Plan 2012* (NLEP). However, the proposed lot sizes and resultant increased density are considered acceptable for the reasons detailed in **Section 6.1**.

It is noted that site-specific guidelines have been prepared for future Stage 10 small lot housing development (see **Attachment 5**). It is considered that adherence to the Guidelines will result in an appropriate urban design outcome for the small lot housing.

As discussed in **Section 3**, the proposal includes 2 super lots for future medium-density housing in the south-western portion of the site. These super lots will have road access to internal roads only, and future development will be guided by the provisions of the NLEP and Newcastle DCP 2012. Conceptual plans prepared by EJE Architecture (see **Attachment 6**) show how medium-density housing could successfully be developed in this location.

### 6.3.4 Frontage to Minmi Road

The site includes areas of sloping topography, with a 25m fall across the site from the Minmi Road frontage down to the site's northern boundary. Nineteen residential lots and 2 medium-density housing super lots are proposed to front Minmi Road as part of the modification. As the

proposal does not allow for direct vehicular access onto Minmi Road, the site topography requires that these lots be set well below the level of Minmi Road to allow a feasible connection to the internal road network. This is anticipated to be achieved via the construction of a retaining wall approximately 3m high below Minmi Road.

Due to these requirements, it will not be possible to allow direct pedestrian access from the residential lots to Minmi Road. However, residents will be able to connect to the Minmi Road pathway network via internal pathway connections. The main frontage and street address of these lots will be oriented towards the internal roads.

In order to maintain pedestrian safety along Minmi Road, and to minimise direct overlooking of lots, it is anticipated that a fence will be constructed along the top of the retaining wall. Appropriate materials and treatments will be required to maintain the amenity of the streetscape. Street tree planting is proposed along Minmi Road, as outlined in **Section 6.3.5** below.

#### 6.3.5 Trees and vegetation

A number of documents have been prepared to address vegetation matters in relation to this site:

- *Vegetation Management Plan - Stage 10 Outlook* prepared by Terras Landscape Architects (see **Attachment 8**);
- Landscape Masterplan prepared by Terras Landscape Architects (see **Attachment 9**); and
- *Arborist Report* prepared by Terras Landscape Architects (see **Attachment 10**).

Figure 7, below, shows an extract of the Vegetation Management Plan (VMP) which indicates how existing vegetation is intended to be managed in the modified subdivision layout. As indicated by the unshaded areas, most of the trees within the built footprint are likely to be removed, due to road footprints, and lot benching / retaining requirements in response to site topography. The VMP provides management measures for the protection of any trees in proximity to construction works

The Arborist Report provides specific detail on the existing trees located along the Minmi Road frontage. It found that of the 76 trees fronting Minmi Road, 2 are of high retention value, 51 of moderate value, 12 have a low retention value, and 11 have a very low retention value. It is expected that most of these trees are likely to be removed, predominantly due to benching and retaining requirements, as well as provision of a parking lane, footpath and service locations. The report recommended supplementary tree planting and the protection of trees which are potentially retainable. No endangered ecological communities or threatened species are located in this area. As noted in its *Assessment Report* for MOD 3, DP&E found the removal of these trees to be acceptable, subject to the recommendations outlined in the Arborist Report being implemented and replacement street tree planting being provided.

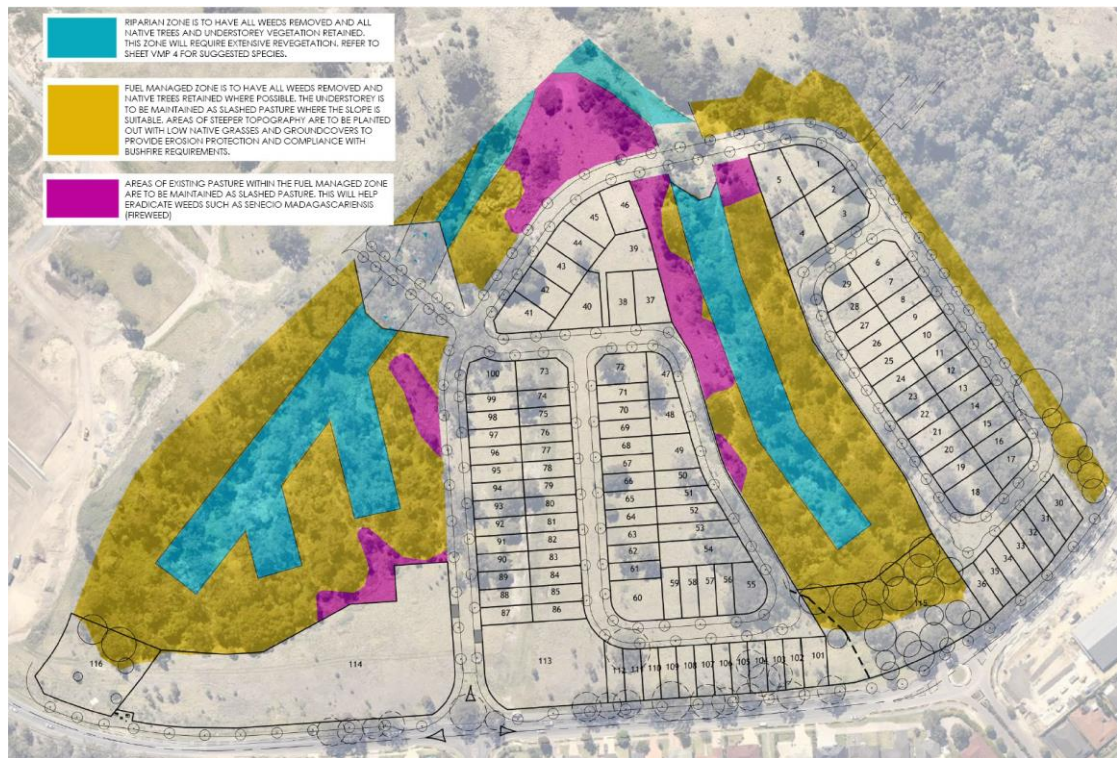


Figure 7: Vegetation Management Plan extract (Source: **Attachment 8**)

Blue: Riparian zones with vegetation retained. Orange: Fuel managed zone with native trees retained where possible. Pink: Existing pasture to be maintained



Figure 8: Landscape Masterplan extract (Source: **Attachment 9**)



Compensatory street tree planting is proposed, as indicated in the Landscape Masterplan extract at Figure 8. Street trees are proposed along both Minmi Road and all internal roads. This planting is considered to adequately offset the removal of the existing trees within the site.

Most of the trees within the remainder of the site are likely to be retained, with the exception of those affected by proposed road crossings, servicing requirements and bushfire management obligations (i.e. Asset Protection Zone maintenance). The VMP provides measures for the ongoing management of retained vegetation within the site, including the removal of weeds, revegetation with appropriate native species, ongoing site management activities and other relevant works.

In conclusion, the proposed modification adequately addresses the management of vegetation within the site.

#### 6.4 Public Benefit of Modification

The proposed modifications will allow for the following public benefits to be delivered on the Dan Land site:

- Provision of a range of lot sizes and housing types within a location easily accessible to local shops and with access to local bus transport;
- Provision of a framework for the delivery of high quality urban design outcomes for small lot housing, through the implementation of site-specific design guidelines; and
- Compliance with the objectives of the *Environmental Planning and Assessment Act 1979* in that the proposal makes efficient and economic use of the land

### 7. CONCLUSION

Having regard to the above public benefits of the proposed modification, and in the absence of any adverse environmental impacts, the proposed modification to Concept Approval MP 06\_0031 is recommended for approval.

Yours sincerely,



**Jillian Kuczera**  
Senior Project Planner



**Garry Fielding**  
Senior Consultant



Attachments:

Attachment	Document	Author
1	Proposed Subdivision Plan - Outlook Stage 10 (Drawing MP-001, Ver. M, dated 08.11.17)	ADW Johnson
2	Approved Boundary Overlay – Outlook Stage 10 (Drawing ESK-004, Ver. B, dated 08.11.17)	ADW Johnson
3	Zoning Overlay – Outlook Stage 10 (Drawing ESK-003, Ver. B, dated 08.11.17)	ADW Johnson
4	Proposed Staging of Development (Drawing 50030(10)-ESK-007, Ver. A, dated 08.11.17)	ADW Johnson
5	Stage 10 Development Guidelines – The Outlook (dated October 2017)	ADW Johnson
6	Medium-Density Housing Concept Plans (Preliminary, dated 19.10.17 and 08.11.17)	EJE Architecture
7	Connection to Adjoining Development Plan (Drawing 50030(10)-ESK-008, Ver. A, dated 08.11.17)	ADW Johnson
8	Vegetation Management Plan for Stage 10 Outlook (Rev. E, dated 6.11.17)	Terras Landscape Architects
9	Landscape Masterplan - Outlook Stage 10 (Rev. E, dated November 2017)	Terras Landscape Architects.
10	Arborist Report (Rev. A, dated 12 May 2016)	Terras Landscape Architects