

Planning & Regulatory.S Masia  
Reference: ECM5435004  
Phone: 02 4974 2054



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Dear Ms Butcher

**DAN LAND SUBDIVISION CONCEPT AND PROJECT APPROVAL (MP06\_0031 - MOD4)**

Thank you for providing the opportunity for Council to review and comment on the proposed modification 4 to MP06/0031. Reference is made to Council's previous submission dated 14 February 2018.

Council has reviewed the applicant's response to submissions and makes the following further comment.

**Amended Plan of Subdivision**

Council supports the amended Proposed Subdivision Outlook Stage 10, Ref MP-001, Version P, dated 10/04/2018.

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

The applicant generally supports Council's recommended conditions, other than the additional condition relating to timing of road works. Further comment is provided below.

- **Additional condition - Timing of works on Minmi Rd**

Council's previous submission stated:

***Additional condition - Timing of works on Minmi Rd** - For clarity, it is recommended that an additional condition be imposed on any approval granted by the Department that requires works associated with Minmi Rd, as required by Statement of Commitment A.3.2 and the other additional proposed conditions, to be completed to the satisfaction of the Road Authority prior to the release of the respective Subdivision Certificate for each of the lots or open space adjoining Minmi Road. For example, all works on Minmi Rd across Lots say 115 to the eastern site boundary are to be undertaken and completed prior to the issuing of the subdivision certificate for Lots 30 to 36.*

The applicant objects to undertaking road works unrelated to the subject stage. It appears that the applicant may have misinterpreted Council's submission in this

regard. Council agrees that the road works within Minmi Road can correspond with a relevant stage being constructed adjacent to Minmi Road.

- **Condition B2 and B3 - Contributions**

To clarify Council's intent in relation to contributions it is noted that the existing conditions B2 and B3 relating to contributions must remain on the consent to apply to the first 337 additional approved lots. A separate condition to apply to the additional 76 lots (in excess of the first 337 lots) is also required but should be levied in accordance with Council's current Section 94 Plan 2013. Since last advice the rates under this Plan have indexed to \$13,340.61 per additional lot (\$925.82 for Traffic and Transport and \$12,414.79 for Social Infrastructure) and are scheduled for further indexing after 30 April 2018. The applicable rates, effective at the time the Department determines the current application can be accessed from Council's website at the following address and should be used in any condition imposed.

<http://www.newcastle.nsw.gov.au/Development/Application-Guide/Development-Contributions>

The following conditions are therefore recommended in relation to contributions:

Condition B2 and B3 being deleted and replace same with:

B2 A monetary contribution is to be paid to Council in respect of the initial 337 additional lots, pursuant to Section 94 of the *Environmental Planning and Assessment Act 1979* (NSW), towards the provision of the following public amenities and public services within the locality, such contribution to be payable prior to the issue of a Subdivision Certificate in respect of the proposed development.

a) Community facilities	\$2,363.34 (per additional lot)
b) Open space and recreation	\$8,416.45 (per additional lot)
c) Foreshore promenade	\$116.71 (per additional lot)
d) Section 94 management	\$333.29 (per additional lot)
e) Blue Gum Hills place management	\$233.42 (per additional lot)

Note:

- i) This condition is imposed in accordance with the provisions of the City of Newcastle's Development Contributions Plan No 1, 2005 operational from January 2005.
- ii) The monetary amount of contribution payable under this condition was calculated on the basis of costs as at the date of Project Approval consent dated 29 September 2006. The monetary amount of contribution payable under this commitment is to be indexed at the time of actual payment in accordance with the 'Consumer Price Index' weighted average of eight capital cities by the Australian Bureau of Statistics each quarter.

B3 A total monetary contribution of \$1,794.81 per additional lot is to be paid to Council in respect of the initial 337 additional lots, pursuant to Section 94 of the *Environmental Planning and Assessment Act 1979* (NSW), towards the provision of transport facilities within the locality,

such contribution to be payable prior to the issue of a Subdivision Certificate in respect of the proposed development.

Note:

- i) This condition is imposed in accordance with the provisions of The City of Newcastle's Development Contributions Plan No 4, 2006 – Transport Facilities in Blue Gum Hills, operational from 14 August 2006.
- ii) The monetary amount of contribution payable under this condition was calculated on the basis of costs as at the date of Project Approval consent dated 29 September 2006. The monetary amount of contribution payable under this commitment is to be indexed at the time of actual payment in accordance with the 'Consumer Price Index' weighted average of eight capital cities by the Australian Bureau of Statistics each quarter.

Include an additional condition B3(a)

B3(a) A total monetary contribution of **\$<INSERT TOTAL AMOUNT>** (**\$<INSERT AMOUNT>** per additional lot) in respect of the 76 additional lots being created in excess of the initial 337 additional lots referenced in Condition B2 and B3 is to be paid to Council, pursuant to Section 94 of the *Environmental Planning and Assessment Act 1979* (NSW), towards the provision of the following public amenities and public services within the locality. Such contribution is payable prior to the issue of a Subdivision Certificate in respect of any additional lots in excess of 337 and following satisfaction of Conditions B2 and B3.

- a) Traffic and Transport **\$<INSERT INDEXED RATE>**
- b) Social Infrastructure **\$<INSERT INDEXED RATE>**

Note:

- i) This condition is imposed in accordance with the provisions of The City of Newcastle's Western Corridor Section 94 Contribution Plan 2013 operational from 13 January 2014. A copy of the plan may be inspected at Council's Customer Enquiry Centre, ground floor of the City Administration Centre, 282 King Street Newcastle 8.30 am to 5.00 pm, excluding public holidays.
- ii) The City of Newcastle S94 Development Contributions Plan 2013 permits deferred or periodic payment of levies in certain circumstances. A formal modification of this condition will be required to enter into a deferred or periodic payment arrangement. Refer to the s94 Development Contributions Plan 2013.
- iii) The amount of contribution payable under this condition has been calculated on the basis of the current rate as at **<INSERT DETERMINATION DATE>** and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the

actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

CPI quarterly figures are released by the ABS on a date after the indexation quarter and as a guide, these approximate dates are provided below. Indexation quarters from the ABS are as follows:

Indexation quarters	Approx release date
September	Late October
December	Late January
March	Late April
June	Late July

**Development Guidelines, by ADW Johnson, dated April 2017**

Council supports the updated Development Guidelines, by ADW Johnson, dated April 2017.

In addition to Council's previous submission, it is considered that it would also be beneficial to clarify that vehicular access to allotments within Stage 10, is to be from internal roads only with no direct access from Minmi Road. This provision could be made as a notation on Figure 3 and/or as an additional control under Section 2.2 Lot type intent and setbacks. It is recommended Section 2.2.2 to include an additional Control 2:

2. Vehicular access/egress to lots is from internal roads only with no direct access/egress from Minmi Road.

To alert future property owners of this restriction it is also requested that an additional condition be included on the consent for a Restriction on the Use of Land to be registered against the title for all lots fronting Minmi Road. Council, as the Road Authority, is to be noted as the Authority benefitted by the restriction.

Thank you again for the opportunity for Council to provide comment. Should you have any questions in relation to these matters please contact me on (02) 4974 2054, or [smasia@ncc.nsw.gov.au](mailto:smasia@ncc.nsw.gov.au) or Brian Cameron on (02) 4974 2637, or [bcameron@ncc.nsw.gov.au](mailto:bcameron@ncc.nsw.gov.au).

Yours faithfully



**Steven Masia**  
**DEVELOPMENT ENGINEERING TEAM COORDINATOR**