

## ASSESSMENT REPORT

### THE DAN LAND MP 06\_0031 MOD 4

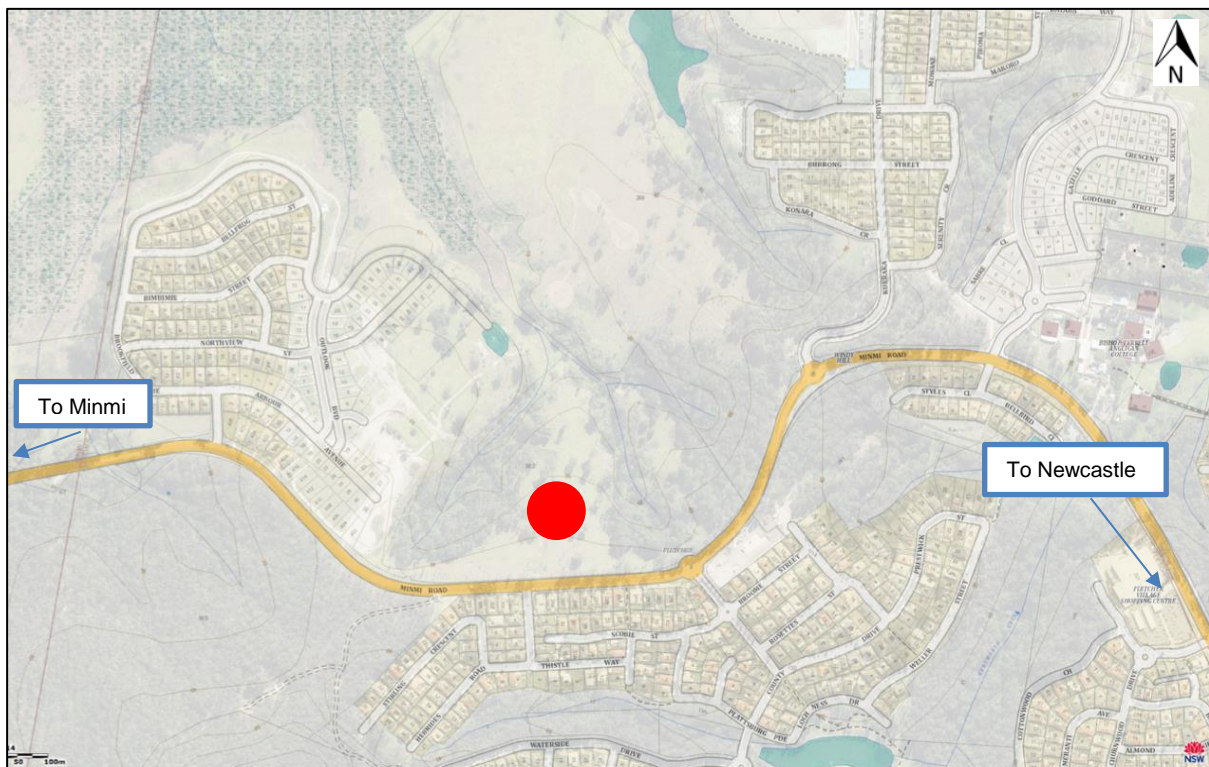
#### 1. INTRODUCTION

This report is an assessment of a request to modify the Concept Plan and Project Approval (MP 06\_0031) for a residential subdivision at 290 and 302 Minmi Road, Fletcher in the Newcastle local government area.

The request has been lodged by City Plan Services on behalf of Northwest Residential Pty Ltd (the Proponent) pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The request seeks approval to modify the approved subdivision layout and access arrangements for Stage 10 of the development, and subdivide super lots.

#### 2. SUBJECT SITE

The subject site is located at 290 and 302 Minmi Road, Fletcher in the Newcastle local government area (LGA). The site is approximately 14 kilometres north-west of the Newcastle central business district, five kilometres west of Wallsend and two kilometres east of Minmi. The site is commonly referred to as the 'Dan Land', shown at **Figure 1**.



**Figure 1:** Site location (Source: Proponent)

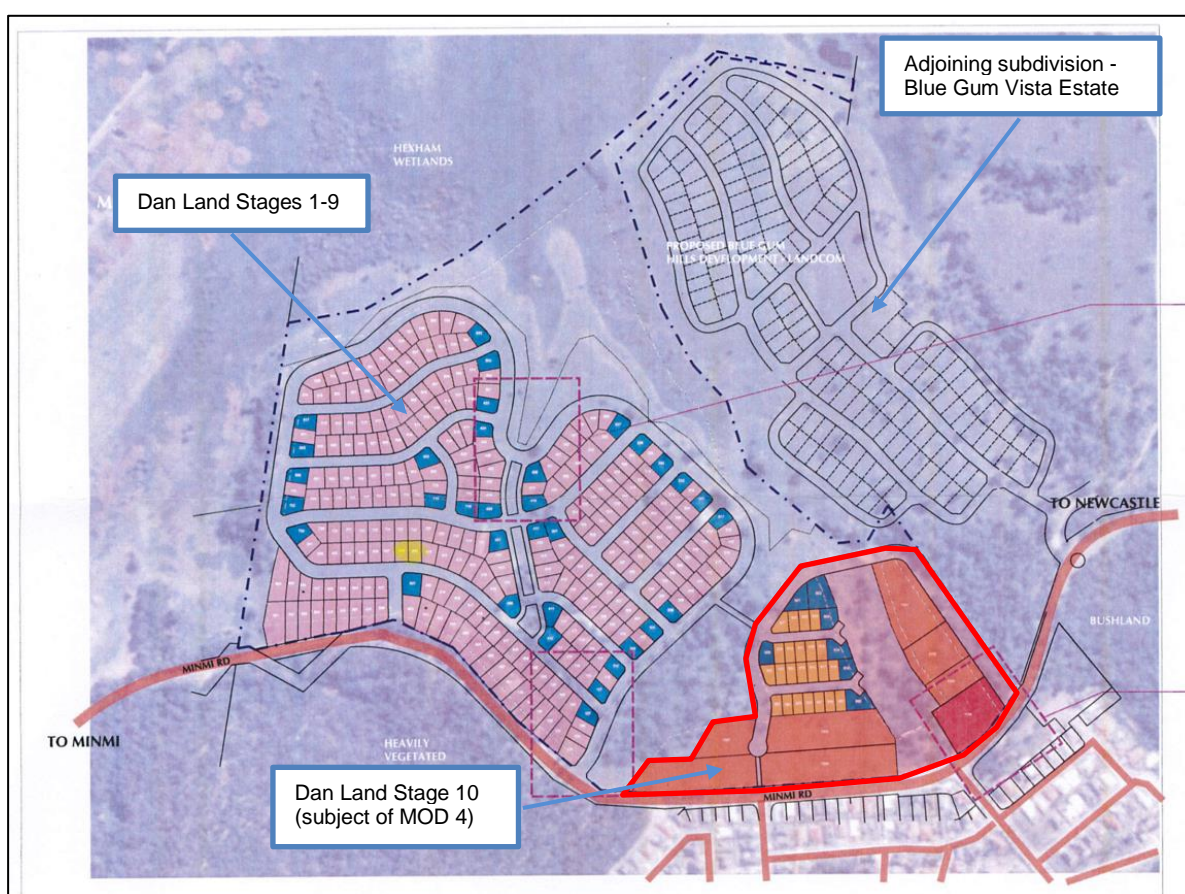
### 3. APPROVAL HISTORY

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

The Concept Approval allowed for subdivision and future construction of 400 residential dwellings and associated services and infrastructure. The approval also includes an environmental protection buffer to the adjoining Hexham wetlands.

The Project Approval comprised a 10 stage subdivision, providing a total of 337 community title lots and associated infrastructure works consistent with the approved Concept Plan. Works on Stages 1-9 have commenced and are close to finalisation. Works have not yet commenced on Stage 10.

Stage 10, the subject of this modification, comprises 30 residential lots, 8 super lots, an open space lot and a drainage lot. **Figure 2** shows the current approved subdivision layout and staging.



**Figure 2:** Approved subdivision layout (note: Stage 10 subject of this current modification application in **RED**) (Source: Proponent)

The approval has been modified on 2 occasions as detailed below.

- **MP 06\_0031 MOD 1** amended the staging of the subdivision, the requirement for cycle ways along the site frontage; and incorporation of community facilities within the northern portion of the site. This modification also included a new Condition B10 relating to amended access to Stage 10.
- **MP 06\_0031 MOD 2** amended the Project Approval to enable the dedication of roads in the subdivision as public roads.



In August 2015, the Proponent sought to modify the approval (**MP 06\_0031 MOD 3**) seeking to amend the subdivision layout and site access arrangements for Stage 10, including replacement of the approved 8 super lots into 136 residential lots and 2 open space lots. The modification also proposed direct vehicular access to Minmi Road for 33 residential lots. On 4 July 2017, the Planning Assessment Commission (now the Independent Planning Commission) refused the modification application based on the potential safety impacts associated with vehicles accessing lots directly from Minmi Road.

#### 4. PROPOSED MODIFICATION

The Proponent has lodged a modification request (**MP 06\_0031 MOD 4**) seeking to modify the approved subdivision layout for Stage 10 of the Dan Land Concept Plan and Project Approval, as summarised below:

- replacement of the approved 8 super lots with:
  - 112 residential lots (ranging in size from 283m<sup>2</sup> to 753m<sup>2</sup>);
  - 2 super lots for future medium density housing;
  - 2 open space lots;
  - 1 residual community lot;
- an increase in the total number of lots from 400 to 413 across the entire 'Dan Land' residential estate;
- an amended road layout including the deletion of cul-de-sacs and the creation of 2 internal loop roads;
- inclusion of indicative shared pedestrian and cycle pathways; and
- amendments to the road access arrangements to ensure compliance with Condition B10 of the Project Approval.

The modification is requested on the basis that it will result in a more efficient subdivision layout in response to the existing topography of the site. The proposed layout includes vehicular access and egress from internal roads only within Stage 10, and does not propose any direct access from lots to Minmi Road, in accordance with the Commission's determination of MOD 3.

The Landscape Masterplan submitted as part of the modification is shown in **Figure 3**. The proposed subdivision layout, as originally submitted, is shown in **Figure 4**.



**Figure 3: Proposed Landscape Masterplan (Source: Proponent)**





Figure 4: Proposed modifications to Stage 10 (Source: Proponent)

## 5. STATUTORY CONSIDERATION

### 5.1 Section 75W

The project was originally approved under Part 3A of the EP&A Act. The project is a transitional Part 3A project under Schedule 2 to the *Environmental Planning and Assessment Act (Savings, Transitional and Other Provisions) Regulation 2017*.

The power to modify transitional Part 3A projects under section 75W of the EP&A Act as in force immediately before its repeal on 1 October 2011 ended on 1 March 2018. However, as the modification request was made prior to 1 March 2018, the provisions of Schedule 2 (clause 3) continue to apply. Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations and the Minister (or his delegate) may approve or disapprove the modification under section 75W of the EP&A Act.

The Department is satisfied the proposed amendments are within the scope of section 75W of the EP&A Act and that the proposal does not constitute a new application.

### 5.2 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Executive Director – Key Sites and Industry Assessments, may determine the application under delegation as:

- the relevant local Council has not made an objection
- a political disclosure statement has not been made
- there are less than 25 public submissions in the nature of objections.

## 6. CONSULTATION

The Department made the modification request publicly available on its website, notified adjoining property holders in writing and consulted with Newcastle City Council (Council), Roads and Maritime Services (RMS), the Rural Fire Service (RFS) and the Hunter New England Population Health (HNEPH).

**Council** generally supports the proposed modification, subject to the following matters being addressed:

- a new condition be included outlining the monetary contributions required under the Western Corridor Section 94 Contributions Plan 2013;
- Condition B10 be deleted as the modification addresses the requirements of the condition
- a new condition is requested to confirm that the design and construction of the connection road to the adjoining Sanctuary Estate is the responsibility of the Proponent, at no cost to Council;
- works associated with Minmi Road are to be completed prior to the release of subdivision certificates for each lot or open space area adjoining Minmi Road;
- the Landscape Master Plan provide for street trees planted at a typical spacing of 10m centres;
- fencing be provided to the rear allotments along Minmi Road, prior to the endorsement of subdivision certificates for the respective lots; and
- administrative amendments be made to the approved Development Guidelines.

**RFS** requested a Bushfire Assessment Report (BAR) be provided to identify the extent to which the proposed modification conforms with or deviates from the relevant provisions of *Planning for Bushfire Protection 2006* (PFBP). In particular, it was requested the BAR demonstrate how the development complies with the asset protection zones (APZs) requirements outlined under Appendix 2 of PFBP.

**RMS** did not raise any objections to the proposed modification. It was advised that Minmi Road is a local road for which Council is the relevant roads authority and that no significant impact

on the classified road network is anticipated by the modification. It was, however, requested that appropriate traffic measures be implemented during construction to minimise the impacts of construction vehicles on traffic efficiency.

**HNEPH** considered the proposed modification would result in minimal health impacts and was satisfied with the existing conditions of approval.

Four **public** submissions were received objecting to the proposed modification. Objections were raised with regards to:

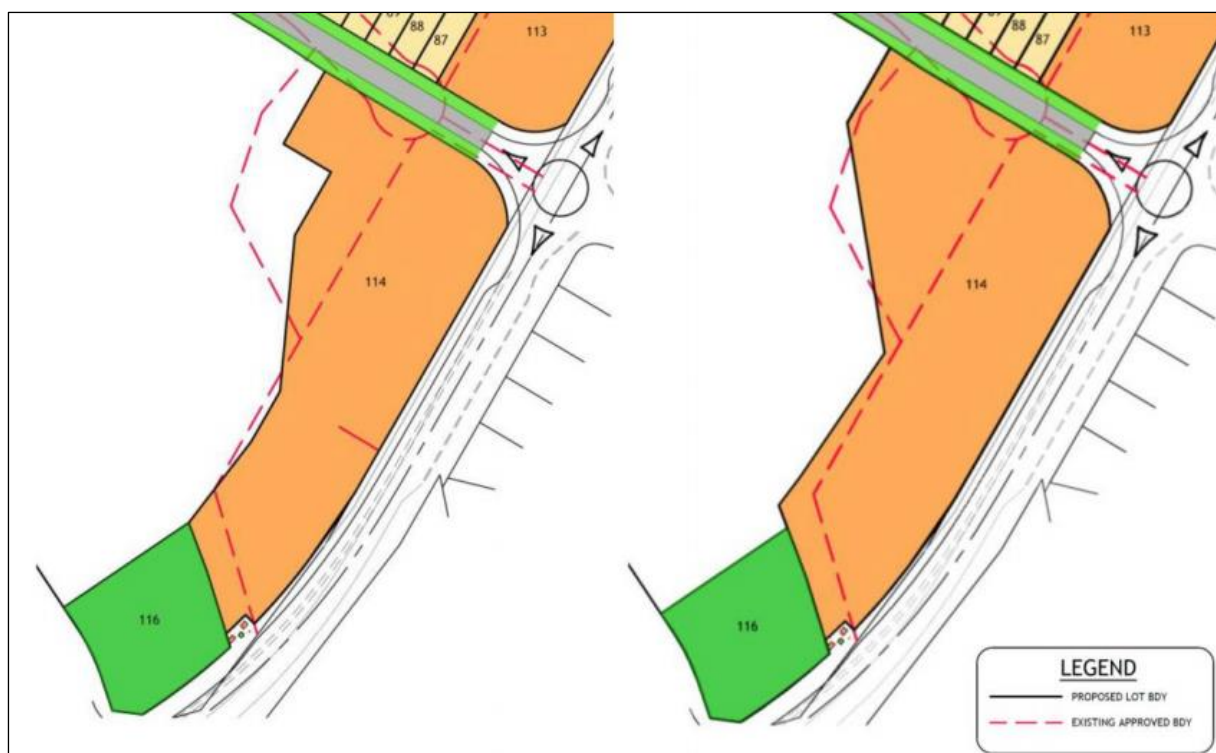
- increased traffic throughout the estate due to the connection of Road 12 to Stages 8 and 9 and proposed increase in residential lots;
- the proposed smaller lot sizes (less than 450m<sup>2</sup>) detract from the existing makeup of the subdivision;
- the proposed additional lots will place further strain on the capacity of Minmi Road and increase the risk of traffic accidents; and
- speed reduction measures should be implemented along Brookfield Avenue to improve safety, particularly for children using the existing park.

## 6.2 Response to Submissions

The Proponent prepared a Response to Submissions (RtS) to address issues raised by government agencies and the public.

A BAR is submitted as part of the RtS to address the RFS' submission (discussed further at **Section 7.3**). As result of the recommendations provided in the BAR, the Proponent amended the northern boundary of Lot 114 to ensure an appropriate APZ is provided to the future medium density housing. The boundary of Lot 114 (as originally proposed) in comparison to the amendment made as part of the RtS is shown in **Figure 5**.

In addition, the Proponent has provided an updated Landscape Design Report and Landscape Masterplan, Vegetation Management Plan and Development Guidelines as part of the RtS.



**Figure 5:** Proposed Lot 114 boundary as originally proposed (left) and as amended as part of the RtS (right) (Source: Proponent)



**Council** and **RFS** provided further submissions following review of the RtS.

**Council** provided the following clarifications:

- the amended plan of subdivision for Stage 10 is supported;
- future road works associated with Minmi Road may correspond with the relevant stage being constructed adjacent to the road;
- Section 94 monetary contributions should be updated to reflect the indexed rates at the time of determination; and
- the updated Development Guidelines are supported.

In addition to Council's original submission, it was requested that a condition be included requiring a Restriction on the Use of Land be registered against the title for all lots adjoining Minmi Road. The condition will ensure vehicular access/egress is provided from internal roads only, with no direct access to be provided to Minmi Road.

**RFS** raised no objections to the RtS, subject to the subdivision complying with PFBP. RFS advised that each residential lot and red hashed area marked on the revised plan of subdivision shall be managed as an inner protection area (IPA) and the fuel managed zone as an outer protection area (OPA) in perpetuity and in accordance with PFBP.

## **7. ASSESSMENT**

The Department considers the key issue associated with the proposed modification relates to the subdivision design and road network connections and access. All other issues are considered in **Table 1** below.

### **7.1 Subdivision design**

#### *Minimum lot sizes*

The approved Stage 10 subdivision comprises 30 residential lots (ranging in size from between 450m<sup>2</sup> and 912m<sup>2</sup>), 8 super lots for future medium density housing, an open space lot and a drainage lot.

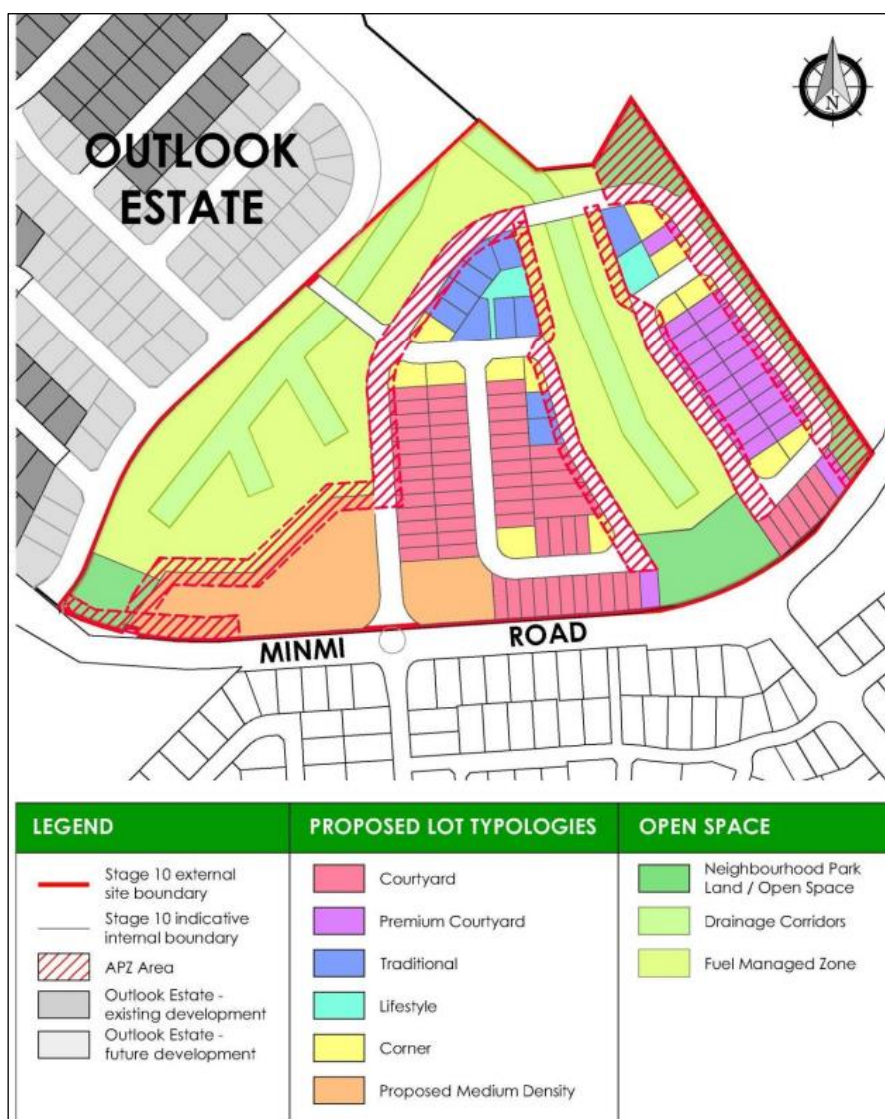
The proposed modification amends the subdivision design to include 112 residential lots (including 'small lot housing'), 2 super lots for future medium density residential housing and 2 open space lots.

The Stage 10 subdivision, as proposed to be modified, comprises:

- 86 'Courtyard' and 'Premium Courtyard' lots of between 290m<sup>2</sup> and 451m<sup>2</sup>;
- 11 'Traditional' lots of between 385m<sup>2</sup> and 672m<sup>2</sup>;
- 2 'Lifestyle' lots greater than 700m<sup>2</sup>; and
- 13 'Corner' lots of varying sizes and with 2 street frontages.

The modification will increase the approved number of lots across the entire Dan Land subdivision from 400 to 413 in total. The Proponent has advised that the small lot housing format for Stage 10 allows for a range of lot typologies and housing outcomes.

The proposed subdivision layout is shown at **Figure 4** (refer **Section 4** above). The indicative lot typologies plan, included in the Stage 10 Development Guidelines, is shown in **Figure 6**.



**Figure 6:** Indicative lot typologies (Source: Stage 10 Development Guidelines)

The site is zoned part R2 Low Density Residential and part E2 Environmental Conservation under the *Newcastle Local Environmental Plan 2012* (NLEP 2012). Residential lots would only be created in the R2 zone which stipulates a minimum lot size of 400m<sup>2</sup> under the NLEP 2012.

#### *Issues raised in submissions*

Two public submissions objected to the proposed small lot housing as it would detract from the existing makeup of the subdivision, place further strain on the capacity of Minmi Road and increase the risk of traffic accidents.

In response to the concerns raised by the public, the Proponent's RtS advised that:

- the proposed smaller lot sizes are considered appropriate as it is consistent with the Local Planning Strategy (LPS) (Council, July 2015) which encourages small lot housing close to commercial centres such as the Fletcher shops;
- the Concept Plan always envisaged higher densities within Stage 10 including 250m<sup>2</sup> townhouse lots;
- Stage 10 will have separate access via Minmi Road, ensuring future residents do not have to travel through the adjoining stages of the estate to access the public road network;
- Stage 10 will be physically and visually separated from the remainder of the estate via a riparian corridor, parkland and gullies; and
- previous traffic studies undertaken for the development have concluded that Stage 10 will not have a detrimental impact on the functioning of Minmi Road.



Council's original submission on the application did not raise any concerns with the proposed subdivision design and future lot sizes. Council's submission on the RtS further advised that the Proponent's amended plan of subdivision is generally supported.

The LPS incorporates certain land use directions outlined under the *Newcastle 2030 Community Strategic Plan* and guides Council with decision-making for growth across the Newcastle LGA. The Department considers the proposed development of small lot housing within Stage 10 is appropriate for the site and is consistent with the LPS. In particular, the Strategic Directions for Residential Lands (Section 4.1.2 of the LPS) provides for the provision of small lot subdivision located near commercial centres, such as the existing Neighbourhood Centre located at the corner of Minmi Road and Britannia Boulevard in Fletcher (located adjacent to the site). Further, the provision of small lot housing improves affordable housing options and allows for greater housing choice and diversity, as required under the LPS.

Accordingly, the Department considers the proposed modification to the subdivision layout of Stage 10 and inclusion of lots less than 400m<sup>2</sup> is acceptable. The Department is also satisfied the increase in residential density across the entire Dan Land subdivision from 400 to 413 lots in total, representing a minor increase of 3% overall, would result in negligible impacts. Residential density is discussed further in **Table 1** (refer **Section 7.3**).

#### *Site-specific development controls*

The Proponent has submitted Stage 10 Development Guidelines (the Guideline), prepared by ADW Johnson (dated June 2018). The guidelines include site-specific development controls and is requested by the Proponent to form part of the conditions of approval.

The Guideline would apply to all future development requiring consent within Stage 10, including future medium density residential development. The Guideline aims to:

- ensure Stage 10 is developed in accordance with the Concept Approval (MP 06\_0031);
- provide design criteria to ensure that quality dwellings can be built upon each lot;
- contribute to the projected growth of the Fletcher precinct;
- provide for a range of different lot sizes and built form to appeal to a wider demographic;
- provide for more affordable housing lots and encourage first-home buyers and down-sizers to the area; and
- enhance pedestrian connectivity to open space and services.

The Guideline outlines site-specific development controls for future small lot subdivision including lot typology, frontage, minimum lot size, site coverage and access arrangements. The Guideline also includes controls relating to open space, landscaping, retaining walls and fencing.

The development controls specified under the NLEP 2012 will prevail in the event of any inconsistencies with the Guidelines. Council, in its submission on the RtS, has indicated support for the proposed Guidelines.

The Department is satisfied the Guidelines will ensure an appropriate urban design outcome is achieved for Stage 10 of the Dan Land subdivision. Consequently, it is recommended that Condition A2 *Development in Accordance with Plans and Documentation* to be amended to specifically reference the Guidelines (dated June 2018).

## **7.2 Road network connections and access**

The modification proposes to amend the approved road network layout to comply with the requirements of Condition B10 of the Project Approval. Condition B10 reads as follows:

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

*A Construction Certificate for Stage 10 is not to be issued unless an amended Plan or 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 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 Dan Land.*
- (b) The eastern most intersection with Minmi Road is to be deleted, with the eastern permitter 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.*

The proposed modifications to Stage 10 includes:

- a road network connection to the adjoining Sanctuary Estate to the north-east, in order to comply with Condition B10 (a);
- deletion of the eastern-most connection and construction of an internal loop road (as opposed to the construction of a cul-de-sac), in order to comply with Condition B10 (b); and
- deletion of the approved cul-de-sac located opposite Highland Way and extension of the internal loop road to Minmi Road. A roundabout is proposed to be constructed at the intersection of the internal road with Minmi Road and Highland Way, in order to comply with Condition B10 (c).

Condition B2 of the Project Approval outlines the same requirements as Condition B10(b), and requires the proponent to submit amended plans (*Concept Plan, Proposed Lot Layout, Structure Plan- Roads, Landscape Master Plan and Vegetation Management Plan*) and documentation reflecting the updated layout.

The approved subdivision layout is shown at **Figure 2** (refer **Section 3** above). The subdivision layout, as proposed to be modified, is shown at **Figure 4** (refer **Section 4** above). The Proponent considers the deletion of the approved cul-de-sacs and creation of loop roads would provide improved connections throughout the subdivision and the requirements of Condition B10 are comprehensively addressed.

#### *Issues raised in submissions*

Council's submission advised the proposed deletion of Condition B10 was reasonable as the works described within the condition are reflected on the proposed subdivision layout. Council did, however, request the insertion of a new condition that will confirm the future design and construction of the connection road to the Sanctuary Estate is the responsibility of the Proponent and at no cost to Council.

Council further recommended a condition be inserted requiring the works associated with Minmi Road be completed prior to the release of the respective Subdivision Certificates for each of the lots or open space areas adjoining Minmi Road. Council clarified in its submission on the RtS that the release of Subdivision Certificates may correspond with the relevant stage being constructed adjacent to the road.

Council's submission on the RtS recommended a condition requiring a Restriction on the Use of Land be registered against the title for all lots adjoining Minmi Road to ensure vehicular access/egress is provided from internal roads only. Council also requested that additional shared pathways be provided, to improve pedestrian and cycle permeability through the site.

RMS did not raise any objections to the proposed modification and advised that no significant impact on the classified road network is anticipated by the modification. It was, however, requested that appropriate traffic measures be implemented during construction to minimise the impacts of construction vehicles on traffic efficiency.

One public submission raised concern regarding increased traffic that would be generated throughout the adjoining stages of the estate as a result of the road network connection to Brookfield Avenue. The RtS confirms the connection between Stage 10 and the remainder of the estate (via 'Road No. 3') was always intended as part of the subdivision design and was approved as part of the Concept Approval. Further, Stage 10 will have its own connection to Minmi Road that will ensure residents will not be required to travel through other stages of the estate to access the wider public road network. The Department considers this issue does not warrant the need for amendments to be made to the road network layout and connections.

The Department notes the modification proposes vehicular access and egress from internal roads only within Stage 10, and does not propose any direct access from lots to Minmi Road. Notwithstanding, the Department recommends a new condition be included, as recommended by Council, which requires a Restriction on the Use of Land to be registered against the title for all residential lots adjacent to Minmi Road, to prohibit direct vehicle access and egress. The prohibition relates to Lots 30 to 36 and Lots 101 to 114 (inclusive). The Department also notes this would address the Commission's previous concerns about the potential safety impacts associated with direct access from Minmi Road.

As a part of its assessment of MOD 1 the Department imposed Condition B10 (b) and (c). These changes were required to ensure Stage 10 of the subdivision better connected with the development on the southern side of Minmi Road. The Department has considered the revised road network connections and access arrangements for Stage 10 and is satisfied the requirements of Condition B10 (b) and (c) are addressed as part of this modification. Further, the Department considers the proposed loop road results in improved design outcomes, rather than the creation of cul-de-sac roads.

To address Council's submission on the modification application and the RtS, the Department recommends the following amendments to the Concept Approval:

- Condition B2 be deleted.

To address Council's submission on the modification application and the RtS, the Department recommends the following amendments to the Project Approval:

- Condition B10 be deleted;
- new Condition B12 be inserted requiring the works associated with Minmi Road be completed prior to the release of respective Subdivision Certificates;
- new Condition B13 be inserted confirming the design and construction of the connection to the Sanctuary Estate be provided at no cost to Council; and
- new Condition B14 be inserted requiring a Restriction on the Use of Land be registered against the title for all residential lots adjacent to Minmi Road to prevent direct vehicle access (Lots 30 to 36 inclusive and Lots 101 to 114 inclusive)
- new Condition B20 be inserted which refers to Council's recommended shared path network.



### 7.3 Other Issues

The Department's assessment of other issues associated with the proposed modification is included in **Table 1** below.

**Table 1: Assessment of other issues**

<b>Issue</b>	<b>Consideration</b>	<b>Recommendation</b>
<i>Residential density</i>	<ul style="list-style-type: none"> <li>The proposal seeks approval to increase the overall number of residential lots across the site from 400 to 413.</li> <li>The Department considers the proposed density is acceptable as: <ul style="list-style-type: none"> <li>it represents a minor 3% increase in the overall approved density across the Dan Land subdivision;</li> <li>the Concept Plan always envisaged higher densities within Stage 10 (with 250m<sup>2</sup> townhouse lots);</li> <li>the proposal would improve the mix, type and affordability of housing in the area;</li> <li>Council's recent LPS encourages small lot housing close to commercial centres, such as the nearby Fletcher shops; and</li> <li>the proposal would not result in adverse traffic impacts (as discussed in detail below).</li> </ul> </li> <li>The Department also notes Council did not object to the increase in density and supported the provision of smaller lots.</li> <li>The Department's assessment therefore concludes the site is suitable for the proposed density and it would not result in any adverse impacts.</li> </ul>	No additional conditions or amendments to existing conditions are necessary.
<i>Bushfire</i>	<ul style="list-style-type: none"> <li>A BAR was submitted with the RtS in response to the RFS' original submission.</li> <li>The site contains Category 1 bushfire prone vegetation. There is a narrow band of remnant Dry Sclerophyll Low Open Forest located between Stage 10 and the adjoining residential development to the north-east (the Sanctuary Estate) and unmanaged vegetation on land to the south of Minmi Road toward the western extent of Stage 10.</li> <li>The BAR recommends a minimum APZ width of 20m along the northern boundary of Lot 114 (proposed for future medium density housing).</li> <li>Accordingly, the Proponent's RtS details the reconfiguration of Lot 114 to provide for a 20m APZ while maintaining flexibility for future medium density residential development. The boundary of Lot 114 (as originally proposed) in comparison to the amendment made as part of the RtS as a result of the BRA is shown in <b>Figure 5</b> (refer <b>Section 6.2</b> above).</li> <li>RFS' submission on the RtS did not raise any concerns with the reconfiguration of Lot 144.</li> <li>The Department notes that the Stage 10 subdivision, as proposed to be modified, complies with the requirements of PFBP and will not increase the threat of bushfire.</li> <li>The Department recommends the conditions of approval be amended to reference the BAR submitted with the modification request – Condition A2 of both the Concept Approval and Project Approval.</li> </ul>	Condition A2 of both the Concept Approval and Project Approval be amended to reference the BAR submitted with the modification request.
<i>Landscaping</i>	<ul style="list-style-type: none"> <li>The modification application includes a Landscape Masterplan to address the requirements of Condition B10. The Plan is shown at <b>Figure 3</b> (refer <b>Section 4</b> above).</li> <li>Council recommended the Landscape Master Plan be amended to show street trees along Minmi Road to be planted at a typical spacing of 10m centres, in accordance with Council's requirements. It was requested that an amended plan be submitted to the Certifying Authority prior to the issue of a Construction Certificate for Stage 10.</li> <li>Council further recommended a condition requiring the provision of appropriately designed fencing along the rear boundary of the</li> </ul>	New Project Approval Conditions B16, B17 and B18 be included to address Council's requests with respect to street trees and boundary fencing.

<i>Issue</i>	<i>Consideration</i>	<i>Recommendation</i>
	<p>residential lots adjacent to Minmi Road (specifically Lots 30 to 36 and Lots 101 to 112). The fencing shall be provided prior to the endorsement of a subdivision certificate for those lots.</p> <ul style="list-style-type: none"> <li>• The Department considers Council's suggested conditions are reasonable and will result in an improved public domain outcome.</li> <li>• The Department, therefore, considers that Landscape Masterplan should be updated to reflect Council's requirements with respect to street trees and for fencing to be provided along the rear boundary of the residential lots adjacent to Minmi Road.</li> </ul>	
<i>Section 94 contributions</i>	<ul style="list-style-type: none"> <li>• Council requested any additional lots be required to pay Section 94 Contributions in accordance with its Western Corridor Section 94 Contributions Plan 2013.</li> <li>• The Department considers the payment of Section 94 Contributions for the additional lots in accordance with Council's updated Contributions Plan is reasonable and recommends the conditions be amended accordingly.</li> <li>• The Department recommends a new condition requiring Section 94 Contributions be levied for the additional lots created within Stage 10.</li> </ul>	New Project Approval Condition B3(a) be included to account for the additional lots created within Stage 10 as a result of the modification.

## 8. CONCLUSION

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes the proposed modification is appropriate on the basis that:

- the small increase in residential lots across the entire Dan Land subdivision will result in negligible impacts, noting the proposed roundabout at the intersection of the internal road with Minmi Road and Highland Way would appropriately manage traffic volumes associated with the additional lots;
- the provision of a small lot housing contributes to improved affordable housing options, increased housing choice and diversity and is consistent with Council's LPS;
- the proposed Stage 10 Design Guidelines will ensure future high quality urban design outcomes for the site;
- the subdivision layout complies with the requirements of PFBP; and
- the removal of trees along Minmi Road is supported, subject to conditions requiring appropriate replanting in accordance with Council's requirements.

Consequently, it is recommended the modification is approvable subject to the recommended conditions.

## 9. RECOMMENDATION

It is recommended that the Executive Director, Key Sites and Industry Assessments, as delegate of the Minister for Planning:

- **consider** the findings and recommendations of this report
- **determine** that the modification request falls within the scope of section 75W of the EP&A Act
- **approve** the modification (MP 06\_0031 MOD 4) subject to conditions
- **sign** the attached instrument of modification (**Appendix A**).

Recommended by:

Recommended by:

Emma Butcher  
**Planning Officer**  
**Regional Assessments**

Anthony Witherdin  
**Director**  
**Regional Assessments**

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**DECISION**

Approved by:

**Anthea Sargeant**  
**Executive Director**  
**Key Sites and Industry Assessments**  
as delegate of the Minister for Planning



## **APPENDIX A: NOTICE OF MODIFICATION**

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A copy of the notice of modification can be found on the Department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8921](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8921)

## **APPENDIX B: SUPPORTING INFORMATION**

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The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website, as follows:

1. Modification request

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8921](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8921)

2. Submissions

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8921](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8921)

3. Response to Submissions

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8921](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8921)