

Modification of Concept Plan and Project Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, I approve the modification to the Concept Plan and Project Approval referred to in Schedule 1, subject to the conditions in Schedule 2 and Schedule 3.



Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

Sydney 19 September 2018

SCHEDULE 1

Development Approval:	Concept Plan and Project Approval MP 06_0031 granted by the Minister for Planning
For the following:	A 400 lot residential subdivision and associated services and infrastructure and landscaped open space.
Proponent:	Northern Residential
Approval Authority:	Minister for Planning
The Land:	290 & 302 Minmi Road, Fletcher (Lot 11 DP 1044935 and lot 2 DP 534168)
Modification:	MP 06_0031 MOD 4: the modification includes: <ul style="list-style-type: none">• conversion of superlots to individual lots; and• amendments to roads, access, and subdivision layout.

SCHEDULE 2

The Concept Approval is modified as follows:

- (a) Schedule 2, Part A – Administrative Modifications, Concept Plan Approval, Condition A1 – Development Description is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~struck-out~~ words/numbers as follows:

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 residential lots**;
2. Associated services and infrastructure; and
3. Landscaped public open space.

- (b) Schedule 2, Part A – Administrative Modifications, Concept Plan Approval, Condition A2 – Development in Accordance with Plans and Documentation is amended by the insertion of the **bold and underlined** words/numbers as follows:

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 10.04.18 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 10.04.18 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/REV11) **as amended by Landscape Masterplan Outlook Stage 10 Rev. G dated April 2018 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. G prepared by Terras Landscape Architects dated 04.04.18.**
- (f) **Bushfire Protection Assessment for the Proposed Stage 10 Subdivision of Lot 10 in DP 270583 Minmi Road, Fletcher dated 06.04.2018 prepared by Australian Bushfire Protection Planners**
- (g) **Stage 10 Development Guidelines** prepared by ADW Johnson, dated June 2018
- (h) **Arborist Report Rev. A dated 12 May 2016 prepared by Terras Landscape Architects.**
- (i) **Section 75W Modification Application – the Dan Land – MP 06 0031 (MOD 4) dated 22.11.17 prepared by City Plan Strategy and Development.**

- (j) Section 75W Modification Application – the Dan Land – MP 06 0031 (MOD 4) – Response to Submissions dated 11.04.18 prepared by City Plan Strategy and Development.
- (k) Water Quality Management Plan – Proposed Outlook Stage 10 Subdivision (Issue B) dated August 2018 prepared by ADW Johnson.

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

- (c) Schedule 2, Part B –Department of Planning's Modifications, Concept Plan Approval, Condition B2 is deleted:

B2. Access to Minmi Road

~~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.~~

~~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 and 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.~~

SCHEDULE 4

The Project Approval is modified as follows:

- (a) Schedule 4, Part A – Administrative Conditions – Project Approval, Condition A1 – Development Description is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~struck-out~~ words/numbers as follows:

A1. Development Description

Project approval is granted only to the carrying out the 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.
- (b) Schedule 4, Part A – Administrative Conditions – Project Approval, Condition A2 – Development in Accordance with Plans and Documentation is amended by the insertion of the **bold and underlined** as follows:

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 10.04.18 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/REV11) **as amended by Landscape Masterplan Outlook Stage 10 Rev. G dated April 2018 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. G prepared by Terras Landscape Architects dated 04.04.18.**
- (f) Dan Land Preferred Project Report Appendix 6 – Community Management Statement.
- (g) **Bushfire Protection Assessment for the Proposed Stage 10 Subdivision of Lot 10 in DP 270583 Minmi Road, Fletcher dated 06.04.2018 prepared by Australian Bushfire Protection Planners**
- (h) **Arborist Report Rev. A dated 12 May 2016 prepared by Terras Landscape Architects.**
- (i) **Section 75W Modification Application – the Dan Land – MP 06 0031 (MOD 4) dated 22.11.17 prepared by City Plan Strategy and Development.**

- (j) Section 75W Modification Application – the Dan Land – MP 06 0031 (MOD 4) – Response to Submissions dated 11.04.18 prepared by City Plan Strategy and Development.
- (k) Water Quality Management Plan – Proposed Outlook Stage 10 Subdivision (Issue B) dated August 2018 prepared by ADW Johnson.

Except for otherwise provided by the Department's modifications of approval as set out in Schedule 4, Part B and the proponent's Statement of Commitments.

- (c) Schedule 4, Part B – Department of Planning's Conditions of Approval – Project Approval, insert a new Condition B13(a) – **bold and underlined** as follows:

B3(a). S94 Contributions – Stage 10

A total monetary contribution of \$1,020,143.44 (\$13,422.94 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 Condition B3 is to be paid to Newcastle City Council, pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, 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 the initial 337 lots and following satisfaction of Condition B2 and Condition B3.

- i) Traffic and Transport \$931.45
- ii) Social Infrastructure \$12,491.49

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 and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics. 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.**

Note: Condition B2 and B3 do not apply to the additional 76 lots within Stage 10 in excess of the original approved 337 lot subdivision which are subject to the payment of Section 94 levies pursuant to Condition B3(a).

- (d) Schedule 4, Part B – Department of Planning's Conditions of Approval – Project Approval, Condition B10 – Stage 10 Road Layout & Design, is deleted:

~~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.~~
- (e) Schedule 4, Part B – Department of Planning’s Conditions of Approval – Project Approval, insert a new Condition B11 – **bold and underlined** as follows:

B11. Pedestrian Crossing – Minmi Road

The Proponent shall provide a suitable pedestrian crossing facility/s 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/s 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/s.

- (f) Schedule 4, Part B – Department of Planning’s Conditions of Approval – Project Approval, insert a new Condition B12 – **bold and underlined** as follows:

B12. Minmi Road Works

The Proponent shall provide a roundabout at the intersection of Minmi Road, Highland Way and ‘Road 1’ prior to the issue of the first subdivision certificate for any of Lots 101- 114 (inclusive), and Lots 1-36 (inclusive). 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.

- (g) Schedule 4, Part B – Department of Planning’s Conditions of Approval – Project Approval, insert a new Condition B13 – **bold and underlined** as follows:

B13. Road Network Connection – Sanctuary Estate

Prior to release of any Subdivision Certificate for proposed Lots 1 to 36 (inclusive) within Stage 10, the Proponent shall design and construct, at no cost to Council, a road network connection to the adjoining residential subdivision ‘Sanctuary Estate’ located immediately north-east of Stage 10.

The road network connection shall comply with the relevant road, drainage and pavement design specifications of Council, to the satisfaction of the PCA.

- (h) Schedule 4, Part B – Department of Planning’s Conditions of Approval – Project Approval, insert a new Condition B14 – **bold and underlined** as follows:

B14. Restriction on the Use of Land – Lots Adjacent to Minmi Road

A Restriction on the Use of Land under Section 88 of the Conveyancing Act 1919 shall be registered against the title for all residential lots located adjacent to Minmi Road prohibiting vehicular access and egress to Minmi Road.

The Restriction on the Use of Land relates to Lots 30 to 36 (inclusive) and Lots 101 to 114 (inclusive) as shown on Drawing MP-001 dated 10.04.18 titled Proposed Subdivision Outlook Stage 10 prepared by ADW Johnson.

The Restriction on the Use of Land is to benefit Council as the relevant Roads Authority and shall be registered prior to the issue of the Subdivision Certificate for the respective lots.

- (i) Schedule 4, Part B – Department of Planning's Conditions of Approval – Project Approval, insert a new Condition B15 – **bold and underlined** as follows:

B15. 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.

- (j) Schedule 4, Part B – Department of Planning's Conditions of Approval – Project Approval, insert a new Condition B16 – **bold and underlined** as follows:

B16. 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.

- (k) Schedule 4, Part B – Department of Planning's Conditions of Approval – Project Approval, insert a new Condition B17 – **bold and underlined** as follows:

B17. Boundary Fencing – Lots Adjacent to Minmi Road

The Proponent shall ensure appropriately designed fencing along the rear of the residential lots adjacent to Minmi Road is provided in accordance with Council's Development Control Plan and to the satisfaction of the PCA. The fencing is to be provided prior to the issue of the Subdivision Certificate for the relevant lot.

Note: this condition relates only to Lots 30 to 36 (inclusive) and Lots 101 to 112 (inclusive) as shown on Drawing MP-001 dated 10.04.18 titled Proposed Subdivision Outlook Stage 10 prepared by ADW Johnson.

- (l) Schedule 4, Part B – Department of Planning's Conditions of Approval – Project Approval, insert a new Condition B18 – **bold and underlined** as follows:

B18. Street Tree Planting

The Proponent shall provide suitable street tree planting along Minmi Road prior to the issue of the subdivision certificate of the relevant stage(s) fronting Minmi Road. The planting shall be the subject of approval by the Council under Section 138 of the Roads Act 1993.

- (a) Schedule 4, Part B – Department of Planning's Conditions of Approval – Project Approval, insert a new Condition B19 – **bold and underlined** as follows:

B19. Road No. 3 Construction

Prior to release of any Subdivision Certificate for proposed Lots 41 to 46 (inclusive) and Lot 100 within Stage 10, the Proponent shall design and construct, at no cost to Council, Road No. 3 connecting Stages 1 to 9 with Stage 10.

The road network connection shall comply with the relevant road, drainage and pavement design specifications of Council, to the satisfaction of the PCA.

- (b) Schedule 4, Part B – Department of Planning's Conditions of Approval – Project Approval, insert a new Condition B20 – **bold and underlined** as follows:

B20. Shared Path Network

A minimum 2.0m wide continuous reinforced concrete shared path network is to be provided within proposed Stage 10 linking the existing shared path constructed within Stage 7 and adjacent proposed Road No. 3 to the road connection to the Sanctuary Estate (opposite proposed Lot 2) and to the existing pedestrian refuge facilities on Minmi Road in the vicinity of proposed Lot 30 or the existing roundabout at Britannia Boulevard. Wherever possible, the shared pathway is not to be constructed across the frontages of any proposed lots where future driveways will be constructed. Full details are to be included in documentation for a Construction Certificate application.

- (c) Schedule 4, Part B – Department of Planning's Conditions of Approval – Project Approval, insert a new Condition B21 – **bold and underlined** as follows:

B21. Stage 10 Stormwater

All stormwater runoff from the proposed Stage 10 shall be managed in accordance with the requirements of Element 7.06 'Stormwater' of Newcastle Development Control Plan 2012, the associated Technical Manual and the latest issue of AS 3500.3 as applicable, as indicated on the Water quality Management Plan prepared by ADW Johnson Pty Ltd, Revision B, dated August 2018 and the following additional requirements:

- a) **Proposed splitter pits shall be only located downstream of all proposed Gross Pollutant Traps (GPT's).**
- b) **All Gross Pollutant Traps shall be centrifugal type devices with removable capture baskets such as 'Rocla CDSTM' or equivalent with an offline capture chamber and provided with maintenance vehicle access areas to the requirements of Council.**
- c) **Bio-filtration media in the proposed Bio-swales and Bio-Filtration Basins shall be a minimum 600mm deep excluding any associated Transition or Drainage layers.**

Full details are to be included in documentation for a Construction Certificate application.

End of Modification