

28 August 2019

NSW DEPARTMENT OF PLANNING, INDUSTRY &
ENVIRONMENT
GOO Box 39
SYDNEY NSW 2001

Dear Sir/Madam

Subject: MP 10_0090 (MOD 4) MISC/56/2010

Changes to Wording of FEARS 1.16, 1.31, 1.34 & 1.45

Minmi, Link Road North & South Residential Development

Lake Macquarie City Council thanks you for the opportunity to comment on the application to modify MP 10_0090 (Mod 4) Minmi Lands.

Please find below the Council's comments of the relevant proposed amendments.

Concept Plan Condition 1.16

This Condition relates to the provision of recreation facilities within the development area to meet the demands of the development unless suitable alternatives arrangements can be made to accommodate these facilities within the general proximity to the development site through negotiations with the relevant council.

The Council has accounted for and determined the provision and location of the required recreation facilities within its Local Government Area (**LGA**) through the *Lake Macquarie City Council Development Contributions Plan, Glendale Contributions Catchment – 2015*. This Plan was adopted in May 2016 and took into account the Link Road North development within the Lake Macquarie LGA. The Plan identifies facilities for expansion and upgrading within the adjacent Edgeworth/Cameron Park suburbs to which contributions collected for the Link Road North development can be expended. The Council is of the opinion that no suitable land for recreation facilities exist within the footprint of the development site within the Lake Macquarie LGA.

As such, the Council is satisfied with the proposed amendments under MOD 4 to Condition 1.16 under MOD 4 in that Condition 1.16 can be made to apply only to that portion of the development site within the Newcastle LGA.

Condition 1.31

This Condition relates to the assessment, modelling, funding and timing of upgrades to the local and/or regional road network.

The Council appreciates that the assessment of the impact of the regional road network will take some time and the identification of future funding of works is a complex matter. The Council would prefer for the development to, at least in part, proceed to enable time for this to occur. That is, the Council is satisfied with the general approach of allowing regional road issues to be dealt with separately and prior to the commencement of construction within the development site.

With respect to development within the Lake Macquarie LGA, the Council's preferred course of action is for these matters to be dealt with through the imposition of appropriate conditions in any future development approval instruments. Any such condition would need to be clear as to who the authority is that needs to be satisfied that the condition has been complied with.

In relation to the proposed amendments to Condition 1.31 under MOD 4, the Council's view is that:

- Part 1 of the proposed revised condition relates to State Road intersection upgrades and the Council would defer to the Roads and Maritime Service (**RMS**) over the specific wording of this part.
- Part 2 of the proposed revised condition describes the matters that micro simulation modelling must address and requires this modelling to be provided to the RMS prior to the issue of any construction certificate. The Council is concerned that the modelling only has to be provided to the RMS. Prior to the issue of a construction certificate, the Council would prefer wording which requires the RMS' satisfaction as to the content, method and results of the micro simulation modelling.
- Part 3 of the proposed revised condition is suitable.

Condition 1.34

This Condition relates to accommodating waste removal vehicles in the design of the development roads to link Minmi Boulevard and the Summerhill Waste Management Centre. There has been discussion of the interpretation of the terms "waste removal vehicle" and also who is the "relevant council" referred to in Condition 1.34. The Council would appreciate that the Department clarifies the interpretation of these terms as part of this modification application to avoid ambiguity.

With that said, the Council is of the view that:

- "waste removal vehicles" means heavy rigid vehicles purpose built or adapted for kerbside collection; and
- "relevant council" refers to the council in whose LGA the development application is located. That is, for the development application within the Lake Macquarie LGA, the "relevant council" is Lake Macquarie City Council.

In this manner, the Council is satisfied with the proposed amendments under MOD 4 to Condition 1.34.

Condition 1.45

The Council notes that the time the application for MOD 4 was lodged, the Rural Fire Service (**RFS**) had not yet issued its satisfaction of the Bushfire Management Plan submitted with the application for development within the Lake Macquarie LGA. This has subsequently been provided by the RFS in their letter dated 7 August 2019.

Accordingly, so far as the development within the Lake Macquarie LGA is concerned, the Council does not see any utility in amending Condition 1.45 as proposed under MOD 4.

Should you require further information, please contact the undersigned on 4921 0455 or by e-mail on dpavitt@lakemac.nsw.gov.au.

Yours faithfully

A handwritten signature in black ink, appearing to read 'David Pavitt', with a stylized flourish at the end.

David Pavitt
Principal Development Engineer
Development Assessment and Certification