

1 April 2011

The Director, Strategic Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Attn: Dorna Darab,

**Subject SSS Listing & Concept Plan (MP10_0090) for Minmi, Newcastle Link Road
 And Stockrington For 3300 Lots, Mixed Use Development And The
 Dedication Of Approx 1,561 Hectares For Conservation**

This correspondence is in reference to the Department of Planning's correspondence in relation to the above application lodged under Part 3A of the Environmental Planning and Assessment Act, 1979.

Council officers have prepared this submission on behalf of Council. The concerns expressed in the attached Schedule are therefore the collective views of Council officers.

The Department is requested to report these concerns to the Minister when seeking a decision under Part 3A of the Environmental Planning and Assessment Act, 1979 and State Environmental Planning Policy (Major Projects) 2005.

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

Yours faithfully

David Pavitt
Principal Development Engineer
Development Assessment and Compliance

Schedule Of Issues

Proposed SSS Listing & Concept Plan (MP10_0090) For Minmi, Newcastle Link Road And Stockrington For 3300 Lots, Mixed Use Development And The Dedication Of Approx 1,561 Hectares For Conservation – Lake Macquarie City Council Submission

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1. STRATEGIC PLANNING

Land Use

The portion of the subject land contained within Lake Macquarie Local Government Area (LGA) is currently zoned 7(2) Conservation (Secondary) Zone. The application of this zone to the subject land signifies the ecological and biodiversity value that it contains. Further consideration should be given to the ecological attributes of the subject land and its surrounds, including the adjoining Blue Gum Hills Regional Park. Council's vegetation mapping has also identified the subject land as being an important corridor for fauna movement. If the proposal proceeds, riparian corridors should be retained and kept in an ecologically healthy and natural state as much as possible.

Equitable access should be provided to the Blue Gum Hills Regional Park including provision for vehicular access and car parking, as well as ensuring adequate provision for pedestrian and cyclist access. Provision for an access to the Regional Park should also be provided near Newcastle Link Road, which provides a regional address.

The Blue Gum Hills Regional Park is currently contained within a larger area of vegetation, which is zoned for conservation purposes. It is necessary to ensure that the Regional Park maintains connectivity to other significant vegetated lands within the vicinity. In this regard, a conservation corridor should be established to link the Regional Park with surrounding vegetated land, particularly the vegetated land to the south in Lake Macquarie LGA.

The vegetation corridor along the Newcastle Link Road should be substantially widened to accommodate possible future road widening, while also facilitating the movement of fauna.

Council acknowledges the need to supply land for housing, and in this regard, Council is ahead of target for the release of land to accommodate the projected growth of the region without the addition of the proposed development. The proposed development is poorly positioned and disconnected from existing urban settlements.

Heritage

Recent studies associated with a proposed rezoning of land (Lot 1 DP 900357) immediately to the south of the Link Road South precinct have identified an Aboriginal Scatter site. The site is positioned at, or extremely near the entry point of the proposed collector road from the Link Road South precinct to the site subject to the proposed rezoning. Efforts should be made to avoid development on the identified scatter site. Information regarding the location of the site has previously been provided to the applicant.

Accessibility

The establishment of an appropriate level of services and facilities is critical in supporting the proposed density of development on the land. Adequate access to services to meet daily needs, as well as opportunities for employment, education, and open space that is of a suitable size and will support a range of passive and active recreation is necessary to support the proposed growth in the area.

The proposed development should provide for a permeable urban environment and a range of transport modes including on and off-road cycleways, shared pathways, and less formal access points through open space areas. It is also critical that access paths facilitate efficient and logical movement between destinations, as well as providing activity and associated casual surveillance, and provision for safety.

Newcastle Link Road is a significant barrier to non-car users in accessing the services, employment, and education at Edgeworth, Glendale, and Cardiff. Provision should be made for improved access from the development site to these locations. This should include additional shared pathways, on and off-road cycleways, and establishing a road network that is more able to support public transport.

Public Transport

Given the disconnected location of the proposed development, it is important that public transport services are provided frequently, and that travel times are minimised. It is essential

that public transport access be provided to the Glendale Regional Centre, which is the primary retail and services centre in the vicinity. However, public transport should also facilitate access to other significant destinations, including the University of Newcastle and the Newcastle City Centre, within a reasonable timeframe, and with minimal need to change between services.

Road infrastructure should be designed to facilitate bus services within the proposed development, and a diversity of bus routes should be established to ensure that future residents will be able to access services and facilities effectively.

Road Hierarchy

An additional route connecting Minmi Road with Main Road, Edgeworth is needed to support ongoing development and growth in the region. The proposed collector road within the Link Road South precinct should be established as a sub-arterial road to provide an alternative route to Newcastle Link Road. This road should also be more direct and designed with a capacity to accommodate traffic generated from future development to the south. In this respect, the road should facilitate access and be a desirable alternative route between Edgeworth and Newcastle Link Road.

2. CONTAMINATION ASSESSMENT

The assessment included research of the site history which was comprehensive and targeted soil sampling and analysis, including the standard DECCW recommended suite as well as acid sulfate soils and asbestos.

The preliminary report determined that there were no areas tested with significant contamination or acid sulphate soils which would preclude the rezoning, however, there are still areas which were inaccessible which need further investigation. Some areas are unable to be developed for geotechnical reasons.

Prior to the issue of any Construction Certificate, Council will require the submission of a detailed Phase Two Site Contamination Assessment and Remedial Action Plan prepared by a suitably qualified and experienced contaminated site consultant.

It will be necessary for the contamination assessment report and remedial action plan to be reviewed by a third party, independent auditor, accredited under the provisions of the NSW Contaminated Land management Act.

Prior to the issue of a building construction certificate, it will be necessary for the land to be remediated, validated and signed off by the auditor for its intended use.

3. ACOUSTIC ASSESSMENT

This report by Renzo Tonin & Associates addresses the residential rezonings in relation to the existing infrastructure such as the Cameron Park industrial area, Summerhill landfill operations in the Newcastle local government area, and traffic from the arterial and sub arterial or collector roads.

There will be no impact from the Cameron Park industrial area, however there may be impacts to the link road north residential zone, which may require a combination undeveloped buffer areas, barriers and acoustic treatment of dwellings to attenuate noise from the Summerhill waste operations.

The consultant has developed traffic impact noise modelling for the whole parcel, which has indicated that the use of acoustic barriers located between the residential/roadway interface will have minimal acoustic advantage in some areas. Modelling options of barriers ranged from 2 to 6 metres in height and projected RTA traffic flows till 2031 have been used.

Barrier heights will be limited to 3 metres along the link road and 2 metres along Minmi Road south which will provide minimal attenuation to proposed and existing residential areas. This will mean that acoustic design/ treatment of dwellings will still be required.

Dwellings constructed on those allotments inside the modelled exclusion contours for arterial and sub arterial roads will require acoustic certification for their design and treatment. A section 88B notation will be required as part of the subdivision approval.

Other acoustic issues such as the construction and operation of commercial premises within the study zone will require individual acoustic consideration, based on their design, orientation and location.

4. SOCIAL IMPACT

Context and Demographics

Minmi is an historic mining town in a rural setting, with large allotments surrounding the smaller township allotments. At the last census there were approximately 732 residents living in 226 occupied dwellings. The dwellings are predominately timber clad and fibro single storey dwellings, with evidence of more recent brick construction dwellings.

There are four local estates (existing and planned) within close proximity to Minmi/Link Road. These are Northlakes at Cameron Park, and The Sanctuary, The Outlook and Hidden Waters at Fletcher.

An analysis of the community profile of Minmi, Fletcher and Cameron Park reveals that compared to the rest of Lake Macquarie LGA, Newcastle LGA and NSW, they have:

- a higher proportion of 5-14 year olds,
- a higher proportion of couple families with children,

- a higher proportion of separate houses,
- higher levels of car ownership,
- and a lower proportion of one parent families.

The median income levels for Minmi are considerably lower than those of Lake Macquarie LGA, Newcastle LGA and NSW, however those of Cameron Park and Fletcher are significantly higher.

Proposed Development

The proposed development of 520 hectares at Minmi is expected to result in a dwelling yield of 3,300, along with 2 village areas to provide support facilities including retail premises to service the new and existing communities. It is predicted that the lots will be released at a rate of 165 lots per year, with all the dwellings built by 2032.

The proposal seeks to provide a more diverse range of housing than those existing in the suburbs of Minmi, Fletcher, Cameron Park and Maryland, as it seeks to target large family households, empty nesters, group housing, single person households, older retirees, as well as young families and working couples.

The proposal includes a seniors living development of approximately 150 independent living units, which will encourage a shift in the demographic profile toward an older age group.

Consisting of a significantly higher number of smaller dwellings and a lower proportion of larger traditional free standing lots than the surrounding suburbs, the proposal will have a reduced average household occupancy ratio compared to these areas. Therefore, the proposal is likely to result in an additional 9,720 persons.

Social Infrastructure Audit and Provision

Minmi currently has very limited social infrastructure, with only a community hall, primary school and 2 places of worship to service the existing population. Additional social infrastructure is located in the local study area, including three community halls, 11 parks, and various schools and health facilities, with the closest medical centre at West Wallsend. There are also a number of social infrastructure facilities and services planned for new developments in the area, including for The Sanctuary Estate, Fletcher, and NorthLakes at Cameron Park. However, lack of accessibility to public transport is an issue for children and young people accessing facilities located outside of Minmi.

Demand for community care for older people and people with a disability and their carers tends to exceed supply, and appropriate accommodation for disabled persons in Newcastle in general is relatively limited.

The proposal will increase the need for hospital beds in the region and generate demand for an additional four (4) GPs, along with the need for facilities to accommodate visiting community and allied health services. A multipurpose facility (which will include a Youth Centre) and two long day child care facilities are also required for the additional population.

To cater for the additional population, it is proposed to provide an additional two multipurpose community centres (that will serve community health, youth and aged facilities where appropriate), 150 independent living units for older people, various recreational facilities, upgrades to the local primary school and land for the development of an additional primary school. It is also recommended that to cater for the additional population, that a community health centre, two early childhood health centres, pre-schools and child care centres, and aged care facilities are provided. Whilst land use controls allow for the provision of some of these facilities, they have not been identified in the concept plan.

Social Impact Assessment

Section 6 of the SIA identifies the following positive social impacts:

- Provision of affordable and adaptable housing options;
- Provision of suitable pedestrian and cycle paths that will provide connectivity and accessibility;
- Improved local public transport options;
- New community and recreation facilities;
- Upgrading of the local primary school and provision of an additional school that will include capacity for students with special needs; and
- New employment opportunities.

Negative social impacts identified by the SIA include:

- Increase in the amount of traffic on local and regional roads;
- A negative impact on crime rates due to the increased population;
- An impact on the identity for the current residents;
- Pressure on local health services;
- Increased demand on local high schools;
- Pressure on local businesses due to larger businesses moving in;
- Environmental footprint of the proposed development;
- Increased pressure on local existing house prices; and
- Pressure on current public and private transport.

Assessment of the Social Impacts

Council agrees with the analysis of the SIA with regards to both the context for the proposal, and the projections arising from the development. Given the proposal's intent to have a significantly higher number of smaller dwellings and a lower proportion of larger traditional free-standing lots than the surrounding suburbs, Council believes that the reduced average occupancy ratio compared to surrounding areas is reasonable. Therefore, Council supports the estimation that the proposal is likely to result in an additional 9,720 persons.

Table 20 of the SIA provides a summary assessment of social infrastructure requirements, identifying both the current and recommended provision. Whilst Council does not have any concerns regarding the information provided about the local provision of services and infrastructure, as well as the usage and trends, Council does have concerns regarding the standard benchmark used, and therefore the proposed provision.

The table commonly references the NSW Growth Centres Commission's standards for service provision. However, this standard was developed for metropolitan Sydney's growth centres and therefore is not applicable for rural/remote areas that do not have the same access to services (including transport) and facilities, and are often hindered by geographical constraints. In addition, the standard identified for the provision of GP services is a Netherlands Capacity Standard. This standard identifies the need for 0.4 GPs per 1,000 people. This is far below the recommended standard of the Hunter Urban Division of General Practitioners that identifies that the ideal ratio is 1 GP per 1,200 people (or 0.83 GPs per 1,000 people) – more than twice that of the identified standard.

The SIA also notes that there will be services and facilities provided as part of the development of the four local estates (Northlakes, The Sanctuary, The Outlook and Hidden Waters). However, it needs to be noted that the provision of these services and facilities will only meet the needs/requirements of the residents of these estates, and cannot be counted on being utilised by the population of the proposed development. That is, it is unlikely that they will have any excess capacity, therefore, the residents of the proposed development will require access to other services and facilities.

The SIA identifies the need for a community health centre, two early childhood health centres, as well as pre-schools, child care centres, and aged care facilities. The SIA identifies that land use controls will allow for the provision of these facilities. However, these facilities have not been identified in the concept plan, therefore there is no guarantee regarding their provision – the land that will allow for the provision of these facilities may be taken up by other uses such as commercial or residential.

Table 24 in Section 6 of the SIA identifies numerous positive and negative social impacts associated with the proposal. Council concurs with these impacts identified, and agree that the proposal will result in a number of benefits, including that it will improve accessibility to the existing population of the area due to the construction of roads, bike paths, and improved public transport opportunities/connections.

Council also agrees that the proposal will encourage a shift in the demographic profile of the area toward an older population (that the demographics of the proposal are likely to be somewhat different to the existing areas of Minmi, Fletcher, Cameron Park and Maryland).

However, the social impacts associated with this shift in the demographics has not been fully explored/assessed.

Associated with this, information provided in Table 24 also notes that the proposal will result in a population change (that there will be an additional population of 9,720 persons by 2032). The mitigation measures or actions to be considered identifies that the current plans have ensured that adequate provision of facilities and services are implemented and targeted at the incoming population type. However, this only considers the infrastructure needed for the new population, and does not consider what the impacts of this population change will be on the existing populations. Whilst some impacts on the existing population have been identified elsewhere in the table, the SIA fails to fully explore the effects of this population change on the existing population and the extent to which their interests are enhanced or sustained. This includes the effect that the proposal will have on the character of Minmi, which has been identified as an historic mining town in a rural setting. Assessing the social impact of the proposal on surrounding communities is a Director General's Requirement.

The SIA identifies that the proposal is likely to have a negative impact on the identity for the current residents. What this means, and how it will be felt are not explored, although it is proposed to encourage community capacity building initiatives in order to address this issue. However, no detail is provided as to how this will occur, who the target of these initiatives will be, who will be responsible for undertaking this, and when this is proposed to occur. Therefore, there is no guarantee that this mitigation measure will be implemented.

The SIA identifies that the proposal is likely to place pressure on local health services. As mentioned above, Table 20 identifies an additional four (4) GPs will be needed to cater for the population, although using the more relevant local standards, eight (8) GPs will be needed. No measures are identified in the SIA as to how this shortage of health services/GPs will be addressed. The SIA does identify that a land allocation to NSW Health of 5,000m² is proposed, however there is no guarantee that this will occur (it is not included in the Statement of Commitments), and this land is not identified in the Concept Plan.

The increased pressure on local existing house prices is also identified as a social impact resulting from the proposal. However, no measures are identified in the SIA to address the likely gentrification of the area that will occur as a result of the proposal.

The proposal will also result in numerous environmental and traffic impacts. These are also likely to result in various social impacts, including impacts on health and well-being. Other expert advice is required to fully assess these impacts.

Likewise, included in the Concept Plan is a site for a proposed primary school. However, the proposed site is located on a major road – the road will be the main connector road between the Northlakes Estate/Proposed Development, and the major regional centre of Glendale. Locating the primary school on such a major road is likely to have significant safety and accessibility concerns. The NSW Department of Education and Training's Requirements for New School Sites identifies that schools should be located on a distributor or collector road in order to alleviate noise and traffic problems. Therefore, further advice needs to be sought from the Department of Education and Training, and traffic engineers regarding the appropriateness of this location for the proposed school.

The EA for the proposal identifies that Coal and Allied will contribute \$10 million for initiatives associated with the delivery of social infrastructure to support the existing and future communities at Minmi-Link Road and Black Hill. The Statement of Commitments (SOC) at Appendix D provides details of these initiatives. However, the SOC only identifies \$8 million worth of projects, and not the full \$10 million. In addition, whilst Coal and Allied have stated that these projects are considered 'over and above' what is reasonably necessary to satisfy approval requirements, I would consider many of the projects listed to be essential works required as a result of the proposal. These include the upgrading of the multipurpose centre and enhancement of the school facilities, as well as the provision of cycleway connections and wildlife crossings.

The SOC also identifies that the applicant will provide contributions for community facilities for a community hall/centre or similar building. However, the SIA identifies that two (2) community facilities will be provided. Further clarity is therefore required regarding what will be provided, including the size of the facilities, the land requirements for the facilities and the services that these buildings are intended to cater for. In addition, the SOC identifies that applicant will maintain all facilities for a maximum of five years. However, Council believes that these facilities should be maintained for a minimum of five years.

Recommendations

In order to address the negative social impacts associated with the proposal, Council requests that the applicant:

- Fully explores the social impacts associated with the shift in the demographic profile of the area towards an older population, and the effects of the proposal on the existing community (including its effect on Minmi which has been identified as an historic mining town in a rural setting);
- Reviews the benchmarks used in Table 20 to ensure that they are applicable for the area, and revise the proposed provision of services accordingly;
- Provides greater clarity regarding the provision of facilities, including what will be provided, the size of the facilities, the land requirements for the facilities and the services that they are envisaged to provide;
- Commits to maintaining all facilities for a minimum of five years, rather than a maximum of five years;
- Identifies land in the Concept Plan for the provision of ALL community facilities, including a community health centre, two early childhood health centres, as well as pre-schools, child care centres, and aged care facilities;
- Provides further details as to what the negative impacts that the proposal will have on the identity of the current residents are, as well as the specific actions that will be

implemented regarding the community capacity building initiatives proposed to address these;

- Identifies actions to address the shortage of GPs/health services as a result of the proposal. The SOCs should include a land allocation to NSW Health for future health services;
- Identifies measures to address the likely gentrification of the area that will occur as a result of the proposal;
- Seeks further advice from the NSW Department of Education and Training, and traffic engineers, regarding the proposed location of the primary school on a major road; and
- Provides further details regarding the \$10 million contribution, including why the projects are considered to be 'over and above' what is reasonably necessary, as well as how the total amount is intended to be allocated.

5. TRAFFIC

Minmi Road, Northlakes Drive and the Minmi Road to Frederick Street link.

The Traffic Report mentions that a two lane roundabout is proposed at the intersection of Minmi Road, Northlakes Drive, and the Minmi Road to Frederick Street link, and that the roundabout has a Level Of Service (LOS) A.

The traffic report does not give a detailed analysis of this intersection. A roundabout at this intersection was the preferred treatment when analysed previously, however that did not include the Link Road South development. Provide a comparison between a roundabout and traffic signals using Sidra at the intersection, showing the traffic volume at full development of the C&A land, and the full development of the land bounded by Minmi Road, Main Road, George Booth Drive, and the Newcastle Link Road. The installation of signals at this location would improve access for pedestrians across Minmi Road. However, if a roundabout remains the preferred treatment, pedestrian signals to assist in safer pedestrian access between Northlakes and this development will be required (commented on in Pedestrians/Cyclists below).

Minmi Road to Frederick Street link road, at the 90 degree bend in the street near the school.

No details have been provided of a treatment at this intersection. The predominant movement will be along the Minmi Road to Frederick Street link, and traffic in the local

streets may have difficulty getting out depending on the traffic volumes. Analyse using Sidra to determine the best intersection treatment.

Minmi Boulevard between Newcastle Link Road and LMCC/NCC boundary.

The traffic report states that Minmi Boulevard will be designed with roundabouts at the majority of the intersections. Provide roundabouts at each four way intersection on Minmi Boulevard within the LMCC LGA.

Pedestrians / Cyclists

1. Shared pathway network to be provided as per Community Planning comments. Generally a road would not require a shared pathway on both sides of the road, one side of the road is adequate provided safe road crossing provision is made. Minmi Boulevard and Collector Roads A and B have shared pathways on both sides of the carriageway. This will increase Council's maintenance costs as the asset ages.
2. Shared paths provided on one side of the road are to be 3.0 metres minimum width, and marked with a separation line along its length.
3. A signalised pedestrian crossing (either at an intersection or mid-block) would be required across Minmi Road in the vicinity of the Northlakes Drive intersection. This will provide safer pedestrian access between the existing residential estates on the west side of Minmi Road, and the proposed Link Road South development.

Road Design

1. The **Minmi Road to Frederick Street Link** travels into the Link Road South estate, and turns 90 degrees at a four way intersection. The road, which will be a collector road eventually carrying in excess of 10,000 vehicles per day, should commence at the Minmi Road / Northlakes Drive intersection, and continue along the southern side of the proposed school site. It is not recommended for a road carrying this level of traffic to be the only road fronting the school site.

The Minmi Road to Frederick Street Link is designed as Collector Road A. This configuration proposes an 8 metre carriageway width with a shared pathway on each side of the road. The road is to be designed to accommodate a bus route. No parking is proposed on the road as no properties (besides the school) front the road.

As mentioned previously, it is preferred for a shared path to be on one side of a road only. A footpath can be provided on the opposite side of the road if required. With a shared path installed, commuter cyclists generally prefer to ride on road as the path can be slower, with other bike users and pedestrians. The design of the Minmi Road to Frederick Street Link road pavement is to be sufficiently wide to accommodate a bus route and on road cyclists. The preferred configuration of this road will be for the traffic lanes to be 3.5 metres wide, and a 1.5 metre wide road verge on each side of

the road, delineated with an edgeline, so cyclists can use the road verge. The total carriageway width should be 10 metres. If the road fronts any properties, it should be widened to accommodate parking.

2. The 'Minmi Boulevard' design from the concept plan design guidelines is shown on the conceptual road hierarchy plan to continue between Newcastle Link Road and the Minmi Road to Frederick Street Link. This road is designed as a divided 2 lane 2 way road, with a shared path on each side of the road. An analysis should be undertaken to determine if this road configuration is adequate, given the estimated traffic volume of this road.
3. Local Roads – No restriction of parallel street parking to one side of the street – 8 metre wide roads are sufficient width to have parking staggered on the street.
4. Many of the proposed road type cross sections include footpaving adjacent to property boundaries. This is within the usual allocation for underground utility services and as such should be revised. I also note that some cross sections have a 3.5m verge that includes both footpaving and street trees. Where both footpaving and street trees are proposed, Council requires a minimum verge of 4.5 m so as to avoid conflict with services.

Public transport

Bus stops are to be located at a maximum 400 metres apart. The proposed bus route from the Traffic Report has the proposed bus stop locations located much further apart than this. Each bus stop is to be compliant with Disability Discrimination requirements as mentioned in the Statement of Commitments.

6. LANDSCAPE / VISUAL

Two of the development precincts fall into Lake Macquarie LGA. They are Link Road North and Link Road South Precincts. The current landscape setting of the area is characterised by its undulating topography, with slopes and valleys defined by local creek lines. They are all heavily vegetated. The existing native vegetation links the significant vegetation corridor southwest of the site to Blue Gum Hills Regional Park. The semi-rural Minmi Township is located 3km away from entry of the precincts (the proposed Minmi Boulevard and Link Road). The existing village centre remains unique landscape features with historical worker's cottages and rural landscape background.

The applicant has provided a comprehensive Design Guidelines to support this proposed development. They offer a high quality of urban design in its setting. However, the submitted documentations do not provide a sufficient level of detail to demonstrate the

appropriateness of such development in terms of visual impact and the impacts on the existing cultural and natural landscape settings.

The applicant does not provide a full Visual Impact Statement and an overall Landscape Master Plan that address the minimum documentation requirements of Lake Macquarie City Council DCP No.1 and Lake Macquarie Scenic Management Guidelines.

Visual Impacts

A brief visual analysis is included in the Design Guidelines A – Urban Design Concept Plan, A.1.3 Concept Design Overview. This visual study discusses the potential impacts of the two precincts development when viewed from major road - Newcastle Link Road and the existing Minmi Township.

It concludes that the visibility of the proposed development from the main road will be low. However, Council has the following concerns:

1. The proposed 2 storeys buildings in the southern part of Link Road North precinct will likely be invisible from the road and from the proposed main site entry, especially those potential 2 storeys 'Traditional Character' block on the ridge west of the proposed Minmi Boulevard entry.
2. The potential visual impact when viewed from Minmi Road into Link Road South precinct is not analysed and identified.
3. Both the Newcastle Link Road and Minmi Road are important entry points to Lake Macquarie. The Visual Impact Assessment should demonstrate that the proposal's visual impact is acceptable via providing graphic evidence to illustrate the proposal. 3D models and photomontages should also be used.
4. The potential visual impacts should be considered not only from existing settlements, such as main roads and existing residential areas, but also the visual amenity within the development site. The applicant should demonstrate whether the new road works and open spaces will create pleasant visual corridors and view points to keep the existing landscape character consistency. The new Minmi Boulevard connecting the Link Road with Woodford Street should form a significant visual and cultural landscape corridor, which creates the 'gateway point' for the development and transition between the new development and existing settlement. A appreciate visual character should be established and enhanced on this corridor.
5. Most of the site areas are currently heavily vegetated and not accessible. The existing vegetation will be largely cleared, and the land topography will be refined, due to the road works and future residential development. The visual assessment only takes the current site conditions as basis to assess the future development that will sit in completely different environment. There are too many uncertainties in this visual study.
6. The visual assessment shall have regard to the proposed sound mitigation walls.

Design Guidelines A – Urban Design Concept Plan

1. The ridgelines have not been identified on the site analysis plan. The high level of visual sensitivity of the development near the ridgelines have not been considered in the Design Guidelines.
2. The landscape site analysis does not provide a clear evidence for the proposed locations of various development character types and building heights.
3. Given the uncertain state of scientific understanding of health effects of high-voltage transmission lines on resident populations, it would be prudent to recognise the existence of high-voltage power lines on the site as a significant site constraint and apply the cautionary principle by not locating any housing near the power lines.
4. A Vegetation Management Plan should be prepared for the proposed conservation areas, such as riparian corridors.
5. A Conservation Plan should be prepared for the Aboriginal Conservation Corridor.

Design Guidelines B – Public Domain Guidelines

1. The development proposal should identify opportunities to integrate and link the development with surrounding public parks and open spaces, such as the Blue Gum Hills Regional park. The below map shows the existing pedestrian and cycle links within and surround the park. The proposal should ensure the cycleway accesses to the park are linked with, or not far from, the proposed on-road cycleway.



Origin: www.environment.nsw.gov.au

2. Street Cross-sections

Collector B (Section 4-4): 1.5m wide street tree planting verge is too narrow large street trees. Min 2m is required. Bio-swale details should be provided in this stage.

Local Road A: Trees cannot be planted in the middle of swales. Informal cluster of tree planting is recommended on the side of the swales.

Is there any fences along the boundaries between the site and the Blue Gum Hills Regional Park? The proposed 4.5m offset from the Regional Park does not seem sufficient to provide **protection to the wild livies**.

Access Way (Section 9-9): The section does not allow enough space for both footpath and street tree planting on one side of the street.

Detailed solutions on WSUD principles integrated into the landscape should be included into the proposal at this stage.

3. The name *Minmi* is taken from an Aboriginal word for the Giant Gynea Lily. The landscape plan should include this plant to be used in the interpretation areas, and other landscape feature areas.

7. HERITAGE

In considering the heritage impacts and implications of the proposed Minmi/Link Road Concept Plan, the following comments concentrate on the Lake Macquarie City Council Area, where this separation is appropriate.

1. The Heritage Impact Assessment (HIA) has found that the whole site contains numerous Aboriginal and historical heritage sites set within a significant cultural landscape. It identifies that the proposal will impact upon the cultural landscape, aboriginal heritage values, historic buildings and archaeological areas of potential in and adjacent to study areas. The HIA claims, that if the mitigation measures outlined are implemented by Coal & Allied that the potential impacts will be minimised to an acceptable level.

European Heritage:

There are no identified European statutory or non-statutory heritage items / sites listed in the Lake Macquarie City Council area or were identified in the field studies of the submitted heritage assessment by ERM. They are confined to the Newcastle City Council Area where they are numerous and significant. According to the research of the report, there is low likelihood of any European archaeological remains within the Lake Macquarie Council Area.

Aboriginal Heritage

In the Lake Macquarie Council Area, heritage impacts of the proposal specifically affect Aboriginal Heritage.

2. The Heritage Impact Assessment by ERM was undertaken in consultation with the relevant Local Aboriginal Land Council and traditional owners. The field studies included relevant aboriginal stakeholders and field officers. This has been documented in the Aboriginal Consultation Log in the annexure of the report, however, any feedback from the aboriginal stakeholders and field officers appears to be verbal only, and no written assessments, responses, or comments are included in the consultation documentation.

A HIA prepared by ERM has recognised the Minmi / Link Road estates to contain areas and sites of Aboriginal heritage significance. The study discovered six additional sites and assesses the Concept Plan proposal as impacting on five of the six sites. The HIS states that the majority of land assessed as being of high Aboriginal archaeological potential will

however be protected as a riparian and conservation corridor that will conserve all further Aboriginal objects and sites associated with the ridgeline impacted.

The Heritage Impact Statement (HIS) and linked statement of commitment proposes that an Aboriginal Heritage Plan of Management be prepared in collaboration with Aboriginal stakeholders to include management recommendations for the storage and conservation of all Aboriginal materials excavated. The HIS also recommends developing an interpretation strategy to 'holistically consider the cultural landscapes, Aboriginal and historical heritage'. And that 'urban design practices will entail the integration of 'Aboriginal walking routes' with pedestrian and cycle paths within the site provide further opportunities for interpretation.

As this proposal is considered under Part 3A of the ***Environmental Planning and Assessment Act 1979 (NSW)***, an approval of the concept plan will not require further approvals under the National Parks & Wildlife Act 1974. This requires that management of heritage sites must be determined up front with developed policies supported and followed up by the statement of commitments, which is included in the Part 3A development approval.

'The statement of commitments has to adequately define the environmental management and mitigation measures the proponent is prepared to make for the site.'

The statement of commitments should therefore be based on a prepared heritage Conservation Management Plan (CMP) and an overall interpretation policy that define the mitigation measures and protocols in principle.

Heritage Management Plan(s) and Interpretation Strategies should be prepared as the base documents for any future proposals or works and should be endorsed by the relevant stakeholders. They need to be referenced in the concept plan and guidelines as base policies. The statement of commitments by the proponent is to insure their implementation and resourcing.

3.

4. **RECOMMENDATIONS**

5.

In making a determination, the following needs further assessment:

To adequately minimise impact, protect, manage, and interpret Indigenous and European cultural values, the Concept Plan and Guidelines need to be based on an Aboriginal Cultural Heritage Management Plan, a European Cultural Heritage Management Plan, and their linked Heritage Interpretation Policies. They need to set out clear policies based on clearly understood cultural significance to guide future proposed developments and applicant responsibilities and include clearly set out Heritage impact mitigation measures.

6. Therefore prior to finalising the assessment by the Department and any ministerial consent being issued under Part 3A of the Act, it is advised that the proponent should prepare an Aboriginal Heritage Plan of Management (PoM) and Interpretation Strategy, a European Cultural Management Plan and Interpretation Strategy. They are to be part of the

guiding documents for implementation in the Concept Plan and Guidelines and form the basis for subsequent proposals for the next stages. They are to be prepared in line with DECCW and Department of Planning, Heritage Branch guidelines and incorporate the recommendations of the submitted Heritage assessment by ERM, Nov 2010, however be prepared as part of this assessment process and not a condition of consent.

Prior to ministerial consent of the concept plan, the Owner is to prepare an 'Aboriginal Heritage Plan of Management' (PoM) and linked heritage interpretation strategy in accordance with the heritage mitigation measures and recommendations outlined in the Heritage Impact Statement prepared by ERM. It is to be in line with any DECCW and Department of Planning Heritage Branch guidelines and their specific recommendations for the proposal.

Heritage recommendations in the proposed Concept Plan and Guidelines will require updating to reflect that any future proposal will need to address the adopted Aboriginal Heritage Plan of Management and Interpretation Strategy.

The submitted Statement of Commitments for the proposal has been adjusted to satisfy Council requirements; however, such commitments should be based on an Aboriginal Plan of Management and Interpretation Strategy, which will further guide future development.

8. DEVELOPER CONTRIBUTIONS

The Statement of Commitments details that the owner will pay contributions in accordance with the Lake Macquarie Northlakes Section 94 Contributions Plan (2004 as amended). The subject development area falls within the Lake Macquarie Section 94 Contributions Plan No.1 – Citywide – Glendale Catchment (2004) as amended, which is one of five contribution catchment plans.

The approach of Council's current section 94 contribution plans is to apply existing community infrastructure service provisions (open space, recreation, and community facilities) to new development to determine the facilities required.

It is important to note, the current Citywide plan estimates 2.5 people per lot, however, a higher occupancy of 3.0 people per lot (detailed by the proponent) is considered more accurate. The facilities required for the development should be based on the total population generated by the development.

As submitted by the proponent, Council will need to realign the current contributions plan to the development proposal to determine the total facilities required by the development. Council is in the process of reviewing the five contribution plans, including the Glendale Catchment. It should be noted that the Glendale Catchment plan does not have a traffic and transportation levy, and there may be traffic and transportation facilities required, as a result of the development, which need to be provided to Council. The infrastructure required for the development can be a combination of on-site works and cash contribution.

It is essential that the total infrastructure requirements of the entire development be agreed, including provision mechanism of a section 94 contributions plan or voluntary planning agreement, prior to lodgement of the first development application for the subject site.

9. COMMUNITY PLANNING – PARKS & RECREATION

Sporting Facilities

Requirements: The DGEARS under Key Assessment Requirements under ‘Topography and site preparation’, Item (2)

*Provide an assessment of the impacts of site preparation works required to accommodate the proposed development and **associated infrastructure**.*

Outcome: The SoC states:

Open Space and Recreation facilities including multi-purpose sports fields, incorporating rugby, soccer pitches and cricket wickets, four netball courts, two double-court tennis courts...(page 1).

Community Planning Response:

Sports fields, cricket wickets, tennis and netball courts, BMX track, skate park, a large children’s playground within a parkland setting will be located at Cameron Park. Additional sports fields and cricket wickets are planned to augment the existing sporting complex at Edgeworth. The portion of this development located within the LM LGA will contribute to an upgrade of the sporting facilities at Edgeworth.

Chinamen’s Gardens

Requirements: The DGEARS under Key Assessment Requirements’ Heritage states:

*(1) Provide detail of **how the development will incorporate** and not **negatively impact** on site setting landscapes, and mark elements, heritage items, views and vistas.*

Outcome: The Chinamen’s gardens (chinese gardens) are discussed in Section 5.7.5 of the Heritage Impact Statement, and identified in Figure 5.2 – Minmi Heritage Sites. This site is located in the position of one of the proposed sporting fields.

The SoC states:

...a street front would provide a representative sample and a representative portion of the Chinese Gardens (page 4).

Community Planning Response: The chinamen’s garden site will be impacted by the proposed location of a sporting field. Providing a representative portion of the Chinese Garden is not considered adequate. The proposed small street frontage, a representative portion of the chinamen’s gardens would most probably not be maintained and gradually over time removed it would be removed.

The chinamen's gardens could be reinstated as a community garden. Community gardens are becoming popular recreational facilities and are considered to be a legitimate use of public open space land. It is recommended that one of the sporting fields be moved to provide a community garden at the location where the previous chinamen's gardens were located.

Recreation Facilities

Requirements:: The DGEARS under Key Assessment Requirements under 'Social Impact and social infrastructure' includes:

*(2) Identify additional demand created by the proposal for services and infrastructure including public transport, open space, recreation facilities... **Demonstrate that an appropriate level of social infrastructure is provided** to meet the needs of the future population arising from the development, including the identification of appropriate services and facilities.*

The DGEARS under Key Assessment Requirements under 'Topography and site preparation', Item (2)

*Provide an assessment of the impacts of site preparation works required to accommodate the proposed development and **associated infrastructure**.*

Outcome: The SoC states:

Monetary contribution towards a BMX track or skate park or another regional facility...(page 1).

Community Planning Response: The applicant has failed to demonstrate that adequate social infrastructure has been proposed to meet the needs of the new population. Social infrastructure includes a range of recreation and sporting facilities. A spectrum of recreation facilities required includes: usable parks, children's playgrounds, sporting facilities, BMX tracks, skate parks, community gardens and a network of shared pathways.

Children's Playgrounds – The *Draft Development Contributions Guidelines* (2009) prepared by the NSW Department of Planning identifies an indicative population threshold for playgrounds as 1/500 dwellings. Based on a population/lot ratio of 3:1 the requirement is 1 playground per 1,500 population. If this standard was used then six playgrounds would be required for an estimated population of 9,720. At least one of these playground should comprise a larger park and a larger playground designed for children with disabilities. From the information supplied in the CP, only two children's playgrounds are proposed to be provided. This is grossly inadequate. An additional four playgrounds are required to be provided.

BMX & Skate Park – The *Draft Development Contributions Guidelines* (2009) prepared by the NSW Department of Planning identifies an indicative population threshold for skate parks. It identifies a small skate park for every 6,000 people and a large skate park for 10,00 people. This development with an estimated population of 9,720 requires a large skate park to be provided within this development site. A BMX track can also be provided but BMX components may be accommodated in conjunction with the skate park. BMX and skate

facilities are not considered to be regional facilities they are local facilities and need to be located close to the population served. A least one large one skate park that incorporates BMX users is required to be provided for this significant new population.

Parks

Requirements: The DGEARS under Key Assessment Requirements under 'Social Impact and social infrastructure' includes:

*(2) Identify additional demand created by the proposal for services and infrastructure including public transport, open space, recreation facilities... **Demonstrate that an appropriate level of social infrastructure is provided** to meet the needs of the future population arising from the development, including the identification of appropriate services and facilities.*

Outcome: The two precincts within the LM LGA are the Link Road South Precinct and approximately 70% of the Link Road North Precinct. The parks required for the LM LGA that are located within these two precincts are:

Link Road South Precinct

- 575 dwellings x 3 persons/lot = 1,725 estimated population.

Requirement = 1 local park.

Outcome = 1 local park provided.

Link Road North Precinct

1,657 dwellings x 3 persons/lot = 4,971 estimated population. The estimated proportion of the precinct within the LM LGA is 70% x 4,971 = 3,479 population.

Requirement = 2 local parks.

Outcome = 1 small pocket park. No indicative design has been provided however the small park area is located within a larger detention basin site.

The proposed park is located on the northern boundary of the precinct within the detention basin site. The area of the park appears to be small with the majority of the site occupied by the detention basin.

Community Planning Response:

The applicant is required to provide two local park sites of a minimum of 0.5 ha of useable open space to serve the population within the Link Road North Precinct located within the LM LGA. The land is required for the development of a park with playground equipment. The parks are required to have no development constraints such as detention basins, drainage, power lines, significant vegetation, habitat/old growth trees, mining shafts, high risk potholes, or APZ's. Parks are required to be of a square shaped configuration with good street frontages for passive surveillance, accessible, and centrally located to the population served.

Recreation Facilities for Population within LM LGA

The applicant has not demonstrated that there is an adequate amount of recreation infrastructure provided to meet the needs of the future population within the LM LGA. The development site straddles the LM LGA and the NCC LGA. Of the 9,720 estimated population of the development site an estimated 4,695 are located within the NCC LGA and 5,200 located within the LM LGA. The majority of the population is located within the LM LGA, however, the majority of the recreation and sporting facilities are located within the NCC LGA.

From the CP, the proportion of recreation and sporting facilities for the two LGA appear to be as follows:

	Recreation Facilities NCC LGA – 4,695 pop	Recreation Facilities LM LGA – 5,200 pop
Neighbourhood Park 1	1 park 1 play equipment	
Neighbourhood Park 2	1 park (? – wet pond)	
Sporting facilities – all	4 netball courts 2 double = 4 tennis courts 1 cricket wicket 2 soccer fields 2 rugby league 1 AFL field	
Garden House Park	1 park	
Workshop Park	1 park	
Coke Oven Park	1 park (? no detention & bioretention)	
Minmi Edge & Entry Park	1 park (? no detail provided)	
Minmi Edge Park	1 park (? no detail provided)	
Neighbourhood Park 3		1 park 1 play equipment

The above table demonstrates there is not an equal distribution of park and sporting facilities provided for the proposed residents within the LM LGA.

Park Development

Requirements: The DGEARS under Key Assessment Requirements under 'Urban Design, development controls and land uses', Item (4) is:

*Identify proposed treatment and landscaping of **all public domain areas**.*

Item (6) of the DGEARS is:

Address the principles of Crime Prevention Through Environmental Design.

Outcome: The CP Design Guidelines provides an indicative design for only the Garden House Park, Neighbourhood Park 1,2 and 3. Other feature parks are identified in the CP Figure B.1.3 Open Space Provision. These include: Workshop Park, Coke Oven Park, Minmi Edge & Entry Parks, Minmi Edge Parks

Community Planning Response: The applicant is required to identify the proposed treatment and landscaping of all public domain areas. Indicative designs have not been prepared for all the proposed parks and the sporting area.

Neighbourhood Park 3 – B1.2.4 of the CP Design Guidelines provides an indication of the proposed treatment of this park (p. 11). Comments in relation to the design include:

This is a local park, and BBQ facilities are not required to be provided. The playground area needs to be larger with more play equipment provided together with a water supply/bubbler and a park bench. A suitable edge treatment to separate the turf area with the native grassed/shrub area. The location of the pathway at this location forms a good interface. A pathway located around the entire play area is also preferred. For maintenance reasons, trees should be located outside the play area as tree roots are damaged when machinery is used to aerate the soft fall. To enable good sight lines through the park for Crime Prevention Through Environment Design, shrub planting is not recommended.

Cycleways

Requirements: The DGEARS under Key Assessment Requirements under 'Urban Design, development controls and land uses', Item (3) is:

*Identify opportunities to integrate and **link the proposal with surrounding urban areas**, both existing and planned, including through appropriate pedestrian and **cycle access** connections.*

The DGEARS under Key Assessment Requirements under 'Transport and accessibility', includes:

*Provide a **traffic study** in accordance with the RTA Guide to Traffic Generation Development, which includes:*

(j) proposed pedestrian and **cycle access within and to the site that connects to all relevant transport services, existing and proposed adjoining suburbs and other key off-site locations** (e.g. **schools, shops, parks recreation and community facilities**) having regard to the NSW Planning Guidelines for Walking and Cycling (2004), and the NSW Bike Plan (2010);

The DGEARS under Key Assessment Requirements under 'Ecologically Sustainable Development', requires:

(1) *The EA should demonstrate that all aspects of the concept plan **satisfy the principles of ESD...***

(2) *The EA should outline **commitments to sustainability** including water reuse, water minimisation, **the minimisation** of energy use and **car dependency** etc.*

Outcome: The Traffic Study does not provide the required cycleway network plan as required by the DGEAR.

The CP provides a Conceptual Access & Movement plan in Figure B.1.1. This plan indicates the proposed 'off road shared pedestrian pathway/cycleway' routes. However, it does not differentiate between the pedestrian pathways and cycleways. This distinction is essential, as pathways are primarily for pedestrian use but allow cyclists under 12 year of age only, whereas off-road cycleways or shared pathways provide for pedestrian and cyclists of all ages.

Some of these routes identified in Figure B.1.1. particularly in the Link Road South Precinct, are a spaghetti-like network that weave in and out of the drainage corridors. These routes serve more of a bush fire control purpose than a shared pathway recreational/purpose

The CP also provides sections of the proposed roads and riparian corridors which correspond to the Conceptual Road Hierarchy plan located on page 13 of the CP. This plan together with the cross sections demonstrate there is no clear shared path network

Figure B.1.18 indicates a 2.5 m wide shared path along Local Road C – 13 m. Figure B.1.9 Conceptual Road Hierarchy, indicates that these roads are located along only part of the drainage corridors. The roads end for no apparent reason and so the shared paths would also end providing no continuity or connectivity to other shared paths within the development area. This discontinuity occurs at numerous locations.

Connectivity Within and To the Site

Blue Gum Hills Regional Park (BGH Regional Park) - Figure B.1.1 of Appendix B Concept Plan Design Guidelines (CP), indicates the potential pathway connection points to the Regional Park. Some of these access points do not appear to be in accordance with the proposed path network in Figure 8.35 of the BGH Regional Park Draft Plan of Management (BGH PoM). An access point is indicated in the BGH PoM but not in the Figure B.1.1 of the CP. The BGH Regional Park Fire Management Strategy 2005 indicates the service road access points that are required for fire management purposes.

The C&A \$8 Million allocation, subject item 8, will contribute \$50,000:

Funding towards linkage and facilities within Blue Gum Hills Regional Park subject to discussions with Council(s) and other developers.

This amount is grossly insufficient to achieve any benefit. Assuming the cost to construct a cycleway is \$500 per lineal metre, then only 100 metres would be able to be provided with \$50,000. To provide a shared pathway through the BGH Regional Park from the northern boundary to the southern boundary, an estimated distance of 1,600 metres (based on CP plans provided) an amount closer to \$800,000 would be required.

Heritage Railway Lines – Figure B.1.1 of the CP indicates the proposed off-road cycleway route (R9) following the former coal railway across Hexham Swamp. This former railway link splits into two at the northern tip of the development site, intending through this development site.

One of the railway corridors extends past the proposed sporting facilities providing a connection to the BGH Regional Park, where ‘the historic railway embankment becomes the main non-vehicular entry into the park’ (BGH Regional Park PoM, page 8.32). A short connection will also provide a linkage to the proposed village centre adjoining the BGH Regional Park.

NCC has identified that this former railway line will become an off-road cycleway leading from the north to the development site. The CP proposes a pedestrian pathway through the site, and then it will be constructed as a cycleway through the BGH Regional Park. This proposal severs this off-road cycleway link, providing no connectivity through the site.

The second railway corridor extends along the western side of the Minmi township past the existing school and sports field. The CP proposes that this former railway also be a pedestrian pathway. This development severs this link, providing no connectivity to the proposed off-road cycleway at the north of the site.

Community Planning Response:

Heritage Railway Lines

In relation to the proposed treatment of the heritage railway lines, the CP is in conflict in this regard. In Section B.1.1 it proposes that ‘a heritage walk along the former rail line will provide pedestrian access...’(p. 2); whereas in Section A.1.7.2 the CP states ‘the discussed railway corridors are to be used for pedestrian and cycle links’ (p. 25).

This development provides an excellent opportunity to extend this off-road cycleway providing a shared pathway along the two former railway lines through the development area and through the BGH Regional Park, the existing and proposed sporting facilities and the existing school at Minmi.

Off-road shared pathways provide excellent recreational opportunities for safe cycling and walking to the existing and proposed community and recreation facilities, as well as to the existing and proposed village centre, thereby providing opportunities to reduce the number of local car trips. This development is required to construct two off-road cycleway/shared

pathways along the two historic railway lines through the site and through the BGH Regional Park.

Cycleway Network Plan

The applicant is required to provide a cycleway network plan. The plan needs to show how the proposed 'cycleway access has been provided within and to the site that connects to all relevant transport services, existing and proposed adjoining suburbs and other key off-site locations (e.g. schools, shops, parks, recreation and community facilities)', as in accordance with the DGEARs.

The network plan is required to clearly demonstrate the location of the proposed pedestrian pathways (usually 1.2 metres wide), the on-road cycleways (proposed 1.5 metres wide) and the off-road shared pathways (usually 2.5 to 3.0 metres wide).

Possible Off-Road Cycleways/Shared Pathways

As a starting point, LMCC has prepared plan identifying some possible off-road cycleways/shared pathways for discussion between the different agencies namely, the proponent, NCC, LMCC and RTA. This plan uses a copy of Figure B.1.1 of the Concept Plan which also indicates the level of proposed off-road shared pedestrian pathway/cycleways proposed by the Concept Plan, which are shown by an orange unbroken line. This plan is appended to this submission. Other off-road shared pathways include:

Cameron Park - West

- Within the Link Road South Precinct, along the low voltage southern power line easement. This proposed cycleway provides a connection to Northlakes Drive providing access to facilities proposed at Cameron Park.

BGH Regional Park – South

- The CP Figure B.1.18 indicates a 2.5 metre share path and a 1.2 metre footpath to be provided only part of the corridor. The CP Figure B.1.25 indicates a 2.5 metre wide pathway along one side of the riparian corridor. Then CP Figure B.1.14 indicates a shared path 2.5 metres to both sides of the road.
- A 2.5 metre shared path is required along the length of the corridor, commencing at the southern boundary of the BGH Regional Park, through the drainage corridor within the Link Road North Precinct across the Newcastle Link Road, and through the drainage corridor of the Link Road South Precinct which passes the proposed primary school site. This provides a connection to the proposed cycleway within the BGH Regional Park along the heritage rail line to the proposed sporting facilities to the north of the development site.

Where a shared path is provided along one side of the road, a 1.2 metre wide footpath and a secondary shared path to the other side of the road does not need to

be provided. This reduction will enable the construction of the shared pathway to be provided through the BGH Regional Park.

- This route is mostly located along the Aboriginal Walk identified in Figure 5.4 of the Heritage Impact Assessment, page 49. However, the best place to cross the Newcastle Link Road maybe at the roundabout where traffic speeds reduce slightly.

Minmi Road South to Proposed Minmi Boulevard

- The CP Figure B.1.11 indicates a 2.5 m shared path along both sides of the Minmi Boulevard. The CP Figure B.1.12 indicates a reduction to 1.5 metres wide within the proposed village section. It is suggested that this shared path be provided along one side of the Minmi Boulevard only, but that the pathway remain 2.5 metres wide for its entire length. This will enable the provision of other shared pathways to be provided within the development site.

Drainage Corridor – Link Road North Precinct

- The CP Figure B.1.18 indicates a 2.5 m wide shared path and a 1.2 metre footpath. A shared path only is suggested along the length of the drainage corridor commencing at the Newcastle Link Road, midway between Woodford Street and Minmi Boulevard. The shared path extends north along the drainage corridor to link to the proposed Minmi Boulevard extending north to link with the heritage railway.

Woodford Street and Minmi Road

- The CP Figure B.1.13 indicates that this road will have a 2.5 metre shared path along both sides of the length of Woodford Street extending along to Minmi Road. It is suggested that this shared path be provided along one side of Woodford Street which is then proposed to connect to the shared path to be constructed along the heritage railway line extending past the existing school and sports field.

Newcastle Link Road

- The CP Figure B.1.21 indicates a shared path to be located within the green buffer only along the portion of the Newcastle Link Road east of Minmi Road. The section of the Newcastle Link Road located west of Minmi Road is not proposed to contain a shared path. Refer CP Figure B.1.20. This shared path is required to also be provided along the Newcastle Link Road from Woodford Street to Minmi Road.

Noise walls

Noise walls and mounds are proposed along roads where off-road shared paths are also proposed. Refer Figure 9 - Minmi Link Road & Stockrington: Residential Areas Impacted by Traffic Noise. Design consideration will need to respond to Safety by Design Principles.

Bicycle Parking

Bicycle parking facilities should be provided in key destinations .e.g. at the two proposed village centres, at the proposed sporting area, the neighbourhood and other larger parks.

C&A \$8 Million Allocation,

Consider amending the \$8 Million Allocation schedule by increasing Subject Item 8:

Funding towards linkage and facilities within Blue Gum Hills Regional Park subject to discussions with Council(s) and other developers.

from \$50,000 to \$800,000.

Blue Gum Hills Regional Park - Access

Requirements: The DGEARS under Key Assessment Requirements under 'Biodiversity', Item (4) includes:

*Identify **access arrangements** between the proposed development and the Blue Gum Hills Regional Park in consultation with DECCW. This assessment should be carried out in accordance with Guidelines for Developments Adjoining Land and Water Managed by DECCW (DECCW 2010).*

Outcome: The CP, Appendix B, Figure B.1.1. identifies the Conceptual Access & Movement plan indicates the 'Potential Pathway Connections to Regional Park'. These access locations do not appear to represent the access points as outlined in the BGH Regional Park PoM. The PoM identifies a pedestrian route system – Figure 8.15; a cycle route system - Figure 8.16; and a horse trail system Figure 8.17. Service vehicle road access points have also been identified in the *Hunter Region BGH Regional Park Fire Management Strategy (Type 2) 2005*. These access points have not been identified in Figure B.1.1

The CP, Appendix B, Figure B.1.1 has identified access points but these appear to be the access points proposed by the proponent they are not the access points identified by the BGH Regional Park PoM or the BGH Regional Park Fire Management Strategy.

Community Planning Response: A CP that details all the proposed routes within the BGH Regional Park and all the access points, including service vehicle access points is required to be provided. The applicant is then able to demonstrate that the proposed development has been designed to link in with the existing and proposed development of the BGH Regional Park.

Blue Gum Hills Regional Park – Edge Effects

Requirements: The DGEARS under Key Assessment Requirements under 'Biodiversity', Item (4) is:

*Assess the impact of the proposal on existing reserves in the locality including **Blue Gum Hills Regional Park**, Pambalong Nature Reserve, and Hunter Wetlands National Park.*

*Identify options to mitigate and manage impacts on reserves, in particular **edge effects on Blue Gum Hills Regional Park.***

Community Planning Response:

Where the BGH Regional Park boundary abuts the development site, vehicle barrier fencing should be installed along this boundary to prevent unauthorised access into the park. This requirement should be undertaken as a development consent condition.

Walking Tracks

Requirements: The DGEARS under Key Assessment Requirements under 'Urban Design, development controls and land uses', Item (3) is:

*Identify opportunities to integrate and **link the proposal with surrounding urban areas**, both existing and planned, including through **appropriate pedestrian and cycle access connections.***

Outcome: The SoC on page 4, states that:

Prior to any works on site commencing, the Owner is to prepare and implement the following heritage mitigation measures outlined in the Heritage Impact Statement prepared by ERM including:

- *Assessment of the walking trails along the historical railway corridor from the Tank Paddock area to the new township through to Workshop Park in the west and Glue Gum Hill Regional Park in the east.*

Section A.1.7.2 of the CP states:

*The **disused railway corridors** are to be used for **pedestrian and cycle links** (p. 25).*

Community Planning Response:

In accordance with Section A.1.7.2 of the CP above, and in accordance with the comments above under cycleways, this dot point is required to be amended to:

- *Assessment of the shared paths/off-road cycleway along the historical railway corridor from the Tank Paddock area to the new township through to Workshop Park in the west and Glue Gum Hill Regional Park in the east.*

Future Public Land

Requirements: The DGEARS under Key Assessment Requirements under 'Future public land, Item (1) is:

*Provide details of the **proposed ownership**, intended future use and management arrangements for publicly accessible land including roads, **parks and riparian areas**, through **negotiation with State and local government agencies** where relevant.*

Outcome: The CP Figure B.1.4 identifies the 'Proposed Open Space Ownership'. The land proposed to come into LMCC ownership is cross-hatched in pink. No negotiation has occurred with LMCC in relation to the proposed future ownership of the areas identified in Figure B.1.4 or listed in B.1.3. Open Space Provision.

Community Planning Response: The proposed open space land comprises drainage corridors, road buffers, land required for detention basins, and heritage open space and one park.

Drainage Corridors - The CP Figure A.1.2.2 the 100 year flood line, the core riparian zone and existing lakes. The CP Figure A.1.3 Illustrative Concept Plan identifies these areas as drainage corridors. Council does not include conservation land, riparian corridors or drainage corridors as open space, therefore, these items should not be listed as an open space type in Figure B.1.3 Open Space Provision.

Council may consider accepting the management responsibilities and ownership of these corridors. Council staff requires that relevant Council staff be involved in the design of the corridors to ensure easy of maintenance and access requirements are met. The zoning of these corridors should remain as residential.

Passive Open Space – The CP Figure B.1.3 Open Space Provision, identifies passive open space to include heritage open space, APZ's, steep slopes, pothole risk areas, and detention and bioretention areas. These areas, containing the above constraints are not considered to be usable open space. The areas should not be zoned as open space, and should not be listed as an open space type in Figure B.1.3. Open Space Provision.

The CP is very poor in legibility, and it provides plans with six different shades of green indicating the different open space types. The six shades of green make it difficult to differentiate which areas on the plan respond to the proposed open space types. For example, in Figure B.1.2 Conceptual Park and Open Spaces, several areas are shaded green beside drainage corridors within the Link Road North Precinct and Link Road South Precinct. These areas are no included as part of the 6 identified feature parks in Figure B.1.3 Open Space Provision. The purpose of these areas is unknown. Council does not accept these as open space, and request that they be included as either part of the riparian zone or drainage corridor.

Link Road Edge – The proposed road buffer identified in the CP Section A.4.1 comprises 5.34 ha. The land is essentially a buffer to the Link Road and not a wildlife corridor. According to Figure 9 – Minmi Link Road & Stockrington: Residential Areas Impacted by Traffic Noise, noise walls are to be located on the land. The land also presents a maintenance liability to Council. This land should not be zoned open space and dedication to Council is not accepted.

Landscaped Road Corridor – This area of land identified in the CP Section A.4.1 comprises 2.13 ha. This land may be the land on the northern side of the Link Road. The land forms a

buffer to the Link Road and is a maintenance burden on Council. The land should be offered to the RTA for ownership. This land should not be zoned open space and dedication to Council is not accepted.

Heritage Open Space – The CP Figure A.1.2.2.- Constraints Drainage and Open Space identifies land as ‘existing heritage park/open space’ as light green. This land comprises the Garden House Park and the land either side of the unformed within Link Road North Precinct. This area of land is identified in the Heritage Impact Assessment as having a high archaeological potential and it has a number of heritage sites – Figure 5.3. The land is identified as ‘E’ in the CP Figure A.2 as having Aboriginal & Archaeological Heritage.

This land is also identified as ‘B’ in a plan within Section 6.1 of the Concept Infrastructure Report (page 7 & 8). The land contains a 11kv power line and the report states that the ‘power line is located within existing (unformed) road reserve and lies within proposed open space corridor’. Consequently, the land is not considered to be usable open space and should not be zoned open space.

Drainage/Riparian Corridors

Council would consider ownership of these corridors in accordance with Council's Biodiversity Planning Policy & Guidelines for LEP Rezoning Proposals (available on Council's website), provided the areas comply with DECCW standards for riparian corridors. Any land dedicated to Council must be free of weed infestation, rubbish, building debris, and any unauthorised structures on the land.

Council also requires that relevant Council staff be involved in the design of the drainage corridors to ensure suitable access etc. The zoning of these corridors should remain as residential.

APZ's

Council will not accept the location of any APZ on any land proposed to be dedicated to the public, including open space and drainage reserves.

All provision for asset protection of properties is to be contained within road reservations or private land.

Council will not provide ongoing management of dedicated areas of any bushland or drainage reserves containing APZ's.

Proposed treatment of APZ's require a Fire Safety Certificate indicating the endorsement of the proposed works from the Rural Fire Service.

Heritage Infrastructure

The proposal indicates the existence of mining heritage remnants within the development site.

Council will not accept land dedications on which are located mining remnants, such as disused air shafts or the like.

If any mining heritage items are located in the development area within the LM LGA, these are required to be retained on private land.

Link Road South Precinct – Local Park - If the boundary adjustment occurs, the only area of land considered open space is the Neighbourhood Park 3 - Link Road South Precinct (provided it is a minimum of 5,000 m², has a suitable slope and no constraints that would prevent the land being developed for the purpose of a children's playground area). Only this parcel of land should be zoned 6(1).

Link Road North Precinct – Local Park The proposed neighbourhood park within the Link Road North Precinct is located on the far northern boundary of the precinct and on the boundary of the BGH Regional Park. Refer to the CP Figure A.1.8.5. This site comprises a large detention basin and it also contains an APZ. The area for the proposed park is small and does not appear to be the minimum size of 5,000 m² for a local park. The site is not centrally located to the precinct and it is not considered a suitable location for the development of a local park with playground equipment for this residents living within this precinct. This precinct is expected to fall in Newcastle City Council boundary following a Local Government boundary readjustment however if this were not to proceed, the submission requests that this park be relocated. A suitable location is identified in the following plan (Appendix A) which was submitted with LMCC's comments on 30 March 2009 to the previous concept plan. This concept plan has not made the recommended amendment.

Apart from the proposed two local parks (one within Link Road South Precinct and one within the Link Road North Precinct), all other areas noted as open space should be considered as conservation areas, drainage corridors, or road reserve. Council may consider ownership of natural areas, but these will not be included as part of the open space provision.

Appendix A



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		<p>Scale @A1: 1:2500 Original Size</p> <p>@A3: 1:5000</p> <p>DO NOT SCALE A1</p>	<p>CAD File: 07202BA.dwg</p>

Consultation

Requirements: The DGEARS under Consultation Requirements specifies that:

An appropriate and justified level of consultation should be undertaken. Where consultation has already been undertaken this should be documented.

Consultation must be undertaken with the following relevant agencies and mineral resource titleholders:

- *Lake Macquarie City Council*

Outcome: The SOC, on page 3 states that:

The dedication of public open space or recreational areas, including riparian corridors and community infrastructure will be determined when open space ownership details are finalised with NCC and LMCC. Details to be included in the proposed PA with each Council.

Community Planning Response: The applicant has not provided details of the consultation undertaken with LMCC in relation to the proposed dedication and management of future public land. The maintenance implications associated with the management of 110.88 ha of proposed open space is significant (CP Figure B.1.3). LMCC officers are not aware of any consultation that has been undertaken in relation to the proposed dedication and management of public land. This DGEARS has not been fulfilled, and it is critical that this consultation occur before any further work is undertaken.

Plan of Management

Requirements: The DGEARS under Key Assessment Requirements under ‘

Outcome: The SOC, on page 10 states that:

*The Owner **is to prepare a PoM for all community land and facilities.** The management will be carried out as per Council best practice and as agreed under the terms of the Planning Agreements with the respective Councils.*

The Owner's involvement with the PoM will be limited to:

- *Cost of preparing the PoM;*
- *The actions arising from the PoM for a specified period of the lesser of 5 years from the date the PoM takes effect or until all the lots are sold in each stage:*

Community Planning Response: Change the first sentence to:

The Owner is to prepare a PoM in accordance with the Local Government Act (1993) for all community land and facilities.

Amend the second dot point to:

- The actions arising from the PoM for a period of 5 years from the date the PoM takes effect.

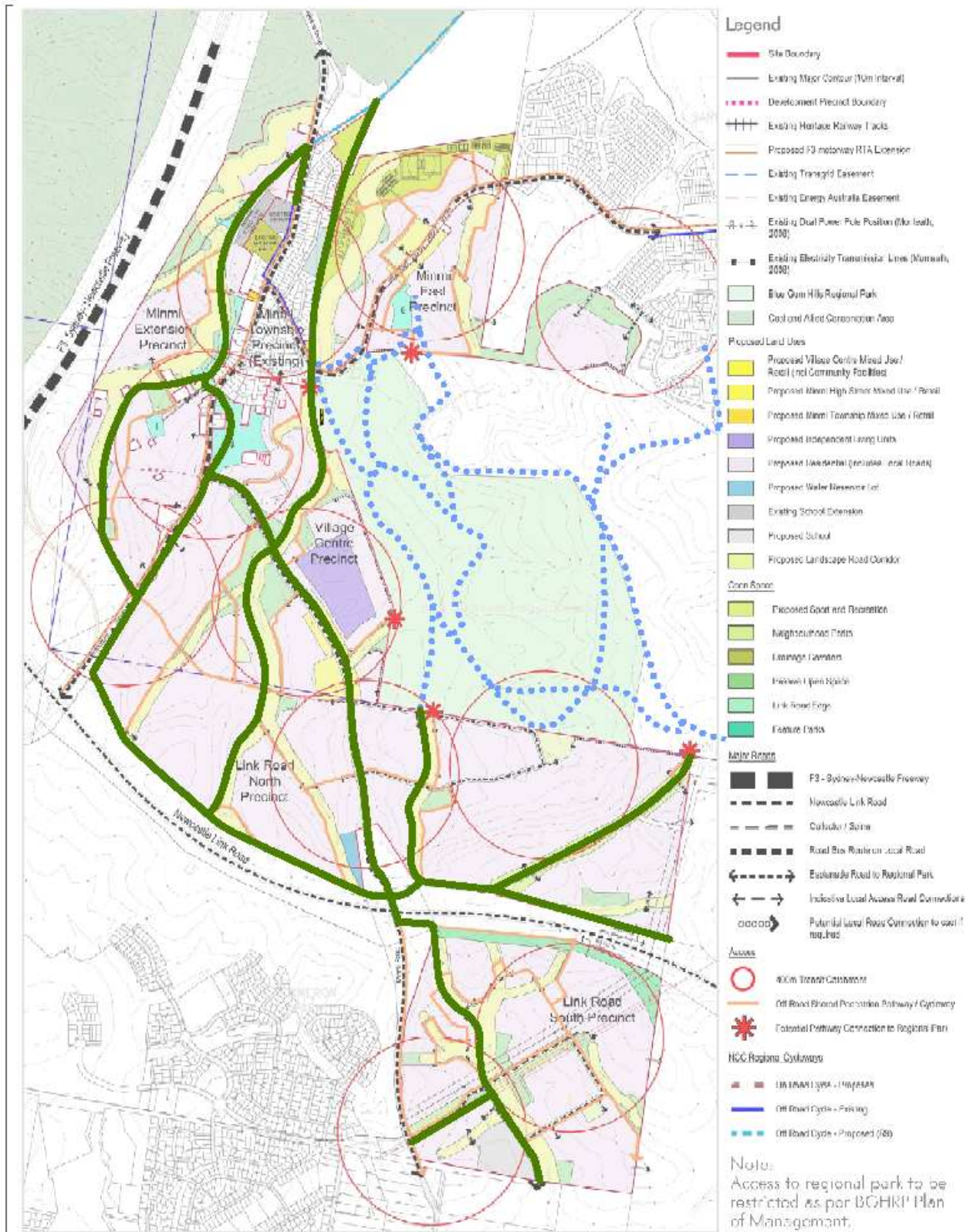


Figure B.1.1. Conceptual Access & Movement

**C&A Northern Estates - Minmi - Link Road
Possible Cycleways Plan**

LMCC Proposed off-road cycleways (instead of Off Road Shared Pedestrian Pathway/Cycleway)

Proposed off-road cycle route Figure 8.16 BGH Regional Park POM

Proposed Playground BGH Regional Park POM

