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Dear Sir

SUBMISSION ON MINMI/NEWCASTLE LINK ROAD PART 3A CONCEPT PLAN (MP10_0090), STATE SIGNIFICANT SITE STUDY AND DRAFT VOLUNTARY PLANNING AGREEMENT

I refer to your letter dated 24 February 2011 inviting Council to make a submission on the above proposal.

Council wishes to note that the proposal to plan for substantial additional residential development is broadly consistent with the Newcastle/Lake Macquarie Western Corridor Planning Strategy, however, Council objects to a number of aspects of the proposal. Council's detailed comments are outlined in Attachments A, B and C.

Due to the complexity and scale of the proposed development, Council would wish to be involved in further discussions regarding a number of aspects of the proposal.

Should you require further information or clarification of any of the above issues, please contact Ian Shillington, Senior Urban Planner, on 4974 2817 or by email ishillington@ncc.nsw.gov.au.

Yours faithfully

Jill Gaynor
MANAGER
STRATEGIC PLANNING SERVICES

Enc

Submission by Newcastle City Council - Minmi/Newcastle Link Road Part 3A Concept plan (MP10_0090), State Significant Site Study and draft Voluntary Planning Agreement

1.0 REGIONAL PLANNING

The proposed development of 520 hectares at Minmi is expected to result in a dwelling yield of 3,300, along with two 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.

It is noted that the proposal is broadly consistent with the Newcastle/Lake Macquarie Western Corridor Planning Strategy. Concerns, however, are raised regarding the overall scale of the development, as well as, aspects of the overall subdivision layout, environmental impacts and urban form. Concerns are also raised about the transport accessibility of the proposal, the level of facilities to be provided and the suitability of the development for some groups, particularly the aged.

It is also noted that the proposal is of a major regional scale which is located within the local government areas of Newcastle and Lake Macquarie. Council has concerns that the proposal, focussing on a specific land holding (albeit large), will not adequately consider the broader planning issues within the western corridor of the Newcastle LGA. More consideration needs to be given to regional connections within this strategically important area, particularly linkages to existing and future urban areas and major transport infrastructure.

It is also noted that part of the subject land is subject to an application for a boundary adjustment between Newcastle and Lake Macquarie Councils, which may impact on the future assessment of this proposal. A copy of the proposed boundary adjustment is attached (Attachment B).

There are also a number of more specific comments on the proposal which are outlined below.

1.1 Recommended land uses and development controls

The majority of the subject site is currently zoned 2(a) Residential, 7(b) Environmental Protection and 7(c) Environmental Investigation under the Newcastle

Local Environmental Plan 2003. It is noted that the proposed land use zones for the urban component of the proposal comprise the R2 Low Density Residential zone and the B2 Local Centre zone. It is also noted that it is proposed that the most appropriate zone nominated for the village centres of Minmi East Precinct and Village Centre precinct is the B2 Local Centre zone. Given that the proposed zone for the existing Minmi village centre is B1 Neighbourhood Centre, it is considered that the proposed zone for both these new centres should be reconsidered.

Further regard needs to be given to the hierarchy of centres in the Newcastle LGA and the relative size and catchment area of the proposed centres. It is noted that the proposal will facilitate a diversity of housing forms from single detached dwellings to medium density and mixed use developments.

Given the small size of the commercial zone in the existing village of Minmi, it is proposed to zone it as B1 Neighbourhood Centre in the Newcastle LEP 2011. It is proposed that the other two remaining centres (Minmi East and Village Centre precincts) be zoned B1 Neighbourhood Centre. Further economic analysis is required to justify the proposed zones and sizes for these centres.

It is also noted that the Newcastle Employment Lands Strategy, recently undertaken for Council, identifies Minmi as an emerging centre and recommends that the B1 Neighbourhood Centre zone be applied to this centre. However, given the projected size of this development and the forecast size of the centre to comprise 8,000m² of commercial space, a B2 Local Centre may be appropriate for Minmi at some stage in the future.

Council also anticipates that it may be appropriate to include the R3 Medium Density zone in areas that are in close proximity to the local or neighbourhood centres. This would give effect to the diversity of housing forms that are proposed in the development.

The proposal states that there is potential for an E2 Environmental Conservation zone to cover riparian corridors and RE1 Public Recreation zone to cover open space and bushland areas in the future, once final subdivision alignments are known. Council considers that appropriate planning should be undertaken to enable the Conservation and Public Recreation zone boundaries to be determined before this concept plan is finalised. It is noted that the lands to be dedicated for conservation purposes in Cessnock local government area are to be zoned E1 National Parks and Nature Reserves.

It is noted that there are a number of differences between the uses permissible with consent in the proposed zones and the exhibited Newcastle draft LEP 2011. The exhibited draft plan zone intentions and permitted and prohibited uses were as follows:

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

- To accommodate a diversity of housing forms that respects the amenity, heritage and character of surrounding development and the quality of the environment.

2 Permitted without consent

Environmental protection works; Home occupations

3 Permitted with consent

Boarding houses; Child care centres, Community facilities, Dual occupancies, Drainage; Dwelling houses; Earthworks; Emergency services facilities, Exhibition homes, Exhibition villages, Flood mitigation works; Group homes, Home-based child care; Multi dwelling housing; Neighbourhood shops; Roads; Secondary dwellings, Semi-detached dwellings, Seniors housing, Shop top housing, Tourist and visitor accommodation

4 Prohibited

Backpackers' accommodation; Caravan parks; Serviced apartments; Any other development not identified in item 2 or 3.

Zone B2 Local Centre

1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To provide for residential development that maintains active retail and business frontages in order to contribute to a safe, attractive, friendly, accessible and efficient pedestrian environment.
- To maintain the hierarchy of urban centres throughout the City of Newcastle and not prejudice the viability of the Newcastle City Centre.

2 Permitted without consent

Building identification sign; Business identification sign; Environmental protection works; Home occupations

3 Permitted with consent

Amusement centres; Boarding houses; Bulky goods premises; Business premises; Car parks; Child care centres; Community facilities; Drainage; Dwelling houses; Earthworks; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Flood mitigation works; Food and drink premises; Function centres; Home based child care; Home business; Home industry; Home occupation (sex services); Hostels; Industrial retail outlets; Information and education facilities; Landscape and garden supplies; Light industries; Markets; Mortuaries; Office premises; Passenger transport facilities; Places of public worship;

Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Restricted premises; Retail premises; Roads; Self storage units; Service stations; Sex services premises; Shop top housing; Signage; Timber and building supplies; Tourist and visitor accommodation; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Water recreation structures.

4 Prohibited

Caravan parks; Research station; Any other development not identified in item 2 or 3

Council is currently reviewing the draft LEP following public exhibition and further changes may occur prior to finalisation of the Plan. Council requests that further discussions be held with Council prior to finalisation of any proposed zones for the proposal.

1.2 Developer Contributions

It is noted that developer contributions are proposed to be made under applicable Section 94 Plans. The concept plan area is included within the Blue Gum Hills Planning District within Council's Contribution Plan No.1 (2005) and Plan No.4 – Transport Facilities in Blue Gum Hills (2006). These plans are subject to on-going review by Council. As noted in Council's previous correspondence, these Plans fall far short in the level and scope of works and respective estimates of what is required to support the additional population that would result from the Coal and Allied proposal. The proposal notes that funding of additional works and facilities will be subject to preparation of a Voluntary Planning Agreement (VPA) with both Councils.

The proposal's draft Statement of Commitments states ongoing consultation will occur with both Councils regarding the various contributions, additional studies, applications and works the proponent commits to undertake in association with the project.

In this regard, Council officers strongly encourage further discussions be held between the proponent, Council staff and the Department so that the future impacts of this proposal and the true future needs of the community are better understood before any determination of the application is made by the Minister and to secure the delivery of community facilities and open space at the appropriate time. Only after these details are known would it be appropriate to make the necessary report to the elected Council for consideration of the proposed VPA.

It is noted that a draft Voluntary Planning Agreement has been prepared regarding the dedication of land for conservation purposes to the State Government.

1.3 Land Acquisitions

It is recognised that Clause 10 'Land acquisitions within certain zones' outlined within the Proposed State Significant Site Listing – Schedule 3 SEPP (Major Project) is consistent with Clause 5.1 'Relevant acquisition authority' of the Standard Instrument – Principle LEP'. However, given that the proposal is for a substantial greenfield development, Council is of the opinion that the proponent, or subsequent landowners should provide, free of charge, all land required for community or public

benefit, including public open space, identified recreational areas, road reserves, community facilities, schools, and emergency services, to Council, or other relevant government agencies, in order to meet the needs of the proposed population.

As noted in Council's submission dated 9 April 2009 on the previous proposal, Council requests that this clause be amended to ensure that neither it nor any other authority, be required to purchase or compensate the applicant, or subsequent landowners, for acquisition of land for any community purpose or public benefit but that these be dedicated free of any cost at the time of issue of the relevant subdivision certificate.

2.0 SOCIAL AND RECREATION PLANNING

This proposal is for a significant residential development of 3,300 lots on 520ha of land at Minmi and Newcastle Link Road North and South. The MP 10_0090 Concept Plan remains largely unchanged from that provided in the previous application MP 08_0124 Minmi and Link Road Development Concept Plan (which was withdrawn by Coal & Allied after exhibition).

The proposal is to include two village areas that will provide support facilities, including retail. The predicted annual lot release is 165 lots/year commencing in 2012 with probable completion of all 3,300 dwelling units in 2032. The provision of associated infrastructure will occur in both Newcastle and Lake Macquarie LGAs.

The MP 10_0090 Social Impact Assessment (SIA) has been revised and updated. The SIA notes:

- The existing historic and generally rural village nature of Minmi.
- The proximity of a number of new residential subdivisions and the services and facilities that these will be providing to the residents of those subdivisions ie the facilities are intended to meet local needs within the individual subdivisions.
- A comprehensive overview of the population and age structure of the existing area and a number of adjacent suburbs, including comparisons to Newcastle and Lake Macquarie LGAs and NSW has been provided. In addition, religious affiliation, income and employment, labour force participation, occupation and industry, family characteristics and dwelling and household composition are considered. There is the occasional shift in levels of geographical classification used when comparing data.
- Projected future dwelling and household composition data is based on the NSW Department of Planning Household and Dwelling Projections (2008).
- Transport and car ownership data (SIA, 2.2.10) notes the significantly higher proportions of multiple car ownership across households in the Minmi, Maryland, Cameron Park and Fletcher suburbs. Public transport was not used for Journey to Work purposes in these areas as there is no existing efficient public transport in the area to enable timely transport to major employment centres.

2.1 Newcastle liveable communities – relevant findings

Hunter New England Population Health recently conducted 'Liveable Communities' research¹ in the Blue Gum Hills (BGH) planning district. The area includes the suburbs of Maryland, Fletcher and Minmi. The research looks at a range of principles (connectivity; sustainability; accessibility; flexibility) as applied to local communities across the Lower Hunter and draws from a substantial body of literature that suggests that the built and social environments have an impact on health and wellbeing.

The findings of the 'Liveable Communities' are highly applicable to the MP 10_0090 Concept Plan as these suburbs are based on a similar urban form as that proposed by Coal and Allied. This research is referred to as part of the social impact assessment and commentary.

Survey respondents have raised a number of issues and concerns around living in their suburbs that will remain and perpetuate across the Minmi development. In order to minimise current and future negative social impacts, the built environment impacts should be addressed before the approval of the Concept Plan.

Section 3 provides a review of key local and regional planning documents. Section 3.1.3, Table 13 notes that the Newcastle – Lake Macquarie Western Corridor planning Strategy identifies the need for additional infrastructure and there will be:

- An increase in predicted need for community health centres, and that the locations on either side of the Newcastle Link Road are confirmed. There is no indication within the Concept Plan (Figure A.1.2.1 – map) as to the location of these confirmed sites and whether they are to be co-located with commercial centres to support the development of activated community hubs. The value of this approach is further confirmed by the reference to the Building Liveable Communities research (section 3.1.7) currently being undertaken by Hunter New England Area health Population Health Unit.
- Transport links (road, rail, pedestrian and cycle).
- The need for an additional primary school requiring a 3-5 ha site in the Western Corridor.

Section 4 provides a proposed demographic profile based on NSW Department of Planning Household and Dwelling Projections (2008) at the Newcastle Statistical Sub-Division (SSD) and Hunter SSD levels. It is somewhat selective of the proponent (see Table 14 and Table 15) to provide demographic data based on percentages and proportional changes without indicating the total population on which the assertions are being based.

Table 1 below is developed from the same data source for the Newcastle SSD (= Lower Hunter) as used by the proponent for Table 14 (SIA, p.25). This table shows both the projected number of persons in each age group and the age group as a % of the total population for 2010 and 2036. There is a significant increase in the

¹ Newcastle Liveable Communities Assessment, Hunter New England Area Health Population Health, 2010.

projected population over the next 25 years of 135,700 persons and significant increase in the projected number of persons within age groups.

Age grp	2010	% pop	2036	% pop	count diff.	% diff.
0-4	32,900	6.1%	36,400	5.4%	3,500	-0.70%
5-9	33,300	6.2%	37,900	5.6%	4,600	-0.56%
10-14	34,500	6.4%	38,500	5.7%	4,000	-0.69%
15-19	36,800	6.8%	38,900	5.8%	2,100	-1.06%
20-24	35,700	6.6%	37,200	5.5%	1,500	-1.10%
25-29	34,000	6.3%	34,900	5.2%	900	-1.13%
30-34	33,000	6.1%	36,900	5.5%	3,900	-0.65%
35-39	36,700	6.8%	39,400	5.8%	2,700	-0.96%
40-44	35,200	6.5%	41,200	6.1%	6,000	-0.42%
45-49	37,500	6.9%	41,300	6.1%	3,800	-0.83%
50-54	36,900	6.8%	41,100	6.1%	4,200	-0.75%
55-59	34,500	6.4%	39,700	5.9%	5,200	-0.51%
60-64	32,400	6.0%	40,800	6.0%	8,400	0.04%
65-69	25,400	4.7%	39,700	5.9%	14,300	1.17%
70-74	19,900	3.7%	38,400	5.7%	18,500	2.00%
75-79	16,100	3.0%	35,100	5.2%	19,000	2.21%
80-84	13,300	2.5%	27,600	4.1%	14,300	1.62%
85-89	8,100	1.5%	18,900	2.8%	10,800	1.30%
90+	3,900	0.7%	12,000	1.8%	8,100	1.05%
	540,200	100.0%	675,900	100.0%	135,700	0.00%

Table 1: Newcastle SSD population projections by age group 2010 & 2036, showing projected numbers and as a percentage of the total population.

Source: New South Wales State and Regional Population Projections: 2008 Release

The presentation of the demographics based on a percentage alone and then to show a proportional change based on the difference between age group proportions over 25 years is a selective interpretation of the data that does not assist in developing a clear understanding of the true demographic pressures in the future.

Another way of looking at this data could be to note for example, that for the 5-9 year age group there can be expected to be a 13.8% numerical increase over the 2010-2036 period across the Lower Hunter. This represents the need for a significant increase or enhancement in community infrastructure to support the needs of this age group and their parents. However, Table 1 clearly demonstrates the significant numerical increase across all age groups.

Section 4.1.3 outlines the proposed community profile (to include empty nesters, lone person households and older retirees, as well as 150 independent living units). Council has significant concerns in regards to the overall suitability of the site to be targeted for older age groups. The topography will be highly challenging for a population ageing in place and the provision of terrace or townhouse housing is also not conducive to ageing in place. Council believes that the more likely population profile will be similar to that of surrounding suburbs, as outlined in Council's previous submission (April 2009).

The population projections outlined in Section 4.2 are a more realistic overview of the potential population of 9,720 persons.

2.2 Social Infrastructure

Section 5.2 outlines the local and regional social infrastructure. The existing community hall in Minmi is a small traditional style timber structure that comfortably holds about 50 people, with a functional kitchen that is not of commercial grade, and meets the needs of the existing community. The Fletcher (Sanctuary Estate) community facility is co-located with local sporting facilities and will meet the local needs of that community. The proposal indicates that two multipurpose centres will be provided.

Council noted in their submission to the Department of Planning regarding the previous Minmi proposal (MP 08_0125) dated 9 April 2009, that Council supports the development of a multi-purpose community centre co-located with sports fields and/or close to a local commercial centre. The proposed community centre should have the capacity and flexibility for shared facilities, office spaces, meeting rooms, storage, parking, etc. The multi-purpose centre could also support a youth centre, however, it is recommended that planning focus on the provision of venues to house youth services rather than a purpose built youth facility.

Council recommended in the 2009 submission that further discussion be held regarding the enhancement of district level facilities which could also support the development of a co-located multipurpose community centre close to a town centre. This has not occurred. Community facilities remain widely located across the proposed development and better community outcomes could be delivered in a co-located and integrated approach.

2.3 Community Centres

These are identified in the SIA (Table 20, p.39) under the proposed provision of two multipurpose community centres, one in each village centre (Stage 1 and Stage 4). Furthermore, Table 20 (p.40) identifies that the:

“proposed provision of a community health centre within the mixed use community centre as part of the proposed village centre and that Coal and Allied have offered NSW Health a 5,000 sq m site in the Village Centre via an offer to enter into a Voluntary Planning Agreement (VPA)”.

The SIA (p.33) notes that there is a need for a clause in the multi-purpose centre charter to secure access for the ongoing use of the facility by visiting/consulting community and allied health services. This statement requires further clarification in regards to the actual purpose of the community centre and ownership.

Given the proposed older age profile of the resident population (SIA, p.25), the need for a permanent community health centre will be high. In addition, seniors' use of the multi-purpose centre is high as evidenced by over 25% of survey respondents² aged over 70 years of age using the Maryland Neighbourhood Centre (MNC). Other age groups with high usage of the MNC were 18-24 yrs (29.4%) and 25-34 yrs (31.4%).

If a facility is to be used on an ongoing basis by health services, then the facility should be purpose built for that use and owned by Area Health Services. It is not Council's current policy position to maintain and operate a facility predominately for State agency use.

² Newcastle Liveable Communities Assessment, Hunter New England Area Health Population Health, 2010.

The need remains for a multipurpose community facility in the area large enough to meet the needs of the proposed population.

The SIA does not provide any further information in regards to the community facilities in a number of areas, including:

- Size of the facilities. An indication of the required floorspace for a multipurpose centre would be based on a floorspace standard of 210 m² per 1,000 persons. This indicates that the community centres would require a total floorspace around 2,000m², above the requirements for a community health centre.
- The land requirements for these sites and site location, including co-location with activity hubs
- The timing in provision of a multipurpose centre which incorporates a Youth Centre. The Village Centre Precinct is Stage 4 and the majority of the development will have been completed with limited access to a community facility for the majority of residents.
- What additional services could require accommodation.
- Which services could be suitably co-located with a predominantly health focused centre.
- What governance structures and/or management models could be required for the proposed community facilities? Further discussion needs to be undertaken with Council.

Further clarity is required in regards to the provision of these important social infrastructure components.

An indicative timeframe for the release of stages would also be useful.

Commentary on medical and health related services (Section 5.2.4), contains a number of anomalies in regards to the identification of hospitals. This section notes the existence of eg Child and Family Health Centres at Wallsend, Maryland and Beresfield but offers no evidence of their capacity to meet demand. Maryland and Beresfield Child Health centres are already beyond capacity in meeting local demand. Council questions the need for two early childhood centres and whether this has been discussed with HNEAH.

In regards to access to medical centres and general practitioners (GPs), local capacity is already under significant strain. Table 20 (SIA, p.40) uses the Netherlands Capacity Standard (0.4 GPs per 1,000 population with a potential increase of only 4 GPs required. Yet the Hunter Urban Division of General Practitioners identifies a preferred ratio of 1 GP per 1,200 people (or 0.83 GPs per 1,000 people) which indicates an additional eight GPs will be required to service this development. Fletcher residents³ have already reported experiencing the most difficulty in accessing a GP (42.7%) followed by Minmi (37.2%) and Maryland (35.6%). The most commonly identified reasons were waiting time/limited service capacity (66%) and closed books (18.4%) and respondents qualitative responses also indicated the high demand for closer medical centres and services.

³ Newcastle Liveable Communities Assessment, Hunter New England Area Health Population Health, 2010.

Reference to the development of and planning for emerging health hubs such as Branxton neglects to highlight the substantial residential growth occurring in the Branxton area and that most people access medical services close to either their residence or place of work. Journey to Work data indicates that most people 'flow' towards the inner areas of Newcastle for work, education, retail and recreation purposes, not towards Branxton. From a health planning perspectives, people are most likely to go to a larger facility that is relatively close eg John Hunter Hospital, rather a facility at Branxton, 45 minutes away.

2.4 Transport Accessibility

Section 5.2.9 provides an overview of transport accessibility to the proposed development. Research recognises that public transport is increasingly recognised as a key contributor to improved social cohesion in urban development⁴. Private motor vehicles contribute 44.5 % of transport sector emissions and approximately 23 % of global greenhouse gas emissions with recent assessments suggesting that because of their chemical composition road transport emissions are the greatest sectoral contributor to global warming. There is also mounting concerns about the sustainable use of fossil fuel based resources and a failure to adequately consider the quality of public transport networks early in land-use planning analysis has the potential to produce poor long term planning outcomes for communities in terms of car use patterns and in urban design outcomes. Fringe greenfield urban development sites will be highly vulnerable to increased costs in oil and mortgages rate rises⁵ in the future.

The development site is located a significant distance from employment lands and the importance of a 'sustainable community based on enhancement of pedestrian, public transport and cycleways' (SIA, p.36) is acknowledged by the proponent.

However, opportunities for these types of connections into neighbouring area and to centres such as Wallsend are not clarified nor clearly shown. Some residents are travelling more than 30 minutes to get to work (Minmi - 22.7% and Fletcher 12%). Within Fletcher, at the 2006 Census, 90.3% drove to work; a further 7.5% were passengers on their journey to work; within Maryland, 87.1% drove to work, a further 7.4% were passengers.

Not one survey respondent⁶ reported using public transport to travel to work or to local shops. The level of satisfaction with bus services was highly variable with only 19.7% of Minmi residents very or mostly satisfied. Respondents in the 50-59 year age group had the lowest level of dissatisfaction with bus service access across the Blue Gum Hills area.

Most qualitative responses noted the need for significant improvements to services and noted the long travelling times experienced as existing bus timetables did not closely align. One example stated that a child had to wait 35-40 minutes to get a (private) bus home from school from Wallsend to Minmi.

Public transport access for young people and seniors both in peak and non-peak periods were an identified issue by respondents. Respondents further noted that

⁴ *The Principles of Public Transport Network Planning: A review of the emerging literature with select examples*, J. Dodson, P.Mees, J.Stone, M. Burke. Urban Research Program Issues Paper 15, March 2011

⁵ *Unsettling Suburbia: The New Landscape of Oil and Mortgage Vulnerability in Australian Cities* J. Dodson & N. Sipe, Urban Research Program Research Paper No. 17 August 2008

⁶ Newcastle Liveable Communities Assessment, Hunter New England Area Health Population Health, 2010.

the existing bus service in the area was not sufficient for the existing population or for future growth, was costly, indirect and information on levels of service needed improvement.

Associated with the increased use of cars were low rates of active transport to get to primary school in the suburbs of Maryland (23.1%) and Fletcher (4.7%). The significantly low rate of active transport for this suburb reflects its location (south of Minmi Road) and lack of safe pedestrian or shared links to the local primary schools. Active transport use by high school students was also very low (Maryland 8.7%) and Fletcher (7.1%).

This proposal has an identified primary school site is on the southern boundary of the Link Road South precinct which is to be included in Stage 2. The school site is not co-located with any other community facilities or centres, nor is it linked into a pedestrian network across the entire development that would enable school children to walk to school. There is a proposed bus route linking from the school zone to Newcastle Link Road, however, no description of how any bus route would link into the remainder of the proposed estate or nearby centres.

The Liveable Communities⁷ research highlights the need for particular consideration to be given to the needs of children regarding their safety needs, child friendly places and spaces and in ensuring the connectivity of footpaths to encourage high levels of active transport to school. Given the proposed location of the school, pedestrian access from the estate north of the Link Road will be virtually impossible and pedestrian links into Cameron Park should be clarified.

The basic grid pattern and small block sizes of the concept plan will encourage a walkable neighbourhood. However, there is a need to further emphasis within the Minmi proposal the basics of good pedestrian access and cycleways to improve the walkability of the suburb and connections to surrounding neighbourhoods

2.5 Childcare

Section 5.2.6 provides an overview of preschool and childcare facilities in the area. Both Glendore Preschool and Childcare centre are not noted.

Two long day care centres are identified and a comment in table 20 (SIA, p.41) notes that the Concept Plan provides land use controls in the village centres to facilitate commercially operated centres. However, survey respondents⁸ report that Minmi residents (50%) report significantly higher levels of difficulty in accessing day care services over the past 12 months than Fletcher (23.5%) and Maryland (10.5%) with the most common reasons being waiting times and services being full (66.7%). This suggests that the proponent may need to actively seek proposals from childcare operators for Stage 1 in order to meet local demand.

2.6 Open Space

Council, in the process of commenting on this development, must also consider the provision of social infrastructure from a broader strategic perspective, which includes an understanding of current demographic trends in the local and adjoining areas, a consideration of existing social infrastructure within the local Planning

⁷ Newcastle Liveable Communities Assessment, Hunter New England Area Health Population Health, 2010.

⁸ *ibid*

Districts (Blue Gum Hills and Wallsend) and already identified community challenges.

The NCC Community Plan 2006-2010 Blue Gum Hills Discussion Paper notes several ongoing key issues for the population of Blue Gum Hills and these included:

- Access to integrated accessible public transport – the area already has a heavy reliance on multiple car ownership and there are increasing traffic volumes on the major local routes.
- Activities for young people – there was limited access for young people to recreational facilities and activities.

The NCC Recreation Plan (2006) found that the Blue Gum Hills Planning District is isolated from major community and recreational facilities, with transport being a major barrier to participation and that there was a major shortage of sporting fields in the area. This document was prepared before the release of the LHRs and the C&A MOU.

The NCC Blue Gum Hills Sports Facility Feasibility (2006) identifies the population of the BGH PD was expected to reach 16,500 by 2020 with most significant residential development expected to be complete by 2015. This document was prepared before the release of the LHRs and the C&A MOU. The Sport Feasibility Study also identified that this planning district had the highest concentration of families with children of all planning districts in Newcastle (2006:p.4) with a significant proportion of the population aged under 19 years. The demand for sporting pursuits was expected to be high in the short term and sustained for longer than in more ageing suburbs (2006:9). This study also identified the relatively poor condition of the BGH sporting facilities due to poor drainage, lack of formal construction and undersized areas, difficult topography and other environmental restraints.

The Concept Plan Land Use budget (A.4.1 – Land use summary – table) identifies 141.54 ha as open space. Of this, only 27.53 ha can be considered as useable quality open space (see Table 1) with functionality.

Minmi / Link Road Concept Plan	Total Area (ha)
Neighbourhood Parks	3.10
Sport and Recreation	15.08
Feature Parks	9.35
Total Useable Open Space	27.53

The remaining 114 ha, such as the Link Road Edge, riparian corridors and passive open space (this is poorly defined) can not be considered as quality, useable open space for community use. The land proposed as edges, riparian areas, lakes and linear easements is largely inaccessible, have minimal street frontage, very limited functionality, poor passive surveillance and will be exceptionally difficult to manage. Extensive areas are designated as drainage corridors when they are in fact riparian areas. Areas proposed as lakes (Figure A.1.7.1 Minmi East Precinct) surrounded by residential areas also represent long term management issues which are not clarified within the Concept Plan.

This land will represent a significant impost and financial burden to Council over the long term if it is given to Council as passive open space.

2.6.1 Open Space Case Study

The suburb of Fletcher has just over 17ha of passive open space similar in character to that proposed in the Minmi development ie the majority is bushland riparian areas or detention basins, linear in nature and dedicated as public reserves. Only 60% of Fletcher survey respondents⁹ were satisfied with the amount of open space in their neighbourhood and only 33.7% of Fletcher residents indicated that their public spaces catered for a range of ages. Council is also aware of increasing levels of Fletcher resident dissatisfaction, particularly families, with the type of open space provided, as there are no playgrounds or quality useable passive open space areas. Qualitative responses¹⁰ indicated a desire for parks where people could be active in informal ways, such as BBQ's, playgrounds and skate facilities.

2.6.2 Blue Gum Hills Regional Park

The Blue Gum Hills Regional Park, which is owned and controlled by National Parks and Wildlife, needs to be further consulted in regards to the levels of provision for passive open space at a district/ regional facility. Council would welcome the opportunity to be included in these discussions and recommends that Lake Macquarie Council be included.

2.6.3 Minmi Park

A further issue is that clarification is required of exactly what is proposed just north of Minmi Reserve (not noted on the Concept Plan as a park) on Woodford Street. There appears to be a road immediately adjacent to this neighbourhood park which will be the only access point to the Minmi Extension Precinct. This has the potential to fragment and 'landlock' existing parcels of land.

2.6.4 Sporting facility

Council noted in their submission to the Department of Planning regarding the previous Minmi proposal (MP 08_0125) dated 9 April 2009, that the stated sporting facility provision will not meet either the potential demand within the Coal and Allied development or significantly add value to the existing availability of local fields to meet future population demand.

The proposed location of the active open space (sporting fields) is not acceptable to Council. The indicated site within the Minmi East Precinct is subject to significant drainage constraints, is below an existing dam (detention basin) and there are inherent conflicts between riparian zones, wetlands, car parking areas and active open space areas. Any sportslands in these areas are highly unlikely to be suitable for any use higher than training level over time, even with extensive funding.

There is also a high demand for fields that have appropriate flood lighting for training and the pressure for active recreation areas in the western corridor is already very high. There are no district level sporting facilities west of Waratah and Council is considering the development of available sites in Wallsend to meet the needs of communities in the Western Corridor, including the Minmi development. Council would appreciate the opportunity to meet with Coal and Allied to further discuss these active recreation opportunities.

⁹ Newcastle Liveable Communities Assessment, Hunter New England Area Health Population Health, 2010.

¹⁰ Newcastle Liveable Communities Assessment, Hunter New England Area Health Population Health, 2010.

2.7 Further inconsistencies within the documentation

Concept Plan:

Figure A.1.1 – the key is incorrect with proposed conservation areas and development area.

Figure A.1.4 – Concept Plan does not note Minmi Reserve as an existing park.

3.0 CONSERVATION PLANNING

3.1 Conservation corridors

The proposed dedication of the conservation estate contributes to the Stockton to Watagan green corridor outlined within the Lower Hunter Regional Conservation Plan. However, the ability of the proposed conservation estate to provide a functional wildlife corridor for terrestrial species is limited by the fragmented nature of the lands. The functionality of the existing wildlife corridor is particularly highlighted by the presence of koala(s) (*Phascolarctos cinereus*) within the area which was considered transient rather than a (sub) population.

The offsetting principals provided in the Lower Hunter Regional Conservation Plan indicates that offsets will be of greater value where the offset areas are not isolated or fragmented. The Stockrington conservation estate is currently fragmented or impeded by the existing F3 freeway, powerline easements and various trails and will be further fragmented by the F3-Branxton arterial road. Further fragmentation may potentially occur by the retention of the 5(b) Special Uses (Railway) Zone within the Cessnock LGA. The offset value and ability of the proposed conservation estate to provide a functional wildlife corridor for terrestrial species is limited by this current and future fragmentation.

Future management of the Stockrington Conservation Lands must consider the impact of the various breaks in vegetation continuity and aim to reduce such impacts for example through access management and natural revegetation of corridor breaks.

Council's Green Corridors and Landscape Precinct Plan (2005) identifies land at Minmi as contributing to Council's green corridors and is also within the buffer of significant Green Space habitat (Blue Gum Hills Regional Park). The proposal will diminish the corridor and buffer values of this landscape.

3.2 Riparian zones

The Ecological Assessment Report indicates that the proposal seeks to encompass the intent of the Water Management Act where riparian corridors have been established. Concept Plan Design Guidelines (p26-27 of Appendix B) indicates that riparian zones in public lands between roads have a total width of 40m, 60m and 80m buffer zones with a core riparian zone of 40m or 60m. Between lots, the core riparian width is 20m with a total width of 40m.

Council disagrees with the proposed 20m total width core riparian zone between lots, recommending that the core riparian zone width be increased to 40m (i.e. 20m on each side of the watercourse from the top of the bank) with a total riparian width

of at least 60m to ensure adequate protection of the watercourse. Council has applied a minimum buffer width of 40m for similar developments in the western corridor.

The establishment of appropriate riparian zone width is especially important given that many of the watercourses ultimately drain into the Ironbark Creek and the conservation significant Hexham Wetland. Riparian zones are widely acknowledged as key wildlife corridors, especially pertinent given that the proposal will diminish wildlife corridor links. Riparian zones can provide north-south fauna linkages and fauna linkages to Blue Gum Hills Regional Park.

All structures over watercourses must also ensure that there are no instream barriers to aquatic fauna movement. This could not be assessed using the existing document.

3.3 Urban Forest Management

Newcastle City Council adopted the Newcastle Urban Forest Policy and Newcastle Development Control Plan Element 4.10 - Tree Management in May 2008. These documents provide guidelines for the management of the urban forest on private land and recognise the importance of the overall urban forest to the health and well being of Newcastle as a whole. The proposed Concept Plan will result in the removal of a large number of retainable trees.

Whilst the proponent proposes to dedicate land for conservation purposes as part of the current proposal, much of this land lies outside the Newcastle LGA. This will result in a net loss of tree canopy within the Newcastle LGA and the associated economic, social and environmental benefits of the reduced canopy will adversely impact on the Newcastle LGA and the existing and future residents in this locality.

It is recommended that compensatory tree planting be carried out in accordance with Newcastle DCP Element 4.1 and where opportunity exists, the retention of habitat trees should be incorporated into the proposed design.

3.4 Biodiversity

The ecological assessment report notes that there are three endangered ecological communities (EEC) on the development estate which collectively comprise 26% of the study area. These are:

- Lower Hunter Spotted Gum Ironbark Forest (136.8 Ha)
- Hunter Lowland Redgum Forest (0.39 Ha)
- Freshwater Wetland Complex (0.37 Ha)

Some 18 threatened flora species either occur or have the potential to occur on the development estate including clumps of *Tetratheca juncea*. Some 12 threatened fauna species were observed on the site or considered as having a moderate or greater opportunity of occurring due to potential habitat. The document indicates that the proposed conservation estate referred to as Stockrington compensates for the removal of vegetation and habitat within the proposed development.

Key comments on this proposal include:

- a) The area of EEC reserved within Stockrington Conservation Estate will ultimately be more than the area of EEC removed for the development however, for the Lower Hunter Spotted Gum Ironbark EEC, the ratio of compensatory habitat will be about 1:1.5. This ratio of compensatory habitat for an EEC is inadequate, especially in the context of the current and future fragmented nature of the Stockrington Conservation Lands. Whilst Council does not have a formal offset ratio established, the principals of the Lower Hunter Regional Conservation Plan indicate clearing or development can only proceed where offsets (and conservation actions) improve or maintain biodiversity. An offset ratio of 1:1.5 does not ensure this principal is being met; a higher offset ratio should be sought to ensure offsets result in a net improvement in biodiversity over time.
- b) The Ecological Assessment Report provides discussion on the impact of the development on threatened fauna and flora. In many cases, for example on p111 in reference to the sooty owl, there is justification that impact will be negligible due to compensatory offset habitat at Stockrington and the Tank Paddock. All reference to the Tank Paddock should be removed in the discussions as the Tank Paddock does not form part of the compensatory offset for this development. The Tank paddock forms part of the compensatory offset for the Black Hill Development. The Tank Paddock should not be included in the consideration of the impact of this proposal on threatened fauna and flora.
- c) P124 of the ecological assessment report indicates vegetation corridors with cross sections are illustrated in Appendix 6. There does not appear to be any mapping illustrating this information in Appendix 6.
- d) The proposal indicates that a number of *Tetratheca juncea* (EPBCA listed) occur within the proposed development area. Consideration should be given to translocating these clumps to appropriate localities before disturbance occurs.
- e) The proposal provides limited connectivity in conservation terms to the Blue Gum Hills Regional Park. This will result in the regional park being isolated. This point was raised in Council's original response to the proposal and does not appear to have been addressed. Expansion of the proposed riparian zones may go to some way of alleviating this impact.

3.5 Solar access for lots

Given the concept plan does not provide a final lot layout but rather an indicative lot layout, it is premature to comment on individual lot orientation and dimensions. However, it is recommended that compliance with the SEDA 'Solar Access for Lots Guidelines for Residential Subdivision in NSW' be demonstrated in any subsequent DA for subdivision. A link to this document can be found at www.energysmart.com.au.

3.6 Contamination

The location of the proposed Concept Plan for a mixture of residential, commercial and open recreation space in the suburb of Minmi and surrounds has been identified as a potentially contaminated area under the Contaminated Land Management Act 1997. Extensive mining of the area and associated mining infrastructure such as rail

corridors may have potentially contaminated both soil and groundwater within the locality. The Statement of Commitments notes remediation will be undertaken as part of future development applications. Council is concerned appropriate investigation has not been undertaken and remediation plans should be undertaken prior to Concept Approval or rezoning being granted.

Council will not accept the transfer of potentially contaminated land as publicly owned land, including public roads, unless appropriate remediation plans are in place.

3.7 Blue Gum Hills Regional Park

There is strong Council and community interest relating to the impact of future development on the Blue Gum Hills Regional Park (BGHRP). The Park, managed by National Parks & Wildlife Service (NPWS), is located mainly to the east of the proposed Concept Plan. The design of the proposed Concept Plan would involve the removal of majority of vegetation surrounding BGHRP. The removal of the surrounding vegetation would effectively isolate BGHRP and diminish the natural values of the site. The proposed Concept Plan significantly reduces connectivity to BGHRP thus decreasing the potential for faunal movement and enhancement of genetic diversity. The proposed Concept Plan would also devalue and impinge on the key objectives of BGHRP outlined in the Blue Gum Hills Regional Park Plan of Management prepared by DECC dated February 2007. Therefore, Council requests any future ecological study or analysis account for potential impacts on the adjoining BGHRP in regards to potential ecological impacts and impacts on future management and meeting key objectives of the Plan of Management.

The proposal does little to address the Blue Gum Hills Regional Park. It is recommended that a stronger open space link be created between the Village Centre and the Regional Park to improve access to the park from other parts of the region. This will also provide commercial opportunity to gain custom from visitors to the park, who would not otherwise visit the village centre.

Discussions between the and Council and NPWS suggest there may also be an opportunity for the proponent to enter into an agreement to provide local active recreational facilities within parts of the regional park, rather than the current proposed location, which acts as a corridor linking the BGHRP and Hexham Swamp Nature Reserve.

3.8 Air quality

The Air Quality Assessment prepared by GHD dated January 2011 notes the Summerhill Waste Management Facility is a potential source of odour and nuisance emissions for the proposed future residential estate. The Air Quality Assessment prepared by GHD dated January 2011 notes a 400 metre separation distance between the Summerhill Waste Management Facility and residential development was required by the then Environment Protection Authority during a public inquiry prior to commissioning of the facility. The proposed Concept Plan shows residential development will encroach upon this separation distance and may experience potential odour and nuisance emissions from the Summerhill Waste Management Facility. Therefore, Council requests the design of the proposed Concept Plan be reviewed with regard to the minimum 400 metre separation distance between the Summerhill Waste Management Facility and proposed residential development.

3.9 Noise

The noise modelling conducted in the Environmental Noise Assessment prepared by Renzo Tonin and Associates Pty Ltd dated 10 February 2011 demonstrates a significant number of the proposed residential allotments will be impacted upon by traffic noise from the surrounding arterial roads, Newcastle Link Road and F3 Freeway. The proposed residential allotments will also be impacted upon by traffic noise on collector roads, both existing and proposed, within the footprint of the Concept Plan. While noise mitigation measures such as barriers and mounds are proposed traffic noise will still exceed the criteria for residential amenity in external areas in accordance with the Department of Environment and Climate Change's 'Environmental Criteria for Road Traffic Noise'. While recommendations are made regarding noise mitigation design to protect internal areas of future residential dwellings the residential amenity of the external areas will be impacted upon and degraded by traffic noise.

The noise modelling conducted in the Environmental Noise Assessment prepared by Renzo Tonin and Associates Pty Ltd dated 10 February 2011 limits itself to assessment of noise impacts upon future residential allotments. However, the proposed development will result in increased numbers of vehicles utilising the existing road network, including Woodford Street and Minmi Road. Therefore, noise impacts from increased traffic levels within the existing local road network, as a result of the proposed increased residential density, should be assessed for existing residential dwellings within Minmi. Furthermore, the proposed development will potentially result in significantly increased levels of traffic along Minmi Road, to the east of the proposed development, as vehicles will potentially utilise Minmi Road as an alternative route to the Newcastle Link Road. Therefore, the traffic noise assessment should be extended to include potential noise impacts on existing residential dwellings, fronting Minmi Road, to the east of the proposed Concept Plan.

The Environmental Noise Assessment prepared by Renzo Tonin and Associates Pty Ltd dated 10 February 2011 notes proposed future residential dwellings may potentially be impacted upon by noise from the existing Summerhill Waste Management Facility. However, Council notes that the proposed residential allotments will encroach within the separation distance as noted above. Therefore, Council requests the design of the proposed Concept Plan be reviewed with regard to the four hundred metre separation distance between the Summerhill Waste Management Facility and proposed residential development to reduce potential noise impacts.

4.0 TRAFFIC AND TRANSPORTATION

4.1 Public Transport

Previous submissions by Council have indicated that the area is poorly served by public transport. Network changes arising from a review of the Lower Hunter bus network were implemented in late 2010. Appendix M, Section 2.5.1, describes the network in place prior to the changes. Routes now operating are:

- 260 - Minmi – Fletcher – Maryland – Wallsend – Jesmond – University of Newcastle - Hunter Valley Buses

- 261 - Fletcher – Maryland – Wallsend – Jesmond – University of Newcastle - Hunter Valley Buses
- 262 - Cameron Park – Edgeworth – Glendale – Cardiff - Charlestown - Hunter Valley Buses
- 263 - Cameron Park – Edgeworth – Glendale – Cardiff – Charlestown - Hunter Valley Buses
- 267 - Seahampton – West Wallsend – Barnsley – Edgeworth – Glendale – Wallsend – Jesmond – University of Newcastle - Hunter Valley Buses

Notwithstanding the changes, the area is still poorly served by public transport.

There are multiple references in the Concept Plan Environmental Assessment report and appendices to the Lower Hunter Integrated Transport Plan. Council understands that this was the name of the document commissioned by the then Department of Infrastructure, Planning and Natural Resources at the time of preparation of the Lower Hunter Regional Strategy, however, to Council's knowledge, it has not been formally released nor endorsed by the State Government. The State Government (Transport NSW) is currently preparing a transport strategy for the Hunter Region. The State Plan indicates commitment to increasing the public transport mode share of commuter trips to the Newcastle City Centre to 20% in the morning peak period, by 2016 and a mode share to cycling of 5% of all trips in the Lower Hunter, by 2016.

Council supports a target of 20% mode share to public transport. More direct routes between activity centres will assist in making public transport a more attractive alternative to the use of private cars. The new bus link proposed, as a direct link between nodes, is supported, however, far greater action is required to achieve the targets desired by Council and the State Government. The network shown in Figure 3.9 of the Appendix M does not appear to meet the service standard criteria of 90% of dwellings to be within 400 metre of a bus route.

It is generally recognised that public transport infrastructure and services are required to be in place early in developments. Without such infrastructure for public transport, walking and cycling, residents' travel patterns become car-based, which are subsequently difficult to change. Ongoing communication with Transport NSW and bus operators in the area, particularly Hunter Valley Buses, to ensure secure allocation of additional route kilometres for new, frequent services as early as possible is essential.

Before public transport can be regarded as a sustainable transport option, service levels have to be set at a basic frequency of quarter-hourly throughout the day (nominally 6am to 7pm) and half-hourly at other times. This basic frequency should apply seven days a week, with perhaps slightly later starts at weekends. Frequent services should be supported by quality road side infrastructure, constructed to meet the requirements of the Disability Standards for Accessible Public Transport (as indicated in the Statement of Commitments). Further liaison with Council and bus service operators will be required, as the development proceeds, to ensure optimal location and spacing.

4.2 Pedestrian and bike paths

As noted above, the State Plan has set a target of 5% of all trips by bike, by 2016. The network of shared paths and bike routes in the concept plan should be based

on the linking of activity centres and clear desire lines, to encourage active transport, and links with existing and proposed regional and local routes.

It is not clear, from the Concept Plan Design Guidelines Figure B.1.1, which paths are footways (for pedestrians and bike riders under 12) and which are to be nominated shared pathways (for use by pedestrians and cyclists of all ages) and signposted accordingly. It is also not clear how the different paths transition. A clear diagram of the shared path (minimum 2.5m width) network should be provided, along with proposed on road cycleway provision. It should also be noted that Council requires the provision of footpaths (minimum 1.2m) on both sides of local roads.

Council is currently developing a cycling strategy and action plan, which will update the Newcastle Lake Macquarie Bike Plan 1996. Key objectives for the current work on bike routes in the Newcastle local government area are to provide a safe, continuous and convenient bicycle network and associated infrastructure, which encourages increased participation in cycling and promotes active transport as the preferred choice for most trips. In a greenfield development such as the Minmi proposal, opportunities to provide safe, off road share paths should be maximised.

The draft Cycling Strategy and Action Plan, which is to be exhibited publicly in mid 2011, has not anticipated the level of development indicated in the concept plan. Notwithstanding this, there are bike paths shown in the document which should be incorporated in the concept plan. These include:

- Regional route R10 – proposed on road cycle route on Minmi Rd from the existing Minmi township to the eastern extent of, paralleled by off road shared paths from the township to link to existing path at western extent of the Fletcher land development.
- Route R11 indicates proposed on road cycle way Woodford St through to Lake Macquarie local government area.
- Route R9 is the proposed off road shared path on the former rail corridor adjacent to the Tank Paddock, extending from Minmi to Hexham. The concept plan nominated the R9 route adjacent to the Tank Paddock as a heritage trail pedestrian path. Council considers that this path should be developed to shared path standard, of minimum width 2.5m.
- L1 is the proposed off road link north of the Tank to Balarang St Maryland.

Ongoing communication with Council is encouraged to determine optimal prioritisation of works. The proponent should also liaise with National Parks and Wildlife Service to ensure good connectivity with proposed paths in the Blue Gum Hills Regional Park.

Minmi Boulevard is major road in the development and as such, should include on road provision for cyclists.

The allocation of \$500,000 to regional cycleways is supported, however it is considered that the \$50,000 allocated to subregional review of cycleways should also be allocated to actual construction. As both Newcastle and Lake Macquarie City Councils are currently reviewing their cycling networks and will address regional connectivity, agreement on routes to be funded should be achievable without further studies.

As noted in the Concept Plan, Council has detailed design guidelines in its Development Control Plan. The provisions of the DCP are routinely reviewed. In lieu of preparation of urban design guidelines at each stage of the development, Council's controls should be met.

4.3 Traffic

Hyder Consulting Pty Ltd (January 2011) relies on 2007 survey data to assess the impacts of this development. It is recommended that the applicant undertake an extensive traffic survey in accordance with RTA and Council requirements to ascertain the true impacts of this development. Full input and output data files are to be supplied to enable a comprehensive assessment.

The traffic impacts on the regional road network have not been adequately addressed with assessment not extending beyond the immediate local intersections. In this regard, road and intersection capacity is known to be typically exceeded along MR 82 (Thomas St and Newcastle Road) with extensive vehicle queuing and delays during the peak periods on the Link Road and between the roundabout at Lake Road/Thomas Street, Wallsend and Croudace Street, Lambton.

The Hyder report also predicts that 7% of the vehicle trips generated by this development will utilise existing Minmi Road through Fletcher and Maryland. Utilising the figures provided by Hyder, this predicted increase equates to an approximate increase of between 16% and 20% (depending on the assumed background increase between 1% and 2% respectively) of the current traffic volumes. This increase is not considered to be minor.

Council's Section 94 Plan 4 – Transport Facilities in Blue Gum Hills (s94 Plan 4), did not envisage such a substantial redevelopment of land around Minmi and therefore makes no allowance for the impacts of the proposed development on Minmi Road between Minmi and Wallsend. Existing intersections and traffic facilities along Minmi Road have been designed and constructed without allowance for the predicted increase and concern is expressed that these facilities may perform unsatisfactorily as a result of the C&A proposal. Accordingly, the applicant is to provide additional information for review by Council that details the effect of the abovementioned increased traffic on the full length of Minmi Road and Longworth Avenue. The applicant is also requested to offer recommendations and commitments for dealing with these anticipated impacts.

The argument in the traffic report that the C&A development will have little impact on the existing Woodford St/Minmi Road traffic signals is not supported. The development of the Minmi Extension Precinct and Village Centre Precinct will have a direct and adverse impact on the operation of these intersections.

The existing Minmi Road and the proposed Minmi Boulevard and Woodford Street should be designed and constructed as a sub-arterial road. The number of intersections along these roads should be kept to a minimum in the interests of maintaining an efficient road network and improving overall road traffic safety. Similarly, direct vehicle access for lots to each of these roads should be prohibited.

It is recommended that a 20m wide landscaped buffer is provided within the Minmi Road, Woodford Street and Minmi Boulevard road reserves to buffer the proposed rear fences of lots adjacent to these roads and to improve the overall streetscape. This barrier will also serve to control vehicular and pedestrian activity about these

nominated collector roads in the interests of traffic safety. Vehicle parking along these roads should be prohibited.

The proposed Village Centres on Minmi Road and Minmi Boulevard should be relocated clear of the sub-arterial roads and accessed from the internal street network while being located on one side of the road only to minimise potential traffic and pedestrian conflicts and maintain road network efficiency.

The 'Sports and Recreational Area' should be accessed directly from Minmi Road via a roundabout. In this regard, consideration could also be given to realigning the existing Minmi Road to the west so as to allow principal access to the proposed sporting fields directly off a sub-arterial road without reliance on the local road network.

All dead end roads must be provided with appropriate turning facilities to the requirements of Council so as to permit the satisfactory provision of garbage and other services.

The small residential area located in the Minmi East Precinct adjacent to Mirvac's 'Hidden Waters' subdivision relies on access through that development across land required under that consent to be dedicated as Open Space or retained as part of their Community Association lot. It is also noted that the approved road within Mirvac's estate, intended to provide road frontage for this precinct, is not expected to be constructed until the final stages of the Mirvac development. As currently proposed, the applicant of this proposal would need to request Mirvac seek an amendment to their current approval to permit the proposed road connections to be constructed.

The proposed bus routes are considered inadequate and therefore do not promote the use of public transport. Bus routes should not be confined to Minmi Road and Minmi Boulevard and the proposed collector road network should be extended into the residential precincts to ensure satisfactory 'ped shed' distances are achieved. In this regard, it has been ascertained, from the information provided, that a number of allotments are at least 1.2km walk from the proposed bus routes along roads that would ultimately have significantly steep gradients.

A comprehensive pedestrian/cycle pathway network linking to the surrounding network is to be provided and clearly detailed on a revised Cycle and Pedestrian Plan. The infrastructure detailed in Figure B.1.1 is considered inadequate. The major cycleway/pedestrian cycle pathways in Figure B.1.1. should be off-road for the sub-arterial and collector roads with on-road provision on all other local roads.

The applicant is requested to provide further details on how the proposed 'emergency access only' intersections with the Link Road are to be restricted to prohibit other uses.

4.4 Cycling and walking

The NSW Premier's Council for Active Living (PCAL) reports to the NSW Premier through the Minister for Health. PCAL has released a number of planning and design guidelines that seek to build liveable communities in the Lower Hunter Region. Details of these initiatives can be found at www.pcal.nsw.gov.au. A review of the cycling and walking infrastructure proposed in the Coal and Allied Northern Estates Concept Plan suggests that there needs to be greater emphasis placed on the design philosophies set out in the former NSW Department of Infrastructure,

Planning and Natural Resources Planning Guidelines for Walking and Cycling 2004. Reference is also made to the concepts of connectivity, sustainability, accessibility, and flexibility that are described in Hunter New England Population Health Service document Building Liveable Communities in the Lower Hunter Region 2007.

The adopted and draft Newcastle Lake Macquarie Bike Plans make no allowance for the Coal & Allied proposal. The Concept Plan proposes off-road shared pathway facilities through Precinct 1 in association with the widening of Minmi Road. Based on the previously known and planned developments in this strategic corridor, Council's Section 94 Plan 4 – Transport facilities in Blue Gum Hills proposes on-road cycle facilities along Minmi Road to Wallsend and current s94 contribution rates are based on this design. The applicant is therefore requested to provide additional information regarding the details, feasibility, timing and funding of the extension of this suggested off-road pathway network to Wallsend.

The off-road cycle provisions through the proposed commercial precincts does not comply with Austroads or the RTA's NSW Bicycle Guidelines.

Off road shared pathways should be constructed within the road verge and not within passive open space areas such as riparian zones. See NSW Bicycle Guidelines Section 6 and Austroads Part 14 Section 6 for further information. Further, the proposal to combine shared pathways with bush fire access tracks at the rear of some properties is not supported having regard to the objectives of Crime Prevention Through Environmental (CPTED) guidelines. However, the provision of shared pathways through identified active open space is supported.

4.5 Conceptual road design

As mentioned above, and following adopted road hierarchy, the existing Minmi Road and the proposed Minmi Boulevard and Woodford Street should be designed and constructed as a sub-arterial road as they are only one classification lower than the Link Road which has been correctly classified as arterial.

It is noted that several of typical road sections contained within 'Appendix B – Concept Plan Design Guidelines' do not conform with numerous elements of Council's current requirements (Refer NDCP2005 – Element 4.11(Subdivision) adopted 20/7/2010). As the Concept Plan proposes to dedicate all roads to Council as public road it is considered imperative that these roads are designed and constructed to Council's adopted standards.

The concept road design plans also show that the adopted maximum permissible longitudinal grades of 16% for local roads and 12% for collector roads and bus routes will be exceeded for a number of roads.

It is also evident from the information provided that some roads are proposed to be constructed on landform having in excess of 8m level difference over the width of the road reserve. Council is opposed to the use of excessive retaining walls or engineered batter slopes as a means of locating or constructing roads that are designed without due regard to the natural landform.

It is also considered appropriate that, should the Minister determine to approve the application, maximum (and if necessary, minimum) parameters be specified in the approval to guide the feasibility and suitability of lots and roads during the project approval and construction certificate stages of the development.

Assuming that the LGA boundary between NCC and LMCC is relocated to the Link Road, as is being suggested, the vast majority of the development will be located within the NCC LGA. For this reason, it is considered appropriate that all roads within the proposed NCC LGA conform to Newcastle Council requirements.

4.6 Access to the Summerhill Waste Management Centre

Council notes the brief comments regarding traffic access to the Summerhill Waste Management Centre (the SWMC) in the Traffic and Transport Report by Hyder. It is assumed these comments are offered in response to concerns regarding potential future access to the SWMC from the Link Road which have been raised in previous submissions by Council. Council does not consider that the response detailed in section 3.4 of the Hyder report adequately addresses Council's concerns.

As detailed in previous submissions, the SWMC is a significant community asset, operating as a modern waste disposal and resource recovery facility for the City of Newcastle and the broader Lower Hunter region. Its status as a facility designed and operated in accordance with current design guidelines, located on an appropriately zoned site with sufficient room for at least 30 years of ongoing operations means it represents a scarce and dwindling resource.

The 2010 Wright Report on landfill capacity in Sydney, and the Department of Planning's subsequent response, both highlighted the importance of having adequate landfill capacity available. (While the Wright Report focussed on Sydney, the concept remains the same).

Whilst Council is keen to maintain and enhance the financial viability of the SWMC (as noted by the Hyder Traffic and Transport Report), this is not the sole reason Council seeks the flexibility provided by an alternative traffic access from the Link Road. Council's concern arises over the potential for the SWMC to operate as part of a larger regional waste management and resource recovery system in the medium to longer term.

Council has previously noted the existence of a potential Link Road access road route along the existing road reserve. Concept engineering plans identified a number of benefits of that route, including an acceptable grade and the potential to join with the existing 4-leg Link Road roundabout. However, Council is not dogmatic in insisting on that particular route, but would be willing to work cooperatively with the developer to identify a route that could manage potential future conflicts between heavy waste vehicles and light traffic or residents. For this to occur, any concept approval would need to provide sufficient flexibility for such negotiations to occur and be implemented.

In identifying this need to maintain sufficient planning flexibility for the SWMC to develop a potential role in regional waste management infrastructure, Council notes the following objects of the Environmental Planning and Assessment Act, 1979 (EP&A Act).

The objects of this Act are:

(a) *to encourage:*

(ii) *the promotion and co-ordination of the orderly and economic use and development of land,*

(iii) the protection, provision and co-ordination of communication and utility services,

Council considers that any development of the land immediately south of the Summerhill Waste Management Centre (SWMC) and Blue Gum Hills Regional Park (BGHRP) that would preclude the provision of an alternative access road into the SWMC would not be consistent with these objects and opposes any such development.

5.0 HERITAGE

Comments in this section include both Aboriginal and Non-Aboriginal (European) cultural heritage.

5.1 Aboriginal Heritage

Council welcomes the applicant's commitment to the preparation of an Aboriginal Heritage Management Strategy, in accordance with DECCW requirements.

Council will not countenance the responsibility for maintaining or managing Aboriginal cultural material uncovered during development of the Minmi Link Rd Project. A repository for artefacts and protocols for the management of cultural material must be determined during the AHMS process and discussion is to include Council.

Council welcomes the commitment to undertake an Aboriginal Interpretation strategy - in particular the concept of incorporating traditional Aboriginal walking tracks into this strategy is supported.

DECCW should determine what action is required in relation to approvals under S90 of the NPWS Act. DECCW will need to determine how approvals will be managed for the stage 1 earthworks and road works, moving forward into the construction of dwellings and buildings. It is important that the approval process for disturbance of land and/or Aboriginal sites is determined at the outset and not during later stages, such as during development applications for dwellings.

5.2 Non-Aboriginal Heritage

A Conservation Management Plan (CMP) for the built, landscape and archaeological heritage of Minmi must be prepared with provision for opportunities to consult with Council to develop best practice heritage conservation outcomes. Each of the individual heritage items, eg colliery railways and archaeological sites, should be included. It should provide policy guidance to manage each item's contribution to the historical cultural landscape, in accordance with the Burra Charter of Australia ICOMOS. The CMP should provide detailed policy guidelines for management of heritage items with respect to the proposed new roads, minimise alterations to railway embankments when drainage, driveway crossovers and underground services are provided.

The Conservation Management Plan should inform the size of the former Eales shaft site/J& A Brown workshop park area to determine a boundary which reflects its historical boundary. The route of the Duckenfield No 1 (Minmi to Hexham railway) should be revealed and reconnected to the area earmarked as open space (proposed workshop park) as part of the overall cycle way and heritage walking trail.

A heritage trail for the town of Minmi that includes key heritage items and historic themes (eg proposed workshop park), should be incorporated into the first stage subdivision and urban design.

The research design and management approach to archaeological resources (identified as AZ1 and AZ2) needs to be endorsed by the NSW Department of Planning Heritage Branch.

The City of Newcastle does not agree to the disturbance and cutting into of the heritage listed Duckenfield No 1 railway embankment for the provision of a new road alignment and residential lots at the north of the village. This LEP listed heritage item should form a part of the heritage trail and cycle way. Relevant interpretative markers should explain the provenance of this item to the community, or as identified in the Conservation Management Plan.

More detailed comments on heritage are provided at Attachment C.

6.0 FLOODING AND STORMWATER MANAGEMENT

6.1 Flood Management

It is noted that additional work has been carried out as part of the revised proposal.. These comments therefore only apply to differences (or continuing matters) since the last review in 2009.

6.1.1 Other forms of flooding

The flooding that has been analysed in the report is only local flash flooding in and around the local creek lines. Council's previous review identified that there was insufficient ground level information to determine if parts of the land could be affected by Hunter River or ocean flooding (including projected long term sea level rise). The plans now show sufficient levels to conclude that no parts of the proposed lots are affected by projected ocean flooding as currently understood (presently estimated to be no higher than RL 3.4m AHD), and only some of the lower portions of land in the Minmi area is lower than the highest conceivable Hunter River flood (estimated to peak at RL 6.7m AHD). This information could be included in the reporting for completeness.

6.1.2 Mapping accuracy

It is again noted that the flood simulations have been based on coarse terrain level information (2m contours), when more accurate Digital Elevation Models are readily available. While the incised nature of the topography probably means estimated design flood extents are not likely to be very sensitive to terrain accuracy, it is recommended that final designs use accurate terrain information. It was also difficult to be confident about the location of proposed lots in relation to mapped flood extents since the two were not overlain in every location. It is recommended this be done, and the levels from the other forms of flooding (see Item 1 above) be accurately examined. Nonetheless, it appears that projected flooding at worst only intersects proposed lots occasionally, and then only at the edges.

6.1.3 Potential risk to life

Assuming Item 2 above is correct, the potential for lives to be endangered by flooding is confined to public land – mostly open space following the creek lines. The report “considers” that even though there are rapid rise times and care needs to

be taken in managing this potential risk, people will be able to escape. However, the report does not give any factual information about how this conclusion was reached (eg rise times before people would be swept away). Based on other flash flood catchments in Newcastle, there could be less than 10 minutes with no effective warning, and no opportunity for emergency services (SES) to respond and assist in time. Even though there should always be rising escape routes, it is recommended that closer careful examination of these matters be carried out at the detailed design stage and measures implemented as required. This could include ensuring there no entrapment opportunities, and installing warning signs.

In summary, it is considered that the very poor survey information which the flood study has used result in questioning of its accuracy and usefulness.

Due to the poor level of survey accuracy the route of some watercourses could be misinterpreted. This appears to be the case for the catchment that flows under the freeway west of the existing township. It currently flows through the proposed lots rather than follow the route to the north as shown on the mapping provided. This issue needs to be further investigated by the applicant.

It is also noted that ownership of the drainage reserves and detention basins will need to be canvassed with Council's asset managers.

6.2 Stormwater Management

The concept design provided for stormwater management demonstrates that the proposed development can satisfy Council's requirements for stormwater quantity and quality control.

Proposed WSUD measures will need to be canvassed with Council's asset and maintenance managers.

If a monitoring and sampling program is proposed then there should be a requirement that this is undertaken by the developer. If it shows that the measures are not performing as anticipated then any required improvements would need to be undertaken by the developer.

7.0 COAL AND ALLIED \$10 MILLION ALLOCATION

Council appreciates the offer by Coal and Allied to contribute an additional \$10 million toward initiatives considered to be over and above the costs associated with providing the infrastructure and services associated with the proposal.

Council would however wish to be involved in further discussions regarding the allocation of this funding contribution, and would like to emphasise that this funding contribution would be over and above contributions that would be anticipated under the Blue Gum Hills Section 94 Plan.

Council is concerned that some of the initiatives listed may only be considered as essential components of a development of this magnitude and, therefore, should not be considered to be additional to the minimum infrastructure and servicing requirements for the development. In particular, it is considered that the following items should not be considered under this scheme.

Item 1 proposes to grant subsidies totalling \$4.4 million to purchasers of the proposed lots for the purpose of achieving sustainable development. As each of these lots, if developed for residential purposes, would need to conform to the requirements of 'BASIX', it is unclear exactly what additional sustainability measures are hoped to be achieved and how these are to be controlled and measured.

Item 5 proposes funds totalling \$1 million toward the provisioning of appropriate community facilities (multi purpose community building). Again, it is considered that the provision of such facilities should not be considered as additional to that required to satisfactorily support the intended population increase and, therefore, should be considered essential to the development.

Item 16 proposes funds totalling \$500,000 toward the construction of identified regional cycleways. It is considered that these cycleways should only be considered additional if adequate provision is otherwise being made in the Concept Plan for cycle connection of this proposed estate to adjoining estates and the other destinations identified in the proponents reports (i.e. Wallsend and Glendale) such to ensure this estate is not isolated from neighbouring communities.

Council requests that additional information is provided regarding where and in what form the money is to be held; who will be responsible for authorising each initiative; and if the initial amount is to be linked to an appropriate ABS index to account for cost increases over the duration of the development.

It is noted that the Statement of Commitments (SOC) at Appendix D provides details of these initiatives and identifies \$8 million worth of projects, 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, many of the projects listed to be essential works required as a result of the proposal. These include:

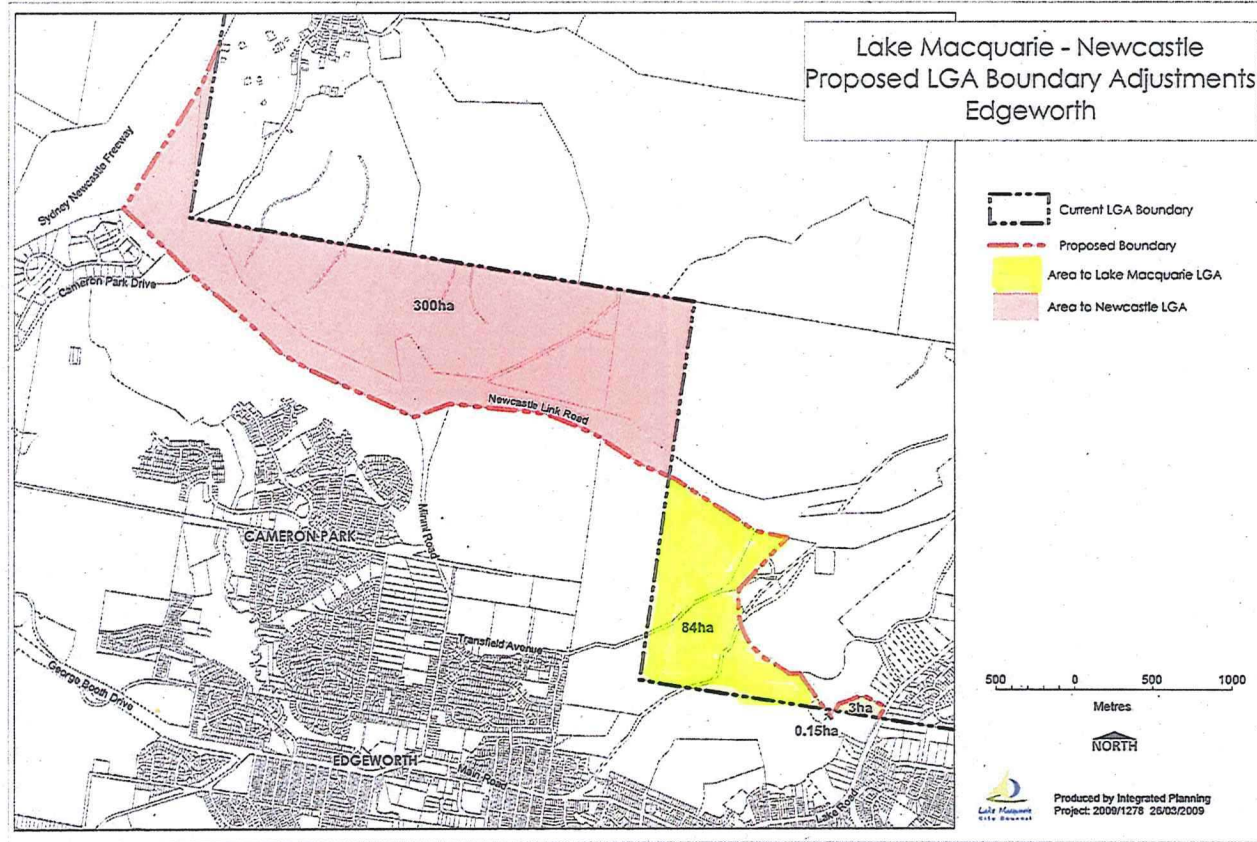
- upgrading of the multipurpose centre
- enhancement of the school facilities
- provision of cycleway connections and wildlife crossings.

The SOC 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 required as to what will be provided. The nominated sum of \$1 million will not be sufficient to deliver a multipurpose facility to meet the needs of the proposed population.

Council has concerns in regards to the statement that the "owners involvement with the Plans of Management will be limited to the lesser of 5 years from the date the POM takes effect or until all lots are sold in each stage. The POM is to be prepared prior to the commencement of work" (Appendix D, p.10). Council would like the opportunity to further discuss the applicant's proposal to prepare a Plan of Management for all community land and facilities and the timing involved in these documents.

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 by the applicant for a minimum of five years.

Lake Macquarie - Newcastle
Proposed LGA Boundary Adjustments
Edgeworth



ENVIRONMENTAL HERITAGE

1.0 DIRECTOR GENERAL REQUIREMENTS

The Director-General requires environmental heritage to be considered. Accordingly, the Director-General has advised that the following matters must be addressed as Key Assessment Requirements under Part 3A of the EP&A Act 1979:

1. Assess in accordance with the Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation DEC (July 2005), the heritage significance of the area.
2. Provide detail of how the development will incorporate and not negatively impact on site setting, landscapes, landmark elements, heritage items, views and vistas.
3. Assess the impact of potential development on the historic setting and visual catchment of Minmi and demonstrate how proposed development is to be integrated with the existing development in Minmi.

2.0 LOCAL PLANNING CONTEXT

In order that the Minister can fully consider these matters, Council has undertaken an assessment of the heritage impacts of the proposed development against the relevant statutory plans applying to development in Minmi. This includes the provisions at Part 1, Aim 1 (5), and Part 4 of the Newcastle LEP 2003, and Element 5.6 of the Newcastle DCP 2005. These provisions provide the heads of consideration against which Council must assess development in the context of s79C of the Act. The heritage assessment has regard for the Newcastle Heritage Policy 1997 and the Burra Charter of Australia ICOMOS.

NEWCASTLE LEP 2003

The Newcastle LEP 2003 Clause 1, Part 1, (5) Aim 1, provides that in respect to environmental heritage, development should:

respect, protect and complement the natural and cultural heritage, the identity and image, and the sense of place of the City of Newcastle.

Objectives

Development should

- (a) respect and build upon positive aspect of the local character and amenity and,
- (b) contribute positively to the public domain, namely its urban streetscape and open spaces, or its rural and natural landscapes, and
- (c) conserve the environmental heritage of the City of Newcastle, and
- (d) conserve the heritage significance of the existing built fabric, relics, settings and views associated with identified heritage items and heritage conservation areas, and
- (e) ensure that archaeological sites and places of Aboriginal heritage significance are conserved, and
- (f) protect places and structures which have the potential to have heritage significance but have not been identified as heritage items, and
- (g) ensure that nominated heritage conservation areas retain their heritage significance.

Part 4 of the Newcastle LEP 2003 provides the heads of consideration to assess the extent to which a development meets the above objectives. Those clauses germane to this application include:

Part 4, Cl. 27 - Heritage Assessment

- (1) In assessing a development application to carry out work on a heritage item or within a heritage conservation area, the consent authority shall have regard to the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or the heritage conservation area.
- (2) The assessment shall include consideration of a heritage impact statement that addresses at least the following issues (but is not to be limited to the assessment of these issues if the heritage significance of the particular item or area involves other issues):
 - a. For development that involves a heritage item:
 - i. The heritage significance of the item as part of the environmental heritage of the city of Newcastle, and
 - ii. The impact the development will have on the heritage significance of the item and its setting, including any landscape or horticultural features, and
 - iii. The measures proposed to conserve the heritage significance of the item and its setting.

Part 4, Cl. 28 - Conservation Management

In assessing a development application to carry out work on a heritage item, the consent authority may, if it considers it to be appropriate, require the submission of a conservation management plan and have regard to the plan's recommendations.

Part 4, Cl. 31 – Development affecting places or sites of Aboriginal heritage significance

Before granting consent for development that it likely to have an impact on a place of Aboriginal heritage significance or that will be carried out on an archaeological site of a relic that has Aboriginal heritage significance, the consent authority shall:

- a. Consider a heritage impact statement, which addresses the heritage impact of the proposed development, and
- b. Notify the local Aboriginal communities and the Director- General of National Parks and Wildlife of the proposed development and take into consideration any comments received in response within 28 days from the date of the notification.

Part 4, Cl. 32 – Development affecting archaeological sites or relics of non-Aboriginal heritage significance

- 1.0 Before granting consent for development that will be carried out on an archaeological site of a relic that has non-Aboriginal heritage significance, the consent authority shall consider a heritage impact statement which addresses the heritage impact of the proposed development.
- 2.0 This clause does not apply if the proposed development does not involve disturbance of below-ground deposits and the consent authority is of the opinion that the heritage significance of any above-ground relics would not be adversely affected by the proposed development.

Part 4, Cl. 33 – Development in the vicinity of a heritage item

Before granting consent to development in the immediate vicinity of a heritage item or heritage conservation area, the consent authority shall assess the impact of the proposed development on the heritage significance of the heritage item or the heritage conservation area and, in this regard, the consent authority may require the submission of a heritage impact statement.

NEWCASTLE DCP 2005 - ELEMENT 5.6

Implicit in the Concept Plan at Element 5.6 of NDCP is the conservation of the cultural landscape of Minmi while accommodating limited residential development. An important objective is that the existing built heritage and character of Minmi is preserved through landscape separation and preservation of views, heritage items and their settings.

3.0 ABORIGINAL HERITAGE

Council welcomes the applicant's commitment to the preparation of an Aboriginal Heritage Management Strategy, in accordance with DECCW requirements.

Council welcomes the commitment to undertake an Aboriginal Interpretation strategy - in particular the concept of incorporating traditional Aboriginal walking tracks into this strategy is supported. However, the City of Newcastle has not agreed to take responsibility for maintaining or managing Aboriginal cultural material uncovered during development of the Minmi Link Rd Project. Hence, a repository for artefacts and protocols for the management of cultural material must be determined during the AHMS process and any discussions with respect to a keeping place for Aboriginal cultural material should include Council.

It is noted that 6 additional and previously unidentified Aboriginal sites have been revealed. Given the landscape units within the subject are, this tends to indicate that the Minmi Link Road lands harbour more and as yet unidentified Aboriginal sites and certainly this is predicted by the consultant in areas of high Aboriginal potential. The City of Newcastle does not support the disturbances of any Aboriginal site and questions whether just conserving sites in riparian corridors is a reasonable and culturally sensitive approach.

Above all, the DECCW should determine what action is required in regards to approvals under S90 of the NPWS Act that will be required later on under the Environmental Planning and Assessment Act when development applications are sought for building. DECCW should determine how approvals will be managed for the stage 1 earthworks and road works, moving forward into the construction of dwellings and buildings. The issue of an over-riding approval or individual approvals for disturbance of land should be determined at the outset.

3.0 NON-ABORIGINAL HERITAGE

Conservation Management Plan

The City of Newcastle has an adopted heritage policy (1997) based on the principles of the Burra Charter. Article 6 of the Charter provides a logical and industry standard model for the management of heritage places, involving the following sequence: *understand significance* → *develop policy* → *manage in accordance with the policy* (Walker & Marquis-Kyle, 2004, p. 31). In the case of significant change to a heritage item, or for complex heritage items with myriad management issues, a Conservation Management Plan would be prepared, providing a sound framework for making decisions that affect heritage significance, carried out in accordance with the methodology developed by JS Kerr.

In the absence over-riding Conservation Management Plan to validate the recommended management approach, the recommended mitigation strategies made by the heritage consultant are pre-emptive. Accordingly, the City of Newcastle maintains its request of 2009 that a Conservation Management Plan be prepared. Having regard to Clause 28 of the Newcastle LEP, a Conservation Management Plan is requested because of the complexity and cultural significance of the heritage items and the landscape setting of Minmi. Having regard to the degree of intervention proposed in the Part 3A application, it is imperative that a Conservation Management Plan be prepared prior to the Minister's consent being issued. This should inform the design concept, lot layout, location of the proposed open space, and provide guidelines on the conservation of the heritage items, especially those that are proposed to be impacted directly by earthworks and lot layout.

In Council's opinion the draft Statement of Commitments is pre-emptive of outcomes for European cultural heritage and the mitigation strategies may need to be revised to reflect the policies of the CMP. It should be noted that interpretation and archaeological surveys are only one means of managing heritage values. The Statement of Commitments is directed towards salvaging heritage and archaeology rather than conservation objectives enshrined in Newcastle Development Control Plan 2005, Newcastle LEP 2003 and the Burra Charter.

Significance assessment

The HIS provides a statement of significance for each item and levels of significance. While Council agrees in principle with the assessment and the landscape setting, a number of the findings are disputed.

Duckenfield Colliery railway group is found to reach the threshold of local significance in the consultant report. This is in conflict with the Newcastle LEP 2003 which nominates these items as state significant. No new research has been provided to support this finding. Similarly, state significant LEP status of the Duckenfield No 2 Branch line, located to the east of the town (referred to in the LEP as Former Railway Cuttings east of McInnes Street) is ignored. This discrepancy in levels of significance is an important issue in terms of how the items are managed into the future.

The heritage objectives under Newcastle LEP 2003 and the Newcastle DCP Element 5.6 will only be achieved if the sites are conserved and protected and their setting maintained. The existing design concept does not enable full conservation of all heritage listed items. The items known as Duckenfield Colliery No 1 Branch Line, Duckenfield Colliery Relics, Duckenfield Colliery No 2,3,4 Branch line, former railway cuttings, will be significantly altered to the extent that it may not be possible to retain heritage significance. The setting of these items will be significantly altered and the

concept plans do not outline appropriate management policies in regards to the setting (Article 8 Burra Charter).

Impact assessment

Implicit in the Newcastle DCP provisions under Element 5.6, is that development must retain the rural character of Minmi, allowing for limited areas of residential development while ensuring the character is maintained via landscape separation and preservation of heritage items. While the cultural landscape is recognised as important in the HIS, the mitigation strategies are lacking a conservation based underpinning, as discussed above.

The listed heritage items are individually significant with inherent heritage values. The items are also important for their contribution to an understanding of Minmi's history as a private town and its development. In this regard, the heritage items are significant elements of the broader cultural landscape of Minmi. As discussed, the proponent jumps to mitigation strategies designed to mitigate impacts but does not provide conservation policies to manage significance. This has compromised the HIS.

The impact analysis is fairly broad in scope and lacks details on the impacts to key sites. The item groups below are discussed:

- Aboriginal heritage
- Built heritage
- Archaeological Heritage
- Visual catchment impact assessment for the court house
- Impact on views for Listed Heritage Items
- Intangible heritage values
- Minmi's landscape character
- Cultural Landscape – Link Road

The following table provide a list of the heritage items in the Newcastle LEP and additional unlisted archaeological features identified as likely to be impacted by the development. Council's response and recommendations are included.

HERITAGE INSIDE STUDY AREA	ITEM NAME	PROPOSED HERITAGE IMPACT ASSESSMENT & MITIGATION STRATEGY	COUNCIL RESPONSE	RECOMMENDATION
Heritage item, Schedule 6 NCCLEP 2003	Former Minmi Public School and Residence, 196 Woodford Street, Lot 1 DP 157344	There is no direct impact on the former public school.	Agree. Subdivision of the item not proposed at this stage; existing curtilage maintained. Item currently buffered by existing vegetation.	<i>Satisfactory. No adverse impact under Cl. 27 or Cl. 33 of NLEP 2003 has been identified.</i>
Heritage item, Schedule 6 NCCLEP 2003	Former Police Station and Court House, 40 Church Street, Lot 1 DP 730659	Part 8.4 - <i>Visual Catchment impact assessment</i> –finds minimal impact to the visual catchment of the courthouse. Retention of curtilage around west side of court house. Conserves sight lines to the west. Consistent with Element 5.6 of NDCP 2005. A neighbourhood park proposed for grassy area west of Court house.	Disagree with minimal impact on courthouse view corridors to the south west side of the hotel. Concerns are raised in relation to the proposed lots on Woodford Street south of the hotel due to a likelihood of visibility from the courthouse. Specific detail of built form not provided. Only indicative scale of dwellings provided.	<i>Council objects to the creation of lots to the south west of the courthouse fronting Woodford Street (south of hotel). Further detailed heritage analysis required to inform development control provisions.</i> <i>Council recommends that a Masterplan for the Court house precinct be prepared by the proponent to inform the nature and type of development in the view corridors visible from the heritage item.</i>
Heritage item, Schedule 6 NCCLEP 2003	Former Minmi Reservoir site	HIS finds no impact. Recommended that it be included in the broader interpretation of the history of Minmi	Agree with findings and recommended strategy.	NA
Heritage item, Schedule 6 NCCLEP 2003	J. Brown Garden House site, 177 Woodford Street, Lot 2 DP 1029922	HIS finds no impact. Recommended that it be researched and investigated, and conserved.	Agree - nil direct physical impact, however broader impacts on cultural landscape may arise given there are no detailed and site specific conservation policies to manage significance on the site.	<i>Prepare Conservation Management Plan to ensure the historic significance of the house site is conserved and interpreted</i>
Heritage items, Schedule 6 NCCLEP 2003	Minmi to Hexham Railway Duckenfield Colliery No 1 Branch Line Duckenfield Colliery No 2,3,4 Branch Line	The ERM report identifies the impacts arising on these items as follows: Duckenfield No 1 – partially impacted. No detail provided as to the nature and degree of impact. Consultant recommends interpretation, involving Minmi walking route trail. A reasonable portion of the permanent way is proposed to be roadway. There are also house lots imposed over the alignment of the corridor.	Objection is raised to the disturbance, part removal and demolition of the Duckenfield No 1 line (former Minmi to Hexham railway). These relics are considered to be essential components of the cultural landscape with broad historic significance at a regional (possibly state) level. Partial demolition is a significant heritage impact on the ability to interpret the contiguous nature of the railway and its route to the mine. Views of the Duckefield No 1 embankment can be seen from Railway Street and it is an important feature in the landscape when viewed from Reservoir Hill. The Duckenfield No 1 railway embankment is identified as an important landscape feature. It is significant as an artefact of the movement of coal to the port from the mine at Minmi. It tells an important	<i>Prepare Conservation Management Plan for both the Duckenfield No 1 Branch Line and the Duckenfield No 2,3,4 Branch line to ensure the significance of these heritage items are thoroughly understood. Policies for the physical conservation within the context of the housing subdivision and design of roads and lot layouts are required under Clause 28 of the NCCLEP 2003, having regard to significance, options for adaptive reuse within the development, and polices as prescribed by the Burra Charter of Australia ICOMOS for long term conservation.</i> <i>The preparation of a Conservation Management Plan for the railway corridor is imperative and is considered to be appropriate in the context of Clause 28 of the NCCLEP 2003. The CMP should</i>

			<p>story and for its significance to be preserved it must be maintained as a contiguous element. It is noted that the proposal does not provide for the preservation of the whole length of the railway corridor and it appears not to align the proposed road with the actual route of the railway. This aspect of the proposal cannot be supported as it involves an unacceptable impact on a heritage item of state significance in NCCLEP 2003, and this is not supported under Clause 27 of the LEP.</p> <p>Document Appendix B – <i>Concept Plan and Design</i>, reveals that Duckenfield No 1 permanent way and surviving relics will be negatively impacted by the development. Several lots near the Woodford / Railway Street intersection are proposed over part of the route, which will affect the interpretation of the route of the line. The precise heritage impacts are not clearly articulated in the HIS. There is no discussion of how the road treatments will affect the perway, similarly no consideration of lot layout, driveway crossovers, or road design.</p> <p>There is no conservation analysis to specify conservation options or to minimise impacts and allow conservation of the line as a contiguous heritage item.</p> <p>The proposed walking trail along part of the line is meaningless because it does not deposit people to the site of the former Easles/ J&A Brown colliery area or workshop. This walking trail will terminate further to the north.</p>	<p><i>clearly survey the location of the route of the railway, to inform the road location and its design. Proposed house lots should be aligned to ensure there is no disturbance to the raised railway easement and in this regard, policies to ensure the conservation of this landscape feature should be developed to ensure road and drainage infrastructure has minimal impact. Conservation policies with respect to extant railway relics should be developed in the event that they are uncovered or disturbed during earthworks.</i></p>
<p>Potential archaeological sites inside the study area referred to in the HIS as AZ1 and AZ2</p>	<p>(AZ1): <i>Chinamans’s gardens Former residences Minmi reservoir site ,</i></p> <p>(AZ2): <i>Coke Ovens Workshop area and Eales shaft Former residences First school site</i></p>	<p>All of the potential archaeological items are assessed as locally significant.</p> <p>Coke Ovens are the second oldest coke ovens in Australia. Appendix E provides secondary source material on the subject.</p> <p>Recommendations comprise geophysical survey of the extent of AZ1 and AZ2 zones to take place, outlined in the statement of commitments.</p>	<p>Further comparative analysis needs to be done to ensure the level of heritage significance is correct for the coke ovens. There is a high possibility that being the second such coke ovens in Australia the research potential may be higher than local significance. In addition, further investigations need to occur to establish a curtilage for the site of the coke ovens.</p> <p>A precise curtilage for the areas referred to as AZ 1 & 2 has not yet been determined and is based on best estimates at the current time. Further detailed</p>	<p><i>Incorporate the Archaeological Zones identified in the HIS into the Conservation Management Plan for Minmi.</i></p> <p><i>As per the findings presented in Appendix E of the HIS, undertake further comparative analysis of the coke ovens and incorporate into the CMP. Further analysis of the finding of local significance. Further archaeological survey to determine the exact spatial location and extent of the coke ovens. Under no circumstances should the Minister consent to any</i></p>

	<p>The consultant has grouped potential archaeological zones of sensitivity into two Archaeological zones. AZ1 includes the areas predicted to contain evidence or remains from the former chinese gardens, demolished residences, reservoir site, and the J Brown House site. AZ2 comprises the Coke Oven site, workshop area and Eales shaft, former residences and the school site.</p>	<p>Limited archaeological investigation (scope not detailed), research designs to be developed based on the outline provided in the report.</p> <p>Part of the site of the former Eales shaft (later became the site of the J&ABrown colliery) is to remain open space and its history interpreted.</p>	<p>archaeological analysis should take place. The findings should be the basis of a Conservation Management Plan for the two archaeological zones so the options for either conservation in situ or possible archaeological excavation can be explored against sound conservation management policies.</p> <p>More research should be undertaken to identify the best position and boundaries of the proposed park over the site of the former Eales shaft.</p>	<p><i>development of the site.</i></p> <p><i>Undertake further detailed research of the boundaries of the former Eales and J&A Brown colliery operations to determine the most appropriate position for the park so the integrity of the site and history is preserved. Integrate into Conservation Management Plan</i></p> <p><i>Under Part 3A of the Act a S140 permit for the disturbance of relics is not required. However it is council's understanding that this exemption will only apply to those parts of the development nominated in this proposal - the provision of the infrastructure, roads and drainage. This exemption will not extend to the building stages at which time approvals for the erection of the dwellings will be required. Potentially this could involve multiple applications for S140 approval to the Heritage Branch. This issue needs to be addressed by the development proponent and to this end, the Conservation Management Plan needs a coherent research design with the concurrence of NSW Heritage Branch Department of Planning. It should ensure the process for archaeological management is consistent with accepted guidelines.</i></p>
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TERMS OF APPROVAL – ENVIRONMENTAL HERITAGE

As requested in the submission made by the City of Newcastle in 2009, a Conservation Management Plan should be prepared, prior to Ministerial consent being issued under Part 3A of the Act. Where appropriate the statement of commitments will need to be revised:

- An Aboriginal Heritage Management Strategy should be prepared prior to the Minister's consent being issued, taking into consideration the views of the Aboriginal stakeholder groups previously identified during the consultation process and in accordance with the DECC requirements. It should determine protocols in the event that artefacts are uncovered. In particular this Strategy should consider a repository for the safekeeping of artefacts and protocols for management. It should provide an interpretation strategy and a set of actions for the developer to implement at each stage of the development.
- A Conservation Management Plan (CMP) for the built, landscape and archaeological heritage of Minmi must be prepared with provision for opportunities to consult with council to develop conservation driven outcomes. Each of the individual heritage items, inclusive of the colliery railways and archaeological sites and other significant aspects of the historic township of Minmi, should be included. It should provide policy guidance to manage the significance of each item and to manage each item's contribution to the historical cultural landscape, and should be undertaken in accordance with the Burra Charter of Australia ICOMOS. The CMP should provide detailed policy guidelines for management of heritage items with respect to the proposed new roads, and it should provide detailed guidelines to help minimise alterations to railway embankments and other features when drainage, driveway crossovers and underground services are provided. The policy developed in the CMP should inform the statements of commitment attached to the approval.
- The Conservation Management Plan should inform the placement and size of the former Eales shaft site/J & A Brown workshop park area to determine a curtilage and boundary which is based on the original boundary of the coal mining operation. The former route of the Duckenfield No 1 (Minmi to Hexham railway) should be revealed and reconnected to the area earmarked as open space (proposed workshop park) to allow the community to understand the route of the railway and the location of the original coal mining venture.
- The Conservation Management Plan should set policies for the conservation of the courthouse precinct to ensure that development in the view corridor of the item is sympathetic to the strong heritage character invoked by the form of the building and its landscape setting.
- The Conservation Management Plan should set the framework for the proposed interpretation strategies identified in the Statement of Commitments (walking trails along the historic corridor from the Tank Paddock to the new township through to the proposed workshop park, memorials, archival records, and the archaeological study of the coke ovens). Finalisation of the heritage interpretation strategy should be done in consultation with the NSW Heritage Branch and Newcastle City Council. Peer review by the NSW Heritage Branch should be sought.

- The lots proposed over the northern section of the raised permanent way of the Duckenfield Colliery No 1 Branch line and the southern tip should be reduced or deleted (which ever is necessary) to enable the conservation of this significant heritage item as a complete entity. The total route through to the former Eales shaft site should be identified and incorporated into the CMP.
- The proposed research design for the potential archaeological sites identified as AZ1 and AZ2 should be peer reviewed by the NSW Department of Planning Heritage branch and Newcastle City Council.