

RECOMMENDED REASONS FOR REFUSAL **PPS-2019HCC006 - DA2018/01351 – Minmi Precincts 3, 4 and 5**

1. The development is not generally consistent with the terms of the approval of the concept plan (MP10_0090) dated 6 August 2013. [Clause 3B(2)(d) in Schedule 2 '*Transferred transitional arrangements on repeal of Part 3A – former Schedule 6A to the Act of Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*']
2. Transport for New South Wales opposes the development as it fails to demonstrate that the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of the design of the vehicular access to the land or the nature, volume or frequency of vehicles using the classified road to gain access to the land. [Section 4.15(1)(a)(i) Environmental Planning and Assessment Act 1979]
3. The development is contrary to the public interest as it has not been demonstrated that there will be no impacts on traffic safety, efficiency or ongoing operation of the classified or wider regional road network or that any impacts can be appropriately mitigated to the satisfaction of Transport for NSW. [Section 4.15(1)(e) Environmental Planning and Assessment Act 1979]
4. The application does not include sufficient information to demonstrate the impact on the natural or built environment resulting from works associated with any road upgrades determined as appropriate by Transport for NSW to mitigate the impacts of the development on traffic safety, efficiency or ongoing operation of the classified or wider regional road network. [Section 4.15(1)(b) Environmental Planning and Assessment Act 1979]
5. The development fails to comply with the requirements of Clause 5.21 'Flood Planning' of the Newcastle Local Environmental Plan 2012. [Section 4.15(1)(a)(i) Environmental Planning and Assessment Act 1979]
6. The development is not in the public interest having regard to the modelled future flood impacts and resulting overtopping of proposed public roads in Stages 37, 39 and 40 and the associated risks to the public during flood events. [Section 4.15(1)(e) Environmental Planning and Assessment Act 1979]
7. The application has not provided sufficient information to determine that the risk of mine subsidence can be eliminated or mitigated to the requirements of Subsidence Advisory NSW and the impact on the natural and built environment of any works required to meet the requirements of Subsidence Advisory NSW have not been adequately demonstrated. [Section 4.15(1)(b) Environmental Planning and Assessment Act 1979]
8. The application has not provided sufficient information to demonstrate that there will be no significant adverse impacts on sensitive noise receivers in regard to road traffic noise or sufficient details provided on how any proposed mitigation measures are to be implemented. [Section 4.15(1)(b) Environmental Planning and Assessment Act 1979]
9. The development is not in the public interest having regard to the proposed twin pipe stormwater drainage diversion of the western watercourse coming from under the M1 Motorway in the vicinity of Stage 37 due to the loss of continuous riparian corridor and the unreasonable financial burden placed on City of Newcastle associated with maintenance of the proposed twin pipe stormwater drainage diversion. [Section 4.15(1)(e) Environmental Planning and Assessment Act 1979]