

**TO:** Hunter Central Coast Regional Planning Panel

**FROM:** Priscilla Emmett, Interim Executive Manager Planning & Development

**DATE:** 25 March 2024

**SUBJECT:** PPSHCC-192 – 144 Woodford Street Minmi - RE2023/00003

The purpose of this memo is to provide the Panel with an updated set of recommended conditions of consent (**Attachment A**) for RE2023/00003. The memo is also intended to provide information to the Panel in relation to satisfaction of recreation facilities.

### Recommended Conditions of Consent

Further consideration and refinement of the conditions has been undertaken. This has included City of Newcastle's (CN) consideration of comments provided by the applicant in relation to the published recommended conditions of consent.

A new Recommended Conditions of Consent is attached, to replace as Attachment A. To assist the Panel a tracked changes version has also been provided to assist clarifying the changes.

A summary of the conditions to be amended is presented below:

Condition		Reason
A.9	Deleted	This condition required submission of evidence that LMCC and Winten have executed a VPA to give certainty to the Alternate Arrangements proposed for all Stages 3, 4 & 5 (to satisfy FEAR 1.16). However, CN accepts that, if following public exhibition of the draft VPA, LMCC ultimately resolve to not support the terms of the draft VPA, this will be a matter for Winten, LMCC and the Planning Secretary to resolve. On this basis the condition is deleted.
Note: conditions hereunder are renumbered with the new condition number as a result of the deletion of condition A.9		
A.15		Changed CC to SWC
A.23		Deleted 'practicing'
A.25		Added 'steel fibre'
A.27		Amended to include MC102 in Stage 40 to ensure all roads that are flood affected will have flood depth indicators.
A.28		Plan reference date updated
A.32	New	To address fencing requirements adjacent Woodford St to ensure attractive streetscape outcome.
A.41		Added reference to CN's Technical manual requirements for proposed public lands to provide clarity at the RAP preparation stage.
A.87		Clarification this condition relates to pre-development baseline monitoring and clarification of timing.
A.95		Clarification added that Stage 38 relates to land adjacent Stockrington Conservation Lands
A.117		Added '(if reticulated)' in respect of gas services
A.128		Amended to clarify the sewer needs only to be provided in proximity to the identified properties so that these owners can make connection in the future. The consent cannot approve works on private land not part of the application.
G.2		Reason changed to reflect condition intent.

G.8 (under Schedule 2)	Amended to include Lot 601, omitted in error.
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## Recreation

Section 6.12 of the CN assessment report discusses recreation facilities in relation to satisfaction of FEAR 1.16 of the Concept Approval MP10\_0090.

After submission of the CN assessment report to the Panel, CN received a copy of correspondence from the Secretary nominee, Department of Planning Housing and Infrastructure (DPHI), dated 18 March 2024 to the applicant, advising the applicant that in relation to FEAR 1.16 that *"further negotiation is required with the City of Newcastle Council, in order to reach agreement on revised recreation facility locations (or alternative arrangements) in the Newcastle LGA, before the Department will consider FEAR 1.16 to be satisfied within the Newcastle LGA"* (a copy of this letter of 18 March 2024 has been previously provided to the Panel).

As per the CN assessment report CN is now satisfied with the land being made available by the applicant to satisfy the recreation needs of the future population generated from the subject CN DA. However, given this latest letter from DPHI of 18 March 2024, it appears that a final approval from the Secretary confirming this arrangement is satisfactory will need to be provided to satisfy FEAR 1.16.

Discussions with DPHI would suggest this matter could be clarified in a short time period, however may not be available for the determination meeting of 25 March 2024. The Panel may need to consider this in its deliberations in terms of finalising a determination of the subject application.

## Recommendation

It is recommended by CN to the HCCRPP that the revised **Attachment A - Draft conditions RE2023\_00003 - Rev 2 - 22\_03\_2024 - Final**, be imposed should the application be approved.

Should you require any further information please Steven Masia, Engineering Assessment Coordinator on 4974 2054 or [smasia@ncc.nsw.gov.au](mailto:smasia@ncc.nsw.gov.au).



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Interim Executive Manager, Planning & Development

Inc:

**Attachment A** - revised Draft conditions RE2023\_00003 - Rev 2 - 22\_03\_2024 - Final

Information only - revised Draft conditions RE2023\_00003 - Rev 2 - 22\_03\_2024 - track changes for HCCRPP