

Ms Carolyn McNally
Secretary
Department of Planning and Environment
GPO Box 29
SYDNEY NSW 2001

21 December 16

Dear Ms McNally

**Determination of Modification Request
Newcastle Link Road, Minmi Concept Plan (MP10_0090 MOD 1)**

The Commission refers to the Department's letter received on 30 November 2016 referring the above modification request to the Planning Assessment Commission (Commission) for determination under Ministerial delegation of 14 September 2011. Ms Lynelle Briggs AO, Chair of the Commission, nominated Mr David Johnson and Dr Maurice Evans to constitute the Commission for the determination.

Winten Property Group, (the Proponent) has sought to amend Conditions 1.15, 1.16, 1.17, 1.25, 1.38, and 1.46. The Proponent has also sought to delete Condition 1.49.

The Commission consulted with Newcastle City Council, the Department and the Proponent. Lake Macquarie Council declined to consult with the Commission.

The Commission has considered the Department's environmental assessment report, the information provided by the Proponent, and recommendations from State and Local government agencies.

The Department has provided advice that in accordance with Clause 8J(8) of the *Environmental Planning and Assessment Regulation 2000* and the transitional arrangements of Schedule 6A of the *Environmental Planning and Assessment Act 1979* (EP&A Act), that Section 75W of the EP&A Act provides the power to modify the approval. In the Commission's view, the proposed changes are within the broad scope of Section 75W as it applies to the development, and therefore the request to modify may be considered under Section 75W.

The Commission has reviewed the Department's assessment in relation to the amendments to conditions 1.15, 1.17, 1.25, 1.26, 1.38 and 1.46, and is satisfied that the proposed amendments are of a minor nature, and these amendments are supported as is. However, we have revised the proposed amendments to Condition 1.16, which will require the location of the recreation facilities to be submitted to the Director General for approval prior to determination.

The Commission has given further consideration to the Proponent's request to delete Condition 1.49. The deletion of this condition is supported, as the merit of providing perimeter roads will be addressed through separate development applications under Part 4 of the EP&A Act.

Consequently, the Commission has determined to grant consent to the modification request subject to the amendments included within the Notice of Modification.



David Johnson (Chair)
Member of the Commission



Maurice Evans
Member of the Commission

cc. The Hon. Rob Stokes, MP
Minister for Planning
GPO Box 5341
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