

**SUBJECT: CCL 15/12/09 - AMENDMENT TO THE NEWCASTLE
LOCAL ENVIRONMENTAL PLAN 2003 - 505 MINMI ROAD,
FLETCHER**

STRATEGIC THEME: GOVERNANCE
REPORT BY: FUTURE CITY
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PURPOSE

- 1 This report seeks Council's endorsement of a planning proposal to commence the statutory process to prepare an amendment to the Newcastle LEP 2003.

RECOMMENDATION

- 2 Council resolves to:
 - a pursuant to Section 55 of the Environmental Planning and Assessment (EP&A) Act 1979, to endorse a planning proposal to enable low density residential development and appropriate environmental conservation areas to occur on Lot 1 DP 844711, 505 Minmi Road, Fletcher as outlined in **Attachment A**;
 - b forward the planning proposal (**Attachment A**) to the Minister for Planning for 'gateway determination' under Section 56 of the EP&A Act, 1979; and
 - c that the outcomes of the community consultation process are reported back to Council if unresolved objections are received.

KEY ISSUES

- 3 Council officers have prepared a 'planning proposal' to enable an amendment to the Newcastle LEP 2003 to proceed. The proponent seeks to have Lot 1 DP 84471, 505 Minmi Road, Fletcher rezoned to allow low density residential development and appropriate environmental conservation areas.
- 4 Preliminary technical studies have been undertaken and a number of environmental issues have been identified (as outlined in **Attachment A**) which will require further investigation following gateway determination.
- 5 As the planning proposal is a complex proposal, the initial gateway determination will confirm the technical studies and consultation required, and the process for continuing the assessment of the proposal. The gateway determination will also include whether the planning proposal will need to be resubmitted to the Department of Planning following completion of the studies or investigation. As the studies and consultation are undertaken, relevant parts of the planning proposal will be updated, amended and embellished, to reflect the recommendation of the studies and outcomes of the consultation.

FINANCIAL IMPACT

- 6 Should Council resolve to endorse the planning proposal, work will continue to be undertaken by Council's planning staff within current work programs. Stage B fees are required to be paid to cover associated costs with consultation and public exhibition, and all technical studies will be undertaken at the proponent's own cost. There will be no direct impact upon Council.

IMPLEMENTATION PLAN/IMPLICATIONS

- 7 Should Council resolve to adopt the recommendation, the planning proposal will be forwarded to the Minister for Planning for 'gateway determination' for authorisation to proceed with the proposed amendment to the Newcastle LEP 2003.

RISK ASSESSMENT AND MITIGATION

- 8 Correct legal procedures must be followed in preparation, exhibition and assessment of the planning proposal. The procedures will be advised by the Minister for Planning as part of the 'gateway determination'.

RELATED PREVIOUS DECISIONS

- 9 30 October 2003 – Future Amendments to Newcastle LEP 2003.
- 10 31 May 2005 – Blue Gum Hills/Blue Gum Hills West – Urban Development.

OPTIONS

Option 1

- 11 Council resolves to endorse and forward the planning proposal to the Minister for gateway determination under Section 56 of the EP&A Act. This is the recommended option.

Continuation of the LEP process will enable further studies and consultation to be undertaken to ensure a suitable environmental, social and economic outcome can be achieved for the site.

Option 2

- 12 Council resolves not to endorse the planning proposal. The planning proposal is the first step in creating or amending an LEP. Should the planning proposal not be endorsed by Council, an amendment to the Newcastle LEP 2003 will not be able to proceed. This is not the recommended option.

BACKGROUND

- 13 Under the Newcastle LEP 1987 large areas of land between Wallsend and Minmi were zoned for residential purposes and the area was identified as a new land release area referred to as Blue Gum Hills. The whole of the nominated

area was not zoned for residential purposes so that development and the provision of services could be undertaken in a planned manner. For this reason land in the western part of the release area retained a rural zoning thereby preserving it for future development.

- 14 Following a review of Council's 1987 LEP, significant areas of land within the western corridor study area were zoned 7(c) Environmental Investigation Zone under the Newcastle LEP 2003.
- 15 On 30 October 2003 Council resolved not to consider requests to amend the Newcastle LEP 2003 to rezone land zoned 7(c) Environmental Investigation Zone until such time as a regional/sub-regional plan had been completed by the then Department of Infrastructure, Planning and Natural Resources and an Urban Development Program is in place for the co-ordinated release of urban lands. Based on this decision a formal rezoning request has not been previously submitted for the subject land.
- 16 Council received a report on 12 April 2005 on the 7(c) Environmental Investigation Zoned land and resolved to consider funding for the required technical studies as part of the 2006/2007 Management Plan process.
- 17 On 31 May 2005 Council resolved to await the draft Lower Hunter Regional Strategy before any further decisions are made on the release of land and urban development within Blue Gum Hills.
- 18 In 2006 Asquith and Dewitt on behalf of the landowner sought a meeting with Council to discuss the possible rezoning of the site. Asquith and Dewitt were advised that Council would not consider a rezoning application until the release of a regional or sub-regional plan was developed for the Western Corridor area.
- 19 In November 2007 the Coal and Allied land was deemed State Significant and subsequently a concept for the site was exhibited in February 2009.
- 20 The draft Newcastle – Lake Macquarie Western Corridor Planning Strategy was placed on public exhibition on 15 April 2009 and the rezoning request for 505 Minmi Road Fletcher was formally lodged with Council in June 2009.

ATTACHMENTS

Attachment A: Planning Proposal – 505 Minmi Road, Fletcher

Attachment A

[Attachment A - Planning Proposal - 505 Minmi Road, Fletcher](#)