

Planning and Regulatory.DStarreveld.
Phone: 4974 2964

17 July 2020

Barr Property and Planning
Attention: Andrew Donald, Senior Planner

By e-mail: ADonald@barrpandp.com.au

Dear Andrew,

REQUEST TO AMEND NEWCASTLE LEP 2012 - 505 MINMI ROAD, FLETCHER

Thank you for attending the LEP Panel Meeting on 26 June 2020 to discuss your request to amend Newcastle Local Environmental Plan 2012 (NLEP 2012) with respect to the above land.

Please find below the matters to be addressed by the planning proposal (PP) and supporting documentation and the stages at which the information will be required. Other matters for further investigation are attached for your consideration (Attachment A).

1. Pre-Gateway

The Panel has requested the following information and updates be provided prior to reporting the PP to Council for endorsement and a resolution to seek a Gateway Determination from the NSW Department of Planning, Industry and Environment (DPIE).

Planning Proposal

General

- a) The PP should address the matters raised by the Joint Regional Planning Panel (JRPP) in their Record of Decision dated 2 November 2017, demonstrating the site-specific merit of the new proposal.

Strategic Planning Framework

- b) Section 7.1.2 'Greater Newcastle Metropolitan Plan' (page 36) – demonstrate consistency with Strategy 12 'Enhance the Blue and Green Grid and the urban tree canopy'. Identify the site in the context of the existing Blue and Green Grid and any opportunities to improve connections with the site.
- c) Section 7.2 'Local Planning Strategy' (LPS) (page 43) – demonstrate consistency with the Newcastle Local Strategic Planning Statement (LSPS) which has superseded the LPS. Include a comprehensive review of the LSPS with specific focus on Planning Priority 8 – 'Plan for growth and change in Catalyst Areas, Strategic Centres, Urban Renewal Corridors and Housing Release Areas'.
- d) The draft Local Housing Strategy (LHS) was endorsed for public exhibition by Council on 23 June 2020. The PP is to demonstrate consistency with the draft LHS.

Statutory Framework

- e) Section 8.1 (pages 49-54) – update responses to Section 9.1 Ministerial Directions as required.
- f) Section 8.1.3 (page 51) – delete duplicated “8.1.3” in heading.
- g) Section 8.3.1 ‘Aims of LEP’ (page 59) – provide additional commentary demonstrating consistency with the aims of the NLEP 2012.

Bushfire Risk

- h) Section 9.2 ‘Bushfire’ (page 69) – The PP should, as a minimum, address the matters raised by the NSW RFS in their correspondence dated 13 June 2012, as they relate to the new proposal. The recommended way to address these matters is through the preparation of a Strategic Bushfire Study.

Specific matters required to be addressed

- i) Section 10.3 ‘Western Corridor Section 94 Contributions Plan’ (pages 76, 89) – reference the updated ‘Section 7.11 Western Corridor Local Infrastructure Contributions Plan 2013’ which became effective on 27 February 2020.
- j) Section 10.6 ‘Community Title Subdivision’ (page 78) – correct typographical error in the last sentence of the 2nd paragraph.

Economic and Social Effects

- k) Section 11.2 ‘Social Effects’ (page 89) – update to include additional commentary (Social Impact Comment) prepared in accordance with Council’s ‘Social Impact Assessment Policy for Development Applications 1999’, addressing the following matters:
 - Impact on the capacity of local schools within the catchment of the site.
 - Pedestrian and cycle connectivity to local centres, schools, services and facilities.
 - Proposed options for the effective long-term management of E2 zoned land through the Community Title scheme.

Supporting Documentation

Heritage

- l) A new AHIMS search is to be completed and the PP updated to address any new findings.

Consultation

It is recommended that early consultation be undertaken with the following stakeholders:

- m) NSW Biodiversity Conservation Division to:
 - i. Confirm that the updated Biodiversity Inventory Report prepared by MJD Environmental dated January 2020, is consistent with relevant legislation and the ‘Biodiversity Assessment Method Operational Manual – Stage 1’ (NSW OEH, 2018).
 - ii. Commence discussions regarding the matters raised in correspondence received from NSW OEH dated 17 January 2019 in relation to the Biodiversity Offset Scheme, retiring credits from the previous off-site offset and options for a new Biodiversity Stewardship Agreement.
- n) Awabakal Local Aboriginal Land Council to assist with investigations of potential Aboriginal cultural heritage.

2. Post-Gateway

Should a Gateway Determination be issued by DPIE, the following information will be required post-Gateway (in addition to any matters to be addressed in the Gateway Determination) and form part of the public exhibition material. The following matters are those raised by the Panel and may be subject to change following detailed assessment of the PP and any requirements identified by State agencies.

Environmental

- a) A Stage 2 Biodiversity Impact Assessment is to be prepared by a suitably qualified and experienced consultant in accordance with the 'Biodiversity Assessment Method Operational Manual – Stage 2' (NSW DPIE, 2019).
- b) A supplementary letter providing updated details for the Preliminary Contamination Assessment is to be prepared by a suitably qualified and experienced consultant in accordance with 'Managing Land Contamination Planning Guidelines, SEPP 55 – Remediation of Land' (NSW EPA, 1998).

Bushfire

- c) A Strategic Bush Fire Study is to be prepared by a suitably qualified and experienced consultant in accordance with 'Planning for Bush Fire Protection' (NSW RFS, 2019). We recommend this be prepared pre-Gateway, however if RFS concerns can be sufficiently addressed by other means to allow a Gateway Determination, CN will accept the detailed Study post-Gateway.

Heritage

- d) An updated Aboriginal Cultural Assessment is to be prepared by a suitably qualified and experienced Aboriginal cultural heritage consultant in accordance with the 'Aboriginal cultural heritage consultation requirements for proponents 2010' (NSW OEH, 2010). The updated report is to include a new AHIMS search and additional consultation with the Awabakal Local Aboriginal Land Council.

Subdivision

- e) The indicative subdivision layout is to be amended in response to the recommendations of the updated supporting studies and the following:
 - 'Water Sensitive Urban Design Solutions for Catchments above Wetlands' (HCC REMS, 2007).
 - Integrating with the neighbouring Winten development along the western edge intersection as it is a left-in left-out intersection only.
 - Extending Kingfisher Drive through to Minmi Road (opposite Brookfield Avenue East) which has a planned four-leg roundabout and will allow for an extension of the existing bus route.

Site-specific Development Control Plan (DCP)

- f) A site-specific DCP is to be prepared in accordance with Clause 8.3 of the NLEP 2012 and the recommendations of the updated supporting studies.

The requested information and updates are recommended to establish strategic and site-specific merit in support of the PP. Should the matters not be adequately addressed then there is a risk that the PP may not be supported.

Upon receipt of the requested pre-Gateway information, I will confirm the date when the proposal is likely to be reported to Council, as well as an invoice for payment of the Stage B fee.

Should you have any queries regarding this matter, please contact me on (02) 4974 2964.

Yours faithfully,

A handwritten signature in dark ink, appearing to read 'Dan Starreveld', with a stylized flourish at the end.

Dan Starreveld
SENIOR URBAN PLANNER

ATTACHMENT A – OTHER MATTERS FOR FURTHER CONSIDERATION

The following matters raised by the Panel require further consideration as the PP progresses.

1. Investigate opportunities to provide biodiversity offsets within the Newcastle LGA.
2. Threatened Ecological Communities identified on site should be protected by locating them within the proposed E2 Environmental Conservation zone with appropriate buffers to development.
3. Confirm the nature and extent of the subsidence in the south eastern fringe of the site and scope for a detailed Geotechnical and Mine Subsidence Report in accordance with Subsidence Advisory NSW requirements.
4. Include an assessment of the water quality, groundwater and riparian corridors as part of the Stage 2 Biodiversity Assessment.
5. Consider the implications of the Community Title scheme regarding the ongoing management, conservation and potential open space use of the proposed E2 Environmental Conservation land.
6. Options for the proposed Sewer Servicing Strategy should be investigated and discussed with Hunter Water.
7. The interface with the Summer Hill Waste Facility regarding noise and odour impacts on future residents should be factored into the proposed lot layout following the completion of updated studies.
8. Consult with the owners of the neighbouring Winten development regarding access between the sites.
9. Consult with the NSW Department of Education to discuss the potential impact of the proposal on local schools and future State planning for additional school capacity.