



# **LEP Amendment Request 505 Minmi Road, Fletcher**

Prepared by Barr Planning

For Kingston Minmi Road Pty Ltd

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## Executive Summary

Barr Planning (BP) have been commissioned by Kingston Minmi Road Pty Ltd to prepare a Planning Proposal request to City of Newcastle (CN) and subsequently the Department of Planning, Industry and Environment (DPIE), for a proposed amendment to the Newcastle Local Environmental Plan 2012 (NLEP2012) pertaining to land at 505 Minmi Road, Fletcher (the site).

It is noted that CN resolved on 8 December 2020 not to support a Planning Proposal for the site, despite a recommendation from staff that the proposal be supported and submitted to DPIE for a Gateway determination. The proponent initiated a Rezoning Review through DPIE, which resulted in a decision from the Hunter and Central Coast Regional Planning Panel (the Panel) on 20 September 2021 that the proposal **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site-specific merit. Gateway determination was issued on 13 January 2023 to allow Rezoning from C4 Environmental Living to R2 Low Density Residential and C2 Environmental Conservation for up to 150 lots under Section 3.34 of the *Environmental Planning and Assessment Act 1979*, subject to conditions.

This Planning Proposal (the 'proposal') has been prepared in accordance with DPIE document: Planning Proposals - A Guide to Preparing Planning Proposals (August 2016)' (the Guidelines) and address the conditions of the Gateway determination. The objective of the proposal is to amend the NLEP2012 to facilitate the future delivery of the land for low density residential development and environmental conservation purposes. The site has a total area of 26.23ha. The proposed low-density residential zoning has an area of 13.24 ha and the proposed environmental conservation zoning has an area of 12.99 ha. It is noted that these areas have been updated to reflect amendments to the Planning Proposal request in response to feedback from the Panel in their September 2021 decision.

Additional documentation submitted with this proposal addresses the agency submissions received post Gateway determination. Documents provided under separate cover include:

- Strategic bushfire assessment, MJD Environmental, December 2021
- Biodiversity Certification Assessment Report, MJD Environmental, March 2023
- Aboriginal Cultural Heritage Assessment Report, Heritage Now, 2023
- Urban Design Study, Moir, 21 December 2021
- Proposed site specific development controls, Barr Planning, 2022
- Infrastructure servicing report, ADW Johnston, November 2021
- Traffic Impact Assessment, Stantec, April 2023
- Visual Impact Assessment, Barr Planning, February 2020

The proposed amendments to NLEP2012 pertaining to Zoning, Minimum Lot Size, Height of Buildings, Floor Space Ratio and Urban Release Area have each been addressed in detail in this proposal. A

comparison between existing and proposed zoning criteria has been provided as well as associated mapping for the proposed amendments to the NLEP2012.

The 'Questions to consider when demonstrating the justification' contained within the Guidelines have each been addressed in detail with answers provided to verify the appropriate level of justification of the Planning Proposal. It is considered to have both strategic and site-specific merit due to its consistency with the desired outcomes identified in relevant State, regional and local plans and strategies, including but not limited to:

- Hunter Regional Plan 2041;
- Greater Newcastle Metropolitan Plan 2036; and
- Newcastle Local 2030 Community Strategy;

Further refinements have been made to this document to address the conditions of the Gateway and agency responses.

Future development of the site, following its rezoning, is expected to have both positive economic and social effects as detailed within the Planning Proposal request.

Each part of the Guidelines, namely: objectives or intended outcomes, explanation of provisions, justification, mapping, community consultation and project timeline have each been positively addressed in detail within this Planning Proposal request. On this basis and given the justification put forward in this Planning Proposal, it is considered that the proposal approval for the LEP amendment.

## PART A - LEP AMENDMENT REQUEST

### 1 Introduction

This Local Environmental Plan (LEP) Amendment Request has been prepared by Barr Planning (BP) on behalf of Kingston Minmi Road Pty Ltd. The request is to amend the Newcastle LEP 2012 to permit low-density residential development and an environmental conservation area at 505 Minmi Road, Fletcher ('the site').

This request has been prepared in accordance with the requirements of Section 3.33(2) of the Environmental Planning and Assessment Act 1979 (EP&A Act), the 'A Guide to Preparing Planning Proposals' (Department of Planning, Industry and Environment, 2018).

This report outlines the background and intended effect of the proposed amendment to Newcastle LEP 2012 and demonstrates the strategic merit of the LEP Amendment request. It has been prepared to assist City of Newcastle (CN) in its consideration of the LEP amendment and to support the preparation of a planning proposal.

This LEP amendment request includes:

- The property description (lot, deposited plan and address).
- Reasons for the LEP amendment request; and
- An indicative development concept illustrating the nature and scale of development envisaged for the land.

This report is supported by the documentation listed in Table 1 below.

*Table 1: Supporting Documentation*

Appendix	Title	Author	Date
1	Advice letter	Mine Subsidence Board	12 June 2014
2	Strategic Bushfire Study	MJD Environmental	December 2021
3	Preliminary Contamination Assessment Report	Cardno Geotech Solutions	24 March 2014
4	Biodiversity Certification Assessment Report	MJD Environmental	March 2023
5	Traffic Impact Assessment	Stantec	April 2023
6	Visual Impact Assessment	Barr Property and Planning	February 2020

7	Interim Aboriginal Cultural Heritage Assessment	Heritage Now	March 2023
8	Letter – LEP Panel Meeting Outcome	City of Newcastle	17 July 2020
9	Rezoning Review Record of Decision	Hunter and Central Coast Regional Planning Panel	20 September 2021
10	Infrastructure Servicing Report	ADW Johnson	November 2021
11	Urban Design Study	Moir Landscape Architecture	21 December 2021
12	Site Specific Development Controls	Barr Planning	January 2022
13	Flood Impact Advice Letter	Northrop	March 2023

These are provided as separate documents and uploaded to the NSW Planning Portal.

## 2 Background

### ADW Johnson

In preparing the previous planning proposal ADW Johnson prepared a summary of the rezoning history of the site and surrounds provided in Table 2 below.

In addition to this table, a more detailed historical background is provided related to each of the three previous Planning Proposals, the preparation of Newcastle Local Environmental Plan 2012 and strategic planning undertaken, all with implications to potential future development of the site, as put forward in this Planning Proposal.

The ADW Johnson Summary is as follows:

*Table 2: Site Planning History*

Year	Description
1987-2003	Under the Newcastle LEP 1987 large areas of land between Wallsend and Minmi were rezoned 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.

2003	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.
2003	Council resolved not to consider requests to amend the Newcastle LEP 2003 to rezone land zoned 7(c) Environmental Investigation until such time that Sub-regional planning has been completed by then Department of Infrastructure and an urban development program was in place for the coordinated release of urban lands. Based on this decision a formal rezoning request had not been previously submitted for the subject land.
2004	Council considered a Notice of motion to proceed with rezoning of the 'Dan Land' (north of the subject land) and resolved to defer the matter until Council had been provided with a full briefing on the matter.
2005	Council received a report on 7(c) Environmental Investigation Zoned land, however, resolved to consider the funding of studies required for Western Blue Gum Hills as part of the 2006/ 2007 Management Plan process.
2005	Council resolved to await the draft on the Lower Hunter Regional Strategy before the determination is made on Blue Gum Hills. Blue Gum Hills West – Urban Development.
2005	Council resolved to prepare a draft LEP to commence the rezoning of the Dan Land. Council on 4 October 2005 resolved to rescind this resolution.
2006	The Minister of Planning determined that the Dan Land (north of the subject land) may be considered as a State Significant Site.
2007	The Coal and Allied land (west of the subject land) was deemed State Significant.
2009	The draft Newcastle – Lake Macquarie Western Corridor Planning Strategy was placed on public exhibition.
2009	Rezoning application (Planning Proposal) was lodged with Newcastle City Council for the subject land.
2012	Council resolved to forward the Planning Proposal to the then Minister for Planning and Infrastructure for 'Gateway Determination'.
2012	Newcastle Council was delegated the plan making powers in October 2012.

2012	The biodiversity offset package was accepted by then Office of Environment and Heritage as providing an acceptable environmental outcome for the loss of vegetation on the site.
2013	Department of Planning issued a Gateway determination on 22 February 2013.
2015	Council resolved to publicly exhibit the Planning Proposal, Draft Planning Agreement and Draft Conservation Agreement.
2015	The Planning Proposal, Draft Planning Agreement and Draft Conservation Agreement for the subject land were publicly exhibited for 28 days from 7 September 2015 – 6 October 2015.
2015	Report presented to CN at which time, Council resolved not to proceed with the Planning Proposal.
2016	Planning Proposal for the subject land was refused.
2017	New Planning Proposal request for subject land submitted to CN on 12 May 2017.
2017	Council advised new Planning Proposal for the subject land would not be supported as it was substantially the same as proposal discontinued in 2015.
2017	Council referred the Planning Proposal to the Hunter Region Joint Regional Planning Panel (JRPP) on 1 August 2017 for pre-Gateway Review.
2017	JRPP refused Pre-Gateway Review on 2 November 2017. With the reason that the proposal had demonstrated strategic merit but not site-specific merit.
2018	Consultation with Council, DPIE and OEH and refinement of PP
2019	Consultation with Council, DPIE and OEH and refinement of Planning Proposal.
2020	Forth Planning Proposal lodged with Council formally accepted upon full payment of Stage A rezoning fee in early May.
2023	Gateway Determination to amend the Newcastle LEP 2012 was received to allow rezoning from C4 Environmental Living to R2 Low Density Residential and C2 Environmental Conservation for up to 150 lots under Section 3.34 of the Environmental Planning and Assessment Act 1979.

## **Previous Planning Proposals**

### First Planning Proposal

The original Planning Proposal (Proposal) was submitted to CN in 2009. This application progressed through Gateway with conditions on 22 February 2013 (PP\_2013\_NEWCA\_001\_00).

On 8 December 2015, the Proposal was presented at an ‘Ordinary Meeting’ of CN to present the outcomes of the community consultation. The Proposal sought Council endorsement to amend the Newcastle LEP 2012.

The Council Officer report supported the Proposal and recommended that it be endorsed by Council. It also recommended that the Proposal be forwarded to the Department of Planning and Environment (DPE), to request a Draft LEP be prepared.

Despite the positive recommendation, Council resolved that the Proposal should not proceed and that the Minister for Planning and Environment (the Minister) be requested to allow Council to discontinue the proposed amendments; with the Proposal formally refused by Council on 7 July 2016.

### Second Planning Proposal

The second Planning Proposal was submitted to CN on 12 May 2017. On 31 May 2017 CN advised that this Planning Proposal would not be supported as it was substantially the same as the proposal discontinued in 2015. The Proposal was referred by CN to the Hunter Region Joint Regional Planning Panel (HRJRPP) on 1 September 2017. On 2 November 2017 the HRJRPP considered the material provided by CN and the matters raised and/ or observed at meetings and site inspections and concluded that the proposed rezoning had strategic merit but had not demonstrated sufficient site-specific merit and should therefore not be submitted for a Gateway determination.

### Third Planning Proposal

An amended Planning Proposal was prepared dated 24 November 2017 and amended 22 December 2017 and lodged with CN. This proposal was not formally progressed by CN but provided to consultants TCG Planning for document review, with review provided to CN on 25 May 2018. This advice was provided to BP on 5 June 2018. In the interim period between June 2018 and at the time of preparing this new Planning Proposal there has been consultation with pertinent State government departments including OEH, DPIE and CN, including meetings and interactive communications between these parties.

## **3 Site and Context**

The subject site is described as Lot 23 in DP 1244350. The site has an area of 26.23 hectares and is located at 505 Minmi Road, Fletcher.



The site, identified in Figure 1 below, is zoned C4 Environmental Living.

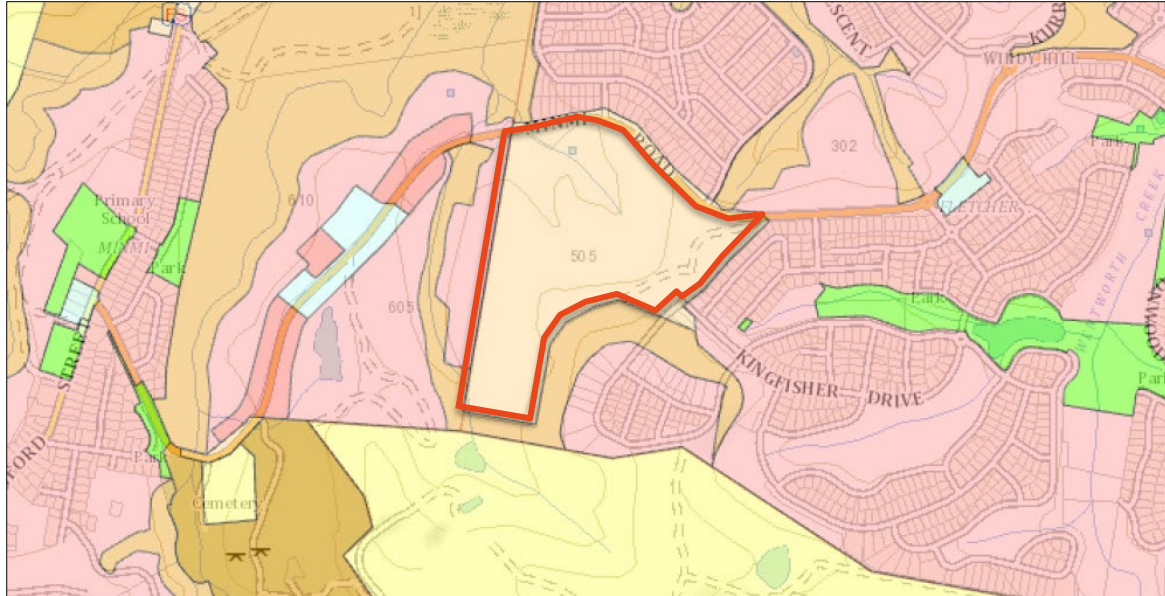


Figure 1: Site Context

## 4 Preliminary Consultation

Both the current proposal and earlier proposals have been the subject of extensive consultation with CN and various government agencies. The current proposal, prior to consideration by the elected Council and the subsequent rezoning review process, was considered by CN's LEP Panel on 26 June 2020, with feedback having been provided in a letter from CN dated 17 July 2020 (submitted with supporting documentation).

Recommendations for additional supporting documentation were also received from the Hunter and Central Coast Regional Planning Panel on 20 September 2021 as part of their decision that the proposal should be submitted for a Gateway determination. The Regional Panel's Record of Decision is also included in the supporting documentation to this LEP amendment request.

Gateway determination was issued on 13 January 2023. The conditions of Gateway requested that further consultation with the following public authorities and government agencies was required prior to exhibition:

- Transport for NSW (TfNSW)
- Biodiversity and Conservation Division (BCD)
- Ausgrid
- Heritage NSW
- NSW Rural Fire Service (RFS)
- Subsidence Advisory NSW (SA NSW)

- Awabakal Local Aboriginal Land Council (LALC); and
- Department of Education (SINSW).

Responses from the public authorities and government agencies is provided in Part D of this proposal.

## 5 Strategic Merit

A full assessment of the Planning Proposal against the applicable Strategic Planning Framework is contained in Part B of this document. In summary, the proposal is deemed to have **strategic merit** as the site is:

- Identified in The Hunter Regional Plan 2041 as a significant growth area near the national pinch point regionally significant growth area that will continue to grow and provide housing.
- One of two Housing Release Areas mapped within the Newcastle Local Strategic Planning Statement (LSPS) as adopted by CN in May 2020.

(N.B. It is noted that CN resolved on 8 December 2020 to remove references to the site as a Housing Release Area in conjunction with the Council's rejection of the staff recommendation to endorse a Planning Proposal for the site)

## 6 Conclusion

The subject land has been identified throughout various historic and current strategic planning documents for future residential development, due to its location within the Blue Gum Hills Corridor. Background strategic planning studies have postulated the opportunity for the site to contribute to the housing supply within the Newcastle LGA, to satisfy the projected population increase.

Newcastle LGA has limited opportunities to provide appropriate greenfield housing supply. Therefore, it is important to rezone land that has been strategically identified to satisfy future housing demand.

A detailed assessment has been conducted as part of this and previous Planning Proposals, which have concluded that the subject land has the potential to support urban housing whilst conserving ecological values of the locality.

Updated reports related to biodiversity, Aboriginal cultural heritage and traffic and transport have been provided within the supporting documentation, along with an urban design study, site specific development controls, and infrastructure servicing report.

Rezoning the subject land will complete the 'missing link' of development that has been envisaged for this area and will result in improved access and connectivity for existing neighbouring residential development.

This Planning Proposal is considered to be consistent with the planning outcomes identified in the Hunter Regional Plan 2041 and Greater Newcastle Metropolitan Plan 2036.

The Proposal will facilitate the effective delivery of appropriate housing to accommodate a growing population within the Newcastle LGA; as detailed within the Hunter Regional Plan 2041. The Proposal is considered consistent with Council's overarching local strategies and plans, including Newcastle Local Strategic Planning Statement (as adopted in May 2020), Newcastle 2030 Community Strategic Plan; and the Section 7.11 Western Corridor Local Infrastructure Contributions Plan.

The provisions of the relevant Ministerial {9.1 (2)} Directions and State Environmental Planning Policies have been addressed within this Proposal.

From a regional perspective, the site resides outside of any major regional environmental corridor, including the Watagan to Stockton green corridor, which is most accurately described within the Newcastle-Lake Macquarie Western Corridor Planning Strategy 2010 and depicted within the Hunter Regional Plan 2041. In a local context, as demonstrated the Biodiversity Certification Assessment Report (BCAR), the proposal create an ecologically sustainable development consistent with the purpose of the *Biodiversity and Conservation Act 2016* and achieves a balance of economic, social and conservation outcomes. This is enforced through the conservation of approximately 49.52% of the subject land to be zoned C2 Environmental Conservation, with green corridor connections to neighbouring conservation zones. Biodiversity stewardship of the C2 zone is being considered in consultation with the taskforce. Alternatively, biodiversity credits as proposed with the BCAR can be considered retired through the Biodiversity Offset Scheme.

This Planning Proposal will result in positive social and economic impacts to the broader community and has previously received in-principle support from a range of State Government agencies. This proposal and supporting documentation seeks to demonstrate to State Government agencies that environmental, economic and social matters can be balanced to gain support for the proposal in its current form.

On this basis and given the justification put forward in this Planning Proposal, we seek City of Newcastle's support for this Planning Proposal, throughout the planning process including the making of the local environmental plan by the Minister.

## PART B – PLANNING PROPOSAL

### 1 Objectives of the Planning Proposal

The objectives of this Planning Proposal are to amend the Newcastle LEP 2012 to facilitate the future delivery of up to 150 dwelling lots and secure biodiversity conservation outcomes on 12.99 hectares of land at 505 Minmi Road Fletcher.

### 2 Explanation of the Provisions

#### Intended Effect of the Proposal

The intent of the LEP Amendment would be to amend Newcastle LEP 2012 as outlined in the table below:

*Table 3: Proposed changes to Newcastle LEP 2012*

Amendment Applies to	Explanation of Provisions
<b>Land Use Zone Map</b>	Rezone subject land from C4 Environmental Living to R2 Low Density Residential (13.24 ha) and E2 Environmental Conservation (12.99 ha).
<b>Lot Size Map</b>	Amend lot size map to facilitate a minimum lot size of 300m <sup>2</sup> in the proposed eastern residential precinct and 450m <sup>2</sup> in the proposed western residential precinct.
<b>Height of Building Map</b>	Amend height of building map to indicate a maximum building height of 8.5m within land proposed to be zoned R2 Low Density Residential.
<b>Urban Release Area Map</b>	Amend urban release area map to indicate land proposed to be zoned R2 Low Density Residential as an urban release area.

It is noted that the area of land to be zoned C2 Environmental Conservation is smaller than the minimum lot size of 40 hectares, however Clause 4.1B of NLEP2012 would facilitate subdivision of the land provided all of the land within the parent lot zoned C2 is contained within a single lot following the subdivision. Further explanation of the above provisions is provided as follows.

#### Land Use Zoning:

This Proposal seeks to rezone the subject land from C4 Environmental Living to R2 Low Density Residential and C2 Environmental Conservation.

The proposed land use zones are consistent with the objective of this Planning Proposal to amend the NLEP2012 to facilitate the future delivery of land for low density residential development and

environmental conservation purposes. These zones are also consistent with the vision and objectives of the HRP2041 and GNMP2036.

The proposed R2 Low Density Residential zoning within the site, of 13.24ha, provides an extension of the existing R2 zones located to the east and west of the site and thus provides continuity of zoning across property boundaries.

The proposed C2 Environmental Conservation zoning within the site, of 12.99ha, will conserve environmentally sensitive land within the site including bushland, riparian and habitat corridors. It will also provide strong physical linkages to already conserved C2 zoned land on the site's periphery and located to the north- west, south-west, south and east of the site. This is elaborated on at Section 10.7 Indicative Subdivision Layout

The mechanism for future subdivision will be by way of Community Title and thus the C2 component of the site will be held as community association land. This is elaborated on at Section 10.6 Community Title Subdivision.

#### **Minimum Lot Size**

This proposal seeks to determine a minimum lot size of 300m<sup>2</sup> and 450m<sup>2</sup> respectfully for the two proposed residential precincts within the subject land.

The entire site is currently mapped to have a minimum lot size of 40 hectares.

This proposal includes the amendment to the minimum lot size for the proposed R2 Low Density portions of the site to 300m<sup>2</sup> and 450m<sup>2</sup> and will retain a minimum lot size of 40 hectares for the land proposed to be zoned C2 Environmental Conservation.

The proposed 300m<sup>2</sup> minimum lot size is located on relatively flat areas in the east of the site, where slope primarily ranges between 4% to 10%, with the smaller residue primarily in the slope range of 10% to 15%. This 300m<sup>2</sup> minimum lot size has been chosen to provide flexibility in providing potential house and land packages, at a higher density, on the flatter portions of the site and to provide a more affordable housing product for consumers. This approach will further be facilitated by the community title subdivision of the site, where house and land can be designed in accordance with acknowledged design principles. At the detailed design stage of the development of this site, this lot size will provide flexibility and be variable upwards, dependent on a range of factors including consideration of topography, and supply and demand factors.

The proposed 450m<sup>2</sup> minimum lot size is located within the proposed western residential precinct and will enable a subdivision pattern compatible with the approved subdivision of the adjoining land at 605 Minmi Road, Minmi.

The proposed lot size range encourages dwelling diversity and variation in density to attract a variety of end users. The proposal in its current form largely facilitates a dwelling density of 30 dwellings per hectare, consistent with the objectives of the HRP 2041. The lot size is consistent with the objective of this Planning Proposal to amend the NLEP2012 to facilitate the future delivery of land for low density residential development and environmental conservation purposes.

The mechanism for future subdivision will be by way of Community Title and thus the R2 component of the site will be subdivided into residential community title lots.

### **Height of Buildings**

This proposal seeks to determine a maximum height of buildings of 8.5 metres for the subject land.

The Newcastle LEP 2012 does not currently provide height of building development controls to the subject site.

To facilitate future residential development of an appropriate bulk, scale and density, the proposal includes an amendment to the Height of Buildings Map (Sheet HOB\_001B & HOB\_002A) to allow the provision of an 8.5m maximum building height for the proposed R2 Low Density Residential Zones.

The proposed height of buildings (8.5m) is consistent with the height of building controls already adopted for low density residential zoned areas of the Newcastle Local Government Area (LGA) and in particular adjoining sites approved and zoned for residential development in the immediate vicinity of the site.

### **Floor Space Ratios**

The NLEP2012 does not currently provide floor space ratio development controls to the subject site.

To facilitate future residential development of an appropriate bulk and scale, the proposal does not propose designating a floor space ratio for the site. This approach is consistent with this control not being applied to adjoining sites. Given the approach proposed to be taken on minimum lot size detailed above, adoption of a floor space ratio will not be practical and will unduly constrain development of each lot. In this case development of each lot will be guided by applicable development controls provided in CN Development Control Plans.

The combination of the proposed minimum lot size and building height limitation will result in land within the site having the potential to be brought up to its optimal dwelling density and best use and thus achieve urban consolidation objectives.

### **Urban Release Areas**

This proposal seeks to designate the proposed residential component of the subject land as an urban release area.

The NLEP2012 has not mapped the site as an Urban Release Area (URA). This proposal seeks to provide continuity with the NLEP2012 and the HRP2041 and other strategic based documents by mapping the proposed R2 Low Density Residential zones as an URA.

This will enforce the recognition of the subject land as a vital area for the future provision of residential housing, in alignment with various strategic documents.

### 3 Justification for the Provision

#### A. Need for the planning proposal

*1. Is the Planning proposal a result of any strategic study or report?*

The site subject to this proposal has been historically identified since 2006 in numerous strategic studies for future residential investigation and potential development.

The Lower Hunter Regional Strategy (LHRS) was prepared and endorsed by the NSW Government in 2006. This strategy outlined the key urban growth corridors and green corridors across the lower Hunter. The LHRS set out the priority for protecting the identified green corridors, whereby urban development within these areas was not supported. The LHRS (p.13) first identified the site as having potential for residential and employment land potential, being identified outside of the key Watagan Stockton and Wallarah green corridor. The subject site falls within the western urban corridor identified between Edgeworth and Glendale. An outcome of the LHRS was the identification of the Newcastle-Lake Macquarie Western Corridor growth area which encompassed the Edgeworth-Glendale urban corridor and the preparation of the Newcastle-Lake Macquarie Western Corridor Planning Strategy (WCPS).

The WCPS was endorsed by the NSW Government in 2010. This strategy encompassed the Edgeworth-Glendale growth corridor identified in the LHRS and identified a broader strategy area for future urban, employment areas and conservation corridors. The figure below shows this strategy area and identified offset lands. The site is shown to fall within the strategy area, yet remains situated outside of the key offset lands. The offset land is consistent with the established Watagan Stockton and Wallarah green corridor established under the LHRS.





Figure 2: Western Corridor Strategy Area, Source: Newcastle and Lake Macquarie Western Corridor Planning Strategy, 2010, p.3

Chapter 7 of the WCPS identifies the preferred land use to accommodate approximately 8,000 new housing sites, 1,500 hectares of employment lands and conservation lands. The figure below demonstrates that the preferred land use of the site is for residential development connecting the existing urban areas of Fletcher and Minmi, outside of the Watagan Stockton Green Corridor.

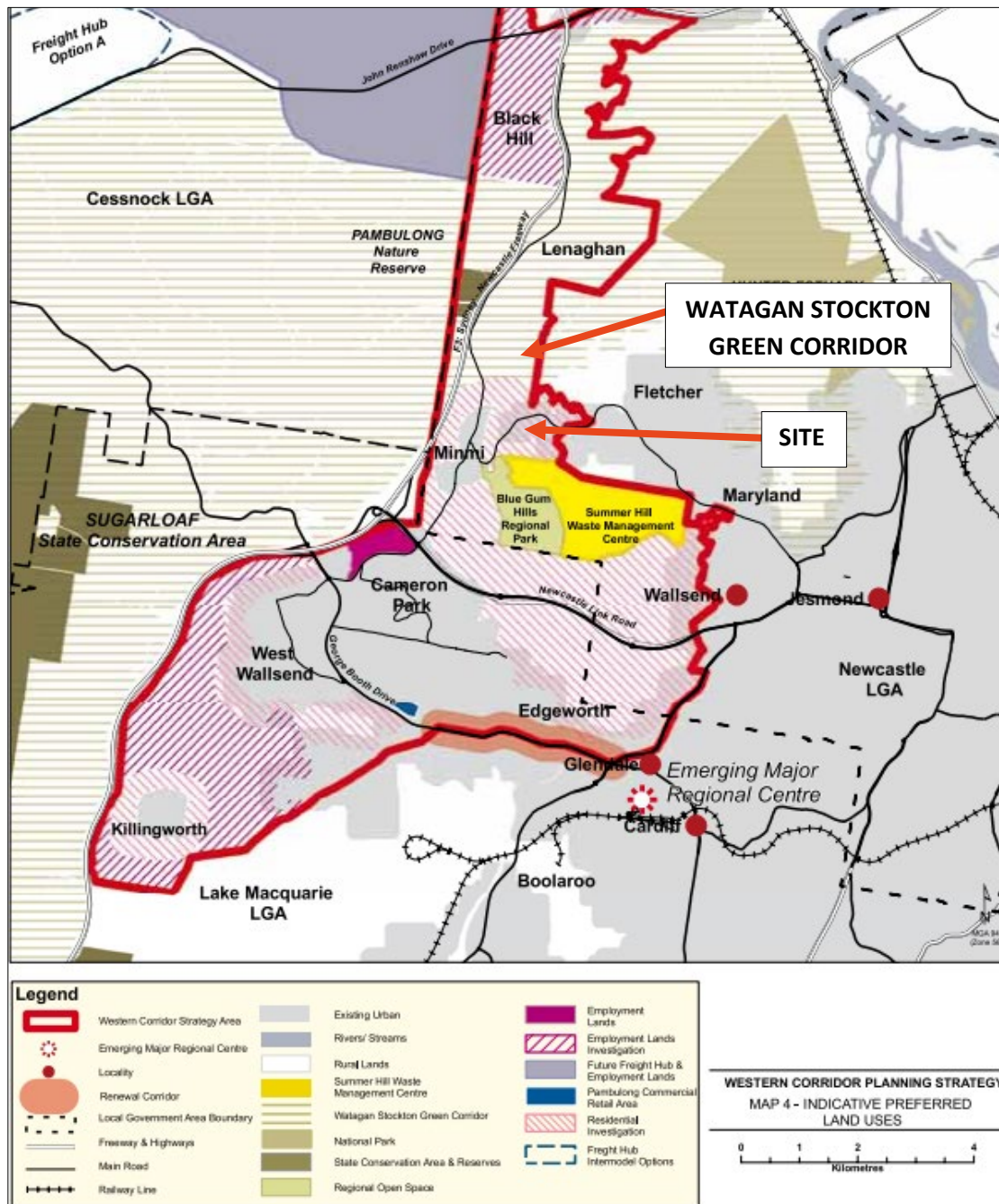


Figure 3: Preferred land uses, Source: Newcastle Lake Macquarie Western Corridor Planning Strategy, 2010, p.27



Following the LHRP, the NSW Government prepared the Hunter Regional Plan 2036 (HRP2036), which was adopted in October 2016 as an overarching framework to guide land use planning priorities and infrastructure funding decisions in the Hunter region for the following 20 years.

The HRP2036 set priorities and provided direction for regional planning decisions. It focused on new housing and jobs, and targets growth in strategic centres and renewal corridors, close to transport to deliver social and economic benefits.

The vision of the HRP2036 was to establish the Hunter as a leading regional economy in Australia with a vibrant new metropolitan city at its heart. To achieve the vision, the NSW Government acknowledged the growing importance of Greater Newcastle (comprising the local government areas of Cessnock, Lake Macquarie, Maitland, Newcastle and Port Stephens) and set the following regionally focused goals:

- The leading regional economy in Australia
- A biodiversity-rich natural environment,
- Thriving communities, and
- Greater housing choice and jobs.

The HRP2036 identified the site within a regional growth area, shown in the figure below. Under the HRP2036 the future planning was to focus on delivery of land for housing quickly and cost-effectively to establish new communities in Newcastle–Lake Macquarie Western Corridor and the emerging growth areas.

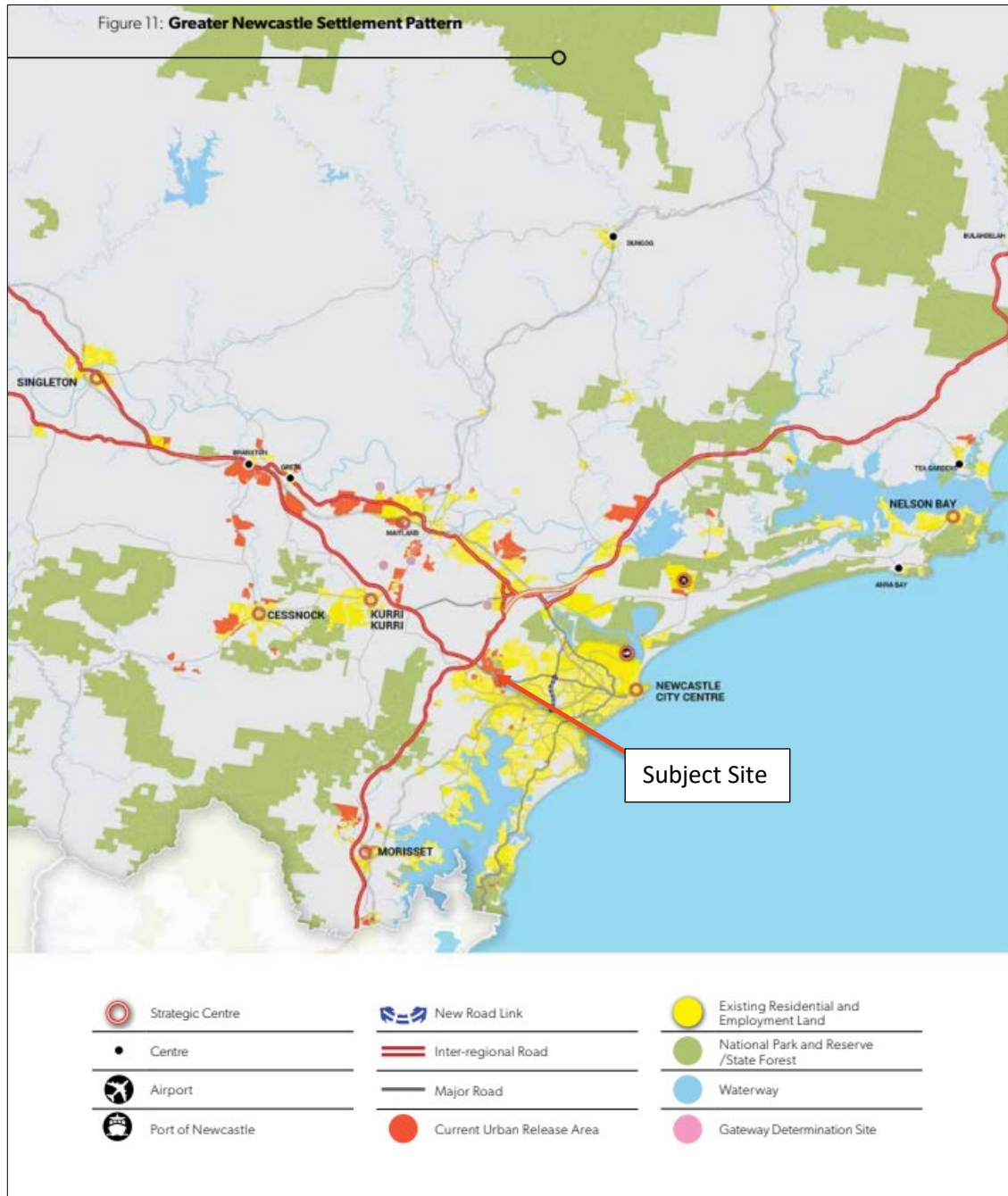


Figure 4: Site identified within a regional area as an Urban Release Area, Source HRP 2036, p.52

In addition to the site being identified in historic planning strategies, the subject site is identified as having potential for urban development within the following current strategic documents.

- Hunter Regional Plan 2041, and
- Greater Newcastle Metropolitan Pan 2036

The Hunter Regional Plan 2041 (HRP2041) was adopted in December 2022 and is the strategic strategy that guides development across the Hunter Region. The HRP2041 identifies the site within a regionally significant area. The site is identified in Figure 8 of the HRP2041 as new residential land and shown in the figure below as land within the Hunter Urban Delivery Program for residential development affected by the National Pinch Point place area. Whilst the map identifies the site within a conservation area the site remains outside of the key Watagan Stockton biodiversity corridor.

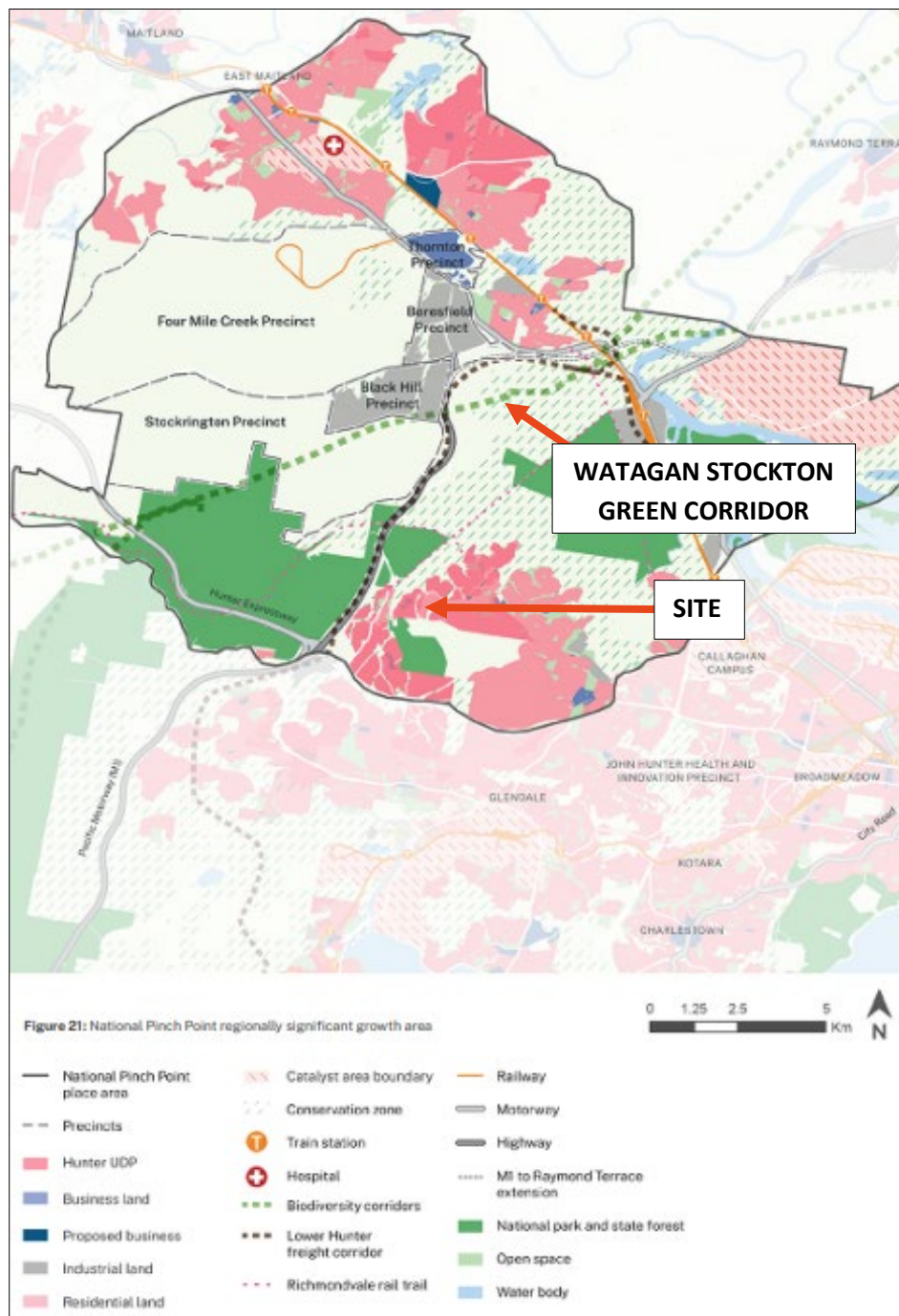


Figure 5: Regionally significant growth area and future intended land use, Source: Hunter Regional Plan, 2041, p.116

The site is bounded to the north and east by residential development and a concept plan for a 3,300-lot residential subdivision (MP08/0125 and MP10/0090 Link Road North and South) has been lodged under Part 3A of the Environmental Planning and Assessment Act 1979.

Future development of the subject site is consistent with the MP08/0125 and MP10/0090 development forming the missing link between existing and under construction residential development along Minmi Road. The future development of the site is consistent with the land use planning strategies for the area; being the Hunter Regional Plan 2041 and Greater Newcastle Metropolitan Plan 2036.

The site has long been identified as having strategic merit to enable a planning proposal to facilitate the delivery of residential land. In 2019 the Central Coast Regional Panel determined that the site had both strategic and site specific merit.

The Proposal is therefore considered to be a result of strategic studies and is identified to have strategic merit.

Consistency with current plans and other strategies is discussed in Part B of this Proposal.

*2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

This Proposal is the best means of achieving the identified objectives and outcomes identified in the relevant strategic documents.

Without this Proposal, the site would remain zoned C4 Environmental Living and thus sterilised for residential development, contrary to the strategic planning previously undertaken for the site. Notwithstanding, this Proposal will facilitate continuity and connectivity for land located to the south of Minmi Road by linking the established residential development located to the east of the site and proposed development located to its south east and to its west.

The Proposal will facilitate the delivery of housing to accommodate a growing population within the Newcastle LGA and support the delivery of housing required within the Hunter Regional Plan 2041 and Greater Newcastle Metropolitan Plan 2036.

**B. Relationship to strategic planning framework**

**1. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

The Proposal is considered to be consistent with the outcomes identified in the following strategies:

#### Hunter Regional Plan 2041

The NSW Government has prepared the Hunter Regional Plan 2041 (HRP2041), which was adopted in December 2022 as an overarching framework to guide land use planning priorities and infrastructure funding decisions in the Hunter region over the next 20 years.

The vision of the HRP2041 is for the Hunter to retain its position as the leading regional economy in Australia with a vibrant new metropolitan city at its heart and sustainable 15-minute neighbourhoods. The plan seeks to release sustainable growth opportunities including housing choice and lifestyle opportunities.

The HRP2041 sets priorities and provides a direction for regional planning decisions. It focuses on new 15-minute mixed use neighbourhoods consisting of housing and jobs being close to transport to deliver social and economic benefits. It sets in place line-of-sight land use planning for the region, regional districts like the Greater Newcastle metropolitan area and each Council area. Figure 6 shows the Greater Newcastle area.

The proposed development is consistent with the planning priorities, vision and goals outlined in the HRP2041, including:

- a) The proposal will retain the blue and green grid through the conservation of land and the retention of the urban tree canopy.
- b) The Proposal will provide planning for the National Pinch Point regionally significant growth area through additional housing.
- c) The Proposal will provide additional housing choice within a new, well- designed community that is accessible to a range of facilities and services (schools, shops and recreation).
- d) The preservation of land for conservation purposes to ensure the long-term sustainability of the site within the context of other areas conserved in the local area.
- e) The construction phase of the site-specific infrastructure and residential house construction will contribute toward economic growth and in the longer term, the provision of additional housing will provide broader social and economic benefits via increased demand for goods and services.
- f) The HRP2041 projects that approximately 101,800 new dwellings are required to be delivered in the Hunter with 17,850 dwellings to be delivered in Newcastle.

There are several objectives and strategies in the HRP2041 to which the proposed development of the site is consistent with and will assist in achieving, as outlined below:



Table 4: Relevant Hunter Regional Plan 2041 Objectives

Objectives	Comment
Objective 1: Diversify the Hunter's mining, energy and industrial capacity.	Not applicable. The site and the related planning proposal is not related to the Hunter's mining, energy, and industrial capacity.
Objective 2: Support the right of Aboriginal residents to economic self-determination	<p>The proposal does not specifically support the right of Aboriginal residents to economic self-determination, the regional plan acknowledges the importance of land to Aboriginal people and their sacred connections to Country.</p> <p>Consultation with the local Indigenous community is being undertaken as part of the Aboriginal Cultural Heritage Assessment Report to identify the importance of the land to the Awabakal people. The consultation and investigation are to establish conservation areas for artifacts.</p> <p>The proposal aims to facilitate conservation of Aboriginal heritage and landscape values within the C2 zoned land.</p>
Objective 3: Create 15-minute neighbourhoods to support mixed, multi-modal, inclusive and vibrant communities	<p><b>Strategy 3.1</b></p> <p>Pursuant with the Newcastle Local Environmental Plan 2012 (NLEP 2012) the R2 Low Density Residential zone facilitates the following land uses which support the creation of a 15-minute neighbourhood:</p> <ul style="list-style-type: none"> <li>▪ Centre-based childcare facilities</li> <li>▪ Community facilities</li> <li>▪ Educational establishments</li> <li>▪ Home based childcare</li> <li>▪ Neighbourhood shops</li> <li>▪ Residential accommodation</li> </ul> <p>Whilst land uses such as restaurants, cafes, takeaway food and drink premises and health service facilities such as health consulting rooms are not facilitated under the NLEP 2012, the current permissible uses are considered to support a mixed neighbourhood to contribute to a vibrant community.</p> <p>The site is currently serviced by the 260 bus line from Minmi to University of Newcastle and considered to have the opportunity to facilitate bus routes through the site. This is</p>



	<p>expected to increase bus patronage within a level which the transport network can adjust to.</p> <p>Walking and cycling potential will be maximised throughout the site.</p> <p>New housing will be serviced by the yet to be developed neighbourhood centre to the west and a short travel-time from Newcastle and Cessnock.</p> <p>The north-eastern part of the site is within a 5-10 minute walk of existing neighbourhood shops,</p> <p>The proposal is considered to support strategy 3.1.</p>
	<p><b>Strategy 3.4</b></p> <p>The proposal retains and conserves almost 50% of the site as urban forest in close proximity to the residential precincts. This provides connection to nature and greenspace which can be used for low impact personal recreational purposes.</p> <p>Future landscaping of the residential estate can facilitate greening urban areas.</p> <p>The site specific development control plan can facilitate sustainable buildings which reduce dependency on natural resources.</p> <p>The proposal is consistent with strategy 3.4.</p>
	<p><b>Strategy 3.5</b></p> <p>As stated above, almost 50% of the subject site is to be retained for C2 Conservation zone land. This land will be managed and maintained within under the Community Title Association.</p> <p>The strategy seeks that 90% of houses are located within a 15-minute walk to open space, recreational areas or waterways. The conservation land provides a recreational area for both residential estates within a 15-minute walk.</p>

	<p>Low environmental impact activities such as walking can be facilitated in this area.</p> <p>The proposal is considered consistent with this strategy.</p>
	<p><b>Strategy 3.6</b></p> <p>The proposal seeks to facilitate two residential estates. Future detailed design of the subdivision can facilitate safe, attractive and accessible streets for all modes of transport and facilitate an active lifestyle.</p> <p>It is therefore considered that the proposal could facilitate consistency with strategy 3.6.</p>
Objective 4: An inter-connected and globally focused Hunter without car dependent communities	<p><b>Strategy 4.3</b></p> <p>The proposal aims to maximise opportunities for walking and cycling providing linkages to adjacent lands by creating an east-west connecting road through the site with potential for footpaths and road cycleways.</p> <p>There is opportunity to facilitate low-speed zones supported by physical changes to the environment to assist in safe movement of residents, and local fauna.</p> <p>Future landscape design of the residential estate can provide street trees to enhance the amenity of the streetscape and provide connections to the conservation land.</p> <p>It is considered that the future objective of the planning proposal is consistent with strategy 4.3.</p>
Objective 5: Plan for 'nimble neighbourhoods', diverse housing and sequenced development	<p><b>Strategy 5.2</b></p> <p>The desired dwelling density for a general suburban area is identified as 30 dwelling per hectare.</p> <p>The urban design study demonstrates two residential areas of differing minimum lot size provision. The eastern residential estate seeks to achieve 51 lots measuring 300m<sup>2</sup> and the western residential precinct which seeks to achieve 81 lots measuring 450m<sup>2</sup>.</p>

Eastern residential estate

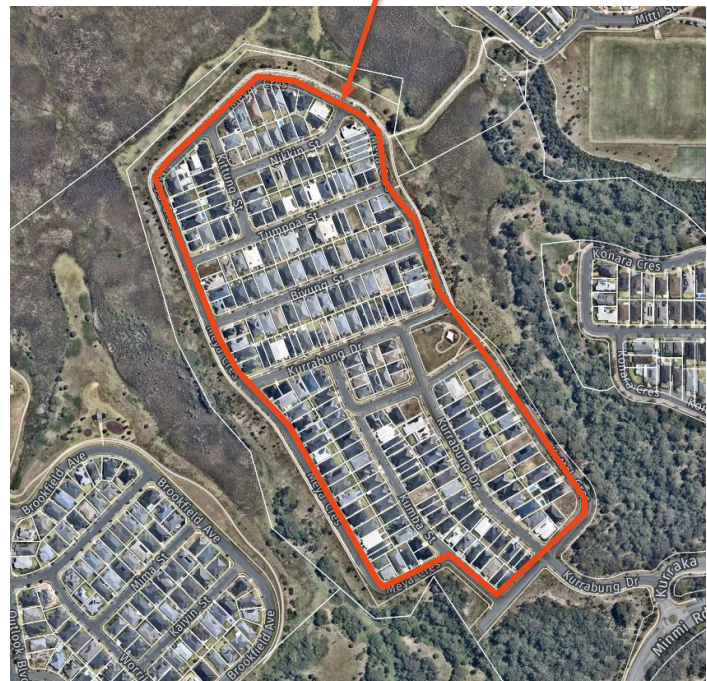
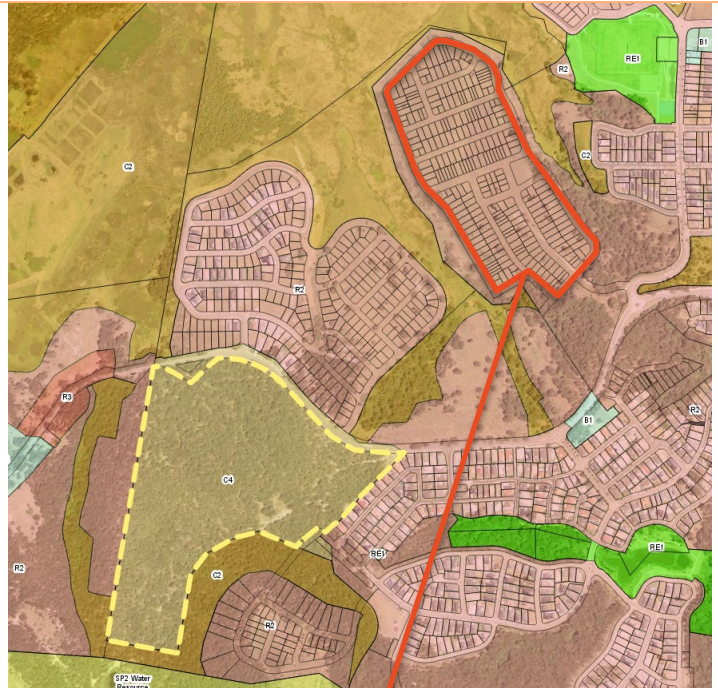
The net developable area of this estate measures approximately 1.53 ha. Accordingly, this precinct can achieve a dwelling density of 33.33 dwellings per hectare (51 lots/1.53ha). This demonstrates that the eastern residential estate is consistent with the optimal housing density for a general suburban area under the HRP2041. Subsequently, this area can provide affordable housing opportunities in line with the objectives of the HRP2041.

Western residential estate

The net developable area of this estate measures approximately 3.96ha. Accordingly, this precinct, with the provision of standalone dwellings only, can achieve a dwelling density of 22 dwellings per hectare (81 lots/3.96ha).

Whilst the dwelling density is for single detached housing is below the optimal density, pursuant to the NELP 2012, residential accommodation other than rural worker's accommodation and serviced apartments is permissible with consent in the R2 zoned land. Accordingly, there is the potential for dual occupancy, semi-detached housing, multi-dwelling housing to be constructed on the land.

Analysis of existing R2 zoning with a minimum lot size of 450m<sup>2</sup> in Fletcher shows a transition to smaller lot sizes to create dual occupancy development, shown in the figures below:



Considering this transitional nature shown Fletcher under the current planning provisions it is expected that a proportion of the new lots creates in the western precinct will be developed for dual occupancy or multi-dwelling housing. As described under housing priority 2 of the Newcastle Local Housing Strategy below, it is expected that

	<p>Council will support infill development of this nature to meet the projected housing demand. Assuming one in three lots are developed as a dual occupancy, this establishes 117 new dwellings across 3.96 hectares of developable land. This equates to a dwelling density of 29.5 dwellings per hectare. To this extent, the current proposal in line with the zone boundaries can achieve the optimal housing density.</p> <p>The proposal in its current form is considered to have the potential to meet the optimal dwelling density outlined by strategy 5.2.</p>
	<p><b>Strategy 5.3</b></p> <p>The planning proposal does not prohibit:</p> <ul style="list-style-type: none"> <li>▪ attached dwellings</li> <li>▪ boarding houses</li> <li>▪ dual occupancies</li> <li>▪ group homes</li> <li>▪ multi dwelling housing</li> <li>▪ secondary dwellings</li> <li>▪ semi-detached dwellings.</li> </ul> <p>Each housing type listed above is permissible with consent with the R2 zoned land. The proposal is consistent with strategy 5.3.</p> <p>12.99 ha of the site will be preserved as C2 zoning protecting the environmental value of the land and maintaining scenic and recreational values. This has two fold effect through environmental conservation and enhanced amenity of the future residential precincts. The availability of the natural bushland within the centre of the site has the potential to encourage active living and connections with nature having the flow on benefit on physical and mental health outcomes.</p> <p>The future development established by the proposal can be efficiently be serviced in accordance with the service strategy provided under separate cover. Furthermore, the location is connected to metropolitan centre of Newcastle and regional centre of Cessnock via the existing road network.</p>



	<p>The proposal is considered to meet the aims of objective 5.</p>
<p>Objective 6: Conserve heritage, landscapes, environmentally sensitive areas, waterways and drinking water catchments</p>	<p><b>Strategy 6.1</b></p> <p>This proposal is supported by a preliminary Aboriginal due diligence advice letter that outlines the current status of the Aboriginal Cultural Heritage Assessment Report (ACHAR). The process in preparing the ACHAR is the firstly to complete a site visit to identify any potential areas of significance, invite Indigenous communities to engage in consultation and further to complete test excavation. At present, invitations to engage with the process have been issued and is nearing conclusion. Subsequently an excavation methodology has been prepared for comment.</p> <p>The consultation process will establish the landscape values form an Indigenous cultural heritage perspective. The objective is to work with the local Indigenous community to protect indigenous landscape values and items of cultural significance in an accepted and meaningful way.</p> <p>As previously stated, the site falls outside the Watagan Stockton Biodiversity Corridor. Thus it has been determined that the proposal and future development does not adversely impact on this significant environmental corridor.</p> <p>The proposal seeks to retain 49.52% of the site for environmental conservation. This will be established through the community title subdivision and the implementation of a voluntary planning agreement, vegetation management plan or biodiversity stewardship.</p> <p>As support by the BCAR, the proposed zoning boundary has been established on the purpose of the <i>Biodiversity Conservation Act 2016</i> which sets out to establish ecologically sustainable development (ESD). ESD is created by a balance of environmental, economic and social benefits. The BCAR has implemented the avoid, maintain, offset hierarchy which has informed the zone boundary and establishes 12.99 ha of ecologically sensitive environment as conservation land for inter-generational benefit. As provided within the BCAR, the current zone boundary provides a balanced mix of ecological, social and economic benefit to establish an ESD.</p>

	<p>To this extent, the current proposal is considered consistent with strategy 6.1.</p>
	<p><b>Strategy 6.2</b></p> <p>Strategy 6.2 seeks for local strategic planning to identify significant regional and local biodiversity corridors. As detailed the site falls outside of the regionally significant Watagan Stockton Biodiversity Corridor. The subject site is identified as conservation land with the HRP2041. As such, areas of ecological significance have been avoided and conserved. The conserved land provides localised corridors running north-south across the site.</p> <p>C2 zoned land is identified to the north-east of the site on the opposite side of Minmi Road. This land, as reiterated in the BCAR, form a steep drainage line which does not form a significant ecological corridor. This existing C2 zoned land is fragmented by Minmi Road from the subject site. As such it is considered that there is no exiting corridor that would be significantly impacted by the north-eastern residential estate.</p> <p>The proposal in its current form has considered the ecological values of the site, regional and local biodiversity corridors and is believed to be consistent with strategy 6.2.</p>
	<p><b>Strategy 6.3</b></p> <p>The proposal ensures regional biodiversity corridors and local ecological values and corridors are protected in perpetuity through the application of the C2 Environmental Conservation zoned land. A Biocerfitication Application has been lodged with the Biodiversity Conservation Division and demonstrates that the development provides a balance of environmental, economic and social outcomes. The BCAR associated with the Biodcertification applications implements the avoid, maintain and offset hierarchy. This has established the proposed zoning boundary.</p> <p>The proposal is considered to be consistent with strategy 6.3.</p>
	<p><b>Strategy 6.4</b></p>

	<p>As established within the BCAR, the proposal and associated zoning boundaries is considered to facilitate ESD. To this extent, the proposal provides a mixture of housing and conservation measures to established a balanced development that has flow on economic benefit to the municipality and surrounding Greater Newcastle Metropolitan area.</p> <p>The proposal is considered consistent with strategy 6.4 and facilitates a balanced outcome.</p>
	<p><b>Strategy 6.11</b></p> <p>The subject site is not located within a drinking water catchments, thus strategy 6.11 is not applicable to this proposal.</p>
<p>Objective 7: Reach net zero and increase resilience and sustainable infrastructure</p>	<p><b>Strategy 7.5</b></p> <p>The site is located 750m to the north-west of the Summerhill Waste Management Centre. However, significant noise and air pollution impacts have not been identified to result in significant adverse impacts on future residents.</p> <p>The proposal is considered consistent with strategy 7.5.</p> <p><b>Strategy 7.7</b></p> <p>The strategic bushfire assessment provided under separate cover has been assessed by NSW Rural Fire Service (RFS). The RFS does not object to the proposal. The submission identifies a number of matters to be considered as part of a future development application for subdivision. The proposal and subsequent future subdivision will ensure compliance with Planning for Bushfire Protection 2019. New infrastructure and assets to support the proposed residential zoning will incorporate emergency management principles.</p> <p>A small portion of land in the north-western corner of the development site is identified as a flood storage area. Flood impact advice is provided under separate cover. The letter states, that whilst flows will increase as a result of increased impervious area, the impact can be mitigated through engineering design, namely a detention system. It is likely</p>



	<p>that the batter of the western boundary road will marginally result in fill within the flood storage area. However, as detailed within the advice, it is expected that this will be with the current controls outlined Newcastle Development Control Plan 2012 (NDCP) for works within a flood storage area. The advice indicates there is minimal impact on flood behaviour as result of the development. Accordingly is believed that risk to life as a result of a flood event can be suitably managed at the development application and detailed design stages.</p> <p>The proposal is considered consistent with strategy 7.7.</p>
Objective 8: Plan for businesses and services at the heart of healthy, prosperous and innovative communities	<p>This planning proposal will generate additional residential land uses which interface with Minmi Road. Under the current planning zone provisions for R2 Low Density Residential, the development can facilitate diversity and provided for a range of community services and home business creating a innovative community. This provides potential to improve the social needs of the community to open housing supply at varying typologies and future cost. Furthermore, in accordance with <i>the National Housing Finance and Investment Corporation Building Jobs – How residential constructions drives the economy</i>, on average, for every \$1M input in residential development, 9 jobs are created, being 3 construction jobs, 5 supporting industry jobs and 1 consumer industry job. Based on a CIV of \$87M the project has the potential to 783 jobs consisting of:</p> <ul style="list-style-type: none"> <li>▪ 261 construction jobs</li> <li>▪ 435 supporting industry jobs</li> <li>▪ 87 consumer industry jobs</li> </ul> <p>To this effect, the proposal will contribute to job security and will have positive social and economic outcomes.</p> <p>The proposal is considered consistent with objective 8.</p>
Objective 9: Sustain and balance productive rural landscapes	<p>Not applicable. The site is not located within an area required for agriculture or a productive resources base and is unlikely to impact the protection of or productivity of these areas.</p>

District Planning and Growth Areas			
National Significant Growth Area	Pinch Point	Regionally Significant Growth Area	<p>The site is identified for future residential uses in Figure 21 of the HRP2041.</p> <p>The site is readily accessible via public transport and is located in proximity to local social infrastructure such as medical facilities and educational establishments. As demonstrated, the proposal has the capacity to create a 15 minute neighbourhood and is further services are located in the adjoining urban areas. Considering the sites ability to achieve a multiuse urban context under the current planning provisions of the R2 Low Density Residential land use zone, the site is believed to encourage the use of active transport and reduce car dependency. Furthermore, as dwelling density increases in the locality, there will be more demand for public transport services. As such there is future potential that Minmi will require additional public buses to address the demand. Additional services will reduce car dependency.</p> <p>The planning proposal is consistent with the National Pinch Point Regionally Significant Growth Area.</p>

The assessment provided in Table 4 above demonstrates that the site has strategic and site specific merit in accordance with the HRP2041. The figures below demonstrate the site identified for residential development under the HRP2041.



Figure 6: Greater Newcastle, Source: HRP2041, p.94

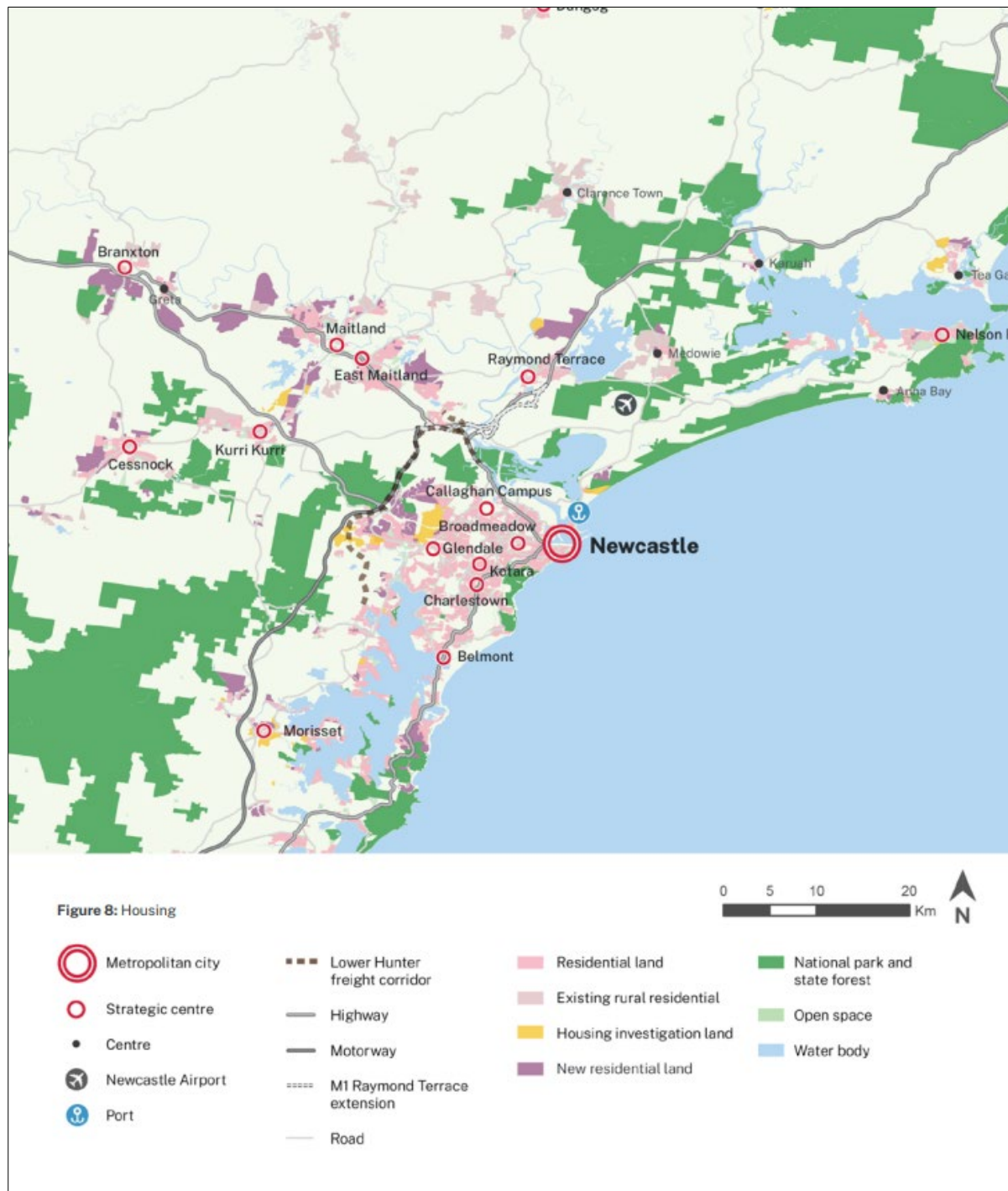


Figure 7 Housing (Hunter Regional Plan 2041, pg. 61)



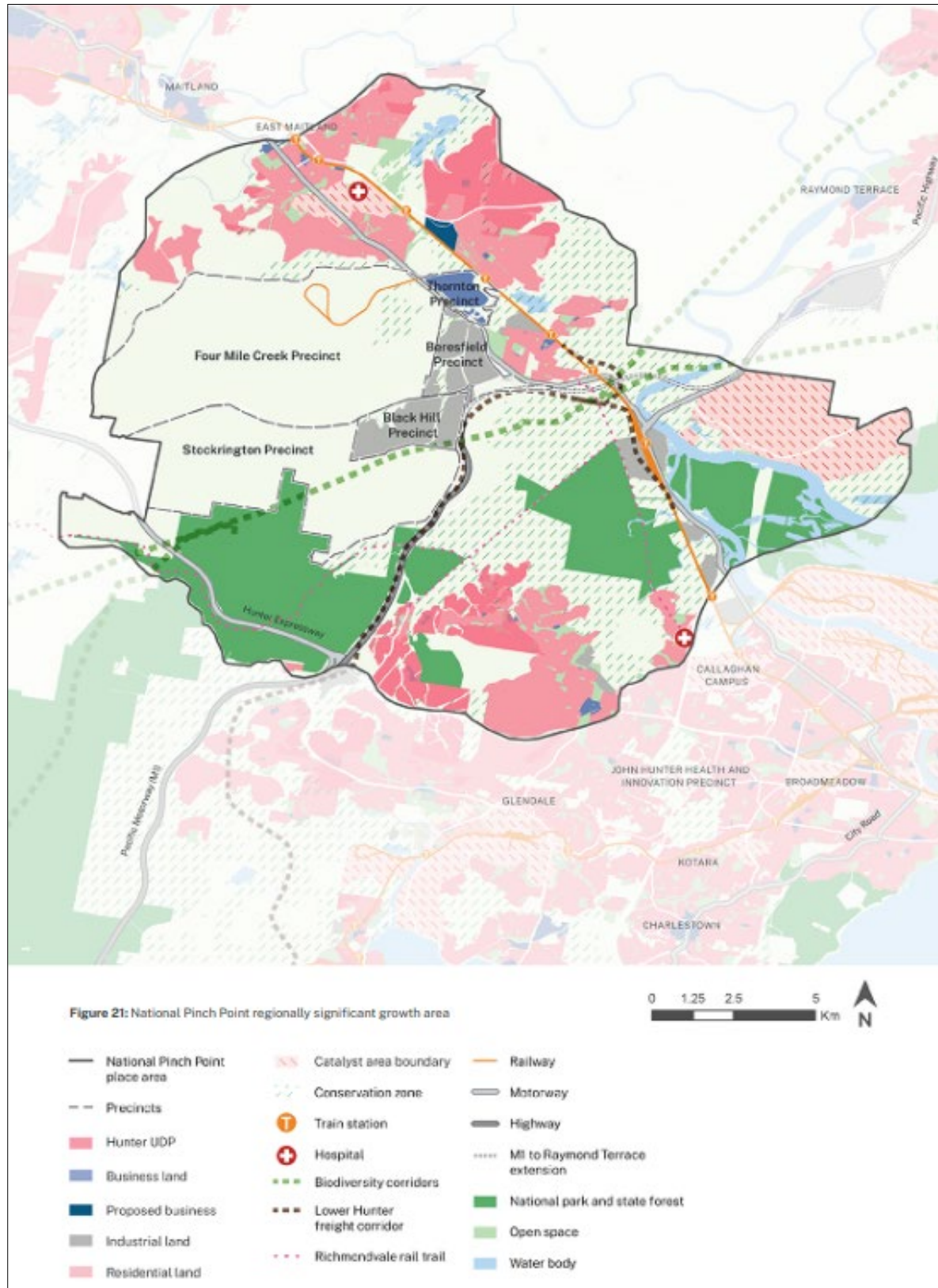


Figure 8: National Pinch Point regionally significant growth area (Hunter Regional Plan 2022, pg. 116)

### Greater Newcastle Metropolitan Plan

The Greater Newcastle Metropolitan Plan 2036 (GNMP2036) was launched on 17 September 2018 by Minister for Planning Anthony Roberts MP. The Plan aligns with the vision and goals of the HRP2041, which is for the Hunter to be the leading regional economy in Australia with a vibrant new metropolitan city at its heart. The Plan sets out strategies and actions that will drive sustainable growth across Cessnock City, Lake Macquarie City, Maitland City, Newcastle City and Port Stephens communities, which together make up Greater Newcastle.

The outcomes of the GNMP2036 are derived from the goals of the superseded HRP2036 to deliver the following:

- Create a workforce skilled and ready for the new economy
- Enhance environment, amenity and resilience for the quality of life
- Deliver housing close to jobs and services
- Improve connections to jobs, services and recreation.

The Planning Proposal supports the GNMP2036 outcomes.

Figures 10, 11, 12, and 13 have been extracted from the GNMP2036 which broadly show potential development of this site for residential purposes.

There are a number of strategies and actions in the GNMP2036 that align with the Proposal and supports the development of the site. Table 5 demonstrates the Proposal's consistency with the relevant GNMP2036 strategies and actions.

*Table 5: Greater Newcastle Metropolitan Plan – Relevant Strategies*

Strategy	Comment
<p><i>12- Enhance the Blue and Green Grid and the urban tree canopy</i></p> <p><i>Greater Newcastle councils with support from the Department of Planning and Environment, will:</i></p> <ul style="list-style-type: none"> <li>• <i>improve access to open space, recreation areas and waterways so that 90% of houses are within a 10-minute walk of open space.</i></li> </ul>	<p>A large portion of the site is proposed to be conserved in its natural state, which will have strong connectivity to open space corridors external to the site. Every proposed residential lot on the site will be within a 10 minute walk to the proposed conservation land within the site, which may also be capable of supporting passive recreational usage.</p> <p>The proposal is considered consistent with strategy 12.</p>
<p><i>16- Prioritise the delivery of infill Housing opportunities within existing urban areas</i></p>	<p>This is an isolated vacant lot surrounded by established residential areas and areas zoned for residential</p>



	<p>development. The proposal is considered to be the missing residential link between existing residential housing development. To this extent, the proposal is considered infill residential development of an allotment that has historically been identified for residential housing. The proposed LEP provisions facilitates a range of housing typologies which creates the opportunity for additional infill housing at higher density.</p> <p>The proposal is considered consistent with strategy 16.</p>
<p><i>17- Unlock housing supply through infrastructure coordination and delivery</i></p>	<p>The site can be connected to existing infrastructure including potable water, reticulated sewer and electricity and public transport to unlock future housing at the optimal density. Future opportunity exists to achieve additional public transport services through the site.</p> <p>The proposal is considered consistent with strategy 17.</p>

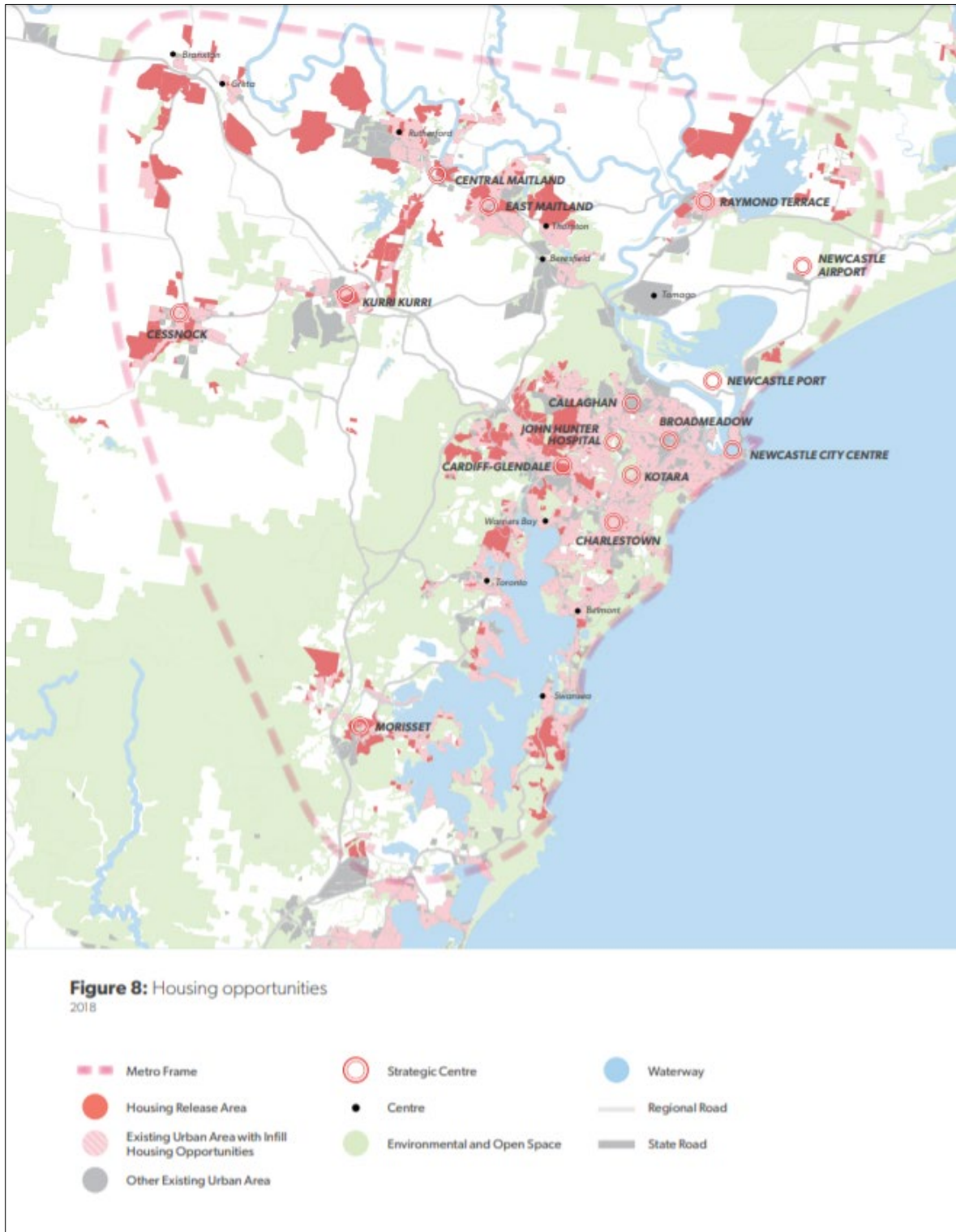


Figure 9 Greater Newcastle Metropolitan Plan (GNMP) – Housing Opportunities GNMP (pg42)

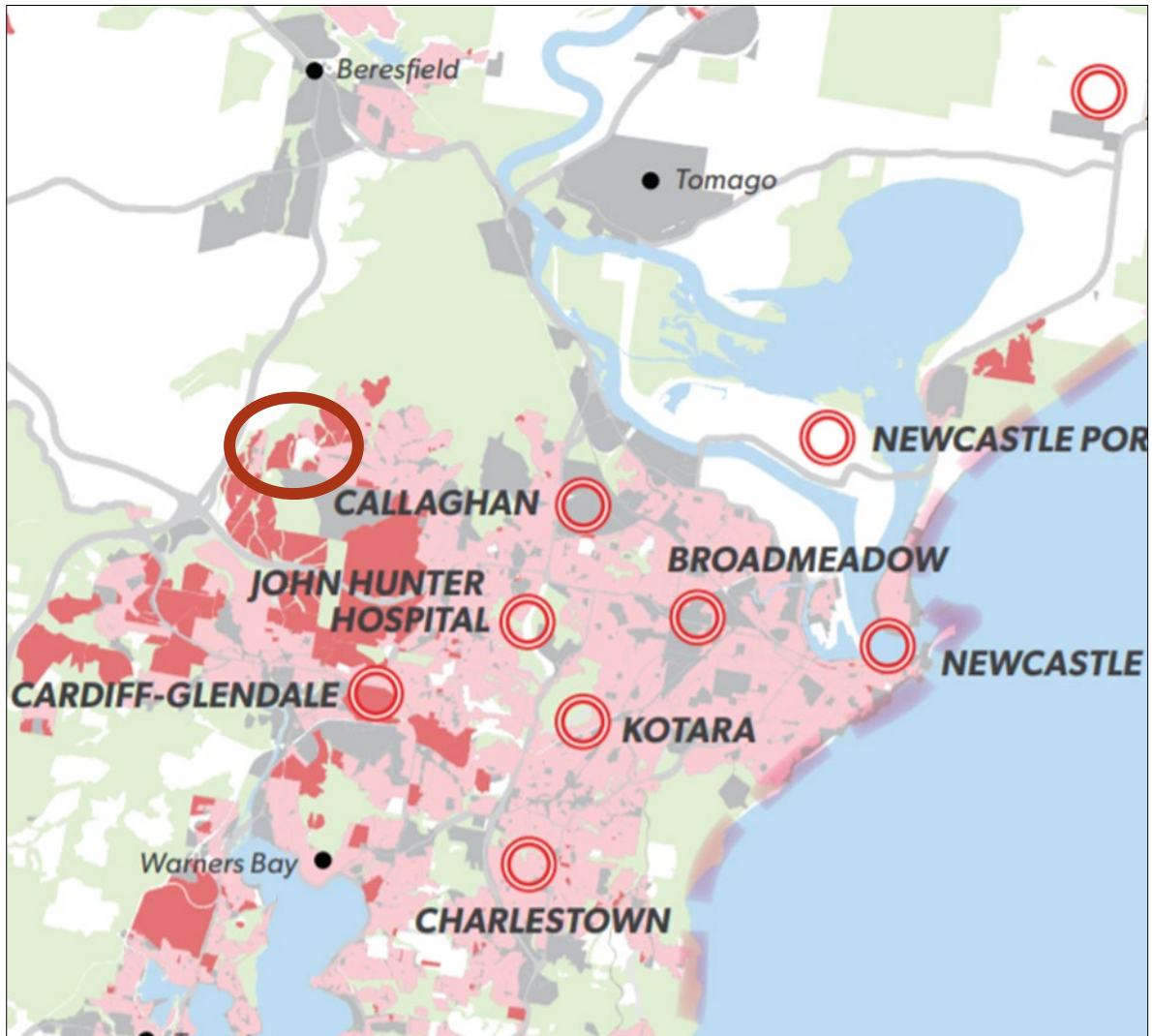


Figure 10 GNMP – Site Circled Extract GNMP, Location of Site Circled (pg42)

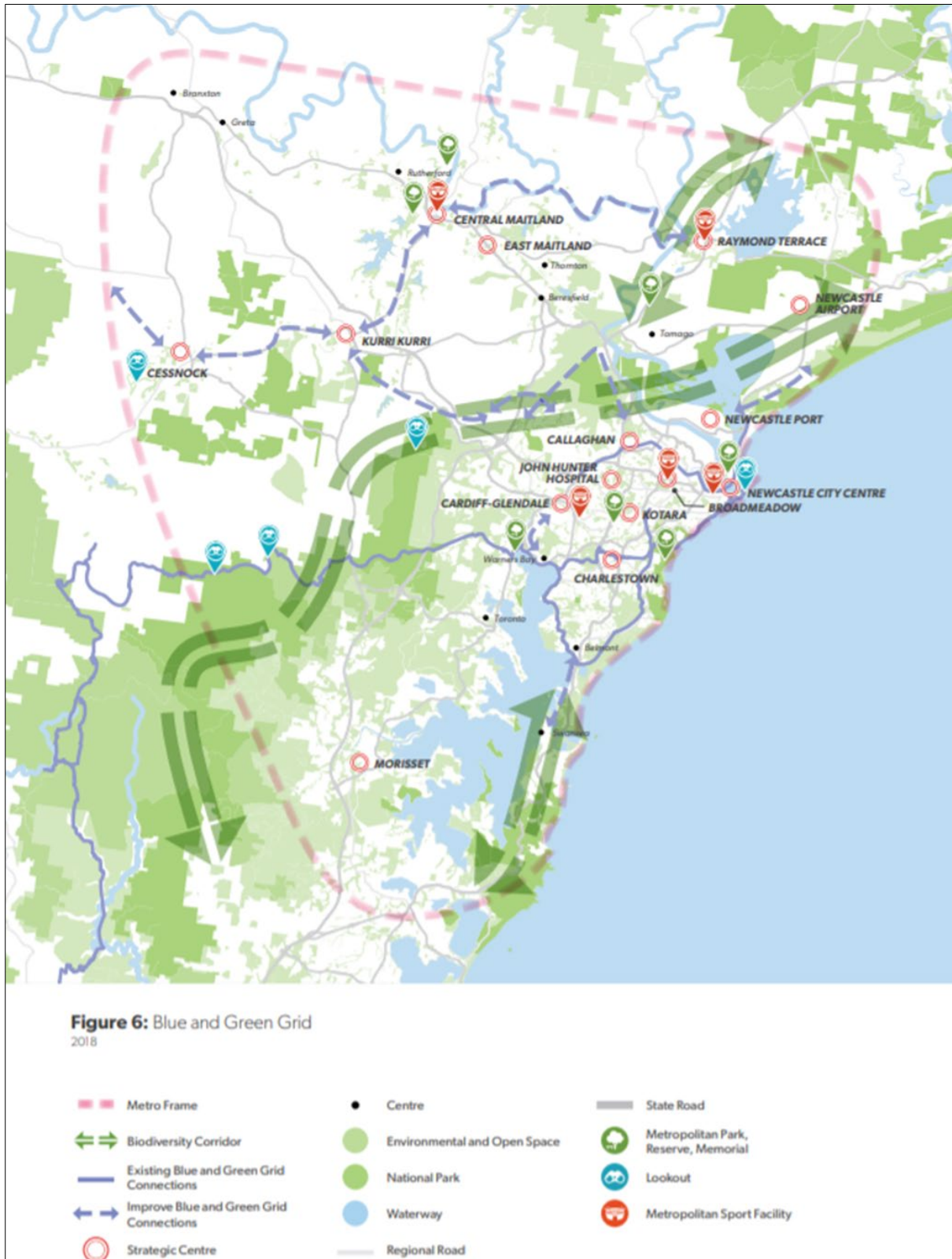


Figure 11: GNMP – Blue Green Grid GNMP (pp 32)



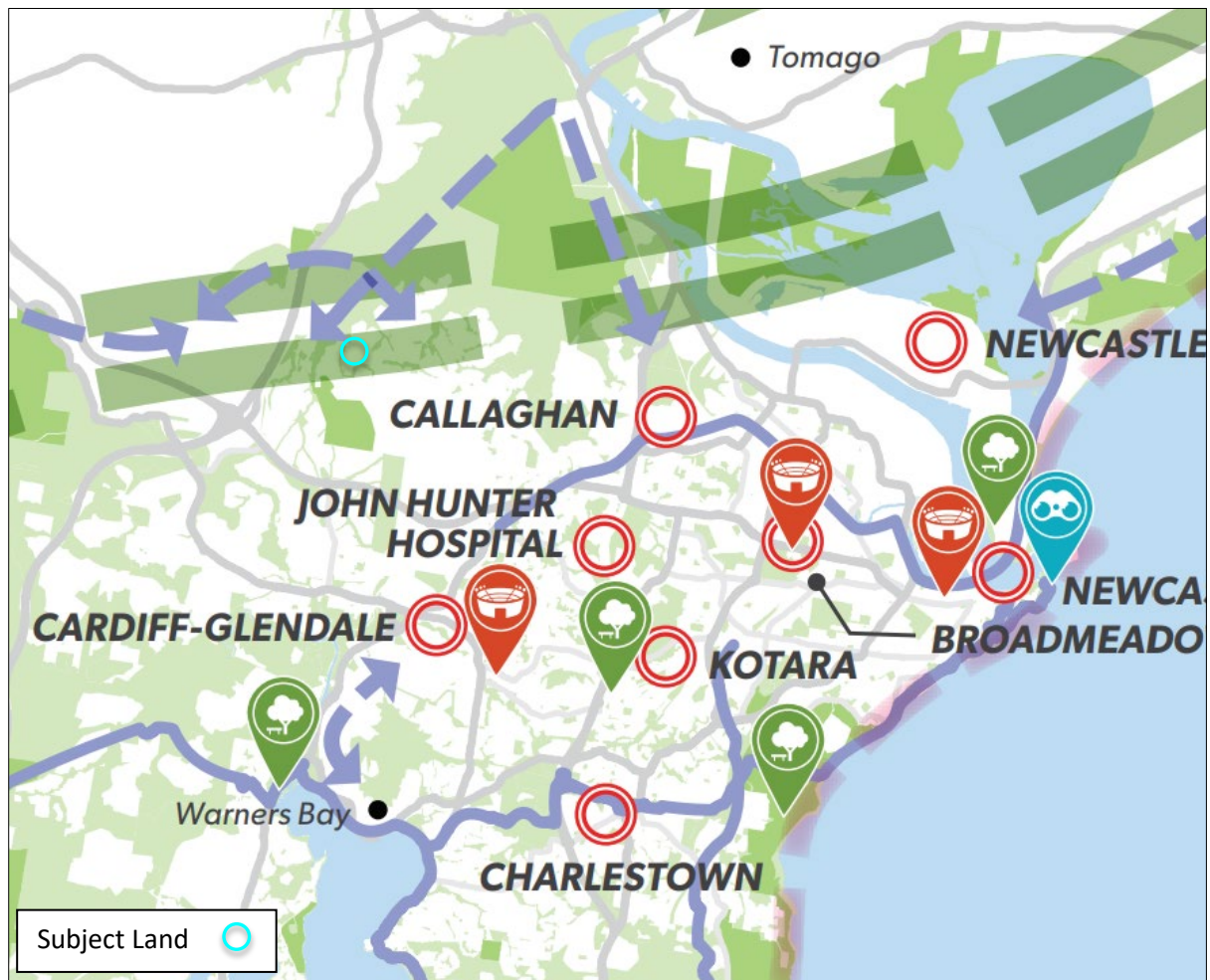


Figure 12: GNMP – Site Location Circled

**2. Is the planning proposal consistent with the local council’s Community Strategic plan, or other local strategic plan?**

The subject site is located in Fletcher, within the Newcastle LGA. CN have adopted the following strategies, which apply to the subject land:

Newcastle Local Strategic Planning Statement

The Newcastle Local Strategic Planning Statement (LSPS) is Council’s 20-year land use vision and is intended to inform changes to Newcastle LEP 2012. At the time of preparation of this proposal in 2020, the subject land at 505 Minmi Road Fletcher was one of two sites mapped in the Urban Structure Plan within the LSPS as a “Housing Release Area” (as depicted in Figure 13 below).

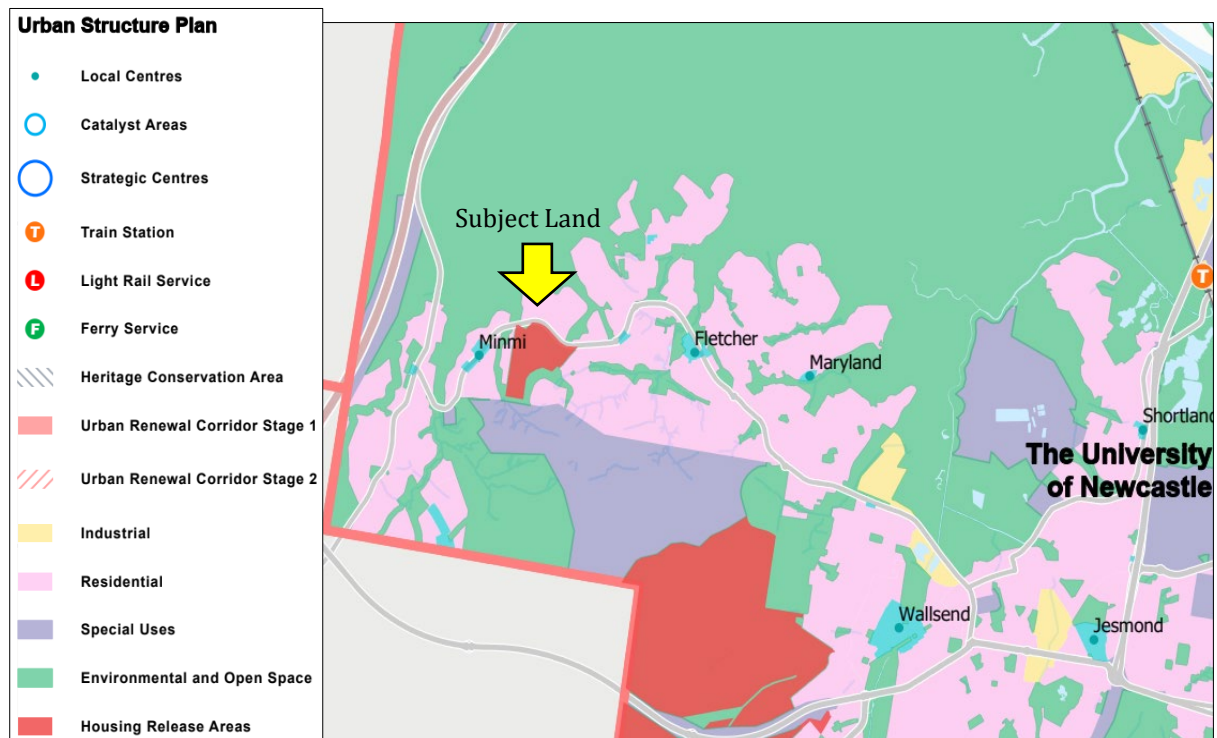


Figure 13: Newcastle LSPS Urban Structure Plan

Planning Priority 8 “Plan for growth and change in Catalyst Areas, Strategic Centres, Urban Renewal Corridors and Housing Release Areas” within the LSPS includes Action 8.1, to “Work with stakeholders to plan and prioritise infrastructure delivery with future development of Catalyst Areas, Strategic Centres, Urban Renewal Corridors and Housing Release Areas”. This Planning Proposal directly responds to that action by endeavouring to facilitate the future development of the Housing Release Area at Fletcher.

It is noted that CN resolved on 8 December 2020 to remove references to the site as a Housing Release Area in conjunction with the Council’s rejection of the staff recommendation to endorse a Planning Proposal for the site.

Other Planning Priorities of relevance to the proposal, and a comment regarding the proposal’s consistency with the priority appear in Table 6 below.

Table 6: Consistency with Newcastle LSPS

Planning Priority	Principle	How Proposal is Consistent
1 – Prioritise active transport in our City	Prioritise active and public transport in the City, particularly in Catalyst Areas, Urban Renewal Corridors and Strategic Centres.	The principle seeks to promote short trips between 400m and 4km. The Urban Design Study provides



		<p>footpaths within the residential streets which seeks to promote the use of active transport around the residential estates and to access Minmi Road. Public transport is located along Minmi Road approximately 400m east of the north-eastern residential area. The township of Minmi is located approximately 2.3km to the west of the subject site.</p> <p>It is considered that the proposal can facilitate short trips and active transport being located in close proximity to public transport and the Minmi town centre. To this extent, the proposal is consistent with planning priority 1.</p>
2 - Support emerging transport opportunities and public transport improvements with continued integration of land use and transport planning	Where intensification of land use is proposed comprehensive traffic and transport planning is undertaken to ensure the required infrastructure, initiatives and funding mechanisms are achievable.	A Traffic Impact Assessment confirmed capacity exists within the local road network to cater to the proposal. The major intersections identified have a level of service of satisfactory and above with the exception of Minim Road and Woodford Street. To improve the operation of this intersection. The level of service can be improved through the addition of one signal phase to better cater for both existing and anticipated future traffic volumes. As such physical intersections works

		<p>are nor warranted to facilitate the proposal.</p> <p>Depending on the detailed subdivision design, the proposal may facilitate local bus routes through the site.</p> <p>The proposal can be considered consistent with planning priority 2.</p>
4 – Green our neighbourhoods	Additional public green spaces and the provision of natural and built shade are included in planning for the mixed-use Catalyst Areas, Strategic Centres, Urban Renewal Corridors and Housing Release Areas.	<p>The proposal will include the long-term conservation and management of at least 12.99 ha of land that will read as green space. Proposed residential land would, when subdivided, incorporate suitable street trees to provide shade and integrate with the conservation land.</p> <p>The proposal can be considered consistent with planning priority 4.</p>
5 - Protect and enhance our bushland, waterways and wetlands	The blue and green grids are improved.	<p>The proposal will include the long-term conservation and management of at least 12.99 ha of vegetated land, including the riparian zone of a first-order watercourse.</p> <p>The proposal can be considered consistent with planning priority 5.</p>
6 - Reduce carbon emissions and resource consumption	Proposals in Housing Release Areas will incorporate mechanisms to achieve excellence	It is envisaged that the proposed residential areas will facilitate a range of lot sizes

	in sustainable and urban building design.	<p>capable of accommodating sustainably-designed housing.</p> <p>The SEPP (Building Sustainability Index: BASIX) 2004 ensures that future residential development will achieve sustainable urban design.</p> <p>The proposal can be considered consistent with planning priority 6.</p>
7 - Plan for climate change and build resilience	Urban growth and change responds to environment and climate change risks and impacts. Infrastructure and asset planning incorporates emergency management principles and disaster risk reduction. Carbon emissions are minimised or offset.	<p>The proposal will ensure compliance with Planning for Bushfire Protection 2019 (PBP2019). The RFS do not object to the proposal. As such, compliance with PBP2019 can be demonstrated at the development application stage as per the recommendations of RFS. New infrastructure and assets to support the proposed residential zoning will incorporate emergency management principles.</p> <p>The proposal can be considered consistent with planning priority 7.</p>
9 - Sustainable, healthy and inclusive streets, neighbourhoods and local centres	Streets are the primary public spaces for access and exchange between people, and should be safe, friendly, healthy, attractive and efficient.	The proposal will facilitate new housing directly adjacent to existing established housing. The site is walking distance to shops and capable

		<p>of being serviced by public transport.</p> <p>The proposal can be considered consistent with planning priority 9.</p>
10 - Development responds to the desired local character of our communities	<p>Design contributes to achieving the envisaged character of neighbourhoods and local centres. The liveability of different neighbourhoods is enhanced through sustainable growth that reflects desired local character. Ensure known and potential heritage places and values are conserved and contribute to local character and sense of place.</p>	<p>The proposal will facilitate residential subdivision incorporating a range of lot sizes and will build on the established character of Fletcher as a greenfield estate. The proposal in its current form is considered to be able to achieve the optimal dwelling density through the diversity of dwelling typology permissible in the R2 Low Density Residential land use zone. As such, the transition to a higher density locality can be realised under the proposed amendment.</p> <p>The proposal can be considered consistent with planning priority 10.</p>
11 - Protect and celebrate our heritage	<p>The City's identity is maintained by protecting and enhancing heritage buildings, streetscapes, views and key features. CN's land use decisions will reflect our commitments included in our Heritage Policy to: – Know our heritage – Protect our heritage – Support our heritage – Promote our heritage</p>	<p>A comprehensive Aboriginal Cultural Heritage Assessment has been commissioned in accordance with the NSW Heritage recommendation. The outcome of the final report is outstanding. The recommendations of this report will be taken into future consideration of subdivision layout.</p>

		The proposal can be considered consistent with planning priority 11.
12 - Sustainable, affordable and inclusive housing	<p>Housing at appropriate densities will be located to support effective and integrated public transport.</p> <p>A culturally rich and vibrant community will be encouraged by providing a greater diversity of quality housing within each neighbourhood for current and future community needs.</p> <p>The 'lived experience' of residents will be improved by enhancing the quality and liveability of housing as it relates to health, overall cost of living and local character.</p> <p>Proposals in Housing Release Areas will incorporate affordable housing, adaptable housing and mechanisms to achieve excellence in sustainable building design.</p>	<p>The proposal will facilitate residential subdivision incorporating a range of lot sizes down to 300m<sup>2</sup> in order to provide housing diversity and affordability.</p> <p>The proposal can be considered consistent with planning priority 12.</p>

The assessment in Table 6 demonstrates the consistency with the Newcastle Local Strategic Planning Statement.

#### Newcastle 2030 Community Strategic Plan

Council adopted the Newcastle 2030 Community Strategic Plan (the Community Strategic Plan) in February 2011, updated in 2013.

The Community Strategic Plan identifies the community's vision for 'a smart, liveable, and sustainable city'. It contains seven strategic directions and 23 objectives that the City of Newcastle community want to achieve over the next 10-years, supported by strategies for achieving those goals.

The Proposal is consistent with the objectives of the Community Strategic Plan as set out in the Table 7 below:

Table 7: Consistency with Community Strategic Plan

Strategic Directions	Commentary
Connected City	
<p>1.1 Effective and integrated public transport:</p> <ul style="list-style-type: none"><li>1.1b Undertake service planning on a regional basis to provide public transport services with connectivity, accessibility and frequency to make it more attractive to current and future patrons.</li><li>1.1d Promote the benefits of public transport, waling and cycling.</li></ul>	<p>This Planning Proposal seeks to:</p> <ul style="list-style-type: none"><li>Provide an opportunity for future bus routes through the site with connectivity to adjacent developments and beyond.</li><li>Maximise opportunities for walking and cycling within the site and provide a linkage to adjacent lands by creating an east-west connection through the site, with potential for footpaths and on road cycle ways.</li></ul> <p>The proposal is considered consistent with the strategic direction 1.</p>
<ul style="list-style-type: none"><li>1.2 Linked networks of cycle and pedestrian paths:</li><li>1.2a Develop a network of safe, linked cycle and pedestrian paths integrated with key destinations and green space.</li><li>1.2b Plan for cyclists and pedestrians in planning for new developments.</li><li>1.2c Give greater priority to cyclists and pedestrians in transport planning to enhance safety and encourage travel behaviour change.</li></ul>	
<p>1.3 1A transport network that encourages energy and resource efficiency:</p> <ul style="list-style-type: none"><li>1.3a Manage and plan our transport networks to maximise accessibility.</li><li>1.3c Consider the need for all modes of transport in planning for new development and infrastructure networks.</li></ul>	
2 Protected and Enhanced Environment	
<p>2.2 Our unique natural environment is maintained, enhanced and connected.</p> <ul style="list-style-type: none"><li>2.2d Ensure that future land use planning and management enhances and protects biodiversity and natural heritage.</li></ul>	<p>This Proposal seeks to:</p> <ul style="list-style-type: none"><li>Set aside 12.99 ha of the site for conservation purposes,</li><li>The management of the conservation area will be via either a voluntary planning agreement, vegetation management plan or through biodiversity stewardship.</li></ul>



	<ul style="list-style-type: none"> <li>The BCAR has implemented the avoid, maintain, offset hierarchy to establish ESD and the zoning boundary. Offset credits are to be retired through one or a mix of the three alternatives provided in the Biodiversity Offset Scheme.</li> </ul> <p>The proposal is considered consistent with strategic direction 2.</p>
<b>3 Vibrant and Activated Public Place</b>	
<p>3.1 Public places that provide for diverse activity and strengthen our social connections.</p> <ul style="list-style-type: none"> <li>3.1b Increase opportunities for active and passive recreational use of the city's parks, inland pools and Blackbutt Reserve through the provision of attractive, safe and accessible spaces and amenities.</li> <li>3.1c Work collaboratively to improve and revitalise our beaches, coastal areas and foreshores for everyone to enjoy.</li> </ul>	<p>This Proposal seeks to directly contribute to the creation of open space within the site that promotes active and passive recreation and community interaction.</p> <p>Development of the site will result in payment of S7.11 contributions for the provision of social and traffic/transport infrastructure to be provided in the western urban release area corridor for use of future residents of the site and for those in the wider Fletcher community.</p>
<p>3.3 Safe and activated places that are used by people day and night.</p> <ul style="list-style-type: none"> <li>3.3b Support the renewal of the City centre and the strengthening of other commercial and urban centres.</li> </ul>	<p>Potential for the development of pedestrian/ cycle connections through the site will further promote opportunities for wider community interaction.</p> <p>The proposal is considered consistent with strategic direction 3.</p>
<b>4 Caring and Inclusive Community</b>	
<p>4.1 A welcoming community that cares and looks after each other.</p> <ul style="list-style-type: none"> <li>4.1c Provide opportunities and information for everyone, especially those that are disadvantaged to participate fully in our community life.</li> </ul>	<p>This Proposal seeks to compliment the growing residential community within Blue Gum Hills with additional housing and improved connectivity between established residential development and sites to be developed, located to the east and west of the site.</p> <p>The proposal is considered consistent with strategic direction 4.</p>

<b>5 A Liveable and Distinctive Built Environment</b>	
<p><b>5.1 A built environment that maintains and enhances our sense of identity.</b></p> <ul style="list-style-type: none"> <li>5.1a Maintain the unique built and cultural heritage of the city by encouraging the adaptive re-use or recycling of heritage buildings and giving formal protection to those items or areas of major heritage significance.</li> <li>5.1b Ensure good quality, publicly accessible development with active street frontages.</li> <li>5.1c Ensure the protection and enhancement of well-located and connected open space with access to the foreshore, harbour and waterways for the use and enjoyment of everyone.</li> </ul>	<p>There are no items or areas of heritage significance in the immediate area of the site.</p> <p>This Proposal seeks to provide new housing in an identified urban growth corridor, while conserving approximately 12.99ha or 49.52% of the site for conservation/ open space purposes which provides connectivity to adjoining conservation areas and linkages through the site for traffic, cyclists and pedestrian and the like.</p> <p>The proposal is considered consistent with strategic direction 4.</p>
<p><b>5.2 Mixed-use urban villages supported by integrated transport networks.</b></p> <ul style="list-style-type: none"> <li>5.2a Plan for the concentrated growth of housing around transport and activity nodes, where there are appropriate services and amenities.</li> </ul>	

The assessment in Table 7 demonstrates the consistency with the Community Strategic Plan and reflects the preferred future development of the locality.

#### Newcastle Local Housing Strategy

The Newcastle Housing Strategy 2020 sets a framework for the provision of housing across the Newcastle LGA over the next 20 years. The site was originally supported by the Council as a housing Release Area under the Draft and adopted Housing Strategy. The Housing Strategy was adopted by Council on the 24<sup>th</sup> November 2020. While no resolution was passed to amend the Housing Strategy, the Strategy was amended to exclude the subject site as a future housing site. Presumably the Housing Strategy was amended because of the resolution to amend the LSPS, which was adopted on the 8<sup>th</sup> of December, two weeks after adopting the Housing Strategy.

The current Newcastle Housing Strategy 2020 identifies the community need for 18,250 new dwellings to be provided to address Newcastle's housing needs over the life of the strategy. Of this projected housing requirement, the Strategy identifies 92% of housing growth to occur via infill housing with almost half of this to occur via through dual occupancy housing in R2 zoned areas. The LHS predicts

there will be a growing demand for medium and higher-density living compared to low density housing during this period.

It is noted that the subject Planning Proposal has the potential to facilitate a mix of housing types, which is expected to include some smaller lots (down to 300m<sup>2</sup>) and dual occupancy developments within the western residential estate, which would deliver a medium density outcome largely consistent with the optimal dwelling density identified in the HRP2041.

The LHS contains six priorities, which are listed in the table below, along with a comment as to how the Planning Proposal relates to each.

*Table 8: Consistency with Local Housing Strategy*

Housing Priority	How Planning Proposal relates
1. Maintain and encourage housing supply in the right locations	<p>The land is identified as a Housing Release Area in the Newcastle LSPS, with which the LHS is intended to be consistent, hence the proposal is consistent with this priority.</p> <p>(It is noted that CN resolved on 8 December 2020 to remove references to the site as a Housing Release Area in the Newcastle LSPS and subsequently removed references to the site as a Housing Release Area in the LHS.)</p>
2. Diversify housing type and tenure across the LGA to provide for a range of housing needs	<p>The site has the potential to cater to the demand for both low and medium density housing forms within the popular growing suburb of Fletcher. As described under the assessment of Strategy 5.2 of the HRP2041, land zoned R2 with a minimum lot size of 450m<sup>2</sup> is already transitioning to higher density development through two-lot subdivision and the erection of dual occupancy housing. It is expected that the western residential precinct will experience the same infill development encouraged by the objectives of housing priority 2.</p> <p>The proposal is consistent with housing priority 2.</p>

<p>3. Increase the availability of accessible and adaptable housing</p>	<p>The proposal is expected facilitate up to 150 new dwellings. Vacant land provides the most economical opportunity to deliver accessible and adaptable housing.</p> <p>The proposal is consistent with housing priority 3.</p>
<p>4. Increase the supply of affordable rental housing</p>	<p>The supply of additional land for housing provides greater opportunity to increase the supply of affordable rental housing.</p> <p>The proposal is consistent with housing priority 4.</p>
<p>5. Ensure new housing and changes to existing housing reflect the desired future local character</p>	<p>New detached housing on the subject land will be consistent with the character of Fletcher. Pursuant with the NLEP2012, the R2 zone provides for higher residential accommodation typologies which can assist in the transition of the locality to a higher density area.</p> <p>The proposal is consistent with housing priority 5.</p>
<p>6. Homes are designed to be ecologically sustainable and to reduce resource requirements through the life cycle of the dwelling.</p>	<p>The supply of greenfield housing lots provides the opportunity to construct ecologically sustainable homes utilising modern building techniques and materials.</p> <p>The BCAR demonstrates the zoning boundary facilitated ESD.</p> <p>The proposal is consistent with housing priority 6.</p>

The assessment in Table 8 demonstrates the proposal is substantially consistent with the Newcastle Local Housing Strategy, limited only to the extent that the site is no longer identified within this strategy for future housing. However, future housing suitability is established under the historic

identification of the site for residential development from 2006 in the Lower Hunter Regional Strategy through to the continued identification within the HRP2041.

### **3. Is the planning proposal consistent with applicable state environmental planning policies?**

A review of the relevant State Environmental Planning Policies (SEPPs) has been undertaken based on the proposed use of the site once zoned for residential and conservation purposes.

One of the pertinent SEPP's [SEPP (Biodiversity and Conservation) 2021] will require consideration at the pre and post gateway stages and specifically at development application stage. None of the remaining SEPPs include provisions that directly influence this Planning Proposal or raise matters that indicate a draft LEP should not be prepared.

The following SEPPs have been considered as part of this Planning Proposal:

- SEPP (Biodiversity and Conservation) 2021
- SEPP (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Planning Systems) 2021
- SEPP (Resilience and Hazards) 2021
- SEPP (Resources and Energy) 2021

#### **State Environmental Planning Policy (Biodiversity & Conservation) 2021**

The State Environmental Planning Policy (Biodiversity and Conservation) 2021 commenced on 1 March 2022 and repeals State Environmental Planning Policy (Vegetation in Non – Rural Areas) 2017, State Environmental Planning Policy (Koala Habitat Protection) 2020, and State Environmental Planning Policy (Koala Habitat Protection) 2021.

#### **Chapter 2 - Vegetation in non-rural areas**

The aims of the Chapter are as follows:

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

The site is located in the Newcastle LGA and within a C4 Environmental Living Zone. A total of 12.99 ha (49.52%) of the site is to be conserved in its natural state. 13.24 ha will be used for residential purposes and vegetation will be subsequently removed. Accordingly, the provisions of this Chapter require consideration for future development.

The proposed tree removal exceeds the biodiversity threshold. Accordingly, a BAM assessment has been completed to establish the appropriate zone boundary in accordance with the avoid, maintain, offset hierarchy. Given the strategic nature of this proposal, it was concluded that biocertification of the land was the appropriate biodiversity assessment for the subject site.

A Biodiversity Certification Assessment Report (BCAR) has been prepared for the site and lodged with the Biodiversity and Conservation Division for consideration and exhibition. The report concludes that the proposed zone boundary establishes ecologically sustainable development by providing a balance of environmental, social and economic outcomes. The zone boundary sets almost 50% of the land into conservation land to be managed by the future community association. Management of this land will be facilitated through either a voluntary planning agreement, vegetation management plan or as a stewardship site. Investigation and consultation regarding a stewardship site has been commenced.

The zone boundary has been established, to the extent possible, to avoid the removal of Endangered Ecological Community (EEC) *Lower Hunter Spotted Gum Ironbark Forest in the Sydney Basin and NSW North Coast Bioregions*. The agreement established to manage and maintain the conservation land will ensure that the biodiversity values of the land are maintained or enhanced as a result. The residual land that is proposed for residential development will be offset through the retirement of biodiversity credits. The BCAR has established the following credit requirements:

#### Ecosystem Credits

- 1.39 ha of PCT 1589 requiring 51 ecosystem credits
- 10.56 ha of PCT 1590 (TEC) requiring 405 ecosystem credits
- 0.94 ha of PCT 1619 requiring 20 ecosystem credits

#### Species Credits

- *Myotis macropus* (Southern Myotis) requiring 67 credits
- *Petaurus norfolcensis* (Squirrel Glider) requiring 483 credits

There is no requirement to offset:

- 0.66 ha of exotic vegetation and non-vegetated areas (access tracks)

Biocertification of the land will ensure that no additional ecological impacts will occur on the site that have not already been considered through the BCAR application process.

#### **Chapter 4 – Koala habitat protection 2021**

The principles of the Koala habitat protection 2021 chapter are to:

- Help reverse the decline of koala populations by ensuring koala habitat is properly considered during the development assessment process.



- Provide a process for councils to strategically manage koala habitat through the development of koala plans of management.

The Koala habitat protection 2021 chapter reinstates the policy framework of SEPP Koala Habitat Protection 2019 and SEPP (Koala Habitat Protection) 2021 to 83 Local Government Areas (LGA) in NSW. At this stage:

- In nine of these LGAs – Metropolitan Sydney (Blue Mountains, Campbelltown, Hawkesbury, Ku-Ring-Gai, Liverpool, Northern Beaches, Hornsby, Wollondilly) and the Central Coast LGA – Koala SEPP 2021 applies to all zones.
- In all other identified LGAs, Koala SEPP 2021 does not apply to land zoned RU1 Primary Production, RU2 Rural Landscape or RU3 Forestry.

The chapter applies in accordance with Section 4.9 Development assessment process – no approved koala plan of management for land which states:

- {1) This clause applies to land to which this policy applies if the land –
  - a) Has an area of at least 1 hectare (including adjoining land within the same ownership, and
  - b) Does not have an approved koala plan of management applying to the land.

The proposed rezoning of the study area does not require development approval, therefore at this stage the SEPP 2021 does not apply. The subject land is currently zoned as C4 Environmental Living. No Comprehensive Koala Plan of Management (CKPoM) has been developed within Newcastle LGA and therefore triggering the need to investigate core koala habitat is required once a development application is underway.

Assessment of core koala habitat under SEPP 2021 is defined as Highly suitable habitat where 15% or greater of the total number of trees within any PCT are the regionally relevant species of those listed in Schedule 2 of the SEPP. Nine 'Koala use tree species' were identified within the study area; *Angophora costata*, *Corymbia gummifera*, *C. maculata*, *Eucalyptus acmenoides*, *E. fibrosa*, *E. globoidea*, *E. punctata*, *E. siderophloia* and *E. umbra*. It was determined that all PCTs contained >15% cover of one or more of the listed species, therefore the entire site contains Highly Suitable Habitat as defined by the SEPP 2021.

Pursuant with the biocertification process, the BCAR has taken into consideration the impact of the development on the koala species. The BCAR identified that it is unlikely that the koala species would be present within the subject site, given the high level of existing constraints including but not limited to:

- Fence barriers
- Existing residential housing
- High numbers of dogs present in locality

- Main roads / highways causing fragmentation of land

Under the biocertification process Chapter 4 of the BC SEPP is considered, assessed and impact managed or mitigated. Accordingly, once the land is certified future development applications will not be required to consider the provisions of Chapter 4.

#### The State Environmental Planning Policy (Transport and Infrastructure) 2021

##### **Chapter 2 Infrastructure**

State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP) commenced on the 1 March 2022. The aims of the T&I SEPP are to facilitate the effective delivery of infrastructure across the State by:

- (a) *improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and*
- (b) *providing greater flexibility in the location of infrastructure and service facilities, and*
- (c) *allowing for the efficient development, redevelopment or disposal of surplus government owned land, and*
- (d) *identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and*
- (e) *identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and*
- (f) *providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and*
- (g) *providing opportunities for infrastructure to demonstrate good design outcomes.*

Section 2.122 of the T&I SEPP provides that any development listed within column 1 of Schedule 3 is classified as ‘traffic generating development’ and requires consent from the Roads and Maritime Services now Transport for NSW (TfNSW).

The Proposal does not constitute traffic generating development, pursuant to Schedule 3 of the T&I SEPP and concurrence is not required from the TfNSW in regard to this Planning Proposal. Despite this, in accordance with the conditions of the Gateway Determination referral of the Planning Proposal to TfNSW was issued for comment. TfNSW initially requested microsimulation modelling to be completed to assess the impact of the development on the road network. This was later revised to a Traffic Impact Assessment (TIA).

The Urban Design Study demonstrates that the future development is likely to have two access points to Minmi Road. A road access point is located along the western boundary to facilitate access to the

western residential area and second access in the east of the site to connect the eastern residential area to Minmi Road. It is noted that Minmi Road is a local government road under the maintenance of Newcastle City Council.

A TIA was commissioned and is being prepared by Stantec (April 2023) and is provided under separate cover. The TIA reviewed the existing road network and the impact the future development may have on road capacity and safety. The TIA assessed the local road network capacity and major intersections. All major intersections identified currently have a level of service of a satisfactory and above. The investigation identified that the future development of the site will result in a minor impact on the Minmi Road / Woodford Street intersection. With the addition of one signal phase to better cater for both existing and anticipated future traffic volumes whereby physical intersection upgrades was not considered necessary to manage the impact.

The TIA addresses the cumulative impacts from surrounding developments in the locality including:

- 67 (605) Minmi Road, Minmi – 314 lot subdivision (DA2015/10393, City of Newcastle LGA)
- 144 Woodford Street, Minmi – 876 lot subdivision (DA2018/01351, City of Newcastle LGA)
- 10 Woodford Street, Cameron Park – 1078 lot subdivision (DA/2087/2018, Lake Macquarie LGA)
- 140 Minmi Road, Cameron Park – 594 lot subdivision (DA/1936/2016/A, Lake Macquarie LGA).

The TIA identifies that the proposed number of lots at these developments are significantly higher when compared with the proposed future subdivision of the subject site established by the Planning Proposal request. These subdivisions would likely require the need for a broader network based strategic traffic model to understand the impacts of these developments on the surrounding road network and to determine mitigation measures to upgrade a range of intersections.

#### State Environmental Planning Policy (Planning Systems) 2021

##### **Chapter 2 State and Regional Development**

The State Environmental Planning Policy (Planning Systems) 2021 repealed the Environmental Planning Policy (State and Regional Development) 2011 with effect from 1 March 2022.

The aims of this SEPP, as stated:

- (a) To identify development that is State Significant Development,*
- (b) To identify development that is State significant infrastructure and critical State infrastructure,*
- (c) To identify development that is regionally significant development.*

The proposed rezoning does not constitute State Significant Development or Regional Development, pursuant to Part 2.2 and Part 2.4 of the SEPP, respectively. As a result, the provisions of this SEPP are not considered relevant to this Planning Proposal.

#### State Environmental Planning Policy (Resilience and Hazards) 2021

##### **Chapter 2 Coastal Management**

State Environmental Planning Policy (Resilience and Hazards) 2021 (H&R SEPP) commenced on the 1 March 2022. The aim of the Coastal Management Chapter is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the *Coastal Management Act 2016*, including:

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

A small portion of the north-western corner of the allotment is mapped as being in proximity to the coastal wetlands identified within the C2 zoned land north of Minmi Road. Future development consent must not be given unless it is demonstrated that proposed development will not significantly impact upon:

- (a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
- (b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

The subject site is situated lower than the coastal wetlands, meaning water flows from the coastal wetlands to the subject site. Accordingly, the proposed development is not identified to result in a change of quantity or quality of surface and groundwater flows to and from the coastal wetlands. To this extent, significant impact on the biophysical, hydrological or ecological integrity of the coastal wetlands has not been identified. Future development within the area mapped as 'proximity to the coastal wetlands' is considered permissible with consent under Chapter 2 of the R&H SEPP and there is no foreseeable reason to refuse this proposal on the provisions of this chapter.

##### **Chapter 4 Remediation of land**

The object of this Chapter is to provide a State-wide planning approach to the remediation of contaminated land. In particular, this Chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:

- (a) By specifying when consent is required, and when it is not required, for a remediation work, and*
- (b) By specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and*
- (c) By requiring that a remediation work meet certain standards and notification requirements.*

Clause 4.6 of the SEPP states:

- (1) A consent authority must not consent to the carrying out of any development on land unless—*
  - (a) it has considered whether the land is contaminated, and*
  - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
  - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Pursuant to Clause 4.6 of the SEPP, a preliminary contamination assessment (PCA) was prepared by Cardno Geotech Solutions (24 March 2014). Based on the findings of the PCA, no indication of gross contamination was identified on the site. It is considered that the site would be suitable for residential development from a contamination perspective.

#### State Environmental Planning Policy (Resources and Energy) 2021

#### **Chapter 2 Mining, petroleum production and extractive industries**

The aims of Chapter 2 of the State Environmental Planning Policy (Resources and Energy) 2021 (R&E SEPP) are, in recognition of the importance to New South Wales of mining, petroleum production and extractive industries:

- (a) To provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and*
- (b) To facilitate the orderly development and economic use and development of land containing mineral, petroleum and extractive material resources, and*

- (c) *To promote the development of significant mineral resources, and*
- (d) *To establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management of development of mineral, petroleum and extractive material resources, and*
- (e) *To establish a gateway assessment process for certain mining and petroleum (oil and gas) development.*
  - (i) *to recognise the importance of agricultural resources, and*
  - (ii) *to ensure protection of strategic agricultural land and water resources, and*
  - (iii) *to ensure a balanced use of land by potentially competing industries, and*
  - (iv) *to provide for the sustainable growth of mining, petroleum and agricultural industries.*

The site has been mapped by the R&E SEPP as a future residential growth area, pursuant to sheet RGA\_034. This illustrates that the Government has recognised the site for an intended purpose for future residential development. Notwithstanding, the R&E SEPP prohibits the carrying out of coal seam gas development within land within a residential zone and future residential growth area.

#### **4. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?**

The following Section 9.1(2) Directions are considered to be potentially relevant to this Planning Proposal:

##### **Focus area 1: Planning Systems**

###### Direction 1.1-Implementation of Regional Plans

The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.

Sub clause (1) stipulates that 'Planning Proposals must be consistent with a Regional Plan released by the Minister for Planning'.

The assessment under Part B of this proposal demonstrates that the subject site has strategic merit. The Planning Proposal has been demonstrated to be consistent with the Hunter Regional Plan 2041 and Greater Newcastle Metropolitan Plan 2036.

This Proposal should be considered consistent with this direction.



### Focus Area 3: Biodiversity and Conservation

#### Direction 3.1 Conservation Zones

The objective of this direction is to protect and conserve environmentally sensitive areas. This direction requires that a Planning Proposal facilitate the protection and conservation of environmentally sensitive areas.

A Planning Proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land). Notwithstanding, this requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.2 (2) of “Rural Lands”.

This direction states that a Planning Proposal can be inconsistent with this direction where it is in accordance with the relevant regional strategy or justified by a strategy approved by the Planning Secretary or justified by a study which gives consideration to the objectives of the direction.

The Proposal is consistent with the HRP 2041 vision, goals, objectives and strategies as provided in the response to Part B, question 1. Furthermore, a BCAR supports the proposed zoning boundary and demonstrates that the proposal whilst achieving the strategic directions of the HRP 2041 also achieves ecologically sustainable development in accordance with the objectives of the *Biodiversity and Conservation Act 2016*. It is understood that all relevant Ministerial Directions were considered in the preparation of the regional plan, which identified the site for urban development and importantly 49.24% of the site is to be retained for environmental conservation purposes.

This Proposal should be considered consistent with this direction.

#### Direction 3.2 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

A Planning Proposal must contain provisions that facilitate the conservation of:

- a) *Items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,*
- b) *Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and*
- c) *Aboriginal areas, Aboriginal objects, Aboriginal Places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council,*

*Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.*

The Proposal identifies that Aboriginal artefacts and a grinding groove have been found on and in the vicinity of the site. Three potential archaeological development (PAD) sites have been identified within the site for further sub-surface testing, prior to any residential development proceeding.

The planning proposal is supported by an Aboriginal Due Diligence Advice Letter as the preliminary stage of an Aboriginal Cultural Heritage Assessment Report (ACHAR). The invitation to form part of the consultation group for the ACHAR close to concluding. Accordingly, the next step in the process is to establish the excavation methodology to enable site excavation and testing. The methodology will be approved by the relevant stakeholders. Consultation with the stakeholders will establish the cultural significance of the identified items and the landscape and identified the level of impact future development of this land may have on Aboriginal cultural heritage.

It is noted that significant assessment has already been carried out in the surrounding locality, as a response to development that has already occurred throughout the Blue Gum Hills corridor. Whilst there is potential for artefacts to be found, this will be addressed prior to any development proceeding.

This proposal should be considered consistent with this direction.

#### Direction 3.6 Strategic Conservation Planning

The objective of this direction is to protect, conserve or enhance areas with high biodiversity value. This direction applies to all relevant planning authorities when preparing a planning proposal that relates to land that, under the State Environmental Planning Policy (Biodiversity and Conservation) 2021, is identified as avoided land or a strategic conservation area.

The site is not identified as a strategic conservation area, nor as land identified as 'avoided land'. To this extent, this direction is not applicable to the proposal.

### **Focus Area 4: Resilience and Hazards**

#### Direction 4.1 Flooding

The objectives of this direction are to:

- a) ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and
- b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the

subject land.

Subclause (2) states that land within a flood planning area cannot rezone Conservation Zones to Residential. A small portion of the north-western corner of the subject site has been identified as a flood storage area. To this extent, a minor portion of the site is inconsistent with this direction.

In accordance with this direction, a planning proposal may be inconsistent with this direction if:

*(d) the provisions of the planning proposal that are inconsistent are of minor significance as determined by the relevant planning authority.*

As detailed within the Flood Impact Advice letter prepared by Northrop Engineers (March 2023), the future development is unlikely to have a significant impact on flood behaviour that cannot be managed or mitigated through the detailed design process. It is expected that due to the minor flood impact existing on the site, the inconsistency is of minor significance and can be managed at the development application stage.

Accordingly, the proposal can be considered consistent with the direction.

#### Direction 4.3 Planning for Bushfire Protection

The objectives of this direction are:

- a) To protect life, property and the environment from bushfire hazards, by discouraging the establishment of incompatible land uses in bushfire prone areas, and*
- b) To encourage sound management of bushfire prone areas.*

Sub clause (1) states:

In the preparation of a Planning Proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, schedule 1 to the EP&A Act and to take into any account any comments so made.

Furthermore, the Direction stipulates that a Planning Proposal must:

- a) Have regard to Planning for Bushfire Protection 2019,*
- b) Introduce controls that avoid placing inappropriate developments in hazardous areas, and*
- c) Ensure that bushfire hazard reduction is not prohibited within the APZ.*

A Strategic Bushfire Study was prepared in September 2020 (updated in December 2021) to consider and assess the bushfire hazard and associated potential threats relevant to the proposal, and to

outline the minimum mitigative measures which would be required in accordance with Planning for Bush Fire Protection 2019 (PBP). The strategic bushfire study was referred to the NSW Rural Fire Service (RFS). RFS does not object to the planning proposal. Recommendations made by RFS were matters that are to be managed at the future development application stage.

This Proposal should be considered consistent with this direction.

#### Direction 4.4 Remediation of Contaminated Land

The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.

Where land is proposed to be zoned residential:

- (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and
- (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge)

the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

A preliminary contamination assessment was carried out by consultants Cardno in 2014. No indication of gross contamination was found on the site, which the assessment concluded was suitable for residential development.

This Proposal should be considered consistent with this direction.

#### Direction 4.5 Acid Sulfate Soils

The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.

Mapping indicates that the site is likely to be affected by Class 5 Acid Sulfate Soils, with a small section in the north-western area of the site mapped as containing Class 3 acid sulphate soils.

Construction and building in areas of acid sulphate soils can be appropriately managed as evidenced in existing and proposed development in the immediate vicinity of the site. If required further investigation can be carried out later at the development application stage.

This Proposal should be considered consistent with this direction.

#### Direction 4.6 Mine Subsidence and Unstable Land

The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.

Sub clause (1) states the following:

When preparing a Planning Proposal that would permit development on land that is within a Mine Subsidence District a relevant planning authority must:

- a) *Consult the Mine Subsidence Board to ascertain:*
  - i. If Subsidence Advisory NSW has any objection to the draft local environmental plan, and the reason for such an objection, and
  - ii. the scale, density and type of development that is appropriate for the potential level of subsidence, and
- b) *Incorporate provisions into the draft Local Environmental Plan that are consistent with the recommended scale, density and type of development recommended under 1(a)(ii), and*
- c) *Include a copy of any information received from the Mine Subsidence Board with the statement to the Director-General of the Department of Planning prior to undertaking community consultation in satisfaction of section 57 of the Act.*

Consultation with NSW Subsidence Advisory (NSW SA) has been carried out in accordance with the conditions of the Gateway Determination. The response from NSW SA identified that the a future application for subdivision would require the risk of mine subsidence to be removed. As such NSW SA would require a subsurface geotechnical investigation in order to characterise the extent of subsidence risk resulting from the proposed development. The recommendations are required a development application stage. As such, it is concluded that NSW SA does not object to the proposal.

This Proposal should be considered consistent with this direction.

### **Focus Area 5: Transport and Infrastructure**

#### Direction 5.1 Integrating Land Use and Transport

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- a) *Improving access to housing, jobs and services by walking, cycling and public transport, and*
- b) *Increasing the choice of available transport and reducing dependence on cars, and*
- c) *Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
- d) *Supporting the efficient and viable operation of public transport services, and*
- e) *Providing for the efficient movement of freight.*

This direction applies when a relevant planning authority prepares a Planning Proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, employment, village or tourist facility.

The Proposal is considered to be consistent with the HRP2041 and has been designed to facilitate potential additional bus routes, to encourage the use of public transport. It is also noted that the north-eastern part of the site is within a 5-10 minute walk of existing neighbourhood shops, while the western part of the site will be within walking distance of a proposed neighbourhood centre on land being developed by the Winten Property Group.

This Proposal should be considered consistent with this direction.

### **Focus Area 6: Housing**

#### Direction 6.1 Residential Zones

The objectives of this Direction are:

- a) To encourage a variety and choice of housing types to provide for existing and future housing needs,*
- b) To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- c) To minimise the impact of residential development on the environment and resource lands.*

Pursuant to this direction, a Planning Proposal must include provisions that encourage the provision of housing that will:

- a) Broaden the choice of building types and locations available in the housing market, and*
- b) Make more efficient use of existing infrastructure and services, and*
- c) Reduce the consumption of land for housing and associated urban development on the urban fringe, and*
- d) Be of good design.*

The proposal seeks to introduce a minimum lot size development standard, which provides the potential for development of the site with a diversity of lot sizes, small lot housing - wherein lot and house design is coordinated, with the overall aim of creating more affordable housing choices within this future urban release area.

It is considered that the proposed development of the site is consistent with the HRP2041, in particular the proposal can achieve the optimal dwelling density required for general suburban areas whilst achieving ecologically sustainable development through the conservation of 49.24% of the site. The



proposal complies with the above objectives and provisions and is able to be provided with all required infrastructure and services.

This Proposal should be considered consistent with this direction.

### **Focus area 8: Resources and Energy**

#### Direction 8.1 Mining, Petroleum and Extractive Industries

The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

This Direction requires that consultation be carried out with the Secretary of the Department of Primary Industries to identify any resources and existing mines and other operations likely to impact on or be affected by the Planning Proposal. Consultation will be undertaken during CN's processing of this Planning Proposal.

It is noted that State Environmental Planning Policy (Resources and Energy) 2021 identifies the site within a Future Residential Growth Area, around which, a buffer zone of 2km applies to any coal seam gas development.

This Proposal should be considered consistent with this direction.

## C. Environmental, social and economic impact

### 1. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The subject land is 26.23 ha in size, which 25.47 ha was observed as native vegetation and 0.76 ha of exotic/non-vegetation (unsealed roads/cleared lands). The proposed rezoning would result in the removal 13.24 hectares of vegetation

Field surveys carried out as part of the biodiversity assessment identified three Plant Community Types (PCT):

- 1589 – Spotted Gum – Broad-leaved Mahogany – Grey Gum grass – shrub open forest on Coastal Lowlands of the Central Coast
- 1590 – Spotted Gum – Broad-leaved Mahogany – Red Ironbark shrubby open forest commensurate with the BC Act listed Endangered Ecological Community (EEC) *Lower Hunter Spotted Gum Ironbark Forest in the Sydney Basin and NSW North Coast Bioregions*
- 1619 – Smooth-barked Apple – Red Bloodwood – Brown Stringybark – Hairpin Banksia heathy open forest of coastal lowlands

No threatened flora species were recorded on site. A number of threatened microbat species were recorded on site.

The proposal will result in the following impacts and required offsets as calculated using the BAM-C Calculator:

#### Ecosystem Credits

- 1.39 ha of PCT 1589 requiring 51 ecosystem credits
- 10.56 ha of PCT 1590 (TEC) requiring 405 ecosystem credits
- 0.94 ha of PCT 1619 requiring 20 ecosystem credits

#### Species Credits

- *Myotis macropus* (Southern Myotis) requiring 67 credits
- *Petaurus norfolcensis* (Squirrel Glider) requiring 483 credits

An EPBC Act Protected Matters Search was conducted to generate a list of those Matters of National Environmental Significance. The BCAR assessment determined the proposed action is unlikely to have an impact to Matters of National Environmental Significance based on the assessment criteria set out in relevant Commonwealth policies and advice at the time of this assessment.

As part of the avoidance and minimisation strategy for the Planning Proposal, it is intended that approximately 11.5 ha in the centre of the site and an additional 1.5 ha within the south of the site

will be rezoned as C2 – Environmental Conservation. This zoning will conserve biodiversity in the locality and provide connectivity in a north-south direction. Due to the barrier created by the Minmi Road corridor and the fragmented nature of native vegetation to the north of the study area, the connection to lands in the north is currently limited to highly mobile species. The proposed zoning will facilitate movement to C2 lands in the south, which will be aided by appropriate design of the road linking the proposed eastern and western residential precincts to allow fauna crossing opportunities.

**2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

Other potential environmental effects have been assessed as follows.

Aboriginal and Cultural Heritage

A basic AHIMS Report was conducted in September 2020 which found no known Aboriginal places and one known Aboriginal site. A previous Archaeological Assessment noted that Aboriginal sites have been recorded on the site, but their significance is considered to be low. The Archaeological Assessment of the site was undertaken by Environmental Resources Management Australia (ERM) in November 2003. A grinding groove was located in the creek line to the west of the site and an isolated single artefact was recorded within the site.

The following recommendations were included as part of the report prepared by ERM:

- The three PAD areas of relatively undisturbed ground within the study area that have been identified (and shown in Figure 14) as having moderate potential to reveal Aboriginal cultural heritage, should undergo a subsurface testing program before ground disturbing elements of the proposed housing development proceeds. Most appropriately this would occur as part of documentation for a development application;
- During works, all known and recorded sites should be clearly marked and avoided;
- No archaeological constraints exist for sections within the study area identified as existing outside of the areas of archaeological significance, identified in Figure 15;
- Areas outside of the study area identified in the Archaeological Assessment as holding Aboriginal significance require protective measures to be undertaken before ground disturbing elements of the proposed residential development can proceed;
- It is recommended that regular meetings are established with the local Aboriginal community to discuss the progress of the proposed works;
- Where possible, and in consultation with Aboriginal stakeholders, conservation areas could be established where artefacts may be relocated, and interpretive strategies be established for the past use of the landscape by Aboriginal people; and
- A copy of the Archaeological report should be provided to each of the Aboriginal groups who expressed an interest in the original rezoning proposal.

The Archaeological Assessment was supplied to the OEH, who subsequently reviewed the report and provided comment on 30 October 2015. In part this review by OEH stated:

*“The Planning Proposal must include provisions to facilitate the conservation of Aboriginal cultural heritage values. Such provisions may include:*

- *appropriate land use zoning (e.g. C2 conservation)*
- *redesign of future development to avoid harm*
- *incorporating areas into passive open space*
- *recommendations for a development control plan.*

*OEH supports the recommendations made within the report (ERM) and takes this opportunity to remind Council that if any registered sites present within the property are to be impacted at the development stage an Aboriginal Heritage Impact Permit will be required”.*

Consultation with Heritage NSW was conducted in February 2023. The recommendation from the agency was to prepare an updated ACHAR with further test excavation and consultation with indigenous stakeholders. This process is currently being undertaken with the objective to establish the landscape values from an Indigenous cultural heritage perspective. Detailed subdivision design can be prepared to minimise the impact on the cultural values of the landscape and any items of significance.

#### Bushfire

As recommended by Council’s LEP Panel, a Strategic Bushfire Study was prepared by MJD Environmental in September 2020 (updated in December 2021). The study considers and assesses the bushfire hazard and associated potential threats relevant to the proposal, and outlines the minimum mitigative measures which would be required in accordance with Planning for Bush Fire Protection 2019 (PBP). The Strategic Bushfire Study has been included with supporting documentation.

The study has determined that the proposed development is able to comply with PBP (2019) as;

- the land is suitable for development in the context of bushfire risk
- new development on BFPL will comply with PBP 2019
- reliance on performance-based solutions is minimised
- infrastructure associated with emergency evacuation and firefighting operations is adequate.
- Ongoing land management practices are appropriate

Furthermore, the development is not deemed inappropriate from a bushfire risk perspective due to the following factors;

- The area is not exposed to a high bushfire risk

- The development is not likely to be difficult to evacuate during a bushfire due to its siting in the landscape, access limitations, fire history &/or size and scale.
- The development will not adversely affect other bushfire protection strategies or place existing development at increased risk.
- The development is not within an area of high bushfire risk where density of existing development may cause evacuation issues for both existing and new occupants;
- The development does not have environmental constraints which cannot be overcome.

RFS was consulted in February 2023; the RFS do not object to the proposal. Whilst recommendations were made, these can be managed at the development application stage to satisfy the requirements of *Planning for Bushfire Protection 2019*.

#### Mine Subsidence

The Subsidence Advisory Board NSW's (SAB) records indicate that the former Lot 1 in DP 844711 (now Lot 23 in DP1244350) is partially undermined beneath the south/eastern boundary of the property where workings lie at depths of less than 10 metres below the surface.

A Preliminary Mine Subsidence Assessment was carried out by Cardno Geotech Solutions in July 2013 for a previous Planning Proposal. This report confirmed the findings of the SAB records. The report concludes by stating: *"Subsurface investigation will be required to confirm the depth and extent of mine workings and potential influence on development. Further investigation will be required, and it would be suggested to use a combination of geophysical survey using ground penetrating radar (GPR) supplemented with a series of borehole using a bore camera to determine the extent and condition of working"*.

NSW Subsidence Advisory was consulted in February 2023. The response from NSW SA identified that the a future application for subdivision would require the risk of mine subsidence to be removed. As such NSW SA would require a subsurface geotechnical investigation in order to characterise the extent of subsidence risk resulting from the proposed development. The recommendations are required a development application stage. Indications are that the workings are shallow and there is potential to excavate material to the bottom of the workings and replace with engineered fill, thereby making the land suitable for development.

#### Traffic and Transport

A Traffic Impact Assessment Report was prepared by Barker Ryan Stewart in December 2019 in accordance with the requirements of CN and is included in supporting documentation to this Planning Proposal. Further assessment has been conducted by Stantec in April 2023.

The assessment concludes that the development of the subject site will have acceptable impacts on the operation of the following intersections:

- Minmi Road / Britannia Boulevard
- Minmi Road / Brookfield Avenue
- Minmi Road/ The Boulevard (site access)
- The Boulevard / Local Road

The intersection of Minmi Road and Woodford Street is identified to have a minor impact on its level of service. The impact can be suitably managed with the inclusion of an additional signal phase. The operation of the Minmi Road/ Woodford Street intersection would improve overall and is expected to operate at LOS D with corresponding reduction in queues on the east approach, particularly during the PM peak. As such, no physical intersection works are considered necessary as a result of the proposal.

The TIA has considered potential linkages to the wider community and existing active transport links and facilities. There is potential to create links to the existing cycleway along Minmi Road and allow future residents safe access the wider trail network around Minmi, local schools and commercial and residential areas. The TIA recognises that pedestrian access to the local schools, Minmi Primary School and Glendore Primary School are within 2-3km of the subject site. Accordingly it is unreasonable to assume primary aged children would walk this distance to access the schools. Provision of school bus services and regular route bus routes are key to ensuring appropriate access to these schools for future residents. With the nearest bus stop currently located on Minmi Road about one kilometre to the east, there is potential to include either a new school bus route through the site or new bus stop facilities along Minmi Road close to the proposed site access.

#### Contamination

A report on Preliminary Contamination Assessment (PCA) of the site was undertaken by Cardno Geotech Solutions in March 2014. This report concluded the site would be suitable for residential development from a contamination perspective, with further assessment recommended prior to construction. The report is included in the supporting documentation to this proposal.

#### Visual Impact

A Visual Impact Assessment (VIA) has been prepared and is included in the supporting documentation to this Proposal. The VIA was undertaken to ascertain the potential landscape and visual impacts of the proposed development of the site may have on surrounding roads, the Blue Gum Hills Regional Park, proposed conservation lands, existing Minmi Village and other nearby suburbs, and ascertain the significance of these impacts.

The VIA found that the combination of landscape and visual sensitivity of the proposed development of the site is of minor significance. Consultation in relation to cultural significance of the landscape is ongoing.



#### Noise and Odour

It is noted that the Summerhill Waste Management Centre is located within the broader vicinity of the site. The Summerhill Waste Management Centre is a solid waste landfill managed by City of Newcastle. The site is licensed by the NSW Environment Protection Authority (EPA) to receive a wide variety of 'General Solid Waste (Putrescible and Non-putrescible) and Special Waste'. The site operates within a strict environmental management regime and monitors emissions and impacts from dust, surface water, groundwater, noise, leachate and sub-surface gas

Given the distance of the site to the Summerhill Waste Management Centre and the high level environmental management of the facility, the potential impacts of the centre on the subject site by way of noise or odour are considered to be minimal. As such a specific assessment of noise and odour from the centre has not been carried out.

It is further noted that a noise and odour assessment was not a specific consideration of the rezoning and subsequent development approval of the Winten Precinct 1 and 1A located to the south east and west of the site.

#### Water Quality, Groundwater and Riparian Assessment

The majority of the site's topography falls to its northwest corner, via three defined gullies, which converge in this corner to a minimum elevation of approximately 5m. The large area to be retained within the site for conservation purposes will be maintained in its natural bushland state. At this stage it is envisaged that water quality control and flood mitigation measures may be incorporated in the detailed engineering design phase of development.

A small portion of the site, in its southern corner, falls to the west towards the Winten Precinct 1A land.

It is therefore expected that water quality, groundwater and riparian assessment are matters that can be addressed in later stages of the planning process and will not constrain the development as it is proposed.

#### Flooding

The north-western corner of the site which is affected by flood risk is identified as being within a flood planning area and is classified as mostly flood storage with some flood fringe. The future development has been identified to likely result in an increase in peak flows due to an increased pervious footprint. However, it believed engineering solutions such as detention basins to reduce peak flows back to pre-development levels. This is typically undertaken for frequent events such as the 18% AEP, and rare events such as the 1% AEP. These basins are also likely to provide some attenuation benefit in the PMF.

Provision of the road along the western boundary may encroach on the PMF flood storage area. This is unlikely to significantly impact flood behaviour because the downstream road already overtops in the PMF event. Furthermore, the Newcastle DCP 2012 Clause 4.01.02 – Control 1 allows for filling of 20% of flood storage areas. It is considered that any required road batter can be accommodated within the DCP controls, and consider it feasible from a floodplain management perspective to undertake minor regrading works or retaining of the road to account for any shortfall.

The flooding impacts are considered minor and risk to life within the residential estates will be managed within acceptable tolerance limits.

#### Air Quality

The site is within an existing residential release area which is either developed or being developed for residential subdivision purposes. The impact of odour and air quality from adjoining development will be limited to temporary and minimal impacts on air quality from construction.

It is noted that State Environmental Planning Policy (Resources and Energy) 2021 identifies the site within a Future Residential Growth Area, around which, a buffer zone of 2km applies to any coal seam gas development. A specific assessment of the impact of odour and air quality from adjoining development including potential coal mining and coal-bed methane extraction on the subject land has not been carried out given the buffer in place.

Further, it is noted that an air quality assessment from the impact of potential mining or methane extraction has not been a factor in determining the rezoning and subsequent development approval of the Winten Precinct 1 and 1A located to the south east and west of the site.

#### Land Stability and Slope Analysis

The Urban Design Study to provide an indicative subdivision lot layout has taken into consideration land stability, topography and slope analysis in determining the future development of the site including consideration to:

- Land within the site > than a slope of about 15%, is to be conserved in its natural bushland state and has been excluded from the area proposed for residential subdivision.
- Land within the site, with flatter slopes of 15% or less has been considered for the residential component of the site. Flatter areas have been identified and utilised for smaller lot sizes as indicated on the Indicative Subdivision Layout.

Therefore, the majority of the steepest portion of the site is to be conserved in its natural bushland state and located in the proposed Environmental Conservation C2 zoning.

Land stability measures in the area proposed for residential development can be implemented using accepted engineering techniques and suitable erosion and sediment control measures.

Slope analysis has therefore been utilised as one of the factors in determining the areas within site most suitable for conservation and/or residential purposes.

#### Urban Design

An urban design study and indicative lot layout was prepared by Moir Landscape Architecture. The study makes recommendations with respect to vegetation buffers, street hierarchy and entries, connectivity, green open space and water sensitive urban design.

Both the urban design study and resultant site-specific development controls form part of the supporting documentation for this proposal.

### **3. How has the planning proposal adequately addressed any social and economic effects?**

#### Social Effects

The following observations are made in relation to the envisaged social effects of the rezoning and future development of the subject land:

- Existing social infrastructure, including shopping centres, sports fields and pedestrian and cycle networks are all available within the locality. The proposed residential development of the site has been projected within strategic plans and is considered to be accommodated within the existing and planned future provision of social infrastructure. The proposal is unlikely to place an undue load on social infrastructure within the locality.
- In terms of impact on schools, it is noted that the proposed rezoning is expected to facilitate up to 150 new dwellings. Based on an analysis of 2021 census data for Fletcher, 87.6% of households are family households, 73.6% of family households have children, the average number of children per family with children is 2, and approximately 74.9% of children are school-aged, being ages 5-18 years old. Applying these figures to a possible 150 households would suggest the future development of the subject land could house in the order of 193 school-aged children, or roughly 118 primary students and 73 secondary students. Local primary schools include Minmi Public, Glendore Public and Maryland Public. These schools feed into Callaghan College Wallsend. Additionally, Bishop Tyrell Anglican College (an independent K-12 school) is located just 1.3km from the site in Fletcher. The response from the School Infrastructure NSW (SINSW) notes that the demand stemming from the proposal is likely to be accommodated within the existing school network. SINSW is responsible for ensuring capacity is available within schools to cater for population growth. SINSW note that they are committed to working with Council to ensure schools are supporting community needs.
- The Section 7.11 Western Corridor Local Infrastructure Contributions Plan 2013 identifies the provision of future social infrastructure in line with the existing and proposed future

residential development of the land. This includes community centres, active and passive recreation facilities, open space and pedestrian and cycle movement networks. The S7.11 Western Corridor Local Infrastructure Contributions Plan 2013 does not require updating as a result of future dwelling allotments established by this proposal.

In regard to the contributions plan, we note that the plan covers a large area of western Newcastle, as shown in the image below:

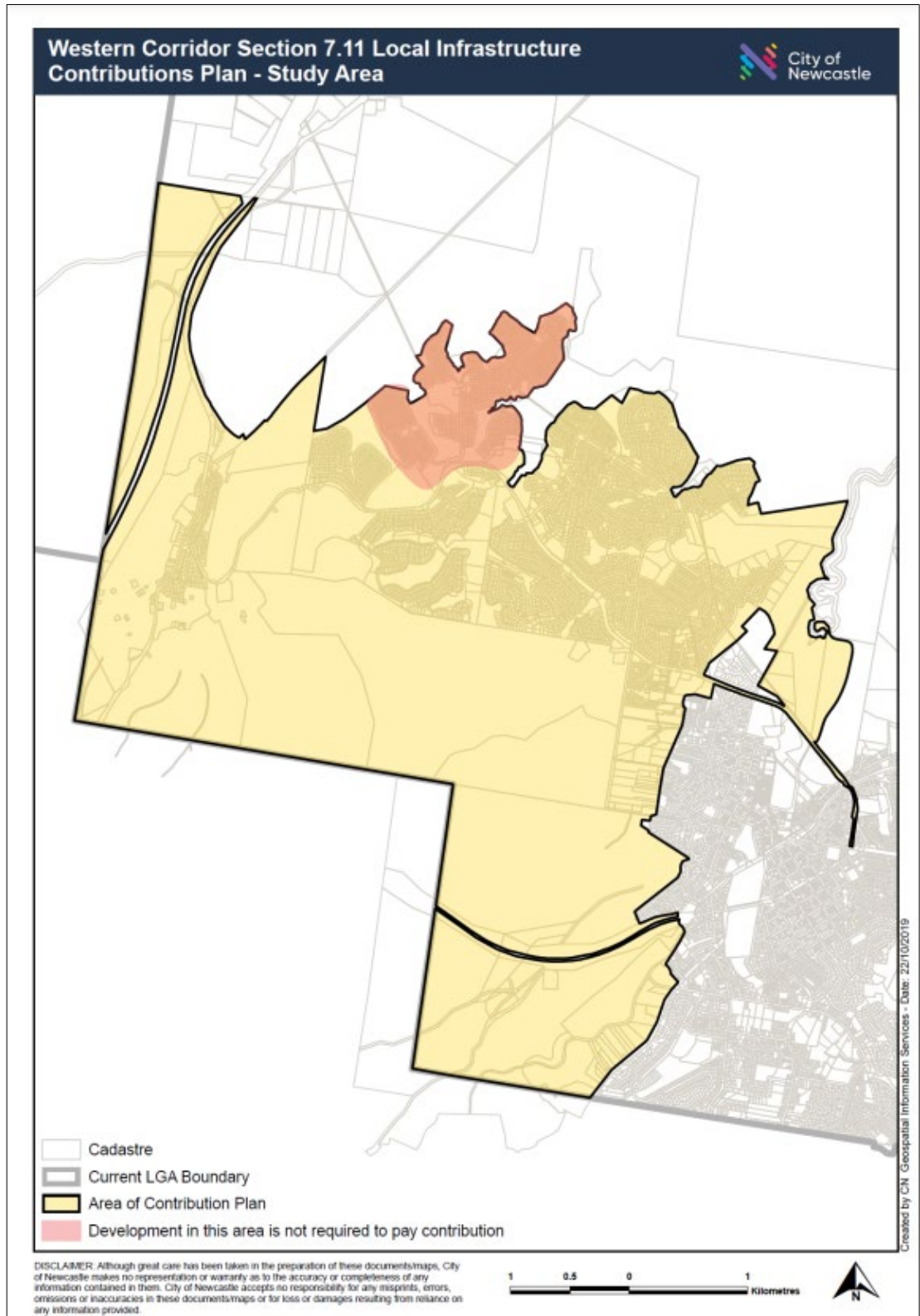


Figure 14: Area which the Section 7.11 Western Corridor Local Infrastructure corridor applies; Source: S7.11 Western Corridor Local Infrastructure Plan, 2020, p.7.

This area is anticipated to accommodate 3,132 future dwellings and approximately 8,943 new residents. The 505 Minmi Road site is included in the plan, as detailed within the urban design study, the development is anticipated to create dwelling yield of 139 dwellings, accommodating an additional 417 people.

With the preferred dwelling density requirements of the HRP2041, the densities are expected to increase, and as a result additional people could be accommodated on this site. The expected yield on the site is between 140 to 170 dwellings on the site.

Overall, the increase in anticipated dwellings of between 10 and 40 dwellings is considered a very minor deviation from the total expected lots and the existing lots, and as a result does not warrant any updates or changes to the infrastructure plan.

The change represents between 0.1 and 0.4 of one percent compared to the total anticipated dwelling yield in the area. Any additional funds collected under the plan would be reallocated to the delivery of the relevant community facilities as directed by Council.

- Access to Blue Gum Hills Regional Park is available from the site, creating passive recreational opportunities in close proximity to future residents.
- The conservation of 12.99ha of land allows for connections to nature to be established. It is recognised that having views to vegetation has the ability to reduce stress and promote positive wellbeing outcomes.
- The additional dwellings within the housing market will increase supply and assist in reducing the cost of housing in the relevant sectors of the housing market. This carries the additional social benefit of increasing housing affordability. The provision of additional housing will contribute to the 101,800 new dwellings required to be delivered by 2041 under the Hunter Regional Plan 2041.
- The Planning Proposal is also likely to increase housing choice within the locality, due to the range of lot sizes and likely corresponding range of dwelling sizes.
- Three Potential Archaeological Deposits were identified on the site. Further consultation is being conducted with relevant stakeholders, including the Aboriginal Land Council, regarding the recording and/or conservation of these sites. The further detailed assessment and avoidance of these sites during construction will be recommended as part of the ACHAR. Mitigation and harm prevention strategies outlined within the ACHAR will avoid adverse social impact.



- Based in the current uninhabited state of the site, the proposal will have potential for increased activation and public use of new spaces, through creation of a safe and active street network. A range of social benefits will follow as in the creation of new neighbourhoods and shared spaces, including increased wellbeing of occupants.
- An open space network will be created as part of the proposal, including new pedestrian and cycle networks. This will create the potential for passive and active enjoyment of open space, with requisite health benefits and increased social capital. It is noted that continuous footpath is already available from the site boundary along Minmi Road to the neighbourhood centre (Aldi), located 500 metres east of the site.
- Connectivity to the adjoining residential development in Blue Gum Hills will support existing and emerging social networks and communities.
- Over 12.99 hectares of land within the site is proposed to be zoned C2 Environmental Conservation and retained in its natural state. It is envisaged this land would become community association land in conjunction with a community title subdivision of the residential component of the site. The management statement for the land would cover the maintenance requirements and any restrictions on access etc, and may reference a Vegetation Management Plan.

### Economic Impacts

The Planning Proposal is anticipated to have a range of economic impacts. While these cannot be enumerated at this early stage of the proposal, they include:

- Construction of roads, utility infrastructure and housing, bringing direct economic benefits in the form of local jobs and sourcing local construction materials. It is conservatively estimated that existing local construction companies would benefit from at least 60% of this investment. Secondary benefits would flow on from this investment in the form of local spending by construction companies, purchase from primary industries, and the potential temporary or permanent relocation of construction workers to the region. This economic benefit would be expected to be short term, spread over the stages of construction of the final development.
- Additional resident population, bringing the long-term economic benefit of increased demand for local jobs and services:
  - Concurrent additional demand for existing retail services, bringing direct benefits to Fletcher Village and Aldi, both on Minmi Road and Minmi. The proposal does not include any retail development and will retain the existing retail hierarchy. This will increase the viability of the existing Fletcher town centre and yet to be developed neighbourhood centre zoned land immediately to the west of the site on Minmi Road.

- Concurrent demand for local employment, catering for the growth of jobs in the Hunter Region in line with the Hunter Regional Plan 2041. The site is proximate to planned future employment lands in Cameron Park, and within easy access of employment zones in Cessnock and Newcastle, among other locations, due to the regional road network.
- Increased traffic generation within the local road network. As reported by Stantec (2023), the existing road network, including connections to Woodford Street, Brookfield, Britannia Boulevard, The Boulevard (site access) and Minmi Road, has capacity to accommodate likely future traffic without upgrading works. The TIA recommends an addition of one signal phase to cater for both existing and anticipated future traffic volumes for the intersection of Woodford Street and Minmi Road. The proposal is therefore likely to add to traffic generation, without substantial economic impact by way of overloading existing road infrastructure or creating the need for new infrastructure.
- Monetary contribution to Section 7.11 Western Corridor Local Infrastructure Contributions Plan 2013. This will create positive economic benefits through the funding of additional infrastructure both within the proposed subdivision and broadly within the region.
- Demand for public transport. Buses will be required to service the area. This will place additional demand on the existing bus network. Currently Hunter Valley Buses service Fletcher, with Routes 260 and 261 operating between Minmi / Fletcher and Stockland Jesmond. While additional stops and changes to routes will be required, there will also be increased usage of the bus network and it is considered likely that bus supply will adjust to meet increased demand. It is not likely that the number of buses in operation will need to change, however routes may be amended to traverse the site. This constitutes a minor cost to public transport / private bus networks which it is anticipated will be partially offset by the increase in patronage.
- The development of the site will involve clearing of vegetation and requires a biodiversity offset under the BC Act. This has been covered in detail by MJD Environmental Biodiversity Certification Assessment Report, included as an appendix to the Planning Proposal. This report determines that the established zoning boundary creates an ecologically sustainable development by balancing the environmental, social and economic benefits of the proposal in accordance with the purpose of BC Act. Thus, the impacts of clearing are anticipated to be completely managed and offset through the application of the avoid, maintain, offset hierarchy.
- On-site biodiversity conservation measures include the retention of riparian and habitat corridors, linkages to existing corridors, and larger lots in the southern portion of the site which provide potential for retention of hollow bearing trees and allow for the constraints of

archaeology and topography. The varied minimum lot size, as proposed, responds to site constraints, allowing lower density development on the southern portion of the site (being 1000m<sup>2</sup> minimum lot size) and use of flatter portions of the site for more intense residential use. These aspects will add value to the development site.

- The extent of additional clearing for bushfire hazard reduction and asset protection have been defined and included within the BCAR assessment. Accordingly, adherence to the *Planning for Bushfire Protection 2019* guidelines seeks to reduce the burden on emergency services.
- As the site has been identified as an Urban Release Area, it has been earmarked for residential development. The present use of the site is undeveloped bushland. There is considered to be no opportunity cost arising from the development in terms of any cessation of viable competing land uses. The land is not considered likely to be used for agriculture, mining or other industry in the absence of residential development.
- There will be a cost associated with infrastructure provision to the site, including telecommunications, gas, electricity, sewer and water. Connections to these services are all available, the cost of which will be borne by the developer.

## D. State and Commonwealth interests

### 1. Is there adequate public infrastructure for the planning proposal?

#### Community Services and Facilities

Council has adopted the Section 7.11 Western Corridor Local Infrastructure Contributions Plan 2013, which identifies Local Infrastructure Contributions for community facilities and services, inclusive of traffic and transport and social infrastructure required to meet the demands of the Western Corridor, as the corridor develops.

This Contributions Plan allows for contributions from future development of the site and provides for existing infrastructure in place and yet to be provided as development to the east of the site is substantially constructed with local shops, schools, sports fields, community facilities building can be accesses by existing and future residents. The site is also accessible to Wallsend and other major centres.

#### Infrastructure Servicing

An infrastructure servicing report was prepared by ADW Johnson in November 2021 and is included in supporting documentation to this proposal.

The report contains the following conclusions:

- The full site is able to be serviced by water infrastructure. Due to the proximity to, and capacity within the existing water network, water infrastructure works to service the site are considered minimal with regard to typical development practices.
- The full site is able to be serviced by wastewater infrastructure. Due to its proximity to, and capacity within the existing network, wastewater infrastructure works to service the site are considered to be complex, however possible, with regard to normal development practices.
- The full site is able to be serviced by electrical infrastructure. Due to the proximity, electrical infrastructure works to service the site are considered reasonable with regard to typical development practices.
- The full site is able to be serviced by telecommunication infrastructure. Due to the proximity telecommunication infrastructure works to service the site are considered minimal with regard to typical development practices.
- The full site is able to be serviced by gas infrastructure. Due to the proximity gas infrastructure works to service the site are considered minimal with regard to typical development practices.

**2. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

Previous consultation has occurred in relation to the proposed rezoning of the site with DPIE Biodiversity and Conservation Division, Rural Fire Service, Subsidence Advisory and Hunter Water Corporation. Gateway determination was issued on 13 January 2023. The conditions of Gateway requested that further consultation with the following public authorities and government agencies was required prior to exhibition:

- Transport for NSW (TfNSW)
- Biodiversity and Conservation Division (BCD)
- Ausgrid
- Heritage NSW
- NSW Rural Fire Service (RFS)
- Subsidence Advisory NSW (SA NSW)
- Awabakal Local Aboriginal Land Council (LALC); and
- Department of Education (SINSW).

A copy of the submissions is found on the NSW Planning Proposal website. A summary is provided in the Table below:

Agency	Comment	Part within Proposal which address comment and/or supporting documentation
TfNSW	<p>TfNSW has reviewed the requirement for microsim modelling at the intersection of Woodford Street/Newcastle Link Road/Cameron Street intersection and has determined that this is no longer required given the size and scale of the development is in the order of 120-140 lots.</p> <p>However, we will require a TIA showing the performance of the nearby intersections and the impact on road network to understand trip generation and splits.</p>	<p>Part C – Traffic and Transport Traffic Impact Assessment, Stantec, April 2023</p>
BCD	The planning proposal should address how the proposed rezoning includes provisions which facilitate the protection and conservation of environmentally sensitive areas pursuant to Ministerial Direction 3.1.	<p>Part B – Focus Area 3 Biodiversity Certification Assessment Report, MJD Environmental, March 2023</p>
	The planning proposal should be amended to be consistent with BIR dated December 2021.	<p>Part B – Focus Area 3</p>
	The planning proposal should display further avoidance of Biodiversity Conservation Act 2016 (BC Act) listed endangered ecological community (EEC) Lower Hunter Spotted Gum Ironbark Forest in the Sydney Basin and NSW North Coast Bioregions.	<p>Part B – Focus Area 3 Biodiversity Certification Assessment Report, MJD Environmental, March 2023</p>
	Provide adequate justification in accordance with the determination made by the Threatened Species Committee to exclude BC Act Listed EEC Pittwater and Wagstaffe Spotted Gum Forest in the Sydney Basin Bioregion from assessment.	<p>Part B – Focus Area 3 Biodiversity Certification Assessment Report, MJD Environmental, March 2023</p>



	All threatened species surveys should be conducted in accordance with relevant guidelines and Threatened Biodiversity Data Collection (TBDC). Justification must be provided for excluding species from targeted survey efforts.	Part B – Focus Area 3 Biodiversity Certification Assessment Report, MJD Environmental, March 2023
	Additional evidence such as photography or genetic report required to confirm presence of sugar glider ( <i>Petaurus breviceps</i> ) and absence of squirrel glider ( <i>Petaurus norfolcensis</i> ).	Part B – Focus Area 3 Biodiversity Certification Assessment Report, MJD Environmental, March 2023
	Further information should be provided regarding habitat features in accordance with section 3 and section 4 of BAM 2020.	Part B – Focus Area 3 Biodiversity Certification Assessment Report, MJD Environmental, March 2023
	It is recommended habitat connectivity between vegetation north and south of the proposal site is considered as per section 6.1.3 and section 8.2 of BAM 2020.	Part B – Focus Area 3 Biodiversity Certification Assessment Report, MJD Environmental, March 2023
	The proposed C2 zone should be protected and managed through a secondary mechanism such as a Biodiversity Stewardship Agreement.	As recommended in consultation with BCD, an expression of interest application has been lodged for assessment of the site as stewardship site.
	The proponent has not demonstrated that the proposal is consistent with Ministerial Direction No.4.3(5) Flood Prone Land	Part B – Focus Area 9 Flood Impact Advice Letter, Northrop Engineers, March 2023
Ausgrid	In this regard, Ausgrid requires that due consideration be given to the compatibility of proposed development with existing Ausgrid's infrastructure, particularly in relation to risks of electrocution, fire risks, Electric & Magnetic Fields (EMFs), noise, visual amenity and other matters that may impact on Ausgrid or the development.	Part D – Infrastructure Servicing
	Electricity reticulation systems in new residential subdivisions must be installed underground in accordance with Ausgrid's Network Standard NS110. The developer	Part D – Infrastructure Servicing Servicing Strategy, ADW Johnston, November 2021

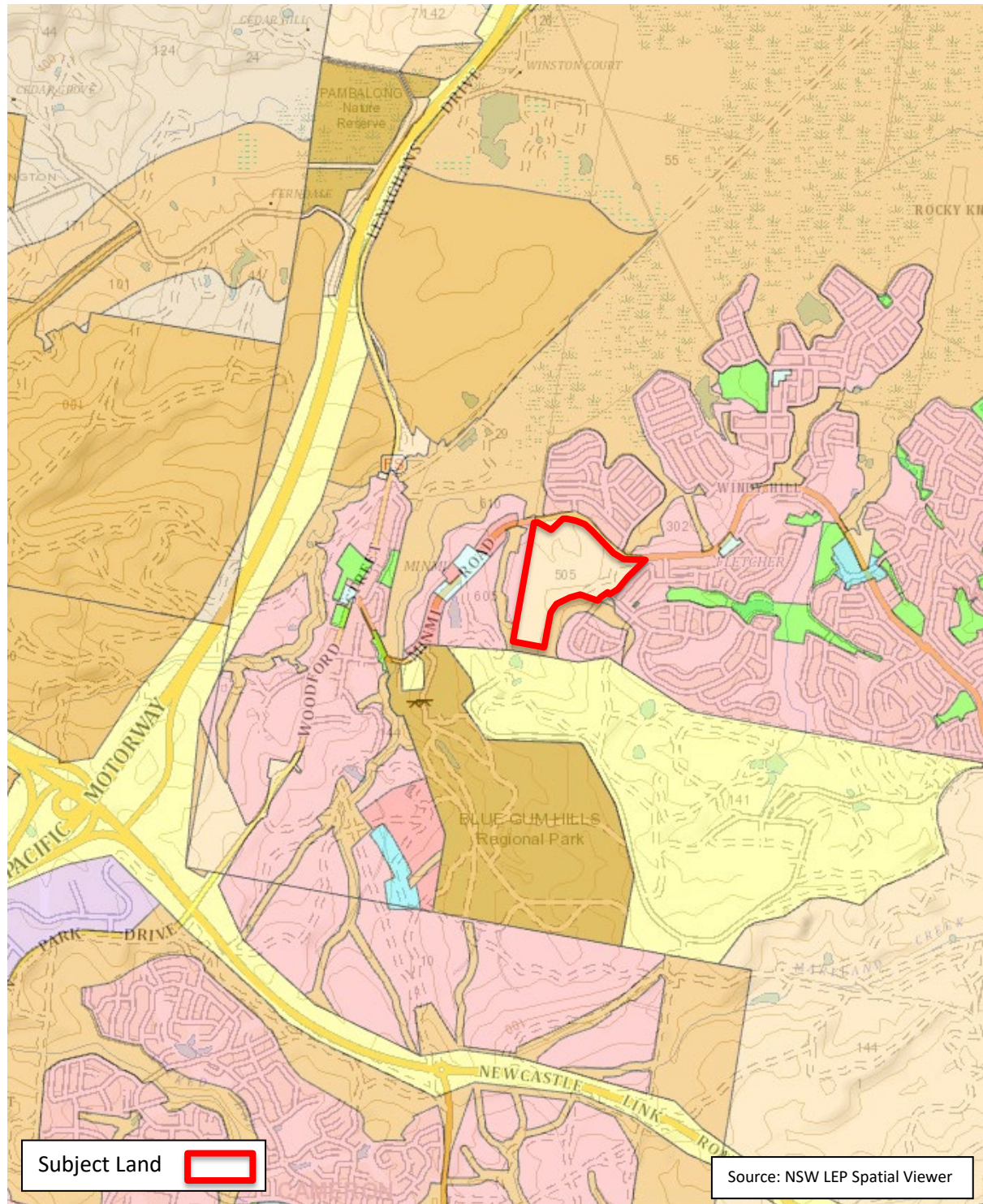
	is responsible for the design, supply of materials and construction of electricity reticulation systems in new residential subdivisions.	
Heritage NSW	Given the time elapsed since completion of the ACHAR, Heritage NSW recommends that an updated ACHAR be completed. The ACHAR needs to include Aboriginal community consultation and archaeological test excavation and to be prepared in accordance with Heritage NSW guidelines.	Part C – Aboriginal and Cultural Heritage Preliminary Aboriginal Heritage Letter of Advice
	The outcomes of the updated ACHAR need to inform the planning proposal. As significant Aboriginal cultural heritage values have been previously identified in the planning proposal area and immediately adjoining, then options to avoid impact to these values need to be explored. If impact cannot be avoided or if the values have been assessed as moderate, appropriate mitigation measures should be negotiated with the registered Aboriginal parties.	Part C – Aboriginal and Cultural Heritage Preliminary Aboriginal Heritage Letter of Advice
	We recommend the planning proposal also consider impacts to the Aboriginal cultural landscape, including potential impacts on visual corridors. These potential impacts can only be understood through consultation with the Aboriginal community.	Consultation is ongoing.
RFS	<p>The NSW RFS raises no specific objections to the proposed amendment to Newcastle Local Environmental Plan (NLEP) 2012 to rezone the subject site from C4:Environmental Living to R2: Low Density Residential and C2: Environmental Conservation.</p> <p>It is advised that future subdivision of the land must demonstrate compliance with Chapter 5 - Residential and Rural Residential Subdivision of Planning for Bush Fire Protection (PBP) 2019, with due consideration to the parameters outlined within the submission.</p>	<p>Part C – Bushfire Strategic Bushfire Assessment Report, MJD Environmental, December 2021</p> <p>The submission from RFS pertains to information to be addressed at a future development application stage. To this extent, the further consideration to bush fire threat has not been</p>

		required and the Strategic Bushfire Assessment Report remains consistent with the proposal.
SA NSW	<p>The site of the proposal is located within a declared Mine Subsidence District and future development will require approval from Subsidence Advisory.</p> <p>For a subdivision application consistent with the proposal, Subsidence Advisory would require the risk of mine subsidence to be removed as there are shallow mine workings and shafts present under the subject site.</p> <p>Prior to approving an application consistent with the proposal, Subsidence Advisory would also require a subsurface geotechnical investigation in order to characterise the extent of subsidence risk to proposed development. Geotechnical reports must be prepared by a consultant with demonstrated experience in mine subsidence assessments.</p>	<p>The submission from SA NSW pertains to future requirements at development application stage. To this extent, further consideration to mine subsidence has not been required.</p>
LALC	Response remains outstanding	
SINSW	<p><b>Educational Facilities</b></p> <p>While is likely that the enrolment demand stemming from the draft proposal can be accommodated within the schools surrounding the site (Minmi Public School and Glendore Public School), the draft proposal must be considered in the context of the growth proposed for the wider LGA, as part of the surrounding Urban Release Areas (URAs) and other development projects, which will likely need to be supported by additional educational infrastructure</p>	Part C – Social Effects
	<p><b>Transport and Access</b></p>	<p>Part C – Traffic and Transport</p> <p>Traffic Impact Assessment, Stantec, April 2023</p>

	<p>SINSW requests that transport planning for the study area be guided by the NSW Governments Movement and Place Framework (MAPF) and its Built Environment Performance Indicators. These indicators are based on qualities that contribute to a well-designed built environment and should be used by proponents in the formulation of transport concepts.</p>	
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## 4 Mapping

Map 1 – Locality





Map 2 - Aerial Photograph



 Subject Land

## Aerial Imagery

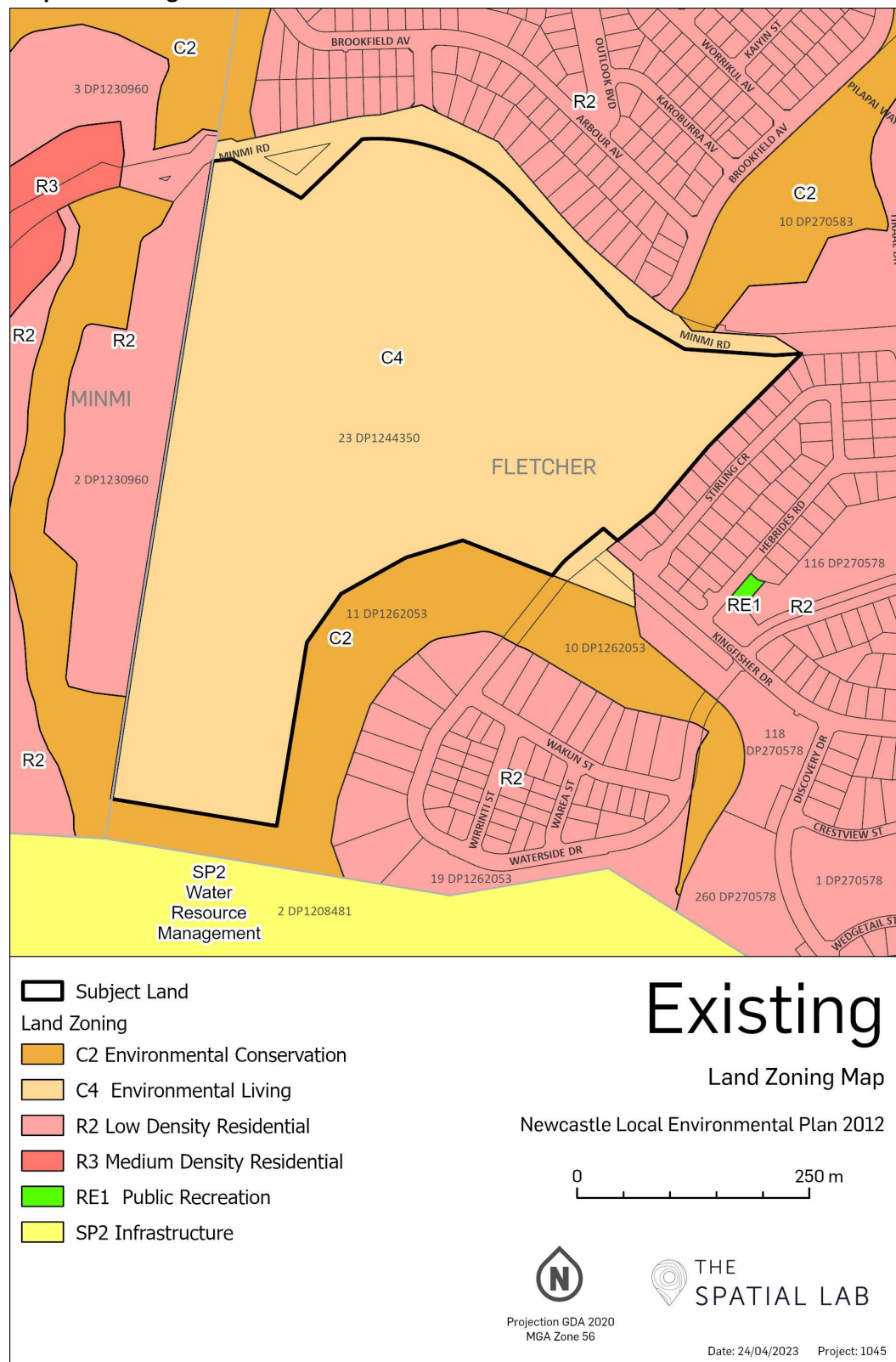
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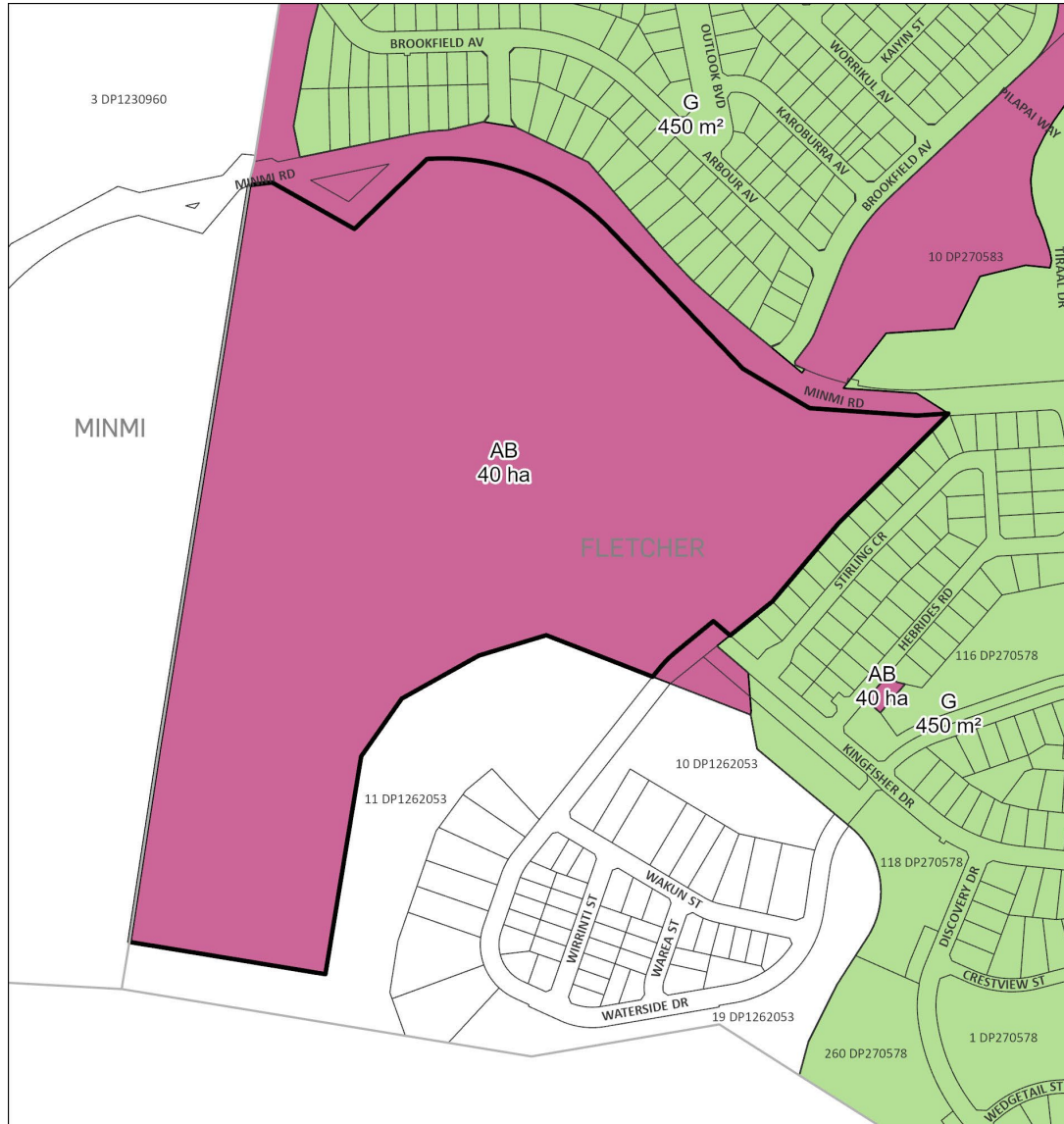






### Map 3 – Existing Zones



**Map 4 – Existing Lot Size**



-  Subject Land
- Minimum Lot Size
-  G 450 sq m
-  AB 40 ha

# Existing

Minimum Lot Size Map

Newcastle Local Environmental Plan 2012



Projection GDA 2020  
MGA Zone 56



THE  
SPATIAL LAB

Date: 24/04/2023 Project: 1044

**Existing Height of Buildings Map**

Newcastle Local Environmental Plan 2012

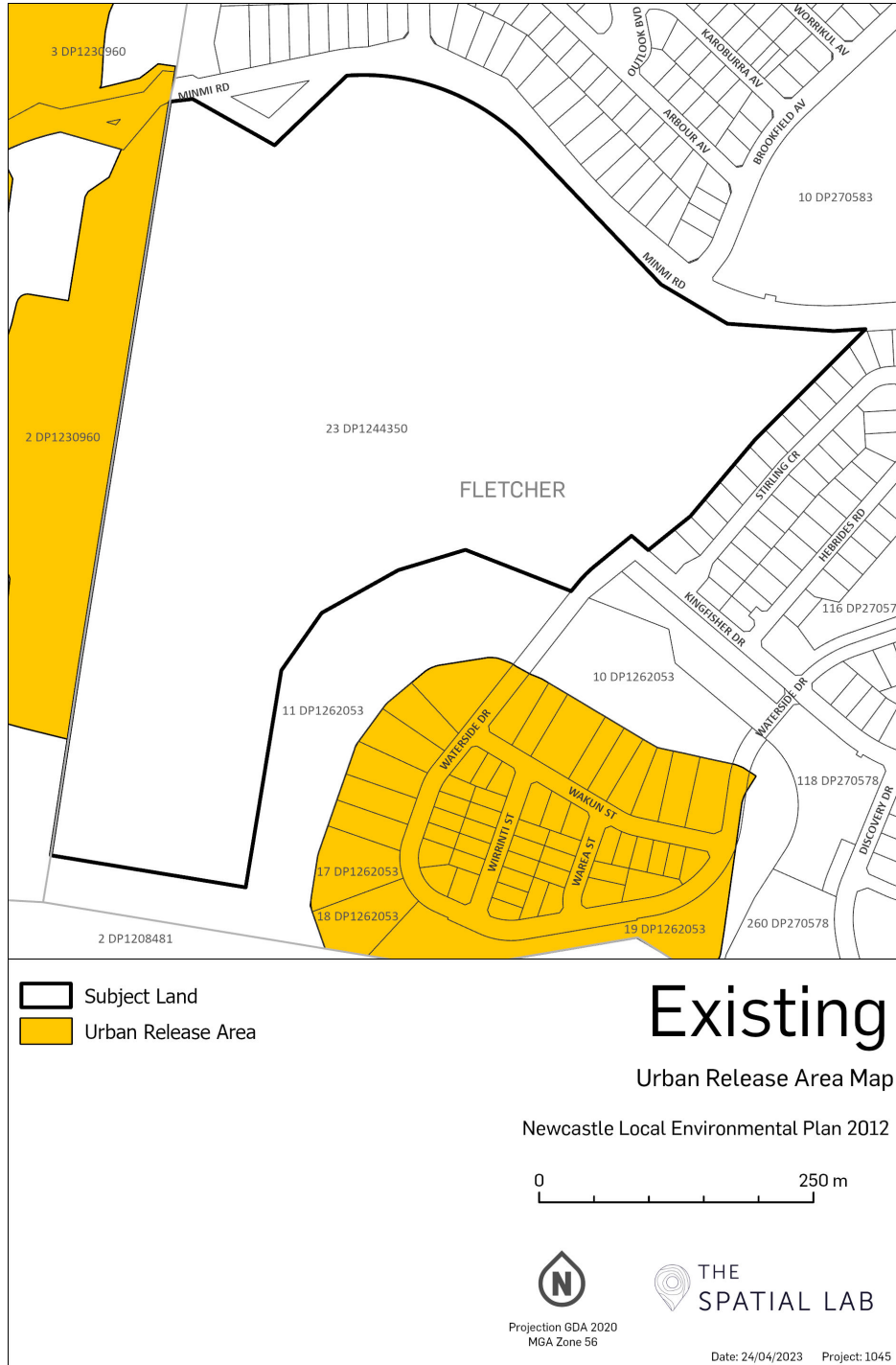
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Projection GDA 2020  
MGA Zone 56

THE SPATIAL LAB

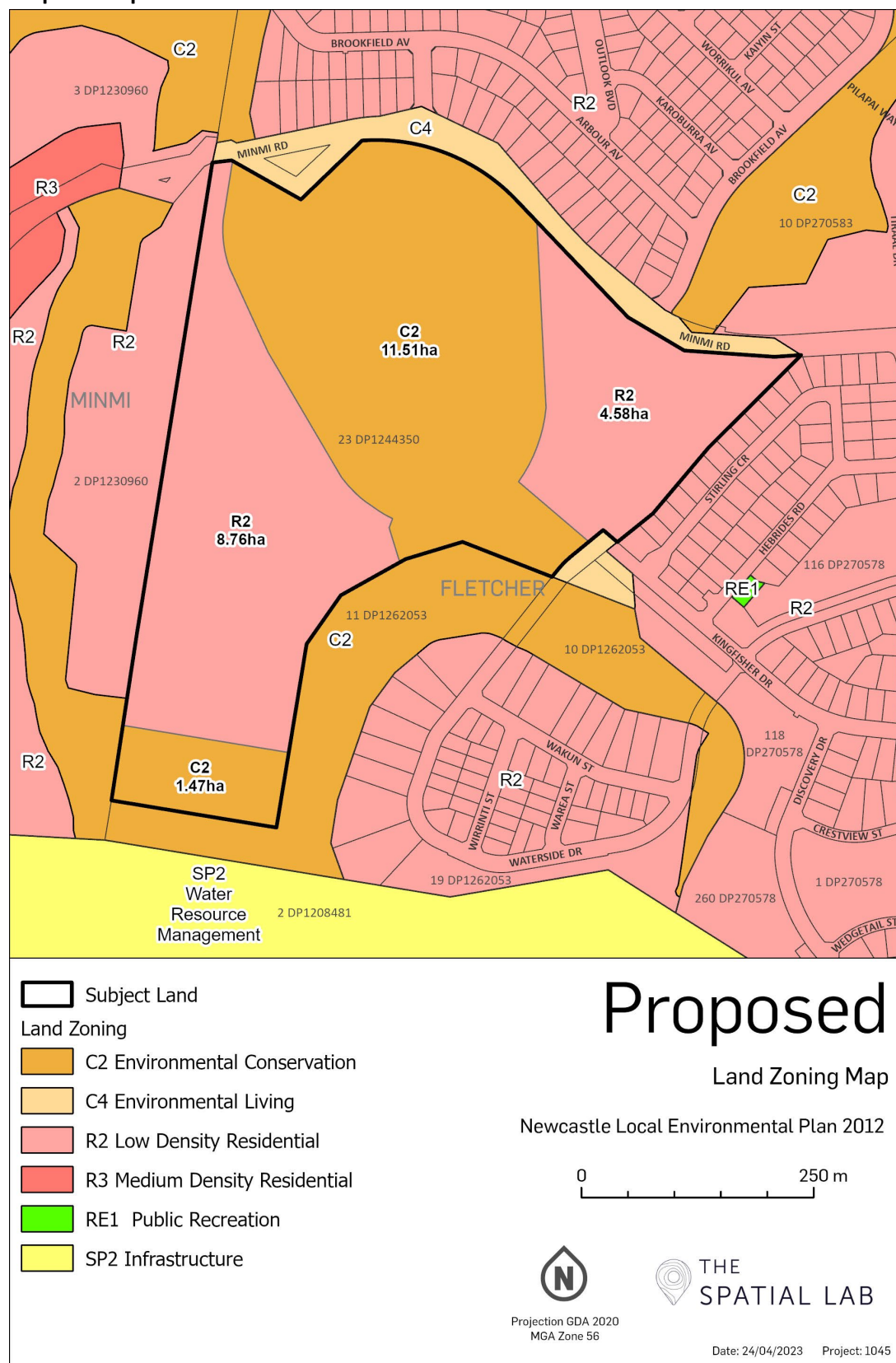
Date: 24/04/2023 Project: 1045

**Map 6 – Existing Urban Release Area**

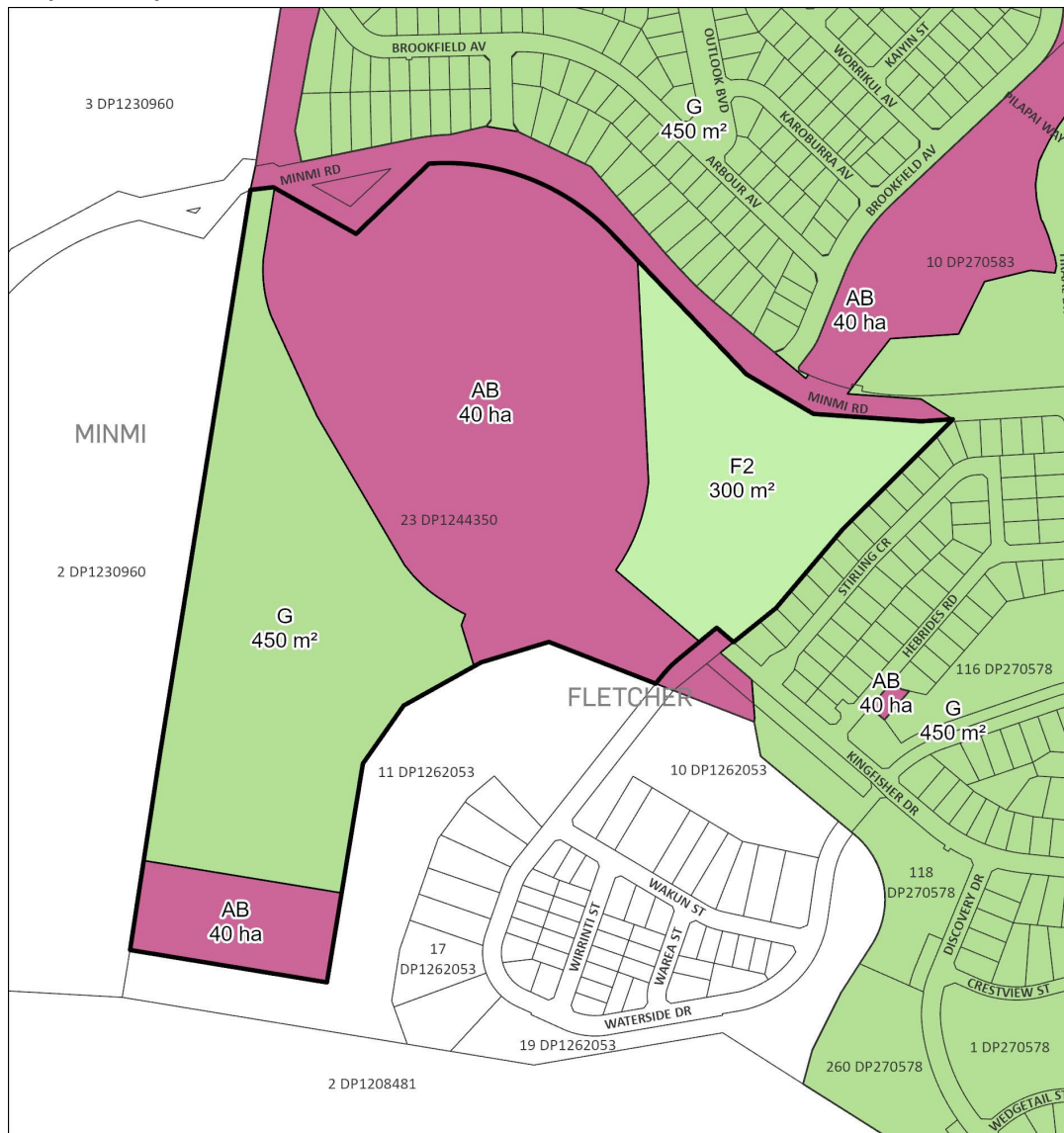




## Map 7 – Proposed Zones



**Map 8 – Proposed Lot Size**



-  Subject Land
- Minimum Lot Size
-  F2 300 sq m
-  G 450 sq m
-  AB 40 ha

# Proposed

Minimum Lot Size Map

Newcastle Local Environmental Plan 2012

0 250 m



Projection GDA 2020  
MGA Zone 56

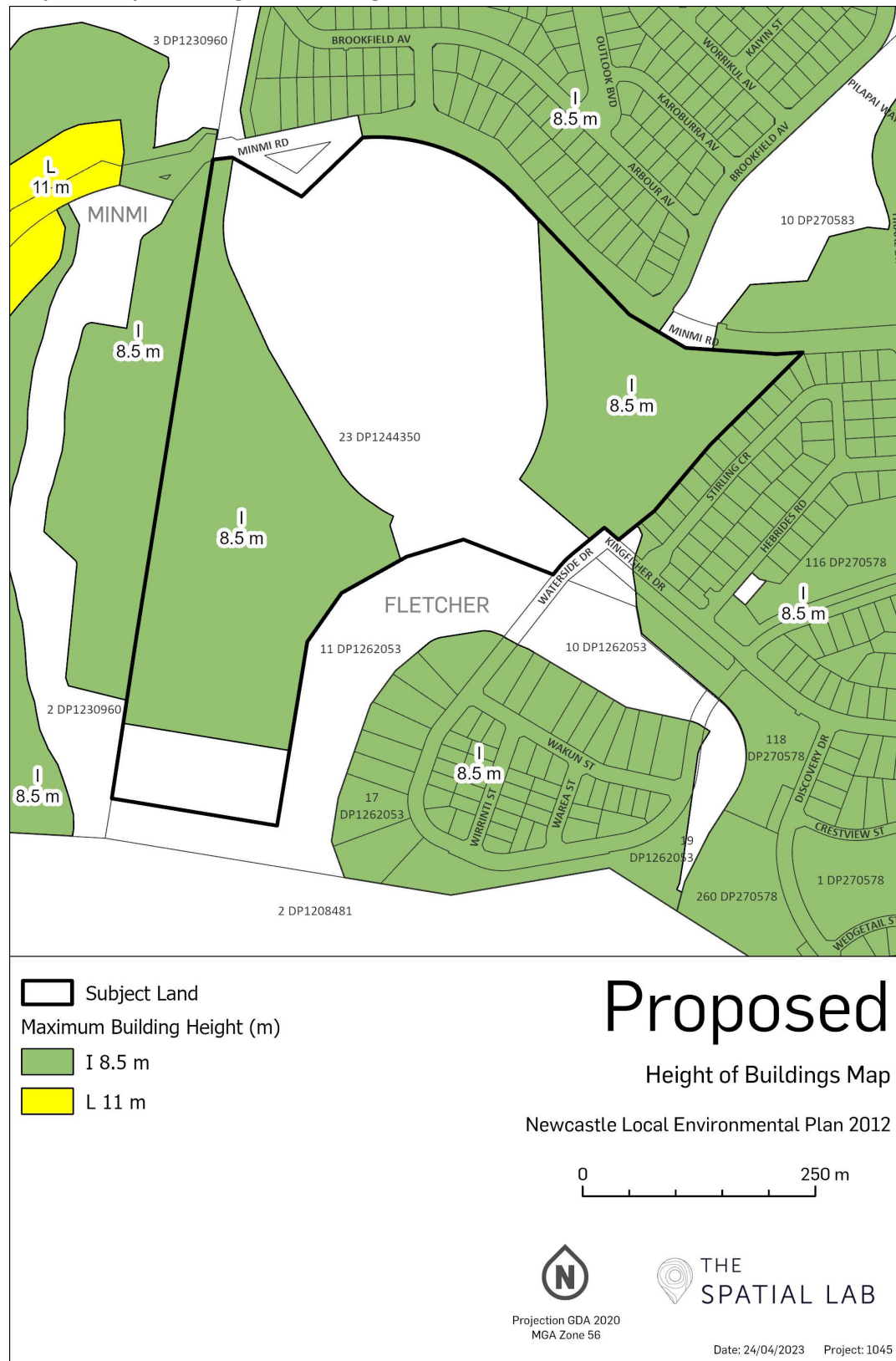


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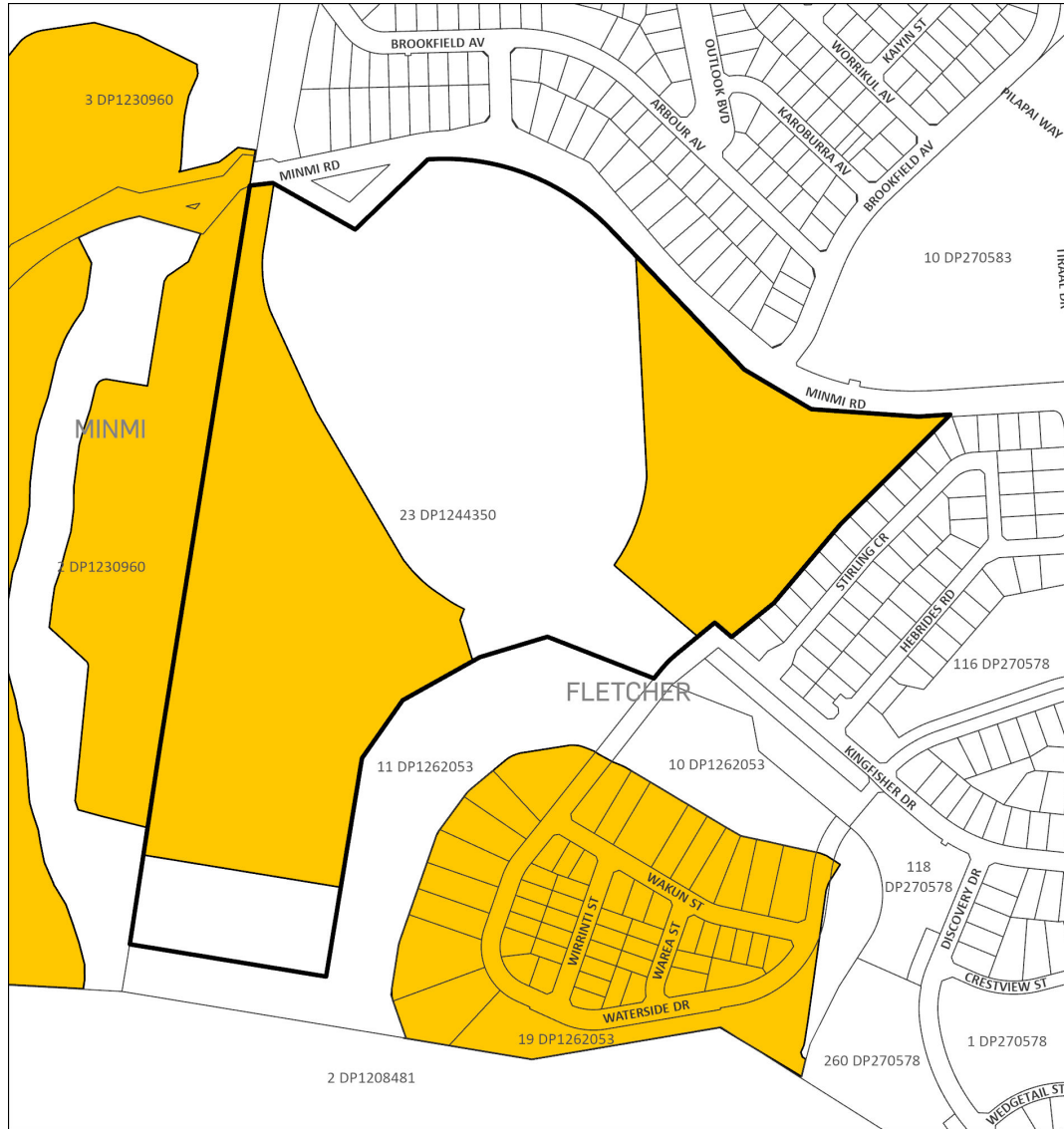
Date: 24/04/2023 Project: 1045





### Map 9 – Proposed Height of Building



**Map 10 – Proposed Urban Release Area**



-  Subject Land
-  Urban Release Area

# Proposed

## Urban Release Area Map

Newcastle Local Environmental Plan 2012

0 250 m



Projection GDA 2020  
MGA Zone 56



THE  
SPATIAL LAB

Date: 24/04/2023 Project: 1045

## 5 Details of Community Consultation

Community consultation will be undertaken in accordance with the Gateway determination following its issue. Public exhibition will be in accordance with the CN's Community Participation Plan.

## 6 Project Timeline

It is anticipated that the proposed timeline for the Planning Proposal will align with the progress of the development assessment, determination and construction of the broader precinct. The construction, internal fit out and development of land for shops, supermarket or restaurant and cafés will be the subject of future development applications.

The timeline for progression of the planning proposal will be subject to the determination of Council and DPIE.

*Table 9 Summary of likely timeframe*

Action	Timeframe
Submission of updated Planning Proposal request to Council.	14 January 2022
Council sends Proposal to DPIE to request a Gateway Determination	End of January 2022
Gateway Determination Issued	January 2023
Pre-exhibition government agency consultation.	February 2023
Planning Proposal and technical information submitted to Council.	March 2023
Council assessment of the Planning Proposal and technical information.	
Council resolves to exhibit the Planning Proposal.	April 2023
Public exhibition period.	
Consideration of submissions.	
Post exhibition report presented to Council.	
Date of submission to the Department of Planning and Environment.	October 2023
Legal drafting of the Local Environmental Plan.	November 2023
Plan is made – published on NSW Legislation website.	January 2024