



## **PLANNING PROPOSAL**

# **Sanctuary Estate, Fletcher**

**Version 1.1 - Council endorsement**

**May 2018**

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For more information visit:  
**[www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au)**



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# Sanctuary Estate, Fletcher

## Introduction

This planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (NSW). It explains the intended effect of a proposed local environmental plan (LEP) and sets out the justification for making the plan.

'A guide to preparing planning proposals' has been used to guide and inform the preparation of this planning proposal.

The planning proposal may evolve over time due to various reasons, such as feedback during exhibition. It will be updated at key stages in the plan making process.

## Summary of proposal

<b>Proposal</b>	The planning proposal intends to rezone land within Sanctuary Estate, Fletcher to provide consistency with adjoining land uses and onsite land uses, and to correct zoning anomalies. Relevant planning controls in relation to building height, floor space ratio and minimum lot size will also be applied. It is also intended to list a number of parcels as items of local environmental heritage.	
<b>Property Details</b>	Part Lot 844, DP 1192169 Part Lot 843, DP 1192169 Part Lot 51 DP 1181868 Lot 1727, DP 1226075 Lot 1645, DP 1226077 Part Lot 1538, DP 1225352 Part Lot 1537, DP 1225352 Lot 1535, DP 1225352 Lot 1258, DP 1211278 Lot 1336, DP 1214393 Part Lot 1139, DP 1206083 Part Lot 1059, DP 1199833 Lot 439, DP 1178187 Part Lot 438, DP 1178178 Lot 324, DP 1175558 Lot 1536, DP 1225352 Lot 1257, DP1211278 Lot 223, DP 1170959 Lot 224, DP 1170959 Lot 174, DP 1113792 Lot 163, DP1113792 Lot 162, DP1113792 Lot 5017, DP1148599 Lot 5018, DP 1148599 Part Lot 1, DP 1231562 and adjacent road reserve Part Lot 2, DP 1231562	25 Awabakal Drive, Fletcher 18 Adeline Crescent, Fletcher 280 Minmi Rd, Fletcher 20 Tulkaba Street, Fletcher 30 Tulkaba Street, Fletcher 40 Tulkaba Street, Fletcher 41 Threlkeld Crescent, Fletcher 15 Threlkeld Crescent, Fletcher 77 Bulbul Crescent, Fletcher 37 Bulbul Crescent, Fletcher 11 Bulbul Crescent, Fletcher 6A Katal Street, Fletcher 18 Kekul Street, Fletcher 14 Kural Crescent, Fletcher 50 Kural Crescent, Fletcher 29 Threlkeld Crescent, Fletcher 111 Awabakal Drive, Fletcher 45 Kurraka Drive, Fletcher 55 Kurraka Drive, Fletcher 25 Konara Crescent, Fletcher 19 Mowane Street, Fletcher 21 Mowane Street, Fletcher 23 Mowane Street, Fletcher 25 Mowane Street, Fletcher 52 Kurraka Drive, Fletcher 35 Tibin Drive, Fletcher
<b>Applicant Details</b>	Newcastle City Council	



## Background

In 2011 Newcastle City Council entered into a Voluntary Planning Agreement (VPA) associated with Development Consent No. 1997/0555 for the subdivision of land into 839 residential lots, 4 urban housing lots, a commercial site, 2 Aboriginal heritage conservation management areas and dedication of lands for local fields, community facilities, 2 parks and residual open space. The VPA required the construction and dedication to Council of 2 parks, playing fields, a community centre and residual open space areas. A copy of the VPA map identifying the location of the proposed land dedications is included in Appendix 1.

As Sanctuary Estate developed in stages, various land parcels were also created and dedicated to Council, resulting in a significant number of the land parcels included in this planning proposal. These parcels mostly form a continuous band around the outer edge of Sanctuary Estate (see Figure 1) and separate the residential estate from the adjoining environmental land. This planning proposal now seeks to rezone this land to be consistent with its current purpose and surrounding land uses. Relevant planning controls in relation to building height, floor space ratio and minimum lot size are also proposed to be amended.

As part of the VPA, the developer was required to prepare an Aboriginal Heritage Conservation Area Management Plan. Two plans were subsequently prepared and these are provided in Appendix 2. Information in these plans supports the listing of two sites - 25 Konara Crescent (Yutilliko Park) and 29 Threkeld Crescent 2 (Kauma Park) as places of local heritage significance.

## Site

The proposal consists of 26 parcels of land within the Sanctuary Estate at Fletcher as detailed in Table 1. These parcels mostly form a continuous band around the outer edge of Sanctuary Estate and separate the residential estate from the adjoining environmental land.

Figure 1 shows the context and the overall sites layout in relation to the residential estates and surrounding environmental land. Figure 2 identifies the individual parcels and Table 2 identifies the proposed amendments to each parcel. Appendix 3 details each individual site and the proposed mapping changes for each site. All sites in Council ownership have previously been classified as community land.



**Table 1: Site details**

Property	Street Address	Status
Part A		
Part Lot 844, DP 1192169	25 Awabakal Drive, Fletcher	These parcels have been dedicated to Council and adjoin existing E2 conservation lands, other than 280 Minmi Rd, which is owned by the Hunter-Central Rivers Catchment Authority.
Part Lot 843, DP 1192169	18 Adeline Crescent, Fletcher	
Part Lot 51 DP 1181868	280 Minmi Rd, Fletcher	
Lot 1727, DP 1226075	20 Tulkaba Street, Fletcher	
Lot 1645, DP 1226077	30 Tulkaba Street, Fletcher	
Part Lot 1538, DP 1225352	40 Tulkaba Street, Fletcher	
Part Lot 1537, DP 1225352	41 Threlkeld Crescent, Fletcher	
Lot 1535, DP 1225352	15 Threlkeld Crescent, Fletcher	
Lot 1258, DP 1211278	77 Bulbul Crescent, Fletcher	
Lot 1336, DP 1214393	37 Bulbul Crescent, Fletcher	
Part Lot 1139, DP 1206083	11 Bulbul Crescent, Fletcher	
Part Lot 1059, DP 1199833	6A Katal Street, Fletcher	
Lot 439, DP 1178187	18 Kekul Street, Fletcher	
Part Lot 438, DP 1178178	14 Kural Crescent, Fletcher	
Lot 324, DP 1175558	50 Kural Crescent, Fletcher	
Part B		
Lot 1536, DP 1225352	29 Threlkeld Crescent, Fletcher	These parcels contain public reserves, sporting fields and public facilities and are owned by Council.
Lot 1257, DP1211278	111 Awabakal Drive, Fletcher	
Lot 223, DP 1170959	45 Kurraka Drive, Fletcher	
Lot 224, DP 1170959	55 Kurraka Drive, Fletcher	
Lot 174, DP 1113792	25 Konara Crescent, Fletcher	
Part C		
Lot 163, DP1113792	19 Mowane Street, Fletcher	These parcels contain dwelling houses and are in private ownership
Lot 162, DP1113792	21 Mowane Street, Fletcher	
Lot 5017, DP1148599	23 Mowane Street, Fletcher	
Lot 5018, DP 1148599	25 Mowane Street, Fletcher	
Part D		
Part Lot 1, DP 1231562	52 Kurraka Drive, Fletcher	These parcels are zoned B1, however, the zone boundaries do not align with the property boundaries.
Road reserve adjacent to 52 Kurraka Drive		
Part Lot 2, DP 1231562	35 Tibin Drive, Fletcher	

Figure 1 - Locality plan

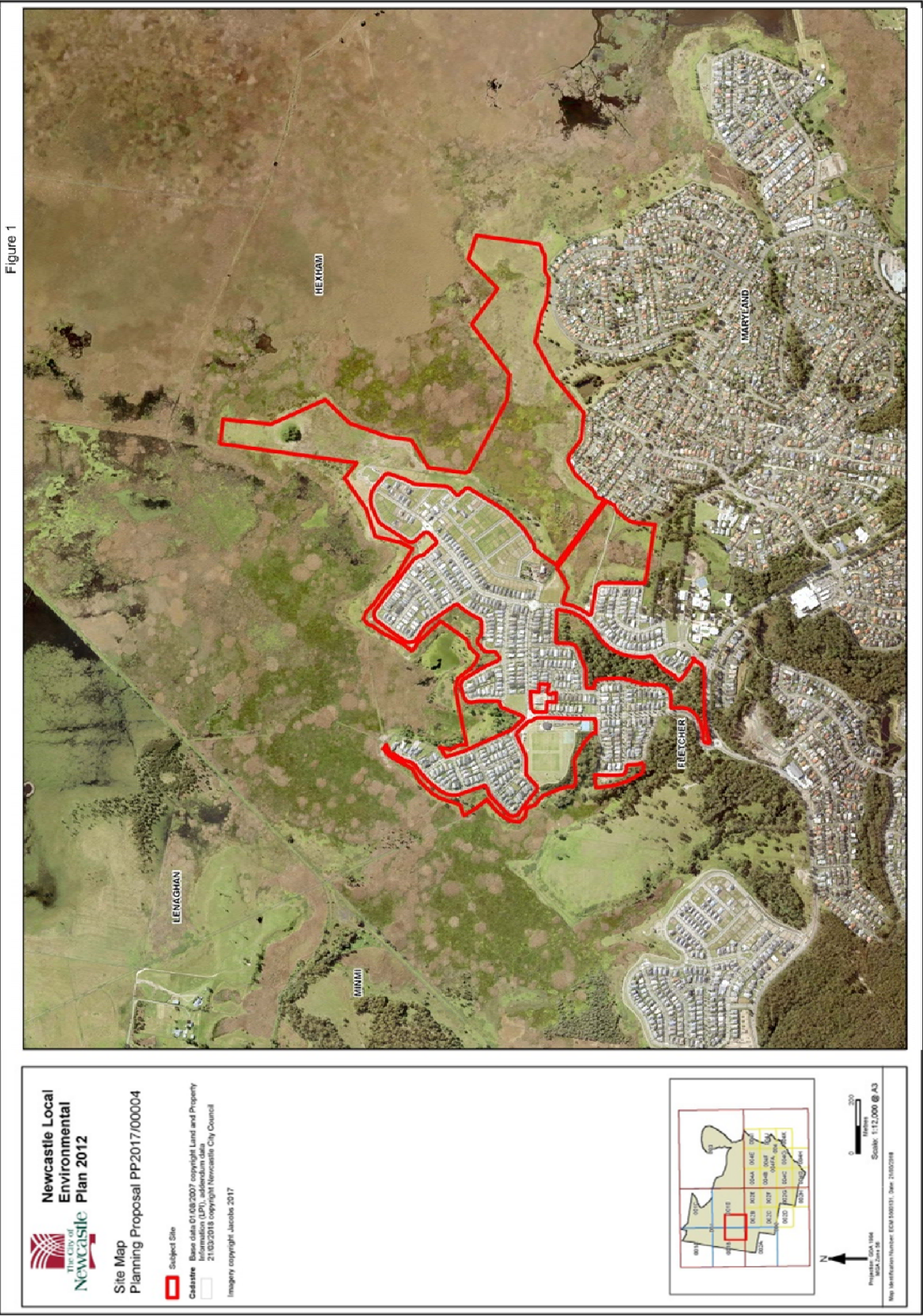




Figure 2: Site reference map





## Part 1 - Objectives or intended outcomes

To amend the Newcastle Local Environmental Plan 2012 to:

1. Ensure zoning of land is compatible with the intended use of the land;
2. Protect and maintain open space and bushland areas;
3. Identify and protect local Aboriginal history and cultural heritage sites; and
4. Correct minor zoning anomalies.

## Part 2 - Explanation of provisions

The proposed outcome will be achieved by:

1. Amending the land zoning map, height of buildings map, floor space ratio map and minimum lot size map of various sites identified in Table 2 and Figure 2. Appendix 3 details each individual site and the proposed mapping changes for each site.

**Table 2: Details of amendments to maps**

Part A				
Site Ref	Property Details	Current Zone	Proposed Zone	Details
A1	Part Lot 844, DP 1192169, 25 Awabakal Drive, Fletcher	E2 and R2	E2	These parcels adjoin existing E2 conservation lands and have been dedicated to Council, other than 280 Minmi Rd which is owned by Hunter Catchment Management Authority.
A2	Part Lot 843, DP 1192169, 18 Adeline Crescent, Fletcher	E2 and R2	E2	
A3	Part Lot 51 DP 1181868, 280 Minmi Rd, Fletcher	E2 and R2	E2	
A4	Lot 1727, DP 1226075, 20 Tulkaba Street, Fletcher	R2	E2	
A5	Lot 1645, DP 1226077, 30 Tulkaba Street, Fletcher	R2	E2	It is intended to rezone parcels that are wholly R2 and those parts of identified parcels that are R2 to E2 Environmental Conservation to match the surrounding zone and the use of the sites.
A6	Part Lot 1538, DP 1225352, 40 Tulkaba Street, Fletcher	E2 and R2	E2	
A7	Part Lot 1537, DP 1225352, 41 Threlkeld Crescent, Fletcher	E2 and R2	E2	
A8	Lot 1535, DP 1225352, 15 Threlkeld Crescent, Fletcher	R2	E2	
A9	Lot 1258, DP 1211278, 77 Bulbul Crescent, Fletcher	R2	E2	Amendments are proposed to: <ul style="list-style-type: none"> <li>• Land Zone (LZN) map - E2 Environmental Conservation</li> <li>• Height of Building (HOB) map - not prescribed consistent with E2 zone</li> <li>• Floor Space Ratio (FSR) map - not prescribed consistent with E2 zone.</li> <li>• Minimum lot size (LSZ) maps - 40 000 sqm consistent with E2 zone.</li> </ul>
A10	Lot 1336, DP 1214393, 37 Bulbul Crescent, Fletcher	R2	E2	
A11	Part Lot 1139, DP 1206083, 11 Bulbul Crescent, Fletcher	E2 and R2	E2	
A12	Part Lot 1059, DP 1199833, 6A Katal Street, Fletcher	E2 and R2	E2	
A13	Lot 439, DP 1178187, 18 Kekul Street, Fletcher	R2	E2	
A14	Part Lot 438, DP 1178178, 14 Kural Crescent, Fletcher	E2 and R2	E2	
A15	Lot 324, DP 1175558, 50 Kural Crescent, Fletcher	R2	E2	

Part B				
Site Ref	Property Details	Current Zone	Proposed Zone	Details
B1	Lot 1536, DP 1225352, 29 Threlkeld Crescent, Fletcher*	R2 and E2	RE1	These parcels contain public reserves, sporting fields and public facilities and are owned by Council.
B2	Lot 1257, DP1211278, 111 Awabakal Drive, Fletcher	R2	RE1	
B3	Lot 223, DP 1170959, 45 Kurraka Drive, Fletcher	R2 and E2	RE1	
B4	Lot 224, DP 1170959, 55 Kurraka Drive, Fletcher	R2	RE1	It is intended to rezone these parcels RE1 Public Recreation to reflect the current use of the sites.
B5	Lot 174, DP 1113792, 25 Konara Crescent, Fletcher*	R2	RE1	
				<p>Amendments are proposed to:</p> <ul style="list-style-type: none"> <li>• Land Zone (LZN) map - RE1 Public Recreation</li> <li>• Height of Building (HOB) map - not prescribed consistent with RE1 zone</li> <li>• Floor Space Ratio (FSR) map - not prescribed consistent with RE1 zone.</li> <li>• Minimum lot size (LSZ) maps - not prescribed consistent with RE1 zone</li> </ul> <p>* Proposed heritage listing see details in 2 below</p>

Part C				
Site Ref	Property Details	Current Zone	Proposed Zone	Details
C1	Lot 163, DP1113792, 19 Mowane Street, Fletcher	B1	R2	These parcels contain dwelling houses and are in private ownership.
C2	Lot 162, DP1113792, 21 Mowane Street, Fletcher	B1	R2	
C3	Lot 5017, DP1148599, 23 Mowane Street, Fletcher	B1	R2	It is intended to rezone land to R2 Low Density Residential to be consistent with adjoining lots and the current land use. Amendements are proposed to:
C4	Lot 5018, DP 1148599, 25 Mowane Street, Fletcher	B1	R2	
				<ul style="list-style-type: none"> <li>• Land Zone (LZN) map - R2 Low Density Residential</li> <li>• Height of Building (HOB) map - 8.5m consistent with R2 zone</li> <li>• Floor Space Ratio (FSR) map - 0.6:1 consistent with R2 zone.</li> <li>• Minimum lot size (LSZ) maps - 450sqm consistent with RE1 zone</li> </ul>

	Part D			
	Property Details	Current Zone	Proposed Zone	Details
D1	Part Lot 1, DP 1231562, 52 Kurraka Drive, Fletcher	B1 and R2	B1	These parcels are zoned B1, however, the zone boundaries do not align with the property boundaries.  It is intended to align the zone boundaries with the property boundarties  Amendments are proposed to: <ul style="list-style-type: none"> <li>• Land Zone (LZN) map - B1 Local Centre and R2 Low Density Residential</li> <li>• Height of Building (HOB) map - consistent with existing zones B1- 11m and R2 -8.5m</li> <li>• Floor Space Ratio (FSR) map - consistent with existing zones B1 - 1.5:1 and R2- 0.6:1.</li> <li>• Minimum lot size (LSZ) maps - consistent with existing zones B1 - not prescribed; R2 - 450sqm.</li> </ul>
D2	Kurraka Drive Road Reserve adjacent to Lot 1 DP 1231562	B1 and R2	R2	
D3	Part Lot 2, DP 1231562, 35 Tibin Drive, Fletcher	B1 and R2	B1	

2. By amending Schedule 5, Environmental Heritage, Part 3 Archaeological sites and the Heritage Map to include Local Significance listings at:
- Lot 174, DP 1113792 25 Konara Crescent for Aboriginal Heritage Park 1 (Yutilliko Park); and
  - Lot 1536, DP 122535225 29 Threkeld Crescent for Aboriginal Heritage Park 2 (Kauma Park);



## Part 3 - Justification

### Section A - Need for the planning proposal

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

The planning proposal is not a result of any specific Council study or report.

The planning proposal is consistent with the Newcastle Local Planning Strategy, in particular, the vision and objectives for Fletcher which include:

- protecting and maintaining existing public open space and bushland areas; and
- increasing the range and quality of social infrastructure, including sporting facilities and other outdoor recreation opportunities, available to the local community, and to meet demands associated with additional population.

The proposed amendments will protect the existing public reserves and recreation lands within Fletcher.

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

Yes. Rezoning of the land is the best means to achieve the intended outcomes. A Planning Proposal is the best means to amend the zoning and to also enhance and protect the natural environment and heritage within this area of Sanctuary Estate.

### Section B - Relationship to strategic planning framework

#### *3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?*

##### **Hunter Regional Plan 2036**

The Hunter Regional Plan 2036 is the NSW government's plan to guide land use planning and infrastructure priorities and decisions over the next 20 years. The plan identifies regionally important natural resources, transport networks and social infrastructure and provides a framework to guide more detailed land use plans, development proposals and infrastructure funding decisions. The plan includes overarching directions, goals and actions as well as specific priorities for each local government area in the Hunter region.

The planning proposal is consistent with Goal 3 - Thriving Communities. This goal identifies that many communities are set around the Hunter's natural features and open space. The quality and accessibility of these areas gives residents an array of unique experiences and opportunity for a healthy lifestyle. The change in zoning sought under this planning proposal, is considered to meet the objectives of this Goal as identified under the following directions:

- Direction 17: Create healthy built environments through good design - the planning proposal is considered to address the intention of this direction. Public reserve and recreation areas were planned for within the development of this site, a change in zoning will ensure that these areas are protected, and in the future provide for appropriate land uses for the continued use of the community.
- Direction 18: Enhance access to recreational facilities and connect open spaces - the planning proposal is considered to address the intention of this direction, in particular, Action 18.2 deliver connected biodiversity-rich corridors and open space areas for

community enjoyment. The planning proposal seeks to rezone land dedicated for road and public reserve from R2 Low Density Residential to E2 Environmental Conservation or RE1 Public Recreation. The rezoning of land will provide for continued appropriate use of this land for recreation purposes for the adjoining community.

- Direction 19: Identify and protect the region's heritage - the planning proposal is considered to address the intention of this direction. Aboriginal Heritage Parks No 1 and 2 are existing public recreation areas and contain identified Aboriginal artefacts from the area. The rezoning of land and listing of heritage items will provide for continued appropriate use of this land for recreation purposes, as well as protection and maintenance of these heritage sites.

### **Draft Greater Newcastle Metropolitan Plan**

The draft Greater Newcastle Metropolitan Plan aims to deliver a collaborative framework to achieve a significant part of the Hunter Regional Plan 2036 by identifying the strategies and actions needed to create an integrated metropolitan city, as well as identify and prioritise infrastructure and services needed in catalyst areas.

The Planning Proposal is consistent with strategies and actions to facilitate Outcome 2 - Enhance environment, amenity and resilience for quality of life. In particular, the rezoning of land and listing of sites B1 and B5 as items of local heritage significance will support Strategy 2.2 - Create more great public spaces where people come together and the associated action to 'identify, protect and celebrate Aboriginal cultural heritage'. The proposal also supports Strategy 2.3 - Enhance the blue and green grid and the urban tree canopy.

## ***4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?***

### **Newcastle 2030 Community Strategic Plan**

The Newcastle Community Strategic Plan (CSP) reflects the community's vision for the city and is Council's guide for action. It contains the strategies to be implemented and the outcomes that will indicate achievement of the defined goals. Council adopted the Newcastle 2030 Community Strategic Plan in February 2011. It was revised and updated in 2013. The following relevant strategic directions and their objectives from the Newcastle CSP are addressed in relation to this planning proposal.

#### Open and Collaborative Leadership

Compliance with the LEP amendment process, in particular Schedule 1 – community participation requirements of the *EP&A Act 1979*, will assist in achieving the strategic objective to 'Consider decision-making based on collaborative, transparent and accountable leadership' and the identified strategy 7.2b to 'Provide opportunities for genuine and representative community engagement in local decision making'.

#### Protected and Enhanced Environment

The proposed rezoning of road and public reserve from R2 Low Residential Density to E2 Environmental Conservation or RE1 Public Recreation will assist in achieving the strategic objective to 'Our unique natural environment is maintained, enhanced and connected' and the identified strategy 2.2b 'Protect and rehabilitate degraded and fragmented natural areas and manage major impacts on corridors, remnant bushland, estuaries and coastal areas' by ensuring that the intended use of and management of this land enhances and protects the existing natural environment and heritage.

### Vibrant and Activated Public Places

The proposed rezoning of public reserve from R2 Low Residential Density to RE1 Public Recreation will assist in achieving the strategic objective to 'Public places that provide for diverse activity and strengthen our social connections' and the identified strategy 3.1d 'create welcoming and accessible community facilities that support opportunities for people to meet and connect with one another' by providing for the ongoing opportunity for active and passive recreational use for the surrounding and greater community.

### Caring and Inclusive Community

The proposed rezoning of public reserve from R2 Low Residential Density to RE1 Public Recreation will assist in achieving the strategic objective to 'A creative, culturally rich and vibrant community' and the identified strategy 4.3c 'Acknowledge and respect local Aboriginal history, cultural heritage and peoples' by ensuring the intended use and management of the existing Aboriginal Heritage Parks.

### **Local Planning Strategy**

The Local Planning Strategy (LPS) was prepared in accordance with the Community Strategic Plan and adopted by Council in 2015. The Strategy has not been endorsed by the Secretary of the Department of Planning and Environment, but it does provide a comprehensive guide for the future growth and development of Newcastle to 2030 and beyond.

Fletcher is identified as a growing residential suburb and the Planning Proposal supports the objectives for this area including:

- to protect and maintain existing public open space and bushland areas.
- increase the range and quality of social infrastructure, including sporting facilities and other outdoor recreation opportunities, available to the local community, and to meet demands associated with additional population.

The planning proposal is consistent with these objectives. Road and public reserves were dedicated to Council from Urban Growth with the intention for use as bushland buffers and public recreation/community use. The rezoning of land from R2 Low Residential Density to E2 Environmental Conservation or RE1 Public Recreation by ensuring that the intended use of and management of this land.

The Planning Proposal is also considered to meet the strategic direction for Heritage, listed under Section 3.8 Heritage, by ensuring that heritage schedules are regularly reviewed and updated. The planning proposal seeks to list Aboriginal Heritage Parks 1 and 2 as items of Local significance under Schedule 5 Environmental heritage, part 3 Archaeological sites. The listing of these sites as heritage items will provide for their continued maintenance and conservation. Further details are outlined within the Aboriginal Cultural Heritage Management Plan - Sanctuary, Fletcher prepared by Umwelt (Australia) Pty Ltd.



## 5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

An assessment of the planning proposal against the relevant SEPPs is provided in the table below.

**Table 3 - State Environmental Planning Policies**

SEPPs	Applicable	Consistency and Implications
SEPP No 1—Development Standards	No	
SEPP No 19—Bushland in Urban Areas	No	
SEPP No 21—Caravan Parks	No	
SEPP No 30—Intensive Agriculture	No	
SEPP No 33—Hazardous and Offensive Development	No	
SEPP No 36—Manufactured Home Estates	No	
SEPP 44 (Koala Habitat Protection)	Yes	This policy applies to the land; however, none of the sites within the planning proposal area consist of potential or core koala habitat.
SEPP No 47—Moore Park Showground	No	
SEPP No 50—Canal Estate Development	No	
SEPP No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	No	
SEPP No 55—Remediation of Land	No	
SEPP No 62—Sustainable Aquaculture	No	
SEPP No 64—Advertising and Signage	No	
SEPP No 65—Design Quality of Residential Apartment Development	No	
SEPP No 70—Affordable Housing (Revised Schemes)	No	
SEPP (Affordable Rental Housing) 2009	No	
SEPP (Building Sustainability Index: BASIX) 2004	No	
SEPP (Coastal Management) 2018	Yes	Sites A1 - A15 are mapped as being within the 'Proximity Area for Coastal Wetlands'. Sites A1 and A3 also have parts mapped within the 'Coastal Wetlands' area. This planning proposal is consistent with the aims of the Policy as the proposed zones and development standards are consistent with the site uses and the surrounding sites.
SEPP (Educational Establishments and Child Care Facilities) 2017	No	
SEPP (Exempt and Complying Development Codes) 2008	No	
SEPP (Housing for Seniors or People with a Disability) 2004	No	
SEPP (Infrastructure) 2007	No	
SEPP (Integration and Repeals) 2016	No	
SEPP (Kosciuszko National Park—Alpine Resorts) 2007	No	

SEPPs	Applicable	Consistency and Implications
SEPP (Kurnell Peninsula) 1989	No	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	No	
SEPP (Miscellaneous Consent Provisions) 2007	No	
SEPP (Penrith Lakes Scheme) 1989	No	
SEPP (Rural Lands) 2008	No	
SEPP (State and Regional Development) 2011	No	
SEPP (State Significant Precincts) 2005	No	
SEPP (Sydney Drinking Water Catchment) 2011	No	
SEPP (Sydney Region Growth Centres) 2006	No	
SEPP (Three Ports) 2013	No	
SEPP (Urban Renewal) 2010		
SEPP (Vegetation in Non-Rural Areas) 2017	Yes	
SEPP (Western Sydney Employment Area) 2009	No	
SEPP (Western Sydney Parklands) 2009	No	

**6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

An assessment of the planning proposal against the relevant Ministerial Directions is provided in the table below.

**Table 4- Ministerial Directions (Section 9.1 directions)**

Section 9.1 Directions	Applicable	Consistency and implications
<b>1. Employment and Resources</b>		
1.1 Business and Industrial Zones	Yes	<p>The proposal is inconsistent with this direction; however, the proposal is of minor significance.</p> <p>The total area of the 4 sites proposed to be rezoned to R2 Low Density Residential is 2052sqm. Although the sites are currently zoned B1 Neighbourhood Centre, the sites contain newly constructed dwellings and are not used for commercial purposes. The proposal does not reduce the total potential floor space area for employment uses and related public services because:</p> <ul style="list-style-type: none"> <li>The 4 sites have recently had dwelling houses constructed on them and it is unlikely that a change to a commercial use would be viable.</li> <li>The sites are not suitable for any significant business development as access is limited to a relatively narrow local road with limited car parking and sites are mostly surrounded by low density residential dwellings.</li> </ul> <p>Commercial zoned land remains along Kurraka Drive with the existing services including a childcare centre and medical practice. In addition, the proposed R2 zone still permits a range of business uses that would be more compatible with the surrounding development such as centre-based child care facilities and neighbourhood shops.</p>
1.2 Rural Zones	No	
1.3 Mining, Petroleum Production and Extractive Industries	No	
1.4 Oyster Aquaculture	No	
1.5 Rural Lands	No	
<b>2. Environment and Heritage</b>		
2.1 Environment Protection Zones	Yes	The Planning Proposal is consistent with this direction. The proposed E2 Environmental Conservation Zone is consistent with characteristics of the sites and the adjoining land.
2.2 Coastal Protection	Yes	The Planning Proposal is consistent with this direction. The proposed E2 Environmental Conservation Zone is consistent with the objects of the Coastal Management Act 2016, the objectives of the 'Proximity Area for Coastal Wetlands' and the NSW Coastal Management Manual.



Section 9.1 Directions	Applicable	Consistency and implications
2.3 Heritage Conservation	Yes	<p>The Planning Proposal is consistent with this direction. The rezoning of land and listing of sites B1 and B5 as items of Local Significance on Schedule 5 Environmental heritage of the NLEP will facilitate the conservation of Aboriginal areas/artefacts and ensure intended use, management and conservation of these areas.</p> <p>Appendix 2 contains the Sanctuary Estate Overarching Aboriginal Cultural Heritage Management Plan (Stage 2) (September 2008) and the Aboriginal Cultural Heritage Management Plan - Sanctuary, Fletcher (February 2014), which provides evidence to support the listing of these sites.</p>
2.4 Recreation Vehicle Area	No	
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEP's	No	
<b>3. Housing, Infrastructure and Urban Development</b>		
3.1 Residential Zones	Yes	The Planning Proposal is consistent with this direction.
3.2 Caravan Parks and Manufactured Home Estates	No	
3.3 Home Occupations	No	
3.4 Integrating Land Use and Transport	Yes	The Planning Proposal is consistent with this direction.
3.5 Development Near Licenced Aerodromes	No	
<b>4. Hazard and Risk</b>		
4.1 Acid Sulphate Soils	Yes	The Planning Proposal is consistent with this direction.
4.2 Mine Subsidence and Unstable Land	No	
4.3 Flood Prone Land	Yes	The Planning Proposal is consistent with this direction.
4.4 Planning for Bushfire Protection	Yes	The Planning Proposal is consistent with this direction.
<b>5. Regional Planning</b>		
5.1 Implementation of Regional Strategies	No	
5.2 Sydney Drinking Water Catchments	No	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	
5.8 Second Sydney Airport: Badgerys Creek	No	
5.9 North West Rail Link Corridor Strategy	No	

Section 9.1 Directions	Applicable	Consistency and implications
5.10 Implementation of Regional Plans	Yes	The Planning Proposal is consistent with this direction.  The Planning Proposal is consistent with the goals of the Hunter Regional Plan 2036, in particular Goal 3 - Thriving Communities. This goal identifies that many communities are set around the Hunter's natural features and open space. The quality and accessibility of these areas gives residents an array of unique experiences and opportunity for a healthy lifestyle.
<b>6. Local Plan Making</b>		
6.1 Approval and Referral Requirements	Yes	The Planning Proposal is consistent with this direction.
6.2 Reserving Land for Public Purposes	Yes	The Planning Proposal is consistent with this direction.
6.3 Site Specific Provisions	No	

## Section C - Environmental, social and economic impact

### *7. 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 proposal is not likely to adversely affect critical habitat, threatened species, populations or ecological communities or their habitats. The proposed changes will ensure the land use zones and associated development standards are consistent with the existing and surrounding land uses.

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

#### **Bushfire hazard**

Public reserve sites nominated within the planning proposal are identified as bushfire prone land ranging from vegetation buffer to vegetation category 1. A bushfire management plan was lodged and considered in the development of this estate (DA 1997/0555). All bushfire protection measures have been provided within the road reserve or private allotments.

These sites are owned by Council and are not intended for dwellings. Any future DAs will need to comply with the requirements of Planning for Bushfire Protection 2006 or subsequent guidelines, particularly in relation to providing adequate asset protection zones to identified bushfire hazard areas.

Sites proposed to be rezoned commercial or residential are not bushfire prone sites.

#### **Flooding**

The proposal does include flood prone land. All public recreation, residential and commercial areas are free of flooding. Some public reserve land (proposed E2 zone land) is identified as flood prone land which may be impacted by minor inundations. This land is owned by Council and is not intended for future residential development.

## ***Aboriginal archaeology***

An Aboriginal Cultural Heritage Management Plan for the Sanctuary Estate was prepared under Development Application 1997/0555. The Plan was revised in 2014 (Aboriginal Cultural Heritage Management Plan - Sanctuary, Fletcher, prepared by Umwelt (Australia) Pty Ltd) to update variations to Aboriginal Heritage Impact Permits, and also to include subsequent management changes.

Approximately 3000 artefacts were recovered during the initial excavation works. Although artefacts were recovered across the entire project area, two (2) areas in particular were considered particularly important because they contained very large samples of artefacts. These areas were selected in consultation with Awabakal Local Aboriginal Land Council, as a result of detailed archaeological studies and were to be identified as Aboriginal Heritage Conservation Areas, to ensure formal reservation for the protection of their conservation and Aboriginal heritage values. These two areas are 25 Konara Crescent and 29 Threlkeld Crescent, known as Yutilliko Park (Aboriginal Heritage Park 1) and Kauma Park (Aboriginal Heritage Park 2).

The main actions identified in the Aboriginal Cultural Heritage Management Plans include conserving these highly valued archaeological areas; excluding them from residential subdivision; and appropriately managing for their Aboriginal heritage values. The changes to the zone and listing of these sites within Schedule 5 Environmental Heritage of the NLEP, will support the conservation and management of these sites.

### ***9. Has the planning proposal adequately addressed any social and economic effects?***

The proposed amendments are expected to have a number of positive social impacts including the following:

- The rezoning of land will provide for continued use of land for recreation and community purposes.
- The rezoning of land will provide for continued appropriate use and maintenance of nominated heritage sites.

## **Section D - State and Commonwealth interests**

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

Existing infrastructure is adequate to serve or meet the needs of the proposal.

### ***11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?***

No State and Commonwealth public authorities have been consulted at this stage. Public authorities will be consulted with in accordance with the requirements of the Gateway determination.

## Part 4 - Mapping

The planning proposal seeks to amend the following maps within Newcastle LEP 2012:

- Land Zoning Map
- Height of Buildings Map
- Floor Space Ratio Map
- Minimum Lot Size Map
- Heritage Map

The Matrix below indicates (with an “X”), which map sheets (of Newcastle LEP 2012) are to be amended as a result of this planning proposal (eg. FSR\_001C)

	FSR	LAP	LZN	WRA	ASS	HOB	LSZ	LRA	CL1	HER	URA
001											
001A											
001B	X		X			X	X			X	
001C											
001D	X		X			X	X			X	
002											
002A											
002B											
002C											
002D											
002E											
002F											
002G											
002H											
003											
004											
004A											
004B											
004C											
004D											
004E											
004F											
004FA											
004G											
004H											
004I											
004J											
004K											

Map Codes:	FSR	=	Floor Space Ratio map
	LAP	=	Land Application Map
	LZN	=	Land Zoning Map
	WRA	=	Wickham Redevelopment Area Map
	ASS	=	Acid Sulphate Soils Map
	HOB	=	Height of Buildings Map
	LSZ	=	Lot Size Map
	LRA	=	Land Reservation Acquisition Map
	CL1	=	Key Sites Map & Newcastle City Centre Map
	HER	=	Heritage Map
	URA	=	Urban Release Area Map

The following maps illustrate the proposed amendments to the Newcastle LEP 2012 maps:

### Figure 3: Existing Land Zoning Map

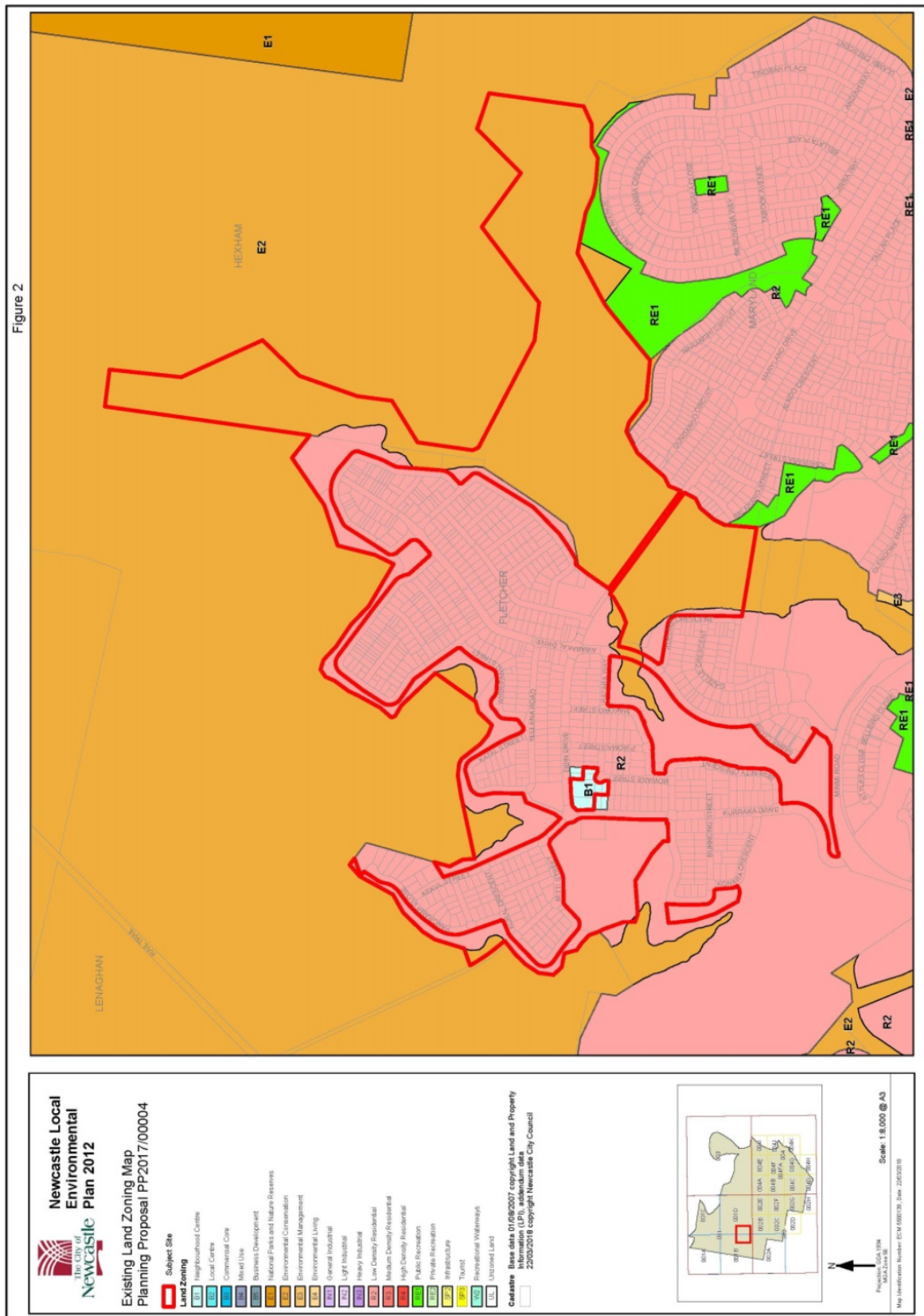




Figure 4: Proposed Land Zoning Map

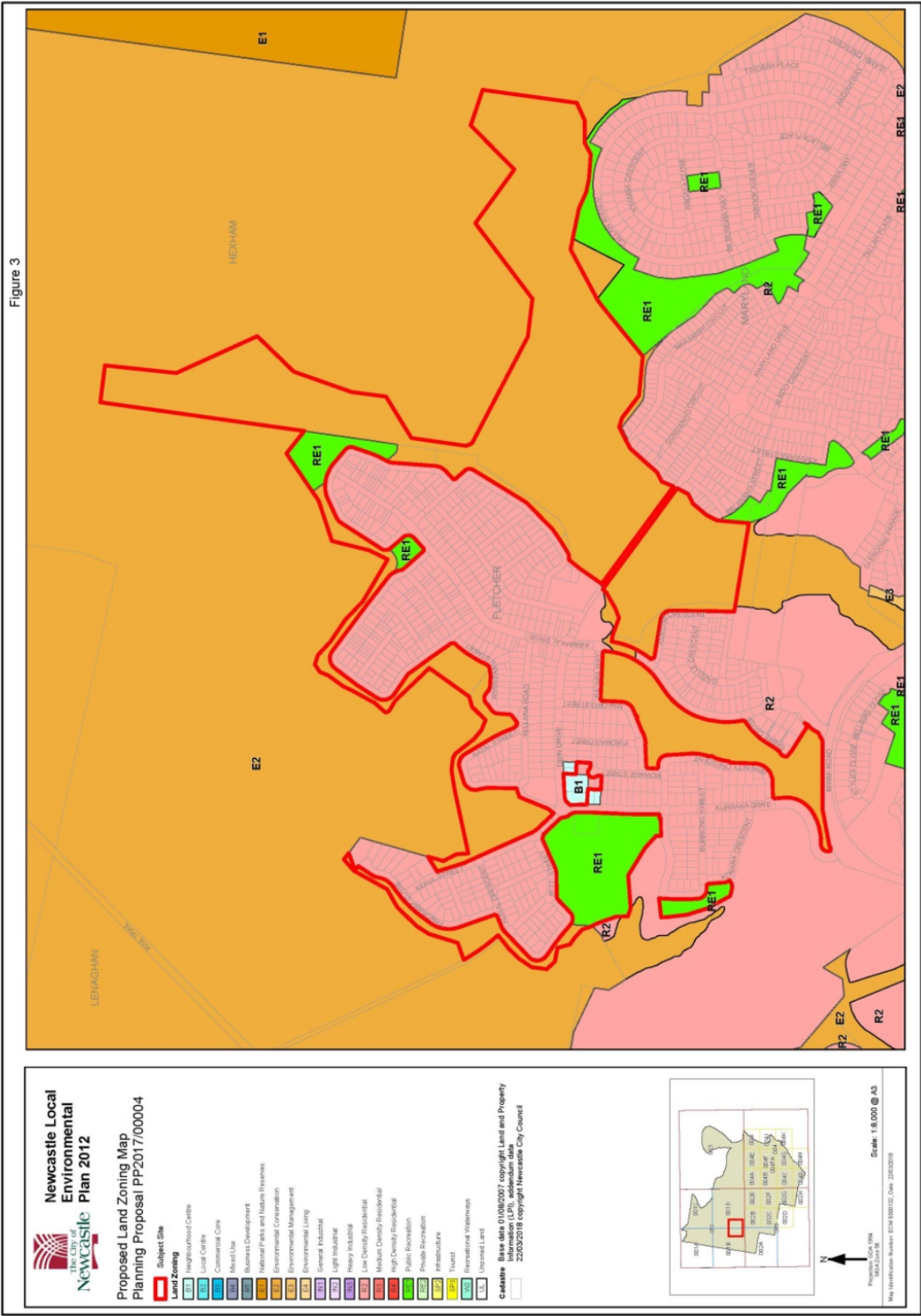




Figure 5: Existing Height of Buildings Map

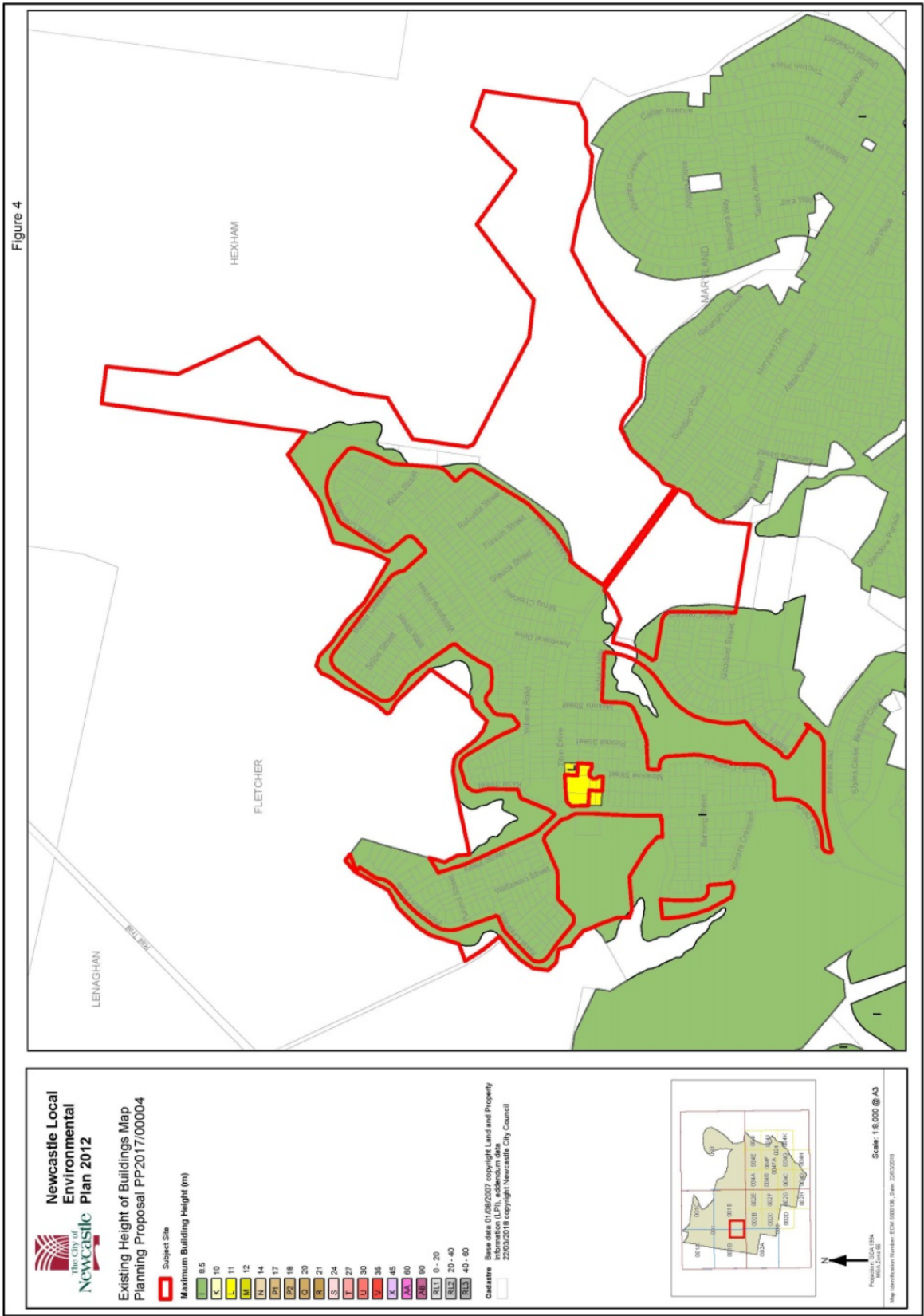


Figure 6: Proposed Height of Buildings Map

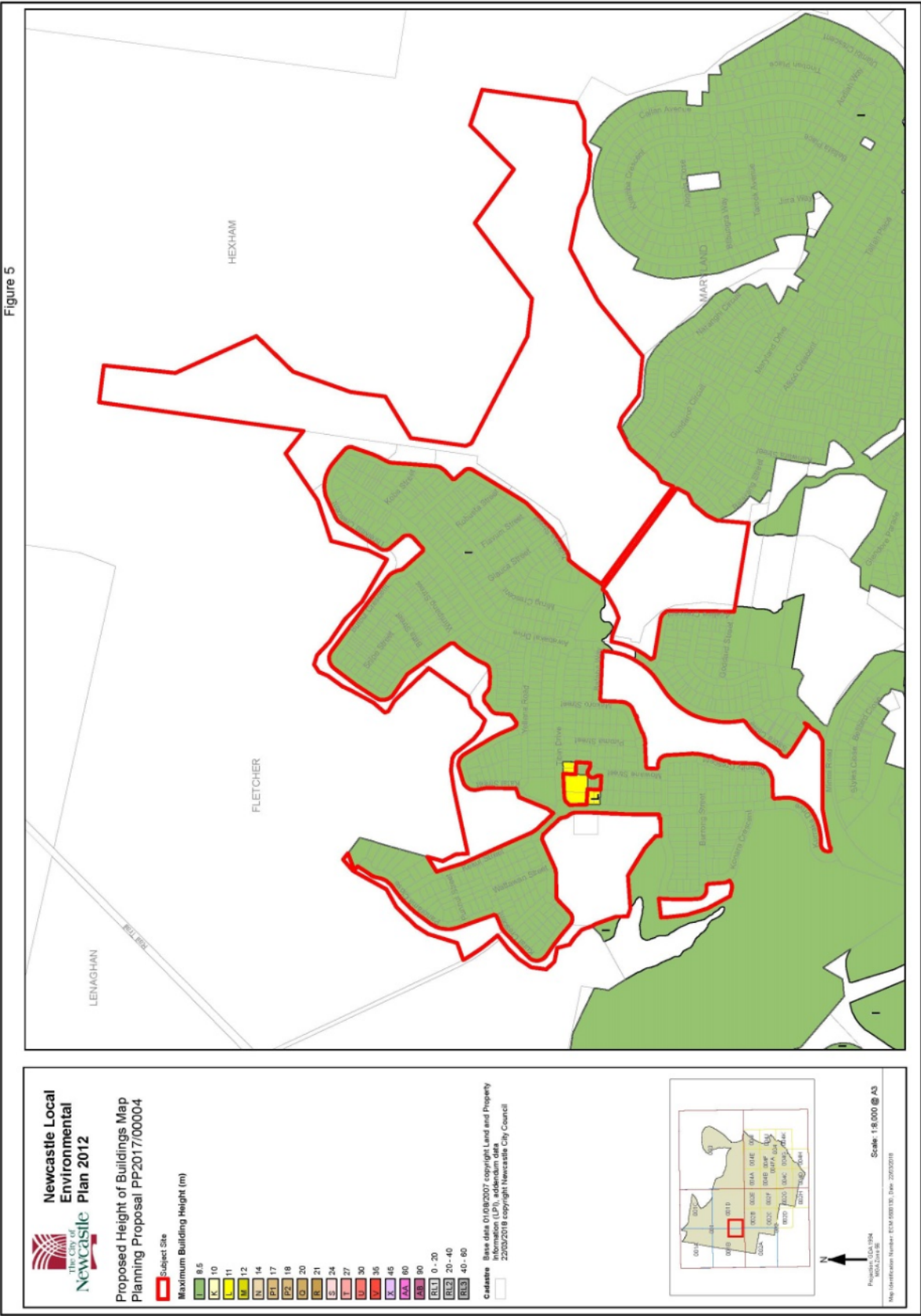


Figure 7: Existing Floor Space Ratio Map

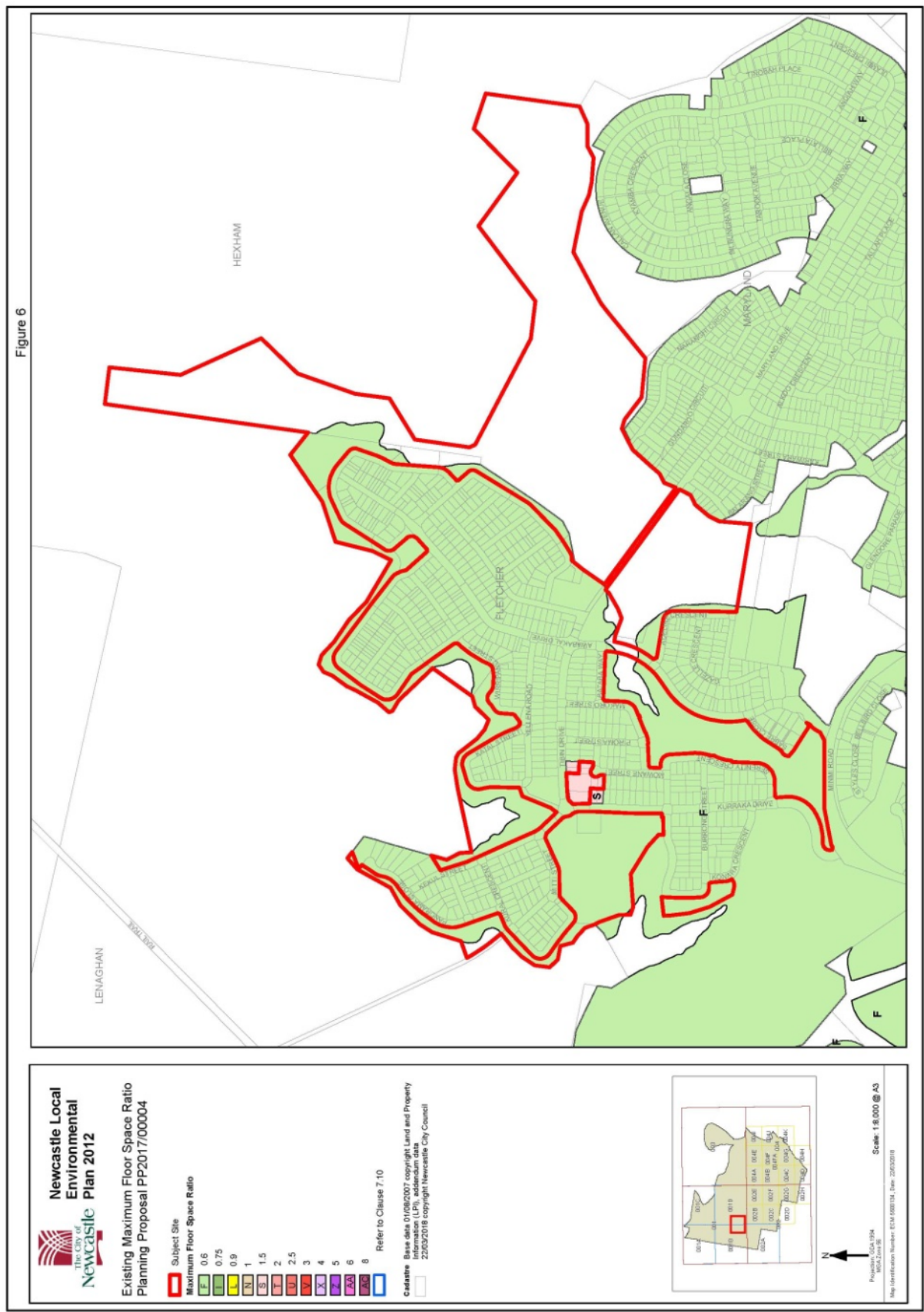
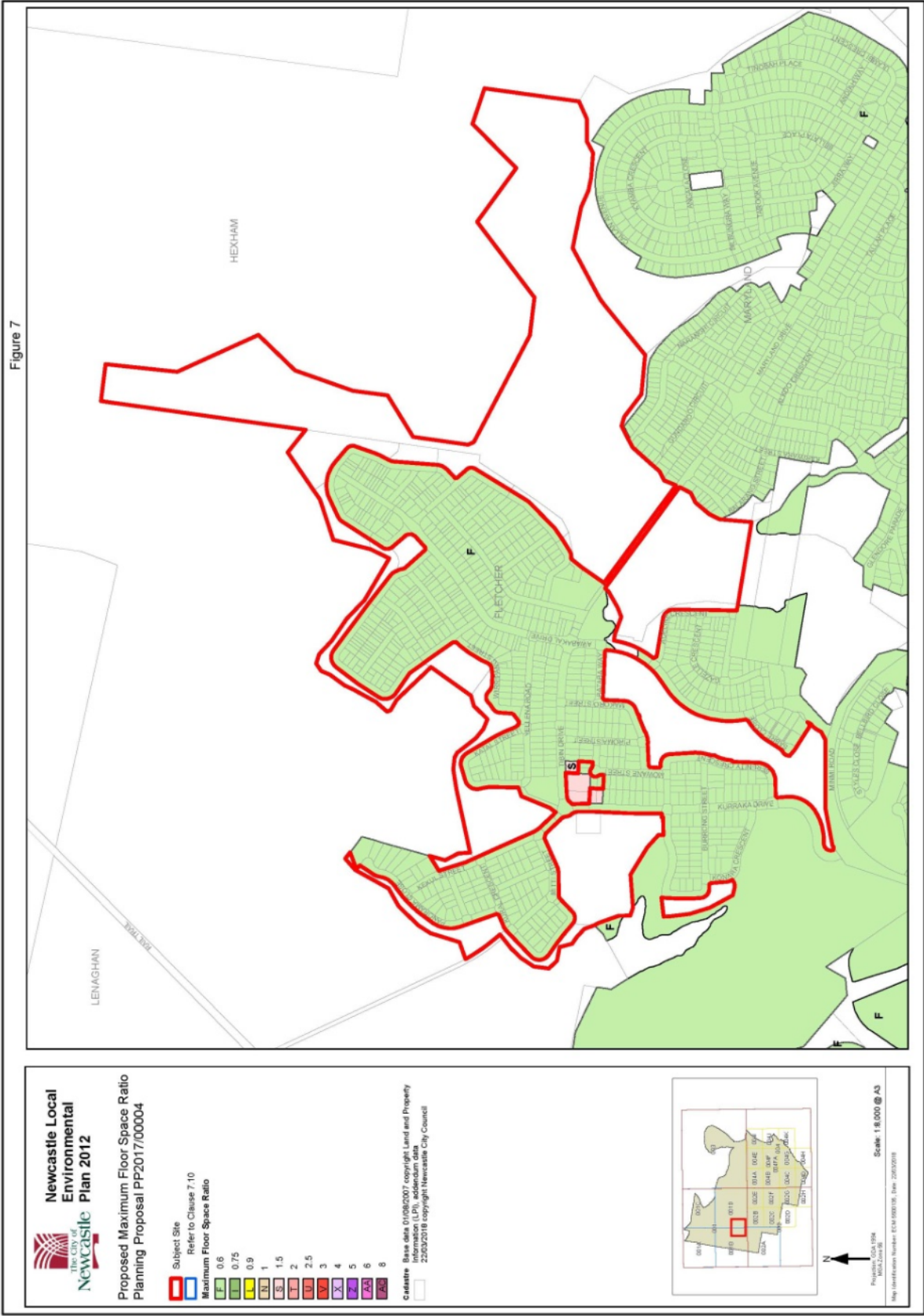




Figure 8: Proposed Floor Space Ratio Map



**Figure 9: Existing Lot Size Map**



Figure 10: Proposed Lot Size Map

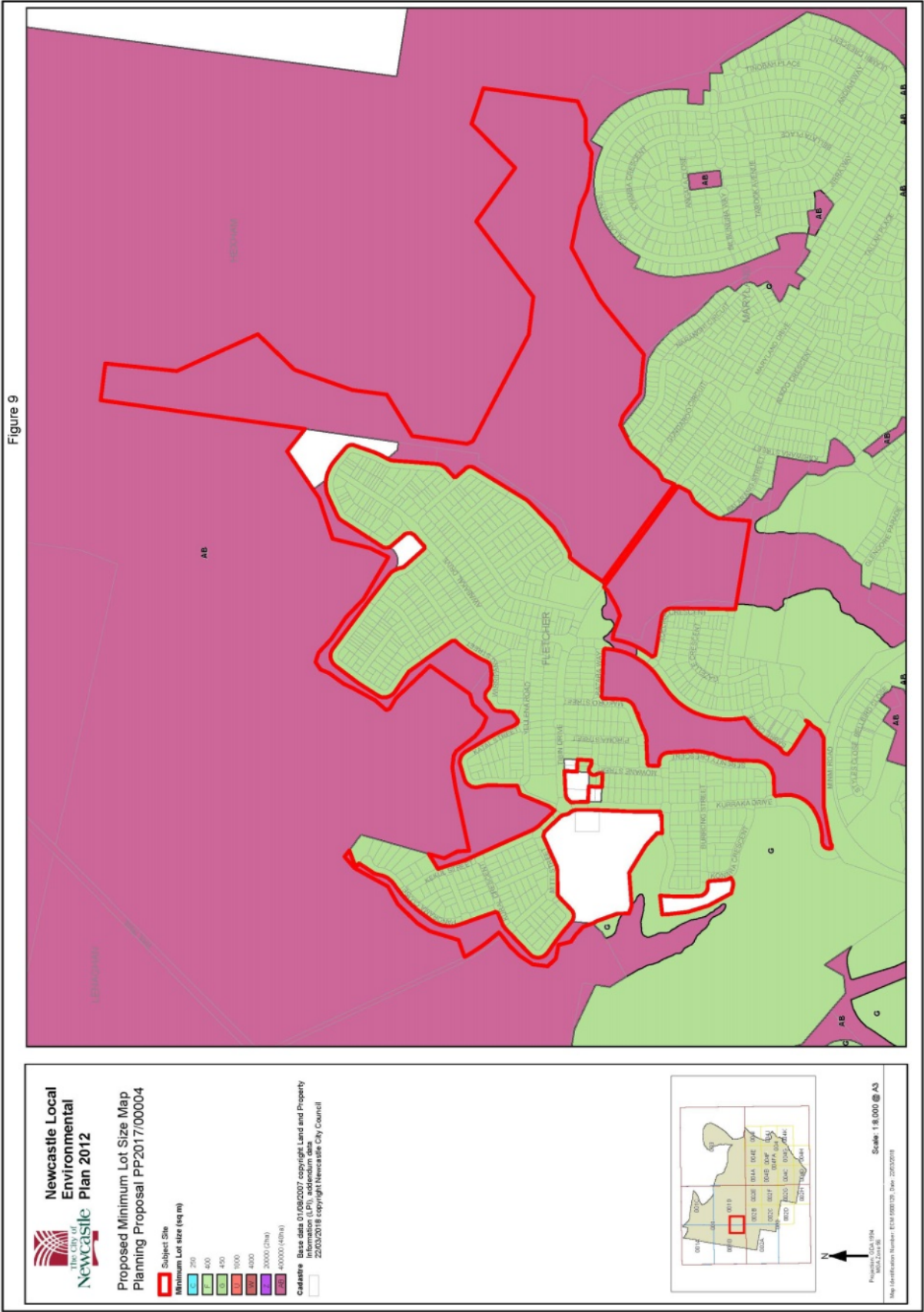




Figure 11: Existing Heritage Map

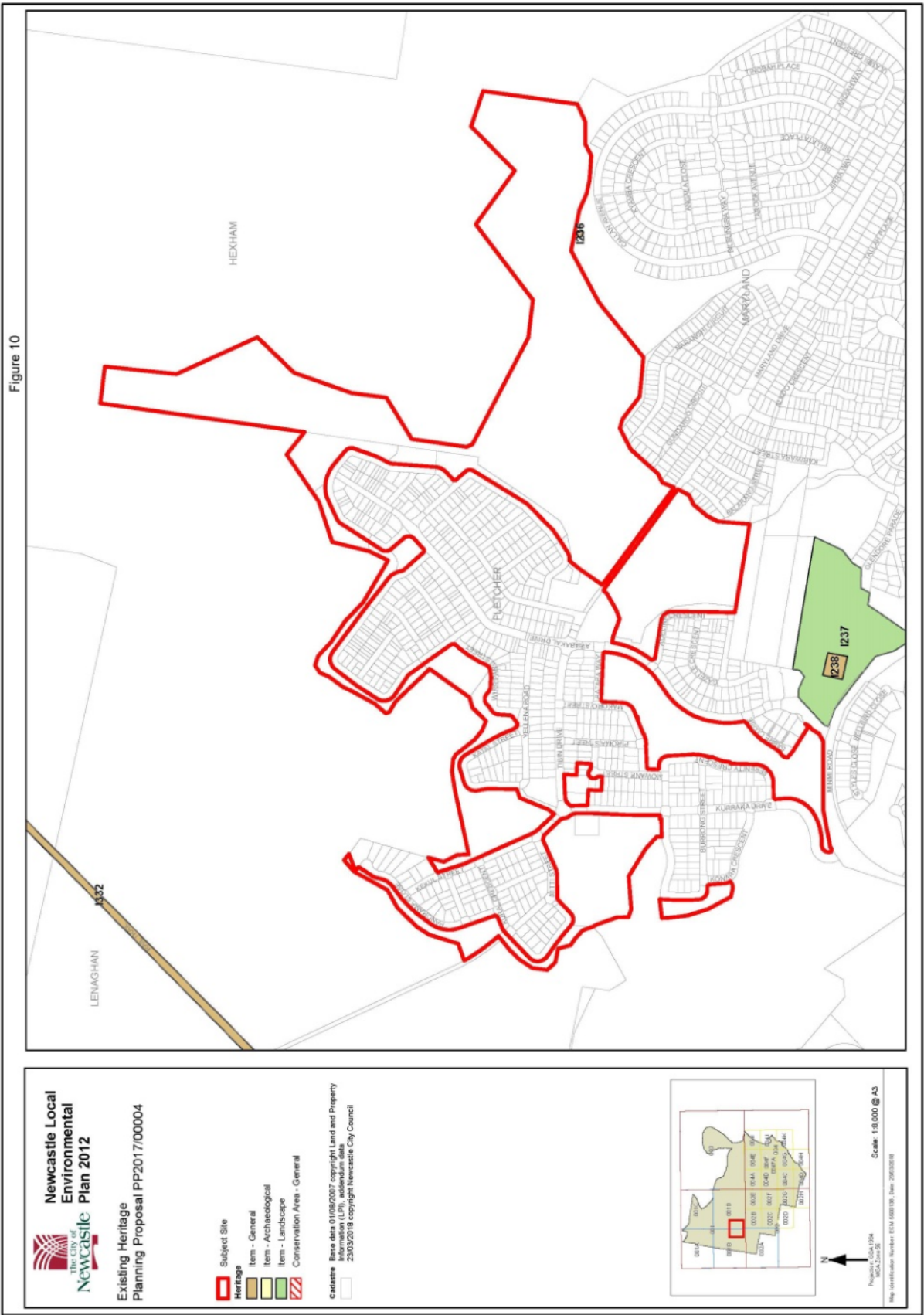
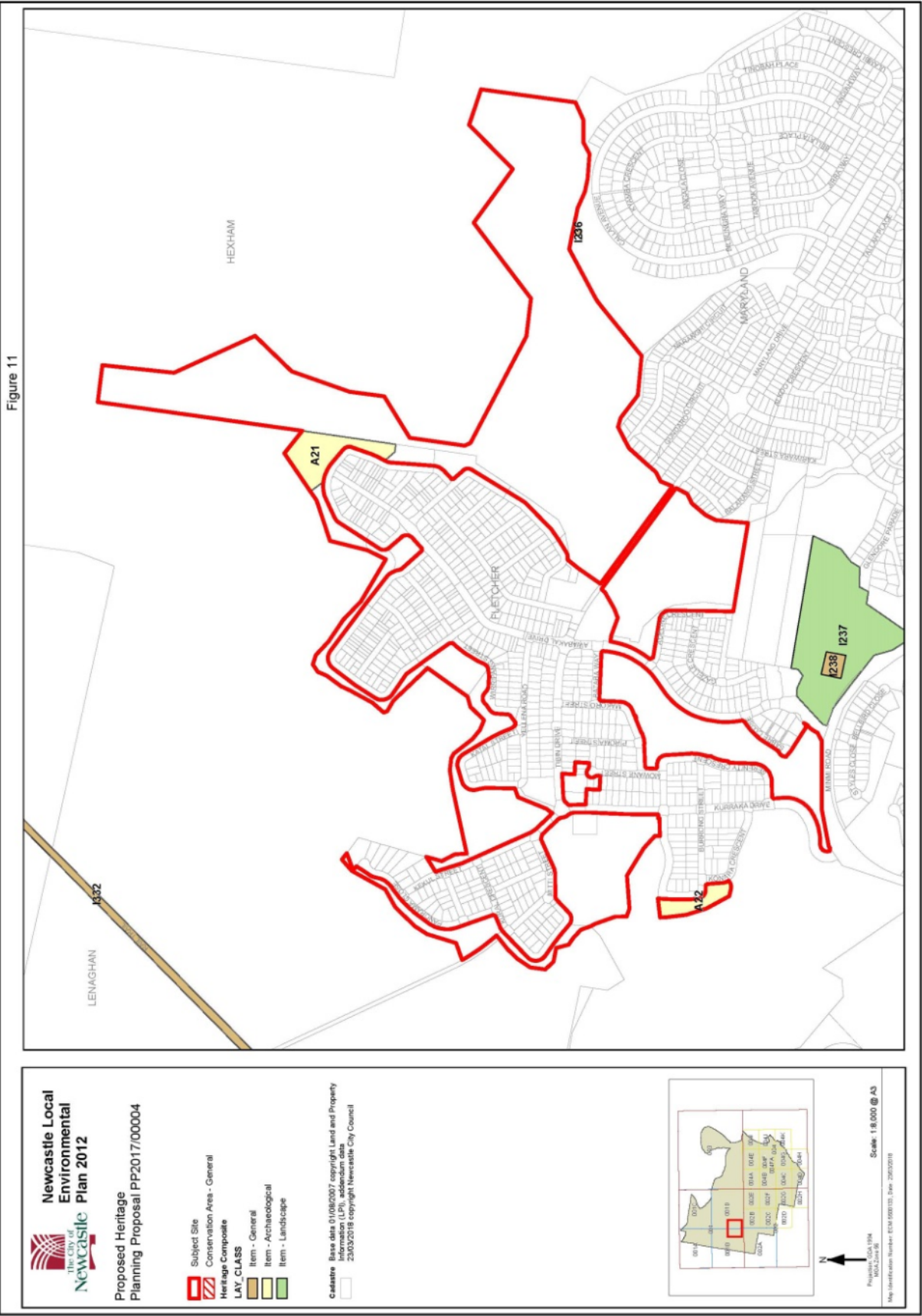


Figure 12: Proposed Heritage Map



## Part 5 - Community Consultation

The planning proposal is considered as low impact in accordance with the Department of Planning and Environment's guidelines, 'A guide to preparing local environmental plans'. It is proposed that the planning proposal be publicly exhibited for a minimum 14 day period.

Land owners at 19, 21, 23 and 25 Mowane Street (land proposed to be rezoned from B1 to R2) were advised in writing of the proposed rezoning, and no submissions were received.

## Part 6 - Project timeline

The plan making process is shown in the timeline below. It will be undertaken in accordance with the Gateway determination.

Task	Planning Proposal Timeline											
	Jun 18	Jul 18	Aug 18	Sep 18	Oct 18	Nov 18	Dec 18	Jan 19	Feb 19	Mar 19	Apr 19	May 19
Anticipated commencement date (date of Gateway determination)												
Anticipated timeframe for the completion of required studies												
Timeframe for government agency consultation												
Commencement and completion dates for public exhibition period												
Dates for public hearing (if required)												
Timeframe for consideration of submissions												
Timeframe for the consideration of a proposal post exhibition												
Anticipated date RPA* will make the plan (if delegated)												
Anticipated date RPA* will forward to the Department for notification (if delegated) or for finalisation (if not delegated)												

\*RPA Relevant Planning Authority

## Appendix 1

### **Voluntary Planning Agreement - extract showing land dedication map**

See separate attachment

## **Appendix 2**

- 1. Sanctuary Estate  
Overarching Aboriginal Cultural Heritage  
Management Plan (Stage 2)**

**Heritage Impact Statement and statement of  
agreed measures to minimise impacts on  
Aboriginal Cultural Heritage.**

- 2. Aboriginal Cultural Heritage Management Plan -  
Sanctuary, Fletcher**

See separate attachment

## Appendix 3

### **Mapping changes - Individual parcels within the planning proposal area.**

See separate attachment