



Planning Proposal

505 Minmi Road, Fletcher

Introduction

Council has received an application for the preparation of a draft local environmental plan to rezone land at Lot 1 DP 844711, 505 Minmi Road, Fletcher, to allow a 109 lot residential subdivision.

Part 1 - Objectives or Intended Outcomes

To enable low density residential development and appropriate environmental conservation areas to occur on Lot 1 DP 844711, 505 Minmi Road, Fletcher.

Part 2 - Explanation of Provisions

To rezone Lot 1 DP 844711, 505 Minmi Road, Fletcher to allow low density residential development ensuring that significant environmental land is preserved to limit the impact of future development on riparian corridors and flora and fauna.

Part 3 – Justification

Section A - Need for the planning proposal

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

The subject site is identified as having potential for urban development within the Maryland Minmi Structure Plan (1994) and Maryland Integrated Local Area Plan (1996). Both of these plans discuss the framework and structure for future urban development within the area. The Blue Gum Hills area has developed generally in accordance with these strategies over the last 10-15 years.

The site is bound to the north and east by residential development and a concept plan for a 3,300 residential subdivision (MP_ 08/0125 Link Road North and South) has been lodged under part 3A of the Environmental Planning and Assessment Act 1979 for the land to the south and west.

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

Council is in the process of completing a straight conversion of their current LEP to the Standard Instrument; this process is due for completion by June 2011. To ensure the conversion of the LEP meets the Department of Planning deadlines no site specific rezonings will be considered as part of this process. Due to this, dealing with the planning proposal as a stand alone rezoning is the best means of achieving the objectives and intended outcomes of both the conversion to the Standard Instrument and site specific rezoning.

3. Is there a net community benefit?

The planning proposal will enable development of the site for low density residential development. The development does not propose to provide any community infrastructure, although the development contributions generated from the development will be used by Council to provide public amenities and facilities as outlined in Development Contribution Plan 1, 2005 for the Blue Gum Hills area.

Section B - Relationship to strategic planning framework.

4. 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)?

Lower Hunter Regional Strategy (2006)

The Lower Hunter Regional Strategy projects an additional 5800 dwellings within new release areas within the Newcastle local government area. The dwellings will be provided within Blue Gum Hills (Minmi, Maryland and Fletcher), Elernmore Vale and Wallsend.

The planning proposal is consistent with the Lower Hunter Regional Strategy, particularly with the following action:

Councils will revise their local environmental plans to be consistent with the dwelling capability projects for their local government area as identified in Table 5 (dwelling capacity projections).

The planning proposal will allow the continued release of additional dwellings within Council's new release areas.

Draft Newcastle-Lake Macquarie Western Corridor Planning Strategy (2009)

The planning strategy identifies three main types of preferred land uses within the western corridor:

- Residential
- Employment lands
- Conservation/vegetation buffer

The subject site has been nominated as residential and therefore the planning proposal is consistent with the draft strategy.

Draft Thornton-Killingworth Sub-Regional Conservation and Development Strategy (2003)

The draft strategy identifies the subject site to be maintained as a vegetation buffer and therefore the planning proposal is not consistent with this strategy. However, as the draft Western Corridor Planning Strategy supersedes the draft Thornton-Killingworth strategy (for the Blue Gum Hills Area), this inconsistency is considered to be negligible.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The Newcastle Urban Strategy (2005 Update) is Council's local strategic planning document. The planning proposal is consistent with the document in that it describes Minmi, Maryland and Fletcher as Council's urban release areas and discusses the further uses of the area (as a whole), which are consistent with the uses proposed in the planning proposal.

The Community Strategic Plan is currently under review as part of 2011 timetable.

6. Is the planning proposal consistent with applicable State environmental planning policies?

The planning proposal is consistent with State Environmental Planning Policies (refer to Appendix 1).

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

The planning proposal is consistent with Section 117 directions (refer to Appendix 2).

Section C - Environmental, social and economic impact.

The following issues discussed within Section C have been identified as requiring further attention. It is anticipated they will either be resolved at the development assessment stage (for the residential subdivision) or through the planning process by rezoning affected areas as an environmental land use.

Consultation with public authorities and the completion of technical studies will further explore the options for mitigation and management of the following issues.

8. 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 site is covered with open forest that is consistent with Coastal Foothills-Spotted Gum-Ironbark. The understorey vegetation has been subjected to a

considerable amount of disturbance through grazing and nearby historical mining activities has resulted in the removal of mature trees and the establishment of trails and dams. The weed species *Lantana camara* (lantana) is common within the site particularly within drainage lines, although it has been controlled by grazing.

Squirrel Gliders are present on site and preliminary environmental studies have recommended that vital habitat resources for this species be incorporated into any future development of the site. 24 hollow bearing trees were identified on site; the proposed residential subdivision would require removal of 4-6 hollow bearing trees.

A vegetation corridor, approximately 100 metres wide linking habitat from east to west from the Wentworth Creek catchment through to bushland has been proposed which will provide linkages for fauna within the area. Instances of masked owls and glossy black cockatoos have also been recorded within the broader Blue Gum Hills area.

The environment studies for the site were completed in 2003, and will require updating, following gateway determination.

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

Mine Subsidence

The Mine Subsidence Board has indicated that the site has been undermined around the south/eastern boundary of the property. The Mine Subsidence Board has indicated they would oppose any development over these areas unless the risk of subsidence can be eliminated. Further geotechnical investigation would need to be carried out to determine suitable areas of development.

Hydrology and Water Management

There are a number of gullies and creek lines that run through the site that will be considered as controlled activities under the Water Management Act 2000. Further investigation will need to be undertaken to identify which riparian areas must be protected and/or restored.

Bushfire

The site is located within a category 1 bushfire protection zone. Any future development applications will be referred to the Rural Fire Service for consideration. Issues regarding Asset Protection Zones and subdivision design will be dealt with at development assessment stage.

10. How has the planning proposal adequately addressed any social and economic effects?

Aboriginal sites have been recorded within the surrounding region and study area. A grinding groove has been located in the creek line to the west of the site and an isolated single artefact has also been recorded.

An archaeological assessment of the site was undertaken in 2003; the study notes that there is potential for high concentrations of artefacts to occur along the unnamed drainage channel that runs through the south west corner of the study area.

The proposed development although consistent with the surrounding uses, proposes little integration along the western boundary with the proposed Coal and Allied development. Further investigation into the subdivision layout will be required to address this issue and also to accommodate the recommendations of the technical studies.

Section D - State and Commonwealth interests.

11. Is there adequate public infrastructure for the planning proposal?

The development is situated along Minmi Road which is a sub-arterial road that links Minmi to Wallsend. Although Minmi Road has the capacity to accommodate additional traffic flows generated by the development, the road is nearing capacity and therefore the subdivision will need to be redesigned to include only one access point. Deletion of the western most intersection would also ensure that one of the gullies would not need to be crossed by a road. A second access could be provided through the adjoining Coal and Allied development.

Public utility services including telecommunications, gas, electricity and water will be available to serve any new development on the site. Sewer is also available.

As previously mentioned in Part 3 section a(3), no community infrastructure will be provided as part of the proposal. Development contributions collected from projects within the Blue Gums Hills area will contribute to the provision of community infrastructure.

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

No formal consultation has been carried out at this stage. Consultation will occur with relevant State and Commonwealth Public Authorities identified as part of the gateway determination.

Part 4 – Community Consultation

In accordance with “*A guide to preparing local environmental plans*”, it is proposed to publicly exhibit the planning proposal for a period of 28 days.

Appendix 1: Consideration of State Environmental Planning Policies

	Applicable	Consistent	Reason for inconsistency
State Environmental Planning Policy No 1—Development Standards	No	n/a	
State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development	Yes	Yes	
State Environmental Planning Policy No 6—Number of Storeys in a Building	No	n/a	
State Environmental Planning Policy No 14—Coastal Wetlands	No	n/a	
State Environmental Planning Policy No 15—Rural Landsharing Communities	No	n/a	
State Environmental Planning Policy No 19—Bushland in Urban Areas	No	n/a	
State Environmental Planning Policy No 21—Caravan Parks	No	n/a	
State Environmental Planning Policy No 22—Shops and Commercial Premises	No	n/a	
State Environmental Planning Policy No 26—Littoral Rainforests	No	n/a	
State Environmental Planning Policy No 29—Western Sydney Recreation Area	No	n/a	
State Environmental Planning Policy No 30—Intensive Agriculture	No	n/a	
State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)	No	n/a	
State Environmental Planning Policy No 33—Hazardous and Offensive Development	No	n/a	
State Environmental Planning Policy No 36—Manufactured Home Estates	No	n/a	
State Environmental Planning Policy No 39—Spit Island Bird Habitat	No	n/a	
State Environmental Planning Policy No 41—Casino Entertainment Complex	No	n/a	
State Environmental Planning Policy No 44—Koala Habitat Protection	No	n/a	

State Environmental Planning Policy No 47—Moore Park Showground	No	n/a	
State Environmental Planning Policy No 50—Canal Estate Development	No	n/a	
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	No	n/a	
State Environmental Planning Policy No 53—Metropolitan Residential Development	No	n/a	
State Environmental Planning Policy No 55—Remediation of Land	No	n/a	
State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area	No	n/a	
State Environmental Planning Policy No 60—Exempt and Complying Development	Yes	Yes	
State Environmental Planning Policy No 62—Sustainable Aquaculture	No	n/a	
State Environmental Planning Policy No 64—Advertising and Signage	No	n/a	
State Environmental Planning Policy No 65—Design Quality of Residential Flat Development	No	n/a	
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	No	n/a	
State Environmental Planning Policy No 71—Coastal Protection	No	n/a	
State Environmental Planning Policy (Affordable Rental Housing) 2009	Yes	Yes	
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Yes	Yes	
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Yes	Yes	
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Yes	Yes	
State Environmental Planning Policy (Infrastructure) 2007	Yes	Yes	
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	No	n/a	
State Environmental Planning Policy (Major Development) 2005	Yes	Yes	

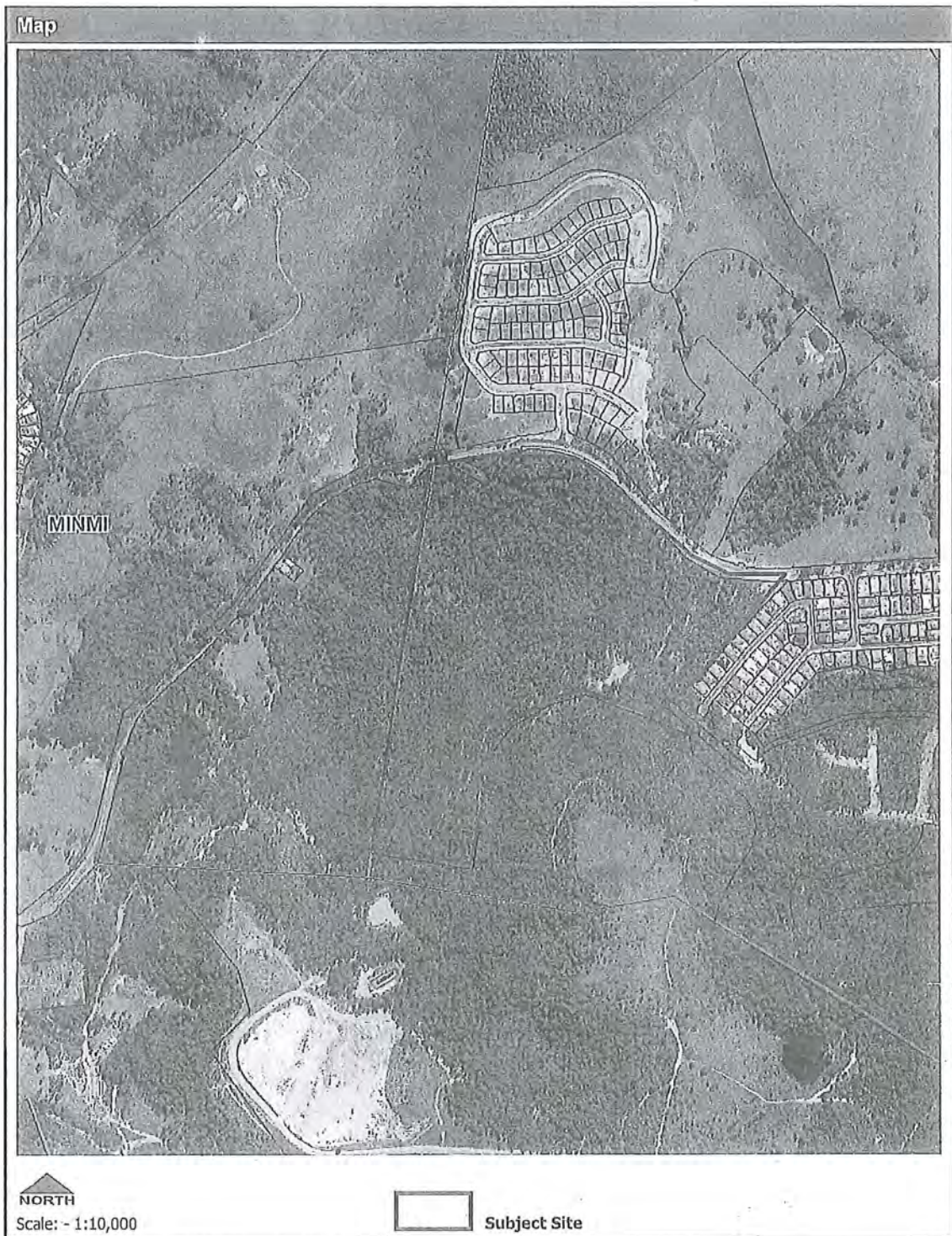
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Yes	Yes	
State Environmental Planning Policy (Rural Lands) 2008	No	n/a	
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No	n/a	
State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007	No	n/a	
State Environmental Planning Policy (Western Sydney Parklands) 2009	No	n/a	

Appendix 2: Consistency with Section 117 Directions

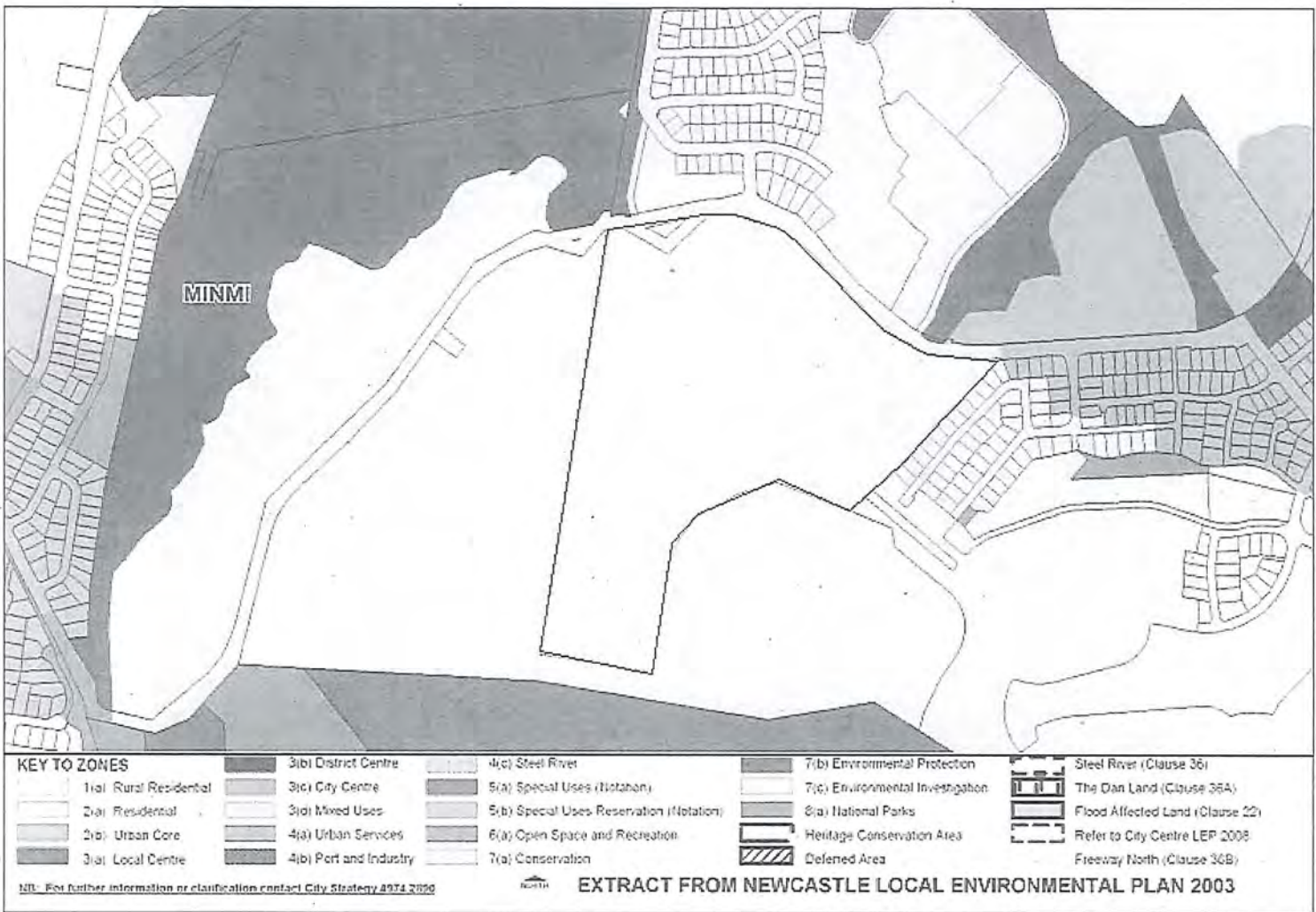
	Applicable	Consistent	Reason for inconsistency
1. Employment and Resources			
1.1 Business and Industrial Zones	No	Not applicable	
1.2 Rural Zones	No	Not applicable	
1.3 Mining, Petroleum Production and Extractive Industries	No	Not applicable	
1.4 Oyster Aquaculture	No	Not applicable	
1.5 Rural Lands	No	Not applicable	
2. Environment and Heritage			
2.1 Environment Protection Zones	No	Not applicable	
2.2 Coastal Protection	No	Not applicable	
2.3 Heritage Conservation	Yes	Yes	
2.4 Recreation Vehicle Areas	No	Not applicable	
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	Yes	Yes	
3.2 Caravan Parks and Manufactured Home Estates	No	Not applicable	
3.3 Home Occupations	Yes	Yes	
3.4 Integrating Land Use and Transport	Yes	Yes	
3.5 Development Near Licensed Aerodromes	No	Not applicable	

4. Hazard and Risk			
4.1 Acid Sulfate Soils	No	Not applicable	
4.2 Mine Subsidence and Unstable Land	Yes	Yes	
4.3 Flood Prone Land	No	Not applicable	
4.4 Planning for Bushfire Protection	Yes	Yes	
5. Regional Planning			
5.1 Implementation of Regional Strategies	Yes	Yes	
5.2 Sydney Drinking Water Catchments	No	Not applicable	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	Not applicable	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	Not applicable	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	No	Not applicable	
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	No	Not applicable	
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	No	Not applicable	
5.8 Second Sydney Airport: Badgerys Creek	No	Not applicable	
6. Local Plan Making			
6.1 Approval and Referral Requirements	Yes	Yes	
6.2 Reserving Land for Public Purposes	Yes	Yes	
6.3 Site Specific Provisions	Yes	Yes	

Appendix 3: Aerial view of the subject land

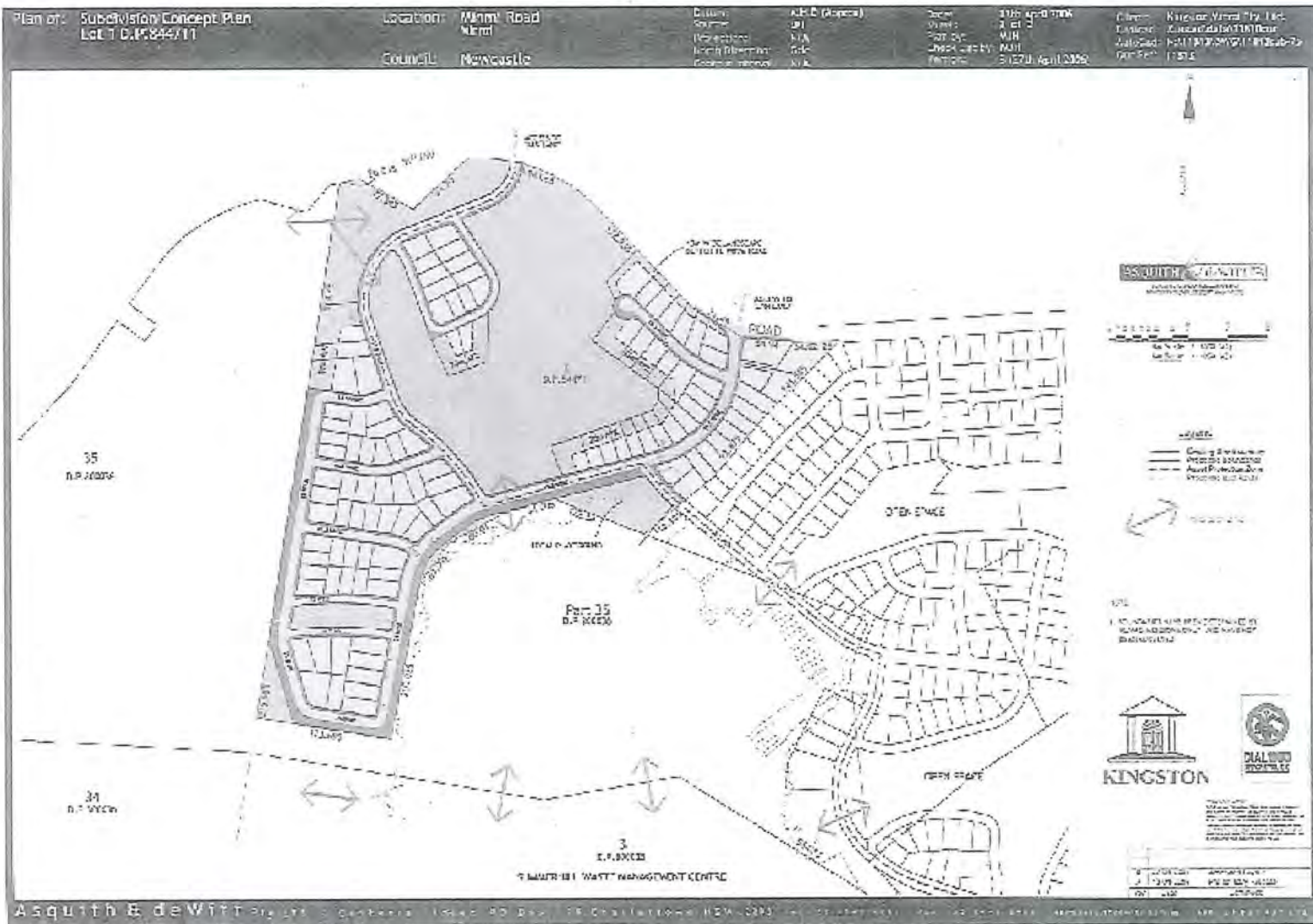


Appendix 4: Current zoning of the subject land



Appendix 5: Location view of the subject land





Appendix 6 – Proposed subdivision layout