

Gateway Review to PP-2021-2262

To facilitate residential development and secure biodiversity conservation outcomes at 505 Minmi Road, Fletcher

Hunter and Northern Team
Department of Planning, Housing and Infrastructure

15 November 2024

Acknowledgment of Country

I acknowledge the Traditional Custodians of the various lands on which we work today and the Aboriginal and Torres Strait Islander people participating in this meeting.

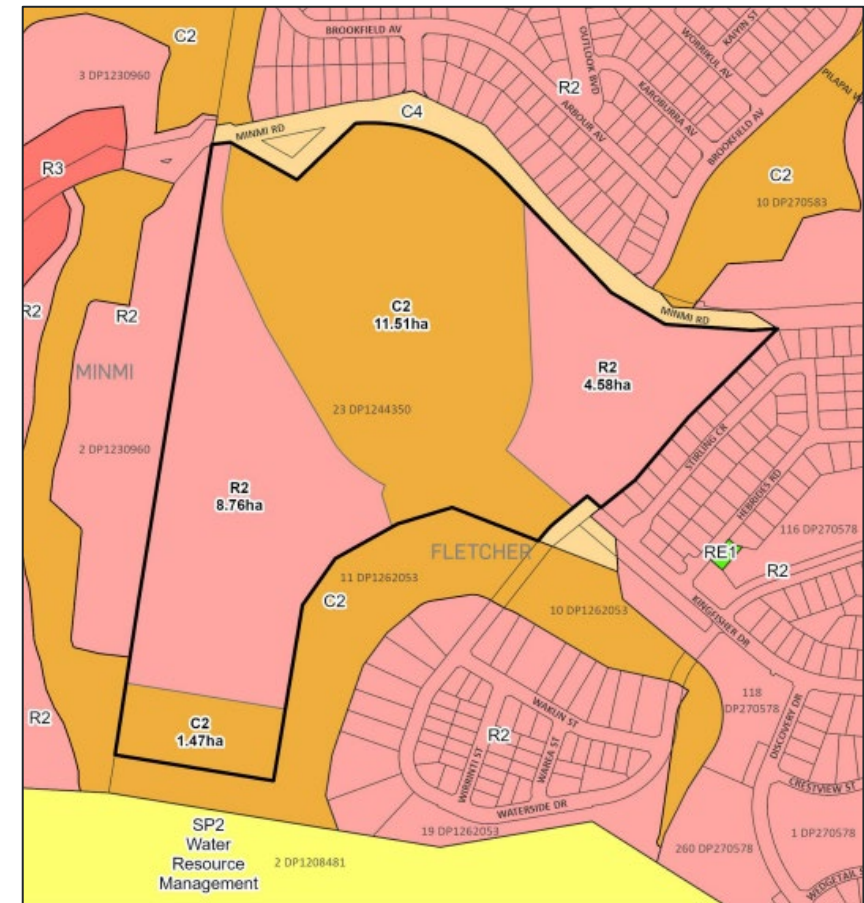
I pay my respects to Elders past, present and emerging, and recognise and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of NSW.



Overview of the planning proposal

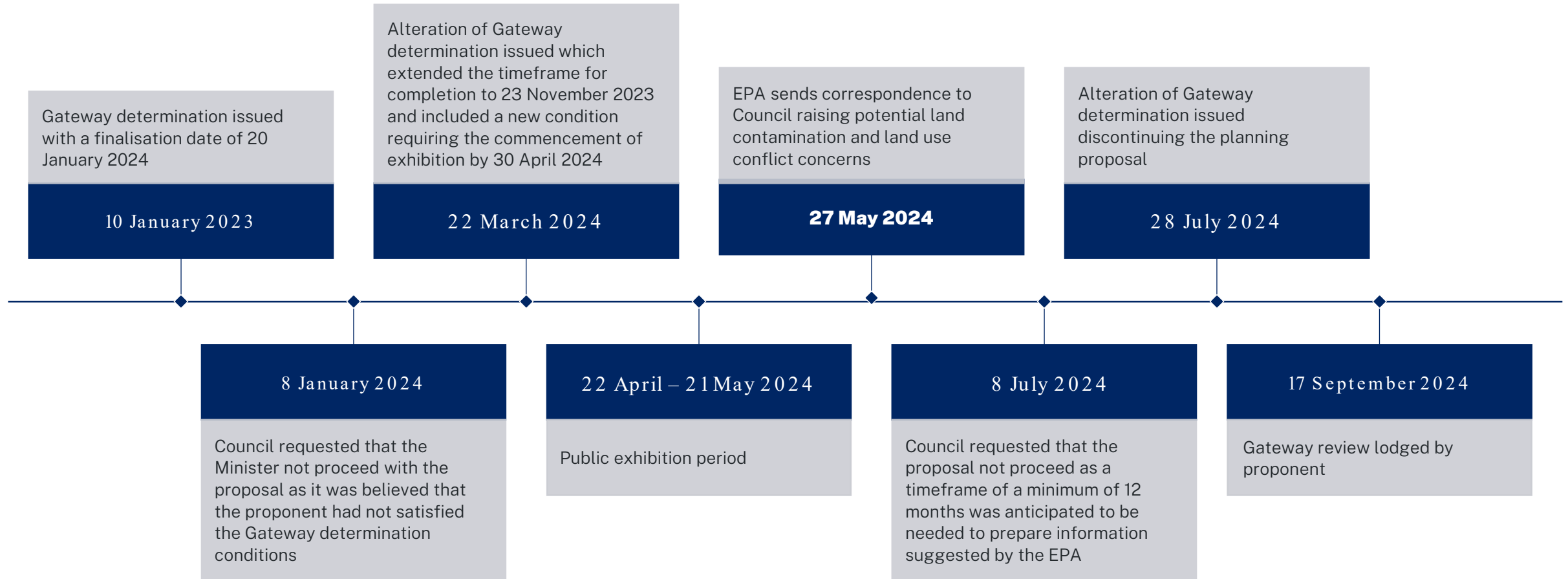
The stated objective of the planning proposal is to facilitate the future delivery of approximately 140 – 150 new dwelling lots and secure biodiversity conservation outcomes at 505 Minmi Road, Fletcher (Lot 23 DP 1244350) via:

- rezoning land zoned C4 Environmental Living to R2 Low Density Residential (12.7 hectares) and C2 Environmental Conservation (13.54 hectares);
- amending the minimum lot size from 40 hectares to 300sqm and 450sqm for land zoned R2 Low Density Residential;
- assigning a maximum height of building of 8.5m to land zoned R2 Low Density Residential.



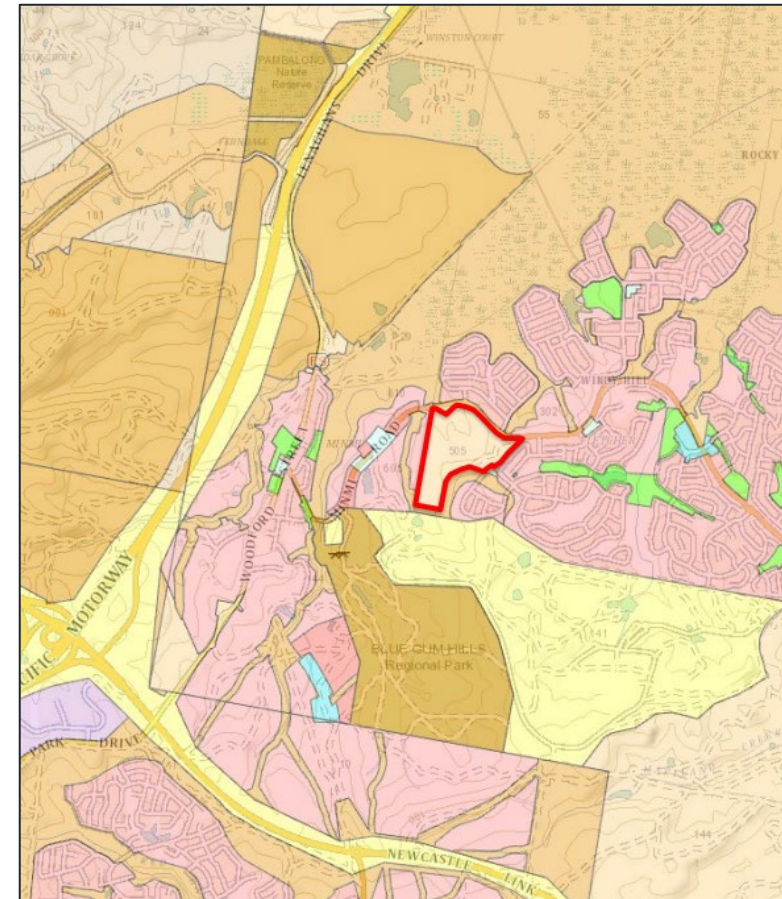
Proposed land zoning map (Source: Planning Proposal)

Gateway determination history



Reason for the Gateway alteration to discontinue the proposal – correspondence from the NSW EPA

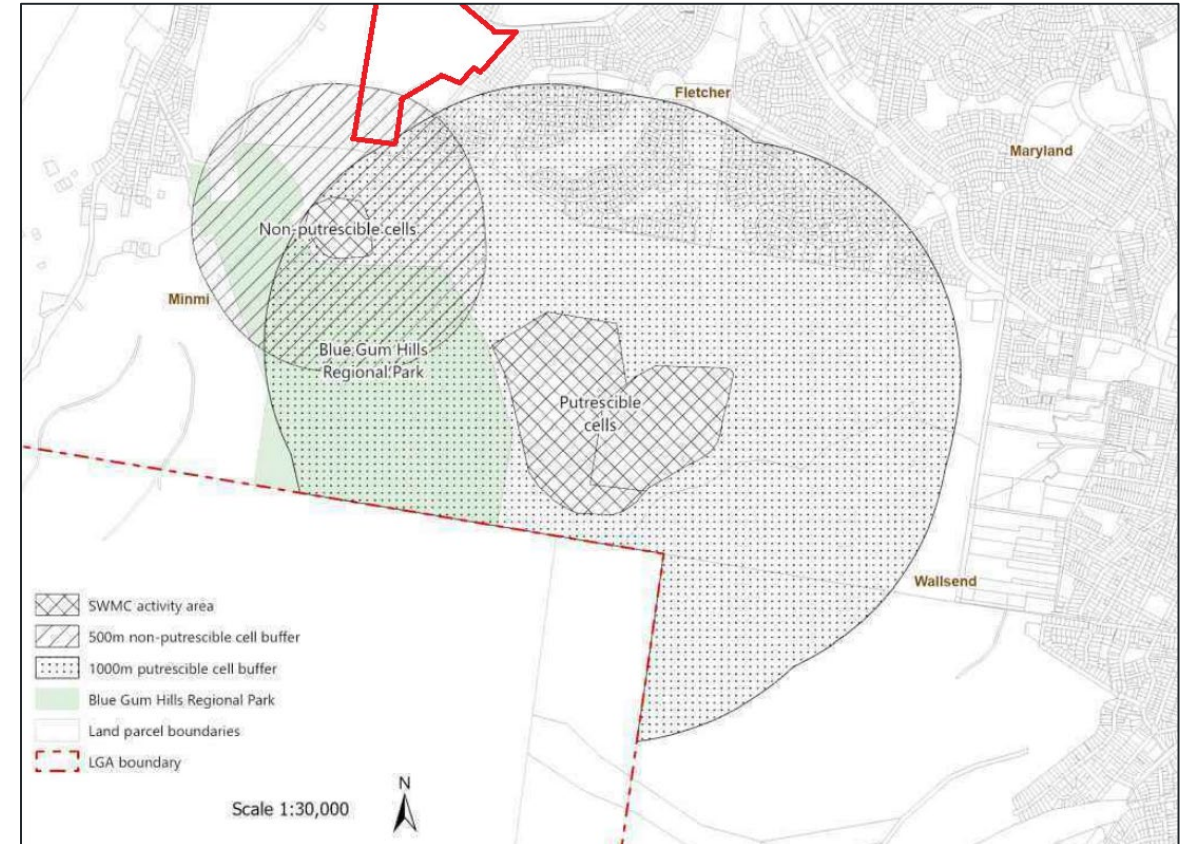
- The EPA recommended that an updated preliminary site investigation for contamination be submitted.
- As the proposal involves the intensification of land uses on the subject site for residential purposes, the Department determined that it would be inappropriate to proceed without an updated preliminary site investigation for contamination for the entire planning area as recommended by the EPA due to the potential risk to human health should the land be found to be contaminated.



Site context (Source: Planning Proposal)

Reason for the Gateway alteration to discontinue the proposal – correspondence from the NSW EPA

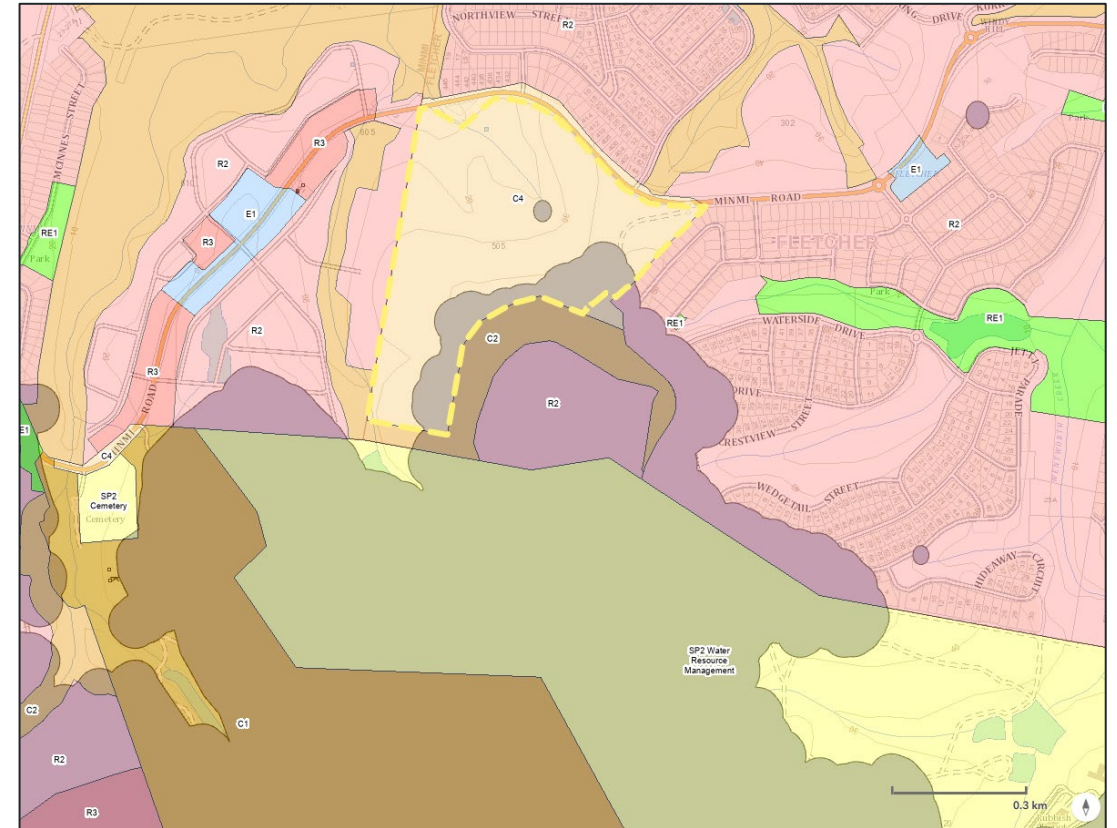
- The focus of contamination investigations is to prevent harm rather than manage impacts after they have occurred.
- The proponent notes in their Gateway review assessment report that the preliminary findings of their contamination consultant indicate that there is potential for sub-surface gas contamination on the subject land.
- For these reasons, it remains the Department's position that the matters raised by the EPA are an essential consideration of the planning proposal.



Summerhill Waste Management Centre Buffer (residential) and its relation to the subject land
(Source: Newcastle DCP)

Reason for the Gateway alteration to discontinue the proposal – likely timeframe

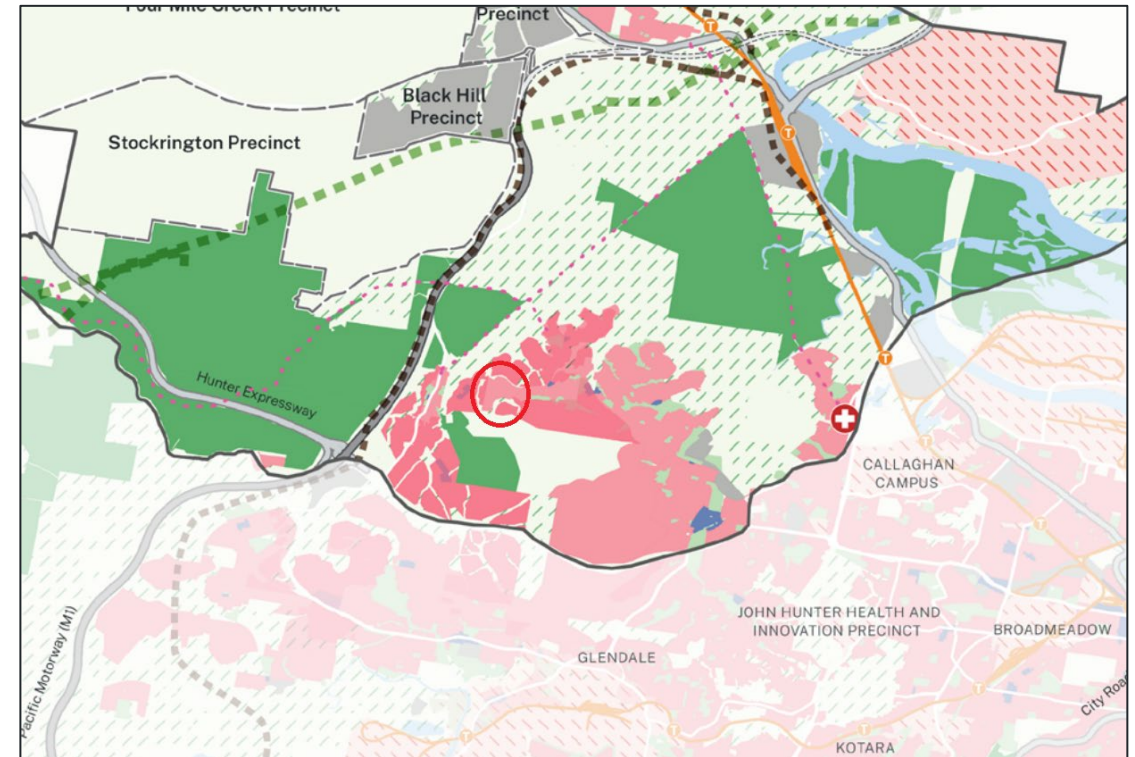
- The Department’s LEP Making Guideline details categories of planning proposals and benchmark timeframes to prepare, progress and determine a planning proposal to provide certainty to stakeholders and the community.
- The proponent’s contamination consultant provides an approximate timeframe of 4 weeks for a preliminary site investigation and 8–16 weeks for a detailed site investigation. However, the consultant notes that further time may be required for gas monitoring depending on atmospheric pressure conditions, gas concentrations and flow rates recorded.
- This contrasts markedly with Council’s estimation of a minimum of 12 months.
- It is considered that a timeframe for the completion of the contamination investigations on the subject land cannot be predicted with any certainty.



Underground coal mining map (Source: ePlanning Spatial Viewer)

Reason for the Gateway alteration to discontinue the proposal – likely timeframe

- It is considered inappropriate to continually extend the Gateway determination timeframe as this leads to uncertainty for stakeholders and the community regarding the future use of land. Continued extensions of time also have implications for the currency of supporting documentation and its compliance with legislation in force at the time the plan is finalised.
- It is also noted that upon completion of the contamination studies, considerable work will still be required to progress this planning proposal to finalisation. A significant extension of time would likely be needed.
- For these reasons, it remains the Department's position that PP-2021-2262 should not proceed at this time, noting that the proponent retains the right to re-submit their application if the outstanding matters can be resolved.



Excerpt from National Pinch Point regionally significant growth area map (Source: Hunter Regional Plan 2041) [Pink = residential land]

Planning proposal authority

- Section 3.32 of the Environmental Planning and Assessment Act 1979 states that the Minister may direct that the Planning Secretary (or any such panel, person or body) is the planning proposal authority for a proposed instrument in various circumstances.
- It is considered appropriate that the decision regarding the planning proposal authority for this proposal be made by the Minister as part of a separate process, should the Commission recommend that the application proceed.

Questions

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