IPC Meeting

Planning Proposal

(PP-2021-2262)

505 Minmi Road, Fletcher

Rezoning from C4 Environmental Living to R2 Low Density Residential and C2 Environmental Conservation

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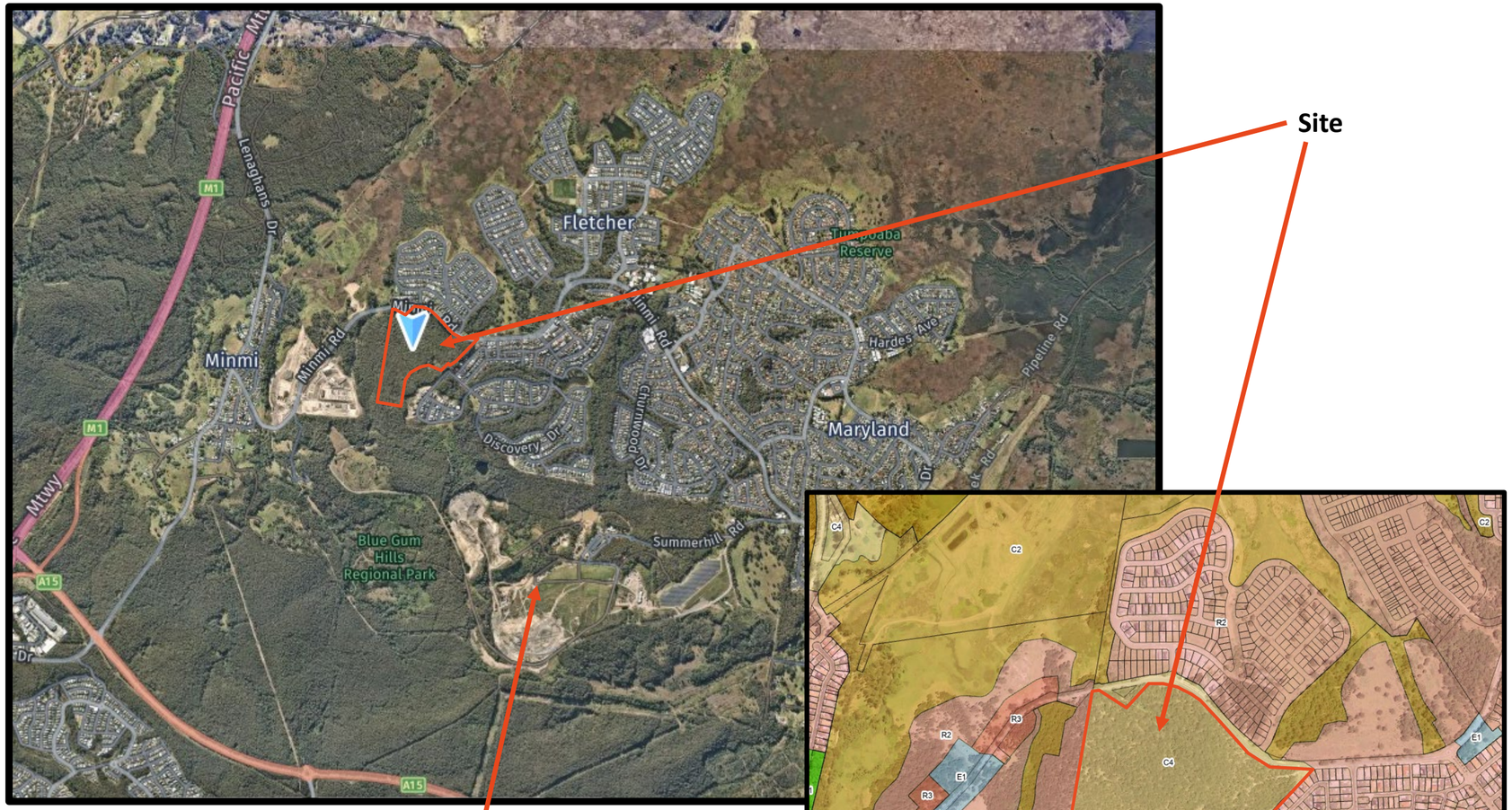
Site Location and Context



Site

SWMC

Detail	
Site	505 Minmi Road, Fletcher
Lot	Lot 23 DP 1244350
Area	26.32ha
Current zone	C4 Environmental Living
Minimum Lot Size	40ha
Constraints	Bushfire prone Biodiversity Cultural heritage Mine subsidence
Regional Planning Context	General suburban

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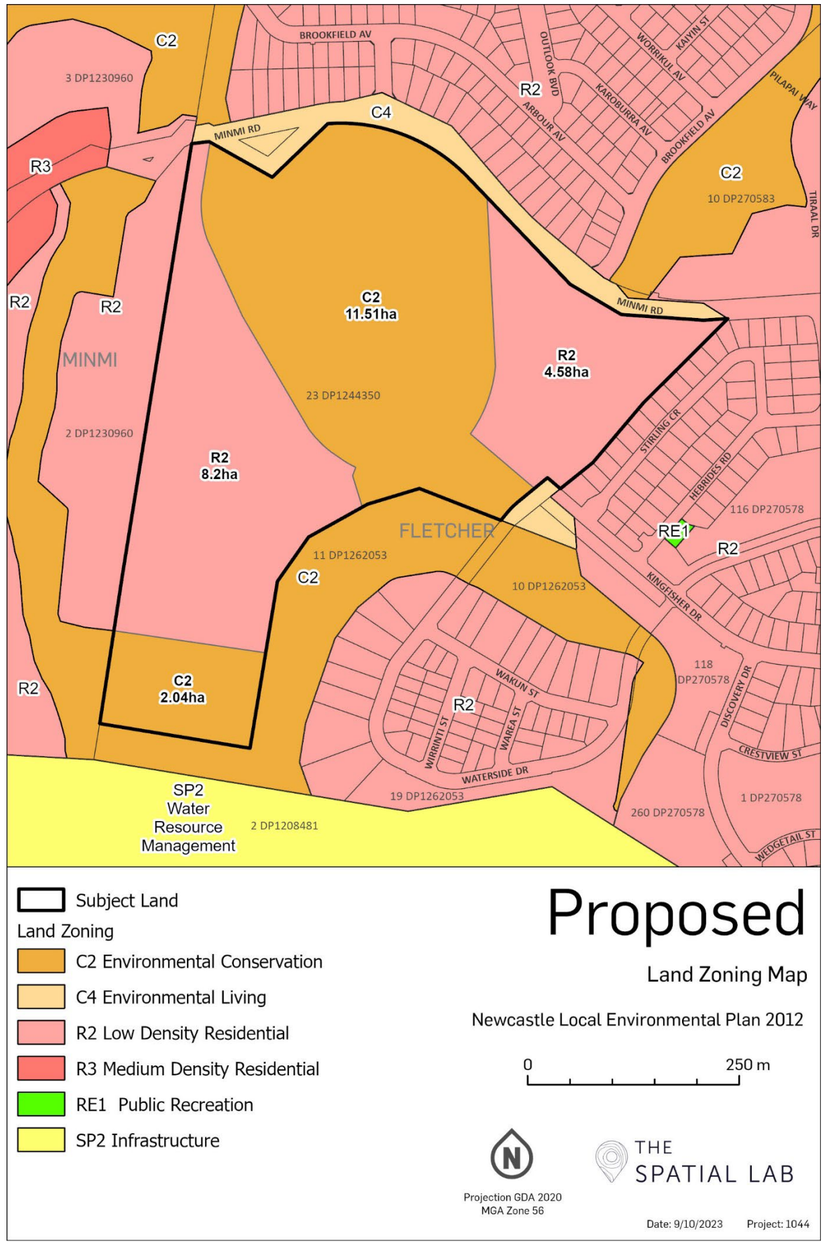
Proposed Zoning Boundary



New release residential land – 12.70 ha (48.4%)
Total conservation land – 13.54 ha (51.6%)

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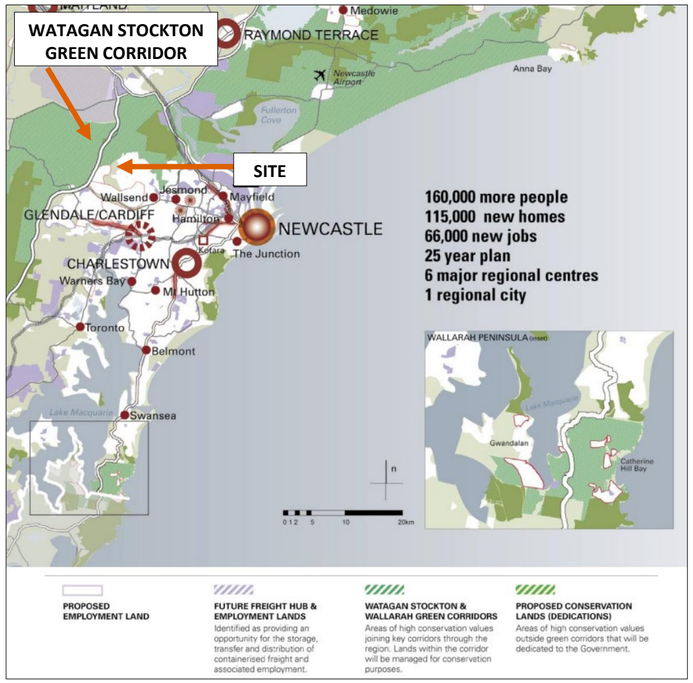
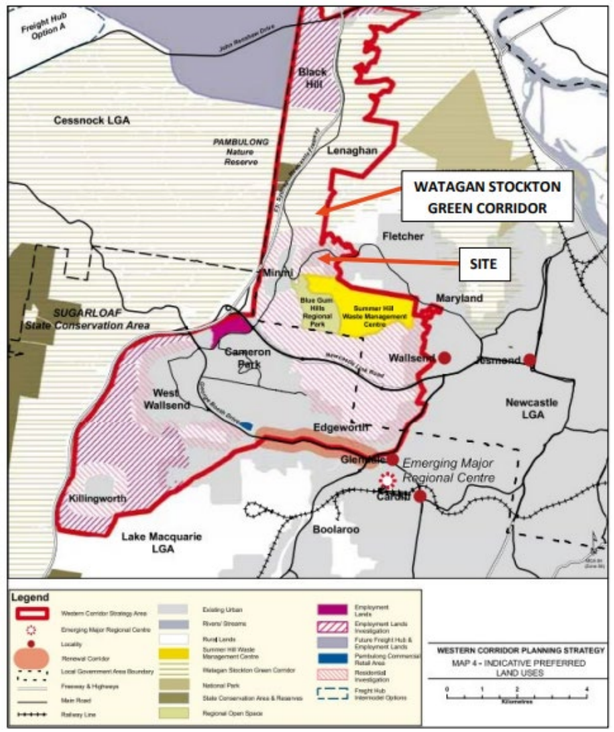
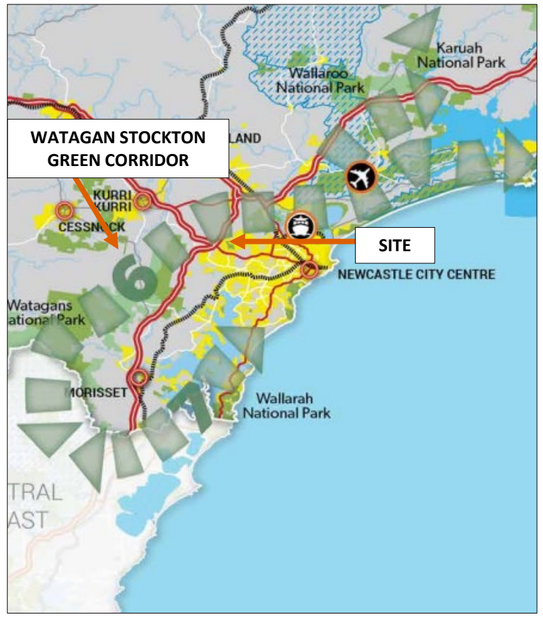
State Strategic Context



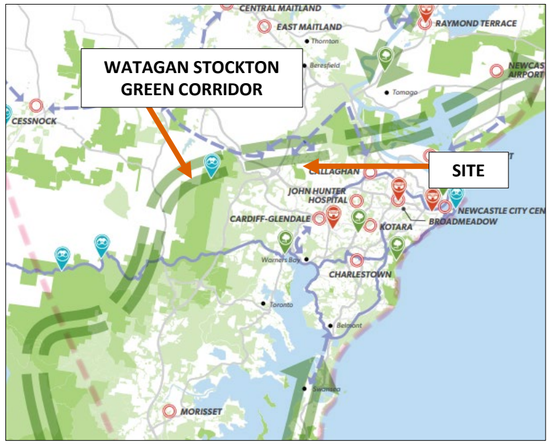
Lower Hunter Regional Strategy 2006, pg13.



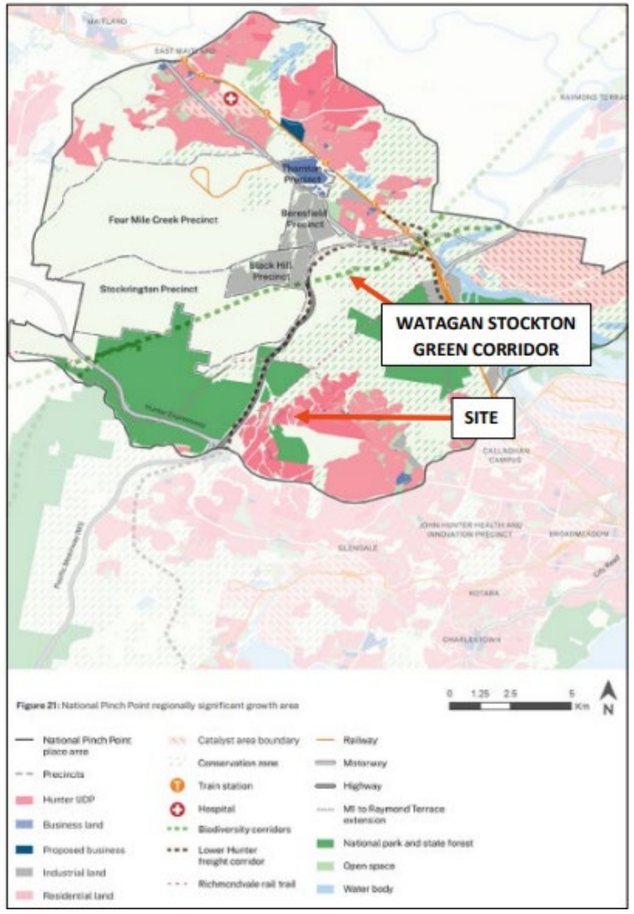
Newcastle Lake Macquarie Western Corridor Planning Strategy, 2010, pg27.



Hunter Regional Plan 2036, 2016, pg41.



Greater Newcastle Metropolitan Plan 2036, 2018, pg32.



Hunter Regional Plan 2041, 2022, pg116.

- The site has consistently been identified for residential investigation since 2006 across multiple strategies.
- The site is consistently shown to be outside the Stockton-Watagan biodiversity corridor across multiple strategies.

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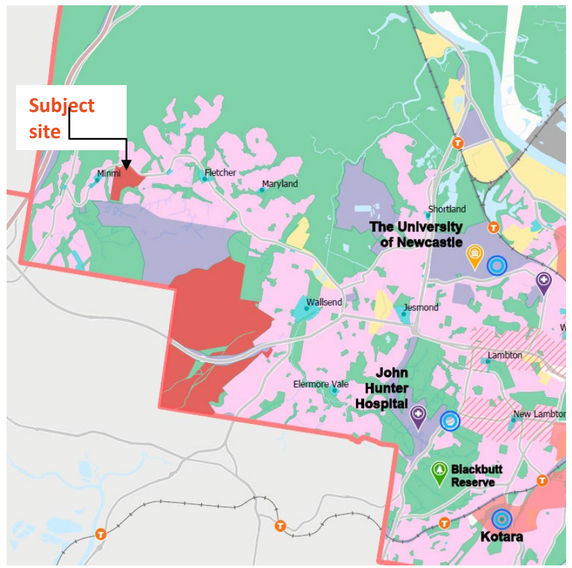
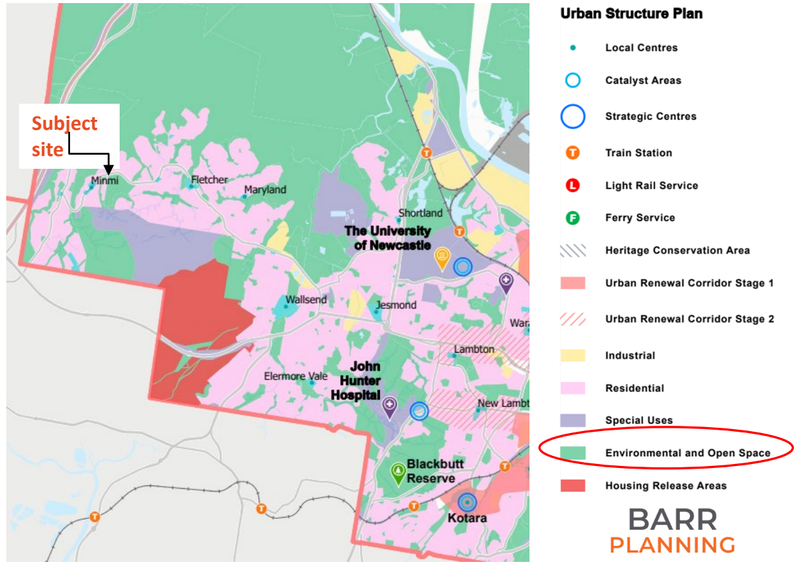
Local Planning Context

Newcastle Local Strategic Planning Statement

Timeframe	Summary
11 August – 11 September 2019	Community consultation program to establish vision for LSPS and develop planning priorities
10 December 2019	Council resolves to exhibit Draft Newcastle LSPS
10 February – 9 March 2020	Draft Newcastle LSPS publicly exhibited, 34 formal submissions received
26 May 2020	Newcastle LSPS adopted by Council, including various changes made post exhibition (including the addition of housing release areas, which was in response to submissions made during exhibition of the draft Statement).
8 December 2020	Council resolves to amend the adopted LSPS to remove references to 505 Minmi Road as a 'Housing Release Area' without consultation.





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Local Planning Context

Newcastle Local Housing Strategy

Timeframe	Summary
23 June 2020	Council resolved to exhibit the draft LHS which was prepared to: i) Act on Strategy 19 of the Greater Newcastle Metropolitan Plan (2018) to prepare local strategies to deliver housing. ii) Address action 12.1 of the Local Strategic Planning Statement (LSPS) to finalise the LHS to guide the development of sustainable, affordable and inclusive housing across the Local Government Area (LGA). iii) Provide a strategic framework for the provision of housing across the LGA over the next 20 years
24 August – 21 September 2020	The draft LHS was publicly exhibited, identifying the Site as a Housing Release Area
24 November 2020	Council adopted the LHS.

Both the draft and adopted versions of the LHS included and Urban Structure map which included two Housing Release Areas, one of which being 505 Minmi Road Fletcher (consistent with the adopted LSPS)

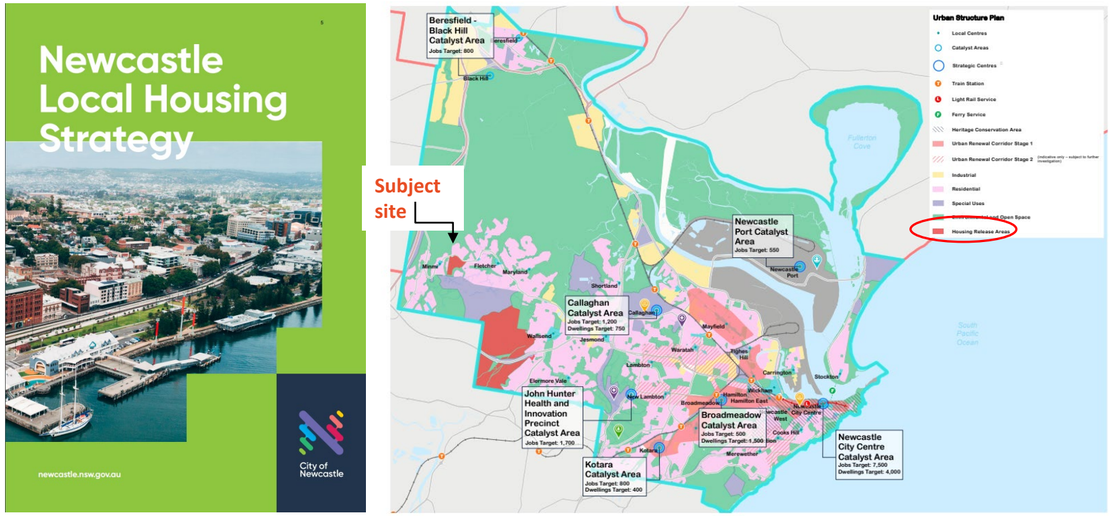

Figure 21: Urban Structure of Newcastle LGA

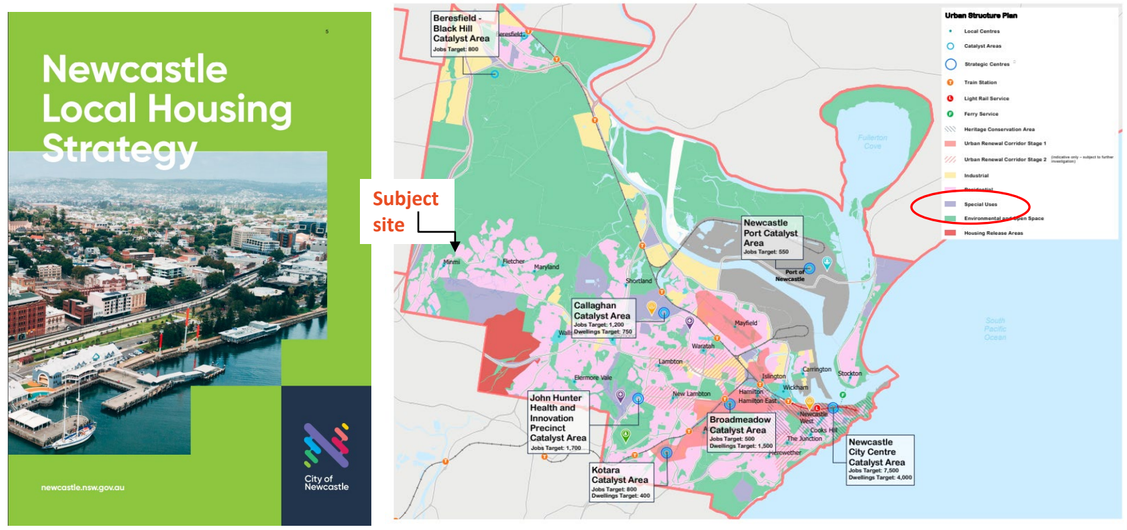

Figure 21: Urban Structure of Newcastle LGA

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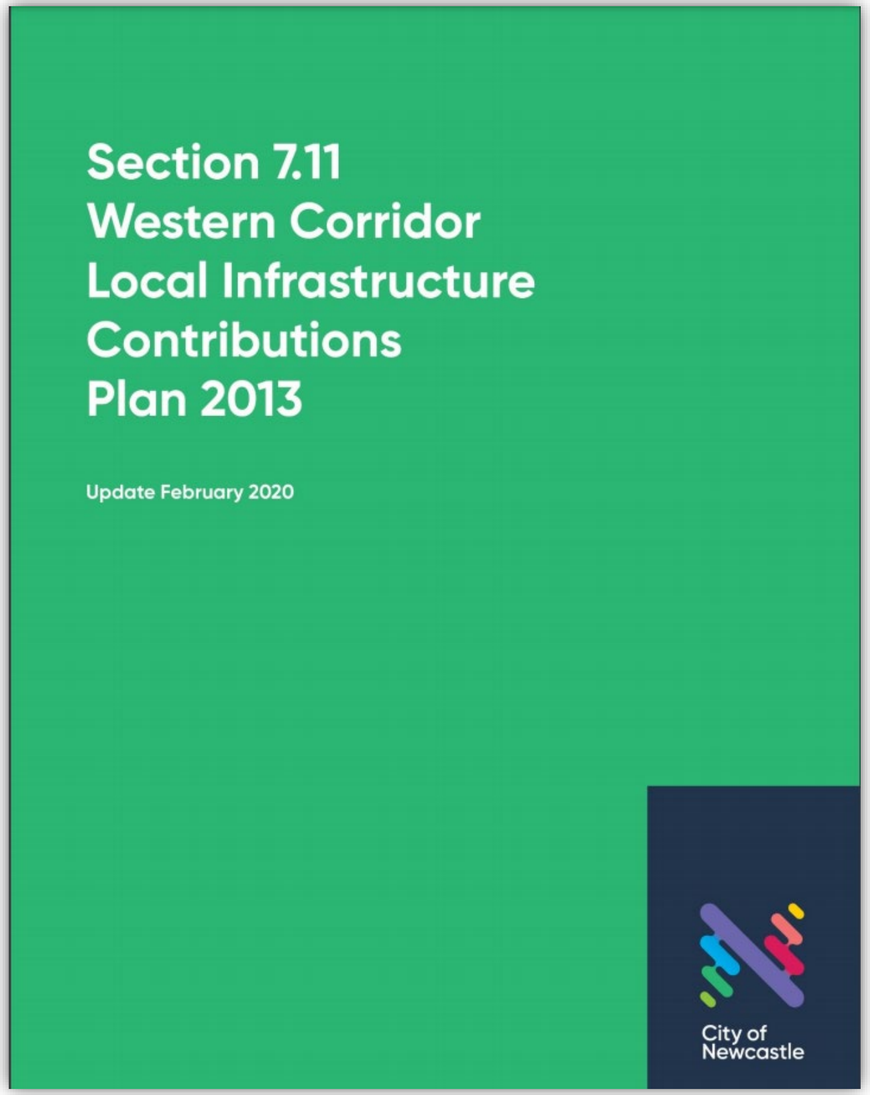
Local Planning Context

Newcastle S7.11 Western Corridor Local Infrastructure Contributions Plan 2013



3.0 Summary of Local Infrastructure demand and provision

3.1 Planned Future Developments and Approved developments

The Western Corridor has experienced growth in residential developments and population which is forecast to continue into the foreseeable future. The Western Corridor has been divided into different sections which make up the area of the Plan. New developments are proposed in Fletcher and Minmi.

Within the Plan area a total of nine areas were identified where residential developments or other developments, have recently been completed or are being planned to be implemented in the future. Of the nine areas, the following four areas currently being planned for new development (should they proceed into LEP Amendments) include:

Planned Future Development sites

- Coal and Allied Part 3A (Winton)
- 505 Minmi Road
- Xstrata Coal
- seniors living.

505 Minmi Road
505 Minmi Road is located within Fletcher. A total of 110 dwellings may be achieved housing approximately 300 residents.

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Planning Proposal History

2020	Fourth PP lodged with CN – formally accepted upon full payment of Stage A rezoning fee in early May
2020	On 26 May 2020 the Newcastle LSPS was formally adopted by CN showing 505 Minmi Road as a housing release area.
2020	On 24 November 2020 the Newcastle LHS was formally adopted by CN showing 505 Minmi Road as a housing release area.
2020	On 8 December 2020, CN resolved to not support the PP, despite CN officer recommendation to proceed to Gateway. The PP was submitted to the Hunter and Central Coast RPP for review. On 8 December 2020 CN resolved to amend the LSPS to remove 505 Minmi Road from the housing release area.
2021	The Hunter and Central Coast RPP found that the PP demonstrated strategic and site-specific merit and determined that the proposed instrument should be submitted for Gateway determination.
2022	CN accepted the role of PPA and submitted the PP to DPE for Gateway Determination
2023	On 13 January 2023 Gateway Determination to amend Newcastle Local Environmental Plan 2012 (NLEP 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 1974 (EP&A Act); subject to conditions including LEP timeframes. The PP was to be exhibited within 90 days of Gateway Determination with the LEP completed by 20 January 2024
2024	CN wrote to DPE on 8 January 2024 requesting that the PP not proceed on the basis that the Gateway Determination conditions had not been satisfied. In response, DPE altered the gateway determination timing for LEP completion to 23 November 2024 and directed CN to begin the PP exhibition process.
2024	On 22 March 2024 DPE wrote to CN requesting the PP and associated documents be placed on exhibition in accordance with the LEP timeframes and if the proposal was not exhibited by the 30 April the department will recommend the appointment of an alternative planning proposal authority
2024	The PP and associated documents were placed on exhibition from 21 April 2024, during which time the EPA made a submission on the PP. Barr Planning received the letter from the EPA via Newcastle Council on 14 June 2024
2024	On 8 July 2024 CN again wrote to DPE requesting that the PP not proceed on the basis of the EPA submission and the issues raised in their earlier request of 8 January 2024. On 11 July 2024 DPHI signed the alteration of Gateway determination report to recommend to the delegate Minster not to proceed with the Planning Proposal
2024	On 28 July 2024, the DPHI determined under Section 3.34(7) of the EP&A Act to alter the Gateway Determination to the effect that the proposed amendment to NLEP 2012 does not proceed.
2024	On 8 August 2024, Barr Planning lodged formal appeal to review the Gateway alteration.

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Key Outcomes

- The site can achieve up to 150 lots and housing can be delivered on the site within 4 years.

- Can meet the optimal density requirements under the HRP2041 plan without the need for four storey dwellings.

- The proposal creates the only site in Fletcher with a MLS of 300sqm
  - Creates housing diversity
  - Achieves more affordable housing

- The proposal sits outside of the biodiversity corridor and conserves almost 50% of the land in perpetuity.
  - Local biodiversity corridors are maintained
  - Ecological values are conserved

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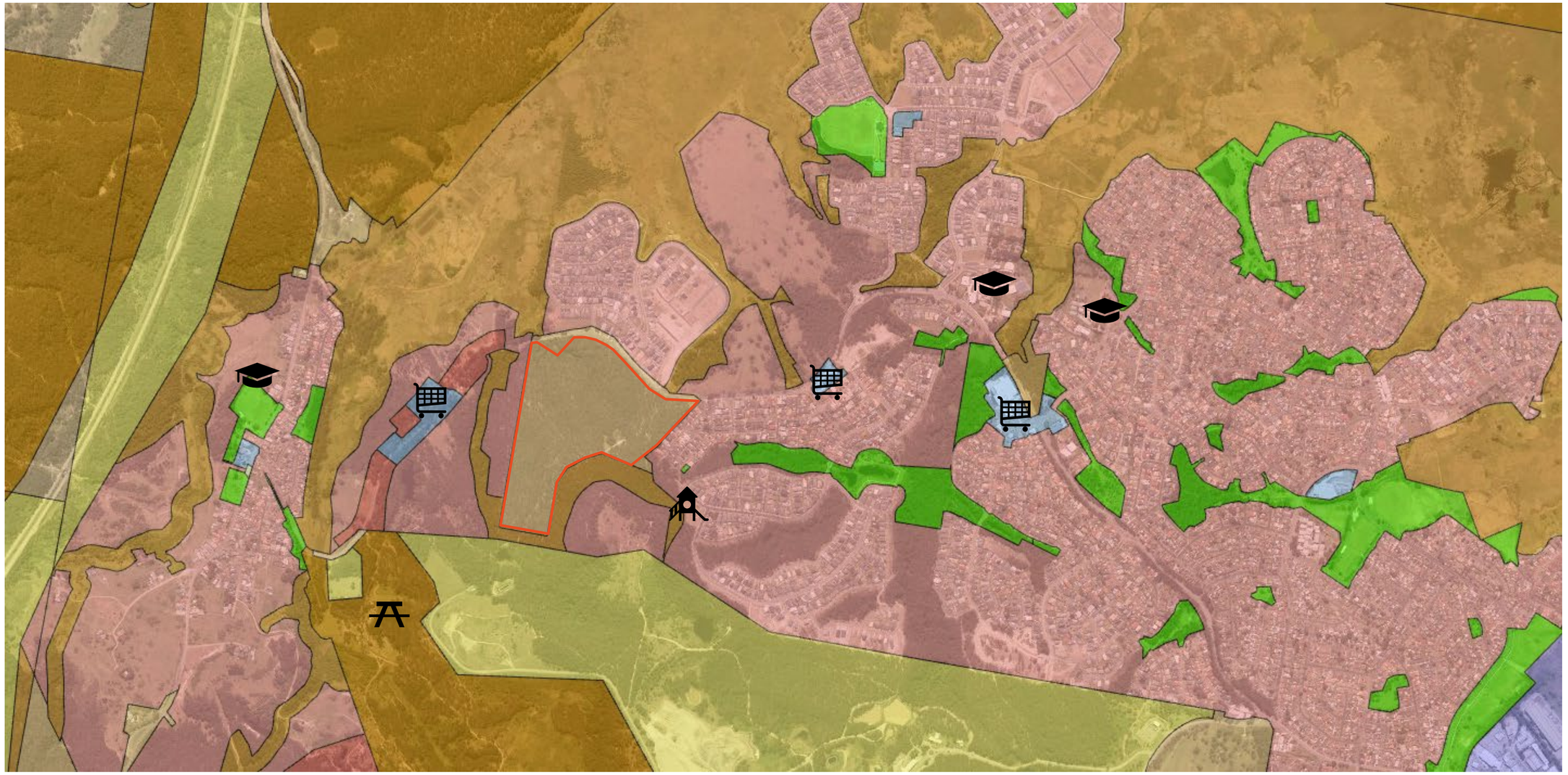
Key Outcomes



This proposal can provide new local housing opportunities during a time of a housing crisis.

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IPC Meeting

Planning Proposal

(PP-2021-2262)

505 Minmi Road, Fletcher

Preliminary Site Investigation and
Landfill Gas Assessment

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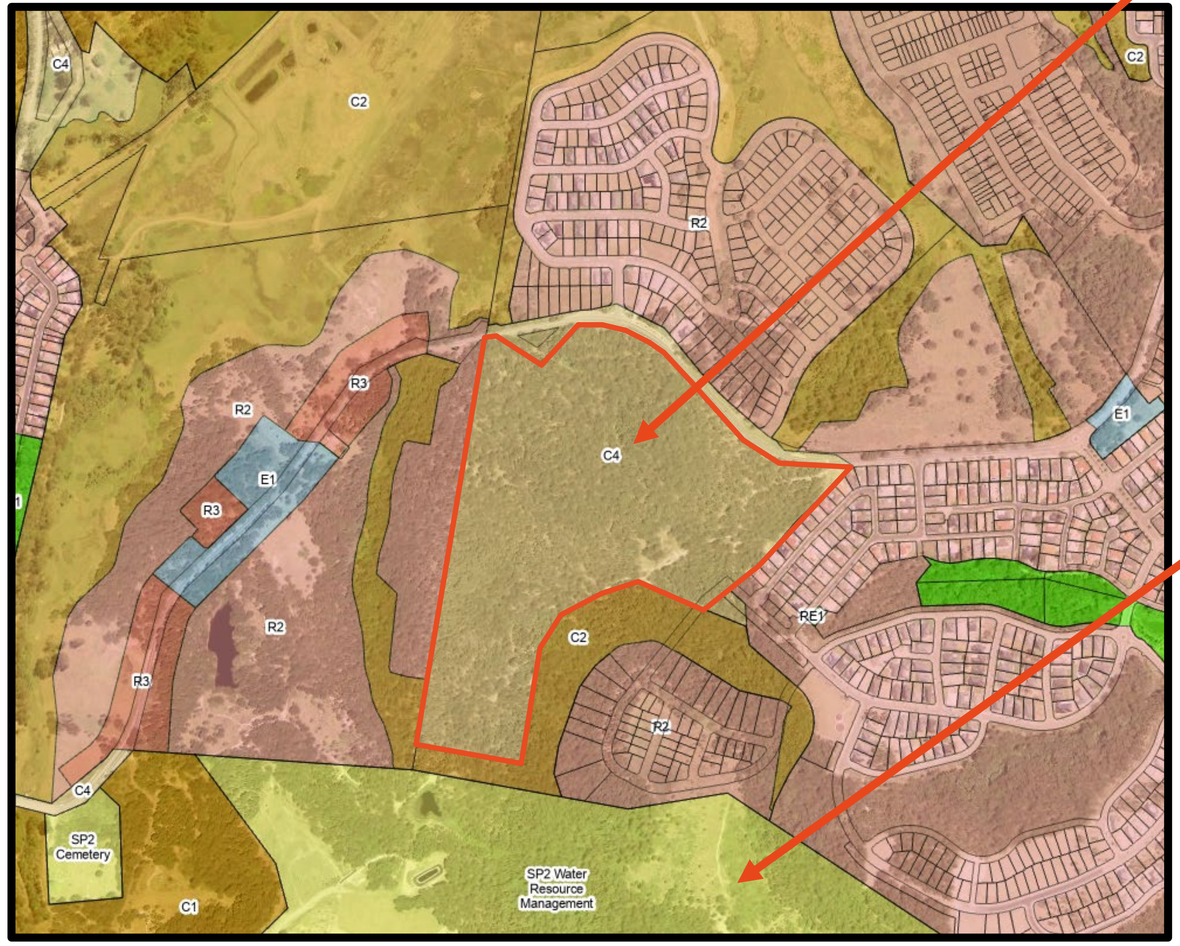
Site Location and Context

Site



SWMC

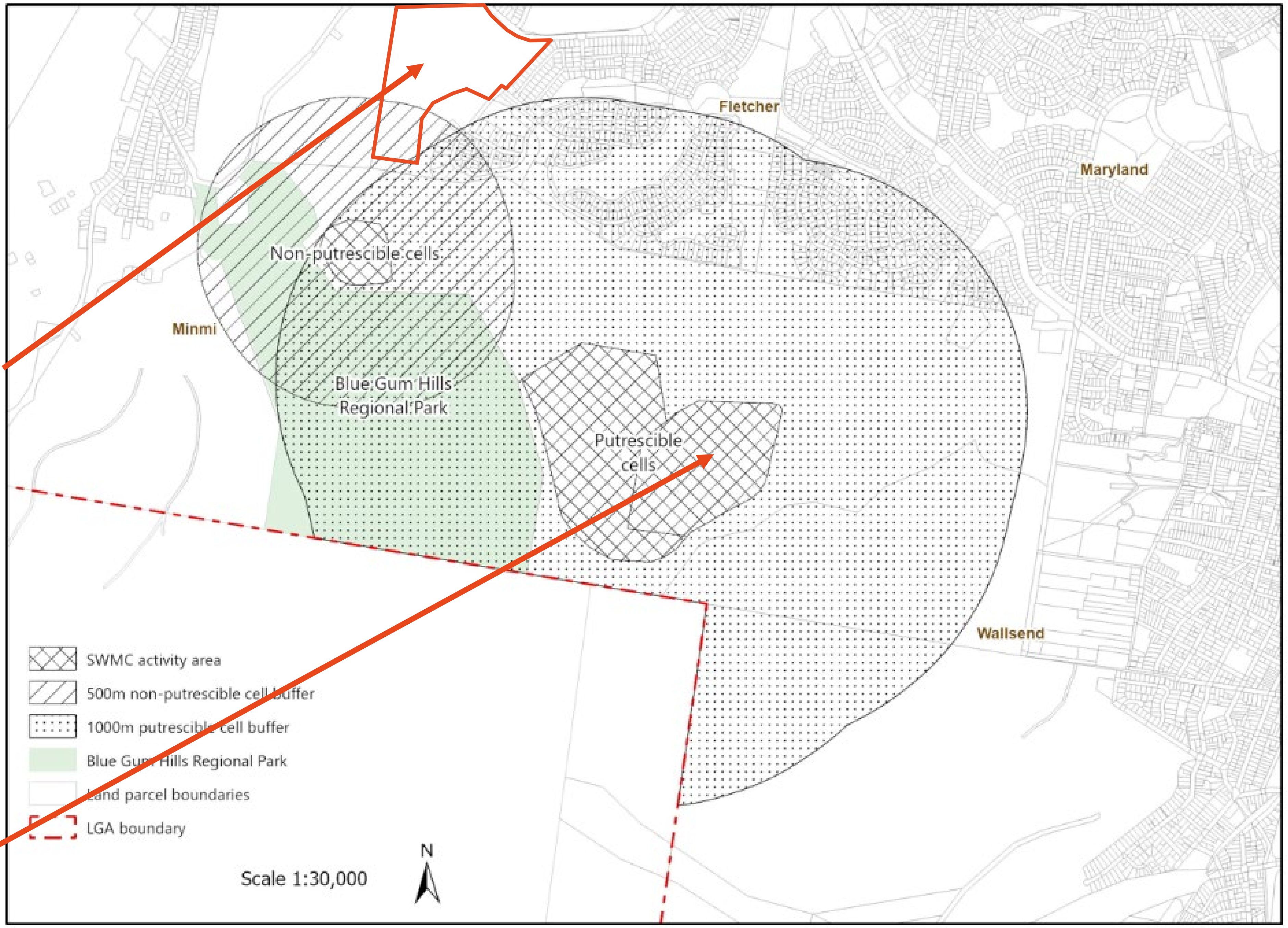


Figure D1.03: Summerhill Waste Management Centre Buffer – Residential

Source: NDCP, 2023

Buffer zone shown around the non putrescible cell is double what is recommended in the EPA guideline of 250m.

Buffer zone is not reflective of the gas risk assessment prepared for SWMC, and reviewed by EPA

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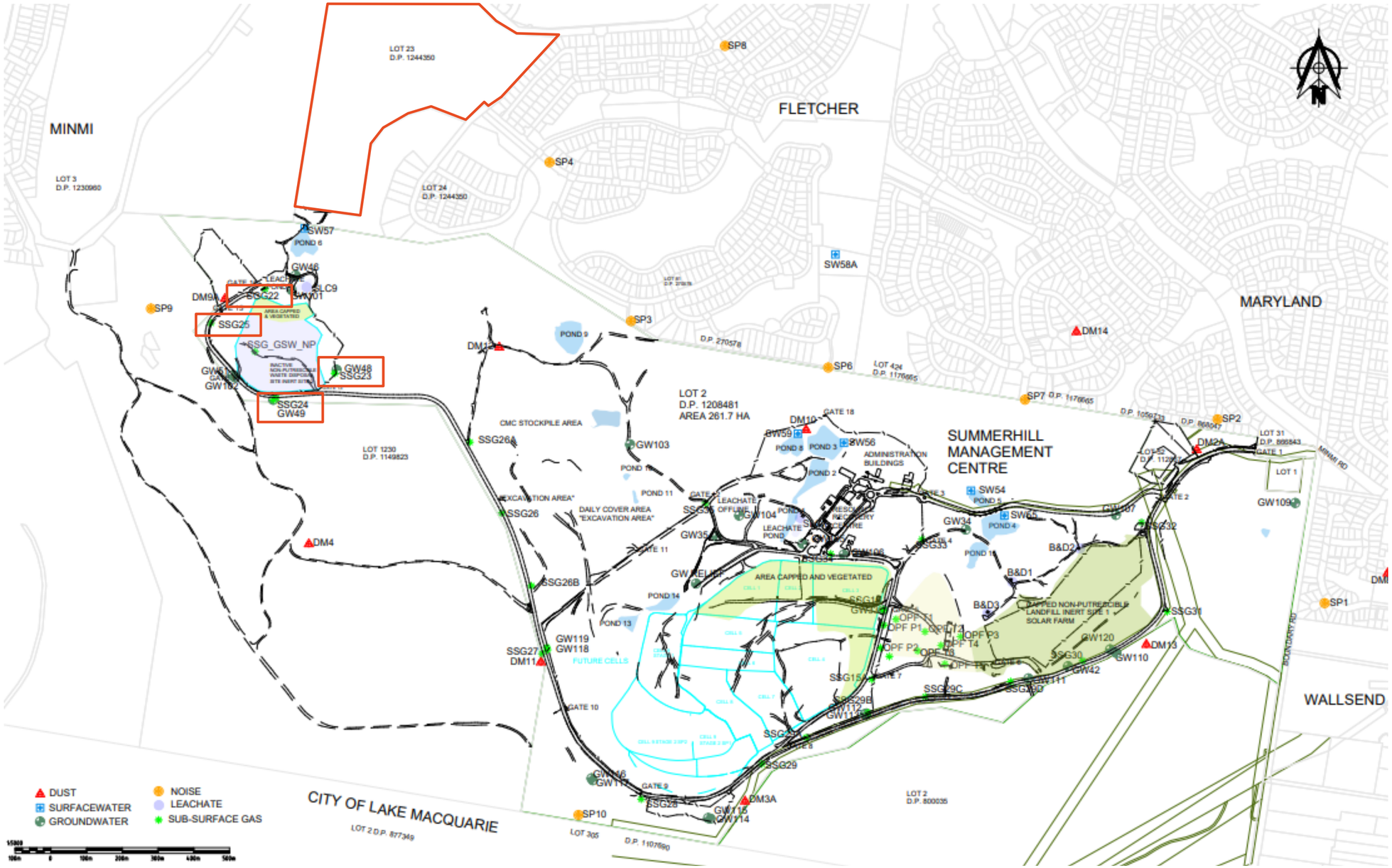
Monitoring locations



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Landfill Gas Risk Assessment 2021 Outcomes

- The table in the report shows no levels above the regulated limits for Methane or CO2.
- Subsurface gas monitoring results obtained during the last 15 years should not be interpreted as landfill gas results, since the currently installed wells have not been designed to assess landfill gas migration;
- The response zones (slotted pipe) in the wells have been placed to monitor the Young Wallsend and Borehole Seams are inundated. As a result, the wells are not monitoring landfill gas migrating from the landfills;
- The former General Solid Waste Non Putrescible (GSWNP) landfill does not have an appropriate landfill gas monitoring network;
- New wells need to be placed that will monitor the gas levels around the cells, including the GSWNP, which is the cell closest to our site.
- No monitoring of buildings outside of the 250 metre buffer was considered necessary, despite the lack of monitoring or gas data.
- A revised report was undertake in 2023 following the installation of the recommended wells. Monitoring has since occurred and shows the gas levels below the required levels.
- The assessment shows that the measures at the lowest level for gas classification, being very low risk.

Table 7 Modified Wilson and Card classification

	GSV threshold (L/hr)	CS	Risk classification	Additional factors	Typical sources
	<0.07	1	Very low risk	Typically, methane <1% v/v and/or carbon dioxide <5% v/v; otherwise consider increase to CS 2	Natural soils with low organic content Typical fill
	<0.7	2	Low risk	Borehole flow rate not to exceed 70 L/hr; otherwise consider increase to CS 3	Natural soils with high organic content Recent deep fill
	<3.5	3	Moderate risk		Old inert waste landfill Flooded mine workings
	<15	4	Moderate to high risk	Consider need for Level 3 risk assessment	Mine workings susceptible to flooding Closed putrescible waste landfill
	<70	5	High risk	Level 3 risk assessment required	Shallow, unflooded abandoned mine workings
	>70	6	Very high risk		Recently used putrescible waste landfill

1. Site characterisation should be based on monitoring of gas concentrations and borehole flow rates for the minimum periods defined in Section 3.4.
2. The CSM must identify the source of gas and its generation potential.
3. Soil gas investigations should be conducted in accordance with the guidance provided in Section 3.4.
4. Where there is no detectable flow, the lower measurement limit of the instrument should be used.
5. To determine a GSV of <0.07, instruments capable of accurately measuring concentration to 0.5% v/v and flow to 0.1 L/hr are recommended.

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SSG22, SSG23, SSG24 & SSG25 - 2022

Table 5 – Summary of the CGM Methane, Flow, CO, H2S, Compliance and Gas Screening Values

LFG Well	Methane	Flow	$CH_4 > 1\%$	Gas Screening Value CH_4	Carbon Monoxide (ppm)	Hydrogen Sulphide (ppm)
	Max	Max	Y/N		>30	>1
SSG22	0.62	2.8	N	0.017	**37**	**2**
SSG24	0.13	3.6	N	0.005	25	**5**
SSG25	0.1	3.0	N	0.003	25	**3.7**
SSG26	<0.01	3.2	N	0.000	2.5	**0.7**
SSG27	**1.6**	8.3	**Y**	0.133	<1	**2**
SSG28	0.08	3.3	N	0.003	17	**0.2**
SSG29	**38.1**	4.2	**Y**	1.600	**34**	**13**
SSG30	0.1	2.2	N	0.002	**56**	**10**
SSG31	0.45	5.7	N	0.026	13	<1
SSG32	0.14	3.7	N	0.005	25	**4**
SSG33	0.06	2.5	N	0.002	0.3	**31**
SSG34	<0.01	0.04	N	0.000	5	<1
SSG35	0.07	1.26	N	0.001	**33**	**12**

Colour coding relates to Table 7 of the Guidelines – please refer to Section 6.2 of this report.
BOLD = exceedance of Criteria. Refer to Section 6.

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SSG22, SSG23, SSG24 & SSG25 - 2024

Subsurface Gas Results
August 2024

Environment Protection Licence 5897 - Condition M2 - Air Quality - Quarterly Subsurface Gas
City of Newcastle - Summerhill Waste Management Centre
141 Minmi Road, Wallsend, NSW

Parameter		Methane CH_4	Carbon Dioxide CO_2	Carbon Monoxide CO	Nitrogen N	Pressure	Oxygen O_2	Hydrogen Sulfide H_2S	Flow Rate
Units:		%	%	%	%	KPa	%	%	L/hr
LOR:		0.1	0.1	0.0001			0.1	0.0001	
CN ID	EPL ID								
SSG15A	67	33.9	31.1	<0.0001	35	0.021	<0.1	<0.0001	0.1
SSG22	87	0.1	5.2	<0.0001	81.7	-0.004	13	<0.0001	<0.1
SSG24	88	<0.1	9.9	<0.0001	83.1	0	7	<0.0001	<0.1
SSG25	89	0.1	15.1	0.0001	82.4	-0.004	2.5	<0.0001	<0.1
SSG26	90	<0.1	1.3	<0.0001	78.6	0.014	20.1	<0.0001	<0.1
SSG27	91	0.4	4.6	<0.0001	81.7	0.004	13.4	<0.0001	<0.1
SSG28	92	<0.1	0.4	<0.0001	79.5	0.023	20	<0.0001	0.2
SSG29	93	24.3	21.5	<0.0001	53.9	0.039	0.2	0.0024	0.1
SSG30	94	<0.1	4.1	0.0001	79.5	0	16.4	<0.0001	<0.1
SSG31	95	<0.1	11.1	<0.0001	83.4	0	5.6	<0.0001	<0.1
SSG32	96	<0.1	4.3	<0.0001	84.8	0.011	10.8	<0.0001	0.1
SSG33	97	0.1	0.1	<0.0001	77.2	0	22.6	<0.0001	<0.1
SSG34	98	<0.1	9	<0.0001	80.1	0.004	10.9	<0.0001	<0.1
SSG35	99	<0.1	3	<0.0001	78.3	-0.054	18.7	<0.0001	<0.1
SSG29B	101	21.4	24.5	0.0003	51.3	0.03	2.8	<0.0001	<0.1
SSG29C	102	<0.1	6.3	0.0002	80.4	-0.026	13.3	<0.0001	-0.2
SSG29D	103	12.8	12.3	0.0001	68.2	0.005	6.6	<0.0001	<0.1
SSG26A	104	0.1	7.7	0.0001	81.9	-0.007	10.3	<0.0001	<0.1
Threshold		1.0% above background [1] 1.0% [2]	1.5 % above background [1]		-	-	-	--	-

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