

**7.2 LMM 26/03/2024 - HUNTER & CENTRAL COAST REGIONAL PLANNING
PANEL WINTEN DEVELOPMENT APPLICATION IN MINMI**

MOTION

That City of Newcastle:

1. Reiterates that we do not support the outdated 2013 Concept Plan approved by the NSW Government for Development Application - DA2018/01351 for 858 lots at Woodford Street, Minmi;
2. Reiterates that the outdated 2013 Concept Plan approval for this site does not meet community expectations and contemporary planning instruments available in 2024, and therefore;
3. Calls on the NSW Government to heed community and Council concerns, immediately halt the development assessment process, and revise the proposal in accordance with contemporary planning expectations and instruments.

BACKGROUND ATTACHMENTS

- **Attachment A:** Media Statement (copied below) - Minmi development application, City of Newcastle 19/03/2024.
- **Attachment B:** Notice of Motion: Request for Joint Briefing with Lake Macquarie Councillors (Winten Voluntary Planning Agreement).
- **Attachment C:** LMM 13/12/2022 - Hunter & Central Coast Regional Planning Panel Refusal of Winten Development Application in Minmi.

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Attachment A

19 March 2024

Media statement - Minmi development application

City of Newcastle (CN) has finalised its assessment report for an 858-lot residential subdivision proposed for Woodford Street, Minmi, by the Winten Property Group.

The development application, DA2018/01351, which was publicly notified on two separate occasions by CN, is due to be determined by the NSW Government's Hunter and Central Coast Regional Planning Panel next week.

CN Executive Director Planning and Environment Michelle Bisson said the DA has been assessed by CN in accordance with legislated requirements and is considered to now be consistent with the Concept Plan approved by the NSW Government in 2013.

It is acknowledged that significant community concern has been raised in relation to the development, with the majority of submissions citing the existing heritage, bushland and semi-rural outlooks as features that would be detrimentally impacted by the proposed development.

"The community expressed concerns with the development in regards to urban sprawl and transport impacts. The community has correctly cited the development's inconsistency with City of Newcastle's vision and ambition, and is only possible given the State Government's 2013 approved Concept Plan," Ms Bisson said.

"CN largely agrees with these concerns. However, the development is on land subject to a Concept Plan approval, issued by the NSW Government Planning Assessment Commission in 2013.

"As a result, CN is unable to enforce contemporary planning principles as the parameters for the future development of this land.

"It is CN's strong hope that as the development progresses the applicant will consider more contemporary planning principles to reduce urban sprawl and reduce footprints, noting that this would also require an amendment to the Concept Approval."

The assessment report documents CN's previously raised concerns regarding the approved Concept Plan and the various amendments, to the Planning Department, over many years. These concerns include (but are not limited to) traffic impacts and required road upgrades, recreation facilities, vegetation loss, impacts on the Summerhill Waste Management Facility and the proposed design guidelines.

The current DA was refused in December 2022 on the basis of 15 concerns. However, the applicant has now, in the opinion of CN planning staff, addressed all 15 concerns and has secured support from a range of NSW Government departments and organisations including Transport for NSW. The latter has supported the proposal regarding traffic considerations and recommended upgrades to the regional road network to support the development as conditions of consent.

In December 2023, the Hunter and Central Coast Regional Planning Panel approved a separate neighbouring application from Winten, located within the Lake Macquarie City Council LGA, to develop a 1079-lot housing estate on land between the location of DA2018/01351 and the Newcastle Link Road.

CN will continue to advocate for the protection of a corridor required for a future southern access road into the Summerhill Waste Management Centre, which would remove the majority of large waste trucks from Wallsend and surrounding areas. The proposed corridor would require access via a paper road owned by Winten, Lake Macquarie City Council and another developer Eden Estates.

Attachment B

ACTION ITEM

Ordinary Council Meeting
Tuesday 28 November 2023

SUBJECT: NOM 28/11/2023 – REQUEST FOR JOINT BRIEFING WITH LAKE MACQUARIE COUNCILLORS

RESOLVED: (Councillors Adamczyk / Clausen)

PART A:

That Council:

1. Notes that development on land sold to Winten received concept approval by the NSW Planning and Assessment Commission in 2013 for a subdivision of up to 2,000 lots straddling the Lake Macquarie and Newcastle LGA boundary along the Newcastle Link Road.
2. Notes that since that time, development applications have been submitted to both Lake Macquarie and Newcastle City Councils for assessment that seek to vary the approved Concept Plan.
3. Notes the Hunter Central Coast Joint Regional Planning Panel is reviewing these applications and has stated its preference for both the Lake Macquarie and Newcastle reviews to be determined simultaneously.
4. Notes advice from Newcastle officers that the Newcastle application is unable to be determined until early 2024 due to the need to re-exhibit changes to the proposal, that were requested by the applicant, consistent with the EP&A Act.
5. Reiterates the need to consider the interests of existing and future residents as a foremost consideration, ahead of the interests of any individual council.
6. Explores options including the joint-ownership of future public amenities such as community halls, recreation spaces, and sporting facilities by both Councils to ensure that new amenities are located in close proximity to any new homes, noting the success of existing collaborations between the two councils at Glendale.
7. Request a joint briefing with Councillors from both Lake Macquarie and Newcastle Councils, and relevant planning Directors, prior to Council exhibition endorsement of any Voluntary Planning Agreement.

PART B:

That Council:

1. Notes that extensive community consultation was undertaken to inform the Concept Plan for any future development in Minmi to protect the existing village character, cultural, environmental and social amenity, while accommodating limited residential growth.
2. Notes that the City of Newcastle *Local Housing Strategy (2021)* sets limited targets for 'greenfield' development including in this area and the City of Newcastle *DCP (2012)* sets controls to guide development consistent with the Concept Plan.
3. Notes continued concerns regarding the potential loss of environmental amenity and biodiversity, and the council's continued commitment to protecting and conserving environmental land and to ecologically sustainable development in the city.

Attachment C

ACTION ITEM

Ordinary Council Meeting
Tuesday, 13 December 2022

SUBJECT: LMM 13/12/22 - HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL REFUSAL OF WINTEN DEVELOPMENT APPLICATION IN MINMI

RESOLVED: (Cr Nelmes, Lord Mayor)

That City of Newcastle:

- 1 Notes that on 13 December 2022, the Hunter & Central Coast Regional Planning Panel determined to refuse Development Application – DA2018/01351 at 144 Woodford Street, Minmi, pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979, and that this was a unanimous decision of the Panel;
- 2 Commends City of Newcastle's Planning team for preparing a detailed Assessment Report and Recommended Reasons for Refusal report, which highlighted many inadequacies of the application and a disregard for the potential significant impacts on the local Minmi community;
- 3 Notes the Hunter & Central Coast Regional Planning Panel provided 15 Reasons For Refusal (**Attachment A**) regarding Development Application – DA2018/01351 at 144 Woodford Street, Minmi, including its inconsistencies with the terms of the approval of the concept plan, failure to address strong concerns regarding traffic safety and public transport, insufficient information to demonstrate the developments impact on the natural or built environment, lack of compliance with flood planning regulations, insufficient information regarding the elimination or mitigation of mine subsidence, insufficient noise mitigation measures and importantly, insufficient information for an assessment of the biodiversity impacts of the proposed development.
- 4 Advocates that any future application should not impact the operations of the Summerhill Waste Management Centre, particularly the future southern access road, which provides an opportunity for a new entry/exit to the facility, and must include the implementation of a 1000m buffer to ensure the future operations of the site is not compromised from residential development, odour, acoustic, noise or gas impacts;
- 5 Make an application to the Local Government Boundaries Commission noting resolutions of both Lake Macquarie and City of Newcastle elected Councils that agreed to adjust the LGA boundaries to ensure that consistent planning is applied to this strategic site, in particular, Summerhill Waste Management Centre.