



PLANNING PROPOSAL

Amendment No. 80 to Lake Macquarie LEP 2004

(5 Birkwood Close, Charlestown)

Local Government area:	Lake Macquarie City
Name of Draft LEP:	Lake Macquarie Local Environmental Plan 2004 (Amendment No. 80)
Subject Land:	Lot 1943 DP 704476 (5) Birkwood Close Charlestown
Landowner:	Trustees of the Roman Catholic Church for the Diocese of Maitland - Newcastle
Applicant:	City Plan Services on behalf of the landowner
Maps:	Appendix 1 – Locality Map Appendix 2 – Existing Zoning and Aerial Photo Appendix 3 – Proposed zoning LMLEP 2004 Appendix 4 – Proposed zoning draft LMLEP 2012 Appendix 5 – Preliminary Concept Plan

Part 1 – Objectives or Intended Outcome

The objective or intended outcome of this Planning Proposal (PP) is to amend *Lake Macquarie Local Environmental Plan 2004 (LMLEP 2004)* by rezoning 1.532 hectares of land from 6(1) Open Space to 2(1) Residential to facilitate residential development. It is intended for the site, Lot 1943 DP 704476, 5 Birkwood Close, Charlestown to be developed as housing for the socially disadvantaged (mental or physical, low incomes) and to conserve the existing vegetation of the north-eastern and southern points of the site. It is anticipated that the rezoning could yield up to 15 standard sized residential lots.

The site is currently privately owned, comprising of a playing field utilised by the adjacent school, two small areas of vegetation and a cleared grassy area. The location of the site in the context of the Lake Macquarie Local Government Area is shown in Appendix 1.

It should be noted that the current zoning incorrectly implies that the land is in public ownership, when in fact the land is owned by the Trustees of the Roman Catholic Church.

Part 2 – Explanation of Provisions

The Planning Proposal will result in the following amendments to the Lake Macquarie LEP 2004 Map and Instrument:

Amendment Applies to:	Explanation of Provision
Map	Rezone the site from 6(1) Open Space to 2(1) Residential. (Refer to Map Sheet in Appendix 3).
Dictionary	Amend the definition of <i>the map</i> by adding Lake Macquarie Local Environmental Plan 2004 (Amendment No XX)

The Planning Proposal would result in the following changes to Draft Lake Macquarie LEP 2012 (Council's Standard Instrument LEP):

Amendment Applies to:	Explanation of Provision
Land Zoning Map	Land to be zoned 2(1) Residential would be zoned R2 Low Density Residential. (Refer to Map Sheet in Appendix 4).
Lot Size Map	Minimum lot sizes would correspond to proposed zoning as follows: R2 – 450m ²
Height of Buildings Map	Maximum building heights would correspond to proposed zoning as follows: R2 – 8.5m

Part 3 – Justification

A. NEED FOR THE PLANNING PROPOSAL

1. Is the Planning Proposal a result of any strategic study or report?

No, the planning proposal is not the result of a strategic study or report. The zoning is consistent with the objectives of both the *Lower Hunter Regional Strategy (LHRS)* and *Lifestyle 2030*.

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

Rezoning the land is considered the most suitable and transparent way of achieving the objectives of this planning proposal.

The current 6(1) Open Space zone for the site is not appropriate. The objectives of this zone are to provide community owned land or land intended to be owned by the community to be suitable for the passive and active recreation needs of the community. The land is privately owned and current land uses do not reflect the objectives of the 6(1) zone.

The site is privately owned by the Roman Catholic Church for the Diocese of Maitland-Newcastle. This single ownership of a relatively large sized site will allow redevelopment to occur in the short to medium term.

The playing field within the subject site is surplus to the school's requirements, and Council does not require open space at this location.

3. Is there a net community benefit?

The rezoning would deliver a net community benefit, chiefly associated with the provision of land for housing in a convenient location, well serviced by infrastructure, transport, employment, and community facilities. Utilising the site for infill residential development will serve to defer the need for additional housing on the urban fringe.

The development of the site for residential purposes is likely to result in the creation of a number of new jobs during the construction phase and positive flow on economic effects to the local community. In addition, as the site is planned to be used for disability or low cost housing, the supply of which is currently lacking in the Lake Macquarie LGA.

The table below assesses the Proposal against relevant criteria listed in the Draft Centres Policy for determining a Proposal's merits.

Draft Centres Policy criteria	Birkwood Close Planning Proposal
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?	Yes, the proposal is compatible with state and regional strategic directions such as the LHRS and Lifestyle 2030 Strategy. The proposal will assist to achieve new housing targets for the Lake Macquarie Local Government Area. The subject site is identified within the " <i>East Lake Intensification Corridor</i> " of LS2030 Strategy and is considered to be suitable for an infill housing development.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	The subject site is approximately 2km south of the Charlestown Regional Centre and adjacent to the Charlestown – Windale renewal corridor identified in the LHRS. The site is also located within the " <i>East Lake Intensification Corridor</i> " of LS2030 Strategy and is considered to be suitable for an infill housing development.
Is the LEP likely to create a precedent, or create or change the expectations of the landowner or other landholders?	No, this PP simply serves to facilitate an opportunity to utilise undeveloped privately owned land in a manner consistent with the actions/ directions and objectives of relevant strategic plans.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	There is little scope for other spot rezoning proposals in the locality, which is already extensively urbanised.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	Rezoning of the site will not facilitate a permanent employment generating activity or result in the loss of employment lands. The PP will increase the number of households within the Charlestown Planning District which will contribute to the viability of the nearby local neighbourhood centre, Charlestown Regional Centre and the Mount Hutton Town Centre. Local employment would be generated during the subdivision and housing construction phase.

Draft Centres Policy criteria	Birkwood Close Planning Proposal
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	The LEP will improve the supply of residential land in a convenient infill location.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	The existing road network has spare capacity to allow for further residential development of the site. Existing pedestrian links are available via Kulai Street and Schroder Avenue to existing public transport services on the Pacific Highway. Existing services including water and sewer are also available to the site.
Will the Proposal result in changes to the car distances travelled by customers, employees, and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	The subject proposal seeks to change the existing zoning of the land to facilitate urban development in close proximity to neighbourhood shops and existing public transport services available along the Pacific Highway, which links the site with Charlestown and Belmont.
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the Proposal? If so, what is the expected impact?	The small scale of the proposal means there will be no significant impact on Government infrastructure or services in the area.
Will the Proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	No, the site has not been identified by the Government as requiring environmental protection.
Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	The proposed redevelopment of the site for residential purposes will be compatible with surrounding land uses including existing detached dwellings, community related land uses and the adjacent open space corridor.
Will the Proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	The PP seeks to rezone land primarily for residential purposes. The proposal will assist the viability of the existing Gateshead local neighborhood centre.
If a stand-alone proposal and not a centre, does the Proposal have the potential to develop into a centre in the future?	The Proposal is for an infill residential development, which is not expected to develop into a centre.
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The rezoning will result in additional housing supply in a convenient location well serviced by existing infrastructure and close to schools, shops, and major employment centres. This Disability Housing Initiative is possible due the funding being provided by the Federal Government under the National Disability Insurance Scheme (NDIS), which is piloting in the Hunter Region from mid 2013.

Overall, from this assessment, the proposal is anticipated to have a net positive impact in the local community.

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?

The Lower Hunter Regional Strategy (LHRS) identifies the population and employment capacity targets for the Lower Hunter region over the next 25 years and actions to ensure the ongoing growth and prosperity of the region.

The Proposal is consistent with the LHRS neighbourhood planning principles, such as locating housing close to town centres with a range of shops and services, providing a wide range of housing choices, and promoting conservation lands in-and-around development sites to help protect biodiversity.

The strategy focuses on concentrating housing more people in centres. The LHRS has identified Charlestown as a Major Regional Centre. The site is located in close proximity and has good accessibility to the Charlestown Sub Regional Centre where employment, retail and other services are located. In addition, this Plan designates an area along the Pacific Highway to the south of Charlestown as a renewal corridor to encourage residential and mixed use development for areas with high frequency public transport networks and in close proximity to centres. The renewal corridor is well serviced by public transport, schools and is in close proximity to employment areas and a local neighbourhood centre.

The LHRS projects that by 2031 a total of 36,000 new dwellings would be developed in Lake Macquarie Local Government Area (LGA). This is over 30% of the projected total of new dwellings in the Lower Hunter. In Lake Macquarie LGA, 21,000 of the new dwellings would be infill (split between 14,000 in centres and corridors and 7,000 dwellings elsewhere in the existing urban area) and 15,000 dwellings would be located in new release areas.

Consequently, rezoning of this land for residential purposes will assist in achieving housing targets for infill areas of the LGA outside of a designated major Centre, but within a renewal corridor.

5. Is the Planning Proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

Lifestyle 2030 Strategy

Lifestyle 2030 provides long-term direction for the development of the City of Lake Macquarie and describes Council's high level policies for managing private and public development.

The PP is consistent with Lifestyle 2030 Strategy's overall Strategic Directions. These include:

- *A Well Designed, Adaptable and Liveable City* - The PP will allow the provision of additional housing stock within an established residential area with good accessibility to existing services and facilities. The site is within walking distance of a local neighbourhood centre and public transport services along the Pacific Highway linking to Charlestown Regional Centre to the north and Belmont Town Centre to the south.

The site is located in a vacant area close to a major regional centre. Redevelopment of the site will be an efficient and orderly redevelopment of an under-utilised parcel of land.

- *A City Responsive to the Wellbeing of its Residents* – The Following rezoning the land is proposed to be used to provide affordable housing for disabled or socially

disadvantaged people allowing equal life chances and equal opportunities within the LGA. Lake Macquarie is currently experiencing an aging population and the rezoning and proposed development will respond to this demographic change.

- *A Well Serviced and Equitable City* - The subject land is located in an existing urban area in close proximity to existing infrastructure and services. It is located in an already established area and within close proximity to the Charlestown sub-regional centre. The proposal would allow for comfortable travel as a pedestrian, cyclist or by public or private transport. In addition, the subject land is readily accessible to existing major road networks such as the Pacific Highway or the Newcastle Inner City bypass as well as frequent public transport services, reducing the reliance of private vehicles and reducing traffic congestion.

The only vehicular access to the site is via Birkwood Close. This cul de sac would need to be extended to provide vehicular access to the site. Pedestrian links to the site are available from Kulai Street via two pathways and a pathway to Schroder Avenue.

Rezoning of the subject site for residential purposes will assist Council to achieve these aims and be designed to integrate with existing housing surrounding the site as well as the adjoining open space corridor whilst also creating its own identity so as create a pleasant and safe environment for future residents.

A review of Lifestyle 2020 in 2012 found that projections relating to population growth and infill of the town centre Charlestown would not likely be met before 2020 without a significant increase in the rate of attached housing development. It was also found that the district of Charlestown had a declining population with smaller household sizes. This PP to rezone a parcel of land with an area of 1.53 hectares will assist to provide additional land within an established residential precinct for infill housing purposes. Given the size, shape and its locality being adjacent to open space zoned land, a residential housing development for low cost or disabled purposes is considered to be appropriate for the site and will positively contribute to achieving the desired housing targets for the LGA.

This PP is also within an area identified in LS2030 as the 'East Lake Intensification Corridor'. It is envisaged that future development within this corridor will be within existing urban zoned lands, being for multi unit housing, close to centres and well serviced by public transport routes. The subject site meets all these criteria.

Lake Macquarie Community Plan 2008-2018

The proposal meets relevant objectives of the Lake Macquarie Community Plan 2008-2018. This Plan provides an overview of five key focus areas for action and sets out broadly - based short, medium, and long-term objectives, directions, and progress indicators.

Objectives the proposal satisfies include:

The City's economy prospers, under managed growth that enhances the quality of life while balancing employment and environmental objectives.

The PP will satisfy this objective, as the rezoning of the site will allow for increased housing opportunities within an established urban area that is well serviced with community facilities and is in close proximity and accessible to neighbourhood, town and regional centres as well as employment opportunities. The PP promotes orderly

expansion of under-utilised land for low cost or disabled housing purposes that will assist to meet housing targets of the LGA and to minimise population decline.

Advocate for and develop opportunities that will ensure all residents have equal opportunity to participate in the economic and social life of the community.

The PP will satisfy this objective as the rezoning can facilitate the development of housing for the sociably disadvantaged. The PP will also facilitate housing that can deliver equal life chances and equal opportunities within the LGA.

6. Is the Planning Proposal consistent with applicable state environmental planning policies?

The Planning Proposal is consistent with applicable state environmental planning policies. Refer to the table below for further information.

SEPP	Relevance	Implications	Consistent
SEPP 19 – Bushland in Urban Areas	This SEPP aims to protect bushland in public open space zones and reservations, and to ensure that bush preservation is given a high priority when local environmental plans for urban development are prepared	Whilst the subject site is zoned for open space purposes, the majority of the site is used as a sporting field for the adjacent school. Any future development of the site will take into consideration the location of the existing vegetation upon the site and bushland will be retained wherever possible to preserve its aesthetic value. A Flora and Fauna assessment will be undertaken to determine the significance of vegetation on the site. The study confirm that the aims of the policy are met, such as identifying any endangered species and their habitats and preserving plant communities due to their scenic values and visual identity. It is considered the proposal has significant social benefits for the community and that on balance outweigh the value of the existing bushland. As the housing is proposed to be for the socially disadvantaged, the rezoning will allow for an increase in the variety and choice of housing types to accommodate for those with a physical or mental disability or persons with a low income. The provision of this housing type is currently lacking in the LGA. The site is well located and will improve the supply of	Yes

SEPP	Relevance	Implications	Consistent
		residential land in a convenient infill location within close proximity to neighbourhood, town and regional centres.. Following Gateway and the results of studies, the boundary lines for the rezoning may be refined with sensitive areas of the site to be conserved.	
SEPP (Building Sustainability Index: BASIX)	The aim of this policy is to ensure consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans.	Any new housing development proposal for the site would need to have regard to this SEPP during the development phase.	Yes
SEPP 55 – Remediation of Land	Establishes planning controls and provisions for the remediation of contaminated land.	The subject site is currently being used as a playing field in association with an existing school. There is no history to indicate that the site has been used for industrial purposes, however some levelling of the land may have been required to create the playing field. A phase 1 contamination assessment is considered necessary to assess contamination issues. Further contamination assessments may be required at DA stage.	Yes
SEPP (Housing for Seniors or People with a Disability) 2004	This SEPP aims to encourage the development of high quality accommodation for our aging population and for people who have disabilities- housing that is in keeping with the local neighbourhood.	The proposal will allow the development of this site for this type of housing that is in keeping with the local character.	Yes
SEPP (Housing for Seniors or People with a Disability) 2004	This SEPP aims to encourage the development of high quality accommodation for our aging population and for people who have disabilities- housing that is in keeping with the local neighbourhood.	The proposal will allow the development of this site for this type of housing that is in keeping with the local character.	Yes
SEPP (Mining, Petroleum Production and	This Policy aims to provide for the proper management and development of	This proposal will not prevent mining for resources within the surrounding areas as there are	Yes

SEPP	Relevance	Implications	Consistent
Extractive Industries) 2007	mineral, petroleum, and extractive material resources for the social and economic welfare of the State. The Policy establishes appropriate planning controls to encourage ecologically sustainable development.	no mines in close proximity to the site.	
SEPP (Infrastructure) 2007	This SEPP provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.	This PP does not impact on the operation of this SEPP.	Yes
SEPP (Exempt and Complying Development Codes)	This SEPP seeks to provide quick approvals for low impact development	Future development of the site will be subject to this SEPP.	Yes
SEPP (Affordable Rental Housing) 2009	This SEPP establishes a consistent planning regime for the provision of affordable rental housing.	This SEPP will allow the site to be developed for affordable housing once the site is rezoned for residential purposes.	Yes

7. Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Proposal is consistent with the majority of Ministerial Directions except Direction 6.2 – Rezoning Land for Public Purposes as outlined below.

Ministerial Direction	Relevance	Consistency / Comment
2.1 – Environmental Protection Zones	The direction requires that a draft LEP contain provisions to facilitate the protection of environmentally sensitive land.	Consistent: The PP does not seek to change land zoned for environmental protection and will comply with this direction by seeking to protect any environmentally sensitive areas identified on the site.
2.3 – Heritage Conservation	The direction requires that a draft LEP provide provisions in order to conserve heritage items.	Consistent: There are no known heritage items or places of heritage significance in the vicinity of this site.

Ministerial Direction	Relevance	Consistency / Comment
2.4 – Recreation Vehicle Areas	The direction restricts a draft LEP from enabling land to be developed for a recreation vehicle area.	Consistent: The PP does not seek to enable land to be developed for the purpose of a recreation vehicle.
3.1 – Residential Zones	The direction requires a draft LEP to include provisions that facilitate housing choice, efficient use of infrastructure, and reduce land consumption on the urban fringe.	Consistent: The proposed rezoning of the site for residential purposes allows for additional residential land adjacent to existing residential zoned land and thus increasing potential housing supply. Housing is proposed to be for socially disadvantaged households, increasing variety and choice of housing types.
3.2 – Caravan Parks and Manufactured Home Estates	The direction requires a draft LEP to maintain provisions and land use zones that allow the establishment of Caravan Parks and Manufactured Home Estates.	Consistent: The proposal will not affect provisions relating to Caravan Parks or Manufactured Homes.
3.3 – Home Occupations	The direction requires that a draft LEP include provisions to ensure that Home Occupations are permissible without consent.	Consistent: The PP will not affect provisions relating to home occupations with the existing provisions being retained with the principal LEP.
3.4 – Integrating Land Use and Transport	The purpose of this Direction is to ensure that development achieves objectives with regard to the improvement of access by walking, public transport and other means that reduce dependence on private car travel. Relevantly, a draft LEP should locate urban zones and include provisions that give effect to listed guidelines and policies.	Consistent: The PP is consistent with this Direction as the site is within 450 metres walking distance of the Pacific Highway which is serviced by regular bus services. The site is also within walking distance of a school and a neighbourhood centre which includes to a post office, newsagent, food shops and other services.
4.1 – Acid Sulfate Soils	This direction applies to lands that have a probability of containing acid sulphate soils and to minimise any adverse environmental impacts	Consistent: Council's maps do not show the subject site as containing acid sulphate soils. Therefore the site is not considered to contain a high risk of acid sulphate soils, however detailed testing is to occur as part of the rezoning process.
4.2 – Mine Subsidence and Unstable Land	The direction requires consultation with the Mine Subsidence Board where a draft LEP is proposed for land within a mine subsidence district.	Consistent: Approval will be necessary from the Mine Subsidence Board prior to development of the land for residential purposes. Further consultation can be undertaken if the rezoning is supported.

Ministerial Direction	Relevance	Consistency / Comment
4.3 – Flood Prone Land	This Direction aims to ensure that development of flood prone land is consistent with the NSW Government Flood Prone Land Policy and the Principles of the Floodplain Development Manual 2005 and to ensure that the provision of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	Consistent: The subject site is not designated as being flood prone. Development of the land for residential purposes with floor height above the 100 year ARI (1%AEP) for habitable rooms is possible. Due to the adjacent watercourse, a flood study is to be undertaken during the rezoning process to determine the extent of the 1 in 100 year flood event on the site.
4.4 – Planning for Bushfire Protection	This Direction is intended to reduce risk to life and property from bushfire. Any draft LEP needs to have regard for Planning for Bushfire Protection Guidelines.	Consistent: Part of the site is designated as bush fire prone land. However the site is surrounded by existing development except for immediately to the west where land is designated as parklands with an existing watercourse traversing this area. Further development of the site would be considered as infill development and could be appropriately designed to satisfy bushfire protection guidelines. The PP can satisfy this direction.
5.1 – Implementation of Regional Strategies	The direction requires a draft LEP to be consistent with the relevant State strategy that applies to the Local Government Area.	Consistent: The proposal is wholly consistent with the provisions of the LHRS, as discussed throughout this PP.
6.1 – Approval and Referral Requirements	The direction prevents a draft LEP from requiring concurrence from, or referral to, the Minister or a public authority.	Consistent: The proposal does not include any provisions that would require additional referrals/ concurrence or identify designated development.
6.2 – Rezoning Land for Public Purposes	This Direction aims to facilitate the provision of public facilities by reserving land for a public purpose. A PP must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director General of the Department of Planning	Inconsistent: The PP seeks to rezone land currently zoned 6(1) Open Space to 2(1) Residential. Justification: The subject land is zoned for a public use, however it is privately owned and used for private purposes (i.e. sporting facilities for an existing private school). Discussions with Council officers indicate that the land is not required for public purposes. Council's will seek concurrence from the Director General that this inconsistency is of minor significance.

Ministerial Direction	Relevance	Consistency / Comment
6.3 – Site Specific Provisions	This Direction provides guidance with regard to LEPs prepared in order to allow a particular development proposal to proceed.	Consistent: This PP proposes only the utilisation of existing zonings and permissible land uses (or their equivalent within the LMLEP 2004 or draft LMLEP 2012). Furthermore, this PP does not anticipate the requirement for any additional LEP provisions or standards that do not already exist within LMLEP 2004 or the Draft LMLEP 2012.

C. ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

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?

Council's Native Vegetation and Corridors Map depicts the existing vegetation upon the site as "*partially cleared remnant native vegetation*". The site consists of 2 clusters of vegetation, an embankment of eucalyptus trees on the north-eastern side and at the southern point of the site a cluster of casuarina trees, with undergrowth which has not been maintained consisting of reeds, bamboo, weeds, etc.

As the existing vegetation has been designated as partially cleared remnant native vegetation only and does not constitute a remnant native vegetation corridor, it is not likely that this vegetation significantly contributes to the overall biodiversity of the LGA.

Further investigation is needed to assess the biodiversity of the site and to ensure there are no threatened or endangered species. This assessment can occur during the next phase of the planning proposal.

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

Traffic

As previously stated, the Pacific Highway which is designated as a main road is located to the west of the subject site. Access to the Pacific Highway may only be gained to the north of the site due to the existing road network. Vehicular access to the site from the Pacific Highway is available via Hazelton Grove, Kulai Street, Algona Road, Fenton Street and Oxford Street which are all described as being local streets providing access to residential properties. Oxford and Fenton Streets also provide access to a number of community facilities such as a school, child care centres, churches, etc. Alternatively, access is available via Algona and Dudley Streets to the Charlestown Regional Centre.

The only vehicular access to the site is via Birkwood Close. This cul de sac would need to be extended to allow vehicular access onto the site. Given the size of the allotment (i.e. 1.5 hectares) it is envisaged that the site could be subdivided into approximately 15 standard sized residential lots. Using the RTA's Guide to Traffic Generating Developments, it is estimated an additional 135 vehicular movements per day may be anticipated along these local streets. As the surrounding area comprises detached dwellings only, spare capacity is likely to exist within this road local network with the overall environmental amenity of these roads being retained.

The provision of additional vehicular access points is limited due to an existing watercourse and the open space corridor to the west of the site. The preliminary concept plan attached at Appendix 5 demonstrates a potential vehicular access point to the site from the surrounding local road network. Council's Transport Planning Coordinator has advised that a traffic study at the rezoning stage is not necessary. The impact of any future development on the road network can be assessed at the development application stage.

Pedestrian links to the site are available from Kulai Street via two pathways and a pathway to Schroder Avenue.

Contamination

There are no known contaminants on the site and the subject land is not known to have previously been used for any of the purposes outlined in Table 1 of the contaminated land planning guidelines. There is concern that due to the site being partially flat for the use of the playing field that some filling of the land may have occurred. Further inspection will be required should the Planning Proposal proceed.

Hydrology, Water Quality and Flooding

The site is adjacent to a watercourse which could have the potential of localized flooding. The issue will need to be investigated at the next stage of the Planning Proposal.

Geotechnical

The site is not identified as having any significant geotechnical constraints. The subject site is however located within a mine subsidence district and consultation with the Mine Subsidence Board will be necessary following Gateway Determination.

Visual

Currently the site is vacant and used in association with the school. Development of the site for residential purposes would result in additional built form occupying the site. Consequently, the visual appearance of the site will change. However, appropriate design guidelines can be implemented so as to ensure any future development of the site is of high aesthetic quality and incorporates good urban design principles that enhances the site and locality and minimizes any potential amenity impacts.

Development controls within Council's DCP applying to housing and subdivision are considered to be appropriate for this site. Whilst development of the site for residential purposes will change the character of the site, this change is compatible with surrounding residential development and the adjacent school.

Any proposal for the site would be designed to ensure that adequate amenity levels are retained for existing residential properties surrounding the site as demonstrated by the preliminary concept plan attached to this report.

10. How has the Planning Proposal adequately addressed any social and economic effects?

As the plan is to rezone the land from 6(1) Open Space to 2(1) Residential under the LMLEP 2004, there will be a decrease in open space, despite the land being privately owned. The land at present does not reflect the given zone as it is used as a playing field for a private school and is not available for use by the general public.

Development of the site for residential purposes is likely to result in the creation of a number of new jobs during the construction phase and positive flow on effects to the local community. Any increase in population within the Charlestown Planning District will support existing local centres at Gateshead as well the Charlestown Regional Centre and the Mount Hutton and Belmont Town Centres.

In addition, as the site is planned to be used for disability or low cost housing, the rezoning will allow for the provision of socially disadvantaged housing in the LGA, which is currently lacking.

There are not likely to be any significant detrimental social issues as a result of the development, as appropriate measures will be implemented to reduce development impacts on traffic and amenity. Overall, the proposal is anticipated to have a net positive impact on the local community.

Local employment opportunities will be created during the site during the construction phase should the proposal proceed. An increase in housing stock will result in an increase in population within the area.

D. STATE AND COMMONWEALTH INTERESTS

11. Is there adequate public infrastructure for the Planning Proposal?

The Charlestown/Gateshead neighbourhood currently has reticulated water and sewer services as well as gas, electricity and telecommunications services. Further consultation with service providers can be undertaken whilst the PP progresses to ensure there is adequate capacity within the existing system and to identify what upgrades may be necessary to support development of the site for residential purposes.

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

The Gateway determination will provide direction for the proponents and LMCC on which government agencies are specifically required to be consulted in respect of this proposal, and this PP will be subsequently amended.

Part 4 – Community Consultation

The DP&I's guidelines provide advice with regard to community consultation requirements for PPs. In order to ensure the best possible consultation outcome, and in reference to DPI's guidelines, the following consultation regime is proposed to be undertaken as part of this proposal:

- Exhibition for 28 days with notice of the public exhibition of the PP to be given via newspaper advertisements in local newspapers (e.g. Post and The Newcastle Herald) and on the LMCC website's Public Notices and Exhibitions page;
- Display of the PP, including accompanying studies, reports, plans and maps, and a copy of the Gateway Determination, at the LM Council Chambers and the Charlestown and Speers Point Libraries for a period of not less than 28 working days; and

- Letters to be mailed to landowners in the vicinity of the subject site, providing them with a description of the site and proposal, details of where and when the PP can be inspected, the name and address for a relevant contact at LMCC (i.e. to lodge submissions), and advising them of the last date for submissions.

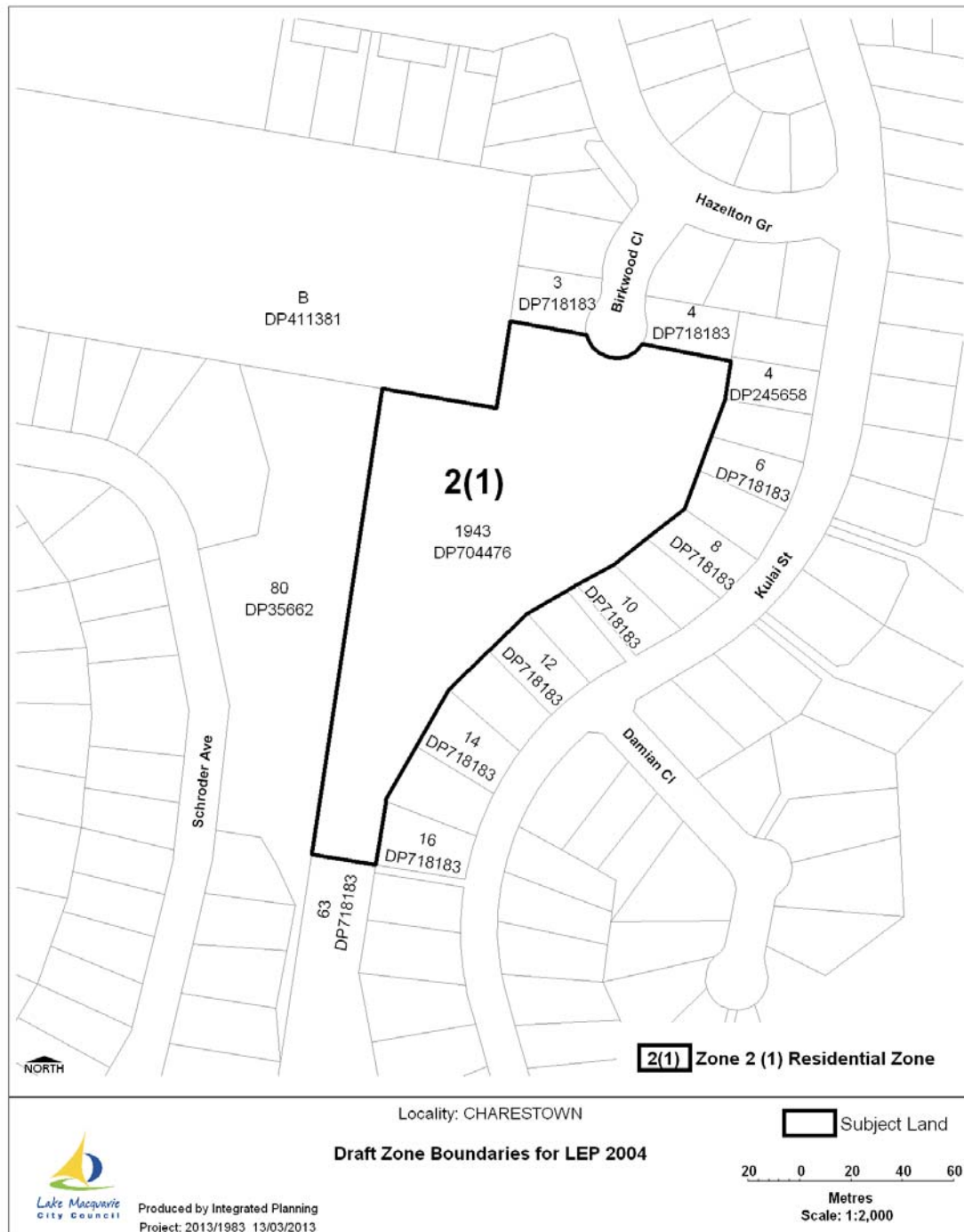
Appendix 1 – Locality Map



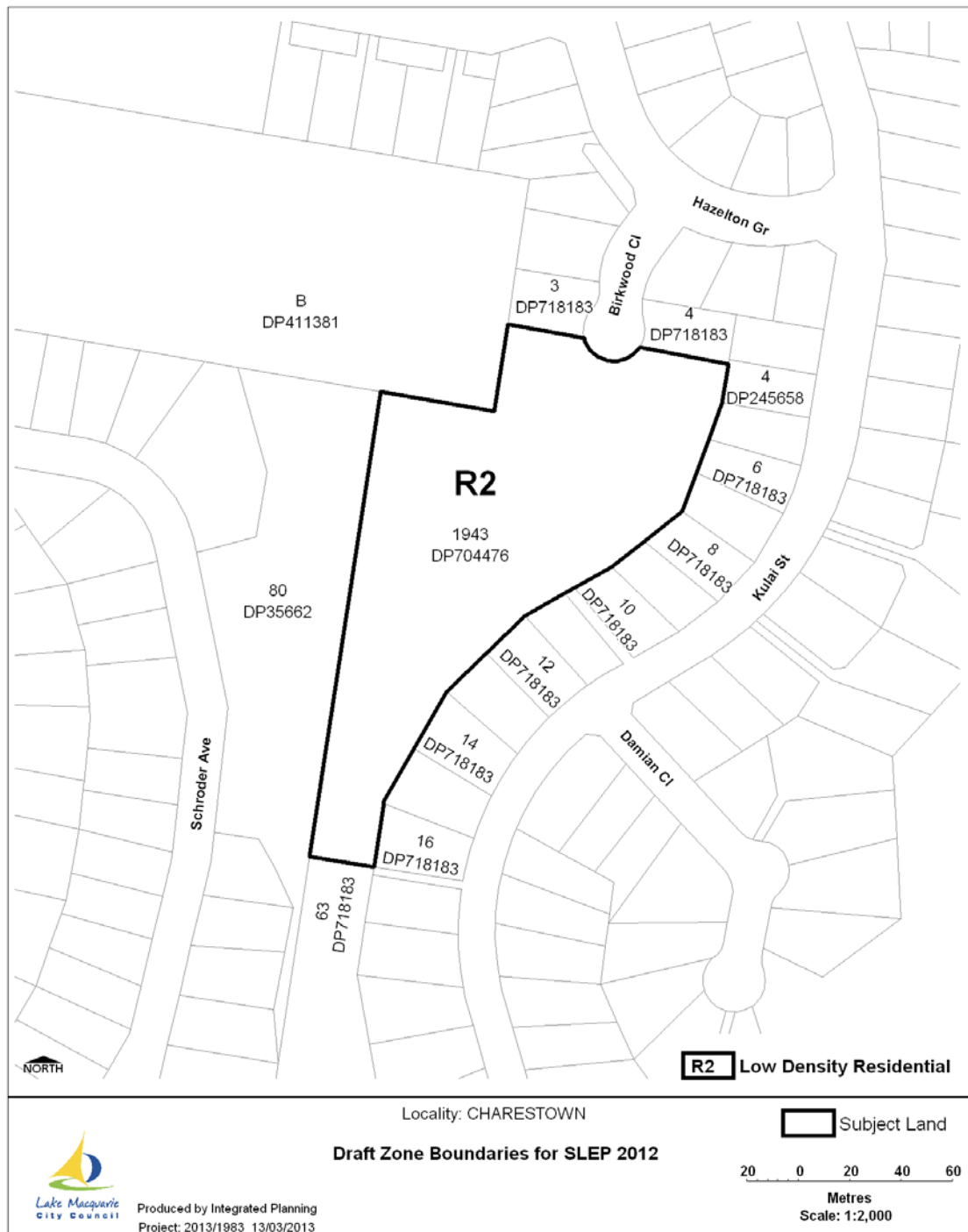
Appendix 2 – Existing Zoning



Appendix 3 – Proposed Zoning (LMLEP 2004)



Appendix 4 – Proposed Zoning (Draft LMLEP 2011)



Appendix 5 – Conceptual Structure Plan

