

Planning Proposal – Killingworth
Draft Amendment No. 84 to Lake Macquarie Local
Environmental Plan (LMLEP) 2004

Local Government Area:	Lake Macquarie City Council (LMCC)
Name of Draft LEP:	Lake Macquarie Local Environmental Plan (LMLEP) 2004 (Draft Amendment No. 84)
Subject Land:	Lot 1 DP 795370 Lot 1 – Lot 8 and Lot 18 – Lot 25 Section H DP 4339 Lot 19 – Lot 21 Section I DP 4339 Lot 1 – Lot 3 and Lot 6 – Lot 10 Section J DP 4339 Lot 1 – Lot 6 and Lot 9 Section K DP 4339 Lot 1 – Lot 10 Section M DP 4339 Lot 1 – Lot 10 and Lot 13 – 20 Section N DP 4339 Lot 1 – Lot 10 Section O DP 4339 Lot 1 – Lot 9 and Lot 13 – 16 Section P DP 4339
Tables:	Table 1: Comparison of areas of zones under the LMLEP 2004 and the draft LMLEP 2013 Table 2: Proposed changes to the LMLEP 2004 map and instrument Table 3: Proposed changes to the draft LMLEP 2013 map and instrument Table 4: Comparison of the Planning Proposal against the LHRs Sustainability Criteria Table 5: Comparison of the Planning Proposal to relevant SEPPs Table 6: Consistency with applicable Section 117 Ministerial Directions Table 7: Agency Consultation
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Owners	Various Owners
Applicant	Lake Macquarie City Council
Attachment 1	Local Environmental Study

Part 1 – Objectives or Intended Outcomes

This Planning Proposal seeks to amend Lake Macquarie Local Environmental Plan 2004 (LMLEP 2004) to facilitate the rezoning of a “paper” subdivision to the south of Killingworth that is zoned 10 Investigation. The 10 Investigation Zone identifies land that has potential to be zoned for development and/or conservation purposes, but first requires a comprehensive local environmental study to determine the suitability for rezoning.

In May 2007, Council resolved to prepare a draft amendment to LMLEP 2004 to rezone land at Killingworth. A section 54 notification was received from the Department of Planning, and consultation with government agencies and comprehensive environmental studies commenced. The preparation of studies were stalled due to funding constraints, as well as the emergence of conflicting information relating to biodiversity studies, which required further environmental investigations.

In July 2009, changes were made to the *Environmental Planning and Assessment Act, 1979 (EP&A Act 1979)* relating to the making of local environmental plans. Transitional provisions applied to draft LEPs that received section 54 notification prior to July 2009, however these provisions lapsed in January 2011. As a result, the draft amendment requires a gateway determination to proceed.

Allotments in Killingworth are based on a grid pattern subdivision that was originally surveyed in 1901. The northern portion of Killingworth has been developed and primarily contains single detached dwellings. The study area is located in the south of Killingworth and consists of 86 “paper” subdivision lots, the majority of which are vacant, contain native vegetation, and are not serviced by roads and infrastructure. Five of the “paper” allotments within the 10 Investigation Zone contain an existing dwelling.

The study area is made up of two land parcel areas. The western site is approximately 8.6 hectares in area and the eastern site is approximately 6.7 hectares in area. The total study area is approximately 15.3 hectares in size.

It is proposed to rezone 35 “paper” allotments, 4 in the east of the study area and 31 in the west, to 2(1) Residential. The remainder of the site is proposed to be zoned 7(2) Conservation (Secondary) Zone.

Council owns 57 of the “paper” allotments within the study area, and 27 of the allotments are owned by private landholders. Council owned land is classified a mixture of operational and community land, with the majority being operational. Council is seeking to reclassify the community allotments to operational as part of this Planning Proposal so that they can be used for residential or conservation purposes following rezoning. The operational classification assists with providing potential servicing requirements, as well as the provision of biodiversity offsets, where required.

A complete Local Environmental Study (LES) and a number of ecological reports have been prepared for this site. A copy of the Local Environmental Study is provided at Attachment 1.

Draft LMLEP 2013 – Standard Instrument LEP

The NSW Government introduced a Standard Instrument for new LEPs in all local government areas to create consistent LEP terminology and format across the state. LMCC submitted the draft Lake Macquarie Local Environmental Plan 2013 (draft LMLEP 2013) to the Department of Planning and Infrastructure in June this year for gazettal.

As far as possible, the Standard Instrument LEP for Lake Macquarie will be a conversion of the current LMLEP 2004 to fit the Standard Instrument requirements.

Draft LMLEP 2013 was exhibited to the public for comment between 24 September and 24 December 2012. It is likely to be gazetted in early 2014. Therefore, this Planning Proposal considers both LMLEP 2004 and draft LMLEP 2013.

The conversion of LMLEP 2004 to draft LMLEP 2013 as it relates to the subject site, and the respective areas it covers, are summarised in Table 1 below.

Table 1: Comparison of areas of zones under the LM LEP 2004 and the draft LMLEP 2012

Existing zone under LMLEP 2004	Area	Proposed zone under LMLEP 2004	Area	Existing zone under draft LMLEP 2013	Area	Proposed zone under draft LMLEP 2013	Area
10 Investigation	15.33ha	2(1) Residential	6.64ha	RU6 Transition	15.33ha	R2 low density residential	6.64ha
		7(2) Conservation (Secondary)	8.68ha			E2 Environmental Conservation	8.68ha
							Total – 15.33ha

Part 2 – Explanation of Provisions

Table 2 outlines the changes proposed to the LMLEP 2004 map and instrument under the proposed LEP Amendment.

Table 2: Proposed changes to the LMLEP 2004 map and instrument

Amendment Applies to:	Explanation of Provision
Instrument – Dictionary	Insert at the end of clause 42B (2), “and map marked “Lake Macquarie Local Environmental Plan 2004 (Amendment No 84)”.” Add “Lake Macquarie Local Environmental Plan 2004

	(Amendment No 84)” to the definition of <i>the map</i>. Amend Schedule 3 – Classification and reclassification of public land as operational land, by adding under Part 1 Land classified, or reclassified, as operational land – no interests changed: <table> <tr> <th>Column 1</th><th>Column 2</th></tr> <tr> <th>Locality</th><th>Description</th></tr> <tr> <td>Killingworth</td><td></td></tr> <tr> <td>16 The Boulevard</td><td>Lot 9, Section P, DP 4339</td></tr> <tr> <td>34 The Boulevard</td><td>Lot 3, Section O, DP 4339</td></tr> <tr> <td>16 Wallace Street</td><td>Lot 7, Section K, DP 4339</td></tr> <tr> <td>20 Wallace Street</td><td>Lot 3, Section L, DP 4339</td></tr> <tr> <td>24 Wallace Street</td><td>Lot 5, Section L, DP 4339</td></tr> <tr> <td>26 Wallace Street</td><td>Lot 6, Section L, DP 4339</td></tr> <tr> <td>28 Wallace Street</td><td>Lot 7, Section L, DP 4339</td></tr> <tr> <td>30 Wallace Street</td><td>Lot 8, Section L, DP 4339</td></tr> <tr> <td>34 Wallace Street</td><td>Lot 10, Section L, DP 4339</td></tr> <tr> <td>40 Wallace Street</td><td>Lot 2, Section M, DP 4339</td></tr> <tr> <td>52 Wallace Street</td><td>Lot 7, Section O, DP 4339</td></tr> <tr> <td>23 Stephenson Street</td><td>Lot 24, Section L, DP 4339</td></tr> <tr> <td>24 Stephenson Street</td><td>Lot 8, Section N, DP 4339</td></tr> <tr> <td>25 Stephenson Street</td><td>Lot 23, Section L, DP 4339</td></tr> <tr> <td>27 Stephenson Street</td><td>Lot 12, Section L, DP 4339</td></tr> <tr> <td>30 Stephenson Street</td><td>Lot 5, Section N, DP 4339</td></tr> <tr> <td>40 Stephenson Street</td><td>Lot 3, Section M, DP 4339</td></tr> <tr> <td>3 Park Street</td><td>Lot 100, DP 4339</td></tr> <tr> <td>15 Sackville Street</td><td>Lot 10, Section K, DP 4339</td></tr> <tr> <td>19 Sackville Street</td><td>Lot 15, Section L, DP 4339</td></tr> <tr> <td>21 Sackville Street</td><td>Lot 16, Section L, DP 4339</td></tr> <tr> <td>23 Sackville Street</td><td>Lot 17, Section L, DP 4339</td></tr> <tr> <td>25 Sackville Street</td><td>Lot 18, Section L, DP 4339</td></tr> <tr> <td>29 Sackville Street</td><td>Lot 20, Section L, DP 4339</td></tr> <tr> <td>30 Geordie Street</td><td>Lot 14, Section L, DP 4339</td></tr> <tr> <td>32 Geordie Street</td><td>Lot 13, Section L, DP 4339</td></tr> <tr> <td>33 Sackville Street</td><td>Lot 22, Section L, DP 4339</td></tr> <tr> <td>34 Geordie Street</td><td>Lot 2, Section L, DP 4339</td></tr> <tr> <td>36 Geordie Street</td><td>Lot 1, Section L, DP 4339</td></tr> <tr> <td>47 Geordie Street</td><td>Lot 8, Section K, DP 4339</td></tr> <tr> <td>30 Throckmorton Street</td><td>Lot 1, DP 795370</td></tr> <tr> <td>32 Throckmorton Street</td><td>Lot 8, Section H, DP 4339</td></tr> <tr> <td>40 Throckmorton Street</td><td>Lot 4, Section H, DP 4339</td></tr> </table>	Column 1	Column 2	Locality	Description	Killingworth		16 The Boulevard	Lot 9, Section P, DP 4339	34 The Boulevard	Lot 3, Section O, DP 4339	16 Wallace Street	Lot 7, Section K, DP 4339	20 Wallace Street	Lot 3, Section L, DP 4339	24 Wallace Street	Lot 5, Section L, DP 4339	26 Wallace Street	Lot 6, Section L, DP 4339	28 Wallace Street	Lot 7, Section L, DP 4339	30 Wallace Street	Lot 8, Section L, DP 4339	34 Wallace Street	Lot 10, Section L, DP 4339	40 Wallace Street	Lot 2, Section M, DP 4339	52 Wallace Street	Lot 7, Section O, DP 4339	23 Stephenson Street	Lot 24, Section L, DP 4339	24 Stephenson Street	Lot 8, Section N, DP 4339	25 Stephenson Street	Lot 23, Section L, DP 4339	27 Stephenson Street	Lot 12, Section L, DP 4339	30 Stephenson Street	Lot 5, Section N, DP 4339	40 Stephenson Street	Lot 3, Section M, DP 4339	3 Park Street	Lot 100, DP 4339	15 Sackville Street	Lot 10, Section K, DP 4339	19 Sackville Street	Lot 15, Section L, DP 4339	21 Sackville Street	Lot 16, Section L, DP 4339	23 Sackville Street	Lot 17, Section L, DP 4339	25 Sackville Street	Lot 18, Section L, DP 4339	29 Sackville Street	Lot 20, Section L, DP 4339	30 Geordie Street	Lot 14, Section L, DP 4339	32 Geordie Street	Lot 13, Section L, DP 4339	33 Sackville Street	Lot 22, Section L, DP 4339	34 Geordie Street	Lot 2, Section L, DP 4339	36 Geordie Street	Lot 1, Section L, DP 4339	47 Geordie Street	Lot 8, Section K, DP 4339	30 Throckmorton Street	Lot 1, DP 795370	32 Throckmorton Street	Lot 8, Section H, DP 4339	40 Throckmorton Street	Lot 4, Section H, DP 4339
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Map – Zone Map	Show part of the subject site as Zone 2(1) Residential and part of the subject site as Zone 7(2) Conservation																																																																								

	(Secondary), as shown in Map 5 .
Map – Environmentally Sensitive Land	Show part of the subject site as Environmentally Sensitive Land in Map 10 .

The LEP Amendment proposes the following changes to the draft LMLEP 2013 instrument and maps:

Table 3: Proposed changes to the draft LMLEP 2013 map and instrument

Amendment Applies to:	Explanation of Provision	
Instrument	Amend Schedule 4 – Classification and reclassification of public land by adding the following property to Part 1 of the Schedule:	
	Column 1	Column 2
	Locality	Description
	Killingworth	
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Application of SEPPs and REPs	Exclusion from provisions of State Environmental Planning Policy (Exempt & Complying Development Code) 2008 for land identified below, unless Council is satisfied that adequate arrangements have been made for the provision of essential infrastructure, including water supply, provision of electricity, provision of telecommunications, and a system for the disposal and management of sewage. <table><tr><th>Lot</th><th>Section</th><th>DP</th></tr><tr><td>1, 2, 3, 4, 5, 6, 7, 8, 9, 10</td><td>N</td><td>4339</td></tr><tr><td>13, 14, 15, 16, 17, 18, 19, 20</td><td>N</td><td>4339</td></tr><tr><td>1, 2, 3, 4, 5, 6, 7, 8, 9</td><td>P</td><td>4339</td></tr><tr><td>13, 14, 15, 16</td><td>P</td><td>4339</td></tr><tr><td>1, 2, 3, 4, 5, 6, 7, 8, 9, 10</td><td>O</td><td>4339</td></tr><tr><td>1, 2, 3, 4, 5, 6, 7, 8, 9, 10</td><td>M</td><td>4339</td></tr><tr><td>19, 20, 21</td><td>I</td><td>4339</td></tr><tr><td>1, 2, 3</td><td>J</td><td>4339</td></tr><tr><td>6, 7, 8, 9, 10</td><td>J</td><td>4339</td></tr><tr><td>1, 2, 3, 4, 5, 6</td><td>K</td><td>4339</td></tr><tr><td>9</td><td>K</td><td>4339</td></tr><tr><td>1, 2, 3, 4, 5, 6, 7, 8</td><td>H</td><td>4339</td></tr><tr><td>18, 19, 20, 21, 22, 23, 24, 25</td><td>H</td><td>4339</td></tr><tr><td>1</td><td>-</td><td>795370</td></tr></table>	Lot	Section	DP	1, 2, 3, 4, 5, 6, 7, 8, 9, 10	N	4339	13, 14, 15, 16, 17, 18, 19, 20	N	4339	1, 2, 3, 4, 5, 6, 7, 8, 9	P	4339	13, 14, 15, 16	P	4339	1, 2, 3, 4, 5, 6, 7, 8, 9, 10	O	4339	1, 2, 3, 4, 5, 6, 7, 8, 9, 10	M	4339	19, 20, 21	I	4339	1, 2, 3	J	4339	6, 7, 8, 9, 10	J	4339	1, 2, 3, 4, 5, 6	K	4339	9	K	4339	1, 2, 3, 4, 5, 6, 7, 8	H	4339	18, 19, 20, 21, 22, 23, 24, 25	H	4339	1	-	795370
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Map – Land Zoning Map	Show part of the subject site as Zone R2 Low Density Residential and part of the subject site as Zone E2 Environmental Conservation, as in Map 6 .																																													
Map – Lot Size Map	Amend part of the subject site proposed to be Zone R2 Low Density Residential from minimum lot size AE (200ha) to G (450m²). Amend part of the subject site proposed to be Zone E2																																													

	Environmental Conservation from minimum lot size AE (200ha) to AB2 (40ha). See Map 8 .
Map – Height of Buildings Map	Amend part of the subject site proposed to be Zone E2 Environmental Conservation from I (8.5m) to D (5.5m), see Map 9 .

Part 3 – Justification

A. NEED FOR THE PLANNING PROPOSAL

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

The Planning Proposal is not the result of a strategic study or report. However, its zoning of 10 Investigation, highlights Council's intention to further investigate the capabilities of the land in order to identify the most suitable land use. The land is also identified in Council's Lifestyle 2030 Strategy for investigation purposes.

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

Rezoning the subject site is an essential step in resolving the issues associated with "paper" subdivisions and with the 10 Investigation Zone.

The "paper" subdivision was originally surveyed in 1901. The study area is largely undeveloped and has little development potential under the existing 10 Investigation Zone, which provides for limited development of the land. Development potential is further reduced by the lack of access to services and infrastructure. The majority of allotments within the "paper" subdivision do not have access to formed roads, drainage, reticulated water, sewer, or electricity.

For land within the subject site to be developed, it needs to be appropriately zoned, and the provision of infrastructure such as roads and drainage, and services such as reticulated water, sewer, electricity and telecommunications, be funded and coordinated by the landowners to meet current standards. Clause 17 of LMLEP 2004 ensures consent is not granted for development, unless satisfactory provision of essential infrastructure is arranged. It is also proposed that the land identified for residential development, that also contains high ecological value, is mapped under Clause 42B Environmentally Sensitive Land, in order to ensure adverse environmental impacts are minimised and appropriately offset.

If the land was not rezoned, a number of the allotments would be left without development rights, even though servicing is available to a number of the lots. The "paper" subdivision issues would remain and the transfer of these lots with no development potential on the free market would continue, creating unnecessary angst amongst the community.

Three zoning options were considered, investigated, and discussed as part of the Local Environmental Study (LES), before the preferred zoning option was identified.

B. RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

3. 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 (LHRS) 2006

The Proposal is consistent with the objectives and outcomes in the LHRS.

Appendix 1 of the LHRS contains sustainability criteria for proposed development sites outside the designated areas of the Strategy. Table 4 contains an assessment of the Proposal against the sustainability criteria of the LHRS, demonstrating that the site is an innovative LEP Amendment proposal that has merit to be considered, even though it is outside of the regional strategy process.

Table 4: Comparison of the Planning Proposal against the LHRS Sustainability Criteria

LHRS Sustainability Criteria	Response to Sustainability Criteria
1. Infrastructure Provision Mechanisms in place to ensure utilities, transport, open space, and communication are provided in a timely and efficient way.	The Proposal is generally consistent with the objectives of the LHRS, with Lifestyle 2030, and section 117 directions, as outlined further in this report. The provision of infrastructure to the site, including utilities and telecommunications is technically feasible, as outlined in the services report. The traffic impact assessment indicates that the proposed development will not significantly influence the existing road network capacity and function. Refer to Section C, Question 8 for more details of the traffic impacts of the Proposal. Further discussion on the implementation of a servicing plan for the area will need to be undertaken following the rezoning. This process is currently being initiated at another existing "paper" subdivision elsewhere in the Local Government Area.
2. Access Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided.	Due to its size and relative isolation from services and facilities, Killingworth is largely car dependant. A Social and Economic Impact Assessment (SEIA) was prepared for the site as part of the LES. The SEIA noted that Killingworth and surrounds are operated by Hunter Valley Buses and due to patronage numbers, the service is infrequent. The existing bus route provides access to West Wallsend shopping centre, Glendale shopping centre, Wallsend shopping centre and the University of Newcastle. The site is approximately 8kms from Glendale shopping centre, which is the site for the future Lake Macquarie Transport Interchange. The SEIA concluded that the planning proposal would provide housing, and in view of the projected increase in population, this would be a significant positive impact for housing diversity in an area where housing stock is limited, particularly affordable housing. The traffic assessment concluded that the increase in traffic movements is considered acceptable, and additional dwellings in this area may result in an improvement in the efficiency of the local bus service.
3. Housing Diversity Provide a range of housing choices to ensure a broad population can be housed.	As stated above, the SEIA concluded that the planning proposal would have a positive impact on housing choice and affordability within an existing residential area. Given it's isolation to services and facilities, and the existing subdivision layout of the site, it is considered the proposed residential areas are not appropriate for Seniors housing, rather

	young families, consistent with the current age demographic of the area.
4. Employment Lands Provide regional/local employment opportunities to support the Lower Hunter's expanding role in the wider regional and NSW economies.	The Proposal does not involve the provision of employment generating land, although the construction phase of the planning proposal will create temporary construction employment. It is considered the new population would be expected to make use of existing retail and commercial facilities in the wider area.
5. Avoidance of Risk Land use conflicts, and risk to human health and life, avoided	As part of the LES, a Flooding and Drainage Assessment, Geotechnical Assessment, and a Bushfire Threat Assessment was prepared to examine the capabilities of the subject site for residential or conservation development. The Flooding and Drainage Assessment found that the subject site is not affected by flooding. Refer to Section C, Question 8 for more details. The Geotechnical Assessment prepared by Barker Harle consultants anticipated the planning proposal to have a "low" risk level of instability through potential landslide. The contamination assessment has targeted the analyse of relevance, including asbestos. The results indicate that the site is not contaminated, and therefore poses no risk to human health or the environment. There was an identified risk of future contamination from indiscriminate illegal dumping, with particular risk from building materials containing asbestos. The assessment recommended that prior to any subdivision construction certificate, or development application being issued, a site assessment to determine the status of contamination should be undertaken. There are no issues in relation to acid sulfate soils, and therefore no special considerations are to be applied. The Bushfire Threat Assessment set out the requirements for future Asset Protection Zones within the subject site and concludes that bushfire constraints can be mitigated.
6. Natural Resources Natural resource limits not exceeded/environmental footprint minimised	The Proposal does not have a significant effect on natural resources. The Proposal will not effect agricultural or resource land.
7. Environmental Protection Protect and enhance biodiversity, air quality, heritage and waterway health	A number of environmental studies have been prepared on this site and are included as part of the LES. Further detail on the environmental value of the subject site is outlined in Section C Question 7.
8. Quality and Equity in Services Quality health, education, legal, recreational, cultural and community development and other Government services are accessible	As identified in the SEIA, the township of Killingworth is somewhat isolated from services and facilities, with high car dependency. Killingworth is not an ideal location for medium to high residential development, however given there is an existing residential development in the area, the site is already subdivided, and within multiple ownerships, it is a reasonable solution in this case to facilitate low-density residential development. As identified above, the township is approximately 8kms from the proposed Lake Macquarie Glendale Interchange which would provide improved access to quality services and facilities.

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

Lifestyle 2030 Strategy

The proposal has the potential to provide for housing growth, which would assist in accommodating population growth predictions established in the LHRS and reflected in Lifestyle 2030 Strategy (LS2030). The LES prepared for the site, (Attachment 1), has identified areas that are capable of providing additional residential development.

Although the site is not identified in LS2030, development will reinforce the existing suburb of Killingworth, while managing the city's environment and protecting heritage and economic resources. The proposed development of the site will not effect the hierarchy of centres in Lake Macquarie.

Newcastle-Lake Macquarie Western Corridor Planning Strategy

The Newcastle-Lake Macquarie Western Corridor Planning Strategy (the Strategy) has been prepared by the Department of Planning and Infrastructure to identify further planning principles, development criteria and infrastructure requirements to implement the actions identified in the LHRS for the western corridor of Newcastle and Lake Macquarie local government areas.

The Strategy identifies six planning principles that need to be considered when assessing any proposed rezoning and/or development in this area. It is considered the Planning Proposal is consistent with the planning principles of the Strategy, as it facilitates the provision of housing choices to provide for different needs and different incomes. It also reaffirms the planning principle relating to conservation, by proposing conservation land in and around the development sites, to help protect biodiversity and provide open space for recreation.

It is noted that the Strategy identifies the immediate area surrounding the township of Killingworth as 'Residential Investigation', with further land adjoining this area as 'Employment Lands Investigation'.

5. Is the Planning Proposal consistent with applicable state environmental planning policies (SEPPs)?

Table 5 below considers the relevant SEPPs that apply to this planning proposal.

Table 5: Comparison of the Planning Proposal to relevant SEPPs

SEPP	Relevance	Implications
SEPP 19 – Bushland in Urban Areas	SEPP 19 protects and preserves bushland within certain urban areas, as part of the natural heritage, or for recreational, educational, and scientific purposes. The policy is designed to protect bushland in public open space zones and reservations, and to ensure that bush preservation is given a high priority when LEPs for urban development are prepared.	A significant area of land between the two sites will be retained as an environmental zone. Retention of existing vegetated areas and revegetation of disturbed areas having regard to species selection, bushfire, and visual impact would be a preferred outcome. This will achieve a continued link with the natural heritage of the area. Consideration of the visual sensitivity of the site has been carefully considered to ensure any redevelopment has minimal impact. Approximately 50% of the subject site is proposed for residential development, and 50% for environmental conservation.
SEPP 32 – Urban Consolidation	SEPP 55 focuses on the redevelopment of urban land that is no longer required for the purpose it is currently zoned or	It is considered rezoning the land to residential satisfies the aims and objectives of the SEPP in terms of:

	used, and encourages councils to pursue their own urban consolidation strategies to help implement the aims and objectives of the policy. The policy sets out guidelines for the Minister to follow when considering whether to initiate a regional environmental plan (REP) to make particular sites available for consolidated urban redevelopment.	- Rezoning of the site represents an opportunity for infill residential development to occur in accordance with urban consolidation land use principles. - Rezoning of the site to residential provides opportunities for a greater choice of housing mix in the locality. - The site's proximity to an existing village serviced by public transport and infrastructure – including social infrastructure supports its reuse as a residential zone.
SEPP 44 – Koala Habitat	SEPP 44 encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range. Councils cannot approve development in an area affected by the policy without an investigation of core koala habitat.	Based on the 2010 Killingworth Biodiversity Review by Ecological Australia Pty Ltd, a portion of the study area qualifies as Potential Koala Habitat by the SEPP 44 definition and a Core Koala Habitat assessment would be required. A Core Koala Habitat Assessment revealed that whilst the study area can be considered potential Koala habitat, the lack of evidence of the Koala in the study area suggests that it does not support core Koala habitat according to the SEPP 44 definition.
SEPP 55 – Remediation of Land	SEPP 55 Introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.	A Geotechnical Assessment was prepared for the subject site as part of the LES, and is discussed in further detail in Section C, question 8. Due to the likelihood of future illegal roadside dumping occurring across the subject site between this investigation and the time of any future development, it is recommended that a Preliminary Contaminated Site Investigation including soil sampling and testing be undertaken. Based on these results, and the sites proximity to past and current mining activities it is considered that rezoning of part of the land to residential can proceed in line with the objectives of the SEPP 55.
SEPP (Infrastructure) 2007	This policy requires the RMS to be consulted in relation to certain types of traffic generating development. It also contains provisions relating to the development of infrastructure.	This SEPP may apply depending on the final development outcome, and consultations with the RMS will be required at the DA stage. Nonetheless, a traffic study has been prepared for the subject site in accordance with RMS requirements, which identifies that the existing road network could accommodate a residential rezoning and subsequent development of the site.
SEPP – Mining, Petroleum, and Extractive Industries	This policy aims to provide for the proper management and development of mineral, petroleum, and extractive material resources for the social and economic welfare of the State. The Policy establishes appropriate planning controls to encourage ecologically	DPI have noted that the subject site is within an existing coal mining lease area, however, it is considered unlikely that any extraction of this resource is likely to occur on, or under, the subject site that would warrant the area to be excluded from any development potential.

	sustainable development.	
SEPP - Basix	The SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans, and specifying that SEPP 1 does not apply in relation to any development standard arising under BASIX.	Any DAs for residential development on the subject site will need to comply with the BASIX requirements for energy and water consumption.

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

An assessment of the Planning Proposal against the applicable Ministerial Directions is provided in Table 6 below. This Table addresses whether the Proposal is consistent with 'what a relevant planning authority must do' if a direction applies.

Table 6: Consistency with applicable Section 117 Ministerial Directions

Ministerial Direction & Relevance	What a relevant planning authority must do if this direction applies	Consistency / Comment
1.3 – Mining, Petroleum Production and Extractive Industries The aim is to protect the future extraction of State or regionally significant reserves of coal, minerals, petroleum and extractive industries.	A relevant planning authority is required to consult with the Department of Primary Industries (DPI) to identify any mineral, petroleum, and extractive resources in the area subject to the Planning Proposal.	The subject site is within an area covered by a Coal mining lease. Consultations with DPI and Mine Subsidence Board have indicated that the proposed rezoning would not be inconsistent with this Direction. There are no plans for mining in this area at the time of writing. However, any development on the site will be limited to two storey brick veneer dwellings to ensure any issues associated with past or future mining are addressed. The Planning Proposal is consistent with this direction.
2.1 – Environmental Protection Zones The Aim is to protect and conserve environmentally sensitive areas.	A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.	An ecological assessment has been prepared for the subject site, which identified flora and fauna issues and recommendations for conservation and corridors. The preferred land use strategy identifies a significant area for environmental protection, which contains an endangered ecological community. From a planning perspective, the preferred land use strategy is not inconsistent with this Direction, although further discussions with DECCW will need to occur regarding vegetation removal.
2.3 – Heritage Conservation The aim is to conserve items, areas, objects, and places of environmental heritage significance and indigenous heritage significance.	A planning proposal must contain provisions that facilitate the conservation of items, places, buildings, works, Aboriginal objects, Aboriginal places, Aboriginal landscapes etc.	The proposal is consistent with the objectives of this Direction. A Heritage Assessment has been prepared for the subject site and the recommendations, as outlined within the report, should be considered upon future development of the site.
3.1 – Residential	A planning proposal must include provisions that	It is considered that the preferred land use strategy is not inconsistent with the

Zones The objectives of this direction are to include provisions in a draft LEP that facilitate housing choice, efficient use of infrastructure, and reduce land consumption on the urban fringe.	encourage housing that will: •broaden the choice of building types and locations; •make efficient use of existing infrastructure and services; and •reduce the consumption of land for housing and associated urban development on the urban fringe. A planning proposal must: •contain a requirement that residential development is not permitted until land is adequately serviced; and •not contain provisions which will reduce the permissible residential density of land.	objectives of this Direction. The site adjoins the existing township of Killingworth. As stated above, although the township is isolated from services and facilities, with high car dependency, there is existing residential development in the area. The subject site is also subdivided, and within multiple ownerships, so it is a reasonable solution in this case to facilitate low-density residential development.
3.4 – Integrating Land Use and Transport The direction requires consistency with State policy in terms of positioning of urban land use zones.	A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: •Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and •The Right Place for Business and Services – Planning Policy (DUAP 2001).	The site is adjacent to the existing Killingworth village. A number of cycleways/walkways can be provided which provide linkages to the existing township. The Planning Proposal is consistent with the aims objectives and principles of <i>Improving Transport Choice</i> and <i>The Right Place for Business and Services</i> because
4.1 – Acid Sulfate Soils The direction applies to land that has been identified as containing potential Acid Sulfate Soils (ASS)	This direction requires that a draft LEP is consistent with the ASS component of the model Local Environmental Plan (ASS model LEP), or that it is supported by an environmental study. A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing ASS on the ASS Planning Maps unless the relevant planning authority has considered an ASS study assessing the appropriateness of the change of land use given the presence of ASS.	The planning proposal is consistent with this Direction. The site does not contain ASS.
4.2 – Mine Subsidence and Unstable Land This seeks to prevent damage associated with mine subsidence	The direction requires consultation with the Mine Subsidence Board (MSB) where a draft LEP is proposed for land within a mine subsidence district.	The Mine Subsidence Board was consulted as part of Section 62 consultations. The Mine Subsidence Board did not object to the rezoning, however any residential development will be limited to two storey brick veneer residences. The planning proposal is consistent with this Direction.

4.3 – Flood Prone Land This seeks to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy	This direction applies when a relevant planning authority prepares a planning proposal that creates, removes, or alters, a zone or a provision that affects flood prone land.	The preferred land use zoning strategy has not identified any developable lands within the 1 in 100 year flood zone, which is consistent with the state government guidelines and this Direction.
5.1 – Implementation of Regional Strategies The aim is to give legal effect to the vision, land use strategy, policies, outcomes, and actions contained in regional strategies.	Planning proposals must be consistent with a regional strategy released by the Minister for Planning.	The Proposal is consistent with the strategic directions of the Lower Hunter Regional Strategy (LHRS) to provide additional residential development, where appropriate, to assist with housing targets in the Lake Macquarie LGA. The planning proposal also identifies areas of environmental significance to be zoned conservation. Appendix 1 of the LHRS contains sustainability criteria for proposals outside the designated areas of the Strategy. Table 4 contains an assessment of the proposal against the sustainability criteria of the LHRS, demonstrating that the site is an innovative LEP Amendment proposal that has strategic merit.
6.1 – Approval & Referral Requirements The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	This direction seeks to minimise the inclusion of provisions in planning instruments that require the concurrence, consultation, or referral of development applications to a Minister or public authority. It also sets out consultation and approval requirements, if such provisions are to be included in a planning instrument, or if a planning instrument identifies development as designated development.	Consultation has been undertaken with government agencies through the previous Section 62 consultation process. No changes have been made to the planning proposal. None of the provisions outlined in this planning proposal will create excessive concurrence, consultation, or referral requirements. Further, the Planning Proposal generates no Ministerial or public authority concurrence, consultation, or referral requirements. The Planning Proposal does not identify any development as designated development. As a result, the planning proposal is consistent with this Direction.
6.2 – Reserving Land for Public Purposes The aim is to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations for public purposes where it is no longer required.	This direction provides that a planning proposal must not create, alter, or reduce existing zonings or reservations of land for public purposes without the approval of the D-G of DOPI. It also contains requirements for the acquisition of land under the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>, stipulations for the use of any land reserved for a public purpose, and the removal of reservations for acquisition at the request of a public authority.	The planning proposal will not involve the reservation or acquisition of land for public purposes and is consistent with this Direction.

C. ENVIRONMENTAL, SOCIAL, AND ECONOMIC IMPACT

7. 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 Killingworth Biodiversity Review was prepared in 2010 by consultants Eco Logical Australia. A detailed review of this document was undertaken by RPS as part of the LES. While the recommendations of the RPS peer review remain consistent with that of the Biodiversity Review, it has been revealed that a small community of Hinterland Spotted Gum – Red Ironbark Forest (an Endangered Ecological Community), is located within the study area. This area is proposed to be zoned E2 environmental.

A small section of land identified as high ecological value area, has been proposed to be zoned R2 residential. It is proposed for this land to be sufficiently offset in order for any proposed development to take place. An appropriate offsetting package will be prepared in consultation with Office of Environment and Heritage during the consultation period. The LES selected the preferred integrated development/zoning approach for the following reasons:

- The proposed approach will afford protection of the Hinterland Spotted Gum – Red Ironbark Forest (EEC) and will enable protection of over 75% of identified hollow bearing trees.
- The proposed approach will afford protection to most lands identified to be of high ecological value and afford protection to some land identified as of moderate ecological value. This option will see the removal of some 1 – 1.5 hectares of non- EEC land that has been identified by the Eco Logical Australia Biodiversity review (2010) as displaying high ecological value, however the loss of a relatively small amount of native vegetation is offset by the long term retention of native vegetation to the south of the site and the retention of land within the existing reserve.
- The land adjoins the existing urban area of Killingworth and is a logical extension of the village. The additional dwellings will increase the potential of new or improved services within Killingworth including more efficient public transport.
- There is significant demand for affordable housing land in Lake Macquarie and this proposal will help to meet that demand. The proposed rezoning of part of the 100 year old 'paper subdivision' will resolve a long standing development quandary for the private land owners and Council.
- Bushfire issues can be managed in accordance with the Planning for Bushfire Protection 2006 guidelines, with all future asset protection zones being located outside lands identified as Hinterland Spotted Gum – Red Ironbark Forest (EEC).
- All residential development within the subject site will need to be subject to a detailed Development Control Plan or Area Plan.
- Overall a balanced ecological outcome is provided within the broader outcomes of ESD.

Further information regarding the environmental values of the site are provided in the LES (Attachment 1).

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

The LES conducted a number of specialist studies to support the LEP Amendment request. A summary of the environmental issues are provided below.

Visual Amenity and Visual Impact

Due to the low visibility of the site from broad viewing locations and the low visual sensitivity of the site, the overall potential visual impact of development of the subject sites at Killingworth for residential use is assessed as low.

At a local scale, the visual impact is considered moderate as clearing and development of existing bushland will result in an obvious visual impact as viewed from the high point of the site. However, as the subject sites will still be surrounded by bush to the south east and west it is considered that the existing character of Killingworth will not be compromised. A copy of the Visual Impact Assessment report can be found in the appendix section of the LES.

Archaeological Heritage Assessment

A Cultural (Archaeological) Heritage Assessment (CHA) was prepared, and a pedestrian survey of the project area was undertaken by an archaeologist, and Aboriginal stakeholders representing Awabakal Local Aboriginal Land Council, Awabakal Traditional Owners Aboriginal Corporation, and Awabakal Descendants Traditional Owners Aboriginal Corporation on 9 June 2011. As a result of the survey, five Aboriginal sites were identified during the survey (recorded in GDA94, zone 56). In addition, two European sites were identified.

Of these seven sites, the two European Sites and two of the Aboriginal isolated finds have been identified within the proposed R2 Residential zone. The CHA recommended that the preferred mitigation option is to avoid these sites. However, if this is not possible, then an Aboriginal Heritage Impact Permit (AHIP) will be required from OEH, and heritage works undertaken in accordance with the approved AHIP.

In terms of the European Bottle Scatter and Well, it was recommended that these items be avoided by the proposed development; however if this was not possible, then a full statement of significance be prepared. If items are listed, then a Statement of Heritage Impact should be prepared with relevant permits obtained from the NSW Heritage Branch.

Hydrology, Flooding, Drainage and Water Resources Assessment

A Hydrology, Flooding, Drainage and Water Resources Investigation was prepared by Northrop Consulting Engineers as part of the LES.

The 1% AEP flood extents for a watercourse, which appears to be a tributary of Cockle Creek, running to the south west of the site has been determined. This does not have a significant impact on the subject site with the water level adjacent to the boundary greater than 500mm below the natural level on the nearest lot. Several other flooding scenarios have been proposed with a similar result.

Detention and water quality requirements have been considered in accordance with Lake Macquarie City Council Development Control Plan No.1. Possible detention and water quality solutions have been identified as part of the assessment.

Through a review of all factors relating to flooding and drainage, the assessment considered that the subject site was suitable to rezone to facilitate urban development consistent with the objectives of zone 2(1). The full Hydrology, Flooding, Drainage, and Water Resources Investigation is provided in the appendix section of the LES.

Bushfire Threat Assessment

A Bushfire Threat Assessment (BTA) was undertaken for the study area by RPS, with the objective to consider bushfire hazard, and potential threats, relevant to the proposed rezoning and to outline minimum mitigation measures required under the *Environmental Planning & Assessment Amendment (Planning for Bush Fire*

Protection) Regulation 2007 and the Rural Fires Amendment Regulation 2007 (RF Amendment Regulation 2007).

The assessment has been undertaken in accordance with these regulations and addressed the following Bush Fire Protection Measures (BFPMs): the provision of Asset Protection Zones (APZs), construction standards and design, access/egress requirements, water supply and pressure.

The assessment makes the following recommendations:

- APZs are required on the western, eastern and southern boundaries of two separate areas of the project area varying in distances from 20-35m;
- Any future dwelling within the proposed development estates should have due regard to the BCA, specifically Australian Standard (AS3959 – 2009) construction of buildings in bushfire prone areas.
- Site access will be from The Boulevard and Throckmorton Street. Construction will be in accordance with the minimum specifications of PBP (2006).
- It is assumed the development is linked to the existing mains pressure water supply and that suitable hydrants be clearly marked and provided for the purposes of bushfire protection. Fire hydrant spacing, sizing and pressure should comply with AS2419.1, 2005.

Based on the findings of the BTA, bushfire issues are not a significant enough to prevent a rezoning of part of the subject site for low density residential development.

Geotechnical Investigation

A Limited Geotechnical Investigation, including a Preliminary Contaminated Site Investigation, and a General Geotechnical Assessment has been prepared by Barker Harle.

Slope Stability

The subject site was assessed as being underlain by intermixed shales and siltstone. No movement of the shale or siltstone rock, nor surficial soils were identified during fieldwork. The subject site was assessed as having an “unlikely” potential for a soil slide/soil flow landslide within the colluvial soil, with a “minor” measure of consequences to property, and therefore, a “low” risk level of instability as defined in the *“Landslide Risk Assessment – Example of Qualitative Terminology for Use in Assessing Risk to Property”*.

Provided the proposed future subdivision of the subject site is undertaken in accordance with the development guidelines detailed within the assessment, it is anticipated that future development will have an “unlikely” potential for a soil slide/soil flow landslide, and future development will not create land instability issues on either the site or land immediately surrounding the site.

Contamination

A random soil sampling procedure was undertaken as part of the Preliminary Contaminated Site Investigation to determine contaminant concentrations across the site. The recovered soil samples were tested in accordance with the relevant guidelines and none of the recovered soil samples exceeded threshold limits. The majority of the soil samples recovered from the site recorded undetectable contaminant concentrations with the remainder of soil samples recording very low to low concentrations.

During fieldwork, a visual assessment of the site identified dominant soil landscapes, site slopes, site features, and potential sources of contamination. Isolated illegal

dumping locations were identified as a potential source for contamination. No other visible signs of site contamination were identified across the site.

It is believed that natural soils within the subject site do not contain contamination, however it is considered that an ongoing potential risk of soil and water contamination exists due to the occurrence of illegal roadside dumping. Due to the likelihood of future illegal roadside dumping occurring across the subject site between the investigation and the time of any future development, it is recommended that a Preliminary Contaminated Site Investigation (including soil sampling and testing) be undertaken on any illegal roadside dump sites identified within the area(s).

Traffic Impact Study

A Traffic Impact Study has been prepared by Northern Transport Planning and Engineering Pty Ltd and provides an assessment of the traffic impact of a proposed residential development of up to 78 lots at Killingworth.

The objective of the Traffic Impact Study was to determine if the existing road network had sufficient capacity to accommodate increased volumes, should the existing lots be rezoned to residential purposes. The assessment considered traffic volumes, public transport, pedestrian, and cycling facilities. The assessment was based on a maximum development yield of 78 residential lots.

Based on the findings of the assessment and the SIDRA results, it is considered that the existing transport network has sufficient capacity to accommodate a change of zone and subsequent redevelopment of the site, and that the existing intersections will perform satisfactorily in year 2021.

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

Social and Economic Assessment

A Social and Economic Impact Assessment (SEIA) was undertaken by RPS to consider the potential effects of the rezoning on population characteristics, crime, health, community services and facilities, recreation, sports, parks and open space, Aboriginal and European heritage, housing, employment and accessibility.

The SEIA presumed a possible development footprint of up to 80 to 90 new dwellings. It was estimated, based on an average size household of 2.53 (DoP, 2008), that the proposed rezoning would create a potential increase in population of approximately 202 – 227 persons within the local study area. The anticipated age make up of the new residents is based upon the proportions of age groups of the current population in Lake Macquarie, i.e. it assumed that those moving to the area might be of similar age group to those already living in Lake Macquarie.

Childcare centres in the local catchment currently have little capacity to accommodate the projected increase in demand for places. The SEIA recommends consideration of incorporating a childcare centre in the redevelopment of the site.

The NSW Education and Training Department (Asset Management Unit) were contacted by RPS regarding capacity at the Barnsley Primary School and West Wallsend High School to accommodate up to sixty (60) additional children. RPS was advised that scope existed to accommodate an increase in student numbers at these schools.

Council is currently reviewing the adequacy and supply of existing sporting facilities for future needs. At this point in time, proximity of the site to parks, open space and recreational activities is adequate. This could be enhanced further should those areas currently zoned open space be further embellished and improved.

Redevelopment of the site would provide housing, and in view of the projected increase in population, this would be a significant positive impact. There is currently a lack of diversity in the local housing stock, which redevelopment of the site could address, including affordable housing needs.

Temporary employment opportunities would be generated during the construction phase of the redevelopment. Additional spending by new residents at local businesses also offers potential positive impacts.

Based on the findings of the SEIA, a change of zone and subsequent redevelopment of the site, would not have a detrimental social or economic impact on the local community. Sufficient capacity exists in most of the local social infrastructure (schools, parks, open space); however concerns are raised with the shortage of general practitioners available. The local business community, with a proposed increase in population could gain potential economic benefits. Dependent on the mix, benefits may also be realised with greater diversity in the local housing stock.

[10. Is there adequate public infrastructure for the Planning Proposal?](#)

Servicing Assessment

A Servicing Report was undertaken by RPS to establish what infrastructure (water, sewer, electricity, telecommunications, gas) is currently provided for the site, the scope to connect, if unserviced, and the ability of the existing network to accommodate increased demand based on a rezoning of the land.

Water - reticulated water can be provided to the proposed rezoning area by the extension of the existing Hunter Water Corporation (HWC) water mains, servicing residential areas. Provision of adequate servicing is dependent upon the completion of a duplicate lead in main to the Killingworth area. No additional connections to the existing system will be permitted until the duplication works have been completed. HWC has indicated these works are scheduled for completion in 2015, however they may be brought forward if required.

Sewer - reticulated sewerage services can be provided to the proposed rezoning area by connecting sewer mains into existing HWC systems, servicing adjacent residential areas. A review of the existing sewer network indicates that lots in the south-western portion of the site will not drain to existing sewer mains. Provision of a sewer service to these 20 lots would require the construction of a wastewater pump station (WWPS).

HWC noted that the proposed rezoning area falls within the Edgeworth Waste Water Treatment Works (WWTW) which has sufficient capacity to cater for development of the site.

Electricity - enquiries with Ausgrid indicated there is an existing electrical supply available in the area. The subject site is supplied by the Argenton 132/11kV zone substation, which currently has capacity to service the proposed development.

There is an existing 11kV feeder to the area, which has no available capacity. Upgrade works planned for 2013 will provide capacity to cater for the development of this area. No new connections to the electrical network will be available until the upgrades are completed.

Telecommunications - Consultation with Telstra Development Consultants indicates that the proposed rezoning area can be provided with telecommunications services via upgrades from the existing networks servicing the adjacent residential development.

Gas - Jemena Gas Networks (NSW) has advised that there is provision for gas services in the vicinity of the rezoning area, based upon the economical viability of such a network.

Determination of actual servicing requirements for each site requires application to be made to each authority at the time of development. Augmentation of existing servicing infrastructure would be undertaken by the developer of the site in conjunction with the local servicing authorities. Reticulation of utility services would be undertaken in conjunction with development of individual sites. None of the servicing authorities has raised any objections, with regard to servicing, to the development of the site.

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

This Planning Proposal was first considered by the Department of Planning in June 2007, when a Section 54 notification was received by Council to prepare a draft local environmental plan to rezone various lots to a mix of residential and conservation zones. The notification also stipulated that an environmental study would be required for the site.

Following this notification, consultation with various government agencies, was undertaken under section 62 of the *EP&A Act 1979* (now repealed) in February 2008. Responses received were addressed in the LES, as outlined in Table 7 below.

Table 7: Agency Consultation

Agency	Comments	Response
Department of Planning	Council should ensure that the environmental study includes consideration of the following issues: ▪ infrastructure provision; ▪ flora & fauna issues; ▪ strategic context; ▪ provision of land demand and supply; ▪ bushfire risk; ▪ Aboriginal and European heritage; ▪ Relevant section 117 directions; and Council should give consideration to the need for a Voluntary Planning Agreement.	The LES includes the following specialist reports addressing matters outlined in the DoP advice: ▪ Servicing Report, as contained in Appendix 10, addressing infrastructure provisions; ▪ Peer Appraisal of the Killingworth Biodiversity Review, as contained in Appendix 2 and further review of vegetation, as contained in Appendix 3; ▪ Bushfire Threat Assessment, as contained in Appendix 6; and ▪ Cultural Heritage Assessment, as contained in Appendix 4. The strategic context of the study area and the Planning Proposal is discussed in Section 3 and 4 of the LES. Relevant Section 117 Directions are outlined in Section 3.5 and discussed further in Section 12.4. Due to the relatively small size of the Planning Proposal it is unlikely that a Planning Agreement will be needed

		for the study area.
Department of Primary Industries	No issues relevant to Forest or Fisheries. Although area has been previously mined a small area of potential resource still exists which could be mined using underground methods. Any future development should comply with the requirements of the Mine Subsidence Board.	The LES notes that any future development within the study area will be referred to the Mine Subsidence Board. Best practice stormwater and drainage management will be applied to the study area.
Rural Fire Service	The subject land is identified as bush fire prone land on the Lake Macquarie Bushfire prone land map. The RFS has no objection to the proposed rezoning however advises that any future development for buildings must be subject to a separate application and address the requirements of the Planning for Bushfire Protection criteria.	The LES includes a BTA, prepared in accordance with the RFS requirements, and is contained in Appendix 6 . Significant findings and recommendations of the BTA are summarised in Section 6.4 of the LES.
Department of Environment, Climate Change and Water	DECC notes the site was not identified in the Lower Hunter Regional Strategy and will therefore need to address the strategies sustainability criteria. A detailed ecological assessment is required to document the sites biodiversity values and to allow an adequate assessment of the impacts of the development. Issues to be considered include: ▪ Impacts on native vegetation with special reference to threatened or regionally significant flora and fauna species; ▪ Potential landuse conflicts associated with air, noise, and odour impacts; ▪ Adequate consideration of provisions of SEPP 44 – koala habitat and SEPP 71 – coastal protection; ▪ Undertake an appropriate level of assessment of Aboriginal cultural heritage assessment; ▪ Identify any areas of contamination; ▪ Manage stormwater impacts; ▪ Any assessment is required to consider the impact of the	A Peer Appraisal of the Killingworth Biodiversity Review has been prepared for the study area and is contained in Appendix 2. Further vegetation mapping and analysis was also carried out and contained in Appendix 3. Consideration of biodiversity is found in Sections 6.1, 9.1, 10 and 11. Overall the LES has considered the cumulative impacts on biodiversity values as well as the policy for the improvement and maintenance of biodiversity values. The LES includes a Cultural Heritage Assessment (CHA) as contained in Appendix 4 and the significant findings and recommendations are summarised in Section 6.2. The CHA identified five (5) Aboriginal and two (2) European sites within the study area and provides appropriate management measures for these sites. It is anticipated that the resulting development will not result in significant land uses conflicts associated with air, noise or odour. A random soil sampling procedure was undertaken as part of the Preliminary Contaminated Site Investigation. The recovered soil

	proposal on water courses and riparian vegetation by; ▪ Identification of sources of surface water; ▪ Stream order details; ▪ Detailed description of potential environmental impacts; ▪ Development to be carried out as recommended by the departments criteria for riparian corridors; and Proposal should consider relevance of the Commonwealth legislation – <i>Environment Protection & Biodiversity Conservation Act</i>.	samples were tested and none exceeded threshold limits. The majority of the soil samples recovered from the site recorded undetectable contaminant concentrations with the remainder of soil samples recording very low to low concentrations. No visible signs of site contamination were identified across the study area except for isolated illegal dumping. The LES includes a Limited Geotechnical Investigation as contained in Appendix 7 and the significant findings and recommendations are summarised in Section 6.5. The LES includes a Flooding and Drainage Assessment as contained in Appendix 5 and the significant findings and recommendations are summarised in Section 6.3. The environmental impact of the proposal on the watercourses has been assessed. As the drainage lines are generally located within the forested areas they will be preserved in areas that will be zoned for environmental protection. In respect to Council's Lake Macquarie Sea Level Rise Preparedness Adaptation Policy, the water level in the lake is predicted to rise from its current level of 1.38m AHD to 2.47m AHD in 2100. On this basis, it is not envisaged that the rise will impact on development within the study area.
Energy Australia	There are a number of issues that need to be addressed including: ▪ Increased demand on the existing electrical network; ▪ Determine type of new electrical infrastructure required; and ▪ Impact on a number of Rural Reimbursement schemes in place throughout the Lake Macquarie area. It would appear there are no major constraints impacting on the provision of electricity to the proposed development	Enquires conducted as part of the LES indicate that there are no major constraints impacting on the provision of electricity to the proposed development providing upgrades as required are carried out and at the developer and land owners expense.

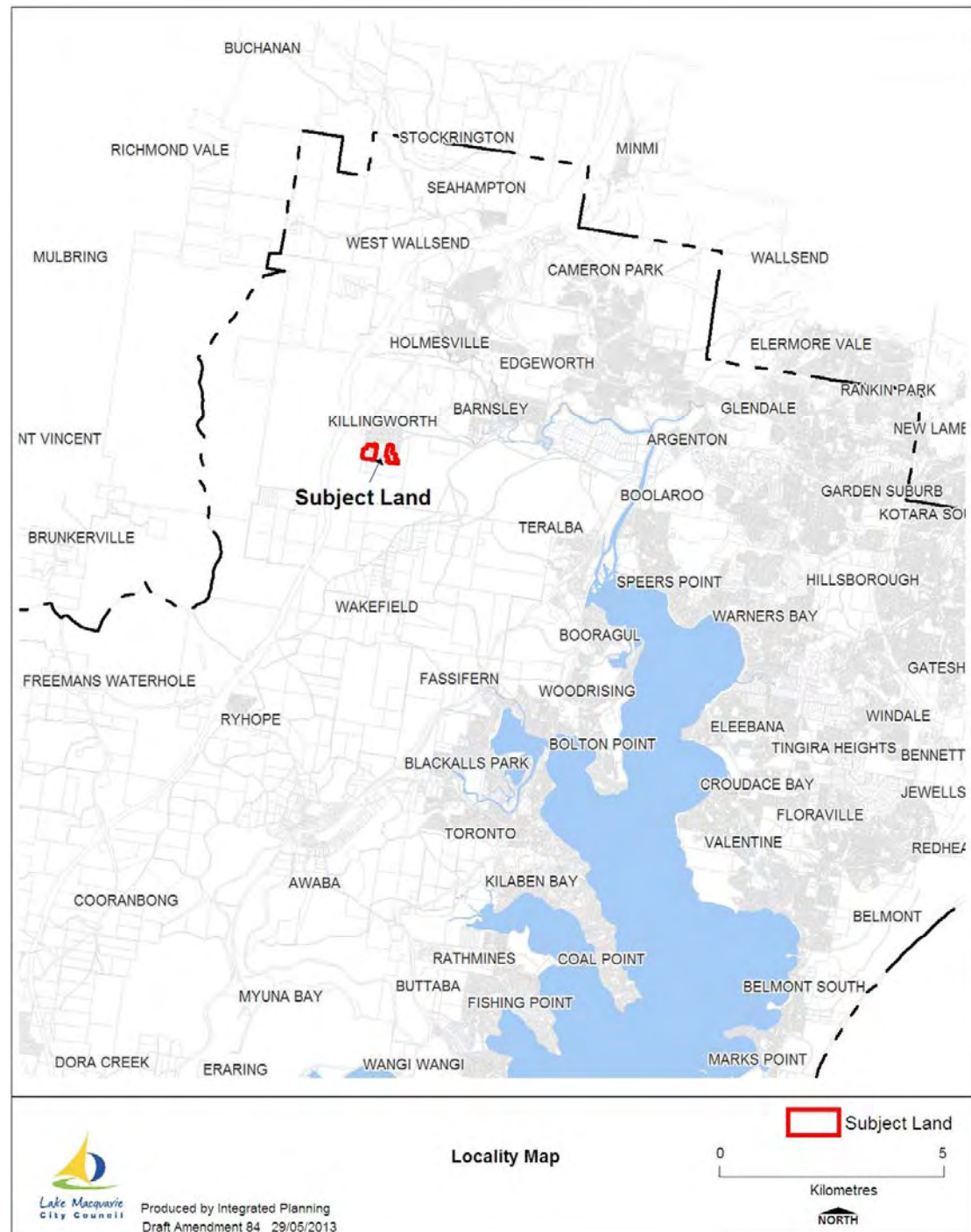
Roads and Traffic Authority	The RTA have reviewed the information provided and has no objections or requirements for the proposed rezoning.	The LES includes a Traffic Impact Study as contained in Appendix 9 and the significant findings and recommendations are summarised in Section 7.1.
Department of Lands	This Department will not be making any submissions on this proposal.	
Heritage Council	The subject sites do not contain any identified heritage items and are not located within a conservation area. Records indicate there are three items in the vicinity of the sites. It is noted that the sites involve 'paper subdivisions'. It is advised that unless there is physical 'on the ground' evidence of the historic paper subdivision there is no requirement to interpret these subdivisions	The LES includes a Cultural Heritage Assessment (CHA) as contained in Appendix 4 and the significant findings and recommendations are summarised in Section 6.2. The CHA identified five (5) Aboriginal and two (2) European sites within the study area and provides appropriate management measures for these sites.
Ministry of Transport	The Ministry advised that whilst the proposal is unlikely to generate significant additional residential development justification is required against the provision of the Section 117 direction – Integrating Landuse and Transport addressing the following matters in particular: ▪ Effective integration of proposal with the existing township; ▪ Capacity of staged development; ▪ Need to identify and resolve barriers to efficient and safe pedestrian and cycle access; ▪ Likely transport needs of future residents and capacity of the existing services to meet these demands; ▪ Likely need for increased bus services; and Need to integrate the proposal with the existing settlement.	The LES includes a Traffic Impact Study as contained in Appendix 9 and the significant findings and recommendations are summarised in Section 7.1.
Mine Subsidence Board	The Limited Geotechnical Investigation prepared by Barker Harle, dated 12 August 2011, undertook consultation with the Mines Subsidence Board. This revealed that the site is undermined by first workings within the Boreholes Coal Seam (approximately 200m below existing surface level). There were no immediate plans to mine below the site at the time of consultation. The MSB advised that residential construction on the subject site is to be limited to two-storey brick veneer with all slabs and footings designed in accordance with Australian	The LES notes that any future development within the study area will be referred to the Mine Subsidence Board.

	Standards. Further consultation will be required with the MSB by any landowner prior to lodging a Development Application within the Study Area.	
Hunter Water Corporation	HWC advise that as the likely development is unknown they have assumed 10 ET/ha giving a likely maximum lot yield of 150 ET. The water and sewer issues may be summarised as follows: ▪ Water supply – no additional connections are permitted until the single feed water main to Killingworth is duplicated as a minimum. This is scheduled to be done by 2015 however the developer may negotiate timing with Hunter Water; ▪ Wastewater transportation – there is capacity for the eastern site to connect to the wastewater system however there is no spare capacity for the western site. The developer may need to conduct a servicing strategy and contribute towards upgrade costs for the western site; and Wastewater treatment – the Edgeworth Waste Water Treatment Plant will have capacity to service the proposed development.	The LES includes a Servicing report as contained in Appendix 10 and the significant findings and recommendations are summarised in Section 7.2. Any development within the study area will be connected to the local reticulated water supply system and the sewerage network at the developer and land owners expense.
Hunter New England Area Health	HNEA Health makes the following recommendations: ▪ Study area needs reticulated water and sewerage supply in sufficient quantities; ▪ Impacts on water ways should be minimised; ▪ Issue of environmental noise to be considered; ▪ A mosquito risk assessment should be included; ▪ Population projection data indicates the greatest increases in local population will be in the over 65 age group which will impact on demand for public health services; and A key issue is access to public transport and the lack of affordable transport and the decreasing mobility for older people.	No visible signs of site contamination were identified across the study area except for isolated illegal dumping. The LES includes a Limited Geotechnical Investigation as contained in Appendix 7 and the significant findings and recommendations are summarised in Section 6.5. The LES includes a Flooding and Drainage Assessment as contained in Appendix 5 and the significant findings and recommendations are summarised in Section 6.3. The study area is not currently serviced by a reticulated water supply or connected to the sewerage network however capacity exists to do so.

Department of Water & Energy		The LES includes a Flooding and Drainage Assessment as contained in Appendix 5 and the significant findings and recommendations are summarised in Section 6.3. Riparian corridors have been identified and are outside the area to be rezoned residential. Best practice stormwater and drainage management be applied with new development.
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Part 4 – Mapping

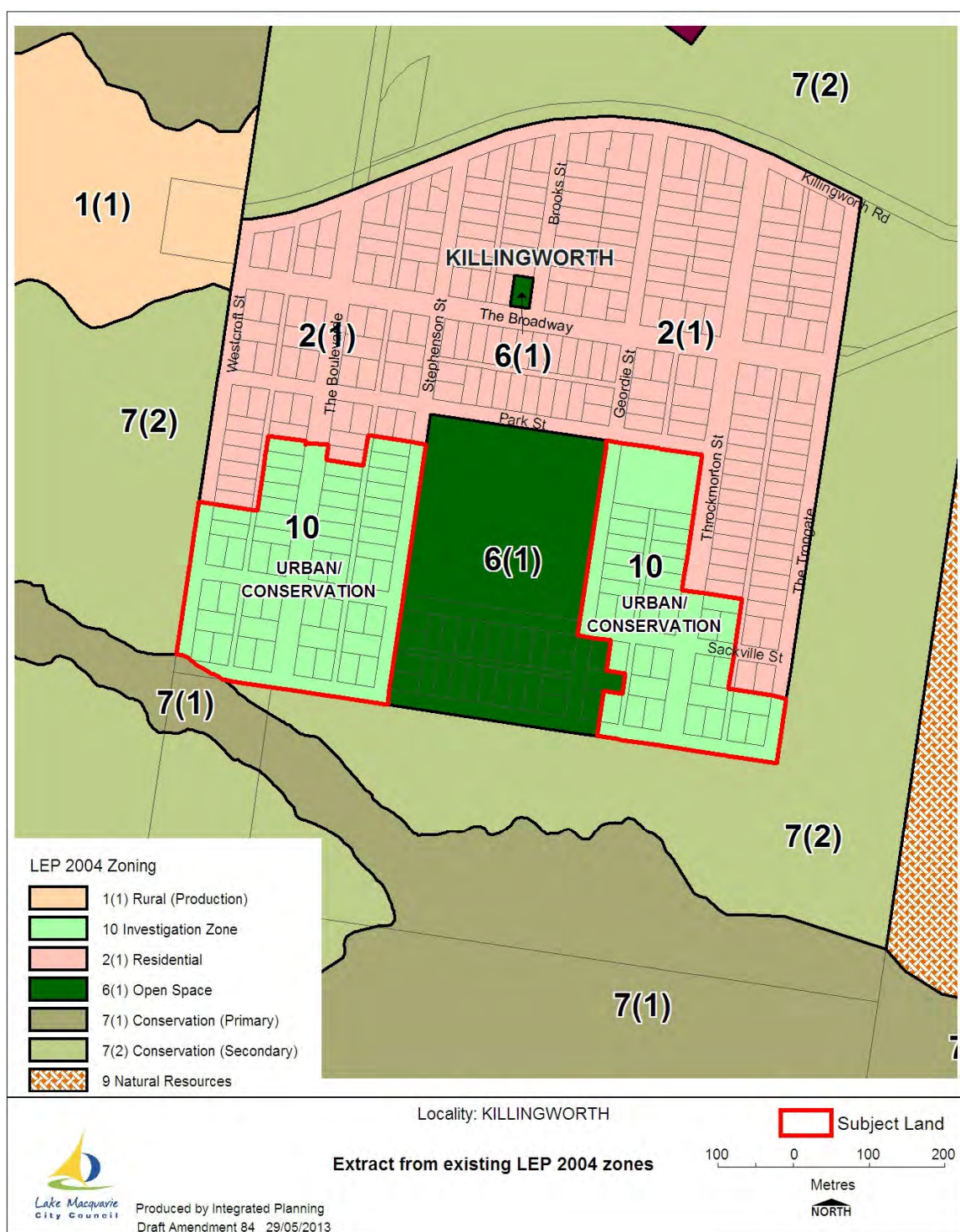
Map 1 – Locality



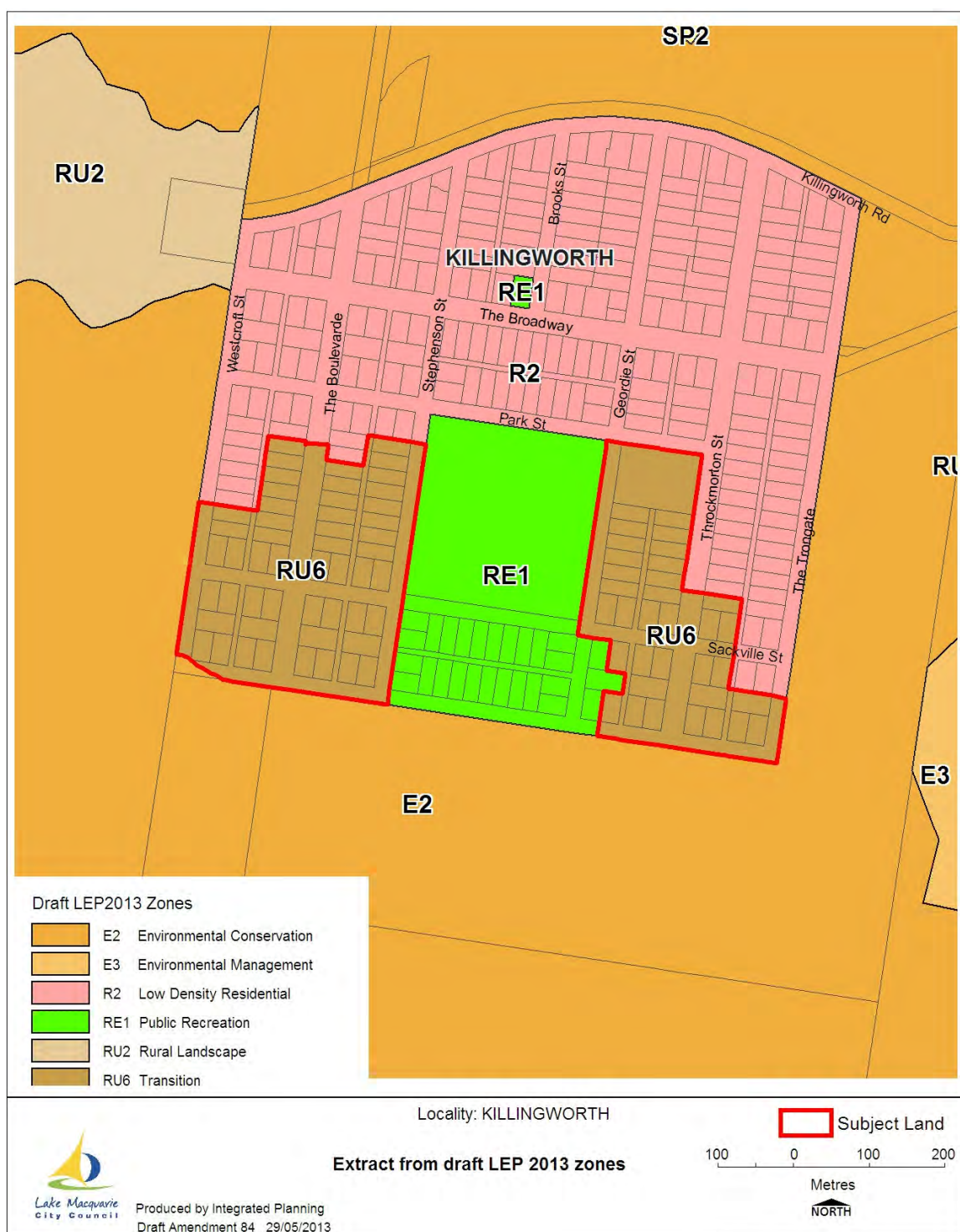
Map 2 – Aerial



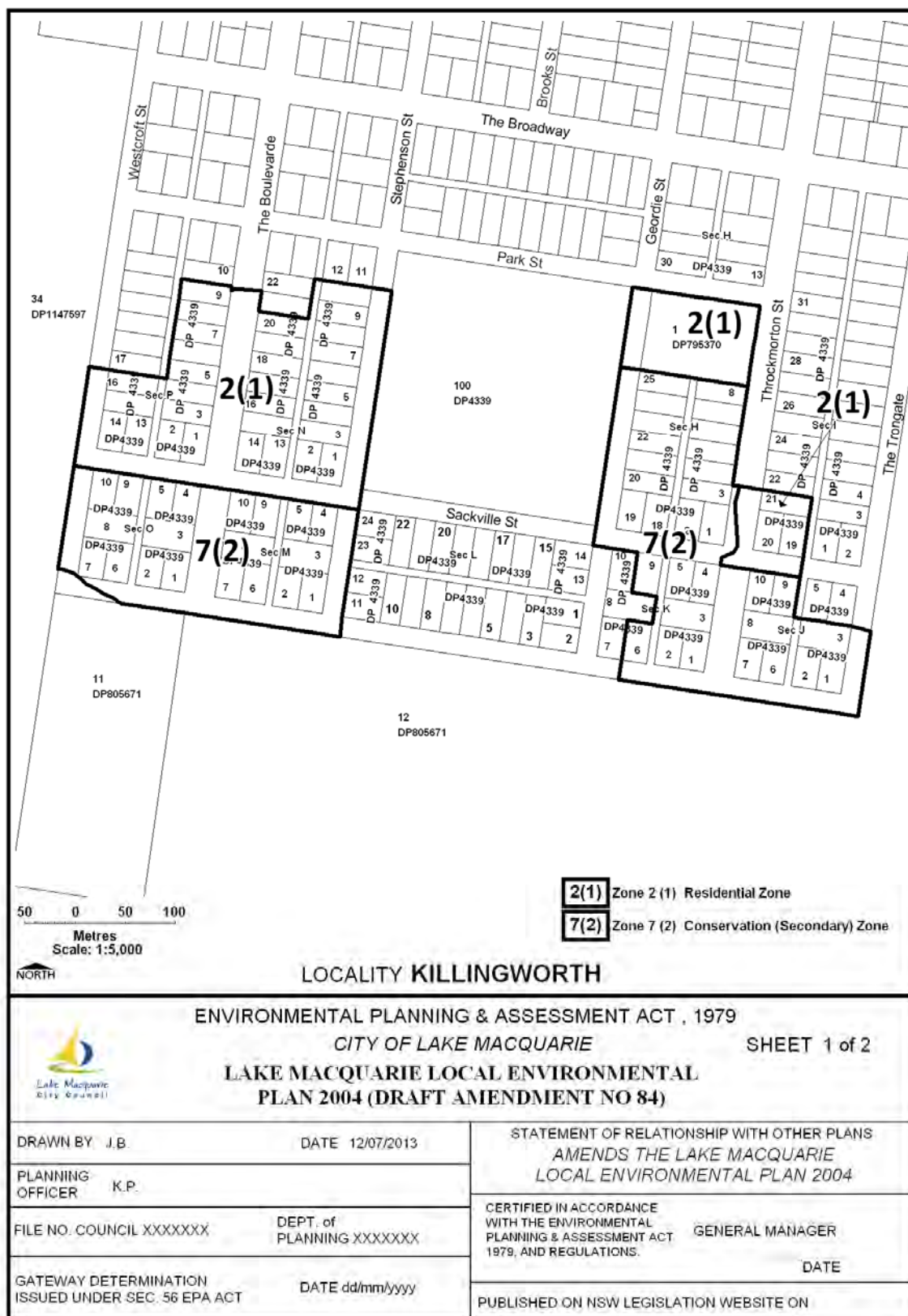
Map 3: Current Zones under LMLEP 2004



Map 4: Current Zones under draft LMLEP 2013



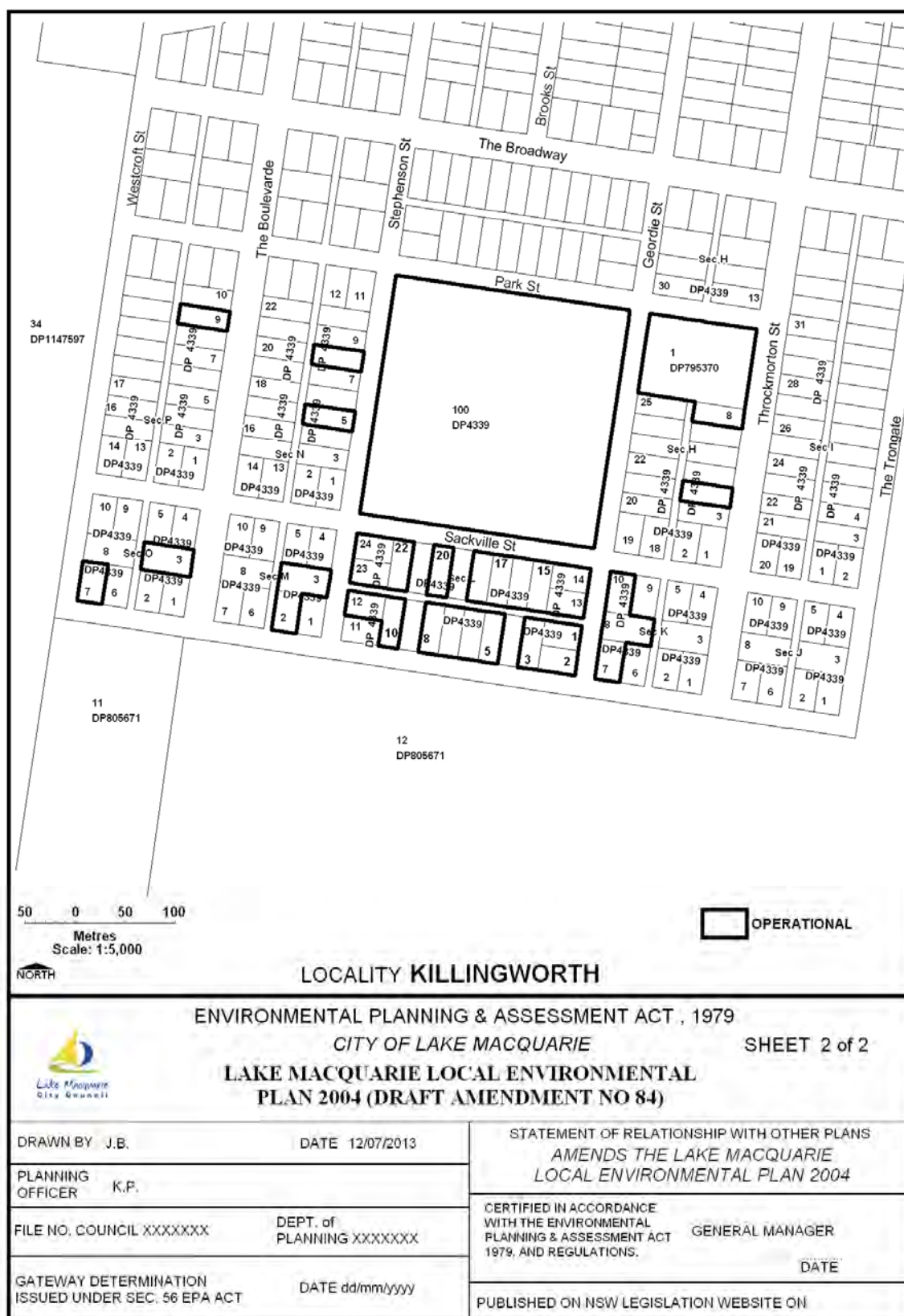
Map 5 – Proposed zones under LMLEP 2004



Map 6: Proposed zones under draft LMLEP 2013



Map 7 – Land to be reclassified to operational



Map 8: Proposed Lot Size Map (draft LMLEP 2013)



Map 9: Proposed Height of Buildings Map (draft LMLEP 2013)



Part 5 – Details of Community Consultation

The public will have the opportunity to view and comment on the Planning Proposal following the Gateway endorsement to go on public exhibition in accordance with Section 57 of the *EP&A Act 1979*.

The Director-General must approve the form of the Planning Proposal following any revisions to comply with the Gateway determination before community consultation is undertaken.

This Planning Proposal does not fit the definition of a 'Low impact Planning Proposal' and Council believes it should therefore be exhibited for at least 28 days.

Part 6 – Project Timeline

Action	Timeframe
Anticipated commencement date	September 2013
Anticipated timeframe for completion of technical information – LES completed	September 2013
Timeframe for government agency consultation	October 2013
Public exhibition	November 2013
Consideration of submissions	December 2013
Post exhibition planning proposal preparation	January 2013
Submission to Department	March 2014
Date RPA will make Plan (if delegated)	April 2014
Date RPA will forward to the DoP&I for notification (if delegated)	April 2014