

Planning Proposal

**Facilitating urban and environmental conservation uses
35, 35A and 35B Frederick Street and 1 Glendon Crescent Glendale
Draft Amendment to Lake Macquarie Local Environmental Plan 2014**

Local Government Area:	Lake Macquarie City Council (LMCC)
Name of Draft LEP:	Draft Amendment to Lake Macquarie Local Environmental Plan (LMLEP) 2014 – 35, 35A and 35B Frederick St and 1 Glendon Crescent Glendale
Subject Land:	<ul style="list-style-type: none">• 35 Frederick St Glendale (Part Lot 3057 DP 1208470)• 35A and 35B Frederick St Glendale (Lots 3051 and 3502 DP 1202601)• 1 Glendon Crescent Glendale (Lot 31 DP 35580)• Various road reserves identified for closure
Land Owner:	Eden Estates (Newcastle) Pty Ltd
Applicant:	Lake Macquarie City Council
Council Reference:	RZ/3/2020
Date and version:	5 May 2021 / Version 1 - Council endorsement for Gateway determination
Author:	Joanne Dunkerley - Senior Strategic Planner
DPIE Reference:	
Gateway Determination Date:	
Attachments:	<ol style="list-style-type: none">1 Preliminary structure plan design report2 Preliminary site contamination assessment3 Preliminary ecological assessment4 Preliminary heritage assessment5 Preliminary Aboriginal cultural heritage assessment6 Preliminary traffic impact assessment7 Preliminary geotechnical assessment

	8 Preliminary bush fire assessment
	9 Preliminary engineering assessment

Contents

INTRODUCTION	4
PART 1 – OBJECTIVES OR INTENDED OUTCOMES	5
PART 2 – EXPLANATION OF PROVISIONS	5
PART 3 – JUSTIFICATION	6
<i>Section A – Need for the Planning Proposal.....</i>	<i>6</i>
<i>Section B – Relationship to Strategic Planning Framework</i>	<i>8</i>
<i>Section C – Environmental, Social and Economic Impact.....</i>	<i>20</i>
<i>Section D – State and Commonwealth Interests.....</i>	<i>21</i>
PART 4 – MAPPING	22
PART 5 – COMMUNITY CONSULTATION	32
PART 6 – PROJECT TIMELINE	32

List of tables

Table 1: Proposed changes to LMLEP 2014	5
Table 2: Consistency with relevant SEPPs.....	13
Table 3: Consistency with applicable Section 9.1 Ministerial Directions	15

List of figures

Figure 1: Eden Estates land holding and surrounding context (Source – UrbanCo Group Pty Ltd Design Report).....	4
Figure 2: Extract from Hunter Regional Plan 2036 (Figure 4: Greater Newcastle) Department of Planning Industry and Environment.....	6
Figure 3: Extract from Greater Newcastle Metropolitan Plan 2036 (Figure 8: Housing Opportunities) Department of Planning Industry and Environment	7
Figure 4: Extract - City Structure and Opportunity Map, Lake Macquarie City Council Local Strategic Planning Statement.....	7
Figure 5: Preliminary structure plan	12
Figure 6: Coastal Management Zone	13
Figure 7: Flood hazard map	18

List of Maps

Map 1 – Locality.....	23
Map 2 - Aerial Photo	24
Map 3 – Current land use zones	25
Map 4 – Proposed land use zone.....	26
Map 5 – Current height of buildings	27
Map 6 – Proposed height of buildings	28
Map 7 – Existing minimum lot size	29
Map 8 – Proposed minimum lot size	30
Map 9 – Proposed urban release area	31

Version	Date	Details
1	May 2021	Council endorsement for Gateway Determination
2	June 2021	Add time-line as requested by DPIE

INTRODUCTION

The site straddles the Newcastle and Lake Macquarie Local Government Areas (LGAs) on both sides of the Newcastle Link Road, including road reserves (not publicly accessible or properly formed) and infrastructure holdings (Hunter Water) as shown in Figure 1. The site forms a total site investigation area of approximately 592ha, with approximately 169ha of land within Lake Macquarie LGA.

While this planning proposal relates only to the parts of the site within the Lake Macquarie LGA, Council is working closely with the City of Newcastle to ensure a workable outcome. A separate planning proposal is being considered concurrently by the City of Newcastle for the remainder of the site. This will ensure constraints and opportunities are considered holistically, to achieve the best outcomes for the future community, regardless of the LGA their home is located within.

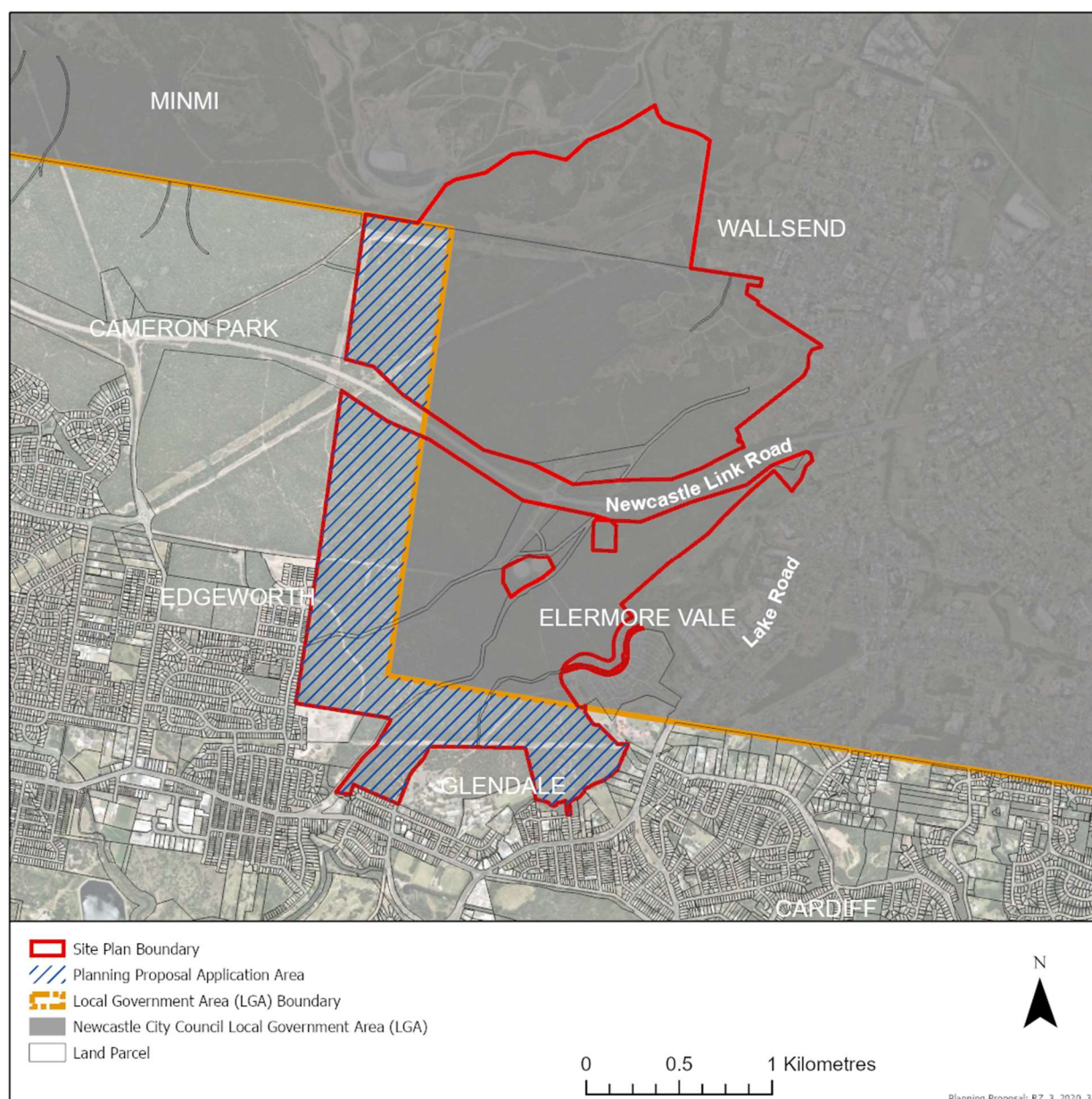


Figure 1: Eden Estates land holding and surrounding context

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of the planning proposal is to amend Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014) to support urban development including housing, local infrastructure, open space and riparian corridors on parts of the site, and protect and conserve remaining areas for biodiversity. It is also to facilitate a coordinated and efficient use of the land either side of the local government area (LGA) boundaries.

PART 2 – EXPLANATION OF PROVISIONS

The proposed objective will be achieved by amending the LMLEP 2014 as described in Table 1.

Table 1: Proposed changes to LMLEP 2014

Amendment Applies to	Explanation of provision
Land Zoning Map	Amend the Land zoning map from RU6 Transition and E2 Environmental Conservation to E2 Environmental Conservation and residential zones which may include one or more of R1 General Residential, R2 Low Density Residential and R3 Medium Density Residential. The zone boundaries will be resolved as the planning proposal progresses.
Height of Buildings Map	Amend the Height of buildings map to reflect the uses permitted within the amended land use zones.
Minimum Lot Size Map	Amend the Minimum lot size map to reflect the uses permitted within the amended land use zones.
Urban Release Area Map	Amend the Urban release area map to include those parts of the site identified for urban development.

PART 3 – JUSTIFICATION

Section A – Need for the Planning Proposal

1. *Is the planning proposal a result of any strategic study or report?*

The planning proposal is the result of a strategic study that consistently identify strategic merit for potential urban growth on the site. Within the Hunter Regional Plan 2036 (HRP), the site is located within the identified 'Growth Area' as shown in Figure 2. Within the Greater Newcastle Metropolitan Plan 2036 (GNMP) this site is identified as a "Housing Release Area" as shown in Figure 3. The site is located partially within the Lake Macquarie local government area and partly within the Newcastle local government area.

Within the Lake Macquarie City Council Local Strategic Planning Statement (LSPS), the site is identified as an 'Urban Intensification Area' within the City Structure and Opportunities map and forms part of the North West Growth 'Area of Change' as shown in Figure 4. The whole of the site has been mapped for investigation (including the existing E2 Environmental Conservation zoned land forming the western extent) to ensure opportunities across the whole of the site are investigated.

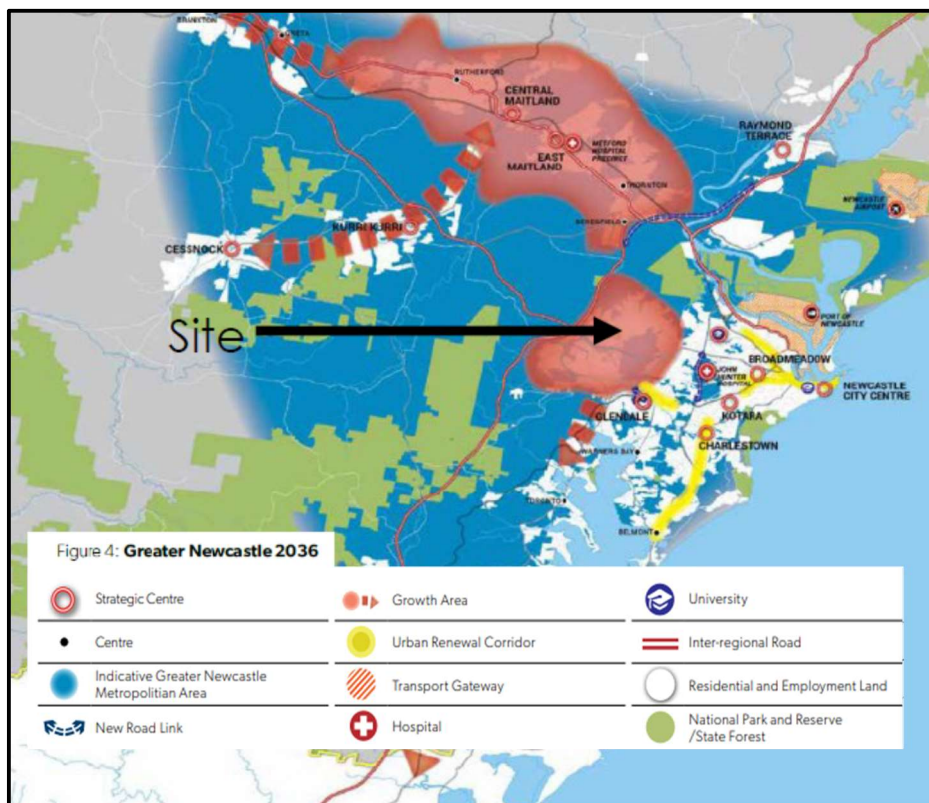


Figure 2: Extract from Hunter Regional Plan 2036 (Figure 4: Greater Newcastle) Department of Planning Industry and Environment

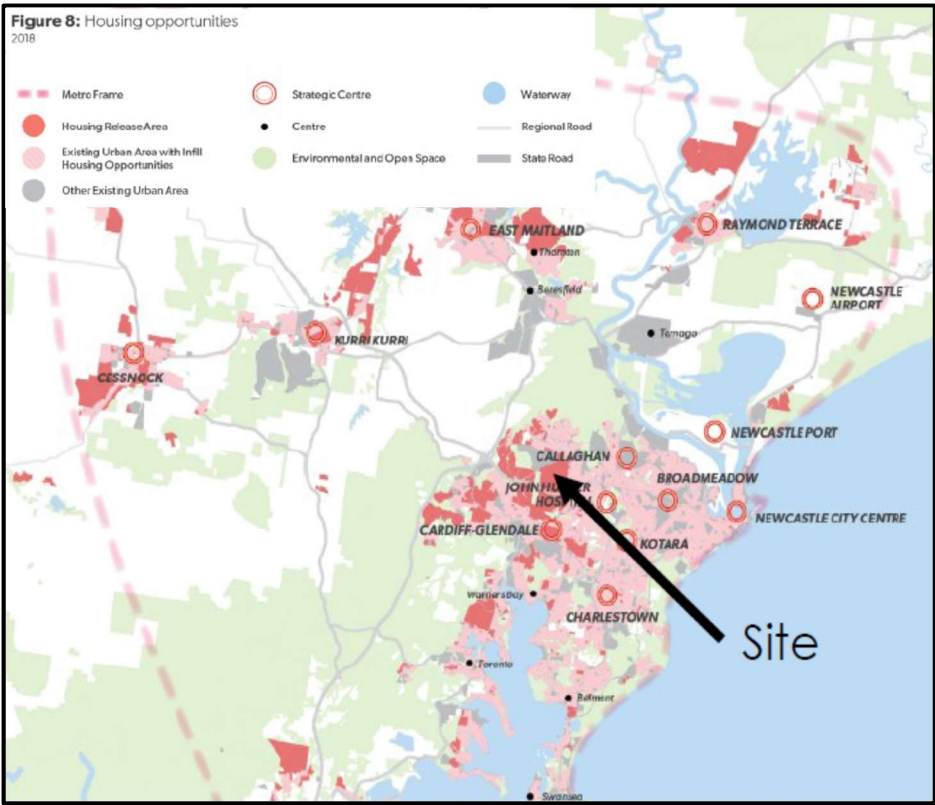


Figure 3: Extract from Greater Newcastle Metropolitan Plan 2036 (Figure 8: Housing Opportunities) Department of Planning Industry and Environment

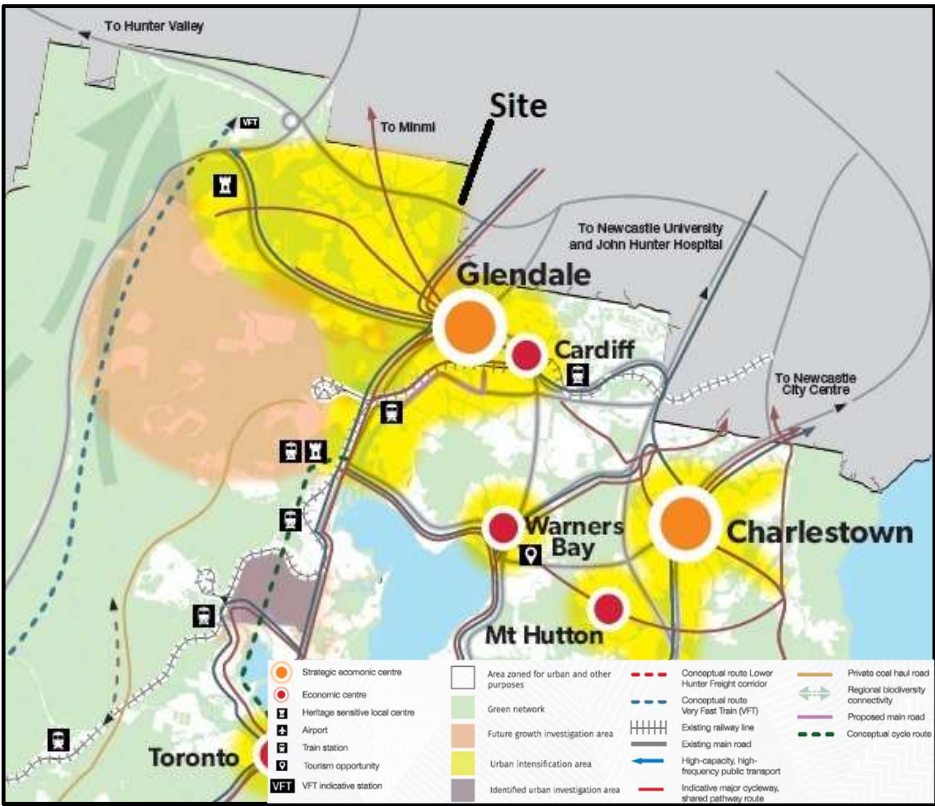


Figure 4: Extract - City Structure and Opportunity Map, Lake Macquarie City Council Local Strategic Planning Statement

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The current RU6 Transition zone specifically identifies the following objective:

“To identify land that requires environmental studies to substantiate the capability and suitability of land prior to rezoning”.

As the site is no longer used for mining purposes and has undergone a mine closure and rehabilitation process, and surrounding land is developed for urban purposes, this planning proposal is the best means of achieving the intended outcomes, consistent with the strategic planning framework. Pursuing this planning proposal at the same time as the City of Newcastle aims for a collaborative approach that will enable coordination across the LGA boundaries allowing a holistic assessment of the site characteristics and the efficient use of the land.

Section B – Relationship to Strategic Planning Framework

3. *Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?*

a) *Does the proposal have strategic merit? Will it:*

- *give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or*
- *give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement;*
- *responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans.*

The proposal has strategic merit and will give effect to the Hunter Regional Plan 2036 and the Greater Newcastle Regional Plan as described below:

Hunter Regional Plan 2036 (HRP)

The site is located within the ‘Growth Area’ identified in the HRP and shown in Figure 1 and will give effect to the following Goals and Directions:

- Goal 1 The leading regional economy in Australia

The site is located within 10-15 minutes of multiple strategic centres and catalyst areas. Housing in this location will contribute towards creating compact communities that allow 95% of people within the region to live within 30 minutes of a strategic centre by 2036 and supports *Direction 1: Grow Greater Newcastle as Australia’s next metropolitan city*. Integrating transport with land use planning, will support accessibility to employment and provide housing close to jobs.

- Goal 2 A biodiversity-rich natural environment

Direction 14: Protect and connect natural areas notes that:

“Investing in conservation (including biodiversity offsets) that protects, and where possible, enhances habitat connections will deliver multiple benefits to the environment and the community.”

The planning proposal supports this direction as it is being undertaken concurrently with a state-endorsed methodology and certification process to identify biodiversity values, local habitat linkages to support the regional landscape, and will assess and manage biodiversity impacts to deliver benefits to the environment and the community. This process will inform the final boundaries of the urban and environmental land.

- Goal 3 Thriving communities

The planning proposal will give effect to this goal through the implementation of appropriate zones, development standards and development guidelines. Initial studies have identified areas for further investigation for urban uses. The development standards and guidelines will give effect to:

- Direction 17: Create healthy built environments through good design;
- Direction 18: Enhance access to recreational facilities and connect open spaces
- Direction 19: Identify and protect the region's heritage.

- Goal 4 Greater housing choice and jobs

An additional 70,000 dwellings are forecast to be needed in the Hunter region by 2036. The planning proposal will help achieve this goal by providing suitable zoned land for a variety of housing types. The planning proposal gives effect to *Direction 21: Create a compact settlement*, as the site is within the Newcastle-Lake Macquarie Western Corridor and is close to services and infrastructure. The planning proposal will give effect to *Direction 22: Promote housing diversity* through the implementation of appropriate zones, development standards and development guidelines. The concurrent consideration of the parts of the site within Newcastle LGA is crucial to achieving an efficient and coordinated approach to housing and infrastructure needs in this location.

Greater Newcastle Metropolitan Plan 2036 (GNMP)

The site is located on the boundary of the “metro core” and is identified as a ‘Housing Release Area’ on the Housing Opportunities Map in the GNMP as shown in Figure 2.

- Outcome 2: Enhance environment, amenity and resilience for quality of life

Key elements of Outcome 2, including conserving parts of the natural environment, increasing access to open space, improving connectivity to promote active and healthy living and increased urban greening to ameliorate climate extremes will be supported through the implementation of appropriate zones, development standards and development guidelines and will give effect to:

- Strategy 11: Create more great public spaces where people come together,
- Strategy 12: Enhance the Blue and Green Grid and the urban tree canopy; and
- Strategy 14: Improve resilience to natural hazards

- Outcome 3: Deliver housing close to jobs and services

The planning proposal supports *Outcome 3: Deliver housing close to jobs and services*. An additional 30,500 dwellings are forecast to be needed within the Lake Macquarie and Newcastle LGAs by 2036, with a target of 40% of this provided as greenfield development. This equates to 12,200 dwellings in greenfield areas.

Development of suitable parts of the site across the Lake Macquarie and Newcastle local government areas may contribute up to 24-30% of that greenfield dwelling need (or 10-13%

of total new dwellings to 2036). Consequently, this outcome is supported as the site is within 10-15 minutes of jobs and services at the multiple strategic centres and catalyst areas.

- Outcome 4: Improve connections to jobs, services and recreation

The planning proposal supports *Strategy 20: Integrate land use and transport planning*. With accessibility to the transport network, future development of the site creates the opportunity to provide new local transport links and manage transport flows to and through the local transport network. The planning proposal provides opportunity to identify infrastructure and a network of cycle and pedestrian linkages through the site. This will be resolved as the urban development footprint and densities are resolved and in consultation with transport agencies.

b) Does the proposal have site-specific merit, having regard to the following?

- ***the natural environment (including known significant environmental values, resources or hazards) and***
- ***the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and***
- ***the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision***

The planning proposal has site specific merit. Initial site investigations for biodiversity and habitat, slope and geotechnical stability, Aboriginal cultural heritage, bush fire, infrastructure and services, together with design principles have informed the development of the preliminary structure plan shown in Figure 5. As more detailed studies are completed, the structure plan will be refined to determine the final urban and environmental conservation footprints. However, the preliminary structure plan and studies demonstrate that the site has specific merit.

Attachment 1 provides the Preliminary Structure Plan Design Report

4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another local strategy or strategic plan?

Our Future in Focus - Community Strategic Plan (CSP)

The planning proposal is consistent with Council's CSP as it will deliver housing that promotes lifestyle and wellbeing, with good mobility and accessibility while supporting connected communities. In particular the proposal is consistent with the CSP objective for new development to be of high quality, and growth to complement the unique character of the area, and its sense of place to the community. It is also consistent with the objectives to protect and enhance natural landscapes.

Shaping the Future - Local Strategic Planning Statement (LSPS)

The planning proposal is consistent with, and supports Council's LSPS and its planning priorities and actions for the City. Specifically, the planning proposal supports the principles of the LSPS that aim to:

- *unlock more housing close to jobs, services, public transport, social and recreational spaces, within and around centres, to meet the residents' day to day needs, and*
- *to deliver housing growth through infill development in and around centres and train stations and new housing areas in the North West and South West growth areas.*
- *ensure new growth areas are highly liveable and well serviced with access to services, facilities and social opportunities by a range of transport modes*

- *improve the pedestrian environment to support access to neighbourhood destinations with a diversity of services and social purposes*
- *enhance community access to sporting, recreational, cultural and community services and facilities*
- *ensure that natural areas are connected with urban areas and there are more opportunities to enjoy the City's natural environment*

The site is located within the 'Urban Intensification Area' identified on the City Structure and Opportunities map in the LSPS and forms part of the North West Growth 'Area of Change'.

The whole of the site has been identified for investigation (including the existing E2 Environmental Conservation zoned land forming the western extent) to ensure opportunities across the whole of the site are investigated.

Local Housing Strategy (LHS)

The Planning Proposal is consistent with, and supports Council's adopted and endorsed Lake Macquarie Housing Strategy. The LHS aims to deliver a diverse mix of affordable and sustainable housing supply close to services, facilities and infrastructure to meet the City's housing needs. The strategy identifies five housing priorities:

- Facilitate efficient housing supply and infrastructure coordination;
- Increase diversity and choice in housing;
- Facilitate infill opportunities for housing near jobs and services;
- Increase affordable rental housing and home ownership; and
- Facilitate housing design for innovation and sustainability.

The planning proposal will give effect to the Local Housing Strategy through undertaking a holistic assessment of capability and suitability across the site, to ensure the implementation of appropriate zones, development standards and development guidelines.

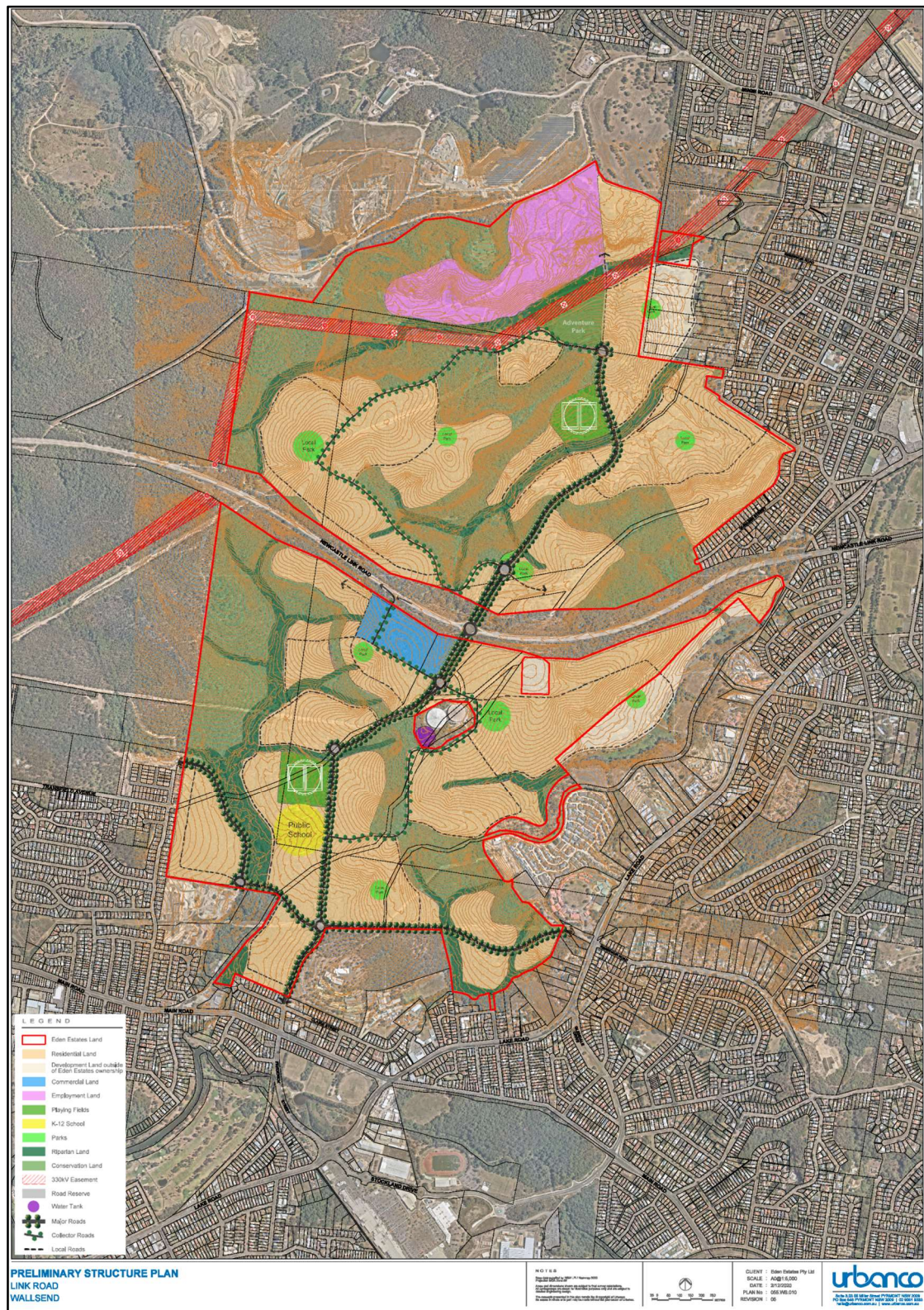


Figure 5: Preliminary structure plan

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes, the planning proposal is consistent with the relevant *State Environmental Planning Policies (SEPPs)*. An assessment of the level of consistency is provided in Table 2.

Table 2: Consistency with relevant SEPPs

SEPP and Relevance	Comment
<p>SEPP (Koala Habitat Protection) 2021</p> <p>Aims to conserve and manage areas of natural habitat that provide habitat for koalas.</p>	<p>This SEPP applies to the site which is located within the Central Coast Koala Management Area. The SEPP provides a development assessment process that applies at development application stage rather than at this planning proposal stage. However, the SEPP will be considered as part of the ecological investigations following Gateway determination.</p>
<p>SEPP (Coastal Management) 2018</p> <p>Ensures that development in the NSW coastal zone is appropriate and suitably located to ensure that there is a consistent and strategic approach to coastal planning and management</p>	<p>A small area in the southern part of the site adjoining George Street is mapped as coastal environment area and a small section within that is mapped as coastal use area, as shown in Figure 6. This is associated with the section of Brush Creek that transverses the site and connects to Winding Creek.</p> <p>Some considerations apply at development application stage to those parts of the site within the mapped coastal management zone. In determining areas suitable for urban development consideration is given to other key issues such as biodiversity certification and Aboriginal cultural heritage and this will ensure future development will be consistent with the SEPP.</p> <p>The site is not mapped as near coastal wetlands or in proximity areas (and does not trigger coastal wetland consideration of the SEPP).</p>



Figure 6: Coastal Management Zone

SEPP and Relevance	Comment
<p>SEPP 19 – Bushland in Urban Areas</p> <p>Aims to prioritise the conservation of bushland in urban areas because of natural heritage, aesthetic and other values unless satisfied that significant environmental, economic or social benefits will arise which outweigh the value of the bushland, and requires consideration of the aims in preparing a draft local environmental plan amendment.</p>	<p>Parts of the site are identified for environmental conservation and will be retained consistent with the aims of the SEPP. However, parts of the site will be cleared to facilitate urban development. Clearing will be identified in the context of a state-endorsed biodiversity assessment methodology and Bio-Certification Assessment. The proposal has significant environmental, economic and social benefits by providing additional housing in a strategically important location and supporting ongoing protection of environmental conservation.</p>
<p>SEPP 55 – Remediation of Land</p> <p>Establishes planning controls and provision for the remediation of contaminated land.</p>	<p>Previous site owners have undertaken contamination assessment and remediation actions as part of the mine closure. Preliminary site investigations (Attachment 2) have also been undertaken to understand potential contamination sources and associated risks, and identify areas where further investigation is needed.</p> <p>Potential onsite sources of contamination identified include:</p> <ul style="list-style-type: none"> • Former mining operations – leaks and spills (fuel storage, machinery/plant and former tramlines), hazardous building materials from demolished former buildings, hazards associated with carbonaceous materials; and mine water discharge; • Residual contamination remaining after remediation; • Importation of fill material; • Illegal dumping; and • Use of herbicides/pesticides. <p>The preliminary site investigation has identified the majority of the site to be suitable for urban uses, including residential, subject to the removal of illegally dumped waste. Some additional investigations of the former collieries and other areas associated with mining activities are needed to determine suitability for residential use and any remediation requirements. However, it is anticipated that any required remediation work can be facilitated during the subdivision process.</p>

6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

An assessment of the planning proposal and its consistency with the applicable Ministerial Directions is provided in Table 3 below.

Table 3: Consistency with applicable Section 9.1 Ministerial Directions

Objectives	Consistency / Comment
1.2 Rural Zones	
Protect the agricultural production value of rural land.	<p>Parts of the site are zoned RU6 Transition and are now proposed to be rezoned for residential uses. Although the RU6 zone is classified as a rural zone, it is intended as a transition zone between rural land uses (including extractive industries) and other areas supporting more intensive settlement.</p> <p>Inconsistency with this Direction is justified as the site is identified for urban investigation in the approved Hunter Regional Plan, Greater Newcastle Metropolitan Plan and the Lake Macquarie Local Strategic Planning Statement; and the land is no longer used for mining, has limited agricultural production value and is adjacent to other residential land.</p>
1.3 Mining, Petroleum Production and Extractive Industries	
Ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	<p>The land was previously used of for mining purposes but has been subject to a mine closure process and the land disposed of by the Newcastle Wallsend Coal Company (subsidiary of Glencore).</p> <p>Consultation with the Department of Primary Industries will be undertaken to confirm this direction.</p>
2.1 Environmental Protection Zones	
Protect and conserve environmentally sensitive areas.	<p>The site has significant biodiversity values and a detailed assessment of biodiversity impact is being finalised. This includes investigations of environmental zoned land to consider the site features holistically within the surrounding context and determine the most appropriate land uses.</p> <p>The biodiversity assessment is being undertaken in accordance with agreed assessment methodology and will inform final footprint of the urban and environmental zoned land. The process will include consultation and assessment by the Biodiversity Conservation Division. Preliminary ecological assessment is provided in Attachment 3.</p> <p>Consistency with this direction and/or the significance of any inconsistency will be determined in conjunction with this process.</p>
2.2 Coastal Management	
Protect and manage coastal areas of NSW.	<p>A small area in the southern part of the site is within the Coastal Zone as defined under the <i>Coastal Management Act 2016</i>, as shown in Figure 6 above. This area is defined as Coastal Use and Coastal Environment Area (refer analysis of SEPP Coastal Management earlier).</p> <p>The Planning Proposal is consistent with this Direction.</p>

Objectives	Consistency / Comment
<p>2.3 Heritage Conservation</p> <p>Conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p>	<p>Sections of a lineal local heritage item, (item 92 West Wallsend Steam Train Line) traverse through or intersect the site. Part of this heritage item is already interpreted as an off-road shared path with some public easement rights. Various sections of the lineal heritage item have been subject to surrounding development and range from protection of remaining fabric (limited) and interpretation through shared pathway, through to loss of the alignment altogether. Existing LEP provisions provide for appropriate protection and conservation/interpretation of this item without the need for significant further investigation. A preliminary heritage assessment is contained in Attachment 4.</p> <p>The existing watercourses that traverse the site are mapped as landscape features that have potential for Aboriginal heritage values or relics as 'Sensitive Aboriginal Landscape Area'. Existing provisions provide for Aboriginal heritage impact assessment at development application stage for these areas if impacted.</p> <p>Initial studies (Attachment 5) have identified that the site contains Aboriginal archaeological sites and heritage values which need to be considered as part of the overall development planning process.</p> <p>It is anticipated that consistency with this Direction in regard to indigenous heritage can be achieved as the detailed assessment and consultation is undertaken.</p>
<p>3.1 Residential Zones</p> <p>a) Encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>b) Make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>c) Minimise the impact of residential development on the environment and resource lands.</p>	<p>The site is part of the Western Growth Corridor and is surrounded by urban development in well serviced locations with proximity to the arterial road network.</p> <p>As the planning proposal progresses, appropriate residential zones and provisions for height and minimum lot sizes will be resolved, in collaboration with the City of Newcastle, to achieve a coordinated approach to housing density and housing choice consistent with Council's LSPS and Local Housing Strategy.</p> <p>To ensure land is adequately serviced and subject to DCP provisions for good design, efficient use of land and housing choice, the site will be mapped as an 'Urban release area'</p> <p>The planning proposal is consistent with this Direction.</p>

Objectives	Consistency / Comment
<p>3.4 Integrating Land Use and Transport</p> <p>Ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> a) improving access to housing, jobs and services by walking, cycling and public transport, and b) increasing the choice of available transport and reducing dependence on cars, and c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and d) supporting the efficient and viable operation of public transport services, and e) providing for the efficient movement of freight. 	<p>The site is located close to existing services and facilities and the transport network. It will provide housing close to current and future jobs in accessible strategic centres and catalyst areas. It can contribute to and support walking, cycling and public transport networks. It is located in an area identified for housing under regional strategies that proactively consider the integration of land use and transport. The proposal is consistent with this direction.</p> <p>A preliminary traffic assessment is contained in Attachment 6.</p>
<p>4.1 Acid Sulfate Soils</p> <p>Avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p>	<p>Parts of the site are mapped as Class 5 – acid sulfate soils (ASS). Class 5 areas are considered a low probability of containing acid sulfate soils. A detailed study is unnecessary with regard to the existing ASS provisions in the LEP.</p> <p>No significant adverse environmental impacts are anticipated and any inconsistency with this direction is considered to be of minor significance.</p>
<p>4.2 Mine Subsidence and Unstable Land</p> <p>Prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</p>	<p>The site was previously used for coal mining and significant portions of the site are located above old coal mine workings. The site also includes various mine shafts and surface features. These workings extend under surrounding urban areas that have been and are being developed.</p> <p>Whilst the site is heavily impacted by subsidence, methods to remediate and potential costs have been considered at a due diligence level and will continue to inform the urban structure plan. A preliminary geotechnical assessment is contained in Attachment 7.</p> <p>Further consultation with Subsidence Advisory NSW will be undertaken and any requirements will be incorporated in the final planning proposal.</p> <p>Consistency with this direction may then be determined.</p>

Objectives	Consistency / Comment
4.3 Flood Prone Land	
<p>a) Ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i>, and</p>	<p>Small parts of the southern area of the site are affected by localised flooding related to creek lines as shown in Figure 7. However, this is within the riparian zone which is not proposed for urban development. Areas identified for further investigation for urban uses in the preliminary structure plan are not impacted by flooding. The planning proposal is consistent with this direction.</p>
<p>b) Ensure that the provisions 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.</p>	

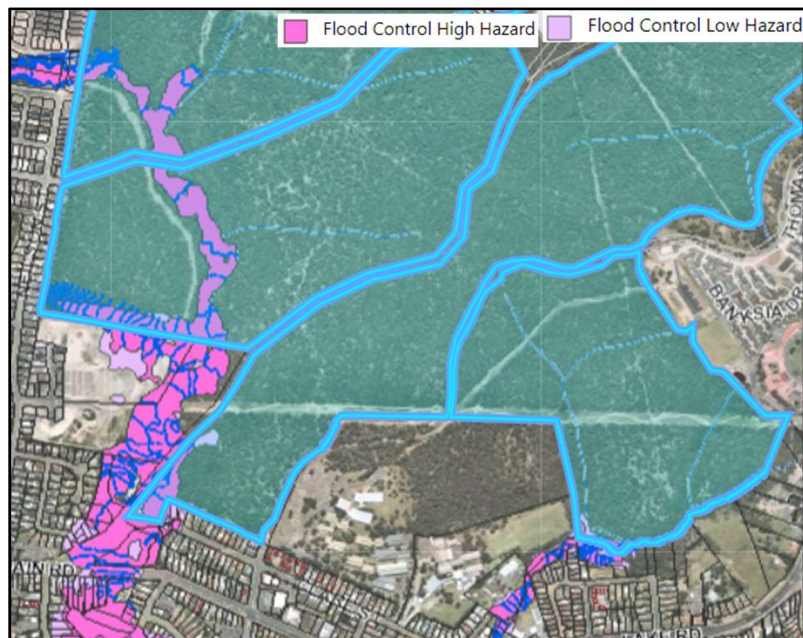


Figure 7: Flood hazard map

Objectives	Consistency / Comment
4.4 Planning for Bushfire Protection	
<p>a) Protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</p> <p>b) Encourage sound management of bush fire prone areas.</p>	<p>The site and its surrounds are identified as bush fire prone land. A strategic bush fire assessment has been prepared (Attachment 8). The report provides pathways for consideration and testing to identify the most appropriate balance between risk acceptability in accordance with the requirements of <i>Planning for Bushfire Protection 2019</i>, site utilisation and risk tolerance.</p> <p>In considering the planning proposal, it is important to consider that land to the west of the site has already been successfully rezoned for residential purposes and is going through the development application process. The development of areas surrounding the site will remove large areas of bushfire risk.</p> <p>Given the size of the site, bush fire is an issue that can be resolved as the preliminary structure plan is refined. The Bushfire Strategic Assessment will undertake a detailed analysis of the site to provide compliance with this direction and <i>Planning for Bushfire Protection 2019</i>.</p> <p>Consultation with Rural Fire Service will be required. It is anticipated that consistency with this Direction can be achieved.</p>
5.10 Implementation of Regional Plans	
<p>Give legal affect to the vision, land use strategy, goals, directions and actions contained in Regional Plans</p>	<p>The proposal supports and is generally consistent with the relevant regional strategies. The planning proposal is consistent with this Direction.</p>
6.2 Reserving Land for Public Purposes	
<p>a) Facilitate the provision of public services and facilities by reserving land for public purposes, and</p> <p>b) Facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p>	<p>This proposal does not seek to alter or reduce existing zoning or reservations of public land. Any public purposes identified through the planning proposal process will be reviewed for consistency with this Direction. Any need for acquisition by public authorities will be further investigated as part of consultations and reviewed for consistency with the Direction.</p>

Section 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?*

Parts of the site have significant biodiversity values. Ecological assessment and survey work commenced in January 2020, in accordance with the Biodiversity Assessment Method (BAM) to enable a concurrent bio-certification process to be undertaken. Initial surveys have identified a number of threatened flora and fauna species and this work has informed the preliminary structure plan which will be refined as the ecological work is finalised.

The ecological investigation will be presented within a draft and final Biodiversity Certification Assessment Report (BCAR). Consultation with the Biodiversity Conservation Division is being undertaken during assessment preparation, and once formal application is made (which requires a footprint of development/conservation to base assessment against). This will occur following Gateway determination, and it is intended to publicly exhibit the planning proposal and BCAR at the same time.

The BCAR will consider impact avoidance and minimisation strategies and quantify the offsets required for a development footprint.

Attachment 3 includes an outline by Anderson Environment & Planning (AEP) on the Certification process and the current status of ecological investigations to end November 2020, ahead of final survey and biodiversity assessment.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed? Has the planning proposal adequately addressed any social and economic effects?*

Social impacts

A social infrastructure assessment and social impact analysis will be undertaken post Gateway. However, the positive social outcomes for the site are articulated in the Vision, Design Objectives and Design Guidelines in the Preliminary Structure Plan Design Report (Attachment 1). As studies are completed to refine the preliminary structure plan, the appropriate zones, development standards and development guidelines will be developed to address social impacts, including social infrastructure and housing diversity.

Economic impacts

The planning proposal will have positive economic impacts by providing zoned land for housing in close proximity to strategic centres and catalyst areas. Construction of the subdivision and dwelling will also provide employment opportunities.

Section D – State and Commonwealth Interests

9. *Is there adequate public infrastructure for the planning proposal?*

The site is located on the arterial road network having access to the Newcastle Link Road and other road connections within the surrounding urban area. A detailed traffic and transport assessment will be undertaken post-Gateway to determine requirements for new or upgraded intersections. Consultation has commenced with Transport for NSW (TfNSW).

Connections provided through the site will influence the local road network and travel patterns and traffic and transport assessment will analyse opportunities and impacts through the local road network as well.

The site has access to all other infrastructure including gas sewer, water and electricity as detailed in Attachment 9. Consultation with utility providers has commenced to determine infrastructure capacity and planning around existing assets and infrastructure.

Consideration of satisfactory arrangements for state infrastructure (and options for works in kind) and local infrastructure will occur post gateway as the preliminary structure plan is refined.

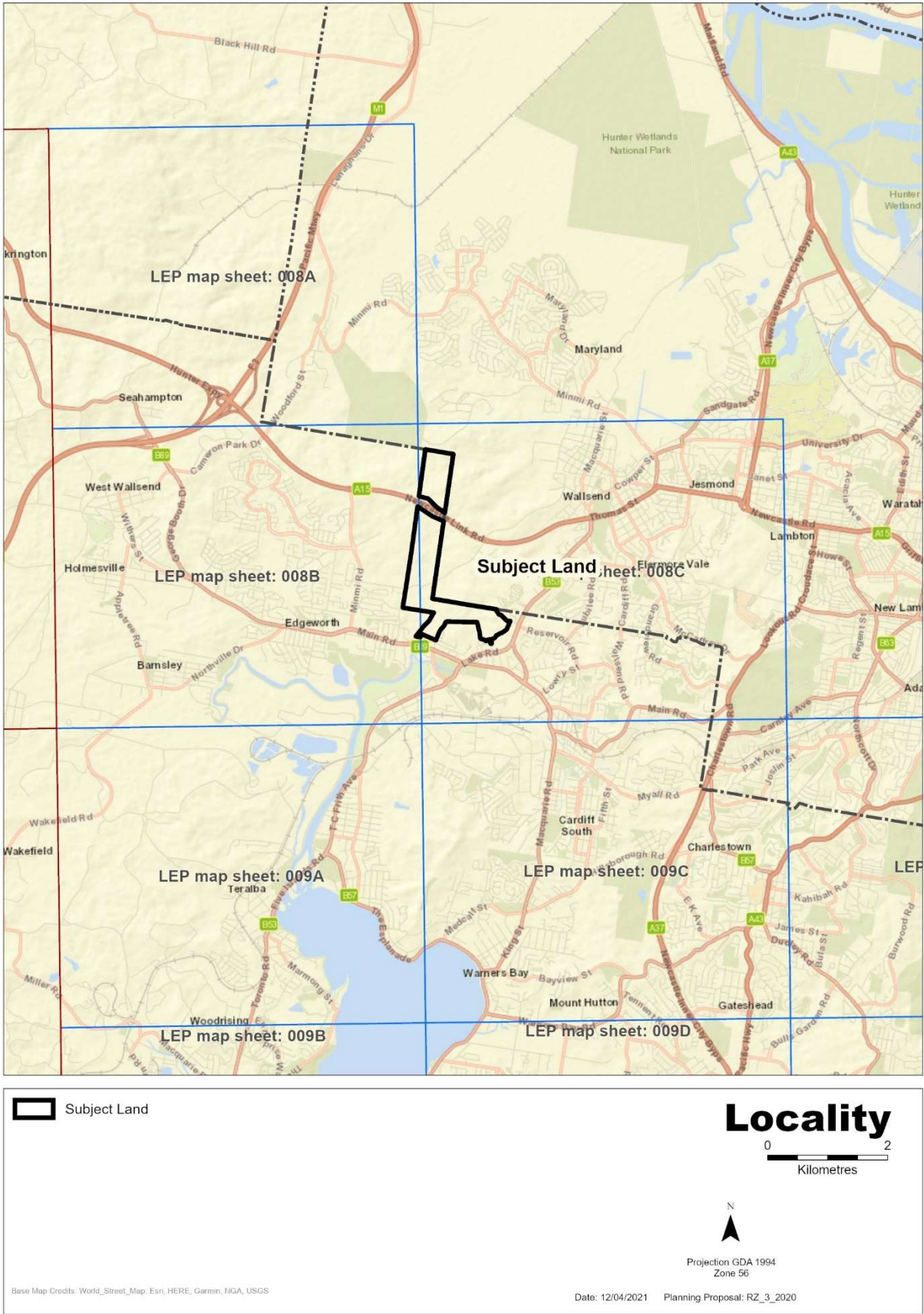
10. *What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?*

Consultation with State and Commonwealth public authorities will occur in accordance with the Gateway determination. Council recommends consultation with the following authorities:

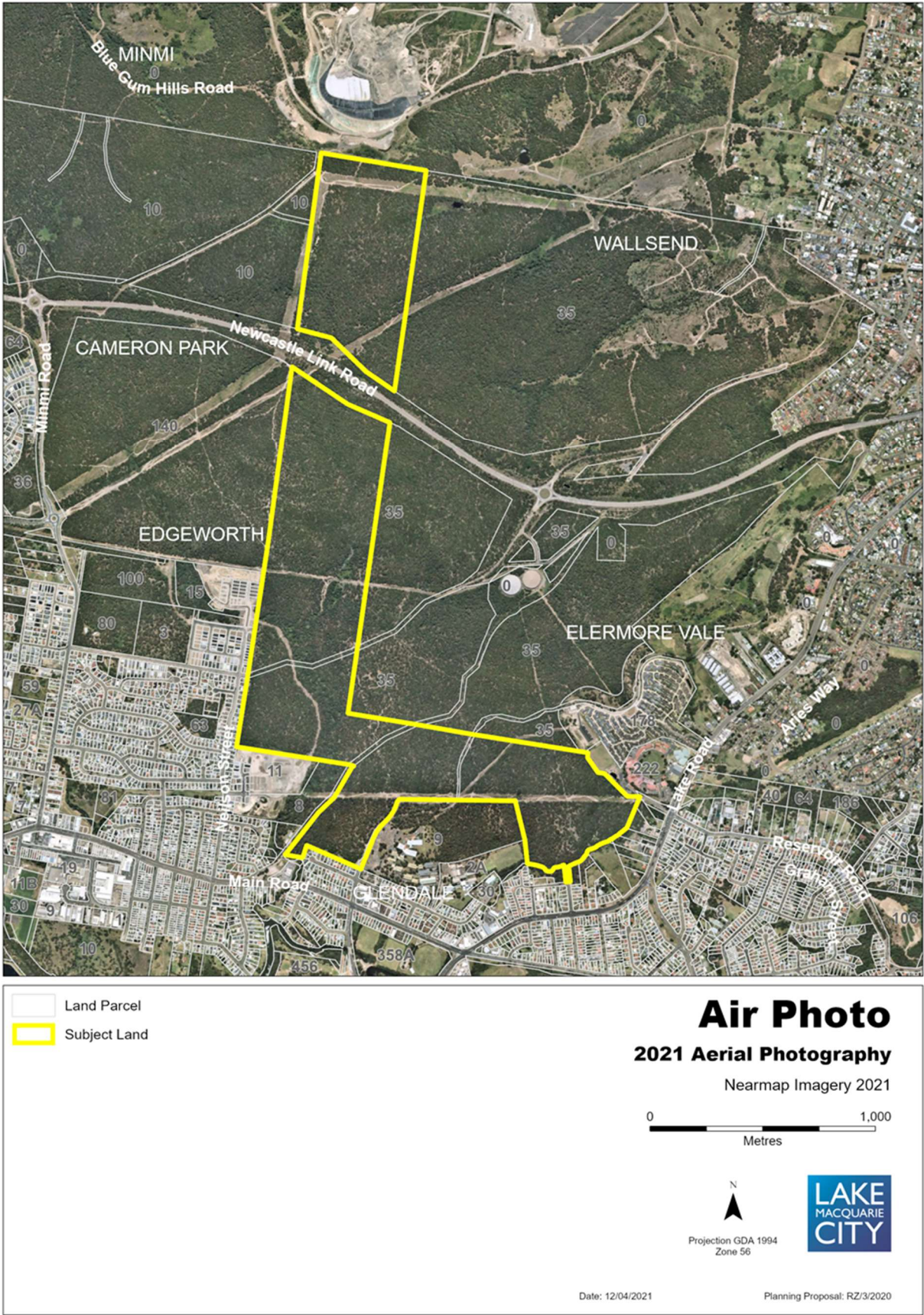
- Subsidence Advisory NSW;
- Transport for NSW;
- Department of Premier and Cabinet;
- Department of Planning, Industry and Environment (Biodiversity and Aboriginal Heritage);
- Department of Education;
- Rural Fire Service;
- Emergency Services;
- Resource and Geoscience/Resources Regulator;
- Natural Resources Access Regulator;
- Hunter Water Corporation;
- Ausgrid; and
- Transgrid.

PART 4 – MAPPING

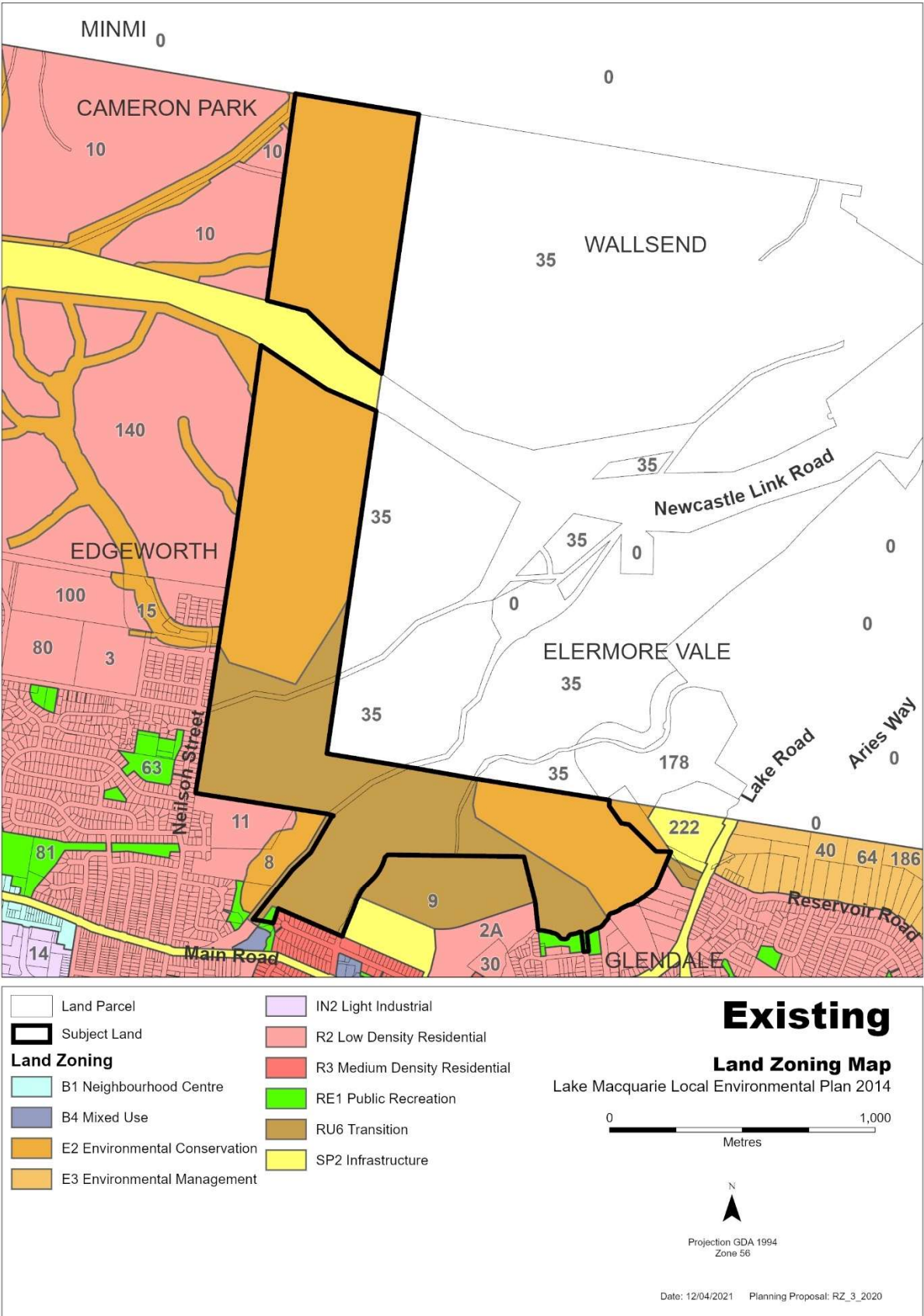
Map 1 – Locality



Map 2 - Aerial Photo



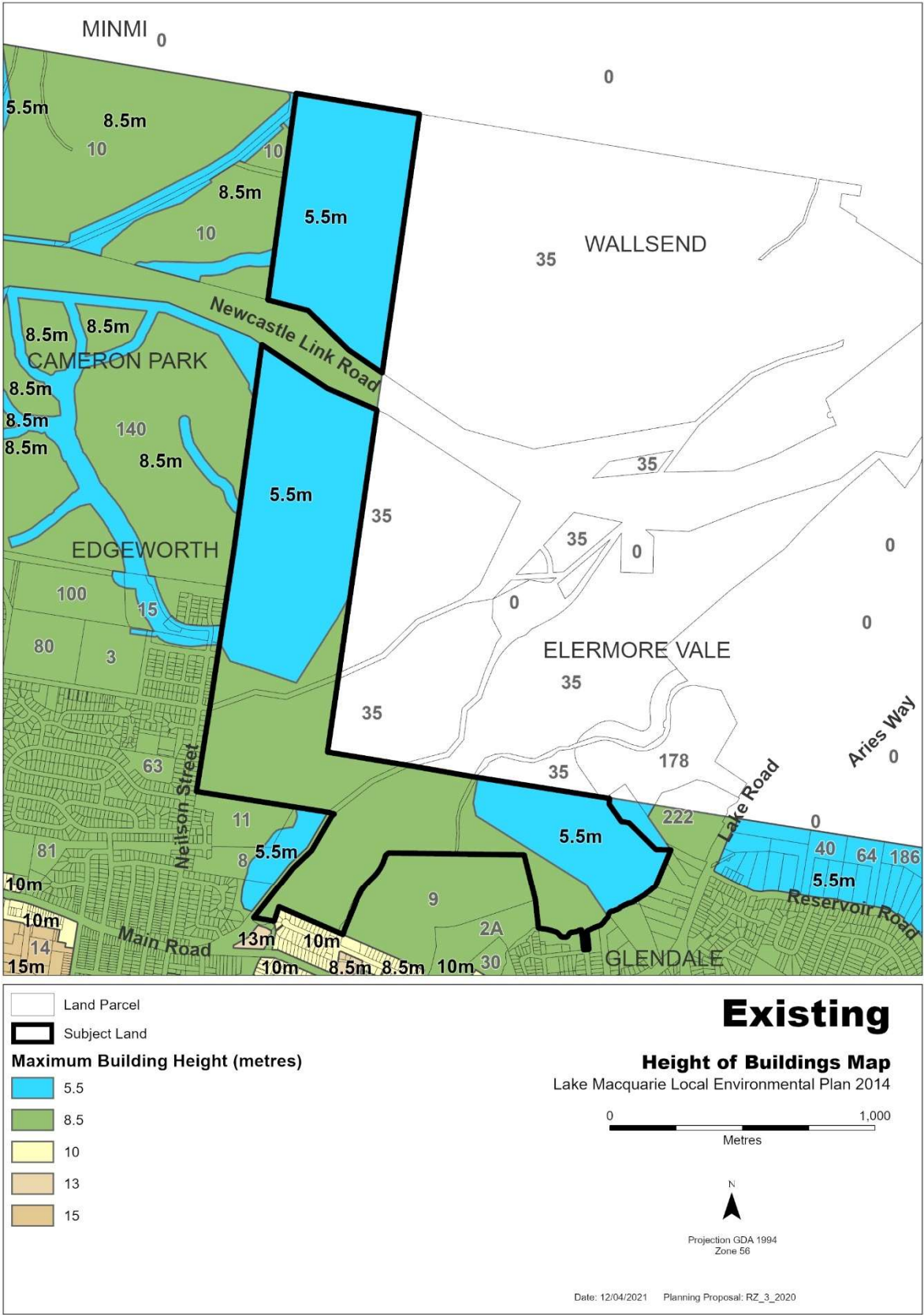
Map 3 – Current land use zones



Map 4 – Proposed land use zone

To be finalised prior to public exhibition

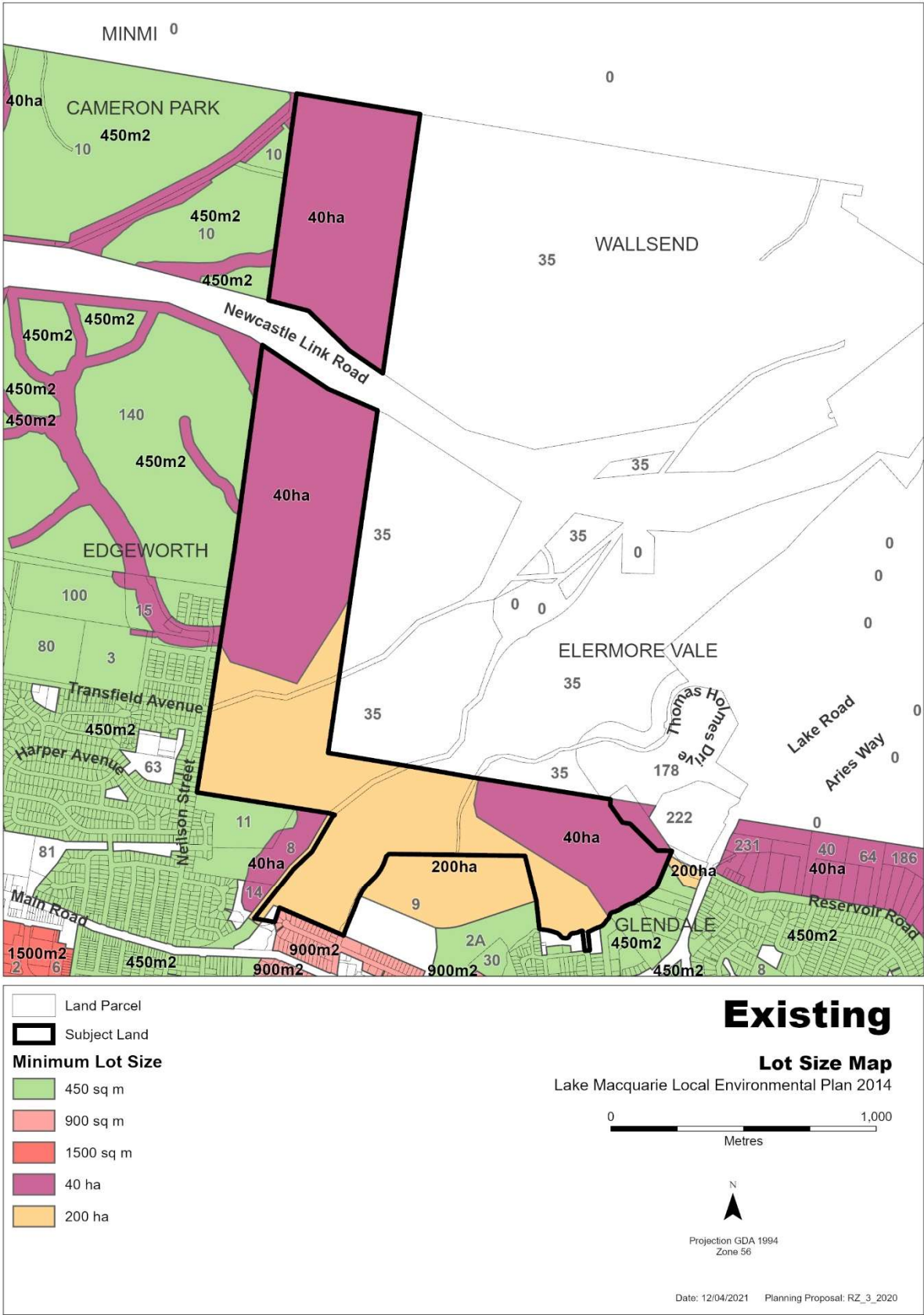
Map 5 – Current height of buildings



Map 6 – Proposed height of buildings

To be finalised prior to public exhibition

Map 7 – Existing minimum lot size



Map 8 – Proposed minimum lot size

To be finalised prior to public exhibition

Map 9 – Proposed urban release area

To be finalised prior to public exhibition

PART 5 – COMMUNITY CONSULTATION

The planning proposal will be exhibited in accordance with the Lake Macquarie Community Participation Plan and the Gateway determination. It is recommended that the planning proposal be exhibited for 28 days.

It is intended to exhibit the planning proposal together with the biodiversity certification assessment report and the draft development control plan. If possible, the exhibition will be undertaken at the same time as the City of Newcastle.

PART 6 – PROJECT TIMELINE

Action	Timeframe
Anticipated commencement date (date of Gateway determination)	July 2021
Anticipated timeframe for completion of required technical information	November 2021
Timeframe for government agency consultation (pre exhibition)	November – December 2021
Public exhibition (commencement and completion dates)	March – April 2022
Date of Public hearing (if required)	N/A
Consideration of submissions	May 2022
Timeframe for government agency consultation (post exhibition if required)	May 2022
Post exhibition planning proposal consideration / preparation	May - June 2022
Submission to Department to finalise LEP	July 2022
Date PPA will make Plan (if delegated)	August 2022
Date PPA will forward to the Department for notification (if not delegated)	August 2022