

Amendment 60 - Lake Macquarie LEP 2004 – George Booth Drive, Edgeworth

Proposal Title : **Amendment 60 - Lake Macquarie LEP 2004 – George Booth Drive, Edgeworth**

Proposal Summary : **This Planning Proposal aims to rezone land south of George Booth Drive, Edgeworth for low and medium density residential development, and conservation of environmentally sensitive areas. This Proposal also aims to rezone land north of George Booth Drive to support the commercial core area of the emerging Pambulong Forest Town Centre and rectify zone and lot boundary inconsistencies adjacent to the Town Centre site.**

PP Number : **PP_2012_LAKEM_001_00** Dop File No : **11/05974**

Proposal Details

Date Planning Proposal Received : **12-Jan-2012** LGA covered : **Lake Macquarie**

Region : **Hunter** RPA : **Lake Macquarie City Council**

State Electorate : **LAKE MACQUARIE** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **George Booth Drive**

Suburb : **Edgeworth** City : Postcode : **2285**

Land Parcel : **2(1) Residential, 2(2) Residential (Urban Living), 3(1) Urban Centre (Core), B4 Mixed use, 7(1) Conservation (Primary) various Lots, DPs.**

DoP Planning Officer Contact Details

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RPA Contact Details

Contact Name : **Hannah Benson**

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DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **Other** Release Area Name : **Other**

Regional / Sub Regional Strategy : **Lower Hunter Regional Strategy** Consistent with Strategy : **Yes**

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MDP Number :		Date of Release :	
Area of Release (Ha) :	95.00	Type of Release (eg Residential / Employment land) :	Both
No. of Lots :	500	No. of Dwellings (where relevant) :	500
Gross Floor Area :	38,000.00	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with :

If No, comment :

Have there been meetings or communications with registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes : **Council resolved at its City Strategy Committee Meeting on 5 September 2011 to send the Planning Proposal to the Department of Planning & Infrastructure requesting a Gateway Determination to enable amendments to Lake Macquarie LEP 2004 pursuant to section 54 of the EP&A Act 1979.**

Additional information was requested from Council on 07 October 2011 to complete the adequacy assessment. Council responded on 8 December 2011 and 12 January 2012.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The statement of objectives satisfactorily outlines the intended outcomes of the Planning Proposal (PP) ie. to rezone 95ha of land at George Booth Drive, Edgeworth.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The Proposal aims to amend the Lake Macquarie LEP 2004 (LM LEP 2004) including:**

- 1. Rezone land south of George Booth Drive, Edgeworth from 10 Investigation to a mix of 2(1) Residential, 2(2) Residential (Urban Living) and 7(1) Conservation (Primary) Zones, and**
- 2. Rezone land north of George Booth Drive associated with the Pambulong Forest Town Centre from 2(2) Residential (Urban Living) to B4 Mixed Use Zone. Minor zone boundary adjustments are also proposed to rectify zone and lot boundary inconsistencies by rezoning 0.2ha of 2(2) Residential (Urban Living) to 3(1) Urban Centre (Core) and a small area (<0.01ha) of 2(1) Residential zone to the B4 Mixed Use Zone.**
- 3. Identify the land south of George Booth Drive as an Urban Release Area.**

The PP also provides equivalent zoning and development provisions for the amendment to

be made to the future Lake Macquarie Standard Instrument LEP. LM LEP 2004 was amended to include the B4 zone in 2010 (Amendment No 33).

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

1.3 Mining, Petroleum Production and Extractive Industries

2.1 Environment Protection Zones

2.3 Heritage Conservation

2.4 Recreation Vehicle Areas

3.1 Residential Zones

3.2 Caravan Parks and Manufactured Home Estates

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.2 Mine Subsidence and Unstable Land

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified?

SEPP No 19—Bushland in Urban Areas

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP (Infrastructure) 2007

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Council has provided the following maps:

*** Locality Plan**

*** Aerial & Current Zoning Map**

*** Proposed Zones under LM LEP 2004**

*** Proposed Zones under the Standard Instrument LEP**

*** Existing Bushfire Prone Land Map**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The Council has proposed 28 days for public consultation. Council has previously consulted with public authorities with dates ranging from 2007 until recently. Consequently, due to the nature of issues raised during previous submissions, the lapse in time, and as this PP is not considered to be minor in nature, the 28 day consultation period is supported.

Additional Director General's requirements

Are there any additional Director General's requirements? Yes

If Yes, reasons :

The following Section 117 Ministerial Directions apply and are relevant to this Planning Proposal:

1.1 Business and Industrial Zones

The PP will rezone land from 2(2) Residential (Urban Living) Zone to allow retail and commercial development north of George Booth Drive (proposed B4 zone). The Newcastle-Lake Macquarie Western Corridor Planning Strategy identifies a commercial investigation area north of George Booth Drive and the PP is therefore consistent with this Direction.

1.3 Mining, Petroleum Production & Extractive Industries

Under cl.3, the s117 Direction applies if the PP would have the effect of prohibiting or restricting development of resources including coal, other minerals, and production of petroleum or extractive materials. The subject site is covered by a coal lease (CCL 725) and a petroleum exploration license (PEL 267) and Department of Primary Industries have advised Council that the area is underlain by a potential coal resource and mine workings.

The proposed zone and permitted land uses are likely to be incompatible with such development. Consequently, as part of the PP the planning authority must further consult with the Director General of the Department of Primary Industries in accordance with cl. 5 of the Direction. Once a reply is received, the consistency with this Direction can be determined. This is to occur prior to undertaking community consultation.

2.1 Environmental Protection Zones

Under cl. 5, a PP that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land. The PP will impact on the Lower Hunter Spotted Gum Ironbark Forest Endangered Ecological Community as well as impacting on 2 threatened flora species, and the site is known to contain threatened fauna species. The proposal will rezone approximately half the site for residential use and associated land clearing will require off-site biodiversity offsets determined in consultation with the Office of Environment and Heritage / Environment Protection Authority and in consideration with the Lower Hunter Region Conservation Plan.

A PP may be inconsistent with the terms of this s117 Direction if the DG (or delegate) is satisfied that the provisions of the PP that are inconsistent are justified or of minor significance. Due to the biodiversity values of the site, the proposal is not considered to be of minor significance, however, under cl. 6(b) of this s117 Direction the DG (or delegate) may agree that the proposal is justified as the site is identified within the Lower Hunter Regional Strategy as a proposed urban area, and within the Newcastle – Lake Macquarie Western Corridors Planning Strategy (NLMWCPS) as an area for future residential investigation area. These are both endorsed strategies.

As part of this PP there will be a significant loss of vegetation including 21.9 ha of Lower Hunter Spotted Gum Ironbark Forest EEC and approx. 13.9 ha of Coastal Plains Stringybark – Apple Forest, and the loss of 11 *Thetheca juncea* plants. On site there are plant species listed under both the Threatened Species Conservation Act 1997 (NSW) and the Environment Protection and Species Conservation Act 1999 (Cth). Consequently, further investigation and consultation with the Office of Environment and Heritage / Environment Protection Authority is required to ensure that mechanisms are incorporated to determine consistency with this Direction, especially in terms of the NLMWCPS Strategy's actions to conserve land in and around the development sites to protect biodiversity, and maintain the Green Entry Statement to George Booth Drive.

2.3 Heritage Conservation

In accordance with cl. 4 a PP must contain provisions that facilitate the conservation of

items, places, buildings, works, relics, moveable objects or precincts of environmental heritage to an area, any Aboriginal objects, places or landscapes of heritage significance to Aboriginal culture and people. The PP contains an item of local significance known as the West Wallsend Tram Line (RT-01) as listed in the LM LEP 2004. The PP will impact on approx 150m of the embankment which remains intact in the northern section of the site. Insite Heritage also prepared an Aboriginal and Historical Archaeological Assessment for the site, finding a possible Aboriginal scar tree in the south of the site.

Consequently, in accordance with cl. 5 of this s117 Direction, the DG (or delegate) may agree that the provisions of the PP that are inconsistent with the terms of the s117 Direction as the LM LEP 2004 has provisions that facilitate heritage protection, and both the heritage assessments recommend the preservation of the heritage items. This includes preservation of the tram line embankment and possibility of construction of a cycleway along the route. It was recommended that the potential scar tree be included in an open space or conservation corridor, and it is proposed to conserve the tree within the 7(1) Conservation (Primary) Zone.

3.1 Residential Zones

The PP seeks to create additional residential land. In accordance with objectives and cl. 4 and 5, the PP includes provisions that are consistent with the s117 Direction and the land is identified in a sub-regional strategy.

3.4 Integrating Land Use

In accordance with the objectives and cl. 4, the PP includes provisions that are consistent with the s117 Direction.

4.1 Acid Sulfate Soils

Under cl.6, a planning authority must not prepare a PP that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils (ASS) on the ASS maps unless the planning authority has considered an ASS study assessing appropriateness of the change of land use given the presence of ASS. Coffey Geotechnics has prepared a study examining this hazard and concluded that it is highly unlikely that ASS occur at this site. Provisions within the LM LEP 2004 and DCP will apply to ensure that future development of the site avoids any significant impact from ASS. Consequently, in accordance with cl. 8(b) of this s117 Direction, the DG (or delegate) may agree that the provisions of the PP that are inconsistent with the terms of the s117 Direction are of minor significance and are justified by an urban capability assessment study.

4.2 Mine Subsidence and Unstable Land

This Direction applies as the site is within the Lake Macquarie Mine Subsidence District. In accordance with cl. 4(a) of the s117 Direction when preparing a PP that would permit development on land within a Mine Subsidence District, Council must consult with the Mine Subsidence Board. Although consultation was undertaken in January 2007, it is appropriate that the Mine Subsidence Board be consulted again due to the time elapsed and the changes made to the proposal (including commercial rezoning north of George Booth Drive). Once a reply is received from the Mine Subsidence Board, the consistency with the s117 Direction can be determined. This is to occur prior to undertaking community consultation.

4.4 Planning for Bushfire Protection

The subject land is identified as Bushfire Prone Land. In accordance with cl.4 and 7 of the s117 Direction, to enable examination of the consistency with this Direction, the Council must re-consult with the Commissioner of the NSW Rural Fire Service following receipt of the Gateway Determination. Once a reply is received from the NSW Rural Fire Service, the consistency with this Direction can be determined. This is to occur prior to

undertaking community consultation.

5.1 Implementation of Regional Strategies

The PP is consistent with the s117 Direction as it is consistent with the endorsed Lower Hunter Regional Strategy and the Newcastle-Lake Macquarie Western Corridors Planning Strategy 2010.

S117 Directions 2.2, 2.4, 3.2, 3.3, 4.3, 6.1, 6.2 and 6.3 also have limited application to this PP and it is considered that there are no inconsistencies with these Directions.

The following SEPPs are applicable to the PP and have been addressed in the PP:

SEPP 19 – Bushland in Urban Areas

In accordance with Schedule 1 of the SEPP, this policy applies to Lake Macquarie. Under cl. 10 Council when preparing a draft LEP, shall give priority to retaining bushland, unless it is satisfied that significant environmental, economic or social benefits will arise which outweigh the value of the bushland.

Council has indicated that the rezoning proposal will result in approximately half the vegetation being removed from the site. Council argues that the site is strategically located for urban development and is identified in state and local planning strategies for residential development. The rezoning will also provide offsets for the environmental impacts of vegetation clearing, and a wildlife corridor in the south of the site which connects with offsite bushland to the southeast and west of the site is to be zoned 7(1) Conservation (Primary) Zones to ensure its environmental protection. Consequently Council considers that the social and economic benefits of the rezoning 'outweigh the value of the bushland'. The Department recognises Council's justification for removal of vegetation as that site is identified within the endorsed strategies of the Lower Hunter Regional Strategy (LHRS) and the Newcastle – Lake Macquarie Western Corridors Planning Strategy 2010 (NLMWCPS) for proposed urban purposes and commercial/retail uses as part of the Pambulong Commercial Retail Area. As part of the PP further investigations are required to identify vegetation offsets for the land being cleared as part of the PP for residential and commercial uses.

SEPP 55 – Remediation of Land

In accordance with cl. 6, when preparing a draft LEP Council must consider whether the land is contaminated and be satisfied the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes on which the land in the zone concerned is permitted to be used. If remediation is required, Council needs to be satisfied that the land will be so remediated before the land is used for that purpose.

Council has indicated that Coffey Geotechnics prepared an Urban Capability Assessment dated 7 November 2009. The Geotechnical Assessment and Phase 1 Preliminary Contamination Assessment identified 4 areas across the site that is potentially contaminated (generally associated with illegal rubbish dumping in the former quarry site, and potential asbestos building material on two rural-residential lots to the west). The report considers 'that development of the site for urban use is feasible from a geotechnical and environmental Phase 1 contamination assessment point of view' and that 'based in the results of the assessment it is considered that the land is suitable for urban development'. Council has noted that further detailed contamination assessment analysis will be required as the Development Application/Assessment stage to determine whether a Remediation Action Plan is required. This is considered appropriate and adequate for the PP.

SEPP (Infrastructure) 2007

This policy contains provisions relating to the development of infrastructure and requires that the Roads and Maritime Authority (former RTA) be consulted in relation to certain types of traffic generating development. The Roads and Maritime Authority related infrastructure will be addressed under cl. 62 of LM LEP 2004 which relates to satisfactorily addressing the needs of an Urban Release Area. This is considered appropriate and adequate for the PP.

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **Sufficient information has been provided to assess the proposal in preparation of the Gateway Determination.**

Proposal Assessment

Principal LEP:

Due Date : **December 2011**

Comments in relation to Principal LEP : **Council is presently reviewing several conditions of the s.65 certificate and it is expected that Council will resubmit a revised LEP and s.64 submission, being draft Lake Macquarie LEP 2011. Consequently, this PP may occur prior to the implementation of the Principal Plan.**

Assessment Criteria

Need for planning proposal : **Council resolved in October 2006 to prepare a draft amendment to LM LEP 2004 for approximately 95ha of 10 Investigation zoned land south of George Booth Drive, Edgeworth. A Local Environmental Study was prepared and consultation undertaken with various agencies to determine the most suitable zones for the area. This PP was subsequently prepared and is consistent with the recommendations of the LES and the requirements from the agency consultation.**

The PP supports the objectives and actions of the Lower Hunter Regional Strategy, Newcastle-Lake Macquarie Western Corridors Planning Strategy and the Lake Macquarie City Council Lifestyle Strategy 2020 which identify the land as a proposed urban area. The PP proposes a mixture of low and medium density residential development, as well as facilitating conservation of environmentally sensitive areas.

Council also resolved on 23 March 2009, that a review of the zones applying to the land north of George Booth Drive be undertaken. This PP aims to rezone land to the immediate north and west of the Pambulong Forest Town Centre to permit a range of commercial and minor retail uses, professional offices, home based business and residential flat buildings to support the town centre zoned 3(1) Urban Centre (Core) land. The PP also includes minor zone boundary adjustments for the area east of the town centre to rectify zone and boundary inconsistencies.

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Consistency with strategic planning framework :

Council resolved in October 2006 to prepare a draft amendment to LM LEP 2004 for approximately 95ha of 10 Investigation zoned land south of George Booth Drive, Edgeworth. A Local Environmental Study was prepared and consultation undertaken with various agencies to determine the most suitable zones for the area. This PP was subsequently prepared and is consistent with the recommendations of the LES and the requirements from the agency consultation.

The PP supports the objectives and actions of the Lower Hunter Regional Strategy, Newcastle-Lake Macquarie Western Corridors Planning Strategy and the Lake Macquarie City Council Lifestyle Strategy 2020 which identify the land as a proposed urban area. The PP proposes a mixture of low and medium density residential development, as well as facilitating conservation of environmentally sensitive areas.

Council also resolved on 23 March 2009, that a review of the zones applying to the land north of George Booth Drive be undertaken. This PP aims to rezone land to the immediate north and west of the Pambulong Forest Town Centre to permit a range of commercial and minor retail uses, professional offices, home based business and residential flat buildings to support the town centre zoned 3(1) Urban Centre (Core) land. The PP also includes minor zone boundary adjustments for the area east of the town centre to rectify zone and boundary inconsistencies.

Lower Hunter Regional Strategy (LHRS)

The site is identified within the LHRS as a 'proposed urban area' close to the Glendale/Cardiff area which is identified as an 'emerging regional centre'. The main linkage road between the Glendale/Cardiff centre and the subject site is identified as a 'renewal corridor'.

The site is identified in the Hunter Urban Development Program and will contribute to the supply of suitable sites for residential development and cater for the housing needs of the Lower Hunter Region. The potential 500 additional dwellings is part of the 36,000 dwelling capacity projects for the Lake Macquarie local government area.

The proposed rezoning is therefore consistent with the objectives and outcomes of the LHRS because it is identified as an urban release area and will provide new urban development opportunities within the region, and will support and strengthen the urban renewal corridor and the emerging Glendale/Cardiff centre.

Lower Hunter Region Conservation Plan (LHRCP)

The LHRCP is a 25 year strategy for conservation planning in the Lower Hunter Valley, and outlines the mechanisms for offsetting vegetation cleared for development by securing and regenerating freehold land with high biodiversity values for conservation in perpetuity. The proponents will be required to investigate offset options for the George Booth Drive rezoning.

Newcastle – Lake Macquarie Western Corridors Planning Strategy 2010 (NLMWCPS)

The NLMWCPS identifies the subject site for residential investigation, and the area to the north of George Booth Drive as part of the Pambulong Commercial Retail Area. The PP will permit residential development and support the surrounding commercial and retail area. To meet the Neighbourhood Principles adopted within the NLMWCPS and meet consistency with the Strategy, the PP will need to further consider and undertake consultation with the Office of Environment and Heritage / Environment Protection Authority to determine environmental impacts including vegetation offsets and biodiversity conservation mechanisms for the loss of vegetation and habitat as a consequence of the PP. As the site has easements for high voltage transmission lines, investigation into the need for buffers will need to be assessed as part of the PP. Further details regarding mining leases and mining activities will need to be examined to determine suitability for residential and employment land uses. The PP will need to further examine the intent and purpose of the rezoning for commercial expansion of the future Pambulong centre and identify appropriate planning provisions to meet local retail and service demands, whilst still providing support for major regional centres such as Glendale for higher order goods, and services.

Lake Macquarie City Council Lifestyle Strategy 2020

This strategy, which has not been endorsed by the Director General, provides the long term direction for the overall development of the LGA, and is a tool for managing private and public development in Lake Macquarie. The PP is consistent with the goals of the Strategy.

Environmental social
economic impacts :

As part of this PP, studies and investigations have been previously completed including:

- Hydrology, Water Quality and Flooding
- Bushfire
- Geotechnical
- Contamination
- Heritage
- Traffic
- Noise
- Flora and Fauna
- Social and Economic Impacts.

Environmental

The studies and investigations undertaken have identified that the site contains the Lower Hunter Spotted Gum Ironbark Forest EEC and a small amount of the Swamp Sclerophyll Forest on Coastal Floodplains EEC. The site contains two threatened plant species listed under the Threatened Species Conservation Act 1997 (NSW) and the Environment Protection and Species Conservation Act 1999 (Cth). There is also nationally rare species occurring on site. The fauna assessments have found the presence of 6 threatened species on the site. A further two threatened species may also occur on the site.

The development footprint will result in the loss of approx. 21.9 ha of Lower Hunter Spotted Gum Ironbark Forest EEC and approx. 13.9 ha of Coastal Plains Stringybark – Apple Forest, and the loss of 11 *Thetheca juncea* plants.

The Environmental Protection zoned land will result in conservation of 29ha of Lower Hunter Spotted Gum Ironbark Forest EEC and 6ha of Coastal Plains Stringybark – Apple Forest, and 0.18ha of Swamp Sclerophyll Forest on Coastal Floodplains as well as one population of *Callistemon linearifolius* and one stand of *Eucalyptus fergusonii* subsp. *Fergusonii*. A number of habitat trees including those for the Masked Owl would be retained in the conservation zone. The proposed conservation zone will protect the important corridor connecting Cockle Creek and vegetated land in the southeast with Flaggy Creek and vegetated lands in the west.

Council is working with the proponents and Office of Environment and Heritage / Environment Protection Authority to determine mechanisms and a package that will counterbalance any clearing or loss of habitat resulting from the proposed development.

It is noted that the Council has received a DA 113/2011 (being reviewed by the JRPP) for a residential subdivision of land at West Wallsend including removal of 33.1ha of native vegetation. As part of the compensatory habitat offset package, the majority of the land proposed to be zoned 7(1) Conservation (Primary) under this PP will be utilised as part of the off-site environmental offset for the West Wallsend residential subdivision, and consequently will not be available for offset arrangements for the George Booth Drive rezoning. Therefore, off-site environmental offsets will be required for this PP.

Contamination

As noted previously the Urban Capability Assessment Report prepared by Coffey Geotechnics identified potential contamination on the site and will require additional investigations under SEPP 55 to support a development application

Heritage

As noted previously an Aboriginal and Historical Archaeological Assessment was prepared by Insite Heritage and identified a potential Aboriginal scar tree. There is also a section of the West Wallsend Steam Tram Line located along the central north of the site near George Booth Drive, which is identified as an item of local heritage significance on LM LEP 2004.

Social / Economic

The proposed residential development will have a positive social and economic impact on the Pambulong Town Centre. A combination of medium and low density residential zones will facilitate housing diversity to cater for a range of needs and preferences. The proposed mixed use zone will supplement the retail centre by facilitating support services and uses. The site will offer ready access to community facilities including schools, open spaces and recreational facilities.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 Month** Delegation : **DDG**

Public Authority Consultation - 56(2)(d) : **Office of Environment and Heritage
NSW Department of Primary Industries - Minerals and Petroleum
Mine Subsidence Board
NSW Rural Fire Service
Other**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **As part of this PP, studies and investigations have been previously completed including:**

- Hydrology, Water Quality and Flooding
- Bushfire
- Geotechnical
- Contamination
- Heritage
- Traffic
- Noise
- Flora and Fauna
- Social and Economic Impacts.

Environmental

The studies and investigations undertaken have identified that the site contains the Lower Hunter Spotted Gum Ironbark Forest EEC and a small amount of the Swamp Sclerophyll Forest on Coastal Floodplains EEC. The site contains two threatened plant species listed under the Threatened Species Conservation Act 1997 (NSW) and the Environment Protection and Species Conservation Act 1999 (Cth). There is also nationally rare species occurring on site. The fauna assessments have found the presence of 6 threatened species on the site. A further two threatened species may also occur on the site.

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Council is working with the proponents and Office of Environment and Heritage / Environment Protection Authority to determine mechanisms and a package that will

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counterbalance any clearing or loss of habitat resulting from the proposed development.

It is noted that the Council has received a DA 113/2011 (being reviewed by the JRPP) for a residential subdivision of land at West Wallsend including removal of 33.1ha of native vegetation. As part of the compensatory habitat offset package, the majority of the land proposed to be zoned 7(1) Conservation (Primary) under this PP will be utilised as part of the off-site environmental offset for the West Wallsend residential subdivision, and consequently will not be available for offset arrangements for the George Booth Drive rezoning. Therefore, off-site environmental offsets will be required for this PP.

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Heritage

As noted previously an Aboriginal and Historical Archaeological Assessment was prepared by Insite Heritage and identified a potential Aboriginal scar tree. There is also a section of the West Wallsend Steam Tram Line located along the central north of the site near George Booth Drive, which is identified as an item of local heritage significance on LM LEP 2004.

Social / Economic

The proposed residential development will have a positive social and economic impact on the Pambulong Town Centre. A combination of medium and low density residential zones will facilitate housing diversity to cater for a range of needs and preferences. The proposed mixed use zone will supplement the retail centre by facilitating support services and uses. The site will offer ready access to community facilities including schools, open spaces and recreational facilities.

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons : **The site has been identified in accordance with clause 62 of LM LEP 2004 as an Urban Release Area (being the land south of George Booth Drive). In addition, Council has received correspondence from the Roads and Traffic Authority on 15 February 2011 indicating that developer will need to enter into an agreement for contributions towards State road infrastructure. The site is mapped on the Draft Hunter Special Infrastructure Contributions map for the purpose of state infrastructure contributions.**

Documents

Document File Name	DocumentType Name	Is Public
Planning_Proposal_ George_Booth_Drive_Edgeworth.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones**
- 1.3 Mining, Petroleum Production and Extractive Industries**
- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 2.4 Recreation Vehicle Areas**
- 3.1 Residential Zones**
- 3.2 Caravan Parks and Manufactured Home Estates**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 4.2 Mine Subsidence and Unstable Land**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 6.2 Reserving Land for Public Purposes**
- 6.3 Site Specific Provisions**

Additional Information :

It is recommended that:

1. Support the Planning Proposal.

2. The PP will need to further examine the intent and purpose of the rezoning for commercial expansion of the future Pambulong centre to zone B4 Mixed Use, and identify appropriate planning provisions.

2. Community consultation is required under section 56(2)(c) and 57 of the Environmental Planning & Assessment Act 1979 ('EP&A' Act) as follows:

- (a) the Planning Proposal be made publicly available for 28 days;**
- (b) the relevant authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be publicly available along with planning proposals as identified in section 4.5 of A guide to preparing LEPs (Department for Planning 2009)**

3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- * NSW Department of Primary Industries (Minerals & Petroleum)**
- * Mine Subsidence Board**
- * NSW Rural Fire Service**
- * Awabakal Local Aboriginal Land Council**
- * Office of Environment and Heritage / Environment Protection Authority**
- * Roads and Maritime Services**

4. The Director General (or delegate) agree with the following section 117 Direction inconsistencies – 2.3 Heritage Protection and 4.1 Acid Sulfate Soils as the inconsistency with the terms of the s117 Direction are of minor significance

Consultation is required with the NSW Department of Primary Industries (Minerals and Petroleum), the Mine Subsidence Board and NSW Rural Fire Service to determine consistency with section 117 Directions – 1.3 Mining, Petroleum Production & Extractive Industries; 4.2 Mine Subsidence and Unstable Land; and 4.4 Planning for Bushfire Protection respectively. Further investigation and consultation with the Office of Environment and Heritage / Environment Protection Authority is required to ensure that mechanisms are incorporated to determine consistency with s117 Direction - 2.1 Environment Protection Zones.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing.

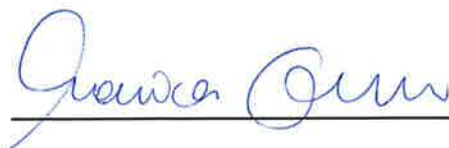
6. The timeframe for completing the LEP is 12 months from the date of the Gateway Determination

Amendment 60 - Lake Macquarie LEP 2004 – George Booth Drive, Edgeworth

Supporting Reasons :

Lake Macquarie City Council in coordination with the proponent has undertaken a comprehensive Local Environmental Study that has identified zones and land uses incorporating a mixture of residential, commercial uses and conservation of environmentally sensitive land. The subject land is identified within the State and local planning strategies as a 'proposed urban area' and will positively support the housing and economic growth and development within the immediate area and the Cardiff and Glendale region. Biodiversity and environmental offset matters will be examined as part of the rezoning process to ensure appropriate mechanisms are undertaken to balance the residential and environmental assets of the development.

Signature:



Printed Name:

Monica Gibson

Date:

13.1.2012

