

Planning Proposal – George Booth Drive, Edgeworth
Draft Amendment No. 60 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. 60)
Subject Land:	• Part of Lot 107 DP 1000408 (2 Cologne Close, Edgeworth) • Lot 88 DP 755262 (40 Carinda Avenue, Edgeworth) • Lot 17 DP 849003 (George Booth Drive, Edgeworth) • Part of Lot 6 DP 4647 and Part of Lot 7 DP 4647 (23 and 25 Government Road, Holmesville) • Part of Lot 1105 DP 1152794 (255 George Booth Drive, Cameron Park) • Part of Lot 1 DP 1152943 (309 George Booth Drive, Cameron Park)
Figures:	Figure 1: Extract from the Lower Hunter Regional Strategy Figure 2: Extract from Map 4 of the Newcastle – Lake Macquarie Western Corridors Planning Strategy 2010 Figure 3: Constraints Map – George Booth Drive, Edgeworth Rezoning
Tables:	Table 1: Comparison of areas of proposed zones under the LM LEP 2004 and the Standard Instrument LEP Table 2: Proposed changes to the LM LEP 2004 map and instrument Table 3: Proposed changes to the draft Standard Instrument LEP map and instrument Table 4: Comparison of the proposal against the Draft Centres Policy Table 5: Comparison of the proposal to the relevant SEPPs Table 6: Consistency with applicable Section 117 Ministerial Directions
Attachments:	Attachment 1 – Locality Map Attachment 2 – Aerial Map and Current Zones Attachment 3 – Proposed Zones under LM LEP 2004 Attachment 4 – Proposed Zones under the Standard Instrument LEP Attachment 5 – Existing Bushfire Prone Land Map

Part 1 – Objectives or Intended Outcome

This Planning Proposal seeks to enable the rezoning of approximately 95 ha of land south of George Booth Drive, Edgeworth for a mix of low and medium density residential development, as well as conservation of environmentally sensitive areas. The Planning Proposal also seeks to rezone land north of George Booth Drive to support the commercial core area of the Pambulong Forest Town Centre and rectify zone and lot boundary inconsistencies.

The Proposal involves amending Lake Macquarie LEP 2004 to:

- a. 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
- b. 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 0.2 ha of 2(2) Residential (Urban Living) to 3(1) Urban Centre (Core) and a small area (<0.01 ha) of 2(1) Residential zone to the B4 Mixed Use zone.

The areas of the proposed zones are set out in Table 1 below.

Table 1: Comparison of areas of proposed zones under the LM LEP 2004 and the Standard Instrument LEP

Zone under LM LEP 2004	Standard Instrument Zone Conversion	Area
2(1) Residential	Zone R2 – Low Density Residential	39 ha
2(2) Residential (Urban Living)	Zone R3 – Medium Density Residential	9.5 ha
3(1) Urban Centre (Core)	Zone B2 – Local Centre	0.2 ha
B4 Mixed Use	Zone B4 – Mixed Use	3.8 ha
7(1) Conservation (Primary)	Zone E2 – Environmental Conservation	46 ha

Based on a housing yield of 10 dwellings per hectare, there is potential for 500 dwellings within the areas zoned residential.

Background to the draft Standard Instrument LEP

LEPs are planning documents used by local governments to establish the type of development permissible on any parcel of land. The NSW Government introduced a Standard Instrument for new LEPs to create a consistent LEP terminology and format across the state. Lake Macquarie Council is in the process of preparing a Standard Instrument LEP in accordance with the NSW Government directions.

As far as possible, the Standard Instrument (SI) LEP for Lake Macquarie will be a conversion of the current LM LEP 2004 to fit the Standard Instrument requirements. As a result, most properties in the city will experience little difference in the nature of development permissible on the land, although the name of the land use zone may change. A copy of the latest version draft SI LEP for Lake Macquarie is available on the Council's website.

The Lake Macquarie SI LEP is likely to be finalised in 2012/13. Therefore, this Planning Proposal includes both the proposed zones for the George Booth Drive rezoning under LM LEP 2004 (Attachment 3) and the proposed zones under the draft SI LEP (Attachment 4).

Part 2 – Explanation of Provisions

The amendment proposes the following changes to LM LEP 2004 map and instrument:

Table 2: Proposed changes to the LM LEP 2004 map and instrument

Amendment Applies to:	Explanation of Provision
Map	Rezone the site south of George Booth Drive from 10 Investigation to 2(1) Residential, 2(2) Residential (Urban Living) and 7(1) Conservation (Primary) Zone. Rezone the site north of George Booth Drive associated with the Pambulong Forest Town Centre from 2(2) Residential (Urban Living) to B4 Mixed Use zone as well as rectifying zone and lot boundary inconsistencies by rezoning 0.2 ha of 2(2) Residential (Urban Living) to 3(1) Urban Centre (Core) and a small area (<0.01 ha) of 2(1) Residential zone to the B4 Mixed Use zone. Refer to Proposed Zones in Attachment 3.
Instrument – Clause 62 – Public Infrastructure in Urban Release Areas	Include the land south of George Booth Drive as an urban release area by inserting “Lake Macquarie Local Environmental Plan 2004 (Amendment No 60)” in the definition of urban release area contained in Clause 62.
Instrument – Dictionary	Add “Lake Macquarie Local Environmental Plan 2004 (Amendment No 60)” to the definition of the map .

The Planning Proposal would result in the following changes to Council’s Draft SI LEP, being the version of the Draft SI LEP that was reported to Council on Monday 26th September 2011:

Table 3: Proposed changes to the draft SI LEP map and instrument

Amendment Applies to:	Explanation of Provision
Land Zoning Map	Land to be zoned 2(1) Residential would be zoned R2 Low Density Residential Land to be zoned 2(2) Residential (Urban Living) would be zoned R3 Medium Density Land to be zoned 3(1) Urban Centre (Core) zone would be zoned B2 Local Centre Land zoned B4 Mixed Use would remain B4 Mixed Use

	Land to be zoned 7(1) Conservation (Primary) Zone would be zoned E2 Environmental Conservation
Lot Size Map	Minimum lot sizes would correspond to proposed zoning as follows: R2 – 450 m ² ; R3 – 900 m ² and E2 – 40 ha Note: The B2 Local Centre Zone and the B4 Mixed Use Zone do not have a minimum lot size depicted on the draft Lot Size Map
Height of Buildings Map	Maximum building heights would correspond to proposed zoning as follows: R2 – 8.5 m; R3 – 10 m; B2 – 10 m; B4 – 10 m; E2 – 5.5 m
Urban Release Area Map	Update Urban Release Area Map to reflect the rezoning site south of George Booth Drive.

Part 3 – Justification

A. NEED FOR THE PLANNING PROPOSAL

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

Lifestyle 2020 is Council's citywide strategic planning document that informed preparation of the current LM LEP 2004. The land south of George Booth Drive is currently zoned 10 Investigation because it was identified during preparation of Lifestyle 2020 as having potential for urban development.

The site is also identified for potential urban development within the Lower Hunter Regional Strategy 2006 (LHRS) and the Newcastle – Lake Macquarie Western Corridors Planning Strategy 2010. Refer to Figures 1 and 2 below in Section B for extracts from the LHRS and the Western Corridors Planning Strategy.

On 23 March 2009, Council considered a development application for the Cameron Park retail centre within the Pambulong Forest Town Centre. At that meeting, Council resolved that the zones applying to land immediately north and east of the Centre be reviewed to a zone that would permit a range of commercial and minor retail uses, professional offices, home based businesses, and residential flat buildings to support the 3(1) Urban Centre (Core) zoned land.

Therefore, it is proposed that the land east of the Pambulong Forest Town Centre be rezoned to B4 Mixed Use zone in line with Council's resolution as part of this Planning Proposal. Minor zone boundary adjustments for the area east of the Town Centre have also been included to rectify zone and lot boundary inconsistencies. This involves rezoning a small area of the 2(2) Residential (Urban Living) zone to 3(1) Urban Centre (Core) zone and a small area of the 2(1) Residential zone to B4 Mixed Use zone.

The LES prepared for the land south of George Booth Drive and submitted to Council in February 2011 concluded that the site is suitable for urban development, and that the proposed rezoning will facilitate the orderly and efficient use of land, whilst maintaining approximately half of the site for conservation. An outline of each issue addressed within the LES and a short summary of the findings is presented in Part C of this Planning Proposal.

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

The current zoning of the site south of George Booth Drive is 10 Investigation. An LES has been prepared that identifies the land is suitable for urban development and conservation.

The focus of the town centre will be north of George Booth Drive. The residential development south of George Booth Drive proposed by the Planning Proposal will support the role of this centre.

Changing the land use zones applying to the site is the most appropriate means of facilitating development, given the restrictive nature of the 10 Investigation zone.

Council is currently preparing a new citywide local environmental plan in line with the Standard Instrument. The draft SI LEP for Lake Macquarie is a conversion from the existing LEP 2004 and is therefore not an appropriate mechanism to rezone land.

3. Is there a net community benefit?

The Proposal will deliver a net community benefit. It will facilitate the development of the site for residential, retail, and commercial uses close to the Pambulong Forest Town Centre, while residential development to the south will strengthen the role of this Centre. The Proposal will also assist in implementing the Newcastle-Lake Macquarie Western Corridors Planning Strategy and the Lower Hunter Regional Strategy.

Table 4 below assesses the Proposal against the relevant criteria for determining a proposal's merits listed in the Draft Centres Policy.

Table 4: Comparison of the proposal against the Draft Centres Policy

Draft Centres Policy Criteria	George Booth Drive, Edgeworth Planning Proposal
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?	Yes. The site is identified in the Lower Hunter Regional Strategy and in the Western Corridors Planning Strategy 2010 as a proposed urban area. The proposed development will also adjoin an urban renewal corridor identified in the Lower Hunter Regional Strategy connecting Cardiff/Glendale to Edgeworth. The rezoning will provide the opportunity for residential as well as employment uses as envisaged under the Lower Hunter Regional Strategy and Western Corridors Planning Strategy. In the medium term, it is anticipated that bus routes will be extended to the Pambulong Town Centre and it will become a transit node. Refer to Figures 1 and 2 below in Section B for extracts from the LHRS and the Western Corridors Planning Strategy.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	Yes. The area is identified in the Lower Hunter Regional Strategy and Western Corridors Planning Strategy 2010 for urban development.

Is the LEP likely to create a precedent, or create or change the expectations of the landowner or other landholders?	Council has been investigating a number of 10 Investigation areas in line with Council's vision for the City. These areas were zoned 10 Investigation under LEP 2004 because they were identified during preparation of Lifestyle 2020 as having potential for urban development. An LES has been prepared for the site, from which a balanced development outcome is proposed. Given that the Planning Proposal is substantiated by local and regional strategies and an LES, the Proposal is not expected to create a precedent or change the expectations of other landowners.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	There are other rezoning opportunities in the locality as envisaged under the Lower Hunter Regional Strategy and the Western Corridors Planning Strategy. The potential growth of the locality as envisaged under these Strategies is considered in this Planning Proposal.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The LEP will facilitate residential and employment opportunities to the north of George Booth Drive by rezoning land east of the Pambulong Forest Town Centre to B4 Mixed Use to permit a range of commercial and minor retail uses, professional offices, home based businesses, and residential flat buildings to support the 3(1) Urban Centre (Core) zoned land.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	Yes. The LEP will allow low and medium density residential development.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	Yes. The site is well served by all major infrastructure and utilities. Connections and some upgrades to existing services would be required. A new signalised intersection will be in place, which will service the development and provide pedestrian and cycle access across George Booth Drive to the Pambulong Forest Town Centre. The developer will be responsible for the costs associated with the intersection. There are bus services in the area, however the current routes are not focussed on the Pambulong Forest Town Centre as it is still to be constructed. The Western Corridors Planning Strategy identifies that adjustments to bus services in the future will be required to service this and other development in the area. The Western Corridors Planning Strategy identifies a future regional cycleway along George Booth Drive connecting to Glendale and onwards. The closest rail connection points are the Cardiff and Cockle Creek Stations, however the proposed Lake Macquarie Transport Interchange at Glendale will also serve the area in the future.

Will the Proposal result in changes to the car distances travelled by customers, employees, and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs, and road safety?	Yes. The site will provide for housing in close proximity to the proposed town centre of Pambulong Forest and existing Edgeworth centre. The site also has proximity to the emerging major regional centre of Glendale and is well located in relation to future employment lands identified in the Newcastle-Lake Macquarie Western Corridors Planning Strategy. This will have a positive impact in reducing commuter distances and associated environmental and financial costs. The LEP will facilitate mixed use development north of George Booth Drive promoting live and work opportunities in the area, reducing car usage and impacts on greenhouse gas emissions.
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the Proposal? If so, what is the expected impact?	George Booth Drive is an RTA road. A new signalised intersection is required to service the Pambulong Forest Town Centre and will also service this site. The signalised intersection and any necessary road upgrades will be funded by the developers of the site. As development occurs in accordance with the Western Corridors Planning Strategy there will be a need for changes to bus routes to better serve this area. The development will require potential upgrades and connections to the electricity, water, wastewater, and telecommunication network. Relevant connections will be funded by the developers and would need to be determined at development application stage.
Will the Proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	The site has significant ecological constraints including the presence of the Lower Hunter Spotted Gum Ironbark Forest EEC and a number of threatened species. Biodiversity values will be impacted with the loss of nearly half of the Lower Hunter Spotted Gum Ironbark Forest EEC identified on the site. The proposed rezoning aims to conserve approximately half of the site, including a habitat corridor along Cockle Creek. The conservation area will also retain a number of habitat trees including those for the threatened Masked Owl. Further discussion on the flora and fauna impacts is provided in response to Question 8 of this Planning Proposal. Despite these flora and fauna impacts, the social and economic benefits of providing housing in a developing Town Centre have been considered in the LES. The recommended zones are considered a balance of providing residential and employment uses near an emerging Town Centre whilst conserving over half the site to allow it to maintain its ecological function. The land is not considered to have any other significant environmental factors that constrain the development of the land.

Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	Yes. The Proposal will accommodate residential development south of George Booth Drive and facilitate mixed use development north of George Booth Drive adjoining the Pambulong Forest Town Centre, which is compatible with existing urban development in the area.
Will the Proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	Yes. The Proposal includes some mixed use land, which will provide the opportunity for live and work opportunities. The mixed use zone is proposed to support the Pambulong Forest Town Centre.
If a stand-alone proposal and not a centre, does the Proposal have the potential to develop into a centre in the future?	The proposed urban development area will be part of the Pambulong Forest Town Centre.
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The Proposal provides additional housing in an area experiencing high population growth and in an area adjoining the proposed Pambulong Forest Town Centre and other employment areas. The small mixed use zone will also provide the opportunity for live/work opportunities and contribute to employment growth in the area. The implications of not proceeding at this time would result in the land remaining in the 10 Investigation zone with difficulty in converting this zone over into the SI LEP.

B. RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

4. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Proposal is consistent with the objectives and outcomes in the Lower Hunter Regional Strategy and the Newcastle – Lake Macquarie Western Corridors Planning Strategy.

Lower Hunter Regional Strategy (LHRS) 2006

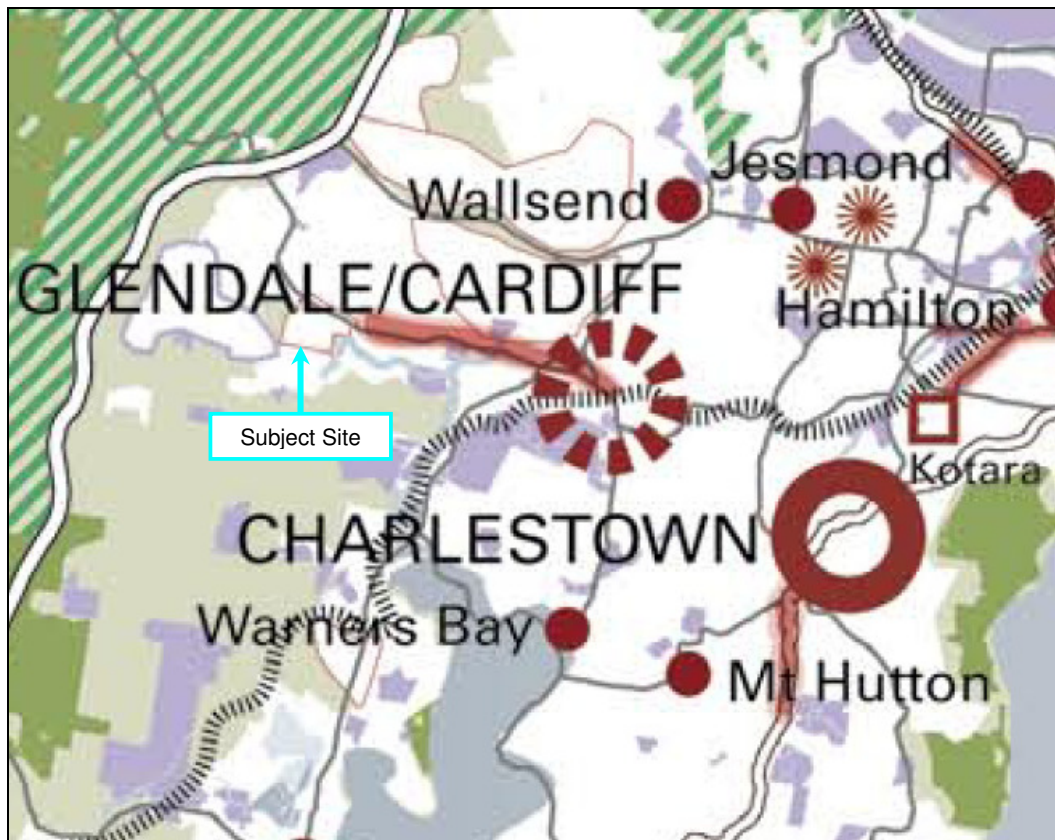
The LHRS identifies the area for new urban release to strengthen the existing community, as shown in Figure 1.

Figure 1 shows the subject site outlined in red to indicate that it is a 'proposed urban area'. Glendale / Cardiff is represented by a dotted circle because it is an 'emerging regional centre' that is 'expected to grow and take on the role of major regional centres in the future'. Main Road between the Glendale / Cardiff centre and the subject site is highlighted in red to indicate that it is a 'renewal corridor' with 'residential and mixed use opportunities for areas around high frequency transport networks and in close proximity to centres'.

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

The Planning Proposal also strengthens the role of the Main Road urban renewal corridor, which extends from Cardiff to the boundary of the site at Edgeworth.

Figure 1: Extract from the Lower Hunter Regional Strategy



Source: Lower Hunter Regional Strategy Map, prepared by the State of New South Wales through the Department of Planning, October 2006 (ISBN 0-7347-5768-9)

Lower Hunter Region Conservation Plan (LHRCP)

The LHRCP is a 25 year strategy for conservation planning in the Lower Hunter Valley and is a partner document to the LHRP. Together, the documents identify land that is strategically located for future development and land with high biodiversity and conservation values.

The LHRCP outlines mechanisms for offsetting vegetation cleared for development by securing and regenerating freehold land with high biodiversity values for conservation in perpetuity. The Environmental Planning and Assessment Act 1979 (EP&A Act) facilitates the dedication of freehold biodiversity land offsets to the NSW Government, particularly the current provisions relating to planning agreements.

The LHRCP identifies targets for conservation of Endangered Ecological Communities, including the Lower Hunter Spotted Gum Ironbark Forest EEC that occurs on the rezoning site. It also identifies priority areas that make the most significant contribution to the conservation of biodiversity in the Lower Hunter. The proponents are investigating offset options for the George Booth Drive rezoning and have identified potential sites that form part of the Green Corridor from the Watagan Ranges to Port Stephens, which is identified in the LHRCP as one of the most significant remaining vegetation areas.

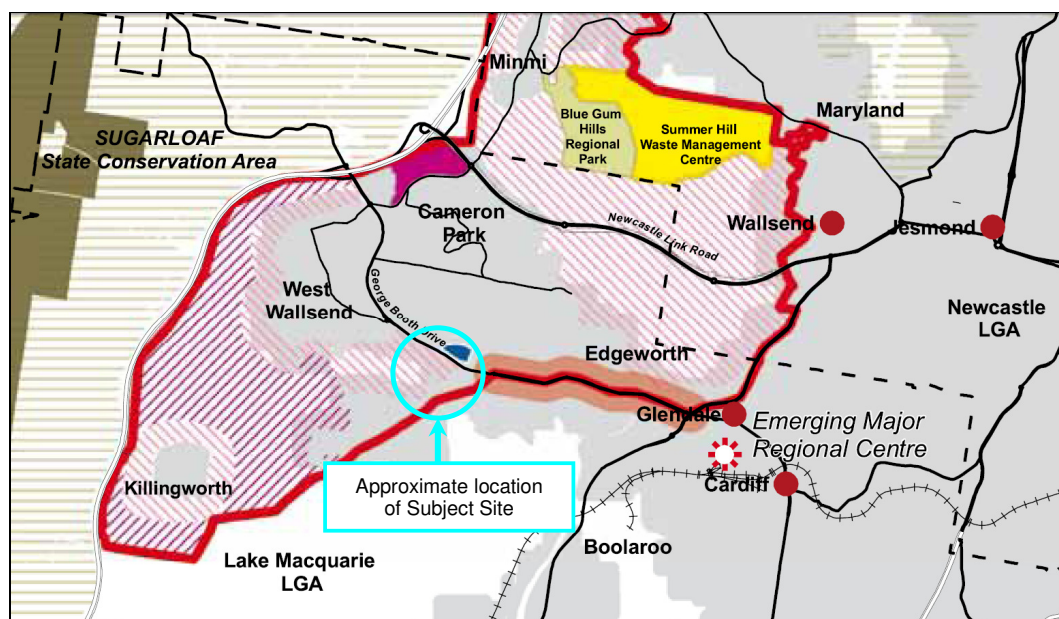
Further discussion of biodiversity offsets is provided below in Part C, Section 8 of this report.

Newcastle – Lake Macquarie Western Corridors Planning Strategy 2010

The Western Corridors Planning Strategy identifies the site for residential development, as shown in Figure 2. The Strategy identifies a green entry statement along George Booth Drive to the western boundary of this site as well as a single vehicular access off George Booth Drive, as proposed.

The subject site is cross hatched in a light pink colour on Map 4 of the Western Corridor Planning Strategy, as shown in Figure 2 below. The light pink cross hatching applies to 'residential investigation' lands. The area shaded dark blue identifies the 'Pambulong Commercial Retail Area'. Like the LHRS, the Glendale / Cardiff town centre is represented by a dotted circle because it is an 'emerging regional centre' and Main Road between the Glendale / Cardiff centre and the subject site is highlighted in orange to indicate that it is a 'renewal corridor'.

Figure 2: Extract from Map 4 of the Newcastle – Lake Macquarie Western Corridors Planning Strategy 2010



Source: Map 4 of the Newcastle–Lake Macquarie Western Corridor Planning Strategy, prepared by the State of New South Wales through the Department of Planning, July 2010

The Proposal is considered consistent with the following outcomes and actions of the Western Corridors Planning Strategy 2010:

- *Planning Principle: A range of land uses to provide the right mix of houses, jobs, open space, recreational space, and green space.*

The development will focus more intensive residential development along George Booth Drive opposite the Pambulong Forest Town Centre and lower residential development to the south, whilst maintaining the southern section of the site for environmental purposes. This will provide walkable access to the town centre. Potential road noise conflicts will need to be addressed via a potential expansion of the green entry statement and through building controls.

The proposed development will be largely residential, as identified in the Western Corridors Planning Strategy, however some mixed uses are proposed adjoining the Pambulong Forest Town Centre north of George Booth Drive to meet the planning principles, objectives, and actions of the Strategy.

- *Planning Principle: Jobs available locally and regionally, reducing the demand for transport services.*

The proposed residential development is in close proximity to the Pambulong Forest Town Centre, which will promote pedestrian access to the town centre. Mixed use development within the subject site will also reduce the demand for transport services and provide employment where workers live as well as supporting the retail function of the Pambulong Forest Town Centre.

- *Planning Principle: Public transport networks that link frequent buses into the rail system.*

The development of the area will provide increased densities around George Booth Drive, a major road in the area. Bus services occur in the locality, however these services will need to be realigned due to the growth identified in the Western Corridors Planning Strategy. The nearest rail connection is currently at Cockle Creek Station, however the proposed Lake Macquarie Transport Interchange at Glendale will serve the area in the future.

- *Planning Principle: Easy access to major town centres along with smaller village centres and neighbourhood shops.*

The site has good access to the emerging major regional centre of Glendale/Cardiff as well as being within the catchment of the Pambulong Forest Town Centre, which will contain retail and recreational facilities.

- *Planning Principle: A wide range of housing choices to provide for different needs and different incomes.*

A range of housing types is proposed including mixed use, medium and low density options.

- *Planning Principle: Conservation land in and around the development sites to help protect biodiversity and provide open space for recreation.*

The southern section of the site will be conserved due to the conservation value of this land. Open space for recreation will not be provided on this site, but will be provided north of the subject site.

5. [Is the Planning Proposal consistent with the local council's Community Strategic plan, or other local strategic plan?](#)

Lifestyle 2020 Strategy

Council's Lifestyle 2020 Strategy provides long-term direction for overall development of the City and is a tool for managing private and public development in Lake Macquarie. This Proposal is consistent with the goals of Lifestyle 2020 in relation to:

- Providing zoning that supports a range of housing types close to public transport and other services;
- Reinforcing and strengthening the Pambulong Forest Town Centre;
- Contributing to whole of city outcomes through the provision of residential lands and employment which is consistent with Lifestyle 2020; and
- Providing opportunities for mixed use development.

Draft Lifestyle 2030 Strategy

Council resolved to exhibit the Draft Lifestyle 2030 Strategy on 14 February 2011. Council's Draft Lifestyle 2030 Strategy identifies this site along with land from Glendale/Cardiff to West Wallsend as a growth and expansion corridor.

Council's Draft Lifestyle 2030 Strategy outlines that new centres, such as Pambulong Forest and Cameron Park, will provide a focus for new release urban areas. Mixed use and medium density development will be concentrated around the new centres, with lower densities predominant at greater distances from the centres. The Planning Proposal is consistent with this draft Strategy.

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

The Proposal is consistent with the following relevant SEPPs.

Table 5: Comparison of the proposal to relevant SEPPs

SEPP	Relevance	Implications
SEPP 19 – Bushland in Urban Areas	Clause 10 of the SEPP provides that when preparing draft LEPs for any land to which this Policy applies, which includes land in Lake Macquarie but excludes or rural land, the council shall: (a) have regard to the general and specific aims of the Policy, and (b) 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.	The proposed rezoning would result in approximately half of the vegetation on the site being conserved and half of the vegetation being removed. Given that the site is strategically located for urban development and is identified in state and local planning strategies for residential development, it is considered that the significant economic and social benefits of the rezoning 'outweigh the value of the bushland'. The rezoning seeks to offset the environmental impacts of vegetation clearing, which will meet the specific aims of the SEPP by providing offset land that protects remnant plant communities in perpetuity, as well as rare and endangered flora and fauna species, and habitats for native flora and fauna. A wildlife corridor in the south of the site connects with offsite bushland to the southeast and west and is proposed to be zoned environmental to ensure its protection. The proposed environmental zone would also protect the recreational and educational potential of the bushland in a location readily accessible to the community. The offset negotiations will develop and enforce the management of the bushland, both on site in the environmental zone and off site as environmental offsets, in a manner that protects and enhances the quality of the bushland and facilitates public enjoyment of the bushland compatible with its conservation value. The planning proposal is therefore consistent with SEPP 19.
SEPP 44 – Koala Habitat Protection	Aims to encourage the proper conservation and management of areas of natural vegetation that provide koala habitat.	Flora and fauna studies conducted for the LES did not reveal any koala habitat or potential habitat. The The planning proposal is therefore consistent with SEPP 44.
SEPP 55 – Remediation of Land	The SEPP establishes planning controls and provisions for the remediation of contaminated land. Clause 6 of the SEPP provides that, when preparing an	The LES included an Urban Capability Assessment prepared by Coffey Geotechnics, dated 7 November 2009, which contained a preliminary geotechnical assessment and a Phase 1 Preliminary Contamination Assessment. The Phase 1 contamination

	environmental planning instrument, a planning authority is not to include land in a residential zone if the inclusion would permit a change of use of the land, unless: (a) the planning authority has considered whether the land is contaminated, and (b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and (c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose. Note. In order to satisfy itself as to paragraph (c), the planning authority may need to include certain provisions in the environmental planning instrument.	assessment identified four areas across the site that are potentially contaminated. The potential contamination is generally associated with rubbish dumping. The report considers that potential contamination would generally be restricted to surface soils within the areas of concern. The Phase 1 Assessment recommends a further Phase 2 investigation at the development application stage, which is recommended to include soil sampling and spot sampling of the areas of concern, and a hazardous material assessment of the dwellings on Lot 6 and Lot 7. Depending on the results of the Phase 2 investigation, a Remediation Action Plan would be prepared to address the remediation of contaminated areas to ensure that the land is suitable for residential use. The Phase 2 investigation, remediation, and validation works are recommended to be carried out once a subdivision plan has been prepared, as this would allow a lot by lot contamination assessment, which provides a greater degree of confidence in the completeness of the assessment and remediation options. 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 on the results of this assessment, it is considered that the land is suitable for urban development.' Further assessment and remediation of the site can be enforced at the DA stage by including provisions in an environmental planning instrument / planning agreement. The planning proposal is therefore consistent with SEPP 55.
SEPP (Infrastructure) 2007	This policy requires the RTA to be consulted in relation to certain types of traffic generating development. It also contains provisions relating to the development of infrastructure.	The RTA is satisfied with the intersection that will service the development, which will be located on George Booth Drive. Other RTA and infrastructure issues can be satisfactorily addressed by classifying the land to the south of George Booth Drive as an urban release area and subject to Clause 62 of the LMLEP 2004 and / or Part 6 of the draft Standard Instrument LEP. The planning proposal is therefore consistent with SEPP Infrastructure.

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

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

The Proposal is not consistent with Direction 2.1 – Environmental Protection Zones and the justification is given in the table below. Concurrence is required from the Director General of the DoPI in relation to this inconsistency.

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
1.1 – Business and Industrial Zones This direction aims to encourage employment growth, protect employment land in business and industrial zones, and support the viability of strategic centres.	A planning proposal must: (a) give effect to the objectives of this direction, (b) retain the areas and locations of existing business and industrial zones, (c) not reduce the total potential floor space area for employment uses and related public services in business zones, (d) not reduce the total potential floor space area for industrial uses in industrial zones, and (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.	The Planning Proposal will rezone the land from a 10 Investigation and 2(2) Residential (Urban Living) zone to allow residential, retail, and commercial development. The proposal is consistent with the s117 direction as follows: (a) The Planning Proposal will support the Pambulong Forest Town Centre, which satisfies the objectives of the zone to encourage employment growth and support the viability of strategic centres, (b) No impact on the areas or locations of existing business or industrial zones, (c) No impact on total potential floor space in business zone, (d) N/A – no impact on industrial zone, (e) The proposed addition of a B4 Mixed Use zone adjacent to the Pambulong Town Centre is in accordance with the Lifestyle 2020 Strategy and the Newcastle–Lake Macquarie Western Corridor Planning Strategy, which identify the Pambulong Town Centre as a commercial retail area.
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 DPI was consulted regarding the proposed rezoning, to identify any mining, petroleum, and extractive industries within or in proximity to the subject site, as per the requirements of this direction. The DPI commented on 19 February 2007 that: The subject area lies within the Lake Macquarie Mine Subsidence District and is covered by Consolidated Coal Lease (CCL) 725, which is part of the West Wallsend Colliery owned by Oceanic Coal Pty Ltd. The area is also located within the Petroleum Exploration Licence (PEL) 267 held by Sydney Gas Operations Pty Ltd. The area is underlain by a potential coal resource and mine workings. Any future development would need to comply with Mine Subsidence Board guidelines. The site is within the Lake Macquarie Mine Subsidence District. The West Wallsend Colliery undermined the site during the early 1990s at depths of 190-235 m below ground surface. Mine Subsidence Board's approval is required for any subdivision or improvements on the land subsequent to rezoning. The Geotechnical report undertaken as part of the LES found that there is no substantial economic quarry resource on the site. Previous quarry operations occurred in the north of the site, however the DPI had no records of this, and it is believed this quarry was used for general fill in the 1970s.

		There is a potential conflict between the proposed residential zoning and the potential underlying coal resource and mine workings. To ensure consistency with the requirements of this s117 direction, a copy of the Planning Proposal will be provided to the Director-General of DPI with notification of the relevant provisions of this direction following Gateway determination. The notification will give the DPI an opportunity to comment on the Planning Proposal for a period of 40 days from the date of notification. A copy of any objection and supporting information from the Director-General of the DPI would then be provided to the Director-General of the DPI before undertaking community consultation in satisfaction of section 57 of the Act.
2.1 – Environmental Protection Zones The direction requires that a draft LEP contain provisions to facilitate the protection of environmentally sensitive land.	(4) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. (5) A planning proposal 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 (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 “Rural Lands”.	The Proposal will impact on the Lower Hunter Spotted Gum Ironbark Forest Endangered Ecological Community (EEC) as well as impacting on two threatened plant species (<i>Tetratheca juncea</i> and <i>Callistemon linearifolius</i>). The site is also known to contain the threatened fauna species: the Masked Owl (<i>Tyto novaehollandiae</i>), Squirrel Glider (<i>Petaurus norfolcensis</i>), Little Bent-wing Bat (<i>Miniopterus australis</i>), Eastern Bent-wing Bat (<i>Chalinobolus dwyeri</i>), and the Grey-headed Flying Fox (<i>Pteropus poliocephalus</i>). The site is therefore considered to be an environmentally sensitive area. The proposal is to rezone approximately half of the site for residential use and associated land clearing. While the rezoning will result in the loss of nearly half of the Lower Hunter Spotted Gum Ironbark Forest EEC and threatened species habitat, the development footprint is a balanced outcome, taking into account economic and social factors. Over half of the site will be conserved through a conservation zoning. Off site offsets will also be required to compensate for the loss of vegetation and these will need to be determined in consultation with the Office of Environment and Heritage. A Planning Proposal may however be inconsistent with the terms of this direction if the provisions of the inconsistencies are ‘in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction. The site is identified in the Lower Hunter Regional Strategy (LHRS) as a proposed urban area and in the Western Corridors Planning Strategy as an area for future urban development and therefore the inconsistency with this direction is considered to be justified. The planning proposal gives consideration to the objective of protecting environmentally sensitive land by seeking to provide vegetation offsets in accordance with the Lower Hunter Region Conservation Plan.

2.2 Coastal Protection This direction applies to the coastal zone.	A planning proposal must include provisions that give effect to and are consistent with relevant NSW Government coastal policy.	N/A – The Planning Proposal will not affect land within the coastal zone and is therefore consistent with this direction.
2.3 – Heritage Conservation The direction requires that a draft LEP provide provisions in order to conserve heritage items.	A planning proposal must contain provisions that facilitate the conservation of: (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.	The subject site contains an item of local heritage significance known as the West Wallsend Steam Tram Line (RT-01) as listed in the LMLEP 2004. The Planning Proposal will rezone a small section of land on the route of the West Wallsend Tram Line and accordingly impacts on this item. An historical archaeological assessment has been prepared which found that approximately 150m of the embankment remains intact in the north of the site, although the original tramline tracks are not apparent within the site. The historical assessment recommends that the embankment is preserved and consideration given to the possibility of construction of a cycleway along the route, which will be further considered at development application stage. The LM LEP 2004 and draft Standard Instrument LEP both list the tram line as a local heritage item, so there are existing provisions in the LEP to facilitate conservation of this item. Insite Heritage prepared an Aboriginal and Historical Archaeological Assessment for the subject site as part of the LES. This assessment found a possible Aboriginal scar tree in the south of the site. The LES recommended that the scar tree be preserved from any impacts of future development. The report (p39) recommends that this could be achieved by 'inclusion of the tree into an area of open space or conservation corridor'. It is proposed to conserve the tree within the 7(1) Conservation (Primary) zone, which is consistent with the requirements of the s117 direction and the recommendations of the Aboriginal and Historical Archaeological Assessment. Refer to the section on heritage in Part C below for more details.
2.4 – Recreation Vehicle Areas The objective of this direction is to protect certain land from adverse impacts from recreation vehicles.	A planning proposal must not enable land to be developed for the purposes of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>) where the land is within an environmental protection zone.	The draft LEP will not propose a recreation vehicle area, and is consistent with the direction.

3.1 – Residential 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.	(4) A planning proposal must include provisions that encourage the provision of housing that will: (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. (5) A planning proposal must, in relation to land to which this direction applies: (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and (b) not contain provisions which will reduce the permissible residential density of land.	The planning proposal seeks to create additional residential land and therefore this direction applies. The proposal is consistent with this direction as follows: (4)(a) the proposal includes areas of low density residential, medium density residential and mixed use zones that will facilitate a broad choice of building types and locations, (4)(b) the proposal is located in close proximity to existing residential zoned land, regional centres and public transport routes and will therefore make more efficient use of existing infrastructure and services, (4)(c) the subject site is surrounded by urban development associated with the developing Pambulong town centre to the north and existing development in Holmesville to the east, Barnsley to the south, and Edgeworth and Glendale to the east. Therefore, the proposal reduces the consumption of land for housing and associated development on the urban fringe by infilling a strategically located site. (4)(d) the proposed zones have been designed to ensure that higher density development is facilitated in proximity to the Pambulong local centre, which will encourage good design. (5)(a) this requirement can be satisfactorily addressed by classifying the land to the south of George Booth Drive as an urban release area and subject to Clause 62 of the LMLEP 2004 and / or Part 6 of the draft Standard Instrument LEP, (5)(b) the planning proposal does not contain provisions that reduce the permissible residential density of land.
3.2 – Caravan Parks and Manufactured Home Estates	The direction requires a draft LEP to maintain provisions and land use zones that allow the establishment of Caravan Parks and Manufactured Home Estates.	The Proposal is consistent with this direction because it will not affect provisions relating to Caravan Parks or Manufactured Home Estates.
3.3 – Home Occupations Encourages low-impact, small business in dwelling houses.	Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.	The Proposal is consistent with this direction because the amendment will not affect provisions relating to home occupations, and will retain the provisions of the principal LEP in this regard.
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: (a) Improving Transport Choice – Guidelines for planning and development	The planning proposal is consistent with the aims objectives and principles of Improving Transport Choice and The Right Place for Business and Services because it is in close proximity to the proposed Pambulong Forest Town Centre, which will become a public transport node in the future. Concentrating development around Pambulong town centre will also encourage walking and cycling. George Booth Drive is also an existing transport route. The proposed land use zones comply with the principles of concentrating

	(DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).	development in centres, mixing uses in centres, aligning centres within transport corridors (George Booth Drive), linking public transport with land use strategy, and improving opportunities for pedestrian and cycle access.
4.1 – Acid Sulfate Soils The direction applies to land that has been identified as containing potential Acid Sulfate Soils (ASS)	This principle 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 subject land has the potential for Class 5 ASS, which is the lowest ASS risk class and applies to works within 500 metres of adjacent Class 1, 2, 3, or 4 land which are likely to lower the watertable below 1 metre AHD on adjacent Class 1, 2, 3 or 4 land. The majority of the land identified as a Class 5 ASS planning zone is located in the southeast and southwest of the study area and would be contained within the land proposed to be zoned for environmental conservation. Therefore, the future use of the would be unlikely to result in any significant adverse environmental impacts associated with ASS. The Urban Capability Assessment prepared by Coffey Geotechnics for the LES found that: The presence of stiff to hard residual soils weathered in place and derived from rocks with a Permian age of deposition (250Ma) underlying the investigation site combined with the lowest elevation onsite of approximately RL20m AHD suggests the occurrence of acid sulfate soils at the site is highly unlikely and an acid sulfate management plan will not be required. ASS provisions within Council's LEP and DCP apply to any future subdivision / development of the site to avoid any significant adverse environmental impacts from land identified as having a potential acid sulfate soils risk. A copy of the Urban Capability Assessment will be provided to the Director-General prior to undertaking community consultation in satisfaction of s57 of the Act, in accordance with this direction.
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 proposal is consistent with this direction because the MSB has been consulted and they raised no objection to the rezoning. MSB approval will be required for any future subdivision. A copy of the correspondence from the MSB will be included in the statement of the Director-General prior to conducting community consultation under s57 of the Act.
4.3 – Flood Prone Land	The direction applies where the draft LEP will affect provisions to flood prone land.	The proposal is consistent with this direction because the subject land has not been identified as flood prone land.
4.4 – Planning for Bushfire Protection The direction applies to land that has been identified as bushfire prone.	This direction provides the requirements for consulting with the Rural Fire Service (RFS) in section (4), the matters that a planning proposal should have regard to in section (5), and the matters that a planning proposal must have regard to when development is proposed.	The site contains bushfire prone lands and therefore this direction applies. The proposal is consistent with the direction as follows: (4) – Consultation will be undertaken with the NSW Rural Fire Service under s56 and s57 of the Act, in accordance with the requirements of this s117 direction. See Part 4 and Question 12 of this report below for details of Community Consultation requirements.

		(5)(a) through to 5(c) – The Preliminary Bushfire Hazard Assessment prepared by Geolink, dated 2010, concludes that the proposed rezoning conforms to the standards, specific objectives and performance criteria set out in Planning for Bushfire Protection 2006. The proposed residential zones would be cleared of vegetation to permit residential development, which would reduce the existing bushfire threat. Vegetation within the proposed environmental zones would pose a bushfire threat, but the Preliminary Bushfire Hazard Assessment concludes that, based on consideration of the vegetation, effective slope and fire danger index, the assessment has identified that adequate and appropriate bushfire hazard protection measures are available, and can be implemented to facilitate future urban development of the site. The report recommends that 'bushfire protection measures are required on bushfire prone land at the development application (DA) stage therefore a further assessment must be undertaken at the DA stage'. The existing LM LEP 2004 and draft Standard Instrument LEP, as well as the existing and draft DCP, also contain existing controls that avoid placing inappropriate development in bushfire hazard areas and permit hazard reduction with APZs. (6)(a) to (6)(f) The Preliminary Bushfire Hazard Assessment includes calculations of APZs for different areas of the site and addresses inner and outer protection areas, as required under this direction. Development will also be required to comply with Planning for Bushfire Protection 2006, the LEP and the DCP, all of which provide requirements for access roads, water supply, perimeter treatments, and construction materials and standards that comply with the requirements of the s117 direction.
5.1 – Implementation of Regional Strategies	Planning proposals must be consistent with a regional strategy released by the Minister for Planning.	The rezoning is consistent with the LHRS and the Newcastle – Lake Macquarie Western Corridors Planning Strategy 2010, as discussed elsewhere in this report.
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 (a). It also sets out consultation and approval requirements, if such provisions are to be included in a planning instrument (b), or if a planning instrument identifies development as designated development (c).	The proposal is consistent with the direction as follows: (a) consultation is being undertaken with government agencies at the rezoning stage of the development to reduce the need for concurrence, consultation and referrals at the development application stage. None of the provisions outlined in Tables 2 or 3 at the start of this document will create excessive concurrence, consultation or referral requirements. (b) N/A – No Ministerial or public authority concurrence, consultation or referral requirements generated by the planning proposal.

		(c) N/A – The planning proposal does not identify any development as designate development.
6.2 – Reserving Land for Public Purposes	This direction provides that a planning proposal (4) 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 (5) the acquisition of land under the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> , (6) stipulations for the use of any land reserved for a public purpose, and (7) the removal of reservations for acquisition at the request of a public authority.	The draft LEP will not involve the reservation or acquisition of land for public purposes, and is therefore consistent with the direction.
6.3 – Site Specific Provisions	This direction contains provisions that discourage unnecessarily restrictive site specific planning controls.	The planning proposal is consistent with this direction because it proposes to 'rezone the site 'to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone', in accordance with clause (4)(b) of the direction. The proposal is also consistent with the direction that 'a planning proposal must not contain or refer to drawings that show details of the development proposal.'

C. ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Proposal?

The LES and flora and fauna investigations 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 (*Tetratheca juncea* and *Callistemon linearifolius*) listed under the *Threatened Species Conservation Act 1997* (NSW) and the *Environment Protection and Biodiversity Conservation Act 1999* (Cth), as well as a nationally rare species (*Eucalyptus fergusonii* subsp. *fergusonii*). The location of the EECs and threatened flora species as well as Masked Owl habitat trees are outlined in Figure 1 – Constraints Map, below.

The development footprint for this Planning Proposal will result in the loss of approximately 21.9 hectares of Lower Hunter Spotted Gum Ironbark Forest EEC and approximately 13.9 hectares of Coastal Plains Stringybark – Apple Forest as well as the loss of 11 *Tetratheca juncea* plants. Lands proposed to be zoned environmental would result in the conservation of 29 ha of the Lower Hunter Spotted Gum Ironbark Forest EEC, 6 ha of Coastal Plains Stringybark – Apple Forest and 0.18 ha of the Swamp Sclerophyll Forest on Coastal Floodplains as well as one population of *Callistemon linearifolius* and one stand of *Eucalyptus fergusonii* subsp. *fergusonii*.

Fauna assessments have found the presence of six threatened species on the site:

- Masked Owl (*Tyto novaehollandiae*),
- Squirrel Glider (*Petaurus norfolcensis*),
- Little Bent-wing Bat (*Miniopterus australis*),
- Eastern Bent-wing Bat (*Miniopterus schreibersii oceanensis*),
- Large-eared Pied Bat (*Chalinolobus dwyeri*), and
- Grey-headed Flying Fox (*Pteropus poliocephalus*).

A further two threatened species, the Greater Broad-nosed Bat and Eastern Falsistrelle possibly occur on the site with recordings resembling both species being collected during the flora and fauna surveys for the LES.

A number of the habitat trees including those for the Masked Owl would be retained in the conservation zone. The conservation area will protect the important corridor connecting Cockle Creek and vegetated land in the southeast with Flaggly Creek and vegetated lands in the west.

Biodiversity offsets

OEH require biodiversity offsets to counterbalance any clearing or loss of habitat resulting from residential rezoning and development at George Booth Drive. Offsets set aside land with high conservation value for protection in perpetuity and 'improve or maintain' biodiversity by funding works that improve the condition of vegetation and increase habitat values. Biodiversity improvements can be achieved by dedicating strategically located land for conservation, remediating and rehabilitating vegetation, and providing funding for on-going management of land, among other measures. Tools available to deliver these gains include biobanking, vegetation conservation agreements (VCA), and dedication of the land to OEH, Council, or a Trust.

The offsets for George Booth Drive will be delivered via a 'package' of actions. Biodiversity certification is a method of delivering offsets at the rezoning stage, which then 'switches off' the requirement for further assessment of impacts on biodiversity at the Development Application (DA) stage. To progress the offset package for the subject site using biodiversity certification would require justification for the clearing of 'red flag' EEC areas in accordance with Section 2.4 of the NSW Government *Biodiversity Certification Assessment Methodology*. If biodiversity certification cannot be justified in accordance with the Methodology, an alternative is to deliver and secure an offset 'package' under a voluntary planning agreement (VPA) between the developer and the planning authority/s in accordance with s93F of the EP&A Act. This option also avoids reconsideration of biodiversity issues at the development stage because a consent authority must consider a VPA when assessing a DA.

The proponents of George Booth Drive rezoning prepared biobanking calculations in April 2011 based on the development footprint contained in Attachments 3 and 4 to assist in identifying the ratios and types of vegetation required. Council and OEH have undertaken preliminary reviews of the calculations and consider them reasonable estimations, allowing that offset ratios can change depending on the values, areas, and management strategies included in any package.

The proponent has engaged a specialist to work on the biodiversity package. Negotiations are ongoing to ensure that the package satisfies the requirements of Council and OEH. Offsets would be resolved prior to exhibition of any LEP Amendment and details of the package would be included in the exhibition material.

Use of part of the subject site as an offset for DA/113/2011

The proponents of the rezoning have a Development Application (DA/113/2011) under assessment for a residential subdivision of land at West Wallsend, which contains significant remnant vegetation. The residential subdivision proposes to remove 33.1ha of native vegetation, including approximately 5.15ha of Lower Hunter Spotted Gum-Ironbark Forest EEC. DA/113/2011 identifies threatened species and EEC constraints at the West Wallsend site and proposes various measures such as compensatory offsets and a Plan of Management to ameliorate impacts to threatened species. The compensatory habitat offset package for DA/113/2011 considers, addresses, and achieves compliance OEH / DECCW requirements.

Land proposed to be used as an offset for DA/113/2011 includes 34.5ha of native vegetation located within Lot 107 of the subject site, being the majority of land that is proposed to be zoned 7(1) Conservation (Primary) under this Planning Proposal. OEH has given its concurrence for DA/113/2011 and for the use of the proposed conservation land within the subject site as an off site offset for the West Wallsend residential subdivision.

If the Joint Regional Planning Panel (JRPP) approves DA/113/2011, it will result in the majority of the proposed 7(1) Conservation (Primary) land within the subject site being used as an environmental offset for the West Wallsend residential subdivision. This means that the proposed 7(1) Conservation (Primary) land within the subject site will not be available to offset environmental impacts of the George Booth Drive rezoning. Therefore, off site offsets are required for the subject site.

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

A comprehensive LES has been prepared for this amendment. The LES has investigated the following issues:

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

A brief summary of these issues is provided below. It is considered that there are no other significant environmental effects. A summary of environmental issues is contained below and Figure 1 – Constraints Map shows the main site constraints.

Hydrology, Water Quality, and Flooding

➤ *Hydrology and Water Quality*

Drainage within the site is directed to Slatey Creek to the west, Cocked Hat Creek to the north east and Cockle Creek to the south east. Both Slatey and Cocked Hat Creek feed into Cockle Creek, which in turn flows into Lake Macquarie. Drainage from the site occurs through overland flow paths via a series of drainage gullies. There is a spring located toward the middle-western side of the ridgeline.

Figure 3: Constraints Map – George Booth Drive, Edgeworth Rezoning



LEGEND

- Site boundary
- Swamp Sclerophyll Forest on Coastal Floodplain
- Lower Hunter Spotted Gum Ironbark Forest
- 100 metre acoustic impact zone
- Tram line (heritage item)
- Masked Owl habitat tree
- Scarred tree
- Tetratheca juncea*
- Power lines
- Callistemon linearifolius*
- Eucalyptus fergusonii* spp *fergusonii*

Groundwater from the site flows towards Slaty Creek in the southeast of the site. No adverse groundwater impacts are anticipated from the proposed rezoning and development of the site.

The development of the site has the potential to increase stormwater flow rates and impact on stormwater quality. Therefore, water sensitive urban design strategies need to be further addressed and considered at subdivision stage, incorporating controls from Lake Macquarie's Development Control Plan 2004.

➤ *Flooding*

The 1 in 100 year flood extent does not impact on the site.

Bushfire

The site currently contains Category 1 and Category 2 vegetation. Attachment 5 contains the current bushfire prone land map, however the extent of bushfire threat would be reduced by any land clearing associated with development in the proposed residential zones. The LES included a preliminary bushfire hazard assessment that identifies the necessary asset protection zones to protect proposed development.

Geotechnical

Coffey Geotechnics prepared an Urban Capability Assessment, examining the geotechnical attributes of the site, and found that:

- The site is generally undulating with relief in the order of RL 60m to RL 20m AHD. Slopes within the site are generally 8-10 degrees within the upper slopes and 5-8 degrees towards the footslopes. Steep slopes of up to 25 degrees have been identified in the crest of gullies over the site.
- There is a former 6-8 m deep quarry located to the north of the site. No evidence of slope instability was identified on the site. The site is considered suitable for urban development.
- The site has been previously undermined by the West Wallsend Colliery during the 1990s. The Mine Subsidence Board (MSB) has indicated further mining is unlikely. The MSB's approval would be required for any subdivision or the erection of improvements subsequent to the rezoning.
- The site contains Class 5 acid sulphate soils, however the geotechnical assessment found that the occurrence of acid sulphate soils is highly unlikely.
- Erosion is not considered a significant issue for the development of the site.
- Salinity is not likely to have a significant impact on the site provided management strategies are implemented.

Contamination

An Urban Capability Assessment report prepared by Coffey Geotechnics found that potential contamination on the site is generally associated with illegally dumped rubbish, primarily in the former quarry area and near the north east boundary between the power lines. There is also potential asbestos building material on two rural residential lots to the west. The LES recommends further sampling at development application stage to investigate any potential contamination. If there is any contamination, it is likely to be restricted to surface soils and the site will be able to be appropriately remediated to allow development. Refer to Table 5 and the comments regarding SEPP 55 for more detail.

Heritage

➤ *Aboriginal Heritage*

An Aboriginal and Historical Archaeological Assessment was prepared by Insite Heritage for the subject site as part of the LES. This assessment found a possible Aboriginal scar tree in the southern section of the site. No other items of Aboriginal heritage significance were identified, however the search was hindered by surface disturbance and vegetation cover.

The LES recommended that the scar tree be preserved from any impacts of future development. The tree would be contained within the proposed 7(1) Conservation (Primary) zone, which complies with the recommendations of the Aboriginal and Historical Archaeological Assessment (p39) that preservation can be achieved by 'inclusion of the tree into an area of open space or conservation corridor'.

The potential Aboriginal scar tree will not be listed within the LM LEP 2004 or the draft Standard Instrument LEP as a heritage item. At the request of the local Aboriginal community, the LM LEP 2004 and the draft SI LEP do not list any Aboriginal heritage items. However, the heritage provisions of LM LEP 2004 and the draft SI LEP provide adequate protection for places or sites of known or potential Aboriginal heritage significance.

State government legislation also provides protection for objects and places of Aboriginal heritage significance. The location of the tree is recorded on the Aboriginal Heritage Information Management System (AHIMS) register that is maintained by OEH and any development proposal that would affect the tree would require approval from the Director-General of the *NPW Act 1974*.

➤ *Aboriginal Heritage Consultation*

The community consultation undertaken for the Aboriginal Archaeological Assessment was as follows:

- 6 May 2008 – Notification of the project was sent to the Department of Environment and Climate Change (OEH), the Office of the Registrar, and the NSW Native Title Services in order to identify any Aboriginal stakeholder groups who may have an interest in the project.

Invitation letters to register interest in the were sent to Awabakal Local Aboriginal Land Council (LALC), Awabakal Descendants Traditional Owners Aboriginal Corporation, and Awabakal Traditional Owners Aboriginal Corporation.

- 12 May 2008 – A response was received from Awabakal Traditional Owners Aboriginal Corporation registering interest in the project.

The response was received from DECC containing the Hunter Valley Stakeholder list and an additional registration letter was sent to Mimagen Wajaar Pty Ltd.

- 18 May 2008 – A response was received from Awabakal Descendants Traditional Owners Aboriginal Corporation registering interest in the project.
- 18 and 19 June 2008 – The Aboriginal archaeological site survey was conducted by Insite Heritage and was attended by representatives from Awabakal LALC.
- 11 July 2008 – Draft copies of the report forwarded to Awabakal LALC, Awabakal Descendants Traditional Owners Aboriginal Corporation, and

Awabakal Traditional Owners Aboriginal Corporation for their review and comment.

- 15 July 2008 – Response to report received from Awabakal Traditional Owners Aboriginal Corporation.

➤ *European Heritage*

One item of European heritage significance occurs on the site. There is a section of the West Wallsend Steam Tram Line located along the central north of the site near George Booth Drive. This item is of local heritage significance. Only a small section of the former West Wallsend Steam Tram Line occurs on this site (approximately 240 metres of the entire 25 km route). A survey found that the embankment of the tramline still remains largely intact in the eastern portion for approximately 150 m. However, no evidence remained of the western or eastern portion of the route and no evidence of the original tramline tracks were found within the site.

The Historical Archaeological Assessment report recommended that the tramline embankment be preserved and consideration given to the possibility of a cycleway along the route. Further assessment at development application stage will determine how this heritage item will be incorporated into the development of the site. The tramline is not considered a constraint that would prevent the rezoning of this area.

Traffic

The site is currently well serviced by the road network with frontage to George Booth Drive. A traffic assessment has been conducted as part of the LES. A new signalised intersection is proposed along George Booth Drive, which would service the site as well as providing pedestrian and cycleway access to the Pambulong Forest Town Centre located to the north. In addition, access is also proposed for a small residential development area in the east off Carinda Avenue. Access may also be possible off Government Road in the west.

Noise

The site is susceptible to road noise from George Booth Drive. Acoustic modelling of the road noise indicates that dwellings constructed within approximately 100 metres of this road will exceed the NSW Department of Environment and Climate Change's Environmental Criteria for Road Traffic Noise night time period criterion of 55 dBA with development if no mitigation measures are put in place. Acoustic modelling of different scenarios and mitigation measures determined that noise could be effectively mitigated through either excluding building from the areas that exceed the noise criteria, constructing noise barriers, architecturally treating buildings, or a combination of these three methods.

Transmission Line

There are three electricity easements that transect the site, two of which are high voltage and Energy Australia (now Ausgrid) has advised that these are an essential part of the Newcastle/Lake Macquarie electricity supply. It is not possible to relocate the two high voltage powerlines underground. These transmission lines will be a constraint for development. It is envisaged that this area could be utilised for services including roads or cycle pathways or incorporated into larger allotments with restrictions of buildings under the power lines. The LES recommends that landscaping could be utilised to minimise the effects of these transmission lines and a vegetation buffer is recommended.

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

The proposed residential areas will have a positive economic impact on the Pambulong Town Centre. The Proposal will increase the density of development for the town centre within a walkable catchment. 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 space, and recreational facilities.

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

The site offers ready access to existing public infrastructure including the arterial road network with frontage to George Booth Drive. Hunter Valley Buses operate bus services in the area with stops nearby to the subject site, however the routes are expected to alter and provide stops along George Booth Drive, Edgeworth as the area to the north and south develops.

The site will be able to be serviced by all utilities including water, sewer, electricity, telephone, and gas services. These services are already located in the area and will be augmented as necessary in consultation with service providers to supply future development of the site.

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

Consultation with relevant State and Commonwealth public authorities was undertaken in 2007 in accordance with the former section 62 provisions of the *EP&A Act 1979*. Consultation was also undertaken with the Department of Environment and Conservation (now the Office of Environment and Heritage or OEH) in accordance with section 34A of the *EP&A Act 1979*. Ongoing consultation has occurred with OEH in relation to the presence of Endangered Ecological Communities on the site and offsets. Further consultation with OEH is warranted in relation to flora and fauna impacts and offsets. Council will consult with other public authorities as directed by the DoPI's Gateway Determination.

A summary of submissions from government authorities is provided below along with the date that the submission was received and, where necessary, a planning comment, a response to the s117 consultation requirements, and a comment whether it is considered that further consultation is necessary. Seventeen additional authorities were consulted under s62, but no response was received.

Office of Environment and Heritage – (OEH) – 30 January 2007

In a letter dated 30 January 2007, the former Department of Environment and Conservation (DEC), now the known as the OEH, notes that the area is identified in the Lower Hunter Regional Strategy as a renewal corridor for the provision of opportunities for economic renewal and/or housing renewal and intensification.

Prior to finalising the LES, OEH recommended that Council be satisfied that the following issues are considered:

- Impacts on flora and fauna and threatened species and high conservation value areas are addressed. Development should be focused on the degraded parts of the site. Where the retention of habitat is not possible, we suggest that offsets are provided either on site or off site in order to retain an 'improve or maintain' biodiversity outcome for the Proposal;
- Important corridor functions are retained;
- Stormwater management to prevent impacts on adjacent waterways;

- Potential land use conflicts including air and noise pollution and odour;
- Aboriginal cultural heritage and the views of the Aboriginal community groups - the proposed LEP should not impact on areas of cultural significance;
- Any areas of contamination on the site need to be identified and managed in accordance with the *Contaminated Land Management Act 1997*.

Planning Comment:

The LES has assessed all relevant environmental issues as outlined below.

Flora and fauna – the site contains significant ecological constraints including the presence of the Lower Hunter Spotted Gum Ironbark Forest EEC as well as a number of threatened species. Approximately half of the site will be retained with the conservation of an important corridor in the southern section of the site. However, the owners of the site, are seeking to use this land as an offset for its proposed 375 lot residential development application at West Wallsend (DA/113/2011), which is currently under assessment and will be determined by the Joint Regional Planning Panel. Accordingly, Roche Group will need to obtain off site offsets to meet the ‘improve or maintain’ outcome for this Planning Proposal and for the rezoning to proceed. Refer to Part C, Question 8 for more details of DA/113/2011 and offsets. Final details of offsets for George Booth Drive will be reported to Council following public exhibition.

Contamination – there are some areas on the site that will require further contamination assessment at the development application stage due to illegal rubbish dumping. However, preliminary contamination assessments have determined that the rezoning should still proceed. Refer to Table 5 for a consideration of SEPP 55 – Remediation of Land.

Noise – there are impacts along George Booth Drive. Appropriate, building design and setbacks can be provided at the development application stage.

Stormwater – the impacts are considered minor and can be appropriately managed through water sensitive urban design strategies. This will be further assessed at development application stage.

Aboriginal heritage – one potential Aboriginal scar tree was identified and the location of this tree will be conserved through the proposed 7(1) Conservation (Primary) zoning. Refer to Question 9 for a consideration of heritage.

Consultation Comment:

Consultation with OEH will be ongoing to negotiate a vegetation offset package that meets their requirements.

Roads and Traffic (RTA) Response – dated 19 February 2007 and 28 July 2010

The RTA advised that:

- George Booth Drive (MR527) is a classified state road and RTA concurrence is required for connections to this road. The RTA advised that the proposed development area should connect to the signalised intersection along George Booth Drive which will access the Northlakes development area, and that a traffic study should be prepared.
- Council should ensure that the applicants are aware of the potential for road traffic noise to impact on any future development in the area.

Planning Comment:

A Traffic Study has been prepared and the development will connect to the four way signalised intersection along George Booth Drive. This signalised intersection has been designed to cater for the proposed rezoning.

RTA Response – dated 15 February 2011

While the connection to George Booth Drive has been resolved, the issue of the broader impacts on the State road network are yet to be resolved. The RTA is prepared to release its objection to the proposed rezoning, provided the following issues are satisfactorily resolved:

- State road infrastructure (satisfactory arrangement) issues must be in place prior to the issuing of any subdivision certificate. The RTA will require the developer to enter into an agreement for contributions towards State public infrastructure (State roads) prior to subdivision.
- Broader contributions to State road infrastructure will be required, consistent with other developments in the Lower Hunter where contributions have been determined. However, should a Special Infrastructure Contribution (SIC) levy be established the rate under the SIC would apply.

Planning Comment:

The rezoning site south of George Booth Drive will be classed as an urban release area and be subject to Clause 62 of the LMLEP 2004 – Public Infrastructure in Urban Release Areas. This will ensure that satisfactory arrangements are made for state public infrastructure or alternatively if a SIC levy is enacted, this levy would apply to the rezoning.

Consultation Comment:

It is considered that adequate consultation has been undertaken with the RTA for the purposes of rezoning. Further consultation will be necessary for any development of the site, but is unnecessary at this stage.

Department of Primary Industries – Mineral Resources – 19 February 2007

The subject area lies within the Lake Macquarie Mine Subsidence District and is covered by a Consolidated Coal Lease and is also within a Petroleum Exploration Licence area. The area is underlain by a potential coal resource and mine workings.

Any future development would need to comply with Mine Subsidence Board guidelines.

Planning Comment:

The Mine Subsidence Board's approval would be required for any subdivision or the erection of improvements subsequent to the rezoning.

The Geotechnical report prepared as part of the LES found that there is no substantial economic quarry resource on the site. Previous quarry operations were noted in the northern section of the site, however the DPI had no records of this, and it is believed this quarry was utilised for general fill in the 1970s.

Consultation Comment:

Section 117 Direction 1.3 requires consultation with the Director-General of the DPI to identify any mining, petroleum or extractive operations or resources of State or regional significance occurring in the subject area and the development potential of those resources. This information was provided in the response dated 19 February 2007.

In accordance with the requirements of the s117 direction, a copy of the planning proposal and notification of the relevant provisions shall be provided to

the Director-General of the DPI allowing a period of 40 days from the notification to provide in writing any objections to the terms of the planning proposal. Any response received will be provided to the Director-General of the Department of Planning before undertaking community consultation in satisfaction of section 57 of the Act.

Mine Subsidence Board – 22 January 2007

No objections were raised to the proposed rezoning. The Mine Subsidence Board (MSB) advised that the applicant should seek the Board's approval for any proposed subdivision or the erection of improvements at the appropriate time.

Community Consultation:

The response from the MSB satisfies the consultation requirements under Section 117 Direction 4.2. A copy of the correspondence from the MSB will be provided to the Director-General prior to undertaking community consultation in satisfaction of s57 of the Act, as per the s117 requirements. It is considered that adequate consultation has been undertaken with the MSB for the purposes of rezoning. Further consultation will be necessary for any development of the site, but is unnecessary at this stage.

Department of Natural Resources (DNR) (the functions of this former agency are now covered by the Office of Environment and Heritage) – 19 February 2007

DNR advised that the following matters be considered before finalising any rezoning for the site:

- Development be confined to disturbed and cleared areas, and areas where vegetation is in low condition;
- The proposed urban development design account for the proximity to Cockle Creek on the south eastern boundary;
- Buffer strips associated with managing drainage from the hill slopes along the western and eastern boundaries should be used to maximise connectivity with the remaining intact vegetation;
- The presence of potential groundwater systems should be investigated.

Planning Comment:

An LES has been prepared which examined all potential environmental impacts of the proposed rezoning. Based on the environmental, social, and economic considerations, the LES recommended that approximately half of the site be rezoned and half of the site be conserved. The flora and fauna corridor connecting to Cockle Creek will be maintained with the southern corridor being conserved through a 7(1) Conservation (Primary) zone.

Vegetation will be retained in the drainage area to the eastern boundary. The LES contains water sensitive urban design strategies for the proposed rezoning with further assessment and controls to be introduced at the development application stage.

Consultation Comment:

DNR is now part of OEH, who will continue to be consulted in resolving biodiversity offsets for the rezoning.

Hunter New England Area Health Service – 31 January 2007

Hunter New England Area Health Service advised:

- A mosquito risk assessment should be included;
- Geotechnical characteristics should be assessed;
- The Social Impact Assessment should examine potential local employment opportunities particularly with the proposed development of a local township;
- The design should incorporate energy and water saving strategies;
- The assessment should address footpath and cycleway linkages;
- The traffic and transport analysis should also consider public transport availability.

Planning Comment:

A mosquito risk assessment has not been prepared for the rezoning, as it is not considered warranted due to the focus of development occurring in the north of the subject site, away from the lower lying areas draining to Cockle Creek.

A social and economic impact assessment has been prepared and the Proposal is satisfactory.

The site will be well serviced and is within a walkable catchment to the proposed Pambulong Forest Centre to the north.

Other issues raised by Hunter New England Health Service will be addressed at the development application stage.

Consultation Comment:

It is considered that Hunter New England Health Service have been adequately consulted for the purposes of rezoning and that **no further consultation** is required.

NSW Rural Fire Service (RFS) – 27 March 2007 & 18 May 2007

The RFS advised that:

- The subject land is identified as bush fire prone on the Lake Macquarie Bush Fire Prone Land Map and future development will be subject to the requirements of the *EP&A Act 1979* and the *Rural Fires Act 1997*.
- The requirements of Planning for Bushfire Protection 2006 should be addressed and a bushfire threat assessment prepared.

Planning Comment:

A bushfire hazard assessment report has been prepared as part of the LES. The bushfire hazard assessment has taken into account Planning for Bushfire Protection 2006. Further assessment of bushfire will also be required at the development application stage.

Consultation Comment:

Section 117 Direction 4.4 states that 'the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of the gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made'. Even though satisfactory consultation with the RFS was completed under the former provisions of s62 of

the Act, further consultation shall be undertaken to ensure compliance with Section 117 Direction 4.4 in accordance with the new provisions of the Act.

NSW Heritage Office – 19th February 2007

The Heritage Council advised that whilst the West Wallsend Steam Tram Line is not on the State Heritage Register, it is an item of high level significance to the history of development of the city. They advised that it be considered imperative that Council requires a Statement of Heritage Impact for all future development applications adjacent to the item.

Planning Comment:

The former West Wallsend Steam Tram Line is locally listed in the LMLEP 2004. Only a small section of the former Tram Line occurs on this site (approximately 240 metres of the entire 25 km route). An historical archaeological assessment has been prepared and this recommended that the 150 m portion of the embankment that occurs on the site be preserved and consideration given to the possibility of construction of a cycleway along the route. This will be considered at development application stage.

Consultation Comment:

It is considered that adequate consultation has been undertaken with the Heritage Council for the purposes of rezoning. Further consultation will be necessary for any development of the site, but is unnecessary at this stage.

Hunter Water Corporation – 15 March 2007

Water and wastewater reticulation networks may be required prior to servicing the proposed development. Recycled water opportunities should be considered, with the site being identified as a potential site for wastewater reuse due to the close proximity of the site to the Edgeworth Waste Water Treatment Works.

Detailed developer funded water and wastewater servicing strategies will be required in the future.

Planning Comment:

The Planning Proposal is capable of being serviced by water and wastewater infrastructure through connections and upgrades to the existing network.

Consultation Comment:

It is considered that adequate consultation has been undertaken with the HWC for the purposes of rezoning. Further consultation will be necessary for any development of the site, but is unnecessary at this stage.

Energy Australia (now Ausgrid) – 13 February 2007

There are three existing transmission lines in the study area. These include two 132 kV transmission lines, which are an essential part of the Newcastle/Lake Macquarie electricity supply. Access to these lines is to be maintained at all times and there are strict regulations as to the construction of buildings and the like within the easement.

Planning Comment:

The two 132 kV transmission lines will be maintained on site. The small transmission line in the western section of the site is planned to be relocated underground.

Consultation Comment:

It is considered that adequate consultation has been undertaken with Energy Australia for the purposes of rezoning. Further consultation will be necessary for any development of the site, but is unnecessary at this stage.

Ministry of Transport (now Department of Transport) – undated, received 2 April 2007

A number of actions identified in the Lower Hunter Regional Strategy are relevant to the draft LEP including implementation of the recommendation from the Review of Bus Services in NSW that relate to the Lower Hunter. A renewal corridor along Main Road between Glendale and Edgeworth is identified in the Lower Hunter Regional Strategy. Consideration should be given to ensuring the planning and design of new release areas is based on neighbourhood planning principles that encourage land use design that supports walking, cycling, and the introduction of public transport networks that link frequent buses into the rail system.

The Ministry supports the draft rezoning of the lands from the current zone to accommodate urban development and conservation. The lands identified in the draft LEP are within a 400 m walking distance to existing bus services, which are operated along Northville Drive. The re-routing of bus services may be an opportunity to maximise the use of public transport on the identified lands in the draft LEP amendment. This will depend on the demand likely to be generated by the proposed subdivision and the implications for service delivery times.

Planning Comment:

Noted. The site is located close to the proposed Pambulong Forest Town Centre. This will allow walking, cycling, and public transport patronage.

Consultation Comment:

It is considered that adequate consultation has been undertaken with the Ministry of Transport for the purposes of rezoning and that no further consultation is required.

Awabakal Local Aboriginal Land Council – May to July 2008

Consultation was undertaken with the Aboriginal community regarding Aboriginal heritage is outlined in response to Question 9 above. The Awabakal Local Aboriginal Land Council participated in the Aboriginal archaeological site survey and were forwarded a copy of the draft Aboriginal and Historical Archaeological Assessment, but provided no written response.

State Transit Authority – 26 July 2007

State Transit Authority is the owner of the small parcel of land associated with the route of the former West Wallsend Steam Tram Line. Whilst no written response was received from State Transit Authority, Council discussed the Proposal with this Agency and was advised there were no issues and no requirement for the land. It is therefore considered that adequate consultation has been undertaken with the State Transit Authority for the purposes of rezoning and that no further consultation is required.

Summary

In summary, it is considered that the following consultation with state authorities is required prior public exhibition of the Planning Proposal:

- OEH – Consultation with OEH will be ongoing to negotiate an offset package that meets their requirements.
- DPI – A copy of the Planning Proposal and notification of the relevant provisions shall be provided to the Director-General of the DPI allowing a period of 40 days from the notification to provide in writing any objections to the terms

of the Planning Proposal. Any response received will be provided to the Director-General of the Department of Planning before undertaking community consultation in satisfaction of section 57 of the Act.

- Section 117 Direction 4.4 states that ‘the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of the gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made’. Even though satisfactory consultation with the RFS was completed under the former provisions of s62 of the Act, further consultation shall be undertaken to ensure compliance with Section 117 Direction 4.4 in accordance with the new provisions of the Act.

Part 4 – Details of Community Consultation

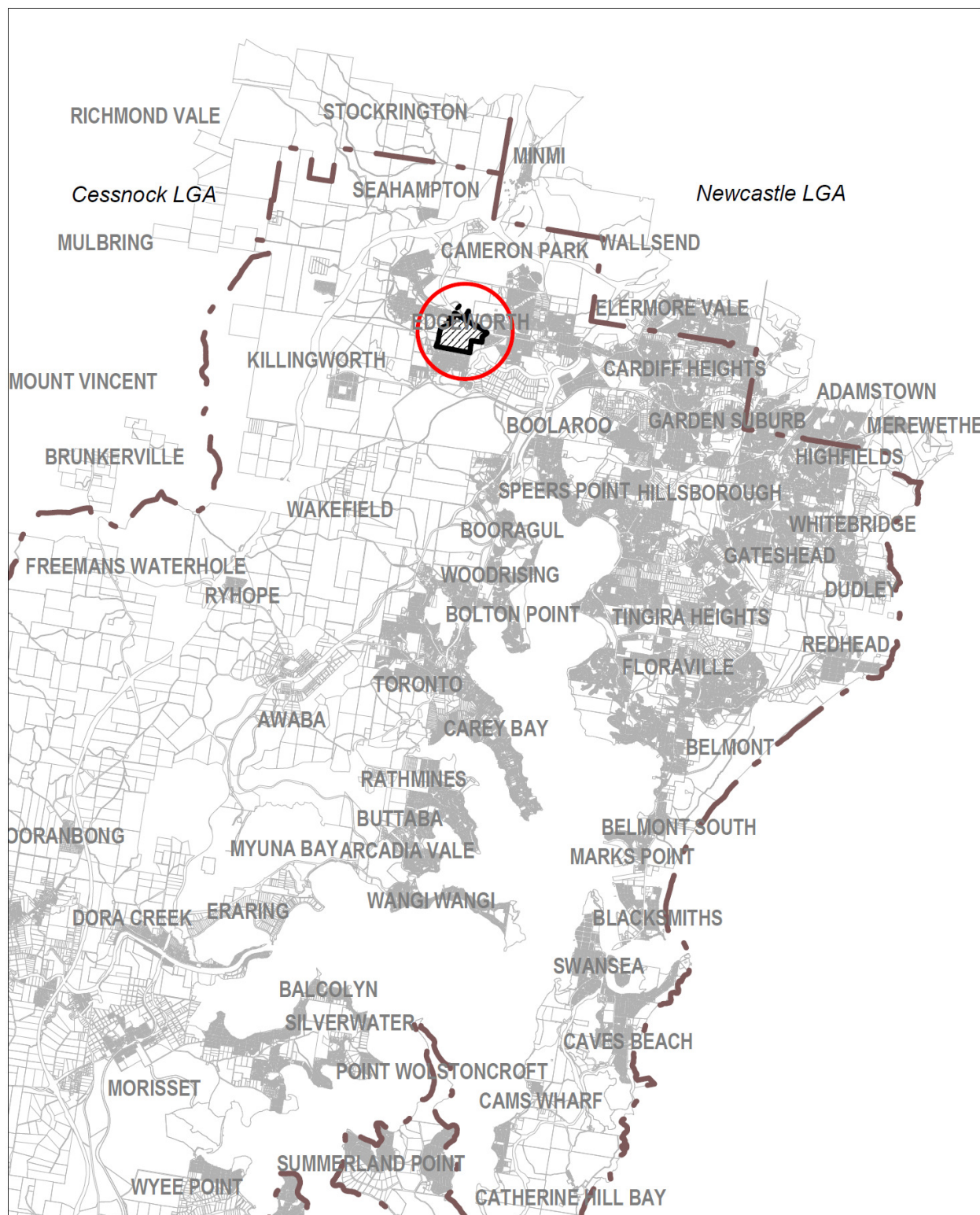
The public would have the opportunity to view and comment on the Planning Proposal once the Gateway endorses the Proposal to go on public exhibition in accordance with section 57 of the EP&A Act.

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.

The 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.

Details of future government authority consultation are provided in response to Question 12 above.

Attachment 1 – Locality Map

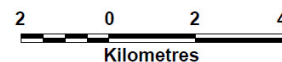


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Locality Plan

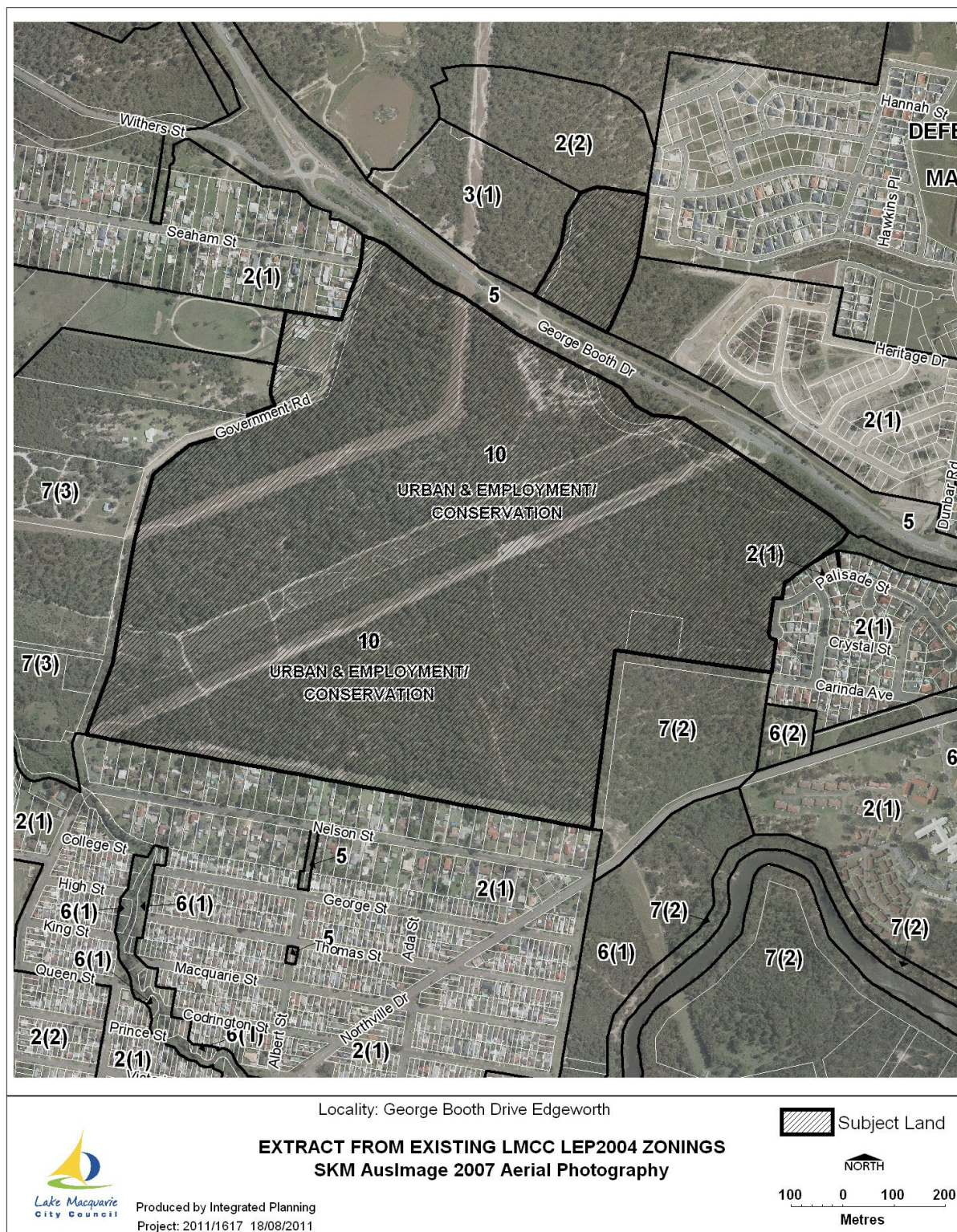


SUBJECT LAND

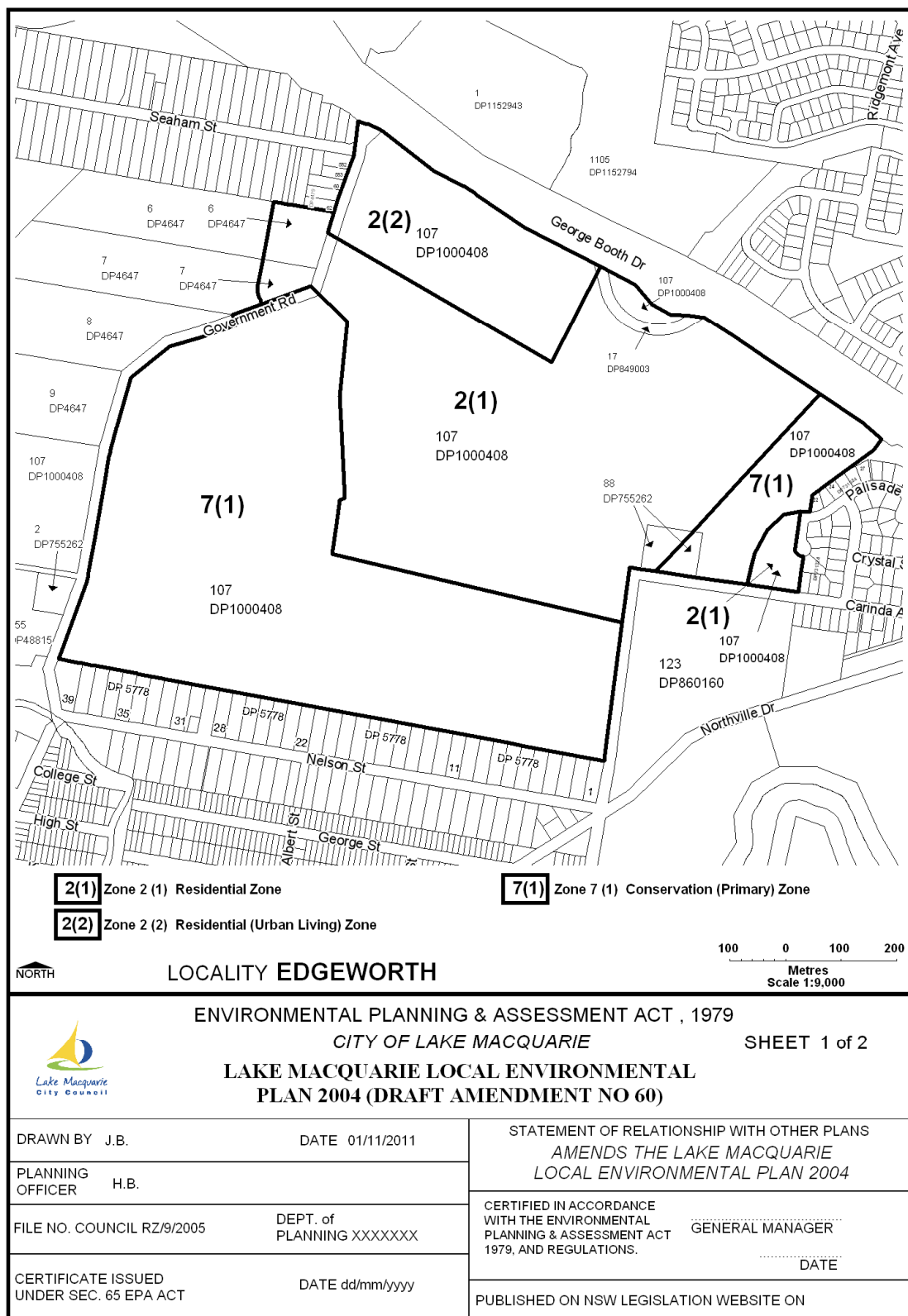


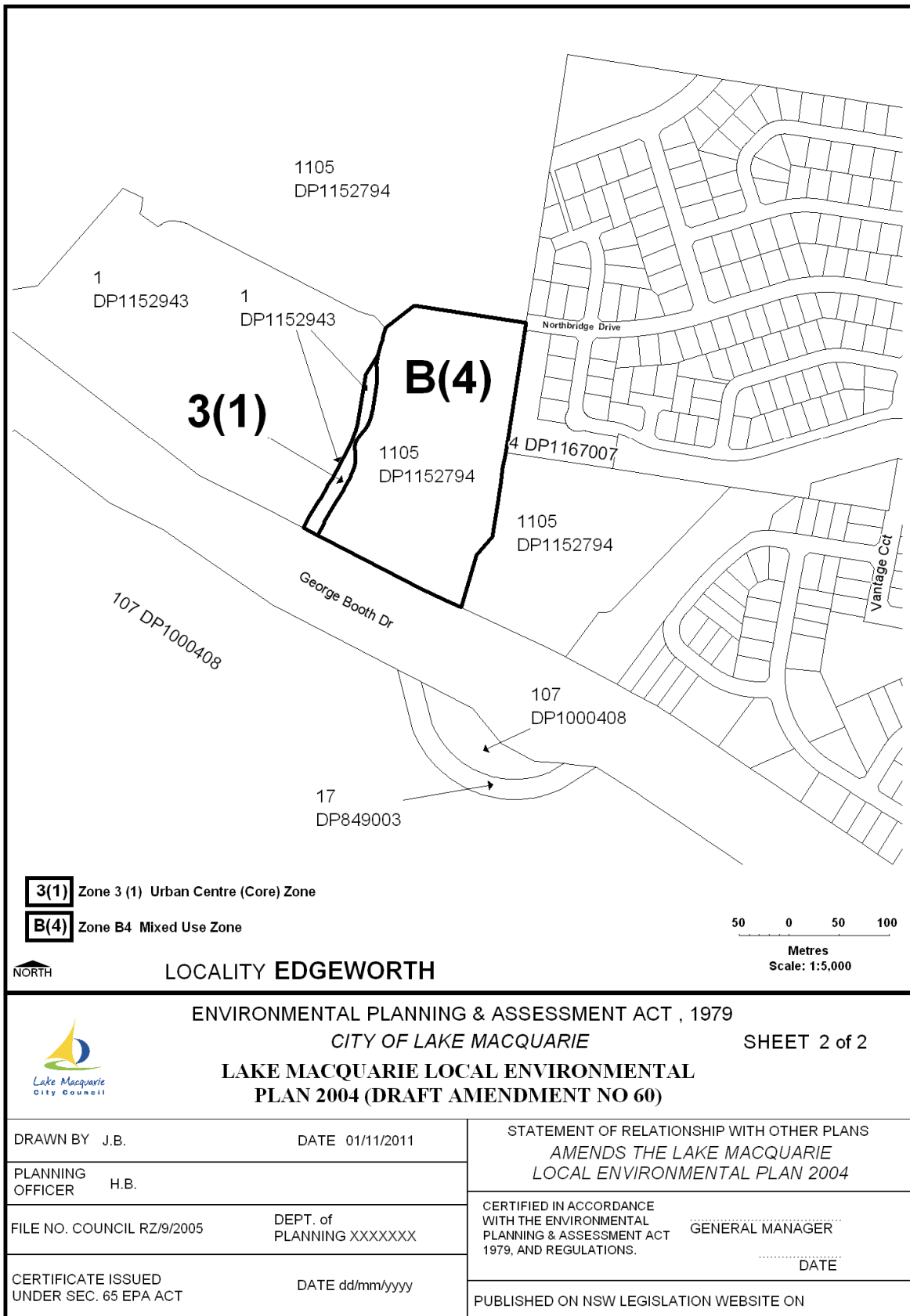
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Attachment 2 – Aerial Map and Current Zoning

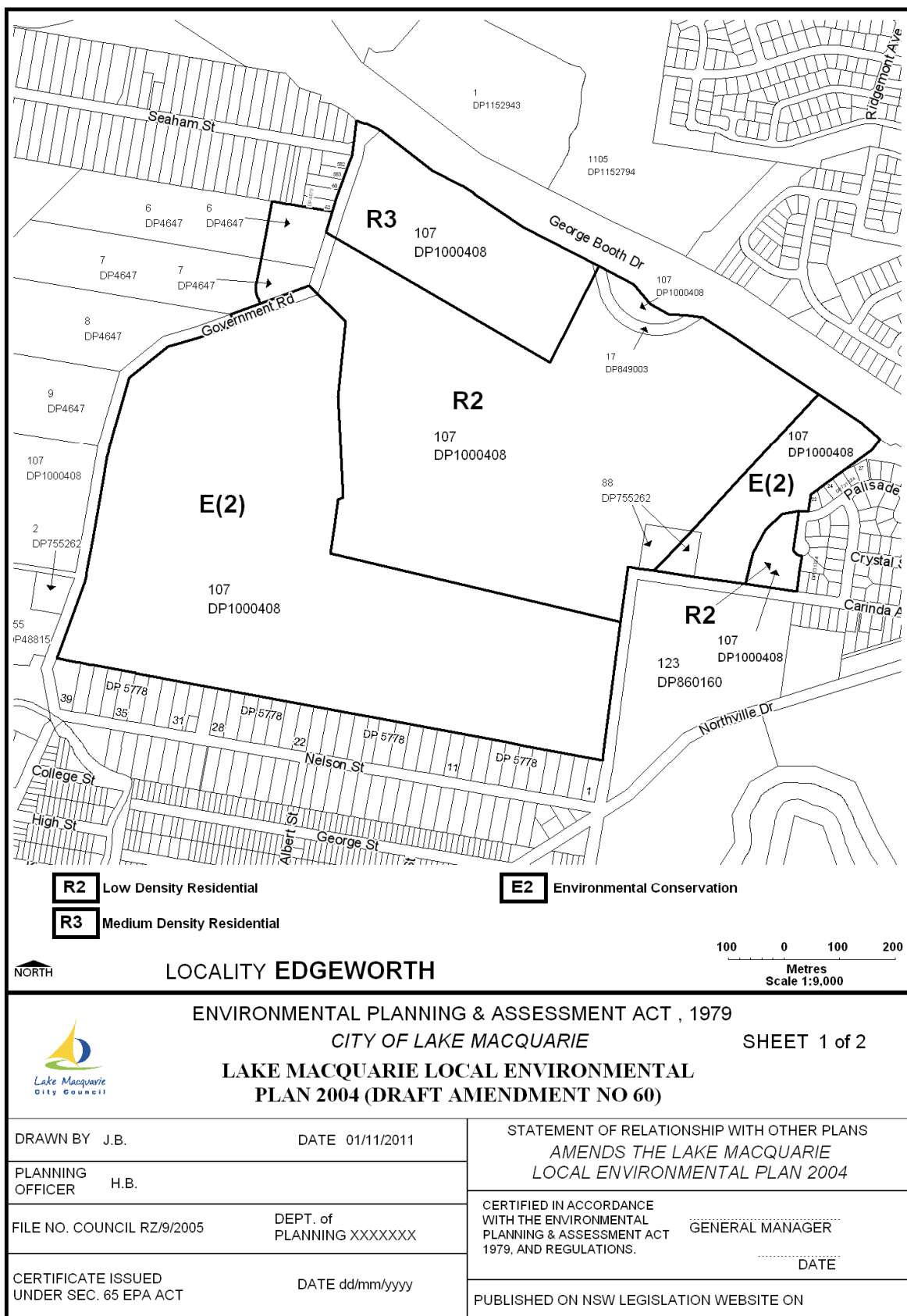


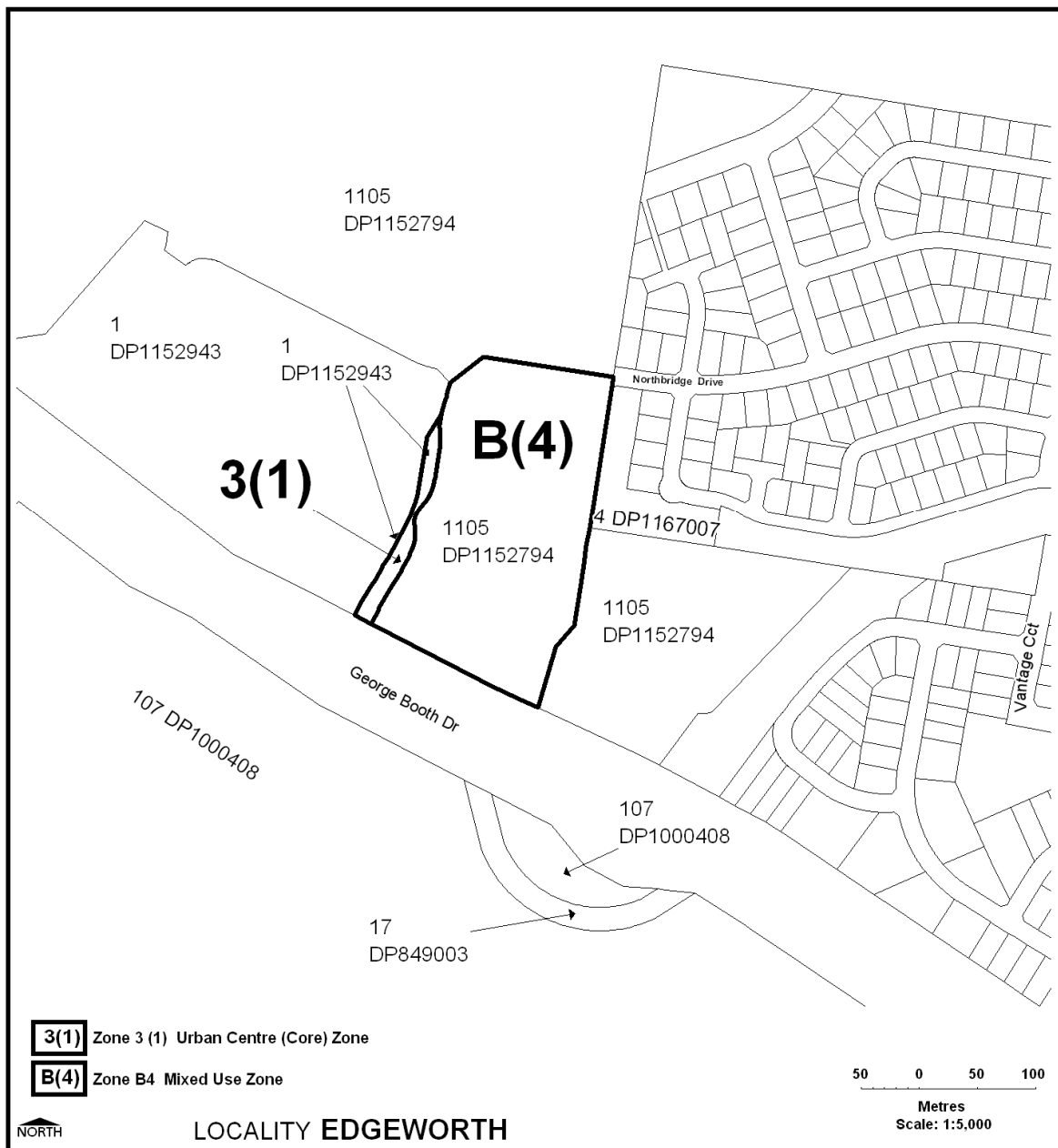
Attachment 3 – Proposed Zones under LM LEP 2004





Attachment 4 – Proposed Zones under the Standard Instrument LEP





		ENVIRONMENTAL PLANNING & ASSESSMENT ACT , 1979 CITY OF LAKE MACQUARIE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 (DRAFT AMENDMENT NO 60)		SHEET 2 of 2	
DRAWN BY J.B.		DATE 01/11/2011		STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004	
PLANNING OFFICER H.B.					
FILE NO. COUNCIL RZ/9/2005		DEPT. of PLANNING XXXXXXX		CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.	
CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT		DATE dd/mm/yyyy		GENERAL MANAGER DATE	
PUBLISHED ON NSW LEGISLATION WEBSITE ON					

Attachment 5 – Existing Bushfire Prone Land Map

