

Hunter Water

Hunter Water advises there is sufficient capacity in the current water supply system and wastewater transportation system to accommodate future development in the locality. Some local upgrades of the wastewater gravity system may be required, however Hunter Water will make a more accurate assessment of the available capacity once Council or the developers submit information for future development as it occurs. In general, Hunter Water has no objections to the proposed rezoning.

Planning comment

Council will continue to liaise with Hunter Water as individual landowners submit subdivision or development applications with Council.

Mine Subsidence Board

The Mine Subsidence Board has no objections to the proposed rezoning.

Newcastle City Council

In November 2009, an amendment to Newcastle LEP 2003 rezoned the portion of the East Charlestown Bypass located within Newcastle local government area to 7(a) Conservation zone.

No responses were received from other agencies.

Part 4 – Details of Community Consultation

Draft Amendment 53 was exhibited under the former provisions (section 65) of the *EP&A Act 1979*. Council had delegations and placed the amendment on public exhibition for 42 days from 20 October 2010 to 30 November 2010 with all owners and adjoining land owners notified. Council received seven submissions on the amendment. A small number of mapping changes were made in response to submissions, and after conducting further investigations including site inspections and review of historical aerial photos. These changes relate to 42 Lonus Avenue and 50 Lonus Avenue, Whitebridge.

Based on the community consultation already undertaken with the amendment being exhibited for 42 days, no further consultation is considered warranted under the new provisions of the *EP&A Act 1979*. It is believed the amendment should proceed to finalisation.

Roads and Traffic Authority

The RTA had no objection from an operational position. However, from a property disposal position, the RTA sought clarification that two lots owned by the RTA off Lonus Avenue, Whitebridge could be developed for a dwelling with a right of way for access coming through another RTA owned property to the north. These lots would have a Residential 2(1) zone applied over part of their area and a 7(2) Conservation (Secondary) over the majority of the remaining lot.

Planning Comment:

Council's Chief Subdivision Engineer has commented that a right of carriageway could be created over these lots and they could be developed accordingly.

NSW Rural Fire Service (RFS)

The RFS provided advice regarding the need to ensure future development obtains good outcomes for bush fire protection and address the landowners' responsibility under the *Rural Fires Act*. The RFS advised that whilst bush fire protection measures will be addressed at development stage, the bush fire risk needs to be considered at the rezoning stage so a realistic development expectation and concept plan can be designed.

Planning Comment:

Draft Amendment No. 53 proposes to rezone large areas of the East Charlestown Bypass corridor from 5 Infrastructure Zone to one or more conservation zones. The rezoning will not increase the risk of bushfire to nearby urban areas, as the hazard already exists. Where the draft Amendment proposes to expand existing residential and commercial zones in the Whitebridge area, it is considered that sufficient land is available to accommodate asset protection zones in accordance with *Planning for Bushfire Protection 2006* and further assessment would occur at the development assessment stage.

Department of Industry and Investment (DII)

The submission by DII advised Council of contamination issues on part Lot 23 DP 709388 located south of Kalaroo Road near the Fernleigh Track Crossing. The Derelict Mines Program of Industry & Investment NSW commissioned a Radiation Survey Report of the former Mineral Sand Mine, which is now part of the Belmont Wetlands State Park and adjoins the Fernleigh track and contamination was evident. There was elevated levels of naturally occurring radioactivity material.

Planning Comment:

Assessments undertaken on behalf of DII of the dose rates indicate that potential exposure from external radiation hazards for both proposed recreation use, are below the national dose limits for members of the public. This area is being rezoned to conservation and this will not increase the exposure to the community.

Transport NSW

Transport NSW reiterated earlier advice regarding the need to support existing transport networks and advised that areas at Whitebridge are within a 400m of public transport services and that the nature and density of the development in these areas should take advantage of and support the public transport service.

Planning Comment:

Both commercial, and low and medium density residential is proposed at Whitebridge and a small increase in the recreational and tourism zoned land at Redhead, which is within walking distances to bus services.

Objection - Proposed 2(2) Residential (Urban Living) zone at Whitebridge

An adjoining land owner objected to the proposed 2(2) Residential (Urban Living) zone at Whitebridge believing that this zoning was disadvantageous to the community and objected to the density of development proposed by Council. They requested Council consider rezoning this area to 7(2) Conservation (Secondary) to protect the vegetation and preserve this corridor.

Planning Comment:

The proposal aims to balance conservation with the need to accommodate additional residential development within existing urban areas where there is access to services, employment, transport, and infrastructure. Draft Amendment 53 seeks to do this by rezoning the vast majority of land in the former East Charlestown Bypass Corridor to a conservation zone and small pockets of low and medium density residential development close to the Whitebridge local shops.

The land south-east of the concerned property is proposed to be rezoned 7(2) Conservation (Secondary) Zone and 2(2) Residential (Urban Living) Zone. The proposed 7(2) Zone has a width of at least 20 metres and will act as a vegetation corridor linking vegetated areas to the north and south. It will provide habitat, allow the movement of fauna, and ensure continuing high level of amenity to current and future residents and users of the Fernleigh Track. The proposed 2 (2) Residential (Urban Living) Zone represents an extension of the current zoning of properties fronting Lonus Avenue.

The proposed 2(2) Residential (Urban Living) zone is within walking distance to shops, medical services, transport, recreation, and education facilities. The area is therefore ideal for accommodating additional residential development. 'Infill' development such as this reduces the pressure on 'greenfield' areas where extensive land clearing is often required and access to services is poor. The proposal is consistent with Council's Lifestyle 2020 Strategy and the Department of Planning's Lower Hunter Regional Strategy.

Objection - Proposed 3(1) Urban Centre (Core) zone at Whitebridge

The owner of Food Works objected to the proposed 3(1) Urban Centre (Core) area with a belief that the proposed commercial area is too large. Concerns were raised that more development will worsen car parking and traffic access/egress issues with the area to be rezoned currently being utilised for car parking. The objection noted that there is a need for a small council car park of approximately 30 spaces to cater for the demand of the Whitebridge local shops as well as those utilising the Fernleigh track. It was also noted in the submission that there is currently undeveloped commercial space in

the area and questioned the demand for further commercial land given the current developments in Charlestown. Instead, a conservation zoning or the creation of a park in this area were raised as alternative uses.

Planning Comment:

The proposed 3(1) Urban Centre (Core) zone was developed in consultation with the Manager of Economic Development. The area is relatively small (0.18ha). The Manager of Economic Development commented that: "Whitebridge plays a vital role as a local shopping centre and is adjacent to the Fernleigh track which will play an increasingly important role from a tourism and recreational tourism perspective. I would agree that parking or the provision of parking with the Fernleigh track will be an increasing problem. However, the Fernleigh Track may, in the long term, also create demand for other commercial outlets.

New development will need to include car parking spaces in accordance with DCP No.1.

Objection to 7(2) Conservation (Secondary) zoning

The owners of 42 and 50 Lonus Avenue, Whitebridge had concerns in relation to the proposed 7(2) Conservation (Secondary) zone and requested a residential zone instead due to the conservation values of these parcels being low. The land owner of 42 Lonus Avenue has sought to construct a dwelling on the site but cannot due to the current and proposed zones.

Planning Comment:

After reviewing the submission and undertaking a site inspection with Council's Environmental Planner, a 2(1) Residential Zone is considered appropriate for 42 Lonus Avenue, as the vegetation on this property was very degraded with aerial photography demonstrating that clearing dates back to before 1960.

The site inspection of 50 Lonus Avenue revealed that the residential zone was located further east than the actual vegetation. The zoning has been changed to allow an extra 7m of proposed residential zone to the rear of 50 Lonus Avenue to better reflect the location of the vegetation.

Attachment 1 – Property Descriptions

Street Address	Property Description	Ownership
2C Lonus Avenue WHITEBRIDGE	Part Lot 7056 DP 1059160	Land and Property Management Authority
2C Lonus Avenue WHITEBRIDGE	Lot 7055 DP 1059160	Land and Property Management Authority
42C Lonus Avenue WHITEBRIDGE	Part Lot 7057 DP 1059172	Land and Property Management Authority
66C Lonus Avenue WHITEBRIDGE	Lot 11 DP 1041508	Roads and Traffic Authority
74A Highfields Parade HIGHFIELDS	Part Lot 7343 DP 1159321	Land and Property Management Authority
1A Hexham Street KAHIBAH	Part Lot 332 DP 1151230	Land and Property Management Authority
12A Lonus Avenue WHITEBRIDGE	Part Lot 251 DP 755233	Roads and Traffic Authority
12A Lonus Avenue WHITEBRIDGE	Part Lot 1 DP 421621	Roads and Traffic Authority
14 Lonus Avenue WHITEBRIDGE	Part Lot 248 DP 755233	Roads and Traffic Authority
16A Lonus Avenue WHITEBRIDGE	Part Lot 482 DP 555741	Commissioner for Main Roads
2 Lonus Avenue WHITEBRIDGE	Part Lot 2502 DP 1068847	Private
8 Lonus Avenue WHITEBRIDGE	Part Lot A DP 445070	Private
10 Lonus Avenue WHITEBRIDGE	Part Lot B DP 445070	Private
12 Lonus Avenue WHITEBRIDGE	Part Lot C DP 445070	Private
42 Lonus Avenue WHITEBRIDGE	Part Lot 246 DP 755233	Private
50 Lonus Avenue WHITEBRIDGE	Part Lot 198 DP 755233	Private
64 Lonus Avenue WHITEBRIDGE	Part Lot 12 DP 513382	Private
70 Lonus Avenue WHITEBRIDGE	Part Lot 3 DP 339911	Private
1A Tumpoa Street WHITEBRIDGE	Part DP 40000	Land and Property Management Authority
1 Kopa Street WHITEBRIDGE	Part Lot 3 DP 804073	Private
1A Beath Crescent KAHIBAH	Part Lot 15 DP 814250	Lake Macquarie City Council
76A Lonus Avenue WHITEBRIDGE	Lot 2 DP 515863	Roads and Traffic Authority
2A Kopa Street WHITEBRIDGE	Lot 1 DP 436503	Roads and Traffic Authority
142 Dudley Road WHITEBRIDGE	Lot 2 DP 436503	Roads and Traffic Authority
144 Dudley Road WHITEBRIDGE	Lot 3 DP 436503	Roads and Traffic Authority
146 Dudley Road WHITEBRIDGE	Lot 1 DP 349377	Roads and Traffic Authority
146 Dudley Road WHITEBRIDGE	Lot 2 DP 349377	Roads and Traffic Authority
146 Dudley Road WHITEBRIDGE	Lot 3 DP 349377	Roads and Traffic Authority
146 Dudley Road WHITEBRIDGE	Lot 4 DP 663765	Roads and Traffic Authority
24A Lonus Avenue WHITEBRIDGE	Part Lot 2 DP 569371	Commissioner for Main Roads