

Environmental Review

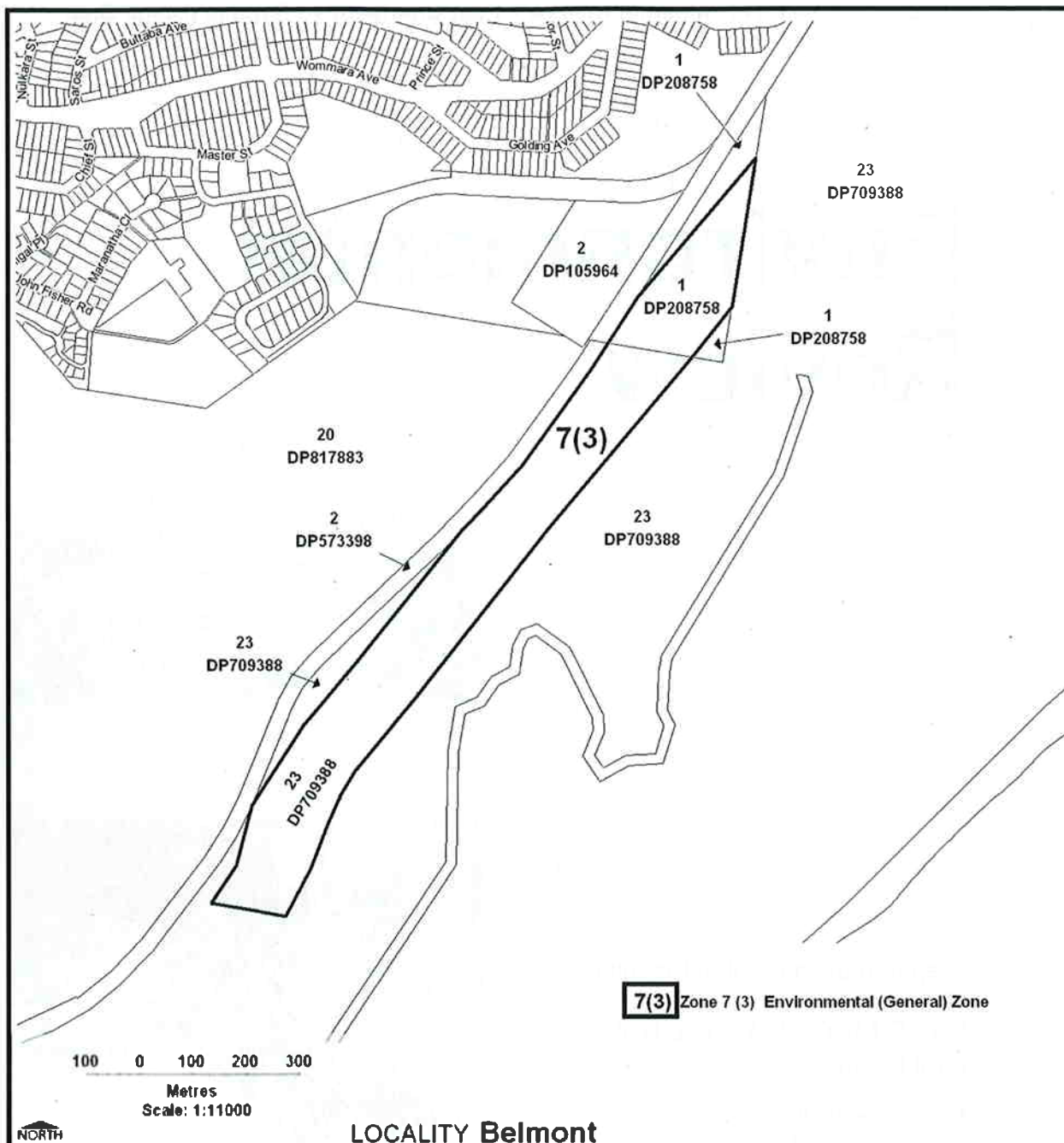


East Charlestown Bypass Rezoning and Removal of Acquisition (Stage 1)

Prepared by Integrated Planning
Department of
LAKE MACQUARIE CITY
COUNCIL

September 2010





ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

CITY OF LAKE MACQUARIE

SHEET 5 of 5

**LAKE MACQUARIE LOCAL ENVIRONMENTAL
PLAN 2004 (AMENDMENT NO 53)**



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TABLE OF CONTENTS

Executive Summary	36
1 Introduction	37
1.1 Purpose	37
1.2 Background	37
1.3 Proposal	38
2 Land Use Review	40
2.1 Stage 1 (North)	40
2.2 The Planning Context	41
2.3 Environmental Impact	48
2.4 Economic Impact	51
2.5 Social Impact	51
2.6 Summary and Recommendations	51
2.7 Figures	51
2.8 Stage One (South)	58
2.9 The Planning Context	59
2.10 Environmental Impact	66
2.11 Economic Impact	69
2.12 Social Impact	69
2.13 Summary and Recommendations	69
2.14 Figures	69
3 Conclusion	79
3.1 Summary	79
3.2 Recommendations	79
Figure 1: East Charlestown Bypass Rezoning (Stage One)	39
Figure 2.1a: East Charlestown Bypass Stage One (North)	52
Figure 2.1b: Bushfire Prone Land Map	53
Figure 2.1c: Vegetation Corridors	54
Figure 2.1d: Current Zones	55
Figure 2.1e p1: Proposed Zones	56
Figure 2.1e p2: Proposed Zones	57
Figure 2.2a: East Charlestown Bypass Stage One (South)	70
Figure 2.2b: Bushfire Prone Land Map	71
Figure 2.2c p1: Native Vegetation Corridors	72
Figure 2.2c p2: Native Vegetation Corridors	73
Figure 2.2d p1: Current Zones	74
Figure 2.2d p2: Current Zones	75
Figure 2.2e p1: Proposed Zones	76
Figure 2.2e p2: Proposed Zones	77
Figure 2.2e p3: Proposed Zones	78

Executive Summary

The Minister for Roads officially abandoned the East Charlestown Bypass on 20 September 2006. The Roads and Traffic Authority and Department of Planning subsequently directed that Council remove the road reservation and acquisition status of the bypass corridor. The corridor affects land owned by a number of parties including private land owners, Lake Macquarie City Council, Department of Lands, Roads and Traffic Authority and the Regional Land Management Corporation.

On 8 December 2008, Lake Macquarie City Council resolved to prepare a draft local environmental plan to rezone and remove the acquisition status of land comprising the former ECB corridor. In response, the Department of Planning advised Council that in preparing the draft local environmental plan, an environmental study in accordance with sections 57 and 61 of the Environmental Planning and Assessment Act 1979 is not required. As an alternative to a local environmental study, this Environmental Review brings together all relevant information and provides the strategic justification for the proposed draft local environmental plan.

The Environmental Review recommends the following:

- Rezone land in accordance with its development capability,
- Conserve and protect natural assets such as bushland and wetland, and
- Foster vegetation corridors.

The Environmental Review will be made available for exhibition along with the draft local environmental plan.

1 Introduction

1.1 Purpose

The purpose of this Environmental Review is to assist in determining the suitable use of land comprising the former East Charlestown Bypass (ECB) corridor. The Environmental Review identifies opportunities and constraints of the subject land, considers the broad range of social, environmental, and economic matters that inform the rezoning process, and addresses strategic and statutory planning considerations. The Environmental Review will inform the decision making process by Council and the Department of Planning and will be available for public consideration during the exhibition stage.

1.2 Background

The Environmental Review examines the future zoning of land comprising the former ECB. Developed in the 1950s the ECB proposal was part of the planning for the Sydney to Newcastle Freeway initially proposed for the eastern side of Lake Macquarie. Under the Lake Macquarie Local Environmental Plan (LEP) 1984, the corridor was zoned 5 (b) Special Uses (Proposed Arterial Road Reservation) Zone with an acquisition liability to the RTA. The RTA acquired several land parcels over the years. In October 1998, the RTA advised Council that the southern end of the corridor – connecting to the Pacific Highway near Belmont - was no longer required and directed Council to delete that portion of the corridor from the LEP. In June 2006, the RTA advised Council the Minister for Roads had abandoned the ECB in its entirety and investigated whether the corridor should be retained for alternative purposes such as future public transport or utility infrastructure. In January 2007, the RTA advised Council the corridor was not required for a state road or any other known infrastructure and instructed Council to remove the road reservation from the LEP as they no longer require the land.

Developed in the 1950s the ECB proposal was part of the planning for the Sydney-Newcastle Freeway initially proposed for the eastern side of Lake Macquarie. In June 2006, the Minister for Roads abandoned the ECB. In 2007, the RTA advised that after investigating future transport needs in the locality, the corridor was not required for a state road or any other known infrastructure. RTA instructed Council to remove the road reservation from the LEP.

On 8 December 2008, Council resolved to remove the acquisition status from and rezone the ECB (08STRAT073). In reaching the decision, Council considered retaining the corridor for development as an arterial road. The report detailed the following difficulties in retaining the corridor:

- The southern end of the bypass corridor no longer includes a connection with the Pacific Highway. The corridor could be truncated to the point where it intersects with Kalaroo Road. However, this would direct significant volumes of traffic along Wommara Avenue through residential areas in Belmont North to connect with the Pacific Highway. It would also require acquisition of land for the missing southern section connection.
- The northern connection is within Newcastle LGA, therefore, development of the ECB would require agreement from Newcastle City Council to retain and construct the northern link (please note: since that Council report was adopted, Newcastle City Council rezoned the northern connection to a conservation zone). This would also direct substantial volumes of traffic through a residential neighbourhood. The eastern end of Highfields Parade would need to be realigned and widened and this option may require the acquisition of up to 60 residential properties.
- Retaining the corridor under a 5 Infrastructure Zone could cause private landowners to seek other uses permissible in the 5 Infrastructure Zone. Those

uses would often be inconsistent with preserving the ecological values of the corridor and amenity of adjoining lands. A refusal predicated on the retention of the corridor for a future road may result in a legal challenge.

- Retention of the corridor would expose Council to considerable acquisition and holding costs.
- There is no assurance that a bypass would be constructed.

For these reasons, Council resolved to progress the ECB rezoning. In addition to the difficulties raised in the Council report, several other issues reduce the suitability of Council retaining the corridor.

- Much of the corridor has high environmental value. The corridor's northern section is located within Glenrock State Recreation Area, while the southern section is within or adjacent to a large SEPP 14 Coastal Wetland which extends across Gateshead, Redhead, Belmont and Belmont North.
- Most of the corridor's southern portion is within Council's proposed Coastal Wetlands Park (refer to Section 2.2.2 further information on the proposed Coastal Wetlands Park) and the Belmont Wetlands State Park.
- Approximately 29 Aboriginal Heritage Items are located either in, or within 1km of, the road corridor (Stage 1 (North) and (South)). The road's construction could result in the destruction of many of those items.
- The ECB would have a detrimental impact on the amenity and functionality of the Fernleigh Track, which runs adjacent to (and occasionally crosses) the ECB corridor. The Fernleigh Track is proving to be highly popular with walkers and cyclists. It is used as an alternative to road transport and for recreational purposes. Anecdotal evidence suggests the Fernleigh Track is becoming a tourist destination in its own right with positive flow-on effects for local businesses.

The section of the ECB located between Dudley Road Whitebridge and Oakdale Road Gateshead is surrounded by 10 Investigation Zone and 'deferred matter' land. Due to complex planning issues associated with that land, Council resolved to assess it as a separate draft LEP amendment (Stage 2).

This Environmental Review will facilitate continuation of Stage 1, namely drafting the LEP, applying proposed zones, adoption by Council and public exhibition.

For the purposes of this Environmental Review the project will be examined in two sections – Stage 1 (North), which includes the land north of Dudley Road as far as the Lake Macquarie / Newcastle local government area boundary, and Stage 1 (South), which includes the land south of Oakdale Road (see Figure 1).

1.3 Proposal

It is proposed to rezone each land parcel comprising the former ECB in accordance with the findings of this Environmental Review. Land will be zoned in accordance with the land capabilities and environmental qualities.

The proposed zones are outlined in Section 3.2 Recommendations.

Figure 1: East Charlestown Bypass Rezoning (Stage One)



2 Land Use Review

2.1 Stage 1 (North)

Location

Stage 1 (North) is the portion of road corridor from Dudley Road to the northern boundary of the Lake Macquarie Local Government Area. See Figure 2.1a.

Property Details

Stage 1 (North) comprises the following lots:

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 3 DP 726243	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

Land Use

The majority of land within Stage 1 (North) is undeveloped. The remaining land is predominantly residential and ancillary uses. A small portion is open space (Fernleigh Track).

Proposal

This Environmental Review will explore the suitability of a range of potential land uses including residential, environmental conservation, commercial and open space. There will be a strong focus on balancing residential needs with environmental conservation. Public spaces such as the Fernleigh Track will be maintained using an open space zoning.

2.2 The Planning Context

The proposed rezoning must have consideration to state, regional and local plans, and policies. These include s117(2) Ministerial Directions, State Environmental Planning Policies (SEPPs), the Lower Hunter Regional Strategy and Lake Macquarie Lifestyle 2020 Strategy. In applying the proposed zones, consideration will be given to the zone objectives and permissible uses in the Lake Macquarie LEP 2004 and the Standard Instrument LEP.

Section 117(2) Ministerial Directions

The following Section 117(2) Ministerial Directions apply:

Section 111(2) Ministerial Direction	Comments
1.1 Business and Industrial Zones	The direction requires a draft LEP to retain areas and locations of existing business and industrial zones, not reduce total or potential floor space, and ensure proposed new employment areas are in accordance with a strategy that is approved by the Department of Planning. In accordance with the direction, the draft LEP proposes new / no new business zones on the northern side of Dudley Road. There are no proposed changes to industrial zones. The draft LEP is consistent with Direction 1.1 Business and Industrial Zones.
2.1 Environment Protection Zones	The direction requires a draft LEP to facilitate the protection and conservation of environmentally sensitive areas. The draft LEP protects areas of high environmental value, rezoning the majority of the route to a conservation zone with only small areas of development around Whitebridge and

	Redhead. The draft LEP is consistent with Direction 2.1 Environment Protection Zones.
2.2 Coastal Protection	This direction applies to the coastal zone and aims to implement the principles in the NSW Coastal Policy. A small section of the northern section is within the coastal zone. However, this land will be preserved through conservation zoning, limiting any development of this land. The draft LEP is consistent with Direction 2.2 Coastal Protection.
2.3 Heritage Conservation	The direction requires a draft LEP to facilitate the conservation of European, Aboriginal and natural heritage significance. There are approximately three known Aboriginal Heritage Items within 1 kilometre of the subject land. The proposed draft LEP will not impact upon these items. One item is located adjacent to or within (the exact location is unknown) the ECB Stage 1 (North) corridor. The lot in which the heritage item is located is proposed to be rezoned to 7(2) Conservation (Secondary) Zone, which will provide greater protection for the Aboriginal Heritage Item. There are five items of European heritage significance located within 1 kilometre of the subject land. One of those items is the Fernleigh Track, which runs adjacent to much of the ECB corridor Stage 1 (North). The Fernleigh Track crosses the corridor via Lot 3 DP 726243. The draft LEP proposes to rezone Lot 3 DP 726243 to 7(2) Conservation (Secondary) Zone and therefore, protect it from future development and ensure the amenity is maintained for users of the Fernleigh Track. The draft LEP is consistent with Direction 2.3 Heritage Conservation.
2.4 Recreation Vehicle Areas	The direction requires a draft LEP to protect sensitive or conservation land from adverse impacts from recreation vehicles. The draft LEP does not introduce recreation vehicle areas. The draft LEP is consistent with Direction 2.4 Recreation Vehicle Areas.
3.1 Residential Zones	The direction requires a draft LEP to encourage housing that will broaden the choice of building types and locations available in the market, make more efficient use of existing infrastructure and services, reduce the consumption of land for housing, and be of good design. The draft LEP supports a range of housing options including single dwellings, multiple dwelling housing, small lot housing, dual occupancies, residential flat buildings, group homes, and boarding houses. The draft LEP is consistent with Direction 3.1 Residential Zones.
3.3 Home	The direction requires a draft LEP to permit home occupations to

Occupations	be carried out in dwelling houses without the need for development consent. The draft LEP does not make any changes to LMLEP 2004 existing controls, which allow home occupations, are exempt or complying development. The draft LEP is consistent with Direction 3.3 Home Occupations.
3.4 Integrating Land Use Transport	The direction requires a draft LEP locate zones for urban purposes and include provisions that give effect to and are consistent with <i>Improving Transport Choice – Guidelines for planning and development</i> and <i>The Right Place for Business and Services – Planning Policy</i>. These documents advocate co-locating housing, commercial, industrial, educational etc uses with public transport nodes to improve accessibility within and between centres, encourage people to travel shorter distances and help people make fewer trips. The draft LEP proposes to locate residential and commercial zones within proximity to existing public transport services. Buses operate along Dudley Road providing connectivity to the regional centre Newcastle (and train system) and the sub-regional centre Charlestown. From Charlestown, commuters can link to sub-regional and neighbourhood level commercial centres in Lake Macquarie and Newcastle local government areas (LGAs). The former ECB corridor runs adjacent to the Fernleigh Track, a highly patronised pedestrian and cycleway, which on completion in 2010, will link Belmont (Lake Macquarie LGA) to Adamstown (Newcastle LGA). The draft LEP is consistent with Direction 3.4 Integrating Land Use and Transport.
4.1 Acid Sulfate Solis	The direction requires a draft LEP to be consistent with the Acid Sulfate Soils Planning Guidelines, and not propose intensification of land uses on land identified as having a probability of containing acid sulphate soils. The northern portion of the corridor is not classed as acid sulphate soils. The draft LEP proposes to retain in the Lake Macquarie LEP 2004 all current provisions relating to Acid Sulfate Soils. The draft LEP is consistent with Direction 4.1 Acid Sulfate Soils.
4.2 Mine Subsidence and Unstable Land	The direction requires a draft LEP to consult the Mine Subsidence Board (MSB), incorporate provisions in the draft LEP that are consistent with MSB's advice and provide a copy of MSB's advice to the Department of Planning under section 64 of the EP&A Act 1979. The former ECB is located within the Lake Macquarie Mine Subsidence District. In accordance with the direction, MSB were consulted, however at the time of writing this Environmental Review, no response has been received. The relatively low scale of development that is permissible in the proposed zones suggests that compliance

	with MSB's standard requirements for construction is likely. The draft LEP is consistent with Direction No.4.2 Mine Subsidence and Unstable Land.
4.3 Flood Prone Land	The direction requires a draft LEP to be consistent with the Floodplain Development Manual 2005. It is likely that several areas in the southern section of the East Charlestown Bypass corridor are subject to flood risk as this is classed as low-lying land and encompasses Coastal Wetlands. The draft LEP proposes to rezone the majority of the corridor to a conservation zone thereby limiting the risk of flood to future and existing development. The land to be rezoned to allow residential and commercial development at Whitebridge is not classed as low lying and is unlikely to be flood affected. Any future development must comply with the Floodplain Development Manual 2005 and the provisions of Lake Macquarie LEP 2004 and Lake Macquarie Development Control Plan No.1. The draft LEP is consistent with Direction 4.3 Flood Prone Land.
4.4 Planning for Bushfire Protection	The direction requires council to consult with the Commissioner of the NSW Rural Fire Service (RFS) under section 62 of the EP&A Act, and to comply with certain provisions relating to Asset Protection Zones (APZs), access roads, water supply and hazard reduction. In accordance with the direction, Council consulted RFS who advised that any urban development would need to consider the requirements of <i>Planning for Bushfire Protection 2006</i>. RFS also advised that the creation of conservation areas adjacent to urban development would need to consider bushfire risk. The Bushfire Prone Land Map is provided in Figure 2.1b. Much of Stage 1 (North) is being rezoned for conservation purposes, and adjoins residential land, therefore, significant consideration has been given to the associated bushfire risks. This matter is dealt with in detail in Section 2.1.2. The draft LEP is consistent with Direction 4.4 Planning for Bushfire Protection.
5.1 Implementation of Regional Strategies	The direction requires a draft LEP to be consistent with the relevant Regional Strategy. The relevant strategy is the Lower Hunter Regional Strategy, which encourages development that is located around centres and corridors, provides economic and employment opportunities, encourages public transport use, and protects the environment and natural resources. The draft LEP does this by locating additional residential [and commercial/retail] opportunities within an existing urban area. It will support the sub-regional centre, Charlestown and the neighbourhood-level commercial centre at Whitebridge. A large expanse of land will be zoned to protect the environmental qualities of the land. The draft LEP is consistent with Direction No.5.1

	Implementation of Regional Strategies.
6.2 Reserving Land for Public Purposes	The direction requires that draft LEPs do not reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning. Council has the consent of the RTA and the Director-General of the Department of Planning to remove the acquisition status of the road corridor and rezone the land from 5 Infrastructure Zone to one or more suitable zones. The draft LEP is consistent with Direction 6.2 Reserving Land for Public Purposes.

State Environmental Planning Policies (SEPPs) deal with issues significant to the state and people of NSW. They are made by the Minister for Planning and are gazetted as a legal document. The following SEPPs are applicable:

State Environmental Planning Policy (SEPP)	Comments
SEPP 14 Coastal Wetlands	The SEPP aims to ensure that coastal wetlands are preserved and protected in the environmental and economic interests of the state. Stage 1 (North) is located outside any Coastal Wetland area. Therefore, the proposal does not need to consider the aims and objectives of SEPP 14.
SEPP 19 Bushland in Urban Areas	The SEPP aims to protect remnant plant and animal communities, wildlife corridors, habitat and rare and endangered flora and fauna species. The draft LEP rezones large areas of 5 Infrastructure Zone to a conservation zone in accordance with the land's environmental value. There is some encroachment of the residential zone on native bushland, however it is of a scale that will not result in loss of habitat or ecological communities.
SEPP 32 Urban Consolidation (Redevelopment of Urban Land)	The purpose of the SEPP is to ensure that urban land suitable for multi-unit housing and related development is made available for that development in a timely manner, and to ensure that any redevelopment will result in an increase in the availability or diversity of housing. The draft LEP will increase the amount of land available for a range of residential development types, within an existing residential area. Services and infrastructure available in the immediate locality include roads, transport, electricity, sewer etc as well as schools, shops, medical services and employment opportunities.
SEPP 71 Coastal Protection	The SEPP aims to protect the natural, cultural, recreational, and economic attributes of the NSW coast, and to protect and preserve native coastal vegetation. Approximately 11.4 hectares (31% of Stage 1 North) is located

	within the Coastal Zone. The draft LEP seeks to rezone the portion of the corridor located within the coastal zone from 5 Infrastructure Zone to a conservation zone in accordance with the land's environmental value. This will ensure the ongoing preservation of coastal vegetation and protect the amenity of the coastal environment.
SEPP (Housing for Seniors or People with a Disability) 2004	The SEPP aims to encourage the provision of housing (including residential care facilities) that will increase the supply and diversity of residences that meet the needs of seniors or people with a disability and make efficient use of existing infrastructure and services. The draft LEP will increase the amount of land available for a range of residential development types that are suitable for seniors or people with a disability, within an existing residential area. Services and infrastructure available in the immediate locality include roads, transport, electricity, sewer etc as well as schools, shops, medical services and employment opportunities. While zone 2(1) does not list 'retirement villages' as a permissible use, Clause 41 of the LMLEP 2004 enables development for this purpose in zone 2(1) or on land that immediately adjoins, or is within 400m of, land within zone 2(1). The clause aims to maintain the opportunity for development of retirement village-style accommodation for aged persons in appropriate locations. This, in addition to the provisions of the SEPP, secure opportunities for housing that will meet the needs of seniors or people with a disability.
SEPP (Infrastructure) 2007	The SEPP aims to facilitate the effective delivery of infrastructure across the State and allowing for the efficient development, redevelopment, or disposal of surplus government owned land. The SEPP does not outline any specific requirements relating to the rezoning of land zoned for infrastructure purposes.

Lower Hunter Regional Strategy

The Lower Hunter Regional Strategy (LHRS) is the strategic land use planning framework to guide the sustainable growth of the Lower Hunter over the next 25 years. The LHRS identifies the land comprising Stage 1 (North) as an existing urban area. The rezoning is consistent with the LHRS, which encourages infill development and the protection of the environment and green corridors.

The rezoning of Stage 1 (North) will make a small-scale contribution to the target of 21,000 new infill dwellings in Lake Macquarie by 2031. The draft LEP will also increase opportunities for commercial development within the centres hierarchy.

Lifestyle 2020 Strategy

Lifestyle 2020 Strategy provides the long-term direction for land use development of the City. The rezoning of Stage 1 (North) is consistent with each of the five strategic directions outlined in the Strategy:

- A City responsive to its environment: the Strategy aims to protect and enhance the City's biodiversity and natural assets. The draft LEP protects significant tracts of native vegetation including vegetation corridors.

- A well-serviced and equitable City: the Strategy seeks to facilitate the efficient use of land and resources and to support population growth in proximity to established centres. The subject land is located adjacent to an existing urban area with access to public transport, essential infrastructure, services, and facilities. The draft LEP will support small-scale population growth in proximity to the neighbourhood centre Whitebridge and the sub-regional centre Charlestown.
- A well-designed and liveable City: the Strategy seeks to provide an attractive environment for residents, workers, investors, and visitors. The draft LEP will provide housing and investment opportunities of a scale appropriate to the locality. It will encourage patronage of surrounding recreational facilities including the Fernleigh Track, the Great North Walk trail, netball, football and soccer facilities and the nearby Glenrock State Recreation Area.
- A City of progress and prosperity: the Strategy aims to expand the City's economic base in a sustainable manner. The draft LEP provides opportunities for home-based employment and mixed-use development of a scale that is appropriate to the locality.
- An easily accessible City: the Strategy encourages development that reduces reliance on private vehicles for transport. The subject land is serviced by, or is easily accessible to, local bus routes. It is adjacent to the Fernleigh Track, a pedestrian and cycle path that links Adamstown in Newcastle local government area with Belmont in Lake Macquarie local government area (when completed).

LMLEP 2004

Local environmental plans guide planning decisions for local government areas. Through zoning and development controls, they allow councils to supervise the ways in which land is used.

The proposed zone changes will occur as an amendment to LMLEP 2004. The plan is referred to as draft LMLEP 2004 (Amendment No.53). The draft LEP proposes no development controls over and above what is currently in place in LMLEP 2004 and Lake Macquarie Development Control Plan (DCP) No.1. The changes will become effective upon the plan's publication in the Government Gazette.

Standard Instrument Local Environmental Plan

On 31 March 2006, the NSW Government gazetted a standard instrument for preparing new LEPs, also known as the LEP template. Local plans across NSW must now use the same planning language. At the time of writing this Environmental Review, Lake Macquarie City Council had adopted Version 1 of draft Standard Instrument Lake Macquarie LEP 2011. The draft LEP is a 'conversion LEP' and therefore proposes to apply a zone that is equivalent to the 5 Infrastructure Zone. It is anticipated that draft LEP Amendment No.53 will be finalised prior to the Standard Instrument LEP. The zones proposed by draft LEP Amendment No.53 have the following Standard Instrument LEP zone equivalent:

LMLEP 2004 Zones	Standard Instrument LEP Zone Equivalent
2(1) Residential Zone	R2 Low Density Residential Zone
2(2) Residential (Urban Living) Zone	R3 Medium Density Residential Zone
3(1) Urban Centre (Core) Zone	B1 Neighbourhood Centre B2 Local Centre B3 Commercial Centre

5 Infrastructure Zone	SP2 Infrastructure
7(1) Environmental (Primary) Zone	E2 Environmental Conservation
7(2) Conservation (Secondary) Zone	E2 Environmental Conservation
7 (3) Environmental (General) Zone	E3 Environmental Management
8 National Parks Zone	E1 National Parks and Nature Reserves

Lake Macquarie DCP No.1

Development control plans, prepared in accordance with the Environmental Planning and Assessment Act, are also used to help achieve the objectives of the local plan by providing specific, comprehensive requirements for certain types of development or locations, e.g. for urban design, and heritage precincts and properties.

Lake Macquarie DCP No.1 provides site-specific controls for development within the Local Government Area. Upon the proposed draft plan being gazetted, subsequent applications for subdivision and development will be assessed against the provisions of the DCP.

2.3 Environmental Impact

Flora and Fauna

The land comprising Stage 1 (North) supports native vegetation, exotic vegetation species, and cleared land. The vegetation provides habitat and corridors for the movement of fauna between the site and surrounding vegetated areas including Glenrock State Recreation Area and the vegetation south of Dudley Road. Based on information from surrounding or nearby development, it is possible that the following endangered species / ecological communities are located in the vicinity of Stage 1 (North): *Tetratheca juncea* (Black-eyed Susan), *Crinia tinnula* (Wallum Froglet), and Swamp Sclerophyll Forest on Coastal Floodplains (SSFCF). In addition, it is likely that squirrel gliders, forest owls, and bats are present in the area.

The Lake Macquarie Native Vegetation and Corridors Map 2007 identifies the site as supporting 'remnant' and 'partially cleared native vegetation', corridors of 'remnant and partially cleared remnant native vegetation', a 'corridor narrowed to less than 200 metres in width' and a 'widely interfaced crossing point'.

The draft LEP seeks to protect existing vegetation and strengthen corridors by introducing the 7(3) Environmental (General) Zone over areas of quality native vegetation, where vegetation adjoins natural drainage corridors and where vegetation is adjacent to the Fernleigh Track. The 7(3) Zone has a width of at least 20 metres, which is the minimum width required to protect the vegetation from weed invasion and maintain scenic amenity.

Contamination

The rezoning must comply with *Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land*. The policy states: 'rezonings that cover a large area, for example, more than one property, make it difficult for a planning authority to be satisfied that every part of the land is suitable for the proposed uses in terms of contamination at the rezoning stage. In these cases, the rezoning should be allowed to proceed, provided measures are in place to ensure that the potential for contamination and the suitability of the land for any proposed use are assessed once detailed proposals are made'.

In accordance with *Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land* staff conducted an evaluation of the land and found that historical uses include residential, rural-residential and adjustment (keeping of horses). Adjacent

to the ECB corridor is the Fernleigh Track, which was a former railway used to transport passengers and coal between Lake Macquarie and the port of Newcastle. In one instance, at Highfields, the Fernleigh Track intersects the corridor. Due to the minimal distance between the rail line and the proposed 7(2) Conservation (Secondary) Zone, it was considered necessary to undertake a Preliminary Soil Contamination Assessment in that immediate locality. RCA Australia conducted the Preliminary Soil Contamination Assessment for land at Highfields (Part Lot 3 DP 76243). The purpose of the Assessment was to determine the presence, if any, of contaminants associated with the former rail line, specifically arsenic, asbestos, and organochlorine pesticides. No organochlorine pesticides or asbestos were detected. Traces of arsenic were detected, however the levels encountered were well below the National Environment Protection (Assessment of Site Contamination) Measures for Health Investigation Level 'E' (Parks, recreation, open space and playing fields). The report concluded that the land is suitable for use as a conservation area zoned 7(2) Conservation (Secondary), and that the rezoning will not increase the risk to human health or the environment from contamination.

While it is unlikely that any other contamination risk exists within the ECB corridor Stage 1 (North) it may be prudent to undertake investigation at the subdivision and/ or development stage for individual lots.

The land is located outside the risk area for Acid Sulphate Soil.

Flooding and Water Quality Control

The land is not classified as 'low lying land', nor is it mapped as being at risk during a 1 in 100 year flood. Therefore, the flood risk is low.

Future development must comply with the stormwater management controls in DCP No.1. Further assessment and reporting will be required at development stage.

Geotechnical Considerations

Land comprising Stage 1 (North) is classified as being within one or more of the geotechnical zones: T1, T2, T3, T4, and T5. Future development will be required to limit the potential of damage resulting from landslip. Future development must comply with the relevant controls in DCP No.1 and applications must be supported by a Geotechnical Report.

Bushfire

Lake Macquarie Bush Fire Prone Land Map 2007 categorises land according to the level of bush fire risk, Category 1 having the highest risk, and Bushfire Vegetation Buffer having the lowest risk. The northern-most section of the corridor (within Highfields and Kahibah) is heavily vegetated and adjoins Glenrock State Recreation Area; it is classified as Bush Fire Vegetation Category 1.

The area within Whitebridge is classified as Bush Fire Vegetation Category 2 and Bush Fire Vegetation Buffer. Most land parcels within this area are used for residential purposes, with the lowest bushfire risk coinciding with the cleared, developed portion of the lots. The draft LEP proposes to increase the residential zone. Any future development must take into account the impact of bush fire on the development. Future development must comply with Rural Fire Service requirements outlined in Planning for Bushfire Protection.

Traffic Access and Parking

The local road network will be required to cope with future traffic increases that could have otherwise been improved by the ECB. In 2009-2010 Council commissioned the East Charlestown Traffic Study to investigate, assess, and report on traffic issues on the study area. The Study recommends a range of local area traffic management (LATM) measures designed to improve vehicle traffic movements within the area, reduce vehicular and pedestrian conflicts within the area, improve safety, and respond

to existing and future requirements of the area. It includes liaison with RTA to improve the operation of traffic signals, particularly at Pacific Highway and Kahibah Road.

There are likely to be negligible traffic, access, and parking issues associated with future development within the ECB corridor. The majority of Stage 1 (North) will be rezoned for conservation purposes, and therefore will not generate additional traffic. It is proposed to rezone approximately 3.42 ha (34,200 m²) of land for residential development and approximately 0.18 ha (1,800 m²) for commercial development. This area is located within the urban area of Whitebridge, and has access to the existing road network and public transport. The LATM measures proposed by the East Charlestown Traffic Study are considered sufficient to accommodate future traffic increases associated with the ECB rezoning.

Visual Impact Assessment

A preliminary Visual Impact Assessment was conducted in accordance with the Lake Macquarie Scenic Quality Guidelines. The following table is a summary of the area's scenic qualities. It is considered that future development can occur without significant impact on the LGA's scenic quality.

DETERMINING ASPECT OF SCENIC VALUE		DISCUSSION
Landscape Setting Unit: Moderate		The site is located within the Belmont North, Scrubby Creek, and Flaggy Creek Landscape Setting Units. Each Landscape Setting has a Moderate value. Future development should protect scenic features such as bushland and creeklines as visible from roads such as the Pacific Highway.
Significant Features, Viewpoints and Ridgelines	Feature	Nil. The site does not have significant features.
	Viewpoint	Nil. The site is not in proximity to, or visually prominent from, a significant ridgeline.
	Ridgeline	The Ridgeline at Glenrock State Recreational Area from Kahibah to Dudley is identified as a significant Ridgeline.
Scenic Management Zone: C		Development must enhance the scenic values of the area.

Heritage Issues

With regard to European heritage, there is no State heritage item located in, or near, the ECB corridor Stage 1 (North). There are five items of local significance located within 1 kilometre of the subject land such as the Glenrock Railway and Mine Entrance and other early coal mining sites located within Glenrock State Recreation Area. One item is the Fernleigh Track, which runs adjacent to much of the ECB corridor Stage 1 (North). The Fernleigh Track crosses the corridor via Lot 3 DP 726243. The draft LEP proposes to rezone Lot 3 DP 726243 to 7(2) Conservation (Secondary) Zone and therefore, protect it from future development and ensure the amenity is maintained for users of the Fernleigh Track.

There are approximately three known Aboriginal Heritage Items within 1 kilometre of the subject land. The proposed draft LEP will not impact upon these items. One item is located adjacent to or within (the exact location is unknown) the ECB Stage One (North) corridor. The lot in which the heritage item is located is proposed to be rezoned to 7(2) Conservation (Secondary) Zone, which will provide greater protection for the Aboriginal Heritage Item.

Utilities and Services

The ECB corridor Stage 1 (North) is made up of 30 properties, of varying degrees of urbanisation. Those with development potential have ready access to utilities and services.

2.4 Economic Impact

The rezoning and removal of acquisition liability will have a positive impact for Council and the RTA. It will lessen Council's and RTA's liability to acquire land that is no longer required for the purpose of a road. It would be costly and unnecessary for Council to acquire land within the ECB corridor.

The rezoning will also have a positive impact for several property owners in the Whitebridge area, as the rezoning will generate development potential. It is likely that the corridor's removal will have a positive affect on surrounding property values.

The rezoning will result in additional commercial opportunities within the Whitebridge shops complex. The additional population within walking distance will strengthen the economic viability of existing and new commercial premises.

2.5 Social Impact

The rezoning of, and removal of acquisition liability from, the ECB corridor will have a negligible social impact. The scale of development the rezoning will enable is considered to be consistent with the character of the existing area.

Located within 1 kilometre of the site is a high school, primary school, pre-school, recreation facilities (tennis courts, ovals and netball courts). It is considered that the existing social infrastructure can support the level of increase in population that may result from the rezoning.

2.6 Summary and Recommendations

The rezoning and removal of acquisition from the ECB corridor Stage 1 (North) aims to balance conservation and population needs. The vast majority of subject land is proposed to be rezoned to 7(2) Conservation (Secondary) Zone, which will ensure ongoing protection of the City's highly valued biodiversity. Where there is development potential, the land will be rezoned to 2(1) Residential Zone, 2(2) Residential (Urban Living) Zone, or 3(1) Urban Centre (Core) Zone in combination with 7(2) Conservation (Secondary) Zone in order to protect vegetation corridors and amenity surrounding the Fernleigh Track.

The additional residential and commercial zoned land will generate housing and commercial opportunities of a scale that is appropriate to the locality. The location of the additional residential and commercial zoned land is consistent with the objectives of Lifestyle 2020 and the Lower Hunter Regional Strategy.

2.7 Figures

Figure 2.1a East Charlestown Bypass Stage One (North)

Figure 2.1b Bushfire Prone Land Map

Figure 2.1c Native Vegetation Corridors

Figure 2.1d Current Zones

Figure 2.1e Proposed Zones

Figure 2.1a: East Charlestown Bypass Stage One (North)

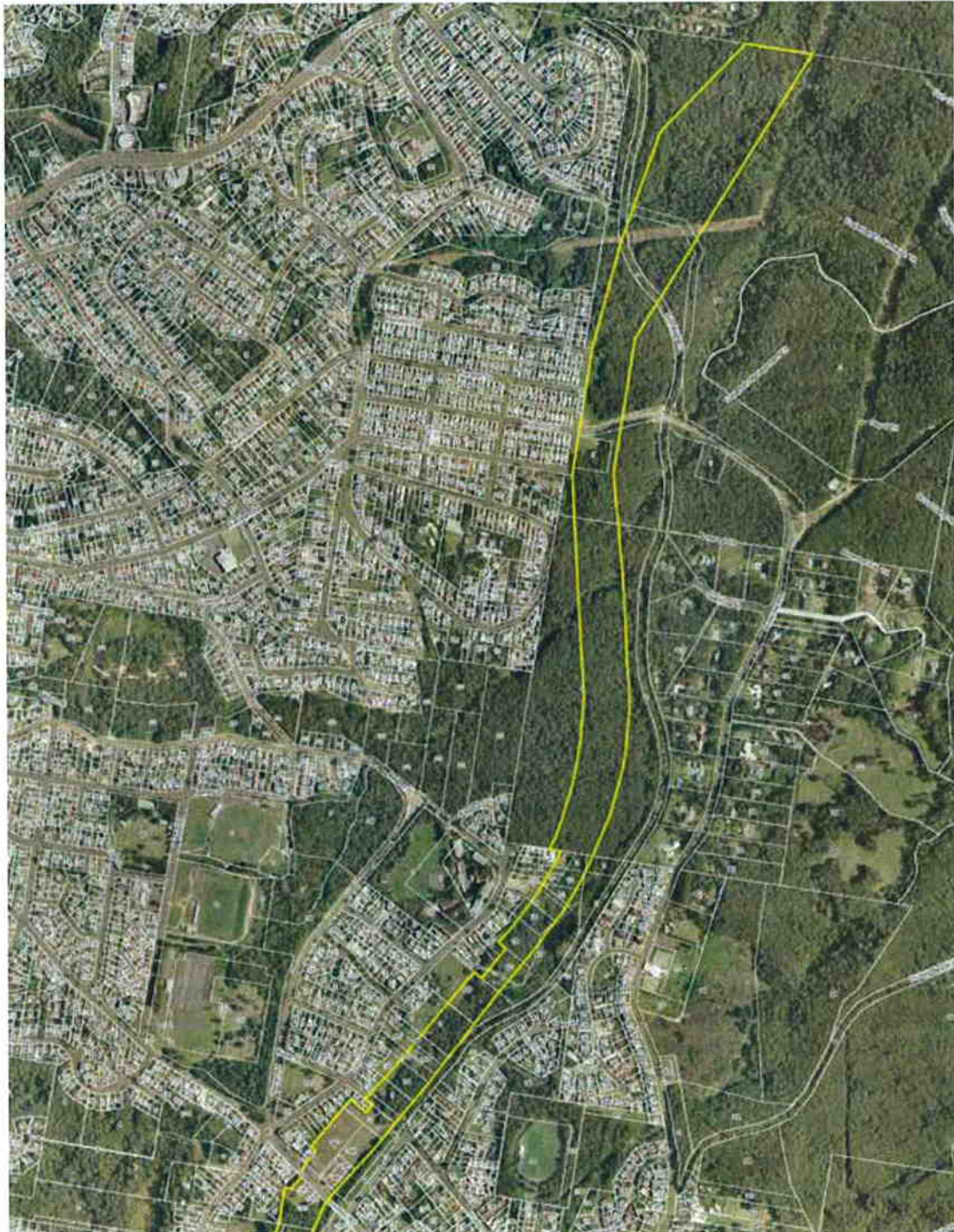


Figure 2.1b: Bushfire Prone Land Map

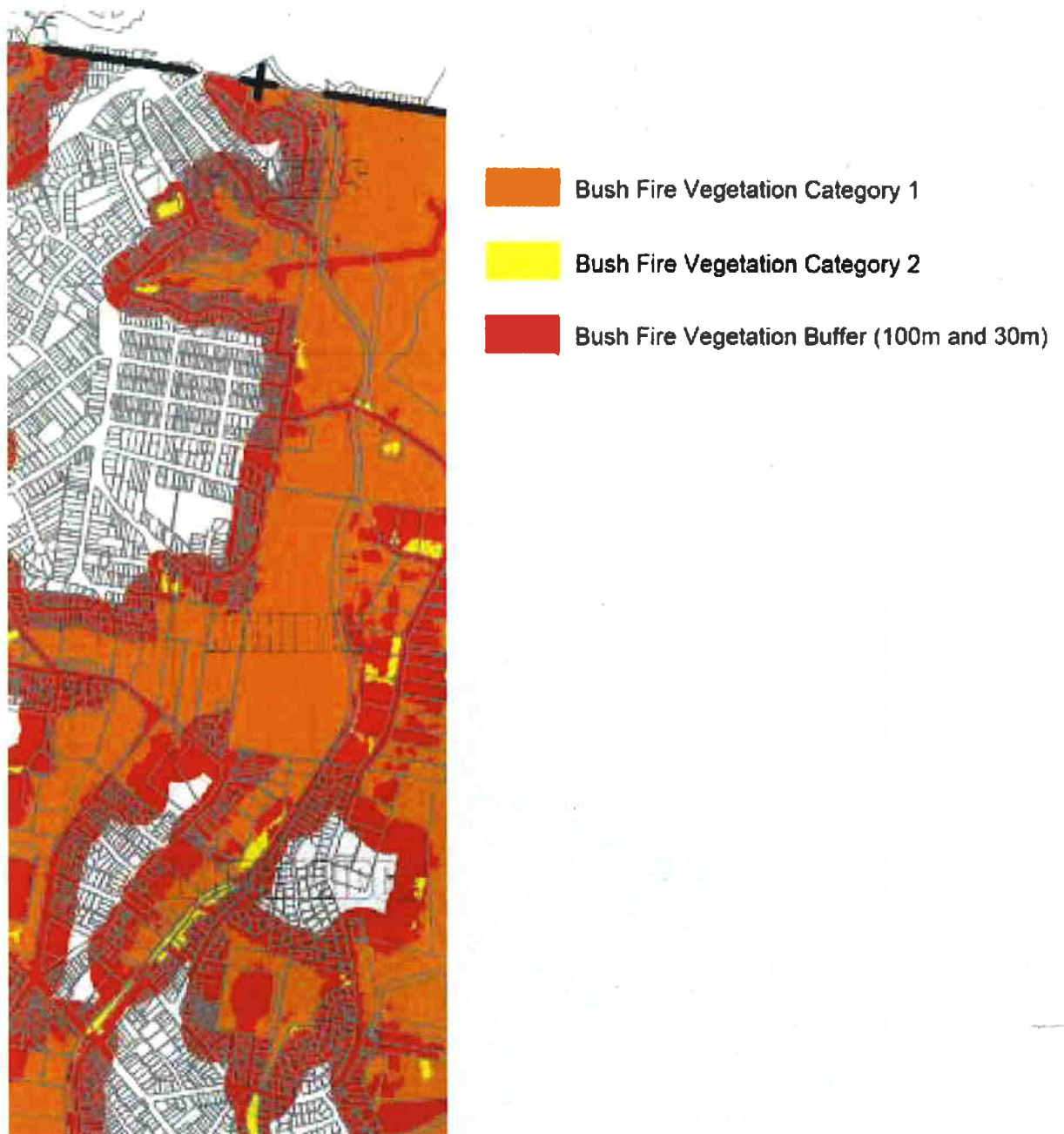
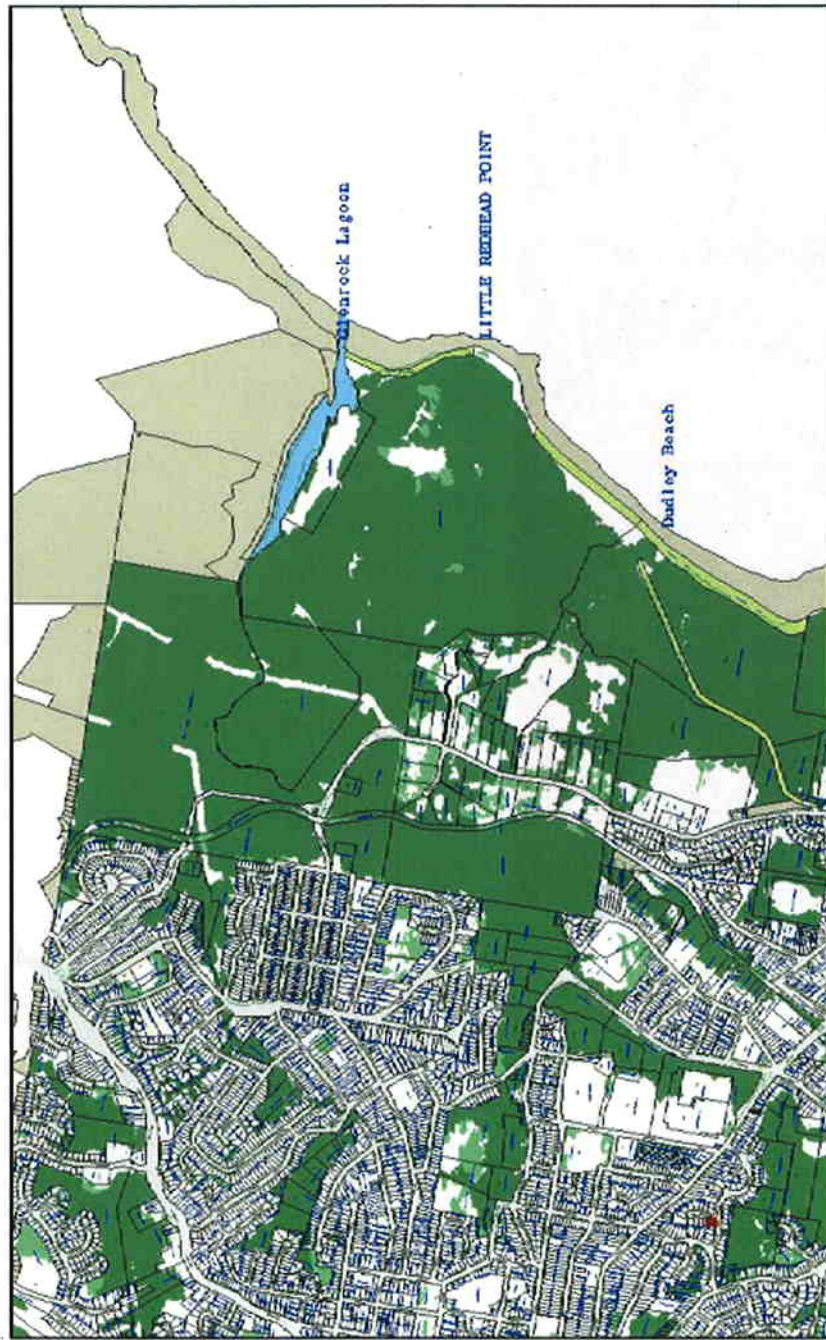


Figure 2.1c: Vegetation Corridors



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Figure 2.1d: Current Zones

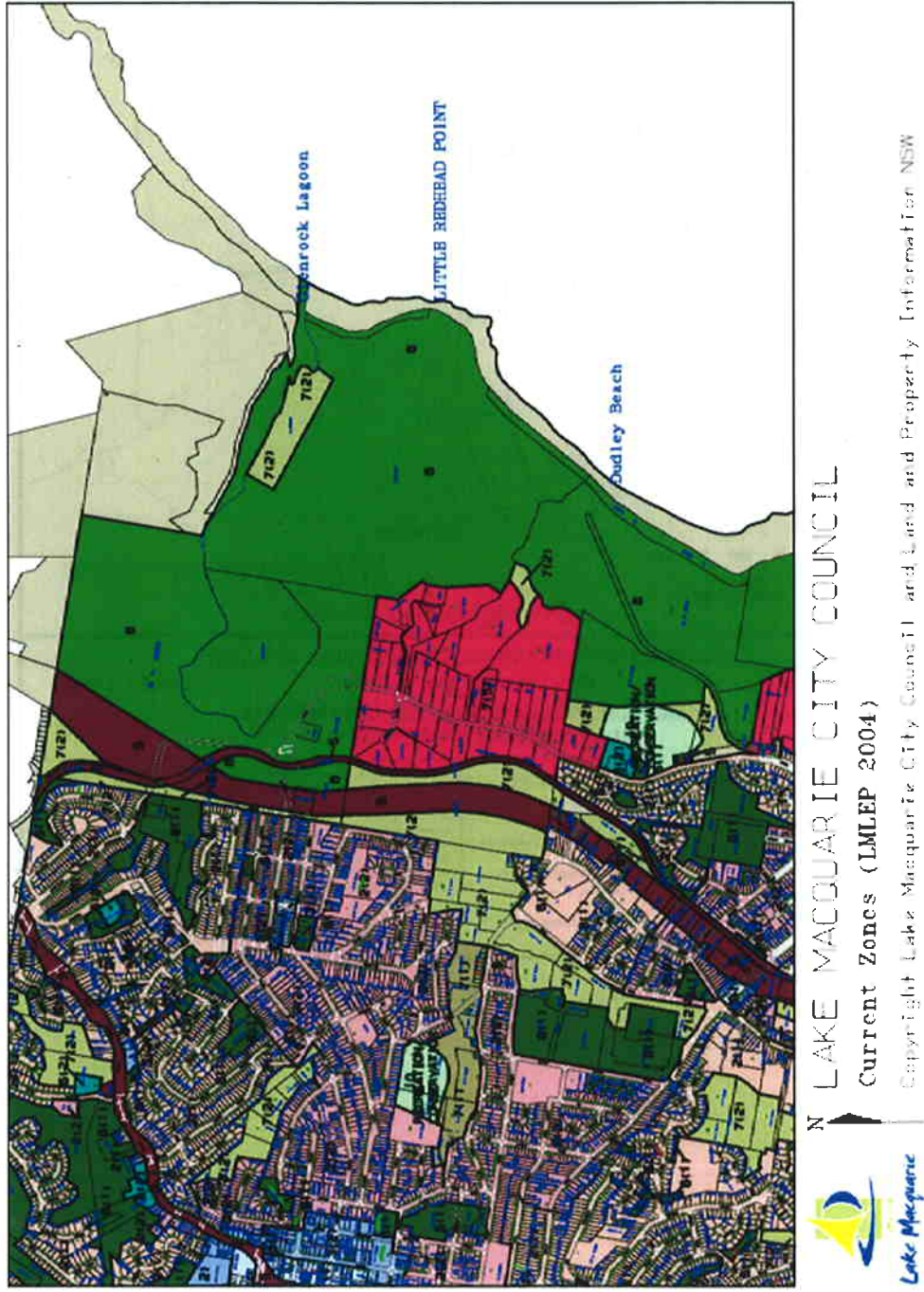


Figure 2.1e p1: Proposed Zones

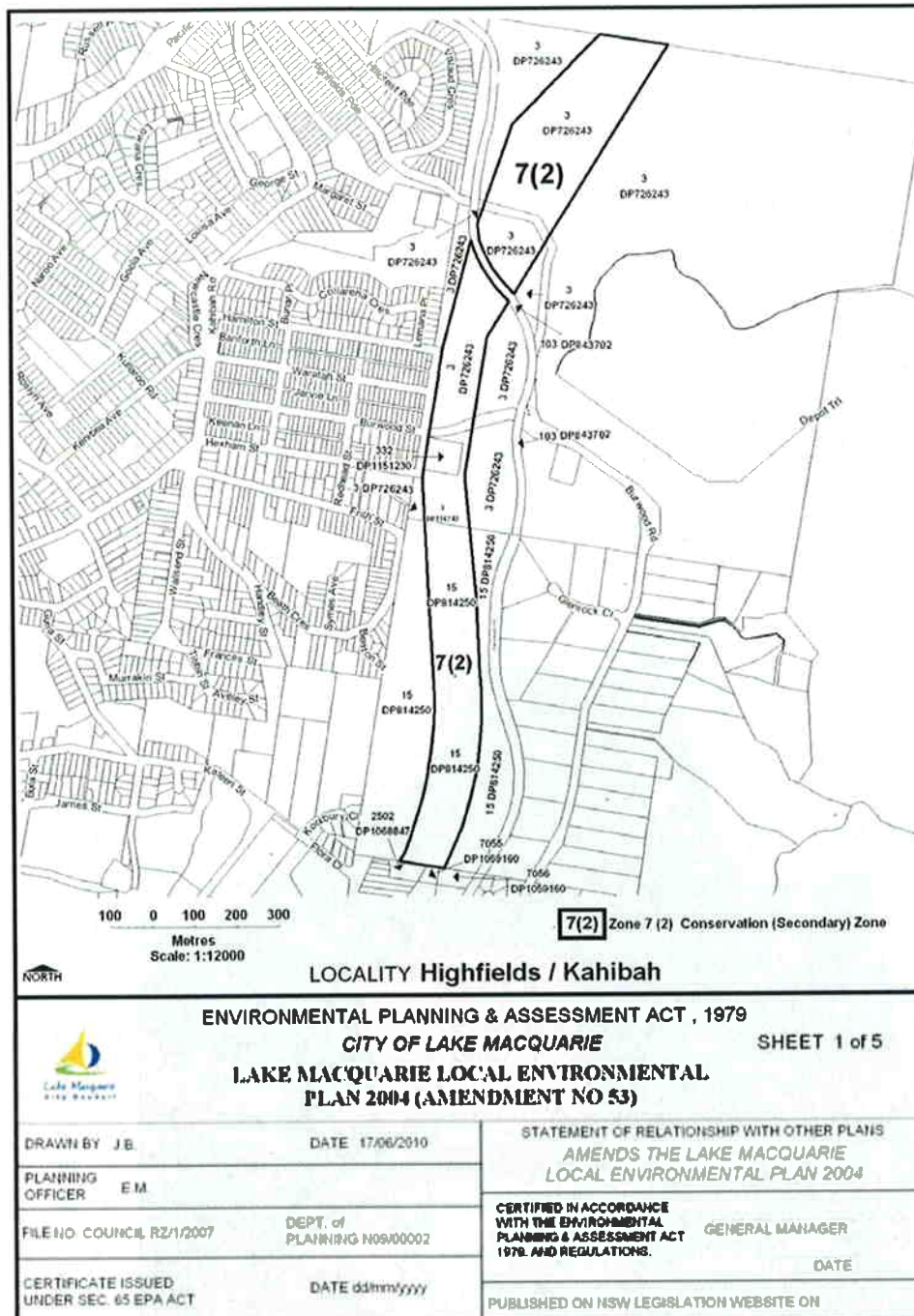
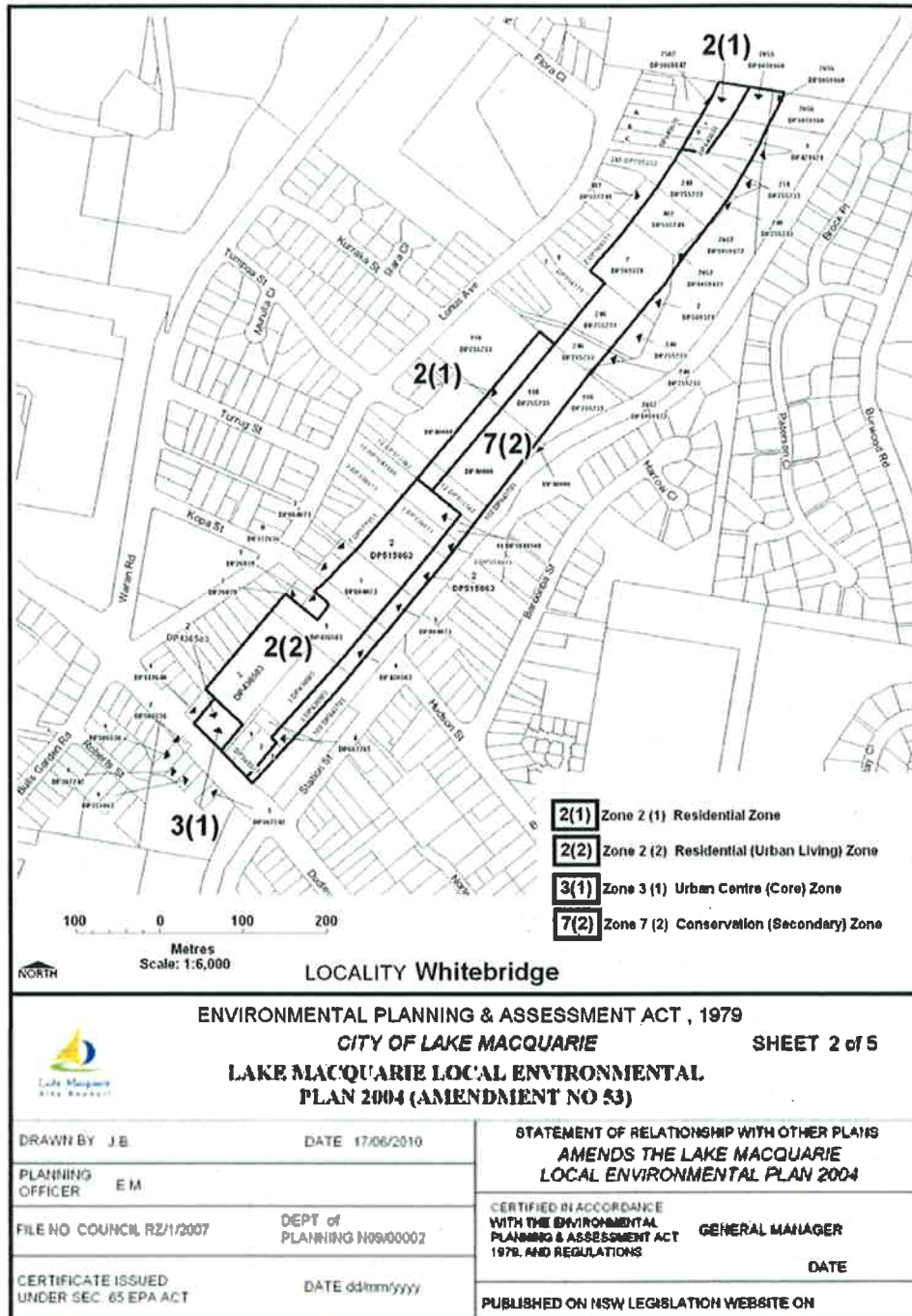


Figure 2.1e p2

Proposed Zones



2.8 Stage One (South)

Location

Stage One (South) is the portion of the ECB corridor from Oakdale Road, Gateshead to the southern extent of the corridor located on Crown land off Alick Street, Belmont. See Figure 2.2a.

Property Details

Stage One (South) comprises the following lots:

Street Address	Property Description	Ownership
117 Kalaroo Road REDHEAD	Lot 1 DP 202665	Lake Macquarie City Council
Lot 10 DP 1010767 Pacific Highway BENNETTS GREEN	Lot 10 DP 1010767	Roads and Traffic Authority
Lot 11 DP 1010767 Pacific Highway BENNETTS GREEN	Part Lot 11 DP 1010767	Roads and Traffic Authority
20 Arnhem Close GATESHEAD	Part Lot 375 DP 755233	Land and Property Management Authority
150 Ocean Street DUDLEY	Part Lot PT114 DP 755233	Land and Property Management Authority
Belmont Wetlands State Park 25 Alick Street BELMONT	Lot 23 DP 709388	Her Majesty Queen Elizabeth II
Belmont Wetlands State Park 18A Master Street BELMONT NORTH	Lot 1 DP 208758	Her Majesty Queen Elizabeth II
46A Oakdale Road GATESHEAD	Lot PT115 DP 755233	Land and Property Management Authority
46A Oakdale Road GATESHEAD	Part Lot PT116 DP 755233	Land and Property Management Authority
49 Kalaroo Road REDHEAD	Part Lot 64 DP 10262	Lake Macquarie City Council
69 Kalaroo Road REDHEAD	Part Lot 62 DP 10262	Private
63 Kalaroo Road REDHEAD	Part Lot 63 DP 10262	Private
The Sanctuary Redhead Beach 81 Kalaroo Road REDHEAD	Part Lot 6001 DP 787875	Private
89 Kalaroo Road REDHEAD	Part Lot 59 DP 10262	Roads and Traffic Authority
99 Kalaroo Road REDHEAD	Part Lot 58 DP 10262	Roads and Traffic Authority
109 Kalaroo Road REDHEAD	Part Lot 57 DP 10262	Roads and Traffic Authority
Lot 62 DP 755233 Pacific Highway BENNETTS GREEN	Part Lot 62 DP 755233	The Commissioner For Main Roads
140 Cowlshaw Street REDHEAD	Part Lot 4 DP 248860	Private
115 Kalaroo Road REDHEAD	Lot 1 DP 573400	Roads and Traffic Authority
119 Kalaroo Road REDHEAD	Part Lot 3 DP 652321	Roads and Traffic Authority
Lot 5 DP 248860 Kalaroo Road REDHEAD	Lot 5 DP 248860	The Commissioner For Main Roads
86 Kalaroo Road REDHEAD	Lot 767 DP 864212	Roads and Traffic Authority

Land Use

The majority of land comprising Stage 1 (South) is undeveloped, vacant land. The land is characterised by coastal bushland and wetland, and dune system, and has significant natural value. A small portion of the corridor (2.7 ha) is located within or adjoining a tourist accommodation complex.

Proposal

The ECB Stage 1 (South) rezoning aims to protect the natural quality of the land by applying various conservation zones as applicable to each parcel. Approximately 2.7 ha of land will be zoned 6 (2) Tourism and Recreation Zone, consistent with the current and appropriate future use of the land.

2.9 The Planning Context

The proposed rezoning must have consideration to state, regional and local plans, and policies. These include s117(2) Ministerial Directions, State Environmental Planning Policies (SEPPs), the Lower Hunter Regional Strategy and Lake Macquarie Lifestyle 2020 Strategy. In applying the proposed zones, consideration will be given to the zone objectives and permissible uses in the Lake Macquarie LEP 2004 and the Standard Instrument LEP.

Section 117(2) Ministerial Directions

The following Section 117(2) Ministerial Directions apply:

Section 111(2) Ministerial Direction	Comments
1.1 Business and Industrial Zones	The direction requires a draft LEP to retain areas and locations of existing business and industrial zones, not reduce total or potential floor space, and ensure proposed new employment areas are in accordance with a strategy that is approved by the Department of Planning. The draft LEP proposes no new (or reduction to existing) business or industrial zones within the ECB Stage 1 (South) corridor. The draft LEP is consistent with Direction 1.1 Business and Industrial Zones.
2.1 Environment Protection Zones	The direction requires a draft LEP to facilitate the protection and conservation of environmentally sensitive areas. The draft LEP is consistent with Direction 2.1 Environment Protection Zones.
2.2 Coastal Protection	The direction requires a draft LEP to give effect to, and be consistent with the NSW Coastal Policy, the Coastal Design Guidelines, and the NSW Coastline Management Manual. The subject land is within the Coastal Zone. The draft LEP proposes to protect valuable coastal land and habitat through the introduction of conservation zones. The draft LEP is consistent with Direction 2.2 Coastal Protection.
2.3 Heritage Conservation	The direction requires a draft LEP to facilitate the conservation of European, Aboriginal and natural heritage significance.

There are approximately 19 known Aboriginal Heritage Items within 1 kilometre of the subject land. The proposed draft LEP will provide greater protection for these items by rezoning the land to a conservation zone, in which the likelihood of intensive development is less than the 5 Infrastructure Zone.

There are six items of European heritage significance located within 1 kilometre of the subject land. One of those items is the Fernleigh Track, which runs north-south in close proximity to much of the ECB corridor Stage 1 (South). The Fernleigh Track crosses the corridor via several lots adjoining Kalaroo Road Redhead. The draft LEP proposes to rezone those lots to a conservation zone, and therefore, protect it from future development and ensure the ongoing high level of amenity for users of the Fernleigh Track.

The draft LEP is **consistent** with Direction 2.3 Heritage Conservation.

2.4 Recreation Vehicle Areas

The direction requires a draft LEP to protect sensitive or conservation land from adverse impacts from recreation vehicles.

The draft LEP does not introduce recreation vehicle areas. A small section of the ECB corridor is located across land used by recreation vehicles to access Redhead Beach via the associated dune system. The draft LEP proposes to rezone the land to a conservation zone. While this may not preclude the ongoing use of the land by recreation vehicles, it does not encourage nor propose any new recreation vehicle area.

The draft LEP is **consistent** with Direction 2.4 Recreation Vehicle Areas.

3.2 Caravan Parks and Manufactured Home Estates

The direction requires a draft LEP to retain zonings of existing caravan parks.

The draft LEP proposes to zone 1.1 ha of land to 6(2) Tourism and Recreation Zone to facilitate the use of land for caravan parks and manufactured home estates that are currently in operation in Redhead.

The draft LEP is **consistent** with Direction 3.2 Caravan Parks and Manufactured Home Estates.

3.4 Integrating Land Use Transport

The direction requires a draft LEP locate zones for urban purposes and include provisions that give effect to and are consistent with *Improving Transport Choice – Guidelines for planning and development* and *The Right Place for Business and Services – Planning Policy*.

These documents advocate co-locating housing, commercial, industrial, educational etc uses with public transport nodes to improve accessibility within and between centres, encourage people to travel shorter distances and help people make fewer trips.

The draft LEP proposes to locate tourism and recreation zones within proximity to existing public transport services. Buses operate along Kalaroo Road providing connectivity to the regional centre Newcastle (and train system) the sub-regional

	centre Charlestown, and neighbourhood centre Belmont. The former ECB corridor runs adjacent to the Fernleigh Track, a highly patronised pedestrian and cycleway, which on completion in 2010, will link Belmont (Lake Macquarie LGA) to Adamstown (Newcastle LGA). The draft LEP is consistent with Direction 3.4 Integrating Land Use and Transport.
4.1 Acid Sulfate Soils	The direction requires a draft LEP to be consistent with the Acid Sulfate Soils Planning Guidelines, and not propose intensification of land uses on land identified as having a probability of containing acid sulphate soils. The ECB corridor Stage 1 (South) contains varying degrees of Acid Sulfate Soils risk. The draft LEP proposes to rezone the majority of the corridor to a conservation zone thereby limiting the potential disturbance of acid sulphate soils. The draft LEP proposes to retain in the Lake Macquarie LEP 2004 all current provisions relating to Acid Sulfate Soils. The draft LEP is consistent with Direction 4.1 Acid Sulfate Soils.
4.2 Mine Subsidence and Unstable Land	The direction requires a draft LEP to consult the Mine Subsidence Board (MSB), incorporate provisions in the draft LEP that are consistent with MSB's advice and provide a copy of MSB's advice to the Department of Planning under section 64 of the EP&A Act 1979. The former ECB is located within the Lake Macquarie Mine Subsidence District. In accordance with the direction, MSB were consulted, however at the time of writing this Environmental Review, no response has been received. The low scale of development that is permissible in the proposed zones suggests that compliance with MSB's standard requirements is likely. The draft LEP is consistent with Direction No.4.2 Mine Subsidence and Unstable Land.
4.3 Flood Prone Land	The direction requires a draft LEP to be consistent with the Floodplain Development Manual 2005. It is likely that several areas within the ECB corridor are subject to flood risk. The draft LEP proposes to rezone the majority of the corridor to a conservation zone thereby limiting the risk of flood to future and existing development. Any future development must comply with the Floodplain Development Manual 2005 and the provisions of Lake Macquarie LEP 2004 and Lake Macquarie Development Control Plan No.1. The draft LEP is consistent with Direction 4.3 Flood Prone Land.
4.4 Planning for Bushfire Protection	The direction requires council to consult with the Commissioner of the NSW Rural Fire Service (RFS) under section 62 of the EP&A Act, and to comply with certain provisions relating to Asset Protection Zones (APZs), access roads, water supply and hazard reduction. In accordance with the direction, Council consulted RFS who advised that any urban development would need to consider the

requirements of *Planning for Bushfire Protection 2006*. RFS also advised that the creation of conservation areas adjacent to urban development would need to consider bushfire risk.

Much of Stage 1 (South) is being rezoned for conservation purposes, and in some areas, adjoins residential land. Therefore, significant consideration has been given to the associated bushfire risks. This matter is dealt with in detail in Section 2.2.2.

The draft LEP is **consistent** with Direction 4.4 Planning for Bushfire Protection.

5.1
Implementation
of Regional
Strategies

The direction requires a draft LEP to be consistent with the relevant Regional Strategy.

The relevant strategy is the Lower Hunter Regional Strategy, which encourages development that is located around centres and corridors, provides economic and employment opportunities, encourages public transport use, and protects the environment and natural resources. The draft LEP is consistent with the Lower Hunter Regional Strategy by protecting the environment and natural resources - a large expanse of land will be zoned to a conservation zone.

The draft LEP is **consistent** with Direction No.5.1 Implementation of Regional Strategies.

6.1 Approval
and Referral
Requirements

The direction prevents a draft LEP from requiring concurrence from, or referral to, the Minister or a public authority. The LEP will minimise the inclusion of provisions requiring concurrence, consultation, or referral of development applications to a Minister or public authority.

The draft LEP is **consistent** with Direction No.6.1 Approval and Referral Requirements.

6.2 Reserving
Land for Public
Purposes

The direction requires that draft LEPs do not reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning.

Council has the consent of the RTA and the Director-General of the Department of Planning to remove the acquisition status of the road corridor and rezone the land from 5 Infrastructure Zone to one or more suitable zones.

The draft LEP is **consistent** with Direction 6.2 Reserving Land for Public Purposes.

State Environmental Planning Policies (SEPPs) deal with issues significant to the state and people of NSW. They are made by the Minister for Planning and are gazetted as a legal document. The following SEPPs are applicable:

State Environmental Planning Policy (SEPP)	Comments
SEPP 14 Coastal Wetlands	The SEPP aims to ensure that coastal wetlands are preserved and protected in the environmental and economic interests of the state. Stage 1 (South) is located within the boundaries of two SEPP Coastal Wetlands. The draft LEP proposes to protect the wetlands by applying one or more conservation zones to the subject land, thereby limiting development potential, and encouraging the preservation of the highly important natural values.
SEPP 19 Bushland in Urban Areas	The SEPP aims to protect remnant plant and animal communities, wildlife corridors, habitat and rare and endangered flora and fauna species. The draft LEP rezones large areas of 5 Infrastructure Zone to a conservation zone in accordance with the land's environmental value.
SEPP 55 Remediation of Land	The SEPP aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment. The SEPP requires a planning authority (e.g. a council) to consider, before rezoning the land for residential and other purposes, whether the land is contaminated. If the land is contaminated, the planning authority must be satisfied that the land is suitable in its contaminated state, or will be suitable after remediation for the proposed land use to occur. The associated document Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land lists <i>railway yards</i> as an activity that may cause contamination. While not defined in the document, the term 'railway yards' implies a place used for the storage and maintenance of rolling stock, materials and chemicals and which is at greater risk of contamination by hydrocarbons such as diesel and heavy oils, and pesticides and herbicides used for rail maintenance. A significant portion of the ECB corridor is located in proximity to the Fernleigh Track, a former railway line which was used to transport coal and passengers from parts of Lake Macquarie to the Port of Newcastle from the 1880s to 1971. The Fernleigh Track intersects the ECB corridor in Redhead, however, the location is not considered to be of concern given the large separation distance (>15 metres) between the rail corridor and the proposed conservation areas. The large separation distance makes it highly unlikely that the subject land contains any contaminants associated with the rail corridor. No other areas of Stage 1 (South) in proximity to the Fernleigh Track are of concern, as there is significant separation distance between the proposed zones and the Fernleigh Track.

Consideration has also been given to potential contamination issues associated with former sand mining activities over Lot 23 DP 709388 (Alick Street Belmont). A contamination assessment is currently underway by the Department of Industry and Investment on behalf of Belmont Wetlands State Park Trust. The purpose of the assessment is to determine the presence, if any, of residual radioactive mineral sands.

Staff from the Department of Industry and Investment advised that the contamination assessment is nearing finalisation. Consultation between Council staff and the Department of Industry and Investment will continue as more information becomes available. Council staff will notify the Department of Industry and Investment when the draft LEP amendment is on public exhibition and will invite comment on the proposed zones.

Draft Amendment No.53 is consistent with State Environmental Planning Policy No.55 Remediation of Land and the associated document Managing Land Contamination – Planning Guidelines.

SEPP 71
Coastal
Protection

The SEPP aims to protect the natural, cultural, recreational, and economic attributes of the NSW coast, and to protect and preserve native coastal vegetation.

Approximately 42 hectares (49.8% of Stage 1 (South)) is located within the Coastal Zone. The area is in close proximity to Redhead Beach and supports coastal vegetation and wetlands. The draft LEP will be consistent with the SEPP, by rezoning the land to a conservation zone, thereby providing a greater level of protection.

SEPP (Housing
for Seniors or
People with a
Disability) 2004

The SEPP aims to encourage the provision of housing (including residential care facilities) that will increase the supply and diversity of residences that meet the needs of seniors or people with a disability and make efficient use of existing infrastructure and services.

The draft LEP will result in a small increase in land available for residential development that is suitable for seniors or people with a disability, namely, manufactured housing. Services and infrastructure available in the locality include roads, transport, electricity, sewer etc as well as schools, shops and medical services.

SEPP
(Infrastructure)
2007

The SEPP aims to facilitate the effective delivery of infrastructure across the State and allowing for the efficient development, redevelopment, or disposal of surplus government owned land. The SEPP does not outline any specific requirements relating to the rezoning of land zoned for infrastructure purposes.

Lower Hunter Regional Strategy

The Lower Hunter Regional Strategy (LHRS) is the strategic land use planning framework to guide the sustainable growth of the Lower Hunter over the next 25 years. The LHRS identifies the land comprising Stage 1 (South) as predominately rural and resource land (i.e. land that provides valuable economic, environmental and social

benefits to the region). The rezoning is consistent with the LHRS, which encourages protection of the environment and green corridors.

Lifestyle 2020 Strategy

Lifestyle 2020 Strategy provides the long-term direction for land use development of the City. The rezoning of Stage 1 (South) is consistent with each of the five strategic directions outlined in the Strategy:

- A City responsive to its environment: the Strategy aims to protect and enhance the City's biodiversity and natural assets. The draft LEP protects significant tracts of native vegetation including vegetation corridors.
- A well-serviced and equitable City: the Strategy seeks to provide a wide range of high quality and interconnected public open spaces that meets the needs of the community and the natural environment. Stage 1 (South) will protect and enhance significant natural areas that may in the future be used as public open spaces through the establishment of the Coastal Wetlands Park.
- A well-designed and liveable City: the Strategy seeks to provide an attractive environment for residents, workers, investors, and visitors. The draft LEP will protect areas of high environmental quality improving the well-being of residents and providing a potential tourism drawcard through the establishment of the Coastal Wetlands Park.
- A City of progress and prosperity: the Strategy protects existing and committed land uses that contribute to the economic base of the City from incompatible uses. The draft LEP ensures that the land is zoned appropriately and does not encroach / or impact upon economically viable land.
- An easily accessible City: the Strategy encourages development that reduces reliance on private vehicles for transport. The draft LEP will ensure the future amenity of the Fernleigh Track, which, on completion, will provide a valuable alternative to motor vehicle use in the LGA.

LMLEP 2004

Local environmental plans guide planning decisions for local government areas. Through zoning and development controls, they allow councils to supervise the ways in which land is used.

The proposed zone changes will occur as an amendment to LMLEP 2004. The plan is referred to as draft LMLEP 2004 (Amendment No.53). The draft LEP proposes no development controls over and above what is currently in place in LMLEP 2004 and Lake Macquarie Development Control Plan (DCP) No.1. The changes will become effective upon the plan's publication in the Government Gazette.

Standard Instrument Local Environmental Plan

On 31 March 2006, the NSW Government gazetted a standard instrument for preparing new LEPs, also known as the LEP template. Local plans across NSW must now use the same planning language. At the time of writing this Environmental Review, Lake Macquarie City Council had adopted Version 1 of draft Standard Instrument Lake Macquarie LEP 2011. The draft LEP is a 'conversion LEP' and therefore proposes to apply a zone that is equivalent to the 5 Infrastructure Zone. It is anticipated that draft LEP Amendment No.53 will be finalised prior to the Standard Instrument LEP. The zones proposed by draft LEP Amendment No.53 have the following Standard Instrument LEP zone equivalent:

LMLEP 2004 Zones	Standard Instrument LEP Zone Equivalent
2(1) Residential Zone	R2 Low Density Residential Zone
2(2) Residential (Urban Living) Zone	R3 Medium Density Residential Zone
3(1) Urban Centre (Core) Zone	B1 Neighbourhood Centre B2 Local Centre B3 Commercial Centre
5 Infrastructure Zone	SP2 Infrastructure
7(1) Environmental (Primary) Zone	E2 Environmental Conservation
7(2) Conservation (Secondary) Zone	E2 Environmental Conservation
7 (3) Environmental (General) Zone	E3 Environmental Management
8 National Parks Zone	E1 National Parks and Nature Reserves
10 Investigation Zone	There is no standard Instrument equivalent zone. Each site zoned 10 Investigation Zone will be assessed individually.

Lake Macquarie DCP No.1

Development control plans, prepared in accordance with the Environmental Planning and Assessment Act, are also used to help achieve the objectives of the local plan by providing specific, comprehensive requirements for certain types of development or locations, e.g. for urban design, and heritage precincts and properties.

Lake Macquarie DCP No.1 provides site-specific controls for development within the Local Government Area. Upon the proposed draft plan being gazetted, subsequent applications for subdivision and development will be assessed against the provisions of the DCP.

2.10 Environmental Impact

Most of the corridor's southern portion is within Council's proposed Coastal Wetlands Park. In 2005, Council provided 'in principle' support to establish a Coastal Wetlands Park, comprising 10 separate areas of land across a 15 kilometre stretch of coastline and an area of approximately 1,730 hectares. The proposal is for the 10 areas between Dudley and Swansea to be recognised and managed as a Coastal Wetlands Park or a linked system of parks. The wetlands are recognised as of regional importance including a number of endangered ecological communities. They also provides habitat and corridor linkages for a range of species, including migratory and threatened species. Jewells and Redhead Lagoons, which are located within the ECB corridor, are key elements of the proposed Coastal Wetlands Park.

Flora and Fauna

The land comprising Stage 1 (South) supports native vegetation, exotic vegetation species, and cleared land. A large proportion is wetland vegetation. It provides habitat and corridors for the movement of fauna between the site and surrounding vegetated areas. It includes habitat for threatened species, endangered ecological communities, and internationally recognised migratory species.

The Lake Macquarie Native Vegetation and Corridors Map 2007 identifies the site as supporting corridors of remnant and partially cleared native vegetation.

The draft LEP seeks to protect existing vegetation and strengthen corridors by introducing 7(1) Conservation (Primary) Zone, 7(2) Conservation (Secondary) Zone, and 7(3) Environmental (General) Zone over areas of quality native vegetation. The conservation and environmental zones are of a sufficient width to protect the vegetation from weed invasion and maintain scenic amenity.

Contamination

The rezoning must comply with *Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land*. The policy states: 'rezonings that cover a large area, for example, more than one property, make it difficult for a planning authority to be satisfied that every part of the land is suitable for the proposed uses in terms of contamination at the rezoning stage. In these cases, the rezoning should be allowed to proceed, provided measures are in place to ensure that the potential for contamination and the suitability of the land for any proposed use are assessed once detailed proposals are made'.

In accordance with *Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land*, staff conducted an evaluation of the land and found that it comprises unused vacant land and land formerly used for quarrying. Adjacent to the bypass corridor is a former sand mine and processing plant and the Fernleigh Track, which was a former railway, used to transport passengers and coal between Belmont and the port of Newcastle. The risk of contamination associated with the Fernleigh Track is negligible given the substantial separation distances between the rail line and the adjoining land.

Stage One (South) land has high potential of containing Acid Sulfate Soil. Future development will be subject to additional assessment in accordance with Acid Sulfate Soil Manual.

Flooding and Water Quality Control

A significant proportion of land comprising Stage One (South) is classified as 'low lying land', and is at risk during a 1 in 100 year flood. Therefore, the flood risk is high. A high proportion of Stage One (South) is proposed to be rezoned to 7(1) Conservation (Primary) Zone, 7(2) Conservation (Secondary) Zone or 7(3) Environmental (General) Zone, therefore providing limited development potential. It is considered that the zoning is appropriate given the high level of flood risk, as it limits the impact on future development, and limits the risk that development of the flood-affected land may cause to adjoining properties.

The draft LEP amendment proposes to rezone a portion of the East Charlestown Bypass corridor to 6(2) Tourism and Recreation Zone in accordance with the current use of the land and/or to create a single zone across each subject land parcel. Further assessment and reporting would be required at development stage. Future development applications must be assessed in accordance with the flooding and stormwater management controls in DCP No.1.

Geotechnical Considerations

Land comprising Stage 1 (South) is classified as being within one or more of the geotechnical zones: T1, T3, T4, and T5. Future development will therefore be required to limit the potential of damage resulting from landslip. Future development must also comply with the relevant controls in DCP No.1 and applications must be supported by a Geotechnical Report. The proposed zoning (predominately environmental and conservation zones) will ensure the risk associated with development is limited.

Bushfire

Lake Macquarie Bush Fire Prone Land Map 2007 categorises land according to the level of bush fire risk, Category 1 having the highest risk, and Bushfire Vegetation Buffer having the lowest risk. Stage One (South) supports areas of Bush Fire Vegetation Categories 1 and 2 and Bush Fire Vegetation Buffer.

The draft LEP amendment proposes to rezone the majority of Bush Fire Prone Land as 7(1) Conservation (Primary) Zone, 7(2) Conservation (Secondary) Zone, thereby limiting the risk associated with developing in high-risk bushfire areas.

With regard to the proposed 6(2) Tourism and Recreation Zone, any future development must take into account the impact of bush fire on the development. Future development must comply with Rural Fire Service requirements outlined in Planning for Bushfire Protection.

Traffic Access and Parking

The East Charlestown Bypass (South) rezoning is unlikely generate any significant traffic, access or parking issues. The majority of Stage 1 (South) will be rezoned for conservation purposes, and therefore will not generate additional traffic. Any future development application that may result from the additional 6(2) Tourism and Recreation Zone will be assessed in accordance with DCP 1 Section 2.6 Transport, Parking, Access, and Servicing.

Visual Impact Assessment

A preliminary Visual Impact Assessment was conducted in accordance with the Lake Macquarie Scenic Quality Guidelines. The following table is a summary of the area's scenic qualities. It is considered that future development can occur without significant impact on the LGA's scenic quality.

DETERMINING ASPECT OF SCENIC VALUE		DISCUSSION
Landscape Setting Unit: Moderate		The site is located within the Scrubby Creek and Belmont Lagoon Setting Units. Both Landscape Settings have a Moderate value. Future development should protect scenic features such as bushland and wetlands as visible from roads such as Redhead Road.
Landscape Viewing Level		Level 3 – Low Viewing Level. The site is visible from Redhead Road.
Significant Features, Viewpoints and Ridgelines	Feature	Nil. The site does not have significant features.
	Viewpoint	The site is visible from Redhead Point, listed in the Scenic quality guidelines as a significant viewing point. The proposed conservation zones will ensure the views from Redhead Point retain the current natural scenic quality.
	Ridgeline	The site does not contain any significant ridgelines.
Scenic Management Zone: C		The site has a moderate to low Scenic Quality and Visual Accessibility. Development must enhance the scenic values of the area.

Heritage Issues

With regard to European heritage, there is no State heritage item located in, or near, the ECB corridor Stage 1 (South). Several items of local significance are located within 1 kilometre of the subject land. These include early coal mining sites such as Lambton Colliery and John Darling Colliery, and associated buildings. In addition, the Fernleigh Track runs adjacent to much of the ECB corridor Stage 1 (South). The Fernleigh Track crosses the corridor via Lot 1 DP 573398. The draft LEP seeks to maintain the current high level of amenity for users of the Fernleigh Track by applying conservation zones to land surrounding the Track.

There are approximately 21 known Aboriginal Heritage Items within 1 kilometre of the subject land. The proposed draft LEP will not impact upon these items. Approximately five items are located adjacent to or within (the exact location is unknown) the ECB Stage 1 (South) corridor. The lot in which the heritage item is located is proposed to be

rezoned for environmental conservation purposes, which will provide greater protection for the Aboriginal Heritage Item than is afforded by the current zone.

Utilities and Services

The ECB corridor Stage 1 (South) is made up of 22 properties, few of which are likely to be serviced by utilities such as sewer, water or electricity. However, proximity to urbanised areas such as Belmont, Redhead, Gateshead, and Bennetts Green means most land parcels could secure access to essential services if required. Development potential is limited across much of the ECB corridor Stage 1 (South) due to environmental constraints, which will be reflected in the extensive application of conservation zones.

2.11 Economic Impact

The rezoning and removal of acquisition liability will have a positive impact for Council and the RTA. It will lessen Council's and RTA's liability to acquire land that is no longer required for the purpose of a road.

The rezoning may generate development potential associated with the proposed 6(2) Tourism and Recreation Zone at Redhead. It is likely that the corridor's removal will have a positive affect on surrounding property values.

2.12 Social Impact

The rezoning of, and removal of acquisition liability from, the ECB corridor will have a negligible social impact.

2.13 Summary and Recommendations

The rezoning and removal of acquisition liability from the ECB corridor Stage 1 (South) will have positive environmental outcomes. It will ensure ongoing protection of the City's highly valued biodiversity including important wetland environments. Where there is development potential, the land will be rezoned to 6(2) Tourism and Recreation Zone in combination with 7(1) Conservation (Primary) Zone, 7(2) Conservation (Secondary) Zone, and 7(3) Environmental (General) Zone in order to protect vegetation corridors. The rezoning will also provide ongoing protection for places and items of Aboriginal heritage significance in the locality.

2.14 Figures

- Figure 2.2a East Charlestown Bypass Stage One (South)
- Figure 2.2b Bushfire Prone Land Map
- Figure 2.2c Native Vegetation Corridors
- Figure 2.2d Current Zones
- Figure 2.2e Proposed Zones

Figure 2.2a: East Charlestown Bypass Stage One (South)

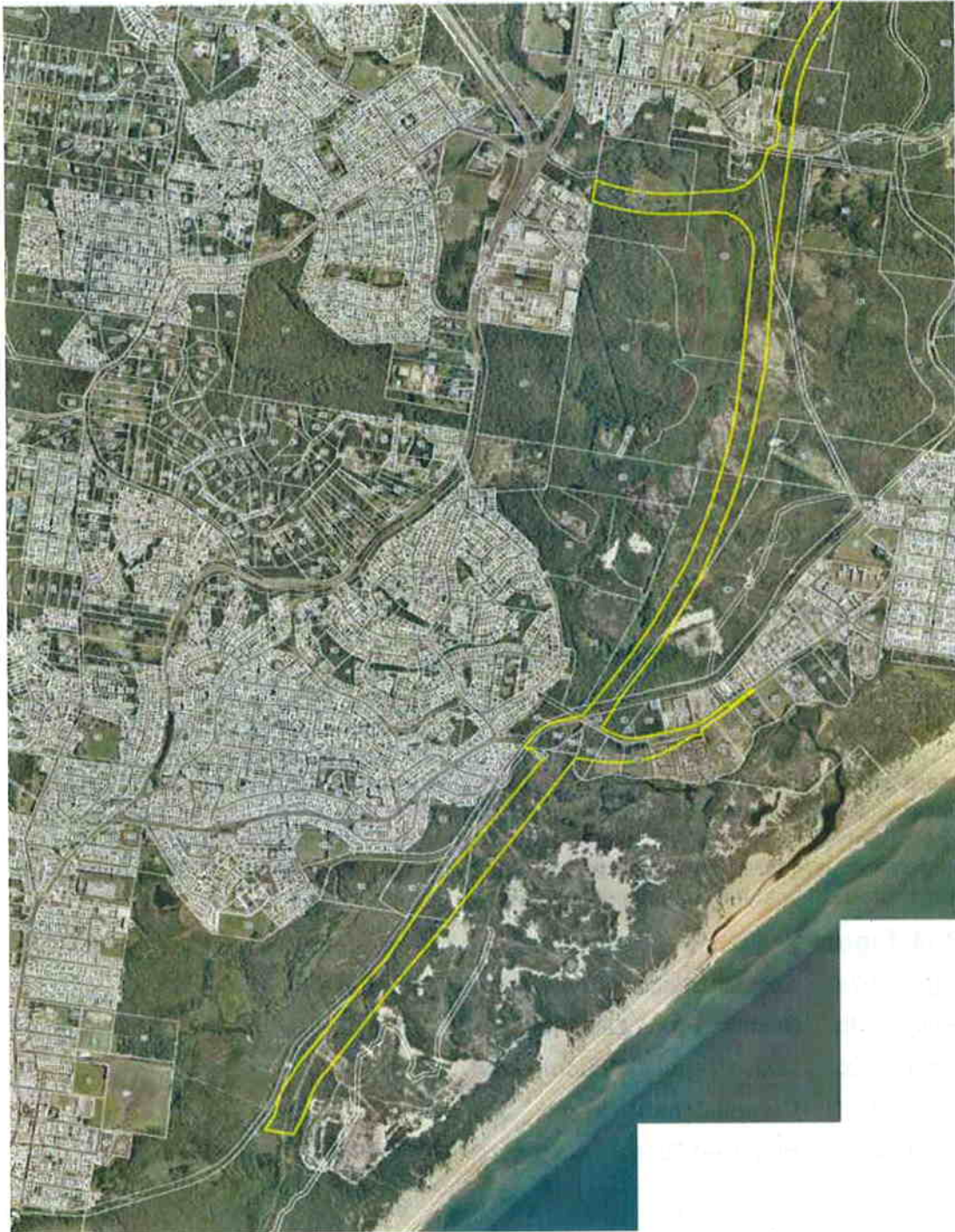
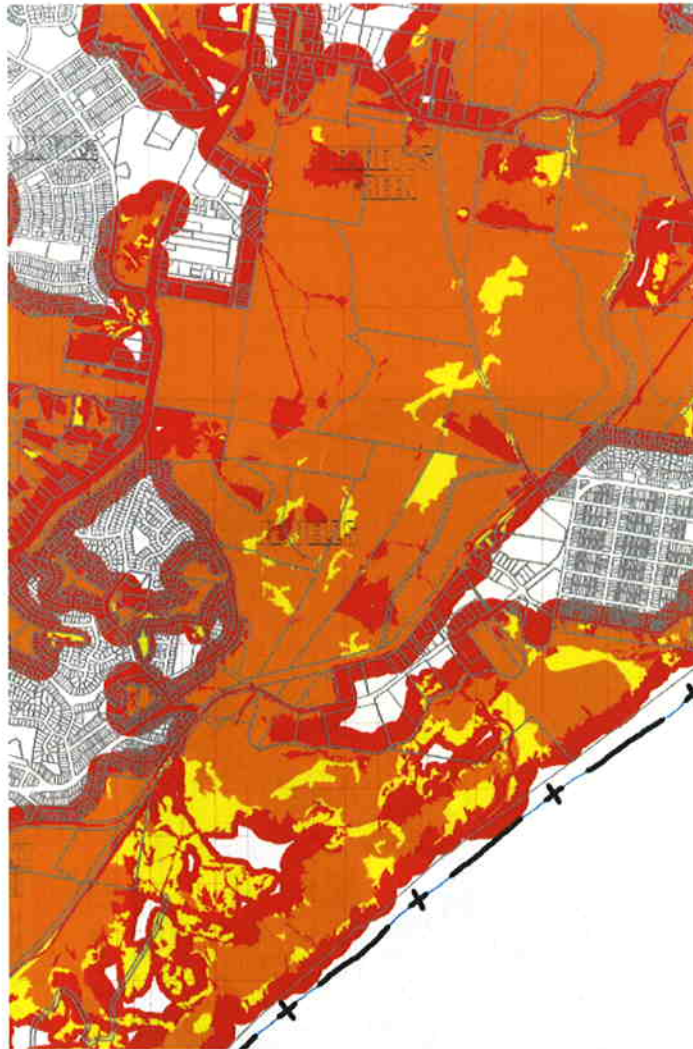
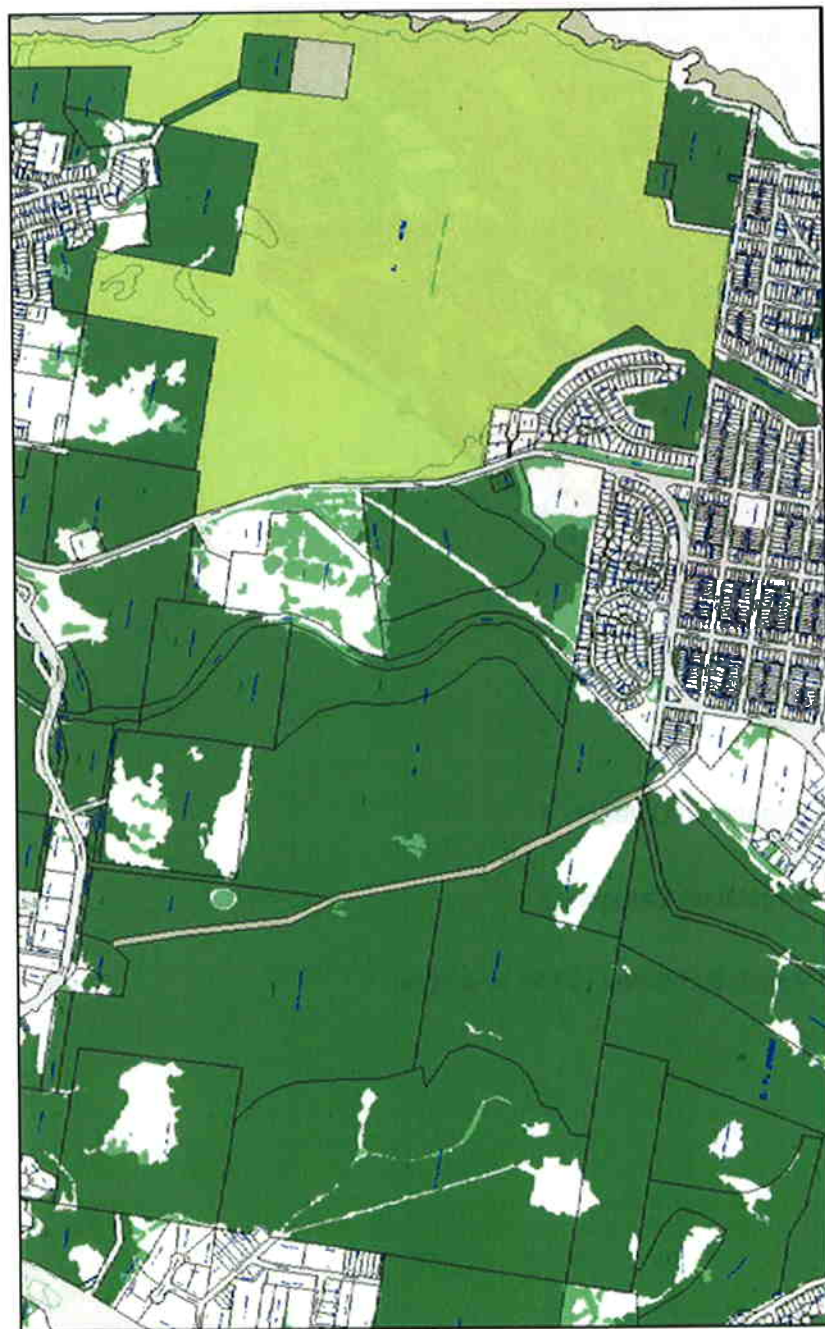


Figure 2.2b: Bushfire Prone Land Map



- Bush Fire Vegetation Category 1
- Bush Fire Vegetation Category 2
- Bush Fire Vegetation Buffer (100m and 30m)

Figure 2.2c p1: Native Vegetation Corridors



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Native Vegetation Corridor

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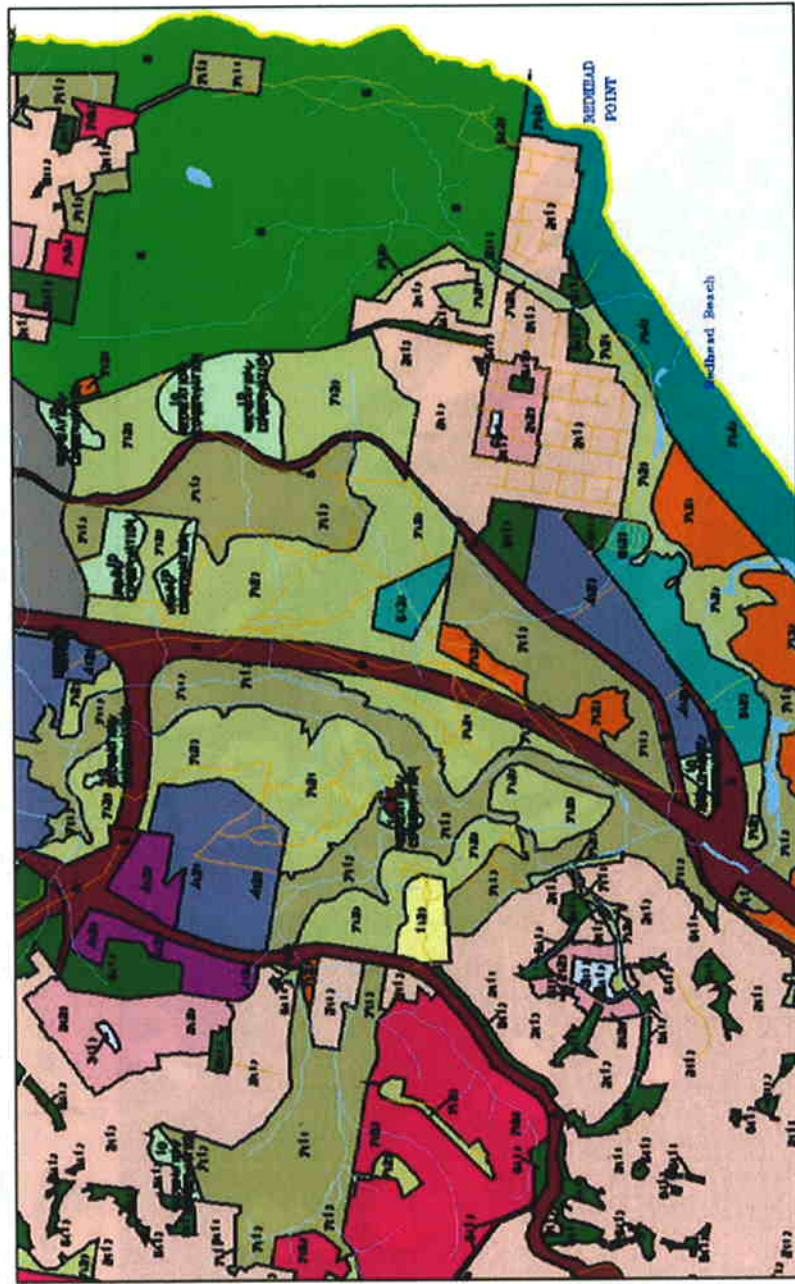
Figure 2.2c p2: Native Vegetation Corridors



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Native Vegetation Corridor

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Figure 2.2d p1: Current Zones



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Current Zones

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Figure 2.2d p2: Current Zones

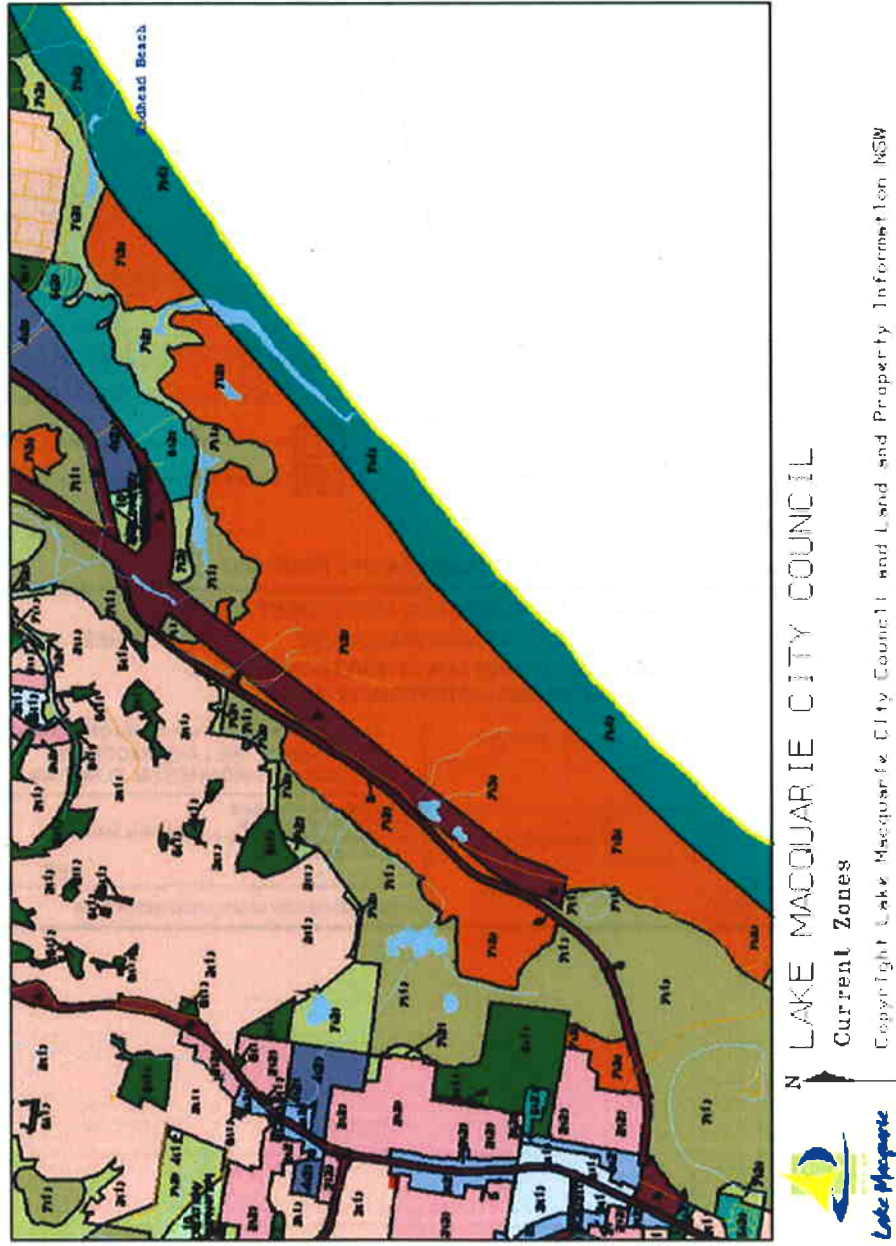


Figure 2.2e p1: Proposed Zones

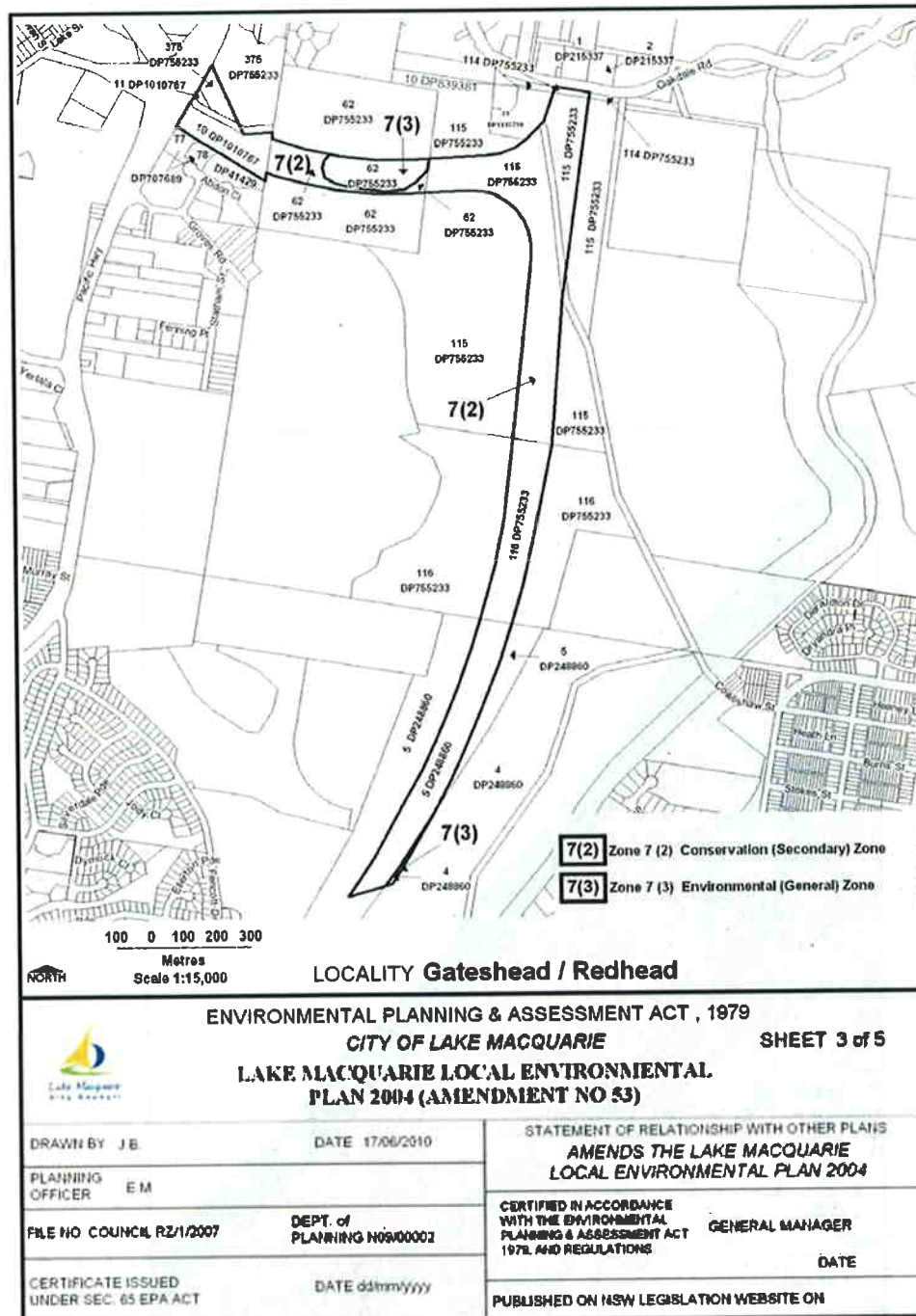


Figure 2.2e p2: Proposed Zones

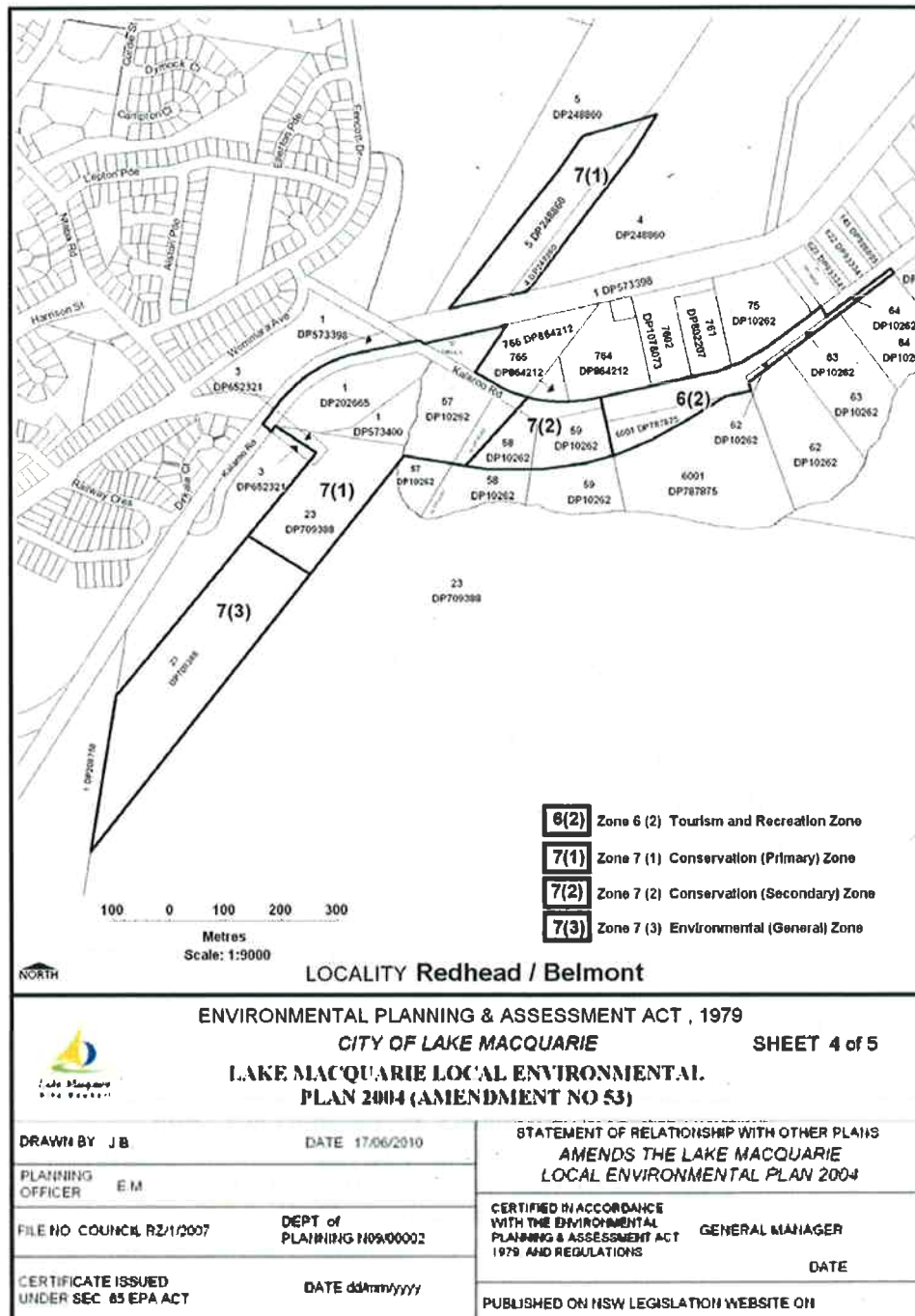
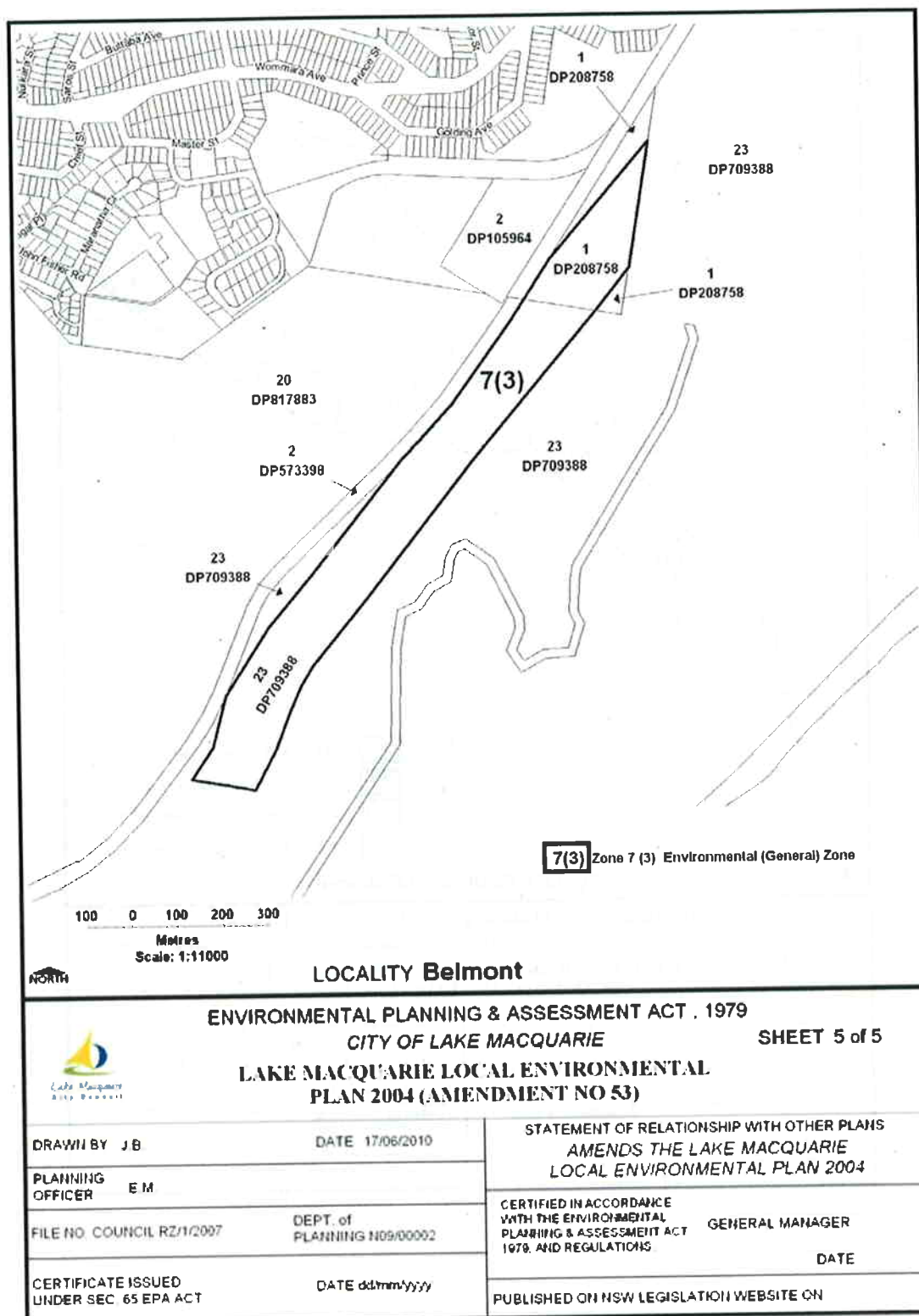


Figure 2.2e p3: Proposed Zones



3 Conclusion

3.1 Summary

In 2008, Lake Macquarie City Council resolved to rezone, and remove the acquisition liability from, the ECB corridor (Stage One). This Environmental Review considers a range of environmental, social, and economic factors that together, determine the suitability of replacement zones. It also addresses strategic and statutory planning considerations. The Environmental Review recommends the following:

- Rezone land in accordance with its development capability,
- Conserve and protect natural assets such as bushland and wetland, and
- Foster vegetation corridors.

3.2 Recommendations

The Environmental Review identifies large expanses of land suitable for conservation purposes, as well as development opportunities adjoining existing urban areas. The proposed zones reflected in Figures 2.1e and 2.2e should be used to prepare a draft local environmental plan.

The proposed zones include 2 (1) Residential Zone, 2 (2) Residential (Urban Living) Zone, 3 (1) Urban Centre (Core) Zone, 5 Infrastructure Zone, 6 (2) Tourism and Recreation Zone, 7 (1) Conservation (Primary) Zone, 7 (2) Conservation (Secondary) Zone and 7 (3) Environmental (General) Zone.

In accordance with the *Environmental Planning and Assessment Act 1979*, the draft local environmental plan should be placed on public exhibition, reported back to Council for adoption, and referred to the Minister for Planning for gazettal.

