

Planning Proposal

Charlestown Contributions Catchment (Eastern Part) Land Acquisition Amendment

Draft Amendment No. (RZ/5/2017) to Lake Macquarie Local Environmental Plan 2014

Gateway Version

Local Government Area:	Lake Macquarie City Council (LMCC)
Name of Draft LEP:	Draft Amendment No. (RZ/5/2017) to Lake Macquarie Local Environment Plan 2014
Subject Land:	<p>The planning proposal includes the following 16 items:</p> <ul style="list-style-type: none">• Item 1: 46A OAKDALE ROAD, BENNETTS GREEN• Item 2: LAND NEAR CARL CLOSE, CHARLESTOWN• Item 3: 72A PATRICIA AVENUE, CHARLESTOWN• Item 4: 16A HALLAM STREET, CHARLESTOWN• Item 5: 90 KULAI STREET, CHARLESTOWN• Item 6: 0 WEST CHARLESTOWN BY-PASS, CHARLESTOWN• Item 7: 62B OAKDALE ROAD, GATESHEAD• Item 8: 68A HILLSBOROUGH, HILLSBOROUGH• Item 9: 9 STATION STREET, WHITEBRIDGE• Item 10: 27 TIRAL STREET, CHARLESTOWN• Item 11: 76 CRESCENT ROAD, CHARLESTOWN• Item 12: LAND NEAR PACIFIC HWY, GATESHEAD• Item 13: LAND NEAR PACIFIC HWY, HIGHFIELDS• Item 14: 58 TO 76 KAHIBAH ROAD, HIGHFIELDS <p>(Refer to Appendix 1 for further details)</p>
Land Owners:	<ul style="list-style-type: none">• Private land owners• Lake Macquarie City Council (LMCC)• NSW Crown Lands• NSW Department of Education and Communities• NSW Housing• NSW Roads and Maritime Services (RMS)• AusGrid
Applicant:	Lake Macquarie City Council (LMCC)
Department of Planning and Environment Reference Number:	
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Part 1 – OBJECTIVES OR INTENDED OUTCOMES

The Land Reservation Acquisition Map in Lake Macquarie Local Environmental Plan (LMLEP) 2014 identifies land that Lake Macquarie City Council and NSW government agencies want to purchase for future public purposes.

The intended outcomes for the 14 items in this planning proposal are as follows:

- Items 1 to 9: remove a range of land areas currently identified to be acquired for public purposes from the Land Reservation Acquisition Map in LMLEP 2014, and
- Items 10 to 14: remove a range of land areas currently identified to be acquired for public purposes from the Land Reservation Acquisition Map in LMLEP 2014, and make a range of associated zoning and development standard changes.

Part 2 – EXPLANATION OF PROVISIONS

This planning proposal seeks to amend LMLEP 2014 as outlined below:

Item No.	Explanation of provisions
1	<ul style="list-style-type: none">• Remove the subject land from the Land Reservation Acquisition map
2	<ul style="list-style-type: none">• Remove the subject land from the Land Reservation Acquisition map
3	<ul style="list-style-type: none">• Remove the subject land from the Land Reservation Acquisition map
4	<ul style="list-style-type: none">• Remove the subject land from the Land Reservation Acquisition map
5	<ul style="list-style-type: none">• Remove the subject land from the Land Reservation Acquisition map
6	<ul style="list-style-type: none">• Remove the subject land from the Land Reservation Acquisition map
7	<ul style="list-style-type: none">• Remove the subject land from the Land Reservation Acquisition map
8	<ul style="list-style-type: none">• Remove the subject land from the Land Reservation Acquisition map
9	<ul style="list-style-type: none">• Remove the subject land from the Land Reservation Acquisition map
10	<ul style="list-style-type: none">• Remove the subject land from the Land Reservation Acquisition map• Change the land use zoning applying to the subject land from R3 Medium Density Residential to B4 Mixed Use
11	<ul style="list-style-type: none">• Remove the subject land from the Land Reservation Acquisition map• Change the land use zone applying to the subject land from RE1 Public Recreation Zone to E2 Environmental Conservation• Change the maximum building height for the subject land from 8.5m to 5.5m• Add a minimum lot size for the subject land of 40ha
12	<ul style="list-style-type: none">• Remove the subject land from the Land Reservation Acquisition map• Change the land use zone applying to the subject land from RE1 Public Recreation Zone to R2 Low Density Residential and E2 Environmental Conservation• Add a minimum lot size for the subject land of 450m² for R2 zone and 40ha for E2 zone• Change the Height of Building limit for land zoned E2 from 8.5m to 5.5m
13	<ul style="list-style-type: none">• Remove the subject land from the Land Reservation Acquisition map• Change the land use zone applying to the subject land from RE1 Public Recreation Zone to RU6 Transition Zone• Add a minimum lot size for the subject land of 40ha

Item No.	Explanation of provisions
14	<ul style="list-style-type: none"> Remove the subject land from the Land Reservation Acquisition map Change the land use zone applying to the subject land from RE1 Public Recreation Zone to E2 Environmental Conservation Zone Change the maximum building height for the subject land from 8.5m to 5.5m Add a minimum lot size for the subject land of 40ha

Part 3 – JUSTIFICATION

Section A – Need for the Planning Proposal

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

Yes. On 10 April 2017, Lake Macquarie City Council resolved to prepare the planning proposal to implement the recommendations of the 'Charlestown Land Acquisition Review Background Report – Eastern Part'. The purpose of the review was to ensure that the LMLEP 2014 is up to date and accurately identifies land that Council and government agencies intend to purchase for public purposes. The report was developed in consultation with Council departments (Community Planning - Developer Contributions, Community and Social Planning, Recreation and Land Planning, Property and Business Development, Sustainability, Transportation Planning and Asset Management) and government agencies (Roads and Maritime Services, Land and Housing Corporation and Crown Lands).

The review also included a review of Development Contributions Plan and the relevant background reports, which identifies the needs of future recreation facilities, community facilities and traffic/transport needs.

The review recommended the removal of 16 land areas identified for acquisition and rezoning them as required consistent with the existing land use (includes 2 land parcels no longer part of this Planning Proposal) and retaining 8 land parcels for acquisition in the LMLEP 2014 (no amendment required). A copy of the Background Report is contained in Appendix 5, and the relevant recommendations are summarised below:

Note: Council have not received any recent requests to acquire any of the land contained within this planning proposal.

Item No.	Summary of recommendations from the 'Charlestown Land Acquisition Review - Eastern Part' as contained in Appendix 5
1	<p>The subject land is zoned E2 Environmental Conservation and is identified for purchase by Council in the Land Reservation Acquisition (LRA) map in LMLEP 2014. The land is owned by NSW Crown Lands, is undeveloped and contains native vegetation. The land area is not identified to be purchased by Council under an adopted Development Contributions Plan. The land should be removed from the LRA map and the existing zoning and development controls retained.</p> <p>(For further details refer to BG-1 in Appendix 5).</p>
2	<p>The subject land is zoned RE1 Public Recreation and is identified to be purchased by Council in the LRA map in LMLEP 2014. The land has already been acquired by Council and should be removed from the LRA map. The existing zoning should be retained.</p> <p>(For further details refer to CH-3 in Appendix 5).</p>

Item No.	Summary of recommendations from the 'Charlestown Land Acquisition Review - Eastern Part' as contained in Appendix 5
3	<p>The subject land is zoned RE1 Public Recreation and is identified to be purchased by Council in the LRA map in LMLEP 2014. The land has already been acquired by Council and should be removed from the LRA map. The existing zoning and development controls are retained.</p> <p>(For further details refer to CH-6 in Appendix 5).</p>
4	<p>The subject land is zoned RE1 Public Recreation and is identified to be purchased by Council in the LRA map in LMLEP 2014. The area is owned by NSW Crown Lands and managed by Council as a natural area (watercourse). The land area is not identified to be purchased by Council under an adopted Development Contributions Plan. The land should be removed from the LRA map and the existing zoning and development controls retained.</p> <p>(For further details refer to CH-7 in Appendix 5).</p>
5	<p>The subject land is zoned R2 Low Density Residential and is identified to be purchased by Council in the LRA map in LMLEP 2014. The land is privately owned and contains a residential dwelling. The land area is not identified to be purchased by Council under an adopted Development Contributions Plan. The land should be removed from the LRA map and the existing zoning and development controls retained.</p> <p>(For further details refer to CH-9 in Appendix 5).</p>
6	<p>The subject land is zoned SP2 Infrastructure (Classified roads) and is identified to be acquired by NSW Roads and Maritime Services in the LRA map in LMLEP 2014. The land has already been acquired by NSW Roads and Maritime Services. The land should be removed from the LRA map and the existing zoning and development controls retained.</p> <p>(For further details defer to CH-10 in Appendix 5).</p>
7	<p>The subject land is zoned E2 Environmental Conservation and is identified to be purchased by Council in the LRA map in LMLEP 2014. The site is owned by Crown Lands and is undeveloped containing native vegetation (Kahibah Snappy Gum Forest). The land area is not identified to be purchased by Council under an adopted Development Contributions Plan. The land should be removed from the LRA map and the existing zoning and development controls retained.</p> <p>(For further details refer to GH-4 in Appendix 5).</p>
8	<p>The subject land is zoned SP2 Infrastructure (Classified Roads) and is identified to be acquired by NSW Roads and Maritime Services. NSW Roads and Maritime Services have already acquired the land. The land should be removed from the LRA map and the existing zoning and development controls retained.</p> <p>(For further details refer to HB-1 in Appendix 5).</p>
9	<p>The subject land is zoned RE1 Public Recreation and is identified to be purchased by Council in the LRA map in LMLEP 2014. Council has already acquired the land. The land should be removed from the LRA map and the existing zoning and development controls retained.</p> <p>(For further details refer to WH-1 in Appendix 5).</p>

Item No.	Summary of recommendations from the 'Charlestown Land Acquisition Review - Eastern Part' as contained in Appendix 5
10	<p>The subject land is zoned R3 Medium Density Residential and is identified to be purchased by Council for the purpose of a local road in the LRA map in LMLEP 2014. The land is privately owned and undeveloped. The land does not require acquisition by Council for transport purposes. Within the Charlestown Land Acquisition Review and report to Council it was proposed to remove the subject land from the LRA map and to retain the current R3 land use zoning.</p> <p>However, after further investigation, it is now proposed that the land should be removed from the LRA map and rezoned to B4 Mix Use to be consistent with adjacent land</p> <p>(For further details refer to CH-4 in Appendix 5).</p>
11	<p>The subject site is zoned RE1 Public Recreation and is identified to be purchased by Council in the LRA map in LMLEP 2014. The site is owned by NSW Crown Lands and consists of a portion of land which supports the continuation of a buffer strip beside the Newcastle Inner City Bypass. The site is part of a larger patch of native vegetation and exists as part of a native vegetation corridor that links several small patches of native vegetation in the vicinity of Warners Bay Road to larger patches of native vegetation along Winding creek (See appendix's 8 and 9).</p> <p>The Lake Macquarie vegetation community Map Unit is 30 e Coastal Plains Stringybark Apple Forest. The best equivalent Plant Community Type (with a low confidence level) is 1619 Smooth-barked Apple Red Bloodwood – Brown Stringybark Haripin Banksia healthy open Forest of coastal lowlands. It is in relatively good condition and provides habitat for the threatened Squirrel Glider, Masked Owl, and <i>Tetratheca juncea</i> has been recorded in the same vegetation community to the north. A Masked Owl nest tree has been recorded in the vicinity and this is a suitable foraging habitat for a pair of breeding Owls.</p> <p>The land area is not identified to be purchased by Council under an adopted Development Contributions Plan, however native vegetation on this land needs to be protected and maintained in order to maintain threatened species habitat and the function of the native vegetation corridor. This land is not suitable for development given its environmental attributes and proximity to the bypass. The E2 Environmental Conservation zone is the most appropriate zone given the range of permissible landuses and objectives of the zone.</p> <p>(For further details refer to CH-1 in Appendix 5).</p>

Item No.	Summary of recommendations from the 'Charlestown Land Acquisition Review - Eastern Part' as contained in Appendix 5
12	<p>The subject land is zoned RE1 Public Recreation and is identified to be purchased by Council in the LRA map in LMLEP 2014. The site is owned by the NSW Department of Education and Communities and contains a car park and around 1400m² of native vegetation. The land area is not identified to be purchased by Council under an adopted Development Contributions Plan. Within the Charlestown Land Acquisition Review and report to Council, it was proposed to remove the acquisition and rezone the land to R2 Low Density Residential.</p> <p>However after further investigation, it is now proposed to remove the land from the LRA map and rezone part R2 Low Density Residential consistent with the remainder of the school and part E2 Environmental Conservation consistent with the adjacent bushland. The land parcel containing native vegetation adjoins council land to the west and forms part of a larger patch of bushland joined with the native vegetation corridor along Johnsons Creek and flows into Jewells Wetland downstream. The Jewells Wetland Catchment Management Plan and Strategy (prepared by Connell Wagner 1999 and adopted by Council in 2001) recommends to "retain swamp scrub to enhance infiltration of runoff" P149).</p> <p>The Lake Macquarie vegetation community Map Unit is 42a Narrabeen Alluvial Paperbark Thicket which meets the criteria of the Endangered Ecological Community - Swamp Sclerophyll Forest on Coastal Floodplains (See appendix 10). The best equivalent Plant Community Type (with a medium confidence level) is 1718 Swamp Mahogany – Flax-leaved Paperbark swamp forest on coastal lowlands of the Central Coast. It is disturbed however provides an important buffer function being on the edge of this patch of Endangered Ecological Community. Council's development control plan requires that the Endangered Ecological Community be protected with a buffer and hence this site is unable to be developed.</p> <p>Map Unit is 42a Narrabeen Alluvial Paperbark Thicket provides habitat for the threatened Wallum Froglet which has been recorded in the same patch of native vegetation.</p> <p>The native vegetation on this land needs to be protected and maintained in order to preserve:</p> <ul style="list-style-type: none"> • threatened species habitat • the function/ health of the Endangered Ecological Community • sensitive downstream waters – Jewells Wetland <p>This land is not suitable for development given its environmental attributes. The E2 Environmental Conservation zone is the most appropriate zone given the range of permissible land uses and objectives of the zone.</p> <p>(For further details on the initial recommendation refer to GH-2 in Appendix 5).</p>

Item No.	Summary of recommendations from the 'Charlestown Land Acquisition Review - Eastern Part' as contained in Appendix 5
13	<p>Within the Charlestown Land Acquisition Review and report to Council it was proposed to remove the acquisition layer and rezone the land to R2 Low Density Residential and B4 Mixed Use zone. However after further consideration it was identified that an R2 and B4 zone would not be appropriate given the potential for site contamination, the potential exposure to electromagnetic radiation and the fact that no recent studies have been undertaken on the site. It is considered that Council does not have sufficient information to substantiate the suitability of the site for more intensive uses such as for residential purposes, therefore it is now proposed that the site be rezoned RU6 Transition zone until future environmental studies suggest a more appropriate land use zone. The principal intention of the Planning Proposal is to ensure the LRA map in LMLEP 2014 correctly identifies land that Council and government agencies intend to purchase. In removing land no longer required for public purposes from the LRA map, Council will reduce its liability to purchase land that no longer has public recreational value. It is believed that the proposal will meet the objectives of the RU6 zone: <i>"to identify land that requires environmental studies to substantiate the capability and suitability of land prior to rezoning"</i>. It should be noted that rezoning the land will not restrict the current use of the land as a service station and electricity easement but when the current land use changes, appropriate environmental investigations would be required to determine the most appropriate land use zoning. The inclusion of a minimum lot size of 40ha will also restrict development until the need for such a study is required.</p> <p>(For further details on initial recommendation refer to HF-1 in Appendix 5)</p>

Item No.	Summary of recommendations from the 'Charlestown Land Acquisition Review - Eastern Part' as contained in Appendix 5
14	<p>The subject land is zoned RE1 Public Recreation and is identified to be purchased by Council in the LRA map in LMLEP 2014. The land is privately owned and forms part of a native vegetation corridor with adjacent Council owned land. Council has decided the land parcel is not necessary for public recreation purposes and that an E2 land use will provide sufficient protection given the ecological importance of the site.</p> <p>This native vegetation is needed to maintain</p> <ul style="list-style-type: none"> • the width of the corridor, • connectivity between several small patches of native vegetation dispersed throughout the urban area in the east to larger patches of riparian vegetation along Little Flaggy creek and into Glenrock State Conservation Area, and • riparian vegetation along Little Flaggy Creek. <p>The Lake Macquarie vegetation community Map Unit is 12 Hunter Valley Moist Forest. The best equivalent Plant Community Type with a medium confidence level is 1584 White Mahogany- Spotted Gum – Grey Myrtle semi-mesic shrubby open forest of the central and lower Hunter Valley (See appendix 11). It is disturbed however still provides suitable habitat for the threatened Powerful Owl that has been recorded just adjacent to the site. Powerful Owls roost in moist vegetation along creek lines and forage among urban patches of bushland. These patches are important for the Owls given the level of urban development within the upper catchment of Little Flaggy Creek.</p> <p>The native vegetation on this land needs to be protected and maintained in order to preserve threatened species habitat and the function of the native vegetation corridor and the riparian vegetation along Little Flaggy Creek.</p> <p>This land is not suitable for development given its environmental attributes and proximity to the creek. The land has been consistently zoned/reserved for public open space from the Northumberland Planning Scheme 1960, LMLEP 1984, LMLEP 2004 and LMLEP 2014 (Refer to Appendix 6). The E2 Environmental Conservation zone is the most appropriate zone given the range of permissible land uses and objectives of the zone. Council consider that there is no other zone within LMLEP 2014 that satisfactorily reflects the ecological and environmental attributes of this land parcel. The land should be removed from the LRA map and rezoned to E2 Environmental Conservation, consistent with the environmental values on the land.</p> <p>(For further details refer to HF-2 in Appendix 5).</p>

Please note that GH-1 and GH-3 from the Charlestown Acquisition Land Review (Eastern Part) were also identified to be included in this LEP amendment however, after review further investigations are required to remove the LRA map from these sites, which also includes investigating appropriate rezoning options.

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

Yes. The planning proposal is the best means of achieving the intended outcomes. It is important that the Land Reservation Acquisition (LRA) map in LMLEP 2014 correctly identifies land proposed to be purchased for future public purposes, as Council and government agencies can be forced to purchase the land shown in the map, if requested by the landowner. Removing land from the LRA map, in accordance with the planning proposal, will ensure that the LRA map is correct and accurate.

The proposed zoning and development standard changes are also required to ensure that land no longer proposed to be purchased for public purposes, is no longer zoned for public purposes and has appropriate development standards.

Section B – Relationship to Strategic Planning Framework

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

Hunter Regional Plan

The primary purpose of the Hunter Regional Plan (HRP) is to cater for the future development of the region ensuring that adequate land is available and appropriately located to accommodate the region's growing population and employment needs. The document also recognises the importance of the natural environment to the region providing directions to protect and increase the resilience of sensitive environments.

The proposal is generally consistent with the HRP. The planning proposal is an administrative amendment that seeks to remove a range of land areas currently identified to be purchased for public purposes in the Land Reservation Acquisition (LRA) map in LMLEP 2014.

None of the land areas proposed to be removed from the LRA map are identified in the HRP as being required for regionally significant infrastructure projects.

4. *Is the planning proposal consistent with a council's local strategy or other local strategic plan?*

Lifestyle 2030 Strategy (LS2030)

The Lifestyle 2030 Strategy (LS2030) provides the long-term direction for the overall development of the City and is a long-range strategic land use plan and policy document.

The Strategic Directions identified in LS2030 describe the overall desired outcomes and general intentions sought by Council for future development in the City.

The planning proposal is an administrative amendment that seeks to remove a range of land areas currently identified to be purchased for public purposes in the Land Reservation Acquisition (LRA) map in LMLEP 2014. None of the land areas proposed to be removed from the LRA map are identified to be purchased by Council in LS2030.

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

The planning proposal is consistent with relevant State Environmental Planning Policies (SEPPs), with the exception of the following SEPPs:

- SEPP 21 - Caravan Parks
- SEPP 36 - Manufactured Home Estates
- SEPP No 55 - Remediation of Land

These inconsistencies are considered to be of minor significance, as outlined in the following table. However, the inconsistency with SEPP 19 - Bushland in Urban Areas will require further investigation as outlined below.

SEPP	Relevance	Implications
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SEPP	Relevance	Implications
SEPP 14- Coastal Wetlands	The aim of this policy is to ensure that coastal wetlands are preserved and protected in the environmental and economic interests of the state.	<p><u>Item 1</u></p> <p>The subject land is located adjacent to a SEPP 14 Wetland. The item is consistent with the objectives of the SEPP, as the subject land will remain zoned for environmental conservation purposes.</p> <p><u>Items 2-14</u></p> <p>The policy does not apply as the land is not located near an identified SEPP 14 Wetland.</p>
SEPP 19- Bushland in Urban Areas	The aim of this policy is to protect and preserve bushland within urban areas.	<p><u>Items 1 & 7</u></p> <p>The planning proposal is consistent with the objectives of the SEPP as the subject land containing native vegetation will retain an environmental conservation zoning.</p> <p><u>Items 2-4 & 9</u></p> <p>The planning proposal is consistent with the objectives of the SEPP as the subject land areas contain native vegetation and will retain public recreation zoning which includes a zone objective to facilitate the preservation of environmental qualities on the land.</p> <p><u>Items 5, 6, 8 & 10</u></p> <p>The planning proposal is consistent with the objectives and clause 7 of the SEPP as the planning proposal does not propose to disturb bushland zoned or reserved for public open space purposes.</p> <p><u>Items 11, 12 & 14</u></p> <p>The planning proposal is consistent with the objectives of the SEPP as the planning proposal intends to rezone the land containing native bushland from RE1 to E2 Environmental conservation which will provide much stronger environmental protection for the site.</p> <p><u>Item 13</u></p> <p>The planning proposal is consistent with the objectives of the SEPP as the planning proposal does not contain any significant remnant bushland and does not propose any development on the land.</p>
SEPP 21- Caravan Parks	The aim of this policy is to encourage the orderly and economic use and development of land used or intended to be used as a caravan park.	<p><u>Items 2-4, & 9</u></p> <p>The planning proposal is consistent with the SEPP as it will retain provisions to permit development for the purposes of a caravan park.</p> <p><u>Items 1, 5-6, 7, 8 & 10</u></p> <p>SEPP 21 does not apply as the subject land will contain a zoning that does not allow caravan park development.</p>

SEPP	Relevance	Implications
		<p><u>Item 11 & 14</u></p> <p>The planning proposal is inconsistent with the SEPP as it rezones land from public recreation uses, which permits caravan parks, to an environmental conservation zoning, which does not permit caravan parks. This is considered to be of minor significance as the subject land is very small in area and is not recognised as a suitable location for a caravan park.</p> <p><u>Item 12</u></p> <p>The planning proposal is inconsistent with the SEPP as it rezones land from public recreation uses, which permits caravan parks, to low density residential uses and Environmental conservation, which does not permit caravan parks. This is considered to be of minor significance as the subject land is not recognised as a suitable location for a caravan park, which serves as a hospital car park.</p> <p><u>Item 13</u></p> <p>The planning proposal is inconsistent with the SEPP as it rezones land from public recreation uses, which permits caravan parks, to RU6 Transition, which does not permit caravan parks. This is considered to be of minor significance as the subject land is very small in area and is not recognised as a suitable location for a caravan park.</p>
SEPP 36- Manufactured Home Estates	The aim of this policy is to facilitate the establishment of Manufactured Home Estates (MHE) and to set provisions to ensure MHE's are situated in suitable locations, are adequately serviced, protect environment surrounding MHE's and provide measures which will facilitate the security of tenure for residents	<p><u>Items 2-4, & 9</u></p> <p>The proposal is consistent with the direction as it will retain provisions to permit development for the purposes of MHE.</p> <p><u>Items 1,5- 8 &10</u></p> <p>SEPP 21 does not apply as the subject land will contain a zoning that does not allow MHE.</p> <p><u>Items 11 & 14</u></p> <p>The planning proposal is inconsistent with the SEPP as it rezones land from public recreation uses, which permits MHE, to environmental conservation uses, which does not permit MHE. This is considered to be of minor significance as the subject land is small in area and is not recognised as a suitable location for a MHE.</p> <p><u>Item 12</u></p> <p>The planning proposal is inconsistent with the SEPP as it rezones land from public recreation uses, which permits MHE, to low density residential uses and environmental conservation, which does not permit MHE. This is considered to be of minor significance as the subject land is not recognised as a suitable</p>

SEPP	Relevance	Implications
		<p>location for a MHE, which serves as a school car park.</p> <p><u>Item 13</u></p> <p>The planning proposal is inconsistent with the SEPP as it rezones land from public recreation uses, which permits MHE, to RU6 Transition, which does not permit MHE. This is considered to be of minor significance as the subject land is small in area and is not recognised as a suitable location for a MHE.</p>
SEPP 44- Koala Habitat Protection	The aim of this policy is to encourage the proper conservation and management of areas of natural vegetation for koalas	<p><u>Items 1,7</u></p> <p>The planning proposal is consistent with the objectives of the SEPP as the subject land will retain an environmental conservation zoning protecting, managing and restoring areas of high ecological values.</p> <p><u>Items 2-4, & 9</u></p> <p>The planning proposal is consistent with the objectives of the SEPP as the subject land areas will retain public recreation zoning, which includes a zone objective to facilitate the preservation of environmental qualities on the land.</p> <p><u>Items 5, 6, 8, 10, 12 & 13</u></p> <p>The SEPP does not apply as a preliminary ecological assessment of the site indicates that the presence of a koala habitat is unlikely.</p> <p><u>Items 11 & 14</u></p> <p>The planning proposal is consistent with the SEPP as rezoning of the subject land from a public recreation to environmental conservation zoning will result in much stricter environmental protection and conservation provisions.</p>
SEPP No 55— Remediation of Land	The aim of this policy is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.	<p><u>Items 1-9</u></p> <p>The planning proposal is consistent with the aims and clause 6 of the SEPP as it does not intend to change the land use zoning applying to the subject land.</p> <p><u>Item 10</u></p> <p>There are minor contamination issues associated with the allotment due to the previous use of the site as a TAFE campus, with a focus on horticultural activities. However, the Planning Proposal is considered to be consistent with the objectives and Clause 6.1(C) as Council is satisfied that the land will, if necessary, be so remediated as part of the Development Assessment stage before the land is developed for a certain purpose..</p> <p><u>Items 11 & 14</u></p> <p>The proposal rezones undeveloped bushland</p>

SEPP	Relevance	Implications
		<p>from public open space uses to environmental conservation purposes. The planning proposal is consistent with the SEPP, as the proposal does not include land specified in clause 6(4) of the SEPP. Specifically:</p> <ul style="list-style-type: none"> • The land is not located within an investigation area • Development of the land for a purpose shown in table 1 of the contaminated planning guidelines is not being, or is known to have been carried out. • The land is not proposed to be developed for residential, educational, recreational or child care purposes, or for the purposes of a hospital. <p><u>Item 12</u></p> <p>The planning proposal rezones the subject land from public recreation to low density residential and environmental conservation to make the land consistent with the zoning applying to the remainder of the site. The planning proposal is consistent with the SEPP as the land is not considered to be contaminated based on an inspection of the site and an initial contamination evaluation checklist which is contained in Appendix 3 (INITIAL CONTAMINATION EVALUATION CHECKLIST- Item 12)</p> <p><u>Item 13</u></p> <p>The site is considered to have the potential for contamination as the land is currently used as a service station, which is an activity identified in table 1 of the contaminated land planning guidelines (See Appendix 4 for an initial evaluation of the land). The subject site also contains a transmission tower and easement located on the site which may present a potential exposure to electromagnetic radiation.</p> <p>The planning proposal is considered to be consistent with 6(1)(b) and 6(1)(c) of the SEPP:</p> <p><i>b) If the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used</i></p> <p><i>c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose</i></p>

SEPP	Relevance	Implications
		It is believed that the land will remain to be suitable in its potentially contaminated state for its existing use as a service station and electricity easement. Rezoning the subject land from RE1 Public Recreation to RU6 Transition will ensure that future developments will require necessary environmental studies to substantiate the capability and suitability of the land prior to any remediation works and/or forthcoming rezoning proposals.
SEPP (Affordable Rental Housing) 2009	The aim of this SEPP is to provide a consistent planning regime for the provision of affordable rental housing.	<p><u>Items 1-4, 6-9, 11 and 14</u></p> <p>The SEPP does not apply as the land is zoned for public open spaces, environmental conservation and infrastructure purposes.</p> <p><u>Items 5 and 10</u></p> <p>The planning proposal is consistent with the SEPP as the subject lands are zoned for residential and mixed use development, and affordable housing will be permissible on the land under the SEPP.</p> <p><u>Item 12</u></p> <p>The planning proposal is consistent with the SEPP as the subject land is proposed to rezone land for low density residential uses, which will allow affordable housing to be developed on the land in accordance with the provisions of the SEPP. However, given the land is used for an existing hospital car park, any development on the land is not anticipated.</p> <p><u>Item 13</u></p> <p>The planning proposal is consistent with the SEPP as the subject site is not considered as an appropriate site for affordable housing given the potential for contamination on the land.</p>
SEPP (Infrastructure) 2007	The aim of this SEPP is to facilitate the effective delivery of infrastructure across the state.	The proposal is consistent with the aims of the SEPP. Items 6 and 8 include areas used for road transport purposes and are zoned for infrastructure purposes, which is a prescribed zone. The planning proposal will remove the sites from the LRA map as the land has been purchased for infrastructure purposes and will retain the existing zoning.
SEPP (Mining, Petrol Prod, Extractive Ind) 2007	The aim of this SEPP is to provide the appropriate planning controls for mining, petroleum production and extractive industries. The SEPP contains provisions for mining, petroleum production and extractive industry development to be carried out on Industrial or rural land.	The proposal is consistent with the aims and provisions of the SEPP. The proposal will not rezone any agricultural or industrial land, and impact on any potential mining, petroleum production and extractive industries.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 (2) directions)?

The planning proposal is consistent with relevant Ministerial Directions, with the exception of the following Directions:

- 1.1 Business and Industrial zones
- 3.1 Residential zones
- 3.2 Caravan Parks and Manufactured Home Estates,
- 4.2 Mine Subsidence and Unstable Land,
- 4.4 Planning for Bushfire Protection, and
- 6.2 Reserving Land for Public Purposes.

Approval is required from the:

- Commissioner of the NSW Rural Fire Service regarding Direction 4.4,
- Director-General of the Department of Planning regarding Directions 3.2, 6.2,. and
- Mine Subsidence Board regarding Direction 4.2.

Ministerial Direction	Objective/s	Consistency / Comment
1.1 Business and Industrial zones	1) encourage employment growth in suitable locations, 2) protect employment land in business and industrial zones, 3) support the viability of identified strategic centres	<p><u>Items 1-9, 11, 12 &14</u></p> <p>The direction does not apply as the proposal will not affect land within an existing or proposed business or industrial zone.</p> <p><u>Item 10</u></p> <p>The direction applies as the subject land proposes the rezoning of the land from R3 Medium Density Residential to B4 Mixed Use. The new employment area is not in accordance with a strategy that is approved by the secretary and so the planning proposal is inconsistent with the direction. The inconsistency is considered to be of a minor significance due to the small land area (approximately 323m²) that is to be rezoned which is consistent with the rest of the land parcel. Retaining the current R3 zone would also leave the land parcel in isolation which is not considered to be a suitable planning outcome.</p> <p><u>Item 13</u></p> <p>Despite the site containing a service station/car wash access road, the site is not within an existing or proposed business or industrial zone and as such is consistent with the direction.</p>

Ministerial Direction	Objective/s	Consistency / Comment
1.2 Rural zones	To protect the agricultural production value of rural land	<p><u>Items 1-12 & 14</u></p> <p>The direction does not apply as the proposal will not affect land within an existing or proposed rural zone.</p> <p><u>Item 13</u></p> <p>The planning proposal proposes to rezone the site from RE1 Public Recreation to RU6 Transition. The proposal is considered to be consistent with the direction as the proposal does not contain provisions that will increase the permissible density of land within a rural zone.</p>
1.3 Mining Petroleum Production and Extractive Industries	Ensure the future extraction of state or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development	The direction does not apply as the proposal will not prohibit or restrict existing or potential mining, petroleum production or mineral extractive industries.
1.4 Oyster Aquaculture	To consider and protect priority Oyster Aquaculture areas and oyster aquaculture when preparing a planning proposal	The direction does not apply as the proposal is not within a priority Oyster Aquaculture Area or oyster aquaculture outside a priority oyster aquaculture area
1.5 Rural Lands	Protect agricultural production value of rural land, and facilitate the orderly and economic development of rural lands for rural and related purposes	<p><u>Items 2-6, 8-10 & 12</u></p> <p>The direction does not apply as the proposal will not affect land within an existing or proposed rural zone, an environmental protection zone, or change existing minimum lot sizes.</p> <p><u>Items 1 & 7</u> are proposed to retain an E2 zoning which is consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008.</p> <p><u>Items 11, 13 & 14</u> will rezone land from RE1 public recreation to E2 environmental conservation uses and RU6 Transition, which is consistent with the Rural Planning Principles and Rural Subdivision Principles listed in State Environmental Planning Policy (Rural Lands) 2008.</p>
2.1 Environment Protection zones	Protect and conserve environmentally sensitive areas	<p>The planning proposal is consistent with the direction as it:</p> <ul style="list-style-type: none"> Facilitates the protection and conservation of environmentally sensitive areas by zoning additional land for environmental purposes: and Does not reduce the environmental protection standards applying to land within environmental protection zones or land otherwise identified for environmental protection purposes in LMLEP 2014

Ministerial Direction	Objective/s	Consistency / Comment
2.2 Coastal Protection	Implement the principles in the NSW Coastal Policy	The direction does not apply as the proposal is not within a coastal zone as identified in the <i>Coastal Protection Act 1979</i> . For further clarification, please refer to appendix 7.
2.3 Heritage Conservation	Conserve items, areas, objects and places of environmental heritage significance and Indigenous heritage significance	<p><u>Items 1-6, 8 & 10-13</u> are consistent with the direction as the subject land does not contain any known items of heritage significance.</p> <p><u>Items 7 and 14</u> contain land, which is of Aboriginal Cultural Significance. The planning proposal is consistent with the direction as the planning proposal will include environmental conservation land use zoning which contains an objective to protect, manage and restore areas of cultural significance.</p> <p><u>Item 9</u> runs alongside a disused coal haul rail line between Adamstown and Belmont, which has now become Fernleigh track, a popular shared pathway. The planning proposal is consistent with the direction as the planning proposal will retain a public recreation zoning applying to the land, which is consistent with the rest of the track.</p>
2.4 Recreation Vehicle Areas	Protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles	<p><u>Items 2-6, 8-10, 12 & 13</u></p> <p>The direction does not apply as the proposal does not comprise of land within an environmental protection zone, beach or adjoining a beach.</p> <p><u>Item 1, 7, 11 & 14</u></p> <p>The proposal is consistent with the direction as the proposal will not enable land to be developed for the purpose of a recreation vehicle area.</p>

Ministerial Direction	Objective/s	Consistency / Comment
3.1 Residential zones	(a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, (c) to minimise the impact of residential development on the environment and resource lands.	<p><u>Items 1-4, 6-9, 11, 13 & 14</u></p> <p>The direction does not apply as the proposal will not affect land within an existing or proposed residential zone or any other zone in which significant residential development is permitted or proposed</p> <p><u>Items 5</u></p> <p>The proposal is consistent with the direction as the land will remain zoned for residential housing purposes.</p> <p><u>Item 10</u></p> <p>The planning proposal is inconsistent with the direction as it affects land within an existing residential zone. The planning inconsistency is considered to be of minor significance given the land parcel is not suitable for housing given the site is within close proximity of a busy arterial road, is only 323m² in area and exists as an isolated land parcel.</p> <p><u>Item 12</u></p> <p>The planning proposal is consistent with the direction, as the land will be rezoned to permit development for residential purposes.</p>
3.2 Caravan Parks and Manufactured Home Estates	(a) to provide for a variety of housing types, and (b) to provide opportunities for caravan parks and manufactured home estates.	<p><u>Items 2-4, & 9</u></p> <p>The proposal is consistent with the direction as it will retain provisions to permit development for the purposes of a caravan park.</p> <p><u>Items 1,5- 8 & 10</u></p> <p>The direction does not apply as the planning proposal does not propose or allow development for the purposes of caravan parks or manufactured home estates.</p> <p><u>Items 11, 12 13 & 14</u></p> <p>The planning proposal is inconsistent with the direction as the planning proposal intends to rezone land from public open space uses, which permits caravan parks, to another land-use zone, which prohibits them. The inconsistency is considered to be of minor significance as the land is small in area and is not suitable to be developed for the purposes of caravan parks or manufactured home estates.</p> <p>Approval for the inconsistency is required from the Director-General of the Department of Planning.</p>

Ministerial Direction	Objective/s	Consistency / Comment
3.3 Home occupations	Encourage the carrying out of low-impact small businesses in dwelling houses	The proposal is consistent with the direction as the proposal will not prohibit home occupations from being carried out.
3.4 Integrated Land Use and Transport	(a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight	<p><u>Items 1-9, 11, 13 & 14</u></p> <p>The direction does not apply as the proposal will not create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>Item 10</p> <p>The direction applies as item 10 rezones land from R3 Medium Density Residential to B4 Mixed Use. The planning proposal is considered to be consistent with the direction as the rezoning is consistent with the aims, objectives and principles of the relevant guidelines and planning policies.</p> <p><u>Item 12</u></p> <p>The direction applies as item 14 rezones part of the land from public open space to low density residential housing purposes. The planning proposal is consistent with the direction, as the land is used for a car park and the rezoning is not considered to require any additional infrastructure needs.</p>
4.1 Acid Sulfate Soils	Avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	<p><u>Items 1-14</u></p> <p>The direction does not apply as the proposal does not include land having a probability of containing acid sulphate soils.</p>

Ministerial Direction	Objective/s	Consistency / Comment
4.2 Mine Subsidence and Unstable Land	Prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	<p><u>Item 1 to 9</u></p> <p>The direction does not apply as the planning proposal does not change the types of development permitted on the land.</p> <p><u>Item 10</u></p> <p>The direction applies as Item 10 is located within a Mine Subsidence District and the planning proposal changes the types of development permitted on the land. The planning proposal is inconsistent with the direction as consultation with the Mine Subsidence Board has not been undertaken. As a result, Council will need to consult with the Mine Subsidence Board as part of government agency consultation.</p> <p><u>Items 11 & 14</u></p> <p>The direction applies to items 11 and 14 as they are located in a Mine Subsidence District and the planning proposal changes the types of development permitted on the land. The planning proposal is consistent with the direction as it rezones land from public recreation to environmental conservation, which restricts development on the land.</p> <p><u>Item 12</u></p> <p>The direction applies as the land is located in a Mine Subsidence District and the planning proposal changes the types of development permitted on the land. The planning proposal rezones land from public recreation to low density residential uses and environmental conservation. The planning proposal is inconsistent with the direction as consultation with the Mine Subsidence Board has not been undertaken. As a result, Council will need to consult with the Mine Subsidence Board as part of government agency consultation.</p> <p><u>Item 13</u></p> <p>The direction applies as the land is located in a Mine Subsidence District and the planning proposal changes the types of development permitted on the land. The planning proposal is inconsistent with the direction as consultation with the Mine Subsidence Board has not been undertaken. As a result, Council will need to consult with the Mine Subsidence Board as part of government agency consultation.</p>

Ministerial Direction	Objective/s	Consistency / Comment
4.3 Flood Prone Land	<p>(a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005</p> <p>(b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land</p>	<p><u>Items 1-9</u></p> <p>The direction does not apply as the proposal will not create, remove or alter a zone or provision that affects flood prone land.</p> <p><u>Items 10,11,13 & 14</u></p> <p>The planning proposal is consistent with the direction as the subject land is not flood prone land.</p> <p><u>Item 12</u></p> <p>The subject land is located adjacent to an area that is flood prone. However, the planning proposal is considered to be consistent with the direction as the subject land is not flood prone and does not propose further development on the subject site.</p>
4.4 Planning for Bushfire Protection	<p>(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas</p> <p>(b) to encourage sound management of bush fire prone areas</p>	<p><u>Item 4</u></p> <p>The direction does not apply as the land is not bushfire prone.</p> <p><u>Items 1-3, 5-9</u></p> <p>The direction applies as the above items are identified as existing within bush fire vegetation category 1 or 2, or are identified as a bush fire vegetation buffer. The planning proposal is considered to be consistent however, as the existing zoning on the subject items will be retained and will only allow development types previously permissible in these zonings.</p> <p><u>Items 10, 11, 12, 13 & 14</u></p> <p>The direction applies to the planning proposal which is identified as bushfire vegetation category 1, category 2 and bush fire vegetation buffer. Consultation is required with the Commissioner of the NSW Rural Fire Service to determine if the planning proposal is in accordance with the direction.</p>
5.10 Implementation of Regional Plans	Give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.	The direction applies as the proposal is located within the boundary of the Hunter Regional Plan (HRP). The proposal is consistent with the HRP, as outlined in Section B question 3 of this document.
6.1 Approval and Referral Requirements	Ensure that LEP provisions encourage the efficient and appropriate assessment of development.	The proposal is consistent with the direction as it does not contain any provisions that require concurrence, or identify development as 'designated'.

Ministerial Direction	Objective/s	Consistency / Comment
6.2 Reserving land for public purposes	<p>(a) Facilitate the provision of public services and facilities by reserving land for public purposes, and</p> <p>(b) Facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p>	<p>The direction applies as the proposal removes zonings and reservations of land for public purposes.</p> <p>Lake Macquarie City Council endorsed the proposal on 10 April 2017 (17STRAT009).</p> <p>The proposal is inconsistent with the direction, as approval is required from the Director-General of the Department of Planning to “create, alter or reduce existing zonings or reservations of land for public purposes”. In the Eastern part of the Charlestown catchment, there is approximately 2,512,235m² of land zoned RE1 Public Recreation. This Planning Proposal seeks to rezone 14, 299m² of RE1 zoned land to alternative zonings. This represents a loss of approximately 0.56% of RE1 zoned land in Charlestown East. The inconsistency is considered to be of minor significance as the loss of land is less than 1% of all RE1 land in the Charlestown Eastern Catchment (which is approximately 36, 331, 509m² in area) and the land parcels have been considered by Council as providing very limited public recreational value as identified in appendix 5.</p>

Section C – Environmental, Social and Economic Impact

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

Items 11, 12 and 14 rezone land from RE1 to E2, which is considered to be the most appropriate zone given the permissible land uses and objectives of the zone. The E2 zoning will ensure critical habitat or threatened species, populations or ecological communities/habitats will not be adversely affected. These parcels are important for connectivity and other environmental reasons. It is acknowledged that they have a higher chance of being rehabilitated if publicly owned (as demonstrated in Part 3 of this Planning Proposal). Unfortunately there is no facility within the current framework to highlight parcels of land that should be publicly owned for environmental reasons. It is therefore even more important that they are zoned appropriately (i.e. for environmental conservation if the public recreation zone is removed).

Item 13 does not contain any significant native vegetation and is unlikely to adversely impact any critical or threatened ecological communities or habitats.

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

Items 11, 12 and 14 rezone land from RE1 to E2 to reflect the significance of the native vegetation. The E2 zoning supports the protection of threatened species habitat, vegetation corridors, and the function and health of Endangered Ecological Communities.

Item 13 is considered to be potentially contaminated given the existing use of the site as a service station and electricity easement. Council is satisfied that Item 13 is suitable in its potentially contaminated state as a service station and electricity easement. In removing the

LRA map layer from the subject land, Council intend to rezone the subject site from RE1 Public Recreation to RU6 Investigation. This will ensure that if the current use of the subject land changes, necessary studies and investigations will be required before the land is used rezoned to allow a different purpose. The planning proposal does not propose any development on the land and its zoning identifies the need for future environmental studies to be completed before a future rezoning or development is considered. As such, there is not likely to be any environmental affects resulting from the planning proposal.

9. *How has the planning proposal adequately addressed any social and economic effects?*

The planning proposal will not result in any adverse social or economic effects. The land proposed to be removed from the LRA map is not identified to be purchased by Council, or has already been purchased by Council or a NSW government agency. Removing the land from the LRA map will allow the landowner to retain ownership of the land for private uses, and remove a potential future land acquisition cost to Council of approximately \$2.415m (adjusted from Charlestown Acquisition Land Review following removal of GH-1 & GH-2 from the planning proposal).

Section D – State and Commonwealth Interests

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

Yes. The proposal will not result in a significant amount of land being rezoned for urban uses. The proposal rezones land from public open space uses to environmental conservation purposes, rural transition or rezones land to reflect the current use of the site, which is consistent with adjacent land.

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

Consultation with NSW Roads and Maritime Services (RMS) has occurred for items 6 and 10 and raised no objection to the removal of the land from the LRA map (refer to Appendix 2).

Additional consultation with State and Commonwealth public authorities will be determined as part of the Gateway determination. Council recommends consultation with the following authorities:

- Commissioner of the NSW Rural Fire Service regarding consistency with S117 Direction 4.4 Planning for Bushfire Protection;
- Director-General of the Department of Planning regarding consistency with S117 Direction 1.1 Business and Industrial zones, 3.1 Residential Zones, 3.2 Caravan Parks and Manufactured Home Estates, and 6.2 Reserving Land for Public Purposes, and
- The Mine Subsidence Board regarding consistency with the S117 Direction 4.2 Mine Subsidence and Unstable Land

Part 4 – MAPPING

Locality Map: Item 1 to 16

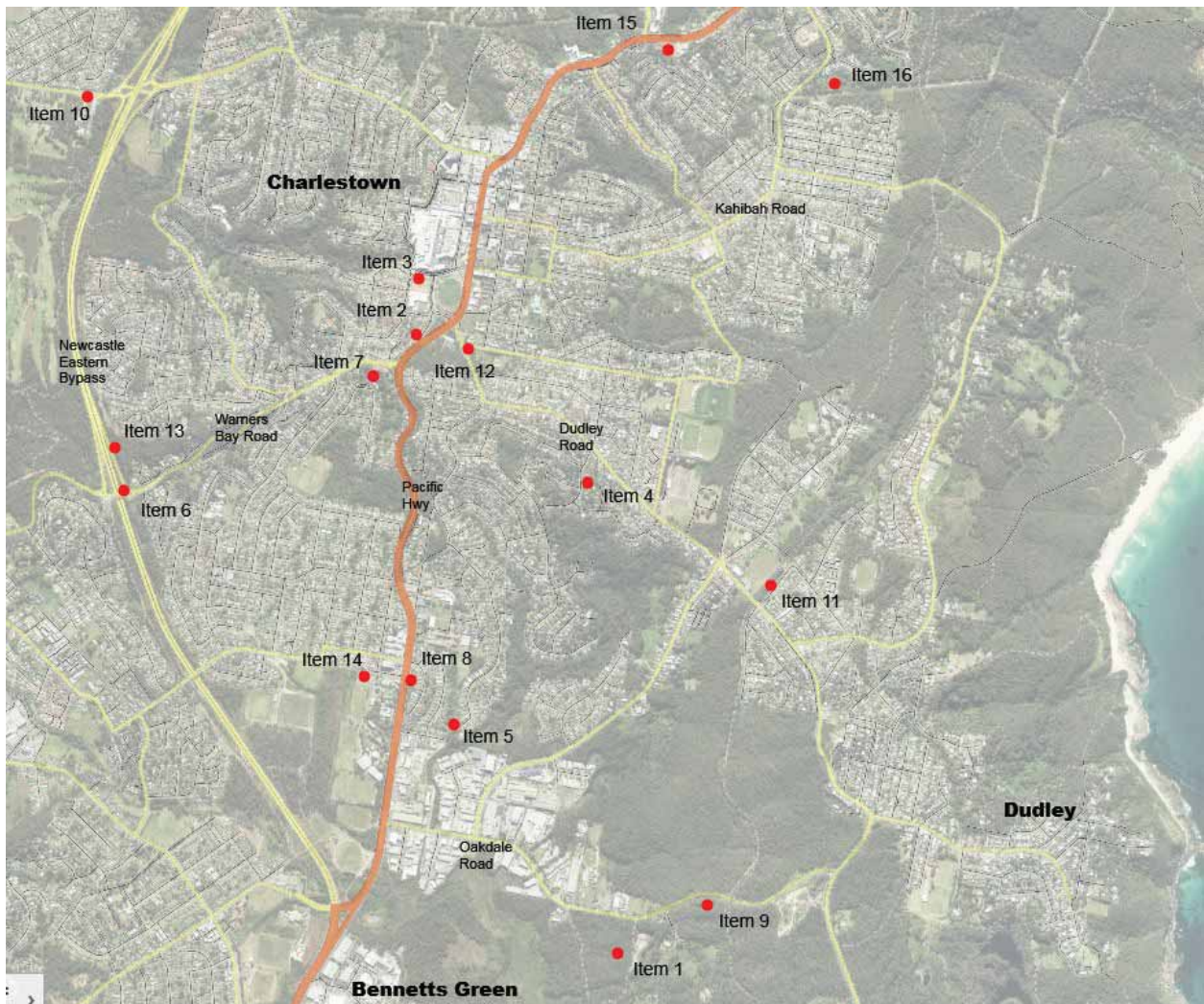


Figure 1: Items 1 to 16 - Locality map

Item 1: 46A OAKDALE ROAD, BENNETTS GREEN



Figure 2: Item 1- Aerial Photograph of Subject Land

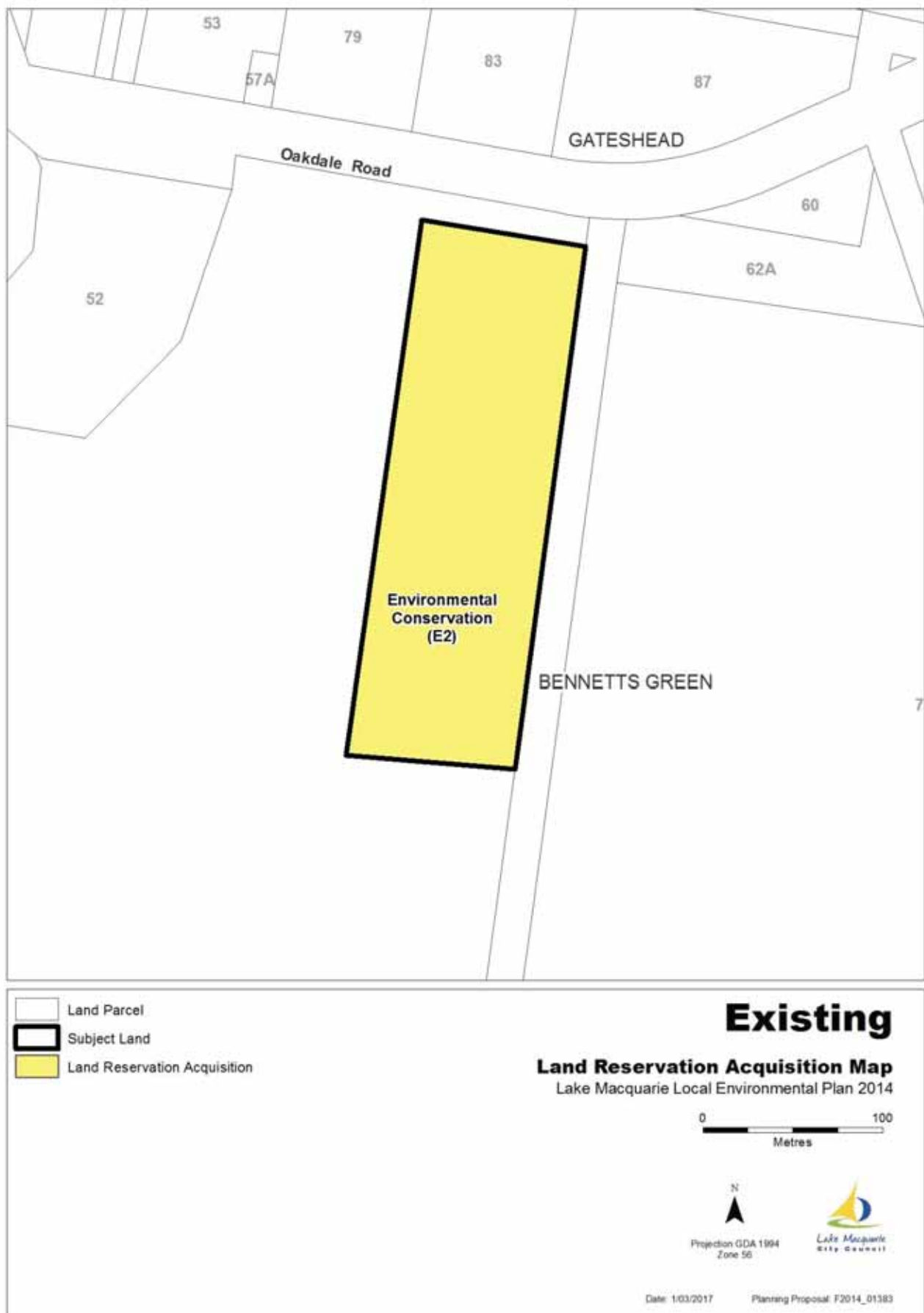


Figure 3: Item 1- Existing Land Reservation Acquisition Map (LRA)

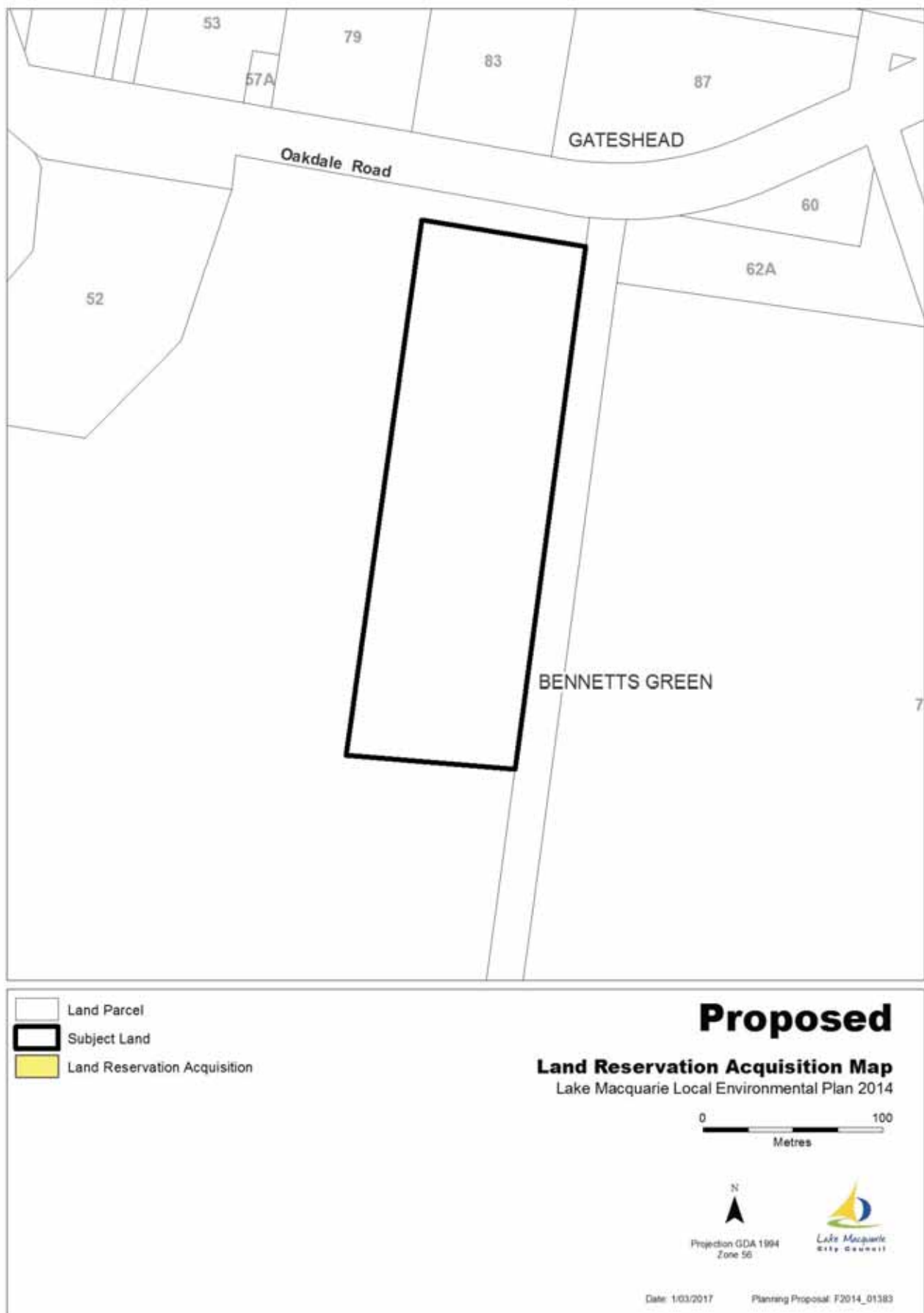


Figure 4: Item1- Proposed Land Reservation Acquisition Map (LRA)

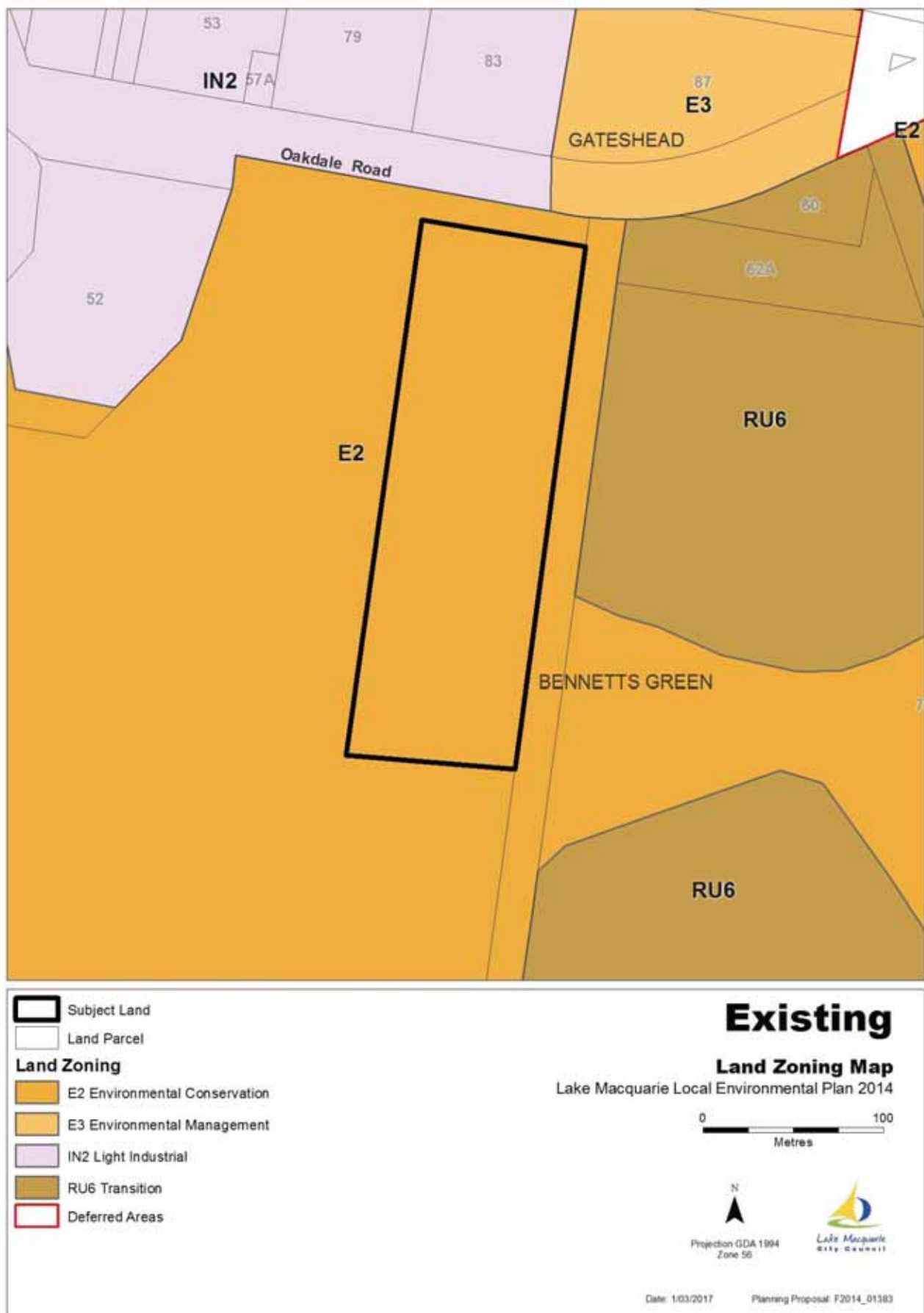


Figure 5: Item 1- Existing Land Zoning Map (LZN)

Item 2: LAND NEAR CARL CLOSE, CHARLESTOWN



Figure 6: Item 2- Aerial Photograph of Subject Land



Figure 7: Item 2- Existing Land Reservation Acquisition Map (LRA)

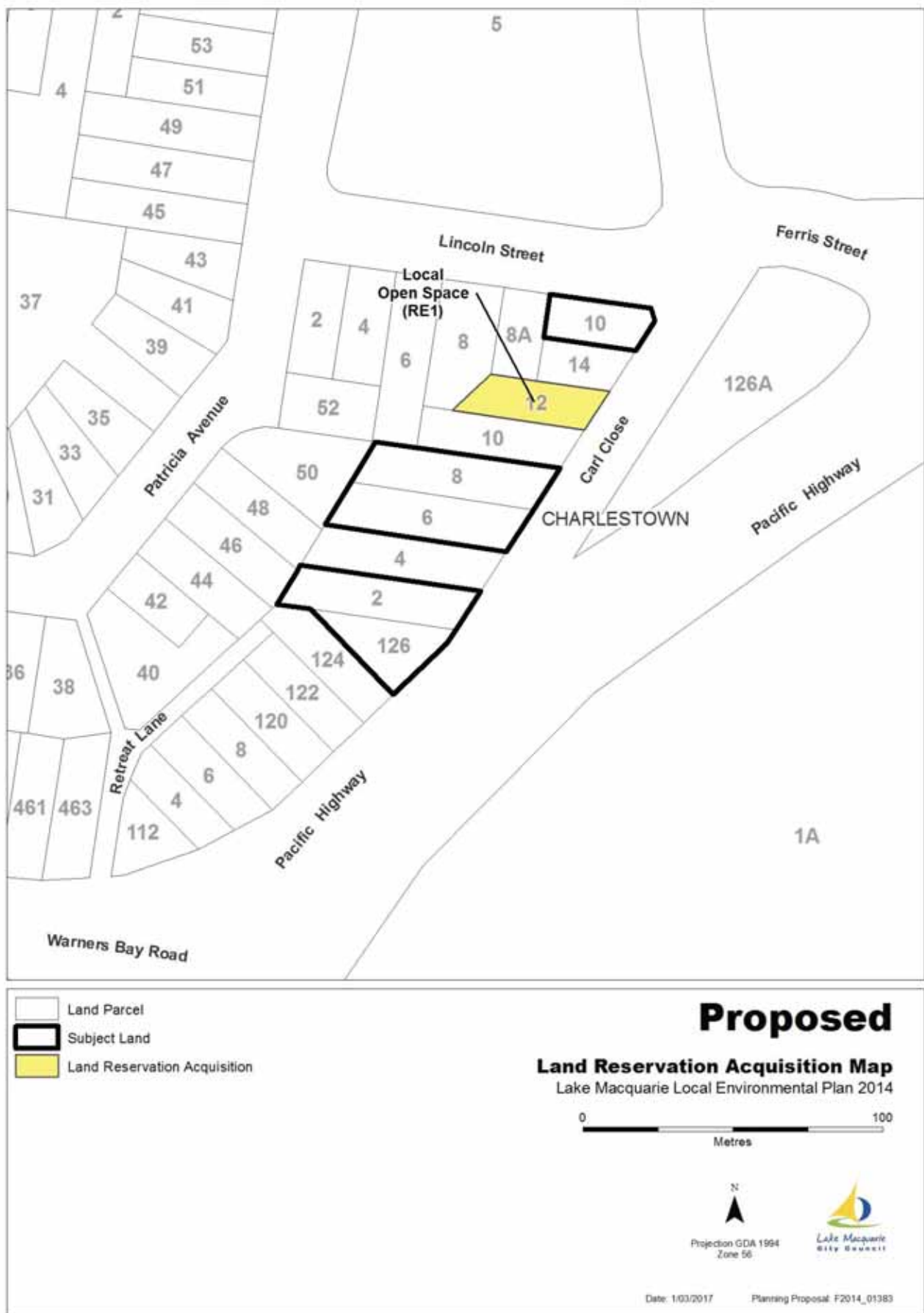


Figure 8: Item 2- Proposed Land Reservation Acquisition Map (LRA)

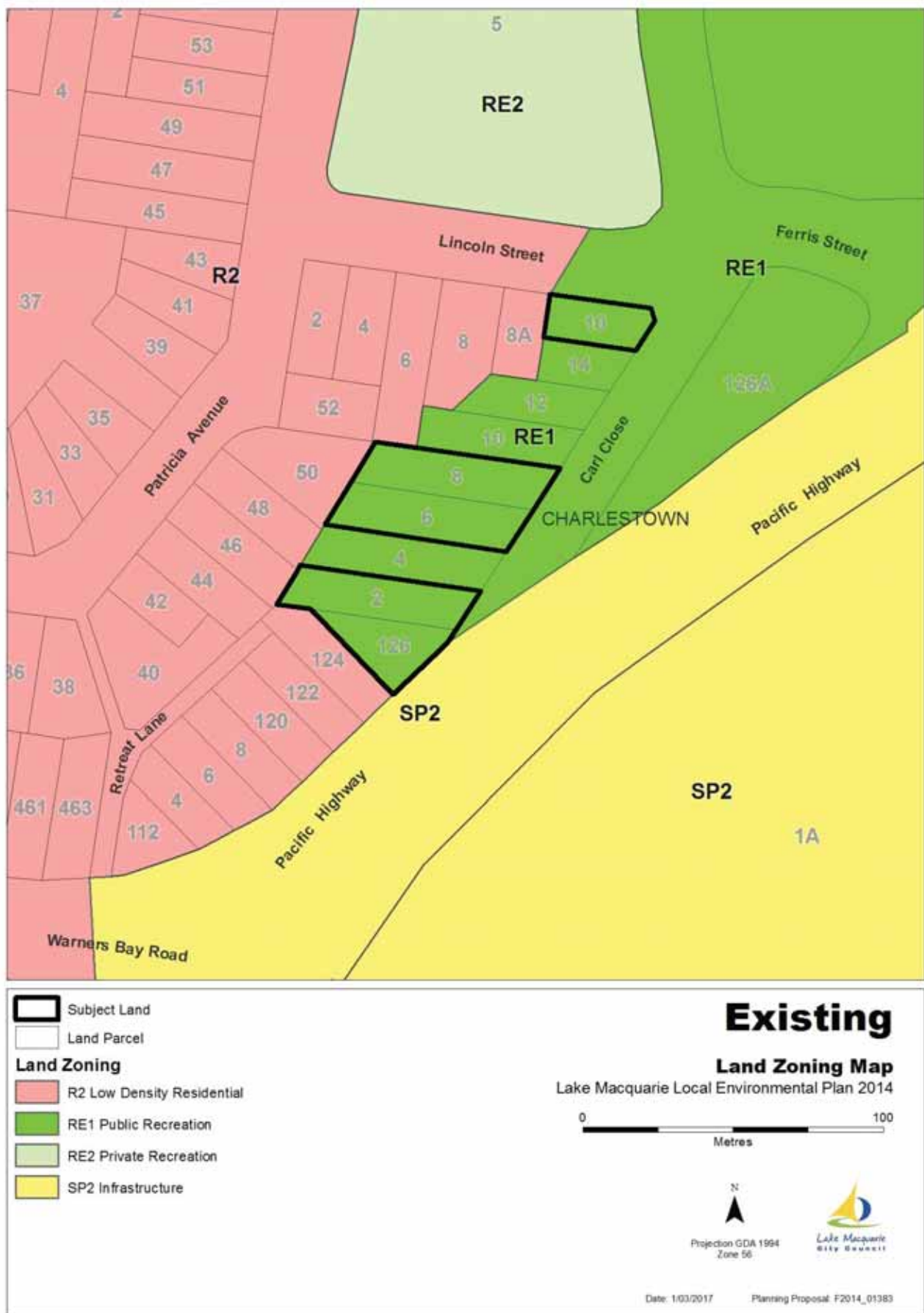


Figure 9: Item 2- Existing Land Zoning Map (LZN)

Item 3- 72A PATRICIA AVENUE, CHARLESTOWN



Figure 10: Item 3- Aerial Photograph of Subject Land

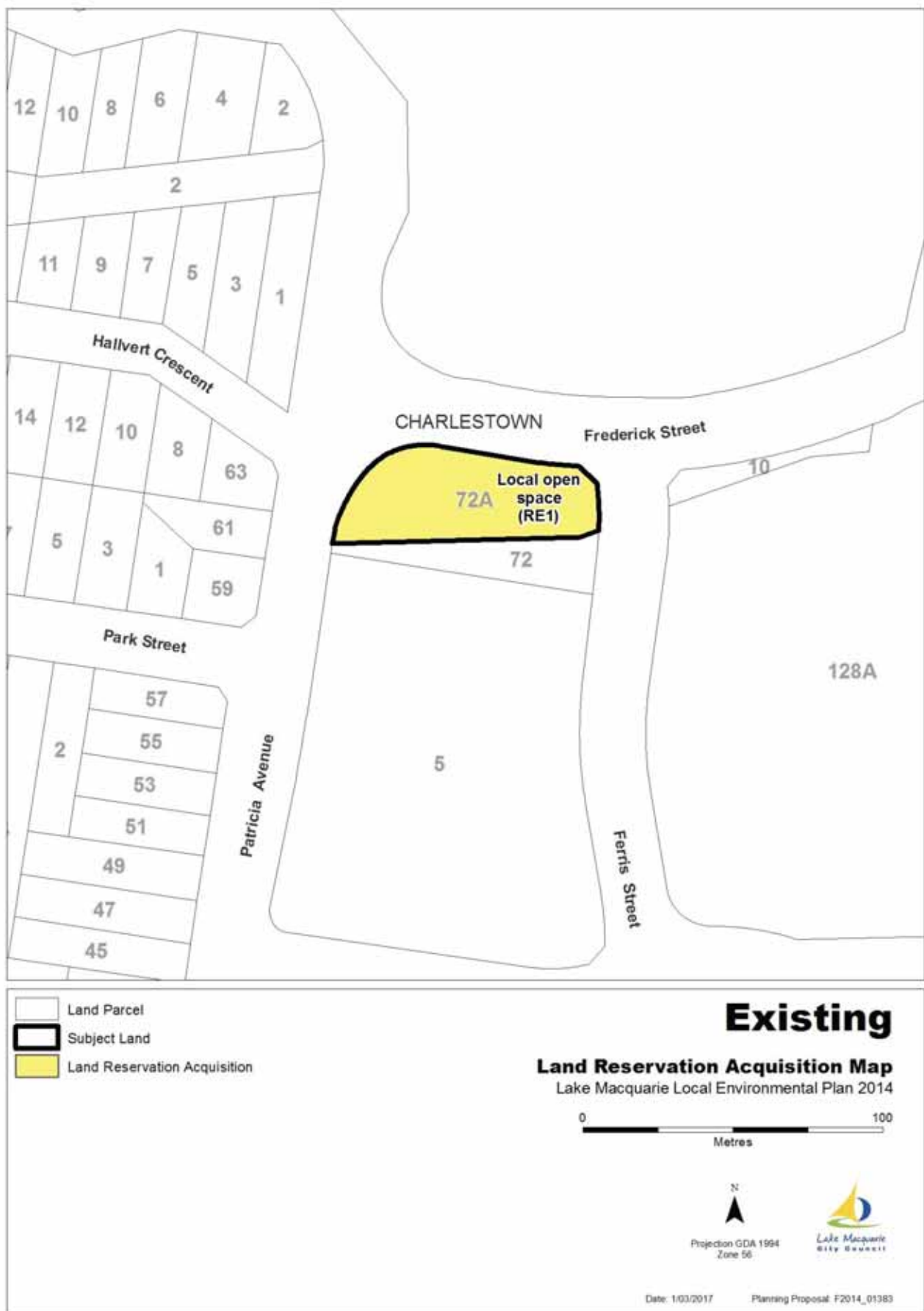


Figure 11: Item 3-Existing Land Reservation Acquisition Map (LRA)



Figure 12: Item 3- Proposed Land Reservation Acquisition Map (LRA)

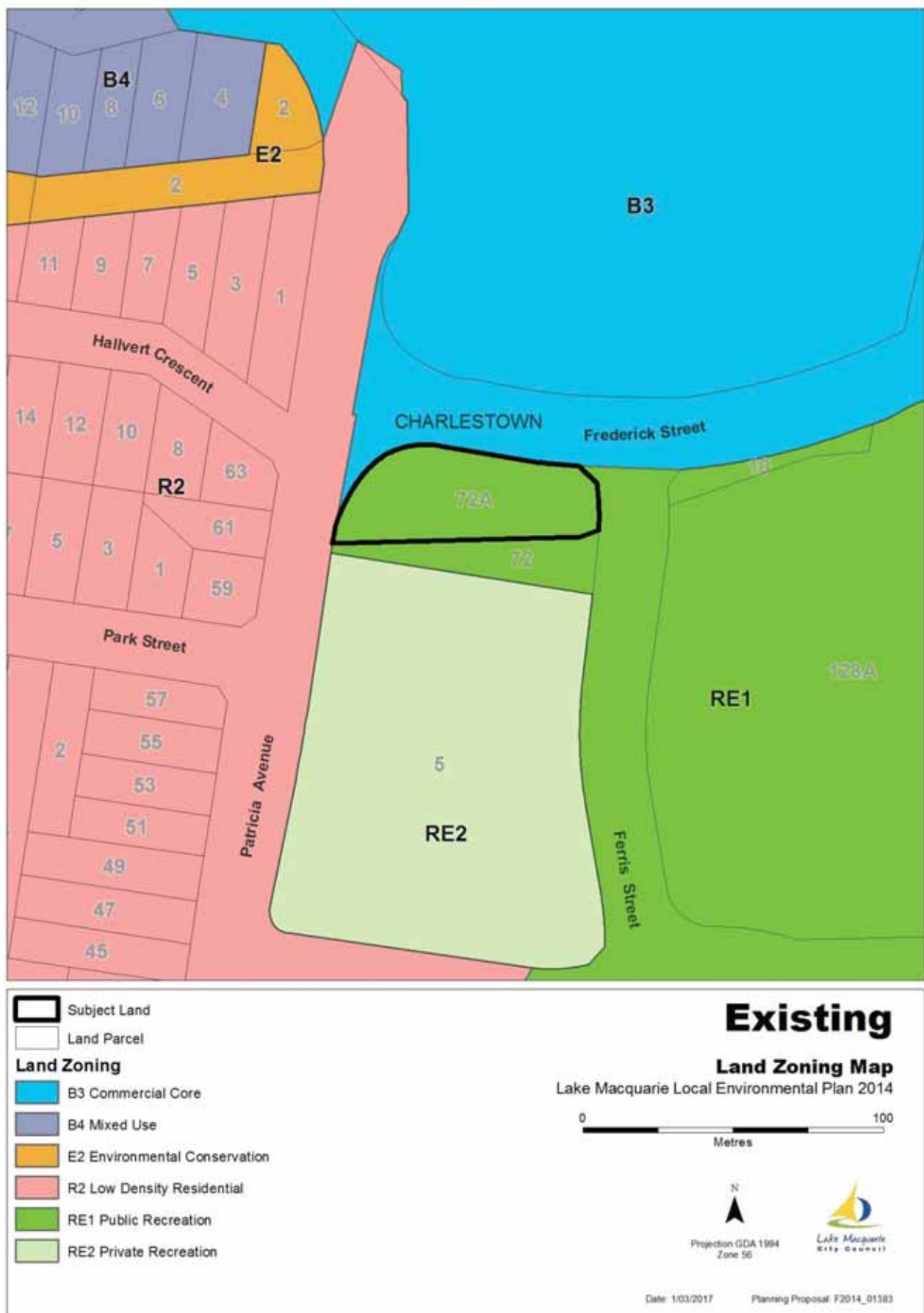


Figure 13: Item 3- Existing Land Zoning Map (LZN)

Item 4: 16A HALLAM STREET, CHARLESTOWN



Figure 14: Item 4- Aerial Photograph of subject land

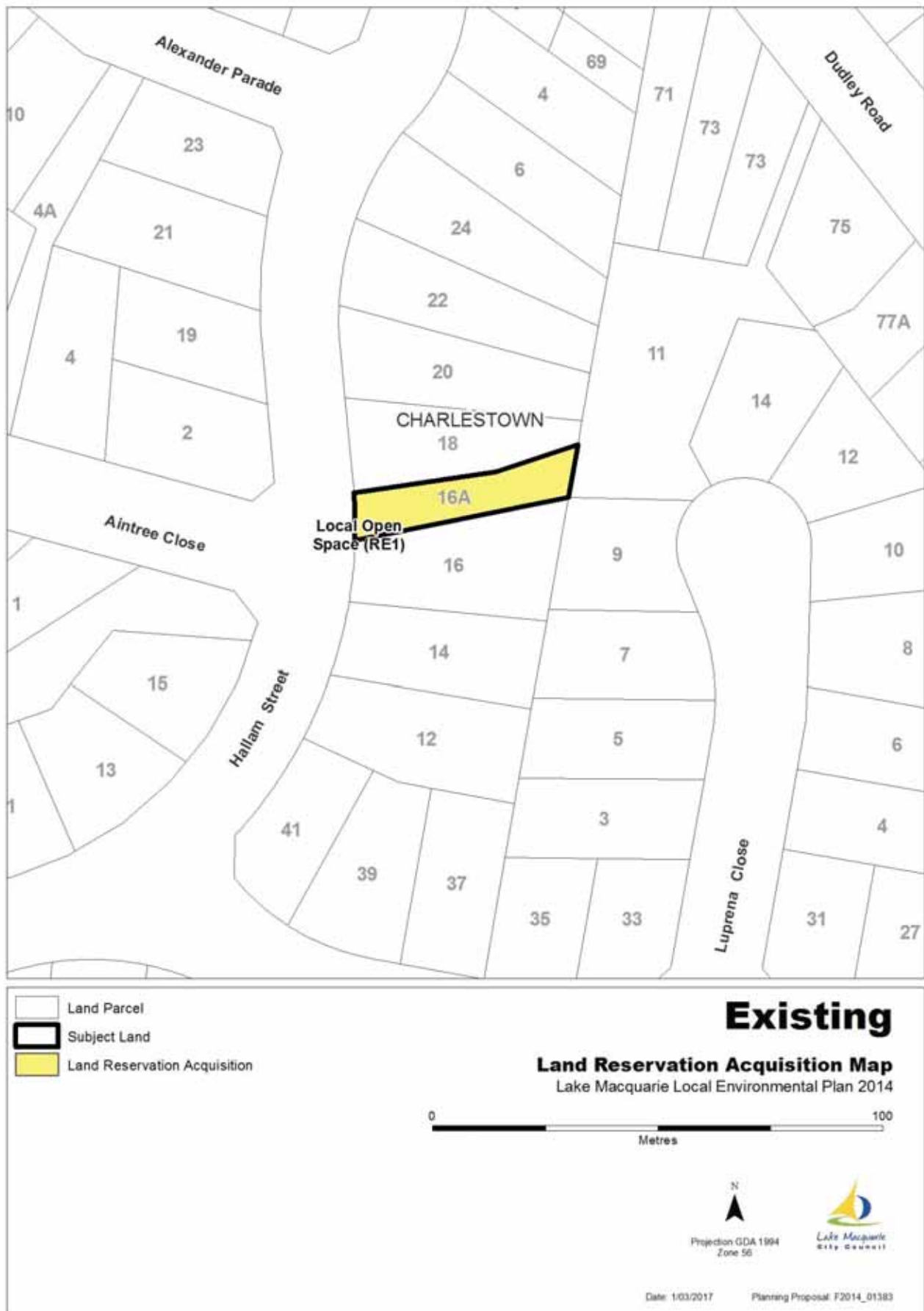


Figure 15: Item 4- Existing Land Reservation Acquisition Map (LRA)

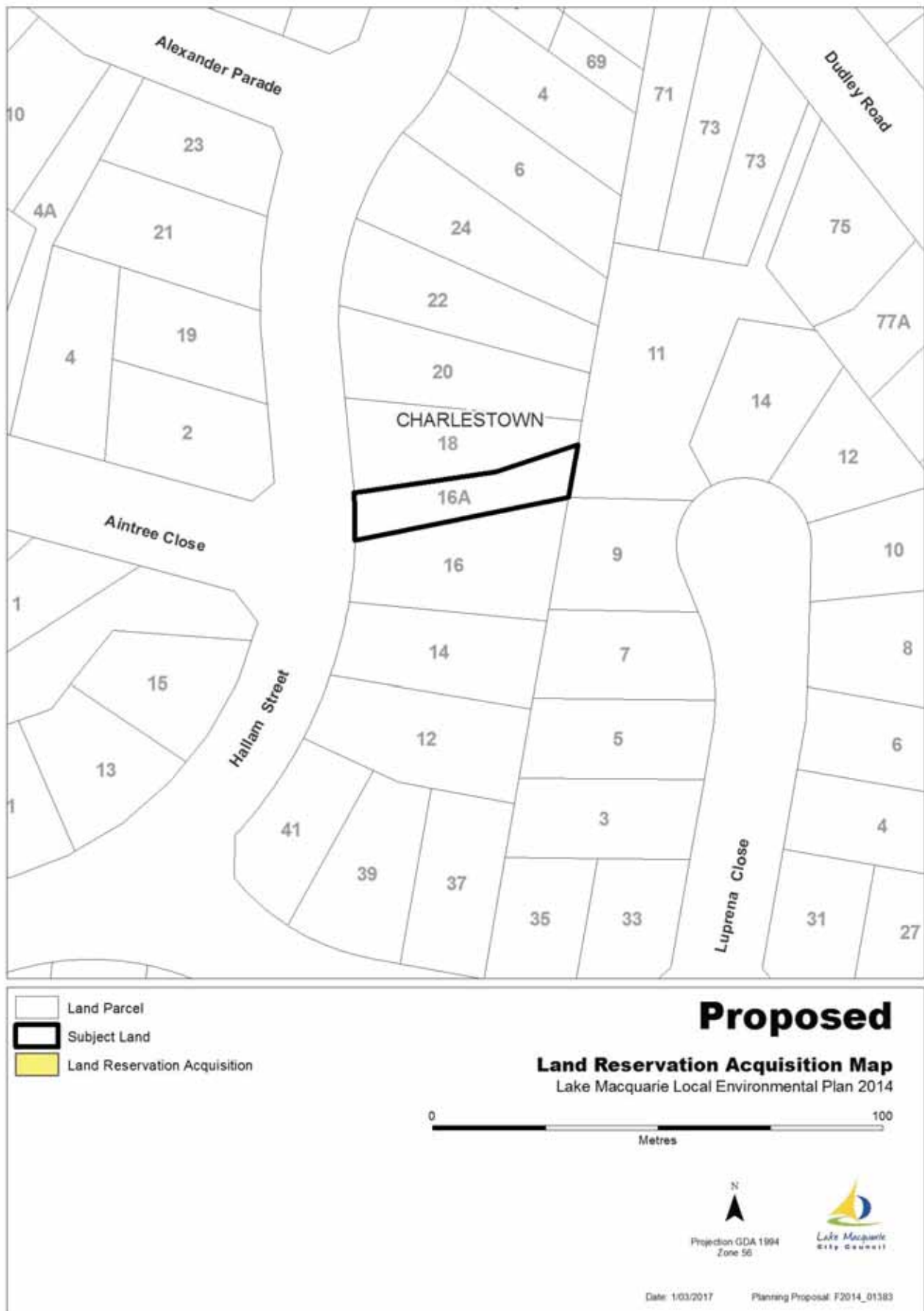


Figure 16: Item 4- Proposed Land Reservation Acquisition Map (LRA)

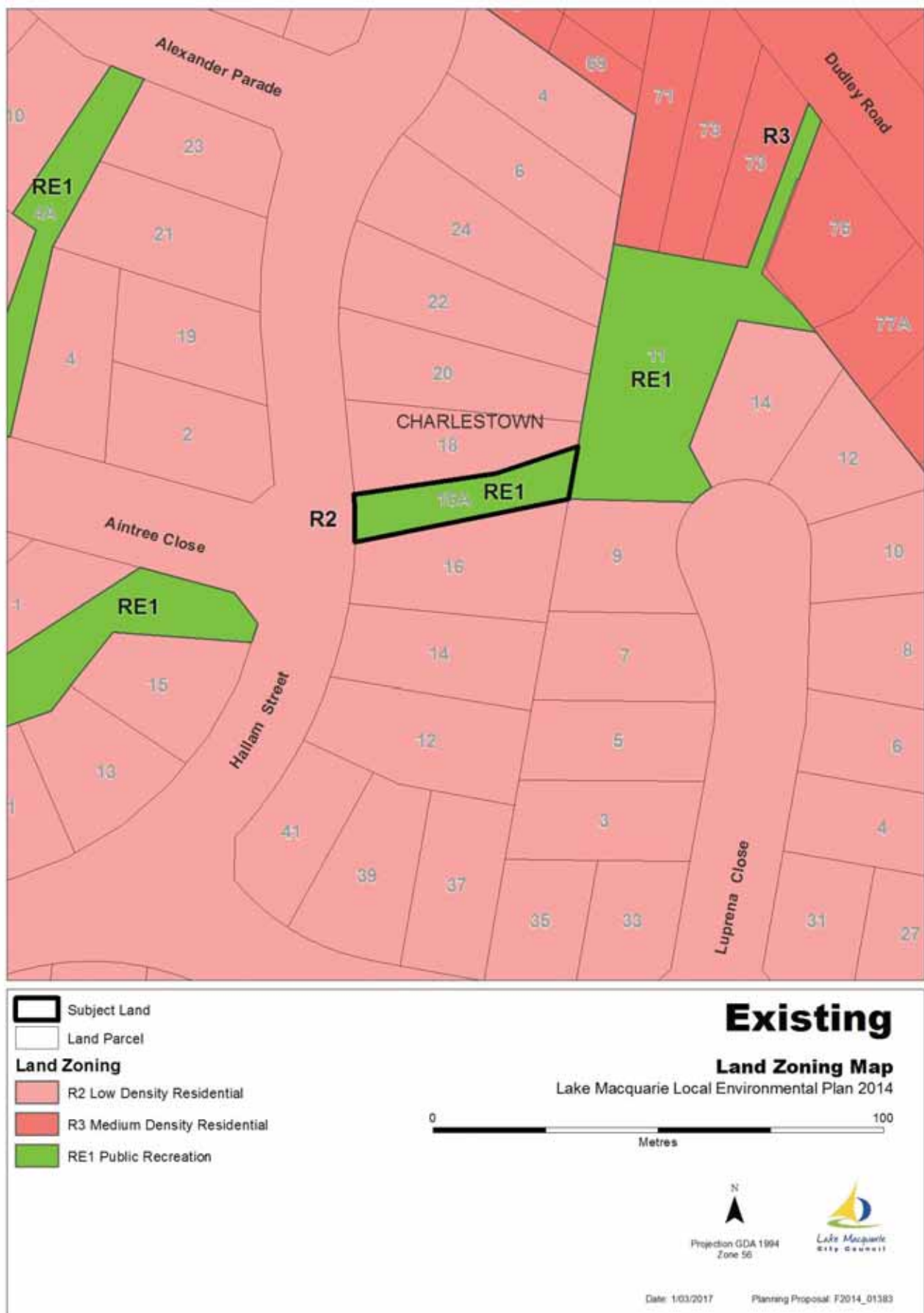


Figure 17: Item 4- Existing Land Zoning Map (LZN)

Item 5: 90 KULAI STREET, CHARLESTOWN



Figure 18: Item 5- Aerial Photo of Subject Land

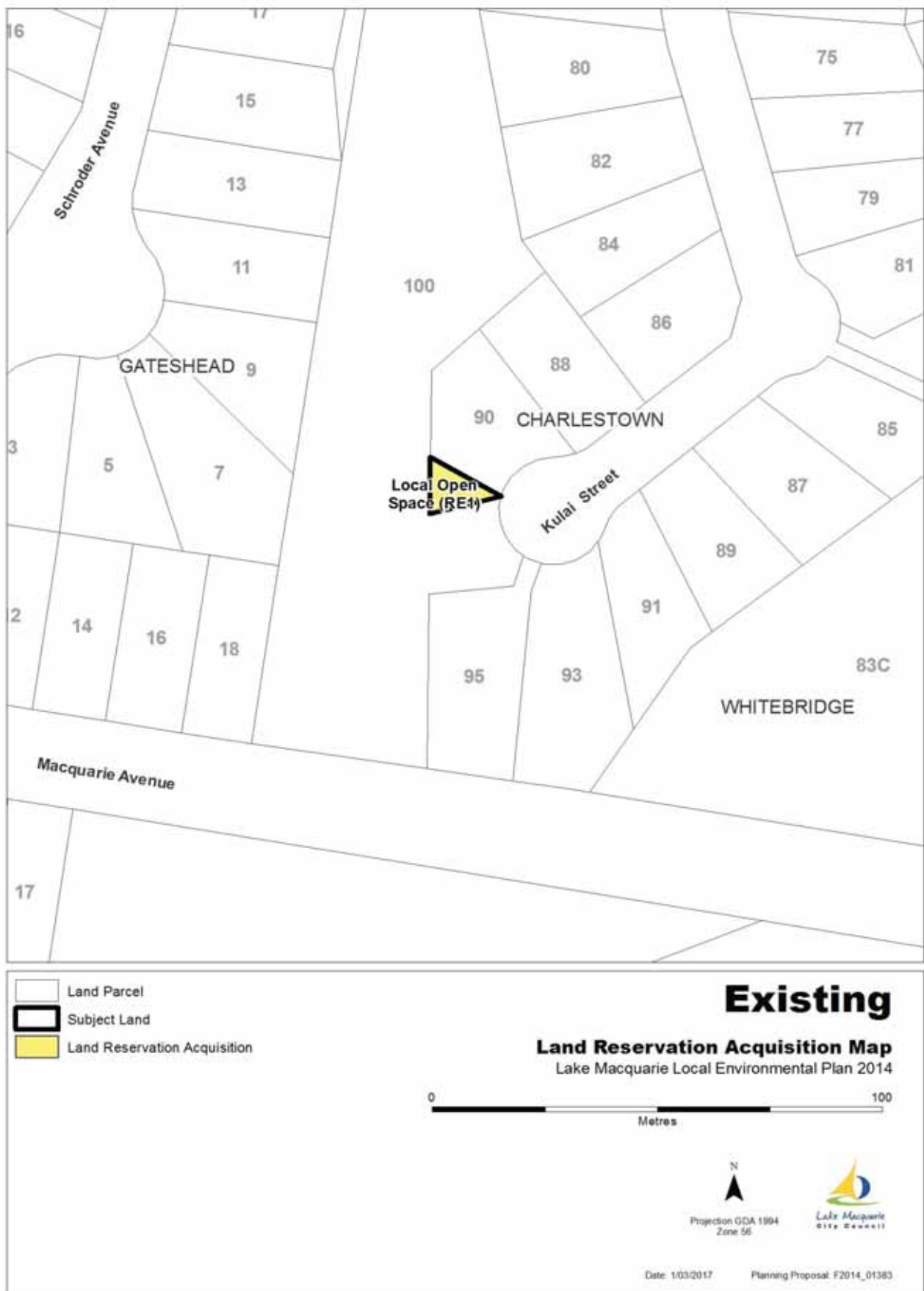


Figure 19: Item 5- Existing Land Reservation Acquisition Map (LRA)

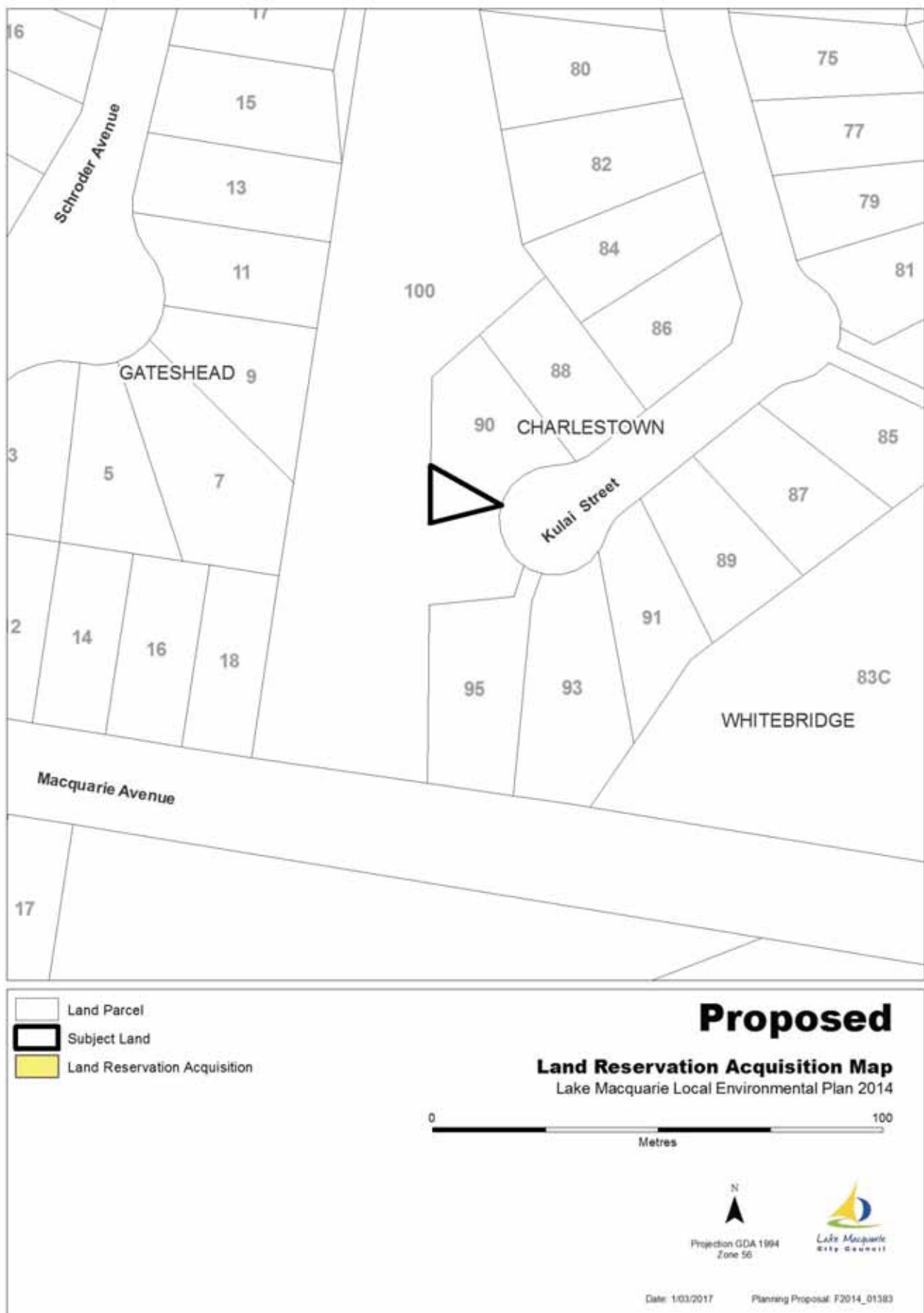


Figure 20: Item 5-Land Reservation Acquisition Map (LRA)

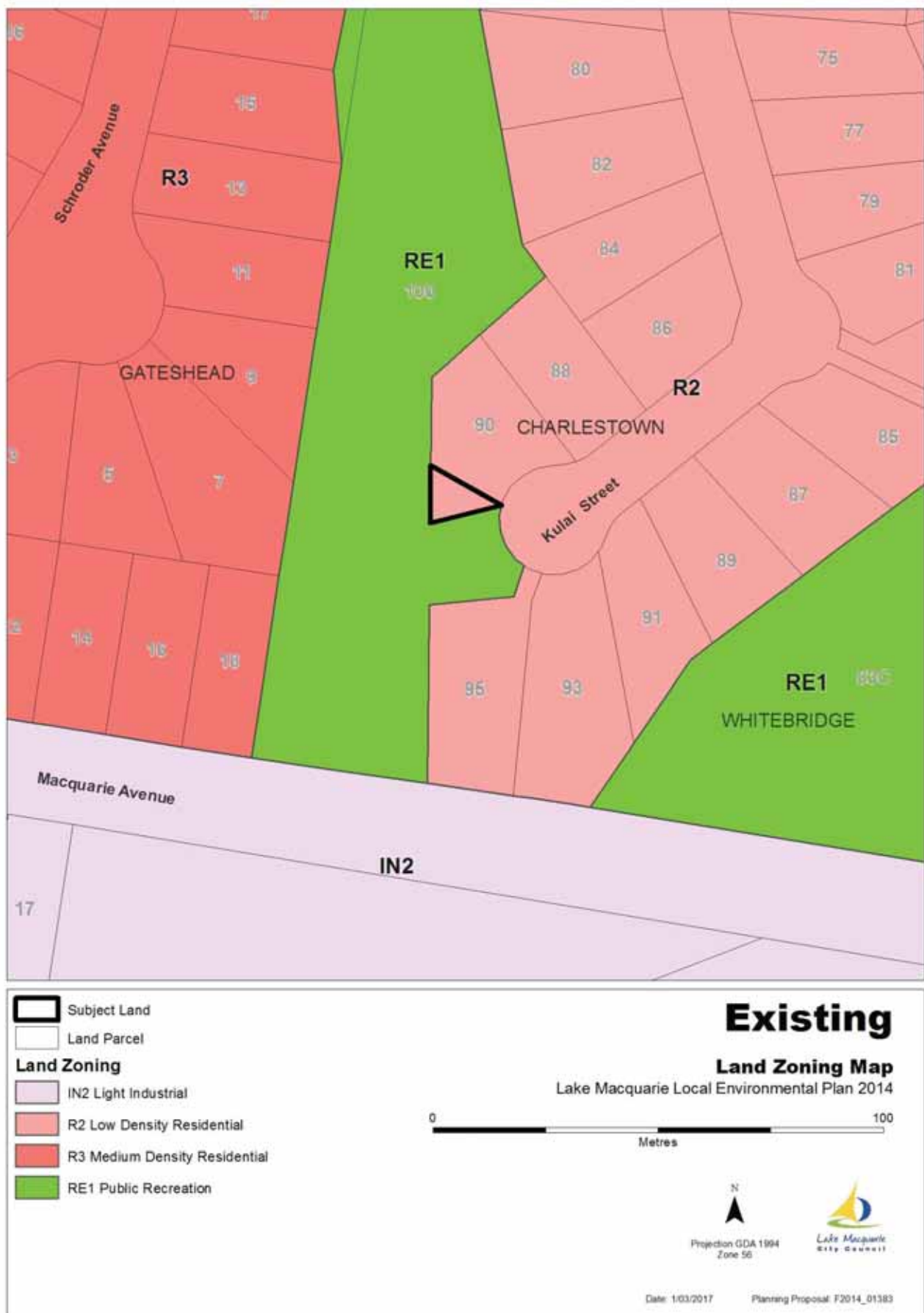


Figure 21: Item 5- Existing Land Zoning Map (LZN)

Item 6: 0 WEST CHARLESTOWN BY-PASS, CHARLESTOWN



Figure 22: Item 6- Aerial Photograph of Subject Land

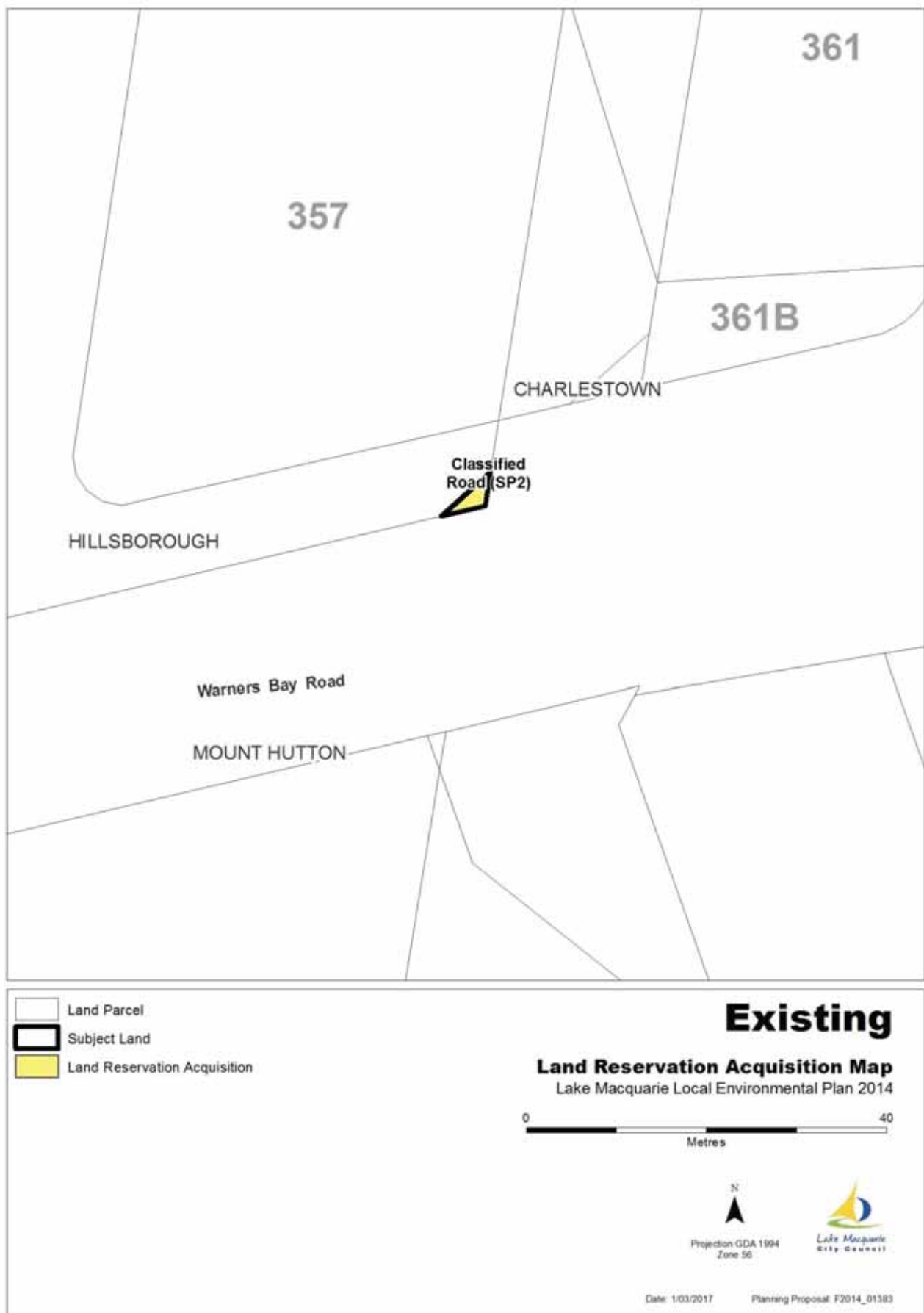


Figure 23: Item 6- Existing Land Reservation Acquisition Map (LRA)

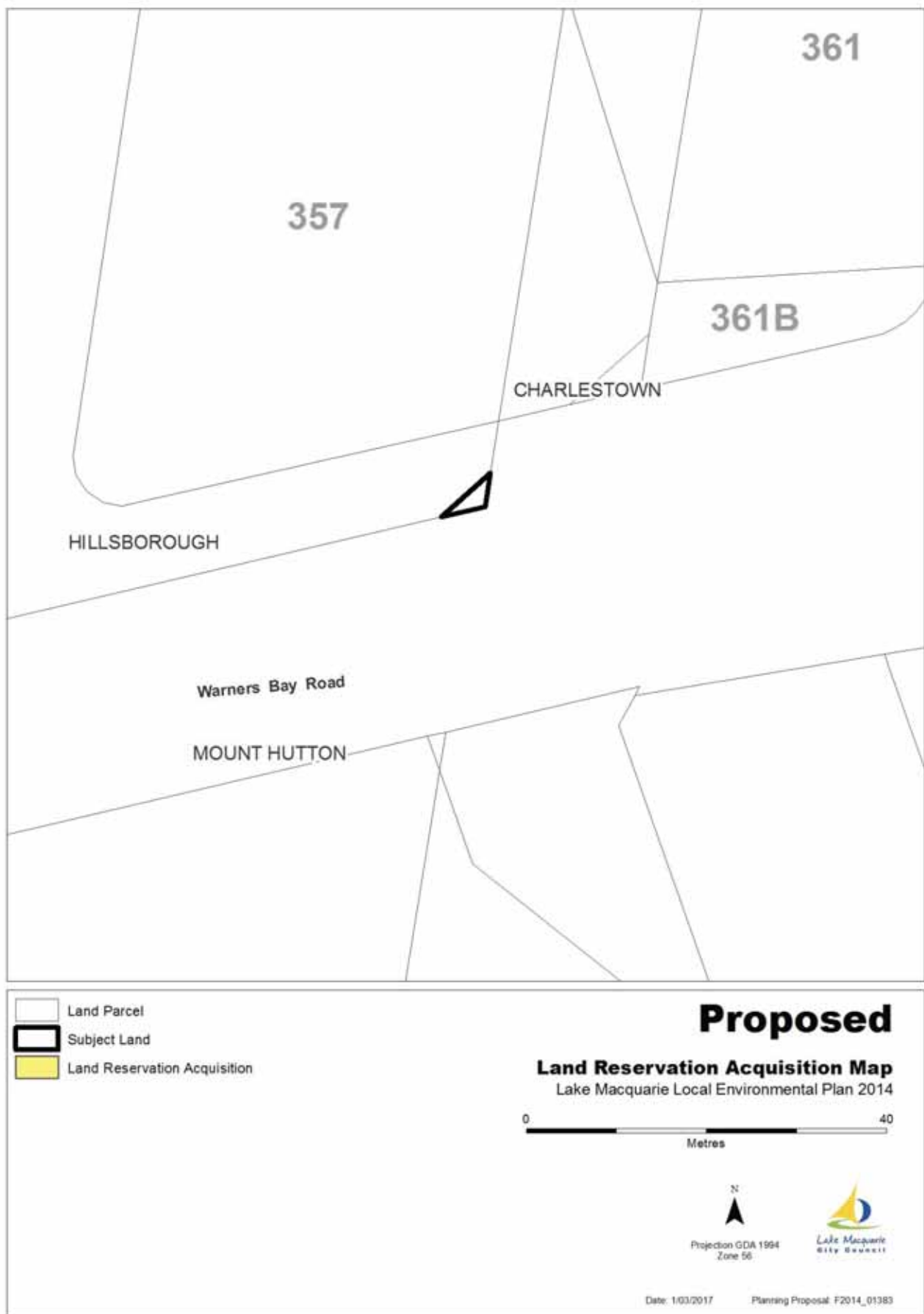


Figure 24: Item 6- Proposed Land Reservation Acquisition Map (LRA)

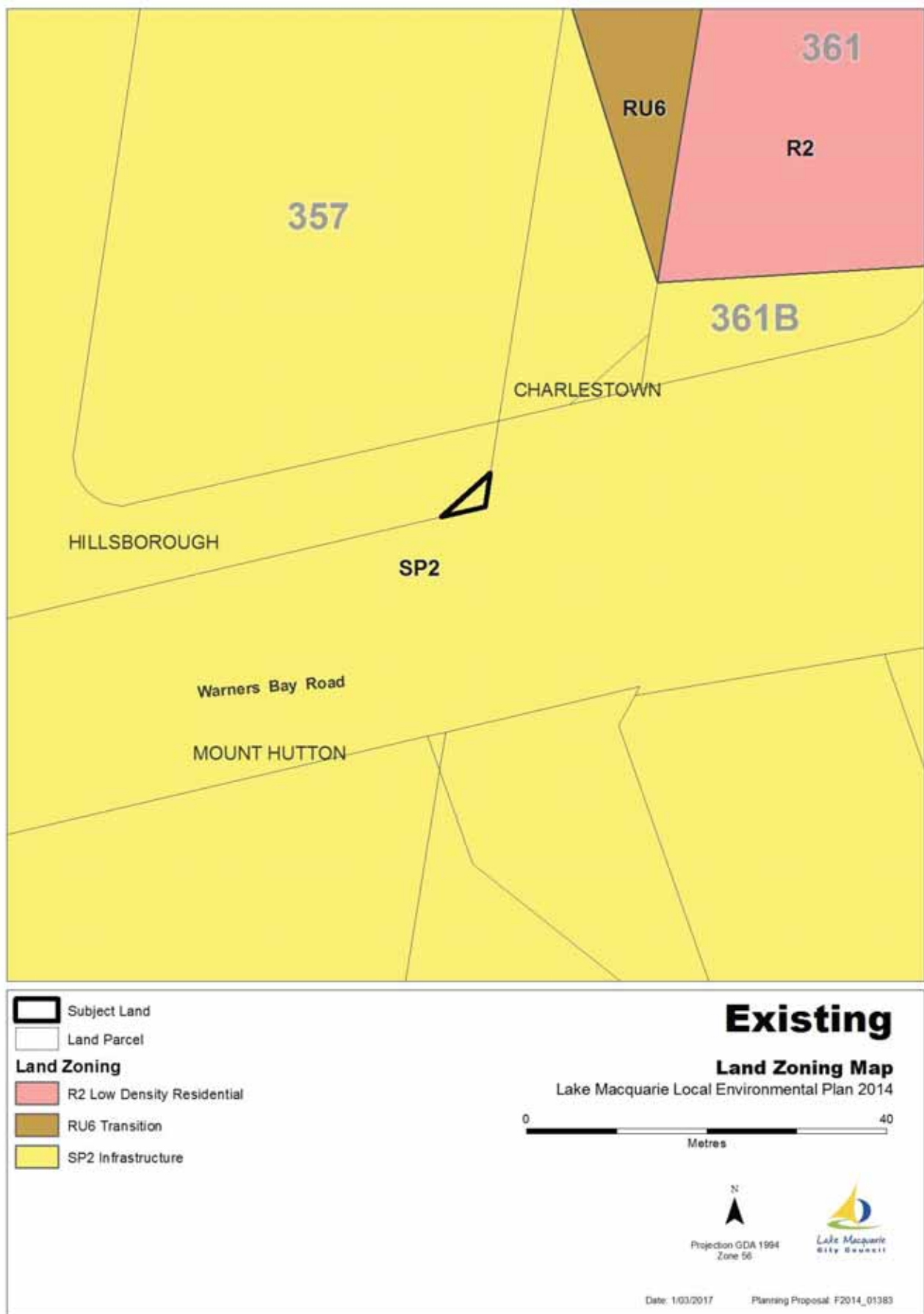


Figure 25: Item 6- Existing Land Zoning Map (LZN)

Item 7:62B OAKDALE ROAD, GATESHEAD



Figure 26: Item 7- Aerial Photograph of Subject Land

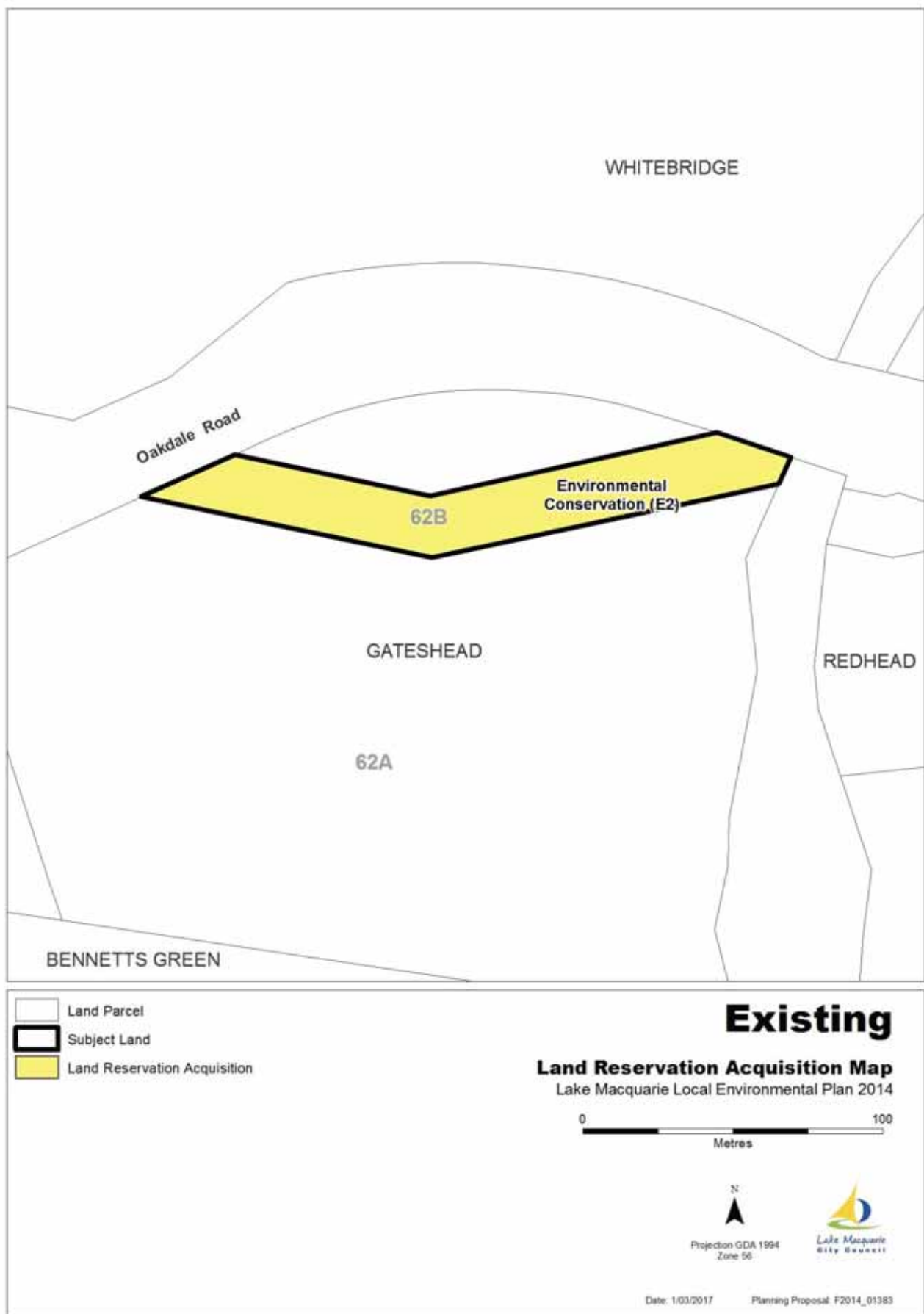


Figure 27: Item 7- Existing Land Reservation Acquisition Map (LRA)

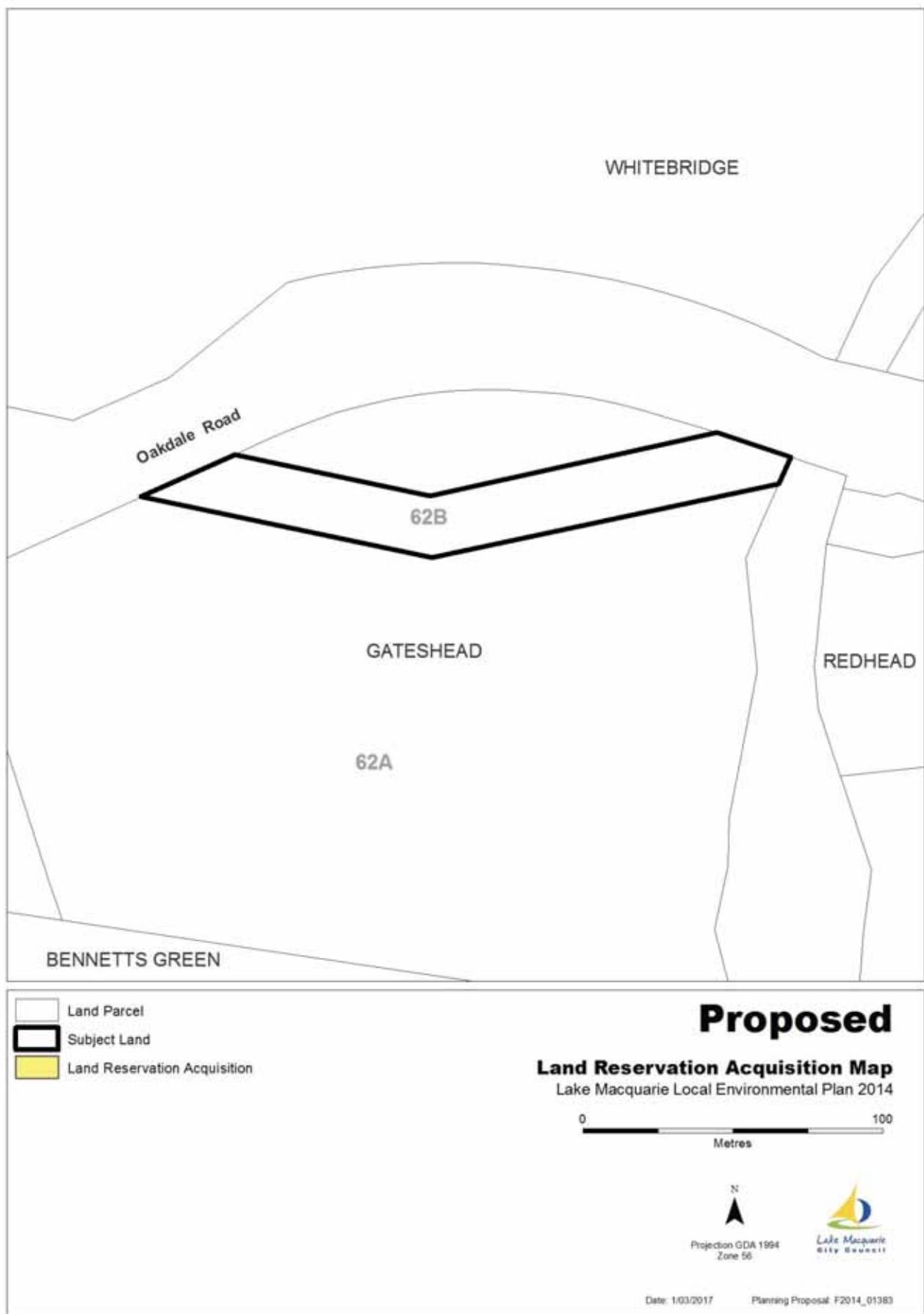


Figure 28: Item 7- Proposed Land Reservation Acquisition Map (LRA)

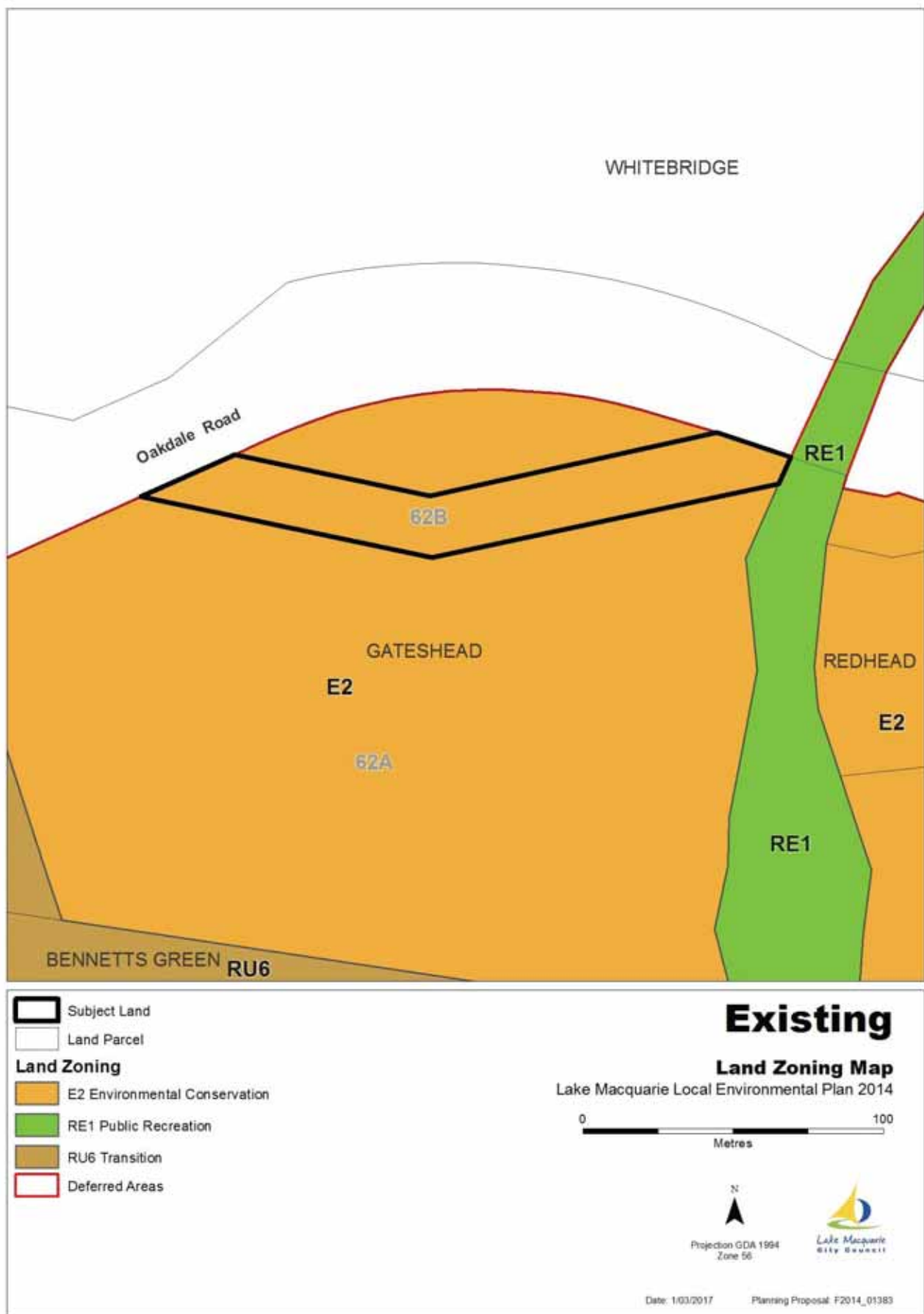


Figure 29: Item 7- Existing Land Zoning Map (LZN)

Item 8:68A HILLSBOROUGH, HILLSBOROUGH

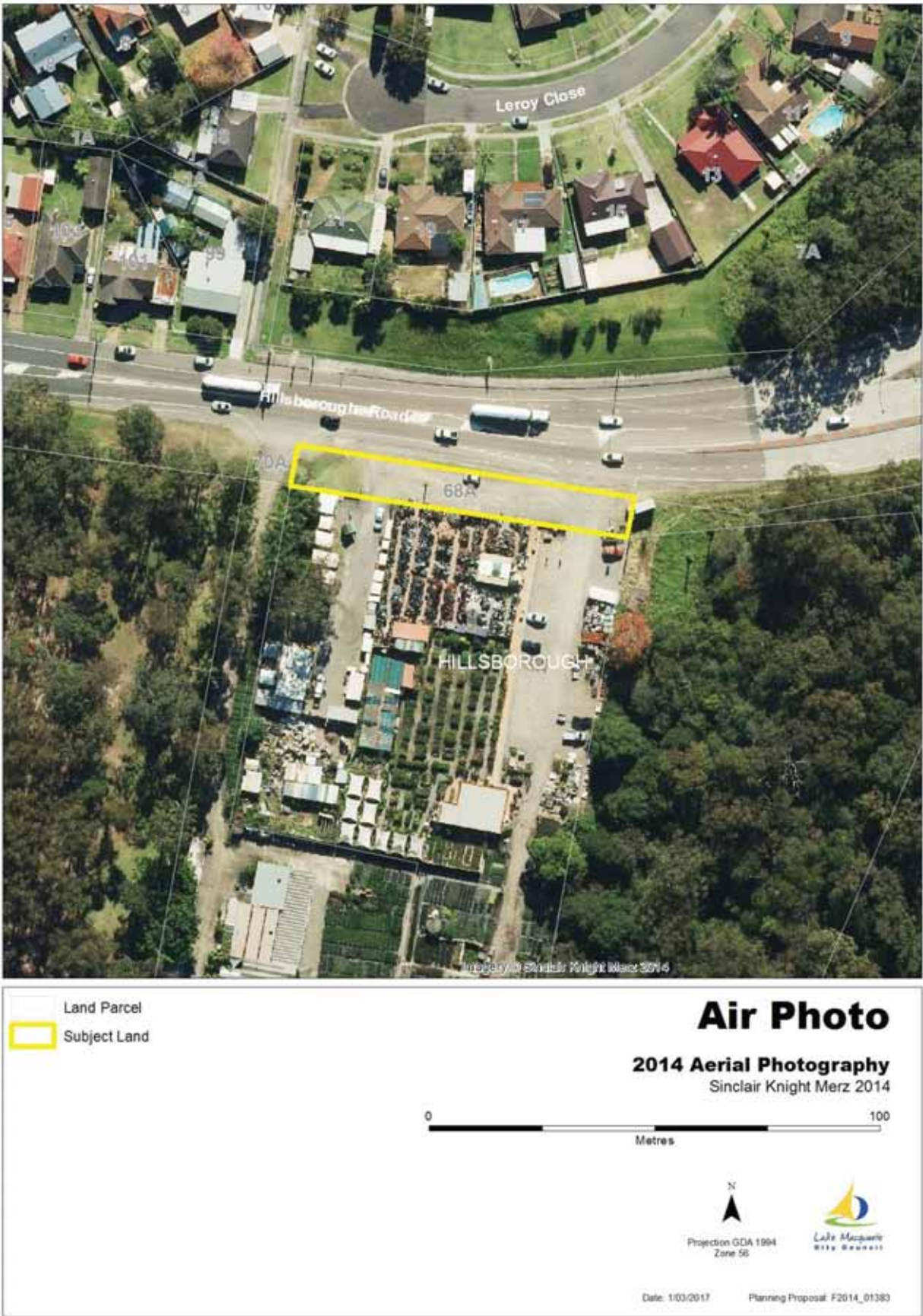


Figure 30: Item 8- Aerial Photograph of Subject Land

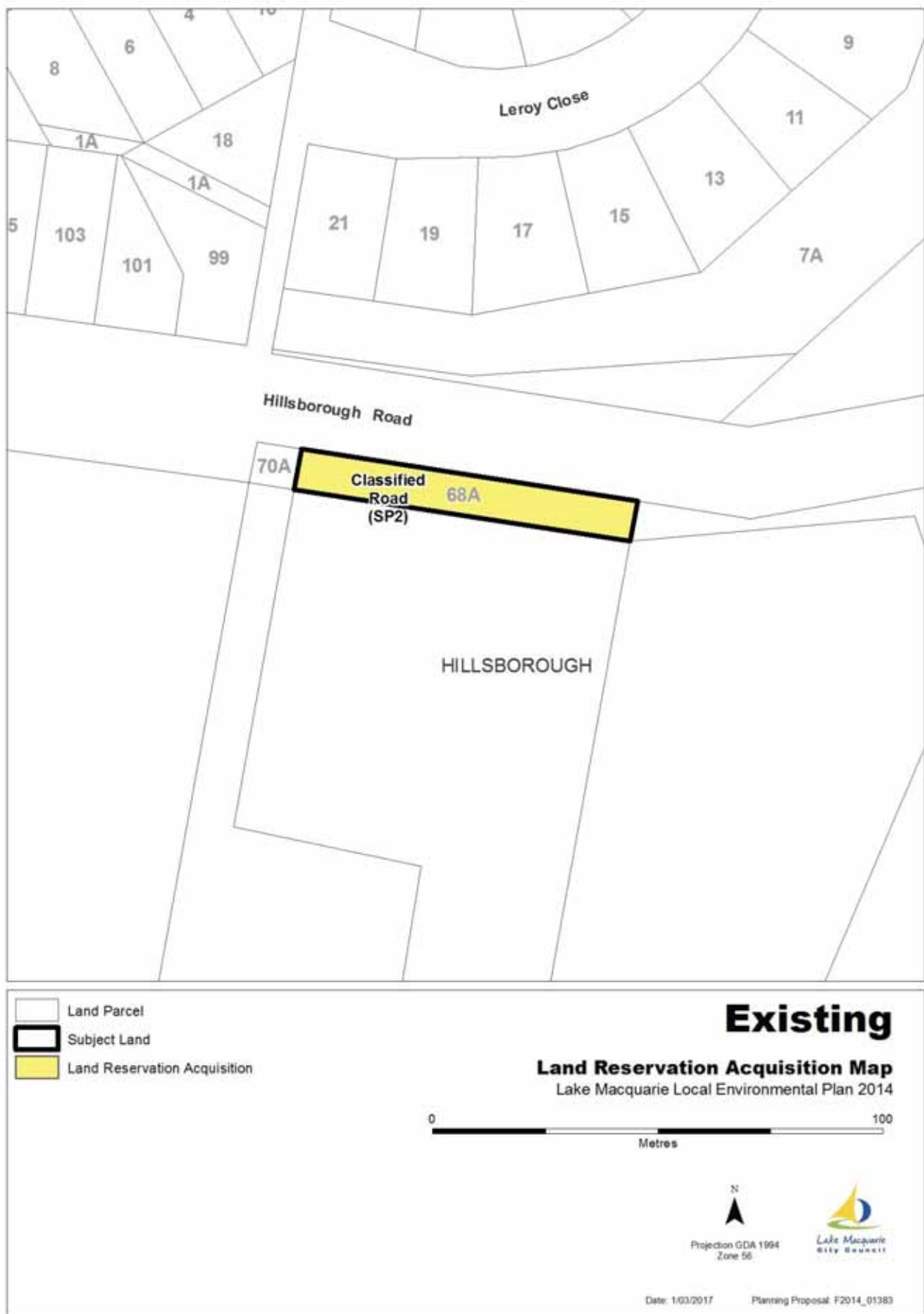


Figure 31: Item 8- Existing Land Reservation Acquisition Map (LRA)

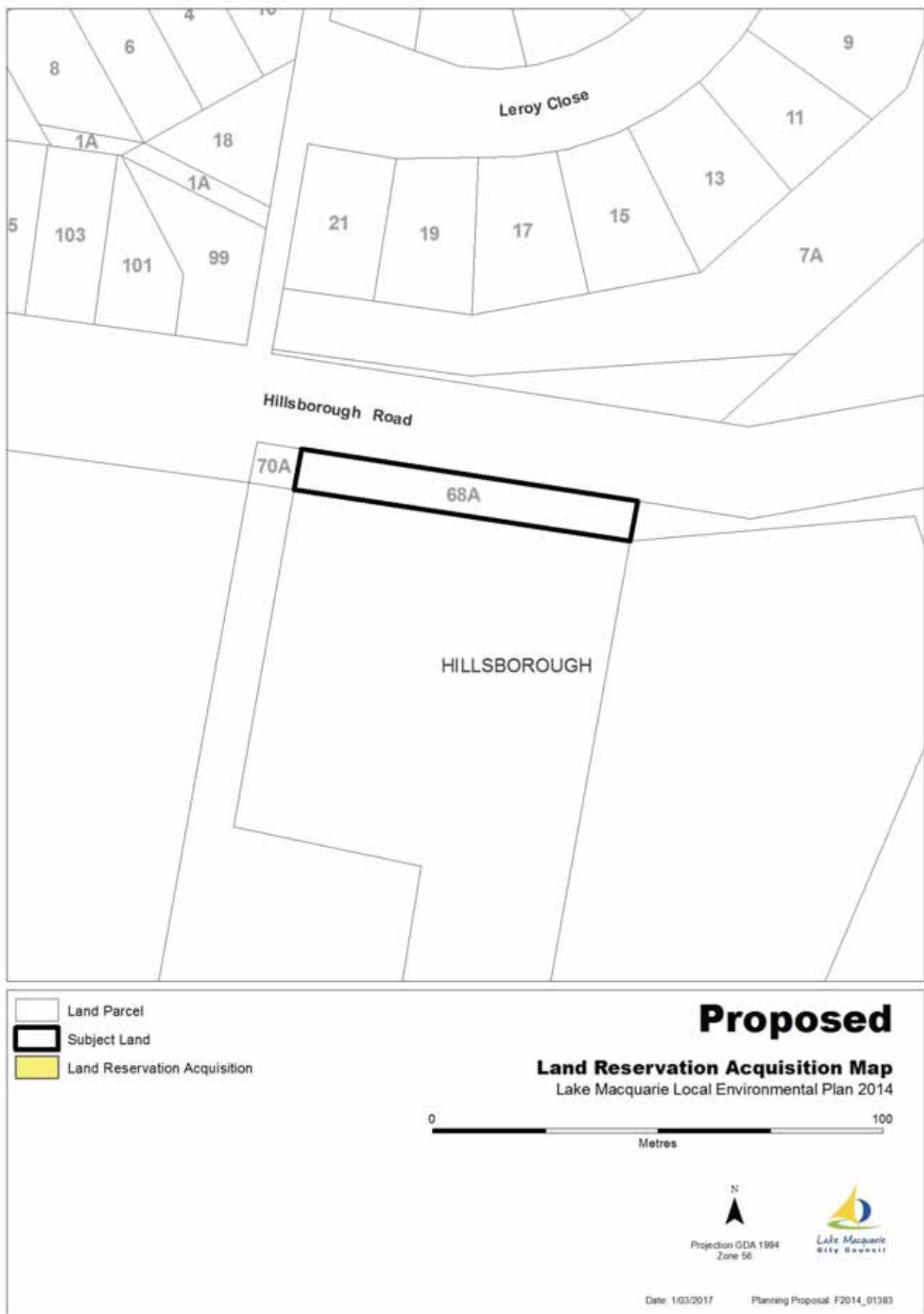


Figure 32: Item 8- Proposed Land Reservation Acquisition Map (LRA)

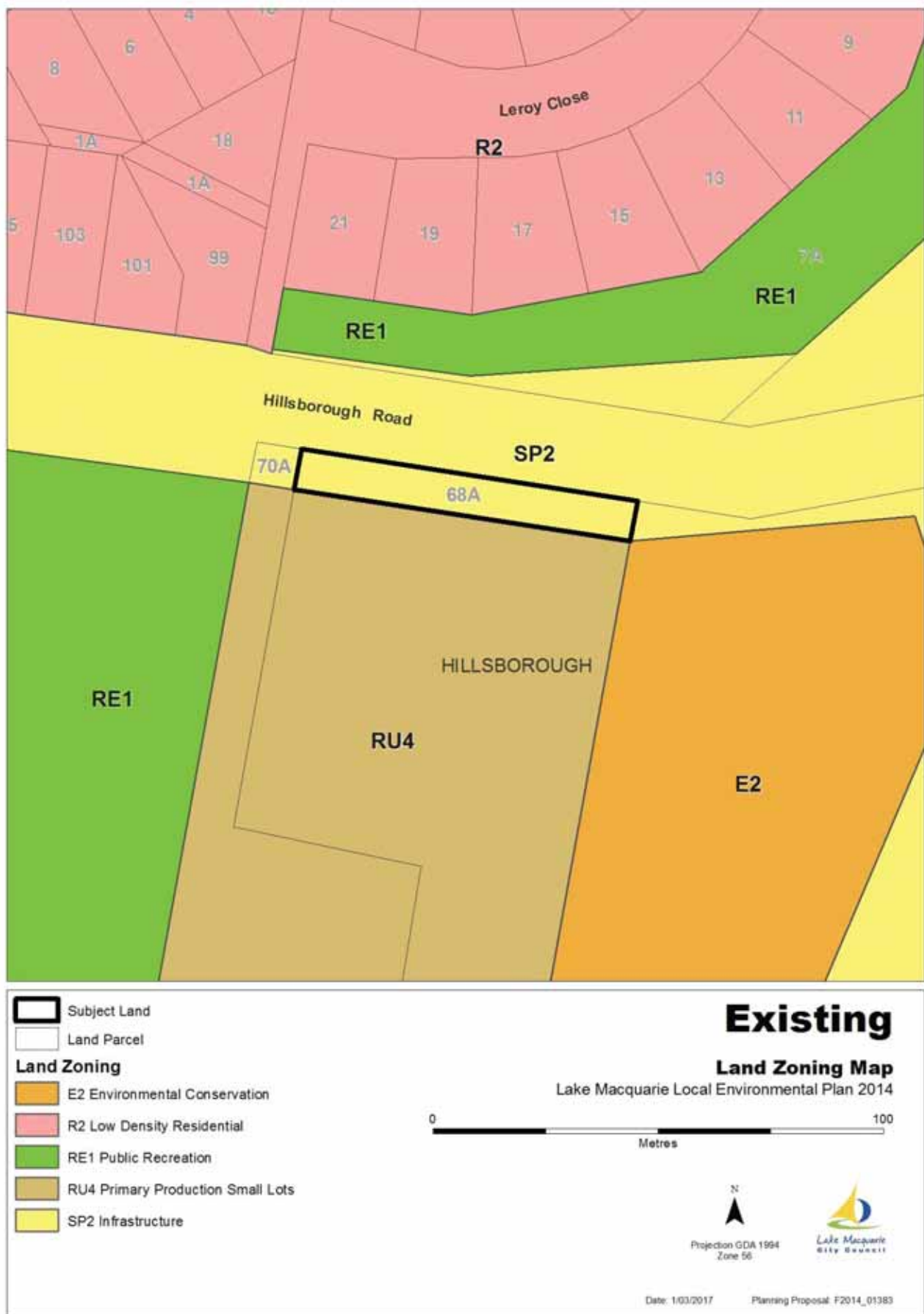


Figure 33: Item 8- Existing Land Zoning Map (LZN)

Item 9: 9 STATION STREET, WHITEBRIDGE



Figure 34: Item 9- Aerial Photograph of Subject Land

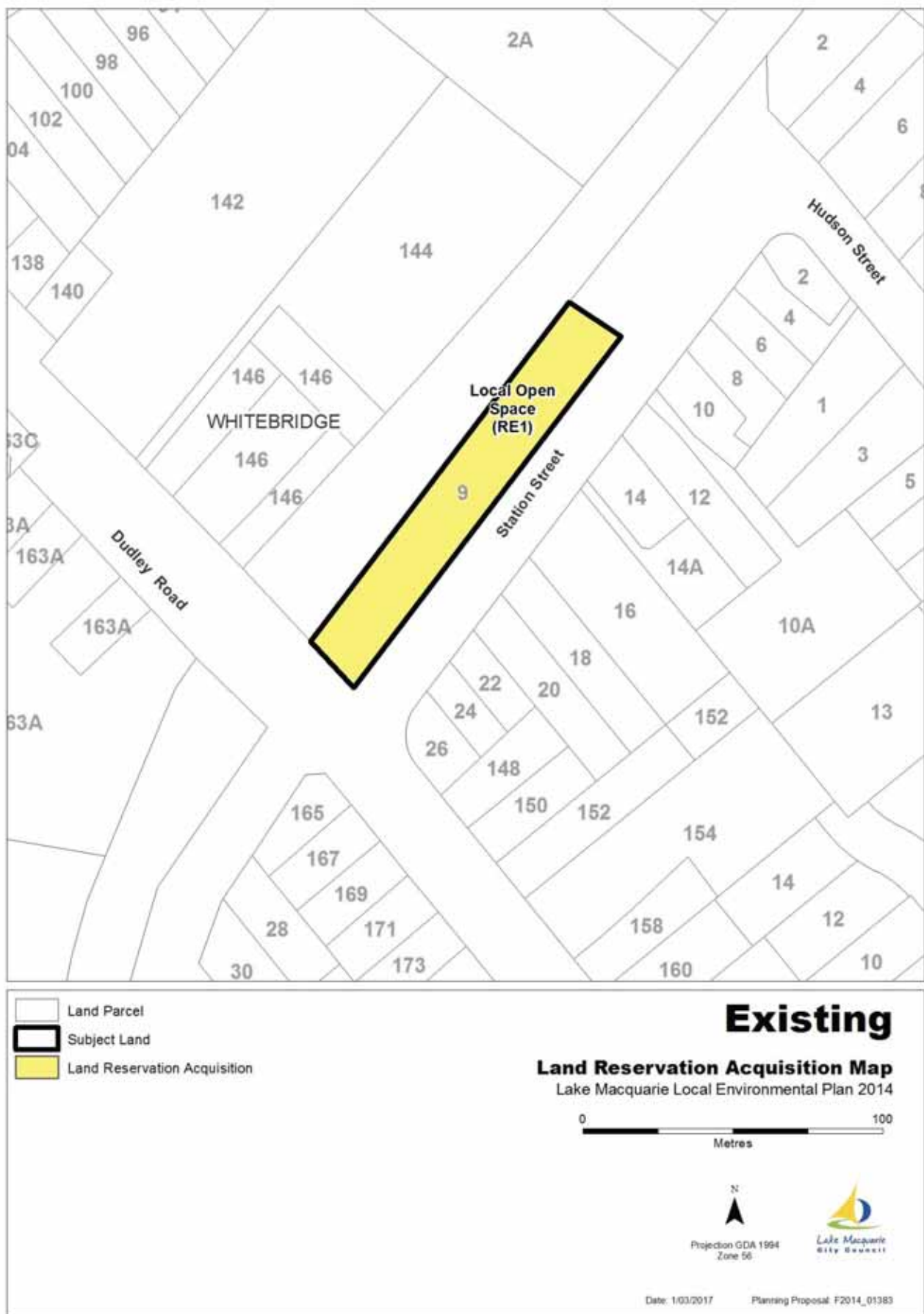


Figure 35: Item 9- Existing Land Reservation Acquisition Map (LRA)

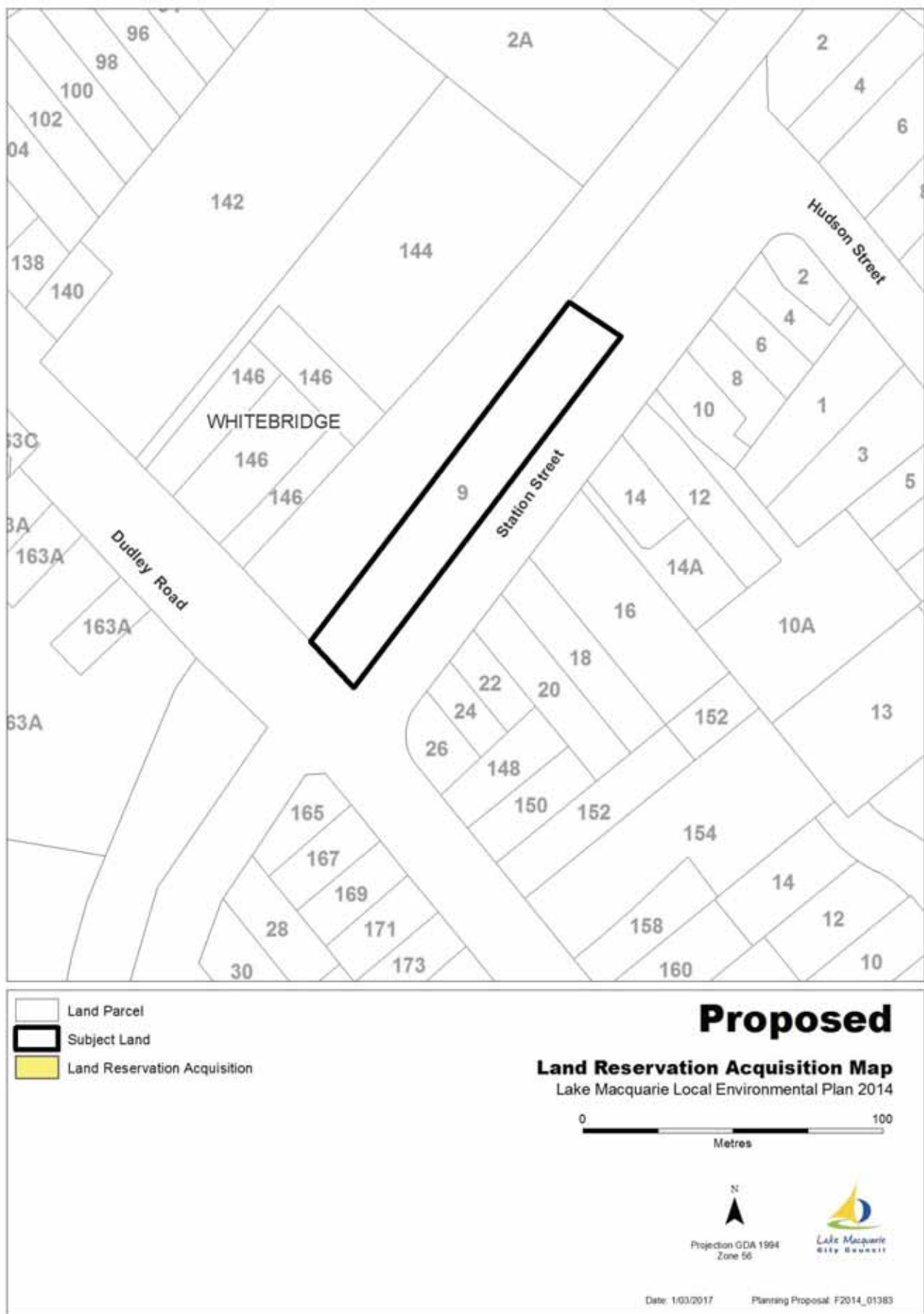


Figure 36: Item 9- Proposed Land Reservation Acquisition Map (LRA)

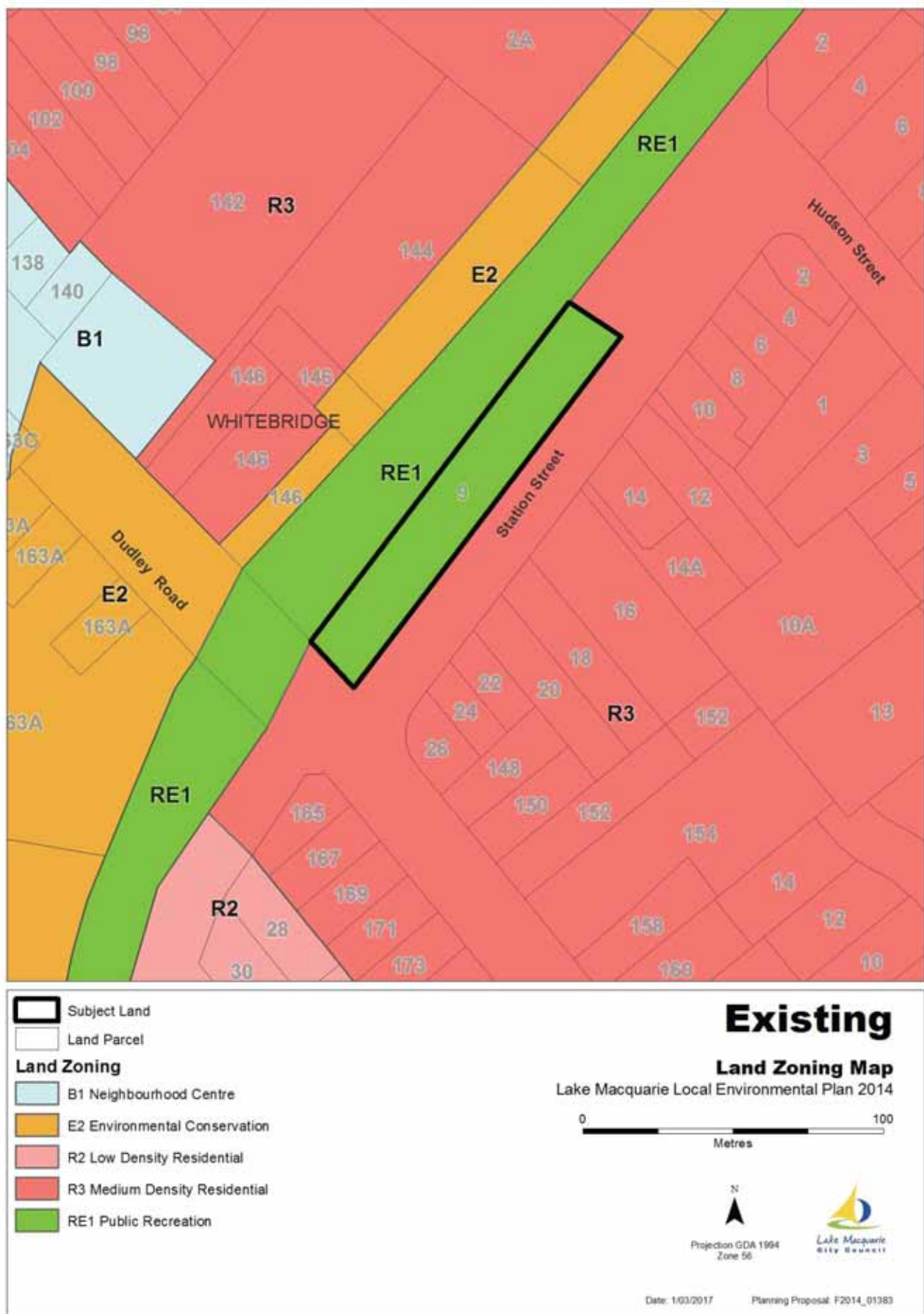


Figure 37: Item 9- Existing Land Zoning Map (LZN)

Item 10:27 TIRAL STREET, CHARLESTOWN



Figure 38: Item 10- Aerial Photograph of Subject Land

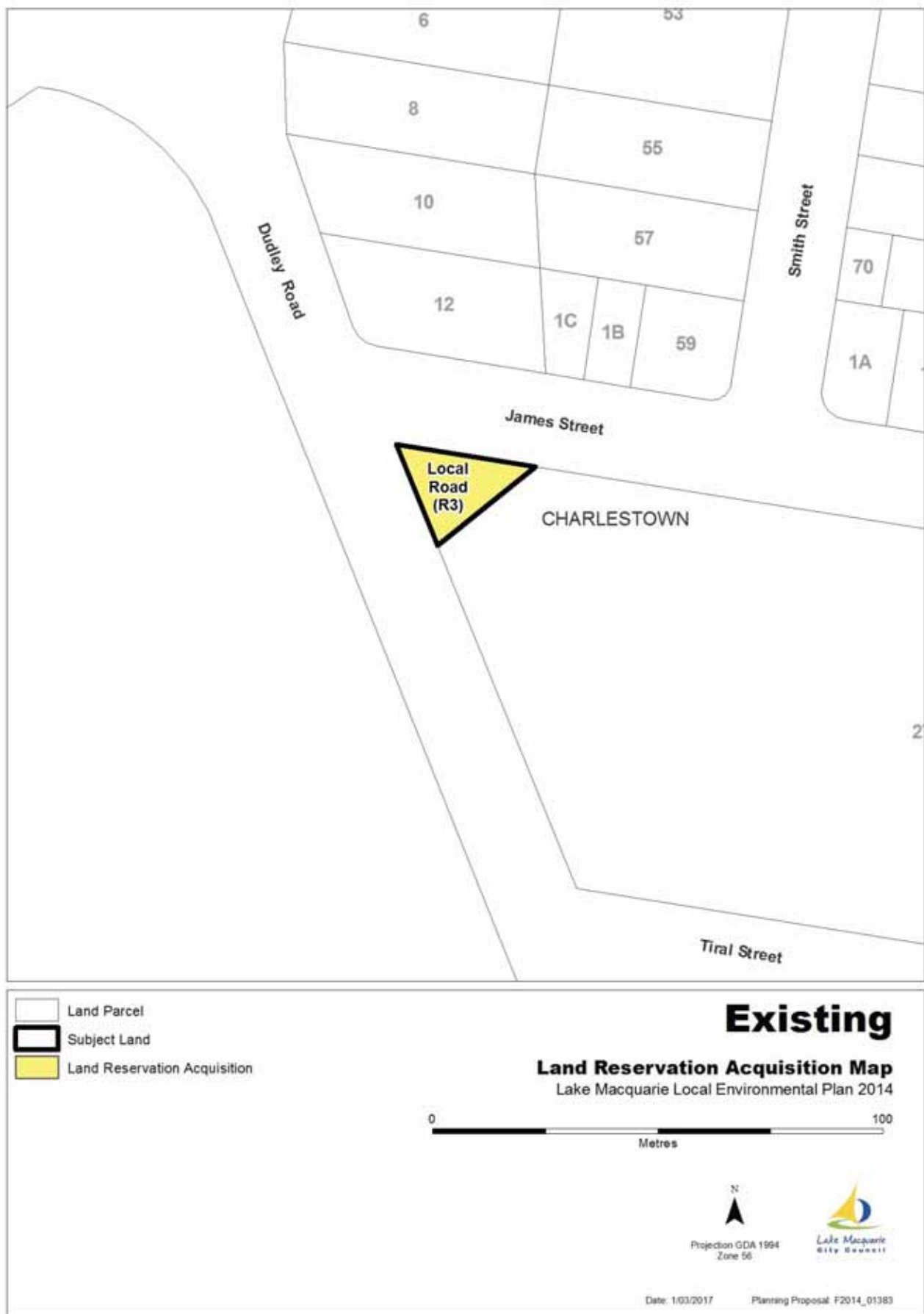


Figure 39: Item 10- Existing Land Reservation Acquisition Map (LRA)

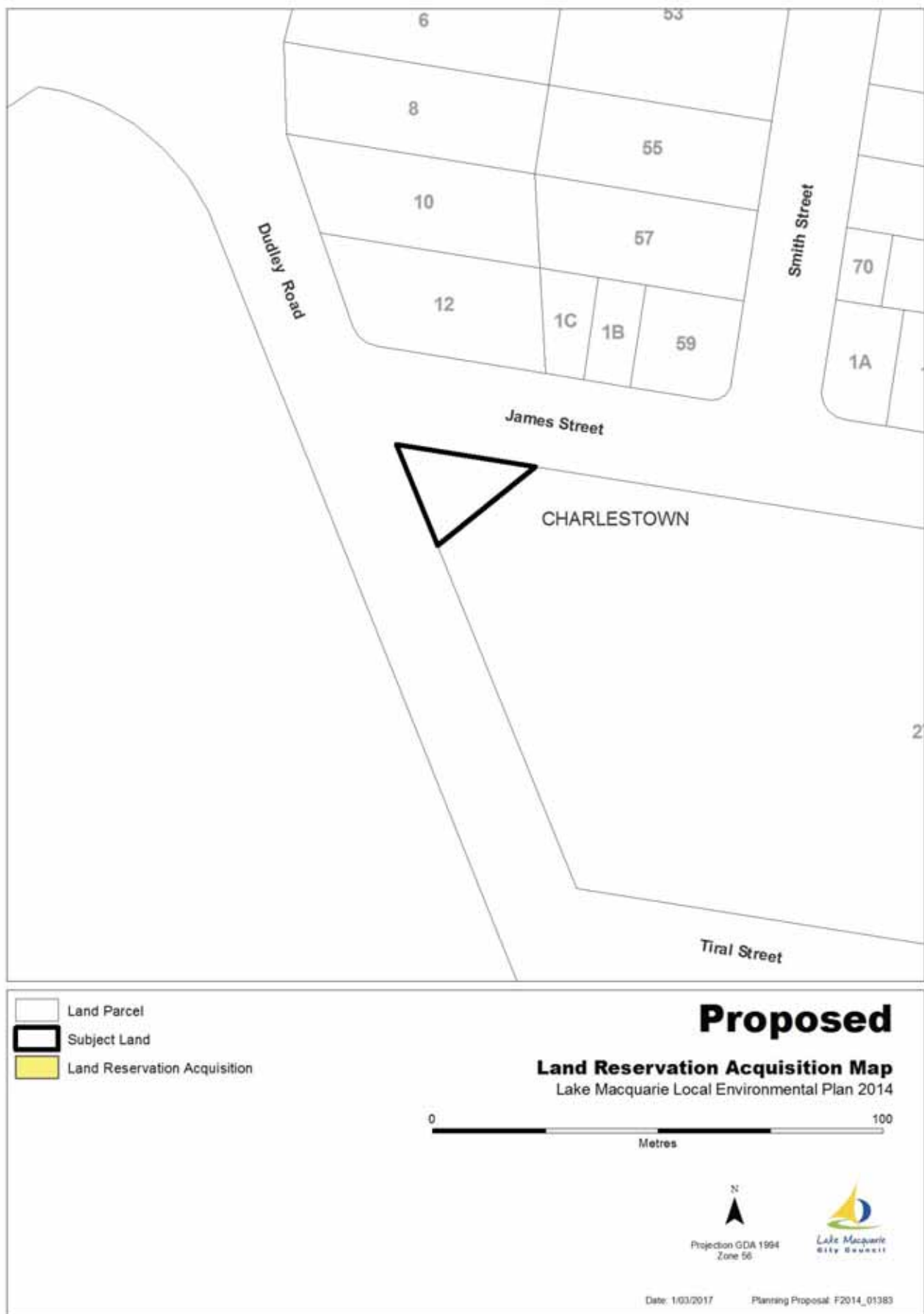


Figure 40: Item 10- Proposed Land Reservation Acquisition Map (LRA)

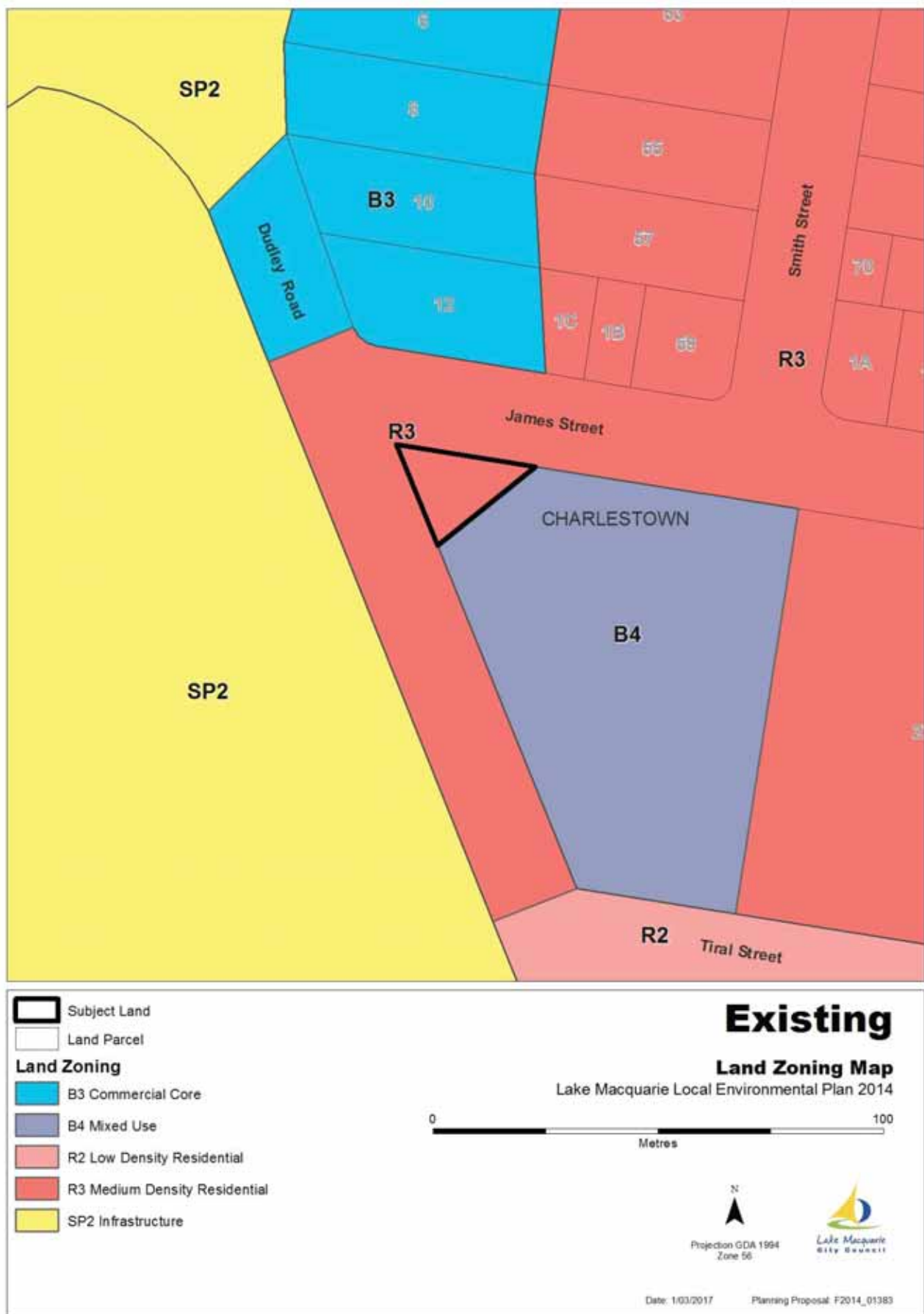


Figure 41: Item 10- Existing Land Zoning Map (LZN)

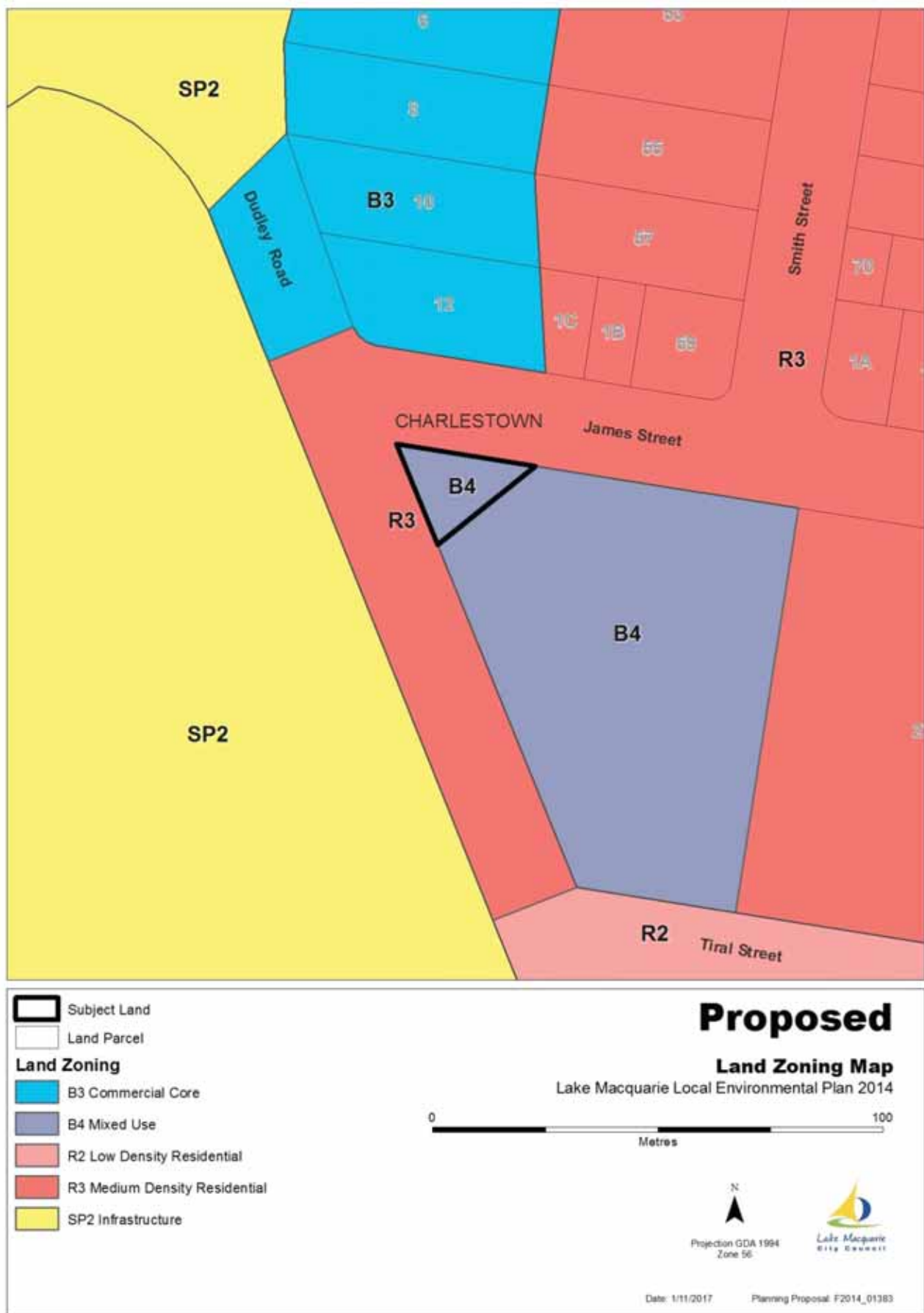


Figure 42: Item 10- Proposed Land Zoning Map (LZN)

Item 11:76 CRESCENT ROAD, CHARLESTOWN



Figure 43: Item 11- Aerial Photograph of Subject Land

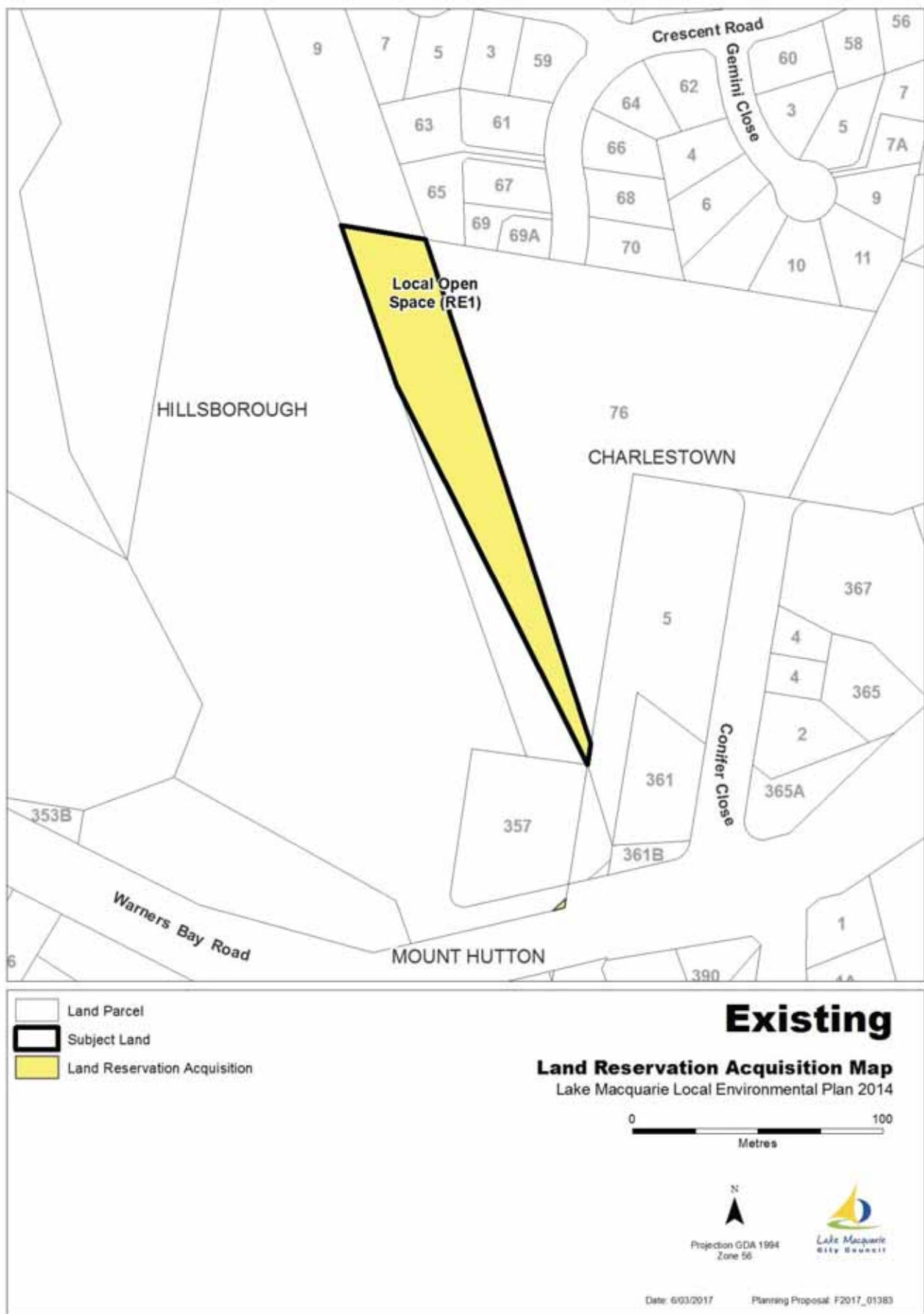


Figure 44: Item 11- Existing Land Reservation Acquisition Map (LRA)

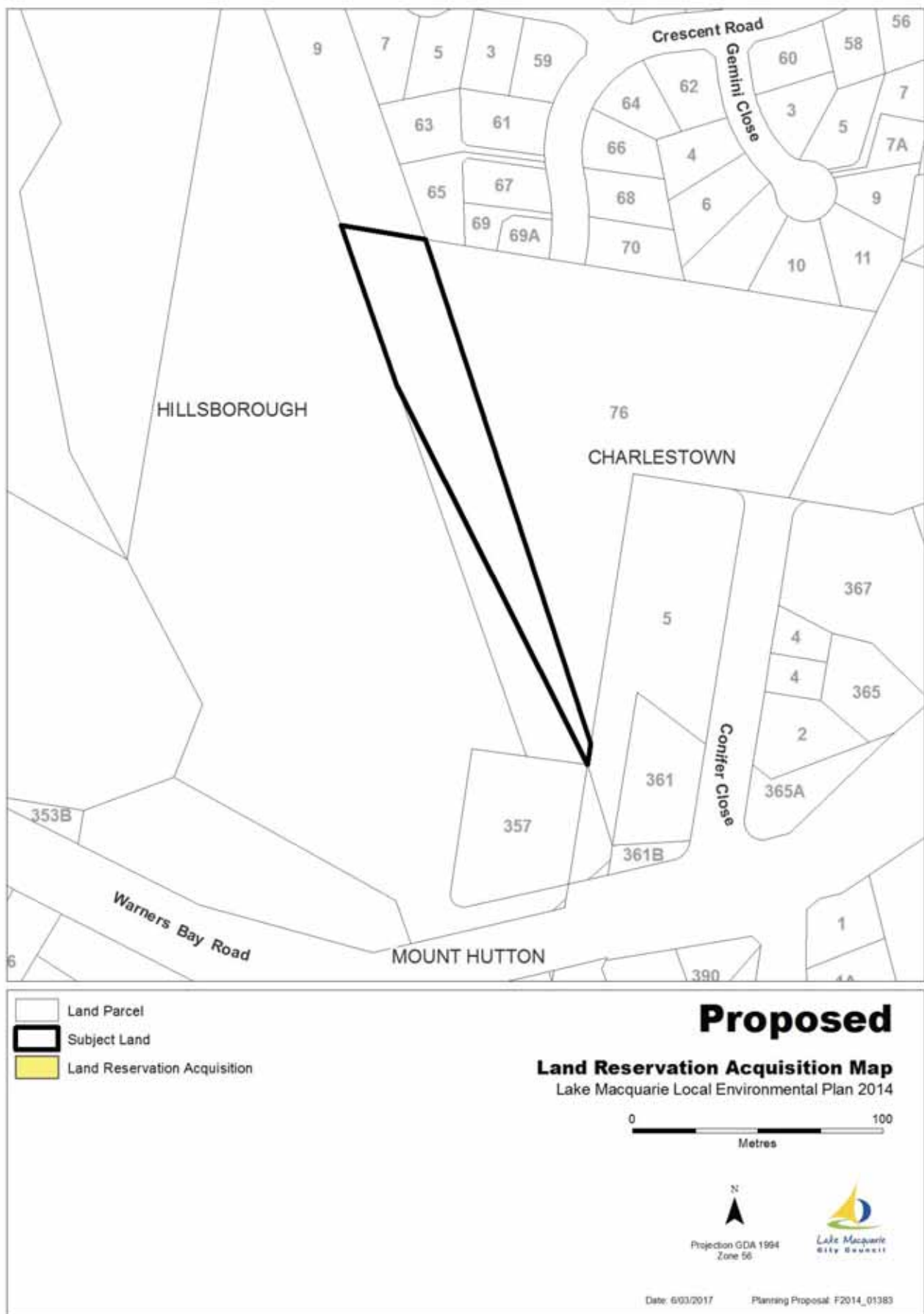


Figure 45: Item 11- Proposed Land Reservation Acquisition Map (LRA)

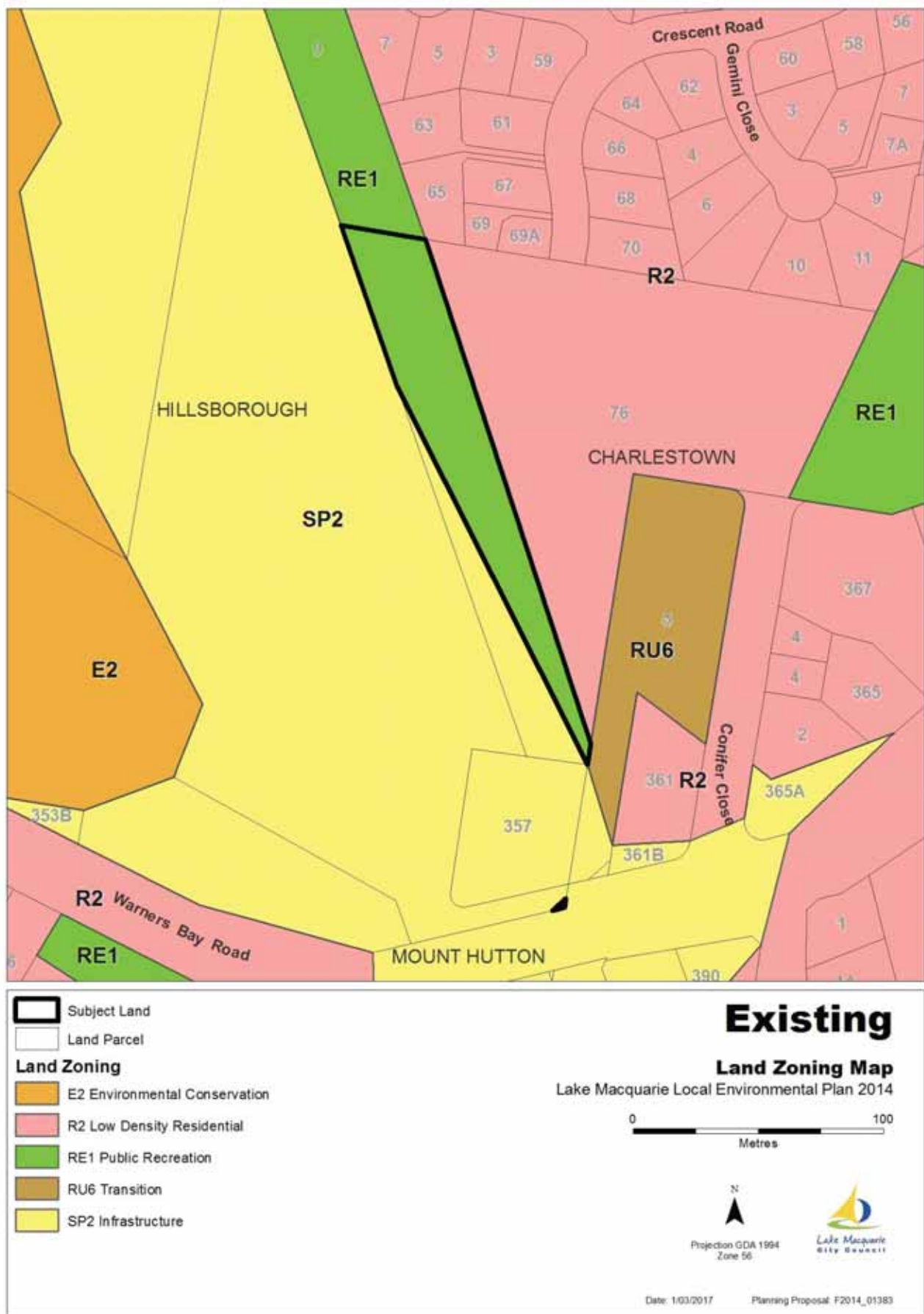


Figure 46: Item 11- Existing Land Zoning Map (LZN)

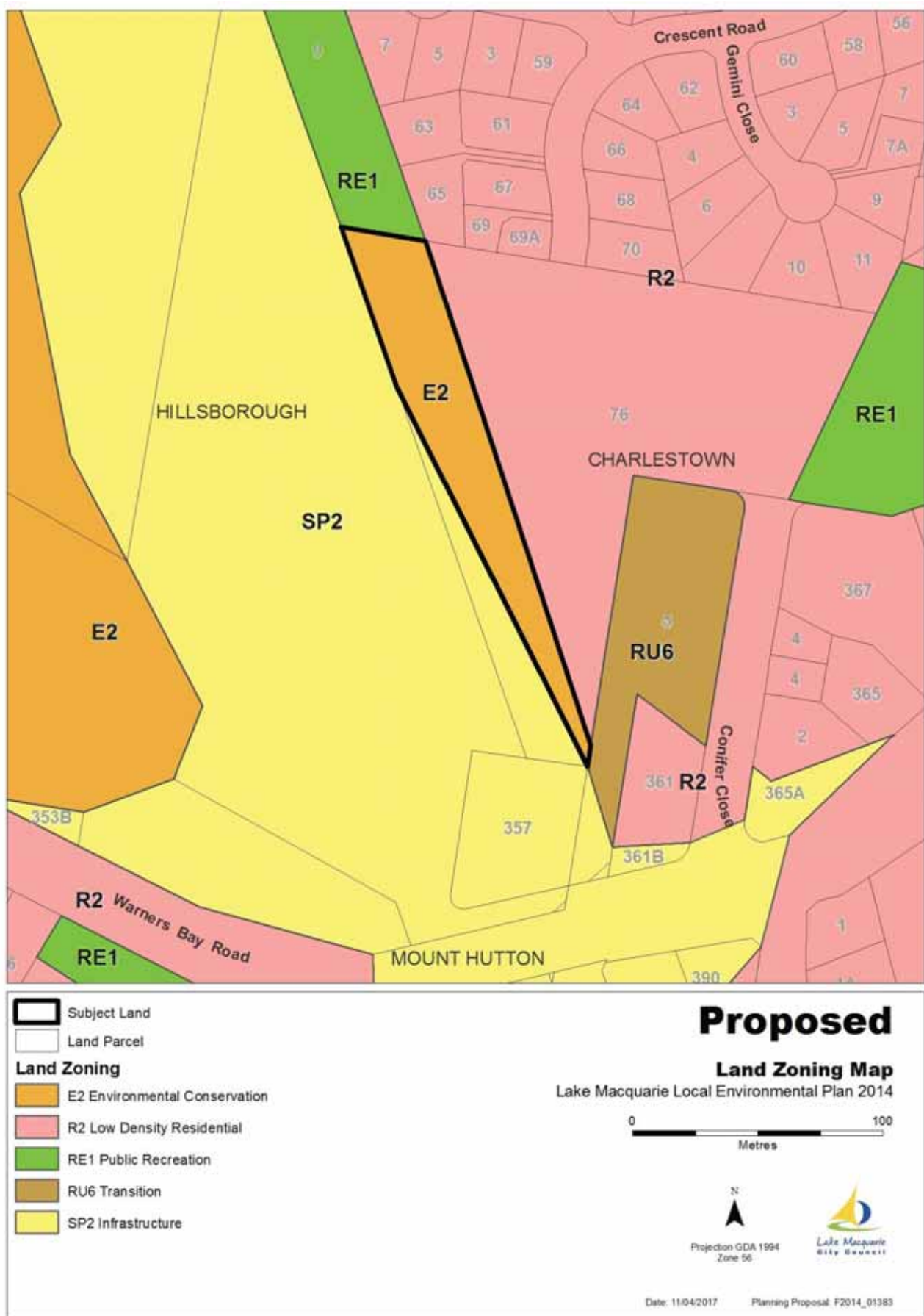


Figure 47: Item 11- Proposed Land Zoning Map (LZN)

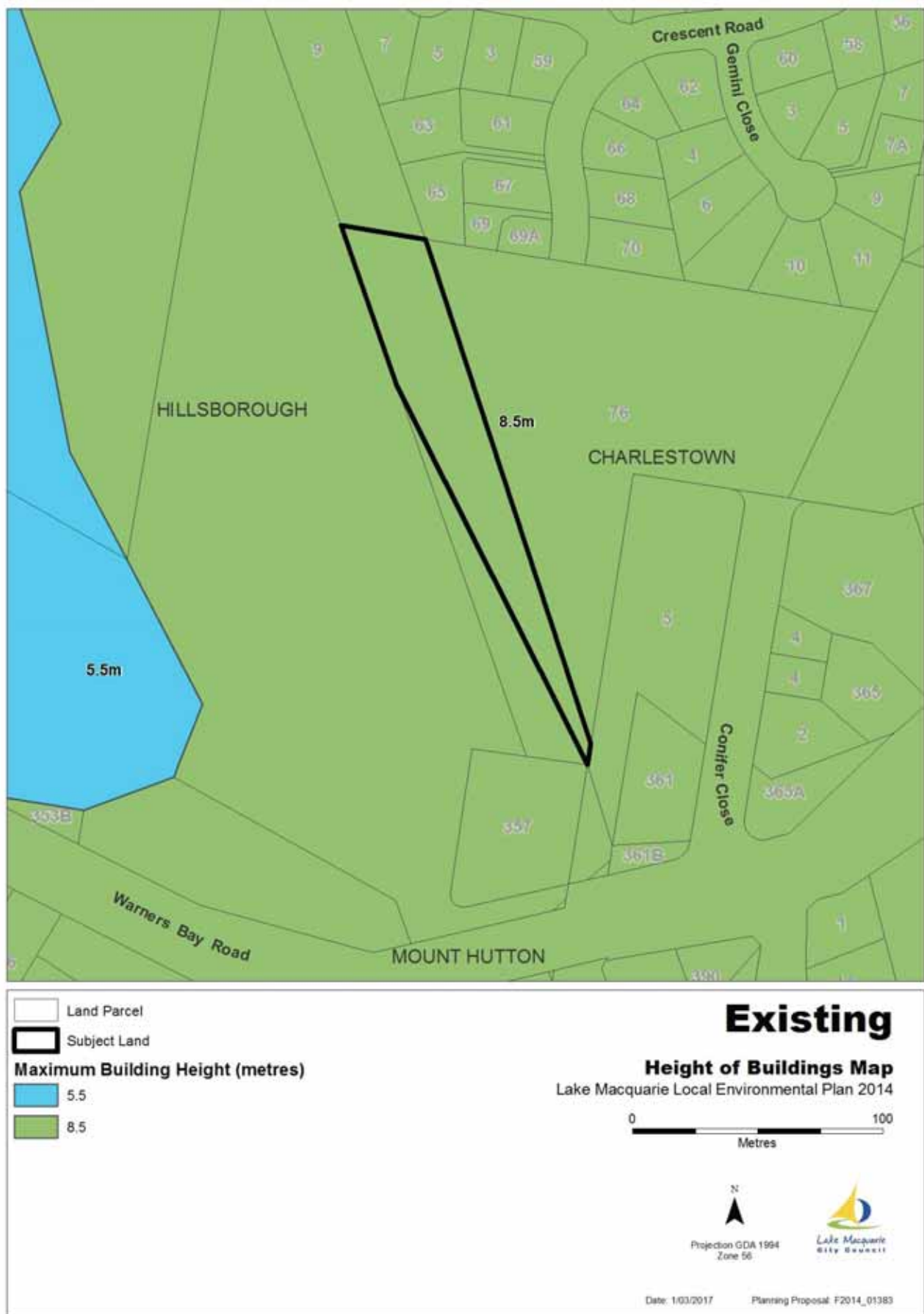


Figure 48: Item 11- Existing Height of Buildings Map



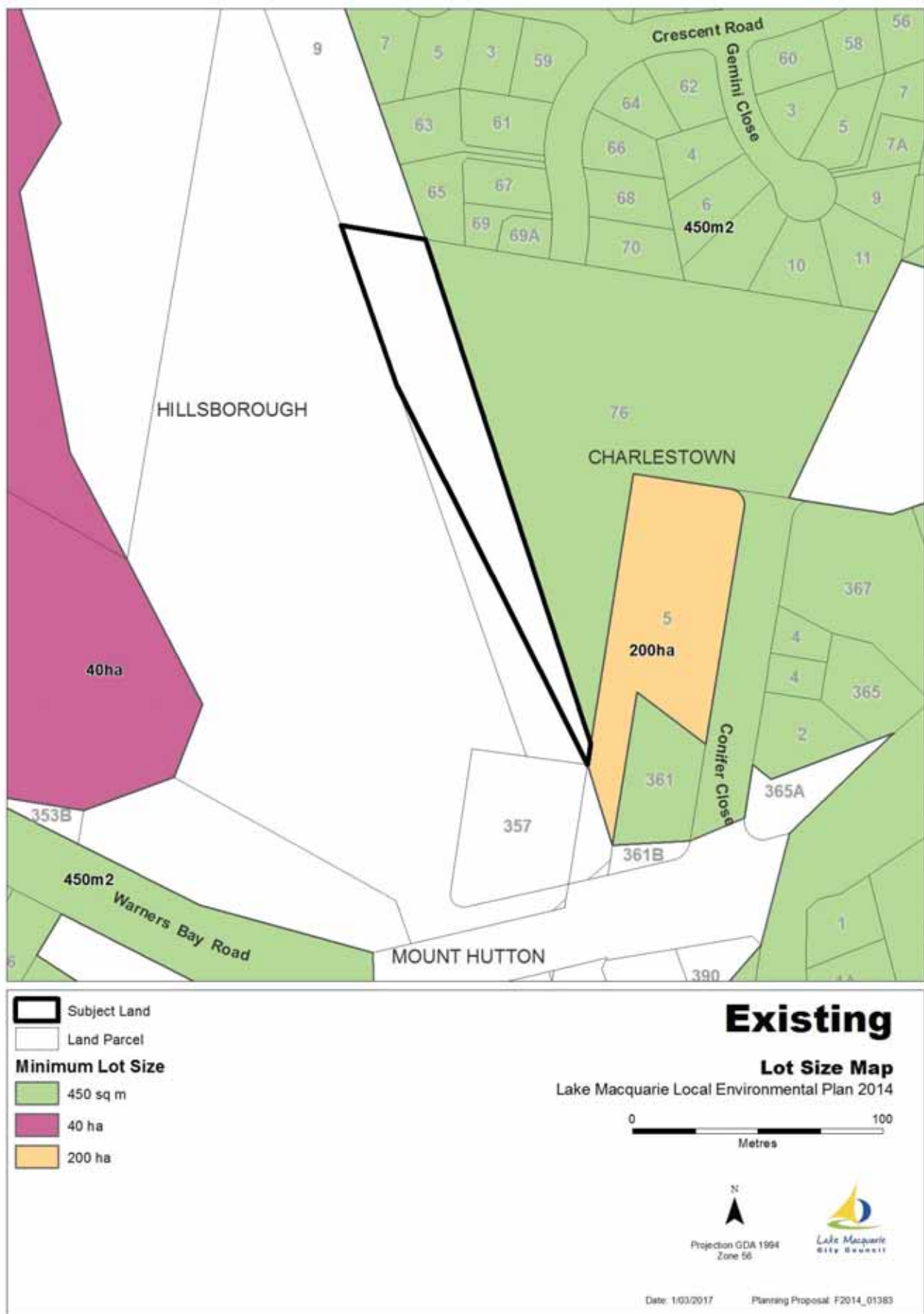


Figure 50: Item 11- Existing Lot Size Map

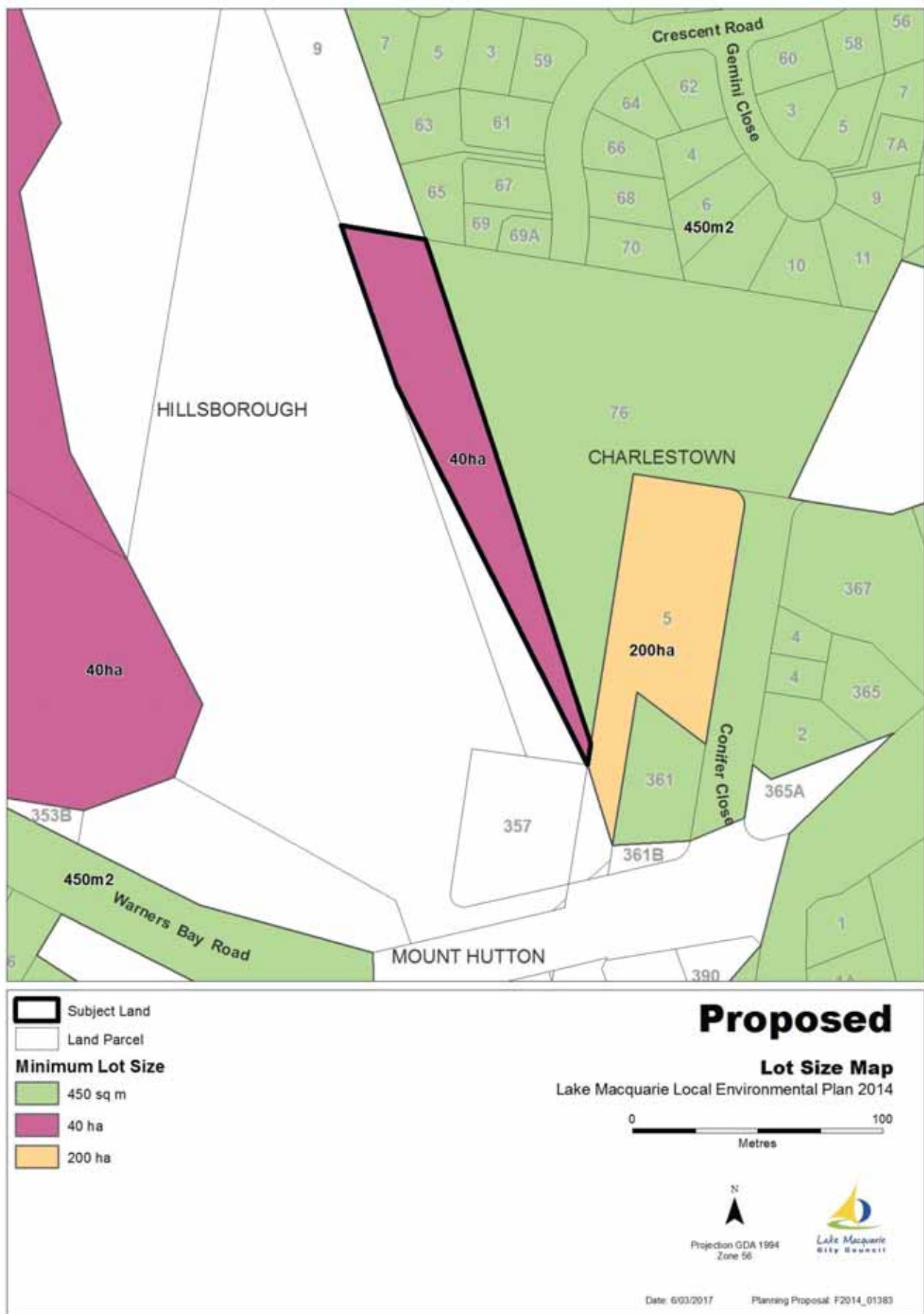


Figure 51: Item 11- Proposed Lot Size Map

Item 12: LAND NEAR PACIFIC HWY, GATESHEAD



Figure 52: Item 12- Aerial Photograph of Subject Land

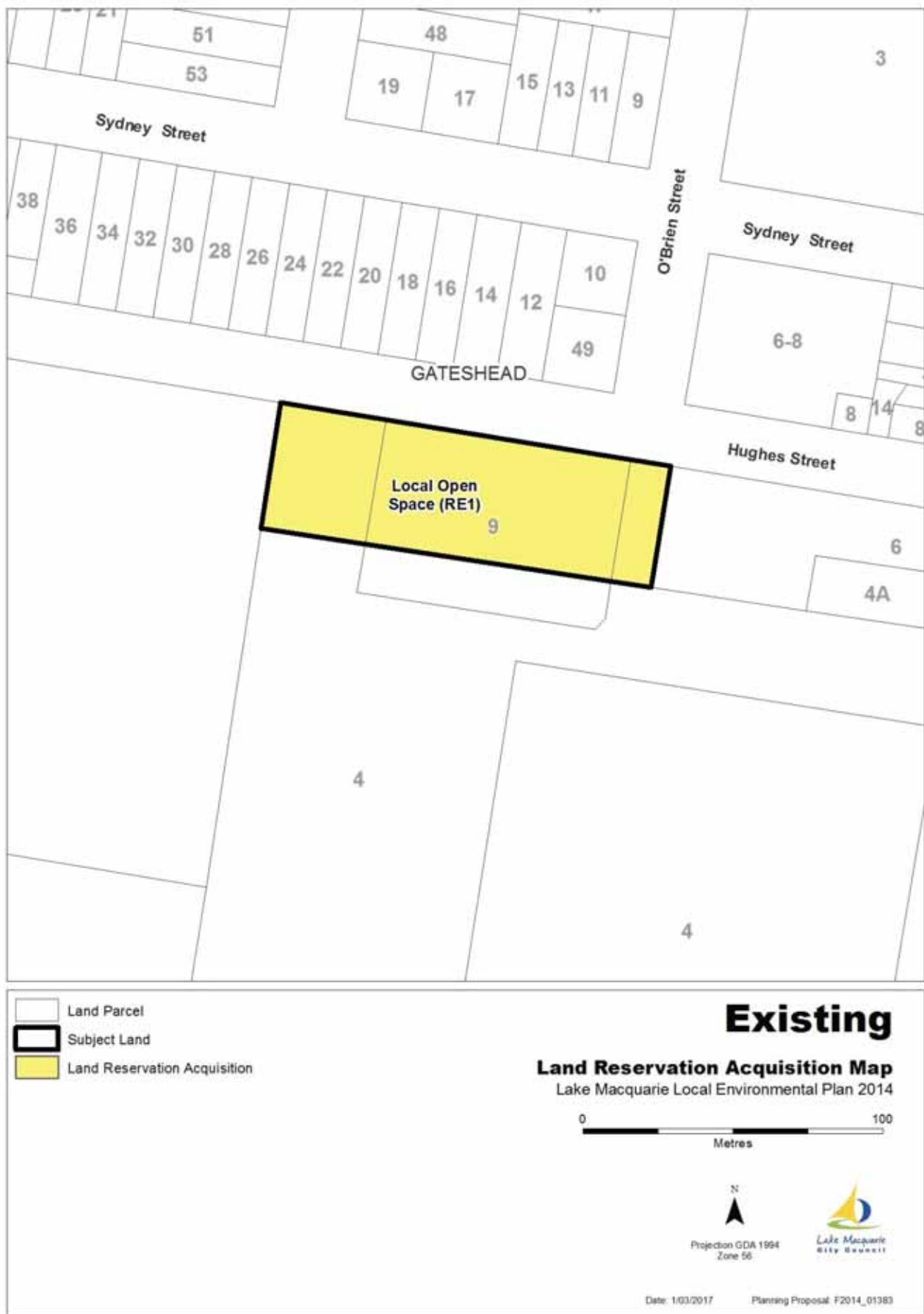


Figure 53: Item 12- Existing Land Reservation Acquisition Maps (LRA)

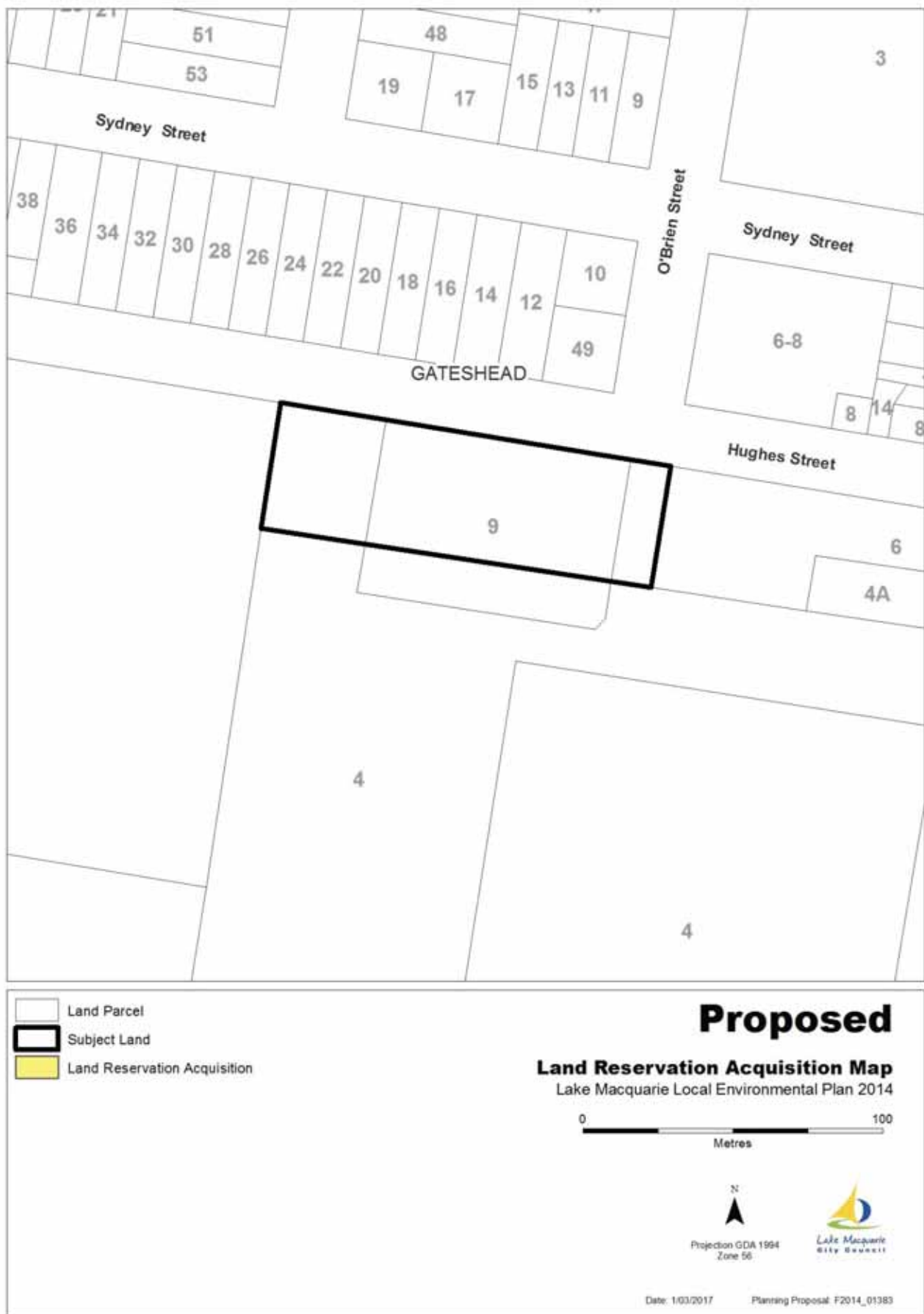


Figure 54: Item 12- Proposed Land Reservation Acquisition Map (LRA)

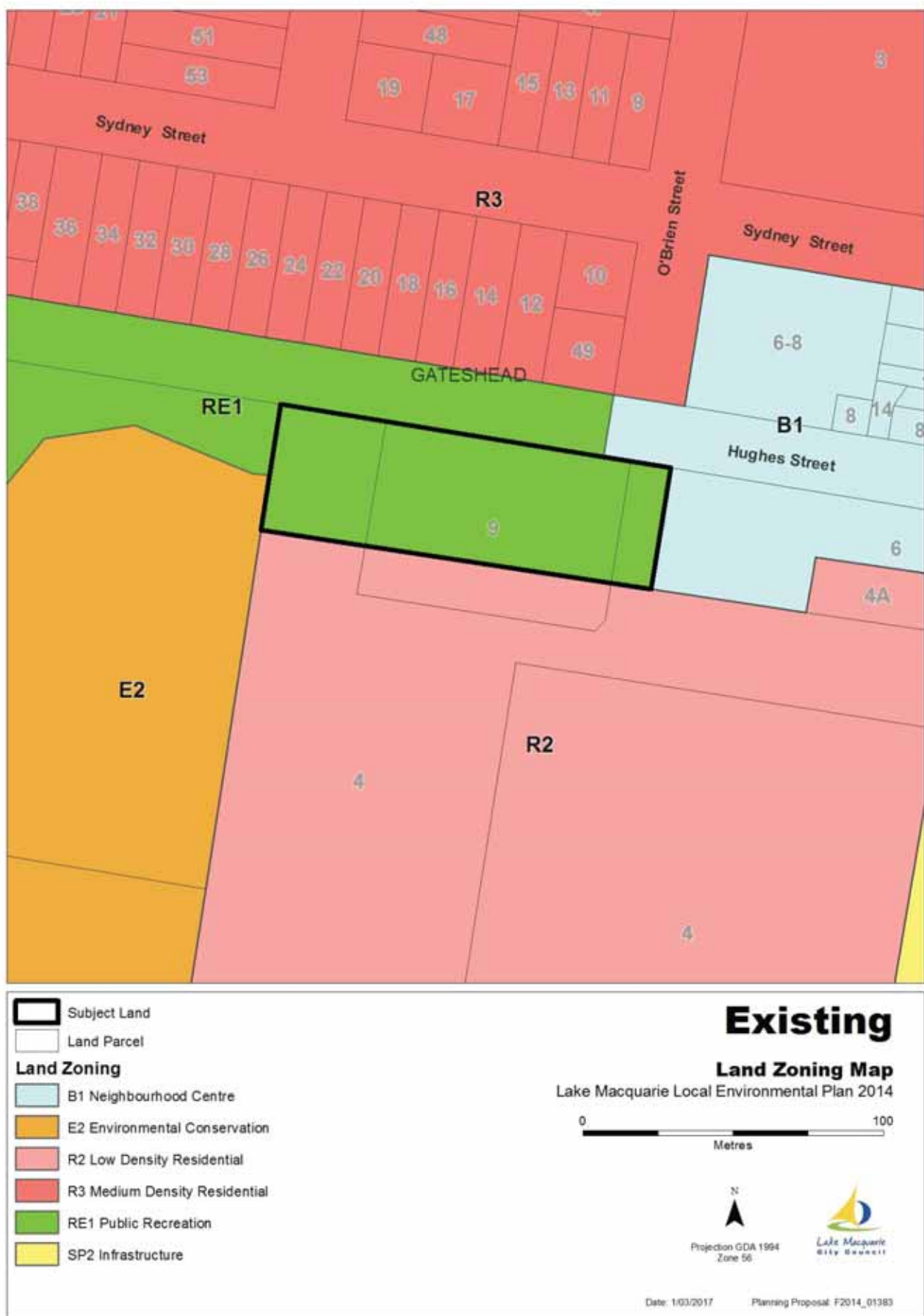


Figure 55: Item 12- Existing Land Zoning Map (LZN)

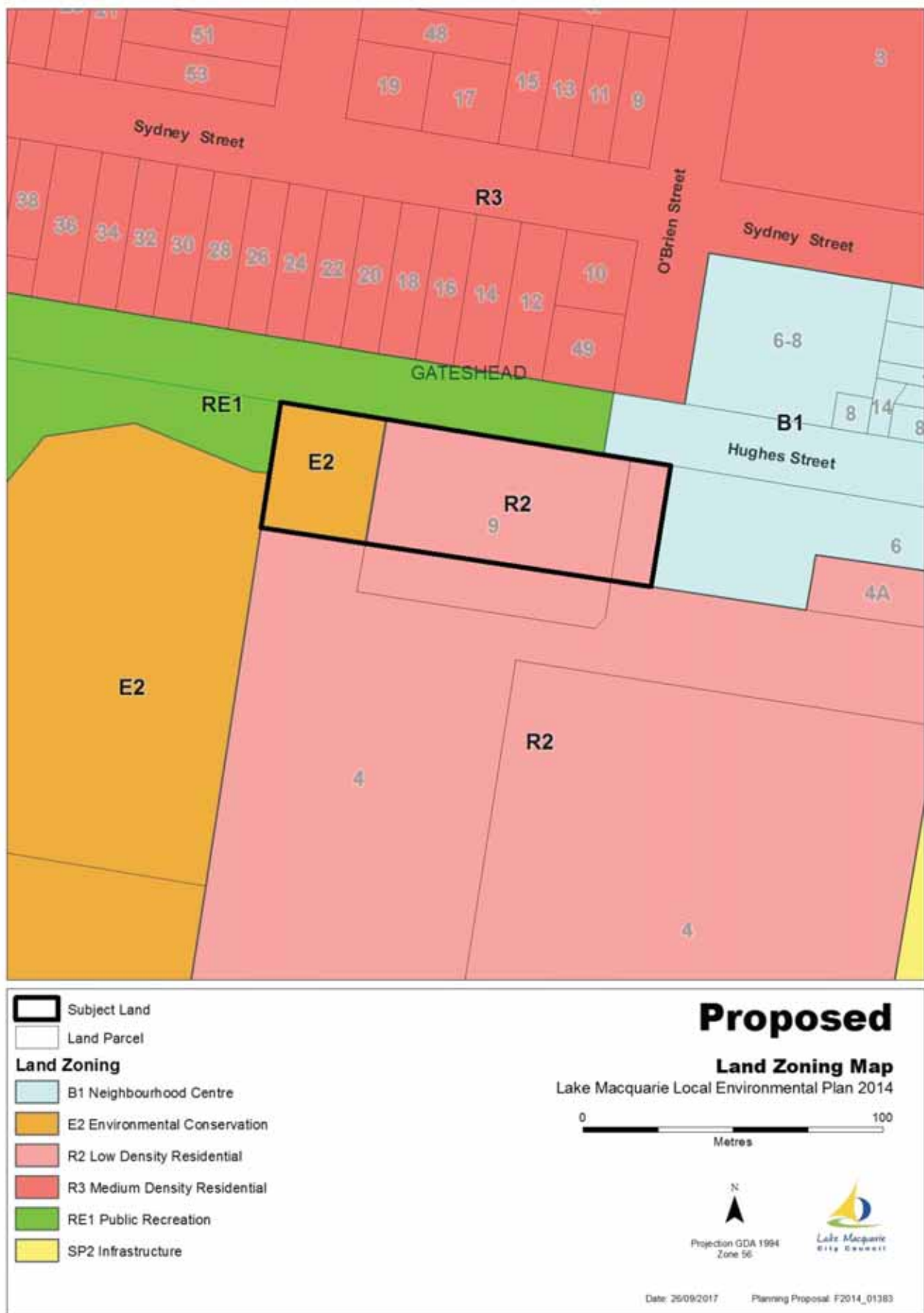


Figure 56: Item 12- Proposed Land Zoning Map (LZN)



Figure 57: Item 12- Existing Lot Size Map



Figure 58: Item 12- Proposed Lot Size Map



Figure 59: Item 12- Existing Height of Buildings Map



Figure 60: Item 12- Proposed Height of Buildings Map

Item 13: LAND NEAR PACIFIC HWY, HIGHFIELDS



Figure 61: Item 13- Aerial Photograph of Subject Land

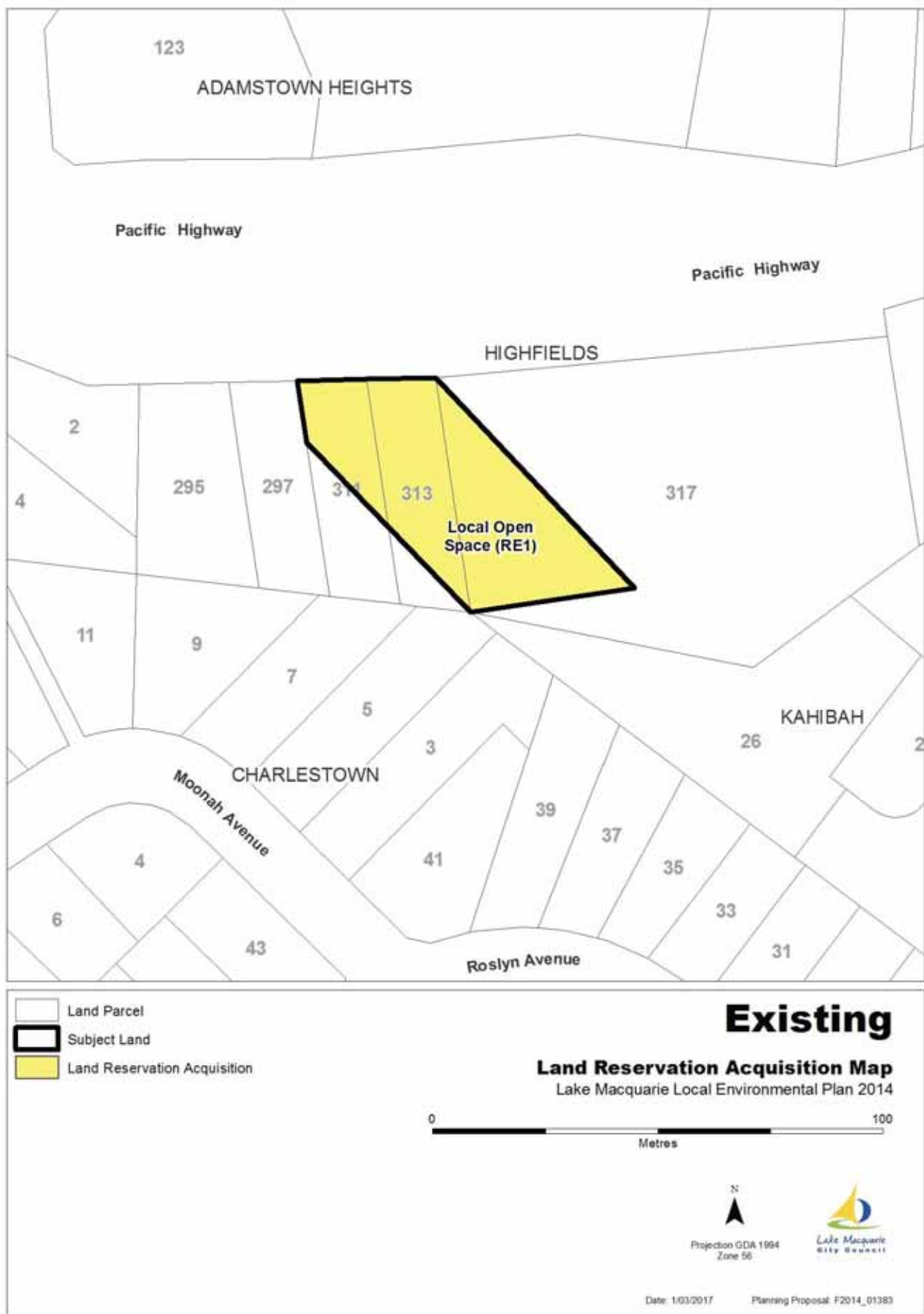


Figure 62: Item 13- Existing Land Reservation Acquisition Map (LRA)

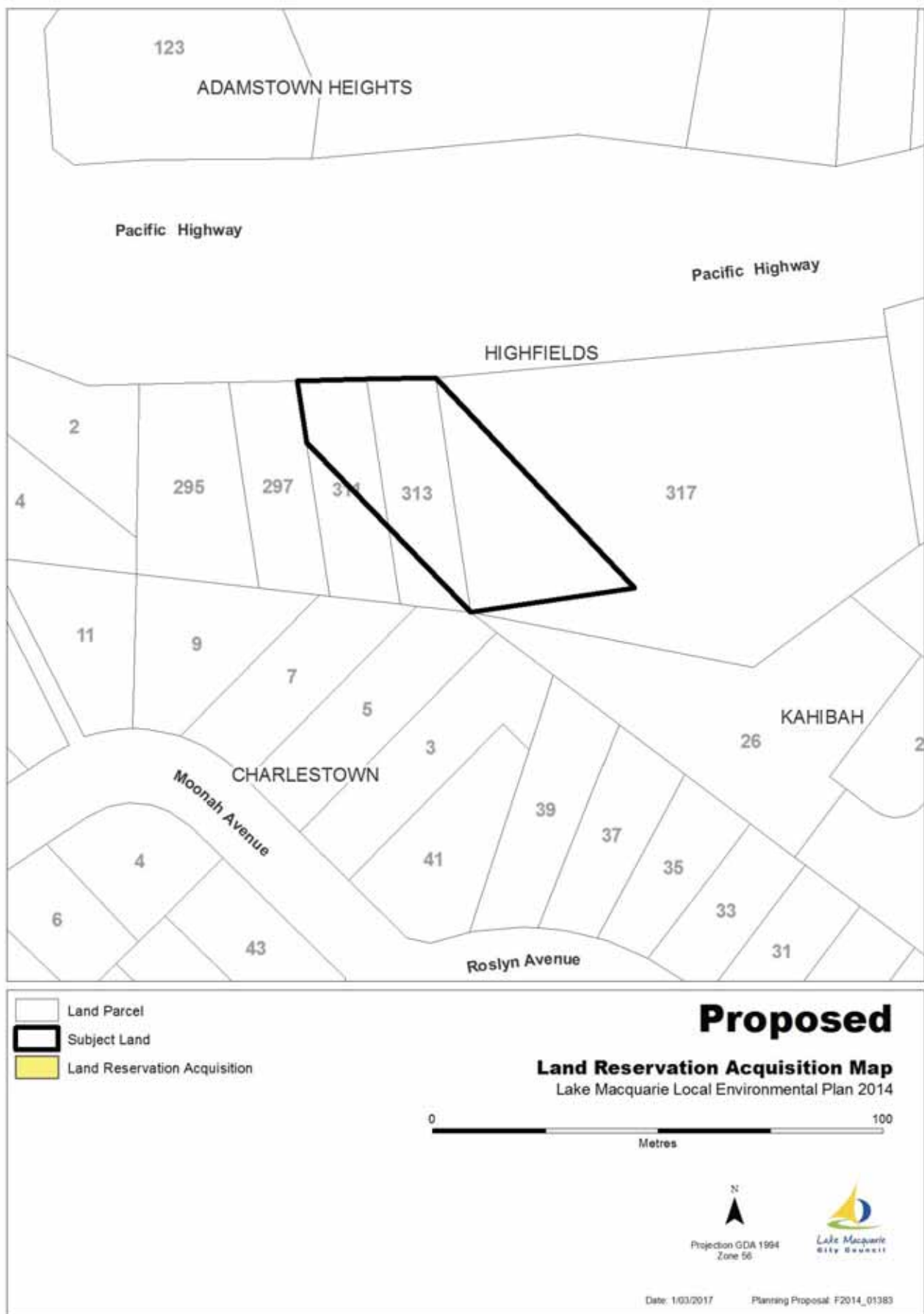


Figure 63: Item 13- Proposed Land Reservation Acquisition Map (LRA)

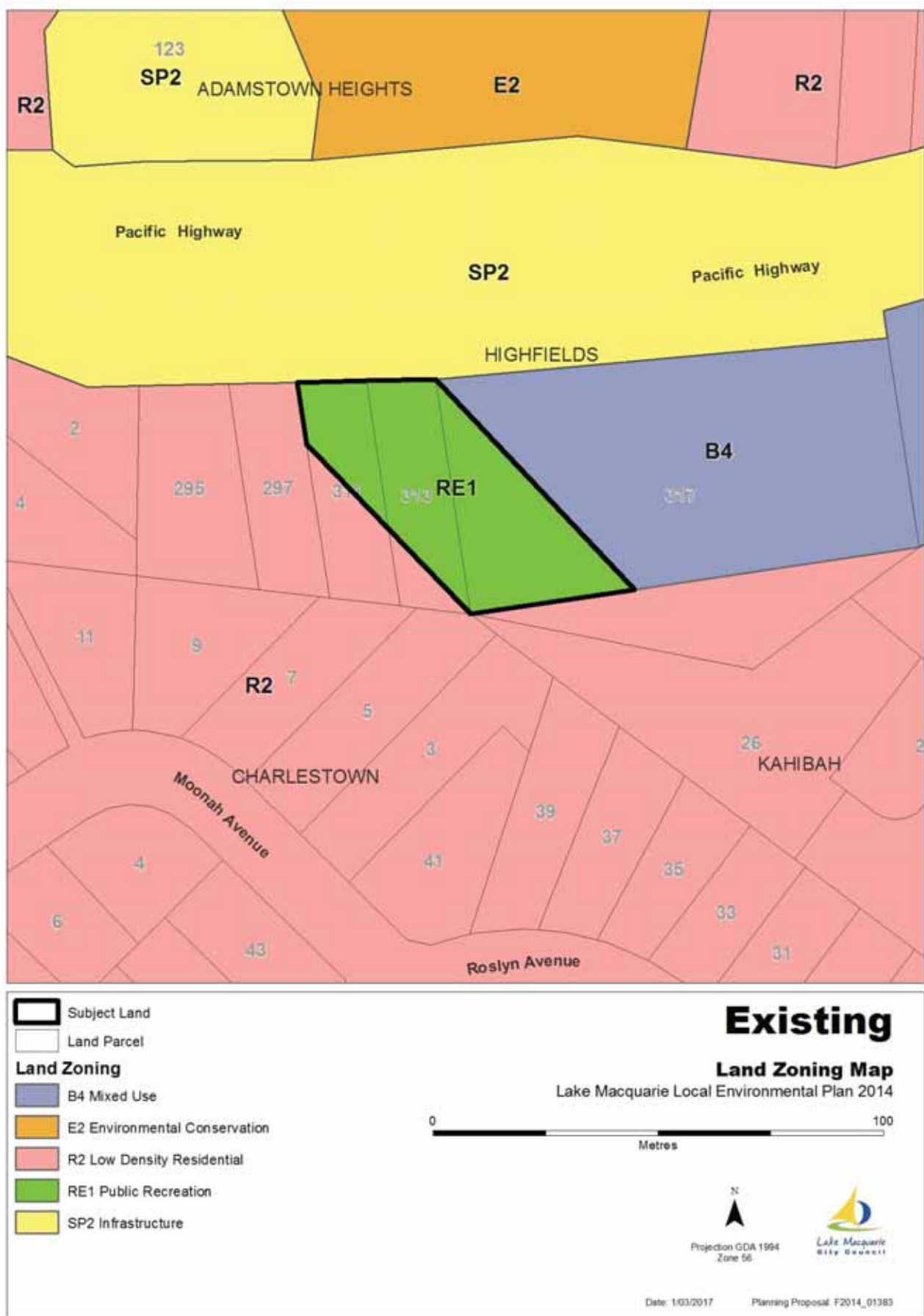


Figure 64: Item 13- Existing Land Zoning Map (LZN)

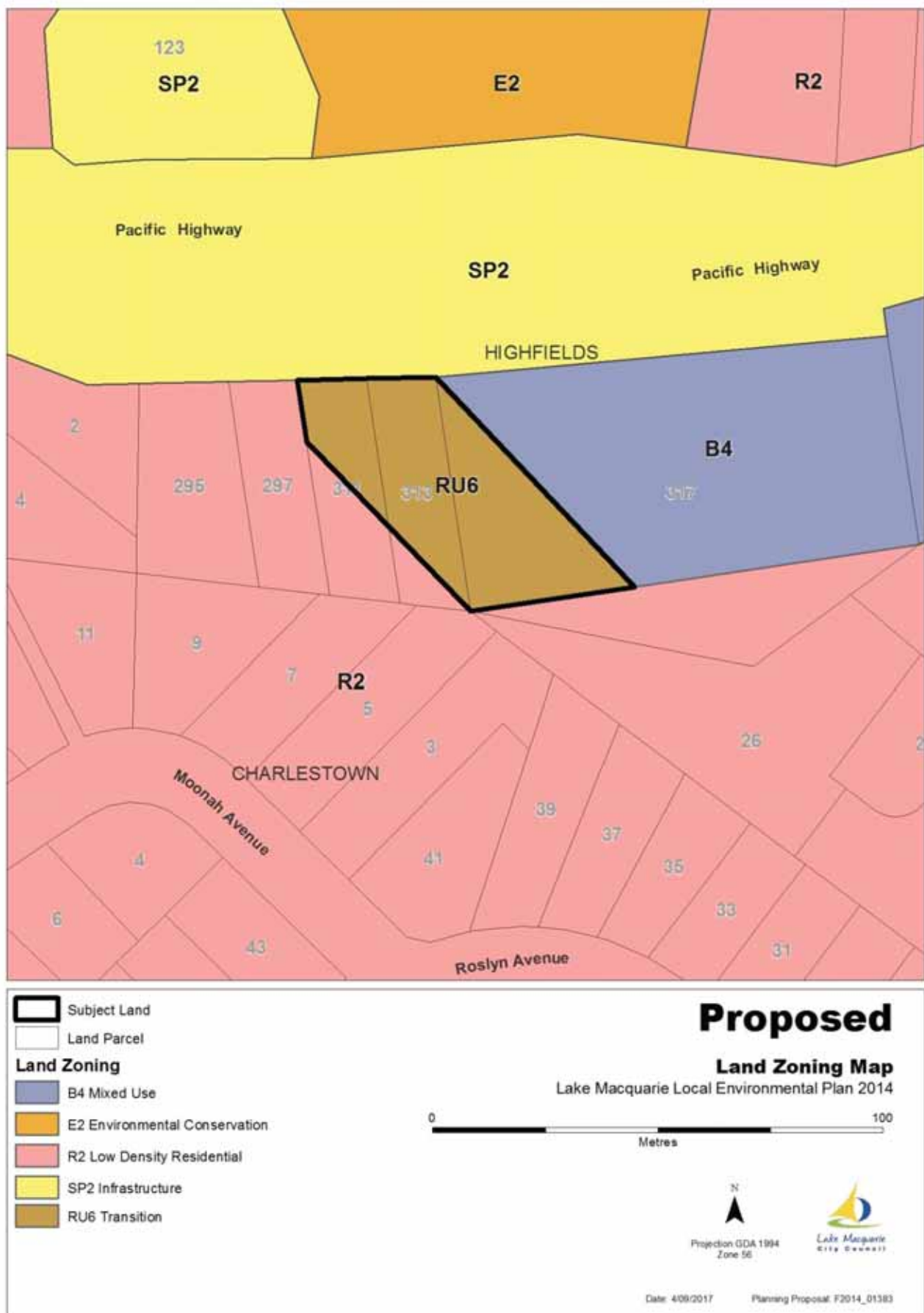


Figure 65: Item 13- Proposed Land Zoning Map (LZN)

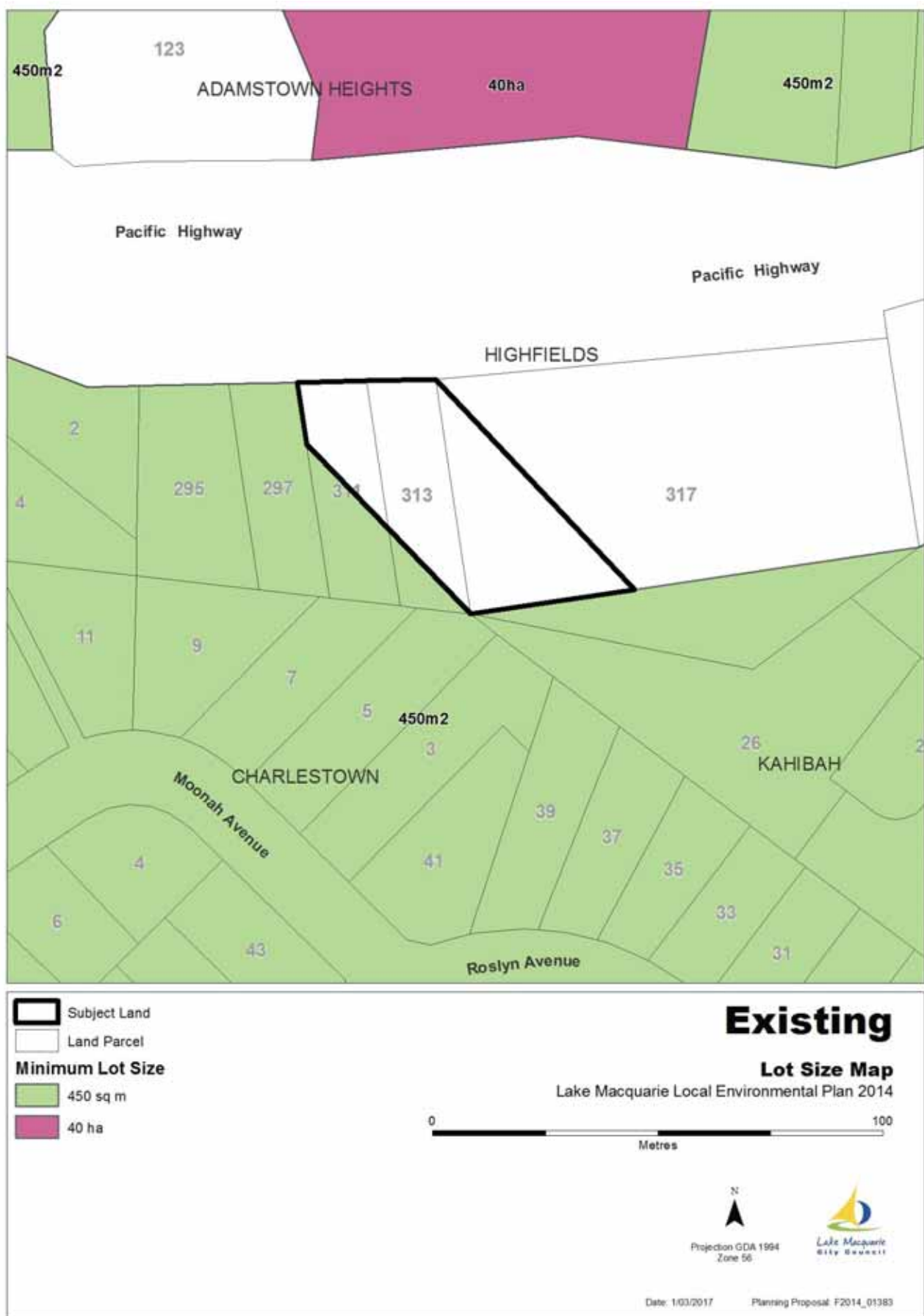


Figure 66: Item 13- Proposed Lot Size Map

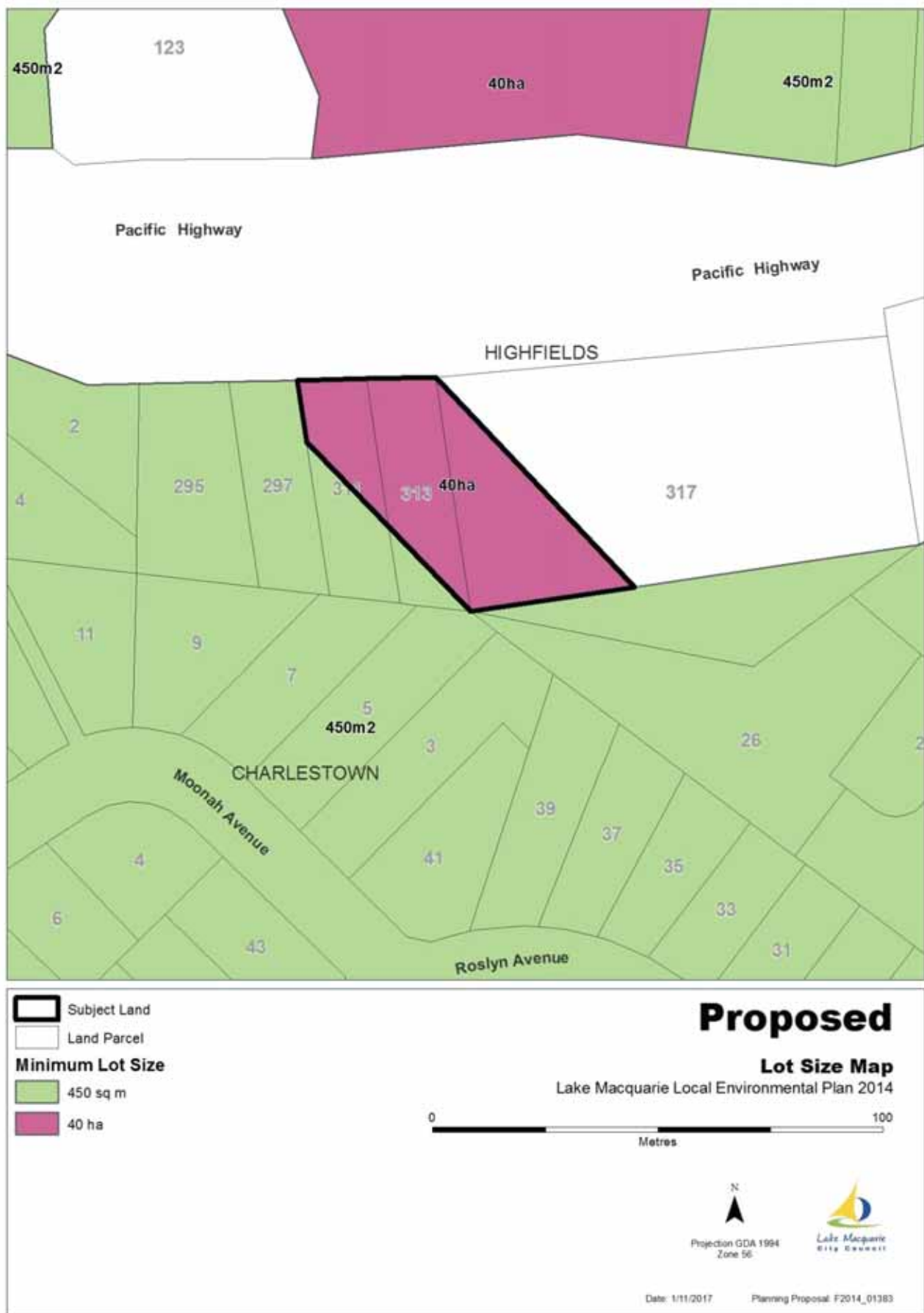


Figure 67: Item 13- Proposed lot Size Map

Item 14: 58 TO 76 KAHIBAH ROAD, HIGHFIELDS

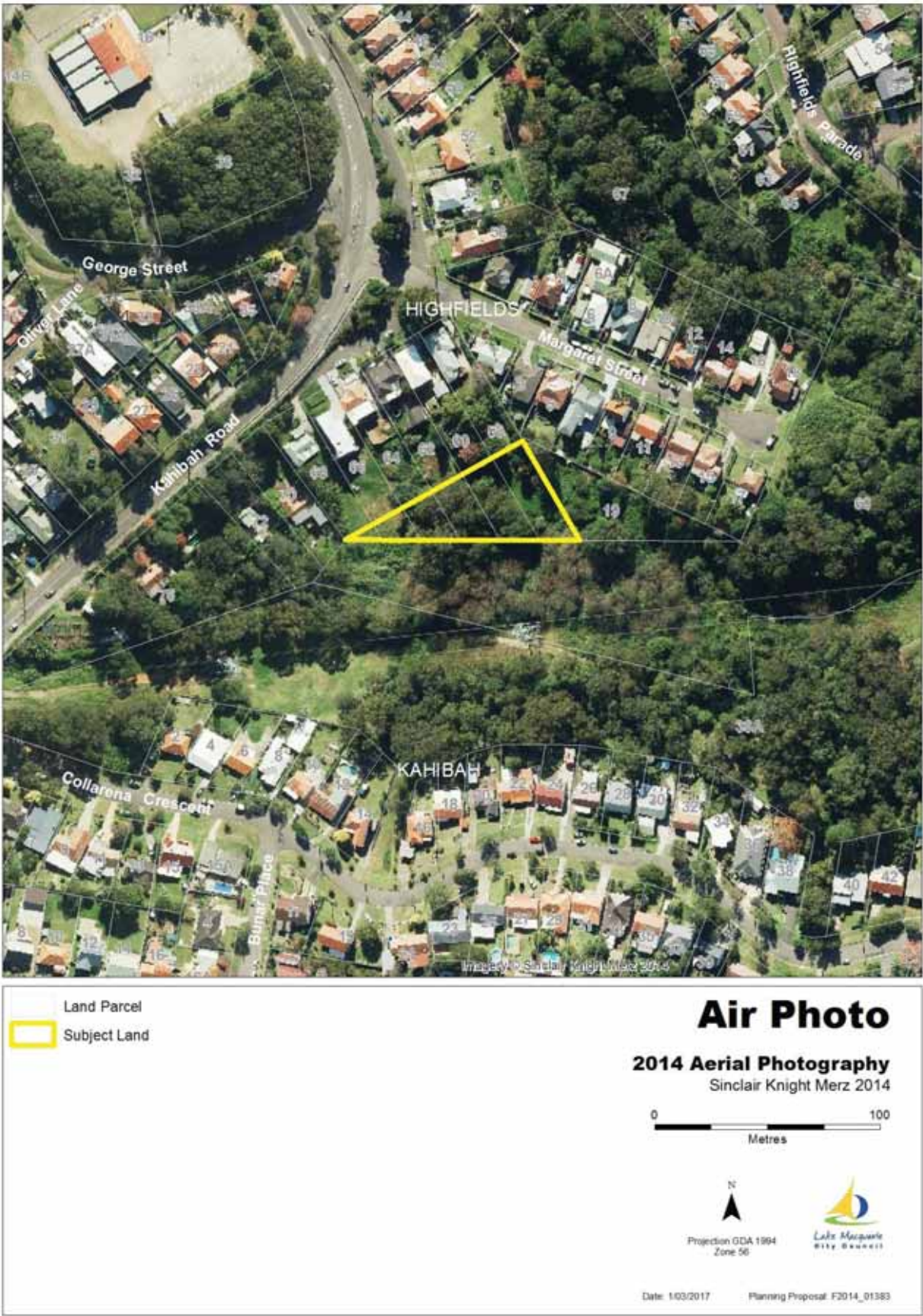


Figure 68: Item 14- Aerial Photograph of Subject Land

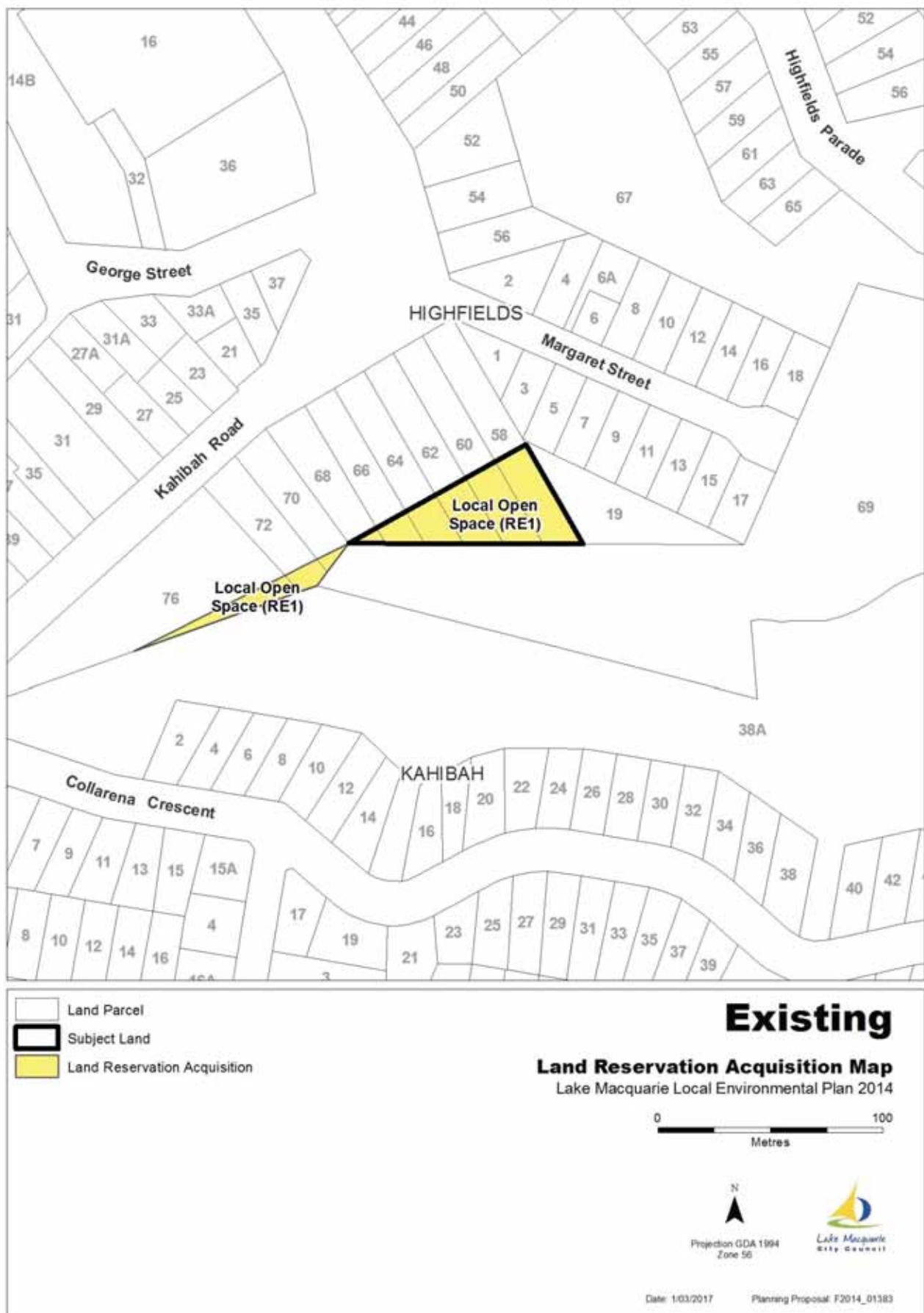


Figure 69: Item 14- Existing Land Reservation Acquisition Map (LRA)

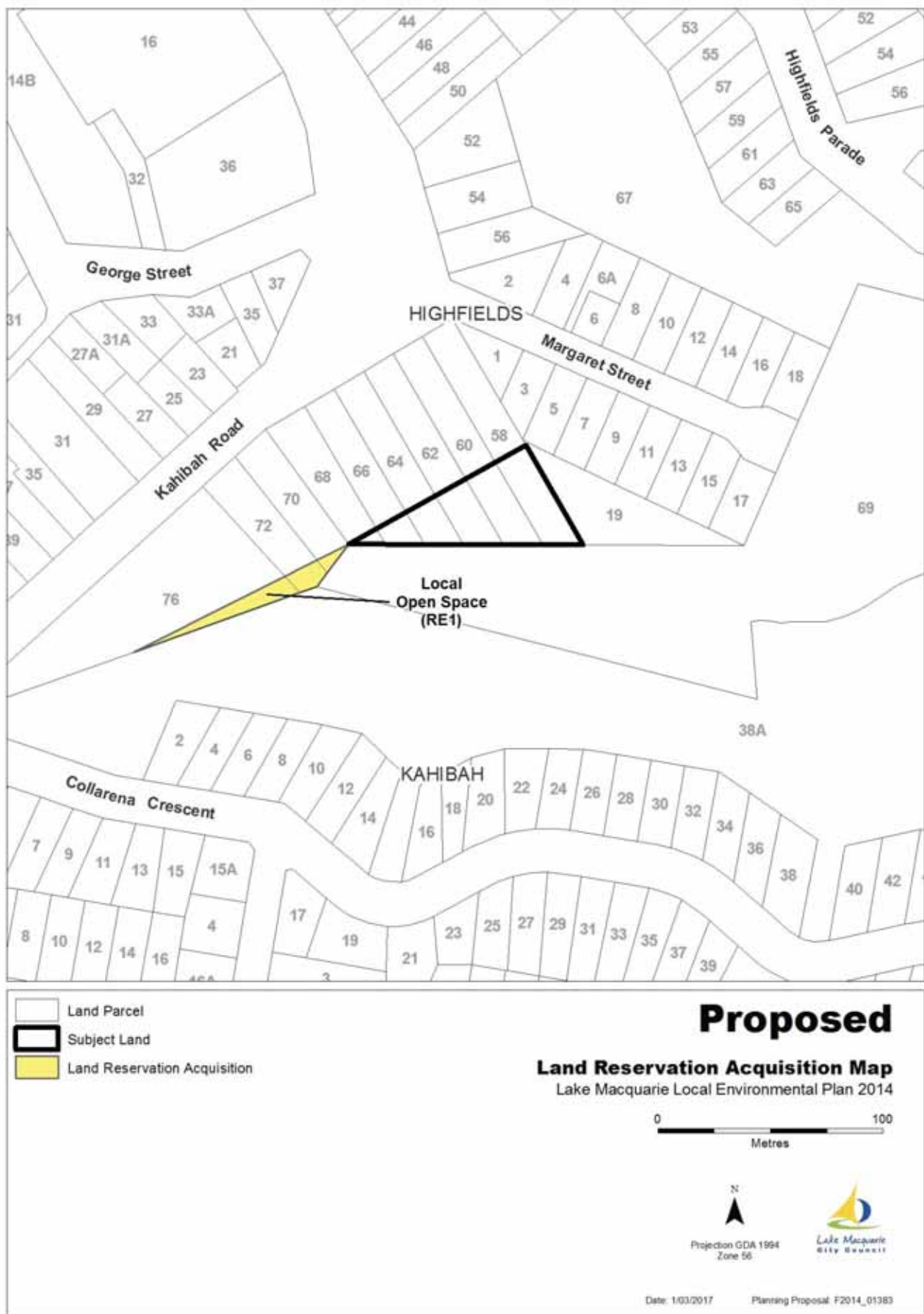


Figure 70: Item 14- Proposed Land Reservation Acquisition Map (LRA)



Figure 71: Item 14- Existing Land Zoning Map (LZN)



Figure 72: Item 14- Proposed Land Zoning Map (LZN)

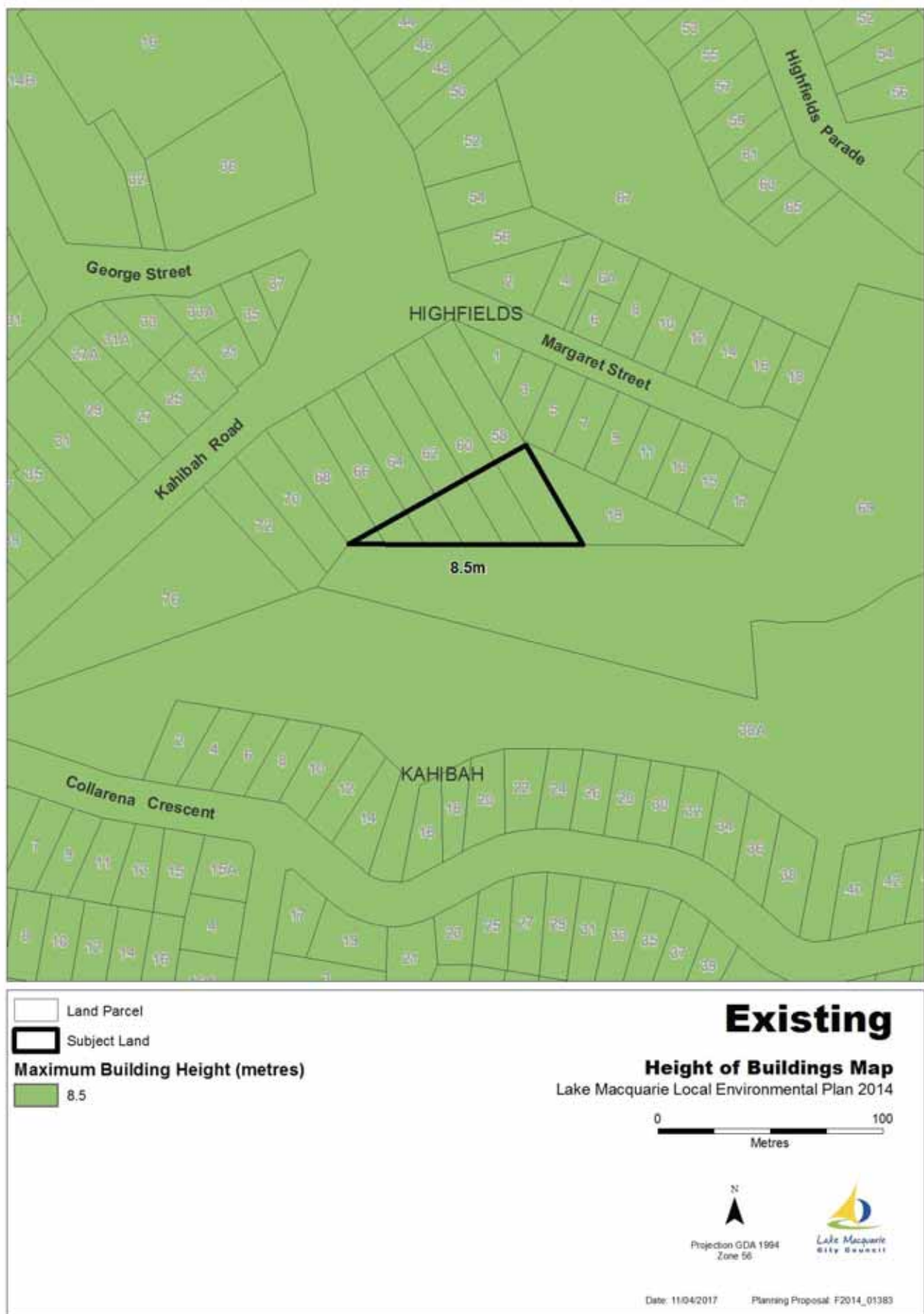


Figure 73: Item 14- Existing Height of Buildings Map



Figure 74: Item 14- Proposed Height of Building Map

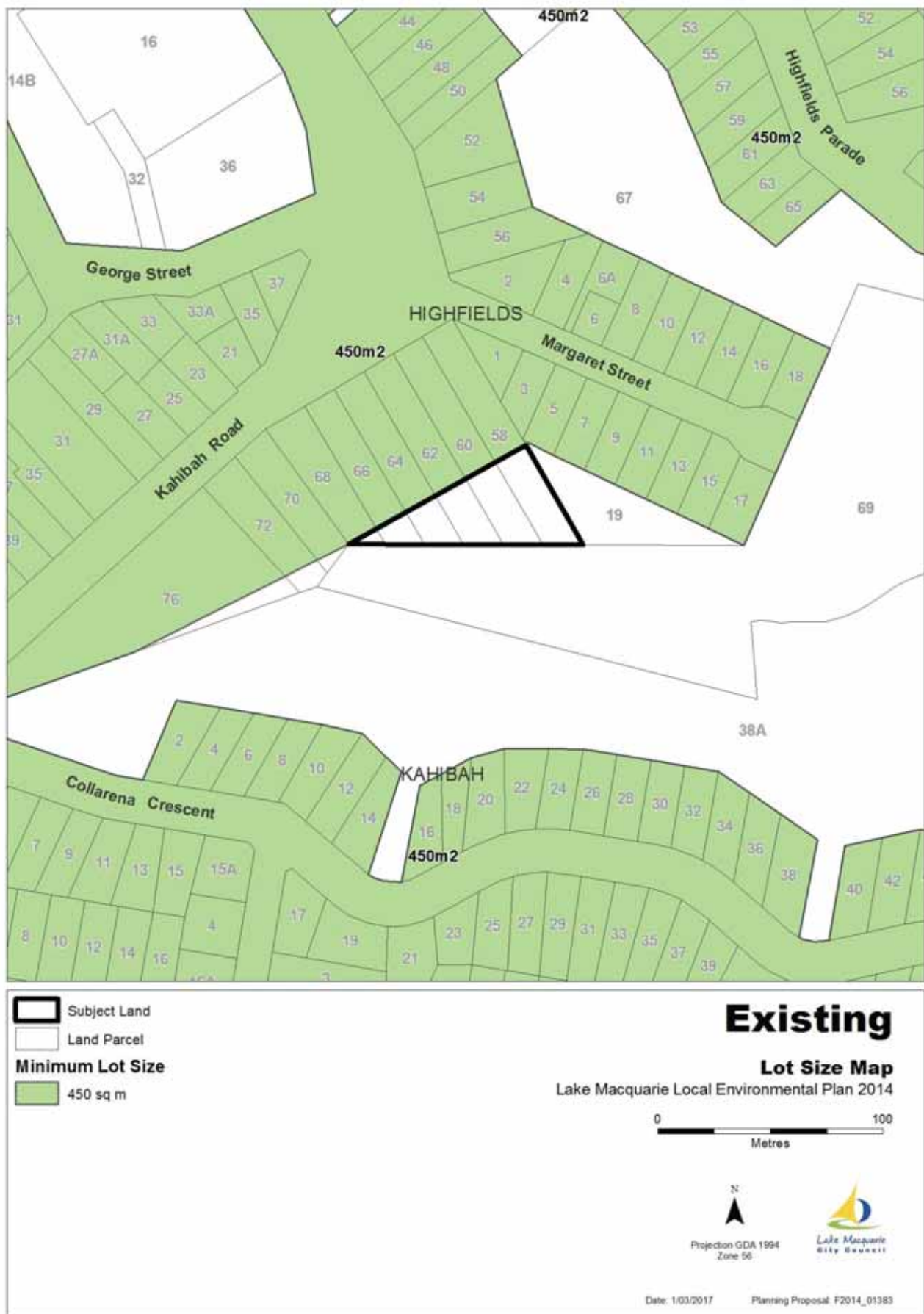


Figure 75: Item 14- Existing Lot Size Map

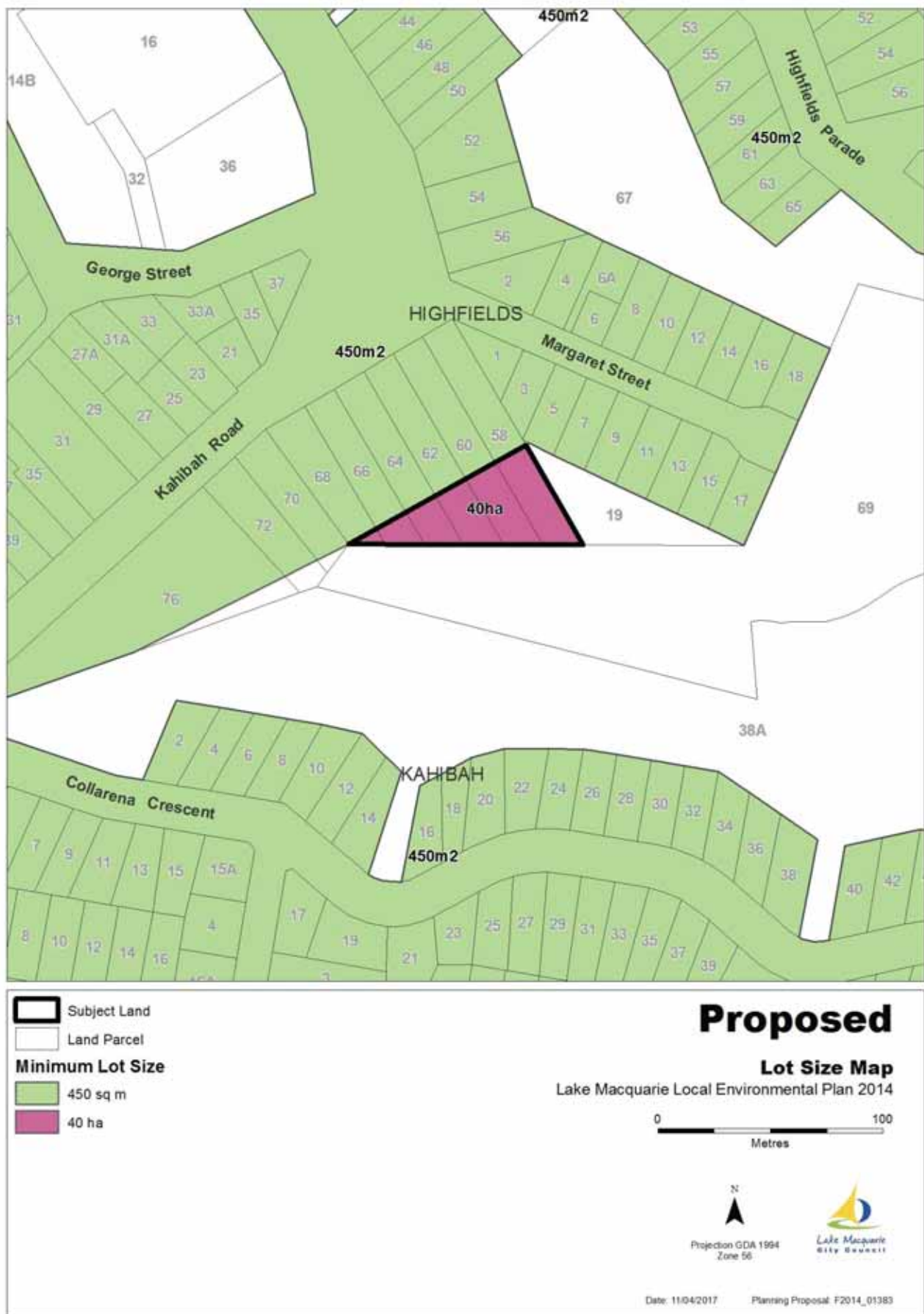


Figure 76: Item 14- Proposed Lot Size Map

Part 5 – COMMUNITY CONSULTATION

Community consultation has not been undertaken to date. Community consultation will be determined as part of the Gateway determination. LMCC considers that the proposal is low impact and recommends public exhibition of the proposal for 14 days.

Part 6 – PROJECT TIMELINE

An indicative estimate of the project timeline is outlined below:

Action	Timeframe
Gateway determination to proceed	January 2017
Government agency consultation	February 2018
Public exhibition (14 days)	February-March 2018
Consideration of submissions	April 2017
Report public exhibition findings to Council	May-June 2017
Finalisation of LEP Amendment	August-September 2017

Appendix 1 – SCHEDULE OF LAND

Item no.	Address, lot and DP	Landowner
1	46A OAKDALE ROAD, BENNETTS GREEN • Lot 7387, DP 1164264	NSW Crown Lands
2	LAND NEAR CARL CLOSE, CHARLESTOWN • 10 Lincoln Street CHARLESTOWN Lot 2, DP 840119 • 8 Carl Close, CHARLESTOWN Lot 8, DP 18839 • 6 Carl Close. CHARLESTOWN Lot 9, DP 18839 • 2 Carl Close, CHARLESTOWN Lot 11, DP 18839 • 126 Pacific Highway, CHARLESTOWN Lot 33, DP 19804	Council
3	72A PATRICIA AVENUE, CHARLESTOWN • Lot 15, DP 1131586	Council
4	16A HALLAM STREET, CHARLESTOWN • Lot 7083, DP 92843	NSW Crown Lands
5	90 KULAI STREET, CHARLESTOWN • Lot 24, DP 718183	Private
6	0 WEST CHARLESTOWN BY-PASS, CHARLESTOWN • Lot 42, DP 861244	NSW RMS
7	62B OAKDALE ROAD, GATESHEAD • Lot 8, DP 256785	NSW Crown Lands
8	68A HILLSBOROUGH, HILLSBOROUGH • Lot 133, DP 624727	NSW RMS
9	9 STATION STREET, WHITEBRIDGE • Lot 1, DP 1170135	Council
10	27 TIRAL STREET, CHARLESTOWN • Lot 223, DP 551260	Private
11	76 CRESCENT ROAD, CHARLESTOWN • Lot 17, DP 861244	NSW Crown Lands
12	LAND NEAR PACIFIC HWY , GATESHEAD • 9 Hughes Street, GATESHEAD Lot 91, DP 1192138 • 4 Pacific Highway, GATESHEAD Only Lot 92, DP 1192138	NSW Department of Education and Communities
13	LAND NEAR PACIFIC HWY, HIGHFIELDS • 311 Pacific Highway, HIGHFIELDS Lot 107, DP 218054 • 313 Pacific Highway, HIGHFIELDS Lot 108, DP 218054 • 317 Pacific Highway, HIGHFIELDS Lot 14, DP 1019926	Private and AusGrid
14	58 TO 76 KAHIBAH ROAD, HIGHFIELDS • 58 Kahibah Road, HIGHFIELDS Lot 3, DP 365438 • 60 Kahibah Road, HIGHFIELDS Lot 4, DP 365438 • 62 Kahibah Road, HIGHFIELDS Lot 5, DP 365438 • 64 Kahibah Road, HIGHFIELDS Lot 6, DP 365438 • 66 Kahibah Road, HIGHFIELDS Lot 7, DP 370472 • 68 Kahibah Road, HIGHFIELDS Lot A, DP 396818	Private

Appendix 2 – CONSULTATION WITH NSW ROADS AND MARITIME SERVICES



Transport
Roads & Maritime
Services

Your Ref: F2014/01383
Our Ref: SF2013/018518

Grant Alderson
Box 1906
HUNTER REGION MAIL CENTRE NSW 2310

RECEIVED

30 JUN 2015

LAKE MACQUARIE
CITY COUNCIL

RE: Review of acquisition land in LMLEP 2014

Reference is made to your letter of 19 June 2015 requesting Roads and Maritime Services review seven land areas identified for acquisition in Lake Macquarie Environmental Plan 2014.

The land identified for acquisition affecting Lots 51-52 DP 1182955 & Lot 7 DP 1149871 was formally abandoned by the then RTA Chief Executive on 18 January 2008. Roads and Maritime request that Council remove these areas from the LEP.

Additionally, Roads and Maritime would also like to request the removal of the land identified for acquisition affecting Lot 80 DP 801559, Lot 36 DP 714066, Lot 1 DP 384535 & Lot 10 DP 861244.

Should you require further information, please contact me on 4924 0229.

Yours sincerely

Stephanie Buxton
Property Officer
Infrastructure Property Hunter

Roads and Maritime Services

59 Darby Street Newcastle NSW 2300 | Locked Bag 2030 Newcastle NSW 2300 | DX 7813 Newcastle | www.rms.nsw.gov.au | 131 782

Appendix 3 – INITIAL CONTAMINATION EVALUATION CHECKLIST – Item 12

Assessment Details

RZ No: RZ/5/2017

Address, Lot and DP: 9 Hughes Street and 4 Pacific Highway, GATESHEAD

Lot 91 and 92, DP 1192138

LMCC Officer and Date: Jack Rixon 8/5/2017

Part 1 - Initial Evaluation Requirements

Yes/No/
Uncertain

1. **Have any previous investigations relating to land contamination been conducted on the property, or adjacent land, that indicate the potential for land contamination?**

No

There has been no previous investigations relating to land contamination that have been conducted on the property, or adjacent land, that indicate the potential for land contamination

2. **Has the property at any time been zoned for industrial, agricultural or defence purposes?**

No

Investigations of the Northumberland District Planning Scheme 1966, LMLEP 1984, and LMLEP 2004 have shown that the land has been consistently zoned for open space (public recreation)

3. **Has an activity listed in Table 1 ever occurred on the property or been approved on the property?**

No

Historical aerial photographs from 1965 and 1996 shows site to be undeveloped and containing native vegetation at the site:



Historical photograph from 1965



Historical photograph from 1996

A review of Council records indicates that a development application for a car park on the land was lodged in 2007.

4. **Has the property ever been regulated through licensing or other mechanisms in relation to any activity listed in Table 1?**

No

A search of the Protection of the Environment Operations Act 1997 (the POEO Act) licence register does not identify the property to have ever been regulated through licensing or other mechanisms in relation to any activity listed in table 1.

5. **Are there any land use restrictions on the property relating to possible contamination, such as notices issued by the EPA or other regulatory authority?**

No

A search of the Contaminated Land Management Act 1997 (CLM Act) record of notices does not show any restrictions on the property relating to possible contamination

6. **Does a site inspection suggest that the property may have been associated with any activities listed in Table 1?**

No

A site inspection did not suggest that the property had been associated with any activities listed in Table 1.

7. **Are you aware of information of contamination on land immediately adjacent to the**

No

property, which may result in potential contamination of the property?

No adjacent land was identified to be potentially contaminated

Table 1 - Some Activities that may Cause Contamination (referenced from p. 12 of the Guidelines)

• acid/alkali plant and formulation	• engine works	• power stations
• agricultural/horticultural activities	• explosives industry	• railway yards
• airports	• gas works	• scrap yards
• asbestos production and disposal	• iron and steel works	• service stations
• chemicals manufacture and formulation	• landfill sites	• sheep and cattle dips
• defence works	• metal treatment	• smelting and refining
• drum re-conditioning works	• mining and extractive industries	• tanning and associated trades
• dry cleaning establishments	• oil production and storage	• waste storage and treatment
• electrical manufacturing (transformers)	• paint formulation and manufacture	• wood preservation
• electroplating and heat treatment premises	• pesticide manufacture and formulation	

Part 2 – Additional Evaluation Requirements

Yes/No/
Uncertain

8. Does a site inspection indicate that any current structures on the property contain asbestos building materials? (typically structures built prior to the mid-1980s)

No

It is recognised that the site has not contain any buildings therefore it would not contain any building materials that would have asbestos

9. Have any structures been demolished on the property that could have contained asbestos building materials?

No

As above

10. Have any parts of the property been excavated that have the potential for acid sulphate soils?

No

The property was not identified to have potential for acid sulphate soils in council mapping.

11. Have any parts of the property been filled with off-site material that could include:

No

- black slag from the former Pasminco Cockle Creek lead smelter;
- fill contaminated with asbestos; and/or
- any other unidentified potentially contaminated material?

It is not anticipated that the site has been filled with off-site material that is contaminated. The site was developed after 2007 for a car park and would comply with all relevant legislation requiring that contaminated material not be used for fill.

12. Is the site categorized by Department of Defence as having substantial or slight potential of containing Unexploded Ordnance (UXO)? (applicable to the localities of Redhead, Jewells, Belmont North, Belmont South and Catherine Hill Bay only)

No

No. The site is not identified as having the potential for UXO.

Appendix 4 – INITIAL CONTAMINATION EVALUATION CHECKLIST – item 13

Assessment Details

RZ No: RZ/5/2017

Address, Lot and DP: 311, 313 and 317 Pacific Highway, GATESHEAD.

Lot 107, 108, DP 218054, and Lot 14, DP 1019926

LMCC Officer and Date: Jack Rixon 22/05/2017

Part 1 - Initial Evaluation Requirements

**Yes/No/
Uncertain**

- 1. Have any previous investigations relating to land contamination been conducted on the property, or adjacent land, that indicate the potential for land contamination?**

No

There has been no previous investigations relating to land contamination that have been conducted on the property, or adjacent land, that indicate the potential for land contamination.

- 2. Has the property at any time been zoned for industrial, agricultural or defence purposes?**

No

Under the Northumberland District Planning Scheme 1966, the subject site was zoned non-urban, identified the use of the site as a quarry. LMLEP 1984 shows that the site has been zoned for residential purposes and open space, whilst LMLEP 2004 zoned the site for open space.

- 3. Has an activity listed in Table 1 ever occurred on the property or been approved on the property?**

Yes

The site was previously a quarry and currently has a working service station on part of the site which are activities listed in Table 1 of the contaminated land planning guidelines.

- 4. Has the property ever been regulated through licensing or other mechanisms in relation to any activity listed in Table 1?**

No

A search of the *Protection of Environment Operations Act 1997* (the POEO Act) licence register, indicates that the subject site has never been regulated through licensing or other mechanisms in relation to any activity listed in table 1 of the contaminated land planning guidelines.

- 5. Are there any land use restrictions on the property relating to possible contamination, such as notices issued by the EPA or other regulatory authority?**

No

A search of the Contaminated Land Management Act 1997 (CLM Act) records notice indicates that there were no land restrictions on the property relating to possible contamination.

- 6. Does a site inspection suggest that the property may have been associated with any activities listed in Table 1?**

Yes

A site inspection indicates that the subject site contain a service station which is an activity listed in table 1 of the contaminated land planning guidelines.

- 7. Are you aware of information of contamination on land immediately adjacent to the property, which may result in potential contamination of the property?**

Yes

Part of the subject site has an active service station operating on the land. This may result in some potential contamination for the whole site including the parcel of land proposed to be rezoned for residential purposes. The subject site has a past history as a quarry site.

Table 1 - Some Activities that may Cause Contamination (referenced from p. 12 of the Guidelines)

• acid/alkali plant and formulation	• engine works	• power stations
• agricultural/horticultural activities	• explosives industry	• railway yards
• airports	• gas works	• scrap yards
• asbestos production and disposal	• iron and steel works	• service stations
• chemicals manufacture and formulation	• landfill sites	• sheep and cattle dips
• defence works	• metal treatment	• smelting and refining
• drum re-conditioning works	• mining and extractive industries	• tanning and associated trades
• dry cleaning establishments	• oil production and storage	• waste storage and treatment
• electrical manufacturing (transformers)	• paint formulation and manufacture	• wood preservation
• electroplating and heat treatment premises	• pesticide manufacture and formulation	

Part 2 – Additional Evaluation Requirements

**Yes/No/
Uncertain**

- 8. Does a site inspection indicate that any current structures on the property contain asbestos building materials? (typically structures built prior to the mid-1980s)**

No

The current structures on the property do not indicate to that building materials on the site contain asbestos.

- 9. Have any structures been demolished on the property that could have contained asbestos building materials?**

No

An investigation of past aerial photographs indicates that the site has not had a previous building development in the past. The current food store, car wash, service station were all constructed after 1998. A site inspection also indicates no sign of asbestos.

- 10. Have any parts of the property been excavated that have the potential for acid sulphate soils?**

No

The subject site is not identified to have potential for acid sulphate soils as indicated in the LMLEP 2014.

- 11. Have any parts of the property been filled with off-site material that could include:**

Uncertain

- iv. black slag from the former Pasminco Cockle Creek lead smelter;
- v. fill contaminated with asbestos; and/or
- vi. any other unidentified potentially contaminated material?

A quarry did exist on the site and landfill was used however, it is unsure whether the landfill contained any of the materials identified above.

- 12. Is the site categorized by Department of Defence as having substantial or slight potential of containing Unexploded Ordnance (UXO)? (applicable to the localities of Redhead, Jewells, Belmont North, Belmont South and Catherine Hill Bay only)**

No

A search conducted on the Department of Defence UXO Home Page identified no substantial or slight potential of containing UXO.

**Appendix 5 – LAND ACQUISITION REVIEW REPORT FOR THE
CHARLESTOWN CONTRIBUTIONS CATCHMENT (EASTERN PART)**

(Refer to separate document)

Appendix 6: History of Land Use Zoning for Item 14

Northumberland Planning Scheme 1960: Figure 1 below identifies that the subject site was reserved open space (public parks and recreation).

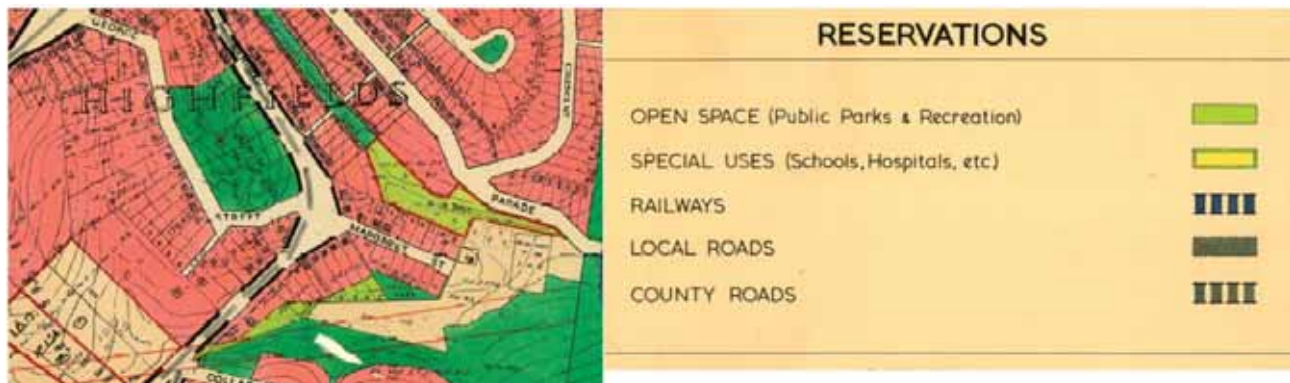


Figure 1: Northumberland planning scheme 1960

Lake Macquarie Local Environmental Plan 1984: Figure 2 below identifies that the subject site was zoned Open Space (Local Reservation).

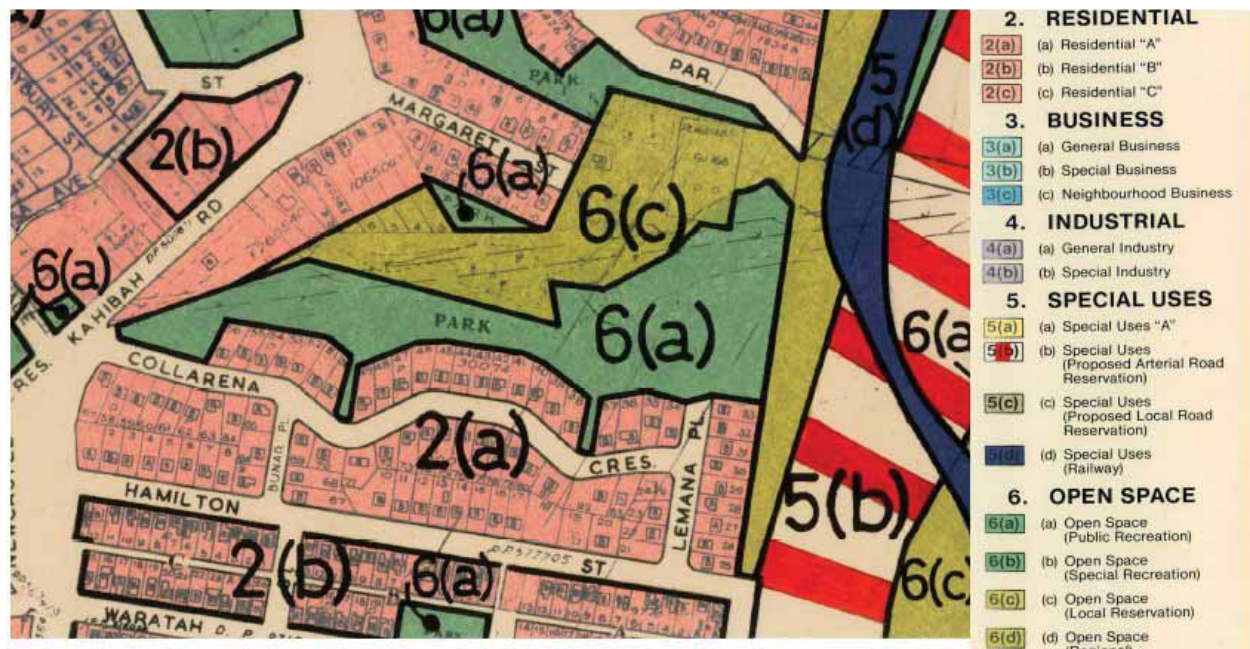


Figure 2: Lake Macquarie Local Environmental Plan 1984

Lake Macquarie Local Environmental Plan 2004: Figure 3 below identifies that the subject land has been zoned and reserved for Open Space 6(1).



Figure 3: Lake Macquarie Local Environmental Plan 2004

Lake Macquarie Local Environmental Plan 2014: Figure 4 below identifies that the subject site is currently zoned RE1 Public Open Space and is reserved for acquisition.

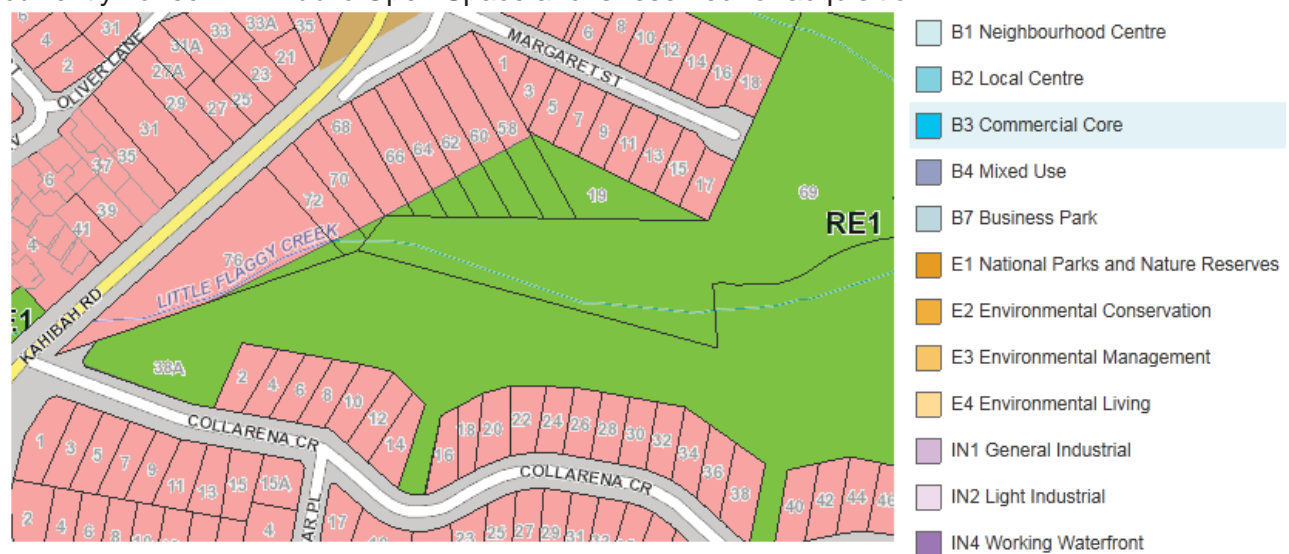
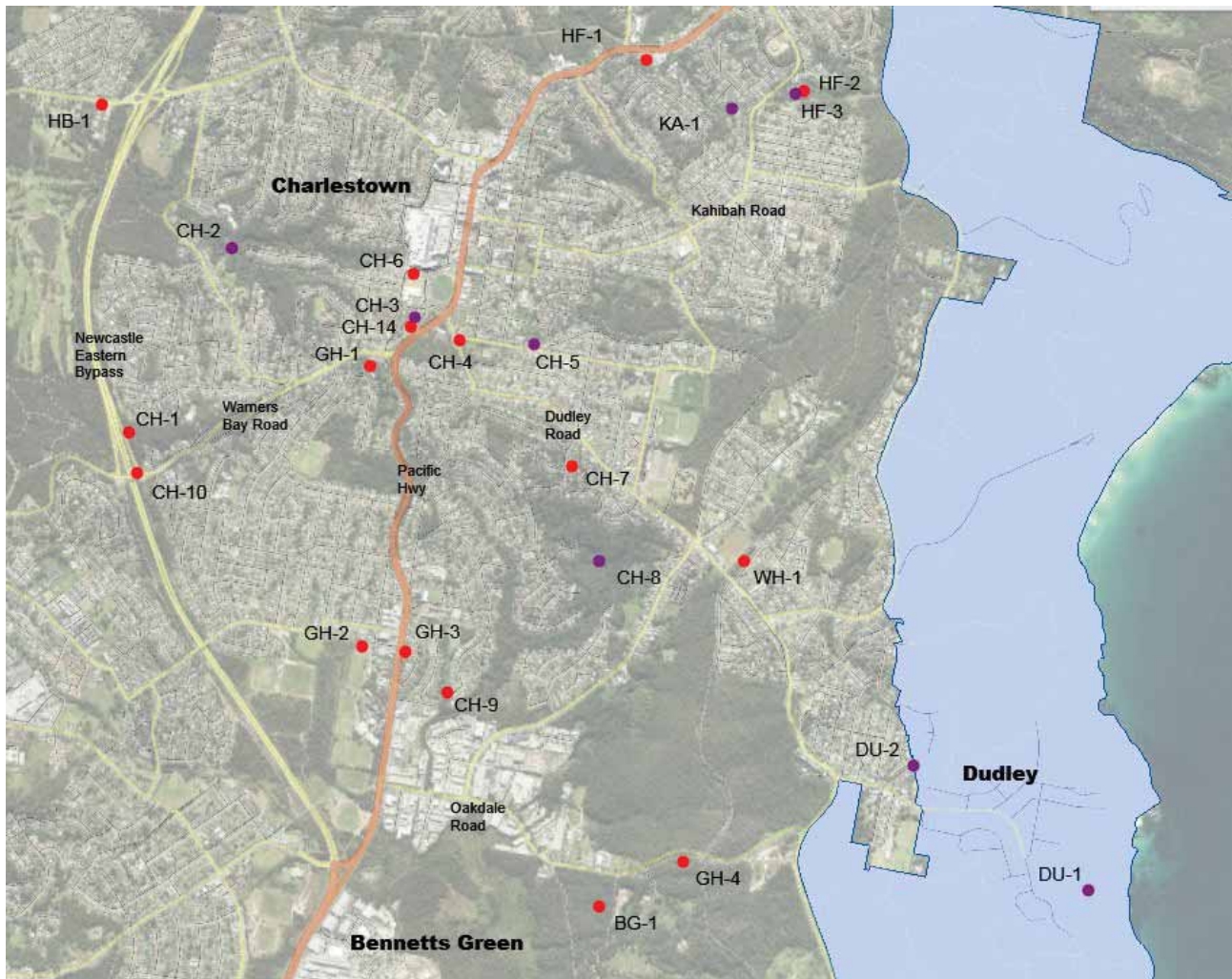


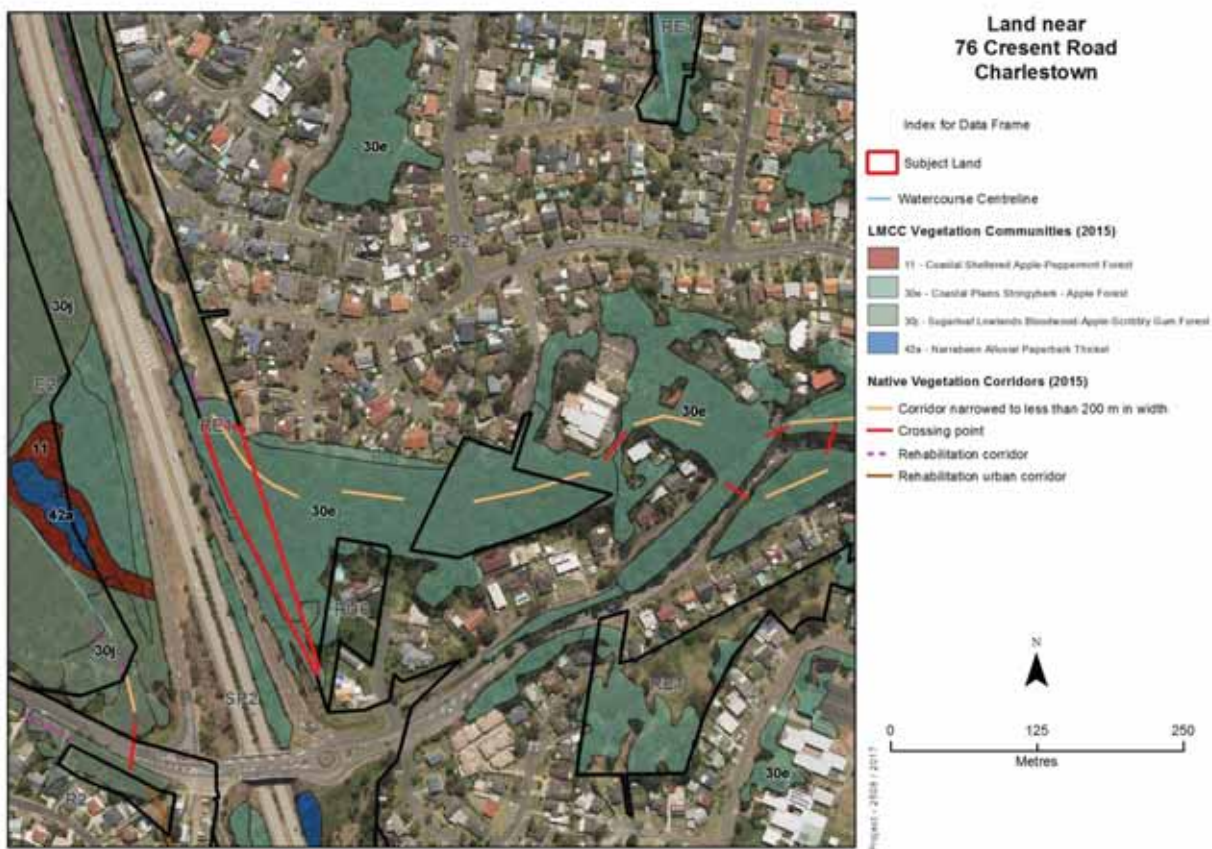
Figure 4: Lake Macquarie Local Environmental Plan 2014

Appendix 7: MAP OF COASTAL ZONE IN RELATION TO LAND IN PLANNING PROPOSAL



- Coastal zone
- Land Identified to be removed from LRA map (included in Planning Proposal)
- Land Identified to be retained in LRA map

Appendix 8: 76 CRESCENT ROAD, CHARELESTOWN- VEGETATION CORRIDOR



Appendix 9: 76 CRESCENT ROAD CHARLESTOWN- WIDER VEGETATION CORRIDOR



Appendix 10: LAND NEAR PACIFIC HIGHWAY- LMCC VEGETATION COMMUNITIES



Appendix 11: 58-76 KAHIBAH ROAD HIGHFIELDS- LMCC VEGETATION COMMUNITIES

