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| **Assessment of Planning Secretary’s Environmental Assessment Requirements**  **Fernleigh Awabakal Shared Track, Belmont**   |  |  | | --- | --- | | **SEAR** | **Comments** | | The Environmental Impact Statement (EIS) must meet the minimum form and content requirements in clauses 6 and 7 of Schedule 2 of the *Environmental Planning and Assessment Regulation* 2000. | The content and form of the submitted EIS addresses the requirements of Clauses 6 and 7 of Schedule 2. | | Strategic and statutory context | The EIS indicates extensive strategic consideration informed the development sitting and design. The development forms part of large scale shared pathway linkage between Newcastle and Lake Macquarie LGAs.  Alternative routes for the track were investigated. The proposed arrangement was nominated as incurring the least environmental impact on the lagoon and surrounding vegetation.  The EIS addresses appropriate heads of consideration and is generally robust in explaining and justifying impacts arising from the proposal.  External stakeholders were consulted by the applicant as part of addressing the SEARS. | | Biodiversity | The EIS and accompanying biodiversity assessment provides a detailed explanation of the extent of clearing and the types of flora and fauna expected to be impacted.  Impacts to flora and fauna have been appropriately assessed in accordance with the Biodiversity Assessment Method (2020) and relevant legislative requirements.  Habitats on site for a range of species, including connectivity features, foraging and breeding habitats have been avoided where possible and will be retained by the proposed development. Monitoring and maintenance is also proposed to occur under a Vegetation Management Plan (VMP).  Council’s Ecology Officer has indicated the development is supported subject to the imposition of conditions (including an ongoing Vegetation Management Plan). | | Soil and water | A soil and water report has been undertaken as part of the project’s geotechnical investigations.  Council’s Erosion and Sediment Control Officer advised the SWR appropriately addresses requirements of LMDCP for the development’s disturbed area and site risk.  An acid sulfate soil management plan has also been provided, with the recommendations supported by Council’s Development Engineer. | | Traffic and transport | A detailed traffic and parking assessment has been undertaken in support of the proposal.  Access to the development is provided from public roads at key points along the track, with public and street parking available. It is considered the track enhances road safety by providing pedestrians and cyclists a dedicated pathway for travel, avoiding the need to share the road network with vehicles.  Speed management and general awareness signage is to be provided along the length of the track. Adequate lighting is proposed for the track length to facilitate visibility.  A modest impact is expected to arise from construction activities, the TIA indicates approximately five light and heavy vehicles accessing the site per day. Construction hours would be limited via consent conditions.  The development is considered satisfactory with regard to traffic and transport impacts. | | Community and stakeholder engagement | Substantial consultation with stakeholders and the general community was undertaken by the project team prior to lodgement of the application.  The submitted Communications and Engagement Plan indicates that a series of consultation sessions, media releases and engagement through other mediums (including social media) has been undertaken.  Key themes arising from public feedback have been incorporated into the development design. | | Bushfire and flooding | The applicant has submitted a response from NSW RFS as part of their pre-lodgement consultation. RFS provided no comments or objections to the development as proposed.  Due to the nature of the development, it is not considered necessary to elevate the path and associated works to Council’s flood planning level.  Flooding and bushfire risks are to be managed by the imposition of a condition requiring an Emergency Management Plan (EMP). The EMP is to comprise the following mitigation measures:   * Use of flood resilient materials for construction; * Delivery of signage and safety structures; * Procedures for closure of the track in the event of emergency; * Consideration of the potential impacts of flood debris.   Suitable stormwater management and erosion and sediment control measures are proposed. | | Visual | A Visual Impact Assessment has been submitted in accordance with the SEARs and Council’s DCP. Council’s Landscape Architect noted:  *The findings of the Visual Impact Assessment are supported with the proposal generally meeting the scenic management guidelines for the route.*  *The proposed signage is not considered intrusive with muted colours and scale proportional to the proposed use on Conservation lands. The proposed viewing platform, boardwalk and pedestrian bridge over Tea Tree Creek are visually permeable, well designed lightweight structures in keeping with the highly valued sensitive coastal environment and appear to be finished in muted colours.* | | Heritage | An Aboriginal and Cultural Heritage Report has been submitted in response to this requirement. The report notes extensive preliminary consultation was undertaken with local aboriginal groups, and the development design and features were drafted accordingly.  The report indicates a high degree of engagement from local aboriginal groups dating from July 2020. | | Environmental Planning Instruments | The application embodies appropriate consideration of applicable EPIs as detailed throughout this report. | | Department’s Register of Development Assessment Guidelines | The applicant has lodged a full suite of documents, drawings and reports in accordance with DPIE guidelines. | | Consultation | Extensive consultation has been undertaken by the applicant in preparation for lodgement of the application, including the agencies and stakeholders nominated by the Planning Secretary.  Additional consultation was undertaking during assessment, including public notification to adjoining landowners and referral of the application to relevant agencies.  All matters arising from referrals and consultation have been satisfied. | |