

# Planning Proposal

## Charlestown Contributions Catchment (Eastern Part) Land Acquisition Amendment

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

### Post-Exhibition Version

<b>Local Government Area:</b>	Lake Macquarie City Council (LMCC)
<b>Name of Draft LEP:</b>	Draft Amendment No. (RZ/5/2017) to Lake Macquarie Local Environment Plan 2014
<b>Subject Land:</b>	<p>The planning proposal includes the following 13 items:</p> <ul style="list-style-type: none"><li>• Item 1: 46A OAKDALE ROAD, GATESHEAD</li><li>• Item 2: LAND NEAR CARL CLOSE, CHARLESTOWN</li><li>• Item 3: 72A PATRICIA AVENUE, CHARLESTOWN</li><li>• Item 4: 16A HALLAM STREET, CHARLESTOWN</li><li>• Item 5: 90 KULAI STREET, CHARLESTOWN</li><li>• Item 6: 0 WEST CHARLESTOWN BY-PASS, CHARLESTOWN</li><li>• Item 7: 62B OAKDALE ROAD, GATESHEAD</li><li>• Item 8: 68A HILLSBOROUGH, HILLSBOROUGH</li><li>• Item 9: 9 STATION STREET, WHITEBRIDGE</li><li>• Item 10: 27 TIRAL STREET, CHARLESTOWN</li><li>• Item 11: <b>REMOVED</b> FROM PLANNING PROPOSAL</li><li>• Item 12: <b>REMOVED</b> FROM PLANNING PROPOSAL</li><li>• Item 13: LAND NEAR PACIFIC HWY, HIGHFIELDS</li><li>• Item 14: <b>REMOVED</b> FROM PLANNING PROPOSAL</li></ul> <p><i>(Refer to Appendix 1 - Schedule of Land for further details)</i></p>
<b>Land Owners:</b>	<ul style="list-style-type: none"><li>• Private land owners</li><li>• Lake Macquarie City Council (LMCC)</li><li>• NSW Crown Lands</li><li>• NSW Department of Education and Communities</li><li>• NSW Land and Housing Corporation</li><li>• NSW Roads and Maritime Services (RMS)</li><li>• AusGrid</li></ul>
<b>Applicant:</b>	Lake Macquarie City Council (LMCC)
<b>Department of Planning and Environment Reference Number:</b>	PP_2017_LAKEM_008_00
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**CHARLESTOWN  
ACQUISITION LAND  
REVIEW:  
EASTERN PART OF THE  
CHARLESTOWN CONTRIBUTIONS  
CATCHMENT**



## 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 the land areas currently identified to be acquired for public purposes from the Land Reservation Acquisition Map in LMLEP 2014, and
- Items 10 and 13: remove the land areas currently identified to be acquired for public purposes from the Land Reservation Acquisition Map in LMLEP2014, and make a range of associated zoning and development standard changes.
- Item 11: Retain the land area to be acquired and retain the existing zone (removed from Planning Proposal)
- Item 12 and 14: Retain the land area to be acquired and retain the existing zone (removed from Planning Proposal)

## 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"> <li>• Remove the subject land from the Land Reservation Acquisition map</li> </ul>
2	<ul style="list-style-type: none"> <li>• Remove the subject land from the Land Reservation Acquisition map</li> </ul>
3	<ul style="list-style-type: none"> <li>• Remove the subject land from the Land Reservation Acquisition map</li> </ul>
4	<ul style="list-style-type: none"> <li>• Remove the subject land from the Land Reservation Acquisition map</li> </ul>
5	<ul style="list-style-type: none"> <li>• Remove the subject land from the Land Reservation Acquisition map</li> </ul>
6	<ul style="list-style-type: none"> <li>• Remove the subject land from the Land Reservation Acquisition map</li> </ul>
7	<ul style="list-style-type: none"> <li>• Remove the subject land from the Land Reservation Acquisition map</li> </ul>
8	<ul style="list-style-type: none"> <li>• Remove the subject land from the Land Reservation Acquisition map</li> </ul>
9	<ul style="list-style-type: none"> <li>• Remove the subject land from the Land Reservation Acquisition map</li> </ul>
10	<ul style="list-style-type: none"> <li>• Remove the subject land from the Land Reservation Acquisition map</li> <li>• Change the land use zoning applying to the subject land from R3 Medium Density Residential to B4 Mixed Use</li> </ul>
11	<p><b><u>Revised recommendation</u></b> (Remove from Planning Proposal)</p> <ul style="list-style-type: none"> <li>• Retain the subject land on the LEP Land Reservation Acquisition map</li> <li>• Retain the RE1 Public Recreation zone applying to the land</li> </ul>
12	<p><b><u>Revised recommendation:</u></b> (Remove from Planning Proposal)</p> <ul style="list-style-type: none"> <li>• Retain the subject land on the LEP Land Reservation Acquisition map</li> <li>• Retain the RE1 Public Recreation zone applying to the land</li> </ul>
13	<ul style="list-style-type: none"> <li>• Remove the subject land from the Land Reservation Acquisition map</li> <li>• Change the land use zone applying to the subject land from RE1 Public Recreation Zone to RU6 Transition Zone</li> <li>• Add a minimum lot size for the subject land of 40ha</li> </ul>
14	<p><b><u>Revised recommendation:</u></b> (Remove from Planning Proposal)</p> <ul style="list-style-type: none"> <li>• Retain the subject land on the Land Reservation Acquisition map</li> <li>• Retain the RE1 Public Recreation zone applying to the land</li> </ul>

## 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 (Built and Natural Assets, Development and Planning, Regulation and Compliance and Planning for the future) and government agencies (Roads and Maritime Services, Land and Housing Corporation, Department of Education and Crown Lands).

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

The review initially recommended the removal of 16 land areas identified for acquisition and rezoning them as required to be consistent with the existing land use, and retaining 8 land parcels for acquisition in the LMLEP 2014. Following further consultation, pre- and post-exhibition, the planning proposal has been amended to seek the removal of 11 land areas identified for acquisition. Explanations and justifications for retaining and/or deferring consideration of the other five land areas are provided below.

A copy of the Background Report is contained in Appendix 15, 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.

<b>Item No.</b>	<b>Summary of recommendations from the ‘Charlestown Land Acquisition Review - Eastern Part’ as contained in Appendix 15</b>
1	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. (For further details refer to BG-1 in Appendix 15).
2	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 should be retained. (For further details refer to CH-3 in Appendix 15).
3	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. (For further details refer to CH-6 in Appendix 15).
4	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 site is identified as Community Land. 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. (For further details refer to CH-7 in Appendix 15).

<b>Item No.</b>	<b>Summary of recommendations from the 'Charlestown Land Acquisition Review - Eastern Part' as contained in Appendix 15</b>
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 15).</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, who advised that it is currently in the process of being dedicated as public road (see correspondence in Appendix 12). 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-10 in Appendix 13).</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 15).</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, who advised that it is currently in the process of being dedicated as public road (see correspondence in Appendix 12). 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 15).</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 15).</p>
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 Mixed Use to be consistent with the surrounding land use.</p> <p>(For further details refer to CH-4 in Appendix 15).</p>



Item No.	Summary of recommendations from the 'Charlestown Land Acquisition Review - Eastern Part' as contained in Appendix 15
11	<p><b><u>Revised Recommendation – Removed from Planning Proposal</u></b></p> <p>Recent cycleway investigations have found that the acquisition land is well located to support the extension of existing active transport routes north and south adjacent to the Newcastle Bypass. Council's Asset Management Department have recommended that the site be retained for inclusion in the draft Cycleway Strategy.</p> <p>It is recommended that this land remain on the acquisition map and the RE1 Public Recreation zone be retained.</p> <p>(For further details on the initial recommendation, refer to CH-1 in Appendix 15).</p>
12	<p><b><u>Revised Recommendation – Removed from Planning Proposal</u></b></p> <p>Item 12 was originally recommended to be partly retained (see GH-5 appendix 15) and partly removed (see GH-2 appendix 15). Since the initial Council Report and Planning Proposal, further internal investigation revealed that when the subject land was developed between 2007 and 2009 as a car park, a small amount of fill was used to prepare the site for development. Review of Council's determination documentation as well as geotechnical and engineering consultant documentation did not find that the fill was certified as not contaminated. As Council is not able to clarify if the fill was contaminated, Council is not prepared to recommend rezoning the land to residential until the existence of contamination is appropriately assessed and remediation actions, if any, are identified. The revised recommendation for the subject land is to <b>retain</b> the existing acquisition, RE1 Public Recreation zone and place a potential contaminated land notation over the site.</p> <p>Although the acquisition will be retained, at this stage Council staff have advised that there is no interest in acquiring the part of the acquisition land that is developed for a car park. Council's interest is only in retaining the acquisition land to the west of the site. This would consolidate ownership of the environmental corridor adjoining Council owned land and containing native vegetation that forms part of a larger patch of bushland connecting to the native vegetation corridor along Johnsons Creek and which flows into Jewells Wetland downstream.</p> <p>Retaining the acquisition over the land will not pose a liability risk to Council as the land is owned by the Department of Education and as such <i>Division 3 (Owner – initiated acquisition in cases of hardship) of the Land Acquisition (Just Terms Compensation) Act 1991 No 22</i> cannot be utilised.</p> <p>(For further details on the initial recommendation and assessment content, refer to GH-2 in Appendix 15 and previous exhibition version of the Planning Proposal draft Amendment number RZ/5/2017).</p>

Item No.	Summary of recommendations from the 'Charlestown Land Acquisition Review - Eastern Part' as contained in Appendix 15
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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 15)</p>
14	<p><b><u>Revised Recommendation</u></b> – Removed from Planning Proposal</p> <p>Post exhibition consultation with the NSW Rural Fire Services found that:</p> <p><i>The land between the existing development and northern boundary of the land acquisition shall allow for a 35m separation distance. This will allow compliance with table A2.4 of Planning for Bush Fire Protection 2006.</i></p> <p>The RFS comment does not appear to adequately address the proposal to remove and rezone the acquisition land. Although Council has requested clarification it is noted that the RFS may be unable to respond due to the recent and significant fire season.</p> <p>Additionally, it is noted that the proposed rezoning would create an isolated E2 Environmental Conservation zone adjacent to RE1 Public Recreation to the south and R2 Low Density Residential. A proposed E2 Environmental Zone would require additional support and would likely require investigating the suitability of the RE1 Public Recreation zone to the south. This area includes environmental qualities that are conducive to an environmental zone and should be investigated further.</p> <p>Retaining the acquisition over the land is considered a liability risk to Council as the land is privately owned and <i>Division 3 (Owner – initiated acquisition in cases of hardship)</i> of the <i>Land Acquisition (Just Terms Compensation) Act 1991 No 22</i> can be enforced.</p>

**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 accurate.

The proposed rezoning and development standard changes are also required to ensure that the land is not zoned for public purposes and has appropriate development standards to reflect the desired land use objectives and outcomes for the respective sites.

**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.

Greater Newcastle Metropolitan Plan

The GNMP sets out strategies and actions that will drive sustainable growth across Cessnock City, Lake Macquarie City, Maitland City, Newcastle City and Port Stephens communities, which together make up Greater Newcastle.

The proposal is generally consistent with the GNMP. 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.

The removal, rezoning and minor changes as part of this review have been done in consultation with government organisations, land owners and the community through public exhibition. No relevant concerns have been noted that would be considered in contrast to the strategic directions achieved as part of the GNMP.

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

When originally prepared, Lifestyle 2030 Strategy (LS2030) provided the long-term direction for the overall development of the City and was Council's long-range strategic land use plan and policy document.

The Strategic Directions identified in LS2030 described 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 were identified to be purchased by Council in LS2030.

Note: LS2030 has been superseded by Council's *Imagine Lake Mac Strategy*, adopted in June 2019.

The *Imagine Lake Mac Strategy* provides strategic direction for the land use and land management of the City for the next 30 years. The strategy outlines three potential growth scenarios and identifies growth opportunities for economic centres.

The planning proposal is generally consistent with *Imagine Lake Mac* as it retains valuable public land and develops opportunity for well placed residential and economic land by rezoning land that is no longer required for public recreation to residential and business land use zones.

#### Local Strategic Planning Statement

Lake Macquarie City Council's Local Strategic Planning Statement (LSPS) is in its final stages of review. The LSPS provides a long-term vision and planning priorities that will guide the evolution of the City. The statement identifies four key growth areas that support existing infrastructure and future growth with regard to housing, transport, economic activity and recreation.

The planning proposal is generally consistent with the LSPS as it retains valuable public land and develops opportunity for well placed residential and economic land by rezoning land that is no longer required for public recreation to residential and business land use zones.

#### **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 55 - Remediation of Land

These inconsistencies are considered to be of minor significance, as outlined in the following table.

**Note:** Items 12, 14 and item 11 have been removed from the Planning Proposal. These items are not included in the following table.

SEPP	Relevance	Implications
<b>SEPP (Coastal Management) 2018</b>	The aim of this policy is to implement the objectives of the <i>Coastal Management Act 2016</i> , to protect and manage the coastal environment consistent with the principles of ecologically sustainable development.	<p><u>Item 1</u></p> <p>The subject land is located within a 'proximity area to coastal wetland' zone. The item is <b>consistent</b> with the objectives of the SEPP, as the subject land will remain zoned for environmental conservation purposes.</p> <p><u>Items 2-13</u></p> <p>The policy <b>does not apply</b> as the land is not located in or near any of the coastal management zones.</p>
<b>SEPP 19- Bushland in Urban Areas</b>	The aim of this policy is to protect and preserve bushland within urban areas.	<p><u>Items 1 &amp; 7</u></p> <p>The planning proposal is <b>consistent</b> 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 &amp; 9</u></p> <p>The planning proposal is <b>consistent</b> with the objectives of the SEPP as the subject land areas contain native vegetation and will retain</p>

SEPP	Relevance	Implications
		<p>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, &amp; 10</u></p> <p>The planning proposal is <b>consistent</b> 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>Item 13</u></p> <p>The planning proposal is <b>consistent</b> 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>
<p><b>SEPP 21- Caravan Parks</b></p>	<p>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>	<p><u>Items 2-4 &amp; 9</u></p> <p>The planning proposal is <b>consistent</b> 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 &amp; 10</u></p> <p>SEPP 21 <b>does not apply</b> as the subject land will contain a zoning that does not allow caravan park development.</p> <p><u>Item 13</u></p> <p>The planning proposal is <b>inconsistent</b> 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 <b>minor significance</b> as the subject land is very small in area and is not recognised as a suitable location for a caravan park.</p>
<p><b>SEPP 36- Manufactured Home Estates</b></p>	<p>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>	<p><u>Items 2-4 &amp; 9</u></p> <p>The proposal is <b>consistent</b> with the direction as it will retain provisions to permit development for the purposes of MHE.</p> <p><u>Items 1, 5, 7 &amp; 10</u></p> <p>The proposal is <b>consistent</b> with the SEPP as cl. 7.23 of LMLEP 2014 permits development of manufactured homes to be carried out with development consent on land to which this Plan applies if development for the purposes of a dwelling house is permitted on that land. The proposal does not restrict the development of MHE's on land which development for the purposes of a caravan park may be carried out.</p> <p><u>Items 6 &amp; 8</u></p> <p>SEPP 36 <b>does not apply</b> as the subject land will contain a zoning that does not allow MHE.</p>

SEPP	Relevance	Implications
		<p><u>Item 13</u></p> <p>The planning proposal is <b>inconsistent</b> 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 <b>minor significance</b> as the subject land is small in area and is not recognised as a suitable location for a MHE.</p>
<p><b>SEPP 44- Koala Habitat Protection</b></p>	<p>The aim of this policy is to encourage the proper conservation and management of areas of natural vegetation for koalas</p>	<p><u>Items 1, 7</u></p> <p>The planning proposal is <b>consistent</b> 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 &amp; 9</u></p> <p>The planning proposal is <b>consistent</b> 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 &amp; 13</u></p> <p>A desktop analysis of the Koala Habitat assessment materials and mapping completed in 2016 and updated in early 2019 concludes that:  <i>Due to the highly urbanised built environment, fragmented vegetation corridors and types of potential disturbances to Koala habitat that are typical of urban living such as pets, it is extremely unlikely that the sites assessed would be suitable Koala habitat. There have been no Koala siting's recorded in or within relevant distance to the sites assessed.</i>  <i>In sum, the proposed amendments are consistent with SEPP 44.</i>  It is recommended that further analysis is not required.  (see appendix 16 for further details)</p>
<p><b>SEPP 55- Remediation of Land</b></p>	<p>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>	<p><u>Items 1-9</u></p> <p>The planning proposal is <b>consistent</b> 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 (see D02646992 for details). However, the Planning Proposal is considered to be <b>consistent</b> 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</p>

SEPP	Relevance	Implications
		<p>Assessment stage before the land is developed for a certain purpose.</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 3 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 <b>consistent</b> 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> <p>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.</p>
<p><b>SEPP (Affordable Rental Housing) 2009</b></p>	<p>The aim of this SEPP is to provide a consistent planning regime for the provision of affordable rental housing.</p>	<p><u>Items 1-4 &amp; 6-9</u></p> <p>The SEPP <b>does not apply</b> 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 <b>consistent</b> 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 13</u></p> <p>The planning proposal is <b>consistent</b> 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>
<p><b>SEPP (Infrastructure) 2007</b></p>	<p>The aim of this SEPP is to facilitate the effective delivery of infrastructure across the state.</p>	<p>The proposal is <b>consistent</b> 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</p>

SEPP	Relevance	Implications
		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.
<b>SEPP (Mining, Petrol Prod, Extractive Ind) 2007</b>	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 <b>consistent</b> with the aims and provisions of the SEPP. The proposal will not rezone any agricultural or industrial land, and not impact on any potential mining, petroleum production and extractive industries.

**6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.11 directions)?**

Consultation was undertaken with the following agencies to satisfy certain directions, as outlined in the relevant sections of the table below:

- NSW Rural Fire Service to satisfy Direction 4.4 Planning for Bushfire Protection
- Subsidence Advisory NSW to satisfy Direction 4.2 Mine Subsidence & Unstable Lands

Note: NSW RFS comments were in regard to Item 12. Item 12 has been removed from the Planning Proposal.

The Gateway determination specified that the Department Secretary's agreement would still need to be obtained regarding consistency with Direction 6.2 Reserving Land for Public Purposes following public exhibition and consideration of any submissions. Submissions are considered under the community and agency consultation sections. The reduction of land for public purposes is considered a minor inconsistency as the land parcels possess limited opportunity for any public purposes, or have already been acquired by Council for public purposes. The Secretary's concurrence is requested that the inconsistency with Direction 6.2 is of minor significance.

The Department of Planning, Industry and Environment have noted Direction 6.2 will be assessed when the final version of the Planning Proposal is submitted for review.

**Note:** Items 12, 14 and 11 have been removed from the Planning Proposal and are not included in the following table.



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</u></p> <p>The direction <b>does not apply</b> 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 <b>minor significance</b> due to the small land area (approximately 323m<sup>2</sup>) 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 <b>consistent</b> with the direction.</p>
1.2 Rural zones	To protect the agricultural production value of rural land	<p><u>Items 1-10</u></p> <p>The direction <b>does not apply</b> 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 <b>consistent</b> 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 <b>does not apply</b> 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 <b>does not apply</b> as the proposal is not within a priority Oyster Aquaculture Area or oyster aquaculture outside a priority oyster aquaculture area

Ministerial Direction	Objective/s	Consistency / Comment
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 &amp; 8-10</u></p> <p>The direction <b>does not apply</b> 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 &amp; 7</u> are proposed to retain an E2 zoning which is <b>consistent</b> with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008.</p> <p><u>Item 13</u> will rezone land from RE1 public recreation to E2 environmental conservation uses and RU6 Transition, which is <b>consistent</b> 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 <b>consistent</b> with the direction as it:</p> <ul style="list-style-type: none"> <li>• Facilitates the protection and conservation of environmentally sensitive areas by zoning additional land for environmental purposes: and</li> <li>• 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</li> </ul>
2.2 Coastal Management	Protect and manage coastal areas of NSW.	<p><u>Item 1</u></p> <p>The subject land is located within a 'proximity area to coastal wetland' zone. The item is <b>consistent</b> with the objectives of the direction, as the subject land will remain zoned for environmental conservation purposes.</p> <p><u>Item 2- 10 &amp; 13</u></p> <p>The direction <b>does not apply</b> as the subject lands are not in any coastal zone.</p>

Ministerial Direction	Objective/s	Consistency / Comment
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 &amp; 13</u> are <b>consistent</b> with the direction as the subject land does not contain any known items of heritage significance.</p> <p><u>Item 7</u> contain land, which is of Aboriginal Cultural Significance. The planning proposal is <b>consistent</b> with the direction as the planning proposal will apply 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 <b>consistent</b> 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 &amp; 13</u></p> <p>The direction <b>does not apply</b> as the proposal does not comprise of land within an environmental protection zone, beach or adjoining a beach.</p> <p><u>Item 1 &amp; 7</u></p> <p>The proposal is <b>consistent</b> 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 &amp; 13</u></p> <p>The direction <b>does not apply</b> 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 <b>consistent</b> with the direction as the land will remain zoned for residential housing purposes.</p> <p><u>Item 10</u></p> <p>The direction applies as the proposal 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 323m<sup>2</sup> in area and exists as an isolated land parcel. The Department's secretary agreed that the <b>minor inconsistency is justified</b> in accordance with the Direction, as outlined in the letter issuing gateway determination.</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 &amp; 9</u></p> <p>The proposal is <b>consistent</b> 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, &amp; 10</u></p> <p>The direction <b>does not apply</b> as the planning proposal does not propose or allow development for the purposes of caravan parks or manufactured home estates.</p> <p><u>Items 13</u></p> <p>The planning proposal is <b>inconsistent</b> 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 <b>minor significance</b> as the land parcels are irregular, small in area, and not suitable to be developed for the purposes of caravan parks or manufactured home estates.</p>
3.3 Home occupations	Encourage the carrying out of low-impact small businesses in dwelling houses	The proposal is <b>consistent</b> with the direction as the proposal will not prohibit home occupations from being carried out.

Ministerial Direction	Objective/s	Consistency / Comment
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	<u>Items 1-9 &amp; 13</u> The direction <b>does not apply</b> 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.  <u>Item 10</u> The direction applies as item 10 rezones land from R3 Medium Density Residential to B4 Mixed Use. The planning proposal is considered to be <b>consistent</b> with the direction as the rezoning is consistent with the aims, objectives and principles of the relevant guidelines and planning policies.
4.1 Acid Sulfate Soils	Avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	<u>Items 1-10 &amp; 13</u> The direction <b>does not apply</b> as the proposal does not include land having a probability of containing acid sulphate soils.
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.	All items are located within the Lake Macquarie Mine Subsidence District.  <u>Item 1 to 9</u> The direction <b>does not apply</b> as there are no changes to the land use or permitted development types on site.  <u>Item 10 &amp; 13</u> The direction applies as the proposal includes rezoning land, with new and/or additional permissible uses introduced. The proposal is <b>consistent</b> with the direction as Subsidence Advisory (SA) NSW have been consulted and raise no objection to the proposed rezoning. SA NSW note that any future subdivision or development will require approval of Subsidence Advisory NSW. Correspondence from SA NSW is attached in Appendix 11.

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 <b>does not apply</b> as the proposal will not create, remove or alter a zone or provision that affects flood prone land.</p> <p><u>Items 10 &amp; 13</u></p> <p>The planning proposal is <b>consistent</b> with the direction as the subject land is not flood prone land.</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 <b>does not apply</b> as the land is not bushfire prone.</p> <p><u>Items 1-3 &amp; 5-9</u></p> <p>The direction applies as these items are located within bush fire prone land. The planning proposal is considered to be <b>consistent</b> however, as the existing zones of the subject lands will be retained, so will not introduce any new permissible development on bushfire prone sites.</p> <p><u>Items 10, &amp; 13</u></p> <p>The direction applies as these items are within bushfire prone land being vegetation category 1 or 2, or vegetation buffer. The proposal is <b>consistent</b> as NSW Rural Fire Service (RFS) have been consulted, and raise no objection to the proposal.</p> <p>NSW RFS note that the E2 boundary for Item 14 must maintain a distance of 35 metres from existing and future development in order to comply with requirements of the <i>Planning for Bushfire Protection 2006</i> Guidelines. In response, it is proposed that Item 14 instead be retained on the LRA Map for Council to purchase, and the land omitted from this LEP amendment Planning Proposal. Correspondence from NSW RFS is attached in Appendix 10.</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 <b>consistent</b> with the HRP, as outlined in Section B question 3 of this document.

Ministerial Direction	Objective/s	Consistency / Comment
6.1 Approval and Referral Requirements	Ensure that LEP provisions encourage the efficient and appropriate assessment of development.	The proposal is <b>consistent</b> with the direction as it does not contain any provisions that require concurrence, or identify development as 'designated'.
6.2 Reserving land for public purposes	(a) Facilitate the provision of public services and facilities by reserving land for public purposes, and (b) Facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	The direction applies as the proposal removes zonings and reservations of land for public purposes. Lake Macquarie City Council endorsed the proposal on 10 April 2017 (17STRAT009). The proposal is <b>inconsistent</b> with the direction, as <b>approval is required</b> 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 2,512,235m <sup>2</sup> of land zoned RE1 Public Recreation. This Planning Proposal seeks to rezone 2310.95m <sup>2</sup> of RE1 zoned land to alternative zonings. This represents a loss of approximately 0.092% of RE1 zoned land in Charlestown East. The inconsistency is considered to be of <b>minor significance</b> as the loss of land is less than 1% of all RE1 land in the Charlestown Eastern Catchment (which is approximately 36, 331, 509m <sup>2</sup> in area) and the land parcels have been considered by Council as providing very limited public recreational value as identified in Appendix 15.

## 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?*

Prior to consultation with the Department of Education, it was proposed to rezone the subject land in Item 12 from RE1 to E2. This was considered to be the most appropriate zone given the permissible land uses and objectives of the E2 zone. The E2 zoning would ensure critical habitat or threatened species, populations or ecological communities/ habitats would not be adversely affected. The parcel contains an Endangered Ecological Community and is also important for connectivity, providing habitat, and bank stability around watercourses.

After consultation with the Department of Education and further consideration of Item 12 by Council it is proposed to retain the current acquisition and existing RE1 public recreation zone over the entire subject land. It is considered that the RE1 zone places appropriate development limitations on the land at this stage and it is acknowledged that the environmental qualities have a higher chance of being rehabilitated if publicly owned (as demonstrated in Part 3 of this Planning Proposal).

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

Items 1 – 10 propose land use zones that are consistent with adjacent zones as well as the built and natural environment. Any changes proposed as a result of this planning proposal do not adversely impact any environmental, social or economic aspects.

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

After further consultation with the Department of Education, part of the land in Item 12 which was initially proposed to be rezoned from RE1 to E2 to reflect the significance of the native vegetation, will now remain on the LRA map and retain the existing RE1 Public Recreation zone. While Council's Environmental Systems Department would prefer the land be rezoned E2, the department supports retaining the site on the LRA Map and note that retaining the RE1 zone will provide adequate development limitations to support the environmental qualities of the land.

The subject land in Item 13 is considered to be potentially contaminated given the existing use of the site as a service station and electricity easement. It is proposed to remove the LRA map layer from the subject land, and rezone the subject site from RE1 Public Recreation to RU6 Investigation. This will ensure that if there is a proposed change to the current use of the subject land, necessary studies and investigations will be required before the land is used or 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.

Items 1 – 10 propose land use zones that are consistent with adjacent zones as well as the built and natural environment. Any changes proposed as a result of this planning proposal do not adversely impact or are likely to impact any environmental assets.

**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 with the exception of item 14. Item 14 has been removed from the Planning Proposal (see appendix 15 for details) and as it is under private ownership will remain an economic liability.

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 an alternative NSW government agency. Removing the land from the LRA map will allow the landowners to retain ownership of the land for private uses, and remove a potential future land acquisition cost to Council of approximately \$1.505m (adjusted from Charlestown Acquisition Land Review following removal of CH-1, GH-1, GH-2, GH-3 & HF-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?**

- NSW Rural Fire Service (RFS)

NSW RFS raised no objection to the proposal, subject to future development complying with the *Planning for Bushfire Protection (PBP) 2006 Guidelines*. The information provided by the RFS is not clear with regard to the proposed removal of the acquisition and rezoning of the land. Further clarification is required. Item 14 has been removed from the planning proposal.



- Subsidence Advisory (SA) NSW

SA NSW raise no objection to the proposal, noting that future subdivision or development of sites inside a Mine Subsidence District will require the approval of SA NSW.

- Office of Environment and Heritage (OEH)

OEH were consulted regarding the appropriateness of several land parcels proposed to be removed from the LRA Map and rezoned to E2 Environmental Conservation. OEH raise no concerns regarding the proposal, and consider there is adequate justification provided to support the E2 rezoning.

- Department of Planning, Industry and Environment (DPIE) – Lands & Water

DPIE were consulted regarding four Crown Lands parcels included in the planning proposal. DPIE advised that Item 11 (76 Crescent Road, Charlestown) is the site of a Crown reserve for an aged care facility and also subject to an Aboriginal Land Council claim. The Department objected to the proposed E2 Environmental Conservation zone on part of the property. Following further internal consultation, it is identified that the land area has good potential to support an additional active transport route north south adjacent to the Newcastle Inner City Bypass. The proposed route would also support future active transport connection to the proposed Basketball Stadium north of the site. Item 11 has therefore been removed from the planning proposal.

Additional consultation with DPIE regarding Item 14 found that although an isolated E2 zone is not supported, the department would be prepared to provide a supporting document if Council were able to provide evidence that further investigations of the surrounding vegetated area would occur in the near future. These investigations would be for the purpose of providing zoning recommendations particularly with regard to the environmental qualities of the land. Council are not in a position to commit to these investigations and have therefore removed item 14 from the planning proposal.

- Department of Education

The Department of Education own the land at Item 12 – Wiripaang Public School, Gateshead. Although the Department supports the removal of part of the acquisition over the existing carpark and rezoning to R2, the Department does not support the proposal to remove the acquisition over the existing EEC and proposed rezoning to E2.

Although a revised planning proposal to retain the acquisition over the EEC and retain the existing RE1 zone was found to be appropriate, recent internal consultation has found the site may be potentially contaminated as no certification is evident for the fill used in the preparation of a car park development in 2007-2009. At this stage the revised recommendation is to retain the acquisition land and existing RE1 Public Recreation zone. In addition, a contamination notation has been placed over the site.

## Part 4 – MAPPING

### Locality Map: Item 1 to 14



**Figure 1: Items 1 to 14\* - Locality map**

\*note Item 11, 12 and 14 have been removed from the planning proposal.

- Item proposed to be removed from the acquisition layer
- Revised recommendation to retain acquisition and existing zone

**Item 1: 46A OAKDALE ROAD, GATESHEAD**



Land Parcel  
Subject Land

# Air Photo

**2014 Aerial Photography**  
Sinclair Knight Merz 2014

0 100  
Metres

N  
Projection GDA 1994  
Zone 56

Date: 1/03/2017 Planning Proposal: F2014\_01383

**Figure 2: Item 1- Aerial Photograph of Subject Land**

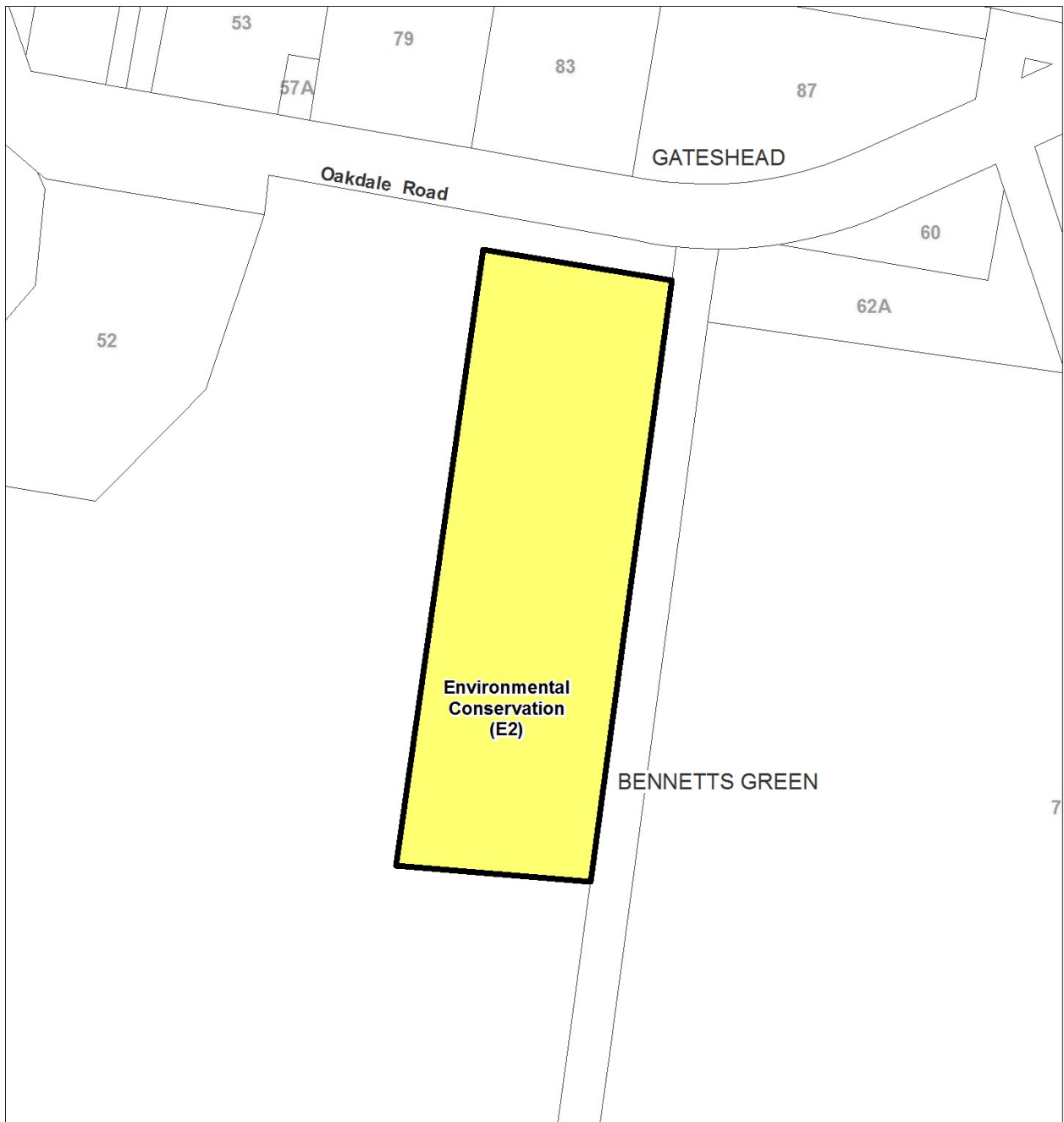


Figure 3: Item 1- Existing Land Reservation Acquisition Map (LRA)

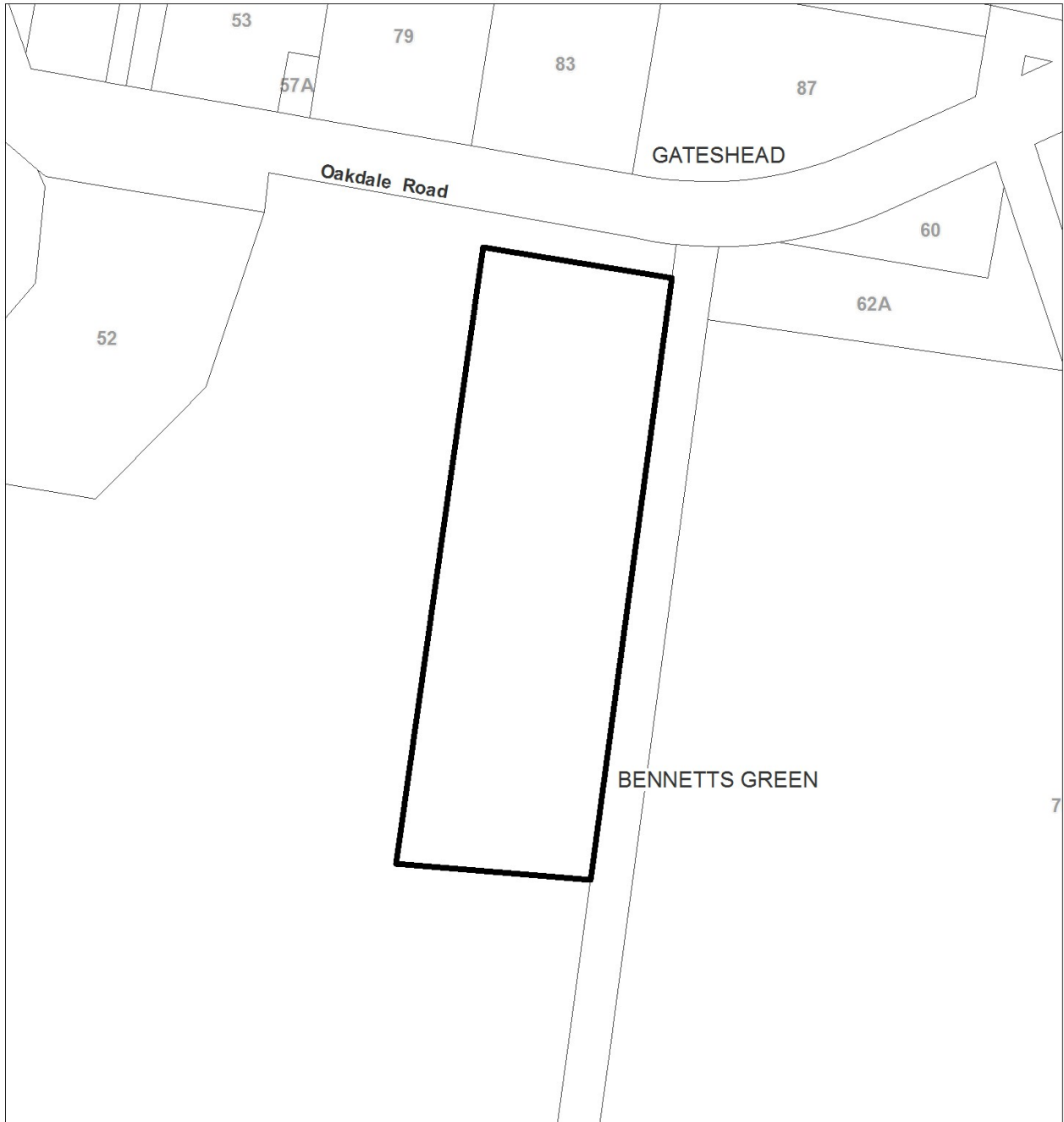


Figure 4: Item 1- Proposed Land Reservation Acquisition Map (LRA)

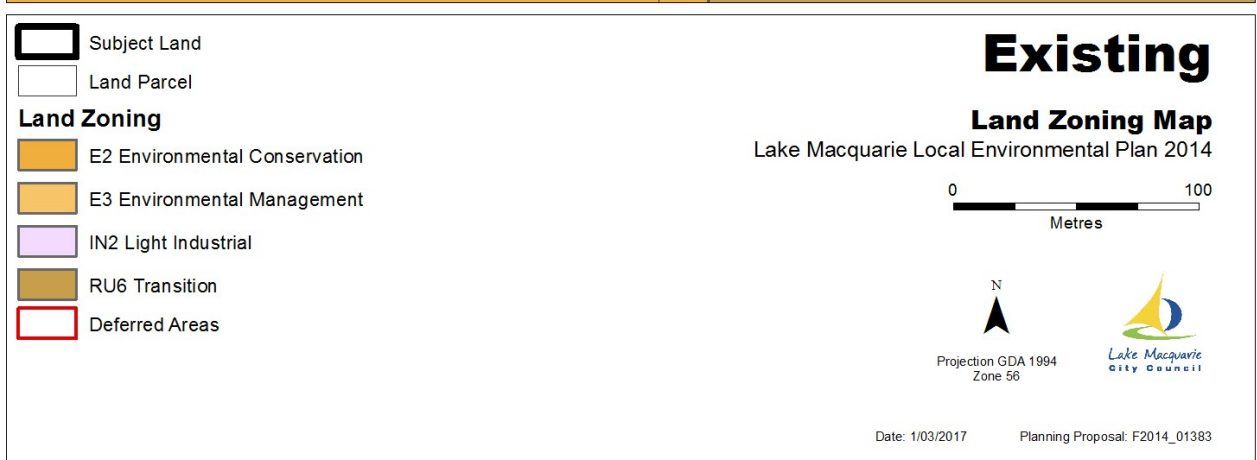
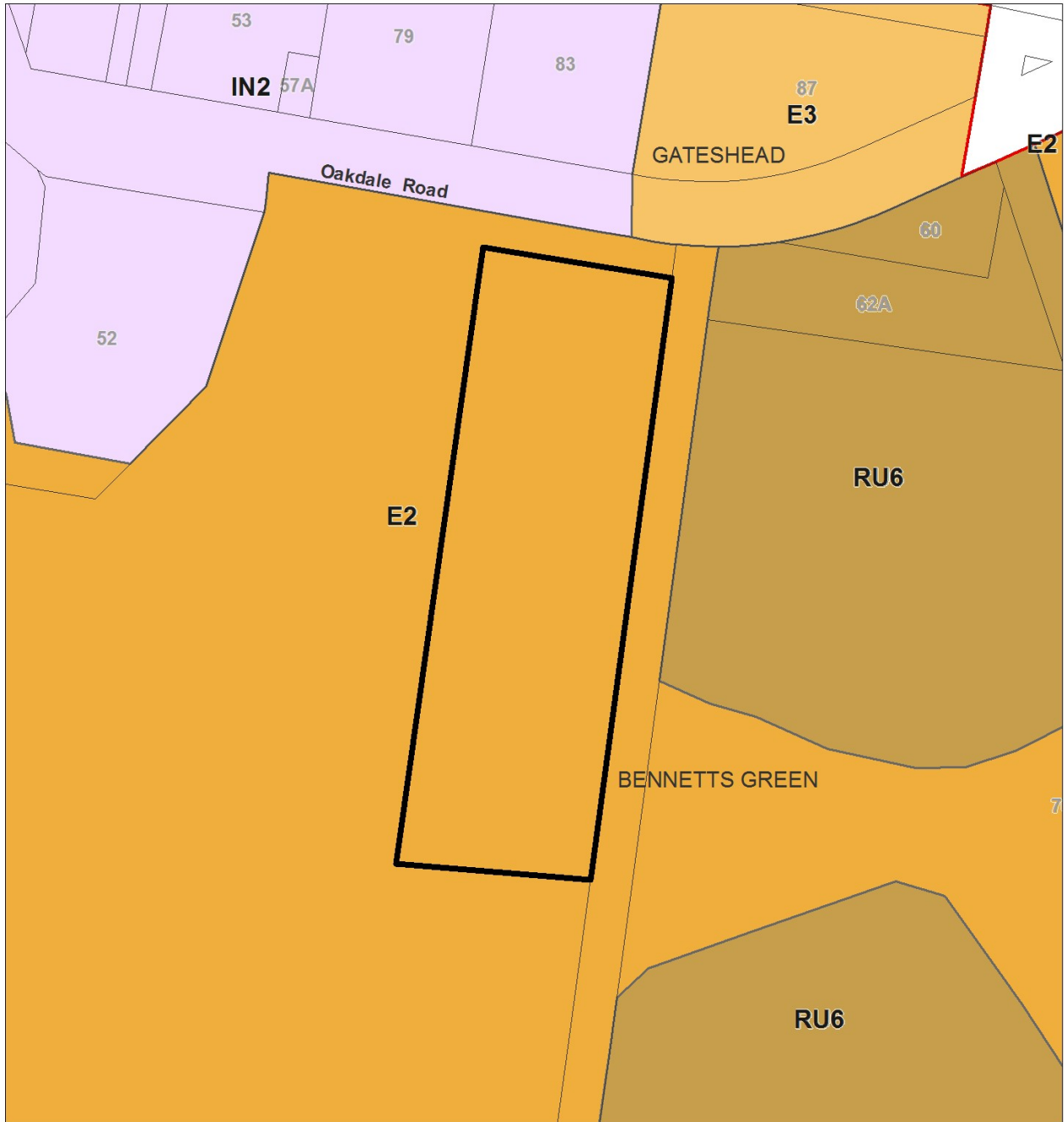


Figure 5: Item 1- Existing Land Zoning Map (LZN)

Item 2: LAND NEAR CARL CLOSE, CHARLESTOWN



Imagery © Sinclair Knight Merz 2014

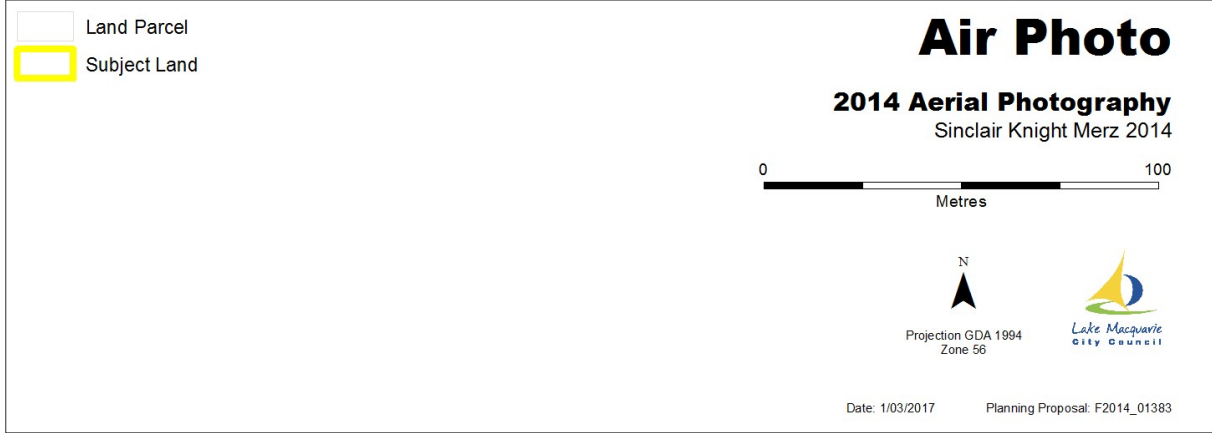


Figure 6: Item 2- Aerial Photograph of Subject Land

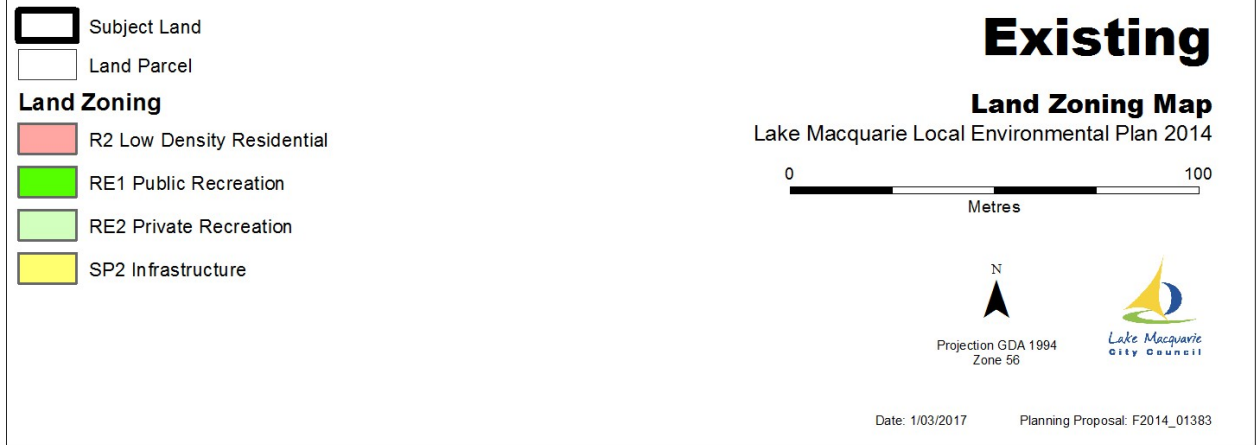
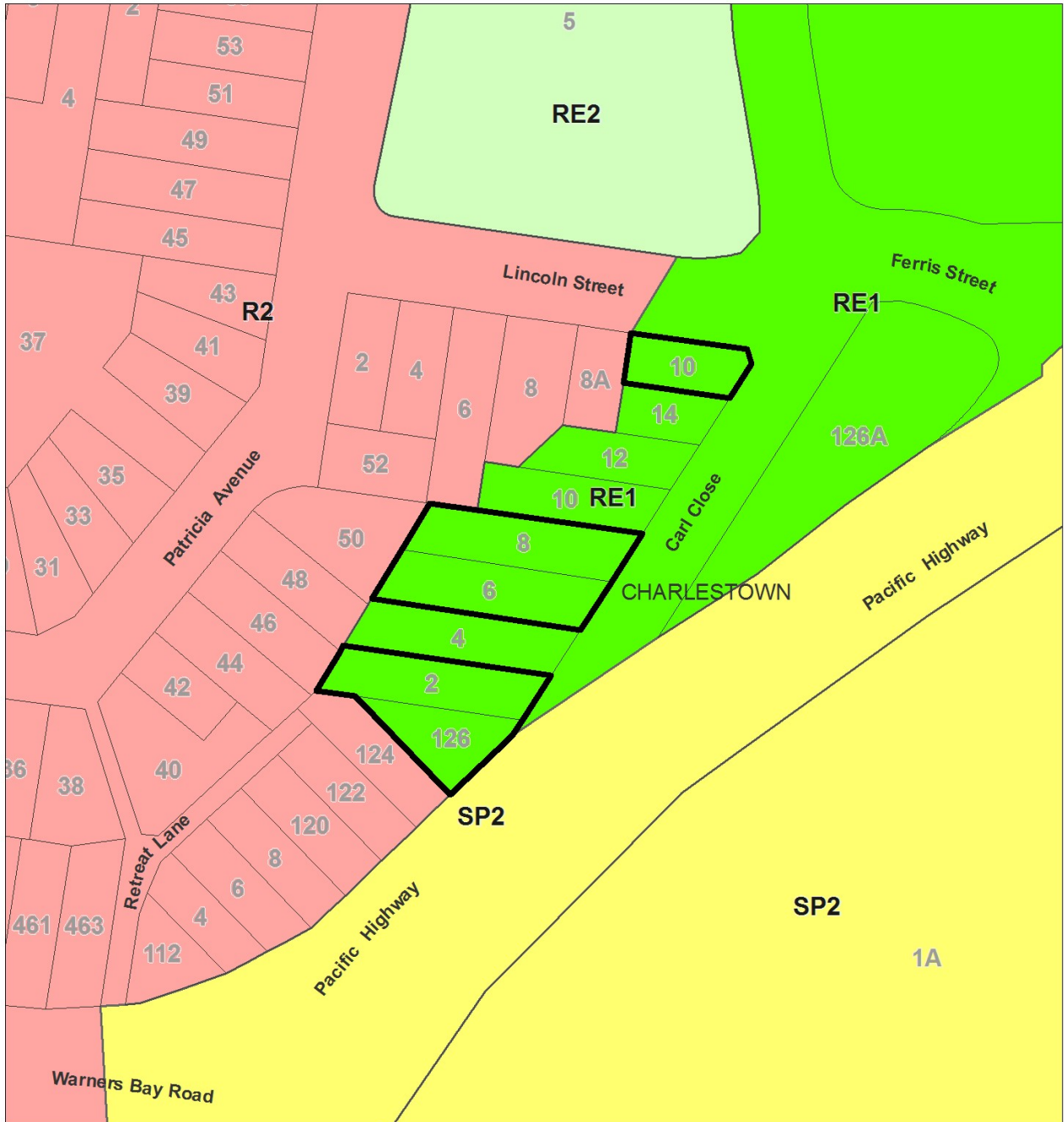


Figure 7: Item 2- Existing Land Reservation Acquisition Map (LRA)





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**



Imagery © Sinclair Knight Merz 2014

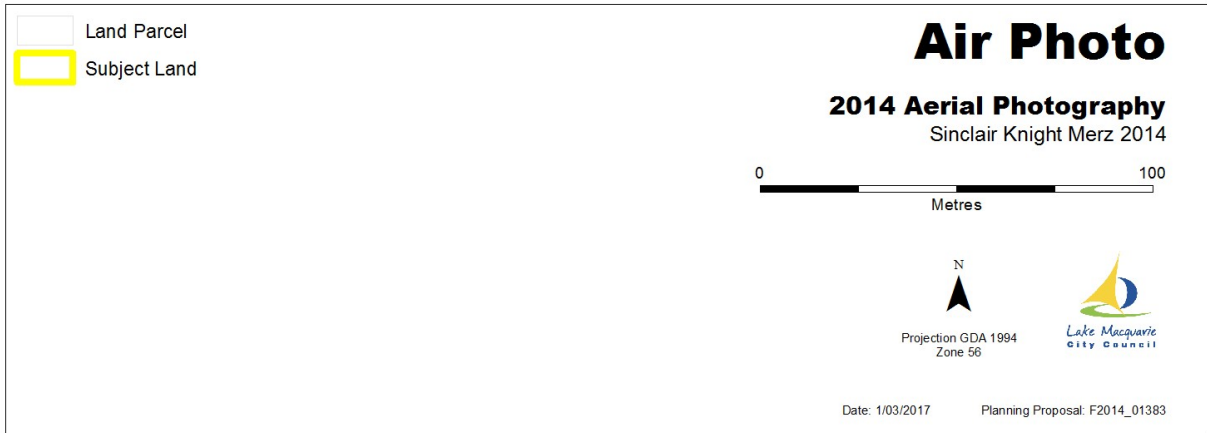


Figure 10: Item 3- Aerial Photograph of Subject Land

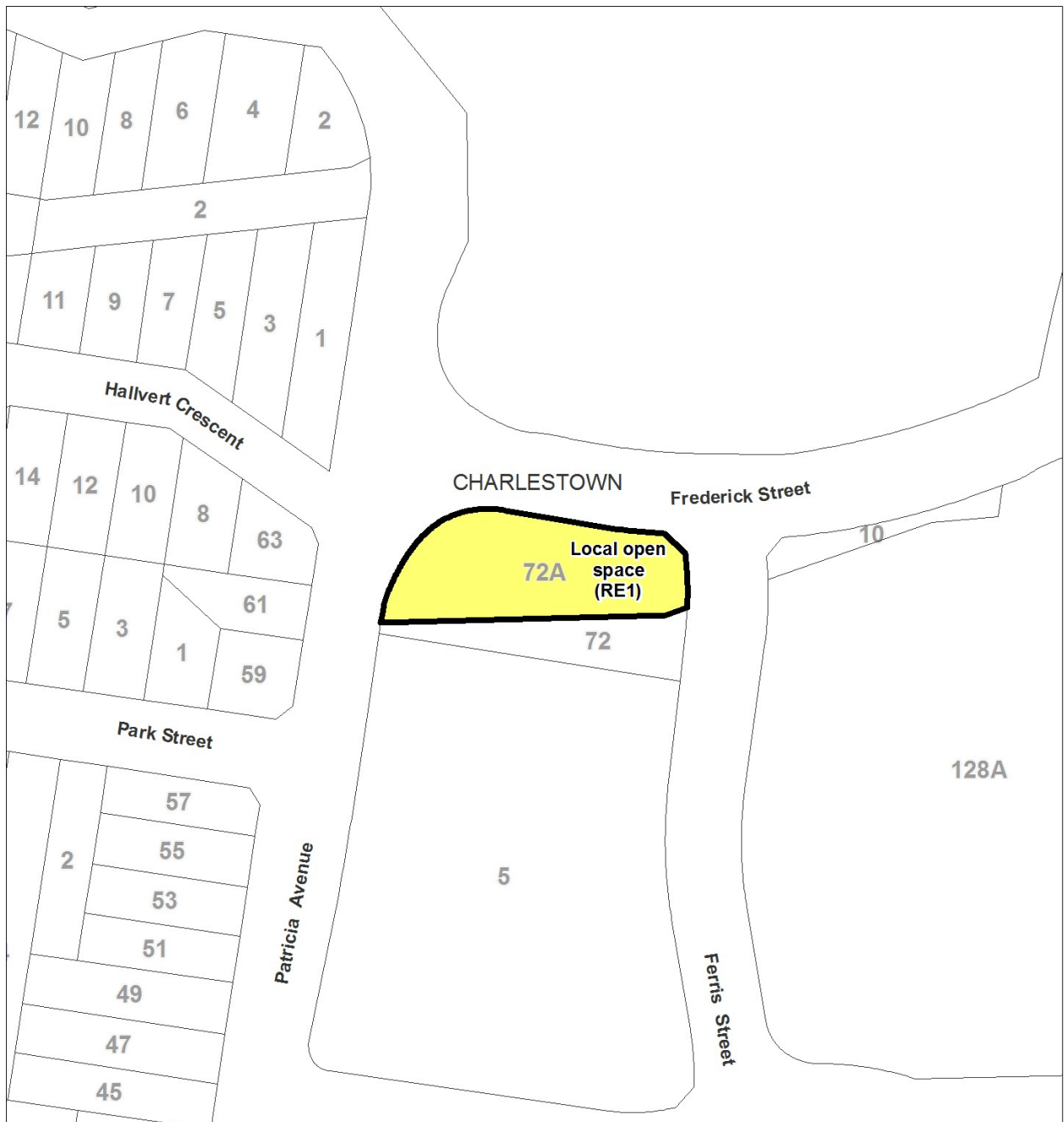


Figure 11: Item 3-Existing Land Reservation Acquisition Map (LRA)

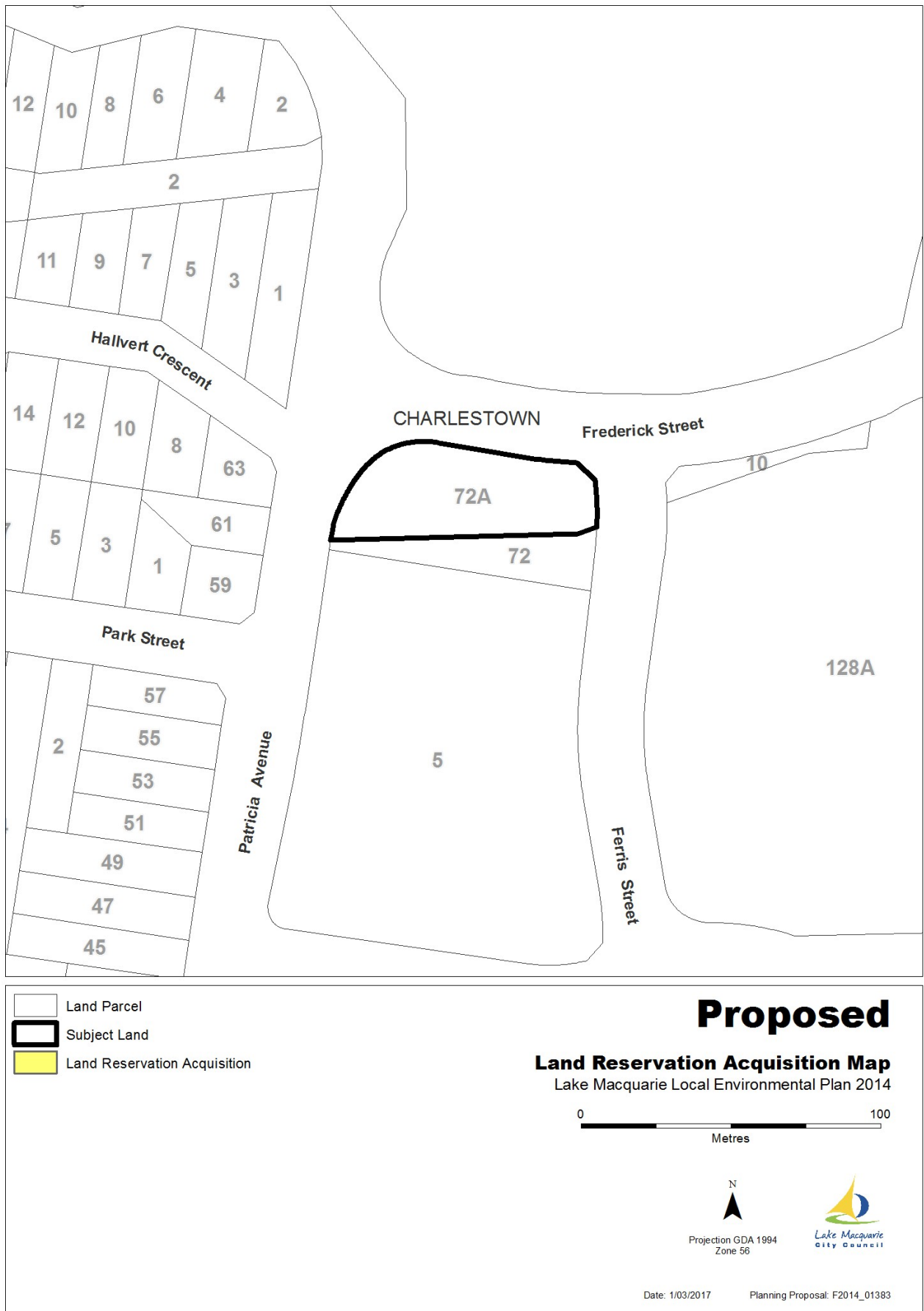
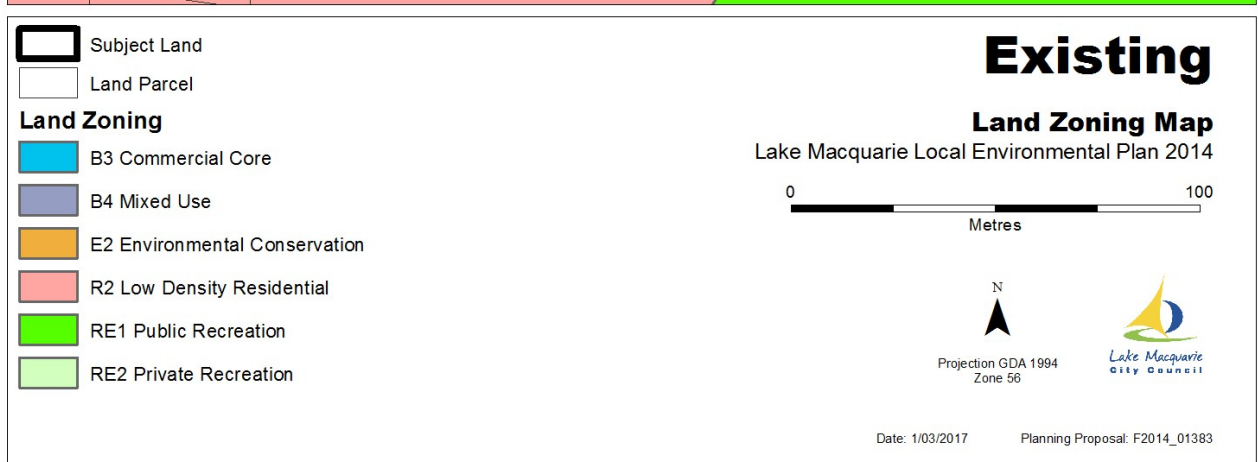
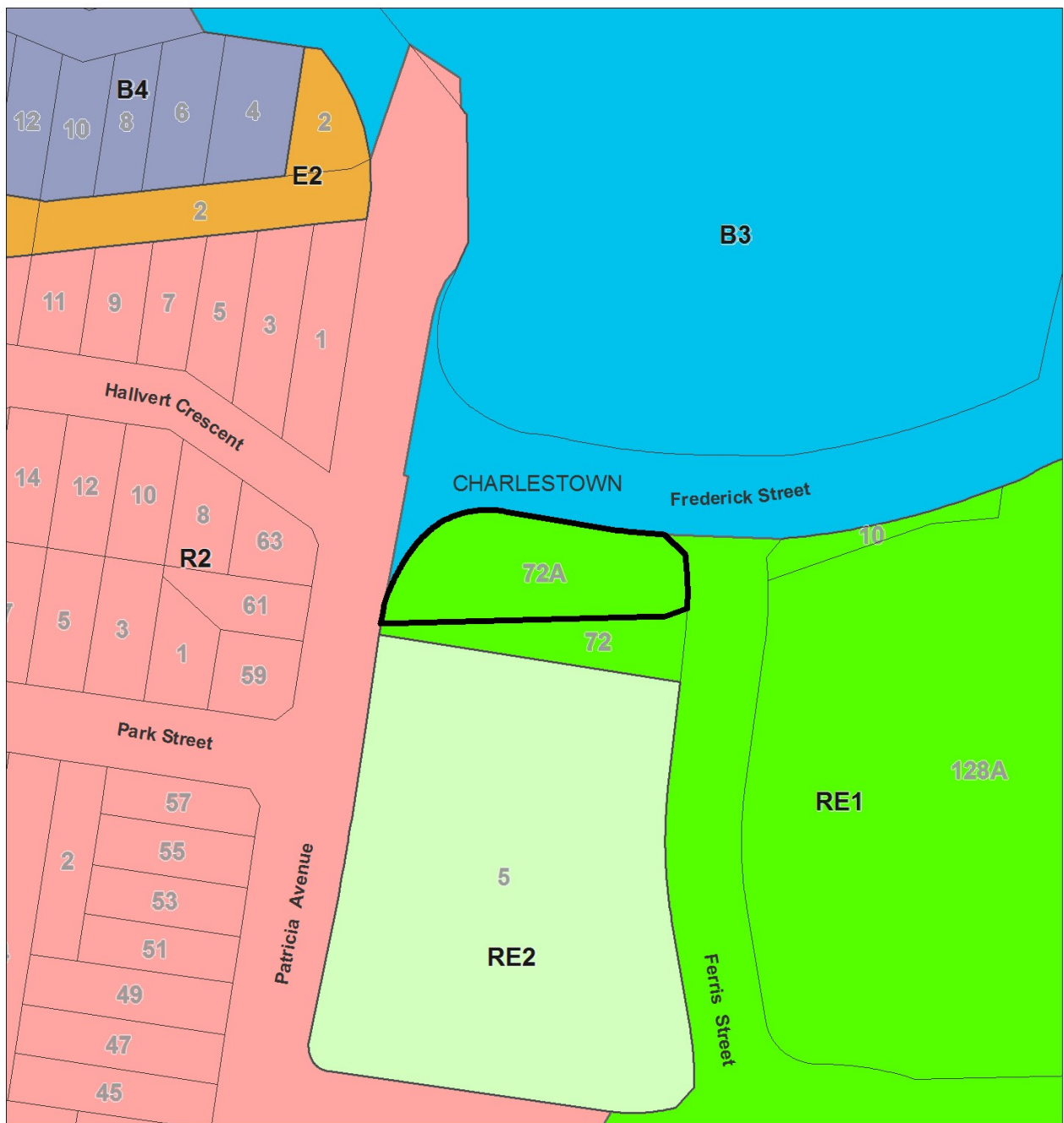
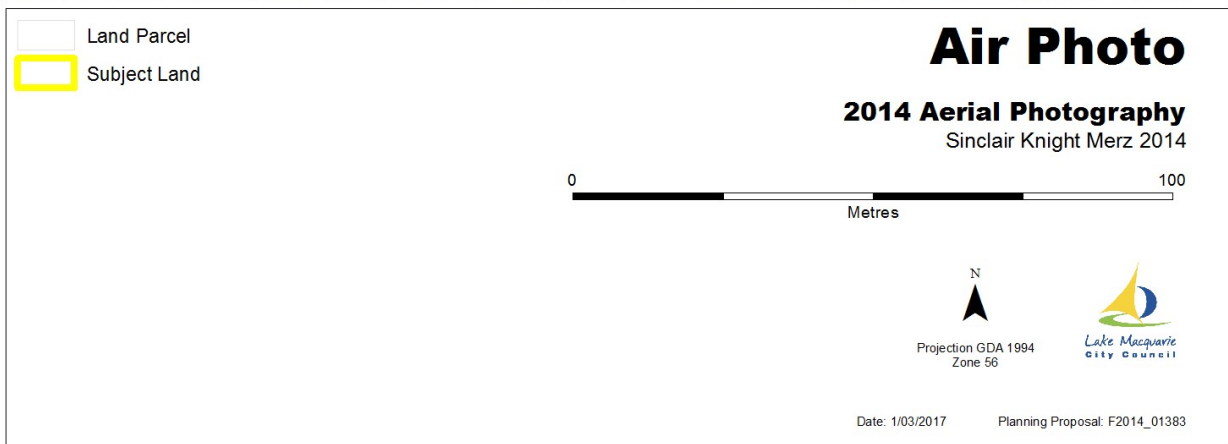
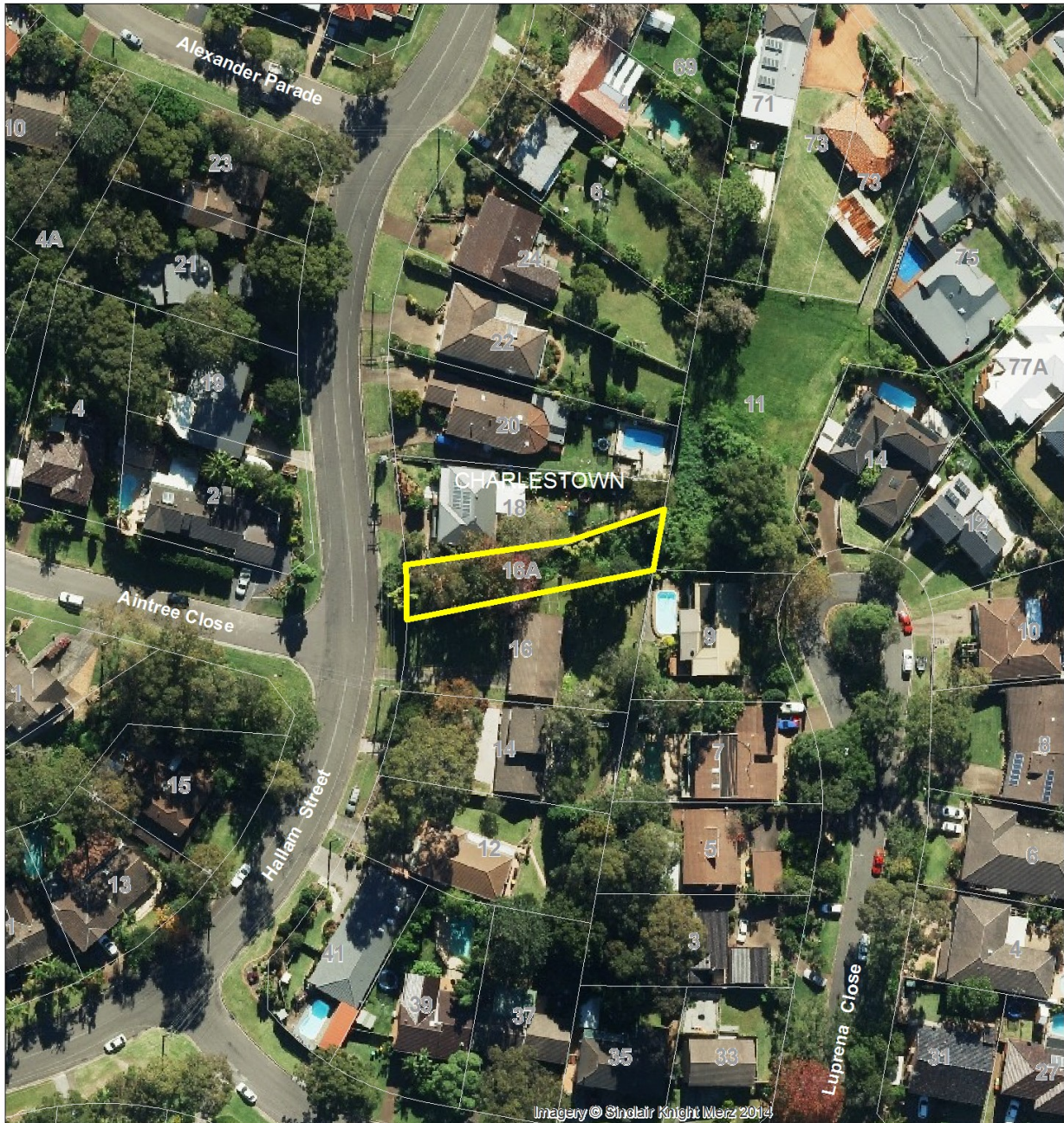


Figure 12: Item 3- Proposed Land Reservation Acquisition Map (LRA)



**Figure 13: Item 3- Existing Land Zoning Map (LZN)**  
**Item 4: 16A HALLAM STREET, CHARLESTOWN**



**Figure 14: Item 4- Aerial Photograph of subject land**

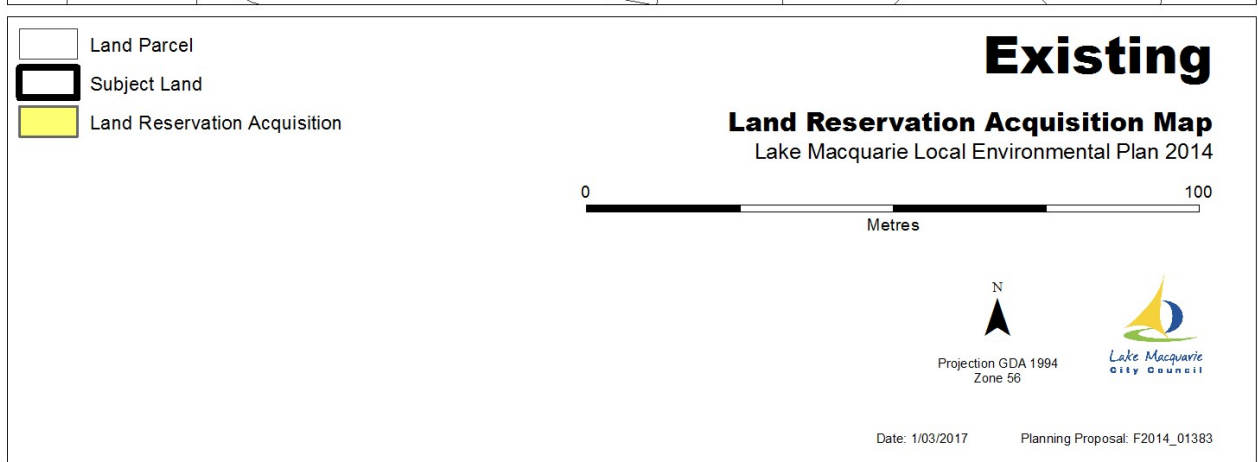
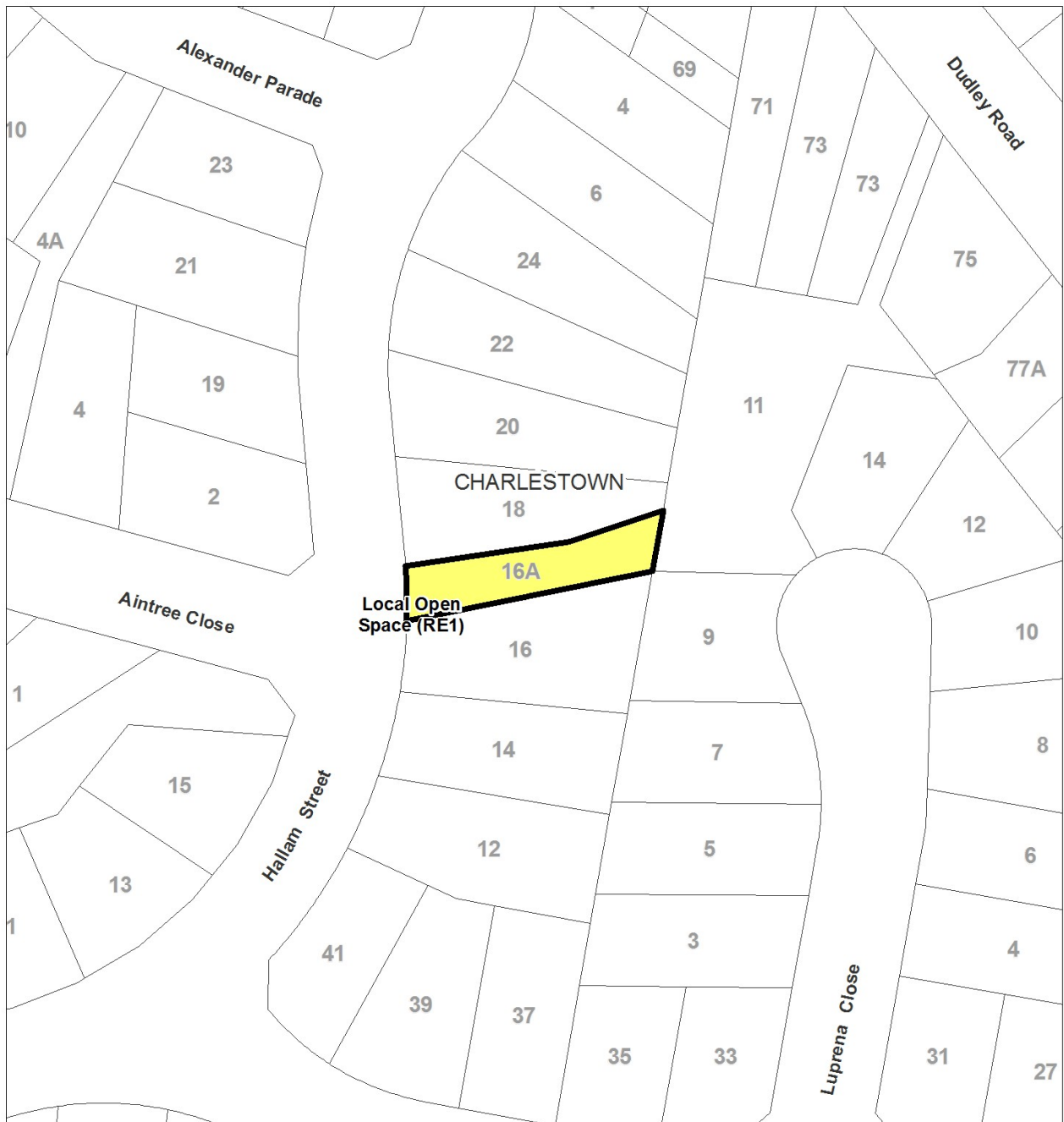


Figure 15: Item 4- Existing Land Reservation Acquisition Map (LRA)



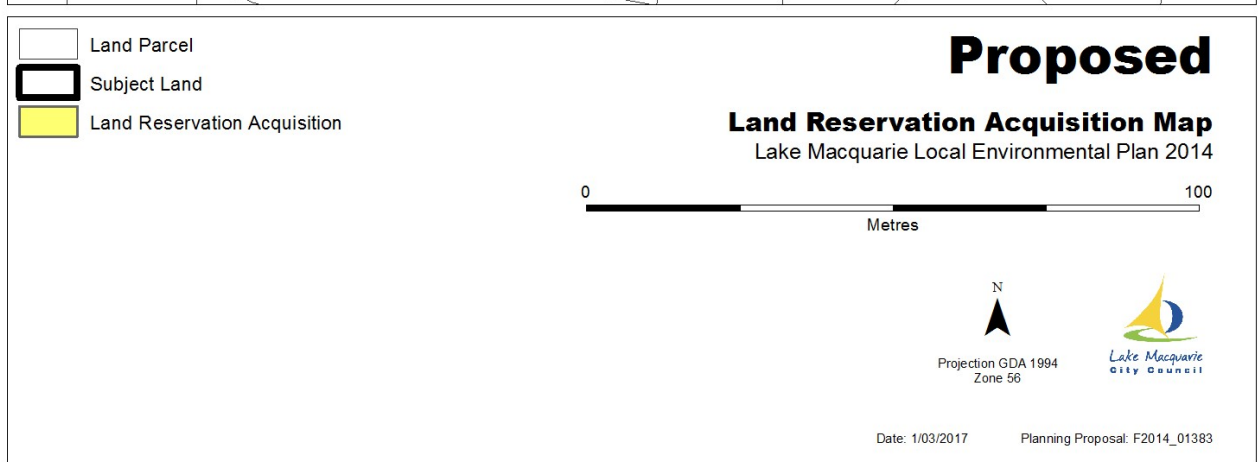
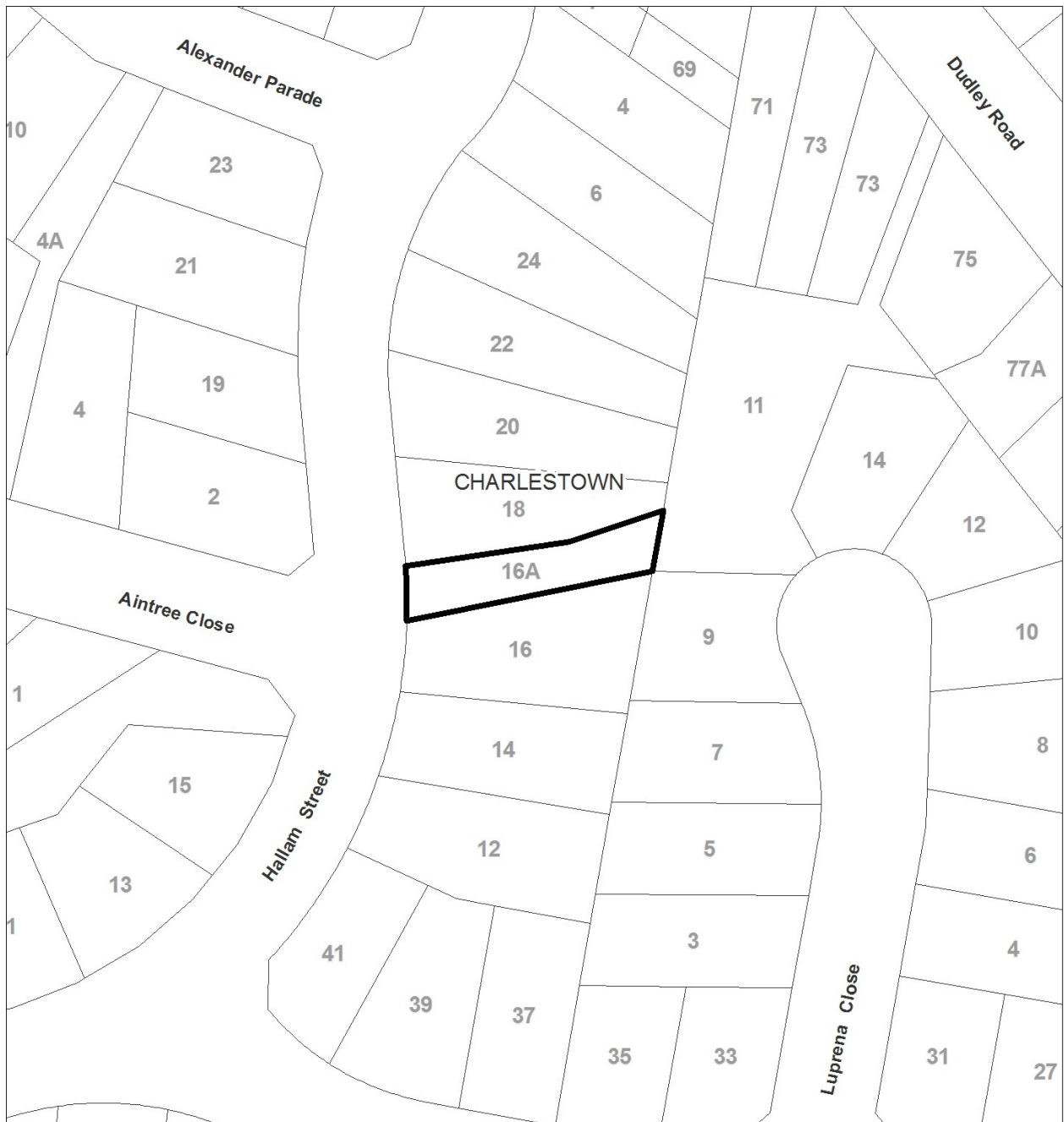


Figure 16: Item 4- Proposed Land Reservation Acquisition Map (LRA)

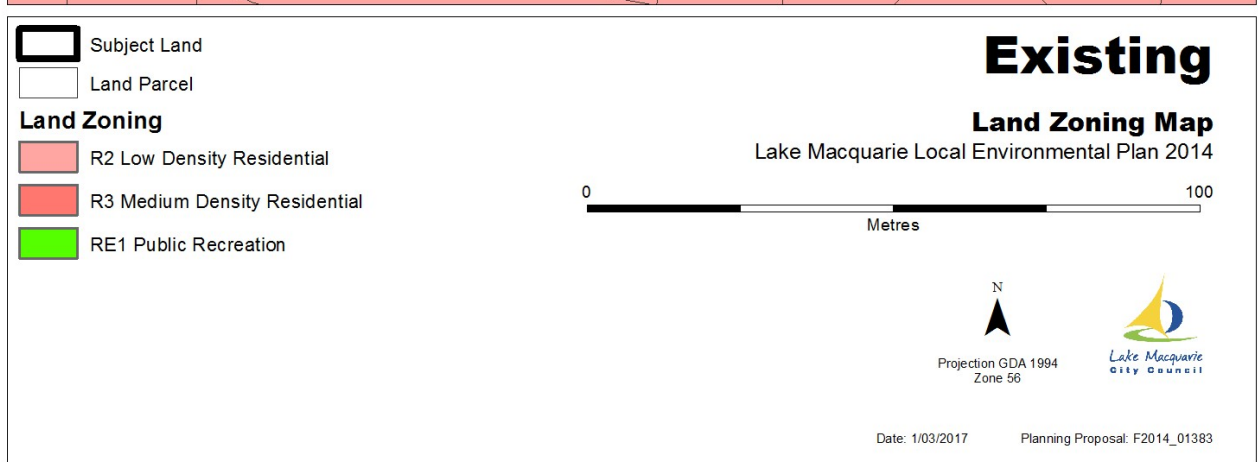
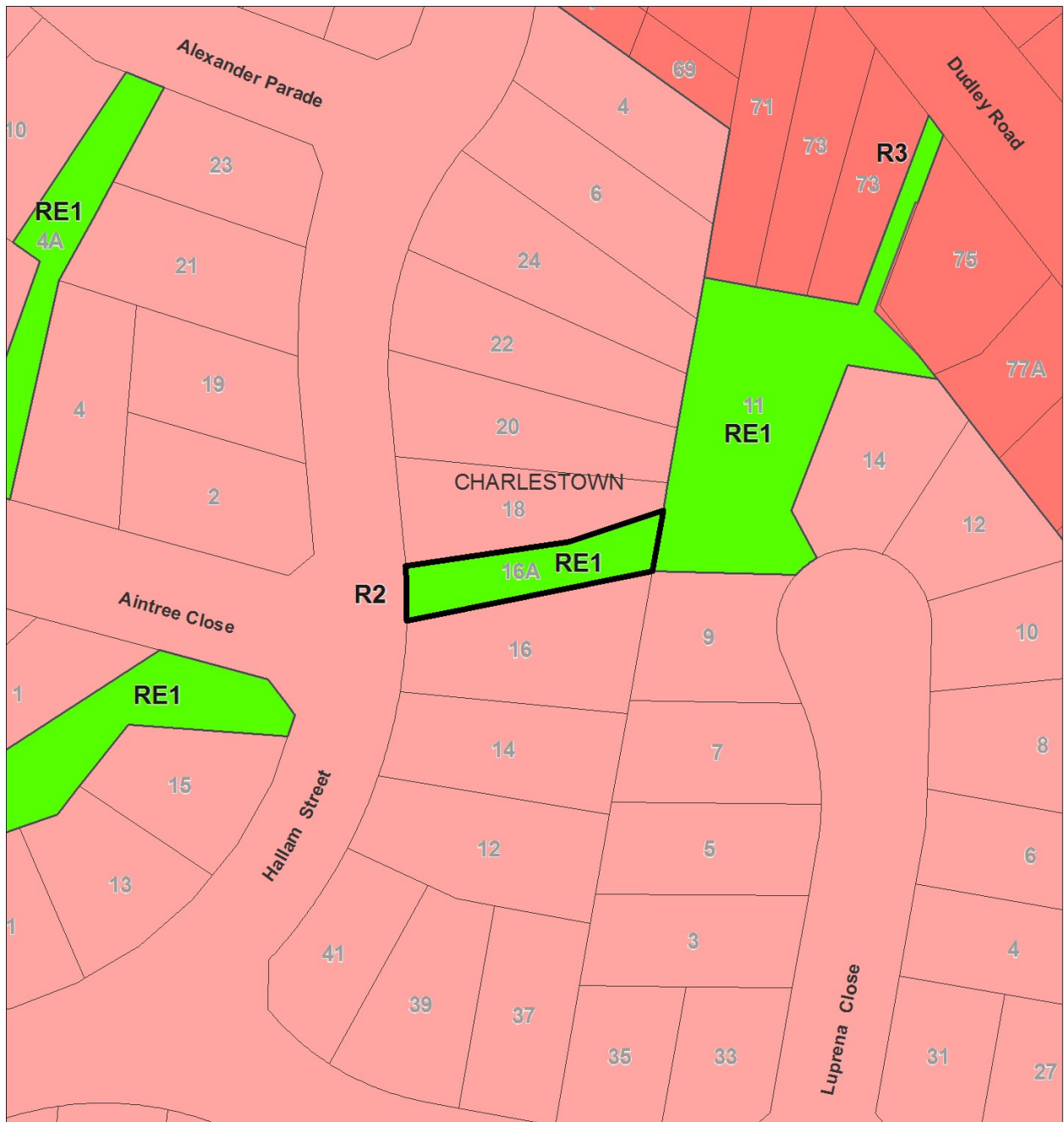
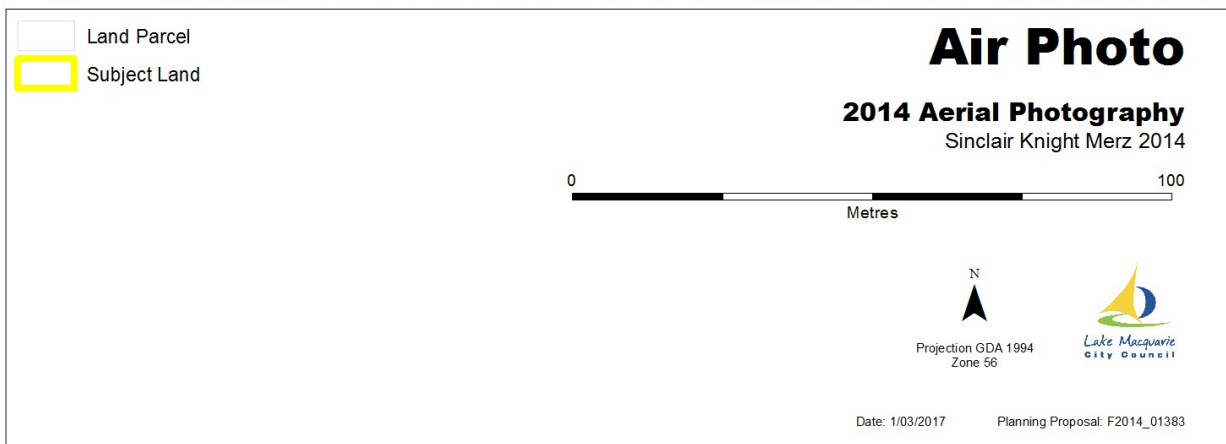


Figure 17: Item 4- Existing Land Zoning Map (LZN)

Item 5: 90 KULAI STREET, CHARLESTOWN



**Figure 18: Item 5- Aerial Photo of Subject Land**

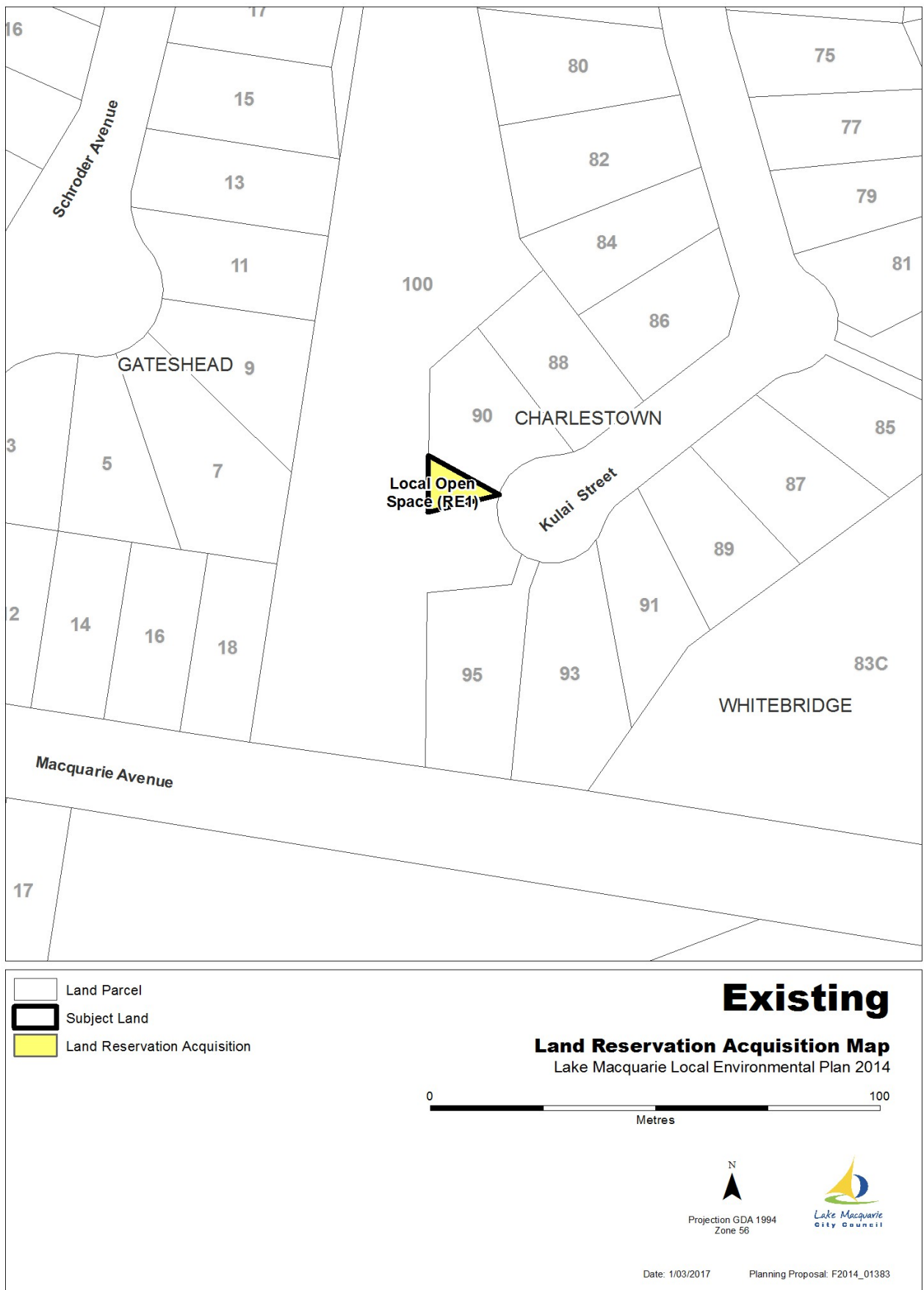
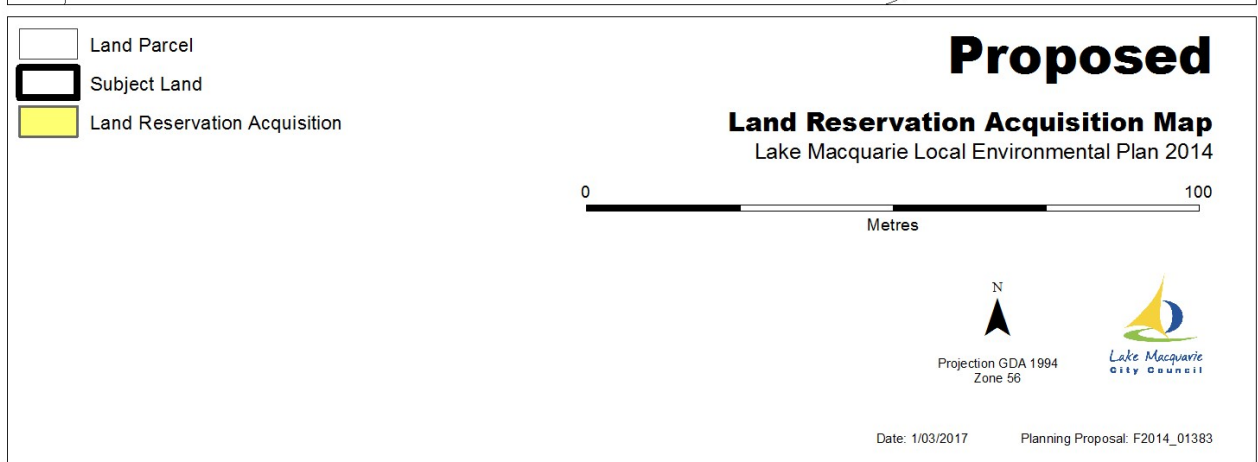
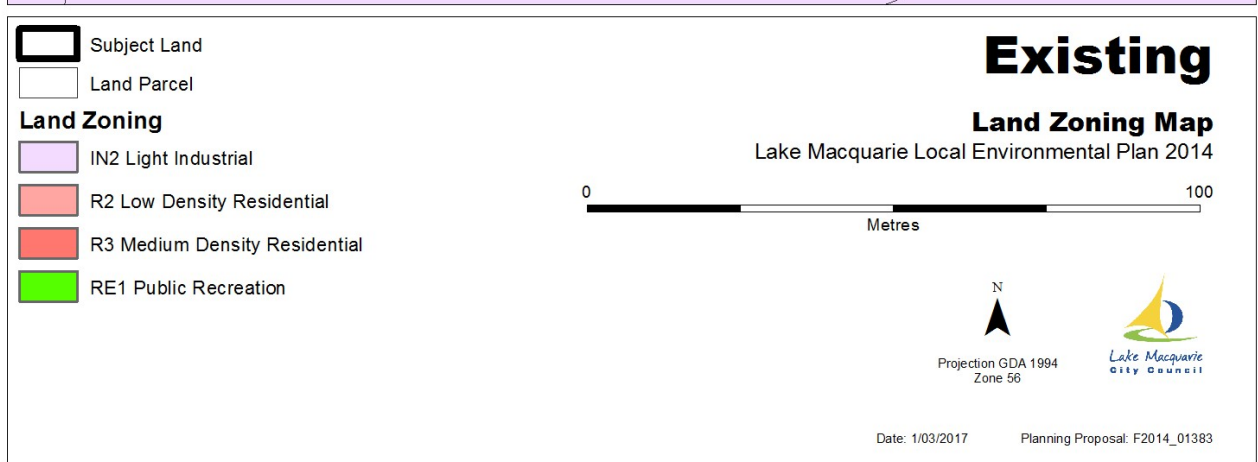
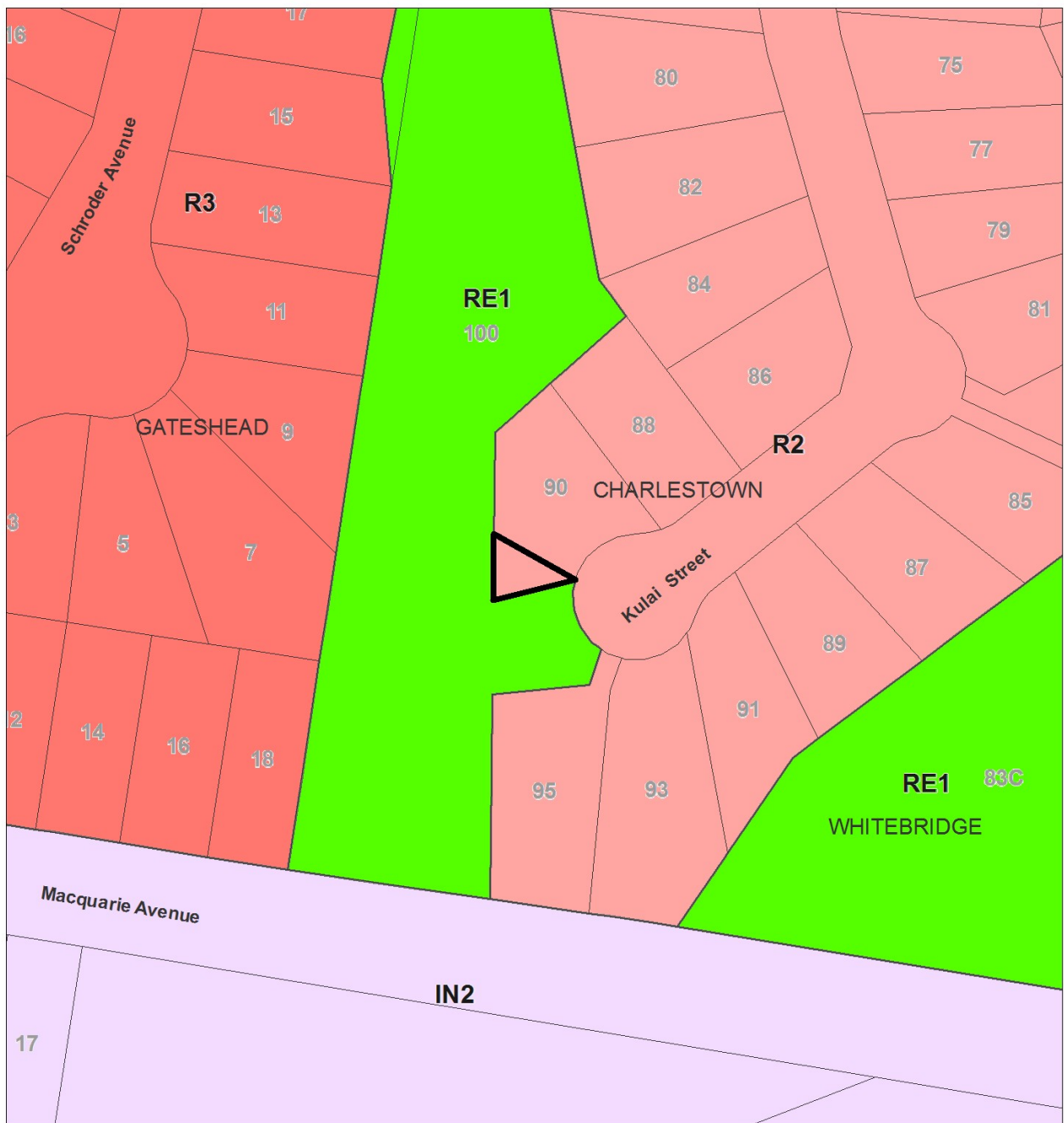


Figure 19: Item 5- Existing Land Reservation Acquisition Map (LRA)

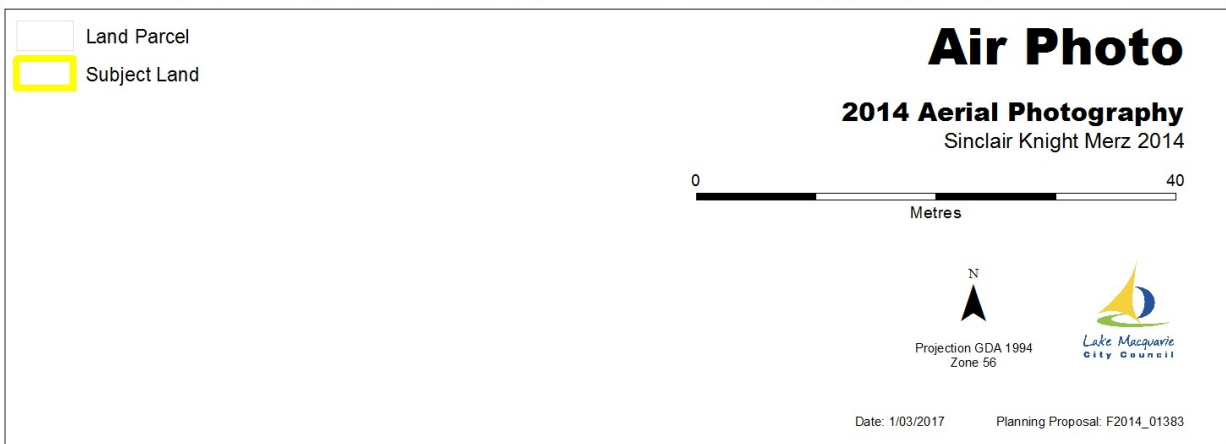


**Figure 20: Item 5- Proposed Land Reservation Acquisition Map (LRA)**



**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**

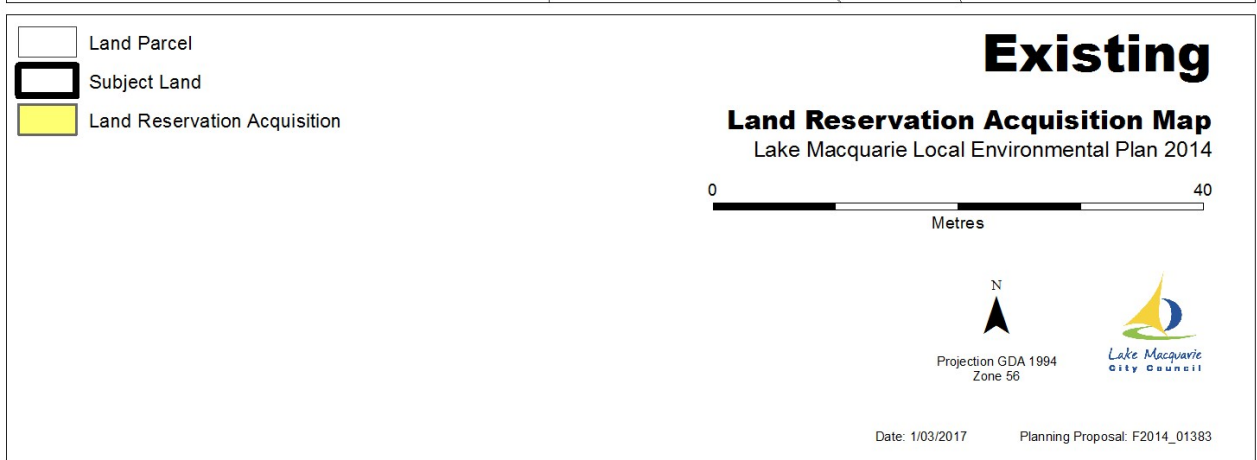
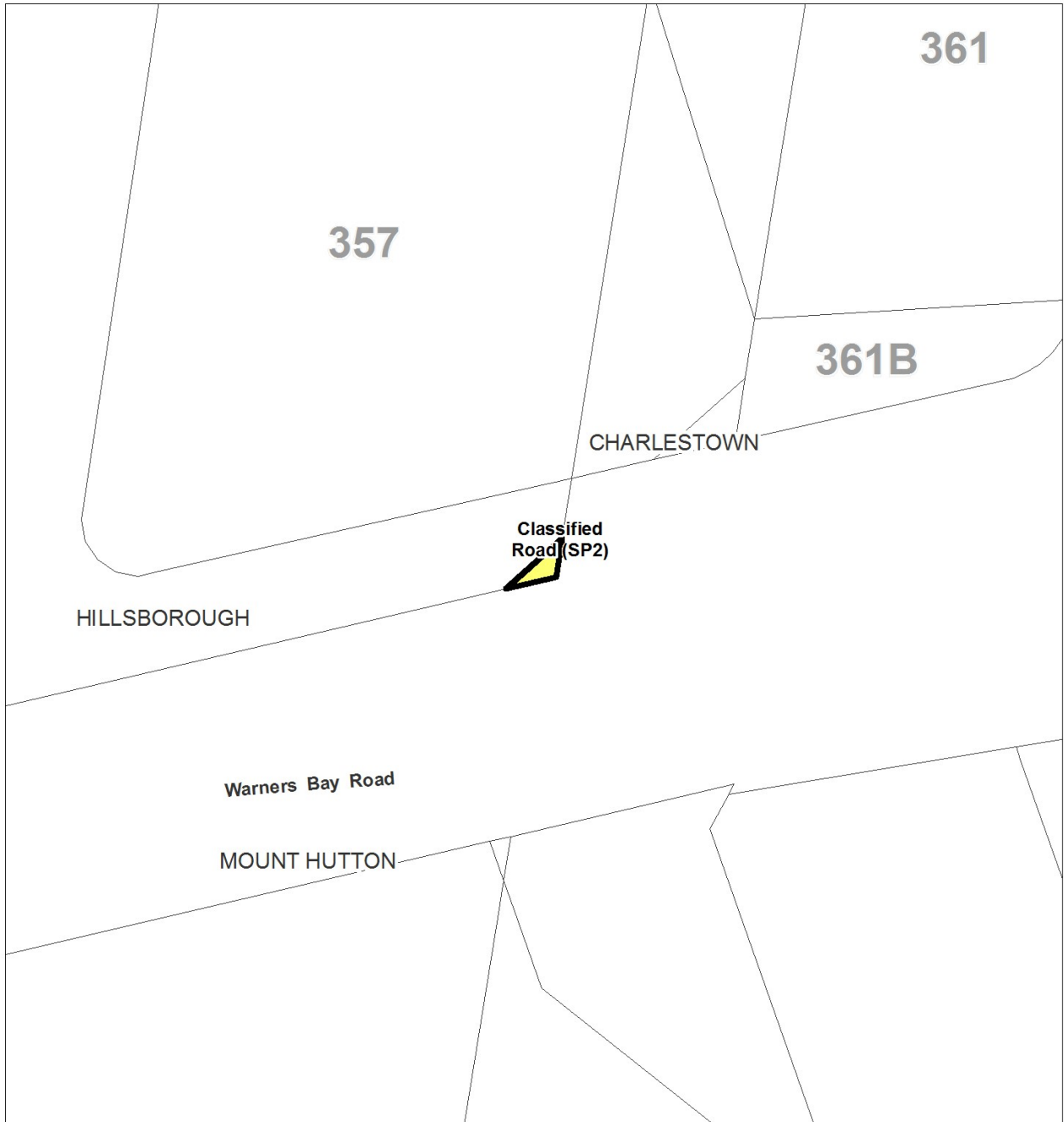


Figure 23: Item 6- Existing Land Reservation Acquisition Map (LRA)



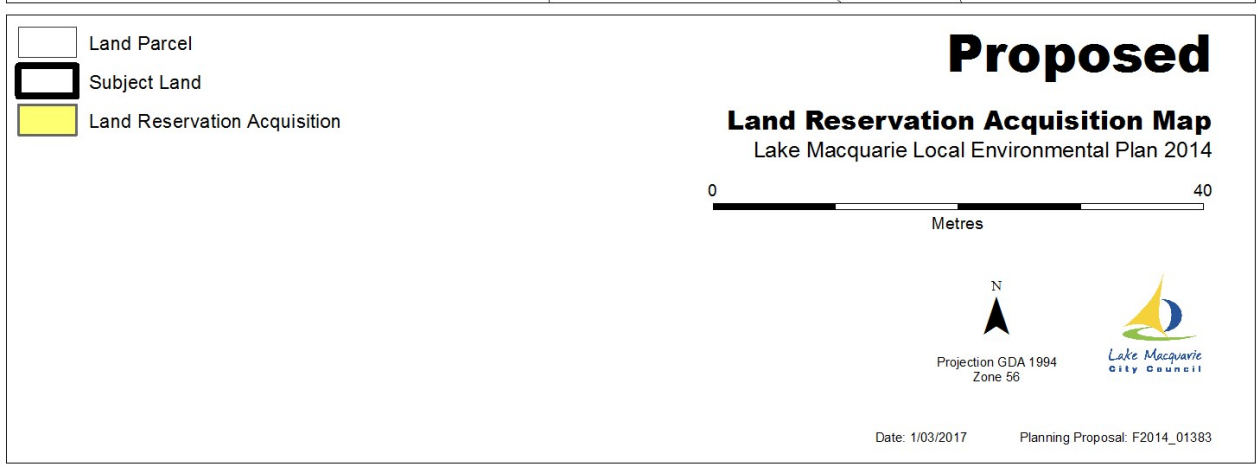
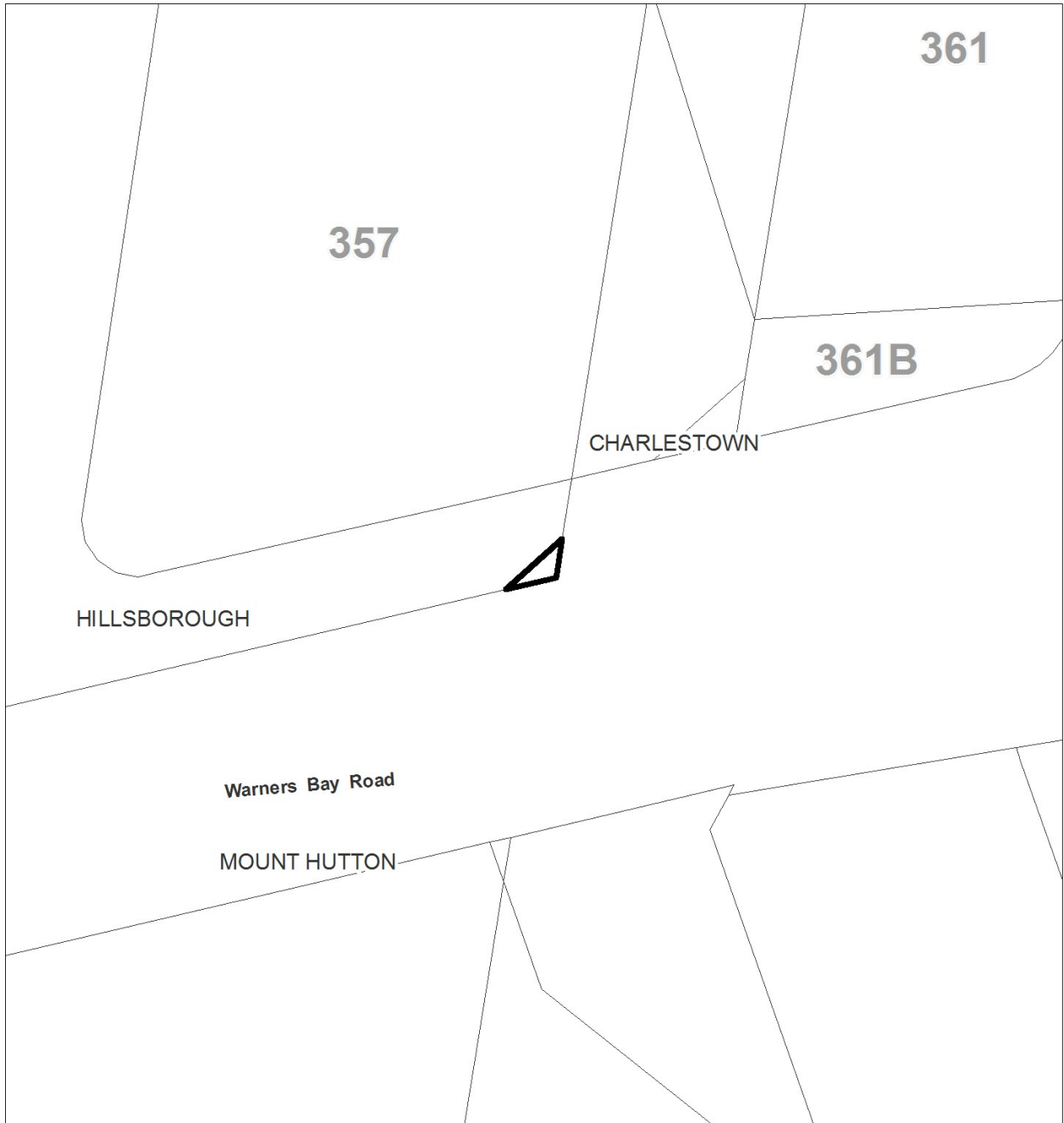


Figure 24: Item 6- Proposed Land Reservation Acquisition Map (LRA)

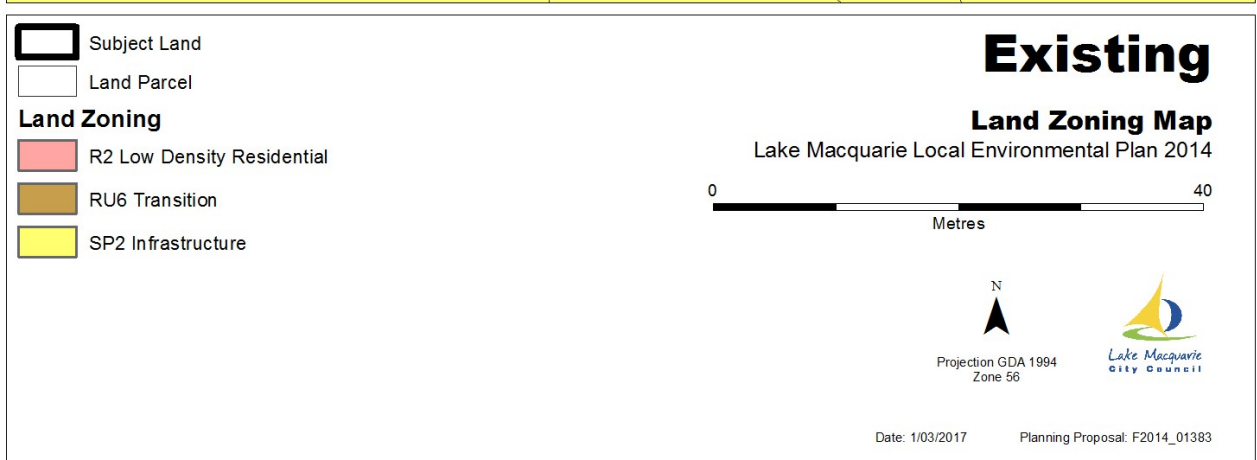
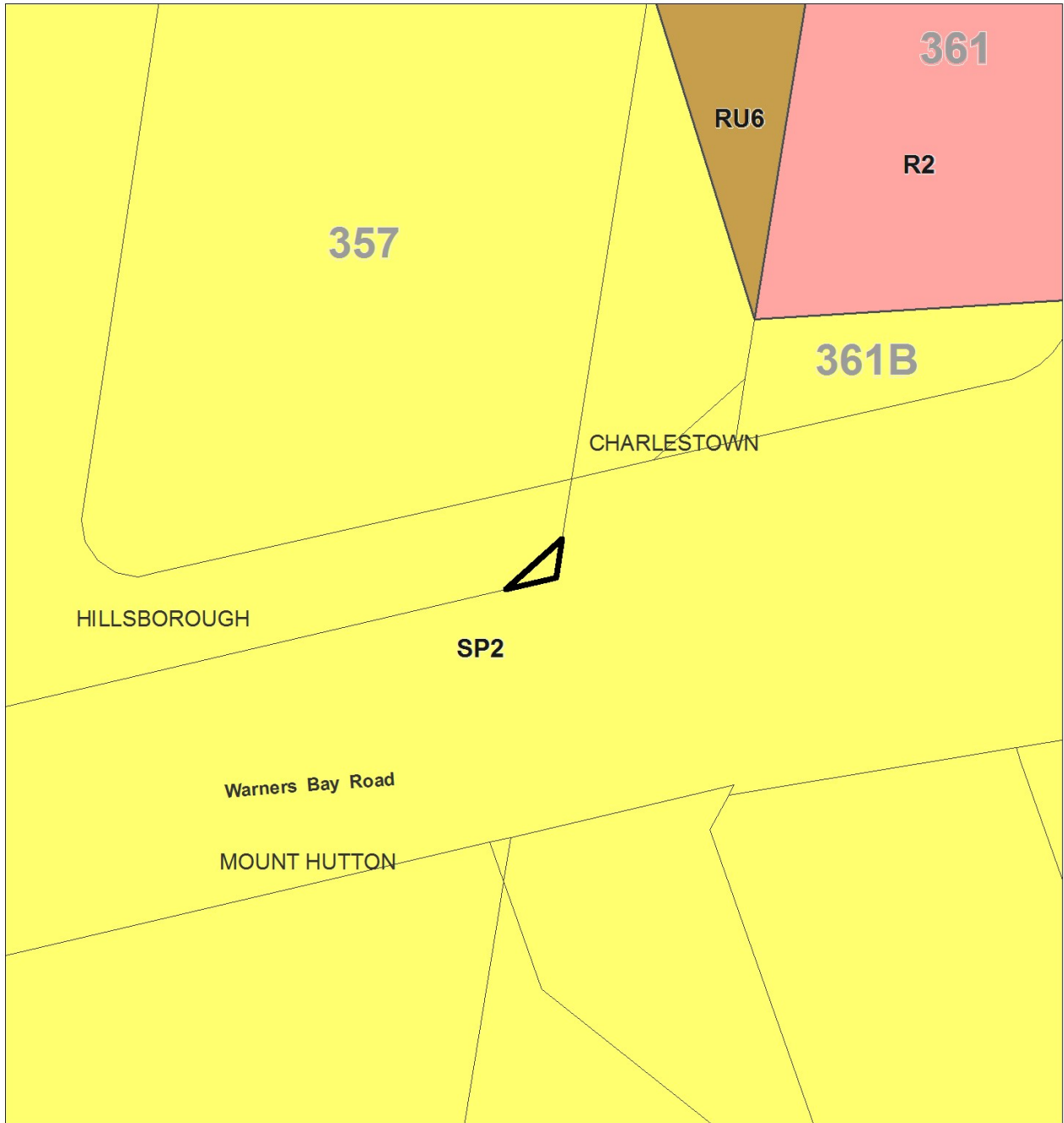
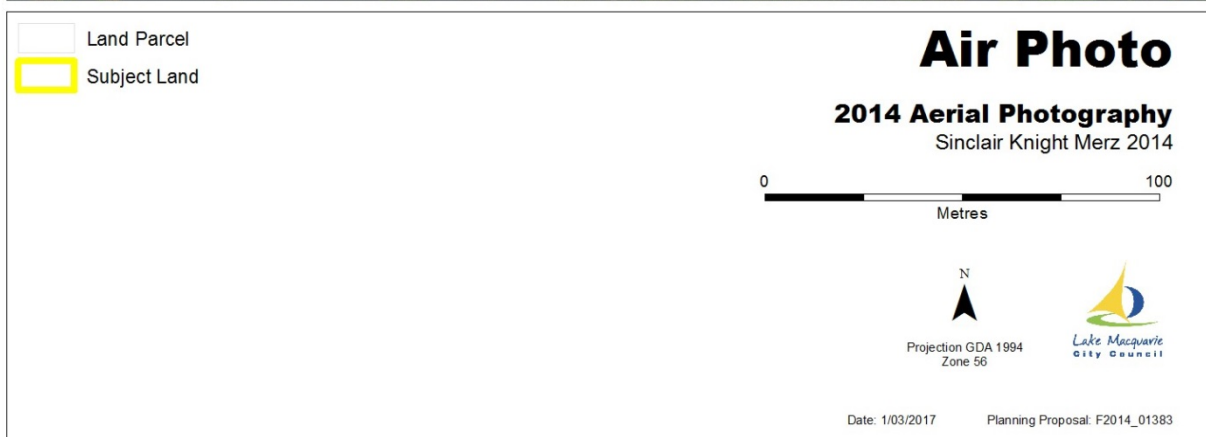


Figure 25: Item 6- Existing Land Zoning Map (LZN)

Item 7: 62B OAKDALE ROAD, GATESHEAD



**Figure 26: Item 7- Aerial Photograph of Subject Land**

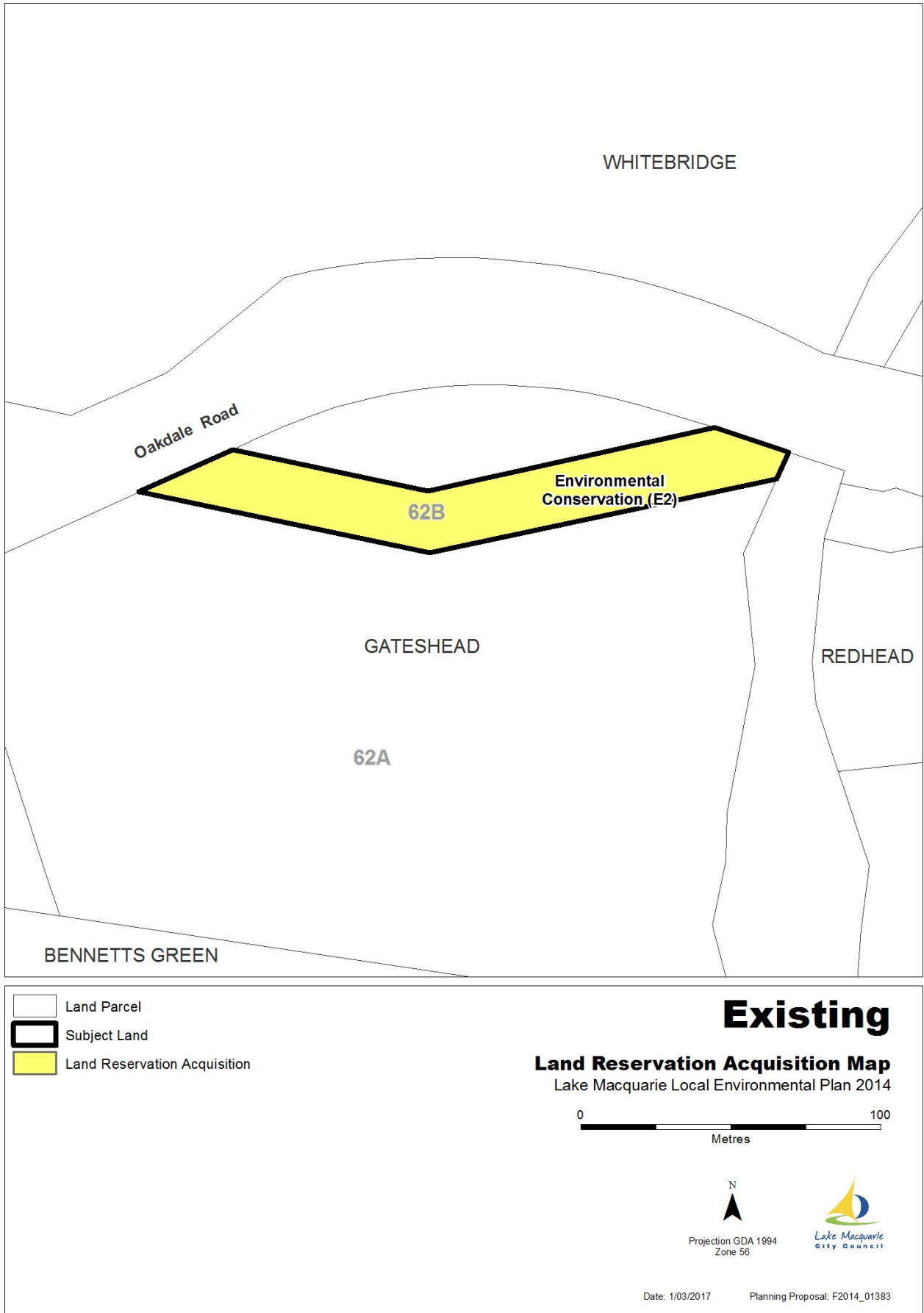


Figure 27: Item 7- Existing Land Reservation Acquisition Map (LRA)

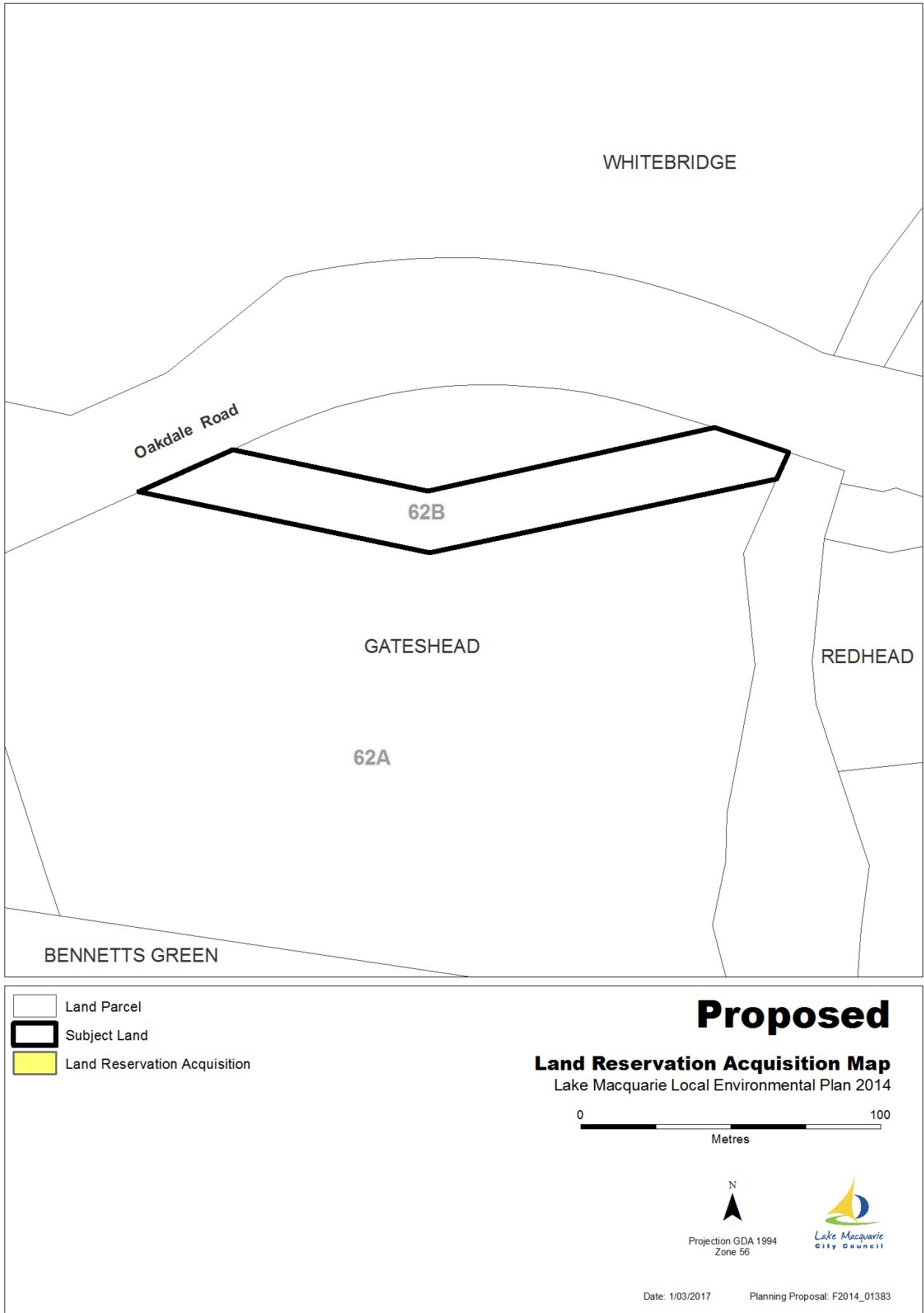


Figure 28: Item 7- Proposed Land Reservation Acquisition Map (LRA)

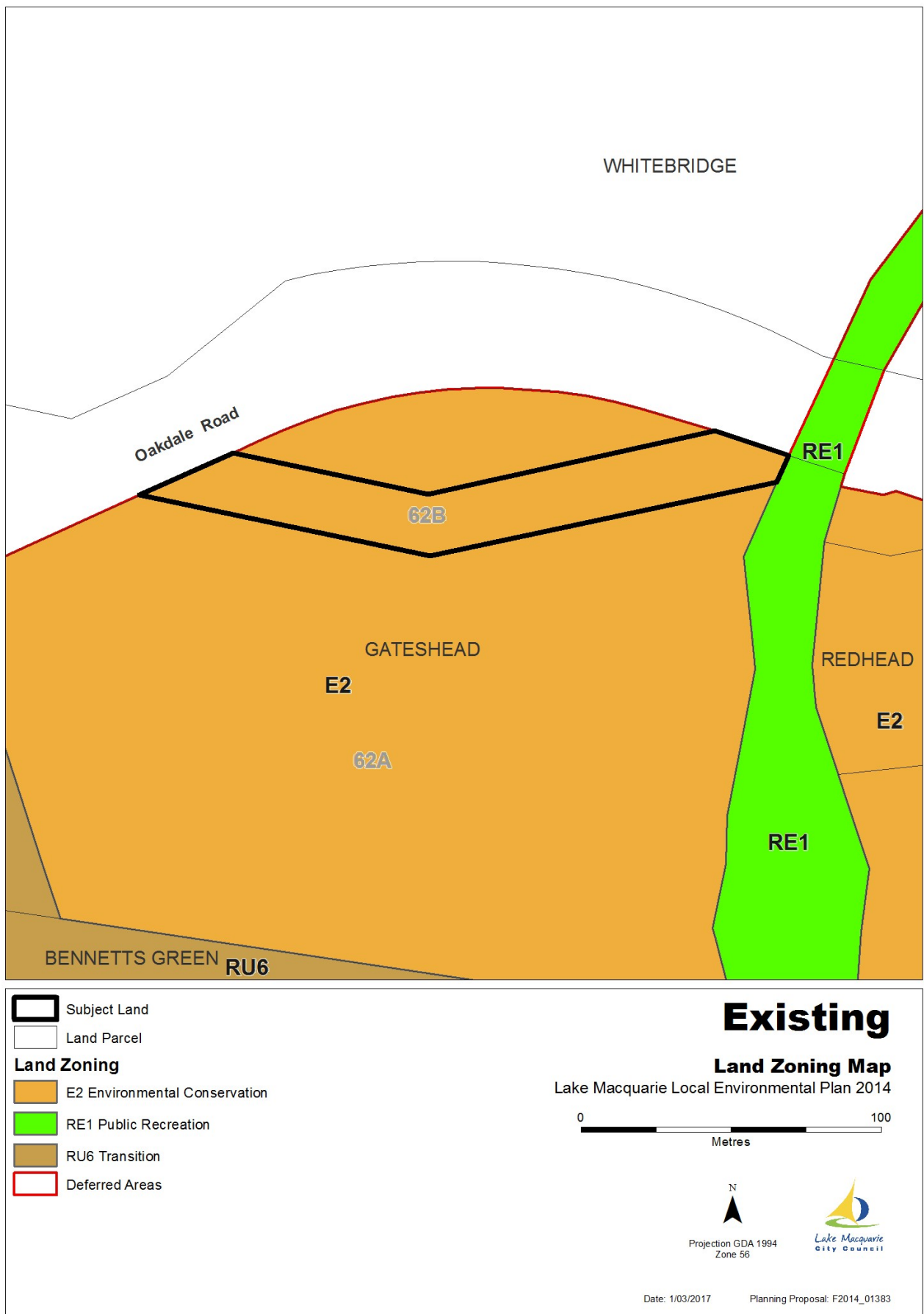
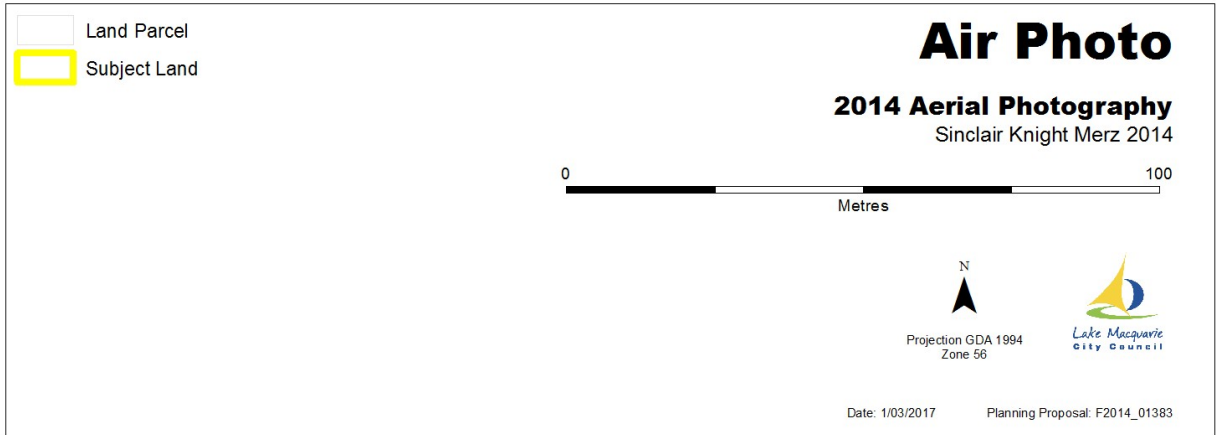


Figure 29: Item 7- Existing Land Zoning Map (LZN)

Item 8: 68A HILLSBOROUGH ROAD, HILLSBOROUGH



**Figure 30: Item 8- Aerial Photograph of Subject Land**

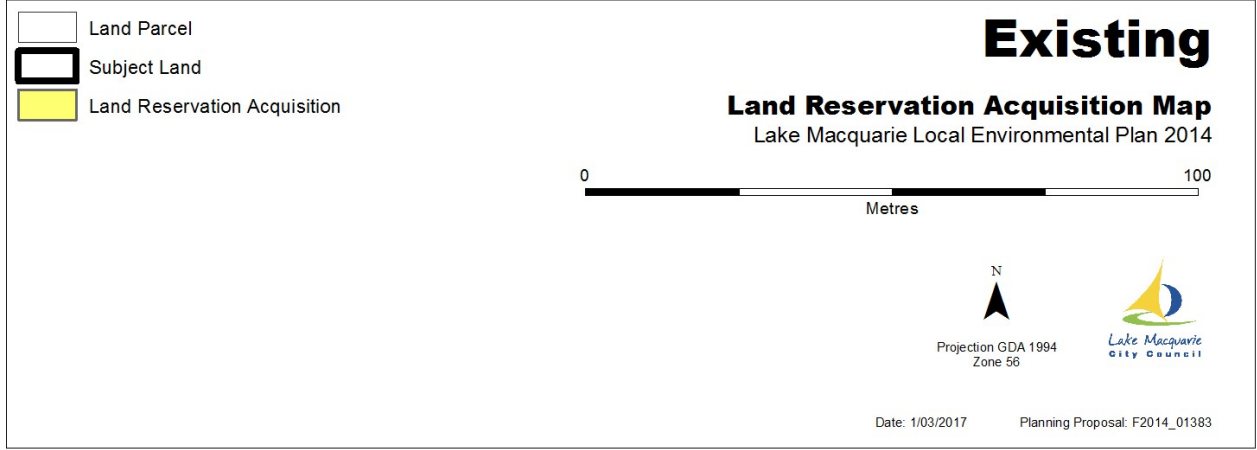
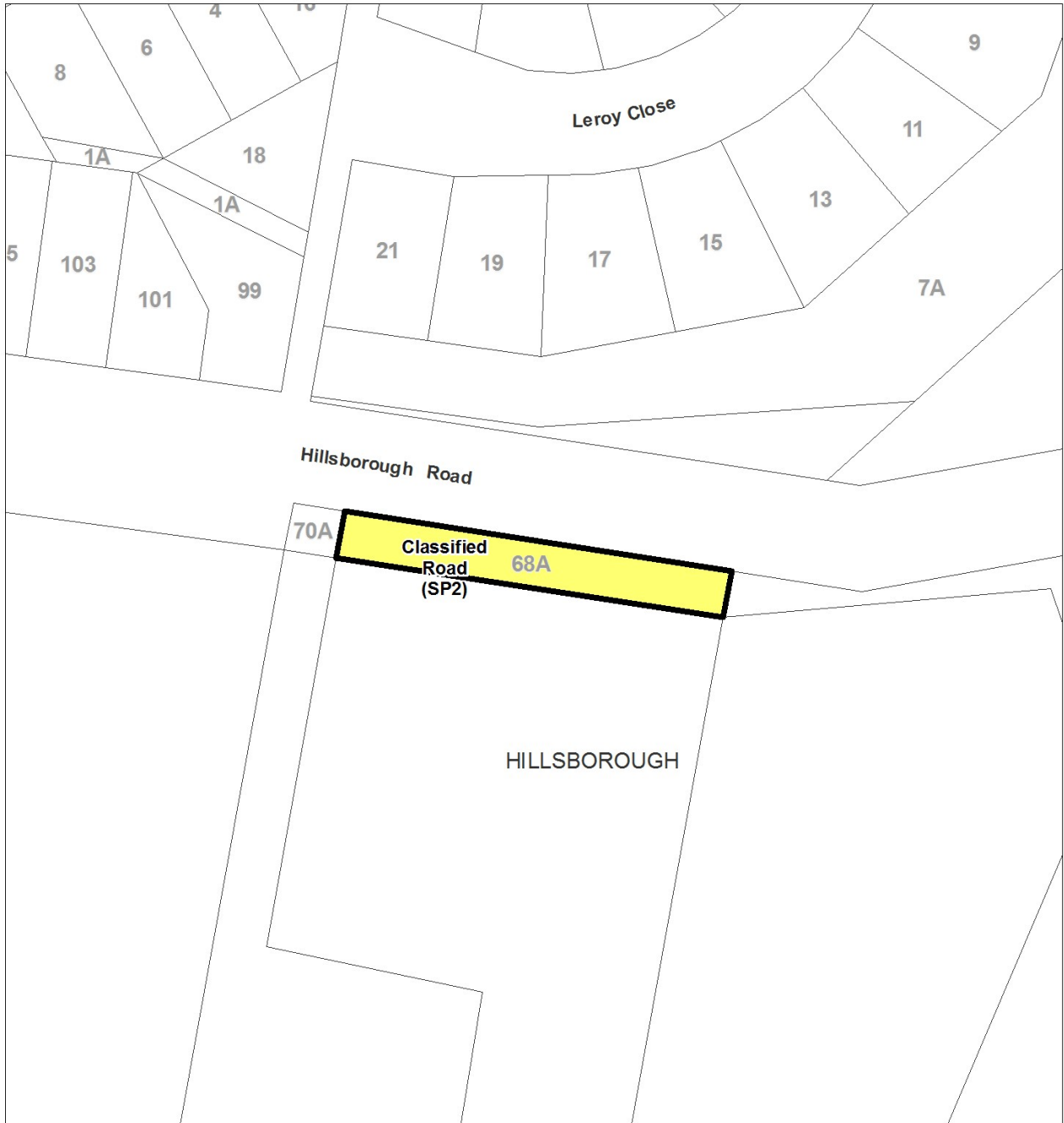


Figure 31: Item 8- Existing Land Reservation Acquisition Map (LRA)



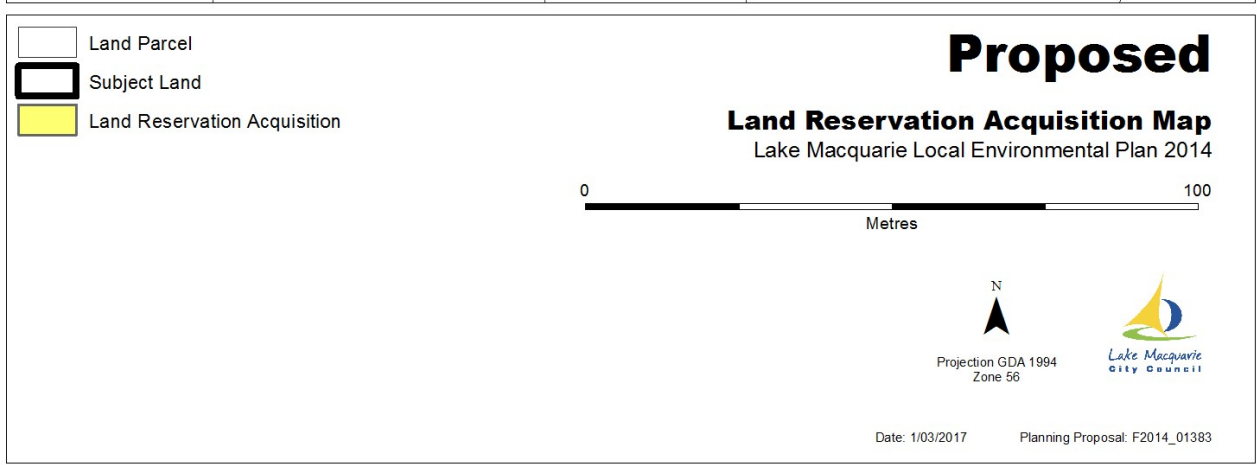
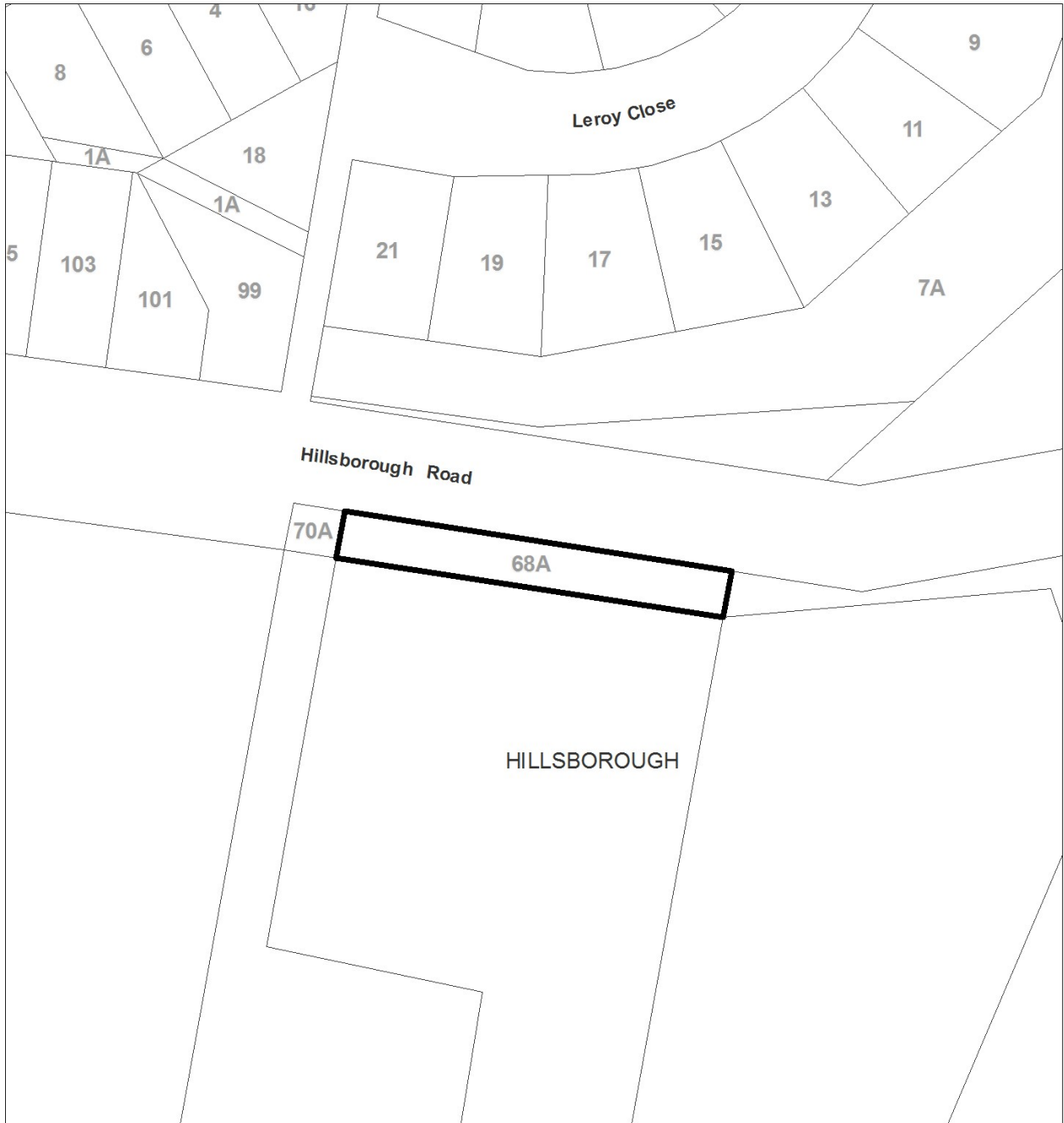


Figure 32: Item 8- Proposed Land Reservation Acquisition Map (LRA)

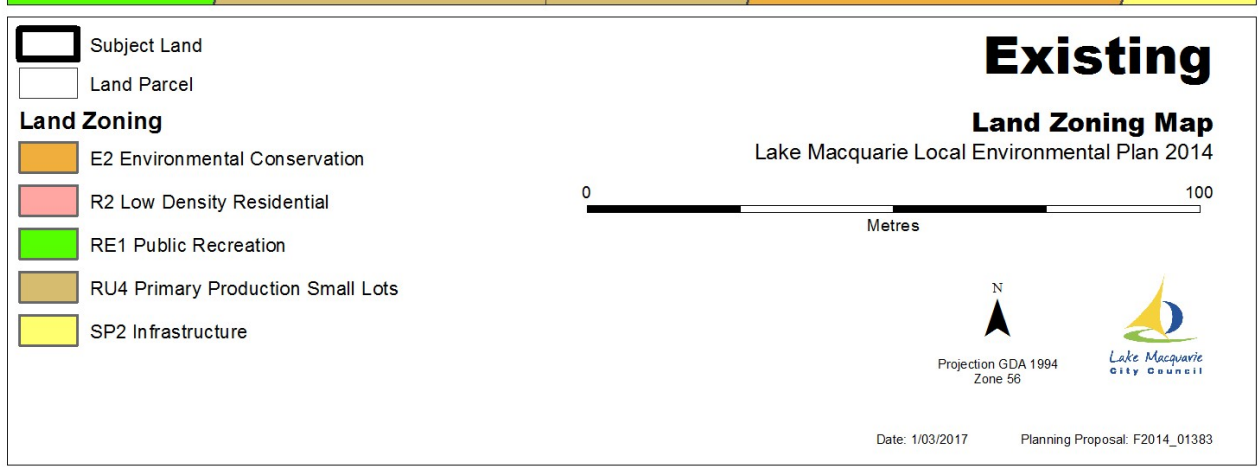
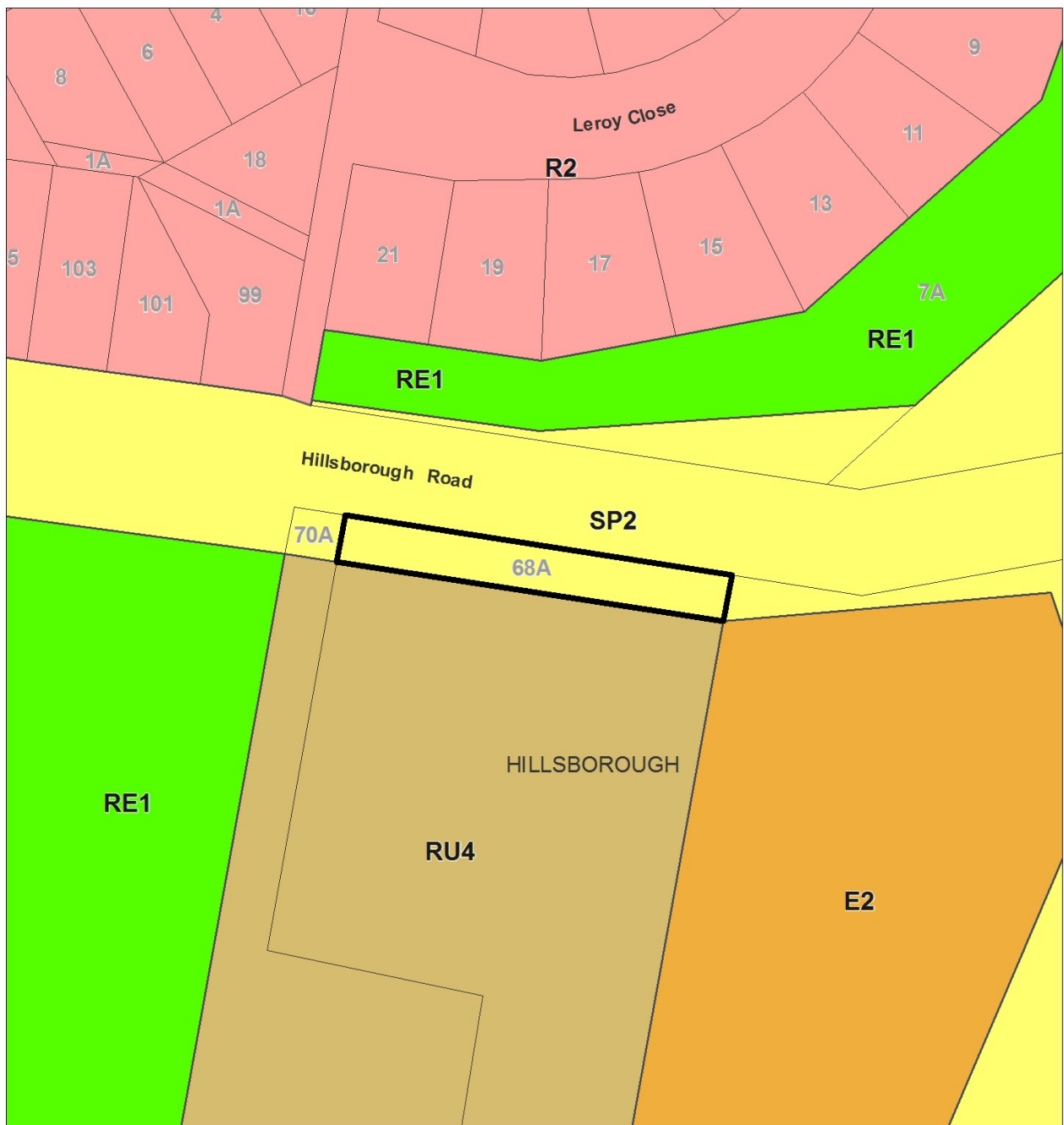


Figure 33: Item 8- Existing Land Zoning Map (LZN)

Item 9: 9 STATION STREET, WHITEBRIDGE

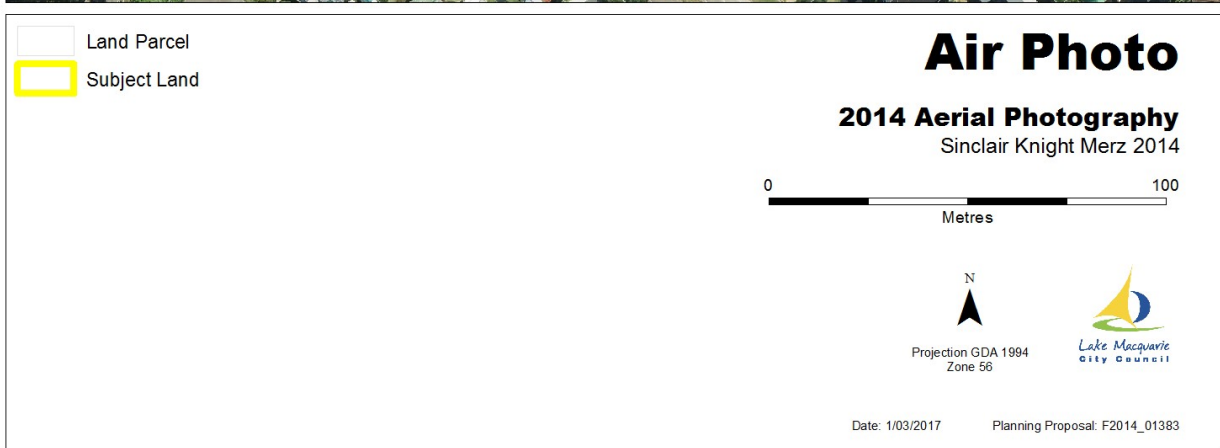


Figure 34: Item 9- Aerial Photograph of Subject Land

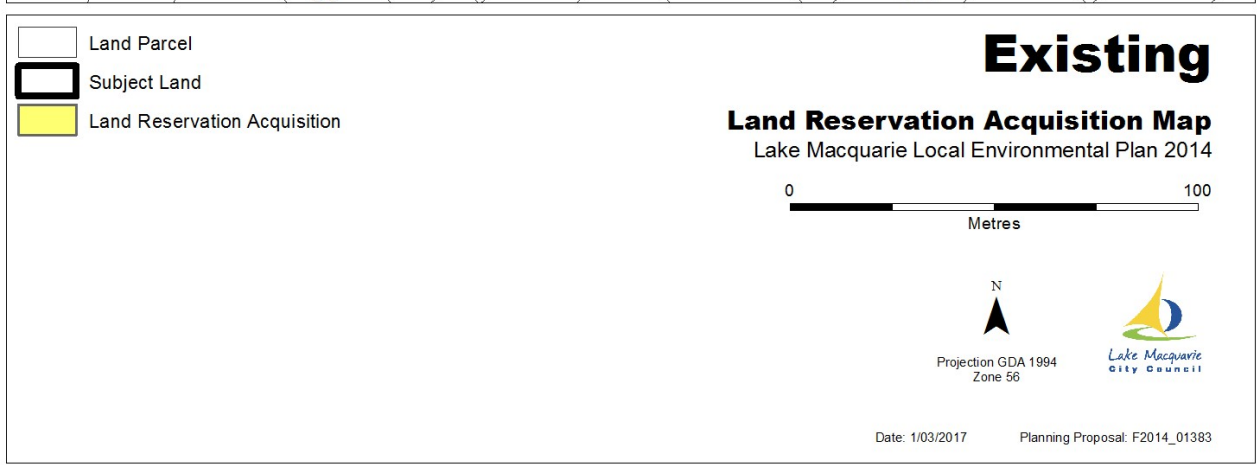
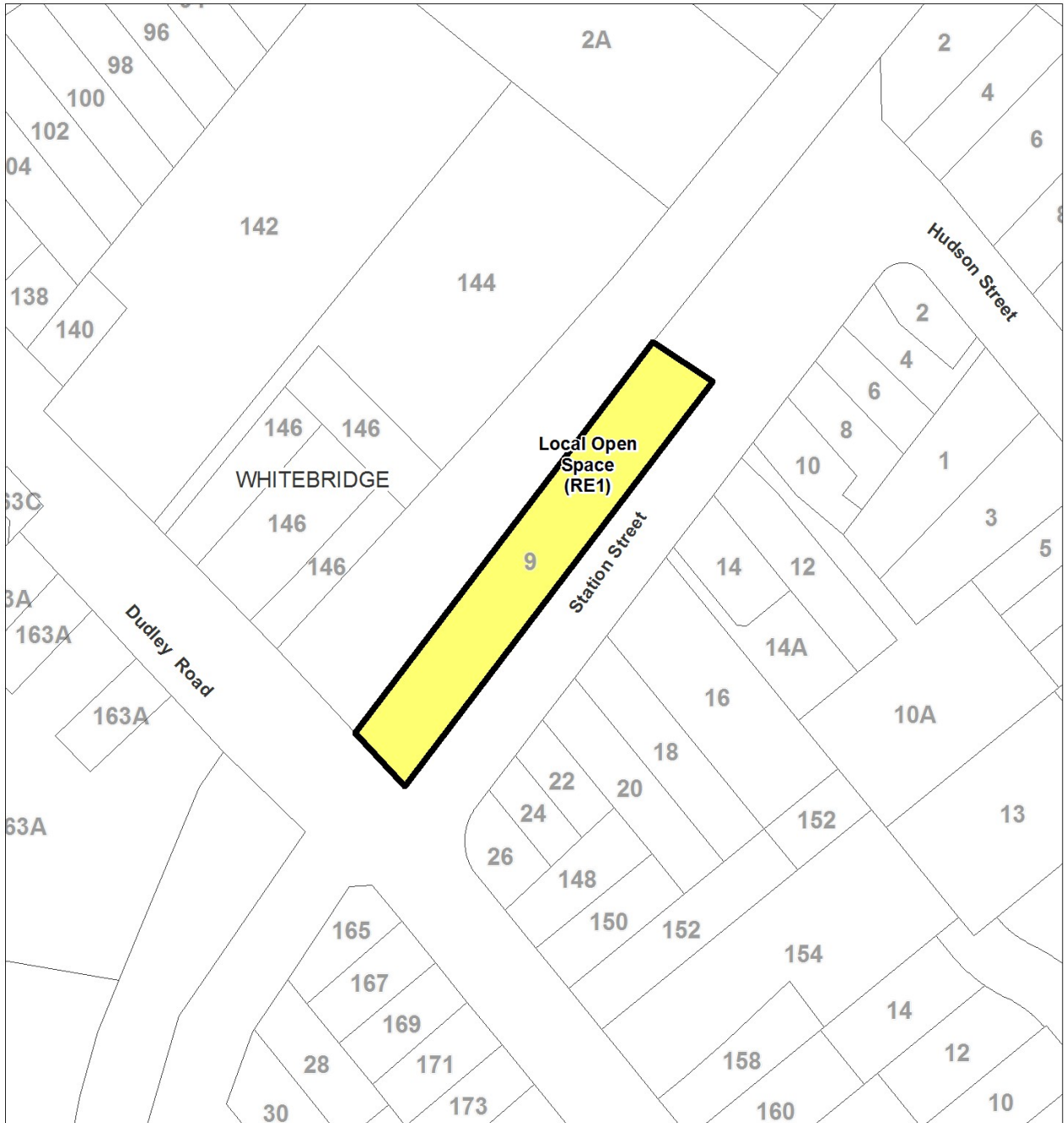


Figure 35: Item 9- Existing Land Reservation Acquisition Map (LRA)

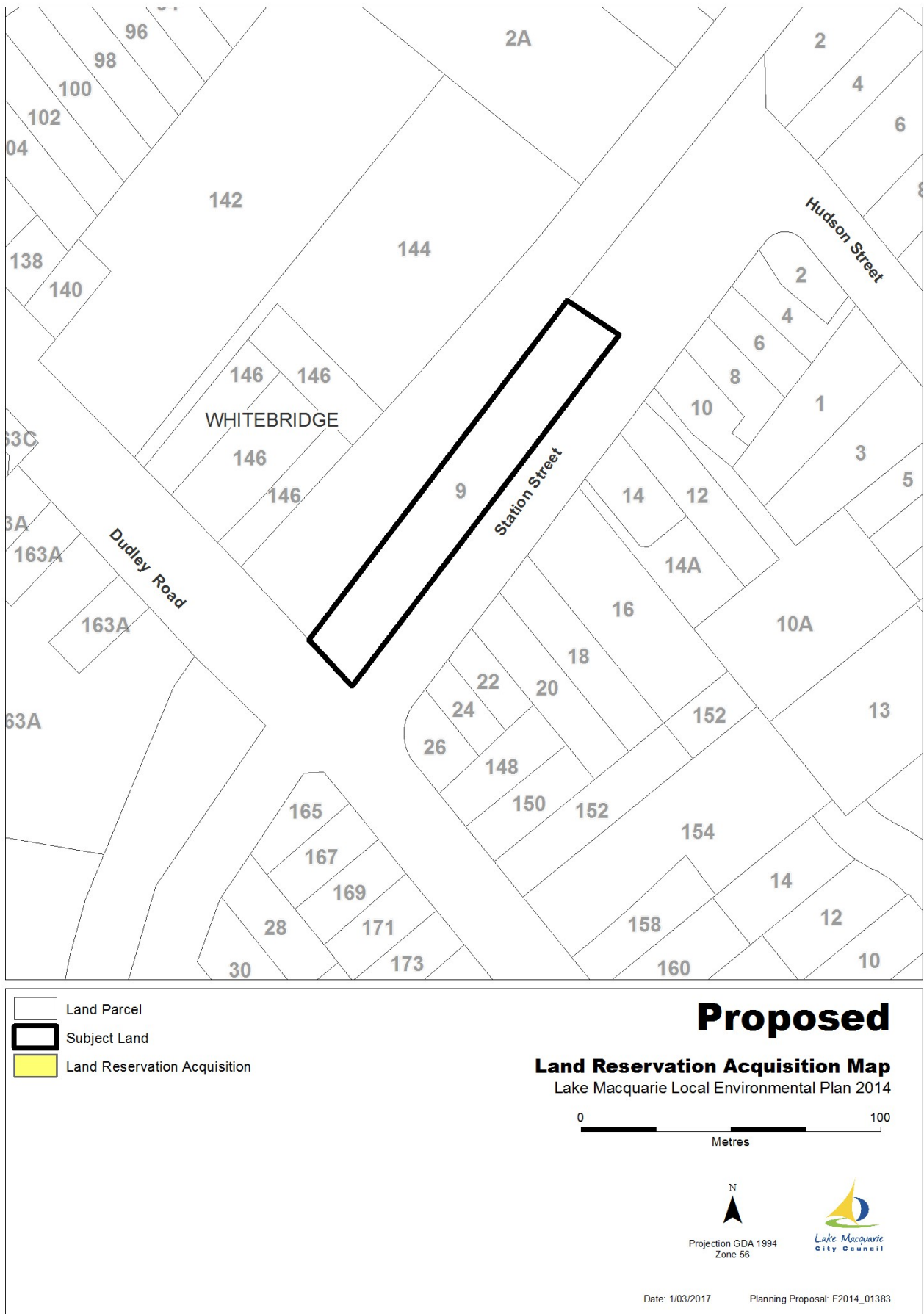


Figure 36: Item 9- Proposed Land Reservation Acquisition Map (LRA)

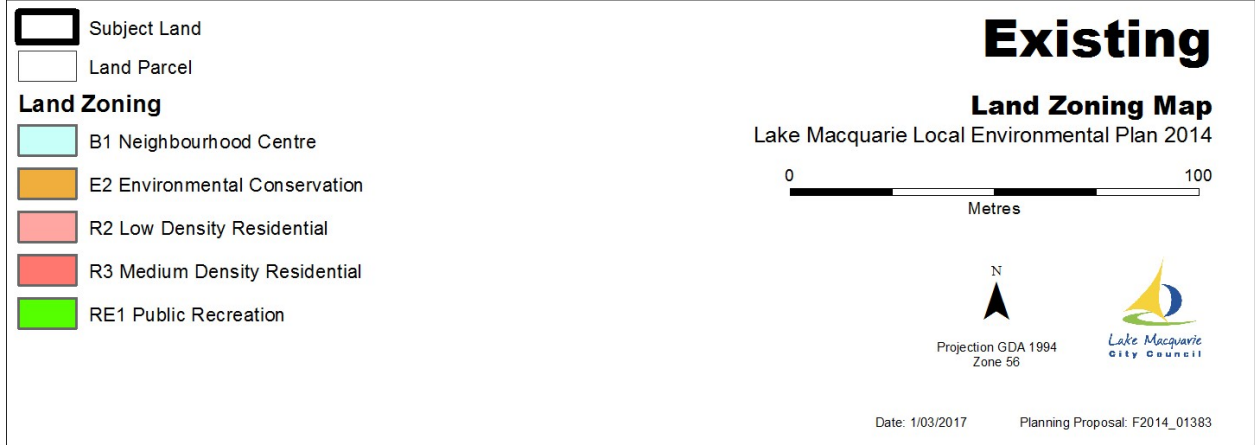
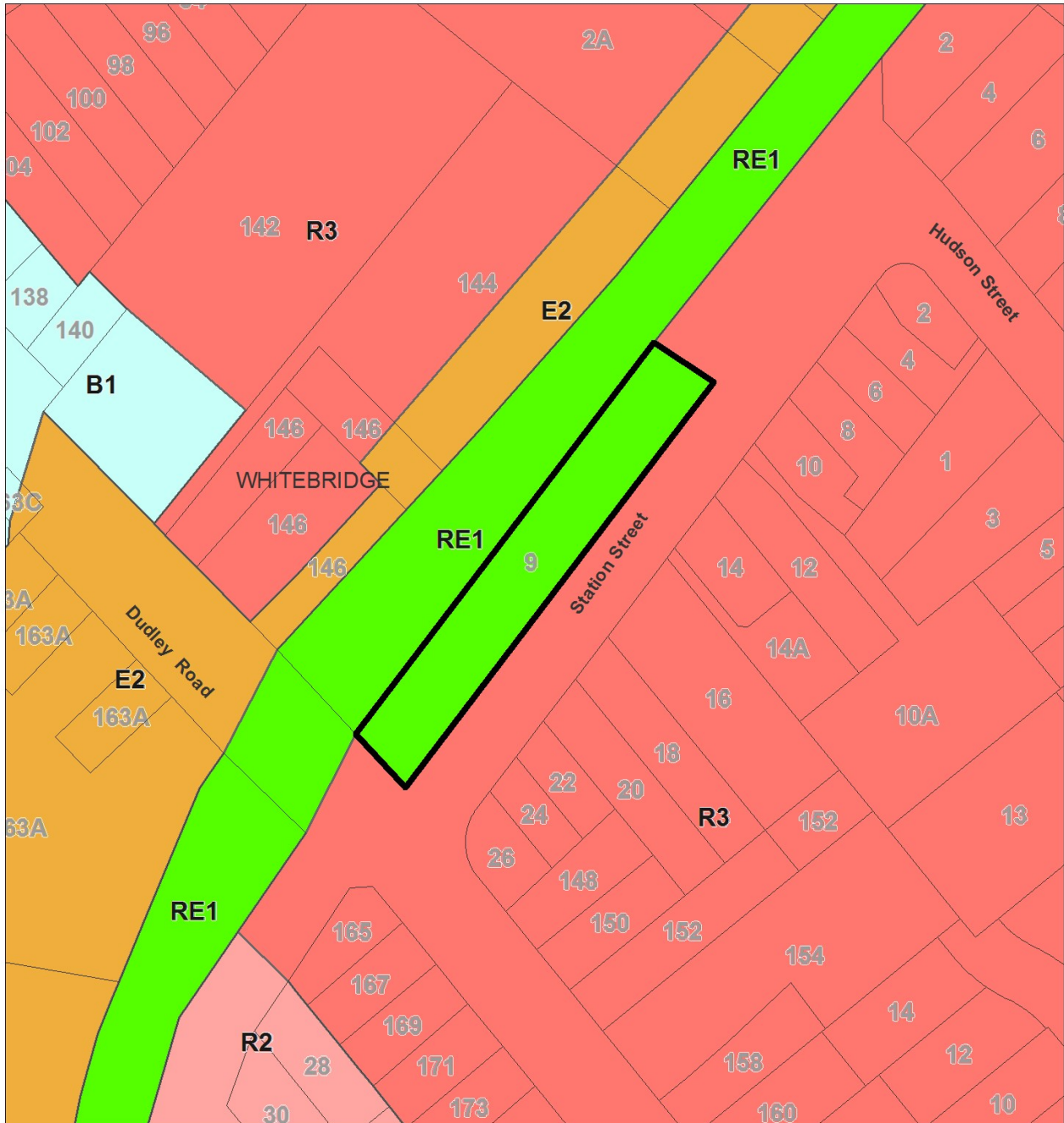
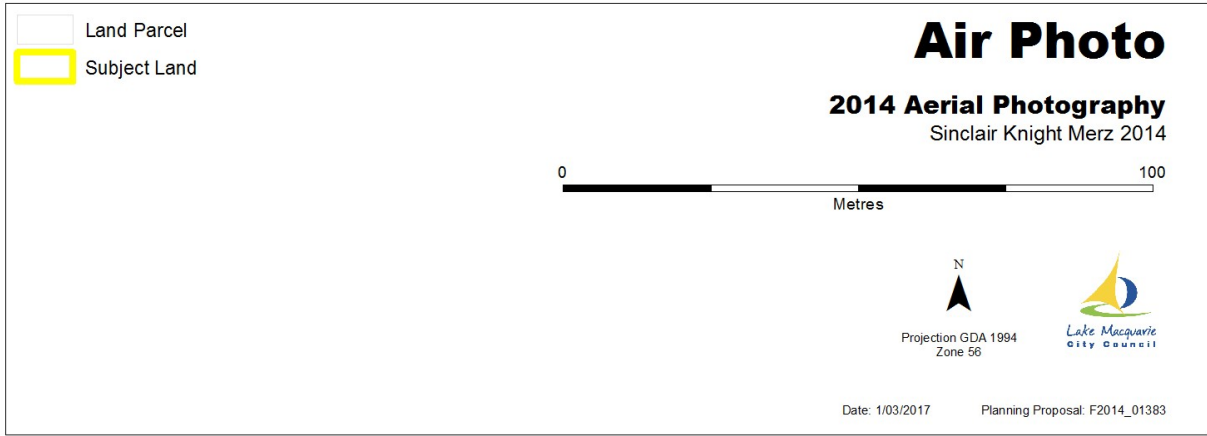


Figure 37: Item 9- Existing Land Zoning Map (LZN)

Item 10: 27 TIRAL STREET, CHARLESTOWN



**Figure 38: Item 10- Aerial Photograph of Subject Land**

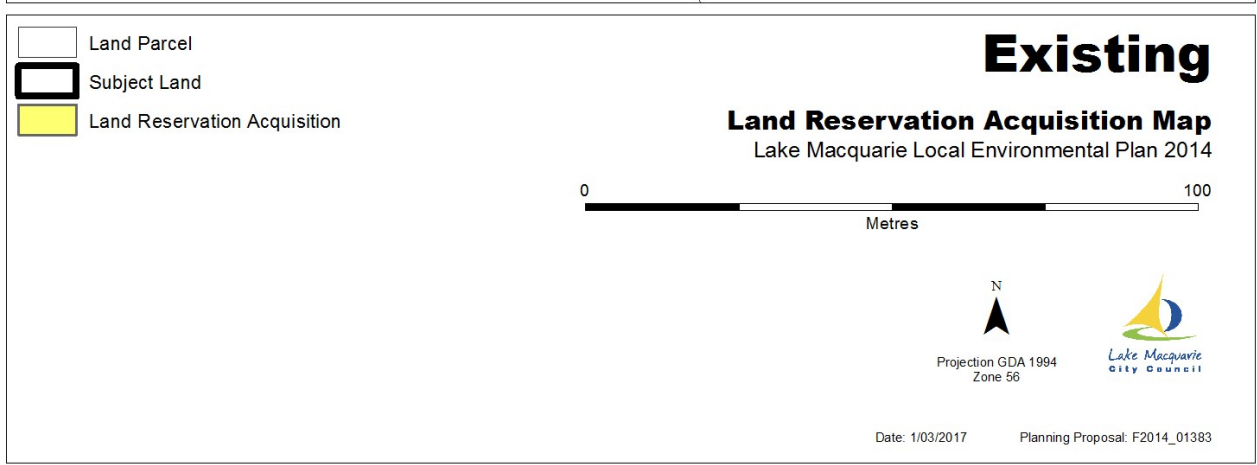
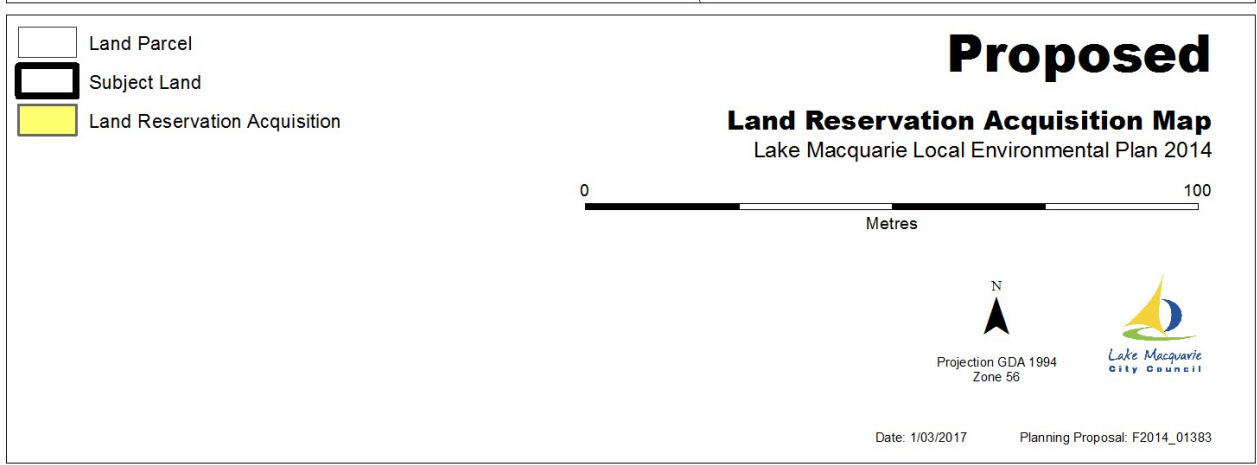
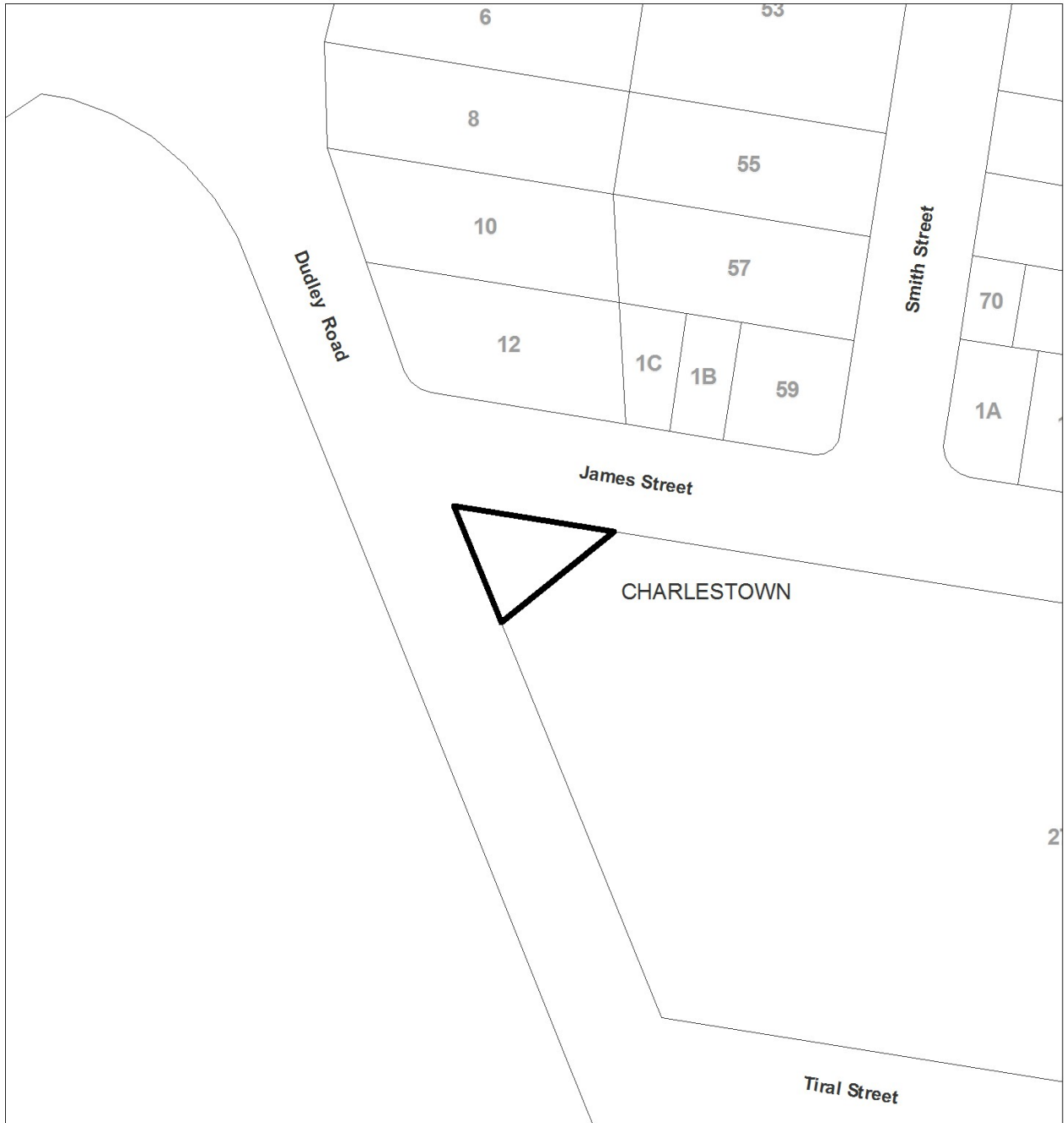


Figure 39: Item 10- Existing Land Reservation Acquisition Map (LRA)





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

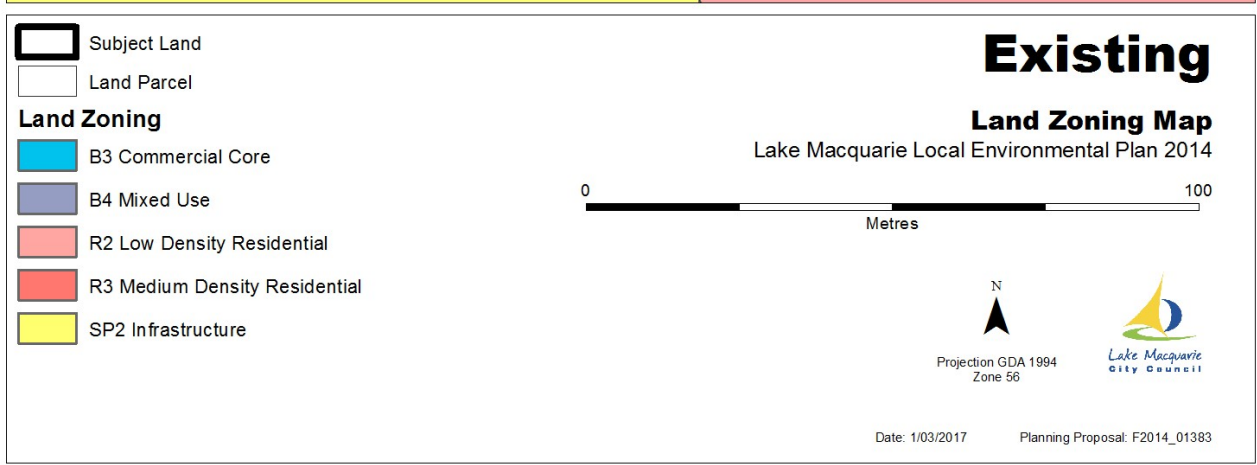
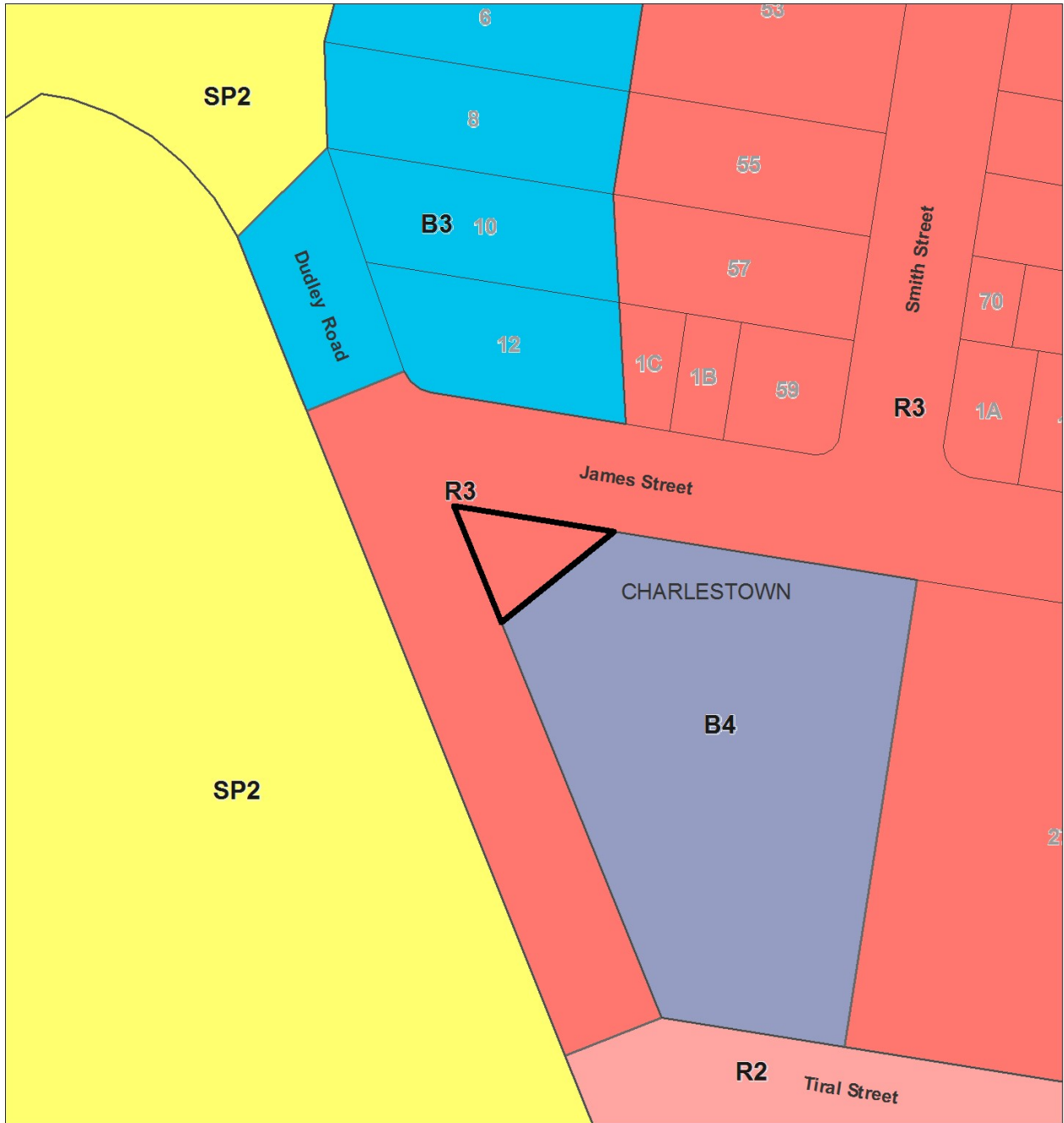


Figure 41: Item 10- Existing Land Zoning Map (LZN)

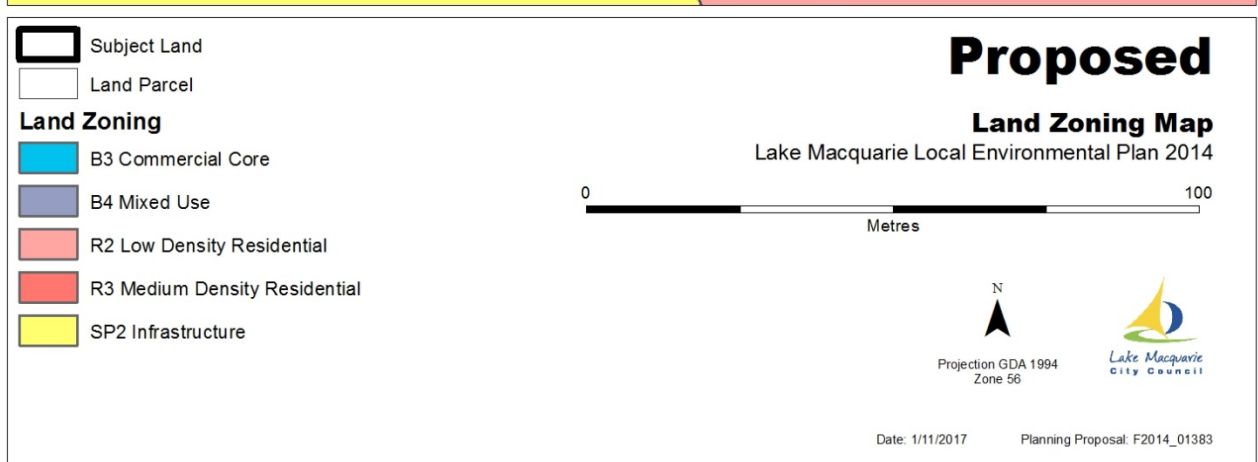
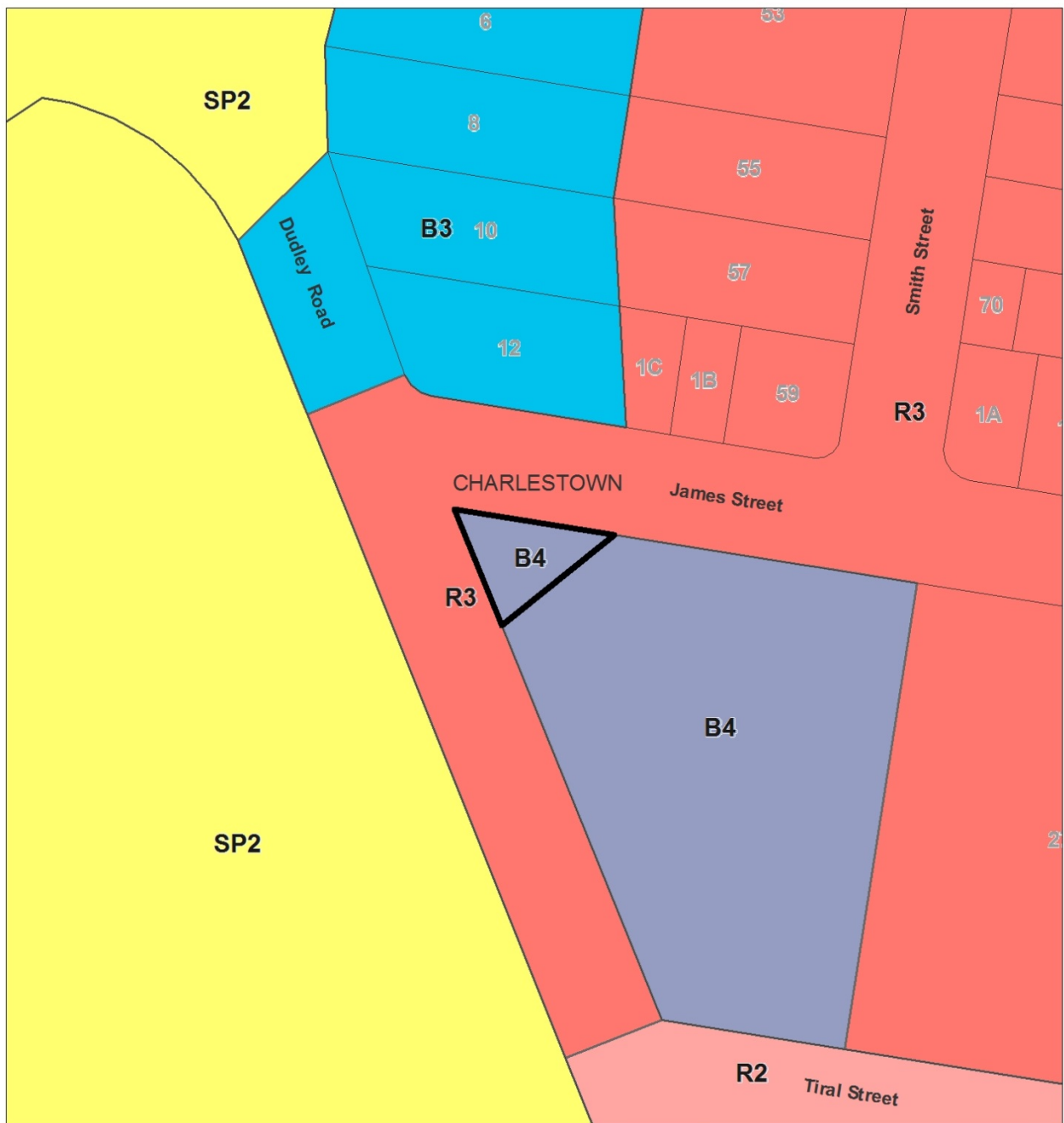
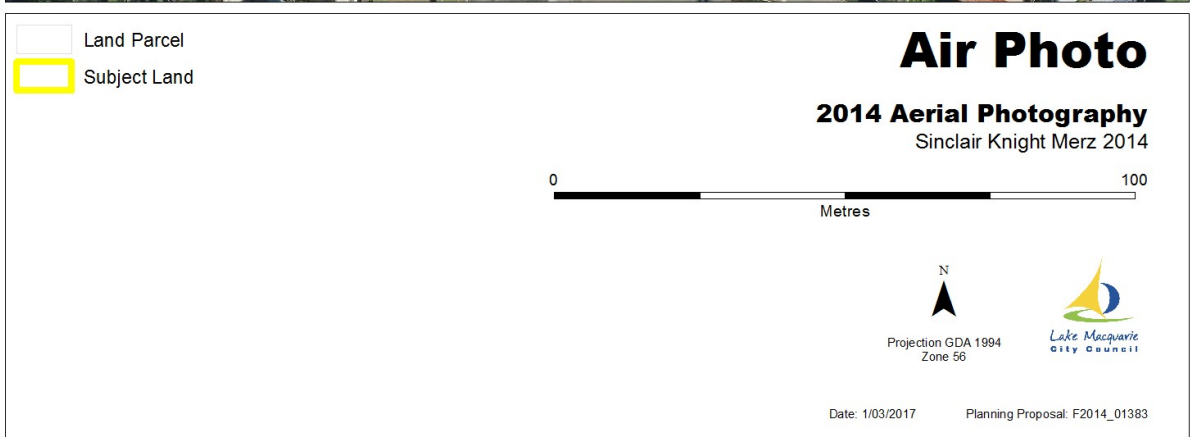


Figure 42: Item 10- Proposed Land Zoning Map (LZN)

Item 13: LAND NEAR PACIFIC HWY, HIGHFIELDS



**Figure 47: Item 13- Aerial Photograph of Subject Land**

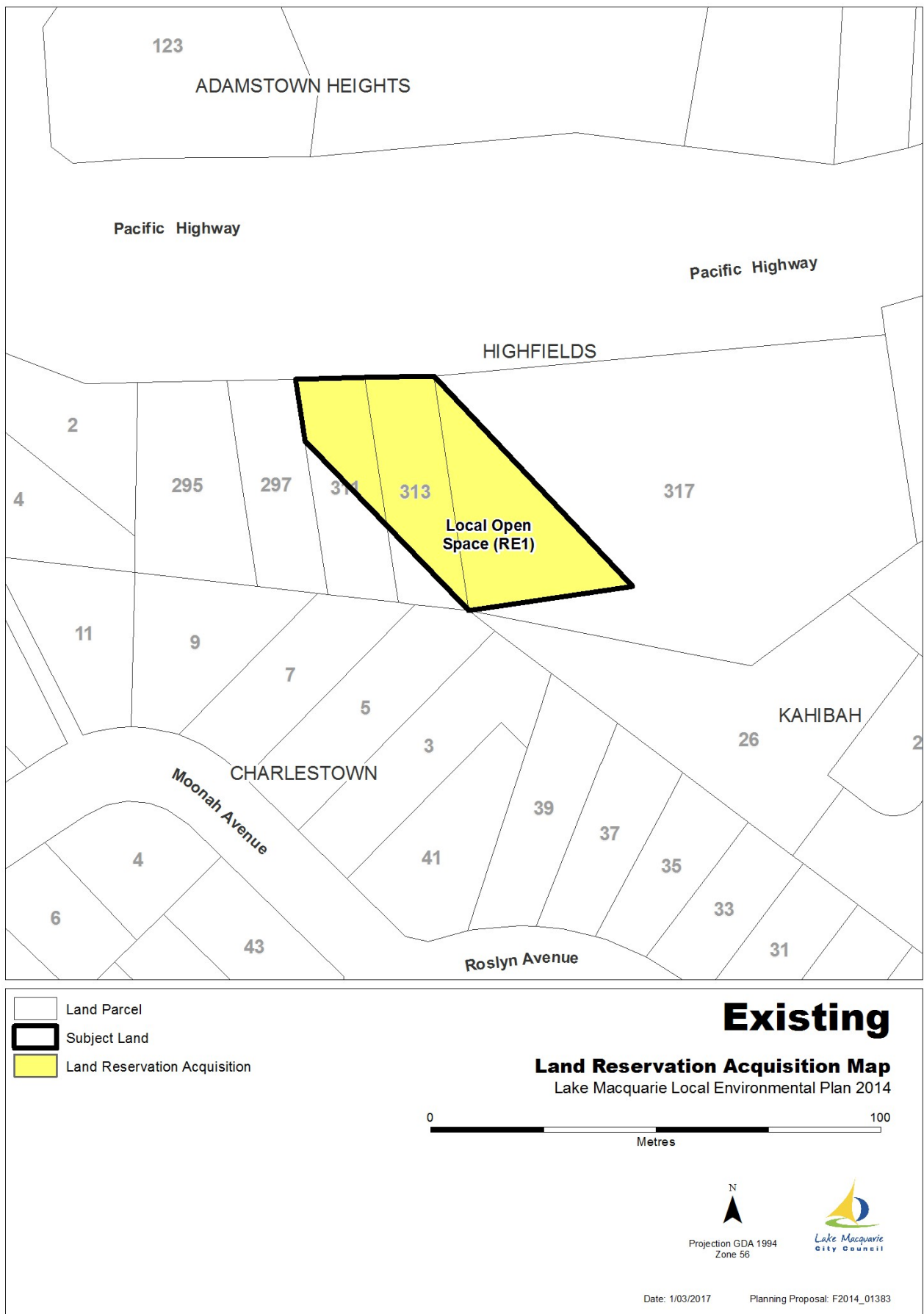


Figure 48: Item 13- Existing Land Reservation Acquisition Map (LRA)

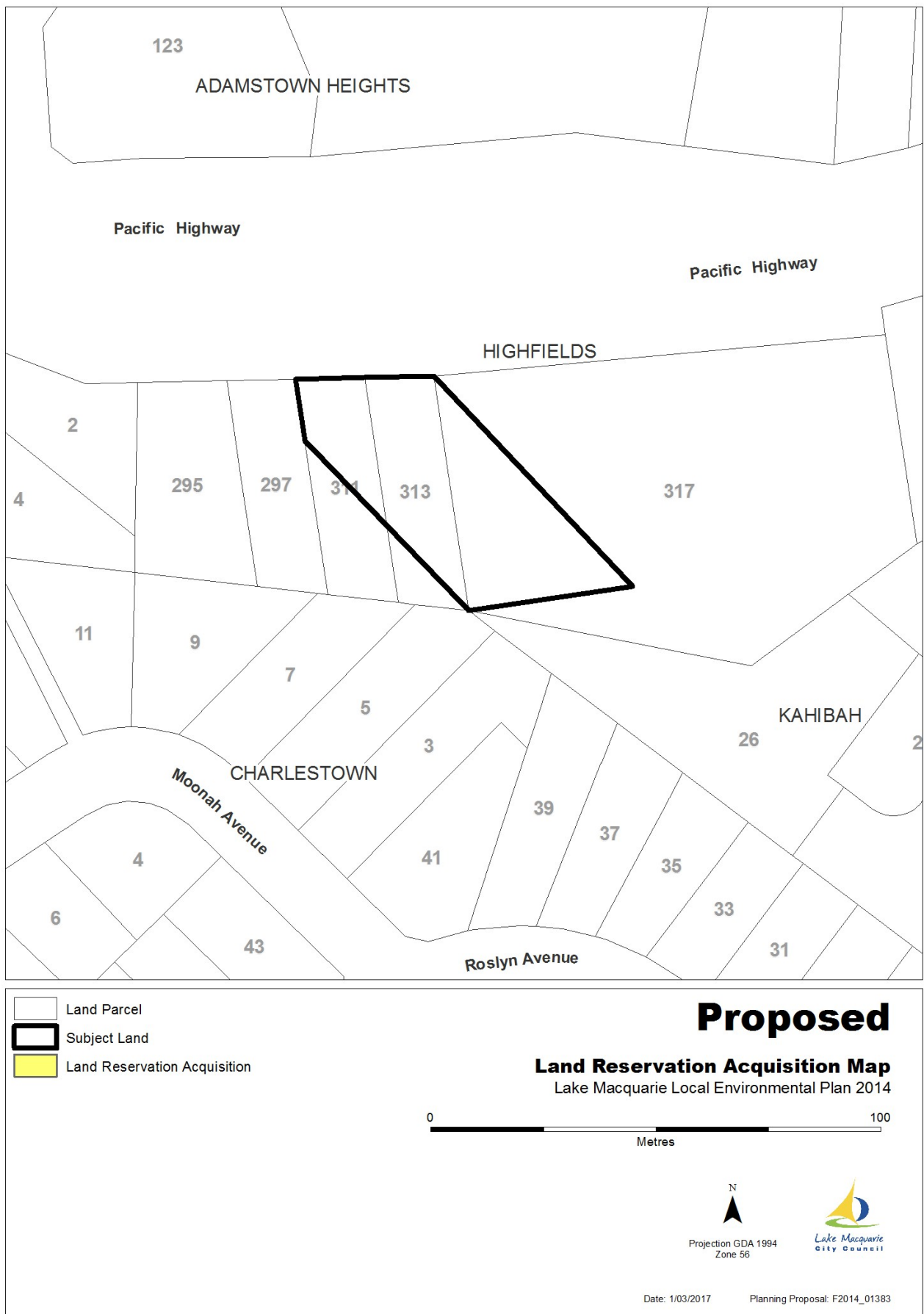


Figure 49: Item 13- Proposed Land Reservation Acquisition Map (LRA)

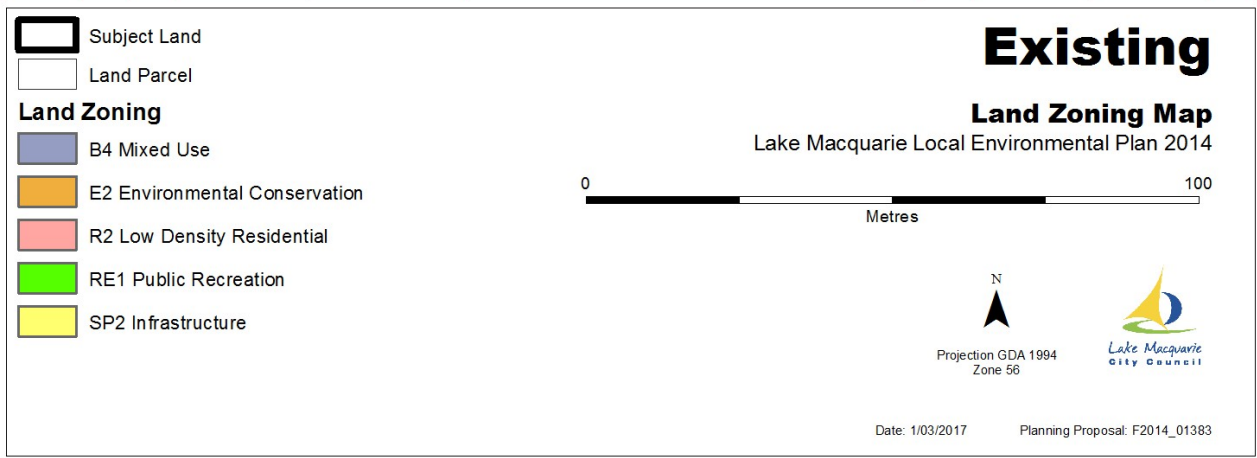
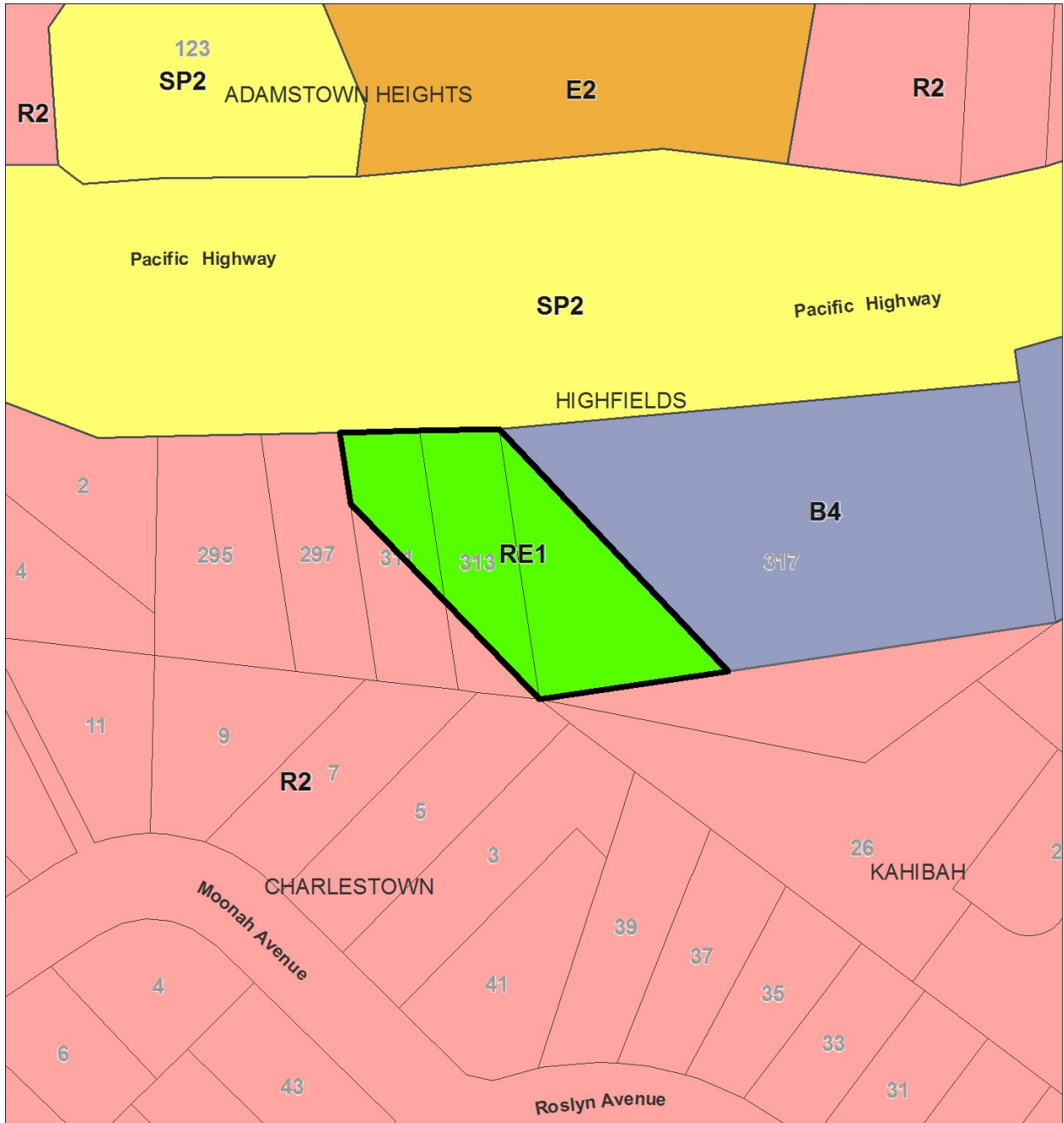


Figure 50: Item 13- Existing Land Zoning Map (LZN)

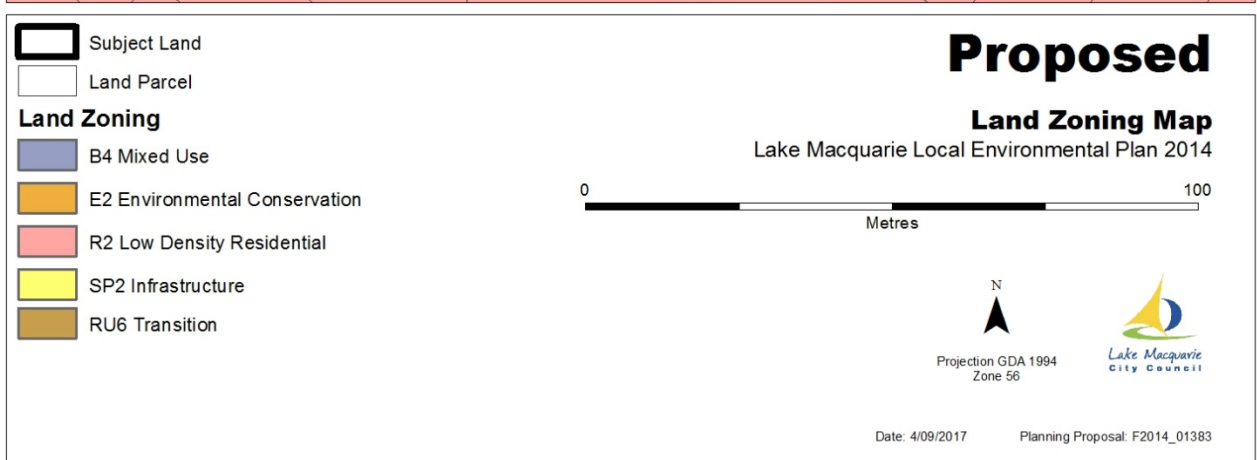
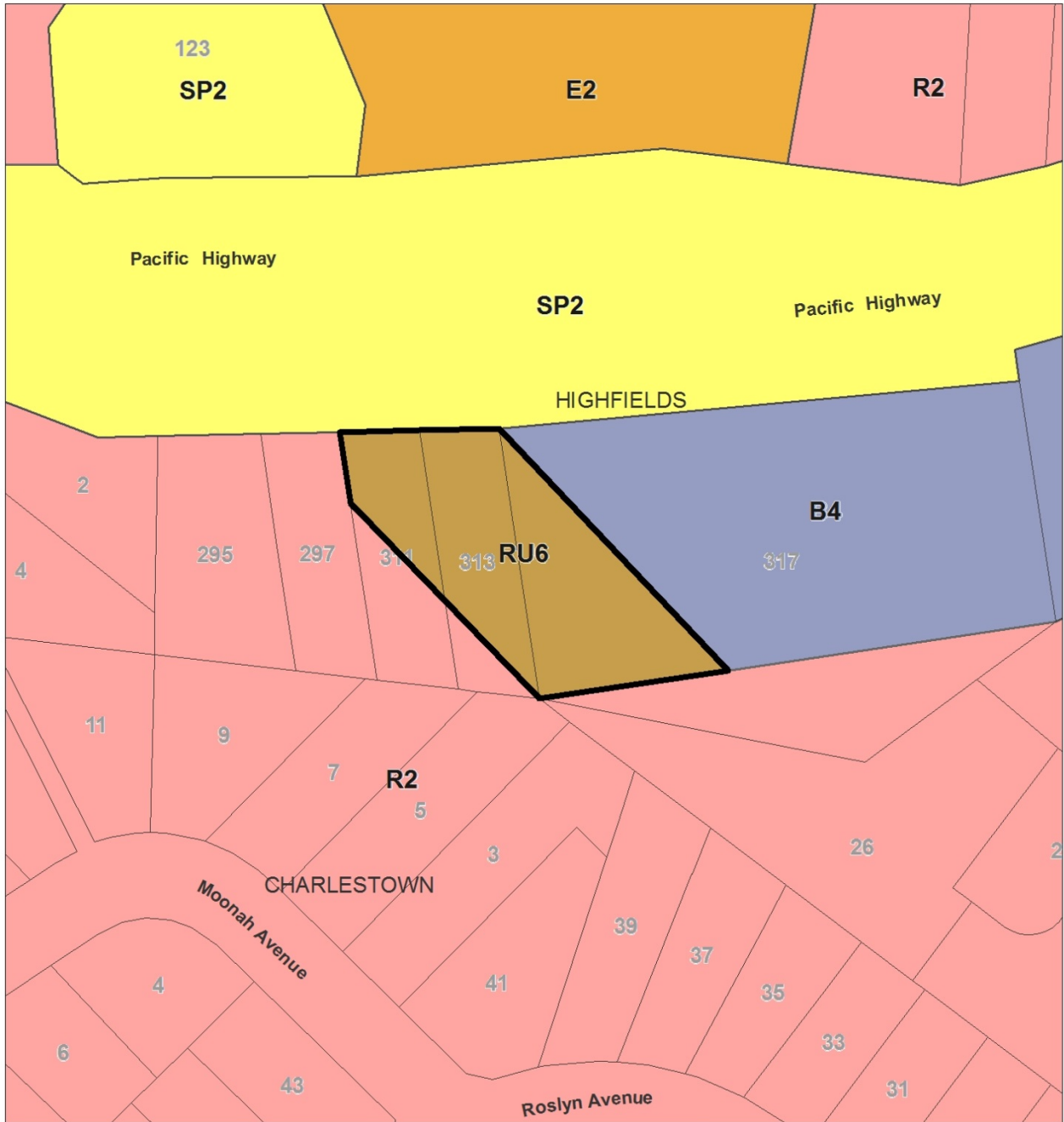


Figure 51: Item 13- Proposed Land Zoning Map (LZN)



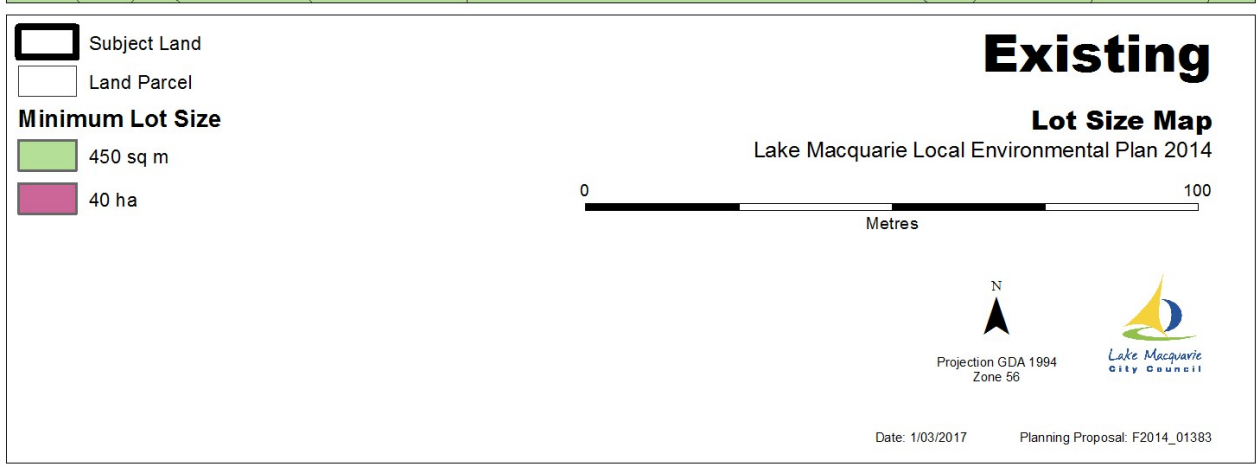
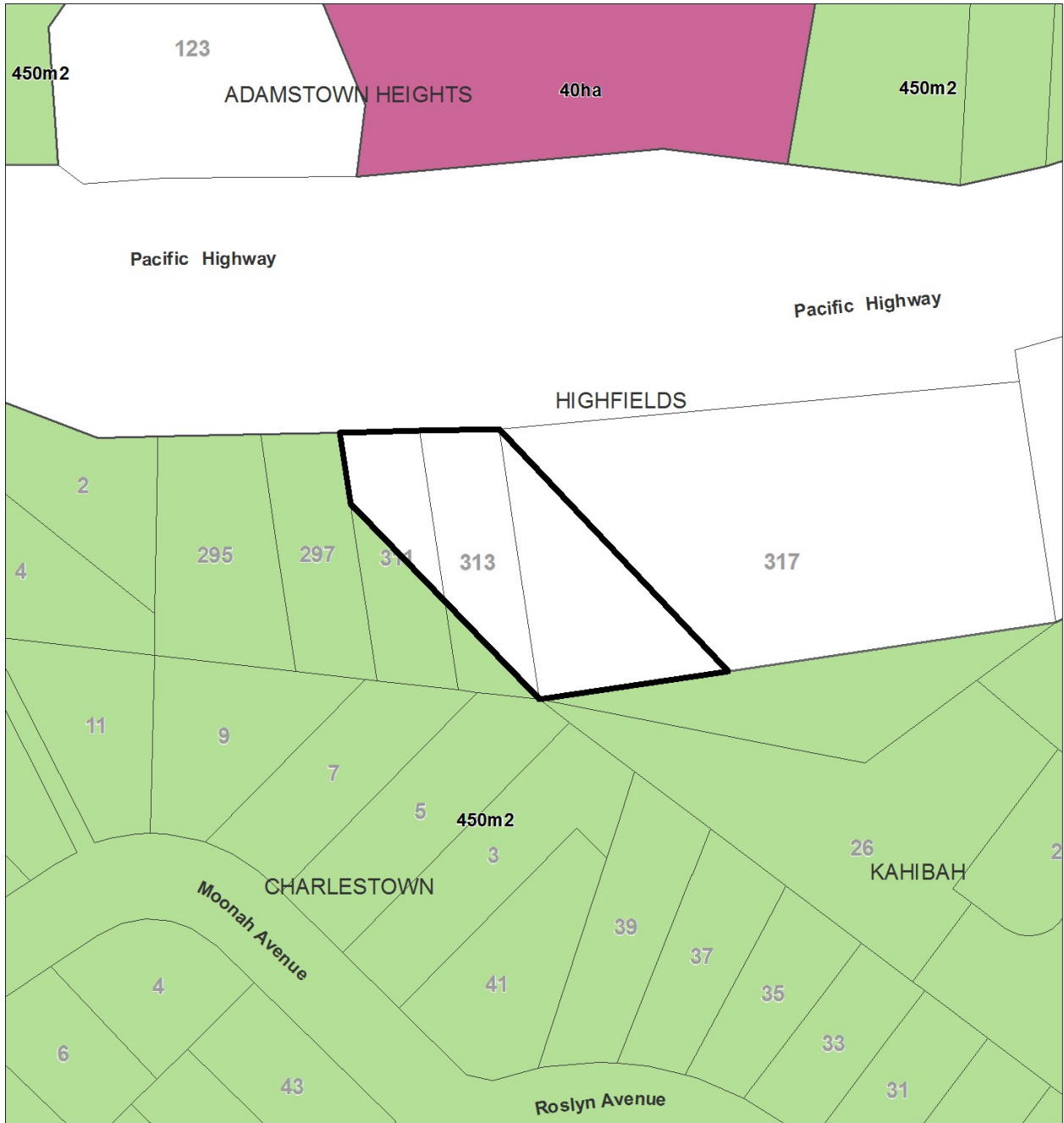


Figure 52: Item 13- Proposed Lot Size Map

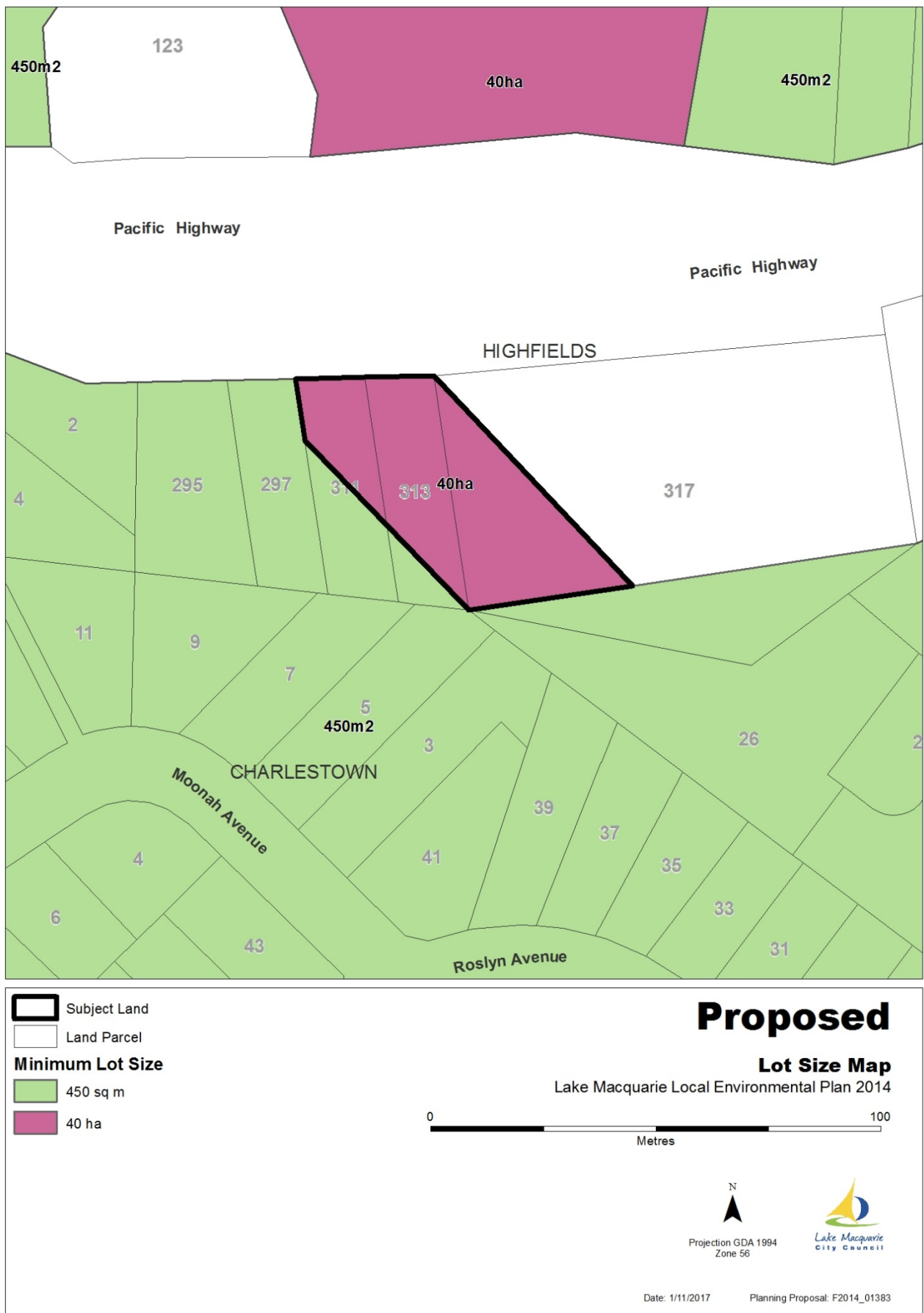


Figure 53: Item 13- Proposed lot Size Map

## Part 5 – COMMUNITY CONSULTATION

The planning proposal was on public exhibition for a 30 day period from Saturday 28 July to Monday 27 August 2018. Land owners and neighbours of properties affected by the proposal were notified by mail of the public exhibition period and invited to make comment on the planning proposal. One written submission was received, which objected to maintaining the RE1 Public Recreation zone at Item 4 – 16A Hallam Street. The submission highlighted safety concerns at this parcel, noting it is the location of a drainage easement on a steep slope and with an exposed stormwater pipe, claiming it is unsuitable for public access. A suggestion was made that it should be fenced off as there is an adequate open recreation area behind this land. The matter was referred to Council's Asset Management department for investigation as to whether restriction of access is required. No change is recommended in response to the submission. Drainage is a permitted use in the RE1 Public Recreation zone, and no other zone is appropriate for the land parcel.

It is noted that it has been approximately 18 months since the planning proposal has been exhibited. It should be considered that consultation regarding removal of acquisition lands is not a priority of other Government Agencies and as such clarification of various additional comments has been a lengthy process. Council officers have been in consistent communication with the Department of Planning, Infrastructure and Environment during this period of consultation and have been diligent in moving forward with further investigations and clarification in as timely a manner as possible.

## 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	June 2018 - 2019
Public exhibition (28 days)	August 2018
Consideration of submissions	October 2018
Report public exhibition findings to Council	April 2020
Finalisation of LEP Amendment	May 2020

## Appendix 1 – SCHEDULE OF LAND

Item no.	Address, lot and DP	Landowner
1	46A OAKDALE ROAD, GATESHEAD • 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	<u>THIS ITEM HAS BEEN REVISED TO BE RETAINED IN LRA</u> 76 CRESCENT ROAD, CHARLESTOWN • Lot 17, DP 861244	NSW Crown Lands
12	<u>THIS ITEM HAS BEEN REVISED TO BE RETAINED IN LRA</u> 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

## **Appendix 2 – 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?**

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?**

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?**

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

No

No adjacent land was identified to be potentially contaminated

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

<ul style="list-style-type: none"> <li>• acid/alkali plant and formulation</li> <li>• agricultural/horticultural activities</li> <li>• airports</li> <li>• asbestos production and disposal</li> <li>• chemicals manufacture and formulation</li> <li>• defence works</li> <li>• drum re-conditioning works</li> <li>• dry cleaning establishments</li> <li>• electrical manufacturing (transformers)</li> <li>• electroplating and heat treatment premises</li> </ul>	<ul style="list-style-type: none"> <li>• engine works</li> <li>• explosives industry</li> <li>• gas works</li> <li>• iron and steel works</li> <li>• landfill sites</li> <li>• metal treatment</li> <li>• mining and extractive industries</li> <li>• oil production and storage</li> <li>• paint formulation and manufacture</li> <li>• pesticide manufacture and formulation</li> </ul>	<ul style="list-style-type: none"> <li>• power stations</li> <li>• railway yards</li> <li>• scrap yards</li> <li>• service stations</li> <li>• sheep and cattle dips</li> <li>• smelting and refining</li> <li>• tanning and associated trades</li> <li>• waste storage and treatment</li> <li>• wood preservation</li> </ul>
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**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

- i. black slag from the former Pasminco Cockle Creek lead smelter;**
- ii. fill contaminated with asbestos; and/or**
- iii. 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 the fill used to level the site complies with AS 3798 “Guidelines on Earthworks for Commercial and Residential Developments”. This standard provides a list of unsuitable materials which include *materials contaminated through past site usage which may contain toxic substances or soluble compounds harmful to water supply or agriculture*”.

BCA Certifiers assessed the development and concluded that: *The plans registered by BCA Certifiers as No.CN090055 have been assessed and approved subject to compliance with the Deemed-to-Satisfy Provisions of the Building Code of Australia...and that...All work is to be carried out in accordance with the Environmental Planning and Assessment Act and Regulations, the Building Code of Australia and the approved plans.*

BCA provided certification for the development and considered all relevant standards and legislation at the time of development which included compliance with the Building Code of Australia, SEPP 55 and the EP&A Act 1979.

In addition; at the time of construction part of the site was zoned R2. It is assumed the development included materials consistent with uses permitted in the R2 zone.

**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. The site is not identified as having the potential for UXO.

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No
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## **Appendix 3 – 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?**

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?**

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?**

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?**

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?**

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?**

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?**

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?

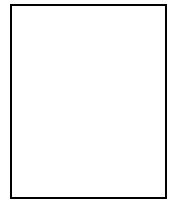
A quarry did exist on the site and landfill was used however, it is unsure whether the landfill contained any of the materials identified above.

- 12. Is the site categorized by Department of Defence as having substantial or slight potential of containing Unexploded Ordnance (UXO)? (applicable to the**

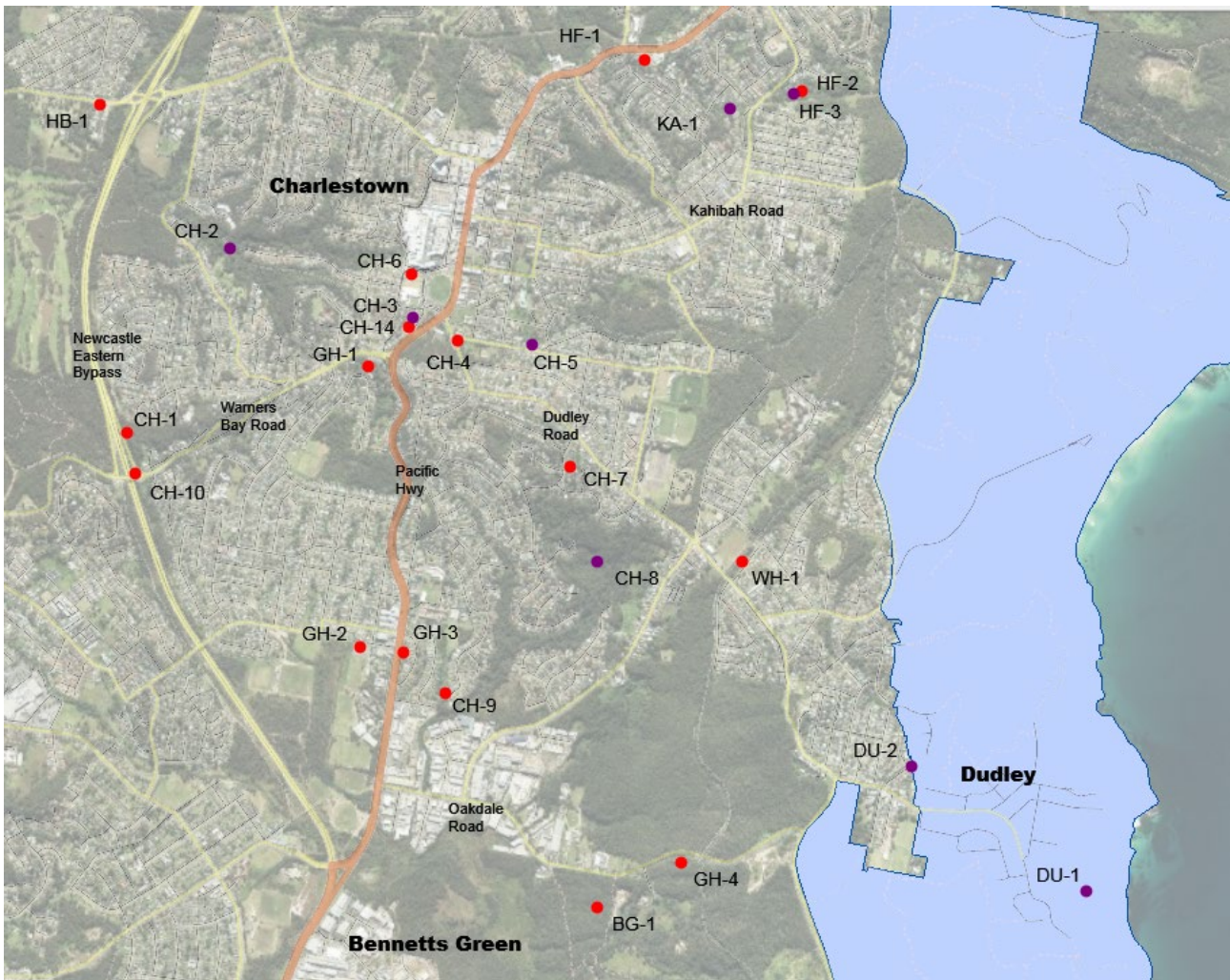
No

**localities of Redhead, Jewells, Belmont North, Belmont South and Catherine Hill Bay only)**

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



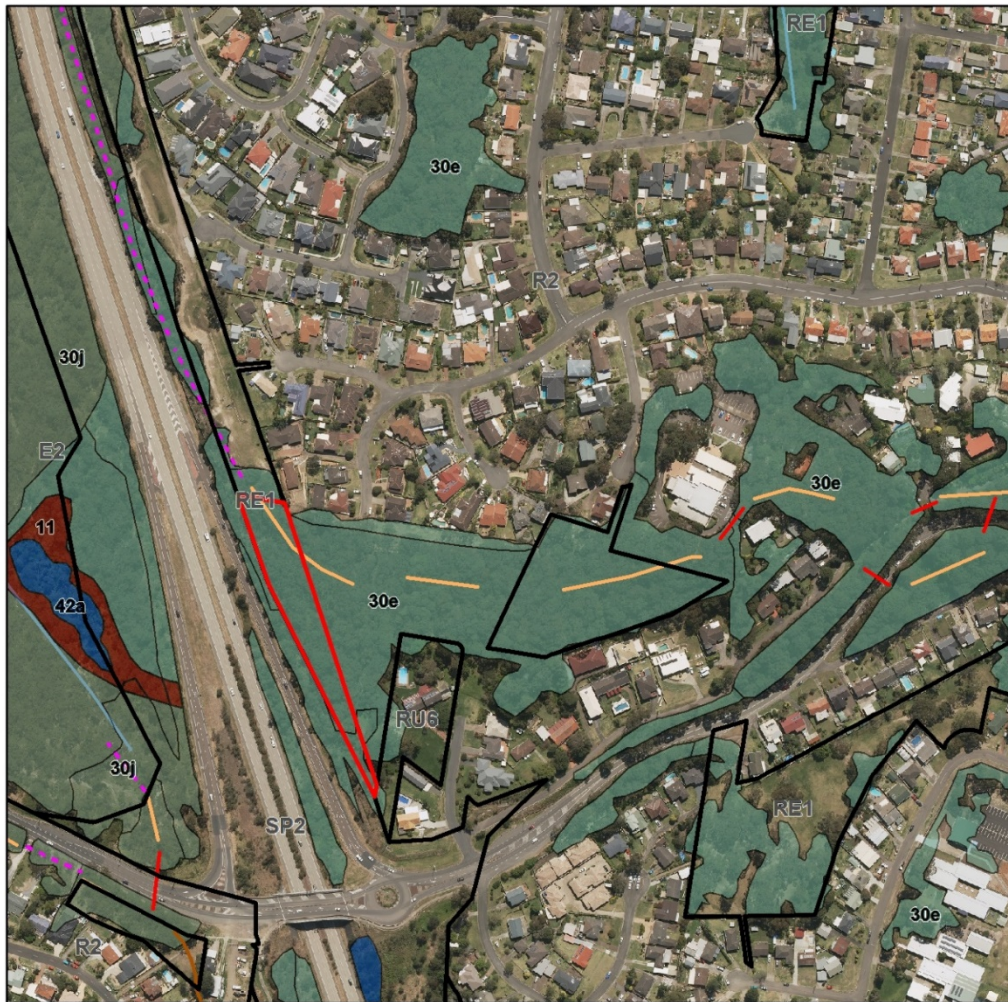
## **Appendix 4 – MAP OF COASTAL ZONE IN RELATION TO LAND IN PLANNING PROPOSAL**



Coastal zone

NOTE: The Coastal Zone Management Plan has been superseded by the NSW Coastal Management SEPP. As part of this SEPP the Land Application layer in LMCC Maps shows one additional site BG-1 is affected by the most extreme ocean flood scenario. As part of this review it is proposed that the site be removed from Council’s acquisition layer but will retain its existing E2 Environmental Conservation land zoning. As the permitted uses will remain the same and no rezoning is proposed, it is assumed that no further assessment is required to satisfy the NSW Coastal Management SEPP.

# Appendix 5 – ITEM 11 76 CRESCENT ROAD, CHARLESTOWN - VEGETATION CORRIDOR

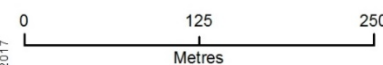


## Land near 76 Crescent Road Charlestown

Index for Data Frame

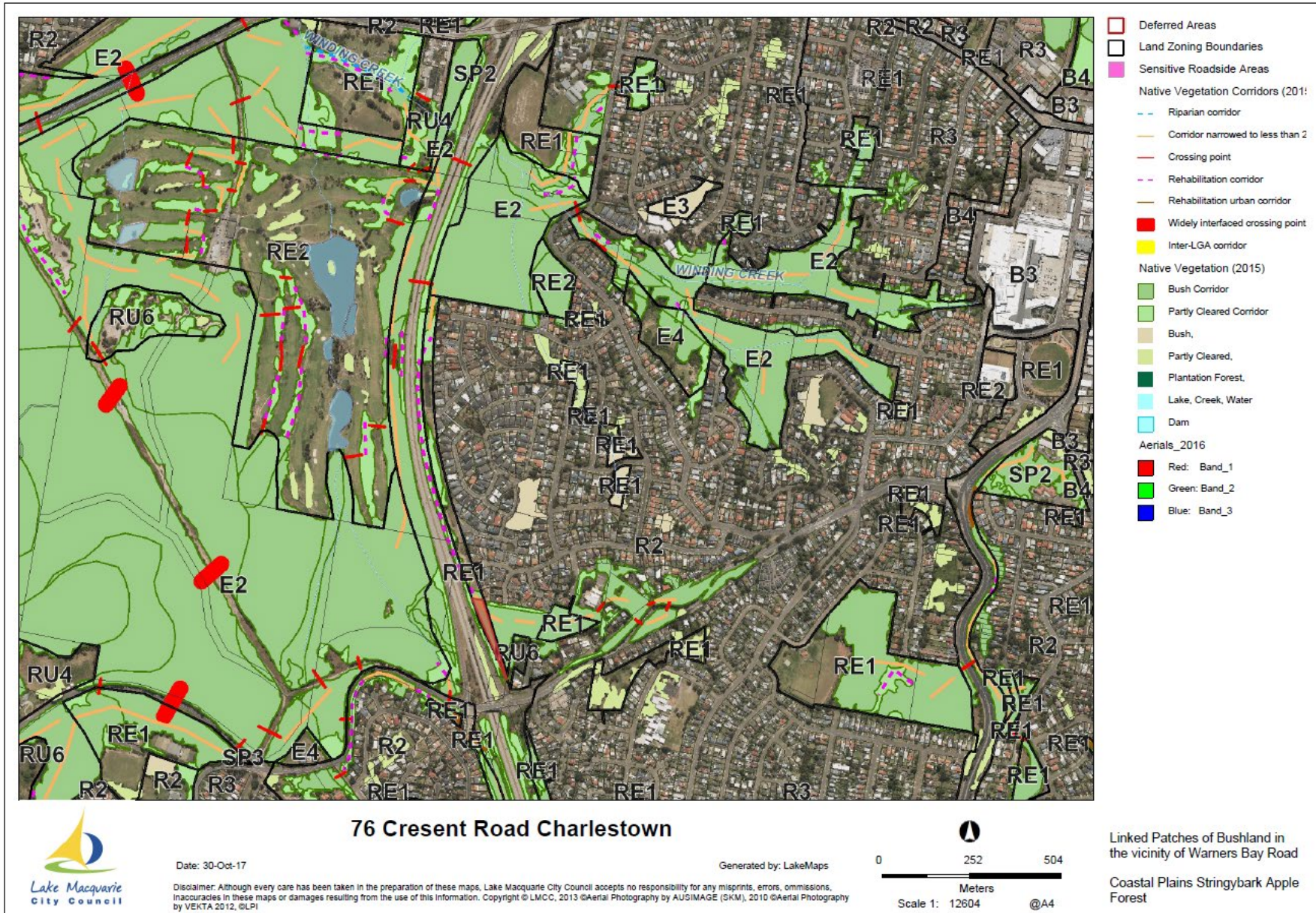
- Subject Land
  - Watercourse Centreline
- LMCC Vegetation Communities (2015)**
- 11 - Coastal Sheltered Apple-Peppermint Forest
  - 30e - Coastal Plains Stringybark - Apple Forest
  - 30j - Sugarloaf Lowlands Bloodwood-Apple-Scribbly Gum Forest
  - 42a - Narrabeen Alluvial Paperbark Thicket
- Native Vegetation Corridors (2015)**
- Corridor narrowed to less than 200 m in width
  - Crossing point
  - Rehabilitation corridor
  - Rehabilitation urban corridor

N

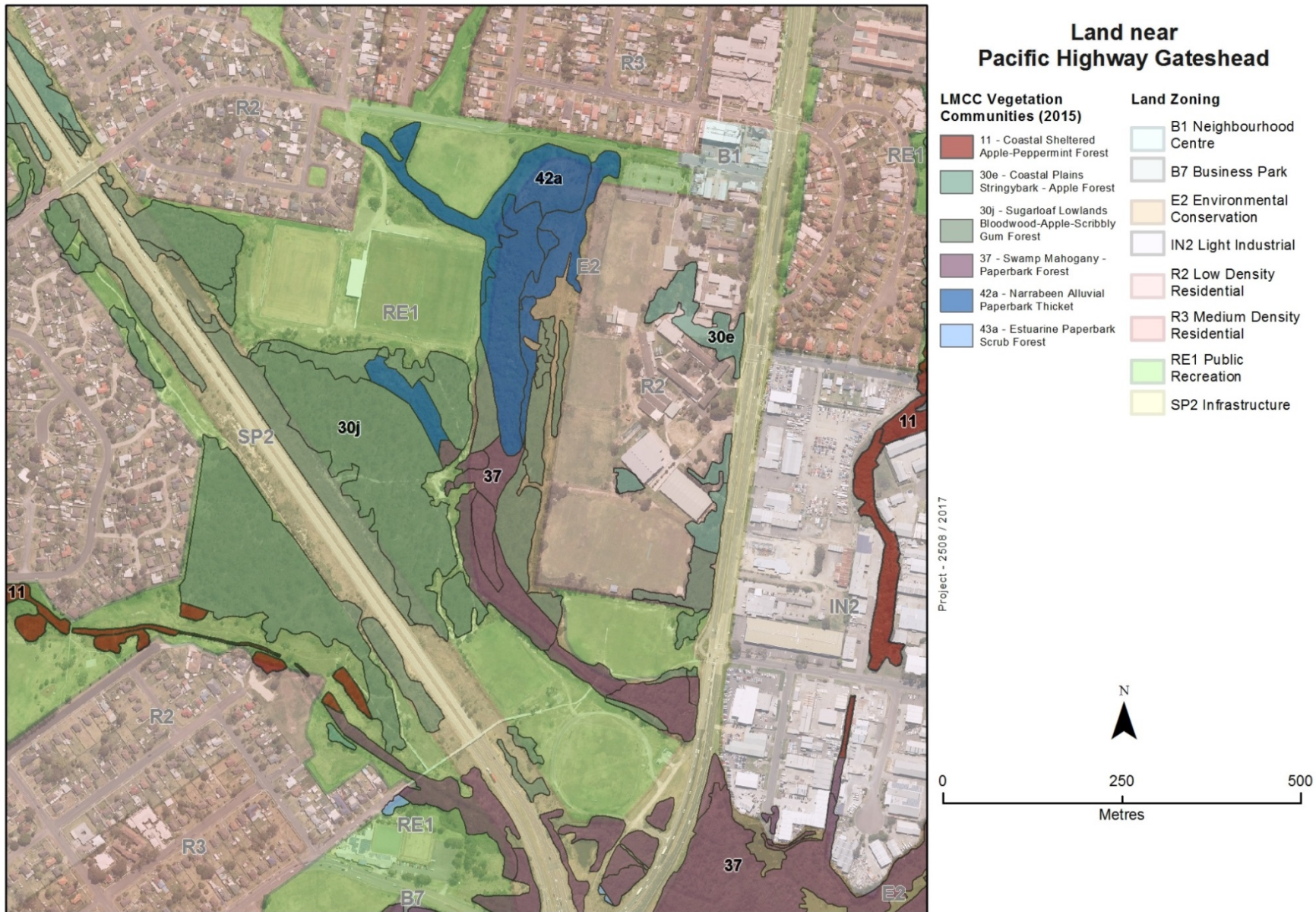


Project - 2508 / 2017

# Appendix 6 – ITEM 11 76 CRESCENT ROAD CHARLESTOWN - WIDER VEGETATION CORRIDOR



# Appendix 7 – ITEM 12 LAND NEAR PACIFIC HIGHWAY - LMCC VEGETATION COMMUNITIES



### **Appendix 8 – JUSTIFICATION FOR RE1 & R2 ZONES FOR ITEMS 11 & 12 RESPECTIVELY**

Note: After additional consultation item 11 will be retained on the LRA Map and will remain zoned RE1 and part of item 12 (4 Pacific Hwy) is being retained for acquisition and will remain zoned RE1. Detailed explanation can be found in appendix 15. Although Items 11 and 12 have been revised Information in this appendix may be relevant for future investigations.

#### **Item 11 - 76 Crescent Road Charlestown**

*Department of Planning Practice Note PN09-002*

The E2 zone is applicable to this land as it satisfies the objectives:

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To conserve, enhance and manage corridors to facilitate species movement, dispersal and interchange of genetic material.

The land parcel acts as a critical component of the habitat corridor network in the area. It connects bushland to the east of the Newcastle Inner City Bypass along Warners Bay Road. It is also an important link to a proposed rehabilitation corridor on council owned land adjacent to the bypass. This will enhance connectivity to a large patch of native vegetation to the north, which is zoned E2 and surrounds the upper tributaries of Winding Creek. The bypass disconnects the land parcel from another large E2 section of vegetation to the west, which is of the same community type – Coastal Plains Stringybark Apple Forest (Map Unit 30e) – listed as regionally significant habitat. These attributes are shown on maps in Appendix 5 and 6 of the Planning Proposal, informed by Council's Vegetation Mapping project, based on surveys by Bell and Driscoll (2016).

The vegetation on the subject land has high ecological value as preferred habitat for the Masked Owl, Squirrel Glider, and *Tetratheca juncea*. These three species are listed as threatened under the Biodiversity Conservation Act 2016 and have been recorded in the same vegetation communities on adjacent sites. A Masked Owl nesting tree has been recorded in the vicinity, while the land parcel represents suitable foraging habitat for a pair of breeding Owls (Apollo Drive Species Impact Assessment, 1999). The native vegetation on this land is identified in Council Guidelines as Large Forest Owl habitat of conservation priority (LMCC 2014) and supports the northeast population of Squirrel Gliders such that any loss in this habitat patch of greater than 10 trees is considered a significant impact (LMCC 2015). The native vegetation on this land needs to be protected in order to conserve habitat for these threatened species and maintain the function of the corridor, which is a key element to support viable populations.

The practice note specifies that Councils must maintain the integrity of Environmental zones by only including uses consistent with the zone objectives. The subject land is not suitable for any other uses as the conservation of native vegetation is the main objective. The proposed E2 zoning would ensure that the vegetation is protected and its high ecological



## CHARLESTOWN ACQUISITION LAND REVIEW (EAST)

value is not adversely affected. An E3 or E4 zoning would be unsuitable for the site as the permitted developments include agriculture, forestry, and community facilities. These developments would reduce the width of the vegetated area, undermining the function of the corridor and its viability as habitat to support threatened species. The current RE1 zone also lists roads, carparks, entertainment facilities, and places of public worship as some of the developments permitted with consent, all of which are incompatible with the environmental attributes of the site. The subject land does not need to accommodate any other uses so the E2 zoning is the most appropriate.

### *The size of the proposed zone*

The area of the proposed E2 zone is approximately 4,520m<sup>2</sup>. It runs 235m alongside the bypass while being 30 meters at its widest dimension in the north and less than 10m at its narrowest point in the south. When considering the vegetation on Roads & Maritime Services land directly adjacent to the bypass, the habitat patch is 7,350m<sup>2</sup> as shown below in Figure A12-1.



Figure A12-1: Item 11 size and extent in context with surrounding habitat.

### *Fragmentation and lot pattern*

The subject land is a narrow patch of vegetation that runs adjacent to the Charlestown inner-city bypass. The land adjoins council owned RE1 Public Recreation land in the North as an extension of a buffer strip and thin habitat corridor running along the bypass. It also adjoins a patch of vegetation in good condition to the east, which is the same community type and therefore represents similar biodiversity values as the subject land. The land,

## CHARLESTOWN ACQUISITION LAND REVIEW (EAST)

owned by NSW Land Registry, is zoned as R2 Low Density Residential and then changes to RE1 Public Recreation further east. There is also an adjacent property zoned as RU6 Transition containing a single dwelling. The surrounding region in the north, east, and west comprises largely of R2 Low Density Residential with minimum lot sizes of 450m<sup>2</sup>. The parcel land is adjacent to the bypass, which fragments it from a large patch of E2 Environmental Conservation zone to the west by 75m. The subject land is overall an important part of remaining habitat fragments within a largely urbanised setting on the east side of the Bypass. Applying an E2 zone to the land does not fragment other parcels and is consistent with the lot pattern as an extension of the buffer strip between the bypass and residential areas. It further acts as a crucial link for reestablishment of habitat corridors running north along the bypass.

### *Topography and Likelihood of development*

The subject land has a slight slope with an incline of roughly 10% and a westerly aspect. Topography would not be a limiting factor for development, however the close proximity to the bypass, its narrow width (varying 10-30 meters), lack of access, and the irregular shape of the land makes the likelihood of development within the land parcel low. It is important to protect the vegetation via an E2 conservation zoning to avoid impacts from either neighbouring development or permissible uses under other zonings.

### *The isolated location in relation to other E2 zones*

The vegetation contained in the subject land is separated by the bypass from a large E2 area to the west. The vegetation in the subject land comprises Coastal Plains Stringybark – Apple Forest, which is the same vegetation community zoned E2 on the other side of the bypass. The E2 zone applied to the subject land would be consistent with the land use on the west side of the parcel. On the east side of the bypass, a large E2 zone approximately 800m to the north is connected to the subject land via a narrow and disturbed habitat corridor zoned RE1 Public Recreation. Another narrow E2 zone protecting an Ecological Endangered Community occurs approximately 1.5km southeast of the subject land.

A land parcel at 64B Hillsborough Road, Charlestown (in Figure A12-2 below) possesses similar environmental and physical attributes – being a narrow, fragmented strip of native vegetation running alongside the bypass and isolated by the adjacent land uses. It is 1.4ha in size, is located approximately 1.2km from the subject land, and is zoned as E2 Environmental Conservation. The subject land at 76 Crescent Road, Charlestown therefore is appropriate to qualify for the E2 zone due to these similar attributes.

# CHARLESTOWN ACQUISITION LAND REVIEW (EAST)

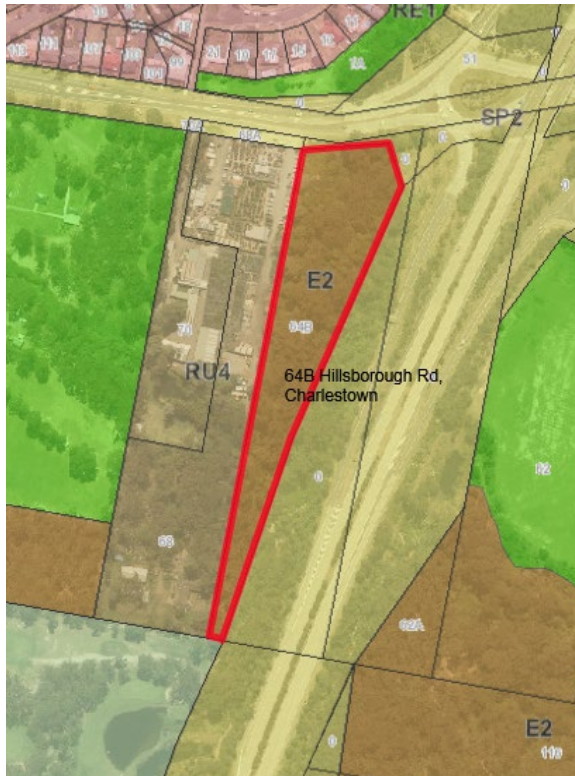


Figure A12-2: 64B Hillsborough Road size and shape.

## CHARLESTOWN ACQUISITION LAND REVIEW (EAST)

This proposed rezoning amendment is the outcome of a review only of land identified for acquisition under Lake Macquarie Local Environment Plan 2014. There has not yet been the opportunity to investigate potential rezoning of other properties in a wider conservation land review. The proposed rezoning amendment could be part of a larger program to revise conservation land use in Lake Macquarie LGA and establish greater connectivity between isolated patches of E2 land.

### *Other options for protection of native vegetation*

LMCC has measures in place regarding the retention of native vegetation and habitat for all land use zones, as described in Lake Macquarie Development Control Plan (DCP) 2014. However, the controls on vegetation clearing in the DCP2014 provide exemptions for permissible development in residential and recreation zones. The need to retain native vegetation on the land has been identified at the rezoning stage and so a land use zone that reflects the intended future use should be applied. Other zoning such as E3 Environmental Management or E4 Environmental Conservation could be applied, however the permissible uses within these zones (including community facilities, roads, agriculture) are not appropriate, as the primary land use should be to protect the native vegetation. An E2 zone is considered the most appropriate option to guarantee protection of native vegetation on site.

NOTE: See appendix 13 *CONSULTATION WITH DEPARTMENT OF INDUSTRY REGARDING CROWN LANDS*, for response regarding item 11 objecting to the proposed E2 zone. The post exhibition Planning Proposal proposes to maintain the RE1 zone and remove the acquisition. As the site is under the ownership of a government authority the site can remain zoned for public recreation. The RE1 zone will permit the types of development intended for the site as well as retain the environmental qualities of the site.

### **Item 12 – Land Near Pacific Highway Gateshead**

#### *Department of Planning Practice Note PN09-002*

The E2 zone is applicable to this portion of land as it satisfies the objectives:

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

The land parcel has high ecological value due to the presence of Narabeen Alluvial Paperbark Thicket (Map Unit 42a), which qualifies as the Endangered Ecological Community (EEC) – Swamp Sclerophyll Forest on Coastal Floodplains. The vegetation runs along a drainage depression that meets Johnson’s Creek and flows onto Jewells Wetland. Recommendations in the Jewells Catchment Management Strategy and subsequent Plan of Management include “retain Swamp forest scrub to enhance infiltration” (p149). Applying the E2 zone to this land parcel would not only consolidate protection of the EEC on site, but it would also satisfy the recommendations of the Jewells Catchment Management Plan. It would further protect the EEC to the west on adjacent land by providing a minimum 20m vegetation

## **CHARLESTOWN ACQUISITION LAND REVIEW (EAST)**

buffer. This is a requirement in Lake Macquarie DCP2014 and Lake Macquarie City Council's Flora and Fauna Guidelines for the protection of EECs from urban development. The adjacent parcel of E2 land (also Map Unit 42a – Narabeen Alluvial Paperbark Thicket) is known to contain the threatened Wallum Froglet, which further emphasises the high ecological value of the vegetated area on the subject land and surroundings. The practice note specifies that an E2 zone should be applied to land containing an Endangered Ecological Community and to protect significant wildlife, for which the subject land qualifies. This is displayed in Figure A12-3 on the following page.



Figure A12-3: Item 12 in context of surrounding EEC habitat with location of Wallum Froglet sighting/habitat.

### *The size of the proposed zone*

The portion of land proposed to be rezoned E2 is 35m x 42m. This would protect an approximate additional 1,400m<sup>2</sup> of land containing an Endangered Ecological Community and enable its recovery from the current partly-cleared status.

### *Fragmentation and lot pattern*

The subject land is owned by the Department of Education and Communities. It comprises a carpark and a patch of partly-cleared native vegetation that is within the boundary of Wirripang Public School. The carpark section is proposed to be rezoned R2 for consistency with the zoning of the school. The vegetated section adjoins a significant patch of council-owned E2 land on the west side, which is at the north end of a riparian habitat corridor surrounding Johnsons Creek that then drains to Jewells Wetland. An E2 zone on the subject land would be consistent with this E2 zone on adjacent council-owned land to the west, and would not impede any current land use. The surrounding area is otherwise highly urbanised, with residential zoning to the north, recreation zone with an oval in the west, and industrial area to the southwest, which reduces the overall vegetative cover in the area.

### *Topography and Likelihood of development*

The land is mostly flat and adjacent to a highly urbanised environment. The land supports an EEC, while also providing a buffer to the EEC on adjacent land, and therefore is not suitable

## CHARLESTOWN ACQUISITION LAND REVIEW (EAST)

for development. The E2 zone would be the most appropriate zone to afford the vegetation adequate protection from further encroachment and possible clearing of the endangered ecological community.

### *The isolated location in relation to other E2 zones*

The subject land is adjacent to a large patch of E2 zoned land, so there will not be an isolated segment of E2 land created by the proposed rezoning. The proposed E2 zone for the subject land contains EEC as well as acting as a buffer to protect the EEC and Wallum Froglet habitat on adjacent land (also zoned E2) from further encroachment and clearing.

### *Other options for protection of native vegetation*

The subject land does not need to accommodate other land uses, as any of the developments permissible under alternative zonings are incompatible with the primary objective to protect the Endangered Ecological Community. The subject land qualifies for E2 zoning due to the environmental values and there is no other suitable zone to ensure its protection.

## **REFERENCES**

Bell S., Driscoll C., and LMCC (2015) *Lake Macquarie Council Working Draft Vegetation Community Map 2015*

Bell S. and Driscoll C. (2016) *Vegetation Community Profiles lake Macquarie Local Government Area (Working Draft version 2)*

### **For 76 Crescent Road Charlestown**

Ecotone Ecological Consultants (2003) Masked Owl Monitoring Results

King J.P. (2002) Draft *Tetratheca juncea* Management Plan Apollo Drive Charlestown

LMCC (2014) Interim Lake Macquarie Large Forest Owl Planning and Management Guidelines

LMCC (2015) Lake Macquarie Squirrel Glider Planning and Management Guidelines

LMCC (2014) Lake Macquarie *Tetratheca juncea* Planning and Management Guidelines

Winning G. - Hunter Wetlands Research & Management (1997) *Species Impact Statement for Proposed Residential Subdivision off Apollo Drive Charlestown*

Winning G. (1998) *Supplement to the Species Impact Statement for Proposed Residential Subdivision off Apollo Drive Charlestown - Squirrel Glider and Masked Owl*

Wilson B. (2000) *Land and Environment Court Statement of Evidence Sinclair Knight Merz Pty Ltd –v- Lake Macquarie City Council*

## CHARLESTOWN ACQUISITION LAND REVIEW (EAST)

Young J. (No Date) *Assessing the likely effects on the sedentary pair of Masked Owl Apollo Drive Charlestown*, Report to Sinclair Knight Merz Pty Ltd

### **Land near Pacific Highway Gateshead**

Connell Wagner (1999) *Jewells Wetland Catchment Management Strategy and Proposed Plan of Management*

NOTE: See appendix 14 *CONSULTATION WITH DEPARTMENT OF EDUCATION REGARDING ITEM 12*, accepting the alternative to the previous proposal of rezoning the site to E2. The Department accepts that:

*Council would consider a proposal to reduce the existing acquisition site to include only the vegetated part of the site, rezone the carpark to R2 and retain the RE1 zone and acquisition on the vegetated part of the site only*



## CHARLESTOWN ACQUISITION LAND REVIEW (EAST)

### Appendix 9 – CONSULTATION WITH OFFICE OF ENVIRONMENT AND HERITAGE REGARDING GATEWAY DETERMINATION CONDITION 1



DOC18/139713-2  
RZ/5/2017

Mr Scott Monro  
Student Land Use Planner  
Lake Macquarie City Council  
[smonro@lakemac.nsw.gov.au](mailto:smonro@lakemac.nsw.gov.au)

Dear Scott

Request for Agency Comments under Section 56(2)(d) of the EP&A Act 1979 – Planning Proposal – Lake Macquarie LEP – Charlestown Acquisition Land Review

I refer to your letter dated 8 March 2018 requesting agency comment under Section 56(2)(d) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

OEH has reviewed the planning proposal, including Appendix 12 in relation to the request for consideration of the appropriateness of proposed E2 Environmental Conservation zones. OEH's recommendations are provided in Attachment A and detailed comments are provided in Attachment B. If you require any further information regarding this matter, please contact Brendan Mee, Senior Conservation Planning Officer, on 4904 2730.

Yours sincerely



**STEVEN COX**  
Senior Team Leader Planning  
Hunter Central Coast Branch  
Regional Operations Division

23 May 2018

Contact officer: BRENDAN MEE  
02 4904 2730

Enclosure: Attachments A and B

# CHARLESTOWN ACQUISITION LAND REVIEW (EAST)

## Attachment A

### OEH's recommendations

#### Lake Macquarie planning proposal – Charlestown Acquisition Land Review

1. OEH has no concerns with the E2 Environmental Conservation zones proposed for Items 11, 12 and 14.

## OEH's detailed comments

### Lake Macquarie planning proposal – Charlestown Acquisition Land Review

#### Biodiversity

1. OEH has no concerns with the proposed E2 Environmental Conservation zones

Lake Macquarie City Council has included justification within Appendix 12 of the planning proposal for the proposal to rezone sites 11, 12 and 14 to E2 Environmental Conservation. Appendix 12 addresses the queries raised by Department of Planning, including consideration of the Department's 2009 LEP Practice Note on Environmental Protection Zones, the size of the proposed zone, the fragmentation and lot pattern, the topography and likelihood of development, the isolated location in relation to other E2 or E1 zoned land and other options for protection of the native vegetation. OEH has reviewed Appendix 12 and has no concerns with the proposed E2 Environmental Conservation zones.

#### Recommendation 1

OEH has no concerns with the E2 Environmental Conservation zones proposed for Items 11, 12 and 14.

## **Appendix 10 – CONSULTATION WITH NSW RURAL FIRE SERVICE REGARDING SECTION 9.1 DIRECTION 4.4 (BUSHFIRE PROTECTION)**



**NSW RURAL FIRE SERVICE**



The General Manager  
Lake Macquarie City Council  
Box 1906  
HUNTER REG MAIL CENTRE NSW 2310

Your reference: PP\_2017\_LAKEM\_008\_00  
Our reference: R18/787

7<sup>th</sup> August 2018

**Attention:** Scott Monro

Dear Scott,

### **Planning Proposal – Planning Proposal to amend Lake Macquarie Local Environment Plan 2014**

Reference is made to Council's correspondence dated 24 May 2018 seeking comment in relation to the above planning proposal which seeks to remove 14 land parcels from the LRA Map and rezone them according to their site attributes to be consistent with the surrounding land use.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the proposal with regard to Section 4.4 of the directions issued in accordance with Section 9.1 of the *Environmental Planning and Assessment Act 1979*.

The objectives of the direction are:

- (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, and*
- (b) *to encourage sound management of bush fire prone areas.*

The direction provides that a planning proposal must:

- (a) *have regard to Planning for Bushfire Protection 2006,*
- (b) *introduce controls that avoid placing inappropriate developments in hazardous areas, and*
- (c) *ensure that bushfire hazard reduction is not prohibited within the APZ.*

With regard to these requirements, the following comments are made in relation to the submitted land acquisition amendment:

- Site 14 – The land between the existing development and northern boundary of the land acquisition shall allow for a 35 metre separation distance. This will allow compliance with Table A2.4 of *Planning for Bush Fire Protection 2006*.

All other sites can comply with *Planning for Bush Fire Protection 2006* in which the aims and objectives of the document should be considered for any future development upon them.

**Postal address**  
NSW Rural Fire Service  
Planning and Environment Services  
Locked Bag 17  
GRANVILLE NSW 2141

T 1300 NSW RFS  
F (02) 8741 5433  
E [records@rfs.nsw.gov.au](mailto:records@rfs.nsw.gov.au)  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)

## CHARLESTOWN ACQUISITION LAND REVIEW (EAST)

If you have any queries regarding this advice, please contact Matthew Apps, Development Assessment and Planning Officer, on 1300 NSW RFS.

Yours sincerely,



Nika Fomin  
Manager, Planning and Environment Services (East)

## CHARLESTOWN ACQUISITION LAND REVIEW (EAST)

### **Appendix 11 – CONSULTATION WITH SUBSIDENCE ADVISORY NSW REGARDING SECTION 9.1 DIRECTION 4.2 (MINE SUBSIDENCE)**



117 Bull Street, Newcastle West NSW 2302  
Tel 02 4908 4300 | [www.subsidenceadvisory.nsw.gov.au](http://www.subsidenceadvisory.nsw.gov.au)  
24 Hour Emergency Service: Free Call 1800 248 083  
ABN 87 445 348 918

FN13-37392L1  
EREZ18-00004

LAKE MACQUARIE CITY COUNCIL  
ATTN: SCOTT MONRO  
Via email: [smonro@lakemac.nsw.gov.au](mailto:smonro@lakemac.nsw.gov.au)

Dear Scott

**RE REQUEST FOR COMMENT ON PLANNING PROPOSAL  
(PP\_2017\_LAKEM\_008\_00) TO AMEND LAKE MACQUARIE LOCAL ENVIRONMENT  
PLAN 2014**

Subsidence Advisory NSW (SANSW) have received your request to comment on the above Planning Proposal dated 24 May 2018, your ref: RZ/5/2017.

SANSW has no objection to the rezoning/reclassification of the sites included in the documentation provided to us under Direction 4.2 – Mine Subsidence and Unstable Land, items 1-14.

Any future subdivision or development of these sites will require the approval of SA NSW.

If you have any queries concerning this matter, please contact Senior Advisor Residential Subsidence Regulation, Mr Paul Gray via e-mail [paul.gray@finance.nsw.gov.au](mailto:paul.gray@finance.nsw.gov.au) or 4908 4300.

Yours faithfully,



**Paul Gray**  
Senior Advisor Residential Subsidence Regulation

20 June 2018

## CHARLESTOWN ACQUISITION LAND REVIEW (EAST)

### **Appendix 12 – CONSULTATION WITH NSW ROADS AND MARITIME SERVICES**



Transport  
Roads & Maritime  
Services

CR2018/003251  
SF2012/009266  
KAP

14 August 2018

General Manager  
Lake Macquarie City Council  
PO Box 1906  
HUNTER REGION MAIL CENTRE NSW 2310

Attention: Scott Monro, Student Land Use Planner,

**NEWCASTLE INNER CITY BYPASS (A37): PLANNING PROPOSAL (RZ/5/2017) TO AMEND LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2014 ('LMLEP') TO REMOVE ROADS AND MARITIME SERVICES' OWNED LAND FROM LAND RESERVATION ACQUISITION MAPS, LOT: 42 DP: 861244 AND LOT: 133 DP: 624727, 0 WEST CHARLESTOWN BYPASS, CHARLESTON AND 68A HILLSBOROUGH ROAD, HILLSBOROUGH**

Reference is made to Council's letter dated 27 July 2018 regarding the abovementioned application which was referred to Roads and Maritime Services (Roads and Maritime) for comment.

Roads and Maritime understands that Council has received a Gateway Determination from the Department of Planning and Environment pursuant to Section 56(2)(d) of the *Environmental Planning and Assessment Act 1979* in respect of the subject planning proposal. The delegate of the Minister for Planning and Environment has directed Council to consult with Roads and Maritime in relation to the planning proposal.

Roads and Maritime understands the planning proposal seeks to remove reference to two small parcels of land owned by Roads and Maritime Services' from the current Land Reservation Acquisition mapping as acquisition for the purpose of a Classified Road has already taken place.

Roads and Maritime has reviewed the information provided and raises no objection to Lot 42 DP861244 and Lot 133 DP624727 being removed from the Land Reservation Acquisition Map as these two lots were acquired by Roads and Maritime Services for the West Charlestown Bypass and are currently in the process of being dedicated as public road.

On Council's determination of this matter, please forward a copy of the determination / Council resolution to Roads and Maritime for record and / or action purposes. Should you require further information please contact Hunter Land Use on 4908 7688 or by email at [development.hunter@rms.nsw.gov.au](mailto:development.hunter@rms.nsw.gov.au).

Yours sincerely,



**Peter Marler**  
Manager Land Use Assessment  
Hunter Region

## CHARLESTOWN ACQUISITION LAND REVIEW (EAST)

### **Appendix 13 – CONSULTATION WITH DEPARTMENT OF INDUSTRY REGARDING CROWN LANDS**



Our Reference: DOC18/261003

Chief Executive Officer  
Lake Macquarie City Council  
Box 1906  
HRMC NSW 2310

Dear Ms Cameron

#### **Notice of Public Exhibition - Review of the Land Reservation Acquisition Map of Lake Macquarie Local Environment Plan 2014 applying to NSW Crown Lands**

I refer to Lake Macquarie City Council's letter of the 20 July 2018 meant for the Department of Industry – Lands & Water (the department) but incorrectly addressed to the NSW Land Registry Service.

#### **46A Oakdale Road, Gateshead - Part Lot 7387 DP 1164264**

The department has no objection to the proposal to remove this site from the Land Reservation Acquisition (LRA) Map of *Lake Macquarie Local Environmental Plan 2014*.

#### **62B Oakdale Road, Gateshead – Lot 8 DP 256785**

The department has no objection to the proposal to remove this site from the Land Reservation Acquisition (LRA) Map of *Lake Macquarie Local Environmental Plan 2014*.

#### **16A Hallam Street, Charlestown – Lot 7083 DP 92843**

The department has no objection to the proposal to remove this site from the Land Reservation Acquisition (LRA) Map of *Lake Macquarie Local Environmental Plan 2014*.

The site is Crown Reserve 89103 for Public Recreation, gazetted 7 December 1973. Care, control and management of this reserve devolve to Lake Macquarie City Council. Council has advised that there is drainage infrastructure located within this site. The site is managed as a natural area by Council and this arrangement is considered suitable without the need for acquisition.

#### **76 Crescent Road, Charlestown – Part Lot 17 DP 861244**

The department objects to the rezoning proposal. The site is Crown Reserve 97828 for Homes for the Aged, gazetted 28 June 1985. I suggest you contact the appointed land manager, C3 Church Victory Incorporated, as the proposed rezoning may not be compatible with future development aspirations.

The reserve is also subject to undetermined Aboriginal Land Claim 43808 lodged by the New South Wales Aboriginal Land Council on 22 March 2017. I suggest you contact the Land Council, as an entity with possible future interests in the site, for their opinion on the proposal.




## CHARLESTOWN ACQUISITION LAND REVIEW (EAST)

Rezoning the reserve for E2 Environmental Conservation also appears to be inconsistent with the zoning applied to Council owned land directly north zoned for recreation purposes which also acts as a buffer to the main road.

If you require any further information please do not hesitate to contact me on 4937 9363 or at [anne.swan@crowland.nsw.gov.au](mailto:anne.swan@crowland.nsw.gov.au)

Yours sincerely



Anne Swan  
**Senior Natural Resource Management Officer**

11 December 2018

## CHARLESTOWN ACQUISITION LAND REVIEW (EAST)



Our Reference: DOC18/265681

Lake Macquarie City Council  
Box 1906  
HRMC NSW 2310

Dear Mr Monro


### **Notice of Public Exhibition - Review of the Land Reservation Acquisition Map of Lake Macquarie Local Environment Plan 2014 applying to NSW Crown Lands**

I refer to your email of 17 December 2018 regarding 76 Crescent Road, Charlestown – part Lot 17 DP 861244

The Department of Industry – Crown Lands has no objection to the removal of part Lot 17 DP 861244 from the Land Reservation Acquisition Map of Lake Macquarie Local Environmental Plan 2014 as long as the existing zoning is retained.

If you require any further information please do not hesitate to contact me on 4937 9363 or at [anne.swan@crowmland.nsw.gov.au](mailto:anne.swan@crowmland.nsw.gov.au)

Yours sincerely



Anne Swan  
Senior Natural Resource Management Officer

18 December 2018

## CHARLESTOWN ACQUISITION LAND REVIEW (EAST)

### Appendix 14 – CONSULTATION WITH DEPARTMENT OF EDUCATION REGARDING ITEM 12



DOC19/388317

Chief Executive Officer  
Lake Macquarie Council  
Box 1906  
HUNTER REGIONAL MAIL CENTRE NSW 2310

[council@lakemac.nsw.gov.au](mailto:council@lakemac.nsw.gov.au)

Attention: Kent Plasto

Dear Sir/Madam

**Review of Land Reservation Acquisition Map of Lake Macquarie Local Environmental Plan 2014  
applying to 9 Hughes Street and 4 Pacific Highway Gateshead (Lots 91 and 92, DP 119218)**

I refer to previous correspondence concerning this matter, most recently your letter of 3 May 2019.

The department's preferred zoning outcome for its land remains as outlined in its previous letter (our reference: DOC19/92094) to allow flexibility in meeting the future educational needs for the community on the site. However, in consideration of the information provided by Council in its response, the department accepts the alternative to the current planning proposal that:

***Council would consider a proposal to reduce the existing acquisition site to include only the vegetated part of the site, rezone the car park to R2 and retain the RE1 zone and acquisition on the vegetated part of the site only (See attachment two for more details).***

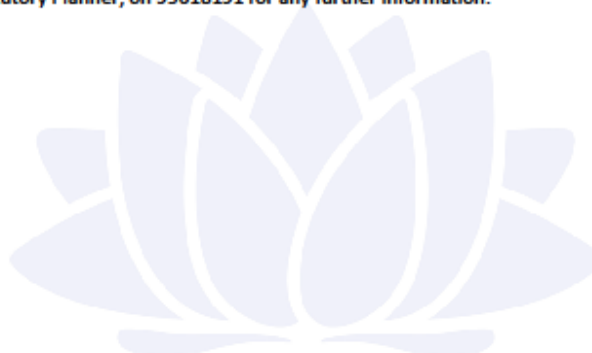
Thank you for your continued consultation on this matter.

Please contact David Lewis, Statutory Planner, on 95618191 for any further information.

Yours sincerely



David Lewis  
R/Strategic Analyst  
24 May 2019



**Appendix 15 – POST EXHIBITION LAND ACQUISITION  
REVIEW REPORT FOR THE CHARLESTOWN  
CONTRIBUTIONS CATCHMENT (EASTERN PART)**



**CHARLESTOWN  
ACQUISITION LAND  
REVIEW:  
EASTERN PART OF THE  
CHARLESTOWN CONTRIBUTIONS  
CATCHMENT**

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## CHARLESTOWN ACQUISITION LAND REVIEW (EAST)

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# CHARLESTOWN ACQUISITION LAND REVIEW (EAST)

## 1 INTRODUCTION

Lake Macquarie Local Environmental Plan (LEP) 2014 currently identifies private land that Council and government agencies intend to purchase for public purposes, such as parks, libraries and roads.

This report presents the recommendations from a review of the LEP 2014 for the land contained within the **eastern part** of the Charlestown Contributions Catchment.

The purpose of the review is to ensure that the LEP 2014 is up to date and accurately identifies land that Council and government agencies intend to purchase for public purposes.

## 2 LAND IDENTIFIED FOR ACQUISITION IN THE LEP 2014

The Land Reservation Acquisition (LRA) map in Lake Macquarie Local Environmental Plan (LEP) 2014 identifies land that Council and NSW government agencies want to purchase for public purposes. Currently, 25 land areas are identified for acquisition in the LRA map within the **eastern part** of the Charlestown Contributions Catchment, as shown in

Figure 1.

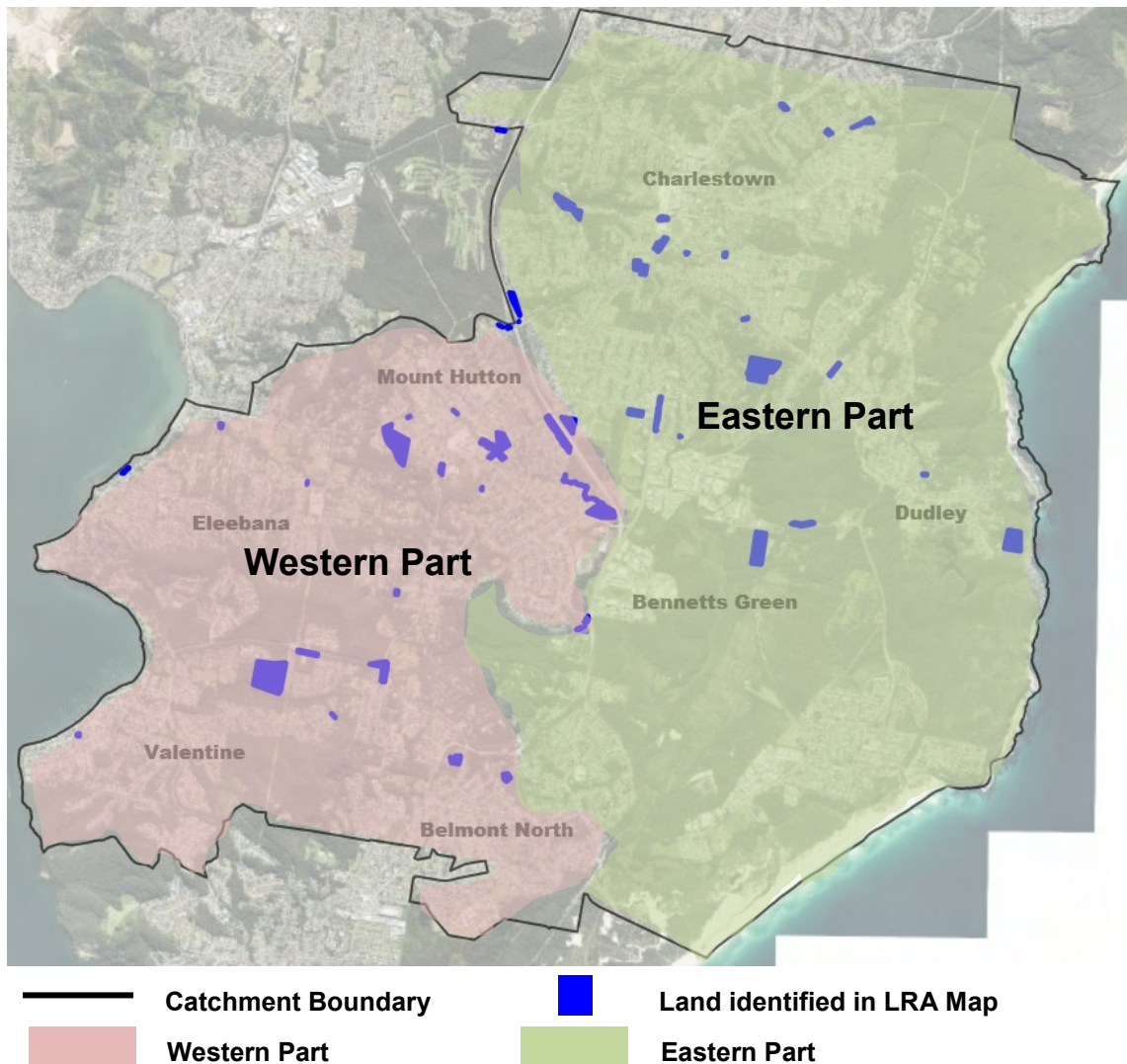


Figure 1 - Land identified in the LRA Map

## CHARLESTOWN ACQUISITION LAND REVIEW (EAST)

### 3 REVIEW PROCESS

The majority of the land identified for acquisition in *Lake Macquarie Local Environmental Plan (LEP) 2014* is a direct conversion of the land identified for acquisition under past LEPs that were adopted in 1984 and 2004.

The review process for the land identified for acquisition in the *LEP 2014* included:

- A review of the site history and details for the land areas;
- Indicative valuations to purchase the land areas (research undertaken by Council's Property and Business Development);
- Consultation with Council clusters (Asset Management, Environmental Systems, Integrated Planning, Environmental Regulation and Compliance, Development Assessment and Certification, Community Partnerships and Property and Business Development) and government agencies (Roads and Maritime Services, Land and Housing Corporation and Crown Lands) to determine which land areas still require acquisition for public purposes; and
- Additional site-specific investigations, such as additional consultation and site inspections.

### 4 SUMMARY

The review recommends:

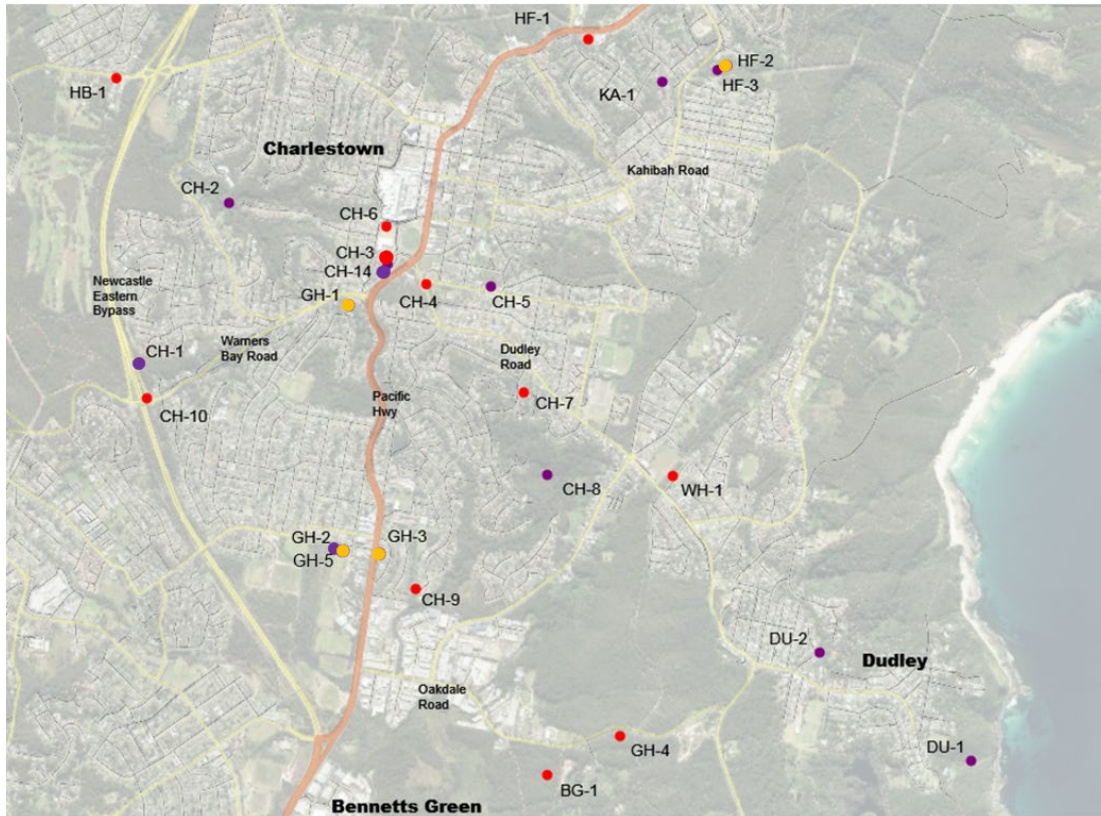
- Amending the *LEP 2014* to remove 11 land areas identified for acquisition and rezoning them as required consistent with the existing land use;
- Retaining 10 land areas for acquisition in the *LEP 2014* (No amendment required); and
- Deferring 4 land areas for further investigation

Detailed recommendations for each of the individual land areas are presented in Appendix 1.



## APPENDIX 1 – RECOMMENDATIONS

### A. LOCALITY MAP



- Deferred for further investigation
- Item proposed to be removed from the acquisition layer
- Retain acquisition and existing zone

## CHARLESTOWN ACQUISITION LAND REVIEW (EAST)

### B. LIST OF AFFECTED LAND AREAS

#### LAND AREAS RECOMMENDED TO BE REMOVED FOR ACQUISITION FROM THE LEP AND REZONED AS REQUIRED CONSISTENT WITH THE EXISTING LAND USE:

Land Area	Address	Suburb
BG-1	46A OAKDALE ROAD	BENNETTS GREEN
CH-3	LAND NEAR CARL CLOSE	CHARLESTOWN
CH-4	27 TIRAL STREET	CHARLESTOWN
CH-6	72A PATRICIA AVENUE	CHARLESTOWN
CH-7	16A HALLAM STREET	CHARLESTOWN
CH-9	90 KULAI STREET	CHARLESTOWN
CH-10	0 WARNERS BAY ROAD	CHARLESTOWN
GH-4	62B OAKDALE ROAD	GATESHEAD
HB-1	68A HILLSBOROUGH ROAD	HILLSBOROUGH
HF-1	LAND NEAR PACIFIC HWY	HIGHFIELDS
WH-1	9 STATION STREET	WHITEBRIDGE

#### LAND AREAS RECOMMENDED TO BE RETAINED FOR ACQUISITION IN THE LEP (NO LEP AMENDMENT REQUIRED):

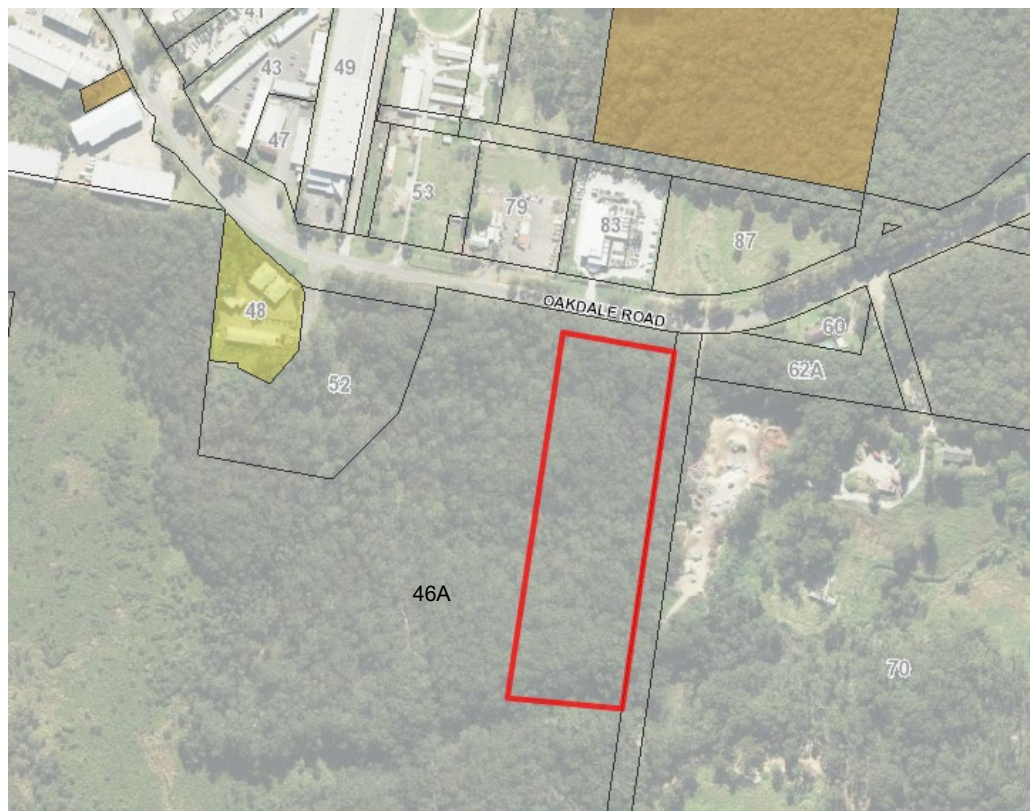
Land Area	Address	Suburb
CH-1	76 CRESCENT ROAD	CHARLESTOWN
CH-2	LAND NEAR FRASER PARADE	CHARLESTOWN
CH-5	25 JAMES STREET	CHARLESTOWN
CH-8	LAND NEAR BULLS GARDEN ROAD	CHARLESTOWN
CH-14	12 CARL CLOSE	CHARLESTOWN
DU-1	1 OCEAN STREET	DUDLEY
DU-2	15 DURFOLD STREET	DUDLEY
GH-5	4 PACIFIC HIGHWAY	GATESHEAD
HF-3	72 AND 76 KAHIBAH ROAD	HIGHFIELDS
KA-1	13 NEWCASTLE CRESCENT	KAHIBAH

#### LAND AREAS RECOMMENDED TO BE RETAINED ON THE LRA MAP FOR FURTHER CONSIDERATION & CONSULTATION WITH LAND OWNERS & STATE AGENCIES:

Land Area	Address	Suburb
GH-1	22A BEAN STREET	GATESHEAD
GH-3	45A PACIFIC HIGHWAY	GATESHEAD
GH-2	9 HUGHES STREET	GATESHEAD
HF-2	58 TO 68 KAHIBAH ROAD	HIGHFIELDS

## C. LAND AREAS TO BE REMOVED FOR ACQUISITION FROM THE LEP AND REZONED AS REQUIRED CONSISTENT WITH THE EXISTING LAND USE

### BG-1: 46A OAKDALE ROAD, BENNETTS GREEN



Remove from LEP
  Council land (community land)
  Council land (operational land)

#### Planning Controls under LMLEP 2014

Zoned E2 Environmental Conservation and identified to be purchased by Council in LRA map

#### Site Details

- Owned by NSW Crown Lands
- Undeveloped and contains native vegetation (Sugarloaf Lowlands Bloodwood-Apple-Scribbly Gum Forest, Swamp Mahogany - Paperbark Forest (EEC equivalent Swamp Sclerophyll Forest on Coastal Floodplains), Lake Macquarie Spotted Gum Forest, and Sugarloaf Lowlands Bloodwood-Apple-Scribbly Gum Forest)
- Located adjacent to the former Charlestown Bypass, which is no longer identified to be built
- Not identified to be purchased by Council under an adopted Development Contributions Plan

#### Internal Council Department Consultation

Not identified for Council purposes and no objection to removal from the LRA Map

#### Recommendation

The land area does not require acquisition by Council for community, environmental, drainage or transport purposes. The area contains native vegetation and should retain an environmental zoning

#### Proposed LEP amendments:

- Remove the area from the LRA map
- Retain the existing E2 Environmental Conservation zone

#### Acquisition Cost Estimate

Current	Proposed
\$550k	\$0

## CH-3: LAND NEAR CARL CLOSE, CHARLESTOWN



Remove from LEP     
  Council land (community land)     
  Council land (operational land)

### Planning Controls under LMLEP 2014

Zoned RE1 Public Recreation and identified to be purchased by Council

### Site Details

The land was identified to be purchased by Council for public open space as a condition of the Charlestown Square redevelopment. The land has been purchased, but has not been removed from the LRA Map.

### Internal Council Department Consultation

Remove from the LRA Map

Recommendation	Acquisition Cost Estimate	
	Current	Proposed
The land has been acquired by Council for public open space. The land should be removed from the LRA map, and the public opens space zoning should be retained. <b>Proposed LEP amendments:</b> <ul style="list-style-type: none"> <li>Remove the area from the LRA Map</li> <li>Retain the existing RE1 Public Recreation Zone</li> </ul>	\$0	\$0

## CH-4: 27 TIRAL STREET, CHARLESTOWN



Remove from LEP
  Council land (community land)

### Planning Controls under LMLEP 2014

Zoned R3 Medium Density residential with a 16.5m maximum building height and identified to be purchased by Council for the purpose of a local road

### Site Details

- Privately owned and undeveloped
- Not identified to be purchased by Council under an adopted Development Contributions Plan
- The Charlestown Development Contributions Plan background study does not indicate that the intersection requires upgrade, however, does state that the intersection will have LoS (Level of Service) D by 2025. *LOS D is the level at which speeds begin to decline slightly with increasing flows and when density begins to increase more quickly. Freedom to manoeuvre within the traffic stream is more noticeably limited and the driver experiences reduced comfort levels (RMS, 2017).*

### Internal Council Department Consultation

Transport Planning advised that no funding is identified to purchase the land and no concept plans are provided for truncation. See D08602422 for details.

### Recommendation

The land area is not identified for acquisition for transport purposes in any Council plans.

### Proposed LEP amendments:

- **Remove the area from the LRA Map**
- **Retain the existing R3 Public Recreation Zone**

### Acquisition Cost Estimate

Current	Proposed
\$200k	\$0

**CH-6: 72A PATRICIA AVENUE, CHARLESTOWN**



Remove from LEP       Council land (community land)

**Planning Controls under LMLEP 2014**

Zoned RE1 Public Recreation and is identified to be purchased by Council

**Site Details**

The area has been acquired by Council, however, has not been removed from the LRA map.

**Internal Council Department Consultation**

No objection to removal from the LRA Map

Recommendation	Acquisition Cost Estimate	
The land area has been purchased by Council. <b>Proposed LEP amendments:</b> <ul style="list-style-type: none"> <li>• Remove the area from the LRA Map</li> <li>• Retain the existing RE1 Public Recreation Zone</li> </ul>	Current	Proposed
		\$0

## CH-7: 16A HALLAM STREET, CHARLESTOWN



- Remove from LEP
- Council land (community land)
- NSW Crown Lands

### Planning Controls under LMLEP 2014

Zoned RE1 Public Recreation and is identified to be purchased by Council

### Site Details

- Owned by NSW Crown Lands and managed by Council as a natural area (watercourse).
- Community Land
- Not identified to be purchased by Council under an adopted Development Contributions Plan

### Internal Council Department Consultation

No objection to removal from the LRA Map

Post exhibition consultation with the Assets Department with regard to safety concerns found that 'No change is recommended' in response to the community submission, as drainage is an allowable use in the RE1 Public Recreation zone, and no other zone is appropriate for the land parcel.

### External Consultation

A community submission was made during public exhibition stage that highlighted safety concerns on the site, noting it is the location of a drainage easement on a steep slope and with an exposed stormwater pipe, claiming it is unsuitable for public access.

Recommendation	Acquisition Cost Estimate	
	Current	Proposed

## CHARLESTOWN ACQUISITION LAND REVIEW (EAST)

### CH-7: 16A HALLAM STREET, CHARLESTOWN

The land area does not require to be purchased by Council. The area is owned by NSW Crown Lands and managed by Council as a natural area (watercourse).

**Proposed LEP amendments:**

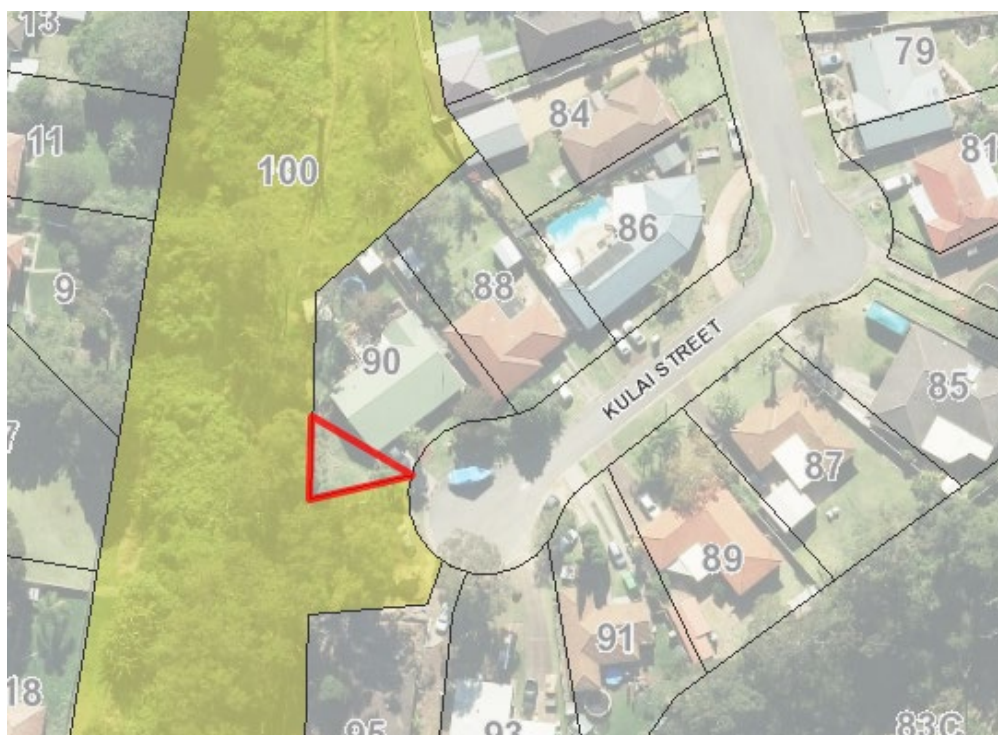
- Remove the area from the LRA Map
- Retain the existing RE1 Public Recreation Zone

\$220k

\$0



## CH-9: 90 KULAI STREET, CHARLESTOWN



Remove from LEP
  Council land (community land)

### Planning Controls under LMLEP 2014

Zoned R2 Low Density Residential and is identified to be purchased by Council

### Site Details

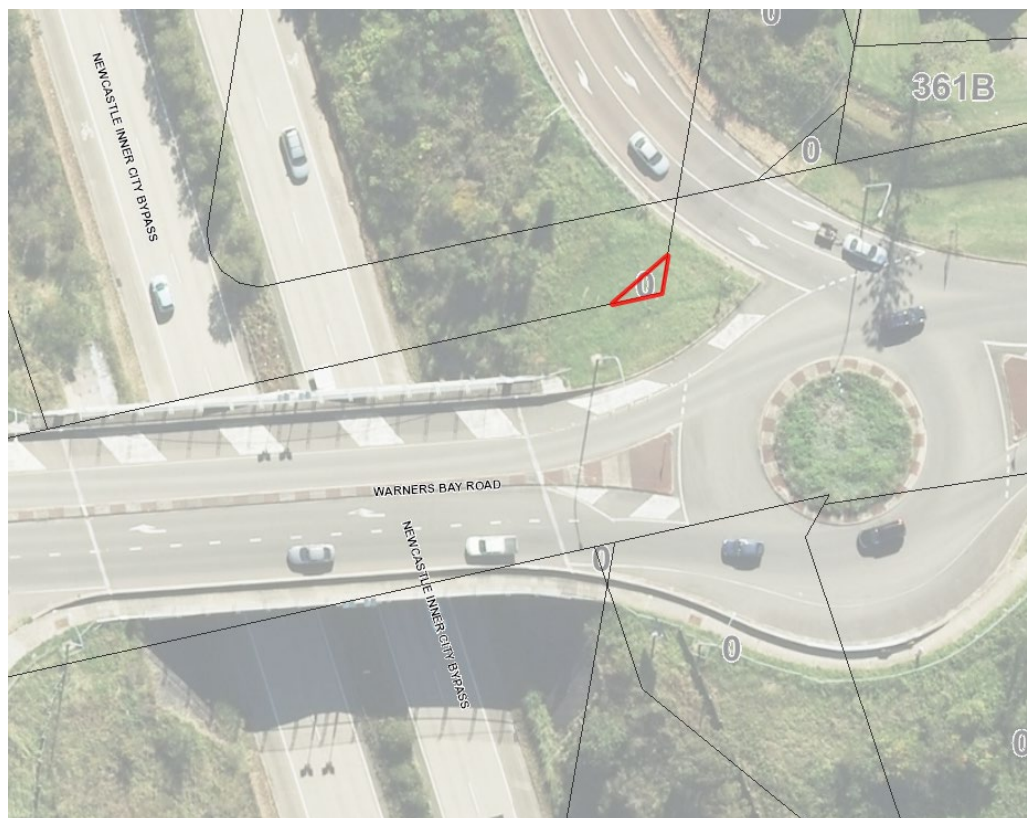
- Privately owned lot that contains a residential dwelling
- Not identified to be purchased by Council under a Development Contributions Plan

### Internal Council Department Consultation

No objection to removal from the LRA Map

Recommendation	Acquisition Cost Estimate	
	Current	Proposed
The land area does not require to be purchased by Council for community, environmental, drainage or transport purposes.	\$40k	\$0
<b>Proposed LEP amendments:</b>		
<ul style="list-style-type: none"> <li>• Remove the area from the LRA Map</li> <li>• Retain the existing R2 Low Density Residential zone</li> </ul>		

## CH-10: 0 WARNERS BAY ROAD, CHARLESTOWN (FORMER HB-1)



Remove from LEP

### Planning Controls under LMLEP 2014

Identified to be acquired by NSW Roads and Maritime Services and zoned SP2 Infrastructure (Classified Roads)

### Site Details

The area has been acquired by NSW Roads and Maritime Services, however, has not been removed from the LRA map

### Internal Council Department Consultation

No objection to removal from the LRA Map

### Recommendation

The land area has been purchased by NSW Roads and Maritime Services

#### Proposed LEP amendments:

- Remove the area from the LRA Map
- Retain the existing SP2 Infrastructure (Classified Roads) Zone

### Acquisition Cost Estimate

Current	Proposed
\$0	\$0

## GH-4: 62B OAKDALE ROAD, GATESHEAD



Remove from LEP



Council land (operational land)

### Planning Controls under LMLEP 2014

Identified to be purchased by Council and zoned E2 Environmental Conservation

### Site Details

- Owned by NSW Crown Lands
- Undeveloped and contains native vegetation (Kahibah Snappy Gum Forest)
- Not identified to be purchased by Council under an adopted Development Contributions Plan

### Internal Council Department Consultation

No objection to removal from the LRA Map

### Recommendation

The land area does not require to be purchased by Council for community, environmental, drainage or transport purposes. The area contains native vegetation and should retain an environmental conservation zoning.

### Proposed LEP amendments:

- Remove the area from the LRA Map
- Retain the existing E2 Environmental Conservation zone

### Acquisition Cost Estimate

#### Current

\$40k

#### Proposed

\$0

# CHARLESTOWN ACQUISITION LAND REVIEW (EAST)

## HB-1: 68A HILLSBOROUGH ROAD, HILLSBOROUGH (FORMER HB-2)



Remove from LEP       Council land (community land)

### Planning Controls under LMLEP 2014

Identified to be acquired by NSW Roads and Maritime Services and zoned SP2 Infrastructure (Classified Roads)

### Site Details

The area has been acquired by NSW Roads and Maritime Services, however, has not been removed from the LRA map

### Internal Council Department Consultation

No objection to removal from the LRA Map

### Recommendation

The land area has been purchased by NSW Roads and Maritime Services

#### **Proposed LEP amendments:**

- Remove the area from the LRA Map
- Retain the existing SP2 Infrastructure (Classified Roads) Zone

### Acquisition Cost Estimate

Current	Proposed
\$0	\$0

## HF-1: LAND NEAR PACIFIC HWY, HIGHFIELDS



Remove from LEP

### Planning Controls under LMLEP 2014

Identified to be purchased by Council and zoned RE1 Public Recreation

### Site Details

- Part of the area is owned by AusGrid and contains an electricity transmission line
- Part of the area is privately owned and contains a service station/car wash access road
- Not identified to be purchased by Council under an adopted Development Contributions Plan

### Internal Council Department Consultation

No objection to removal from the LRA Map

### External Department Consultation

The original proposal to rezone the site to R2 and B4 was not supported by the Department of Planning as it is unclear if contamination or electromagnetic radiation effect the site. The Department would support rezoning the site to RU6 Transition as the land requires '*environmental studies to substantiate the capability and suitability of land prior to rezoning*'.

### Recommendation

The land area does not require to be purchased by Council for community, environmental, drainage or transport purposes. The land should be rezoned consistent with the adjacent land.

### Proposed LEP amendments:

- **Remove the area from the LRA Map**
- **Rezone from RE1 Public Recreation Zone to RU6 Transition land**

### Acquisition Cost Estimate

Current	Proposed
\$455k (excluding service station)	\$0

## WH-1: 9 STATION STREET, WHITEBRIDGE



Remove from LEP    
  Council land (community land)    
  Council land (operational land)

### Planning Controls under LMLEP 2014

Identified to be purchased by Council and zoned RE1 Public Recreation

### Site Details

The area has been acquired by Council, however, has not been removed from the LRA Map

### Internal Council Department Consultation

No objection to removal from the LRA Map

### Recommendation

Remove the land area from the LRA map as the land has been purchased by Council

### Proposed LEP amendments:

- Remove the area from the LRA Map
- Retain the existing RE1 Public Recreation Zone

### Acquisition Cost Estimate

Current	Proposed
\$0	\$0

## D. LAND AREAS TO BE RETAINED FOR ACQUISITION IN THE LEP (NO LEP AMENDMENT REQUIRED)

### CH-1: 76 CRESCENT ROAD, CHARLESTOWN



Remove in LEP



Council land (community land)

#### Planning Controls under LMLEP 2014

Zoned RE1 Public Recreation and identified to be purchased by Council

#### Site Details

- Owned by NSW Crown Lands
- Undeveloped and contains native vegetation (Coastal Plains Stringybark - Apple Forest)
- Not identified to be purchased by Council under an adopted Development Contributions Plan
- Not identified as a bicycle linkage under Council's adopted Cycling Strategy
- The land is not identified within the LMCC Cycling Strategy.

#### Internal Council Department Consultation

Post exhibition consultation with Assets Infrastructure advised that the acquisition is required as the land has good potential to support additional active transport route north south adjacent to the Newcastle Inner City Bypass. The proposed route would also support future active transport connecting the proposed Basketball Stadium north of the site.

#### External Department Consultation

## CHARLESTOWN ACQUISITION LAND REVIEW (EAST)

Exhibition stage consultation with Crown Lands found that the site is Crown Reserve 97828 for 'Homes for the aged', gazetted 28 June 1985. Crown Lands did not support the recommendation to rezone the site to E2 as the E2 zone places development limitations that do not suit future aspirations for the site.

After further consultation Crown Lands found no objection to removing the acquisition 'as long as the existing zoning (RE1) is retained'.

Additionally, Crown Lands note that the site is subject to Aboriginal Land Claim 43808 lodged by the NSW Aboriginal Land Council on 22<sup>nd</sup> March. The NSW Aboriginal Land Council have been notified (see D09565268).

The Department of Planning, Industry and Environment support retaining the RE1 zone and have committed to providing formal notation to confirm the appropriateness of the zone at this time (see D09551004).

Recommendation	Acquisition Cost Estimate	
<p>The land area may require acquisition by Council for community and environmental purposes. Post exhibition internal consultation is satisfied that retaining the acquisition will support development of proposed active transport route.</p> <p><b>Proposed LEP amendments:</b></p> <ul style="list-style-type: none"> <li>• Retain the area in the LRA Map</li> <li>• Retain the RE1 Public Recreation Zone</li> </ul>	Current	Proposed
	\$110k	\$0



## CH-2: LAND NEAR FRASER PARADE, CHARLESTOWN (OS-062)



- Retain pending further investigation
- Council land (community land)
- Great Northern Walk

### Planning Controls under LMLEP 2014

Zoned E2 Environmental Conservation and identified to be purchased by Council

### Site Details

- Privately owned, undeveloped land that contains water course, native vegetation and the Great Northern Walk track
- Identified to be purchased using development contributions under the adopted Development Contributions Plan for the Charlestown Contributions Catchment for the purpose for a walking trail (OS-62)

### Internal Council Department Consultation

Community Planning advises that: *“The existing acquisition area should remain in the LEP until a revised acquisition area required has been determined as part of additional project planning. Matters that also need resolution include whether the land should be acquired, or if an easement over the land is adequate”*

Recommendation	Acquisition Cost Estimate	
	Current	Proposed
The land area is identified for acquisition by Council for the purpose for a walking trail (Great Northern Walk) under an adopted Development Contributions Plan. However, the specific land area requires further investigation. <b>Proposed LEP amendments:</b> <ul style="list-style-type: none"> <li>• Retain in LRA map whilst furthering investigation undertaken</li> <li>• Retain the existing E2 Environmental Conservation zone</li> </ul>	\$0	\$0 (\$400k from Development Contributions fund)

## CH-5: 25 JAMES STREET, CHARLESTOWN



Retain in LEP
  Council land (community land)

### Planning Controls under LMLEP 2014

Zoned RE1 Public Recreation and is identified to be purchased by Council

### Site Details

- Owned by the Scout Associated of Australia NSW and contains a Scout Hall
- Identified to be purchased by Council in the Development Contributions Plan for the Charlestown Contributions Catchment for the purpose of expanding the Charlestown Multipurpose Centre (CF-003)

### Internal Council Department Consultation

Retain in the LRA Map

### Recommendation

The land area is identified for acquisition by Council for the purpose of expanding the Charlestown Multipurpose Centre under an adopted Development Contributions Plan.

### Proposed LEP amendments:

- Retain the area in the LRA Map
- Retain the existing RE1 Public Recreation zone

### Acquisition Cost Estimate

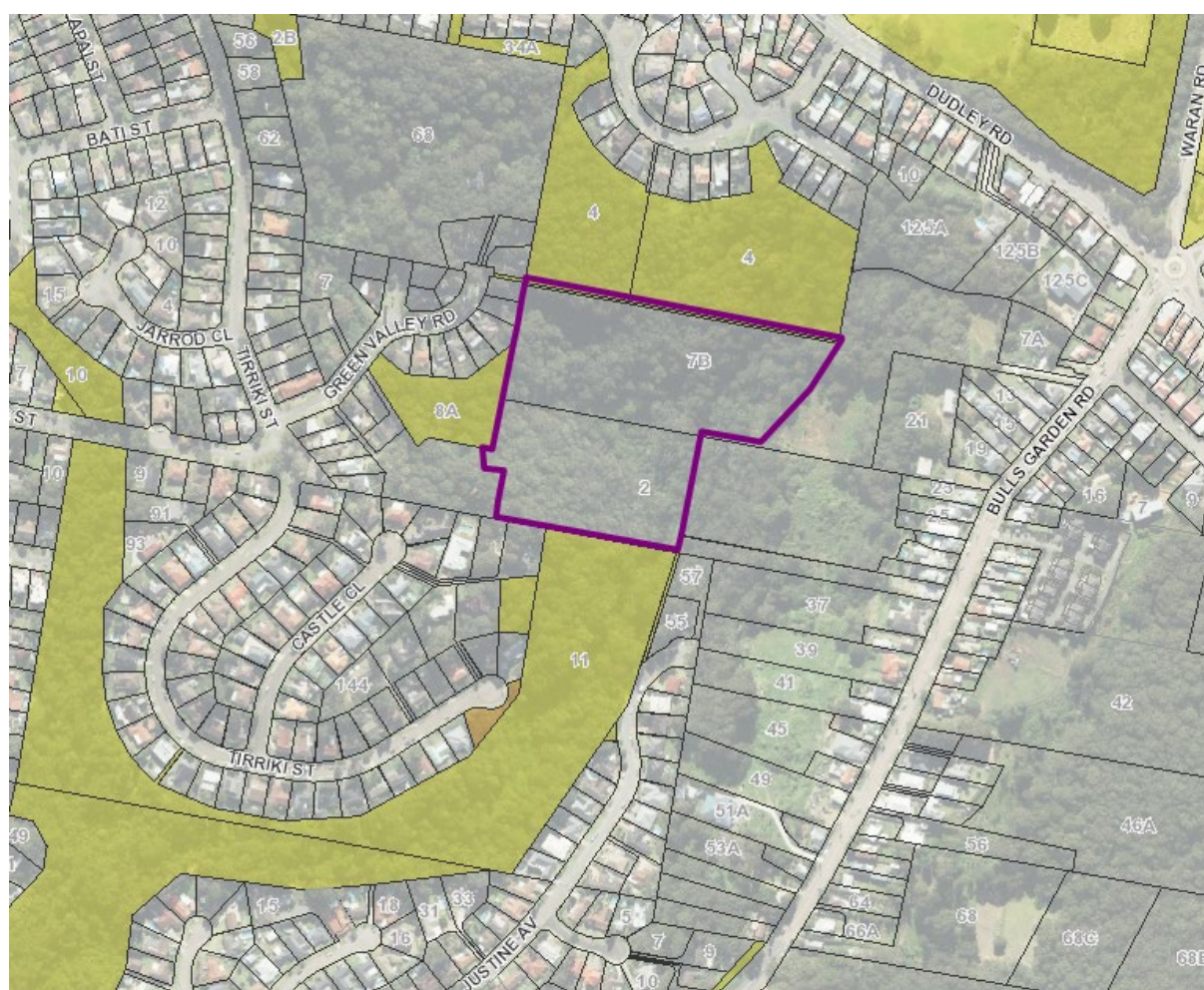
#### Current

\$0

#### Proposed

\$0 (\$500k from Development Contributions fund)

## CH-8: LAND NEAR BULLS GARDEN ROAD, CHARLESTOWN



Retain in LEP
  Council land (community land)

### Planning Controls under LMLEP 2014

Zoned E2 Environmental Conservation and identified to be purchased by Council

### Site Details

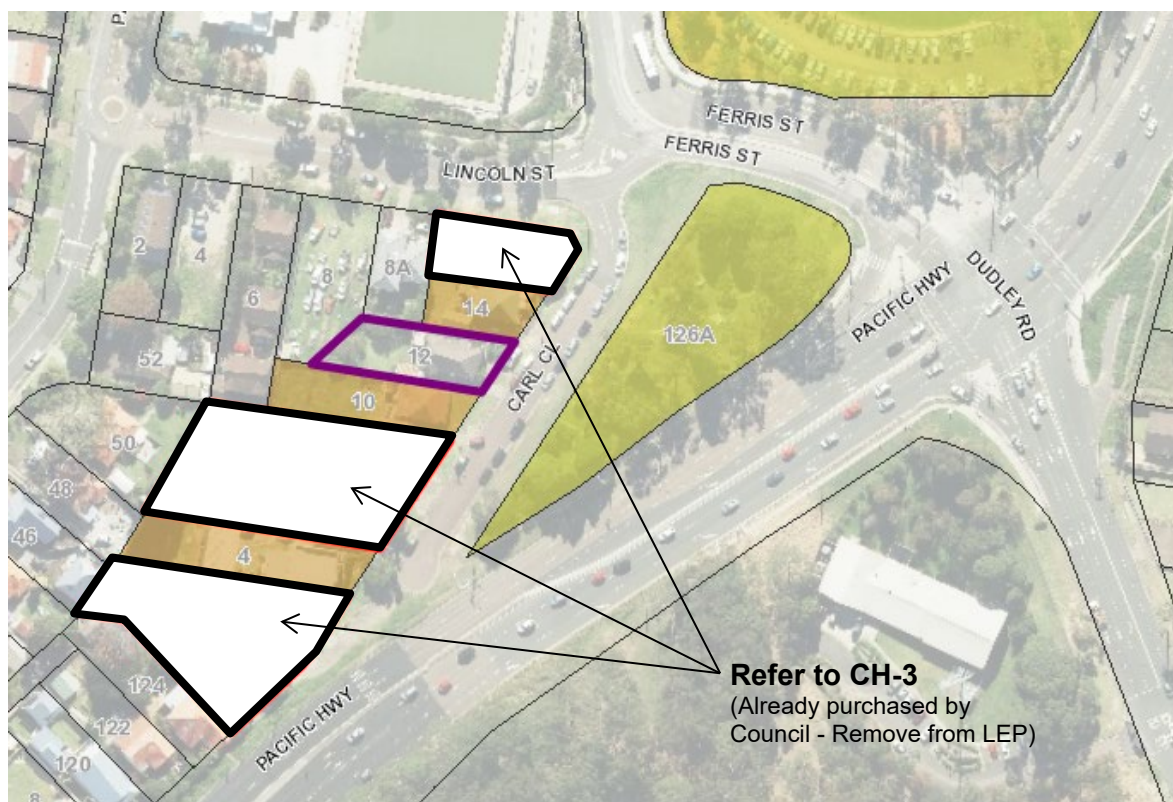
- Privately owned land
- Undeveloped and contains water courses and native vegetation (Hunter Valley Moist Forest and Alluvial Tall Moist Forest (EEC equivalent River-flat Eucalypt Forest on Coastal Floodplains))
- Not identified to be purchased by Council under an adopted Development Contributions Plan

### Internal Council Department Consultation

Community Planning advises: *“Retain the acquisition layer in the LEP to complete an existing walking trail”*

Recommendation	Acquisition Cost Estimate	
	Current	Proposed
The land area has the potential for a walking trail across the land, however, further investigation is required.	\$115 to \$565k	\$115 to \$565k
<b>Proposed LEP amendments:</b>		
<ul style="list-style-type: none"> <li>• Retain in LRA map whilst furthering investigation undertaken</li> <li>• Retain the existing RE1 Public Recreation Zone</li> </ul>		

## CH-14: 12 CARL CLOSE, CHARLESTOWN



- Retain in LEP
- Council land (community land)
- Council land (operational land)

### Planning Controls under LMLEP 2014

Zoned RE1 Public Recreation and identified to be purchased by Council

### Site Details

- Privately owned land containing a residential dwelling
- Identified to be purchased by Council for public open space as a condition of the Charlestown Square redevelopment. The lot is the last land parcel that needs to be purchased by Council.

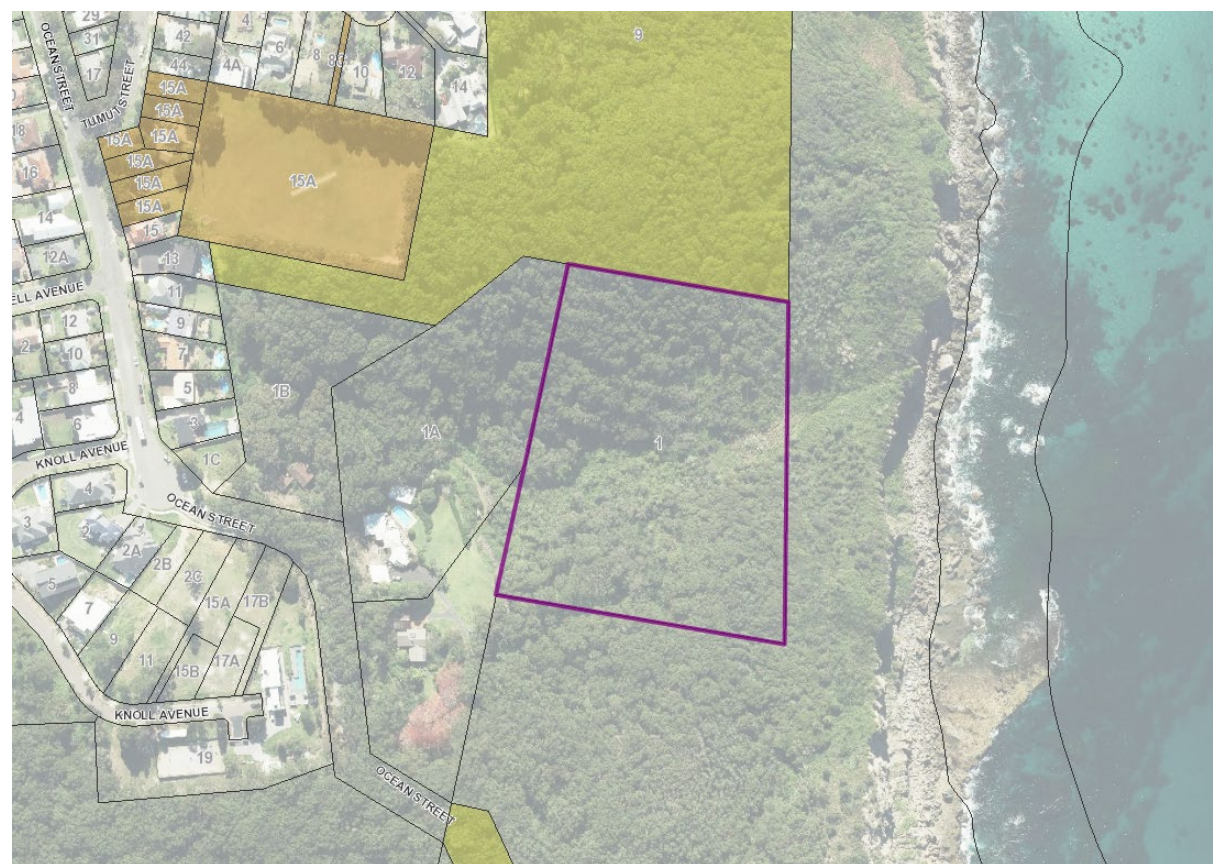
### Internal Council Department Consultation

Retain areas in the LRA Map

Recommendation	Acquisition Cost Estimate	
	Current	Proposed
The land area is identified for acquisition by Council for the purpose of a town park under the existing Charlestown Endowment Fund, and should be retained in the LRA Map. <b>Proposed LEP amendments:</b> <ul style="list-style-type: none"> <li>• Retain the area in the LRA Map</li> <li>• Retain the existing RE1 Public Recreation Zone</li> </ul>	\$0 ( <i>Funded under Charlestown Endowment Fund</i> )	\$0 ( <i>Funded under Charlestown Endowment Fund</i> )

# CHARLESTOWN ACQUISITION LAND REVIEW (EAST)

## DU-1: 1 OCEAN STREET, DUDLEY



Retain in LEP    
  Council land (community land)    
  Council land (operational land)

### Planning Controls under LMLEP 2014

Identified to be purchased by Department of Planning and Environment (\$0 cost to Council) and zoned E2 Environmental Conservation

### Site Details

Privately owned land that is undeveloped, located within a prominent coastal area and contains native vegetation (Lake Macquarie Spotted Gum Forest)

### Internal Council Department Consultation

Retain the area in the LRA Map

Recommendation	Acquisition Cost Estimate	
	Current	Proposed
The land area is proposed to be purchased by the Department of Planning and Environment. The area contains native vegetation and should retain an environmental conservation zoning <b>Proposed LEP amendments:</b> <ul style="list-style-type: none"> <li>Retain the area in the LRA Map</li> <li>Retain the existing E2 Environmental Conservation zone</li> </ul>	\$0	\$0

## DU-2: 15 DURFOLD STREET, DUDLEY (OS-056)



- Retain pending further investigation
- Council land (community land)

### Planning Controls under LMLEP 2014

Identified to be purchased by Council and zoned RE1 Public Recreation

### Site Details

- Privately owned land
- Identified to be purchased by Council using development contributions under the Development Contributions Plan for the Charlestown Contributions Catchment for the purposes of a shared pathway (OS-056)

### Internal Council Department Consultation

Community Planning advises that: *“The land will be retained in the LEP until further project planning has been undertaken to determine whether the land needs to be acquired or if an easement over the land is adequate. Key issues that need consideration is the presence of an old bridge on the land that provides access to an adjacent property”.*

Recommendation	Acquisition Cost Estimate	
	Current	Proposed
The land area is identified for acquisition by Council under an adopted Development Contributions Plan.	\$0	\$0 (\$150k from Development Contributions fund)
<b>Proposed LEP amendments:</b>		
• Retain in LRA map whilst furthering investigation undertaken		
• Retain the existing RE1 Public Recreation zone		

## HF-3: 72 AND 76 KAHIBAH ROAD, HIGHFIELDS



Retain in LEP
  Council land (community land)

### Planning Controls under LMLEP 2014

Identified to be purchased by Council and zoned RE1 Public Recreation

### Site Details

- Privately owned land
- Contains a natural waterway (Little Flagggy Creek) and partially cleared native vegetation (Hunter Valley Moist Forest).
- The majority of the area is identified to be dedicated to Council at no cost in accordance with DA/1694/2013, and only a small area remains to complete public ownership of Little Flagggy Creek
- Not identified to be purchased by Council under an adopted Development Contributions Plan

### Internal Council Department Consultation

- Retain in the LRA Map until dedicated of land to Council is complete

### Recommendation

Retain the land area in LRA Map and retain the existing zoning until dedicated of land to Council is complete.

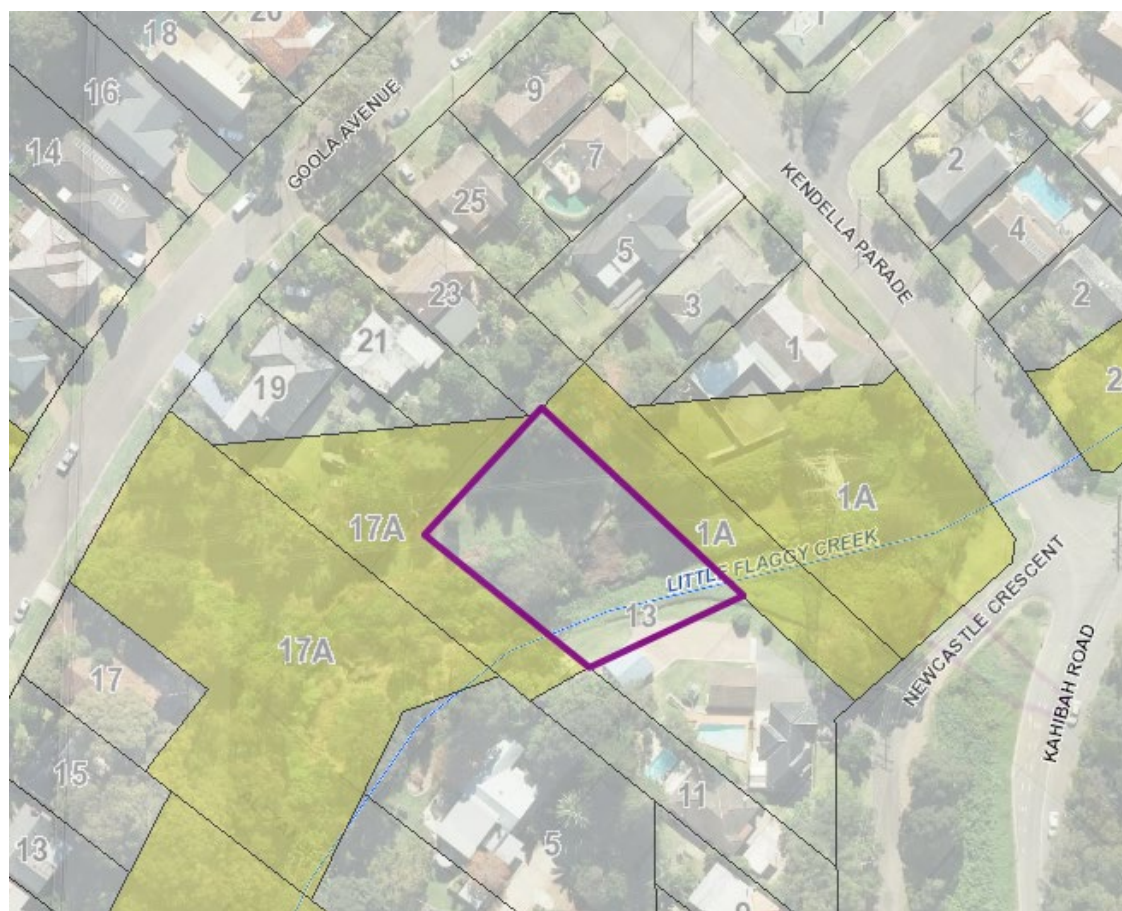
### Proposed LEP amendments:

- Retain Area 2 in the LRA Map
- Retain the existing RE1 Public Recreation Zone

### Acquisition Cost Estimate

Current	Proposed
\$25k	\$25k

## KA-1: 13 NEWCASTLE CRESCENT, KAHIBAH



Retain in LEP
  Council land (community land)

### Planning Controls under LMLEP 2014

Identified to be purchased by Council and zoned RE1 Public Recreation

### Site Details

- Privately owned land that contains a natural waterway (Little Flaggy Creek) and partially cleared native vegetation (Hunter Valley Moist Forest)
- The majority of Little Flaggy Creek waterway is in public ownership and the land is a small area remains in private ownership
- Not identified to be purchased by Council under an adopted Development Contributions Plan

### Internal Council Department Consultation

Retain in the LRA Map

Recommendation	Acquisition Cost Estimate	
Retain the land area in LRA Map and retain the existing zoning to complete purchase of Little Flaggy Creek waterway	Current	Proposed
	<p><b>Proposed LEP amendments:</b></p> <ul style="list-style-type: none"> <li><b>Retain in the LRA Map</b></li> <li><b>Retain the existing RE1 Public Recreation Zone</b></li> </ul>	\$50k



## GH-5: 4 PACIFIC HIGHWAY, GATESHEAD



- Retain in LEP
- Council land (community land)

### Planning Controls under LMLEP 2014

Identified to be purchased by Council and zoned RE1 Public Recreation

### Site Details

- Owned by NSW Department of Education
- Contains undeveloped land
- Originally part of acquisition GH – 2
- Contains EEC
- Not identified to be purchased by Council under an adopted Development Contributions Plan

### Internal Council Department Consultation

Environmental Systems support rezoning the site to E2 to maintain identified environmental qualities on the site. Noting post exhibition consultation with the Department of Education, if E2 is not supported by the department then environmental systems will support retaining the acquisition and RE1 zoning.

A potential funding source is the Community Land Reserve.

### External Consultation

The Department of Education did not support the original proposal to rezone the land to E2. Further consultation found that the department would support Council retaining the existing acquisition and RE1 zone.

### Recommendation

### Acquisition Cost Estimate

Current

Proposed

## CHARLESTOWN ACQUISITION LAND REVIEW (EAST)

### **GH-5: 4 PACIFIC HIGHWAY, GATESHEAD**

The land area is not identified to be purchased by Council in a Development Contributions Plan. The area is owned by NSW Department of Education and is not currently used for any specific purpose. The land has environmental and recreational value and should be retained in the LEP.

**Proposed LEP amendments:**

- **Retain the area in the LRA Map**
- **Retain the RE1 Public Recreation Zone**

\$245K

\$245K

## E. LAND AREAS RECOMMENDED TO BE RETAINED ON LRA MAP FOR FURTHER CONSIDERATION & CONSULTATION WITH LAND OWNERS

### GH-1: 22A BEAN STREET, GATESHEAD



Defer for further investigation

#### Planning Controls under LMLEP 2014

Identified to be purchased by Council and currently zoned RE1 Public Recreation

#### Site Details

- Owned by NSW Housing
- Contains maintained turf and vegetation
- Not identified to be purchased by Council under an adopted Development Contributions Plan
- Previously part of a larger social housing subdivision

#### Internal Council Department Consultation

Consultation with Asset Infrastructure found that the land parcel may have strategic value to improve access and walkability. However, the site will require further investigations as part of an additional report. At this stage Asset Infrastructure are not in a position to prioritise further investigation or identify funding arrangements to acquire the site.

## CHARLESTOWN ACQUISITION LAND REVIEW (EAST)

External Consultation		
<p>NSW Housing advised that they have no objections to removing the acquisition but want Council to consider rezoning the land from RE1 Public Recreation to R3 Medium Density Housing as part of the process to remove the land from the LRA Map.</p> <p><u>Council Staff Comment</u></p> <ul style="list-style-type: none"> <li>• NSW Housing Corporation provided insufficient information to justify rezoning the land.</li> <li>• The land requires further investigations to support rezoning to R3</li> <li>• It is likely that the NSW LAHC (1985) identified the subject land as a park or preferred public recreation area for the purpose of achieving the following objective – (j) to encourage the planning and development of new urban areas as communities with a <b>full range of appropriate services and facilities</b> available in the shortest practicable time <ul style="list-style-type: none"> <li>• Although the LAHC (2001) no longer have this objective it may be practical to observe that un-programmed public open space is more significant now than it was in 1985.</li> </ul> </li> </ul> <p>Note: Ministerial Direction 6.2 does not require that Council gain consent to retain an existing zone.</p>		
Recommendation	Acquisition Cost Estimate	
<p>The land area is not identified to be purchased by Council and is not required for community, environmental, drainage or transport purposes. Council officers maintain that the acquisition should be removed and the RE1 zone retained (See D09479076 for details), however as the site was not identified to remove in the exhibited Planning Proposal GH-3 cannot be included in the final Planning Proposal.</p> <p><u>Proposed LEP amendments:</u></p> <ul style="list-style-type: none"> <li>• <b>Defer removal of the area from the LRA Map</b></li> <li>• <b>Defer decision to retain the existing RE1 Public Recreation Zone</b></li> <li>• <b>Identify for further investigation</b></li> </ul>	Current	Proposed
	\$550k	\$0

## GH-3: 45A PACIFIC HIGHWAY, GATESHEAD



Defer for further investigation



Council land (community land)

### Planning Controls under LMLEP 2014

Identified to be purchased by Council and zoned RE1 Public Recreation

### Site Details

- Owned by NSW Housing
- Not identified to be purchased by Council under an adopted Development Contributions Plan
- Previously part of a larger social housing subdivision
- The subject land is identified as 'Park' pursuant to LMCC LEP 1984

### Internal Council Department Consultation

No objection to removal from the LRA Map

### External Consultation

## GH-3: 45A PACIFIC HIGHWAY, GATESHEAD

NSW Housing advised that they have no objections to removing the acquisition but want Council to consider rezoning the land from RE1 Public Recreation to R3 Medium Density Housing as part of the process to remove the land from the LRA Map.

### Council Staff Comment

- NSW Housing Corporation provided insufficient information to justify rezoning the land.
- The land requires further investigations to support rezoning to R2
- It is likely that the NSW LAHC (1985) identified the subject land as a park or preferred public recreation area for the purpose of achieving the following objective –  
(j) to encourage the planning and development of new urban areas as communities with a **full range of appropriate services and facilities** available in the shortest practicable time
  - Although the LAHC (2001) no longer have this objective it may be practical to observe that un-programmed public open space is more significant now than it was in 1985.

Note: Ministerial Direction 6.2 does not require that Council gain consent to retain an existing zone.

Recommendation	Acquisition Cost Estimate	
	Current	Proposed
<p>The land area is not identified to be purchased by Council and is not required for community, environmental, drainage or transport purposes. Council officers maintain that the acquisition should be removed and the RE1 zone retained (See D09479076 for details), however as the site was not identified to remove in the exhibited Planning Proposal GH-3 cannot be included in the final Planning Proposal.</p> <p><b>Proposed LEP amendments:</b></p> <ul style="list-style-type: none"> <li>• <b>Defer removal of the area from the LRA Map</b></li> <li>• <b>Defer decision to retain the existing RE1 Public Recreation Zone</b></li> <li>• <b>Place on forward works register</b></li> </ul>	\$710k	\$0k

## HF-2: 58 TO 68 KAHIBAH ROAD, HIGHFIELDS



Defer for further investigation
  Council land (community land)

### Planning Controls under LMLEP 2014

Identified to be purchased by Council and zoned RE1 Public Recreation

### Site Details

#### Area 1

- Privately owned land that contains partially cleared native vegetation (Hunter Valley Moist Forest)
- Not identified to be purchased by Council under an adopted Development Contributions Plan

### Internal Council Department Consultation

No objection to removal from the LRA Map

### External Consultation

## HF-2: 58 TO 68 KAHIBAH ROAD, HIGHFIELDS

Following post exhibition consultation with NSW Rural Fire Services, RFS provided that:

*The land between the existing development and northern boundary of the land acquisition shall allow for a 35m separation distance. This will allow compliance with table A2.4 of Planning for Bush Fire Protection 2006*

It appears that the proposal to remove the acquisition land and rezone the RE1 Public Recreation zone to E2 Environmental Conservation is consistent with RFS comments. Council is seeking clarification (D09565093).

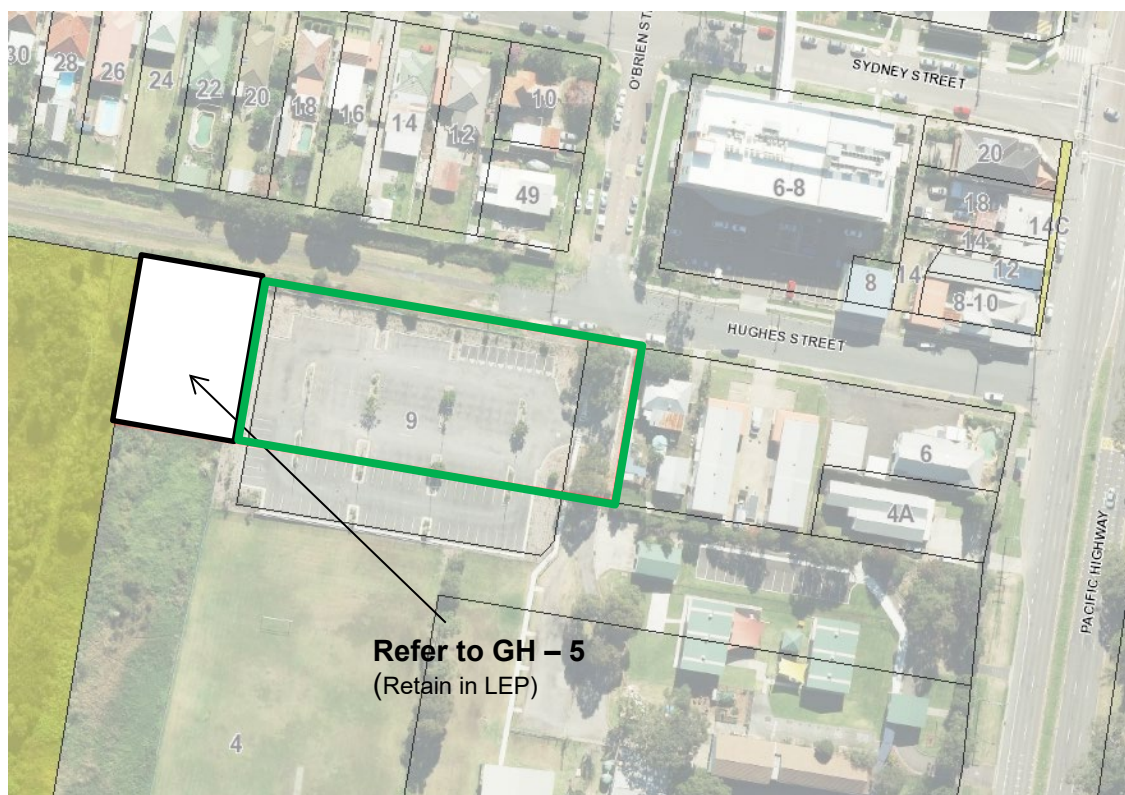
Consultation with the Department of Planning, Industry and Environment; the department considers the proposed E2 zone to be isolated. Further discussion found that if Council were to commit to future investigation of the adjacent RE1 Public Recreation zone to assess the natural qualities of the land and the consistency of a larger E2 zone, the Department would provide a letter of support for an isolated E2 zone.

This land area has been removed from the final version of the Planning Proposal as the required additional investigation is of low priority and unlikely to be supported within an appropriate timeframe. Although the acquisition site will remain a financial risk while it remains on Council's LRA map, the potential financial impact of further investigations required to satisfy DPIE's requirements as well as administration costs, may be similar to the proposed acquisition cost estimate.


Recommendation	Acquisition Cost Estimate	
	Current	Proposed
<p>As the RFS are not able to respond at this time and the Department would prefer a more strategic view of future zoning assessments, it is recommended this assessment be removed from the planning proposal until such time as resources can be committed to a more strategic assessment of zoning in the area.</p> <p><b>Proposed LEP amendments:</b></p> <ul style="list-style-type: none"> <li>• Retain Area 1 in the LRA Map</li> <li>• Retain the RE1 Public Recreation Zone</li> <li>• Propose future zoning investigations</li> </ul>	\$210k	\$210



## GH-2: 9 HUGHES STREET, GATESHEAD



 Defer for further investigation

 Council land (community land)

### Planning Controls under LMLEP 2014

Identified to be purchased by Council and zoned RE1 Public Recreation

### Site Details

- Owned by NSW Department of Education and Communities
- Contains a car park (9 Hughes St) and undeveloped land (Refer to GH – 5)
- Not identified to be purchased by Council under an adopted Development Contributions Plan

### Internal Council Department Consultation

The fill used to prepare the site for development of the car park (2007-2009) was not certified as uncontaminated. Council officers cannot confirm the fill did not contain contaminants. It is therefore recommended to retain the land in the LRA map and existing zoning as well as place a contamination notation two over the site.

Although Council have identified the site is not required, retaining the land area on the LRA Map is not considered a financial risk as the land is owned by a State Agency.

Recommendation	Acquisition Cost Estimate	
	Current	Proposed
The land area is not required but should be retained in the LRA map until contamination is assessed and an appropriate zone is identified.	\$405k	\$0
<b>Proposed LEP amendments:</b>		
<ul style="list-style-type: none"> <li>• Retain the area in the LRA Map</li> <li>• Retain the RE1 Public Recreation Zone</li> <li>• Apply contamination notation two over the site</li> </ul>		

# CHARLESTOWN ACQUISITION LAND REVIEW (EAST)

## F. FINANCIAL IMPLICATIONS OF RECOMMENDATIONS

### LAND AREAS RECOMMENDED TO BE REMOVED FOR ACQUISITION FROM THE LEP AND REZONED AS REQUIRED CONSISTENT WITH THE EXISTING LAND USE:

Land Area	Acquisition Agency	Existing Land Acquisition Cost to Council from general revenue*	Revised Cost if Recommendation Adopted*
BG-1	Council	\$550,000	\$0
CH-3	Council	\$0 (Land already purchased)	\$0 (Land already purchased)
CH-4	Council	\$200,000	\$0
CH-6	Council	\$0 (Land already purchased)	\$0 (Land already purchased)
CH-7	Council	\$220,000	\$0
CH-9	Council	\$40,000	\$0
CH-10	RMS	\$0 (Land already purchased)	\$0 (Land already purchased)
GH-4	Council	\$40,000	\$0
HF-1	Council	\$455,000	\$0
HB-1	RMS	\$0 (Land already purchased)	\$0 (Land already purchased)
WH-1	Council	\$0 (Land already purchased)	\$0 (Land already purchased)
	Sub Total	\$ 1.505	\$0

### LAND AREAS RECOMMENDED TO BE RETAINED FOR ACQUISITION IN THE LEP (NO LEP AMENDMENT REQUIRED):

Site	Acquisition Agency	Existing Land Acquisition Cost to Council from general revenue	Revised Cost if Recommendation Adopted
CH-1	Council	\$110,000	
CH-2	Council	\$0 (Development Contributions \$400k)	
CH-5	Council	\$0 (Development Contributions \$500k)	
CH-8	Council	\$565,000 (from \$115k to \$565k)	
CH-14	Council	\$0 (Charlestown Endowment Fund)	
GH-1	Council	\$550,000	
GH-2	Council	\$405,000	
GH-3	Council	\$710,000	
DU-1	NSW Gov	\$0 (NSW Gov. to purchase)	No change
DU-2	Council	\$0 (Development Contributions \$150k)	
HF-2	Council	\$210,000	
GH-5	Council	\$245,000	
HF-3	Council	\$25,000	
KA-1	Council	\$50,000	
	Sub Total	<b>\$2.870m</b> (Development Contributions \$1.05m)	<b>No change</b>
	<u>Total</u>	<b>\$4.375m</b> (Development Contributions \$1.05m)	<b>\$2.870m</b> ((Development Contributions \$1.05m)

*Note:* \* Where land is not proposed to be purchased using general Council revenue, the funding source such as development contributions is noted.

## Appendix 16 - KOALA HABITAT ASSESSMENT

### Koala Habitat Desk Top Analysis

This document is a desktop analysis of potential Koala habitat and siting's for the purpose of responding to SEPP 44 *Koala Habitat Protection*. As part of this analysis the following sites will be assessed:

- 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 10: 27 TIRAL STREET, CHARLESTOWN
- Item 12: LAND NEAR PACIFIC HWY, GATESHEAD
- Item 13: LAND NEAR PACIFIC HWY, HIGHFIELDS

The following assessment is based on Council's Koala Habitat mapping produced in 2016 and updated in early 2019. The habitat mapping considers the following aspects:

- Koala records
- Koala food trees (primary and secondary)
- Distance to water
- Soil fertility

**Item 5:** Council's recent records identify this area as *Urban area excluded from the analysis*. This is most likely as a result of the highly urbanised nature of the built environment as well as extremely fragmented vegetation. The nearest recorded siting is further south towards Belmont. The site itself is not vegetated and it appears a shed has been erected on the site around 2015. The vegetated land surrounding the site is extremely fragmented and unlikely to support koala habitat.

**Item 6:** Council's recent records identify this area as *Urban area excluded from the analysis*. This is most likely as a result of the highly urbanised nature of the built environment as well as extremely fragmented vegetation. The acquisition site is located adjacent to the Newcastle Bypass and Warners Bay Road. No Koala siting's have been recorded on or near the site.

**Item 8:** Council's recent records identify this area as *Urban area excluded from the analysis*. This is most likely as a result of the highly urbanised nature of the built environment as well as extremely fragmented vegetation. The site itself is not vegetated and is a relatively small parcel of land adjacent to Hillsborough Road. No Koala siting have been recorded on or near the site.

**Item 10:** Council's recent records identify this area as *Urban area excluded from the analysis*. This is most likely as a result of the highly urbanised nature of the built environment as well as extremely fragmented vegetation. While the site is mostly vegetated, it is surrounded by highly urbanised infrastructure and fragmented vegetation corridors. There are no recorded siting's of Koala's on or near the site.

**Item 12:** Council's recent records identify this area as *Urban area excluded from the analysis*. This is most likely as a result of the highly urbanised nature of the built environment as well as extremely fragmented vegetation. While the site is adjacent to a vegetated corridor that may include Eucalypt trees of a Koala food variety most of the surrounding land is urban residential and open recreation fields. Most of the site has been used for the purpose of car parking since approximately 2010. The acquisition site has been split into two parts, the vegetated part is proposed to remain on the acquisition layer and remain RE1.

**Item 13:** Council's recent records identify this area as *Urban area excluded from the analysis*. This is most likely as a result of the highly urbanised nature of the built environment as well as extremely

## CHARLESTOWN ACQUISITION LAND REVIEW (EAST)

fragmented vegetation. The site itself has a relatively high voltage transmission easement and both cleared and a small amount of vegetated land. The site is surrounded by urban and industrial uses and Koala siting's have not been recorded on or near the site.

### **Concluding Statement**

Due to the highly urbanised built environment, fragmented vegetation corridors and types of potential disturbances to Koala habitat that are typical of urban living such as pets, it is extremely unlikely that the sites assessed would be suitable Koala habitat. There have been no Koala siting's recorded in or within relevant distance to the sites assessed.

In sum, the proposed amendments are consistent with SEPP 44.

