



11 April 2025

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Dear [REDACTED],

**Subject: Stage 1 Planning proposal requirements and meeting summary
RZPL/1/2025
Site: 35 – 35B Frederick St and 1 Glendon Crescent Glendale**

Thank you for attending the recent pre-lodgement meeting to discuss the subject proposal.

Please find attached the planning proposal requirements and pre-lodgement meeting summary for your consideration in the preparation of a planning proposal.

Should you require any further information please contact me on telephone [REDACTED]

Yours faithfully

**Joanne Dunkerley
Senior Strategic Planner
Integrated Planning**

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ABN: 81 065 027 868



Stage 1 Pre-lodgement Summary of Planning Proposal Requirements and Pre-lodgement Meeting

1. Proposal Details

Application No.	RZPL/1/2025
Proponent:	Eden Estates (Newcastle) Pty Ltd
Lot and DP:	Part Lot 3057, DP1208470 (within Lake Macquarie LGA), Lot 3052 DP 1202601 and Lot 31 DP 35580
Address:	35 & 35B Frederick Street and 1 Glendon Crescent Glendale
Description of proposal:	The site is a 592Ha land parcel located partly in the Lake Macquarie local government area and partly within the Newcastle local government area. The proposal is to rezone land to accommodate 3,000-4,000 homes and more than 200 jobs, neighbourhood centres, a primary school site, a productivity support zone, community facilities and land for public recreation. Approximately 340Ha of the site is proposed to be conserved for environmental conservation. Within the Lake Macquarie local government area, the proposal seeks to rezone land from RU6 Transition and C2 Environmental Conservation to R2 Low Density Residential and C2 Environmental Conservation. A separate scoping proposal has also been lodged with the City of Newcastle for the parts to site within the Newcastle local government area.
Planning proposal category:	Complex

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Documents reviewed:

- Scoping Proposal – December 2024, ADW Johnson
- Design Statement – November 2023 – UrbanCo
- Historical Heritage Assessment - 14 December 2020 – Niche Environment and Heritage
- Aboriginal Heritage Study – December 2020 – Kelleher Nightingale Consulting Pty Ltd
- Preliminary Site Investigation – December 2020 – Ramboll
- Report on Summary of Investigations Proposed Residential Development – December 2020 – Douglas Partners
- Strategic Bushfire Study – 14 April 2023 – Blackash Bushfire Consulting
- Housing Affordability Strategy – October 2022 – Eden Estates
- Environmental and Social Sustainability Strategy – October 2022 – Eden Estates
- Housing Demand Analysis 20 June 2024 – Highview Partners
- Biodiversity Certification Assessment Report – 9 December 2024
- Traffic Modelling and Transport Assessment – 28 November 2023 – Bitzios Consulting
- Southern Connection Road Benefits Assessment – November 2024 – Bitzios Consulting

Proponent justification:

- The site has strategic merit and is identified as a future urban release area in the Hunter Regional Plan 2036, the Greater Newcastle Metropolitan Plan 2036 and the NSW Government endorsed local strategic planning statements for both the City of Newcastle and Lake Macquarie City Council.
 - The site is included within the Department of Planning, Housing and Infrastructure Urban Development Program.
 - The site is wholly owned by Eden Estates (Newcastle), an evolution of Harrington Estates, with a 30-year track record of housing delivery in NSW. Being in single ownership, the site can be developed expeditiously
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2. External referrals

Attachment No.	Agency	Date comments received
A	Department of Planning Housing and Infrastructure (the Department)	20 February 2025
B	Transport for NSW	19 February 2025
C	NSW Rural Fire Service	19 February 2025
	School Infrastructure NSW	Comments not yet received
D	Heritage NSW	24 February 2025
	Hunter Water Corporation	Comments not yet received
	NSW Health	Comments not yet received
E	NSW Environment Protection Authority	24 February 2025
F	Subsidence Advisory NSW	3 March 2025
G	Conservation Programs, Heritage and Regulation Group (CPHR)	14 March 2025
	DCCEEW – Water Licensing	Comments not yet received
H	State Emergency Service	20 February 2025

3. Meeting details

Scoping proposal briefing		Date and time: 3 February 2025 – 2pm
The purpose of the briefing is for the proponent to provide an overview of the proposal and answers questions of staff.		
Pre-lodgement meeting		Date and time: 31 March 2025 – 2pm
The purpose of the pre-lodgement meeting is for staff and Agencies to advise the proponent of the planning proposal requirements detailed in this written advice.		
Location:	Lake Macquarie City Council temporary Administration Building, Douglas St Wallsend	Chair: Joanne Dunkerley
Attendees:	<i>Proponent representatives:</i> [REDACTED] (ADW Johnson) <i>Council Staff:</i> Coordinator Strategic Landuse Planning – Mathew Hill Senior Strategic Planner – Joanne Dunkerley Strategic Planner – Dylan Shoesmith <i>Agency Representatives:</i> N/A	

The following provides an outline of the requirements to be addressed in a subsequent planning proposal and the matters raised were discussed in summary at the pre-lodgement meeting.

4. Site assessment

Site description and locality

The site straddles the Newcastle and Lake Macquarie Local Government Areas (LGAs) on both sides of the Newcastle Link Road, including road reserves (not publicly accessible or properly formed) and infrastructure holdings (Hunter Water) as shown in Figure 1 below. The site forms a total site investigation area of approximately 592ha, with approximately 169ha of land within Lake Macquarie LGA.

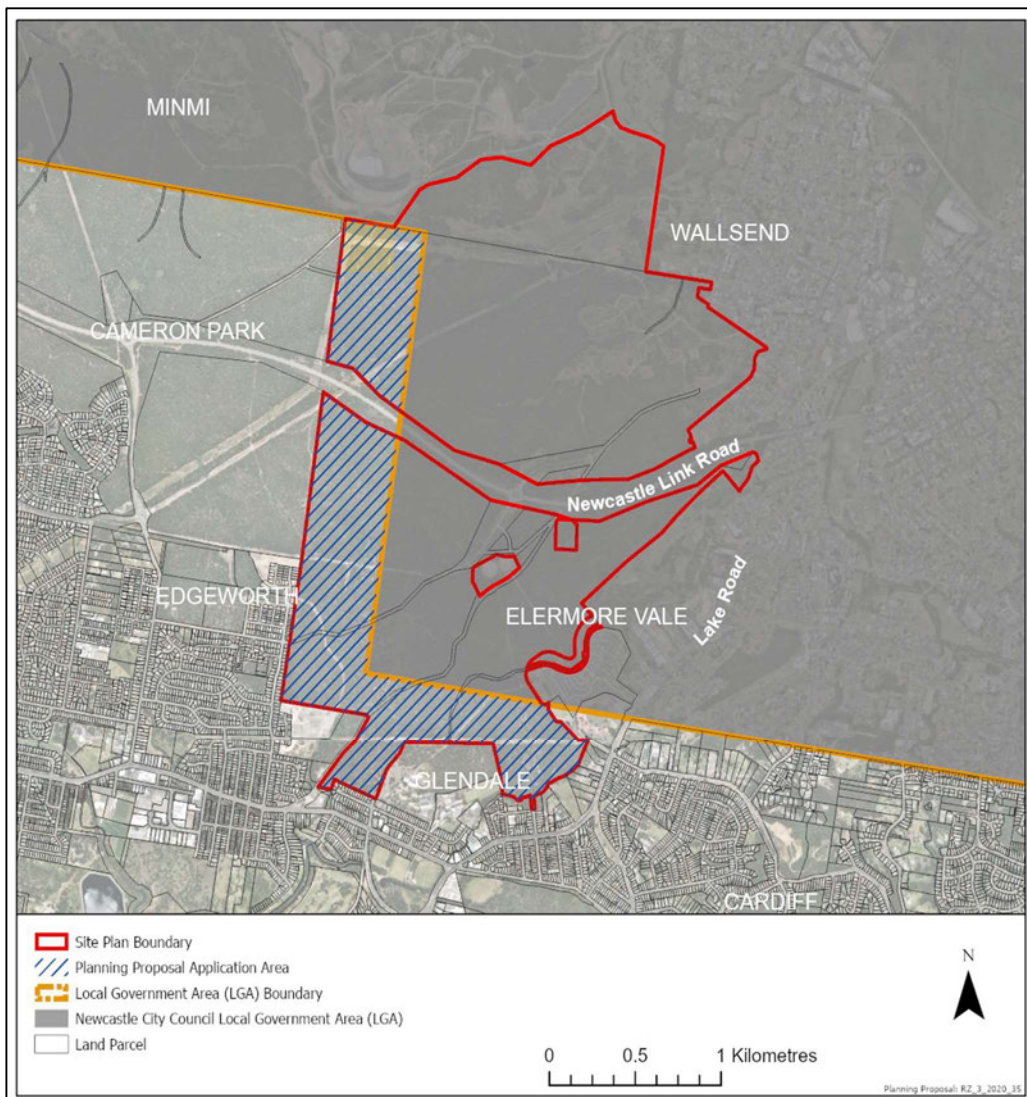


Figure 1: Site locality



Much of the site forms part of the former New Wallsend No 2 Colliery. The site is primarily covered with remnant native vegetation although some areas have been previously cleared to support mining activities. The area surrounding the site has evolved, with existing or proposed urban development now extending to the majority of the site's perimeter. The site is identified as having both high environmental values as well as housing investigation land.

History and current land uses

In December 2020, Eden Estates submitted separate planning proposals to both the City of Newcastle Council and Lake Macquarie City Council seeking support to rezone the site as it relates to each LGA.

The planning proposal was considered under the previous planning proposal process, whereby detailed studies and assessment were undertaken post-Gateway. In May 2021, Lake Macquarie City Council endorsed the planning proposal being referred to the Department of Planning for a Gateway determination. A Gateway determination was subsequently issued on 19 November 2021. However, in 2022 the Department altered the Gateway Determination to "not proceed" which ceased the formal planning proposal process.

5. Advice for preparing a planning proposal

A. Resolution of appropriate development footprint / structure plan

The following key matters are crucial in determining an appropriate development footprint and structure plan for the site:

Biodiversity

Although the impact footprint has been reduced since the initial 2020 concept, several significant biodiversity issues have still not been addressed. This includes undertaking survey work in accordance with agreed methodology, Council Guidelines and the Biodiversity Assessment Method (BAM); providing sufficient information to demonstrate avoidance and enable assessment under the *Environmental Planning & Assessment Act 1979* (EPA Act), *Biodiversity Conservation Act 2016* (BC Act), BAM, and LMCC Guidelines. In particular, the presence of koalas, orchids and large forest owl nest trees have the potential to substantially alter the development footprint. Detailed biodiversity advice is provided in the 'Strategic' and 'Site specific' merit parts of this advice.

Local government boundary

Lake Macquarie City Council supports the holistic planning of the site based on site attributes and community outcomes rather than planning based on the local government boundary. However, City of Newcastle do not support any development on land within the Newcastle LGA south of the Link Road. This is likely to affect the development footprint proposed within the Lake Macquarie LGA and the structure plan for the site. The current LGA boundary is also untenable for the approval and operation of local infrastructure such as roads, stormwater and recreation facilities as shown in the current structure plan.

Dwelling Yields

It is unlikely that the identified dwelling yields (30 – 40 dwellings per hectare) can be achieved having regard to site attributes such as biodiversity, slope and asset protection zones. Dwelling yields are crucial for determining infrastructure needs and demonstrating consistency with the Hunter Regional Plan 2041 (e.g. provision of small or large neighbourhood centre). Dwelling yields should be identified using site-specific, development constraints analysis, and infrastructure provisioning, rather than relying on a typical assumed provision rate per hectare of zoned land.

B. Preliminary advice on strategic and site-specific merit

The pre-lodgement process is not a full merit assessment of the proposal. This advice is based on information available to Council at the time of assessment and based on consistency with relevant regional and Council strategies.

Strategic merit

Any planning proposal must demonstrate the strategic merit of the proposal. Strategic merit should be considered against the relevant strategies and objectives of the Hunter Regional Plan 2041 (HRP), the Greater Newcastle Metropolitan Plan 2036 (GNMP), the Lake Macquarie Local Strategic Planning Statement (LSPS), Ministerial Directions any other relevant strategies.

- *Hunter Regional Plan 2041*

Although the site is identified as 'housing investigation land' it is also identified as having 'high environmental values' and the planning proposal must address all relevant strategies and performance outcomes. In particular, the proposal must address 'Objective 6 Conserving heritage landscapes, environmentally sensitive areas, and waterways and drinking water catchments' which outlines several performance outcomes and strategies for land with high environmental values, such as identifying, mapping and avoiding these areas.

- *Local Strategic Planning Statement*

The LSPS identifies the site for both housing investigation and high environmental values. It includes principles and actions to minimise the rezoning of areas with high environmental value, aiming to protect and enhance important biodiversity areas and corridors. The planning proposal must address all relevant planning priorities and principles.

Council is currently revising the LSPS, which is expected to be publicly exhibited mid-year. Depending on the lodgement timeframe, updated planning priorities in the draft LSPS will likely need to be addressed in the planning proposal.

- *Section 9.1 Ministerial Directions*

The planning proposal must address all relevant Ministerial Directions. Of note, the proposed rezoning of existing environmental conservation (C2) zoned land for urban uses is not consistent with Local Planning Direction 3.1 Conservation Zones. A net loss of land zoned for conservation (i.e. C2 land) on this scale and in the configuration proposed is not acceptable, sustainable or justified. The C2 zone is the appropriate zone for Threatened Ecological Communities (TECs), riparian buffers,

native vegetation corridors, threatened species habitat and land with other biodiversity values, and should be avoided.

Sufficient information is required to address and justify any minor inconsistency.

Site-specific Merit

Technical analysis from the identified studies should be incorporated into the planning proposal to demonstrate site-specific merit. Key matters that need to be addressed to demonstrate site-specific merit are:

Biodiversity

Surveys have shown that the site has high biodiversity and environmental values, making it strategically significant for the Lake Macquarie LGA in terms of water quality, ecosystem services, connectivity, and habitat for threatened species and ecological communities. The site supports diverse vegetation communities, some of which are not adequately represented in the reserve system or are of high local significance. The proposal could impact high biodiversity areas in the north sector of the LGA beyond the investigated area due to fragmentation and reduced habitat size.

Whilst there has been a reduction in the impact footprint since the initial 2020 concept, several significant issues remain, that require further changes to the proposed development footprint.

• Avoidance of biodiversity impacts

The development footprint will remove a significant proportion of hollow bearing trees, especially south of the link road. In this area, the number of hollows in large and extra-large, small and extra small categories and habitat trees exceeds those to be retained in the proposed stewardship area.

Based on the information available, the development footprint will also result in the direct loss of threatened species and their habitat

- *Tetratheca juncea* – 41 clumps out of 310 with a further 8 clumps within a 20-metre buffer i.e. 15% are located within development footprint with a buffer
- *Rhodamnia rubescens* - out of 2272 plants one directly cleared however there are several within a 30m buffer that will be impacted,
- *Callistemon linearifolius* a total of 5151 specimens counted including 936 or 18.2% located within the development footprint.
- Loss of 222ha or 40% of habitat and fragmentation/alienation of remaining habitat south of the Link Road for Squirrel Gliders
- Loss of 222ha or 40% of the foraging habitat on the site for other threatened species including large forest owls and microbats
- Loss of all *Grevillea parviflora subsp parviflora/Grevillea humilis*
- Loss of the following Endangered Ecological Communities in good condition
 - 1572 Lower Hunter Spotted Gum Ironbark Forest (LHSIF) (24.6ha out of 99.7ha) within the proposed footprint (i.e. 24.6%)
 - 1573 Sydney Blue Gum – Lilly Pilly mesic tall open forest of coastal ranges and tablelands escarpment 0.7ha out of 6.6 ha (i.e. 10%)
 - 1543 Rusty Fig – Native Quince – Native Olive dry rainforest of the Central Hunter Valley 0.01ha out of 1.37ha

Adequate avoidance involves providing appropriate buffers to these entities and other critical features such as caves, to ensure edge and other indirect impacts are avoided.

For Council to be satisfied that the proposed development footprint sufficiently avoids impacts, a high level of confidence is needed that sufficient habitat is retained for threatened species populations to remain and be viable in the area that is not subject to development impact, after the area is developed.

Given the need for additional survey work and information, there may be additional biodiversity impacts that cannot be assessed at this stage. Further information/survey is required, and amendments made to the development footprint.

- **Serious and Irreversible Impacts (SAIL)**

It is up to the decision maker (Council) to determine serious and irreversible impacts (based on the provided criteria), and Council must ensure decisions avoid SAILs on any susceptible species. The development footprint should be planned to prevent local extinctions, with environmental conservation zones applied to ensure populations of SAIL are retained. Addressing these species is a responsible action by the decision maker.

The *Biodiversity Conservation Regulation 2017* Clause 6.7 provides a framework for decision makers to determine species or TECs which may be seriously and irreversibly impacted. An assessment of the species on the LMCC List was undertaken a few years ago but needs updating. Chief Justice Preston uses this framework in *Planners North v Ballina Shire Council LEC Judgement* (3/11/2021) to determine that entities not listed in the Ministers guidance were at risk of serious and irreversible impacts. Threatened species and TECs were assessed in this case against the Scientific Committees Final Determination.

The proposal will need to avoid SAIL entities and demonstrate that there will be no serious and irreversible impacts on both State and locally identified entities. Further survey and assessment are required to address this.

- **Connectivity**

The proposed development footprint severs and reduces the patch size of the area to be retained for conservation and still has high edge length. This results in a fragmented conservation area that will not be able to function as a connected habitat. The hostile gaps associated with the proposed development footprint are wide. This means it will be difficult to maintain the residue area as a Stewardship site and reduces the potential to maintain viable populations of threatened species in the residue area (particularly the less mobile ones).

Some specific connectivity issues associated with the impact footprint include:

- Removal of the Lake Road corridor on the site (although disjunct it feeds eastwards to Rankin Park)
- Isolation of the suspected Powerful Owl nest site and several other habitat trees by surrounding this with urban development and roads (vehicle collision is one of the main causes of fatality for this species)
- Whilst improved by removing some proposed development, other proposed development has been added leaving insufficient connectivity to the retained population of *Callistemon linearifolius*.

- Riparian corridors are proposed to be crossed by roads that are accompanied by additional clearing of native vegetation for Asset Protection Zone (APZ) or other fire management treatment.

- **Floodplains, drainage lines and watercourses**

Watercourses have been mapped using the 2014 LiDAR and compared with Council's work, a DEM from the ANDITI 2018 LiDAR (vertical accuracy of 5cm and absolute accuracy of 20cm) and contours derived from the 2014 LiDAR. Several discrepancies were found.

Although the mapping has been reviewed and adjustments made to the proposed development footprint for watercourses and buffers, several locations still have inadequate buffers to drainage lines and watercourses. Some 1st order streams are included in the proposed development areas and some buffer widths are underestimated due to ordering issues.

Once watercourse mapping is refined, it is important to use NRAR guidelines, measuring buffers from the bank rather than centreline where there is no discernible bank. Both NRAR and biodiversity requirements for the BAM need to be considered and applied using best practice.

Where the 2014 LiDAR was ground-truthed, it is necessary to know the exact locations and methods used for field verification.

Providing adequate buffers helps avoid and mitigate impacts from the development footprint, allowing them to function as healthy native vegetation corridors and be viable in the long term. The development footprint overlaps with some buffers in certain locations, and it is crucial to resolve these overlaps to avoid impact areas.

Properly undertaking this work is essential to get the zone boundaries in the right locations.

The Brush creek corridor should be widened to include appropriate buffers (40m for a 4th order watercourse) to the bank, based on accurate watercourse mapping. The development footprint needs to be modified to avoid areas mapped as flood prone.

- **High Environmental Values Mapping**

Council has undertaken high environmental values mapping for the LGA (2018) in conjunction with the Office of Environment and Heritage (OEH) using the methodology that was used for the HRP. The output of this mapping demonstrated that the entire site has high environmental values.

Detailed adequate site survey and assessment is necessary to determine with more clarity the spatial extent of these high environmental values at the site scale.

- **Cumulative impacts**

Over the past decade, the northern sector of the LGA has experienced significant habitat loss for local populations of Squirrel Glider, Large Forest Owl and Koala. The current proposal could further increase the cumulative impact of clearing native vegetation at a large scale within the LGA. This adds to areas already zoned for development that have not yet been cleared. It is crucial to consider the further impact of land use change at both the site and regional scale.

Additional information regarding the cumulative loss of habitat in conjunction with the proposal is required.

- **Indirect impacts**

All threatened species, TECs and habitat trees within 30m of the proposed development footprint are likely to be lost or impacted over time. This impact needs to be assessed as part of the proposed development footprint.

The BCAR indicates 46ha of native vegetation is within a 30m buffer. This area should be included in the impact calculations, assessing the number/area of threatened species and habitat trees within that buffer. Habitat trees within 10m from the biocertified boundary are unlikely to survive earthworks or construction and those within 30m are likely to experience reduced use due to noise, lighting and other urban impacts.

Additional assessment of indirect impacts is required.

- **Biodiversity offsets**

Biodiversity offsets must be in secure tenure, appropriately funded and managed in perpetuity. Offset sites should be secured before development, with a preference for local biodiversity offsets using a Stewardship Agreement.

The proposed development footprint leaves fragmented residue land on the southern side of the Link Road and is unlikely to support viable threatened species populations long-term unless it is well connected. The conserved area south of the Link Road is not viable for maintaining a Squirrel Glider population long-term without improved connectivity and increased habitat area. The remaining foraging habitat may lead to the loss of some breeding Powerful Owl pairs, compounded by hollow-bearing tree loss and further habitat fragmentation. While some habitat loss acceptable, loss of entire populations south of the Link Road is not.

The proposed residue parcel on the southern side of Link Road is larger than in previous plans (approximately 145ha) and potentially more viable for retaining a Squirrel Glider population. However, the five proposed roads crossing the residue (with APZs) create gaps of 20m (1) 64m (3) and 80m (1) wide, fragmenting the patch and reducing connection to an area densely populated with habitat trees and high Powerful Owl activity, including a likely nest location.

Future ownership of steward ship site/s needs to be resolved. The order of preference for biodiversity offsets is:

- (1) on the site being investigated
- (2) in the vicinity of the development site
- (3) in the locality, and
- (4) in Lake Macquarie LGA.

If it can be demonstrated that no local offset is available or a superior regional conservation outcome will be achieved, offsets outside the LGA may be considered.

A voluntary planning agreement (VPA) at the rezoning stage may be used to ensure that biodiversity offsets are implemented and continue to be considered throughout the development process. A VPA may also provide certainty regarding the

establishment of stewardship sites if the timing of this process lags behind biocertification.

- ***Biodiversity legislation reviews***

Recent State government reviews have shown that the *BC Act* is not achieving its primary goal of maintaining a healthy, productive and resilient environment. Consequently, the government is planning a shift towards a more 'nature positive' approach through changes to biodiversity legislation including the Biodiversity Offset Scheme and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). These changes are expected within the next few years. Therefore, any rezoning proposal should consider these amendments and adopt a nature positive approach that demonstrates both a 'no net loss' and improved ecological and environmental outcomes.

- ***BCAR***

Detailed comments on the BCAR are not provided at this point as additional information, surveys and modifications to the footprint are required. However, there is a lack of clarity regarding the application of the stewardship agreement, avoided areas, biocertified areas and areas suggested to be dedicated to Council. Section 3.1 refers to the stewardship site and transition lands that will not be subject to a stewardship agreement. A map of these areas is required, together with further detail on how transition land will contribute to conservation or offsetting the impact of the development. If transition land is to be considered conservation land, it needs to be in secure tenure, retained in perpetuity, and managed for biodiversity with adequate funding.

Council is mentioned in Section 3.0 as having biodiversity certification responsibilities, which may not be appropriate. Further discussion is required regarding land dedication and the applicability of ongoing management plans such as biodiversity and vegetation management plans as well as LGA wide tree planting as mitigation measures.

A figure depicting the location of all state and nationally threatened species recorded on site should be included. Several species polygon maps do not have site records indicated on them. The data has several habitat trees with no hollows, and it would assist to get some explanation about these.

- ***Implications of biocertification***

Once the Minister confers biodiversity certification over the development impact footprint, several implications arise for subsequent development applications. Firstly, the test of significance, biodiversity assessment and the biodiversity offset scheme will no longer apply (i.e. Part 8 of the *BC Act*). Secondly, a consent authority, when determining a development application under Part 4 of the *EP&A Act* for biodiversity certified land, is not required to take into consideration the likely impact on biodiversity of the development carried out on that land." Therefore, it is essential to establish a mechanism to ensure that many of the usual conditions of consent relating to biodiversity (e.g. clearing protocols, management plans etc) can still be imposed and are implemented prior to, during and after the proposed development construction.

- ***Application of Relevant NSW Frameworks***

The following NSW government frameworks may assist in preparing a planning proposal and any subsequent development controls for the site:

- NSW Biodiversity in Place Framework
- NSW Greener Places Framework
- NSW Risk-based framework for considering waterway health in strategic land-use planning
- Connecting with Country
- NSW Better Placed framework
- NSW Koala Strategy 2021 – 26
- NSW Plan for Nature 2024

Open Space and Recreation

- ***Parkland***

Council's Parks and Play Strategy provides a framework for the provision and embellishment of parks and playgrounds throughout Lake Macquarie. The strategy uses both quantitative and qualitative measures to inform the provision of a hierarchy of parks and provides a site suitability assessment matrix that identifies performance criteria for identifying suitable land for parks.

Local Parks must have a minimum size of 5000m² that is 100% useable and free of hazards and constraints. Once a development footprint and dwelling density are resolved, consideration should be given to the number, location and size of local parks. Consideration should be given to the inclusion of a larger local park (up to 10,000m²) to allow for additional recreation opportunities.

Councils 'Parks and Play Planning and Assessment Tools supporting document' should be used to inform the site suitability and determine exact park locations. This document includes a site suitability matrix and performance criteria for land assessment.

- ***Active recreation***

Council's Active Recreation Strategy provides a framework to support active recreation for liveability, health and wellbeing. It includes facilities like skate parks, pump tracks, half courts, hit walls, outdoor fitness equipment and similar facilities. The strategy focuses on neighbourhood and district hubs that combine multiple active recreation facilities in one location. However, local sites with single facilities such as outdoor fitness equipment can also be considered. A larger 10,000m² park, would enable a future active recreation hub. The provision of outdoor fitness equipment will require further consideration and discussion with Council as the planning proposal progresses.

- ***Sports fields***

Council's Sports Strategy supports the provision of two sporting fields to address the shortfall of playing fields required for the growing population in this part of the LGA. However, there is significant concern with the location of the southern sporting field precinct being across land in both Newcastle and Lake Macquarie LGAs, which is likely to lead to management conflicts. It is recommended that these facilities are located wholly within one council area.

The Sports Strategy outlines a sports infrastructure hierarchy identifying land suitability and support infrastructure requirements. The proposed sporting field precinct will be a local level facility.

- ***Land use zones for parks and facilities***

Council supports the use of the RE1 Public Recreation zone for the sporting precinct and local parks. However, as the exact locations may not be finalised until subdivision works are in progress, Council accepts the use of the R2 Low Density Residential Zone for local parks. However, for future local park dedications, Council will use the RE1 Public Recreation zone to value this land for the purpose of any proposed infrastructure contribution offsets.

Transport

The planning proposal requires a thorough Traffic and Transport Strategy (TTS) to address various transport and traffic issues. The scope of the TTS must be comprehensive and adhere to relevant guidelines and frameworks to ensure sustainable and efficient development and address the following matters

- ***Impact on wider network***

Council is the roads authority for Main Road B89, Lake Road and Frederick St, Glendale Drive, and all other public roads in the area (excluding the M1 Pacific Motorway and Hunter Expressway). Key roads to include in the scope:

- Nielson St
- Minmi Road
- Bootaring Boulevard
- Transfield Ave
- Tulipwood Ave and connected roads
- Croudace Road
- Glendon Crescent
- Main Rd B89
- Lake Road
- Glendale Drive
- Frederick St
- Reservoir Road
- Frederick St/Main Road intersection
- Main Road/Minmi Road intersection
- Minmi Road/Northlakes Drive roundabout
- Proposed new roads/extensions to the State and/or local road network.

In Scenario 3, the development will result in significant stress on the existing network, with most intersections failing. A strong road network dispersal plan is required to discharge the traffic in/out of the development rather than loading all southbound traffic onto Frederick St, Minmi Road, Lake Road and Main Road, which are already performing poorly. Multiple connectivity points especially in the east and south of the development are needed.

Frederick Street is currently performing poorly, and the southern connection road may not be feasible with any additional traffic resulting the intersection failing. Land acquisition may be needed to accommodate road upgrades.

The proposal to upgrade Main Road/Callan Road by removing the cycle lane and installing a left turning lane and kerbside lane is not supported unless an off-road cycle lane can be accommodated at this location.

The TTS must:

- identify the area of influence and impact on surrounding transport networks.
- understand existing and future baseline transport network conditions for all modes.
- identify potential travel demand management measures.
- assess development impacts on the transport network. The TTS must evaluate the impact of increased traffic volumes on the wider network, including levels of service and road safety.
- propose mitigation measures, including necessary infrastructure upgrades.
- investigate the current condition of local roads and upgrades consistent with the Safe System Framework required to address safety and capacity issues. This includes an assessment of road pavement condition and impact resulting from the projected traffic growth, including heavy vehicle movements, and required upgrades.
- consider where property acquisition and service relocation is required to deliver on the proposed upgrades and treatments.
- consider mitigation measures to limit through traffic because internal roads have the potential to be used by non-residents connecting Main Road to Newcastle Link Road providing an alternative thoroughfare to Lake Road.

- **Heavy vehicle movements**

The TTS should consider the likelihood of internal roads being used for freight purposes and identify mitigation measures including traffic calming.

- **Guidelines and Frameworks**

The TTS must be informed by:

- NSW Guide to Transport Network Planning
- Network Planning in Precincts Guide
- NSW Movement and Place Framework
- NSW Transport Modelling Guidelines
- Guide to Traffic and Transport Strategy
- Council's Walking, Cycling, and Better Streets Strategy,
- The NSW Government's Cycleway Design Toolbox, Walking Space Guide, and Design of Streets and Roads Guide
- Austroads and Transport for NSW Austroads Supplements and Technical Directions

- **Public and active transport**

The TTS should:

- assess the adequacy of public bus transport and road/active transport connections to train stations and nearby destinations and reference Council's cycling routes planning map
 - consider the R2 Fernleigh Track to Richmond Vale regional cycling route that traverses the site and associated linkages, e.g. to the Glendale Tramway Track and Minmi Road.
 - consider Council's Walking and Cycling Strategy and Better Streets Strategy in the Active Transport network and in the subdivision design. This strategy identifies a 30km/hour design speed for local roads.
 - ensure the Wallsend to Glendale shared cycleway, which is a regionally significant connection is carefully considered in the structure planning.
- ***Delivery of infrastructure upgrades***
The TTS should inform an infrastructure delivery and sequencing plan, identifying recommended infrastructure items, delivery organisations and funding sources. Council supports the negotiation of voluntary planning agreements and / or works in kind agreements for the delivery of necessary off-site road transport infrastructure.

C. Required studies

Based on the submitted scoping proposal and agency comments the following studies and investigations are needed to support and justify the planning proposal (see Attachments for Agency advice):

Study	Scope/Comment
Biodiversity Assessment	Adequate ecological data together with supporting information (including additional species surveys) is necessary for Council to be satisfied that the development footprint avoids and minimises impacts on biodiversity and will not have serious and irreversible impacts on threatened entities. Biodiversity assessment must address the issues identified within the 'strategic' and 'site specific' merit section of this advice and include sufficient detailed flora and fauna information, to confidently establish that populations of threatened species will be maintained within the investigation area, after the development impact footprint is removed. • Refer to Attachment G for CPHR advice. • Refer Attachment I for Council's previous detailed advice (19 March 2024) on individual species survey and supporting information needed to demonstrate avoidance.
Strategic Bushfire Study	The Strategic Bushfire Assessment should be updated to address feedback from the NSW Rural Fire Service (RFS). Refer to Attachment C for RFS advice.
Economic Impact Assessment	An Economic Impact Assessment (EIA), prepared by a suitably qualified consultant is required. The EIA should:

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- Provide an economic justification for the new neighbourhood/local centre zone (i.e. a justification of the need).
 - Provide evidence that future development on the proposed new neighbourhood/local centre zones will not affect the ongoing viability of existing nearby local/neighbourhood centres (e.g. Elmore Vale, Edgeworth, Wallsend).
 - Provide an overview of the economic impacts attributable to each land use component of the proposal during construction and operational phases.
 - Detail the likelihood and magnitude of identified negative and/or positive economic impacts attributable to the proposal.
 - Include a detailed methodology which explains the identified economic impacts.
 - Provide suggestions to Council for its consideration in the planning proposal process to enhance the net benefits associated with the proposal.
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Traffic and Transport Study (TTS)

The TTS is to identify any on-site and off-site measures proposed to mitigate the impacts of the development anticipated under the planning proposal, including associated costs, land needs, funding sources and delivery triggers.

The TTS must explain and justify all inputs informing the proposed mitigation measures and TTS conclusions.

The TTS should be tailored to the scope of the proposal and address all matters identified by Transport for NSW (TfNSW) and Council in the “Site Specific – Transport” section of this letter.

Refer to Attachment B for TfNSW advice.

Social Infrastructure Assessment

A Social Infrastructure Assessment is required which should include an audit and assessment of the adequacy of existing and proposed social infrastructure in the locality and an assessment of the implications of the proposal on the suitable provision of social infrastructure in the locality.

In preparing the open space component of this assessment the following strategies are to be considered:

- Parks and Play Strategy (2021)
 - Sports Strategy (2021)
 - Public Amenities Strategy (2021)
 - Lake Activation Strategy (2023)
 - Aquatic Facilities Strategy (2023)
 - Dogs in Open Space Strategy (2023) and
 - Active Recreation Strategy (2024)
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	The above strategies identify the framework for provision standards, land suitability criteria and facility hierarchies. This will guide open space requirements for any proposed future residential development and ultimately inform proposed land zonings. This will be the framework in which open space components of the rezoning application will be assessed. These strategies are available on Council's website via the following link Strategies and plans - Lake Macquarie City Council
Social Impact Assessment	A Social Impact Assessment (SIA) prepared by a suitably qualified and experienced professional, such as a social planner or someone with relevant experience and/or qualifications is required. The SIA should demonstrate how the proposal achieves improved development outcomes by early identification of social impacts and installation of supportive measures, proportionate with the type of development and level of impact significance and magnitude. The assessment should identify and manage the social impacts that are associated with the proposal, such as way of life, community, accessibility, culture, health and wellbeing, surroundings, livelihoods and decision-making systems. This will include identifying the measures that will be implemented to minimise negative impacts and maximise benefits. For best practice guidance on writing a Social Impact Assessment see Social Impact Assessment Guideline, Social Impact Assessment Technical Supplement and Social Impact Assessment Scoping Worksheet 2023, NSW Department of Planning, Industry and Environment
Heritage Assessment	The site is intersected by heritage item 6 - Speers Point Steam Tram Line and heritage item 92 - West Wallsend Steam Tram Line. Additional heritage studies and a heritage interpretation strategy are required to support the final detailing of the planning proposal. This includes the former steam tramway curtilage and heritage interpretation of local heritage item 92.
Aboriginal Cultural Heritage Assessment (ACHAR)	An Aboriginal Cultural Heritage Assessment Report must be prepared in accordance with the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales and include: • archaeological investigation, including archaeological test excavation in the identified areas of potential archaeological deposit (PAD) (Kelleher Nightingale Consulting, 2020) • Aboriginal community consultation, in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents • impact assessment and appropriate management or

	mitigation measures for any recorded Aboriginal objects on the land. Refer to Attachment D for Heritage NSW advice.
Contamination	The Preliminary Site Investigation (PSI) recommends the development of a Sampling Analysis and Quality Plan detailing targeted further investigation of certain areas. Although site testing recommendations mostly apply to parts of the site in the Newcastle LGA, some locations may be within the Lake Macquarie LGA including: • <i>Soil sampling along former tram lines and railways.</i> • <i>Soil sampling in areas of illegally dumped waste material.</i> • <i>Soil sampling in areas of potential weed and pest control spraying.</i> • <i>Surface water and sediment sampling within onsite creeks and surface water bodies where there is the potential for mine water to have been discharged.</i> If the development footprint impacts identified areas within the Lake Macquarie LGA, a Sampling Analysis and Quality Plan (SAQP) may be required. The planning proposal or Preliminary Site Investigation (PSI) should clearly demonstrate how contamination issues have been addressed within the Lake Macquarie LGA.
Geotechnical assessment and report	The Geotechnical Assessment report should be updated to clearly indicate that the scale, density and type of development is appropriate for the potential level of subsidence in accordance with Ministerial Direction 4.6 Mine Subsidence and Unstable Land.
Utilities and infrastructure servicing strategy	In consultation with Council and relevant service providers a utilities and infrastructure servicing strategy should be provided which: • assesses the capacity and impacts of the potential development on existing local infrastructure, utility infrastructure and service provider assets surrounding the site, • identifies any infrastructure upgrades required on-site and off-site to facilitate the potential development, • identifies funding mechanisms needed for new or upgraded infrastructure.
Environmentally Sustainable Design (ESD)	The Environmental and Social Sustainability Strategy should be updated to: • consider and incorporate ESD and WSUD principles consistent with Hunter Regional Plan 2041 Objective 7 - Reach net zero and increase resilience and sustainable infrastructure. • Demonstrate how ESD is considered in accordance with

Council's Urban Heat Strategy, Urban Greening Strategy and Environmental Sustainability Strategy and Action Plan 2020-2027.

This may help to inform development controls for the site and / or be addressed within any VPA.

Draft Development Control Plan

A site-specific development control plan (DCP) is required to ensure an integrated approach to land development and infrastructure delivery.

The site specific DCP will be incorporated into Lake Macquarie DCP 2014 and should consider such things as:

- Desired character
- Structure plan and local infrastructure needs
- Public domain and the interface between residential areas, local centre, parks etc
- Any other site specific design feature

Local infrastructure arrangements

A VPA can be a useful mechanism to facilitate the provision of infrastructure required by the land use change to meet the needs of the community as they occur and to establish infrastructure costs early in the process.

The alternative to a VPA is the payment of development contributions levied in accordance with the relevant contributions plan in place at the time of development determination. Under this option the delivery of facilities will be prioritised in line with the whole of the city.

Any draft VPA for local infrastructure to support the planning proposal should be provided to Council. This should include any proposed infrastructure, the delivery mechanism, timing/triggers, and responsibilities.

The planning proposal should be prepared in accordance with this pre-lodgement planning proposal advice and the *LEP Making Guideline*, including assessments against Appendices A, B and C. The *LEP Making Guideline* and supporting information can be viewed on the Department website. Information about Council's process can be found [here](#).

It is the proponent's responsibility to lodge a complete planning proposal and studies that justify and support the proposal. Should you choose not to follow this advice, adequate justification responding to the requested information must be provided with the planning proposal.

Council may return a planning proposal within 14 days of lodgement on the Planning Portal if we consider it to be incomplete or illegible.

If the need for additional information is found during assessment of the planning proposal, we may not support progression to a Gateway Determination, particularly where benchmark timeframes can't be achieved.

D. Assessment timeframes and milestones

The planning proposal is categorised as complex with a benchmark end-to-end timeframe of 420 working days. A project timeline must be provided in the planning proposal. The following timeframes and milestones detailed in the Local Environmental Plan Making Guideline provide guidance for preparing the timeline.

The timeline may be amended by Council or the Department in the Gateway Determination to provide the necessary level of confidence that the LEP will be finalised within a reasonable timeframe.

Key Steps			Working days
Stage 2	Planning proposal lodgement	A planning proposal is considered lodged after Council has reviewed and accepted the planning proposal and the proponent has paid the Phase 1 fee.	14
	Council assessment	Assessment of the planning proposal commences upon payment of the Phase 1 fee. A report is prepared to the elected Council to determine support to proceed to Stage 3.	120
Stage 3	Gateway Determination	The Council endorsed planning proposal is submitted to the Department for assessment and issue of a Gateway Determination.	45
Stage 4	Post-Gateway Agency consultation	The planning proposal is referred to agencies for assessment as required by the Gateway Determination.	70
Stage 5	Public exhibition and assessment	The planning proposal is exhibited as required by the Gateway Determination. A report is prepared to the elected Council to determine support to proceed to Stage 6.	115

Stage 6	Finalisation	LEP amendments are drafted and the LEP notified.	70
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E. Assessment fees

Fees are payable in accordance with Councils published fees and charges*. Upon acceptance by Council of a planning proposal on the NSW Planning Portal, we will issue an invoice for the Phase 1 fee. Council may reject the planning proposal if the fee is not paid within 14 days of acceptance of the planning proposal.

Where a development control plan is required to support a planning proposal, separate fees are payable in accordance with Council's published fee and charges*. This fee will be included in the Phase 1 and Phase 2 invoices.

If a Gateway Determination is issued by the Department, we will issue an invoice for the Phase 2 fees. Post-Gateway tasks will commence upon payment of the Phase 2 fees.

*Fees are subject to change and are as published at the date of lodgement

6. Validity of advice

This advice is provided for the purpose of preparing a planning proposal and does not guarantee Council support for the submitted planning proposal. The need for additional information or studies to demonstrate site specific merit may be identified during assessment of the planning proposal.

We welcome ongoing engagement during the preparation of the planning proposal and required studies.

Where substantial changes are proposed that require updated Council or Agency advice, a new pre-lodgement application will be required.

This advice is valid for 12 months from the date of issue.