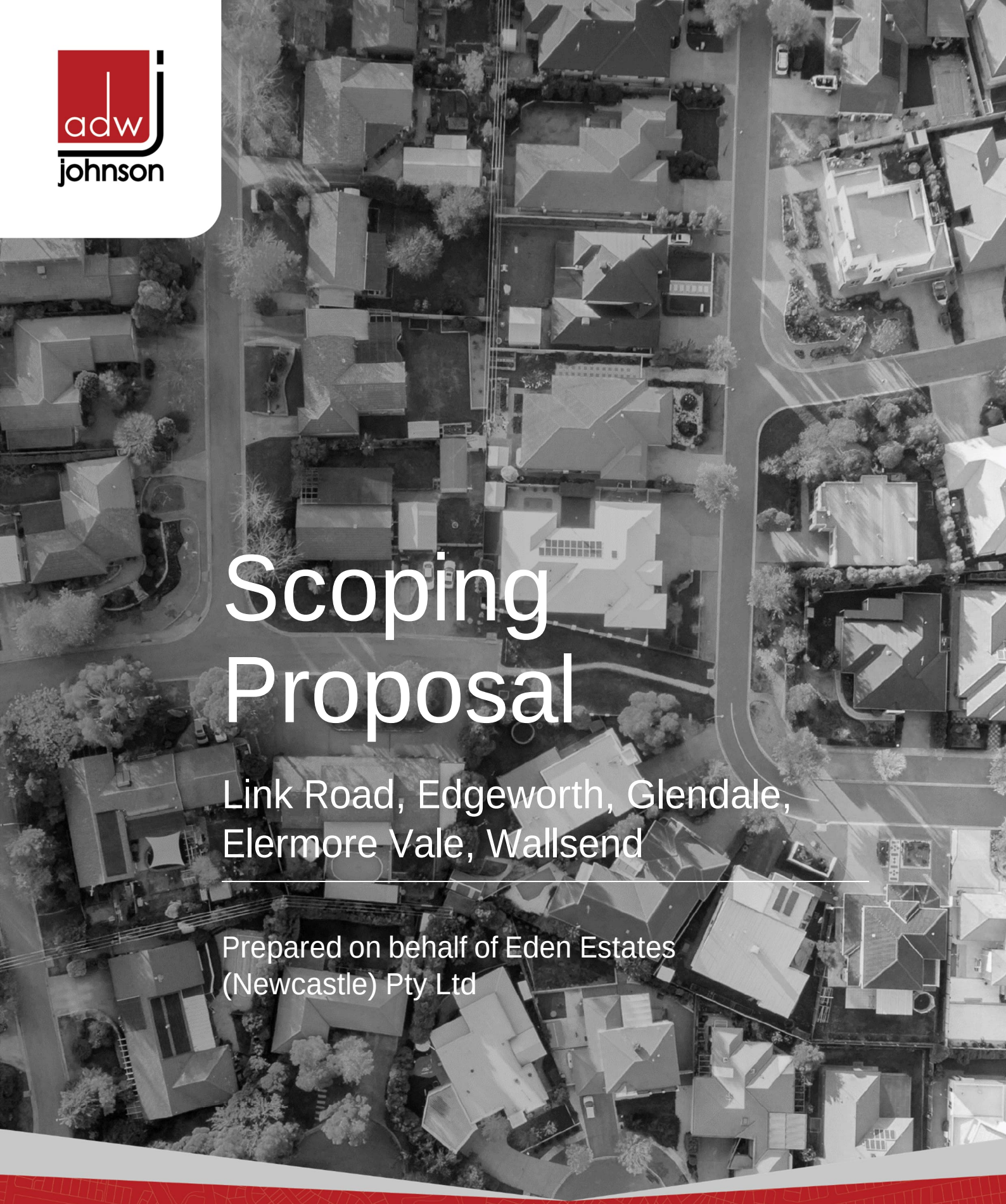


Scoping Proposal

Link Road, Edgeworth, Glendale, Elermore Vale, Wallsend

Prepared on behalf of Eden Estates (Newcastle) Pty Ltd

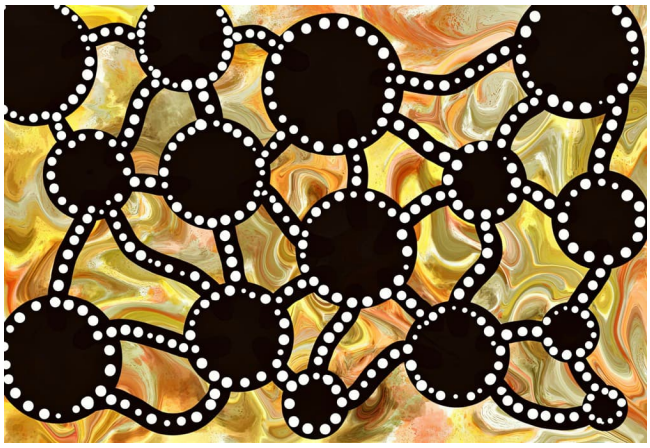
December 2024

Acknowledgement of Country

We, ADW Johnson, acknowledge the Traditional Custodians of the land where we live and work, the country of Awabakal, Darkinjung and the Eora Nation.

We recognise their continuous connection to the land and waters of our beautiful regions. We pay our respects to Aboriginal and Torres Strait Islanders Elders past, present and emerging.

Artwork created by Joe Griffin, a proud Aboriginal man, descendant of the Awabakal people.



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Executive Summary

This scoping proposal is submitted in support of an amendment to Newcastle Local Environmental Plan 2012 (Newcastle LEP 2012) and Lake Macquarie Local Environmental Plan 2014 (Lake Macquarie LEP 2014). The proposal is to rezone a 592-hectare parcel of land at 35-35B Frederick Street and 1 Glendon Crescent, Glendale and 144 Boundary Road, Wallsend to accommodate 3,000-4,000 new well-located homes and more than 200 jobs, neighbourhood centres, a primary school site, a productivity support zone, community facilities and land for public recreation. It will also secure the conservation of more than 340ha of native vegetation in perpetuity. This is in addition to the 380ha of native vegetation to be conserved at Ellalong Lagoon as a future stewardship site.

This scoping report builds upon the site's previous planning proposal and associated structure plan to create a new, sustainable, healthy and high-quality residential community, well-connected, diverse and a vibrant place with jobs close to homes. The site can be serviced efficiently by all necessary infrastructure (water, sewer, stormwater, electrical, roads, cycleways and public transport).

The site and land to which the planning proposal has strategic merit. It 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 also 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 is able to be developed expeditiously whereas the achievement of residential dwellings within other areas of Newcastle and Lake Macquarie, particularly if it comprises fragmented land or is subject to servicing issues may take a significant time to be realised, or in fact, may never be achieved.

The scoping proposal is supported by a structure plan which comprises:

- an urban structure that focuses on preserving ecological values while delivering housing for the local community;
- approximately 3,000-4,000 dwellings[1] in a range of densities, lot sizes and dwelling types to suit first home buyers, families, single person households and workers – creating a community that is demographically balanced;
- a new neighbourhood/local centre comprising 4,000m² of retail/employment GFA within the north-eastern portion of the site;
- a new neighbourhood/local centre comprising 3,200m² of retail/ employment Gross Floor Area (GFA) within the southern portion of the site, south of Link Road and adjacent to the new public school and open space;
- a 40ha productivity support zone adjacent to the Summerhill Waste Management Centre (SWMC);
- a higher order road and street network to provide permeability throughout the site including a new 2.5m wide 4km north-south green active transport link;
- approximately 19ha of active and passive open space consisting of sporting fields, local parks and pocket parks and active transport links through riparian areas;
- 335.8ha of land for environmental conservation (in perpetuity);
- community facilities to support the proposed increase to the population; and
- a 1.62ha primary school adjacent to the neighbourhood centre and 8.89ha playing fields.

It is Eden Estate's vision to create a sustainable community and place built on the fundamental principles of quality architectural and urban design, social cohesion, high connectivity and transport accessibility and environmental excellence. The planning proposal includes a servicing and water strategy which demonstrates how the infrastructure is to be delivered to the site in a timely and efficient manner.

[1] Of the 3,000-4,000 dwellings to be facilitated by the planning proposal, some 2,600 dwellings are anticipated to be provided within the Newcastle LGA and 1,200 dwellings within the Lake Macquarie LGA.

There are sound planning reasons to support an amendment to the planning framework for the site at this time when investment certainty, housing affordability and land supply are key issues of concern at the national, state and regional level. The successful development of the site will assist the NSW Government in planning for some 11,100 new homes in Newcastle and 8,000 new homes in Lake Macquarie by 2029. It will also provide a range of housing choices to cater for different life stages and different needs of families, a key element that is deficient in the current plans for the area.

The proposal is a significant opportunity and warrants both NSW Government and Council support.

1 Introduction

1.1 Introduction

This scoping proposal is submitted in support of an amendment to Newcastle Local Environmental Plan 2012 (Newcastle LEP 2012) and Lake Macquarie Local Environmental Plan 2014 (Lake Macquarie LEP 2014). The proposal is to rezone a 592-hectare parcel of land at 35-35B Frederick Street and 1 Glendon Crescent, Glendale and 144 Boundary Road, Wallsend to accommodate 3,000-4,000 dwellings, two neighbourhood/town centres, a school site, employment land, community facilities and land for public recreation and conservation. This scoping report builds upon the site's previous planning proposal and associated structure plan to create a new, sustainable, healthy and high-quality residential community, well-connected, diverse and vibrant place with jobs close to homes. The land to which the scoping report and future planning proposal relates is in two local government areas – Lake Macquarie and Newcastle.

This scoping report has been prepared on behalf of the landowner and developer Eden Estates (Newcastle) Pty Ltd (Eden Estates). The purpose of the scoping proposal is to request study requirements which will inform the preparation of a new future planning proposal to be submitted to both Lake Macquarie City Council and Newcastle City Council (the Councils).

The scoping proposal is supported by an indicative layout plan which comprises:

- an urban structure that focuses on preserving ecological values while delivering housing for the local community;
- approximately 3,000-4,000 dwellings[2] in a range of densities, lot sizes and dwelling types to suit first home buyers, families, single person households and workers – creating a community that is demographically balanced;
- a new neighbourhood/local centre comprising 4,000m² of retail/employment GFA within the north-eastern portion of the site;
- a new neighbourhood/local centre comprising 3,200m² of retail/ employment Gross Floor Area (GFA) within the southern portion of the site, south of Link Road and adjacent to the new public school and open space;
- a productivity support zone adjacent to the Summerhill Waste Management Centre (SWMC);
- a higher order road and street network to provide permeability throughout the site including a new 2.5m wide 4km north-south green active transport link;
- approximately 19ha of active and passive open space consisting of sporting fields, local parks and pocket parks and active transport links through riparian areas;
- 335.8ha of land for environmental conservation (in perpetuity);
- community facilities to support the proposed increase to the population; and
- a 1.62ha primary school adjacent to the neighbourhood centre and 8.89ha playing fields.

A copy of the indicative layout plan is provided in Figure 1.

This scoping report is based on plans and information provided by UrbanCo (refer to **Appendix A**) and other supporting technical documents (refer to Table of Contents).

The scoping proposal has been prepared in accordance with the Department of Planning, Housing and Infrastructure Local Environmental Plan Making Guideline (August 2023) and includes:

[2] Of the 3,000-4,000 dwellings to be facilitated by the planning proposal, some 2,600 dwellings are anticipated to be provided within the Newcastle LGA and 1,200 dwellings within the Lake Macquarie LGA.

- a brief description of the site and its local context;
- a summarised scope of the proposal;
- identification of key issues/matters that need to be addressed by the planning proposal;
- a brief justification as to why the proposal has strategic merit;
- identification of key supporting studies; and
- identification of agencies and authorities that may need to be consulted during the preparation of the planning proposal.

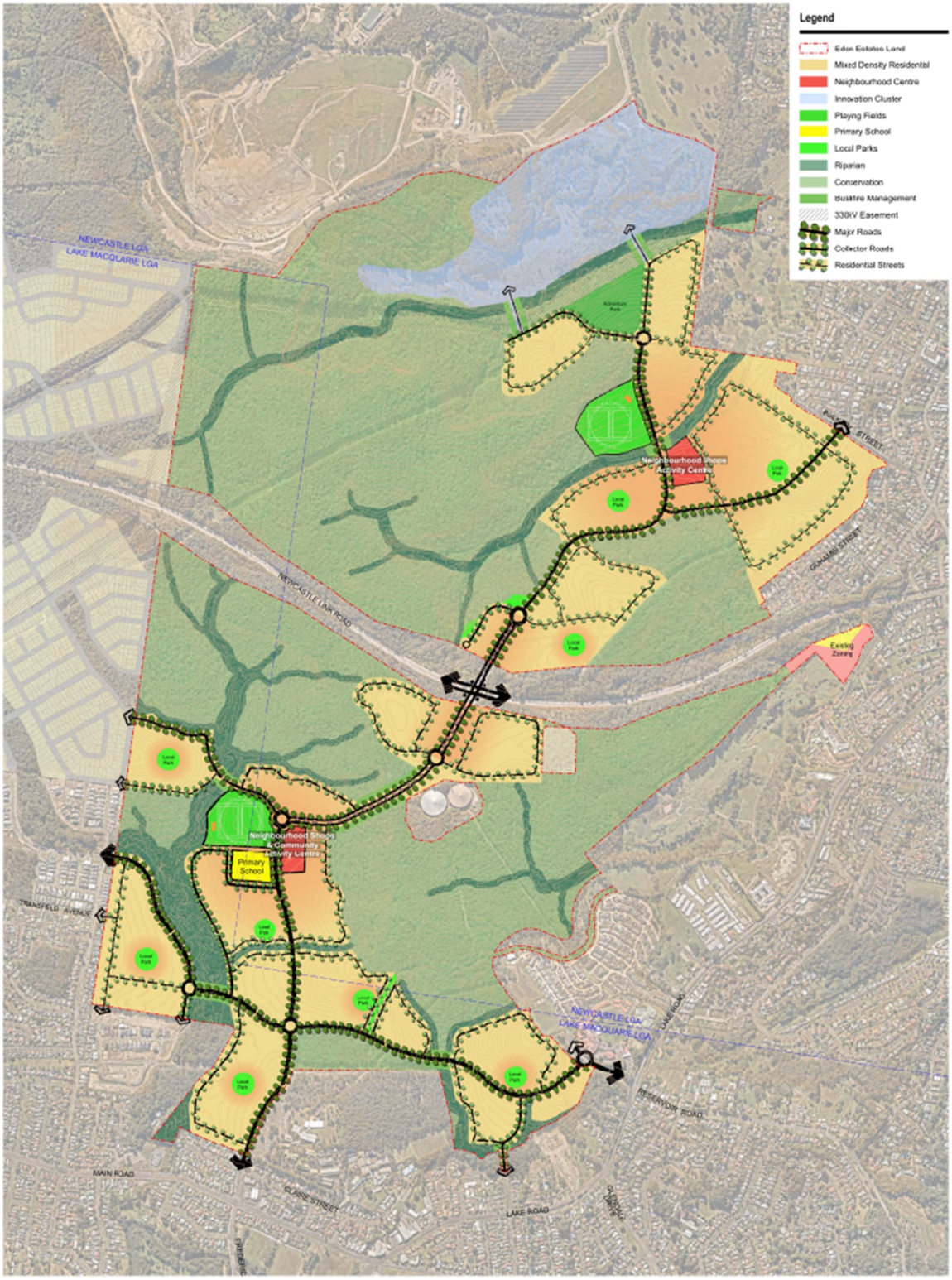

Figure 1 – Proposed Structure Plan

1.2 Applicant Details

The applicant's details are shown in Table 1 below.

Table 1 – Applicant details

Proponent Name	Eden Estates (Newcastle) Pty Ltd
ABN	67 636 934 748
Address	PO Box 111 North Ryde BC NSW 1670

Robbins Lane at Catherine Park Estate by Harrington Estates

1.3 Overview of Proposal

The principal environmental planning instruments that apply to the site are Newcastle Local Environmental Plan 2012 (Newcastle LEP 2012) and Lake Macquarie Local Environmental Plan 2014 (Lake Macquarie LEP 2014). An overview of the proposal is shown in Tables 2 and 3 below.

A detailed description of the proposal is provided in sections 3 and 4 of this scoping proposal.

Table 2 – Overview of proposed amendments to Newcastle LEP 2012

Provision	Existing	Proposed
Zone (clause 2.1)	• C4 Environmental Living • SP2 Classified Road	• R2 Low Density • R3 Medium Density) • RE1 Public Open Space • B2 Local Centre • C2 Environmental Conservation • E3 Productivity Support
Height of Buildings (Clause 4.3)	NA	R2 Low Density Residential – 10 m R3 Medium Density Residential – 16 m B2 Local Centre - 16 m
Floor Space Ratio (Clause 4.4)	NA	R2 Low Density Residential – no FSR B2 Local Centre – no FSR
Minimum Lot Size (Clause 4.1)	40ha	R2 Low Density Residential - 300m^2
Urban Release Area Map and Part 8 – additional local provisions	NA	• Amend urban release area map to include land to which the planning proposal relates • Clause 8.2 – Public Utility Infrastructure and Clause 8.3 – Development Control Plan to apply

Table 3 – Overview of proposed amendments to Lake Macquarie LEP 2014

Provision	Existing	Proposed
Zone (clause 2.1)	• RU6 Transition • C2 Environmental Conservation	• R2 Low Density Residential • RE1 Public Open Space • C2 Environmental Conservation
Height of Buildings (Clause 4.3)	• RU6 Transition – 8.5m • C2 Environmental Conservation – 5.5m	R2 Low Density Residential – 10m
Minimum Lot Size (Clause 4.1)	• RU6 Transition – 40ha • C2 Environmental Conservation – 200ha	R2 Low Density Residential - 300m^2
Urban Release Area Map and Clause and Part 8 – Additional local provisions	NA	• Amend urban release area map to include land to which the planning proposal relates • Clause 8.2 – Public Utility Infrastructure and Clause 8.3 – Development Control Plan to apply

1.4 Previous planning proposals

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.

City of Newcastle Planning Proposal (PP2020/0007)

Between December 2020 and November 2023, Eden Estates have undertaken additional technical studies particularly in relation to ecology and provided supplementary information. Amended planning proposals were submitted to the City of Newcastle Council in October 2022, January 2023 and November 2023.

On 31 January 2024, the City of Newcastle formally advised Eden Estates that a number of matters remain unresolved particularly in relation to biodiversity impact and mitigation, over development of the site, affordable housing, the scale of the retail and commercial offering and buffers to the Summerhill Waste Management Centre (SWMC) and requested further information.

On 24 July 2024, the City of Newcastle formally requested that the planning proposal as it related to the Newcastle LGA portion of the site be withdrawn on the basis that there was a significant body of work yet to be completed to support the planning proposal including matters raised by the NSW Environment Protection Authority (EPA) which, in Council's opinion, could not be resolved within a satisfactory timeframe. As such, the City of Newcastle formally requested that the planning proposal for land within the Newcastle LGA be withdrawn and be re-submitted in accordance with the Department's Local Environmental Plan Making Guideline (August 2023) (i.e. re-start the rezoning process).

A response to the matters raised by the EPA was prepared and submitted to the EPA and the City of Newcastle on the 6 and 12 September 2024. No response to this submission was provided by the EPA or City of Newcastle Council.

On 6 September 2024, at the request of the City of Newcastle, Eden Estates formally withdrew the previous planning proposal. This was acknowledged by the City of Newcastle on 17 September 2024.

Lake Macquarie Planning Proposal (PP-2021-3818)

On 24 May 2021, Lake Macquarie City Council formally resolved to endorse the planning proposal and refer it the Department for a Gateway determination. A Gateway determination was subsequently issued by the Department on 19 November 2021.

On 19 November 2021, the Department provided formal advice to Lake Macquarie Council, namely:

- The **planning proposal has demonstrated strategic merit** and is identified as a future urban release area in the Hunter Regional Plan 2036, Greater Newcastle Metropolitan Plan 2036 and the Lake Macquarie City Council Local Strategic Planning Statement.
- The City of Newcastle wrote to the Department objecting to the lodgement of the planning proposal and request for a Gateway determination, at this time. The correspondence noted City of Newcastle had not yet finalised an assessment and progressed the planning proposal for consideration by Council.
- Due to this, there are several site-specific matters requiring further investigations to identify appropriate zones, land uses and development standards. Particularly, due to the advice from City of Newcastle the ability of this planning proposal to be progressed as a standalone proposal under the Lake Macquarie Local Environmental Plan 2014.
- Further assessment of traffic and transport issues, geotechnical, contamination and subsidence matters, biodiversity impacts and potential impacts from the adjoining waste management facility need to be completed to inform and identify appropriate land zoning, land uses and development standards before the planning proposal can proceed.
- The Department concluded that the planning proposal should be re-submitted when matters identified in the Gateway determination have been addressed. These matters included the following:
    - Demonstrate the provisions and intended outcomes can be progressed as a standalone proposal in the Lake Macquarie LGA. Should the City of Newcastle adopt a planning proposal, the updated planning proposal should be adaptable to integrate with the City of Newcastle provisions and intended outcomes across the entire site.
    - Identify proposed zones, land uses and development standards;

- include a traffic and transport assessment that:
    - o analyses traffic generation and impacts on the regional and local road networks, including cumulative impacts,
    - o identifies any proposed upgrades to the road network and funding arrangements to mitigate traffic impacts, and
    - o includes measures for active transport, including pedestrian and bicycle infrastructure, and public transport.
- include updated assessments for geotechnical, contamination and subsidence matters related to mining to inform the location of any proposed residential zones.
- include assessment of potential impacts from the Summer Hill Waste Management Facility on proposed residential land.
- include a biodiversity assessment that considers impact avoidance and minimisation strategies and quantifies the offsets required for a development footprint, including consideration of cumulative impacts of development on biodiversity within the area and its relationship to local and regional corridors.

These matters are addressed in section 6 of this scoping proposal and supporting technical studies.

1.5 Evolution of the structure plan

The proposed structure plan for the site is the result of an iterative design process which commenced in May 2020 involving a range of technical consultants (ecologists, traffic engineers, geotechnical and contamination engineers, civil engineers, bushfire consultants, urban designers, town planners) and advice from both the City of Newcastle and Lake Macquarie City Councils and other government agencies. The planning proposal as described in this scoping proposal provides an appropriate balance between biodiversity conservation outcomes and expected development outcomes for the site through its nomination and identification in both State and local government strategic planning policies as a future urban growth area.

The iterations to the structure plan (as shown in Figure 2) demonstrate the extent of effort made to avoid and minimise impacts to native vegetation on the site. This consultative design process which has occurred over the last 4.5 years has resulted in an increase in the quantum of native vegetation to be retained on the site from 205ha to 350ha. This represents an increase of more than 70% of native vegetation on the site to be conserved and protected in perpetuity. The structure plan seeks to strike a balance between preserving the ecological values of the site while delivering housing for the local community.

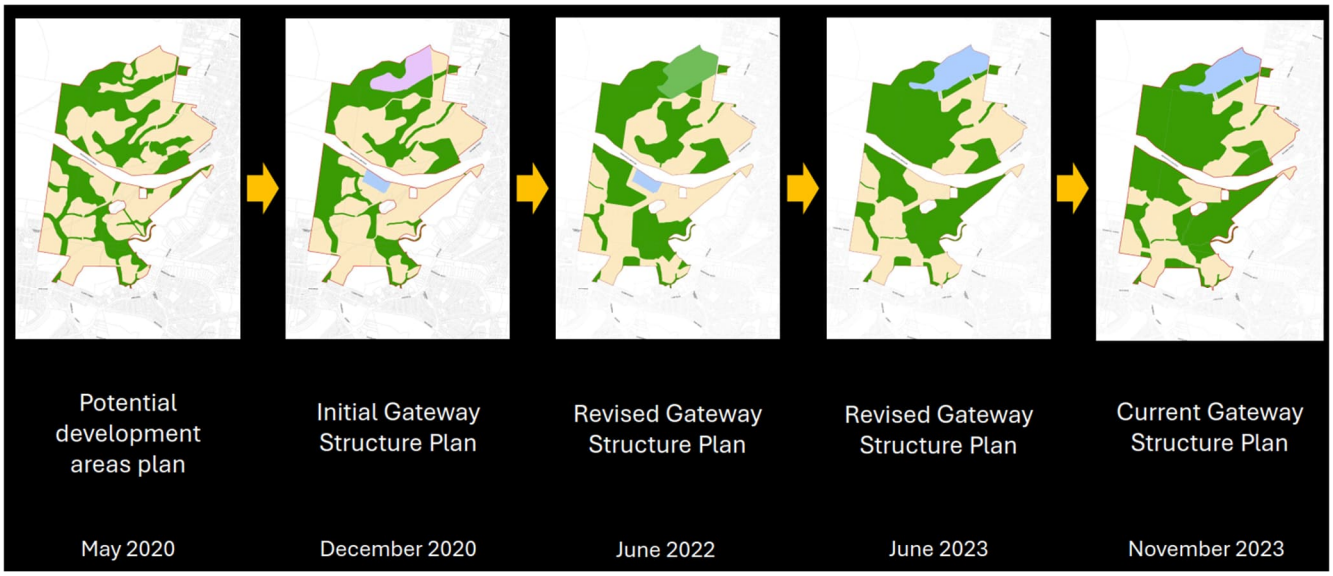

Figure 2 – Structure Plan iterations since May 2020

A comparison of the quantum of native vegetation on the site that is impacted and retained is provided below in Table 4.

Table 4 – Evolution of structure plan areas (source: AEP, 2024)

	December 2020	June 2022	June 2023	August 2023	September 2024
Development area	389ha	338ha	272ha	268ha	244ha
Conservation area	205ha	255ha	321ha	325ha	350ha
Development %	65%	57%	46%	45%	41%
Conservation %	35%	43%	54%	55%	59%

A more detailed discussion on biodiversity is provided in section 6 of this scoping proposal.

2 Site Analysis

2.1 Site Location and Context

The site is approximately 10km to the north of Lake Macquarie City Centre and 5km west of the Newcastle City Centre. The site is adjacent to and forms a logical extension of the established residential suburbs of Cameron Park (to the west and south-west), Wallsend (to the east and north-east), Elermore Vale (to the south-east) and the strategic regional centre of Glendale to the south (refer to Figure 3).

The site has strategic merit. It is identified as a housing investigation area in the Hunter Regional Plan 2041, a housing release area in the Greater Newcastle Metropolitan Plan 2036, a housing release area in Newcastle City Council's Local Strategic Planning Statement 2021 and area for investigation for urban expansion in the Lake Macquarie Local Strategic Planning Statement.

Within 5km of the Site are catalyst areas of North-West Lake Macquarie, John Hunter Health and Innovation Precinct and Callaghan, which together have been identified for an additional 4,700 jobs by 2036 (to an employment capacity of over 30,000 in those three areas alone), with investments exceeding $1 billion. These catalyst areas will increase capacity of health and emerging medical research, tertiary education, innovation and research clusters, business parks, large format retail, advanced manufacturing, sport, along with urban renewal and housing.

The site sits within proximity to regionally and locally significant open space, recreation and sporting resources, including Blue Gum Hills Regional Park, Speers Point Park and the Hunter Sports Centre, as well as the Sugarloaf Ranges and Lake Macquarie. The site forms part of and joins with regional cycling routes that connect Lake Macquarie and Glendale to the Newcastle City Centre (including along the Link Road and the off-road regional cycleway that traverses the site generally along part of the former tramway alignment).

Two of four identified priority multimodal corridors connect from the metropolitan core (Newcastle City Centre and the Transport Interchange) and extend west, through Broadmeadow and Hamilton, to catalyst areas nearby the site, linking towards the Link Road and Main Road and the site. This illustrates the site's connectivity to regional land uses and other critical employment nodes such as the Port and Airport. These areas in addition to those within 5km of the site are also attracting significant Government and private investment, with housing, employment and a nationally significant sport and entertainment precinct (Hunter Park) with associated urban renewal.

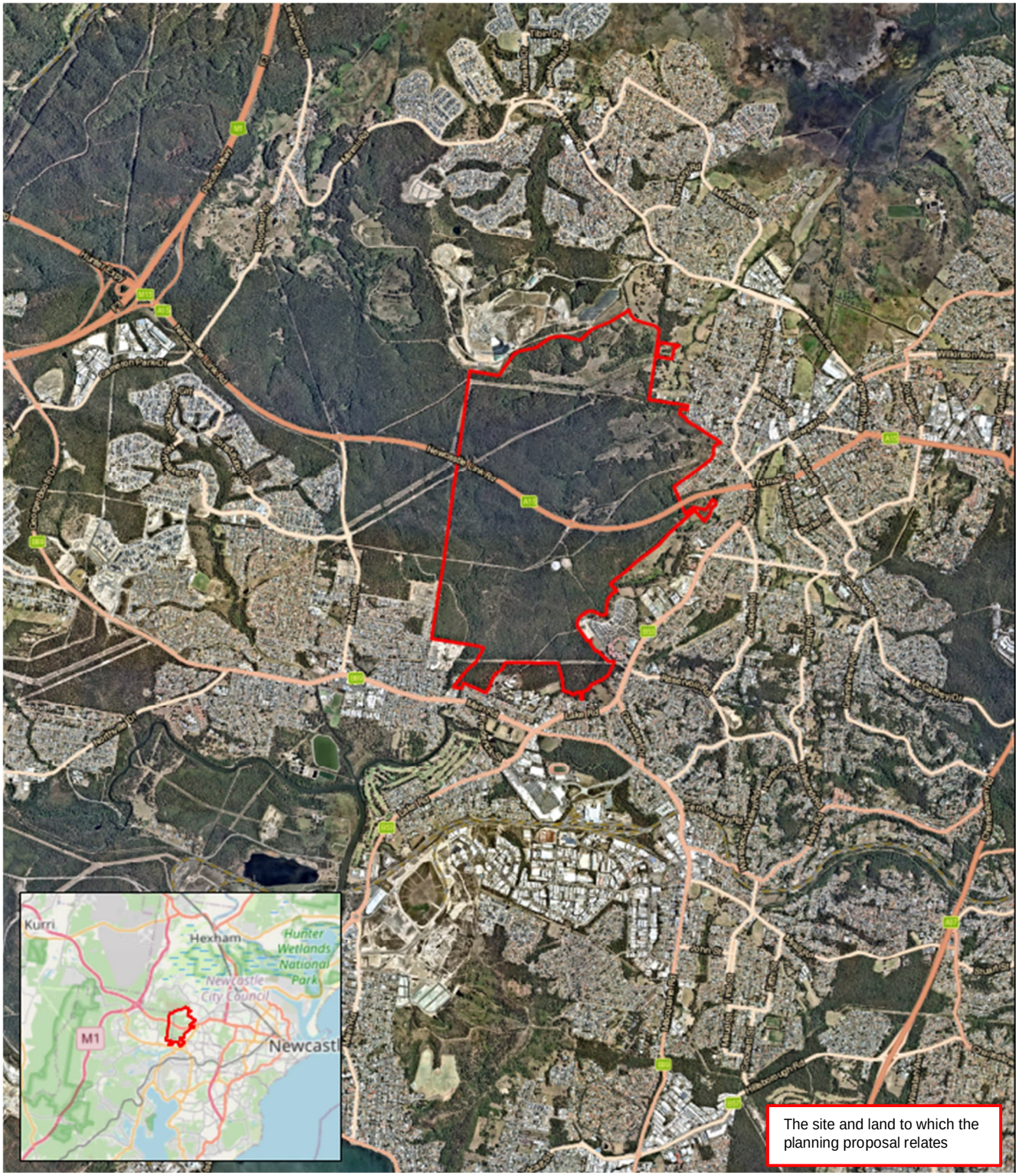

Figure 3 – Location Plan

2.2 Key Site Features

2.2.1 Existing Development

The majority of the land previously formed part of the New Wallsend No 2 Colliery, which was disposed of by the Newcastle Wallsend Coal Company, following a significant mine closure process in consultation with the State Government. All above ground structures associated with mining operations within the site have been removed – with the exception of some informal internal access roads and dams associated with the site's previous use.

Newcastle Link Road intersects the site in an east-west direction.

There are numerous high voltage transmission lines traversing the site in the north and south. There is a 330kV transmission line in the north of the site and two 132kV transmission lines, one in the north and one in the south. There are also some smaller voltage lines within the site that provide local electricity supply to facilities such as the Hunter Water reservoirs.

All the transmission lines have easements which are 60m wide for the 330kV line and 45m wide for the 132kV lines. The smaller lines (33kV and 66kV) have narrower easements and there are numerous additional registered easements that do not contain any electrical infrastructure.

The site comprises a mix of native and exotic vegetation and some areas of cleared land.

2.2.2 Surrounding Development and Uses

To the north of the site is the Summerhill Waste Management Centre (SWMC), an existing waste management facility owned and operated by Newcastle City Council. The SWMC is licensed to receive a total of 362,000 tonnes of waste material per year.

To the south of the site is the residential suburb of Glendale. Glendale is identified as a future strategic centre under State Government planning policy. It is a key centre that includes a major shopping centre, major recreational facilities, a TAFE, schools, childcare, playing fields, parks and playgrounds. The Glendale TAFE NSW campus is located on the immediate southern boundary of the site. Glendale also includes the recently upgraded Hunter Sports Centre.

To the east of the site is the established residential suburb of Wallsend. Wallsend is a major local centre (shopping and business) including health and professional services, supermarket or other retail anchor and mixed with medium and higher density residential uses.

To the west of the site is Brush Creek Estate (a recent 71 lot subdivision currently under construction) and the residential area of Cameron Park. Within Lake Macquarie LGA, Cameron Park includes the nearby newer estate areas which are complete and/or currently under construction. Cameron Park includes the Cameron Park Plaza with a Woolworths and specialty shops, the Pasterfield Sports Complex (AFL / cricket oval, clubhouse/amenities, netball courts, playgrounds, skate facility) and a number of childcare centres. Further west are the Minmi lands which have been recently rezoned for a mixture of residential and conservation areas. Whilst not yet fully developed the first subdivisions have been approved, and for the purpose of this rezoning it is treated as a developed urban area. Later stages of the planning process will manage detailed staging requirements.

To the northwest of the site is the Blue Gum Hills Regional Park.

2.2.3 European Heritage

Three (3) local heritage items are mapped as being partly located within the southern portion of the site. Item 92 (West Wallsend Steam Tram Line) and Item 6 (Speers Point Steam Tram Line) under Lake Macquarie LEP 2014 and item I112 (Former West Wallsend Steam Tram Line) under Newcastle LEP 2012 (refer to Figure 4). The mapped local heritage items represent steam tramways that were in use from 1909 to 1932.

Part of the former tram line length is already interpreted as part of an off-road shared path link with public easement rights. Other parts of the tram lines are mapped as being within other vegetated parts of the site. Those parts of the mapped heritage item alignments not already used as a public off-road shared path (bike and pedestrian) have no visible evidence. Ground truthing undertaken by Niche Environment and Heritage in December 2020 did not reveal the presence of any remaining rails, sleepers or trackside items or infrastructure. Given the amount of previous disturbance on the site, Niche Environment and Heritage have concluded that sub-surface potential is not considered likely. A copy of the heritage assessment which accompanied the previous planning proposal is included in **Appendix B**.

Woodlands House (Item 640) a local heritage item under Newcastle LEP 2014 is to the east of the site.

Figure 4 – Mapped heritage items under Newcastle LEP 2012 and Lake Macquarie LEP 2014

2.2.4 Aboriginal Cultural Heritage

An Aboriginal heritage study of the site, prepared by Kelleher Nightingale Consulting Pty Ltd (Kelleher Nightingale) accompanied the previous planning proposal – a copy of this report is included in **Appendix C**. The study including field investigations were informed by a representative of the Awabakal Local Aboriginal Land Council.

Background research, desktop assessment and archaeological visual inspection identified a total of 15 Aboriginal archaeological sites and five areas of Potential Archaeological Deposit (PAD) within the site (refer to Figure 5). Sites and PADs occurred in all landform contexts and comprised a variety of types including open artefact sites, grinding grooves, a possible raw material extraction site, modified trees, and potential subsurface artefact deposit.

A three-level model of archaeological sensitivity (high, moderate, low) was developed for the site (refer to Figure 6).

Areas mapped as ‘high archaeological sensitivity’ are those which contain known Aboriginal archaeological sites and PADs or have moderate-high assessed potential for further sites to occur based on the established local and regional archaeological context (i.e. low gradient landforms along Brush Creek in the south western portion of the site, the well-defined and elevated ridge crests with low disturbance on both sides of the Newcastle Link Road, and low gradient landforms along Maryland Creek in the north eastern corner of the site). Localised disturbances exist but are generally small in scale. Creeks within the site have also been assessed as displaying high sensitivity due to the presence of outcropping sandstone suitable for the creation of grinding grooves as well as the confirmed occurrence of this site type. These areas will require further investigation and targeted archaeological survey.

Areas mapped as ‘moderate archaeological sensitivity’) encompass the majority of the site. They contain landforms where Aboriginal sites may occur but with a lesser likelihood than high sensitivity areas. They may be considered to display low to moderate archaeological potential. These areas have not been subject to the same gross landscape disturbance as low sensitivity areas but may have localised disturbances resulting from modern land use (i.e. unformed tracks, rubbish dumping) or steeper slopes where increased erosion of topsoil has reduced the potential for buried deposits. Steep slopes are unlikely to contain intact open artefact sites, but may host modified trees or potentially rock shelter sites if suitable sandstone outcrops exist along the cliffs. These areas would require further investigation, archaeological survey and impact assessment depending on the masterplan and projected development layout.

Areas mapped as ‘low archaeological sensitivity’ comprise those where landscape disturbance has removed or severely limited archaeological potential. Examples within the site include the areas formerly subject to surface disturbance as part of previous coal mining activities, bulldozed service and infrastructure easements, areas affected by road and track construction and utilities, areas formerly subject to earthworks and clearing, and modified areas along creeks. These areas display low to no potential for intact Aboriginal archaeological sites, although isolated artefacts may occur anywhere in the landscape, they are highly unlikely to be in situ. Kelleher Nightingale note that Aboriginal cultural values for these areas are not necessarily tied to physical factors such as the presence of archaeological sites, and an area of low or no archaeological sensitivity may still be of high cultural value. Further assessment of Aboriginal cultural values and consultation with Aboriginal stakeholders is required as part of future assessments for the development.

Existing creek lines within the Lake Macquarie portion of the site is mapped under Lake Macquarie LEP 2014 as a ‘sensitive Aboriginal landscape’. These creek lines are within the area mapped by Kelleher Nightingale as high archaeological sensitivity’.

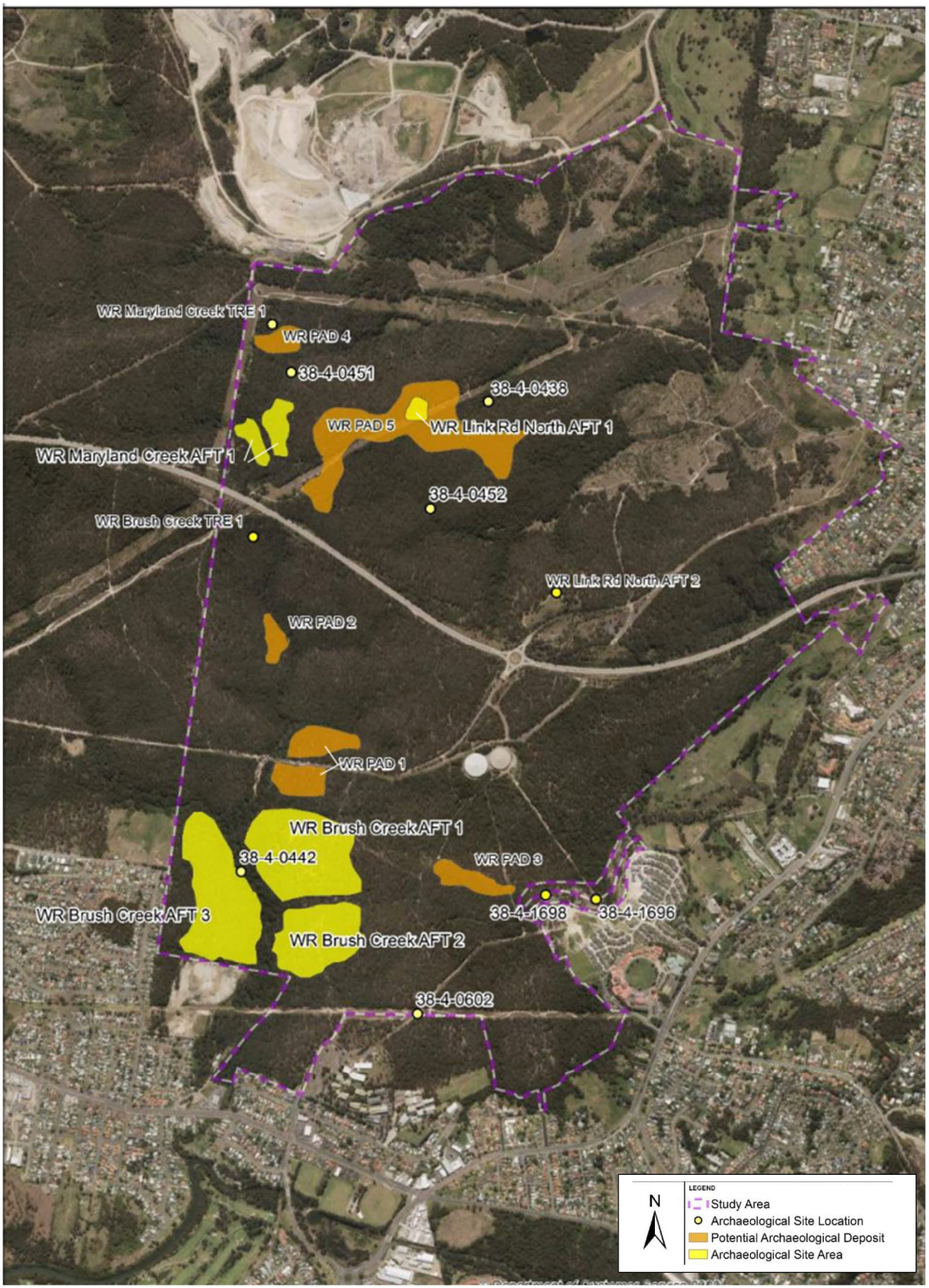

Figure 5 – Identified Aboriginal archaeological sites within the study area (source: Kelleher Nightingale, 2020)

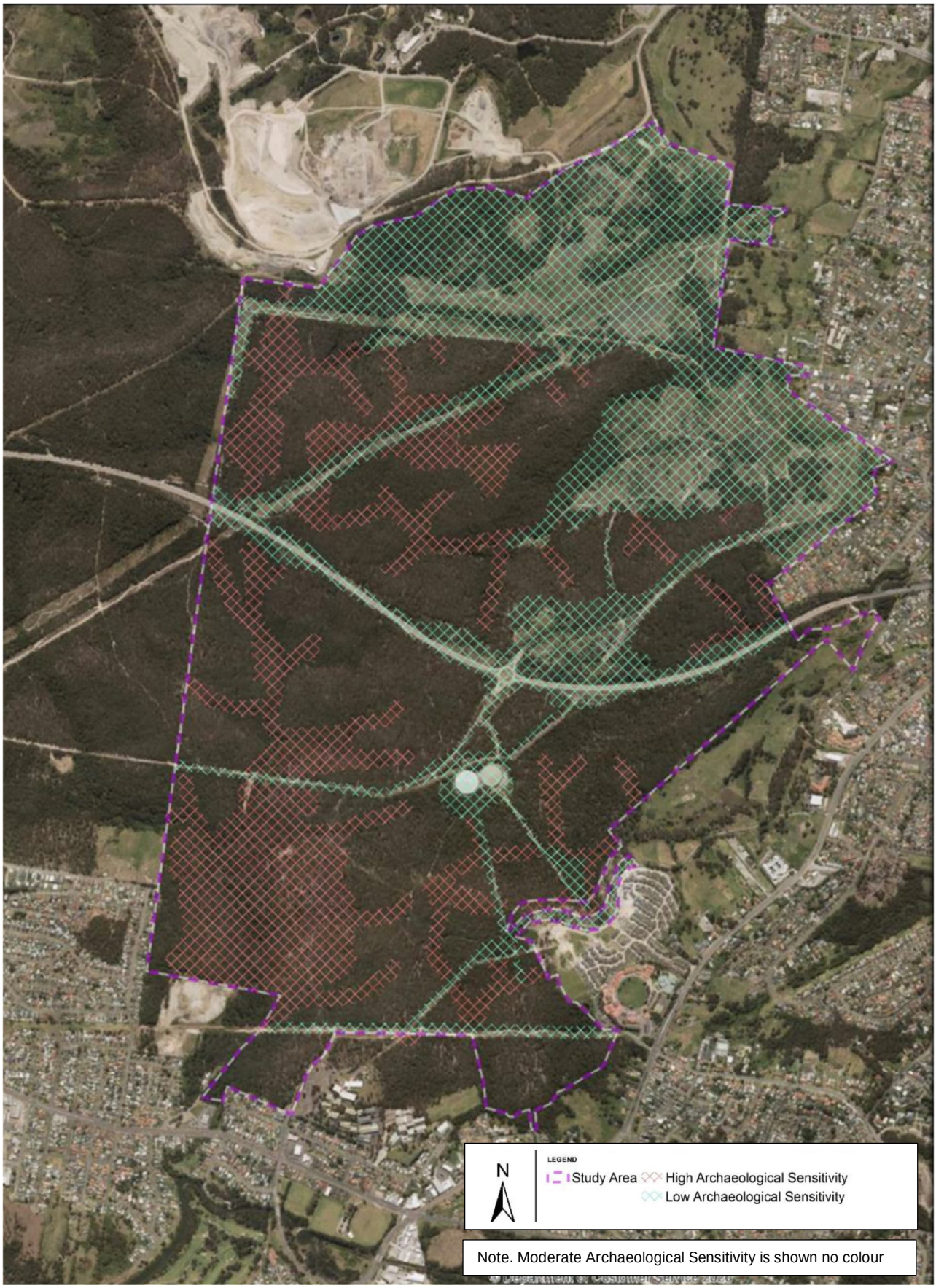

Figure 6 – Assessed archaeological sensitivity within the study area (source: Kelleher Nightingale, 2020)

2.2.5 Topography and watercourses

Topography

The site comprises a generally undulating landscape, with local high points, ridges and gullies traversing the site. Ground-truthed LIDAR survey indicates that surface levels within the site range from its lowest point, being approximately RL 7m AHD around the watercourse in the south-western corner of the site, to approximately RL 95m AHD on a ridge in the northern portion of the site. The majority of the site is of moderate slope (5-15% in grade) although some sections of the site have steep slopes (exceeding 20%). The steeper slopes are primarily associated with the ridgeline that runs north-south through the site.

Watercourses

The site is traversed by multiple creeks and watercourses, namely:

- Maryland Creek - traverses the site, exiting at a north-eastern boundary before meandering in a north-easterly direction before joining Ironbark Creek and discharging to the Hunter River;
- Unnamed Tributary to Maryland creek – exits the site at a north-eastern boundary before joining watercourse 1 (Maryland Creek);
- Unnamed Tributary of Ironbark Creek – exits the site at an eastern boundary before meandering in a northerly direction and joining Ironbark Creek;
- Brush Creek – unnamed tributaries join Brush Creek within the site before Brush Creek exits the site at a south-western boundary. Brush Creek meanders in a southerly direction before joining Cockle Creek and discharging to Lake Macquarie;
- Unnamed Tributary of Winding Creek – exits the site at a south-eastern boundary before joining watercourse 4 (Brush Creek) (refer to Figure 7).

Approximately 1,200m of Maryland Creek has been realigned adjacent to former mining operations to follow a 330kV electrical easement.

Coastal Wetlands

The site does not contain any land mapped as Coastal Wetlands or Proximity Area for Coastal Wetlands under Chapter 2 of SEPP (Resilience and Hazards) 2021.

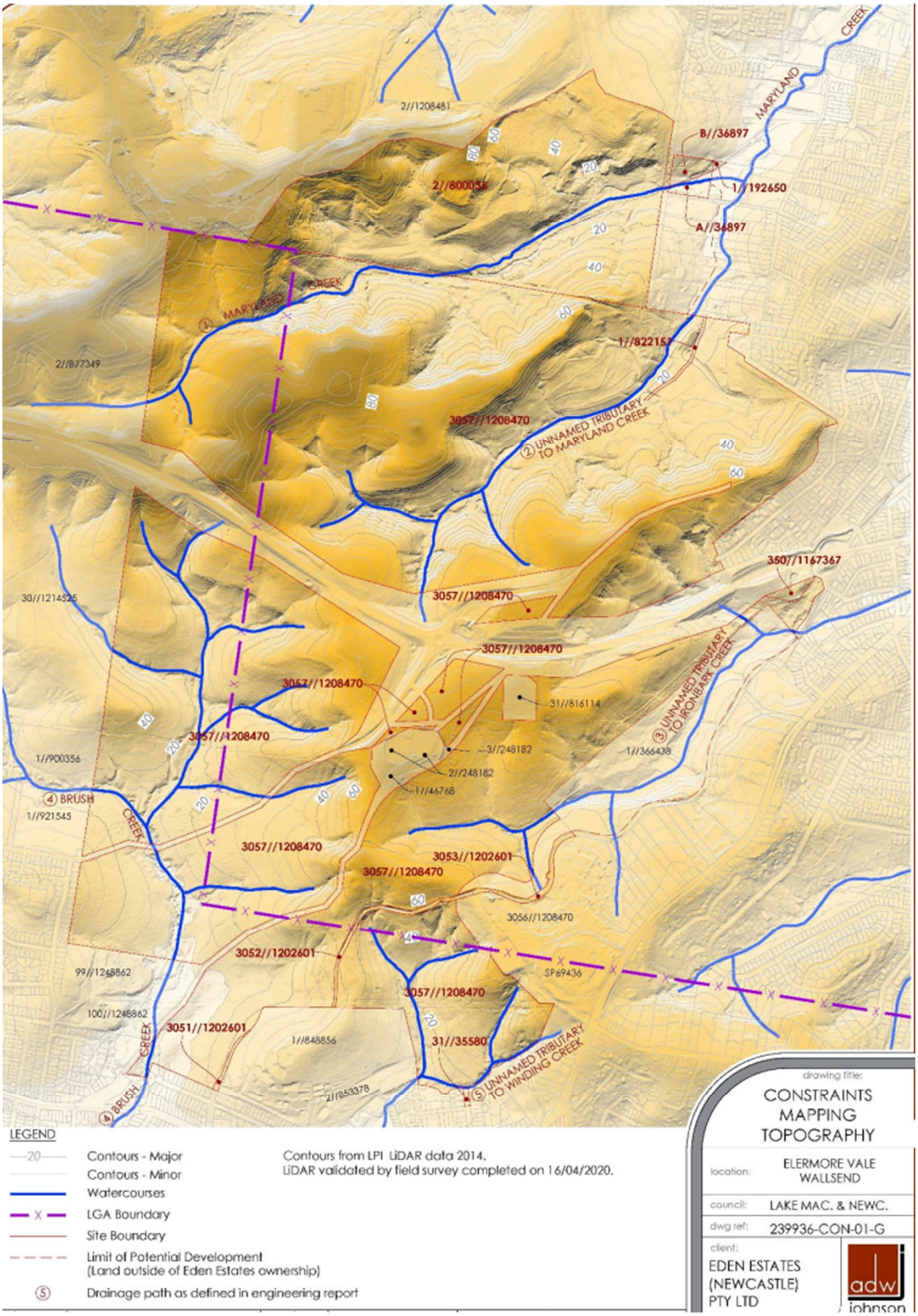

Figure 7 – Topography and water courses

2.2.6 Flooding

A review of Newcastle and Lake Macquarie City Councils flood mapping indicates that the majority of the site are unaffected by regional flooding (refer to Figure 8). Flooding does not inhibit the developability or potential rezoning of the site, noting minor impacts at the south-western corner of the site which is contained to riparian land which will remain undeveloped.

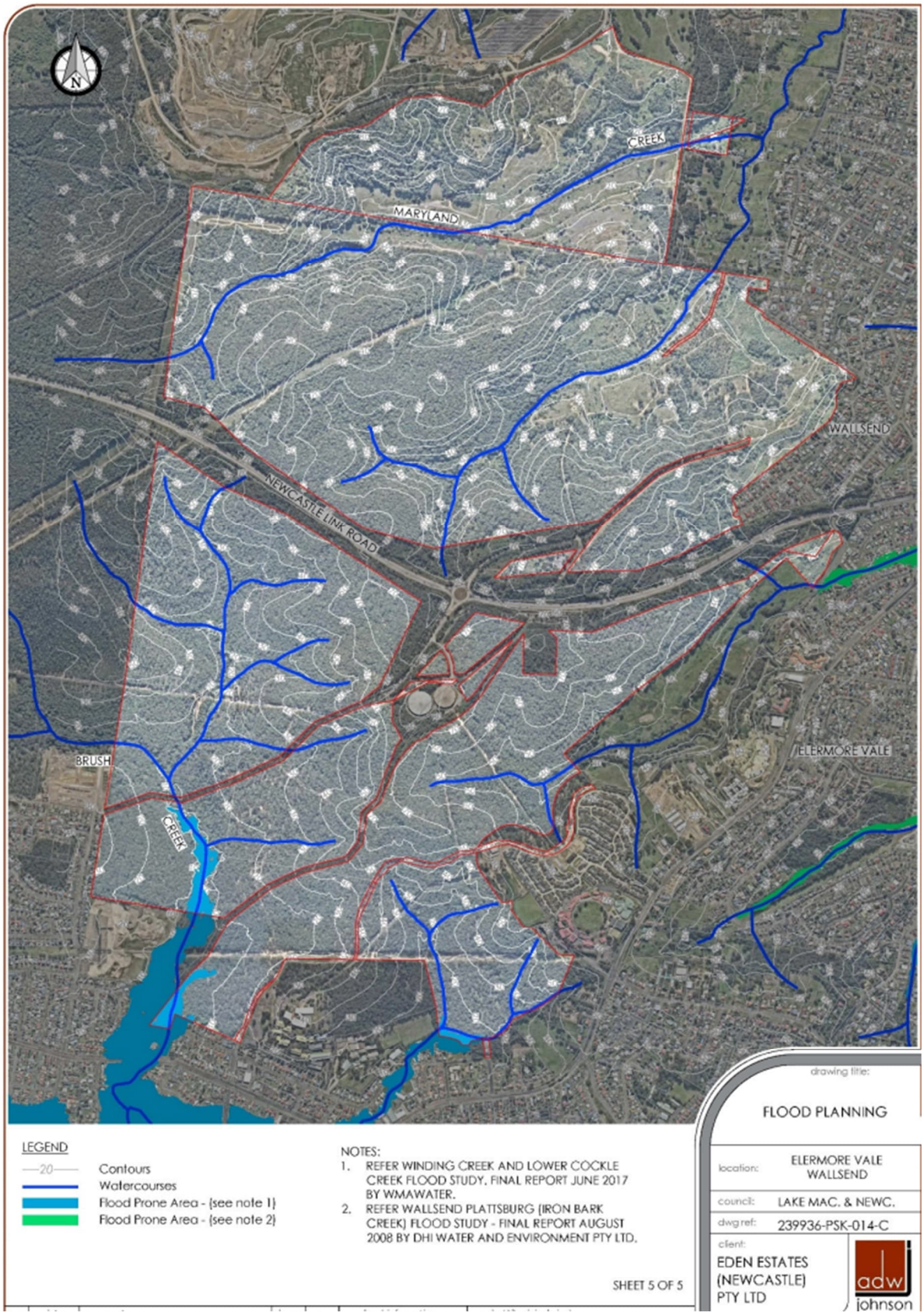

Figure 8 – Location of watercourses on the site and extent of flooding

2.2.7 Contamination

The Preliminary Site Investigation undertaken by Ramboll accompanied the previous planning proposal (refer to report included in **Appendix D**) and concluded that the potential for widespread contamination across the site was low, that the majority of the site is suitable for rezoning for any future land use including sensitive residential land use, subject to removal of any illegally dumped wastes (which is ongoing). Further investigation of the former collieries and areas associated with former mining activities is required to assess the suitability of these areas for certain land uses with or without remediation. The investigation recommended the development of a sampling and analysis quality plan (SAQP) for soil, ground gas and groundwater sampling within the former Wallsend No.2 Colliery operations be prepared at the appropriate time.

2.2.8 Geotechnical and mine related hazards

The land previously operated as an underground coal mine with surface features and sits within a Mine Subsidence District.

A preliminary geotechnical and hazards assessment of the site undertaken by Douglas Partners accompanied the previous planning proposal (refer to **Appendix E**). The conclusions of this assessment are as follows:

- Cleared areas within the northern and north-eastern areas of the site were mostly associated with pit top facilities for former coal mining collieries and include several former box cuts and a trial box cut around the pit top facilities, previous open cut pits, filled areas where coal rejects and overburden have been placed and a number of dams around the pit top facilities, including Goat Hill Dam.
- The majority of the site has been undermined within the underlying Dudley / Young Wallsend Seam, Borehole Seam or both. The extent and type of workings identified beneath the site is known and includes areas of primary, secondary and partial extraction in bord and pillar workings and areas identified as open cut workings.
- Identified mine related hazards on the site include:
    - Uncontrolled fill within the north-eastern and northern areas of the site identified as a moderate to high risk. Site improvement measures (i.e. removal of existing fill and recompaction, capping layers, piled foundations etc) would be required to allow development within these areas of the site.
    - Potentially unstable ground identified within the north-eastern and northern parts of the site (i.e. with slopes greater than 15 degrees which correlate with coal outcrops or the presence of tuff). Engineering assessment and control will be required for future development of these areas;
    - Mine openings such as tunnels and shafts which have generally been filled and capped. It is noted that NSW Subsidence Advisory is unlikely to allow construction of development or structures over these mine openings;
    - The presence of coal rejects and coal fines have been placed within the site to depths ranging from 1m to 28m. Whilst the rejects areas have a low risk of spontaneous combustion, without management, there is a potential for combustion from external sources (i.e. bushfires). This risk can be managed by a combination of blending the existing fill with non-carbonaceous material, recompaction of the existing fill and/or blended material, and / or provision of a suitable cap of non-combustible material over filled areas.
    - In relation to the potential for the coal rejects to create acid, the majority of the sediments tested had a low potential to generate acid upon oxidation, however if oxidised, significant quantities of acid may be produced, Douglas Partners found little evidence that oxidisation of the coal rejects has resulted in significant lowering of the groundwater pH levels on the site. Disturbance of the fill material could lead to oxidation which would require measures to guard against acid generation which could affect the surrounding environment and future structures. These measures include, but are not limited to, minimising surface water entering the carbonaceous fill areas, provision of a capping layer consisting of relatively low permeability material, blending existing fill with non-carbonaceous material and placement of limestone gravel races or holding and treatment ponds within the downstream watercourses, particularly during earthworks which would increase the likelihood of oxidation of the existing carbonaceous fill material, construction of footing or concrete elements which are taken through the existing fill ex material which contains carbonaceous material using sulphur resistant concrete.
    - Foundation conditions at the site have been categorised into three (3) areas comprising (a) uncontrolled fill, (b) bushland areas which are relatively undisturbed, and (c) steep ground which typically occurs in the northern areas of the site. Whilst areas of the site which have been subject to uncontrolled fill currently have poor foundation conditions, these areas can be remediated by earthworks. Bushland areas are expected to have good founding conditions, potentially allowing conventional shallow footings once mine subsidence constraints are addressed. Areas of the site comprising steep ground will require a slope stability assessment to determine the nature and extent of future development in these areas.

- Acid sulfate soils are not considered present on the site, although a small area of the site in the north-east corner of the site (approximately 2,000m^2) is mapped as have a low risk but with no known occurrence of acid sulfate soils.
- While widespread erosion was observed on the site, it was generally minor and appeared to be more significant within the soils of the Killingworth erosional group. Where present the erosion was generally minor and could be managed through appropriate site management.
- In terms of excavatability (ease within which materials can be excavated) shallow rock is expected over the majority of the undeveloped areas of the site. The characteristics of the rock is anticipated to vary significantly throughout the site and ranges from sandstone of low to very high strength in the northern areas of the site to very low to medium strength sandstone and siltstone within the south-eastern areas of the site.
- The soil landscape mapping suggests the possible presence of naturally acidic or saline soils, particularly within the Killingworth Soil Landscape Group and the Cedar Hill Group, which cover the majority of the site. These soils may be aggressive to buried structures or services. The presence of such soils should be subject to further investigation, however, can generally be managed by appropriate design of buried structures and services.

- Douglas Partners confirmed that the above hazards can be appropriately managed and not preventative to the planning proposal. In addition to excluding certain steep land from the urban development footprint (which has already occurred), management may include the allocation of appropriate land uses in areas of deep fill, compaction of other uncontrolled fill areas, future design to avoid road and dwelling locations over capped mine features, management of erosion, rock, soils and foundations, and management of any potential acid drainage and carbonaceous content.

2.2.9 Bushfire

The majority of the site is as bushfire prone land (vegetation category 1) (refer to Figure 9). A Strategic Bushfire Study was prepared by Blackash Bushfire Consulting to support the previous planning proposal (refer to Appendix F). The study considered the suitability of the planning proposal with respect to bushfire risk. In summary:

- The planning proposal provides a well-considered design that has responded to the bushfire risk affecting the site and the aim and subsequent requirements within the NSW Rural Fire Service Planning for Bushfire Protection 2019 (PBP) to provide for the protection of life and the minimisation of impact on property while having due regard to the development potential, site characteristics and protection of the environment.
- The proposed residential subdivision zoning has been assessed against PBP Chapter 5 – Residential and Rural Residential Subdivisions to satisfy the requirements of Section 4.4.1 regarding indicative development layout. The proposed development can satisfy the detailed criteria to be assessed at the next stage of the process. All future lots will be supported by APZ to meet the standard of <29kW/m2 at building exposures and will be further assessed at development application stage. The Planning Proposal meets the requirements of PBP and should be supported.
- The planning proposal is a suitable use of the land, and the bushfire protection measures demonstrated in this report comply with the aim and objectives of PBP and Ministerial Direction 4.4 - Planning for Bush Fire Protection.

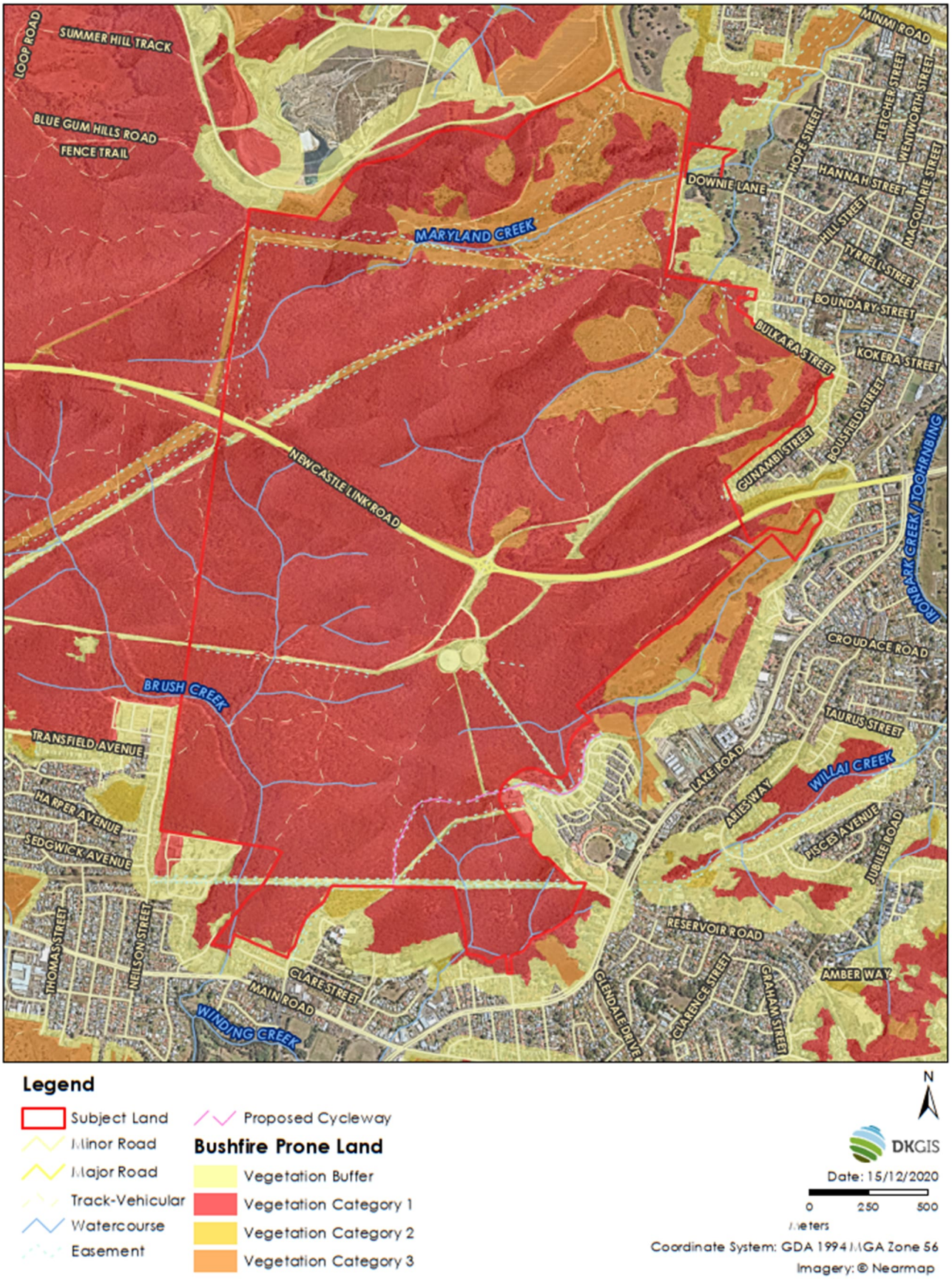

Figure 9 – Bushfire prone land (source: Blackash Bushfire Consulting)

2.2.10 Ecological Characteristics and Value

The site comprises a mix of native (557.76ha) and exotic vegetation (35.94ha). Of the 557.76ha of native vegetation present on the site, approximately 335.8ha is outside the developable portion of the site. For the purpose of the biodiversity assessment, AEP refer to the developable portion of the site as the 'subject site' (refer to Figure 10).

The planning proposal has the potential to impact 243.8ha of vegetation on the site, of which 221.98ha comprises native vegetation and 21.82ha comprises exotic vegetation.

Figure 10 – Plan showing the developable portion of the site (referred to within the BCAR and this figure as the subject site)

An ecology assessment for the site has been undertaken by Anderson Environment and Planning (AEP) in conjunction with Eastcoast Flora Survey and Key Botany. A summary of the plant community types (PCT) and assessment of condition, fauna and flora species present on the site is provided below.

Plant community types

Nine (9) plant community types were identified within the site (refer to Table 6 below). PCT 1592 occurs on site in varying conditions and is associated with a threatened ecological community, being Lower Hunter Spotted Gum – Ironbark Forest, which is a NSW-listed Endangered Ecological Community. Other PCTs listed as occurring on site were not deemed to be associated with any threatened ecological community. PCT 1737 was deemed to be too disturbed to qualify as the equivalent Freshwater Wetland EEC. All of the site provides habitat for threatened flora and fauna species.

Table 6 – Plant Community Types identified on the site and condition (source: AEP 2024)

Plant Community Type (PCT)	PCT Name	Condition[3]
PCT 1539	Grey Myrtle sheltered gully dry rainforest in gullies of the Sydney Basin	Good (G)
PCT 1543	Rusty Fig – Native Quince – Native Olive dry rainforest of the Central Hunter Valley	Good (G)
PCT 1573	Sydney Blue Gum – Lilly Pilly mesic tall open forest of coastal ranges and tablelands escarpment (good condition)	Good (G)
PCT 1584	White Mahogany – Spotted Gum – Grey Myrtle semi-mesic shrubby open forest, central coast & lower Hunter Valley	Multiple patches of vegetation on site in varying conditions: • Disturbed – regrowth (low, unstructured) (DiRLU) • Disturbed – regrowth (tall, structured) (DiRTS) • Good (G) • Disturbed – rehabilitation/plantation (Rehab)
PCT 1588	Grey Ironbark-Broad-leaved Mahogany-Forest Red Gum shrubby open forest, Coastal Lowlands, Central Coast	Multiple patches of vegetation on site in varying conditions: • Good (G) • Disturbed – regrowth (low, unstructured) (DiRLU) • Disturbed – regrowth (tall, structured) (DiRTS) • Disturbed – underscrubbed (DiUS)
PCT 1592	Spotted Gum – Red Ironbark – Grey Gum shrub – grass open forest of the Lower Hunter. This plant community type, as it occurs within site, is commensurate with NSW *Biodiversity Conservation Act 2016* endangered ecological community listed Lower Hunter Spotted Gum – Ironbark Forest	Multiple patches of vegetation on site in varying conditions: • Disturbed – regrowth (low, unstructured) (DiRLU) • Disturbed – regrowth (tall, structured) (DiRTS) • Good (G)
PCT 1619	Smooth-barked Apple – Red Bloodwood – Brown Stringybark – Hairpin Banksia heathy open forest of coastal lowlands	Multiple patches of vegetation on site in varying conditions: • Good (G)

[3] The condition acronym is shown in (parenthesis) and corresponds to Figure 11 which shows the location of each plant community type (PCT) by condition

Plant Community Type (PCT)	PCT Name	Condition[3]
		• Disturbed – regrowth (low, unstructured) (DiRLU) • Disturbed – underscrubbed (DiUS)
PCT 1621	Smooth-barked Apple open forest on coastal lowlands of the Central Coast	Multiple patches of vegetation on site in varying conditions: • Good (G) • Disturbed – regrowth (tall, structured) (DiRTS) • Riparian Paperbark Peppermint Forest (RPPF)
PCT 1737	Typha rushland.	Good (G)

Fauna and flora species

Fauna and flora species recorded on the site were typical of those expected in the broader locality and other patches of remnant vegetation to the west, north-east and south. The following listed species have been recorded within the site:

- Large-eared Pied-bat - foraging habitat only;
- Powerful Owl - foraging and breeding habitat including three (3) nest trees;
- Southern Myotis;
- Squirrel Glider;
- *Callistemon linearifolius* – identified in the southern parts of the site;
- *Grevillea parviflora subsp. parviflora* – identified sparsely in the south-west of the site (only four individuals);
- *Rhodamnia rubescens* – identified mostly in the north of the site, with additional patches to the north-east and south-west of the Link Road;
- *Tetratheca juncea* – identified in the southern half of the site, with higher densities of clumps observed in the south-east and south-west, as well as in proximity to the existing water reservoirs in the centre of the site.

Surveys also resulted in a number of other threatened species being identified within the site. These species include Little Eagle (*Hieraaetus morphnoides*), Square-tailed Kite (*Lophoictinia isura*), Masked Owl (*Tyto novaehollandiae*) (incidentally recorded with no evidence of breeding on site), Glossy Black-cockatoo (*Calyptorhynchus lathami*), possibly Eastern False-pipistrelle (*Falsistrellus tasmaniensis*), Little Lorikeet (*Glossopsitta pusilla*), Little Bent-winged Bat (*Miniopterus australis*), possibly Large Bent-winged Bat (*Miniopterus orianae oceanensis*), Eastern Coastal Free-tail Bat (*Micronomus norfolkensis*), Grey-headed Flying-fox (*Pteropus poliocephalus*), Yellow-bellied Sheathtail-bat (*Saccolaimus flaviventris*) and Greater Broad-nosed Bat (*Scoteanax rueppellii)*.

Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) listed White-throated Needletail (*Hirundapus caudacutus*) was also identified on site.

No Grey-headed flying-fox roost camps were identified on site and no breeding activity was identified for Little Eagle, Square-tailed Kite, Masked Owl, White-bellied Sea-eagle or Glossy Black-cockatoo.

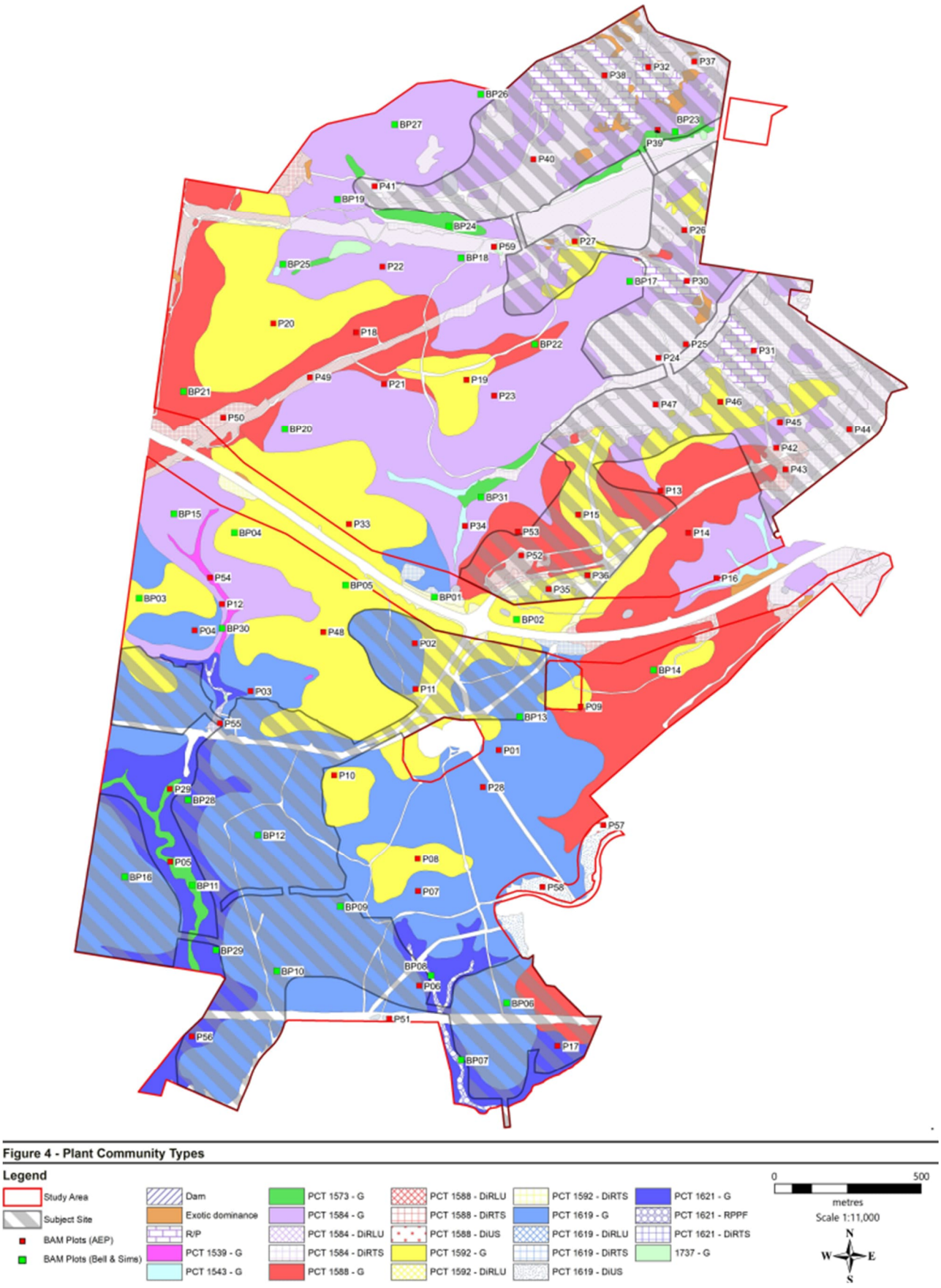

Figure 11 – Location of PCT and condition on the site

2.2.11 Access and Transport

The site is well located to gain access to a number of arterial roads (Newcastle link Road, Lake Road and Main Road) as well as being in close proximity to the M1 Motorway and Hunter Expressway - both located to the west. However, some of these roads are currently operating at or near capacity and will be under more pressure as future development occurs in the area.

The main access to and from the site is via the existing roundabout located on Newcastle Link Road about midway through the site, providing a future connection between the northern and southern parts of the site. Secondary access would be provided to:

- Lake Road (via the College Road);
- Main Road (via Frederick Street);
- Bulkara Street (via the former mine entrance); and
- Minmi Road (via a future road to the North Lakes Drive roundabout).

The site currently has limited access to public transport services, given its location of on the western edge of the Newcastle urban area.

2.2.12 Utilities and Services

The site has access to all other infrastructure such as sewer, water and electricity. Consultation with utility providers has been undertaken to determine infrastructure capacity and planning around existing assets and infrastructure which traverse the site.

3 Vision and Structure Plan

3.1 Vision

The following principles have been developed for the site to guide structure planning and future development.

Community

- Commitment to the creation of a community with a strong sense of place, belonging and identity.
- Foster strong social connections and inclusions within and between communities

Environment

- Commitment to quality housing in a bushland setting that balances environmental, housing and community outcomes
- Recognise the value of high quality natural and built form landscape

Recreation and Amenity

- A high standard of recreation and social facilities that support all ages
- Promote an engaged and active community
- Consider and recognise the importance of safety in all aspects of the community

Housing

- Commitment to high quality housing standard, housing design and housing diversity
- Commitment to high quality built environment

Historical Recognition

- Understand, acknowledge and respect past land users, both Indigenous and non-Indigenous

Connectivity

- Recognise the importance of physical and social connections to surrounding communities

Exemplary Community

- Exhibit an open and collaborative approach with all stakeholders in the development of an exemplar community.
- A commitment to achieve the three pillars of sustainability being social equity, environmental balance and economic viability.

Catherine Park Estate by Harrington Estates

Robbins Lane at Catherine Park Estate by Harrington Estates

3.2 Housing Affordability

The proponent is committed to increasing the supply of diverse and affordable housing types in Newcastle and Lake Macquarie. A housing affordability strategy has been developed by Eden Estates. The objectives of the strategy are to:

- alleviate housing affordability constraints at a local level;
- provide an on-site solution to assist the City of Newcastle and Lake Macquarie City Councils in the provision of affordable housing; and
- assist in delivering the goals and objectives of the aforementioned bousing policies.

The main components of the strategy include:

- Increasing Housing Supply: One of the largest drivers of affordability is the supply of housing. It is acknowledged that there are limited supply opportunities within the western Newcastle and Lake Macquarie region with a significantly reduced supply in the current pipeline. The proposal will deliver between 3,000 – 4,000 dwellings across the site, contributing a significant portion of the regional housing pipeline. This will address the rising demand and alleviate affordability pressures.
- Diverse Housing Typologies: The development will include a mix of detached homes, townhouses, terrace homes, apartments and studios to provide a range of housing types to cater for different demographics to create a vibrant community.
- Urban Design and Accessibility: The development prioritises pedestrian and cycle connectivity, ensuring easy access to transport, services and amenities. A "15-minute city" design will reduce reliance on cars and improve overall accessibility.
- Housing Access Program: Eden Estates proposes several targeted initiatives to enhance affordability[4]:
    - Key Worker Housing: $14million allocated for 280 homes, providing a $50,000 rebate to key workers. The classification of key workers would be agreed upon in consultation with each Council.
    - First Home Buyer Housing: $14million for 280 homes, offering rebates for first-time home buyers on top of the existing government schemes.
    - Rent-to-Buy Scheme: $7million for homes that allow renters to eventually buy their properties. This would be through providing the tenant a long-term rental agreement and allowing the tenant the ability to purchase the property at the end of the agreement.
    - Accessible Housing: There is an extreme shortage of accessible living within NSW but especially within the regions. A commitment of 40 homes designed as accessible housing for people with disabilities.
    - Seniors Housing: to address the matter of an aging population within NSW and the Hunter,140 homes dedicated to seniors' living.
    - Off-site Affordable Housing Contribution: $7million to support off-site affordable housing projects.
- Governance and Implementation: The Housing Access Program will be formalised through a Voluntary Planning Agreement (VPA) and DCP, with strong governance and transparent reporting mechanisms to ensure successful implementation in collaboration with each Council.

As discussed above, the proposal includes the delivery of a dedicated key worker housing precinct at Newcastle Link Road (refer to Figure 12). This precinct has been selected as an accessible location for key workers to utilise the enhanced connectivity of the Newcastle Link Rd and proximity to the John Hunter Medical Precinct and the University of Newcastle, both of which are located within 5km of the site.

[4] The figures quoted above are based on a yield of 4,200 dwellings. Final adopted figures will be proportional to the number of approved dwellings on the site

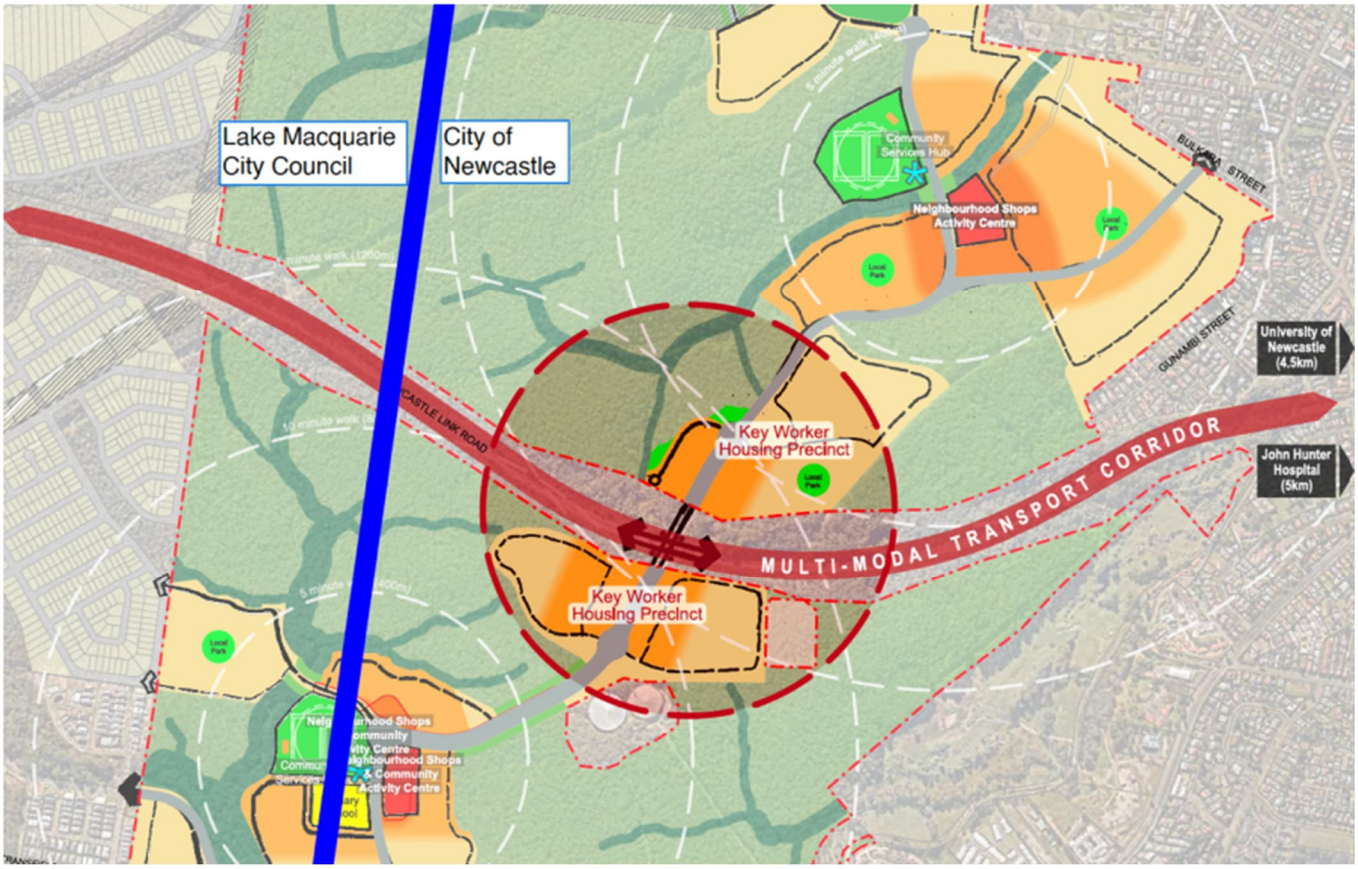

Figure 12 – Key worker housing precinct

A copy of the housing affordable strategy is included in **Appendix G** of this scoping proposal.

3.3 Environmental, Social and Economic Sustainability

The Environmental and Social Sustainability Strategy has been prepared by Eden Estates to provide a framework in creating a sustainable community that addresses both environmental and social outcomes while supporting the long-term economic viability of the project (refer to **Appendix H**). The sustainability strategy is centered around a range of principles and objectives that foster responsible development, community well-being and environmental stewardship. The environmental and social sustainability strategy aims to integrate environmental conservation, social equity and economic resilience into every phase of the development. The key components of the strategy are summarised below:

Environmental Sustainability

Conservation of Biodiversity

It is recognised that it is important to balance biodiversity conservation with urban development in a strategically significant urban release area. The site planning focuses on preserving ecological values while delivering housing for the local community.

Urban Heat Island Effect

It is acknowledged that the urban heat island (UHI) effect as a significant issue, particularly in urban areas within the Hunter region, exacerbated by climate change. To ensure long-term liveability, the project proposes several strategies to mitigate the UHI effect and increase urban tree canopy.

Circular Economy

Eden Estates is dedicated to promoting a circular economy by maximising recycling and minimising landfill waste. The project aims to collaborate with local facilities, such as the Summerhill Waste Management Facility, to develop initiatives that support the local community and enhance recycling efforts.

Carbon Footprint and Energy

The strategy focuses on reducing the carbon footprint of both the construction and long-term energy use of the community. The development offers an opportunity to implement energy-efficient solutions and renewable energy sources, aiming for a sustainable future.

Water

Eden Estates places a strong emphasis on promoting the sustainable use and management of water resources, with particular attention to the site's natural water systems. The development aims to incorporate water-sensitive design principles to ensure efficient water management and enhance the site's environmental value.

Social Sustainability

The strategy also prioritises social sustainability, aiming to create an inclusive, connected, and resilient community. Several key initiatives are designed to promote social wellbeing, community engagement and support for vulnerable groups:

- Housing Affordability: Eden Estates recognises the pressing need for affordable housing in the Hunter region and has developed a Housing Affordability Strategy to ensure that a range of housing options is available to meet diverse needs.
- Health and Wellbeing: Urban design will focus on creating walkable neighbourhoods and enhancing accessibility, including the development of shared paths, cycleways and public fitness stations. Partnerships with local health organisations such as the John Hunter Medical Research Institute could also support public health initiatives.
- Support for Vulnerable Groups: Eden Estates is committed to supporting community groups such as youth and domestic violence organisations, through social responsibility programs outside the planning framework.
- Community Creation and Social Engagement: The development will foster community spirit through social programs and events, such as sports teams, community gatherings, and cultural exhibitions. The creation of public open spaces and well-planned areas for social interaction will be central to building a sense of belonging.
- Connection to Country: Eden Estates will ensure that the development respects and acknowledges the traditional owners of the land. This includes integrating indigenous cultural practices into land management and creating educational opportunities for local Indigenous people through partnerships with Aboriginal groups and educational institutions.
- Education and Skills Development: The project aims to support education and retraining, particularly for residents impacted by the region’s economic transition from manufacturing to new industries. Partnerships with Hunter TAFE and the University of Newcastle will offer training programs and apprenticeships in construction, environmental management, and other relevant fields.

Robbins Park at Catherine Park Estate by Harrington Estates

Economic Sustainability

The project aims to ensure the long-term economic sustainability of the development by:

- Economic Viability: Ensuring that sustainability goals are economically feasible and that all initiatives are appropriately resourced.
- Market Efficiency: The project will integrate social and environmental initiatives with the open housing market to avoid disruptions in the housing supply and demand dynamics.
- Partnerships for Delivery: Collaboration with government agencies and private sector partners will be key in achieving the sustainability objectives.

Governance and Oversight

To ensure the strategy is implemented effectively, a Sustainability Management Committee will be established, comprising representatives from both Councils. This committee will guide the delivery of the sustainability objectives, with some initiatives potentially forming part of a VPA or DCP.

3.4 Structure Plan

UrbanCo have developed an indicative structure plan to demonstrate the capability of the site to accommodate the vision and to guide and inform future planning. The structure plan responds to the site analysis at section 2 and the site's unique opportunities and constraints, identifies the parameters and outcomes for future development and describes key elements of the environmental strategies that are proposed. It seeks to strike a balance between preserving the ecological values of the site while delivering housing for the local community.

The future planning proposal and structure plan will meet local housing needs, now and into the future, reduce affordability pressures and create a sustainable, well-connected community through a mix of innovative housing solutions and active engagement with local authorities.

The site is anticipated to be developed in stages over an approximate 20-year period. The urban structure of the master plan provides sufficient scope and flexibility to respond to future changes in planning and open space, transport infrastructure, market demand, lifestyle and demography. The master plan has been designed for energy and resource efficiency, flexibility in the use of property, public spaces and service infrastructure. Detailed planning and design for urban development will be addressed as part of a series of future applications for subdivision, open space and infrastructure works that will be submitted as part of a staged process over time.

Key features of the structure plan are:

- an urban structure that focuses on preserving ecological values while delivering housing for the local community;
- approximately 3,000-4,000 dwellings[5] in a range of densities, lot sizes and dwelling types to suit first home buyers, families, single person households and workers – creating a community that is demographically balanced;
- a new neighbourhood/local centre comprising 4,000m² of retail/employment GFA within the north-eastern portion of the site;
- a new neighbourhood/local centre comprising 3,200m² of retail/ employment Gross Floor Area (GFA) within the southern portion of the site, south of Link Road and adjacent to the new public school and open space;
- a productivity support zone adjacent to the Summerhill Waste Management Centre (SWMC);
- a higher order road and street network to provide permeability throughout the site including a new 2.5m wide 4km north-south green active transport link;
- approximately 19ha of active and passive open space consisting of sporting fields, local parks and pocket parks and active transport links through riparian areas;
- 335.8ha of land for environmental conservation (in perpetuity);
- community facilities to support the proposed increase to the population; and
- a 1.62ha primary school adjacent to the neighbourhood centre and 8.89ha playing fields (refer to Figure 13).

An urban design analysis and structure plan design report prepared by UrbanCo was submitted to the City of Newcastle Council and Lake Macquarie Council in support of the previous planning proposal – a copy of which is included in **Appendix A**. This analysis will be updated following receipt of planning proposal requirements.

[5] Of the 3,000-4,000 dwellings to be facilitated by the planning proposal, some 2,600 dwellings are anticipated to be provided within the Newcastle LGA and 1,200 dwellings within the Lake Macquarie LGA.

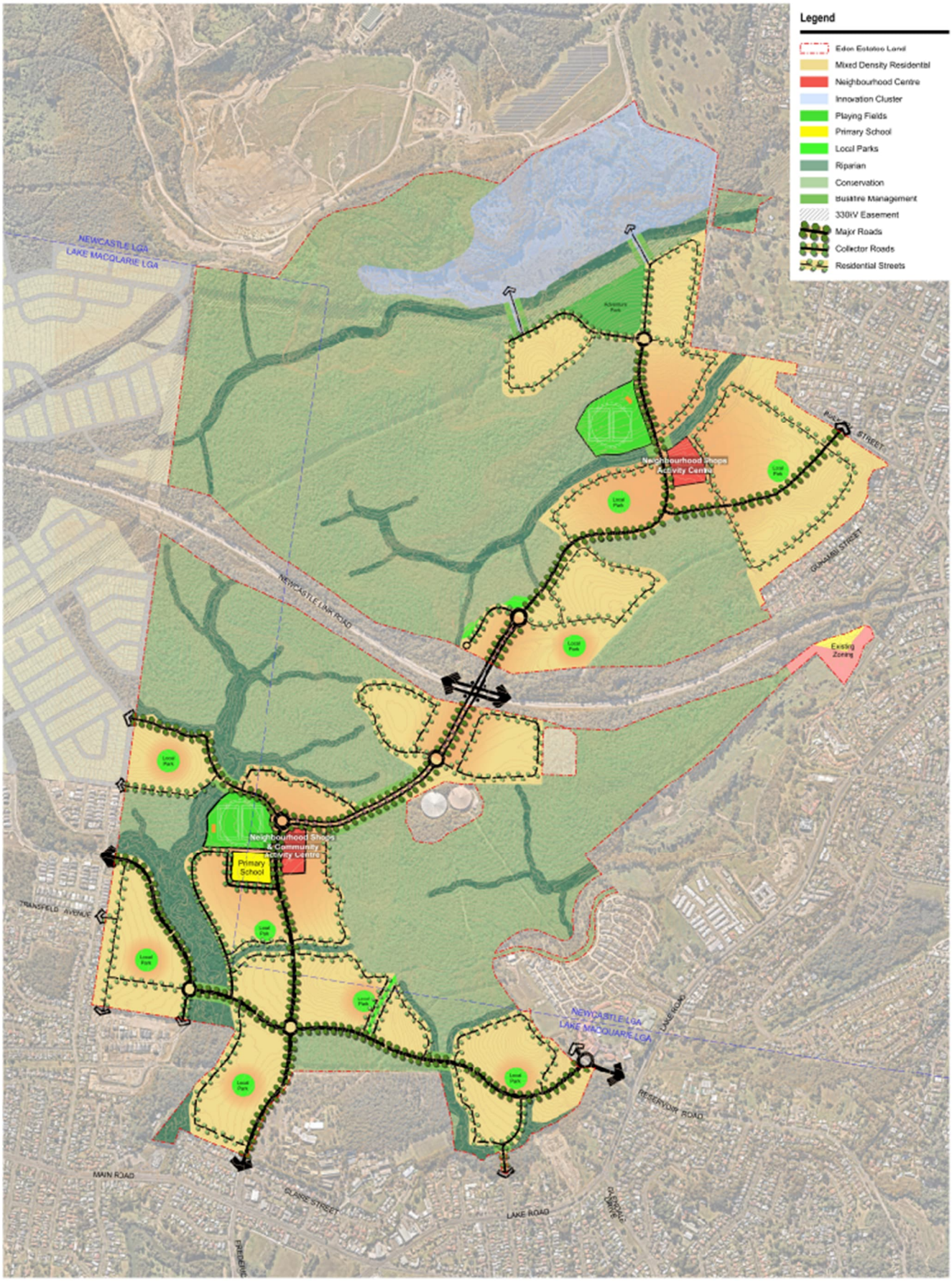

Figure 13 – Structure Plan

4 Proposed LEP Amendment

4.1 Proposed land uses

Newcastle LEP 2014

A description and explanation of the proposed land use zones under Newcastle LEP 2012 is provided below in Table 7. At this stage, it is not anticipated that there will be any proposed change to the land use tables as currently drafted in Newcastle LEP 2012.

Table 7 – Preliminary draft land use zoning under Newcastle LEP 2012

Zoning	Application and justification
E3 Productivity Support	It is proposed to apply the E3 Productivity Support zone to the 40ha area of land within the northern portion of the site that adjoins the existing SWMC. This zone encompasses land that is primarily intended for new and emerging light industries, research and development and high technology industries and other uses that are not suited to locations in other employment zones. The zone also permits a range of ancillary facilities and services to support the day-to-day needs of workers. It is proposed to include an amendment to schedule 1 – additional permitted uses to make permissible 'health service facilities' permissible within the E3 Productivity Zone.
R2 Low Density	It is proposed to apply the R2 Low Density Residential zone to the majority of the residential areas of the site, consistent with the zoning of surrounding residential land. It is noted that within the R2 Low Density Residential zone, development for the purpose of attached dwellings, co-living housing, dual occupancies, semi-detached dwellings and multi dwelling housing in addition to dwelling houses is permissible with development consent.
R3 Medium Density	It is proposed to apply the R3 Medium Density zone along the proposed green active transport link, surrounding the town centres in the northern and southern portions of the site where a variety of medium density accommodation is proposed to be established and where other residential uses (including typically higher or lower density uses) and other land uses that provide facilities or services to meet the day-to-day needs of residents could also be permitted. The proposed R3 Medium Density zone provides a good level of flexibility and also allows for a limited number of non-residential uses, to meet the day-to-day needs of residents. This is considered appropriate in that non-residential uses outside of a local centre can make improvements to the liveability of a neighbourhood (i.e. a local neighbourhood shop or café, or child care centre can become important meeting places for the local community).
E1 Local Centre	The proposed town centres within the northern and southern portions of the site are proposed to zoned E1 Local Centre. This zoning continues to provide a range of retail, business, entertainment and community uses that will support the needs and desires of the local community. Together the proposed E1 Local Centres accommodate the 7,200m^2 of floor space.

Zoning	Application and justification
RE1 Public Recreation	Larger areas of public open space are proposed to be zoned RE1 Public Recreation - enabling the delivery of quality open space for the use and enjoyment of the local community. This land is envisaged to be dedicated to Council. At this stage, it is not proposed to apply an RE1 Public Recreation zoning to future local parks within residential precincts as shown on the master plan – as it is too early in the planning process to identify the exact location and particular facilities to be accommodated within these areas. It is proposed to include a control within the site-specific DCP to provide a quantum of local open space in each precinct at the Development Application (DA) stage.
C2 Environmental Conservation	It is proposed to apply an C2 Environmental Conservation zoning to retained native vegetation on the site including riparian corridors to protect and manage areas of the site with high ecological, scientific, cultural and aesthetic values and to prevent development that could destroy, damage or otherwise have an adverse effect on those values. Biodiversity Stewardship Agreement (BSA) lands are proposed to be dedicated to Council.

Lake Macquarie LEP 2014

A description and explanation of the proposed land use zones under Lake Macquarie LEP 2014 is provided below in Table 8. At this stage, it is not anticipated that there will be any proposed change to the land use tables as currently drafted in Lake Macquarie LEP 2014.

Table 8 – Preliminary draft land use zoning under Lake Macquarie LEP 2014

Zoning	Application and justification
R2 Low Density	It is proposed to apply the R2 Low Density Residential zone to the majority of the residential areas of the site, consistent with the zoning of surrounding residential land. It is noted that within the R2 Low Density Residential zone, development for the purpose of attached dwellings, co-living housing, dual occupancies, semi-detached dwellings and multi dwelling housing in addition to dwelling houses is permissible with development consent.
RE1 Public Recreation	Larger areas of public open space are proposed to be zoned RE1 Public Recreation - enabling the delivery of quality open space for the use and enjoyment of the local community. This land is envisaged to be dedicated to Council. At this stage, it is not proposed to apply an RE1 Public Recreation zoning to future local parks within residential precincts as shown on the master plan – as it is too early in the planning process to identify the exact location and particular facilities to be accommodated within these areas. It is proposed to include a control within the site-specific DCP to provide a quantum of local open space in each precinct at the DA stage.
C2 Environmental Conservation	It is proposed to apply an C2 Environmental Conservation zoning to retained native vegetation on the site including riparian corridors to protect and manage areas of the site with high ecological, scientific, cultural and aesthetic values and to prevent development that could destroy, damage or otherwise have an adverse effect on those values. BSA lands are proposed to be dedicated to Council.

A preliminary land zoning map illustrating the intended location of each proposed land use zone is provided in Figure 14.

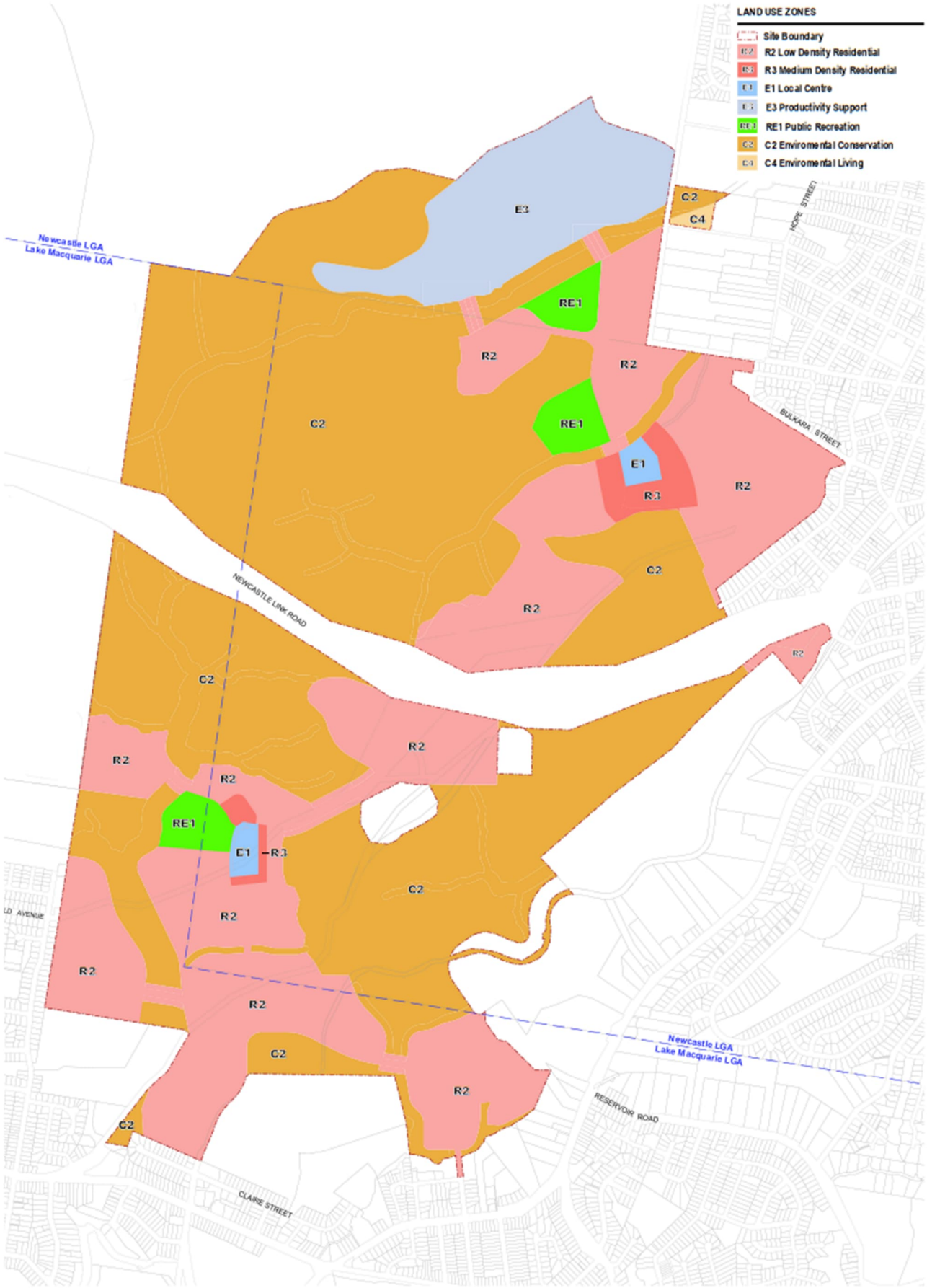

Figure 14 – draft zoning map

4.2 Principal Development Standards

It is intended that the LEP Amendment will contain principal development standards for minimum lot sizes and maximum height of buildings for residential development in the R2 Low Density Residential and R3 Medium Density Residential zones.

Minimum lot size

To support the delivery of housing diversity and a product mix that is responsive to market demand and an increased range of affordable housing options, it is proposed to adopt a standard minimum lot size of 300m^2 for a single dwelling house. In addition, it is proposed to allow the minimum lot size to be reduced to 250m^2 where the subdivision is accompanied by a building envelope plan and to below 250m^2 as part of an integrated development (subdivision and dwelling design on each lot) for detached, attached, dual occupancy or semi-attached housing.

No minimum lot size is proposed within the E1 Local Centre zones.

The proposed lot sizes will provide sufficient flexibility to respond to changes in the market and housing needs over a 10+ year period and address design issues should they arise during the detailed design phase or provide sufficient market flexibility to encourage higher density housing more broadly throughout the site.

Maximum Height of buildings

A maximum building height of 10m is proposed within the R2 Low Density Residential zone– to account for the sloping topography of the site. Achieving complying building heights between 8.5m-9.5 m on sloping land is challenging if not impossible depending on slope. A maximum building height of 16m is proposed for land within the neighbourhood/local centres to allow for buildings including shop top housing up to 4 storeys. It is also proposed to apply a maximum building height of 16m for land zoned R3 Medium Density Residential.

Floor space ratio

It is not proposed to set a maximum FSR for any building on any land within the site. Development envisaged within the site will require a combination of controls to achieve public and private domain outcomes. Different building uses and development types need quite different FSRs. A better alternative to appropriately manage bulk and scale is through the use of building footprint limits, minimum landscaped area, maximum site coverage, solar access controls and minimum boundary setbacks. These matters will be appropriately dealt with in the site-specific DCP.

Density

The planning proposal does not seek approval for a maximum number of dwellings on the site or an indicative housing mix and specifically does not pre-determine the number of dwellings or mix within each stage of the development.

Dwelling mix is subject to change over the significant time period for implementation of the development as market requirements change. The actual dwelling mix and yield for each dwelling type will be determined as part of future detailed applications for each development stage. Each future residential stage will contain a range of lot sizes and a variety of housing types. The mix of housing forms to be provided within the site aim to encourage population diversity and help create a socially balanced and stable community. The development will provide housing choice to satisfy the needs of a wide spectrum of households, at differing life cycle stages and with varying socio-economic circumstances and lifestyle preferences.

The site-specific DCP will include objectives and controls to enhance the built form and character of each neighbourhood and encourage a diversity of housing types. The site-specific DCP will also include controls to limit the run of a particular housing type, in particular small lot housing and attached dwellings, so as to prevent the whole or significant portion of a street being subdivided and developed for one particular type of housing. In this way a true mix housing types can be achieved in each neighbourhood.

As discussed above, the site-specific DCP will contain provisions which require:

- The subdivision of land creating lots less than 250m^2 shall include a dwelling design as part of the subdivision development application. The dwelling design is to be included on the S88B Instrument attached to the lot.
- The subdivision of land (other than large super lot subdivision) that creates lots less than 300m^2 and greater than or equal to 250m^2 must be accompanied by a Building Siting and Envelope Plan (BSEP). The BSEP is to illustrate how design principles and controls as set out in the DCP have been incorporated into the proposed subdivision.

Land reservation

The proposed LEP Amendment proposes to reserve RE1 Public Open Space zoned land exclusively for a public purpose. An amendment to the Land Reservation Acquisition Map will be required.

Urban Release Area Map and satisfactory arrangement provisions

It is proposed to amend the Urban Release Area Map and Part 6 of Newcastle LEP 2012 and Lake Macquarie LEP 2014 to include the site. In accordance with Part 6 of both LEPs, the following provisions will apply:

6.2 Public utility infrastructure

(1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.

(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

6.3 Development control plan

(1) The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.

(2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.

(3) The development control plan must provide for all of the following—

(a) a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,

(b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,

(c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,

(d) a network of active and passive recreation areas,

(e) stormwater and water quality management controls,

(f) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,

(g) detailed urban design controls for significant development sites,

(h) measures to encourage higher density living around transport, open space and service nodes,

(i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,

(j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.

(4) Subclause (2) does not apply to development for any of the following purposes—

(a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,

(b) a subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads or any other public or environment protection purpose,

(c) a subdivision of land in a zone in which the erection of structures is prohibited,

(d) development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the development would be consistent with the objectives of the zone in which the land is situated.

4.3 Development Control Plan

It is proposed to amend Part E of Newcastle Development Control Plan 2023 and Part 12 of Lake Macquarie Development Control Plan 2014 to include a new part as it relates to the site.

4.4 Voluntary Planning Agreement

The future planning proposal will be accompanied by an offer to enter into a Voluntary Planning Agreement with State Government and Council for the delivery of infrastructure and services that are required to meet the future demands of the site.

5 Strategic Merit

5.1 Housing Shortage

Housing is the NSW Government's top priority[6]. Under the National Housing Accord, the NSW Government has committed to contributing to the aspirational national target of 1.2 million new well-located homes over the next 5 years of which around 377,000 new homes are to be delivered in NSW by 2029 including at least 3,100 affordable homes.

Councils in Greater Sydney, Illawarra-Shoalhaven, Central Coast, Lower Hunter and Greater Newcastle along regional NSW with have a target. The NSW Government sees housing targets as being critical to address the housing crisis – helping NSW Government and local government to address the housing shortage and prioritise more diverse and well-located homes in areas with existing infrastructure. The five (5) year housing targets for Newcastle and Lake Macquarie are 11,100 and 8,000, respectively.

The site is identified as a growth area in the Hunter Regional Plan 2041, the Greater Newcastle Metropolitan Plan 2036, Newcastle City Council's Local Strategic Planning Statement 2021 and the Lake Macquarie Local Strategic Planning Statement. The proposal can deliver 3,000-4,000 new well -located homes within the next 10 years of which 1,000 new homes could potentially be delivered within the National Housing Accord period.

The NSW government is struggling to meet its target. In September 2024, Master Builders Australia released forecasts that show NSW is projected to increase its housing shortfall from 28,950 to over 73,700 homes. The future planning proposal will provide between 3,000-4,000 dwellings in an area with existing infrastructure capacity.

The proposal forms a critical component of the dwelling supply to be delivered by the respective LGAs to achieve the targets under the National Housing Accord. The 5-year annual average number of total dwelling completions across Newcastle & Lake Macquarie during the period 2019-2023 is 2,327 as outlined in Table 8 below.

Table 9: Dwelling targets 2024-2029

	Dwelling completions – National Housing Accord	
	2024-2029 Target Total	2024-2029 Target Annual average
Lake Macquarie City Council	8,000	1,600 p.a.
City of Newcastle	11,100	2,220 p.a.
Combined Newcastle Lake Macquarie City Council	19,100	3,820 p.a.

The 5-year annual average number of total dwelling completions across the City of Newcastle and Lake Macquarie City Council during the period 2019-2023 is 2,327 as outlined in Table 10 below.

[6] Transport Oriented Development Program, Department of Planning, Housing and Infrastructure, December 2023

Table 10 - Dwellings completions 2019-2023 (BisOxford Economics, 2024)

	Dwelling completions – Actual					
	2019	2020	2021	2022	2023	Average
Combined Newcastle Lake Macquarie City Council	2,546	2,264	2,664	2,013	2,151	2,327 p.a.

A review of the remaining greenfield development land in the City of Newcastle LGA excluding the site was undertaken by Highview Partners in June 2024 (refer to report included in **Appendix I**). The outlines the residential dwelling yield required from the Newcastle LGA portion of the site for the City of Newcastle to meet the greenfield portion of the dwelling targets set out by the National Housing Accord and the Department's strategic plans.

The key findings of this report are as follows:

- Around 3,600 dwellings are required from the Newcastle LGA portion of the site in order for the City of Newcastle to meet the dwelling targets set out in the Hunter Regional Plan 2041 and Greater Newcastle Metropolitan Plan 2036.
- The 5-year National Housing Accord target of 11,100 dwellings within the City of Newcastle represents a circa 250% increase in dwelling supply as compared to the 5-year Newcastle LGA target within the Hunter Regional Plan.

It is expected that, subject to planning approvals being issued, 1,000 dwellings will be commenced within the 5-year Housing Accord Period and at least a further 1,200 dwellings completed in each 5-year period thereafter. The proposed development would make a valuable and material contribution to both the City of Newcastle and Lake Macquarie City Council achieving their 5-year housing accord targets, as well as underpinning longer term supply for the region. The proposal for housing represents an adaptive reuse of an ex-mining site in an urban infill location, albeit without the constraints of typical urban infill.

The site is in single ownership and is able to be developed expeditiously. The project is deliverable in the short term, with all infrastructure and service utilities required for the development being readily available and any upgrades required being provided as part of the development. It is expected that housing delivery could commence within 18 months of a gateway determination and biocertification being issued.

Eden Estates is fully funded and has capital available to realise the delivery of the project. An immediate commencement of works will be sought following the appropriate development approvals being in place. Eden Estates has a 30-year track record of housing delivery, place and community creation.

5.2 Hunter Regional Plan 2041 (December 2022)

The Hunter Region Plan 2041 among other things advocates for 15-minute neighbourhoods to support mixed use, multi-modal, inclusive and vibrant communities, giving people a greater choice in where and how they live and work and how they travel. Within the Hunter Regional Plan 2036, the site is located within the identified 'Growth Area' (refer to Figure 15). The planning proposal will give effect to a number of goals within the Region Plan including:

- Goal 1 - The leading regional economy in Australia. The site adjoins established residential areas and is within 10-15 minutes of multiple strategic centres and catalyst areas. Housing on the site will contribute towards creating compact communities that allow 95% of people within the region to live within 30 minutes of a strategic centre by 2036, will contribute to the success of Greater Newcastle's growth as Australia's next metropolitan city, integrates transport with land use planning, will support accessibility to employment and provides housing close to jobs.
- Goal 2 - A biodiversity-rich natural environment. Direction 14: Protect and connect natural areas notes that investing in conservation (including biodiversity offsets) that protects, and where possible, enhances habitat connections will deliver multiple benefits to the environment and the community. The planning proposal supports this direction as it is being undertaken concurrently with a state-endorsed methodology and certification process to identify biodiversity values, local habitat linkages to support the regional landscape, and will assess and manage biodiversity impacts to deliver benefits to the environment and the community.
- Goal 3 Thriving communities. The planning proposal will give effect to this goal through the implementation of appropriate zones, development standards and development guidelines. Initial studies have identified areas for urban uses. The envisaged land use zones, development standards and guidelines will give effect to creating healthy built environments through good design (Direction 17), enhancing access to recreational facilities and connecting

open spaces (Direction 18) and identifying and protecting the region's heritage (Direction 19).

- Goal 4 - Greater housing choice and jobs. An additional 70,000 dwellings are forecast to be needed in the Hunter region by 2036. The planning proposal will help achieve this goal by providing suitable zoned land capable of accommodating between 3,000-4,000 dwellings within a variety of housing types and tenure and 238 direct ongoing full-time equivalent jobs. The planning proposal gives effect to Direction 21: Creating a compact settlement, as the site is within the Newcastle-Lake Macquarie Western Corridor and is close to services and infrastructure. The planning proposal will give effect to Direction 22: Promote housing diversity through the implementation of appropriate zones, development standards and development guidelines.

The proposal is consistent with the broad strategies and outcomes of the Hunter Regional Plan 2041. A more detailed assessment of key actions and other provisions within the plan will be undertaken at the planning proposal stage.

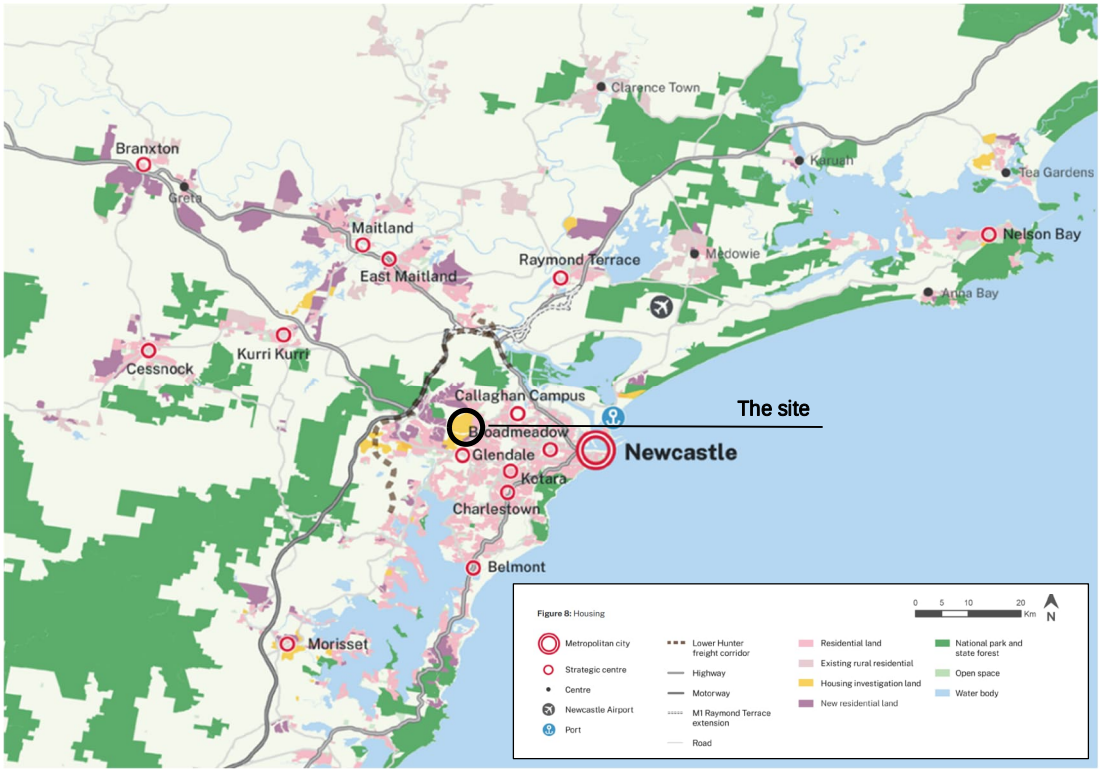

Figure 15 – Housing investigation area in extract of Hunter Regional Plan 2041

5.3 Greater Newcastle Metropolitan Plan 2036 (September 2018)

The metropolitan plan for Greater Newcastle sets out the strategies and actions within local government areas across Greater Newcastle. The site is located partly within the boundary of the "metro core" and is identified as a 'Housing Release Area' on the Housing Opportunities Map (refer to Figure 16). The proposal is consistent with the following outcomes set out in the metropolitan plan:

- Outcome 2: Enhance environment, amenity and resilience for quality of life. Key elements of Outcome 2 include conserving parts of the natural environment, increasing access to open space, improving connectivity to promote active and healthy living and increased urban greening to ameliorate climate extremes. The planning proposal will support these outcomes through the implementation of appropriate zones, development standards and future development controls and will give effect to the following strategies (in particular):
  - Strategy 11: Create more great public spaces where people come together
  - Strategy 12: Enhance the Blue and Green Grid and the urban tree canopy; and
  - Strategy 14: Improve resilience to natural hazards
- Outcome 3: Deliver housing close to jobs and services. The planning proposal supports Outcome 3: Deliver housing close to jobs and services by providing between 3,000-4,000 dwellings on the site and some 238 direct ongoing full-time equivalent jobs. An additional 30,500 dwellings are forecast to be needed within the Lake Macquarie and Newcastle LGAs by 2036. The planning proposal will deliver homes within proximity to future jobs on the site and

within 10-15 minutes of jobs and services in surrounding strategic centres and catalyst areas.

- Outcome 4: Improve connections to jobs, services and recreation. The planning proposal supports Strategy 20: Integrate land use and transport planning. With accessibility to the transport network, future development of the site creates the opportunity to provide new local transport links and manage transport flows to and through the local transport network. The planning proposal provides opportunity to identify infrastructure and a network of cycle and pedestrian linkages through the site. This will be resolved as the urban development footprint and densities are resolved and in consultation with transport agencies.

The proposal is consistent with the broad strategies and outcomes of the Greater Newcastle Metropolitan Plan 2036. A more detailed assessment of key actions and other provisions within the plan will be undertaken at the planning proposal stage.

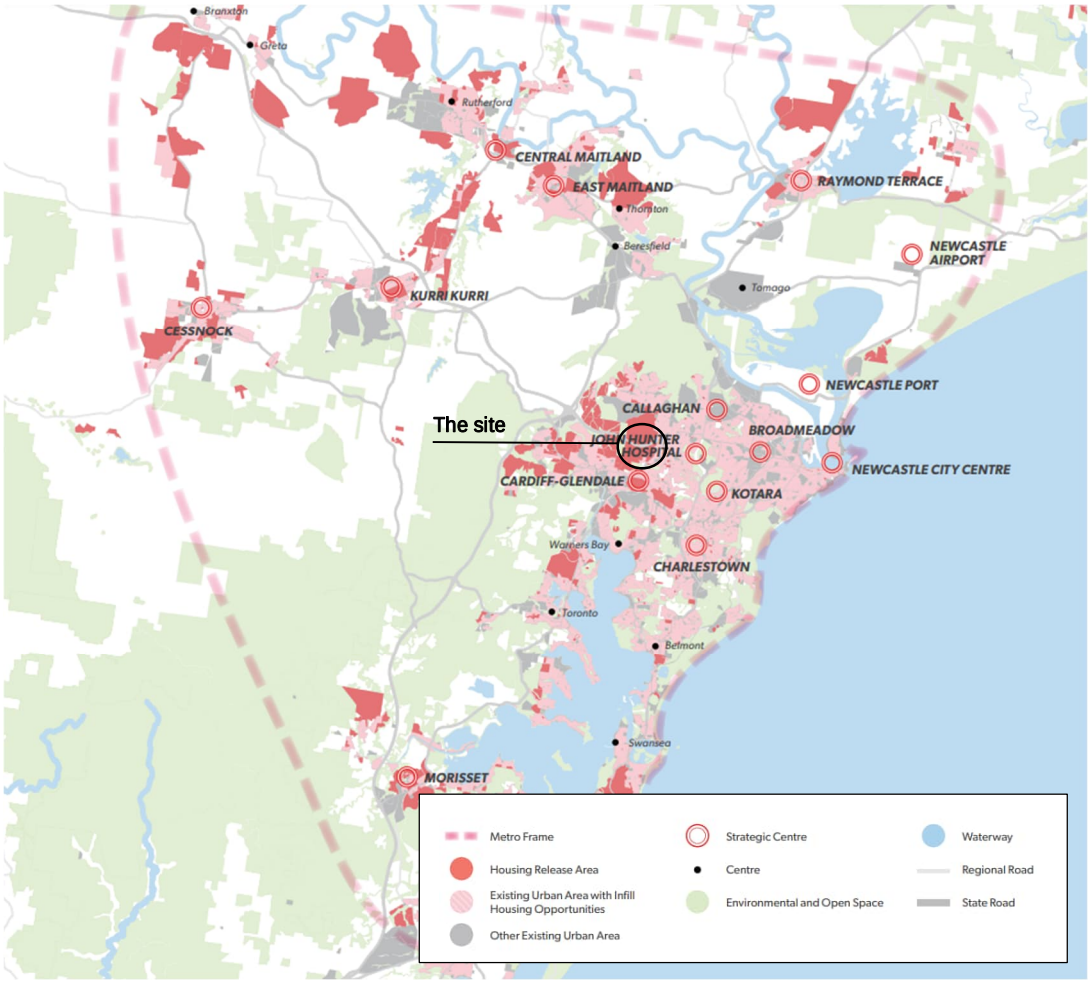

Figure 16 – Identification of site as a housing release area, Greater Newcastle Metropolitan Plan 2036

5.4 Newcastle Local Strategic Planning Statement (2021)

The Newcastle Local Strategic Planning Statement (LSPS) is a plan to guide land use planning over the next 20 years including setting priorities to achieve the vision for the area and inform decisions on any changes to the planning framework. The LSPS identifies the site as a Housing Release Area and it is the only such area identified within the municipality (refer to Figure 17). The Newcastle LSPS states this area will undergo significant change in the future to accommodate housing and associated services.

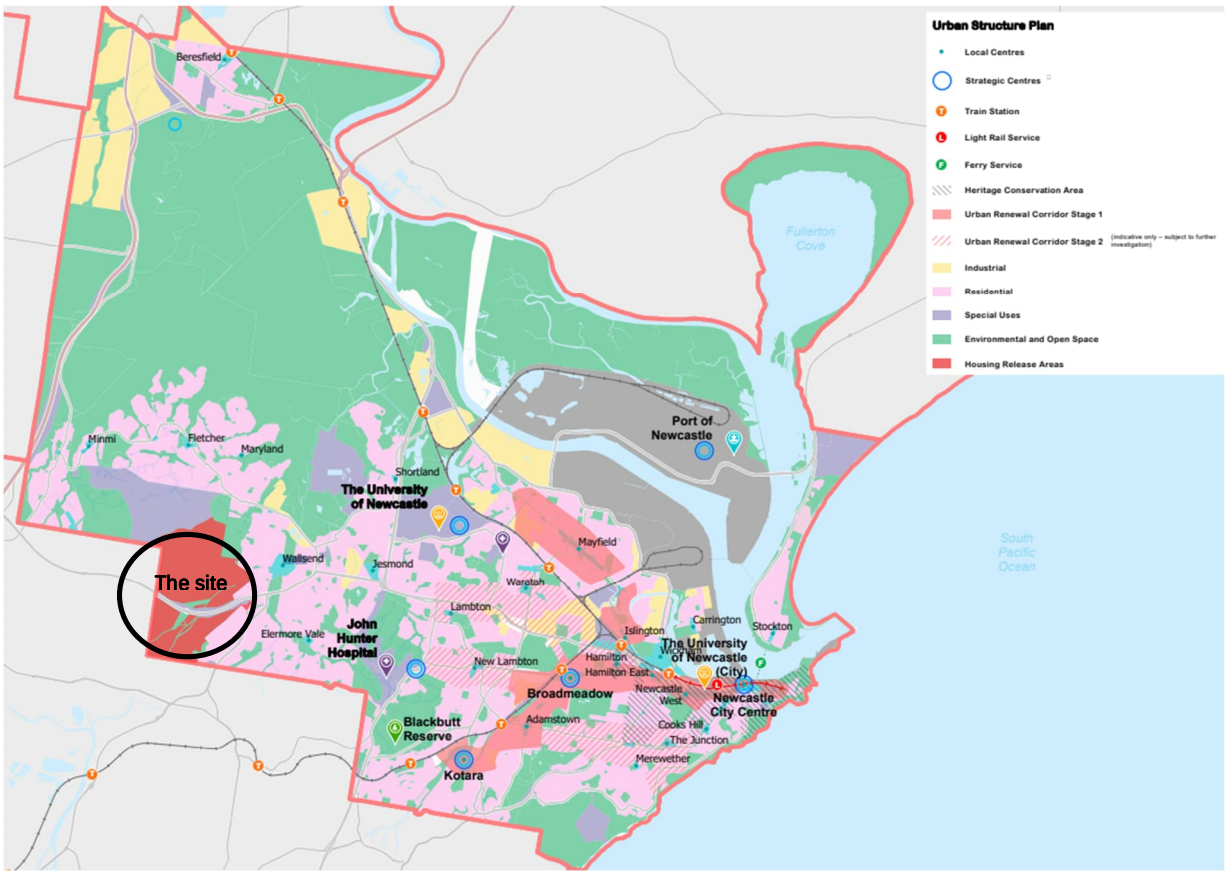

Figure 17 – Urban Structure Plan from Newcastle Local Strategic Planning Statement 2021

5.5 Lake Macquarie City Council Local Strategic Planning Statement

Within the Lake Macquarie City Council Local Strategic Planning Statement (LSPS), the site is identified as an 'Urban Intensification Area' within the City Structure and Opportunities map and forms part of the North West Growth 'Area of Change' (refer to Figure 18). The whole of the site has been mapped for investigation (including the existing E2 Environmental Conservation zoned land forming the western extent) to ensure opportunities across the whole of the site are investigated.

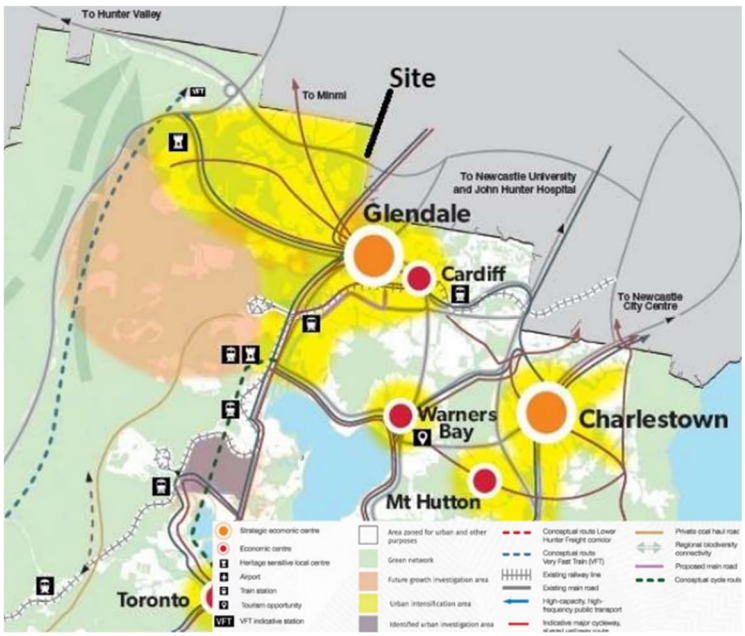

Figure 18 – City Structure and Opportunity Map from Lake Macquarie City Council Local Strategic Planning Statement 2021

6 Preliminary Environmental Considerations

6.1 State Environmental Planning Policies

An assessment of the planning proposal's consistency with relevant State Environmental Planning Policies (SEPPs) was provided as part of the previous proposal and will be updated following receipt of planning proposal requirements.

The relevant SEPPs are as follows:

- SEPP 19 – Bushland in Urban Areas
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021

6.2 Local Planning Directions

An assessment of the proposal's consistency with the relevant local planning directions listed under Section 9.1 of the Environmental Planning and Assessment Act 1979 was provided as part of the previous planning proposal. An updated detailed assessment of the proposal against the applicable direction will be provided as part of the planning proposal.

The following local planning directions relevant Ministerial Directions are:

- Direction 1.1 Implementation of Regional Plans
- Direction 3: 1 Conservation Zones
- Direction 3.2 Heritage Conservation
- Direction 4.1 Flooding
- Direction 4.3 Planning for Bushfire Protection
- Direction 4.4 Remediation of Contaminated Land
- Direction 4.4 Acid Sulfate Soils
- Direction 4.6 Mine Subsidence and Unstable Land
- Direction 5.1 Integrating Land Use and Transport
- Direction 5.2 Reserving Land for Public Purposes
- Direction 6.1 Residential Zones
- Direction 7.1 Employment Zones
- Direction 9.1 Rural Zones
- Direction 9.2 Rural Lands

6 Preliminary Environmental Considerations

6.3 Environmental, social and economic considerations

An environmental assessment of the planning proposal in respect to the relevant matters for consideration under section 3.3 of the EP&A Act will accompany the future planning proposal. It is expected that it will cover the following areas:

- Biodiversity
- Traffic and transport
- Heritage
- Social infrastructure
- Contamination
- Acoustic
- Water Cycle and Flood Management
- Economic impact
- Services and utilities.

The majority of these matters has been addressed as part of the previous planning proposal and subsequent amendments and/or requests for further information. These technical studies can be updated following receipt of the planning proposal requirements.

Key impacts are summarised below.

6.3.1 Ecology

Anderson Environment & Planning (AEP) has been commissioned by Eden Estates to undertake a Biodiversity Certification Assessment Report (BCAR) for the proposed rezoning and Biodiversity Certification of lands within the site. A copy of the BCAR is included in **Appendix J** of this scoping proposal.

The key conclusions of this assessment are summarised below.

Avoid and minimise

A comparison of the current structure plan with the iteration proposed in December 2020 shows the extent of efforts made to avoid and minimise impacts throughout the consultative design process have resulted in a reduction of development land area from 376ha to 244ha (refer to section 1.5 of this scoping proposal). This represents an increase of more than 70% in the area to be dedicated to conservation in perpetuity versus the December 2020 structure plan version.

In addition, the following improvements in impact avoidance as a result of iterative design revisions include:

- Direct impacts to native vegetation reduced from 64.8% in 2020 to 39.8% in the current version;
- Direct impacts to Lower Hunter Spotted Gum – Ironbark Forest EEC reduced from 77.1% to 24.7%;
- Retention of *Callistemon linearifolius* individuals increased from 0.9% to 81.8%;
- Retention of *Tetratheca juncea* suitable habitat increased from 26.8% to 46.3%;
- Retention of Southern Myotis habitat increased from 58.1% to 79.1%;
- Retention of Powerful Owl nest buffer increased from 95.6% to 98.9%;
- Retention of 60% of suitable foraging habitat Masked Owl, Square-tailed Kite, Little Lorikeet, Squirrel Glider, Large-eared Pied-bat and other microbat species.

A detailed description of the measures undertaken to avoid and minimise are provided in the BCAR.

Direct and indirect impacts of the proposal

The proposal directly impacts 222ha of native vegetation. A further 30m wide buffer surrounding the identified developable portion of the site which comprises 46ha of native vegetation may be subjected to indirect impacts as a result of the rezoning proposal. The remainder of the site comprising 335.8ha of native vegetation will be protected and conserved in perpetuity. The majority of which is proposed to be managed primarily for conservation purposes under a Biodiversity Stewardship Agreement.

Biodiversity Certification Strategy

The Stewardship Site (335.8ha) will be managed under a Biodiversity Stewardship Agreement (BSA). In addition, a 380ha parcel of land at Ellalong Lagoon (39 Congewau Road, Congewai) is currently been established as an Biodiversity Stewardship Site. Several opportunities of Biodiversity Offsets Credits generation are presented within the site including PCT 1592 (Lower Hunter Spotted Gum – Ironbark Forest) and for multiple threatened species. A Biodiversity Stewardship Site Assessment Report (BSSAR) is under assessment.

Remaining residual impacts are proposed to be offset utilising the mechanisms for offsetting available within the NSW BOS, including the establishment of multiple Stewardship sites (including retained conservation lands within the Study Area and within land owned by the proponent in Ellalong) as well as payment into the Biodiversity Conservation Fund for any remaining offsets. The proposal will require the following Ecosystem credits to be retired to offset the residual impact of the proposed development:

- 1 x PCT 1543;
- 19 x PCT 1573;
- 1,225 x PCT 1584;
- 492 x PCT 1588;
- 859 x PCT 1592;
- 2,067 x PCT 1619; and
- 365 x PCT 1621.

The following species credits will also be incurred by the proposal:

- 9,825 x Large-eared Pied-bat;
- 3 x Powerful Owl;
- 564 x Southern Myotis;
- 6,551 x Squirrel Glider;
- 1,404 x *Callistemon linearifolius*;
- 54 x Grevillea parviflora subsp. parviflora;
- 3 x *Rhodamnia rubescens*; and
- 1,702 x *Tetratheca juncea.*

Conservation measures

Conservation measures proposed for lands subject to the BSA and adjacent to the site are incorporated into a Stewardship Site Management Plan which is detailed in the BSSAR relating to the BSA lands. The management plan includes the following proposed measures:

- Fire management;
- Grazing management;
- Native vegetation management;
- Threatened species habitat management;
- Integrated pest animal control;
- Integrated weed management and control of high threat weeds;

- Management of human disturbance; and
- Monitoring.

Furthermore, conservation measures within the site are likely to include the preparation and implementation of construction environmental management plans, stormwater management plans, vegetation management plans and/ or biodiversity management plans as part of future stages of the development – the requirements of which can be set out in the site-specific DCP.

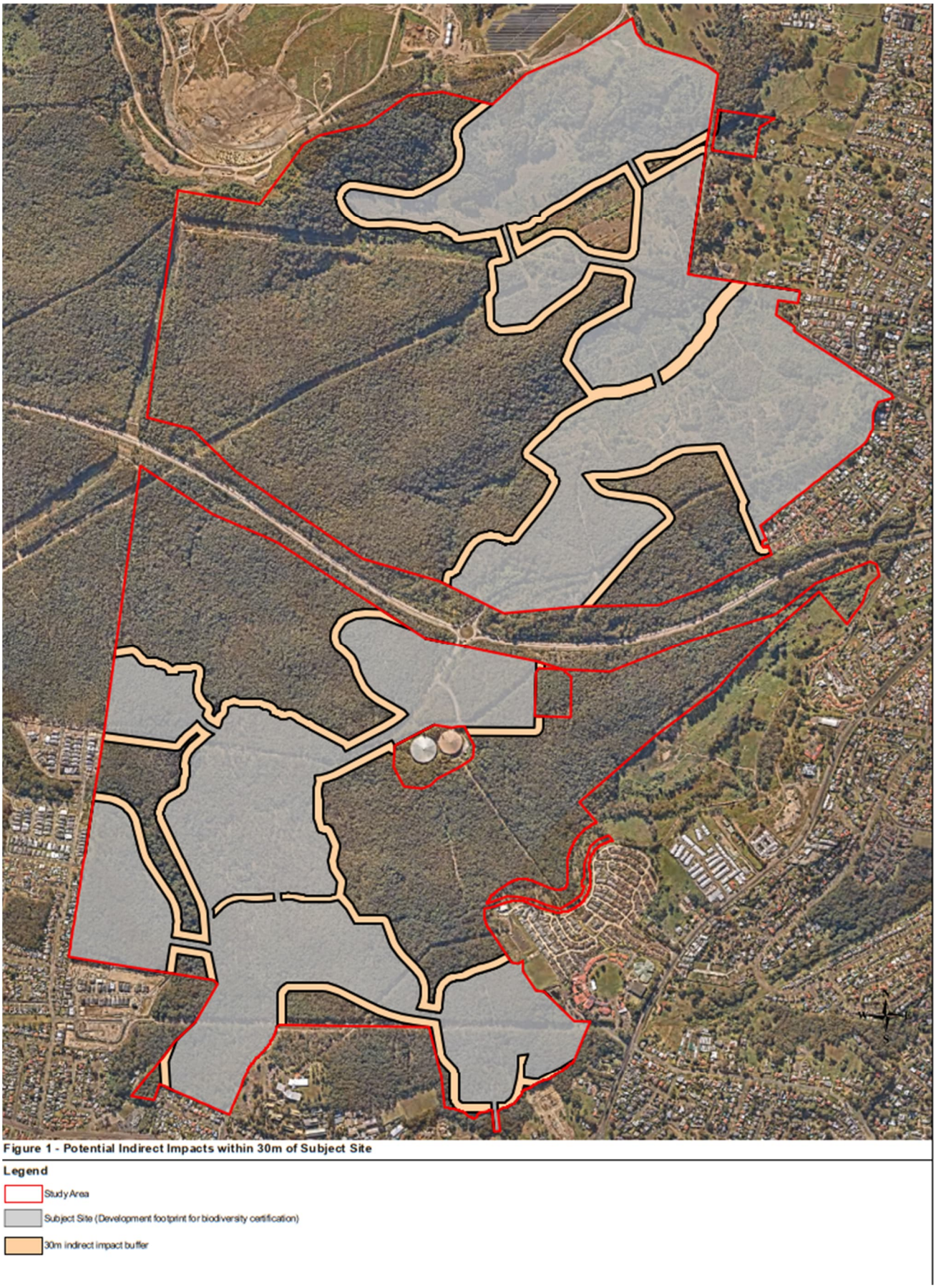

Figure 19 – Plan showing location of BCAR lands and transition land

6.3.2 Infrastructure and servicing

The site can be serviced by all necessary infrastructure (water, sewer, stormwater, electrical).

An Infrastructure, Flooding and Servicing Strategy prepared by ADW Johnson accompanied the previous planning proposal. The conclusions of this assessment remain relevant:

Potable water

Discussions with Hunter Water Corporation (HWC) have taken place with regard to servicing the site with water infrastructure and the HWC Servicing Strategy process has commenced. The site is supplied by the Elermore Vale Reservoirs, located within the site. Connection can be made to these reservoirs via associated trunk mains to service the site.

The Elermore Vale Reservoirs are located with a top water level of RL88m. Development land within the site above RL66m will require a booster pumping station. Development land below RL28m may require pressure reduction measures such as a pressure reducing valve. These pressure control measures are considered standard development practice.

Due to the proximity to, and capacity within the existing water network, water infrastructure works to service the site are considered minimal with regard to normal development practices.

Sewer

Discussions with Hunter Water Corporation (HWC) have taken place with regard to servicing the site with wastewater infrastructure and the HWC Servicing Strategy process has commenced. HWC have been supportive of the servicing options described within the report and they have been included in the preliminary wastewater strategy. The structure plan is able to be serviced by sewer infrastructure. Due to its proximity to, and capacity within the existing network, sewer infrastructure works to service the site are considered to be low with regard to normal development practices.

Electricity

Power Solutions Pty Ltd have undertaken an electrical infrastructure overview for the site with regards to the updated development structure plan. The structure plan has access to two existing Ausgrid 11kV feeder with additional redundancy available via Maryland Zone Substation. The updated structure plan can be serviced via the standard Ausgrid Contestable process.

Communications – NBN Co

NBN Co are obligated to provide NBN telecommunications connection to all new developments. It is noted that there is existing NBN infrastructure on Lake Road, immediately adjacent to the site to the east. It is likely that some infrastructure backhaul will be required; the extent of works will be determined by NBN Co once an application for connection is made. It is noted that this is routine development practice. Communications infrastructure will be available as development proceeds and as such, communications servicing does not inhibit the developability and potential rezoning of the updated structure plan.

Gas

There is an existing high-pressure gas main that runs along Rundle Avenue and Lake Road to the east of the site and Main Road to the south of the site. Jemena will not provide conclusive servicing advice until a connection application is made. It is noted that where supply is available that Jemena will typically provide mains and reticulation at no cost where a common services trench is provided to them. Although it is not essential to the development, it appears that gas connection is available (if required), however this cannot be confirmed until a connection application is made.

6.3.3 Traffic and transport

Bitzios Consulting has been commissioned by Eden Estates to undertake the traffic modelling and impact assessment.

A Project Steering Group (PSG) comprising of Transport for NSW (TfNSW), the City of Newcastle Council and Lake Macquarie City Council in consultation with the proponent (Eden Estates) developed a traffic modelling methodology to assess the traffic impacts of the development based on evaluating the road infrastructure upgrade needs under three scenarios:

- Scenario 1: Background traffic growth only
- Scenario 2: Scenario 1 plus all planned development within the study area generally bounded by Minmi Road (South), Woodford Street, Minmi Road (North), Lake Road and Main Road, excluding future redevelopment of the

site

- Scenario 3: Scenario 2 plus future redevelopment of the site

The difference in road infrastructure upgrades needed between Scenario 2 and Scenario 3 is the suite of upgrade works to ensure the future redevelopment of the site has minimal-to-no worsening of the performance of the traffic network.

The conclusions of this assessment are summarised as follows:

- Traffic forecasting shows that there is likely to be a 47% increase in traffic in the study area between 2021 and 2041 of which future development of the site adds almost 15% (or one-third of the total).
- A series of traffic infrastructure upgrades have been proposed under Scenario 1 (background traffic growth only), Scenario 2 (Scenario 1 plus local planned development and no development on the site) and Scenario 3 (Scenario 2 plus development within the site) to ensure that excessive congestion does not occur.
- Most major intersections within the study area will be congested (but not excessively congested) in at least one of the peak hours, if not both.
- Newcastle Link Road will need to be widened to six lanes between Minmi Road (south) and Lake Road.
- A number of intersection upgrades will be required along Main Road and Lake Road and within Wallsend.
- In the AM peak, the Lake Road / Newcastle Link Road intersection will be an important traffic pinch point protecting intersections further east.
- The proposed road through the site between Newcastle Link Road and Frederick Street will attract some through traffic and marginally reduce traffic on Lake Road because of this.
- Future redevelopment of the site will add about 1,400vpd to Bulkara Street (about a 25% increase to this road) which is not significant and could be managed through street calming works including line marking, medians and local roundabouts.
- Future redevelopment of the site will not impact local roads south of Link Road because the connections to the local roads in Lake Macquarie are from small residential catchments.

The 2041 network upgrades to cater for all expected traffic growth in the study area are shown in Figure 20 along with which traffic demand scenario they relate to. These upgrades will not 'solve' all congestion that is forecast for the study area. Furthermore, the purpose of this study is not to identify the works required to ensure no congestion in 2041 but rather its purpose is to understand what road network works are reasonably attributable to the traffic impacts generated from the future redevelopment of the site.

The reduction in traffic performance within and through the study area suggests that a greater reliance on public transport is necessary in the future and raises the importance for the planning of some form of 'right of way' public transport scheme between Newcastle West and the Newcastle CBD.

External traffic and transport infrastructure works attributable to the site

The external traffic and transport infrastructure works identified to be attributable to site are outlined in Table 11.

Table 11 - Recommended External Works Schedule

ID		Type	Item
1	Road	Widen the eastbound carriages of the Link Road to three lanes between the Minmi / Winton Estate intersection and one kilometre west of the Lake Road / Link Road intersection.	Could be constructed or otherwise contributed to as part of a complete six-lane project by TfNSW
2	Intersection	Construct a signalised intersection at Link Road / Transfield Avenue.	Construct or include as a contribution to a Link Road six-lane project, depending on timing and staging
3	Intersection	An extension of the second west to south right turn lane (to 180m, from Scenario 2 at 120m) at Frederick / Main including a second short southbound	Most likely a contribution in lieu of these works. The east-to-north right turn

ID		Type	Item
		departure lane in Frederick Street. Convert west-to-north left turn as a left-through lane with downstream short lane by 4removing parking east of the intersection. Add an east-to-north right turn pocket	pocket is the only item that would definitely require road widening. The other works may be accommodated in the current reserve
4	Road	Widen Frederick Street to four lanes between Clare Street and the first internal roundabout within the site (at the east-west road connecting to College Drive).	Timing dependent on development staging.
5	Road	Widening to provide a second lane to Minmi Road northbound between Northlakes Drive and the proposed signalised intersection at Newcastle Link Road.	Logically, a contribution would be provided to add these works to the interchange upgrade works.
6	Road	Line marking, median and small roundabout works in Bulkara Street.	Once the local road connection to Bulkara Street is introduced.

Next steps

Discussions with TfNSW, City of Newcastle Council and Lake Macquarie City Council and Eden Estates to agree on an 'ultimate' schedule of works that Eden Estates should be responsible for and the mechanism to either provide those works, contribute towards them, or mitigate the impacts they address in other ways. Once this is agreed, it is expected that the timing of the works or contributions will be further modelled/assessed as the staging plan for the development is better understood.

	Agreed base network upgrade
Intersection upgrades	
1.1	Right turn arrow for turns from south to east — Scen 1
1.2	Second right turn pocket from south to east and second lane on westbound approach — Scen 2
2.1	Second right turn pocket from south to east — Scen 2
3.1	Westbound approach kerbside lane shared as left-through with downstream short lane — Scen 1
3.2	Add a second north to west left turn pocket by shifting lanes one lane to the to the west — Scen 2
4.1	Add second right turn pocket (120m) from west to south — Scen 1
4.2	Add south to west left turn with care and left turn pocket — Scen 2
4.3	Extend second right turn pocket from west to south (to 180m). Share eastbound left turn as left-through with downstream short lane. Second east to north right turn pocket (widening required) — Scen 3
5.1	Share eastbound kerbside left turn as left-through and add downstream short lane (~80m long) — Scen 3
6.1	Convert southbound parking lane to 50m long left turn lane — Scen 2
7.1	Second right turn pocket from west to south (*removed in Scenario 3*), 50m left turn pocket from west. Second right turn pocket from north to west — Scen 2
8.1	Second right turn from south to east — Scen 2
9.1	4-way signalised intersection to replace roundabout — Scen 3
Road and Street Upgrades	
A.1	Add a second northbound lane — Scen 2
B.1	4-lane Minmi Road between Woodford Street and McCarthy Street — Scen 2
C.1	6-lane Link Road between Lake Road and 1km west of Lake Road — Scen 2
C.2	6-lane Link Road between Minmi Road (south) and 1km west of Lake Road — Scen 3
D.1	Add a fourth eastbound lane — Scen 2
E.1	Add a second southbound lane from Link Road to Northlakes Drive — Scen 1
E.2	Add a second northbound lane from Northlakes Drive to Link Road — Scen 3
F.1	Second northbound lane from Sedgewick Avenue to Northlakes Drive — Scen 2
G.1	Four lane from Main Road to internal roundabout intersection — Scen 3
H.1	Eastbound peak clearway from opposite Hill Street to Frederick Street — Scen 3
I.1	Eastbound peak clearway from Manuel Street to Poyner Avenue — Scen 3
J.1	Add a second lane southbound — Scen 2
K.1	Bulkara Street LATM scheme — Scen 3

Note: The modelling shows that Item C.1 and Item C.2 only require the Link Road to be three lanes in the eastbound direction however it is expected that TfNSW would require three lanes in the westbound direction as well.

Figure 20 – Study area traffic upgrades and associated traffic scenarios

6.3.4 Matters raised by the NSW Environment Protection Authority (EPA)

The SWMC is to the north of the site. The SWMC is owned and operated by the City of Newcastle Council as a commercial facility. Concern has been raised by the EPA about potential land use conflicts between the site and land to which the planning proposal relates and the adjoining SWMC. Supplementary information provided to the NSW EPA and the City of Newcastle Council in September 2024 confirmed that there was no impediment in terms of contamination, noise and vibration, air quality and stormwater management that would prevent the planning proposal progressing. A copy of this submission addressing all of the matters raised by the NSW EPA and supporting technical studies is included in **Appendix K**. A sampling, analysis and quality plan for hazardous ground gas assessment has been prepared by Douglas Partners – a copy of which is also included in **Appendix K**.

Consideration of the SMWC

The planning proposal has considered the potential impacts associated with the SWMC in terms of noise, dust, air, odour and gas migration on future sensitive (residential) and non-sensitive (commercial and light industrial) envisaged on the site. Any potential land use conflict is or can be effectively managed through a combination of the following:

- Establishing a buffer between the SWMC and future residential uses within the site. The planning proposal includes a minimum 500m wide buffer within the northern boundary of the site, between the existing SWMC and future sensitive residential uses. Within the minimum 500m buffer is native vegetation (conservation land), Maryland Creek and the proposed 40ha productivity support zone. Residential accommodation is prohibited within this zone.
- Preparation and implementation of a Sampling, Analysis and Quality Plan (SAQP) in consultation with the NSW EPA for land that is within 1,000m of the SMWC (a copy of which is included in **Appendix K**). The SAQP provides a more thorough understanding and assessment of the potential risk associated with ground gas migration from the SWMC onto the site. It will also determine appropriate mitigation measures (both on and off site) if they are required. Whilst the characteristic situation for the wells located on the SWMC boundary indicate a “moderate to high” and “high” risk, Douglas Partners have note that this risk is influenced by a number of currently partially known elements (gas monitoring results, well locations) as well as a number of currently unknown elements (well construction details, subsurface conditions, landfill cell details, landfill cell materials, lining conditions of landfill, groundwater levels). They note that the gas readings and flow may be completely different on the northern-most boundary of the proposed residential footprint, and consequently the characteristic situation (and risk profile) may be different to that which is present on the common boundary.
- Implementation of proposed mitigation measures/engineering controls within the site if the analysis concludes this is required. Potential mitigation measures could include active or passive venting under slabs or the construction of interception barriers. It is noted that approximately 340 dwellings of some 3,700 dwellings that could be accommodated on the overall site are within the 1,000m buffer from the SMWC. The details of any future mitigation measure (if they are even required) will be discussed with the City of Newcastle Council and the EPA before being documented at the development application stage when the design of buildings, subdivision layout and other detailed matters are known. These types of mitigation measures are not uncommon and, in our view, would not preclude future redevelopment of the site as proposed.
- Compliance by the operators of the existing SWMC with the relevant development consent and Environment Protection Licence (EPL) including section 5.4 of the EPA’s Landfill Guidelines which require operators of landfills to demonstrate landfill gas is not accumulating at dangerous levels in enclosed spaces in all building and other enclosed structures within 250m of deposited waste or leachate storage on or near a landfill.

Buffers to residential uses, schools and other sensitive uses

The Environmental Guidelines, Solid waste landfills (2016) (Landfill Guidelines) note that in the case of large putrescible waste landfills (more than 50,000 tonnes of putrescible waste per year), buffers of at least 1,000m should be provided where practicable to residential zones, schools, and hospitals to protect the amenity of these land uses from odour, noise and other impacts. The 1,000m buffer is referenced in the context of siting new putrescible landfill operations and the guidelines notes this is not always possible to achieve. For example, existing residential uses to the north and north-east of the SWMC are well within 1,000m of the existing SWMC. Only part of the site is within 1,000m of the SWMC. If gas migration is confirmed as an issue, and mitigation measures are required, then this could potentially effect ~340 dwellings out of 3,000-4,000 dwellings that could be accommodated on the site. The potential for gas migration would not preclude redevelopment of the overall site.

As stated in the Landfill Guidelines, there are a number of recognised environmentally sensitive and inappropriate areas for landfilling which both the Department as well as the EPA agree on. In relation to locating landfills within proximity to residential zones, dwellings, schools or hospitals the Landfill Guidelines are much clearer and state that landfills should not be located within 250m of these uses. The closest potential residential dwelling on the site is a minimum of 500m away from the landfill operation. Providing a buffer is only one mechanism in which potential land use conflicts with the

SWMC is proposed to be managed. Where achieving a 1,000m buffer from residential uses is not possible or residential uses are already located within the 1,000m buffer (i.e. like the SWMC), the priority should be on ensuring that these types of activities are operated in a manner that minimises environmental impact, whilst measures should be put in place to ensure the introduction of potentially sensitive uses in proximity to these types of facilities does not unreasonably infringe upon the existing operations of the SWMC. The planning proposal has, or has a methodology in place, to appropriately address potential land use conflict impacts.

Current and future operations of SWMC

SWMC is an existing waste management facility licensed to receive a total of 362,000 tonnes of waste material per year. The EPA recommends that land uses be informed by current and future operations of the SWMC (recommendation 1).

The EPA letter states that the existing facility "generates odour, sub-surface landfill gas, noise and air emissions" and that "controls are used to mitigate these issues, but even with these in place, it can be difficult to prevent adverse impacts beyond the boundary and that locating receivers near such facilities may lead to increased community complaints, regulatory oversight and pressure on the operator to mitigate adverse impacts".

Development consent for the SWMC was originally granted consent in 1993. Over the years it has been the subject of a number of modifications, the most recent of which sought approval for a materials recovery facility and concrete batching plant (DA2022-01422) and an organics processing facility (DA2022-00572). In approving the original waste management centre and assessing the current modifications – an assessment of the potential environmental impacts of the approved facility, as proposed to be amended, would have been undertaken. It is assumed this assessment considered the potential impacts of the SWMC on sensitive residential uses within 1,000m of the SWMC including existing residential areas to the north and east of the facility. In granting approval to the original application (as modified), the consent authority and EPA must have concluded that these impacts were acceptable and/or capable of being appropriately conditioned and/or managed. Given the previous planning proposal was formally lodged with Council in December 2020 it would not be unreasonable to assume that some consideration of the future plans for the site (as an adjoining land owner) including the introduction of residential uses was considered.

In relation to potential subsurface gas migration from the landfill and previous coal mining works and concerns with recent monitoring results on or near the southern boundary of SWMC, Douglas Partners have provided advice and now an SAQP which describes additional monitoring and analysis that will occur to confirm the extent of potential subsurface gas migration from the existing SWMC onto the site. The results of this monitoring will be discussed with the City of Newcastle Council and the NSW EPA and then used to inform the scope of work for future development applications (DAs) when proposed land uses and built form are confirmed. Douglas Partners have advised that any gas migration from the existing SWMC can be appropriately dealt with and the land, the subject of the planning proposal, can be made suitable for future development, satisfying the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP).

**December 2024 update*

Landfill gas assessments prepared by Consulting Earth Scientists and EnviroScience Solutions for the SMWC provide more insight into subsurface gas migration and monitoring at the SMWC. These assessments appear to have addressed the concerns outlined by the EPA in their correspondence to the City of Newcastle.

Noise and vibration assessment

The EPA has recommended that a noise and vibration assessment be undertaken to support the planning proposal. Attachment C of the Department's guidelines (page 10) states that acoustic reports would only be required in exceptional circumstances, where a proposal envisages residential or other sensitive uses such as schools, seniors housing and the land to which the planning proposal relates is exposed to significant noise sources. Given future residential uses are more than 500m away from the existing SWMC and separated by native vegetation (conservation land) and a future innovation precinct, it is proposed to undertake this assessment at the detailed DA stage when details in relation to development footprints, lot layouts are known. In addition to physical separation, should the analysis determine that additional noise mitigation measures are required (i.e. additional setbacks, landscape mounding, barriers, facade and window treatments) then this will be documented at the detailed DA stage. Noise and vibration impacts are unlikely to preclude future redevelopment of the site.

Air quality impact assessment

The EPA has recommended that the proponent undertake an air quality impact assessment to identify air quality mitigation measures that can be applied to prevent and manage air and odour related land-use conflicts, particularly those associated with the SWMC. It is proposed to undertake a high-level assessment post Gateway, should the planning proposal progress. Should the results of this assessment require mitigation measures then the structure plan can be adjusted. Air quality is unlikely to preclude progression of the planning proposal.

Contaminated land

The Preliminary Site Investigation undertaken by Ramboll accompanied the planning proposal and concluded that the potential for widespread contamination across the site was low, that the majority of the site is suitable for rezoning for any future land use including sensitive residential land use, subject to removal of any illegally dumped wastes (which is ongoing) (refer to report included in **Appendix D**). Further investigation of the former collieries and areas associated with former mining activities is required to assess the suitability of these areas for certain land uses with or without remediation. The investigation recommended the development of a SAQP for soil, ground gas and groundwater sampling within the former Wallsend No.2 Colliery operations be prepared at the appropriate time.

Based on the review of the PSI, the EPA has recommended that a detailed site investigation report be prepared to cover the following areas:

- the operational areas of the former New Wallsend No. 2 Colliery
- the operational and emplacement areas of the former Wallsend Borehole Colliery
- the “ballast borehole site” and “former compressor house and borehole site” (southern portion of the site)

A supplementary response to the detailed comments on the PSI has been undertaken by Ramboll and is included at Attachment B of the response to the EPA letter. The PSI details a clear and robust methodology for the Eden Estates to follow. This methodology sets out how gaps in data are to be resolved as well as the next steps required to be undertaken to conclude that the site is suitable for the end uses. These next steps include the preparation of a detailed site investigation, remedial action plan, completing the remediation and preparation of a management plan for the long term (if required) and preparation of a validation report demonstrating that the remediation was successfully implemented. Based on their experience, Ramboll have reconfirmed previous advice and have concluded that any contamination present at the site is likely to be amendable to remediation by on-site containment, off-site disposal or a combination of both options and that any anticipated site contaminants can be remediated by proven techniques. Contamination will not prevent planning and development of the land for the proposed uses.

Eden Estates has no issue with a requirement to undertake a detailed site investigation at the detailed design stage, prior to the lodgement of any future DA. This approach is consistent with the current and draft land contamination guidelines which contemplate rezonings that cover large areas of land and have been the subject of a preliminary site investigation which has concluded that contamination will not prevent planning and development of the land for the proposed uses.

There are also existing measures in place to ensure that the potential for contamination and the suitability of the land for any proposed use are assessed in more detail once detailed proposals are made. These measures include:

- Clause 4.6 of the Resilience and Hazards SEPP – states that a consent authority must not grant consent to a DA unless it has considered whether the land is contaminated. The consent authority must also be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the intended purpose and that the land will be remediated before the land is used for that purpose. The Resilience and Hazards SEPP requires a consent authority to consider the findings of a preliminary investigation or a detailed investigation. Future DAs for the site will be subject to this provision.
- Section B7 of Newcastle Development Control Plan 2023 details Council’s policy regarding the management of contaminated land. Future DAs for the site will need to comply with this policy.
- Contaminated Land Management Act 1997. This establishes a process for the investigation and remediation of sites that pose a significant risk to human health or the environment.

Water Management Strategy

The EPA letter recommends a water management strategy be prepared to demonstrate how the detailed proposal will be designed and operated to meet the objectives of the NSW Water Quality and River Flow Objectives (Objectives), the requirements of the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZG, 2018) the Risk-Based Framework for Considering Waterway Health Outcomes in Strategic Land-Use Planning Decisions (OEH and EPA, 2017) and the Managing Urban Stormwater: Soils and Construction (Landcom, 2004).

Preliminary plans showing the indicative location of water quality detention basins and water quality basins formed part of the planning proposal. It is proposed to prepare a water management strategy should the planning proposal proceed, post Gateway, when the location and design of water quality and water quantity treatments has been further progressed. The strategy will focus on mitigating the impacts of the development on the total water cycle and maximising the environmental, social and economic benefits achievable by utilising responsible and sustainable stormwater management practices. Stormwater management techniques and design options being considered for the management of nutrients and suspended solids discharging from the site include vegetated swales and buffers, wetlands and ponds, rain gardens, bio-retention systems and detention basins. Should the planning proposal progress, it is proposed to include a Gateway condition to this effect.

Sampling, Analysis and Quality Plan for Hazardous Ground Gas Assessment

A sampling, analysis and quality plan for hazardous ground gas assessment has been prepared by Douglas Partners and is included in **Appendix K**. It presents the proposed methodology and requirements for landfill gas monitoring at the site. The objective of the monitoring is to allow evaluation of the risk associated with ground gas migrating from the adjacent SWMC towards the proposed residential subdivision.

7 Discussion Points

Key discussion points are provided below.

1. Department of Planning, Housing and Department of Climate Change, Energy, the Environment and Water (Biodiversity, Conservation and Science) review of submitted BCAR and advice on whether the planning proposal has found the right balance in terms of protecting and conserving native vegetation on the site while delivering 3,000-4,000 new well-located homes on serviced land. This is the key issue for the site and resolution is sought from government stakeholders on the matter.
2. How will the assessment of the scoping proposal and any future planning proposal be undertaken in a holistic and coordinated manner, given the site straddles two LGAs:
    - The consideration and assessment of issues and impacts arising from the planning proposal (regardless of whether the impact is negative, positive or neutral) is not bound by a theoretical LGA boundary (i.e. the planning proposal requires a holistic assessment of issues, regardless of LGA boundaries)
    - How will differences of opinion between the two Council's be managed and coordinated. Who will take the lead role, who will coordinate, who will have the final say
3. City of Newcastle and NSW EPA review and provide a response on the following:
    - Supplementary information issued on the 6 and 12 September 2024 in relation to the Summerhill Waste Management Centre (SWMC); and
    - Sampling, analysis and quality plan for hazardous ground gas assessment (dated November 2024). This assessment presents the proposed methodology and requirements for landfill gas monitoring at the site. The objective of the monitoring is to allow evaluation of the risk associated with ground gas migrating from the adjacent SWMC towards the proposed residential subdivision.
4. How an appropriate level of probity is ensured in relation to assessing the suitability of the site for future urban development and potential impacts to the SWMC (and vice versa). The City of Newcastle has a dual role - to independently provide advice and assess the scoping proposal and future planning proposal whilst having a commercial interest in the SWMC (as the owner and commercial operator).
5. Engagement with government agencies and authorities in particularly re-engagement with Transport for NSW to finalise apportionment of works Eden Estates is responsible for.
6. Advice on approach to development standards, in particular minimum lot sizes, heights and removal of FSR development standard.

8 Supporting Information and referrals

8.1 Supporting Technical Information

The following technical studies and reports are anticipated to be updated to accompany the future planning proposal.

Technical report (to be updated)	Planning Proposal
Urban design study	• Urban design study with a concept plan that demonstrates the capability of the site to accommodate the vision, objectives or intended outcomes of the proposal. The concept plan may include: o Vision statement o Opportunities and constraints analysis o Proposed urban structure / site layout o Demonstrate connection to Country o Proposed land uses and distribution o Existing and proposed transport network and connectivity – indicate road / streets hierarchy and linkages or streets where public transport/stations could be provided (indicative) o proposed connectivity with the site and to adjoining points of interest/surrounding context o Existing and proposed pedestrian and cycle network including linkages to surrounding site/facilities (indicative) o Proposed communal open space planning and design principles, envisaged network and high-level landscape concept / strategy (indicative) o Proposed development footprint (net developable area), indicative yield (range) • Development / building envelopes including (as relevant): o Envelope massing and envelope comparisons (current vs proposed controls) o Shadow analysis (winter solstice) o Primary views of building envelope from surrounding streets (to assess view impacts, height, bulk and scale) and can include up to five views
Water cycle management and flood management	Water cycle and stormwater management strategy that considers water quantity and water quality issues: • water cycle management options on the site • proposed water cycle management strategy, including stormwater and water sensitive urban design (WSUD) • Water quality analysis • Concept designs
Utilities and services	Utility and infrastructure servicing strategy that addresses the current capacity and future needs of the proposal and strategy, timing and broad feasibility for delivery of the following (as relevant): • potable water • sewerage • stormwater

Technical report (to be updated)	Planning Proposal
	• gas • electricity • telephone and internet / NBN services
Ecologically Sustainable Development	• ESD strategy that addresses the following: o principles in the design or concept plan including the potential for water sensitive urban design strategies/measures o approach to water re-use o approach to reducing the urban heat island effect o energy efficiency principles and strategy o principles of net zero emission o energy minimisation / generation o approach to social inclusion, principles and approach to circular economy and the like
Landscape concept plans (new)	• Green streets • Open space typologies • Pedestrian/cycle networks • Landscape types • Key landscape elements • Local and regional recreation opportunities
Preliminary site investigation (contamination)	• Preliminary site investigation and report that: o assesses the potential for widespread contamination and / or acid sulphate soils on the site based on current and historical site activities o considers the suitability of the site for the purpose and / or land use for which the planning proposal envisages will be carry out in the future, based on the potential contamination of the site and extent of acid sulphate soils, and whether the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out).
Preliminary noise and vibration assessment (if required)	High level acoustic and vibration report that: • identifies the existing noise sources, particularly if the proposed use is to be a more sensitive • considers at a high-level the suitability of the site for the purpose and/or land use from an acoustic and vibration perspective
Traffic and transport	Transport and movement assessment, that addresses the following: • Approach, methodology and assumptions • Anticipated traffic and transport implications of the proposal (existing conditions and future planned development) • Details of transport infrastructure improvements (not engineering designs) required to accommodate the proposal, proposed funding and delivery arrangements (if relevant) • Consideration of the following: o Suitability of the site access arrangements in terms of location and layout o Public transport access requirements o Traffic generating aspects of the proposal o Trip containment o The likely future developments in the surrounding area that would impact the transport assessment o Active transport – walking and cycling network o The likely future transport infrastructure that would be generated by the development and link to the surrounding area

Technical report (to be updated)	Planning Proposal
	o Traffic, transport and access impacts of the planning proposal on the surrounding transport network o Approach to parking
Social Infrastructure assessment (needs and impact)	Social and community needs assessment, which addresses the following: • Demographic context • Existing social infrastructure (i.e. local facilities including shopping and neighbourhood services, schools, childcare, community facilities, open space and recreation facilities), district and regional facilities need for the proposal (if proposal is responding to a particular need including additional housing, employment, education etc) • housing and population projections (to support the assessment particular if housing is proposed) • demand for social and community facilities • funding approach and delivery arrangements for local, district and regional facilities • requirements for open space and recreation facilities (if relevant) including likely needs, quantum of open space, dual use of open space, delivery and funding arrangements • housing diversity and affordability (if residential is proposed and/or the proposal results in the displacement of existing residents and businesses)
European heritage	• Preliminary Heritage impact statement, which: o identifies all local, State, National or World listed heritage items, archaeological sites and / or conservation areas on or within the vicinity of the site (including ground truthing items) o provides a high-level assessment of the potential impacts of the proposal including concept plan, building envelope or use in respect of a heritage item or conservation area on or within the vicinity of the site o provides a justification if new items are proposed to be listed
Aboriginal Cultural Heritage	• Aboriginal Heritage Archaeological Assessment including: o Identification of potential areas, objects, places or landscapes of heritage significance to Aboriginal culture and people that may potentially constrain future land-use planning o Background research and an archaeological field survey o preliminary consultation with the relevant Local Aboriginal Land Council o assessment of the archaeological potential of the study area o impact assessment (based on indicative concept plan) The assessment should be undertaken in accordance with the following: • Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (OEH 2010) • Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW 2010) • Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (DECCW 2010)
Geotechnical report, groundwater Mine subsidence Fill, acid sulfate	• Preliminary geotechnical assessment report, particularly where soils are unstable or where depth of soils / rock may impact on trenched utility infrastructure or planting regimes • Geotechnical investigation and/or desktop assessment only required to support planning proposals which will deliver large infrastructure projects or proposals in active mining areas. • Geotechnical studies and subsidence risks in areas of historical mining, mine leases or any other areas where land may be subject to subsidence

8.2 Referrals and Additional Consultation

In accordance with the Department's Local Plan Making Guideline (August 2023), it is expected the scoping proposal will be referred to the following agencies as it satisfies the relevant referral criteria:

- Department of Planning, Housing and Infrastructure
- Transport for NSW (Regions)
- Rural Fire Service
- School Infrastructure NSW
- NSW Department of Climate Change, Energy, the Environment and Water
- NSW Health
- Hunter and Central Coast Development Corporation
- Hunter Water
- NSW State Emergency Service
- Mine Subsidence Advisory
- NSW Environment Protection Authority
- National Resources Access Regulator (NRAR)

6 Conclusion

The report outlines the key matters for further consideration as part of detailed investigations for the site and preparation of a planning proposal. The key matters to be addressed in any planning proposal will be further discussed with Council, the Department and other relevant government agencies and authorities as part of the proposal scoping stage to ensure all required studies and key issues are identified.

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