



NSW GOVERNMENT  
Department of Planning

## **MAJOR PROJECT ASSESSMENT: *North Cooranbong Concept Plan***



Director-General's  
Environmental Assessment Report  
Section 75I of the  
*Environmental Planning and Assessment Act 1979*

December, 2008

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# 1 EXECUTIVE SUMMARY

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This is a report from the Director-General to the Minister for an application seeking Concept Plan approval under Part 3A of the *Environmental Planning and Assessment Act, 1979* ("the Act"). This report is provided to the Minister for the purposes of determining the Concept Plan application under section 75O(2)(a) of the Act.

The subject land known as North Cooranbong Residential Estate is 355.26ha in area and located within the Lake Macquarie Local Government Area. North Cooranbong is approximately 40km southwest of Newcastle and 100km north of Sydney. Morisset, the closest regional centre is located 5km to the southeast of Cooranbong.

Johnson Property Group (JPG) (the Proponent) is seeking Concept Plan approval for the North Cooranbong Residential Estate. The layout consists of approximately 200ha for residential development, 2.75ha for supporting commercial development, approximately 33ha for associated services and infrastructure, and approximately 119ha of land to be protected for environmental conservation. It is anticipated that the layout will achieve a residential lot yield of 2,500.

The estimated capital investment of the development allowed under the Concept Plan is \$587 million. 244 construction jobs are expected to be generated each year over the 20 year timeframe for development.

Upon adequately addressing the Director General Requirements, the proposal was exhibited for a period of 33 days from 25 June 2008 to 28 July 2008.

The Department received a total of 42 public submissions comprising 14 objections and 28 offering support. Submissions were also received from Lake Macquarie City Council, Department of Education and Training, Department of the Environment and Climate Change, Department of Primary Industries, Department of Water and Energy, Hunter Water Corporation, Rural Fire Service, Ministry of Transport and the Roads Traffic Authority.

All agency submissions raised issues regarding the proposal. Lake Macquarie City Council and Department of the Environment and Climate Change offered support for the proposal, while NSW Department of Primary Industries raised specific objections. In accordance with the Commonwealth and NSW Government assessments bilateral agreement the Commonwealth Department of the Environment, Water, Heritage and the Arts provided comment on the proposal during the course of assessment.

The key issues raised in public authority submissions included concept plan layout, land use conflict, developer contributions, infrastructure servicing, surface and ground water, biodiversity conservation, bushfire, heritage, traffic and transport.

The key issues considered during the assessment are Urban Design & Concept Plan Layout; Regional & Local Infrastructure; Water; Drainage & Flooding; Biodiversity; Contamination, Geotechnical & Mine Subsidence; Bushfire; Heritage; Traffic & Transport; Ecologically Sustainable Development and Land Owner Consent.

In August 2008, the Proponent amended the Concept Plan via the Preferred Project Report to address issues raised by the Department and submissions. The amendments refined the layout including:

- removal of lots for which land owner consent had not been provided
- altered road alignments
- identification of DET school site
- rearrangement of the main 'town centre' layout, including configuration of open space
- addition of opportunities for medium density residential and low scale commercial development next to Local Park North
- removal of water basins from conservation areas

The zone boundaries of the concurrent SEPP Amendment were also amended to reflect these changes.

The Department has assessed the merits of the proposal and is satisfied that the impacts of the Concept Plan have been addressed via the proponent's Preferred Project Report, the Statement of Commitments and the Department's recommended modifications.

The Department is satisfied that the site is suitable for the proposed layout and development footprint. Additionally, the project will provide environmental, social and economic benefits to the region. All statutory requirements have been met. The Department recommends that the Minister determine that approval to carry out future development on the site be subject to Part 4 of the Act in accordance with section 75P(1)(b) of the Act.

## 2 BACKGROUND

### 2.1 THE SITE AND SURROUNDING AREA

The township of Cooranbong is located approximately 40km southwest of Newcastle and 100km north of Sydney. Morisset the closest regional centre is located 5km to the southeast of Cooranbong. **Figure 1** shows the subject site and the surrounding region.



**Figure 1.** Location map

Land subject of this application, known as North Cooranbong Residential Estate is 355.26ha in area and is located within the Lake Macquarie Local Government Area. It consists of two separate development sites, the first being known as the 'Main Development Site' and the second as the 'Town Common'.

There are a number of landowners, with JPG owning or controlling approximately 96% of the total area.

**Figure 2** shows an aerial photo of the Main Development Site, the Town Common and surrounds.

Features of the Main Development Site include:

- Frontages to both Freemans Drive and Avondale Road
- Avondale aerodrome (now decommissioned) including runway and hangar buildings
- Existing Avondale School
- A number of rural and rural residential allotments
- Large areas of remnant vegetation including species of National Environmental Significance



Features of the Town Common include:

- Frontage to Freemans Drive
- Course of Dora Creek adjoins north boundary, with associated riparian vegetation
- Largely cleared of vegetation
- Some existing community park facilities



**Figure 2. Aerial Plan**

Land surrounding the development sites consists of:

- Onley State Forest adjoins the north west of the Main Development Site
- Existing Cooranbong townsite adjoins southern portions of the Main Development Site
- Avondale Shopping Village is located between the two development sites
- Avondale College, Sanitarium Health Foods Complex and Seventh Day Adventist Churches are located to the east of both development sites

The Cooranbong township has an existing population of approximately 1700 persons. The centrally located Avondale Shopping Village provides for local shopping and service needs. Morisset provides access to regional services. The township is located near both Morisset and Dora Creek rail stations which are serviced by regional and intercity rail services, with the Morisset train station being located on the Sydney-Newcastle rail line. The F3 (Sydney-Newcastle) Freeway is located approximately 1.2 kilometres east of Cooranbong.

## 2.2 PLANNING HISTORY

A proposal to rezone the land was originally submitted to the Lake Macquarie City Council, subsequently it was withdrawn and a request made by Johnson Property Group to the Minister to consider the proposal under Part 3A.

Key dates in the history of the project are:

Date	Project Details
20 June 2005	Council section 54 resolution to prepare and exhibit an amendment (no. 27) to the Lake Macquarie LEP 2004
14 July 2005	Council notify Department of Planning of section 54 draft amendment no. 27
5 August 2005	Department of Planning directs Council to prepare a Local Environmental Study
Jul – Sept 2006	Council undertakes section 62 consultations
October 2006	Lower Hunter Regional Strategy released
5 February 2007	Council adopt Local Environmental Study finalised, amend draft LEP Amendment and resolve to seek section 65 certificate for public exhibition of draft amendment
May – Aug 2007	Draft Local Environmental Study and LEP Amendment publicly exhibited pursuant to section 66
16 August 2007	Johnson Property Group seek declaration of a Major Project under Part 3A
12 Sept 2007	Johnson Property Group seek listing of the site in the Major Projects SEPP
12 October 2007	The former Minister for Planning agreed to consider the site as a potential State significant site and also authorised the submission of a Concept Plan (a separate recommendation has been provided to the Minister on the State significant site listing)
5 December 2008	SEPP Amendment gazetted, rezoning the land to facilitate development under the Concept Plan application

**Table 1.** Project History

The zones proposed in the draft amendment for the Main Development Site are shown in **Figure 3** following:

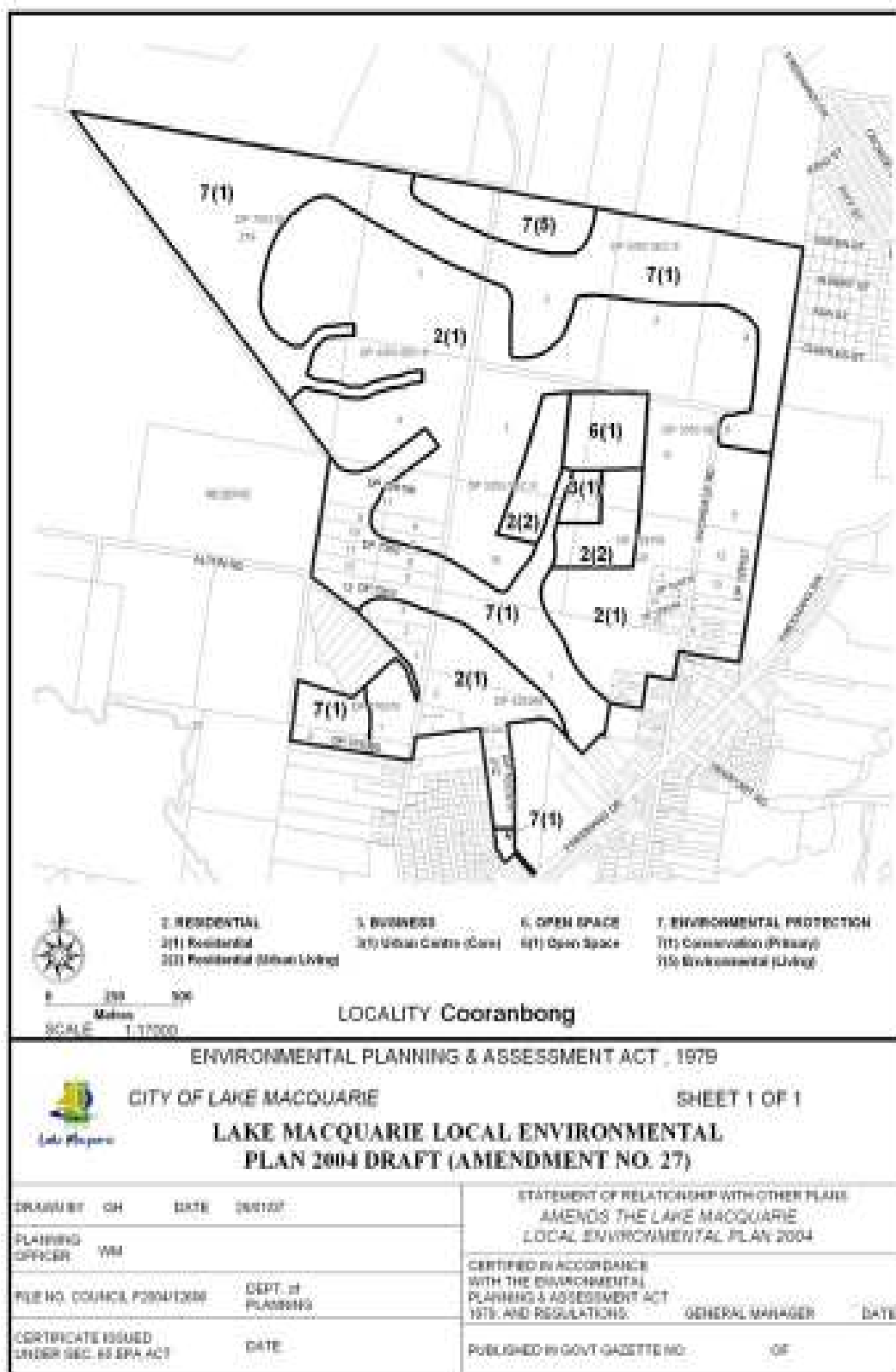


Figure 3. Lake Macquarie Local Environmental Plan Draft Amendment No. 27

### 3 PROPOSED DEVELOPMENT

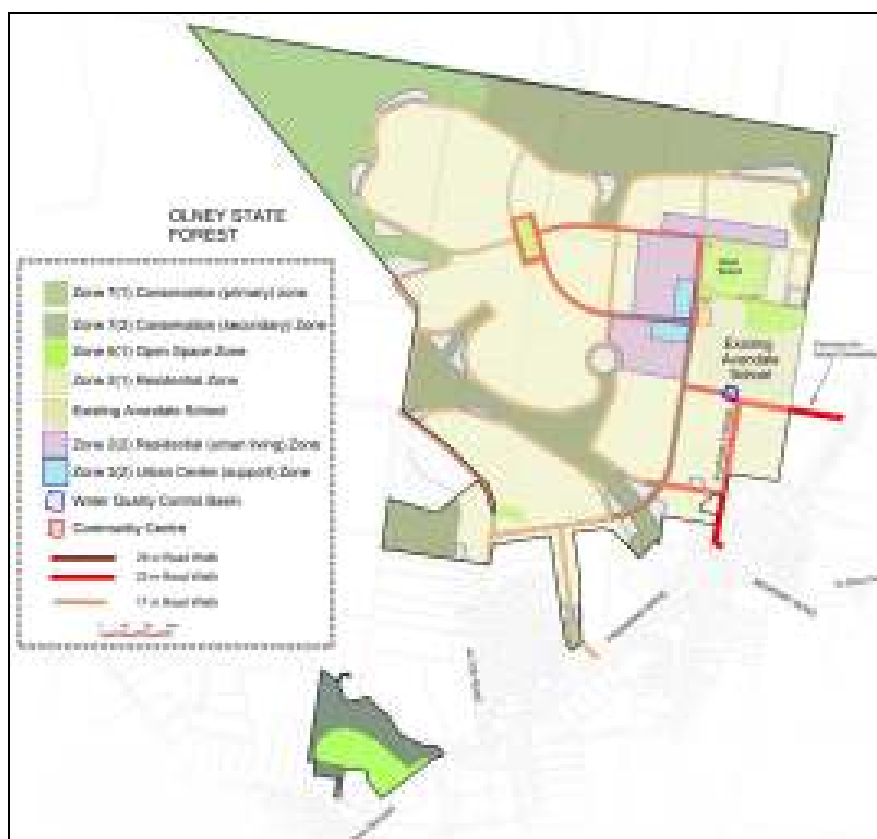
#### 3.1 Concept Plan Overview

The concept plan application, as exhibited sought approval for the following land uses:

Land Use	Ha	% (approx of 364.76Ha)
<b>Main Development Site</b>		
Environmental Conservation Area	106.35ha	29.10%
Open Space	10.80ha	3.00%
Residential (Urban Living)	18.83ha	5.12%
Urban Centre (Support)	2.15ha	0.60%
Water Quality Control Basins	10.40ha	2.85%
School Site (existing)	15.10ha	4.20%
Community Facilities	0.55ha	0.10%
Residential	186.00ha	51.00%
<b>Sub Total</b>	<b>350.18ha</b>	
<b>Town Common</b>		
Environmental Conservation Area	8.68ha	2.38%
Public Recreation	6.00ha	1.65%
<b>Sub Total</b>	<b>14.78Ha</b>	
<b>TOTAL</b>	<b>364.86Ha</b>	<b>100.00%</b>

**Table 2.** Land Use

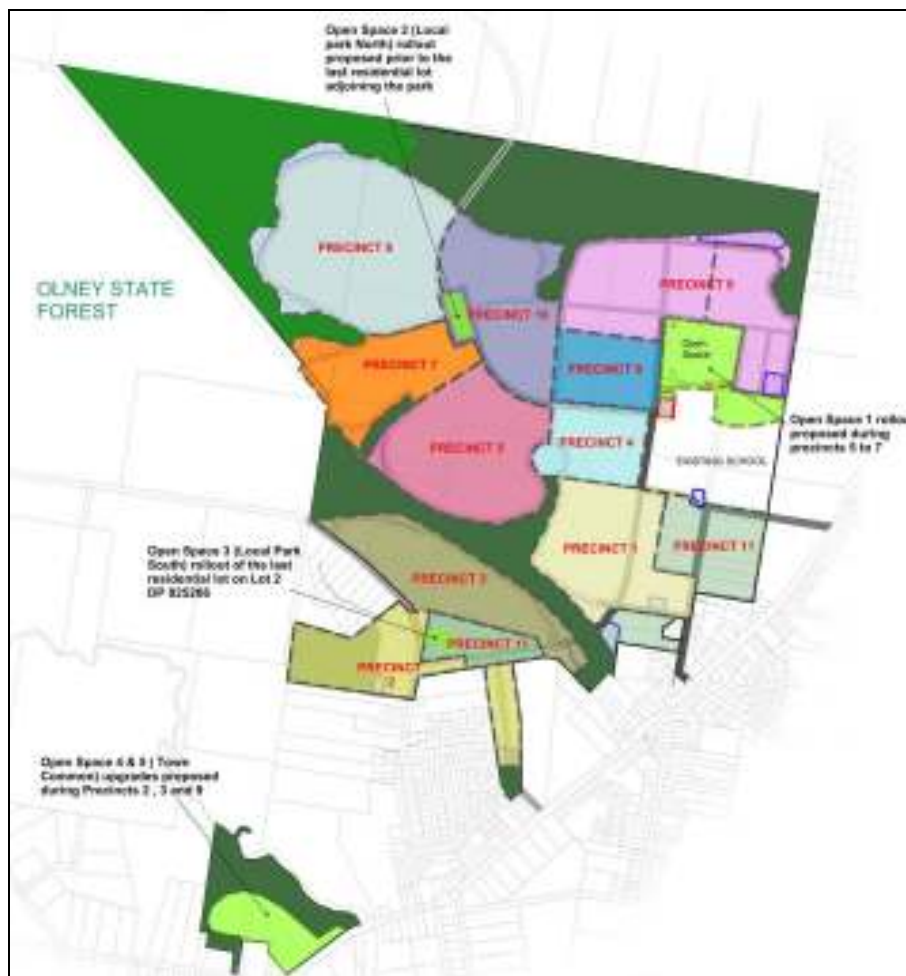
The concept plan layout, as exhibited is shown in **Figure 4** below.



**Figure 4.** Concept Plan

### 3.1.1 Residential Development

The Main Development Site is proposed to be divided into 11 precincts with up to 200 lots proposed per precinct, to accommodate future low and medium density residential development. The proposal provides for up to a total of 2500 lots. The precinct layout for the development is shown in **Figure 5** below:



**Figure 5.** Precinct/Staging Plan

Subdivision of the land is not proposed under this application. It is proposed that Lake Macquarie City Council will be the consent authority for subdivision in accordance with the concept plan layout under Part 4 of the *Environmental Planning and Assessment Act 1979*. Lake Macquarie City Council will also be the consent authority for the development of dwellings on the land.

### 3.1.2 Conservation Land

The application as exhibited, proposed 115.03Ha of land for conservation purposes. This consisted of two main vegetation corridors along the northern and southern sections of the Main Development Site (106.35Ha), as well as part of the Town Common land generally along Dora Creek (8.68Ha).

The exhibited concept plan proposed a mix of 7(1) Conservation (Primary) and 7(2) Conservation (Secondary) zones. Land zoned 7(1) Conservation (Primary) was proposed to be transferred to the Department of the Environment and Climate Change for future management and maintenance, while land zoned 7(2) Conservation (Secondary) would be progressively transferred to Lake Macquarie City Council along with an endowment fund. Funding for rehabilitation and maintenance of this land is proposed as part of a local Voluntary Planning Agreement, refer to section 3.1.4 State/Local and Developer Contributions below for more detail.

### 3.1.3 Utilities, Local/State Infrastructure and Developer Contributions

#### Utilities

The draft Statement of Commitments provides for the following utility infrastructure at linen plan approval:

- Non-potable water supply

- Trunk infrastructure for:
  - Sewer
  - Water
  - Electricity
  - Telecommunications
  - Natural Gas

### Local Voluntary Planning Agreement

A local voluntary planning agreement (VPA) for infrastructure contributions for the entire development site was executed by JPG and Lake Macquarie City Council on 26 November 2008. The local VPA provides for delivery and timing of local infrastructure and services for:

- Onsite Neighbourhood Park, Dog Exercise Area and Sporting Complex (Main Development Site)
- 2 Local Parks (Main Development Site)
- Offsite Neighbourhood Park and Sporting Complex (Town Common)
- Cycleways
- Contribution toward district jetties
- Contribution toward regional open space
- Onsite Multi-Purpose Centre (Main Development Site)
- Contribution to existing Libraries
- Community Bus and Community Worker
- Roads and Traffic Management upgrades

### Regional Voluntary Planning Agreement

A draft regional voluntary planning agreement (VPA) for infrastructure contributions for the entire development site has been negotiated between JPG and the Minister for Planning. The Department has agreed to regional infrastructure items and contributions that will be included in the regional VPA which includes:

Agency	Scope of Works	Value	Timing	Delivery
RTA	Traffic works on the RTA State controlled road network, including: <ul style="list-style-type: none"> <li>▪ Intersection upgrade at Freeman's Drive / Mandalong Road, Morisset</li> <li>▪ Roadworks on Mandalong Road to Gimberts Road</li> <li>▪ Intersection upgrade at Dora Creek onto Wangi Road</li> </ul>	\$30,000,000 (\$12,000/lot*)	<ul style="list-style-type: none"> <li>▪ 1200 lots</li> <li>▪ 1200 lots</li> <li>▪ 300 lots</li> </ul>	Works In Kind
DECC	132 ha environmental offset land or equivalent monetary value to achieve a maintain/improve biodiversity outcome.  Funds to go toward priority conservation corridor defined in DECC's draft Regional Conservation Plan.	\$2,640,000 (\$1,056/lot*)	Upfront payment of per lot amount for first 100 lots prior to creation of 1 <sup>st</sup> lot  If transfer of land does not occur subsequently, payment of remaining contribution to be paid in full prior to 101 <sup>st</sup> lot	Cash contribution or land to DECC satisfaction
MoT	Start up bus services based on the following parameters: <ul style="list-style-type: none"> <li>▪ 1 bus per 1200 people</li> <li>▪ \$250,000 per new bus</li> <li>▪ Subsidy for 5 years</li> </ul>	\$5,078,125 (\$2,031.25/lot*)	Per lot	Cash contribution
DET	Provision of 3ha school site  Servicing of land prior to construction of school on the site.	\$5,310,000 (\$2124/lot*)	Site at 300 lots  Servicing by 700 lots	Land
Total		\$43,028,125 (\$17,211.25/lot*)		

\*Assuming a lot yield of 2,500 residential lots

**Table 3.** Regional Infrastructure Contributions

The total per lot contribution of \$17,211.25 is broken down into:

- \$14,124.00 to be undertaken as Works in Kind; and
- \$2,031.25 as a monetary contribution

The remaining \$1,056.00 of the per lot contribution may consist of either conservation land or monetary contribution. The draft regional VPA provides that the final election of either land or monetary contribution can be made prior to the creation of the 101<sup>st</sup> allotment. It is noted that the value of the DET school land is relatively high and on this basis the total monetary contribution per lot may in fact be a more conservative rate.

The draft regional VPA is on exhibition until 12 December 2008. To date no submissions have been received and it is expected that the agreement will be executed following close of the public exhibition period. The satisfactory arrangements provisions in the gazetted SEPP Amendment however prevent issue of consent for subdivision of the land prior to these arrangements being in place.

### 3.1.4 Staging

Development of the land is intended to proceed in accordance with precincts shown in **Figure 5**. Land in precincts 1-10 is controlled by JPG. As discussed above, each precinct is to contain up to 200 lots. It is expected that development facilitated by the Concept Plan will take place over a 20 year period.

## 3.2 AMENDMENTS TO THE PROPOSAL

The proponent lodged a Preferred Project Report (PPR) on 27 August 2008 and amended this on 27 October 2008 (refer **Appendix B**), incorporating a revised Statement of Commitments (included in **Appendix C**) to address the issues raised during the consultation period.

The following changes were made to the original proposal and incorporated into the PPR:

### 3.2.1 Development Site

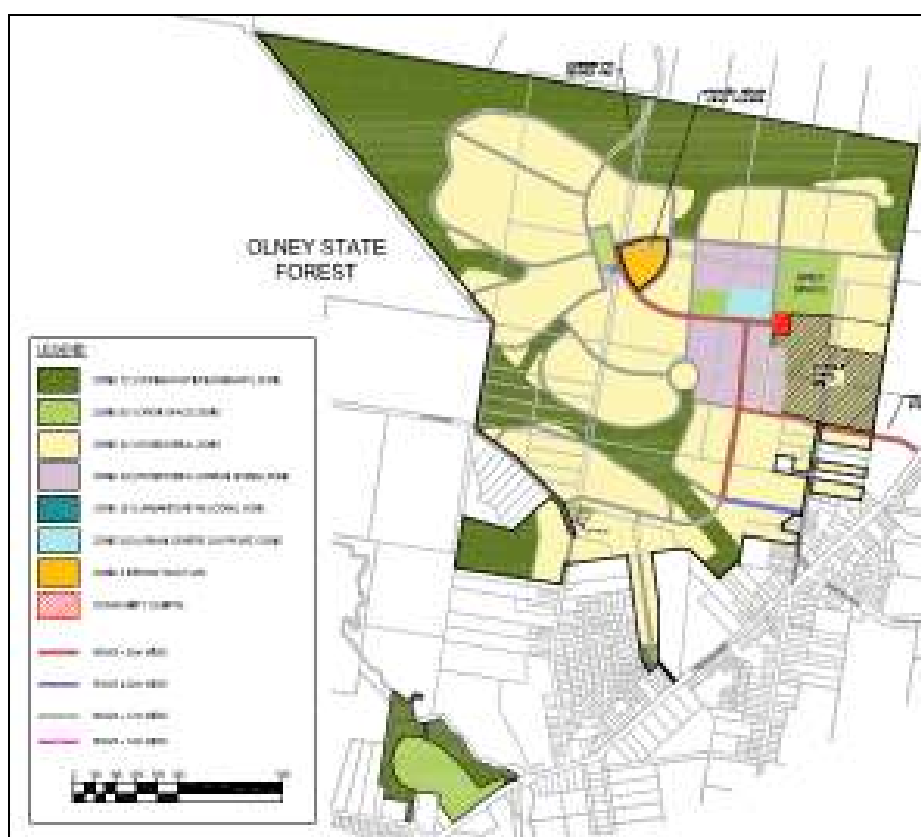
The size of the development site has been reduced in area due to the need to remove land for which land owners consent has not been provided. The total area of the development site is now 355.26ha, a reduction of 9.60ha from 364.86ha. This relates to 4 allotments on Avondale Road south of the existing Avondale School and also Lot 2 DP 825266 which is located centrally in the southern part of the Main Development Site.

### 3.2.2 Concept Plan Layout

The following aspects of the Concept Plan layout were amended:

- **Conservation zoning** – all conservation land amended to 7(1) Conservation (Primary), the highest level of conservation zoning under the Lake Macquarie LEP 2004
- **Road alignment** – altered around Lot 2 DP 825266, which is no longer part of the development site following the withdrawal of land owner consent
- **DET school site** – inclusion of 3ha school site at direction of Department of Education and Training
- **Town Centre/Main Park** – minor rearrangement Town Centre layout of Urban Centre (Support) and Residential (Urban Living) zoned land, reduction in size of Main Park compensated by the addition of a new park to the west of the Urban Centre (Support) zoned land
- **Local Park North** – reduction in size of Local Park North from 1ha to 5000m<sup>2</sup> (Main Development Site), inclusion of Urban Centre (Core) zoned land (0.15ha) and additional Residential (Urban Living) zoned land (0.07ha), also minor reconfiguration of road alignment in this area
- **Local Park South** – minor relocation of Local Park South
- **Water retention basins** – deleted from the layout, these areas now shown as for either conservation or residential purposes

These amendments are depicted in the revised Concept Plan layout are shown in **Figure 6** following.



**Figure 6.** Amended Concept Plan (Preferred Project Report revised 27 October 2008)

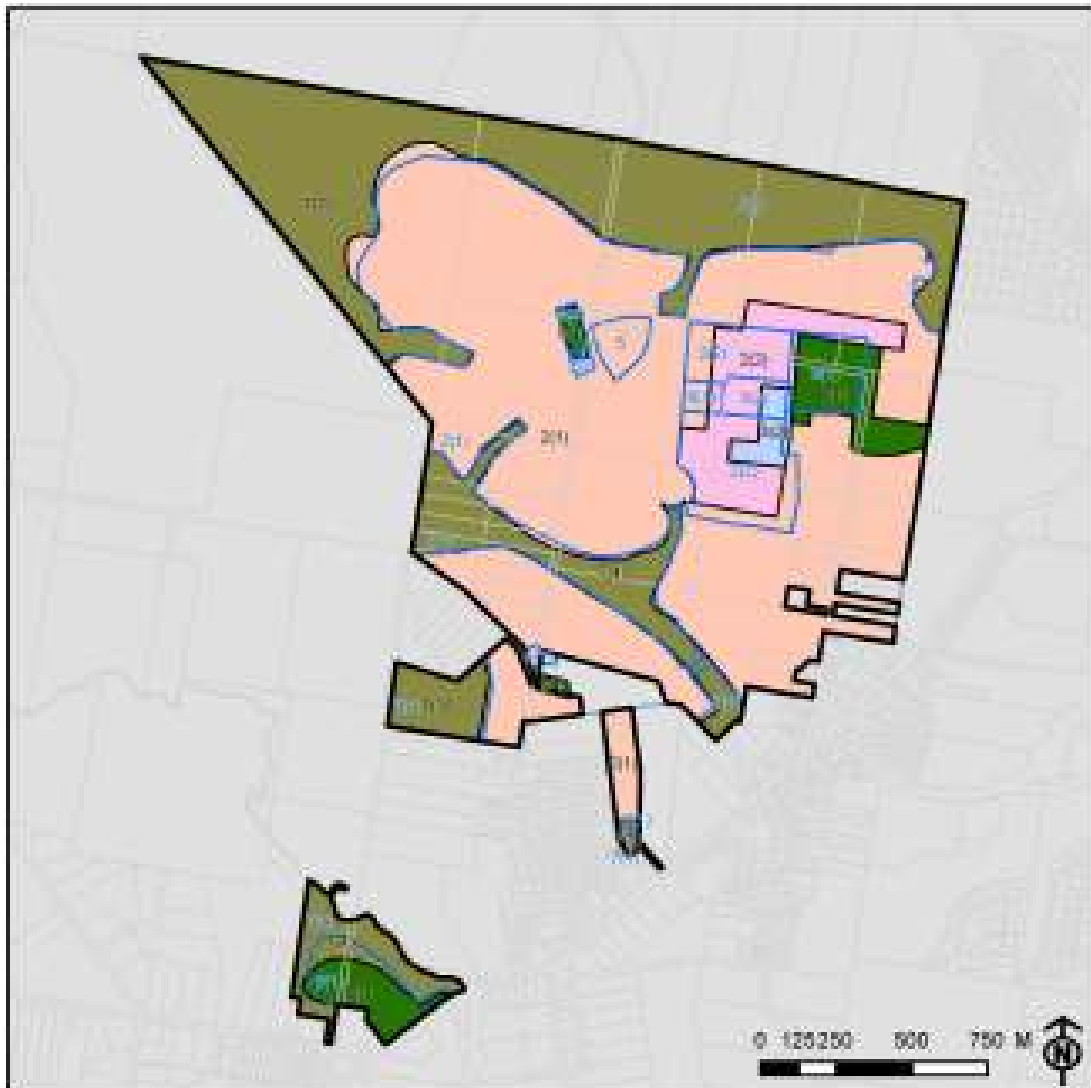
The comparison corresponding amended areas of the proposed land uses against the exhibited Concept Plan are shown in below:

Land Use	Exhibited Ha	Exhibited % (approx of 364.76Ha)	PPR Ha	PPR % (approx of 355.26Ha)	DIFFERENCE Ha
<b><u>Main Development Site</u></b>					
Environmental Conservation Area	106.35Ha	29.10%	111.95Ha	31.52%	+5.60Ha
Open Space	10.80Ha	3.00%	7.1Ha	2.00%	-3.70Ha
Residential (Urban Living)	18.83Ha	5.12%	19.25Ha	5.42%	+0.42Ha
Urban Centre (Core)	N/A	N/A	0.15Ha	0.04%	+0.15Ha
Urban Centre (Support)	2.15Ha	0.60%	2.60Ha	0.73%	+0.45Ha
Water Quality Control Basins	10.40Ha	2.85%	N/A	N/A	-10.40Ha
School Site (existing)	15.10Ha	4.20%	14.70Ha	4.14%	-0.40Ha
Primary School Site	N/A	N/A	3.00Ha	0.84%	+3.00Ha
Community Facilities	0.55Ha	0.10%	0.55Ha	0.15%	No change
Residential	186.00Ha	51.00%	181.18Ha	51.00%	-4.82Ha
<b>Sub Total</b>	<b>350.18Ha</b>		<b>340.48Ha</b>		
<b><u>Town Common</u></b>					
Environmental Conservation Area	8.68Ha	2.38%	7.18Ha	2.02%	-1.50Ha
Public Recreation	6.00Ha	1.65%	7.60Ha	2.14%	+1.60Ha
<b>Sub Total</b>	<b>14.78Ha</b>		<b>14.78Ha</b>		
<b>TOTAL</b>	<b>364.86Ha</b>	<b>100.00%</b>	<b>355.26Ha</b>	<b>100.00%</b>	<b>-9.60Ha</b>

**Table 4.** Land use comparison exhibited concept plan/preferred project report revised concept plan (10 Oct 2008)



A comparison of the zone layouts are shown in **Figure 7** below, with the coloured areas showing the original layout and the blue lines showing the layout proposed in the Preferred Project Report.



**Figure 7.** Comparison: exhibited Environmental Assessment & Preferred Project Report Concept Plan



The Strategic Directions of Lifestyle 2020 broadly seek responsiveness to the environment, a well serviced, designed and accessible City, as well as progress and prosperity.

The Urban Structure Map, shown at **Figure 8** identifies the North Cooranbong locality as an Urban Area and Neighbourhood Centre. Urban Areas are the most modified areas in the City, containing housing, shops, schools and services they also contain elements of the Green System and Movement System.

Lifestyle 2020 intends that development in Urban Areas will preserve or enhance the character of the local area, including aspects of the area's character that result from the surrounding Green System and Movement System.

## 5 STATUTORY FRAMEWORK

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### 5.1 STATE ENVIRONMENTAL PLANNING POLICY (MAJOR PROJECTS) 2005

The *State Environmental Planning Policy (Major Projects) 2005* outlines the types of development declared a Major Project for the purposes of Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). In accordance with this SEPP certain forms of development may be considered a Major Project if the Minister (or delegate) forms the opinion that the development meets criteria within the SEPP.

On 12 October 2007, the Minister formed the opinion that the proposal at North Cooranbong is a development described in Schedule 1 Clause 13 – Residential, commercial or retail projects of the Major Projects SEPP, being:

*“Development for the purpose of residential, commercial or retail projects with a capital investment value of more than \$50 million that the Minister determines are important in achieving State or regional planning objectives”.*

As the capital investment value of the project exceeds the \$50 million threshold and the development is deemed to be important in achieving State and regional planning objectives it is considered to be a Major Project and therefore subject to Part 3A of the EP&A Act.

On 12 October 2007 the Minister also agreed to a concurrent request to consider listing the subject site in Schedule 3 of the Major Projects SEPP. The resulting SEPP Amendment rezoning the land to facilitate development proposed under the Concept Plan was gazetted on 5 December 2008.

### 5.2 PART 3A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) commenced operation on 1 August 2005. Part 3A consolidates the assessment and approval framework for Major Projects previously considered under Part 4 (Development Assessment) or Part 5 (Environmental Assessment) of the EP&A Act.

In accordance with section 75B of the EP&A Act development may be declared to be a Major Project by virtue of a State Environmental Planning Policy or by order of the Minister published in the Government Gazette. For further details refer to section 5.1 above.

Section 75M of the EP&A Act permits a proponent to lodge a Concept Plan either upon their request or at the request of the Minister. In this instance the purpose of a Concept Plan is to provide a broad overview of a proposed development, consider appropriate development footprints/land use layouts and establish the framework for more detailed development of the proposal subject to future approvals.

On 12 October 2007, the Minister for Planning formed the opinion that Part 3A of the Act applied to the proposed development and, pursuant to section 75M of the Act, authorised the proponent to submit a Concept Plan for North Cooranbong.

#### 5.2.1 Director-Generals Environmental Assessment Requirements

Section 75F of the *Environmental Planning and Assessment Act 1979* requires that the Director-General prepare environmental assessment requirements (DGRs) for Major Project applications. The DGR's were issued on 23 August 2007 following consultation with relevant authorities.

The DGR's were subsequently modified to include input from the Commonwealth Department of the Environment, Water, Heritage and the Arts (DEWHA) (previously known as Department for Environment and Water Resources) for matters relating to the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), following confirmation that the development involved a 'controlled action' – see section 5.4 below for more detail. The modified DGR's were issued on 9 January 2008 and required the following key issues to be addressed:

- Urban Design, Visual Impact and Mix of Land Uses
- Utilities and Infrastructure
- Drainage, Water Management and Flooding
- Biodiversity, Bushfire and Heritage
- Traffic and Transport
- Ecologically Sustainable Development

The DGR's are provided in **Appendix G**.

### 5.3 OTHER ENVIRONMENTAL PLANNING INSTRUMENTS

#### 5.3.1 Other State Environmental Planning Instruments

Other State Environmental Planning Instruments relevant to the proposal are:

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy 19 – Urban Bushland
- State Environmental Planning Policy 44 – Koala Habitat Protection
- State Environmental Planning Policy 55 – Remediation of Land
- Draft State Environmental Planning Policy 66 – Integration of Land Use and Transport

A summary of the provisions of these instruments as they apply to the development site is provided in **Appendix D**.

#### 5.3.2 Lake Macquarie City Council Local Environmental Plan 2004

Under the *Lake Macquarie LEP 2004* the land is zoned 1(1) Rural (Production); 1(2) Rural (Living); 2(1) Residential; 7(1) Conservation (Primary); 7(2) Conservation (Secondary) and 10 Investigation. The zoning map includes an annotation of 'Urban/ Employment/ Recreation Conservation' and also 'Urban/Conservation' on land zoned 10 Investigation.

While the Main Development Site and Town Common have a number of different zones the majority of the land proposed for residential development is currently zoned for investigation or conservation purposes. The objectives of the Investigation Zone are:

- (a) *provide land for future development and/or conservation, and*
- (b) *ensure that land in this zone is thoroughly assessed to identify and substantiate future uses, and*
- (c) *provide for limited development of the land and allow that development only where it can be proven not to prejudice or have the potential to prejudice future protection or use of the land, and*
- (d) *ensure that land is released in a strategic and efficient manner consistent with the Lifestyle 2020 Strategy, and*
- (e) *require comprehensive local environmental studies to substantiate the capability and suitability of land in this zone proposed for rezoning, and*
- (f) *provide for sustainable water cycle management.*

Subdivision is prohibited in the Investigation Zone. In order to accommodate the proposed development, the Lake Macquarie LEP 2004 will need to be amended to reflect the new land uses/zones proposed in the Concept Plan. This is to be achieved by amending Schedule 3 of the Major Projects SEPP, a separate assessment of the proposed amendment has been prepared for the Minister.

### 5.4 OTHER RELEVANT LEGISLATION

The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC) establishes a requirement of Commonwealth environmental assessment and approval for:

- Actions that are likely to have a significant impact on matters of national environmental significance
- Actions that are likely to have a significant impact on the environment on Commonwealth land
- Actions taken on Commonwealth land that are likely to have a significant impact on the environment anywhere
- Actions by the Commonwealth that are likely to have a significant impact on the environment anywhere

The Department of the Environment, Water, Heritage and the Arts, the Commonwealth agency responsible for administering the EPBC Act has determined that the proposal involves actions that are likely to have significant

impact on matters of national environmental significance. This is because the subject land has been identified as potentially suitable habitat for the following 3 species listed as threatened under the EPBC Act:

- *Angophora inopina* (Charmhaven apple)
- *Tetraloche juncea* (Black-eyed Susan)
- *Grevillea parviflora* subsp. *parviflora* (Small-flower Grevillea)

## 6 CONSULTATION AND ISSUES RAISED

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### 6.1 PUBLIC EXHIBITION

Section 75H(3) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) requires that after the Environmental Assessment has been accepted by the Director General, it is made publicly available for at least 30 days.

A “Test of Adequacy” was undertaken by the Department which determined that the matters contained in the DGRs were adequately addressed in the Environmental Assessment prior to public exhibition. The proponent was notified of the Environmental Assessment's adequacy on 18 June 2008.

In accordance with section 75H(3) of the EP&A Act, the Environmental Assessment was publicly exhibited for a period of 33 days from 25 June 2008 to 28 July 2008, with notices placed in the following newspapers:

- Newcastle Herald
- Newcastle Post
- Sydney Morning Herald
- The Australian (a newspaper circulating nationally, satisfying EPBC Act Bilateral obligations)

The Environmental Assessment documentation was made available at the following locations:

- Department of Planning (Head Office) – Information Centre, 22 - 33 Bridge Street, Sydney
- Department of Planning (Hunter Region) – Level 2, 26 Honeysuckle Drive, Newcastle
- Lake Macquarie City Council – 126-138 Main Road, Speers Point
- Morisset Library – 39 Yambo Road, Morisset

The Environmental Assessment was also placed on the Department's website during the exhibition period.

Local stakeholders within proximity of the site were informed of the Concept Plan proposal in writing and invited to make a written submission. Government agencies, Lake Macquarie City Council and other public authorities were also consulted.

### 6.2 SUBMISSIONS

In response to public exhibition, the Department received 41 public submissions, 14 objecting to the proposal and 27 offering support. Submissions were also received from 9 authorities/agencies being Lake Macquarie City Council, DET, DECC, DPI, DWE, Hunter Water Corporation, RFS, MoT and the RTA.

In accordance with *Environment Protection and Biodiversity Conservation Act 1999* bilateral obligations the Department of the Environment, Water, Heritage and the Arts provided comment on the application.

A summary of public and agency submissions was provided to the applicant in accordance with section 75H(5) of the *Environmental Planning and Assessment Act 1979*. A detailed report responding to these submissions was incorporated into the proponents Preferred Project Report (PPR) submitted to the Department on 27 August 2008. The PPR has been made publicly available on the Departments website. The summary of submissions and proponents response included at **Appendix E**.

### 6.3 VOLUNTARY PLANNING AGREEMENT

In accordance with section 93G(1) of the EP&A Act, the draft regional voluntary planning agreement is being publicly exhibited for a period of 30 days from 12 November 2008 to 12 December 2008, with notices placed in the Sydney Morning Herald and Newcastle Herald.

The draft voluntary planning agreement and explanatory note is being made available at the following locations:

- Department of Planning (Head Office) – Information Centre, 22 - 33 Bridge Street, Sydney
- Department of Planning (Hunter Region) – Level 2, 26 Honeysuckle Drive, Newcastle
- Lake Macquarie City Council – 126-138 Main Road, Speers Point

The documentation has also been placed on the Department's website during the exhibition period and relevant infrastructure agencies advised. No submissions have been received to date. While the VPA is yet to be executed, the satisfactory arrangements in the gazetted SEPP Amendment prevent the issue of subdivision consent prior to these arrangements being formalised.

## 7 ASSESSMENT

### 7.1 DIRECTOR-GENERAL'S REPORT

This report has been prepared on behalf of the Director-General to provide to the Minister for the purposes of deciding whether or not to grant approval of the concept plan pursuant to section 75O(2)(a) of the Act. Section 75I(2) of the Act and 8F of the Regulations sets out the requirements of the Director General's report to the Minister. Each of the requirements is separately addressed below:

<b>Section 75I(2) criteria</b>	<b>Response</b>
Copy of the proponent's environmental assessment and any preferred project report	The Proponent's EA is located on the assessment file. The preferred project report is provided at <b>Appendix B</b> .
Any advice provided by public authorities on the project	All advice provided by public authorities on the project for the Minister's consideration is set out at <b>Appendix F</b> of this report.
Copy of any report of a panel constituted under section 75G in respect of the project	No statutory independent hearing and assessment panel was undertaken in respect of this project.
Copy of or reference to the provisions of any State Environmental Planning Policy that substantially govern the carrying out of the project	Each relevant SEPP that substantially governs the carrying out of the project is identified and assessed at <b>Appendix D</b> .
Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division	An assessment of the development relative to all environmental planning instruments is provided at <b>Appendix D</b> .
Any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate.	The environmental assessment of the concept plan application is this report in its entirety.
A statement relating to compliance with the environmental assessment requirements under this Division with respect to the project.	The proponent's EA addressed the DGR requirements and was found to be adequate on 18 June 2008.
<b>Clause 8B criteria</b>	<b>Response</b>
An assessment of the environmental impact of the project	An assessment of the environmental impact of the proposal is discussed in section 7.2 Key Issues below.
Any aspect of the public interest that the Director-General considers relevant to the project	The public interest is discussed in section 7.2 Key Issues below.
The suitability of the site for the project	The suitability of the site is discussed in section 7.2 Key Issues below.
Copies of submissions received by the Director-General in connection with public consultation under section 75H or a summary of the issues raised in those submissions	A summary of the issues raised in the submissions is provided in <b>Appendix E</b> of this report.

### 7.2 KEY ISSUES

The Department has reviewed the Environmental Assessment and Preferred Project Report, and considered advice from public authorities and issues raised in public submissions in accordance with section 75I(2) of the Act.

The key issues identified are Urban Design & Concept Plan Layout; Regional & Local Infrastructure; Water, Drainage & Flooding; Biodiversity; Contamination, Geotechnical & Mine Subsidence; Bushfire; Heritage; Traffic & Transport; Ecologically Sustainable Development, and Land Owner Consent.



### 7.3 URBAN DESIGN & CONCEPT PLAN LAYOUT

The key issues related to Urban Design are:

- Concept Plan Layout
- Draft North Cooranbong Development Control Plan

These issues are discussed separately below.

#### 7.3.1 Concept Plan Layout

A number of submissions raised issues about the layout, location and size of land uses proposed by the Concept Plan. These issues can be summarised as:

- Location and topography of the Main Neighbourhood Park and size of the Town Common park (Council)
- Location of Local Park South and the road proposed to the south of this Park (Public Submission)
- Location, size and zoning of commercial land (Public Submission)
- Location of water detention basins on land to be protected for conservation purposes (DECC)
- Identification of 3ha of land suitable for a primary school (DET)

#### Main Neighbourhood Park/'Town Centre'

Council raised concern about the location of the Main Neighbourhood Park on the eastern edge of the Main Development Site, as it would be alienated from the main centre of the community. It was also concerned that this location may infer that the Park is an extension of the Avondale School's open space. Council suggested the most suitable site for the main park facility would be at the approximate intersection of the existing runways, given the central location and flat topography.

The local voluntary planning agreement being negotiated between JPG and Council provides that the parks required to service the development will be constructed by JPG and then transferred to Council ownership. As Council will ultimately be the owner of the Main Neighbourhood Park, the concerns raised were explored at an onsite meeting attended by representatives of Council, JPG and the Department on 18 September 2008.

It was agreed that JPG would review the location of the Main Neighbourhood Park, potentially relocating the Main Park towards the west, and/or reducing its size. Any reduction in size could be compensated for by the addition of a new park to the west of the 'Town Centre' creating a form of linear green linkages towards the Local Park North in the north west of the Main Development Site.

On the basis of these discussions JPG prepared an amended layout which they provided to Council. Following review of the amended layout Council officers advised *"Council officers acknowledge that the location of the neighbourhood park and sports field in the north east of the concept plan can, with further detailed design, meet the desired principles relating to urban open space use."*

The amended layout provides for a slightly more central 'town centre'. While the reduction in size of the Main Park, particularly at the rear of Avondale School and its relocation to the west site of the 'town centre' provides the opportunity for linear linkages to the Local Park North and greater opportunities to activate the 'town centre'. These amendments will contribute to greater residential amenity in the Estate.

#### Local Park South

A public submission objected to the location of the Local Park South and placement of a road on their land. JPG responded to the concerns in the Preferred Project Report by relocating the road to be half on JPG controlled land and half on the submitter's land. The location of the Local Park South in the Preferred Project Report remained as originally proposed.

The submitter reviewed the Preferred Project Report on the Department's website and having originally provided land owner consent for the Part 3A application decided to withdraw landowner consent. On this basis JPG removed the subject land from the Concept Plan application area.

As JPG was concurrently pursuing an amendment to Schedule 3 of the Major Projects SEPP proposing to rezone the land in accordance with the Concept Plan layout, the issue of determining the most appropriate location for the Local Park South was given further consideration.

The Department in consultation with Council (who will also gain ownership of this park under the terms of the local voluntary planning agreement) developed several options seeking to determine the most suitable location for a local park in the southern part of the Main Development Site.

The Department and Council agreed that desired outcomes of this park should be that the park is centrally located in the southern part of the Main Development Site, is useable open space, is visible and inviting to the surrounding community and has topography that allows for passive and active recreation activities.

Using these principles a suitable location was developed to the agreement of the Department, Council and JPG. This site is centrally located, offers high visibility (the Concept Plan layout proposes it will have frontage to 3 roads) and has topography that will suit active and passive recreation.

The resident who lodged the submission against the original location of the Local Park South did not reoffer land owner consent to the Concept Plan application and therefore this allotment has been removed from the application. As this lot is no longer part of the Concept Plan, JPG have relocated the access road north to be wholly contained within the Main Development Site.

### Commercial Land

A public submission raised concern that the amount of land allocated Urban Centre (Support) was 5 times larger than the existing Cooranbong shopping village. It requested that this area be reduced in size and also raised concern that the Urban Centre (Support) land may be changed at a future time to allow a major shopping complex.

The land allocated to Urban Centre (Support) was increased marginally in the Preferred Project Report to 2.6ha from the 2.15ha which was exhibited in the Environmental Assessment. This is a result of the amendments made to the 'Town Centre' to improve the location and function of the Main Neighbourhood Park and 'Town Centre'.

The size of the commercial land is considered satisfactory for 2,500 lots resulting from the Concept Plan. Any upgrade of the zoning of the land to a more intensive commercial zoning would require full assessment and planning justification at the time any such proposal arose and can not be considered as part of this assessment.

### Other Layout Amendments

Other amendments made to the Concept Plan proposed in the Preferred Project Report to address issues raised in submissions and improve amenity include:

- **Town Common Park** – park area has been increased to the size required under the local voluntary planning agreement
- **Water retention basins** – have been deleted from the layout and these areas are now shown as for either conservation or residential purposes. All water retention measures will need to be provided in residential areas to ensure protection of conservation lands
- **DET school site** – inclusion of 3ha school site required by Department of Education and Training
- **Local Park North** – reduction in size of Local Park North from 1ha to 5000m<sup>2</sup> (Main Development Site), inclusion of Urban Centre (Core) zoned land (0.15ha) and additional Residential (Urban Living) zoned land (0.07ha), also minor reconfiguration of road alignment in this area to improve amenity around the Park

### Department Comment

The amendments to the Concept Plan have resulted in an improved layout which will provide greater amenity for future residents. The Concept Plan application process has been used effectively to consider and confirm an appropriate development footprint, as well as the final layout of the various land uses.

### 7.3.2 Proposed North Cooranbong Development Control Plan

The Environmental Assessment included a draft North Cooranbong Development Control Plan (DCP) to direct future detailed design and development of the site. The draft DCP was developed using five key objectives from the Lake Macquarie City Council's *Lifestyle 2020*.

Council's submission states that the draft Development Control Plan is totally inadequate for a development of the scale proposed and contains a number of errors and inconsistencies. It does not support a separate DCP for the site and considers that all future subdivision and development should comply with Council's existing DCP No.1.

Council's submission advised it would not object to a site specific Area Plan for North Cooranbong that could be incorporated into DCP No.1. Further, the Area Plan could address site specific development outcomes but should not vary the General Principles of Development that are contained in Part 2 and 3 of Council's DCP No.1.

In response to Council's concerns the draft North Cooranbong DCP was removed in the Preferred Project Report. The Statement of Commitments was also amended committing JPG to work with Lake Macquarie City Council and the Department of Planning to prepare housing design guidelines for each precinct in the Concept Plan as generally shown in Figure 5 of this report.

The amended Statement of Commitments also commits JPG to submitting the guidelines prior to lodgement of the first application for housing on lots created within the subject precinct. JPG anticipate that the design guidelines would address issues such as site coverage, setbacks, building height, architectural character and external finishes.

#### Department Comment

Preparation of detailed development controls that guide the future design and development of North Cooranbong is supported. It is considered however that preparation and approval of design guidelines, supplementary to this Concept Plan application will provide a more streamlined process to that of a DCP, while still providing for appropriate development outcomes.

It is recommended that the guidelines should be prepared by JPG to the satisfaction of Council and that should Council fail to approve the design guidelines within 2 months of being submitted, they be submitted to the Director-General of the Department of Planning for approval.

In addition to the issues JPG suggest should be addressed, the guidelines should include a statement on the desired future character of the area as well as guidelines for subdivision pattern and development staging, and appropriate construction types and methods. Specific controls should also be included in the relevant precinct guidelines for mine subsidence discussed further in section 7.7.3 below; for bushfire protection and appropriate setback buffers to the adjoining Onley State Forest discussed further in section 7.8.2 below and to ensure that the Local Park South has frontage to 3 roads, as discussed in section 7.3.1 above.

No consent for development on the land should be issued prior to the design guidelines being approved by Council (or the Director-General).

## **7.4 REGIONAL & LOCAL INFRASTRUCTURE**

### **7.4.1 Regional Infrastructure**

Satisfactory arrangements for regional infrastructure contributions to support development of the site have been agreed to in a draft regional voluntary planning agreement. The voluntary planning agreement was negotiated in accordance with items agreed to by the Infrastructure Levies Implementation Committee following consideration of advice from RTA, MoT, DET and DECC.

Section 3.1.4 of this report provides full details of the regional infrastructure items and contributions to be made to support development proposed as a result of the Concept Plan. This involves contributions for State roads, bus services, education and conservation.

The Department of Education and Training confirmed in their public exhibition submission that an area of 3ha is required to be identified within the development site for a primary school. In response JPG amended the Concept Plan layout in the Preferred Project Report identifying a 3ha primary school site. The regional voluntary planning agreement was subsequently drafted taking into account that the contribution would be satisfied through the transfer and servicing of land.

In accordance with section 25D of the EP&A Regulation, the regional voluntary planning agreement is being publicly exhibited for a period of 30 days from 12 November 2008 to 12 December 2008, with notices placed in the Sydney Morning Herald, Newcastle Herald and Lakes Mail.

#### Department Comment

JPG committed to enter into a regional voluntary planning agreement in the Statement of Commitments. While the agreement is yet to be executed, the quantum and type of contributions have been agreed to in negotiation with the relevant State infrastructure agencies and endorsed by the Infrastructure Levies Implementation Committee. These contributions will ensure that development resulting from the Concept Plan is serviced by appropriate regional infrastructure.

The draft regional voluntary planning agreement is still on exhibition and to date no submissions have been received. It is expected that the agreement will be executed following close of the public exhibition period. The satisfactory arrangements provisions in the gazetted SEPP Amendment prevent issue of consent for subdivision of the land prior to these arrangements being in place.

#### **7.4.2 Local Infrastructure**

Lake Macquarie City Council's current section 94 Plan does not make provision for the North Cooranbong site. Council advised in its submission it considers the best mechanism for the provision of open space, recreation facilities, community facilities, road works and traffic facilities for North Cooranbong is by way of a voluntary planning agreement.

To formalise the provision of these contributions JPG has negotiated a voluntary planning agreement with Council. A report considered by Council at its meeting on 10 December 2007 outlined the basis for negotiations and section 3.1.4 of this report provides full details of the infrastructure items and contributions to be made. This involves contributions for parks, cycleways, sporting complex, multipurpose centre, contribution for existing libraries, community bus and community worker and roads and traffic upgrades, among other contributions for regional open space and jetties.

In accordance with section 25D of the EP&A Regulation, Council publicly exhibited the local voluntary planning agreement for a period of 28 days from 23 October 2008 to 20 November 2008, with notices placed in the Sydney Morning Herald, Newcastle Herald and Lakes Mail.

The agreement as exhibited was subsequently executed by JPG and Council on 26 November 2008.

#### **Department Comment**

JPG committed to enter into a local voluntary planning agreement in the Statement of Commitments and the agreement is nearing execution. The infrastructure contributions outlined in the agreement have been agreed to in negotiation with Council and will ensure that development resulting from the Concept Plan is serviced by appropriate local infrastructure.

#### **7.4.3 Utilities**

The Statement of Commitments provides for the following utility infrastructure at linen plan approval:

- Non-potable water supply
- Trunk infrastructure for:
  - Sewer
  - Water
  - Electricity
  - Telecommunications
  - Natural Gas

Hunter Water Corporation has confirmed in its submission that an upgrade to the Dora Creek Wastewater Treatment Plant is planned to be commissioned in mid 2009 and will have sufficient capacity to treat the total additional load from the development. It has also advised JPG that wastewater transportation capacity is not as high as indicated in the Environmental Assessment (there is only spare capacity for 80 Equivalent Tenements, not 120 as quoted). Hunter Water is considering an interim Sewer Servicing Strategy to address the shortfall.

Hunter Water Corporation also confirmed it has approved JPG's water servicing strategy which identifies developer funded infrastructure required to provide services and adequate pressure to the site.

Correspondence from Energy Australia contained in the Environmental Assessment indicates that in late 2004 there was enough supply in the three phase high voltage 11kv supply to reticulate the future development. While Agility also advised at this time that the economic viability of extended the natural gas mains would be considered following any rezoning.

#### **Department Comments**

Hunter Water Corporation has confirmed that the development can be appropriately serviced with infrastructure for sewer and water supply, and are continuing to work with JPG to ensure long term wastewater transportation is secured. JPG have undertaken in their Statement of Commitments that essential service utility infrastructure will be provided at linen plan approval. This will ensure the development resulting from the Concept Plan will be serviced by appropriate utility infrastructure.

## 7.5 WATER, DRAINAGE AND FLOODING

### 7.5.1 Surface and Ground Water

Investigations undertaken for the Environmental Assessment found limited existence of ground water across the site. A review of the NSW Groundwater Policy Framework was undertaken and it was concluded given there is no shallow groundwater on the site, any effects on ground water should be minimal.

#### Department Comment

The Department of Water and Environment's (DWE) public exhibition submission confirms that any potential impacts on surface and ground water will be minimal and/or acceptable. Wherein, DWE advised it is *"satisfied that the issues raised previously have been adequately addressed. Surface and ground water aspects of the proposal, including the provision of a sustainable water supply, have been incorporated into the Concept Plan so as to minimise any impacts, and satisfy the legislative and policy requirements of this department."*

### 7.5.2 Stormwater, Drainage and Flooding

The subject site is located within the Dora Creek catchment, which is predominantly a natural creek system that drains into Lake Macquarie. Council has advised there are currently serious flooding issues along Dora Creek and water quality issues present within the Creek and Lake Macquarie. A number of residents also raised concerns regarding stormwater disposal and drainage and flooding issues that may arise from development resulting from Concept Plan.

JPG's consulting engineers advise the site is located on undulating terrain and has several subcatchments draining in various directions, several of which contain watercourses. Approximately half of the main development area drains via a main creekline to the southeast, toward Freemans Drive. The remainder of the site is divided into smaller subcatchments which drain generally to the north and east.



**Figure 9.** Creek Assessment

Figure 9 shows drainage lines within the main development area that were considered significant by JPG's consulting engineers and recommended to be retained as major creeks, floodplains and drainage corridors.

The consulting engineers advised that the 100 year ARI flood flows would be incorporated into the retained riparian corridors or into the drainage system upstream of the corridors. Further, that it is proposed to collect and detain all runoff from the site so that discharge of runoff from the site will not induce adverse flooding impacts.

The exhibited Concept Plan proposed that stormwater basins be located in conservation areas, a proposal that Council objected to. In response JPG removed stormwater basin from conservation areas in the Preferred Project Report and confirmed in the amended Statement of Commitments that this infrastructure will be located wholly within residential zoned areas.

Council also advised that proposed stormwater and water quality measures are difficult to assess based on the information provided, but suggest they require redesign to meet Lake Macquarie's site discharge index. Council have recommended a number of conditions that should apply to any approval to ensure that the development does not increase downstream flooding or impact on water quality outcomes.

JPG committed in the exhibited Statement of Commitments to preparing a Water Sensitive Urban Design Strategy (WSUD) in accordance with Council and DECC guidelines and undertake more detailed flood modelling assessment to accompany the development application for stage 1. The Preferred Project Report however upgraded this commitment to accompany each development application for each stage.

#### Department Comment

The Concept Plan layout has been designed with consideration of flooding and water quality issues, whereby conservation corridors have been proposed to accord with the main drainage lines to mitigate any adverse flooding impacts and residential areas have been setback from the main drainage lines by these conservation corridors.

The removal of proposed stormwater detention basins from conservation areas will ensure conservation values are not undermined by the development of infrastructure.

While JPG have made a number of commitments relating to flooding and water quality issues Council has some outstanding concerns. It is therefore recommended that all future development application under Part 4 of the EP&A Act relating to the Concept Plan be subject to further assessment requirements to ensure stormwater, flooding and water quality issues are appropriately managed.

## **7.6 BIODIVERSITY**

### **7.6.1 Misrepresentation of DECC advice**

During the public notification period it was brought to the Departments attention that written advice previously provided by the Department of the Environment and Climate Change NSW (DECC) regarding the proposal had been misrepresented in the Environmental Assessment. Page 112 of the Environmental Assessment quoted the DECC advice as:

*"Given the significant values exhibited on the site, it is important that adequate site scale data is available to inform any decision on final development footprints. In this regard, we note that the surveys which have been conducted to date **provide sufficient detail** to inform final negotiations on development areas."* (bold emphasis added)

The same paragraph from the original letter said:

*"Given the significant values exhibited on the site, it is important that adequate site scale data is available to inform any decision on final development footprints. The DECC **does not consider** that the surveys which have been conducted to date provide sufficient detail to inform final negotiations on development areas."* (bold emphasis added).

The Department subsequently wrote to JPG advising that misrepresentation of agency advice is viewed as a serious matter, regardless of the reason for this occurring. In order to address the issue, JPG were required to undertake the following:

1. Arrange for publication of notices in all newspapers (The Australian, Sydney Morning Herald, Newcastle Herald and Newcastle Post) public exhibition notices were placed stating that an erratum has been issued. Provide copies of the notices as they appear in the relevant newspapers to the Department; and

2. Provide a letter of retraction as the first page of the Preferred Project Report (PPR).

Copies of the notices as they appeared in the relevant papers have been provided to the Department and a letter of retraction was provided as the first page of the Preferred Project Report

### 7.6.2 Threatened species

The site has been identified as potentially suitable habitat for three threatened species listed as 'Vulnerable' under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). These species are *Angophora inopina* (Charmhaven apple), *Tetratheca juncea* (Black-eyed Susan), *Grevillea parviflora* subsp. *parviflora* (Small-flower Grevillea).

The site also contains Swamp Mahogany habitat for the Swift Parrot (*Lathamus discolor*), Regent Honeyeater (*Xanthomyza phrygia*) and Grey-headed Flying Fox (*Pteropus poliocephalus*) which are all listed as endangered or vulnerable under the EPBC Act.

DECC have advised that the land contains populations of a number of threatened plant and animal species, an Endangered Ecological Community and five regionally significant vegetation communities.

### 7.6.3 Biodiversity Conservation

DECC and the Commonwealth Department of the Environment, Water, Heritage and the Arts (DEWHA) raised concerns during the assessment process that additional biodiversity survey work would be required to quantify the environmental values that need to be offset as a result of future development under the Concept Plan.

Subsequent to lodgement of the Environmental Assessment JPG undertook additional surveys of *Angophora inopina*, *Tetratheca juncea* and *Grevillea parviflora* subsp. *parviflora*. The results of these surveys were:

Species	Plants Recorded (Jan 08 & Sep 08)	Estimated Total Population	Population Density across Site	Estimated Total Population Conserved
<i>Angophora inopina</i>	3,802	47,525	Highest NW, Central & NE	16,542 (35%)
<i>Tetratheca juncea</i>	1,187	N/A	Highest SW	357 (30%)
<i>Grevillea parviflora</i> subsp. <i>parviflora</i>	6,507	81,338	Highest SW	37,428 (46%)

Regarding impacts of future development and offsets required, DECC indicated they seek an outcome where there is no net loss of biodiversity and the 'improve or maintain' principle for biodiversity conservation has been achieved. While DEWHA's position as set out in its draft Offsets Policy is that environmental offsets should be targeted to matters protected by the EPBC Act that are being impacted.

In order to mitigate the impacts on the threatened species JPG's consultants made the following conclusions and recommendations:

**Flora** – Two vegetated corridors should be provided in the Main Development Site. A wide corridor from Onley State Forest should be extended to join with the south flowing creek adjoining the south boundary of the Main Development Site. Sections of this corridor will require regeneration. A second wide corridor should be established linking the north east vegetated area (north of Avondale School) along established creeklines.

**Fauna** – Any Riparian and Swamp Mahogany habitat on the site should be protected. Removal of water quality basins from habitat areas; restoration and reconstruction of Swamp Mahogany habitat along drainage lines in the northwest section of the Main Development Site; and increased protection and management of Swamp Mahogany habitat should satisfy DECC guidelines for maintaining and improving Swamp Mahogany habitat over the long term.

Additionally, the Government's Infrastructure Levies Implementation Committee considered the requirement for an off site environmental offset at its meeting on 23 April 2008. In accordance with advice provided by DECC the Committee agreed that an off-site environmental would be required and should consist of either 132ha of land containing 'like for like' values (being a 4:1 offset for the additional 33ha of development footprint to that agreed to under the draft LEP Amendment) or the equivalent monetary contribution.

As a result of these recommendations JPG proposed the following package of conservation measures:

- **On site Conservation Corridors** – Two conservation corridors have been proposed for the Main Development Site, one across the northern section and one across the southern section. The corridors have been proposed to accord with areas containing riparian vegetation and significant drainage lines. The corridors contain both the threatened flora species and also Swamp Mahogany habitat
- **Rehabilitation and Maintenance Works** – Undertaking Works in Kind toward rehabilitating and maintaining the on-site 7(1) conservation lands
- **Endowment Fund** – Contributing an endowment fund to Lake Macquarie Council for ongoing maintenance of the conservation lands
- **Transfer of Conservation Corridors** – Progressively transferring on-site 7(1) conservation lands to Council at no cost, following rehabilitation and maintenance of the land for 5 years by JPG
- **Offsite Conservation Offset** – transfer of 132ha of land containing 'like for like' values (being a 4:1 offset for the additional 33ha of development footprint to that agreed to under the draft LEP Amendment) or equivalent monetary contribution

The Preferred Project Report made some amendments to the Concept Plan to provide for additional conservation outcomes, the amendments are:

- **Water retention basins** – have been deleted from the layout, all water retention measures will be provided in residential areas to ensure protection of conservation lands
- **Zoning** – all conservation lands are to be zoned 7(1) Conservation Primary (as opposed to a mix of 7(1) and 7(2)) which affords the highest conservation protection under Council's LEP

#### 7.6.4 Agency Consultation

DECC confirmed the proposed onsite and offsite conservation measures to be acceptable during public exhibition, advising ongoing discussions with JPG on the proposal have

*“resulted in amendments to the development footprint and an agreement to certain measures to reduce impacts to biodiversity.” Further that these “measures include the protection of riparian values and the establishment of a corridor on the site...it has been agreed that Johnson Property Group will acquire additional high conservation value lands to compensate for the impacts to biodiversity on the site which arose from the increase in developable area.”*

Lake Macquarie City Council confirmed its support for the development footprint and additional conservation measures at its meeting on 28 July 2008. Council resolved to support the development footprint on exhibition subject to JPG committing through the proposed local voluntary planning agreement to rehabilitate and maintain the conservation lands as outlined above. The local agreement was subsequently executed on 26 November 2008.

#### 7.6.5 Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

The Department of the Environment, Water, Heritage and the Arts (DEWHA) have had continuing involvement in the assessment process under the terms of the environmental assessments bilateral agreement. JPG have been working with DEWHA to meet its conservation offset policy requirements under the EPBC Act for the controlled action proposed by the application. It is noted however, that the Commonwealth Government have different aims and offset policy requirements to that of the NSW Government. Of particular note is the DEWHA requirement that environmental offsets should be targeted to matters protected by the Commonwealth's EPBC Act that are being impacted.

In correspondence to JPG dated 10 November 2008 DEWHA reconfirmed its requirement that further information regarding potential offset sites and their associated environmental values is required for a final approval decision under the EPBC Act. DEWHA also noted difficulties the Commonwealth government may encounter in evaluating whether impacts on matters protected under the EPBC Act are satisfactorily offset if a monetary contribution is proposed, without a site which meets the offset requirements of the EPBC Act having been procured.

In response DECC wrote to DEWHA on 14 November 2008 outlining the approach of NSW DECC to offsetting impacts. The correspondence indicates that DECC's focus is on providing effective conservation outcomes and while the aim is for 'like for like' outcomes, the strategic long term view of focusing offsetting efforts in identified priority areas will guide decision making processes.



DECC will be responsible for locating and acquiring land that will adequately offset impacts from the development should JPG elect to make a monetary contribution for the environmental offset land in accordance with the terms of the regional voluntary planning agreement. DECC have confirmed this will not necessarily draw down to 'plant for plant' level and that funds from other projects may be added to acquire larger areas with higher conservation outcomes in accordance with the draft Lower Hunter Regional Conservation Plan. Lands will however, be acquired that contain the threatened species, or habitat for the species being impacted at North Cooranbong.

The Department understands that suitable conservation lands are yet to be confirmed to date.

#### Department Comment

The subject site is identified in the Lower Hunter Regional Strategy as a Proposed Urban Area, though it is recognised that the land contains significant biodiversity values. It is also recognised that the Concept Plan will result in development that impacts these significant values. In order to mitigate these impacts JPG has proposed a package of both on and offsite conservation measures.

The components of the package of conservation measures has been found to be acceptable by Lake Macquarie City Council, DECC and the Government's Infrastructure Levies Implementation Committee. In accordance with these conclusions it is considered that the combined package offers ongoing long term onsite conservation outcomes and also provides that impacts which can not be mitigated onsite are offset offsite in accordance with NSW Government policy requirements.

It is recognised that while the biodiversity outcomes and conservation measures proposed are acceptable in accordance with NSW Government requirements, that JPG will need to continue to work with DEWHA in order to obtain the necessary approvals under the EPBC Act.

## **7.7 CONTAMINATION, GEOTECHNICAL AND MINE SUBSIDENCE**

### **7.7.1 Contamination**

Council raised concern that further detailed site contamination assessments should be undertaken.

A Preliminary Contamination Assessment of site condition and potential contamination issues was undertaken and included as Appendix A of the Environmental Assessment. The investigations suggested a number of potentially contaminated areas. Some additional contamination assessment was also undertaken to further assess issues raised in the preliminary assessments.

Based on the results of the preliminary and additional assessments it was concluded that the land is generally suitable for future residential development, provided remedial works and additional detailed investigations, as required are undertaken to address the issues raised.

Council's submission notes that the report contained in Appendix A of the Environmental Assessment is a phase one contamination assessment as defined by the NSW DECC 'Guidelines for Consultants Reporting on Contaminated Sites' and recommends that prior to the issue of any subdivision certificate it should be a requirement that the applicant provide a phase two detailed site contamination assessment. In accordance with the DECC guideline sites should be remediated, validated and signed off by an auditor as suitable for the intended use.

The Statement of Commitments provides that for the 'Chicken Sheds' land a contamination report/ rehabilitation management plan will accompany a subdivision development application outlining its suitability for development/ remediation.

#### Department Comment

Information prepared by a suitably qualified professional indicates that the site is potentially affected by a number of contamination issues. The Department is satisfied however, with the conclusion drawn by the professional that the land is generally considered to be suitable for future residential development, provided remedial works and additional detailed investigations are undertaken. The Department of the Environment and Climate Change (DECC) did not raise any concern regarding potential contamination issues.

It is recommended that further assessment requirements apply, wherein the first application for subdivision of the land should be accompanied by a Stage Two detailed site contamination assessment in accordance with SEPP 55 and associated guidelines, with particular focus on the areas identified in the Douglas Partners Reports reference 31720 and dated 11 December 2001, 24 July 2002, 23 October 2003 and 7 March 2005.

### 7.7.2 Geotechnical Considerations

Council raised concern that a small section of the site may be affected by acid sulphate soils and recommended that for parts of the site that are identified within the Department of Land's Acid Sulphate Planning Maps, a geotechnical assessment of the acid sulphate soils be prepared and submitted with any development application. Further, if an acid sulphate soils area is identified then an Acid Sulphate Soil Management Plan should be prepared and implemented.

A number of geotechnical assessments have been undertaken to investigate urban capabilities of the land. The geotechnical considerations addressed and summarised in a primary report included as Appendix A of the Environmental Assessment include: erosion hazard; slope stability; uncontrolled filling; excavatability; soil reactivity, saturated, low lying soils; acid sulphate soils and natural resources.

These investigations did not find any significant issues which would preclude development of the land for urban purposes. The report did however identify areas where further site specific assessment would be required for future development. This relates to mitigation of erosion and sedimentation, stability of areas of existing cut and fill, localised areas of uncontrolled filling, excavation of underlying rock, soil reactivity testing, localised saturated soils and acid sulphate soils.

The exhibited Statement of Commitments stated that Acid Sulphate Management Plans would accompany development applications seeking approval for the Town Common sporting facility/ neighbourhood park. This was amended in the Preferred Project Report providing that Acid Sulphate Management Plans will accompany development applications seeking approval for development of acid sulphate soil affected land.

The Statement of Commitments also provides that detailed erosion and sediment control plans will be submitted during each major stage of development to be approved at construction certificate stage.

#### Department Comment

Geotechnical considerations for the Concept Plan layout have been adequately addressed in the application.

It is recommended that all future development applications under Part 4 of the EP&A Act relating to the Concept Plan be subject to further assessment requirements for geotechnical considerations. Wherein any development application for land identified within the Department of Land's Acid Sulphate Planning Maps should be accompanied by an Acid Sulphate Soil Management Plan. Additionally detailed erosion and sediment control plans should accompany each major subdivision application.

### 7.7.3 Mine Subsidence

Three lots located within the northern portion of the development site (adjacent to the triangular lot known as 'Masons Land') are located within the West Lake Mine Subsidence District. The NSW Department of Primary Industries has indicated it has no objection to the Concept Plan provided the Mine Subsidence Board is consulted and the proposed development conforms to Mine Subsidence parameters.

The Environmental Assessment contains correspondence from the Mine Subsidence Board dated 18 December 2007 indicating the Board's Development Application and Rezoning Liaison Committee discussed the mining potential of the area and had no objection to the area being developed.

#### Department Comment

Implications of mine subsidence for development relating to the Concept Plan have been adequately addressed in the application. It is recommended that all future development applications for existing Lots 1, 2 and 3 on DP 3533 under Part 4 of the EP&A Act be subject to further assessment requirements for mine subsidence implications.

Any development application for the land should be referred to the Mine Subsidence Board, this requirement should also be confirmed in the design guidelines to be approved by Lake Macquarie City Council, for further detail refer to section 7.3.2 above.

## 7.8 BUSHFIRE PROTECTION

### 7.8.1 Mapping Inconsistencies

Submissions from both the NSW Rural Fire Service (RFS) and Council noted discrepancies between the mapping shown in the Bushfire Threat Assessment at Appendix H, which used a different layout to that contained in the Concept Plan.

JPG addressed the mapping discrepancy concern in the Preferred Project Report, advising that the inconsistency arose due to amendments which were made to the Concept Plan layout following completion of the Bushfire Threat Assessment and that the Concept Plan contained in the main body of the Environmental Assessment is correct. To rectify the inconsistency JPG provided a correct map for inclusion in the Bushfire Threat Assessment at Appendix H.

### 7.8.2 Asset Protection Zones

Council noted its expectation that RFS would comment on the proposal, but more generally also noted concern that the Bushfire Threat Assessment document had been prepared using the incorrect Concept Plan layout and that Asset Protection Zones (APZ) should not be located either within lands zoned for Conservation or within riparian corridors. NSW Department of Primary Industries noted liaison is required with Forests NSW concerning ongoing management of APZ's and that the adjoining State Forest should not be viewed as a part of any buffering proposal.

The RFS noted that in preparing final designs for the lot layout care should be taken to ensure that the proposed perimeter road reserve and building alignment can achieve the minimum APZ's required, where site specific effective slope and vegetation classification of the hazard needs to be assessed in determining the APZ. Where no perimeter road is provided, the APZ needs to be achieved within the boundary of the property.

The RFS did not raise any concern about the Bushfire Threat Assessment having been prepared using a different layout to that proposed in the Environmental Assessment.

JPG advised in the Preferred Project Report that APZ's shown on all bushfire plans are indicative only and are not to scale. It further confirmed *"APZ's will be fully contained in the residential zoned land and road reserves and will not encroach into conservation areas. Given the scale of the Concept Plan, if APZ's were shown to scale the plan would not be interpretable. Actual APZ's will be determined at the subdivision design stage."*

#### Department Comment

The mapping amendments and clarifications made by JPG in the Preferred Project Report have addressed the bushfire issues raised.

To ensure the RFS and Council's concerns regarding the layout of future subdivisions and APZ's are fully addressed it is recommended that all future development applications under Part 4 of the EP&A Act relating to the Concept Plan be subject to further assessment requirements for bushfire protection. In addition, bushfire protection design requirements and buffering associated with Onley State Forest should also be confirmed in the design guidelines to be approved by Lake Macquarie City Council, for further detail refer to section 7.3.2 above.

## 7.9 HERITAGE

### 7.9.1 Aboriginal Heritage

An Archaeological Survey and Constraints Study of the Main Development Site was undertaken in 2003 to accompany draft Lake Macquarie LEP Amendment No.27. The Study was submitted in the Environmental Assessment along with a letter from the archaeological consultant dated 15 November 2007 confirming that the contents remain relevant.

During assessment of the draft LEP Amendment the report was examined and accepted by Lake Macquarie City Council and the National Parks and Wildlife Service (NPWS) Cultural Heritage Unit of the then Department of the Environment and Conservation. The report concluded there is no impediment to the proposed rezoning for known Aboriginal cultural reasons as there is no impact on Aboriginal Places or Objects, with the exception of one area in the southwest of the Main Development Site (designated 'Further Investigation Required') which was assessed as having potential Archaeological Deposits.

The Study recommends that if area designated 'Further Investigation Required' is to be considered for development then an Aboriginal Cultural Assessment must be conducted. The Environmental Assessment notes

that this area in the southwest of the Main Development Site has been designated 7 (1) Conservation (Primary) in the Concept Plan layout, which affords the highest level of conservation protection under Council's LEP. The Study also recommends that the proponent inform all workers to be diligent when undertaking land preparation and should any artefacts be found, then work must cease and the Local Aboriginal Land Council and NPWS notified.

#### Department Comment

Matters relating to Aboriginal cultural heritage have been satisfactorily considered and addressed. For the most part of the Main Development Site future development under the proposed Concept Plan will not impact known Aboriginal cultural heritage.

The exception to this, the area designated potential Archaeological Deposits is to be zoned 7 (1) Conservation (Primary). This zone however, allows for development of buildings such as dwelling houses and bed and breakfasts with consent.

Should the area be considered for future development and in order to ensure that potential deposits are considered, it is recommended that all future development relating to the land designated 'Further Investigation Required' be subject to further assessment requirements for aboriginal cultural heritage. In addition, all future development applications under Part 4 should be subject to further assessment requirements regarding land preparation and finding of artefacts.

DECC did not comment on Aboriginal Heritage matters in its public exhibition submission. Subsequent verbal discussions with officers however confirmed the recommendation that the proponent inform all workers to be diligent when undertaking land preparation and should any artefacts be found, then work must cease and the relevant persons be notified as satisfactory.

#### **7.9.2 European Heritage**

The development sites are not subject to any statutory heritage protection. A Heritage Impact Assessment (HIA) of the Avondale Aerodrome was undertaken in 2005 to accompany draft Lake Macquarie LEP Amendment No.27. While the HIA was prepared for other purposes, it concludes that the aerodrome has some social significance and historical associations for the local community and summates "rezoning of the site allowing for continued yet sympathetic cultural evolution of the landscape of an otherwise redundant site is generally considered acceptable in heritage terms."

The HIA also made specific recommendations about future development of the land suggesting interpretative features such as a new wide street to demarcate the length of the former north south run way, commemorative signage and naming of streets.

The HIA states that in 2004 the NSW Heritage Office reviewed a community nomination for state heritage listing of the aerodrome and found it did not meet the threshold for State heritage significance. It then wrote to Lake Macquarie Council recommending Council assess the airstrip for heritage listing at the earliest available opportunity and prior to decisions on redevelopment of the site.

To date Council has not acted on this advice, additionally it's public exhibition submission confirmed that Council resolved at its meeting on 28 July 2008 that it does not support inclusion of the former airstrip as a heritage item within Council's LEP.

#### Department Comment

The development sites have some local social significance and historical association for the local community but they are not subject to any statutory heritage protection. The subject land is identified in the Lower Hunter Regional Strategy as a Proposed Urban Area and the extent of local social significance and historical association the airstrip has with the local community is not considered a major impediment to redevelopment of the land for a residential estate.

To some extent a major north south road has been placed in the general vicinity of the previous north south runway in the Concept Plan layout. Good opportunities also exist to incorporate former uses in commemorative signage, particularly for new public facilities and parks and also street names. This can be considered by Lake Macquarie Council when the need arises.

## **7.10 TRAFFIC AND TRANSPORT**

### **7.10.1 Roads**

A number of public submissions raised concerns about the impacts future development would have on the existing road network. Many of these also raised the issue that the Concept Plan would create the need for a new local interchange on the F3 Freeway

The Roads and Traffic Authority (RTA) reported its main concerns are the traffic generating impacts future development would have on the State road network. To address these impacts JPG have agreed to undertake the required State road works as 'works-in-kind' in lieu of providing monetary contributions and agreed to enter into a Deed Containing Agreement (DCA) with the RTA.

The RTA have advised that a DCA is currently being drafted which will set out the road infrastructure works on the State road network required as a consequence of development proposed under the Concept Plan. The RTA has not required development of a new Freeway interchange as a consequence of the development.

The RTA has no objections to the Concept Plan provided that an appropriate clause is included in any regional voluntary planning agreement or conditions of development consent that obligates the owners to comply with the conditions set out in the DCA.

Council raised concern that the Environmental Assessment did not outline all of the local road works being negotiated between Council and JPG through a local voluntary planning agreement (VPA). This specifically related to the Freemans Drive/New Site Access (central) intersection which is to be traffic signal controlled not priority controlled as stated in the Environmental Assessment. Council advised provided the local VPA between Council and JPG is executed before the rezoning is gazetted and this amendment made Council is satisfied with the traffic outcomes.

#### Department Comment

The RTA is negotiating an agreement with JPG to address traffic generating impacts resulting from development relating to the Concept Plan. The regional voluntary planning agreement contains provisions requiring provision of works required by the RTA and detailed in the draft DCA. The Government's Infrastructure Levies Implementation Committee has endorsed the road work contributions.

Council advised during public exhibition that the traffic generating impacts resulting from the Concept Plan would be satisfactorily addressed provided voluntary planning agreement negotiations progress as was agreed to by all parties. On 26 November 2008 the local agreement was executed, demonstrating that the extent of local road works required to service future development have been agreed to.

### **7.10.2 Transport**

A number of public submissions raised concerns about the impacts future development would have on transport in the locality.

The Ministry of Transport (MoT) provided a submission stating the majority of issues previously raised by the Ministry have been addressed, with the exception of some key matters, namely the Transport Management Access Plan (TMAP): lacks a sustainable mode share target supported by a package of public transport measures, does not adequately address the capacity of bus and rail services to meet future projected demands and does not consider the future development of Morisset. Also trip containment rates require further justification.

JPG responded to these concerns in the Preferred Project Report advising following consultation with MoT the principles of the TMAP had been applied to the Morisset region and not just the North Cooranbong site and to the extent to which the development site was able to contribute to regional facilities, a series of measures were subsequently developed. These measures include road, cycling and pedestrian facilities as well as contributions for local bus services.

Subsequent verbal discussions with the MoT officers confirmed that the Ministry had been involved in extensive consultation with JPG regarding the transport implications of the development resulting from the Concept Plan. In these discussions officers noted that location of North Cooranbong made it difficult to deliver all elements of a TMAP and reconfirmed the majority of the Ministry's concerns have been addressed.

Council raised concern that the Environmental Assessment did not outline all of the transport improvements being negotiated between Council and JPG through a local voluntary planning agreement (VPA). This specifically related to cycling facilities. Council advised during public exhibition that provided the local VPA between Council

and JPG is executed before the rezoning is gazetted and this amendment made Council would be satisfied with the transport outcomes.

#### Department Comments

The regional and local voluntary planning agreements provide for a number of transport measures to service future development resulting from the Concept Plan.

The exhibited draft regional voluntary planning agreement includes monetary contributions for bus services. While the agreement is yet to be executed, the quantum of the monetary contribution has been agreed to by the Government's Infrastructure Levies Implementation Committee. The contributions will ensure an appropriate level of local bus services can be provided and assist with linking the North Cooranbong locality to regional rail services at Morisset.

Council advised during public exhibition that the transport generating impacts resulting from the Concept Plan will be satisfactorily addressed provided voluntary planning agreement provided negotiations progress as was agreed to by all parties. On 26 November 2008 the local agreement was executed, demonstrating that the transport improvements required to service future development have been agreed to.

### **7.11 ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT PRINCIPLES**

Of the five accepted Environmentally Sustainable Development (ESD) principles, the following are considered relevant to the proposal:

- decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations (the integration principle)
- if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (the precautionary principle)
- the principle of inter-generational equity - that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (the inter-generational principle)
- the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (the biodiversity principle)

#### Department Comment

These are discussed individually below:

**Integration Principle** – Development resulting from the Concept Plan will provide both short term social and economic benefits in the form of affordable housing and constructions jobs. Over the longer term development resulting from the Concept Plan will provide additional social and economic benefits such as community infrastructure and employment in the locality. The short term benefits have been considered against long term environmental considerations and an appropriate conservation package has been refined to ensure significant environmental values are maintained in the locality and broader region.

**Precautionary Principle** – Information contained in the Environmental Assessment and provided in agency submissions does not suggest threats of serious or irreversible environmental damage as a result of the proposal. Supporting studies into flooding and stormwater management, bushfire threats and Aboriginal cultural heritage have not revealed any uncertainty regarding serious or irreversible environmental damage. Recommendations have been made throughout this section of the report on modifications to ensure any impacts can be appropriately managed.

With regards to flooding specifically, it is noted that the locality does experience flooding issues. The land to be developed for residential purposes however is all above 20m AHD rising to 45m AHD in areas. As such it is not expected to be adversely impacted by any future sea level rise. The proponent has committed through their Statement of Commitments to undertake detailed flood modelling assessments for future subdivision applications and site specific implications can be addressed at this time.

With regards to biodiversity it is noted that an appropriate conservation offset package, supplemented by additional conservation measures has been negotiated to achieve the 'improve or maintain' principle for biodiversity conservation.

**Inter-Generational Principle** – The proposed onsite protection of 119ha of conservation land and additional offsite conservation offset will assist in maintaining the health, diversity and productivity of the local environment. The proposed rehabilitation and maintenance of the onsite conservation land will enhance the environment for the benefits of future generations.

**Biodiversity Principle** – The conservation of biological diversity and ecological integrity was a fundamental consideration in assessment of the Concept Plan. This consideration has resulted in the negotiation of 119ha of land within the subject site to be protected for conservation purposes and progressively transferred to public (Council) ownership, an additional conservation offset consisting of 132ha of land with similar values to that of the subject site or equivalent monetary contribution and additional measures to rehabilitate and maintain the onsite conservation land.

In addition to the above considerations, it is expected that further site specific assessment of ESD principles will also be undertaken by Lake Macquarie City Council in accordance with its existing policies when considering future development applications.

## **7.12 LAND OWNER CONSENT**

JPG have confirmed it was unable to obtain land owner consent in accordance with section 8F of the EP&A Regulation for all lots in the exhibited Concept Plan. On this basis JPG removed a number of lots on Avondale Road and Lot 2 DP 825266 from the Concept Plan in the Preferred Project Report. This resulted in the area of the Concept Plan being marginally reduced to 355.26ha, a reduction of 9.60ha from 364.86ha.

### Department Comment

JPG have confirmed in writing it has satisfied the requirement to obtain owner consent under section 8F of the EP&A Regulation for all lots in the Preferred Project Report Concept Plan.

## 8 PUBLIC INTEREST

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Development at North Cooranbong resulting from the Concept Plan will provide significant benefits to the community, including:

- Rehabilitation, maintenance and transfer of 119 hectares of conservation lands from private to public ownership
- Additional conservation offsets of 132 hectares of conservation land or payment of a monetary contribution of \$2,640,000 for such land
- Provision of approximately 200 hectares of land for new residential development
- Provision of monetary and in-kind contributions for regional infrastructure, including roads and transport
- Provision of a 3 hectare primary school site
- Provision of in-kind contributions for local infrastructure including neighbourhood and local parks; cycleways; an onsite multi-purpose centre; contributions to existing libraries; community bus and community worker and roads and traffic management upgrades

Accordingly, for all the reasons above the proposal is considered to be in the public interest.



## 9 CONCLUSION

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The Department has reviewed the Environmental Assessment and the Preferred Project Report and duly considered advice from public authorities as well as issues raised in general submissions in accordance with Section 75I(2) of the EP&A Act. All the relevant environmental issues associated with the proposal have been extensively assessed.

In balancing the State significant planning outcomes with the issues raised in the body of this report, the Department is of the view that the proponent has satisfactorily mitigated the environmental impacts arising from development resulting from the North Cooranbong Concept Plan. In assessing the proposal, the Department has resolved any outstanding environmental issues through terms of approval and recommended modifications.

The proponent has committed (through Statements of Commitment) to a number of measures to ensure the development proceeds smoothly and does not adversely impact on local amenity and landscapes adjacent on the site. The Department is also recommending modifications and further assessment requirements to the Concept Plan to augment commitments made by the proponent.

Recommended modifications to the Concept Plan and further assessment requirements are provided at **Appendix A**. The reasons for the imposition of modifications are to encourage good urban design, maintain the amenity of the local area and adequately mitigate the environmental impact of the development.

## 10 RECOMMENDATION

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It is recommended that the Minister for Planning:

- a) **consider** the findings and recommendations of this report.
- b) **grant** approval for the concept plan pursuant to section 75O(1) of the Environmental Planning and Assessment Act 1979 subject to modifications of the Concept Plan by signing the Instrument of Approval at **Appendix A**.
- c) **determine**, pursuant to section 75P(1)(b) and 75P(2)(c), that approval to carry out the remainder of the project is subject to Part 4 of the EP&A Act and the further assessment requirements contained in the Instrument of Approval.

*(Note: The effect of (c) would be that:*

- *Future development is no longer a Part 3A project*
- *Pursuant to s.75P(2)(a), the determination of any DA in respect of such development must be generally consistent with the concept plan.)*

- d) **authorise** the Department to carry out post-determination notification.
- e) **note** that the proposed listing of the site within the Major Projects SEPP must be determined prior to the Minister granting approval to the Concept Plan.

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## **APPENDIX A. TERMS OF APPROVAL**

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## **APPENDIX B. PREFERRED PROJECT REPORT**

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## **APPENDIX C. REVISED STATEMENT OF COMMITMENTS**

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## **APPENDIX D. ENVIRONMENTAL PLANNING INSTRUMENTS**

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## **APPENDIX E. SUMMARY OF SUBMISSIONS**

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## **APPENDIX F. PUBLIC AUTHORITY ADVICE**

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## **APPENDIX G. DIRECTOR-GENERAL'S REQUIREMENTS**

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