



DEVELOPMENT AND PLANNING STANDING COMMITTEE MEETING

Monday 13 February 2023

Council Chambers

126-138 Main Road Speers Point

6.30pm

Committees will be held in the following order:

Development and Planning Standing Committee
Planning for the Future Standing Committee
Organisational Services Standing Committee
Built and Natural Assets Standing Committee
Service Delivery Standing Committee
General Business Committee

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Meetings of Lake Macquarie City Council are conducted in accordance with the Code of Meeting Practice which supports open, accessible and accountable government.

Councillors are reminded of the oath or affirmation of office taken at the start of the Council term:

- To undertake duties in the best interests of the people of Lake Macquarie City and the Lake Macquarie City Council.
- To faithfully and impartially carry out the functions, powers, authorities and discretions under the *Local Government Act 1993* or any other Act to the best of their ability and judgment.

Councillors are also required to declare and appropriately manage conflicts of interest under the Code of Conduct.

Council meetings are streamed live on Council's website at webcast.lakemac.com.au

This allows our community greater access to Council proceedings, decisions and debate.

Development and Planning Standing Committee Meeting

Agenda

Monday 13 February 2023

6.30pm

Acknowledgement of Country:

Apologies: For the non-attendance of Councillors

Declaration of Interests:

Presentations: Nil

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23DP001	Watagan Park Cooranbong Planning proposal and revised North Cooranbong Precinct Area Plan.....	pg 4
23DP002	Planning Proposal to rezone land from RU2 Rural Landscape to R2 Low Density Residential and C2 Environmental Conservation at 1377 Hue Hue Road Wyee and amendment to the Wyee West Precinct Area Plan	pg 53
23DP003	Planning Proposal to rezone land from SP2 Infrastructure to R2 Low Density Residential at 482 Bushells Ridge Road, Wyee	pg 124

***Recommendations to the Development and Planning Standing Committee
Meeting***

Monday 13 February 2023

23DP001	Watagan Park Cooranbong Planning proposal and revised North Cooranbong Precinct Area Plan
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Key focus area	4. Diverse economy
Objective	4.4 We have vibrant economic and neighbourhood centres
File	RZ/2/2022 - D10823921
Author	Senior Strategic Planner - Joanne Dunkerley
Responsible manager	Manager Integrated Planning - Wes Hain

Executive Summary

Address: Part Lot 8450 DP 1250919, 35 McCullough St Cooranbong
Part Lot 236 DP 1273921, 30 Maguire Drive Cooranbong

Landowner: Australasian Conference Association Limited

Proponent: Johnson Property Group

This report identifies proposed amendments to the *Lake Macquarie Local Environmental Plan (LMLEP 2014)* and the revised North Cooranbong Precinct Area Plan (precinct area plan) that is part of the Lake Macquarie Development Control Plan (LMDCP) 2014 for Watagan Park, Cooranbong.

The planning proposal (Attachment 1) seeks to support the development of Watagan Park town centre by increasing maximum building heights in parts of the centre from 10m and 13m to 23m. These changes will help to create a vibrant mixed use centre that supports greater housing diversity, densities and better access to shops and services in line with the overarching state, regional and local planning strategies.

The planning proposal also incorporates minor adjustments to the land use zone boundaries and associated development standards to align with the location of approved parks, surrounding roads and approved subdivision pattern.

Changes to the *LMLEP 2014* are supported by the revised precinct area plan contained in the LMDCP 2014 (Attachment 2). These changes include provisions for a new green spine to enhance the amenity and visual separation between the higher density town centre buildings and the adjoining low density housing.

Recommendation

Council:

- A. requests a Gateway Determination from the Department of Planning and Environment, pursuant to the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979), in relation to the planning proposal in Attachment 1,
- B. requests the use of delegations in respect of the Minister for Planning and Homes plan making function under section 3.36 of the *EP&A Act 1979* for the planning proposal,
- C. prepares an amendment to the Lake Macquarie Development Control Plan 2014 - Part 12 – Precinct Area Plans - North Cooranbong (Attachment 2),
- D. undertakes consultation with State government agencies and service authorities in accordance with the Gateway Determination,
- E. places the planning proposal (Attachment 1) and the amendment to the Lake Macquarie Development Control Plan 2014 - Part 12 – Precinct Area Plans - North Cooranbong (Attachment 2) on exhibition for a period of at least 28 days, subject to the outcome of the Gateway Determination,
- F. notifies stakeholders and affected landowners of the public exhibition, and
- G. receives a report to further consider the planning proposal following state agency consultation and public exhibition.

Discussion

Watagan Park makes up the majority of the North Cooranbong Urban Release Area located in the south west of Lake Macquarie, near Cooranbong and north-west of Morisset.

In 2008, the State government issued a concept approval for the 'North Cooranbong Residential Estate' comprising areas for low and medium density housing, a new town centre, schools, public open space, community facilities and environmental conservation land. Various development approvals have been issued since that time and parts of the low density residential areas have been constructed or are under construction. Applications for subdivision and development across the urban release area continue to be lodged and considered by Council.

Since the initial concept approval in 2008, substantial change has occurred to the overarching strategic planning framework with the adoption of the Hunter Regional Plan, the Greater Newcastle Metropolitan Plan and the Lake Macquarie Local Strategic Planning Statement. These plans all recognise the strategic goal of creating vibrant mixed use centres that support greater housing diversity, density and better access to shops and services. Changing consumer preferences and development feasibility provides a rare opportunity to reconsider the planning controls for the area to achieve a character, density and diversity of development that delivers a vibrant town centre that meets contemporary needs.

The planning proposal is consistent with the goals of the Lake Macquarie Local Strategic Planning Statement and Housing Strategy as it will facilitate a greater diversity of housing types within the future town centre. This will support a more diverse community as a variety of housing types will cater for a wider range of household types, life stages and income levels. Additional population within a walkable catchment of the future town centre will

support its vibrancy and enhance liveability for residents while also contributing to the financial sustainability of local businesses.

The planning proposal aims to achieve a greater density and diversity of housing types and deliver a vibrant town centre by increasing the maximum building height in the B4 Mixed Use Zone from 13m to 23m, and in parts of the R3 Medium Density Residential Zone from 10m to 23m, as shown in shown in Figures 2 and 3. Minor changes are also proposed to the zone boundaries and associated development standards so that these align with the location of approved parks, roads and subdivision pattern.



Figure 1: Subject land

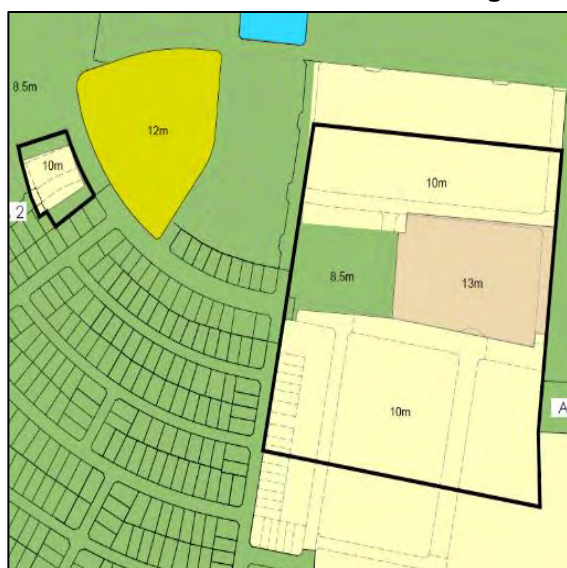


Figure 2: Existing Height of Buildings

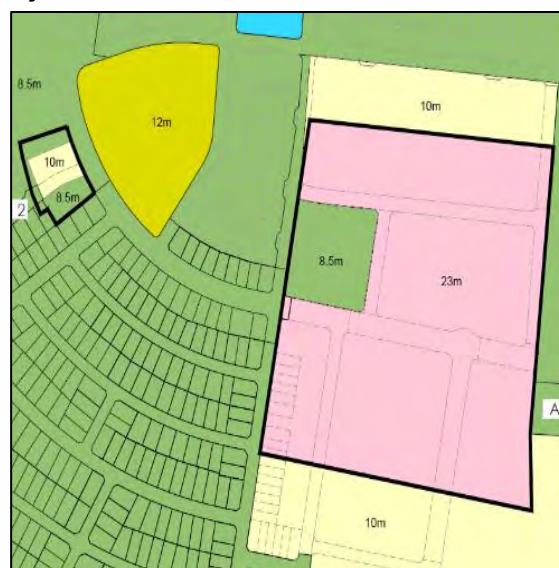


Figure 3: Proposed Height of Buildings

The development of Watagan Park is subject to the North Cooranbong Planning Agreement (March 2021). The planning agreement identifies infrastructure to be provided by the proponent including; two local parks, a neighbourhood park, sports facilities and dog exercise area, town common neighbourhood park, multi-courts, multipurpose centre, shared pathways, and road intersection upgrades. The site is also subject to a separate planning agreement with the State government for contributions towards road intersection upgrades. To date the developer has delivered the following local infrastructure:

- town common neighbourhood park, sports facility and multi-courts (7.6 hectares),
- local park north (1.1 hectares), and
- shared pathway through Avondale University, Victory Street and Freemans Drive to Stockton Street Morisset.

The remaining on-site facilities to be delivered include a sports facility and dog exercise area (6.2 hectares) and one neighbourhood park (1.3 hectares) that directly adjoin the town centre where the increased density is proposed.

It is estimated that the planning proposal may enable the development of approximately 487 additional dwellings and an eight per cent increase in the population (approximately 625 people). Traffic modelling demonstrates that the road network (upgraded in accordance with the works committed to within the local and State planning agreements) is capable of supporting the additional traffic generated as a result of this planning proposal.

The additional population will increase demand for facilities and services. However, the additional population is not large enough to create the need for extra facilities beyond those planned within the local planning agreement or the Morisset Catchment Contributions Plan.

Despite this, some additional green open space is proposed in the revised precinct area plan in Attachment 2 as an 18m wide 'linear green spine'. The green spine will visually connect the environmental conservation areas to the north and south of Watagan Park and will incorporate the shared pedestrian and cycling pathway. It will also act as a landscaped buffer between the low density residential area and the proposed larger buildings in the town centre.

Changes to the *LMLEP 2014* are supported by the revised North Cooranbong precinct area plan contained in the *LMDCP 2014* (Attachment 2). These changes include provisions for a new green spine to enhance the amenity and visual separation between the higher density town centre buildings and the adjoining low density housing.

Assessment of options

The planning proposal and revised precinct area plan align with Council's strategic planning goals to create vibrant centres, focus development close to centres and increase housing diversity. The planning proposal is considered to be the best means of achieving the desired outcomes. Public exhibition of the planning proposal and the revised precinct area plan will enable stakeholders to review, and provide feedback, on the proposed amendments.

Alternatively, Council can choose not to proceed with the planning proposal and revised precinct area plan. This would be contrary to the strategic goals outlined in the Lake Macquarie Local Strategic Planning Statement and Housing Strategy. This is not the recommended option.

Community engagement and internal consultation

Council consulted with State agencies and authorities in the pre-lodgement stage of this planning proposal. Advice from these agencies has been considered in preparing the

planning proposal. Authorities consulted were the NSW Environment Protection Authority, Department of Planning and Environment – Biodiversity and Conservation Division, Transport for NSW, NSW Rural Fire Service, Schools Infrastructure NSW, and NSW Department of Planning and Environment – Central Coast and Hunter Region.

Internal consultation has been undertaken with Development Assessment and Certification, Asset Management, Environmental Regulation and Compliance, Integrated Planning and Community Partnerships departments. Advice received has been considered and addressed in the planning proposal.

If Council resolves to proceed, the planning proposal and revised precinct area plan will be placed on public exhibition in accordance with the Gateway Determination and Council's Community Participation Plan.

Key considerations

Economic impacts	The proposed changes to building heights will support increases in development potential, economic activity and improve the viability of businesses in the future Watagan Park town centre.
Environment	<p>The planning proposal relates to land that has already been approved for urban development. Clearing of land and biodiversity impacts have been assessed through that process and subsequent development approvals.</p> <p>Biodiversity certification has been issued by the State government which confirms that biodiversity impacts and offsets have been assessed and approved and that no further biodiversity assessment or approvals are necessary.</p> <p>As such the planning proposal will not adversely affect critical habitat or threatened species, populations or ecological communities or their habitats.</p> <p>An urban design analysis was undertaken to determine appropriate building heights within the surrounding visual context. The 23m height proposed in the town centre equates to a 6-storey building which is an appropriate mid-rise typology for the surrounding generally lower scale area and provides sufficient floor space to ensure feasible development due to increased construction costs associated with buildings 4-storeys and above. Visual impact and overshadowing from future taller buildings to the surrounding lower scale areas is minimised through:</p> <ul style="list-style-type: none"> • Retention of a 10m building height to the northern and southern edges of the town centre within the R3 Medium Density zone. This will support a step down in built form from 6-storey buildings to 3-storey buildings. • Inclusion of an 18m wide landscaped green spine along the western edge of the town centre to provide a visual buffer between the larger town centre buildings and lower scale dwellings. <p>In this locality, the terrain is gently undulating with the main town centre precinct located on part of the site that was formally used as an airfield. This undulating topography limits any view corridors to significant landscape or scenic features. As such, the</p>

	introduction of 6-storey buildings within the town centre will not have any significant negative impact on views.
Community	The increased density of development in the town centre will provide greater housing choice and higher population density which will improve the vibrancy of the area and better support the financial viability of local businesses. Infrastructure and facilities required to support the demand created by the additional population will be provided as contained in the local planning agreement for the North Cooranbong development and the Morisset Catchment Contributions Plan.
Civic leadership	The planning proposal and revised precinct area plan demonstrate Council's commitment to increasing housing diversity and supporting dense, vibrant centres.
Financial	<p>There is minimal financial impact to Council as the proponent has paid the relevant fees associated with progressing the planning proposal in accordance with Council's fees and charges. The planning proposal will result in more dwellings and commercial floorspace which will have a commensurate increase in rates income.</p> <p>Although the proposal may result in additional population beyond the current yield identified through the local planning agreement, additional monetary contributions will be payable in accordance with Council's Section 7.12 Contributions Plan, and Council's Morisset Catchment Contributions Plan (s7.11 plan)</p>
Infrastructure	<p>Traffic modelling demonstrates that the road network (upgraded in accordance with the works committed to within the local and State planning agreements) is capable of supporting the additional traffic generated as a result of this planning proposal.</p> <p>The revised precinct area plan identifies the provision of a 'green spine' up to 18m in width between the higher density development and the existing low density development. This will form part of the road reserve incorporating a shared cycleway/ pedestrian path and tree planting and will require ongoing maintenance once dedicated to Council.</p>
Risk and insurance	<p>The risks associated with preparing a planning proposal and precinct area plan are minimised by following the process outlined in the <i>EP&A Act 1979</i>, the <i>Environmental Planning and Assessment Regulation 2021</i>, and Council's procedures.</p> <p>Depending on Council's resolution, the proponent may seek a rezoning review that enables the Regional Planning Panel to evaluate and recommend to the Minister whether the proposal should proceed to a Gateway determination.</p>

Legislative and policy considerations

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2021

Lake Macquarie Local Environmental Plan 2014

Hunter Regional Plan 2041

Greater Newcastle Metropolitan Plan 2036

Lake Macquarie Local Strategic Planning Statement

Lake Macquarie Housing Strategy

Lake Macquarie Development Control Plan 2014

Attachments

- | | |
|-------------------------------------------------------------------------------------------------|-----------|
| 1. Planning Proposal - Watagan Park Town Centre | D10958556 |
| 2. DCP 2014 - Part 12 - Area Plans - North Cooranbong Precinct -
Summary of proposed changes | D10958557 |



Planning Proposal

Watagan Park Town Centre

Summary	Details		
Name of draft LEP:	Watagan Park Town Centre		
Subject land:	Part Lot 8450 DP 1250919, 35 McCullough St Cooranbong Part Lot 236 DP 1273921, 30 Maguire Drive Cooranbong		
Proponent:	Johnson Property Group		
Landowner:	Australasian Conference Association Limited		
Planning portal reference:	PP-2022-3152		
Council reference:	RZ/2/2022		
Version:	1 - Endorsement by Council for Gateway Determination		
Date:	13 January 2023		
Author:	Senior Strategic Planner – Joanne Dunkerley		
Supporting studies (not attached)	Study Name	Author	Date
	Strategic Bush Fire Study (V2 Final)	MJD Environmental	August 2022
	Assessment of Contamination	EP Risk	28 July 2022
	Supplementary Per- and Poly-fluoroalkyl Substances (PFAS) Assessment		
	Traffic Advice on Planning Proposal of Proposed Increased Lot Yield	McLaren Traffic Engineering	22 February 2022
	Supplementary Traffic Advice for Watagan Park Town Centre Planning Proposal at 35 McCullough Street Cooranbong		25 July 2022
	Watagan Park Planning Proposal Urban Design Report Issue 2	Allen Jack + Cottier	29 August 2022

Version	Author	Date	Details
1	JD	13/01/2023	Endorsement by Council for Gateway Determination



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Part 1 – Objectives and intended outcomes

Objective

To amend the *Lake Macquarie Local Environmental Plan 2014* to enable a diversity of housing types and densities within the Watagan Park town centre and to reflect the location of approved parks, surrounding roads and the development pattern.

Intended outcomes

- Enable a mix of dwelling densities and dwelling types within the Watagan Park local centre.
- Enable increased density in areas with good amenity and walkable access to facilities and services.
- Contribute to the viability and vibrancy of the local centre by increasing the population density within a walkable catchment.
- Ensure zone boundaries and associated development standards reflect the approved park locations, road pattern and surrounding development interfaces.
- Support good quality urban design outcomes with appropriate transitions between areas of higher density and the surrounding low density residential areas.
- Ensure the additional population growth can be accommodated within the existing planned capacity of the road network, community and recreation facilities.

Part 2 – Explanation of provisions

1. Amend the Land Zoning Map to:
 - a. adjust the RE1 public open space zone to reflect the agreed location and extent of the neighbourhood and local parks;
 - b. align the surrounding R2 Low Density Residential zone and R3 Medium Density Residential zone boundaries to reflect the boundaries of the approved parks, roads and development pattern.



Figure 1: Existing and proposed land use zones map



2. Amend the Height of Buildings Map to:
 - a. Update the maximum height of buildings to be consistent with the adjusted land use zone boundaries.
 - b. Increase the maximum height of buildings in part of the R3 zone from 10m to 23m
 - c. Increase the maximum permitted building height in the B4 Mixed Use Zone from 13m to 23m.

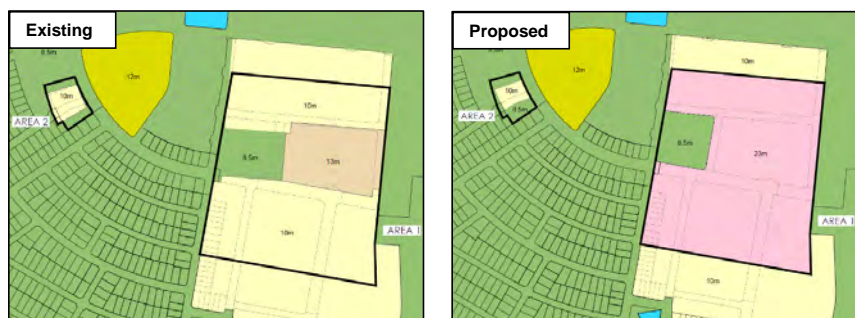


Figure 2: Existing and proposed height of buildings map

3. Amend the Minimum Lot size map to be consistent with the adjusted land use zone boundaries.



Figure 3: Existing and proposed minimum lot size map

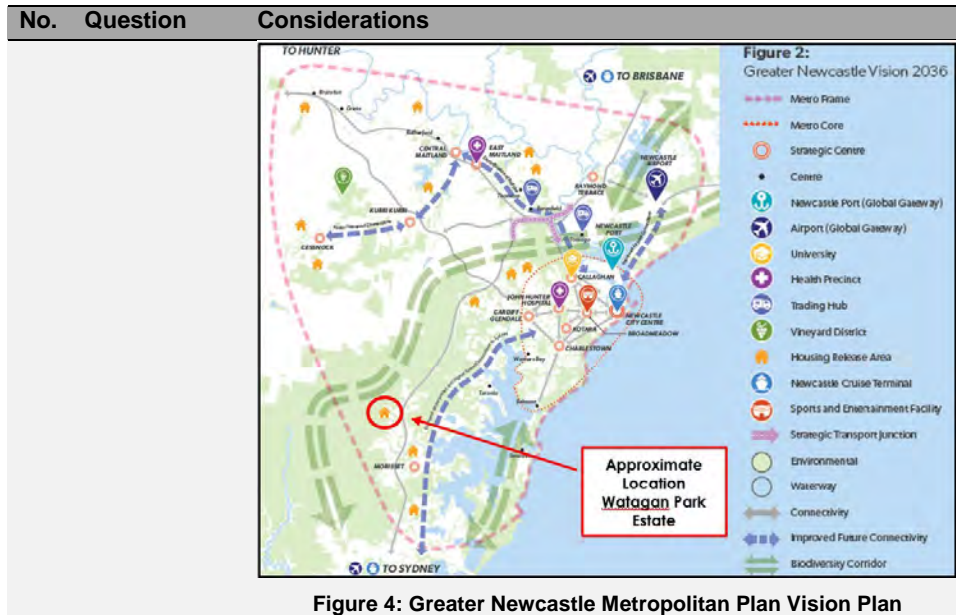


Part 3 – Justification of strategic and site-specific merit

No.	Question	Considerations
Section A – need for the planning proposal		
1	Is the planning proposal a result of an endorsed LSPS, strategic study or report?	The planning proposal is not the result of any specific action within the Lake Macquarie Local Strategic Planning Statement (LSPS), a strategic study or report. However, it is consistent with the LSPS planning priorities to provide mixed use centres and greater housing diversity.
2.	Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	<p>Yes, the planning proposal is considered the best means of achieving the objectives and intended outcomes.</p> <p>Alternative approaches:</p> <ul style="list-style-type: none"> Retain existing zone boundaries and development standards and rely on variations using clause 4.6 of LMLEP 2014. <p>The zone changes are minor and ensure zones align with the existing development pattern, approved public parks and the future urban design concepts for the town centre. If zone boundaries are not aligned to these features, some sites will have split land use zones which will add unnecessary complexity at the development assessment stage.</p> <p>Clause 4.6 of LMLEP provides flexibility for certain development standards, such as maximum height of buildings, to achieve better outcomes for and from development. Reliance on Clause 4.6 to consider variations to building heights in individual development applications would not be the best means of achieving the objectives and intended outcomes as it would create uncertainty regarding the intended outcomes.</p> <ul style="list-style-type: none"> Additional local provisions <p>The changes to land use zones and development standards are not unique circumstances that warrant the addition of specific local provisions. The urban design outcomes sought can be achieved using standard zones and development standards and will offer greater transparency than adding a site specific local provision.</p>
Section B – relationship to the strategic planning framework		
3	Will the planning proposal give effect to the objectives and	Yes, the proposal will give effect to the objectives and actions of the Hunter Regional Plan 2041, and the Greater Newcastle Metropolitan Plan 2036.



No.	Question	Considerations
	actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?	<p>Hunter Regional Plan 2041 (HRP 2041)</p> <p>The HRP 2041 builds on the previous plan and resets the regional plan priorities to ensure it continues to respond to the region's needs for the next 20 years. The HRP 2041 contains nine objectives and identities strategies to achieve the objective. A planning proposal must be consistent with an identified strategy or demonstrate how the relevant performance outcomes will be achieved. The objectives relevant to this planning proposal are:</p> <p><i>Objective 3: Create a 15-minute region made up of mixed, multi-modal, inclusive and vibrant local communities.</i></p> <p>Strategies for achieving this objective relate to the provision of neighbourhood and local centres that meet locational and design criteria and permit a range of uses. The existing neighbourhood and local centres meet this criteria. The additional height proposed in this planning proposal will support this objective by enabling a greater housing density and diversity which will support the vibrancy and economic sustainability of the future town centre.</p> <p><i>Objective 5: Plan for nimble neighbourhoods, diverse housing and sequenced development</i></p> <p>This planning proposal is consistent with this objective as it will enable greater housing density and diversity within the proposed town centre. This will support a wider range of income levels, household types and life stages to support the creation of a diverse community.</p> <p>Greater Newcastle Metropolitan Plan 2036 (GNMP 2036)</p> <p>The site is located within the 'metro frame' of the Greater Newcastle Metropolitan area and is identified as a housing release area. The planning proposal is consistent with the strategies and actions of the GNMP 2036.</p>



4 Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan

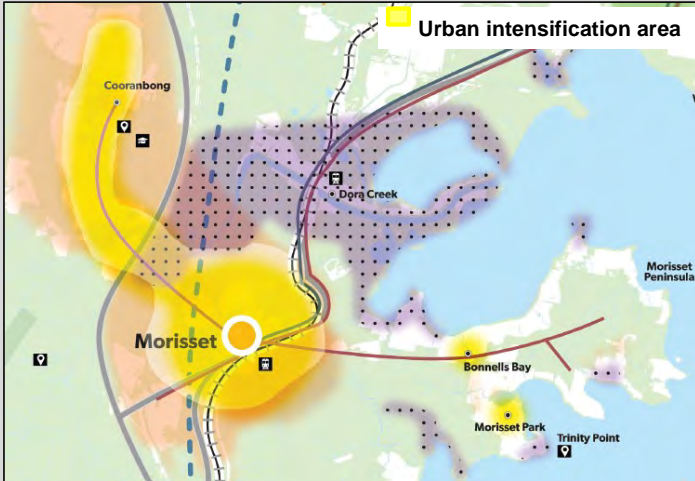
Lake Macquarie LSPS

The planning proposal is consistent with the endorsed Lake Macquarie LSPS. The planning goal for Lake Macquarie City is to be one of the most productive, adaptable, sustainable and liveable places in Australia and this is envisioned as:

- The City's economic centres will anchor the areas where we will activate significant change.
- There will be a greater variety of housing types across the City to accommodate a growing population and meet the needs of diverse demographics.
- Our centres and their surrounds will be more pedestrian friendly and encourage the use of active transport such as walking and cycling as the preferred way to move around the City.
- An abundance of high quality indoor and outdoor spaces to connect with others, enjoy nature, relax or get active.

This proposal is consistent with this vision and the associated planning priorities as it will enable greater diversity of housing types in a pedestrian friendly centre within the South-west growth area.



No.	Question	Considerations
		<div></div> <p>Figure 5: South-West Growth Area - Urban Intensification Area</p> <p>Lake Macquarie Housing Strategy</p> <p>Lake Macquarie’s vision for housing is:</p> <p>“The Housing Strategy supports a housing market that meets the diverse and changing needs of the Lake Macquarie community. It enables a sustainable supply of housing for everyone, at all income levels, that is close to jobs and services, and that respects Lake Macquarie’s unique landscape.”</p> <p>The planning proposal is consistent with the vision and priorities identified in the endorsed Lake Macquarie Housing Strategy. Increasing the maximum permitted building heights will enable greater density in an area that is already zoned for housing and is consistent with:</p> <ul style="list-style-type: none">• Priority 1: Facilitate efficient housing supply and infrastructure coordination.• Priority 2: Increase diversity and choice in housing
5	Is the planning proposal consistent with any other applicable State and regional	<p>Housing 2041: NSW Housing Strategy</p> <p>The 20-year vision to 2041 aims to deliver better housing outcomes in the right locations and to suit diverse needs. The planning proposal will enable additional residential dwellings and increase housing choice in the south-west growth area. The proposal aligns directly with three of the four pillars – supply, diversity and resilience, while the fourth pillar of affordability is not</p>



No.	Question	Considerations
	studies or strategies?	specifically addressed by the proposal it will be influenced by the supply and diversity of housing that can be developed within the town centre.
6	Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?	<p>The following State Environmental Planning Policies are applicable to the planning proposal:</p> <p>SEPP (Biodiversity and Conservation) 2021</p> <p>Chapter 6 - Bushland in Urban Areas applies to the land that is the subject of this planning proposal. The proposal is consistent with the aims of this SEPP as the proposal relates to land that is already zoned for urban development and the proposed changes to zone boundaries and building heights will not impact urban bushland.</p> <p>SEPP (Housing) 2021</p> <p>While this SEPP does not include any specific provisions relevant to this planning proposal, the proposal does align with the SEPPs principles of enabling housing diversity, housing with a reasonable level of amenity, and reinforcing the importance of designing housing that reflects and enhances its locality.</p> <p>SEPP 65 – Design Quality of Residential Apartment Development</p> <p>While this SEPP does not include any specific provisions relevant to this planning proposal, the increased permissible height of buildings will enable residential apartment development. Future development in this location will be capable of compliance with the SEPP.</p> <p>SEPP (Resilience and Hazards) 2021</p> <p>Chapter 4 Remediation of Land applies to the land that is the subject of this planning proposal, as parts of the site have previously been identified as potentially contaminated land.</p> <p>While this chapter does not include any specific provisions relevant to this planning proposal, preliminary investigations have been undertaken which demonstrate the site is suitable for the development that would be enabled by the planning proposal.</p>



No.	Question	Considerations
		<p>SEPP (Transport and Infrastructure) 2021</p> <p>While the SEPP does not include any specific provisions relevant to this planning proposal, the type and density of some development facilitated by this proposal is likely to be classified as 'traffic generating development' and require assessment and referral to Transport for NSW (TfNSW) under the provisions in Chapter 2 of this SEPP.</p> <p>TfNSW reviewed the scoping proposal during the pre-lodgement stage of this process and provided comments in relation to traffic and road impacts. These comments are discussed in question 12 of this planning proposal.</p> <p>Traffic advice has been prepared by McLaren Traffic Engineering. This advice demonstrates that intersection upgrades already required as part of the existing approvals and planning agreements will be sufficient to cater for the likely increase in traffic associated with the development facilitated by this proposal.</p>
7	<p>Is the planning proposal consistent with the applicable Ministerial Directions (section 9.1 Directions)?</p>	<p>1.1 Implementation of Regional Plans</p> <p>The planning proposal is consistent with the Hunter Regional Plan 2036 and the draft Hunter Regional Plan 2041 as detailed in Section B3 of this planning proposal.</p> <p>1.3 Approval and Referral Requirements</p> <p>The planning proposal is consistent with this direction as it does not include any provisions that require concurrence of or referral to a Minister or public authority and does not identify development as designated development.</p> <p>1.4 Site Specific Provisions</p> <p>The planning proposal is consistent with this direction as it does not include restrictive site specific planning controls.</p> <p>3.2 Heritage Conservation</p> <p>The planning proposal is consistent with this direction as the proposal does not impact on any land outside of the that already approved for urban development.</p>



4.3 Planning for Bushfire Protection

The site is mapped as bushfire-prone land and a strategic bushfire assessment has been prepared by MJ D Environmental in accordance with the requirements of Planning for Bushfire Protection 2019. The report considers bushfire risk at the macro-scale, considers firefighting access and evacuation potential as well as traffic volumes and evacuation routes. The strategic assessment has determined that the site does not exhibit any significant features that would make it more likely to experience a bushfire of undue severity or intensity. The report concludes that the proposal is appropriate to the site and surrounding landscape and that future development can be undertaken consistent with Planning for Bushfire Protection 2019.

Consistency with this Direction will be determined after consultation with the NSW Rural Fire Service.

4.4 Remediation of Contaminated Land

The land subject to this planning proposal has previously been identified as potentially contaminated due to historic uses. A Preliminary Contamination Assessment was undertaken by EP Risk in 2017 to support development applications for development of parts of the site. EP Risk prepared a supplementary report to consider potential contamination activities since the original investigations and determine any risk related to Per and Poly-fluoralkyl (PFAS) contamination.

The report confirms that the contamination risk is low. As such any remediation can be addressed through the development application process.

The planning proposal is consistent with this direction.

5.1 Integrating Land Use and Transport

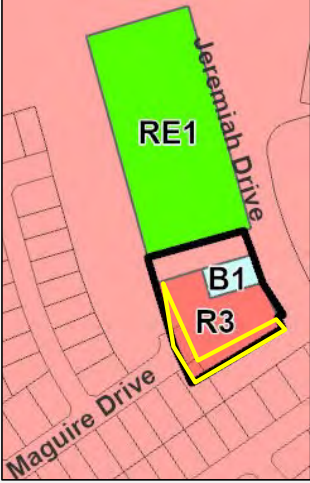
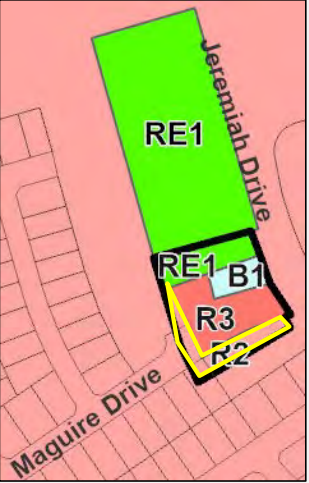
The planning proposal is consistent with this direction as it provides housing close to shops and services and promotes a walkable neighbourhood. Increasing the number of people living in the town centre will in turn support the viability and efficiency of public transport services.

5.2 Reserving Land for Public Purposes

The planning proposal is consistent with this direction as it incorporates minor adjustments to the RE1 Public Recreation zone boundaries to align with the approved public parks.

6.1 Residential Zones



No.	Question	Considerations
		<p>The planning proposal is generally consistent with this direction because the proposed changes will enable a broad range of building types and sizes in an existing urban area. This will also enable the more efficient use of existing infrastructure and services.</p> <p>A small area of land within Area 2 is inconsistent with this direction because it is proposed to be rezoned from R3 Medium Density Residential to R2 Low Density Residential. This inconsistency is of minor significance as the approved road and lot layout would likely result in this area being developed only for single residential dwellings and overall the planning proposal will improve dwelling yield and density.</p> <div style="display: flex; justify-content: space-around; align-items: center;">   </div> <p>Figure 6: Area proposed to be rezoned from R3 Medium Density Residential to R2 Low Density Residential</p>
		<p>7.1 Business and Industrial Zones</p> <p>The planning proposal is consistent with this direction as it retains the existing business zones and does not reduce the total potential floor space for employment uses.</p>
Section C – environmental, social and environmental impact		
8	Is there any likelihood that critical habitat or threatened species,	The planning proposal relates to land that has already been approved for urban development under a 2008 State Concept Approval (MP 07_0147). Clearing of land and biodiversity impacts



No.	Question	Considerations
	populations or ecological communities, or their habitats, will be adversely affected because of the proposal?	<p>have been assessed through that process and subsequent development approvals.</p> <p>A Clause 34A Certification Order under the <i>Biodiversity Conservation (Savings and Transitional) Regulation 2017</i> has been issued by the State government. This certification confirms that biodiversity impacts and offsets have been assessed and approved and that no further biodiversity assessment or approvals are necessary.</p> <p>As such the planning proposal will not adversely affect critical habitat or threatened species, populations or ecological communities or their habitats.</p>
9	Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?	There are no other environmental effects than those already addressed in sections A and B of this planning proposal.
10	Has the planning proposal adequately addressed any social and economic effects?	<p>The planning proposal has adequately considered social and economic impacts. Overall the positive social and economic impacts as a result of the planning proposal outweigh the negative impacts. Social and economic benefits include:</p> <ul style="list-style-type: none"> • The planning proposal will enable more diverse housing types, including residential apartments and townhouses in an area dominated by single detached dwellings. This supports a more diverse community as a variety of housing types will cater for a wider range of income levels, household types and life stages. • Additional population will contribute to the economic sustainability of the businesses within the town centre. • A more diverse and larger population may contribute to the social capital of the area through volunteering and other community service activities. • Potential to increase the number of local jobs generated during construction and ongoing jobs within the local businesses as well as associated multiplier effects. • Additional space for deep soil planting will significantly improve the amenity of the area with more tree canopy cover supporting urban cooling.



No.	Question	Considerations																								
Section D – Infrastructure (Local, State and Commonwealth)																										
11	Is there adequate public infrastructure for the planning proposal?	<p>Yes there is adequate public infrastructure to support the extra population likely to be generated by the proposal.</p> <p>The development of Watagan Park is subject to the provision of local infrastructure described within the Deed Amending the Planning Agreement (North Cooranbong) negotiated between Council and the Developer in March 2021. Infrastructure to be provided by the Developer includes 2 local parks, a neighbourhood park, sports facility and dog exercise area, town common neighbourhood park and sports facility, multi-courts, multipurpose centre, shared pathways and road intersection upgrades. The site is also subject to a separate planning agreement with the State government for contributions towards road intersection upgrades.</p> <p>Although the original concept approval for the Watagan Park Estates does not specify a residential yield, the Director-Generals Environmental Assessment Report (December 2008) anticipated a residential lot yield of 2500. This figure has been used to calculate local infrastructure requirements specified within the local planning agreement, while the State planning agreement was based on residential lot yield of 2350.</p> <p>A population estimate under the local planning agreement has been calculated using the 2500 dwellings / lots with the Morisset Contributions Plan occupancy rate of 3.07 persons/lot, resulting in an estimated population of 7675.</p> <p>Using yield and mix assumptions driven from the Urban Design Report and the associated Morisset Contributions Plan occupancy rates, this planning proposal is estimated to facilitate an additional 487 dwellings and increase the population by approximately 625 (eight per cent) persons for a total population of approximately 8,300.</p> <table><tr><th>Component</th><th>Number</th><th>Occupancy Rate</th><th>Population</th></tr><tr><td>Dwelling / Lot (R2)</td><td>1868</td><td>3.07</td><td>5735</td></tr><tr><td>Dwelling /Lot (R3)</td><td>127</td><td>3.07</td><td>390</td></tr><tr><td>1 – 2 Bed unit</td><td>476</td><td>1.72</td><td>820</td></tr><tr><td>3 Bed unit</td><td>516</td><td>2.62</td><td>1352</td></tr><tr><td>Total</td><td>2987</td><td></td><td>8297</td></tr></table> <p>Traffic modelling has been undertaken which demonstrates that the road network (upgraded in accordance with the works</p>	Component	Number	Occupancy Rate	Population	Dwelling / Lot (R2)	1868	3.07	5735	Dwelling /Lot (R3)	127	3.07	390	1 – 2 Bed unit	476	1.72	820	3 Bed unit	516	2.62	1352	Total	2987		8297
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3 Bed unit	516	2.62	1352																							
Total	2987		8297																							



No.	Question	Considerations
		<p>committed to within the local and state planning agreements) is capable of supporting the additional traffic generated as a result of this planning proposal.</p> <p>The additional population will increase demand for facilities and services. However, the additional population is not so great that it will create the need for additional facilities beyond that planned within the Morisset Catchment Contributions Plan. Payment of contributions at development application stage will be sufficient to support the projected population increase.</p> <p>The State planning agreement requires the transfer of land for education purposes and cash contributions towards the provision of roads and other infrastructure based on a set rate per net developable area rather than dwelling yield. DPE has confirmed that this planning proposal will not affect the contributions required under the planning agreement with the State.</p> <p>Public utility services are available and being extended with each stage of the development. Water and sewerage infrastructure is provided by a private utility provider – Altogether for Water. Consultation with utility providers will be undertaken after the Gateway Determination.</p>
Section E – State and Commonwealth interests		
12	What are the views of state and federal authorities and government agencies consulted in order to inform the Gateway determination?	<p>Council consulted with State agencies and authorities in the pre-lodgement stage of the LEP Making Process and the following advice provided:</p> <p>NSW Environment Protection Authority (EPA)</p> <p>The EPA had no comments to make on the proposal and follow up consultation is not required.</p> <p>NSW Department of Planning & Environment – Biodiversity Conservation Division (BCD)</p> <p>BCD confirmed that the proposal is consistent with the development detailed in the Clause 34A Certification Order granted under the <i>Biodiversity Conservation (Savings and Transitional) Regulation 2017</i>. As such no further biodiversity assessment is necessary.</p> <p>Transport for NSW</p> <p>TfNSW raised the issue of intersection capacity at the Freemans Drive / Patrick Drive signalised intersection and suggested Council</p>



No.	Question	Considerations
		<p>may wish to review developer contributions towards the Mandalong Road / Freemans Drive / Dora Street / Wyee Road intersection.</p> <p>Updated traffic modelling has been undertaken by McClaren to consider the potential increase in population resulting from this proposal. The traffic modelling has been reviewed by Councils traffic engineer and confirms that the intersection will perform with acceptable levels of service beyond the 10-year planning horizon.</p> <p>State and Federal Governments have committed funding for the construction of relevant intersection upgrade works. This funding together with the contributions that will be collected through the existing Planning Agreement will be sufficient and there is no need to review the Planning Agreement.</p> <p>NSW Rural Fire Service (RFS)</p> <p>The RFS advised that a bushfire risk assessment report should be provided which addresses the requirements of <i>Planning for Bush Fire Protection 2019</i> (PBP).</p> <p>A Strategic Bush Fire Study has been undertaken by MJD Environmental in accordance with the requirements of the PBP 2019. The Study concludes that the site does not exhibit any significant features that would make it more likely to experience a bushfire of undue severity or intensity. The potential impact on life and property of the site is not worsened by the context of the broader surrounding landscape in which it is situated.</p> <p>The proposed land use is appropriate to the site and surrounding landscape.</p> <p>Schools Infrastructure NSW (SI NSW)</p> <p>SI NSW advise that the growth stemming from the North Cooranbong Urban Release Area will result in demand for additional educational infrastructure. This growth supports the future dedication of a school site which is provided for within the State Planning Agreement.</p> <p>SI NSW also requested that the consideration be given to how to encourage walkability from the uplift areas to the future school site with regard to the Movement and Place Framework. In this regard, the two areas identified for greater density are within 400m of the agreed school site and will be connected via footpaths which will enable walkability.</p> <p>NSW Department of Planning and Environment – Central Coast and Hunter Region (DPE)</p>



No.	Question	Considerations
		<p>DPE note that the proposal represents an evolution of the planning framework for the Watagan Park locality and that is broadly aligns with the strategic framework in the <i>Hunter Regional Plan 2036</i> and the <i>Greater Newcastle Metropolitan Plan 2036</i>.</p> <p>DPE also advised that the proposal demonstrates consistency with the following objectives of the draft Hunter Regional Plan 2041:</p> <ul style="list-style-type: none"> • Objective 3 – Create 15-minute region made up of mixed, multi modal, inclusive and vibrant communities • Objective 4 – Plan for nimble neighbourhoods, diverse housing and sequenced development • Objective 5 – Increase green infrastructure and quality public spaces and improve natural environment • Objective 6 – Reach net zero and increase resilience and sustainable infrastructure.



Part 4 – Mapping

Map 1 – Locality



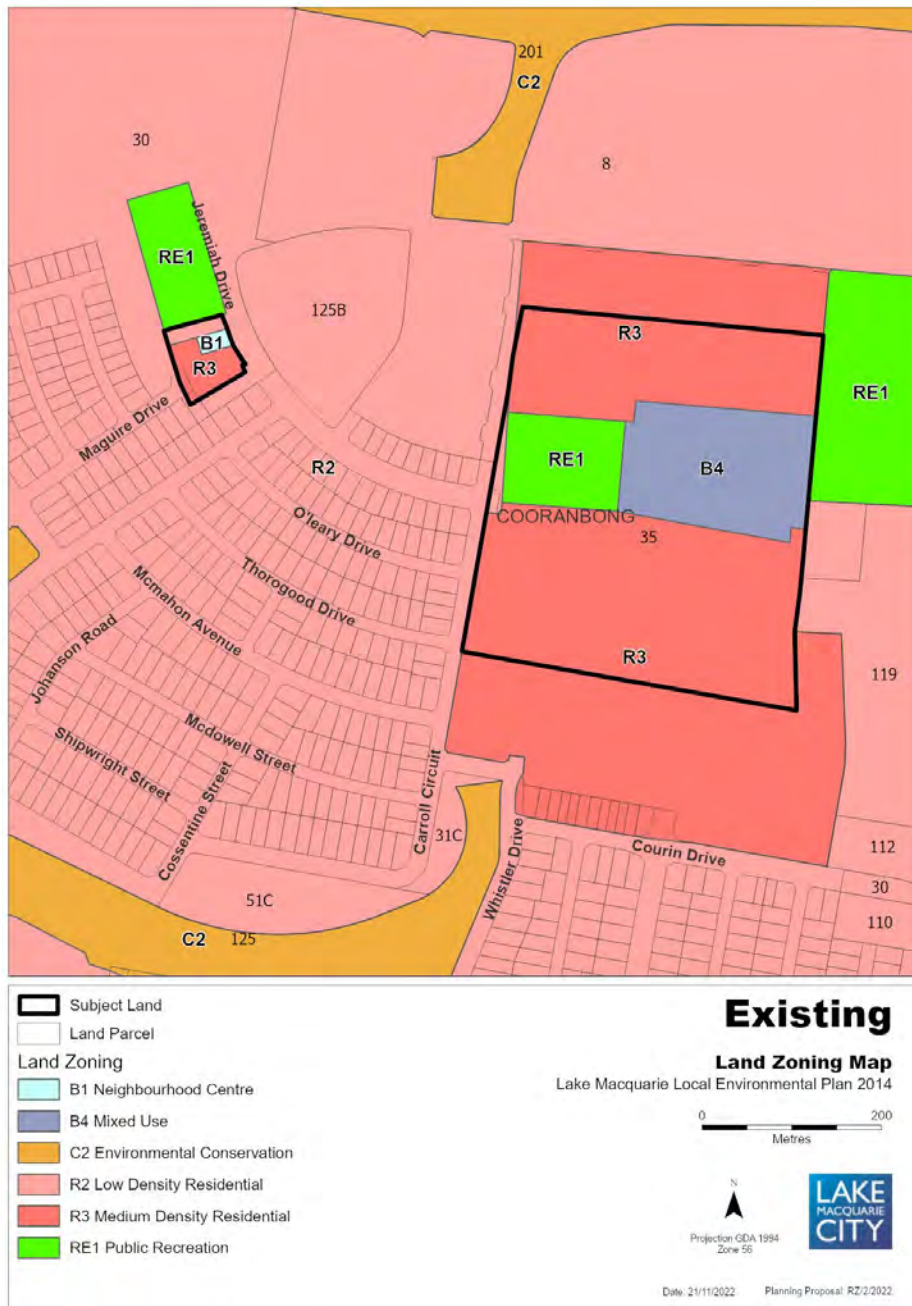


Map 2 – Aerial photo





Map 3 – Existing Land Use Zone





Map 4 – Proposed Land Use Zone



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Map 6 – Proposed Height of Buildings





Map 7 - Existing Lot Size





Map 8 – Proposed Lot Size





Part 5 – Community Consultation

The planning proposal will be exhibited in accordance with the Lake Macquarie Community Participation Plan and the Gateway determination. It is recommended that the planning proposal be exhibited for 28 days.

Part 6 – Project Timeline

Stage	Timeframe and / or date
Gateway determination	25 working days
Post-Gateway review / pre-exhibition	50 working days
Public exhibition period	20 working days
Response to submissions	10 working days
Post-exhibition evaluation	10 working days
Resolution for finalisation	55 working days
Submission to Department for finalisation (where applicable)	10 working days
Gazettal of LEP Amendment	45 working days



Part 12 – Precinct Area Plans – North Cooranbong

1 INTRODUCTION

The North Cooranbong Precinct Area Plan supplements is to be read in conjunction with other relevant parts of the Lake Macquarie Development Control Plan 2014 for future development requiring consent in the North Cooranbong Residential Estate. The North Cooranbong area will be developed to allow approximately 2,500 residential dwellings, commercial development, public land as well as the conservation of environmentally significant land.

In 2008, the Department of Planning approved the North Cooranbong Concept Plan and as part of the consent conditions required the preparation of Design Guidelines for this development. Council approved the Design Guidelines on 9 February 2009 and these Guidelines have been utilised to form an this Precinct Area Plan for North Cooranbong.

In 2022 an urban design review identified opportunities to increase the density and diversity of dwellings in the town centre. The review identifies the potential for approximately 487 additional dwellings in various forms including residential flat buildings, multi dwelling housing and shop top housing. This Precinct Area Plan has been updated to include design guidance to support the increased density within the town centre.

Justification:

Clarification and explanation of updates

1.1 EXTENT OF AREA PLAN

This Area Plan applies to all the land outlined in heavy black edging as shown within Figure 1 – North Cooranbong Residential Estate Area Plan Boundary.



Part 12 – Precinct Area Plans – North Cooranbong

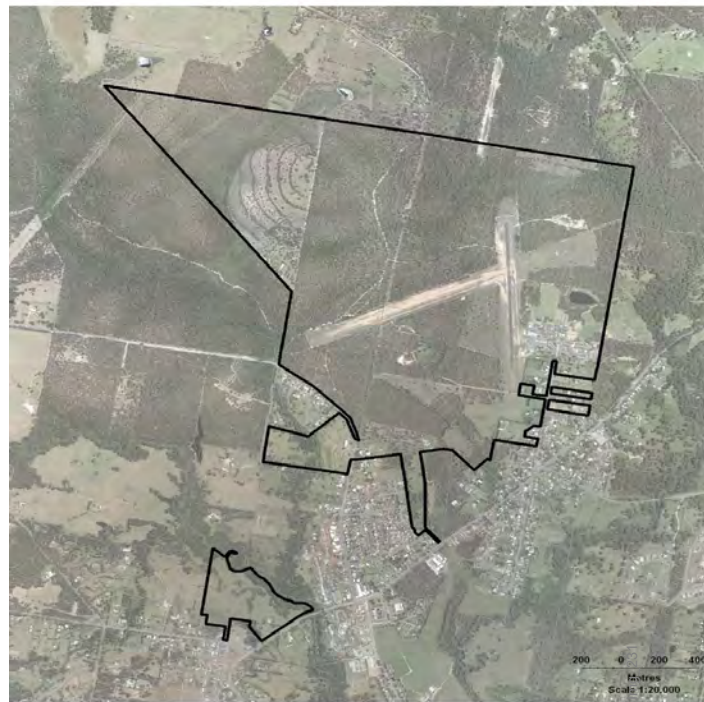


Figure 1 - North Cooranbong Residential Estate Area Plan Boundary



Part 12 – Precinct Area Plans – North Cooranbong

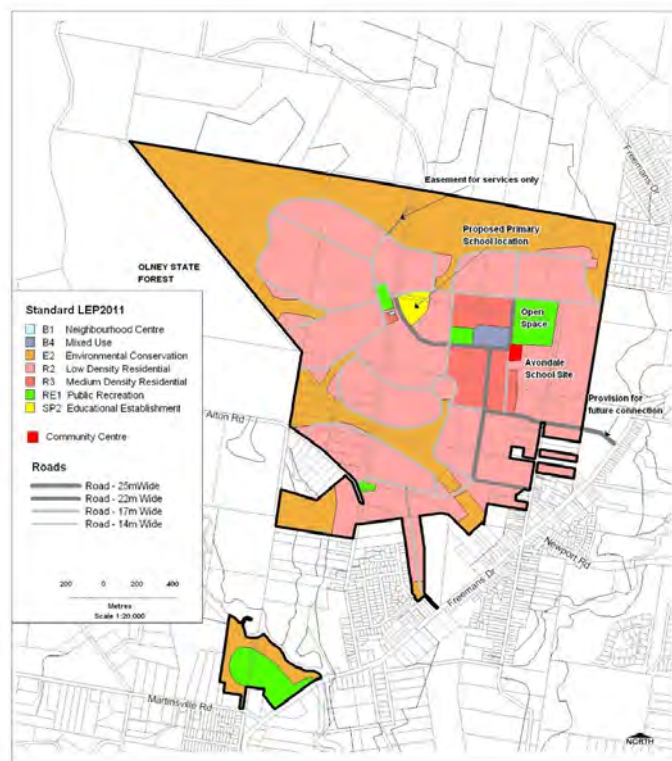
1.2 CHARACTER STATEMENT

It is envisaged that the North Cooranbong Estate will facilitate mixed use development, medium density and low-density residential development. The design will link the urban centre and residential lands to the neighbouring sports fields, neighbourhood park, community centre and Avondale school. Environmentally significant lands will be conserved including those adjoining Olney State Forest. The Town Common located in the south will provide leisure and recreational opportunities.

Figure 2 – North Cooranbong Structure Plan, provides a concise schematic plan showing the appropriate design outcomes for the site and how the development is likely to occur in the future.



Part 12 – Precinct Area Plans – North Cooranbong



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Figure 2 - North Cooranbong Structure Plan

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Part 12 – Precinct Area Plans – North Cooranbong

1.3 SUBDIVISION DESIGN AND LAYOUT

Objectives

- a. To ensure the subdivision and development of North Cooranbong Residential Estate is undertaken in a coordinated manner.
- b. To ensure the North Cooranbong Residential Estate will be developed to reflect the availability of services.
- c. To ensure that the subdivision of the Estate occurs as envisaged in the Part 3A Concept Plan.

Controls

1. The subdivision layout should generally be consistent with Figure 2 - North Cooranbong Structure Plan.
2. Staging of the development should be generally consistent with Figure 3 - Indicative Development Staging and Subdivision Plan, however stages may be constructed simultaneously.
3. Stage XII is not limited and may be constructed at anytime.
4. The provision of community infrastructure must be staged in accordance with the Voluntary Planning Agreement for the site.
5. The subdivision pattern should generally comply with the approved Part 3A Concept Plan and Council's DCP subdivision requirements. An indicative subdivision pattern is shown in Figure 3 - Indicative Development Staging and Subdivision Plan.



Part 12 – Precinct Area Plans – North Cooranbong

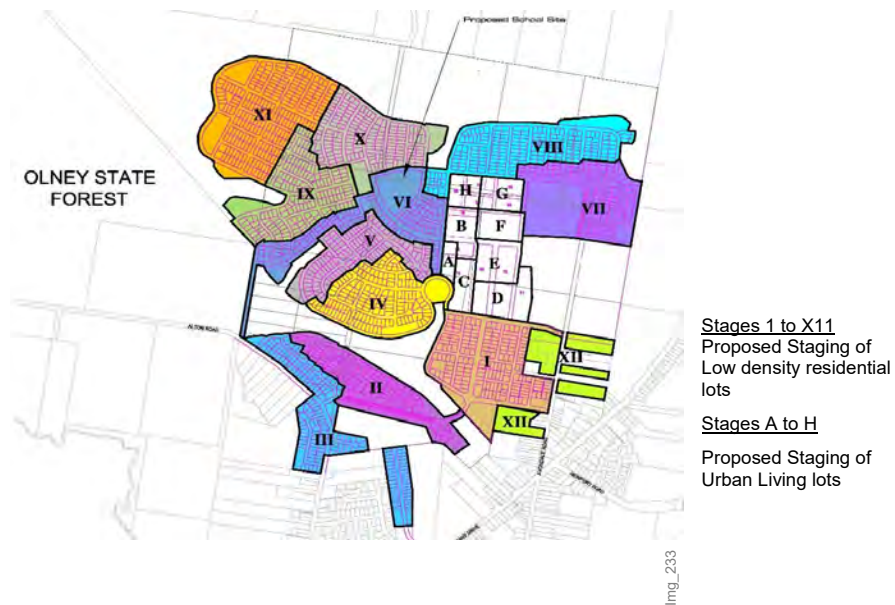


Figure 3 - Indicative Development Staging and Subdivision Plan

1.4 WATER SENSITIVE URBAN DESIGN

Objectives

- a. The North Cooranbong Residential Estate will utilise best practice water sensitive urban design.



Part 12 – Precinct Area Plans – North Cooranbong

Controls

1. The North Cooranbong Residential Estate should comply with Australian Runoff Quality – A Guide to Water Sensitive Design.
2. Flood modelling assessment must be submitted to Council with subdivision development applications to identify areas affected by the 100 ARI flood levels.
3. Dual reticulation should be used for toilet flushing and for gardening uses.

1.5 CONTAMINATION

Objectives

- a. To ensure the appropriate remediation of contaminated land for the purpose of reducing the risk of harm to human health and the environment.

Controls

- 1 Development applications for the first application for subdivision creating residential lots on areas identified as potential contamination sites must be accompanied by a Phase 2 Detailed Contamination Site Assessment as outlined within State Environmental Planning Policy 55. Known contaminated sites and sites requiring further investigation are outlined in Figure 4 – Contamination Assessment.



Part 12 – Precinct Area Plans – North Cooranbong

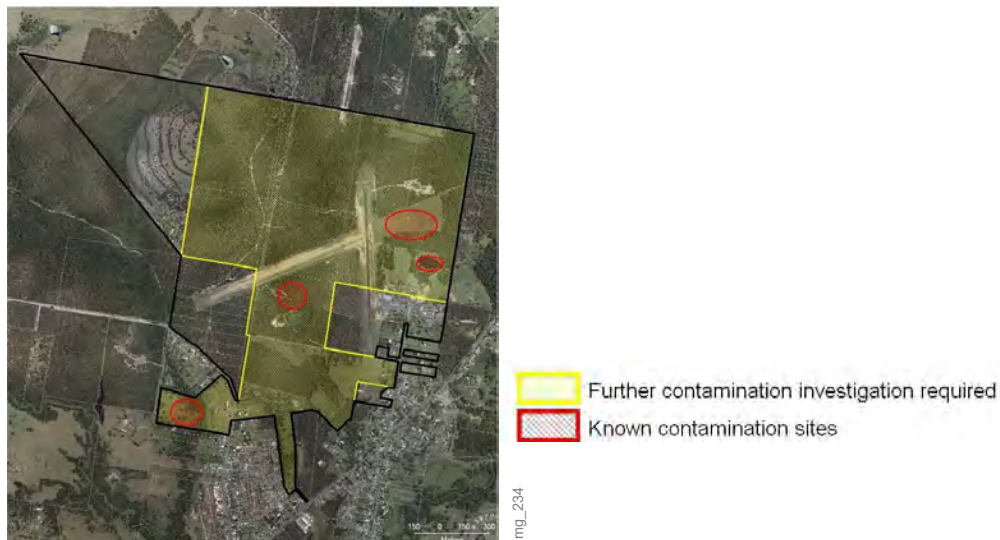


Figure 4 - Contamination Assessment

1.6 SETBACKS TO OLNEY STATE FOREST

Objectives

- a. To ensure that there is appropriate setback to Olney State Forest.

Controls

- 1 Where residential development is to adjoin the Olney State Forest, a perimeter road and setback is required and houses shall be designed in accordance with Planning for Bushfire Protection.



Part 12 – Precinct Area Plans – North Cooranbong

- 2 A minimum 17m wide road reservation, containing a minimum 8m wide bitumen sealed perimeter road is to be provided in accordance with the approved Part 3A Concept Plan.
- 3 A rural post and rail fence (see Figure 5) should be constructed along the boundary of the perimeter road, where this perimeter road directly adjoins the Olney State Forest.



Figure 5 - Indicative Post and Rail Fence

1.7 LOCAL PARK SOUTH

Objectives

- a. To ensure that the Local Park south is accessible.

Controls

- 1 The minimum 5000sqm Local Park is to be constructed in accordance with the design requirements agreed and approved as part of the Part 3A Concept Plan and have frontage to three roads (one of which is Alton Road) as shown in Figure 6 – Road Treatment to Local Park South.



Part 12 – Precinct Area Plans – North Cooranbong



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Figure 6 - Road Treatment to Local Park South

1.8 TREATMENT OF URBAN CENTRE

Objectives

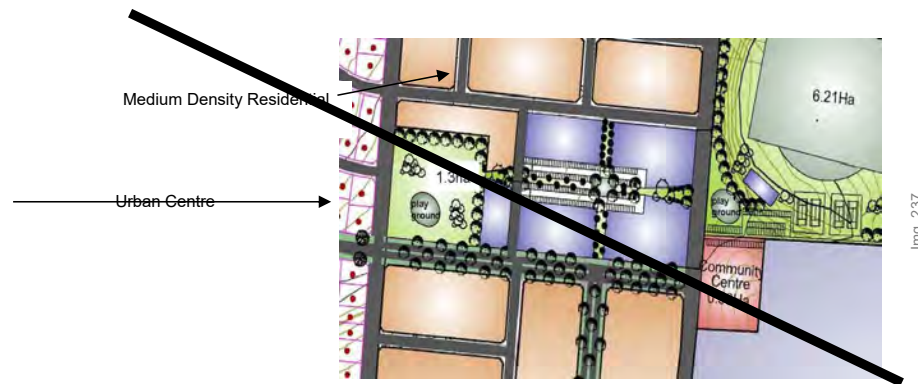
- a. To promote mixed use development and quality urban design, which safeguards the amenity of the Centre and residential uses within and surrounding the Centre.

Controls

- 1 The design of the urban centre should link to the neighbouring sports fields, neighbourhood park, community centre and Avondale School as indicatively shown in Figure 7 – Indicative Design of Urban Centre.



Part 12 – Precinct Area Plans – North Cooranbong



Justification:

Update conceptual map for the town centre



Part 12 – Precinct Area Plans – North Cooranbong

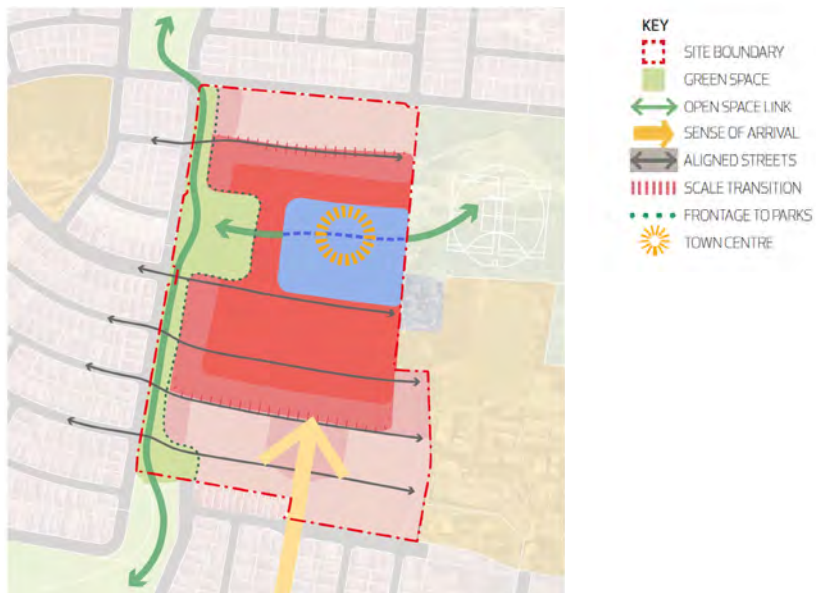


Figure 7 - Indicative Design of Urban Centre structure plan of town centre and linear green spine



Part 12 – Precinct Area Plans – North Cooranbong

1.9 LINEAR GREEN SPINE

Objectives

- a. Create a continuity in deep soil and canopy coverage to help improve liveability and reduce urban heat impacts,
- b. Increase the legibility of the town centre as a distinct area within Watagan Park
- c. Provide a landscaped buffer between the predominant low density housing to the west and the larger scale buildings within the town centre.
- d. Contribute to walkability of the neighbourhood.
- e. Ensure adjoining development contributes to the amenity and safety of the green spine.

Justification:

New controls to facilitate the provision of the linear green space and describe how development adjoining the green space should be treated.

Note clause 6 allows for the omission of the green spine in circumstances where the expected density and scale of the town centre is not realised.

Controls

- 1 A linear green spine, generally 18m in width is to be provided along the western edge of Carroll Circuit / Grazier Road extending between the northern and southern conservation areas as shown in Figure 7.
- 2 The linear green spine is to include deep soil zones suitable for large trees, a shared path and be planted with a variety of shade trees, shrubs and ground covers.
- 3 Development adjoining the green spine is to incorporate direct pedestrian access and include windows and doors that provide opportunities for natural surveillance.
- 4 Buildings adjoining the green spine present to the space as a maximum of 4 storeys. The uppermost storey is setback within a 45 degree height plane measured from the uppermost point of the storey below as shown in Figure 8.
- 5 Fencing adjoining the green spine is to be an open style design with all parts of the fence more than 400mm above ground level having at least 70% transparency.
- 6 The linear green spine may be omitted where:



Part 12 – Precinct Area Plans – North Cooranbong

- i. All buildings within 65m of Carroll Circuit are less than 10m in height as shown in Figure 9, and
- ii. Each development site within 65m of Carroll Circuit contains at least 15% deep soil planting, and
- iii. The shared path is provided within Carroll Circuit.

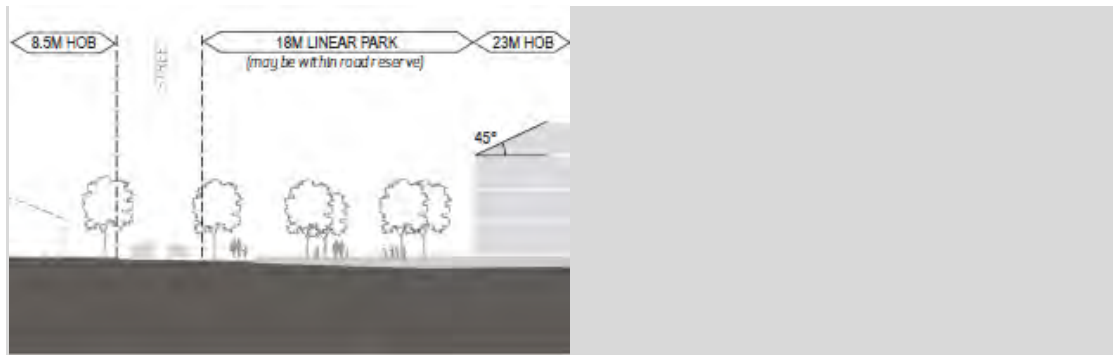


Figure 8 - Indicative cross-section showing the form of buildings adjoining the linear green space



Part 12 – Precinct Area Plans – North Cooranbong

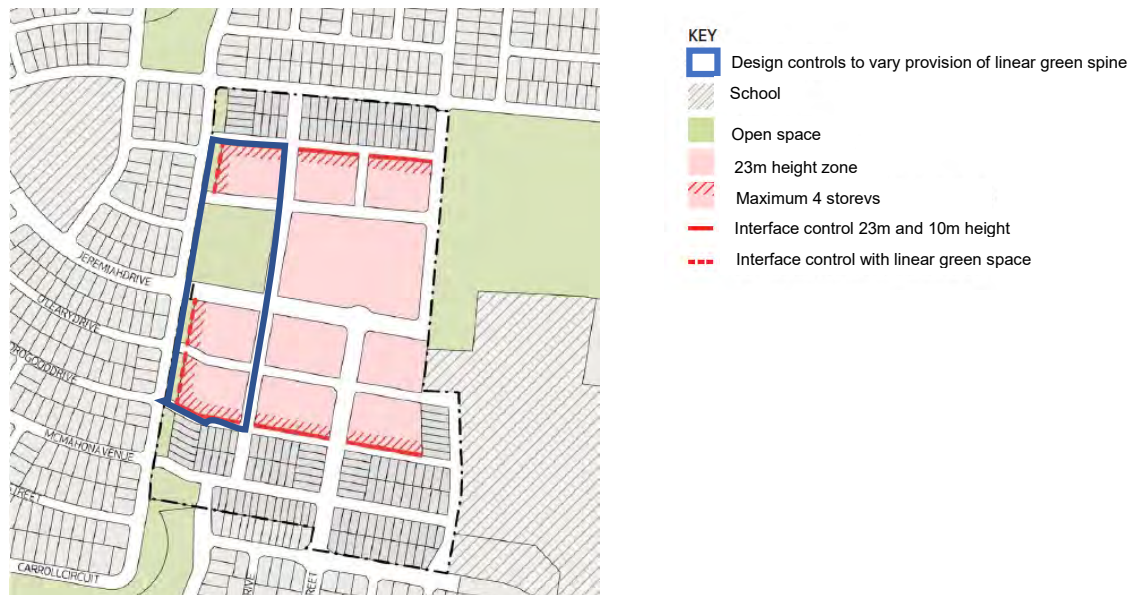


Figure 9 - Locations where interface building design controls apply

1.10 INTERFACE BETWEEN THE 23M HEIGHT ZONE AND THE 10M HEIGHT ZONE

Objectives

- a. Ensure buildings contribute to the visual amenity of the streetscape and adjacent residential buildings.

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Controls

- b. Buildings within the 23m height zone that are adjacent to the 10m height zone present to the street as a maximum of 4 storeys as shown in Figure 10.



Figure 10 - Indicative cross-section showing the form of buildings adjoining the 10m building height zone

23DP002	Planning Proposal to rezone land from RU2 Rural Landscape to R2 Low Density Residential and C2 Environmental Conservation at 1377 Hue Hue Road Wyee and amendment to the Wyee West Precinct Area Plan
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Key focus area	4. Diverse economy
Objective	4.3 Our growing population supports a thriving local economy
File	RZ/1/2022 - D10835539
Author	Strategic Planner - Elsa Berger
Responsible manager	Manager Integrated Planning - Wes Hain

Executive Summary

Address: 1377 Hue Hue Road Wyee

Landowner: Bertha Rose White

Proponent: Topa Property PTY LTD

This report considers a planning proposal, which seeks to amend the *Lake Macquarie Local Environmental Plan 2014* (LMLEP 2014) to rezone parts of 1377 Hue Hue Road, Wyee to facilitate residential development (see Attachment 1). This report also considers an amendment to the Lake Macquarie Development Control Plan 2014 - Wyee West Precinct Area Plan, which provides some specific controls for future development of the site (see Attachment 2).

The site adjoins the recently developed Radcliff estate and is located close to services, shops and public transport. The land has an area of approximately 4.5 hectares with frontage to Hue Hue and Digary Roads, and could accommodate approximately 40 to 50 residential lots.

Recommendation

Council:

- A. requests a Gateway Determination from the Department of Planning and Environment, pursuant to the *Environmental Planning and Assessment Act 1979*, in relation to the planning proposal in Attachment 1,
- B. requests the use of delegations in respect of the Minister for Planning and Homes plan making function under section 3.36 of the *Environmental Planning and Assessment Act 1979* for the planning proposal,
- C. prepares an amendment to the Lake Macquarie Development Control Plan 2014 - Wyee West Precinct Area Plan (Attachment 2),
- D. undertakes consultation with State Government agencies and service authorities in accordance with the Gateway Determination,

- E. places the planning proposal and the draft amendment to the Lake Macquarie Development Control Plan 2014 - Wyee West Precinct Area Plan on exhibition for a period of at least 28 days, subject to the outcome of the Gateway Determination,
- F. notifies stakeholders and affected landowners of the public exhibition, and
- G. receives a report to further consider the planning proposal following state agency consultation and public exhibition.

Discussion

The planning proposal relates to land at 1377 Hue Hue Road, Wyee and part of the adjoining Digary Road. The northern part of the site is currently zoned RU2 Rural Landscape and the southern part is zoned C2 Environmental Conservation. The portion of the site zoned RU2 Rural Landscape has historically been used for agricultural and rural residential purposes and is almost completely cleared of vegetation with only a few scattered trees remaining. This portion of the site also contains two residential dwellings, rural sheds and structures associated with keeping horses. The portion of the site zoned C2 Environmental Conservation contains some remnant forest, as well as a small section of Mannering Creek flowing through the far southern corner of the site.



Figure 1: Subject site

The planning proposal seeks to rezone the majority of the existing RU2 Rural Landscape zoned land to R2 Low Density Residential and a very small section in the southern part of the RU2 Rural Landscape zoned land to C2 Environmental Conservation to add a buffer for two habitat trees located on the existing boundary of the two zones, as shown in figures two and three. The planning proposal also seeks to rezone a small part of Digary Road from C2 Environmental Conservation to R2 Low Density Residential, as this part of the road will be used to access future residential development on the site. All other C2 Environmental Conservation zoned land is to be retained.

The rezoning will allow approximately 40 to 50 residential lots adjoining the recently developed Radcliff Estate, while maintaining the environmental conservation outcomes in the southern portion of the site. The rezoning of the land presents a logical expansion of the Wyee West precinct. Future development will be required to contribute to appropriate local infrastructure including augmentation of services as required, stormwater management infrastructure and local roads, and specifically the delivery of Digary Road, currently an unformed road. The planning proposal also seeks to amend the minimum lot size to 450m² for the land to be zoned R2 Low Density Residential and include the site on the Urban Release Area Map.

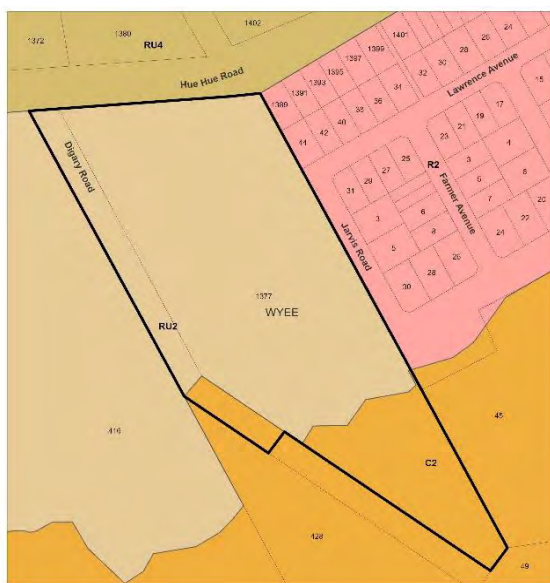


Figure 2: Existing Zoning

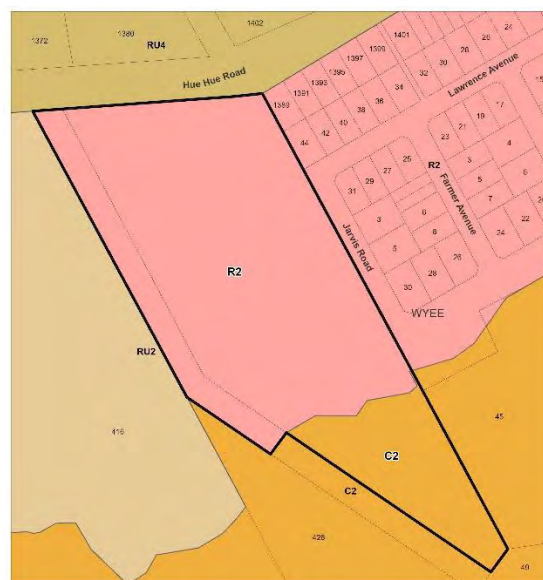


Figure 3: Proposed Zoning

The planning proposal is consistent with the Hunter Regional Plan 2041, the Greater Newcastle Metropolitan Plan 2036, the Lake Macquarie Local Strategic Planning Statement, the Lake Macquarie Housing Strategy, and the Community Strategic Plan, as it seeks to enable housing in an identified growth area and in a location with good access to existing infrastructure, services and public transport. In addition, the proposal seeks to retain and protect the environmental conservation zoned land in the southern section of the site, which has high environmental value.

Assessment of options

The recommended option is to proceed with the planning proposal and area plan amendment and request a Gateway Determination and undertake state agency and community consultation. If progressed, the planning proposal will enable the provision of

additional housing supply and increased housing choice in a location with access to existing infrastructure and close to services, shops and public transport. The site is within 30 minutes of the strategic centre of Morisset and associated employment opportunities. The planning proposal would therefore help to accommodate Lake Macquarie's growing population in a suitable location.

Alternatively, Council can choose not to proceed with the planning proposal. This will maintain the existing planning controls and is not the recommended option as it would not permit residential development and necessary housing supply in a location with good access to infrastructure, services, shops and public transport.

Community engagement and internal consultation

Consultation with NSW government agencies, including NSW Rural Fire Service, NSW Environment, Energy and Science (Flooding and Water), Heritage NSW, NSW Environmental Protection Authority, Hunter Water, NSW Department of Primary Industries and Australian Pipeline and Gas Authority has been undertaken and advice from these agencies has been considered in preparing the planning proposal. In addition, further agency consultation will be undertaken after the Gateway determination if Council proceeds with this planning proposal.

Internal consultation has been undertaken with Integrated Planning, Asset Management, Environmental Systems, Community Partnerships, Development Assessment and Certification, and Property and Business Development departments. Advice received has been considered and addressed in the planning proposal.

No objections were raised during the pre-lodgement consultation period. Study requirements and key matters to be addressed were identified and have been addressed in the planning proposal.

If Council resolves to proceed, the planning proposal will be placed on public exhibition in accordance with the Gateway determination. It is recommended that the planning proposal be exhibited for a minimum of 28 days.

Key considerations

Economic impacts	The planning proposal is anticipated to have positive economic impacts, including through construction related employment opportunities and ongoing investment in the local economy.
Environment	The planning proposal has considered and addressed a range of environmental planning matters such as bushfire, flooding, contamination, loss of agricultural land, Aboriginal heritage and biodiversity. The planning proposal (Attachment 1) provides detailed information about these environmental considerations. Based on an assessment of the studies provided, the planning proposal will have minimal adverse environmental impacts. The land to be rezoned from RU2 Rural Landscape to R2 Low Density Residential is mostly cleared with only a few scattered trees remaining. The impact of tree removal required to facilitate subsequent development of the subject site will be assessed in conjunction with future development applications for the land. The planning proposal does not seek to rezone the C2 Environmental Conservation zoned land in the southern part of the site, which contains denser vegetation. The associated change to the Wyee West Precinct Area Plan includes provisions regarding these environmental planning matters to ensure they are addressed as

	part of a future development application. The area plan also requires a vegetation management plan to be established for the part of the site to remain zoned C2 Environmental Conservation.
Community	The planning proposal will provide additional housing supply and choice in close proximity to services, public transport and shopping facilities and within 30 minutes of the Strategic Centre of Morisset and associated employment opportunities.
Civic leadership	Progression of the planning proposal to Gateway Determination and public exhibition allows for community and stakeholder consultation and informed decision making.
Financial	There is no financial impact for Council. The planning proposal has been initiated by the proponent who has paid the relevant fees associated with progressing the planning proposal in accordance with Council's fees and charges.
Infrastructure	Future development on the site will contribute to the provision of infrastructure and facilities through built works and development contributions identified in the relevant development contributions plan.
Risk and insurance	<p>Any risks associated with the draft planning proposal have been minimised by following the LEP amendment process under the <i>Environmental Planning and Assessment Act 1979</i> and Council's LEP amendment procedure.</p> <p>Risks related to bushfire, flooding and contamination have been assessed and meet policy and landuse planning requirements based on studies prepared for the proposal.</p> <p>Depending on Council's resolution, the proponent may seek a rezoning review that enables the Regional Planning Panel to evaluate and recommend to the Minister whether the proposal should proceed to a Gateway determination.</p>

Legislative and policy considerations

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

Lake Macquarie Local Environmental Plan 2014

Lake Macquarie Development Control Plan 2014

Hunter Regional Plan 2041

Greater Newcastle Metropolitan Plan 2036

Lake Macquarie Local Strategic Planning Statement

Lake Macquarie Housing Strategy

Attachments

1. Planning Proposal - 1377 Hue Hue Road, Wyee D10958552
2. Summary of changes - Lake Macquarie Development Control Plan 2014 - Wyee West Precinct Area Plan D10958547



Planning proposal
Draft Amendment to Lake Macquarie Local Environmental Plan 2014 at
1377 Hue Hue Road, Wyee

Summary	Details
Local Government Area:	Lake Macquarie
Name of draft LEP:	Rezone land from RU2 to R2 and C2 and from C2 to R2 at 1377 Hue Hue Road, Wyee
Subject land:	1377 Hue Hue Road, Wyee and part of Digary Road
Proponent:	Topa Property PTY LTD
Planning portal reference:	PP-2022-3016
Council reference:	RZ/1/2022
Date:	January 2023
Version:	Pre-Gateway
Author:	Elsa Berger – Strategic Landuse Planner
Pre-lodgement meeting and advice:	Meeting 5 April 2022 Advice Issued 13 April 2022
Studies:	Aboriginal Due Diligence Assessment Aboriginal Cultural Heritage Assessment Biodiversity and Riparian Assessment Bushfire Threat Assessment PMF Technical Advice Integrated Water Cycle Management Report Preliminary Site Investigation Geotech and Salinity Investigation Social Impact Assessment Traffic Noise and Vibration Assessment

Version	Date	Details



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Introduction

This planning proposal relates to land at 1377 Hue Hue Road, Wyee and the adjoining Digary Road. The northern part of the site is currently zoned RU2 Rural Landscape and the southern part is zoned C2 Environmental Conservation. The planning proposal seeks to rezone the northern part of the RU2 Rural Landscape zoned land to R2 Low Density Residential. The planning proposal also seeks to rezone a very small section of the southern part of the RU2 zoned land to C2 Environmental Conservation to add a buffer to two habitat trees located on the existing RU2/C2 zone boundary. In addition, the planning proposal also seeks to rezone a very small part of the C2 Environmental Conservation zoned land to R2 Low Density Residential on Digary Road, as the road will be used for future residential development. Moreover, the planning proposal will retain the existing C2 Environmental Conservation zoned land in the southern section of the land.

The rezoning will enable the creation of approximately 40 to 50 residential lots adjoining to the existing residential area of the Wyee West Precinct, while maintaining the environmental conservation outcomes to the southern portion of the site. The rezoning of the land presents a logical expansion to the Wyee West Precinct and will be supported by appropriate local infrastructure including augmentation of services as required, stormwater management infrastructure and local roads, including the delivery of Digary Road which is currently an unformed road. The planning proposal also seeks to amend the minimum lot size for the land to be zoned R2 Low Density Residential and include the site on the Urban Release Area Map.

Part 1 – Objectives and intended outcomes

Objective

The objective of this planning proposal is to amend the *Lake Macquarie Local Environmental Plan 2014* (LMLEP 2014) to facilitate residential development on land adjoining the existing residential area of the Wyee West Precinct.

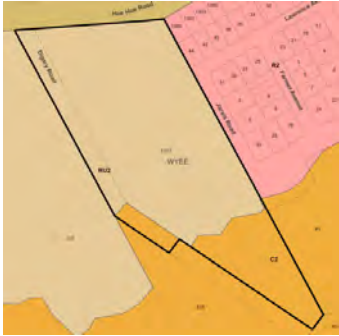
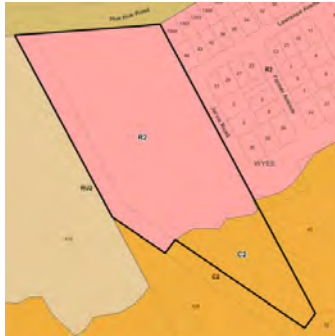
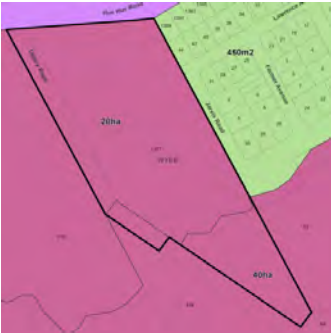
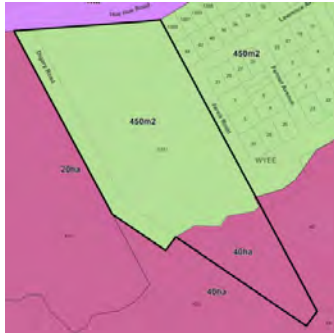
Intended outcomes

The planning proposal would permit additional housing close to services and public transport while maintaining the environmental conservation outcomes of the southern portion of the site. The land has an area of approximately 4.5 ha with frontage to Hue Hue Road, and could accommodate approximately 40 to 50 lots with a variety of smaller lots sizes under the Small Lot housing provisions in the LMLEP 2014.



Part 2 – Explanation of provisions

The Planning Proposal will amend the LMLEP 2014 as follows:



Table 1: Proposed changes to the LMLEP 2014 Map and Instrument		
Item No.	Address	Explanation of provisions
1	Sites identified on the Zoning Maps of LMLEP 2014 as shown in Part 4	<p>Zoning Map – The planning proposal seeks to amend the zoning map under the Lake Macquarie LEP 2014 from RU2 Rural Production to R2 Low Density Residential and C2 Environmental Conservation and from C2 Environmental Conservation to R2 Low Density Residential.</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">  <p>Existing zoning</p> </div> <div style="text-align: center;">  <p>Proposed zoning</p> </div> </div>
2	Changes to the Minimum Lot Sizes Maps of LMLEP 2014 as shown in Part 4	<p>Lot Size Map – The planning proposal seeks to change the minimum lot size from 20ha to 450m² for the area that is proposed to be zoned R2 Low Density Residential, which is consistent with the minimum lot size for R2 zoned land in the LGA.</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">  <p>Existing minimum lot size</p> </div> <div style="text-align: center;">  <p>Proposed minimum lot size</p> </div> </div>



3	Urban Release Area Map of LMLEP 2014 as shown in Part 4	<p>Urban Release Area Map – The planning proposal seeks to include part of the site to be zoned R2 as an urban release area under the Urban Release Area Map.</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;">   </div> <div style="display: flex; justify-content: space-around; align-items: center;"> <p><i>Existing urban release area map</i></p> <p><i>Proposed urban release area map</i></p> </div>
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Part 3 – Justification of strategic and site-specific merit

No.	Question	Considerations
Section A – need for the planning proposal		
1	Is the planning proposal a result of an endorsed LSPS, strategic study or report?	<p>The planning proposal is a proponent initiated proposal and is not a direct action of the Local Strategic Planning Statement (LSPS) or a strategic study. However, the LSPS identifies the site as being within the Wyee future growth investigation area. Moreover, the planning proposal is consistent with the specific objectives for Wyee in the LSPS, including the following objectives:</p> <ul style="list-style-type: none"> • <i>Additional residential areas are developed with a range of housing types, particularly near the local centre and railway station while maintaining local ecological corridors</i> • <i>Mannering Creek and its riparian corridors are rehabilitated and conserved</i>
2.	Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	<p>The planning proposal is the best means of achieving the objectives and intended outcomes, as it seeks to rezone the land from RU2 Rural Landscape to R2 Low Density Residential and C2 Environmental Conservation, thereby enabling residential development on the site while retaining the existing biodiversity conservation outcomes in the southern section of the site. There are no other means to achieve the same outcome in this instance.</p>
3	Will the planning proposal give	<u>Hunter Regional Plan 2041</u>



No.	Question	Considerations
	effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?	<p>The Hunter Regional Plan 2041 (the HRP) builds on the previous plan which was finalised in October 2016 and resets the regional plan priorities to ensure it continues to respond to the region's needs for the next 20 years.</p> <p>The site is located within the Morisset Growth Area identified in the HRP. More specifically, the HRP identifies that 'Morisset and its supporting local centres of Cooranbong and Wyee represent the largest future growth area in the Hunter and will underpin the economic diversification of the region'. The HRP further states that 'the area has the potential to accommodate an additional 12,000 to 36,000 people over the next 20 years'. The proposal is anticipated to result in approximately 40 to 50 new residential lots and will thereby contribute to the growth of Wyee.</p> <p>Furthermore, the Planning Proposal is consistent with Objectives 3, 4, 5 and 6 of the HRP, as outlined below.</p> <p><u>Objective 3: Create 15-minute neighbourhoods to support mixed, multi-modal, inclusive and vibrant communities</u></p> <p>The proposal is consistent with this objective, as the site has access to existing infrastructure, shops and services that are essential for everyday needs. In addition, the site is located in walking and cycling distance to the Wyee train station, which provides public transport connections to Morisset and other areas. Furthermore, the southern section of the site, which contains remnant forest, will be conserved in a conservation zone.</p> <p><u>Objective 4: An inter-connected and globally-focused Hunter without car dependent communities</u></p> <p>The planning proposal is consistent with this objective, as the site has access to walking and cycling paths and public transport.</p> <p><u>Objective 5: Plan for "Nimble Neighbourhoods", diverse housing and sequenced development</u></p> <p>The proposal is consistent with this objective, as it makes use of existing infrastructure and services. In addition, the site is located near the M1 and the Wyee train station, which provide access to employment opportunities in Morisset and other places. Moreover, the proposal will provide a variety and choice of housing types to meet the existing and future housing needs of the community. Furthermore, the planning proposal will also help to support local businesses and public transport services. In addition, the proposal will retain the C2 Environmental Conservation zoned land in the southern section of the site, thereby protecting the environmental values of the site.</p> <p><u>Objective 6: Conserve heritage, landscapes, environmentally sensitive areas, waterways and drinking water catchments</u></p> <p>The planning proposal is consistent with this objective, as it will retain the C2 Environmental Conservation zoned land in the southern section of the site. In addition, a Vegetation Management Plan will be put in place as part of a Voluntary Planning Agreement. Together, these measures will protect areas of high environmental value and will maintain and improve the environmental value of the biodiversity network. Moreover, the Aboriginal Cultural Heritage Assessment found no items or objects of Aboriginal heritage significance on the site. Furthermore, adequate water management measures, including a stormwater detention basin, will be put in place to protect the health of Mannering Creek and other waterways.</p>



No.	Question	Considerations
		<p><u>Objective 9: Sustain and balance productive rural landscapes</u></p> <p>The planning proposal is inconsistent with this objective, as it seeks to rezone agricultural land to a residential land use. However, consolidation of the site with other agricultural land is constrained by conservation land, residential land and the Motorway. It is thus considered that the loss of approximately 3.2ha of rural zoned land in an isolated location will not have a significant impact on the agricultural productivity in the Hunter Region. Moreover, the land is identified as a future growth area in the Local Strategic Planning Statement and the Hunter Regional Plan. In addition, the site is strategically well located for housing, as it is situated close to existing infrastructure, services, and public transport, and adjoins an existing residential area.</p> <p><u>Greater Newcastle Metropolitan Plan 2036</u></p> <p>The proposal will contribute to the delivery of housing in an area with established services and infrastructure and close to public transit and is thus consistent with the Greater Newcastle Metropolitan Plan 2036 (GNMP) and supports its objectives to:</p> <ul style="list-style-type: none"> • Deliver housing close to jobs and services; and • improve connections to jobs, services and recreation. <p>The proposal seeks to rezone rural zoned land identified as state significant agricultural land in the draft state significant agricultural land maps and is thus inconsistent with Action 13.1, which aims to protect and preserve productive agricultural land to support the growth of agricultural industries and keep fresh food available locally. However, rezoning the land to a residential land use is justified as the site adjoins residential land and is isolated from other rural land by C2 Environmental Conservation and R2 Low Density Residential zones and by the M1 Pacific Motorway. Moreover, the site is identified as a future growth investigation area in the LSPS.</p>
4	Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan	<p><u>Lake Macquarie Local Strategic Planning Statement (LSPS)</u></p> <p>The Local Strategic Planning Statement (LSPS) locates the subject site within the South West Growth Area where Wyee is identified as an area having considerable opportunities for urban development.</p> <p>For Wyee, the LSPS specifically states:</p> <ul style="list-style-type: none"> • The service role of the local centre is reinforced with an increase in services to cater for the growing population. • Additional residential areas are developed with a range of housing types, particularly near the local centre and railway station while maintaining local ecological corridors. • High-amenity cycle and pedestrian linkages run between new residential, recreation, and commercial areas and the train station. • Mannering Creek and its riparian corridors are rehabilitated and conserved. • Quality recreational areas are provided to cater for the growing community. <p>The proposal is considered to be consistent with the above criteria for Wyee. Moreover, the planning proposal is considered consistent with the following planning priorities of the LSPS:</p>



No.	Question	Considerations
		<p><u>Planning Priority 2: A City to Call Home.</u></p> <p>The proposal is consistent with this priority, as it will contribute to housing growth to accommodate Lake Macquarie's growing population.</p> <p>More specifically, the proposal is consistent with the following principles:</p> <ul style="list-style-type: none"> • Work with industry to unlock more housing close to jobs, services, public transport, and social and recreational spaces, within and around centres to meet residents' day-to-day needs. • Work with industry to deliver future housing growth through infill development in and around centres and train stations and new housing areas in the North-West and South-West growth areas. • Work with industry and government agencies to ensure future housing is well serviced with health services, education, active transport infrastructure and public transport. • Ensure new growth areas are highly liveable and well serviced with access to services, facilities and social opportunities by a range of transport modes. • Ensure future residential housing is located with access to jobs, shopping, services, community facilities, and public spaces by a range of transport modes and maintains important local conservation areas. <p><u>Planning Priority 6: A City with a Vast Natural Environment.</u></p> <p>The proposal is considered consistent with this priority as it seeks to avoid and minimise the impact of development on areas of high ecological value, and protect important biodiversity areas by retaining the C2 Environmental Conservation zoned land in the southern section of the site and by putting in place a vegetation management plan for the C2 zoned land.</p> <p><u>Lake Macquarie City Housing Strategy</u></p> <p>The Lake Macquarie City Housing Strategy (Housing Strategy) provides a long-term approach to the delivery of quality housing in the Lake Macquarie Local Government Area. The Housing Strategy identifies Wyee as part of the South West Growth Area and includes an objective to complete housing release areas around Wyee.</p> <p>Furthermore, the proposal is considered consistent with the following priorities and objectives of the Lake Macquarie City Housing Strategy.</p> <p><u>Priority 1: Facilitate Efficient Housing Supply & Infrastructure Coordination</u></p> <p>The planning proposal is consistent with this priority, as it facilitates the efficient supply of housing to meet the housing demand of Lake Macquarie's growing population. Moreover, this priority includes an objective to focus new greenfield housing only where it is well located near existing centres and transport nodes. The proposal is consistent with this objective as it is located adjoining an existing residential area and in proximity to public transport and local services.</p> <p><u>Priority 2: Increase Diversity and Choice in Housing</u></p> <p>The proposal is considered consistent with this priority, as it provides land and housing development opportunities to meet demand for a range of housing options to meet the diverse housing needs of the community.</p>



No.	Question	Considerations
		<u>Lake Macquarie Community Strategic Plan 2022-2032</u>
		The planning proposal is considered consistent with Council's Community Strategic Plan as it seeks to respond to the relevant key focus areas, as outlined below.
		<u>Unique Landscapes</u>
		The planning proposal is consistent with this key focus area, as it seeks to retain the C2 Environmental Conservation zoned land in the southern section of the site, thereby protecting an area of high environmental value.
		<u>Diverse Economy</u>
		The planning proposal is consistent with this key focus area, as it helps to accommodate the growing population and support a thriving local economy. The proposal also supports the objective of having vibrant economic and neighbourhood centres and the strategy of encouraging the co-location of jobs, housing, essential services, transport options and recreational activities.
Section B – relationship to the strategic planning framework		
5	Is the planning proposal consistent with any other applicable State and regional studies or strategies?	<p><u>Housing 2041 – NSW Housing Strategy</u></p> <p>Housing 2041 represents a 20-year vision for housing in NSW. It embodies the government's goals and ambitions to deliver better housing outcomes by 2041—housing in the right locations, housing that suits diverse needs and housing that feels like home.</p> <p>The vision is reflected in the four pillars of supply, diversity, affordability and resilience of housing, as outlined below:</p> <ul style="list-style-type: none"> • supply—housing supply delivered in the right location at the right time • diversity—housing is diverse, meeting varied and changing needs of people across their life • affordability—housing that is affordable and secure • resilience—housing that is enduring and resilient to natural and social change. <p>The planning proposal is consistent with the NSW Housing Strategy, as it seeks to deliver housing in the right location and will also allow for diverse housing to meet the varied and changing needs of the population.</p>
6	Is the planning proposal consistent with applicable SEPPs	<p><u>State Environmental Planning Policy (Biodiversity and Conservation) 2021</u></p> <p><u>Chapter 3 Koala habitat protection 2020</u></p> <p>Chapter 3 applies to part of the site that is zoned RU2 Rural Landscape. The Biodiversity and Riparian Assessment prepared by AEP and dated July 2022, states that approximately 16%-17% of the canopy trees within the study area consisted of listed koala feed trees and as such further surveys were undertaken to determine if the site is core koala habitat. The surveys did not result in the observation or recording of koalas within the study area. Therefore, it has been determined that the site is not core koala habitat and no further investigation is required.</p> <p><u>Chapter 4 Koala habitat protection 2021</u></p>



No.	Question	Considerations
		<p>Chapter 4 applies to part of the site that is zoned C2 Environmental Conservation. The Biodiversity and Riparian Assessment (AEP, July 2022) states that site inspections identified koala use tree species listed in Schedule 3 for the relevant koala management area were located on the site.</p> <p>As koala use trees were identified on the site, additional assessments were undertaken to determine if koalas were present on site and to determine if the site was core koala habitat.</p> <p>No koalas were found during the various surveys. Local records are sparse and not within 2.5km of the site, as such the site does not fall within an area of historical occupation as defined by the SEPP guidelines. The Biodiversity and Riparian Assessment states that based on paucity of recent local records and the results of the targeted surveys, it is unlikely that koalas are present within the site.</p> <p>As it was determined that it is unlikely that koalas are present on the site, it is considered that the site does not contain core koala habitat and hence no further assessment is required. In addition, the vegetation in the southern section of the site will be preserved.</p> <p><u>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</u></p> <p>The <i>State Environmental Planning Policy (Exempt and Comply Development Codes) 2008</i> will continue to apply to the land. The planning proposal does not impede its operation over the site.</p> <p><u>State Environmental Planning Policy (Housing) 2021</u></p> <p>The planning proposal does not include any provisions that impede the operation of the <i>State Environmental Planning Policy (Housing) 2021</i> over the site.</p> <p><u>State Environmental Planning Policy (Primary Production) 2021</u></p> <p>The <i>State Environmental Planning Policy (Primary Production) 2021</i> currently does not include any State significant agricultural land in Schedule 1.</p> <p>Furthermore, although the site is identified as State Significant Agricultural Land on the draft State Significant Agricultural Land Map, consolidation of the site with other agricultural land is constrained by conservation land, residential land and the Motorway. It is thus considered that the loss of approximately 3.2ha of rural zoned land in an isolated location is of minor significance. Moreover, the site is identified as a future growth investigation area in the Local Strategic Planning Statement and in the Hunter Regional Plan. In addition, the site is well located for housing, as it adjoins an existing residential area and has good access to existing infrastructure, services and public transport.</p> <p><u>State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land</u></p> <p>A Preliminary Site Investigation has been undertaken by GeoEnviro Consultancy Pty Ltd to inform the planning proposal. The investigation included a review of historical uses and limited sampling regime. The Preliminary Site Investigation Report prepared by GeoEnviro Consultancy Pty Ltd (2021) concludes that the risk of gross contamination on the site is low and that the site is suitable for the intended residential use. The planning proposal is thus consistent with Chapter 4 of the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>.</p>



No.	Question	Considerations
7	Is the planning proposal consistent with the applicable Ministerial Directions (section 9.1 Directions)?	<p>1.1 Implementation of Regional Plans</p> <p>The proposal is consistent with this direction, as it helps to achieve the objectives set out in the Greater Newcastle Metropolitan Plan 2036, as well as in the Hunter Regional Plan 2041.</p> <p>The site is located within the Morisset Growth Area identified in the Hunter Regional Plan 2041. More specifically, the HRP identifies that 'Morisset and its supporting local centres of Cooranbong and Wyee represent the largest future growth area in the Hunter and will underpin the economic diversification of the region'. The HRP further states that 'the area has the potential to accommodate an additional 12,000 to 36,000 people over the next 20 years'. The proposal is anticipated to result in approximately 40 to 50 new residential lots and will thereby help to accommodate population growth in Wyee.</p> <p>Moreover, the proposal will contribute to the delivery of housing in an area with established services and infrastructure and close to public transit and is thus consistent with the objectives of the Greater Newcastle Metropolitan Plan 2036 to:</p> <ul style="list-style-type: none"> • Deliver housing close to jobs and services; and • improve connections to jobs, services and recreation. <p>1.3 Approval and Referral Requirements</p> <p>The proposal is consistent with this direction. It does not require concurrence, consultation or referral of development applications to a Minister or public authority and would not identify development as designated development.</p> <p>1.4 Site Specific Provisions</p> <p>The proposal is consistent with this Direction and does not propose restrictive site-specific planning provisions.</p> <p>3.1 Conservation Zones</p> <p>The proposal will retain the southern part of the site that is zoned C2 Environmental Conservation. Moreover, although the proposal will result in the rezoning of a very small part of the Digary Road reserve from C2 to R2, the proposal will rezone a small part of the RU2 zoned land to C2 and thus there will not be much, if any, reduction in C2 zoned land. In addition, the proposal will not reduce the conservation standards that apply to the land. Furthermore, the C2 zoned land will be managed in accordance with a vegetation management plan, which aims to improve biodiversity values of the remaining vegetation on the site. The proposal is therefore consistent with this direction.</p> <p>3.2 Heritage Conservation</p> <p><u>European Heritage</u></p> <p>The site does not contain any items of European heritage significance.</p> <p><u>Aboriginal Heritage</u></p> <p>An Aboriginal Due Diligence Assessment (ADDA) was conducted by Biosis in 2021, which identified three areas of moderate archaeological potential within the study area. The ADDA thus recommended that an Aboriginal Cultural Heritage Assessment (ACHA) be completed to identify and assess whether the future development facilitated by the planning proposal would impact on Aboriginal heritage. An ACHA was thus undertaken by Biosis (dated 9 December 2022), which includes an assessment of Aboriginal cultural, historic and aesthetic heritage significance of the site, as well as Aboriginal community consultation,</p>



No.	Question	Considerations
		<p>and test excavations to determine the archaeological significance of the areas of moderate archaeological potential identified in the ADDA.</p> <p>The ACHA found the following:</p> <ul style="list-style-type: none"> • Cultural (social) significance: The study area holds high cultural significance to the Aboriginal people of the local region as it is part of the cultural landscape that Aboriginal people have connected with over generations. • Historical significance: The study area is not currently known to have any historic associations. • Aesthetic significance: The landscape of the study area is closely linked with Aboriginal cultural values; however, stock grazing, vegetation clearance and construction of residential dwellings and associated buildings and services has reduced the aesthetic quality of the area to moderate. • Archaeological (scientific) significance: The archaeological assessment undertaken has determined that the study area has low archaeological values, as no Aboriginal objects or sites were identified during the investigation. <p>The ACHA also includes various recommendations, including recommended management measures to be put in place before and during construction works to manage any unanticipated Aboriginal objects, historical relics or human remains.</p> <p>The ACHA concludes that the proposal will not impact on any known Aboriginal heritage values.</p> <p>In summary, the planning proposal is considered to be consistent with this ministerial direction.</p> <p>3.5 Recreation Vehicle Areas</p> <p>The proposal does not seek to enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>) and is thus consistent with this direction.</p> <p>4.1 Flooding</p> <p>The southern section of the site is identified as being within the flood planning area and thus this direction applies to the planning proposal.</p> <p>Part of the land within the flood planning area is located on the C2 Environmental Conservation zoned land and the other part on the RU2 Rural Landscape zoned land proposed to be rezoned to R2 Low Density Residential. The proposal is thus inconsistent with this direction. However, the part of the land within the flood planning area to be rezoned to R2 is only intended to be used for a stormwater detention basin and not for residential development. There will be specific DCP controls for the site to ensure that only a stormwater basin and no residential development is allowed in the flood planning area.</p> <p>Moreover, the proposal is consistent with the rest of the requirements under this direction, as it will not permit development in floodway areas, and will not result in flood impacts to other properties. In addition, the proposal will not permit development for the purposes of residential accommodation in a high hazard area. Furthermore, there is adequate evacuation routes and the proposal is not likely to result in a significantly increased requirement for government spending</p>



No.	Question	Considerations
		<p>on emergency management services, flood mitigation and emergency response measures.</p> <p>The planning proposal is inconsistent with this direction as it seeks to rezone land in the flood planning area from RU2 Rural Landscape to R2 Low Density Residential. However, for the reasons mentioned above, the inconsistency is considered to be of minor significance.</p> <p>4.3 Planning for Bushfire</p> <p>This direction applies to the planning proposal, as the site is mapped as being bushfire prone. The planning proposal has been referred to the NSW Rural Fire Service for comment. The comments received by the NSW Rural Fire Service have been addressed in the Bushfire Threat Assessment prepared by AEP and dated July 2022, which accompanies the planning proposal.</p> <p>The Bushfire Threat Assessment has assessed the bushfire protection measures required by <i>Planning for Bushfire Protection 2019</i> (PBP) and the construction requirements for proposed development in accordance with the provisions of the <i>Building Code of Australia – Volume 2, Edition 2010</i> and <i>Australian Standard 3959-2009 (AS 3959) – Construction of buildings in bushfire-prone areas</i>, to provide direction for future development planning within the site.</p> <p>The Bushfire Threat Assessment concludes that the proposal can satisfactorily comply with relevant specifications and requirements of <i>Planning for Bush Fire Protection 2019</i> and <i>AS 3959</i>.</p> <p>The planning proposal is therefore considered to be consistent with this direction.</p> <p>4.4 Remediation of Contaminated Land</p> <p>A Preliminary Site Investigation has been undertaken by GeoEnviro Consultancy Pty Ltd to inform the planning proposal. The investigation included a review of historical uses and limited sampling regime. The Preliminary Site Investigation Report prepared by GeoEnviro Consultancy Pty Ltd (2021) concludes that the risk of gross contamination on the site is low and that the site is suitable for the intended residential use. The planning proposal is thus consistent with this direction.</p> <p>4.5 Acid Sulfate Soils</p> <p>The site does not contain any acid sulfate soils.</p> <p>4.6 Mine Subsidence and Unstable Land</p> <p>The site is not within a mine subsidence district and has not been identified as unstable land.</p> <p>5.1 Integrating Land Use and Transport</p> <p>The site is within approximately 2km distance to the Wyee railway station and neighbourhood shopping centre. Bus stops, pathways and cycleways are available in the surrounding streets. Connecting pathways and cycleways will also be part of the considerations at the DA stage. The proposal is therefore considered consistent with this direction.</p> <p>6.1 Residential Zones</p> <p>This direction applies to the proposal, as it seeks to rezone part of the site from RU2 Rural Landscape to R2 Low Density Residential. The planning proposal is consistent with this direction, as it encourages the provision of a variety and choice of housing types to provide for the existing and future housing needs of the</p>



No.	Question	Considerations
		<p>community. Moreover, the proposal makes efficient use of existing infrastructure and services and ensures that new housing has appropriate access to infrastructure and services. In addition, the planning proposal includes provisions to map the site as an Urban Release Area. Clause 6.3 of the LMLEP 2014 requires that development consent must not be granted for development on land in an urban release area unless a development control plan applies to the site. The site will be included in the existing DCP Part 12 – Precinct Area Plans - Wyee West and will have specific controls apply to it. Moreover, the planning proposal does not contain provisions which will reduce the permissible residential density of the land.</p> <p>6.2 Caravan Parks and Manufactured Home Estates</p> <p>The proposal is consistent with this direction as it will not impact the provision of caravan parks and manufactured home estates.</p> <p>8.1 Mining, Petroleum Production and Extractive Industries</p> <p>The proposal is considered to be consistent with this direction, as it does not propose any changes that would have an effect on mining, petroleum production and/or extractive industries.</p> <p>9.1 Rural Zones</p> <p>The planning proposal is inconsistent with this direction as it aims to rezone rural zoned land (RU2 Rural Landscape) to a residential zone (R2 Low Density Residential). However, the land is identified as a future growth area in the Local Strategic Planning Statement and Hunter Regional Plan. Moreover, the site is strategically well located for housing, as it is located close to existing infrastructure, services, and public transport.</p> <p>Furthermore, the site is isolated from other rural land by conservation land, residential land and the Motorway. It is therefore considered that the loss of approximately 3.2ha of rural zoned land in an isolated location is of minor significance.</p>
Section C – environmental, social and environmental impact		
8	Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?	<p>A Biodiversity and Riparian Assessment Report has been prepared for the site to accompany the planning proposal. The report identifies vegetation on the site as Coastal Plains Scribbly Gum Woodland, Alluvial Riparian Blackbutt Forest and Wyong Paperbark Swamp Forest. Based on the proposed land to be rezoned and associated road construction, scattered stands of Coastal Plains Scribbly Gum Woodland and minor portion of Alluvial Riparian Blackbutt Forest will be impacted upon. These vegetation types are consistent with the Swamp Sclerophyll Forest on Coastal Floodplains, which is an Endangered Ecological Community (EEC).</p> <p>While 0.05ha of EEC vegetation is proposed to be removed, 0.84ha of habitat is to be retained and managed in the existing C2 zoned land as part of the proposed rezoning. As the amount of native vegetation to be removed is small and extremely fragmented and as the proposal will not fragment or isolate the remaining vegetation within the southern section of the site, the proposal will not affect the long-term survival of the EEC in the southern section of the site or nearby areas. Moreover, the southern section of the site is proposed to be regenerated under a vegetation management plan, which will strengthen the quality and resilience of the EEC and increase habitat values of the bushland.</p> <p>While the proposal will not directly impact the EEC vegetation (i.e. Swamp Sclerophyll Forest EEC and River-Flat Eucalypt Forest EEC) in the southern section of the site, there is potential for indirect impacts, such as alterations to</p>



No.	Question	Considerations
		<p>hydrological conditions, as a result of future residential development in the northern section of the site. However, as part of future proposed development, a Stormwater Management Plan will be prepared to ensure there is no detrimental impacts on the downstream ecology caused by development of the site. Furthermore, the proposed development will be constructed with adequate subsurface drainage, runoff collection systems, and basin, in conjunction with the local street network and water sensitive urban design to manage run off volume. In addition, it is considered unlikely that the proposal will impact the existing groundwater or surface water regimes.</p> <p>It is therefore considered that impacts to hydrological conditions and residual clearing caused by the proposed development to surrounding EEC will be negligible and unlikely to place the local occurrence of this community at risk of local extinction.</p> <p>Moreover, no threatened species listed within the <i>Environment Protection and Biodiversity Conservation Act 1999</i> have been detected on the site. In addition, while the small area of habitat may offer resources for species should they occur, it is unlikely that the removal of approximately 4.02ha of exotic grassland containing 0.23ha of scattered native vegetation will have any meaningful impact on the life cycle of any threatened species. The report therefore concludes that there will not be any significant impacts on any critical habitat, threatened species or endangered ecological communities.</p> <p>Furthermore, the report outlines the site contains trees identified as koala feed and use tree species under Chapter 3 and Chapter 4 of the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>. A targeted koala survey was thus undertaken over the site and surrounding area but did not identify the presence of koalas on the site or within 2.5km of the site. The site is therefore considered unlikely to contain koalas and is thus not deemed to be 'core koala habitat'.</p>
9	Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?	<p><u>Bushfire</u></p> <p>The site is located on bushfire prone land. The planning proposal has therefore been referred to the NSW Rural Fire Service for comment. The comments received by the NSW Rural Fire Service have been addressed in the Bushfire Threat Assessment prepared by AEP and dated July 2022, which accompanies the planning proposal.</p> <p>The Bushfire Threat Assessment has assessed the bushfire protection measures required by <i>Planning for Bushfire Protection 2019</i> (PBP) and the construction requirements for proposed development in accordance with the provisions of the <i>Building Code of Australia – Volume 2, Edition 2010</i> and <i>Australian Standard 3959-2009 (AS 3959) – Construction of buildings in bushfire-prone areas</i>, to provide direction for future development planning within the site.</p> <p>The Bushfire Threat Assessment states that 'suitable access/egress is provided off Hue Hue Road, Digary Road and via the proposed perimeter road and internal road network. It is considered that the proposed access and egress arrangements are appropriate, and no issues have been identified with evacuation, safe haven zones, or firefighting logistics'.</p> <p>Moreover, the Bushfire Threat Assessment also states that 'a reticulated water supply system from established residential areas is expected to service the site, and street hydrant access will need to be delivered in accordance with AS2419.1 – 2017'.</p>



No.	Question	Considerations
		<p>The Bushfire Threat Assessment further states that 'it is considered that the proposed protection measures, principally APZs, perimeter roads and relevant construction standards, would comply with the relevant requirements of PBP 2019 and AS-3959. When applied, these measures should provide adequate protection to life and property within the proposed development in the event of a bushfire occurring in the immediate locality'.</p> <p>It is therefore considered that the planning proposal is able to meet the required objectives and principles of PBP 2019. In addition, specific controls for bushfire management have been included in the DCP for the site. DAs for the site will therefore need to comply with the DCP controls and the requirements of PBP 2019.</p> <p><u>Flooding</u></p> <p>The southern section of the site is identified as being within the flood planning area. Part of the land within the flood planning area is located on the C2 Environmental Conservation zoned land and the other part on the RU2 Rural Landscape zoned land proposed to be rezoned to R2 Low Density Residential. However, part of the land within the flood planning area to be rezoned to R2 is only intended to be used for a stormwater detention basin and not for residential development. Moreover, a DCP will be prepared for the site, which will include controls to ensure that only a stormwater basin and no residential development is allowed in the flood planning area.</p> <p>Furthermore, although part of the proposed R2 zoned land is located within the flood planning area (which is based on the probable maximum flood), the 1 in 100-year flood extent plus the 0.5m freeboard is fully contained within the C2 zoned land.</p> <p>In addition, a specific Flood Assessment has been prepared based on TuFLOW modelling to confirm extents of the Probable Maximum Flood (PMF). The assessment confirms that all residential lots are able to accommodate dwellings outside of the PMF and that evacuation routes along Hue Hue Road are not compromised.</p> <p><u>Water Management</u></p> <p>An Integrated Water Cycle Management Report has been prepared by Orion Consulting Engineers Pty Ltd (dated May 2022). The report establishes the full integrated water cycle management strategy for the proposed future residential development in accordance with the Stormwater Management controls of the Lake Macquarie Council Development Control Plan 2014. Amongst other water management measures that will be put in place is a stormwater detention and treatment basin to manage stormwater flows and quality.</p> <p><u>Contamination</u></p> <p>A Preliminary Site Investigation has been prepared by GeoEnviro Consultancy Pty Ltd (dated September 2021) in support of the planning proposal. The investigation includes a review of historical uses and limited sampling regime and concludes that the risk of gross contamination on the site is low and that subject to the following recommendations, the site is suitable for the intended residential purpose:</p> <p>Demolition is to be carried out by a licensed contractor and if any asbestos is encountered, it has to be removed in accordance with Safework requirements;</p>



No.	Question	Considerations
		<p>Once the structures are demolished, validation sampling is to be undertaken to confirm the footprint of structures is not affected by contamination.</p> <p>Should uncontrolled fill be encountered, it should be disposed of off-site at an approved landfill.</p> <p><u>Geotechnical and Salinity</u></p> <p>A Geotechnical and Salinity Investigation was undertaken over the site by GeoEnviro Consultancy Pty Ltd (dated November 2021) to support the planning proposal and to demonstrate the suitability of the land for development.</p> <p>For the northern portion of the site that is to be developed for residential purposes, no significant constraints were identified and the investigation makes appropriate recommendations that should be implemented during earthworks to ready the site for residential development of the land.</p> <p>The investigation found that the majority of the site was considered to be non to slightly saline with the southern portion of the site (to remain C2) found to be moderately saline. Despite the non to slightly saline conditions for the northern portion of the site, the soils were found to be mildly aggressive to concrete but non-aggressive to steel. To guide future residential development and ensure it responds to the soil conditions, the investigation identifies appropriate management measures to be implemented.</p> <p>Residential development can be accommodated on the site subject to the implementation of the identified management measures and subject to relevant standards being met during development works.</p> <p>Furthermore, the site is not identified as containing acid sulfate soils.</p> <p><u>Road Traffic Noise</u></p> <p>The Pacific Highway is located approximately 100m away from the site and is a source of road traffic noise that may impact on the amenity of residential development. In this regard, a Traffic Noise and Vibration Assessment has been prepared in support of the planning proposal. The assessment demonstrates that road traffic noise and vibration present a minor impact to residential amenity of the site. This impact can readily be mitigated through the treatment of dwelling facades on future lots fronting the western and northern boundary of the site.</p> <p><u>Visual Impact</u></p> <p>The majority of the southern side of Hue Hue Road between the Pacific Motorway and Wyee Road has been developed for low density residential purposes. The continuation of this form of development for an additional 150m to the west only has an interface with one other property on the northern side of Hue Hue Road and is not considered to have a significant impact on the character or amenity of the surrounding area.</p> <p>The site is located approximately 100m to the east of the Pacific Highway. Views to the site from the Pacific Highway are largely obstructed due to the batter within the road reserve and associated vegetation. Views to the site are also obstructed as the land generally falls away from the north-west to south-east.</p>
10	Has the planning proposal adequately	<p>Heritage</p> <p>An Aboriginal Due Diligence Assessment (ADDA) was conducted by Biosis in 2021, which identified three areas of moderate archaeological potential within the</p>



No.	Question	Considerations
	addressed any social and economic effects?	<p>study area. The ADDA thus recommended that an Aboriginal Cultural Heritage Assessment (ACHA) be completed to identify and assess whether the future development facilitated by the planning proposal would impact on Aboriginal heritage. An ACHA was thus undertaken by Biosis (dated 9 December 2022), which includes an assessment of Aboriginal cultural, historic and aesthetic heritage significance of the site, as well as Aboriginal community consultation, and test excavations to determine the archaeological significance of the areas of moderate archaeological potential identified in the ADDA.</p> <p>The ACHA found the following:</p> <ul style="list-style-type: none"> • Cultural (social) significance: The study area holds high cultural significance to the Aboriginal people of the local region as it is part of the cultural landscape that Aboriginal people have connected with over generations. • Historical significance: The study area is not currently known to have any historic associations. • Aesthetic significance: The landscape of the study area is closely linked with Aboriginal cultural values; however, stock grazing, vegetation clearance and construction of residential dwellings and associated buildings and services has reduced the aesthetic quality of the area to moderate. • Archaeological (scientific) significance: The archaeological assessment undertaken has determined that the study area has low archaeological values, as no Aboriginal objects or sites were identified during the investigation. <p>The ACHA provides various recommendations, including recommended management measures to be put in place before and during construction works to manage any unanticipated Aboriginal objects, historical relics or human remains.</p> <p>The ACHA also involved consultation with the Aboriginal community, including notification of the proposal, as well as presentation of information about the proposal and ACHA methodology to the Registered Aboriginal Parties (RAPs) and request for comments. The draft ACHA was also provided to the RAPs, who had 28 days to provide comments. During the final consultation stage, one comment was received, stating that the RAP had read the ACHA and Archaeological Report and that the RAP endorses the recommendations made in the ACHA.</p> <p>The ACHA concludes that the proposal will not impact on any known Aboriginal heritage values.</p> <p>General social and economic impacts</p> <p>The planning proposal is anticipated to have positive economic and social impacts in Wyee and in the Lake Macquarie LGA. It will provide additional housing supply and choice in an area in close proximity to public transport and shopping facilities and within 30 minutes of the Strategic Centre of Morisset and associated employment opportunities. The development of the site will generate construction related employment and investment, as well as ongoing investment in the local economy.</p> <p>Given the small scale of development, it is not anticipated that significant demand for new facilities will be generated nor will undue pressure be placed on existing social infrastructure as detailed in the Social Impact Assessment.</p>



No.	Question	Considerations
		The development of the site will also provide development contributions that Council can utilise to expedite planned projects in the region or augment the embellishment of local facilities. Moreover, future development on the site will adopt a similar form of development as the completed sections of the adjoining residential area to the eastern side of the site, thereby helping to integrate the future community with the existing community.

Section D – Infrastructure (Local, State and Commonwealth)

11 Is there adequate public infrastructure for the planning proposal?	<p>The site adjoins the existing Wyee West Precinct with lead in services readily able to be connected to. The proponent has commenced engagement with key utility providers to develop options and associated costs to deliver water, sewer and electricity to the site. The inclusion of the site on the Urban Release Area Map will also require arrangements to be made with the State Government for the provision of State public infrastructure.</p>
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In terms of local infrastructure, the planning proposal and associated residential lot yield is not considered to place significant additional demand on Council's infrastructure. The demand on infrastructure has been considered, as outlined below:

Traffic and Transport

A Traffic Impact Assessment has been prepared for the planning proposal. Based on the proposed residential yield of 54 lots on the site alone, an additional 38 vehicle trips per hour will be generated. This traffic volume is considered to be able to be accommodated within the existing road network without the need for road widening or intersection upgrades. On this basis, the proponent would intend to provide development contributions for the proposed development in accordance with *Lake Macquarie City Council Development Contributions Plan 2012 – Morisset Contributions Catchment* (Contributions Plan) that includes a component to go towards local traffic and transport infrastructure.

Stormwater Management

The Integrated Water Cycle Management Report prepared for the planning proposal identifies the need for a combined stormwater detention and treatment basin. The stormwater basin and other stormwater management measures will be required as part of future subdivision design and will need to meet DCP controls. Implementation of stormwater management measures will occur through future development.

Open Space and Community Facilities

Based on the relatively low residential yield, associated population and studies that informed Council's Contributions Plan, the development of the site is unlikely to generate significant demand for open space or community facilities that would warrant the provision of facilities on the site. Therefore, instead of providing open space and community facilities on the site, the proponent will pay contributions for open space and community facilities.

Section E – State and Commonwealth interests

12 What are the views of state and federal authorities and government	<p>Preliminary consultation has occurred with State authorities during the pre-lodgement phase. Referrals were sent to the following agencies during the 'pre-lodgement phase':</p> <ul style="list-style-type: none"> • NSW Rural Fire Service
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No.	Question	Considerations
	agencies consulted in order to inform the Gateway determination?	<ul style="list-style-type: none"> • NSW Department of Planning and Environment – Biodiversity and Conservation Division • Heritage NSW • NSW Environmental Protection Authority • Hunter Water • Australian Pipeline and Gas Authority • NSW Department of Primary Industries <p>The following outlines comments received from agencies during the Pre-lodgement phase.</p> <p>NSW Rural Fire Service</p> <p>NSW Rural Fire Service requested a bushfire risk assessment report which addresses the requirements of <i>Planning for Bush Fire Protection (PBP) 2019</i>. NSW Rural Fire Service stated that the Bushfire Threat Assessment (dated August 2021) submitted at the pre-lodgement phase does not include the hazard along the south-western side boundary within the C2 zoned land. Given the hazard associated with the connectivity of the vegetation to the border, NSW Rural Fire Service recommended that it should be included in future bushfire risk assessments.</p> <p>An Updated Bushfire Threat Assessment (dated July 2022), which addresses the above requirements, has been submitted with the planning proposal and has been considered in the assessment of the planning proposal.</p> <p>The Updated Bushfire Threat Assessment (dated July 2022) will be provided to the NSW Rural Fire Service for review during the post-gateway agency consultation stage</p> <p>NSW Department of Planning and Environment – Biodiversity and Conservation Division (BCD)</p> <p><u>Biodiversity</u></p> <ol style="list-style-type: none"> 1. BCD recommends that the proposal includes further assessment of impacts on Endangered Ecological Communities (EECs) and that the test of significance is updated to assess the proposed direct impacts on EEC vegetation. 2. BCD recommends that further information is provided on the proposed delivery and possible extension of Digary Rd and potential future impacts on biodiversity values within the C2 zoned land. 3. BCD recommends that the proposal includes further assessment of the squirrel glider and potential impacts on the species from the proposed development. 4. BCD recommends that the proposal includes further details about the location of the stormwater detention basin. It is recommended that stormwater detention infrastructure is located outside of the proposed C2 zone. 5. BCD recommends that the proposal includes further details on koala surveys and a minimum of three SAT survey sites undertaken within the subject area.



No.	Question	Considerations
		<p>6. BCD recommends the proposal includes further details on frog surveys and refer to <i>the NSW Survey Guide for Threatened Frogs</i> (DPIE, 2020) to ensure frog surveys are adequate.</p> <p><u>Flooding and flood risk</u></p> <p>7. BCD recommends that further information on the Probable Maximum Flood (PMF) is provided to ensure that the proposed development's potential emergency management impacts are adequately assessed.</p> <p>An Updated Biodiversity and Riparian Assessment (dated October 2022), which addresses the above requirements, has been submitted with the planning proposal and has been considered in the assessment of the planning proposal.</p> <p>Moreover, the proponent has provided some technical advice regarding the Probable Maximum Flood to address BCD's comments regarding flooding.</p> <p>The Updated Biodiversity and Riparian Assessment (dated October 2022) and technical advice regarding the Probable Maximum Flood will be provided to BCD for review during the post-gateway agency consultation stage.</p> <p>Heritage NSW</p> <p>An Aboriginal Cultural Heritage Due Diligence report prepared by Biosis and dated 18 August 2021 has been provided to accompany the scoping proposal and has been reviewed by Heritage NSW as part of the pre-lodgement consultation period. Heritage NSW advised Council that an assessment under the 2010 Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW is not considered an archaeological assessment or substitute for a comprehensive Aboriginal Cultural Heritage Assessment report.</p> <p>Heritage NSW stated that the due diligence process does not adequately assess the impacts of this planning proposal on Aboriginal Cultural Heritage as required by Ministerial Directions issued under Section 9.1 of the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act), specifically Local Planning Direction 3.2 Heritage Conservation. This is because without Aboriginal community consultation the extent of the impacts on Aboriginal objects and heritage values through the planning proposal and future development is not known.</p> <p>Heritage NSW therefore requested that a comprehensive Aboriginal Cultural Heritage Assessment that includes both Aboriginal community consultation and archaeological assessment is undertake to inform the planning proposal and ensure it is consistent with the Ministerial Directions 3.2 Heritage Conservation.</p> <p>Heritage NSW further stated that to adequately assess the Aboriginal cultural heritage significance of the land subject to the planning proposal, the proponent needs to clearly identify all potential areas, objects, places or landscapes of heritage significance to Aboriginal culture and people that may potentially constrain future land-use planning.</p> <p>An Aboriginal Cultural Heritage Assessment (ACHA) was undertaken by Biosis (dated 9 December 2022), which involved the assessment of Aboriginal cultural heritage significance of the site, as well as Aboriginal community consultation, and test excavations to determine the archaeological significance of the areas of moderate archaeological potential identified in the Aboriginal Due Diligence Assessment.</p> <p>The assessment of the Aboriginal cultural/social, historical, aesthetic and archaeological significance of the site included in the ACHA found the following:</p>



No.	Question	Considerations
		<ul style="list-style-type: none"> • Cultural (social) significance: The study area holds high cultural significance to the Aboriginal people of the local region as it is part of the cultural landscape that Aboriginal people have connected with over generations. • Historical significance: The study area is not currently known to have any historic associations. • Aesthetic significance: The landscape of the study area is closely linked with Aboriginal cultural values; however, stock grazing, vegetation clearance and construction of residential dwellings and associated buildings and services has reduced the aesthetic quality of the area to moderate. • Archaeological (scientific) significance: The archaeological assessment undertaken has determined that the study area has low archaeological values, as no Aboriginal objects or sites were identified during the investigation. <p>The ACHA will be provided to Heritage NSW for review during the post-gateway agency consultation stage.</p> <p>NSW Environment Protection Authority (EPA)</p> <p>The EPA stated that the proposal does not constitute a Scheduled Activity under Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> (POEO Act). As such, the EPA does not consider that the proposal will require an Environment Protection Licence under the POEO Act. The EPA does not require any follow-up consultation.</p> <p>Further consultation with State and Commonwealth public authorities will occur in accordance with the Gateway determination. Council recommends further consultation with the following authorities:</p> <ul style="list-style-type: none"> • Rural Fire Service • NSW Department of Planning and Environment – Biodiversity and Conservation Division • Heritage NSW • Hunter Water • Australian Pipeline and Gas Authority • NSW Department of Primary Industries



LEP map sheet: 002

LEP map sheet: 006A

LEP map sheet: 006B

LEP map sheet: 006

LEP map sheet: 007A

LEP map sheet: 007

LEP map sheet: 003

Subject Land

0 4 Kilometres

Locality

LAKE MACQUARIE CITY

Projection GDA 1994 Zone 56

Source: Map Creator: WofE, Street Map: Ext. HERE, Garmin, NOAA, USGS

Date: 30/06/2022

Planning Proposal: RZ/1/2022



Figure 2 – Aerial Photo of the Site



Planning Proposal – RZ/1/2022 – PP-2022-3016

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Figure 3 – Existing zoning

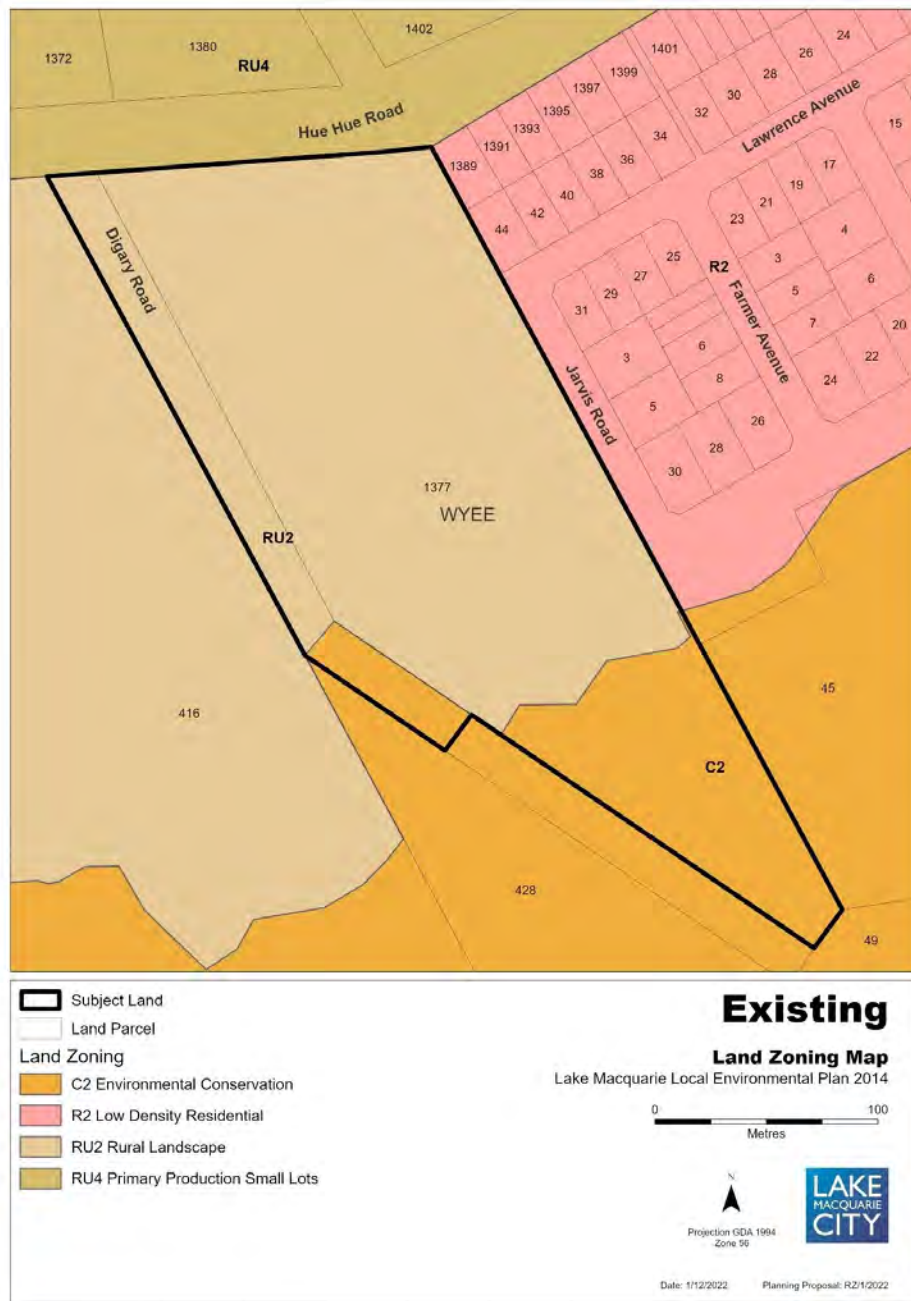




Figure 4 – Proposed zoning

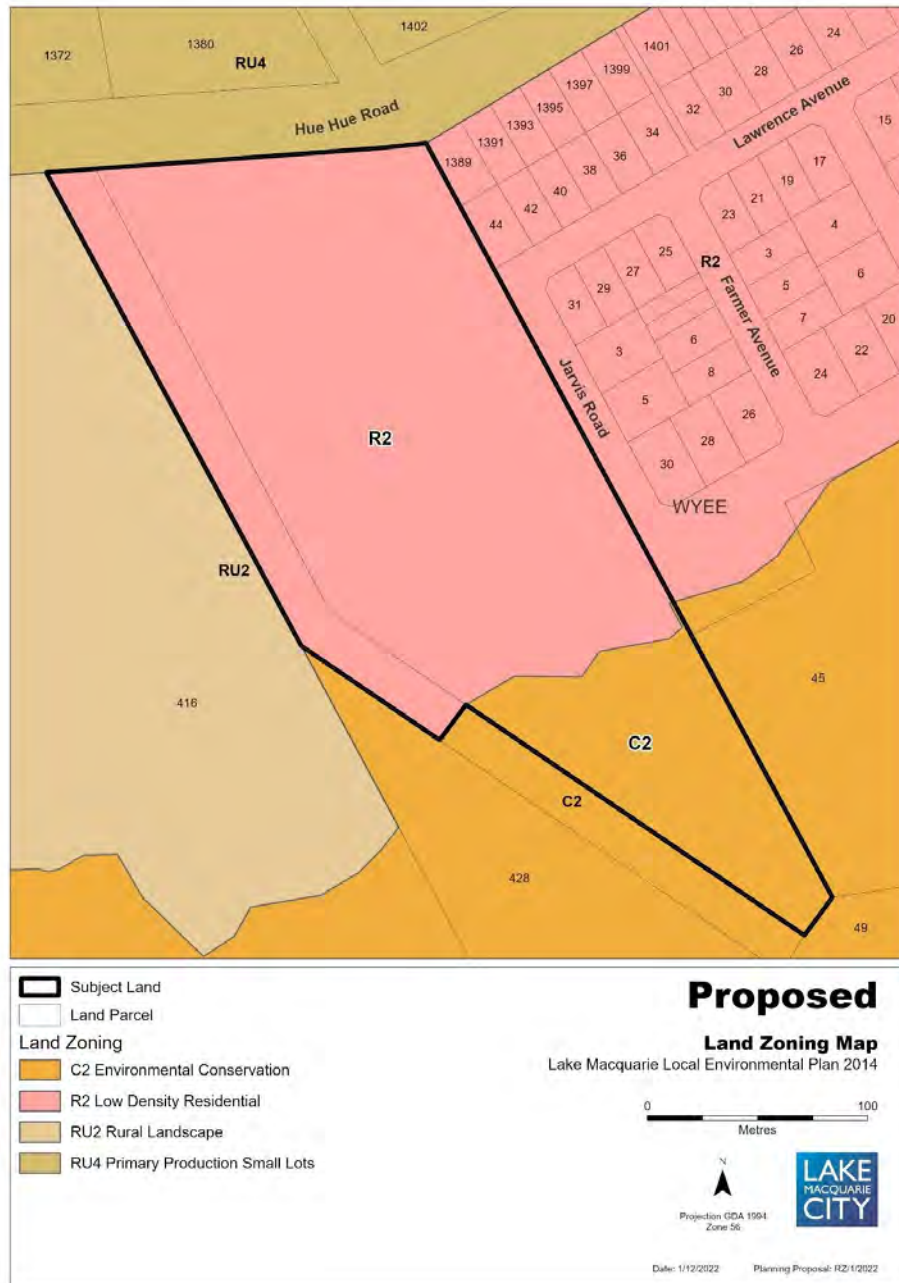




Figure 5 – Existing minimum lot size





Figure 6 – Proposed minimum lot size





Figure 7 – Existing Urban Release Area Map







Part 5 – Community Consultation

A Pre-Lodgement scoping proposal was considered by Council in early 2022. This included consultation with Council staff and Government agencies. A Pre-Lodgement meeting was held on 5 April 2022 followed by the issue of written advice on 13 April 2022. The advice issued contained comment from the following agencies:

- Lake Macquarie City Council
- NSW Rural Fire Service
- NSW Department of Planning and Environment – Biodiversity and Conservation Division
- Heritage NSW
- NSW Environmental Protection Authority

The following agencies were also contacted during the Pre-Lodgement stage, however no comment has been received at this stage:

- Hunter Water
- Australian Pipeline and Gas Authority
- NSW Department of Primary Industries

The proponent has also undertaken consultation with the Aboriginal community as part of the Aboriginal Cultural Heritage Assessment process.

Should the proposal be supported, the planning proposal will be formally exhibited in accordance with the Lake Macquarie Community Participation Plan and the Gateway determination. The recommended maximum period of public exhibition under the NSW Government's 'Local Environmental Plan Making Guideline' for Planning Proposals categorised as 'standard' is 20 working days. Council's Community Participation Plan recommends a period of 28 days or as otherwise specified by the Gateway Determination.

Part 6 – Project Timeline

Stage	Timeframe and / or date
Gateway determination	25 working days
Pre-exhibition	50 working days
Commencement and completion of public exhibition period	20 working days
Consideration of submissions	10 working days
Post-exhibition review and additional studies	10 working days
Post exhibition planning proposal consideration / preparation	55 working days
Submission to Department for finalisation (where applicable)	10 working days
Gazettal of LEP Amendment	45 working days



Part 12 – Precinct Area Plans - Wyee West

1 INTRODUCTION

The purpose of the Wyee West Area Plan is to provide a strategic and coordinated approach to the development of land located to the west of the existing Wyee township. The Area Plan will ensure that the land is developed in an efficient manner, considering environmental, social and economic issues affecting the site.

This Area Plan is to be read in conjunction with the relevant part of Lake Macquarie Development Control Plan (LM DCP) 2014. Where the provisions of this Area Plan are inconsistent with the controls in the relevant part of LM DCP 2014, the provisions of this Area Plan will prevail.

1.1 BACKGROUND

~~The development of the land subject to this area plan for residential subdivision has been made possible by the construction of a wastewater treatment plant within the site. The treatment plant was partially funded by a grant from the Australian Government's Building Better Regional Cities program. That program was designed to fund infrastructure that supported the provision of affordable housing.~~

1.2 EXTENT OF AREA PLAN

This Area Plan applies to the land outlined in heavy edging as shown in Figure 1.

Justification: This section is proposed to be removed since the wastewater treatment plant has never been used and is proposed to be removed and replaced with residential development. This will be enabled by a planning proposal that seeks to rezone the land from SP2 to R2.



Part 12 – Precinct Area Plans - Wyee West



Justification: Figure 1 has been updated to include Precinct D and to include new subdivisions and newly constructed roads.

Figure 1 – Extent of the Area Plan

Summary of changes
Draft LMCC DCP 2014 – Revision XX
Page 2 – F2022/02289



Attachment 2



Part 12 – Precinct Area Plans - Wyee West

1.3 EXISTING CHARACTER

Wyee is located adjacent to the southern boundary of Lake Macquarie Local Government Area and is on the main northern railway line and main road that links Morisset to Doyalson. The Sydney-Newcastle M1 Motorway is located to the West of the township.

The Wyee township comprises predominantly low density residential allotments with detached housing, interspersed with rural properties and rural residential allotments. The town centre is situated on Wyee Road, and comprises a small commercial/retail centre.

Wyee is located within a rural landscape and it is physically and visually separated from the nearby urban settlements of Morisset, Wyee Point and Doyalson. Because of the small size of the settlement, and its shape and topography, glimpses of a rural landscape are frequently viewed from points within the town.

1.4 ENVIRONMENTAL ATTRIBUTES AND CONSTRAINTS

Flooding

Mannering Creek is a significant landscape feature that traverses the site in addition to a tributary entering from the south. Land adjacent to Mannering Creek and the tributary is flood prone and identified as a Flood Planning Area in *Lake Macquarie Local Environmental Plan 2014* (LMLEP 2014), as shown in Figure 2.

Biodiversity

The site provides a range of biodiversity values, including the general provision of habitat and connectivity, threatened species, and Ecological Endangered Communities. The key biodiversity features of the site include:

- Two riparian corridors containing Endangered Ecological Communities;
- Important Squirrel Glider corridor and habitat for denning and foraging; and
- Threatened flora species including *Tetratheca Juncea* and *Angophora Inopina*.

The high ecological value land has been mapped as **E2 C2** Environmental Conservation or identified as Environmentally Sensitive Land in LMLEP 2014, as shown in Figure 2. The retention, conservation and rehabilitation of the environmental corridors is an important priority. Vegetation within areas identified as Environmentally Sensitive Land must either be retained or, if removed, appropriately offset.

Justification: The environmental zones (i.e. E1, E2, E3 and E4) have been changed to conservation zones (i.e. C1, C2, C3 and C4). The changes reflect the updated zone names.



Part 12 – Precinct Area Plans - Wyee West

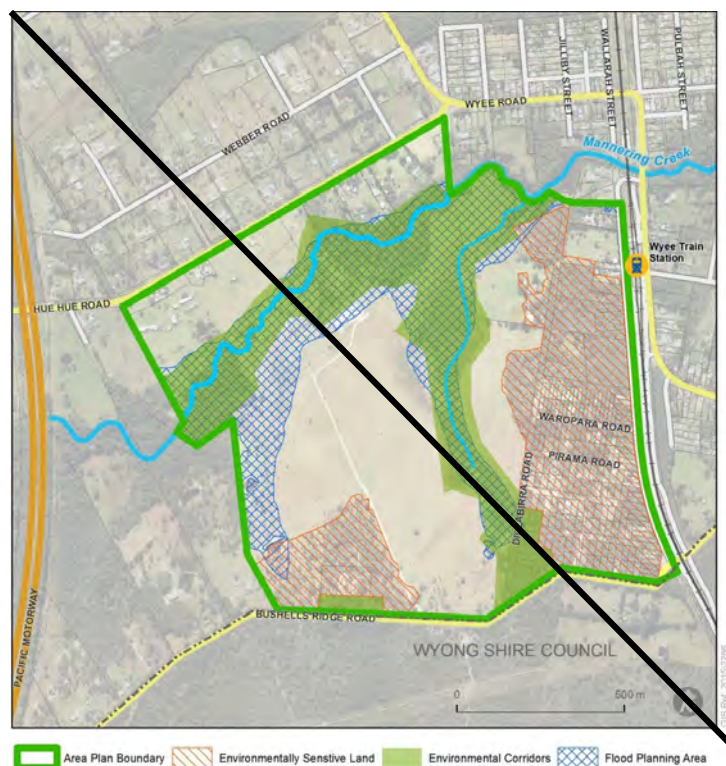


Figure 2 – Environmental Attributes and Constraints

Justification: Figure 2 has been updated to include Precinct D and to include new subdivisions and newly constructed roads.

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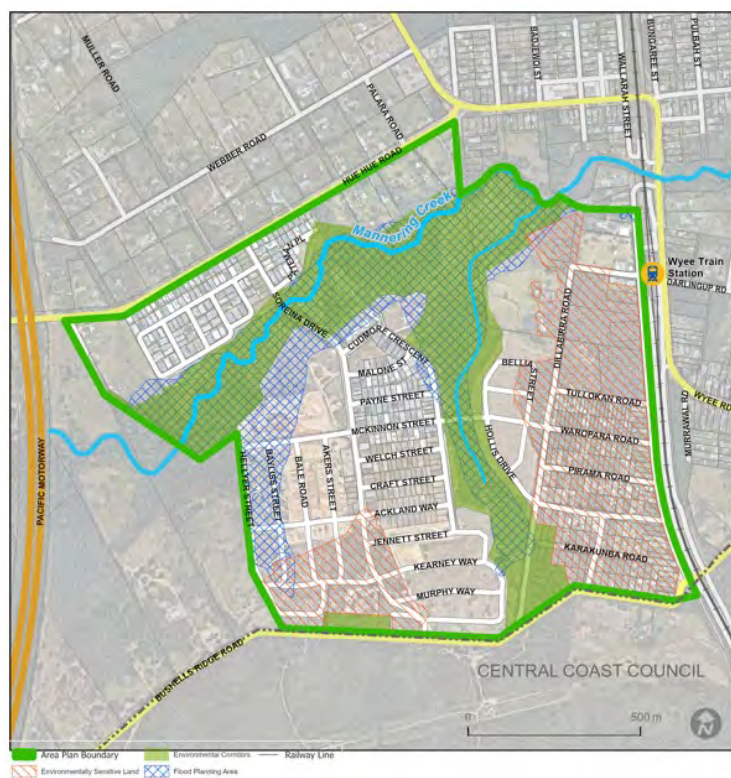


Figure 2 – Environmental Attributes and Constraints

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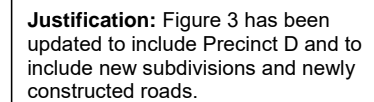
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1.5 DESIRED FUTURE CHARACTER

In 2010, Council adopted the Wyee Structure Plan following public exhibition. That plan provides strategic direction for the planning and future development of Wyee. Principle 1 – Desired Future Character and Urban Form of the Wyee Structure Plan states that 'Wyee will continue to exhibit the visual and aesthetic character of a rural village'.

The desired urban structure of the site is outlined in Figure 3 and aims to:

- Maintain and enhance environmental corridors,
- Establish a perimeter road to define the edge of open space and conservation areas,
- Locate roads and entries for efficient access and connectivity through the site and between the Precincts,
- Designate an area within the site for sport fields, netball courts, a local park and dog exercise area in a central location and free from environmental constraints,
- Provide safe pedestrian and cycle paths linking to the existing road network, recreation facilities and Wyee train station,
- Provide a range of lot sizes to accommodate a variety of dwelling types including affordable housing, and
- Minimise potential for risk from bushfire and flooding.



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Figure 3 – Wyee West Structure Plan

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1.6 PRECINCTS

Three distinctive precinct areas have been identified within the land to which this Area Plan applies, as outlined in Figure 4. Each precinct has its own specific development controls.



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Justification: Figure 4 has been updated to include Precinct D and to include new subdivisions and newly constructed roads.

Figure 4 – Precinct Boundaries

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Figure 4 - Precinct Boundaries

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Precinct A – Low Density Residential

This land comprises approximately 120 hectares of mostly cleared grazing land and also contains important ecological corridors and communities. Precinct A is the largest of the three precincts and will comprise predominantly low density housing on a range of lot sizes, including a component of affordable housing. Precinct A will contain new recreation facilities including sport fields and amenities, a local park, netball courts, dog exercise area and shared pathways. The enhancement of the riparian corridors will contribute to the visual amenity and bushland setting of the site by providing a natural backdrop to the residential area.

Precinct B – Medium Density Residential

Precinct B is located within 400 metres of the train station and is envisaged to contain predominantly medium density housing, such as town houses and villas. Medium density development is suitable in this location due to its accessibility to the Wyee train station and village centre. Single dwellings will only be permitted on small lots (between 200m² and 450m²).

Precinct B contains habitat that forms part of an existing conceptual Squirrel Glider corridor through the site.

Precinct C – Paper Subdivision

Precinct C, located adjacent to the railway line, comprises 199 existing residential sized lots in Deposited Plan 7506. The land is known as the Wyee West Paper Subdivision and was created in 1914. The subdivision pre-dates the legislative requirements for anyone subdividing land to construct essential infrastructure. Until recently the land had limited development prospects due to its former rural zoning and lack of infrastructure. The land has generally remained undeveloped and unserviced. Precinct C also contains habitat that forms part of an existing conceptual Squirrel Glider corridor through the site.

In 2013, the majority of lots within the paper subdivision were rezoned from rural to residential. Despite the residential zoning, the paper subdivision still lacks the essential infrastructure to enable Council to grant consent to dwellings on these allotments. The paper subdivision will require sealed roads, drainage, reticulated water and sewerage, electricity and telecommunications. Landowners are responsible for the cost of the infrastructure.

Fifteen (15) lots are zoned E2 C2 Environmental Conservation under the LMLEP 2014 to conserve and enhance the high ecological value of this land which forms part of an important Squirrel Glider corridor. These lots are not suitable for residential development and accordingly will not require essential infrastructure.

Justification: The environmental zones (i.e. E1, E2, E3 and E4) have been changed to conservation zones (i.e. C1, C2, C3 and C4). The changes reflect the updated zone names.



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Precinct D – Low Density Residential

Precinct D is located west of Precinct A and comprises the property known as 1377 Hue Hue Road, Wyee, as well as part of Digary Road. This land has an area of approximately 4.5 hectares and mostly contains cleared grazing land in the northern section of the site, as well as some remnant forest with important ecological communities in the southern section. Precinct D will comprise predominantly low density housing on a range of lot sizes in the northern section of the site and will retain the C2 zoned land in the southern section.

Justification: This section has been included in the DCP to provide an overview of Precinct D.



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2 DEVELOPER CONTRIBUTIONS

Several items need to be provided to achieve the environmental and development objectives of the site: These include:

- Pedestrian/cycleway links;
- Road and traffic infrastructure;
- Stormwater management infrastructure;
- Native vegetation and riparian corridor rehabilitation and ongoing management in environmental zoned land; and
- Provision of land for new sports fields, netball courts, local park and dog exercise area.

Public community facilities that will be required as a result of population growth in Wyee are specified in Lake Macquarie City Council Development Contributions Plan 2012 - Morisset Contributions Catchment.

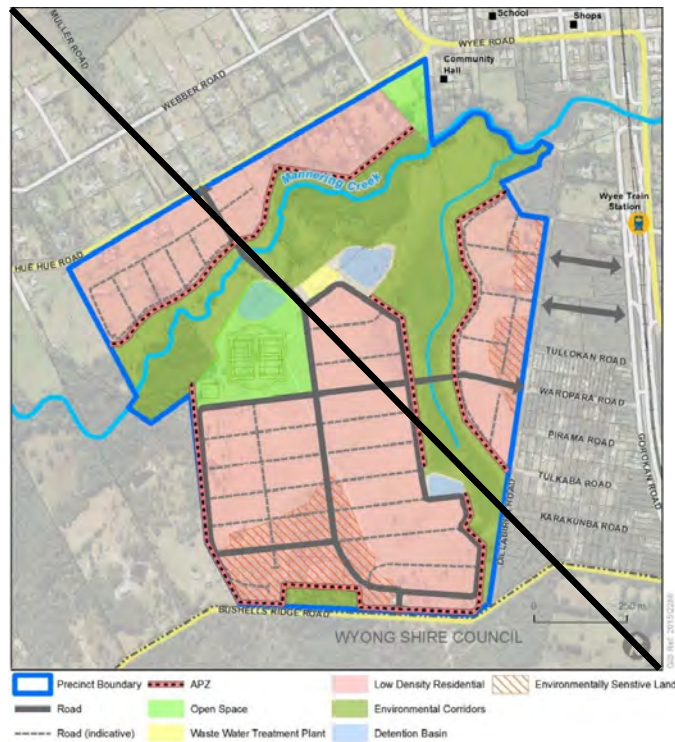
There are several options available to deliver these items that may be used in combination, including:

- Conditions of consent for future development applications;
- Section 7.11 contributions;
- Dedication of land to Council;
- Works in kind; and
- Voluntary planning agreements.



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3 PRECINCT A – LOW DENSITY RESIDENTIAL



Justification: Figure 5 has been updated to include the indicative roads adjacent to Precinct A.

Figure 5 – Precinct A: Subdivision Design and Layout Plan

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Figure 5 – Precinct A: Subdivision Design and Layout Plan

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3.1 DEVELOPMENT STAGING

Objectives

- a. To ensure the subdivision of the land is undertaken according to a logical sequence, having regard to the provision of infrastructure and identified community facilities.
- b. To ensure the timely establishment of environmental rehabilitation works required in accordance with Section 3.40 3.9 of this Area Plan.

Justification: This change just seeks to correct a mistake (i.e. the text relates to section 3.9 and not 3.10).

Controls

1. Any application for subdivision must be accompanied by a staging plan, indicating the number of residential lots and infrastructure included in each stage.
2. The staging plan must clearly indicate the extent of environmental rehabilitation work to occur as part of each stage of the subdivision and the proposed management regime for conservation areas.

3.2 SUBDIVISION DESIGN AND LAYOUT

Objectives

- a. To ensure the subdivision layout is designed to integrate with the surrounding neighbourhood and the natural environment.
- b. To ensure the ecological attributes of the site are protected and enhanced.
- c. To provide a highly accessible network of pedestrian and shared pathways that encourage walking and cycling to local destinations, including, shops, sporting and community facilities and public transport.
- d. To ensure the subdivision of the subject land provides adequate protection from hazards such as flooding and bushfire.
- e. To mitigate adverse impacts of new intersections on the amenity of existing residents and to maintain safe access to existing residences.

Controls

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1. The subdivision layout should generally be consistent with Figure 5.
2. The subdivision layout must be designed to ensure passive surveillance of open space and recreation facilities.
3. The developer of Precinct A shall determine the impact of the proposed intersection of the new collector road with Hue Hue Road on the ability of residents of 1432 and 1434 Hue Hue Road to safely access their properties from both directions. Where necessary, the developer shall, in consultation with the respective landowners, meet the reasonable expense of relocating the driveways of these properties to allow safe access to and from Hue Hue Road. Additionally, the developer shall construct a solid wall along the front boundary of 1432 Hue Hue Road to the extent necessary to mitigate the effect of headlights of vehicles exiting the proposed collector road on the existing dwelling.

3.3 SITE BENCHING

Objectives

- a. To ensure that subdivision design and layout responds to the site's characteristics.
- b. To maintain site stability.
- c. To avoid unnecessary clearing and reshaping of land at subdivision stage.
- d. To ensure that cut and fill does not significantly alter the flow of water or exacerbate flooding.

Controls

1. Benching of allotments created under Clause 4.1B of LMLEP 2014 is permitted at subdivision stage if:
 - i. The height of any retaining walls does not exceed 1.5 metres;
 - ii. All retaining wall designs include a sub-soil drainage system;
 - iii. Retaining walls are permitted near lot boundaries but must be located entirely on the lot being retained, including all necessary sub-soil drainage;
 - iv. Retaining walls are designed to accommodate the surcharge loading of future dwellings, or a restriction will be placed on the lots to ensure that buildings are not built within the influence zone of the retaining wall;
 - v. Retaining walls are constructed of decorative masonry or similar high-quality materials;



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- vi. The side-to-side cross fall on the resulting benched lots does not exceed 5%.

Notes:

1. Benching is excavation and / or filling of the natural slope of land to create flat building sites. The earthworks are held in place by a retaining wall.
2. Section 3.27 of Part 3 – Development within the Residential Zones of LM DCP 2014 contains controls for cut and fill that apply in addition to those provided above. Where benching is undertaken at the subdivision stage, retaining walls may be near the allotment boundary as long as the structure and associated drainage is located entirely on one lot. Where retaining walls are proposed at the development application stage for an individual lot, only the provisions under Section 3.27 of Part 3 of the DCP apply and the retaining wall must be offset from the allotment boundary.

3.4 OPEN SPACE AND RECREATION

Objectives

- a. To ensure that public open space provided is of the appropriate quantity and quality to meet the recreational and social needs of the community.

Controls

1. Open space shall be provided onsite in accordance with the requirements of Table 1.

Table 1 – Open Space Requirements

Open Space Type	Number	Minimum Area Required (m2)
Sportsground (2 playing fields)	1	32,500
Netball Courts	2	1,750 (combined area)
Local Park	1	5,000
Dog Exercise Area	1	5,000



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Note: The location and configuration of open space as shown in Figure 5 is indicative and subject to final survey and design.



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3.5 PEDESTRIAN AND BICYCLE LINKS

Objectives

- a. To ensure the development provides a pedestrian and cycle network with access to key destinations within the site and surrounding area, including the existing and proposed recreation areas, shops, Wyee Public School and Wyee train station.

Controls

1. Pedestrian and cycle routes must be conveniently linked to recreation and community facilities, the Wyee train station, and the external road network, as shown in Figure 3.
2. Where practical, shared pedestrian/cycle pathways should be incorporated into the road reserve on the undeveloped side of perimeter roads, thereby contributing to Asset Protection Zones and providing a 'hard edge' to conservation land.

3.6 FRONTAGE TO EXISTING ROADS

Objectives

- a. To ensure new dwellings are orientated towards existing roads in order to:
 - integrate with the existing township,
 - make efficient use of existing infrastructure, and
 - provide better streetscape amenity along existing roads

Controls

1. Where practical, lots along Hue Hue Road and Bushells Ridge Road should be orientated towards the existing road.

Note:

1. If orientating lots towards Bushells Ridge Road cannot be practically achieved due to minimum Asset Protection Requirements and building setbacks, Council may consider a variation to the above control. The onus is on the applicant to demonstrate (supported by a Bushfire Report) why a variation to the control is required.
2. If, prior to residential subdivision of the relevant stage adjacent to Bushells Ridge Road, land adjacent to and south of Bushells Ridge Road, located within the Wyong Local Government Area, is developed for a use



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considered unsuitable to be faced by residential dwellings, Council will consider a variation to the above control. In this circumstance, a vegetated buffer area may be necessary between Bushells Ridge Road and residential allotments.

3. Where lots are not orientated towards Bushells Ridge Road, one consistent fence (using timber palings or similar) must be erected along the rear of all lots adjacent to Bushells Ridge Road and screened with landscaping to the satisfaction of Council. Fencing and landscaping details are to be submitted with the Development Application for the relevant stage of subdivision and the works shall be completed prior to release of the Subdivision Certificate.

3.7 WATER QUALITY MANAGEMENT

Objectives

- a. To ensure ecologically valuable land and associated watercourses are protected.
- b. To rehabilitate creek banks that have been subject to damage from erosion
- c. To ensure the stormwater drainage system is designed to maintain the natural watercourse and to minimise future environmental impacts.

Controls

1. Stormwater from developed areas should be treated prior to discharging into a natural watercourse.
2. Eroded sections of the bank of Mannering Creek (including and upstream of Lot 1 DP 785709) are to be rehabilitated and stabilised by revegetation with suitable native species for the width of the ~~E2~~ **C2** zone in conjunction with construction of the proposed road link crossing the creek.
3. Stormwater and water quality facilities should be primarily located within the R2 Low Density Residential zoned part of the site. If any stormwater and water quality structures are positioned within the ~~E3~~ **C3** zoned land, these facilities must be designed to integrate with revegetation works and ensure adequate flow paths are maintained. No facilities are to be located in the ~~E2~~ **C2** zone.

Justification: The environmental zones (i.e. E1, E2, E3 and E4) have been changed to conservation zones (i.e. C1, C2, C3 and C4). The changes reflect the updated zone names.



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3.8 BUSHFIRE

Objectives

- a. To minimise any risks to life and property from bushfire hazards.
- b. To ensure that any risks associated with bushfire are appropriately managed.

Controls

1. The subdivision plan should provide for a perimeter road between the bushfire prone land and the development lots.
2. Asset Protection Zones must be established within the residential zoned part of the site and require minimal maintenance (i.e. incorporate perimeter road).

3.9 VEGETATION MANAGEMENT

Objectives

- a. To protect and enhance biodiversity values within land zoned for conservation.
- b. To ensure the riparian and wildlife corridors associated with Mannering Creek and its tributaries are rehabilitated and appropriately managed, including establishing habitat suitable for arboreal fauna.
- c. To ensure that the loss of biodiversity arising from development of the land is offset to mitigate the impact of that development.
- d. To provide for the long-term rehabilitation and management of land zoned for conservation.

Controls

1. A Vegetation Management Plan must be prepared for the Precinct in accordance with Council's Vegetation Management Plan Guidelines prior to subdivision.



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2. Secure tenure of the E2 C2 Environmental Conservation Land is necessary to ensure the long-term protection, rehabilitation and management of the E2 C2 land. This may be achieved by:
 - i. Dedication of E2 C2 land to Council or an acceptable management agency following implementation of the Vegetation Management Plan for a period of 10 years;
 - ii. Entering into a legally binding agreement (e.g. Planning Agreement) to establish a mechanism to provide ongoing management of E2 C2 land (e.g. an endowment fund);
3. All required on-site biodiversity offsets must be planted and functioning to the satisfaction of Council, prior to removal of any vegetation identified as Environmentally Sensitive Land in LMLEP 2014 (Clause 7.20).
4. Rehabilitated conservation lands should be protected by adequate drainage and weed controls, as well as fencing to deter unauthorised vehicular access.

Note:

- i. Preparation of the Vegetation Management Plan (VMP) may be carried out in stages corresponding with stages in subdivision of the site. For example, subdivision of that part of Precinct A between Hue Hue Road and Mannering Creek must include a VMP for land zoned E2 C2 adjacent to the proposed subdivision up to the northern bank of the creek [excluding land likely to be disturbed during construction of the proposed road crossing of the creek]. The final VMP must provide for, but not be limited to:
 - a. Re-establishment of native vegetation along riparian corridors, in endangered ecological communities and in fauna movement corridors (including removal of rubbish, weeds and planting with suitable native species);
 - b. Stabilisation of creek and drainage lines within the site using soft engineering (i.e. mimic natural systems such as properly constructed bed controls, pools and riffles);
 - c. Rehabilitation of habitat suitable for squirrel gliders, including establishment of a continuous canopy of preferred habitat trees such as Swamp Mahogany (*Eucalyptus Robusta*) augmented with artificial structures where necessary to allow movement through the site and for habitat augmentation (e.g. installing nest boxes to compensate for loss of hollows).
 - d. Details of the number and location of *Angophora Inopina* to be replanted in the E2 C2 land to compensate for loss of individuals for development (replanting of *Angophora Inopina* must be provided at a ratio of 5:1);
 - e. Future management arrangements for the E2 C2 land including funding, monitoring and timeframes;

Justification: The environmental zones (i.e. E1, E2, E3 and E4) have been changed to conservation zones (i.e. C1, C2, C3 and C4). The changes reflect the updated zone names.

Justification: The environmental zones (i.e. E1, E2, E3 and E4) have been changed to conservation zones (i.e. C1, C2, C3 and C4). The changes reflect the updated zone names.



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- f. The standard of rehabilitation to be achieved should result in a weed free, self-maintaining ecosystem to ensure minimal maintenance is required over the long term; and
 - g. Inclusion of the treatment of the interface between the land to be conserved and areas to be developed as urban.
- ii. If any offset land is to be managed by or dedicated to any other organisation or trust other than Lake Macquarie City Council, suitable documentation is to be provided to Council to provide certainty that:
 - a. The criteria and arrangements in the section are satisfied, and
 - b. Adequate financial resources have been secured in perpetuity of the subject land.
- iii. In determining these controls, no seven-part test has been undertaken. Should Council's assessment of the seven-part test conclude that a significant impact will result from development of the land, then development and offset arrangements will require concurrence from the NSW Office of Environment and Heritage.



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4 PRECINCT B – MEDIUM DENSITY RESIDENTIAL

Objectives

- a. To ensure development within the precinct integrates (or provides for future integration) with the remainder of the precinct
- b. To ensure that medium density development provides for a sympathetic transition to the low density housing.
- c. To provide a mix of medium density housing such as town houses and residential flat buildings.
- d. To recognise potential impacts of the rail corridor on new development.

Controls

1. A structure plan for the whole of Precinct B must be prepared to Council's satisfaction prior to consent being granted to any residential development within the precinct. The structure plan must have involved consultation with other landowners within the precinct, including with the relevant Aboriginal Land Council for any parcels subject to Aboriginal Land Claims.
2. Roads must be provided generally in accordance with Figure 6.
3. Development consent must not be granted for development unless Council is satisfied that the cumulative impact from residential development on the biodiversity values is minimal, or has been appropriately mitigated or offset.
4. Reticulated water and sewerage must be available, or adequate arrangements have been made to make them available, prior to Council granting consent for residential development.
5. Proposed development fronting Gorokan Road must have regard to "Development Near Rail Corridors and Busy Roads – Interim Guidelines" (released by the NSW Department of Planning).



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Figure 6 - Precinct B: Indicative Roads

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5 PRECINCT C – PAPER SUBDIVISION

Objectives

- a. To ensure that essential infrastructure is in place prior to dwellings being constructed.
- b. To ensure that infrastructure is provided in a logical and coordinated manner.
- c. To ensure that adverse impacts of development on environmentally sensitive land are minimised or offset in a coordinated manner.

Controls

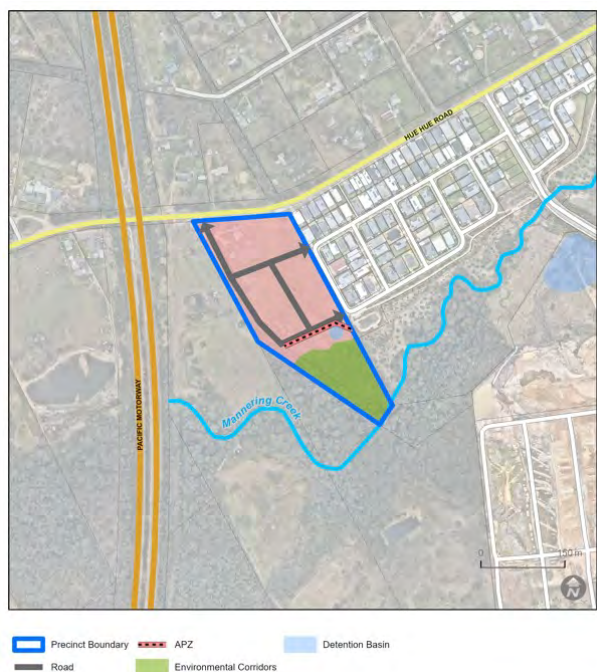
1. Dwellings must not be approved until essential infrastructure is in place, or adequate arrangements have been made to make them available. Essential infrastructure includes:
 - i. Reticulated water,
 - ii. Reticulated sewerage,
 - iii. Properly constructed roads,
 - iv. Stormwater drainage,
 - v. Electricity, and
 - vi. Telecommunications.
2. All landowners of land zoned residential will need to contribute to the cost of infrastructure through an agreed scheme.
3. Development consent for dwellings should not be granted unless Council is satisfied that the cumulative impact from residential development on biodiversity values is minimal, or has been appropriately offset.

Note: The investigation and resolution of biodiversity matters should be undertaken as part of preparing an agreed scheme to provide essential infrastructure to the land.



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6 PRECINCT D – LOW DENSITY RESIDENTIAL



Justification: Figure 7 has been included to show the location of indicative roads, APZs, stormwater basin and environmental corridor for Precinct D.

Figure 7 - Precinct D: Indicative Roads, APZs, stormwater basin and environmental corridor

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6.1 SUBDIVISION DESIGN AND LAYOUT

Objectives

- a. To ensure the subdivision layout is designed to integrate with the surrounding neighbourhood and the natural environment.
- b. To ensure the ecological attributes of the site are protected and enhanced.
- c. To provide a highly accessible network of pedestrian and shared pathways that encourage walking and cycling to local destinations, including, shops, sporting and community facilities and public transport.
- d. To ensure the subdivision of the subject land provides adequate protection from hazards such as flooding and bushfire.
- e. To mitigate adverse impacts of new intersections on the amenity of existing residents and to maintain safe access to existing residences.

Justification: These objectives and controls have been added to provide guidance in regard to the subdivision layout of Precinct D.

Controls

1. The subdivision layout should generally be consistent with Figure 7.

6.2 FRONTAGE TO EXISTING ROADS

Objectives

- a. To ensure new dwellings are orientated towards existing roads in order to:
 - i) integrate with the existing township,
 - ii) make efficient use of existing infrastructure, and
 - iii) provide better streetscape amenity along existing roads

Controls

1. Where practical, lots along Hue Hue Road and Jarvis Road should be orientated towards the existing road.

Justification: These objectives and controls have been added to ensure that new residential lots face existing roads (i.e. Hue Hue Road and Jarvis Road).



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6.3 PEDESTRIAN AND BICYCLE LINKS

Objectives

- a. To ensure the development provides a shared path that links with the existing shared path to provide access to key destinations within the surrounding area, including the existing and proposed recreation areas, shops, Wyee Public School and Wyee train station.

Controls

1. The shared path must be conveniently linked to the existing shared path which provide access to recreation and community facilities, the Wyee train station, and the external road network.
2. Where practical, the shared path should be incorporated into the road reserve on the undeveloped side of perimeter roads, thereby contributing to Asset Protection Zones and providing a 'hard edge' to conservation land.

Justification: These objectives and controls have been added to ensure that the new shared path will connect to the existing one and to ensure that, where practical, the shared path will be incorporated into the road reserve to contribute to a 'hard edge' Asset Protection Zone, which will help to minimise bushfire related risks.

6.4 BUSHFIRE

Objectives

- a. To minimise any risks to life and property from bushfire hazards.
- b. To ensure that any risks associated with bushfire are appropriately managed.

Controls

1. The subdivision plan should provide for a perimeter road between the bushfire prone land and the development lots.
2. Asset Protection Zones must be established within the residential zoned part of the site and require minimal maintenance (i.e. incorporate perimeter road) and should be to the satisfaction of Council and the NSW Rural Fire Service.

Justification: These objectives and controls have been added to ensure that there is a perimeter road between the bushfire prone land and the development lots to reduce the bushfire related risks and to ensure that Asset Protection Zones comply with bushfire standards.

6.5 FLOODING

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Objectives

- a. To minimise any risks to life and property from flooding hazards.
- b. To ensure that any risks associated with flooding are appropriately managed.

Controls

1. Land in the R2 zone within the flood planning area (which is based on the probable maximum flood) can only be used for stormwater management and cannot be used for residential development.
2. Residential development is to be located outside of the flood planning area (which is based on the probable maximum flood).

Justification: These objectives and controls have been added to ensure that residential development is not allowed on land within the flood planning area in order to reduce flood related risks.

6.6 STORMWATER AND WATER QUALITY MANAGEMENT

Objectives

- a. To ensure ecologically valuable land and associated watercourses are protected.
- b. To ensure the stormwater drainage system is designed to maintain the natural watercourse and to minimise future environmental impacts.

Controls

1. Stormwater from developed areas must be treated prior to discharging into a natural watercourse.
2. Stormwater and water quality facilities must be located within the R2 Low Density Residential zoned part of the site.

Justification: These objectives and controls have been added to ensure that stormwater is treated before entering Mannering Creek to protect the water quality. In addition, the objectives and controls also seek to ensure that stormwater management and water quality facilities do not have adverse impacts on the environment.

6.7 VEGETATION MANAGEMENT

Objectives

- a. To protect and enhance biodiversity values within land zoned for conservation.
- b. To ensure the riparian and wildlife corridors associated with Mannering Creek and its tributaries are rehabilitated and appropriately managed, including establishing habitat suitable for arboreal fauna.



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- c. To ensure that the loss of biodiversity arising from development of the land is offset to mitigate the impact of that development.
- d. To provide for the long-term rehabilitation and management of land zoned for conservation.

Controls

1. A Vegetation Management Plan must be prepared for the Precinct in accordance with Council's Vegetation Management Plan Guidelines prior to subdivision.
2. Secure tenure of the C2 Environmental Conservation Land is necessary to ensure the long-term protection, rehabilitation and management of the C2 land. This may be achieved by:
 - i. dedication of C2 land to Council or an acceptable management agency following implementation of the Vegetation Management Plan for a period of 10 years;
 - ii. entering into a legally binding agreement (e.g. Planning Agreement) to establish a mechanism to provide ongoing management of C2 land (e.g. an endowment fund);
3. Rehabilitated conservation lands should be protected by adequate controls to:
 - i. maintain hydrological regime and water quality as close as practical to predevelopment,
 - ii. manage access,
 - iii. manage impacts over the long term, and
 - iv. prevent damage during construction.

Note:

1. The Vegetation Management Plan (VMP) must provide for, but not be limited to:
 - a. Enhancement of native vegetation along riparian corridors, in endangered ecological communities and in fauna movement corridors (including removal of rubbish, weeds and planting with suitable native species as required);
 - b. Removal of foreign material from creek;
 - c. Rehabilitation of habitat suitable for squirrel gliders, including enhancement and habitat augmentation (e.g. installing nest boxes to compensate for loss of hollows).
 - d. Future management arrangements for the C2 land including funding, monitoring and timeframes;

Justification: These objectives and controls have been added to ensure that the environmental values of the site are retained and protected.



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- e. The standard of rehabilitation to be achieved should result in a weed free, self-maintaining ecosystem to ensure minimal maintenance is required over the long term; and
 - f. The treatment of the interface between the land to be conserved and areas to be developed for urban use.
2. If any offset land is to be managed by or dedicated to any other organisation or trust other than Lake Macquarie City Council, suitable documentation is to be provided to Council to provide certainty that:
- a. The criteria and arrangements in the section are satisfied, and
 - b. Adequate financial resources have been secured in perpetuity of the subject land.
 - c. These controls are based on the understanding that the biodiversity offset scheme is not triggered.

23DP003	Planning Proposal to rezone land from SP2 Infrastructure to R2 Low Density Residential at 482 Bushells Ridge Road, Wyee
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Key focus area	4. Diverse economy
Objective	4.3 Our growing population supports a thriving local economy
File	RZ/10/2021 - D10904508
Author	Strategic Planner - Elsa Berger
Responsible manager	Manager Integrated Planning - Wes Hain
Previous items	22SP029 - Draft planning proposal to rezone part of 482 Bushells Ridge Road, Wyee from SP2 Infrastructure to R2 Low Density Residential - Ordinary Council - 28 Mar 2022 6.30pm

Executive Summary

Address: 482 Bushells Ridge Road Wyee

Landowner: Wyee Land No.2 Pty Ltd

Proponent: Stevens Group

This report considers the planning proposal which seeks to amend the *Lake Macquarie Local Environmental Plan (LMLEP) 2014* by rezoning land from SP2 Infrastructure to R2 Low Density Residential for 482 Bushells Ridge Road, Wyee. The planning proposal would result in the removal of an unused and now redundant wastewater treatment facility and the development of new housing on the site adjacent to recent residential development.

The planning proposal (Attachment 1) adequately addresses all relevant land use planning issues, including bushfire management, flooding and contamination.

The planning proposal was exhibited from 7 November to 4 December 2022. No submissions were received during the exhibition.

This report seeks Council's approval to finalise the planning proposal (Attachment 1) and make the amendment to the *LMLEP 2014*.

Recommendation

Council:

- A. endorses the planning proposal in Attachment 1 to amend the *Lake Macquarie Local Environmental Plan 2014*,
- B. finalises the amendments to the *Lake Macquarie Local Environmental Plan 2014* in accordance with the *Environmental Planning and Assessment Act 1979*.

Discussion

At its meeting on 28 March 2022 (22SP029), Council resolved to request a Gateway Determination and publicly exhibit a planning proposal to rezone land from SP2 Infrastructure to R2 Low Density Residential at 482 Bushells Ridge Road, Wyee. The planning proposal also seeks to introduce a 450m² minimum lot size consistent with the surrounding residential development.

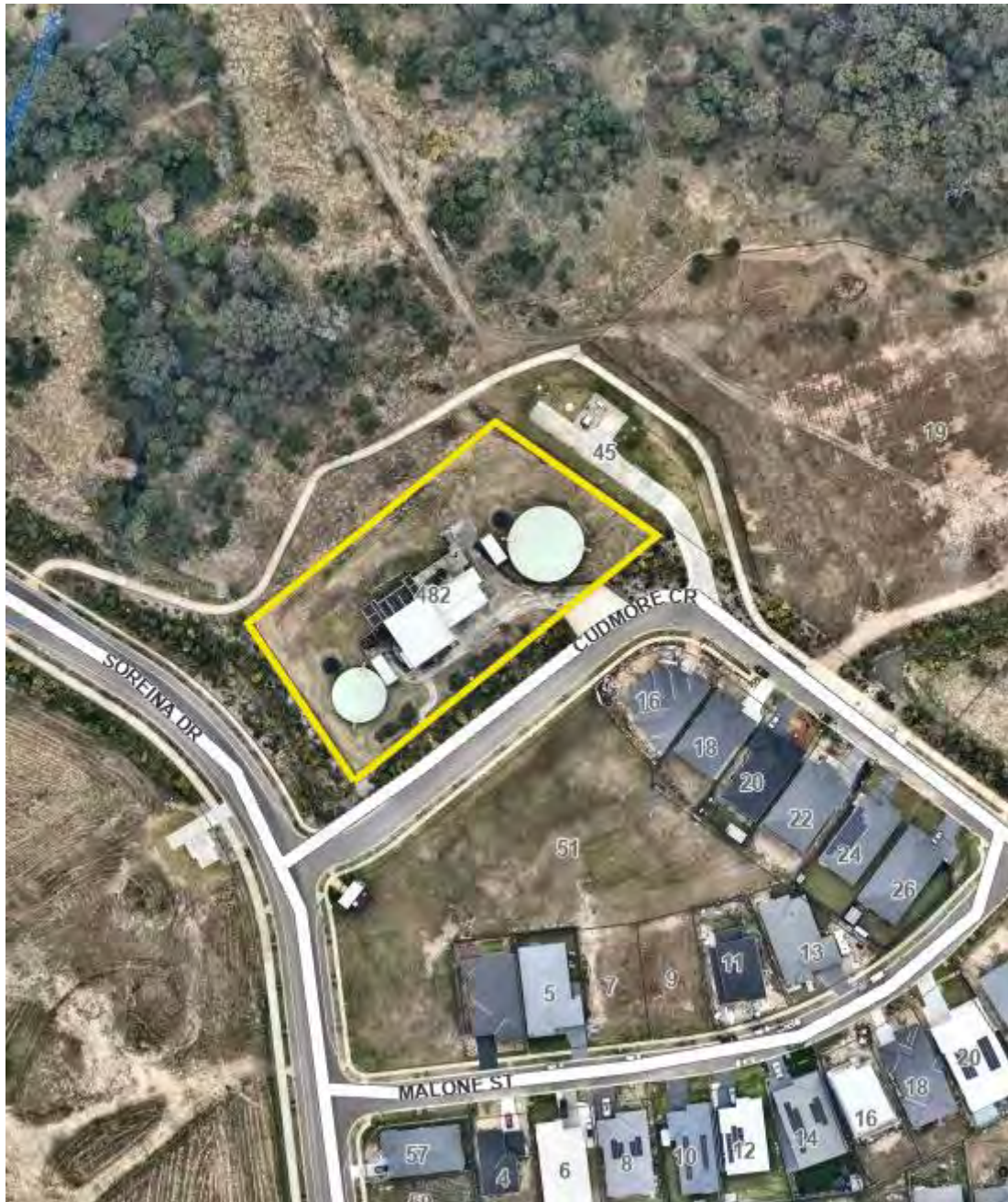


Figure 1: Subject site

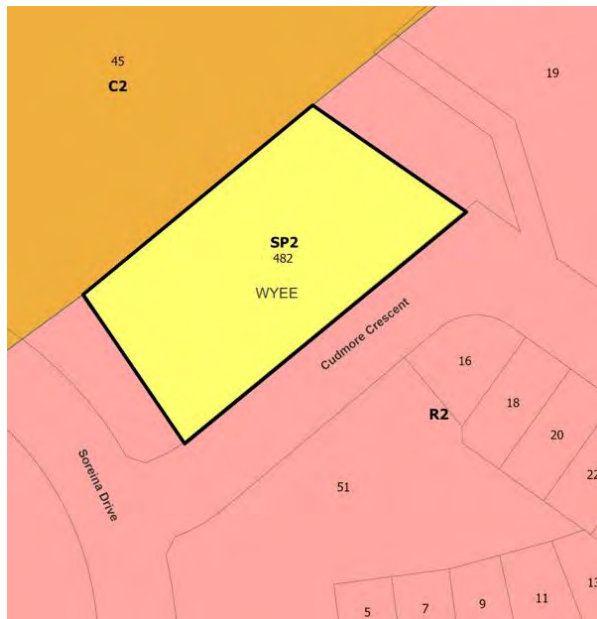


Figure 2: Existing Zoning

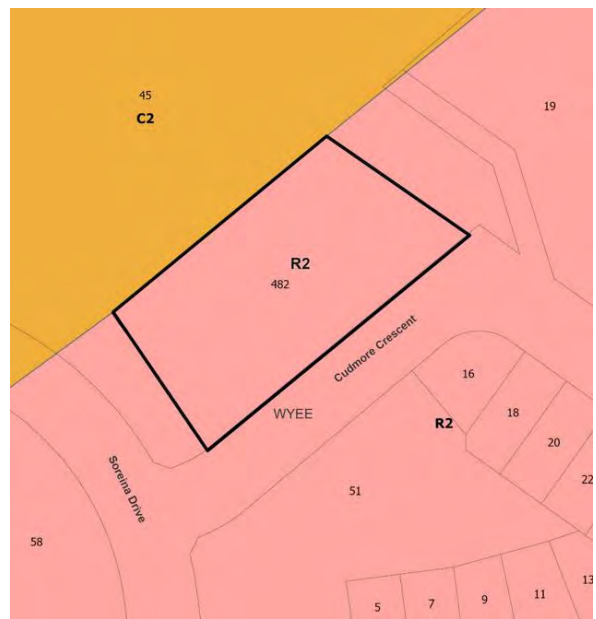


Figure 3: Proposed Zoning

The site is located within the Radcliffe Residential estate in Wyee. In the initial planning for the residential estate, it was envisaged that potable and wastewater servicing would be undertaken by the private entity, Flow Systems Pty Ltd, given Hunter Water had no plans to service the area at that time. A wastewater treatment plant was constructed on the subject land, but was never used. Since that time, Hunter Water has provided water and sewer services to the area, making the wastewater treatment plant redundant.

The planning proposal would result in the removal of an unused and now redundant wastewater treatment facility, and the development of new housing on the site adjacent to recent residential development situated close to local shops and community facilities, as well as the Wyee railway station. The site could accommodate about five standard residential lots or up to 10 dwellings if smaller lots were proposed.

The planning proposal is consistent with the Hunter Regional Plan 2041, the Greater Newcastle Metropolitan Plan 2036, the Lake Macquarie Local Strategic Planning Statement, the Lake Macquarie Housing Strategy and the Community Strategic Plan, as it seeks to enable housing in an existing residential area and in a location with good access to existing infrastructure, services and public transport. This is addressed in detail in the planning proposal in Attachment 1.

Assessment of options

The recommended option is to endorse the planning proposal and finalise the amendment to the *LMLEP 2014*, as it will enable the provision of additional housing and increased housing choice in a location with access to existing infrastructure, services, shops and public transport. The site is within 30 minutes of the strategic centre of Morisset and associated employment opportunities. The planning proposal would therefore help to accommodate Lake Macquarie's growing population in a suitable location.

Alternatively, Council can choose not to proceed with the planning proposal. This will maintain the existing planning controls and is not the recommended option, as it would leave redundant infrastructure in the middle of a new residential estate.

Community engagement and internal consultation

Consultation has occurred internally with Council's Integrated Planning, Development Assessment and Certification, and Environmental Systems departments.

The proposal was exhibited from 7 November to 4 December 2022. It was advertised in the newspaper and on Council's website, and notification letters were sent to adjacent land owners.

No submissions were received during the public exhibition period.

Government agency consultation

Consistent with the Gateway determination, Council consulted with the following agencies regarding the planning proposal:

- NSW Rural Fire Service
- Biodiversity and Conservation Division
- Hunter Water Corporation

NSW Rural Fire Service requested that a bushfire assessment report be prepared. A Strategic Bushfire Study was prepared. The study concludes that the planning proposal is appropriate in the bushfire hazard context and that future development can satisfactorily comply with *Planning for Bush Fire Protection 2019*. NSW Rural Fire Service reviewed the Strategic Bushfire Study and stated that it does not have any objections in relation to the proposal.

The Biodiversity and Conservation Division requested completion of a habitat assessment and a wildlife management plan. An Ecological Assessment Report, as well as a Wildlife Management Plan were prepared. The Ecological Assessment Report concluded that rezoning 0.5ha of land and facilitating the demolition of the existing wastewater treatment plant will be highly unlikely to have significant impacts on threatened ecological communities and threatened species. The Biodiversity and Conservation Division reviewed the Ecological Assessment Report and Wildlife Management Plan and stated that it does not have any objections in relation to the proposal.

Hunter Water Corporation reviewed the proposal and did not require any additional information and raised no objection.

Key considerations

Economic impacts	The planning proposal is anticipated to have positive economic impacts, including through construction related employment opportunities and ongoing investment in the local economy.
Environment	Environmental planning matters such as biodiversity, bushfire, flooding and contamination have been addressed in the planning proposal. Contamination reports undertaken show no contamination sources in the vicinity of the subject site, and the wastewater treatment facility on the site has never been used. The site is therefore not considered to be contaminated. The site is within a low flood hazard area and flood risk can be addressed at development assessment stage through appropriate building setbacks and ensuring floor levels are above the relevant flood planning level.

	Based on an analysis of these matters, the proposed residential zone is suitable for the site.
Community	The planning proposal will provide additional housing supply and choice in close proximity to services, public transport and shopping facilities and within 30 minutes of the Strategic Centre of Morisset and associated employment opportunities.
Civic leadership	The planning proposal demonstrates Council's commitment to increasing housing diversity and supporting vibrant centres.
Financial	There is no financial impact for Council. The planning proposal has been initiated by the landowner who has paid the relevant fee which covers staff time involved in assessing the planning proposal.
Infrastructure	Future development on the site will contribute to the provision of infrastructure and facilities through development contributions identified in the relevant development contributions plan.
Risk and insurance	Any risks associated with the planning proposal have been minimised by following the LEP amendment process under the <i>Environmental Planning and Assessment Act 1979</i> and Council's LEP amendment procedure. Risks related to bushfire, flooding and contamination have been assessed and based on studies, meet policy and land use planning requirements.

Legislative and policy considerations

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

Lake Macquarie Local Environmental Plan 2014

Hunter Regional Plan 2041

Greater Newcastle Metropolitan Plan 2036

Lake Macquarie Local Strategic Planning Statement

Lake Macquarie Housing Strategy

Attachments

1. Planning proposal - 482 Bushells Ridge Road, Wyee D10958542



Planning proposal

Draft Amendment to Lake Macquarie Local Environmental Plan 2014 at 482 Bushells Ridge Road, Wyee

Summary	Details
Local Government Area:	Lake Macquarie
Name of draft LEP:	Draft Amendment to <i>Lake Macquarie Local Environment Plan 2014 (LMLEP 2014)</i> to rezone land at 482 Bushells Ridge Road from SP2 Infrastructure to R2 Low Density Residential
Subject land:	482 Bushells Ridge Road (Lot 171 in DP1212974)
Proponent:	Stevens Group – Wyee Land No. 2 P/L
Planning Portal reference:	PP-2021-4822
Council reference:	RZ/10/2021
Date:	January 2023
Version:	Post-Exhibition
Author:	Elsa Berger – Strategic Landuse Planner
Supporting studies:	Bushfire Study (D10873338) Ecological Assessment Report (D10873334) Wildlife Management Plan (D10873336) Flood Studies for Eight Residual Lake Macquarie Waterway Tributary Catchments Final Report August 2021 (D10291795) Amended Environmental Assessment - DA 2178 2018 - 452 Bushells Ridge Road, Wyee (D09175029) Report on Supplementary Contamination Assessment - Stage 5-14 Radcliffe, Wyee - Residential Subdivision (D09438863) Draft Wyee LES Appendix 4 - Geotech & Contamination - Revision A dated 16 July 2010 – Volume 2 – Prepared by RPS (D01839493)



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INTRODUCTION

The subject site is in the “Radcliffe” Wyee Estate, a residential area in Wyee located at the southern end of the Lake Macquarie Local Government Area.

The “Radcliffe” Wyee Estate was zoned for residential development in May 2013, under Amendment 61 to the *Lake Macquarie Local Environmental Plan 2004* (LMLEP 2004). Further detail on development of the estate is contained within the Wyee West Area Plan at Part 12 of Council’s Citywide Development Control Plan (Figure 1).

In the initial planning for the area, it was envisaged that sewer servicing would be undertaken by “Flow Systems” a private entity, given Hunter Water had no plans to service the area at that time. A wastewater treatment plant was constructed on the subject land, but was never used. Since that time Hunter Water has provided water and sewer services to the area, making the wastewater treatment plant redundant.

The planning proposal seeks to rezone the SP2 Infrastructure zoned land on which the now redundant treatment plant is located to R2 Low Density Residential under the *Lake Macquarie Local Environmental Plan 2014* (LMLEP 2014). As shown in the Wyee West Area Plan the site is close to extensive areas of environmental land and is close to the local neighbourhood shops and community facilities, as well as the Wyee railway station.

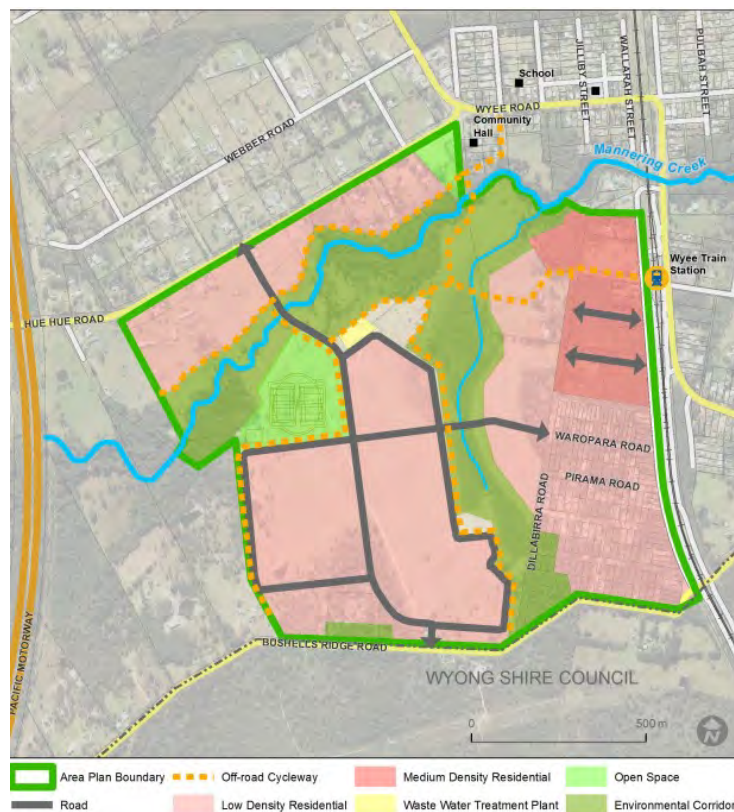


Figure 1: Wyee West Structure Plan (Wyee West Area Plan, Lake Macquarie DCP 2014)



PART 1 – OBJECTIVES AND INTENDED OUTCOMES

Objective

The objective of this planning proposal is to amend the *Lake Macquarie Local Environmental Plan 2014* (LMLEP 2014) to facilitate residential development of land no longer needed for wastewater treatment infrastructure within the Radcliffe residential estate in Wyee.





Intended outcomes

The planning proposal would permit additional housing close to services and public transport. The land has an area of approximately 5000m² with frontage to Cudmore Crescent, and could accommodate up to 10 allotments with a variety of smaller lot sizes under the Small Lot housing provisions in LMLEP 2014.



PART 2 – EXPLANATION OF PROVISIONS

The planning proposal will amend *LMLEP 2014* as follows:

Table 1: Proposed Changes to <i>LMLEP 2014</i> Maps and Instrument		
Item No.	Address	Explanation of provisions
1	Sites identified on the Zoning Maps of <i>LMLEP 2014</i> as shown in PART 7	<p>Zoning Map – Rezoning from SP2 Infrastructure to R2 Low Density Residential to permit residential development.</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;">   </div> <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <i>Existing zoning</i> <i>Proposed zoning</i> </div>
2	Sites identified on the Lot Size Maps of <i>LMLEP 2014</i> as shown in PART 7	<p>Lot Size Map – Introduce a minimum lot size of 450m² consistent with surrounding residential development.</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;">   </div> <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <i>Existing minimum lot size</i> <i>Proposed minimum lot size</i> </div>



PART 3 – JUSTIFICATION

No.	Question	Considerations
1.1.1 Section A – need for the planning proposal		
1	Is the planning proposal a result of an endorsed LSPS, strategic study or report?	<p>The planning proposal is a proponent initiated proposal and is not a direct action of the Local Strategic Planning Statement (LSPS) or a strategic study. Rather, it is the result of land that was previously reserved for a wastewater treatment plant within an Urban Release Area becoming redundant.</p> <p>Moreover, the rezoning will facilitate residential development within an identified residential estate and in accordance with the intent of previous LMLEP 2004 Amendment 61.</p> <p>Furthermore, the planning proposal is consistent with the specific objectives for Wyee provided in the LSPS, including the following objective: 'Additional residential areas are developed with a range of housing types, particularly near the local centre and railway station while maintaining local ecological corridors'.</p>
2	Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	<p>The planning proposal is the best mechanism available to rezone land from a redundant land use to residential use, thereby allowing for more housing on a site in an existing residential estate close to public transport and other services.</p>
1.1.2 Section B – relationship to the strategic planning framework		
3	Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?	<p><u>Hunter Regional Plan 2041 (HRP 2041)</u></p> <p>The Hunter Regional Plan 2041 (the HRP) builds on the previous plan which was finalised in October 2016 and resets the regional plan priorities to ensure it continues to respond to the region's needs for the next 20 years.</p> <p>The site is located within the Morisset Growth Area identified in the HRP. More specifically, the HRP identifies that 'Morisset and its supporting local centres of Cooranbong and Wyee represent the largest future growth area in the Hunter and will underpin the economic diversification of the region'. The HRP further states that 'the area has the potential to accommodate an additional 12,000 to 36,000 people over the next 20 years'. The proposal is anticipated to result in approximately 10 new residential lots and will thereby accommodate growth of Wyee.</p> <p>Furthermore, the planning proposal is consistent with Objectives 3, 4, 5 and 6 of the HRP, as outlined below.</p> <p><u>Objective 3: Create a 15 minute region made up of mixed, multi-modal, inclusive and vibrant communities</u></p> <p>The proposal is consistent with this objective, as the site has access to existing infrastructure, shops and services that are essential for everyday needs. In addition, the site is located in walking and cycling distance to the Wyee train station, which provides public transport connections to Morisset and other areas.</p> <p><u>Objective 4: An inter-connected and globally-focused Hunter without car dependent communities</u></p>



No.	Question	Considerations
		<p>The planning proposal is consistent with this objective, as the site has access to walking and cycling paths and public transport. Moreover, future residential development on the site will support efficient and viable operation of public transport services.</p> <p><u>Objective 5: Plan for "Nimble Neighbourhoods", diverse housing and sequenced development</u></p> <p>The proposal is consistent with this objective, as it makes use of existing infrastructure and services. In addition, the site is located near the Wyee train station, which provides access to employment opportunities in Morisset and other places. Moreover, the proposal will provide a variety and choice of housing types to meet the existing and future housing needs of the community.</p> <p><u>Objective 6: Conserve heritage, landscapes, environmentally sensitive areas, waterways and drinking water catchments</u></p> <p>The planning proposal is consistent with this objective, as it will not result in any adverse impacts on the environment or waterways.</p> <p>In summary, the planning proposal is considered to be consistent with the Hunter Regional Plan 2041, as it will contribute to residential development within an existing residential in an identified growth area. Moreover, the site is located near various services and makes use of existing infrastructure. In addition, the site is within walking/cycling distance to the Wyee train station, which provides public transport connections to the strategic centre of Morisset and other areas. Furthermore, the planning proposal will result in a range of lot sizes and housing options, which will contribute to increased housing diversity and housing choice in the region.</p> <p><u>Greater Newcastle Metropolitan Plan 2036 (GNMP)</u></p> <p>The planning proposal is consistent with and supports the objectives of Greater Newcastle Metropolitan Plan 2036 (GNMP) to:</p> <ul style="list-style-type: none"> • Deliver Housing close to jobs and services; and • improve connections to jobs, services and recreation. <p>The GNMP identifies the site as being located within an urban release area, and identifies the locality to be subject to significant population and employment growth. The planning proposal supports the objectives of the Radcliffe urban release area to deliver housing close to public transit.</p>
4	<p>Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan</p>	<p><u>Local Strategic Planning Statement</u></p> <p>The planning proposal is consistent with, and supports Council's Local Strategic Planning Statement (LSPS) and its planning priorities and actions for the City. In particular, it is consistent in that it also plans for diverse housing options that cater to everyone's needs.</p> <p>Specifically, the planning proposal supports the principles of the LSPS that aim to:</p> <ul style="list-style-type: none"> • unlock more housing close to jobs, services, public transport, social and recreational spaces, within and around centres, to meet the residents' day to day needs, and • to deliver housing growth through infill development in and around centres and train stations and new housing areas in the South West growth area.



No.	Question	Considerations
		<p>Furthermore, Wyee is part of the South West Growth Area identified in the LSPS and Greater Newcastle Metropolitan Plan as an area that will undergo significant population and employment growth with good access to transport. More specifically, the LSPS aims for additional residential areas in Wyee to be developed with a range of housing types, particularly near the local centre and railway station while maintaining local ecological corridors. The planning proposal is consistent with this objective, as it will provide more housing near the local centre and railway station, while maintaining ecological corridors.</p> <p><u>Lake Macquarie City Housing Strategy 2020</u></p> <p>The Lake Macquarie City Housing Strategy 2020 guides the decisions that Council and the private sector will make to deliver a greater diversity of housing to accommodate population growth and demographic change. The housing strategy also guides the design and location of housing into the future.</p> <p>The planning proposal is considered to be consistent with the aims and objectives of the Lake Macquarie Housing Strategy.</p> <p>In particular the proposal is consistent with the following priorities of the housing strategy:</p> <ul style="list-style-type: none"> • Increase diversity and choice in housing; • Facilitate infill opportunities for housing near jobs and services; <p>Moreover, the proposal forms part of an identified Urban Release Area, and contributes to achieving the objective of 25 percent small lot housing within priority release areas.</p> <p><u>Community Strategic Plan 2022-2032</u></p> <p>The proposal is consistent with Council's Community Strategic Plan 2022-2032 (CSP) as it will deliver housing that promotes lifestyle and wellbeing with good mobility and accessibility, while also supporting connected communities.</p> <p>In particular the proposal is consistent with the following CSP objectives and strategies:</p> <ul style="list-style-type: none"> • 4.3 Our growing population supports a thriving local economy. <ul style="list-style-type: none"> ◦ 4.3.3 Identify appropriate locations for population growth and development. • 4.5 New development and growth complement our unique character and sense of place now and into the future. <ul style="list-style-type: none"> ◦ 4.5.3 Plan for the changing housing needs of the city as it grows.
5	Is the planning proposal consistent with any other applicable State and regional studies or strategies?	<p><u>Housing 2041 – NSW Housing Strategy</u></p> <p>Housing 2041 represents a 20-year vision for housing in NSW. It embodies the government's goals and ambitions to deliver better housing outcomes by 2041— housing in the right locations, housing that suits diverse needs and housing that feels like home.</p> <p>The vision is reflected in the four pillars of supply, diversity, affordability and resilience of housing, as outlined below:</p> <ul style="list-style-type: none"> • supply—housing supply delivered in the right location at the right time



No.	Question	Considerations
		<ul style="list-style-type: none"> diversity—housing is diverse, meeting varied and changing needs of people across their life affordability—housing that is affordable and secure resilience—housing that is enduring and resilient to natural and social change. <p>The planning proposal is consistent with the NSW Housing Strategy, as it seeks to deliver housing in the right location and will also allow for diverse housing to meet the varied and changing needs of the population.</p>
6	Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?	<p><u>State Environmental Planning Policy (Biodiversity and Conservation) 2021</u></p> <p><u>Chapter 4 Koala habitat protection 2021</u></p> <p><i>Chapter 4 – Koala Habitat Protection 2021</i> of the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> applies to this site. However, further assessment is not required as the land area concerning this application is less than 1ha.</p> <p>Moreover, the site has been previously cleared for the development of the wastewater treatment plant and only very few trees are currently located on the site.</p> <p>Furthermore, an assessment of potential koala habitat under SEPP 44 was included as part of the Ecological Assessment submitted as part of the subdivision application for the estate under DA/2178/2018. The assessment revealed that areas of 'Potential Koala Habitat' exist within the Estate. An anecdotal record of Koala was noted for the estate, but all field surveys conducted to date have not revealed any signs of Koalas or Koala activity.</p> <p>As such, the site would not constitute 'Core Koala Habitat' as defined within the policy, and no further provisions of the policy would apply to the site.</p> <p>State Environmental Planning Policy (Resilience and Hazards) 2021</p> <p><u>Chapter 4 – Remediation of land</u></p> <p>Previous geotechnical and site contamination investigations undertaken in 2009 as part of the Wyee Land Release for Amendment 61 of LMLEP 2004 included the subject site. The investigations found no potential contamination sources in the vicinity of the area where the wastewater facility now exists. (See D01839493 Geotech & Contamination - Revision A dated 16 July 2010 prepared by Douglas Partners).</p> <p>A more recent study conducted for subdivision of the estate under DA/2243/2017 found no new contamination sources between 2009 and 2018. (See D09438863 Report on Supplementary Contamination Assessment Stage 5-14 Radcliffe, Wyee 2019 prepared by Cardno).</p> <p>The wastewater treatment plant built on the site was never completed or used. It is considered an inert facility. Thus, it is not anticipated that any new contamination would have occurred on the site since the previous contamination investigations were undertaken. Furthermore, it is noted that all existing infrastructure will be removed and if required further investigation can be done at DA stage or during the demolition phase.</p>
7	Is the planning proposal consistent with the applicable Ministerial Directions	<p>1.1 Implementation of Regional Plans</p> <p>The proposal is consistent with this direction, as it helps to achieve the objectives set out in the Greater Newcastle Metropolitan Plan 2036, as well as in the Hunter Regional Plan 2041.</p>



No.	Question	Considerations
	(section 9.1 Directions)?	<p>The site is located within the Morisset Growth Area identified in the Hunter Regional Plan 2041. More specifically, the HRP identifies that 'Morisset and its supporting local centres of Cooranbong and Wyee represent the largest future growth area in the Hunter and will underpin the economic diversification of the region'. The HRP further states that 'the area has the potential to accommodate an additional 12,000 to 36,000 people over the next 20 years'. The proposal is anticipated to result in approximately five to ten new residential lots and will thereby help to accommodate growth of Wyee.</p> <p>The proposal will contribute to the delivery of housing in an area with established services and infrastructure and close to public transit and is thus consistent with and supports the objectives of the Greater Newcastle Metropolitan Plan 2036 (GNMP) to:</p> <ul style="list-style-type: none"> • Deliver housing close to jobs and services; and • improve connections to jobs, services and recreation. <p>1.3 Approval and Referral Requirements</p> <p>The proposal is consistent with this direction. It does not require concurrence, consultation or referral of development applications to a Minister or public authority and would not identify development as designated development.</p> <p>1.4 Site Specific Provisions</p> <p>The proposal is consistent with this Direction and does not propose restrictive site-specific planning provisions.</p> <p>3.1 Conservation Zones</p> <p>The proposal is consistent with this direction, as it does not impact on the adjoining C2 Environmental Conservation zoned land within the site.</p> <p>3.2 Heritage Conservation</p> <p>The proposal is consistent with this direction, as there are no known, listed or identified items of indigenous or European heritage significance; or other areas, objects and environmental places of significance applicable to the site.</p> <p>The previous development and use of the site as a wastewater treatment plant resulted in disturbance across the majority of the site.</p> <p>4.1 Flooding</p> <p>The proposal seeks to rezone the site from SP2 Infrastructure to R2 Low Density Residential. Part of the site is located on flood prone land. The proposal is therefore considered to be inconsistent with the Ministerial Direction.</p> <p>However, Council's <i>Flood Studies for Eight Residual Lake Macquarie Waterway Tributary Catchments Final Report WMA Water August 2021</i> identifies the land as a low hazard lot with very minor encroachment of the 1% AEP + 0.5m freeboard area into the lot.</p> <p>It is therefore considered that flood risk can be reasonably addressed at development assessment stage through appropriate building setbacks and by ensuring floor levels are above the 0.5m freeboard level as required in the Lake Macquarie DCP 2014.</p> <p>Moreover, the planning proposal is consistent with the other requirements of this ministerial direction, as it will not permit development in floodway areas or permit development that will result in significant flood impacts to other</p>



No.	Question	Considerations
		<p>properties. In addition, the proposal is not likely to affect the safe occupation and efficient evacuation of the lot or result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures.</p> <p>The planning proposal is inconsistent with this direction as it seeks to rezone flood prone land to a residential zone. However, for the reasons mentioned above, the inconsistency is considered to be of minor significance. Furthermore, the Department of Planning and Environment's Biodiversity and Conservation Division has reviewed the proposal and agrees with Council's determination that the inconsistency with the ministerial planning direction 9.1 is considered to be of minor significance.</p> <p>4.3 Planning for Bushfire Protection</p> <p>The site is identified on Council's Bushfire Prone Land Map as Bushfire Buffer Zone. The planning proposal was therefore referred to NSW Rural Fire Service, which requested that a Bushfire Assessment Report addressing <i>Section 4 Strategic Planning of Planning for Bush Fire Protection 2019</i> be prepared.</p> <p>A Strategic Bushfire Study (dated September 2022), which includes an assessment of the proposed rezoning against the specific Bushfire Protection Measures of <i>Planning for Bush Fire Protection 2019</i> (PBP), was thus prepared by Building Code & Bushfire Hazard Solutions Pty Limited.</p> <p>The Strategic Bushfire Study concludes that the proposal can satisfactorily comply with relevant specifications and requirements of <i>Planning for Bush Fire Protection 2019</i>.</p> <p>The planning proposal is therefore considered to be consistent with this direction.</p> <p>4.4 Remediation of Contaminated Land</p> <p>This direction applies to the proposal, as the site is identified as contaminated land or potentially contaminated land.</p> <p>Previous geotechnical and site contamination investigations, which included the subject site, found no potential contamination sources in the vicinity of the area where the wastewater facility now exists.</p> <p>Moreover, the wastewater treatment plant built on the site was never completed or used. Thus, it is not anticipated that any new contamination would have occurred on the site since the previous contamination investigations were undertaken.</p> <p>The proposal is therefore considered consistent with this direction.</p> <p>4.5 Acid Sulfate Soils</p> <p>The site does not contain any acid sulfate soils.</p> <p>4.6 Mine Subsidence and Unstable Land</p> <p>The site is not within a mine subsidence district and has not been identified as unstable land.</p> <p>5.1 Integrating Land Use and Transport</p> <p>The proposal seeks to rezone a small area of land that will form part of a greater residential development. Stages one to five of the residential estate are complete and the later stages are currently being assessed. New housing on the subject site will have access via new cycleways and shared</p>



No.	Question	Considerations
		paths to shops, community facilities and the Wyee railway station. The proposal is therefore considered consistent with this direction.
		6.1 Residential Zones
		The proposal will increase the variety and choice of housing types in an appropriate location. In addition, the proposal makes efficient use of existing and proposed infrastructure and services. Moreover, the proposal will allow for the redevelopment of a redundant utility service with minimal environmental impact. The proposal is therefore considered consistent with this direction.
1.1.3 Section C – environmental, social and environmental impact		
8	Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?	<p>An Ecological Assessment Report (dated August 2022) has been prepared by Anderson Environment and Planning. The report is specifically intended to identify any impacts on biodiversity as a result of this planning proposal. The information contained within the report has been generated from a site inspection, surveys and a desktop survey of available information, combined with professional judgement. The Ecological Assessment Report states that the vegetation on the site is managed with planted species and does not contain any threatened ecological communities. The report also states that no threatened flora or fauna species within the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) have been identified on the site.</p> <p>The report considered the proposed development and determined that the proposal to rezone 0.5ha of land for residential purposes and facilitate the demolition of the existing wastewater treatment plant will be highly unlikely to have significant impacts on threatened ecological communities and threatened species.</p>
9	Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?	<p>Environmental Impacts</p> <p>The site has previously been developed for use as a wastewater treatment facility. The land does not include or comprise critical habitat or lay within a conservation area under the meaning of an environmental planning instrument or any proposed environmental instrument applying to the land.</p> <p>The Vegetated Creek Corridors and buffer areas will be retained and protected. Any Asset Protection Zones required for development would be wholly provided within the site and would not impact on any land zoned for environmental conservation.</p> <p>Potential environmental impacts relating to future sedimentation and erosion during construction of future housing and the potential impacts of the future development on the built environment including noise and traffic impacts have been considered in the previous rezoning of the precinct and can be addressed at through future development assessment.</p> <p>Moreover, a Wildlife Management Plan (dated August 2022) has been prepared by Anderson Environment and Planning in order to mitigate demolition impacts on the welfare of native fauna utilising the site.</p> <p>In addition, the Ecological Assessment Report prepared by Anderson Environment and Planning and dated August 2022 includes the following recommendations in order to mitigate potential impacts on local biodiversity as a result of the development of the site:</p> <ul style="list-style-type: none"> • Demolition of existing buildings and associated infrastructure are to be supervised by an appointed Project Ecologist;



No.	Question	Considerations
		<ul style="list-style-type: none"> • Building structures deemed possible habitat locations including pipes and roofing are to be inspected by the Project Ecologist; • Pre-demolition dusk-to-nocturnal survey to be undertaken by the Project Ecologist; • Sectional dismantling of potential nesting or roosting structures to occur where possible; • Appropriate fencing between the proposed development and the remnant vegetation to east, west and north; • Landscaping should utilise endemic native species where practical; and • Establish and maintain appropriate erosion and sediment controls during construction. <p>The Ecological Assessment Report has considered the <i>Biodiversity Conservation Act 2016</i>, <i>EPBC Act</i> and other applicable legislation. Overall, it is considered that environmental impacts associated with the proposed development will be negligible.</p> <p>Flooding</p> <p>Part of the site is flood prone. However, Council's <i>Flood Studies for Eight Residual Lake Macquarie Waterway Tributary Catchments Final Report WMA Water August 2021</i> identifies the land as a low hazard lot with very minor encroachment of the 1% AEP + 0.5m freeboard area into the lot.</p> <p>In addition, the Lake Macquarie LEP 2014 and DCP 2014 will continue to apply and have controls in place to ensure potential flood impacts are considered and development responds to risks from flooding.</p> <p>It is therefore considered that flood risk can be reasonably addressed at development assessment stage through appropriate building setbacks and by ensuring floor levels are above the 0.5m freeboard level as required in the Lake Macquarie DCP 2014.</p> <p>Bushfire</p> <p>The site is identified on Council's Bushfire Prone Land Map as Bushfire Buffer Zone. The planning proposal was therefore referred to NSW Rural Fire Service, which requested that a Bushfire Assessment Report addressing <i>Section 4 Strategic Planning of Planning for Bush Fire Protection 2019</i> be prepared.</p> <p>A Strategic Bushfire Study (dated September 2022) was thus prepared by Building Code & Bushfire Hazard Solutions Pty Limited. The Strategic Bushfire Study states that the site is not considered to have a high bushfire risk when considering the previous bushfire history and characteristics of the vegetation.</p> <p>In addition, the Strategic Bushfire Study includes an assessment of the proposed land zoning against the specific Bushfire Protection Measures of <i>Planning for Bush Fire Protection 2019</i> (PBP), and concludes that future Development Applications have the capacity to satisfy the relevant specification and requirements of PBP.</p> <p>More specifically, the Strategic Bushfire Study states that the subject site has the capacity to comply with the minimum required APZs as detailed in PBP, as well as with the water supply requirements as detailed in sections 5.3.3 of PBP through the existing water supply and reticulated water system.</p>



No.	Question	Considerations
		<p>The Strategic Bushfire Study also states that future development has the capacity to comply with the requirements for Access under section 5.3.2 of PBP.</p> <p>Furthermore, the Strategic Bushfire Study states that the proposal in combination with the relevant bushfire protection measures (including Asset Protection Zones and Building Attack Levels) will not result in areas that are difficult to evacuate, create control difficulties during a bushfire or adversely affect other bushfire protection strategies or place existing development at increased risk.</p> <p>The Strategic Bushfire Study concludes that the proposal is appropriate in the bushfire hazard context and that it can satisfactorily comply with relevant specifications and requirements of <i>Planning for Bush Fire Protection 2019</i>.</p> <p>NSW Rural Fire Service has reviewed the Strategic Bushfire Study and has stated that it did not have any objections to the proposal.</p> <p>Contamination</p> <p>The site is identified as contaminated land or potentially contaminated land.</p> <p>However, previous geotechnical and site contamination investigations undertaken in 2009 as part of the Wyee Land Release for Amendment 61 of LMLEP 2004 included the subject site and found no potential contamination sources in the vicinity of the area where the wastewater facility now exists.</p> <p>A more recent study conducted for subdivision of the estate under DA/2243/2017 found no new contamination sources between 2009 and 2018.</p> <p>The wastewater treatment plant built on the site was never completed or used. Thus, it is not anticipated that any new contamination would have occurred on the site since the previous contamination investigations were undertaken. Furthermore, it is noted that all existing infrastructure will be removed and if required further investigation can be done at DA stage or during the demolition phase.</p>
10	Has the planning proposal adequately addressed any social and economic effects?	The planning proposal will have positive social and economic impacts, including the delivery of new housing for the community. Moreover, the proposal supports the social and economic vitality of the area.
1.1.4 Section D – Infrastructure (Local, State and Commonwealth)		
11	Is there adequate public infrastructure for the planning proposal?	Yes, the site is located within an existing residential estate with access to existing infrastructure and services.
1.1.5 Section E – State and Commonwealth interests		
12	What are the views of state and federal authorities and government	<p>Council has consulted with the following authorities:</p> <ul style="list-style-type: none"> • Hunter Water Corporation • NSW Rural Fire Service



No.	Question	Considerations
	agencies consulted in order to inform the Gateway determination?	<ul style="list-style-type: none"> Department of Planning and Environment's Biodiversity Conservation Division <p>Hunter Water did not have any objections to the proposal and did not request any further information.</p> <p>NSW Rural Fire Service requested that a Bushfire Assessment Report addressing <i>Section 4 Strategic Planning of Planning for Bush Fire Protection 2019</i> be prepared. A Strategic Bushfire Study (dated September 2022) was thus prepared by Building Code & Bushfire Hazard Solutions Pty Limited, which addresses <i>Section 4 Strategic Planning of Planning for Bush Fire Protection 2019</i>. The Strategic Bushfire Study concludes that the proposal is appropriate in the bushfire hazard context and that it can satisfactorily comply with relevant specifications and requirements of <i>Planning for Bush Fire Protection 2019</i>. NSW Rural Fire Service has reviewed the Strategic Bushfire Study and has stated that it has no objections in relation to the proposal.</p> <p>The Department of Planning and Environment's Biodiversity Conservation Division (BCD) requested that an artificial habitat assessment is undertaken, and a wildlife management plan is developed if required to appropriately manage any identified impacts. An Ecological Assessment Report, as well as a Wildlife Management Plan (dated August 2022) were thus prepared by Anderson Environment and Planning. The Ecological Assessment Report considered the proposed development and determined that the proposal to rezone 0.5ha and facilitate the demolition of the existing water treatment plant will be highly unlikely to have significant impacts on threatened ecological communities and threatened species. Moreover, the Ecological Assessment Report provides recommendations in order to mitigate potential impacts on local biodiversity as a result of the development of the site.</p> <p>In addition, the Wildlife Management Plan provides recommendations to mitigate demolition impacts on the welfare of native fauna. BCD has reviewed the Ecological Assessment Report and Wildlife Management Plan and does not have any objections in relation to the proposal.</p>



PART 4 – COMMUNITY CONSULTATION

The planning proposal has been exhibited for 28 days. No submissions were received.

PART 5 – PROJECT TIMELINE

Stage	Timeframe and / or date
Gateway determination	17 June 2022
Pre-exhibition – government agency consultation	June 2022 – August 2022
Pre-exhibition – additional evaluations and assessments	August 2022 – October 2022
Public exhibition period	7 November – 4 December 2022
Post-exhibition review of planning proposal	December 2022 – January 2023
Adoption by Council	February 2023
Finalisation	55 working days

* benchmark timeframe for a standard planning proposal in the Local Environmental Plan Making Guideline (NSW Department of Planning, Industry and Environment 2022).

Finalisation of the Local Environment Plan (LEP) amendment includes final GIS mapping, legal drafting and the LEP being made (if the proposal is supported). The plan comes into force on the day the LEP is published on the NSW Legislation website, or a later date specified in the LEP.

PART 6 – CONCLUSION

The planning proposal seeks to permit residential development of a low-density nature on the subject land. It is considered that the site is suitable for the proposed residential land use.

PART 7 – MAPPING
Figure 2: Locality Plan



C:\Users\glbustin\Documents\Offline Records (LP)\RZ 10 2021 - 482 ~ LAND USE AND PLANNING - ZONING - Rezoning Applications\Planning Proposal - RZ- 10 2021 - 482 Bushells Ridge Road Wyee.DOCX

Figure 3: Aerial Photo



Figure 4: Existing Land Zoning

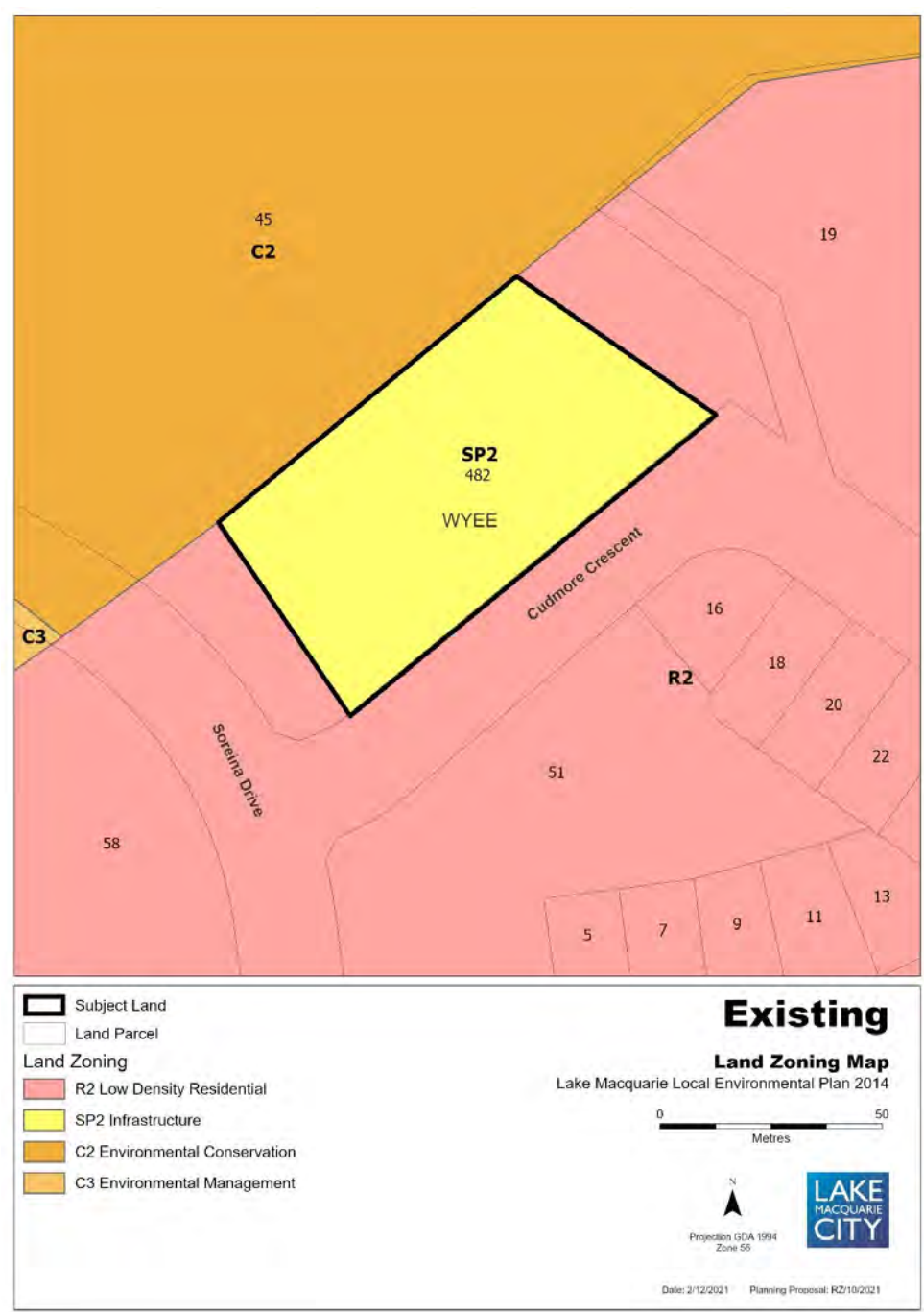


Figure 5: Proposed Land Zoning

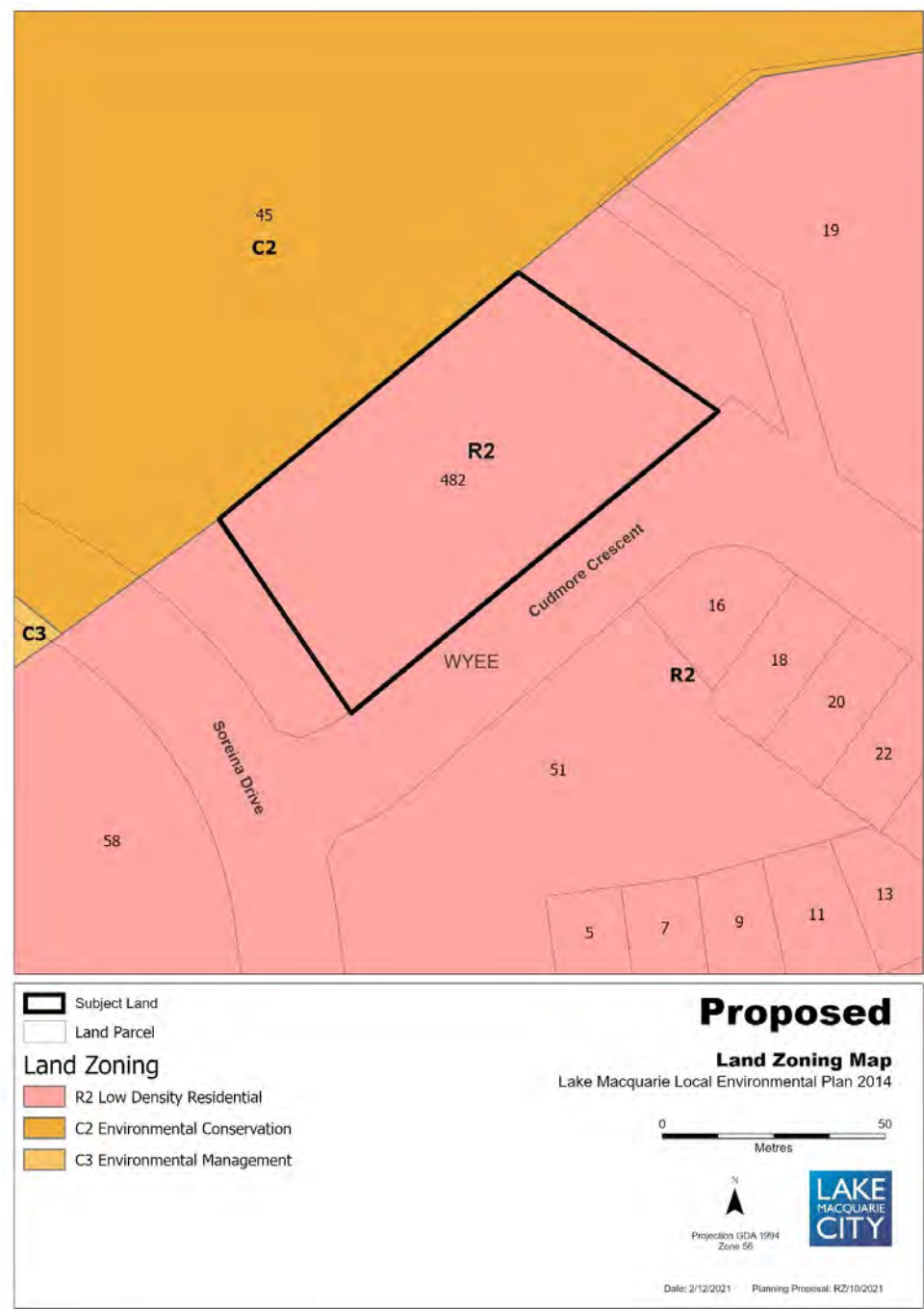


Figure 6: Existing Lot Size



Lot Size Proposed

Figure 7: Proposed Lot Size

