

Planning Services

Gateway Determination Report

LGA	Lake Macquarie
RPA	Lake Macquarie City Council
NAME	Proposed expansion of the B1 Neighbourhood Centre Zone, Wyee (0 dwellings, 12 jobs)
NUMBER	PP_2017_LAKEM_007_00
LEP TO BE AMENDED	Lake Macquarie LEP 2014
ADDRESS	121-127 Wyee Road, WYEE
DESCRIPTION	Various
RECEIVED	14 September 2017
FILE NO.	17/12234
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

INTRODUCTION

Description of Planning Proposal

The planning proposal seeks to rezone 121-127 Wyee Road, Wyee for retail and commercial development. The proposal would rezone the site from R2 Low Density Residential to B1 Neighbourhood Centre in the Lake Macquarie Local Environmental Plan 2014.

The proposal seeks to provide development controls consistent with the adjoining B1 zoned land by removing the minimum lot size and increasing the height of building standard from 8.5 m to 10 m.

The proposal would result in approximately 4,000 m² of commercially zoned land.

Site Description

The following table indicates the address and existing use of the subject sites.

ADDRESS	DESCRIPTION
121 Wyee Road, Wyee (Lot 1 Sec 8 DP 759124)	Contains an existing dwelling
123 Wyee Road, Wyee (Lot 2 Sec 8 DP 759124)	Contains an existing dwelling
125A Wyee Road, Wyee (Lot 31 DP 1004239)	Battle-axe, with existing dwelling
125B Wyee Road, Wyee (Lot 30 DP 1004239)	Contains an existing dwelling
127 Wyee Road, Wyee (Lot 4 Sec 8 DP 759124)	Contains an existing dwelling

The subject site has a rectangular shape, is made up of 5 lots, including one battle axe and has an area of approximately 4,000m². The site, when combined with 129 Wyee Road, Wyee (already zoned B1), makes up the street block bounded by Wyee Road, Badjewoi

Street, Baxter Lane and Jilliby Street. Figure 1 shows the location of the site, as well its current use for detached dwelling houses. These houses are older housing stock.



Figure 1: Aerial of the subject land. Six Maps, 2017.

Surrounding Area

The immediate area is characterised by low density residential development and a regular grid subdivision pattern.

Wyee does not currently have a traditional town centre. However, the existing commercial centre, directly to the east of the site, contains a small supermarket, Post Office, news agency, medical centre and pharmacy. Other uses which would typically make up a town centre, such as recreation and community facilities, education facilities etc, are located on Wyee Road further to the west (within 250 m of the site).

Land further to the south is zoned R2 Low Density Residential and R3 Medium Density Residential, the majority of which is identified as an Urban Release Area (URA) and is yet to be developed. The Wyee train station adjoins the R3 zoned land and is approximately 500 m to the south of the site. Beyond the township, the land includes a mix of RU4 Primary Production Small Lots to the west and RU2 Rural Landscape zoned land containing remnant vegetation and cleared land to the north. The nearest larger-scale centres are located at Morisset (approximately 10 km to the north) and Blue Haven (approximately 8 km to the south east).

Wyee is on the boundary of Lake Macquarie and Central Coast LGAs. A Gateway determination has been issued for a Central Coast Council planning proposal for land located at Bushells Ridge/ Doyalson 1.5 km to the south. This site adjoins the southern part of Wyee and 900 residential lots and 1.4 ha of commercial land is proposed. Figure 2 is an aerial of the locality and shows the proximity of this site to the Central Coast Council planning proposal site. Figure 3 shows the corresponding LEP zones that apply.

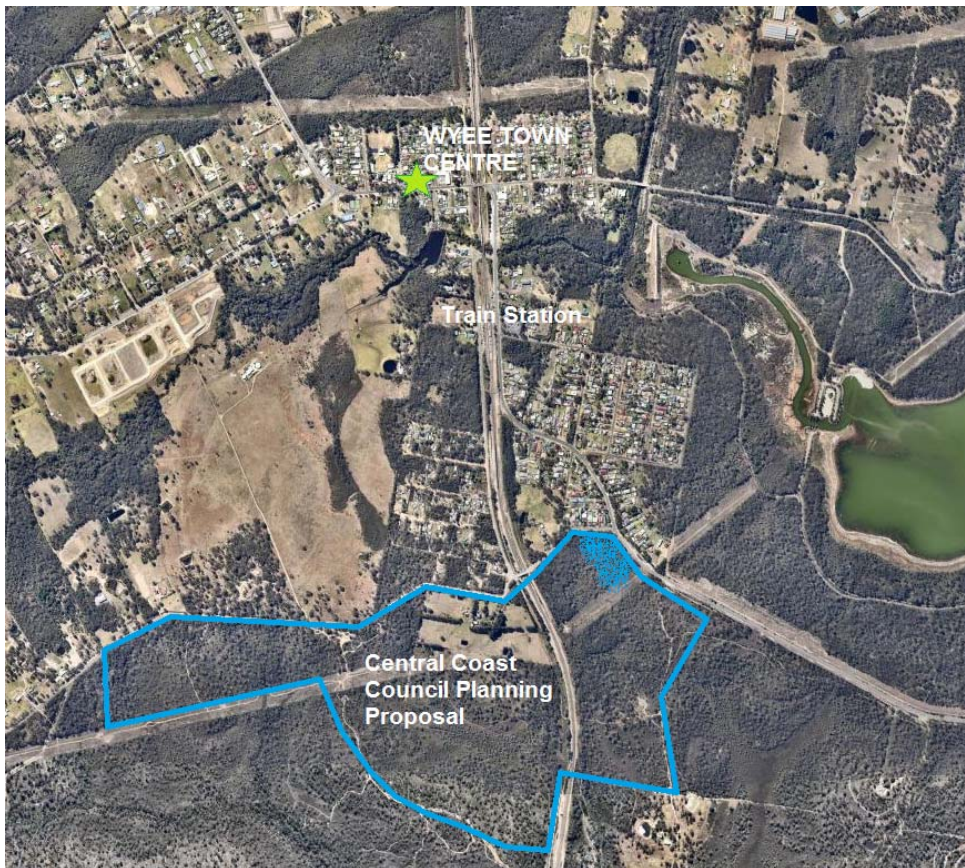


Figure 2: Aerial of the locality - site marked with green star, blue outline is approximate Central Coast Council planning proposal residential/ business land (commercial centre shaded blue). (Base map source: Nearmap October 2017).

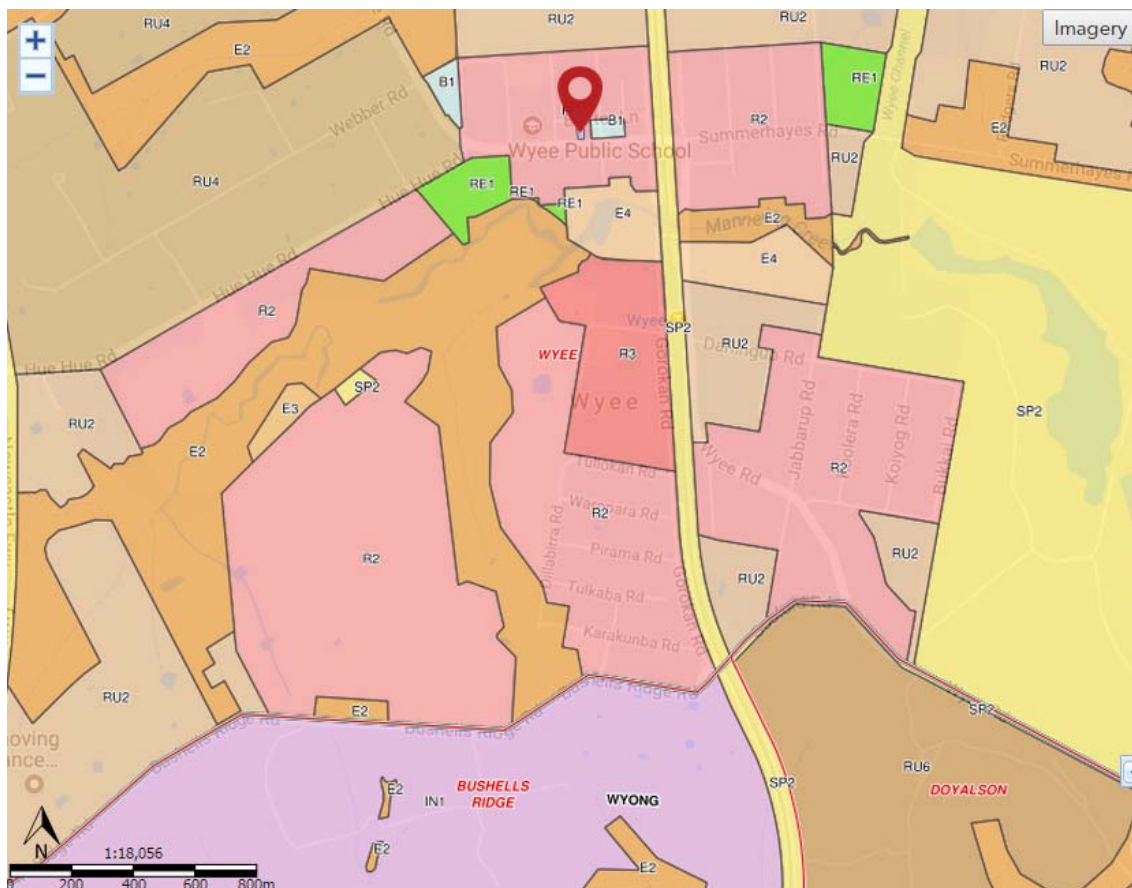


Figure 3: Land zoning for the locality, (Source: Planning Portal October 2017)

Summary of Recommendation

The proposal should proceed subject to conditions. The proposal is supported because it meets an identified shortfall in retail land supply in this location, supports the strengthening of the existing Wyee village centre, and is generally consistent with the outcomes of the Wyee Structure Plan.

The key issue requiring resolution is whether this proposed expansion can co-exist with the new business zoned area proposed on the southern edge of Wyee, as part of the Central Coast Council's planning proposal for Bushells Ridge/ Doyalson. Further commercial analysis and discussion between Lake Macquarie City Council and Central Coast Council is required.

The proposal is constrained as it is not serviced by sewer reticulation and the WSP does not support further urban development until the area is serviced. Council's advice indicates that Hunter Water Corporation intends to provide sewer by late 2020, however this should be reconfirmed. The site is bushfire prone and so it should be referred to the NSW Rural Fire Services (RFS) also.

PROPOSAL

Objectives

The objectives of the proposal are to:

- Rezone the subject site to allow for the expansion of the existing neighbourhood retail centre on Wyee Road.

Explanation of Provisions

The Explanation of Provisions state that Council would achieve the objective by:

- Amending the Land Zone Map from R2 Low Density Residential to B1 Neighbourhood Centre;
- Amending the Lot Size Map from 450 m² to no minimum lot size applying; and
- Amending the Height of Building Map from 8.5 m to 10 m.

The provisions proposed are consistent with those applying to the adjoining B1 zoned land and are supported. The B1 zone aligns with the proposed scale of the centre as envisaged in the Wyee Structure Plan.

Mapping

The proposal would amend the Land Zoning Map, the Lot Size Map and the Height of Building Map. The maps included in the proposal are considered sufficient for community consultation.

NEED FOR THE PLANNING PROPOSAL

Council considers the proposal to be a logical extension of the existing commercial centre. The proposal would contribute to a traditional "Main Street" urban form by creating a retail strip within the existing neighbourhood centre and activate Wyee Road, consistent with that envisaged in its Wyee Structure Plan.

The proposal is supported by a Retail and Commercial Floor Space Demand Assessment which considers existing and projected retail spend based on population growth scenarios. It concludes that under a low demand scenario, an additional 2,000 m² (approx.) of commercial floor space would be required. In rezoning this 4,000 m² site, the floor space would be accommodated (the balance would be used for parking etc).

The retail study does not consider the implications of the Central Coast Council planning proposal which would rezone 1.4 ha of land for commercial uses and provide up to an additional 900 dwellings nearby. While the Central Coast proposal is yet to be finalised, the analysis for the Wyee site needs to consider the implications of this potential outcome.

It may be possible for these two sites to co-exist, thereby realising the 'Main Street' outcome envisaged for the Wyee village centre, but further discussion between the two councils will need to occur to facilitate this outcome. Discussion regarding shared community facilities, connectivity and urban form needs to occur more broadly to ensure that these areas develop in a co-ordinated way, should both proposals be finalised.

The provision of an expanded village centre to support growing local demand in Wyee is broadly supported, and for this reason the planning proposal should proceed past Gateway. Further analysis and consultation however is required to determine whether it is viable. It is considered that a planning proposal to amend the Lake Macquarie LEP 2014 is the most appropriate way to achieve the intended outcome. There are no other alternative means of achieving Council's intended outcome on this site.

STRATEGIC ASSESSMENT

Regional

HUNTER REGIONAL PLAN 2016

Council's assessment indicates that the proposal is consistent with the Hunter Regional Plan (HRP) 2016, particularly the following directions:

- Direction 20: Revitalise existing communities;
- Direction 21: Create a compact settlement; and
- Direction 23: Grow centres and renewal corridors.

The HRP identifies Wyee as an emerging growth area and has been earmarked for increased residential development in the URA in the southern portion of the site. The proposal is consistent with the HRP directions identified by Council because the proposal would help facilitate the creation of a "Main Street" centre for the village, and generally support the ongoing growth of the Wyee area.

Of importance is also the requirement that the locations for new centres are integrated with existing or planned residential development, and do not undermine existing centres. Further retail analysis and discussion between Lake Macquarie City Council and Central Coast Council is needed to address this requirement.

Local

WYEE STRUCTURE PLAN 2010 (WSP)

Council's assessment indicates that the proposal is consistent with the WSP, particularly the following Principal:

- Principal 4: New development should build on the strengths of the existing village, including reinforcing the existing activity centre on Wyee Road as a place of more intensive residential, retail, commercial and community uses.

The proposal supports the principals of the WSP, particularly P4 as it would enhance the existing village centre by clustering retail and commercial development in an accessible location, as well as provide a range of local commercial services.

The proposal also aligns with the commercial floor space outcomes envisaged in the structure plan. Based on projected residential growth for the area, the WSP recommended an additional 5000m² commercial floor space to meet commercial demands of future residents, subject to more detailed market assessment (undertaken in support of this proposal).

LIFESTYLE 2030 STRATEGY (LS2030)

Council's assessment indicates that the proposal is consistent with the LS2030, particularly the following Strategic Directions:

- Strategic Direction 3: A well designed adaptable and liveable city;
- Strategic Direction 4: A well serviced and equitable city;
- Strategic Direction 5: A City of Progress and Prosperity; and
- Strategic Direction 6: A City responsive to the wellbeing of its residents.

The proposal is generally consistent with the LS2030 as the proposal is of an appropriate scale to the Wyee area and would contribute to the existing character. This is an ideal location close to transport connections and within walking distance of the Wyee residential area. It would also provide for the expected population growth through services and employment.

LAKE MACQUARIE CITY COMMUNITY STRATEGIC PLAN 2017-2027 (LMCSP)

Council notes that the LMCSP recognises the importance of creating a diverse economy, and that this proposal would achieve this by creating greater opportunity for retail and commercial in Wyee.

Council's assessment is supported.

Section 117(2) Ministerial Directions

Council has identified that the proposal is consistent with the following Section 117 Directions:

- 1.1 Business and Industrial Zones
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulphate Soils
- 4.4 Planning for Bushfire Protection
- 5.10 Implementation of Regional Plans
- 6.1 Approval and Referral Requirements

However, the proposal is inconsistent with the following Section 117 Directions or further work is required before consistency can be determined:

1.1 BUSINESS AND INDUSTRIAL ZONES

This Direction applies as the proposal will result in additional business zoned land. The Direction states that new employment areas should be in accordance with a strategy that is approved by the Secretary. As no approved strategy is in place, the proposal is inconsistent with this direction. Whether the inconsistency is justified can be determined following further commercial analysis and discussion with Central Coast Council regarding the proposed new commercial land further to the south.

3.1 RESIDENTIAL ZONES

This Direction applies as the proposal would affect land within an existing residential zone. The direction requires that the proposal must broaden housing choice, be adequately serviced, and not reduce the permissible residential density of the land. By rezoning the land to B1, housing choice would be reduced. The B1 zone only allows shop top housing, whereas the R2 zone allows a wider choice of housing types. As a result, the proposal is inconsistent with this direction.

This inconsistency is of minor significance. The land affected by the proposal is 4000 m² so its loss is not substantial given the capacity of zoned but undeveloped land in the Wyee area. The Secretary should agree to the inconsistency.

4.4 PLANNING FOR BUSHFIRE PROTECTION

This Direction applies as the site is bushfire prone. The Direction states that Council should consult with the Rural Fire Service (RFS). Council should address any inconsistencies and consult with RFS prior to public exhibition.

State Environmental Planning Policies

No State Environmental Planning Policies apply to the proposal.

SITE SPECIFIC ASSESSMENT

Social

The proposal is beneficial to the local community as it would facilitate expansion of the village centre, provide additional services and meet the needs expected population. Further, the proposal would provide greater access to commercial services.

The proposed zone and development controls would facilitate more dense and higher development (8.5 m to 10 m). However, given the location, that it is bounded by roads and adjacent to existing B1 and scale, this is unlikely to have a negative impact on neighbouring residential dwellings. How a future development would interface with residential development adjoining Baxter Lane and Badjewoi Streets could be further examined at the development application (DA) stage.

Environmental

The site has been developed for residential use for some time, contains limited vegetation and does not have any significant environmental attributes. It is likely that any future development would remove the existing medium size trees however this would be addressed at the DA stage. The proposal would not have a negative impact on the natural environment as the site is developed and has limited environmental value.

Infrastructure and Economics

HWC has committed to servicing the population increase of Wyee by 2020. As such, the proposal would not result in additional cost to government for sewerage servicing. Council

should consult with HWC to confirm the timing of sewer provision so that a future development would not be substantially delayed.

Additional jobs may result from the proposal. This would have a positive economic impact.

CONSULTATION

Community

Council has proposed a 28 day exhibition period. A 14 day exhibition period is supported because the proposal is considered to be relatively routine, low impact.

Agencies

HUNTER WATER CORPORATION (HWC)

The WSP does not support urban development unless reticulated water and sewerage services can be made available. The proposal would permit a range of uses and increased residential density. Council should consult with HWC.

NSW RURAL FIRE SERVICE (RFS)

The proposal should be referred to RFS to address the terms of Section 117 Direction 4.4 Planning for Bushfire Protection.

CENTRAL COAST COUNCIL (CCC)

The subject site is near to land proposed to be rezoned to create an additional 900 dwellings and 1.4 ha of commercial land in Bushels Ridge and Doyalson. Council should consult with CCC and address the implications of additional residential and commercial growth.

TIMEFRAME

Council's projected timeline suggests the proposal would be finalised by February 2018, providing a five (5) month timeframe. Given agency consultation is required a six (6) month timeframe should be granted.

DELEGATION

Council has requested plan making delegation. Given the proposal is consistent with local and regional plans, delegation is supported.

CONCLUSION

The proposal is supported to proceed with conditions for the following reasons:

- it is consistent with the Hunter Regional Plan 2036 because it would provide additional retail and commercial land within the existing Wyee village centre, promote a compact centre and provide services for the growing population;
- it is generally consistent with the Wyee Structure Plan as it would contribute to providing the recommended additional commercial floor space within the Wyee village centre;
- it would permit a range of uses to service the commercial and community needs of existing and future Wyee residents;

- the B1 Neighbourhood Zone and controls are consistent with those applying to adjoining land, and align with the planned urban direction of Wyee village centre; and
- further investigation and consultation is to occur to ensure the site can be serviced and that the proposed expanded centre considers the potential impacts a new centre created at Bushells Ridge/ Doyalson.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. Agree any inconsistency with Section 117 Direction 3.1 Residential Zones is minor; and
2. Note that the consistency with Section 117 Directions 1.1 Business and Industrial Zones and 4.4 Planning for Bushfire Protection are unresolved and will require justification; and

It is recommended that the delegate of the Minister for Planning, determine that the planning proposal should proceed subject to the following conditions:

1. Prior to public exhibition, the retail assessment should be revised to consider the potential implications of the development proposed by PP_2016_WYONG_005_00 and the proposal updated accordingly.
2. The planning proposal should be made available for community consultation for a minimum of 14 days.
3. Consultation is required with the following public authorities:
 - Hunter Water Corporation;
 - Rural Fire Service; and
 - Central Coast Council.
4. The timeframe for completing the LEP is to be 6 months from the date of the Gateway determination.
5. Given the nature of the planning proposal, Council should be authorised to exercise delegation to make this plan.



12/10/2017

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