

Planning Proposal

Proposed expansion of B1 Neighbourhood Centre Zone - 121-127 Wyee Road, Wyee

Draft Amendment No. XX to Lake Macquarie Local Environment Plan 2014

Pre- Gateway Version

Local Government Area:	Lake Macquarie City Council (LMCC)
Name of Draft LEP:	Draft Amendment No. XX to Lake Macquarie Local Environment Plan 2014
Subject Land:	121 Wyee Road, Wyee (Lot 1 Sec 8 DP 759124) 123 Wyee Road, Wyee (Lot 2 Sec 8 DP 759124) 125A Wyee Road, Wyee (Lot 31 DP 1004239) 125B Wyee Road, Wyee (Lot 30 DP 1004239) 127 Wyee Road, Wyee (Lot 4 Sec 8 DP 759124)
Land Owner:	Shoey's Pty Ltd (owner endorsing amendment)
Applicant:	Lake Macquarie City Council (LMCC)
Council Reference Number:	RZ/6/2017
Document Date:	29 September 2017
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Part 1 – OBJECTIVES OR INTENDED OUTCOMES

The Planning Proposal seeks to amend the *Lake Macquarie Local Environmental Plan (LMLEP) 2014* to rezone the subject site (approximately 4000m²) from R2 Low Density Residential to B1 Neighbourhood Centre to allow the expansion of the existing neighbourhood retail centre further west along Wyee Road.

Part 2 – EXPLANATION OF PROVISIONS

The provisions in this planning proposal will amend LMLEP 2014 as outlined below:

Amendment Applies to	Explanation of provision
• Lot 1 Sec 8 DP 759124 • Lot 2 Sec 8 DP 759124 • Lot 31 DP 1004239 • Lot 30 DP 1004239 • Lot 4 Sec 8 DP 759124	• Change the land use zone applying to the subject land from R2 Low Density Residential to B1 Neighbourhood Centre. • Change the Lot Size Map from 450m² to no minimum lot size. • Change the Height of Building Map from 8.5 metres to 10 metres.

Part 3 – JUSTIFICATION

Section A – Need for the Planning Proposal

1. *Is the planning proposal a result of any strategic study or report?*

Yes. The subject site is identified within Council's Wyee Structure Plan (2010) which was prepared by Council to detail planning and future development outcomes in Wyee. The Wyee Structure Plan envisages significant urban expansion and population growth in Wyee over the coming years. To cater for the additional population, the Structure Plan proposed expansion of the Wyee commercial centre. This expansion is recommended to reinforce the existing activity centre on Wyee Road. The Structure Plan states that provision should be made for approximately 5000m² of retail and commercial floor space in the Wyee village centre.

A Retail and Commercial Floor Space Demand Assessment was also conducted by Castlecrest Consultants in support of the Planning Proposal (included in Appendix 1). The assessment identifies that the Wyee area is targeted for significant growth over the next 20 years and will require additional retail and commercial services to accommodate for population growth.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Yes. The proposed rezoning represents a logical extension of the existing local neighbourhood centre forming a more traditional main street structure that will centralise retail opportunities and achieve a consistent traditional retail strip within the existing village neighbourhood centre. The subject site sits directly adjacent to existing retail business and services and supports longer term potential to expand the neighbourhood centre to the north in a consolidated format.

Section B – Relationship to Strategic Planning Framework

1. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Hunter Regional Plan 2036

The primary purpose of the Hunter Regional Plan (HRP) 2036 is to cater for the future development of the region ensuring that adequate land is available and appropriately located to accommodate the region's growing population and employment needs.

The Planning Proposal is considered consistent with the following directions identified from the HRP 2036.

Direction 20: Revitalise existing communities

Council have identified that provision should be made for approximately 5000m² of retail and commercial floor space to accommodate the growing population in the Wyee area. The Planning Proposal is expected to assist in the revitalisation of the Wyee area enhancing the potential for business and employment growth in the neighbourhood village.

Direction 21: Create a compact settlement

The proposed rezoning aims to focus business/retail development directly adjacent to the existing neighbourhood centre. This focuses development to create compact settlements in locations with established services and infrastructure and provides opportunities for the expansion of the neighbourhood centre.

Direction 23: Grow centres and renewal corridors

Wyee is identified in HRP 2036 as an emerging growth area. Wyee is expected to experience significant population growth over the next 20 years and the proposed rezoning aims to expand the existing retail area in Wyee to accommodate for planned residential development.

2. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Lake Macquarie City Community Strategic Plan 2017-2027

The Lake Macquarie City Community Strategic Plan 2017-2027 has been developed with the people of Lake Macquarie outlining the vision and values of the community and providing clear strategies to achieve this.

The recently adopted Community Strategic Plan recognises the importance of a diverse economy as a key value for the Local Government Area. The Planning Proposal is consistent with this value as the planning proposal will lead to an increase in retail and commercial floor space in Wyee which will create jobs and a broader economic base for the area by providing new retail opportunities to service the growing economy.

Lifestyle 2030 Strategy (LS2030)

The Lifestyle 2030 Strategy (LS2030) provides the long-term direction for the overall development of the City and is a long-term strategic land use plan and policy document. The Strategic Directions identified in LS2030 describe the overall desired outcomes and general intentions sought by Council for future development in the City.

The Planning Proposal is considered to be consistent with LS2030 as it responds to the following strategic directions:

Strategic Direction 3: A well designed adaptable and liveable city

The Planning Proposal intends to respond to the liveability of the Wyee area by providing expanded retail and commercial floor space to meet the growing need from the growth of

residential development in the area. The Planning Proposal is consistent with the relevant outcomes below:

Table 1: Consistency with Strategic Direction 3

Outcome	Response
3.4 Charlestown Master Plan, Glendale Master Plan, Morisset Structure Plan, Wyee Structure Plan and Local Area Plans are implemented	Consistency with the Wyee Structure Plan is outlined under 'Wyee Structure Plan 2010' below.
3.7 The unique character and sense of place of centres, such as Wyee and Cardiff, is reinforced in their buildings, streetscape and public domain.	The Planning Proposal will reinforce and enhance the unique character of the Wyee area by extending the existing neighbourhood centre and achieving a traditional street structure.

Strategic Direction 4: A well serviced and equitable city

The Planning Proposal intends to enhance the opportunities for services and businesses within the growing Wyee area. The Planning Proposal achieves this without impacting on the hierarchy of established town centres. The Planning Proposal is consistent with the relevant outcomes below:

Table 2: Consistency with Strategic Direction 4

Outcome	Response
4.5 No urban area is more than 10 minutes walk from a regular transport route. The outcome will be achieved through the coordinated activities of Council, Transport NSW and Infrastructure NSW.	The proposed expansion of the neighbourhood centre utilises the existing public transport services in the area. The nearest bus stop to the existing neighbourhood centre is approximately 160m and is approximately a 9 min walk from Wyee station
4.16 Existing Communities are well serviced with physical and social infrastructure.	The Planning proposal aims to expand the services in the Wyee area in response to the growing community needs.

Strategic Plan 5: A City of Progress and Prosperity

The Planning Proposal intends to allow for the expansion of the existing neighbourhood retail centre to cater for the area's growing population. This will provide greater opportunities for retail and commercial growth in the Wyee area. The Planning Proposal is consistent with the following outcomes:

Table 3: Consistency with Strategic Direction 5

Outcome	Response
5.1 Investment opportunities in Lake Macquarie are promoted	The Wyee area is targeted for significant growth over the next 20 years and it is recognised that this will require additional retail and commercial services for population growth. As a result, the proposed expansion of the existing neighbourhood centre is expected to provide investment opportunities in the area. The Retail and Commercial Floor Space Demand Assessment completed by Castlecrest Consultants further details the

	investment opportunity, which will be created (Appendix 1).
5.2 There is a trend toward a greater proportion of the City's residential workforce being employed in the LGA	The Planning Proposal will provide greater employment opportunities within the Wyee area and the LGA.
5.4 There is sufficient land supply for commercial development	The Planning Proposal aims to provide more retail and commercial floor space within the Wyee area to accommodate expected residential growth
5.8 Employment generating business activity grows	The Planning Proposal will allow for new businesses to be established in the area which is expected to create further employment opportunities in Wyee.
5.17 The transition of home based business to traditional commercial and industrial locations is facilitated	The expansion of the neighbourhood centre will provide commercial and retail tenancy options and will allow home and small business to transition into retail and commercial buildings.

Strategic Plan 6: A City responsive to the wellbeing of its residents

The Wyee area is experiencing residential growth following progressive residential development in new urban release areas. As a result, there is a growing need for retail and commercial services supporting the area. The Planning Proposal aims to extend the existing neighbourhood centre to provide retail and commercial opportunities to meet the areas growing needs. The Planning Proposal is consistent with the following outcomes:

Table 4: Consistency with Strategic Direction 6

Outcome	Response
6.11 Place making initiatives to beautify the community, enhance the public life of streets and common places, and strengthen the sense of place are grounded in cultural development and the locality's natural characteristics.	The subsequent development will enhance the Wyee Road street scape by providing a consistent traditional main street neighbourhood centre offering a range of convenient and accessible services for local residents.
6.12 Facilities and mechanisms that ensure education, health care, community development, income distribution, employment and social welfare (social infrastructure) are developed and recognized as an important component of place making.	The Planning Proposal will encourage employment opportunities within the Wyee area and greater Local Government Area.
6.15 Development is designed to foster a quality and affordable lifestyle, while minimising exposure to future energy, water and transport cost increases	The site is easily accessible and conveniently located to residents and will provide a range of services to enhance the lifestyle of local residents.

Wyee Structure Plan 2010

The purpose of the Wyee Structure Plan 2010 is to direct the detailed planning and future development of Wyee. The structure plan identifies that:

P4- 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 Planning Proposal aims to expand the existing neighbourhood centre, which is consistent with the goals in Principal 4 of the Wyee Structure Plan. The Planning proposal is also consistent with the following considerations identified in the Wyee Structure Plan 2010.

Table 5: Considerations under Principal 4 of the Wyee Structure Plan 2010

Consideration	Response
C4.1 The village centre (which is located in Precinct 2) should take the form of a traditional main street along Wyee Road, between its intersection with Hue Hue Road and the railway overbridge.	This Planning Proposal relates to land which lies between Hue Hue Road and the railway overbridge on Wyee Road. The proposal will support the extension of the existing neighbourhood centre facilitating the formation of a more traditional main street along Wyee Road
C4.2 Expanded commercial activities, a new or expanded school, and an enlarged community hall/centre should be located in the village centre. More intensive housing and mixed-use development would also be found in this area.	By expanding the existing neighbourhood centre zoning the commercial activities will be able to grow beyond what is currently available.
C4.3 Morisset, Lake Haven and Warnervale should provide most of Wyee's higher order retail (specialist retail and larger supermarkets), and community services (health and government service outlets). Because of its smaller size and the close proximity of the two larger centres, Wyee will tend to host only local level retail, services, and facilities.	The proposed rezoning will facilitate the provision of local retail and commercial services to the local community. Larger commercial areas located in the towns of Morisset, Lake Haven and Warnervale will continue to provide higher order retail and community services for the Wyee area.
C4.4 Provision should be made for approximately 5,000 square metres of retail and commercial floorspace at the village centre in Precinct 2. This would require additional commercially zoned land of some 1.5-2 ha. Note: these figures are subject to detailed market assessment and design.	The proposed expanded neighbourhood centre will increase the existing neighbourhood centre by approximately 4,000m ² . Combined with the existing 900m ² of retail floor space the proposal will largely contribute land to meet the 5,000m ² of retail and commercial floor space outlined within the structure plan.

3. ***Is the planning proposal consistent with applicable State Environmental Planning Policies?***

The planning proposal is consistent with relevant State Environmental Planning Policies (SEPPs)

SEPP	Relevance	Implications
SEPP 14- Coastal Wetlands	The aim of this policy is to ensure that coastal wetlands are preserved and protected in the environmental and economic interests of the state.	The policy does not apply as the land is not located near an identified SEPP 14 Wetland.
SEPP 19- Bushland in Urban Areas	The aim of this policy is to protect and preserve bushland within urban areas.	The Planning Proposal is consistent with this direction as the proposal does not intend to disturb bushland zoned or reserved for public open space purposes.
SEPP 44- Koala Habitat Protection	The aim of this policy is to encourage the proper conservation and management of areas of natural vegetation for koalas	The SEPP does not apply as a preliminary ecological assessment of the site indicates that the presence of a koala habitat is unlikely within a well-established residential area.
SEPP No 55— Remediation of Land	The aim of this policy is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.	The planning proposal is consistent with the SEPP, as the proposal does not include land specified in clause 6(4) of the SEPP. Specifically: • The land is not located within an investigation area • Development of the land for a purpose shown in table 1 of the contaminated planning guidelines is not being, or is known to have been carried out. • The land is not proposed to be developed for residential, educational, recreational or child care purposes, or for the purposes of a hospital.
SEPP (Affordable Rental Housing) 2009	The aim of this SEPP is to provide a consistent planning regime for the provision of affordable rental housing.	The land is not owned by a Land and Housing Corporation and no affordable rental housing will be lost as a result of the proposal. The proposal is therefore consistent with the aims of this SEPP.

4. ***Is the planning proposal consistent with applicable Ministerial Directions (s.117 (2) directions)?***

The planning proposal is consistent with relevant Ministerial Directions, with the exception of the following Direction:

- 4.4 Planning for Bushfire Protection.

Approval is required from the Commissioner of the NSW Rural Fire Service regarding Direction 4.4.

Ministerial Direction	Objective/s	Consistency / Comment
1.1 Business and Industrial zones	1) encourage employment growth in suitable locations, 2) protect employment land in business and industrial zones, 3) support the viability of identified strategic centres	The Planning Proposal is consistent with this direction as the zoning change encourages employment opportunities and supports the viability of an identified emerging growth area.
1.2 Rural zones	To protect the agricultural production value of rural land	The direction does not apply as the proposal will not affect land within an existing or proposed rural zone
1.3 Mining Petroleum Production and Extractive Industries	Ensure the future extraction of state or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development	The direction does not apply as the proposal will not prohibit or restrict existing or potential mining, petroleum production or mineral extractive industries.
2.1 Environment Protection zones	Protect and conserve environmentally sensitive areas	This direction does not apply as the subject site does not contain land within an environmental protection zone or land otherwise identified for environmental protection purposes in the LMLEP.
2.2 Coastal Protection	Implement the principles in the NSW Coastal Policy	The direction does not apply as the proposal is not within a coastal zone as identified in the <i>Coastal Protection Act 1979</i>
3.1 Residential zones	(a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, (c) to minimise the impact of residential development on the environment and resource lands.	This direction applies as the Planning Proposal seeks to rezone the site from a residential zone to a business zone. The planning proposal is consistent with strategic planning for the area. It is relevant to note however that shop top housing is permissible in the B1 Neighbourhood centre zone therefore, the Planning Proposal is considered to be generally consistent with this direction.

3.4 Integrated Land Use and Transport	(a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight	The Planning Proposal is consistent with this direction as the proposed expansion of the neighbourhood centre will utilise existing public transport choices that already service the existing neighbourhood centre. The Planning Proposal is suitable for the main road location and will improve access to a broader range of services in the area.
4.1 Acid Sulfate Soils	Avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	The subject site is identified in LMLEP 2014 maps as having class 5 Acid Sulfate Soils. The Planning Proposal is consistent with the direction as Council's LEP and DCP already contain appropriate controls to ensure Acid Sulphate Soils potential impacts are minimised, and the proposal does not change the provisions.
4.2 Mine Subsidence and Unstable Land	Prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	The direction does not apply as the subject site does not exist within a mine subsidence district or has been identified as unstable land.
4.3 Flood Prone Land	(a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land	The direction does not apply as the subject site is not identified as Flood Prone Land.
4.4 Planning for Bushfire Protection	(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas (b) to encourage sound management of bush fire prone areas	The site is identified as being affected by bushfire prone land (buffer), however the risk was not significant enough to preclude future commercial development. Consultation with NSW Rural Fire Service will be undertaken.

5.10 Implementation of Regional Plans	Give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.	The direction applies as the proposal is located within the boundary of the Hunter Regional Plan (HRP). The proposal is consistent with the HRP, as outlined in Section B question 3 of this document.
6.1 Approval and Referral Requirements	Ensure that LEP provisions encourage the efficient and appropriate assessment of development.	The proposal is consistent with the direction as it does not contain any provisions that require concurrence, or identify development as 'designated'.

Section C – Environmental, Social and Economic Impact

5. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The subject site is already developed and is largely devoid of vegetation. The subject site is not identified on LMLEP 2014 as containing environmentally sensitive land or significant environmental attributes. The rezoning and redevelopment of the land for business is thus unlikely to have a significant impact on flora and fauna.

6. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

The subject site does contain a number of medium sized native trees which are likely to be removed for retail and commercial development in the future however, the removal of these trees will be assessed at the development assessment stage. The township of Wyee is currently not serviced by a reticulated wastewater system, however, Hunter Water Corporation has committed to providing a Wyee Sewer Scheme by December 2020. This will improve the environmental outcomes for the township by minimising the risk of pollution from onsite septic systems. The site is also mapped as bushfire prone land. Any future development facilitated by the proposal will need to comply with *Planning for Bushfire Protection 2006*.

7. *How has the planning proposal adequately addressed any social and economic effects?*

Social

The proposed rezoning would facilitate an expansion in the land available for neighbourhood shops and services. This would have a positive social impact on both the current and anticipated future residents of Wyee, as it will potentially allow greater access to local retail and other services and reduce the need for travel to other centres. The zone footprint proposed would be bounded by public roads and a lane way, providing a buffer to adjacent residential development.

Economic

The Retail and Commercial Floor Space Demand Assessment completed by Castlecrest Consultants (Appendix 1) notes that the existing Wyee commercial centre trades well, but that expansion will be required in order to secure local spending and keep pace with market demand as the community grows. It was concluded that the need for additional retail floor space in the order of 1, 500-1,600m² is needed in the short term to underpin the strength of the centre, retain and expand current patronage and attract the business of new residents to the area. In the longer term, a full line supermarket in the order of 3,500m² and support speciality shops could be justified. The assessment states that such an expansion will meet the needs of the local community without impacting on the wider hierarchy of retail centres. The rezoning of further land for business development will be undertaken in line with growing demand.

Section D – State and Commonwealth Interests

8. *Is there adequate public infrastructure for the planning proposal?*

The land is currently serviced with reticulated electricity and water supply. The Wyee area is currently not connected to a reticulated sewer system, however, Hunter Water Corporation has committed to providing a Wyee Sewer Scheme by December 2020. The system will replace the existing septic tank systems and provide an environmentally friendly and reliable sewer system for the area.

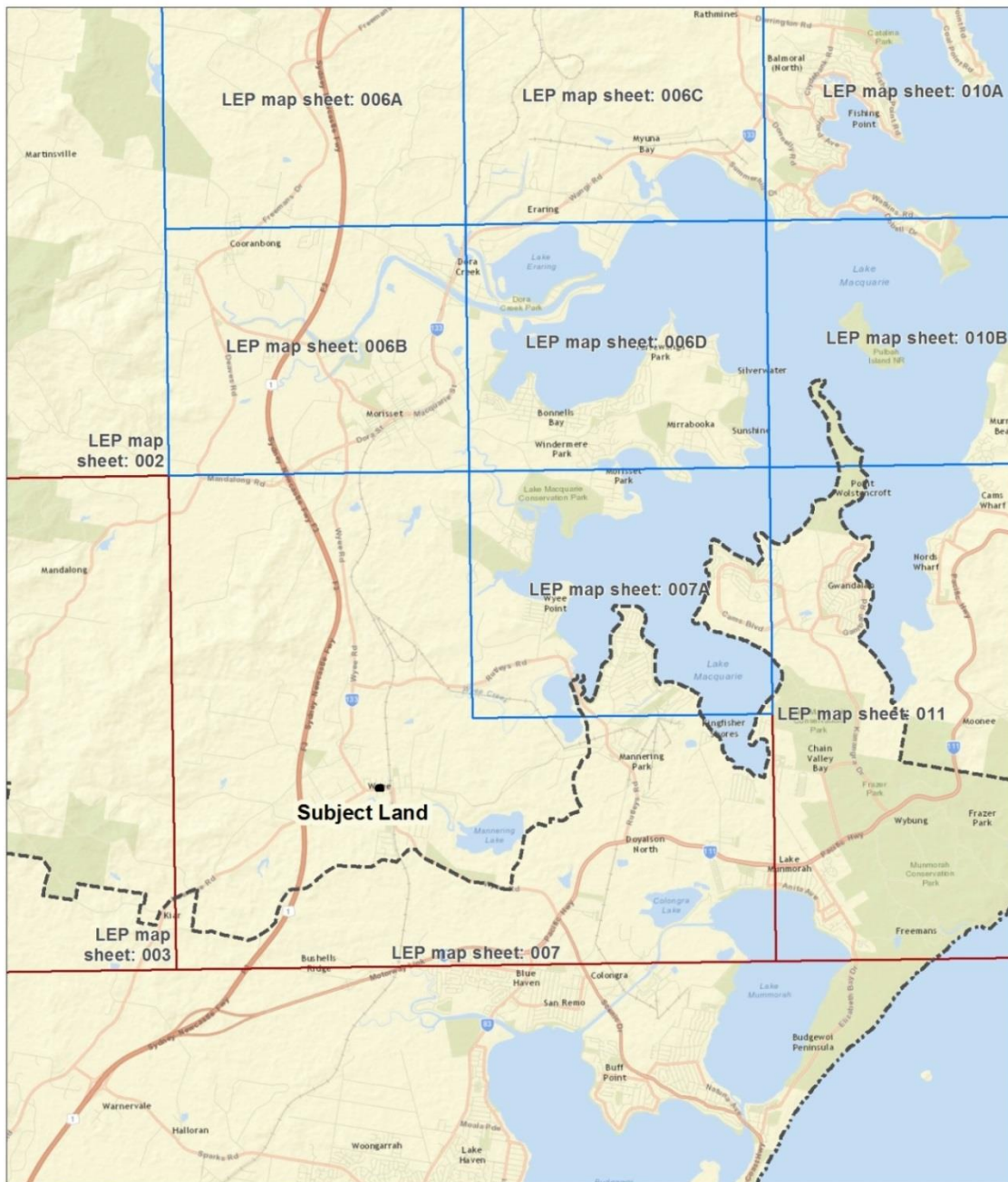
What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Additional consultation with State and Commonwealth public authorities will be determined as part of the Gateway determination. Council recommends consultation with the following authorities:

- Commissioner of the NSW Rural Fire Service regarding consistency with S117 Direction 4.4 Planning for Bushfire Protection, and

Part 4 - MAPPING

Map 1- Locality Map



 Subject Land

Locality

0 2
Kilometres



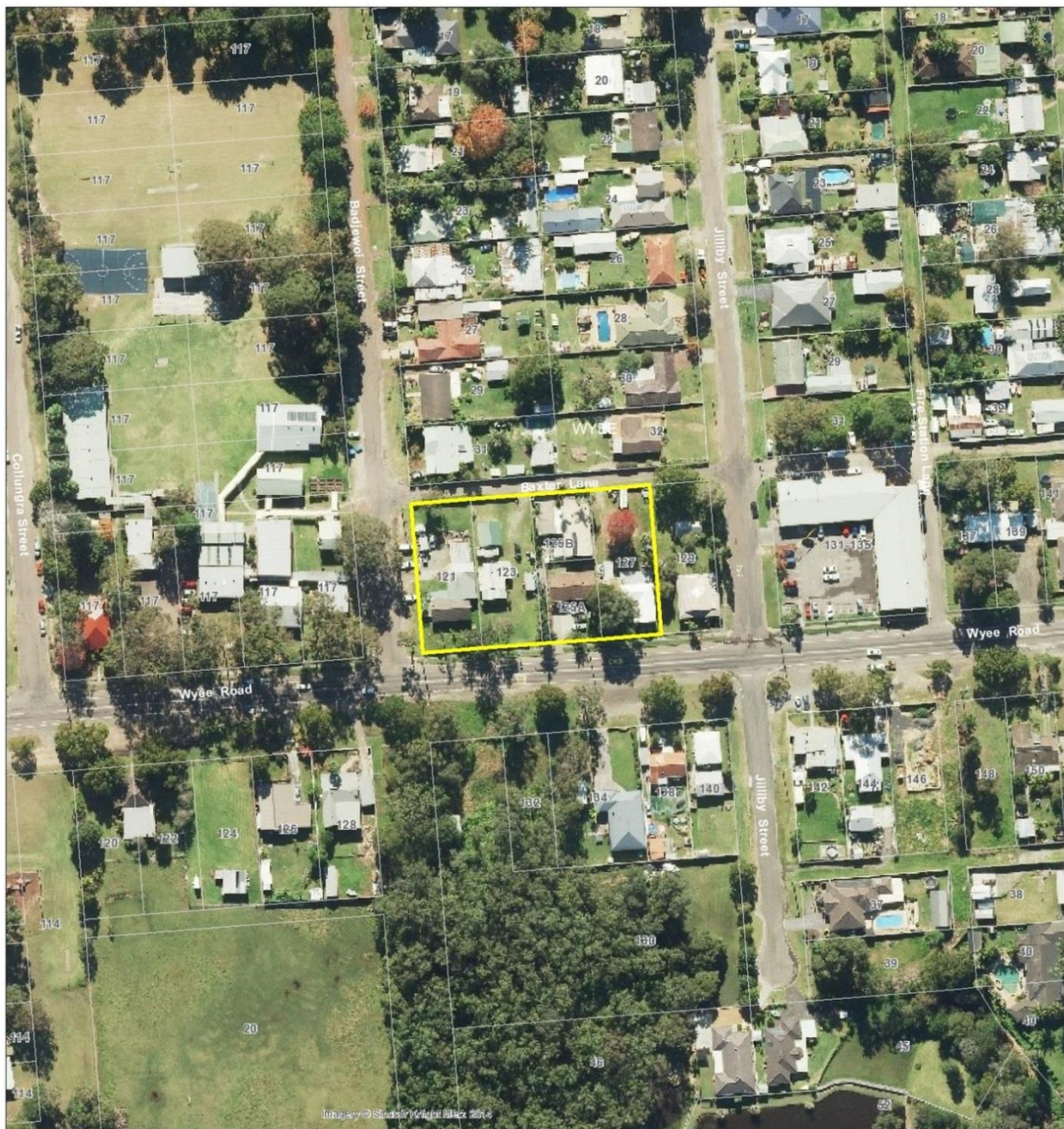
Projection GDA 1994
Zone 56



Base Map Credits: Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

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Map 2- Aerial Photograph



- Land Parcel
- Subject Land

Air Photo

2014 Aerial Photography
Sinclair Knight Merz 2014

0 100
Metres

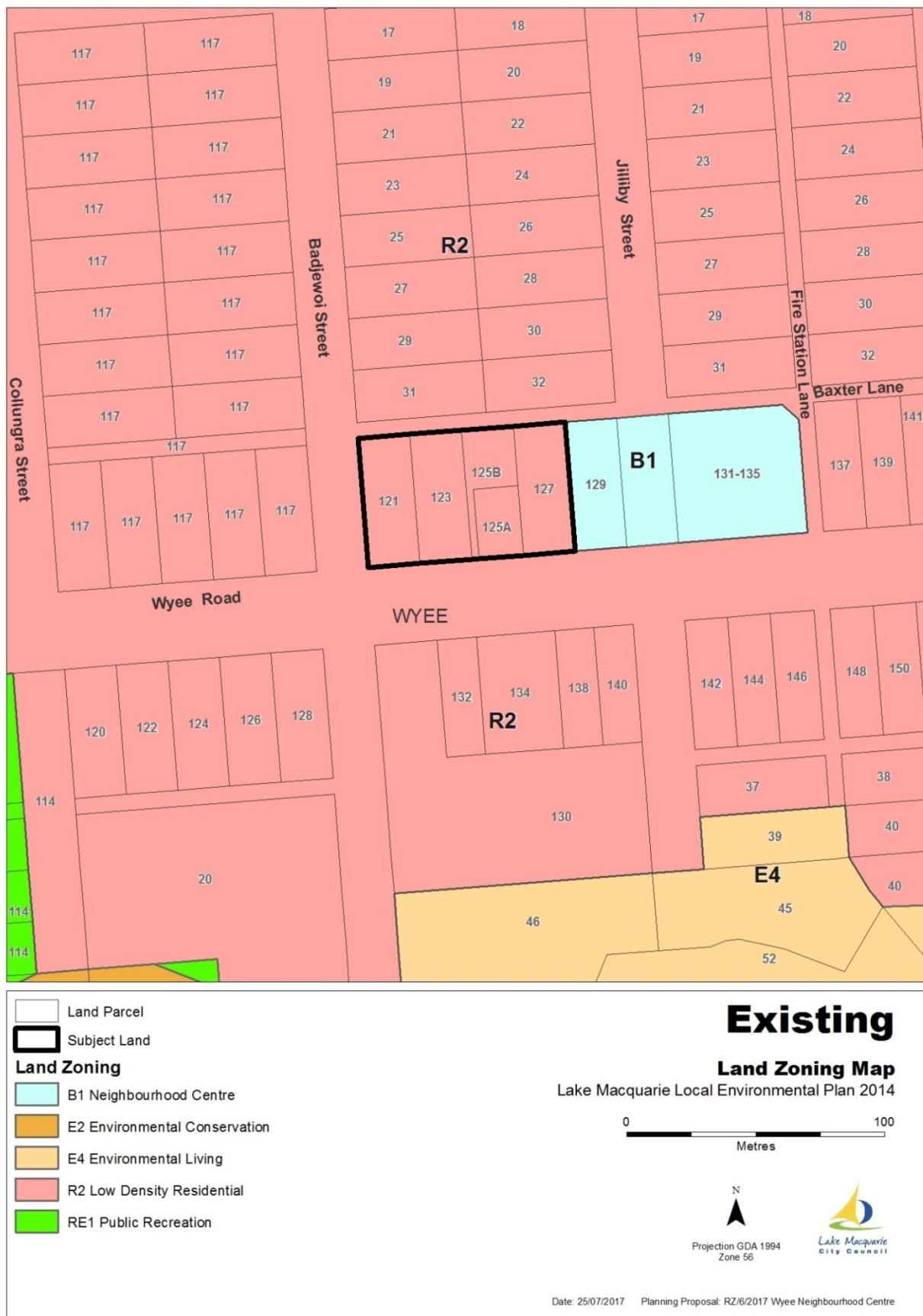
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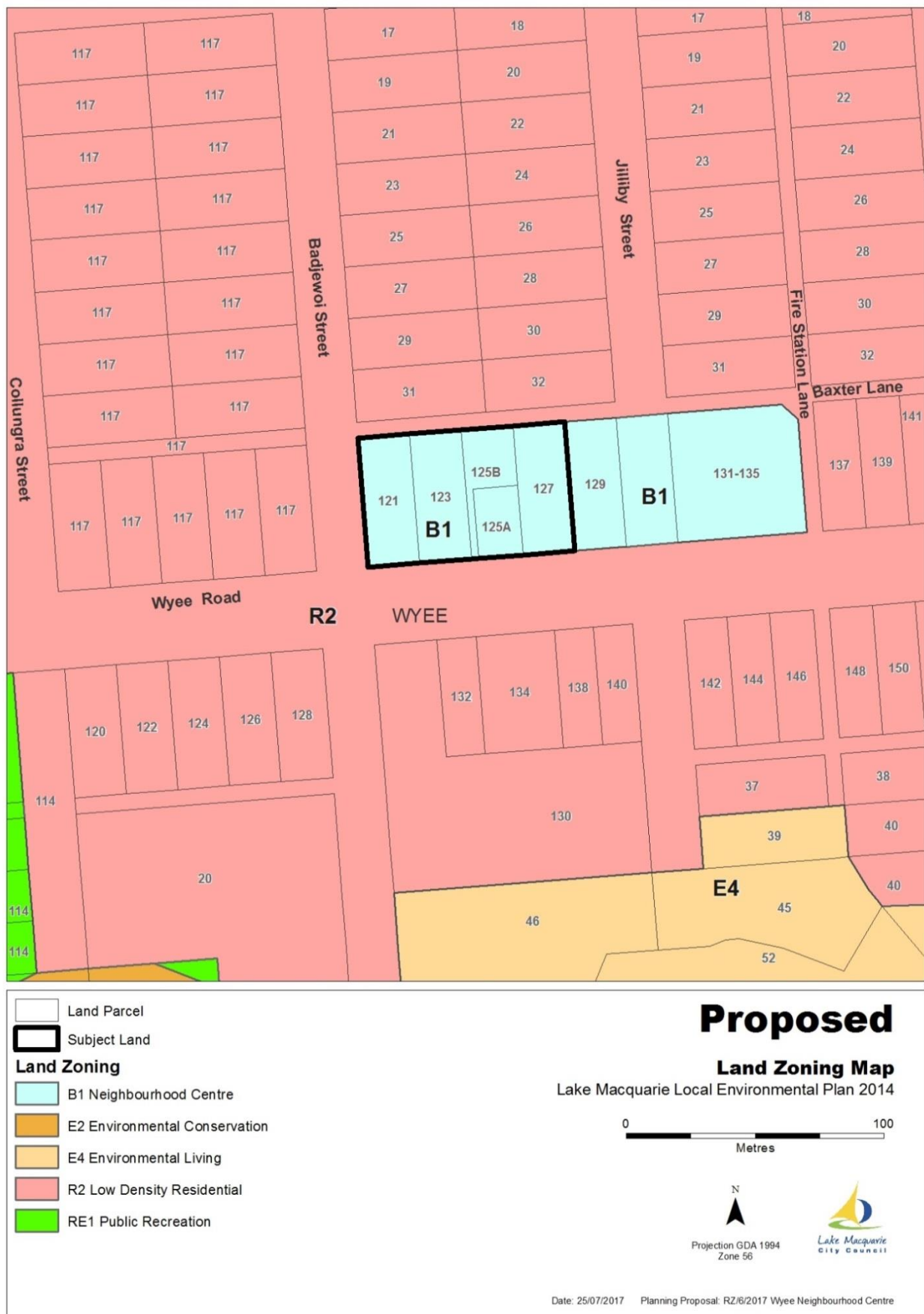
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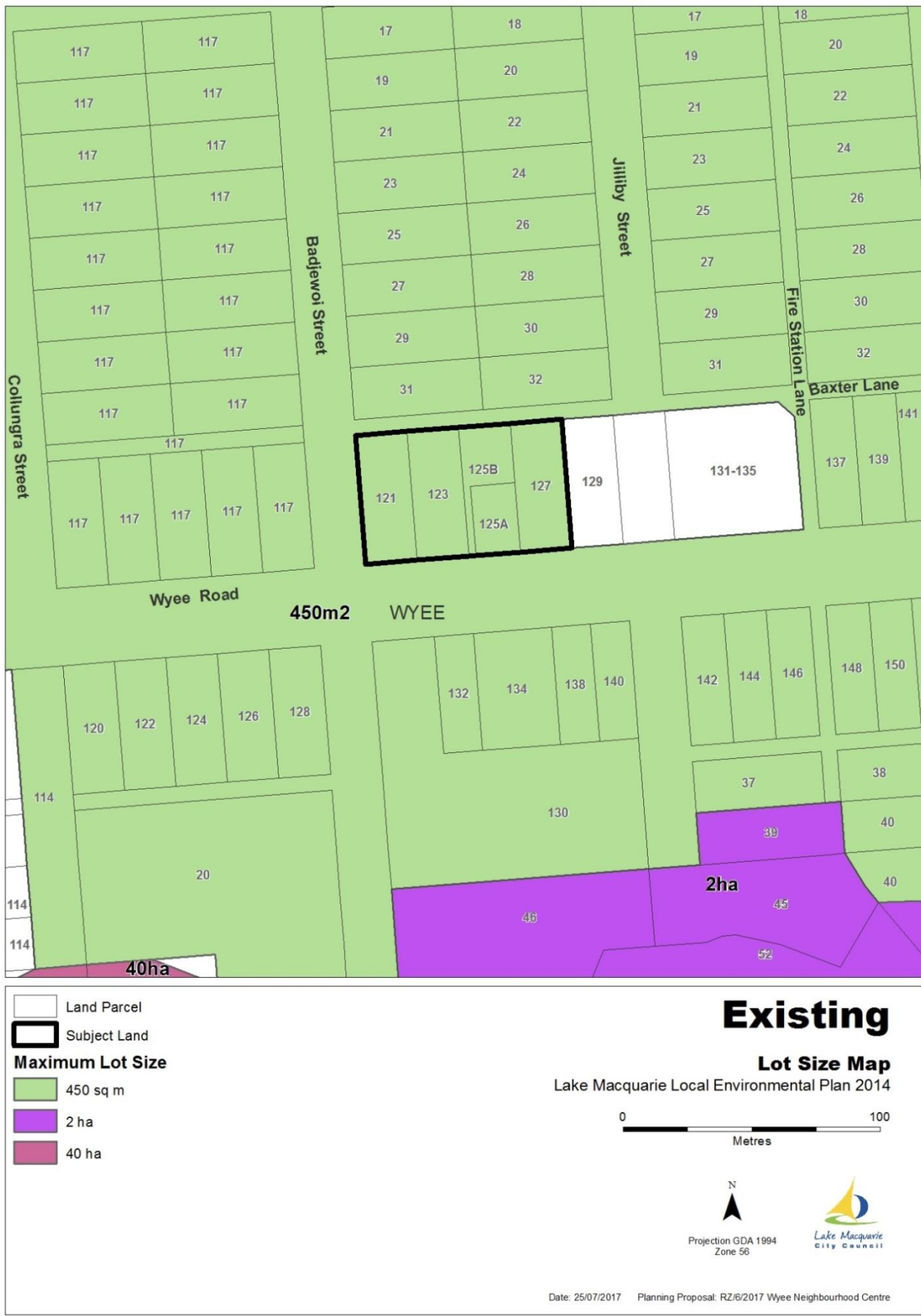
Map 3- Existing Land Zoning Map



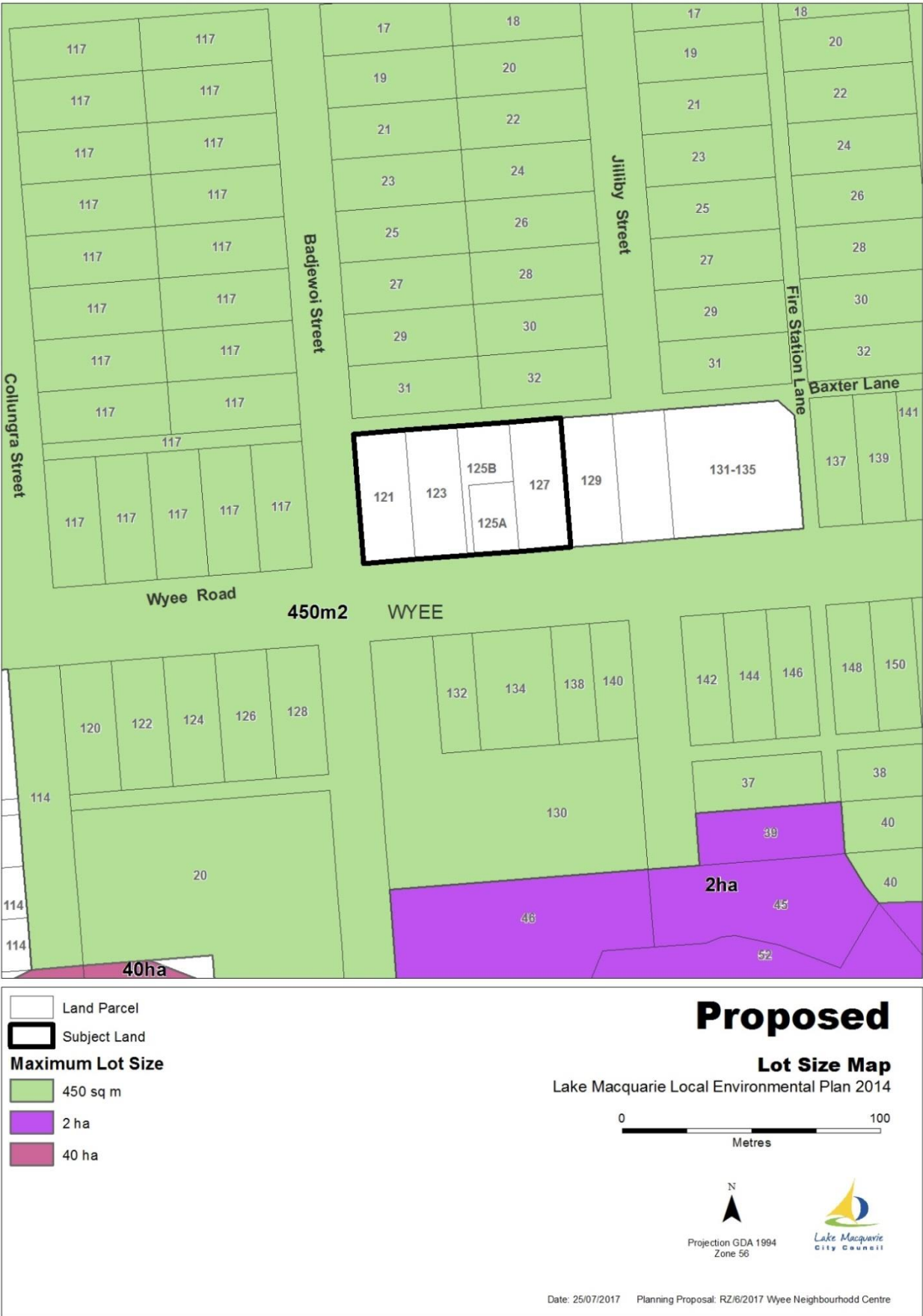
Map 4- Proposed Land Zoning Map



Map 5- Existing Lot Size Map



Map 6- Proposed Lot Size Map



Map 7- Existing Height of Building Map





Part 5 – COMMUNITY CONSULTATION

Community consultation has not been undertaken to date. Community consultation will be determined as part of the Gateway determination. LMCC considers that the proposal is low impact and recommends public exhibition of the proposal for 28 days.

PART 6 – PROJECT TIMELINE

Action	Timeframe
Gateway determination to proceed	October 2017
Government agency consultation	November 2017
Public exhibition (28 days)	November 2017
Consideration of submissions	December 2017
Report public exhibition findings to Council	January 2017
Finalisation of LEP Amendment	Feburary 2018

**APPENDIX 1- COMMERCIAL FLOOR SPACE DEMAND ASSESSMENT-
CASTLECREST CONSULTANTS**

(Attached Separately)