

Development and Planning Standing Committee Meeting 11 June 2019

19DP014 Planning Proposal - 155 Old Main Road, Fennell Bay

Council Ref: RZ/6/2018 - D09304742

Report By: Senior Strategic Planner - Angel Troke

Précis:

Landcom have lodged a request to rezone their property, currently zoned RU6 Transition, located at 135 and 155 Old Main Road, 20 Corella Close, Fennell Bay and 145 Toronto Road, Woodrising. A draft concept plan has been prepared by Landcom that identifies a compact urban development with a mixture of low and medium density residential development and the conservation of a significant proportion of the site.

This report recommends Council proceed with the Planning Proposal and request a Gateway Determination from the Department of Planning, Industry and Environment.

Recommendation:

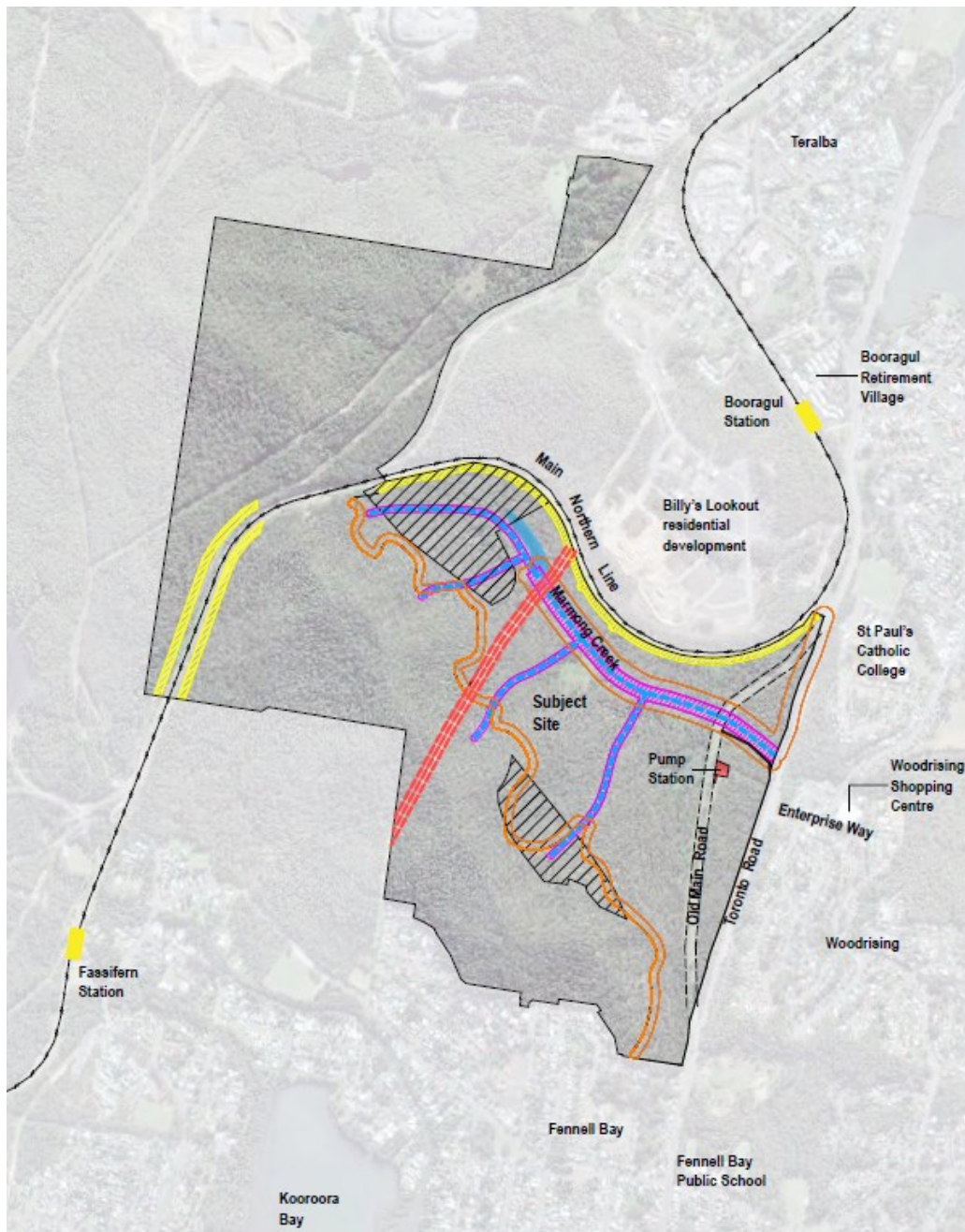
Council:

- A. Requests a Gateway Determination from the Department of Planning, Industry and Environment, pursuant to the *Environmental Planning and Assessment Act 1979*, in relation to the Planning Proposal for the site, as contained in Attachment 1.
- B. Undertake government agency consultation and studies in accordance with the Gateway Determination to identify a preferred zoning plan.
- C. Report the Planning Proposal back to Council prior to public exhibition.

Background:





The site has been identified for further investigation and possible future development since the implementation of *Lake Macquarie Local Environmental Plan (LMLEP) 2004* and is currently zoned RU6 Transition under *LMLEP 2014*. Landcom have undertaken some preliminary investigation work on the site looking at constraints and opportunities and have identified the potential for the site to accommodate approximately 565 lots with a mixture of small lots and low and medium density housing, as well as a component of affordable housing.

Whilst the site contains ecological values, it is also well located for development. The site is located close to existing services and facilities in Fennell Bay and Woodrising. It is located nearby to the major road network and is close to Booragul and Fassifern railway stations as illustrated below. Further investigations will be required to determine the proposed development footprint and zones.



Site Locality Map illustrating proximity to services and site constraints

Legend

-  Mine subsidence
-  Creek line
-  Riparian corridor
-  20m buffer to railway
-  Asset protection zones
-  Services Easement

Development and Planning Standing Committee Meeting 11 June 2019

Proposal:

Council proceeds with the Planning Proposal and requests a Gateway Determination from the Department of Planning, Industry and Environment to continue the rezoning process.

Consultation:

Internal consultation in relation to the rezoning undertaken and supported. There was support that the development contain a component of affordable housing and noted environmental issues will need to be further investigated and impacts mitigated. In addition, active transport links and recreational needs for new residents will need to be explored as the proposal progresses.

The Gateway Determination will identify consultation requirements including consultation with government agencies and the public. A report will be prepared to Council once the draft zones are determined and before consultation occurs with the community.

Implications:

Policy Implications:

Hunter Regional Plan 2036

The proposed rezoning is consistent with the goal to provide greater housing choice with a compact development and a diversity of lot sizes, including a large proportion of small lot housing.

Greater Newcastle Metropolitan Plan

The site is identified as a housing release area within the Housing Opportunities map in the Greater Newcastle Metropolitan Plan and will assist in meeting the projections of 13,700 new dwellings in Lake Macquarie by 2036.

Community Strategic Plan

The proposal is considered consistent with the Lake Macquarie Community Strategic Plan by providing housing that promotes lifestyle and wellbeing, with good mobility and accessibility and connected communities. The proposal is consistent with the Community Strategic Plan's objective of new and high quality development and growth that complements our unique character and sense of place. Whilst protecting our natural environment with a large proportion of the site being conserved.

Draft Lake Mac 2050 (Imagine Lake Mac)

The site is shown in draft Lake Mac 2050 (Imagine Lake Mac) as having high ecological value and a growth investigation area. The proposal is consistent with the aim of increasing housing diversity in proximity to existing centres. The proposal will include a mix of both low and medium density residential development, which is consistent with the objective of draft Lake Mac 2050 (Imagine Lake Mac) to increase housing choice and providing more affordable housing options. The development is well located close to two train stations and the site is well serviced, which is consistent with the outcome that more people live closer to services and facilities. Further studies will be undertaken to help determine the proposed development footprint and suitable land use zones.

Lifestyle Strategy 2030

Development and Planning Standing Committee Meeting 11 June 2019

The proposal shows consistency with aspects of the Strategy considering increasing housing stock located in key growth areas. The site is identified as an investigation area in the Urban Change and Urban Investigation Map.

Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014)

The proposal seeks to amend *LMLEP 2014* from RU6 Transition to R2 Low Density, R3 Medium Density Residential and conservation. The proposal will also amend the height of building map, lot size map and may involve an acquisition layer being placed on the Toronto Road corridor to allow for road widening as requested by the Roads and Maritime Service.

Lake Macquarie Development Control Plan 2014

It is likely that an Area Plan will be required to guide the development of this area consistent with other urban release areas, following rezoning of the site.

State Environmental Planning Policies (SEPPS) and Section 9.1 Ministerial Directions

An assessment of the Planning Proposal with SEPPs and section 9.1 Ministerial Directions is contained in Attachment 1 – Planning Proposal.

Environmental Implications:

The proposed future development of the site will have biodiversity impacts. A Biodiversity Constraints Assessment has been prepared which identified that the site has high conservation areas and likely to contain a number of threatened flora and fauna species. Two threatened flora species have been identified on the site including Black-eyed Susan (*tetralthea juncea*) and Small-flower Grevillea (*grevillea parviflora subsp. parviflora*) and a number of other species are likely to occur.

Eight threatened fauna species were identified in the study area including Brown Treecreeper (*Climacteris picumnus victoriae*), Masked Owl (*Tyto novaehollandiae*), Powerful Owl (*Ninox strenua*), Little Lorikeet (*Glossopsitta pusilla*), Eastern Free-tail Bat (*Mormopterus norfolkensis*), Varied Sittella (*Daphoenositta chrysoptera*), Grey-headed Flying Fox (*Pteropus poliocephalus*) and Little Bentwing-bat (*Miniopterus australis*). There are two threatened ecological communities with the Swamp Sclerophyll Forest on Coastal Floodplains and Freshwater Wetlands on Coastal Floodplains associated with the Marmong Creek riparian corridor.

Further biodiversity investigations will be required following the Gateway Determination. Other environmental studies such as bushfire, heritage, geotechnical, traffic and access, noise, contamination and hydrology will also be required.

Social Implications:

The proposed development will have positive social impacts by providing a diverse mix of housing with smaller lot sizes, as well as a component of affordable housing in a well-serviced site with proximity to public transport, shops and services including local schools. The supporting studies to the planning proposal will need to demonstrate how the recreational needs of the new population will be met and potential social impacts addressed.

Infrastructure Asset Implications:

Upgrades to infrastructure would be required to service the development. During preliminary consultation, the Roads and Maritime Service has identified that acquisition of

Development and Planning Standing Committee Meeting 11 June 2019

part of the site along the Toronto Road (Main Road 217) corridor will be required for road widening. Upgrades to pedestrian and cycleway connections will be required to improve access to and through the site. Additional recreational facilities may be required to service the development.

Financial Implications:

There will be no direct financial implications for Council associated with proceeding with the Planning Proposal. The proponent has paid the initial rezoning application fee and will enter into a developer agreement and pay for staff resources incurred as part of processing the LEP amendment in accordance with Council's Local Environmental Plan Amendment Procedure.

Risk and Insurance Implications:

The risks associated with preparing a Planning Proposal are minimised by following the process outlined in the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning & Assessment Regulation 2000*, and Council's LEP Amendment Procedure.

Options:

1. Council resolves to support the proposal to amend *LMLEP 2014* to rezone the subject land from RU6 Transition to allow urban development on the site. This is the recommended option and will allow further investigations to occur to determine the most suitable land use zones for the site.
2. Council resolves not to support the proposal to amend the *LMLEP 2014*. This is not recommended as it will leave an unresolved zone on the site and not realise the planning objectives for the site.

Conclusion:

This report recommends Council proceed with the planning proposal and request a Gateway Determination from the Department of Planning, Industry and Environment. A further report will be presented to Council once land use studies and State Government agency consultation has occurred on the subject land and a proposed zoning plan has been developed.

Manager Integrated Planning - Wes Hain

Attachments:

1. Planning Proposal - 155 Old Main Road Fennell Bay D09305790