

<b>22SP011</b>	Exhibition of Planning Proposal - 18 Gosford Road, Wyee
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<b>Key focus area</b>	1. Unique landscape
<b>Objective</b>	1.3 New development and growth complements our unique character and sense of place
<b>File</b>	RZ/7/2021 - D10418707
<b>Author</b>	Strategic Landuse Planner - Kent Plasto
<b>Responsible manager</b>	Manager Integrated Planning - Wes Hain

### **Executive Summary**

This report requests Council's endorsement for a draft Planning Proposal (Attachment 1) to amend the *Lake Macquarie Local Environmental Plan 2014* by rezoning land at 18 Gosford Road, Wyee from Zone RU2 Rural Landscape to Zone R2 Low Density Residential. This report also seeks Council's endorsement to request a Gateway Determination from the Department of Planning, Industry and Environment (DPIE) and to exhibit the draft Planning Proposal. Rezoning the site will result in infill housing consistent with Council's Housing Strategy.

### **Recommendation**

Council:

- A. requests a Gateway Determination from the Department of Planning, Industry and Environment, pursuant to the *Environmental Planning and Assessment (EP&A) Act 1979*, in relation to the draft Planning Proposal for the site, as contained in Attachment 1,
- B. requests the use of plan making delegations from the Minister for Planning and Public Spaces under section 3.36 of the *EP&A Act 1979* for the draft Planning Proposal,
- C. undertakes State agency consultation and places the draft Planning Proposal on public exhibition for at least 28 days, subject to the outcome of the Gateway Determination, and
- D. receives a further report on the outcome of consultation and public exhibition.

### **Discussion**

The objective of the draft Planning Proposal is to rezone 3.14 ha of land at 18 Gosford Road, Wyee from Zone RU2 Rural Landscape to Zone R2 Low Density Residential. Wyee is identified in Council's Housing Strategy and the draft Hunter Regional Plan 2041 as an emerging growth centre. Rezoning the site will enable future infill housing that will support the growth of the area.

The site has been zoned for rural purposes since 1984 and was historically used for market gardens. In recent times, its use has been confined to rural residential occupation with occasional agistment.

The draft Planning Proposal is consistent with the Lake Macquarie Local Strategic Planning Statement and the Wyee Structure Plan which was adopted by Council in 2010, where the site is identified as having infill urban development potential.



**Figure 1 – Subject site location**

The subject site is located adjacent to the Newcastle to Sydney Rail Line, about 600m south of the Wyee Train Station and on the southernmost boundary of the Lake Macquarie Local Government Area (LGA). The surrounding urban form to the east, north and west is existing low density residential with a large area of native bushland to the south in the Central Coast LGA. This area to the south is subject to a planning proposal by the Darkinjung Local Aboriginal Land Council which seeks a similar Zone R2 Low Density Residential development in the Central Coast LGA.

The subject land area is relatively flat and mostly cleared with a few small pockets of vegetation. There are existing structures on the land including a dwelling, shed and swimming pool, as well as a dam that was filled in 2018.



The results of environmental investigations undertaken on the site conclude the land is suitable or can be made suitable where relevant, for residential development.

### **Assessment of options**

The proposed R2 Low Density Residential zone is considered the most appropriate zone for the site. This zone will facilitate densities of between 15-25 dwellings per hectare. This range is consistent with Council's recently adopted Housing Strategy as well as the Greater Newcastle Metropolitan Plan.

Consideration was given to an R3 Medium Density Residential zone for the site. This zone would facilitate higher residential densities of between 50-75 dwellings per hectare which is more in line with what the draft Hunter Regional Plan 2041 envisages for sites within 15 minutes walking or cycling distance of everyday needs. However, the R2 Low Density Residential zone remains the most appropriate zone for the following reasons:

1. The proposed R2 Low Density Residential zone is consistent with surrounding R2 Low Density Residential zoned land and the existing urban form between the Wyee Neighbourhood Centre, Train Station and west of the rail line. Applying the R3 Medium Density Residential zone would result in a small, isolated parcel of medium density development which would be inconsistent with the existing surrounding urban form.
2. Applying an R3 Medium Density Residential zone to the area should be supported by a strategic review of all low density residential zoned land in Wyee and surrounding areas. This would include assessing the uptake and feasibility of developing medium density residential development in Wyee. Such a review is not currently identified on Integrated Planning's work program and could take up to 12 months to complete. The proposed rezoning of the site has been initiated by the proponent and reflects market demand for compact, low density residential development in the area.
3. If market conditions were to change, provisions in clause 4.1A 'Exceptions to minimum subdivision lot size for certain residential development' of the *LMLEP 2014*, and the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, would facilitate higher dwelling densities in R2 Low Density Residential zones.

It is recommended Council supports the draft Planning Proposal, seeks Gateway determination and publicly exhibits the draft Planning Proposal.

### **Community engagement and internal consultation**

The proponent completed preliminary community consultation as part of preparing a Social Impact Assessment (SIA) to support the Planning Proposal. In summary, the SIA supports the development of additional low density residential in this area, as it:

- is consistent with the growing urban form
- will have a generally positive impact on the local economy
- will not overly impact existing use of public services and facilities
- is welcomed by community members who were surveyed
- will help provide pedestrian connections between nearby local streets, Murrawal Road and Jabbarup Road.

The draft Planning Proposal was considered by Council's Rezoning Advisory Panel (RAP) in August 2021. The RAP identified matters that required clarification and additional assessment prior to submitting a report to Council, including:

- Contamination Assessment

A Contamination Assessment has been submitted and no additional testing is required at this stage. Based on the contamination assessment, it is considered the site is suitable or can be made suitable where relevant, for residential development and occupation.

- Clarification of biodiversity requirements

An updated Biodiversity Assessment Report has been submitted. The updated report accurately identifies biodiversity offset requirements for the proposed rezoning and future development of the site. The biodiversity offsets will be resolved during the Planning Proposal process or as part of future development stages.

- Habitat tree survey

A survey is required to ascertain if certain tree species are present, or if specific trees on the site are used for feeding or habitat. The proponent will be providing this additional survey data prior to public exhibition of the draft Planning Proposal.

Preliminary consultation has occurred with Government agencies and service authorities as part of the site feasibility analysis and assessment of surrounding services and infrastructure. The advice of the following public authorities is provided and addressed in the draft Planning Proposal (Attachment 1):

- Department of Planning, Industry and Environment
- Transport for NSW
- Hunter Water Corporation
- Jemena Gas.

Consultation with other relevant Government agencies and service authorities will occur following Gateway Determination.

Public exhibition of the draft Planning Proposal is suggested for 28 days and will occur following Gateway Determination.

### ***Key considerations***

<b>Economic impacts</b>	<p>The Planning Proposal supports economic sustainability by facilitating infill development on the subject land that will have a positive impact on the local economic catchment. This is supported in the SIA and associated community consultation.</p> <p>Infill developments benefit from making use of existing infrastructure and generally have less infrastructure costs compared to new greenfield development.</p>
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<b>Environment</b>	<p>The Planning Proposal supports environmental sustainability by ensuring the few small areas of vegetation on the site will be appropriately offset as part of future development. Two trees have been identified as potentially supporting species habitation and/or feeding. An additional survey is required to be completed prior to public exhibition to confirm if the trees are significant and require conservation.</p> <p>The subject land area is otherwise cleared of vegetation due to previous agricultural uses.</p> <p>The subject land is adjacent to the Newcastle to Sydney Railway Line. The noise and vibration assessment identified both a small buffer zone, as well as future design and building materials, will likely mitigate impacts.</p> <p>Contamination assessments undertaken have concluded the site is suitable or can be made suitable where relevant, for residential development and occupation.</p>
<b>Community</b>	<p>Social sustainability is addressed by the Planning Proposal through the SIA and associated community survey indicating the proposed future development is appropriate for the site. The SIA also indicates that with appropriate future pedestrian and cycling infrastructure, survey respondents indicated support for additional housing stock.</p> <p>The SIA recommends providing shared path access to Murrawal Road and extending Jabbarup Road as this would provide key active transport and road connections.</p> <p>Future development will pay developer contributions required by the Morisset Developer Contributions Plan (or the contributions plan in place at the time) which will facilitate provision of other community services and infrastructure required to support incremental increases in population.</p> <p>Exhibition of the draft Planning Proposal will provide the opportunity for the wider community to comment on the proposed rezoning.</p>
<b>Civic leadership</b>	<p>There are no significant sustainable governance considerations associated with this draft Planning Proposal.</p> <p>Exhibition of the draft Planning Proposal will be undertaken in accordance with Council's Community Participation Plan.</p>
<b>Financial</b>	<p>The proponent has paid the relevant fee which covers staff resources involved in the assessment and processing of the Planning Proposal.</p> <p>Infrastructure associated with future residential development that comes into public ownership will need to be maintained by Council. Costs associated with ongoing maintenance of infrastructure are funded through rates.</p>

<b>Infrastructure</b>	<p>There are no direct infrastructure asset implications associated with the draft Planning Proposal. Augmentation of electricity, telephone, NBN, water and sewer infrastructure/services is available. Preliminary consultation with infrastructure and service authorities/providers indicate there is capacity in existing services to accommodate the proposed development.</p> <p>After completion of future subdivision, roads, pedestrian and stormwater infrastructure may come into public ownership.</p>
<b>Risk and insurance</b>	<p>The risks associated with preparing and exhibiting the draft Planning Proposal are minimised by following process outlined in the <i>Environmental Planning and Assessment Act 1979</i>, the <i>Environmental Planning and Assessment Regulation 2000</i>, and Council's LEP Amendment Procedure.</p>

### ***Legislative and policy considerations***

*Environmental Planning and Assessment Act 1979*

*Biodiversity Conservation Act 2016*

*Environmental Planning and Assessment Regulation 2000*

*Lake Macquarie Local Environmental Plan 2014*

Lake Macquarie Local Strategic Planning Statement

Lake Macquarie Housing Strategy

### ***Attachments***

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|---|----------------------|-----------|
| 1. Draft Planning Proposal - 18 Gosford Road Wyee | Under separate cover | D10492814 |
|---|----------------------|-----------|

## 22SP011      Exhibition of Planning Proposal - 18 Gosford Road, Wyee

Folder No: RZ/7/2021

Report By: Strategic Landuse Planner - Kent Plasto

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Moved. Cr. Belcher

Seconded. Cr. Grigg

Council:

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- D. receives a further report on the outcome of consultation and public exhibition.

In accordance with Section 375A of the Local Government Act 1993 a division took place.

For the Motion

Against the Motion

Cr. Adamthwaite

Cr. Antcliff

Cr. Conroy

Cr. Grigg

Cr. Belcher

Cr. Pauling

Cr. Cubis

Cr. Bishop

Cr. Shultz

Cr. Jones

Cr. Buckley

Cr. Warner

Cr. Fraser

(carried)

(Carried)