

Planning and Assessment

IRF22/756

Gateway determination report

LGA	Lake Macquarie City Council
PPA	Lake Macquarie City Council
NAME	Draft Amendment to Lake Macquarie Local Environmental Plan 2014 – 18 Gosford Road, Wyee (42 homes, 0 jobs)
NUMBER	PP-2021-4683
LEP TO BE AMENDED	Lake Macquarie Local Environmental Plan 2014
ADDRESS	18 Gosford Road, Wyee (Lot 217 DP 755242)
DESCRIPTION	PP 2021-4683
RECEIVED	8 February 2022
FILE NO.	IRF22/756
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 OR include details of meetings or communications with registered lobbyists.

1. INTRODUCTION

1.1 Site description

The site is located at 18 Gosford Road, Wyee and is legally described as Lot 217 DP 755242. The site is zoned RU2 Rural Landscape under *Lake Macquarie Local Environmental Plan 2014*.

The site comprises 3.14 hectares and is irregular in formation. It varies in elevation from RL 28.5 m Australian Height Datum (AHD) to RL 41.5 m AHD. The site is managed, with approximately 6% consisting of native vegetation, and contains bushfire prone land around its south eastern corner, southern and western boundaries. There are no watercourses on site, and the historical farm dam was filled in 2018.

An Aboriginal Heritage Information Management System search did not locate any items of significance on, or in proximity to, the site. A high-pressure gas pipeline is located adjacent to the southern and western boundaries within the road reserve.

The site is currently used for rural residential purposes with some agistment however, was historically used for market gardens. An aerial photograph of the site is detailed in Figure 1 below.



Figure 1: Aerial photograph of the site (source: Lake Macquarie City Council, 2022)

The site is accessed via three rural gravel driveways, each approximately 4 metres wide, one via the sealed Gosford Road, a second at the southern end of Jabbarup Road and a third at the southern end of the sealed section of Murrawal Road at the northwest corner of the property. Gosford Road intersects with Wyee Road approximately 230m east of the site. Wyee Road is a classified state road (MR454).

1.2 Existing planning controls

The site is zoned RU2 Rural Landscape and has a minimum lot size of 20 ha under the *Lake Macquarie Local Environmental Plan 2014*. The site is not mapped as an Urban Release Area (see Figures 2 to 4). The site has a height of building control of 8.5m.

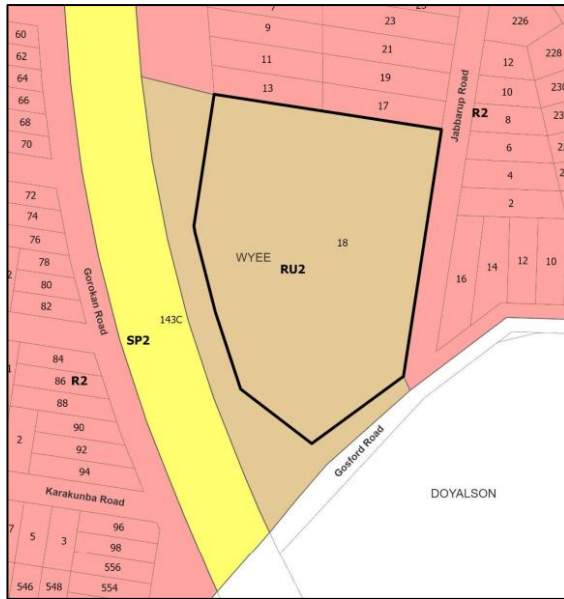


Figure 2: Existing Land Zoning Map



Figure 3: Existing Minimum Lot Size Map



Figure 4: Existing Urban Release Area Map

1.3 Surrounding area

The site is located south of the Wyee township adjacent to the southern border of the Lake Macquarie local government area. Wyee train station is approximately 550m north. The existing Wyee township is serviced by a primary school, neighbourhood shopping strip, two service stations with convenience stores and community hall.

The site adjoins developed land zoned R2 Low Density Residential to the north. The site adjoins Crown Lands road reserve to the east, comprising Jabbarup Road which is partially formed. On the opposite side of this road corridor is developed R2 Low Density Residential zoned land. The site adjoins Crown Lands road reserve to the west comprising an unformed section of Murrawal Road, beyond which is the main

northern railway. On the opposite side of the railway corridor is the Wyee West paper subdivision and the Wyee West urban release area.

The site adjoins Gosford Road to the south, including Council road reserve. Gosford Road provides a connection between Wyee Road and the suburbs of Doyalson and Budgewoi to the east. A high-pressure gas pipeline is located within the road reserve to the west and south of the site. Land on the opposite side of Gosford Road is identified for urban development by Central Coast Council as part of the North Wyong Shire Structure Plan.

2. PROPOSAL

2.1 Description of planning proposal

The planning proposal seeks to amend *Lake Macquarie Local Environmental Plan 2014* as follows:

- rezone the site from RU2 Rural Landscape to R2 Low Density Residential,
- reduce the minimum lot size from 20ha to 450m²,
- identify the site as an urban release area.

The planning proposal is a proponent-led rezoning and will deliver 42 homes.

2.2 Objectives or intended outcomes

The objective of the proposal is to rezone the site from RU2 Rural Landscape to R2 Low Density Residential and amend the lot size map and urban release area map pursuant to the lake Macquarie Local Environmental Plan 2014. The proposal aims to deliver low to medium density residential subdivision consistent with Council's Local Strategic Planning Statement.

The objectives of the proposal are clear and do not require amendment prior to community consultation

2.3 Explanation of provisions

The proposed objective will be achieved by amending the Lake Macquarie Local Environmental Plan 2014 as per table 1 below:

Table 1 Explanation of provisions

Provision	Existing	Proposed
Land Zoning Map	RU2 Rural Landscape	R2 Low Density Residential
Minimum Lot Size Map	20ha	450m ²
Urban Release Area Map	Not mapped	Mapped

The explanation of provisions is clear and do not require amendment prior to community consultation.

2.4 Mapping

The proposal is a map only amendment and maps have been included within the planning proposal that show the current and proposed controls. The draft mapping impacts the adjoining Crown Land roads to the west of the site, and this may need to be amended following consultation with Crown Lands. The maps should be finalised updated prior to community consultation, following consultation with Crown Lands.

The proposed draft map amendments are detailed in Figures 5 to 7 below.

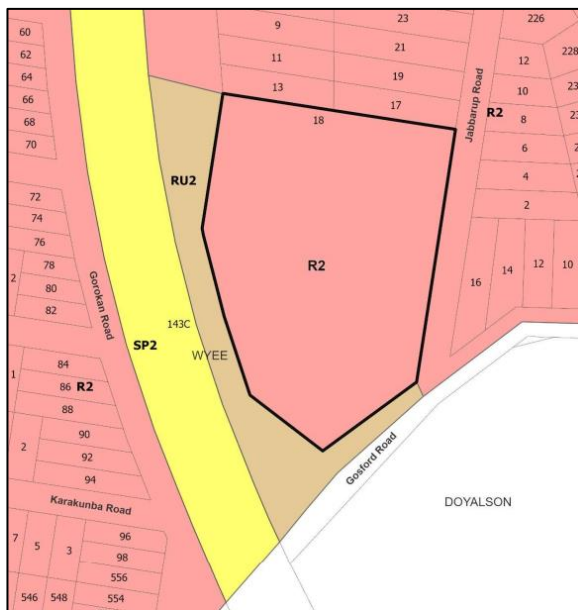


Figure 5: Proposed Land Zoning Map



Figure 6: Proposed Minimum Lot Size Map



Figure 7: Proposed Urban Release Area Map

3. NEED FOR THE PLANNING PROPOSAL

A planning proposal is the best way to achieve the land zone and lot size mapping amendments proposed to support future residential subdivision of the land. The planning proposal is not the result of a strategic study or report.

The proposal will deliver 42 homes and achieve densities of 15-25 dwellings per hectare consistent with the *Lake Macquarie City Housing Strategy 2021* and the *Greater Newcastle Metropolitan Plan 2036*.

Consideration was given to proposing an R3 Medium Density Residential zone for the site to facilitate higher residential densities comparable with the optimum

dwelling density of 50-75 dwellings per hectare in the draft Hunter Regional Plan 2041. The site is separated from the Wyee town centre and railway station and adjoins existing developed R2 Low Density Residential zoned land. Council advised that a comprehensive review of all R2 Low Density Residential zoned land in this locality is required.

Council also considered extending the existing Wyee West Area Plan and related urban release area to include the site. However, strategic planning for this precinct is advanced, and Council are engaging with the community and public agencies in the area to deliver infrastructure and services for the community. Inclusion of the site within the existing Wyee West urban release area could potentially cause lengthy delay to the progression of the planning proposal as well as complicate the planning process for Wyee West.

4. STRATEGIC ASSESSMENT

4.1 Regional / District

Hunter Regional Plan 2036

The following table provides an assessment of the planning proposal against relevant directions of the *Hunter Regional Plan 2036*.

Table 2 Hunter Regional Plan 2036 assessment

Direction	Comment
Direction 17 - Create healthy built environments through good design	<p>This direction recognises that communities should be designed so that they enrich the quality of life and wellbeing of residents by encouraging physical activity, social cohesion and access to healthy, locally grown food.</p> <p>The proposal meet action 17.3 by integrating recreational walking and cycling networks into the design of new communities to encourage physical activity. Opportunities to enhance connectivity to the north in response to the Social Impact Assessment Report recommendations will also be explored during the development application stage.</p> <p>The planning proposal is consistent with this direction.</p>
Direction 21 - Create a compact settlement	<p>This direction recognises that focusing development in locations with established services and infrastructure increases the appeal of these places for new residents.</p> <p>Wyee is recognised as an emerging growth area within the plan. The site provides opportunity to expand the existing urban area of Wyee, where services can be augmented for infrastructure provision alongside housing delivery. The site also has access to public transport, including the Wyee Train station in the broader locality.</p> <p>The planning proposal is consistent with this direction.</p>

The planning proposal is consistent with the *Hunter Regional Plan 2036*.

Greater Newcastle Metropolitan Plan 2036

The following table provides an assessment of the planning proposal against relevant strategies of the *Greater Newcastle Metropolitan Plan 2036*.

Table 3 Greater Newcastle Metropolitan Plan 2036 assessment

Strategy	Comment
Strategy 13 - Protect rural amenity outside urban areas	<p>This strategy recognises that rural areas in Greater Newcastle have a wide range of environmental, social and economic values, and this strategy seeks to minimise unplanned expansion of urban uses into the rural area. The proposal will result in the loss of rural zoned land however, the productive agricultural capability of the site is limited by its size and proximity to the existing Wyee township and urban release area and the northern growth area of the Central Coast. As such, it is appropriate to consider an urban outcome on the site.</p> <p>The planning proposal is inconsistent with this strategy, however, is reasonably justified.</p>
Strategy 16 - Prioritise the delivery of infill housing opportunities within existing urban areas	<p>The strategy recognises that the focus of housing delivery in existing urban areas will be within strategic centres and along urban renewal corridors in the metropolitan core.</p> <p>The site is not mapped on the housing opportunities map, however, is located directly between the identified Wyee Housing Release Area and existing Wyee urban area with infill housing opportunities. As such, it is considered the site is strategically located within an emerging urban area. The site provides opportunity for an appropriate and well-located urban release area.</p> <p>The planning proposal will assist Council in meeting identified projections of 13,700 new dwellings in Lake Macquarie by 2036 and proposes a target of 15-25 dwellings per hectare. This is consistent with the plan.</p> <p>The proximity of the site to the existing infill housing area of Wyee will further stimulate economic growth within the locality and have a flow on effects of promoting infill development opportunities. As such, it is considered that the planning proposal will assist in meeting the objectives of this strategy.</p> <p>The planning proposal supports and is consistent with this strategy.</p>
Strategy 17 - Unlock housing supply through infrastructure coordination and delivery	<p>The strategy recognises that coordinating infrastructure, streamlining assessment processes, and monitoring the take up of housing and roll out of infrastructure and services will create ongoing and sustainable housing opportunities both within the existing urban footprint and on land that is zoned but undeveloped.</p>

Strategy	Comment
	<p>Preliminary servicing advice identifies that the site can be suitably serviced via augmentation of existing infrastructure.</p> <p>The planning proposal is consistent with this strategy.</p>
Strategy 20 - Integrate land use and transport planning	<p>The strategy identifies the need to increase the frequency, improve the customer experience and enable easier modal changes on the passenger rail and intra-regional buses from Morisset, which captures the Wyee customer base. The strategy also requires the provision of early and effective public transport services and active transport infrastructure in priority housing release areas.</p> <p>The site has access to Wyee train station and will provide active transport infrastructure within the site. The planning proposal identifies opportunities for further active transport connections to the existing network to the north which should be further explored at the development application stage. Further, the proximity of the site to the Wyee West Urban Release Area will provide further enhancements to site specific integrated land use and transport planning outcomes via co-located benefits.</p> <p>The planning proposal is consistent with this strategy.</p>

The planning proposal is consistent with the *Greater Newcastle Metropolitan Plan 2036*.

Central Coast Regional Plan 2036

The site is located adjacent to the northern boundary of Central Coast Local Government Area. Within the *Central Coast Regional Plan 2036* new greenfield development opportunities are focused in the Warnervale-Wadalba urban release area and in locations identified in the North Wyong Shire Structure Plan. The site is a direct extension to the identified growth corridors within the plan.

The planning proposal does not raise any issues that conflict with the *Central Coast Regional Plan 2036*.

North Wyong Shire Structure Plan

Residential development in the North Wyong Structure Plan area is expected to occur within the walking catchments of planned and existing centres and public transport routes.

The site is in proximity to Precinct 11 of the plan which is identified for long-term development. The site adjoins strategically located, constrained sites subject to further investigation and offset strategies to define conservation requirements and development potential on the southern side of Gosford Road.

The planning proposal will not compromise the long-term ability of the plan to deliver residential development within the Central Coast Local Government Area. It is noted that the North Wyong Structure Plan is proposed to be updated as an action under the *Central Coast Regional Plan 2036*, and both the draft Hunter Regional Plan 2041

and draft Central Coast Regional Plan 2041 as part of the Central Lakes district planning priorities.

Draft Hunter Regional Plan 2041

The Draft Hunter Regional Plan 2041 includes the site within the Central Lakes district. The plan recognises that the district has significant growth opportunities and will increasingly integrate with the metropolitan areas of Greater Newcastle.

Wyee is as an area that potentially links regional biodiversity corridors between the coast at Lake Munmorah to the mountains providing connections to the Morisset Growth Area. The area is identified as a regionally significant growth with Wyee which is identified as a supporting local centre that will help establish the growth area and underpin the economic diversification of the Central Coast and Hunter region.

As discussed above, consideration was given to an R3 Medium Density Residential zone for the site to facilitate higher residential densities in line with the optimum densities identified in the draft plan. However, Council have advised that a comprehensive strategic review of all R2 Low Density Residential zone in this locality is required before proposing the subject site to be zoned R3 Medium Density Residential. This is supported for the reasons outlined in this report.

Draft Central Coast Regional Plan 2041

As per the Draft Hunter Regional Plan 2041 discussed above, the site is identified within the Central Lakes district. The planning proposal is consistent with the planning principles for the Central Lakes district.

Other State and regional studies or strategies

The planning proposal will support population growth within proximity to public transport infrastructure and increase active transport options within the locality. This is generally consistent with the NSW Housing Strategy achievement 4, to align housing delivery with infrastructure and community services and *Future Transport Strategy 2056*.

4.2 Local

Lake Macquarie City Council Local Strategic Planning Statement

Wyee is identified as an area of opportunities for urban development in Council's *Local Strategic Planning Statement* (LSPS), and the site is identified as part of an urban intensification area in the South West Growth Area. The LSPS identifies the following planning priorities for Wyee:

- 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.

The planning proposal is consistent with the following planning priorities of the LSPS, as outlined below.

Table 5 Local Strategic Planning Statement assessment

Planning priority and action plan	Comment
Planning Priority 2: A City to Call Home.	<p>The planning priority seeks to 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.</p> <p>The planning proposal is consistent with the planning priority.</p>
Planning Priority 6: A City with a Vast Natural Environment.	<p>The planning priority seeks to avoid and minimise the impact of development on areas of high ecological value, while supporting opportunities to enjoy our natural areas and protect, enhance biodiversity areas and corridors. The Biodiversity Assessment Report prepared for the site identifies that the site is suitable for the proposed development.</p> <p>The planning proposal is consistent with the planning priority.</p>

Lake Macquarie Community Strategic Plan 2017-2027

The Lake Macquarie City Community Strategic Plan 2017-2027, Our Future in Focus, is a blueprint that captures the ideas, priorities and aspirations of the community. Seven key areas identified in the plan outline the community's vision for the future and will be the focus of Council's resources over the next 10 years.

The planning proposal is consistent with Council's Community Strategic Plan as it seeks to respond to the relevant key areas, as follows:

- **Unique Landscape:** The planning proposal seeks to optimise land use to meet social, environmental and economic needs of the City and increase opportunities for residents to live in proximity to existing centres.
- **Lifestyle and Wellbeing:** The planning proposal will contribute to the growth of the Wyee community.
- **Mobility and Accessibility:** The planning proposal will contribute to the increased demand and viability of public transport for Wyee and surrounding centres. Wyee Railway station has recently been upgraded with accessible provisions including lifts.
- **Diverse economy:** The planning proposal will have an indirect economic benefit to the Lake Macquarie local government area through increased housing opportunities, which will support local spending.
- **Connected Communities:** The planning proposal will provide active transport options within the development and has the potential to provide increased connectivity to Wyee train station to the north.

Lake Macquarie City Housing Strategy 2021

The *Lake Macquarie City Housing Strategy 2021* provides a long-term approach to the delivery of housing within the LGA. The focus for housing and growth opportunities aligns with the Lake Macquarie Council's *Local Strategic Planning Statement*. These areas will be a focus for new housing supply opportunities assisting in delivering dwelling targets of 33,042 (low yield) to 51,784 (high yield) by 2050. The strategy seeks to achieve a minimum density of 15 dwellings/ha in housing release areas and deliver 25 per cent of lots for small lot or multi-dwelling housing.

The planning proposal is consistent with the Strategy.

4.3 State environmental planning policies (SEPPs)

The planning proposal will need to be updated to reflect the new consolidated SEPP framework prior to exhibition. Table 6 below provides an assessment of the proposal against the relevant SEPP provisions. The planning proposal is consistent with all other provisions not listed.

Table 6 SEPP assessment

SEPP	Comment
SEPP (Biodiversity Conservation) 2021	<p><u>Chapter 3 Koala habitat protection 2020</u></p> <p>A Biodiversity Assessment Report (Travers bushfire & Ecology, October 2021) was prepared for the planning proposal. The site is identified as potential koala habitat however, survey data details that the site is not core koala habitat. A Koala Plan of Management is not required.</p> <p><u>Chapter 4 Koala habitat protection 2021</u></p> <p>The City of Lake Macquarie is located within the Central Coast koala management area. The site does not have a koala plan of management and the provisions of clause 4.9 of the SEPP will be considered during the development application process.</p> <p><u>Chapter 6 Bushland in urban areas</u></p> <p>Development of the site and associated service delivery, including within the adjacent Crown Road reserve, will require consideration of bushland in urban areas. This will be further considered at the development application stage.</p> <p>The planning proposal is consistent with the SEPP.</p>
SEPP (Housing) 2021	<p><u>Chapter 2 Affordable Housing</u></p> <p>Lake Macquarie is identified within the Newcastle region under this chapter. The planning proposal will provide opportunities for delivery of affordable housing within the R2 zone.</p> <p><u>Chapter 3 Diverse Housing</u></p>

SEPP	Comment
	<p>The planning proposal will facilitate the delivery of diverse housing under Chapter 3 of the SEPP, including secondary dwellings and group homes.</p> <p>The planning proposal is consistent with the SEPP.</p>
SEPP (Primary Production) 2021	<p><u>Chapter 2 Primary production and rural development</u></p> <p>The planning proposal will result in the loss of rural land within the Wyee locality. The agricultural capability of this land is limited due to proximity of the existing township and the strategic identification of the site for urban development.</p> <p>The planning proposal is consistent with the SEPP.</p>
SEPP (Resilience and Hazards) 2021	<p><u>Chapter 4 Remediation of land</u></p> <p>The SEPP seeks to clarify certain considerations that are relevant in rezoning land. This has been discussed in relation to Direction 4.4 below, and it is considered the site is suitable and can be made suitable where relevant for residential development and occupation.</p> <p>The planning proposal is consistent with the SEPP.</p>
SEPP (Resources and Energy) 2021	<p><u>Chapter 2 Mining, petroleum production and extractive industries</u></p> <p>Extractive industries are permitted with consent under the current RU2 Rural Landscape zoning within the <i>Lake Macquarie Local Environmental Plan 2014</i>. The suitability of the site for this land use is limited due to adjoining urban development, and infrastructure within the locality. Consultation with NSW Resources and Geoscience will be undertaken to determine the requirements of direction 8.1.</p> <p>The planning proposal is consistent with the SEPP.</p>
SEPP (Transport and Infrastructure) 2021	<p><u>Chapter 2 Infrastructure</u></p> <p>The planning proposal is adjacent to the main northern railway and is impacted by rail noise or vibration. The provisions of clause 2.97 and 2.99 of the SEPP will be considered during the development application stage. A Rail Noise and Vibration Assessment Report (RCA, November 2020) was undertaken to quantify the noise and vibration impacts and assess the suitability of the site for residential development.</p> <p>The site is approximately 50m from the nearest operational train track, accordingly vibration impacts are considered low risk. Dwellings that are adjacent to the western boundary will require acoustic attenuation to mitigate potential impacts however, this will be resolved at the development application stage once the site layout is determined.</p>

SEPP	Comment
	<p>The planning proposal is located adjacent to a 10 inch high pressure natural gas pipeline. The department has determined that the individual risk profile from the pipeline is below the risk criteria for sensitive land uses and residential uses. Further, for societal risk consideration, the population introduced is not intensive based on identified yields. The proposal is expected to comply with both individual and societal risk criteria as set out in Hazardous Industry Planning Advisory Paper No 10 Land Use Safety Planning.</p> <p>Consultation with Jemena will be required to determine any site-specific controls required for the planning proposal. The provisions of clause 2.76 will be considered at the development application stage.</p> <p>The planning proposal is consistent with the SEPP.</p>


4.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 directions is discussed below in Table 7. The planning proposal will need to be updated to reflect the relevant directions, including new numbering, prior to community consultation.

Table 7 Ministerial Directions assessment

Ministerial Direction	Comment
Focus area 1: Planning Systems	
1.1 Implementation of Regional Plans	<p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p> <p>As discussed above, the planning proposal is consistent with the <i>Hunter Regional Plan 2036</i>.</p> <p>The planning proposal is consistent with this direction.</p>
1.3 Approval and Referral Requirements	<p>The objective of this direction is to ensure that local environmental plan provisions encourage the efficient and appropriate assessment of development. The planning proposal does not seek to introduce provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority. No new provisions will be introduced.</p> <p>A Bushfire Safety Authority under section 100B of the <i>NSW Rural Fire Act 1997</i> will be required as part of the development application process.</p> <p>The identification of the site as an urban release area will require consideration of part 6 of the <i>Lake Macquarie Local Environmental Plan 2014</i> as part of the development application process. This includes the</p>

Ministerial Direction	Comment
	<p>requirements for satisfactory arrangements for state infrastructure.</p> <p>The planning proposal is consistent with the direction.</p>
1.4 Site Specific Provisions	<p>The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls. The planning proposal will allow the intended land use to be carried out in the zone the land is situated on.</p> <p>The planning proposal is consistent with this direction.</p>
Focus area 3: Biodiversity and Conservation	
3.1 Conservation Zones	<p>The objective of this direction is to protect and conserve environmentally sensitive areas. The site does not contain land mapped as an environmentally sensitive area, and the proposal does not seek to apply a conservation zone to the site.</p> <p>The planning proposal is consistent with this direction.</p>
3.2 Heritage Conservation	<p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The site is not identified in Council's Sensitive Aboriginal Landscape mapping. An Aboriginal Heritage Information Management System search was undertaken and did not record any sites or places of significance. The planning proposal does not require the preparation of an archaeological or due diligence report.</p> <p>The planning proposal is consistent with this direction.</p>
3.5 Recreation Vehicle Areas	<p>The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles. This direction is applicable, however, there are no recreational vehicle areas within the site, nor are any proposed.</p> <p>The planning proposal is consistent with this direction.</p>
Focus area 4: Resilience and Hazards	
4.3 Planning for Bushfire Protection	<p>The objectives of this direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and to encourage sound management of bush fire prone areas. The site is mapped as bushfire prone land.</p> <p>A bushfire protection assessment report (Travers Bushfire & Ecology, December 2020) has been completed. The</p>

Ministerial Direction	Comment
	<p>bushfire risk can be mitigated if appropriate bushfire protection measures, including asset protection zones (APZs), are established, and managed in perpetuity.</p> <p>Access to the development will also need to comply with Planning for Bushfire Protection 2019 with the proposal seeking to provide two access points to Jabbarup Road. A performance solution is proposed for proposed lots 1 and 12 which do not have a perimeter road. This will be further resolved during the development application process once the site layout is determined.</p>  <p>Figure 8: Asset Protection Zones</p> <p>Consistency with the direction will be determined following consultation with the Commissioner of the NSW Rural Fire Service.</p>
4.4 Remediation of Contaminated Land	<p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p> <p>The planning proposal authority has considered whether the land is contaminated. Douglas Partners have undertaken a preliminary site investigation (PSI) (November 2020) and a detailed site investigation (DSI) (November 2021).</p> <p>The results indicate that the area of land subject to historical agricultural uses (PAEC 2 and PAEC 3) found concentration of contaminants to be below the Site Assessment Criteria.</p>

Ministerial Direction	Comment
	<p>Some remediation of targeted areas will be required, including potential area of environmental concern identified as PAEC 1. Implementation of an unexpected finds protocol (UFP) and a pre-demolition hazardous building material survey in accordance with SafeWork NSW requirements should also be considered. This will be further considered during the development application process.</p> <p>The site can be made suitable for residential development and occupation.</p> <p>The planning proposal is consistent with this direction.</p>
Focus area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	<p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the relevant planning objectives.</p> <p>The direction requires that a planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives, and principles of relevant policy.</p> <p>The site is within 400m to the Wyee railway station and 600m walk to the neighbourhood shopping centre. Bus stops are available in the surrounding streets. Active transport will be further considered during the development assessment stage once the street layout and external connection are resolved.</p> <p>The social impact assessment details support for enhanced active transport networks to the north, and this should be considered as part of any future development application.</p> <p>The planning proposal is consistent with this direction.</p>
Focus area 6: Housing	
6.1 Residential Zones	<p>The objectives of this direction are to encourage a variety and choice of housing types, make efficient use of existing infrastructure and services and minimise the impact of residential development on the environment and resource lands.</p> <p>The planning proposal will broaden the choice of building types and locations available in the housing market, make efficient use of existing infrastructure and services, including recently upgraded Hunter Water infrastructure.</p>

Ministerial Direction	Comment
	<p>While the site is located on the urban fringe of Wyee, it is in an identified future housing area and has demonstrated strategic merit.</p> <p>The site is proposed to be identified as an urban release area and the provisions of part 6 of the <i>Lake Macquarie Local Environmental Plan 2014</i> require that residential development is not permitted until land is adequately serviced or arrangements satisfactory to the consent authority are in place.</p> <p>The planning proposal is consistent with this direction.</p>
6.2 Caravan Parks and Manufactured Home Estates	<p>The objectives of this direction are to provide for a variety of housing types including opportunities for caravan parks and manufactured home estates.</p> <p>The planning proposal does not propose caravan parks or manufactured home estates.</p> <p>Caravan parks are prohibited within the land use table for the RU2 Rural Landscape and R2 Low Density Residential zone pursuant to the <i>Lake Macquarie Local Environmental Plan 2014</i>. As such, the planning proposal will not impact on the permissibility of caravan parks.</p> <p>The planning proposal is consistent with this direction.</p>
Focus area 7: Industry and Employment – no relevant directions	
Focus area 8: Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	<p>The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p> <p>The planning proposal does not propose any changes that would have an effect on mining, petroleum production and/or extractive industries, particularly as there is a known geological intrusion in the strata below the site and mining the resources is uneconomical. The planning proposal will be referred to NSW Mining, Exploration and Geoscience for comment.</p> <p>Consistency with this direction will be determined following consultation with NSW Mining, Exploration and Geoscience.</p>
Focus area 9: Primary Production	
9.1 Rural Zones	<p>The objective of this direction is to protect the agricultural production value of rural land. The planning proposal is inconsistent with this direction as it seeks to rezone rural</p>

Ministerial Direction	Comment
	<p>land, however, is justified in accordance with the <i>Hunter Regional Plan 2036</i> and <i>Greater Newcastle Metropolitan Plan 2036</i>.</p> <p>The planning proposal is inconsistent with this direction however is justified by a strategy approved by the Planning Secretary.</p>

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The planning proposal provides opportunity to deliver cycle and pedestrian connections both within the development and connecting to existing active transport infrastructure.

A Social Impact Assessment was prepared which considers the incremental social impacts of the proposal on the site and surrounding locality. The report identifies opportunity for additional pedestrian connections at the north west of the site connecting to Murrawal Road and Wyee Train Station. Council should investigate the delivery of these works via developer contributions or similar as infill development progresses within the broader catchment.

The planning proposal will have a positive social impact.

5.2 Environmental

Matters relating to bushfire, contamination and acoustic impacts and vibration are discussed above. The site is identified on the biodiversity values map and is mapped on Council's system as containing Swamp Mahogany Paperbark Forest Partially Cleared in the west of the site and Coastal Plains Scribbly Gum Woodland Partially Cleared to the south west and east of the site.

A Biodiversity Assessment Report has been submitted which identifies that the site is likely to trigger the biodiversity offset scheme. The amount of vegetation removal required to facilitate the development will be refined as part of the development application stage, however, the report identifies that the site is suitable for zoning as R2 Low Density Residential zoning based on the identified biodiversity constraints. The concept layout as proposed does not cause any likely significant impacts on matters of biodiversity.

The planning proposal will result in the removal of two hollow bearing trees with small hollows suitable for Squirrel Gliders. A habitat tree survey will be prepared prior to exhibition, to ascertain if certain tree species are present, or if specific trees on the site are used for feeding or habitat.

Additional species surveys including stagwatching, are also required to be provided to Council prior to public exhibition to confirm the amendments are appropriate.

Consultation with Biodiversity Conservation Division is required. It is not expected that the proposal will have a significant environmental impact.

5.3 Economic

The proposal will result in the delivery of 42 homes and have a positive economic impact through additional residential zoned land in an identified growth area.

The proposal will also result in increased indirect spending and economic activity within the locality. The existing Wyee township is adequately serviced by education and neighbourhood shopping opportunities. Recreational facilities are planned within the residential release and development to the west of the railway line as part of the Wyee West area plan.

The planning proposal will have a positive economic impact.

5.4 Infrastructure

Preliminary service advice submitted with the planning proposal identifies that infrastructure and servicing needs can be delivered by the development.

The planning proposal identifies the site as an urban release area, and will result in a demand for education, health and public open space infrastructure as well as emergency services. The proposal will have a cumulative impact on infrastructure demand within the locality given the proximity of the site to the existing Wyee West urban release area.

The draft Hunter Special Infrastructure Contribution is proposed to fund ongoing infrastructure needs across the region. Clause 4 of the draft Environmental Planning and Assessment (Special Infrastructure Contribution – Hunter Region) Determination 2018 identifies that the objective of this Determination is to provide for special infrastructure contributions to be made to the provision of infrastructure in connection with the intensification of urban residential and industrial development as a result of changes to planning controls, in particular, as a result of the rezoning of rural land for urban purposes. The planning proposal meets the definition of greenfield residential land within the Determination.

High-pressure gas pipeline

The site adjoins a high-pressure gas pipeline to the western and southern boundary (see Figure 9). Preliminary consultation with Jemena has been undertaken by Council which did not raise any objections however, further consultation will be required.

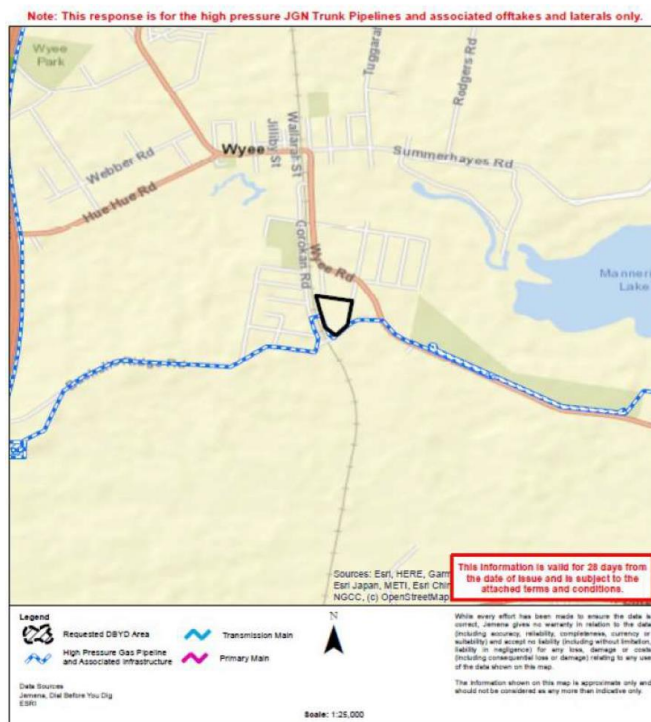


Figure 9: Location of high presser gas pipeline

Direct infrastructure required for the proposal

The following text provides an assessment of the provision and funding of direct infrastructure required for the proposal. A detailed servicing strategy will be required as part of the development application process to meet the requirements of Part 6 of the *Lake Macquarie Local Environmental Plan 2014*.

Water and Sewer

Hunter Water Corporation provided Preliminary Servicing Advice identifying the closest water connection point is the DN150 main in Jabbarup Road. The water boosting station which supplies water to this location (Wyee 2 Booster Station) does not provide sufficient fire flow to the development, and an east west connection through the site for firefighting purposes may be required which will require additional works within the adjoining Crown Road reserve to the west.

The proposed site adjoins the Wyee backlog sewer scheme which is under construction. Further approvals from Hunter Water will be required to connect to the water and sewer system.

Drainage and water quality

A Stormwater Flow and Quality Management Plan has been prepared for the planning proposal. The site is located at the top of the catchment and drains to the north west corner, discharging into the Crown Lands road reserve. Water quantity, quality, frequency and height of inundation has been considered and will not result in a significant impact, however, will require consultation with Crown Lands.

Traffic

A Traffic Impact Assessment was prepared by Intersect Traffic (November 2020). The report concludes the following works will be required to service the proposal:

- A new Gosford Road / Jabbarup Road intersection to be constructed as a BAR / BAL T intersection;
- Half road construction and suitable roadside drainage along the site frontages in Gosford Road and Jabbarup Road;
- BAR / BAL access intersections on the two new public road access T-intersections with Jabbarup Road, and
- Minimum 8-metre-wide road carriageway in Gosford Road and Jabbarup Road and 5.5-metre-wide internal roads.

The TIA identified that in future road network planning Council and Transport for NSW should be looking to upgrade impacted intersections, including Jabbarup Road / Wyee Road and Wyee Road / Gosford Road between 2025 and 2035. The proposal will not have a significant impact on the operation of this intersection, however, will have a cumulative impact in the long term. Council advised that the extent of development occurring in Wyee does not facilitate a development contributions plan. The operation of the Wyee Road / Gosford Road intersection should be reviewed in consultation with Transport for NSW.

The proposal will have an impact on infrastructure within the locality however, services can be augmented on-site and the provisions in part 6 of the *Lake Macquarie Local Environmental Plan 2014* will provide a mechanism to contribute to broader infrastructure upgrades within the locality. Therefore, the proposal will not have a significant impact on state or local infrastructure.

6. CONSULTATION

6.1 Community

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.

6.2 Agencies

Council advise that preliminary consultation has occurred with the following government agencies and public authorities:

- Department of Planning and Environment (Biodiversity Conservation Division);
- Transport for NSW;
- Hunter Water Corporation; and
- Jemena Gas.

Council recommend consultation with the following government agencies and public authorities prior to public exhibition:

- NSW Rural Fire Service;
- Department of Planning and Environment (Biodiversity Conservation Division);
- Transport for NSW (Roads and Rail);
- Hunter Water Corporation; and
- Jemena Gas.

Consultation should also be undertaken with the following additional government agencies and public authorities prior to public exhibition:

- Crown Lands;
- Central Coast Council; and
- NSW Mining, Exploration and Geoscience.

7. TIMEFRAME

Council propose that exhibition will commence on 1 August 2022, and finalisation in January 2023. This is consistent with the benchmark timeframes for standard planning proposals.

8. LOCAL PLAN-MAKING AUTHORITY

Given the categorisation of the planning proposal as standard, it is recommended that Council be authorised to be the local plan-making authority.

9. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree to the inconsistency with section 9.1 Direction 9.1 Rural Zones as the inconsistency is justified by a strategy approved by the Planning Secretary.
2. note that the inconsistencies with section 9.1 Directions 4.3 Planning for Bushfire Protection and 8.1 Mining, Petroleum Production and Extractive Industries are unresolved and will require justification.

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

1. Council is to update the planning proposal prior to community consultation to:
 - (a) address the findings of the additional ecological assessments including habitat tree and species surveys.
 - (b) reference all relevant and current section 9.1 Ministerial directions and State Environmental Planning Policies.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. Consultation is required with the following public authorities:
 - NSW Rural Fire Service;
 - Biodiversity Conservation Division;
 - Crown Lands;
 - Transport for NSW – Roads and Rail;
 - Hunter Water Corporation;
 - Jemena Gas;
 - Central Coast Council; and
 - NSW Mining, Exploration and Geoscience.

Exhibition of the planning proposal is to commence by 1 August 2022.

4. The LEP should be completed on or before 20 January 2023.
5. Given the nature of the planning proposal, Council should be the local plan-making authority.



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29/04/2022

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