

Draft Planning Proposal
REZONING FROM RU2 RURAL LANDSCAPE
TO R2 LOW DENSITY RESIDENTIAL
18 Gosford Road Wyee

Local Government Area:	Lake Macquarie City Council (LMCC)
Name of Draft LEP:	Draft Amendment to Lake Macquarie Local Environmental Plan (LMLEP) 2014 – 18 Gosford Road, WYEE
Subject Land:	18 Gosford Road, WYEE (Lot 217 DP 755242)
Land Owner:	J. Waldon
Applicant:	Optima Planning and Development Consultants
Folder Number:	RZ/7/2021
Date:	8 February 2022
Author:	Kent Plasto - Strategic Land use Planner
DPIE Reference	PP 2021-4683
Gateway Determination Date	
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Attachments	<ol style="list-style-type: none"> 1. Owners Authority Letter – 21/7/2021 – (D10279449) 2. AHIMS Search Results - (D10505562) 3. Hunter Water Corporation - Preliminary Service Advice – 25/01/2021 – (D10505563)
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Supporting Documents	<ol style="list-style-type: none"> 1. Contamination Report Detailed Site Investigation, 26/11/2021 (D10480540) 2. Social Impact Assessment Report, 03/11/2021 (D10416682) 3. Biodiversity Assessment Report, 29/10/2021 (D10406656) 4. Concept Stormwater Design Plan for Future Subdivision (Rev 2) 07/09/2020 (D10462922) 5. Survey Plan 07/09/2020 (D10279462) 6. Stormwater Flow and Quality Management Plan (V6) - 21/07/2021 – (D10454144) 7. Traffic Impact Assessment Report – 4/11/2020 – (D10279405) 8. Bushfire Protection Assessment Report - 18/12/2020 – (D10279393) 9. Rail Noise and Vibration Assessment Report – 9/11/2020 – (D10279390) 10. Contamination Report - Preliminary Site Investigation - 23/11/2020 – (D10275548) 11. Biodiversity Assessment Report, June 2022 (D10722156)
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INTRODUCTION

The subject land is located at the southern extremity of the Wyee township and the Lake Macquarie LGA border, approximately 550m south of Wyee Train Station and approximately 9km south of the commercial core of Morisset Strategic Economic Centre. The site is identified as part of an urban intensification area in the South West Growth Area in Council's Local Strategic Planning Statement (LSPS).

The subject site is currently zoned RU2 Rural Landscape pursuant to Lake Macquarie Local Environmental Plan (LMLEP) 2014, with land zoned R2 Low Density Residential development beyond the site to the north and east. The locality context is illustrated within **Map 1** Locality Plan and **Map 2** Aerial Photograph.

Land to the immediate south of Gosford Road and opposite the subject site is the subject of a planning proposal (PP) by the Darkinjung Local Aboriginal Land Council (DLALC) as detailed in **Figure 1** DLALC PP Concept.

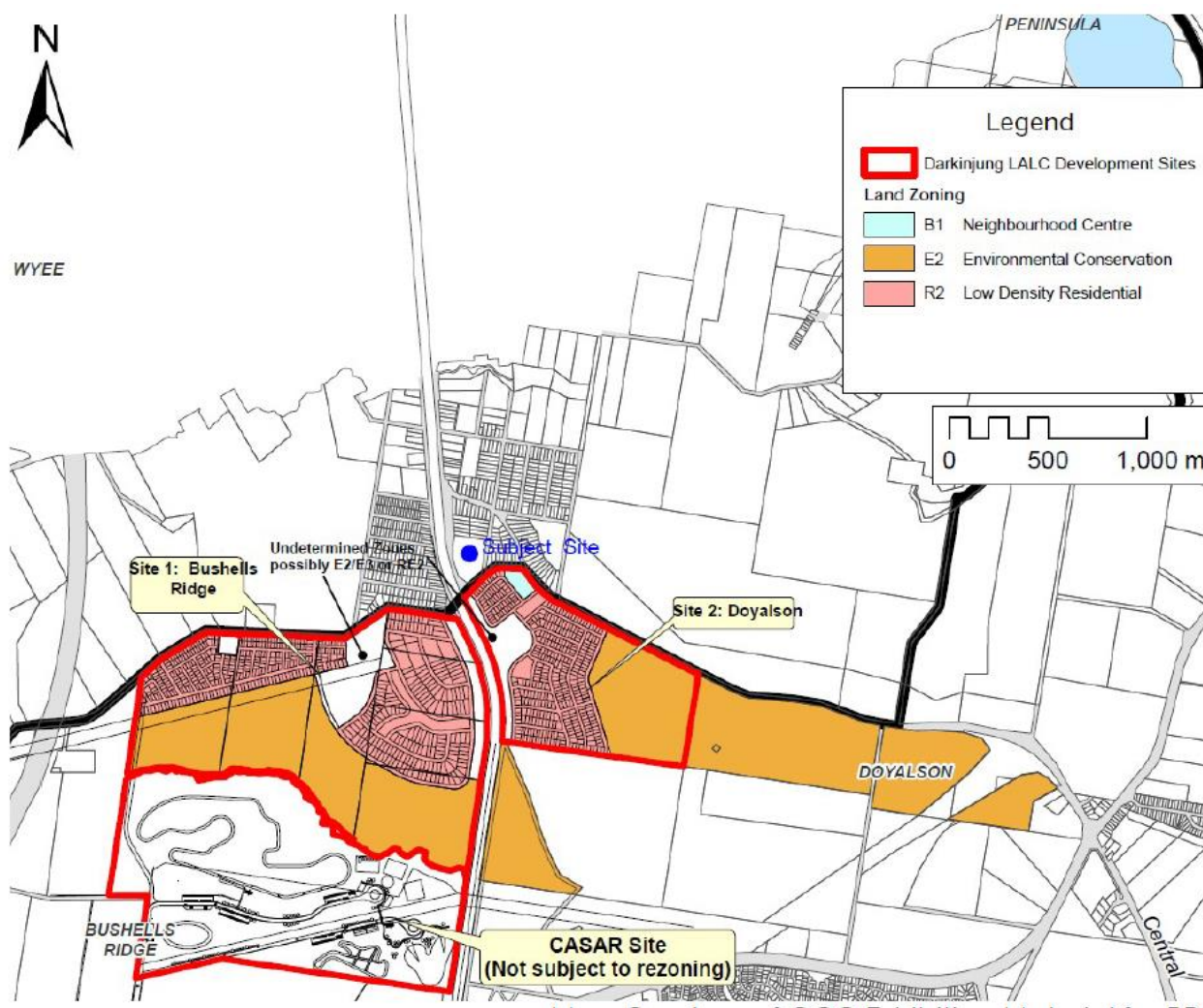


Figure 1 DLALC - CCC LGA - Concept Planning Proposal

The subject land fronts Gosford Road which forms the southern-most LGA boundary between Lake Macquarie City Council (LMCC) and the Central Coast Council (CCC) and provides a connection road link between Wyee Road and the eastern suburbs of Doyalson and Budgewoi. The road traverses the M1 Motorway to link with Hue Hue Road in the west which provides a connecting western road link between the suburbs of Warnervale and Wyong in the south to Morisset and Cooranbong in the north. The Great Northern Railway Line and unconstructed road reserve containing the Sydney to Newcastle Gas Pipeline easement form the western boundary (**see Figure 2**).

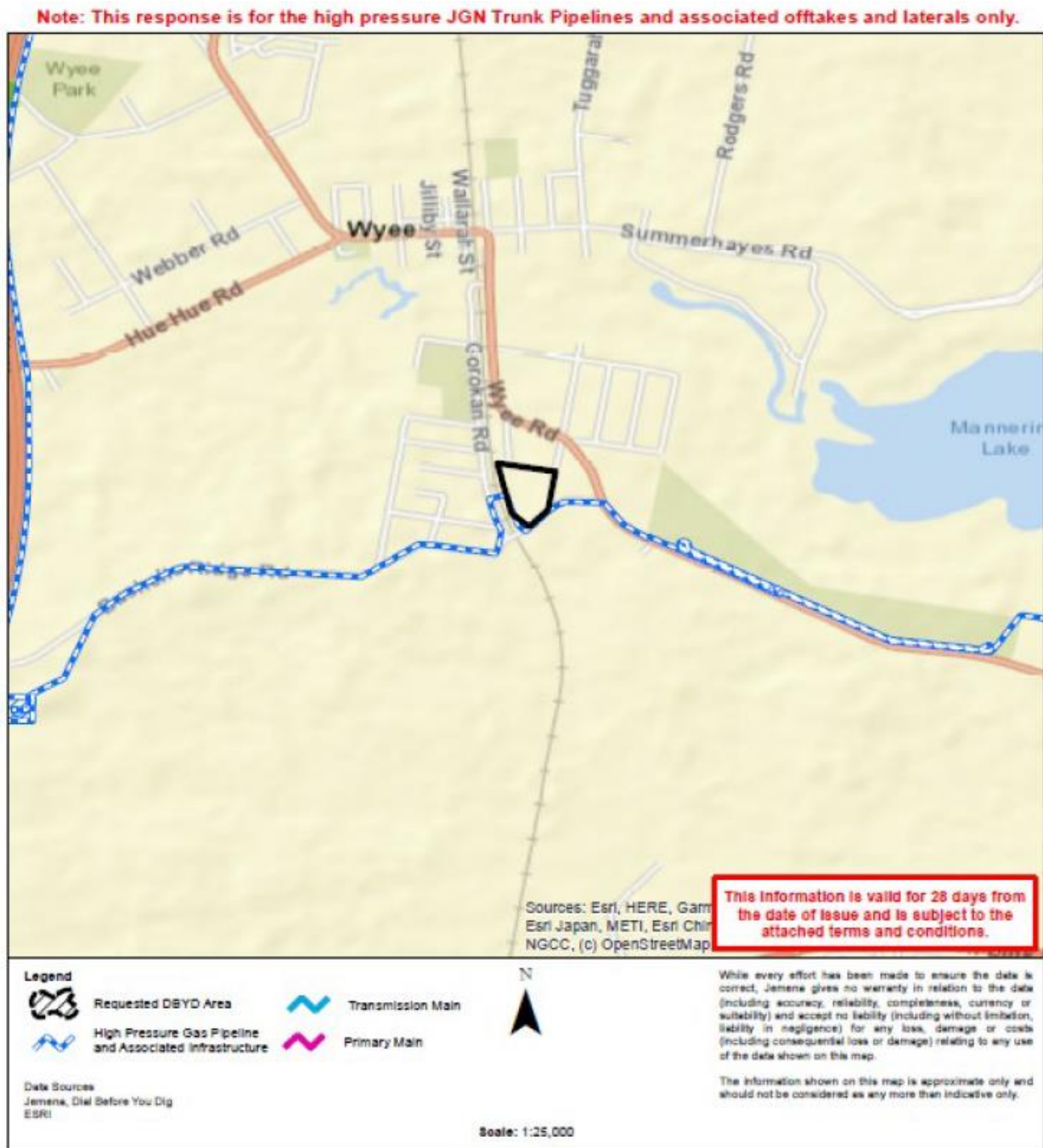


Figure 2 Location of high pressure gas pipeline

The subject site consists of an area of 3.14 ha, varies in elevation from RL 28.5 m Australian Height Datum (AHD) to RL 41.5 m AHD and is maintained with approximately 6% consisting of native vegetation.

The subject property is held in the ownership of J. Waldon and was historically utilised for market gardens but of recent times its use has been confined to that of a rural residential occupation with occasional agistment.

Part 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this proposal is to rezone Lot 217 DP 755242 (No 18 Gosford Road Wyee) from Zone RU2 Rural Landscape to Zone R2 Low Density Residential pursuant to LMLEP 2014, by appropriate mapping amendments to Lake Macquarie City Council Local Environmental Plan 2014 (LM LEP 2014) (see zoning **Maps 3 & 5**). The intended outcome of the proposal is to enable future

low to medium density residential subdivision consistent with Council's Housing Strategy and the Greater Newcastle Metropolitan Plan 2036.

Part 2 – EXPLANATION OF PROVISIONS

The proposed objective will be achieved by amending the LMLEP 2014 by:

Amendment Applies to	Explanation of provision
Land Zoning Map	The planning proposal will rezone the subject site from Zone RU2 Rural Landscape to Zone R2 Low Density Residential.
Lot Size Map	Minimum Lot size will correspond to existing LMLEP 2014 minimum lot size provisions for the R2 Low Density zone, being 450 m ²
Urban Release Map	As an outcome of the Gateway Determination review process, classification of the site as an Urban Release Area has been identified by the Department of Planning and Environment (DPE). The subject land will therefore require identification on the Urban Release Area map.

No changes are proposed to the height of building map.

Part 3 – JUSTIFICATION

Section A – Need for the Planning Proposal

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

The draft planning proposal is not the result of any Strategic Study or report. However, the proposal is consistent with the Lake Macquarie Local Strategic Planning Statement (LMLSPS) and Wyee Strategic Plan (WSP) where the site is identified as having infill urban development opportunities. The Draft Planning Proposal is also consistent with the Hunter Regional Plan.

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

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 legislative planning framework set out in the EP&A Act 1979 supports that making an environmental planning instrument, *the planning authority is required to prepare a document that explains the intended effect of the proposed instrument and sets out the justification for making the proposed instrument (the planning proposal) (EP&A Act cl3.33 (1)).*

Consideration was given to proposing an R3 Medium Density Residential zone for the site. This zone would facilitate higher residential densities more in line with the 50 – 75 dwellings per hectare envisaged in the draft Hunter Regional Plan 2041 for sites within 15 minutes by walking or cycling of everyday needs. However, the site is surrounded by and separated from the Wyee town centre and railway station by land zoned R2 Low Density Residential.

Creating a pocket of R3 Medium Density Residential zone would result in a small, isolated parcel of medium density zoned land. When buffer zones for bush fire protection are applied to the site, the nett developable zoned land capable of sustaining dwellings is reduced by approximately 2,000 m² leaving a nett developable area of approximately 2.93 ha. A buffer zone for acoustic attenuation and the provision of stormwater detention facilities are likely to further reduce the developable area.

It is believed that a comprehensive strategic review of all R2 Low Density Residential zone in this locality is required before proposing the subject site be zoned R3 Medium Density Residential. At this stage, Council and agency resources are concentrating on undertaking such a strategic review of the Morisset Strategic Economic centre. The outcomes of that review may assist in informing a

subsequent long-term strategic review of residential land in Wyee. The sequencing of such reviews would be consistent with the long-term vision and future housing needs in the broader area.

The proposed R2 Low Density Residential zone is considered the most appropriate zone for the site. This zone will facilitate densities up to 15-25 dwellings per hectare. This range is consistent with Council's recently adopted Housing Strategy as well as the Greater Newcastle Metropolitan Plan. In addition, provisions in Clause 4.1A *Exceptions to minimum subdivision lot size for certain residential development* of LMLEP 2014, and the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, also facilitate higher dwelling densities in R2 zones than historically achieved.

Section B – Relationship to Strategic Planning Framework

3. ***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 Plan (HRP2036) guides the NSW Government's land use planning priorities and decisions over the next 15 years for the Hunter Region where an additional 70,000 new dwellings have been identified as being needed. It is not intended to be a step by- step approach to all land use planning. Rather, it provides an overarching framework to guide subsequent and more detailed land use plans, development proposals and infrastructure funding decisions.

The proposal has strategic merit, is consistent with and will give effect to parts of the Hunter Regional Plan 2036. Where the Plan identifies:

Direction 21 – Create a compact settlement

The proposal is consistent with this direction in that it will focus on delivery of land for housing quickly and cost-effectively to establish new communities in the emerging growth area around Wyee.

The draft Planning Proposal is consistent with **Actions 21.2 – Focus development to create compact settlements** in locations with established services and infrastructure, including the emerging growth area around Wyee. **Action 21.7 - promote new housing opportunities** in urban areas to **maximise the use of existing infrastructure** is also considered to be applicable.

In sum, the planning proposal is consistent with the intention of the HRP 2036 in delivering housing opportunities in identified urban release areas of Wyee. The subject site is considered an ideal infill opportunity where services are available and can be made available with planned capacity to cater for future urban development. Through early consultation with the proponent, Council staff are confident 15-25 dwellings per hectare can be achieved. This range is consistent with Council's recently adopted Housing Strategy as well as the Greater Newcastle Metropolitan Plan.

Greater Newcastle Metropolitan Plan

The Greater Newcastle Metropolitan Plan (GNMP) sets out strategies and actions that will drive sustainable growth across Cessnock City, Lake Macquarie City, Maitland City, Newcastle City and Port Stephens communities, which together make up Greater Newcastle.

The Plan also helps to achieve the vision set in the Hunter Regional Plan 2036 – for the Hunter to be the leading regional economy in Australia with a vibrant new metropolitan city at its heart.

The Planning Proposal is consistent with GNMP as it;

- prepares a site identified as an Infill Housing Opportunity Area within the Housing Opportunities map (**Figure 3**) in the Greater Newcastle Metropolitan Plan, for residential development,
- assists in meeting the projections of 13,700 new dwellings in Lake Macquarie by 2036, and
- Proposes a target of 15 - 25 dwellings per hectare.

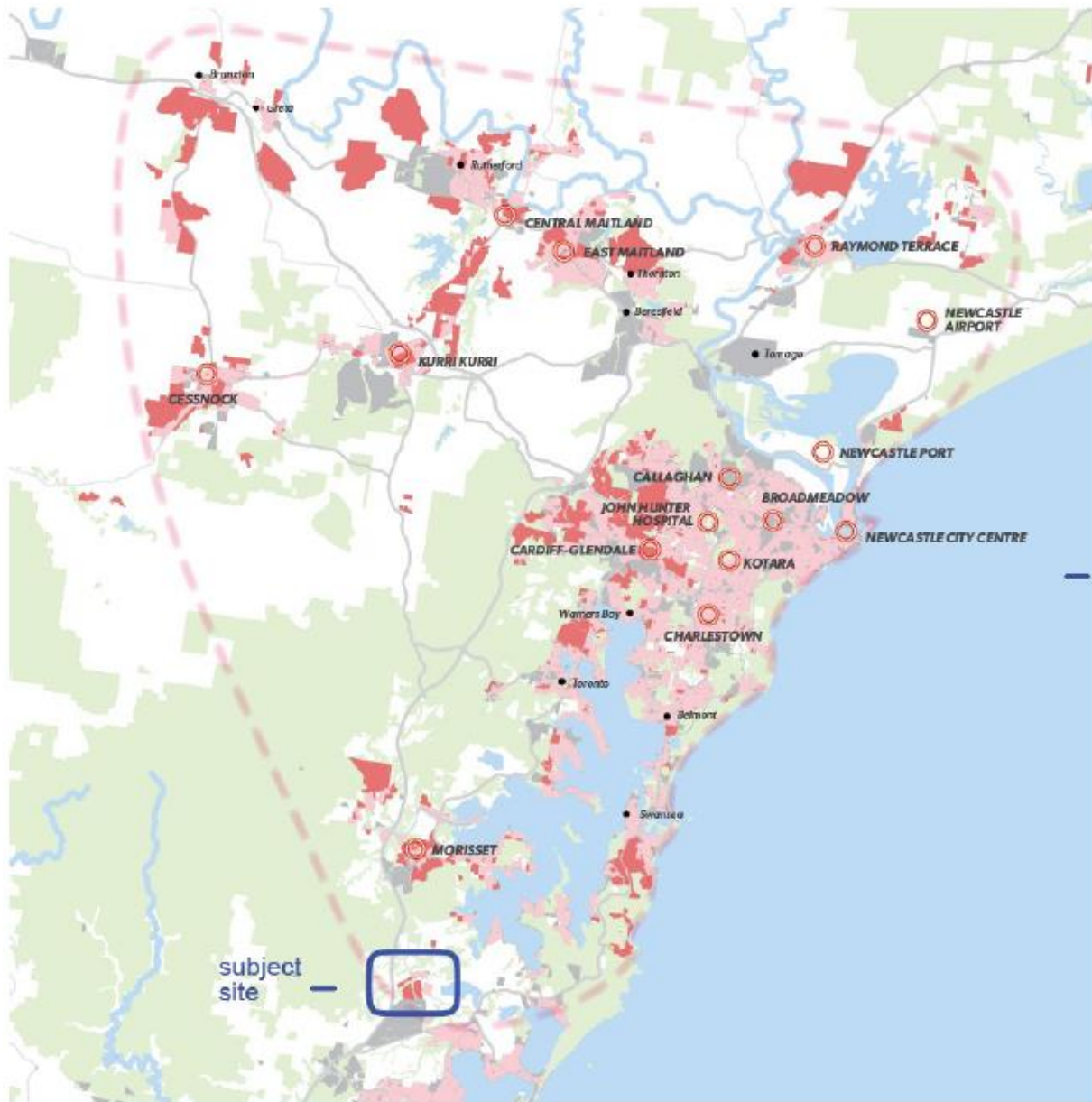


Figure 8: Housing opportunities 2018



Figure 3 Housing Opportunities map from Greater Newcastle Metropolitan Strategy

The proposed rezoning is considered consistent with Strategy 17, which seeks to unlock housing supply through infrastructure coordination and delivery. Hunter Water Corporation (HWC) advise that the site adjoins the Wyee backlog sewer system which is currently under construction and anticipated to be completed and be able to service the proposed subdivision and neighbouring streets from March 2021. For details see **APPENDIX 3 Hunter Water Corporation Preliminary Servicing Advice (Council ref: D10505563)**

Central Coast Regional Plan 2036

The subject site is on the southern LGA boundary of LMCC and the Central Coast Council. Figure 1 identifies the Darkinjung Local aboriginal land Council (DLALC) planning proposal opposite the subject site in Gosford Road, which is situated within the Central Coast LGA. The Planning Proposal has a Gateway determination however is yet to be finalised.

The Central Coast Regional Plan 2036 (CRP 2036) is intended to guide the NSW Government's land use planning priorities and decisions over the next 20 years, with a principal focus, being to concentrate economic growth in two growth corridors. The southern corridor of Gosford between Somersby and Erina and the northern corridor between Tuggerah and Warnervale.

The Plan provides an overarching framework that will guide the preparation of detailed land use plans, the determination of development proposals and inform infrastructure funding decisions. New greenfield development opportunities are focused on the Warnervale-Wadalba land release area and in locations identified in the North Wyong Shire Structure Plan.

North Wyong Shire Structure Plan

Residential development in the North Wyong Structure Plan (NWSSP) area is expected to occur within the walking catchments of planned and existing centres and public transport routes. In and immediately around centres, housing is expected to be in a variety of forms of medium density housing, depending on the centres hierarchy. For areas which are further away from the main centres, a minimum density of 15 dwellings per gross hectare of development land should be achieved. The subject site is adjacent to the DLALC planning proposal site which is identified as long-term release under the housing opportunities map (see Figure 4).

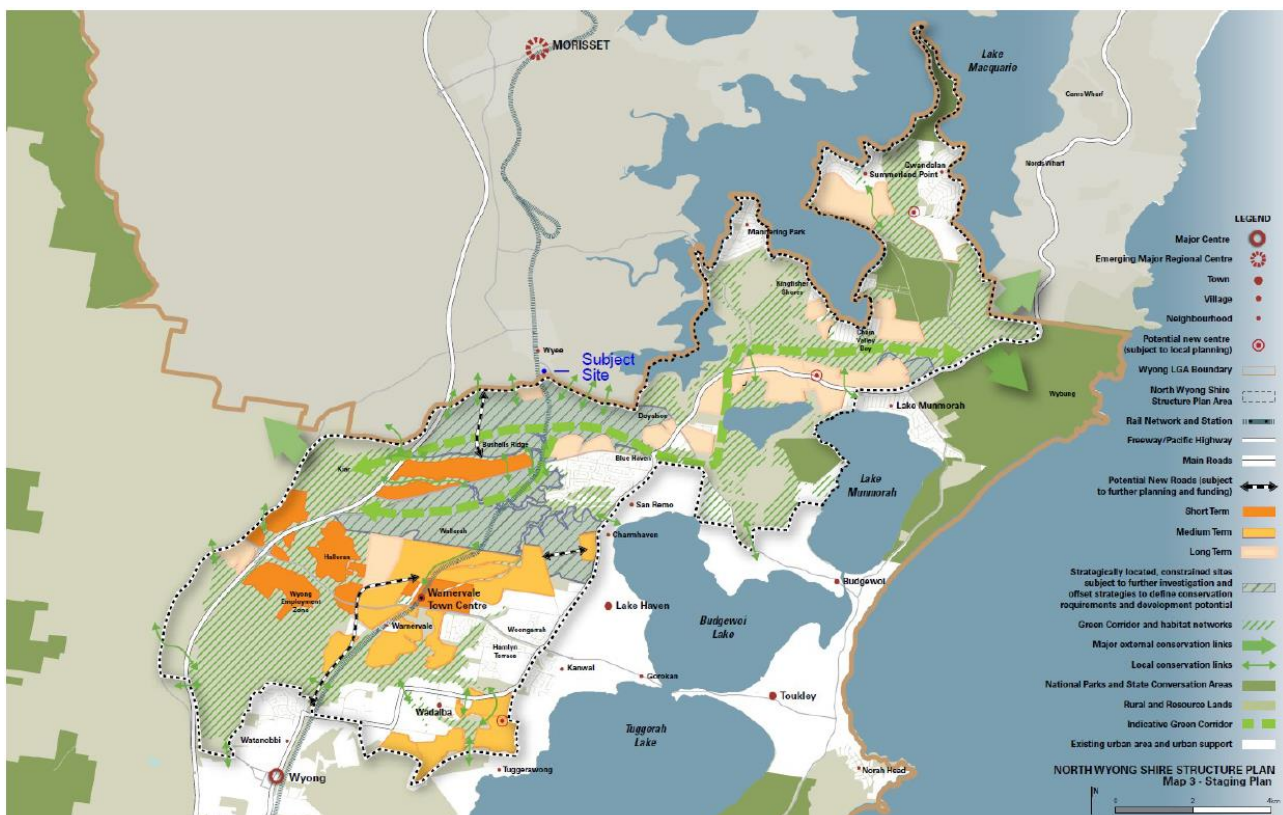


Figure 4 Housing Opportunities map from North Wyong Shire Structure Plan

However, the NWSSP which was published in October 2012 is due for review to account for changes in priority and release and demand issues that have occurred subsequent to its publication and superseding by the CCRP 2036.

In respect to the Strategic framework the following points are considered relevant to the current proposal and strategic regime.

- The strategic documents (covering the LMCC and CCC LGA) appear to require greater clarification and recognition of how the planning strategies are applicable to each LGA and how development will be co-ordinated to achieve common objectives.
- The subject site is clearly an infill development between the housing release area (**see Figure 3 and 4**) and the zoned precincts to be developed in and around the Wyee township. Infill development being described as: *“Development in areas already used for urban purposes. Specifically, the re-use of a site within the existing urban footprint for new housing, businesses or other urban development.”*

The proposal therefore is consistent with the overarching Strategies of the CRRP and GNMP, meeting the definition of an infill development site.

Draft Hunter Regional Plan

The NSW Government is consulting with councils, stakeholders, peak bodies and the community throughout 2021 to develop the draft Hunter Regional Plan (HRP) 2041. The intention is to extend the Hunter Regional Plan 2036 to 2041 and reset the priorities to adapt and meet evolving circumstances and strategic intentions.

The Draft Hunter Regional Plan identifies Wyee and the general area of the subject land located in the in the Central Lakes district (Figure 15). This area has major growth opportunities and will increasingly integrate with the metropolitan areas of Greater Newcastle. While the content notes Wyee as an area that potentially links regional biodiversity corridors, the Morisset Growth Area identifies Wyee as a supporting local centre that will help establish the largest future growth area in the Hunter and will underpin the economic diversification of the region.

Being 15 min cycle to the Wyee local centre, the draft HRP identifies 18 Gosford road WYEE as consistent with a Suburban centre and suggests minimum urban density of 50 – 75 dwellings per hectare. Although the draft Planning Proposal is inconsistent in that it will most likely achieve a dwelling density of between 15 - 25 dwellings per hectare, due to the reasons given in response to item two of this draft Planning Proposal, the inconsistency is considered acceptable.

Draft Central Coast Regional Plan

As above, the Draft Central Coast Regional Plan is at consulting stage with councils, stakeholders, peak bodies and the community throughout 2021 to develop the draft Hunter Regional Plan 2041. The intention is to extend the Hunter Regional Plan 2036 to 2041 and reset the priorities to adapt and meet evolving circumstances and strategic intentions.

The draft Plan appears to replicate and be consistent with intentions in the Draft Hunter Hunter Regional Plan 2041.

The planning proposal appears consistent with the draft Plan as it supports growth in the Central Lakes District by rezoning land appropriately located close to Morisset centre.

4. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

In regard to the new LEP Making Guideline section ‘B’ question 5, the draft planning proposal is generally consistent with other State and Regional studies relevant to the subject land area. This is demonstrated as:

- It is consistent with intentions outlined in the Hunter Regional Plan and the draft Hunter Regional Plan as identified in other sections of this document. These plans are consistent with progressive state government strategic intentions which guide the HRP and draft HRP.
- It supports population growth within close proximity to public transport infrastructure (Wyee Railway Station) and increases accessibility. This is generally consistent with the

NSW Housing Strategy achievement 4 (*Improved alignment of housing with infrastructure and community services for NSW communities*) and Future Transport Strategy 2056 *Hub and Spoke model*.

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

Community Strategic Plan 2017-2027

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

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

Unique Landscape: Proposes to optimise land use to meet social, environmental and economic needs of the City, and promote a high quality development by increasing the opportunities for people living and working in and adjacent to existing town 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 increase demand and viability of public transport for Wyee and surrounding Centres, noting the recent provision of lifts for disabled access recently installed at Wyee Railway station. The proposed roads, drainage and associated infrastructure will meet community needs and service levels.

Diverse economy: The Planning Proposal will indirectly contribute to raising the City's profile by increasing the proportion of people capable of living and working within the City.

Connected Communities: The Planning Proposal has the potential to provide new residents with easy walking opportunities to public transport and services from their place of residence.

Lake Macquarie Housing Strategy

The Lake Macquarie City Housing Strategy (adopted 2020), provides a long-term approach to the design and delivery of quality housing in and around the City centres and neighbourhoods of Lake Macquarie and confirms that the City requires more housing to meet the needs of the population. The Lake Macquarie community and households are changing, and so the types of housing needed are diversifying. The City, is projected to grow by almost 30,000 people by 2036, or 14 per cent.

Lake Macquarie has an estimate capacity to supply between 33,000 and 52,000 dwellings by 2050 of which greenfield housing will supply 24-37 percent and infill housing providing 63-76 per cent.

The Housing strategy identifies Wyee as an emerging growth area and seeks to support growth in this part of Lake Macquarie with infill development. The subject Planning Proposal is classified as an urban infill site and is identified in Council's Urban Development Program. It is anticipated the proposal will achieve between 15 - 25 dwellings per hectare, adding at least 50 – 60 dwellings to the infill housing supply in the LGA.

Local Strategic Planning Statement

Under Council's adopted Local Strategic Planning Statement (LSPS) the subject site is recognised as being situated within the South West Growth Area where Wyee is identified as an area having considerable opportunities for urban development. The area is also identified within the Greater Newcastle Metropolitan Plan to be a location of significant population and employment growth.

The area's position near the Central Coast, M1 Pacific Motorway and Northern Railway Line makes this area a sensible location for growth and affordable and diverse housing

development with easy access to nearby population and employment areas and main transport infrastructure.

For Wyee specifically the LSPS states:

- 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 considered consistent with the following planning priorities of the LSPS:

Planning **Priority 2:** A City to Call Home.

Strategy: *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.*

Planning **Priority 6:** A City with a Vast Natural Environment.

Strategies: *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.*

Wyee Strategic Overview Strategy

In August 2008, prior to the adoption of the LSPS, Wyee was the subject to the preparation and adoption of a Strategic Overview document. The aim of the document was to provide preliminary guidance on the localities likely to accommodate this growth and on possible sequencing of urban release.

This document provided a preliminary assessment of the planning issues likely to be encountered in accommodating growth in Wyee, to meet the targets set by the then Lower Hunter Regional Strategy. Prior to its adoption the overview document underwent a rigorous public workshop consultation process.

The need for such a document was driven by the pending rezoning and servicing of the Saltro Development land off Hue Hue Road on the western side of the railway line at Wyee. This land has now been rezoned and it was this development that was the catalyst for the HWC servicing of the general locality. This servicing regime included the allowance for the connection to the existing urban population and catered for infill development sites, such as the subject site.

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

The Planning Proposal is consistent with the following relevant State Environmental Planning Policies (SEPPs) outlined in Table 1 below.

Table 1: Assessment of the Planning Proposal against relevant SEPPs

SEPP	Relevance	Implications
SEPP 19 – Bushland in Urban Areas	Aims to prioritise the conservation of bushland in urban areas and requires consideration of aims in preparing a draft amendment. Council should give priority to	This SEPP seeks to conserve vegetation in urban areas. The property has historically been cleared and managed and there is minimal bushland as shown in Figure 5 existing vegetation mapping from Council's mapping resources. The planning proposal is consistent

SEPP	Relevance	Implications
	retaining bushland, unless it is satisfied that significant environmental, economic or social benefits will arise which outweigh the value of the bushland.	with objectives of this SEPP. The separate attachment titled, Bushfire Assessment Report (See supporting document 8) provides the required technical support.
SEPP 55 – Remediation of Land	Establishes planning controls and provisions for the remediation of contaminated land.	A geotechnical and contamination investigation was undertaken by Douglas Partners (See report details in supporting documents 1 and 10). The additional Detailed Site Investigation (DSI) clarifies the land previously used for agricultural purposes is suitable for residential development at the rezoning stage. Based on the results of the Preliminary Site Investigation (PSI) and DSI, it is considered the site is suitable and can be made suitable where relevant for residential development and occupation.
State Environmental Planning Policy (Koala Habitat Protection) 2020 and 2021	Aims to encourage the proper conservation and management of areas of natural vegetation that provide koala habitat. LMCC is identified within Schedule 1 of SEPP (KH) 2021. The Schedule of SEPP (KH) 2021 has been adopted for the purposes of SEPP (KH) 2020.	Within SEPP (KH) 2021, Sec 6.3 (d) states that the SEPP does not apply to RU2 zoned land unless it is an LGA marked with an * in that Schedule. The City of Lake Macquarie LGA is not marked with an * in Schedule 1. Therefore SEPP 2021 does not apply, however SEPP (KH) 2020 applies to this site as it is zoned RU2. The separate attachment, Biodiversity Assessment Report (See report details in supporting document 3) provides the required technical support to the PP and includes the required koala habitat assessment. This assessment found that the land is not considered to comprise CKH. A Koala Plan of Management is not considered to be required.
State Environmental Planning Policy (Infrastructure)	The SEPP is relevant as the development area is adjacent to a rail corridor	The SEPP identifies impact of rail noise or vibration on non-rail development and development adjacent to interim rail corridors as requiring consideration. The separate attachment, Rail Noise and Vibration Assessment Report (See report details in supporting document 9) provides the required technical support to the Planning Proposal.

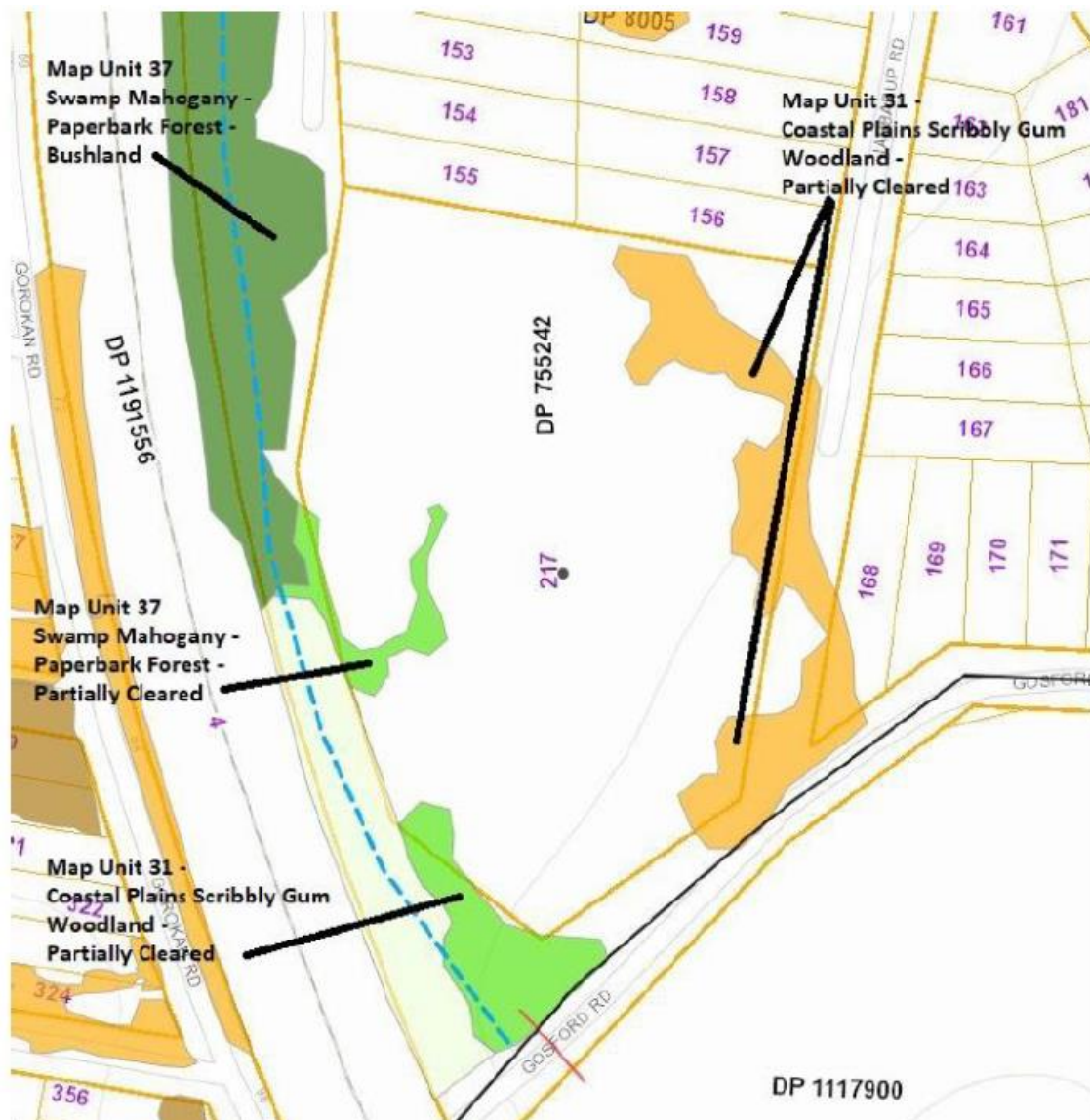


Figure 5 LMCC Vegetation mapping (Source: Bell 2015 and LMCC Vegetation mapping)

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

An assessment of the Planning Proposal and its consistency against the applicable Ministerial Directions is provided at Table 2 below.

Table 2: Consistency with applicable Section 117(2) Ministerial Directions

Ministerial Direction	Objective/s	Consistency / Comment
1.1 Business and Industrial Zones	(a) Encourage employment growth in suitable locations, (b) Protect employment land in business and industrial zones, and (c) Support the viability of identified strategic centres.	The direction does not apply to the Planning Proposal.

Ministerial Direction	Objective/s	Consistency / Comment
1.2 Rural Zones	Protect the agricultural production value of rural land.	<p>This direction applies to LMCC when a planning proposal affects land within an existing or proposed rural zone (including the alteration of any existing rural zone). Under direction 1.2 (4)(b) a planning proposal must not alter the permissible density of land within a rural zone (other than land within an existing town or village).</p> <p>The proposal includes the increase in density of land considered to be within the Wyee township and is therefore considered to be consistent with this Direction.</p>
1.3 Mining, Petroleum Production and Extractive Industries	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>The planning proposal is consistent as it 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 winning the resources is uneconomical.</p> <p>In addition, the surface development is free of mining restrictions. This was identified within the Draft Sydney Regional Environmental Plan – Wyong Development Areas and Coal Mining. The planning proposal will be referred to NSW Mining for comment.</p>

Ministerial Direction	Objective/s	Consistency / Comment
2.1 Environment Protection Zones	Protect and conserve environmentally sensitive areas.	<p>The planning proposal is mostly consistent with this objective as it has marginal environmentally sensitive land and apart from two significant trees is mostly cleared of vegetation (See BAR, supporting document 3).</p> <p>The site is also identified in local and regional planning strategies as an infill urban development area.</p> <p>During internal consultation it was noted that the proposed removal of two hollow bearing trees may impact potential habitat for Squirrel Gliders.</p> <p>The survey data provided (a period of one night) is insufficient to assess if these species are present or using the trees. To ascertain with more certainty the significance of the trees and whether they should be conserved/excluded from development, additional survey data was completed in June 2022 (Support document 11).</p> <p>Both internal and state agency review of the updated Biodiversity Assessment Report found the document resolves the remaining matters of interest. No additional surveys are required. The proposal is consistent with this direction.</p>
2.2 Coastal Protection	Implement the principles in the NSW Coastal Policy.	The direction does not apply to the Planning Proposal.
2.3 Heritage Conservation	Conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	An Archaeological report has not been prepared as part of the planning proposal as a result of the AHIMS notification (Attachment two) that no sites are recorded or places declared in or near the above property and the area proposed to be rezoned is not identified in Council's Sensitive Aboriginal Landscape mapping.
2.4 Recreation Vehicle Areas	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, therefore the proposal is consistent with this Direction.

Ministerial Direction	Objective/s	Consistency / Comment
2.6 Remediation of Contaminated Land	Objective 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>Two contamination assessments – a PSI and DSI were undertaken by Douglas Partners (supporting documents 1 and 10). The additional DSI clarifies the land previously used for agricultural purposes is suitable for residential development at the rezoning stage.</p> <p>Based on the results of the PSI and DSI, 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 this direction.</p>
3.1 Residential Zones	<p>(a) Encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) Make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) Minimise the impact of residential development on the environment and resource lands.</p>	<p>As well as proposing additional housing close to Wyee township, consultation with Hunter Water identifies that infrastructure and services can be extended effectively to service new residential development.</p> <p>It is also considered that the Planning Proposal is consistent with relevant local and regional strategies that identify the site as having urban development opportunity.</p> <p>DPE require the land to be classified as an Urban Release Area. This will generate both the need for a State Infrastructure Contribution and the development of an Area Plan to support the delivery of infrastructure under LMLEP2014 cl 6.3.</p> <p>The Planning Proposal is consistent with this direction.</p>
3.2 Caravan Parks and Manufactured Home Estates	<p>(a) Provide for a variety of housing types, and</p> <p>(b) Provide opportunities for caravan parks and manufactured home estates.</p>	<p>This direction applies when the relevant planning authority prepares a planning proposal. In this instance the planning proposal does not propose caravan parks or manufactured home estates.</p> <p>The Planning Proposal is consistent with this direction.</p>
3.3 Home Occupations	Encourage the carrying out of low-impact small businesses in dwelling houses.	<p>This direction applies when the relevant planning authority prepares a planning proposal.</p> <p>No change to existing provisions for such developments are proposed by the planning proposal. The proposal does not change the provisions relating to Home Occupation and this use is currently permissible without consent in the R2 Low Density zone.</p> <p>The proposal is consistent with this Direction.</p>

Ministerial Direction	Objective/s	Consistency / Comment
3.4 Integrating Land Use and Transport	<p>Ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> (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. 	<p>The site is within 400 m walking distance to the Wyee railway station and 600 m walk to the neighbourhood shopping centre. Bus stops are available in the surrounding streets.</p> <p>A number of pathways and cycleways will also be part of the considerations at the DA stage.</p> <p>The proposal is consistent with this Direction.</p>
3.5 Development Near Licensed Aerodromes	<ul style="list-style-type: none"> (a) Ensure the effective and safe operation of aerodromes, and (b) Ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and (c) Ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise. 	<p>The direction does not apply to the Planning Proposal.</p>

Ministerial Direction	Objective/s	Consistency / Comment
3.6 Shooting Ranges	(a) Maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, (b) Reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, (c) Identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.	The direction does not apply to the Planning Proposal.
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 direction does not apply to the Planning Proposal.
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 to the Planning Proposal.
4.3 Flood Prone Land	(a) Ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> , and (b) 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 to the Planning Proposal.
4.4 Planning for Bushfire Protection	(a) Protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) Encourage sound management of bush fire prone areas.	Applies when a planning proposal affects or is in proximity to land mapped as bushfire prone land. This site is mapped as being bushfire prone land. A bushfire protection assessment report was completed as part of the support documentation for the planning proposal (Supporting document 8). The report adequately identifies potential bushfire risk and bushfire protection methods (see figure 6). The Planning Proposal is consistent with this direction. The draft Planning Proposal will be referred to the Rural Fire Service for comment.

Ministerial Direction	Objective/s	Consistency / Comment
5.10 Implementation of Regional Plans	Give legal affect to the vision, land use strategy, goals, directions and actions contained in Regional Plans	<p>The objective of this direction is to ensure draft LEPs are consistent with regional plans such as the Hunter Regional Plan 2036.</p> <p>As commented under section 3.2.1 the subject proposal is consistent with relevant Direction and Actions of this strategy, therefore the planning proposal is consistent with this Direction.</p>
6.1 Approval and Referral Requirements	Ensure that LEP provisions encourage the efficient and appropriate assessment of development.	<p>The planning proposal does not seek to include provisions which require concurrence, consultation or referral of development applications to a Minister or public authority and will not identify development as designated development.</p> <p>The proposal is consistent with this direction.</p>
6.2 Reserving Land for Public Purposes	<p>(a) Facilitate the provision of public services and facilities by reserving land for public purposes, and</p> <p>(b) Facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p>	<p>The direction does not apply to the Planning Proposal.</p>
6.3 Site Specific Provisions	Discourage unnecessarily restrictive site specific planning controls.	<p>Draft LEP's are encouraged to use existing zones rather than have site-specific exceptions.</p> <p>The planning proposal does not impose site specific zones or planning provisions and proposes the adoption of current LMLEP 2014 controls applying to R2 Low Density zoned land and Urban Release Areas already described within that instrument.</p> <p>The proposal is consistent with this direction.</p>



Figure 6. Bushfire protection measures map

Section C – Environmental, Social and Economic Impact

Planning Proposal – 18 Gosford Road, Wyee. PP 2021-4683

8. *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 planning proposal seeks the application of an R2 Low Density Residential zoning over the total 3.14 ha area of the subject property. A biodiversity assessment report was undertaken by Travers bushfire & ecology (**Support document 3**) as part of the investigation and assessment for this planning proposal. 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 and may potentially cause entry into the Biodiversity Offsets Scheme”*. Additionally, the report identifies *“biodiversity offsetting under BOS applies and a BAM-compliant report will be required”*.

During internal consultation it was noted that the proposed removal of two hollow bearing trees with small hollows suitable for Squirrel Gliders will impact use of the trees for this species. The survey data provided (a period of one night) is insufficient to assess if these species are present or using trees on the site for feeding or habitat. To ascertain with more certainty the significance of the trees and whether they should be conserved/excluded from development, additional survey data was requested and completed in June 2022 (**Support document 11**).

The additional Biodiversity Assessment Report found

- no threatened fauna species, no protected migratory bird species, no threatened flora species and no threatened ecological communities listed under this Act were recorded within the development footprint and
- no suitable habitat for threatened marine or aquatic species was observed within the development footprint.
- The concept layout as proposed does not cause any likely significant impacts on matters of biodiversity and may potentially cause entry into the Biodiversity Offsets Scheme

The report was reviewed by both Council staff and Department of Planning & Environment Biodiversity & Conservation Division.

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

The other environmental constraints identified for the planning proposal and how they might be managed are documented as the following with support technical reports included within the supporting documents.

Bushfire

The property is within an area mapped as bush fire prone land (see **Figure 7**).



Figure 7. Bushfire prone land map (Source: NSW Planning Portal 2020)

This report identifies matters for consideration for the planning proposal and highlights the required bushfire protection measures including asset protection zones (APZs) (**see figure 7**), for future development under the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, Section 9.1(2) Direction 4.4 and in accordance with *Planning for Bush Fire Protection 2019 (PBP)* and *Community Resilience Practice Note 2/12 Planning Instruments and Policies*.

The key principle for the proposal is to ensure that future development is capable of complying with PBP. Planning principles for the proposal include the provision of adequate access including perimeter roads, establishment of adequate APZs for future housing, specifying minimum lot depths to accommodate APZs and the introduction of controls which avoid placing inappropriate developments in hazardous areas and placement of combustible material in APZs.

The assessment found that bushfire attack can potentially affect the rezoning proposal from the forest vegetation located to the immediate west and beyond Gosford Road to the south resulting in possible ember and radiant heat attack.

The bushfire risk posed to the planning proposal can be mitigated if appropriate bushfire protection measures (including APZs) are put in place and managed in perpetuity. This bushfire risk will be reduced further when the land to the south of Gosford Road is developed as part of the planning proposal submitted by Darkinjung Local Aboriginal Land Council (DLALC).

The assessment has concluded that future development on site will provide compliance with the planning principles of PBP and Community Resilience Practice Note 2/12 – Planning Instruments and Policies.

Contamination

As part of this Planning Proposal Douglas Partners have undertaken a preliminary site investigation (PSI) and at the request of Council staff, a detailed site investigation (DSI). See supporting documents 1 and 10 for report details.

The PSI noted that an area of the site occupied previously by greenhouses and identified as subject to historical agricultural uses required further exploratory testing and soil sampling to clarify if the land area is suitable for residential occupation. At Council staffs request the proponent prepared and submitted the DSI 26 November 2021. 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 (SAC).

Peer review of the DSI report by internal council staff identified no requirement for additional testing at this stage. Based on the results of the PSI and DSI, it is considered the site is suitable and can be made suitable where relevant for residential development and occupation.

Stormwater Flow and Quality Management Plan

Consultant engineers Woodlots and Wetlands Pty Ltd were engaged to investigate and prepare a Stormwater Flow and Quality Management Plan (SMP) consistent with Lake Macquarie City Council's Water Sensitive Urban Design policies and objectives. A copy of this document can be found in supporting document 6.

It should be noted that this is an updated version of the SMP after additional consultation with Council engineering staff at the RAP stage. It is concluded that the design will meet Council's stormwater objectives for the low density residential development.

Traffic Impact Assessment

Consultant traffic engineering firm, Intersect Traffic Pty Ltd prepared a Traffic Impact Assessment report for the planning proposal. A copy of this document can be found in supporting document 7. The traffic assessment included the following:

1. An outline of the existing context in the relevant catchment area of the site
2. An assessment of the traffic impacts of the proposed development including the predicted traffic generation and its impact on existing road and intersection capacities as well as road safety.
3. Determination of any triggers for the provision of additional infrastructure
4. Review of parking, public transport, pedestrian, and cycle way requirements for the proposed development, including assessment against Council's DCP and Australian Standard requirements.
5. Conclusions and recommendations.

The assessment found that the planning proposal will not adversely impact on the local and state road network and complies with all relevant LMCC, Austroads, and TfNSW requirements. The draft Planning Proposal will be referred to Transport for NSW for comment.

Rail Noise and Vibration Assessment

RCA Acoustics (RCA) were engaged to conduct a noise and vibration impact assessment as the closest property boundary is within 50m of the Main Northern Railway. The purpose of this report was to quantify how rail noise propagates across the proposal site and assess the general suitability for residential development and a copy the assessment report is attached as part of the separate support material. A copy of this document can be found in supporting document 9.

The subject site is at least 50m from the nearest operational train track. The DoP guideline indicates that residential developments within the 25m zone will need vibration assessment. RCA conclude that vibration impacts are considered low risk.

The Infrastructure SEPP (2007) sets internal noise criteria for residential developments near public transport infrastructure. These criteria are also provided in the DoP guideline. The noise assessment found:

- A bedroom adjacent to the rail would need LAeq,9hr 60 dB - 35 dB= 25 dB sound reduction to meet the above criteria. Construction materials can readily achieve this noise sound level reduction.
- Adjacent properties with bedrooms facing the rail would require significant noise treatment design to reduce internal noise levels to avoid sleep disturbance. Consideration of layout of properties adjacent to the rail will be required to avoid sleep disturbance impacts. The assessment suggests bedroom windows should not directly face the rail.

The assessment concluded that with consideration to design layout and construction materials, the proposal site will be suitable for residential development. The suitability of Individual property design will need to be assessed on a case by case, basis and will be determined by the layout and proposed construction materials.

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

The existing Wyee township contains a local primary school, neighbourhood shopping strip, two service stations with convenience stores and community hall. Recreational facilities are planned within the residential release and development to the west of the railway line (see figure 8 Wyee West Structure Plan).

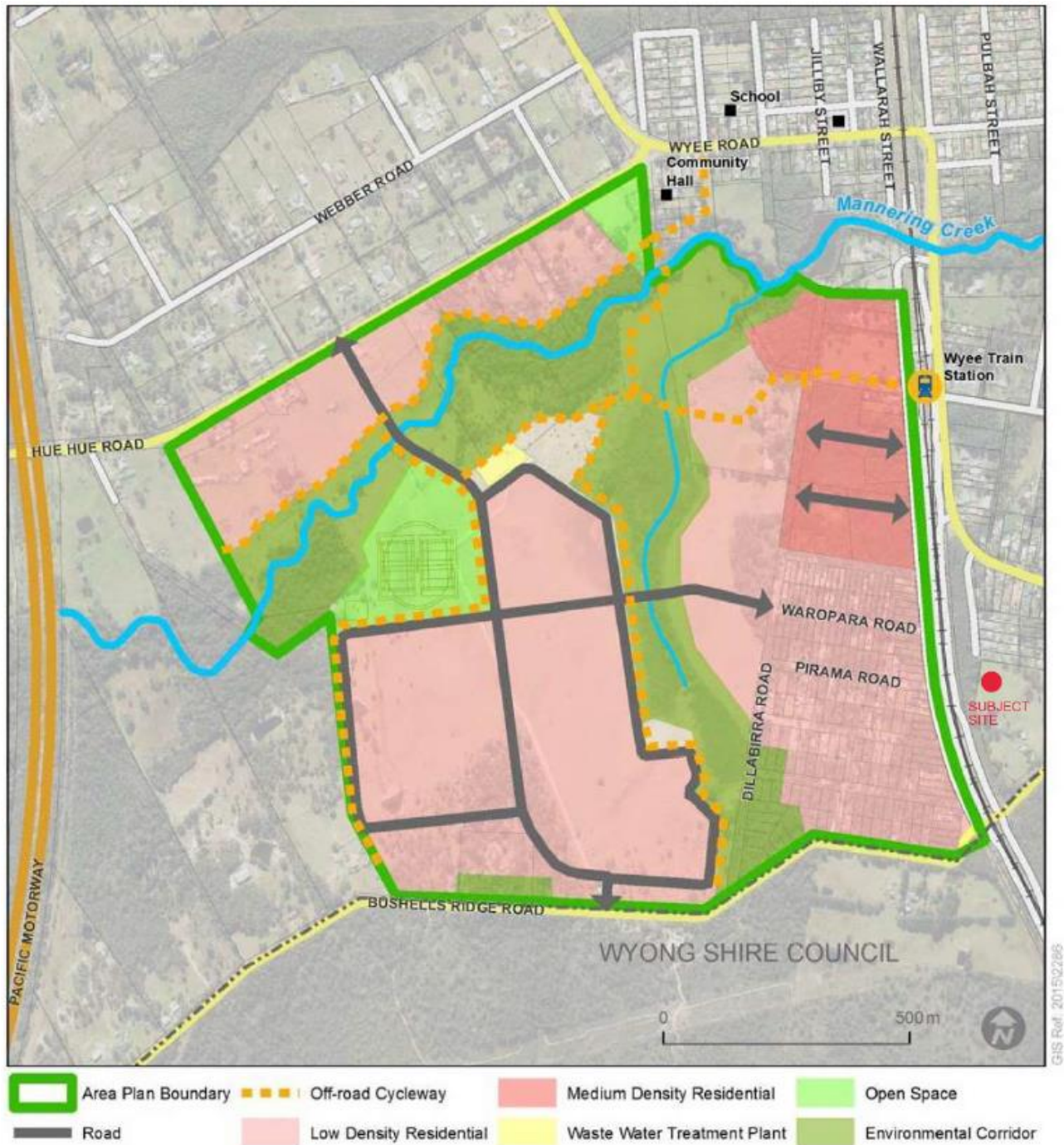


Figure 8 Wyee West Structure Plan (LMCC DCP 2014)

There is considered ample facilities within the local area for convenience needs. For other support services such as medical, govt services and major shopping future residents will have the benefit of close existing regional centres at Morisset and Tuggerah with other closer major centres located at Lake Munmorah, Charmhaven and San Remo. Future Regional centres are proposed at Warnervale and the future DLALC release opposite the site proposes a local shopping centre.

Although it is noted that the proposed rezoning is small in scale, at the Rezoning Advisory Panel Council staff noted that additional justification is required to consider if site specific considerations are required to support the Planning Proposal's incremental social impacts both on the subject land area and surrounding areas. Therefore, a Social Impact Assessment Report was required.

Among a range of positive outcomes the resulting Social Impact Assessment Report (**Supporting Document 2**) identified opportunity for additional pedestrian connections at the north west of the site connecting to Murrawal Road and the Wyee Train Station. Figure 9 illustrates a range of potential network road cycle and pedestrian connections. While not all of these connections are recommended as a direct responsibility of the Planning Proposal or future development of the site, they might be included in the use of standard developer contributions.

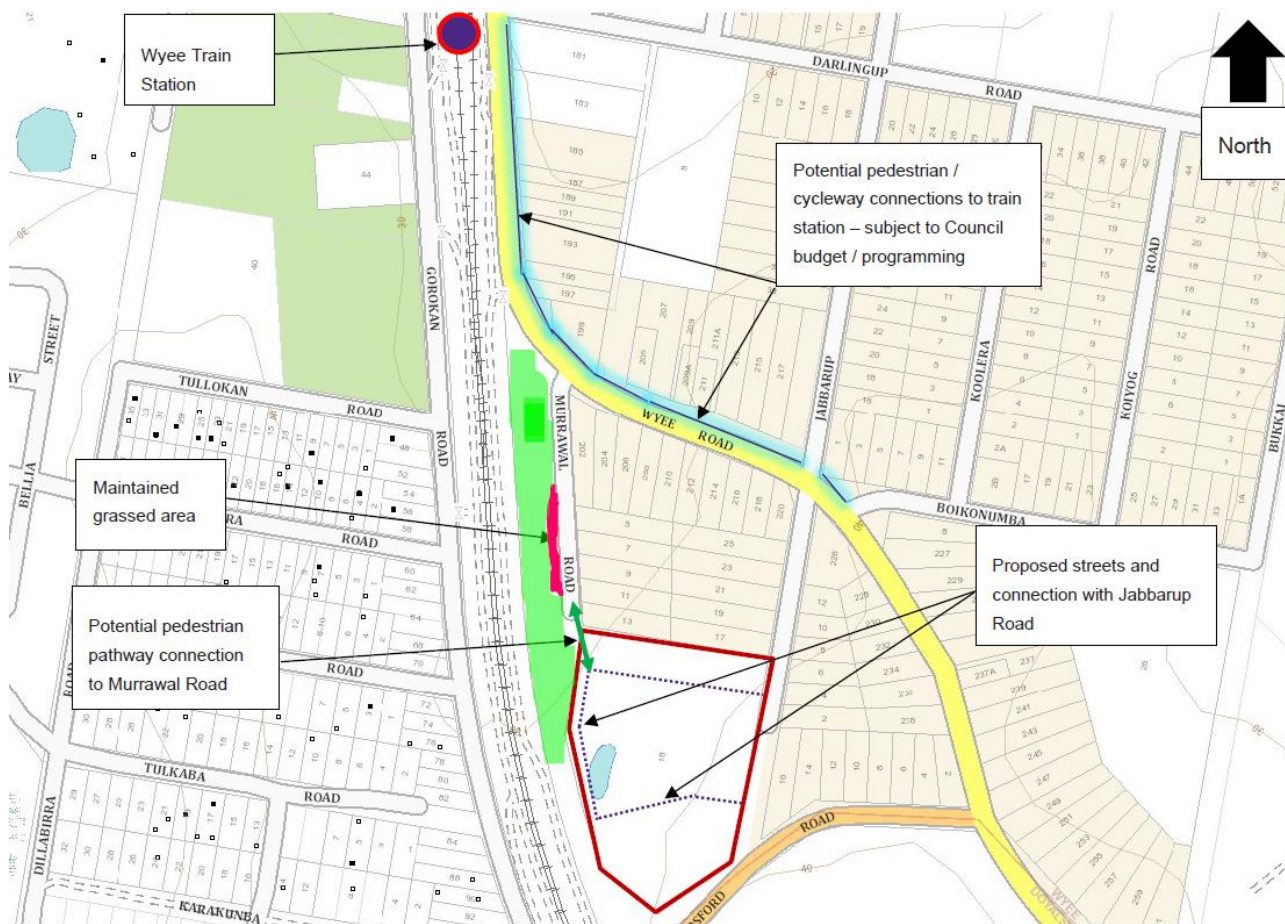


Figure 9 Potential connections with existing urban form

Section D – State and Commonwealth Interests

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

The planning proposal does not place significant additional demands on public infrastructure. Any augmentation of electricity or telephone or NBN services will be funded by the developer and are considerations at the DA stage. Hunter Water Corporation (HWC) provided Preliminary Servicing Advice for this planning proposal (**Attachment 3**).

HWC advise that a reimbursement contribution may be required towards the cost of any water and sewer infrastructure that is constructed by a third-party developer and utilised to serve this development. Reimbursements cannot be determined until the connection points are defined. This is considered a pre-development application (DA) requirement.

Water Supply

The closest water connection point is the DN150 main in Jabbarup Road, and the proposed development has an existing frontage to this main (See figure 10).

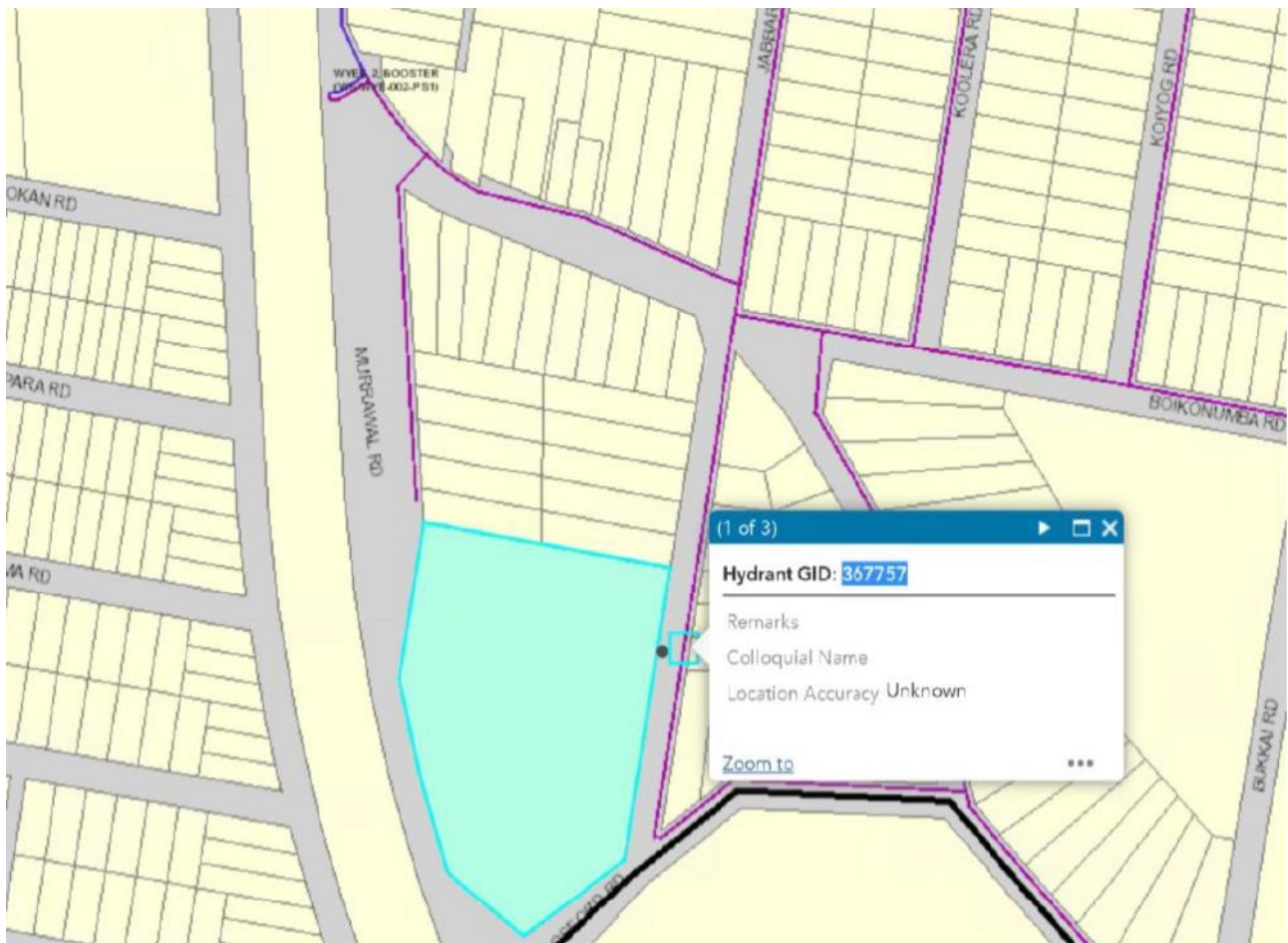


Figure 40 Water Main layout

The water boosting station which supplies water to this location (Wyee 2 Booster Station) does not provide sufficient fire flow to the development.

A Water Servicing strategy is required to look into potential servicing arrangements including, but not limited to, (1) upgrade of the WPS or water mains to the site, (2) extension along Bushells Ridge Rd from the Wyee Radcliffe and/or paper subdivision watermain (when constructed).

It is recommended that the developer prepares a servicing strategy with a view to configuring the infrastructure to facilitate connection of these existing developments. Should the site be nominated as an Urban Release Area, the requirement for a servicing strategy would be addressed as part of a staging plan incorporated into a future DCP precinct area plan, as part of the standard requirements under section 6 of LM LEP2014. If the site is not nominated as an Urban Release Area, the requirement for a servicing strategy would be addressed at DA stage, subject to the land being rezoned.

Wastewater Transportation

The proposed site adjoins the Wyee backlog sewer scheme (refer to Figure 2). The backlog sewer system is currently under construction and is anticipated to be completed and be able to service the proposed subdivision and neighbouring streets from March 2022.

HWC advise that it may be necessary to design and construct developer works under either a Routine Major or Complex Works Deed with Hunter Water to connect the development to the existing water and sewer system(s).

Urban Release Area & associated State Infrastructure Contributions

On the review of Gateway Determination, the Department Planning and Environment have identified a need to classify the subject land area as an Urban Release Area. This will generate the

need for State Infrastructure Contributions and the issue of a SIC Certificate at the DA stage. This will also trigger the need to address LMLEP2014 clause 6.3 where:

development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.

The provisions set out in subclause (3) enable the efficient release of urban land, making provision for necessary infrastructure and sequencing.

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

Preliminary consultation has occurred with public authorities as part of the site feasibility analysis and assessment of surrounding services and infrastructure. The views of the following public authorities are provided in other sections of the draft Planning Proposal and on the NSW Planning Portal as part of the submission of this proposed LEP Amendment.

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

The Department of Planning and Environment are supporting the progression of the draft Planning proposal issuing gateway determination and requesting commencement of public exhibition on 1st August 2022 for a period of 28 days. Gateway determination and associated documentation are available on the NSW Planning Portal as part of the submission of this proposed LEP Amendment.

As part of the Gateway determination Council has received state agency referral comments from the following agencies, all documents associated with state agency referrals are available on the NSW Planning Portal:

- Department of Planning and Environment – Biodiversity & Conservation Division
- Department of Planning and Environment - Energy and Science Division
- Department of Planning and Environment – Crown Lands
- Central Coast Council
- Regional NSW - Geological Survey of NSW – Mining, Exploration & Geoscience
- Transport for NSW
- Hunter Water Corporation

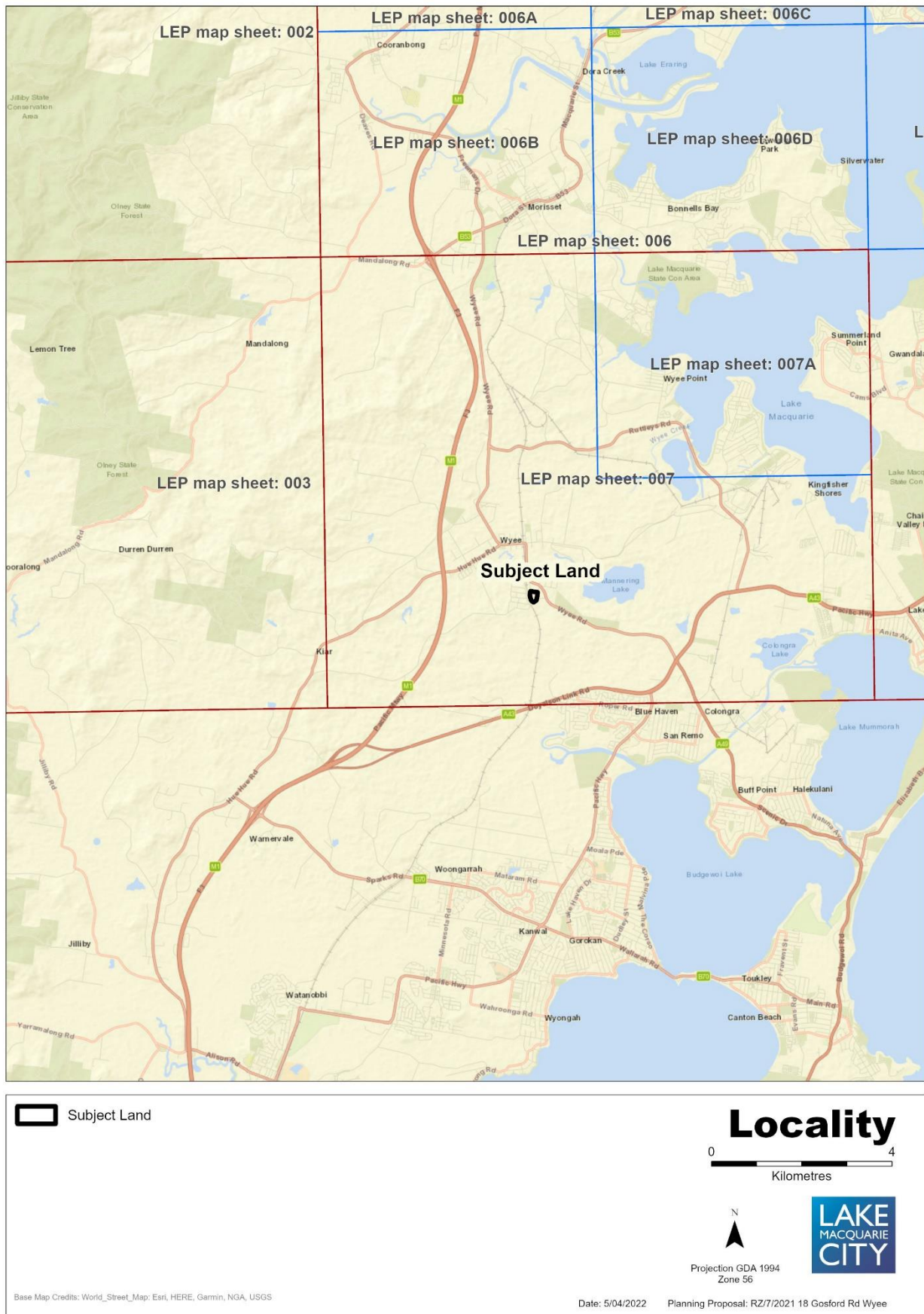
It should be noted that Crown Lands have objected to the Draft Planning Proposal. In consultation with the Department of Planning and Environment it was noted that the nature of their objection impacts the arrangement of ownership over road reserves specifically in regard to Murruwal Road but does not appear to impact the outcome of the draft planning proposal or proposed LEP Amendment. Council staff will continue to resolve the matter in consultation with Crown Lands concurrently with the exhibition of the draft planning proposal.

The following authorities have been referred to and are yet to return comments for Councils review:

- Rural Fire Service
- Jemena Gas

Part 4 – MAPPING

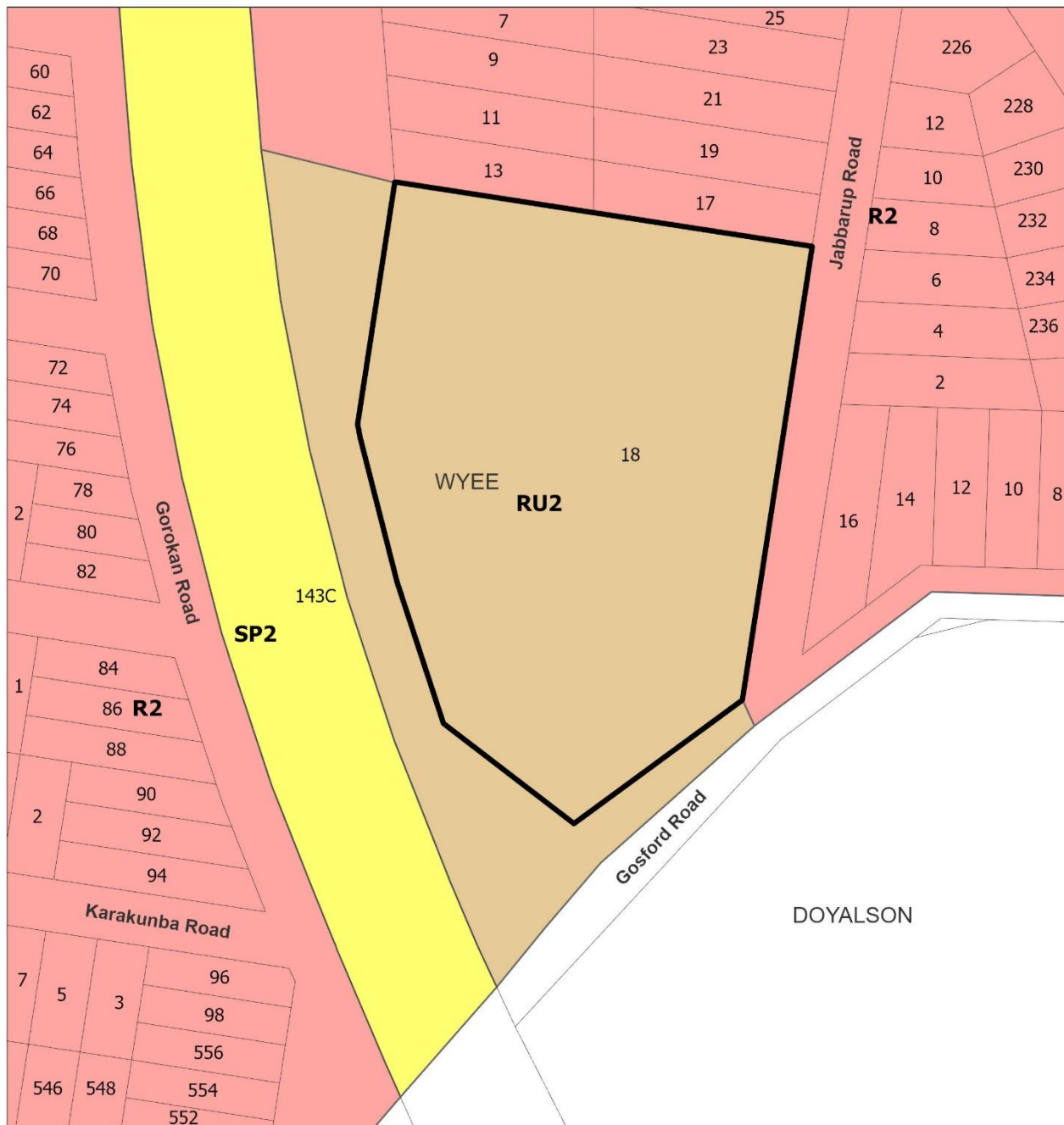
Map 1 – Locality Map



Map 2 – Aerial Photo



Map 3 – Existing Land Zone under LMLEP 2014



Subject Land

Land Parcel

Land Zoning

R2 Low Density Residential

RU2 Rural Landscape

SP2 Infrastructure

Existing

Land Zoning Map

Lake Macquarie Local Environmental Plan 2014

0 100
Metres

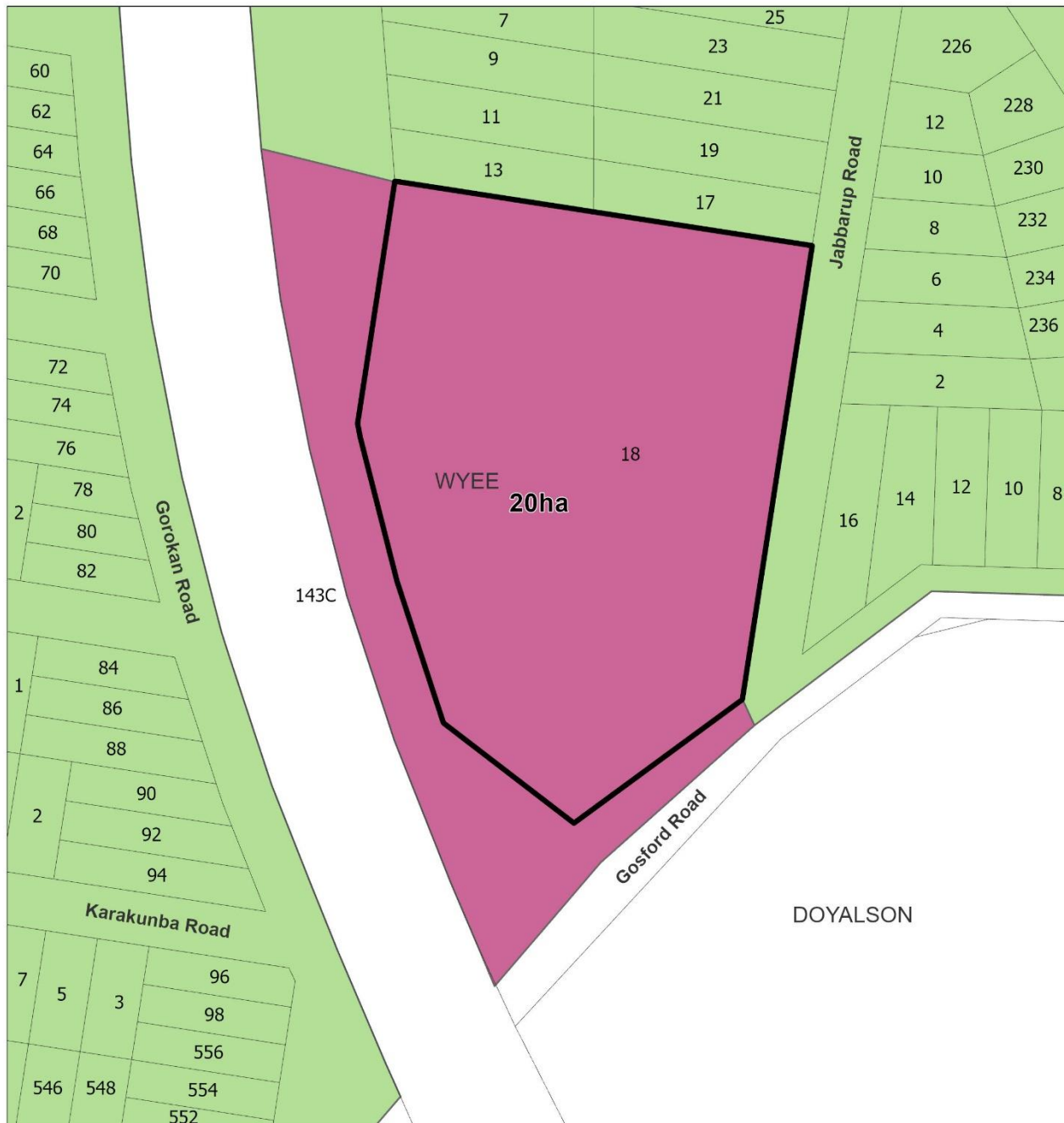


Projection GDA 1994
Zone 56



Date: 5/04/2022 Planning Proposal: RZ/7/2021

Map 4 – Existing Lot Size under LMLEP 2014



Subject Land

Land Parcel

Lot Size

450 sq m

20 ha

Existing

Lot Size Map

Lake Macquarie Local Environmental Plan 2014

0 100
Metres

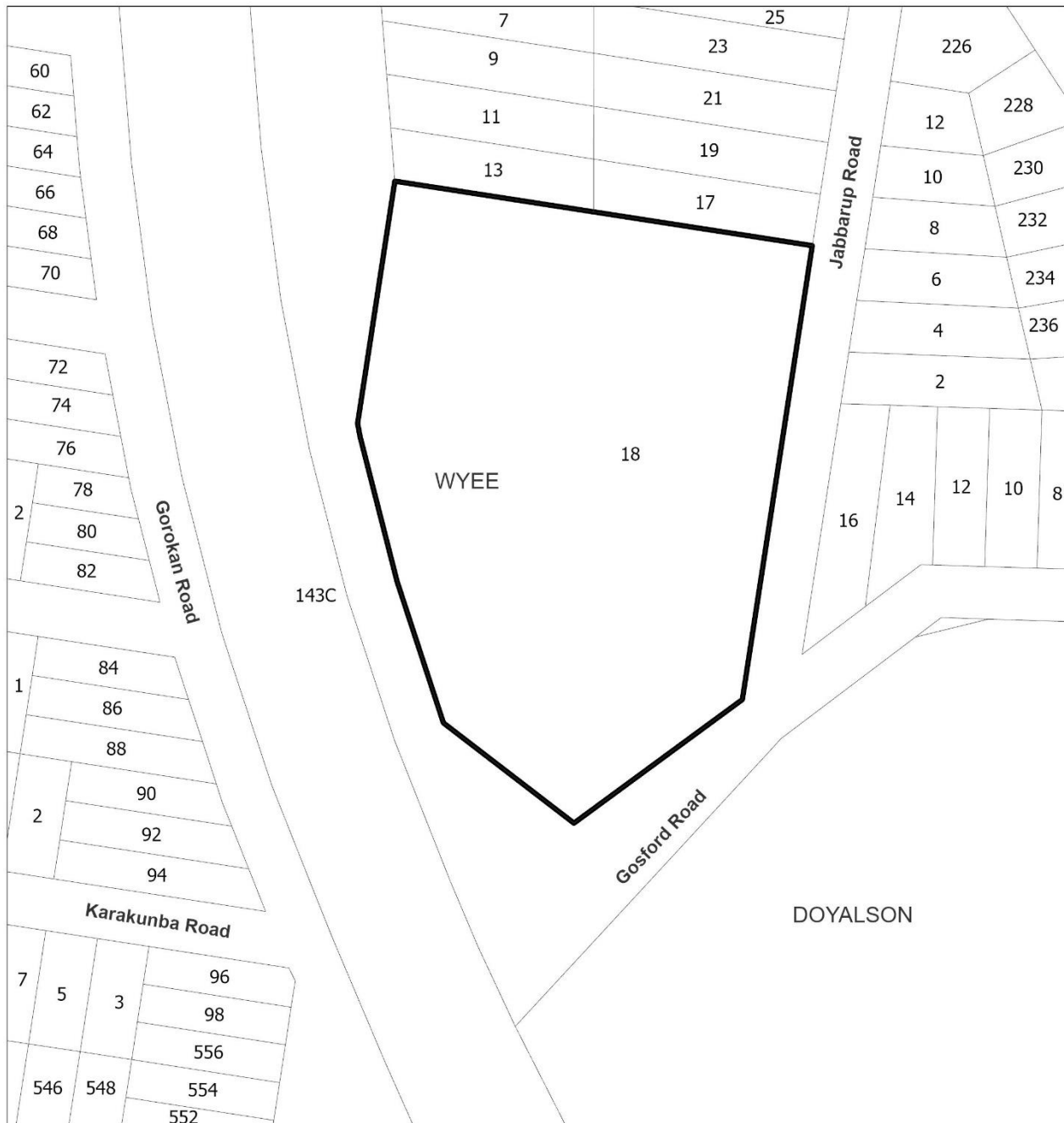


Projection GDA 1994
Zone 56



Date: 5/04/2022 Planning Proposal: RZ/7/2021

Map 5 – Existing Urban Release Area under LMLEP 2014



- Land Parcel
- Subject Land
- Urban Release Area

Existing Urban Release Area Map

Lake Macquarie Local Environmental Plan 2014

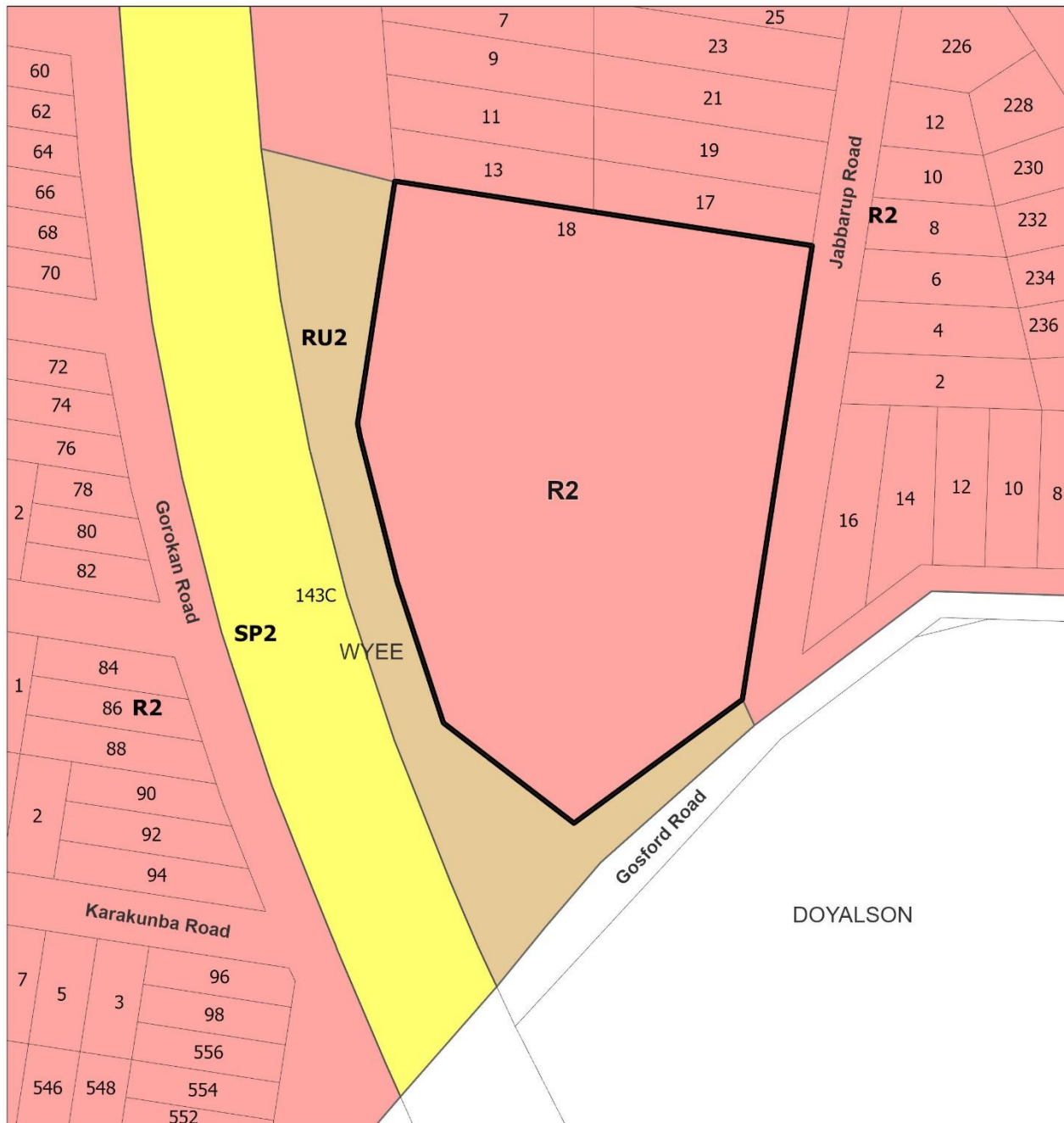
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Zone 56



Date: 5/04/2022 Planning Proposal: RZ/7/2021

Map 6 – Proposed Land Zone under LMLEP 2014



Subject Land

Land Parcel

Land Zoning

R2 Low Density Residential

RU2 Rural Landscape

SP2 Infrastructure

Proposed

Land Zoning Map

Lake Macquarie Local Environmental Plan 2014

0 100
Metres

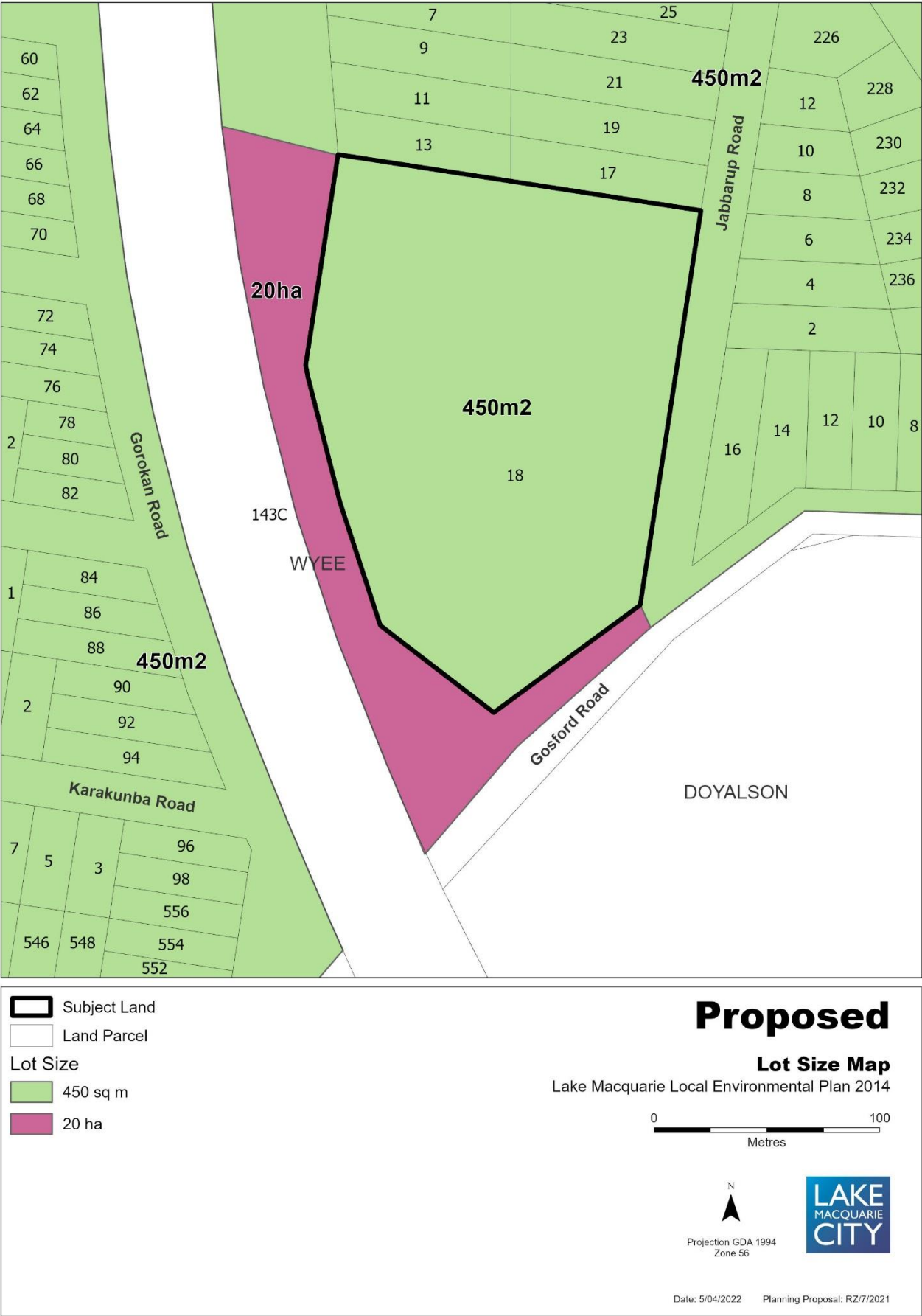


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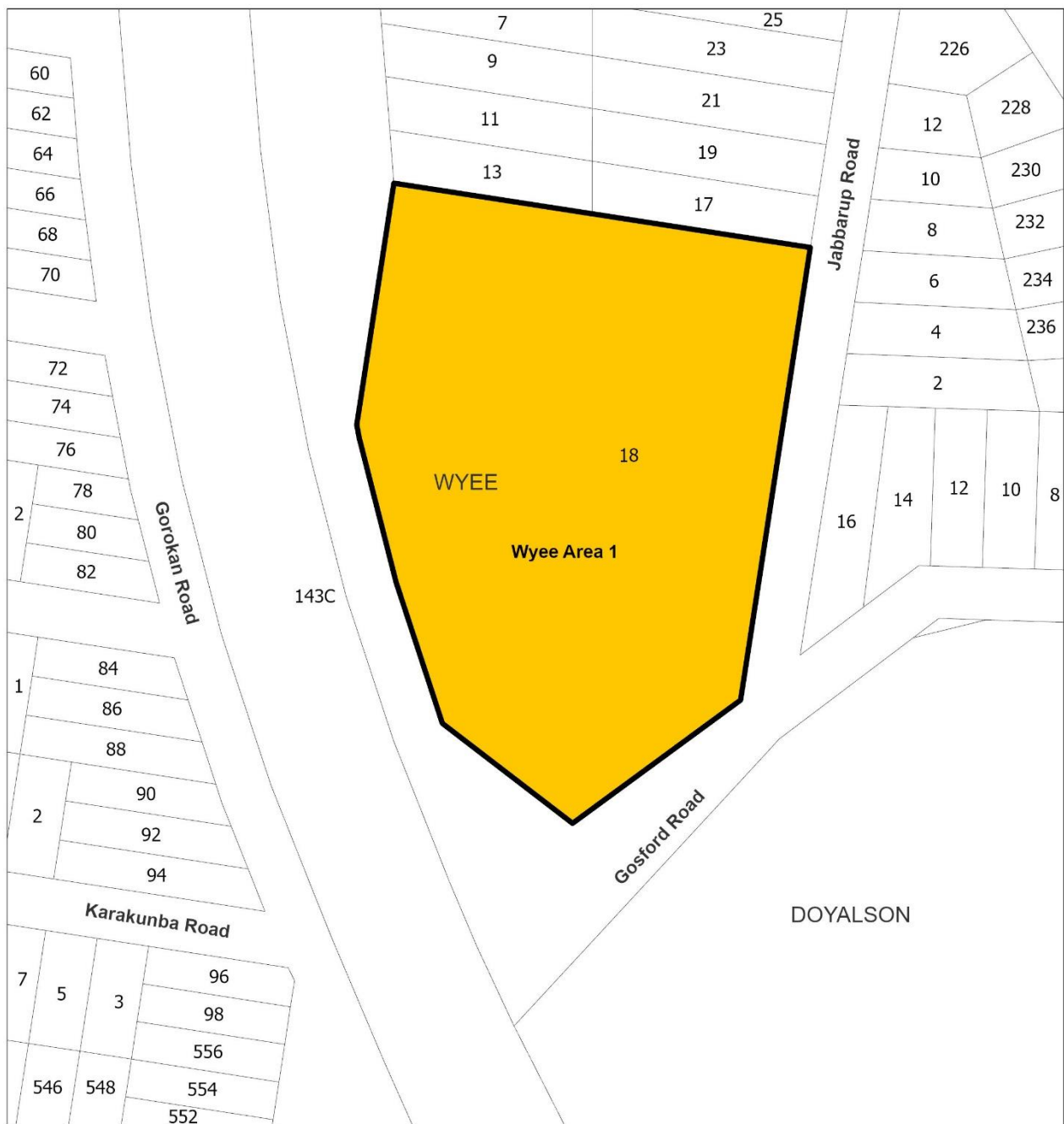





Date: 5/04/2022 Planning Proposal: RZ/7/2021

Map 7 – Proposed Lot Size under LMLEP 2014



Map 8 – Proposed Urban Release Area Map under LMLEP 2014



-  Subject Land
-  Land Parcel
-  URA

Proposed

Urban Release Area Map

Lake Macquarie Local Environmental Plan 2014

0 100
Metres



Projection GDA 1994
Zone 56



Date: 5/04/2022 Planning Proposal: RZ/7/2021

Part 5 – COMMUNITY CONSULTATION

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

Some local community consultation has occurred as part of the preparation for the Social Impact Assessment. Consultation result in confirming the preference for additional linkages in the pedestrian network from the subject site to Murrawal Road. The small amount of participants appear supportive of potentially increasing housing stock in the area and the associated economic opportunities.

Part 6 – PROJECT TIMELINE	Timeframe
Anticipated commencement date (date of Gateway determination)	March - April 2022
Anticipated timeframe for completion of required technical information	April - May 2022
Timeframe for government agency consultation (pre exhibition)	June 2022
Public exhibition (commencement and completion dates)	1 st August 2022
Date of Public hearing (if required)	September 2022
Consideration of submissions	October - November 2022
Timeframe for government agency consultation (post exhibition if required)	1 to 2 months (if required)
Post exhibition planning proposal consideration / preparation	December 2022
Submission to Department to finalise LEP	January 2023
Date RPA will make Plan (if delegated)	January 2023
Date RPA will forward to the Department for notification (if not delegated)	January 2023