



IRF22/1257

Gateway determination report – PP 2021- 4822

Rezone land at 482 Bushells Ridge Road, Wyee from
SP2 Infrastructure to R2 Low Density Residential

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

This report was compiled on Ku-ring-gai land and is in relation to a site located on Awabakal land.

Contents

1	Planning proposal.....	1
1.1	Overview.....	1
1.2	Objectives of planning proposal	1
1.3	Explanation of provisions	1
1.4	Site description and surrounding area.....	2
1.5	Background	4
1.6	Site Visit.....	4
1.7	Mapping.....	6
2	Need for the planning proposal	1
3	Strategic assessment	1
3.1	Regional Plans.....	1
3.2	Local.....	3
3.3	Section 9.1(2) Ministerial Directions.....	5
3.4	State environmental planning policies (SEPPs)	11
4	Site-specific assessment	12
4.1	Environmental.....	12
4.2	Social and economic.....	13
4.3	Infrastructure	13
4.4	Community	13
4.5	Agencies.....	13
5	Timeframe	13
6	Local plan-making authority	13
7	Assessment summary	14
8	Recommendation.....	14

1 Planning proposal

1.1 Overview

Table 1 Planning proposal details

LGA	Lake Macquarie Local Government Area
PPA	Lake Macquarie City Council
NAME	Rezone land at 482 Bushells Ridge Road, Wyee from SP2 Infrastructure to R2 Low Density Residential
NUMBER	PP-2021-4822
LEP TO BE AMENDED	<i>Lake Macquarie Local Environmental Plan 2014</i>
ADDRESS	482 Bushells Ridge Road, Wyee
DESCRIPTION	Lot 171 DP 1212974
RECEIVED	6/04/2022
FILE NO.	IRF22/1257
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.

1.2 Objectives of planning proposal

The planning proposal seeks to facilitate low density residential subdivision of up to 10 lots by:

- rezoning the site from SP2 Infrastructure to R2 Low Density Residential; and
- introducing a minimum lot size of 450m².

The objectives of the planning proposal are clear and adequate.

1.3 Explanation of provisions

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

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	SP2 Infrastructure	R2 Low Density Residential
Minimum lot size	n/a	450m ²

The planning proposal contains an explanation of provisions that adequately explain how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The site is in the Radcliffe Residential Estate at 482 Bushells Ridge Road, Wyee and is legally described as Lot 171 DP 1212944. The site is an irregular trapezium shaped allotment approximately 5.234m² in area and is occupied by a 'Water Recycling Facility' (**Figure 1**).

The site abuts land zoned E2 Environmental Conservation to the north and north-west, land zoned E3 Environmental Conservation adjacent to the West and is surrounded by land zoned R2 Low Density Residential as part of the housing estate (refer **Figure 2**).

The E2 Environmental Conservation area to the north of the site includes stream run offs from Mannering Creek, the closest being a first order stream approximately sixty metres northwest of the site boundary (**Figure 10**).

The land has historically been used for poultry agricultural land use and other intensive agricultural purposes but has been extensively disturbed as part of a rezoning application on 24 May 2013 for the creation of the housing estate, conceded under Amendment 61 to the *Lake Macquarie Local Environmental Plan 2014*. The surrounding area still affords rural residential zones and allotments and maintains areas of high vegetation and coastal wetland areas.

Extensive vegetation buffering has been maintained between the site and the conservation area, however due to this proximity, the site is identified as residing within the flood planning area under Lake Macquarie Council's Flood Planning Area map (**Figure 8**).

The site contains several building structures and large empty water drums and has been extensively cleared and levelled as a result of its construction. The site has never been used for as a Water Recycling Facility and has sat unused and idle since its construction.

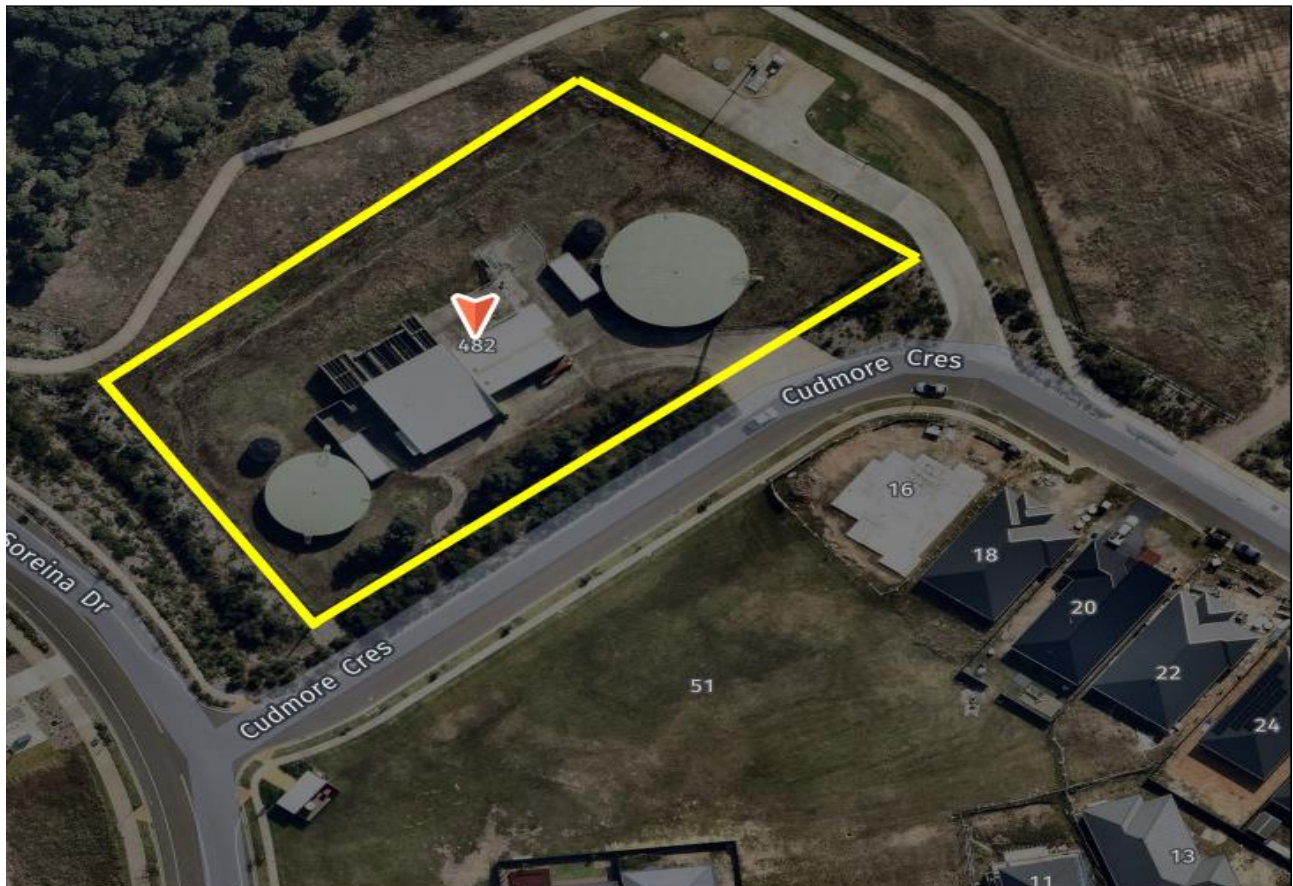


Figure 1 Subject site aerial photo (Source: Nearmap 2022)

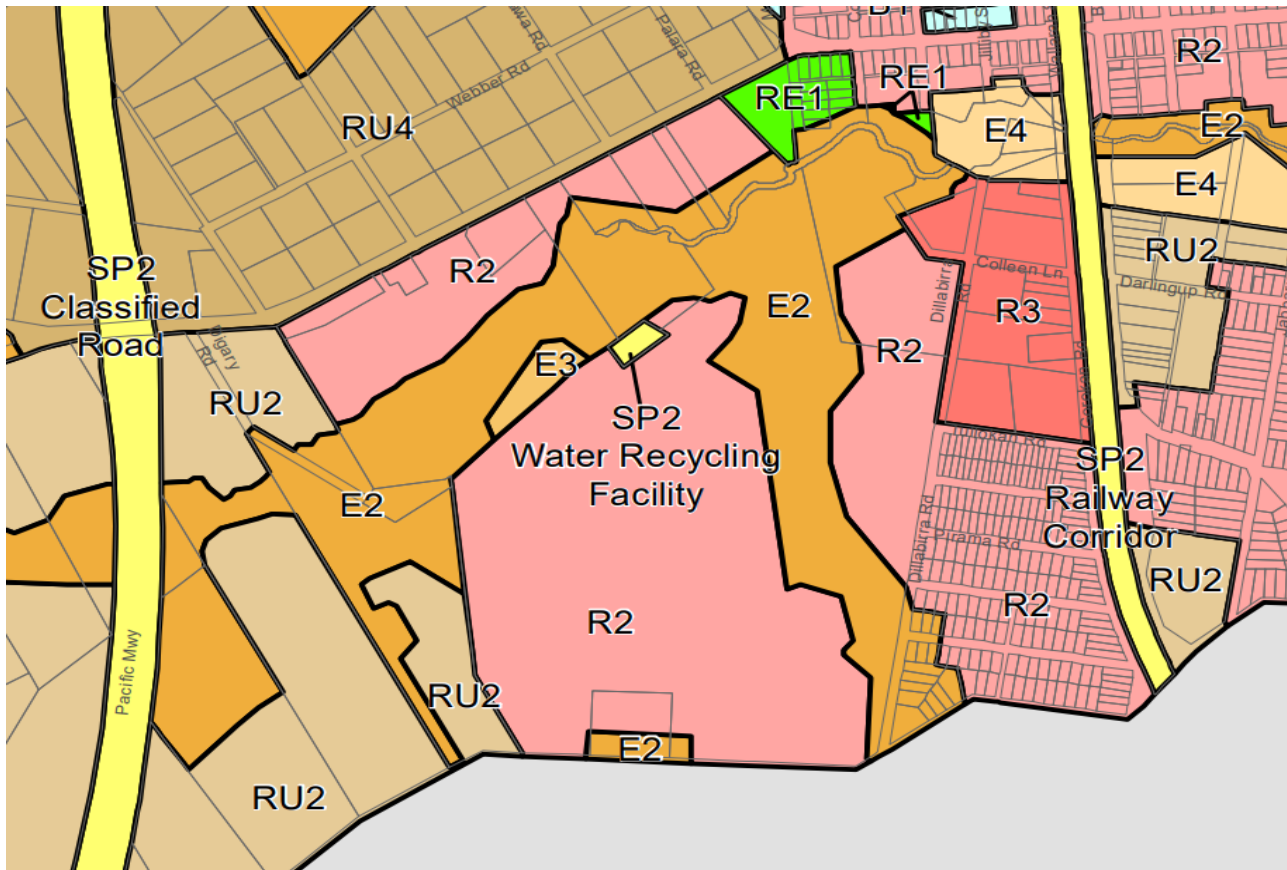


Figure 2 Subject site zoning (Source: Nearmap 2022)

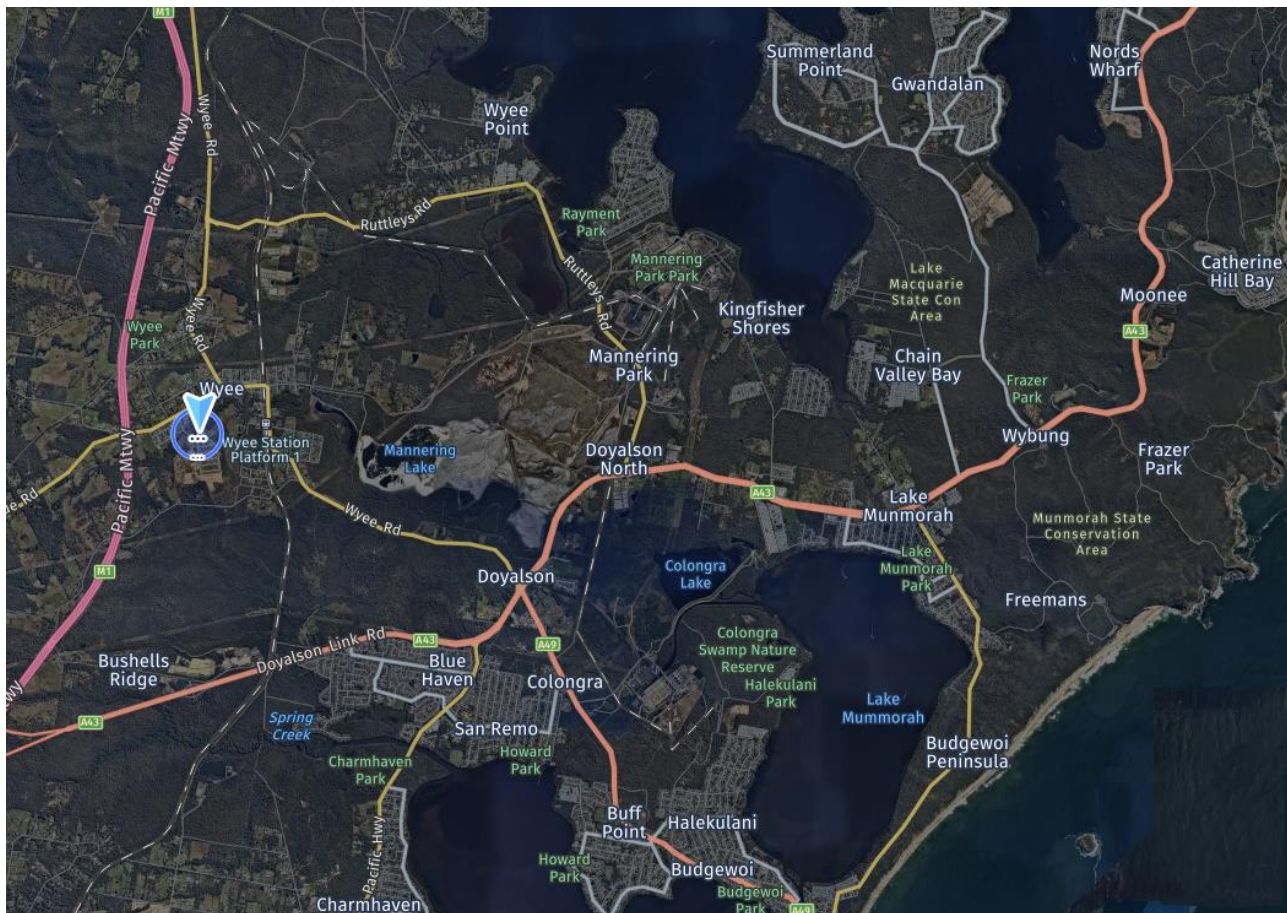


Figure 3 Subject site - locality map (Source: Nearmap 2022)

1.5 Background

Radcliffe Residential Estate (previously Wyee Estate) was originally a housing estate comprising of 850 lots (now reduced to 695 as a result of design changes). The estate has a staged masterplan, which includes sporting and recreation facilities, a playground and a dedicated pedestrian and cycle path connecting the area to nearby essential services.

The site is currently home to a wastewater treatment plant identified under the *Lake Macquarie Local Environmental Plan 2014* as a 'water recycling plant'; a jointly funded project using grant monies from the Governments "Building Better Regional Cities" (BBRC) program and the former Wyong Council. The BBRC program was designed to fund infrastructure that supported the provision of affordable housing within regional areas. This was because at the time of its inception, Hunter Water did not intend to service the area.

Hunter Water now services the area for both water and sewer servicing making the plant redundant. The plant sits idle and has never been used for its intended purpose.

1.6 Site Visit

A site visit was conducted on 10 May 2022, with the following observations made:

- the site contains several structures made of aluminium, cement, masonry, windows and glass as well as corrugated iron, fencing and large water containers (as depicted within photos below),
- the dedicated pedestrian and cycle path connection from the estate to services and facilities borders the northern end of the site and maintains a vegetation/grass buffer from its boundary,
- the site has been extensively cleared for the construction of the plant, and
- vegetation buffering between the site and the E2 Environmental Conservation Zone is extensive and further vegetation buffering (including large art sculptures) have been used between both the entrance from main road of the estate (Soreina Drive) and Cudmore Crescent.



Figure 4 Main entrance to the facility from Cudmore Crescent



Figure 5 Main entrance to the facility



Figure 6 View north from the eastern boundary



Figure 7 View North East from eastern boundary



Figure 8 View South West from main entrance towards new houses under construction



Figure 9 View South West towards land yet to be constructed for residential housing



Figure 4 Main entrance to the facility from Cudmore Crescent



Figure 5 Main entrance to the facility



Figure 10 Grass verge between the site and cycle path



Figure 11 Extensive landscaping surrounding the cycle path and entrance from Soreina Drive

1.7 Mapping

The planning proposal includes changes to the following maps:

- Land Zoning Map 4650_COM_LZN_007_040_20190723; and
- Lot Size Map 4650_COM_LSZ_007_04020190723.

The maps are suitable for community consultation.



Figure 12 Existing Land Zoning Map (Source: Planning Proposal)

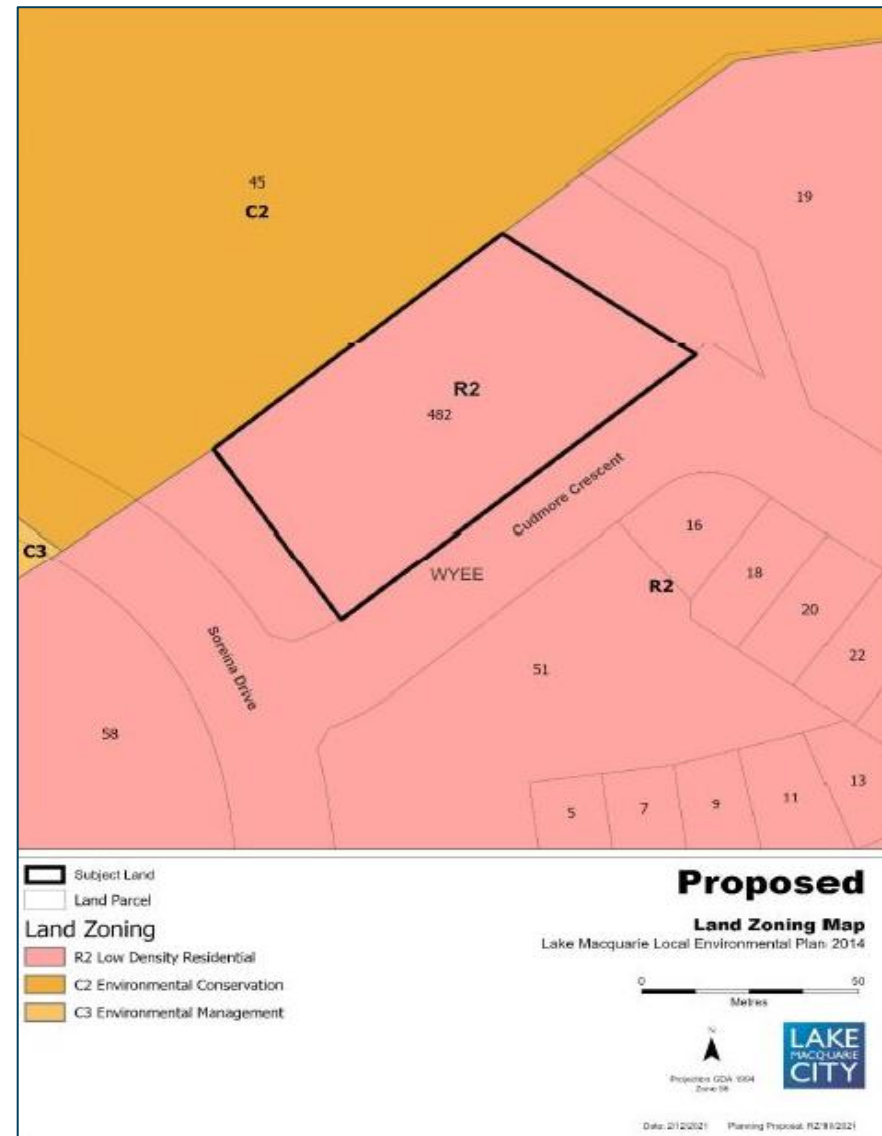


Figure 13 Proposed Land Zoning Map (Source: Planning Proposal)

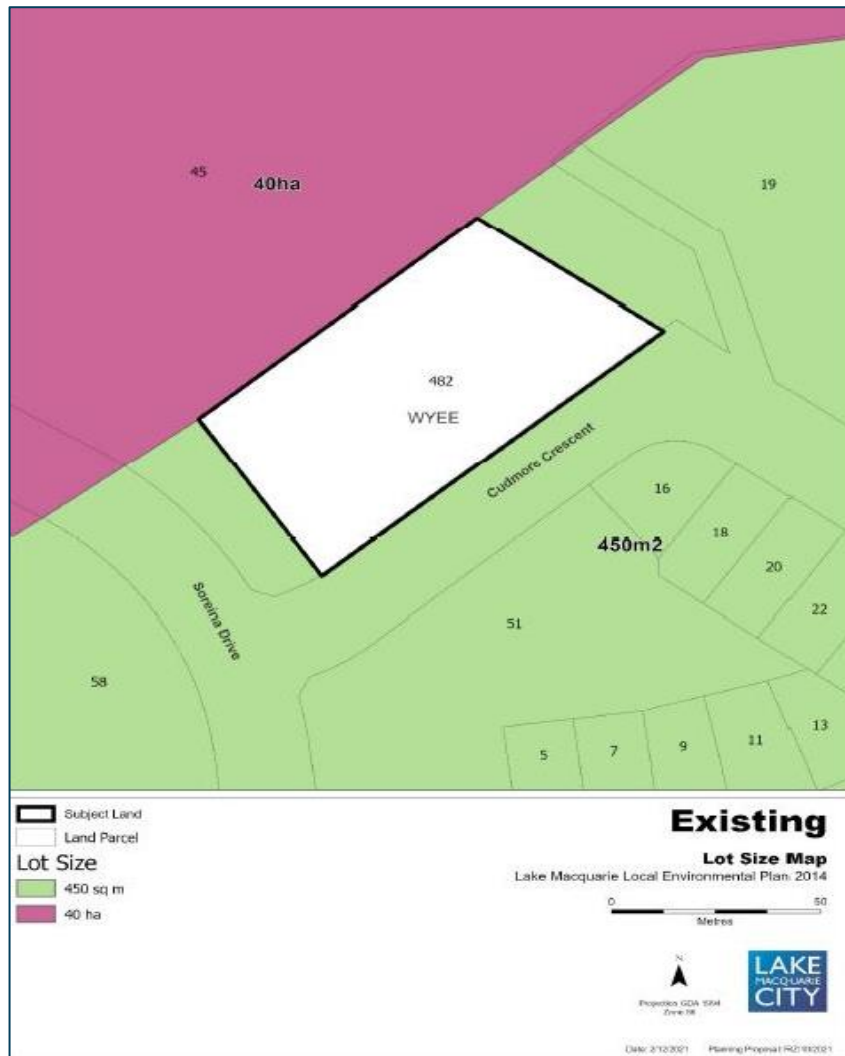


Figure 14 Existing Lot Size Map (Source: Planning Proposal)

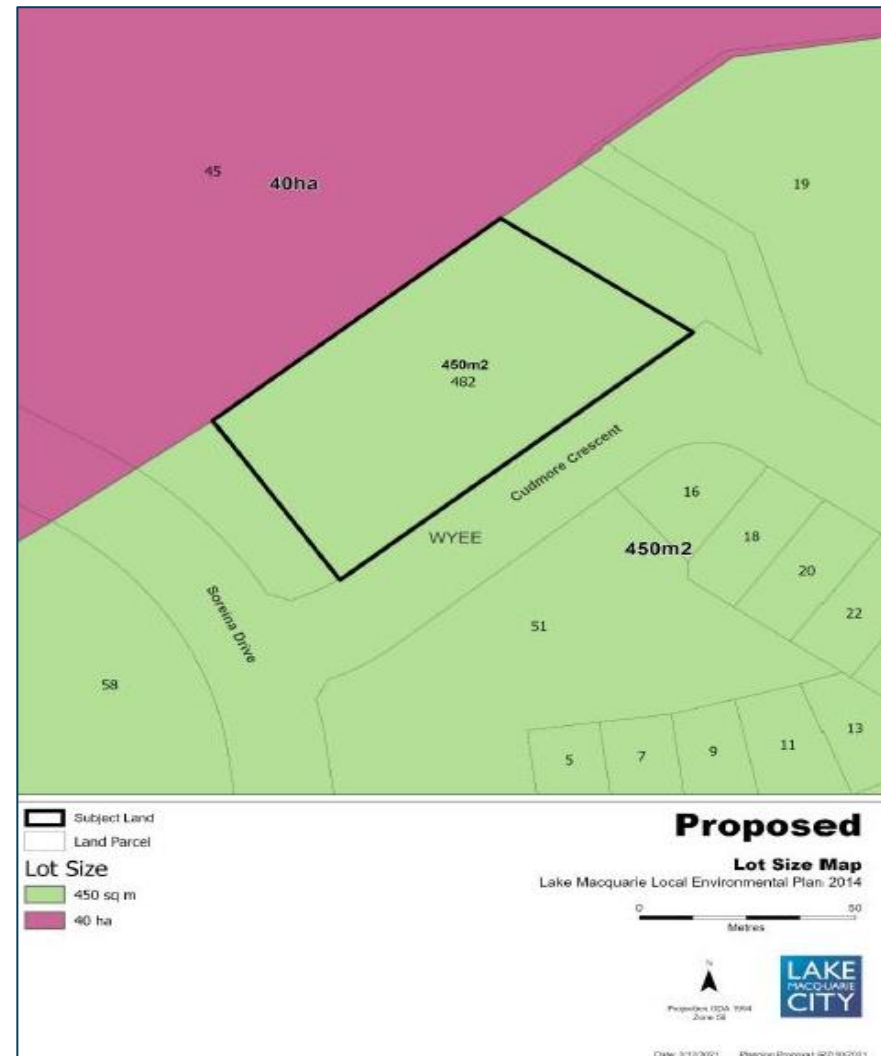


Figure 15 Proposed Lot Size Map (Source: Planning Proposal)

2 Need for the planning proposal

The planning proposal is not the result of a strategic study or report.

The water recycling plant was intended to provide water and sewer services to an Urban Release Area not serviced by Hunter Water. Hunter Water now provides servicing to the area making the water recycling facility redundant before operations could commence.

A planning proposal is the only mechanism available to rezone the land from SP2 Infrastructure to R2 Low Density Residential under the *Lake Macquarie Local Environmental Plan 2014*.

3 Strategic assessment

3.1 Regional Plans

3.1.1 *Hunter Regional Plan 2036*

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

Table 5 *Hunter Regional Plan 2036* assessment

Regional Plan Objectives	Justification
Direction 1: Grow Greater Newcastle as Australia's next metropolitan city	<p>The planning proposal will contribute to the 95% of people living within 30 minutes of a strategic centre by 2036 by providing additional housing choice within a developed site that is located 30 minutes from the strategic centre of Morisset.</p> <p>The planning proposal is consistent.</p>
Direction 17: Create healthy built environments through good design	<p>The site will provide housing in an area which has an enhanced neighbourhood design quality through integrated pedestrian and cycleway connectivity. The site runs adjacent to the pathway and has an entrance point less than 20 metres from the site.</p> <p>The planning proposal is consistent.</p>
Direction 18: Enhance access to recreational facilities and connect open spaces	<p>The site is located close to recreational walking areas and cycle paths connecting to other recreational facilities and essential services.</p> <p>The planning proposal is consistent.</p>
Direction 20: Revitalise existing communities	<p>The subject site is located in Wyee, south of the town's village centre. The site is located within a housing estate which has helped contribute to the creation of a dedicated pedestrian and cycle path connection, creating a town that is easily accessible.</p> <p>The planning proposal is consistent.</p>
Direction 21: Create a compact settlement	<p>The planning proposal will provide greater housing choice by delivering diverse housing through different lot types and sizes in the form of small-lot housing.</p> <p>The planning proposal is consistent.</p>

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

3.1.2 Draft Hunter Regional Plan 2041.

The following table provides an assessment of the planning proposal against relevant aspects of the draft Hunter Regional Plan 2041.

Table 4 draft Hunter Regional Plan 2041 assessment

Regional Plan Objectives	Justification
Objective 3 – Create a 15-minute region made up of mixed, multi-modal, inclusive and vibrant communities	<p>The site is centrally located close to the township and centre of Wyee village. It has a dedicated pedestrian and cycle link from the site directly to transport and services and is easily accessible via car to the M1 Motorway. Google maps indicates it would be a 19 minute walk and 5 minute cycle from the site to the Wyee Shopping Village.</p> <p>The planning proposal is consistent.</p>
Objective 4 - Plan for “Nimble Neighbourhoods”, diverse housing and sequenced development	<p>The draft regional plan recognises that in order to achieve the many public interest intentions of the draft plan, new developments will have to be different. There needs to be greater diversity of housing to improve affordability.</p> <p>Given the proposed minimum lot size of 450m² is the same as the adjoining R2 Low Density Residential zoned areas, it is not consistent with this strategy or objective. It is noted dual occupancies are permitted with consent in the R2 Low Density Residential zone. This would provide an opportunity for housing diversity on the site.</p> <p>In this case, the <i>Hunter Regional Plan 2036</i> prevails over the inconsistency.</p>
Objective 5 - Increase green infrastructure and quality public spaces and improve the natural environment	<p>The site is located within Radcliffe Residential Estate and will provide dedicated recreation and public spaces for the community, including sporting fields and a playground.</p> <p>The planning proposal is consistent.</p>

The planning proposal is not consistent with the draft Hunter Regional Plan 2041.

Greater Newcastle Metropolitan Plan 2036

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

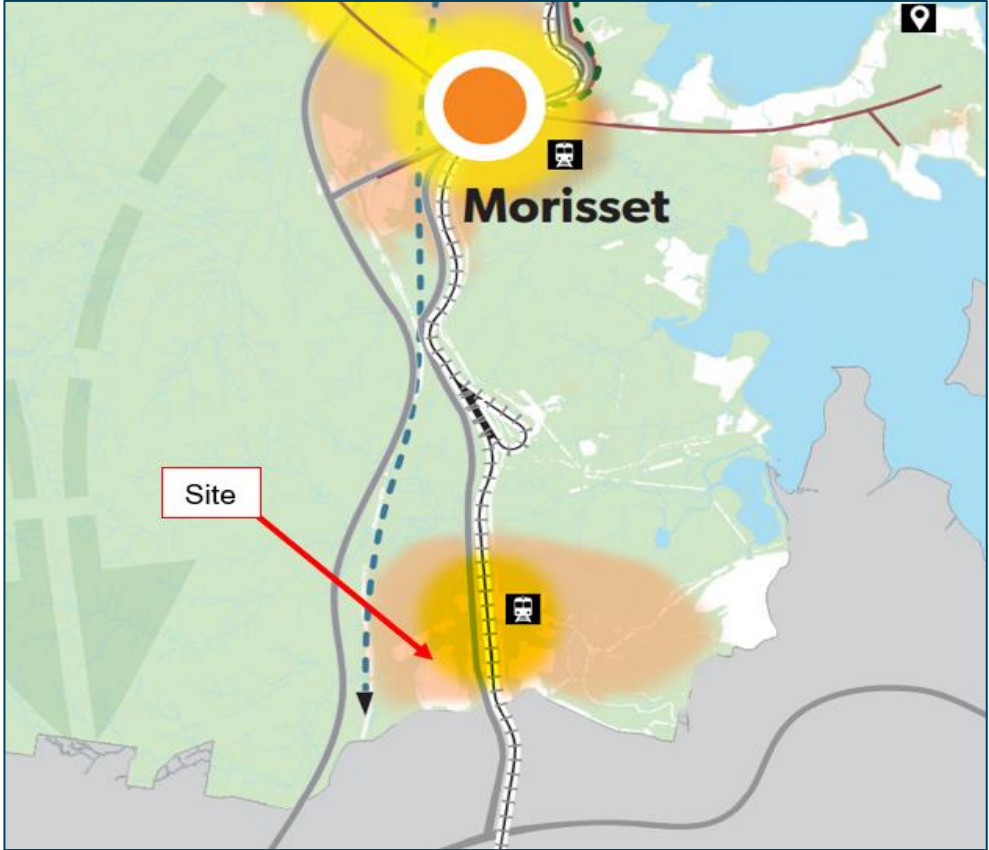
Table 5 Greater Newcastle Metropolitan Plan 2036 assessment

Regional Plan Objectives	Justification
Outcome 3: Deliver housing close to jobs and services.	<p>The planning proposal will deliver housing choice and diversity through a range of small-lot developments which are well serviced and located close to retail shops, transport and other essential services.</p> <p>It is noted Action 19.1 requires Council have local strategies that achieve minimum residential densities of 15 dwellings per hectare in housing release areas, with 25% of lots capable of providing small lot or multi-dwelling housing types. While this is at the strategy scale, and not individual housing release areas, the planning proposal does not appear to meet this Action and could be considered a missed opportunity.</p> <p>The planning proposal is consistent.</p>

3.2 Local Strategies

The planning proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	<p>The aim of the <i>Lake Macquarie Local Strategic Planning Statement</i> is to influence both private and public investment so that it enhances the wellbeing of the Lake Macquarie community and environment, making the area one of the most productive, adaptable, sustainable, and liveable places in Australia.</p> <p>The site is in the South West Growth Area, an area zoned for urban purposes, and is identified as an urban intensification area (Figure 16). The following strategy for Wyee is relevant to the proposal:</p> <ul style="list-style-type: none"> <i>Additional residential areas are developed with a range of housing types, particularly near the local centre and railway station while maintaining local ecological corridors</i>  <p>Figure 16 Extract City Structure and Opportunities Map (Source: Lake Macquarie LSPS)</p> <p>The planning proposal will deliver additional housing choice near the Wyee local centre and railway station. It will promote an active lifestyle and the overall wellbeing of residents by utilising existing connections to recreation facilities. The planning proposal will not encroach into the adjoining C2 Environmental Conservation zoned land.</p> <p>The planning proposal is consistent with the Lake Macquarie LSPS.</p>


Local Strategies	Justification
<p><i>Lake Macquarie Community Strategic Plan 2017-2027</i></p>	<p>The Lake Macquarie Community Strategic Plan guides the future direction of Lake Macquarie City for the next 10 years, sharing the vision and aspirations for the future of Lake Macquarie and sets out the community's long-term plan</p> <p>The planning proposal will optimise land use to meet the social, environmental, and economic needs of the area of Wyee.</p> <p>The planning proposal is consistent with the Lake Macquarie Community Strategic Plan.</p>
<p><i>Lake Macquarie Housing Strategy 2021</i></p>	<p>The <i>Lake Macquarie City Housing Strategy 2021</i> has a focus on implementing housing strategies to ensure that a sustainable supply of diverse housing options into the future are presented for the Lake Macquarie Local Government Area.</p> <p>The Department has conditionally endorsed the Housing Strategy. Conditional as being consistent with the <i>Hunter Regional Plan 2036</i> and <i>Greater Newcastle Metropolitan Plan 2036</i>, but not given weight for section 9.1 Ministerial directions</p> <p>The planning proposal is consistent with the Lake Macquarie Housing Strategy 2021.</p>
<p>Lake Macquarie Development Control Plan 2014</p> <p>Precinct Area Plan 12.17 Wyee West</p>	<p>Precinct Area Plan 12.17 Wyee West under the Lake Macquarie Development Control Plan 2014 provides a strategic and coordinated approach to the development of land located to the west of the existing township of Wyee known as the Wyee West Area Plan.</p> <p>Under the <i>Lake Macquarie Development Control Plan 2014</i>, the site is also identified within 'Precinct Area Plan 22.17: Wyee West' as an area for future growth due to its proximity to essential infrastructure and services. These services include:</p> <ul style="list-style-type: none"> • Wyee Train Station (residing on the main northern train line), • Wyee Village Centre (which houses retails shops and other essential services such as a chemist), • Wyee Primary School, • Wyee Community Hall, and • the Sydney-Newcastle M1 Motorway (refer to Figure 3). <p>The planning proposal will provide additional housing choice easily accessible to open spaces and recreational facilities.</p> <p>The proposed rezoning of the site will be consistent with the surrounding neighbouring properties and maintain the local character of the housing estate.</p> <p>Native vegetation will not be disturbed as the site has already been extensively cleared.</p> <p>The planning proposal is consistent with the <i>Lake Macquarie Development Control Plan 2014</i>.</p>
<p>Imagine Lake Mac 2050</p>	<p>Imagine Lake Mac 2050 provides the goals and visions of the Lake Macquarie Area until 2050 with a focus on making the City one of the most productive, adaptable, sustainable and highly liveable places in Australia.</p> <p>The site is also easily accessible to Wyee village and essential services. The site location affords easy access via Wyee train station on the main northern railway line and a short drive to the M1 Motorway.</p> <p>The planning proposal is consistent with Imagine Lake Mac 2050.</p>

3.3 Section 9.1(2) Ministerial directions

The planning proposal's consistency with relevant section 9.1(2) Ministerial directions is discussed below:

Table 7 9.1 (2) Ministerial direction assessment

Directions	Requirement	Consistent	Reasons for Consistency or Inconsistency
Direction 1.1 'Implementation of Regional Plans'	This direction provides that all planning proposals should support the visions, strategies, goals and directions of the applying Regional Plans.	Yes	<p>The planning proposal promotes the visions and strategies of the <i>Hunter Regional Plan 2036</i>, and the <i>Greater Newcastle Metropolitan Plan 2036</i>.</p> <p>The consistency with the <i>Hunter Regional Plan 2036</i> justifies the inconsistency with the draft Hunter Regional Plan 2041.</p>
Direction 3.1 Conservation Zones	The direction aims to conserve and protect environmentally sensitive areas.	Yes	<p>The planning proposal abuts land zoned C2 Environmental Conservation and therefore any works on the site will need to ensure that no impacts occur to any areas of environmental sensitivity.</p> <p>An ecological assessment report was compiled as a first draft in May 2015, and a final and revised draft on 5 November 2018.</p> <p>The report covered the initial Radcliffe Residential Estate (formally Wyee Estate) proposal and did not specifically focus on the site.</p> <p>The report found native vegetation, endangered ecological communities, and some koala habitat was noted on the site. These impacts continue to be mitigated through the progressive and staged rehabilitation of up to 6 hectares of vegetation associated with Mannering Creek and guided through a vegetation management plan (VMP) with Lake Macquarie Council. This VMP has focused on replanting and regenerating within the C2 Environmental Conservation land located directly north of the site and has also contributed to the re-establishment of canopy and vegetation buffering around the estate.</p> <p>Under DA/2178/2018 the Radcliffe Residential Estate is also required to comply with a construction environmental management plan which details measures on protecting retained trees and habitat areas from direct or indirect impacts that are related to construction activities.</p> <p>The site is surrounded by environmental conservation areas, however as the site has</p>

Directions	Requirement	Consistent	Reasons for Consistency or Inconsistency
			<p>already been extensively cleared for the building and construction of the Water Recycling Facility, no further clearing of any native vegetation is required.</p> <p>Any potential impacts can be further investigated at the development assessment stage with Council.</p>
Direction 3.2 'Heritage Conservation'	The direction aims to help protect and conserve objects, items, places and areas of both indigenous and environmental heritage significance.	Yes	<p>It is unlikely that any items of heritage or indigenous significance will be found on the site as it has already been extensively disturbed.</p> <p>However, if a find is made, all handling and procedures will be in accordance with Aboriginal Heritage Impact Permit C0005315 which applies to the entirety of the Radcliffe residential estate site and includes the planning proposal site.</p> <p>Any potential identification and further investigations are required to be undertaken at the development assessment stage.</p>
Direction 4.1 'Flooding'	The direction aims to ensure that development of flood prone land is consistent with the NSW Government's <i>Flood Prone Land Policy</i> and the principles of the <i>Floodplain Development Manual 2005</i> , whilst also ensuring any potential flood impacts both on and off the subject land are considered.	To be determined	<p>The planning proposal aims to rezone land from special purpose to residential and resides within Council's Flood Planning Area as determined by the <i>Lake Macquarie Development Control Plan 2014</i> (refer to Figure 17).</p>  <p>Figure 17 Environmental attributes and constraints of the Wyee West Precinct Area (Source: Lake Macquarie DCP 2014)</p> <p>Under the <i>Lake Macquarie Local Environmental Plan 2014</i>, the site is not identified as flood prone, but is located directly adjacent to land identified as flood prone (refer to Figure 18).</p>

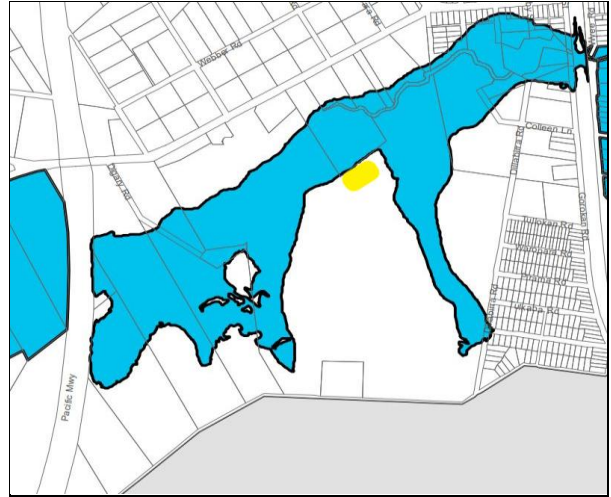


Figure 18 Extract flood map (Source: Lake Macquarie DCP 2014)

The site has been included in '*Flood Studies for Eight Residual Lake Macquarie Waterway Catchments report*' in February 2021, and adopted by Lake Macquarie City Council on 25 October 2021.

The flood study focused on eight main urban waterway tributary catchments within the Lake Macquarie local government area to investigate design flood extents, levels, and velocities within each of the study areas.

The report included Mannering Creek, Swampy Creek and Wyee Creek catchments as part of the study and used the subject site for floor level surveying.

Mannering Creek is the tributary that runs perpendicular to the site. A third order stream joins Mannering Creek approximately 150m northwest of the site (refer to **Figures 19 and 20**).

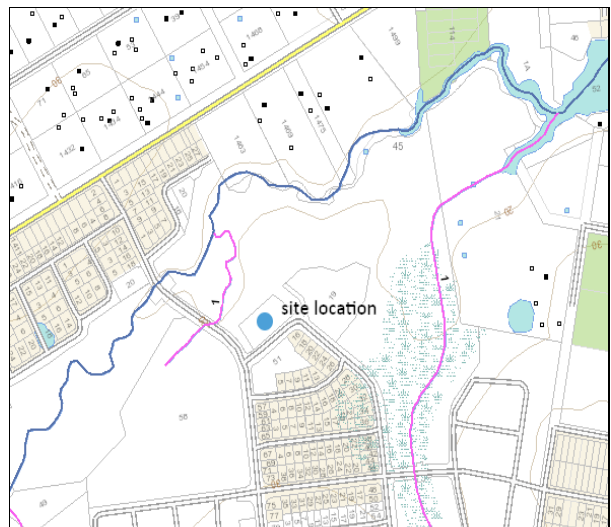
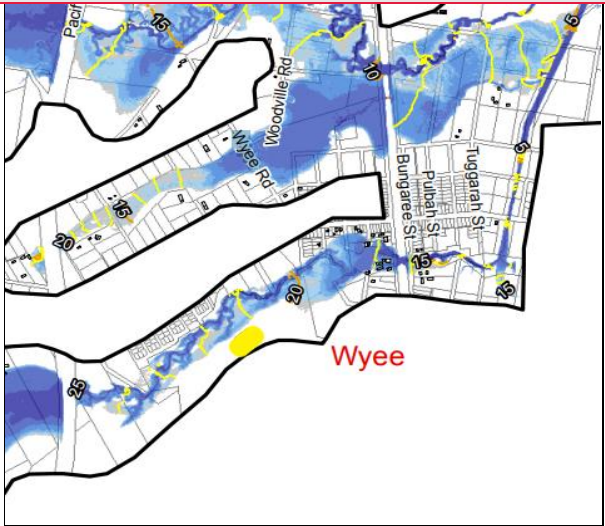





Figure 19 Stream orders (Industryview 2022)

Directions	Requirement	Consistent	Reasons for Consistency or Inconsistency
			 <p>Figure 20 Stream orders near the site (Industryview 2022)</p> <p>The report identified the site fell outside of all rainfall and flooding events including peak flood depths for 50%, 20%, 10%, 5%, 2% and 1% Annual Exceedance Probability (AEP) events (refer to Figure 21).</p>  <p>Figure 21 1% AEP flood extent (Lake Macquarie DCP 2014)</p> <p>While the results of the flood study and Council's computer flood modelling analysis tool indicate that the site has a low flood hazard categorisation, the proposal seeks to permit residential use of the land which increases risk to life.</p> <p>Consultation with the Biodiversity and Conservation Division should be undertaken to confirm consistency with the direction.</p>
Direction 4.3 'Planning for Bushfire Protection'	The direction aims to encourage the management of bushfire prone areas by discouraging the	To be determined	The direction applies as the site is bushfire prone (refer to Figure 22).

Directions	Requirement	Consistent	Reasons for Consistency or Inconsistency
	establishment of incompatible land uses in these areas to ensure the best protection to both life and property.		 <p>Figure 22 Bushfire Prone Land Map (Source: Planning Portal)</p> <p>Requirements for residential development under <i>Planning for Bushfire Protection 2019</i> will need to be addressed at the development assessment stage.</p> <p>While the site is already developed, the planning proposal seeks to permit residential use on bushfire prone land.</p> <p>Consistency with the direction will be confirmed following consultation with NSW Rural Fire Service.</p>
Direction 4.4 'Remediation of Contaminated Land'	This direction aims to ensure that contamination and remediation of land is done in a way that reduces any risk to human health and the environment.	Yes	<p>As the subject site forms part of the original Wyee West Urban Release Area, Lake Macquarie Council endorsed a geotechnical and contamination assessment report prepared in July 2009. Whilst this report focused on a much larger area, it included the current subject site (refer to Figure 23).</p>  <p>Figure 23 Geotechnical assessment area (Cardno 2009)</p>

Directions	Requirement	Consistent	Reasons for Consistency or Inconsistency
			<p>The report did not find any traces of contamination on the site.</p> <p>A secondary contamination assessment report was prepared on 24 October 2018 for Stages 5 -14 of the residential subdivision.</p> <p>The report found that there was no evidence of potential asbestos in building materials, fuel storage tanks, liquid waste disposal features, land or groundwater contamination within sites listed under stages 5 through 14.</p> <p>However, one site (Lot 212 DP 866437) showed signs of previous mining activities. This lot is located near the south-western border of the Radcliffe Residential Estate, approximately 700m from the subject site.</p>
Direction 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 following planning objectives:</p> <p>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p>(b) increasing the choice of available transport and reducing dependence on cars, and</p> <p>(c) reducing travel demand including the number of trips generated by development and the distances travelled,</p>	Yes	<p>The planning proposal will enable the subdivision of land within a residential housing estate located adjacent to a dedicated pedestrian pathway, encouraging travel by foot or bicycle to the local centre, train station, school, and community hall, encouraging less dependence on motor vehicles.</p>

Directions	Requirement	Consistent	Reasons for Consistency or Inconsistency
	<p>especially by car, and</p> <p>(d) supporting the efficient and viable operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight.</p>		
Direction 6.1 'Residential Zones'	The direction aims to encourage a variety and choice of housing types close to existing infrastructure and services whilst minimising the impact on the environment and resource lands.	Yes	The primary purpose of the planning proposal is to rezone land for residential purposes creating up to 10 residential allotments. This will create additional housing choice that is well serviced and easily accessible to essential services.

3.4 State environmental planning policies (SEPPs)

The planning proposal is not applicable to any SEPPs as discussed further in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
State Environmental Planning Policy (Biodiversity and Conservation) 2021	<p>'Chapter 3 – Koala habitat protection 2020' contains provisions from the Koala SEPP 2020 and, as an interim measure, applies in the NSW core rural zones of RU1, RU2 and RU3, except within the Greater Sydney and Central Coast areas.</p> <p>'Chapter 4 – Koala habitat protection 2021'</p>	Not Applicable	<p>The SEPP aims to encourage vegetation conservation with the proper management of areas that provide natural habitats for koalas.</p> <p>An original assessment was conducted under DA/2178/2018 under SEPP 44.</p> <p>The site has already been previously cleared and the site is not identified as</p>

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
	contains the land-use planning and assessment framework from the Koala SEPP 2021 for koala habitat within Metropolitan Sydney and the Central Coast and applies to all zones except RU1, RU2 and RU3 in the short term – it will apply to all zones once the Koala SEPP 2020 is repealed.		'Core Koala Habitat', therefore this policy does not apply.
State Environmental Planning Policy (Resilience and Hazards) 2021	'Chapter 2 – Coastal Management' aims to promote a coordinated approach to land use planning within the coastal zones of NSW ensuring consistency with the <i>Coastal Management Act 2016</i> .	Not Applicable	The site is not mapped as a Coastal Environmental Area or Coastal Use Area, and therefore the SEPP does not apply.
	'Chapter 4 – Remediation of Land' aims to provide a coordinated approach to the remediation of contaminated land within NSW.	Not Applicable	Previous investigations of the site have found no potential contamination sources in the vicinity of the site, nor on the site itself. Therefore, the SEPP does not apply.
State Environmental Planning Policy (Transport and Infrastructure) 2021	'Chapter 2 Infrastructure' aims to facilitate the effective delivery of infrastructure in NSW.	Not Applicable	The planning proposal is for the subdivision of up to 10 lots, and therefore referral to Transport for NSW is not required.

4 Site-specific assessment

4.1 Environmental

The site has already been extensively cleared from construction activities from both the estate and the water recycling facility. Whilst the land does adjoin a vegetation corridor as part of C2 Environment Conservation zoned land, the site itself would not require any further clearing of vegetation in this area as a result of the subdivision.

Vegetation areas, including extensive buffering would be maintained between the site and the environmental corridor and no work within the conservation area would be undertaken.

4.2 Social and economic

Under the *Lake Macquarie Local Environmental Plan 2014*, the objectives of the R2 Low Density Residential zone are to provide housing needs for the community within a low-density residential environment; enable other land uses that provide facilities or services to meet the day to day needs of residents and to encourage development that is sympathetic to the scenic and cultural heritage qualities of the built natural environment.

The planning proposal would provide more housing choices within a neighbourhood easily accessible to transport and services including parks and recreational facilities. This will have an improved social impact by fostering healthy outdoor lifestyle choices for the local community by encouraging walking and cycling to services rather than reliance on motor vehicles.

Economic impacts will also be improved through more affordable housing opportunities within a well serviced and connected area.

4.3 Infrastructure

The site has adequate access to existing infrastructure to support the planning proposal as it forms part of an existing residential estate. The proposed addition of approximately 10 dwellings will not generate a shortfall in infrastructure provision.

4.4 Community

Council proposes a community consultation period of 28 days. The exhibition period proposed is considered appropriate.

4.5 Agencies

Council has nominated the public agencies to be consulted about the planning proposal.

It is recommended the following agencies be consulted and given 21 days to comment:

- NSW Rural Fire Service;
- Hunter Water Corporation; and
- Biodiversity Conservation Division.

5 Timeframe

Council did not propose a timeframe to complete the local environmental plan.

The planning proposal is categorised as 'standard' under the Local Environmental Plan Making Guidelines (Department, 2021) which includes a 225 working day timeframe.

Given the scope of the planning proposal, interim milestones as conditions in the Gateway determination are not recommended.

Conditions to the above effect are recommended in the Gateway determination.

6 Local plan-making authority

Council has advised that it would like to exercise its functions as Local Plan-Making authority.

The planning proposal is categorised as 'standard' as it changes the land use zone where the proposal is consistent with the objectives identified in the *Lake Macquarie Local Environmental Plan 2014* for the R2 Low Density Residential zone.

It is recommended that Council be authorised to be the local plan-making authority.

7 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It provides increased housing supply,
- It provides housing that is located within a well serviced area, close to essential services and infrastructure, and
- It complies with the *Hunter Regional Plan 2036*, *Greater Newcastle Metropolitan Plan* and local strategies for the Lake Macquarie LGA.

Recommendation

It is recommended the delegate of the Secretary:

- Note that the consistency with section 9.1 Ministerial direction 4.1 Flooding and 4.3 Planning for Bushfire Protection are unresolved and will require justification.

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

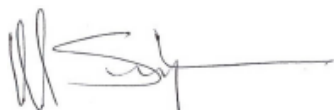
1. Consultation is required with the following public authorities:
 - NSW Rural Fire Service;
 - Hunter Water Corporation; and
 - Biodiversity and Conservation Division.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. The timeframe for completing the LEP is by 28 March 2023.
4. Council be authorised as the local plan-making authority.



10 June 2022

Dan Starreveld

Manager, Local and Regional Planning



07/06/2022

(Signature)

(Date)

Dan Simpkins

Director, Central Coast and Hunter Region

Assessment officer

Elle Clementine

Planning Officer, Central Coast and Hunter Region

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