

Draft Planning Proposal

Facilitating Residential Development in Wyee

Draft Amendment to *Lake Macquarie Local Environmental Plan 2014*

Post-Gateway Determination version

Local Government Area:	Lake Macquarie City Council (Council)
Name of Draft LEP:	Draft Amendment to <i>Lake Macquarie Local Environment Plan 2014</i> – 482 Bushells Ridge Road
Subject Land:	Lake Macquarie Local Government Area 482 Bushells Ridge Road (Lot 171 in DP1212974)
Land Owners:	Stevens Group – Wyee Land No. 2 P/L
Applicant:	Stevens Group – Wyee Land No. 2 P/L
Department of Planning, Industry and Environment Reference Number:	PP-2021-4822
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INTRODUCTION

The subject site is in the “Radcliffe” Wyee Estate, a residential area in Wyee located at the southern end of Lake Macquarie Local Government Area.

The “Radcliffe” Wyee Estate was zoned for residential development in May 2013, under Amendment 61 to the Lake Macquarie LEP (2004). Further detail on development of the estate is contained within the Wyee West Area Plan at Part 12 of Council’s Citywide Development Control Plan (**Figure 1**).

In the initial planning for the area, it was envisaged that servicing would be undertaken by “Flow Systems” a private entity, given Hunter Water had no plans to service the area at that time. A water treatment plant was constructed on the subject land, but was never used. Since that time Hunter Water have provided water and sewer services to the area, making the treatment plant redundant.

The Planning Proposal seeks to rezone the SP2 Infrastructure zoned land on which the now redundant treatment plant is located to R2 Low Density Residential under the LMLEP 2014. As shown in the Wyee West Area Plan the site is close to extensive areas of environmental land and is close to the local neighbourhood shops and community facilities, as well as the Wyee railway station.



Wyee West Structure Plan (Wyee West Area Plan, Lake Macquarie DCP 2014)

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The intended outcome of this Planning Proposal is to amend the *Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014)* to facilitate residential development of land no longer needed for wastewater treatment infrastructure within the Radcliffe residential estate in Wyee.

The land has been previously developed as a wastewater treatment plant, however it was never used, and is redundant now that the Wyee township is being serviced by Hunter Water. Under the current development plans for the estate the subject site will be well connected by shared paths to the Wyee train station and the neighbourhood shops on Wyee Road.

The Planning Proposal to rezone the land to R2 Low Density Residential would permit additional housing close to services and transport. The land has an area of approximately 5000m² with frontage to Cudmore Crescent, and could accommodate up to 10 allotments with a variety of smaller lots sizes under the Small Lot housing provisions in *LMLEP2014*.

PART 2 – EXPLANATION OF PROVISIONS

The Planning Proposal will amend LMLEP 2014 as follows:

Table 1: Proposed Changes to LMLEP 2014 Maps and Instrument		
Item No.	Address	Explanation of provisions
1	Sites identified on the Zoning Maps of LMLEP 2014 as shown in PART 6	Zoning Map – Rezoning from SP2 Infrastructure to R2 Low Density Residential to permit residential development
2	Sites identified on the Lot Size Maps of LMLEP 2014 as shown in PART 6	Lot Size Map – Introduce a minimum lot size of 450m ² consistent with surrounding residential development

PART 3 – JUSTIFICATION

A. NEED FOR THE PLANNING PROPOSAL

1. Is the Planning Proposal a result of any strategic study or report?

No. It is the result of land that was previously reserved for a wastewater treatment plant within an Urban Release Area becoming redundant. The rezoning will facilitate residential development within an identified residential estate and in accordance with the intent of previous LMLEP Amendment 61 and the Wyee West Area Plan, under Lake Macquarie DCP 2014.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the best mechanism available to rezone land from a redundant land use to residential use, thereby allowing for more housing on a site in an existing residential estate close to public transport and other services.

B. RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

3. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Hunter Regional Plan 2036 (HRP)

The Planning Proposal supports the Hunter Regional Plan's (HRP) primary aim to ensure an increasing focus on urban consolidation and delivery of housing close to existing centres and services and public transport.

The site is located within an identified growth area, and within close proximity to the strategic centre of Morisset. The Plan identifies that an additional 70,000 dwellings will be needed in the region by 2036. Providing the land and infrastructure to meet this demand is central to the Plan. Strategic centres are the focus for population and / or economic growth over the next 20 years.

Greater housing choice is sought by delivering diverse housing, lot types and lot sizes including small lot housing in infill and greenfield locations.

The proposal within the broader proposed residential estate will contribute to the delivery of new dwellings within the region, within a locality that has established infrastructure and is within close proximity to the strategic centre of Morisset.

The proposal would contribute to more diverse, housing choice within the region, providing opportunity for an alternative to dwelling houses on standard lots, via some small lot housing options.

Direction 21: Create a Compact Settlement

The Planning Proposal is consistent with this direction, as it enables more housing in an identified growth area with access to existing infrastructure and good access to public transport and other services. More specifically, the Planning Proposal will enable more housing in an existing residential estate close to shared paths that connect to Wyee Station and Wyee Shopping Centre. Moreover, the Planning Proposal does not encroach on sensitive land uses, or on land within a drinking water catchment or on areas with high environmental values. Furthermore, the Planning Proposal will provide greater housing choice by delivering diverse housing, lot types and sizes, including small-lot housing options.

Direction 22: Promote housing diversity

As outlined above, the Planning Proposal enables housing diversity with a range of lot sizes with good access to public transport, public space and neighbourhood shops.

Draft Hunter Regional Plan 2041 (DHRP 2041)

The existing Hunter Regional Plan includes a commitment for its regular review. The review provides an opportunity to consider the changes in the last 5 years that affect the region, the challenges and opportunities ahead, and update the plan to respond.

The draft Hunter Regional Plan 2041 (the draft Plan) builds on the previous plan which was finalised in October 2016 and resets the regional plan priorities to ensure it continues to respond to the region's needs for the next 20 years.

The draft Plan is currently on public exhibition until Friday 4 March 2022. Feedback received on the draft plan will be used to prepare a final plan and an implementation plan which will both be released mid-2022.

The site is located within the Morisset Growth Area identified in the draft Plan. More specifically, the draft Plan identifies that 'Morisset and its supporting local centres of Cooranbong and Wyee represent the largest future growth area in the Hunter and will underpin the economic diversification of the region'. The draft Plan further states that 'the area has the potential to accommodate an additional 12,000 to 36,000 people over the next 20 years'.

Furthermore, the Planning Proposal is consistent with Objectives 3 and 4 of the draft Plan, as outlined below.

Objective 3: Create a 15 minute region made up of mixed, multi-modal, inclusive and vibrant local communities

The Planning Proposal is consistent with this objective, as the site is located near various services that are essential for everyday needs, as well as near the strategic centre of Morisset. In addition, the site is located in walking/cycling distance to the Wyee train station, which provides public transport connections to Morisset and other areas.

Moreover, the Planning Proposal within the broader proposed residential estate will contribute to the delivery of new dwellings within the area, which will allow for more local services to succeed and flourish.

Objective 4: Plan for “Nimble Neighbourhoods”, diverse housing and sequenced development

The Planning Proposal is consistent with this objective, and in particular with Strategy 4.1 and 4.2, as it proposes to provide a range of housing types and lot sizes, including some small lot housing options, which will contribute to more diverse housing choice within the region.

In addition, the Planning Proposal will result in infill development within an existing residential estate and is thus consistent with Strategy 4.4 and the overall emphasis on more infill development over greenfield.

Moreover, the draft Hunter Regional Plan 2041 states that ‘housing development in the Hunter will need to:

- be more diverse, affordable and accessible;
- maximise access to jobs and services;
- support the viability of public transport, walking and cycling and avoid car dependency;
- help lower individual and household carbon footprints;
- maximise the utilisation of and investment in infrastructure networks;
- avoid further expansion into areas of natural hazard;
- protect national, state or local environmental and cultural values;
- avoid encroachment on economic resources like agricultural land, water or extractive resources to protect and provide certainty for primary industries and those investing in the rural economy; and
- maintain scenic and recreational values of natural, rural and coastal landscapes’.

The Planning Proposal is considered to be consistent with the above objectives.

In summary, the Planning Proposal is considered to be consistent with the draft Hunter Regional Plan 2041, as it will contribute to residential development within an existing residential estate and within an identified growth area. Moreover, the site is located near various services and makes use of existing infrastructure. In addition, the site is within walking/cycling distance of the Wyee Train station, which provides public transport connections to the strategic centre of Morisset and other areas. Furthermore, the Planning Proposal will result in a range of lot sizes and housing options, which will contribute to increased housing diversity and housing choice in the region.

Greater Newcastle Metropolitan Plan 2036 (GNMP)

The Planning Proposal is consistent with and supports the objectives of Greater Newcastle Metropolitan Plan 2036 (GNMP) to:

- Deliver Housing close to jobs and services; and
- improve connections to jobs, services and recreation.

The GNMP identifies the site as being located within an urban release area, and identifies the locality to be of significant population and employment growth. The Planning Proposal supports the objectives of the Radcliffe urban release area to deliver housing close to public transit.

4. *Is the Planning Proposal consistent with the local council's Community Strategic plan or other local strategic plan?*

Community Strategic Plan 2022-2032 (CSP)

The proposal is consistent with Council's Community Strategic Plan 2022-2032 (CSP) as it will deliver housing that promotes lifestyle and wellbeing, with good mobility and accessibility, while also supporting connected communities.

In particular the proposal is consistent with the following CSP objectives and strategies:

- 4.3 Our growing population supports a thriving local economy.
 - 4.3.3 Identify appropriate locations for population growth and development.
- 4.5 New development and growth complement our unique character and sense of place now and into the future.
 - 4.5.3 Plan for the changing housing needs of the city as it grows.

Local Strategic Planning Statement (LSPS)

The Planning Proposal is consistent with, and supports Council's Local Strategic Planning Statement (LSPS) and its planning priorities and actions for the City. In particular, it is consistent in that it also plans for diverse housing options that cater to everyone's needs.

Specifically, the Planning Proposal supports the principles of the LSPS that aim to:

- unlock more housing close to jobs, services, public transport, social and recreational spaces, within and around centres, to meet the residents' day to day needs, and
- to deliver housing growth through infill development in and around centres and train stations and new housing areas in the South West growth area.

Furthermore, Wyee is part of the South West Growth Area identified in the LSPS and Greater Newcastle Metropolitan Plan as an area that will undergo significant population and employment growth with good access to transport. More specifically, the LSPS aims for additional residential areas in Wyee to be developed with a range of housing types, particularly near the local centre and railway station while maintaining local ecological corridors. The Planning Proposal is consistent with this objective, as it will provide more housing near the local centre and railway station, while maintaining ecological corridors.

Lake Macquarie City Housing Strategy 2020

The Lake Macquarie City Housing Strategy 2020 guides the decisions that Council and the private sector will make to deliver a greater diversity of housing to accommodate population growth and demographic change. The housing strategy also guides the design and location of housing into the future.

Lake Macquarie Council is aware that their housing stock is lacking in diversity, with about 90 per cent of the City's residents living in low density detached housing. Council recognises that as demographics change, and demand increases for different housing types it is important to have a strategy to ensure that housing stock meets housing needs and that housing design and affordability are addressed.

The Planning Proposal is considered to be consistent with the aims and objectives of the Lake Macquarie Housing Strategy.

In particular the proposal is consistent with the following priorities of the housing strategy:

- Increase diversity and choice in housing;
- Facilitate infill opportunities for housing near jobs and services;

Moreover, the Proposal forms part of an identified Urban Release Area, and contributes to achieving the objective of 25 percent small lot housing within priority release areas.

Wyee Structure Plan

The Wyee Structure Plan 2010 directs the planning and future development of Wyee. The subject land is in Precinct 4.

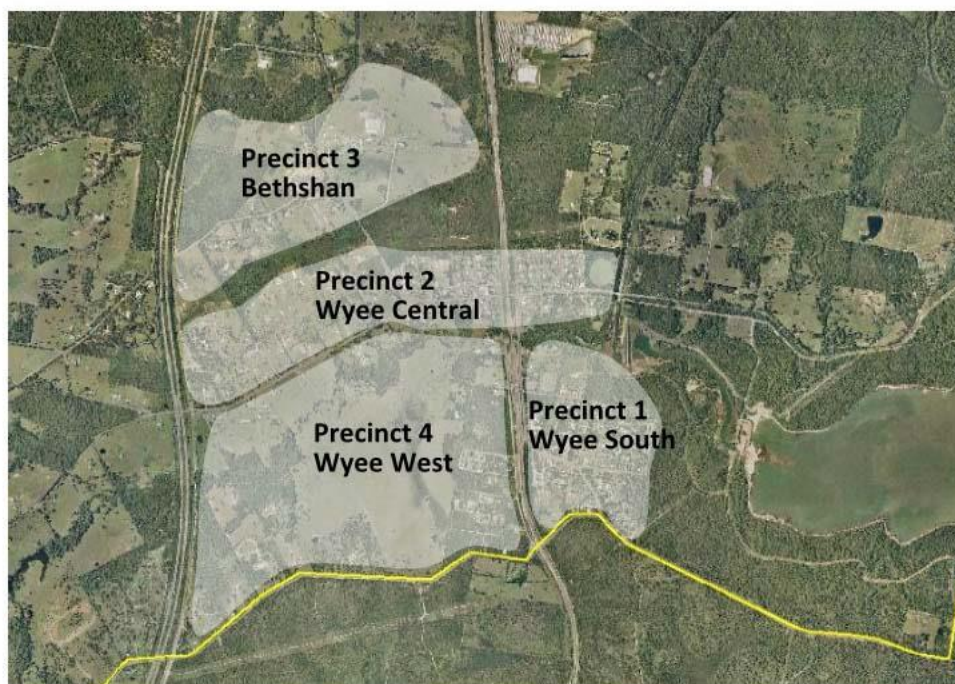


Figure 2: Wyee Structure Plan 2010

The Site is located within Precinct 4, which is referred to as Wyee West, and forms a “basin” generally between Hue Hue Road to the north, the railway line to the east, Bushells Ridge Road to the south and the M1 Motorway to the west.

The Wyee Structure Plan identifies a need to provide additional recreation and community facilities within the site. The location for sports fields, a playground and cycle paths is detailed in the Wyee West Area Plan (Figure 1), included within the Lake Macquarie Development Control Plan 2014 (LMDCP 2014).

Conservation matters have been addressed by the planting of the riparian corridors within the C2 Environmental Conservation Zone. The C2 zoned land is consistent with the environmental corridors identified within the structure plan. For the most part, perimeter roads are provided adjacent to environmental corridors.

The masterplan and DCP provides for new road infrastructure consistent with the structure plan including the north-south link between Hue Hue Road and Bushells Ridge Road and a link to the east allowing the development to be connected to Wyee Rail Station.

The proposed outcome of the Planning Proposal is to facilitate a low density residential subdivision over the land with opportunity for small lot housing.

Stage 5 of the Radcliffe Residential Estate is currently under construction. The area to be rezoned adjoins C2 Environmental Conservation zoned land to the north and land zoned R2 Low Density Residential to the south. Roads and services are available to the site and have sufficient capacity to cater for the additional 10 lots that can be created in the event the rezoning proceeds.

C. Is the Planning Proposal consistent with State Environmental Planning Policies? (SEPPs)

An assessment of the planning proposal and its consistency with the applicable State Environmental Planning Policies is provided in Table 2 below.

Table 2: Planning Proposal consistency with relevant SEPPs

SEPP and Relevance	Implications
State Environmental Planning Policy (Biodiversity and Conservation) 2021	
<i>Chapter 4 – Koala habitat protection 2021</i> This policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas	<p>Consistent. <i>Chapter 4 – Koala Habitat Protection 2021</i> of the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> applies to this site. However, further assessment is not required as the land area concerning this application is less than 1ha.</p> <p>Moreover, the site has been previously cleared for the development of the wastewater treatment plant and only a very few trees are currently located on the site.</p> <p>Furthermore, an assessment of potential koala habitat under SEPP 44 was included as part of the Ecological Assessment submitted as part of the subdivision application for the estate under DA/2178/2018. The assessment revealed that areas of ‘Potential Koala Habitat’ exist within the Estate. An anecdotal record of Koala was noted for the estate, but all field surveys conducted to date have not revealed any signs of Koalas or Koala activity.</p> <p>As such, the site would not constitute “Core Koala Habitat” as defined within the policy, and no further provisions of the policy would apply to the site.</p>
State Environmental Planning Policy (Resilience and Hazards) 2021	
<i>Chapter 2 – Coastal management</i>	Consistent. The site is not mapped as a Coastal Use Area or Coastal Environmental Area, however is mapped as containing a Coastal Wetland. The Coastal Wetland is

<p>The aim of this policy is to promote an integrated and coordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016.</p>	<p>wholly contained within the C2 zone, however, the proximity area extends beyond the C2 zone. Water flows to and from the wetland will be managed as part of the subdivision works. Stormwater Management facilities have been incorporated into the broader subdivision design to ensure environmental flows within the water course will be maintained.</p>
<p><i>Chapter 4 – Remediation of Land</i> The aim of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.</p>	<p>Consistent: Previous geotechnical and site contamination investigations undertaken in 2009 as part of the Wyee Land Release for Amendment 61 of LMLEP 2004 included the subject site. The investigations found no potential contamination sources in the vicinity of the area where the wastewater facility now exists. (See D01839493 Geotech & Contamination - Revision A dated 16 July 2010 prepared by Douglas Partners).</p> <p>A more recent study conducted for subdivision of the estate under DA/2243/2017 found no new contamination sources between 2009 and 2018. (See D09438863 Report on Supplementary Contamination Assessment Stage 5-14 Radcliffe, Wyee 2019 prepared by Cardno).</p> <p>The wastewater treatment plant built more recently on the site was never completed or used. It is considered an inert facility. Thus, it is not anticipated that any new contamination would have occurred on the site since the previous contamination investigations were undertaken. Furthermore, it is noted that all existing infrastructure will be removed and if required further investigation can be done at DA stage or during the demolition phase.</p>
<p>State Environmental Planning Policy (Transport and Infrastructure) 2021</p>	
<p><i>Chapter 2 – Infrastructure</i> The aim of the policy is to facilitate the effective delivery of infrastructure.</p>	<p>Consistent. The proposal will yield approximately 10 allotments. Referral to Transport for NSW is not required.</p>

D. Is the proposal consistent with Ministerial Directions made under S 9.1?

An assessment of the planning proposal and its consistency with the applicable Ministerial Directions is provided in Table 3 below.

Table 3: Planning Proposal consistency with relevant Ministerial S 9.1 Directions

Relevant s9.1 Directions and Objectives	Consistency/Comment
Focus Area 1: Planning Systems	
1.1 Implementation of Regional Plans Give legal affect to the vision, land use strategy, goals, directions and actions contained in Regional Plans	Consistent. The Greater Newcastle Metropolitan Plan 2036 and the overarching Hunter Regional Plan 2036 identify the land as an Urban Release Area and Growth Area respectively. Rezoning the site from SP2 Infrastructure to R2 Residential is wholly consistent with the direction.
1.3 Approval and Referral Requirements Ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Consistent. The proposal is considered consistent with this direction as it 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.
1.4 Site Specific Provisions Discourage unnecessarily restrictive site specific planning controls.	Consistent. The proposed rezoning will result in removal of a now unnecessary restriction of use of the land and permit residential development in alignment with surrounding land uses.
Focus area 3: Biodiversity and Conservation	
3.1 Conservation Zones To protect and conserve environmentally sensitive areas.	Consistent. The proposed amendment does not impact on the adjoining C2 Environmental Conservation zoned land within the site.
3.2 Heritage Conservation To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Consistent: There are no known, listed or identified items of indigenous heritage significance; or other areas, objects and environmental places of significance applicable to the site. The previous development and use of the site as a Wastewater Treatment Plant resulted in disturbance across the majority of the site. The proponent hold a current Aboriginal Heritage Impact Permit over the greater

Relevant s9.1 Directions and Objectives	Consistency/Comment
	<p>development site inclusive of the subject site.</p> <p>Aboriginal Heritage Impact Permit C0005315 was issued on the 2nd December 2019.</p> <p>The AHIP authorises harm to certain Aboriginal objects in strict accordance with the Conditions provided and has a duration of 20 years for the following activities:</p> <ul style="list-style-type: none"> -Archaeological salvage excavations -Community collection -Site protection and conservation Works -Harm to certain Aboriginal objects through the proposed Works.
Focus area 4: Resilience and Hazards	
<p>4.1 Flooding</p> <p>(a) Ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</p> <p>(b) Ensure that the provisions of a LEP on flood prone land are commensurate with flood behaviour and include consideration of the potential flood impacts on and off the subject land.</p>	<p>Inconsistent. Council's Flood Studies for Eight Residual Lake Macquarie Waterway Tributary Catchments Final Report WMA Water August 2021 identifies the land as a low hazard lot with very minor encroachment of the 0.5m freeboard area into the lot.</p> <p>Flood risk can be reasonably addressed at development assessment stage through appropriate building setbacks and ensuring floor levels are above the 0.5m freeboard level. The inconsistency is considered to be of minor significance.</p>
<p>4.2 Coastal Management</p> <p>To protect and manage coastal areas of NSW.</p>	<p>Consistent. The land is not mapped within the <i>Chapter 2 – Coastal management of the State Environmental Planning Policy (Resilience and Hazards) 2021</i> as a Coastal area or Coastal Environmental Area. The abutting C2 zoned land is mapped as containing a coastal wetland. There is however a substantial buffer zone between the site and wetland. The Planning Proposal does not seek to intensify development within the Coastal Wetland and is consistent with the direction.</p>
<p>4.3 Planning for Bushfire Protection</p> <p>(a) Protect life, property and the environment from bush fire hazards, by discouraging the establishment of</p>	<p>Consistent. The site is identified on Council's Bushfire Prone Land Map as Bushfire Buffer Zone. The planning proposal was therefore referred to NSW Rural Fire Service, who requested that a</p>

Relevant s9.1 Directions and Objectives	Consistency/Comment
<p>incompatible land uses in bush fire prone areas, and</p> <p>(b) Encourage sound management of bush fire prone areas.</p>	<p>Bushfire Assessment Report addressing <i>Section 4 Strategic Planning of Planning for Bush Fire Protection 2019</i> be prepared. A Strategic Bushfire Study (dated September 2022) was thus prepared by Building Code & Bushfire Hazard Solutions Pty Limited.</p> <p>The Strategic Bushfire Study states that the site is not considered to have a high bushfire risk when considering the previous bushfire history and characteristics of the vegetation.</p> <p>In addition, the Strategic Bush Fire Study includes an assessment of the proposed land zoning against the specific Bushfire Protection Measures of <i>Planning of Planning for Bush Fire Protection 2019</i> (PBP), and concludes that future Development Applications have the capacity to satisfy the relevant specification and requirements of PBP.</p> <p>More specifically, the Strategic Bushfire Study states that the subject site has the capacity to comply with the minimum required APZs as detailed in PBP, as well as with the water supply requirements as detailed in sections 5.3.3 of PBP through the existing water supply and reticulated water system.</p> <p>The Strategic Bushfire Study also states that future development has the capacity to comply with the requirements for Access under section 5.3.2 of PBP.</p> <p>Furthermore, the Strategic Bushfire Study states that the proposal in combination with the relevant bushfire protection measures (including Asset Protection Zones and Building Attack Levels) will not result in areas that are difficult to evacuate, create control difficulties during a bushfire or adversely affect other bushfire protection strategies or place existing development at increased risk.</p>

Relevant s9.1 Directions and Objectives	Consistency/Comment
	<p>The Strategic Bushfire Study concludes that the proposal is appropriate in the bushfire hazard context and that it can satisfactorily comply with relevant specifications and requirements of <i>Planning for Bush Fire Protection 2019</i>.</p>
<p>4.4 Remediation of Contaminated Land The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p>	<p>Consistent. This direction applies to the proposal, as the site is identified as contaminated land or potentially contaminated land.</p> <p>Previous geotechnical and site contamination investigations undertaken in 2009 as part of the Wyee Land Release for Amendment 61 of LMLEP 2004 included the subject site. The investigations found no potential contamination sources in the vicinity of the area where the wastewater facility now exists. (See D01839493 Geotech & Contamination - Revision A dated 16 July 2010 prepared by Douglas Partners).</p> <p>A more recent study conducted for subdivision of the estate under DA/2243/2017 found no new contamination sources between 2009 and 2018. (See D09438863 Report on Supplementary Contamination Assessment Stage 5-14 Radcliffe, Wyee 2019 prepared by Cardno).</p> <p>The wastewater treatment plant built more recently on the site was never completed or used. It is considered an inert facility. Thus, it is not anticipated that any new contamination would have occurred on the site since the previous contamination investigations were undertaken. Furthermore, it is noted that all existing infrastructure will be removed and if required further investigation can be done at DA stage or during the demolition phase.</p>
<p>4.5 Acid Sulfate Soils The objective of this direction is to avoid significant adverse environmental impacts</p>	<p>This direction does not apply to the proposal, as the site is not identified as containing Acid Sulfate Soils.</p>

Relevant s9.1 Directions and Objectives	Consistency/Comment
from the use of land that has a probability of containing acid sulfate soils.	
4.6 Mine Subsidence and Unstable Land The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	This direction does not apply to the proposal, as the site is not located within a mine subsidence district.
Focus area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport Ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (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.	Consistent. The proposal seeks to rezone a small area of land that will form part of a greater residential development. Stages one to five of the residential estate are complete and the later stages are currently being assessed. New housing on the subject site will have access via new cycleways and shared paths to shops, community facilities and the Wyee railway station, as well as frontage to Cudmore Crescent.
Focus area 6: Housing	
6.1 Residential Zones (a) Encourage a variety and choice of housing types to provide for existing and future housing needs, (b) Make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) Minimise the impact of residential development on the environment and resource lands.	Consistent. The proposal will increase the variety and choice of housing types in an appropriate location. The proposal makes efficient use of existing and proposed infrastructure and services. The proposal will allow for the redevelopment of a redundant utility service with minimal environmental impact.

E. Environmental, Social and Economic Impact

1. 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?

An Ecological Assessment Report (dated August 2022) has been prepared by Anderson Environment and Planning. The report is specifically intended to identify any impacts on biodiversity as a result of this planning proposal. The information contained within the report has been generated from a site inspection, surveys and a desktop survey of available information, combined with professional judgement. The Ecological Assessment Report states that the vegetation on the site is managed with planted species and does not contain any threatened ecological communities. The report also states that no threatened flora or fauna species within the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) have been identified on the site.

The report considered the proposed development and determined that the proposal to rezone 0.5ha and facilitate the demolition of the existing water treatment plant will be highly unlikely to have significant impacts on threatened ecological communities and threatened species.

2. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The site has previously been developed for use as a wastewater treatment facility. The land does not include or comprise critical habitat or lay within a conservation area under the meaning of an environmental planning instrument or any proposed environmental instrument applying to the land.

The Vegetated Creek Corridors and buffer areas will be retained and protected. Any Asset Protection Zones required for development would be wholly provided within the site and would not impact on any land zoned for environmental conservation.

Potential environmental impacts relating to future sedimentation and erosion during construction of future housing and the potential impacts of the future development on the built environment including noise and traffic impacts have been considered in the previous rezoning of the precinct and can be addressed at the DA stage.

Moreover, a Wildlife Management Plan (dated August 2022) has been prepared by Anderson Environment and Planning in order to mitigate against demolition impacts on the welfare of native fauna utilising the site.

In addition, the Ecological Assessment Report prepared by Anderson Environment and Planning and dated August 2022 includes the following recommendations in order to mitigate potential impacts on local biodiversity as a result of the development of the site:

- Demolition of existing buildings and associated infrastructure are to be supervised by an appointed Project Ecologist;
- Building structures deemed possible habitat locations including pipes and roofing are to be inspected by the Project Ecologist;
- Pre-demolition dusk-to-nocturnal survey to be undertaken by the Project Ecologist;

- Sectional dismantling of potential nesting or roosting structures to occur where possible;
- Appropriate fencing between the proposed development and the remnant vegetation to east, west and north;
- Landscaping should utilise endemic native species where practical; and
- Establish and maintain appropriate erosion and sediment controls during construction.

The Ecological Assessment Report has considered the Biodiversity Conservation Act 2016, EPBC Act and other applicable legislation. Overall, it is considered that there will be negligible environmental impacts associated with the proposed development.

3. Has the Planning Proposal adequately addressed any social and economic effects?

Yes. Endorsement of this proposal will allow the delivery of new housing for the community. Moreover, the proposal supports the social and economic vitality of the area.

F. State and Commonwealth Interests

4. Is there adequate public infrastructure for the Planning Proposal?

Yes, the site is located within an existing residential estate and all services are available to the area.

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

Council has consulted with the following authorities:

- Hunter Water Corporation
- NSW Rural Fire Service
- Biodiversity Conservation Division

Hunter Water did not have any objections to the proposal and did not request any further information.

NSW Rural Fire Service requested that a Bushfire Assessment Report addressing *Section 4 Strategic Planning of Planning for Bush Fire Protection 2019* be prepared. A Strategic Bushfire Study (dated September 2022) was thus prepared by Building Code & Bushfire Hazard Solutions Pty Limited, which addresses *Section 4 Strategic Planning of Planning for Bush Fire Protection 2019*. The Strategic Bushfire Study concludes that the proposal is appropriate in the bushfire hazard context and that it can satisfactorily comply with relevant specifications and requirements of *Planning for Bush Fire Protection 2019*.

The Biodiversity Conservation Division requested that an artificial habitat assessment is undertaken, and a wildlife management plan is developed if required to appropriately manage any identified impacts. An Ecological Assessment Report, as well as a Wildlife Management Plan (dated August 2022) were thus prepared by Anderson Environment and

Planning. The Ecological Assessment Report considered the proposed development and determined that the proposal to rezone 0.5ha and facilitate the demolition of the existing water treatment plant will be highly unlikely to have significant impacts on threatened ecological communities and threatened species. Moreover, the Ecological Assessment Report provides recommendations in order to mitigate potential impacts on local biodiversity as a result of the development of the site. In addition, the Wildlife Management Plan provides recommendations to mitigate against demolition impacts on the welfare of native fauna.

PART 4 – 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.

PART 5 – PROJECT TIMELINE

Stage	Timeframe and / or date
Gateway determination	17 June 2022
Pre-exhibition – government agency consultation	June 2022 – August 2022
Pre-exhibition – additional evaluations and assessments	August 2022 – October 2022
Public exhibition period	7 November – 4 December 2022
Consideration of submissions	December 2022
Post-exhibition review of Planning Proposal	December 2022 – January 2023
Adoption by Council	February 2023
Finalisation	55 working days

* benchmark timeframe for a standard planning proposal in the Local Environmental Plan Making Guideline (NSW Department of Planning, Industry and Environment 2022).

Finalisation of the Local Environment Plan (LEP) amendment includes final GIS mapping, legal drafting and the LEP being made (if the proposal is supported). The plan comes into force on the day the LEP is published on the NSW Legislation website, or a later date specified in the LEP.

PART 6 – CONCLUSION

The Planning Proposal seeks to permit residential development of a low-density nature on the subject land. Any potential adverse impacts arising as a result of future development of the land will be assessed at DA stage.

PART 7 – MAPPING

Locality Plan



 Subject Land

Locality

0 2
Kilometres



Projection GDA 1994
Zone 56



Base Map Credits: World_Street_Map: Esri, HERE, Garmin, NGA, USGS

Date: 2/12/2021 Planning Proposal: RZ/10/2021 482 Bushells Ridge Rd Wyee

Aerial Photo



-  Subject Land
-  Land Parcel

Air Photo

2021 Aerial Photography

Nearmap Imagery 2021

0 50
Metres

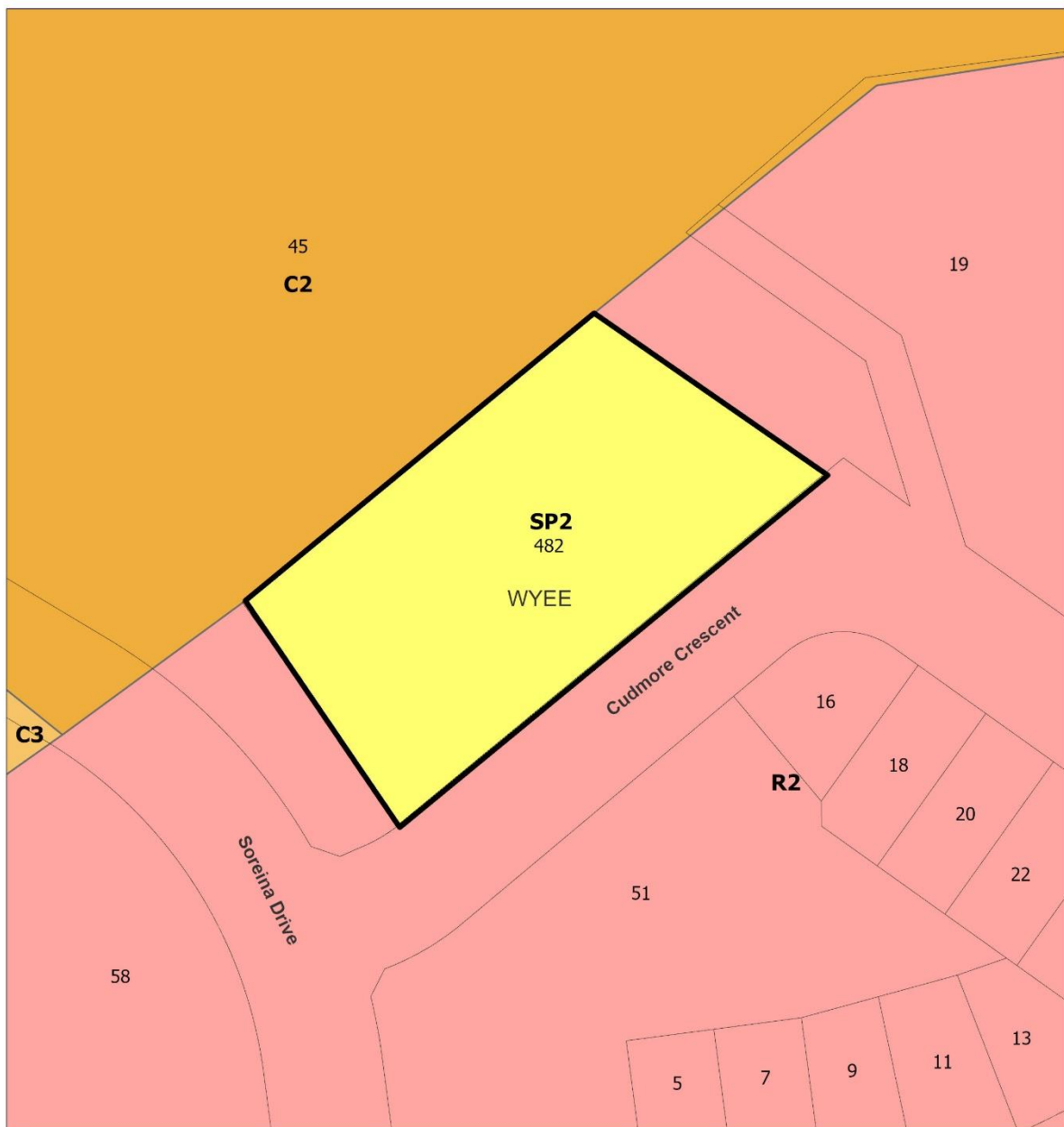
N
Projection GDA 1994
Zone 56



Date: 2/12/2021

Planning Proposal: RZ/10/2021

Land Zoning Current



- Subject Land
- Land Parcel
- Land Zoning**
- R2 Low Density Residential
- SP2 Infrastructure
- C2 Environmental Conservation
- C3 Environmental Management

Existing Land Zoning Map

Lake Macquarie Local Environmental Plan 2014

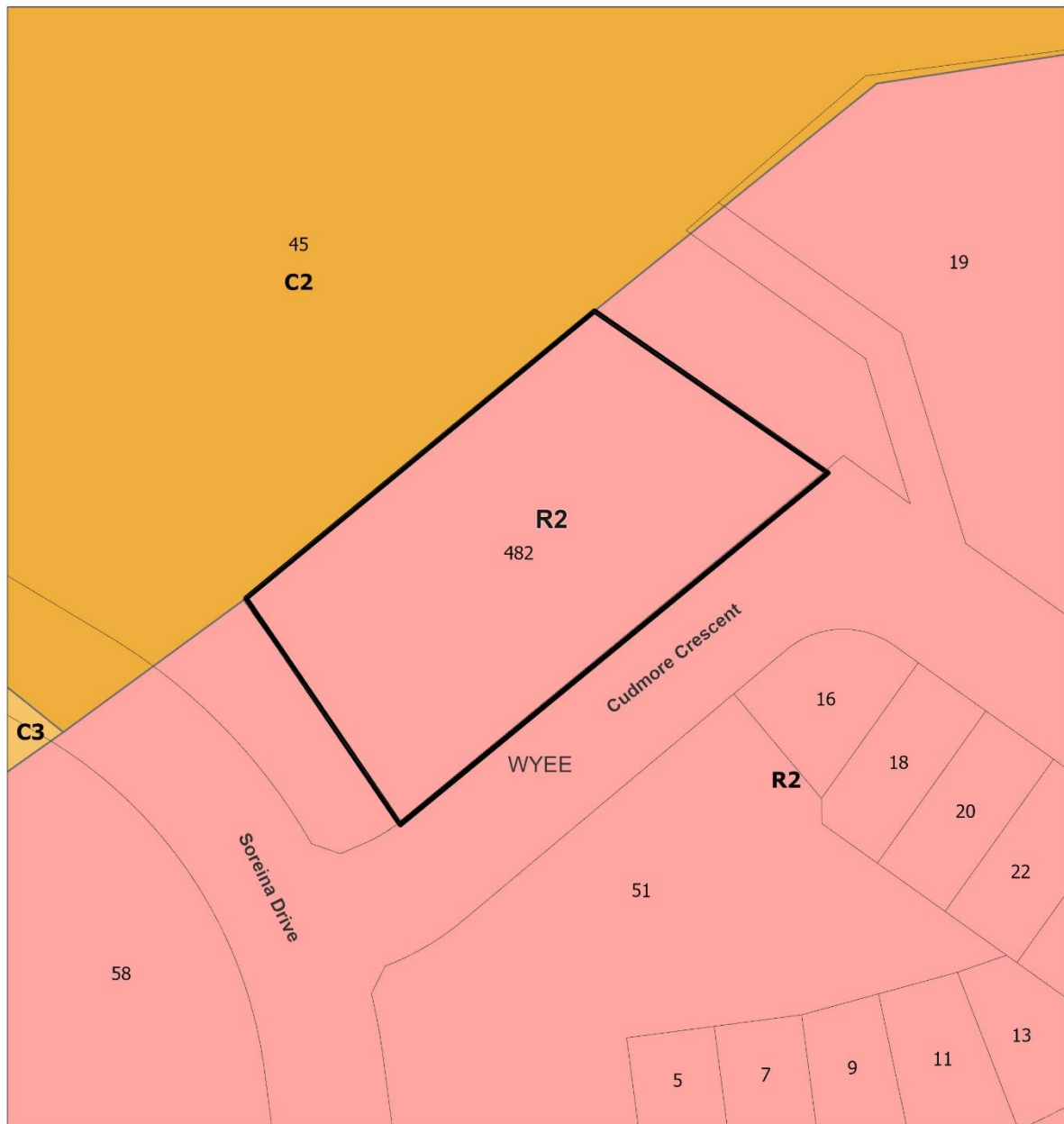
0 50
Metres

N
Projection GDA 1994
Zone 56



Date: 2/12/2021 Planning Proposal: RZ/10/2021

Land Zoning Proposed



Subject Land

Land Parcel

Land Zoning

R2 Low Density Residential

C2 Environmental Conservation

C3 Environmental Management

Proposed

Land Zoning Map

Lake Macquarie Local Environmental Plan 2014

0 50
Metres

N
Projection GDA 1994
Zone 56



Date: 2/12/2021 Planning Proposal: RZ/10/2021

Lot Size Existing

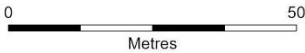


- Subject Land
- Land Parcel

- Lot Size
- 450 sq m
 - 40 ha

Existing

Lot Size Map
Lake Macquarie Local Environmental Plan 2014



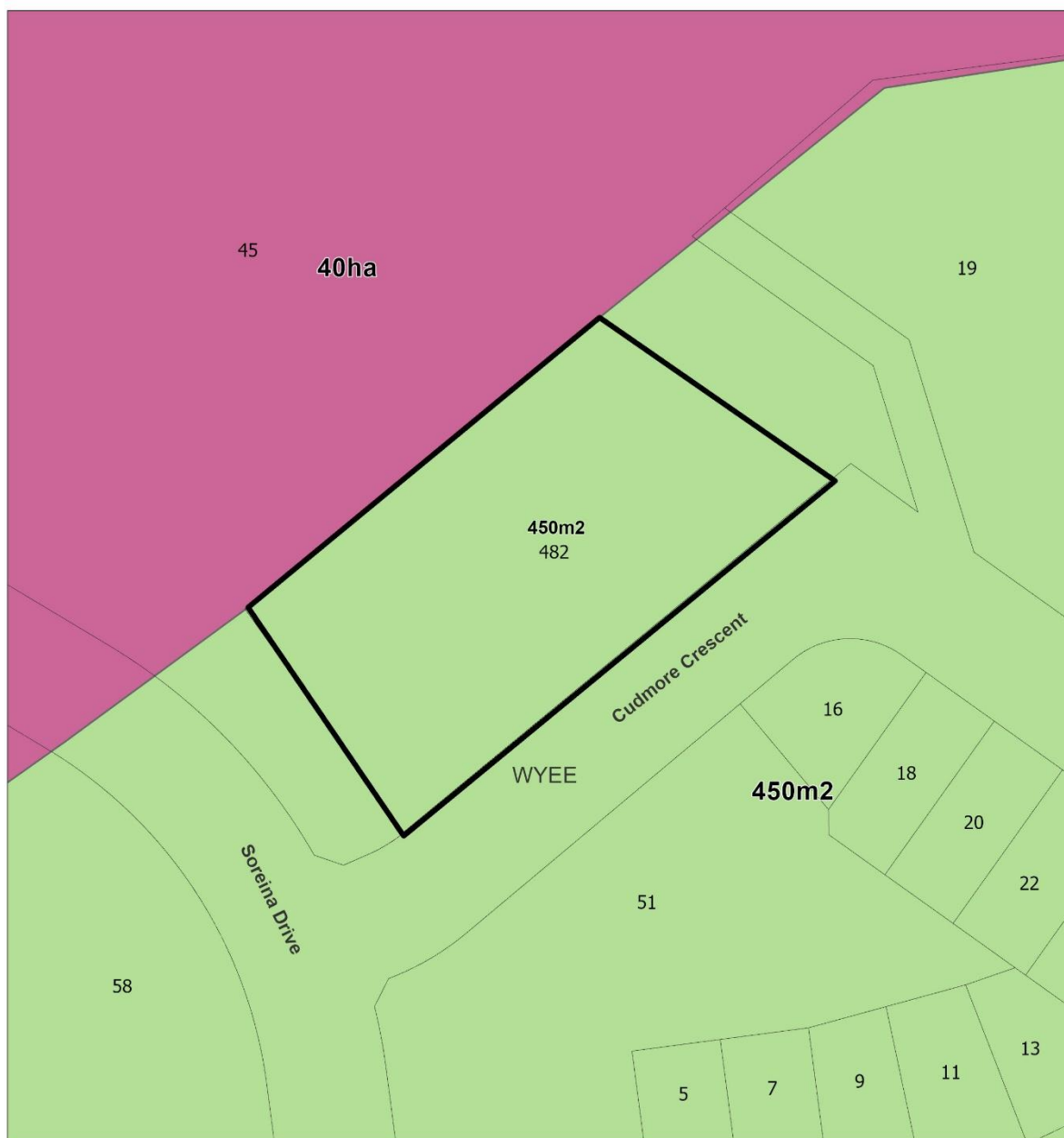
N
Projection GDA 1994
Zone 56



Date: 2/12/2021 Planning Proposal: RZ/10/2021

Lot Size Proposed

Lot Size Proposed



Subject Land

Land Parcel

Lot Size

450 sq m

40 ha

Proposed

Lot Size Map

Lake Macquarie Local Environmental Plan 2014

0 50
Metres

N
Projection GDA 1994
Zone 56



Date: 2/12/2021 Planning Proposal: RZ/10/2021