

Planning Proposal – Teralba Heritage Conservation Area

Draft Amendment No. RZ/1/2021 to Lake Macquarie Local Environmental Plan (LMLEP) 2014

Consultation Version

Local Government Area:	Lake Macquarie City Council (LMCC)
Name of Draft LEP:	Lake Macquarie Local Environmental Plan (LMLEP) 2014 (Draft Amendment No. RZ/1/2021 Draft - Teralba Heritage Conservation Area
Subject Land:	The subject land for the draft LEP amendment is the same land proposed in the draft Heritage Conservation Area shown at Attachment 5
Tables:	Table 1: Proposed changes to the LMLEP 2014 map Table 2 Comparison of the Planning Proposal to relevant SEPPs Table 3: Consistency with applicable Section 9.1 Ministerial Directions
Attachments:	Attachment 1 – Locality Map Attachment 2 – Aerial Attachment 3 – Existing Land Zoning Map Attachment 4 – Existing HCA boundary Attachment 5 – Proposed HCA boundary Attachment 6 – Existing Height of Buildings Map Attachment 7 – Proposed Height of Buildings Map Attachment 8 – Landuse Permissibility Attachment 9 – Individually Listed Items, Teralba Figure 1 – Existing Teralba Heritage Precinct Area Plan LMDCP 2014 Figure 2 – Existing Teralba Heritage Conservation Area LMLEP 2014

Part 1 – Objectives or Intended Outcome

The objective of the Planning Proposal is to amend Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014) to provide statutory effect to the revised draft Development Control Plan (LMDCP 2014) for the Teralba Heritage Conservation Area.

Part 2 – Explanation of Provisions

The proposed outcome will be achieved by:

- Amending the Lake Macquarie LEP 2014 Heritage Conservation Area Map described as “C2” (Local Significance), in accordance with the proposed Heritage Conservation Area Map, shown in Attachment 5; and
- Amending the Lake Macquarie LEP 2014 Height of Building Map in accordance with the proposed Height of Buildings Map, shown in Attachment 7, which indicates a maximum permissible height of 8.5 metres for Zone R3 Medium Density Residential and Zone B1 Neighbourhood Centre

Table 1 outlines the changes proposed to the LMLEP 2014 Map and Instrument under this Planning Proposal.

Table 1: Proposed changes to the LMLEP 2014 maps

Amendment Applies to:	Explanation of Provision
Heritage Conservation Areas described as “C2” Local in LMLEP 2014	Provision of a reviewed Heritage Conservation Area boundary
Building Height Map – R3 Medium Density Residential Zone	Reduction in the Building Height from 10.0 metres to 8.5 metres
Building Height Map – B1 Neighbourhood Centre	Reduction in the Building Height from 10.0 metres to 8.5 metres

Part 3 – Justification

SECTION A - NEED FOR THE PLANNING PROPOSAL

1. [Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?](#)

The Planning Proposal results from a consultant’s report (Working Report) on the Teralba Heritage Conservation Area Development Control Plan, and its recommendations. The Working Report was prepared by Umwelt (Australia) on behalf of Lake Macquarie City Council.

Currently within the LMDCP 2014, Part 11.3: Teralba Heritage Precinct Area Plan, there exists a Precinct Boundary (Figure 1) which includes the Teralba Heritage Conservation Area (THCA). It is intended to remove the Precinct Boundary in its entirety, and

references in the text to the Precinct, as it provides no statutory effect. Further, to slightly enlarge the Teralba Heritage Conservation Area boundary as per Attachment 5, consistent with the consultant's Working Report (Umwelt Australia). Figure 2 shows the current LMLEP 2014 Heritage Conservation Area (HCA) including Local Listed Heritage Items.

To give effect to the revised Teralba Heritage Conservation Area Plan, a Local Environmental Plan (LEP) amendment is required to ensure that the boundary of the draft HCA within the LMLEP 2014 is consistent with the revised draft Teralba Heritage Conservation Area (THCA) Plan within the LMDCP 2014, and that the mapped Height of Buildings development standards within the LMLEP 2014 are modified.

Background:

The significance of Teralba to the local community is recognised by the town's listing as a Heritage Conservation Area in LMLEP 2014 and prior to that in the *Hunter Regional Environmental Plan (REP) 1989 (Heritage)*. The town and surrounding area also contain 13 individual local heritage listed items (see Attachment 9). The awareness of the cultural significance of Teralba and its setting and the importance of conserving heritage values is increasing given current development pressures.

The *Hunter Regional Environmental Plan 1989 (Heritage)* designated the small coal mining village of Teralba as a Conservation Area. This was later reinforced by the Lake Macquarie City Council Heritage study (1993), which instigated the transfer of listings from the REP to Council's LEP in about 1996. That study described the town as having "a picturesque quality that could easily be destroyed by inappropriate development". The 1993 study and listing commented that "there is certainly enough historic significance in the location of the early boundaries to justify enlarging the perimeter of the delineated Conservation Area".

The current HCA boundary in LMLEP 2014 is based on the boundaries of the Conservation Area originally designated in the *Hunter Regional Environmental Plan 1989 (Heritage)*. To ensure appropriate contemporary measures are provided to protect the heritage values of the Local Listed Heritage Conservation Area a need was identified to review development control provisions relating to the HCA. This included the appropriateness of the HCA boundary.

Teralba is identified as an urban intensification area within Council's *Local Strategic Planning Statement*. This strategy aims to balance the heritage values within the locality with the desire to provide more intensive development in and around the local centre. Responding to these conflicting pressures will be a key component of the new area plan and proposed LEP amendment.

The current Lake Macquarie Development Control Plan (LMDCP) 2014 provides limited guidance for development that relates to the Teralba Heritage Conservation Area (HCA). This has created uncertainty for developers. Negotiations over building design have at times resulted in delays in processing development proposals. Improving the clarity of controls would assist the development industry in preparing proposals and assessment by Council staff.

In 2020, Umwelt Environmental and Social Consultants were engaged by Lake Macquarie City Council (LMCC) to review and revise the sections of the Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014) and Lake Macquarie Development Control Plan (LMDCP 2014) that relate to the Teralba Heritage Conservation Area (THCA) and Teralba Heritage Precinct. The findings of the review and recommended revisions to LMLEP 2014

and LMDCP 2014 are provided in the *Combined Working Report and Heritage Development Control Plan Study for Teralba Heritage Conservation Area* (Umwelt 2021).

Responding to these conflicting pressures will be a key component of the revised area plan.

The recommended revisions are designed to afford a greater degree of cohesive protection to the overall character and setting of Teralba. They aim to assist in mitigating development assessment issues currently being experienced in relation to the existing area plan objectives and controls, which are limited and generalised. The recommended provisions will complement the LMCC Heritage Guidelines, providing specific contemporary objectives and controls for Teralba.

The proposed LEP amendment is required to protect the heritage values of the Local Listed Heritage Conservation Area.

The Working Report recommendations to amend the LMLEP 2014, include:

- Changes to the HCA boundary; and
- Changes to the Height of Buildings Map.

These recommendations are incorporated in this Planning Proposal.

The report to Council presented the Combined Working Report and Heritage Development Control Plan Study for the Teralba HCA, including these proposed changes. The Revised Area Plan Controls section of the draft Combined Working Report contains the draft revised Teralba Heritage Conservation Area Plan of the LMDCP 2014. This will be exhibited in conjunction with the planning proposal. The draft Combined Working Report has identified all heritage values associated with the Teralba HCA, including the identification of contributory elements. It recommends objectives and controls that are specifically intended to protect these identified heritage values, whilst providing direction for future development that enables the continued improvement and growth of the suburb.

The Combined Working Report acknowledges that not all the recommendations are directly consistent with regional planning documents/strategies/plans, particularly in terms of development density, vertical additions, and scale of development (height controls).

The revised DCP controls and LEP amendments presented in the draft Combined Working Report are intended to ensure that new development (including alterations and additions) within the Teralba HCA is undertaken in a way that protects, conserves and respects its identified heritage significance, and have been developed with consideration of the overarching planning context.

The recommendations in the Working Report by Umwelt Consultants provide contemporary practice on how to manage LEP zone provisions that potentially conflict with Heritage values.

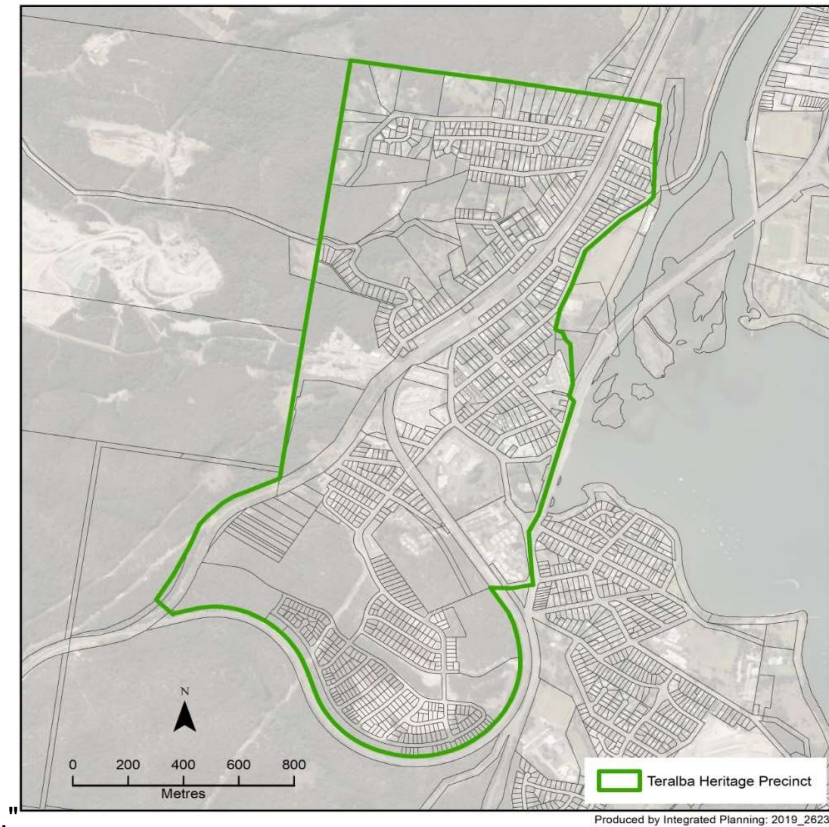


Figure 1: - Teralba Heritage Precinct Area Plan Boundaries [DCP 2014] includes the Suburb of Teralba within the Study Area.

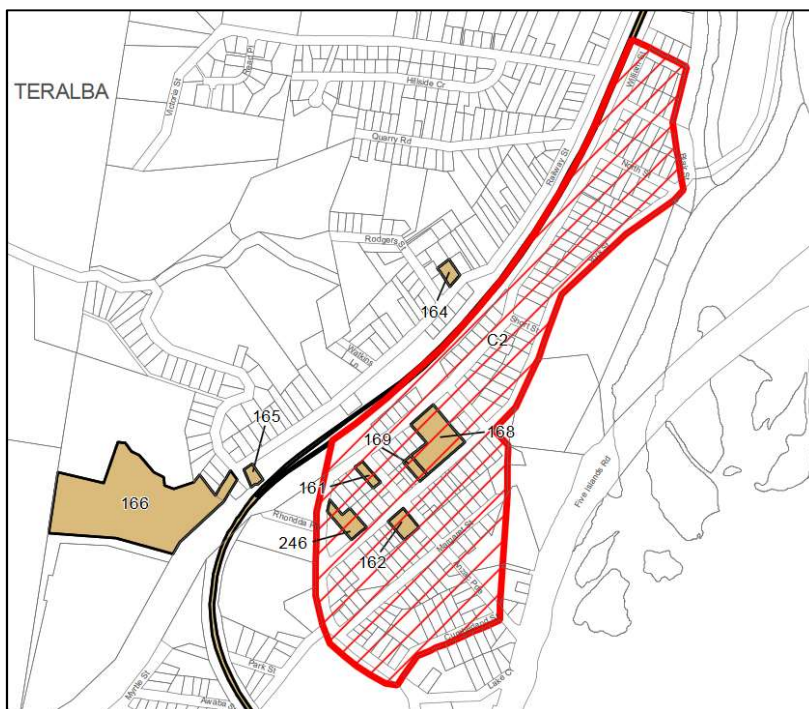


Figure 2: - Teralba Heritage Conservation Area boundary and local heritage items [LEP 2014].

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

Council considered a number of LEP Amendment options to address heritage management and facilitate development in Teralba concluding that the Planning Proposal is the best means of achieving the objectives and intended outcomes for the area. The LEP Amendment options considered are described below.

Option 1 – No Change to the current Precinct Area Plan in DCP 2014 and the Heritage Conservation Area boundary in LMLEP 2014.

Consideration was given to not changing the current Precinct Area Plan boundary in DCP 2014 or the HCA boundary within LEP 2014, and whether this would enable appropriate development outcomes in the Teralba HCA.

With the introduction of the *SEPP Exempt and Complying Development 2008*, the provisions within the current Teralba Heritage Precinct Area Plan in DCP 2014 have limited effect. Whilst the SEPP provisions do not apply to land identified within an HCA, they do apply to areas within the Area Plan Heritage Precinct that are outside the HCA.

This includes a large portion of land identified within the DCP heritage precinct (refer to Figure 1).

Therefore, unless a building is listed as a heritage item in LMLEP 2014, or is within the HCA, the controls in the DCP have limited effect outside the HCA boundary.

The detailed heritage assessment of the area provided in the Working Report by Umwelt (2021), has highlighted that the current HCA boundary and the height of buildings provisions in LMLEP 2014 are inappropriate to protect the heritage of the area. The report has found that the character of Teralba is dependent on an existing building stock that is relatively homogeneous in height, form and materials. Changes to the prevailing height of one storey Miners cottages, and changes to current building form and materials used, will change the fundamental character of the area and diminish its heritage significance. The Working Report also highlights that the Heritage Precinct boundary in LMDCP 2014 is inconsistent with the HCA Boundary in LMLEP 2014. The report states:

The Heritage Precinct boundaries encompass a large area (refer to fig. 1), the majority of which has not been previously assessed to be of or contain elements of heritage significance. The boundaries of the Heritage Precinct, like those of the existing HCA, appear arbitrary, and are not adequately justified by the historical record.

The intention of the revised HCA boundaries, coupled with the application of significance gradings for individual properties, is to allow for a greater degree of development control for Contributory 1 buildings, whilst enabling an appropriate degree of flexibility for the development of Contributory 2 and Non-Contributory properties. The application of significance gradings means that although more properties are included within the revised HCA, there is a greater degree of discretion available in how individual streetscapes and properties are managed and protected by the DCP.

The consultants in the preparation of the Working Report have developed revised HCA boundaries to better reflect:

- The spatial distribution of Contributory 1 properties (refer to Section 4.0).
- The heritage values of the southwest residential precinct (being land on the southern side of the rail line, including properties along James Street and Awaba Street). This area is not included in the existing HCA, despite the 1993 *Heritage Study* identifying at least one property of significance in that area.

- Significant views and vistas that contribute to the setting, character and significance of the area (refer to Section 5.0 of the Working Report). The current HCA boundaries not affording protection to all of the significant views and vistas identified in the preparation of this report. This is particularly relevant to Vista 1 (figure 5.2), which shows properties on the northern side of Railway Street.
- The historical development of Teralba, including development on both the western and eastern sides of the railway line. Land to the western side of the railway line was developed first, from the mid-1880s. The eastern side of the railway line was not developed until some 20 years later, but is considerably more intact. Both portions of the suburb contribute to its historical, social and aesthetic significance, and should be included in the HCA.

It is therefore proposed to amend the HCA boundary in LMLEP 2014 to enable a greater degree of development control for Contributory 1 buildings and remove the Heritage Precinct Boundary in LMDCP 2014, to ensure consistency.

It is also proposed to amend permitted building heights to protect the heritage fabric of the centre.

Maintaining the current HCA and Heritage Precinct boundaries, as well as current permissible building heights is not the preferred option as this will not resolve current development pressures in the Teralba HCA.

Option 2 – retain the current zones and permissible uses, amend the HCA boundary and amend the Height of Buildings Maps to reduce the maximum height of buildings to 8.5 metres in the HCA.

The Working Report (Umwelt 2021) recommends retaining the current zones and permitted land uses but making a change to the Height of Buildings and the HCA boundary.

The Working Report acknowledges that components of the recommendations are not directly consistent with regional planning documents/strategies/plans, particularly in terms of development density, vertical additions, and scale of development (height controls).

The Working Report recommended controls for the draft Area Plan and LEP amendments are intended to ensure that new development (including alterations and additions) within the HCA is undertaken in a way that protects, conserves and respects its identified heritage significance. Increasing the density and scale of development within the HCA poses a direct and significant risk to its integrity and significance, and is not appropriate to its identified heritage values.

More intensive development can still occur within the HCA, provided that it is designed with regard for the heritage significance of the area, its streetscapes, and associated contributory elements.

The proposed revisions and amendments predominately seek to limit the verticality of development/additions, but do not significantly limit horizontal development where this maintains the streetscape presentation of contributory elements and the impression of a predominant low-scale of development from the public domain.

This can be achieved through locating additions to the rear of existing dwellings, utilising underlying topography, where appropriate, and considering lines of sight from the public domain (e.g. ensuring that multiple storey additions or new dwellings to the rear of existing dwellings are not visible from the public domain). Clear and detailed guidance in this regard is provided within the revised DCP controls.

Analysis shows that the predominant infill development type within Teralba has been one and two storey multi dwelling housing developments. Council's Urban Development Program identifies nine developments totalling 72 dwellings in various stages of the development process, or recently completed construction within Teralba. During the past 10-15 years there have been no developments proposed or constructed that exceed two storeys in height.

Development potential within the precinct indicates that both under the current, and proposed planning framework, one and two storey multi dwelling housing developments are likely to remain the most viable development outcomes. The reduction in the maximum building height from 10.0 metres to 8.5 metres is unlikely to have a material impact on development outcomes in the local centre Teralba.

Additionally, if the site coverage was able to meet the merit-based assessment of the revised draft DCP controls and be commensurate with the current site coverage provisions in the LMDCP 2014 of 65% (for Residential Flat Buildings (RFB's) and Multi Dwelling Housing in Zone R3 Medium Density Residential and Zone B1 Neighbourhood Centre), then the yield on the site is very similar as highlighted in the table below:

For residential flat building developments, a reduction in the yield may be expected from approximately ten to seven dwellings on sites where the building height is reduced from three to two storeys and site coverage is retained at 45%. However, if the site coverage was increased to 65%, based on a merit assessment on heritage grounds in compensation for the reduction in the height, the estimated yield would remain at 10 dwellings.

Residential Flat Building			
Site Coverage	45%	45%	65%
Storeys	3	2	2
Site Area	1,024	1,024	1,024
Total Est. Dwelling Yield	10	7	10

For multi dwelling housing developments, the reduction in building heights from three to two storeys will not have a detrimental impact on yields. However, if site coverage was increased from 45% to 65%, we would expect the yield to increase from three to four dwellings for single storey developments, and from six to nine dwellings for two storey developments.

Multi Dwelling Housing				
Site Coverage	45%	65%	45%	65%
Storeys	1	1	2	2
Site Area	1,024	1,024	1,024	1,024
Total Est. Dwelling Yield	3	4	6	9

The Working Report proposes to vary the height of building provisions in LMLEP 2014 that apply within the revised HCA boundaries to better reflect and conserve the predominate scale and character of the area from which its identified significance is in part derived. The Working Report also proposes to amend the boundaries of the HCA to better reflect the spatial distribution of contributory properties (graded as Contributory 1 and 2), and to capture significant views and vistas that contribute to the setting, character and significance of the area.

A review of the permitted uses within both Zone R3 Medium Density Residential and Zone B1 Neighbourhood Centre has found that all permissible uses could still be developed with a reduction in height from 10.0 metres to 8.5 metres (refer to Attachment 8). The potential density of a proposal is not necessarily determined on height alone. Specifically, for conservation areas the mass, bulk and height of proposed buildings can have a detrimental effect on the existing adjoining buildings and streetscape character and fabric of the conservation area.

Potential permitted uses such as shop top housing in the B1 Zone and residential flat buildings in both the B1 and R3 Medium Density Residential Zones can still be developed in a horizontal manner, at a reduced height. Additionally, a reduction in height does not disable the use of Clause 4.6 of the LEP (Exceptions to development standards) if the proposed variation is appropriately justified. In some instances, and dependant on the slope of the land, it would be possible to achieve a greater height of building than the proposed maximum of 8.5 metres. For example, to the rear of the development lot, where the height does not interfere or compromise the existing streetscape or the proposed Contributory Building gradings of the site development, or that of adjoining buildings.

Provision of changes to the development standards for the height of buildings was considered as the most appropriate intervention without a substantial decrease in the potential density within the zones, and therefore being more consistent with the s.9.1 Ministerial Direction, i.e. not containing provisions that would reduce the permissible residential density of land.

The consultants indicate that the existing boundaries of the HCA do not include land to the western side of the railway line or the location of mine sites. The existing boundaries do not follow cadastral boundaries, and do not include all of the individual items (including residential properties) identified in the 1993 *Heritage Study* as being of heritage significance. The boundaries of the existing HCA appear arbitrary and as such, the revision of the existing HCA boundaries is considered warranted.

The planning proposal will strengthen planning controls on the setting of the neighbouring heritage items and so contribute to ensuring their heritage significance and character are protected.

The economic impact of the planning proposal is likely to be limited with no change to the current R3 Medium Density Residential and B1 Neighbourhood Centre land use zoning, and no proposal to intensify or reduce the existing land use within those zones. The proposed provisions will provide greater clarity to development proponents and reduce delays in considering development proposals.

Therefore, based on the consultant's recommendations and the above analysis, it is proposed that the Height of Building Map is amended. It is also recommended that the HCA boundary is amended to reflect the 1993 *Heritage Study* as being of heritage significance.

On balance having considered various options, **this is the preferred LEP Amendment option** – realign the current HCA boundary (Attachment 5), and change the Height of Buildings Map from 10.0 metres to 8.5 metres in Zone R3 Medium Density and Zone B1 Neighbourhood Centre as shown in Attachment 7.

Council will also remove references to a precinct from the LMDCP 2014 by replacing the DCP provisions within Area Plan 11.3.

Option 3 – retain the current zones, amend the HCA boundary, and provide an additional local provision to Part 7 of the LMLEP 2014 that limits development types and building heights.

Consideration was given to the provision of an additional local clause to Part 7 of LMLEP 2014 to enable specific provisions to apply within the existing R3 Medium Density Residential and the B1 Neighbourhood Centre zones of Teralba without altering provisions in other areas of the City.

A local clause that limits building heights and some uses such as RFB's or Multi Unit Dwellings within the R3 and B1 zones would enable assessment of more compatible landuses within the sensitive location of the HCA. It would not otherwise be possible to exclude specific landuses from the current LEP zones as the uses are permissible subject to a merit assessment.

An additional Local clause is a possible mechanism that could be considered but is not the preferred option as the permitted land uses which currently exist in the R3 and B1 zones can be accommodated by a change to the Height of Buildings only, as discussed in Option 2 above.

With respect to the current HCA boundary, as with Options 1 & 2, it is considered based on the Consultant's report that retaining the current HCA boundary would not be a preferred outcome.

Option 4 – retain the current zones and permissible uses, amend the HCA boundary, retain the current Height of Buildings Maps and provide an additional local provision to Part 7 of the LEP for three storey development.

Consideration was given to retain the current zones and permissible uses, retain the current Height of Buildings Maps, amend the HCA boundary and include an additional local provision that would apply to three storey development.

An additional local provision to Part 7 of the LMLEP 2014 could provide specific LEP controls for three storey development without a change to the height of buildings Map. This clause could call up the draft DCP requiring a views analysis within the streetscape and heritage assessment of the proposed development to evaluate how the proposed development would fit within the streetscape and character of the heritage area.

However, it is considered that the current provisions in the LEP 2014 are satisfactory and that the controls in the draft DCP will be able to be called on for development for up to three storeys at the rear of the lot (where the grade of the lot allows). There appear no significant benefits from applying this option.

Option 5 – retain the current zones and permissible uses, amend the HCA boundary and remove the height of building controls within the HCA.

Consideration was given to the retention of the current zones and permissible uses, amend the HCA boundary and remove the height of building controls within the HCA.

This option would rely on a merit-based assessment of development proposals, that considers the impact on the existing streetscape and adjoining buildings. An example of this type of provision exists for the Newcastle City Council Residential HCA's where no prescribed building heights or floor space ratios are given. This is the case with the Hamilton Residential Precinct HCA, where the majority of the HCA is zoned R3 Medium Density Residential, and the Glebe Road Cottages HCA also zoned R3. The purpose as stated within the DCP for excluding the heritage conservation areas is to ensure that new

development responds to existing character and ensures that contributory buildings are conserved and protected.

Relevant examples from other HCAs were also investigated. Their heritage significance derives from a building stock of predominantly single-story buildings and not large floor plate industrial or commercial building stock, and includes the Maitland City Wide Development Control Plan 2011 which has several Heritage Conservation Areas - Bolwarra, Central Maitland, Morpeth, and the Cessnock DCP 2010 which contains the Branxton heritage village.

However, there is concern that this approach will over time fragment the HCA's relevance. Merit assessment relies on subjective assessment which provides little clarity and certainty for developers and difficulties for assessing officers. Staff decisions are not transparent which gives rise to inconsistent decisions and ad hoc development outcomes. Similar concern was raised in discussion with DPIE about this option.

This is a possible option however, it is inconsistent with the current built form in Teralba and may conflict with the heritage conservation objectives of this planning proposal.

Option 6 – Rezone the subject land to another zone to restrict particular uses from being considered in the zone, and amend the current HCA boundary.

Consideration was given to a differing zone such as an Environmental zone and amend the current HCA boundary.

An Environmental zone such as Zone C3 Environmental Management or Zone C4 Environmental Living would enable a reduction of permissible uses and ensure that the heritage character and qualities are not compromised by inappropriate development.

Environmental zones provide for landuses which would normally be associated with land which have scientific, ecological, cultural or aesthetic qualities. These zones are not usually applied to urban areas that support residential and commercial development, such as occurs in the Teralba HCA. Urban development in environmental zones is likely to conflict with zone objectives that include the protection, management and restoration of areas with special ecological, scientific, cultural or aesthetic values; and providing for a limited range of development that does not have an adverse effect on those values.

The residential and business zones in Teralba have existed since the Northumberland Plan and therefore to reduce the current zone entitlements by back zoning to a more restrictive zone would be contrary to a s.9.1 Ministerial Direction – subclause 3.1 Residential Zones where it states that an LEP amendment “must not contain provisions which will reduce the permissible residential density of land”.

With respect to the current HCA boundary, based on the findings and recommendations of the Working Report by Umwelt (2021), retaining the current HCA boundary is not the preferred outcome.

SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Hunter Regional Plan 2036

The primary purpose of the Hunter Regional Plan (HRP) is to ensure that adequate land is available and appropriately located to sustainably accommodate the projected housing and employment needs of the region's population until 2036. The HRP introduces a 'green grid' to link open space, natural areas and recreation facilities, including the distinctive character and heritage of areas, to ensure that the future growth of the Lower

Hunter makes a positive contribution to the protection of sensitive environments and biodiversity.

The proposal is consistent with *Direction 19 – to identify and protect the region’s heritage* by providing tangible connections to the past, attract tourism and contribute to local economies. This will be accomplished by interpreting and adaptively reusing built heritage items. Enhancing main streets through heritage conservation creates authenticity, attracts new businesses and residents, and offers tourism. Teralba is a local centre as well as a heritage conservation area, and has the potential for heritage tourism like other similar centres in the region, such as Morpeth and Dungog Heritage centres.

The proposal is consistent with *Action 19.2 – preparation of appropriate heritage studies*. The *Working Report for the Teralba Heritage Conservation Area Lake Macquarie* has been prepared by consultant Umwelt (Australia) Pty Ltd. The Working Report has been used to inform the preparation of a draft Development Control Plan (DCP) and a draft revised Heritage Conservation Area for Teralba. The draft DCP proposes classifying buildings using a grading system that identifies the contributory nature of buildings. Classification of buildings has been recognised by Heritage NSW as being an appropriate and contemporary means of heritage conservation.

The proposal is consistent with *Action 21.1 – promoting development that respects the character of towns*. The proposal will facilitate development that respects the landscape attributes and the character of the local centre.

The proposal is consistent with *Action 21.2 – focusing development to create compact settlements*. The proposal facilitates the compact settlement of Teralba and the HCA, facilitating commercial and residential development up to 8.5 metres in height. Teralba is not located within the Newcastle - Lake Macquarie Western Corridor growth area or the emerging growth area around Cooranbong, Morisset and Wyee. The review of the Teralba HCA, to balance development and growth pressures with delivery of heritage conservation, is an action in Council’s Local Strategic Planning Statement. The planning proposal achieves this balance. Teralba is also identified in Council’s Housing Strategy as a high liveability area suitable for more infill medium density residential development. The planning proposal facilitates this type of development, although at heights limited to 8.5 metres.

The proposal is consistent with *Action 21.3 – identifying opportunities for urban redevelopment in urban locations with access to public transport and services*. The proposal facilitates development that will have access to the Teralba Train station. Although building heights will be limited, the planning proposal will facilitate urban redevelopment that balances development with heritage conservation.

The proposal is consistent with *Action 21.6 providing greater housing choice* as the current permissible uses within LMLEP 2014 for both the R3 Medium Density Residential and B1 Neighbourhood zones have not been altered.

The proposal is consistent with *Action 21.7 - promoting new housing opportunities in urban areas to maximise the use of existing infrastructure*. Teralba has been identified in Council’s LSPS and Housing Strategy as an area suitable for infill development but needing to balance development to protect the heritage character of the area. The planning proposal and draft DCP will facilitate this balance, whilst promoting new housing opportunities.

The proposal is consistent with *Action 22.2 – encouraging housing diversity* as the proposal facilitates infill housing appropriate for the heritage values of Teralba. The draft DCP provides guidelines which are designed to accommodate various types of development within the sensitive location of the HCA.

The proposal is consistent with *Action 22.3 – preparing local housing strategies*. Council's Housing Strategy identifies Teralba as a high liveability area suitable for more infill medium density residential development. The planning proposal facilitates this type of development, although at heights limited to 8.5 metres to ensure heritage conservation. The proposal does not restrict the type of development in Teralba only the number of storeys of development.

Development potential within the precinct indicates that both under the current, and proposed planning framework, one and two storey multi dwelling housing developments are likely to remain the most viable development outcomes. The reduction in the maximum building height from 10.0 metres to 8.5 metres is unlikely to have a material impact on development outcomes in the Teralba local centre.

The proposal is consistent with *Action 23.1 – concentrating growth in strategic and local centres* as growth in the local centre of Teralba within the HCA will be facilitated by the planning proposal and draft DCP. The extent of growth will be balanced against the need to protect the heritage character of the area.

The proposal is consistent with *Action 23.4 – investigating locations for expanded centres, including the Newcastle-Lake Macquarie Western Corridor*. Teralba and the HCA is not identified within the Newcastle-Lake Macquarie Western Corridor but as discussed above is referenced in Council's LSPS and Housing Strategy.

The proposal is consistent with *Action 26.1 – aligning land use to maximise existing infrastructure*. The planning proposal will facilitate residential and commercial development in an existing local centre serviced by existing infrastructure.

The proposal is consistent with *Direction 26.3 – protecting major infrastructure corridors*, as the proposal will not impact on the Main North Railway Line or the Teralba Railway Station. The proposal will facilitate future residential and commercial development around the railway station.

The proposal is consistent with facilitating increased walking and cycling in the centre, including the potential boost to tourism. In the long-term, integrating recreational walking and cycling networks with commuter connections to centres, bus networks and railway stations will help to increase commuter walking and cycling use, support the public transport network and reduce congestion.

Overall, the proposal is consistent with the Hunter Regional Plan. The proposal balances development and growth with heritage conservation in an existing well-served local centre. The proposal provides greater clarity to the community and those proposing development. The proposal provides the vision and development standards necessary to conserve the heritage character of Teralba whilst continuing to facilitate development.

Appropriate LEP and DCP provisions which consider the heritage status of an area is of significant importance in sustaining its cultural and social longevity. This has economic and social benefits as has been shown in other heritage areas such as Morpeth and Branxton.

Greater Newcastle Metropolitan Plan 2036

The Greater Newcastle Metropolitan Plan (GNMP) sets out strategies and actions that will drive sustainable growth across the Lake Macquarie City area. The Plan also helps to achieve the vision set in the Hunter Regional Plan 2036.

The Teralba HCA is located on the southern periphery of the North West Lake Macquarie Catalyst Area. It is within the Metro Frame and is supported by the following Strategies:

The proposal is consistent with *Strategy 9* of the GNMP - *Actions 9.1 and 9.2 – developing housing and job targets for strategic centres and enabling business growth in residential zones close to centres and transport*. Teralba is not nominated as a strategic centre in the GNMP and the proposal continues to enable business growth in the local Centre and the HCA.

The proposal is consistent with *Strategy 10* of the GNMP - Action 10.1 at dot point 3. The proposal, along with the draft Heritage DCP Area Plan, promotes innovative approaches to the creative re-use of heritage places, ensuring good urban design preserves and renews historic buildings and places.

The proposal is consistent with *Strategy 16* of the GNMP - Actions 16.1, 16.2 and 16.3. The proposal supports new housing in existing urban areas. Although the proposal is not located within a strategic centre or along an urban renewal corridor, infill housing is supported in the proposal, with heights of buildings limited to conserve the heritage of the local centre. Future housing design will be assessed against the revised draft DCP.

The proposal is consistent with *Strategy 19* of the GNMP - Action 19.1 – delivery of infill housing. Council's Housing Strategy reflects the priority to deliver infill housing opportunities within the existing urban areas and has been endorsed by the DPIE. The Housing Strategy identifies Teralba as a highly ranked liveable centre with infill medium density opportunities. The proposal will assist with delivery of infill housing at a scale that reflects the heritage values of the area.

To the north of the Teralba Railway Station and southwest of the Cockle Creek Railway Station is the Teralba Precinct which is part of the Catalyst Area North West Lake Macquarie.

This catalyst area seeks to:

- identify infrastructure required for the reuse of mining areas which provides for manufacturing, light industries and emerging new economies as a transition from mining activities.
- develop plans for transport connectivity and appropriate recreational facilities.

Lake Macquarie City Council will align local plans to support commercial and industrial development that leverages existing rail infrastructure; and The Department of Planning, Industry and Environment and Lake Macquarie City Council will investigate suitable economic reuse of mining land.

Lake Macquarie City Council is currently investigating opportunities to realise the potential of the area for the future reuse of mining areas, for manufacturing, light industries and emerging economies; develop plans for transport connectivity and recreational facilities; and align local plans to support commercial and industrial development that leverages the existing rail infrastructure.

Although the Teralba HCA is not located within the North West Lake Macquarie Catalyst Area, existing infrastructure including the Teralba Train Station will provide opportunities to support future residential and commercial growth of both the HCA and the North West Catalyst Area.

The proposal is consistent with the Greater Newcastle Metropolitan Plan.

[4. Will the Planning Proposal give effect to the council's endorsed local strategic planning statement, or other endorsed local strategy or strategic plan?](#)

Community Strategic Plan

The Community Strategic Plan (CSP) 2030 guides the future direction of Lake Macquarie

City for the next 8 years, and shares the vision and aspirations for the future of Lake Macquarie and sets out the community's long-term plan.

The proposal is consistent with the Council's Community Strategic Plan's Vision and Values.

In particular, the Value statements of:

- "Unique Landscape" a place where the natural environment (bushland, coast, lake and mountains) is protected and enhanced; where our existing urban centres are the focus of our urban growth, maintaining their unique characteristics; and
- the Value statement of "Connected Communities" we are a supportive and inclusive community; and we are proud of our City's heritage and cultures.

The proposed draft LEP and DCP amendments would be consistent with the above.

Lake Macquarie Local Strategic Planning Statement

The Lake Macquarie Local Strategic Planning Statement (LSPS) sets the long-term vision for land use planning in the City in collaboration with the community.

It includes strategic actions that reinforce global, national and regional plans, including the Hunter Regional Plan and the Greater Newcastle Metropolitan Plan.

The LSPS indicates that Teralba is a Local centre which would provide for a range of day-to-day services, community facilities, retail, and employment opportunities. Teralba has also been planned for more intensive residential development in and around the centre that is complementary and sympathetic to the heritage values in the HCA. Additionally, investigation of significant urban expansion occurs from Teralba to the M1 Freeway, and north to the Newcastle Link Road.

The Local Strategic Planning Statement identifies the North West Lake Macquarie Catalyst Area as presenting opportunities for transformational urban development in a convenient central location with considerable existing economic endowments. It also identifies the importance of providing regionally significant recreational, open space and cultural facilities as well as medium density housing along the corridors to Cardiff, Edgeworth, Argenton and Speers Point.

For the North West Growth Area, the LSPS specifically states:

- *Conservation measures are implemented to protect the cultural heritage values of the Teralba centre* – The proposal is consistent with this outcome in proposing an amended (expanded) HCA boundary, and for a reduction in the height of buildings in the Teralba Centre to enable the consultant's recommendations including a draft DCP to be given effect.
- *More intensive residential development occurs in and around the Teralba centre that is complementary and sympathetic to the heritage values* – The proposal will facilitate infill housing up to two storeys rather than the current possible three storeys. However, the potential for three-storey development at the rear of lots is also facilitated by the proposal, dependant on the slope of the land. Additionally, an LEP variation pursuant to 4.6 of the LEP is available where it can be justified on heritage grounds. One of the key contributors to the heritage values of the Teralba HCA is the predominantly one storey residential building stock. Restricting infill redevelopment to two-storey will be complimentary and sympathetic to retaining this heritage value. The Working Report (Umwelt 2021) notes that:

An increase in density remains achievable under the proposed LEP amendments and DCP revisions, provided that this is done with regard for the heritage significance of the HCA and contributory elements contained therein. Ultimately, this will encourage more refined and higher quality

design outcomes that balance planning objectives with heritage conservation.

- *The Teralba local centre is reinvigorated with improved amenity, pedestrian, and cyclist connectivity* – Council is currently undertaking traffic calming works in the Teralba Main Street (Anzac Parade) including kerb extensions, pedestrian crossing, new road marking, and a proposed roundabout at York and Pitt Street for improved pedestrian and cycling amenity. Council's Economic Strategist has advised that:

Generally, the predominant infill development type within Teralba has been one and two storey multi dwelling housing developments. Council's Urban Development Program identifies nine developments totalling 72 dwellings in various stages of the development process, or recently completed construction within the area. During the reporting timeframe (approximately 15 years) there have been no developments proposed or constructed that exceed two storeys in height.

Analysis of the development potential within Teralba indicates that both under the current, and proposed planning framework, one and two storey multi dwelling housing developments are likely to remain the most viable development outcomes. The reduction in the maximum building height from 10.0 metres to 8.5 metres is unlikely to have a material impact on development outcomes in the Teralba Local Centre.

Therefore, the proposed LEP and DCP amendments will not unduly affect the economic or social well-being of Teralba. Residential infill within the HCA is facilitated but with a heritage lens applied to future development so as to fit within the existing heritage character of the area.

The proposed amendments will provide the community with clear requirements for future development in the Teralba, ensuring the protection of the heritage characteristics of the Teralba HCA remain a high priority. The proposal will also provide economic stimulus to the local community by its bespoke qualities for the village's cultural and social longevity.

- *New economic uses and urban development evolve for the former mining lands and the existing industrial lands* – Council is currently undertaking a study/review of the North West Catalyst Area for the future development potential of the former mining lands. This proposal would be consistent with this outcome as the proposed removal of the Teralba Precinct area boundary in DCP 2014 will provide land outside of the proposed HCA boundary for further development.
- *Improved and more direct transport links, including potential adaptive re-use of the local heritage rail line for pedestrians and cyclists, are established between Teralba and Barnsley and across Cockle Creek* – Council has identified potential adaptive re-use of the local heritage rail line between Teralba and Barnsley and across Cockle Creek which will be further investigated in the future. This proposal is consistent with this outcome.

A key challenge identified in the LSPS is to establish a robust basis by which vibrant local character can be protected into the future whilst at the same time establishing a framework for new development within the City. This Planning Proposal accompanied by the proposed revised draft DCP seeks to achieve this balance.

Analysis of the relevant Principles, Planning Priority and Actions within the LSPS follows:

Planning Priority 2: A city to call home – where diverse housing options cater to everyone's needs

Principle - dot point 2

- *Work with industry to deliver future housing growth through infill development in and around centres and train stations and new housing in Growth Areas –*

The planning proposal and draft DCP Area Plan are consistent with the Working Report (Umwelt 2021) recommendations. The proposal adopts the recommended objectives and controls intended to protect the cultural heritage values of the THCA. The Report recommends provisions providing detailed guidance for new development, including where more intensive residential development is appropriate, based on a detailed technical heritage analysis of the HCA. This includes areas close to the train station. In particular, the HCA has been recommended to be extended across to the north of the Railway Station, in Railway Street, to accommodate residential development of up to three storeys within this area.

The planning proposal will facilitate the delivery of housing through infill development in and around the centre, including the Teralba Railway Station, at a scale that respects and reflects the heritage conservation value of the town.

Principle - dot point 8

- *Ensure future residential housing is located with access to jobs, shopping, services, community facilities, and public spaces by a range of transport modes and maintains important local conservation areas*

This proposal will facilitate future residential housing with access to jobs, shopping, services, community facilities, and public spaces by a range of transport modes. The proposal will maintain an existing local centre within an important local conservation area. The planning proposal and draft DCP Area Plan respond to the Heritage Conservation Area's attributes and streetscape character of the local centre.

Action 2.2:

- *Review the Teralba Heritage Conservation Area to balance development and growth pressures with delivery of heritage conservation outcomes –*

This proposal aims to support the Teralba Heritage Conservation Area, to balance development and growth pressures with delivery of heritage conservation outcomes.

Planning Priority 5 – A city of progress and play, where people come together in natural and vibrant public spaces

Principles – dot points 7 & 8

- *Promote innovative approaches to the adaptive re-use of heritage places and buildings*
- *Protect and conserve the natural, built and Aboriginal cultural heritage of Lake Macquarie*

This proposal supports innovative approaches to the adaptive re-use of heritage places and buildings and where relevant seeks to support, protect and conserve the natural, built and Aboriginal cultural heritage of Lake Macquarie.

Action 5.13:

- *Report the Teralba Heritage Area Plan to Council for exhibition – this proposal was reported to Council on 26 July 2021. Council resolved to place the planning proposal, Combined Working Report and Heritage Development Control Plan*

Study, and draft Teralba Heritage Conservation Area Plan (LMDCP 2014, Part 11.3) on public exhibition, achieving the stated Action.

This Planning Proposal is consistent with the LSPS Principles, Planning Priority 2 & 5 and Actions 2.2 and 5.13 as stated above.

The Lake Macquarie Housing Strategy 2020

The Lake Macquarie Housing Strategy aims to deliver a diverse mix of affordable and sustainable housing supply close to services, facilities and infrastructure to meet the growing population's housing needs.

The Housing Strategy has five housing priorities and supporting objectives. The priorities give effect to the strategies, objectives and actions of the Hunter Regional and Greater Newcastle Metropolitan Plans. They are informed by evidence-based analysis, and technical reports and studies. The priorities for housing over the next 15-20 years are supported by the actions outlined in the strategy.

The development of housing in Teralba is shown to be one of the priority areas in the Strategy in particular the infill medium density housing and investigation of the Fennell Bay rezoning site, and former mining land west of Teralba.

In terms of liveability - the areas ranked most liveable were the suburbs in northern Lake Macquarie having greater access to services, employment opportunities and transport options. This includes the economic centres of Belmont, Cardiff, Glendale, Charlestown, Toronto and Warners Bay. It also includes the smaller local centres of Teralba, Speers point, Booragul and Windale. These areas are ranked as highly liveable and have been mapped as green areas in the Housing Strategy and will be the focus of changes to planning controls to help facilitate greater rates of infill and medium density development as priority areas.

The Housing Strategy indicates that Lake Macquarie has frequently released the highest number of detached dwellings over the past ten years when compared to Cessnock, Maitland, Newcastle and Port Stephens with large greenfield subdivisions in Cooranbong, West Wallsend, Cameron Park, Catherine Hill Bay, Wallarah Peninsula, Nords Wharf, Morisset and Wyee.

The Greater Newcastle Metropolitan Plan (GNMP) requires that the local housing strategy includes targets that contribute to realising the 40 per cent greenfield and 60 per cent infill housing split across the Greater Newcastle area by 2036. Infill development has the strongest supply potential, with infill having the potential to provide 63-76 per cent of housing supply, representing significant shifts from current housing supply i.e. from detached dwellings.

The proposed amendments to height of buildings and changes to the boundary of the HCA, as well as the associated draft LMDCP amendments are generally consistent with the aspirations of the Housing Strategy. The proposed amendments only apply to Teralba, enabling a broader development profile to the remainder of the LGA, and ensuring that appropriate development is provided for in this important locally listed Heritage Conservation Area.

For the North West Growth Area, which includes the Teralba Heritage Conservation Area, the Housing Strategy envisages:

- Infill medium density opportunities in Boolaroo, Speers Point, Edgeworth, Teralba, Fassifern, Fennell Bay and Woodrising
- Investigation of Fennell Bay rezoning site, former mining land west of Teralba and New Wallsend Colliery site

A key priority is to facilitate infill near jobs and services by:

- Prioritising the delivery of housing within areas mapped as having a high liveability rating and within the existing urban footprint.
- Providing housing supply, choice and affordability, in areas with more access to jobs, services and public transport.
- Ensuring infill development is sensitive to the character of existing places.
- 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.

The Teralba Heritage Conservation Area is one of three heritage Conservation Areas in Lake Macquarie. The Catherine Hill Bay Heritage Conservation Area which is State Listed, and the other being the West Wallsend Heritage Conservation Area which is Locally listed. These three HCA's were listed in the Hunter (REP) 1989 (Heritage) and have been included in subsequent iterations of LEP Planning Instruments to date.

Of importance for the Teralba Heritage Conservation Area is that any future infill development is sensitive to the character of existing places. This does not negate development potential of Teralba as a local centre, which can provide for medium density housing and additional services. However, it does mean that future development must consider the historic and cultural entity of the Teralba HCA and ensure that development respects, and is sensitive and sympathetic to, that historic character.

The Working Report (Umwelt 2021) highlights:

The predominant scale of development within the revised HCA is single-storey. In some streetscapes, particularly where the topography lends itself to this, development of two to three storeys is present.

Within the principal commercial axis, as defined by York Street and Anzac Parade, the height of development is variable, with commercial properties comprising a mixture of one and two storeys to the street, as well as one storey with full height parapets (giving the impression of two storeys to the streetscape).

It is recommended to vary the HCA boundary as well as the height of building provisions in LMLEP 2014 that apply within the revised HCA boundary to better reflect and conserve the predominate scale and character of the area from which its identified significance is in part derived.

An analysis of permissible uses in Teralba was undertaken for Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone B1 Neighbourhood Centre and can be found at Attachment 8. The analysis shows that all permissible uses with consent in particular (residential accommodation, residential flat buildings, shop top housing, bed and breakfast and hotel or motel accommodation) can all be considered for approval even with a reduction in height across the R3 and B1 zones. This is possible because the development of the individual land uses within the three zones is not limited by height alone. However, development must take into consideration the objectives of the zone and how the proposal fits into the context of surrounding streetscape, and for this specific location, the heritage conservation characteristics as well.

It is acknowledged there will be some loss of density given the reduction in overall height. However, in order to protect the streetscape, views and vistas, and fabric of the conservation area, the Working Report (Umwelt 2021) recommends that development should be limited to a maximum of 8.5 metres, which is generally 2 storeys. Additionally, where the land slope allows to the rear of the site, the associated draft DCP Area Plan will facilitate development up to three storeys, whilst maintaining the overall streetscape.

Councils' Economic Strategist has also indicated that one and two storey multi dwelling housing will most likely remain the most viable development, and that the reduction in the height of buildings from 10.0 metres to 8.5 meters is unlikely to have a material impact on development outcomes in Teralba. For multi dwelling housing developments, the reduction in building heights from three to two storeys, for standard residential lots of some 1,000 square metres, will not have a detrimental impact on yields. Additionally, if site coverage was increased from 45% to 65% on merit assessment and based on heritage grounds, we would expect the yield to increase from three to four dwellings for single storey developments, and from six to nine dwellings for two storey developments.

Council's Local Strategic Planning Statement (LSPS) highlights the need to review the Teralba Heritage Conservation Area to balance development and growth pressures with delivery of heritage conservation outcomes. As previously stated, the predominant infill development type within the local centre has been one and two storey multi dwelling housing development. However, more intensive residential development is envisaged in and around the centre.

The envisaged growth highlights the need to review provisions within the current Teralba Heritage Precinct Area Plan. The current statement of significance for the Teralba Heritage Conservation Area (HCA), as it appears on the State heritage inventory (SHI) citation for the conservation area, also recognises the need for a review of the HCA boundary. Enabling growth and more intensive development in Teralba while conserving the important heritage of the area is a key challenge.

The issue of ensuring a balance occurs between economic activity and heritage conservation is challenging. Not all staff agree that a reduction in height is the best outcome. Various options were considered in drafting the Planning Proposal. However, without a reduction in height to a maximum of two storeys (8.5 metres), development pressure will fragment the HCA, and the bespoke qualities of Teralba will be degraded over time. On balance, the recommended provisions will help deliver economic growth and social benefits to Teralba, particularly in the area of heritage tourism.

This draft Planning Proposal and draft revised DCP for the Teralba Heritage Conservation Area would be generally consistent with the Lake Macquarie Housing Strategy in supporting infill development, so as to conserve and compliment the heritage character of the area for current and future residents.

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

The Planning Proposal is compared to the provisions of the relevant State Environmental Planning Policies (SEPPs) outlined in Table 2 below.

Table 2: Comparison of the Planning Proposal to relevant SEPPs

SEPP	Relevance	Implications
SEPP 19 — Bushland in Urban Areas	The general aim of this Policy is to protect and preserve bushland within the urban areas This SEPP applies to land in Lake Macquarie.	The proposal would be consistent with the SEPP as no changes are proposed with the extent of the current residential, commercial or Industrial footprint.
SEPP 21—(Koala Habitat Protection) 2021	The SEPP aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat	The proposal would be consistent with this SEPP as there are no Koala sites in proximity to this proposal and there are no changes

	<p>for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline.</p>	<p>proposed that would affect existing Koala populations.</p> <p>The SEPP applies to land in Lake Macquarie nominated in Schedule 1 as RU2 Rural Landscape. There are only three properties that this SEPP applies to being:</p> <p>33, 35 and 39 Railway Street, Teralba. However, there are no Koala populations shown residing on these properties.</p>
<p>SEPP 70- Affordable Housing (revised schemes)</p>	<p>The SEPP promotes the delivery and maintenance of affordable housing through an affordable housing contribution scheme.</p> <p>Applies to the State.</p>	<p>The Lake Macquarie Housing Strategy is currently reviewing development contributions to ensure funding is available to supply and service increasing population to infill areas and that development contributions in greenfield areas are commensurate in its delivery of Affordable housing for the LGA.</p> <p>The proposal is inconsistent with the SEPP as the density and delivery of development in Zone R3 Medium Density Residential will potentially be reduced, due to the proposed change to the current development standards for the height of buildings from 10.0 metres to 8.5 metres. However, the inconsistency is considered of minor significance, as there remains potential for 3 storeys at the rear of sloping sites and where a height variation can be justified on heritage grounds.</p>
<p><u>SEPP – (Affordable Rental Housing) 2009</u></p>	<p>In part: Provide a consistent planning regime for the provision of affordable rental housing; the effective delivery of new affordable rental housing; the retention and to mitigate the loss of existing affordable rental housing; and to facilitate the development of housing for the homeless and other disadvantaged people.</p> <p><u>Infill affordable housing:</u> residential development means development for the following purposes—</p> <ul style="list-style-type: none"> (a) attached dwellings, (b) dual occupancies, (c) dwelling houses, (d) manor houses, (e) multi dwelling housing, (f) multi dwelling housing (terraces), (g) residential flat buildings, (h) semi-detached dwellings. <p>And were relevant - development on land that is within 400 metres walking distance of land within Zone B1 Neighbour Centre, B2 Local Centre or Zone B4 Mixed Use.</p>	<p>Division 1 – In-fill affordable housing</p> <p>The SEPP does not apply to development that is on land that contains a heritage item that is identified in an environmental planning instrument (EPI) refer to Clause 10 (b).</p> <p>The proposal is considered consistent with the SEPP.</p> <p>Division 2 – Secondary dwellings</p> <p>The SEPP permits the development of Secondary dwellings in the R2 Low Density Residential Zone and R3 Medium Density Residential zones.</p> <p>Complying development for Secondary dwellings is subject to the provisions of Clause 23 (2)(b) (ii) of the SEPP; and Clauses 1.17A (iii); 1.18 (1) and (2), and Clause 1.19 (1) (a) of the Codes SEPP;</p> <p>For Exempt development, an exemption has been granted under section 57(2) of the <i>Heritage Act 1977</i>.</p> <p>The proposal is considered consistent with the SEPP as the land contains a heritage item that is identified in Schedule 5 of the LMLEP 2014.</p> <p>Division 3 – Boarding houses</p> <p>The SEPP permits the development of Boarding houses in Zone R2 Low Density Residential; Zone R3 Medium Density Residential and Zone B1 Neighbourhood zone where Residential accommodation is permitted under an LEP.</p> <p>The proposal is considered consistent with the SEPP as Boarding houses are permissible with consent under LMLEP 2014 in Zone R2, R3 and B1.</p>

		<p>Division 4 – Supportive accommodation</p> <p>The SEPP permits supportive accommodation on land where a Boarding house or Residential flat building (RFB's) are permissible.</p> <p>The proposal is considered consistent with the SEPP as Boarding houses and RFB's are permissible under LMLEP 2014.</p> <p>Division 5 – Residential flat buildings: social housing providers, public authorities and joint ventures.</p> <p>SEPP does not apply to (RFB's) in Teralba as it is not described as one of the towns or commercial land zones in Clause 34(b) of the SEPP. However, RFB's are permissible with consent under the LMLEP 2014 for the R3 and B1 zones.</p> <p>The proposal is considered consistent with the SEPP.</p> <p>Division 6 – Residential development – Land and Housing Corporation</p> <p>SEPP provides for residential development without consent – max height 8.5 metres, up to 60 dwellings or less on a single site. However, demolition of dwellings and associated structures is not permissible if identified as an HCA refer to Clause 40 (1) (b) (ii).</p> <p>The proposal is considered consistent with the SEPP.</p> <p>Division 6A – Build to rent housing</p> <p>SEPP provides for residential accommodation to be used as build-to-rent housing. The Division applies to the development of Multi dwelling housing, RFB's or Shop top housing in a zone where RFB's are permissible in another EPI.</p> <p>In LMLEP 2014, multi dwelling housing is permissible in Zone R3, RFB's are permissible in both the R3 and B1 zones. Shop top housing is permissible in the R2, R3 and B1 zones.</p> <p>The proposal is considered consistent with the SEPP.</p> <p>Division 7 – Group homes</p> <p>SEPP provides for Group homes in Zone R2 and R3 and in a zone where development for the purpose of dwellings, dwelling houses or multi dwelling housing may be developed under another EPI. Group homes are permissible with consent in Zones R2 and R3 in LMLEP 2014.</p> <p>Complying development for Group homes needs to satisfy Clauses 1.18 and 1.19 of the Codes SEPP 2008.</p> <p>Proposal is consistent – with all of the above divisions.</p>
<u>SEPP - (Coastal Management) 2018</u>	Policy to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with	<p>The proposal is considered consistent with the SEPP.</p> <p>The proposal is located in the Coastal</p>

	<p>the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area.</p> <p>The SEPP applies to the whole area including the Residential and Commercial zoned land within the Coastal Zone and includes:</p> <p>Coastal wetland</p> <p>Coastal wetland buffer</p> <p>Coastal Environment Area</p> <p>Coast Use Area</p>	<p>Environment Area and the Coastal Use Area. The proposed changes to the LMLEP and draft HCA Area Plan 2014 will not add to any current visual or environmental impacts to and from the current residential footprint, as the suburb of Teralba has existing dwellings in place. Visual or environmental Impacts (if any) would be addressed during assessment of future Development Applications.</p> <p>A previously affected property, Lot 50 DP 724405 – is no longer affected i.e. excluded from the proposed revised HCA boundary.</p> <p>There is no change to the properties previously affected by the Coastal wetland buffer in this proposal.</p> <p>There are some additional properties included in the revised draft HCA boundary in the Coastal Environmental Area that were not previously within the HCA. These additional properties are located to the north of Railway Street and were part of the now superseded Precinct Area Plan which the revised draft LMLEP HCA boundaries now include (refer to figures 1 and 2).</p> <p>Consistent as there is no additional effect by the inclusion or exclusion of the properties proposed in the revised HCA boundary. Additionally, development consent is required within the HCA for future development and therefore consistent with the SEPP.</p> <p>The proposal is located in the Coastal Use Area. As previously stated in the Coastal Environmental Area, there are several additional properties affected by the revised draft HCA boundary being – Railway Street Nos. 61A- Lot 163 DP 622147, 61- Lot 5 DP 224000, 59- Lot 4 DP 224000, 57- Lot 3 DP 224000, 55- Lot 2 DP 224000, 53- Lot 1 DP 224000, 49- Lot 1 SP 31923, 47- Lot 23 DP 701202, 39- Lot 1 DP 309986, 35- Lot B DP 343316 and 33- Lot A DP 343316; Victoria Street Nos. 1- Lot 1 DP 597569, 3- Lot 100 DP 551235, and 5- Lot 1 DP 131451.</p> <p>There has also been a reduction in the number and location of properties to the south of Margaret Street and York Street, in Teralba. These properties have not been included in the revised draft HCA boundary (refer to Attachment 5).</p> <p>Consistent as there is no additional effect by the exclusion of these properties to the revised HCA boundary.</p> <p>The Proposal is considered consistent with the objects of the Coastal Management Act 2016 and relevant coastal management areas –</p> <p><i>to manage the coastal environment of New South Wales in a manner consistent with the</i></p>
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		<i>principles of ecologically sustainable development for the social, cultural and economic well-being of the people of the State,...</i>
<u>SEPP – (Exempt and Complying Development Codes) 2008</u>	The Policy applies to the State and aims to provide streamlined assessment processes for development that complies with specified development standards	<p>The proposal is considered consistent with this SEPP as the proposal is located within a Heritage Conservation Area which is identified in an EPI - LMLEP 2014.</p> <p>Pursuant to Clause 1.16 (1A) (a) of the Codes SEPP, Exempt development only applies if an exemption has been granted under s.57 (2) of the Heritage Act 1977.</p> <p>Complying development only applies if the land does not comprise:</p> <p>(i) <i>an item that is listed on the State Heritage Register under the Heritage Act 1977 or on which such an item is located, or ...</i></p> <p>(iii) <i>is identified as an item of environmental heritage or a heritage item by an environmental planning instrument or on which is located an item that is so identified,</i></p>
<u>SEPP – (Housing for Seniors or People with a Disability) 2004</u>	<p>This Policy aims to encourage the provision of housing (including residential care facilities) that will—</p> <p>(a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and</p> <p>(b) make efficient use of existing infrastructure and services, and</p> <p>(c) be of good design.</p>	<p>The proposal is considered consistent with the SEPP.</p> <p>The SEPP applies to the Teralba HCA. Seniors housing is permissible with consent in Zone R2, R3 and B1 in LMLEP 2014. The proposed reduction in height for the Zones R3 and B1 from 10.0 to 8.5 metres will not be inconsistent with permissibility in the zones.</p>
<u>SEPP (Educational Establishments and Child Care Facilities) 2017</u>	<p>Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State.</p> <p>Consultation required with councils if a development impacts on local heritage.</p>	<p>The proposal is considered consistent with the SEPP.</p> <p>A potential impact of the proposal, if any, may be the proposed reduction in height to the Height of Buildings Map (from 10.0 metres to 8.5 metres) should a school or educational facility be located in the R3 Medium Density zone. It is noted that the Teralba Public School is located in the R3 zone.</p>
<u>SEPP (Infrastructure) 2007</u>	The aim of this Policy is to facilitate the effective delivery of infrastructure across the State.	<p>The proposal is considered consistent with the SEPP.</p> <p>A potential impact of the proposal, if any, may be the proposed reduction to the Height of Buildings Map (from 10.0 metres to 8.5 metres) should infrastructure or works be located in the R3 Medium Density or B1 Neighbourhood zones.</p>

7. Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

An assessment of the Planning Proposal against the applicable Ministerial Directions is provided in Table 3. The table addresses whether the Proposal is consistent with 'what a relevant planning authority must do' if a direction applies.

Table 3: Consistency with applicable Section 9.1 Ministerial Directions

Ministerial Direction & Relevance	What a relevant planning authority must do if this direction applies	Consistency / Comment
<p>1.1 Business and Industrial Zones</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</p>	<p>(4) A planning proposal must:</p> <p>(a) give effect to the objectives of this direction,</p> <p>(b) retain the areas and locations of existing business and industrial zones,</p> <p>(c) not reduce the total potential floor space area for employment uses and related public services in business zones,</p> <p>(d) not reduce the total potential floor space area for industrial uses in industrial zones, and</p> <p>(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment.</p>	<p>The proposal is inconsistent with 4(a) and (c) of this Direction.</p> <p>4(a) giving effect to the objectives of the direction in not discouraging employment growth in suitable locations; not undermine the protection of land in business and industrial zones; and not undermine supporting the viability of identified centres.</p> <p>The Proposal will not discourage employment growth as the B1 Neighbourhood zone will maintain its current one and two storey building heights but reduce the height of Building Maps from 10.0 metres to 8.5 metres to reflect the heritage character of the HCA.</p> <p>4(c) not reducing the total potential floor space area for employment uses and related public services in business zones.</p> <p>The proposal will affect an existing B1 Neighbourhood centre. Although there will be a reduction to the height of buildings from 10.0 metres to 8.5 metres - the primary objective of the LEP amendment is to respect and conserve the heritage character of the HCA. Development to date in the HCA has been primarily limited to residential with some additions and alterations to commercial buildings. The Working Report (Umwelt 2021) notes that:</p> <p><i>Within the principal commercial axis, as defined by York Street and Anzac Parade, the height of development is variable, with commercial properties comprising a mixture of one and two storeys to the street, as well as one storey with full height parapets (giving the impression of two storeys to the streetscape).</i></p> <p><i>It is proposed to vary the height of building provisions in LMLEP 2014 that apply within the revised HCA boundaries to better reflect and conserve the predominate scale and character of the area from which its identified significance is in part derived.</i></p> <p>Development of up to three storeys is possible at the rear of the site, dependant of the slope of the land, and if appropriately designed any potential loss of floor space would be limited.</p> <p>Additionally, the possibility of a cl.4.6 LMLEP 2014 variation exists subject to appropriate justification on heritage grounds i.e. Contributory grading of the building, streetscape, vistas, etc.</p> <p>Although there is an inconsistency with this aspect of the Direction, it is considered to be of minor significance.</p>

		<p>The proposal is consistent with the following objectives:</p> <p>4(b) retaining areas and locations of existing business and industrial zones – existing areas will not be affected by the proposal;</p> <p>(d) not reducing the total potential floor space area for industrial uses in industrial zones, - there are no industrial zones or uses affected by this proposal; and</p> <p>(e) ensuring that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment – there are no new employment areas associated with this proposal.</p>
<p>1.2 Rural Zones</p> <p>The objective of this direction is to protect the agricultural production value of rural land.</p>	<p>(4) A planning proposal must:</p> <p>(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</p> <p>(b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).</p>	<p>The proposal is considered to be consistent with this Direction.</p> <p>The proposal includes three RU2 zoned properties within the revised Heritage Conservation Area (HCA) boundary. The proposal however, does not:</p> <p>(a) rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</p> <p>(b) contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).</p>
<p>1.3 Mining, Petroleum Production and Extractive Industries</p>	<p>Ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p>	<p>The proposal is consistent with this Direction. The proposal does not include provisions that would affect land for the potential development of resources of coal, other minerals, petroleum, or winning or obtaining of extractive materials.</p> <p>Council will consult with Resource and Energy if the proposal proceeds.</p>
<p>2.1 Environment Protection Zones</p>	<p>Protect and manage coastal areas of NSW.</p>	<p>The proposal is consistent with this Direction. The proposal does not include provisions that would reduce the protection and conservation of environmentally sensitive areas.</p>
<p>2.2 – Coastal Management</p> <p>This direction applies to the coastal zone.</p>	<p>A Planning Proposal must include provisions that give effect to and are consistent with relevant NSW Government coastal policy.</p> <p>In particular:</p> <p>(4) must include provisions that give effect to and are consistent with:</p> <p>(a) the objects of the <i>Coastal Management Act 2016</i> and the objectives of the relevant coastal management areas;</p> <p>(b) the NSW Coastal Management Manual and associated Toolkit;</p>	<p>The proposal would be consistent with this Direction as the proposal will not enable increased development or more intensive land use. It is intended that the height of buildings in the R3 Medium Density Zone and B1 Neighbourhood Zone will be reduced from 10.0 metres to 8.5 metres to maintain the heritage character of the existing buildings and streetscape however, the potential density of development will be maintained in a horizontal rather than in a vertical manner.</p> <p>Any future development proposal (DA) would be consistent with the requirements of:</p> <p>(4) <i>What a planning proposal authority must do if this direction applies.</i></p> <p>The proposal includes provisions that give</p>

	<p>(c) NSW Coastal Design Guidelines 2003; and (d) any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the <i>Coastal Protection Act 1979</i> that continues to have effect under clause 4 of Schedule 3 to the <i>Coastal Management Act 2016</i>, that applies to the land.</p> <p>(5) A planning proposal must not rezone land which would enable increased development or more intensive land-use on land: (a) within a coastal vulnerability area identified by the <i>State Environmental Planning Policy (Coastal Management) 2018</i>; or (b) that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment undertaken: (i) by or on behalf of the relevant planning authority and the planning proposal authority, or (ii) by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority.</p> <p>(6) A planning proposal must not rezone land which would enable increased development or more intensive land-use on land within a coastal wetlands and littoral rainforests area identified by the <i>State Environmental Planning Policy (Coastal Management) 2018</i>.</p> <p>(7) A planning proposal for a Local Environmental Plan may propose to amend the following maps, including increasing or decreasing the land within these maps, under the <i>State Environmental Planning Policy (Coastal Management) 2018</i>: (a) Coastal wetlands and littoral rainforests area map; (b) Coastal vulnerability area map; (c) Coastal environment area map; and (d) Coastal use area map. Such a planning proposal must be supported by evidence in a relevant Coastal Management Program that has been certified</p>	<p>effect to and are consistent with:</p> <p>(a) the objects of the <i>Coastal Management Act 2016</i> and the objectives of the relevant coastal management areas - Consistent</p> <p>(b) the NSW Coastal Management Manual and associated Toolkit – there are no changes to a coastal management programme (CMP) for the area - Consistent</p> <p>(c) NSW Coastal Design Guidelines 2003 – there are no designs or changes to the existing urban subdivision footprint - Consistent;</p> <p>(d) the Lake Macquarie Coastal Zone Management Plan – there are no proposed development within the Coastal Zone Management Plan – this would be a DA issue for future development - Consistent.</p> <p>The proposal is consistent with the objects of the Coastal Management Act 2016; the Coastal Management Manual and associated Toolkit; NSW Coastal Design Guidelines and relevant Coastal Zone Management Plan;</p> <p>(5) The proposal does not rezone land to enable increased development or more intensive land-use on land:</p> <p>(a) within a coastal vulnerability area identified by the <i>State Environmental Planning Policy (Coastal Management) 2018</i>; or (b) that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment undertaken:</p> <p>(6) The proposal does not rezone land which would enable increased development or more intensive land-use on land within a coastal wetlands and littoral rainforests area identified by the <i>State Environmental Planning Policy (Coastal Management) 2018</i> - Consistent</p> <p>(7) The proposal does not propose to amend Maps associated with:</p> <p>(a) Coastal wetlands and littoral rainforests area map; (b) Coastal vulnerability area map; (c) Coastal environment area map; and (d) Coastal use area map.</p> <p>Consistent with all of the above.</p>
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	by the Minister, or by a Coastal Zone Management Plan under the <i>Coastal Protection Act 1979</i> that continues to have effect under clause 4 of Schedule 3 to the <i>Coastal Management Act 2016</i> .	
2.3 – Heritage Conservation	<p>This direction aims to conserve areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>(4) A planning proposal must contain provisions that facilitate the conservation of:</p> <p>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,...</p>	<p>The proposal is consistent with this Direction as it will enable appropriate protection of listed heritage items and an area of environmental heritage significance being a listed Heritage Conservation Area.</p> <p>The proposal will do this utilising best practice as recognized by Heritage NSW, by proposed DCP changes with the introduction of a classification of buildings being either Contributory 1; Contributory 2; or Non-Contributory; utilisation of a views and vista analysis process; a reduction in the Height of buildings from 10.0 metres to 8.5 metres in the R3 and B1 zones; and by the realignment of the Heritage Conservation Area Plan boundary.</p>
2.6 – Remediation of contaminated land	<p>This direction applies to:</p> <p>(2)...</p> <p>(c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land:</p> <p>(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</p> <p>(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</p> <p>A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land specified in paragraph (2) if the inclusion of the land in that zone would permit a change of use of the land, unless:</p> <p>(a) the planning proposal authority has considered whether the land is contaminated, and</p> <p>(b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state</p>	<p>The proposal would be consistent with this Direction as the proposal reduces the area of the original Precinct boundary to the proposed revised HCA boundary. The revised HCA boundary which includes R2, R3 and B1 zones do not have any contamination notation on the properties.</p>

	<p>(or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</p> <p>(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.</p>	
3.1 - Residential Zones	<p>(1) (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>(4) A planning proposal must include provisions that encourage the provision of housing that will:</p> <p>(a) broaden the choice of building types and locations available in the housing market, and</p> <p>(b) make more efficient use of existing infrastructure and services, and</p> <p>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</p> <p>(d) be of good design.</p> <p>(5) A planning proposal must, in relation to land to which this direction applies:</p> <p>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</p> <p>5 (b) not contain provisions which will reduce the permissible residential density of land.</p> <p>(6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the</p>	<p>The proposal is inconsistent with 1(a) of this Direction as the proposal may limit the choice of housing types to provide for existing and future housing needs, by limiting development to single and two storey dwellings (in the R3 Medium Density and B1 Neighbourhood zones) through a reduction in the Height of Buildings of 10.0 metres to 8.5 metres. The reduction in height of buildings has been proposed to be consistent with the existing heritage character of the HCA and the current heights of the single storey cottages found in Teralba.</p> <p>The inconsistency with 1(a) and 4(a) is considered to be of minor significance to enable consistency with the HCA heritage character of the area, and Ministerial Direction 2.3 Heritage conservation, as provided for by Heritage consultants in their revised Teralba Combined Working Report and Heritage Development Control Plan Study.</p> <p>The proposal would be consistent with objective 4(b) as there no changes to current water, sewer or other public infrastructure connections.</p> <p>The proposal would be consistent with objective 4(c) as no further land for housing and associated urban development is proposed. Future residential or commercial development will be confined to those areas already zoned for development.</p> <p>The proposal would be consistent with objective 4(d) based on the guidelines that will be provided in the revised draft LMDCP which this Planning Proposal will enable.</p> <p>In respect of 5(a) The proposal would be consistent with this objective as the LMLEP 2014 at Clause 7.21 requires that essential services are provided to the satisfaction of council.</p> <p>In respect of 5(b) the proposed LMLEP amendment is inconsistent with this provision as the LEP amendment reduces the height of Buildings from 10.0 metres to</p>

	<p>Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</p> <p>...</p> <p>(d) of minor significance.</p>	<p>8.5 metres for the R3 Medium Density Residential Zone.</p> <p>Council's Economic Strategist has advised the following:</p> <p><i>Generally, the predominant infill development type within the precinct has been one and two storey multi dwelling housing developments. Council's Urban Development Program identifies nine developments totalling 72 dwellings in various stages of the development process, or recently completed construction within the precinct. During the reporting timeframe (approximately 15 years) there have been no developments proposed or constructed that exceed two storeys in height.</i></p> <p><i>Analysis of the development potential within the precinct indicates that both under the current, and proposed planning framework, one and two storey multi dwelling housing developments are likely to remain the most viable development outcomes. The reduction in the maximum building height from 10m to 8.5m is unlikely to have a material impact on development outcomes in the precinct.</i></p> <p>For clarification on the above: - Precinct refers to the current Teralba Precinct Area Plan boundary as per figure 1 of this planning proposal, which is proposed to be removed and be replaced by the proposed Teralba HCA boundary in Attachment 5.</p> <p>Additionally, the possibility of a cl.4.6 LMLEP 2014 variation exists subject to appropriate justification on heritage grounds i.e. Contributory grading of the current building, streetscape vistas, etc.</p> <p>There are no proposed restrictions to any of the current permissible uses in the zones as evidenced by the analysis provided in Attachment 8.</p> <p>It is acknowledged that there will be some loss of density. However, given the location and issues that the planning proposal seeks to resolve, and analysis of current and potential development in the neighbourhood centre, it is considered that the inconsistencies with the Direction are of minor significance.</p>
<p>3.4 – Integrating Land Use and Transport</p> <p>The direction requires consistency with State policy in terms of positioning of urban land use zones.</p>	<p>This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. This provision would apply to a rezoning to a business or industrial zone, not to an additional permitted use for a service station and a</p>	<p>The proposal is consistent with this Direction as the planning proposal does not change the location of zones for urban purposes and is consistent with Improving Transport Choice and the Right place for Business and Services.</p> <p>Teralba is an existing small urban residential (village) within the Heritage Conservation Area.</p> <p>It is projected that some intensification of land uses particularly infill housing will occur as Teralba is ideally located and has a Train</p>

	rezoning to private recreation (RE2). Recreational land is generally not considered to be urban land by the Department of Planning and Environment.	<p>station.</p> <p>The proposal will alter a land use provision to reduce the Height of Buildings within the Heritage Conservation Area. The proposal is generally consistent with the Hunter Regional Plan and the Greater Newcastle Metropolitan Plan for future development of the Heritage Conservation Area and Council's LSPS, and Housing Strategy.</p>
<p>4.1 – Acid Sulfate Soils</p> <p>The direction applies to land that has been identified as containing potential Acid Sulfate Soils (ASS)</p>	<p>Avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>(4) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.</p>	<p>The proposal is considered to be consistent with this Direction.</p> <p>The urban areas of the proposal are shown as Class 5 Acid Sulfate Soils on the Council's GIS Maps.</p> <p>The proposal does not propose intensification of land uses on land identified as having the probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps.</p> <p>Future DA's will need to be consistent with the requirements Acid Sulfate Planning Guidelines identified as Acid Sulfate Soils during DA assessment.</p>
<p>4.2 – Mine Subsidence and Unstable Land</p> <p>This Direction seeks to prevent damage associated with mine subsidence</p>	<p>Prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</p>	<p>The site is within a proclaimed Mine Subsidence district pursuant to section 15 of the Mine Subsidence Compensation Act 1961. This direction requires consultation with Subsidence Advisory NSW for amendments to the LMLEP 2014 within a Mine subsidence district.</p> <p>Subsidence Advisory NSW indicates that the proposed HCA and the majority of the Teralba Heritage Precinct lie within the Lake Macquarie No 1 Extension Mine Subsidence District. Under the Environmental Planning and Assessment Act 1979, development within a proclaimed mine subsidence district requires approval from Subsidence Advisory NSW (SA NSW) under section 22 of Coal Mine Subsidence Compensation Act 2017.</p> <p>SA NSW has assigned surface development guidelines to individual lots within mine subsidence districts to minimise the impact of future mine subsidence.</p> <p>SA NSW has indicated in its response to council that it has no objection regarding the proposal to reduce the allowable height limit in the Heritage Conservation Area.</p>
<p>4.3 – Flood Prone Land</p> <p>Development of flood prone land should be consistent with the NSW Government's Flood Prone Land Policy</p>	<p>This direction applies when a relevant planning authority prepares a planning proposal that creates, removes, or alters a zone or a provision that affects flood prone land.</p>	<p>The proposal is considered to be consistent with this Direction as the proposal will not be affected by Flood Prone land which is not currently affected as indicated below.</p> <p>The proposal will remove several properties from the current HCA southeast of Margaret Street being property Numbers 32, 30, 28, 26, 24A, 24, 22, 20, 18, 16, 14, 12, 10, 8, 4, 2, and 2A; Anzac Parade Nos, 16, 18, 21, 21A, 22, 23, 24, 25, 26 and 28; York Street Nos</p>

		70, 72 and 74; Cumberland Street Nos 15, 13, 11, 9, 7, 3, and 1 (refer to attachment 5). All future development is subject to Clause 7.3 Flood Planning of LMLEP 2014.
4.4 – Planning for Bushfire Protection This direction applies to bushfire prone land	(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.	The proposal is considered to be consistent with this Direction as the Teralba urban area is not bush fire prone land. The land to the northwest of the proposal however, is identified in the Lake Macquarie Bushfire Prone Land Map as both Vegetation Category 2 and Vegetation Category 1. The proposed revised HCA boundary will not be bush fire prone land. Consultation with the Commissioner of the NSW Rural Fire Service would occur following receipt of a Gateway determination under section 3.34 of the Act, and prior to undertaking community consultation.
5.10 - Implementation of Regional Strategies	Give legal affect to the vision, land use strategy, goals, directions and actions contained in Regional Plans	The proposal is considered to be consistent with relevant directions within the Hunter Regional Plan 2036, as previously outlined in Direction 3.1 Residential Zones.
6.1 – Approval & Referral Requirements The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Ensure that LEP provisions encourage the efficient and appropriate assessment of development.	The proposal is considered consistent with this Direction as it seeks to support and give statutory effect to a DCP which minimises concurrence with Heritage NSW. The proposal will ensure LMLEP 2014 provisions are consistent with provisions in the draft revised Teralba Heritage Conservation Area Plan.
6.3 – Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls	The planning proposal would be inconsistent with (4)(c) as it will provide for requirements (reduction to the Height of Buildings) to replace the current Height of Buildings from 10.0 metres to 8.5 metres contained in the R3 Medium Density Residential and B1 Neighbourhood zones. An increased density is achievable under the proposed LEP amendments and DCP revisions, provided that this is achieved with regard to the heritage significance of the HCA and contributory elements contained within the Working Report (Umwelt 2021). This will encourage more refined and higher quality design outcomes that balance planning objectives with the heritage conservation of Teralba. Council seeks the Director-General's approval that the planning proposal is of minor significance given the area's status as a locally listed heritage item and Heritage Conservation Area. Maintaining potential densities is possible based on the design of the proposal and that the rear of the development lot can be developed up two storeys, and where the lot characteristics provide up to three storeys to the rear of the lot on sloping sites. Additionally, although the

		<p>current Height of buildings is up to three storeys and as previously stated above under 3.1 Residential zones - Council's Economic Strategist has concluded that:</p> <p><i>Generally, the predominant infill development type within the precinct has been one and two storey multi dwelling housing developments. Council's Urban Development Program identifies nine developments totalling 72 dwellings in various stages of the development process, or recently completed construction within the precinct. During the reporting timeframe (approximately 15 years) there have been no developments proposed or constructed that exceed two storeys in height.</i></p> <p><i>Analysis of the development potential within the precinct indicates that both under the current, and proposed planning framework, one and two storey multi dwelling housing developments are likely to remain the most viable development outcomes. The reduction in the maximum building height from 10m to 8.5m is unlikely to have a material impact on development outcomes in the precinct.</i></p> <p>For clarification on the above: - Precinct refers to the current Teralba Precinct Area Plan boundary as per figure 1 of this proposal, which is proposed to be removed and be replaced by the proposed Teralba HCA boundary in Attachment 5.</p>
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A. ENVIRONMENTAL, SOCIAL, AND ECONOMIC IMPACT

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 proposal will not affect land which contains any habitat. The proposal is intended to provide specific controls to ensure that the existing historic village of Teralba will continue to blend and be part of the heritage conservation area. It will also help to ensure that the landscape qualities and design of the former mining and workers cottages not be compromised by new contemporary building forms which are not in keeping with the heritage qualities of the area.

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

Mines Subsidence

The site is located within a Mine Subsidence District and consultation is required with Subsidence Advisory NSW as part of this LMLEP amendment and as part of any future DA. Subsidence Advisory NSW have indicated that there is no objection to the reduction in height to 8.5 metres in the HCA.

There are no likely environmental effects as a result of the Planning Proposal.

10. How has the Planning Proposal adequately addressed any social and economic effects?

The draft Planning Proposal and associated revised draft Teralba Heritage Conservation Area Plan encourage continued commercial uses within the Neighbourhood Centre zone, and seek to conserve the unique 'local centre feel' through the protection of buildings that contribute to and complement the heritage significance and character of the centre. The proposed planning framework creates a point of difference for Teralba that can be utilised to encourage tourism and more boutique commercial uses. Teralba has the opportunity of continuing to reflect the heritage and commercial qualities of townships like Morpeth and Dungog where heritage and commercial activities support each other, and create a lively village atmosphere whilst providing retail and commercial activities.

If the Planning Proposal does not proceed then there will be potential detrimental impacts on the culture and heritage of Teralba. There will potentially be a loss of the heritage fabric within the HCA in the longer term as inappropriately designed buildings potentially replace existing buildings and potentially have little to no regard to the streetscape character of the heritage area.

Should the proposal not go ahead it may also have a detrimental social and economic impact on those businesses and community groups that rely on the heritage draw card of the centre.

Having surety of what development controls apply to the historic village of Teralba will provide more certainty to development proponents and ensure the social and economic well-being of the area continues to grow and support heritage conservation. It is anticipated that economic and commercial activity will be enhanced by the proposed LEP amendment as is evidenced in heritage towns such as Morpeth and Dungog.

SECTION D - STATE AND COMMONWEALTH INTERESTS

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

There is no change to the current water, sewer or other public infrastructure provision which exists in the Teralba area.

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

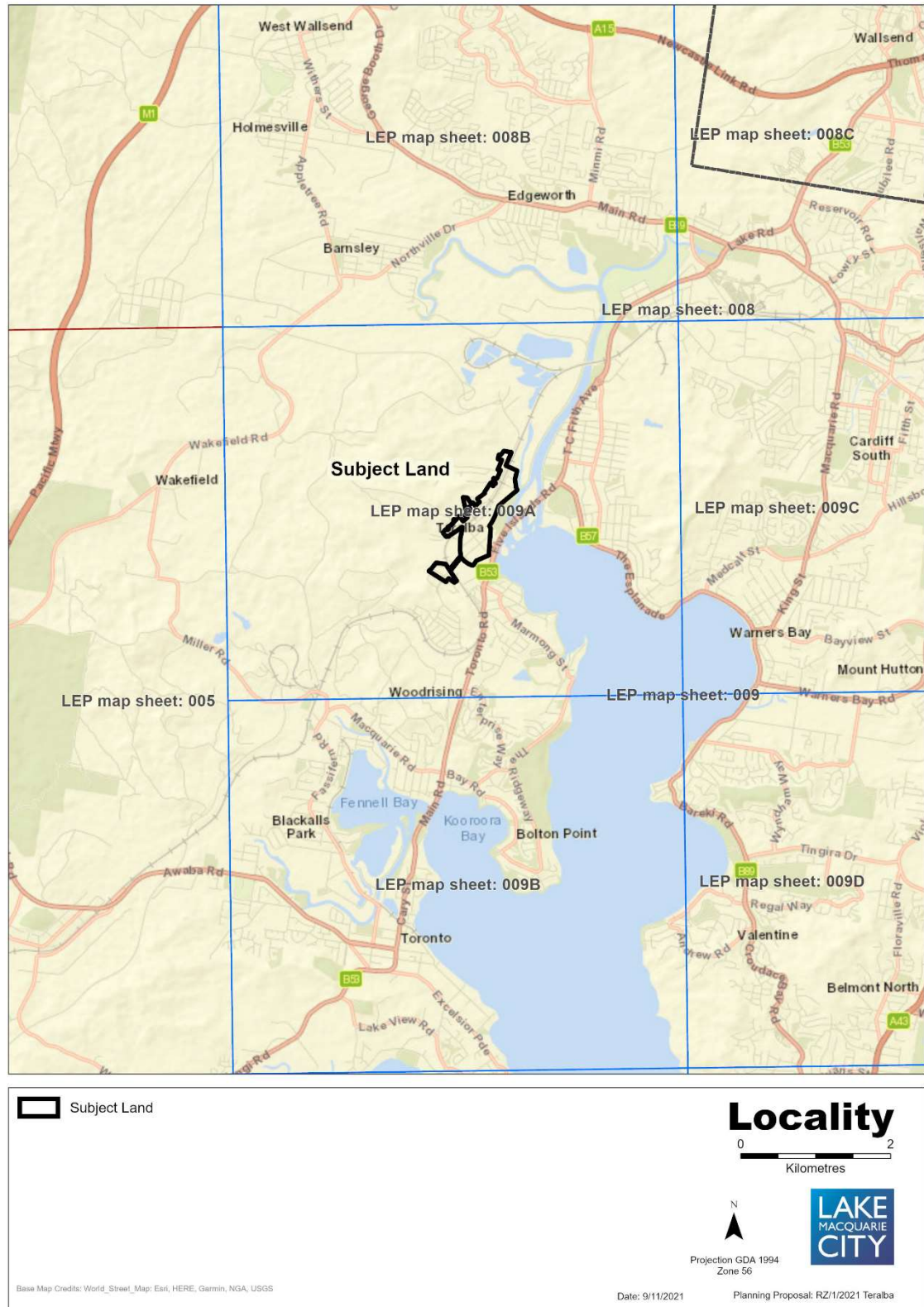
The Gateway Determination requires that Council consult with the following authorities prior to public exhibition of the Planning Proposal:

- NSW Rural Fire Service (RFS)
- Subsidence Advisory NSW
- Heritage NSW

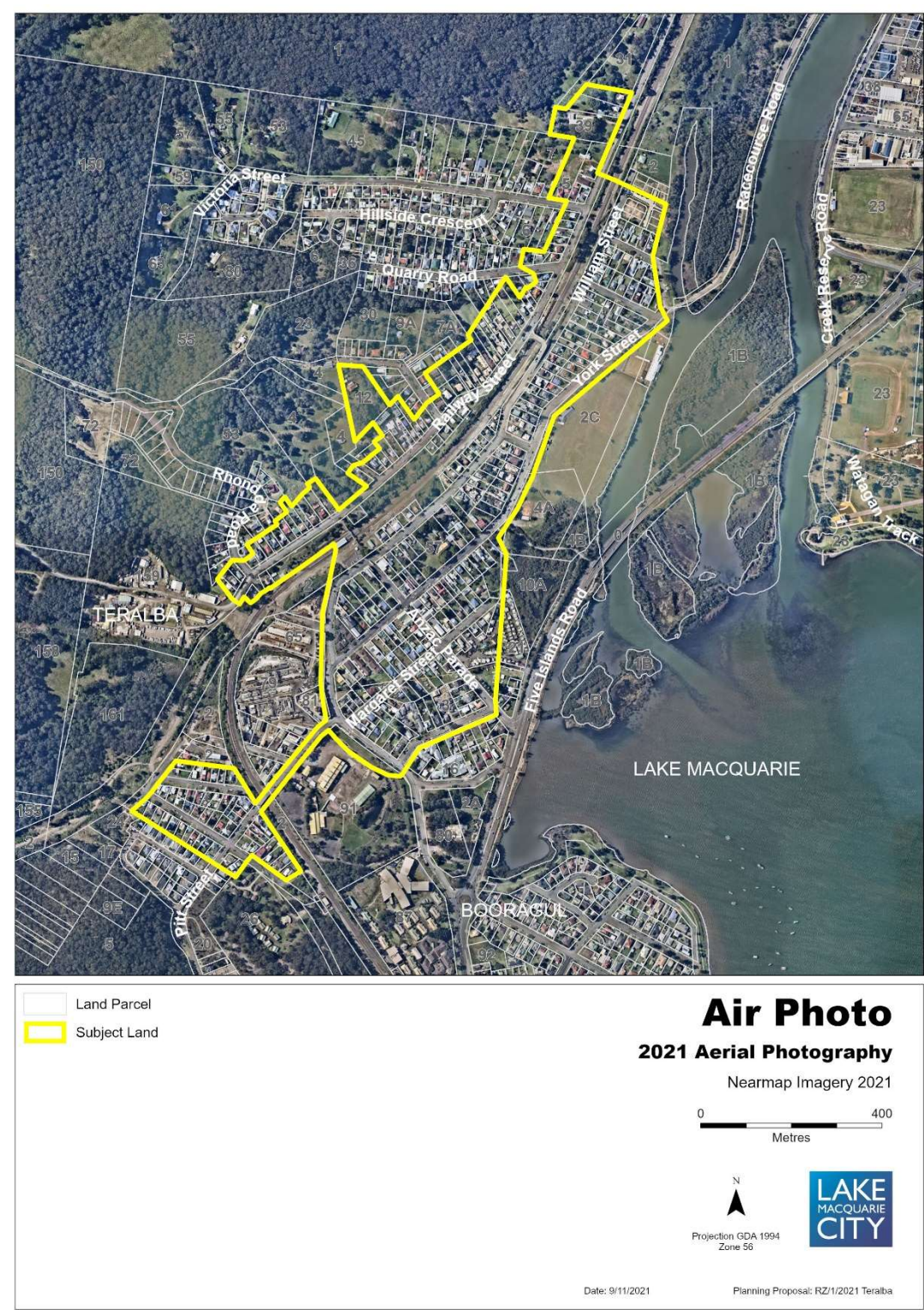
This consultation was conducted during December 2021, and it is noted the referral authorities have not raised any objections and are generally in favour of the proposal proceeding.

Part 4 - Mapping

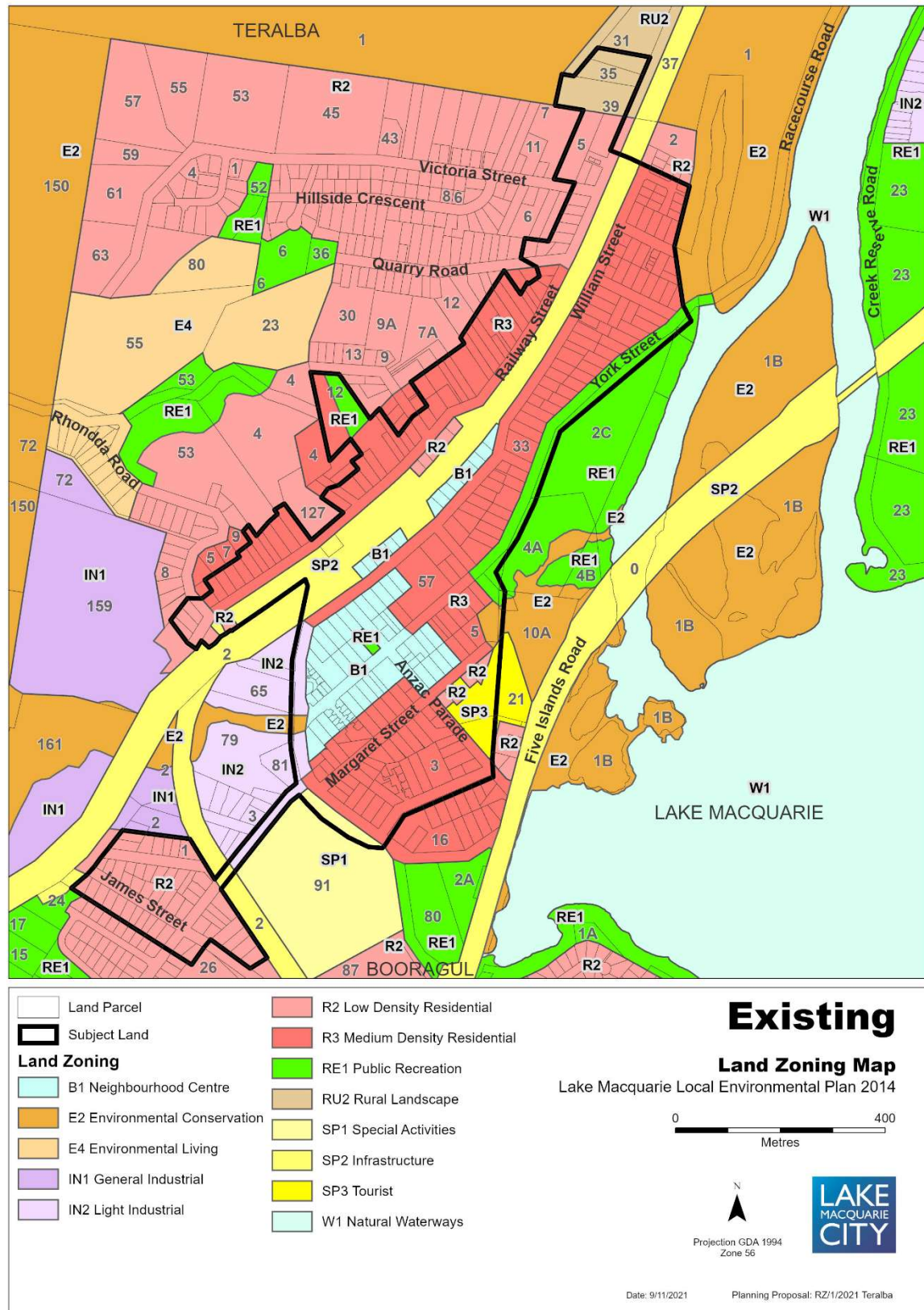
Attachment 1: Locality Map – Teralba HCA



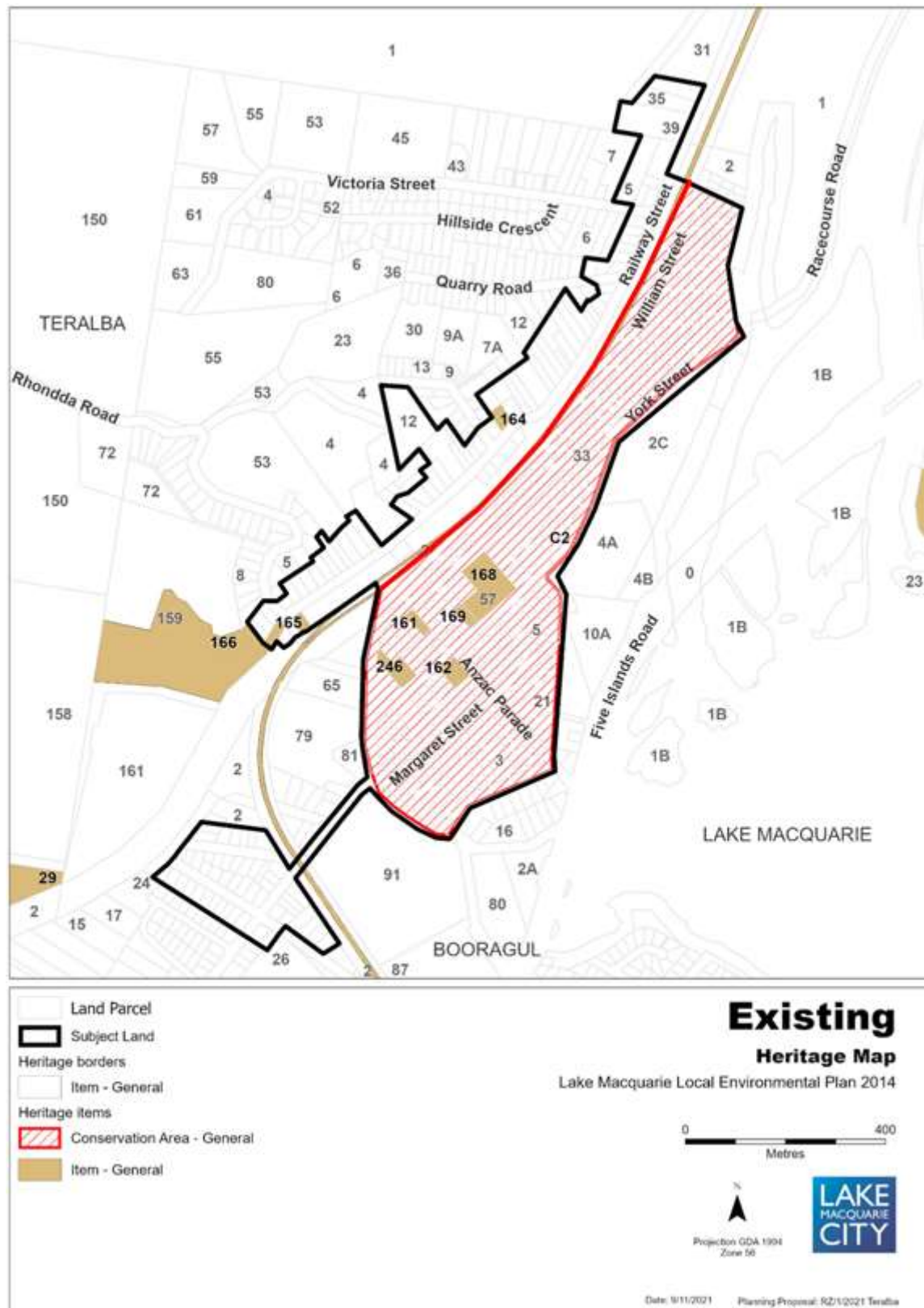
Attachment 2: Aerial –Subject Land Teralba HCA



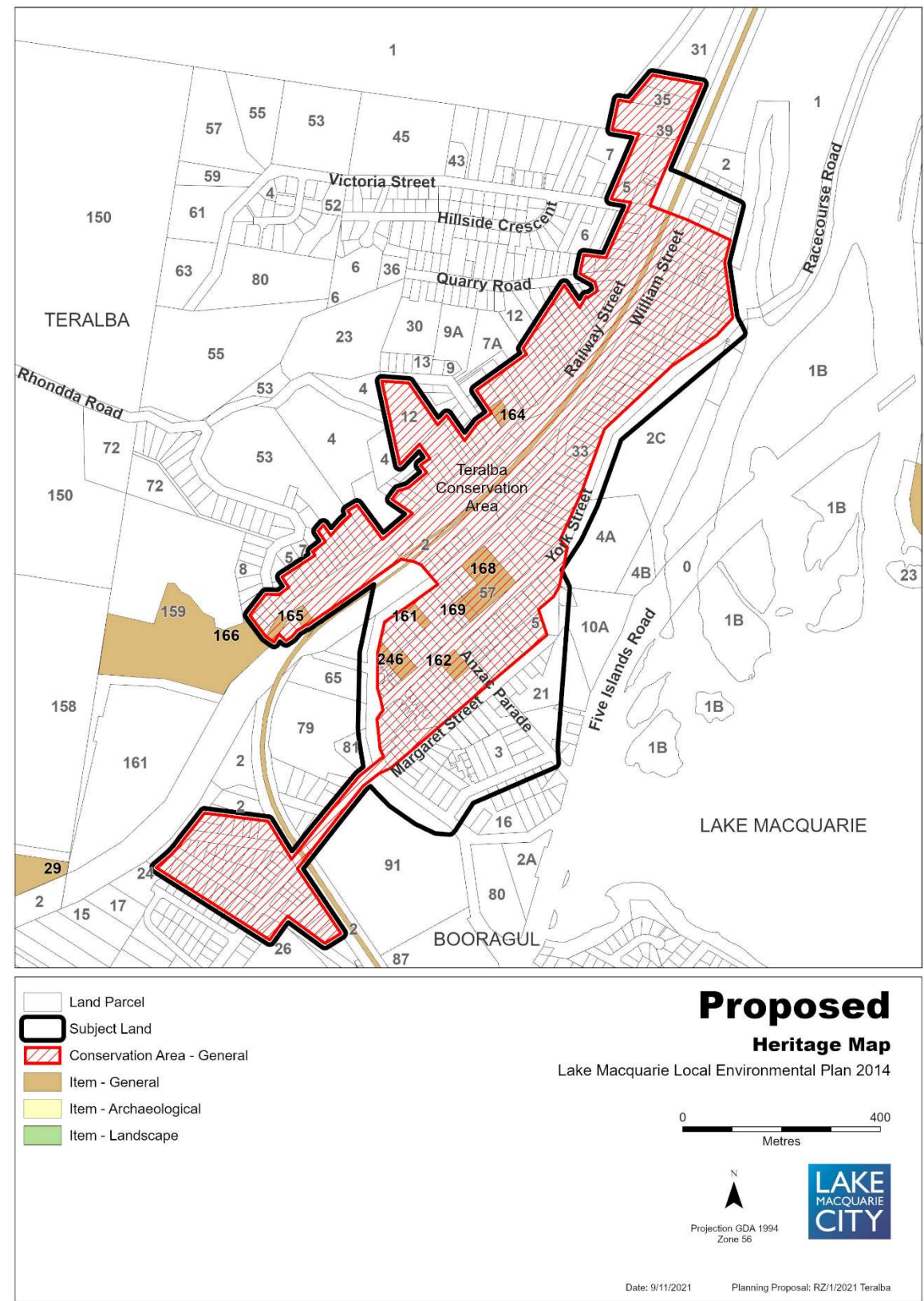
Attachment 3: Existing Land Zoning Map



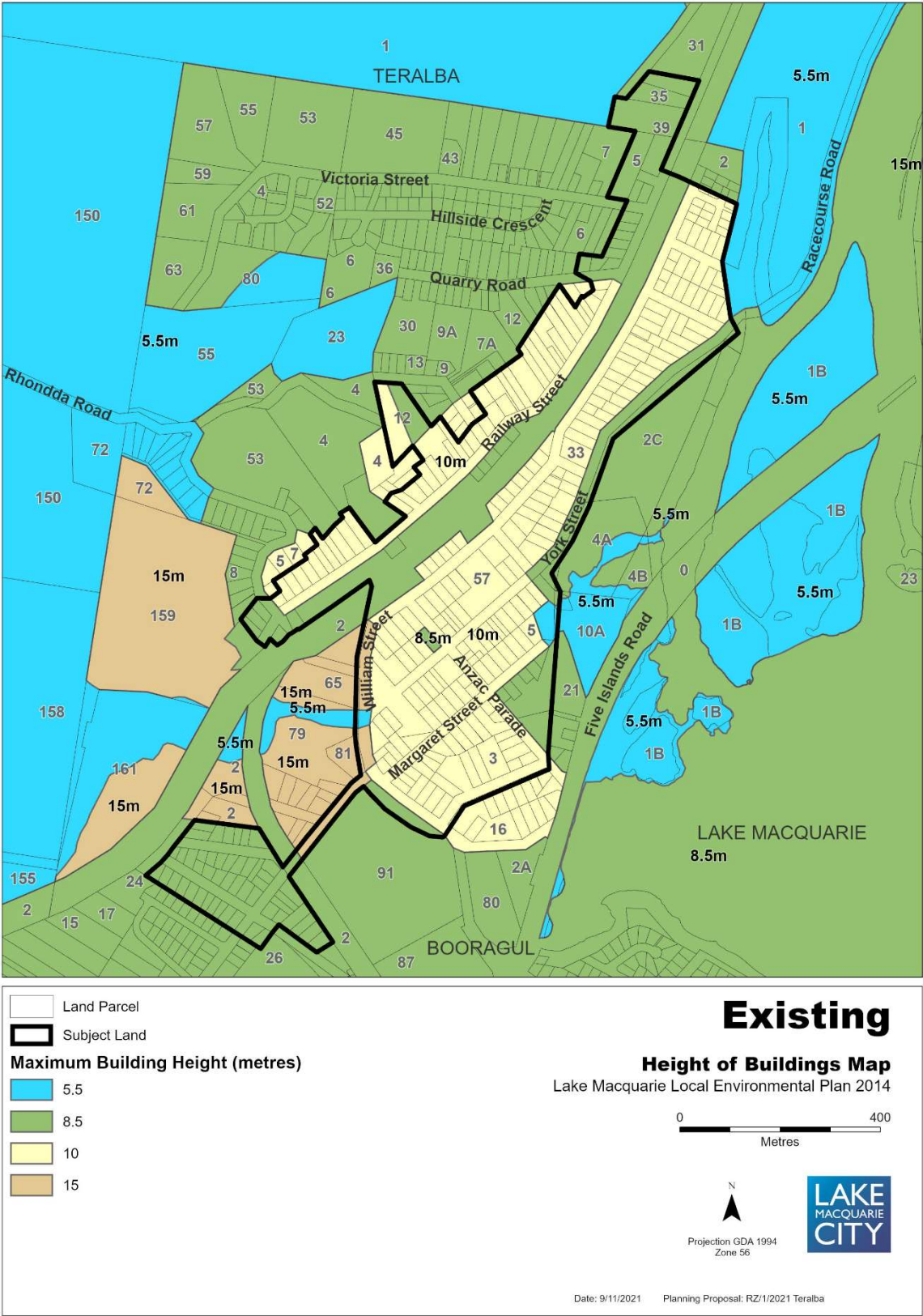
Attachment 4: Existing - Teralba HCA



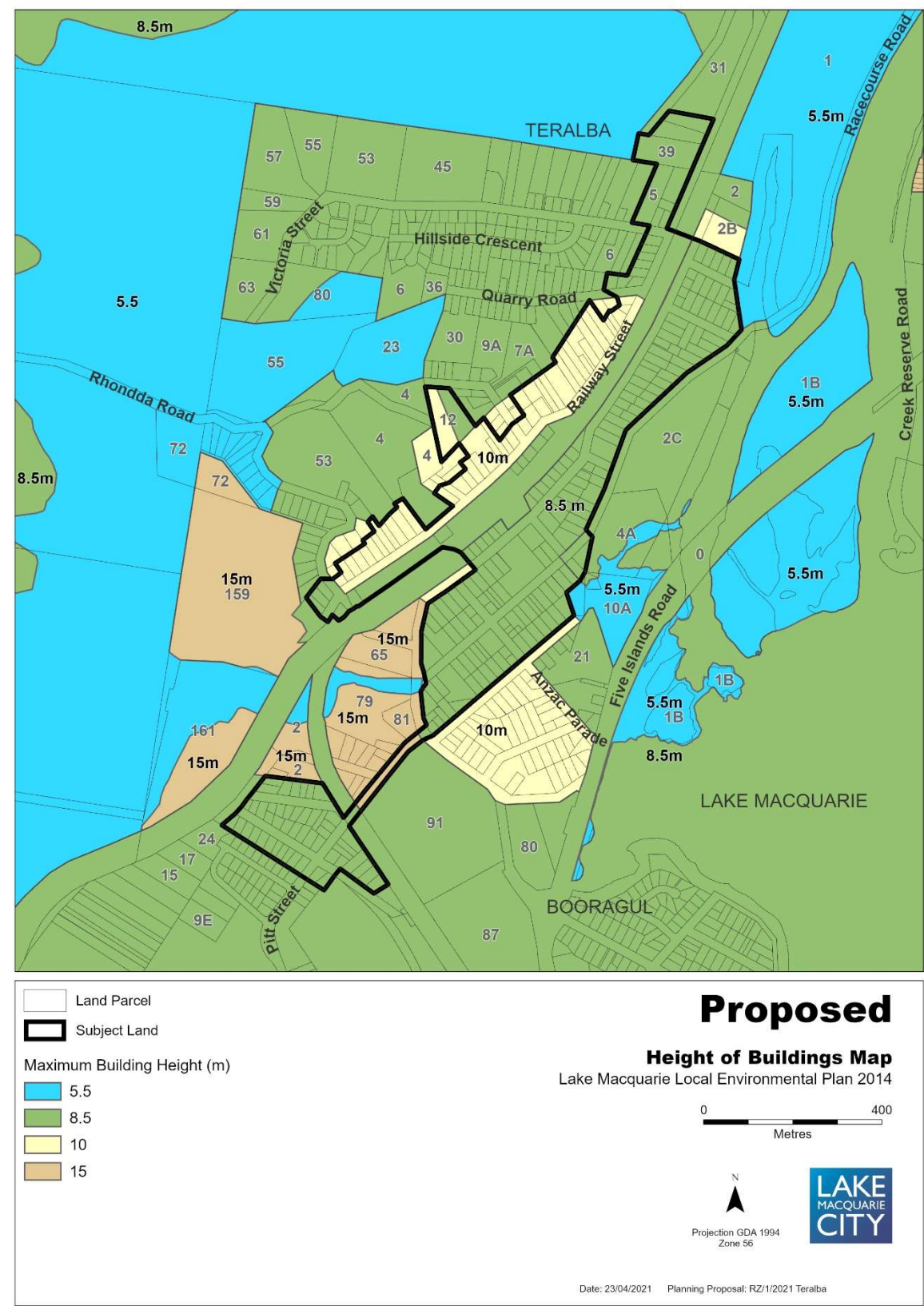
Attachment 5: Proposed - Teralba HCA



Attachment 6: Existing Height of Buildings Map – Teralba HCA



Attachment 7: Proposed Height of Buildings Map – Teralba HCA



Attachment 8: Land Use Permissibility Table – Residential Accommodation & Commercial Uses

Uses	Zone R2 – Low Density Residential	Zone R3 – Medium Density Residential	Zone B1 – Neighbourhood Centre
Residential accommodation			
Attached dwellings	×	✓	✓
Boarding houses	✓	✓	✓
Dual occupancies;	✓	×	✓
Dwelling houses	✓	✓	✓
Group homes	✓	✓	✓
Hostels	✓	✓	✓
Multi dwelling housing	×	✓	✓
Residential flat buildings	×	✓	✓
Secondary dwellings;	✓	✓	✓
Semi-detached dwellings	✓	×	✓
Seniors housing	✓	✓	✓
Shop top housing	✓	✓	✓
Commercial			
Bed and breakfast accommodation;	✓	✓	×
Hotel or Motel Accommodation	×	✓	✓

KEY: Permissible With Development Consent ✓ **Prohibited** ×

Attachment 9: Individually Listed Items, Teralba

Argenton, Teralba	Cockle Creek Railway Bridge	Adjacent to 462 Lake Road and 15C Racecourse Road	Lot 1, DP 1191714 and Part of Lot 101, DP 1188398	Local	4
Argenton, Teralba	Former Cockle Creek Railway Bridge	462 Lake Road and 13C Racecourse Road	Lot 2, DP 1191714 and Part of Lot 101, DP 1188398	Local	3
Teralba	Great Northern Hotel	2 Anzac Parade	Lot 7, Section A, DP 447469	Local	161
Teralba	Shop	10 Anzac Parade	Lot 1, DP 999965	Local	162
Teralba	Teralba Cemetery Billygoat Hill	62 and 64 Pitt Street, 16 Cockle Crescent	Lots 429, 430 and 441, DP 1228495	Local	163
Teralba	House "AS"	101 Railway Street	Lot 261, DP 554269	Local	164
Teralba	Station master's cottage	150 Railway Street	Lot 3, DP 831957	Local	165
Teralba	Gartlee Mine	159 Railway Street	Lot 102, DP 1131669	Local	166
Teralba	Rhondda Colliery	282 and 284 Rhondda Road	Lot 101, DP 1073163; Lot 76, DP 755262	Local	167
Teralba	Teralba Public School	57 York Street	Lot 2, DP 795123	Local	168
Teralba	House "Moria"	59 York Street	Lot 17, DP 816302	Local	169
Teralba	Former co- operative Store	75 York Street	Lot 18, DP 1158353	Local	246
Teralba, Wakefield	Rhondda Colliery Railway	From West Wallsend railway on the north side of Stockton Borehole Colliery to the Rhondda Colliery south of Rhondda Road, Teralba	Lot 5, DP 849719; Lot 101, DP 1073163	Local	170

PART 5 – DETAILS OF INITIAL COMMUNITY CONSULTATION

Initial community consultation occurred for a period of 28 days from 11 February to 11 March 2021. The engagement summary report includes:

59 submissions received

- 15 written submissions
- 23 hardcopy surveys mailed or scanned through to Council
- 21 online surveys
- 32 phone call enquires
- 15 attendees at drop-in sessions
- (2-3 March)
- 7,456 people reached via social media
- 779 social media post engagements
- 290 letters to property owners
- 1,332 postcards to Teralba residents
- 892 visits to project website
- 11,847 newsletter subscribers

The submissions and responses have been used to inform this Planning Proposal and the associated draft revised Teralba Heritage Conservation Area Plan.

The public will have a further opportunity to view and comment on the Planning Proposal and the draft revised Teralba Heritage Conservation Area Plan in accordance with the requirements of the Gateway determination (issued 7 October, 2021, as Altered on 25 October, 2021), in accordance with section 3.34 of the EP&A Act.

Current Joint exhibition of the Planning Proposal and Development Control Plan

In accordance with the Gateway Determination, this Planning Proposal is required to be exhibited for 28 days, as is the draft LMDCP 2014, Part 11.3: Teralba Heritage Conservation Area, in accordance with the EP&A Regulation 2000.

Council has resolved (26 July, 2021) to jointly exhibit the draft LMLEP amendment with the revised draft LMDCP - Teralba Heritage Conservation Area Plan and the Consultant's Working Report (Umwelt Australia). This will allow the public to view and comment on the draft LMLEP 2014 Amendment, the draft DCP Heritage Conservation Area Plan and the Working Report together.

PART 6 - PROJECT TIMELINE

Action	Timeframe
Anticipated commencement date (date of Gateway determination)	7 October 2021
Gateway Alteration issued	25 November 2021
Anticipated timeframe for completion of required technical information	
Timeframe for government agency consultation (pre-exhibition)	November – December 2021
Public exhibition (commencement and completion dates)	14 February – 14 March 2022
Date of Public hearing (if required)	Not Required
Consideration of submissions	April 2022
Timeframe for government agency consultation (post exhibition if required)	N/A
Post exhibition planning proposal consideration / preparation	June 2022
Submission to Department to finalise LEP	July 2022
Date RPA will make Plan (if delegated)	August 2022
Date RPA will forward to the Department for notification	September 2022