

<b>22SP039</b>	Draft planning proposal to amend height of buildings and subdivision provisions for land at North Wallarah Peninsula, Old Pacific Highway, Pinny Beach
----------------	--

<b>Key focus area</b>	1. Unique landscape
<b>Objective</b>	1.3 New development and growth complements our unique character and sense of place
<b>File</b>	RZ/11/2021 - D10478352
<b>Author</b>	Strategic Landuse Planner - Adam Kennedy
<b>Responsible manager</b>	Manager Integrated Planning - Wes Hain

<b>Address</b>	Various lots off the Old Pacific Highway, Pinny Beach
<b>Owner</b>	Wakefield Ashurst Developments Pty Ltd and Northern Managers & Construction Pty Ltd
<b>Applicant</b>	Wakefield Ashurst Developments Pty Ltd and Northern Managers & Construction Pty Ltd

### **Executive Summary**

The applicant has submitted a draft planning proposal (draft proposal) for land they own on the North Wallarah Peninsula. The draft proposal seeks to ensure height of buildings and subdivision provisions in the *Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014)* are consistent with the provisions in the adopted North Wallarah Peninsula Area Plan of the Lake Macquarie Development Control Plan (LMDCP) 2014. This will ensure any future development reflects the unique environmental and visual attributes of the North Wallarah Peninsula.

### **Recommendation**

Council:

- A. requests a Gateway Determination from the Department of Planning and Environment, pursuant to the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)*, in relation to the planning proposal in Attachment 1,
- B. requests the use of delegations in respect of the Minister for Planning's plan making function under section 3.36 of the *EP&A Act 1979* for the draft planning proposal,
- C. undertakes consultation with State Government agencies and service authorities and prepares any required studies in accordance with the Gateway Determination,
- D. places the draft planning proposal on exhibition, subject to the outcome of the Gateway Determination,
- E. notifies stakeholders and affected landowners of the public exhibition, and
- F. receives a further report on the matter following public exhibition.

## Discussion

The subject land forms part of the 600ha North Wallarah Peninsula (NWP) (see Figure 1), which has been subject to a comprehensive planning process over the past 25 years.



**Figure 1: North Wallarah Peninsula area and subject land**

This process has included:

- preparation of a Conservation and Land Use Management Plan (CLUMP) which formed the basis for site specific planning controls within the *North Wallarah Peninsula Local Environmental Plan 2000* and later, the *Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014)*
- preparation of a master plan and management plans to guide development that reflects the particular environmental attributes of the North Wallarah Peninsula
- incorporating the provisions of the CLUMP and master plan into the Lake Macquarie Development Control Plan 2014 – North Wallarah Peninsula Precinct Area Plan (NWP Area Plan), which was last revised and adopted by Council on 26 April 2021 (21SP025).

In 2019 and 2020, Council approved two residential subdivisions (DA/1656/2019 and DA/505/2020) within the subject land which created 410 residential lots and included a new park and neighbourhood centre. The approved subdivision layout is visible in Figure 2. The developer has not yet commenced construction of this approved subdivision.



**Figure 2: Subject land with approved residential subdivision layout**

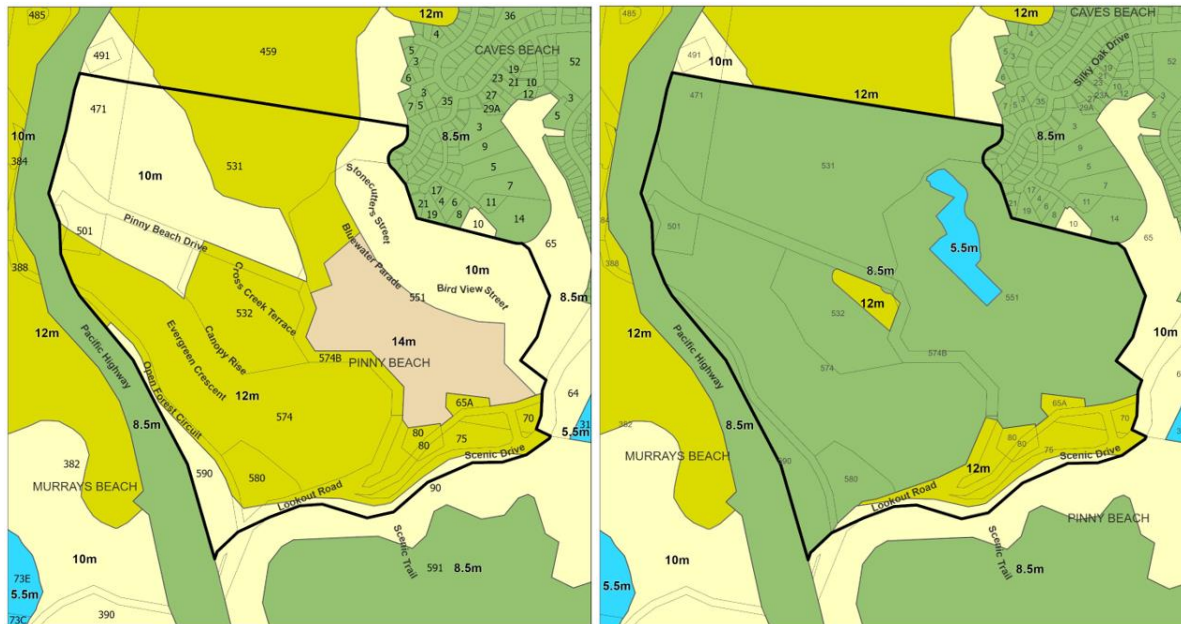
Future development is envisaged on land immediately north of the approved residential subdivision within the subject land, but this is subject to a future development application and assessment.

The draft proposal seeks to amend the building heights and subdivision provisions in the *LMLEP 2014* so they are consistent with, and give statutory weight to, those provisions that currently exist in the NWP Area Plan.

The draft proposal seeks to amend the *LMLEP 2014* to reflect the unique environmental and scenic attributes of the subject land by:

- reducing the height of buildings from the current 10m, 12m, and 14m to 5.5m, 8.5m and 12m (refer to Figure 3). The proposed heights are consistent with recommendations from the Visual Integration Report that supported DA/1656/2019. The proposed 8.5m building height for the majority of the subject land is consistent with established low density residential areas throughout the city
- introducing a minimum lot size of 450m<sup>2</sup> to the majority of the site that is consistent with the approved subdivision layout under DA/1656/2019 and surrounding established residential areas
- introducing a local provision clause and an additional permitted use clause to:
  - permit subdivision of land into three lots where each resulting lot is between 300m<sup>2</sup> and 450m<sup>2</sup>, has frontage to a public road and specifies a building envelope
  - restrict dual occupancy development to lots that have a minimum size of 620m<sup>2</sup> unless they are corner lots
  - permit subdivision that creates a corner lot of at least 500m<sup>2</sup> and permit subdivision that creates a battle-axe lot of at least 600m<sup>2</sup>.





**Figure 3: Existing (left) and proposed (right) building heights**

### **Assessment of options**

It is recommended Council resolves to request Gateway Determination and proceed with the draft proposal. This is the recommended option as it will ensure consistency between the recently adopted NWP Area Plan and the *LMLEP 2014*, while ensuring future development reflects the unique environmental and scenic attributes of the area.

Should Council resolve to not proceed with the draft proposal this will result in inconsistencies between the provisions of the *LMLEP 2014* and the *LMDCP 2014*. This will create administrative complexities during the assessment of any future development application and be inconsistent with the desired character, environmental and scenic attributes of the area.

### **Community engagement and internal consultation**

Consultation occurred with Council's Integrated Planning, Community Partnerships, Asset Management, Environmental Systems, Environmental Regulation and Compliance, Development Assessment and Certification and Property and Business Development departments during preparation of the draft proposal.

Initial feedback from the NSW Department of Planning and Environment was also sought regarding what additional studies and government agency consultation will be required for the draft proposal.

If Council resolves to request a Gateway Determination, public exhibition would occur in accordance with the conditions of the Gateway Determination.

### **Key considerations**

<b>Economic impacts</b>	The draft proposal will facilitate the economic development of the area by providing consistency between the <i>LMLEP 2014</i> and the <i>LMDCP 2014</i> . The proposal will ultimately support the construction of over 410 dwellings for the city over the next several years.
<b>Environment</b>	The draft proposal will ensure future development reflects the environmental and scenic attributes of the area. Relevant environmental factors, such as biodiversity, bushfire, and contamination, were assessed as part of the historical planning framework and recently approved subdivisions.
<b>Community</b>	The draft proposal will support the approved provisions of a residential subdivision which considers the unique environmental and scenic values of the site. The draft proposal will allow opportunities for future residents to choose a variety of housing options.
<b>Civic leadership</b>	The draft proposal is consistent with the local and regional planning framework and will give effect to the desired long-term planning outcomes for the area.
<b>Financial</b>	There is no financial impact for Council. The planning proposal has been initiated by the landowner who has paid the usual fee which covers staff time involved in assessing the planning proposal.
<b>Infrastructure</b>	The draft proposal will not require new public infrastructure. All infrastructure requirements were assessed as part of recent subdivision approvals.
<b>Risk and insurance</b>	The risks associated with preparing a planning proposal are minimised by following the process outlined in the <i>EP&amp;A Act 1979</i> , the <i>Environmental Planning and Assessment Regulation 2000</i> , and Council's LEP Amendment Procedure.

### ***Legislative and policy considerations***

*Environmental Planning and Assessment Act 1979*

*Environmental Planning and Assessment Regulation 2000*

*Lake Macquarie Local Environmental Plan 2014*

Lake Macquarie Local Strategic Planning Statement

Lake Macquarie Housing Strategy

Lake Macquarie Development Control Plan 2014 - North Wallarah Peninsula Area Plan

### ***Attachments***

- |   |                      |           |
|---|----------------------|-----------|
| 1. Draft planning proposal - Pre-Gateway - RZ/11/2021 - Old Pacific Highway, Pinny Beach - North Wallarah Peninsula | Under separate cover | D10640374 |
|---|----------------------|-----------|

