

Draft Planning Proposal
North Wallarah Peninsula – Central Precinct
Amendments to the Height of Building Standard, Minimum Lot Size
Standard, Local Provision Clause and Additional Permitted Uses
Draft Amendment No. XX to Lake Macquarie Local Environmental Plan
2014

Exhibition version

Local Government Area:	Lake Macquarie City Council (LMCC)
Name of Draft LEP:	Lake Macquarie Local Environmental Plan (LMLEP) 2014 (Draft Amendment No. XX)
Subject Land:	471 Pacific Highway, Pinny Beach (Part Lot 2 DP1121576) 501 Pacific Highway, Pinny Beach (Lot 3 DP1090495) 531 Old Pacific Highway, Pinny Beach (Lot 1 DP1240365) 532 Old Pacific Highway, Pinny Beach (Lot 3 DP1240365) 551 Old Pacific Highway, Pinny Beach (Part Lot 2 DP1240365) 574 Old Pacific Highway, Pinny Beach (Lot 5 DP1240365) 574B Old Pacific Highway, Pinny Beach (Lot 1 DP1267616) 580 Old Pacific Highway, Pinny Beach (Lot 6 DP1240365) 590 Old Pacific Highway, Pinny Beach (Lot 7 DP1240365)
Land Owner:	Wakefield Ashurst Developments Pty Ltd and Northern Managers & Construction Pty Limited
Applicant:	Wakefield Ashurst Developments Pty Ltd and Northern Managers & Construction Pty Limited
Folder Number:	RZ/11/2021
Date:	27 October 2022
Author:	Senior Strategic Landuse Planner – Adam Kennedy
Responsible manager:	Manager Integrated Planning – Wes Hain

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1	North Wallarah Peninsula Masterplan (2003) – Executive Summary
2	Ecological Impact Assessment from DA 1656/2019
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5	Visual Integration Report from DA 1656/2019

Part 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of the draft Planning Proposal (proposal) is to facilitate appropriately scaled development in the northern sector of the North Wallarah Peninsula by amending *Lake Macquarie Local Environmental Plan 2014* (LMLEP 2014) in the following manner:

1. reducing the height of building standard applying to the central precinct - northern sector, and
2. introducing minimum lot size standards to the central precinct - northern sector that:
 - apply a standard minimum lot size of 450m²
 - permit in cases where subdivision occurs in conjunction with built form:
 - lot sizes of 300m² to 450m² where land is subdivided into 3 or more lots and each lot has frontage to a road and contains a building envelope plan;
 - dual occupancy development only on lots that have a minimum size of 620m² unless they are corner lots.
 - Battle-axe lots at an area of 600m² and corner lots at an area of 500m².

The proposal will encourage housing diversity of dual occupancies and re-subdivision within part of the subject site. The proposal will also ensure the provisions in LMLEP 2014 are consistent with and give legal effect to the provisions adopted in Part 12.6 North Wallarah Peninsula Area Plan of Lake Macquarie Development Control Plan 2014 (LMDCP 2014).

Part 2 – EXPLANATION OF PROVISIONS

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

Amendment Applies to	Explanation of provision
Lot Size Map	Amend the Lot Size Map from no minimum lot size to 450m ² and 1,250m ² across part of the subject site.
Height of Building Map	Amend the Height of Building Map from 8.5m, 10m, 12m and 14m and no height of building limit to 5.5m, 8.5m and 12m applying to part of the subject site.
Part 7 Local Provision Clause	<p>The current provisions of Clause 4.1A of LMLEP 2014 facilitate residential densities of 250m² subdivision for dual occupancies for the site. These are in excess of those prescribed in the NWP Area Plan, which prescribes minimum 310m² subdivision for dual occupancies on part of the site, or subdivision of 3 or more lots that can achieve 300m² to 450m² lots. Therefore, it is necessary to introduce provisions to ensure 250m² subdivision for dual occupancy is not permissible on this part of the site.</p> <p>Additionally, the NWP Area Plan contains provisions for subdivisions that create battle-axe lots at 600m² and corner lots at 500m². The current provisions that allow battle-axe and corner lots subdivision under Clause 4.1C do not include the R1 General Residential Zone. Therefore, it is necessary to introduce provisions for the site that ensure battle-axe and corner lots subdivision is permissible on part of this site.</p>

	<p>Amending CI 4.1A may be an option or alternatively it is proposed to introduce the following local provision clause and identify the subject part of the site as “North Wallarah Peninsula Area 3” on the Additional Permitted Uses Map. This will ensure consistency with the NWP Area Plan and also respond to the site’s environmental and scenic attributes.</p> <p>Insert a Local Provision Clause to part of the subject site that has the intent as set out in the following words:</p> <p>7.25 Development on certain land at North Wallarah Peninsula:</p> <ol style="list-style-type: none"> 1. The objective of this clause is to encourage housing diversity which reflects the unique environmental and residential character of the North Wallarah Peninsula – Northern Sector – Central Precinct. 2. This clause applies to land identified as “North Wallarah Peninsula Area 3” on the Additional Permitted Uses Map. 3. Despite clause 4.1 and Clause 4.1A, development consent may be granted to development on land in Zone R1 General Residential that is of the following— <ul style="list-style-type: none"> • the erection of a dual occupancy, • The land is a corner lot or a lot with a minimum size of 620 square metres, or • the subdivision of the land into 2 lots if the size of each lot resulting from the subdivision is at least 310 square metres. 4. Despite clauses 4.1 and 4.1A, development consent may be granted to development on land in Zone R1 General Residential that is both of the following— <ul style="list-style-type: none"> • the subdivision of land into 3 or more lots that each have frontage to a road and contain a building envelope. • the erection of— a dwelling house or semi-detached dwelling on land in Zone R1 General Residential if the size of each lot resulting from the subdivision is at least 300 square metres but no more than 450 square metres. 5. Despite clause 4.1 and 4.1C, if a subdivision of land creates a battle-axe
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	<p>lot, the lot must have an area of at least—</p> <ul style="list-style-type: none"> • if the lot is in Zone R1 General Residential—600 square metres. <p>6. Despite clause 4.1 and 4.1C, if a subdivision of land creates a corner lot, the lot must have an area of at least—</p> <ul style="list-style-type: none"> • if the lot is in Zone R1 General Residential—500 square metres. • this clause does not apply to the subdivision of land under Clause 7.25(3) or (4).
Schedule 1 Additional Permitted Uses	<p>The introduction of the proposed “North Wallarah Peninsula Area 3” requires an amendment to the boundary of “North Wallarah Peninsula Areas 1 and 2” (see <i>Maps 8 and 9</i>). It is proposed that the additional permitted uses within “North Wallarah Peninsula Area 1” also apply to “North Wallarah Peninsula Area 3”. Therefore, the following amendments are proposed:</p> <p>Delete clause 18 and replace with:</p> <p><i>18 Use of certain land at North Wallarah Peninsula</i></p> <p>(1) This clause applies to land identified as “North Wallarah Peninsula Area 1” and “North Wallarah Peninsula Area 3” on the Additional Permitted Uses Map.</p> <p>(2) Development for the purposes of amusement centres, boat sheds, car parks, caravan parks, entertainment facilities, function centres, garden centres, health services facilities, landscaping material supplies, office premises, public administration buildings, recreation facilities (indoor), registered clubs, residential accommodation (being for the purposes of dwellings), retail premises (other than roadside stalls), service stations, tourist and visitor accommodation and veterinary hospitals is permitted with development consent.</p>
Additional Permitted Uses Map	<p>Amend the boundaries of the North Wallarah Peninsula Areas 1 and 2 and introduce a new North Wallarah Peninsula Area 3. (<i>as shown in Map 9 below</i>).</p>

Part 3 – JUSTIFICATION

Section A – Need for the Planning Proposal

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

No. The proposal is proponent initiated and is not the result of a strategic study or report.

The purpose of the proposal is to ensure there is opportunity to encourage housing diversity of dual occupancies and re-subdivision that reflect the desired character and unique environmental and scenic attributes of the subject site. The proposal will also give legal affect to the provisions within the adopted Part 12.6 North Wallarah Peninsula Area Plan (NWP Area Plan) of LMDCP 2014.

The subject site forms part of the 600ha North Wallarah Peninsula (NWP). The NWP has been subject to a comprehensive planning process over the past twenty years. The land was originally zoned as 7(a) Environmental Protection (Scenic) under *Lake Macquarie Local Environmental Plan 1984*. A Conservation and Land Use Management Plan (CLUMP) was prepared for the area, which formed the basis of a site specific Local Environmental Plan (*The North Wallarah Peninsula Local Environmental Plan 2000*). This Plan applied a number of special zones to the area, including the 10 (a) Special Development A (Sustainable Mixed Use Development) Zone. A masterplan was also approved for the site in 2003 (DA 2717/2003) which was supported by a number of Management Plans to guide development and environmental constraint mitigation throughout the North Wallarah Peninsula (refer to Attachment 1).

The North Wallarah Peninsula LEP 2000 planning controls were incorporated into the *Lake Macquarie Local Environmental Plan 2014*. This included converting Zone 10 (a) Special Development A (Sustainable Mixed Use Development) to a 'best fit' Zone R1 General Residential, which enabled development generally consistent with the intent of the historic planning framework. Both minimum lot size and no minimum lot size standards were applied to lands in the Peninsula. In addition, a range of building heights at 10m, 12m and 14m were applied across the Peninsula to enable flexibility in design consistent with the historic planning framework.

Unfortunately, the R1 General Residential zone was not an 'exact fit' for previous 10 (a) Special Development A (Sustainable Mixed Use Development) zone. Therefore, the following amendments to LMLEP2014 were also undertaken:

- An environmentally sensitive land map layer was applied to the Peninsula to exclude the application of provisions under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- Schedule 1 Additional Permitted Uses of *LMLEP2014* was amended to include two new areas:
 - *North Wallarah Peninsula Area 1*, which permitted with consent certain uses that were generally prohibited under the R1 General Residential Area to allow greater variety of development uses consistent with the original CLUMP.
 - *North Wallarah Peninsula Area 2*, which only permitted with consent development for the purposes of residential accommodation (being for the purposes of dwellings) to enable housing diversity, while protecting lands with visual or environmental qualities (refer to Figure 1 below).

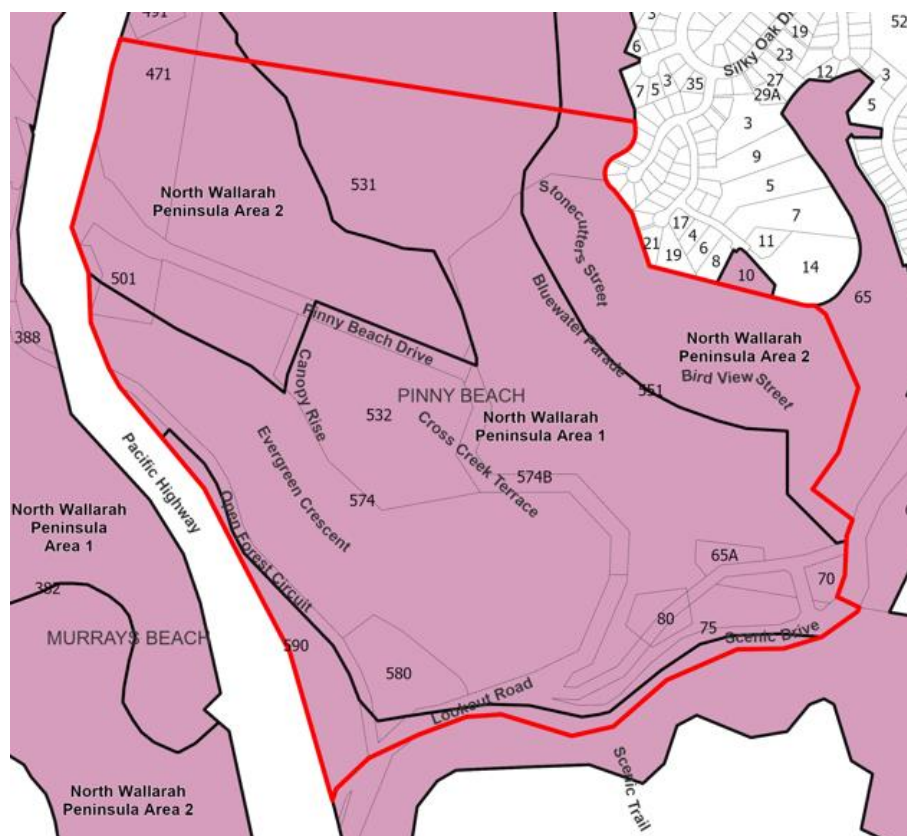


Figure 1: Current Schedule 1 Additional Permitted Uses applying to the site. North Wallarah Area 1 and 2.

At the same time, the provisions from the CLUMP and Master Plan were incorporated into the North Wallarah Peninsula Area Plan (NWP Area Plan), which was adopted by Council in 2013 (13STRAT056). This Area Plan is incorporated within the Lake Macquarie Development Control Plan 2014.

Under the NWP Area Plan, the North Wallarah Peninsula area comprises three distinct sectors known as the Lake Sector (Murrays Beach), the Coastal Sector (Pinny Beach) and the Northern Sector, as shown in Figure 2. The Northern Sector is divided in two precincts, the Central Precinct and the Northern Precinct, as shown in Figure 2.

The subject proposal applies to land within the Central and Northern Precincts of the Northern Sector of the NWP (Figure 2). In 2019 and 2020, Council approved a 410 residential subdivision, new park and neighbourhood centre for part of the subject land (DA 1656/2019 and DA 505/2020) (Figures 2 and 3).

The NWP Area Plan had contained a provision that required site-specific building design controls be prepared for the Northern Sector, including building heights and residential density provisions, and these provisions be incorporated into the Area Plan during the subdivision phase of DA 1656 2019 and DA 505/2020. This provision was satisfied when the revision of the Part 12.16 North Wallarah Peninsula Precinct Area Plan was adopted by Council on 26 April 2021 (21SP025).

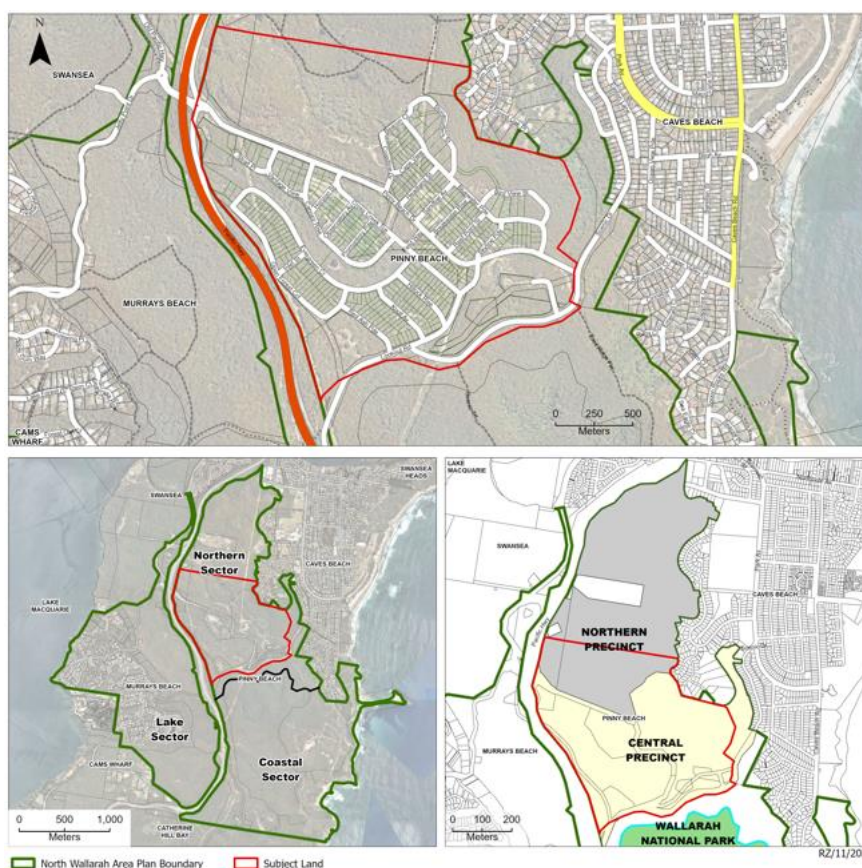


Figure 2: Subject site with approved residential subdivision layout, NWP Area Plan locations including Northern Sector and Central Precinct subject lands outlined in red

The adopted revised Area Plan includes building heights and residential density provisions for the area of land associated with DA 1656 2019 and DA 505/2020 in the Central Precinct. This planning proposal now seeks to:

- incorporate these building heights and residential density provisions into the Lake Macquarie Local Environmental Plan 2014.
- Extend the area to which these controls will apply to land in the Northern Precinct (531 Old Pacific Highway, Pinny Beach) which is subject to a future DA (Figure 3).

Subject to relevant approvals, it is envisaged that any future development of land at 531 Old Pacific Highway, Pinny Beach (Figure 3) will need to be consistent with the provisions applying to the adjoining development in the Central Precinct. That is, any future subdivision will need to address similar design provisions to DA 1656/2019. This will require similar reduction in heights, a 450m² minimum lots size and local provisions for dual occupancies.

This small section of land at 531 Old Pacific Highway, Pinny Beach is currently zoned R1 General Residential and this land use will not change as part of this proposal. This land use zone was applied as part of the historical planning framework.

The provisions proposed to be extended to 531 Old Pacific Highway, Pinny Beach are also consistent with the indicative development land use plan, which was incorporated into the NWP Area Plan to provide guidance on urban built form (Figure 3 below).

In addition, the NSW Rural Fire Service also provided terms of approval for the Northern Sector, which satisfied bushfire risk and evacuation requirements and this included the small section of land as part of DA 1656/2019 and further detail is provided in section 6 and 8.

This Planning Proposal now seeks to align the building heights and residential density provisions in the NWP Area Plan with those in LMLEP 2014. This will give legal statutory effect to the provisions that currently exist in the NWP Area Plan.



Figure 3: Indicative development land use plan within NWP Area Plan and location of DA1656/2019 and small portion of land subject to a future DA

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

In order to achieve the intended outcome, the following options were considered:

Height of building standard alterations

Amending the height of building standard to a mostly 8.5m height limit for the subject sites will ensure consistency with Part 12.16 North Wallarah Peninsula Precinct Area Plan; consistency with the recommendation from the supporting Visual Integration Report (refer Attachment 1); and adherence to the consent conditions within the approved subdivision (DA 1656/2019). It is also considered that reducing majority of the building heights across the sites will have a beneficial impact to scenic qualities for the Northern Sector of NWP.

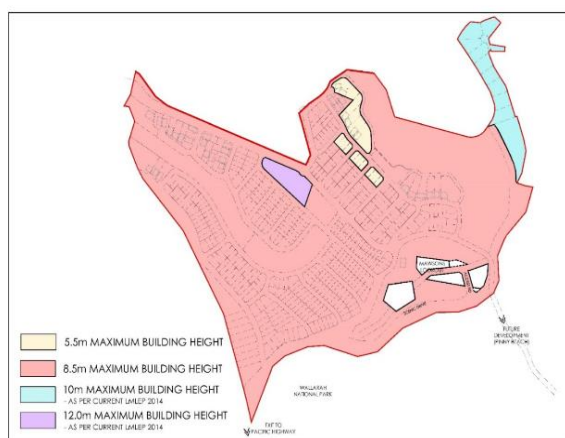


Figure 35 Height of Buildings Map

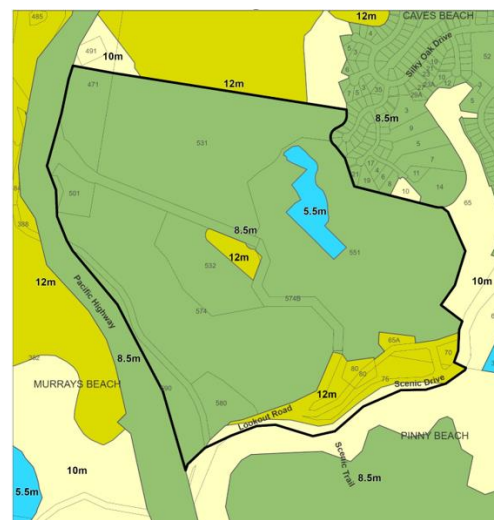


Figure 4: Height of building standard within the NWP Area Plan and the proposed building heights

As an alternative, it was considered that the subject site not be applied a height of building standard map under LMLEP 2014. This would have resulted in the NWP Area Plan prevailing as the primary document in directing height of building provisions during assessment of future development application. However, this option would be inconsistent with the Parliamentary Counsel Office requirement that building height for all sites across the Lake Macquarie LGA be applied a Height of Building Map under LMELP 2014.

Applying a minimum lot size standard

Currently, there is no minimum lot size applied to majority of the subject sites, except for a 1250m² minimum lot size on visually prominent landforms. Historically, development of these sites was guided by the provisions under the *North Wallarah Peninsula Local Environmental Plan 2000*, CLUMP and subsequent iterations of the NWP Area Plan. The intent for a no minimum lot size provision was to provide flexibility for built form and density across the NWP and to achieve design outcomes envisioned under the NWP CLUMP and masterplan.

The approval of the residential subdivision (DA 1656/2019) created a diversity of lot sizes, though a large number of these were applied a 450m² lot size, which was reflected in the adopted revised NWP Area Plan. This minimum lot size was selected to align with the desired future character for this northern precinct of the NWP, while giving effect to dual occupancy and subdivision controls. To ensure consistency, it is necessary to apply a 450m² minimum lot size under LMEP 2014 to align it with the NWP Area Plan.

Applying a Local Provision Clause

During the assessment of the residential subdivision (DA 1656 2019 and DA 505/2020) and revision of the NWP Area Plan detailed analysis on density and desired future character was undertaken. This resulted in an opportunity for sensitive increases in densities through the re-subdivision of land and permitting dual occupancies in certain circumstances that adhered to the environmental and visual attributes of the site. Overall enabling re-subdivision and dual occupancy development would allow a dwelling density of over 15 dwellings per hectare. The revised NWP Area Plan incorporated these provisions (Figure 5) to enable unique densification outcomes, which this proposal now seeks to ensure consistency between LMLEP 2014 and LMDCP 2014.

5.3.4.2 SITE COVERAGE AND DENSITY

Objectives

- a. To ensure density of development is in keeping with the surrounding character.
- b. To provide sufficient area around a dwelling for access ways, private open space and landscape planting.
- c. To ensure Dual Occupancy developments are located on sites with sufficient size to be compatible with surrounding character.

Controls

1. The maximum site coverage including ancillary development, must not exceed 50%, other than for single storey Dual Occupancy development (total of both dwellings) which must not exceed 55%.

Note: Site Coverage means the proportion of the site area covered by buildings. However, the following are not for the purposes of calculating site coverage:

- any basement
- any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary
- any eaves
- any unenclosed (not located under the main roof of the building) balconies, decks, pergolas and the like.

2. Dual Occupancy developments, apart from those on corner lots require a minimum site area of 620 m².

5.3.5 SUBDIVISION

This part applies to re-subdivision of any residential allotment of the main subdivision area as outlined in Figure 34, after it has been registered.

Objectives

- a. To ensure density of development is in keeping with the surrounding character established through precinct subdivision.

Controls

1. Further subdivision of a residential lot created by precinct wide subdivision is not permitted unless it complies with:

- i. A standard lot, the minimum area of the resulting lot(s) is 450m² and the minimum width is 14 metres;
- ii. A corner lot, the minimum area of the resulting lot(s) is 500m² and the minimum width is 18 metres
- iii. A battleaxe lot, the minimum area of the resulting lot(s) is 600m² and the minimum width is 18 metres. Additionally:

- a. A battle-axe lot must have a minimum rectangular building area of 250m² with a minimum width of 12 metres; and
- b. The minimum width of the battle-axe handle is four metres when servicing one lot, and five metres when servicing two lots. The maximum number of battle-axe lots sharing a single access handle is two;
 - i. An irregular lot, the minimum area of the resulting lot(s) is 450m². Irregular shaped lots must have a minimum rectangular building area of 250m² with a minimum width of 12 metres.

2. Further subdivision of a residential lot created by precinct wide subdivision is not permitted in conjunction with built form unless it complies with:

- i. Dual occupancy: the minimum area of the resulting lot(s) is 310m², apart from corner lot dual occupancy development and demonstrates consistency with 5.3 of this Part.
- ii. The subdivision of land into 3 or more lots that each have frontage to a road for small lots, each lot must be a minimum of 300m² and no more than 450m² and include a building envelope plan that demonstrates consistency with 5.3 of this Part.

Figure 5: NWP Area Plan - Northern Sector Dual Occupancy and subdivision provisions.

Currently, the R1 General Residential zone permits with consent dual occupancies for the site, while the current provisions under Clause 4.1A of LMLEP 2014 allows the subdivision of land into 2 x 250m² lots, as below:

Clause 4.1A Exceptions to minimum subdivision lot size for certain residential development

(2) Despite clause 4.1, development consent may be granted to development on land in Zone R1 General Residential or Zone R2 Low Density Residential that is both of the following—

- (a) the erection of a dual occupancy,*
- (b) the subdivision of the land into 2 lots if the size of each lot resulting from the subdivision is at least 250 square metres.*

Consequently, the current provisions of LMLEP 2014 facilitate residential densities for the site in excess of those prescribed in the NWP Area Plan. Therefore, it is necessary to introduce the local provision clause which is specific to the site, responds to the site's environmental and scenic attributes and is consistent with conditions applied under the previously consented development applications.

This local provision clause will limit the application of Clause 4.1A to the site. Specifically, the local provision clause will permit with consent:

- dual occupancies on land that is a corner lot or a lot with a minimum size of 620m².
- subdivision of land for the purpose of a dual occupancy on lots with a minimum size of 310m².
- subdivision of land into 3 or more lots with each resulting lot being of 300m² but no more than 450m² and must contain a road frontage and building envelope.

In effect, the proposal will:

- restrict dual occupancies to sites with a minimum of 620m² lot size, where there is currently no restriction, and
- increase the minimum lot size for subdivision of dual occupancy development from 250m² to 310m².

There will be parts of the site where the local provision clause will not apply and Clause 4.1A will prevail. On such land, subdivided dual occupancies of 250m² may be permitted with consent. Nevertheless, these parts of the site have been excluded from the local provision clause as they already contain controls to limit development, such as a 1,250m² minimum lot size, consented building envelopes under DA/1656/2019 and Asset Protection Zones. These controls are in place as these lands are environmentally or scenically sensitive areas.

In addition, the NWP Area Plan also contains provisions that relate to the subdivision of battle-axe and corner lots (Figure 5). These provisions permit with consent:

- Subdivision that creates a battle-axe lot must at least contain an area of 600m², and
- Subdivision that creates a corner lot must at least contain an area of 500m².

Clause 4.1C of LMLEP 2014 also contains these identical provisions, however, these do not apply to the R1 General Residential Zone. Therefore, to ensure consistency against LMLEP 2014 and the NWP Area Plan the proposal will include these battle-axe and corner lot provisions within the proposed local provision clause applying to the subject site only.

Additional Permitted Uses – Clause and Maps

The site is currently applied with two Schedule 1 Additional Permitted Uses under LMLEP 2014. These included:

- *North Wallarah Peninsula Area 1*, which permits with consent additional uses generally prohibited under the R1 General Residential zone to allow greater variety of development.

- *North Wallarah Peninsula Area 2*, only permits with consent development for the purposes of residential accommodation (being for the purposes of dwellings). This intent was to provide opportunity for housing diversity, while protecting lands with visual or environmental qualities from more intensive development beyond the uses within the R1 General Residential zone.

The proposed local provision clause requires an associated Additional Permitted Use map to provide a dedicated boundary area to give effect to the restricted dual occupancy and subdivision provision within the approved subdivision. Therefore, the following amendments are proposed to Schedule 1 and the Additional Permitted Use map to ensure there is not a mapping overlap that could result in an administrative error:

Delete:

- *That part of Schedule 1 North Wallarah Peninsula Area 1 that applies to the subject site*, which permits with consent development for the purposes of amusement centres, boat sheds, car parks, caravan parks, entertainment facilities, function centres, garden centres, health services facilities, landscaping material supplies, office premises, public administration buildings, recreation facilities (indoor), registered clubs, residential accommodation (being for the purposes of dwellings), retail premises (other than roadside stalls), service stations, tourist and visitor accommodation and veterinary hospitals is permitted with development consent. This permits with consent additional uses generally prohibited under the R1 General Residential zone to allow greater variety of development.
- *That part of the North Wallarah Peninsula Area 1 Map applying to the subject site.*

And replace with:

- *Schedule 1 North Wallarah Peninsula Area 3*, to apply to the subject site which permits with consent development for the purposes of amusement centres, boat sheds, car parks, caravan parks, entertainment facilities, function centres, garden centres, health services facilities, landscaping material supplies, office premises, public administration buildings, recreation facilities (indoor), registered clubs, residential accommodation (being for the purposes of dwellings), retail premises (other than roadside stalls), service stations, tourist and visitor accommodation and veterinary hospitals is permitted with development consent.
- *A new North Wallarah Peninsula Area 3 Map* to apply to the subject site.

The proposed North Wallarah Peninsula Area 3 Map will also expand into the small section of land on 531 Old Pacific Highway, Pinny Beach. This will ensure alignment with the indicative development land use plan map within NWP Area Plan to be consistent with the historical planning framework and future development application (refer Figure 6).



Figure 6: Urban form within the indicative development land use plan map in context with the proposed North Wallarah Peninsula Area 3

Section B – Relationship to Strategic Planning Framework

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

Draft Hunter Regional Plan (HRP) 2041

The objective of the DHRP 2041 is to deliver a long-term vision for the region with clear objectives and approaches to pursue the vision. The regional vision of the Hunter seeks to continue to be the leading regional economy in Australia, connected to Country with a vibrant metropolitan core. The proposal is consistent with the Strategies within the draft HRP 2041, with exception to the below.

- Strategy 4.1 Optimum density

This Strategy aspires for optimal urban densities in new and existing neighbourhoods in order to achieve a 15-minute neighbourhood, affordable and diverse housing and a level of service to support jobs and local commercial functions. An indicative minimal optimal urban density of 50-75 dwellings per hectare is targeted for all development proposal, subject to neighbourhood character and contextual elements.

The proposal is of a minor inconsistency with this Strategy. Council will therefore seek the agreement of the Secretary of DPE that this is a minor inconsistency. The approved subdivision contains varying sizes of allotments ranging from 300 m² to 1,250m², with opportunities for additional subdivision for dual occupancies. Overall, this results in a dwelling density ranging from 12.6 to over 15 dwelling per hectare subject to the additional subdivision of lots to dual occupancies. Although, this dwelling density is below that aspired to in the HRP 2041, it is considered justified as the proposal has undergone a comprehensive planning process over the past twenty years to inform good design, which is sympathetic to the natural and scenic setting of the area. Critically the proposal seeks to give effect to the design objectives within the adopted NWP Area Plan.

Hunter Regional Plan (HRP) 2036

The HRP sets out a vision for the Hunter Region to connect communities through a range of housing choices, employment, amenities and services. The HRP includes overarching directions, goals and actions, as well as specific priorities for each Local Government Area.

The subject site is located in existing residential land within the HRP. The proposal is consistent with the relevant Goals and Directions:

- Direction 17 – Create healthy built environments through good design

The proposal has undergone a comprehensive planning process over the past twenty years to inform good design. This process has included the preparation of a Conservation and Land Use Management Plan (CLUMP), site specific Local Environmental Plan (North Wallarah Peninsula 2000), North Wallarah Peninsula Area Plan (NWP Area Plan) and a number of development applications informed a visual impact assessment (see Attachment 1).

As such the proposal seeks to give effect to the design objectives within the adopted NWP Area Plan, such as reducing the height of building limit to ensure the environmental and scenic attributes are protected and the built form is sympathetic to reinforce the desired future character of the site.

- Direction 21 – Create a compact settlement and Direction 22 – Promote housing diversity

The proposal will give effect to the adopted NWP Area Plan which sets provisions for a compact settlement providing a range of lot sizes, establishment of a commercial village hub and open public space. The proposal will also enable opportunities for housing diversity by enabling certain dual occupancy development and re-subdivision for small lot housing.

Greater Newcastle Metropolitan Plan (GNMP) 2036

The GNMP sets goals and strategies to deliver on the vision of the Hunter Regional Plan 2036 for the Greater Newcastle Metropolitan Area. The proposal is located in the Metro Frame and is identified as a Housing Release Area within the GNMP and is consistent with the following Outcomes and Strategies:

- Outcome 2 – Strategy 10: Create better buildings and great place

The proposal will give affect to the NWP Area Plan desired future character provisions in particular alternating heights to be sympathetic to the visual amenity of the surrounding landscape.

- Outcome 2 - Strategy 12 Enhance the Blue and Green Grid and the urban tree canopy

The subject site is located within a biodiversity corridor. Assessment under previous development applications has ensured that biodiversity links are preserved and enhanced running north to south across the site in particular along the Pacific Highway to the east and Mawson's Lookout to the west.

- Outcome 3 – Deliver Housing close to jobs and services

As stated above the proposal is located in the Metro Frame and is identified as a Housing Release Area within the GNMP. The proposal also has infrastructure provisions in place pursuant to the consent conditions of previous development applications. Additionally, the approved 410 residential lot subdivision has been designed with a range of lot sizes to enable further densification to achieve the 15 dwellings per hectare in housing release areas, with 25% of lots capable of providing small lot or multi-dwelling housing types.

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

Lake Macquarie City Community Strategic Plan 2017-2027

The Lake Macquarie City Community Strategic Plan 2017-2027 has been developed with the people of Lake Macquarie outlining the vision and values of the community and providing clear strategies to achieve this.

The proposal is consistent with the vision and values. It reduces administrative complexity by ensuring the provisions in LMLEP 2014 reflect the height of building, dual occupancy and

subdivision provisions within the adopted NWP Area Plan in LMDCP 2014. Thus, giving legal affect to achieving the future desired character and design of the residential subdivision.

Lake Macquarie Local Strategic Planning Statement

The Lake Macquarie Local Strategic Planning Statement (LMLSPS) aims to guide future development within the City. It sets seven planning priorities that articulate the special characteristics of the City supported by strategies and action to deliver these priorities.

The most relevant of these planning priorities which align with the proposal include:

- Planning priority 2: A city to call home – where diverse housing options cater to everyone's needs
- Planning priority 5: A city of progress and play – where people come together in natural and vibrant public spaces
- Planning priority 6: A city with a vast natural environment – That is valued, protected and enhanced;

The proposal is also located within an Urban Intensification Area identified in the LMLSPS and is consistent with these planning priorities. The proposal will allow for the desired future character and built form of the residential subdivision to be realised by limiting heights and enabling housing diversity that is sympathetic to the surrounding scenic amenity and natural environment.

Lake Macquarie Housing Strategy

The Lake Macquarie Housing Strategy advocates a place-based approach to planning for infill housing by identifying specific locations where new development is desirable and feasible and built forms that are suited to these locations. The strategy establishes five housing priorities for housing delivery over the next 20 years, with particular emphasis on an increasing housing diversity and choice. Generally, the proposal is consistent with the below housing priorities:

- Priority 1: Facilitate efficient housing supply and infrastructure coordination
- Priority 2: Increase diversity and choice in housing

The proposal will maintain a healthy land and housing development supply by delivering residential housing over a 5 – 10-year period for the south-east of the City. Although currently the site contains a low liveability score of 0.2-0.3 within the strategy (Figure 5), the eventual development of the commercial village within the site will allow residents to access services in a walkable proximity. This will then improve the overall liveability score for the subject site.

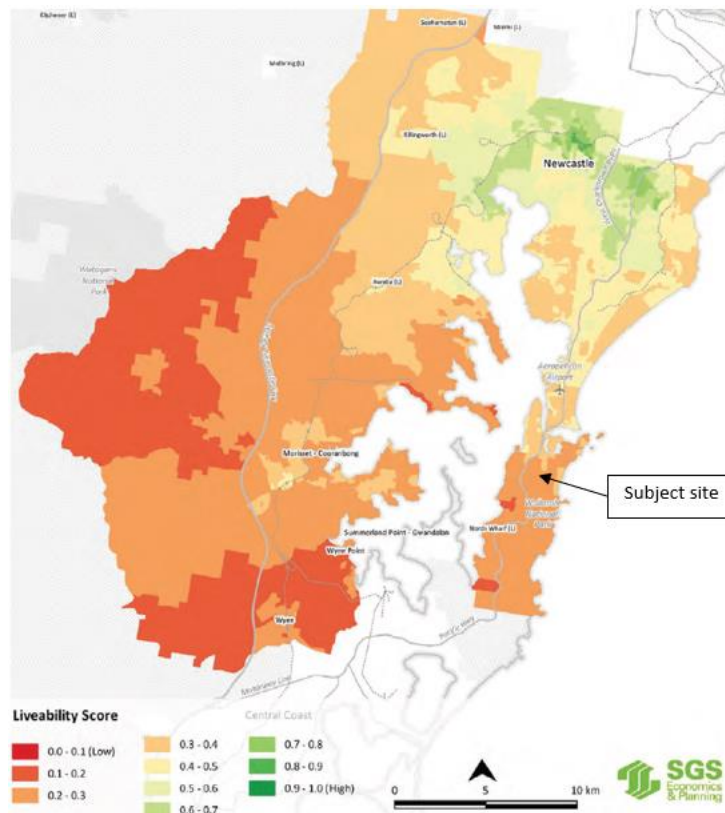


Figure 7: Liveability rating for Lake Macquarie - LM Housing Study (2018)

The strategy also seeks to achieve a minimum residential density of 15 dwellings per hectare in housing release areas, while delivering 25 per cent of lots for small lot or multi-dwelling housing. As stated in this report, the proposal will likely achieve these targets.

Density analysis undertaken for the approved 410 residential lot subdivision found that the overall the site could produce a 12.6 dwellings per hectare. It was identified that 83 lots (22%) would range from 300-450m² providing opportunity for small lot housing. While the inclusion of the dual occupancy and re-subdivision provisions would enable 139 lots to potentially accommodate these housing types. Overall, the site would accommodate over the 15 dwelling per hectare range and 25 per cent small or multi-dwelling housing if 60% of these lots were developed to be dual occupancies or were re-subdivided.

The draft proposal will also increase the diversity of housing in the City by facilitating environmentally sensitive development that reflects the desired character and unique environmental and scenic attributes of the North Wallarah Peninsula.

Lake Macquarie Development Control Plan 2014 – North Wallarah Peninsula Precinct Area Plan

The purpose of the NWP Area Plan is to guide the desired future character, subdivision, design of housing and commercial development within the North Wallarah Peninsula. The Area Plan identifies three distinct sectors: Lake Sector, Coastal Sector and Northern Sector. Within each sector are a number of precincts, as shown in figures below.

This proposal relates to the Central Precinct within the Northern Sector, which sets provisions for the approved subdivision in particular to height of buildings standards, minimum lot sizes requirements and dual occupancy and re-subdivision controls.

The proposal will result in a minor deviation from the NWP Area Plan height of building map as shown in the Figure 3 which has heights ranging from 5.5m, 8.5, 10m, 12m and no height limits. This approach of allowing a mostly 8.5m height limit was taken to ensure flexibility under LMLEP 2014 and reducing height of building to property boundary misalignments once the subdivision was registered. Additionally, properties with a 5.5m height limit under the

NWP Area Plan will contain a restriction to user allowing these properties only to be developed to a 5.5m height limit.

Nevertheless, the proposal is generally consistent with the NWP Area Plan as it will give legal effect and align LMLEP 2014 with LMDCP 2014.

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

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

Table 1: Assessment of the Planning Proposal against relevant SEPPs

SEPP and Relevance	Implications
State Environmental Planning Policy (Biodiversity and Conservation) 2021	
<i>Chapter 4 – Koala habitat protection 2021</i> This policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas.	The proposal is consistent with this SEPP. The proposal will not result in any additional removal of bushland from the subject site other than that identified as part of the historical planning framework and consented development applications DA 1656/2019 and DA 505/2020 with supporting Ecological Impact Assessment 2.
<i>Chapter 6 – Bushland in urban areas</i> The aim of this policy is to protect and preserve bushland within urban areas.	The proposal is consistent with the SEPP. The proposal will not result in any additional removal of bushland from the subject site other than that identified as part of the historical planning framework and consented development applications DA 1656/2019 and DA 505/2020 with supporting Ecological Impact Assessment 2.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	
<i>All Chapters</i> The aim of this policy is to provide exempt and complying development codes that have State-wide application.	The proposal is consistent with the SEPP.
State Environmental Planning Policy (Housing) 2021	
<i>All Chapters</i> The aim of this policy is to enable development of diverse housing types, including purpose-built rental housing, while encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability.	The proposal is consistent with the SEPP. The proposal allows for diversity of housing specified in the policy by enabling dual occupancies and re-subdivision of land.
State Environmental Planning Policy (Resilience and Hazards) 2021	
<i>Chapter 2 – Coastal management</i> The aim of this policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016.	The proposal is within the Coastal Environment and Coastal Use Areas. The proposal will not result in any additional coastal impact other than that identified as part of the historical planning framework and consented development applications DA 1656/2019 and DA 505/2020.
<i>Chapter 4 – Remediation of land</i>	The SEPP applies primarily to consent of development applications. The consented DA 1656/2019 identified

The aim of this Chapter is to provide for a state wide planning approach to the remediation of contaminated land.	contaminated lands. Assessments and mitigation measures were undertaken to ensure the development could support a residential use. Further assessment of contamination is within section 6 and 8 of this report.
State Environmental Planning Policy (Transport and Infrastructure) 2021	
<i>Chapter 2 – Infrastructure</i> The aim of the policy is to facilitate the effective delivery of infrastructure.	The proposal is consistent with the SEPP.

6. *Is the planning proposal consistent with applicable Ministerial Directions (s.9.1(2) directions)?*

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

Table 2: Consistency with applicable Section 9.1(2) Ministerial Directions

Ministerial Direction and Objective/s	Consistency / Comment
Focus Area 1: Planning Systems	
1.1 Implementation of Regional Plans Give legal affect to the vision, land use strategy, goals, directions and actions contained in Regional Plans	The proposal is consistent with this direction. The proposal will give effect to Direction 17 and Direction 21 by ensuring compact settlement and housing diversity.
1.3 Approval and Referral Requirements Ensure that LEP provisions encourage the efficient and appropriate assessment of development.	The proposal is consistent with the direction as it does not contain any provisions that require concurrence, or identify development as 'designated'.
1.4 Site Specific Provisions Discourage unnecessarily restrictive site-specific planning controls.	<p>The direction is inconsistent with the direction (1)(c). The proposal does introduce site specific provisions as a local provision clause under LMLEP 2014. However, the local provision seeks to enable flexibility for urban density in the form of re-subdivision and dual occupancy development that is sympathetic to the visual and environmental attributes to the site.</p> <p>The Secretary's concurrence that the inconsistency is of minor significance is requested.</p>
Focus area 3: Biodiversity and Conservation	
3.1 Conservation Zones Protect and conserve environmentally sensitive areas.	<p>This proposal is consistent with the objectives of this direction.</p> <p>The proposal is applied with an environmentally sensitive land mapping layer under Clause 7.20 of LMLEP 2014. However, the site is not zoned as an environmental protection zone and is entirely a R1 General Residential zone. In addition, the proposal will not alter or reduce the Clause 7.20 provisions or environmentally sensitive land map under LMLEP 2014.</p> <p>Site specific environmental impacts were considered as part of historical planning framework and consented development applications DA 1656/2019</p>

	and DA 505/2020 and supporting Ecological Impact Assessment 2.
Focus area 4: Resilience and Hazards	
<p>4.1 Flooding</p> <p>(a) Ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</p> <p>(b) Ensure that the provisions of a LEP on flood prone land are commensurate with flood behaviour and include consideration of the potential flood impacts on and off the subject land.</p>	<p>Not applicable.</p>
<p>4.2 Coastal Management</p> <p>Protect and manage coastal areas of NSW.</p>	<p>The proposal is consistent with the objectives of this direction.</p> <p>The proposal does not change provisions that relate to protection and management of coastal areas of NSW. Additionally, it is not on land mapped as a coastal vulnerability area or current or future coastal hazard area, is not on land in a coastal wetlands or littoral rainforest area; and does not seek to amend coastal mapping.</p> <p>Site specific coastal impacts were considered as part of historical planning framework and consented development applications.</p>
<p>4.3 Planning for Bushfire Protection</p> <p>(a) Protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</p> <p>(b) Encourage sound management of bush fire prone areas.</p>	<p>The subject site is within bushfire prone land containing Vegetation Category 1, 2, 3 and buffer. The subject site has undergone previous bushfire assessments under the historic planning framework and consented development applications of DA 1656/2019 and DA 505/2020 with supporting Bushfire Protection and Assessment, Response to RFS Information Request and Terms of Approval from the RFS (see Attachment 4).</p> <p>Refer to Section 11 for further detail.</p> <p>The proposal will be referred to NSW Rural Fire Service for further comment.</p>
<p>4.4 Remediation of Contaminated Land</p> <p>Reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered.</p>	<p>The proposal is consistent with the objective of this direction.</p> <p>The subject site has been identified as being potentially contaminated and have undergone a number of contamination assessments and remediation plans. These include a Geotechnical Constraints and Endorsement report, Further Contamination Assessment, and Draft Remediation Action Plan (Attachment 3). The RAP only applied to Lot 3 DP 1240365 which was a former landfill area.</p> <p>A small section of the 531 Old Pacific Highway, PINNY BEACH was not incorporated into previous contamination assessments under DA 1656/2019, which has been included within this proposal. Consequently, this land was likely to have undergone</p>

	<p>historic mining activities resulting in potential contamination.</p> <p>Nevertheless, mining contamination constraints were assessed at a high level for entire North Wallarah Peninsula and strategies for remediation were outlined in a Physical Infrastructure Management Plan under the approved Masterplan in 2003 (Attachment 1).</p> <p>Pursuant to Clause 4(a), Council reviewed the previous assessments and land that was not included within the above-mentioned assessments and determined that any contamination assessment for this section of land be undertaken at the development application stage. Refer to Section 11 for further detail.</p>
<p>4.5 Acid Sulfate Soils</p> <p>Avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p>	<p>The proposal will be consistent with the objectives of the direction. Part of the proposed site is mapped as containing Acid Sulfate Soils Class 5. The proposal has undergone previous development applications which assessed the impact of acid sulfate soils. In addition, the proposal will not create any additional impact as it is seeking to align the provisions of LMDCP 2014.</p>
<p>4.6 Mine Subsidence and Unstable Land</p> <p>Prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</p>	<p>The proposal is identified as being within the Swansea North Entrance Mine Subsidence District. The proposal will be referred to the Subsidence Advisory NSW for comment.</p> <p>However, the proposal will be of nil impact as height of building standards will be reduced, further minimising adverse impacts occurring from subsidence impacts.</p>
Focus area: 5 Transport and Infrastructure	
<p>5.1 Integrating Land Use and Transport</p> <p>Ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <p>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p>(b) increasing the choice of available transport and reducing dependence on cars, and</p> <p>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(d) supporting the efficient and viable operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight.</p>	<p>The proposal will be consistent with the objectives of the direction.</p> <p>Site specific land use and transportation impacts were considered as part of historical planning framework and consented development applications DA 1656/2019 and DA 505/2020. This included internal roads and two accesses onto the Pacific Highway to satisfy bushfire evacuation and traffic circulation requirements.</p>
5.2 Reserving Land for Public Purposes	Not applicable.

<p>(a) Facilitate the provision of public services and facilities by reserving land for public purposes, and</p> <p>(b) Facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p>	
<p>5.3 Development Near Regulated Airports and Defence Airfields</p> <p>(a) To ensure the effective and safe operation of regulated airports and defence airfields;</p> <p>(b) To ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and</p> <p>(c) To ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p>	Not applicable.
<p>5.4 Shooting Ranges</p> <p>(a) Maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range,</p> <p>(b) Reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land,</p> <p>(c) Identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</p>	Not applicable.
Focus area 6: Housing	
<p>6.1 Residential Zones</p> <p>(a) Encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) Make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) Minimise the impact of residential development on the environment and resource lands.</p>	<p>The proposal is inconsistent with the objectives of this direction, though are considered a minor significance. The proposal will contain provisions which will reduce the permissible residential density of land.</p> <p>The Secretary's concurrence that the inconsistency is of minor significance is requested.</p> <p>The introduction of a reduced height of building standard, 450m² minimum lot size, and local provision clause may limit potential density outcomes. However, as addressed earlier within this report density analysis was undertaken to ensure a 15 dwelling per hectare range could be met. The proposal also needed to be sympathetic to the sensitive visual landscapes and environmental qualities of the site.</p> <p>The proposed provisions are also consistent with the approved residential subdivision and adopted NWP Area Plan which do not preclude but guide the appropriate inclusion for and siting and mix of housing types such as dual occupancies considering desired future character.</p>

6.2 Caravan Parks and Manufactured Home Estates (a) Provide for a variety of housing types, and (b) Provide opportunities for caravan parks and manufactured home estates.	Not applicable.
Focus area 7: Industry and Employment	
7.1 Business and Industrial Zones (a) Encourage employment growth in suitable locations, (b) Protect employment land in business and industrial zones, and (c) Support the viability of identified strategic centres.	Not applicable.
Focus area 8: Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries Ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	Not applicable.
Focus area 9: Primary Production	
9.1 Rural Zones Protect the agricultural production value of rural land.	Not applicable.

Section C – Environmental, Social and Economic Impact

7. *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 subject site is identified as containing native remnant vegetation that contributes significantly to movement and viability of fauna and flora within Council's vegetation mapping.

However, the subject site has undergone extensive environmental assessment under the historical planning framework of the broader North Wallarah Peninsula, which included an Ecological Site Management Plan under the masterplan of 2003 (Attachment 1).

The site is applied with an environmentally sensitive land mapping layer under Clause 7.20 of LMLEP 2014. However, the site is not zoned as an environmental protection zone and is entirely a R1 General Residential zone. In addition, the proposal will not alter or reduce the Clause 7.20 provisions or environmentally sensitive land map under LMLEP 2014.

As part of the consented development applications and supporting Ecological Impact Assessment (Attachment 2). The proposal will not impact any additional environmental lands. Therefore, the proposal will not generate a likelihood of adverse effect to critical habitat, threatened species, populations or ecological communities, or their habitats.

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

A summary of the environmental issues associated with this proposal is provided below.

Contamination

The subject site has been identified as being potentially contaminated. However, the site has undergone a number of contamination assessments and remediation plans as part of previous development applications DA 1656/2019 and DA 505/2020. These include a Geotechnical Constraints and Endorsement report, Further Contamination Assessment and Draft Remediation Action Plan (Attachment 3). The RAP only applied to Lot 3 DP 1240365 which was a former landfill area.

A small section of the 531 Old Pacific Highway, Pinny Beach was not incorporated into previous contamination assessments under DA 1656/2019 and is likely to have undergone historic mining activities resulting in potential contamination. However, the site has been part of the historical planning framework, which identified high-level contamination constraints within an approved Conservation and Land Use Management Plan and masterplan (DA 2717/2003). Mining contamination constraints were assessed at a high level for this part of the site as part of the wider North Wallarah Peninsula and strategies for remediation were outlined in a Physical Infrastructure Management Plan under the approved masterplan in 2003 (Attachment 1). This essentially supported the development type mix indicated on the integrated land use plan within the NWP Area Plan, which established the current R1 General Residential zoning.

Furthermore, the proposal is only seeking to amend the height of building, minimum lot size and dual occupancy and re-subdivision provisions to be consistent with LMDCP 2014 and consented development applications. Conclusively, it was determined by Council Environmental Compliance Officer that any further contamination assessment for this section of land be undertaken at the development application stage.

Visual and amenity impact

During assessment of the previous development application DA 1656/2019 a supporting Visual Integration Report (Attachment 5) concluded and recommended the following:

- Building heights, colours and form (prevent dense massing) as documented within the draft NWP Guidelines and Murrays Beach Controls are to be implemented specific to the site.
- Importance of professionally installed and maintained canopy re-establishment works. This should be supported by a Vegetation Management Plan (VMP), which was a consented condition within DA 1656/2019 and should be prepared prior to the issue of the construction certificate. This VMP addressing the first 10 years which would include KPI's for 1, 2, 5 and 10 years with commitment in resource to achieve canopy outcomes this integration report has assessed against. Revegetation should be augmented with street trees making selections from trees that will reach a minimum height of 12m (particularly the road adjoining stage 4). This will mean proper planning of streets to protect infrastructure and to allow the growing of taller than normal street trees.
- Retention and protection of existing vegetation in the north east of lot 133.

These recommendations, in particular to building height were incorporated into the revised NWP Area Plan and consented development applications. The proposal seeks to support the building height and density provisions in the NWP Area Plan by giving them legal effect in LMLEP 2014.

Bushfire

The subject site is within bushfire prone land containing Vegetation Category 1,2,3 and buffer. The subject site has undergone previous bushfire assessments under the consented development applications and historic planning framework DA 1656/2019 and DA 505/2020 with the supporting Bushfire Protection and Assessment, Response to RFS Information Request and RFS Terms of Approval (Attachment 4). This term of approval also determined

the need for a secondary vehicle access onto the Pacific Highway to ensure evacuation requirements were satisfied for the entire Northern Sector of the North Wallarah Peninsula.

These bushfire assessments established the approved Assets Protection Zones (APZ), evacuation roads onto the Pacific Highway and positioning of building envelopes to reduce bushfire risk. These protections were approved by the NSW Rural Fire Service (Attachment 4).

APZs that extended into approved residential subdivision lots were applied a restriction of user on the property title, which will restrict the opportunity to re-subdivide or develop dual occupancies on these impacted lots.

The small section of the 531 Old Pacific Highway, Pinny Beach was not incorporated into previous bushfire assessments under DA 1656/2019. However, the site has been part of the historical planning framework, which identified high-level bushfire constraints within an approved Conservation and Land Use Management Plan and masterplan (DA 2717/2003). The masterplan was also supported by a Bushfire Management Plan (Attachment 1) which established the development type mix indicated on the integrated land use plan within the NWP Area Plan and provided the basis to apply the current R1 General Residential zoning.

It is acknowledged that future bushfire assessment studies will be required for this small section of land. However, support will be sought from the Rural Fire Service NSW to undertake a bushfire assessment at the future development application stage, rather than at this planning proposal stage. It is considered that assessment at development application stage is more beneficial as it will determine the appropriate scale of bushfire mitigation measures required. The assessment will be able to reflect in detail the future layout and design of the subdivision which will be of a similar design to DA 1656/2019. This detail would not be obtainable at the planning proposal stage.

Furthermore, this proposal will essentially reduce the bushfire risk as it will reduce heights and incorporate provisions that allows for marginally lower densities to reflect the desired character and environmental attributes of the site. The proposal will also ensure consistency against the adopted provisions under LMDCP 2014 to LMLEP 2014.

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

Social impacts have largely been addressed through the recent development approvals issued for the site. The approved subdivision and adopted NWP Area Plan provide a balance between initial subdivision, visual amenity assessment (see Attachment 5 – Visual Integration Report), density and desired future character and opportunities for housing diversity, considering regional and local strategic planning strategies. Additionally, the proposal will facilitate an improved economic outcome by establishing an approval framework that reduces administrative complexities during future development applications ensuring development is undertaken in a timely and coordinated manner.

Section D – State and Commonwealth Interests

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

Yes. The subject site has an active development application (DA 1656/2019) that conditions that the site be provided public infrastructure, such as internal roads and two access points on to the Pacific Highway before the delivery of the residential subdivision. The site will also be connected to a number of local and State roads, such as the Pacific Highway.

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

Consultation with State and Commonwealth public authorities will be determined as part of the Gateway determination. Council recommends consultation with the following authorities:

- Subsidence Advisory NSW
- NSW Rural Fire Service

Part 4 – MAPPING

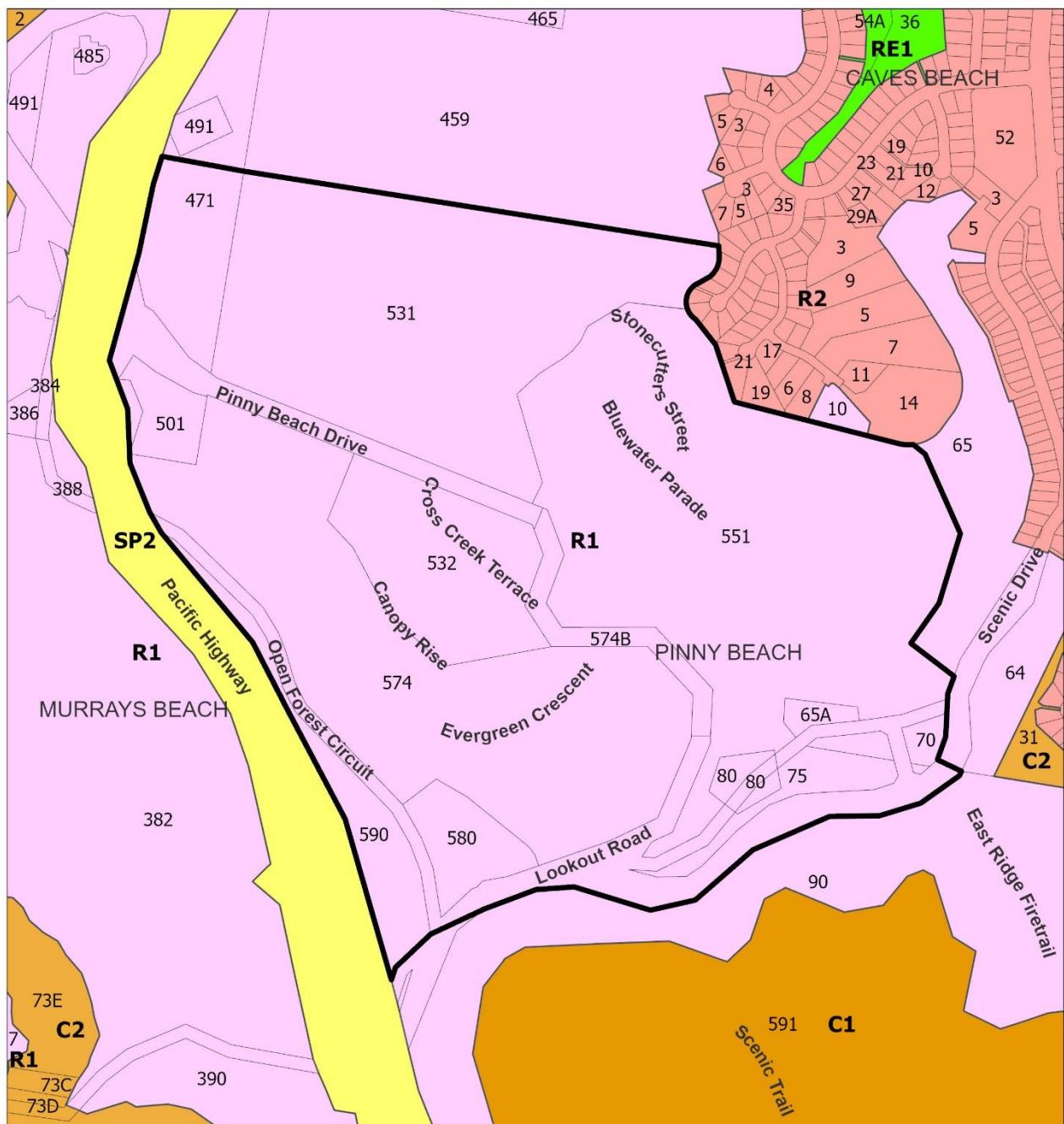
Map 1 – Locality



Map 2 – Aerial Photograph



Map 3 – Current Land Use Zones



- Subject Land
- Land Parcel

Land Zoning

- C1 National Parks and Nature Reserves
- C2 Environmental Conservation
- R1 General Residential
- R2 Low Density Residential
- RE1 Public Recreation
- SP2 Infrastructure

Existing

Land Zoning Map

Lake Macquarie Local Environmental Plan 2014

0 500
Metres

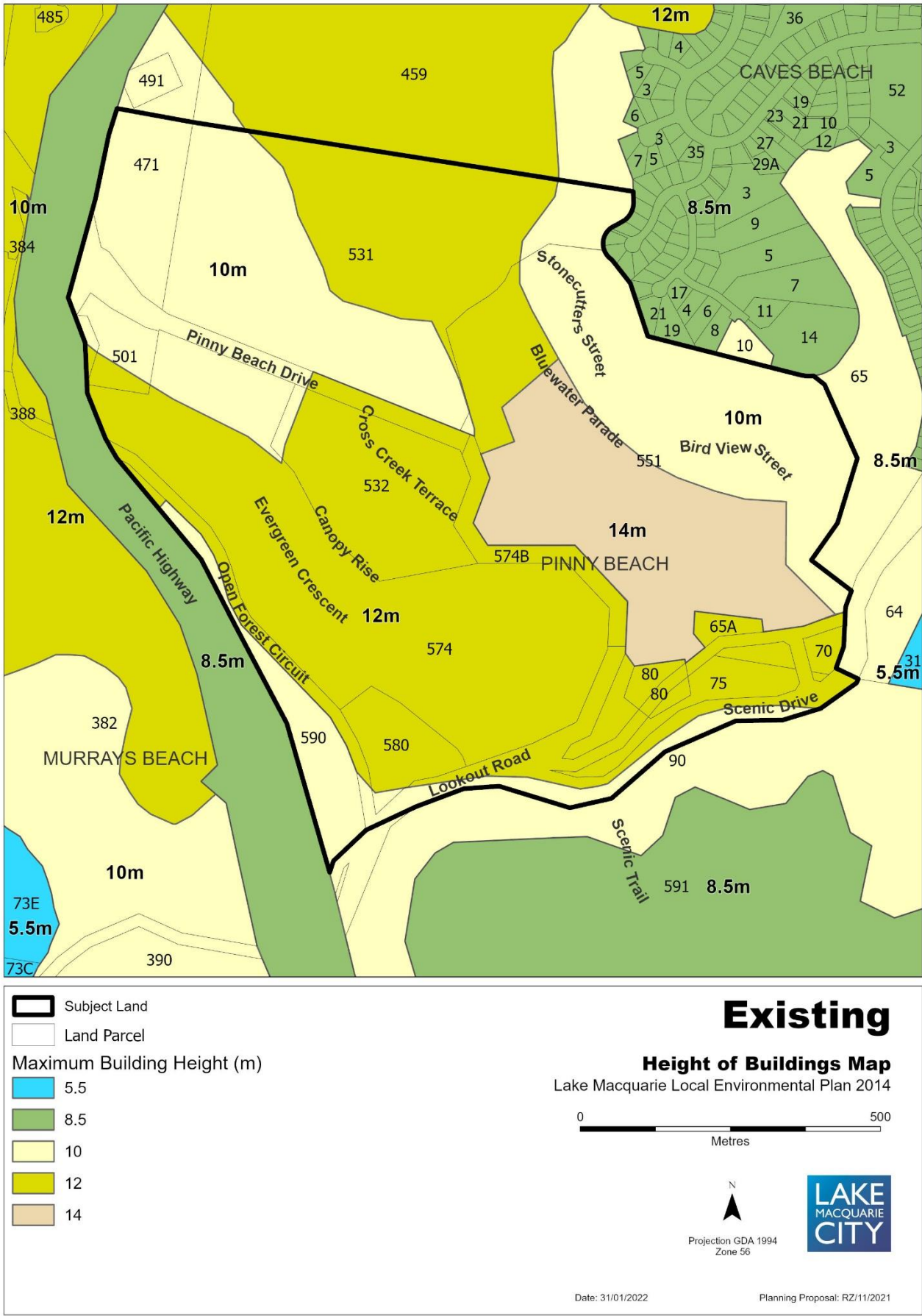


Projection GDA 1994
Zone 56

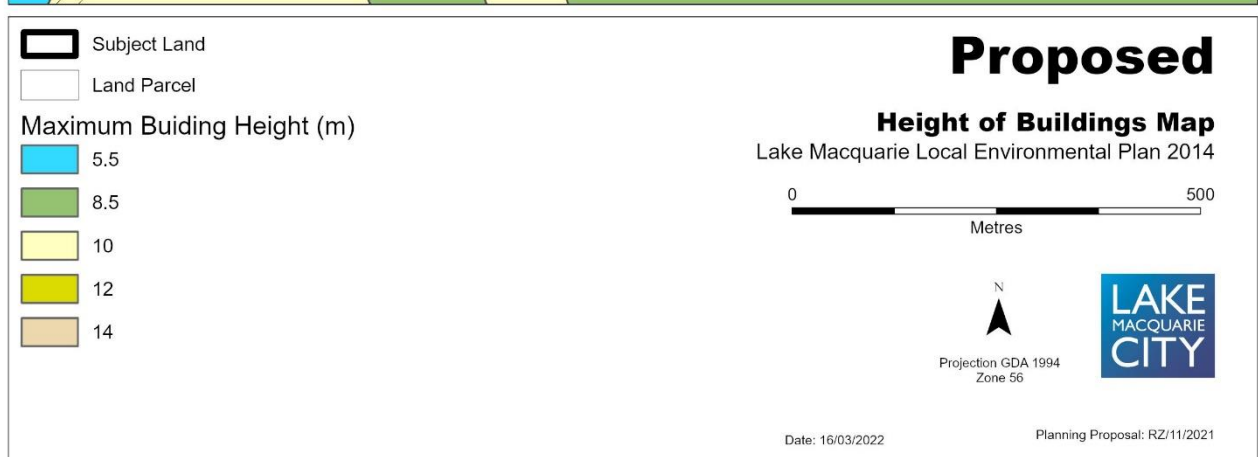
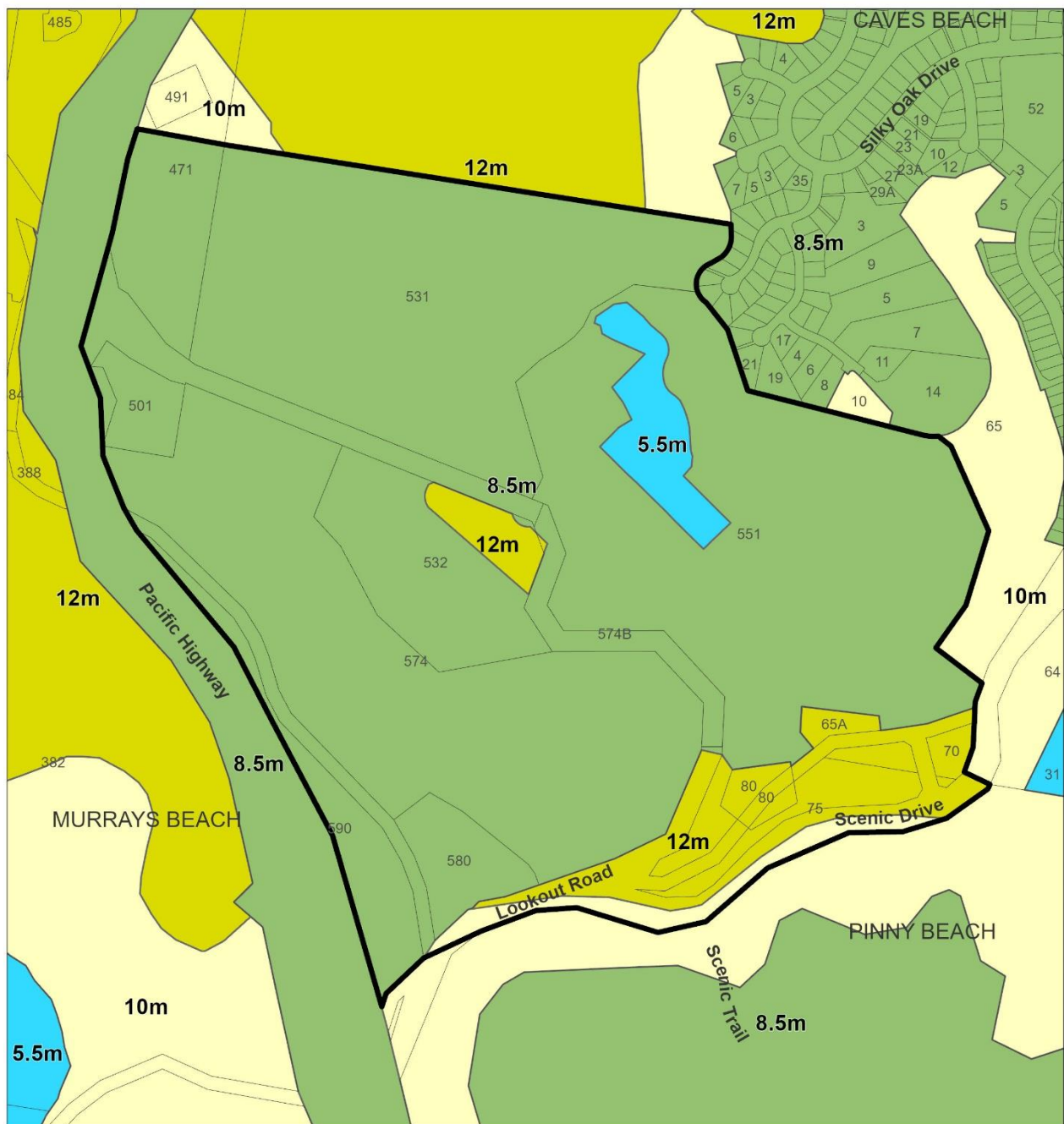


Date: 31/01/2022 Planning Proposal: RZ/11/2021

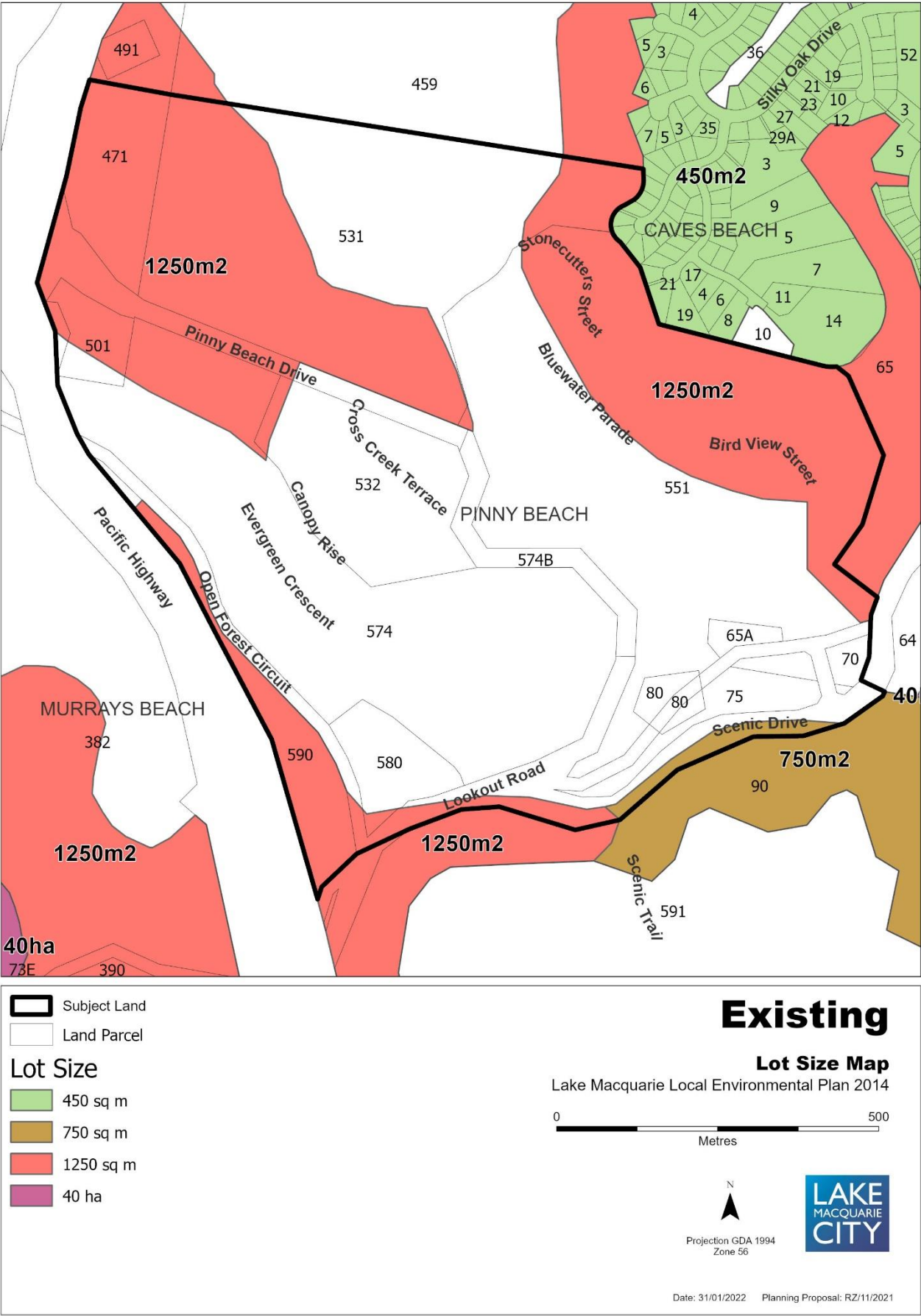
Map 4 – Current Height of Building



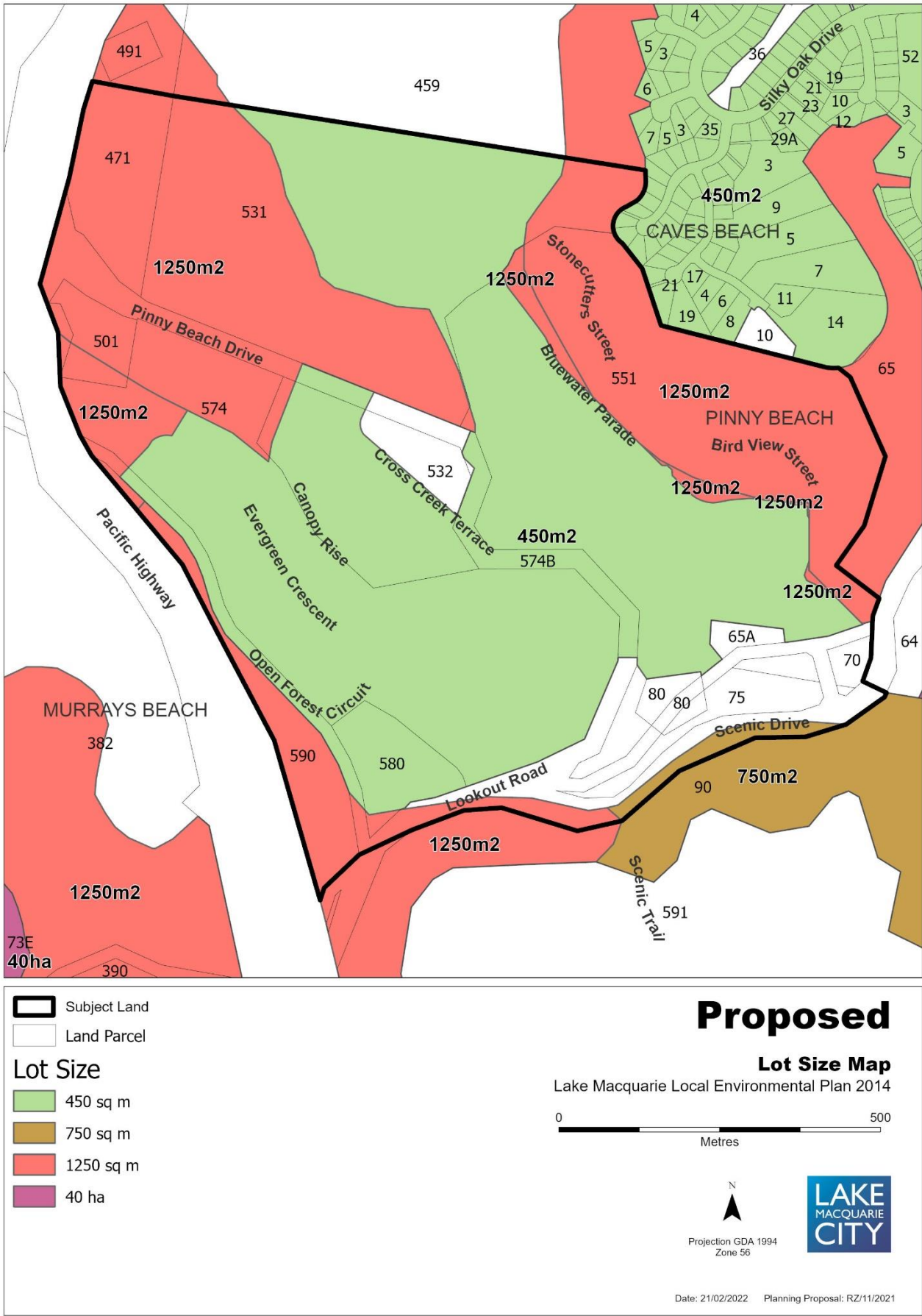
Map 5 – Proposed Height of Building



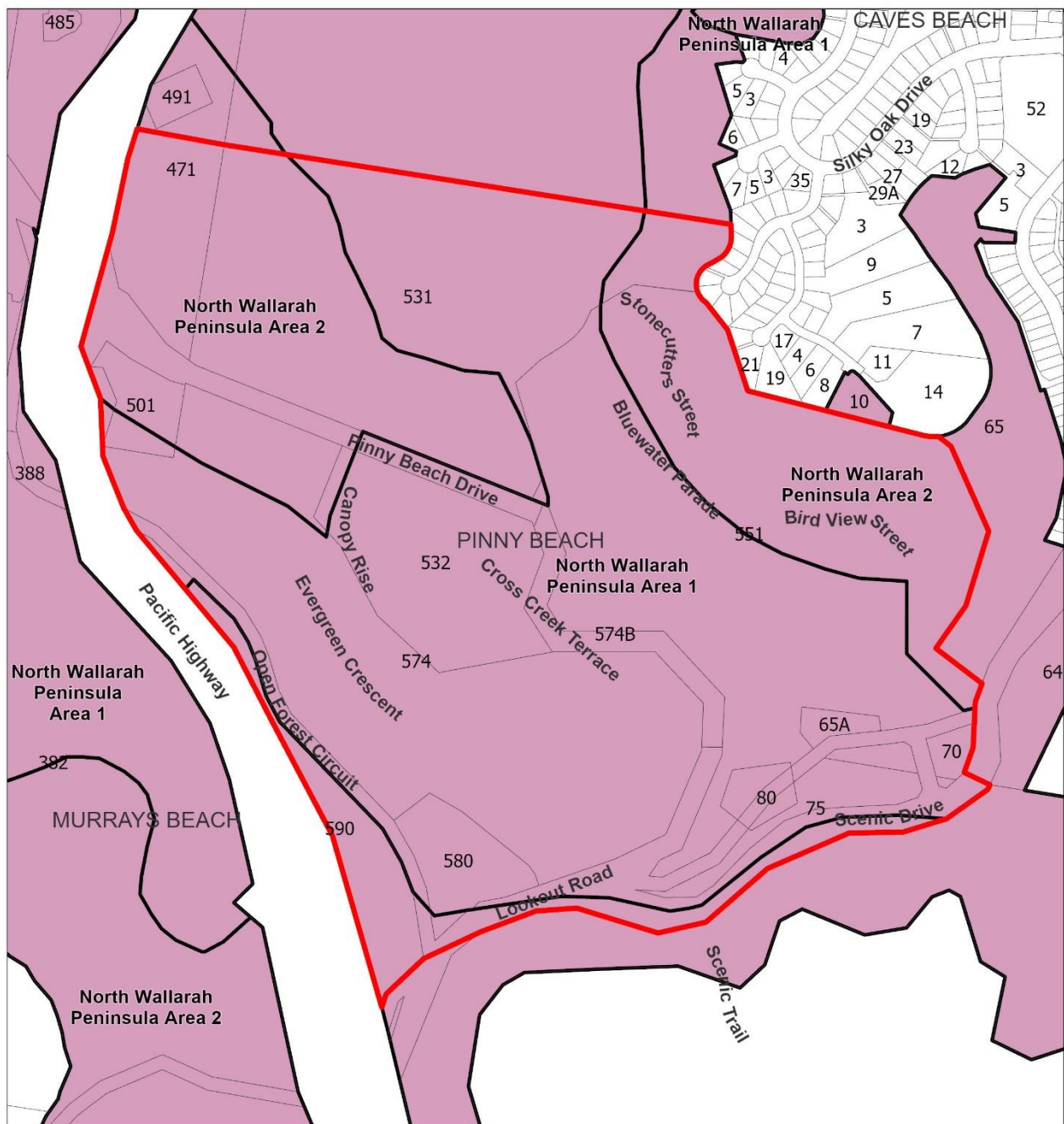
Map 6 - Current Minimum Lot Size



Map 7 – Proposed Minimum Lot Size



Map 8 – Existing Additional Permitted Use Map

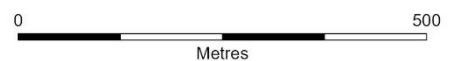


-  Subject Land
 Land Parcel
 Additional Permissible Uses

Existing

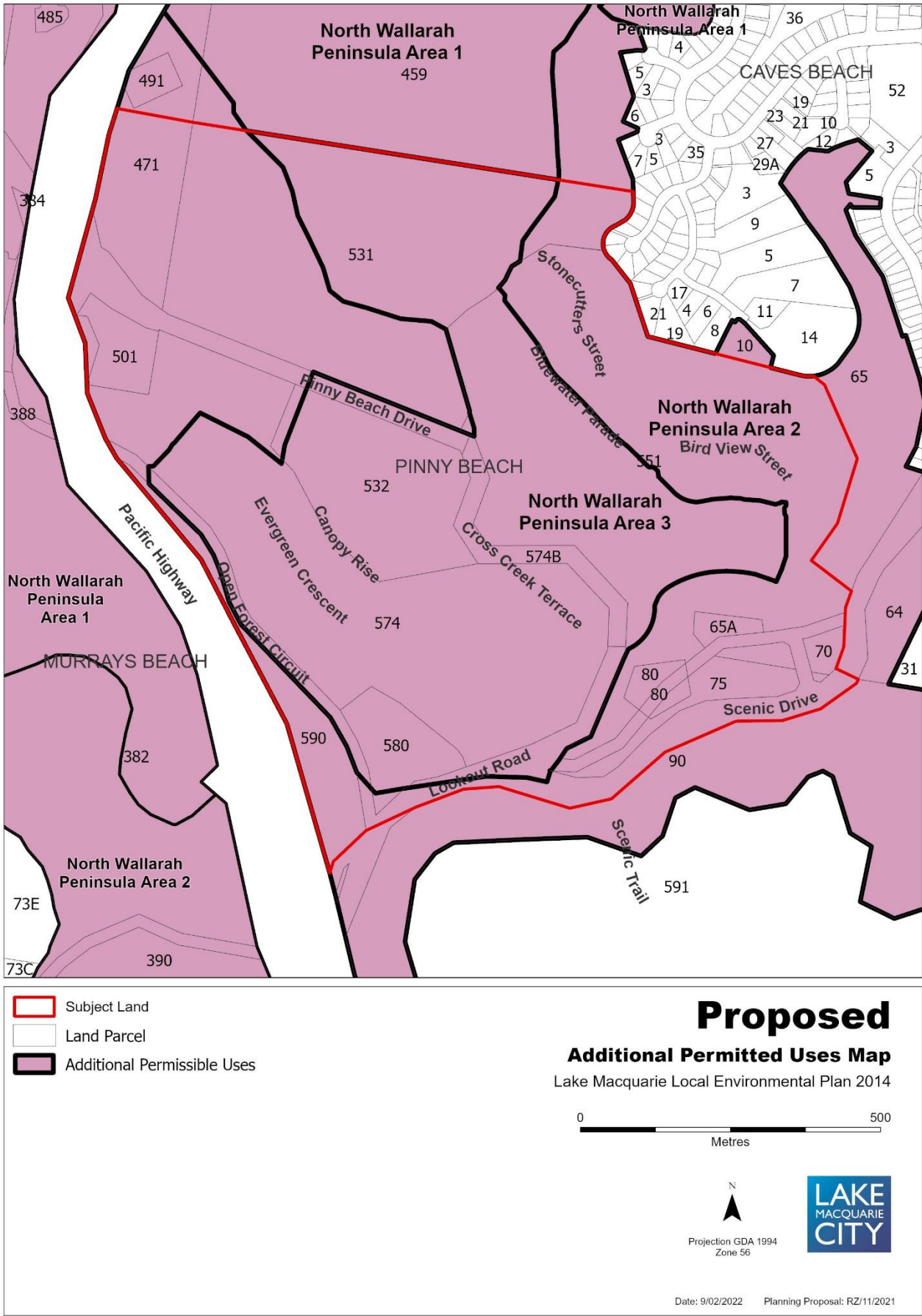
Additional Permitted Uses Map

Lake Macquarie Local Environmental Plan 2014

Projection GDA 1994
Zone 56

Date: 2/02/2022 Planning Proposal: RZ/11/2021

Map 9 – Proposed Additional Permitted Use map



Part 5 – COMMUNITY CONSULTATION

Community consultation will be undertaken for a 28-day period. Landowners and stakeholders will be notified via mail of the public exhibition period.

Part 6 – PROJECT TIMELINE

Action	Timeframe
Anticipated commencement date (date of Gateway determination)	October 2022
Anticipated timeframe for completion of required technical information	Nil
Timeframe for government agency consultation (pre exhibition)	28 days
Public exhibition (commencement and completion dates)	28 days
Date of Public hearing (if required)	Nil
Consideration of submissions	1 - 2 weeks
Timeframe for government agency consultation (post exhibition if required)	Nil
Post exhibition planning proposal consideration / preparation	March 2023
Submission to Department to finalise LEP	March 2023
Date RPA will make Plan (if delegated)	April 2023
Date RPA will forward to the Department for notification (if not delegated)	April 2023

Attachment 1

Attachment 2

Ecological Impact Assessment from DA 1656/2019

Attachment 3

Contamination assessment package from DA 1656/2019

Attachment 4

Bushfire assessments and NSW RFS response package from DA 1656/2019

Attachment 5

