

Planning and Assessment

IRF21/93

Gateway determination report

LGA	Lake Macquarie City Council
PPA	Lake Macquarie City Council
NAME	87 Oakdale Road Gateshead (zero homes, 89 jobs)
NUMBER	PP_2021_LAKEM_001_00
LEP TO BE AMENDED	<i>Lake Macquarie Local Environmental Plan 2014</i>
ADDRESS	87 Oakdale Road Gateshead
DESCRIPTION	Lot 100 DP 717604
RECEIVED	13/01/2021
FILE NO.	IRF21/93
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1. INTRODUCTION

1.1 Site description

The land is 1.34ha in area and is located 1.25km from the Pacific Highway on the northern side of Oakdale Road, Gateshead. It is on the eastern end of the Gateshead Light Industrial Area. The site is extensively cleared and possibly used for grazing. There are some scattered trees. It is gently sloping, rising to the east.

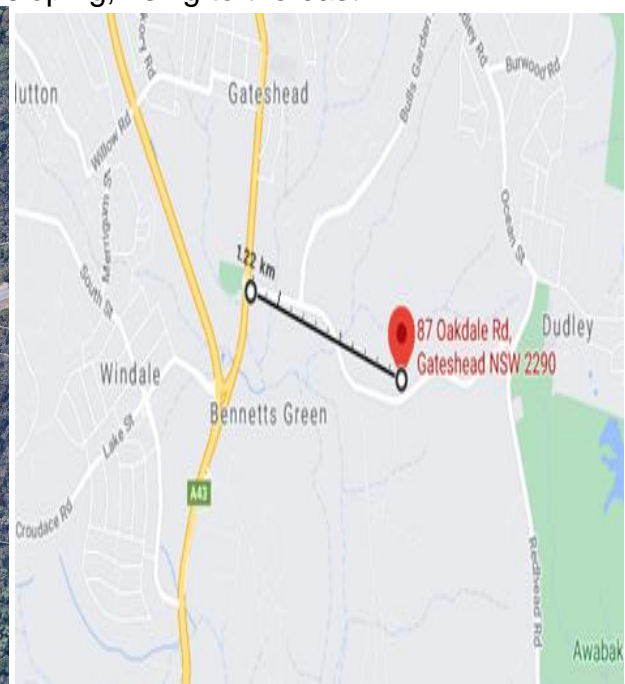
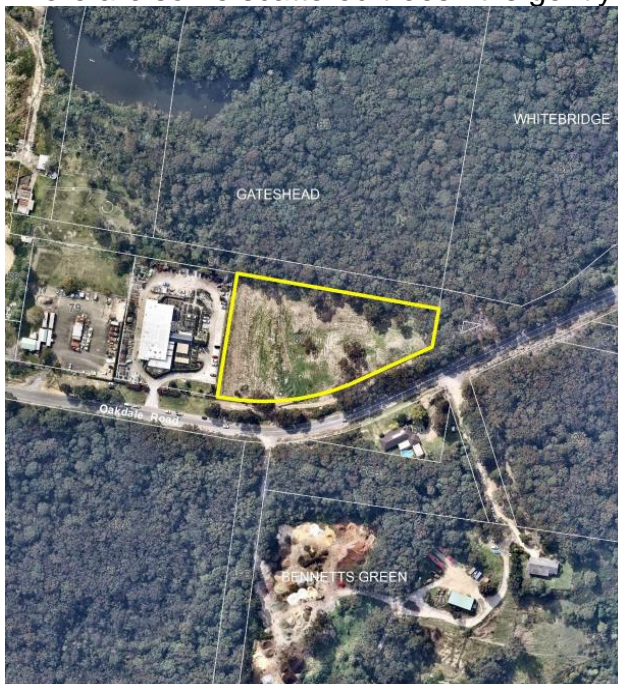


Figure 1: Site and location

1.2 Existing planning controls

The land is zoned E3 Environmental Management. The planning proposal states the zoning was applied to the site based on its former agricultural use and the previous zoning as 7A Environmental Protection (Scenic) under the former *Lake Macquarie Local Environmental Plan 1984*. This previous zoning had been applied when a major intersection was proposed between Oakdale Road and a then East Charlestown bypass. This bypass is no longer proceeding, and Council considers the site no longer a visually sensitive landscape.

At the time of conversion to the standard instrument local environmental plan, the E3 Environmental Management zone was applied at the making of the *Lake Macquarie Local Environmental Plan 2014*.

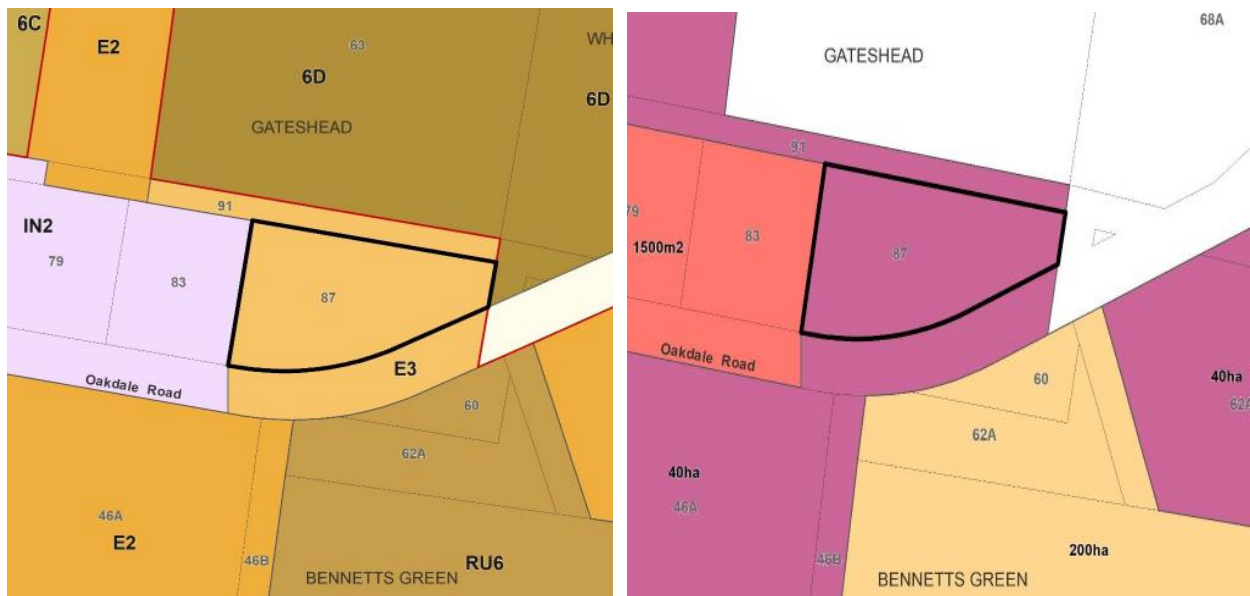
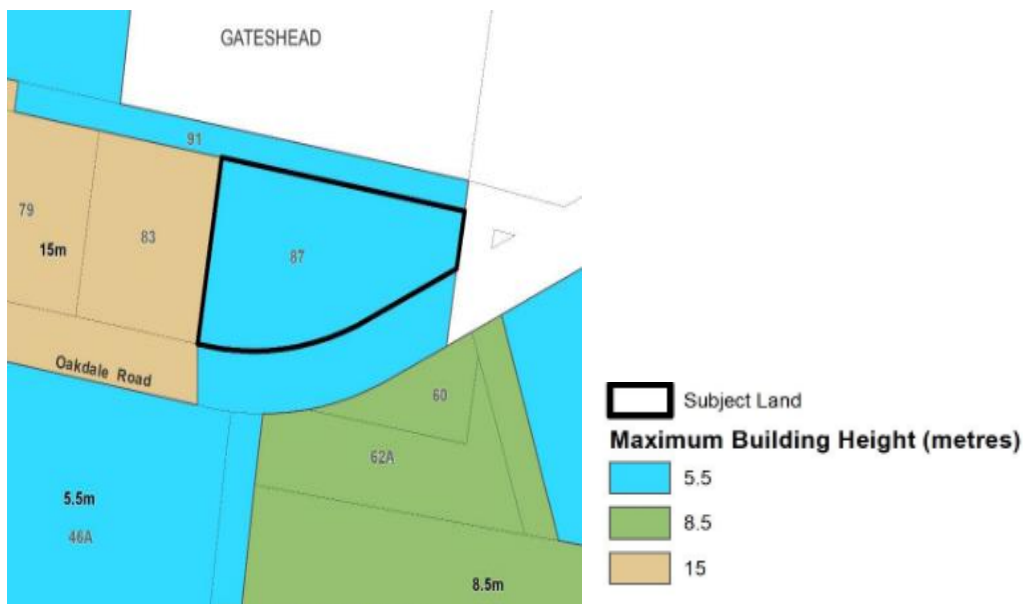


Figure 3: Current Land Zoning and Minimum Lot Size

The current minimum lot size applying to the site is 40ha. On industrial land adjoining to the west it is 1,500sqm. The maximum height of buildings applying to the site is 5.5m and the industrial land adjoining to the west is 15m.



1.3 Surrounding area

To the west of the site there are developed employment lands zoned IN2 Light Industrial and this land will form an extension of that industrial area. To the west is Poppy's Home and Garden Centre with its car park adjacent to the site boundary.

The site adjoins Crown land to the north, which is heavily vegetated. This Crown land retains its zoning of 6(d) Open Space (Regional Reservation) under the then *Lake Macquarie Local Environmental Plan 1984* as a deferred matter.

To the south, across Oakdale Road, is a private residence associated with a building and landscape supply business located further to the south beyond screening bushland. The house is 40m from the site across Oakdale Road. The site retains remnant vegetation along Oakdale Road screening it from the house opposite.

2. PROPOSAL

2.1 Description of planning proposal

The planning proposal seeks to rezone the site to IN2 Light Industrial and amend development standards for minimum lot size and height of buildings to enable 87 Oakdale Road Gateshead to be developed for light industrial purposes. This is at the request of the landowner.

2.2 Objectives or intended outcomes

The objective of the planning proposal is to amend *Lake Macquarie Local Environmental Plan 2014* to enable development of the site for light industrial purposes.

2.3 Explanation of provisions

The provisions are clear and seek to:

- rezone the land from E3 Environmental Management to IN2 Light Industrial;
- reduce the minimum lot size from 40ha to 1,500sqm; and
- increase maximum building height from 5.5m to 15m.

2.4 Mapping

Maps showing current controls and proposed new controls are included in the planning proposal. The following maps are to be amended:

- Land Zoning Map;
- Minimum Lot Size Map; and
- Height of Buildings Map.

The maps should be updated to also incorporate Oakdale Road, which is consistent with the adjoining land zoning.

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal states the current E3 Environmental Management Zone is the result of a conversion of the then existing zone when the *Lake Macquarie Local Environmental Plan 2014* was made.

The current zoning dates back to *Lake Macquarie Local Environmental Plan 1984* when it was applied to protect rural scenic values around an intersection with the proposed East Charlestown bypass. The proposed bypass is no longer progressing.

4. STRATEGIC ASSESSMENT

4.1 Regional / District

Hunter Regional Plan 2036

The planning proposal indicates it is consistent with the *Hunter Regional Plan 2036* as will contribute to the supply of industrial lands to support manufacturing, construction, transport and supply chain industries. Specifically, it is consistent with:

- Direction 24: Protect the economic functions of employment land:
 - Action 24.1 Locate new employment land so that it does not conflict with surrounding residential uses.

Greater Newcastle Metropolitan Plan 2036

The planning proposal says it is consistent with Action 7.1 of the *Greater Newcastle Metropolitan Plan 2036*, which states councils will align local plans to ensure an adequate supply of employment land, including industrial zoned land, to cater for demand of urban services in accessible locations.

The planning proposal is considered consistent with the metropolitan plan as it adds land to an existing industrial estate with good connections to regional road links in an area it will not create land use conflict.

4.2 Local

Lake Macquarie City Community Strategic Plan 2017 - 2027

The planning proposal identifies consistency with the *Lake Macquarie City Community Strategic Plan 2017 – 2027* in meeting its identified vision for a diverse economy.

The planning proposal demonstrates consistency with the value of mobility and accessibility by using effective transport systems that provide choices to conveniently move people, goods and services.

Lake Macquarie Local Strategic Planning Statement

The planning proposal states the proposed rezoning will contribute to Planning Priority 3: A City of prosperity – that attracts investment, creates jobs, and fosters innovation. Several listed principles are relevant to the planning proposal:

- closely monitor changes in the local, national, and global economies, and respond appropriately;
- facilitate complementary land uses within proximity of health precincts and other industry clusters;
- maximise the potential of existing infrastructure and natural assets to encourage investment and economic and employment growth; and
- provide sufficient land for a range of employment activities, including industrial precincts and larger format business areas in accessible locations outside of economic centres.

The last two points are considered particularly relevant as the proposed rezoning will provide additional land to the Gateshead Light Industrial Area and increase employment opportunities.

Lake Macquarie City Council Housing Strategy 2019

The housing strategy has been conditionally endorsed by the Department. The planning proposal states the site is not strategically located to support housing supply and its proximity to the Gateshead Light Industrial Area makes it unsuitable for residential.

4.3 State environmental planning policies (SEPPs)

The planning proposal identifies the following SEPPs as potentially applying and relevant to the proposed zoning change.

SEPP19 – Bushland in Urban Areas

The SEPP applies because the site adjoins land zoned for open space purposes, which in this case is (6(d) Open Space (Regional Reservation) under *Lake Macquarie Local Environmental Plan 1984*. The planning proposal will potentially involve minor clearing that would be in addition to any clearing previously undertaken.

Lake Macquarie Development Control Plan 2014 includes controls for the assessment and retention of remnant flora and landscaping and visual screening of developments.

SEPP (Koala Habitat Protection) 2019

The site is not identified on Council's koala development application map and Council does not have an approved koala plan of management.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

The planning proposal states it is unlikely any resources will be impacted. There are no mapped resources on this site.

4.4 Section 9.1 Ministerial directions

The planning proposal has identified the following section 9.1 Ministerial directions as applying to the planning proposal and whether it is consistent or not.

1.1 Business and Industrial Zones

The Ministerial direction states proposed new employment areas are to be in accordance with a strategy that is approved by the Secretary.

The planning proposal is consistent with the *Hunter Regional Plan 2036* and the *Greater Newcastle Metropolitan Plan 2036*.

1.3 Mining, Petroleum and Extractive Resources

The planning proposal states it is unlikely to impact on mining, petroleum or extractive resources. There are no mapped resources on this site.

2.1 Environmental Protection Zones

The Ministerial direction states a planning proposal applying to land in an environmental protection zone must not reduce the environmental protection standards that apply to the land. In this case, the planning proposal states environmental zone was applied due the scenic protection zone associated with a bypass that is no longer continuing.

The planning states there is limited ecological values due to the site being predominately cleared. There is Kahibah Snappy gum Forest and Lake Macquarie Spotted Gum Forest on site.

The planning proposal is consistent with the *Hunter Regional Plan 2036* and the *Greater Newcastle Metropolitan Plan 2036*.

2.3 Heritage Conservation

Under the Ministerial direction, a planning proposal may be inconsistent if heritage items, area, object or place is conserved by existing or draft environmental planning instruments, legislation, regulations, or it is of minor significance.

The planning proposal states the site is mapped as a 'Sensitive Aboriginal Landscape' and will require an aboriginal heritage study be prepared and consultation with the relevant public authority be undertaken.

Consistency with the Ministerial direction will occur once required studies are prepared and following consultation with the relevant public authority.

2.6 Remediation of Contaminated Land

The planning proposal states the site has a moderate risk of contamination and a preliminary contamination report will be prepared for the site.

The site has been used for agriculture and informal storage of construction materials. A preliminary site contamination report should be prepared as identified by the Ministerial direction and Part 4 and Appendix 1 of the *Contaminated Land Planning Guidelines*.

3.4 Integrating Land Use and Transport

The Ministerial direction and its supporting documents *Improving Transport Choice – Guidelines for planning and development* and *The Right Place for Business and Services - Planning Policy* focus on reducing travel distances and enabling public transport and pedestrian access.

The planning proposal is around 1.5km from the nearest bus stop. However, the site is 300m from the Fernleigh track that provides links to nearby residential areas. The nearest residential area is around 1km walk.

The planning proposal is consistent with the *Hunter Regional Plan 2036* and the *Greater Newcastle Metropolitan Plan 2036*. It is also considered of minor significance as the site provides road access to regional roads for transport of freight from the Gateshead Light Industrial Area.

4.2 Mining Subsidence and Unstable Land

The planning proposal states the site lies within Lake Macquarie Mine Subsidence District and the Council will consult with Subsidence Advisory NSW.

Consistency with the Ministerial direction will occur following consultation with the relevant public authority.

4.4 Planning for Bushfire Protection

The planning proposal states the site is bushfire prone. The Council will undertake a bushfire assessment in line with *Planning for Bush Fire Protection 2019* and consult with the NSW Rural Fire Service prior to community consultation.

Consistency with the Ministerial direction will occur following consultation with the relevant public authority.

5.10 Implementation of Regional Plans

The planning proposal states it is consistent with the *Hunter Regional Plan 2036* and the *Greater Newcastle Metropolitan Plan 2036*.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The planning proposal states the proposed rezoning will have positive social impacts by enabling development providing additional jobs.

Amenity impacts can be managed as the site is largely located away from residential development. A nearby house associated with an employment land use can be screened by retaining vegetation lining Oakdale Road. In addition, required asset protection zones for bush fire protection is likely to mean future development associated with the proposed rezoning will be located to the west of the site away from the house.

5.2 Environmental

The planning proposal states the site is generally cleared. The planning proposal is unlikely to have an adverse impact on threatened species, populations or their habitat.

The *Lake Macquarie Development Control Plan 2014* includes matters of setbacks and screening for industrial areas which may result in retention of vegetation along the road.

5.3 Economic

The planning proposal states there will be a positive economic impact for Lake Macquarie City Local Government Area. Landcom's *Workspace Ratios for Job Enabling Land Uses in Greater Sydney* indicates that 13,400sqm of warehouse/transport/storage land could yield up to 89 jobs from this site (150sqm per full time job).

Council stated a review of the supply of employment lands indicated a potential shortfall in industrial land of 290ha by 2030. The site will provide a relatively small contribution to addressing the shortfall and provides an expansion of Gateshead Light Industrial Area.

5.4 Infrastructure

The planning proposal seeks to expand the Gateshead Light Industrial Area, which has services are available and will require minimal extension.

6. CONSULTATION

6.1 Community

Lake Macquarie City Council considers the planning proposal to be low impact. However, Council is recommending an exhibition period of 28 days. This is considered appropriate.

6.2 Agencies

Council has proposed to consult with the following public authorities:

- Subsidence Advisory NSW;
- NSW Rural Fire Service; and
- Heritage NSW.

7. TIME FRAME

Council has proposed a timeframe of 10 months. Given the proposed finalisation time is December 2021 it may be appropriate to allow 12 months to cover potential delays in technical studies and agency consultation.

8. LOCAL PLAN-MAKING AUTHORITY

Council has requested to be the local plan-making authority. The proposed rezoning is a logical extension of an existing light industrial area and the site is privately owned.

9. RECOMMENDATION

It is recommended the delegate of the Secretary:

1. agree any inconsistencies with section 9.1 Ministerial directions: 1.1 Business and Industrial Zones, and 3.4 Integrating Land Use and Transport are minor or justified.

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

1. The maps be updated to also incorporate Oakdale Road, which is consistent with the adjoining land zoning.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. Consultation is required with the following public authorities:
 - Subsidence Advisory NSW;
 - NSW Rural Fire Service; and
 - Heritage NSW.
4. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
5. Given the nature of the planning proposal, Council should be the local plan-making authority.

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10/03/2021
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