

Planning Proposal – 87 Oakdale Road Gateshead

Lake Macquarie Local Environmental Plan 2014

Pre-Gateway Version

Local Government Area	Lake Macquarie City
Name of Draft LEP:	Lake Macquarie Local Environmental Plan 2014 – 87 Oakdale Road
Subject Land:	87 Oakdale Road Gateshead (Lot 100 DP 717604)
Land Owner:	Mr D C Crane
Applicant:	Lake Macquarie City Council
Council Folder Number:	RZ/4/2020
Maps:	Map 1 – Locality Map 2 – Aerial Photograph Map 3 – Existing Zones Map 4 – Proposed Zones Map 5 – Existing Lot Sizes Map 6 – Proposed Lot Sizes Map 7 – Existing Height of Buildings Map 8 – Proposed Height of Buildings
Date:	August 2020
Prepared by:	Abigail Hawtin – Student Land Use Planner
Attachments:	Nil

Part 1 – Objective of the Planning Proposal

The objective of this planning proposal is to amend the Lake Macquarie Local Environmental Plan (*LMLEP*) 2014 to enable a range of light industrial uses at 87 Oakdale Road Gateshead, compatible with the disturbed condition of the site and surrounding land uses.

Part 2 – Explanation of Provisions

The amendment proposes the following changes to LMLEP 2014:

Land Zoning Map	Amending LMLEP 2014 Land Zoning Map to rezone the entire site at 87 Oakdale Road Gateshead from E3 Environmental Management to IN2 Light Industrial, as shown at Map 4.
Lot Size Map	Amending LMLEP 2014 Lot Size Map in accordance with the proposed Lot Size map, shown at Map 6, which indicates a minimum lot size of 1500m ² onsite.
Height of Buildings Map	Amending LMLEP 2014 Height of Buildings Map in accordance with the proposed height map, shown at Map 8, which indicates a maximum building height of 15m.

Part 3 – Justification for the Provisions

A. NEED FOR THE PLANNING PROPOSAL

1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The planning proposal is not the result of a strategic study or report. The E3 Environmental Management zone is not considered the most suitable zone for the site given the site is predominantly cleared. This proposal aims to enable a more intensive use on the site in line with the disturbed nature of the site and its location adjacent to an existing industrial precinct (see Figure 1). The proposal will contribute to the supply of employment land in Lake Macquarie.

The subject site was a Deferred Matter site in the *Lake Macquarie Local Environmental Plan (LMLEP) 2004*. The E3 Environmental Management Zone was applied to the site in conversion to the standard instrument *LMLEP 2014*. It is understood the current zoning was applied to the site based on its former agricultural use and its underlying zoning as 7A Environmental Protection (Scenic) under *LMLEP 1984*. At the time the Environmental Protection (Scenic) Zone was applied a major intersection was proposed between Oakdale Road and the now abandoned East Charlestown bypass to the west of the subject site. It is expected the Environmental Protection (Scenic) Zone was applied to protect the scenic amenity of the proposed intersection. The East Charlestown Bypass has since been abandoned and the site is no longer considered a visually sensitive landscape.



Figure 1: Local context map of subject site. Source: Nearmap.

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

Yes. Rezoning the site to IN2 Light Industrial will enable development consistent with the nearby employment precinct. It would not be appropriate to amend the land use table for the E3 Environmental Management Zone or to add an additional permitted use for light industrial development as industrial land uses are not compatible with the zone objectives of the E3 Environmental Management Zone.

RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

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

Hunter Regional Plan

The planning proposal is consistent with the Hunter Regional Plan which identifies productive industries as the second highest employment industry in 2036. The proposal contributes to the supply of industrial lands to support manufacturing, construction, transport and supply chain industries. It is well located with access to transport corridors, customers and existing supply chains. The proposed rezoning is consistent with the following directions:

- *Direction 4: Enhance inter-regional linkages to support economic growth*
- *Direction 24: Protect the economic functions of employment land- locate new employment land so that it does not conflict with surrounding residential uses*

Greater Newcastle Metropolitan Plan

The proposal is consistent with Action 7.1: *Greater Newcastle 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 proposal is adjacent to an extensive area of Crown land which forms part of the Greater Newcastle Green Network. Given the site is predominantly cleared, the change of

zoning is unlikely to impede on the green corridor. The large lot size enables setbacks to buffer the development footprint from the green corridor.

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

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 rezoning is consistent with the vision for a diverse economy. The planning proposal will support a sustainable and diverse economy.

Lake Macquarie Housing Strategy

The Housing strategy aims is to facilitate housing diversity that is well located, and that responds to the changing population, ensuring our housing meets people's needs into the future. A key aspect of the strategy is to to facilitate infill housing close to centres with access to transport and services.

The subject site is not strategically located for residential development due it's distance from strategic centres and its proximity to industrial land uses.

5. Will the planning proposal give effect to Council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Lake Macquarie Local strategic Planning statement

The site is strategically located for light industrial land uses with access to residential areas, transport connections and other supporting land uses. The rezoning is consistent with economic goals to ensure that well-located employment land is available for future employment growth. The rezoning specifically contributes to *Planning priority 3: a city of prosperity* and associated principles:

- *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*
- *Provide sufficient land for a range of employment activities, including industrial precincts and larger format business areas in accessible locations outside of economic centres*

6. Is the planning proposal consistent with applicable state environmental planning policies?

An assessment has been undertaken to determine the level of consistency the proposal has with relevant State Environmental Planning Policies (SEPPs). The assessment is provided below:

SEPP	Relevance	Comment
SEPP 19 – Bushland in Urban Areas	Aims to prioritise the conservation of bushland in urban areas, and requires	Consistent. The proposal will potentially disturb or remove a portion of partially cleared native

SEPP	Relevance	Comment
	consideration of aims in preparing a draft amendment. Council should give priority to retaining bushland, unless it is satisfied that significant environmental, economic or social benefits will arise which outweigh the value of the bushland.	vegetation to the north and east of the site. However, any impact is likely to be minor as the site is predominantly cleared. Given the demand for light industrial land in the Lake Macquarie it is considered that the economic benefits arising from the proposal outweigh the conservation value of the bushland.
SEPP (Koala Habitat Protection) 2019	Aims to encourage the proper conservation and management of areas of natural vegetation that provide koala habitat.	Consistent. The land is not identified on the Koala Development Application Map and does not have an approved koala plan of management applying to the land. It is unlikely that the proposal will impact on core koala habitat given the minor extent of vegetation on the site.
SEPP (Coastal Management) 2018	This SEPP ensures that development in the NSW coastal zone is appropriate and suitably located to ensure that there is a consistent and strategic approach to coastal planning and management.	Consistent. The site is not located within the coastal zone.
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Aims to provide for the proper management and development of land containing mineral, petroleum and extractive material resources.	The proposal is unlikely to impact on mining, petroleum or extractive industries.

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

The following assessment has been undertaken to determine the level of consistency the proposal has with relevant Ministerial Directions.

Ministerial direction	Relevance	Comment
1.1 – Business and Industrial zones	The direction aims to support the growth	Consistent. The planning proposal will make a minor

Ministerial direction	Relevance	Comment
	and retention of existing employment areas in accordance with local and regional strategies.	increase in area to an existing employment area.
1.3 – Mining, Petroleum and Extractive Industries	The direction requires consultation with the Director-General of the Department of Primary Industries where a draft LEP will restrict extractive resource operations.	Consistent. The proposal is unlikely to impact on mining, petroleum or extractive industries.
2.1 – Environmental Protection Zones	The direction requires that a draft LEP contain provisions to facilitate the protection of environmentally sensitive land.	<p>Inconsistent. The planning proposal would rezone the site from E3 Environmental Management Zone to IN2 Light Industrial Zone which will reduce the environmental protection standards that apply to the land. Whilst this is inconsistent with this direction, the site is largely cleared and the rezoning is considered of minor significance.</p> <p>The E3 Environmental Management Zone was applied to the site during the conversion of <i>LMLEP 2004</i> to <i>LMLEP 2014</i>. It is understood the current zone was applied to the site based on its former agricultural use and its previous zoning as 7(a) Environmental Protection (Scenic) under <i>LMLEP 1984</i>.</p> <p>The 7(a) Environmental Protection (Scenic) Zone was likely applied to the site in an endeavour to protect visual amenity given the proposal for a major intersection between Oakdale Road and the now abandoned east Charlestown bypass. The purpose of the 7(a) Scenic Protection zone consequently fell away upon the state government's abandonment of the east Charlestown bypass route.</p>

Ministerial direction	Relevance	Comment
		<p>The E3 Environmental Management Zone is not considered the most appropriate zone given the site is predominantly cleared and the site has limited ecological significance. Rezoning to IN2 Light Industrial will permit a range of light industrial uses compatible with the adjacent employment lands and the disturbed nature of the site.</p> <p>The Director General's concurrence would be required that the inconsistency is of minor significance.</p>
2.2 - Coastal Management	This direction seeks to give effect to the objects of the Coastal Management Act 2016.	Consistent. The site is not within the Coastal Zone.
2.3 – Heritage Conservation	The direction requires that a draft LEP include provisions to facilitate the protection and conservation of Aboriginal and European heritage items.	Consistent. The site is mapped as a Sensitive Aboriginal Landscape. An Aboriginal Heritage Study will be required if the proposal proceeds following the Gateway determination.
2.6 – Remediation of Contaminated Land	The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.	Consistent. The site has a moderate risk of contamination. A preliminary contamination investigation is required to ascertain if there are any contamination issues affecting the site.
3.4 – Integrating Land Use and Transport	The direction requires consistency with State policy in terms of positioning of urban land use zones.	Consistent. The site is adjacent to an existing employment area and is located close to the Pacific Highway and Newcastle Inner City Bypass. The site is approximately 1.5km from the nearest bus stop and approximately 300m from the

Ministerial direction	Relevance	Comment
		Fernleigh track which connects to nearby residential areas.
4.2 – Mine Subsidence and Unstable Land	The direction requires consultation with the Subsidence Advisory NSW where a draft LEP is proposed for land within a mine subsidence district.	Consistent. The site is located in Lake Macquarie Mine Subsidence district. Council will consult with Subsidence Advisory NSW if the proposal proceeds.
4.4 – Planning for Bushfire Protection	The direction applies to land that has been identified as bushfire prone, and requires consultation with the NSW Rural Fire Service and consideration of <i>Planning for Bush Fire Protection 2019</i> .	The site is bushfire prone. A bush fire assessment will be required to ensure bushfire risks can be addressed in accordance with <i>Planning for Bush Fire Protection 2019</i> . Consultation with RFS will occur following the Gateway determination.
5.10 – Implementation of Regional Plan	The direction seeks to give effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	Consistent. The proposed rezoning is considered consistent with relevant regional strategies as detailed in section 4 and 5.
6.1 – Approval and Referral Requirements	The direction prevents a draft amendment from requiring concurrence from, or referral to, the Minister or a public authority.	Consistent. The proposal does not require concurrence, consultation or referral of development applications to a Minister or public authority and will not identify development as designated development.
6.2 – Reserving Land for Public Purposes	The direction prevents a draft LEP from altering available land for public use.	Consistent. The proposal does not create, alter or reduce existing zonings or reservation of land for public purposes.

B. ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site is mostly cleared with the understorey largely consisting of weeds, however there are some trees on the site. The vegetation communities on the site are Kahibah Snappy Gum Forest and Lake Macquarie Spotted Gum Forest, though only a small extent. It is

considered unlikely that the proposal will adversely impact threatened species, populations or their habitats.

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

Visual Impact

The proposed land use and resulting visual landscape will be consistent with the industrial land uses to the west. An initial assessment against *Council's Scenic Management Guidelines 2013* indicates the site is not located in a visually sensitive landscape and does not have a high or moderate level of visibility. It is considered the visual impact of the proposal is of minor significance. Moreover, the DCP contains relevant controls to ameliorate visual impacts at the development application stage.

10. Has the planning proposal adequately addressed any social and economic effects?

Site context

The site is nearby to an extensive area of Crown land designated as Deferred Matter. The deferred matter land has an under-lying zone of 6 (d) Open Space (Regional) under the *LMLEP 1984*. The land was exhibited as 10 Investigation (Urban/ Conservation) Zone in the Draft *LMLEP 2001*. Draft versions of *LMLEP 2011* indicate a Zone of E2 Environmental Conservation. The land is constrained by topography, ecology, bushfire and would require significant investigation prior to being developed. Preliminary consultation with Landcom indicates no current intentions to further investigate or develop the land. Notwithstanding, it is considered the proposal is unlikely to impede future development of the Deferred Matter land.

Economic

The proposal is likely to have positive economic effects by contributing to the supply of industrial land in Lake Macquarie. The Hunter Regional Plan identifies productive industries as a key employment industry for the region and light industrial uses depend on efficient supply chains, access to customers, land availability and access to main roads. Council is currently undertaking a review of employment land in the Local Government Area. The preliminary results indicate that approximately 30 hectares of industrial land is undeveloped. Based on current population and employment growth trends, there is an anticipated demand for 320 hectares of industrial zoned land by 2030. As such the results indicate a shortfall of 290 hectares. The proposal will make a minor contribution to this shortfall in a location adjacent to an existing industrial precinct with access to existing supply chains, customers and main roads.

Social

The proposal is likely to have positive social impacts by facilitating additional employment generating land uses on the site.

The site is located opposite an existing private dwelling. The dwelling is situated within the RU6 Transition Zone and is isolated from other residential development. The dwelling is associated with the Mantles Building and Landscape Supplies business operating to the south. Considering the configuration of the subject lot and anticipated APZ requirements, the western portion of the lot is considered more conducive to development than the eastern portion. It is expected the development footprint would occur largely to the west and provide a sufficient buffer between light industrial development on the subject site and the dwelling opposite.

D. STATE AND COMMONWEALTH INTERESTS

11. Is there adequate public infrastructure for the planning proposal?

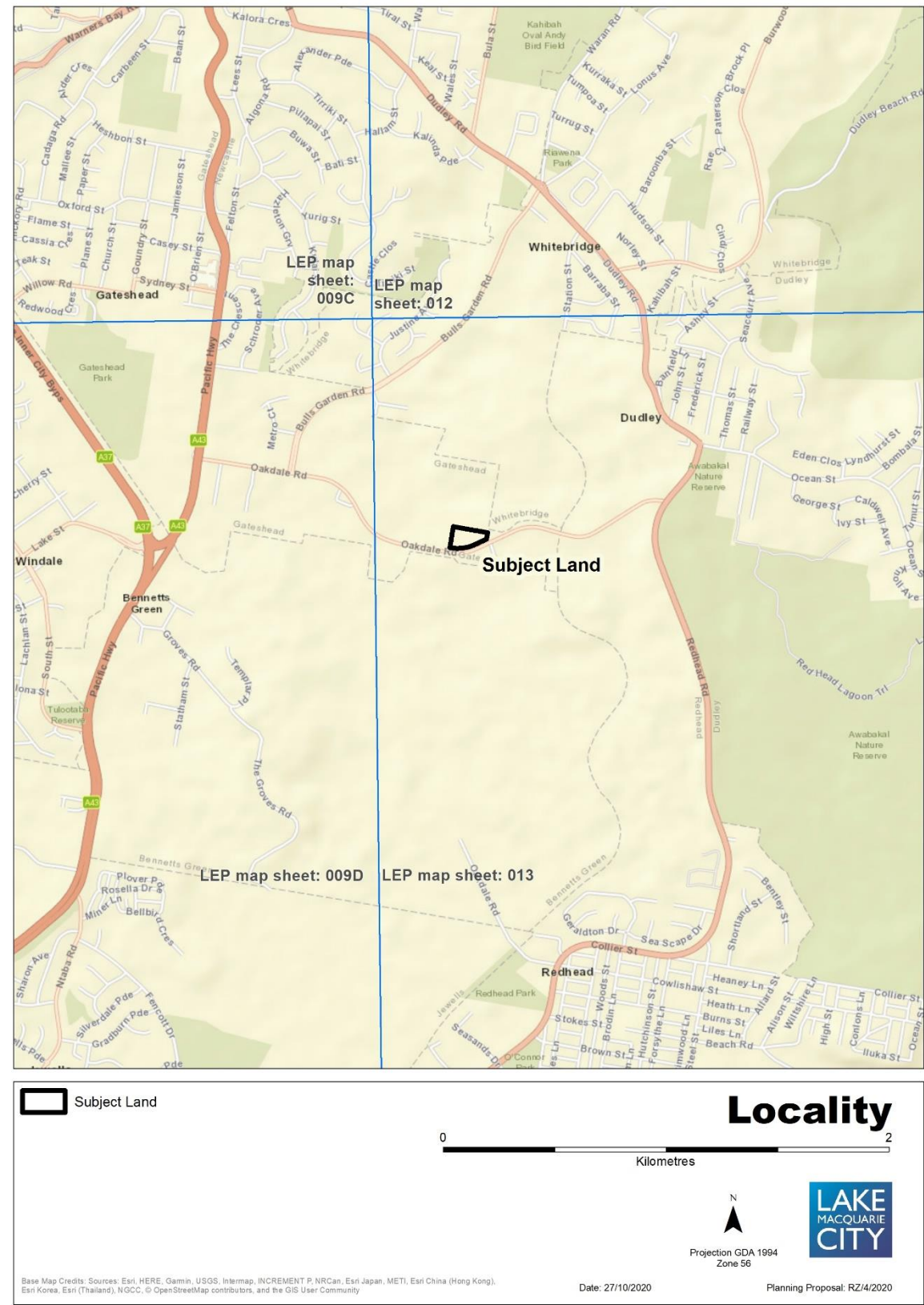
Public infrastructure adjoins the site, and the proposal will require minimal extension of existing water, sewer, electricity, drainage and telecommunication services at development stage.

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

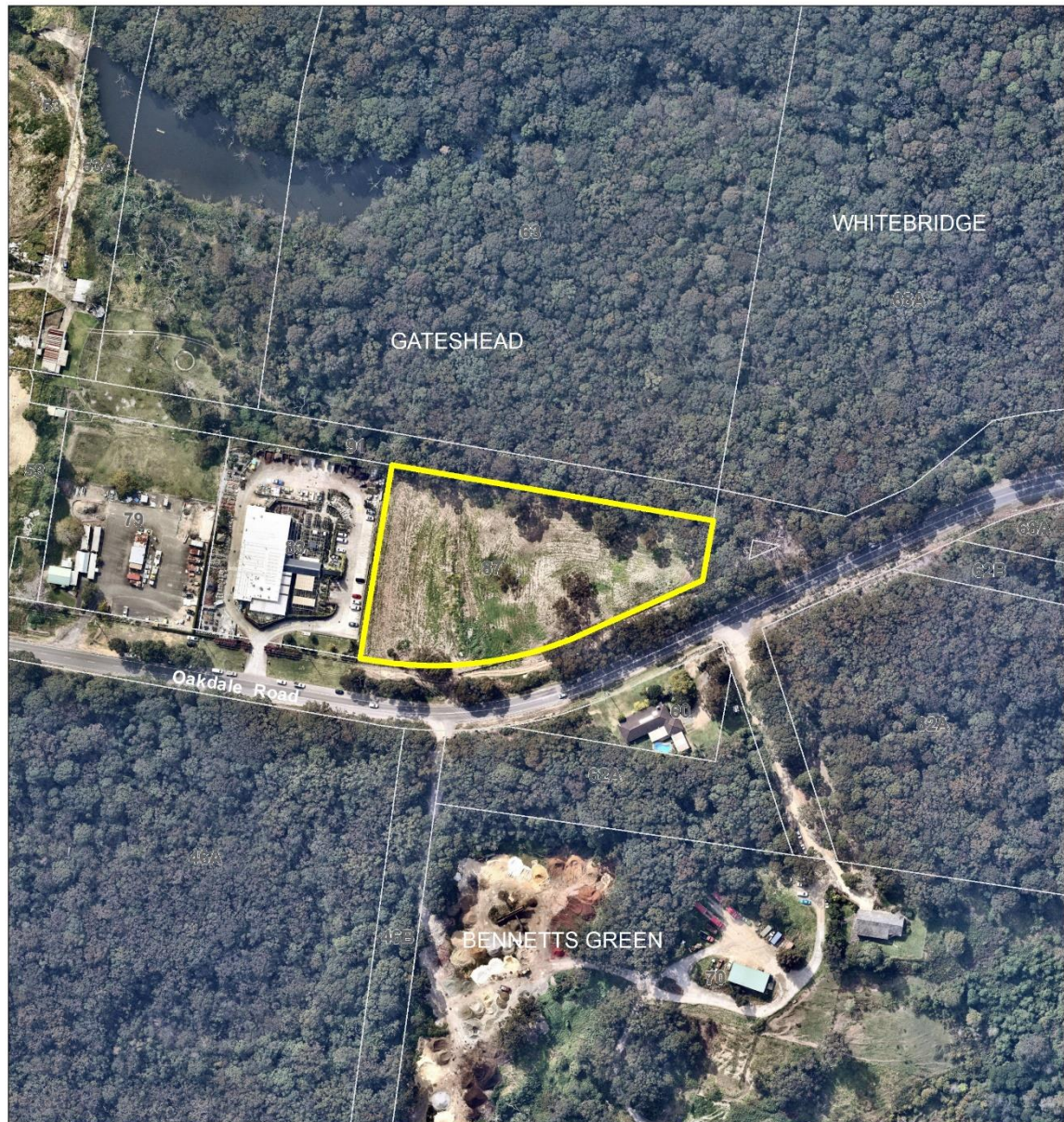
Consultation with State and Commonwealth public authorities will occur as directed by the Gateway determination.

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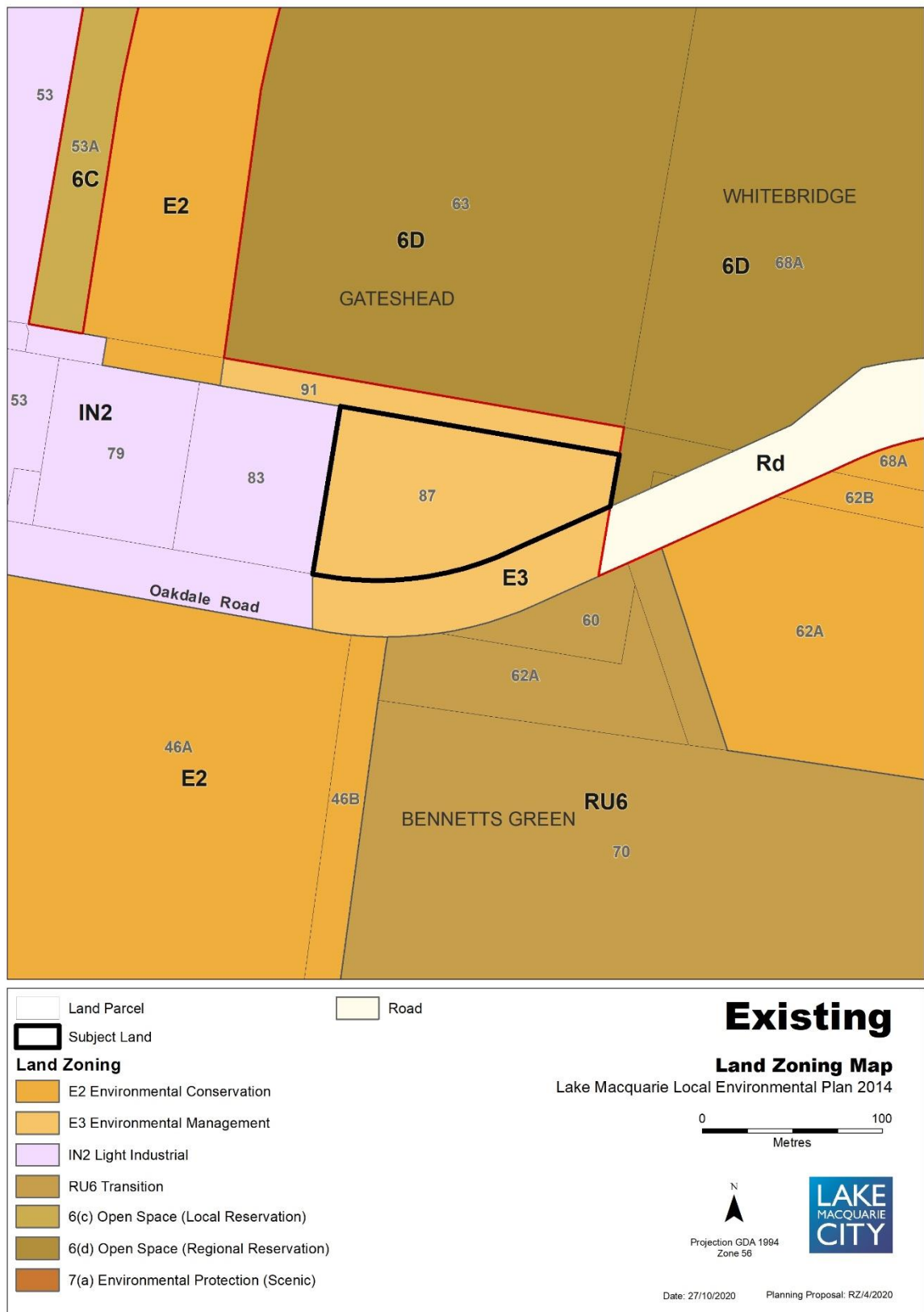
Part 4 – MAPPING



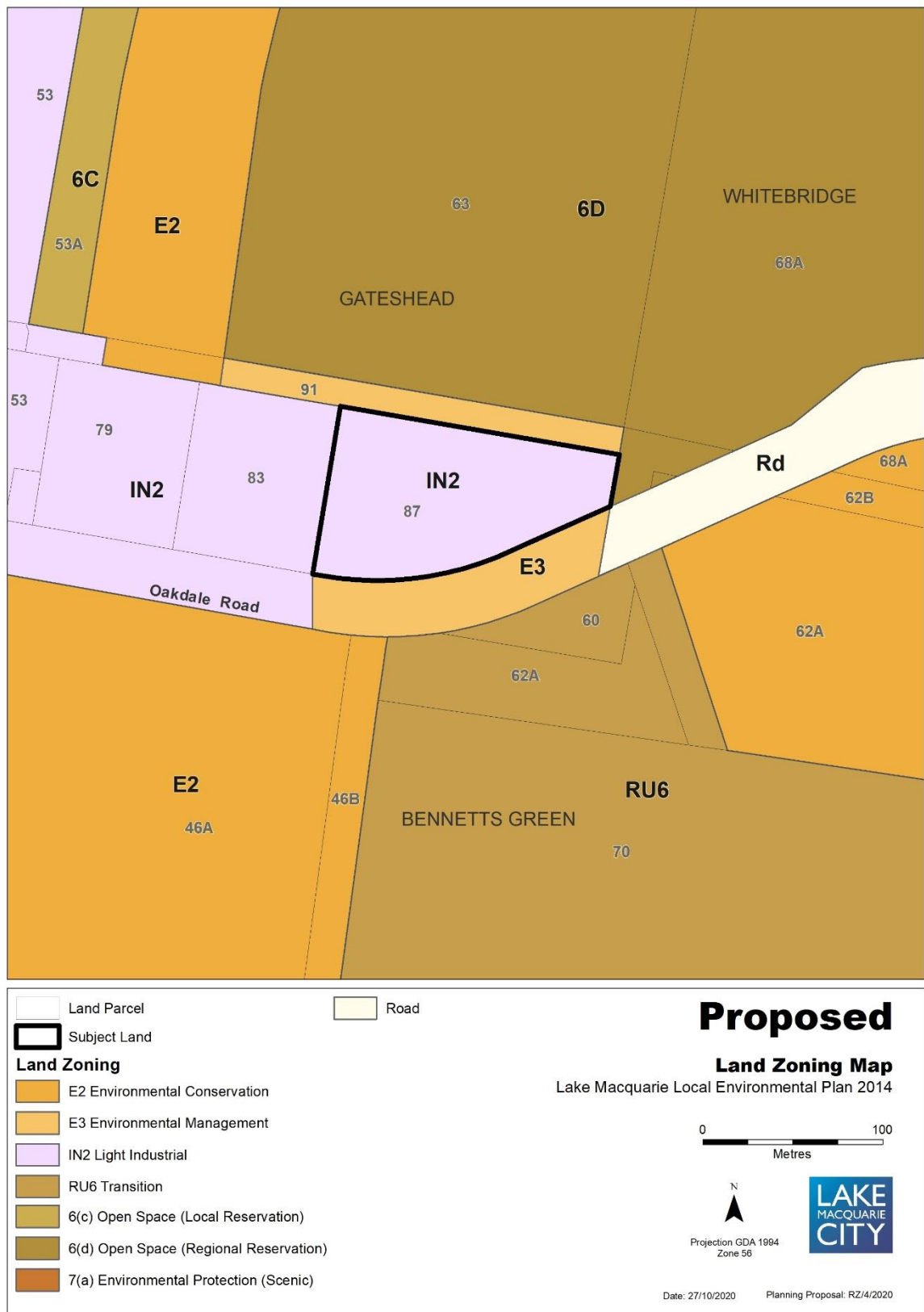
Map 1 – Locality



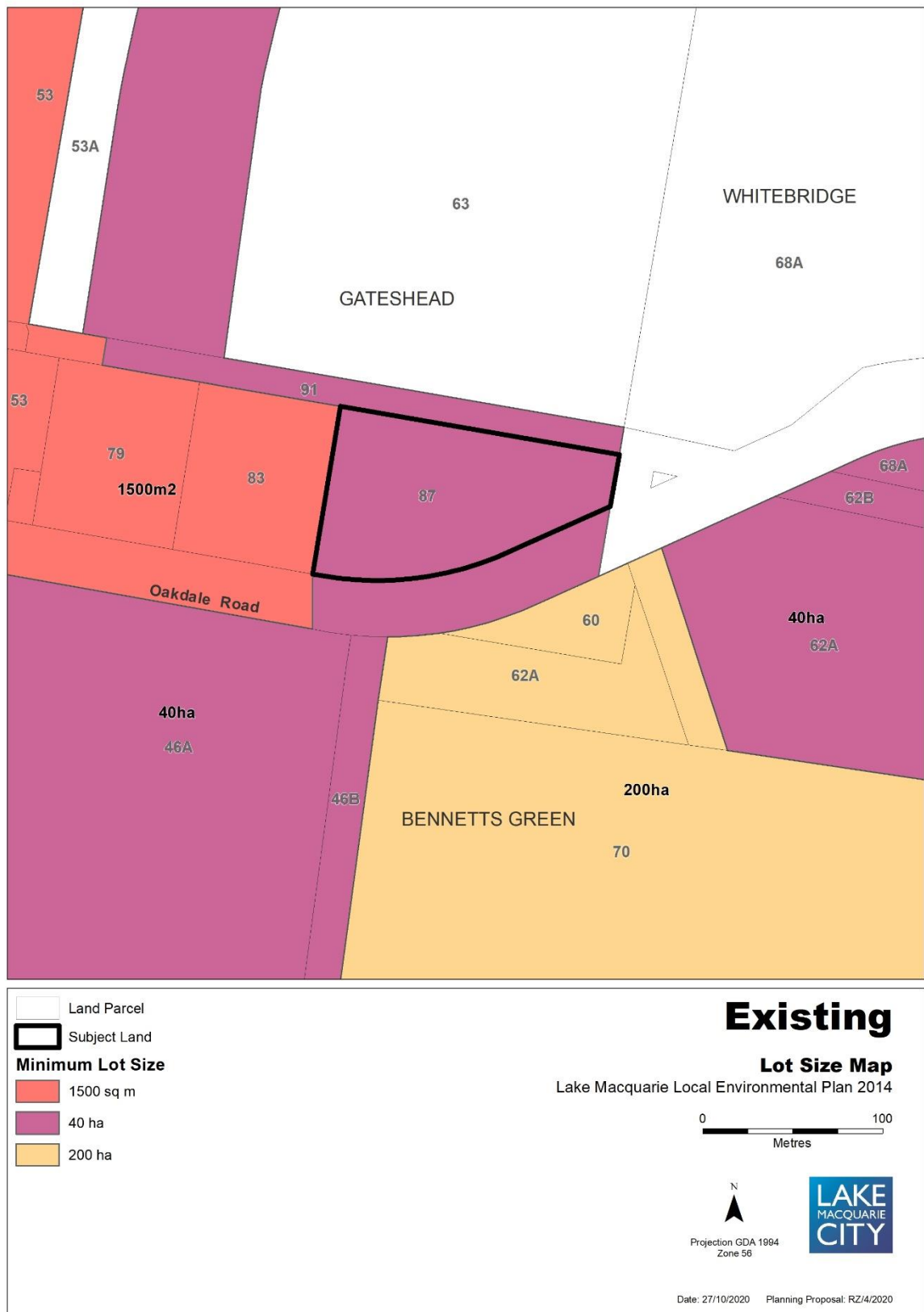
Map 2 – Aerial Photograph



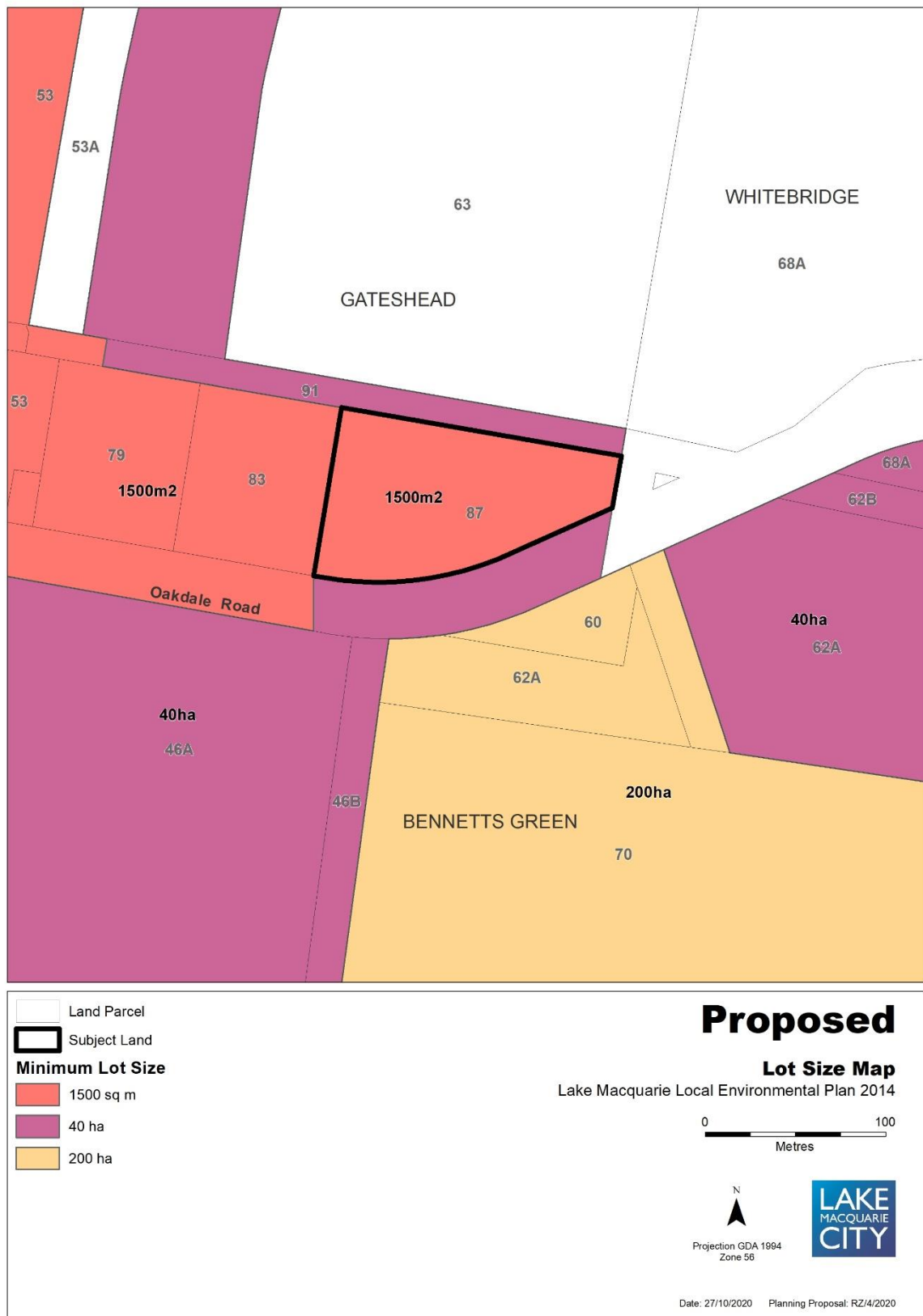
Map 3 – Existing Zones



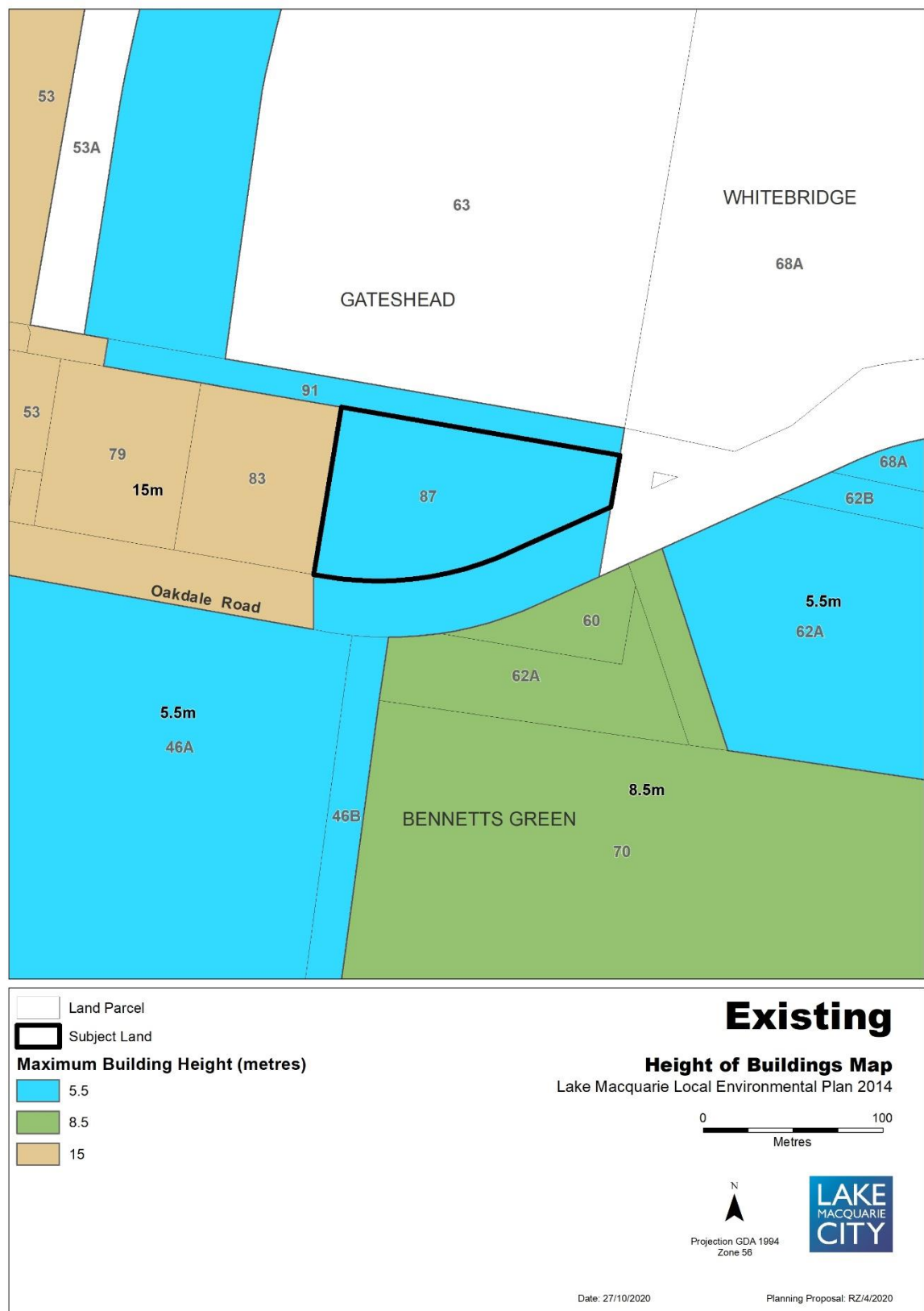
Map 4 – Proposed Zones



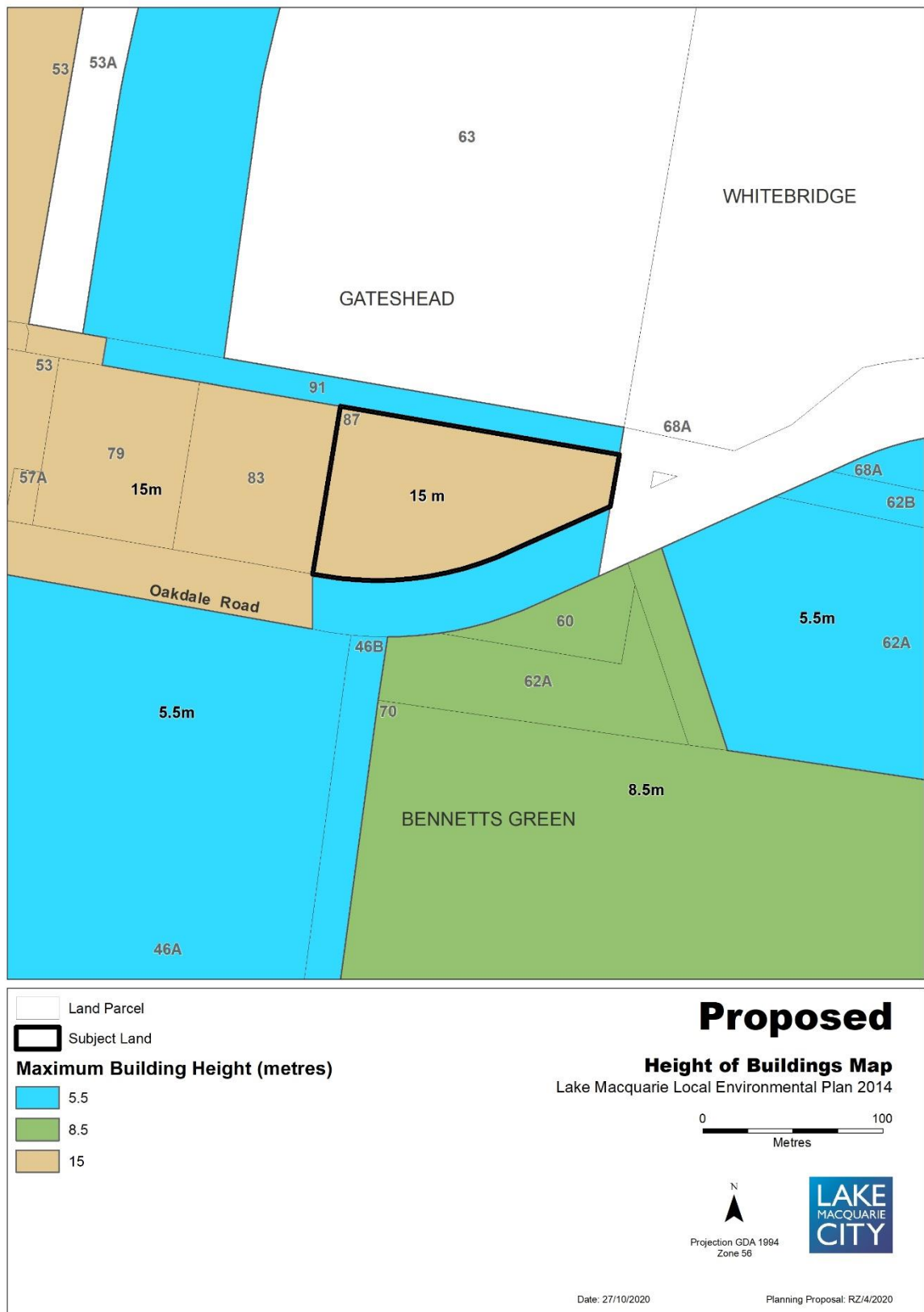
Map 5 – Existing Lot Size



Map 6 – Proposed Lot Size



Map 7 – Existing Height of Building



Map 8 – Proposed Height of Building

Part 5 – Details of Community Consultation

Community consultation has not been undertaken to date. Community consultation will be determined as part of the Gateway determination. LMCC considers that the proposal is low impact and recommends public exhibition of the proposal for 28 days.

Part 6 – Project Timeline

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