

Planning Proposal
Lot 478 DP 755242, Dora Street, Morisset.
Draft Amendment No. 81 to
Lake Macquarie Local Environmental Plan (LMLEP) 2004

Local Government Area: Lake Macquarie

Name of Draft LEP: Lake Macquarie Local Environmental Plan 2004 (Amendment No. 81)

Subject Land: Lot 478 DP 755242
Dora Street Morisset
Approximately 1,568m²

Applicant Doug Sneddon Planning Pty Ltd

Owner Ausgrid

Maps: Attachment 1 – Subject Land Locality Map
Attachment 2 – Aerial Photograph and Existing Zone Distribution LMLEP 2004
Attachment 3 – Amendment to LMLEP 2004: Zoning Map

Part 1 – Objective of the Planning Proposal

The objective of the Planning Proposal is to amend *Lake Macquarie Local Environmental Plan 2004* (LMLEP 2004) by rezoning Lot 478 DP 755242 from 10 Investigation (Urban and Employment/Conservation) Zone to 2(1) Residential Zone to enable development of the land for low-density residential purposes.

Draft LMLEP 2013 – Standard Instrument LEP

This Planning Proposal considers both LMLEP 2004 and draft LMLEP 2013. The conversion of LMLEP 2004 to draft LMLEP 2013 as it relates to the subject site is summarised in Table 1 below.

Table 1: Conversions from LMLEP 2004 to draft LMLEP 2013 that affect the subject site and this Planning Proposal

Provisions LMLEP 2004	Standard Instrument Conversion
2(1) Residential Zone	Zone R2 Low Density Residential

Part 2 – Explanation of the Provisions

The amendment proposes the following changes to the LMLEP 2004:

Table 2: Proposed changes to the LMLEP 2004 map and instrument

Amendment Applies To	Explanation of the Provision
Map	It is proposed that the subject land, Lot 478 DP 755242 will be rezoned from 10 Investigation Zone to 2(1) Residential Zone.
Dictionary	Amend the definition of <i>the map</i> by adding Lake Macquarie Local Environmental Plan 2004 (Amendment No. 81)

The Planning Proposal would result in the following changes to Draft Lake Macquarie LEP 2013 (Council's Standard Instrument LEP):

Table 3: Proposed changes to the draft LMLEP 2012

Amendment Applies To	Explanation of the Provision
LMLEP 2013 Standard Instrument – Minimum Lot Size Map	Minimum lot sizes would correspond to proposed zoning as follows: R2 – 450m ²
LMLEP 2013 Standard Instrument – Building Height Map	Maximum building heights would correspond to proposed zoning as follows: R2 – 8.5m
LMLEP 2013 Standard Instrument – Investigations Areas Map	Remove the subject land from the Investigations Areas map

Part 3 – Justification

Section A - Need for the planning proposal

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

The Planning Proposal is not the result of a strategic study or report. The draft Amendment seeks to rezone the former 'Morisset Crew Depot' from 10 Investigation to 2(1) Residential to allow residential development on the site. The site is now surplus to the requirements of the owners (Ausgrid), which seek to dispose of the land.

The 10 Investigation zone under LMLEP 2004 is an interim zone pending further site investigations to determine the preferred land use. A number of preliminary studies have been completed on the site which considered a range of land use opportunities and constraints, and led to the recommended zone applied to the amendment proposal.

The release of the subject land for urban development is consistent with the Lower Hunter Regional Strategy (LHRS) which identifies the site as urban land within the Emerging Major Regional Centre of Morisset. The proposal is also consistent with Council's Lifestyle 2030 Strategy, which identifies the site for urban use.

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

A number of options were considered to proceed with residential development on the subject site, as outlined below.

Option 1

Amend LMLEP 2004 to rezone the subject land from 10 Investigation to a 2(1) Residential zone, and insert a local clause to ensure site-specific issues relating to Squirrel Glider habitat connectivity identified in the Squirrel Glider Review (Fallding, MP & Smith, AP 2008) are addressed prior to consent being granted for development on the site.

The Amendment would require adding the subject land to 'Schedule 9 – Consent to development subject to special requirements' of LMLEP 2004/ 'Part 7 - Additional Local Provisions of draft LMLEP 2012 and would require the consent authority to consider potential adverse impacts of any proposed development on habitat connectivity values of the site.

This is not Council's preferred option as the potential impacts of the proposal on the habitat corridor are anticipated to be minor in nature. Furthermore, Option 1 is not consistent with the objectives of 117 Direction 6.3- Site Specific Provisions to discourage unnecessarily restrictive site specific planning controls. This direction requires the planning proposal to "rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone."

It is considered that Option 3 (Council's preferred option), will provide adequate protection for maintaining habitat connectivity values in the locality. In addition, option 3 does not propose site specific zones or planning provisions and is consistent with 117 Direction 6.3 (Site Specific Provisions).

Option 2

Amend LMLEP 2004 to rezone the subject land from 10 (Investigation) to part 2(1) Residential, and part 7(2) Conservation (Secondary) over the eastern boundary of the site to address the potential long term Squirrel Glider habitat connectivity issues.

This option is not preferred as the subject land is relatively small in size and the habitat present within the site essentially constitutes heavily disturbed Open Forest, bordering on a classification of cleared land. The few remnant canopy tree species would only be suitable as a foraging resource for mobile species such as birds and bats, and in its current state is likely to be of limited connectivity value for Squirrel Gliders. It is considered that the habitat corridor on adjoining land, together with the retention of mature remnant trees on the site will provide adequate protection for the preservation of the Squirrel Glider corridor in the locality.

Furthermore, the 7(2) Conservation (Secondary) zone would not be consistent with the adjoining residential land zoning north of the site. Rezoning the eastern portion of the site 7(2) Conservation (Secondary) may also create some difficulty in achieving adequate Bushfire Asset Protection Zones for future residential development.

Option 3

Amend LMLEP 2004 to rezone the subject land from 10 (Investigation) to 2(1) Residential Zone. Biodiversity values on the site would be adequately addressed at the Development Application stage through the insertion of a Condition in Council's database (Pathway). The condition would require any DA lodged on the site to be referred to Council's Environmental Planner to assess the extent of vegetation to be retained on the eastern portion of the site.

This option would resolve the 10 Investigation Zone on the site and provide clear planning intent for use of the land. This is Council's preferred option.

3. Is there a net community benefit?

A Net Community Benefit Test has been undertaken and provided below.

Net Community Benefit Test

Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?	Yes. The proposed rezoning of the site although too small to be earmarked in a regional strategic direction, is within an existing urban area in the Lower Hunter Regional Strategy. The proposal is consistent with Council's Strategic Lifestyle 2030 Strategy in providing residential development in close proximity to the emerging major regional centre of Morisset. Although the site is not within 800 metres of a transit node, it is within a one kilometre walk of bus stops on Yambo, Station and Newcastle Streets, and within one kilometre of the Morisset train station on the corner of Dora Street and Macquarie Street.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	Yes. The site is located within Morisset. Morisset has been identified as an emerging major regional centre in the Lower Hunter Regional Strategy.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	No. It is not likely that the proposal will set a precedent or alter the expectation of surrounding landholders as the subject site has specific attributes that make it suitable for low density residential development. Specifically, the site is identified in the Morisset structure plan as a potential urban release area in the medium to long term, subject to resolution of biodiversity issues. The subject site also adjoins land zoned for residential purposes. The draft amendment will create minimal precedent for other developments in the area that are not identified as potential urban release areas in Morisset Structure Plan.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Yes. The proposal has not been influenced by other rezonings, and is not likely to result in additional spot rezonings in the locality. As such, the proposal is not part of a cumulative rezoning process. The proposal is a one-off to enable residential development on a no longer required depot site, and is considered compatible with the objectives of the Morisset Structure Plan 2008.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	No. The LEP will not facilitate a permanent employment generating activity or result in the loss of employment lands. The proposal is to enable intensification of residential development within the locality.

Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	Yes. The proposal will enable a small increase in the available stock of residential land for future development. Given the anticipated one to two lot yield, it is unlikely that this rezoning will have any impact on housing affordability.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	Yes. The existing public infrastructure is capable of servicing the proposed site including, roads, rail, water and electricity. The Planning Proposal will not significantly affect the existing road network capacity and function. Existing roads currently provide access to the subject land, however the proponent has indicated that future access to the site would be via the unformed road 'Scarborough Street'. Councils Transportation Asset Planning section have reviewed the proposal and indicated that this issue can be resolved at DA stage. The Lake Macquarie City Council's Cycle Strategy 2021 proposes an on-road cycleway on the southern boundary of the subject land along Dora Street. It is intended that this cycleway will connect with an existing on-road cycleway on Dora Street, providing access to the Morisset town centre from the site. Public transport is available in close proximity to the site including the Morisset Train Station and a local bus route which links to larger centres and transport nodes.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	The subject proposal seeks to provide residential development close to the emerging regional centre of Morisset and the rail station. This would result in positive outcomes for greenhouse gas emissions, operating costs and road safety.
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	No. The proposal would result in a negligible increase in patronage of government rail and bus services and local government services. Council's Transportation Asset Planning section has reviewed the proposal and indicated that issues relating to traffic and parking would be adequately addressed at DA stage. The proposal will also have a minor impact on the electricity, water wastewater, and telecommunication network. Connection to these services will be funded by the developers and would need to be determined at Development Application (DA) stage.
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or	The Morisset Structure Plan 2008 and the Lake Macquarie Native Vegetation and Corridors Map do not classify the site as a movement corridor

have other environmental impacts? Is the land constrained by environmental factors such as flooding?	or as a major or minor habitat fragment. However, the 'Squirrel Glider Review' prepared by Fallding and Smith (2008) indicates that the site provides a 'movement corridor' for Squirrel Gliders between the surrounding major and minor habitat fragments. Council's Sustainability Department have reviewed the proposal and confirmed that development of the land may potentially affect long-term Squirrel Glider connectivity in the locality, and recommend that tree canopy cover (or the potential to replace native tree canopy) on part of the land should form part of future planning and management of the land. Retention of mature remnant trees within the southern portion of the site will be appropriately considered by Council's Environmental Planner in the preparation and assessment of any future development application for the land. The site has not been identified as being prone to localised flooding. Council will determine whether a site-specific flood study is necessary for localised flooding post-gateway determination at the DA assessment stage. The land is not considered to have any other significant environmental factors that constrain the development of the land.
Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	Yes. The site adjoins land zoned 2(2) Residential (Urban Living) on the western boundary, 2(1) Residential on the northern boundary, and 10 Investigation on the eastern boundary. Impacts on amenity in the location and the wider community will be minimal as the site contains cleared and vegetated areas but does not contribute significantly to the scenic quality of the area. Impacts on the public domain are minimal because the site is privately owned. Consideration of Council's Development Control Plan at the DA stage will help to avoid the impacts of any development on the public domain.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	The proposal will not provide any retail or commercial premises.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	The site is located close to Morisset which is an Emerging Regional Centre. The proposal itself does not have the potential to develop

	into a centre.
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The proposal will provide additional housing as growth in the region occurs consistent with the projections within the Lower Hunter Regional Strategy and will generate additional jobs for the local community during the construction phase of the development. If the LEP amendment does not proceed the subject land will be converted from the existing 10 Investigation Zone to RU6 Transition Zone in Council's comprehensive standard LEP. The more time that lapses, the more likely that further studies will be required to update studies already done. The costs would ultimately transfer to the price of lots, reducing affordability. In addition, the subject site will continue to be under utilised.

B. Relationship to strategic planning framework

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

The site is located in Morisset which is identified as an emerging major regional centre in the LHRS. The subject land is not specifically identified in the strategy due to its relatively small size, however, it is within an identified existing urban area and will play a role in supporting increasing growth in the region. The strategy identifies Morisset as a place for concentration of business, higher order retailing, employment, professional services, civic functions and facilities. It will become a focal point for subregional road and transport networks and is expected to grow and take on a more substantial role in the region.

Rezoning the site 2(1) Residential Zone would be consistent with the LHRS to the extent that it would:

- Assist in accommodating anticipated population growth in Morisset;
- Facilitate the concentration of residential development in proximity to public transport to maximise transport access;
- Provide a small increase in the supply of labour to local employment;
- Not adversely impact on the biodiversity value of the region; and,

The proposed rezoning supports the LHRS Neighbourhood Planning Principles including:.

- Housing with easy access to the emerging major town centre of Morisset with a full range of shops, recreational facilities and services;
- Housing in close proximity to local jobs, open space/recreational space and public transport;
- Public transport networks that link frequent buses into the rail system.

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

Lifestyle 2030 Strategy (LS2030)

Lifestyle 2030 provides the long-term direction for the overall development of the City and describes Council's high level policies for managing private and public development in Lake Macquarie.

The proposal is consistent with the strategic plan maps in LS2030. The site is identified as a component of the Morisset emerging major regional centre and as part of a Growth and Expansion Corridor within the Urban Structure Map. The site is not identified in the Green System map as having any significant environmental features. The proposed rezoning supports the following strategic directions of Lifestyle 2030 as follows:

- 1) A City responsive to its environment – The draft LEP will have minimal impact on the environment given that the development is proposed in a mostly cleared area. It will also ensure that undeveloped Greenfield sites are not disturbed in accommodating the demand for housing by reusing the degraded and disturbed land previously used as a works depot.
- 3) A well designed adaptable and liveable city – The draft LEP will not adversely impact on places of cultural or heritage significance or result in the loss of views or privacy from surrounding properties.
- 4) A well serviced and equitable city – The draft LEP would provide housing in close proximity to local bus routes, the Morisset train station, a proposed future cycle way, and the Morisset town centre. It will also maximise existing opportunities to limit the extent of urban expansion and provide more efficient use of the disused land.
- 5) A city of progress and prosperity – The draft LEP will contribute to the growth of an existing centre and suburban residential area that will in turn support the function and capacity of the existing movement systems and public infrastructure.

Morisset Structure Plan

The Morisset Structure Plan (LMCC 2008) is a strategic planning document that identifies key planning objectives and outcomes for urban expansion in the Morisset Area. The subject land is identified as a potential urban release area in the plan, subject to resolution of biodiversity issues.

Particular principles related to urban form, flora and fauna habitat and community facilities are detailed below.

Morisset Structure Plan principle	How draft amendment responds to plan principles
Desired future character and urban form	
P1.2. Future development should be an extension to the existing development and should be integrated within the existing urban fabric.	It is proposed that the subject land be zoned to allow low density residential development, which would be an extension of the 2(1) Residential zone adjoining the site to the north (Lot 488 DP 755242).
P1.3. The design of all residential areas and sites should aim to provide for a variety of housing types and forms that respond to community needs.	It is anticipated that the proposal will result in a yield of one or two residential lots. The proposed zoning will facilitate a mixture of housing types and forms capable of responding to community needs.
Flora and Fauna Habitat	
P2.2. Movement corridors should link Major Habitat Fragments and larger Minor Habitat	The Morisset Structure Plan 2008 does not classify the site as a 'conceptual movement

Morisset Structure Plan principle	How draft amendment responds to plan principles
Fragments with a minimum of two links (one entry and one exit corridor), and should be self sustaining to permit recruitment of trees by natural regeneration.	corridor' or as a major or minor habitat fragment. However, the 'Squirrel Glider Review' prepared by Fallding and Smith (2008) does classify the site as 'movement corridor' for Squirrel gliders between the surrounding major and minor habitat fragments. Council's Sustainability Department has reviewed the proposal and confirmed that development of the land may potentially affect long-term Squirrel Glider connectivity in the locality The draft amendment is unlikely to significantly disturb the 'movement corridor' for the reasons outlined in Section C – Part 1 of this planning proposal.
P2.6. Movement corridors, as far as practicable, should be considered for 7(1) Conservation (primary) zoning and placed into public ownership.	The subject site is not identified as a movement corridor in the Morisset Structure Plan.
P2.8. Core riparian zones should be zoned 7(1) Conservation (primary) and, when practical, placed into public ownership to provide adequate protection.	The site is not identified as an 'indicative core riparian zone' in the Morisset Structure Plan.
P2.9. Areas of high quality remnants of the significant vegetation community, Coastal Plains Scribbly Gum Woodland should be conserved within a 7(1) Conservation (primary) zone.	The remnant Coastal Plains Scribbly Gum Woodland on this site would not be considered to constitute a high quality remnant given the high level and sustained periods of disturbance the site has experienced. The land is predominantly cleared and site studies show remnant vegetation has a cleared understorey and is of lower quality. However, any future Development Application on the site should require retention of significant trees where possible. It is not considered appropriate to apply a 7(1) Conservation zoning to the site.
P2.10. Habitat removal within major and minor fragments should be compensated through mechanisms such as offsets within the local area, contributions to support rehabilitation works and dedications.	No major or minor habitat fragments were identified on the subject land.
P2.12. No development or zoning of land currently zoned 10 Investigation for urban purposes, where this would prevent maintaining or rehabilitating a movement corridor as shown on the map, or prevent the above objective from being achieved.	As outlined above, the site is not classified as a movement corridor in the Morisset Structure Plan, however, the 'Squirrel Glider Review' prepared by Fallding and Smith (2008) and Council's Sustainability Department indicate that the site provides a 'movement corridor' for Squirrel Gliders between the surrounding major and minor habitat fragments. The draft amendment is unlikely to significantly disturb or prevent the 'movement corridor' for the

Morisset Structure Plan principle	How draft amendment responds to plan principles
P2.14. All rezoning and subdivision development applications must demonstrate that: – Flora and fauna assessments have been undertaken in accordance with LMCC’s Flora and Fauna Survey Guidelines (2001) and the former DEC’s Threatened Biodiversity Survey and Assessment Guidelines (2004). – Core riparian zone has been mapped and vegetated buffers specified, where required. – Habitat buffers for EECs and threatened species have been considered and implemented where necessary. – Threatened species’ requirements have been considered during bushfire management planning. – Stormwater and drainage will be managed to ensure riparian vegetation integrity and water quality is maintained.	reasons outlined in Section C – Part 1 of this planning proposal. A Preliminary Ecological Assessment has been prepared for the site in accordance with the relevant guidelines. Vegetated buffers are not required as the site is not identified as an ‘indicative core riparian zone’ According to Figure 4.2- ‘Predicted Endangered Ecological Communities (EECs) and Threatened Species Records in the Morisset Structure Plan, the site does not support any EECs or threatened species. Habitat buffers are therefore not considered necessary. A Preliminary Bushfire Threat Assessment (BTA) was undertaken on the site on 22 September 2008. The BTA notes that the entire recommended APZ width on the site is already cleared, therefore, planning for bushfire management would not impinge on retention of existing remnant vegetation. Stormwater and drainage design would need to employ water sensitive urban design measures to maintain integrity of the riparian vegetation adjoining the subject land to the north (Lot 488 DP 755242). This would be addressed at the Development Application stage.
P2.15. Council’s assessment of rezoning proposals will take into account the conclusions and recommendations of <i>Survey for Tetratheca juncea for the Morisset Structure Plan, Lake Macquarie LGA</i>; prepared by Eastcoast Flora Survey, January 2008.	The site was found to contain suitable but disturbed <i>Tetratheca juncea</i> habitat. Areas classified as ‘Suitable disturbed’ have a depauperate ground and shrub layer as a consequence of clearing, persistent grazing or weed infestation. No <i>Tetratheca juncea</i> plants were observed on the subject property.
P2.16. Rezoning applications must take into account Council’s <i>Biodiversity Planning Policy and guidelines for LEP Rezoning Applications</i>.	The draft LEP amendment is consistent with Council’s Biodiversity Planning Policy and Guidelines for LEP Rezoning Applications.
Community facilities	
P3.1. Development must provide infrastructure to meet demand and to accommodate pressure for services and facilities from other expanding areas such as the Morisset Peninsula and North Cooranbong.	The proposed residential development will be subject to section 94 contributions to go towards the provision of essential community services and infrastructure.
P3.2. Future expansion of development in Morisset should be coordinated to ensure that facilities providing for wider needs cater	The land will be subject to Clause 62 of LMLEP 2004, which requires “satisfactory arrangements to be made for the provision of

Morisset Structure Plan principle	How draft amendment responds to plan principles
to demand. Where necessary, regional facilities should be identified and funded through the contributions system envisaged by the Lower Hunter Regional Strategy.	designated State public infrastructure and public utility infrastructure before the subdivision of land in urban release areas”.

Squirrel Glider Review (Fallding, MP & Smith, AP 2008)

Fallding and Smith (2008) prepared a review of the Squirrel Glider population, size and distribution, viability and habitat connectivity in the Morisset Structure Plan Area. The report focused on habitat requirements to maintain a viable population of Squirrel Gliders.

According to Fallding and Smith (2008) the subject site does not constitute a habitat fragment for the Squirrel Glider, but is classified as a ‘Movement Corridor’. The nearby Main Northern Railway and Macquarie Street in combination are identified as ‘Key conflict areas for corridors’ as they are major barriers to connectivity and delineate the boundary between surrounding habitat fragments.

The review identifies the site as playing a role in providing a ‘movement corridor’ for Squirrel Gliders between the surrounding major and minor habitat fragments. However, it is considered that the draft amendment would not significantly disturb the ‘movement corridor’ for the following reasons:

- The subject land is relatively small in size and the habitat present within the site essentially constitutes heavily disturbed Open Forest, bordering on a classification of Cleared Land. The few remnant canopy tree species would only be suitable as a foraging resource for mobile species such as birds and bats, and in its current state is likely to be of limited connectivity value for Squirrel Gliders.
- Currently, vegetation upon the surrounding Crown/public land (including trees within the Dora Street road reserve adjacent to the southeast boundary of the site) provides habitat connectivity in the vicinity of the subject site. There are concerns though that the security of the surrounding lands is questionable, and that at some time in the future, much of the land could be cleared of vegetation.

Development approval for the adjoining subdivision (Lot 488 DP 755242) provides for the retention of a vegetated corridor to allow the movement of Squirrel Gliders between habitat fragments. The draft Amendment will be consistent with the vegetated corridor provided on Lot 488 DP 755242 if mature remnant trees on the site are retained. Subsequent use and the development of the site can be considered by Council’s Environmental Planner in the preparation and assessment of any future development application for the land, and should take into account habitat connectivity requirements as identified in the Morisset Structure Plan.

- It is considered that the habitat corridor on adjoining land, together with the retention of mature remnant trees on the site will provide adequate protection for the retention of the Squirrel Glider corridor in the locality.

3. 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.

SEPPs	Relevance	Implications
SEPP 14 – Coastal	Aims to ensure that coastal wetlands are preserved and protected in the environmental	The subject land is outside the area to which State Environmental Planning Policy

SEPPs	Relevance	Implications
Wetlands	and economic interests of the State.	14 – Coastal Wetlands applies and consequently the provisions of the Policy are not applicable.
SEPP 19 – Bushland in Urban Areas	This policy aims to protect and preserve bushland in urban areas for a range of reasons, including: to protect habitats for native flora and fauna; to protect wildlife corridors and vegetation links with other nearby bushland; and to protect bushland for its scenic values, and to retain the unique visual identity of the landscape.	The draft Amendment proposes to release land for development that currently contains partially cleared remnant native vegetation, pursuant to the Lake Macquarie Native vegetation and Corridors Map. The extent of vegetation to be retained on the eastern portion of the site will be assessed by Council's Environmental Planner in the preparation and assessment of any future development application for the land.
SEPP 44 – Koala Habitat Protection	The SEPP aims to provide proper conservation and management of Koala habitat by requiring the identification, conservation, and management of actual and potential Koala habitat.	The subject land does not contain potential Koala habitat.
SEPP 55 – Remediation of Land	The SEPP requires the subject land to be suitable for its intended use in terms of the level of contamination, or where the land is unsuitable due to the level of contamination, remediation measures are required to ensure that the subject land is suitable for its intended use.	The subject land has previously been used for 'depot purposes' by a public authority responsible for providing electricity supply for the community. A combined Phase 1 and 2 Environmental Site Assessment (dated 7 November 2008) was prepared for the site by Golder Associates. Council's Waste and Environment Rangers (WER) department have reviewed the studies and advise that the primary contaminants of concern were below the relevant thresholds and there is no groundwater contamination, acid sulphate or asbestos issues for the site. The site is considered suitable for the intended 2(1) Residential Zone.
SEPP 71 – Coastal Protection	This SEPP aims to ensure that development in the NSW coastal zone is appropriate and suitably located to ensure that there is a consistent and strategic approach to coastal	The site is not identified within the NSW Coastal zone.

SEPPs	Relevance	Implications
	planning and management.	
SEPP (Infrastructure) 2007	The SEPP aims to provide a consistent planning regime for the delivery of infrastructure. It also provides provision for consultation and assessment.	Development resulting from the proposal can be adequately serviced with existing infrastructure. Connections to the electricity, water, wastewater, and telecommunication network will be funded by the developers and would need to be determined at the development application (DA) stage. Council's Transportation Asset Planning section have indicated that issues relating to traffic and parking would be addressed at DA stage. The proposal would be consistent with this SEPP.
SEPP Building Sustainability Index: BASIX 2004	The SEPP aims to manage the development of land in a sustainable manner and provides controls to promote requirements for energy and water consumption.	Development resulting from the proposal will need to comply with the BASIX requirements for energy and water consumption. The proposal would be consistent with this SEPP.

4. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

An assessment has been undertaken to determine the level of consistency the proposal has with relevant Ministerial Directions. The assessment is provided below.

Ministerial Direction	Relevance	Implications
1.1 - Business and Industrial Zones	This direction aims to encourage employment growth, protect employment land in business and industrial zones, and support the viability of strategic centres.	N/A
1.2 – Rural Zones	Aims to protect agriculturally productive land by preventing a draft LEP from rezoning land from rural to an urban land use, or intensifying the permissible density of rural land; unless it is consistent with a Department of Planning regional strategy or justified with concurrence from	The subject site has not been identified as agriculturally productive land and is currently zoned for Investigation. The proposal is therefore consistent with this direction.

Ministerial Direction	Relevance	Implications
	the Director-General	
1.3 – Mining, Petroleum Production and Extractive Industries	Aims to ensure that the future extraction of State or Regionally significant reserves of coals, other minerals, petroleum, and extractive materials are not compromised by inappropriate development.	It is considered unlikely that any extraction of this resource is likely to occur on, or under, the subject site that would warrant the area to be excluded from any development potential. The subject land adjoins an existing urban area in close proximity to the Morisset town centre. Consultation will occur with the Director-General of the Department of Primary Industries (DPI) post-gateway determination in this regard.
1.4 – Oyster Aquaculture	This direction aims to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture are adequately considered when preparing a planning proposal.	N/A
1.5 Rural Lands	This direction aims to protect the agricultural production value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes.	N/A
2.1 – Environmental Protection Zones	Aims to protect and conserve environmentally sensitive land by requiring appropriate provisions in a draft LEP and no reduction in environmental protection standards.	The proposal does not affect land currently zoned for conservation purposes. The Morisset Structure Plan identifies the site as ‘land with biodiversity values’. Council’s Sustainability Department have also indicated that development of the land may potentially affect long-term Squirrel Glider connectivity in the locality. However, it is considered that the draft amendment is unlikely to significantly disturb the ‘movement corridor’ for the reasons outlined in Section C – Part 1 of this planning proposal. Therefore, the proposal is consistent with this direction.
2.2 Coastal Protection	The direction requires a draft LEP to include provisions that give effect to, and are consistent	The subject site is not located within the Coastal Zone and is thus consistent with this

Ministerial Direction	Relevance	Implications
	with the NSW Coastal Policy, Coastal Design Guidelines, & the NSW Coastal Management Manual, where the draft LEP applies to land in the coastal zone.	direction.
2.3 – Heritage Conservation	Aims to conserve items of environmental heritage by requiring a draft LEP to include provisions to facilitate the protection and conservation of Aboriginal and European heritage items.	No known Aboriginal or European Heritage items have been identified within the subject land. The proposal is consistent with this direction.
2.4 – Recreation Vehicle Areas	Aims to protect sensitive land or land with significant conservation values from adverse impacts of recreation vehicles by prohibiting a draft LEP from enabling of a recreation vehicle area in environmentally sensitive locations, and requiring certain matters to be considered in other locations.	The proposal does not include a recreation vehicle area. The proposal is consistent with this direction.
3.1 – Residential Zones	This direction aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services, and to minimise the impact of residential development on the environment and resource lands.	The proposal seeks to rezone land for residential purposes, helping to broaden the choice of housing types to provide for existing and future housing needs. The subject land is located in close proximity to public transport routes and the Morisset town centre and will therefore make more efficient use of existing infrastructure and services. The draft amendment reduces the consumption of land for housing and associated development on the urban fringe by infilling a strategically located site. The proposal is consistent with this direction.
3.2 – Caravan Parks and Manufactured Home Estates	The direction requires a draft LEP to maintain provisions and land use zones that allow the establishment of Caravan Parks and Manufactured Home Estates.	N/A
3.3 – Home Occupations	This direction requires that a draft LEP include provisions to	The proposed 2(1) Residential zone permits home businesses

Ministerial Direction	Relevance	Implications
	ensure that Home Occupations are permissible without consent.	with development consent. The proposal is consistent with this direction.
3.4 Integrating Land Use and Transport	This direction aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following: ▪ improving access to housing, jobs and services by walking, cycling and public transport, and ▪ increasing the choice of available transport and reducing dependence on cars, and ▪ reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and ▪ supporting the efficient and viable operation of public transport services, and ▪ providing for the efficient movement of freight.	The proposal provides for residential land use located in close proximity to existing road and public transport infrastructure, and within 800m of the Morisset town centre. Concentrating development around the town centre encourages walking and cycling as alternative forms of transport. Furthermore, the Lake Macquarie City Council's Cycle Strategy 2021 proposes an on-road cycleway on the southern boundary of the subject land along Dora Street. It is intended that this cycleway will connect with an existing on-road cycleway on Dora Street, providing access to the Morisset town centre from the site The Planning Proposal is consistent with this direction.
3.5 – Development Near Licensed Aerodromes	This direction aims to ensure the effective and safe operation of aerodromes.	N/A
3.6 – Shooting Ranges	This direction aims to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range.	N/A
4.1- Acid sulphate Soils	The direction applies to land that has been identified as having a probability of containing acid sulfate soils, and requires that a draft LEP is consistent with the Acid Sulfate Soil component of the model Local Environmental Plan (ASS model LEP), or be supported by an environmental study.	The site has not been identified as containing Acid Sulfate Soils. Therefore, the proposal is consistent with this direction.
4.2 – Mine Subsidence and Unstable Land	Aims to ensure development is appropriate for the potential level of subsidence. The direction requires consultation with the Mine Subsidence Board	The subject land is located within the West Lake Mine Subsidence District. It is intended that the Mine Subsidence Board will be

Ministerial Direction	Relevance	Implications
	where a draft LEP is proposed for land within a mine subsidence district.	consulted following the Gateway determination.
4.3- Flood prone land	Aims to ensure that development of flood prone land is consistent with the NSW Government Flood Prone Land Policy and the Principles of the Floodplain Development Manual 2005, and to ensure that the provision of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	The subject land is not identified as flood prone. The proposal is considered consistent with this direction.
4.4 – Planning for Bushfire Protection	Aims to reduce risk to life and property from bushfire. Requires an LEP to have regard for <i>Planning for Bushfire Protection</i> , amongst other matters. Applies to land that has been identified as bushfire prone, and requires consultation with the NSW Rural Fire Service, as well as the establishment of Asset Protection Zones.	The site contains land identified as bushfire prone land. It is not anticipated that an Asset Protection Zone will be required. A preliminary Bushfire Threat Assessment (BTA) prepared by Mark Evans dated 22 September 2008 was submitted by the applicant. The BTA notes that the entire recommended APZ width on the site is already cleared, therefore, planning for bushfire management would not impinge on retention of existing remnant vegetation. Council's Development Assessment and Compliance department have reviewed the report and recommended that a Bushfire Report that addresses the proposed site in its current state be prepared at the development application stage. It is intended that consultation with the NSW Rural Fire Service will occur during the amendment process in this regard. The proposal is considered to be consistent with the direction
5.1 – Implementation of Regional Strategies	Aims to give legal effect to regional strategies, by requiring draft LEPs to be consistent with relevant strategies. The direction requires a draft	The proposal is not of a scale to be specifically identified in the Lower Hunter Regional Strategy, however, as growth in the region occurs the proposal will assist in

Ministerial Direction	Relevance	Implications
	amendment to be consistent with the relevant State strategy that applies to the Local Government Area.	accommodating anticipated population growth in Morisset and facilitate the concentration of residential development in close proximity to public transport, local jobs, and open space/recreational space. The proposal is considered to be consistent with the direction
5.2 – Sydney Drinking Water Catchment	This direction aims to protect water quality in the Sydney drinking water catchment.	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	This direction aims to provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning.	N/A
5.4 Commercial and retail Development along the Pacific Highway, North Coast	This direction aims to protect the Pacific Highway's function that is to operate as the North Coast's primary inter- and intra-regional road traffic route.	N/A
6.1 – Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	The draft amendment has been prepared in accordance with the EP&A Act 1979. Appropriate assessment has been undertaken in accordance with relevant plans, policies, and guidelines. The draft amendment will be consistent with this requirement.
6.2 – Reserving Land for Public Purposes	Aims to facilitate the reservation of land for public purposes, and to facilitate the removal of such reservations where the land is no longer required for acquisition. A Council must seek the Minister's or public authority's agreement to create, alter or reduce existing zonings or reservations in an LEP. A Council can also be requested to rezone or remove a reservation by the above.	The proposal will not have implications for public land reservations. The proposal is consistent with this direction.
6.3 – Site Specific Provisions	Aims to reduce restrictive site specific planning controls where a draft LEP amends another environmental planning	The amendment does not propose site specific zones or planning provisions. The proposal is consistent with this

Ministerial Direction	Relevance	Implications
	instrument in order to allow a particular development proposal to proceed. Draft LEPs are encouraged to use existing zones rather than have site specific exceptions.	direction.

C. Environmental, social and economic impact

1. 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?

According to Figure 4.2- 'Predicted Endangered Ecological Communities (EECs) and Threatened Species Records' in the Morisset Structure Plan, the site does not support EECs or threatened species. The preliminary Ecological Assessment (dated 22 September 2008) submitted by the applicant indicates that the site is only likely to be utilised by those threatened species that are tolerant of disturbed environments and species that are known to occur at the interface between forested and cleared environments. Development of the site as proposed is unlikely to adversely impact on threatened flora and fauna species.

The Preliminary Ecological Assessment also identifies that the vegetation upon the site constitutes 'Coastal Plains Scribbly Gum Woodland'. This vegetation community has been recognised as regionally significant and high quality remnants should be conserved. High quality remnants are likely to be those that have a representative flora species composition, a low disturbance history or a high regeneration potential, low edge to area ratio and links to other areas. However, it is considered that the remnant Coastal Plains Scribbly Gum would not constitute a high quality remnant given the high level and sustained periods of disturbance that the site has experienced. Coastal Plains Scribbly Gum Woodland does not currently constitute an endangered ecological community.

The subject land was found to contain suitable but disturbed *Tetratheca Juncea* habitat. Areas classified as 'Suitable disturbed' have a depauperate ground and shrub layer as a consequence of clearing, persistent grazing or weed infestation. No *Tetratheca Juncea* plants were observed on the subject property.

The Morisset Structure Plan 2008 and the Lake Macquarie Native Vegetation and Corridors Map do not classify the site as a movement corridor or as a major or minor habitat fragment. However, the 'Squirrel Glider Review' prepared by Falding and Smith (2008) indicates that the site provides a 'movement corridor' for Squirrel Gliders between the surrounding major and minor habitat fragments. Council's Sustainability Department have reviewed the proposal and confirmed that development of the land may potentially affect long-term Squirrel Glider connectivity in the locality, and recommend that tree canopy cover (or the potential to replace native tree canopy) on part of the land should form part of future planning and management of the land. Retention of the vegetation can be achieved through appropriate conditions of consent being applied to future Development Application associated with the site.

The draft amendment is unlikely to significantly disturb the 'movement corridor' for the following reasons:

- The subject land is relatively small in size and the habitat present within the site essentially constitutes heavily disturbed Open Forest, bordering on a classification of Cleared Land. The few remnant canopy tree species would only be suitable as a foraging resource for mobile species such as birds and bats, and in its current state is likely to be of limited connectivity value for Squirrel Gliders.

- Currently, vegetation upon the surrounding Crown/public land (including trees within the Dora Street road reserve adjacent to the southeast boundary of the site) provides habitat connectivity in the vicinity of the subject site. There are concerns though that the security of the surrounding lands is questionable, and that at some time in the future, much of the land could be cleared of vegetation.

Development approval for the adjoining subdivision (Lot 488 DP 755242) provides for the retention of a vegetated corridor to allow the movement of Squirrel Gliders between habitat fragments. The draft Amendment will be consistent with the vegetated corridor provided on Lot 488 DP 755242 if mature remnant trees on the site are retained. Subsequent use and the development of the site can be considered by Council's Environmental Planner in the preparation and assessment of any future development application for the land, and should take into account habitat connectivity requirements as identified in the Morisset Structure Plan.

- It is therefore considered that the habitat corridor on adjoining land, together with the retention of mature remnant trees on the site will provide adequate protection for the preservation of the Squirrel Glider corridor in the locality.

2. 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 is provided below. Further investigation will be undertaken after the Gateway Determination if required.

Flooding

The site has not been identified as being prone to flooding. Council will determine whether a site-specific flood study is necessary for localised flooding post-gateway determination at the DA assessment stage. If required, the study will be undertaken in accordance with the NSW Governments Floodplain Development Manual, April 2005.

Contamination

The subject land has been previously used for 'depot purposes' by a public authority responsible for providing electricity supply to the community. Golder & Associates has prepared a Combined Phase 1 and 2 Environmental Site Assessment dated 7 November 2008. Two asphalt samples, one fibro cement sample, and eleven soil samples were analysed for selected potential contaminants of concern.

Council's Waste and Environment Rangers department reviewed the Phase 1 and 2 Environmental Site Assessment and advise that results for all samples were below the adopted NEPM A – Standard Residential with Garden/Accessible Soil, NSW EPA Service Station Guidelines, and NEPM F- Commercial/ Industrial Guidelines for all samples analysed. It is considered that the site is suitable for the intended 2(1) Residential Zone.

Noise

The subject land is approximately 500 metres from the Morisset Town Centre and 100 metres adjacent from a major railway network. Noise and vibration from the rail corridor will need to be addressed prior to the issue of a subdivision construction approval. In this regard, a qualified Acoustic Consultant will need to assess the rail corridor noise and vibration and determine whether there will be potential loss of amenity to future residents of the rezoned area. The assessment should be undertaken in accordance with the NSW Department of Planning – Development Near Rail Corridors and Busy Roads Guidelines.

Visual

According to the Lake Macquarie Scenic Management Guidelines 2013, Morisset is rated as having a moderate to low Scenic Quality Rating. Quoting from the guidelines, "future development in this area should have regard to protecting key landscape elements including pockets of native vegetation and vegetation on ridgelines and in and around residential areas

and commercial centres. A balance between built form and the natural landscape should also be achieved.”

To mitigate the visual impact of development, any future development application will need to provide a Landscape Plan and demonstrate that the design achieves integration with surrounding land uses and built form.

Bushfire

The site is identified as bushfire prone land pursuant to the Lake Macquarie Bushfire Prone Land Map 2011. A preliminary Bushfire Threat Assessment (BTA) report prepared by Mark Evans dated 22 September 2008 was submitted by the applicant. The BTA recommends that an Asset Protection Zone (APZ) for a class 1 or 2 building on this site would be 25 metres wide along the northern boundary, being composed of a 10 metre wide Outer Protection Area, and a 15 metre wide Inner protection Area. It is noted at present the entire recommended APZ is already cleared. As an added ameliorative measure, it is recommended that any future development of the site should attempt to allow for the provision of a 6 metre wide trafficable fire trail around the site. This trail could link up with the currently unformed Scarborough Street to the West.

Council's Development Assessment and Compliance (DAC) department have reviewed the report and agree in principle with the recommendations. However, DAC propose that a Bushfire Report that addresses the proposed site in its current state be prepared at the development application stage.

Consultation with the NSW Rural Fire Service will be undertaken following Gateway determination.

Geotechnical

The site is not identified as having any significant geotechnical constraints. The subject land is, however, located within the West Lake Mine Subsidence District and consultation with the Mine Subsidence Board will be undertaken following Gateway Determination.

Heritage

The site does not contain and is not within proximity to any known heritage or Aboriginal heritage items. The site is not identified in the Lake Macquarie Local Environmental Plan 2012 Sensitive Aboriginal Landscape Map.

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

The proposed 2(1) Residential zone will have a positive social impact on the Morisset Town Centre. The draft Amendment would provide housing in close proximity to local bus routes, the Morisset train station, schools, shops, open space, recreational facilities, and a proposed future cycle way. It will maximise existing opportunities to limit the extent of urban expansion and provide more efficient use of the disused land. The proposal will contribute to the growth of an existing centre and suburban residential area that will in turn support the function and capacity of the existing movement systems and public infrastructure, and provide zoning that supports a range of housing types close to public transport and other services minimising vehicle dependence.

Due to the scale of the site, the economic effects of the proposal would be of minor significance. However, additional residents will contribute to facilitating multiplier effects related to increased economic viability of businesses within Morisset, business expansion, and the long-term viability of the centre, as well as provide a small increase in the supply of labour to local employment. Given the anticipated one to two lot yield, it is unlikely that this rezoning will have any impact on housing affordability.

The proposed LEP Amendment meets the objectives of the Social Plan 2009 – 2014 by providing an opportunity for well-located housing that is connected, sustainable, and accessible to public transport and town centre services and facilities. The site is within 500 metres of the

Morisset Town Centre and it has access to urban services such as water, sewer, electricity, telecommunications, retail shopping, banking, and recreational land.

D. State and Commonwealth interests

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

Connections to the electricity, water, wastewater, and telecommunication network will be funded by the developers and would need to be determined at the development application (DA) stage. These services are already located in the area and will be augmented as necessary in consultation with service providers to supply future development of the site. The anticipated development of the site is not expected to warrant significant upgrades to existing public infrastructure.

It is not anticipated that the Proposal will significantly influence the existing levels of service and capacity of the local road network. Council's Transportation Asset Planning section have indicated that issues relating to traffic and parking would be adequately addressed at DA stage. The Roads and Maritime Service (RMS) will be consulted if requested by the DoPI.

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

Council proposes that the planning proposal be exhibited consistent with the requirements of section 57 of the Environmental Planning and Assessment Act 1979 (EP & A Act) and/or any other requirements as determined by the Gateway under section 56 of the EP & A Act.

Limited consultation with State and Commonwealth public authorities has been undertaken to date. It is considered that the following consultation with state authorities is required prior to public exhibition of the Planning Proposal:

- NSW Rural Fire Service
- Mine Subsidence Board
- Roads and Maritime Services
- Minerals DPI
- Transport NSW
- Department of Planning
- State Rail Authority

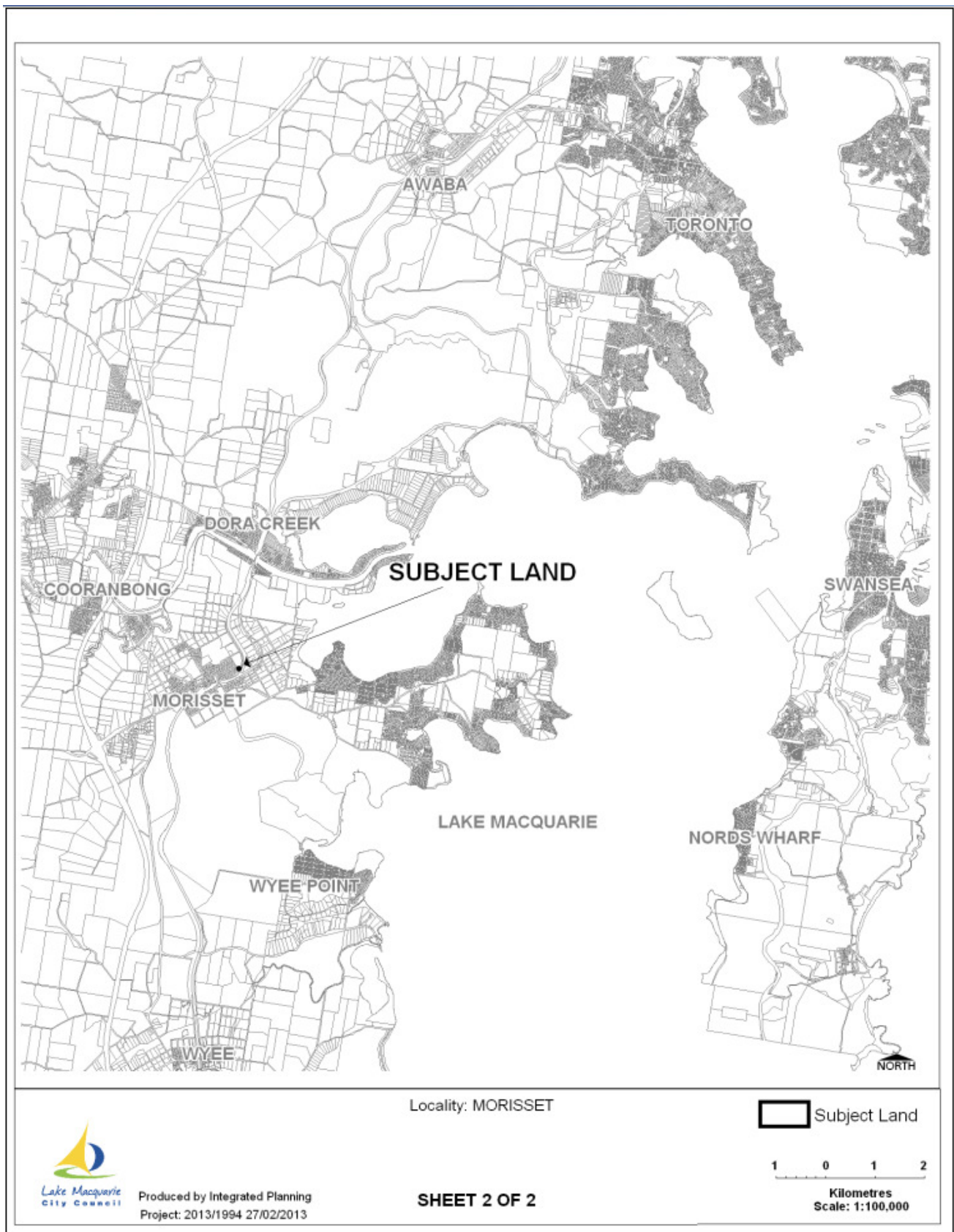
Part 4 – Details of Community Consultation

There has been no previous public consultation regarding this planning proposal. The public would have the opportunity to view and comment on the Planning Proposal once the Gateway endorses the Proposal to go on public exhibition in accordance with section 57 of the EP & A Act.

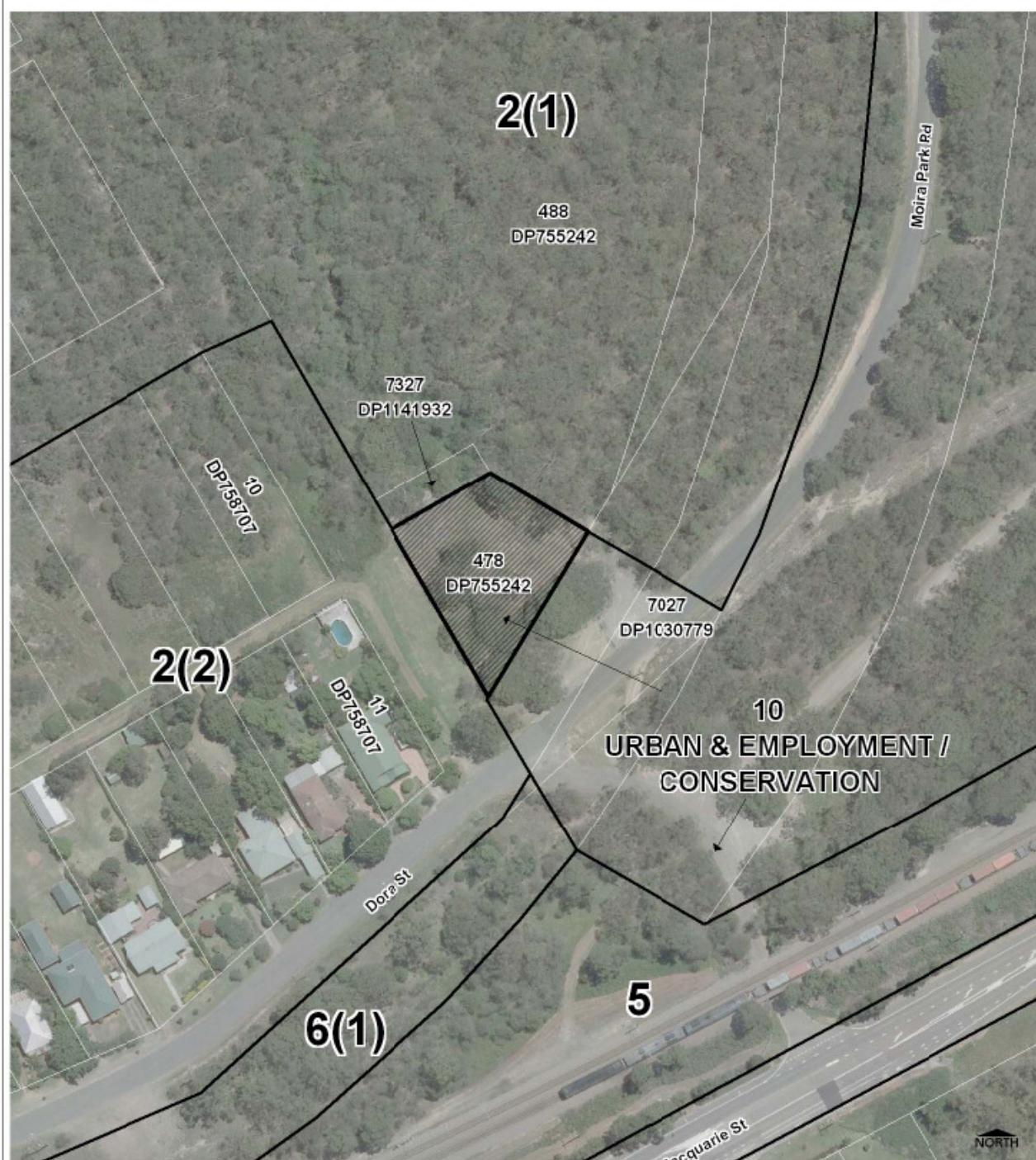
The Director-General must approve the form of the Planning Proposal following any revisions to comply with the gateway determination before community consultation is undertaken.

Part 5 – Attachments

Attachment 1: Subject Land Locality Map



Attachment 2: Aerial Photograph and Existing Zone Distribution LMLEP 2004



Locality: MORISSET

 Subject Land

EXTRACT FROM EXISTING LMCC LEP2004 ZONINGS
SKM AusImage 2010 Aerial Photography

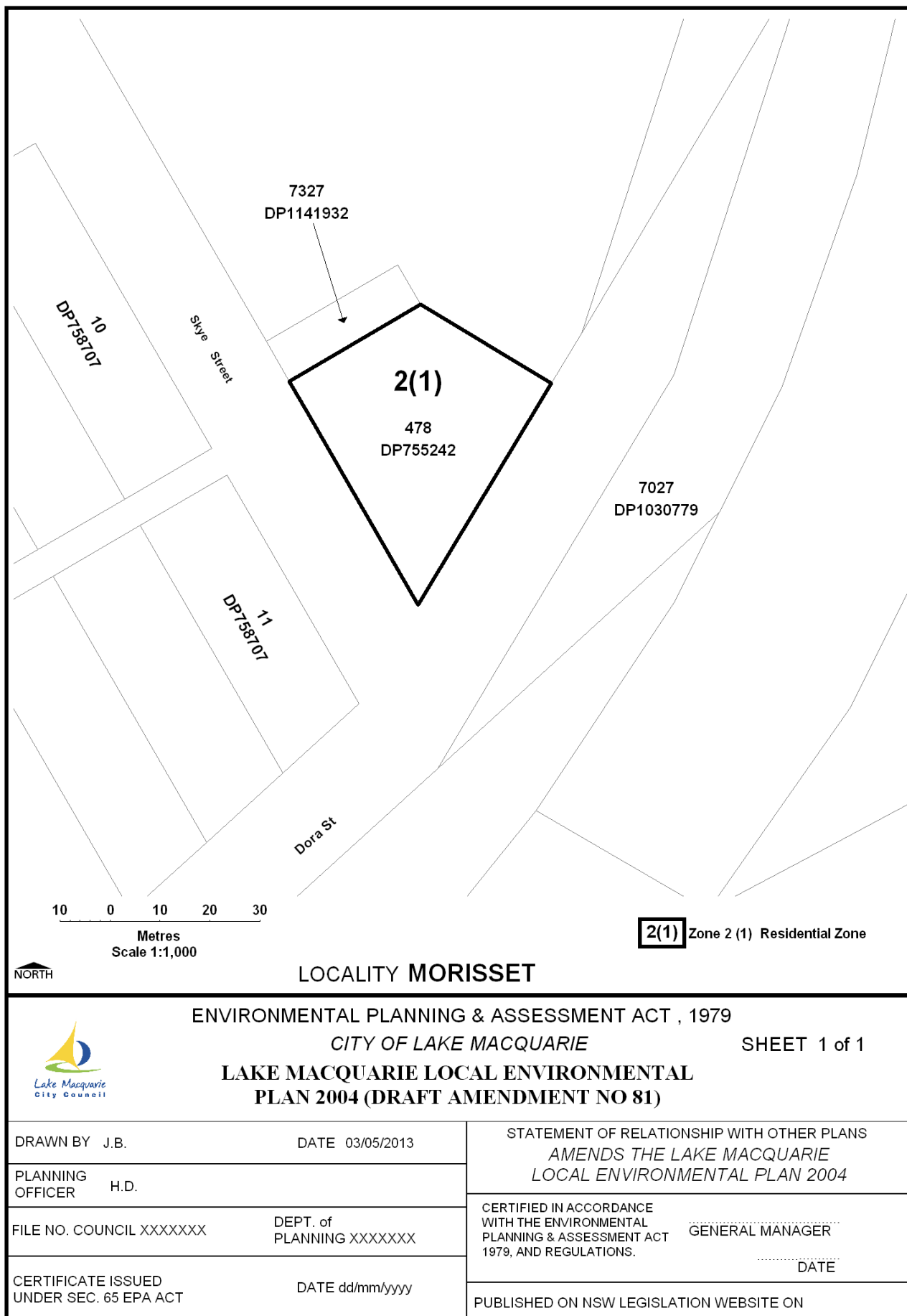
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Project: 2013/1994 27/02/2013

SHEET 1 OF 2

Attachment 3: Amendment to LMLEP 2004: Zoning Map



		ENVIRONMENTAL PLANNING & ASSESSMENT ACT , 1979 CITY OF LAKE MACQUARIE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 (DRAFT AMENDMENT NO 81)		SHEET 1 of 1	
DRAWN BY J.B.		DATE 03/05/2013		STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004	
PLANNING OFFICER H.D.					
FILE NO. COUNCIL XXXXXXXX		DEPT. of PLANNING XXXXXXXX		CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.	
CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT		DATE dd/mm/yyyy		GENERAL MANAGER DATE	
PUBLISHED ON NSW LEGISLATION WEBSITE ON					